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MEDICAL CANNABIS ACT AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Evan J. Vickers

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to the production and distribution of medical cannabis.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ clarifies the distinction between allowable hemp products and medical cannabis products based on tetrahydrocannabinol (THC) and THC analog concentration;
- ▶ identifies an unlawful act of distributing, selling, or marketing an industrial hemp product that contains a certain amount of THC or a THC analog;
- ▶ requires certain retailers marketing a hemp or cannabinoid product to include a statement that the product is not cannabis or medical cannabis;
- ▶ prohibits the introduction of industrial hemp waste from outside the state into the medical cannabis production stream;
- ▶ allows the Utah Department of Agriculture and Food (UDAF) to partner with research universities to provide cannabis testing laboratories;
- ▶ grants rulemaking authority to UDAF to establish performance standards for licensed independent cannabis testing laboratories;
- ▶ provides that certain licenses are non-transferable, and new owners of a licensed business are subject to a modified application process for a new license;



- 28 ▶ provides rulemaking authority to UDAF to further define standards regarding labels,
29 packaging, and product forms that may appeal to children;
- 30 ▶ amends product labeling requirements;
- 31 ▶ clarifies that a sugar coating on certain cannabis product is not prohibited under
32 certain circumstances;
- 33 ▶ requires the identification of any cannabinoids above a certain quantity in a
34 cannabis product;
- 35 ▶ clarifies provisions related to the liquid suspension medicinal dosage form;
- 36 ▶ includes suppositories and certain internal creams as approved medicinal dosage
37 forms;
- 38 ▶ expands medical cannabis pharmacy employee access to the electronic verification
39 system;
- 40 ▶ allows a certified nurse midwife to register as a qualified medical provider;
- 41 ▶ amends an exception for public employee protections;
- 42 ▶ removes a requirement for medical provider approval of a patient's caregiver
43 designation;
- 44 ▶ amends provisions regarding designated caregivers to contemplate a caregiver being
45 designated by more than one medical cannabis cardholder;
- 46 ▶ allows the Utah Department of Health (UDOH) to issue conditional medical
47 cannabis caregiver cards in relation to designating patients with a terminal illness;
- 48 ▶ removes a prohibition on medical cannabis pharmacies employing an individual
49 with a felony;
- 50 ▶ allows UDOH to issue a conditional medical cannabis pharmacy license when a
51 license renewal process is not complete before the pharmacy's license expires;
- 52 ▶ allows for the Cannabis Production Establishment Licensing Advisory Board to
53 review certain information in a closed meeting;
- 54 ▶ aligns the concept of unprofessional conduct between the various types of
55 recommending medical providers;
- 56 ▶ removes certain outdated dates; and
- 57 ▶ makes technical and conforming changes.

58 **Money Appropriated in this Bill:**

59 None

60 **Other Special Clauses:**

61 This bill provides a special effective date.

62 **Utah Code Sections Affected:**

63 AMENDS:

64 **4-41-102**, as last amended by Laws of Utah 2020, Chapters 12 and 14

65 **4-41-103.3**, as enacted by Laws of Utah 2020, Chapter 14

66 **4-41-103.4**, as enacted by Laws of Utah 2020, Chapter 14

67 **4-41-105**, as last amended by Laws of Utah 2020, Chapter 14

68 **4-41-402**, as last amended by Laws of Utah 2020, Chapter 12

69 **4-41a-102**, as last amended by Laws of Utah 2021, Chapters 337 and 350

70 **4-41a-201**, as last amended by Laws of Utah 2021, Chapter 350

71 **4-41a-203**, as last amended by Laws of Utah 2021, Chapter 350

72 **4-41a-501**, as last amended by Laws of Utah 2021, Chapter 350

73 **4-41a-502**, as renumbered and amended by Laws of Utah 2018, Third Special Session,

74 Chapter 1

75 **4-41a-602**, as last amended by Laws of Utah 2021, Chapters 337 and 350

76 **4-41a-603**, as last amended by Laws of Utah 2021, Chapter 350

77 **4-41a-701**, as last amended by Laws of Utah 2021, Chapter 350

78 **26-61a-102**, as last amended by Laws of Utah 2021, Chapters 337 and 350

79 **26-61a-103**, as last amended by Laws of Utah 2021, Chapters 17, 337, 344, and 350

80 **26-61a-106**, as last amended by Laws of Utah 2021, Chapters 337 and 350

81 **26-61a-107**, as last amended by Laws of Utah 2021, Chapter 337

82 **26-61a-111**, as last amended by Laws of Utah 2021, Chapter 344

83 **26-61a-201**, as last amended by Laws of Utah 2021, Chapters 17 and further amended

84 by Revisor Instructions, Laws of Utah 2021, Chapters 337, 337, and 350

85 **26-61a-202**, as last amended by Laws of Utah 2021, Chapters 17, 337, and 350

86 **26-61a-204**, as last amended by Laws of Utah 2021, Chapter 350

87 **26-61a-301**, as last amended by Laws of Utah 2021, Chapter 350

88 **26-61a-303**, as last amended by Laws of Utah 2021, Chapters 84 and 345

89 **26-61a-305**, as last amended by Laws of Utah 2021, Chapter 350

- 90 [26-61a-401](#), as last amended by Laws of Utah 2021, Chapter 337
- 91 [26-61a-501](#), as last amended by Laws of Utah 2021, Chapters 337 and 350
- 92 [26-61a-502](#), as last amended by Laws of Utah 2021, Chapters 337, 350 and last
- 93 amended by Coordination Clause, Laws of Utah 2021, Chapter 350
- 94 [26-61a-604](#), as last amended by Laws of Utah 2020, Chapter 354
- 95 [26-61a-606](#), as last amended by Laws of Utah 2021, Chapter 350
- 96 [52-4-205](#), as last amended by Laws of Utah 2021, Chapters 179 and 231
- 97 [58-5a-102](#), as last amended by Laws of Utah 2021, Chapter 337
- 98 [58-31b-502](#), as last amended by Laws of Utah 2021, Chapters 263 and 337
- 99 [58-44a-102](#), as last amended by Laws of Utah 2012, Chapter 285
- 100 [58-44a-502](#), as last amended by Laws of Utah 2020, Chapter 25
- 101 [58-70a-503](#), as last amended by Laws of Utah 2021, Chapters 312 and 337

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

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

105 **4-41-102. Definitions.**

106 As used in this chapter:

- 107 (1) "Cannabinoid product" means a [~~chemical compound extracted from a hemp~~]
- 108 product that:
- 109 [~~(a) is processed into a medicinal dosage form; and~~]
- 110 (a) contains one or more cannabinoids;
- 111 (b) contains less than [0.3% tetrahydrocannabinol] the cannabinoid product THC level,
- 112 by dry weight[-]; and
- 113 (c) contains a combined amount of total THC and any THC analog that does not
- 114 exceed 5% of the total cannabinoid content.
- 115 (2) "Cannabinoid product THC level" means a combined concentration of total THC
- 116 and any THC analog of less than 0.3% on a dry weight basis if laboratory testing confirms a
- 117 result within a measurement of uncertainty that includes the combined concentration of 0.3%.
- 118 (3) "Delta-9-tetrahydrocannabinol" or "Delta-9-THC" means the cannabinoid identified
- 119 as CAS# 1972-08-3, the primary psychotropic cannabinoid in cannabis.
- 120 [~~(2)~~] (4) "Industrial hemp" means any part of a cannabis plant, whether growing or not,

121 with a concentration of less than 0.3% tetrahydrocannabinol by dry weight.

122 ~~[(3)]~~ (5) "Industrial hemp certificate" means a certificate that the department issues to a
123 higher education institution to grow or cultivate industrial hemp under Subsection 4-41-103(1).

124 ~~[(4)]~~ (6) "Industrial hemp certificate holder" means a person possessing an industrial
125 hemp certificate that the department issues under this chapter.

126 ~~[(5)]~~ (7) "Industrial hemp laboratory permit" means a permit that the department issues
127 to a laboratory qualified to test industrial hemp under the state hemp production plan.

128 ~~[(6)]~~ (8) "Industrial hemp producer license" means a license that the department issues
129 to a person for the purpose of cultivating or processing industrial hemp or an industrial hemp
130 product.

131 ~~[(7)]~~ (9) "Industrial hemp retailer permit" means a permit that the department issues to
132 a retailer who sells any industrial hemp product.

133 ~~[(8)]~~ (10) "Industrial hemp product" means a product derived from, or made by,
134 processing industrial hemp plants or industrial hemp parts.

135 ~~[(9)]~~ (11) "Laboratory permittee" means a person possessing an industrial hemp
136 laboratory permit that the department issues under this chapter.

137 ~~[(10)]~~ (12) "Licensee" means a person possessing an industrial hemp producer license
138 that the department issues under this chapter.

139 ~~[(11)]~~ (13) "Medicinal dosage form" means:

140 (a) a tablet;

141 (b) a capsule;

142 (c) a concentrated oil;

143 (d) a liquid suspension that does not exceed 30ml;

144 (e) a sublingual preparation;

145 (f) a topical preparation;

146 (g) a transdermal preparation;

147 (h) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or rectangular
148 cuboid shape; or

149 (i) other preparations that the department approves.

150 ~~[(12)]~~ (14) "Non-compliant material" means:

151 (a) a hemp plant ~~[or hemp product]~~ that does not comply with this chapter, including a

152 cannabis plant ~~[or product that contains]~~ with a concentration of 0.3% tetrahydrocannabinol or
153 greater by dry weight[-]; and

154 (b) a cannabinoid product, chemical, or compound with a concentration that exceeds
155 the cannabinoid product THC level.

156 ~~[(13)]~~ (15) "Permittee" means a person possessing a permit that the department issues
157 under this chapter.

158 ~~[(14)]~~ (16) "Person" means:

159 (a) an individual, partnership, association, firm, trust, limited liability company, or
160 corporation; and

161 (b) an agent or employee of an individual, partnership, association, firm, trust, limited
162 liability company, or corporation.

163 ~~[(15)]~~ (17) "Research pilot program" means a program conducted by the department in
164 collaboration with at least one licensee to study methods of cultivating, processing, or
165 marketing industrial hemp.

166 ~~[(16)]~~ (18) "Retailer permittee" means a person possessing an industrial hemp retailer
167 permit that the department issues under this chapter.

168 ~~[(17)]~~ (19) "State hemp production plan" means a plan submitted by the state to, and
169 approved by, the United States Department of Agriculture in accordance with 7 C.F.R. Chapter
170 990.

171 (20) "Tetrahydrocannabinol" or "THC" means a substance derived from cannabis or a
172 synthetic cannabinoid equivalent as described in Subsection [58-37-4\(2\)\(a\)\(iii\)\(AA\)](#).

173 (21) (a) "THC analog" means a substance that is structurally or pharmacologically
174 substantially similar to, or is represented as being similar to, delta-9-THC.

175 (b) "THC analog" does not include the following substances or the naturally occurring
176 acid forms of the following substances:

177 (i) cannabichromene (CBC), the cannabinoid identified as CAS# 20675-51-8;

178 (ii) cannabicyclol (CBL), the cannabinoid identified as CAS# 21366-63-2;

179 (iii) cannabidiol (CBD), the cannabinoid identified as CAS# 13956-29-1;

180 (iv) cannabidivanol (CBDV), the cannabinoid identified as CAS# 24274-48-4;

181 (v) cannabielsoin (CBE), the cannabinoid identified as CAS# 52025-76-0;

182 (vi) cannabigerol (CBG), the cannabinoid identified as CAS# 25654-31-3;

183 (vii) cannabigerovarin (CBGV), the cannabinoid identified as CAS# 55824-11-8;

184 (viii) cannabitol (CBN), the cannabinoid identified as CAS# 521-35-7;

185 (ix) cannabivarin (CBV), the cannabinoid identified as CAS# 33745-21-0; or

186 (x) delta-9-tetrahydrocannabivarin (THCV), the cannabinoid identified as CAS#

187 31262-37-0.

188 (22) "Total tetrahydrocannabinol" or "total THC" means the sum of the determined

189 amounts of delta-9-THC, tetrahydrocannabinolic acid, calculated as "total THC = delta-9 THC

190 + (THCA x 0.877)."

191 Section 2. Section **4-41-103.3** is amended to read:

192 **4-41-103.3. Industrial hemp retailer permit.**

193 (1) [~~A~~] Except as provided in Subsection (4), a retailer permittee of the department
194 may market or sell industrial hemp products.

195 (2) A person seeking an industrial hemp retailer permit shall provide to the department:

196 (a) the name of the person that is seeking to market or sell an industrial hemp product;

197 (b) the address of each location where the industrial hemp product will be sold; and

198 (c) written consent allowing a representative of the department to enter all premises

199 where the person is selling an industrial hemp product for the purpose of:

200 (i) conducting a physical inspection; or

201 (ii) ensuring compliance with the requirements of this chapter.

202 (3) The department may set a fee in accordance with Subsection **4-2-103(2)** for the

203 application for an industrial hemp retailer permit.

204 (4) A retailer permittee that markets an industrial hemp product or that sells an

205 industrial hemp product shall include in any marketing a notice to consumers that the product

206 is hemp and is not cannabis or medical cannabis, as those terms are defined in Section

207 [26-61a-102](#).

208 Section 3. Section **4-41-103.4** is amended to read:

209 **4-41-103.4. Industrial hemp laboratory permit.**

210 (1) The department or a laboratory permittee of the department may test industrial
211 hemp and industrial hemp products.

212 (2) The department or a laboratory permittee of the department may dispose of

213 non-compliant material.

214 (3) A laboratory seeking an industrial hemp laboratory permit shall:

215 (a) demonstrate to the department that:

216 (i) the laboratory and laboratory staff possess the professional certifications required by
217 department rule;

218 (ii) the laboratory has the ability to test industrial hemp and industrial hemp products
219 using the standards, methods, practices, and procedures required by department rule;

220 (iii) the laboratory has the ability to meet the department's minimum standards of
221 performance for detecting [~~delta-9 tetrahydrocannabinol (THC) concentration levels~~]
222 concentration levels of THC and any cannabinoid known to be present; and

223 (iv) the laboratory has a plan that complies with the department's rule for the safe
224 disposal of non-compliant material; and

225 (b) provide to the department written consent allowing a representative of the
226 department and local law enforcement to enter all premises where the laboratory tests,
227 processes, or stores industrial hemp, industrial hemp products, and non-compliant plants for the
228 purpose of:

229 (i) conducting a physical inspection; or

230 (ii) ensuring compliance with the requirements of this chapter.

231 (4) An individual who has been convicted of a drug-related felony within the last 10
232 years is not eligible to obtain a license under this chapter.

233 (5) The department may set a fee in accordance with Subsection 4-2-103(2) for the
234 application for an industrial hemp laboratory permit.

235 Section 4. Section 4-41-105 is amended to read:

236 **4-41-105. Unlawful acts.**

237 (1) It is unlawful for a person to cultivate, handle, process, or market living industrial
238 hemp plants, viable hemp seeds, leaf materials, or floral materials derived from industrial hemp
239 without the appropriate license or permit issued by the department under this chapter.

240 (2) It is unlawful for any person to distribute, sell, or market an industrial hemp
241 product or cannabinoid product:

242 (a) that is not registered with the department [~~pursuant to~~] under Section 4-41-104[:];

243 or

244 (b) with a cannabinoid concentration that exceeds the cannabinoid product THC level.

245 (3) The department may seize and destroy non-compliant material.

246 (4) Nothing in this chapter authorizes any person to violate federal law, regulation, or
247 any provision of this title.

248 Section 5. Section **4-41-402** is amended to read:

249 **4-41-402. Cannabinoid sales and use authorized.**

250 (1) The sale or use of a cannabinoid product is prohibited:

251 (a) except as provided in this chapter; or

252 (b) unless the United States Food and Drug Administration approves the product.

253 (2) The department shall keep a list of registered cannabinoid products that the
254 department has determined, in accordance with Section [4-41-403](#), are safe for human
255 consumption.

256 (3) (a) A person may sell or use a cannabinoid product that is in the list of registered
257 cannabinoid products described in Subsection (2).

258 (b) An individual may use cannabidiol or a cannabidiol product that is not in the list of
259 registered cannabinoid products described in Subsection (2) if:

260 (i) the individual purchased the product outside the state; and

261 (ii) the product's contents do not violate Title 58, Chapter 37, Utah Controlled
262 Substances Act.

263 (4) A person marketing a cannabinoid product or selling a cannabinoid product shall
264 include in any marketing a notice to consumers that the product is hemp or CBD and is not
265 cannabis or medical cannabis, as those terms are defined in Section [26-61a-102](#).

266 Section 6. Section **4-41a-102** is amended to read:

267 **4-41a-102. Definitions.**

268 As used in this chapter:

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

271 (a) pesticides;

272 (b) heavy metals;

273 (c) solvents;

274 (d) microbial life;

275 (e) toxins; or

- 276 (f) foreign matter.
- 277 (2) "Cannabinoid Product Board" means the Cannabinoid Product Board created in
- 278 Section [26-61-201](#).
- 279 (3) "Cannabis" means the same as that term is defined in Section [26-61a-102](#).
- 280 (4) "Cannabis concentrate" means:
- 281 (a) the product of any chemical or physical process applied to naturally occurring
- 282 biomass that concentrates or isolates the cannabinoids contained in the biomass; and
- 283 (b) any amount of a natural, derivative, or synthetic cannabinoid in the synthetic
- 284 cannabinoid's purified state.
- 285 (5) "Cannabis cultivation byproduct" means any portion of a cannabis plant that is not
- 286 intended to be sold as a cannabis plant product.
- 287 (6) "Cannabis cultivation facility" means a person that:
- 288 (a) possesses cannabis;
- 289 (b) grows or intends to grow cannabis; and
- 290 (c) sells or intends to sell cannabis to a cannabis cultivation facility, a cannabis
- 291 processing facility, or a medical cannabis research licensee.
- 292 (7) "Cannabis cultivation facility agent" means an individual who:
- 293 (a) is an employee of a cannabis cultivation facility; and
- 294 (b) holds a valid cannabis production establishment agent registration card.
- 295 (8) "Cannabis derivative product" means a product made using cannabis concentrate.
- 296 (9) "Cannabis plant product" means any portion of a cannabis plant intended to be sold
- 297 in a form that is recognizable as a portion of a cannabis plant.
- 298 (10) "Cannabis processing facility" means a person that:
- 299 (a) acquires or intends to acquire cannabis from a cannabis production establishment;
- 300 (b) possesses cannabis with the intent to manufacture a cannabis product;
- 301 (c) manufactures or intends to manufacture a cannabis product from unprocessed
- 302 cannabis or a cannabis extract; and
- 303 (d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or a
- 304 medical cannabis research licensee.
- 305 (11) "Cannabis processing facility agent" means an individual who:
- 306 (a) is an employee of a cannabis processing facility; and

- 307 (b) holds a valid cannabis production establishment agent registration card.
- 308 (12) "Cannabis product" means the same as that term is defined in Section [26-61a-102](#).
- 309 (13) "Cannabis production establishment" means a cannabis cultivation facility, a
310 cannabis processing facility, or an independent cannabis testing laboratory.
- 311 (14) "Cannabis production establishment agent" means a cannabis cultivation facility
312 agent, a cannabis processing facility agent, or an independent cannabis testing laboratory agent.
- 313 (15) "Cannabis production establishment agent registration card" means a registration
314 card that the department issues that:
- 315 (a) authorizes an individual to act as a cannabis production establishment agent; and
316 (b) designates the type of cannabis production establishment for which an individual is
317 authorized to act as an agent.
- 318 (16) "Community location" means a public or private elementary or secondary school,
319 a church, a public library, a public playground, or a public park.
- 320 (17) "Cultivation space" means, quantified in square feet, the horizontal area in which
321 a cannabis cultivation facility cultivates cannabis, including each level of horizontal area if the
322 cannabis cultivation facility hangs, suspends, stacks, or otherwise positions plants above other
323 plants in multiple levels.
- 324 [~~(18) "Delta-9-tetrahydrocannabinol" or "delta-9-THC" means the cannabinoid~~
325 ~~identified as CAS# 1972-08-03, the primary psychotropic cannabinoid in cannabis.~~]
- 326 [~~(19)~~ (18) "Department" means the Department of Agriculture and Food.
- 327 [~~(20)~~ (19) "Derivative cannabinoid" means any cannabinoid that has been intentionally
328 created using a process to convert a naturally occurring cannabinoid into another cannabinoid.
- 329 [~~(21)~~ (20) "Family member" means a parent, step-parent, spouse, child, sibling,
330 step-sibling, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law,
331 brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.
- 332 [~~(22)~~ (21) (a) "Independent cannabis testing laboratory" means a person that:
333 (i) conducts a chemical or other analysis of cannabis or a cannabis product; or
334 (ii) acquires, possesses, and transports cannabis or a cannabis product with the intent to
335 conduct a chemical or other analysis of the cannabis or cannabis product.
- 336 (b) "Independent cannabis testing laboratory" includes a laboratory that the department
337 or a research university operates in accordance with Subsection [4-41a-201](#)(14).

338 ~~[(23)]~~ (22) "Independent cannabis testing laboratory agent" means an individual who:

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

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

341 ~~[(24)]~~ (23) "Industrial hemp waste" means:

342 (a) a cannabinoid ~~[extract above 0.3% total THC derived from verified industrial hemp~~
343 ~~biomass]~~ concentrate; or

344 (b) ~~[verified]~~ industrial hemp biomass ~~[with a total THC concentration of less than~~
345 ~~0.3% by dry weight]~~.

346 ~~[(25)]~~ (24) "Inventory control system" means a system described in Section 4-41a-103.

347 ~~[(26)]~~ (25) "Licensing board" or "board" means the Cannabis Production Establishment
348 Licensing Advisory Board created in Section 4-41a-201.1.

349 ~~[(27)]~~ (26) "Medical cannabis" means the same as that term is defined in Section
350 26-61a-102.

351 ~~[(28)]~~ (27) "Medical cannabis card" means the same as that term is defined in Section
352 26-61a-102.

353 ~~[(29)]~~ (28) "Medical cannabis pharmacy" means the same as that term is defined in
354 Section 26-61a-102.

355 ~~[(30)]~~ (29) "Medical cannabis pharmacy agent" means the same as that term is defined
356 in Section 26-61a-102.

357 ~~[(31)]~~ (30) "Medical cannabis research license" means a license that the department
358 issues to a research university for the purpose of obtaining and possessing medical cannabis for
359 academic research.

360 ~~[(32)]~~ (31) "Medical cannabis research licensee" means a research university that the
361 department licenses to obtain and possess medical cannabis for academic research, in
362 accordance with Section 4-41a-901.

363 ~~[(33)]~~ (32) "Medical cannabis treatment" means the same as that term is defined in
364 Section 26-61a-102.

365 ~~[(34)]~~ (33) "Medicinal dosage form" means the same as that term is defined in Section
366 26-61a-102.

367 ~~[(35)]~~ (34) "Qualified medical provider" means the same as that term is defined in
368 Section 26-61a-102.

369 [(36)] (35) "Qualified Production Enterprise Fund" means the fund created in Section
370 4-41a-104.

371 [(37)] (36) "Recommending medical provider" means the same as that term is defined
372 in Section 26-61a-102.

373 [(38)] (37) "Research university" means the same as that term is defined in Section
374 53B-7-702 and a private, nonprofit college or university in the state that:

- 375 (a) is accredited by the Northwest Commission on Colleges and Universities;
- 376 (b) grants doctoral degrees; and
- 377 (c) has a laboratory containing or a program researching a schedule I controlled
378 substance described in Section 58-37-4.

379 [(39)] (38) "State electronic verification system" means the system described in Section
380 26-61a-103.

381 [(40)] (39) "Synthetic cannabinoid" means any cannabinoid that:

- 382 (a) was chemically synthesized from starting materials other than a naturally occurring
383 cannabinoid; and
- 384 (b) is not a derivative cannabinoid.

385 [(41)] (40) "Tetrahydrocannabinol" or "THC" means ~~[a substance derived from~~
386 ~~cannabis or a synthetic equivalent as described in Subsection 58-37-4(2)(a)(iii)(AA)]~~ the same
387 as that term is defined in Section 4-41-102.

388 (41) "THC analog" means the same as that term is defined in Section 4-41-102.

389 (42) "Total composite tetrahydrocannabinol" means all detectable forms of
390 tetrahydrocannabinol.

391 (43) "Total tetrahydrocannabinol" or "total THC" means the ~~[sum of the determined~~
392 ~~amounts of delta-9-THC and tetrahydrocannabinolic acid, calculated as "total THC =~~
393 ~~delta-9-THC + (THCA x 0.877)."]~~ same as that term is defined in Section 4-41-102.

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

395 **4-41a-201. Cannabis production establishment -- License.**

396 (1) Except as provided in Subsection (14), a person may not operate a cannabis
397 production establishment without a license that the department issues under this chapter.

398 (2) (a) (i) Subject to Subsections (6), (7), (8), and (13) and to Section 4-41a-205, for a
399 licensing process that the department initiates after ~~[the effective date of this bill]~~ March 17,

400 2021, the department, through the licensing board, shall issue licenses in accordance with
401 Section [4-41a-201.1](#).

402 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
403 department shall make rules to specify a transparent and efficient process to:

- 404 (A) solicit applications for a license under this section;
- 405 (B) allow for comments and questions in the development of applications;
- 406 (C) timely and objectively evaluate applications;
- 407 (D) hold public hearings that the department deems appropriate; and
- 408 (E) select applicants to receive a license.

409 (iii) The department may not issue a license to operate a cannabis production
410 establishment to an applicant who is not eligible for a license under this section.

411 (b) An applicant is eligible for a license under this section if the applicant submits to
412 the licensing board:

413 (i) subject to Subsection (2)(c), a proposed name and address or, for a cannabis
414 cultivation facility, addresses of no more than two facility locations, located in a zone described
415 in Subsection [4-41a-406\(2\)\(a\)](#) or (b), where the applicant will operate the cannabis production
416 establishment;

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

- 418 (A) for a publicly traded company, a financial or voting interest of 2% or greater in the
419 proposed cannabis production establishment;
- 420 (B) for a privately held company, a financial or voting interest in the proposed cannabis
421 production establishment; or
- 422 (C) the power to direct or cause the management or control of a proposed cannabis
423 production establishment;

424 (iii) an operating plan that:

- 425 (A) complies with Section [4-41a-204](#);
- 426 (B) includes operating procedures that comply with this chapter and any law the
427 municipality or county in which the person is located adopts that is consistent with Section
428 [4-41a-406](#); and
- 429 (C) the department or licensing board approves;

430 (iv) a statement that the applicant will obtain and maintain a performance bond that a

431 surety authorized to transact surety business in the state issues in an amount of at least:

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

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

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

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

441 (c) (i) A person may not locate a cannabis production establishment:

442 (A) within 1,000 feet of a community location; or

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

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

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

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

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

457 (a) the applicant shall pay the department:

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

460 (ii) a fee for a 120-day limited license to operate as a cannabis processing facility
461 described in Subsection (3)(b) that is equal to 33% of the initial license fee described in

462 Subsection (3)(a)(i); and

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

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

468 (b) The licensing board may issue a cannabis cultivation facility license and a cannabis
469 processing facility license to a person to operate at the same physical location or at separate
470 physical locations.

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

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

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

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

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

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

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

487 (i) a felony; or

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

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

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

491 (8) (a) If an applicant for a cannabis production establishment license under this
492 section holds a license under Title 4, Chapter 41, Hemp and Cannabinoid Act, the licensing

493 board may not give preference to the applicant based on the applicant's status as a holder of the
494 license.

495 (b) If an applicant for a license to operate a cannabis cultivation facility under this
496 section holds a license to operate a medical cannabis pharmacy under Title 26, Chapter 61a,
497 Utah Medical Cannabis Act, the licensing board:

498 (i) shall consult with the Department of Health regarding the applicant; and

499 (ii) may give consideration to the applicant based on the applicant's status as a holder
500 of a medical cannabis pharmacy license if:

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

503 (B) the licensing board finds multiple other factors, in addition to the existing license,
504 that support granting the new license.

505 (9) The licensing board may revoke a license under this part:

506 (a) if the cannabis production establishment does not begin cannabis production
507 operations within one year after the day on which the licensing board issues the initial license;

508 (b) after the third of the same violation of this chapter in any of the licensee's licensed
509 cannabis production establishments or medical cannabis pharmacies;

510 (c) if any individual described in Subsection (2)(b) is convicted, while the license is
511 active, under state or federal law of:

512 (i) a felony; or

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

514 (d) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at
515 the time of application, or fails to supplement the information described in Subsection
516 (2)(b)(vi) with any investigation or adverse action that occurs after the submission of the
517 application within 14 calendar days after the licensee receives notice of the investigation or
518 adverse action; [~~or~~]

519 (e) if the cannabis production establishment demonstrates a willful or reckless
520 disregard for the requirements of this chapter or the rules the department makes in accordance
521 with this chapter[~~;~~];

522 (f) if, after a change of ownership described in Subsection (15)(c), the board
523 determines that the cannabis production establishment no longer meets the minimum standards

524 for licensure and operation of the cannabis production establishment described in this chapter;
525 or

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

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

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

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

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

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

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

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

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

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

548 ~~(a)~~ (i) may not issue more than four licenses to operate an independent cannabis
549 testing laboratory;

550 ~~(b)~~ (ii) may operate or partner with a research university to operate an independent
551 cannabis testing laboratory;

552 ~~(c)~~ (iii) if the department operates or partners with a research university to operate an
553 independent cannabis testing laboratory, may not cease operating or partnering with a research
554 university to operate the independent cannabis testing laboratory unless:

555 [(i)] (A) the department issues at least two licenses to independent cannabis testing
556 laboratories; and

557 [(ii)] (B) the department has ensured that the licensed independent cannabis testing
558 laboratories have sufficient capacity to provide the testing necessary to support the state's
559 medical cannabis market; and

560 [(d)] (iv) after ceasing department or research university operations under Subsection
561 ~~[(14)(d)(ii)]~~ (14)(a)(ii) shall resume independent cannabis testing laboratory operations at any
562 time if:

563 [(i)] (A) fewer than two licensed independent cannabis testing laboratories are
564 operating; or

565 [(ii)] (B) the licensed independent cannabis testing laboratories become, in the
566 department's determination, unable to fully meet the market demand for testing.

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

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

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

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

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

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

578 (A) conduct the application review described in Section 4-41a-201.1; and

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

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

586 application review.

587 Section 8. Section **4-41a-203** is amended to read:

588 **4-41a-203. Renewal.**

589 The department shall renew a license issued under Section **4-41a-201** every year if:

590 (1) the licensee meets the requirements of Section **4-41a-201** at the time of renewal;

591 (2) the board does not identify:

592 (a) a significant failure of compliance with this chapter or department rules in the
593 review described in Section **4-41a-201.1**; or

594 (b) grounds for revocation described in Subsections **4-41a-201**(9)(b) through ~~(f)~~ (g);

595 (3) the licensee pays the department a license renewal fee in an amount that, subject to
596 Subsection **4-41a-104**(5), the department sets in accordance with Section **63J-1-504**; and

597 (4) if the cannabis production establishment changes the operating plan described in
598 Section **4-41a-204** that the department or licensing board approved under Subsection
599 **4-41a-201**(2)(b)(iii), the department approves the new operating plan.

600 Section 9. Section **4-41a-501** is amended to read:

601 **4-41a-501. Cannabis cultivation facility -- Operating requirements.**

602 (1) A cannabis cultivation facility shall ensure that any cannabis growing at the
603 cannabis cultivation facility is not visible from the ground level of the cannabis cultivation
604 facility perimeter.

605 (2) A cannabis cultivation facility shall use a unique identifier that is connected to the
606 facility's inventory control system to identify:

607 (a) beginning at the time a cannabis plant is eight inches tall and has a root ball, each
608 cannabis plant;

609 (b) each unique harvest of cannabis plants;

610 (c) each batch of cannabis the facility transfers to a medical cannabis pharmacy, a
611 cannabis processing facility, or an independent cannabis testing laboratory; and

612 (d) any excess, contaminated, or deteriorated cannabis of which the cannabis
613 cultivation facility disposes.

614 (3) A cannabis cultivation facility shall identify cannabis biomass as cannabis
615 byproduct or cannabis plant product before transferring the cannabis biomass from the facility.

616 (4) A cannabis cultivation facility shall either:

617 (a) ensure that a cannabis processing facility chemically or physically processes
 618 cannabis cultivation byproduct to produce a cannabis concentrate for incorporation into
 619 cannabis derivative products; or

620 (b) destroy cannabis cultivation byproduct in accordance with Section 4-41a-405.

621 (5) ~~[(a)-(i)]~~ A cannabis cultivation facility may not purchase or otherwise receive
 622 industrial hemp waste ~~[unless the waste meets department cannabis testing standards, as~~
 623 ~~determined by an independent cannabis testing laboratory, before the transfer of the waste to~~
 624 ~~the cannabis cultivation facility]~~, except under limited circumstances in which the department
 625 determines there is a minimal risk of safety or security concern, as the department specifies in
 626 rules that the department makes in accordance with Title 63G, Chapter 3, Utah Administrative
 627 Rulemaking Act.

628 ~~[(ii) Upon receipt of the industrial hemp waste described in Subsection (5)(a)(i), the~~
 629 ~~cannabis cultivation facility shall assign a unique identifier to the industrial hemp waste that is~~
 630 ~~connected to the facility's inventory control system.]~~

631 ~~[(iii) Industrial hemp waste described in this Subsection (5)(a) is considered to be~~
 632 ~~cannabis for all testing and regulatory purposes of the department.]~~

633 ~~[(b) Except as provided in Subsection (5)(a), a cannabis production establishment or~~
 634 ~~agent may not receive industrial hemp waste for entry into the medical cannabis program.]~~

635 ~~[(c) A cannabis cultivation facility may not produce more than 120 kilograms of~~
 636 ~~cannabis concentrate from industrial hemp waste in a single license year.]~~

637 Section 10. Section 4-41a-502 is amended to read:

638 **4-41a-502. Cannabis -- Labeling and child-resistant packaging.**

639 (1) For any cannabis that a cannabis cultivation facility cultivates or otherwise
 640 produces and subsequently ships to another cannabis production establishment, the facility
 641 shall:

642 ~~[(1)]~~ (a) label the cannabis with a label that has a unique batch identification number
 643 that is connected to the inventory control system; and

644 ~~[(2)]~~ (b) package the cannabis in a container that is:

645 ~~[(a)]~~ (i) tamper evident; and

646 ~~[(b)]~~ (ii) not appealing to children.

647 (2) The department may make rules, in accordance with Title 63G, Chapter 3, Utah

648 Administrative Rulemaking Act, to further define standards regarding containers that may
649 appeal to children under Subsection (1)(b)(ii).

650 Section 11. Section **4-41a-602** is amended to read:

651 **4-41a-602. Cannabis product -- Labeling and child-resistant packaging.**

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

654 (a) label the cannabis or cannabis product with a label that:

655 (i) clearly and unambiguously states that the cannabis product or package contains
656 cannabis;

657 (ii) clearly displays the amount of total composite tetrahydrocannabinol [~~and~~],
658 cannabidiol, and any known cannabinoid described in Subsection 4-41a-701(4) in the labeled
659 container;

660 (iii) has a unique identification number that:

661 (A) is connected to the inventory control system; and

662 (B) identifies the unique cannabis product manufacturing process the cannabis
663 processing facility used to manufacture the cannabis product;

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

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

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

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

672 (i) is tamper evident and tamper resistant;

673 (ii) does not appeal to children;

674 (iii) does not mimic a candy container;

675 (iv) complies with child-resistant effectiveness standards that the United States
676 Consumer Product Safety Commission establishes; and

677 (v) includes a warning label that states:

678 (A) for a container labeled before July 1, 2021, "WARNING: Cannabis has

679 intoxicating effects and may be addictive. Do not operate a vehicle or machinery under its
 680 influence. KEEP OUT OF REACH OF CHILDREN. This product is for medical use only. Use
 681 only as directed by a qualified medical provider."; or

682 (B) for a container labeled on or after July 1, 2021, "WARNING: Cannabis has
 683 intoxicating effects and may be addictive. Do not operate a vehicle or machinery under its
 684 influence. KEEP OUT OF REACH OF CHILDREN. This product is for medical use only. Use
 685 only as directed by a recommending medical provider."

686 (2) For any cannabis or cannabis product that the cannabis processing facility processes
 687 into a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or rectangular
 688 cuboid shape, the facility shall:

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

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

693 (3) For any cannabis product that contains any derivative cannabinoid or synthetic
 694 cannabinoid, the cannabis processing facility shall ensure that the label clearly:

695 (a) identifies each derivative cannabinoid or synthetic cannabinoid; and

696 (b) identifies that each derivative or synthetic cannabinoid is a derivative or synthetic
 697 cannabinoid.

698 (4) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
 699 Act, the department:

700 (a) shall make rules ~~[in accordance with Title 63G, Chapter 3, Utah Administrative~~
 701 Rulemaking Act] to establish:

702 ~~[(a)]~~ (i) a standard labeling format that:

703 ~~[(i)]~~ (A) complies with the requirements of this section; and

704 ~~[(ii)]~~ (B) ensures inclusion of a pharmacy label; and

705 ~~[(b)]~~ (ii) additional requirements on packaging for cannabis and cannabis products to
 706 ensure safety and product quality~~[-];~~ and

707 (b) may make rules to further define standards regarding images, words, phrases, or
 708 containers that may appeal to children under Subsection (1)(a)(v) or (1)(b)(ii).

709 Section 12. Section **4-41a-603** is amended to read:

710 **4-41a-603. Cannabis product -- Product quality.**

711 (1) A cannabis processing facility:

712 (a) may not produce a cannabis product in a physical form that:

713 (i) the facility knows or should know appeals to children;

714 (ii) is designed to mimic or could be mistaken for a candy product; or

715 (iii) for a cannabis product used in vaporization, includes a candy-like flavor or another
716 flavor that the facility knows or should know appeals to children; and

717 (b) notwithstanding Subsection (1)(a)(iii), may produce a concentrated oil with a flavor
718 that the department approves to facilitate minimizing the taste or odor of cannabis.

719 (2) A cannabis product may vary in the cannabis product's labeled cannabinoid profile
720 by up to 10% of the indicated amount of a given cannabinoid, by weight.

721 (3) A cannabis processing facility shall isolate derivative cannabinoids and synthetic
722 cannabinoids to a purity of greater than 95%, as determined by an independent cannabis testing
723 laboratory using liquid chromatography-mass spectroscopy or an equivalent method.

724 (4) The department shall [~~adopt by rule~~] make rules, in accordance with Title 63G,
725 Chapter 3, Utah Administrative Rulemaking Act, to:

726 (a) adopt human safety standards for the manufacturing of cannabis products that are
727 consistent with best practices for the use of cannabis[-]; and

728 (b) further define standards regarding products that may appeal to children under
729 Subsection (1)(a).

730 (5) Nothing in this section prohibits a sugar coating on a gelatinous cube, gelatinous
731 rectangular cuboid, lozenge to mask the product's taste, subject to the limitations on form and
732 appearance described in Subsections (1)(a) and (4)(b).

733 Section 13. Section **4-41a-701** is amended to read:

734 **4-41a-701. Cannabis and cannabis product testing.**

735 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
736 department may make rules to:

737 (a) determine required adulterant tests for a cannabis plant product, cannabis
738 concentrate, or cannabis product;

739 (b) determine the amount of any adulterant that is safe for human consumption;

740 (c) establish protocols for a recall of cannabis or a cannabis product by a cannabis

741 production establishment; or

742 (d) allow the propagation of testing results forward to derived product if the processing
743 steps the cannabis production establishment uses to produce the product are unlikely to change
744 the results of the test.

745 (2) The department may require testing for a toxin if:

746 (a) the department receives information indicating the potential presence of a toxin; or

747 (b) the department's inspector has reason to believe a toxin may be present based on the
748 inspection of a facility.

749 (3) (a) A cannabis production establishment may not:

750 (i) incorporate cannabis concentrate into a cannabis derivative product until an
751 independent cannabis testing laboratory tests the cannabis concentrate in accordance with
752 department rule; or

753 (ii) transfer cannabis or a cannabis product to a medical cannabis pharmacy until an
754 independent cannabis testing laboratory tests a representative sample of the cannabis or
755 cannabis product in accordance with department rule.

756 (b) A medical cannabis pharmacy may not offer any cannabis or cannabis product for
757 sale unless an independent cannabis testing laboratory has tested a representative sample of the
758 cannabis or cannabis product in accordance with department rule.

759 (4) Before the sale of a cannabis product, an independent cannabis testing laboratory
760 shall identify and quantify any cannabinoid known to be present in a cannabis product.

761 [~~4~~] (5) The department shall establish by rule, in accordance with Title 63G, Chapter
762 3, Utah Administrative Rulemaking Act, the standards, methods, practices, and procedures for
763 the testing of cannabis and cannabis products by independent cannabis testing laboratories.

764 [~~5~~] (6) The department may require an independent cannabis testing laboratory to
765 participate in a proficiency evaluation that the department conducts or that an organization that
766 the department approves conducts.

767 Section 14. Section **26-61a-102** is amended to read:

768 **26-61a-102. Definitions.**

769 As used in this chapter:

770 (1) "Active tetrahydrocannabinol" means [~~Delta-8-THC, Delta-9-THC~~] THC, any THC
771 analog, and tetrahydrocannabinolic acid.

772 (2) "Cannabinoid Product Board" means the Cannabinoid Product Board created in
773 Section 26-61-201.

774 (3) "Cannabis" means marijuana.

775 (4) "Cannabis cultivation facility" means the same as that term is defined in Section
776 4-41a-102.

777 (5) "Cannabis processing facility" means the same as that term is defined in Section
778 4-41a-102.

779 (6) "Cannabis product" means a product that:

780 (a) is intended for human use; and

781 (b) contains cannabis or any tetrahydrocannabinol or THC analog in a total
782 concentration of 0.3% or greater on a dry weight basis.

783 (7) "Cannabis production establishment" means the same as that term is defined in
784 Section 4-41a-102.

785 (8) "Cannabis production establishment agent" means the same as that term is defined
786 in Section 4-41a-102.

787 (9) "Cannabis production establishment agent registration card" means the same as that
788 term is defined in Section 4-41a-102.

789 (10) "Community location" means a public or private elementary or secondary school,
790 a church, a public library, a public playground, or a public park.

791 (11) "Conditional medical cannabis card" means an electronic medical cannabis card
792 that the department issues in accordance with Subsection 26-61a-201(1)(b) to allow an
793 applicant for a medical cannabis card to access medical cannabis during the department's
794 review of the application.

795 (12) "Controlled substance database" means the controlled substance database created
796 in Section 58-37f-201.

797 [~~(13) "Delta-8-tetrahydrocannabinol" or "Delta-8-THC" means the cannabinoid that:]~~

798 [~~(a) is similar to Delta-9-THC with a lower psychotropic potency; and]~~

799 [~~(b) interacts with the CB1 receptor of the nervous system.]~~

800 [~~(14) "Delta-9-tetrahydrocannabinol" or "Delta-9-THC" means the primary~~
801 ~~psychotropic cannabinoid in cannabis.]~~

802 [~~(15)] (13) "Department" means the Department of Health.~~

803 ~~[(16)]~~ (14) "Designated caregiver" means:

804 (a) an individual:

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

807 (ii) who registers with the department under Section [26-61a-202](#); or

808 (b) (i) a facility that an individual designates as a designated caregiver in accordance
809 with Subsection [26-61a-202](#)(1)(b); or

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

811 ~~[(17)]~~ (15) "Directions of use" means recommended routes of administration for a
812 medical cannabis treatment and suggested usage guidelines.

813 ~~[(18)]~~ (16) "Dosing guidelines" means a quantity range and frequency of administration
814 for a recommended treatment of medical cannabis.

815 ~~[(19)]~~ (17) "Financial institution" means a bank, trust company, savings institution, or
816 credit union, chartered and supervised under state or federal law.

817 ~~[(20)]~~ (18) "Home delivery medical cannabis pharmacy" means a medical cannabis
818 pharmacy that the department authorizes, as part of the pharmacy's license, to deliver medical
819 cannabis shipments to a medical cannabis cardholder's home address to fulfill electronic orders
820 that the state central patient portal facilitates.

821 ~~[(21)]~~ (19) "Inventory control system" means the system described in Section
822 [4-41a-103](#).

823 ~~[(22)]~~ (20) "Legal dosage limit" means an amount that:

824 (a) is sufficient to provide 30 days of treatment based on the dosing guidelines that the
825 relevant recommending medical provider or the state central patient portal or pharmacy
826 medical provider, in accordance with Subsection [26-61a-502](#)(4) or (5), recommends; and

827 (b) may not exceed:

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

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

831 ~~[(23)]~~ (21) "Legal use termination date" means a date on the label of a container of
832 unprocessed cannabis flower:

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

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

836 [~~(24)~~] (22) "Limited medical provider" means an individual who:

837 (a) meets the recommending qualifications; and

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

841 [~~(25)~~] (23) "Marijuana" means the same as that term is defined in Section 58-37-2.

842 [~~(26)~~] (24) "Medical cannabis" means cannabis in a medicinal dosage form or a
843 cannabis product in a medicinal dosage form.

844 [~~(27)~~] (25) "Medical cannabis card" means a medical cannabis patient card, a medical
845 cannabis guardian card, a medical cannabis caregiver card, or a conditional medical cannabis
846 card.

847 [~~(28)~~] (26) "Medical cannabis cardholder" means:

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

849 (b) a facility or assigned employee, described in Subsection [~~(16)~~](14)(b), only:

850 (i) within the scope of the facility's or assigned employee's performance of the role of a
851 medical cannabis patient cardholder's caregiver designation under Subsection

852 26-61a-202(1)(b); and

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

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

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

856 (C) the relation of the individual presenting the documentation to the caregiver
857 designation.

858 [~~(29)~~] (27) "Medical cannabis caregiver card" means an electronic document that a
859 cardholder may print or store on an electronic device or a physical card or document that:

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

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

863 [~~(30)~~] (28) "Medical cannabis courier" means a courier that:

864 (a) the department licenses in accordance with Section 26-61a-604; and

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

867 [~~31~~] (29) "Medical cannabis courier agent" means an individual who:

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

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

870 [~~32~~] (30) (a) "Medical cannabis device" means a device that an individual uses to
871 ingest or inhale cannabis in a medicinal dosage form or a cannabis product in a medicinal
872 dosage form.

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

874 (i) facilitates cannabis combustion; or

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

876 [~~33~~] (31) "Medical cannabis guardian card" means an electronic document that a
877 cardholder may print or store on an electronic device or a physical card or document that:

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

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

881 [~~34~~] (32) "Medical cannabis patient card" means an electronic document that a
882 cardholder may print or store on an electronic device or a physical card or document that:

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

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

885 [~~35~~] (33) "Medical cannabis pharmacy" means a person that:

886 (a) (i) acquires or intends to acquire medical cannabis or a cannabis product in a
887 medicinal dosage form from a cannabis processing facility or another medical cannabis
888 pharmacy or a medical cannabis device; or

889 (ii) possesses medical cannabis or a medical cannabis device; and

890 (b) sells or intends to sell medical cannabis or a medical cannabis device to a medical
891 cannabis cardholder.

892 [~~36~~] (34) "Medical cannabis pharmacy agent" means an individual who:

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

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

895 [~~37~~] (35) "Medical cannabis pharmacy agent registration card" means a registration

896 card issued by the department that authorizes an individual to act as a medical cannabis
897 pharmacy agent.

898 ~~[(38)]~~ (36) "Medical cannabis shipment" means a shipment of medical cannabis or a
899 medical cannabis product that a home delivery medical cannabis pharmacy or a medical
900 cannabis courier delivers to a medical cannabis cardholder's home address to fulfill an
901 electronic medical cannabis order that the state central patient portal facilitates.

902 ~~[(39)]~~ (37) "Medical cannabis treatment" means cannabis in a medicinal dosage form, a
903 cannabis product in a medicinal dosage form, or a medical cannabis device.

904 ~~[(40)]~~ (38) (a) "Medicinal dosage form" means:

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

907 (A) a tablet;

908 (B) a capsule;

909 (C) a concentrated liquid or viscous oil;

910 (D) a liquid suspension that does not exceed 30 ml;

911 (E) a topical preparation;

912 (F) a transdermal preparation;

913 (G) a sublingual preparation;

914 (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or
915 rectangular cuboid shape; ~~[or]~~

916 (I) a resin or wax;

917 (J) a suppository; or

918 (K) an internal cream for rectal or vaginal use; or

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

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

922 (B) at any time the medical cannabis cardholder transports or possesses the container in
923 public, is contained within an opaque bag or box that the medical cannabis pharmacy provides;
924 and

925 (C) is labeled with the container's content and weight, the date of purchase, the legal
926 use termination date, and after December 31, 2020, a barcode that provides information

927 connected to an inventory control system; and

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

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

930 (i) the medical cannabis cardholder has recently removed from the container described

931 in Subsection ~~[(40)]~~ (38)(a)(ii) for use; and

932 (ii) does not exceed the quantity described in Subsection ~~[(40)]~~ (38)(a)(ii).

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

934 (i) any unprocessed cannabis flower outside of the container described in Subsection

935 ~~[(40)]~~ (38)(a)(ii), except as provided in Subsection ~~[(40)]~~ (38)(b);

936 (ii) any unprocessed cannabis flower in a container described in Subsection ~~[(40)]~~

937 (38)(a)(ii) after the legal use termination date; ~~[or]~~

938 (iii) a process of vaporizing and inhaling concentrated cannabis by placing the cannabis

939 on a nail or other metal object that is heated by a flame, including a blowtorch~~[-];~~ or

940 (iv) a liquid suspension that is branded as a beverage.

941 ~~[(41)]~~ (39) "Nonresident patient" means an individual who:

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

943 (b) has a currently valid medical cannabis card or the equivalent of a medical cannabis

944 card under the laws of another state, district, territory, commonwealth, or insular possession of

945 the United States; and

946 (c) has been diagnosed with a qualifying condition as described in Section [26-61a-104](#).

947 ~~[(42)]~~ (40) "Payment provider" means an entity that contracts with a cannabis

948 production establishment or medical cannabis pharmacy to facilitate transfers of funds between

949 the establishment or pharmacy and other businesses or individuals.

950 ~~[(43)]~~ (41) "Pharmacy medical provider" means the medical provider required to be on

951 site at a medical cannabis pharmacy under Section [26-61a-403](#).

952 ~~[(44)]~~ (42) "Provisional patient card" means a card that:

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

954 (i) a recommending medical provider has recommended a medical cannabis treatment;

955 and

956 (ii) the department issues a medical cannabis guardian card to the minor's parent or

957 legal guardian; and

958 (b) is connected to the electronic verification system.
959 ~~[(45)]~~ (43) "Qualified medical provider" means an individual:
960 (a) who meets the recommending qualifications; and
961 (b) whom the department registers to recommend treatment with cannabis in a
962 medicinal dosage form under Section 26-61a-106.
963 ~~[(46)]~~ (44) "Qualified Patient Enterprise Fund" means the enterprise fund created in
964 Section 26-61a-109.
965 ~~[(47)]~~ (45) "Qualifying condition" means a condition described in Section 26-61a-104.
966 ~~[(48)]~~ (46) "Recommend" or "recommendation" means, for a recommending medical
967 provider, the act of suggesting the use of medical cannabis treatment, which:
968 (a) certifies the patient's eligibility for a medical cannabis card; and
969 (b) may include, at the recommending medical provider's discretion, directions of use,
970 with or without dosing guidelines.
971 ~~[(49)]~~ (47) "Recommending medical provider" means a qualified medical provider or a
972 limited medical provider.
973 ~~[(50)]~~ (48) "Recommending qualifications" means that an individual:
974 (a) (i) has the authority to write a prescription;
975 (ii) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah
976 Controlled Substances Act; and
977 (iii) possesses the authority, in accordance with the individual's scope of practice, to
978 prescribe a Schedule II controlled substance; and
979 (b) is licensed as:
980 (i) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
981 (ii) a certified nurse midwife under Title 58, Chapter 44a, Nurse Midwife Practice Act;
982 ~~[(iv)]~~ (iii) an advanced practice registered nurse under Title 58, Chapter 31b, Nurse
983 Practice Act;
984 ~~[(v)]~~ (iv) a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title
985 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
986 ~~[(vi)]~~ (v) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant
987 Act.
988 ~~[(51)]~~ (49) "State central patient portal" means the website the department creates, in

989 accordance with Section [26-61a-601](#), to facilitate patient safety, education, and an electronic
 990 medical cannabis order.

991 ~~[(52)]~~ [\(50\)](#) "State central patient portal medical provider" means a physician or
 992 pharmacist that the department employs in relation to the state central patient portal to consult
 993 with medical cannabis cardholders in accordance with Section [26-61a-602](#).

994 ~~[(53)]~~ [\(51\)](#) "State electronic verification system" means the system described in Section
 995 [26-61a-103](#).

996 ~~[(54)]~~ [\(52\)](#) "Tetrahydrocannabinol" or "THC" means a substance derived from
 997 cannabis or a synthetic equivalent as described in Subsection [58-37-4\(2\)\(a\)\(iii\)\(AA\)](#).

998 [\(53\)](#) "THC analog" means the same as that term is defined in Section [4-41-102](#).

999 ~~[(55)]~~ [\(54\)](#) "Valid form of photo identification" means any of the following forms of
 1000 identification that is either current or has expired within the previous six months:

1001 (a) a valid state-issued driver license or identification card;

1002 (b) a valid United States federal-issued photo identification, including:

1003 (i) a United States passport;

1004 (ii) a United States passport card;

1005 (iii) a United States military identification card; or

1006 (iv) a permanent resident card or alien registration receipt card; or

1007 (c) a passport that another country issued.

1008 Section 15. Section [26-61a-103](#) is amended to read:

1009 **[26-61a-103. Electronic verification system.](#)**

1010 (1) The Department of Agriculture and Food, the department, the Department of Public
 1011 Safety, and the Division of Technology Services shall:

1012 (a) enter into a memorandum of understanding in order to determine the function and
 1013 operation of the state electronic verification system in accordance with Subsection (2);

1014 (b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah
 1015 Procurement Code, to develop a request for proposals for a third-party provider to develop and
 1016 maintain the state electronic verification system in coordination with the Division of
 1017 Technology Services; and

1018 (c) select a third-party provider who:

1019 (i) meets the requirements contained in the request for proposals issued under

1020 Subsection (1)(b); and
1021 (ii) may not have any commercial or ownership interest in a cannabis production
1022 establishment or a medical cannabis pharmacy.
1023 (2) The Department of Agriculture and Food, the department, the Department of Public
1024 Safety, and the Division of Technology Services shall ensure that, on or before March 1, 2020,
1025 the state electronic verification system described in Subsection (1):
1026 (a) allows an individual to apply for a medical cannabis patient card or, if applicable, a
1027 medical cannabis guardian card, provided that the card may not become active until:
1028 (i) the relevant qualified medical provider completes the associated medical cannabis
1029 recommendation; or
1030 (ii) for a medical cannabis card related to a limited medical provider's recommendation,
1031 the medical cannabis pharmacy completes the recording described in Subsection (2)(d);
1032 (b) allows an individual to apply to renew a medical cannabis patient card or a medical
1033 cannabis guardian card in accordance with Section 26-61a-201;
1034 (c) allows a qualified medical provider, or an employee described in Subsection (3)
1035 acting on behalf of the qualified medical provider, to:
1036 (i) access dispensing and card status information regarding a patient:
1037 (A) with whom the qualified medical provider has a provider-patient relationship; and
1038 (B) for whom the qualified medical provider has recommended or is considering
1039 recommending a medical cannabis card;
1040 (ii) electronically recommend, after an initial face-to-face visit with a patient described
1041 in Subsection 26-61a-201(4)(b), treatment with cannabis in a medicinal dosage form or a
1042 cannabis product in a medicinal dosage form and optionally recommend dosing guidelines; and
1043 (iii) electronically renew a recommendation to a medical cannabis patient cardholder or
1044 medical cannabis guardian cardholder:
1045 (A) using telehealth services, for the qualified medical provider who originally
1046 recommended a medical cannabis treatment during a face-to-face visit with the patient; or
1047 (B) during a face-to-face visit with the patient, for a qualified medical provider who
1048 did not originally recommend the medical cannabis treatment during a face-to-face visit~~[-and].~~
1049 ~~[(iv) notate a determination of physical difficulty or undue hardship, described in~~
1050 ~~Subsection 26-61a-202(1), to qualify a patient to designate a caregiver;]~~

1051 (d) beginning on the earlier of September 1, 2021, or the date on which the electronic
1052 verification system is functionally capable of facility medical cannabis pharmacy recording,
1053 allows a medical cannabis pharmacy medical provider or medical cannabis pharmacy agent, in
1054 accordance with Subsection [26-61a-501\(11\)\(a\)](#), to [record]:

1055 (i) access the electronic verification system to review the history within the system of a
1056 patient with whom the provider or agent is interacting, limited to read-only access for medical
1057 cannabis pharmacy agents unless the medical cannabis pharmacy's pharmacist in charge
1058 authorizes add and edit access;

1059 ~~(i)~~ (ii) record a patient's recommendation from a limited medical provider, including
1060 any directions of use, dosing guidelines, or caregiver indications from the limited medical
1061 provider; and

1062 ~~(ii)~~ (iii) record a limited medical provider's renewal of the provider's previous
1063 recommendation;

1064 (e) connects with:

1065 (i) an inventory control system that a medical cannabis pharmacy uses to track in real
1066 time and archive purchases of any cannabis in a medicinal dosage form, cannabis product in a
1067 medicinal dosage form, or a medical cannabis device, including:

1068 (A) the time and date of each purchase;

1069 (B) the quantity and type of cannabis, cannabis product, or medical cannabis device
1070 purchased;

1071 (C) any cannabis production establishment, any medical cannabis pharmacy, or any
1072 medical cannabis courier associated with the cannabis, cannabis product, or medical cannabis
1073 device; and

1074 (D) the personally identifiable information of the medical cannabis cardholder who
1075 made the purchase; and

1076 (ii) any commercially available inventory control system that a cannabis production
1077 establishment utilizes in accordance with Section [4-41a-103](#) to use data that the Department of
1078 Agriculture and Food requires by rule, in accordance with Title 63G, Chapter 3, Utah
1079 Administrative Rulemaking Act, from the inventory tracking system that a licensee uses to
1080 track and confirm compliance;

1081 (f) provides access to:

1082 (i) the department to the extent necessary to carry out the department's functions and
1083 responsibilities under this chapter;

1084 (ii) the Department of Agriculture and Food to the extent necessary to carry out the
1085 functions and responsibilities of the Department of Agriculture and Food under Title 4, Chapter
1086 41a, Cannabis Production Establishments; and

1087 (iii) the Division of Occupational and Professional Licensing to the extent necessary to
1088 carry out the functions and responsibilities related to the participation of the following in the
1089 recommendation and dispensing of medical cannabis:

1090 (A) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

1091 (B) a certified nurse midwife under Title 58, Chapter 44a, Nurse Midwife Practice Act;

1092 [~~(B)~~] (C) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

1093 [~~(C)~~] (D) an advanced practice registered nurse licensed under Title 58, Chapter 31b,
1094 Nurse Practice Act;

1095 [~~(D)~~] (E) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act,
1096 or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

1097 [~~(E)~~] (F) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
1098 Assistant Act;

1099 (g) provides access to and interaction with the state central patient portal;

1100 (h) communicates dispensing information from a record that a medical cannabis
1101 pharmacy submits to the state electronic verification system under Subsection
1102 [26-61a-502\(6\)\(a\)\(ii\)](#) to the controlled substance database;

1103 (i) provides access to state or local law enforcement:

1104 (i) during a law enforcement encounter, without a warrant, using the individual's driver
1105 license or state ID, only for the purpose of determining if the individual subject to the law
1106 enforcement encounter has a valid medical cannabis card; or

1107 (ii) after obtaining a warrant; and

1108 (j) creates a record each time a person accesses the system that identifies the person
1109 who accesses the system and the individual whose records the person accesses.

1110 (3) (a) Beginning on the earlier of September 1, 2021, or the date on which the
1111 electronic verification system is functionally capable of allowing employee access under this
1112 Subsection (3), an employee of a qualified medical provider may access the electronic

1113 verification system for a purpose described in Subsection (2)(c) on behalf of the qualified
1114 medical provider if:

1115 (i) the qualified medical provider has designated the employee as an individual
1116 authorized to access the electronic verification system on behalf of the qualified medical
1117 provider;

1118 (ii) the qualified medical provider provides written notice to the department of the
1119 employee's identity and the designation described in Subsection (3)(a)(i); and

1120 (iii) the department grants to the employee access to the electronic verification system.

1121 (b) An employee of a business that employs a qualified medical provider may access
1122 the electronic verification system for a purpose described in Subsection (2)(c) on behalf of the
1123 qualified medical provider if:

1124 (i) the qualified medical provider has designated the employee as an individual
1125 authorized to access the electronic verification system on behalf of the qualified medical
1126 provider;

1127 (ii) the qualified medical provider and the employing business jointly provide written
1128 notice to the department of the employee's identity and the designation described in Subsection
1129 (3)(b)(i); and

1130 (iii) the department grants to the employee access to the electronic verification system.

1131 (4) (a) As used in this Subsection (4), "prescribing provider" means:

1132 (i) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

1133 (ii) a certified nurse midwife under Title 58, Chapter 44a, Nurse Midwife Practice Act;

1134 [~~(ii)~~] (iii) an advanced practice registered nurse licensed under Title 58, Chapter 31b,
1135 Nurse Practice Act;

1136 [~~(iii)~~] (iv) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act,
1137 or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

1138 [~~(iv)~~] (v) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
1139 Assistant Act.

1140 (b) Beginning on the earlier of September 1, 2021, or the date on which the electronic
1141 verification system is functionally capable of allowing provider access under this Subsection
1142 (4), a prescribing provider may access information in the electronic verification system
1143 regarding a patient the prescribing provider treats.

1144 (5) The department may release limited data that the system collects for the purpose of:
1145 (a) conducting medical and other department approved research;
1146 (b) providing the report required by Section 26-61a-703; and
1147 (c) other official department purposes.

1148 (6) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
1149 Administrative Rulemaking Act, to establish:

1150 (a) the limitations on access to the data in the state electronic verification system as
1151 described in this section; and

1152 (b) standards and procedures to ensure accurate identification of an individual
1153 requesting information or receiving information in this section.

1154 (7) (a) Any person who knowingly and intentionally releases any information in the
1155 state electronic verification system in violation of this section is guilty of a third degree felony.

1156 (b) Any person who negligently or recklessly releases any information in the state
1157 electronic verification system in violation of this section is guilty of a class C misdemeanor.

1158 (8) (a) Any person who obtains or attempts to obtain information from the state
1159 electronic verification system by misrepresentation or fraud is guilty of a third degree felony.

1160 (b) Any person who obtains or attempts to obtain information from the state electronic
1161 verification system for a purpose other than a purpose this chapter authorizes is guilty of a third
1162 degree felony.

1163 (9) (a) Except as provided in Subsection (9)(e), a person may not knowingly and
1164 intentionally use, release, publish, or otherwise make available to any other person information
1165 obtained from the state electronic verification system for any purpose other than a purpose
1166 specified in this section.

1167 (b) Each separate violation of this Subsection (9) is:

1168 (i) a third degree felony; and

1169 (ii) subject to a civil penalty not to exceed \$5,000.

1170 (c) The department shall determine a civil violation of this Subsection (9) in
1171 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

1172 (d) Civil penalties assessed under this Subsection (9) shall be deposited into the
1173 General Fund.

1174 (e) This Subsection (9) does not prohibit a person who obtains information from the

1175 state electronic verification system under Subsection (2)(a), (c), or (f) from:

1176 (i) including the information in the person's medical chart or file for access by a person
1177 authorized to review the medical chart or file;

1178 (ii) providing the information to a person in accordance with the requirements of the
1179 Health Insurance Portability and Accountability Act of 1996; or

1180 (iii) discussing or sharing that information about the patient with the patient.

1181 Section 16. Section **26-61a-106** is amended to read:

1182 **26-61a-106. Qualified medical provider registration -- Continuing education --**

1183 **Treatment recommendation -- Limited medical provider.**

1184 (1) (a) (i) Except as provided in Subsection (1)(b), an individual may not recommend a
1185 medical cannabis treatment unless the department registers the individual as a qualified
1186 medical provider in accordance with this section.

1187 (ii) Notwithstanding Subsection (1)(a)(i), a qualified medical provider who is podiatrist
1188 licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act, may not recommend a
1189 medical cannabis treatment except within the course and scope of a practice of podiatry, as that
1190 term is defined in Section [58-5a-102](#).

1191 (b) Beginning on the earlier of September 1, 2021, or the date on which the department
1192 gives notice that the electronic verification system is functionally capable as described in
1193 Subsection [26-61a-103\(2\)\(d\)](#), an individual who meets the recommending qualifications may
1194 recommend a medical cannabis treatment as a limited medical provider without registering
1195 under Subsection (1)(a) if:

1196 (i) the individual recommends the use of medical cannabis to the patient through an
1197 order described in Subsection (1)(c) after:

1198 (A) a face-to-face visit for an initial recommendation or the renewal of a
1199 recommendation for a patient for whom the limited medical provider did not make the patient's
1200 original recommendation; or

1201 (B) a visit using telehealth services for a renewal of a recommendation for a patient for
1202 whom the limited medical provider made the patient's original recommendation; and

1203 (ii) the individual's recommendation or renewal would not cause the total number of
1204 the individual's patients who have a valid medical cannabis patient card or provisional patient
1205 card resulting from the individual's recommendation to exceed 15.

1206 (c) The individual described in Subsection (1)(b) shall communicate the individual's
1207 recommendation through an order for the medical cannabis pharmacy to record the individual's
1208 recommendation or renewal in the state electronic verification system under the individual's
1209 recommendation that:

1210 (i) (A) that the individual or the individual's employee sends electronically to a medical
1211 cannabis pharmacy; or

1212 (B) that the individual gives to the patient in writing for the patient to deliver to a
1213 medical cannabis pharmacy; and

1214 (ii) may include:

1215 (A) directions of use or dosing guidelines; and

1216 (B) an indication of a need for a caregiver in accordance with Subsection

1217 [26-61a-201\(3\)\(c\)](#).

1218 (d) If the limited medical provider gives the patient a written recommendation to
1219 deliver to a medical cannabis pharmacy under Subsection (1)(c)(i)(B), the limited medical
1220 provider shall ensure that the document includes all of the information that is included on a
1221 prescription the provider would issue for a controlled substance, including:

1222 (i) the date of issuance;

1223 (ii) the provider's name, address and contact information, controlled substance license
1224 information, and signature; and

1225 (iii) the patient's name, address and contact information, age, and diagnosed qualifying
1226 condition.

1227 (e) In considering making a recommendation as a limited medical provider, an
1228 individual may consult information that the department makes available on the department's
1229 website for recommending providers.

1230 (2) (a) The department shall, within 15 days after the day on which the department
1231 receives an application from an individual, register and issue a qualified medical provider
1232 registration card to the individual if the individual:

1233 (i) provides to the department the individual's name and address;

1234 (ii) provides to the department a report detailing the individual's completion of the
1235 applicable continuing education requirement described in Subsection (3);

1236 (iii) provides to the department evidence that the individual meets the recommending

1237 qualifications;

1238 (iv) for an applicant on or after November 1, 2021, provides to the department the

1239 information described in Subsection (10)(a); and

1240 (v) pays the department a fee in an amount that:

1241 (A) the department sets, in accordance with Section 63J-1-504; and

1242 (B) does not exceed \$300 for an initial registration.

1243 (b) The department may not register an individual as a qualified medical provider if the

1244 individual is:

1245 (i) a pharmacy medical provider; or

1246 (ii) an owner, officer, director, board member, employee, or agent of a cannabis

1247 production establishment, a medical cannabis pharmacy, or a medical cannabis courier.

1248 (3) (a) An individual shall complete the continuing education described in this

1249 Subsection (3) in the following amounts:

1250 (i) for an individual as a condition precedent to registration, four hours; and

1251 (ii) for a qualified medical provider as a condition precedent to renewal, four hours

1252 every two years.

1253 (b) In accordance with Subsection (3)(a), a qualified medical provider shall:

1254 (i) complete continuing education:

1255 (A) regarding the topics described in Subsection (3)(d); and

1256 (B) offered by the department under Subsection (3)(c) or an accredited or approved

1257 continuing education provider that the department recognizes as offering continuing education

1258 appropriate for the recommendation of cannabis to patients; and

1259 (ii) make a continuing education report to the department in accordance with a process

1260 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah

1261 Administrative Rulemaking Act, and in collaboration with the Division of Occupational and

1262 Professional Licensing and:

1263 (A) for a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing

1264 Act, the Podiatric Physician Board;

1265 (B) for a certified nurse midwife under Title 58, Chapter 44a, Nurse Midwife Practice

1266 Act, the Certified Nurse Midwife Board;

1267 [~~B~~] (C) for an advanced practice registered nurse licensed under Title 58, Chapter

1268 31b, Nurse Practice Act, the Board of Nursing;

1269 ~~[(C)]~~ (D) for a qualified medical provider licensed under Title 58, Chapter 67, Utah
1270 Medical Practice Act, the Physicians Licensing Board;

1271 ~~[(D)]~~ (E) for a qualified medical provider licensed under Title 58, Chapter 68, Utah
1272 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board;
1273 and

1274 ~~[(E)]~~ (F) for a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
1275 Assistant Act, the Physician Assistant Licensing Board.

1276 (c) The department may, in consultation with the Division of Occupational and
1277 Professional Licensing, develop the continuing education described in this Subsection (3).

1278 (d) The continuing education described in this Subsection (3) may discuss:

1279 (i) the provisions of this chapter;

1280 (ii) general information about medical cannabis under federal and state law;

1281 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,
1282 including risks and benefits;

1283 (iv) recommendations for medical cannabis as it relates to the continuing care of a
1284 patient in pain management, risk management, potential addiction, or palliative care; and

1285 (v) best practices for recommending the form and dosage of medical cannabis products
1286 based on the qualifying condition underlying a medical cannabis recommendation.

1287 (4) (a) Except as provided in Subsection (4)(b), a qualified medical provider may not
1288 recommend a medical cannabis treatment to more than 275 of the qualified medical provider's
1289 patients at the same time, as determined by the number of medical cannabis cards under the
1290 qualified medical provider's name in the state electronic verification system.

1291 (b) A qualified medical provider may recommend a medical cannabis treatment to up
1292 to 600 of the qualified medical provider's patients at any given time, as determined by the
1293 number of medical cannabis cards under the qualified medical provider's name in the state
1294 electronic verification system, if:

1295 (i) the appropriate American medical board has certified the qualified medical provider
1296 in the specialty of anesthesiology, gastroenterology, neurology, oncology, pain, hospice and
1297 palliative medicine, physical medicine and rehabilitation, rheumatology, endocrinology, or
1298 psychiatry; or

1299 (ii) a licensed business employs or contracts with the qualified medical provider for the
1300 specific purpose of providing hospice and palliative care.

1301 (5) A recommending medical provider may recommend medical cannabis to an
1302 individual under this chapter only in the course of a provider-patient relationship after the
1303 recommending medical provider has completed and documented in the patient's medical record
1304 a thorough assessment of the patient's condition and medical history based on the appropriate
1305 standard of care for the patient's condition.

1306 (6) (a) Except as provided in Subsection (6)(b), an individual may not advertise that the
1307 individual recommends medical cannabis treatment in accordance with this chapter.

1308 (b) For purposes of Subsection (6)(a), the communication of the following, through a
1309 website, by a qualified medical provider, does not constitute advertising:

1310 (i) a green cross;

1311 (ii) a qualifying condition that the individual treats;

1312 (iii) the individual's registration as a qualified medical provider; or

1313 (iv) a scientific study regarding medical cannabis use.

1314 (7) (a) A qualified medical provider registration card expires two years after the day on
1315 which the department issues the card.

1316 (b) The department shall renew a qualified medical provider's registration card if the
1317 provider:

1318 (i) applies for renewal;

1319 (ii) is eligible for a qualified medical provider registration card under this section,
1320 including maintaining an unrestricted license under the recommending qualifications;

1321 (iii) certifies to the department in a renewal application that the information in
1322 Subsection (2)(a) is accurate or updates the information;

1323 (iv) submits a report detailing the completion of the continuing education requirement
1324 described in Subsection (3); and

1325 (v) pays the department a fee in an amount that:

1326 (A) the department sets, in accordance with Section [63J-1-504](#); and

1327 (B) does not exceed \$50 for a registration renewal.

1328 (8) The department may revoke the registration of a qualified medical provider who
1329 fails to maintain compliance with the requirements of this section.

1330 (9) A recommending medical provider may not receive any compensation or benefit for
1331 the qualified medical provider's medical cannabis treatment recommendation from:

1332 (a) a cannabis production establishment or an owner, officer, director, board member,
1333 employee, or agent of a cannabis production establishment;

1334 (b) a medical cannabis pharmacy or an owner, officer, director, board member,
1335 employee, or agent of a medical cannabis pharmacy; or

1336 (c) a recommending medical provider or pharmacy medical provider.

1337 (10) (a) On or before November 1, 2021, a qualified medical provider shall report to
1338 the department, in a manner designated by the department:

1339 (i) if applicable, that the qualified medical provider or the entity that employs the
1340 qualified medical provider represents online or on printed material that the qualified medical
1341 provider is a qualified medical provider or offers medical cannabis recommendations to
1342 patients; and

1343 (ii) the fee amount that the qualified medical provider or the entity that employs the
1344 qualified medical provider charges a patient for a medical cannabis recommendation, either as
1345 an actual cash rate or, if the provider or entity bills insurance, an average cash rate.

1346 (b) The department shall:

1347 (i) ensure that the following information related to qualified medical providers and
1348 entities described in Subsection (10)(a)(i) is available on the department's website or on the
1349 health care price transparency tool under Subsection (10)(b)(ii):

1350 (A) the name of the qualified medical provider and, if applicable, the name of the
1351 entity that employs the qualified medical provider;

1352 (B) the address of the qualified medical provider's office or, if applicable, the entity
1353 that employs the qualified medical provider; and

1354 (C) the fee amount described in Subsection (10)(a)(ii); and

1355 (ii) share data collected under this Subsection (10) with the state auditor for use in the
1356 health care price transparency tool described in Section [67-3-11](#).

1357 Section 17. Section **26-61a-107** is amended to read:

1358 **26-61a-107. Standard of care -- Physicians and pharmacists not liable -- No**
1359 **private right of action.**

1360 (1) An individual described in Subsection (2) is not subject to the following solely for

1361 violating a federal law or regulation that would otherwise prohibit recommending, prescribing,
1362 or dispensing medical cannabis, a medical cannabis product, or a cannabis-based drug that the
1363 United States Food and Drug Administration has not approved:

1364 (a) civil or criminal liability; or

1365 (b) licensure sanctions under Title 58, Chapter 17b, Pharmacy Practice Act, Title 58,
1366 Chapter 31b, Nurse Practice Act, Title 58, Chapter 67, Utah Medical Practice Act, Title 58,
1367 Chapter 68, Utah Osteopathic Medical Practice Act, or Title 58, Chapter 70a, Utah Physician
1368 Assistant Act.

1369 (2) The limitations of liability described in Subsection (1) apply to:

1370 (a) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act,
1371 a certified nurse midwife under Title 58, Chapter 44a, Nurse Midwife Practice Act, an
1372 advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act, a
1373 physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter
1374 68, Utah Osteopathic Medical Practice Act, or a physician assistant licensed under Title 58,
1375 Chapter 70a, Utah Physician Assistant Act:

1376 (i) (A) whom the department has registered as a qualified medical provider; or

1377 (B) who makes a recommendation as a limited medical provider; and

1378 (ii) who recommends treatment with cannabis in a medicinal dosage form or a cannabis
1379 product in a medicinal dosage form to a patient in accordance with this chapter; and

1380 (b) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act:

1381 (i) whom the department has registered as a pharmacy medical provider; and

1382 (ii) who dispenses, in a medical cannabis pharmacy, treatment with cannabis in a
1383 medicinal dosage form or a cannabis product in a medicinal dosage form to a medical cannabis
1384 cardholder in accordance with this chapter.

1385 (3) Nothing in this section or chapter reduces or in any way negates the duty of an
1386 individual described in Subsection (2) to use reasonable and ordinary care in the treatment of a
1387 patient:

1388 (a) who may have a qualifying condition; and

1389 (b) (i) for whom the individual described in Subsection (2)(a)(i) or (ii) has
1390 recommended or might consider recommending a treatment with cannabis or a cannabis
1391 product; or

1392 (ii) with whom the pharmacist described in Subsection (2)(b) has interacted in the
1393 dosing or dispensing of cannabis or a cannabis product.

1394 (4) (a) As used in this Subsection (4), "healthcare facility" means the same as that term
1395 is defined in Section 26-21-2.

1396 (b) A healthcare facility may adopt restrictions on the possession, use, and storage of
1397 medical cannabis on the premises of the healthcare facility by a medical cannabis cardholder
1398 who resides at or is actively receiving treatment or care at the healthcare facility.

1399 (c) An employee or agent of a healthcare facility described in this Subsection (4) is not
1400 subject to civil or criminal liability for carrying out employment duties, including:

1401 (i) providing or supervising care to a medical cannabis cardholder; or

1402 (ii) in accordance with a caregiver designation under Section 26-61a-202 for a medical
1403 cannabis cardholder residing at the healthcare facility, purchasing, transporting, or possessing
1404 medical cannabis for the relevant patient and in accordance with the designation.

1405 (d) Nothing in this section requires a healthcare facility to adopt a restriction under
1406 Subsection (4)(b).

1407 Section 18. Section 26-61a-111 is amended to read:

1408 **26-61a-111. Nondiscrimination for medical care or government employment --**
1409 **Notice to prospective and current public employees -- No effect on private employers.**

1410 (1) For purposes of medical care, including an organ or tissue transplant, a patient's
1411 use, in accordance with this chapter, of cannabis in a medicinal dosage form or a cannabis
1412 product in a medicinal dosage form:

1413 (a) is considered the equivalent of the authorized use of any other medication used at
1414 the discretion of a physician; and

1415 (b) does not constitute the use of an illicit substance or otherwise disqualify an
1416 individual from needed medical care.

1417 (2) (a) Notwithstanding any other provision of law and except as provided in
1418 Subsection (2)(b), the state or any political subdivision shall treat an employee's use of medical
1419 cannabis in accordance with this chapter or Section 58-37-3.7 in the same way the state or
1420 political subdivision treats employee use of any prescribed controlled substance.

1421 (b) A state or political subdivision employee who has a valid medical cannabis card is
1422 not subject to adverse action, as that term is defined in Section 67-21-2, for failing a drug test

1423 due to marijuana or tetrahydrocannabinol without evidence that the employee was impaired or
1424 otherwise adversely affected in the employee's job performance due to the use of medical
1425 cannabis.

1426 (c) Subsections (2)(a) and (b) do not apply:

1427 (i) where the application of Subsection (2)(a) or (b) would jeopardize federal funding, a
1428 federal security clearance, or any other federal background determination required for the
1429 employee's position~~[, or]~~;

1430 (ii) if the employee's position is dependent on a license or law enforcement
1431 certification that is subject to federal regulations~~[-]~~, including 18 U.S.C. Sec. 922(g)(3); or

1432 (iii) except as an employee described in Subsection (2)(c)(ii), for a first responder, as
1433 that term is defined in Section 34A-2-102, who uses medical cannabis during the 12 hours
1434 immediately preceding the employee's shift or during the employee's shift.

1435 (3) (a) (i) A state employer or a political subdivision employer shall take the action
1436 described in Subsection (3)(a)(ii) before:

1437 (A) giving to a current employee an assignment or duty that arises from or directly
1438 relates to an obligation under this chapter; or

1439 (B) hiring a prospective employee whose assignments or duties would include an
1440 assignment or duty that arises from or directly relates to an obligation under this chapter.

1441 (ii) The employer described in Subsection (3)(a)(i) shall give the employee or
1442 prospective employee described in Subsection (3)(a)(i) a written notice that notifies the
1443 employee or prospective employee:

1444 (A) that the employee's or prospective employee's job duties may require the employee
1445 or prospective employee to engage in conduct which is in violation of the criminal laws of the
1446 United States; and

1447 (B) that in accepting a job or undertaking a duty described in Subsection (3)(a)(i),
1448 although the employee or prospective employee is entitled to the protections of Title 67,
1449 Chapter 21, Utah Protection of Public Employees Act, the employee may not object or refuse to
1450 carry out an assignment or duty that may be a violation of the criminal laws of the United
1451 States with respect to the manufacture, sale, or distribution of cannabis.

1452 (b) The Division of Human Resource Management shall create, revise, and publish the
1453 form of the notice described in Subsection (3)(a).

1454 (c) Notwithstanding Subsection 67-21-3(3), an employee who has signed the notice
1455 described in Subsection (3)(a) may not:

1456 (i) claim in good faith that the employee's actions violate or potentially violate the laws
1457 of the United States with respect to the manufacture, sale, or distribution of cannabis; or

1458 (ii) refuse to carry out a directive that the employee reasonably believes violates the
1459 criminal laws of the United States with respect to the manufacture, sale, or distribution of
1460 cannabis.

1461 (d) An employer may not take retaliatory action as defined in Section 67-19a-101
1462 against a current employee who refuses to sign the notice described in Subsection (3)(a).

1463 (4) Nothing in this section requires a private employer to accommodate the use of
1464 medical cannabis or affects the ability of a private employer to have policies restricting the use
1465 of medical cannabis by applicants or employees.

1466 Section 19. Section 26-61a-201 is amended to read:

1467 **26-61a-201. Medical cannabis patient card -- Medical cannabis guardian card --**
1468 **Conditional medical cannabis card -- Application -- Fees -- Studies.**

1469 (1) (a) The department shall, within 15 days after the day on which an individual who
1470 satisfies the eligibility criteria in this section or Section 26-61a-202 submits an application in
1471 accordance with this section or Section 26-61a-202:

1472 (i) issue a medical cannabis patient card to an individual described in Subsection
1473 (2)(a);

1474 (ii) issue a medical cannabis guardian card to an individual described in Subsection
1475 (2)(b);

1476 (iii) issue a provisional patient card to a minor described in Subsection (2)(c); and

1477 (iv) issue a medical cannabis caregiver card to an individual described in Subsection
1478 26-61a-202(4).

1479 (b) (i) Beginning on the earlier of September 1, 2021, or the date on which the
1480 electronic verification system is functionally capable of facilitating a conditional medical
1481 cannabis card under this Subsection (1)(b), upon the entry of a recommending medical
1482 provider's medical cannabis recommendation for a patient in the state electronic verification
1483 system, either by the provider or the provider's employee or by a medical cannabis pharmacy
1484 medical provider or medical cannabis pharmacy in accordance with Subsection

1485 26-61a-501(11)(a), the department shall issue to the patient an electronic conditional medical
1486 cannabis card, in accordance with this Subsection (1)(b).

1487 (ii) A conditional medical cannabis card is valid for the lesser of:

1488 (A) 60 days; or

1489 (B) the day on which the department completes the department's review and issues a
1490 medical cannabis card under Subsection (1)(a), denies the patient's medical cannabis card
1491 application, or revokes the conditional medical cannabis card under Subsection (8).

1492 (iii) The department may issue a conditional medical cannabis card to an individual
1493 applying for a medical cannabis patient card for which approval of the Compassionate Use
1494 Board is not required.

1495 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and
1496 obligations under law applicable to a holder of the medical cannabis card for which the
1497 individual applies and for which the department issues the conditional medical cannabis card.

1498 (2) (a) An individual is eligible for a medical cannabis patient card if:

1499 (i) (A) the individual is at least 21 years old; or

1500 (B) the individual is 18, 19, or 20 years old, the individual petitions the Compassionate
1501 Use Board under Section 26-61a-105, and the Compassionate Use Board recommends
1502 department approval of the petition;

1503 (ii) the individual is a Utah resident;

1504 (iii) the individual's recommending medical provider recommends treatment with
1505 medical cannabis in accordance with Subsection (4);

1506 (iv) the individual signs an acknowledgment stating that the individual received the
1507 information described in Subsection ~~(8)~~(9); and

1508 (v) the individual pays to the department a fee in an amount that, subject to Subsection
1509 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

1510 (b) (i) An individual is eligible for a medical cannabis guardian card if the individual:

1511 (A) is at least 18 years old;

1512 (B) is a Utah resident;

1513 (C) is the parent or legal guardian of a minor for whom the minor's qualified medical
1514 provider recommends a medical cannabis treatment, the individual petitions the Compassionate
1515 Use Board under Section 26-61a-105, and the Compassionate Use Board recommends

1516 department approval of the petition;

1517 (D) the individual signs an acknowledgment stating that the individual received the
1518 information described in Subsection (9);

1519 (E) pays to the department a fee in an amount that, subject to Subsection
1520 26-61a-109(5), the department sets in accordance with Section 63J-1-504, plus the cost of the
1521 criminal background check described in Section 26-61a-203; and

1522 (F) the individual has not been convicted of a misdemeanor or felony drug distribution
1523 offense under either state or federal law, unless the individual completed any imposed sentence
1524 six months or more before the day on which the individual applies for a medical cannabis
1525 guardian card.

1526 (ii) The department shall notify the Department of Public Safety of each individual that
1527 the department registers for a medical cannabis guardian card.

1528 (c) (i) A minor is eligible for a provisional patient card if:

1529 (A) the minor has a qualifying condition;

1530 (B) the minor's qualified medical provider recommends a medical cannabis treatment
1531 to address the minor's qualifying condition;

1532 (C) one of the minor's parents or legal guardians petitions the Compassionate Use
1533 Board under Section 26-61a-105, and the Compassionate Use Board recommends department
1534 approval of the petition; and

1535 (D) the minor's parent or legal guardian is eligible for a medical cannabis guardian card
1536 under Subsection (2)(b) or designates a caregiver under Subsection (2)(d) who is eligible for a
1537 medical cannabis caregiver card under Section 26-61a-202.

1538 (ii) The department shall automatically issue a provisional patient card to the minor
1539 described in Subsection (2)(c)(i) at the same time the department issues a medical cannabis
1540 guardian card to the minor's parent or legal guardian.

1541 (d) Beginning on the earlier of September 1, 2021, or the date on which the electronic
1542 verification system is functionally capable of servicing the designation, if the parent or legal
1543 guardian of a minor described in Subsections (2)(c)(i)(A) through (C) does not qualify for a
1544 medical cannabis guardian card under Subsection (2)(b), the parent or legal guardian may
1545 designate up to two caregivers in accordance with Subsection 26-61a-202(1)(c) to ensure that
1546 the minor has adequate and safe access to the recommended medical cannabis treatment.

1547 (3) (a) An individual who is eligible for a medical cannabis card described in
1548 Subsection (2)(a) or (b) shall submit an application for a medical cannabis card to the
1549 department:

- 1550 (i) through an electronic application connected to the state electronic verification
1551 system;
- 1552 (ii) with the recommending medical provider; and
- 1553 (iii) with information including:
 - 1554 (A) the applicant's name, gender, age, and address;
 - 1555 (B) the number of the applicant's valid form of photo identification;
 - 1556 (C) for a medical cannabis guardian card, the name, gender, and age of the minor
1557 receiving a medical cannabis treatment under the cardholder's medical cannabis guardian card;
1558 and
 - 1559 (D) for a provisional patient card, the name of the minor's parent or legal guardian who
1560 holds the associated medical cannabis guardian card.
- 1561 (b) The department shall ensure that a medical cannabis card the department issues
1562 under this section contains the information described in Subsection (3)(a)(iii).
- 1563 (c) (i) If a recommending medical provider determines that, because of age, illness, or
1564 disability, a medical cannabis patient cardholder requires assistance in administering the
1565 medical cannabis treatment that the recommending medical provider recommends, the
1566 recommending medical provider may indicate the cardholder's need in the state electronic
1567 verification system, either directly or, for a limited medical provider, through the order
1568 described in Subsections [26-61a-106\(1\)\(c\)](#) and (d).
- 1569 (ii) If a recommending medical provider makes the indication described in Subsection
1570 (3)(c)(i):
 - 1571 (A) the department shall add a label to the relevant medical cannabis patient card
1572 indicating the cardholder's need for assistance;
 - 1573 (B) any adult who is 18 years old or older and who is physically present with the
1574 cardholder at the time the cardholder needs to use the recommended medical cannabis
1575 treatment may handle the medical cannabis treatment and any associated medical cannabis
1576 device as needed to assist the cardholder in administering the recommended medical cannabis
1577 treatment; and

1578 (C) an individual of any age who is physically present with the cardholder in the event
1579 of an emergency medical condition, as that term is defined in Section 31A-22-627, may handle
1580 the medical cannabis treatment and any associated medical cannabis device as needed to assist
1581 the cardholder in administering the recommended medical cannabis treatment.

1582 (iii) A non-cardholding individual acting under Subsection (3)(c)(ii)(B) or (C) may not:

1583 (A) ingest or inhale medical cannabis;

1584 (B) possess, transport, or handle medical cannabis or a medical cannabis device outside
1585 of the immediate area where the cardholder is present or with an intent other than to provide
1586 assistance to the cardholder; or

1587 (C) possess, transport, or handle medical cannabis or a medical cannabis device when
1588 the cardholder is not in the process of being dosed with medical cannabis.

1589 (4) To recommend a medical cannabis treatment to a patient or to renew a
1590 recommendation, a recommending medical provider shall:

1591 (a) before recommending or renewing a recommendation for medical cannabis in a
1592 medicinal dosage form or a cannabis product in a medicinal dosage form:

1593 (i) verify the patient's and, for a minor patient, the minor patient's parent or legal
1594 guardian's valid form of identification described in Subsection (3)(a);

1595 (ii) review any record related to the patient and, for a minor patient, the patient's parent
1596 or legal guardian in:

1597 (A) for a qualified medical provider, the state electronic verification system; and

1598 (B) the controlled substance database created in Section 58-37f-201; and

1599 (iii) consider the recommendation in light of the patient's qualifying condition and
1600 history of medical cannabis and controlled substance use during an initial face-to-face visit
1601 with the patient; and

1602 (b) state in the recommending medical provider's recommendation that the patient:

1603 (i) suffers from a qualifying condition, including the type of qualifying condition; and

1604 (ii) may benefit from treatment with cannabis in a medicinal dosage form or a cannabis
1605 product in a medicinal dosage form.

1606 (5) (a) Except as provided in Subsection (5)(b), a medical cannabis card that the
1607 department issues under this section is valid for the lesser of:

1608 (i) an amount of time that the recommending medical provider determines; or

1609 (ii) (A) six months for the first issuance, and, except as provided in Subsection
1610 (5)(a)(ii)(B), for a renewal; or

1611 (B) for a renewal, one year if, after at least one year following the issuance of the
1612 original medical cannabis card, the recommending medical provider determines that the patient
1613 has been stabilized on the medical cannabis treatment and a one-year renewal period is
1614 justified.

1615 (b) (i) A medical cannabis card that the department issues in relation to a terminal
1616 illness described in Section 26-61a-104 [~~does not expire~~] expires after one year.

1617 (ii) The recommending medical provider may revoke a recommendation that the
1618 provider made in relation to a terminal illness described in Section 26-61a-104 if the medical
1619 cannabis cardholder no longer has the terminal illness.

1620 (6) (a) A medical cannabis patient card or a medical cannabis guardian card is
1621 renewable if:

1622 (i) at the time of renewal, the cardholder meets the requirements of Subsection (2)(a) or
1623 (b); or

1624 (ii) the cardholder received the medical cannabis card through the recommendation of
1625 the Compassionate Use Board under Section 26-61a-105.

1626 (b) A cardholder described in Subsection (6)(a) may renew the cardholder's card:

1627 (i) using the application process described in Subsection (3); or

1628 (ii) through phone or video conference with the recommending medical provider who
1629 made the recommendation underlying the card, at the qualifying medical provider's discretion.

1630 (c) A cardholder under Subsection (2)(a) or (b) who renews the cardholder's card shall
1631 pay to the department a renewal fee in an amount that:

1632 (i) subject to Subsection 26-61a-109(5), the department sets in accordance with Section
1633 63J-1-504; and

1634 (ii) may not exceed the cost of the relatively lower administrative burden of renewal in
1635 comparison to the original application process.

1636 (d) If a minor meets the requirements of Subsection (2)(c), the minor's provisional
1637 patient card renews automatically at the time the minor's parent or legal guardian renews the
1638 parent or legal guardian's associated medical cannabis guardian card.

1639 (7) (a) A cardholder under this section shall carry the cardholder's valid medical

1640 cannabis card with the patient's name.

1641 (b) (i) A medical cannabis patient cardholder or a provisional patient cardholder may
1642 purchase, in accordance with this chapter and the recommendation underlying the card,
1643 cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a
1644 medical cannabis device.

1645 (ii) A cardholder under this section may possess or transport, in accordance with this
1646 chapter and the recommendation underlying the card, cannabis in a medicinal dosage form, a
1647 cannabis product in a medicinal dosage form, or a medical cannabis device.

1648 (iii) To address the qualifying condition underlying the medical cannabis treatment
1649 recommendation:

1650 (A) a medical cannabis patient cardholder or a provisional patient cardholder may use
1651 cannabis in a medicinal dosage form, a medical cannabis product in a medicinal dosage form,
1652 or a medical cannabis device; and

1653 (B) a medical cannabis guardian cardholder may assist the associated provisional
1654 patient cardholder with the use of cannabis in a medicinal dosage form, a medical cannabis
1655 product in a medicinal dosage form, or a medical cannabis device.

1656 ~~[(c) If a licensed medical cannabis pharmacy is not operating within the state after
1657 January 1, 2021, a cardholder under this section:]~~

1658 ~~[(i) may possess:]~~

1659 ~~[(A) up to the legal dosage limit of unprocessed cannabis in a medicinal dosage form;]~~

1660 ~~[(B) up to the legal dosage limit of a cannabis product in a medicinal dosage form;~~

1661 ~~and]~~

1662 ~~[(C) marijuana drug paraphernalia; and]~~

1663 ~~[(ii) is not subject to prosecution for the possession described in Subsection (7)(c)(i).]~~

1664 (8) The department may revoke a medical cannabis card that the department issues
1665 under this section if the cardholder:

1666 (a) violates this chapter; or

1667 (b) is convicted under state or federal law of:

1668 (i) a felony; or

1669 (ii) after March 17, 2021, a misdemeanor for drug distribution.

1670 (9) The department shall establish by rule, in accordance with Title 63G, Chapter 3,

1671 Utah Administrative Rulemaking Act, a process to provide information regarding the following
1672 to an individual receiving a medical cannabis card:

1673 (a) risks associated with medical cannabis treatment;

1674 (b) the fact that a condition's listing as a qualifying condition does not suggest that
1675 medical cannabis treatment is an effective treatment or cure for that condition, as described in
1676 Subsection 26-61a-104(1); and

1677 (c) other relevant warnings and safety information that the department determines.

1678 (10) The department may establish procedures by rule, in accordance with Title 63G,
1679 Chapter 3, Utah Administrative Rulemaking Act, to implement the application and issuance
1680 provisions of this section.

1681 (11) (a) On or before September 1, 2021, the department shall establish by rule, in
1682 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a process to allow
1683 an individual from another state to register with the department in order to purchase medical
1684 cannabis or a medical cannabis device from a medical cannabis pharmacy while the individual
1685 is visiting the state.

1686 (b) The department may only provide the registration process described in Subsection
1687 (11)(a):

1688 (i) to a nonresident patient; and

1689 (ii) for no more than two visitation periods per calendar year of up to 21 calendar days
1690 per visitation period.

1691 (12) (a) A person may submit to the department a request to conduct a research study
1692 using medical cannabis cardholder data that the state electronic verification system contains.

1693 (b) The department shall review a request described in Subsection (12)(a) to determine
1694 whether an institutional review board, as that term is defined in Section 26-61-102, could
1695 approve the research study.

1696 (c) At the time an individual applies for a medical cannabis card, the department shall
1697 notify the individual:

1698 (i) of how the individual's information will be used as a cardholder;

1699 (ii) that by applying for a medical cannabis card, unless the individual withdraws
1700 consent under Subsection (12)(d), the individual consents to the use of the individual's
1701 information for external research; and

1702 (iii) that the individual may withdraw consent for the use of the individual's
1703 information for external research at any time, including at the time of application.

1704 (d) An applicant may, through the medical cannabis card application, and a medical
1705 cannabis cardholder may, through the state central patient portal, withdraw the applicant's or
1706 cardholder's consent to participate in external research at any time.

1707 (e) The department may release, for the purposes of a study described in this
1708 Subsection (12), information about a cardholder under this section who consents to participate
1709 under Subsection (12)(c).

1710 (f) If an individual withdraws consent under Subsection (12)(d), the withdrawal of
1711 consent:

1712 (i) applies to external research that is initiated after the withdrawal of consent; and

1713 (ii) does not apply to research that was initiated before the withdrawal of consent.

1714 (g) The department may establish standards for a medical research study's validity, by
1715 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1716 (13) The department shall record the issuance or revocation of a medical cannabis card
1717 under this section in the controlled substance database.

1718 Section 20. Section **26-61a-202** is amended to read:

1719 **26-61a-202. Medical cannabis caregiver card -- Registration -- Renewal --**
1720 **Revocation.**

1721 (1) (a) [(f)] A cardholder described in Section **26-61a-201** may designate, through the
1722 state central patient portal, up to two individuals, or an individual and a facility in accordance
1723 with Subsection (1)(b), to serve as a designated caregiver for the cardholder.

1724 [~~(ii) The designation described in Subsection (1)(a)(i) takes effect if the state electronic
1725 verification system reflects a recommending medical provider's indication that the provider
1726 determines that, due to physical difficulty or undue hardship, including concerns of distance to
1727 a medical cannabis pharmacy, the cardholder needs assistance to obtain the medical cannabis
1728 treatment that the recommending medical provider recommends.]~~

1729 (b) (i) Beginning on the earlier of September 1, 2021, or the date on which the
1730 electronic verification system is functionally capable of servicing the designation, a cardholder
1731 described in Section **26-61a-201** who is a patient in one of the following types of facilities may
1732 designate the facility as one of the caregivers described in Subsection (1)(a):

- 1733 (A) an assisted living facility, as that term is defined in Section 26-21-2;
1734 (B) a nursing care facility, as that term is defined in Section 26-21-2; or
1735 (C) a general acute hospital, as that term is defined in Section 26-21-2.
- 1736 (ii) A facility may assign one or more employees to assist patients with medical
1737 cannabis treatment under the caregiver designation described in this Subsection (1)(b).
- 1738 (iii) The department shall make rules to regulate the practice of facilities and facility
1739 employees serving as designated caregivers under this Subsection (1)(b).
- 1740 (c) A parent or legal guardian described in Subsection 26-61a-201(2)(d), in
1741 consultation with the minor and the minor's qualified medical provider, may designate, through
1742 the state central patient portal, up to two individuals to serve as a designated caregiver for the
1743 minor, if the department determines that the parent or legal guardian is not eligible for a
1744 medical cannabis guardian card under Section 26-61a-201.
- 1745 (d) (i) Beginning on the earlier of September 1, 2022, or the date on which the
1746 electronic verification system is functionally capable of facilitating a conditional medical
1747 cannabis caregiver card under this Subsection (1)(d), upon the entry of a caregiver designation
1748 under Subsection (1) by a patient with a terminal illness described in Section 26-61a-104, the
1749 department shall issue to the designated caregiver an electronic conditional medical cannabis
1750 caregiver card, in accordance with this Subsection (1)(d).
- 1751 (ii) A conditional medical cannabis caregiver card is valid for the lesser of:
1752 (A) 60 days; or
1753 (B) the day on which the department completes the department's review and issues a
1754 medical cannabis caregiver card under Subsection (1)(a), denies the patient's medical cannabis
1755 caregiver card application, or revokes the conditional medical cannabis caregiver card under
1756 Subsection (8).
- 1757 (iii) The department may issue a conditional medical cannabis card to an individual
1758 applying for a medical cannabis patient card for which approval of the Compassionate Use
1759 Board is not required.
- 1760 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and
1761 obligations under law applicable to a holder of the medical cannabis card for which the
1762 individual applies and for which the department issues the conditional medical cannabis card.
- 1763 (2) An individual that the department registers as a designated caregiver under this

1764 section and a facility described in Subsection (1)(b):

1765 (a) for an individual designated caregiver, may carry a valid medical cannabis caregiver
1766 card;

1767 (b) in accordance with this chapter, may purchase, possess, transport, or assist the
1768 patient in the use of cannabis in a medicinal dosage form, a cannabis product in a medicinal
1769 dosage form, or a medical cannabis device on behalf of the designating medical cannabis
1770 cardholder;

1771 (c) may not charge a fee to an individual to act as the individual's designated caregiver
1772 or for a service that the designated caregiver provides in relation to the role as a designated
1773 caregiver; and

1774 (d) may accept reimbursement from the designating medical cannabis cardholder for
1775 direct costs the designated caregiver incurs for assisting with the designating cardholder's
1776 medicinal use of cannabis~~;~~ and].

1777 ~~[(e) if a licensed medical cannabis pharmacy is not operating within the state after
1778 January 1, 2021:]~~

1779 ~~[(i) may possess up to the legal dosage limit of:]~~

1780 ~~[(A) unprocessed medical cannabis in a medicinal dosage form; and]~~

1781 ~~[(B) a cannabis product in a medicinal dosage form;]~~

1782 ~~[(ii) may possess marijuana drug paraphernalia; and]~~

1783 ~~[(iii) is not subject to prosecution for the possession described in Subsection (2)(c)(i).]~~

1784 (3) (a) The department shall:

1785 (i) within 15 days after the day on which an individual submits an application in
1786 compliance with this section, issue a medical cannabis card to the applicant if the applicant:

1787 (A) is designated as a caregiver under Subsection (1);

1788 (B) is eligible for a medical cannabis caregiver card under Subsection (4); and

1789 (C) complies with this section; and

1790 (ii) notify the Department of Public Safety of each individual that the department
1791 registers as a designated caregiver.

1792 (b) The department shall ensure that a medical cannabis caregiver card contains the
1793 information described in ~~[Subsection]~~ Subsections (5)(b) and (3)(c)(i).

1794 (c) If a cardholder described in Section 26-61a-201 designates an individual as a

1795 caregiver who already holds a medical cannabis caregiver card, the individual with the medical
1796 cannabis caregiver card:

1797 (i) shall report to the department the information required of applicants under
1798 Subsection (5)(b) regarding the new designation;

1799 (ii) if the individual makes the report described in Subsection (3)(c)(i), is not required
1800 to file an application for another medical cannabis caregiver card;

1801 (iii) may receive an additional medical cannabis caregiver card in relation to each
1802 additional medical cannabis patient who designates the caregiver; and

1803 (iv) is not subject to an additional background check.

1804 (4) An individual is eligible for a medical cannabis caregiver card if the individual:

1805 (a) is at least 21 years old;

1806 (b) is a Utah resident;

1807 (c) pays to the department a fee in an amount that, subject to Subsection

1808 [26-61a-109\(5\)](#), the department sets in accordance with Section [63J-1-504](#), plus the cost of the
1809 criminal background check described in Section [26-61a-203](#);

1810 (d) signs an acknowledgment stating that the applicant received the information
1811 described in Subsection [26-61a-201\(9\)](#); and

1812 (e) has not been convicted of a misdemeanor or felony drug distribution offense that is
1813 a felony under either state or federal law, unless the individual completes any imposed sentence
1814 two or more years before the day on which the individual submits the application.

1815 (5) An eligible applicant for a medical cannabis caregiver card shall:

1816 (a) submit an application for a medical cannabis caregiver card to the department
1817 through an electronic application connected to the state electronic verification system; and

1818 (b) submit the following information in the application described in Subsection (5)(a):

1819 (i) the applicant's name, gender, age, and address;

1820 (ii) the name, gender, age, and address of the cardholder described in Section

1821 [26-61a-201](#) who designated the applicant; ~~and~~

1822 (iii) if a medical cannabis guardian cardholder designated the caregiver, the name,
1823 gender, and age of the minor receiving a medical cannabis treatment in relation to the medical
1824 cannabis guardian cardholder[-]; and

1825 (iv) any additional information that the department requests to assist in matching the

1826 application with the designating medical cannabis patient.

1827 (6) Except as provided in Subsection (6)(b), a medical cannabis caregiver card that the
1828 department issues under this section is valid for the lesser of:

1829 (a) an amount of time that the cardholder described in Section 26-61a-201 who
1830 designated the caregiver determines; or

1831 (b) the amount of time remaining before the card of the cardholder described in Section
1832 26-61a-201 expires.

1833 (7) (a) If a designated caregiver meets the requirements of Subsection (4), the
1834 designated caregiver's medical cannabis caregiver card renews automatically at the time the
1835 cardholder described in Section 26-61a-201 who designated the caregiver:

1836 (i) renews the cardholder's card; and

1837 (ii) renews the caregiver's designation, in accordance with Subsection (7)(b).

1838 (b) The department shall provide a method in the card renewal process to allow a
1839 cardholder described in Section 26-61a-201 who has designated a caregiver to:

1840 (i) signify that the cardholder renews the caregiver's designation;

1841 (ii) remove a caregiver's designation; or

1842 (iii) designate a new caregiver.

1843 (8) The department may revoke a medical cannabis caregiver card if the designated
1844 caregiver:

1845 (a) violates this chapter; or

1846 (b) is convicted under state or federal law of:

1847 (i) a felony drug distribution offense; or

1848 (ii) after December 3, 2018, a misdemeanor drug distribution offense.

1849 (9) The department shall record the issuance or revocation of a medical cannabis card
1850 under this section in the controlled substance database.

1851 Section 21. Section 26-61a-204 is amended to read:

1852 **26-61a-204. Medical cannabis card -- Patient and designated caregiver**
1853 **requirements -- Rebuttable presumption.**

1854 (1) (a) A medical cannabis cardholder who possesses medical cannabis that the
1855 cardholder purchased under this chapter:

1856 (i) shall carry:

1857 (A) at all times the cardholder's medical cannabis card; and
1858 (B) [~~after the earlier of January 1, 2021, or the day on which the individual purchases~~
1859 ~~any medical cannabis from a medical cannabis pharmacy;~~] with the medical cannabis, a label
1860 that identifies that the medical cannabis was sold from a licensed medical cannabis pharmacy
1861 and includes an identification number that links the medical cannabis to the inventory control
1862 system; and

1863 (ii) may possess up to the legal dosage limit of:
1864 (A) unprocessed cannabis in medicinal dosage form; and
1865 (B) a cannabis product in medicinal dosage form;
1866 (iii) may not possess more medical cannabis than described in Subsection (1)(a)(ii);
1867 (iv) may only possess the medical cannabis in the container in which the cardholder
1868 received the medical cannabis from the medical cannabis pharmacy; and
1869 (v) may not alter or remove any label described in Section [4-41a-602](#) from the
1870 container described in Subsection (1)(a)(iv).

1871 (b) Except as provided in Subsection (1)(c) or (e), a medical cannabis cardholder who
1872 possesses medical cannabis in violation of Subsection (1)(a) is:

1873 (i) guilty of an infraction; and
1874 (ii) subject to a \$100 fine.

1875 (c) A medical cannabis cardholder or a nonresident patient who possesses medical
1876 cannabis in an amount that is greater than the legal dosage limit and equal to or less than twice
1877 the legal dosage limit is:

1878 (i) for a first offense:
1879 (A) guilty of an infraction; and
1880 (B) subject to a fine of up to \$100; and
1881 (ii) for a second or subsequent offense:
1882 (A) guilty of a class B misdemeanor; and
1883 (B) subject to a fine of \$1,000.

1884 (d) An individual who is guilty of a violation described in Subsection (1)(b) or (c) is
1885 not guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the
1886 conduct underlying the penalty described in Subsection (1)(b) or (c).

1887 (e) A nonresident patient who possesses medical cannabis that is not in a medicinal

1888 dosage form is:

1889 (i) for a first offense:

1890 (A) guilty of an infraction; and

1891 (B) subject to a fine of up to \$100; and

1892 (ii) for a second or subsequent offense, is subject to the penalties described in Title 58,
1893 Chapter 37, Utah Controlled Substances Act.

1894 (f) A medical cannabis cardholder or a nonresident patient who possesses medical
1895 cannabis in an amount that is greater than twice the legal dosage limit is subject to the penalties
1896 described in Title 58, Chapter 37, Utah Controlled Substances Act.

1897 (2) (a) As used in this Subsection (2), "emergency medical condition" means the same
1898 as that term is defined in Section [31A-22-627](#).

1899 (b) Except as described in Subsection (2)(c), a medical cannabis patient cardholder, a
1900 provisional patient cardholder, or a nonresident patient may not use, in public view, medical
1901 cannabis or a cannabis product.

1902 (c) In the event of an emergency medical condition, an individual described in
1903 Subsection (2)(b) may use, and the holder of a medical cannabis guardian card or a medical
1904 cannabis caregiver card may administer to the cardholder's charge, in public view, cannabis in a
1905 medicinal dosage form or a cannabis product in a medicinal dosage form.

1906 (d) An individual described in Subsection (2)(b) who violates Subsection (2)(b) is:

1907 (i) for a first offense:

1908 (A) guilty of an infraction; and

1909 (B) subject to a fine of up to \$100; and

1910 (ii) for a second or subsequent offense:

1911 (A) guilty of a class B misdemeanor; and

1912 (B) subject to a fine of \$1,000.

1913 (3) If a medical cannabis cardholder carrying the cardholder's card possesses cannabis
1914 in a medicinal dosage form or a cannabis product in compliance with Subsection (1), or a
1915 medical cannabis device that corresponds with the cannabis or cannabis product:

1916 (a) there is a rebuttable presumption that the cardholder possesses the cannabis,
1917 cannabis product, or medical cannabis device legally; and

1918 (b) there is no probable cause, based solely on the cardholder's possession of the

1919 cannabis in medicinal dosage form, cannabis product in medicinal dosage form, or medical
1920 cannabis device, to believe that the cardholder is engaging in illegal activity.

1921 (4) (a) If a law enforcement officer stops an individual who possesses cannabis in a
1922 medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis
1923 device, and the individual represents to the law enforcement officer that the individual holds a
1924 valid medical cannabis card, but the individual does not have the medical cannabis card in the
1925 individual's possession at the time of the stop by the law enforcement officer, the law
1926 enforcement officer shall attempt to access the state electronic verification system to determine
1927 whether the individual holds a valid medical cannabis card.

1928 (b) If the law enforcement officer is able to verify that the individual described in
1929 Subsection (4)(a) is a valid medical cannabis cardholder, the law enforcement officer:

1930 (i) may not arrest or take the individual into custody for the sole reason that the
1931 individual is in possession of cannabis in a medicinal dosage form, a cannabis product in a
1932 medicinal dosage form, or a medical cannabis device; and

1933 (ii) may not seize the cannabis, cannabis product, or medical cannabis device.

1934 Section 22. Section **26-61a-301** is amended to read:

1935 **26-61a-301. Medical cannabis pharmacy -- License -- Eligibility.**

1936 (1) A person may not operate as a medical cannabis pharmacy without a license that
1937 the department issues under this part.

1938 (2) (a) (i) Subject to Subsections (4) and (5) and to Section **26-61a-305**, the department
1939 shall issue a license to operate a medical cannabis pharmacy in accordance with Title 63G,
1940 Chapter 6a, Utah Procurement Code.

1941 (ii) The department may not issue a license to operate a medical cannabis pharmacy to
1942 an applicant who is not eligible for a license under this section.

1943 (b) An applicant is eligible for a license under this section if the applicant submits to
1944 the department:

1945 (i) subject to Subsection (2)(c), a proposed name and address where the applicant will
1946 operate the medical cannabis pharmacy;

1947 (ii) the name and address of an individual who:

1948 (A) for a publicly traded company, has a financial or voting interest of 2% or greater in
1949 the proposed medical cannabis pharmacy;

1950 (B) for a privately held company, a financial or voting interest in the proposed medical
1951 cannabis pharmacy; or

1952 (C) has the power to direct or cause the management or control of a proposed medical
1953 cannabis pharmacy;

1954 (iii) a statement that the applicant will obtain and maintain a performance bond that a
1955 surety authorized to transact surety business in the state issues in an amount of at least
1956 \$100,000 for each application that the applicant submits to the department;

1957 (iv) an operating plan that:

1958 (A) complies with Section 26-61a-304;

1959 (B) includes operating procedures to comply with the operating requirements for a
1960 medical cannabis pharmacy described in this chapter and with a relevant municipal or county
1961 law that is consistent with Section 26-61a-507; and

1962 (C) the department approves;

1963 (v) an application fee in an amount that, subject to Subsection 26-61a-109(5), the
1964 department sets in accordance with Section 63J-1-504; and

1965 (vi) a description of any investigation or adverse action taken by any licensing
1966 jurisdiction, government agency, law enforcement agency, or court in any state for any
1967 violation or detrimental conduct in relation to any of the applicant's cannabis-related operations
1968 or businesses.

1969 (c) (i) A person may not locate a medical cannabis pharmacy:

1970 (A) within 200 feet of a community location; or

1971 (B) in or within 600 feet of a district that the relevant municipality or county has zoned
1972 as primarily residential.

1973 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured
1974 from the nearest entrance to the medical cannabis pharmacy establishment by following the
1975 shortest route of ordinary pedestrian travel to the property boundary of the community location
1976 or residential area.

1977 (iii) The department may grant a waiver to reduce the proximity requirements in
1978 Subsection (2)(c)(i) by up to 20% if the department determines that it is not reasonably feasible
1979 for the applicant to site the proposed medical cannabis pharmacy without the waiver.

1980 (iv) An applicant for a license under this section shall provide evidence of compliance

1981 with the proximity requirements described in Subsection (2)(c)(i).

1982 (d) The department may not issue a license to an eligible applicant that the department
1983 has selected to receive a license until the selected eligible applicant obtains the performance
1984 bond described in Subsection (2)(b)(iii).

1985 (e) If the department receives more than one application for a medical cannabis
1986 pharmacy within the same city or town, the department shall consult with the local land use
1987 authority before approving any of the applications pertaining to that city or town.

1988 (3) If the department selects an applicant for a medical cannabis pharmacy license
1989 under this section, the department shall:

1990 (a) charge the applicant an initial license fee in an amount that, subject to Subsection
1991 26-61a-109(5), the department sets in accordance with Section 63J-1-504;

1992 (b) notify the Department of Public Safety of the license approval and the names of
1993 each individual described in Subsection (2)(b)(ii); and

1994 (c) charge the licensee a fee in an amount that, subject to Subsection 26-61a-109(5),
1995 the department sets in accordance with Section 63J-1-504, for any change in location,
1996 ownership, or company structure.

1997 (4) The department may not issue a license to operate a medical cannabis pharmacy to
1998 an applicant if an individual described in Subsection (2)(b)(ii):

1999 (a) has been convicted under state or federal law of:

2000 (i) a felony; or

2001 (ii) after December 3, 2018, a misdemeanor for drug distribution;

2002 (b) is younger than 21 years old; or

2003 (c) after September 23, 2019, until January 1, 2023, is actively serving as a legislator.

2004 (5) (a) If an applicant for a medical cannabis pharmacy license under this section holds
2005 a license under Title 4, Chapter 41, Hemp and Cannabinoid Act, the department may not give
2006 preference to the applicant based on the applicant's status as a holder of the license.

2007 (b) If an applicant for a medical cannabis pharmacy license under this section holds a
2008 license to operate a cannabis cultivation facility under Title 4, Chapter 41a, Cannabis
2009 Production Establishments, the department:

2010 (i) shall consult with the Department of Agriculture and Food regarding the applicant;
2011 and

2012 (ii) may give consideration to the applicant based on the applicant's status as a holder
2013 of a license to operate a cannabis cultivation facility if:

2014 (A) the applicant demonstrates that a decrease in costs to patients is more likely to
2015 result from the applicant's vertical integration than from a more competitive marketplace; and

2016 (B) the department finds multiple other factors, in addition to the existing license, that
2017 support granting the new license.

2018 (6) (a) The department may revoke a license under this part:

2019 (i) if the medical cannabis pharmacy does not begin operations within one year after
2020 the day on which the department issues an announcement of the [initial] department's intent to
2021 award a license to the medical cannabis pharmacy;

2022 (ii) after the third the same violation of this chapter in any of the licensee's licensed
2023 cannabis production establishments or medical cannabis pharmacies;

2024 (iii) if an individual described in Subsection (2)(b)(ii) is convicted, while the license is
2025 active, under state or federal law of:

2026 (A) a felony; or

2027 (B) after December 3, 2018, a misdemeanor for drug distribution;

2028 (iv) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at
2029 the time of application, or fails to supplement the information described in Subsection
2030 (2)(b)(vi) with any investigation or adverse action that occurs after the submission of the
2031 application within 14 calendar days after the licensee receives notice of the investigation or
2032 adverse action; [or]

2033 (v) if the medical cannabis pharmacy demonstrates a willful or reckless disregard for
2034 the requirements of this chapter or the rules the department makes in accordance with this
2035 chapter[-]; or

2036 (vi) if, after a change of ownership described in Subsection (11)(c), the department
2037 determines that the medical cannabis pharmacy no longer meets the minimum standards for
2038 licensure and operation of the medical cannabis pharmacy described in this chapter.

2039 (b) The department shall rescind a notice of an intent to issue a license under this part
2040 to an applicant or revoke a license issued under this part if the associated medical cannabis
2041 pharmacy does not begin operation on or before June 1, 2021.

2042 (7) (a) A person who receives a medical cannabis pharmacy license under this chapter,

2043 if the municipality or county where the licensed medical cannabis pharmacy will be located
2044 requires a local land use permit, shall submit to the department a copy of the licensee's
2045 approved application for the land use permit within 120 days after the day on which the
2046 department issues the license.

2047 (b) If a licensee fails to submit to the department a copy the licensee's approved land
2048 use permit application in accordance with Subsection (7)(a), the department may revoke the
2049 licensee's license.

2050 (8) The department shall deposit the proceeds of a fee imposed by this section into the
2051 Qualified Patient Enterprise Fund.

2052 (9) The department shall begin accepting applications under this part on or before
2053 March 1, 2020.

2054 (10) (a) The department's authority to issue a license under this section is plenary and is
2055 not subject to review.

2056 (b) Notwithstanding Subsection (2), the decision of the department to award a license
2057 to an applicant is not subject to:

2058 (i) Title 63G, Chapter 6a, Part 16, Protests; or

2059 (ii) Title 63G, Chapter 6a, Part 17, Procurement Appeals Board.

2060 (11) (a) A medical cannabis pharmacy license is not transferrable or assignable.

2061 (b) A medical cannabis pharmacy shall report in writing to the department no later than
2062 10 business days before the date of any change of ownership of the medical cannabis
2063 pharmacy.

2064 (c) If the ownership of a medical cannabis pharmacy changes by 50% or more:

2065 (i) concurrent with the report described in Subsection (11)(b), the medical cannabis
2066 pharmacy shall submit a new application described in Subsection (2)(b), subject to Subsection
2067 (2)(c);

2068 (ii) within 30 days of the submission of the application, the department shall:

2069 (A) conduct an application review; and

2070 (B) award a license to the medical cannabis pharmacy for the remainder of the term of
2071 the medical cannabis pharmacy's license before the ownership change if the medical cannabis
2072 pharmacy meets the minimum standards for licensure and operation of the medical cannabis
2073 pharmacy described in this chapter; and

2074 (iii) if the department approves the license application, notwithstanding Subsection (3),
2075 the medical cannabis pharmacy shall pay a license fee that the department sets in accordance
2076 with Section 63J-1-504 in an amount that covers the board's cost of conducting the application
2077 review.

2078 Section 23. Section **26-61a-303** is amended to read:

2079 **26-61a-303. Renewal.**

2080 (1) The department shall renew a license under this part every year if, at the time of
2081 renewal:

2082 (a) the licensee meets the requirements of Section 26-61a-301;

2083 (b) the licensee pays the department a license renewal fee in an amount that, subject to
2084 Subsection 26-61a-109(5), the department sets in accordance with Section 63J-1-504; and

2085 (c) if the medical cannabis pharmacy changes the operating plan described in Section
2086 26-61a-304 that the department approved under Subsection 26-61a-301(2)(b)(iv), the
2087 department approves the new operating plan.

2088 (2) (a) If a licensed medical cannabis pharmacy abandons the medical cannabis
2089 pharmacy's license, the department shall publish notice of an available license:

2090 (i) in a newspaper of general circulation for the geographic area in which the medical
2091 cannabis pharmacy license is available; or

2092 (ii) on the Utah Public Notice Website established in Section 63A-16-601.

2093 (b) The department may establish criteria, in collaboration with the Division of
2094 Occupational and Professional Licensing and the Board of Pharmacy and in accordance with
2095 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to identify the medical cannabis
2096 pharmacy actions that constitute abandonment of a medical cannabis pharmacy license.

2097 (3) If the department has not completed the necessary processes to make a
2098 determination on a license renewal under Subsections (1)(a) and (c) before the expiration of a
2099 license, the department may issue a conditional medical cannabis pharmacy license to a
2100 licensed medical cannabis pharmacy that has applied for license renewal under this section and
2101 paid the fee described in Subsection (1)(b).

2102 Section 24. Section **26-61a-305** is amended to read:

2103 **26-61a-305. Maximum number of licenses -- Home delivery medical cannabis**
2104 **pharmacies.**

2105 (1) (a) Except as provided in Subsections (1)(b) or (d), if a sufficient number of
2106 applicants apply, the department shall issue up to 15 medical cannabis pharmacy licenses in
2107 accordance with this section.

2108 (b) If an insufficient number of qualified applicants apply for the available number of
2109 medical cannabis pharmacy licenses, the department shall issue a medical cannabis pharmacy
2110 license to each qualified applicant.

2111 (c) The department may issue the licenses described in Subsection (1)(a) in accordance
2112 with this Subsection (1)(c).

2113 (i) Using one procurement process, the department may issue eight licenses to an initial
2114 group of medical cannabis pharmacies and six licenses to a second group of medical cannabis
2115 pharmacies.

2116 (ii) If the department issues licenses in two phases in accordance with Subsection
2117 (1)(c)(i), the department shall:

2118 (A) divide the state into no less than four geographic regions;

2119 (B) issue at least one license in each geographic region during each phase of issuing
2120 licenses; and

2121 (C) complete the process of issuing medical cannabis pharmacy licenses no later than
2122 July 1, 2020.

2123 (iii) In issuing a 15th license under Subsection (1), the department shall ensure that the
2124 license recipient will locate the medical cannabis pharmacy within Dagget, Duchesne, Uintah,
2125 Carbon, Sevier, Emery, Grand, or San Juan County.

2126 (d) (i) The department may issue licenses to operate a medical cannabis pharmacy in
2127 addition to the licenses described in Subsection (1)(a) if the department determines, in
2128 consultation with the Department of Agriculture and Food and after an annual or more frequent
2129 analysis of the current and anticipated market for medical cannabis, that each additional license
2130 is necessary to provide an adequate supply, quality, or variety of medical cannabis to medical
2131 cannabis cardholders.

2132 (ii) The department shall:

2133 (A) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
2134 make rules to establish criteria and processes for the consultation, analysis, and application for
2135 a license described in Subsection (1)(d)(i); and

2136 ~~[(B) before November 30, 2020, report on the rules described in Subsection~~
2137 ~~(1)(d)(ii)(A) to the Executive Appropriations Committee of the Legislature; and]~~
2138 ~~[(C)]~~ (B) report to the Executive Appropriations Committee of the Legislature before
2139 each time the department issues an additional license under Subsection (1)(d)(i) regarding the
2140 results of the consultation and analysis described in Subsection (1)(d)(i) and the application of
2141 the criteria described in Subsection (1)(d)(ii)(A) ~~[to the intended licensee].~~

2142 (2) (a) If there are more qualified applicants than there are available licenses for
2143 medical cannabis pharmacies, the department shall:

2144 (i) evaluate each applicant and award the license to the applicant that best
2145 demonstrates:

2146 (A) experience with establishing and successfully operating a business that involves
2147 complying with a regulatory environment, tracking inventory, and training, evaluating, and
2148 monitoring employees;

2149 (B) an operating plan that will best ensure the safety and security of patrons and the
2150 community;

2151 (C) positive connections to the local community;

2152 (D) the suitability of the proposed location and the location's accessibility for
2153 qualifying patients;

2154 (E) the extent to which the applicant can increase efficiency and reduce the cost of
2155 medical cannabis for patients; and

2156 (F) a strategic plan described in Subsection [26-61a-304\(7\)](#) that has a comparatively
2157 high likelihood of success; and

2158 (ii) ensure a geographic dispersal among licensees that is sufficient to reasonably
2159 maximize access to the largest number of medical cannabis cardholders.

2160 (b) In making the evaluation described in Subsection (2)(a), the department may give
2161 increased consideration to applicants who indicate a willingness to:

2162 (i) operate as a home delivery medical cannabis pharmacy that accepts electronic
2163 medical cannabis orders that the state central patient portal facilitates; and

2164 (ii) accept payments through:

2165 (A) a payment provider that the Division of Finance approves, in consultation with the
2166 state treasurer, in accordance with Section [26-61a-603](#); or

2167 (B) a financial institution in accordance with Subsection 26-61a-603(4).

2168 (3) The department may conduct a face-to-face interview with an applicant for a
2169 license that the department evaluates under Subsection (2).

2170 (4) (a) The department may designate a medical cannabis pharmacy as a home delivery
2171 medical cannabis pharmacy if the department determines that the medical cannabis pharmacy's
2172 operating plan demonstrates the functional and technical ability to:

2173 (i) safely conduct transactions for medical cannabis shipments;

2174 (ii) accept electronic medical cannabis orders that the state central patient portal
2175 facilitates; and

2176 (iii) accept payments through:

2177 (A) a payment provider that the Division of Finance approves, in consultation with the
2178 state treasurer, in accordance with Section 26-61a-603; or

2179 (B) a financial institution in accordance with Subsection 26-61a-603(4).

2180 (b) An applicant seeking a designation as a home delivery medical cannabis pharmacy
2181 shall identify in the applicant's operating plan any information relevant to the department's
2182 evaluation described in Subsection (4)(a), including:

2183 (i) the name and contact information of the payment provider;

2184 (ii) the nature of the relationship between the prospective licensee and the payment
2185 provider;

2186 (iii) the processes of the following to safely and reliably conduct transactions for
2187 medical cannabis shipments:

2188 (A) the prospective licensee; and

2189 (B) the electronic payment provider or the financial institution described in Subsection
2190 (4)(a)(iii); and

2191 (iv) the ability of the licensee to comply with the department's rules regarding the
2192 secure transportation and delivery of medical cannabis or medical cannabis product to a
2193 medical cannabis cardholder.

2194 (c) Notwithstanding any county or municipal ordinance, a medical cannabis pharmacy
2195 that the department designates as a home delivery medical cannabis pharmacy may deliver
2196 medical cannabis shipments in accordance with this chapter.

2197 Section 25. Section 26-61a-401 is amended to read:

2198 **26-61a-401. Medical cannabis pharmacy agent -- Registration.**

2199 (1) An individual may not serve as a medical cannabis pharmacy agent of a medical
2200 cannabis pharmacy unless the department registers the individual as a medical cannabis
2201 pharmacy agent.

2202 (2) A recommending medical provider may not act as a medical cannabis pharmacy
2203 agent, have a financial or voting interest of 2% or greater in a medical cannabis pharmacy, or
2204 have the power to direct or cause the management or control of a medical cannabis pharmacy.

2205 (3) (a) The department shall, within 15 days after the day on which the department
2206 receives a complete application from a medical cannabis pharmacy on behalf of a prospective
2207 medical cannabis pharmacy agent, register and issue a medical cannabis pharmacy agent
2208 registration card to the prospective agent if the medical cannabis pharmacy:

2209 (i) provides to the department:

2210 (A) the prospective agent's name and address;

2211 (B) the name and location of the licensed medical cannabis pharmacy where the
2212 prospective agent seeks to act as the medical cannabis pharmacy agent; and

2213 (C) the submission required under Subsection (3)(b); and

2214 (ii) pays a fee to the department in an amount that, subject to Subsection
2215 [26-61a-109\(5\)](#), the department sets in accordance with Section [63J-1-504](#).

2216 (b) Except for an applicant reapplying for a medical cannabis pharmacy agent
2217 registration card within less than one year after the expiration of the applicant's previous
2218 medical cannabis pharmacy agent registration card, each prospective agent described in
2219 Subsection (3)(a) shall:

2220 (i) submit to the department:

2221 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and

2222 (B) a signed waiver in accordance with Subsection [53-10-108\(4\)](#) acknowledging the
2223 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next
2224 Generation Identification System's Rap Back Service; and

2225 (ii) consent to a fingerprint background check by:

2226 (A) the Bureau of Criminal Identification; and

2227 (B) the Federal Bureau of Investigation.

2228 (c) The Bureau of Criminal Identification shall:

2229 (i) check the fingerprints the prospective agent submits under Subsection (3)(b) against
2230 the applicable state, regional, and national criminal records databases, including the Federal
2231 Bureau of Investigation Next Generation Identification System;

2232 (ii) report the results of the background check to the department;

2233 (iii) maintain a separate file of fingerprints that prospective agents submit under
2234 Subsection (3)(b) for search by future submissions to the local and regional criminal records
2235 databases, including latent prints;

2236 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next
2237 Generation Identification System's Rap Back Service for search by future submissions to
2238 national criminal records databases, including the Next Generation Identification System and
2239 latent prints; and

2240 (v) establish a privacy risk mitigation strategy to ensure that the department only
2241 receives notifications for an individual with whom the department maintains an authorizing
2242 relationship.

2243 (d) The department shall:

2244 (i) assess an individual who submits fingerprints under Subsection (3)(b) a fee in an
2245 amount that the department sets in accordance with Section [63J-1-504](#) for the services that the
2246 Bureau of Criminal Identification or another authorized agency provides under this section; and

2247 (ii) remit the fee described in Subsection (3)(d)(i) to the Bureau of Criminal
2248 Identification.

2249 (4) The department shall designate, on an individual's medical cannabis pharmacy
2250 agent registration card the name of the medical cannabis pharmacy where the individual is
2251 registered as an agent.

2252 (5) A medical cannabis pharmacy agent shall comply with a certification standard that
2253 the department develops in collaboration with the Division of Occupational and Professional
2254 Licensing and the Board of Pharmacy, or a third-party certification standard that the department
2255 designates by rule, in collaboration with the Division of Occupational and Professional
2256 Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah
2257 Administrative Rulemaking Act.

2258 (6) The department shall ensure that the certification standard described in Subsection
2259 (5) includes training in:

- 2260 (a) Utah medical cannabis law; and
- 2261 (b) medical cannabis pharmacy best practices.
- 2262 (7) The department may revoke the medical cannabis pharmacy agent registration card
- 2263 of, or refuse to issue a medical cannabis pharmacy agent registration card to, an individual
- 2264 who:
- 2265 (a) violates the requirements of this chapter; or
- 2266 (b) is convicted under state or federal law of:
- 2267 (i) a felony within the preceding 10 years; or
- 2268 (ii) after December 3, 2018, a misdemeanor for drug distribution.
- 2269 (8) (a) A medical cannabis pharmacy agent registration card expires two years after the
- 2270 day on which the department issues or renews the card.
- 2271 (b) A medical cannabis pharmacy agent may renew the agent's registration card if the
- 2272 agent:
- 2273 (i) is eligible for a medical cannabis pharmacy agent registration card under this
- 2274 section;
- 2275 (ii) certifies to the department in a renewal application that the information in
- 2276 Subsection (3)(a) is accurate or updates the information; and
- 2277 (iii) pays to the department a renewal fee in an amount that:
- 2278 (A) subject to Subsection [26-61a-109\(5\)](#), the department sets in accordance with
- 2279 Section [63J-1-504](#); and
- 2280 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
- 2281 comparison to the original application process.
- 2282 Section 26. Section **26-61a-501** is amended to read:
- 2283 **26-61a-501. Operating requirements -- General.**
- 2284 (1) (a) A medical cannabis pharmacy shall operate:
- 2285 (i) at the physical address provided to the department under Section [26-61a-301](#); and
- 2286 (ii) in accordance with the operating plan provided to the department under Section
- 2287 [26-61a-301](#) and, if applicable, [Section 26-61a-304](#).
- 2288 (b) A medical cannabis pharmacy shall notify the department before a change in the
- 2289 medical cannabis pharmacy's physical address or operating plan.
- 2290 (2) An individual may not enter a medical cannabis pharmacy unless the individual:

2291 (a) is at least 18 years old or is an emancipated minor under Section 80-7-105; and

2292 (b) except as provided in Subsection ~~[(5)]~~ (4):

2293 (i) possesses a valid:

2294 (A) medical cannabis pharmacy agent registration card;

2295 (B) pharmacy medical provider registration card; or

2296 (C) medical cannabis card;

2297 (ii) is an employee of the department or the Department of Agriculture and Food

2298 performing an inspection under Section 26-61a-504; or

2299 (iii) is another individual as the department provides.

2300 (3) A medical cannabis pharmacy may not employ an individual who is younger than
2301 21 years old.

2302 ~~[(4) A medical cannabis pharmacy may not employ an individual who has been
2303 convicted of a felony under state or federal law.]~~

2304 ~~[(5)]~~ (4) Notwithstanding Subsection (2)(a), a medical cannabis pharmacy may
2305 authorize an individual who is not a medical cannabis pharmacy agent or pharmacy medical
2306 provider to access the medical cannabis pharmacy if the medical cannabis pharmacy tracks and
2307 monitors the individual at all times while the individual is at the medical cannabis pharmacy
2308 and maintains a record of the individual's access.

2309 ~~[(6)]~~ (5) A medical cannabis pharmacy shall operate in a facility that has:

2310 (a) a single, secure public entrance;

2311 (b) a security system with a backup power source that:

2312 (i) detects and records entry into the medical cannabis pharmacy; and

2313 (ii) provides notice of an unauthorized entry to law enforcement when the medical
2314 cannabis pharmacy is closed; and

2315 (c) a lock on each area where the medical cannabis pharmacy stores cannabis or a
2316 cannabis product.

2317 ~~[(7)]~~ (6) A medical cannabis pharmacy shall post, both clearly and conspicuously in the
2318 medical cannabis pharmacy, the limit on the purchase of cannabis described in Subsection
2319 26-61a-502(2).

2320 ~~[(8)]~~ (7) Except for an emergency situation described in Subsection 26-61a-201(3)(c), a
2321 medical cannabis pharmacy may not allow any individual to consume cannabis on the property

2322 or premises of the medical cannabis pharmacy.

2323 ~~[(9)]~~ (8) A medical cannabis pharmacy may not sell cannabis or a cannabis product
2324 without first indicating on the cannabis or cannabis product label the name of the medical
2325 cannabis pharmacy.

2326 ~~[(10)]~~ (9) (a) Each medical cannabis pharmacy shall retain in the pharmacy's records
2327 the following information regarding each recommendation underlying a transaction:

2328 (i) the recommending medical provider's name, address, and telephone number;

2329 (ii) the patient's name and address;

2330 (iii) the date of issuance;

2331 (iv) directions of use and dosing guidelines or an indication that the recommending
2332 medical provider did not recommend specific directions of use or dosing guidelines; and

2333 (v) if the patient did not complete the transaction, the name of the medical cannabis
2334 cardholder who completed the transaction.

2335 (b) (i) Except as provided in Subsection ~~[(10)]~~ (9)(b)(iii), a medical cannabis pharmacy
2336 may not sell medical cannabis unless the medical cannabis has a label securely affixed to the
2337 container indicating the following minimum information:

2338 (A) the name, address, and telephone number of the medical cannabis pharmacy;

2339 (B) the unique identification number that the medical cannabis pharmacy assigns;

2340 (C) the date of the sale;

2341 (D) the name of the patient;

2342 (E) the name of the recommending medical provider who recommended the medical
2343 cannabis treatment;

2344 (F) directions for use and cautionary statements, if any;

2345 (G) the amount dispensed and the cannabinoid content;

2346 (H) the suggested use date;

2347 (I) for unprocessed cannabis flower, the legal use termination date; and

2348 (J) any other requirements that the department determines, in consultation with the
2349 Division of Occupational and Professional Licensing and the Board of Pharmacy.

2350 (ii) A medical cannabis pharmacy is exempt from the ~~[following labeling~~
2351 ~~requirements]~~ requirement to provide the following information under Subsection (9)(b)(i) if
2352 the information is already provided on the product label that a cannabis production

2353 establishment affixes:

2354 (A) [~~Subsection (10)(b)(i)(B) regarding~~] a unique identification number;

2355 (B) [~~Subsection (10)(b)(i)(F) regarding~~] directions for use and cautionary statements;

2356 (C) [~~Subsection (10)(b)(i)(G) regarding~~] amount and cannabinoid content; and

2357 (D) [~~Subsection (10)(b)(i)(H) regarding~~] a suggested use date.

2358 (iii) If the size of a medical cannabis container does not allow sufficient space to

2359 include the labeling requirements described in Subsection (9)(b)(i), the medical cannabis

2360 pharmacy may provide the following information described in Subsection (9)(b)(i) on a

2361 supplemental label attached to the container or an informational enclosure that accompanies the

2362 container:

2363 (A) the cannabinoid content;

2364 (B) the suggested use date; and

2365 (C) any other requirements that the department determines.

2366 [~~(iii)~~] (iv) A medical cannabis pharmacy may sell medical cannabis to another medical

2367 cannabis pharmacy without a label described in Subsection [~~(10)~~] (9)(b)(i).

2368 [~~(11)~~] (10) A pharmacy medical provider or medical cannabis pharmacy agent shall:

2369 (a) upon receipt of an order from a limited medical provider in accordance with

2370 Subsections 26-61a-106(1)(b) and (c):

2371 (i) for a written order or an electronic order under circumstances that the department

2372 determines, contact the limited medical provider or the limited medical provider's office to

2373 verify the validity of the recommendation; and

2374 (ii) for [~~a written~~] an order that the pharmacy medical provider or medical cannabis

2375 pharmacy agent verifies under Subsection [~~(11)~~] (10)(a)(i) or an electronic order that is not

2376 subject to verification under Subsection (10)(a)(i), enter the limited medical provider's

2377 recommendation or renewal, including any associated directions of use, dosing guidelines, or

2378 caregiver indication, in the state electronic verification system;

2379 (b) in processing an order for a holder of a conditional medical cannabis card described

2380 in Subsection 26-61a-201(1)(b) that appears irregular or suspicious in the judgment of the

2381 pharmacy medical provider or medical cannabis pharmacy agent, contact the recommending

2382 medical provider or the recommending medical provider's office to verify the validity of the

2383 recommendation before processing the cardholder's order;

2384 (c) unless the medical cannabis cardholder has had a consultation under Subsection
2385 26-61a-502(4) or (5), verbally offer to a medical cannabis cardholder at the time of a purchase
2386 of cannabis, a cannabis product, or a medical cannabis device, personal counseling with the
2387 pharmacy medical provider; and

2388 (d) provide a telephone number or website by which the cardholder may contact a
2389 pharmacy medical provider for counseling.

2390 ~~[(12)]~~ (11) (a) A medical cannabis pharmacy may create a medical cannabis disposal
2391 program that allows an individual to deposit unused or excess medical cannabis, cannabis
2392 residue from a medical cannabis device, or medical cannabis product in a locked box or other
2393 secure receptacle within the medical cannabis pharmacy.

2394 (b) A medical cannabis pharmacy with a disposal program described in Subsection
2395 ~~[(12)]~~ (11)(a) shall ensure that only a medical cannabis pharmacy agent or pharmacy medical
2396 provider can access deposited medical cannabis or medical cannabis products.

2397 (c) A medical cannabis pharmacy shall dispose of any deposited medical cannabis or
2398 medical cannabis products by:

2399 (i) rendering the deposited medical cannabis or medical cannabis products unusable
2400 and unrecognizable before transporting deposited medical cannabis or medical cannabis
2401 products from the medical cannabis pharmacy; and

2402 (ii) disposing of the deposited medical cannabis or medical cannabis products in
2403 accordance with:

2404 (A) federal and state law, rules, and regulations related to hazardous waste;

2405 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

2406 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

2407 (D) other regulations that the department makes in accordance with Title 63G, Chapter
2408 3, Utah Administrative Rulemaking Act.

2409 ~~[(13)]~~ (12) The department shall establish by rule, in accordance with Title 63G,
2410 Chapter 3, Utah Administrative Rulemaking Act, protocols for a recall of cannabis and
2411 cannabis products by a medical cannabis pharmacy.

2412 Section 27. Section 26-61a-502 is amended to read:

2413 **26-61a-502. Dispensing -- Amount a medical cannabis pharmacy may dispense --**
2414 **Reporting -- Form of cannabis or cannabis product.**

2415 (1) (a) A medical cannabis pharmacy may not sell a product other than, subject to this
2416 chapter:

2417 (i) cannabis in a medicinal dosage form that the medical cannabis pharmacy acquired
2418 from another medical cannabis pharmacy or a cannabis processing facility that is licensed
2419 under Section 4-41a-201;

2420 (ii) a cannabis product in a medicinal dosage form that the medical cannabis pharmacy
2421 acquired from another medical cannabis pharmacy or a cannabis processing facility that is
2422 licensed under Section 4-41a-201;

2423 (iii) a medical cannabis device; or

2424 (iv) educational material related to the medical use of cannabis.

2425 (b) A medical cannabis pharmacy may only sell an item listed in Subsection (1)(a) to
2426 an individual with:

2427 (i) (A) a medical cannabis card;

2428 (B) a department registration described in Section 26-61a-201(10); and

2429 (ii) a corresponding valid form of photo identification.

2430 (c) Notwithstanding Subsection (1)(a), a medical cannabis pharmacy may not sell a
2431 cannabis-based drug that the United States Food and Drug Administration has approved.

2432 (d) Notwithstanding Subsection (1)(b), a medical cannabis pharmacy may not sell a
2433 medical cannabis device to an individual described in Subsection 26-61a-201(2)(a)(i)(B) or to a
2434 minor described in Subsection 26-61a-201(2)(c) unless the individual or minor has the
2435 approval of the Compassionate Use Board in accordance with Subsection 26-61a-105(5).

2436 (2) A medical cannabis pharmacy:

2437 (a) may dispense to a medical cannabis cardholder, in any one 28-day period, up to the
2438 legal dosage limit of:

2439 (i) unprocessed cannabis that:

2440 (A) is in a medicinal dosage form; and

2441 (B) carries a label clearly displaying the amount of tetrahydrocannabinol and
2442 cannabidiol in the cannabis; and

2443 (ii) a cannabis product that is in a medicinal dosage form; and

2444 (b) may not dispense:

2445 (i) more medical cannabis than described in Subsection (2)(a); or

2446 (ii) to an individual whose recommending medical provider did not recommend
2447 directions of use and dosing guidelines, until the individual consults with the pharmacy
2448 medical provider in accordance with Subsection (4), any medical cannabis.

2449 (3) An individual with a medical cannabis card:

2450 (a) may purchase, in any one 28-day period, up to the legal dosage limit of:

2451 (i) unprocessed cannabis in a medicinal dosage form; and

2452 (ii) a cannabis product in a medicinal dosage form;

2453 (b) may not purchase:

2454 (i) more medical cannabis than described in Subsection (3)(a); or

2455 (ii) if the relevant recommending medical provider did not recommend directions of
2456 use and dosing guidelines, until the individual consults with the pharmacy medical provider in
2457 accordance with Subsection (4), any medical cannabis; and

2458 (c) may not use a route of administration that the relevant recommending medical
2459 provider or the pharmacy medical provider, in accordance with Subsection (4) or (5), has not
2460 recommended.

2461 (4) If a recommending medical provider recommends treatment with medical cannabis
2462 but wishes for the pharmacy medical provider to determine directions of use and dosing
2463 guidelines:

2464 (a) the recommending medical provider shall provide to the pharmacy medical
2465 provider, either through the state electronic verification system or through a medical cannabis
2466 pharmacy's recording of a recommendation under the order of a limited medical provider, any
2467 of the following information that the recommending medical provider feels would be needed to
2468 provide appropriate directions of use and dosing guidelines:

2469 (i) information regarding the qualifying condition underlying the recommendation;

2470 (ii) information regarding prior treatment attempts with medical cannabis; and

2471 (iii) portions of the patient's current medication list; and

2472 (b) before the relevant medical cannabis cardholder may obtain medical cannabis, the
2473 pharmacy medical provider shall:

2474 (i) review pertinent medical records, including the recommending medical provider
2475 documentation described in Subsection (4)(a); and

2476 (ii) unless the pertinent medical records show directions of use and dosing guidelines

2477 from a state central patient portal medical provider in accordance with Subsection (5), after
2478 completing the review described in Subsection (4)(b)(i) and consulting with the recommending
2479 medical provider as needed, determine the best course of treatment through consultation with
2480 the cardholder regarding:

2481 (A) the patient's qualifying condition underlying the recommendation from the
2482 recommending medical provider;

2483 (B) indications for available treatments;

2484 (C) directions of use and dosing guidelines; and

2485 (D) potential adverse reactions.

2486 (5) (a) A state central patient portal medical provider may provide the consultation and
2487 make the determination described in Subsection (4)(b) for a medical cannabis patient
2488 cardholder regarding an electronic order that the state central patient portal facilitates.

2489 (b) The state central patient portal medical provider described in Subsection (5)(a)
2490 shall document the directions of use and dosing guidelines, determined under Subsection (5)(a)
2491 in the pertinent medical records.

2492 (6) (a) A medical cannabis pharmacy shall:

2493 (i) (A) access the state electronic verification system before dispensing cannabis or a
2494 cannabis product to a medical cannabis cardholder in order to determine if the cardholder or,
2495 where applicable, the associated patient has met the maximum amount of medical cannabis
2496 described in Subsection (2); and

2497 (B) if the verification in Subsection (6)(a)(i) indicates that the individual has met the
2498 maximum amount described in Subsection (2), decline the sale, and notify the recommending
2499 medical provider who made the underlying recommendation;

2500 (ii) submit a record to the state electronic verification system each time the medical
2501 cannabis pharmacy dispenses medical cannabis to a medical cannabis cardholder;

2502 (iii) ensure that the pharmacy medical provider who is a licensed pharmacist reviews
2503 each medical cannabis transaction before dispensing the medical cannabis to the cardholder in
2504 accordance with pharmacy practice standards;

2505 (iv) package any medical cannabis that is in a container that:

2506 (A) complies with Subsection [~~4-41a-602(2)~~] 4-41a-602(1)(b) or, if applicable,
2507 provisions related to a container for unprocessed cannabis flower in the definition of

2508 "medicinal dosage form" in Section 26-61a-102;

2509 (B) is tamper-resistant and tamper-evident; and

2510 (C) provides an opaque bag or box for the medical cannabis cardholder's use in
2511 transporting the container in public; and

2512 (v) for a product that is a cube that is designed for ingestion through chewing or
2513 holding in the mouth for slow dissolution, include a separate, off-label warning about the risks
2514 of over-consumption.

2515 (b) A medical cannabis cardholder transporting or possessing the container described
2516 in Subsection (6)(a)(iv) in public shall keep the container within the opaque bag or box that the
2517 medical cannabis pharmacist provides.

2518 (7) (a) Except as provided in Subsection (7)(b), a medical cannabis pharmacy may not
2519 sell medical cannabis in the form of a cigarette or a medical cannabis device that is
2520 intentionally designed or constructed to resemble a cigarette.

2521 (b) A medical cannabis pharmacy may sell a medical cannabis device that warms
2522 cannabis material into a vapor without the use of a flame and that delivers cannabis to an
2523 individual's respiratory system.

2524 (8) (a) A medical cannabis pharmacy may not give, at no cost, a product that the
2525 medical cannabis pharmacy is allowed to sell under Subsection (1)(a) (i), (ii), or (iii).

2526 (b) A medical cannabis pharmacy may give, at no cost, educational material related to
2527 the medical use of cannabis.

2528 (9) The department may impose a uniform fee on each medical cannabis transaction in
2529 a medical cannabis pharmacy in an amount that, subject to Subsection 26-61a-109(5), the
2530 department sets in accordance with Section 63J-1-504.

2531 (10) A medical cannabis pharmacy may purchase and store medical cannabis devices
2532 regardless of whether the seller has a cannabis-related license under this title or Title 4, Chapter
2533 41a, Cannabis Production Establishments.

2534 Section 28. Section 26-61a-604 is amended to read:

2535 **26-61a-604. Home delivery of medical cannabis shipments -- Medical cannabis**
2536 **couriers -- License.**

2537 (1) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
2538 Administrative Rulemaking Act, to ensure the safety, security, and efficiency of a home

2539 delivery medical cannabis pharmacy's fulfillment of electronic medical cannabis orders that the
2540 state central patient portal facilitates, including rules regarding the safe and controlled delivery
2541 of medical cannabis shipments.

2542 (2) A person may not operate as a medical cannabis courier without a license that the
2543 department issues under this section.

2544 (3) (a) Subject to Subsections (5) and (6), the department shall issue a license to
2545 operate as a medical cannabis courier to an applicant who is eligible for a license under this
2546 section.

2547 (b) An applicant is eligible for a license under this section if the applicant submits to
2548 the department:

2549 (i) the name and address of an individual who:

2550 (A) has a financial or voting interest of 2% or greater in the proposed medical cannabis
2551 pharmacy; or

2552 (B) has the power to direct or cause the management or control of a proposed cannabis
2553 production establishment;

2554 (ii) an operating plan that includes operating procedures to comply with the operating
2555 requirements for a medical cannabis courier described in this chapter; and

2556 (iii) an application fee in an amount that, subject to Subsection 26-61a-109(5), the
2557 department sets in accordance with Section 63J-1-504.

2558 (4) If the department determines that an applicant is eligible for a license under this
2559 section, the department shall:

2560 (a) charge the applicant an initial license fee in an amount that, subject to Subsection
2561 26-61a-109(5), the department sets in accordance with Section 63J-1-504; and

2562 (b) notify the Department of Public Safety of the license approval and the names of
2563 each individual described in Subsection (3)(b)(ii).

2564 (5) The department may not issue a license to operate as a medical cannabis courier to
2565 an applicant if an individual described in Subsection (3)(b)(ii):

2566 (a) has been convicted under state or federal law of:

2567 (i) a felony; or

2568 (ii) after September 23, 2019, a misdemeanor for drug distribution; or

2569 (b) is younger than 21 years old.

- 2570 (6) The department may revoke a license under this part if:
- 2571 (a) the medical cannabis courier does not begin operations within one year after the day
- 2572 on which the department issues the initial license;
- 2573 (b) the medical cannabis courier makes the same violation of this chapter three times;
- 2574 [or]
- 2575 (c) an individual described in Subsection (3)(b)(ii) is convicted, while the license is
- 2576 active, under state or federal law of:
- 2577 (i) a felony; or
- 2578 (ii) after September 23, 2019, a misdemeanor for drug distribution[-]; or
- 2579 (d) after a change of ownership described in Subsection (15)(c), the department
- 2580 determines that the medical cannabis courier no longer meets the minimum standards for
- 2581 licensure and operation of the medical cannabis courier described in this chapter.
- 2582 (7) The department shall deposit the proceeds of a fee imposed by this section in the
- 2583 Qualified Patient Enterprise Fund.
- 2584 (8) The department shall begin accepting applications under this section on or before
- 2585 July 1, 2020.
- 2586 (9) The department's authority to issue a license under this section is plenary and is not
- 2587 subject to review.
- 2588 (10) Each applicant for a license as a medical cannabis courier shall submit, at the time
- 2589 of application, from each individual who has a financial or voting interest of 2% or greater in
- 2590 the applicant or who has the power to direct or cause the management or control of the
- 2591 applicant:
- 2592 (a) a fingerprint card in a form acceptable to the Department of Public Safety;
- 2593 (b) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
- 2594 registration of the individual's fingerprints in the Federal Bureau of Investigation Next
- 2595 Generation Identification System's Rap Back Service; and
- 2596 (c) consent to a fingerprint background check by:
- 2597 (i) the Bureau of Criminal Identification; and
- 2598 (ii) the Federal Bureau of Investigation.
- 2599 (11) The Bureau of Criminal Identification shall:
- 2600 (a) check the fingerprints the applicant submits under Subsection (10) against the

2601 applicable state, regional, and national criminal records databases, including the Federal
2602 Bureau of Investigation Next Generation Identification System;

2603 (b) report the results of the background check to the department;

2604 (c) maintain a separate file of fingerprints that applicants submit under Subsection (10)
2605 for search by future submissions to the local and regional criminal records databases, including
2606 latent prints;

2607 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next
2608 Generation Identification System's Rap Back Service for search by future submissions to
2609 national criminal records databases, including the Next Generation Identification System and
2610 latent prints; and

2611 (e) establish a privacy risk mitigation strategy to ensure that the department only
2612 receives notifications for an individual with whom the department maintains an authorizing
2613 relationship.

2614 (12) The department shall:

2615 (a) assess an individual who submits fingerprints under Subsection (10) a fee in an
2616 amount that the department sets in accordance with Section 63J-1-504 for the services that the
2617 Bureau of Criminal Identification or another authorized agency provides under this section; and

2618 (b) remit the fee described in Subsection (12)(a) to the Bureau of Criminal
2619 Identification.

2620 (13) The department shall renew a license under this section every year if, at the time
2621 of renewal:

2622 (a) the licensee meets the requirements of this section; and

2623 (b) the licensee pays the department a license renewal fee in an amount that, subject to
2624 Subsection 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

2625 (14) A person applying for a medical cannabis courier license shall submit to the
2626 department a proposed operating plan that complies with this section and that includes:

2627 (a) a description of the physical characteristics of any proposed facilities, including a
2628 floor plan and an architectural elevation, and delivery vehicles;

2629 (b) a description of the credentials and experience of each officer, director, or owner of
2630 the proposed medical cannabis courier;

2631 (c) the medical cannabis courier's employee training standards;

2632 (d) a security plan; and
2633 (e) storage and delivery protocols, both short and long term, to ensure that medical
2634 cannabis shipments are stored and delivered in a manner that is sanitary and preserves the
2635 integrity of the cannabis.

2636 (15) (a) A medical cannabis courier license is not transferrable or assignable.

2637 (b) A medical cannabis courier shall report in writing to the department no later than
2638 10 business days before the date of any change of ownership of the medical cannabis courier.

2639 (c) If the ownership of a medical cannabis courier changes by 50% or more:

2640 (i) concurrent with the report described in Subsection (15)(b), the medical cannabis
2641 courier shall submit a new application described in Subsection (3)(b);

2642 (ii) within 30 days of the submission of the application, the department shall:

2643 (A) conduct an application review; and

2644 (B) award a license to the medical cannabis courier for the remainder of the term of the
2645 medical cannabis courier's license before the ownership change if the medical cannabis courier
2646 meets the minimum standards for licensure and operation of the medical cannabis courier
2647 described in this chapter; and

2648 (iii) if the department approves the license application, notwithstanding Subsection (4),
2649 the medical cannabis courier shall pay a license fee that the department sets in accordance with
2650 Section [63J-1-504](#) in an amount that covers the board's cost of conducting the application
2651 review.

2652 Section 29. Section **26-61a-606** is amended to read:

2653 **26-61a-606. Medical cannabis courier agent -- Background check -- Registration**
2654 **card -- Rebuttable presumption.**

2655 (1) An individual may not serve as a medical cannabis courier agent unless:

2656 (a) the individual is an employee of a licensed medical cannabis courier; and

2657 (b) the department registers the individual as a medical cannabis courier agent.

2658 (2) (a) The department shall, within 15 days after the day on which the department
2659 receives a complete application from a medical cannabis courier on behalf of a medical
2660 cannabis courier agent, register and issue a medical cannabis courier agent registration card to
2661 the prospective agent if the medical cannabis courier:

2662 (i) provides to the department:

- 2663 (A) the prospective agent's name and address;
- 2664 (B) the name and address of the medical cannabis courier;
- 2665 (C) the name and address of each home delivery medical cannabis pharmacy with
2666 which the medical cannabis courier contracts to deliver medical cannabis shipments; and
- 2667 (D) the submission required under Subsection (2)(b);
- 2668 (ii) as reported under Subsection (2)(c), has not been convicted under state or federal
2669 law of:
- 2670 (A) a felony; or
- 2671 (B) after December 3, 2018, a misdemeanor for drug distribution; and
- 2672 (iii) pays the department a fee in an amount that, subject to Subsection 26-61a-109(5),
2673 the department sets in accordance with Section 63J-1-504.
- 2674 (b) Except for an applicant reapplying for a medical cannabis courier agent registration
2675 card within less than one year after the expiration of the applicant's previous medical cannabis
2676 courier agent registration card, each prospective agent described in Subsection (2)(a) shall:
- 2677 (i) submit to the department:
- 2678 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and
- 2679 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
2680 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next
2681 Generation Identification System's Rap Back Service; and
- 2682 (ii) consent to a fingerprint background check by:
- 2683 (A) the Bureau of Criminal Identification; and
- 2684 (B) the Federal Bureau of Investigation.
- 2685 (c) The Bureau of Criminal Identification shall:
- 2686 (i) check the fingerprints the prospective agent submits under Subsection (2)(b) against
2687 the applicable state, regional, and national criminal records databases, including the Federal
2688 Bureau of Investigation Next Generation Identification System;
- 2689 (ii) report the results of the background check to the department;
- 2690 (iii) maintain a separate file of fingerprints that prospective agents submit under
2691 Subsection (2)(b) for search by future submissions to the local and regional criminal records
2692 databases, including latent prints;
- 2693 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next

2694 Generation Identification System's Rap Back Service for search by future submissions to
2695 national criminal records databases, including the Next Generation Identification System and
2696 latent prints; and

2697 (v) establish a privacy risk mitigation strategy to ensure that the department only
2698 receives notifications for an individual with whom the department maintains an authorizing
2699 relationship.

2700 (d) The department shall:

2701 (i) assess an individual who submits fingerprints under Subsection (2)(b) a fee in an
2702 amount that the department sets in accordance with Section [63J-1-504](#) for the services that the
2703 Bureau of Criminal Identification or another authorized agency provides under this section; and

2704 (ii) remit the fee described in Subsection (2)(d)(i) to the Bureau of Criminal
2705 Identification.

2706 (3) The department shall designate on an individual's medical cannabis courier agent
2707 registration card the name of the medical cannabis pharmacy where the individual is registered
2708 as an agent and each home delivery medical cannabis courier for which the medical cannabis
2709 courier delivers medical cannabis shipments.

2710 (4) (a) A medical cannabis courier agent shall comply with a certification standard that
2711 the department develops, in collaboration with the Division of Occupational and Professional
2712 Licensing and the Board of Pharmacy, or a third-party certification standard that the department
2713 designates by rule in collaboration with the Division of Occupational and Professional
2714 Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah
2715 Administrative Rulemaking Act.

2716 (b) The department shall ensure that the certification standard described in Subsection
2717 (4)(a) includes training in:

- 2718 (i) Utah medical cannabis law;
- 2719 (ii) the medical cannabis shipment process; and
- 2720 (iii) medical cannabis courier agent best practices.

2721 (5) (a) A medical cannabis courier agent registration card expires two years after the
2722 day on which the department issues or renews the card.

2723 (b) A medical cannabis courier agent may renew the agent's registration card if the
2724 agent:

- 2725 (i) is eligible for a medical cannabis courier agent registration card under this section;
- 2726 (ii) certifies to the department in a renewal application that the information in
- 2727 Subsection (2)(a) is accurate or updates the information; and
- 2728 (iii) pays to the department a renewal fee in an amount that:
- 2729 (A) subject to Subsection 26-61a-109(5), the department sets in accordance with
- 2730 Section 63J-1-504; and
- 2731 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
- 2732 comparison to the original application process.
- 2733 (6) The department may revoke or refuse to issue or renew the medical cannabis
- 2734 courier agent registration card of an individual who:
- 2735 (a) violates the requirements of this chapter; or
- 2736 (b) is convicted under state or federal law of:
- 2737 (i) a felony within the preceding 10 years; or
- 2738 (ii) after December 3, 2018, a misdemeanor for drug distribution.
- 2739 (7) A medical cannabis courier agent whom the department has registered under this
- 2740 section shall carry the agent's medical cannabis courier agent registration card with the agent at
- 2741 all times when:
- 2742 (a) the agent is on the premises of the medical cannabis courier, a medical cannabis
- 2743 pharmacy, or a medical cannabis cardholder's home address; and
- 2744 (b) the agent is handling a medical cannabis shipment.
- 2745 (8) If a medical cannabis courier agent handling a medical cannabis shipment possesses
- 2746 the shipment in compliance with Subsection (7):
- 2747 (a) there is a rebuttable presumption that the agent possesses the shipment legally; and
- 2748 (b) there is no probable cause, based solely on the agent's possession of the medical
- 2749 cannabis shipment that the agent is engaging in illegal activity.
- 2750 (9) (a) A medical cannabis courier agent who violates Subsection (7) is:
- 2751 (i) guilty of an infraction; and
- 2752 (ii) subject to a \$100 fine.
- 2753 (b) An individual who is guilty of a violation described in Subsection (9)(a) is not
- 2754 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
- 2755 underlying the violation described in Subsection (9)(a).

2756 Section 30. Section **52-4-205** is amended to read:

2757 **52-4-205. Purposes of closed meetings -- Certain issues prohibited in closed**
2758 **meetings.**

2759 (1) A closed meeting described under Section **52-4-204** may only be held for:

2760 (a) except as provided in Subsection (3), discussion of the character, professional
2761 competence, or physical or mental health of an individual;

2762 (b) strategy sessions to discuss collective bargaining;

2763 (c) strategy sessions to discuss pending or reasonably imminent litigation;

2764 (d) strategy sessions to discuss the purchase, exchange, or lease of real property,
2765 including any form of a water right or water shares, if public discussion of the transaction
2766 would:

2767 (i) disclose the appraisal or estimated value of the property under consideration; or

2768 (ii) prevent the public body from completing the transaction on the best possible terms;

2769 (e) strategy sessions to discuss the sale of real property, including any form of a water
2770 right or water shares, if:

2771 (i) public discussion of the transaction would:

2772 (A) disclose the appraisal or estimated value of the property under consideration; or

2773 (B) prevent the public body from completing the transaction on the best possible terms;

2774 (ii) the public body previously gave public notice that the property would be offered for
2775 sale; and

2776 (iii) the terms of the sale are publicly disclosed before the public body approves the
2777 sale;

2778 (f) discussion regarding deployment of security personnel, devices, or systems;

2779 (g) investigative proceedings regarding allegations of criminal misconduct;

2780 (h) as relates to the Independent Legislative Ethics Commission, conducting business
2781 relating to the receipt or review of ethics complaints;

2782 (i) as relates to an ethics committee of the Legislature, a purpose permitted under
2783 Subsection **52-4-204(1)(a)(iii)(C)**;

2784 (j) as relates to the Independent Executive Branch Ethics Commission created in
2785 Section **63A-14-202**, conducting business relating to an ethics complaint;

2786 (k) as relates to a county legislative body, discussing commercial information as

2787 defined in Section 59-1-404;

2788 (l) as relates to the Utah Higher Education Assistance Authority and its appointed
2789 board of directors, discussing fiduciary or commercial information as defined in Section
2790 53B-12-102;

2791 (m) deliberations, not including any information gathering activities, of a public body
2792 acting in the capacity of:

2793 (i) an evaluation committee under Title 63G, Chapter 6a, Utah Procurement Code,
2794 during the process of evaluating responses to a solicitation, as defined in Section 63G-6a-103;

2795 (ii) a protest officer, defined in Section 63G-6a-103, during the process of making a
2796 decision on a protest under Title 63G, Chapter 6a, Part 16, Protests; or

2797 (iii) a procurement appeals panel under Title 63G, Chapter 6a, Utah Procurement
2798 Code, during the process of deciding an appeal under Title 63G, Chapter 6a, Part 17,
2799 Procurement Appeals Board;

2800 (n) the purpose of considering information that is designated as a trade secret, as
2801 defined in Section 13-24-2, if the public body's consideration of the information is necessary
2802 [~~in order~~] to properly conduct a procurement under Title 63G, Chapter 6a, Utah Procurement
2803 Code;

2804 (o) the purpose of discussing information provided to the public body during the
2805 procurement process under Title 63G, Chapter 6a, Utah Procurement Code, if, at the time of
2806 the meeting:

2807 (i) the information may not, under Title 63G, Chapter 6a, Utah Procurement Code, be
2808 disclosed to a member of the public or to a participant in the procurement process; and

2809 (ii) the public body needs to review or discuss the information [~~in order~~] to properly
2810 fulfill its role and responsibilities in the procurement process;

2811 (p) as relates to the governing board of a governmental nonprofit corporation, as that
2812 term is defined in Section 11-13a-102, the purpose of discussing information that is designated
2813 as a trade secret, as that term is defined in Section 13-24-2, if:

2814 (i) public knowledge of the discussion would reasonably be expected to result in injury
2815 to the owner of the trade secret; and

2816 (ii) discussion of the information is necessary for the governing board to properly
2817 discharge the board's duties and conduct the board's business; [~~or~~]

2818 (q) as it relates to the Cannabis Production Establishment Licensing Advisory Board,
2819 to review confidential information regarding violations and security requirements in relation to
2820 the operation of cannabis production establishments; or

2821 ~~[(q)]~~ (r) a purpose for which a meeting is required to be closed under Subsection (2).

2822 (2) The following meetings shall be closed:

2823 (a) a meeting of the Health and Human Services Interim Committee to review a report
2824 described in Subsection 62A-16-301(1)(a), and the responses to the report described in
2825 Subsections 62A-16-301(2) and (4);

2826 (b) a meeting of the Child Welfare Legislative Oversight Panel to:

2827 (i) review a report described in Subsection 62A-16-301(1)(a), and the responses to the
2828 report described in Subsections 62A-16-301(2) and (4); or

2829 (ii) review and discuss an individual case, as described in Subsection 62A-4a-207(5);

2830 (c) a meeting of the Opioid and Overdose Fatality Review Committee, created in
2831 Section 26-7-13, to review and discuss an individual case, as described in Subsection
2832 26-7-13(10);

2833 (d) a meeting of a conservation district as defined in Section 17D-3-102 for the
2834 purpose of advising the Natural Resource Conservation Service of the United States
2835 Department of Agriculture on a farm improvement project if the discussed information is
2836 protected information under federal law;

2837 (e) a meeting of the Compassionate Use Board established in Section 26-61a-105 for
2838 the purpose of reviewing petitions for a medical cannabis card in accordance with Section
2839 26-61a-105; and

2840 (f) a meeting of the Colorado River Authority of Utah if:

2841 (i) the purpose of the meeting is to discuss an interstate claim to the use of the water in
2842 the Colorado River system; and

2843 (ii) failing to close the meeting would:

2844 (A) reveal the contents of a record classified as protected under Subsection
2845 63G-2-305(82);

2846 (B) reveal a legal strategy relating to the state's claim to the use of the water in the
2847 Colorado River system;

2848 (C) harm the ability of the Colorado River Authority of Utah or river commissioner to

2849 negotiate the best terms and conditions regarding the use of water in the Colorado River
2850 system; or

2851 (D) give an advantage to another state or to the federal government in negotiations
2852 regarding the use of water in the Colorado River system.

2853 (3) In a closed meeting, a public body may not:

2854 (a) interview a person applying to fill an elected position;

2855 (b) discuss filling a midterm vacancy or temporary absence governed by Title 20A,
2856 Chapter 1, Part 5, Candidate Vacancy and Vacancy and Temporary Absence in Elected Office;

2857 or

2858 (c) discuss the character, professional competence, or physical or mental health of the
2859 person whose name was submitted for consideration to fill a midterm vacancy or temporary
2860 absence governed by Title 20A, Chapter 1, Part 5, Candidate Vacancy and Vacancy and
2861 Temporary Absence in Elected Office.

2862 Section 31. Section **58-5a-102** is amended to read:

2863 **58-5a-102. Definitions.**

2864 In addition to the definitions under Section **58-1-102**, as used in this chapter:

2865 (1) "Board" means the Podiatric Physician Board created in Section **58-5a-201**.

2866 (2) "Indirect supervision" means the same as that term is defined by the division by
2867 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2868 (3) "Medical assistant" means an unlicensed individual working under the indirect
2869 supervision of a licensed podiatric physician and engaging in specific tasks assigned by the
2870 licensed podiatric physician in accordance with the standards and ethics of the podiatry
2871 profession.

2872 (4) "Practice of podiatry" means the diagnosis and treatment of conditions affecting the
2873 human foot and ankle and their manifestations of systemic conditions by all appropriate and
2874 lawful means, subject to Section **58-5a-103**.

2875 (5) "Unlawful conduct" includes:

2876 (a) the conduct that constitutes unlawful conduct under Section **58-1-501**; and

2877 (b) for an individual who is not licensed under this chapter:

2878 (i) using the title or name podiatric physician, podiatrist, podiatric surgeon, foot doctor,
2879 foot specialist, or D.P.M.; or

- 2880 (ii) implying or representing that the individual is qualified to practice podiatry.
- 2881 (6) (a) "Unprofessional conduct" includes, for an individual licensed under this
- 2882 chapter:
- 2883 (i) the conduct that constitutes unprofessional conduct under Section 58-1-501;
- 2884 (ii) communicating to a third party, without the consent of the patient, information the
- 2885 individual acquires in treating the patient, except as necessary for professional consultation
- 2886 regarding treatment of the patient;
- 2887 (iii) allowing the individual's name or license to be used by an individual who is not
- 2888 licensed to practice podiatry under this chapter;
- 2889 (iv) except as described in Section 58-5a-306, employing, directly or indirectly, any
- 2890 unlicensed individual to practice podiatry;
- 2891 (v) using alcohol or drugs, to the extent the individual's use of alcohol or drugs impairs
- 2892 the individual's ability to practice podiatry;
- 2893 (vi) unlawfully prescribing, selling, or giving away any prescription drug, including
- 2894 controlled substances, as defined in Section 58-37-2;
- 2895 (vii) gross incompetency in the practice of podiatry;
- 2896 (viii) willfully and intentionally making a false statement or entry in hospital records,
- 2897 medical records, or reports;
- 2898 (ix) willfully making a false statement in reports or claim forms to governmental
- 2899 agencies or insurance companies with the intent to secure payment not rightfully due;
- 2900 (x) willfully using false or fraudulent advertising;
- 2901 (xi) conduct the division defines as unprofessional conduct by rule made in accordance
- 2902 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; [or]
- 2903 (xii) falsely making an entry in, or altering, a medical record with the intent to conceal:
- 2904 (A) a wrongful or negligent act or omission of an individual licensed under this chapter
- 2905 or an individual under the direction or control of an individual licensed under this chapter; or
- 2906 (B) conduct described in Subsections (6)(a)(i) through (xi) or Subsection
- 2907 58-1-501(1)[-]; or
- 2908 (xiii) violating the requirements of Title 26, Chapter 61a, Utah Medical Cannabis Act.
- 2909 (b) "Unprofessional conduct" does not include, in accordance with Title 26, Chapter
- 2910 61a, Utah Medical Cannabis Act, when registered as a qualified medical provider or acting as a

2911 limited medical provider, as those terms are defined in Section [26-61a-102](#), recommending the
2912 use of medical cannabis within the scope of a practice of podiatry.

2913 Section 32. Section **58-31b-502** is amended to read:

2914 **58-31b-502. Unprofessional conduct.**

2915 (1) "Unprofessional conduct" includes:

2916 (a) failure to safeguard a patient's right to privacy as to the patient's person, condition,
2917 diagnosis, personal effects, or any other matter about which the licensee is privileged to know
2918 because of the licensee's or person with a certification's position or practice as a nurse or
2919 practice as a medication aide certified;

2920 (b) failure to provide nursing service or service as a medication aide certified in a
2921 manner that demonstrates respect for the patient's human dignity and unique personal character
2922 and needs without regard to the patient's race, religion, ethnic background, socioeconomic
2923 status, age, sex, or the nature of the patient's health problem;

2924 (c) engaging in sexual relations with a patient during any:

2925 (i) period when a generally recognized professional relationship exists between the
2926 person licensed or certified under this chapter and the patient; or

2927 (ii) extended period when a patient has reasonable cause to believe a professional
2928 relationship exists between the person licensed or certified under the provisions of this chapter
2929 and the patient;

2930 (d) (i) as a result of any circumstance under Subsection (1)(c), exploiting or using
2931 information about a patient or exploiting the licensee's or the person with a certification's
2932 professional relationship between the licensee or holder of a certification under this chapter and
2933 the patient; or

2934 (ii) exploiting the patient by use of the licensee's or person with a certification's
2935 knowledge of the patient obtained while acting as a nurse or a medication aide certified;

2936 (e) unlawfully obtaining, possessing, or using any prescription drug or illicit drug;

2937 (f) unauthorized taking or personal use of nursing supplies from an employer;

2938 (g) unauthorized taking or personal use of a patient's personal property;

2939 (h) unlawful or inappropriate delegation of nursing care;

2940 (i) failure to exercise appropriate supervision of persons providing patient care services
2941 under supervision of the licensed nurse;

2942 (j) employing or aiding and abetting the employment of an unqualified or unlicensed
2943 person to practice as a nurse;

2944 (k) failure to file or record any medical report as required by law, impeding or
2945 obstructing the filing or recording of such a report, or inducing another to fail to file or record
2946 such a report;

2947 (l) breach of a statutory, common law, regulatory, or ethical requirement of
2948 confidentiality with respect to a person who is a patient, unless ordered by a court;

2949 (m) failure to pay a penalty imposed by the division;

2950 (n) prescribing a Schedule II controlled substance without complying with the
2951 requirements in Section 58-31b-803, if applicable;

2952 (o) violating Section 58-31b-801;

2953 (p) violating the dispensing requirements of Section 58-17b-309 or Chapter 17b, Part
2954 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if
2955 applicable; [or]

2956 (q) falsely making an entry in, or altering, a medical record with the intent to conceal:

2957 (i) a wrongful or negligent act or omission of an individual licensed under this chapter
2958 or an individual under the direction or control of an individual licensed under this chapter; or

2959 (ii) conduct described in Subsections (1)(a) through (o) or Subsection 58-1-501(1)[:];

2960 or

2961 (r) violating the requirements of Title 26, Chapter 61a, Utah Medical Cannabis Act.

2962 (2) "Unprofessional conduct" does not include, in accordance with Title 26, Chapter
2963 61a, Utah Medical Cannabis Act, when registered as a qualified medical provider, or acting as
2964 a limited medical provider, as those terms are defined in Section 26-61a-102, recommending
2965 the use of medical cannabis.

2966 (3) Notwithstanding Subsection (2), the division, in consultation with the board and in
2967 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define
2968 unprofessional conduct for an advanced practice registered nurse described in Subsection (2).

2969 Section 33. Section 58-44a-102 is amended to read:

2970 **58-44a-102. Definitions.**

2971 In addition to the definitions in Section 58-1-102, as used in this chapter:

2972 (1) "Administrative penalty" means a monetary fine imposed by the division for acts or

2973 omissions determined to constitute unprofessional or unlawful conduct in accordance with a
2974 fine schedule established by rule and as a result of an adjudicative proceeding conducted in
2975 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

2976 (2) "Board" means the Certified Nurse Midwife Board created in Section [58-44a-201](#).

2977 (3) "Consultation and Referral Plan" means a written plan jointly developed by a
2978 certified nurse midwife, as defined in Subsection (7), and a consulting physician that permits
2979 the certified nurse midwife to prescribe schedule II-III controlled substances in consultation
2980 with the consulting physician.

2981 (4) "Consulting physician" means a physician and surgeon or osteopathic physician:

2982 (a) with an unrestricted license as a physician;

2983 (b) qualified by education, training, and current practice in obstetrics, gynecology, or
2984 both to act as a consulting physician to a nurse midwife practicing under this chapter and
2985 providing intrapartum care or prescribing Schedule II-III controlled substances; and

2986 (c) who is available to consult with a nurse midwife, which does not include the
2987 consulting physician being present at the time or place the nurse midwife is engaged in
2988 practice.

2989 (5) "Individual" means a natural person.

2990 (6) "Intrapartum referral plan":

2991 (a) means a written plan prepared by a nurse midwife describing the guidelines under
2992 which the nurse midwife will consult with a consulting physician, collaborate with a consulting
2993 physician, and refer patients to a consulting physician; and

2994 (b) does not require the nurse midwife to obtain the signature of a physician on the
2995 intrapartum referral plan.

2996 (7) "Nurse midwife" means a person licensed under this chapter to engage in practice
2997 as a certified nurse midwife.

2998 (8) "Physician" means a physician and surgeon or osteopathic surgeon licensed under
2999 Chapter 67, Utah Medical Practice Act or Chapter 68, Utah Osteopathic Medical Practice Act.

3000 (9) "Practice as a certified nurse midwife" means:

3001 (a) practice as a registered nurse as defined in Section [58-31b-102](#), and as consistent
3002 with the education, training, experience, and current competency of the licensee;

3003 (b) practice of nursing within the generally recognized scope and standards of nurse

3004 midwifery as defined by rule and consistent with professionally recognized preparations and
3005 educational standards of a certified nurse midwife by a person licensed under this chapter,
3006 which practice includes:

3007 (i) having a safe mechanism for obtaining medical consultation, collaboration, and
3008 referral with one or more consulting physicians who have agreed to consult, collaborate, and
3009 receive referrals, but who are not required to sign a written document regarding the agreement;

3010 (ii) providing a patient with information regarding other health care providers and
3011 health care services and referral to other health care providers and health care services when
3012 requested or when care is not within the scope of practice of a certified nurse midwife; and

3013 (iii) maintaining written documentation of the parameters of service for independent
3014 and collaborative midwifery management and transfer of care when needed; and

3015 (c) the authority to:

3016 (i) elicit and record a patient's complete health information, including physical
3017 examination, history, and laboratory findings commonly used in providing obstetrical,
3018 gynecological, and well infant services to a patient;

3019 (ii) assess findings and upon abnormal findings from the history, physical examination,
3020 or laboratory findings, manage the treatment of the patient, collaborate with the consulting
3021 physician or another qualified physician, or refer the patient to the consulting physician or to
3022 another qualified physician as appropriate;

3023 (iii) diagnose, plan, and implement appropriate patient care, including the
3024 administration and prescribing of:

3025 (A) prescription drugs;

3026 (B) schedule IV-V controlled substances; and

3027 (C) schedule II-III controlled substances in accordance with a consultation and referral
3028 plan;

3029 (iv) evaluate the results of patient care;

3030 (v) consult as is appropriate regarding patient care and the results of patient care;

3031 (vi) manage the intrapartum period according to accepted standards of nurse midwifery
3032 practice and a written intrapartum referral plan, including performance of routine episiotomy
3033 and repairs, and administration of anesthesia, including local, pudendal, or paracervical block
3034 anesthesia, but not including general anesthesia and major conduction anesthesia;

3035 (vii) manage the postpartum period;
3036 (viii) provide gynecological services;
3037 (ix) provide noncomplicated newborn and infant care to the age of one year; and
3038 (x) represent or hold oneself out as a certified nurse midwife, or nurse midwife, or use
3039 the title certified nurse midwife, nurse midwife, or the initials C.N.M., N.M., or R.N.

3040 (10) "Unlawful conduct" is defined in Sections [58-1-501](#) and [58-44a-501](#).

3041 (11) "Unlicensed assistive personnel" means any unlicensed person, regardless of title,
3042 to whom tasks are delegated by a licensed certified nurse midwife in accordance with the
3043 standards of the profession as defined by rule.

3044 (12) (a) "Unprofessional conduct" is defined in Sections [58-1-501](#) and [58-44a-502](#) and
3045 as may be further defined by rule.

3046 (b) "Unprofessional conduct" does not include, in accordance with Title 26, Chapter
3047 61a, Utah Medical Cannabis Act, when registered as a qualified medical provider or acting as a
3048 limited medical provider, as those terms are defined in Section [26-61a-102](#), recommending the
3049 use of medical cannabis.

3050 Section 34. Section **58-44a-502** is amended to read:

3051 **58-44a-502. Unprofessional conduct.**

3052 "Unprofessional conduct" includes:

3053 (1) disregard for a patient's dignity or right to privacy as to the patient's person,
3054 condition, possessions, or medical record;

3055 (2) engaging in an act, practice, or omission which when considered with the duties
3056 and responsibilities of a certified nurse midwife does or could jeopardize the health, safety, or
3057 welfare of a patient or the public;

3058 (3) failure to confine one's practice as a certified nurse midwife to those acts or
3059 practices permitted by law;

3060 (4) failure to file or record any medical report as required by law, impeding or
3061 obstructing the filing or recording of such a report, or inducing another to fail to file or record
3062 such a report;

3063 (5) breach of a statutory, common law, regulatory, or ethical requirement of
3064 confidentiality with respect to a person who is a patient, unless ordered by the court;

3065 (6) failure to pay a penalty imposed by the division;

3066 (7) prescribing a schedule II-III controlled substance without a consulting physician;

3067 (8) (a) failure to have and maintain a safe mechanism for obtaining medical
3068 consultation, collaboration, and referral with a consulting physician, including failure to
3069 identify one or more consulting physicians in the written documents required by Subsection
3070 [58-44a-102\(9\)\(b\)\(iii\)](#); or

3071 (b) representing that the certified nurse midwife is in compliance with Subsection
3072 (8)(a) when the certified nurse midwife is not in compliance with Subsection (8)(a); [~~or~~]

3073 (9) falsely making an entry in, or altering, a medical record with the intent to conceal:

3074 (a) a wrongful or negligent act or omission of an individual licensed under this chapter
3075 or an individual under the direction or control of an individual licensed under this chapter; or

3076 (b) conduct described in Subsections (1) through (8) or Subsection [58-1-501\(1\)](#)[-]; or
3077 (10) violating the requirements of Title 26, Chapter 61a, Utah Medical Cannabis Act.

3078 Section 35. Section **58-70a-503** is amended to read:

3079 **58-70a-503. Unprofessional conduct.**

3080 (1) "Unprofessional conduct" includes:

3081 (a) violation of a patient confidence to any person who does not have a legal right and a
3082 professional need to know the information concerning the patient;

3083 (b) knowingly prescribing, selling, giving away, or directly or indirectly administering,
3084 or offering to prescribe, sell, furnish, give away, or administer any prescription drug except for
3085 a legitimate medical purpose upon a proper diagnosis indicating use of that drug in the amounts
3086 prescribed or provided;

3087 (c) prescribing prescription drugs for oneself or administering prescription drugs to
3088 oneself, except those that have been legally prescribed for the physician assistant by a licensed
3089 practitioner and that are used in accordance with the prescription order for the condition
3090 diagnosed;

3091 (d) in a practice that has physician assistant ownership interests, failure to allow a
3092 physician the independent final decision making authority on treatment decisions for the
3093 physician's patient;

3094 (e) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical
3095 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable; [~~and~~]

3096 (f) falsely making an entry in, or altering, a medical record with the intent to conceal:

3097 (i) a wrongful or negligent act or omission of an individual licensed under this chapter
3098 or an individual under the direction or control of an individual licensed under this chapter; or

3099 (ii) conduct described in Subsections (1)(a) through (e) or Subsection 58-1-501(1)[:];

3100 and

3101 (g) violating the requirements of Title 26, Chapter 61a, Utah Medical Cannabis Act.

3102 (2) (a) "Unprofessional conduct" does not include, in accordance with Title 26, Chapter
3103 61a, Utah Medical Cannabis Act, when registered as a qualified medical provider or acting as a
3104 limited medical provider, as those terms are defined in Section 26-61a-102, recommending the
3105 use of medical cannabis.

3106 (b) Notwithstanding Subsection (2)(a), the division, in consultation with the board and
3107 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define
3108 unprofessional conduct for a physician assistant described in Subsection (2)(a).

3109 **Section 36. Effective date.**

3110 If approved by two-thirds of all the members elected to each house, this bill takes effect
3111 upon approval by the governor, or the day following the constitutional time limit of Utah
3112 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
3113 the date of veto override.