

**Senator Luz Escamilla** proposes the following substitute bill:

**CONSUMER PROTECTION FOR CANNABIS PATIENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Luz Escamilla**

House Sponsor: Raymond P. Ward

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**LONG TITLE**

**General Description:**

This bill amends provisions relating to patient access to medical cannabis recommendations from medical providers.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ amends a labeling requirement for consistency;
- ▶ allows a licensed podiatrist to recommend medical cannabis within the course and scope of a practice of podiatry;
- ▶ requires the state electronic verification system to allow a medical cannabis pharmacy to record a medical cannabis recommendation from a limited medical provider;
- ▶ allows certain medical providers to operate as limited medical providers to recommend cannabis to a limited number of the provider's patients without registering with the Department of Health (department) as a qualified medical provider (QMP);
- ▶ requires QMPs, entities that employ QMPs, and applicants for a QMP registration to provide certain information to the department regarding fees charged to a patient



26 for a medical cannabis recommendation;

27       ▶ requires the department to provide certain information, in coordination with a health  
28 care transparency tool that the state auditor maintains, regarding fees charged to a

29 patient for a medical cannabis recommendations;

30       ▶ amends provisions to accommodate the allowance for limited medical providers;

31       ▶ allows a licensed podiatrist to become a qualified medical provider;

32       ▶ requires the department to issue an electronic conditional medical cannabis card to  
33 allow certain medical cannabis card applicants access to medical cannabis;

34       ▶ requires medical cannabis pharmacies to record information in an order from a  
35 limited medical provider in the state electronic verification system;

36       ▶ imposes certain verification requirements on a medical cannabis pharmacy before  
37 entering certain orders from a limited medical provider or processing a transaction

38 for certain conditional medical cannabis cardholders;

39       ▶ requires a medical cannabis component in required continuing education for  
40 controlled substance prescribers;

41       ▶ extends a deadline that imposes a limitation on an individual's use or possession of  
42 medical cannabis from outside the state; and

43       ▶ makes technical and conforming changes.

44 **Money Appropriated in this Bill:**

45       None

46 **Other Special Clauses:**

47       This bill provides a special effective date.

48       This bill provides revisor instructions.

49 **Utah Code Sections Affected:**

50 AMENDS:

51       **4-41a-102**, as last amended by Laws of Utah 2020, Chapters 12, 148 and last amended  
52 by Coordination Clause, Laws of Utah 2020, Chapter 148

53       **4-41a-602**, as last amended by Laws of Utah 2020, Chapter 12

54       **26-61a-102**, as last amended by Laws of Utah 2020, Chapters 12, 148 and last amended  
55 by Coordination Clause, Laws of Utah 2020, Chapter 148

56       **26-61a-103**, as last amended by Laws of Utah 2020, Chapter 12

- 57            **26-61a-106**, as last amended by Laws of Utah 2020, Chapter 12
- 58            **26-61a-107**, as last amended by Laws of Utah 2020, Chapters 12, 148 and last amended
- 59 by Coordination Clause, Laws of Utah 2020, Chapter 148
- 60            **26-61a-201**, as last amended by Laws of Utah 2020, Chapters 12 and 148
- 61            **26-61a-202**, as last amended by Laws of Utah 2020, Chapter 12
- 62            **26-61a-401**, as last amended by Laws of Utah 2019, First Special Session, Chapter 5
- 63            **26-61a-403**, as last amended by Laws of Utah 2019, First Special Session, Chapter 5
- 64            **26-61a-501**, as last amended by Laws of Utah 2020, Chapter 12
- 65            **26-61a-502**, as last amended by Laws of Utah 2020, Chapters 12, 148 and last amended
- 66 by Coordination Clause, Laws of Utah 2020, Chapter 148
- 67            **26-61a-503**, as last amended by Laws of Utah 2019, First Special Session, Chapter 5
- 68            **26-61a-601**, as last amended by Laws of Utah 2020, Chapter 12
- 69            **58-5a-102**, as last amended by Laws of Utah 2020, Chapter 25
- 70            **58-31b-502**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4
- 71            **58-37-3.7**, as last amended by Laws of Utah 2020, Chapter 12
- 72            **58-37-6.5**, as last amended by Laws of Utah 2018, Chapter 318
- 73            **58-67-502**, as last amended by Laws of Utah 2020, Chapter 25
- 74            **58-68-502**, as last amended by Laws of Utah 2020, Chapter 25
- 75            **58-70a-503**, as last amended by Laws of Utah 2020, Chapter 25
- 76            **62A-4a-404**, as last amended by Laws of Utah 2020, Chapter 193
- 77            **67-3-11**, as enacted by Laws of Utah 2019, Chapter 370
- 78            **78A-2-231**, as last amended by Laws of Utah 2020, Chapter 12
- 79            **78A-6-115**, as last amended by Laws of Utah 2020, Chapters 12, 132, 250, and 354

**Utah Code Sections Affected by Revisor Instructions:**

- 81            **26-61a-201**, as last amended by Laws of Utah 2020, Chapters 12 and 148
- 82            **58-37-3.7**, as last amended by Laws of Utah 2020, Chapter 12

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

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

**4-41a-102. Definitions.**

As used in this chapter:

- 88 (1) "Active tetrahydrocannabinol" means delta-9-tetrahydrocannabinol and  
89 tetrahydrocannabinolic acid.
- 90 (2) "Cannabis" means the same as that term is defined in Section [26-61a-102](#).
- 91 (3) "Cannabis cultivation facility" means a person that:  
92 (a) possesses cannabis;  
93 (b) grows or intends to grow cannabis; and  
94 (c) sells or intends to sell cannabis to a cannabis cultivation facility, a cannabis  
95 processing facility, or a medical cannabis research licensee.
- 96 (4) "Cannabis cultivation facility agent" means an individual who:  
97 (a) is an employee of a cannabis cultivation facility; and  
98 (b) holds a valid cannabis production establishment agent registration card.
- 99 (5) "Cannabis processing facility" means a person that:  
100 (a) acquires or intends to acquire cannabis from a cannabis production establishment;  
101 (b) possesses cannabis with the intent to manufacture a cannabis product;  
102 (c) manufactures or intends to manufacture a cannabis product from unprocessed  
103 cannabis or a cannabis extract; and  
104 (d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or a  
105 medical cannabis research licensee.
- 106 (6) "Cannabis processing facility agent" means an individual who:  
107 (a) is an employee of a cannabis processing facility; and  
108 (b) holds a valid cannabis production establishment agent registration card.
- 109 (7) "Cannabis product" means the same as that term is defined in Section [26-61a-102](#).
- 110 (8) "Cannabis production establishment" means a cannabis cultivation facility, a  
111 cannabis processing facility, or an independent cannabis testing laboratory.
- 112 (9) "Cannabis production establishment agent" means a cannabis cultivation facility  
113 agent, a cannabis processing facility agent, or an independent cannabis testing laboratory agent.
- 114 (10) "Cannabis production establishment agent registration card" means a registration  
115 card that the department issues that:  
116 (a) authorizes an individual to act as a cannabis production establishment agent; and  
117 (b) designates the type of cannabis production establishment for which an individual is  
118 authorized to act as an agent.

119 (11) "Community location" means a public or private elementary or secondary school,  
120 a church, a public library, a public playground, or a public park.

121 (12) "Cultivation space" means, quantified in square feet, the horizontal area in which  
122 a cannabis cultivation facility cultivates cannabis, including each level of horizontal area if the  
123 cannabis cultivation facility hangs, suspends, stacks, or otherwise positions plants above other  
124 plants in multiple levels.

125 (13) "Department" means the Department of Agriculture and Food.

126 (14) "Family member" means a parent, step-parent, spouse, child, sibling, step-sibling,  
127 uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law,  
128 sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.

129 (15) (a) "Independent cannabis testing laboratory" means a person that:

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

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

133 (b) "Independent cannabis testing laboratory" includes a laboratory that the department  
134 operates in accordance with Subsection [4-41a-201\(14\)](#).

135 (16) "Independent cannabis testing laboratory agent" means an individual who:

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

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

138 (17) "Inventory control system" means a system described in Section [4-41a-103](#).

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

140 (19) "Medical cannabis card" means the same as that term is defined in Section  
141 [26-61a-102](#).

142 (20) "Medical cannabis pharmacy" means the same as that term is defined in Section  
143 [26-61a-102](#).

144 (21) "Medical cannabis pharmacy agent" means the same as that term is defined in  
145 Section [26-61a-102](#).

146 (22) "Medical cannabis research license" means a license that the department issues to  
147 a research university for the purpose of obtaining and possessing medical cannabis for  
148 academic research.

149 (23) "Medical cannabis research licensee" means a research university that the

150 department licenses to obtain and possess medical cannabis for academic research, in  
151 accordance with Section [4-41a-901](#).

152 (24) "Medical cannabis treatment" means the same as that term is defined in Section  
153 [26-61a-102](#).

154 (25) "Medicinal dosage form" means the same as that term is defined in Section  
155 [26-61a-102](#).

156 (26) "Qualified medical provider" means the same as that term is defined in Section  
157 [26-61a-102](#).

158 (27) "Qualified Production Enterprise Fund" means the fund created in Section  
159 [4-41a-104](#).

160 (28) "Recommending medical provider" means the same as that term is defined in  
161 Section [26-61a-102](#).

162 [~~(28)~~] (29) "Research university" means the same as that term is defined in Section  
163 [53B-7-702](#) and a private, nonprofit college or university in the state that:

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

168 [~~(29)~~] (30) "State electronic verification system" means the system described in Section  
169 [26-61a-103](#).

170 [~~(30)~~] (31) "Tetrahydrocannabinol" means a substance derived from cannabis or a  
171 synthetic equivalent as described in Subsection [58-37-4\(2\)\(a\)\(iii\)\(AA\)](#).

172 [~~(31)~~] (32) "Total composite tetrahydrocannabinol" means all detectable forms of  
173 tetrahydrocannabinol.

174 Section 2. Section **4-41a-602** is amended to read:

175 **4-41a-602. Cannabis product -- Labeling and child-resistant packaging.**

176 (1) For any cannabis product that a cannabis processing facility processes or produces  
177 and for any raw cannabis that the facility packages, the facility shall:

- 178 (a) label the cannabis or cannabis product with a label that:
  - 179 (i) clearly and unambiguously states that the cannabis product or package contains  
180 cannabis;

181 (ii) clearly displays the amount of total composite tetrahydrocannabinol and  
182 cannabidiol in the labeled container;

183 (iii) has a unique identification number that:  
184 (A) is connected to the inventory control system; and  
185 (B) identifies the unique cannabis product manufacturing process the cannabis  
186 processing facility used to manufacture the cannabis product;

187 (iv) identifies the cannabinoid extraction process that the cannabis processing facility  
188 used to create the cannabis product;

189 (v) does not display an image, word, or phrase that the facility knows or should know  
190 appeals to children; and

191 (vi) discloses each active or potentially active ingredient, in order of prominence, and  
192 possible allergen; and

193 (b) package the raw cannabis or cannabis product in a medicinal dosage form in a  
194 container that:

195 (i) is tamper evident and tamper resistant;  
196 (ii) does not appeal to children;  
197 (iii) does not mimic a candy container;  
198 (iv) is opaque;  
199 (v) complies with child-resistant effectiveness standards that the United States  
200 Consumer Product Safety Commission establishes; and

201 (vi) includes a warning label that states:  
202 (A) for a container labeled before July 1, 2021, "WARNING: Cannabis has  
203 intoxicating effects and may be addictive. Do not operate a vehicle or machinery under its  
204 influence. KEEP OUT OF REACH OF CHILDREN. This product is for medical use only. Use  
205 only as directed by a qualified medical provider."; or  
206 (B) for a container labeled on or after July 1, 2021, "WARNING: Cannabis has  
207 intoxicating effects and may be addictive. Do not operate a vehicle or machinery under its  
208 influence. KEEP OUT OF REACH OF CHILDREN. This product is for medical use only. Use  
209 only as directed by a recommending medical provider.".

210 (2) For any cannabis or cannabis product that the cannabis processing facility processes  
211 into a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or rectangular

212 cuboid shape, the facility shall:

213 (a) ensure that the label described in Subsection (1)(a) does not contain a photograph or  
214 other image of the content of the container; and

215 (b) include on the label described in Subsection (1)(a) a warning about the risks of  
216 over-consumption.

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

219 (a) a standard labeling format that:

220 (i) complies with the requirements of this section; and

221 (ii) ensures inclusion of a pharmacy label; and

222 (b) additional requirements on packaging for cannabis and cannabis products to ensure  
223 safety and product quality.

224 Section 3. Section **26-61a-102** is amended to read:

225 **26-61a-102. Definitions.**

226 As used in this chapter:

227 (1) "Cannabis" means marijuana.

228 (2) "Cannabis cultivation facility" means the same as that term is defined in Section  
229 [4-41a-102](#).

230 (3) "Cannabis processing facility" means the same as that term is defined in Section  
231 [4-41a-102](#).

232 (4) "Cannabis product" means a product that:

233 (a) is intended for human use; and

234 (b) contains cannabis or tetrahydrocannabinol.

235 (5) "Cannabis production establishment" means the same as that term is defined in  
236 Section [4-41a-102](#).

237 (6) "Cannabis production establishment agent" means the same as that term is defined  
238 in Section [4-41a-102](#).

239 (7) "Cannabis production establishment agent registration card" means the same as that  
240 term is defined in Section [4-41a-102](#).

241 (8) "Community location" means a public or private elementary or secondary school, a  
242 church, a public library, a public playground, or a public park.



243 (9) "Conditional medical cannabis card" means an electronic medical cannabis card  
244 that the department issues in accordance with Subsection 26-61a-201(1)(b) to allow an  
245 applicant for a medical cannabis card to access medical cannabis during the department's  
246 review of the application.

247 [~~(9)~~] (10) "Department" means the Department of Health.

248 [~~(10)~~] (11) "Designated caregiver" means:

249 (a) an individual:

250 (i) whom an individual with a medical cannabis patient card or a medical cannabis  
251 guardian card designates as the patient's caregiver; and

252 (ii) who registers with the department under Section 26-61a-202; or

253 (b) (i) a facility that an individual designates as a designated caregiver in accordance  
254 with Subsection 26-61a-202(1)(b); or

255 (ii) an assigned employee of the facility described in Subsection 26-61a-202(1)(b)(ii).

256 [~~(11)~~] (12) "Directions of use" means recommended routes of administration for a  
257 medical cannabis treatment and suggested usage guidelines.

258 [~~(12)~~] (13) "Dosing guidelines" means a quantity range and frequency of administration  
259 for a recommended treatment of medical cannabis.

260 [~~(13)~~] (14) "Financial institution" means a bank, trust company, savings institution, or  
261 credit union, chartered and supervised under state or federal law.

262 [~~(14)~~] (15) "Home delivery medical cannabis pharmacy" means a medical cannabis  
263 pharmacy that the department authorizes, as part of the pharmacy's license, to deliver medical  
264 cannabis shipments to a medical cannabis cardholder's home address to fulfill electronic orders  
265 that the state central patient portal facilitates.

266 [~~(15)~~] (16) "Inventory control system" means the system described in Section  
267 4-41a-103.

268 [~~(16)~~] (17) "Legal dosage limit" means an amount that:

269 (a) is sufficient to provide 30 days of treatment based on the dosing guidelines that the  
270 relevant ~~[qualified]~~ recommending medical provider or the pharmacy medical provider, in  
271 accordance with Subsection 26-61a-201(4) or (5), recommends; and

272 (b) may not exceed:

273 (i) for unprocessed cannabis in a medicinal dosage form, 113 grams by weight; and

274 (ii) for a cannabis product in a medicinal dosage form, a quantity that contains, in total,  
275 greater than 20 grams of active tetrahydrocannabinol.

276 ~~[(17)]~~ (18) "Legal use termination date" means a date on the label of a container of  
277 unprocessed cannabis flower:

278 (a) that is 60 days after the date of purchase of the cannabis; and

279 (b) after which, the cannabis is no longer in a medicinal dosage form outside of the  
280 primary residence of the relevant medical cannabis patient cardholder.

281 (19) "Limited medical provider" means an individual who:

282 (a) meets the recommending qualifications; and

283 (b) has no more than 15 patients with a valid medical cannabis patient card or  
284 provisional patient card as a result of the individual's recommendation, in accordance with  
285 Subsection 26-61a-106(1)(b).

286 ~~[(18)]~~ (20) "Marijuana" means the same as that term is defined in Section 58-37-2.

287 ~~[(19)]~~ (21) "Medical cannabis" means cannabis in a medicinal dosage form or a  
288 cannabis product in a medicinal dosage form.

289 ~~[(20)]~~ (22) "Medical cannabis card" means a medical cannabis patient card, a medical  
290 cannabis guardian card, ~~[or]~~ a medical cannabis caregiver card, or a conditional medical  
291 cannabis card.

292 ~~[(21)]~~ (23) "Medical cannabis cardholder" means:

293 (a) a holder of a medical cannabis card; or

294 (b) a facility or assigned employee, described in Subsection ~~[(10)]~~ (11)(b), only:

295 (i) within the scope of the facility's or assigned employee's performance of the role of a  
296 medical cannabis patient cardholder's caregiver designation under Subsection  
297 26-61a-202(1)(b); and

298 (ii) while in possession of documentation that establishes:

299 (A) a caregiver designation described in Subsection 26-61a-202(1)(b);

300 (B) the identity of the individual presenting the documentation; and

301 (C) the relation of the individual presenting the documentation to the caregiver  
302 designation.

303 ~~[(22)]~~ (24) "Medical cannabis caregiver card" means an electronic document that a  
304 cardholder may print or store on an electronic device or a physical card or document that:

305 (a) the department issues to an individual whom a medical cannabis patient cardholder  
306 or a medical cannabis guardian cardholder designates as a designated caregiver; and

307 (b) is connected to the electronic verification system.

308 (25) "Medical cannabis courier agent" means an individual who:

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

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

311 [~~(23)~~] (26) "Medical cannabis courier" means a courier that:

312 (a) the department licenses in accordance with Section [26-61a-604](#); and

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

315 [~~(24)~~] (27) (a) "Medical cannabis device" means a device that an individual uses to  
316 ingest or inhale cannabis in a medicinal dosage form or a cannabis product in a medicinal  
317 dosage form.

318 (b) "Medical cannabis device" does not include a device that:

319 (i) facilitates cannabis combustion; or

320 (ii) an individual uses to ingest substances other than cannabis.

321 [~~(25)~~] (28) "Medical cannabis guardian card" means an electronic document that a  
322 cardholder may print or store on an electronic device or a physical card or document that:

323 (a) the department issues to the parent or legal guardian of a minor with a qualifying  
324 condition; and

325 (b) is connected to the electronic verification system.

326 [~~(26)~~] (29) "Medical cannabis patient card" means an electronic document that a  
327 cardholder may print or store on an electronic device or a physical card or document that:

328 (a) the department issues to an individual with a qualifying condition; and

329 (b) is connected to the electronic verification system.

330 [~~(27)~~] (30) "Medical cannabis pharmacy" means a person that:

331 (a) (i) acquires or intends to acquire:

332 (A) cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage  
333 form from a cannabis processing facility; or

334 (B) a medical cannabis device; or

335 (ii) possesses cannabis in a medicinal dosage form, a cannabis product in a medicinal

336 dosage form, or a medical cannabis device; and

337 (b) sells or intends to sell cannabis in a medicinal dosage form, a cannabis product in a  
338 medicinal dosage form, or a medical cannabis device to a medical cannabis cardholder.

339 [~~(28)~~] (31) "Medical cannabis pharmacy agent" means an individual who:

340 (a) is an employee of a medical cannabis pharmacy; and

341 (b) who holds a valid medical cannabis pharmacy agent registration card.

342 [~~(29)~~] (32) "Medical cannabis pharmacy agent registration card" means a registration  
343 card issued by the department that authorizes an individual to act as a medical cannabis  
344 pharmacy agent.

345 [~~(30)~~] (33) "Medical cannabis shipment" means a shipment of medical cannabis or a  
346 medical cannabis product that a home delivery medical cannabis pharmacy or a medical  
347 cannabis courier delivers to a medical cannabis cardholder's home address to fulfill an  
348 electronic medical cannabis order that the state central patient portal facilitates.

349 [~~(31)~~] (34) "Medical cannabis treatment" means cannabis in a medicinal dosage form, a  
350 cannabis product in a medicinal dosage form, or a medical cannabis device.

351 [~~(32)~~] (35) (a) "Medicinal dosage form" means:

352 (i) for processed medical cannabis or a medical cannabis product, the following with a  
353 specific and consistent cannabinoid content:

354 (A) a tablet;

355 (B) a capsule;

356 (C) a concentrated liquid or viscous oil;

357 (D) a liquid suspension;

358 (E) a topical preparation;

359 (F) a transdermal preparation;

360 (G) a sublingual preparation;

361 (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or  
362 rectangular cuboid shape; or

363 (I) a resin or wax;

364 (ii) for unprocessed cannabis flower, a container described in Section [4-41a-602](#) that:

365 (A) contains cannabis flowers in a quantity that varies by no more than 10% from the  
366 stated weight at the time of packaging;

367 (B) at any time the medical cannabis cardholder transports or possesses the container in  
368 public, is contained within an opaque, child-resistant bag that the medical cannabis pharmacy  
369 provides; and

370 (C) is labeled with the container's content and weight, the date of purchase, the legal  
371 use termination date, and after December 31, 2020, a barcode that provides information  
372 connected to an inventory control system; and

373 (iii) a form measured in grams, milligrams, or milliliters.

374 (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:

375 (i) the medical cannabis cardholder has recently removed from the container described  
376 in Subsection [~~(32)~~] (35)(a)(ii) for use; and

377 (ii) does not exceed the quantity described in Subsection [~~(32)~~] (35)(a)(ii).

378 (c) "Medicinal dosage form" does not include:

379 (i) any unprocessed cannabis flower outside of the container described in Subsection  
380 [~~(32)~~] (35)(a)(ii), except as provided in Subsection [~~(32)~~] (35)(b);

381 (ii) any unprocessed cannabis flower in a container described in Subsection [~~(32)~~]  
382 (35)(a)(ii) after the legal use termination date; or

383 (iii) a process of vaporizing and inhaling concentrated cannabis by placing the cannabis  
384 on a nail or other metal object that is heated by a flame, including a blowtorch.

385 [~~(33)~~] (36) "Nonresident patient" means an individual who:

386 (a) is not a resident of Utah or has been a resident of Utah for less than 45 days;

387 (b) has a currently valid medical cannabis card or the equivalent of a medical cannabis  
388 card under the laws of another state, district, territory, commonwealth, or insular possession of  
389 the United States; and

390 (c) has been diagnosed with a qualifying condition as described in Section 26-61a-104.

391 [~~(34)~~] (37) "Payment provider" means an entity that contracts with a cannabis  
392 production establishment or medical cannabis pharmacy to facilitate transfers of funds between  
393 the establishment or pharmacy and other businesses or individuals.

394 [~~(35)~~] (38) "Pharmacy medical provider" means the medical provider required to be on  
395 site at a medical cannabis pharmacy under Section 26-61a-403.

396 [~~(36)~~] (39) "Provisional patient card" means a card that:

397 (a) the department issues to a minor with a qualifying condition for whom:

398 (i) a ~~[qualified]~~ recommending medical provider has recommended a medical cannabis  
399 treatment; and

400 (ii) the department issues a medical cannabis guardian card to the minor's parent or  
401 legal guardian; and

402 (b) is connected to the electronic verification system.

403 ~~[(37)]~~ (40) "Qualified medical provider" means an individual ~~[who is qualified]~~;

404 (a) who meets the recommending qualifications; and

405 (b) whom the department registers to recommend treatment with cannabis in a

406 medicinal dosage form under Section 26-61a-106.

407 ~~[(38)]~~ (41) "Qualified Patient Enterprise Fund" means the enterprise fund created in  
408 Section 26-61a-109.

409 ~~[(39)]~~ (42) "Qualifying condition" means a condition described in Section 26-61a-104.

410 ~~[(40)]~~ (43) "Recommend" or "recommendation" means, for a ~~[qualified]~~

411 recommending medical provider, the act of suggesting the use of medical cannabis treatment,  
412 which:

413 (a) certifies the patient's eligibility for a medical cannabis card; and

414 (b) may include, at the ~~[qualified]~~ recommending medical provider's discretion,  
415 directions of use, with or without dosing guidelines.

416 (44) "Recommending medical provider" means a qualified medical provider or a  
417 limited medical provider.

418 (45) "Recommending qualifications" means that an individual:

419 (a) (i) has the authority to write a prescription;

420 (ii) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah  
421 Controlled Substances Act; and

422 (iii) possesses the authority, in accordance with the individual's scope of practice, to  
423 prescribe a Schedule II controlled substance; and

424 (b) who is licensed as:

425 (i) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

426 (ii) an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice  
427 Act;

428 (iii) a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,

429 Chapter 68, Utah Osteopathic Medical Practice Act; or

430 (iv) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act  ~~H→~~ .

431 [whose:

432 ~~—— (A) declaration of services agreement, as that term is defined in Section 58-70a-102,~~

433 includes the recommending of medical cannabis; and

434 ~~—— (B) supervising physician is a qualified medical provider:]~~ ← H

435 ~~[(41)]~~ (46) "State central patient portal" means the website the department creates, in  
436 accordance with Section 26-61a-601, to facilitate patient safety, education, and an electronic  
437 medical cannabis order.

438 ~~[(42)]~~ (47) "State central patient portal medical provider" means a physician or  
439 pharmacist that the department employs in relation to the state central patient portal to consult  
440 with medical cannabis cardholders in accordance with Section 26-61a-602.

441 ~~[(43)]~~ (48) "State electronic verification system" means the system described in Section  
442 26-61a-103.

443 ~~[(44)]~~ (49) "Valid form of photo identification" means any of the following forms of  
444 identification that is either current or has expired within the previous six months:

445 (a) a valid state-issued driver license or identification card;

446 (b) a valid United States [federal- or state-issued] federal-issued photo identification,  
447 including:

448 ~~[(a) a driver license;]~~

449 ~~[(b)]~~ (i) a United States passport;

450 ~~[(c)]~~ (ii) a United States passport card; ~~[or]~~

451 ~~[(d)]~~ (iii) a United States military identification card[-]; or

452 (iv) a permanent resident card or alien registration receipt card; or

453 (c) a passport that another country issued.

454 Section 4. Section 26-61a-103 is amended to read:

455 **26-61a-103. Electronic verification system.**

456 (1) The Department of Agriculture and Food, the department, the Department of Public  
457 Safety, and the Department of Technology Services shall:

458 (a) enter into a memorandum of understanding in order to determine the function and  
459 operation of the state electronic verification system in accordance with Subsection (2);

460 (b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah  
461 Procurement Code, to develop a request for proposals for a third-party provider to develop and  
462 maintain the state electronic verification system in coordination with the Department of  
463 Technology Services; and

464 (c) select a third-party provider who:

465 (i) meets the requirements contained in the request for proposals issued under  
466 Subsection (1)(b); and

467 (ii) may not have any commercial or ownership interest in a cannabis production  
468 establishment or a medical cannabis pharmacy.

469 (2) The Department of Agriculture and Food, the department, the Department of Public  
470 Safety, and the Department of Technology Services shall ensure that, on or before March 1,  
471 2020, the state electronic verification system described in Subsection (1):

472 (a) allows an individual to apply for a medical cannabis patient card or, if applicable, a  
473 medical cannabis guardian card, provided that the card may not become active until:

474 (i) the relevant qualified medical provider completes the associated medical cannabis  
475 recommendation; or

476 (ii) for medical cannabis card related to a limited medical provider's recommendation,  
477 the medical cannabis pharmacy completes the recording described in Subsection (2)(d);

478 (b) allows an individual to apply to renew a medical cannabis patient card or a medical  
479 cannabis guardian card in accordance with Section [26-61a-201](#);

480 (c) allows a qualified medical provider, or an employee described in Subsection (3)  
481 acting on behalf of the qualified medical provider, to:

482 (i) access dispensing and card status information regarding a patient:

483 (A) with whom the qualified medical provider has a provider-patient relationship; and

484 (B) for whom the qualified medical provider has recommended or is considering  
485 recommending a medical cannabis card;

486 (ii) electronically recommend, after an initial face-to-face visit with a patient described  
487 in Subsection [26-61a-201\(4\)\(b\)](#), treatment with cannabis in a medicinal dosage form or a  
488 cannabis product in a medicinal dosage form and optionally recommend dosing guidelines;

489 (iii) electronically renew a recommendation to a medical cannabis patient cardholder or  
490 medical cannabis guardian cardholder:



491 (A) using telehealth services, for the qualified medical provider who originally  
492 recommended a medical cannabis treatment during a face-to-face visit with the patient; or  
493 (B) during a face-to-face visit with the patient, for a qualified medical provider who  
494 did not originally recommend the medical cannabis treatment during a face-to-face visit; and  
495 (iv) notate a determination of physical difficulty or undue hardship, described in  
496 Subsection [26-61a-202](#)(1), to qualify a patient to designate a caregiver;

497 (d) beginning on the earlier of September 1, 2021, or the date on which the electronic  
498 verification system is functionally capable of facility medical cannabis pharmacy recording,  
499 allows a medical cannabis pharmacy medical provider or medical cannabis pharmacy agent, in  
500 accordance with Subsection [26-61a-501](#)(11)(a), to record:

501 (i) a patient's recommendation from a limited medical provider, including any  
502 directions of use, dosing guidelines, or caregiver indications from the limited medical provider;  
503 and

504 (ii) a limited medical provider's renewal of the provider's previous recommendation;

505 [~~(d)~~] (e) connects with:

506 (i) an inventory control system that a medical cannabis pharmacy uses to track in real  
507 time and archive purchases of any cannabis in a medicinal dosage form, cannabis product in a  
508 medicinal dosage form, or a medical cannabis device, including:

509 (A) the time and date of each purchase;

510 (B) the quantity and type of cannabis, cannabis product, or medical cannabis device  
511 purchased;

512 (C) any cannabis production establishment, any medical cannabis pharmacy, or any  
513 medical cannabis courier associated with the cannabis, cannabis product, or medical cannabis  
514 device; and

515 (D) the personally identifiable information of the medical cannabis cardholder who  
516 made the purchase; and

517 (ii) any commercially available inventory control system that a cannabis production  
518 establishment utilizes in accordance with Section [4-41a-103](#) to use data that the Department of  
519 Agriculture and Food requires by rule, in accordance with Title 63G, Chapter 3, Utah  
520 Administrative Rulemaking Act, from the inventory tracking system that a licensee uses to  
521 track and confirm compliance;

522 ~~(f)~~ (f) provides access to:

523 (i) the department to the extent necessary to carry out the department's functions and  
524 responsibilities under this chapter;

525 (ii) the Department of Agriculture and Food to the extent necessary to carry out the  
526 functions and responsibilities of the Department of Agriculture and Food under Title 4, Chapter  
527 41a, Cannabis Production Establishments; and

528 (iii) the Division of Occupational and Professional Licensing to the extent necessary to  
529 carry out the functions and responsibilities related to the participation of the following in the  
530 recommendation and dispensing of medical cannabis:

531 (A) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

532 ~~(A)~~ (B) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

533 ~~(B)~~ (C) an advanced practice registered nurse licensed under Title 58, Chapter 31b,  
534 Nurse Practice Act;

535 ~~(C)~~ (D) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act,  
536 or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

537 ~~(D)~~ (E) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician  
538 Assistant Act;

539 ~~(E)~~ (g) provides access to and interaction with the state central patient portal;

540 ~~(g)~~ (h) provides access to state or local law enforcement:

541 (i) during a law enforcement encounter, without a warrant, using the individual's driver  
542 license or state ID, only for the purpose of determining if the individual subject to the law  
543 enforcement encounter has a valid medical cannabis card; or

544 (ii) after obtaining a warrant; and

545 ~~(h)~~ (i) creates a record each time a person accesses the database that identifies the  
546 person who accesses the database and the individual whose records the person accesses.

547 (3) (a) Beginning on the earlier of January 1, 2021, or the date on which the electronic  
548 verification system is functionally capable of allowing employee access under this Subsection  
549 (3), an employee of a qualified medical provider may access the electronic verification system  
550 for a purpose described in Subsection (2)(c) on behalf of the qualified medical provider if:

551 (i) the qualified medical provider has designated the employee as an individual  
552 authorized to access the electronic verification system on behalf of the qualified medical

553 provider;

554 (ii) the qualified medical provider provides written notice to the department of the  
555 employee's identity and the designation described in Subsection (3)(a)(i); and

556 (iii) the department grants to the employee access to the electronic verification system.

557 (b) An employee of a business that employs a qualified medical provider may access  
558 the electronic verification system for a purpose described in Subsection (2)(c) on behalf of the  
559 qualified medical provider if:

560 (i) the qualified medical provider has designated the employee as an individual  
561 authorized to access the electronic verification system on behalf of the qualified medical  
562 provider;

563 (ii) the qualified medical provider and the employing business jointly provide written  
564 notice to the department of the employee's identity and the designation described in Subsection  
565 (3)(b)(i); and

566 (iii) the department grants to the employee access to the electronic verification system.

567 (4) (a) As used in this Subsection (4), "prescribing provider" means:

568 (i) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

569 ~~[(i)]~~ (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b,  
570 Nurse Practice Act;

571 ~~[(ii)]~~ (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act,  
572 or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

573 ~~[(iii)]~~ (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician  
574 Assistant Act.

575 (b) Beginning on the earlier of January 1, 2021, or the date on which the electronic  
576 verification system is functionally capable of allowing provider access under this Subsection  
577 (4), a prescribing provider may access information in the electronic verification system  
578 regarding a patient the prescribing provider treats.

579 (5) The department may release limited data that the system collects for the purpose of:

580 (a) conducting medical and other department approved research;

581 (b) providing the report required by Section 26-61a-703; and

582 (c) other official department purposes.

583 (6) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah

584 Administrative Rulemaking Act, to establish:

585 (a) the limitations on access to the data in the state electronic verification system as  
586 described in this section; and

587 (b) standards and procedures to ensure accurate identification of an individual  
588 requesting information or receiving information in this section.

589 (7) (a) Any person who knowingly and intentionally releases any information in the  
590 state electronic verification system in violation of this section is guilty of a third degree felony.

591 (b) Any person who negligently or recklessly releases any information in the state  
592 electronic verification system in violation of this section is guilty of a class C misdemeanor.

593 (8) (a) Any person who obtains or attempts to obtain information from the state  
594 electronic verification system by misrepresentation or fraud is guilty of a third degree felony.

595 (b) Any person who obtains or attempts to obtain information from the state electronic  
596 verification system for a purpose other than a purpose this chapter authorizes is guilty of a third  
597 degree felony.

598 (9) (a) Except as provided in Subsection (9)(e), a person may not knowingly and  
599 intentionally use, release, publish, or otherwise make available to any other person information  
600 obtained from the state electronic verification system for any purpose other than a purpose  
601 specified in this section.

602 (b) Each separate violation of this Subsection (9) is:

603 (i) a third degree felony; and

604 (ii) subject to a civil penalty not to exceed \$5,000.

605 (c) The department shall determine a civil violation of this Subsection (9) in  
606 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

607 (d) Civil penalties assessed under this Subsection (9) shall be deposited into the  
608 General Fund.

609 (e) This Subsection (9) does not prohibit a person who obtains information from the  
610 state electronic verification system under Subsection (2)(a), (c), or (f) from:

611 (i) including the information in the person's medical chart or file for access by a person  
612 authorized to review the medical chart or file;

613 (ii) providing the information to a person in accordance with the requirements of the  
614 Health Insurance Portability and Accountability Act of 1996; or

615 (iii) discussing or sharing that information about the patient with the patient.

616 Section 5. Section ~~26-61a-106~~ is amended to read:

617 **26-61a-106. Qualified medical provider registration -- Continuing education --**

618 **Treatment recommendation -- Limited medical provider.**

619 (1) (a) (i) Except as provided in Subsection (1)(b), an individual may not recommend a  
620 medical cannabis treatment unless the department registers the individual as a qualified  
621 medical provider in accordance with this section.

622 (ii) Notwithstanding Subsection (1)(a)(i), a qualified medical provider who is podiatrist  
623 licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act, may not recommend a  
624 medical cannabis treatment except within the course and scope of a practice of podiatry, as that  
625 term is defined in Section 58-5a-102.

626 (b) ~~[An]~~ Beginning on the earlier of September 1, 2021, or the date on which the  
627 department gives notice of that the electronic verification system is functionally capable as  
628 described in Subsection 26-61a-103(2)(d), an individual who meets the recommending  
629 qualifications [in Subsections ~~26-61a-106(2)(a)(iii) and (iv)~~] may recommend a medical  
630 cannabis treatment as a limited medical provider without registering under Subsection (1)(a)  
631 [until January 1, 2021.] if:

632 (i) the individual recommends the use of medical cannabis to the patient through an  
633 order described in Subsection (1)(c) after:

634 (A) a face-to-face visit for an initial recommendation or the renewal of a  
635 recommendation for a patient for whom the limited medical provider did not make the patient's  
636 original recommendation; or

637 (B) a visit using telehealth services for a renewal of a recommendation for a patient for  
638 whom the limited medical provider made the patient's original recommendation; and

639 (ii) the individual's recommendation or renewal would not cause the total number of  
640 the individual's patients who have a valid medical cannabis patient card or provisional patient  
641 card resulting from the individual's recommendation to exceed 15.

642 (c) The individual described in Subsection (1)(b) shall communicate the individual's  
643 recommendation through an order for the medical cannabis pharmacy to record the individual's  
644 recommendation or renewal in the state electronic verification system under the individual's  
645 recommendation that:

646 (i) (A) that the individual or the individual's employee sends electronically to a medical  
647 cannabis pharmacy; or

648 (B) that the individual gives to the patient in writing for the patient to deliver to a  
649 medical cannabis pharmacy; and

650 (ii) may include:

651 (A) directions of use or dosing guidelines; and

652 (B) an indication of a need for a caregiver in accordance with Subsection  
653 26-61a-201(3)(c).

654 (d) If the limited medical provider gives the patient a written recommendation to  
655 deliver to a medical cannabis pharmacy under Subsection (1)(c)(i)(B), the limited medical  
656 provider shall ensure that the document includes all of the information that is included on a  
657 prescription the provider would issue for a controlled substance, including:

658 (i) the date of issuance;

659 (ii) the provider's name, address and contact information, controlled substance license  
660 information, and signature; and

661 (iii) the patient's name, address and contact information, age, and diagnosed qualifying  
662 condition.

663 (e) In considering making a recommendation as a limited medical provider, an  
664 individual may consult information that the department makes available on the department's  
665 website for recommending providers.

666 (2) (a) The department shall, within 15 days after the day on which the department  
667 receives an application from an individual, register and issue a qualified medical provider  
668 registration card to the individual if the individual:

669 (i) provides to the department the individual's name and address;

670 (ii) provides to the department a report detailing the individual's completion of the  
671 applicable continuing education requirement described in Subsection (3);

672 (iii) provides to the department evidence that the individual[+] meets the  
673 recommending qualifications;

674 ~~[(A) has the authority to write a prescription;]~~

675 ~~[(B) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah~~  
676 ~~Controlled Substances Act; and]~~

677 ~~[(C) possesses the authority, in accordance with the individual's scope of practice, to~~  
678 ~~prescribe a Schedule II controlled substance;]~~

679 ~~[(iv) provides to the department evidence that the individual is:]~~

680 ~~[(A) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse~~  
681 ~~Practice Act;]~~

682 ~~[(B) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or~~  
683 ~~Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or]~~

684 ~~[(C) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician~~  
685 ~~Assistant Act, whose declaration of services agreement, as that term is defined in Section~~  
686 ~~58-70a-102, includes the recommending of medical cannabis, and whose supervising physician~~  
687 ~~is a qualified medical provider; and]~~

688 (iv) for an applicant on or after November 1, 2021, provides to the department the  
689 information described in Subsection (10)(a); and

690 (v) pays the department a fee in an amount that:

691 (A) the department sets, in accordance with Section 63J-1-504; and

692 (B) does not exceed \$300 for an initial registration.

693 (b) The department may not register an individual as a qualified medical provider if the  
694 individual is:

695 (i) a pharmacy medical provider; or

696 (ii) an owner, officer, director, board member, employee, or agent of a cannabis  
697 production establishment, a medical cannabis pharmacy, or a medical cannabis courier.

698 (3) (a) An individual shall complete the continuing education described in this  
699 Subsection (3) in the following amounts:

700 (i) for an individual as a condition precedent to registration, four hours; and

701 (ii) for a qualified medical provider as a condition precedent to renewal, four hours  
702 every two years.

703 (b) In accordance with Subsection (3)(a), a qualified medical provider shall:

704 (i) complete continuing education:

705 (A) regarding the topics described in Subsection (3)(d); and

706 (B) offered by the department under Subsection (3)(c) or an accredited or approved  
707 continuing education provider that the department recognizes as offering continuing education

708 appropriate for the recommendation of cannabis to patients; and  
709 (ii) make a continuing education report to the department in accordance with a process  
710 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah  
711 Administrative Rulemaking Act, and in collaboration with the Division of Occupational and  
712 Professional Licensing and:  
713 (A) for a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing  
714 Act, the Podiatric Physician Board;  
715 [~~(A)~~] (B) for an advanced practice registered nurse licensed under Title 58, Chapter  
716 31b, Nurse Practice Act, the Board of Nursing;  
717 [~~(B)~~] (C) for a qualified medical provider licensed under Title 58, Chapter 67, Utah  
718 Medical Practice Act, the Physicians Licensing Board;  
719 [~~(C)~~] (D) for a qualified medical provider licensed under Title 58, Chapter 68, Utah  
720 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board;  
721 and  
722 [~~(D)~~] (E) for a physician assistant licensed under Title 58, Chapter 70a, Utah Physician  
723 Assistant Act, the Physician Assistant Licensing Board.  
724 (c) The department may, in consultation with the Division of Occupational and  
725 Professional Licensing, develop the continuing education described in this Subsection (3).  
726 (d) The continuing education described in this Subsection (3) may discuss:  
727 (i) the provisions of this chapter;  
728 (ii) general information about medical cannabis under federal and state law;  
729 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,  
730 including risks and benefits;  
731 (iv) recommendations for medical cannabis as it relates to the continuing care of a  
732 patient in pain management, risk management, potential addiction, or palliative care; and  
733 (v) best practices for recommending the form and dosage of medical cannabis products  
734 based on the qualifying condition underlying a medical cannabis recommendation.  
735 (4) (a) Except as provided in Subsection (4)(b), a qualified medical provider may not  
736 recommend a medical cannabis treatment to more than 275 of the qualified medical provider's  
737 patients at the same time, as determined by the number of medical cannabis cards under the  
738 qualified medical provider's name in the state electronic verification system.



739 (b) A qualified medical provider may recommend a medical cannabis treatment to up to  
740 600 of the qualified medical provider's patients at any given time, as determined by the number  
741 of medical cannabis cards under the qualified medical provider's name in the state electronic  
742 verification system, if:

743 (i) the appropriate American medical board has certified the qualified medical provider  
744 in the specialty of anesthesiology, gastroenterology, neurology, oncology, pain, hospice and  
745 palliative medicine, physical medicine and rehabilitation, rheumatology, endocrinology, or  
746 psychiatry; or

747 (ii) a licensed business employs or contracts with the qualified medical provider for the  
748 specific purpose of providing hospice and palliative care.

749 (5) A ~~[qualified]~~ recommending medical provider may recommend medical cannabis to  
750 an individual under this chapter only in the course of a ~~[qualified medical]~~ provider-patient  
751 relationship after the ~~[qualifying]~~ recommending medical provider has completed and  
752 documented in the patient's medical record a thorough assessment of the patient's condition and  
753 medical history based on the appropriate standard of care for the patient's condition.

754 (6) (a) Except as provided in Subsection (6)(b), an individual may not advertise that the  
755 individual recommends medical cannabis treatment in accordance with this chapter.

756 (b) For purposes of Subsection (6)(a), the communication of the following, through a  
757 website, by ~~[an individual described in Subsection (6)(c)]~~ a qualified medical provider, does  
758 not constitute advertising:

759 (i) a green cross;

760 (ii) a qualifying condition that the qualified medical provider treats; or

761 (iii) a scientific study regarding medical cannabis use.

762 ~~[(c) The following are subject to Subsection (6)(b):]~~

763 ~~[(i) before the department begins registering qualified medical providers:]~~

764 ~~[(A) an advanced practice registered nurse described in Subsection (2)(a)(iv)(A);]~~

765 ~~[(B) a physician described in Subsection (2)(a)(iv)(B); or]~~

766 ~~[(C) a physician assistant described in Subsection (2)(a)(iv)(C); and]~~

767 ~~[(ii) after the department begins registering qualified medical providers, a qualified~~  
768 ~~medical provider.]~~

769 (7) (a) A qualified medical provider registration card expires two years after the day on

770 which the department issues the card.

771 (b) The department shall renew a qualified medical provider's registration card if the  
772 provider:

773 (i) applies for renewal;

774 (ii) is eligible for a qualified medical provider registration card under this section,  
775 including maintaining an unrestricted license [~~as described in Subsection (2)(a)(iii)~~] under the  
776 recommending qualifications;

777 (iii) certifies to the department in a renewal application that the information in  
778 Subsection (2)(a) is accurate or updates the information;

779 (iv) submits a report detailing the completion of the continuing education requirement  
780 described in Subsection (3); and

781 (v) pays the department a fee in an amount that:

782 (A) the department sets, in accordance with Section 63J-1-504; and

783 (B) does not exceed \$50 for a registration renewal.

784 (8) The department may revoke the registration of a qualified medical provider who  
785 fails to maintain compliance with the requirements of this section.

786 (9) A [~~qualified~~] recommending medical provider may not receive any compensation  
787 or benefit for the qualified medical provider's medical cannabis treatment recommendation  
788 from:

789 (a) a cannabis production establishment or an owner, officer, director, board member,  
790 employee, or agent of a cannabis production establishment;

791 (b) a medical cannabis pharmacy or an owner, officer, director, board member,  
792 employee, or agent of a medical cannabis pharmacy; or

793 (c) a [~~qualified~~] recommending medical provider or pharmacy medical provider.

794 (10) (a) On or before November 1, 2021, a qualified medical provider shall report to  
795 the department, in a manner designated by the department:

796 (i) if applicable, that the qualified medical provider or the entity that employs the  
797 qualified medical provider represents online or on printed material that the qualified medical  
798 provider is a qualified medical provider or offers medical cannabis recommendations to  
799 patients; and

800 (ii) the fee amount that the qualified medical provider or the entity that employs the

801 qualified medical provider charges a patient for a medical cannabis recommendation, either as  
802 an actual cash rate or, if the provider or entity bills insurance, an average cash rate.

803 (b) The department shall:

804 (i) ensure that the following information related to qualified medical providers and  
805 entities described in Subsection (10)(a)(i) is available on the department's website or on the  
806 health care price transparency tool under Subsection (b)(ii):

807 (A) the name of the qualified medical provider and, if applicable, the name of the  
808 entity that employs the qualified medical provider;

809 (B) the address of the qualified medical provider's office or, if applicable, the entity  
810 that employs the qualified medical provider; and

811 (C) the fee amount described in Subsection (10)(a)(ii); and

812 (ii) share data collected under this Subsection (10) with the state auditor for use in the  
813 health care price transparency tool described in Section [67-3-11](#).

814 Section 6. Section **26-61a-107** is amended to read:

815 **26-61a-107. Standard of care -- Physicians and pharmacists not liable -- No**  
816 **private right of action.**

817 (1) An individual described in Subsection (2) is not subject to the following solely for  
818 violating a federal law or regulation that would otherwise prohibit recommending, prescribing,  
819 or dispensing medical cannabis, a medical cannabis product, or a cannabis-based drug that the  
820 United States Food and Drug Administration has not approved:

821 (a) civil or criminal liability; or

822 (b) licensure sanctions under Title 58, Chapter 17b, Pharmacy Practice Act, Title 58,  
823 Chapter 31b, Nurse Practice Act, Title 58, Chapter 67, Utah Medical Practice Act, Title 58,  
824 Chapter 68, Utah Osteopathic Medical Practice Act, or Title 58, Chapter 70a, Utah Physician  
825 Assistant Act.

826 (2) The limitations of liability described in Subsection (1) apply to:

827 (a) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act,  
828 an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act,  
829 a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,  
830 Chapter 68, Utah Osteopathic Medical Practice Act, or a physician assistant licensed under  
831 Title 58, Chapter 70a, Utah Physician Assistant Act:

832 (i) (A) whom the department has registered as a qualified medical provider; ~~[and]~~ or  
833 (B) who makes a recommendation as a limited medical provider; and

834 ~~[(B)]~~ (ii) who recommends treatment with cannabis in a medicinal dosage form or a  
835 cannabis product in a medicinal dosage form to a patient in accordance with this chapter; [or]  
836 and

837 ~~[(ii) before January 1, 2021, who:]~~

838 ~~[(A) has the authority to write a prescription; and]~~

839 ~~[(B) recommends a medical cannabis treatment to a patient who has a qualifying~~  
840 ~~condition; and]~~

841 (b) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act:

842 (i) whom the department has registered as a pharmacy medical provider; and

843 (ii) who dispenses, in a medical cannabis pharmacy, treatment with cannabis in a  
844 medicinal dosage form or a cannabis product in a medicinal dosage form to a medical cannabis  
845 cardholder in accordance with this chapter.

846 (3) Nothing in this section or chapter reduces or in any way negates the duty of an  
847 individual described in Subsection (2) to use reasonable and ordinary care in the treatment of a  
848 patient:

849 (a) who may have a qualifying condition; and

850 (b) (i) for whom the individual described in Subsection (2)(a)(i) or (ii) has  
851 recommended or might consider recommending a treatment with cannabis or a cannabis  
852 product; or

853 (ii) with whom the pharmacist described in Subsection (2)(b) has interacted in the  
854 dosing or dispensing of cannabis or a cannabis product.

855 (4) (a) As used in this Subsection (4), "healthcare facility" means the same as that term  
856 is defined in Section [26-21-2](#).

857 (b) A healthcare facility may adopt restrictions on the possession, use, and storage of  
858 medical cannabis on the premises of the healthcare facility by a medical cannabis cardholder  
859 who resides at or is actively receiving treatment or care at the healthcare facility.

860 (c) An employee or agent of a healthcare facility described in this Subsection (4) is not  
861 subject to civil or criminal liability for carrying out employment duties, including:

862 (i) providing or supervising care to a medical cannabis cardholder; or

863 (ii) in accordance with a caregiver designation under Section ~~[26-61a-201]~~ 26-61a-202  
864 for a medical cannabis cardholder residing at the healthcare facility, purchasing, transporting,  
865 or possessing medical cannabis for the relevant patient and in accordance with the designation.

866 (d) Nothing in this section requires a healthcare facility to adopt a restriction under  
867 Subsection (4)(b).

868 Section 7. Section **26-61a-201** is amended to read:

869 **26-61a-201. Medical cannabis patient card -- Medical cannabis guardian card --**  
870 **Conditional medical cannabis card -- Application -- Fees -- Studies.**

871 (1) (a) ~~[On or before March 1, 2020, the]~~ The department shall, within 15 days after the  
872 day on which an individual who satisfies the eligibility criteria in this section or Section  
873 26-61a-202 submits an application in accordance with this section or Section 26-61a-202:

874 ~~[(a)]~~ (i) issue a medical cannabis patient card to an individual described in Subsection  
875 (2)(a);

876 ~~[(b)]~~ (ii) issue a medical cannabis guardian card to an individual described in  
877 Subsection (2)(b);

878 ~~[(c)]~~ (iii) issue a provisional patient card to a minor described in Subsection (2)(c); and

879 ~~[(d)]~~ (iv) issue a medical cannabis caregiver card to an individual described in  
880 Subsection 26-61a-202(4).

881 (b) (i) Beginning on the earlier of September 1, 2021, or the date on which the  
882 electronic verification system is functionally capable of facilitating a conditional medical  
883 cannabis card under this Subsection (1)(b), upon the entry of a recommending medical  
884 provider's medical cannabis recommendation for a patient in the state electronic verification  
885 system, either by the provider or the provider's employee or by a medical cannabis pharmacy  
886 medical provider or medical cannabis pharmacy in accordance with Subsection  
887 26-61a-501(11)(a), the department shall issue to the patient an electronic conditional medical  
888 cannabis card, in accordance with this Subsection (1)(b).

889 (ii) A conditional medical cannabis card is valid for the lesser of:

890 (A) 60 days; or

891 (B) the day on which the department completes the department's review and issues a  
892 medical cannabis card under Subsection (1)(a), denies the patient's medical cannabis card  
893 application, or revokes the conditional medical cannabis card under Subsection (8).

894 (iii) The department may issue a conditional medical cannabis card to an individual  
895 applying for a medical cannabis patient card for which approval of the Compassionate Use  
896 Board is not required.

897 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and  
898 obligations under law applicable to a holder of the medical cannabis card for which the  
899 individual applies and for which the department issues the conditional medical cannabis card.

900 (2) (a) An individual is eligible for a medical cannabis patient card if:

901 (i) (A) the individual is at least 21 years old; or

902 (B) the individual is 18, 19, or 20 years old, the individual petitions the Compassionate  
903 Use Board under Section 26-61a-105, and the Compassionate Use Board recommends  
904 department approval of the petition;

905 (ii) the individual is a Utah resident;

906 (iii) the individual's ~~[qualified]~~ recommending medical provider recommends treatment  
907 with medical cannabis in accordance with Subsection (4);

908 (iv) the individual signs an acknowledgment stating that the individual received the  
909 information described in Subsection (8); and

910 (v) the individual pays to the department a fee in an amount that, subject to Subsection  
911 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

912 (b) (i) An individual is eligible for a medical cannabis guardian card if the individual:

913 (A) is at least 18 years old;

914 (B) is a Utah resident;

915 (C) is the parent or legal guardian of a minor for whom the minor's qualified medical  
916 provider recommends a medical cannabis treatment, the individual petitions the Compassionate  
917 Use Board under Section 26-61a-105, and the Compassionate Use Board recommends  
918 department approval of the petition;

919 (D) the individual signs an acknowledgment stating that the individual received the  
920 information described in Subsection ~~[(8)]~~ (9);

921 (E) pays to the department a fee in an amount that, subject to Subsection  
922 26-61a-109(5), the department sets in accordance with Section 63J-1-504, plus the cost of the  
923 criminal background check described in Section 26-61a-203; and

924 (F) the individual has not been convicted of a misdemeanor or felony drug distribution

925 offense under either state or federal law, unless the individual completed any imposed sentence  
926 six months or more before the day on which the individual applies for a medical cannabis  
927 guardian card.

928 (ii) The department shall notify the Department of Public Safety of each individual that  
929 the department registers for a medical cannabis guardian card.

930 (c) (i) A minor is eligible for a provisional patient card if:

931 (A) the minor has a qualifying condition;

932 (B) the minor's qualified medical provider recommends a medical cannabis treatment  
933 to address the minor's qualifying condition;

934 (C) the minor's parent or legal guardian petitions the Compassionate Use Board under  
935 Section 26-61a-105, and the Compassionate Use Board recommends department approval of  
936 the petition; and

937 (D) the minor's parent or legal guardian is eligible for a medical cannabis guardian card  
938 under Subsection (2)(b) or designates a caregiver under Subsection (2)(d) who is eligible for a  
939 medical cannabis caregiver card under Section 26-61a-202.

940 (ii) The department shall automatically issue a provisional patient card to the minor  
941 described in Subsection (2)(c)(i) at the same time the department issues a medical cannabis  
942 guardian card to the minor's parent or legal guardian.

943 (d) Beginning on the earlier of January 1, 2021, or the date on which the electronic  
944 verification system is functionally capable of servicing the designation, if the parent or legal  
945 guardian of a minor described in Subsections (2)(c)(i)(A) through (C) does not qualify for a  
946 medical cannabis guardian card under Subsection (2)(b), the parent or legal guardian may  
947 designate up to two caregivers in accordance with Subsection 26-61a-202(1)(c) to ensure that  
948 the minor has adequate and safe access to the recommended medical cannabis treatment.

949 (3) (a) An individual who is eligible for a medical cannabis card described in  
950 Subsection (2)(a) or (b) shall submit an application for a medical cannabis card to the  
951 department:

952 (i) through an electronic application connected to the state electronic verification  
953 system;

954 (ii) with the recommending [qualified] medical provider; and

955 (iii) with information including:

- 956 (A) the applicant's name, gender, age, and address;
- 957 (B) the number of the applicant's valid form of photo identification;
- 958 (C) for a medical cannabis guardian card, the name, gender, and age of the minor
- 959 receiving a medical cannabis treatment under the cardholder's medical cannabis guardian card;
- 960 and
- 961 (D) for a provisional patient card, the name of the minor's parent or legal guardian who
- 962 holds the associated medical cannabis guardian card.

963 (b) The department shall ensure that a medical cannabis card the department issues

964 under this section contains the information described in Subsection (3)(a)(iii).

965 (c) (i) If a [~~qualified~~] recommending medical provider determines that, because of age,

966 illness, or disability, a medical cannabis patient cardholder requires assistance in administering

967 the medical cannabis treatment that the [~~qualified~~] recommending medical provider

968 recommends, the [~~qualified~~] recommending medical provider may indicate the cardholder's

969 need in the state electronic verification system, either directly or, for a limited medical

970 provider, through the order described in Subsections [26-61a-106\(1\)\(c\)](#) and (d).

971 (ii) If a [~~qualified~~] recommending medical provider makes the indication described in

972 Subsection (3)(c)(i):

973 (A) the department shall add a label to the relevant medical cannabis patient card

974 indicating the cardholder's need for assistance; and

975 (B) any adult who is 18 years old or older and who is physically present with the

976 cardholder at the time the cardholder needs to use the recommended medical cannabis

977 treatment may handle the medical cannabis treatment and any associated medical cannabis

978 device as needed to assist the cardholder in administering the recommended medical cannabis

979 treatment; and

980 (C) an individual of any age who is physically present with the cardholder in the event

981 of an emergency medical condition, as that term is defined in Section [31A-22-627](#), may handle

982 the medical cannabis treatment and any associated medical cannabis device as needed to assist

983 the cardholder in administering the recommended medical cannabis treatment.

984 (iii) A non-cardholding individual acting under Subsection (3)(c)(ii)(B) or (C) may not:

985 (A) ingest or inhale medical cannabis;

986 (B) possess, transport, or handle medical cannabis or a medical cannabis device outside



987 of the immediate area where the cardholder is present or with an intent other than to provide  
988 assistance to the cardholder; or

989 (C) possess, transport, or handle medical cannabis or a medical cannabis device when  
990 the cardholder is not in the process of being dosed with medical cannabis.

991 (4) To recommend a medical cannabis treatment to a patient or to renew a  
992 recommendation, a ~~[qualified]~~ recommending medical provider shall:

993 (a) before recommending cannabis in a medicinal dosage form or a cannabis product in  
994 a medicinal dosage form:

995 (i) verify the patient's and, for a minor patient, the minor patient's parent or legal  
996 guardian's valid form of identification described in Subsection (3)(a);

997 (ii) review any record related to the patient and, for a minor patient, the patient's parent  
998 or legal guardian in:

999 (A) for a qualified medical provider, the state electronic verification system; and

1000 (B) the controlled substance database created in Section [58-37f-201](#); and

1001 (iii) consider the recommendation in light of the patient's qualifying condition and  
1002 history of medical cannabis and controlled substance use during an initial face-to-face visit  
1003 with the patient; and

1004 (b) state in the ~~[qualified]~~ recommending medical provider's recommendation that the  
1005 patient:

1006 (i) suffers from a qualifying condition, including the type of qualifying condition; and

1007 (ii) may benefit from treatment with cannabis in a medicinal dosage form or a cannabis  
1008 product in a medicinal dosage form.

1009 (5) (a) Except as provided in Subsection (5)(b), a medical cannabis card that the  
1010 department issues under this section is valid for the lesser of:

1011 (i) an amount of time that the ~~[qualified]~~ recommending medical provider determines;  
1012 or

1013 (ii) (A) six months for the first issuance, ~~[90 days; (B)]~~ and, except as provided in  
1014 Subsection (5)(a)(ii)~~[(C)]~~(B), for a renewal~~[, six months]~~; or

1015 ~~[(C)]~~ (B) for a renewal, one year if, after at least one year following the issuance of the  
1016 original medical cannabis card, the ~~[qualified]~~ recommending medical provider determines that  
1017 the patient has been stabilized on the medical cannabis treatment and a one-year renewal period

1018 is justified.

1019 (b) (i) A medical cannabis card that the department issues in relation to a terminal  
1020 illness described in Section 26-61a-104 does not expire.

1021 (ii) The recommending [~~qualified~~] medical provider may revoke a recommendation  
1022 that the provider made in relation to a terminal illness described in Section 26-61a-104 if the  
1023 medical cannabis cardholder no longer has the terminal illness.

1024 (6) (a) A medical cannabis patient card or a medical cannabis guardian card is  
1025 renewable if:

1026 (i) at the time of renewal, the cardholder meets the requirements of Subsection (2)(a) or  
1027 (b); or

1028 (ii) the cardholder received the medical cannabis card through the recommendation of  
1029 the Compassionate Use Board under Section 26-61a-105.

1030 (b) A cardholder described in Subsection (6)(a) may renew the cardholder's card:

1031 (i) using the application process described in Subsection (3); or

1032 (ii) through phone or video conference with the [~~qualified~~] recommending medical  
1033 provider who made the recommendation underlying the card, at the qualifying medical  
1034 provider's discretion.

1035 (c) A cardholder under Subsection (2)(a) or (b) who renews the cardholder's card shall  
1036 pay to the department a renewal fee in an amount that:

1037 (i) subject to Subsection 26-61a-109(5), the department sets in accordance with Section  
1038 63J-1-504; and

1039 (ii) may not exceed the cost of the relatively lower administrative burden of renewal in  
1040 comparison to the original application process.

1041 (d) If a minor meets the requirements of Subsection (2)(c), the minor's provisional  
1042 patient card renews automatically at the time the minor's parent or legal guardian renews the  
1043 parent or legal guardian's associated medical cannabis guardian card.

1044 (e) The department may revoke a medical cannabis guardian card if the cardholder  
1045 under Subsection (2)(b) is convicted of a misdemeanor or felony drug distribution offense  
1046 under either state or federal law.

1047 (7) (a) A cardholder under this section shall carry the cardholder's valid medical  
1048 cannabis card with the patient's name.

1049 (b) (i) A medical cannabis patient cardholder or a provisional patient cardholder may  
1050 purchase, in accordance with this chapter and the recommendation underlying the card,  
1051 cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a  
1052 medical cannabis device.

1053 (ii) A cardholder under this section may possess or transport, in accordance with this  
1054 chapter and the recommendation underlying the card, cannabis in a medicinal dosage form, a  
1055 cannabis product in a medicinal dosage form, or a medical cannabis device.

1056 (iii) To address the qualifying condition underlying the medical cannabis treatment  
1057 recommendation:

1058 (A) a medical cannabis patient cardholder or a provisional patient cardholder may use  
1059 cannabis in a medicinal dosage form, a medical cannabis product in a medicinal dosage form,  
1060 or a medical cannabis device; and

1061 (B) a medical cannabis guardian cardholder may assist the associated provisional  
1062 patient cardholder with the use of cannabis in a medicinal dosage form, a medical cannabis  
1063 product in a medicinal dosage form, or a medical cannabis device.

1064 (c) If a licensed medical cannabis pharmacy is not operating within the state after  
1065 January 1, 2021, a cardholder under this section:

1066 (i) may possess:

1067 (A) up to the legal dosage limit of unprocessed cannabis in a medicinal dosage form;

1068 (B) up to the legal dosage limit of a cannabis product in a medicinal dosage form; and

1069 (C) marijuana drug paraphernalia; and

1070 (ii) is not subject to prosecution for the possession described in Subsection (7)(c)(i).

1071 (8) The department may revoke a medical cannabis card that the department issues  
1072 under this section if the cardholder:

1073 (a) violates this chapter; or

1074 (b) is convicted under state or federal law of:

1075 (i) a felony; or

1076 (ii) after the effective date of this bill, a misdemeanor for drug distribution.

1077 ~~[(8)]~~ (9) The department shall establish by rule, in accordance with Title 63G, Chapter  
1078 3, Utah Administrative Rulemaking Act, a process to provide information regarding the  
1079 following to an individual receiving a medical cannabis card:

1080 (a) risks associated with medical cannabis treatment;  
1081 (b) the fact that a condition's listing as a qualifying condition does not suggest that  
1082 medical cannabis treatment is an effective treatment or cure for that condition, as described in  
1083 Subsection [26-61a-104](#)(1); and

1084 (c) other relevant warnings and safety information that the department determines.

1085 ~~[(9)]~~ (10) The department may establish procedures by rule, in accordance with Title  
1086 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the application and  
1087 issuance provisions of this section.

1088 ~~[(10)]~~ (11) (a) On or before January 1, 2021, the department shall establish by rule, in  
1089 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a process to allow  
1090 an individual from another state to register with the Department of Health in order to purchase  
1091 medical cannabis or a medical cannabis device from a medical cannabis pharmacy while the  
1092 individual is visiting the state.

1093 (b) The department may only provide the registration process described in Subsection  
1094 ~~[(10)]~~ (11)(a):

1095 (i) to a nonresident patient; and

1096 (ii) for no more than two visitation periods per calendar year of up to 21 calendar days  
1097 per visitation period.

1098 ~~[(11)]~~ (12) (a) A person may submit to the department a request to conduct a research  
1099 study using medical cannabis cardholder data that the state electronic verification system  
1100 contains.

1101 (b) The department shall review a request described in Subsection ~~[(11)]~~ (12)(a) to  
1102 determine whether an institutional review board, as that term is defined in Section [26-61-102](#),  
1103 could approve the research study.

1104 (c) At the time an individual applies for a medical cannabis card, the department shall  
1105 notify the individual:

1106 (i) of how the individual's information will be used as a cardholder;

1107 (ii) that by applying for a medical cannabis card, unless the individual withdraws  
1108 consent under Subsection ~~[(11)]~~ (12)(d), the individual consents to the use of the individual's  
1109 information for external research; and

1110 (iii) that the individual may withdraw consent for the use of the individual's

1111 information for external research at any time, including at the time of application.

1112 (d) An applicant may, through the medical cannabis card application, and a medical  
1113 cannabis cardholder may, through the state central patient portal, withdraw the applicant's or  
1114 cardholder's consent to participate in external research at any time.

1115 (e) The department may release, for the purposes of a study described in this  
1116 Subsection [(++)] (12), information about a cardholder under this section who consents to  
1117 participate under Subsection [(++)] (12)(c).

1118 (f) If an individual withdraws consent under Subsection [(++)] (12)(d), the withdrawal  
1119 of consent:

1120 (i) applies to external research that is initiated after the withdrawal of consent; and

1121 (ii) does not apply to research that was initiated before the withdrawal of consent.

1122 (g) The department may establish standards for a medical research study's validity, by  
1123 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1124 Section 8. Section **26-61a-202** is amended to read:

1125 **26-61a-202. Medical cannabis caregiver card -- Registration -- Renewal --**  
1126 **Revocation.**

1127 (1) (a) (i) A cardholder described in Section **26-61a-201** may designate, through the  
1128 state central patient portal, up to two individuals, or an individual and a facility in accordance  
1129 with Subsection (1)(b), to serve as a designated caregiver for the cardholder [~~if a qualified~~  
1130 ~~medical provider notates in~~].

1131 (ii) The designation described in Subsection (1)(a)(i) takes effect if the state electronic  
1132 verification system reflects a recommending medical provider's indication that the provider  
1133 determines that, due to physical difficulty or undue hardship, including concerns of distance to  
1134 a medical cannabis pharmacy, the cardholder needs assistance to obtain the medical cannabis  
1135 treatment that the [~~qualified~~] recommending medical provider recommends.

1136 (b) (i) Beginning on the earlier of January 1, 2021, or the date on which the electronic  
1137 verification system is functionally capable of servicing the designation, a cardholder described  
1138 in Section **26-61a-201** who is a patient in one of the following types of facilities may designate  
1139 the facility as one of the caregivers described in Subsection (1)(a):

1140 (A) an assisted living facility, as that term is defined in Section **26-21-2**;

1141 (B) a nursing care facility, as that term is defined in Section **26-21-2**; or

- 1142 (C) a general acute hospital, as that term is defined in Section 26-21-2.
- 1143 (ii) A facility may assign one or more employees to assist patients with medical  
1144 cannabis treatment under the caregiver designation described in this Subsection (1)(b).
- 1145 (iii) The department shall make rules to regulate the practice of facilities and facility  
1146 employees serving as designated caregivers under this Subsection (1)(b).
- 1147 (c) A parent or legal guardian described in Subsection 26-61a-201(2)(d), in  
1148 consultation with the minor and the minor's qualified medical provider, may designate, through  
1149 the state central patient portal, up to two individuals to serve as a designated caregiver for the  
1150 minor, if the department determines that the parent or legal guardian is not eligible for a  
1151 medical cannabis guardian card under Section 26-61a-201.
- 1152 (2) An individual that the department registers as a designated caregiver under this  
1153 section and a facility described in Subsection (1)(b):
- 1154 (a) for an individual designated caregiver, may carry a valid medical cannabis caregiver  
1155 card;
- 1156 (b) in accordance with this chapter, may purchase, possess, transport, or assist the  
1157 patient in the use of cannabis in a medicinal dosage form, a cannabis product in a medicinal  
1158 dosage form, or a medical cannabis device on behalf of the designating medical cannabis  
1159 cardholder;
- 1160 (c) may not charge a fee to an individual to act as the individual's designated caregiver  
1161 or for a service that the designated caregiver provides in relation to the role as a designated  
1162 caregiver;
- 1163 (d) may accept reimbursement from the designating medical cannabis cardholder for  
1164 direct costs the designated caregiver incurs for assisting with the designating cardholder's  
1165 medicinal use of cannabis; and
- 1166 (e) if a licensed medical cannabis pharmacy is not operating within the state after  
1167 January 1, 2021:
- 1168 (i) may possess up to the legal dosage limit of:
- 1169 (A) unprocessed medical cannabis in a medicinal dosage form; and
- 1170 (B) a cannabis product in a medicinal dosage form; [~~and~~]
- 1171 (ii) may possess marijuana drug paraphernalia; and
- 1172 (iii) is not subject to prosecution for the possession described in Subsection (2)(e)(i).

- 1173 (3) (a) The department shall:
- 1174 (i) within 15 days after the day on which an individual submits an application in
- 1175 compliance with this section, issue a medical cannabis card to the applicant if the applicant:
- 1176 (A) is designated as a caregiver under Subsection (1);
- 1177 (B) is eligible for a medical cannabis caregiver card under Subsection (4); and
- 1178 (C) complies with this section; and
- 1179 (ii) notify the Department of Public Safety of each individual that the department
- 1180 registers as a designated caregiver.
- 1181 (b) The department shall ensure that a medical cannabis caregiver card contains the
- 1182 information described in Subsection (5)(b).
- 1183 (4) An individual is eligible for a medical cannabis caregiver card if the individual:
- 1184 (a) is at least 21 years old;
- 1185 (b) is a Utah resident;
- 1186 (c) pays to the department a fee in an amount that, subject to Subsection
- 1187 26-61a-109(5), the department sets in accordance with Section 63J-1-504, plus the cost of the
- 1188 criminal background check described in Section 26-61a-203;
- 1189 (d) signs an acknowledgment stating that the applicant received the information
- 1190 described in Subsection 26-61a-201~~(8)~~(9); and
- 1191 (e) has not been convicted of a misdemeanor or felony drug distribution offense that is
- 1192 a felony under either state or federal law, unless the individual completes any imposed sentence
- 1193 two or more years before the day on which the individual submits the application.
- 1194 (5) An eligible applicant for a medical cannabis caregiver card shall:
- 1195 (a) submit an application for a medical cannabis caregiver card to the department
- 1196 through an electronic application connected to the state electronic verification system; and
- 1197 (b) submit the following information in the application described in Subsection (5)(a):
- 1198 (i) the applicant's name, gender, age, and address;
- 1199 (ii) the name, gender, age, and address of the cardholder described in Section
- 1200 26-61a-201 who designated the applicant; and
- 1201 (iii) if a medical cannabis guardian cardholder designated the caregiver, the name,
- 1202 gender, and age of the minor receiving a medical cannabis treatment in relation to the medical
- 1203 cannabis guardian cardholder.

1204 (6) Except as provided in Subsection (6)(b), a medical cannabis caregiver card that the  
1205 department issues under this section is valid for the lesser of:

1206 (a) an amount of time that the cardholder described in Section 26-61a-201 who  
1207 designated the caregiver determines; or

1208 (b) the amount of time remaining before the card of the cardholder described in Section  
1209 26-61a-201 expires.

1210 (7) (a) If a designated caregiver meets the requirements of Subsection (4), the  
1211 designated caregiver's medical cannabis caregiver card renews automatically at the time the  
1212 cardholder described in Section 26-61a-201 who designated the caregiver:

1213 (i) renews the cardholder's card; and

1214 (ii) renews the caregiver's designation, in accordance with Subsection (7)(b).

1215 (b) The department shall provide a method in the card renewal process to allow a  
1216 cardholder described in Section 26-61a-201 who has designated a caregiver to:

1217 (i) signify that the cardholder renews the caregiver's designation;

1218 (ii) remove a caregiver's designation; or

1219 (iii) designate a new caregiver.

1220 (8) The department may revoke a medical cannabis caregiver card if the designated  
1221 caregiver:

1222 (a) violates this chapter; or

1223 (b) is convicted under state or federal law of:

1224 (i) a felony; or

1225 (ii) after December 3, 2018, a misdemeanor for drug distribution.

1226 Section 9. Section 26-61a-401 is amended to read:

1227 **26-61a-401. Medical cannabis pharmacy agent -- Registration.**

1228 (1) An individual may not serve as a medical cannabis pharmacy agent of a medical  
1229 cannabis pharmacy unless the department registers the individual as a medical cannabis  
1230 pharmacy agent.

1231 (2) [~~Except as provided in Section 26-61a-403, a qualified~~] A recommending medical  
1232 provider may not act as a medical cannabis pharmacy agent, have a financial or voting interest  
1233 of 2% or greater in a medical cannabis pharmacy, or have the power to direct or cause the  
1234 management or control of a medical cannabis pharmacy.



1235 (3) (a) The department shall, within 15 days after the day on which the department  
1236 receives a complete application from a medical cannabis pharmacy on behalf of a prospective  
1237 medical cannabis pharmacy agent, register and issue a medical cannabis pharmacy agent  
1238 registration card to the prospective agent if the medical cannabis pharmacy:

1239 (i) provides to the department:

1240 (A) the prospective agent's name and address;

1241 (B) the name and location of the licensed medical cannabis pharmacy where the  
1242 prospective agent seeks to act as the medical cannabis pharmacy agent; and

1243 (C) the submission required under Subsection (3)(b); and

1244 (ii) pays a fee to the department in an amount that, subject to Subsection

1245 [26-61a-109\(5\)](#), the department sets in accordance with Section [63J-1-504](#).

1246 (b) Except for an applicant reapplying for a medical cannabis pharmacy agent  
1247 registration card within less than one year after the expiration of the applicant's previous  
1248 medical cannabis pharmacy agent registration card, each prospective agent described in  
1249 Subsection (3)(a) shall:

1250 (i) submit to the department:

1251 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and

1252 (B) a signed waiver in accordance with Subsection [53-10-108\(4\)](#) acknowledging the  
1253 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next  
1254 Generation Identification System's Rap Back Service; and

1255 (ii) consent to a fingerprint background check by:

1256 (A) the Bureau of Criminal Identification; and

1257 (B) the Federal Bureau of Investigation.

1258 (c) The Bureau of Criminal Identification shall:

1259 (i) check the fingerprints the prospective agent submits under Subsection (3)(b) against  
1260 the applicable state, regional, and national criminal records databases, including the Federal  
1261 Bureau of Investigation Next Generation Identification System;

1262 (ii) report the results of the background check to the department;

1263 (iii) maintain a separate file of fingerprints that prospective agents submit under  
1264 Subsection (3)(b) for search by future submissions to the local and regional criminal records  
1265 databases, including latent prints;

1266 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next  
1267 Generation Identification System's Rap Back Service for search by future submissions to  
1268 national criminal records databases, including the Next Generation Identification System and  
1269 latent prints; and

1270 (v) establish a privacy risk mitigation strategy to ensure that the department only  
1271 receives notifications for an individual with whom the department maintains an authorizing  
1272 relationship.

1273 (d) The department shall:

1274 (i) assess an individual who submits fingerprints under Subsection (3)(b) a fee in an  
1275 amount that the department sets in accordance with Section [63J-1-504](#) for the services that the  
1276 Bureau of Criminal Identification or another authorized agency provides under this section; and

1277 (ii) remit the fee described in Subsection (3)(d)(i) to the Bureau of Criminal  
1278 Identification.

1279 (4) The department shall designate, on an individual's medical cannabis pharmacy  
1280 agent registration card the name of the medical cannabis pharmacy where the individual is  
1281 registered as an agent.

1282 (5) A medical cannabis pharmacy agent shall comply with a certification standard that  
1283 the department develops in collaboration with the Division of Occupational and Professional  
1284 Licensing and the Board of Pharmacy, or a third-party certification standard that the department  
1285 designates by rule, in collaboration with the Division of Occupational and Professional  
1286 Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah  
1287 Administrative Rulemaking Act.

1288 (6) The department shall ensure that the certification standard described in Subsection  
1289 (5) includes training in:

1290 (a) Utah medical cannabis law; and

1291 (b) medical cannabis pharmacy best practices.

1292 (7) The department may revoke the medical cannabis pharmacy agent registration card  
1293 of, or refuse to issue a medical cannabis pharmacy agent registration card to, an individual  
1294 who:

1295 (a) violates the requirements of this chapter; or

1296 (b) is convicted under state or federal law of:

- 1297 (i) a felony; or
- 1298 (ii) after December 3, 2018, a misdemeanor for drug distribution.
- 1299 (8) (a) A medical cannabis pharmacy agent registration card expires two years after the
- 1300 day on which the department issues or renews the card.
- 1301 (b) A medical cannabis pharmacy agent may renew the agent's registration card if the
- 1302 agent:
- 1303 (i) is eligible for a medical cannabis pharmacy agent registration card under this
- 1304 section;
- 1305 (ii) certifies to the department in a renewal application that the information in
- 1306 Subsection (3)(a) is accurate or updates the information; and
- 1307 (iii) pays to the department a renewal fee in an amount that:
- 1308 (A) subject to Subsection 26-61a-109(5), the department sets in accordance with
- 1309 Section 63J-1-504; and
- 1310 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
- 1311 comparison to the original application process.
- 1312 Section 10. Section 26-61a-403 is amended to read:
- 1313 **26-61a-403. Pharmacy medical providers -- Registration -- Continuing education.**
- 1314 (1) (a) A medical cannabis pharmacy:
- 1315 (i) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy
- 1316 Practice Act, as a pharmacy medical provider;
- 1317 (ii) may employ a physician who has the authority to write a prescription and is
- 1318 licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
- 1319 Osteopathic Medical Practice Act, as a pharmacy medical provider;
- 1320 (iii) shall ensure that a pharmacy medical provider described in Subsection (1)(a)(i)
- 1321 works onsite during all business hours; and
- 1322 (iv) shall designate one pharmacy medical provider described in Subsection (1)(a)(i) as
- 1323 the pharmacist-in-charge to oversee the operation of and generally supervise the medical
- 1324 cannabis pharmacy.
- 1325 (b) An individual may not serve as a pharmacy medical provider unless the department
- 1326 registers the individual as a pharmacy medical provider in accordance with Subsection (2).
- 1327 (2) (a) The department shall, within 15 days after the day on which the department

1328 receives an application from a medical cannabis pharmacy on behalf of a prospective pharmacy  
1329 medical provider, register and issue a pharmacy medical provider registration card to the  
1330 prospective pharmacy medical provider if the medical cannabis pharmacy:

1331 (i) provides to the department:

1332 (A) the prospective pharmacy medical provider's name and address;

1333 (B) the name and location of the licensed medical cannabis pharmacy where the  
1334 prospective pharmacy medical provider seeks to act as a pharmacy medical provider;

1335 (C) a report detailing the completion of the continuing education requirement described  
1336 in Subsection (3); and

1337 (D) evidence that the prospective pharmacy medical provider is a pharmacist who is  
1338 licensed under Title 58, Chapter 17b, Pharmacy Practice Act, or a physician who has the  
1339 authority to write a prescription and is licensed under Title 58, Chapter 67, Utah Medical  
1340 Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

1341 (ii) pays a fee to the department in an amount that, subject to Subsection  
1342 [26-61a-109\(5\)](#), the department sets in accordance with Section [63J-1-504](#).

1343 (b) The department may not register a [~~qualified~~] recommending medical provider or a  
1344 state central patient portal medical provider as a pharmacy medical provider.

1345 (3) (a) A pharmacy medical provider shall complete the continuing education described  
1346 in this Subsection (3) in the following amounts:

1347 (i) as a condition precedent to registration, four hours; and

1348 (ii) as a condition precedent to renewal of the registration, four hours every two years.

1349 (b) In accordance with Subsection (3)(a), the pharmacy medical provider shall:

1350 (i) complete continuing education:

1351 (A) regarding the topics described in Subsection (3)(d); and

1352 (B) offered by the department under Subsection (3)(c) or an accredited or approved  
1353 continuing education provider that the department recognizes as offering continuing education  
1354 appropriate for the medical cannabis pharmacy practice; and

1355 (ii) make a continuing education report to the department in accordance with a process  
1356 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah  
1357 Administrative Rulemaking Act, and in collaboration with the Division of Occupational and  
1358 Professional Licensing and:

- 1359 (A) for a pharmacy medical provider who is licensed under Title 58, Chapter 17b,  
1360 Pharmacy Practice Act, the Board of Pharmacy;
- 1361 (B) for a pharmacy medical provider licensed under Title 58, Chapter 67, Utah Medical  
1362 Practice Act, the Physicians Licensing Board; and
- 1363 (C) for a pharmacy medical provider licensed under Title 58, Chapter 68, Utah  
1364 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board.
- 1365 (c) The department may, in consultation with the Division of Occupational and  
1366 Professional Licensing, develop the continuing education described in this Subsection (3).
- 1367 (d) The continuing education described in this Subsection (3) may discuss:
- 1368 (i) the provisions of this chapter;
- 1369 (ii) general information about medical cannabis under federal and state law;
- 1370 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,  
1371 including risks and benefits;
- 1372 (iv) recommendations for medical cannabis as it relates to the continuing care of a  
1373 patient in pain management, risk management, potential addiction, and palliative care; or
- 1374 (v) best practices for recommending the form and dosage of a medical cannabis  
1375 product based on the qualifying condition underlying a medical cannabis recommendation.
- 1376 (4) (a) A pharmacy medical provider registration card expires two years after the day  
1377 on which the department issues or renews the card.
- 1378 (b) A pharmacy medical provider may renew the provider's registration card if the  
1379 provider:
- 1380 (i) is eligible for a pharmacy medical provider registration card under this section;
- 1381 (ii) certifies to the department in a renewal application that the information in  
1382 Subsection (2)(a) is accurate or updates the information;
- 1383 (iii) submits a report detailing the completion of the continuing education requirement  
1384 described in Subsection (3); and
- 1385 (iv) pays to the department a renewal fee in an amount that:
- 1386 (A) subject to Subsection 26-61a-109(5), the department sets in accordance with  
1387 Section 63J-1-504; and
- 1388 (B) may not exceed the cost of the relatively lower administrative burden of renewal in  
1389 comparison to the original application process.

1390 Section 11. Section **26-61a-501** is amended to read:

1391 **26-61a-501. Operating requirements -- General.**

1392 (1) (a) A medical cannabis pharmacy shall operate:

1393 (i) at the physical address provided to the department under Section **26-61a-301**; and

1394 (ii) in accordance with the operating plan provided to the department under Section  
1395 **26-61a-301** and, if applicable, **26-61a-304**.

1396 (b) A medical cannabis pharmacy shall notify the department before a change in the  
1397 medical cannabis pharmacy's physical address or operating plan.

1398 (2) An individual may not enter a medical cannabis pharmacy unless the individual:

1399 (a) is at least 18 years old; and

1400 (b) except as provided in Subsection (5), possesses a valid:

1401 (i) medical cannabis pharmacy agent registration card;

1402 (ii) pharmacy medical provider registration card; or

1403 (iii) medical cannabis card.

1404 (3) A medical cannabis pharmacy may not employ an individual who is younger than  
1405 21 years old.

1406 (4) A medical cannabis pharmacy may not employ an individual who has been  
1407 convicted of a felony under state or federal law.

1408 (5) Notwithstanding Subsection (2), a medical cannabis pharmacy may authorize an  
1409 individual who is not a medical cannabis pharmacy agent or pharmacy medical provider to  
1410 access the medical cannabis pharmacy if the medical cannabis pharmacy tracks and monitors  
1411 the individual at all times while the individual is at the medical cannabis pharmacy and  
1412 maintains a record of the individual's access.

1413 (6) A medical cannabis pharmacy shall operate in a facility that has:

1414 (a) a single, secure public entrance;

1415 (b) a security system with a backup power source that:

1416 (i) detects and records entry into the medical cannabis pharmacy; and

1417 (ii) provides notice of an unauthorized entry to law enforcement when the medical  
1418 cannabis pharmacy is closed; and

1419 (c) a lock on each area where the medical cannabis pharmacy stores cannabis or a  
1420 cannabis product.

1421 (7) A medical cannabis pharmacy shall post, both clearly and conspicuously in the  
1422 medical cannabis pharmacy, the limit on the purchase of cannabis described in Subsection  
1423 26-61a-502(2).

1424 (8) A medical cannabis pharmacy may not allow any individual to consume cannabis  
1425 on the property or premises of the medical cannabis pharmacy.

1426 (9) A medical cannabis pharmacy may not sell cannabis or a cannabis product without  
1427 first indicating on the cannabis or cannabis product label the name of the medical cannabis  
1428 pharmacy.

1429 (10) (a) Each medical cannabis pharmacy shall retain in the pharmacy's records the  
1430 following information regarding each recommendation underlying a transaction:

1431 (i) the [qualified] recommending medical provider's name, address, and telephone  
1432 number;

1433 (ii) the patient's name and address;

1434 (iii) the date of issuance;

1435 (iv) directions of use and dosing guidelines or an indication that the [qualified]  
1436 recommending medical provider did not recommend specific directions of use or dosing  
1437 guidelines; and

1438 (v) if the patient did not complete the transaction, the name of the medical cannabis  
1439 cardholder who completed the transaction.

1440 (b) (i) Except as provided in Subsection (10)(b)(ii), a medical cannabis pharmacy may  
1441 not sell medical cannabis unless the medical cannabis has a label securely affixed to the  
1442 container indicating the following minimum information:

1443 (A) the name, address, and telephone number of the medical cannabis pharmacy;

1444 (B) the unique identification number that the medical cannabis pharmacy assigns;

1445 (C) the date of the sale;

1446 (D) the name of the patient;

1447 (E) the name of the [qualified] recommending medical provider who recommended the  
1448 medical cannabis treatment;

1449 (F) directions for use and cautionary statements, if any;

1450 (G) the amount dispensed and the cannabinoid content;

1451 (H) the suggested use date;

1452 (I) for unprocessed cannabis flower, the legal use termination date; and  
1453 (J) any other requirements that the department determines, in consultation with the  
1454 Division of Occupational and Professional Licensing and the Board of Pharmacy.

1455 (ii) A medical cannabis pharmacy may sell medical cannabis to another medical  
1456 cannabis pharmacy without a label described in Subsection (10)(b)(i).

1457 (11) A pharmacy medical provider or medical cannabis pharmacy agent shall:

1458 (a) upon receipt of an order from a limited medical provider in accordance with  
1459 Subsections 26-61a-106(1)(b) and (c):

1460 (i) for a written order, contact the limited medical provider or the limited medical  
1461 provider's office to verify the validity of the recommendation; and

1462 (ii) for a written order that the pharmacy medical provider or medical cannabis  
1463 pharmacy agent verifies under Subsection (11)(a)(i) or an electronic order, enter the limited  
1464 medical provider's recommendation or renewal, including any associated directions of use,  
1465 dosing guidelines, or caregiver indication, in the state electronic verification system;

1466 (b) in processing an order for a holder of a conditional medical cannabis card described  
1467 in Subsection 26-61a-201(1)(b) that appears irregular or suspicious in the judgment of the  
1468 pharmacy medical provider or medical cannabis pharmacy agent, contact the recommending  
1469 medical provider or the recommending medical provider's office to verify the validity of the  
1470 recommendation before processing the cardholder's order;

1471 [~~(a)~~] (c) unless the medical cannabis cardholder has had a consultation under  
1472 Subsection 26-61a-502(4) or (5), verbally offer to a medical cannabis cardholder at the time of  
1473 a purchase of cannabis, a cannabis product, or a medical cannabis device, personal counseling  
1474 with the pharmacy medical provider; and

1475 [~~(b)~~] (d) provide a telephone number or website by which the cardholder may contact a  
1476 pharmacy medical provider for counseling.

1477 (12) (a) A medical cannabis pharmacy may create a medical cannabis disposal program  
1478 that allows an individual to deposit unused or excess medical cannabis, cannabis residue from a  
1479 medical cannabis device, or medical cannabis product in a locked box or other secure  
1480 receptacle within the medical cannabis pharmacy.

1481 (b) A medical cannabis pharmacy with a disposal program described in Subsection  
1482 (12)(a) shall ensure that only a medical cannabis pharmacy agent or pharmacy medical provider



1483 can access deposited medical cannabis or medical cannabis products.

1484 (c) A medical cannabis pharmacy shall dispose of any deposited medical cannabis or  
1485 medical cannabis products by:

1486 (i) rendering the deposited medical cannabis or medical cannabis products unusable  
1487 and unrecognizable before transporting deposited medical cannabis or medical cannabis  
1488 products from the medical cannabis pharmacy; and

1489 (ii) disposing of the deposited medical cannabis or medical cannabis products in  
1490 accordance with:

1491 (A) federal and state law, rules, and regulations related to hazardous waste;

1492 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

1493 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

1494 (D) other regulations that the department makes in accordance with Title 63G, Chapter  
1495 3, Utah Administrative Rulemaking Act.

1496 (13) The department shall establish by rule, in accordance with Title 63G, Chapter 3,  
1497 Utah Administrative Rulemaking Act, protocols for a recall of cannabis and cannabis products  
1498 by a medical cannabis pharmacy.

1499 Section 12. Section **26-61a-502** is amended to read:

1500 **26-61a-502. Dispensing -- Amount a medical cannabis pharmacy may dispense --**  
1501 **Reporting -- Form of cannabis or cannabis product.**

1502 (1) (a) A medical cannabis pharmacy may not sell a product other than, subject to this  
1503 chapter:

1504 (i) cannabis in a medicinal dosage form that the medical cannabis pharmacy acquired  
1505 from a cannabis processing facility that is licensed under Section [4-41a-201](#);

1506 (ii) a cannabis product in a medicinal dosage form that the medical cannabis pharmacy  
1507 acquired from a cannabis processing facility that is licensed under Section [4-41a-201](#);

1508 (iii) a medical cannabis device; or

1509 (iv) educational material related to the medical use of cannabis.

1510 (b) A medical cannabis pharmacy may only sell an item listed in Subsection (1)(a) to  
1511 an individual with:

1512 (i) (A) a medical cannabis card;

1513 (B) a department registration described in [~~Subsection [26-61a-202](#)(10)~~] Section

1514 [26-61a-201](#); or

1515 (C) until December 31, 2020, a letter from a medical provider in accordance with  
1516 Subsection (10); and

1517 (ii) a corresponding valid form of photo identification.

1518 (c) Notwithstanding Subsection (1)(a), a medical cannabis pharmacy may not sell a  
1519 cannabis-based drug that the United States Food and Drug Administration has approved.

1520 (d) Notwithstanding Subsection (1)(b), a medical cannabis pharmacy may not sell a  
1521 medical cannabis device to an individual described in Subsection [26-61a-201](#)(2)(a)(i)(B) or to a  
1522 minor described in Subsection [26-61a-201](#)(2)(c) unless the individual or minor has the  
1523 approval of the Compassionate Use Board in accordance with Subsection [26-61a-105](#)(5).

1524 (2) A medical cannabis pharmacy:

1525 (a) may dispense to a medical cannabis cardholder or to an individual described in  
1526 Subsection (10)(b), in any one 28-day period, up to the legal dosage limit of:

1527 (i) unprocessed cannabis that:

1528 (A) is in a medicinal dosage form; and

1529 (B) carries a label clearly displaying the amount of tetrahydrocannabinol and  
1530 cannabidiol in the cannabis; and

1531 (ii) a cannabis product that is in a medicinal dosage form; and

1532 (b) may not dispense:

1533 (i) more medical cannabis than described in Subsection (2)(a); or

1534 (ii) to an individual whose ~~[qualified]~~ recommending medical provider~~[, or for an~~  
1535 ~~individual described in Subsection (10)(a), the medical professional described in Subsection~~  
1536 ~~(10)(a)(i);]~~ did not recommend directions of use and dosing guidelines, until the individual  
1537 consults with the pharmacy medical provider in accordance with Subsection (4), any medical  
1538 cannabis.

1539 (3) An individual with a medical cannabis card ~~[or an individual described in~~  
1540 ~~Subsection (10)(a)]~~:

1541 (a) may purchase, in any one 28-day period, up to the legal dosage limit of:

1542 (i) unprocessed cannabis in a medicinal dosage form; and

1543 (ii) a cannabis product in a medicinal dosage form;

1544 (b) may not purchase:

- 1545 (i) more medical cannabis than described in Subsection (3)(a); or
- 1546 (ii) if the relevant [qualified] recommending medical provider did not recommend
- 1547 directions of use and dosing guidelines, until the individual consults with the pharmacy
- 1548 medical provider in accordance with Subsection (4), any medical cannabis; and
- 1549 (c) may not use a route of administration that the relevant [qualified] recommending
- 1550 medical provider or the pharmacy medical provider, in accordance with Subsection (4) or (5),
- 1551 has not recommended.
- 1552 (4) If a [qualified] recommending medical provider recommends treatment with
- 1553 medical cannabis but does not provide directions of use and dosing guidelines:
- 1554 (a) the qualified medical provider or the medical cannabis pharmacy recording a
- 1555 recommendation under the order of a limited medical provider, shall document in the
- 1556 recommendation:
- 1557 (i) an evaluation of the qualifying condition underlying the recommendation;
- 1558 (ii) prior treatment attempts with medical cannabis; and
- 1559 (iii) the patient's current medication list; and
- 1560 (b) before the relevant medical cannabis cardholder may obtain medical cannabis, the
- 1561 pharmacy medical provider shall:
- 1562 (i) review pertinent medical records, including the [qualified] recommending medical
- 1563 provider documentation described in Subsection (4)(a); and
- 1564 (ii) unless the pertinent medical records show directions of use and dosing guidelines
- 1565 from a state central patient portal medical provider in accordance with Subsection (5), after
- 1566 completing the review described in Subsection (4)(b)(i) and consulting with the recommending
- 1567 [qualified] medical provider as needed, determine the best course of treatment through
- 1568 consultation with the cardholder regarding:
- 1569 (A) the patient's qualifying condition underlying the recommendation from the
- 1570 [qualified] recommending medical provider;
- 1571 (B) indications for available treatments;
- 1572 (C) directions of use and dosing guidelines; and
- 1573 (D) potential adverse reactions.
- 1574 (5) (a) A state central patient portal medical provider may provide the consultation and
- 1575 make the determination described in Subsection (4)(b) for a medical cannabis patient

1576 cardholder regarding an electronic order that the state central patient portal facilitates.

1577 (b) The state central patient portal medical provider described in Subsection (5)(a)  
1578 shall document the directions of use and dosing guidelines, determined under Subsection (5)(a)  
1579 in the pertinent medical records.

1580 (6) A medical cannabis pharmacy shall:

1581 (a) (i) access the state electronic verification system before dispensing cannabis or a  
1582 cannabis product to a medical cannabis cardholder in order to determine if the cardholder or,  
1583 where applicable, the associated patient has met the maximum amount of medical cannabis  
1584 described in Subsection (2); and

1585 (ii) if the verification in Subsection (6)(a)(i) indicates that the individual has met the  
1586 maximum amount described in Subsection (2):

1587 (A) decline the sale; and

1588 (B) notify the ~~[qualified]~~ recommending medical provider who made the underlying  
1589 recommendation;

1590 (b) submit a record to the state electronic verification system each time the medical  
1591 cannabis pharmacy dispenses medical cannabis to a medical cannabis cardholder;

1592 (c) package any medical cannabis that is in a container that:

1593 (i) complies with Subsection ~~4-41a-602~~(2) or, if applicable, ~~[26-61a-102(32)(a)(ii)]~~  
1594 provisions related to a container for unprocessed cannabis flower in the definition of  
1595 "medicinal dosage form" in Section 26-61a-102;

1596 (ii) is tamper-resistant and tamper-evident; and

1597 (iii) opaque; and

1598 (d) for a product that is a cube that is designed for ingestion through chewing or  
1599 holding in the mouth for slow dissolution, include a separate, off-label warning about the risks  
1600 of over-consumption.

1601 (7) (a) Except as provided in Subsection (7)(b), a medical cannabis pharmacy may not  
1602 sell medical cannabis in the form of a cigarette or a medical cannabis device that is  
1603 intentionally designed or constructed to resemble a cigarette.

1604 (b) A medical cannabis pharmacy may sell a medical cannabis device that warms  
1605 cannabis material into a vapor without the use of a flame and that delivers cannabis to an  
1606 individual's respiratory system.

1607 (8) A medical cannabis pharmacy may not give, at no cost, a product that the medical  
1608 cannabis pharmacy is allowed to sell under Subsection (1).

1609 (9) The department may impose a uniform fee on each medical cannabis transaction in  
1610 a medical cannabis pharmacy in an amount that, subject to Subsection 26-61a-109(5), the  
1611 department sets in accordance with Section 63J-1-504.

1612 ~~[(10)(a) Except as provided in Subsection (10)(b), until December 31, 2020, an~~  
1613 ~~individual may purchase up to the legal dosage limit of an item listed in Subsection (1)(a) from~~  
1614 ~~a licensed medical cannabis pharmacy if:]~~

1615 ~~[(i) the individual presents to the medical cannabis pharmacy a letter from the medical~~  
1616 ~~professional described in Subsection 58-37-3.7(2)(a)(i)(B) that indicates the medical~~  
1617 ~~professional's medical cannabis recommendation for the individual;]~~

1618 ~~[(ii) the medical cannabis pharmacy receives independent confirmation from the~~  
1619 ~~medical professional described in Subsection (10)(a)(i) or an employee of the medical~~  
1620 ~~professional that the letter is valid;]~~

1621 ~~[(iii) the medical cannabis pharmacy:]~~

1622 ~~[(A) scans or photocopies the individual's letter and the individual's valid form of~~  
1623 ~~photo identification;]~~

1624 ~~[(B) creates a record of the transaction, including the documents described in~~  
1625 ~~Subsection (10)(a)(iii)(A), the date of purchase, and the type and quantity of medical cannabis~~  
1626 ~~the individual purchased; and]~~

1627 ~~[(C) provides information to the individual about obtaining a medical cannabis card;~~  
1628 ~~and]~~

1629 ~~[(iv) unless the medical professional recommends specific directions of using and~~  
1630 ~~dosing guidelines in the letter, the pharmacy medical provider determines the best course of~~  
1631 ~~treatment through consultation with the individual regarding:]~~

1632 ~~[(A) the individual's qualifying condition underlying the recommendation from the~~  
1633 ~~medical professional;]~~

1634 ~~[(B) indications for available treatments;]~~

1635 ~~[(C) directions of use and dosing guidelines; and]~~

1636 ~~[(D) potential adverse reactions.]~~

1637 ~~[(b) (i) An individual who purchases medical cannabis from a medical cannabis~~

1638 ~~pharmacy under Subsection (10)(a) may not purchase medical cannabis from a different~~  
1639 ~~medical cannabis pharmacy under Subsection (10)(a).]~~

1640 ~~[(ii) If the department notifies a medical cannabis pharmacy, in accordance with~~  
1641 ~~Subsection (10)(c), of an individual purchasing medical cannabis under Subsection (10)(a)~~  
1642 ~~from more than one medical cannabis pharmacy, a medical cannabis pharmacy may not sell an~~  
1643 ~~item listed in Subsection (1)(a) to the individual under Subsection (10)(a).]~~

1644 ~~[(iii) An individual may not purchase medical cannabis under Subsection (10)(a) if the~~  
1645 ~~individual is a medical cannabis cardholder.]]~~

1646 ~~[(c) (i) Until December 31, 2020, on or before the first day of each month, each~~  
1647 ~~medical cannabis pharmacy shall provide to the department, in a secure manner, information~~  
1648 ~~identifying each individual who has purchased medical cannabis from the medical cannabis~~  
1649 ~~pharmacy under Subsection (10)(a).]~~

1650 ~~[(ii) The department shall review information the department receives under~~  
1651 ~~Subsection (10)(c)(i) to identify any individuals who:]]~~

1652 ~~[(A) have purchased medical cannabis under Subsection (10)(a) from more than one~~  
1653 ~~pharmacy; or]~~

1654 ~~[(B) hold a medical cannabis card.]]~~

1655 ~~[(iii) If the department identifies an individual described in Subsection (10)(c)(ii), the~~  
1656 ~~department shall notify each medical cannabis pharmacy regarding:]]~~

1657 ~~[(A) the identification of the individual; and]~~

1658 ~~[(B) the individual's ineligibility to purchase medical cannabis for a reason described in~~  
1659 ~~Subsection (10)(b).]]~~

1660 ~~[(H)] (10) A medical cannabis pharmacy may purchase and store medical cannabis~~  
1661 ~~devices regardless of whether the seller has a cannabis-related license under this title or Title 4,~~  
1662 ~~Chapter 41a, Cannabis Production Establishments.~~

1663 Section 13. Section **26-61a-503** is amended to read:

1664 **26-61a-503. Partial filling.**

1665 (1) As used in this section, "partially fill" means to provide less than the full amount of  
1666 cannabis or cannabis product that the ~~[qualified]~~ recommending medical provider recommends,  
1667 if the ~~[qualified]~~ recommending medical provider recommended specific dosing parameters.

1668 (2) A pharmacy medical provider may partially fill a recommendation for a medical

1669 cannabis treatment at the request of the [qualified] recommending medical provider who issued  
1670 the medical cannabis treatment recommendation or the medical cannabis cardholder.

1671 (3) The department shall make rules, in collaboration with the Division of  
1672 Occupational and Professional Licensing and the Board of Pharmacy and in accordance with  
1673 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, specifying how to record the date,  
1674 quantity supplied, and quantity remaining of a partially filled medical cannabis treatment  
1675 recommendation.

1676 (4) A pharmacy medical provider who is a pharmacist may, upon the request of a  
1677 medical cannabis cardholder, determine different dosing parameters, subject to the dosing  
1678 limits in Subsection 26-61a-502(2), to fill the quantity remaining of a partially filled medical  
1679 cannabis treatment recommendation if:

1680 (a) the pharmacy medical provider determined dosing parameters for the partial fill  
1681 under Subsection 26-61a-502(4) or (5); and

1682 (b) the medical cannabis cardholder reports that:

1683 (i) the partial fill did not substantially affect the qualifying condition underlying the  
1684 medical cannabis recommendation; or

1685 (ii) the patient experienced an adverse reaction to the partial fill or was otherwise  
1686 unable to successfully use the partial fill.

1687 Section 14. Section 26-61a-601 is amended to read:

1688 **26-61a-601. State central patient portal -- Department duties.**

1689 (1) On or before July 1, 2020, the department shall establish or contract to establish, in  
1690 accordance with Title 63G, Chapter 6a, Utah Procurement Code, a state central patient portal as  
1691 described in this section.

1692 (2) The state central patient portal shall:

1693 (a) authenticate each user to ensure the user is a valid medical cannabis patient  
1694 cardholder;

1695 (b) allow a medical cannabis patient cardholder to:

1696 (i) obtain and download the cardholder's medical cannabis card;

1697 (ii) review the cardholder's medical cannabis purchase history; and

1698 (iii) manage the cardholder's personal information, including withdrawing consent for  
1699 the use of the cardholder's information for a study described in Subsection

1700 26-61a-201[(H)](12);

1701 (c) if the cardholder's [qualified] recommending medical provider recommended the  
1702 use of medical cannabis without providing directions of use and dosing guidelines and the  
1703 cardholder has not yet received the counseling or consultation required in Subsection

1704 26-61a-502(4):

1705 (i) alert the cardholder of the outstanding need for consultation; and

1706 (ii) provide the cardholder with access to the contact information for each state central  
1707 patient portal medical provider and each pharmacy medical provider;

1708 (d) except as provided in Subsection (2)(e), facilitate an electronic medical cannabis  
1709 order:

1710 (i) to a home delivery medical cannabis pharmacy for a medical cannabis shipment; or

1711 (ii) to a medical cannabis pharmacy for a medical cannabis cardholder to obtain in  
1712 person from the pharmacy;

1713 (e) prohibit a patient from completing an electronic medical cannabis order described  
1714 in Subsection (2)(d) if the purchase would exceed the limitations described in Subsection  
1715 26-61a-502(2)(a) or (b);

1716 (f) provide educational information to medical cannabis patient cardholders regarding  
1717 the state's medical cannabis laws and regulatory programs and other relevant information  
1718 regarding medical cannabis; and

1719 (g) allow the patient to designate up to two caregivers who may receive a medical  
1720 cannabis caregiver card to purchase and transport medical cannabis on behalf of the patient in  
1721 accordance with this chapter.

1722 (3) The department may make rules in accordance with Title 63G, Chapter 3, Utah  
1723 Administrative Rulemaking Act, to implement the state central patient portal.

1724 Section 15. Section 58-5a-102 is amended to read:

1725 **58-5a-102. Definitions.**

1726 In addition to the definitions under Section 58-1-102, as used in this chapter:

1727 (1) "Board" means the Podiatric Physician Board created in Section 58-5a-201.

1728 (2) "Indirect supervision" means the same as that term is defined by the division by  
1729 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1730 (3) "Medical assistant" means an unlicensed individual working under the indirect



1731 supervision of a licensed podiatric physician and engaging in specific tasks assigned by the  
1732 licensed podiatric physician in accordance with the standards and ethics of the podiatry  
1733 profession.

1734 (4) "Practice of podiatry" means the diagnosis and treatment of conditions affecting the  
1735 human foot and ankle and their manifestations of systemic conditions by all appropriate and  
1736 lawful means, subject to Section [58-5a-103](#).

1737 (5) "Unlawful conduct" includes:

1738 (a) the conduct that constitutes unlawful conduct under Section [58-1-501](#); and

1739 (b) for an individual who is not licensed under this chapter:

1740 (i) using the title or name podiatric physician, podiatrist, podiatric surgeon, foot doctor,  
1741 foot specialist, or D.P.M.; or

1742 (ii) implying or representing that the individual is qualified to practice podiatry.

1743 (6) (a) "Unprofessional conduct" includes, for an individual licensed under this  
1744 chapter:

1745 [~~(a)~~] (i) the conduct that constitutes unprofessional conduct under Section [58-1-501](#);

1746 [~~(b)~~] (ii) communicating to a third party, without the consent of the patient, information  
1747 the individual acquires in treating the patient, except as necessary for professional consultation  
1748 regarding treatment of the patient;

1749 [~~(c)~~] (iii) allowing the individual's name or license to be used by an individual who is  
1750 not licensed to practice podiatry under this chapter;

1751 [~~(d)~~] (iv) except as described in Section [58-5a-306](#), employing, directly or indirectly,  
1752 any unlicensed individual to practice podiatry;

1753 [~~(e)~~] (v) using alcohol or drugs, to the extent the individual's use of alcohol or drugs  
1754 impairs the individual's ability to practice podiatry;

1755 [~~(f)~~] (vi) unlawfully prescribing, selling, or giving away any prescription drug,  
1756 including controlled substances, as defined in Section [58-37-2](#);

1757 [~~(g)~~] (vii) gross incompetency in the practice of podiatry;

1758 [~~(h)~~] (viii) willfully and intentionally making a false statement or entry in hospital  
1759 records, medical records, or reports;

1760 [~~(i)~~] (ix) willfully making a false statement in reports or claim forms to governmental  
1761 agencies or insurance companies with the intent to secure payment not rightfully due;

1762           ~~[(j)]~~ (x) willfully using false or fraudulent advertising;

1763           ~~[(k)]~~ (xi) conduct the division defines as unprofessional conduct by rule made in  
1764 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

1765           ~~[(l)]~~ (xii) falsely making an entry in, or altering, a medical record with the intent to  
1766 conceal:

1767           ~~[(m)]~~ (A) a wrongful or negligent act or omission of an individual licensed under this  
1768 chapter or an individual under the direction or control of an individual licensed under this  
1769 chapter; or

1770           ~~[(n)]~~ (B) conduct described in Subsections (6)(a)(i) through ~~[(k)]~~ (xi) or Subsection  
1771 58-1-501(1).

1772           (b) "Unprofessional conduct" does not include, in accordance with Title 26, Chapter  
1773 61a, Utah Medical Cannabis Act, when registered as a qualified medical provider or acting as a  
1774 limited medical provider, as those terms are defined in Section 26-61a-102, recommending the  
1775 use of medical cannabis within the scope of a practice of podiatry.

1776           Section 16. Section **58-31b-502** is amended to read:

1777           **58-31b-502. Unprofessional conduct.**

1778           (1) "Unprofessional conduct" includes:

1779           (a) failure to safeguard a patient's right to privacy as to the patient's person, condition,  
1780 diagnosis, personal effects, or any other matter about which the licensee is privileged to know  
1781 because of the licensee's or person with a certification's position or practice as a nurse or  
1782 practice as a medication aide certified;

1783           (b) failure to provide nursing service or service as a medication aide certified in a  
1784 manner that demonstrates respect for the patient's human dignity and unique personal character  
1785 and needs without regard to the patient's race, religion, ethnic background, socioeconomic  
1786 status, age, sex, or the nature of the patient's health problem;

1787           (c) engaging in sexual relations with a patient during any:

1788           (i) period when a generally recognized professional relationship exists between the  
1789 person licensed or certified under this chapter and the patient; or

1790           (ii) extended period when a patient has reasonable cause to believe a professional  
1791 relationship exists between the person licensed or certified under the provisions of this chapter  
1792 and the patient;

- 1793 (d) (i) as a result of any circumstance under Subsection (1)(c), exploiting or using  
1794 information about a patient or exploiting the licensee's or the person with a certification's  
1795 professional relationship between the licensee or holder of a certification under this chapter and  
1796 the patient; or
- 1797 (ii) exploiting the patient by use of the licensee's or person with a certification's  
1798 knowledge of the patient obtained while acting as a nurse or a medication aide certified;
- 1799 (e) unlawfully obtaining, possessing, or using any prescription drug or illicit drug;  
1800 (f) unauthorized taking or personal use of nursing supplies from an employer;  
1801 (g) unauthorized taking or personal use of a patient's personal property;  
1802 (h) unlawful or inappropriate delegation of nursing care;  
1803 (i) failure to exercise appropriate supervision of persons providing patient care services  
1804 under supervision of the licensed nurse;
- 1805 (j) employing or aiding and abetting the employment of an unqualified or unlicensed  
1806 person to practice as a nurse;
- 1807 (k) failure to file or record any medical report as required by law, impeding or  
1808 obstructing the filing or recording of such a report, or inducing another to fail to file or record  
1809 such a report;
- 1810 (l) breach of a statutory, common law, regulatory, or ethical requirement of  
1811 confidentiality with respect to a person who is a patient, unless ordered by a court;
- 1812 (m) failure to pay a penalty imposed by the division;
- 1813 (n) prescribing a Schedule II controlled substance without complying with the  
1814 requirements in Section [58-31b-803](#), if applicable;
- 1815 (o) violating Section [58-31b-801](#);
- 1816 (p) violating the dispensing requirements of Section [58-17b-309](#) or Chapter 17b, Part  
1817 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if  
1818 applicable;
- 1819 (q) establishing or operating a pain clinic without a consultation and referral plan for  
1820 Schedule II or III controlled substances; or
- 1821 (r) falsely making an entry in, or altering, a medical record with the intent to conceal:
- 1822 (i) a wrongful or negligent act or omission of an individual licensed under this chapter  
1823 or an individual under the direction or control of an individual licensed under this chapter; or

- 1824 (ii) conduct described in Subsections (1)(a) through (q) or Subsection 58-1-501(1).
- 1825 (2) "Unprofessional conduct" does not include, in accordance with Title 26, Chapter
- 1826 61a, Utah Medical Cannabis Act, when registered as a qualified medical provider or acting as a
- 1827 limited medical provider, as ~~[that term is]~~ those terms are defined in Section 26-61a-102,
- 1828 recommending the use of medical cannabis.
- 1829 (3) Notwithstanding Subsection (2), the division, in consultation with the board and in
- 1830 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define
- 1831 unprofessional conduct for an advanced practice registered nurse described in Subsection (2).
- 1832 Section 17. Section 58-37-3.7 is amended to read:
- 1833 **58-37-3.7. Medical cannabis decriminalization.**
- 1834 (1) As used in this section:
- 1835 (a) "Cannabis" means the same as that term is defined in Section 26-61a-102.
- 1836 (b) "Cannabis product" means the same as that term is defined in Section 26-61a-102.
- 1837 (c) "Legal dosage limit" means the same as that term is defined in Section 26-61a-102.
- 1838 (d) "Medical cannabis card" means the same as that term is defined in Section
- 1839 26-61a-102.
- 1840 (e) "Medical cannabis device" means the same as that term is defined in Section
- 1841 26-61a-102.
- 1842 (f) "Medicinal dosage form" means the same as that term is defined in Section
- 1843 26-61a-102.
- 1844 (g) "Nonresident patient" means the same as that term is defined in Section
- 1845 26-61a-102.
- 1846 (h) "Qualifying condition" means the same as that term is defined in Section
- 1847 26-61a-102.
- 1848 (i) "Tetrahydrocannabinol" means the same as that term is defined in Section
- 1849 58-37-3.9.
- 1850 (2) Before ~~[January]~~ July 1, 2021, including during the period between January 1,
- 1851 2021, and the effective date of this bill, an individual is not guilty under this chapter for the use
- 1852 or possession of marijuana, tetrahydrocannabinol, or marijuana drug paraphernalia if:
- 1853 (a) at the time of the arrest or citation, the individual:
- 1854 ~~[(i) (A) had been diagnosed with a qualifying condition; and]~~

1855 ~~[(B) had a pre-existing provider-patient relationship with an advanced practice~~  
1856 ~~registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act, a physician licensed~~  
1857 ~~under Title 58, Chapter 67, Utah Medical Practice Act, a physician licensed under Title 58,~~  
1858 ~~Chapter 68, Utah Osteopathic Medical Practice Act, or a physician assistant licensed under~~  
1859 ~~Title 58, Chapter 70a, Utah Physician Assistant Act, who believed that the individual's illness~~  
1860 ~~described in Subsection (2)(a)(i)(A) could benefit from the use in question;]~~

1861 ~~[(ii) for possession, was:]~~

1862 ~~[(A) the parent or legal guardian of an individual described in Subsection (2)(a)(i) who~~  
1863 ~~is a minor; or]~~

1864 ~~[(B) the spouse of an individual described in Subsection (2)(a)(i); or]~~

1865 ~~[(iii)-(A)] (i) for possession, was a medical cannabis cardholder; or~~

1866 ~~[(B)] (ii) for use, was a medical cannabis patient cardholder or a minor with a~~  
1867 ~~[qualifying condition] provisional patient card under the supervision of a medical cannabis~~  
1868 ~~guardian cardholder; and~~

1869 (b) (i) for use or possession of marijuana or tetrahydrocannabinol, the marijuana or  
1870 tetrahydrocannabinol is one of the following in an amount that does not exceed the legal  
1871 dosage limit:

1872 (A) unprocessed cannabis in a medicinal dosage form; or

1873 (B) a cannabis product in a medicinal dosage form; and

1874 (ii) for use or possession of marijuana drug paraphernalia, the paraphernalia is a  
1875 medical cannabis device.

1876 (3) A nonresident patient is not guilty under this chapter for the use or possession of  
1877 marijuana, tetrahydrocannabinol, or marijuana drug paraphernalia under this chapter if:

1878 (a) for use or possession of marijuana or tetrahydrocannabinol, the marijuana or  
1879 tetrahydrocannabinol is one of the following in an amount that does not exceed the legal  
1880 dosage limit:

1881 (i) unprocessed cannabis in a medicinal dosage form; or

1882 (ii) a cannabis product in a medicinal dosage form; and

1883 (b) for use or possession of marijuana drug paraphernalia, the paraphernalia is a  
1884 medical cannabis device.

1885 (4) (a) There is a rebuttable presumption against an allegation of use or possession of

1886 marijuana or tetrahydrocannabinol if:

1887 (i) an individual fails a drug test based on the presence of [~~tetrahydrocannabinol~~  
1888 tetrahydrocannabinol] in the sample; and

1889 (ii) the individual provides evidence that the individual possessed or used cannabidiol  
1890 or a cannabidiol product.

1891 (b) The presumption described in Subsection (4)(a) may be rebutted with evidence that  
1892 the individual purchased or possessed marijuana or tetrahydrocannabinol that is not authorized  
1893 under:

1894 (i) Section ~~4-41-402~~; or

1895 (ii) Title 26, Chapter 61a, Utah Medical Cannabis Act.

1896 Section 18. Section ~~58-37-6.5~~ is amended to read:

1897 **58-37-6.5. Continuing education for controlled substance prescribers.**

1898 (1) For the purposes of this section:

1899 (a) "Controlled substance prescriber" means an individual, other than a veterinarian,  
1900 who:

1901 (i) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah  
1902 Controlled Substances Act; and

1903 (ii) possesses the authority, in accordance with the individual's scope of practice, to  
1904 prescribe schedule II controlled substances and schedule III controlled substances that are  
1905 applicable to opioid narcotics, hypnotic depressants, or psychostimulants.

1906 (b) "D.O." means an osteopathic physician and surgeon licensed under Title 58,  
1907 Chapter 68, Utah Osteopathic Medical Practice Act.

1908 (c) "FDA" means the United States Food and Drug Administration.

1909 (d) "M.D." means a physician and surgeon licensed under Title 58, Chapter 67, Utah  
1910 Medical Practice Act.

1911 (e) "SBIRT" means the Screening, Brief Intervention, and Referral to Treatment  
1912 approach used by the federal Substance Abuse and Mental Health Services Administration or  
1913 defined by the division, in consultation with the Division of Substance Abuse and Mental  
1914 Health, by administrative rule, in accordance with Title 63G, Chapter 3, Utah Administrative  
1915 Rulemaking Act.

1916 (2) (a) Beginning with the licensing period that begins after January 1, 2014, as a

1917 condition precedent for license renewal, each controlled substance prescriber shall complete at  
1918 least 3.5 continuing education hours per licensing period that satisfy the requirements of  
1919 Subsection (3).

1920 (b) (i) Beginning with the licensing period that begins after January 1, 2024, as a  
1921 condition precedent for license renewal, each controlled substance prescriber shall complete at  
1922 least 3.5 continuing education hours in an SBIRT-training class that satisfies the requirements  
1923 of Subsection (4).

1924 (ii) Completion of the SBIRT-training class, in compliance with Subsection (2)(b)(i),  
1925 fulfills the continuing education hours requirement in Subsection (3) for the licensing period in  
1926 which the class was completed.

1927 (iii) A controlled substance prescriber:

1928 (A) need only take the SBIRT-training class once during the controlled substance  
1929 prescriber's licensure in the state; and

1930 (B) shall provide a completion record of the SBIRT-training class in order to be  
1931 reimbursed for SBIRT services to patients, in accordance with ~~[Section]~~ Sections 26-18-22 and  
1932 ~~[Section]~~ 49-20-416.

1933 (3) A controlled substance prescriber shall complete at least 3.5 hours of continuing  
1934 education in one or more controlled substance prescribing classes, except dentists who shall  
1935 complete at least two hours, that satisfy the requirements of Subsections (4) and (6).

1936 (4) A controlled substance prescribing class shall:

1937 (a) satisfy the division's requirements for the continuing education required for the  
1938 renewal of the controlled substance prescriber's respective license type;

1939 (b) be delivered by an accredited or approved continuing education provider  
1940 recognized by the division as offering continuing education appropriate for the controlled  
1941 substance prescriber's respective license type; and

1942 (c) include a postcourse knowledge assessment.

1943 (5) An M.D. or D.O. completing continuing professional education hours under  
1944 Subsection (4) shall complete those hours in classes that qualify for the American Medical  
1945 Association Physician's Recognition Award Category 1 Credit.

1946 (6) The 3.5 hours of the controlled substance prescribing classes under Subsection (4)  
1947 shall include educational content covering the following:

- 1948 (a) the scope of the controlled substance abuse problem in Utah and the nation;
- 1949 (b) all elements of the FDA Blueprint for Prescriber Education under the FDA's
- 1950 Extended-Release and Long-Acting Opioid Analgesics Risk Evaluation and Mitigation
- 1951 Strategy, as published July 9, 2012, or as it may be subsequently revised;
- 1952 (c) the national and Utah-specific resources available to prescribers to assist in
- 1953 appropriate controlled substance and opioid prescribing;
- 1954 (d) patient record documentation for controlled substance and opioid prescribing; ~~and~~
- 1955 (e) office policies, procedures, and implementation[-]; and
- 1956 (f) some training regarding medical cannabis, as that term is defined in Section
- 1957 26-61a-102.
- 1958 (7) (a) The division, in consultation with the Utah Medical Association Foundation,
- 1959 shall determine whether a particular controlled substance prescribing class satisfies the
- 1960 educational content requirements of Subsections (4) and (6) for an M.D. or D.O.
- 1961 (b) The division, in consultation with the applicable professional licensing boards,
- 1962 shall determine whether a particular controlled substance prescribing class satisfies the
- 1963 educational content requirements of Subsections (4) and (6) for a controlled substance
- 1964 prescriber other than an M.D. or D.O.
- 1965 (c) The division may by rule establish a committee that may audit compliance with the
- 1966 Utah Risk Evaluation and Mitigation Strategy (REMS) Educational Programming Project
- 1967 grant, that satisfies the educational content requirements of Subsections (4) and (6) for a
- 1968 controlled substance prescriber.
- 1969 (d) The division shall consult with the Department of Health regarding the medical
- 1970 cannabis training described in Subsection (6)(f).
- 1971 (8) A controlled substance prescribing class required under this section:
- 1972 (a) may be held:
- 1973 (i) in conjunction with other continuing professional education programs; and
- 1974 (ii) online; and
- 1975 (b) does not increase the total number of state-required continuing professional
- 1976 education hours required for prescriber licensing.
- 1977 (9) The division may establish rules, in accordance with Title 63G, Chapter 3, Utah
- 1978 Administrative Rulemaking Act, to implement this section.



1979 (10) A controlled substance prescriber who, on or after July 1, 2017, obtains a waiver  
 1980 to treat opioid dependency with narcotic medications, in accordance with the Drug Addiction  
 1981 Treatment Act of 2000, 21 U.S.C. Sec. 823 et seq., may use the waiver to satisfy the 3.5 hours  
 1982 of the continuing education requirement under Subsection (3) for two consecutive licensing  
 1983 periods.

1984 Section 19. Section **58-67-502** is amended to read:

1985 **58-67-502. Unprofessional conduct.**

1986 (1) "Unprofessional conduct" includes, in addition to the definition in Section

1987 **58-1-501**:

1988 (a) using or employing the services of any individual to assist a licensee in any manner  
 1989 not in accordance with the generally recognized practices, standards, or ethics of the  
 1990 profession, state law, or division rule;

1991 (b) making a material misrepresentation regarding the qualifications for licensure under  
 1992 Section **58-67-302.7** or Section **58-67-302.8**;

1993 (c) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical  
 1994 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable;

1995 (d) violating the requirements of Title 26, Chapter 61a, Utah Medical Cannabis Act; or

1996 (e) falsely making an entry in, or altering, a medical record with the intent to conceal:

1997 (i) a wrongful or negligent act or omission of an individual licensed under this chapter  
 1998 or an individual under the direction or control of an individual licensed under this chapter; or

1999 (ii) conduct described in Subsections (1)(a) through (d) or Subsection **58-1-501(1)**.

2000 (2) "Unprofessional conduct" does not include:

2001 (a) in compliance with Section **58-85-103**:

2002 (i) obtaining an investigational drug or investigational device;

2003 (ii) administering the investigational drug to an eligible patient; or

2004 (iii) treating an eligible patient with the investigational drug or investigational device;

2005 or

2006 (b) in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act:

2007 (i) when registered as a qualified medical provider or acting as a limited medical

2008 provider, as ~~[that term is]~~ those terms are defined in Section **26-61a-102**, recommending the

2009 use of medical cannabis;

2010 (ii) when registered as a pharmacy medical provider, as that term is defined in Section  
2011 26-61a-102, providing pharmacy medical provider services in a medical cannabis pharmacy; or

2012 (iii) when registered as a state central patient portal medical provider, as that term is  
2013 defined in Section 26-61a-102, providing state central patient portal medical provider services.

2014 (3) Notwithstanding Subsection (2)(b), the division, in consultation with the board and  
2015 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define  
2016 unprofessional conduct for a physician described in Subsection (2)(b).

2017 Section 20. Section 58-68-502 is amended to read:

2018 **58-68-502. Unprofessional conduct.**

2019 (1) "Unprofessional conduct" includes, in addition to the definition in Section  
2020 58-1-501:

2021 (a) using or employing the services of any individual to assist a licensee in any manner  
2022 not in accordance with the generally recognized practices, standards, or ethics of the  
2023 profession, state law, or division rule;

2024 (b) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical  
2025 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable;

2026 (c) making a material misrepresentation regarding the qualifications for licensure under  
2027 Section 58-68-302.5;

2028 (d) violating the requirements of Title 26, Chapter 61a, Utah Medical Cannabis Act; or

2029 (e) falsely making an entry in, or altering, a medical record with the intent to conceal:

2030 (i) a wrongful or negligent act or omission of an individual licensed under this chapter  
2031 or an individual under the direction or control of an individual licensed under this chapter; or

2032 (ii) conduct described in Subsections (1)(a) through (d) or Subsection 58-1-501(1).

2033 (2) "Unprofessional conduct" does not include:

2034 (a) in compliance with Section 58-85-103:

2035 (i) obtaining an investigational drug or investigational device;

2036 (ii) administering the investigational drug to an eligible patient; or

2037 (iii) treating an eligible patient with the investigational drug or investigational device;

2038 or

2039 (b) in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act:

2040 (i) when registered as a qualified medical provider or acting as a limited medical

2041 provider, as ~~[that term is]~~ those terms defined in Section 26-61a-102, recommending the  
2042 use of medical cannabis;

2043 (ii) when registered as a pharmacy medical provider, as that term is defined in Section  
2044 26-61a-102, providing pharmacy medical provider services in a medical cannabis pharmacy; or

2045 (iii) when registered as a state central patient portal medical provider, as that term is  
2046 defined in Section 26-61a-102, providing state central patient portal medical provider services.

2047 (3) Notwithstanding Subsection (2)(b), the division, in consultation with the board and  
2048 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define  
2049 unprofessional conduct for a physician described in Subsection (2)(b).

2050 Section 21. Section 58-70a-503 is amended to read:

2051 **58-70a-503. Unprofessional conduct.**

2052 (1) "Unprofessional conduct" includes:

2053 (a) violation of a patient confidence to any person who does not have a legal right and a  
2054 professional need to know the information concerning the patient;

2055 (b) knowingly prescribing, selling, giving away, or directly or indirectly administering,  
2056 or offering to prescribe, sell, furnish, give away, or administer any prescription drug except for  
2057 a legitimate medical purpose upon a proper diagnosis indicating use of that drug in the amounts  
2058 prescribed or provided;

2059 (c) prescribing prescription drugs for oneself or administering prescription drugs to  
2060 oneself, except those that have been legally prescribed for the physician assistant by a licensed  
2061 practitioner and that are used in accordance with the prescription order for the condition  
2062 diagnosed;

2063 (d) failure to maintain at the practice site a delegation of services agreement that  
2064 accurately reflects current practices;

2065 (e) failure to make the delegation of services agreement available to the division for  
2066 review upon request;

2067 (f) in a practice that has physician assistant ownership interests, failure to allow the  
2068 supervising physician the independent final decision making authority on patient treatment  
2069 decisions, as set forth in the delegation of services agreement or as defined by rule;

2070 (g) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical  
2071 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable; or

2072 (h) falsely making an entry in, or altering, a medical record with the intent to conceal:

2073 (i) a wrongful or negligent act or omission of an individual licensed under this chapter  
2074 or an individual under the direction or control of an individual licensed under this chapter; or

2075 (ii) conduct described in Subsections (1)(a) through (g) or Subsection 58-1-501(1).

2076 (2) "Unprofessional conduct" does not include, in accordance with Title 26, Chapter

2077 61a, Utah Medical Cannabis Act, when registered as a qualified medical provider or acting as a

2078 limited medical provider, as [~~that term is~~] those terms are defined in Section 26-61a-102,

2079 recommending the use of medical cannabis.

2080 (3) Notwithstanding Subsection (2), the division, in consultation with the board and in

2081 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define

2082 unprofessional conduct for a physician assistant described in Subsection (2).

2083 Section 22. Section 62A-4a-404 is amended to read:

2084 **62A-4a-404. Fetal alcohol syndrome or spectrum disorder and drug dependency**

2085 **-- Reporting requirements.**

2086 (1) As used in this section:

2087 (a) "Health care provider" means:

2088 (i) an individual licensed under:

2089 (A) Title 58, Chapter 31b, Nurse Practice Act;

2090 (B) Title 58, Chapter 44a, Nurse Midwife Practice Act;

2091 (C) Title 58, Chapter 67, Utah Medical Practice Act;

2092 (D) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

2093 (E) Title 58, Chapter 70a, Utah Physician Assistant Act; or

2094 (F) Title 58, Chapter 77, Direct-Entry Midwife Act; or

2095 (ii) an unlicensed individual who practices midwifery.

2096 (b) "Newborn child" means a child who is 30 days of age or younger.

2097 (c) "[~~Qualified~~] Recommending medical provider" means the same as that term is

2098 defined in Section 26-61a-102.

2099 (d) (i) "Substance abuse" means the misuse or excessive use of alcohol or other drugs

2100 or substances.

2101 (ii) "Substance abuse" does not include use of drugs or other substances that are:

2102 (A) obtained by lawful prescription and used as prescribed; or

2103 (B) obtained in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act,  
2104 and used as recommended by a [~~qualified~~] recommending medical provider.

2105 (2) A health care provider who attends the birth of a newborn child or cares for a  
2106 newborn child and determines any of the following, shall report the determination to the  
2107 division as soon as possible:

2108 (a) the newborn child:

2109 (i) is adversely affected by the child's mother's substance abuse during pregnancy;

2110 (ii) has fetal alcohol syndrome or fetal alcohol spectrum disorder; or

2111 (iii) demonstrates drug or alcohol withdrawal symptoms; or

2112 (b) the parent of the newborn child or a person responsible for the child's care  
2113 demonstrates functional impairment or an inability to care for the child as a result of the  
2114 parent's or person's substance abuse.

2115 Section 23. Section **67-3-11** is amended to read:

2116 **67-3-11. Health care price transparency tool -- Transparency tool requirements.**

2117 (1) The state auditor shall create a health care price transparency tool:

2118 (a) subject to appropriations from the Legislature and any available funding from  
2119 third-party sources;

2120 (b) with technical support from the Public Employees' Benefit and Insurance Program  
2121 created in Section [49-20-103](#), the Department of Health, and the Insurance Department; and

2122 (c) in accordance with the requirements in Subsection (2).

2123 (2) A health care price transparency tool created by the state auditor under this section  
2124 shall:

2125 (a) present health care price information for consumers in a manner that is clear and  
2126 accurate;

2127 (b) be available to the public in a user-friendly manner;

2128 (c) incorporate existing data collected under Section [26-33a-106.1](#);

2129 (d) incorporate data collected under Section [26-61a-106](#), regarding fees for qualified  
2130 medical providers recommending medical cannabis, as those terms are defined in Section

2131 [26-61a-102](#);

2132 [~~(d)~~] (e) group billing codes for common health care procedures;

2133 [~~(e)~~] (f) be updated on a regular basis; and

2134            [~~f~~] (g) be created and operated in accordance with all applicable state and federal  
2135 laws.

2136            (3) The state auditor may make the health care pricing data from the health care price  
2137 transparency tool available to the public through an application program interface format if the  
2138 data meets state and federal data privacy requirements.

2139            (4) (a) Before making a health care price transparency tool available to the public, the  
2140 state auditor shall:

2141            (i) seek input from the Health Data Committee created in Section 26-1-7 on the overall  
2142 accuracy and effectiveness of the reports provided by the health care price transparency tool;  
2143 and

2144            (ii) establish procedures to give data providers a 30-day period to review pricing  
2145 information before the state auditor publishes the information on the health care price  
2146 transparency tool.

2147            (b) If the state auditor complies with the requirements of Subsection (4)(a), the health  
2148 care price transparency tool is not subject to the requirements of Section 26-33a-107.

2149            (5) Each year in which a health care price transparency tool is operational, the state  
2150 auditor shall report to the Health and Human Services Interim Committee before November 1  
2151 of that year:

2152            (a) the utilization of the health care price transparency tool; and

2153            (b) policy options for improving access to health care price transparency data.

2154            Section 24. Section 78A-2-231 is amended to read:

2155            **78A-2-231. Consideration of lawful use or possession of medical cannabis.**

2156            (1) As used in this section:

2157            (a) "Cannabis product" means the same as that term is defined in Section 26-61a-102.

2158            (b) "Directions of use" means the same as that term is defined in Section 26-61a-102.

2159            (c) "Dosing guidelines" means the same as that term is defined in Section 26-61a-102.

2160            (d) "Medical cannabis" means the same as that term is defined in Section 26-61a-102.

2161            (e) "Medical cannabis card" means the same as that term is defined in Section

2162 26-61a-102.

2163            (f) "Medical cannabis device" means the same as that term is defined in Section

2164 26-61a-102.

2165 (g) "[~~Qualified~~] Recommending medical provider" means the same as that term is  
2166 defined in Section [26-61a-102](#).

2167 (2) In any judicial proceeding in which a judge, panel, jury, or court commissioner  
2168 makes a finding, determination, or otherwise considers an individual's possession or use of  
2169 medical cannabis, a cannabis product, or a medical cannabis device, the judge, panel, jury, or  
2170 court commissioner may not consider or treat the individual's possession or use any differently  
2171 than the lawful possession or use of any prescribed controlled substance if:

2172 (a) the individual's possession complies with Title 4, Chapter 41a, Cannabis Production  
2173 Establishments;

2174 (b) the individual's possession or use complies with Subsection [58-37-3.7](#)(2) or (3); or

2175 (c) (i) the individual's possession or use complies with Title 26, Chapter 61a, Utah  
2176 Medical Cannabis Act; and

2177 (ii) the individual reasonably complies with the directions of use and dosing guidelines  
2178 determined by the individual's [~~qualified~~] recommending medical provider or through a  
2179 consultation described in Subsection [26-61a-502](#)(4) or (5).

2180 (3) Notwithstanding Sections [77-18-1](#) and [77-2a-3](#), for probation, release, a plea in  
2181 abeyance agreement, a diversion agreement, or a tendered admission under Utah Rules of  
2182 Juvenile Procedure, Rule 25, a term or condition may not require that an individual abstain  
2183 from the use or possession of medical cannabis, a cannabis product, or a medical cannabis  
2184 device, either directly or through a general prohibition on violating federal law, without an  
2185 exception related to medical cannabis use, if the individual's use or possession complies with:

2186 (a) Title 26, Chapter 61a, Utah Medical Cannabis Act; or

2187 (b) Subsection [58-37-3.7](#)(2) or (3).

2188 Section 25. Section **78A-6-115** is amended to read:

2189 **78A-6-115. Hearings -- Record -- County attorney or district attorney**  
2190 **responsibilities -- Attorney general responsibilities -- Disclosure -- Admissibility of**  
2191 **evidence -- Cannabis.**

2192 (1) (a) A verbatim record of the proceedings shall be taken in all cases that might result  
2193 in deprivation of custody as defined in this chapter. In all other cases a verbatim record shall  
2194 also be made unless dispensed with by the court.

2195 (b) (i) For purposes of this Subsection (1)(b):

2196 (A) "Record of a proceeding" does not include documentary materials of any type  
2197 submitted to the court as part of the proceeding, including items submitted under Subsection  
2198 (4)(a).

2199 (B) "Subjects of the record" includes the child's guardian ad litem, the child's legal  
2200 guardian, the Division of Child and Family Services, and any other party to the proceeding.

2201 (ii) Notwithstanding any other provision, including Title 63G, Chapter 2, Government  
2202 Records Access and Management Act, the court shall release a record of a proceeding made  
2203 under Subsection (1)(a) to any person upon a finding on the record for good cause.

2204 (iii) Following a petition for a record of a proceeding made under Subsection (1)(a),  
2205 the court shall:

2206 (A) provide notice to all subjects of the record that a request for release of the record  
2207 has been made; and

2208 (B) allow sufficient time for the subjects of the record to respond before making a  
2209 finding on the petition.

2210 (iv) A record of a proceeding may not be released under this Subsection (1)(b) if the  
2211 court's jurisdiction over the subjects of the proceeding ended more than 12 months before the  
2212 day on which the request is made.

2213 (2) (a) Except as provided in Subsection (2)(b), the county attorney or, if within a  
2214 prosecution district, the district attorney shall represent the state in any proceeding in a minor's  
2215 case.

2216 (b) Subject to the attorney general's prosecutorial discretion in civil enforcement  
2217 actions, the attorney general shall enforce all provisions of Title 62A, Chapter 4a, Child and  
2218 Family Services, and this chapter, relating to:

2219 (i) protection or custody of an abused, neglected, or dependent child; and

2220 (ii) petitions for termination of parental rights.

2221 (3) The board may adopt special rules of procedure to govern proceedings involving  
2222 violations of traffic laws or ordinances, wildlife laws, and boating laws. However, proceedings  
2223 involving offenses under Section [78A-6-606](#) are governed by that section regarding suspension  
2224 of driving privileges.

2225 (4) (a) For the purposes of determining proper disposition of the minor in dispositional  
2226 hearings and establishing the fact of abuse, neglect, or dependency in adjudication hearings and



2227 in hearings upon petitions for termination of parental rights, written reports and other material  
2228 relating to the minor's mental, physical, and social history and condition may be received in  
2229 evidence and may be considered by the court along with other evidence. The court may require  
2230 that the individual who wrote the report or prepared the material appear as a witness if the  
2231 individual is reasonably available.

2232 (b) For the purpose of determining proper disposition of a minor alleged to be or  
2233 adjudicated as abused, neglected, or dependent, dispositional reports prepared by the division  
2234 under Section 78A-6-315 may be received in evidence and may be considered by the court  
2235 along with other evidence. The court may require any individual who participated in preparing  
2236 the dispositional report to appear as a witness, if the individual is reasonably available.

2237 (5) (a) Except as provided in Subsections (5)(c) through (e), in an abuse, neglect, or  
2238 dependency proceeding occurring after the commencement of a shelter hearing under Section  
2239 78A-6-306 or the filing of a petition under Section 78A-6-304, each party to the proceeding  
2240 shall provide in writing to the other parties or their counsel any information which the party:

2241 (i) plans to report to the court at the proceeding; or

2242 (ii) could reasonably expect would be requested of the party by the court at the  
2243 proceeding.

2244 (b) The disclosure required under Subsection (5)(a) shall be made:

2245 (i) for dispositional hearings under Sections 78A-6-311 and 78A-6-312, no less than  
2246 five days before the day on which the proceeding is held;

2247 (ii) for proceedings under Chapter 6, Part 5, Termination of Parental Rights Act, in  
2248 accordance with Utah Rules of Civil Procedure; and

2249 (iii) for all other proceedings, no less than five days before the day on which the  
2250 proceeding is held.

2251 (c) The division is not required to provide a court report or a child and family plan to  
2252 each party to the proceeding if:

2253 (i) the information is electronically filed with the court; and

2254 (ii) each party to the proceeding has access to the electronically filed information.

2255 (d) If a party to a proceeding obtains information after the deadline in Subsection  
2256 (5)(b), the information is exempt from the disclosure required under Subsection (5)(a) if the  
2257 party certifies to the court that the information was obtained after the deadline.

- 2258 (e) Subsection (5)(a) does not apply to:
- 2259 (i) pretrial hearings; and
- 2260 (ii) the frequent, periodic review hearings held in a dependency drug court case to
- 2261 assess and promote the parent's progress in substance use disorder treatment.
- 2262 (6) For the purpose of establishing the fact of abuse, neglect, or dependency, the court
- 2263 may, in the court's discretion, consider evidence of statements made by a child under eight
- 2264 years of age to an individual in a trust relationship.
- 2265 (7) (a) As used in this Subsection (7):
- 2266 (i) "Cannabis" means the same as that term is defined in Section 26-61a-102.
- 2267 (ii) "Cannabis product" means the same as that term is defined in Section 26-61a-102.
- 2268 (iii) (A) "Chronic" means repeated or patterned.
- 2269 (B) "Chronic" does not mean an isolated incident.
- 2270 (iv) "Directions of use" means the same as that term is defined in Section 26-61a-102.
- 2271 (v) "Dosing guidelines" means the same as that term is defined in Section 26-61a-102.
- 2272 (vi) "Medical cannabis" means the same as that term is defined in Section 26-61a-102.
- 2273 (vii) "Medical cannabis cardholder" means the same as that term is defined in Section
- 2274 26-61a-102.
- 2275 (viii) "[~~Qualified~~] Recommending medical provider" means the same as that term is
- 2276 defined in Section 26-61a-102.
- 2277 (b) In any child welfare proceeding in which the court makes a finding, determination,
- 2278 or otherwise considers an individual's possession or use of medical cannabis, a cannabis
- 2279 product, or a medical cannabis device, the court may not consider or treat the individual's
- 2280 possession or use any differently than the lawful possession or use of any prescribed controlled
- 2281 substance if:
- 2282 (i) the individual's possession or use complies with Title 4, Chapter 41a, Cannabis
- 2283 Production Establishments;
- 2284 (ii) the individual's possession or use complies with Subsection 58-37-3.7(2) or (3); or
- 2285 (iii) (A) the individual's possession or use complies with Title 26, Chapter 61a, Utah
- 2286 Medical Cannabis Act; and
- 2287 (B) the individual reasonably complies with the directions of use and dosing guidelines
- 2288 determined by the individual's [~~qualified~~] recommending medical provider or through a

2289 consultation described in Subsection 26-61a-502(4) or (5).

2290 (c) In a child welfare proceeding, a parent's or guardian's use of cannabis or a cannabis  
2291 product is not abuse or neglect of a child under Section 78A-6-105 unless there is evidence  
2292 showing that:

2293 (i) the child is harmed because of the child's inhalation or ingestion of cannabis, or  
2294 because of cannabis being introduced to the child's body in another manner; or

2295 (ii) the child is at an unreasonable risk of harm because of chronic inhalation or  
2296 ingestion of cannabis or chronic introduction of cannabis to the child's body in another manner.

2297 (d) Unless there is harm or an unreasonable risk of harm to the child as described in  
2298 Subsection (7)(c), in a child welfare proceeding a parent's or guardian's use of medical cannabis  
2299 or a cannabis product is not contrary to the best interests of a child if:

2300 (i) for a medical cannabis cardholder after January 1, 2021, the parent's or guardian's  
2301 possession or use complies with Title 26, Chapter 61a, Utah Medical Cannabis Act, and there  
2302 is no evidence that the parent's or guardian's use of medical cannabis unreasonably deviates  
2303 from the directions of use and dosing guidelines determined by the parent's or guardian's  
2304 [qualified] recommending medical provider or through a consultation described in Subsection  
2305 26-61a-502(4) or (5); or

2306 (ii) before January 1, 2021, the parent's or guardian's possession or use complies with  
2307 Subsection 58-37-3.7(2) or (3).

2308 (e) Subsection (7)(c) does not prohibit a finding of abuse or neglect of a child under  
2309 Section 78A-6-105, and Subsection (7)(d) does not prohibit a finding that a parent's or  
2310 guardian's use of medical cannabis or a cannabis product is contrary to the best interests of a  
2311 child, if there is evidence showing a nexus between the parent's or guardian's use of cannabis or  
2312 a cannabis product and behavior that would separately constitute abuse or neglect of the child.

2313 Section 26. **Effective date.**

2314 If approved by two-thirds of all the members elected to each house, this bill takes effect  
2315 upon approval by the governor, or the day following the constitutional time limit of Utah  
2316 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,  
2317 the date of veto override.

2318 Section 27. **Revisor instructions.**

2319 The Legislature intends that the Office of Legislative Research and General Counsel, in

2320 preparing the Utah Code database for publication, replace the language "the effective date of  
2321 this bill" in Subsections [26-61a-201](#)(8)(b)(ii) and [58-37-3.7](#)(2) to the bill's actual effective date.