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CANNABIS CULTIVATION AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brad M. Daw

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill deals with the cultivation and processing of cannabis for academic or medical research.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the Department of Agriculture and Food, by January 1, 2019, to ensure the cultivation and processing of cannabis in the state for academic or medical research purposes;
- ▶ authorizes the Department of Agriculture and Food to:
 - contract with a third party to cultivate or process cannabis; and
 - make rules; and
- ▶ states that an individual who possesses, processes, or grows cannabis does not violate the Controlled Substances Act if the individual is authorized to possess, process, or grow cannabis for academic or medical research purposes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



28 AMENDS:

29 [58-37-3.6](#), as enacted by Laws of Utah 2017, Chapter 398

30 ENACTS:

31 [4-41-201](#), Utah Code Annotated 1953

32 [4-41-202](#), Utah Code Annotated 1953

33 [4-41-203](#), Utah Code Annotated 1953

34 [4-41-204](#), Utah Code Annotated 1953

35

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

37 Section 1. Section **4-41-201** is enacted to read:

38 **Part 2. Cannabis Cultivation**

39 **4-41-201. Title.**

40 This part is known as "Cannabis Cultivation."

41 Section 2. Section **4-41-202** is enacted to read:

42 **4-41-202. Definitions.**

43 As used in this part:

44 (1) "Cannabis" means any part of a cannabis plant, whether growing or not, with
45 tetrahydrocannabinol content greater than 0.3%.

46 (2) "Medicinal dosage form" means the same as that term is defined in Section
47 [58-37-3.6](#).

48 Section 3. Section **4-41-203** is enacted to read:

49 **4-41-203. Department to cultivate cannabis.**

50 (1) The department shall, by January 1, 2019:

51 (a) ensure the cultivation of cannabis in the state for academic or medical research
52 purposes; and

53 (b) ensure that cannabis grown in the state pursuant to Subsection (1)(a) may be
54 processed into a medicinal dosage form.

55 (2) The department may contract with a private entity to fulfill the duty described in
56 Subsection (1).

57 (3) In issuing a contract to a private entity as described in Subsection (2), the
58 department shall:

- 59 (a) comply with Title 63G, Chapter 6a, Utah Procurement Code; and
- 60 (b) provide regular, strict oversight of a private entity awarded a contract to ensure that
- 61 the private entity complies with the awarded contract, state law, and department rules.

62 Section 4. Section **4-41-204** is enacted to read:

63 **4-41-204. Department to make rules.**

64 The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
65 Administrative Rulemaking Act:

66 (1) to ensure:

67 (a) cannabis cultivated in the state pursuant to this chapter is cultivated from
68 state-approved seed sources; and

69 (b) a private entity contracted to cultivate cannabis has sufficient security protocols;
70 and

71 (2) governing a processor who puts cannabis into a medicinal dosage form, including
72 standards for health and safety.

73 Section 5. Section **58-37-3.6** is amended to read:

74 **58-37-3.6. Exemption for possession or distribution of a cannabinoid product or**
75 **expanded cannabinoid product pursuant to an approved study.**

76 (1) As used in this section:

- 77 (a) "Cannabinoid product" means a product intended for human ingestion that:
 - 78 (i) contains an extract or concentrate that is obtained from cannabis;
 - 79 (ii) is prepared in a medicinal dosage form; and
 - 80 (iii) contains at least 10 units of cannabidiol for every one unit of tetrahydrocannabinol.

81 (b) "Cannabis" means any part of the plant cannabis sativa, whether growing or not.

82 (c) "Drug paraphernalia" means the same as that term is defined in Section [58-37a-3](#).

83 (d) "Expanded cannabinoid product" means a product intended for human ingestion
84 that:

- 85 (i) contains an extract or concentrate that is obtained from cannabis;
- 86 (ii) is prepared in a medicinal dosage form; and
- 87 (iii) contains less than 10 units of cannabidiol for every one unit of
- 88 tetrahydrocannabinol.

89 (e) "Medicinal dosage form" means:

- 90 (i) a tablet;
- 91 (ii) a capsule;
- 92 (iii) a concentrated oil;
- 93 (iv) a liquid suspension;
- 94 (v) a transdermal preparation; or
- 95 (vi) a sublingual preparation.

96 (f) "Tetrahydrocannabinol" means a substance derived from cannabis that meets the
97 description in Subsection [58-37-4\(2\)\(a\)\(iii\)\(AA\)](#).

98 (2) Notwithstanding any other provision of this chapter, an individual who possesses or
99 distributes a cannabinoid product or an expanded cannabinoid product is not subject to the
100 penalties described in this title for the possession or distribution of marijuana or
101 tetrahydrocannabinol to the extent that the individual's possession or distribution of the
102 cannabinoid product or expanded cannabinoid product complies with Title 26, Chapter 61,
103 Cannabinoid Research Act.

104 (3) Notwithstanding any other provision of this chapter, an individual who grows,
105 processes, or possesses cannabis is not subject to the penalties described in this title for the
106 growth, processing, or possession of marijuana to the extent that the individual is authorized to
107 grow, process, or possess the cannabis under Section [4-41-203](#) and is in compliance with any
108 rules made pursuant to Section [4-41-204](#).

Legislative Review Note
Office of Legislative Research and General Counsel