

CANNABINOID MEDICINE RESEARCH

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brad M. Daw

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts provisions related to research of cannabis and cannabinoid medicine.

Highlighted Provisions:

This bill:

- ▶ allows a person to possess cannabis, cannabinoid medicine, and expanded cannabinoid medicine and to distribute the cannabis, cannabinoid medicine, or expanded cannabinoid medicine to a patient pursuant to an institutional review board-approved study; and

- ▶ allows a person conducting an institutional review board-approved study to import, distribute cannabis, cannabinoid medicine, and expanded cannabinoid medicine in certain circumstances.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

ENACTS:

26-59-101, Utah Code Annotated 1953

26-59-102, Utah Code Annotated 1953

26-59-103, Utah Code Annotated 1953



28 **58-37-3.6**, Utah Code Annotated 1953

29

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

31 Section 1. Section **26-59-101** is enacted to read:

32 **CHAPTER 59. CANNABINOID MEDICINE RESEARCH ACT**

33 **26-59-101. Title.**

34 This chapter is known as "Cannabinoid Medicine Research Act."

35 Section 2. Section **26-59-102** is enacted to read:

36 **26-59-102. Definitions.**

37 As used in this chapter:

38 (1) "Approved study" means a medical research study;

39 (a) the purpose of which is to investigate the medical benefits of cannabinoid medicine;

40 and

41 (b) that is approved by an IRB.

42 (2) "Cannabinoid medicine" means the same as that term is defined in Section

43 58-37-3.6.

44 (3) "Cannabis" means the same as that term is defined in Section 58-37-3.6.

45 (4) "Institutional review board" or "IRB" means an institutional review board that is
46 registered for human subject research by the United States Department of Health and Human
47 Services.

48 Section 3. Section **26-59-103** is enacted to read:

49 **26-59-103. Institutional review board -- Approved study, cannabis, cannabinoid**
medicine, or expanded cannabinoid medicine.

50 (1) A person conducting an approved study may, for the purposes of the study:

51 (a) process cannabinoid medicine or expanded cannabinoid medicine;

52 (b) possess cannabinoid medicine or expanded cannabinoid medicine; and

53 (c) administer a product containing cannabis, cannabinoid medicine, or expanded
54 cannabinoid medicine to an individual in accordance with the approved study.

55 (2) A person conducting an approved study may:

56 (a) import cannabis, cannabinoid medicine, or expanded cannabinoid medicine from
57 another state if:

59 (i) the importation complies with federal law; and
60 (ii) the person uses the cannabis, cannabinoid medicine, or expanded cannabinoid
61 medicine in accordance with the approved study; or
62 (b) obtain cannabis, cannabinoid medicine, or expanded cannabinoid medicine from
63 the National Institute on Drug Abuse.

64 (3) A person conducting an approved study may distribute, outside the state, cannabis,
65 cannabinoid medicine, or expanded cannabinoid medicine if:

66 (a) the distribution complies with federal law; and
67 (b) the distribution is for the purposes of, and in accordance with, the approved study.

68 Section 4. Section 58-37-3.6 is enacted to read:

69 **58-37-3.6. Exemption for possession or distribution of cannabinoid medicine**
70 **pursuant to an approved study.**

71 (1) As used in this section:

72 (a) "Cannabinoid medicine" means a product intended for human ingestion that:
73 (i) contains an extract or concentrate that is obtained from cannabis;
74 (ii) is prepared in a medicinal dosage form; and
75 (iii) contains at least 10 units of cannabidiol for every one unit of tetrahydrocannabinol.
76 (b) "Cannabis" means any part of the plant cannabis sativa, whether growing or not.
77 (c) "Drug paraphernalia" means the same as that term is defined in Section 58-37a-3.
78 (d) "Expanded cannabinoid medicine" means a product intended for human ingestion

79 that:

80 (i) contains an extract or concentrate that is obtained from cannabis;
81 (ii) is prepared in a medicinal dosage form; and
82 (iii) contains less than 10 units of cannabidiol for every one unit of
83 tetrahydrocannabinol.

84 (e) "Medicinal dosage form" means:

85 (i) a tablet;
86 (ii) a capsule;
87 (iii) a concentrated oil;
88 (iv) a liquid suspension;
89 (v) a transdermal preparation; or

90 (vi) a sublingual preparation.

91 (f) "Tetrahydrocannabinol" means a substance derived from cannabis that meets the
92 description in Subsection 58-37-4(2)(a)(iii)(AA).

93 (2) Notwithstanding any other provision of this chapter, an individual who possesses or
94 distributes cannabinoid medicine or expanded cannabinoid medicine is not subject to the
95 penalties described in this title for the possession or distribution of marijuana or
96 tetrahydrocannabinol to the extent that the individual's possession or distribution of
97 cannabinoid medicine or expanded cannabinoid medicine complies with Title 26, Chapter 59,
98 Cannabinoid Medicine Research Act.

99 **Section 5. Effective date.**

100 If approved by two-thirds of all the members elected to each house, this bill takes effect
101 upon approval by the governor, or the day following the constitutional time limit of Utah
102 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
103 the date of veto override.

Legislative Review Note
Office of Legislative Research and General Counsel