

**PLANT EXTRACT AMENDMENTS**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Gage Froerer**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends provisions of the Controlled Substances Act and the Utah Health Code related to hemp extract.

**Highlighted Provisions:**

This bill:

- ▶ exempts an individual who uses or possesses hemp extract, and complies with other requirements, from the penalties related to possession or use of the hemp extract under the Controlled Substances Act;

- ▶ exempts an individual who possesses hemp extract and administers the hemp extract to a minor from the penalties related to administering the hemp extract to a minor under the Controlled Substances Act;

- ▶ requires the Department of Health to issue a hemp extract registration card to an individual who meets certain requirements; and

- ▶ makes technical and conforming amendments.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill takes effect on July 1, 2014.

**Utah Code Sections Affected:**

ENACTS:



- 28 [26-55-101](#), Utah Code Annotated 1953
- 29 [26-55-102](#), Utah Code Annotated 1953
- 30 [26-55-103](#), Utah Code Annotated 1953
- 31 [58-37-4.3](#), Utah Code Annotated 1953



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

34 Section 1. Section **26-55-101** is enacted to read:

35 **CHAPTER 55. HEMP EXTRACT REGISTRATION ACT**

36 **26-55-101. Title.**

37 This chapter is known as the "Hemp Extract Registration Act."

38 Section 2. Section **26-55-102** is enacted to read:

39 **26-55-102. Definitions.**

40 As used in this chapter:

41 (1) "Applicant" means an individual who applies for a hemp extract registration card  
42 under Subsection [26-55-103](#)(1) or (2).

43 (2) "Hemp extract" is as defined in Section [58-37-4.3](#).

44 (3) "Hemp extract registration card" means a card issued by the department under  
45 Subsection [26-55-103](#)(1) or (2).

46 (4) "Parent" means a parent or legal guardian of a minor who is responsible for the  
47 minor's medical care.

48 (5) "Physician" is as defined in Section [58-67-102](#).

49 Section 3. Section **26-55-103** is enacted to read:

50 **26-55-103. Hemp extract registration card.**

51 (1) The department shall issue a hemp extract registration card to an individual who:

52 (a) is at least 18 years of age;

53 (b) is a Utah resident;

54 (c) provides the department with a statement signed by a physician that the individual  
55 may benefit from treatment with hemp extract;

56 (d) pays the department a fee in an amount established by the department under  
57 Subsection (5); and

58 (e) submits an application to the department, on a form created by the department, that

59 contains:

60 (i) the individual's name and address;

61 (ii) a copy of the individual's valid photo identification; and

62 (iii) any other information the department considers necessary to implement this

63 chapter.

64 (2) The department shall issue a hemp extract registration card to a parent who:

65 (a) is at least 18 years of age;

66 (b) is a Utah resident;

67 (c) provides the department with a statement signed by a physician that a minor in the  
68 parent's care may benefit from treatment with hemp extract;

69 (d) pays the department a fee in an amount established by the department under

70 Subsection (5); and

71 (e) submits an application to the department, on a form created by the department, that  
72 contains, at minimum:

73 (i) the parent's name and address;

74 (ii) the minor's name;

75 (iii) a copy of the parent's valid photo identification; and

76 (iv) any other information the department considers necessary to implement this

77 chapter.

78 (3) The department shall maintain a record of:

79 (a) the names of each applicant to whom the department issues a hemp extract  
80 registration card; and

81 (b) the name of each minor receiving care from a parent who is issued a hemp extract  
82 registration card under Subsection (2).

83 (4) The department shall make rules in accordance with Title 63G, Chapter 3, Utah  
84 Administrative Rulemaking Act, to establish:

85 (a) the information an applicant is required to provide the department under

86 Subsections (1)(e) and (2)(e);

87 (b) the form of the application described in Subsections (1)(e) and (2)(e); and

88 (c) the form of the hemp extract registration card issued under Subsections (1) and (2).

89 (5) The department shall establish the fee described in Subsections (1)(d) and (2)(d) in

90 accordance with Section 63J-1-504 and may not establish a fee that is greater than an amount  
91 that will cover the cost the department incurs to implement this chapter.

92 (6) The department may, with an applicant's consent, release the applicant's name and  
93 contact information to a survey administrator to investigate the medical response to hemp  
94 extract of:

- 95 (a) the applicant; or
- 96 (b) a minor under the applicant's care.

97 Section 4. Section 58-37-4.3 is enacted to read:

98 **58-37-4.3. Exemption for use or possession of hemp extract.**

99 (1) As used in this section, "hemp extract" means an extract from a cannabis plant, or a  
100 mixture or preparation containing cannabis plant material, that:

- 101 (a) is composed of less than 0.3% tetrahydrocannabinol by weight; and
- 102 (b) contains no other psychoactive substance.

103 (2) Notwithstanding any other provision of this chapter, an individual who possesses or  
104 uses hemp extract is not subject to the penalties described in this chapter for possession or use  
105 of the hemp extract if the individual:

- 106 (a) possesses or uses the hemp extract only for medical purposes; and
- 107 (b) obtains a hemp extract registration card issued by the Department of Health under  
108 Section 26-55-103.

109 (3) Notwithstanding any other provision of this chapter, an individual who possesses  
110 hemp extract lawfully under Subsection (2) and administers hemp extract to a minor is not  
111 subject to the penalties described in this chapter for administering the hemp extract to the  
112 minor if:

- 113 (a) the individual is the minor's parent or legal guardian; and
- 114 (b) the individual is registered with the Department of Health as the minor's parent  
115 under Section 26-55-103.

116 Section 5. **Effective date.**

117 This bill takes effect on July 1, 2014.

**Legislative Review Note**  
as of 2-3-14 8:32 AM

**Office of Legislative Research and General Counsel**