

MEDICAL CANNABIS GOVERNANCE REVISIONS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Walt Brooks

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill enacts provisions regarding medical cannabis governance.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ moves most oversight and regulation of medical cannabis pharmacies and couriers from the Department of Health and Human Services to the Department of Agriculture and Food;
- ▶ creates a transition period where the Department of Agriculture and Food may seek assistance from the Department of Health and Human Services;
- ▶ authorizes the Department of Health and Human Services to revoke a pharmacy medical provider registration;
- ▶ creates a Medical Cannabis Policy Advisory Board (board);
- ▶ outlines the duties of board;
- ▶ modifies the duties and membership of the medical cannabis governance working group (working group);
- ▶ extends a sunset date for the working group; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

30 **Utah Code Sections Affected:**

31 AMENDS:

- 32 **4-41a-102**, as last amended by Laws of Utah 2022, Chapters 290, 452
- 33 **4-41a-105**, as enacted by Laws of Utah 2018, Third Special Session, Chapter 1
- 34 **4-41a-201**, as last amended by Laws of Utah 2022, Chapter 290
- 35 **4-41a-404**, as last amended by Laws of Utah 2020, Chapter 12
- 36 **4-41a-802**, as last amended by Laws of Utah 2022, Chapter 97
- 37 **10-9a-528**, as last amended by Laws of Utah 2021, Chapter 60
- 38 **17-27a-525**, as last amended by Laws of Utah 2021, Chapter 60
- 39 **26-61-202**, as last amended by Laws of Utah 2022, Chapter 415
- 40 **26-61a-102**, as last amended by Laws of Utah 2022, Chapters 290, 452
- 41 **26-61a-103**, as last amended by Laws of Utah 2022, Chapters 290, 415
- 42 **26-61a-105**, as last amended by Laws of Utah 2022, Chapter 452
- 43 **26-61a-106**, as last amended by Laws of Utah 2022, Chapters 415, 452
- 44 **26-61a-109**, as last amended by Laws of Utah 2019, First Special Session, Chapter 5
- 45 **26-61a-201**, as last amended by Laws of Utah 2022, Chapters 198, 290 and 452
- 46 **26-61a-403**, as last amended by Laws of Utah 2022, Chapters 415, 452
- 47 **26-61a-601**, as last amended by Laws of Utah 2021, Chapter 337
- 48 **26-61a-701**, as enacted by Laws of Utah 2018, Third Special Session, Chapter 1
- 49 **26-61a-703**, as last amended by Laws of Utah 2022, Chapter 97
- 50 **36-12-8.2**, as enacted by Laws of Utah 2022, Chapter 97
- 51 **58-17b-302**, as last amended by Laws of Utah 2022, Chapter 353
- 52 **58-17b-502**, as last amended by Laws of Utah 2022, Chapter 465
- 53 **58-37-3.8**, as last amended by Laws of Utah 2019, First Special Session, Chapter 5
- 54 **63I-2-204**, as last amended by Laws of Utah 2022, Chapters 67, 68
- 55 **63I-2-236**, as last amended by Laws of Utah 2022, Chapters 97, 141, 363, 437, and 458
- 56 **78A-2-231**, as last amended by Laws of Utah 2022, Chapter 256
- 57 **80-3-110**, as last amended by Laws of Utah 2022, Chapter 256

58 **80-4-109**, as enacted by Laws of Utah 2021, Chapter 261

59 ENACTS:

60 **4-41a-102.1**, Utah Code Annotated 1953

61 **4-41a-110**, Utah Code Annotated 1953

62 **4-41a-1201**, Utah Code Annotated 1953

63 **26-61a-206**, Utah Code Annotated 1953

64 **26-61a-801**, Utah Code Annotated 1953

65 **26-61a-802**, Utah Code Annotated 1953

66 **26-61a-803**, Utah Code Annotated 1953

67 RENUMBERS AND AMENDS:

68 **4-41a-108**, (Renumbered from 26-61a-603, as last amended by Laws of Utah 2020,

69 Chapter 12)

70 **4-41a-109**, (Renumbered from 26-61a-116, as enacted by Laws of Utah 2022, Chapter

71 452)

72 **4-41a-801.1**, (Renumbered from 26-61a-702, as last amended by Laws of Utah 2022,

73 Chapter 452)

74 **4-41a-1001**, (Renumbered from 26-61a-301, as last amended by Laws of Utah 2022,

75 Chapter 290)

76 **4-41a-1002**, (Renumbered from 26-61a-302, as last amended by Laws of Utah 2019,

77 First Special Session, Chapter 5)

78 **4-41a-1003**, (Renumbered from 26-61a-303, as last amended by Laws of Utah 2022,

79 Chapters 290, 415)

80 **4-41a-1004**, (Renumbered from 26-61a-304, as last amended by Laws of Utah 2019,

81 First Special Session, Chapter 5)

82 **4-41a-1005**, (Renumbered from 26-61a-305, as last amended by Laws of Utah 2022,

83 Chapter 290)

84 **4-41a-1101**, (Renumbered from 26-61a-501, as last amended by Laws of Utah 2022,

85 Chapters 290, 415)

86 **4-41a-1102**, (Renumbered from 26-61a-502, as last amended by Laws of Utah 2022,
87 Chapter 290)

88 **4-41a-1103**, (Renumbered from 26-61a-504, as last amended by Laws of Utah 2021,
89 Chapter 350)

90 **4-41a-1104**, (Renumbered from 26-61a-505, as last amended by Laws of Utah 2022,
91 Chapter 452 and last amended by Coordination Clause, Laws of Utah 2022, Chapter
92 290)

93 **4-41a-1105**, (Renumbered from 26-61a-507, as last amended by Laws of Utah 2020,
94 Chapter 12)

95 **4-41a-1106**, (Renumbered from 26-61a-401, as last amended by Laws of Utah 2022,
96 Chapters 290, 415)

97 **4-41a-1107**, (Renumbered from 26-61a-402, as renumbered and amended by Laws of
98 Utah 2018, Third Special Session, Chapter 1)

99 **4-41a-1202**, (Renumbered from 26-61a-604, as last amended by Laws of Utah 2022,
100 Chapters 290, 452)

101 **4-41a-1203**, (Renumbered from 26-61a-605, as last amended by Laws of Utah 2022,
102 Chapter 415)

103 **4-41a-1204**, (Renumbered from 26-61a-606, as last amended by Laws of Utah 2022,
104 Chapters 290, 415)

105 **4-41a-1205**, (Renumbered from 26-61a-607, as last amended by Laws of Utah 2022,
106 Chapter 452)

107 **26-61a-404**, (Renumbered from 26-61a-503, as last amended by Laws of Utah 2022,
108 Chapter 415)

109 REPEALS:

110 **26-61a-108**, as enacted by Laws of Utah 2018, Third Special Session, Chapter 1

111 **26-61a-506**, as last amended by Laws of Utah 2022, Chapter 415

112

113 *Be it enacted by the Legislature of the state of Utah:*

114 Section 1. Section 4-41a-102 is amended to read:

115 CHAPTER 41a. CANNABIS PRODUCTION ESTABLISHMENTS AND
116 PHARMACIES

117 4-41a-102. Definitions.

118 As used in this chapter:

119 (1) "Adulterant" means any poisonous or deleterious substance in a quantity that may
120 be injurious to health, including:

- 121 (a) pesticides;
- 122 (b) heavy metals;
- 123 (c) solvents;
- 124 (d) microbial life;
- 125 (e) toxins; or
- 126 (f) foreign matter.

127 (2) "Advisory board" means the Medical Cannabis Policy Advisory Board created in
128 Section 26-61a-801.

129 [~~(2)~~] (3) "Cannabis Research Review Board" means the Cannabis Research Review
130 Board created in Section 26-61-201.

131 [~~(3)~~] (4) "Cannabis" means the same as that term is defined in Section 26-61a-102.

132 [~~(4)~~] (5) "Cannabis concentrate" means:

- 133 (a) the product of any chemical or physical process applied to naturally occurring
134 biomass that concentrates or isolates the cannabinoids contained in the biomass; and
- 135 (b) any amount of a natural, derivative, or synthetic cannabinoid in the synthetic
136 cannabinoid's purified state.

137 [~~(5)~~] (6) "Cannabis cultivation byproduct" means any portion of a cannabis plant that is
138 not intended to be sold as a cannabis plant product.

139 [~~(6)~~] (7) "Cannabis cultivation facility" means a person that:

- 140 (a) possesses cannabis;
- 141 (b) grows or intends to grow cannabis; and

142 (c) sells or intends to sell cannabis to a cannabis cultivation facility, a cannabis
143 processing facility, or a medical cannabis research licensee.

144 [~~(7)~~] (8) "Cannabis cultivation facility agent" means an individual who:

145 (a) is an employee of a cannabis cultivation facility; and

146 (b) holds a valid cannabis production establishment agent registration card.

147 [~~(8)~~] (9) "Cannabis derivative product" means a product made using cannabis
148 concentrate.

149 [~~(9)~~] (10) "Cannabis plant product" means any portion of a cannabis plant intended to
150 be sold in a form that is recognizable as a portion of a cannabis plant.

151 [~~(10)~~] (11) "Cannabis processing facility" means a person that:

152 (a) acquires or intends to acquire cannabis from a cannabis production establishment;

153 (b) possesses cannabis with the intent to manufacture a cannabis product;

154 (c) manufactures or intends to manufacture a cannabis product from unprocessed
155 cannabis or a cannabis extract; and

156 (d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or a
157 medical cannabis research licensee.

158 [~~(11)~~] (12) "Cannabis processing facility agent" means an individual who:

159 (a) is an employee of a cannabis processing facility; and

160 (b) holds a valid cannabis production establishment agent registration card.

161 [~~(12)~~] (13) "Cannabis product" means the same as that term is defined in Section
162 [26-61a-102](#).

163 [~~(13)~~] (14) "Cannabis production establishment" means a cannabis cultivation facility,
164 a cannabis processing facility, or an independent cannabis testing laboratory.

165 [~~(14)~~] (15) "Cannabis production establishment agent" means a cannabis cultivation
166 facility agent, a cannabis processing facility agent, or an independent cannabis testing
167 laboratory agent.

168 [~~(15)~~] (16) "Cannabis production establishment agent registration card" means a
169 registration card that the department issues that:

170 (a) authorizes an individual to act as a cannabis production establishment agent; and

171 (b) designates the type of cannabis production establishment for which an individual is
172 authorized to act as an agent.

173 ~~[(16)]~~ (17) "Community location" means a public or private elementary or secondary
174 school, a church, a public library, a public playground, or a public park.

175 ~~[(17)]~~ (18) "Cultivation space" means, quantified in square feet, the horizontal area in
176 which a cannabis cultivation facility cultivates cannabis, including each level of horizontal area
177 if the cannabis cultivation facility hangs, suspends, stacks, or otherwise positions plants above
178 other plants in multiple levels.

179 (19) "Delivery address" means:

180 (a) for a medical cannabis cardholder who is not a facility, the medical cannabis
181 cardholder's home address; or

182 (b) for a medical cannabis cardholder that is a facility, the facility's address.

183 ~~[(18)]~~ (20) "Department" means the Department of Agriculture and Food.

184 ~~[(19)]~~ (21) "Derivative cannabinoid" means any cannabinoid that has been intentionally
185 created using a process to convert a naturally occurring cannabinoid into another cannabinoid.

186 ~~[(20)]~~ (22) "Family member" means a parent, step-parent, spouse, child, sibling,
187 step-sibling, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law,
188 brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.

189 (23) "Home delivery medical cannabis pharmacy" means a medical cannabis pharmacy
190 that the department authorizes, as part of the pharmacy's license, to deliver medical cannabis
191 shipments to a delivery address to fulfill electronic orders that the state central patient portal
192 facilitates.

193 ~~[(21)]~~ (24) (a) "Independent cannabis testing laboratory" means a person that:

194 (i) conducts a chemical or other analysis of cannabis or a cannabis product; or

195 (ii) acquires, possesses, and transports cannabis or a cannabis product with the intent to
196 conduct a chemical or other analysis of the cannabis or cannabis product.

197 (b) "Independent cannabis testing laboratory" includes a laboratory that the department

198 or a research university operates in accordance with Subsection [4-41a-201](#)(14).

199 ~~[(22)]~~ (25) "Independent cannabis testing laboratory agent" means an individual who:

200 (a) is an employee of an independent cannabis testing laboratory; and

201 (b) holds a valid cannabis production establishment agent registration card.

202 ~~[(23)]~~ (26) "Industrial hemp waste" means:

203 (a) a cannabinoid concentrate; or

204 (b) industrial hemp biomass.

205 ~~[(24)]~~ (27) "Inventory control system" means a system described in Section [4-41a-103](#).

206 ~~[(25)]~~ (28) "Licensing board" or "board" means the Cannabis Production Establishment
207 Licensing Advisory Board created in Section [4-41a-201.1](#).

208 ~~[(26)]~~ (29) "Medical cannabis" means the same as that term is defined in Section
209 [26-61a-102](#).

210 ~~[(27)]~~ (30) "Medical cannabis card" means the same as that term is defined in Section
211 [26-61a-102](#).

212 (31) "Medical cannabis courier" means a courier that:

213 (a) the department licenses in accordance with Section [4-41a-1201](#); and

214 (b) contracts with a home delivery medical cannabis pharmacy to deliver medical
215 cannabis shipments to fulfill electronic orders that the state central patient portal facilitates.

216 (32) "Medical cannabis courier agent" means an individual who:

217 (a) is an employee of a medical cannabis courier; and

218 (b) who holds a valid medical cannabis courier agent registration card.

219 ~~[(28)]~~ (33) "Medical cannabis pharmacy" means the same as that term is defined in
220 Section [26-61a-102](#).

221 ~~[(29)]~~ (34) "Medical cannabis pharmacy agent" means the same as that term is defined
222 in Section [26-61a-102](#).

223 ~~[(30)]~~ (35) "Medical cannabis research license" means a license that the department

224 issues to a research university for the purpose of obtaining and possessing medical cannabis for
225 academic research.

226 [~~(31)~~] (36) "Medical cannabis research licensee" means a research university that the
227 department licenses to obtain and possess medical cannabis for academic research, in
228 accordance with Section [4-41a-901](#).

229 (37) "Medical cannabis shipment" means a shipment of medical cannabis or a medical
230 cannabis product that a home delivery medical cannabis pharmacy or a medical cannabis
231 courier delivers to a delivery address to fulfill an electronic medical cannabis order that the
232 state central patient portal facilitates.

233 [~~(32)~~] (38) "Medical cannabis treatment" means the same as that term is defined in
234 Section [26-61a-102](#).

235 [~~(33)~~] (39) "Medicinal dosage form" means the same as that term is defined in Section
236 [26-61a-102](#).

237 (40) "Pharmacy medical provider" means the same as that term is defined in Section
238 [26-61a-102](#).

239 [~~(34)~~] (41) "Qualified medical provider" means the same as that term is defined in
240 Section [26-61a-102](#).

241 [~~(35)~~] (42) "Qualified Production Enterprise Fund" means the fund created in Section
242 [4-41a-104](#).

243 [~~(36)~~] (43) "Recommending medical provider" means the same as that term is defined
244 in Section [26-61a-102](#).

245 [~~(37)~~] (44) "Research university" means the same as that term is defined in Section
246 [53B-7-702](#) and a private, nonprofit college or university in the state that:

- 247 (a) is accredited by the Northwest Commission on Colleges and Universities;
- 248 (b) grants doctoral degrees; and
- 249 (c) has a laboratory containing or a program researching a schedule I controlled
250 substance described in Section [58-37-4](#).

251 [~~(38)~~] (45) "State electronic verification system" means the system described in Section
252 [26-61a-103](#).

253 [~~(39)~~] (46) "Synthetic cannabinoid" means any cannabinoid that:

254 (a) was chemically synthesized from starting materials other than a naturally occurring
255 cannabinoid; and

256 (b) is not a derivative cannabinoid.

257 ~~[(40)]~~ (47) "Tetrahydrocannabinol" or "THC" means the same as that term is defined in
258 Section 4-41-102.

259 ~~[(41)]~~ (48) "THC analog" means the same as that term is defined in Section 4-41-102.

260 ~~[(42)]~~ (49) "Total composite tetrahydrocannabinol" means all detectable forms of
261 tetrahydrocannabinol.

262 ~~[(43)]~~ (50) "Total tetrahydrocannabinol" or "total THC" means the same as that term is
263 defined in Section 4-41-102.

264 Section 2. Section 4-41a-102.1 is enacted to read:

265 **4-41a-102.1. Temporary governance over medical cannabis pharmacies.**

266 (1) As used in this section:

267 (a) "Pharmacy provisions" means the provisions contained in the following parts:

268 (i) Part 10, Medical Cannabis Pharmacy License;

269 (ii) Part 11, Medical Cannabis Pharmacy Operation and Agents; and

270 (iii) Part 12, Medical Cannabis Home Delivery and Couriers.

271 (b) "Transition period" means the period of time beginning on July 1, 2023, and ending
272 on January 1, 2024.

273 (2) During the transition period:

274 (a) the department may request:

275 (i) the Department of Health and Human Services to carry out the duties described in
276 the pharmacy provisions; and

277 (ii) technical assistance from the Department of Health and Human Services related to
278 carrying out the duties described in the pharmacy provisions;

279 (b) the department may terminate or limit the scope of the Department of Health and
280 Human Services' power to carry out duties described in the pharmacy provisions; and

281 (c) if the department requests the Department of Health and Human Services to carry

282 out duties described in the pharmacy provisions, the department may make personnel available
283 to the Department of Health and Human Services for carrying out the duties.

284 (3) Upon the request of the department under this section, the Department of Health
285 and Human Services has the authority to carry out any duties:

- 286 (a) within the scope of the request; and
- 287 (b) if related to the pharmacy provisions.

288 (4) Notwithstanding any other provision of law, the Department of Health and Human
289 Services may use funds from the Qualified Patient Enterprise Fund, created in Section
290 26-61a-109, to cover any costs of Department of Health and Human Services personnel related
291 to carrying out duties requested by the department under this section.

292 Section 3. Section **4-41a-105** is amended to read:

293 **4-41a-105. Agreement with a tribe.**

294 (1) As used in this section, "tribe" means a federally recognized Indian tribe or Indian
295 band.

296 (2) (a) In accordance with this section, the governor may enter into an agreement with a
297 tribe to allow for the operation of a cannabis production establishment or a medical cannabis
298 pharmacy on tribal land located within the state.

299 (b) An agreement described in Subsection (2)(a) may not exempt any person from the
300 requirements of this chapter.

301 (c) The governor shall ensure that an agreement described in Subsection (2)(a):

- 302 (i) is in writing;
- 303 (ii) is signed by:

304 (A) the governor; and

305 (B) the governing body of the tribe that the tribe designates and has the authority to
306 bind the tribe to the terms of the agreement;

307 (iii) states the effective date of the agreement;

308 (iv) provides that the governor shall renegotiate the agreement if the agreement is or
309 becomes inconsistent with a state statute; and

- 310 (v) includes any accommodation that the tribe makes:
- 311 (A) to which the tribe agrees; and
- 312 (B) that is reasonably related to the agreement.
- 313 (d) Before executing an agreement under this Subsection (2), the governor shall consult
- 314 with the department.
- 315 (e) At least 30 days before the execution of an agreement described in this Subsection
- 316 (2), the governor or the governor's designee shall provide a copy of the agreement in the form
- 317 in which the agreement will be executed to:
- 318 (i) the chairs of the Native American Legislative Liaison Committee; and
- 319 (ii) the Office of Legislative Research and General Counsel.

320 Section 4. Section ~~4-41a-108~~, which is renumbered from Section 26-61a-603 is

321 renumbered and amended to read:

322 ~~[26-61a-603]~~. **4-41a-108. Payment provider for electronic medical cannabis**

323 **transactions.**

324 (1) A cannabis production establishment, a medical cannabis pharmacy, or a

325 prospective home delivery medical cannabis pharmacy seeking to use a payment provider shall

326 submit to the Division of Finance and the state treasurer information regarding the payment

327 provider the prospective licensee will use to conduct financial transactions related to medical

328 cannabis, including:

- 329 (a) the name and contact information of the payment provider;
- 330 (b) the nature of the relationship between the establishment, pharmacy, or prospective
- 331 pharmacy and the payment provider; and
- 332 (c) for a prospective home delivery medical cannabis pharmacy, the processes the
- 333 prospective licensee and the payment provider have in place to safely and reliably conduct
- 334 financial transactions for medical cannabis shipments.

335 (2) The Division of Finance shall, in consultation with the state treasurer:

- 336 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 337 make rules to establish standards for identifying payment providers that demonstrate the

338 functional and technical ability to safely conduct financial transactions related to medical
339 cannabis, including medical cannabis shipments;

340 (b) review submissions the Division of Finance and the state treasurer receive under
341 Subsection (1);

342 (c) approve a payment provider that meets the standards described in Subsection (2)(a);
343 and

344 (d) establish a list of approved payment providers.

345 (3) Any licensed cannabis production establishment, licensed medical cannabis
346 pharmacy, or medical cannabis courier may use a payment provider that the Division of
347 Finance approves, in consultation with the state treasurer, to conduct transactions related to the
348 establishment's, pharmacy's, or courier's respective medical cannabis business.

349 (4) If Congress passes legislation that allows a cannabis-related business to facilitate
350 payments through or deposit funds in a financial institution, a cannabis production
351 establishment or a medical cannabis pharmacy may facilitate payments through or deposit
352 funds in a financial institution in addition to or instead of a payment provider that the Division
353 of Finance approves, in consultation with the state treasurer, under this section.

354 Section 5. Section **4-41a-109**, which is renumbered from Section 26-61a-116 is
355 renumbered and amended to read:

356 ~~[26-61a-116].~~ **4-41a-109. Advertising.**

357 (1) Except as provided in this chapter, a person may not advertise regarding the
358 recommendation, sale, dispensing, or transportation of medical cannabis.

359 (2) Notwithstanding any authorization to advertise regarding medical cannabis under
360 this chapter, the person advertising may not advertise:

361 (a) using promotional discounts or incentives;

362 (b) a particular medical cannabis product, medical cannabis device, or medicinal
363 dosage form; or

364 (c) an assurance regarding an outcome related to medical cannabis treatment.

365 (3) Notwithstanding Subsection (1):

366 (a) a nonprofit organization that offers financial assistance for medical cannabis
367 treatment to low-income patients may advertise the organization's assistance if the
368 advertisement does not relate to a specific medical cannabis pharmacy or a specific medical
369 cannabis product; and

370 (b) a medical cannabis pharmacy may provide information regarding subsidies for the
371 cost of medical cannabis treatment to patients who affirmatively accept receipt of the subsidy
372 information.

373 (4) To ensure that the name and logo of a licensee under this chapter have a medical
374 rather than a recreational disposition, the name and logo of the licensee:

375 (a) may include terms and images associated with:

376 (i) a medical disposition, including "medical," "medicinal," "medicine," "pharmacy,"
377 "apothecary," "wellness," "therapeutic," "health," "care," "cannabis," "clinic," "compassionate,"
378 "relief," "treatment," and "patient;" or

379 (ii) the plant form of cannabis, including "leaf," "flower," and "bloom;" and

380 (b) may not include:

381 (i) any term, statement, design representation, picture, or illustration that is associated
382 with a recreational disposition or that appeals to children;

383 (ii) an emphasis on a psychoactive ingredient;

384 (iii) a specific cannabis strain; or

385 (iv) terms related to recreational marijuana, including "weed," "pot," "reefer," "grass,"
386 "hash," "ganga," "Mary Jane," "high," "buzz," "haze," "stoned," "joint," "bud," "smoke,"
387 "euphoria," "dank," "doobie," "kush," "frost," "cookies," "rec," "bake," "blunt," "combust,"
388 "bong," "budtender," "dab," "blaze," "toke," or "420."

389 (5) The department shall define standards for advertising authorized under this chapter,
390 including names and logos in accordance with Subsection (4), to ensure a medical rather than
391 recreational disposition.

392 Section 6. Section **4-41a-110** is enacted to read:

393 **4-41a-110. Department coordination with the advisory board.**

- 394 The department shall:
395 (1) provide draft rules made under this chapter to the advisory board for the advisory
396 board's review;
397 (2) consult with the advisory board before issuing an additional:
398 (a) cultivation facility license under Section [4-41a-205](#); or
399 (b) pharmacy license under Section [4-41a-1005](#);
400 (3) consult with the advisory board regarding fees set by the department that pertain to
401 the medical cannabis program; and
402 (4) when appropriate, consult with the advisory board regarding issues that arise in the
403 medical cannabis program.

404 Section 7. Section **4-41a-201** is amended to read:

405 **4-41a-201. Cannabis production establishment -- License.**

- 406 (1) Except as provided in Subsection (14), a person may not operate a cannabis
407 production establishment without a license that the department issues under this chapter.
- 408 (2) (a) (i) Subject to Subsections (6), (7), (8), and (13) and to Section [4-41a-205](#), for a
409 licensing process that the department initiates after March 17, 2021, the department, through
410 the licensing board, shall issue licenses in accordance with Section [4-41a-201.1](#).
- 411 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
412 department shall make rules to specify a transparent and efficient process to:
- 413 (A) solicit applications for a license under this section;
414 (B) allow for comments and questions in the development of applications;
415 (C) timely and objectively evaluate applications;
416 (D) hold public hearings that the department deems appropriate; and
417 (E) select applicants to receive a license.
- 418 (iii) The department may not issue a license to operate a cannabis production
419 establishment to an applicant who is not eligible for a license under this section.
- 420 (b) An applicant is eligible for a license under this section if the applicant submits to
421 the licensing board:

422 (i) subject to Subsection (2)(c), a proposed name and address or, for a cannabis
423 cultivation facility, addresses of no more than two facility locations, located in a zone described
424 in Subsection 4-41a-406(2)(a) or (b), where the applicant will operate the cannabis production
425 establishment;

426 (ii) the name and address of any individual who has:

427 (A) for a publicly traded company, a financial or voting interest of 2% or greater in the
428 proposed cannabis production establishment;

429 (B) for a privately held company, a financial or voting interest in the proposed cannabis
430 production establishment; or

431 (C) the power to direct or cause the management or control of a proposed cannabis
432 production establishment;

433 (iii) an operating plan that:

434 (A) complies with Section 4-41a-204;

435 (B) includes operating procedures that comply with this chapter and any law the
436 municipality or county in which the person is located adopts that is consistent with Section
437 4-41a-406; and

438 (C) the department or licensing board approves;

439 (iv) a statement that the applicant will obtain and maintain a performance bond that a
440 surety authorized to transact surety business in the state issues in an amount of at least:

441 (A) \$100,000 for each cannabis cultivation facility for which the applicant applies; or

442 (B) \$50,000 for each cannabis processing facility or independent cannabis testing
443 laboratory for which the applicant applies;

444 (v) an application fee in an amount that, subject to Subsection 4-41a-104(5), the
445 department sets in accordance with Section 63J-1-504; and

446 (vi) a description of any investigation or adverse action taken by any licensing
447 jurisdiction, government agency, law enforcement agency, or court in any state for any
448 violation or detrimental conduct in relation to any of the applicant's cannabis-related operations
449 or businesses.

450 (c) (i) A person may not locate a cannabis production establishment:
451 (A) within 1,000 feet of a community location; or
452 (B) in or within 600 feet of a district that the relevant municipality or county has zoned
453 as primarily residential.

454 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured
455 from the nearest entrance to the cannabis production establishment by following the shortest
456 route of ordinary pedestrian travel to the property boundary of the community location or
457 residential area.

458 (iii) The licensing board may grant a waiver to reduce the proximity requirements in
459 Subsection (2)(c)(i) by up to 20% if the licensing board determines that it is not reasonably
460 feasible for the applicant to site the proposed cannabis production establishment without the
461 waiver.

462 (iv) An applicant for a license under this section shall provide evidence of compliance
463 with the proximity requirements described in Subsection (2)(c)(i).

464 (3) If the licensing board approves an application for a license under this section and
465 Section 4-41a-201.1:

466 (a) the applicant shall pay the department:

467 (i) an initial license fee in an amount that, subject to Subsection 4-41a-104(5), the
468 department sets in accordance with Section 63J-1-504; or

469 (ii) a fee for a 120-day limited license to operate as a cannabis processing facility
470 described in Subsection (3)(b) that is equal to 33% of the initial license fee described in
471 Subsection (3)(a)(i); and

472 (b) the department shall notify the Department of Public Safety of the license approval
473 and the names of each individual described in Subsection (2)(b)(ii).

474 (4) (a) Except as provided in Subsection (4)(b), a cannabis production establishment
475 shall obtain a separate license for each type of cannabis production establishment and each
476 location of a cannabis production establishment.

477 (b) The licensing board may issue a cannabis cultivation facility license and a cannabis

478 processing facility license to a person to operate at the same physical location or at separate
479 physical locations.

480 (5) If the licensing board receives more than one application for a cannabis production
481 establishment within the same city or town, the licensing board shall consult with the local land
482 use authority before approving any of the applications pertaining to that city or town.

483 (6) The licensing board may not issue a license to operate an independent cannabis
484 testing laboratory to a person who:

485 (a) holds a license or has an ownership interest in a medical cannabis pharmacy, a
486 cannabis processing facility, or a cannabis cultivation facility;

487 (b) has an owner, officer, director, or employee whose family member holds a license
488 or has an ownership interest in a medical cannabis pharmacy, a cannabis processing facility, or
489 a cannabis cultivation facility; or

490 (c) proposes to operate the independent cannabis testing laboratory at the same physical
491 location as a medical cannabis pharmacy, a cannabis processing facility, or a cannabis
492 cultivation facility.

493 (7) The licensing board may not issue a license to operate a cannabis production
494 establishment to an applicant if any individual described in Subsection (2)(b)(ii):

495 (a) has been convicted under state or federal law of:

496 (i) a felony; or

497 (ii) after December 3, 2018, a misdemeanor for drug distribution;

498 (b) is younger than 21 years old; or

499 (c) after September 23, 2019, until January 1, 2023, is actively serving as a legislator.

500 (8) (a) If an applicant for a cannabis production establishment license under this
501 section holds a license under Title 4, Chapter 41, Hemp and Cannabinoid Act, the licensing
502 board may not give preference to the applicant based on the applicant's status as a holder of the
503 license.

504 (b) If an applicant for a license to operate a cannabis cultivation facility under this
505 section holds a license to operate a medical cannabis pharmacy under ~~[Title 26, Chapter 61a,~~

506 ~~Utah Medical Cannabis Act]~~ this title, the licensing board[:]
507 ~~[(i) shall consult with the Department of Health regarding the applicant; and]~~
508 ~~[(ii)]~~ may give consideration to the applicant based on the applicant's status as a holder
509 of a medical cannabis pharmacy license if:
510 ~~[(A)]~~ (i) the applicant demonstrates that a decrease in costs to patients is more likely to
511 result from the applicant's vertical integration than from a more competitive marketplace; and
512 ~~[(B)]~~ (ii) the licensing board finds multiple other factors, in addition to the existing
513 license, that support granting the new license.
514 (9) The licensing board may revoke a license under this part:
515 (a) if the cannabis production establishment does not begin cannabis production
516 operations within one year after the day on which the licensing board issues the initial license;
517 (b) after the third of the same violation of this chapter in any of the licensee's licensed
518 cannabis production establishments or medical cannabis pharmacies;
519 (c) if any individual described in Subsection (2)(b) is convicted, while the license is
520 active, under state or federal law of:
521 (i) a felony; or
522 (ii) after December 3, 2018, a misdemeanor for drug distribution;
523 (d) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at
524 the time of application, or fails to supplement the information described in Subsection
525 (2)(b)(vi) with any investigation or adverse action that occurs after the submission of the
526 application within 14 calendar days after the licensee receives notice of the investigation or
527 adverse action;
528 (e) if the cannabis production establishment demonstrates a willful or reckless
529 disregard for the requirements of this chapter or the rules the department makes in accordance
530 with this chapter;
531 (f) if, after a change of ownership described in Subsection (15)(b), the board
532 determines that the cannabis production establishment no longer meets the minimum standards
533 for licensure and operation of the cannabis production establishment described in this chapter;

534 or

535 (g) for an independent cannabis testing laboratory, if the independent cannabis testing
536 laboratory fails to substantially meet the performance standards described in Subsection
537 (14)(b).

538 (10) (a) A person who receives a cannabis production establishment license under this
539 chapter, if the municipality or county where the licensed cannabis production establishment
540 will be located requires a local land use permit, shall submit to the licensing board a copy of
541 the licensee's approved application for the land use permit within 120 days after the day on
542 which the licensing board issues the license.

543 (b) If a licensee fails to submit to the licensing board a copy of the licensee's approved
544 land use permit application in accordance with Subsection (10)(a), the licensing board may
545 revoke the licensee's license.

546 (11) The department shall deposit the proceeds of a fee that the department imposes
547 under this section into the Qualified Production Enterprise Fund.

548 (12) The department shall begin accepting applications under this part on or before
549 January 1, 2020.

550 (13) (a) The department's authority, and consequently the licensing board's authority, to
551 issue a license under this section is plenary and is not subject to review.

552 (b) Notwithstanding Subsection (2)(a)(ii)(A), the decision of the department to award a
553 license to an applicant is not subject to:

554 (i) Title 63G, Chapter 6a, Part 16, Protests; or

555 (ii) Title 63G, Chapter 6a, Part 17, Procurement Appeals Board.

556 (14) (a) Notwithstanding this section, the department:

557 (i) may not issue more than four licenses to operate an independent cannabis testing
558 laboratory;

559 (ii) may operate or partner with a research university to operate an independent
560 cannabis testing laboratory;

561 (iii) if the department operates or partners with a research university to operate an

562 independent cannabis testing laboratory, may not cease operating or partnering with a research
563 university to operate the independent cannabis testing laboratory unless:

564 (A) the department issues at least two licenses to independent cannabis testing
565 laboratories; and

566 (B) the department has ensured that the licensed independent cannabis testing
567 laboratories have sufficient capacity to provide the testing necessary to support the state's
568 medical cannabis market; and

569 (iv) after ceasing department or research university operations under Subsection
570 (14)(a)(ii) shall resume independent cannabis testing laboratory operations at any time if:

571 (A) fewer than two licensed independent cannabis testing laboratories are operating; or

572 (B) the licensed independent cannabis testing laboratories become, in the department's
573 determination, unable to fully meet the market demand for testing.

574 (b) (i) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
575 Administrative Rulemaking Act, to establish performance standards for the operation of an
576 independent cannabis testing laboratory, including deadlines for testing completion.

577 (ii) A license that the department issues to an independent cannabis testing laboratory
578 is contingent upon substantial satisfaction of the performance standards described in
579 Subsection (14)(b)(i), as determined by the board.

580 (15) (a) A cannabis production establishment license is not transferrable or assignable.

581 (b) If the ownership of a cannabis production establishment changes by 50% or more:

582 (i) the cannabis production establishment shall submit a new application described in
583 Subsection (2)(b), subject to Subsection (2)(c);

584 (ii) within 30 days of the submission of the application, the board shall:

585 (A) conduct the application review described in Section [4-41a-201.1](#); and

586 (B) award a license to the cannabis production establishment for the remainder of the
587 term of the cannabis production establishment's license before the ownership change if the
588 cannabis production establishment meets the minimum standards for licensure and operation of
589 the cannabis production establishment described in this chapter; and

590 (iii) if the board approves the license application, notwithstanding Subsection (3), the
591 cannabis production establishment shall pay a license fee that the department sets in
592 accordance with Section 63J-1-504 in an amount that covers the board's cost of conducting the
593 application review.

594 Section 8. Section 4-41a-404 is amended to read:

595 **4-41a-404. Medical cannabis transportation.**

596 (1) (a) [~~Only~~] Except as provided in Part 12, Medical Cannabis Home Delivery and
597 Couriers, the following individuals may transport cannabis or a cannabis product under this
598 chapter:

- 599 (i) a registered cannabis production establishment agent; [~~or~~]
- 600 (ii) a medical cannabis cardholder who is transporting a medical cannabis treatment
601 that the cardholder is authorized to possess under this chapter[~~;~~];
- 602 (iii) a registered medical cannabis pharmacy agent;
- 603 (iv) a registered medical cannabis courier agent; and
- 604 (v) a registered pharmacy medical provider.

605 (b) Only an agent of a cannabis cultivation facility, when the agent is transporting
606 cannabis plants to a cannabis processing facility or an independent cannabis testing laboratory,
607 may transport unprocessed cannabis outside of a medicinal dosage form.

608 (2) Except for an individual with a valid medical cannabis card under Title 26, Chapter
609 61a, Utah Medical Cannabis Act, who is transporting a medical cannabis treatment, an
610 individual transporting cannabis or a cannabis product shall possess a transportation manifest
611 that:

- 612 (a) includes a unique identifier that links the cannabis or cannabis product to a relevant
613 inventory control system;
- 614 (b) includes origin and destination information for any cannabis or cannabis product
615 that the individual is transporting; and
- 616 (c) identifies the departure and arrival times and locations of the individual
617 transporting the cannabis or cannabis product.

618 (3) (a) In addition to the requirements in Subsections (1) and (2), the department may
619 establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
620 Act, requirements for transporting cannabis or cannabis product to ensure that the cannabis or
621 cannabis product remains safe for human consumption.

622 (b) The transportation described in Subsection (3)(a) is limited to transportation:

623 (i) between a cannabis production establishment and another cannabis production
624 establishment; [~~and~~]

625 (ii) between a cannabis processing facility and a medical cannabis pharmacy[~~;~~]; and

626 (iii) a medical cannabis pharmacy and:

627 (A) another medical cannabis pharmacy; or

628 (B) for a medical cannabis shipment, a delivery address.

629 (4) (a) It is unlawful for a registered cannabis production establishment agent to make a
630 transport described in this section with a manifest that does not meet the requirements of this
631 section.

632 (b) Except as provided in Subsection (4)(d), an agent who violates Subsection (4)(a) is:

633 (i) guilty of an infraction; and

634 (ii) subject to a \$100 fine.

635 (c) An individual who is guilty of a violation described in Subsection (4)(b) is not
636 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
637 underlying the violation described in Subsection (4)(b).

638 (d) If the agent described in Subsection (4)(a) is transporting more cannabis or
639 cannabis product than the manifest identifies, except for a de minimis administrative error:

640 (i) the penalty described in Subsection (4)(b) does not apply; and

641 (ii) the agent is subject to penalties under Title 58, Chapter 37, Utah Controlled
642 Substances Act.

643 (5) Nothing in this section prevents the department from taking administrative
644 enforcement action against a cannabis production establishment, medical cannabis pharmacy,
645 medical cannabis courier, or another person for failing to make a transport in compliance with

646 the requirements of this section.

647 (6) An individual other than an individual described in Subsection (1) may transport a
648 medical cannabis device within the state if the transport does not also contain medical
649 cannabis.

650 Section 9. Section ~~4-41a-801.1~~, which is renumbered from Section 26-61a-702 is
651 renumbered and amended to read:

652 ~~[26-61a-702]~~. **4-41a-801.1. Enforcement for medical cannabis pharmacies**
653 **and couriers -- Fine -- Citation.**

654 (1) (a) The department may, for a medical cannabis pharmacy's or a medical cannabis
655 courier's violation of this chapter or an applicable administrative rule:

- 656 (i) revoke the medical cannabis pharmacy or medical cannabis courier license;
- 657 (ii) refuse to renew the medical cannabis pharmacy or medical cannabis courier
658 license; or
- 659 (iii) assess the medical cannabis pharmacy or medical cannabis courier an
660 administrative penalty.

661 (b) The department may, for a medical cannabis pharmacy agent's or medical cannabis
662 courier agent's violation of this chapter:

- 663 (i) revoke the medical cannabis pharmacy agent or medical cannabis courier agent
664 registration card;
- 665 (ii) refuse to renew the medical cannabis pharmacy agent or medical cannabis courier
666 agent registration card; or
- 667 (iii) assess the medical cannabis pharmacy agent or medical cannabis courier agent an
668 administrative penalty.

669 (2) The department shall deposit an administrative penalty imposed under this section
670 into the General Fund.

671 (3) For a person subject to an uncontested citation, a stipulated settlement, or a finding
672 of a violation in an adjudicative proceeding under this section, the department may:

- 673 (a) for a fine amount not already specified in law, assess the person a fine of up to

674 \$5,000 per violation, in accordance with a fine schedule that the department establishes by rule
675 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

676 (b) order the person to cease and desist from the action that creates a violation.

677 (4) The department may not revoke a medical cannabis pharmacy's license or a medical
678 cannabis courier's license without first directing the medical cannabis pharmacy or the medical
679 cannabis courier to appear before an adjudicative proceeding conducted under Title 63G,
680 Chapter 4, Administrative Procedures Act.

681 (5) If, within 20 calendar days after the day on which the department issues a citation
682 for a violation of this chapter, the person that is the subject of the citation fails to request a
683 hearing to contest the citation, the citation becomes the department's final order.

684 (6) The department may, for a person who fails to comply with a citation under this
685 section:

686 (a) refuse to issue or renew the person's license or agent registration card; or

687 (b) suspend, revoke, or place on probation the person's license or agent registration
688 card.

689 (7) (a) Except where a criminal penalty is expressly provided for a specific violation of
690 this chapter, if an individual violates a provision of this chapter, the individual is:

691 (i) guilty of an infraction; and

692 (ii) subject to a \$100 fine.

693 (b) An individual who is guilty of a violation described in Subsection (7)(a) is not
694 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
695 underlying the violation described in Subsection (7)(a).

696 Section 10. Section **4-41a-802** is amended to read:

697 **4-41a-802. Report.**

698 (1) At or before the November interim meeting each year, the department shall report
699 to the Health and Human Services Interim Committee on:

700 (a) the number of applications and renewal applications that the department receives
701 under this chapter;

- 702 (b) the number of each type of cannabis production facility that the department licenses
- 703 in each county;
- 704 (c) the amount of cannabis that licensees grow;
- 705 (d) the amount of cannabis that licensees manufacture into cannabis products;
- 706 (e) the number of licenses the department revokes under this chapter;
- 707 (f) the department's operation of an independent cannabis testing laboratory under

708 Section [4-41a-201](#), including:

- 709 (i) the cannabis and cannabis products the department tested; and
- 710 (ii) the results of the tests the department performed; and
- 711 (g) the expenses incurred and revenues generated under this chapter.
- 712 (2) The department may not include personally identifying information in the report
- 713 described in this section.
- 714 (3) [~~During the 2022 legislative interim, the~~] The department shall report to the
- 715 working group described in Section [36-12-8.2](#) as requested by the working group.

716 Section 11. Section **4-41a-1001**, which is renumbered from Section 26-61a-301 is

717 renumbered and amended to read:

Part 10. Medical Cannabis Pharmacy License

719 ~~[26-61a-301].~~ **4-41a-1001. Medical cannabis pharmacy -- License --**

720 **Eligibility.**

721 (1) A person may not operate as a medical cannabis pharmacy without a license that

722 the department issues under this part.

723 (2) (a) (i) Subject to Subsections (4) and (5) and to Section ~~[26-61a-305]~~ [4-41a-1005](#),

724 the department shall issue a license to operate a medical cannabis pharmacy in accordance with

725 Title 63G, Chapter 6a, Utah Procurement Code.

726 (ii) The department may not issue a license to operate a medical cannabis pharmacy to

727 an applicant who is not eligible for a license under this section.

728 (b) An applicant is eligible for a license under this section if the applicant submits to

729 the department:

730 (i) subject to Subsection (2)(c), a proposed name and address where the applicant will
731 operate the medical cannabis pharmacy;

732 (ii) the name and address of an individual who:

733 (A) for a publicly traded company, has a financial or voting interest of 2% or greater in
734 the proposed medical cannabis pharmacy;

735 (B) for a privately held company, a financial or voting interest in the proposed medical
736 cannabis pharmacy; or

737 (C) has the power to direct or cause the management or control of a proposed medical
738 cannabis pharmacy;

739 (iii) a statement that the applicant will obtain and maintain a performance bond that a
740 surety authorized to transact surety business in the state issues in an amount of at least
741 \$100,000 for each application that the applicant submits to the department;

742 (iv) an operating plan that:

743 (A) complies with Section [~~26-61a-304~~] [4-41a-1004](#);

744 (B) includes operating procedures to comply with the operating requirements for a
745 medical cannabis pharmacy described in this chapter and with a relevant municipal or county
746 law that is consistent with Section [~~26-61a-507~~] [4-41a-1106](#); and

747 (C) the department approves;

748 (v) an application fee in an amount that, subject to Subsection [~~26-61a-109(5)~~]
749 [4-41a-104\(5\)](#), the department sets in accordance with Section [63J-1-504](#); and

750 (vi) a description of any investigation or adverse action taken by any licensing
751 jurisdiction, government agency, law enforcement agency, or court in any state for any
752 violation or detrimental conduct in relation to any of the applicant's cannabis-related operations
753 or businesses.

754 (c) (i) A person may not locate a medical cannabis pharmacy:

755 (A) within 200 feet of a community location; or

756 (B) in or within 600 feet of a district that the relevant municipality or county has zoned
757 as primarily residential.

758 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured
759 from the nearest entrance to the medical cannabis pharmacy establishment by following the
760 shortest route of ordinary pedestrian travel to the property boundary of the community location
761 or residential area.

762 (iii) The department may grant a waiver to reduce the proximity requirements in
763 Subsection (2)(c)(i) by up to 20% if the department determines that it is not reasonably feasible
764 for the applicant to site the proposed medical cannabis pharmacy without the waiver.

765 (iv) An applicant for a license under this section shall provide evidence of compliance
766 with the proximity requirements described in Subsection (2)(c)(i).

767 (d) The department may not issue a license to an eligible applicant that the department
768 has selected to receive a license until the selected eligible applicant obtains the performance
769 bond described in Subsection (2)(b)(iii).

770 (e) If the department receives more than one application for a medical cannabis
771 pharmacy within the same city or town, the department shall consult with the local land use
772 authority before approving any of the applications pertaining to that city or town.

773 (3) If the department selects an applicant for a medical cannabis pharmacy license
774 under this section, the department shall:

775 (a) charge the applicant an initial license fee in an amount that, subject to Subsection
776 [~~26-61a-109(5)~~] 4-41a-104(5), the department sets in accordance with Section 63J-1-504;

777 (b) notify the Department of Public Safety of the license approval and the names of
778 each individual described in Subsection (2)(b)(ii); and

779 (c) charge the licensee a fee in an amount that, subject to Subsection [~~26-61a-109(5)~~]
780 4-41a-104(5), the department sets in accordance with Section 63J-1-504, for any change in
781 location, ownership, or company structure.

782 (4) The department may not issue a license to operate a medical cannabis pharmacy to
783 an applicant if an individual described in Subsection (2)(b)(ii):

784 (a) has been convicted under state or federal law of:

785 (i) a felony; or

- 786 (ii) after December 3, 2018, a misdemeanor for drug distribution;
- 787 (b) is younger than 21 years old; or
- 788 (c) after September 23, 2019, until January 1, 2023, is actively serving as a legislator.

789 (5) (a) If an applicant for a medical cannabis pharmacy license under this section holds
790 ~~[a] another license under [Title 4, Chapter 41, Hemp and Cannabinoid Act]~~ this chapter, the
791 department may not give preference to the applicant based on the applicant's status as a holder
792 of the license.

793 (b) If an applicant for a medical cannabis pharmacy license under this section holds a
794 license to operate a cannabis cultivation facility under this section, the department may give
795 consideration to the applicant's status as a holder of the license if:

796 (i) the applicant demonstrates that a decrease in costs to patients is more likely to result
797 from the applicant's vertical integration than from a more competitive marketplace; and

798 (ii) the department finds multiple other factors, in addition to the existing license, that
799 support granting the new license.

800 ~~[(b) If an applicant for a medical cannabis pharmacy license under this section holds a~~
801 ~~license to operate a cannabis cultivation facility under Title 4, Chapter 41a, Cannabis~~
802 ~~Production Establishments, the department:]~~

803 ~~[(i) shall consult with the Department of Agriculture and Food regarding the applicant;~~
804 ~~and]~~

805 ~~[(ii) may give consideration to the applicant based on the applicant's status as a holder~~
806 ~~of a license to operate a cannabis cultivation facility if:]~~

807 ~~[(A) the applicant demonstrates that a decrease in costs to patients is more likely to~~
808 ~~result from the applicant's vertical integration than from a more competitive marketplace; and]~~

809 ~~[(B) the department finds multiple other factors, in addition to the existing license, that~~
810 ~~support granting the new license:]~~

811 (6) (a) The department may revoke a license under this part:

812 (i) if the medical cannabis pharmacy does not begin operations within one year after
813 the day on which the department issues an announcement of the department's intent to award a

814 license to the medical cannabis pharmacy;

815 (ii) after the third the same violation of this chapter in any of the licensee's licensed
816 cannabis production establishments or medical cannabis pharmacies;

817 (iii) if an individual described in Subsection (2)(b)(ii) is convicted, while the license is
818 active, under state or federal law of:

819 (A) a felony; or

820 (B) after December 3, 2018, a misdemeanor for drug distribution;

821 (iv) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at
822 the time of application, or fails to supplement the information described in Subsection
823 (2)(b)(vi) with any investigation or adverse action that occurs after the submission of the
824 application within 14 calendar days after the licensee receives notice of the investigation or
825 adverse action;

826 (v) if the medical cannabis pharmacy demonstrates a willful or reckless disregard for
827 the requirements of this chapter or the rules the department makes in accordance with this
828 chapter; or

829 (vi) if, after a change of ownership described in Subsection (11)(c), the department
830 determines that the medical cannabis pharmacy no longer meets the minimum standards for
831 licensure and operation of the medical cannabis pharmacy described in this chapter.

832 (b) The department shall rescind a notice of an intent to issue a license under this part
833 to an applicant or revoke a license issued under this part if the associated medical cannabis
834 pharmacy does not begin operation on or before June 1, 2021.

835 (7) (a) A person who receives a medical cannabis pharmacy license under this chapter,
836 if the municipality or county where the licensed medical cannabis pharmacy will be located
837 requires a local land use permit, shall submit to the department a copy of the licensee's
838 approved application for the land use permit within 120 days after the day on which the
839 department issues the license.

840 (b) If a licensee fails to submit to the department a copy the licensee's approved land
841 use permit application in accordance with Subsection (7)(a), the department may revoke the

842 licensee's license.

843 (8) The department shall deposit the proceeds of a fee imposed by this section into the
844 Qualified ~~[Patient]~~ Production Enterprise Fund.

845 (9) The department shall begin accepting applications under this part on or before
846 March 1, 2020.

847 (10) (a) The department's authority to issue a license under this section is plenary and is
848 not subject to review.

849 (b) Notwithstanding Subsection (2), the decision of the department to award a license
850 to an applicant is not subject to:

851 (i) Title 63G, Chapter 6a, Part 16, Protests; or

852 (ii) Title 63G, Chapter 6a, Part 17, Procurement Appeals Board.

853 (11) (a) A medical cannabis pharmacy license is not transferrable or assignable.

854 (b) A medical cannabis pharmacy shall report in writing to the department no later than
855 10 business days before the date of any change of ownership of the medical cannabis
856 pharmacy.

857 (c) If the ownership of a medical cannabis pharmacy changes by 50% or more:

858 (i) concurrent with the report described in Subsection (11)(b), the medical cannabis
859 pharmacy shall submit a new application described in Subsection (2)(b), subject to Subsection
860 (2)(c);

861 (ii) within 30 days of the submission of the application, the department shall:

862 (A) conduct an application review; and

863 (B) award a license to the medical cannabis pharmacy for the remainder of the term of
864 the medical cannabis pharmacy's license before the ownership change if the medical cannabis
865 pharmacy meets the minimum standards for licensure and operation of the medical cannabis
866 pharmacy described in this chapter; and

867 (iii) if the department approves the license application, notwithstanding Subsection (3),
868 the medical cannabis pharmacy shall pay a license fee that the department sets in accordance
869 with Section [63J-1-504](#) in an amount that covers the board's cost of conducting the application

870 review.

871 Section 12. Section **4-41a-1002**, which is renumbered from Section 26-61a-302 is
872 renumbered and amended to read:

873 ~~[26-61a-302]~~. **4-41a-1002. Medical cannabis pharmacy owners and**
874 **directors -- Criminal background checks.**

875 (1) Each applicant to whom the department issues a notice of intent to award a license
876 to operate as a medical cannabis pharmacy shall submit, before the department may award the
877 license, from each individual who has a financial or voting interest of 2% or greater in the
878 applicant or who has the power to direct or cause the management or control of the applicant:

879 (a) a fingerprint card in a form acceptable to the Department of Public Safety;
880 (b) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
881 registration of the individual's fingerprints in the Federal Bureau of Investigation Next
882 Generation Identification System's Rap Back Service; and

883 (c) consent to a fingerprint background check by:
884 (i) the Bureau of Criminal Identification; and
885 (ii) the Federal Bureau of Investigation.

886 (2) The Bureau of Criminal Identification shall:
887 (a) check the fingerprints the applicant submits under Subsection (1) against the
888 applicable state, regional, and national criminal records databases, including the Federal
889 Bureau of Investigation Next Generation Identification System;
890 (b) report the results of the background check to the department;
891 (c) maintain a separate file of fingerprints that applicants submit under Subsection (1)
892 for search by future submissions to the local and regional criminal records databases, including
893 latent prints;

894 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next
895 Generation Identification System's Rap Back Service for search by future submissions to
896 national criminal records databases, including the Next Generation Identification System and
897 latent prints; and

898 (e) establish a privacy risk mitigation strategy to ensure that the department only
899 receives notifications for an individual with whom the department maintains an authorizing
900 relationship.

901 (3) The department shall:

902 (a) assess an individual who submits fingerprints under Subsection (1) a fee in an
903 amount that the department sets in accordance with Section [63J-1-504](#) for the services that the
904 Bureau of Criminal Identification or another authorized agency provides under this section; and

905 (b) remit the fee described in Subsection (3)(a) to the Bureau of Criminal
906 Identification.

907 Section 13. Section **4-41a-1003**, which is renumbered from Section 26-61a-303 is
908 renumbered and amended to read:

909 ~~[26-61a-303].~~ **4-41a-1003. Renewal.**

910 (1) The department shall renew a license under this part every year if, at the time of
911 renewal:

912 (a) the licensee meets the requirements of Section ~~[26-61a-301]~~ [4-41a-1001](#);

913 (b) the licensee pays the department a license renewal fee in an amount that, subject to
914 Subsection ~~[26-61a-109(5)]~~ [4-41a-1004\(5\)](#), the department sets in accordance with Section
915 [63J-1-504](#); and

916 (c) if the medical cannabis pharmacy changes the operating plan described in Section
917 ~~[26-61a-304]~~ [4-41a-1004](#) that the department approved under Subsection
918 ~~[26-61a-301(2)(b)(iv)]~~ [4-41a-1001\(2\)\(b\)\(iv\)](#), the department approves the new operating plan.

919 (2) (a) If a licensed medical cannabis pharmacy abandons the medical cannabis
920 pharmacy's license, the department shall publish notice of an available license:

921 (i) in a newspaper of general circulation for the geographic area in which the medical
922 cannabis pharmacy license is available; or

923 (ii) on the Utah Public Notice Website established in Section [63A-16-601](#).

924 (b) The department may establish criteria, in collaboration with the Division of
925 Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter

926 3, Utah Administrative Rulemaking Act, to identify the medical cannabis pharmacy actions that
927 constitute abandonment of a medical cannabis pharmacy license.

928 (3) If the department has not completed the necessary processes to make a
929 determination on a license renewal under Subsections (1)(a) and (c) before the expiration of a
930 license, the department may issue a conditional medical cannabis pharmacy license to a
931 licensed medical cannabis pharmacy that has applied for license renewal under this section and
932 paid the fee described in Subsection (1)(b).

933 Section 14. Section ~~4-41a-1004~~, which is renumbered from Section 26-61a-304 is
934 renumbered and amended to read:

935 ~~[26-61a-304]~~. **4-41a-1004. Operating plan.**

936 A person applying for a medical cannabis pharmacy license shall submit to the
937 department a proposed operation plan for the medical cannabis pharmacy [~~that complies with~~
938 ~~this section and~~] that includes:

939 (1) a description of the physical characteristics of the proposed facility, including a
940 floor plan and an architectural elevation;

941 (2) a description of the credentials and experience of:

942 (a) each officer, director, or owner of the proposed medical cannabis pharmacy, and

943 (b) any highly skilled or experienced prospective employee;

944 (3) the medical cannabis pharmacy's employee training standards;

945 (4) a security plan;

946 (5) a description of the medical cannabis pharmacy's inventory control system,
947 including a plan to make the inventory control system compatible with the state electronic
948 verification system;

949 (6) storage protocols, both short- and long-term, to ensure that cannabis is stored in a
950 manner that is sanitary and preserves the integrity of the cannabis; and

951 (7) a description of the proposed medical cannabis pharmacy's strategic plan for
952 opening the medical cannabis pharmacy, including gauging appropriate timing based on:

953 (a) the supply of medical cannabis and medical cannabis products, in consultation with

954 the [~~Department of Agriculture and Food~~] department; and

955 (b) the quantity and condition of the population of medical cannabis cardholders, in
956 consultation with the [~~department~~] Department of Health and Human Services.

957 Section 15. Section ~~4-41a-1005~~, which is renumbered from Section 26-61a-305 is
958 renumbered and amended to read:

959 ~~[26-61a-305]~~. **4-41a-1005. Maximum number of licenses .**

960 (1) (a) Except as provided in Subsections (1)(b) or (d), if a sufficient number of
961 applicants apply, the department shall issue up to 15 medical cannabis pharmacy licenses in
962 accordance with this section.

963 (b) If an insufficient number of qualified applicants apply for the available number of
964 medical cannabis pharmacy licenses, the department shall issue a medical cannabis pharmacy
965 license to each qualified applicant.

966 (c) The department may issue the licenses described in Subsection (1)(a) in accordance
967 with this Subsection (1)(c).

968 (i) Using one procurement process, the department may issue eight licenses to an initial
969 group of medical cannabis pharmacies and six licenses to a second group of medical cannabis
970 pharmacies.

971 (ii) If the department issues licenses in two phases in accordance with Subsection
972 (1)(c)(i), the department shall:

973 (A) divide the state into no less than four geographic regions;

974 (B) issue at least one license in each geographic region during each phase of issuing
975 licenses; and

976 (C) complete the process of issuing medical cannabis pharmacy licenses no later than
977 July 1, 2020.

978 (iii) In issuing a 15th license under Subsection (1), the department shall ensure that the
979 license recipient will locate the medical cannabis pharmacy within Dagget, Duchesne, Uintah,
980 Carbon, Sevier, Emery, Grand, or San Juan County.

981 (d) (i) The department may issue licenses to operate a medical cannabis pharmacy in

982 addition to the licenses described in Subsection (1)(a) if the department determines, in
983 consultation with the Department of [~~Agriculture and Food~~] Health and Human Services and
984 after an annual or more frequent analysis of the current and anticipated market for medical
985 cannabis, that each additional license is necessary to provide an adequate supply, quality, or
986 variety of medical cannabis to medical cannabis cardholders.

987 (ii) The department shall:

988 (A) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
989 make rules to establish criteria and processes for the consultation, analysis, and application for
990 a license described in Subsection (1)(d)(i); and

991 (B) report to the Executive Appropriations Committee of the Legislature before each
992 time the department issues an additional license under Subsection (1)(d)(i) regarding the results
993 of the consultation and analysis described in Subsection (1)(d)(i) and the application of the
994 criteria described in Subsection (1)(d)(ii)(A).

995 (2) (a) If there are more qualified applicants than there are available licenses for
996 medical cannabis pharmacies, the department shall:

997 (i) evaluate each applicant and award the license to the applicant that best
998 demonstrates:

999 (A) experience with establishing and successfully operating a business that involves
1000 complying with a regulatory environment, tracking inventory, and training, evaluating, and
1001 monitoring employees;

1002 (B) an operating plan that will best ensure the safety and security of patrons and the
1003 community;

1004 (C) positive connections to the local community;

1005 (D) the suitability of the proposed location and the location's accessibility for
1006 qualifying patients;

1007 (E) the extent to which the applicant can increase efficiency and reduce the cost of
1008 medical cannabis for patients; and

1009 (F) a strategic plan described in Subsection [~~26-61a-304(7)~~] 4-41a-1004(7) that has a

1010 comparatively high likelihood of success; and

1011 (ii) ensure a geographic dispersal among licensees that is sufficient to reasonably
1012 maximize access to the largest number of medical cannabis cardholders.

1013 (b) In making the evaluation described in Subsection (2)(a), the department may give
1014 increased consideration to applicants who indicate a willingness to:

1015 (i) operate as a home delivery medical cannabis pharmacy that accepts electronic
1016 medical cannabis orders that the state central patient portal facilitates; and

1017 (ii) accept payments through:

1018 (A) a payment provider that the Division of Finance approves, in consultation with the
1019 state treasurer, in accordance with Section ~~[26-61a-603]~~ 4-41a-108; or

1020 (B) a financial institution in accordance with Subsection ~~[26-61a-603(4).]~~
1021 4-41a-108(4).

1022 (3) The department may conduct a face-to-face interview with an applicant for a
1023 license that the department evaluates under Subsection (2).

1024 ~~[(4)(a) The department may designate a medical cannabis pharmacy as a home
1025 delivery medical cannabis pharmacy if the department determines that the medical cannabis
1026 pharmacy's operating plan demonstrates the functional and technical ability to:]~~

1027 ~~[(i) safely conduct transactions for medical cannabis shipments;]~~

1028 ~~[(ii) accept electronic medical cannabis orders that the state central patient portal
1029 facilitates; and]~~

1030 ~~[(iii) accept payments through:]~~

1031 ~~[(A) a payment provider that the Division of Finance approves, in consultation with the
1032 state treasurer, in accordance with Section ~~26-61a-603~~; or]~~

1033 ~~[(B) a financial institution in accordance with Subsection ~~26-61a-603(4).~~]~~

1034 ~~[(b) An applicant seeking a designation as a home delivery medical cannabis pharmacy
1035 shall identify in the applicant's operating plan any information relevant to the department's
1036 evaluation described in Subsection (4)(a), including:]~~

1037 ~~[(i) the name and contact information of the payment provider;]~~

1038 ~~[(ii) the nature of the relationship between the prospective licensee and the payment~~
1039 ~~provider;]~~

1040 ~~[(iii) the processes of the following to safely and reliably conduct transactions for~~
1041 ~~medical cannabis shipments:]~~

1042 ~~[(A) the prospective licensee; and]~~

1043 ~~[(B) the electronic payment provider or the financial institution described in Subsection~~
1044 ~~(4)(a)(iii); and]~~

1045 ~~[(iv) the ability of the licensee to comply with the department's rules regarding the~~
1046 ~~secure transportation and delivery of medical cannabis or medical cannabis product to a~~
1047 ~~medical cannabis cardholder.]]~~

1048 ~~[(c) Notwithstanding any county or municipal ordinance, a medical cannabis pharmacy~~
1049 ~~that the department designates as a home delivery medical cannabis pharmacy may deliver~~
1050 ~~medical cannabis shipments in accordance with this chapter.]]~~

1051 Section 16. Section **4-41a-1101**, which is renumbered from Section 26-61a-501 is
1052 renumbered and amended to read:

Part 11. Medical Cannabis Pharmacy Operation and Agents

~~[26-61a-501].~~ **4-41a-1101. Operating requirements -- General.**

(1) (a) A medical cannabis pharmacy shall operate:

(i) at the physical address provided to the department under Section ~~[26-61a-301]~~
1057 4-41a-1001; and

(ii) in accordance with the operating plan provided to the department under Section
1059 ~~[26-61a-301]~~ 4-41a-1001 and, if applicable, Section ~~[26-61a-304]~~ 4-41a-1004.

(b) A medical cannabis pharmacy shall notify the department before a change in the
1061 medical cannabis pharmacy's physical address or operating plan.

(2) An individual may not enter a medical cannabis pharmacy unless the individual:

(a) is at least 18 years old or is an emancipated minor under Section 80-7-105; and

(b) except as provided in Subsection (4):

(i) possesses a valid:

- 1066 (A) medical cannabis pharmacy agent registration card;
- 1067 (B) pharmacy medical provider registration card; or
- 1068 (C) medical cannabis card;
- 1069 (ii) is an employee of the department [~~or the Department of Agriculture and Food~~]
- 1070 performing an inspection under Section [~~26-61a-504~~] [4-41a-1103](#); or
- 1071 (iii) is another individual as the department provides.
- 1072 (3) A medical cannabis pharmacy may not employ an individual who is younger than
- 1073 21 years old.
- 1074 (4) Notwithstanding Subsection (2)(a), a medical cannabis pharmacy may authorize an
- 1075 individual who is not a medical cannabis pharmacy agent or pharmacy medical provider to
- 1076 access the medical cannabis pharmacy if the medical cannabis pharmacy tracks and monitors
- 1077 the individual at all times while the individual is at the medical cannabis pharmacy and
- 1078 maintains a record of the individual's access.
- 1079 (5) A medical cannabis pharmacy shall operate in a facility that has:
- 1080 (a) a single, secure public entrance;
- 1081 (b) a security system with a backup power source that:
- 1082 (i) detects and records entry into the medical cannabis pharmacy; and
- 1083 (ii) provides notice of an unauthorized entry to law enforcement when the medical
- 1084 cannabis pharmacy is closed; and
- 1085 (c) a lock on each area where the medical cannabis pharmacy stores cannabis or a
- 1086 cannabis product.
- 1087 (6) A medical cannabis pharmacy shall post, both clearly and conspicuously in the
- 1088 medical cannabis pharmacy, the limit on the purchase of cannabis described in Subsection
- 1089 [~~26-61a-502(2)~~] [4-41a-1102\(2\)](#).
- 1090 (7) Except for an emergency situation described in Subsection [26-61a-201\(3\)\(c\)](#), a
- 1091 medical cannabis pharmacy may not allow any individual to consume cannabis on the property
- 1092 or premises of the medical cannabis pharmacy.
- 1093 (8) A medical cannabis pharmacy may not sell cannabis or a cannabis product without

1094 first indicating on the cannabis or cannabis product label the name of the medical cannabis
1095 pharmacy.

1096 (9) (a) Each medical cannabis pharmacy shall retain in the pharmacy's records the
1097 following information regarding each recommendation underlying a transaction:

1098 (i) the recommending medical provider's name, address, and telephone number;

1099 (ii) the patient's name and address;

1100 (iii) the date of issuance;

1101 (iv) directions of use and dosing guidelines or an indication that the recommending
1102 medical provider did not recommend specific directions of use or dosing guidelines; and

1103 (v) if the patient did not complete the transaction, the name of the medical cannabis
1104 cardholder who completed the transaction.

1105 (b) (i) Except as provided in Subsection (9)(b)(iii), a medical cannabis pharmacy may
1106 not sell medical cannabis unless the medical cannabis has a label securely affixed to the
1107 container indicating the following minimum information:

1108 (A) the name, address, and telephone number of the medical cannabis pharmacy;

1109 (B) the unique identification number that the medical cannabis pharmacy assigns;

1110 (C) the date of the sale;

1111 (D) the name of the patient;

1112 (E) the name of the recommending medical provider who recommended the medical
1113 cannabis treatment;

1114 (F) directions for use and cautionary statements, if any;

1115 (G) the amount dispensed and the cannabinoid content;

1116 (H) the suggested use date;

1117 (I) for unprocessed cannabis flower, the legal use termination date; and

1118 (J) any other requirements that the department determines, in consultation with the
1119 Division of Professional Licensing and the Board of Pharmacy.

1120 (ii) A medical cannabis pharmacy is exempt from the requirement to provide the
1121 following information under Subsection (9)(b)(i) if the information is already provided on the

1122 product label that a cannabis production establishment affixes:

- 1123 (A) a unique identification number;
- 1124 (B) directions for use and cautionary statements;
- 1125 (C) amount and cannabinoid content; and
- 1126 (D) a suggested use date.

1127 (iii) If the size of a medical cannabis container does not allow sufficient space to
1128 include the labeling requirements described in Subsection (9)(b)(i), the medical cannabis
1129 pharmacy may provide the following information described in Subsection (9)(b)(i) on a
1130 supplemental label attached to the container or an informational enclosure that accompanies the
1131 container:

- 1132 (A) the cannabinoid content;
- 1133 (B) the suggested use date; and
- 1134 (C) any other requirements that the department determines.

1135 (iv) A medical cannabis pharmacy may sell medical cannabis to another medical
1136 cannabis pharmacy without a label described in Subsection (9)(b)(i).

1137 (10) A pharmacy medical provider or medical cannabis pharmacy agent shall:

1138 (a) upon receipt of an order from a limited medical provider in accordance with
1139 Subsections 26-61a-106(1)(b) through (d):

1140 (i) for a written order or an electronic order under circumstances that the department
1141 determines, contact the limited medical provider or the limited medical provider's office to
1142 verify the validity of the recommendation; and

1143 (ii) for an order that the pharmacy medical provider or medical cannabis pharmacy
1144 agent verifies under Subsection (10)(a)(i) or an electronic order that is not subject to
1145 verification under Subsection (10)(a)(i), enter the limited medical provider's recommendation
1146 or renewal, including any associated directions of use, dosing guidelines, or caregiver
1147 indication, in the state electronic verification system;

1148 (b) in processing an order for a holder of a conditional medical cannabis card described
1149 in Subsection 26-61a-201(1)(b) that appears irregular or suspicious in the judgment of the

1150 pharmacy medical provider or medical cannabis pharmacy agent, contact the recommending
1151 medical provider or the recommending medical provider's office to verify the validity of the
1152 recommendation before processing the cardholder's order;

1153 (c) unless the medical cannabis cardholder has had a consultation under Subsection
1154 [~~26-61a-502(4) or (5)~~] 26-61a-404(5), verbally offer to a medical cannabis cardholder at the
1155 time of a purchase of cannabis, a cannabis product, or a medical cannabis device, personal
1156 counseling with the pharmacy medical provider; and

1157 (d) provide a telephone number or website by which the cardholder may contact a
1158 pharmacy medical provider for counseling.

1159 (11) (a) A medical cannabis pharmacy may create a medical cannabis disposal program
1160 that allows an individual to deposit unused or excess medical cannabis, cannabis residue from a
1161 medical cannabis device, or medical cannabis product in a locked box or other secure
1162 receptacle within the medical cannabis pharmacy.

1163 (b) A medical cannabis pharmacy with a disposal program described in Subsection
1164 (11)(a) shall ensure that only a medical cannabis pharmacy agent or pharmacy medical provider
1165 can access deposited medical cannabis or medical cannabis products.

1166 (c) A medical cannabis pharmacy shall dispose of any deposited medical cannabis or
1167 medical cannabis products by:

1168 (i) rendering the deposited medical cannabis or medical cannabis products unusable
1169 and unrecognizable before transporting deposited medical cannabis or medical cannabis
1170 products from the medical cannabis pharmacy; and

1171 (ii) disposing of the deposited medical cannabis or medical cannabis products in
1172 accordance with:

1173 (A) federal and state law, rules, and regulations related to hazardous waste;

1174 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

1175 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

1176 (D) other regulations that the department makes in accordance with Title 63G, Chapter
1177 3, Utah Administrative Rulemaking Act.

1178 (12) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
1179 Utah Administrative Rulemaking Act, protocols for a recall of cannabis and cannabis products
1180 by a medical cannabis pharmacy.

1181 Section 17. Section ~~4-41a-1102~~, which is renumbered from Section 26-61a-502 is
1182 renumbered and amended to read:

1183 ~~[26-61a-502]~~. **4-41a-1102. Dispensing -- Amount a medical cannabis**
1184 **pharmacy may dispense -- Reporting -- Form of cannabis or cannabis product.**

1185 (1) (a) A medical cannabis pharmacy may not sell a product other than ~~[, subject to this~~
1186 ~~chapter]~~:

1187 (i) cannabis in a medicinal dosage form that the medical cannabis pharmacy acquired
1188 from another medical cannabis pharmacy or a cannabis processing facility that is licensed
1189 under Section ~~4-41a-201~~;

1190 (ii) a cannabis product in a medicinal dosage form that the medical cannabis pharmacy
1191 acquired from another medical cannabis pharmacy or a cannabis processing facility that is
1192 licensed under Section ~~4-41a-201~~;

1193 (iii) a medical cannabis device; or

1194 (iv) educational material related to the medical use of cannabis.

1195 (b) A medical cannabis pharmacy may only sell an item listed in Subsection (1)(a) to
1196 an individual with:

1197 (i) (A) a medical cannabis card; or

1198 (B) a department registration described in ~~[Section 26-61a-201(10)]~~ Subsection
1199 26-61a-201(11); and

1200 (ii) a corresponding valid form of photo identification.

1201 (c) Notwithstanding Subsection (1)(a), a medical cannabis pharmacy may not sell a
1202 cannabis-based drug that the United States Food and Drug Administration has approved.

1203 (d) Notwithstanding Subsection (1)(b), a medical cannabis pharmacy may not sell a
1204 medical cannabis device to an individual described in Subsection ~~26-61a-201(2)(a)(i)(B)~~ or to a
1205 minor described in Subsection ~~26-61a-201(2)(c)~~ unless the individual or minor has the

1206 approval of the Compassionate Use Board in accordance with Subsection [26-61a-105\(5\)](#).

1207 (2) A medical cannabis pharmacy:

1208 (a) may dispense to a medical cannabis cardholder, in any one 28-day period, up to the

1209 legal dosage limit of:

1210 (i) unprocessed cannabis that:

1211 (A) is in a medicinal dosage form; and

1212 (B) carries a label clearly displaying the amount of tetrahydrocannabinol and

1213 cannabidiol in the cannabis; and

1214 (ii) a cannabis product that is in a medicinal dosage form; and

1215 (b) may not dispense:

1216 (i) more medical cannabis than described in Subsection (2)(a); or

1217 (ii) to an individual whose recommending medical provider did not recommend

1218 directions of use and dosing guidelines, until the individual consults with the pharmacy

1219 medical provider in accordance with Subsection ~~[(4);~~ [26-61a-404\(5\)](#) any medical cannabis.

1220 ~~[(3) An individual with a medical cannabis card:]~~

1221 ~~[(a) may purchase, in any one 28-day period, up to the legal dosage limit of:]~~

1222 ~~[(i) unprocessed cannabis in a medicinal dosage form; and]~~

1223 ~~[(ii) a cannabis product in a medicinal dosage form;]~~

1224 ~~[(b) may not purchase:]~~

1225 ~~[(i) more medical cannabis than described in Subsection (3)(a); or]~~

1226 ~~[(ii) if the relevant recommending medical provider did not recommend directions of~~

1227 ~~use and dosing guidelines, until the individual consults with the pharmacy medical provider in~~

1228 ~~accordance with Subsection (4), any medical cannabis; and]~~

1229 ~~[(c) may not use a route of administration that the relevant recommending medical~~

1230 ~~provider or the pharmacy medical provider, in accordance with Subsection (4) or (5), has not~~

1231 ~~recommended:]~~

1232 ~~[(4) If a recommending medical provider recommends treatment with medical cannabis~~

1233 ~~but wishes for the pharmacy medical provider to determine directions of use and dosing~~

1234 guidelines:]

1235 ~~[(a) the recommending medical provider shall provide to the pharmacy medical~~
1236 ~~provider, either through the state electronic verification system or through a medical cannabis~~
1237 ~~pharmacy's recording of a recommendation under the order of a limited medical provider, any~~
1238 ~~of the following information that the recommending medical provider feels would be needed to~~
1239 ~~provide appropriate directions of use and dosing guidelines:]~~

1240 ~~[(i) information regarding the qualifying condition underlying the recommendation;]~~

1241 ~~[(ii) information regarding prior treatment attempts with medical cannabis; and]~~

1242 ~~[(iii) portions of the patient's current medication list; and]~~

1243 ~~[(b) before the relevant medical cannabis cardholder may obtain medical cannabis, the~~
1244 ~~pharmacy medical provider shall:]~~

1245 ~~[(i) review pertinent medical records, including the recommending medical provider~~
1246 ~~documentation described in Subsection (4)(a); and]~~

1247 ~~[(ii) unless the pertinent medical records show directions of use and dosing guidelines~~
1248 ~~from a state central patient portal medical provider in accordance with Subsection (5), after~~
1249 ~~completing the review described in Subsection (4)(b)(i) and consulting with the recommending~~
1250 ~~medical provider as needed, determine the best course of treatment through consultation with~~
1251 ~~the cardholder regarding:]~~

1252 ~~[(A) the patient's qualifying condition underlying the recommendation from the~~
1253 ~~recommending medical provider;]~~

1254 ~~[(B) indications for available treatments;]~~

1255 ~~[(C) directions of use and dosing guidelines; and]~~

1256 ~~[(D) potential adverse reactions:]~~

1257 ~~[(5) (a) A state central patient portal medical provider may provide the consultation~~
1258 ~~and make the determination described in Subsection (4)(b) for a medical cannabis patient~~
1259 ~~cardholder regarding an electronic order that the state central patient portal facilitates:]~~

1260 ~~[(b) The state central patient portal medical provider described in Subsection (5)(a)~~
1261 ~~shall document the directions of use and dosing guidelines, determined under Subsection (5)(a)~~

1262 in the pertinent medical records.]

1263 [(6)] (3) (a) A medical cannabis pharmacy shall:

1264 (i) (A) access the state electronic verification system before dispensing cannabis or a
1265 cannabis product to a medical cannabis cardholder in order to determine if the cardholder or,
1266 where applicable, the associated patient has met the maximum amount of medical cannabis
1267 described in Subsection (2); and

1268 (B) if the verification in Subsection [(6)(a)(i)] (3)(a)(i) indicates that the individual has
1269 met the maximum amount described in Subsection (2), decline the sale, and notify the
1270 recommending medical provider who made the underlying recommendation;

1271 (ii) submit a record to the state electronic verification system each time the medical
1272 cannabis pharmacy dispenses medical cannabis to a medical cannabis cardholder;

1273 (iii) ensure that the pharmacy medical provider who is a licensed pharmacist reviews
1274 each medical cannabis transaction before dispensing the medical cannabis to the cardholder in
1275 accordance with pharmacy practice standards;

1276 (iv) package any medical cannabis that is in a container that:

1277 (A) complies with Subsection 4-41a-602(1)(b) or, if applicable, provisions related to a
1278 container for unprocessed cannabis flower in the definition of "medicinal dosage form" in
1279 Section 26-61a-102;

1280 (B) is tamper-resistant and tamper-evident; and

1281 (C) provides an opaque bag or box for the medical cannabis cardholder's use in
1282 transporting the container in public; and

1283 (v) for a product that is a cube that is designed for ingestion through chewing or
1284 holding in the mouth for slow dissolution, include a separate, off-label warning about the risks
1285 of over-consumption.

1286 (b) A medical cannabis cardholder transporting or possessing the container described
1287 in Subsection [(6)(a)(iv)] (3)(a)(iv) in public shall keep the container within the opaque bag or
1288 box that the medical cannabis pharmacist provides.

1289 [(7)] (4) (a) Except as provided in Subsection [(7)(b)] (4)(b), a medical cannabis

1290 pharmacy may not sell medical cannabis in the form of a cigarette or a medical cannabis device
1291 that is intentionally designed or constructed to resemble a cigarette.

1292 (b) A medical cannabis pharmacy may sell a medical cannabis device that warms
1293 cannabis material into a vapor without the use of a flame and that delivers cannabis to an
1294 individual's respiratory system.

1295 ~~[(8)]~~ (5) (a) A medical cannabis pharmacy may not give, at no cost, a product that the
1296 medical cannabis pharmacy is allowed to sell under Subsection (1)(a)(i), (ii), or (iii).

1297 (b) A medical cannabis pharmacy may give, at no cost, educational material related to
1298 the medical use of cannabis.

1299 ~~[(9) The department may impose a uniform fee on each medical cannabis transaction in
1300 a medical cannabis pharmacy in an amount that, subject to Subsection 26-61a-109(5), the
1301 department sets in accordance with Section 63J-1-504.]~~

1302 ~~[(10)]~~ (6) A medical cannabis pharmacy may purchase and store medical cannabis
1303 devices regardless of whether the seller has a cannabis-related license under this ~~[title or Title
1304 4, Chapter 41a, Cannabis Production Establishments]~~ chapter or Title 26B, Utah Health and
1305 Human Services Code.

1306 Section 18. Section **4-41a-1103**, which is renumbered from Section 26-61a-504 is
1307 renumbered and amended to read:

1308 ~~[26-61a-504].~~ **4-41a-1103. Inspections.**

1309 (1) Each medical cannabis pharmacy shall maintain the pharmacy's medical cannabis
1310 treatment recommendation files and other records in accordance with this chapter, department
1311 rules, and the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No.
1312 104-191, 110 Stat. 1936, as amended.

1313 (2) (a) The department ~~[or the Department of Agriculture and Food]~~ may inspect the
1314 records, facility, and inventory of a medical cannabis pharmacy at any time during business
1315 hours in order to determine if the medical cannabis pharmacy complies with this chapter ~~[and
1316 Title 4, Chapter 41a, Cannabis Production Establishments]~~.

1317 (b) The Department of Health and Human Services may inspect patient records held by

1318 a medical cannabis pharmacy:

1319 (i) for compliance with the federal Health Insurance Portability and Accountability Act
1320 of 1996, Pub. L. No. 104-191, 110 Stat. 1936, as amended; or

1321 (ii) to ensure that a medical cannabis pharmacy is providing a cannabis product to a
1322 patient in accordance with the recommendations of the patient's recommending medical
1323 provider.

1324 (3) (a) An inspection conducted by the department under this section may include:

1325 ~~[(a)]~~ (i) ~~[inspection of]~~ inspecting a site, facility, vehicle, book, record, paper,
1326 document, data, or other physical or electronic information, or any combination of the above;

1327 ~~[(b)]~~ (ii) questioning of any relevant individual;

1328 ~~[(c)]~~ (iii) ~~[inspection of]~~ inspecting equipment, an instrument, a tool, or machinery,
1329 including a container or label;

1330 ~~[(d)]~~ (iv) random sampling of medical cannabis [by the Department of Agriculture and
1331 Food] in accordance with rules described in Section 4-41a-701; or

1332 ~~[(e)]~~ (v) seizure of medical cannabis, medical cannabis devices, or educational material
1333 as evidence in a department investigation or inspection or in instances of compliance failure.

1334 (b) An inspection conducted by the Department of Health and Human Services under
1335 Subsection (2)(b) may include:

1336 (i) inspecting a site, facility, vehicle, book, record, paper, document, data, or other
1337 physical or electronic information, or any combination of the above; or

1338 (ii) questioning of any relevant individual.

1339 (4) In making an inspection under this section[;]:

1340 (a) the department [or the Department of Agriculture and Food] may freely access any
1341 area and review and make copies of a book, record, paper, document, data, or other physical or
1342 electronic information, including financial data, sales data, shipping data, pricing data, and
1343 employee data[;]; and

1344 (b) the Department of Health and Human Services may freely access any area and
1345 review and make copies of a book, record, paper, document, data, or other physical or

1346 electronic information related to patient records.

1347 (5) Failure to provide the department, the [~~Department of Agriculture and Food~~]

1348 Department of Health and Human Services, or the authorized agents of the department or the

1349 [~~Department of Agriculture and Food~~] Department of Health and Human Services immediate

1350 access to records and facilities during business hours in accordance with this section may result

1351 in:

1352 (a) the imposition of a civil monetary penalty that the department sets in accordance

1353 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

1354 (b) license or registration suspension or revocation; or

1355 (c) an immediate cessation of operations under a cease and desist order that the

1356 department issues.

1357 (6) Notwithstanding any other provision of law, the department may temporarily store

1358 in any department facility the items the department seizes under Subsection [~~(3)(e)~~] (3)(a)(v)

1359 until the department:

1360 (a) determines that sufficient compliance justifies the return of the seized items; or

1361 (b) disposes of the items in the same manner as a cannabis production establishment in

1362 accordance with Section 4-41a-405.

1363 Section 19. Section **4-41a-1104**, which is renumbered from Section 26-61a-505 is

1364 renumbered and amended to read:

1365 ~~[26-61a-505]~~. **4-41a-1104. Advertising.**

1366 (1) Except as provided in this section, a person may not advertise in any medium

1367 regarding a medical cannabis pharmacy or the dispensing of medical cannabis within the state.

1368 (2) Subject to Section [~~26-61a-116~~] 4-41a-109, a medical cannabis pharmacy may:

1369 (a) advertise an employment opportunity at the medical cannabis pharmacy;

1370 (b) notwithstanding any municipal or county ordinance prohibiting signage, use

1371 signage on the outside of the medical cannabis pharmacy that:

1372 (i) includes only:

1373 (A) in accordance with Subsection [~~26-61a-116(4)~~] 4-41a-109(4), the medical cannabis

- 1374 pharmacy's name, logo, and hours of operation; and
- 1375 (B) a green cross; and
- 1376 (ii) complies with local ordinances regulating signage;
- 1377 (c) advertise in any medium:
- 1378 (i) the pharmacy's name and logo;
- 1379 (ii) the location and hours of operation of the medical cannabis pharmacy;
- 1380 (iii) a service available at the medical cannabis pharmacy;
- 1381 (iv) personnel affiliated with the medical cannabis pharmacy;
- 1382 (v) whether the medical cannabis pharmacy is licensed as a home delivery medical
- 1383 cannabis pharmacy;
- 1384 (vi) best practices that the medical cannabis pharmacy upholds; and
- 1385 (vii) educational material related to the medical use of cannabis, as defined by the
- 1386 department;
- 1387 (d) hold an educational event for the public or medical providers in accordance with
- 1388 Subsection (3) and the rules described in Subsection (4); and
- 1389 (e) maintain on the medical cannabis pharmacy's website non-promotional information
- 1390 regarding the medical cannabis pharmacy's inventory.
- 1391 (3) A medical cannabis pharmacy may not include in an educational event described in
- 1392 Subsection (2)(d):
- 1393 (a) any topic that conflicts with this chapter or [~~Title 4, Chapter 41a, Cannabis~~
- 1394 ~~Production Establishments~~] Title 26, Chapter 61a, Utah Medical Cannabis Act;
- 1395 (b) any gift items or merchandise other than educational materials, as those terms are
- 1396 defined by the department;
- 1397 (c) any marketing for a specific product from the medical cannabis pharmacy or any
- 1398 other statement, claim, or information that would violate the federal Food, Drug, and Cosmetic
- 1399 Act, 21 U.S.C. Sec. 301, et seq.; or
- 1400 (d) a presenter other than the following:
- 1401 (i) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

1402 (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
1403 Practice Act;

1404 (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
1405 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

1406 (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
1407 Assistant Act;

1408 (v) a medical practitioner, similar to ~~[the practitioners]~~ a practitioner described in ~~[this~~
1409 ~~Subsection (3)(d)(v)]~~ Subsections (3)(d)(i) through (iv), who is licensed in another state or
1410 country;

1411 (vi) a state employee; or

1412 (vii) if the presentation relates to a cannabis topic other than medical treatment or
1413 medical conditions, an individual whom the department approves based on the individual's
1414 background and credentials in the presented topic.

1415 (4) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
1416 Administrative Rulemaking Act, to define:

1417 (a) the educational material described in Subsection (2)(c)(vii); and

1418 (b) the elements of and restrictions on the educational event described in Subsection
1419 (3), including:

1420 (i) a minimum age of 21 years old for attendees; and

1421 (ii) an exception to the minimum age for a medical cannabis patient cardholder who is
1422 at least 18 years old.

1423 Section 20. Section ~~4-41a-1105~~, which is renumbered from Section 26-61a-507 is
1424 renumbered and amended to read:

1425 ~~[26-61a-507]~~. **4-41a-1105. Local control.**

1426 (1) The operation of a medical cannabis pharmacy:

1427 (a) shall be a permitted use:

1428 (i) in any zone, overlay, or district within the municipality or county except for a
1429 primarily residential zone; and

- 1430 (ii) on land that the municipality or county has not zoned; and
- 1431 (b) is subject to the land use regulations, as defined in Sections 10-9a-103 and
- 1432 17-27a-103, that apply in the underlying zone.
- 1433 (2) A municipality or county may not:
- 1434 (a) on the sole basis that the applicant or medical cannabis pharmacy violates federal
- 1435 law regarding the legal status of cannabis, deny or revoke:
- 1436 (i) a land use permit, as that term is defined in Sections 10-9a-103 and 17-27a-103, to
- 1437 operate a medical cannabis pharmacy; or
- 1438 (ii) a business license to operate a medical cannabis pharmacy;
- 1439 (b) require a certain distance between a medical cannabis pharmacy and:
- 1440 (i) another medical cannabis pharmacy;
- 1441 (ii) a cannabis production establishment;
- 1442 (iii) a retail tobacco specialty business, as that term is defined in Section 26-62-103; or
- 1443 (iv) an outlet, as that term is defined in Section 32B-1-202; or
- 1444 (c) in accordance with Subsections 10-9a-509(1) and 17-27a-508(1), enforce a land use
- 1445 regulation against a medical cannabis pharmacy that was not in effect on the day on which the
- 1446 medical cannabis pharmacy submitted a complete land use application.
- 1447 (3) (a) A municipality or county may enact an ordinance that:
- 1448 (i) is not in conflict with this chapter; and
- 1449 (ii) governs the time, place, or manner of medical cannabis pharmacy operations in the
- 1450 municipality or county.
- 1451 (b) An ordinance that a municipality or county enacts under Subsection (3)(a) may not
- 1452 restrict the hours of operation from 7 a.m. to 10 p.m.
- 1453 (4) An applicant for a land use permit to operate a medical cannabis pharmacy shall
- 1454 comply with the land use requirements and application process described in:
- 1455 (a) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act,
- 1456 including Section 10-9a-528; and
- 1457 (b) Title 17, Chapter 27a, County Land Use, Development, and Management Act,

1458 including Section [17-27a-525](#).

1459 Section 21. Section **4-41a-1106**, which is renumbered from Section 26-61a-401 is
1460 renumbered and amended to read:

1461 ~~[26-61a-401]~~. **4-41a-1106. Medical cannabis pharmacy agent --**

1462 **Registration.**

1463 (1) An individual may not serve as a medical cannabis pharmacy agent of a medical
1464 cannabis pharmacy unless the department registers the individual as a medical cannabis
1465 pharmacy agent.

1466 (2) A recommending medical provider may not act as a medical cannabis pharmacy
1467 agent, have a financial or voting interest of 2% or greater in a medical cannabis pharmacy, or
1468 have the power to direct or cause the management or control of a medical cannabis pharmacy.

1469 (3) (a) The department shall, within 15 days after the day on which the department
1470 receives a complete application from a medical cannabis pharmacy on behalf of a prospective
1471 medical cannabis pharmacy agent, register and issue a medical cannabis pharmacy agent
1472 registration card to the prospective agent if the medical cannabis pharmacy:

1473 (i) provides to the department:

1474 (A) the prospective agent's name and address;

1475 (B) the name and location of the licensed medical cannabis pharmacy where the
1476 prospective agent seeks to act as the medical cannabis pharmacy agent; and

1477 (C) the submission required under Subsection (3)(b); and

1478 (ii) pays a fee to the department in an amount that, subject to Subsection

1479 [26-61a-109\(5\)](#), the department sets in accordance with Section [63J-1-504](#).

1480 (b) Except for an applicant reapplying for a medical cannabis pharmacy agent
1481 registration card within less than one year after the expiration of the applicant's previous
1482 medical cannabis pharmacy agent registration card, each prospective agent described in
1483 Subsection (3)(a) shall:

1484 (i) submit to the department:

1485 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and

1486 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
1487 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next
1488 Generation Identification System's Rap Back Service; and
1489 (ii) consent to a fingerprint background check by:
1490 (A) the Bureau of Criminal Identification; and
1491 (B) the Federal Bureau of Investigation.
1492 (c) The Bureau of Criminal Identification shall:
1493 (i) check the fingerprints the prospective agent submits under Subsection (3)(b) against
1494 the applicable state, regional, and national criminal records databases, including the Federal
1495 Bureau of Investigation Next Generation Identification System;
1496 (ii) report the results of the background check to the department;
1497 (iii) maintain a separate file of fingerprints that prospective agents submit under
1498 Subsection (3)(b) for search by future submissions to the local and regional criminal records
1499 databases, including latent prints;
1500 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next
1501 Generation Identification System's Rap Back Service for search by future submissions to
1502 national criminal records databases, including the Next Generation Identification System and
1503 latent prints; and
1504 (v) establish a privacy risk mitigation strategy to ensure that the department only
1505 receives notifications for an individual with whom the department maintains an authorizing
1506 relationship.
1507 (d) The department shall:
1508 (i) assess an individual who submits fingerprints under Subsection (3)(b) a fee in an
1509 amount that the department sets in accordance with Section 63J-1-504 for the services that the
1510 Bureau of Criminal Identification or another authorized agency provides under this section; and
1511 (ii) remit the fee described in Subsection (3)(d)(i) to the Bureau of Criminal
1512 Identification.
1513 (4) The department shall designate, on an individual's medical cannabis pharmacy

1514 agent registration card the name of the medical cannabis pharmacy where the individual is
1515 registered as an agent.

1516 (5) A medical cannabis pharmacy agent shall comply with a certification standard that
1517 the department develops in collaboration with the Division of Professional Licensing and the
1518 Board of Pharmacy, or a third-party certification standard that the department designates by
1519 rule, in collaboration with the Division of Professional Licensing and the Board of Pharmacy
1520 and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1521 (6) The department shall ensure that the certification standard described in Subsection
1522 (5) includes training in:

- 1523 (a) Utah medical cannabis law; and
- 1524 (b) medical cannabis pharmacy best practices.

1525 (7) The department may revoke the medical cannabis pharmacy agent registration card
1526 of, or refuse to issue a medical cannabis pharmacy agent registration card to, an individual
1527 who:

- 1528 (a) violates the requirements of this chapter; or
- 1529 (b) is convicted under state or federal law of:
 - 1530 (i) a felony within the preceding 10 years; or
 - 1531 (ii) after December 3, 2018, a misdemeanor for drug distribution.

1532 (8) (a) A medical cannabis pharmacy agent registration card expires two years after the
1533 day on which the department issues or renews the card.

1534 (b) A medical cannabis pharmacy agent may renew the agent's registration card if the
1535 agent:

1536 (i) is eligible for a medical cannabis pharmacy agent registration card under this
1537 section;

1538 (ii) certifies to the department in a renewal application that the information in
1539 Subsection (3)(a) is accurate or updates the information; and

1540 (iii) pays to the department a renewal fee in an amount that:

1541 (A) subject to Subsection [26-61a-109\(5\)](#), the department sets in accordance with

1542 Section ~~63J-1-504~~; and

1543 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
1544 comparison to the original application process.

1545 (9) (a) As a condition precedent to registration and renewal of a medical cannabis
1546 pharmacy agent registration card, a medical cannabis pharmacy agent shall:

1547 (i) complete at least one hour of continuing education regarding patient privacy and
1548 federal health information privacy laws that is offered by the department under Subsection
1549 (9)(b) or an accredited or approved continuing education provider that the department
1550 recognizes as offering continuing education appropriate for the medical cannabis pharmacy
1551 practice; and

1552 (ii) make a continuing education report to the department in accordance with a process
1553 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah
1554 Administrative Rulemaking Act, and in collaboration with the Division of Professional
1555 Licensing and the Board of Pharmacy.

1556 (b) The department may, in consultation with the Division of Professional Licensing,
1557 develop the continuing education described in this Subsection (9).

1558 (c) The pharmacist-in-charge described in Section ~~26-61a-403~~ shall ensure that each
1559 medical cannabis pharmacy agent working in the medical cannabis pharmacy who has access to
1560 the state electronic verification system is in compliance with this Subsection (9).

1561 Section 22. Section ~~4-41a-1107~~, which is renumbered from Section 26-61a-402 is
1562 renumbered and amended to read:

1563 ~~[26-61a-402]~~. **4-41a-1107. Medical cannabis pharmacy agent registration**
1564 **card -- Rebuttable presumption.**

1565 (1) A medical cannabis pharmacy agent shall carry the individual's medical cannabis
1566 pharmacy agent registration card with the individual at all times when:

1567 (a) the individual is on the premises of a medical cannabis pharmacy; and

1568 (b) the individual is transporting cannabis in a medicinal dosage form, a cannabis
1569 product in a medicinal dosage form, or a medical cannabis device between a cannabis

1570 production establishment and a medical cannabis pharmacy.

1571 (2) If an individual handling, at a medical cannabis pharmacy, cannabis in a medicinal
1572 dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device or
1573 transporting cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage
1574 form, or a medical cannabis device, possesses the cannabis, cannabis product, or medical
1575 cannabis device in compliance with Subsection (1):

1576 (a) there is a rebuttable presumption that the individual possesses the cannabis,
1577 cannabis product, or medical cannabis device legally; and

1578 (b) there is no probable cause, based solely on the individual's possession of the
1579 cannabis in medicinal dosage form, cannabis product in medicinal dosage form, or medical
1580 cannabis device in compliance with Subsection (1), that the individual is engaging in illegal
1581 activity.

1582 (3) (a) A medical cannabis pharmacy agent who fails to carry the agent's medical
1583 cannabis pharmacy agent registration card in accordance with Subsection (1) is:

1584 (i) for a first or second offense in a two-year period:

1585 (A) guilty of an infraction; and

1586 (B) is subject to a \$100 fine; or

1587 (ii) for a third or subsequent offense in a two-year period:

1588 (A) guilty of a class C misdemeanor; and

1589 (B) subject to a \$750 fine.

1590 (b) (i) The prosecuting entity shall notify the department and the relevant medical
1591 cannabis pharmacy of each conviction under Subsection (3)(a).

1592 (ii) For each violation described in Subsection (3)(a)(ii), the department may assess the
1593 relevant medical cannabis pharmacy a fine of up to \$5,000, in accordance with a fine schedule
1594 that the department establishes by rule in accordance with Title 63G, Chapter 3, Utah
1595 Administrative Rulemaking Act.

1596 (c) An individual who is guilty of a violation described in Subsection (3)(a) is not
1597 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct

1598 underlying the violation described in Subsection (3)(a).

1599 Section 23. Section **4-41a-1201** is enacted to read:

1600 **Part 12. Medical Cannabis Home Delivery and Couriers**

1601 **4-41a-1201. Medical cannabis home delivery designation.**

1602 (1) The department may designate a medical cannabis pharmacy as a home delivery
1603 medical cannabis pharmacy if the department determines that the medical cannabis pharmacy's
1604 operating plan demonstrates the functional and technical ability to:

1605 (a) safely conduct transactions for medical cannabis shipments;

1606 (b) accept electronic medical cannabis orders that the state central patient portal
1607 facilitates; and

1608 (c) accept payments through:

1609 (i) a payment provider that the Division of Finance approves, in consultation with the
1610 state treasurer, in accordance with Section [26-61a-603](#); or

1611 (ii) a financial institution in accordance with Subsection [26-61a-603\(4\)](#).

1612 (2) An applicant seeking a designation as a home delivery medical cannabis pharmacy
1613 shall identify in the applicant's operating plan any information relevant to the department's
1614 evaluation described in Subsection (1), including:

1615 (a) the name and contact information of the payment provider;

1616 (b) the nature of the relationship between the prospective licensee and the payment
1617 provider;

1618 (c) the processes of the following to safely and reliably conduct transactions for
1619 medical cannabis shipments:

1620 (i) the prospective licensee; and

1621 (ii) the electronic payment provider or the financial institution described in Subsection
1622 (1)(c); and

1623 (d) the ability of the licensee to comply with the department's rules regarding the secure
1624 transportation and delivery of medical cannabis or medical cannabis product to a medical
1625 cannabis cardholder.

1626 (3) Notwithstanding any county or municipal ordinance, a medical cannabis pharmacy
1627 that the department designates as a home delivery medical cannabis pharmacy may deliver
1628 medical cannabis shipments in accordance with this part.

1629 Section 24. Section **4-41a-1202**, which is renumbered from Section 26-61a-604 is
1630 renumbered and amended to read:

1631 ~~[26-61a-604].~~ **4-41a-1202. Home delivery of medical cannabis shipments --**
1632 **Medical cannabis couriers -- License.**

1633 (1) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
1634 Administrative Rulemaking Act, to ensure the safety, security, and efficiency of a home
1635 delivery medical cannabis pharmacy's fulfillment of electronic medical cannabis orders that the
1636 state central patient portal facilitates, including rules regarding the safe and controlled delivery
1637 of medical cannabis shipments.

1638 (2) A person may not operate as a medical cannabis courier without a license that the
1639 department issues under this section.

1640 (3) (a) Subject to Subsections (5) and (6), the department shall issue a license to
1641 operate as a medical cannabis courier to an applicant who is eligible for a license under this
1642 section.

1643 (b) An applicant is eligible for a license under this section if the applicant submits to
1644 the department:

1645 (i) the name and address of an individual who:

1646 (A) has a financial or voting interest of 2% or greater in the proposed medical cannabis
1647 pharmacy; or

1648 (B) has the power to direct or cause the management or control of a proposed cannabis
1649 production establishment;

1650 (ii) an operating plan that includes operating procedures to comply with the operating
1651 requirements for a medical cannabis courier described in this chapter; and

1652 (iii) an application fee in an amount that, subject to Subsection ~~[26-61a-109(5)]~~
1653 4-41a-104(5), the department sets in accordance with Section 63J-1-504.

1654 (4) If the department determines that an applicant is eligible for a license under this
1655 section, the department shall:

1656 (a) charge the applicant an initial license fee in an amount that, subject to Subsection
1657 ~~[26-61a-109(5)]~~ 4-41a-104(5), the department sets in accordance with Section 63J-1-504; and

1658 (b) notify the Department of Public Safety of the license approval and the names of
1659 each individual described in Subsection ~~[(3)(b)(ii)]~~ (3)(b)(i).

1660 (5) The department may not issue a license to operate as a medical cannabis courier to
1661 an applicant if an individual described in Subsection ~~[(3)(b)(ii)]~~ (3)(b)(i):

1662 (a) has been convicted under state or federal law of:

1663 (i) a felony; or

1664 (ii) after September 23, 2019, a misdemeanor for drug distribution; or

1665 (b) is younger than 21 years old.

1666 (6) The department may revoke a license under this part if:

1667 (a) the medical cannabis courier does not begin operations within one year after the day
1668 on which the department issues the initial license;

1669 (b) the medical cannabis courier makes the same violation of this chapter three times;

1670 (c) an individual described in Subsection ~~[(3)(b)(ii)]~~ (3)(b)(i) is convicted, while the
1671 license is active, under state or federal law of:

1672 (i) a felony; or

1673 (ii) after September 23, 2019, a misdemeanor for drug distribution; or

1674 (d) after a change of ownership described in Subsection (15)(c), the department
1675 determines that the medical cannabis courier no longer meets the minimum standards for
1676 licensure and operation of the medical cannabis courier described in this chapter.

1677 (7) The department shall deposit the proceeds of a fee imposed by this section in the
1678 Qualified ~~[Patient]~~ Production Enterprise Fund.

1679 (8) The department shall begin accepting applications under this section on or before
1680 July 1, 2020.

1681 (9) The department's authority to issue a license under this section is plenary and is not

1682 subject to review.

1683 (10) Each applicant for a license as a medical cannabis courier shall submit, at the time
1684 of application, from each individual who has a financial or voting interest of 2% or greater in
1685 the applicant or who has the power to direct or cause the management or control of the
1686 applicant:

1687 (a) a fingerprint card in a form acceptable to the Department of Public Safety;

1688 (b) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
1689 registration of the individual's fingerprints in the Federal Bureau of Investigation Next
1690 Generation Identification System's Rap Back Service; and

1691 (c) consent to a fingerprint background check by:

1692 (i) the Bureau of Criminal Identification; and

1693 (ii) the Federal Bureau of Investigation.

1694 (11) The Bureau of Criminal Identification shall:

1695 (a) check the fingerprints the applicant submits under Subsection (10) against the
1696 applicable state, regional, and national criminal records databases, including the Federal
1697 Bureau of Investigation Next Generation Identification System;

1698 (b) report the results of the background check to the department;

1699 (c) maintain a separate file of fingerprints that applicants submit under Subsection (10)
1700 for search by future submissions to the local and regional criminal records databases, including
1701 latent prints;

1702 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next
1703 Generation Identification System's Rap Back Service for search by future submissions to
1704 national criminal records databases, including the Next Generation Identification System and
1705 latent prints; and

1706 (e) establish a privacy risk mitigation strategy to ensure that the department only
1707 receives notifications for an individual with whom the department maintains an authorizing
1708 relationship.

1709 (12) The department shall:

1710 (a) assess an individual who submits fingerprints under Subsection (10) a fee in an
1711 amount that the department sets in accordance with Section 63J-1-504 for the services that the
1712 Bureau of Criminal Identification or another authorized agency provides under this section; and

1713 (b) remit the fee described in Subsection (12)(a) to the Bureau of Criminal
1714 Identification.

1715 (13) The department shall renew a license under this section every year if, at the time
1716 of renewal:

1717 (a) the licensee meets the requirements of this section; and

1718 (b) the licensee pays the department a license renewal fee in an amount that, subject to
1719 Subsection 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

1720 (14) A person applying for a medical cannabis courier license shall submit to the
1721 department a proposed operating plan that complies with this section and that includes:

1722 (a) a description of the physical characteristics of any proposed facilities, including a
1723 floor plan and an architectural elevation, and delivery vehicles;

1724 (b) a description of the credentials and experience of each officer, director, or owner of
1725 the proposed medical cannabis courier;

1726 (c) the medical cannabis courier's employee training standards;

1727 (d) a security plan; and

1728 (e) storage and delivery protocols, both short and long term, to ensure that medical
1729 cannabis shipments are stored and delivered in a manner that is sanitary and preserves the
1730 integrity of the cannabis.

1731 (15) (a) A medical cannabis courier license is not transferrable or assignable.

1732 (b) A medical cannabis courier shall report in writing to the department no later than
1733 10 business days before the date of any change of ownership of the medical cannabis courier.

1734 (c) If the ownership of a medical cannabis courier changes by 50% or more:

1735 (i) concurrent with the report described in Subsection (15)(b), the medical cannabis
1736 courier shall submit a new application described in Subsection (3)(b);

1737 (ii) within 30 days of the submission of the application, the department shall:

1738 (A) conduct an application review; and
1739 (B) award a license to the medical cannabis courier for the remainder of the term of the
1740 medical cannabis courier's license before the ownership change if the medical cannabis courier
1741 meets the minimum standards for licensure and operation of the medical cannabis courier
1742 described in this chapter; and

1743 (iii) if the department approves the license application, notwithstanding Subsection (4),
1744 the medical cannabis courier shall pay a license fee that the department sets in accordance with
1745 Section 63J-1-504 in an amount that covers the board's cost of conducting the application
1746 review.

1747 (16) (a) Except as provided in Subsection (15)(b), a person may not advertise regarding
1748 the transportation of medical cannabis.

1749 (b) Notwithstanding Subsection (15)(a) and subject to Section ~~[26-61a-116]~~ 4-41a-109,
1750 a licensed home delivery medical cannabis pharmacy or a licensed medical cannabis courier
1751 may advertise:

- 1752 (i) a green cross;
- 1753 (ii) the pharmacy's or courier's name and logo; and
- 1754 (iii) that the pharmacy or courier is licensed to transport medical cannabis shipments.

1755 Section 25. Section **4-41a-1203**, which is renumbered from Section 26-61a-605 is
1756 renumbered and amended to read:

1757 ~~[26-61a-605]~~. **4-41a-1203. Medical cannabis shipment transportation.**

1758 (1) The department shall ensure that each home delivery medical cannabis pharmacy is
1759 capable of delivering, directly or through a medical cannabis courier, medical cannabis
1760 shipments in a secure manner.

1761 (2) (a) A home delivery medical cannabis pharmacy may contract with a licensed
1762 medical cannabis courier to deliver medical cannabis shipments to fulfill electronic medical
1763 cannabis orders that the state central patient portal facilitates.

1764 (b) If a home delivery medical cannabis pharmacy enters into a contract described in
1765 Subsection (2)(a), the pharmacy shall:

1766 (i) impose security and personnel requirements on the medical cannabis courier
1767 sufficient to ensure the security and safety of medical cannabis shipments; and

1768 (ii) provide regular oversight of the medical cannabis courier.

1769 (3) ~~[Except for an individual with a valid medical cannabis card who transports a~~
1770 ~~shipment the individual receives, an]~~ Notwithstanding Subsection 4-41a-404(1), an individual
1771 may ~~[not]~~ transport a medical cannabis shipment ~~[unless]~~ if the individual is:

1772 (a) a registered pharmacy medical provider;

1773 (b) a registered medical cannabis pharmacy agent; or

1774 (c) a registered agent of the medical cannabis courier described in Subsection (2).

1775 (4) An individual transporting a medical cannabis shipment under Subsection (3) shall
1776 ~~[possess a physical or electronic transportation manifest that:]~~ comply with the requirements of
1777 Subsection 4-41a-404(3).

1778 ~~[(a) includes a unique identifier that links the medical cannabis shipment to a relevant~~
1779 ~~inventory control system;]~~

1780 ~~[(b) includes origin and destination information for the medical cannabis shipment the~~
1781 ~~individual is transporting; and]~~

1782 ~~[(c) indicates the departure and estimated arrival times and locations of the individual~~
1783 ~~transporting the medical cannabis shipment.]~~

1784 (5) In addition to the requirements in Subsections (3) and (4), the department may
1785 establish by rule, in collaboration with the Division of Professional Licensing and the Board of
1786 Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1787 requirements for transporting medical cannabis shipments that are related to safety for human
1788 consumption of cannabis or a cannabis product.

1789 (6) (a) It is unlawful for an individual to transport a medical cannabis shipment with a
1790 manifest that does not meet the requirements of Subsection (4).

1791 (b) Except as provided in Subsection (6)(d), an individual who violates Subsection
1792 (6)(a) is:

1793 (i) guilty of an infraction; and

1794 (ii) subject to a \$100 fine.

1795 (c) An individual who is guilty of a violation described in Subsection (6)(b) is not
1796 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
1797 underlying the violation described in Subsection (6)(b).

1798 (d) If the individual described in Subsection (6)(a) is transporting more cannabis,
1799 cannabis product, or medical cannabis devices than the manifest identifies, except for a de
1800 minimis administrative error:

1801 (i) this chapter does not apply; and

1802 (ii) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled
1803 Substances Act.

1804 Section 26. Section **4-41a-1204**, which is renumbered from Section 26-61a-606 is
1805 renumbered and amended to read:

1806 ~~[26-61a-606]~~. **4-41a-1204. Medical cannabis courier agent -- Background**
1807 **check -- Registration card -- Rebuttable presumption.**

1808 (1) An individual may not serve as a medical cannabis courier agent unless:

1809 (a) the individual is an employee of a licensed medical cannabis courier; and

1810 (b) the department registers the individual as a medical cannabis courier agent.

1811 (2) (a) The department shall, within 15 days after the day on which the department
1812 receives a complete application from a medical cannabis courier on behalf of a medical
1813 cannabis courier agent, register and issue a medical cannabis courier agent registration card to
1814 the prospective agent if the medical cannabis courier:

1815 (i) provides to the department:

1816 (A) the prospective agent's name and address;

1817 (B) the name and address of the medical cannabis courier;

1818 (C) the name and address of each home delivery medical cannabis pharmacy with
1819 which the medical cannabis courier contracts to deliver medical cannabis shipments; and

1820 (D) the submission required under Subsection (2)(b);

1821 (ii) as reported under Subsection (2)(c), has not been convicted under state or federal

1822 law of:

1823 (A) a felony; or

1824 (B) after December 3, 2018, a misdemeanor for drug distribution; and

1825 (iii) pays the department a fee in an amount that, subject to Subsection [~~26-61a-109(5)~~]

1826 4-41a-104(5), the department sets in accordance with Section 63J-1-504.

1827 (b) Except for an applicant reapplying for a medical cannabis courier agent registration

1828 card within less than one year after the expiration of the applicant's previous medical cannabis

1829 courier agent registration card, each prospective agent described in Subsection (2)(a) shall:

1830 (i) submit to the department:

1831 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and

1832 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the

1833 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next

1834 Generation Identification System's Rap Back Service; and

1835 (ii) consent to a fingerprint background check by:

1836 (A) the Bureau of Criminal Identification; and

1837 (B) the Federal Bureau of Investigation.

1838 (c) The Bureau of Criminal Identification shall:

1839 (i) check the fingerprints the prospective agent submits under Subsection (2)(b) against

1840 the applicable state, regional, and national criminal records databases, including the Federal

1841 Bureau of Investigation Next Generation Identification System;

1842 (ii) report the results of the background check to the department;

1843 (iii) maintain a separate file of fingerprints that prospective agents submit under

1844 Subsection (2)(b) for search by future submissions to the local and regional criminal records

1845 databases, including latent prints;

1846 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next

1847 Generation Identification System's Rap Back Service for search by future submissions to

1848 national criminal records databases, including the Next Generation Identification System and

1849 latent prints; and

1850 (v) establish a privacy risk mitigation strategy to ensure that the department only
1851 receives notifications for an individual with whom the department maintains an authorizing
1852 relationship.

1853 (d) The department shall:

1854 (i) assess an individual who submits fingerprints under Subsection (2)(b) a fee in an
1855 amount that the department sets in accordance with Section 63J-1-504 for the services that the
1856 Bureau of Criminal Identification or another authorized agency provides under this section; and

1857 (ii) remit the fee described in Subsection (2)(d)(i) to the Bureau of Criminal
1858 Identification.

1859 (3) The department shall designate on an individual's medical cannabis courier agent
1860 registration card the name of the medical cannabis pharmacy where the individual is registered
1861 as an agent and each home delivery medical cannabis courier for which the medical cannabis
1862 courier delivers medical cannabis shipments.

1863 (4) (a) A medical cannabis courier agent shall comply with a certification standard that
1864 the department develops, in collaboration with the Division of Professional Licensing and the
1865 Board of Pharmacy, or a third-party certification standard that the department designates by
1866 rule in collaboration with the Division of Professional Licensing and the Board of Pharmacy
1867 and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1868 (b) The department shall ensure that the certification standard described in Subsection
1869 (4)(a) includes training in:

- 1870 (i) Utah medical cannabis law;
- 1871 (ii) the medical cannabis shipment process; and
- 1872 (iii) medical cannabis courier agent best practices.

1873 (5) (a) A medical cannabis courier agent registration card expires two years after the
1874 day on which the department issues or renews the card.

1875 (b) A medical cannabis courier agent may renew the agent's registration card if the
1876 agent:

- 1877 (i) is eligible for a medical cannabis courier agent registration card under this section;

- 1878 (ii) certifies to the department in a renewal application that the information in
1879 Subsection (2)(a) is accurate or updates the information; and
- 1880 (iii) pays to the department a renewal fee in an amount that:
- 1881 (A) subject to Subsection [~~26-61a-109(5)~~] 4-41a-104(5), the department sets in
1882 accordance with Section 63J-1-504; and
- 1883 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
1884 comparison to the original application process.
- 1885 (6) The department may revoke or refuse to issue or renew the medical cannabis
1886 courier agent registration card of an individual who:
- 1887 (a) violates the requirements of this chapter; or
- 1888 (b) is convicted under state or federal law of:
- 1889 (i) a felony within the preceding 10 years; or
- 1890 (ii) after December 3, 2018, a misdemeanor for drug distribution.
- 1891 (7) A medical cannabis courier agent whom the department has registered under this
1892 section shall carry the agent's medical cannabis courier agent registration card with the agent at
1893 all times when:
- 1894 (a) the agent is on the premises of the medical cannabis courier, a medical cannabis
1895 pharmacy, or a medical cannabis cardholder's home address; and
- 1896 (b) the agent is handling a medical cannabis shipment.
- 1897 (8) If a medical cannabis courier agent handling a medical cannabis shipment possesses
1898 the shipment in compliance with Subsection (7):
- 1899 (a) there is a rebuttable presumption that the agent possesses the shipment legally; and
- 1900 (b) there is no probable cause, based solely on the agent's possession of the medical
1901 cannabis shipment that the agent is engaging in illegal activity.
- 1902 (9) (a) A medical cannabis courier agent who violates Subsection (7) is:
- 1903 (i) guilty of an infraction; and
- 1904 (ii) subject to a \$100 fine.
- 1905 (b) An individual who is guilty of a violation described in Subsection (9)(a) is not

1906 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
1907 underlying the violation described in Subsection (9)(a).

1908 Section 27. Section **4-41a-1205**, which is renumbered from Section 26-61a-607 is
1909 renumbered and amended to read:

1910 ~~[26-61a-607]~~. **4-41a-1205. Home delivery of medical cannabis shipments.**

1911 (1) An individual may not receive and a medical cannabis pharmacy agent or a medical
1912 cannabis courier agent may not deliver a medical cannabis shipment from a home delivery
1913 medical cannabis pharmacy unless:

1914 (a) the individual receiving the shipment presents:

1915 (i) a valid form of photo identification; and

1916 (ii) (A) a valid medical cannabis card under the same name that appears on the valid
1917 form of photo identification; or

1918 (B) for a facility that a medical cannabis cardholder has designated as a caregiver under
1919 Subsection ~~26-61a-202~~(1)(b), evidence of the facility caregiver designation; and

1920 (b) the delivery occurs at:

1921 (i) the medical cannabis cardholder's home address that is on file in the state electronic
1922 verification system; or

1923 (ii) the facility that the medical cannabis cardholder has designated as a caregiver under
1924 Subsection ~~26-61a-202~~(1)(b).

1925 (2) Before a medical cannabis pharmacy agent or a medical cannabis courier agent
1926 distributes a medical cannabis shipment to a medical cannabis cardholder, the agent shall:

1927 (a) verify the shipment information using the state electronic verification system;

1928 (b) ensure that the individual satisfies the identification requirements in Subsection (1);

1929 (c) verify that payment is complete; and

1930 (d) record the completion of the shipment transaction in a manner such that the
1931 delivery of the shipment will later be recorded within a reasonable period in the electronic
1932 verification system.

1933 (3) The medical cannabis courier shall:

1934 (a) (i) store each medical cannabis shipment in a secure manner until the recipient
1935 medical cannabis cardholder receives the shipment or the medical cannabis courier returns the
1936 shipment to the home delivery medical cannabis pharmacy in accordance with Subsection (4);
1937 and

1938 (ii) ensure that only a medical cannabis courier agent is able to access the medical
1939 cannabis shipment until the recipient medical cannabis cardholder receives the shipment;

1940 (b) return any undelivered medical cannabis shipment to the home delivery medical
1941 cannabis pharmacy, in accordance with Subsection (4), after the medical cannabis courier has
1942 possessed the shipment for 10 business days; and

1943 (c) return any medical cannabis shipment to the home delivery medical cannabis
1944 pharmacy, in accordance with Subsection (4), if a medical cannabis cardholder refuses to
1945 accept the shipment.

1946 (4) (a) If a medical cannabis courier or home delivery medical cannabis pharmacy
1947 agent returns an undelivered medical cannabis shipment that remains unopened, the home
1948 delivery medical cannabis pharmacy may repackage or otherwise reuse the shipment.

1949 (b) If a medical cannabis courier or home delivery medical cannabis pharmacy agent
1950 returns an undelivered or refused medical cannabis shipment under Subsection (3) that appears
1951 to be opened in any way, the home delivery medical cannabis pharmacy shall dispose of the
1952 shipment by:

1953 (i) rendering the shipment unusable and unrecognizable before transporting the
1954 shipment from the home delivery medical cannabis pharmacy; and

1955 (ii) disposing of the shipment in accordance with:

1956 (A) federal and state laws, rules, and regulations related to hazardous waste;

1957 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

1958 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

1959 (D) other regulations that the department makes in accordance with Title 63G, Chapter
1960 3, Utah Administrative Rulemaking Act.

1961 Section 28. Section **10-9a-528** is amended to read:

1962 **10-9a-528. Cannabis production establishments, medical cannabis pharmacies,**
1963 **and industrial hemp producer licensee.**

1964 (1) As used in this section:

1965 (a) "Cannabis production establishment" means the same as that term is defined in
1966 Section [4-41a-102](#).

1967 (b) "Industrial hemp producer licensee" means the same as the term "licensee" is
1968 defined in Section [4-41-102](#).

1969 (c) "Medical cannabis pharmacy" means the same as that term is defined in Section
1970 [26-61a-102](#).

1971 (2) (a) (i) A municipality may not regulate a cannabis production establishment or a
1972 medical cannabis pharmacy in conflict with:

1973 (A) Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, and
1974 applicable jurisprudence; and

1975 (B) this chapter.

1976 ~~[(ii) A municipality may not regulate a medical cannabis pharmacy in conflict with:]~~

1977 ~~[(A) Title 26, Chapter 61a, Utah Medical Cannabis Act, and applicable jurisprudence;~~
1978 ~~and]~~

1979 ~~[(B) this chapter.]~~

1980 ~~[(iii)]~~ (ii) A municipality may not regulate an industrial hemp producer licensee in
1981 conflict with:

1982 (A) Title 4, Chapter 41, Hemp and Cannabinoid Act, and applicable jurisprudence; and

1983 (B) this chapter.

1984 (b) The Department of Agriculture and Food has plenary authority to license programs
1985 or entities that operate a cannabis production establishment or a medical cannabis pharmacy.

1986 ~~[(c) The Department of Health has plenary authority to license programs or entities that~~
1987 ~~operate a medical cannabis pharmacy.]~~

1988 (3) (a) Within the time period described in Subsection (3)(b), a municipality shall
1989 prepare and adopt a land use regulation, development agreement, or land use decision in

1990 accordance with this title and:

1991 (i) regarding a cannabis production establishment, Section 4-41a-406; or

1992 (ii) regarding a medical cannabis pharmacy, Section [26-61a-507] 4-41a-110.

1993 (b) A municipality shall take the action described in Subsection (3)(a):

1994 (i) before January 1, 2021, within 45 days after the day on which the municipality
1995 receives a petition for the action; and

1996 (ii) after January 1, 2021, in accordance with Subsection 10-9a-509.5(2).

1997 Section 29. Section 17-27a-525 is amended to read:

1998 **17-27a-525. Cannabis production establishments and medical cannabis**
1999 **pharmacies.**

2000 (1) As used in this section:

2001 (a) "Cannabis production establishment" means the same as that term is defined in
2002 Section 4-41a-102.

2003 (b) "Industrial hemp producer licensee" means the same as the term "licensee" is
2004 defined in Section 4-41-102.

2005 (c) "Medical cannabis pharmacy" means the same as that term is defined in Section
2006 26-61a-102.

2007 (2) (a) (i) A county may not regulate a cannabis production establishment or a medical
2008 cannabis pharmacy in conflict with:

2009 (A) Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, and
2010 applicable jurisprudence; and

2011 (B) this chapter.

2012 [~~(ii) A county may not regulate a medical cannabis pharmacy in conflict with:~~]

2013 [~~(A) Title 26, Chapter 61a, Utah Medical Cannabis Act, and applicable jurisprudence;~~
2014 ~~and]~~

2015 [~~(B) this chapter.~~]

2016 [~~(iii)~~] (ii) A county may not regulate an industrial hemp producer licensee in conflict
2017 with:

2018 (A) Title 4, Chapter 41, Hemp and Cannabinoid Act, and applicable jurisprudence; and
2019 (B) this chapter.

2020 (b) The Department of Agriculture and Food has plenary authority to license programs
2021 or entities that operate a cannabis production establishment or a medical cannabis pharmacy.

2022 [~~(c) The Department of Health has plenary authority to license programs or entities that~~
2023 ~~operate a medical cannabis pharmacy.~~]

2024 (3) (a) Within the time period described in Subsection (3)(b), a county shall prepare
2025 and adopt a land use regulation, development agreement, or land use decision in accordance
2026 with this title and:

2027 (i) regarding a cannabis production establishment, Section [4-41a-406](#); or

2028 (ii) regarding a medical cannabis pharmacy, Section [~~26-61a-507~~] [4-41a-110](#).

2029 (b) A county shall take the action described in Subsection (3)(a):

2030 (i) before January 1, 2021, within 45 days after the day on which the county receives a
2031 petition for the action; and

2032 (ii) after January 1, 2021, in accordance with Subsection [17-27a-509.5\(2\)](#).

2033 Section 30. Section **26-61-202** is amended to read:

2034 **26-61-202. Duties.**

2035 (1) The board shall review any available scientific research related to the human use of
2036 cannabis, a cannabinoid product, or an expanded cannabinoid product that:

2037 (a) was conducted under a study approved by an IRB;

2038 (b) was conducted or approved by the federal government; or

2039 (c) (i) was conducted in another country; and

2040 (ii) demonstrates, as determined by the board, a sufficient level of scientific reliability
2041 and significance to merit the board's review.

2042 (2) Based on the research described in Subsection (1), the board shall evaluate the
2043 safety and efficacy of cannabis, cannabinoid products, and expanded cannabinoid products,
2044 including:

2045 (a) medical conditions that respond to cannabis, cannabinoid products, and expanded

2046 cannabinoid products;

2047 (b) cannabis and cannabinoid dosage amounts and medical dosage forms;

2048 (c) interaction of cannabis, cannabinoid products, and expanded cannabinoid products

2049 with other treatments; and

2050 (d) contraindications, adverse reactions, and potential side effects from use of cannabis,

2051 cannabinoid products, and expanded cannabinoid products.

2052 (3) Based on the board's evaluation under Subsection (2), the board shall develop

2053 guidelines for treatment with cannabis, a cannabinoid product, and an expanded cannabinoid

2054 product that include:

2055 (a) a list of medical conditions, if any, that the board determines are appropriate for

2056 treatment with cannabis, a cannabis product, a cannabinoid product, or an expanded

2057 cannabinoid product;

2058 (b) a list of contraindications, side effects, and adverse reactions that are associated

2059 with use of cannabis, cannabinoid products, or expanded cannabinoid products;

2060 (c) a list of potential drug-drug interactions between medications that the United States

2061 Food and Drug Administration has approved and cannabis, cannabinoid products, and

2062 expanded cannabinoid products; and

2063 (d) any other guideline the board determines appropriate.

2064 (4) Based on the board's evaluation under Subsection (2), the board may provide

2065 recommendations to the Medical Cannabis Policy Advisory Board created in Section

2066 26-61a-801 regarding restrictions for a substance found in a medical cannabis product that:

2067 (a) is likely harmful to human health; or

2068 (b) is associated with a substance that is likely harmful to human health.

2069 [~~4~~] (5) The board shall submit the guidelines described in Subsection (3) to the

2070 director of the Division of Professional Licensing.

2071 [~~5~~] (6) Guidelines that the board develops under this section may not limit the

2072 availability of cannabis, cannabinoid products, or expanded cannabinoid products permitted

2073 under Title 4, Chapter 41a, Cannabis Production Establishments, or Title 26, Chapter 61a, Utah

2074 Medical Cannabis Act.

2075 Section 31. Section **26-61a-102** is amended to read:

2076 **26-61a-102. Definitions.**

2077 As used in this chapter:

2078 (1) "Active tetrahydrocannabinol" means THC, any THC analog, and

2079 tetrahydrocannabinolic acid.

2080 (2) "Advisory board" means the Medical Cannabis Policy Advisory Board created in

2081 Section 26-61a-801.

2082 [~~2~~] (3) "Cannabis Research Review Board" means the Cannabis Research Review

2083 Board created in Section 26-61-201.

2084 [~~3~~] (4) "Cannabis" means marijuana.

2085 [~~4~~] (5) "Cannabis cultivation facility" means the same as that term is defined in

2086 Section 4-41a-102.

2087 [~~5~~] (6) "Cannabis processing facility" means the same as that term is defined in

2088 Section 4-41a-102.

2089 [~~6~~] (7) "Cannabis product" means a product that:

2090 (a) is intended for human use; and

2091 (b) contains cannabis or any tetrahydrocannabinol or THC analog in a total

2092 concentration of 0.3% or greater on a dry weight basis.

2093 [~~7~~] (8) "Cannabis production establishment" means the same as that term is defined

2094 in Section 4-41a-102.

2095 [~~8~~] (9) "Cannabis production establishment agent" means the same as that term is

2096 defined in Section 4-41a-102.

2097 [~~9~~] (10) "Cannabis production establishment agent registration card" means the same

2098 as that term is defined in Section 4-41a-102.

2099 [~~10~~] (11) "Community location" means a public or private elementary or secondary

2100 school, a church, a public library, a public playground, or a public park.

2101 [~~11~~] (12) "Conditional medical cannabis card" means an electronic medical cannabis

2102 card that the department issues in accordance with Subsection 26-61a-201(1)(b) to allow an
2103 applicant for a medical cannabis card to access medical cannabis during the department's
2104 review of the application.

2105 ~~[(12)]~~ (13) "Controlled substance database" means the controlled substance database
2106 created in Section 58-37f-201.

2107 ~~[(13)]~~ (14) "Department" means the Department of Health and Human Services.

2108 ~~[(14)]~~ (15) "Designated caregiver" means:

2109 (a) an individual:

2110 (i) whom an individual with a medical cannabis patient card or a medical cannabis
2111 guardian card designates as the patient's caregiver; and

2112 (ii) who registers with the department under Section 26-61a-202; or

2113 (b) (i) a facility that an individual designates as a designated caregiver in accordance
2114 with Subsection 26-61a-202(1)(b); or

2115 (ii) an assigned employee of the facility described in Subsection 26-61a-202(1)(b)(ii).

2116 ~~[(15)]~~ (16) "Directions of use" means recommended routes of administration for a
2117 medical cannabis treatment and suggested usage guidelines.

2118 ~~[(16)]~~ (17) "Dosing guidelines" means a quantity range and frequency of administration
2119 for a recommended treatment of medical cannabis.

2120 ~~[(17)]~~ (18) "Financial institution" means a bank, trust company, savings institution, or
2121 credit union, chartered and supervised under state or federal law.

2122 ~~[(18)]~~ (19) "Home delivery medical cannabis pharmacy" means a medical cannabis
2123 pharmacy that the department authorizes, as part of the pharmacy's license, to deliver medical
2124 cannabis shipments to a medical cannabis cardholder's home address to fulfill electronic orders
2125 that the state central patient portal facilitates.

2126 ~~[(19)]~~ (20) "Inventory control system" means the system described in Section
2127 4-41a-103.

2128 ~~[(20)]~~ (21) "Legal dosage limit" means an amount that:

2129 (a) is sufficient to provide 30 days of treatment based on the dosing guidelines that the

2130 relevant recommending medical provider or the state central patient portal or pharmacy
2131 medical provider, in accordance with Subsection [~~26-61a-502(4) or (5)~~] 26-61a-404(5),
2132 recommends; and

2133 (b) may not exceed:

2134 (i) for unprocessed cannabis in a medicinal dosage form, 113 grams by weight; and

2135 (ii) for a cannabis product in a medicinal dosage form, a quantity that contains, in total,
2136 greater than 20 grams of active tetrahydrocannabinol.

2137 [~~(21)~~] (22) "Legal use termination date" means a date on the label of a container of
2138 unprocessed cannabis flower:

2139 (a) that is 60 days after the date of purchase of the cannabis; and

2140 (b) after which, the cannabis is no longer in a medicinal dosage form outside of the
2141 primary residence of the relevant medical cannabis patient cardholder.

2142 [~~(22)~~] (23) "Limited medical provider" means an individual who:

2143 (a) meets the recommending qualifications; and

2144 (b) has no more than 15 patients with a valid medical cannabis patient card or
2145 provisional patient card as a result of the individual's recommendation, in accordance with
2146 Subsection 26-61a-106(1)(b).

2147 [~~(23)~~] (24) "Marijuana" means the same as that term is defined in Section 58-37-2.

2148 [~~(24)~~] (25) "Medical cannabis" means cannabis in a medicinal dosage form or a
2149 cannabis product in a medicinal dosage form.

2150 [~~(25)~~] (26) "Medical cannabis card" means a medical cannabis patient card, a medical
2151 cannabis guardian card, a medical cannabis caregiver card, or a conditional medical cannabis
2152 card.

2153 [~~(26)~~] (27) "Medical cannabis cardholder" means:

2154 (a) a holder of a medical cannabis card; or

2155 (b) a facility or assigned employee, described in Subsection [~~(14)(b)~~] (15)(b), only:

2156 (i) within the scope of the facility's or assigned employee's performance of the role of a
2157 medical cannabis patient cardholder's caregiver designation under Subsection

2158 26-61a-202(1)(b); and

2159 (ii) while in possession of documentation that establishes:

2160 (A) a caregiver designation described in Subsection 26-61a-202(1)(b);

2161 (B) the identity of the individual presenting the documentation; and

2162 (C) the relation of the individual presenting the documentation to the caregiver
2163 designation.

2164 ~~[(27)]~~ (28) "Medical cannabis caregiver card" means an electronic document that a
2165 cardholder may print or store on an electronic device or a physical card or document that:

2166 (a) the department issues to an individual whom a medical cannabis patient cardholder
2167 or a medical cannabis guardian cardholder designates as a designated caregiver; and

2168 (b) is connected to the electronic verification system.

2169 ~~[(28)]~~ (29) "Medical cannabis courier" means ~~[a courier that:]~~ the same as that term is
2170 defined in Section 4-41a-102.

2171 ~~[(a) the department licenses in accordance with Section 26-61a-604; and]~~

2172 ~~[(b) contracts with a home delivery medical cannabis pharmacy to deliver medical~~
2173 ~~cannabis shipments to fulfill electronic orders that the state central patient portal facilitates.]~~

2174 ~~[(29)]~~ (30) "Medical cannabis courier agent" means ~~[an individual who:]~~ the same as
2175 that term is defined in Section 4-41a-102.

2176 ~~[(a) is an employee of a medical cannabis courier; and]~~

2177 ~~[(b) who holds a valid medical cannabis courier agent registration card.]~~

2178 ~~[(30)]~~ (31) (a) "Medical cannabis device" means a device that an individual uses to
2179 ingest or inhale cannabis in a medicinal dosage form or a cannabis product in a medicinal
2180 dosage form.

2181 (b) "Medical cannabis device" does not include a device that:

2182 (i) facilitates cannabis combustion; or

2183 (ii) an individual uses to ingest substances other than cannabis.

2184 ~~[(31)]~~ (32) "Medical cannabis guardian card" means an electronic document that a
2185 cardholder may print or store on an electronic device or a physical card or document that:

2186 (a) the department issues to the parent or legal guardian of a minor with a qualifying
2187 condition; and

2188 (b) is connected to the electronic verification system.

2189 [(32)] (33) "Medical cannabis patient card" means an electronic document that a
2190 cardholder may print or store on an electronic device or a physical card or document that:

2191 (a) the department issues to an individual with a qualifying condition; and

2192 (b) is connected to the electronic verification system.

2193 [(33)] (34) "Medical cannabis pharmacy" means a person that:

2194 (a) (i) acquires or intends to acquire medical cannabis or a cannabis product in a
2195 medicinal dosage form from a cannabis processing facility or another medical cannabis
2196 pharmacy or a medical cannabis device; or

2197 (ii) possesses medical cannabis or a medical cannabis device; and

2198 (b) sells or intends to sell medical cannabis or a medical cannabis device to a medical
2199 cannabis cardholder.

2200 [(34)] (35) "Medical cannabis pharmacy agent" means an individual who:

2201 (a) is an employee of a medical cannabis pharmacy; and

2202 (b) who holds a valid medical cannabis pharmacy agent registration card.

2203 [(35)] (36) "Medical cannabis pharmacy agent registration card" means a registration
2204 card issued by the department that authorizes an individual to act as a medical cannabis
2205 pharmacy agent.

2206 [(36)] (37) "Medical cannabis shipment" means [~~a shipment of medical cannabis or a~~
2207 ~~medical cannabis product that a home delivery medical cannabis pharmacy or a medical~~
2208 ~~cannabis courier delivers to a medical cannabis cardholder's home address to fulfill an~~
2209 ~~electronic medical cannabis order that the state central patient portal facilitates] the same as
2210 that term is defined in Section 4-41a-102.~~

2211 [(37)] (38) "Medical cannabis treatment" means cannabis in a medicinal dosage form, a
2212 cannabis product in a medicinal dosage form, or a medical cannabis device.

2213 [(38)] (39) (a) "Medicinal dosage form" means:

2214 (i) for processed medical cannabis or a medical cannabis product, the following with a
2215 specific and consistent cannabinoid content:

2216 (A) a tablet;

2217 (B) a capsule;

2218 (C) a concentrated liquid or viscous oil;

2219 (D) a liquid suspension that, after December 1, 2022, does not exceed 30 ml;

2220 (E) a topical preparation;

2221 (F) a transdermal preparation;

2222 (G) a sublingual preparation;

2223 (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or
2224 rectangular cuboid shape;

2225 (I) a resin or wax; or

2226 (J) an aerosol; or

2227 (ii) for unprocessed cannabis flower, a container described in Section 4-41a-602 that:

2228 (A) contains cannabis flowers in a quantity that varies by no more than 10% from the
2229 stated weight at the time of packaging;

2230 (B) at any time the medical cannabis cardholder transports or possesses the container in
2231 public, is contained within an opaque bag or box that the medical cannabis pharmacy provides;
2232 and

2233 (C) is labeled with the container's content and weight, the date of purchase, the legal
2234 use termination date, and after December 31, 2020, a barcode that provides information
2235 connected to an inventory control system~~[-and]~~.

2236 ~~[(iii) a form measured in grams, milligrams, or milliliters.]~~

2237 (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:

2238 (i) the medical cannabis cardholder has recently removed from the container described
2239 in Subsection ~~[(38)]~~ (39)(a)(ii) for use; and

2240 (ii) does not exceed the quantity described in Subsection ~~[(38)]~~ (39)(a)(ii).

2241 (c) "Medicinal dosage form" does not include:

- 2242 (i) any unprocessed cannabis flower outside of the container described in Subsection
2243 ~~[(38)]~~ (39)(a)(ii), except as provided in Subsection ~~[(38)(b)]~~; (39)(b);
- 2244 (ii) ~~[any]~~ unprocessed cannabis flower in a container described in Subsection ~~[(38)]~~
2245 (39)(a)(ii) after the legal use termination date;
- 2246 (iii) a process of vaporizing and inhaling concentrated cannabis by placing the cannabis
2247 on a nail or other metal object that is heated by a flame, including a blowtorch; ~~[or]~~
- 2248 (iv) a liquid suspension that is branded as a beverage~~[-]~~; or
- 2249 (v) a substance described in Subsection (39)(a)(i) or (ii) if the substance is not
2250 measured in grams, milligrams, or milliliters.
- 2251 ~~[(39)]~~ (40) "Nonresident patient" means an individual who:
- 2252 (a) is not a resident of Utah or has been a resident of Utah for less than 45 days;
- 2253 (b) has a currently valid medical cannabis card or the equivalent of a medical cannabis
2254 card under the laws of another state, district, territory, commonwealth, or insular possession of
2255 the United States; and
- 2256 (c) has been diagnosed with a qualifying condition as described in Section [26-61a-104](#).
- 2257 ~~[(40)]~~ (41) "Payment provider" means an entity that contracts with a cannabis
2258 production establishment or medical cannabis pharmacy to facilitate transfers of funds between
2259 the establishment or pharmacy and other businesses or individuals.
- 2260 ~~[(41)]~~ (42) "Pharmacy medical provider" means the medical provider required to be on
2261 site at a medical cannabis pharmacy under Section [26-61a-403](#).
- 2262 ~~[(42)]~~ (43) "Provisional patient card" means a card that:
- 2263 (a) the department issues to a minor with a qualifying condition for whom:
- 2264 (i) a recommending medical provider has recommended a medical cannabis treatment;
2265 and
- 2266 (ii) the department issues a medical cannabis guardian card to the minor's parent or
2267 legal guardian; and
- 2268 (b) is connected to the electronic verification system.
- 2269 ~~[(43)]~~ (44) "Qualified medical provider" means an individual:

2270 (a) who meets the recommending qualifications; and
2271 (b) whom the department registers to recommend treatment with cannabis in a
2272 medicinal dosage form under Section 26-61a-106.

2273 ~~[(44)]~~ (45) "Qualified Patient Enterprise Fund" means the enterprise fund created in
2274 Section 26-61a-109.

2275 ~~[(45)]~~ (46) "Qualifying condition" means a condition described in Section 26-61a-104.
2276 ~~[(46)]~~ (47) "Recommend" or "recommendation" means, for a recommending medical
2277 provider, the act of suggesting the use of medical cannabis treatment, which:
2278 (a) certifies the patient's eligibility for a medical cannabis card; and
2279 (b) may include, at the recommending medical provider's discretion, directions of use,
2280 with or without dosing guidelines.

2281 ~~[(47)]~~ (48) "Recommending medical provider" means a qualified medical provider or a
2282 limited medical provider.

2283 ~~[(48)]~~ (49) "Recommending qualifications" means that an individual:
2284 (a) (i) has the authority to write a prescription;
2285 (ii) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah
2286 Controlled Substances Act; and
2287 (iii) possesses the authority, in accordance with the individual's scope of practice, to
2288 prescribe a Schedule II controlled substance; and
2289 (b) is licensed as:
2290 (i) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
2291 (ii) an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice
2292 Act;
2293 (iii) a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,
2294 Chapter 68, Utah Osteopathic Medical Practice Act; or
2295 (iv) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.

2296 ~~[(49)]~~ (50) "State central patient portal" means the website the department creates, in
2297 accordance with Section 26-61a-601, to facilitate patient safety, education, and an electronic

2298 medical cannabis order.

2299 ~~[(50)]~~ (51) "State central patient portal medical provider" means a physician or
2300 pharmacist that the department employs in relation to the state central patient portal to consult
2301 with medical cannabis cardholders in accordance with Section 26-61a-602.

2302 ~~[(51)]~~ (52) "State electronic verification system" means the system described in Section
2303 26-61a-103.

2304 ~~[(52)]~~ (53) "Tetrahydrocannabinol" or "THC" means a substance derived from
2305 cannabis or a synthetic equivalent as described in Subsection 58-37-4(2)(a)(iii)(AA).

2306 ~~[(53)]~~ (54) "THC analog" means the same as that term is defined in Section 4-41-102.

2307 ~~[(54)]~~ (55) "Valid form of photo identification" means any of the following forms of
2308 identification that is either current or has expired within the previous six months:

- 2309 (a) a valid state-issued driver license or identification card;
- 2310 (b) a valid United States federal-issued photo identification, including:
 - 2311 (i) a United States passport;
 - 2312 (ii) a United States passport card;
 - 2313 (iii) a United States military identification card; or
 - 2314 (iv) a permanent resident card or alien registration receipt card; or
- 2315 (c) a passport that another country issued.

2316 Section 32. Section 26-61a-103 is amended to read:

2317 **26-61a-103. Electronic verification system.**

2318 (1) The Department of Agriculture and Food, the department, the Department of Public
2319 Safety, and the Division of Technology Services shall:

2320 (a) enter into a memorandum of understanding in order to determine the function and
2321 operation of the state electronic verification system in accordance with Subsection (2);

2322 (b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah
2323 Procurement Code, to develop a request for proposals for a third-party provider to develop and
2324 maintain the state electronic verification system in coordination with the Division of
2325 Technology Services; and

2326 (c) select a third-party provider who:
2327 (i) meets the requirements contained in the request for proposals issued under
2328 Subsection (1)(b); and
2329 (ii) may not have any commercial or ownership interest in a cannabis production
2330 establishment or a medical cannabis pharmacy.
2331 (2) The Department of Agriculture and Food, the department, the Department of Public
2332 Safety, and the Division of Technology Services shall ensure that~~[, on or before March 1,~~
2333 ~~2020,~~] the state electronic verification system described in Subsection (1):
2334 (a) allows an individual to apply for a medical cannabis patient card or, if applicable, a
2335 medical cannabis guardian card, provided that the card may not become active until:
2336 (i) the relevant qualified medical provider completes the associated medical cannabis
2337 recommendation; or
2338 (ii) for a medical cannabis card related to a limited medical provider's
2339 recommendation, the medical cannabis pharmacy completes the recording described in
2340 Subsection (2)(d);
2341 (b) allows an individual to apply to renew a medical cannabis patient card or a medical
2342 cannabis guardian card in accordance with Section [26-61a-201](#);
2343 (c) allows a qualified medical provider, or an employee described in Subsection (3)
2344 acting on behalf of the qualified medical provider, to:
2345 (i) access dispensing and card status information regarding a patient:
2346 (A) with whom the qualified medical provider has a provider-patient relationship; and
2347 (B) for whom the qualified medical provider has recommended or is considering
2348 recommending a medical cannabis card;
2349 (ii) electronically recommend, after an initial face-to-face visit with a patient described
2350 in Subsection [26-61a-201](#)(4)(a)(iii), treatment with cannabis in a medicinal dosage form or a
2351 cannabis product in a medicinal dosage form and optionally recommend dosing guidelines; and
2352 (iii) electronically renew a recommendation to a medical cannabis patient cardholder or
2353 medical cannabis guardian cardholder:

2354 (A) using telehealth services, for the qualified medical provider who originally
2355 recommended a medical cannabis treatment during a face-to-face visit with the patient; or
2356 (B) during a face-to-face visit with the patient, for a qualified medical provider who
2357 did not originally recommend the medical cannabis treatment during a face-to-face visit[-]
2358 (d) [~~beginning on the earlier of September 1, 2021, or the date on which the electronic~~
2359 ~~verification system is functionally capable of facility medical cannabis pharmacy recording,]~~
2360 allows a medical cannabis pharmacy medical provider or medical cannabis pharmacy agent, in
2361 accordance with Subsection [~~26-61a-501(10)(a),~~] 4-41a-1101(10)(a), to:
2362 (i) access the electronic verification system to review the history within the system of a
2363 patient with whom the provider or agent is interacting, limited to read-only access for medical
2364 cannabis pharmacy agents unless the medical cannabis pharmacy's pharmacist in charge
2365 authorizes add and edit access;
2366 (ii) record a patient's recommendation from a limited medical provider, including any
2367 directions of use, dosing guidelines, or caregiver indications from the limited medical provider;
2368 and
2369 (iii) record a limited medical provider's renewal of the provider's previous
2370 recommendation;
2371 (e) connects with:
2372 (i) an inventory control system that a medical cannabis pharmacy uses to track in real
2373 time and archive purchases of any cannabis in a medicinal dosage form, cannabis product in a
2374 medicinal dosage form, or a medical cannabis device, including:
2375 (A) the time and date of each purchase;
2376 (B) the quantity and type of cannabis, cannabis product, or medical cannabis device
2377 purchased;
2378 (C) any cannabis production establishment, any medical cannabis pharmacy, or any
2379 medical cannabis courier associated with the cannabis, cannabis product, or medical cannabis
2380 device; and
2381 (D) the personally identifiable information of the medical cannabis cardholder who

2382 made the purchase; and

2383 (ii) any commercially available inventory control system that a cannabis production
2384 establishment utilizes in accordance with Section [4-41a-103](#) to use data that the Department of
2385 Agriculture and Food requires by rule, in accordance with Title 63G, Chapter 3, Utah
2386 Administrative Rulemaking Act, from the inventory tracking system that a licensee uses to
2387 track and confirm compliance;

2388 (f) provides access to:

2389 (i) the department to the extent necessary to carry out the department's functions and
2390 responsibilities under this chapter;

2391 (ii) the Department of Agriculture and Food to the extent necessary to carry out the
2392 functions and responsibilities of the Department of Agriculture and Food under Title 4, Chapter
2393 41a, Cannabis Production Establishments; and

2394 (iii) the Division of Professional Licensing to the extent necessary to carry out the
2395 functions and responsibilities related to the participation of the following in the
2396 recommendation and dispensing of medical cannabis:

2397 (A) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

2398 (B) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

2399 (C) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
2400 Practice Act;

2401 (D) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
2402 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

2403 (E) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant
2404 Act;

2405 (g) provides access to and interaction with the state central patient portal;

2406 (h) communicates dispensing information from a record that a medical cannabis
2407 pharmacy submits to the state electronic verification system under Subsection

2408 ~~[26-61a-502(6)(a)(ii)]~~ [4-41a-1102\(3\)\(a\)\(ii\)](#) to the controlled substance database;

2409 (i) provides access to state or local law enforcement:

2410 (i) during a law enforcement encounter, without a warrant, using the individual's driver
2411 license or state ID, only for the purpose of determining if the individual subject to the law
2412 enforcement encounter has a valid medical cannabis card; or

2413 (ii) after obtaining a warrant; and

2414 (j) creates a record each time a person accesses the system that identifies the person
2415 who accesses the system and the individual whose records the person accesses.

2416 (3) (a) ~~[Beginning on the earlier of September 1, 2021, or the date on which the~~
2417 ~~electronic verification system is functionally capable of allowing employee access under this~~
2418 ~~Subsection (3), an] An employee of a qualified medical provider may access the electronic
2419 verification system for a purpose described in Subsection (2)(c) on behalf of the qualified
2420 medical provider if:~~

2421 (i) the qualified medical provider has designated the employee as an individual
2422 authorized to access the electronic verification system on behalf of the qualified medical
2423 provider;

2424 (ii) the qualified medical provider provides written notice to the department of the
2425 employee's identity and the designation described in Subsection (3)(a)(i); and

2426 (iii) the department grants to the employee access to the electronic verification system.

2427 (b) An employee of a business that employs a qualified medical provider may access
2428 the electronic verification system for a purpose described in Subsection (2)(c) on behalf of the
2429 qualified medical provider if:

2430 (i) the qualified medical provider has designated the employee as an individual
2431 authorized to access the electronic verification system on behalf of the qualified medical
2432 provider;

2433 (ii) the qualified medical provider and the employing business jointly provide written
2434 notice to the department of the employee's identity and the designation described in Subsection
2435 (3)(b)(i); and

2436 (iii) the department grants to the employee access to the electronic verification system.

2437 (4) (a) As used in this Subsection (4), "prescribing provider" means:

- 2438 (i) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
- 2439 (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
- 2440 Practice Act;
- 2441 (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
- 2442 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
- 2443 (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
- 2444 Assistant Act.
- 2445 (b) Beginning on the earlier of September 1, 2021, or the date on which the electronic
- 2446 verification system is functionally capable of allowing provider access under this Subsection
- 2447 (4), a prescribing provider may access information in the electronic verification system
- 2448 regarding a patient the prescribing provider treats.
- 2449 (5) The department may release limited data that the system collects for the purpose of:
- 2450 (a) conducting medical and other department approved research;
- 2451 (b) providing the report required by Section [26-61a-703](#); and
- 2452 (c) other official department purposes.
- 2453 (6) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
- 2454 Administrative Rulemaking Act, to establish:
- 2455 (a) the limitations on access to the data in the state electronic verification system as
- 2456 described in this section; and
- 2457 (b) standards and procedures to ensure accurate identification of an individual
- 2458 requesting information or receiving information in this section.
- 2459 (7) (a) Any person who knowingly and intentionally releases any information in the
- 2460 state electronic verification system in violation of this section is guilty of a third degree felony.
- 2461 (b) Any person who negligently or recklessly releases any information in the state
- 2462 electronic verification system in violation of this section is guilty of a class C misdemeanor.
- 2463 (8) (a) Any person who obtains or attempts to obtain information from the state
- 2464 electronic verification system by misrepresentation or fraud is guilty of a third degree felony.
- 2465 (b) Any person who obtains or attempts to obtain information from the state electronic

2466 verification system for a purpose other than a purpose this chapter authorizes is guilty of a third
2467 degree felony.

2468 (9) (a) Except as provided in Subsection (9)(e), a person may not knowingly and
2469 intentionally use, release, publish, or otherwise make available to any other person information
2470 obtained from the state electronic verification system for any purpose other than a purpose
2471 specified in this section.

2472 (b) Each separate violation of this Subsection (9) is:

2473 (i) a third degree felony; and

2474 (ii) subject to a civil penalty not to exceed \$5,000.

2475 (c) The department shall determine a civil violation of this Subsection (9) in
2476 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

2477 (d) Civil penalties assessed under this Subsection (9) shall be deposited into the
2478 General Fund.

2479 (e) This Subsection (9) does not prohibit a person who obtains information from the
2480 state electronic verification system under Subsection (2)(a), (c), or (f) from:

2481 (i) including the information in the person's medical chart or file for access by a person
2482 authorized to review the medical chart or file;

2483 (ii) providing the information to a person in accordance with the requirements of the
2484 Health Insurance Portability and Accountability Act of 1996; or

2485 (iii) discussing or sharing that information about the patient with the patient.

2486 Section 33. Section **26-61a-105** is amended to read:

2487 **26-61a-105. Compassionate Use Board.**

2488 (1) (a) The department shall establish a Compassionate Use Board consisting of:

2489 (i) seven qualified medical providers that the executive director appoints and the
2490 Senate confirms:

2491 (A) who are knowledgeable about the medicinal use of cannabis;

2492 (B) who are physicians licensed under Title 58, Chapter 67, Utah Medical Practice Act,
2493 or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

2494 (C) whom the appropriate board certifies in the specialty of neurology, pain medicine
2495 and pain management, medical oncology, psychiatry, infectious disease, internal medicine,
2496 pediatrics, or gastroenterology; and

2497 (ii) as a nonvoting member and the chair of the Compassionate Use Board, the
2498 executive director or the director's designee.

2499 (b) In appointing the seven qualified medical providers described in Subsection (1)(a),
2500 the executive director shall ensure that at least two have a board certification in pediatrics.

2501 (2) (a) Of the members of the Compassionate Use Board that the executive director
2502 first appoints:

2503 (i) three shall serve an initial term of two years; and

2504 (ii) the remaining members shall serve an initial term of four years.

2505 (b) After an initial term described in Subsection (2)(a) expires:

2506 (i) each term is four years; and

2507 (ii) each board member is eligible for reappointment.

2508 (c) A member of the Compassionate Use Board may serve until a successor is
2509 appointed.

2510 (3) Four members constitute a quorum of the Compassionate Use Board.

2511 (4) A member of the Compassionate Use Board may receive:

2512 (a) notwithstanding Section 63A-3-106, compensation or benefits for the member's
2513 service; and

2514 (b) travel expenses in accordance with Section 63A-3-107 and rules made by the
2515 Division of Finance in accordance with Section 63A-3-107.

2516 (5) The Compassionate Use Board shall:

2517 (a) review and recommend for department approval a petition to the board regarding an
2518 individual described in Subsection 26-61a-201(2)(a), a minor described in Subsection
2519 26-61a-201(2)(c), or an individual who is not otherwise qualified to receive a medical cannabis
2520 card to obtain a medical cannabis card for compassionate use, for the standard or a reduced
2521 period of validity, if:

2522 (i) for an individual who is not otherwise qualified to receive a medical cannabis card,
2523 the individual's qualified medical provider is actively treating the individual for an intractable
2524 condition that:

2525 (A) substantially impairs the individual's quality of life; and

2526 (B) has not, in the qualified medical provider's professional opinion, adequately
2527 responded to conventional treatments;

2528 (ii) the qualified medical provider:

2529 (A) recommends that the individual or minor be allowed to use medical cannabis; and

2530 (B) provides a letter, relevant treatment history, and notes or copies of progress notes
2531 describing relevant treatment history including rationale for considering the use of medical
2532 cannabis; and

2533 (iii) the Compassionate Use Board determines that:

2534 (A) the recommendation of the individual's qualified medical provider is justified; and

2535 (B) based on available information, it may be in the best interests of the individual to
2536 allow the use of medical cannabis;

2537 (b) review and approve or deny the use of a medical cannabis device for an individual
2538 described in Subsection 26-61a-201(2)(a)(i)(B) or a minor described in Subsection
2539 26-61a-201(2)(c) if the individual's or minor's qualified medical provider recommends that the
2540 individual or minor be allowed to use a medical cannabis device to vaporize the medical
2541 cannabis treatment;

2542 (c) unless no petitions are pending:

2543 (i) meet to receive or review compassionate use petitions at least quarterly; and

2544 (ii) if there are more petitions than the board can receive or review during the board's
2545 regular schedule, as often as necessary;

2546 (d) except as provided in Subsection (6), complete a review of each petition and
2547 recommend to the department approval or denial of the applicant for qualification for a medical
2548 cannabis card within 90 days after the day on which the board received the petition;

2549 (e) consult with the department regarding the criteria described in Subsection (6); and

2550 (f) report, before November 1 of each year, to the Health and Human Services Interim
2551 Committee:

2552 (i) the number of compassionate use recommendations the board issued during the past
2553 year; and

2554 (ii) the types of conditions for which the board recommended compassionate use.

2555 (6) The department shall make rules, in consultation with the Compassionate Use
2556 Board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to
2557 establish a process and criteria for a petition to the board to automatically qualify for expedited
2558 final review and approval or denial by the department in cases where, in the determination of
2559 the department and the board:

2560 (a) time is of the essence;

2561 (b) engaging the full review process would be unreasonable in light of the petitioner's
2562 physical condition; and

2563 (c) sufficient factors are present regarding the petitioner's safety.

2564 (7) (a) (i) The department shall review:

2565 (A) any compassionate use for which the Compassionate Use Board recommends
2566 approval under Subsection (5)(d) to determine whether the board properly exercised the board's
2567 discretion under this section; and

2568 (B) any expedited petitions the department receives under the process described in
2569 Subsection (6).

2570 (ii) If the department determines that the Compassionate Use Board properly exercised
2571 the board's discretion in recommending approval under Subsection (5)(d) or that the expedited
2572 petition merits approval based on the criteria established in accordance with Subsection (6), the
2573 department shall:

2574 (A) issue the relevant medical cannabis card; and

2575 (B) provide for the renewal of the medical cannabis card in accordance with the
2576 recommendation of the qualified medical provider described in Subsection (5)(a).

2577 (b) (i) If the Compassionate Use Board recommends denial under Subsection (5)(d),

2578 the individual seeking to obtain a medical cannabis card may petition the department to review
2579 the board's decision.

2580 (ii) If the department determines that the Compassionate Use Board's recommendation
2581 for denial under Subsection (5)(d) was arbitrary or capricious:

2582 (A) the department shall notify the Compassionate Use Board of the department's
2583 determination; and

2584 (B) the board shall reconsider the Compassionate Use Board's refusal to recommend
2585 approval under this section.

2586 (c) In reviewing the Compassionate Use Board's recommendation for approval or
2587 denial under Subsection (5)(d) in accordance with this Subsection (7), the department shall
2588 presume the board properly exercised the board's discretion unless the department determines
2589 that the board's recommendation was arbitrary or capricious.

2590 (8) Any individually identifiable health information contained in a petition that the
2591 Compassionate Use Board or department receives under this section is a protected record in
2592 accordance with Title 63G, Chapter 2, Government Records Access and Management Act.

2593 (9) The Compassionate Use Board shall annually report the board's activity to the
2594 Cannabis Research Review Board and the advisory board.

2595 Section 34. Section **26-61a-106** is amended to read:

2596 **26-61a-106. Qualified medical provider registration -- Continuing education --**
2597 **Treatment recommendation -- Limited medical provider.**

2598 (1) (a) (i) Except as provided in Subsection (1)(b), an individual may not recommend a
2599 medical cannabis treatment unless the department registers the individual as a qualified
2600 medical provider in accordance with this section.

2601 (ii) Notwithstanding Subsection (1)(a)(i), a qualified medical provider who is podiatrist
2602 licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act, may not recommend a
2603 medical cannabis treatment except within the course and scope of a practice of podiatry, as that
2604 term is defined in Section **58-5a-102**.

2605 (b) Beginning on the earlier of September 1, 2021, or the date on which the department

2606 gives notice that the electronic verification system is functionally capable as described in
2607 Subsection 26-61a-103(2)(d), an individual who meets the recommending qualifications may
2608 recommend a medical cannabis treatment as a limited medical provider without registering
2609 under Subsection (1)(a) if:

2610 (i) the individual recommends the use of medical cannabis to the patient through an
2611 order described in Subsection (1)(c) after:

2612 (A) a face-to-face visit for an initial recommendation or the renewal of a
2613 recommendation for a patient for whom the limited medical provider did not make the patient's
2614 original recommendation; or

2615 (B) a visit using telehealth services for a renewal of a recommendation for a patient for
2616 whom the limited medical provider made the patient's original recommendation; and

2617 (ii) the individual's recommendation or renewal would not cause the total number of
2618 the individual's patients who have a valid medical cannabis patient card or provisional patient
2619 card resulting from the individual's recommendation to exceed 15.

2620 (c) The individual described in Subsection (1)(b) shall communicate the individual's
2621 recommendation through an order for the medical cannabis pharmacy to record the individual's
2622 recommendation or renewal in the state electronic verification system under the individual's
2623 recommendation that:

2624 (i) (A) ~~that~~ the individual or the individual's employee sends electronically to a
2625 medical cannabis pharmacy; or

2626 (B) ~~that~~ the individual gives to the patient in writing for the patient to deliver to a
2627 medical cannabis pharmacy; and

2628 (ii) may include:

2629 (A) directions of use or dosing guidelines; and

2630 (B) an indication of a need for a caregiver in accordance with Subsection

2631 26-61a-201(3)(c).

2632 (d) If the limited medical provider gives the patient a written recommendation to
2633 deliver to a medical cannabis pharmacy under Subsection (1)(c)(i)(B), the limited medical

2634 provider shall ensure that the document includes all of the information that is included on a
2635 prescription the provider would issue for a controlled substance, including:

2636 (i) the date of issuance;
2637 (ii) the provider's name, address and contact information, controlled substance license
2638 information, and signature; and

2639 (iii) the patient's name, address and contact information, age, and diagnosed qualifying
2640 condition.

2641 (e) In considering making a recommendation as a limited medical provider, an
2642 individual may consult information that the department makes available on the department's
2643 website for recommending providers.

2644 (2) (a) The department shall, within 15 days after the day on which the department
2645 receives an application from an individual, register and issue a qualified medical provider
2646 registration card to the individual if the individual:

2647 (i) provides to the department the individual's name and address;
2648 (ii) provides to the department a report detailing the individual's completion of the
2649 applicable continuing education requirement described in Subsection (3);
2650 (iii) provides to the department evidence that the individual meets the recommending
2651 qualifications;

2652 (iv) for an applicant on or after November 1, 2021, provides to the department the
2653 information described in Subsection (10)(a); and

2654 (v) pays the department a fee in an amount that:
2655 (A) the department sets, in accordance with Section [63J-1-504](#); and
2656 (B) does not exceed \$300 for an initial registration.

2657 (b) The department may not register an individual as a qualified medical provider if the
2658 individual is:

2659 (i) a pharmacy medical provider; or
2660 (ii) an owner, officer, director, board member, employee, or agent of a cannabis
2661 production establishment, a medical cannabis pharmacy, or a medical cannabis courier.

2662 (3) (a) An individual shall complete the continuing education described in this
2663 Subsection (3) in the following amounts:
2664 (i) for an individual as a condition precedent to registration, four hours; and
2665 (ii) for a qualified medical provider as a condition precedent to renewal, four hours
2666 every two years.
2667 (b) In accordance with Subsection (3)(a), a qualified medical provider shall:
2668 (i) complete continuing education:
2669 (A) regarding the topics described in Subsection (3)(d); and
2670 (B) offered by the department under Subsection (3)(c) or an accredited or approved
2671 continuing education provider that the department recognizes as offering continuing education
2672 appropriate for the recommendation of cannabis to patients; and
2673 (ii) make a continuing education report to the department in accordance with a process
2674 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah
2675 Administrative Rulemaking Act, and in collaboration with the Division of Professional
2676 Licensing and:
2677 (A) for a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing
2678 Act, the Podiatric Physician Board;
2679 (B) for an advanced practice registered nurse licensed under Title 58, Chapter 31b,
2680 Nurse Practice Act, the Board of Nursing;
2681 (C) for a qualified medical provider licensed under Title 58, Chapter 67, Utah Medical
2682 Practice Act, the Physicians Licensing Board;
2683 (D) for a qualified medical provider licensed under Title 58, Chapter 68, Utah
2684 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board;
2685 and
2686 (E) for a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
2687 Assistant Act, the Physician Assistant Licensing Board.
2688 (c) The department may, in consultation with the Division of Professional Licensing,
2689 develop the continuing education described in this Subsection (3).

2690 (d) The continuing education described in this Subsection (3) may discuss:
2691 (i) the provisions of this chapter;
2692 (ii) general information about medical cannabis under federal and state law;
2693 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,
2694 including risks and benefits;
2695 (iv) recommendations for medical cannabis as it relates to the continuing care of a
2696 patient in pain management, risk management, potential addiction, or palliative care; and
2697 (v) best practices for recommending the form and dosage of medical cannabis products
2698 based on the qualifying condition underlying a medical cannabis recommendation.

2699 (4) (a) Except as provided in Subsection (4)(b), a qualified medical provider may not
2700 recommend a medical cannabis treatment to more than 275 of the qualified medical provider's
2701 patients at the same time, as determined by the number of medical cannabis cards under the
2702 qualified medical provider's name in the state electronic verification system.

2703 (b) A qualified medical provider may recommend a medical cannabis treatment to up
2704 to 600 of the qualified medical provider's patients at any given time, as determined by the
2705 number of medical cannabis cards under the qualified medical provider's name in the state
2706 electronic verification system, if:

2707 (i) the appropriate American medical board has certified the qualified medical provider
2708 in the specialty of anesthesiology, gastroenterology, neurology, oncology, pain, hospice and
2709 palliative medicine, physical medicine and rehabilitation, rheumatology, endocrinology, or
2710 psychiatry; or

2711 (ii) a licensed business employs or contracts with the qualified medical provider for the
2712 specific purpose of providing hospice and palliative care.

2713 (5) A recommending medical provider may recommend medical cannabis to an
2714 individual under this chapter only in the course of a provider-patient relationship after the
2715 recommending medical provider has completed and documented in the patient's medical record
2716 a thorough assessment of the patient's condition and medical history based on the appropriate
2717 standard of care for the patient's condition.

2718 (6) (a) Except as provided in Subsection (6)(b), [~~an individual~~] a person may not
2719 advertise that the [~~individual~~] person or the person's employee recommends a medical cannabis
2720 treatment.

2721 (b) Notwithstanding Subsection (6)(a) and [~~subject to~~] Section [~~26-61a-116~~]
2722 4-41a-109, a qualified medical provider or clinic or office that employs a qualified medical
2723 provider may advertise the following:

- 2724 (i) a green cross;
- 2725 (ii) the provider's or clinic's name and logo;
- 2726 (iii) a qualifying condition that the individual treats;
- 2727 (iv) that the individual is registered as a qualified medical provider and recommends
2728 medical cannabis; or
- 2729 (v) a scientific study regarding medical cannabis use.

2730 (7) (a) A qualified medical provider registration card expires two years after the day on
2731 which the department issues the card.

2732 (b) The department shall renew a qualified medical provider's registration card if the
2733 provider:

- 2734 (i) applies for renewal;
- 2735 (ii) is eligible for a qualified medical provider registration card under this section,
2736 including maintaining an unrestricted license under the recommending qualifications;
- 2737 (iii) certifies to the department in a renewal application that the information in
2738 Subsection (2)(a) is accurate or updates the information;
- 2739 (iv) submits a report detailing the completion of the continuing education requirement
2740 described in Subsection (3); and
- 2741 (v) pays the department a fee in an amount that:
 - 2742 (A) the department sets, in accordance with Section 63J-1-504; and
 - 2743 (B) does not exceed \$50 for a registration renewal.

2744 (8) The department may revoke the registration of a qualified medical provider who
2745 fails to maintain compliance with the requirements of this section.

2746 (9) A recommending medical provider may not receive any compensation or benefit for
2747 the qualified medical provider's medical cannabis treatment recommendation from:

2748 (a) a cannabis production establishment or an owner, officer, director, board member,
2749 employee, or agent of a cannabis production establishment;

2750 (b) a medical cannabis pharmacy or an owner, officer, director, board member,
2751 employee, or agent of a medical cannabis pharmacy; or

2752 (c) a recommending medical provider or pharmacy medical provider.

2753 (10) (a) On or before November 1, 2021, a qualified medical provider shall report to
2754 the department, in a manner designated by the department:

2755 (i) if applicable, that the qualified medical provider or the entity that employs the
2756 qualified medical provider represents online or on printed material that the qualified medical
2757 provider is a qualified medical provider or offers medical cannabis recommendations to
2758 patients; and

2759 (ii) the fee amount that the qualified medical provider or the entity that employs the
2760 qualified medical provider charges a patient for a medical cannabis recommendation, either as
2761 an actual cash rate or, if the provider or entity bills insurance, an average cash rate.

2762 (b) The department shall:

2763 (i) ensure that the following information related to qualified medical providers and
2764 entities described in Subsection (10)(a)(i) is available on the department's website or on the
2765 health care price transparency tool under Subsection (10)(b)(ii):

2766 (A) the name of the qualified medical provider and, if applicable, the name of the
2767 entity that employs the qualified medical provider;

2768 (B) the address of the qualified medical provider's office or, if applicable, the entity
2769 that employs the qualified medical provider; and

2770 (C) the fee amount described in Subsection (10)(a)(ii); and

2771 (ii) share data collected under this Subsection (10) with the state auditor for use in the
2772 health care price transparency tool described in Section [67-3-11](#).

2773 Section 35. Section **26-61a-109** is amended to read:

2774 **26-61a-109. Qualified Patient Enterprise Fund -- Creation -- Revenue neutrality**
2775 **-- Uniform fee.**

2776 (1) There is created an enterprise fund known as the "Qualified Patient Enterprise
2777 Fund."

2778 (2) The fund created in this section is funded from:

2779 (a) money the department deposits into the fund under this chapter;

2780 (b) appropriations the Legislature makes to the fund; and

2781 (c) the interest described in Subsection (3).

2782 (3) Interest earned on the fund shall be deposited into the fund.

2783 (4) The department may only use money in the fund to fund the department's
2784 responsibilities under this chapter.

2785 (5) The department shall set fees authorized under this chapter in amounts that the
2786 department anticipates are necessary, in total, to cover the department's cost to implement this
2787 chapter.

2788 (6) The department may impose a uniform fee on each medical cannabis transaction in
2789 a medical cannabis pharmacy in an amount that, subject to Subsection (5), the department sets
2790 in accordance with Section [63J-1-504](#).

2791 Section 36. Section **26-61a-201** is amended to read:

2792 **26-61a-201. Medical cannabis patient card -- Medical cannabis guardian card --**
2793 **Conditional medical cannabis card -- Application -- Fees -- Studies.**

2794 (1) (a) The department shall, within 15 days after the day on which an individual who
2795 satisfies the eligibility criteria in this section or Section [26-61a-202](#) submits an application in
2796 accordance with this section or Section [26-61a-202](#):

2797 (i) issue a medical cannabis patient card to an individual described in Subsection

2798 (2)(a);

2799 (ii) issue a medical cannabis guardian card to an individual described in Subsection

2800 (2)(b);

2801 (iii) issue a provisional patient card to a minor described in Subsection (2)(c); and

2802 (iv) issue a medical cannabis caregiver card to an individual described in Subsection
2803 [26-61a-202](#)(4).

2804 (b) (i) Beginning on the earlier of September 1, 2021, or the date on which the
2805 electronic verification system is functionally capable of facilitating a conditional medical
2806 cannabis card under this Subsection (1)(b), upon the entry of a recommending medical
2807 provider's medical cannabis recommendation for a patient in the state electronic verification
2808 system, either by the provider or the provider's employee or by a medical cannabis pharmacy
2809 medical provider or medical cannabis pharmacy in accordance with Subsection
2810 ~~[[26-61a-501](#)(10)(a)]~~ [4-41a-1101](#)(10)(a), the department shall issue to the patient an electronic
2811 conditional medical cannabis card, in accordance with this Subsection (1)(b).

2812 (ii) A conditional medical cannabis card is valid for the lesser of:

2813 (A) 60 days; or

2814 (B) the day on which the department completes the department's review and issues a
2815 medical cannabis card under Subsection (1)(a), denies the patient's medical cannabis card
2816 application, or revokes the conditional medical cannabis card under Subsection (8).

2817 (iii) The department may issue a conditional medical cannabis card to an individual
2818 applying for a medical cannabis patient card for which approval of the Compassionate Use
2819 Board is not required.

2820 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and
2821 obligations under law applicable to a holder of the medical cannabis card for which the
2822 individual applies and for which the department issues the conditional medical cannabis card.

2823 (2) (a) An individual is eligible for a medical cannabis patient card if:

2824 (i) (A) the individual is at least 21 years old; or

2825 (B) the individual is 18, 19, or 20 years old, the individual petitions the Compassionate
2826 Use Board under Section [26-61a-105](#), and the Compassionate Use Board recommends
2827 department approval of the petition;

2828 (ii) the individual is a Utah resident;

2829 (iii) the individual's recommending medical provider recommends treatment with

2830 medical cannabis in accordance with Subsection (4);

2831 (iv) the individual signs an acknowledgment stating that the individual received the
2832 information described in Subsection (9); and

2833 (v) the individual pays to the department a fee in an amount that, subject to Subsection
2834 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

2835 (b) (i) An individual is eligible for a medical cannabis guardian card if the individual:

2836 (A) is at least 18 years old;

2837 (B) is a Utah resident;

2838 (C) is the parent or legal guardian of a minor for whom the minor's qualified medical
2839 provider recommends a medical cannabis treatment, the individual petitions the Compassionate
2840 Use Board under Section 26-61a-105, and the Compassionate Use Board recommends
2841 department approval of the petition;

2842 (D) the individual signs an acknowledgment stating that the individual received the
2843 information described in Subsection (9);

2844 (E) pays to the department a fee in an amount that, subject to Subsection
2845 26-61a-109(5), the department sets in accordance with Section 63J-1-504, plus the cost of the
2846 criminal background check described in Section 26-61a-203; and

2847 (F) the individual has not been convicted of a misdemeanor or felony drug distribution
2848 offense under either state or federal law, unless the individual completed any imposed sentence
2849 six months or more before the day on which the individual applies for a medical cannabis
2850 guardian card.

2851 (ii) The department shall notify the Department of Public Safety of each individual that
2852 the department registers for a medical cannabis guardian card.

2853 (c) (i) A minor is eligible for a provisional patient card if:

2854 (A) the minor has a qualifying condition;

2855 (B) the minor's qualified medical provider recommends a medical cannabis treatment
2856 to address the minor's qualifying condition;

2857 (C) one of the minor's parents or legal guardians petitions the Compassionate Use

2858 Board under Section 26-61a-105, and the Compassionate Use Board recommends department
2859 approval of the petition; and

2860 (D) the minor's parent or legal guardian is eligible for a medical cannabis guardian card
2861 under Subsection (2)(b) or designates a caregiver under Subsection (2)(d) who is eligible for a
2862 medical cannabis caregiver card under Section 26-61a-202.

2863 (ii) The department shall automatically issue a provisional patient card to the minor
2864 described in Subsection (2)(c)(i) at the same time the department issues a medical cannabis
2865 guardian card to the minor's parent or legal guardian.

2866 (d) Beginning on the earlier of September 1, 2021, or the date on which the electronic
2867 verification system is functionally capable of servicing the designation, if the parent or legal
2868 guardian of a minor described in Subsections (2)(c)(i)(A) through (C) does not qualify for a
2869 medical cannabis guardian card under Subsection (2)(b), the parent or legal guardian may
2870 designate up to two caregivers in accordance with Subsection 26-61a-202(1)(c) to ensure that
2871 the minor has adequate and safe access to the recommended medical cannabis treatment.

2872 (3) (a) An individual who is eligible for a medical cannabis card described in
2873 Subsection (2)(a) or (b) shall submit an application for a medical cannabis card to the
2874 department:

2875 (i) through an electronic application connected to the state electronic verification
2876 system;

2877 (ii) with the recommending medical provider; and

2878 (iii) with information including:

2879 (A) the applicant's name, gender, age, and address;

2880 (B) the number of the applicant's valid form of photo identification;

2881 (C) for a medical cannabis guardian card, the name, gender, and age of the minor
2882 receiving a medical cannabis treatment under the cardholder's medical cannabis guardian card;
2883 and

2884 (D) for a provisional patient card, the name of the minor's parent or legal guardian who
2885 holds the associated medical cannabis guardian card.

2886 (b) The department shall ensure that a medical cannabis card the department issues
2887 under this section contains the information described in Subsection (3)(a)(iii).

2888 (c) (i) If a recommending medical provider determines that, because of age, illness, or
2889 disability, a medical cannabis patient cardholder requires assistance in administering the
2890 medical cannabis treatment that the recommending medical provider recommends, the
2891 recommending medical provider may indicate the cardholder's need in the state electronic
2892 verification system, either directly or, for a limited medical provider, through the order
2893 described in Subsections 26-61a-106(1)(c) and (d).

2894 (ii) If a recommending medical provider makes the indication described in Subsection
2895 (3)(c)(i):

2896 (A) the department shall add a label to the relevant medical cannabis patient card
2897 indicating the cardholder's need for assistance;

2898 (B) any adult who is 18 years old or older and who is physically present with the
2899 cardholder at the time the cardholder needs to use the recommended medical cannabis
2900 treatment may handle the medical cannabis treatment and any associated medical cannabis
2901 device as needed to assist the cardholder in administering the recommended medical cannabis
2902 treatment; and

2903 (C) an individual of any age who is physically present with the cardholder in the event
2904 of an emergency medical condition, as that term is defined in Section 31A-1-301, may handle
2905 the medical cannabis treatment and any associated medical cannabis device as needed to assist
2906 the cardholder in administering the recommended medical cannabis treatment.

2907 (iii) A non-cardholding individual acting under Subsection (3)(c)(ii)(B) or (C) may not:

2908 (A) ingest or inhale medical cannabis;

2909 (B) possess, transport, or handle medical cannabis or a medical cannabis device outside
2910 of the immediate area where the cardholder is present or with an intent other than to provide
2911 assistance to the cardholder; or

2912 (C) possess, transport, or handle medical cannabis or a medical cannabis device when
2913 the cardholder is not in the process of being dosed with medical cannabis.

2914 (4) To recommend a medical cannabis treatment to a patient or to renew a
2915 recommendation, a recommending medical provider shall:

2916 (a) before recommending or renewing a recommendation for medical cannabis in a
2917 medicinal dosage form or a cannabis product in a medicinal dosage form:

2918 (i) verify the patient's and, for a minor patient, the minor patient's parent or legal
2919 guardian's valid form of identification described in Subsection (3)(a);

2920 (ii) review any record related to the patient and, for a minor patient, the patient's parent
2921 or legal guardian in:

2922 (A) for a qualified medical provider, the state electronic verification system; and
2923 (B) the controlled substance database created in Section 58-37f-201; and

2924 (iii) consider the recommendation in light of the patient's qualifying condition, history
2925 of substance use or opioid use disorder, and history of medical cannabis and controlled
2926 substance use during an initial face-to-face visit with the patient; and

2927 (b) state in the recommending medical provider's recommendation that the patient:

2928 (i) suffers from a qualifying condition, including the type of qualifying condition; and
2929 (ii) may benefit from treatment with cannabis in a medicinal dosage form or a cannabis
2930 product in a medicinal dosage form.

2931 (5) (a) Except as provided in Subsection (5)(b) or (c), a medical cannabis card that the
2932 department issues under this section is valid for the lesser of:

2933 (i) an amount of time that the recommending medical provider determines; or
2934 (ii) (A) six months for the first issuance, and, except as provided in Subsection
2935 (5)(a)(ii)(B), for a renewal; or

2936 (B) for a renewal, one year if, after at least one year following the issuance of the
2937 original medical cannabis card, the recommending medical provider determines that the patient
2938 has been stabilized on the medical cannabis treatment and a one-year renewal period is
2939 justified.

2940 (b) (i) A medical cannabis card that the department issues in relation to a terminal
2941 illness described in Section 26-61a-104 expires after one year.

2942 (ii) The recommending medical provider may revoke a recommendation that the
2943 provider made in relation to a terminal illness described in Section 26-61a-104 if the medical
2944 cannabis cardholder no longer has the terminal illness.

2945 (c) A medical cannabis card that the department issues in relation to acute pain as
2946 described in Section 26-61a-104 expires 30 days after the day on which the department first
2947 issues a conditional or full medical cannabis card.

2948 (6) (a) A medical cannabis patient card or a medical cannabis guardian card is
2949 renewable if:

2950 (i) at the time of renewal, the cardholder meets the requirements of Subsection (2)(a) or
2951 (b); or

2952 (ii) the cardholder received the medical cannabis card through the recommendation of
2953 the Compassionate Use Board under Section 26-61a-105.

2954 (b) The recommending medical provider who made the underlying recommendation
2955 for the card of a cardholder described in Subsection (6)(a) may renew the cardholder's card
2956 through phone or video conference with the cardholder, at the recommending medical
2957 provider's discretion.

2958 (c) Before having access to a renewed card, a cardholder under Subsection (2)(a) or (b)
2959 shall pay to the department a renewal fee in an amount that:

2960 (i) subject to Subsection 26-61a-109(5), the department sets in accordance with Section
2961 63J-1-504; and

2962 (ii) may not exceed the cost of the relatively lower administrative burden of renewal in
2963 comparison to the original application process.

2964 (d) If a minor meets the requirements of Subsection (2)(c), the minor's provisional
2965 patient card renews automatically at the time the minor's parent or legal guardian renews the
2966 parent or legal guardian's associated medical cannabis guardian card.

2967 (7) (a) A cardholder under this section shall carry the cardholder's valid medical
2968 cannabis card with the patient's name.

2969 (b) (i) A medical cannabis patient cardholder or a provisional patient cardholder may

2970 purchase, in accordance with this chapter and the recommendation underlying the card,
2971 cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a
2972 medical cannabis device.

2973 (ii) A cardholder under this section may possess or transport, in accordance with this
2974 chapter and the recommendation underlying the card, cannabis in a medicinal dosage form, a
2975 cannabis product in a medicinal dosage form, or a medical cannabis device.

2976 (iii) To address the qualifying condition underlying the medical cannabis treatment
2977 recommendation:

2978 (A) a medical cannabis patient cardholder or a provisional patient cardholder may use
2979 cannabis in a medicinal dosage form, a medical cannabis product in a medicinal dosage form,
2980 or a medical cannabis device; and

2981 (B) a medical cannabis guardian cardholder may assist the associated provisional
2982 patient cardholder with the use of cannabis in a medicinal dosage form, a medical cannabis
2983 product in a medicinal dosage form, or a medical cannabis device.

2984 (8) The department may revoke a medical cannabis card that the department issues
2985 under this section if the cardholder:

2986 (a) violates this chapter; or

2987 (b) is convicted under state or federal law of, after March 17, 2021, a drug distribution
2988 offense.

2989 (9) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
2990 Utah Administrative Rulemaking Act, a process to provide information regarding the following
2991 to an individual receiving a medical cannabis card:

2992 (a) risks associated with medical cannabis treatment;

2993 (b) the fact that a condition's listing as a qualifying condition does not suggest that
2994 medical cannabis treatment is an effective treatment or cure for that condition, as described in
2995 Subsection [26-61a-104](#)(1); and

2996 (c) other relevant warnings and safety information that the department determines.

2997 (10) The department may establish procedures by rule, in accordance with Title 63G,

2998 Chapter 3, Utah Administrative Rulemaking Act, to implement the application and issuance
2999 provisions of this section.

3000 (11) (a) On or before September 1, 2021, the department shall establish by rule, in
3001 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a process to allow
3002 an individual from another state to register with the department in order to purchase medical
3003 cannabis or a medical cannabis device from a medical cannabis pharmacy while the individual
3004 is visiting the state.

3005 (b) The department may only provide the registration process described in Subsection
3006 (11)(a):

3007 (i) to a nonresident patient; and

3008 (ii) for no more than two visitation periods per calendar year of up to 21 calendar days
3009 per visitation period.

3010 (12) (a) A person may submit to the department a request to conduct a research study
3011 using medical cannabis cardholder data that the state electronic verification system contains.

3012 (b) The department shall review a request described in Subsection (12)(a) to determine
3013 whether an institutional review board, as that term is defined in Section [26-61-102](#), could
3014 approve the research study.

3015 (c) At the time an individual applies for a medical cannabis card, the department shall
3016 notify the individual:

3017 (i) of how the individual's information will be used as a cardholder;

3018 (ii) that by applying for a medical cannabis card, unless the individual withdraws
3019 consent under Subsection (12)(d), the individual consents to the use of the individual's
3020 information for external research; and

3021 (iii) that the individual may withdraw consent for the use of the individual's
3022 information for external research at any time, including at the time of application.

3023 (d) An applicant may, through the medical cannabis card application, and a medical
3024 cannabis cardholder may, through the state central patient portal, withdraw the applicant's or
3025 cardholder's consent to participate in external research at any time.

3026 (e) The department may release, for the purposes of a study described in this
3027 Subsection (12), information about a cardholder under this section who consents to participate
3028 under Subsection (12)(c).

3029 (f) If an individual withdraws consent under Subsection (12)(d), the withdrawal of
3030 consent:

3031 (i) applies to external research that is initiated after the withdrawal of consent; and

3032 (ii) does not apply to research that was initiated before the withdrawal of consent.

3033 (g) The department may establish standards for a medical research study's validity, by
3034 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

3035 (13) The department shall record the issuance or revocation of a medical cannabis card
3036 under this section in the controlled substance database.

3037 Section 37. Section **26-61a-206** is enacted to read:

3038 **26-61a-206. Purchasing and use limitations.**

3039 An individual with a medical cannabis card:

3040 (1) may purchase, in any one 28-day period, up to the legal dosage limit of:

3041 (a) unprocessed cannabis in a medicinal dosage form; and

3042 (b) a cannabis product in a medicinal dosage form;

3043 (2) may not purchase:

3044 (a) more medical cannabis than described in Subsection (1)(a); or

3045 (b) if the relevant recommending medical provider did not recommend directions of
3046 use and dosing guidelines, until the individual consults with the pharmacy medical provider in
3047 accordance with Subsection [26-61a-404\(5\)](#), any medical cannabis; and

3048 (3) may not use a route of administration that the relevant recommending medical
3049 provider or the pharmacy medical provider, in accordance with Subsection [26-61a-404\(5\)](#), has
3050 not recommended.

3051 Section 38. Section **26-61a-403** is amended to read:

3052 **Part 4. Pharmacy Medical Providers**

3053 **26-61a-403. Pharmacy medical providers -- Registration -- Continuing education.**

3054 (1) (a) A medical cannabis pharmacy:
3055 (i) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy
3056 Practice Act, as a pharmacy medical provider;
3057 (ii) may employ a physician who has the authority to write a prescription and is
3058 licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
3059 Osteopathic Medical Practice Act, as a pharmacy medical provider;
3060 (iii) shall ensure that a pharmacy medical provider described in Subsection (1)(a)(i)
3061 works onsite during all business hours; and
3062 (iv) shall designate one pharmacy medical provider described in Subsection (1)(a)(i) as
3063 the pharmacist-in-charge to oversee the operation of and generally supervise the medical
3064 cannabis pharmacy.
3065 (b) An individual may not serve as a pharmacy medical provider unless the department
3066 registers the individual as a pharmacy medical provider in accordance with Subsection (2).
3067 (2) (a) The department shall, within 15 days after the day on which the department
3068 receives an application from a medical cannabis pharmacy on behalf of a prospective pharmacy
3069 medical provider, register and issue a pharmacy medical provider registration card to the
3070 prospective pharmacy medical provider if the medical cannabis pharmacy:
3071 (i) provides to the department:
3072 (A) the prospective pharmacy medical provider's name and address;
3073 (B) the name and location of the licensed medical cannabis pharmacy where the
3074 prospective pharmacy medical provider seeks to act as a pharmacy medical provider;
3075 (C) a report detailing the completion of the continuing education requirement described
3076 in Subsection (3); and
3077 (D) evidence that the prospective pharmacy medical provider is a pharmacist who is
3078 licensed under Title 58, Chapter 17b, Pharmacy Practice Act, or a physician who has the
3079 authority to write a prescription and is licensed under Title 58, Chapter 67, Utah Medical
3080 Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and
3081 (ii) pays a fee to the department in an amount that, subject to Subsection

3082 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

3083 (b) The department may not register a recommending medical provider or a state
3084 central patient portal medical provider as a pharmacy medical provider.

3085 (3) (a) A pharmacy medical provider shall complete the continuing education described
3086 in this Subsection (3) in the following amounts:

3087 (i) as a condition precedent to registration, four hours; and

3088 (ii) as a condition precedent to renewal of the registration, four hours every two years.

3089 (b) In accordance with Subsection (3)(a), the pharmacy medical provider shall:

3090 (i) complete continuing education:

3091 (A) regarding the topics described in Subsection (3)(d); and

3092 (B) offered by the department under Subsection (3)(c) or an accredited or approved
3093 continuing education provider that the department recognizes as offering continuing education
3094 appropriate for the medical cannabis pharmacy practice; and

3095 (ii) make a continuing education report to the department in accordance with a process
3096 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah
3097 Administrative Rulemaking Act, and in collaboration with the Division of Professional
3098 Licensing and:

3099 (A) for a pharmacy medical provider who is licensed under Title 58, Chapter 17b,
3100 Pharmacy Practice Act, the Board of Pharmacy;

3101 (B) for a pharmacy medical provider licensed under Title 58, Chapter 67, Utah Medical
3102 Practice Act, the Physicians Licensing Board; and

3103 (C) for a pharmacy medical provider licensed under Title 58, Chapter 68, Utah
3104 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board.

3105 (c) The department may, in consultation with the Division of Professional Licensing,
3106 develop the continuing education described in this Subsection (3).

3107 (d) The continuing education described in this Subsection (3) may discuss:

3108 (i) the provisions of this chapter;

3109 (ii) general information about medical cannabis under federal and state law;

3110 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,
3111 including risks and benefits;

3112 (iv) recommendations for medical cannabis as it relates to the continuing care of a
3113 patient in pain management, risk management, potential addiction, and palliative care; or

3114 (v) best practices for recommending the form and dosage of a medical cannabis
3115 product based on the qualifying condition underlying a medical cannabis recommendation.

3116 (4) (a) A pharmacy medical provider registration card expires two years after the day
3117 on which the department issues or renews the card.

3118 (b) A pharmacy medical provider may renew the provider's registration card if the
3119 provider:

3120 (i) is eligible for a pharmacy medical provider registration card under this section;

3121 (ii) certifies to the department in a renewal application that the information in
3122 Subsection (2)(a) is accurate or updates the information;

3123 (iii) submits a report detailing the completion of the continuing education requirement
3124 described in Subsection (3); and

3125 (iv) pays to the department a renewal fee in an amount that:

3126 (A) subject to Subsection [26-61a-109\(5\)](#), the department sets in accordance with
3127 Section [63J-1-504](#); and

3128 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
3129 comparison to the original application process.

3130 (5) (a) Except as provided in Subsection (5)(b), a person may not advertise that the
3131 person or another person dispenses medical cannabis.

3132 (b) Notwithstanding Subsection (5)(a) and [~~subject to~~] Section [~~26-61a-116~~]
3133 [4-41a-109](#), a registered pharmacy medical provider may advertise the following:

3134 (i) a green cross;

3135 (ii) that the person is registered as a pharmacy medical provider and dispenses medical
3136 cannabis; or

3137 (iii) a scientific study regarding medical cannabis use.

3138 (6) (a) The department may revoke a pharmacy medical provider's registration for a
3139 violation of this chapter.

3140 (b) The department may inspect patient records held by a medical cannabis pharmacy
3141 to ensure a pharmacy medical provider is practicing in accordance with this chapter and
3142 applicable rules.

3143 Section 39. Section **26-61a-404**, which is renumbered from Section 26-61a-503 is
3144 renumbered and amended to read:

3145 **[26-61a-503].** **26-61a-404. Partial filling -- Pharmacy medical provider**
3146 **directions of use.**

3147 (1) As used in this section, "partially fill" means to provide less than the full amount of
3148 cannabis or cannabis product that the recommending medical provider recommends, if the
3149 recommending medical provider recommended specific dosing parameters.

3150 (2) A pharmacy medical provider may partially fill a recommendation for a medical
3151 cannabis treatment at the request of the recommending medical provider who issued the
3152 medical cannabis treatment recommendation or the medical cannabis cardholder.

3153 (3) The department shall make rules, in collaboration with the Division of Professional
3154 Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah
3155 Administrative Rulemaking Act, specifying how to record the date, quantity supplied, and
3156 quantity remaining of a partially filled medical cannabis treatment recommendation.

3157 (4) A pharmacy medical provider who is a pharmacist may, upon the request of a
3158 medical cannabis cardholder, determine different dosing parameters, subject to the dosing
3159 limits in Subsection [~~26-61a-502(2)~~] 4-41a-1102(2), to fill the quantity remaining of a partially
3160 filled medical cannabis treatment recommendation if:

3161 (a) the pharmacy medical provider determined dosing parameters for the partial fill
3162 under Subsection [~~26-61a-502(4) or (5)~~] 4-41a-1102(5) or (6); and

3163 (b) the medical cannabis cardholder reports that:

3164 (i) the partial fill did not substantially affect the qualifying condition underlying the
3165 medical cannabis recommendation; or

3166 (ii) the patient experienced an adverse reaction to the partial fill or was otherwise
3167 unable to successfully use the partial fill.

3168 (5) If a recommending medical provider recommends treatment with medical cannabis
3169 but wishes for the pharmacy medical provider to determine directions of use and dosing
3170 guidelines:

3171 (a) the recommending medical provider shall provide to the pharmacy medical
3172 provider, either through the state electronic verification system or through a medical cannabis
3173 pharmacy's recording of a recommendation under the order of a limited medical provider, any
3174 of the following information that the recommending medical provider feels would be needed to
3175 provide appropriate directions of use and dosing guidelines:

3176 (i) information regarding the qualifying condition underlying the recommendation;

3177 (ii) information regarding prior treatment attempts with medical cannabis; and

3178 (iii) portions of the patient's current medication list; and

3179 (b) before the relevant medical cannabis cardholder may obtain medical cannabis, the
3180 pharmacy medical provider shall:

3181 (i) review pertinent medical records, including the recommending medical provider
3182 documentation described in Subsection (5)(a); and

3183 (ii) unless the pertinent medical records show directions of use and dosing guidelines
3184 from a state central patient portal medical provider in accordance with Subsection (6), after
3185 completing the review described in Subsection (5)(b)(i) and consulting with the recommending
3186 medical provider as needed, determine the best course of treatment through consultation with
3187 the cardholder regarding:

3188 (A) the patient's qualifying condition underlying the recommendation from the
3189 recommending medical provider;

3190 (B) indications for available treatments;

3191 (C) directions of use and dosing guidelines; and

3192 (D) potential adverse reactions.

3193 Section 40. Section **26-61a-601** is amended to read:

3194 **26-61a-601. State central patient portal -- Department duties.**

3195 (1) [~~On or before July 1, 2020, the~~] The department shall establish or contract to
3196 establish, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, a state central
3197 patient portal as described in this section.

3198 (2) The state central patient portal shall:

3199 (a) authenticate each user to ensure the user is a valid medical cannabis patient
3200 cardholder;

3201 (b) allow a medical cannabis patient cardholder to:

3202 (i) obtain and download the cardholder's medical cannabis card;

3203 (ii) review the cardholder's medical cannabis purchase history; and

3204 (iii) manage the cardholder's personal information, including withdrawing consent for
3205 the use of the cardholder's information for a study described in Subsection [26-61a-201\(12\)](#);

3206 (c) if the cardholder's recommending medical provider recommended the use of
3207 medical cannabis without providing directions of use and dosing guidelines and the cardholder
3208 has not yet received the counseling or consultation required in Subsection [26-61a-502\(4\)](#):

3209 (i) alert the cardholder of the outstanding need for consultation; and

3210 (ii) provide the cardholder with access to the contact information for each state central
3211 patient portal medical provider and each pharmacy medical provider;

3212 (d) except as provided in Subsection (2)(e), facilitate an electronic medical cannabis
3213 order:

3214 (i) to a home delivery medical cannabis pharmacy for a medical cannabis shipment; or

3215 (ii) to a medical cannabis pharmacy for a medical cannabis cardholder to obtain in
3216 person from the pharmacy;

3217 (e) prohibit a patient from completing an electronic medical cannabis order described
3218 in Subsection (2)(d) if the purchase would exceed the limitations described in Subsection

3219 [~~26-61a-502(2)(a) or (b)~~] [4-41a-1102\(2\)\(a\)](#) or (b);

3220 (f) provide educational information to medical cannabis patient cardholders regarding
3221 the state's medical cannabis laws and regulatory programs and other relevant information

3222 regarding medical cannabis; and

3223 (g) allow the patient to designate up to two caregivers who may receive a medical
3224 cannabis caregiver card to purchase and transport medical cannabis on behalf of the patient in
3225 accordance with this chapter.

3226 (3) The department may make rules in accordance with Title 63G, Chapter 3, Utah
3227 Administrative Rulemaking Act, to implement the state central patient portal.

3228 Section 41. Section **26-61a-701** is amended to read:

3229 **26-61a-701. Enforcement -- Misdemeanor.**

3230 (1) Except as provided in Title 4, Chapter 41a, Cannabis Production Establishments[;
3231 ~~and Sections 26-61a-502, 26-61a-605, and 26-61a-607]~~ and Pharmacies, it is unlawful for a
3232 medical cannabis cardholder to sell or otherwise give to another medical cannabis cardholder
3233 cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, a medical
3234 cannabis device, or any cannabis residue remaining in or from a medical cannabis device.

3235 (2) (a) Except as provided in Subsection (2)(b), a medical cannabis cardholder who
3236 violates Subsection (1) is:

3237 (i) guilty of a class B misdemeanor; and

3238 (ii) subject to a \$1,000 fine.

3239 (b) An individual is not guilty under Subsection (2)(a) if the individual:

3240 (i) (A) is a designated caregiver; and

3241 (B) gives the product described in Subsection (1) to the medical cannabis cardholder
3242 who designated the individual as a designated caregiver; or

3243 (ii) (A) is a medical cannabis guardian cardholder; and

3244 (B) gives the product described in Subsection (1) to the relevant provisional patient
3245 cardholder.

3246 (c) An individual who is guilty of a violation described in Subsection (2)(a) is not
3247 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
3248 underlying the violation described in Subsection (2)(a).

3249 Section 42. Section **26-61a-703** is amended to read:

3250 **26-61a-703. Report.**

3251 (1) By the November interim meeting each year beginning in 2020, the department
3252 shall report to the Health and Human Services Interim Committee on:

3253 (a) the number of applications and renewal applications filed for medical cannabis
3254 cards;

3255 (b) the number of qualifying patients and designated caregivers;

3256 (c) the nature of the debilitating medical conditions of the qualifying patients;

3257 (d) the age and county of residence of cardholders;

3258 (e) the number of medical cannabis cards revoked;

3259 (f) the number of practitioners providing recommendations for qualifying patients;

3260 (g) the number of license applications and renewal license applications received;

3261 (h) the number of licenses the department has issued in each county;

3262 (i) the number of licenses the department has revoked;

3263 (j) the quantity of medical cannabis shipments that the state central patient portal
3264 facilitates;

3265 (k) the number of overall purchases of medical cannabis and medical cannabis products
3266 from each medical cannabis pharmacy;

3267 (l) the expenses incurred and revenues generated from the medical cannabis program;
3268 and

3269 (m) an analysis of product availability in medical cannabis pharmacies in consultation
3270 with the Department of Agriculture and Food.

3271 (2) The department may not include personally identifying information in the report
3272 described in this section.

3273 (3) [~~During the 2022 legislative interim, the~~] The department shall report to the
3274 working group described in Section [36-12-8.2](#) as requested by the working group.

3275 Section 43. Section **26-61a-801** is enacted to read:

3276 **Part 8. Medical Cannabis Policy Advisory Board**

3277 **26-61a-801. Advisory board creation -- Membership.**

3278 (1) There is created within the department the Medical Cannabis Policy Advisory
3279 Board.

3280 (2) (a) The advisory board shall consist of the following members:

3281 (i) appointed by the executive director:

3282 (A) a qualified medical provider who has at least 100 patients who have a medical
3283 cannabis patient card at the time of appointment;

3284 (B) a medical research professional;

3285 (C) a mental health specialist;

3286 (D) an individual who represents an organization that advocates for medical cannabis
3287 patients;

3288 (E) an individual who holds a medical cannabis patient card; and

3289 (F) a member of the general public who does not hold a medical cannabis card; and

3290 (ii) appointed by the commissioner of the Department of Agriculture and Food:

3291 (A) an individual who owns or operates a licensed cannabis cultivation facility;

3292 (B) an individual who owns or operates a licensed medical cannabis pharmacy; and

3293 (C) a law enforcement officer.

3294 (b) The commissioner of the Department of Agriculture and Food shall ensure that at
3295 least one individual appointed under Subsection (2)(a)(ii)(A) or (B) also owns or operates a
3296 licensed cannabis processing facility.

3297 (3) (a) Subject to Subsection (3)(b), a member of the advisory board shall serve for a
3298 four year term.

3299 (b) When appointing the initial membership of the advisory board, the executive
3300 director and the commissioner of the Department of Agriculture and Food shall coordinate to
3301 appoint four advisory board members to serve a term of two years to ensure that approximately
3302 half of the board is appointed every two years.

3303 (4) (a) If an advisory board member is no longer able to serve as a member, a new
3304 member shall be appointed in the same manner as the original appointment.

3305 (b) A member appointed in accordance with Subsection (4)(a) shall serve for the

3306 remainder of the unexpired term of the original appointment.

3307 (5) (a) A majority of the advisory board members constitutes a quorum.

3308 (b) The action of a majority of a quorum constitutes an action of the advisory board.

3309 (c) The advisory board shall annually designate one of the advisory board's members to
3310 serve as chair for a one-year period.

3311 (6) An advisory board member may not receive compensation or benefits for the
3312 member's service on the advisory board but may receive per diem and reimbursement for travel
3313 expenses incurred as an advisory board member in accordance with:

3314 (a) Sections [63A-3-106](#) and [63A-3-107](#); and

3315 (b) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
3316 [63A-3-107](#).

3317 (7) The department shall:

3318 (a) provide staff support for the advisory board; and

3319 (b) assist the advisory board in conducting meetings.

3320 Section 44. Section **26-61a-802** is enacted to read:

3321 **26-61a-802. Advisory board duties.**

3322 (1) The advisory board may recommend:

3323 (a) to the department or the Department of Agriculture and Food changes to current or
3324 proposed medical cannabis rules or statutes;

3325 (b) to the appropriate legislative committee whether the advisory board supports a
3326 change to medical cannabis statutes.

3327 (2) The advisory board shall:

3328 (a) review any draft rule that is authorized under this chapter or Title 4, Chapter 41a,
3329 Cannabis Production Establishments and Pharmacies;

3330 (b) consult with the Department of Agriculture and Food regarding the issuance of an
3331 additional:

3332 (i) cultivation facility license under Section [4-41a-205](#); or

3333 (ii) pharmacy license under Section [4-41a-1005](#);

- 3334 (c) consult with the department regarding cannabis patient education;
 3335 (d) consult regarding the reasonableness of any fees set by the department or the Utah
 3336 Department of Agriculture and Food that pertain to the medical cannabis program; and
 3337 (e) consult regarding any issue pertaining to medical cannabis when asked by the
 3338 department or the Utah Department of Agriculture and Food.

3339 Section 45. Section **26-61a-803** is enacted to read:

3340 **26-61a-803. Department coordination.**

3341 The department shall:

- 3342 (1) provide draft rules made under this chapter to the advisory board for the advisory
 3343 board's review;
 3344 (2) consult with the advisory board regarding:
 3345 (a) patient education; and
 3346 (b) fees set by the department that pertain to the medical cannabis program; and
 3347 (3) when appropriate, consult with the advisory board regarding issues that arise in the
 3348 medical cannabis program.

3349 Section 46. Section **36-12-8.2** is amended to read:

3350 **36-12-8.2. Medical cannabis governance structure working group.**

3351 [~~During the 2022 legislative interim, the~~]

- 3352 (1) The Legislative Management Committee shall establish a medical cannabis
 3353 governance structure working group composed of [~~three members of the Health and Human~~
 3354 Services Interim Committee and three members of the Natural Resources, Agriculture, and
 3355 Environment Interim Committee to:] six members of the Legislature.

3356 (2) The working group may:

- 3357 [~~(1)~~] (a) work with industry, patients, medical providers, and others [~~to conduct a~~] to
 3358 review [~~of~~] the state's governance structure over medical cannabis;
 3359 [~~(2)~~] (b) study various regulatory structures throughout the nation regarding state
 3360 agency regulation of medical cannabis; and
 3361 (c) make recommendations to the Health and Human Services Interim Committee or

3362 the Natural Resources, Agriculture, and Environment Interim Committee regarding medical
3363 cannabis governance before or at the October interim meeting.

3364 ~~[(3) at or before the October 2022 interim meeting, make recommendations to the~~
3365 ~~Health and Human Services Interim Committee and the Natural Resources, Agriculture, and~~
3366 ~~Environment Interim Committee on whether a committee should recommend committee~~
3367 ~~legislation to vertically integrate licenses, streamline regulations, and reduce costs for patients~~
3368 ~~by unifying the efforts of the Department of Health and Human Services and the Department of~~
3369 ~~Agriculture and Food under a single state authority over medical cannabis.]~~

3370 Section 47. Section **58-17b-302** is amended to read:

3371 **58-17b-302. License required -- License classifications for pharmacy facilities.**

3372 (1) A license is required to act as a pharmacy, except:

3373 (a) as specifically exempted from licensure under Section [58-1-307](#);

3374 (b) for the operation of a medical cannabis pharmacy under [~~Title 26, Chapter 61a,~~
3375 ~~Utah Medical Cannabis Act~~] Title 4, Chapter 41a, Cannabis Production Establishments and
3376 Pharmacies; and

3377 (c) to operate a licensed dispensing practice under Chapter 88, Part 2, Dispensing
3378 Practice.

3379 (2) The division shall issue a pharmacy license to a facility that qualifies under this
3380 chapter in the classification of a:

3381 (a) class A pharmacy;

3382 (b) class B pharmacy;

3383 (c) class C pharmacy;

3384 (d) class D pharmacy;

3385 (e) class E pharmacy; or

3386 (f) dispensing medical practitioner clinic pharmacy.

3387 (3) (a) Each place of business shall require a separate license.

3388 (b) If multiple pharmacies exist at the same address, a separate license shall be required
3389 for each pharmacy.

3390 (4) (a) The division may further define or supplement the classifications of pharmacies.

3391 (b) The division may impose restrictions upon classifications to protect the public
3392 health, safety, and welfare.

3393 (5) Each pharmacy shall have a pharmacist-in-charge, except as otherwise provided by
3394 rule.

3395 (6) Whenever an applicable statute or rule requires or prohibits action by a pharmacy,
3396 the pharmacist-in-charge and the owner of the pharmacy shall be responsible for all activities
3397 of the pharmacy, regardless of the form of the business organization.

3398 Section 48. Section **58-17b-502** is amended to read:

3399 **58-17b-502. Unprofessional conduct.**

3400 (1) "Unprofessional conduct" includes:

3401 (a) willfully deceiving or attempting to deceive the division, the board, or their agents
3402 as to any relevant matter regarding compliance under this chapter;

3403 (b) except as provided in Subsection (2):

3404 (i) paying or offering rebates to practitioners or any other health care providers, or
3405 receiving or soliciting rebates from practitioners or any other health care provider; or

3406 (ii) paying, offering, receiving, or soliciting compensation in the form of a commission,
3407 bonus, rebate, kickback, or split fee arrangement with practitioners or any other health care
3408 provider, for the purpose of obtaining referrals;

3409 (c) misbranding or adulteration of any drug or device or the sale, distribution, or
3410 dispensing of any outdated, misbranded, or adulterated drug or device;

3411 (d) engaging in the sale or purchase of drugs or devices that are samples or packages
3412 bearing the inscription "sample" or "not for resale" or similar words or phrases;

3413 (e) except as provided in Section [58-17b-503](#), accepting back and redistributing any
3414 unused drug, or a part of it, after it has left the premises of a pharmacy;

3415 (f) an act in violation of this chapter committed by a person for any form of
3416 compensation if the act is incidental to the person's professional activities, including the
3417 activities of a pharmacist, pharmacy intern, or pharmacy technician;

- 3418 (g) violating:
- 3419 (i) the federal Controlled Substances Act, Title II, P.L. 91-513;
- 3420 (ii) Title 58, Chapter 37, Utah Controlled Substances Act; or
- 3421 (iii) rules or regulations adopted under either act;
- 3422 (h) requiring or permitting pharmacy interns or technicians to engage in activities
- 3423 outside the scope of practice for their respective license classifications, as defined in this
- 3424 chapter and division rules made in collaboration with the board, or beyond their scope of
- 3425 training and ability;
- 3426 (i) administering:
- 3427 (i) without appropriate training, as defined by rule;
- 3428 (ii) without a physician's order, when one is required by law; and
- 3429 (iii) in conflict with a practitioner's written guidelines or written protocol for
- 3430 administering;
- 3431 (j) disclosing confidential patient information in violation of the provisions of the
- 3432 Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat.
- 3433 1936, as amended, or other applicable law;
- 3434 (k) engaging in the practice of pharmacy without a licensed pharmacist designated as
- 3435 the pharmacist-in-charge;
- 3436 (l) failing to report to the division any adverse action taken by another licensing
- 3437 jurisdiction, government agency, law enforcement agency, or court for conduct that in
- 3438 substance would be considered unprofessional conduct under this section;
- 3439 (m) as a pharmacist or pharmacy intern, compounding a prescription drug in a dosage
- 3440 form which is regularly and commonly available from a manufacturer in quantities and
- 3441 strengths prescribed by a practitioner;
- 3442 (n) failing to act in accordance with Title 26, Chapter 64, Family Planning Access Act,
- 3443 when dispensing a self-administered hormonal contraceptive under a standing order;
- 3444 (o) violating the requirements of Title 4, Chapter 41a, Cannabis Production
- 3445 Establishments and Pharmacies, or Title 26, Chapter 61a, Utah Medical Cannabis Act; or

3446 (p) falsely making an entry in, or altering, a medical record with the intent to conceal:

3447 (i) a wrongful or negligent act or omission of an individual licensed under this chapter

3448 or an individual under the direction or control of an individual licensed under this chapter; or

3449 (ii) conduct described in Subsections (1)(a) through (o) or Subsection 58-1-501(1).

3450 (2) Subsection (1)(b) does not apply to:

3451 (a) giving or receiving a price discount based on purchase volume;

3452 (b) passing along a pharmaceutical manufacturer's rebate; or

3453 (c) providing compensation for services to a veterinarian.

3454 (3) "Unprofessional conduct" does not include, in accordance with Title 26, Chapter

3455 61a, Utah Medical Cannabis Act:

3456 (a) when registered as a pharmacy medical provider, as that term is defined in Section
3457 26-61a-102, providing pharmacy medical provider services in a medical cannabis pharmacy; or

3458 (b) when acting as a state central patient portal medical provider, as that term is defined
3459 in Section 26-61a-102, providing state central patient portal medical provider services.

3460 (4) Notwithstanding Subsection (3), the division, in consultation with the board and in
3461 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define
3462 unprofessional conduct for a pharmacist described in Subsections (3)(a) and (b).

3463 Section 49. Section 58-37-3.8 is amended to read:

3464 **58-37-3.8. Enforcement.**

3465 (1) A law enforcement officer, as that term is defined in Section 53-13-103, except for
3466 an officially designated drug enforcement task force regarding conduct that is not in accordance
3467 with Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, or Title 26,
3468 Chapter 61a, Utah Medical Cannabis Act, may not expend any state or local resources,
3469 including the officer's time, to:

3470 (a) effect any arrest or seizure of cannabis, as that term is defined in Section
3471 26-61a-102, or conduct any investigation, on the sole basis of activity the officer believes to
3472 constitute a violation of federal law if the officer has reason to believe that the activity is in
3473 compliance with the state medical cannabis laws;

3474 (b) enforce a law that restricts an individual's right to acquire, own, or possess a
3475 firearm based solely on the individual's possession or use of cannabis in accordance with state
3476 medical cannabis laws; or

3477 (c) provide any information or logistical support related to an activity described in
3478 Subsection (1)(a) to any federal law enforcement authority or prosecuting entity.

3479 (2) An agency or political subdivision of the state may not take an adverse action
3480 against a person for providing a professional service to a medical cannabis pharmacy, as that
3481 term is defined in Section 26-61a-102, the state central patient portal, as that term is defined in
3482 Section 26-61a-102, or a cannabis production establishment, as that term is defined in Section
3483 4-41a-102, on the sole basis that the service is a violation of federal law.

3484 Section 50. Section 63I-2-204 is amended to read:

3485 **63I-2-204. Repeal dates: Title 4.**

3486 (1) Title 4, Chapter 2, Part 6, Local Food Advisory Council, is repealed November 30,
3487 2027.

3488 (2) Section 4-41a-102.1 is repealed January 1, 2024.

3489 [~~2~~] (3) Section 4-46-104, Transition, is repealed July 1, 2024.

3490 Section 51. Section 63I-2-236 is amended to read:

3491 **63I-2-236. Repeal dates: Title 36.**

3492 (1) Section 36-12-8.2 is repealed July 1, [~~2023~~] 2024.

3493 (2) Section 36-29-107.5 is repealed on November 30, 2023.

3494 (3) Section 36-29-109 is repealed on November 30, 2027.

3495 (4) Section 36-29-110 is repealed on November 30, 2024.

3496 (5) Section 36-29-111 is repealed April 30, 2023.

3497 (6) The following sections regarding the State Flag Task Force are repealed on January
3498 1, 2024:

3499 (a) Section 36-29-201;

3500 (b) Section 36-29-202; and

3501 (c) Section 36-29-203.

3502 (7) Title 36, Chapter 29, Part 3, Mental Illness Psychotherapy Drug Task Force, is
3503 repealed December 31, 2023.

3504 Section 52. Section **78A-2-231** is amended to read:

3505 **78A-2-231. Consideration of lawful use or possession of medical cannabis.**

3506 (1) As used in this section:

3507 (a) "Cannabis product" means the same as that term is defined in Section [26-61a-102](#).

3508 (b) "Directions of use" means the same as that term is defined in Section [26-61a-102](#).

3509 (c) "Dosing guidelines" means the same as that term is defined in Section [26-61a-102](#).

3510 (d) "Medical cannabis" means the same as that term is defined in Section [26-61a-102](#).

3511 (e) "Medical cannabis card" means the same as that term is defined in Section

3512 [26-61a-102](#).

3513 (f) "Medical cannabis device" means the same as that term is defined in Section

3514 [26-61a-102](#).

3515 (g) "Recommending medical provider" means the same as that term is defined in

3516 Section [26-61a-102](#).

3517 (2) In any judicial proceeding in which a judge, panel, jury, or court commissioner
3518 makes a finding, determination, or otherwise considers an individual's medical cannabis card,
3519 medical cannabis recommendation from a recommending medical provider, or possession or
3520 use of medical cannabis, a cannabis product, or a medical cannabis device, the judge, panel,
3521 jury, or court commissioner may not consider or treat the individual's card, recommendation,
3522 possession, or use any differently than the lawful possession or use of any prescribed controlled
3523 substance if:

3524 (a) the individual's possession complies with Title 4, Chapter 41a, Cannabis Production
3525 Establishments and Pharmacies;

3526 (b) the individual's possession or use complies with Subsection [58-37-3.7\(2\)](#) or (3); or

3527 (c) (i) the individual's possession or use complies with Title 26, Chapter 61a, Utah
3528 Medical Cannabis Act; and

3529 (ii) the individual reasonably complies with the directions of use and dosing guidelines

3530 determined by the individual's recommending medical provider or through a consultation
 3531 described in Subsection [~~26-61a-502(4) or (5)~~] 26-61a-404(5).

3532 (3) Notwithstanding Sections 77-18-105 and 77-2a-3, for probation, release, a plea in
 3533 abeyance agreement, a diversion agreement, or a tendered admission under Utah Rules of
 3534 Juvenile Procedure, Rule 25, a term or condition may not require that an individual abstain
 3535 from the use or possession of medical cannabis, a cannabis product, or a medical cannabis
 3536 device, either directly or through a general prohibition on violating federal law, without an
 3537 exception related to medical cannabis use, if the individual's use or possession complies with:

- 3538 (a) Title 26, Chapter 61a, Utah Medical Cannabis Act; or
- 3539 (b) Subsection 58-37-3.7(2) or (3).

3540 Section 53. Section **80-3-110** is amended to read:

3541 **80-3-110. Consideration of cannabis during proceedings -- Drug testing.**

3542 (1) As used in this section:

- 3543 (a) "Cannabis" means the same as that term is defined in Section 26-61a-102.
- 3544 (b) "Cannabis product" means the same as that term is defined in Section 26-61a-102.
- 3545 (c) (i) "Chronic" means repeated or patterned.
- 3546 (ii) "Chronic" does not mean an isolated incident.
- 3547 (d) "Directions of use" means the same as that term is defined in Section 26-61a-102.
- 3548 (e) "Dosing guidelines" means the same as that term is defined in Section 26-61a-102.
- 3549 (f) "Medical cannabis" means the same as that term is defined in Section 26-61a-102.
- 3550 (g) "Medical cannabis cardholder" means the same as that term is defined in Section
 3551 26-61a-102.

3552 (h) " Recommending medical provider" means the same as that term is defined in
 3553 Section 26-61a-102.

3554 (2) In a proceeding under this chapter, in which the juvenile court makes a finding,
 3555 determination, or otherwise considers an individual's medical cannabis card, medical cannabis
 3556 recommendation from a recommending medical provider, or possession or use of medical
 3557 cannabis, a cannabis product, or a medical cannabis device, the juvenile court may not consider

3558 or treat the individual's medical cannabis card, recommendation, possession, or use any
3559 differently than the lawful possession or use of any prescribed controlled substance if:

3560 (a) the individual's possession or use complies with Title 4, Chapter 41a, Cannabis
3561 Production Establishments and Pharmacies;

3562 (b) the individual's possession or use complies with Subsection 58-37-3.7(2) or (3); or

3563 (c) (i) the individual's possession or use complies with Title 26, Chapter 61a, Utah
3564 Medical Cannabis Act; and

3565 (ii) the individual reasonably complies with the directions of use and dosing guidelines
3566 determined by the individual's recommending medical provider or through a consultation
3567 described in Subsection [~~26-61a-502(4) or (5)~~]; 26-61a-404(5).

3568 (3) In a proceeding under this chapter, a child's parent's or guardian's use of cannabis or
3569 a cannabis product is not abuse or neglect of the child unless there is evidence showing that:

3570 (a) the child is harmed because of the child's inhalation or ingestion of cannabis, or
3571 because of cannabis being introduced to the child's body in another manner; or

3572 (b) the child is at an unreasonable risk of harm because of chronic inhalation or
3573 ingestion of cannabis or chronic introduction of cannabis to the child's body in another manner.

3574 (4) Unless there is harm or an unreasonable risk of harm to the child as described in
3575 Subsection (3), in a child welfare proceeding under this chapter, a child's parent's or guardian's
3576 use of medical cannabis or a cannabis product is not contrary to the best interests of the child
3577 if:

3578 (a) for a medical cannabis cardholder after January 1, 2021, the parent's or guardian's
3579 possession or use complies with Title 26, Chapter 61a, Utah Medical Cannabis Act, and there
3580 is no evidence that the parent's or guardian's use of medical cannabis unreasonably deviates
3581 from the directions of use and dosing guidelines determined by the parent's or guardian's
3582 recommending medical provider or through a consultation described in Subsection
3583 [~~26-61a-502(4) or (5)~~]; 26-61a-404(5); or

3584 (b) before January 1, 2021, the parent's or guardian's possession or use complies with
3585 Subsection 58-37-3.7(2) or (3).

3586 (5) Subsection (3) does not prohibit a finding of abuse or neglect of a child, and
3587 Subsection (3) does not prohibit a finding that a parent's or guardian's use of medical cannabis
3588 or a cannabis product is contrary to the best interests of a child, if there is evidence showing a
3589 nexus between the parent's or guardian's use of cannabis or a cannabis product and behavior
3590 that would separately constitute abuse or neglect of the child.

3591 (6) If an individual, who is party to a proceeding under this chapter, is ordered by the
3592 juvenile court to submit to drug testing, or is referred by the division or a guardian ad litem for
3593 drug testing, the individual may not be ordered or referred for drug testing by means of a hair
3594 or fingernail test that is administered to detect the presence of drugs.

3595 Section 54. Section **80-4-109** is amended to read:

3596 **80-4-109. Consideration of cannabis during proceedings.**

3597 (1) As used in this section:

- 3598 (a) "Cannabis" means the same as that term is defined in Section [26-61a-102](#).
- 3599 (b) "Cannabis product" means the same as that term is defined in Section [26-61a-102](#).
- 3600 (c) (i) "Chronic" means repeated or patterned.
- 3601 (ii) "Chronic" does not mean an isolated incident.
- 3602 (d) "Directions of use" means the same as that term is defined in Section [26-61a-102](#).
- 3603 (e) "Dosing guidelines" means the same as that term is defined in Section [26-61a-102](#).
- 3604 (f) "Medical cannabis" means the same as that term is defined in Section [26-61a-102](#).
- 3605 (g) "Medical cannabis cardholder" means the same as that term is defined in Section
3606 [26-61a-102](#).
- 3607 (h) "Qualified medical provider" means the same as that term is defined in Section
3608 [26-61a-102](#).

3609 (2) In a proceeding under this chapter in which the juvenile court makes a finding,
3610 determination, or otherwise considers an individual's possession or use of medical cannabis, a
3611 cannabis product, or a medical cannabis device, the juvenile court may not consider or treat the
3612 individual's possession or use any differently than the lawful possession or use of any
3613 prescribed controlled substance if:

3614 (a) the individual's possession or use complies with Title 4, Chapter 41a, Cannabis
3615 Production Establishments and Pharmacies;

3616 (b) the individual's possession or use complies with Subsection [58-37-3.7\(2\)](#) or (3); or

3617 (c) (i) the individual's possession or use complies with Title 26, Chapter 61a, Utah
3618 Medical Cannabis Act; and

3619 (ii) the individual reasonably complies with the directions of use and dosing guidelines
3620 determined by the individual's qualified medical provider or through a consultation described
3621 in Subsection [~~26-61a-502(4) or (5).~~] [26-61a-404\(5\)](#).

3622 (3) In a proceeding under this chapter, a parent's or guardian's use of cannabis or a
3623 cannabis product is not abuse or neglect of a child unless there is evidence showing that:

3624 (a) the child is harmed because of the child's inhalation or ingestion of cannabis, or
3625 because of cannabis being introduced to the child's body in another manner; or

3626 (b) the child is at an unreasonable risk of harm because of chronic inhalation or
3627 ingestion of cannabis or chronic introduction of cannabis to the child's body in another manner.

3628 (4) Unless there is harm or an unreasonable risk of harm to the child as described in
3629 Subsection (3), a parent's or guardian's use of medical cannabis or a cannabis product is not
3630 contrary to the best interests of a child if:

3631 (a) for a medical cannabis cardholder after January 1, 2021, the parent's or guardian's
3632 possession or use complies with Title 26, Chapter 61a, Utah Medical Cannabis Act, and there
3633 is no evidence that the parent's or guardian's use of medical cannabis unreasonably deviates
3634 from the directions of use and dosing guidelines determined by the parent's or guardian's
3635 qualified medical provider or through a consultation described in Subsection [~~26-61a-502(4) or~~
3636 ~~(5)~~] [26-61a-404\(5\)](#); or

3637 (b) before January 1, 2021, the parent's or guardian's possession or use complies with
3638 Subsection [58-37-3.7\(2\)](#) or (3).

3639 (5) Subsection (3) does not prohibit a finding of abuse or neglect of a child and
3640 Subsection (3) does not prohibit a finding that a parent's or guardian's use of medical cannabis
3641 or a cannabis product is contrary to the best interests of a child, if there is evidence showing a

3642 nexus between the parent's or guardian's use of cannabis or a cannabis product and behavior
3643 that would separately constitute abuse or neglect of the child.

3644 Section 55. **Repealer.**

3645 This bill repeals:

3646 Section [26-61a-108](#), **Agreement with a tribe.**

3647 Section [26-61a-506](#), **Medical cannabis transportation.**

3648 Section 56. **Effective date.**

3649 (1) Except as provided in Subsection (2), this bill takes effect on July 1, 2023.

3650 (2) The actions affecting the following sections take effect on May 3, 2023:

3651 (a) Section [4-41a-102](#);

3652 (b) Section [4-41a-110](#);

3653 (c) Section [4-41a-802](#);

3654 (d) Section [26-61-202](#);

3655 (e) Section [26-61a-102](#);

3656 (f) Section [26-61a-105](#);

3657 (g) Section [26-61a-801](#);

3658 (h) Section [26-61a-802](#);

3659 (i) Section [26-61a-803](#);

3660 (j) Section [36-12-8.2](#); and

3661 (k) Section [63I-2-236](#).