

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

**MEDICAL CANNABIS AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Luz Escamilla**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to medical cannabis.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ allows the delivery of medical cannabis to more address types;
- ▶ allows a medical cannabis pharmacy to engage in additional targeted marketing;
- ▶ allows a medical cannabis processor to engage in targeted marketing subject to administrative rule;
- ▶ prohibits anticompetitive behavior;
- ▶ modifies provisions related to cannabis production facility applications;
- ▶ modifies the duties and membership of the Medical Cannabis Production and Pharmacy Licensing Board (licensing board);
- ▶ prohibits the use of certain terms on medical cannabis products;
- ▶ modifies reporting requirements;
- ▶ changes requirements related to felonies and obtaining certain cannabis business licenses;
- ▶ requires pharmacy licenses to be renewed and awarded under the licensing board;



- 26           ▶ modifies identification requirements related to obtaining medical cannabis from a
- 27 medical cannabis pharmacy;
- 28           ▶ allows a pharmacist to allow an individual to obtain medical cannabis without
- 29 identification under certain circumstances;
- 30           ▶ allows additional medical providers to provide recommendations to the
- 31 Compassionate Use Board;
- 32           ▶ allows a public employee to file a complaint with the Labor Commission regarding
- 33 discriminatory practices related to medical cannabis use;
- 34           ▶ creates a penalty for a health care provider who provides medical cannabis
- 35 recommendations for an entity that is violating advertisement restrictions; and
- 36           ▶ extends the repeal date of the Medical Cannabis Governance Structure Working
- 37 Group.

38 **Money Appropriated in this Bill:**

39           None

40 **Other Special Clauses:**

41           None

42 **Utah Code Sections Affected:**

43 AMENDS:

- 44           **4-41a-102**, as last amended by Laws of Utah 2023, Chapters 273, 313 and 327
- 45           **4-41a-201**, as last amended by Laws of Utah 2023, Chapters 273, 313 and 327 and last
- 46 amended by Coordination Clause, Laws of Utah 2023, Chapter 327
- 47           **4-41a-201.1**, as enacted by Laws of Utah 2021, Chapter 350
- 48           **4-41a-202**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
- 49 Chapter 1
- 50           **4-41a-401**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
- 51 Chapter 1
- 52           **4-41a-602**, as last amended by Laws of Utah 2023, Chapter 313
- 53           **4-41a-802**, as last amended by Laws of Utah 2023, Chapter 273
- 54           **4-41a-1001**, as last amended by Laws of Utah 2023, Chapter 317 and renumbered and
- 55 amended by Laws of Utah 2023, Chapters 273, 307 and last amended by
- 56 Coordination Clause, Laws of Utah 2023, Chapter 307

57           **4-41a-1005**, as renumbered and amended by Laws of Utah 2023, Chapters 273, 307 and  
58 last amended by Coordination Clause, Laws of Utah 2023, Chapter 307

59           **4-41a-1101**, as last amended by Laws of Utah 2023, Chapter 317 and renumbered and  
60 amended by Laws of Utah 2023, Chapters 273, 307 and last amended by  
61 Coordination Clause, Laws of Utah 2023, Chapter 307

62           **4-41a-1102**, as last amended by Laws of Utah 2023, Chapter 317 and renumbered and  
63 amended by Laws of Utah 2023, Chapters 273, 307 and last amended by  
64 Coordination Clause, Laws of Utah 2023, Chapter 307

65           **4-41a-1106**, as last amended by Laws of Utah 2023, Chapter 317 and renumbered and  
66 amended by Laws of Utah 2023, Chapters 273, 307 and last amended by  
67 Coordination Clause, Laws of Utah 2023, Chapter 307

68           **4-41a-1202**, as last amended by Laws of Utah 2023, Chapter 317 and renumbered and  
69 amended by Laws of Utah 2023, Chapters 273, 307 and last amended by  
70 Coordination Clause, Laws of Utah 2023, Chapter 307

71           **26B-1-421**, as last amended by Laws of Utah 2023, Chapters 273, 317 and renumbered  
72 and amended by Laws of Utah 2023, Chapter 305

73           **26B-4-201**, as last amended by Laws of Utah 2023, Chapters 273, 317 and renumbered  
74 and amended by Laws of Utah 2023, Chapter 307

75           **26B-4-202**, as last amended by Laws of Utah 2023, Chapters 273, 317 and renumbered  
76 and amended by Laws of Utah 2023, Chapter 307 and last amended by  
77 Coordination Clause, Laws of Utah 2023, Chapter 307

78           **26B-4-204**, as last amended by Laws of Utah 2023, Chapters 273, 317 and renumbered  
79 and amended by Laws of Utah 2023, Chapter 307 and last amended by  
80 Coordination Clause, Laws of Utah 2023, Chapter 307

81           **26B-4-207**, as renumbered and amended by Laws of Utah 2023, Chapter 307

82           **26B-4-213**, as last amended by Laws of Utah 2023, Chapters 273, 317 and renumbered  
83 and amended by Laws of Utah 2023, Chapter 307 and last amended by  
84 Coordination Clause, Laws of Utah 2023, Chapter 307

85           **26B-4-245**, as enacted by Laws of Utah 2023, Chapter 273

86           **63I-2-236**, as last amended by Laws of Utah 2023, Chapters 87, 101 and 273

87 ENACTS:

88           4-41a-604, Utah Code Annotated 1953  
89           34A-5-114, Utah Code Annotated 1953



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

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

93           **4-41a-102. Definitions.**

94           As used in this chapter:

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

- 97           (a) pesticides;
- 98           (b) heavy metals;
- 99           (c) solvents;
- 100           (d) microbial life;
- 101           (e) artificially derived cannabinoid;
- 102           (f) toxins; or
- 103           (g) foreign matter.

104           (2) "Advisory board" means the Medical Cannabis Policy Advisory Board created in  
105 Section 26B-1-435.

106           (3) (a) "Anticompetitive business practice" means any practice that reduces the amount  
107 of competition in the medical cannabis market.

108           (b) "Anticompetitive business practice" may include:

109           (i) agreements that may be considered unreasonable when competitors interact to the  
110 extent that they are:

- 111           (A) no longer acting independently; or
- 112           (B) when collaborating are able to wield market power together;
- 113           (ii) monopolizing or attempting to monopolize trade by:
  - 114           (A) acting to maintain or acquire a dominant position in the market; or
  - 115           (B) preventing new entry into the market; or
- 116           (iii) other conduct outlined in rule.

117           ~~(3)~~ (4) (a) "Artificially derived cannabinoid" means a chemical substance that is  
118 created by a chemical reaction that changes the molecular structure of any chemical substance

119 derived from the cannabis plant.

120 (b) "Artificially derived cannabinoid" does not include:

121 (i) a naturally occurring chemical substance that is separated from the cannabis plant  
122 by a chemical or mechanical extraction process; or

123 (ii) a cannabinoid that is produced by decarboxylation from a naturally occurring  
124 cannabinoid acid without the use of a chemical catalyst.

125 ~~[(4)]~~ (5) "Cannabis Research Review Board" means the Cannabis Research Review  
126 Board created in Section 26B-1-420.

127 ~~[(5)]~~ (6) "Cannabis" means the same as that term is defined in Section 26B-4-201.

128 ~~[(6)]~~ (7) "Cannabis concentrate" means:

129 (a) the product of any chemical or physical process applied to naturally occurring  
130 biomass that concentrates or isolates the cannabinoids contained in the biomass; and

131 (b) any amount of a natural cannabinoid or artificially derived cannabinoid in an  
132 artificially derived cannabinoid's purified state.

133 ~~[(7)]~~ (8) "Cannabis cultivation byproduct" means any portion of a cannabis plant that is  
134 not intended to be sold as a cannabis plant product.

135 ~~[(8)]~~ (9) "Cannabis cultivation facility" means a person that:

136 (a) possesses cannabis;

137 (b) grows or intends to grow cannabis; and

138 (c) sells or intends to sell cannabis to a cannabis cultivation facility, a cannabis  
139 processing facility, or a medical cannabis research licensee.

140 ~~[(9)]~~ (10) "Cannabis cultivation facility agent" means an individual who[-]

141 holds a valid cannabis production establishment agent registration card with a cannabis  
142 cultivation facility designation.

143 ~~[(10)]~~ (11) "Cannabis derivative product" means a product made using cannabis  
144 concentrate.

145 ~~[(11)]~~ (12) "Cannabis plant product" means any portion of a cannabis plant intended to  
146 be sold in a form that is recognizable as a portion of a cannabis plant.

147 ~~[(12)]~~ (13) "Cannabis processing facility" means a person that:

148 (a) acquires or intends to acquire cannabis from a cannabis production establishment;

149 (b) possesses cannabis with the intent to manufacture a cannabis product;

150 (c) manufactures or intends to manufacture a cannabis product from unprocessed  
151 cannabis or a cannabis extract; and

152 (d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or a  
153 medical cannabis research licensee.

154 [~~(13)~~] (14) "Cannabis processing facility agent" means an individual who[:]  
155 holds a valid cannabis production establishment agent registration card with a cannabis  
156 processing facility designation.

157 [~~(14)~~] (15) "Cannabis product" means the same as that term is defined in Section  
158 [26B-4-201](#).

159 [~~(15)~~] (16) "Cannabis production establishment" means a cannabis cultivation facility,  
160 a cannabis processing facility, or an independent cannabis testing laboratory.

161 [~~(16)~~] (17) "Cannabis production establishment agent" means a cannabis cultivation  
162 facility agent, a cannabis processing facility agent, or an independent cannabis testing  
163 laboratory agent.

164 [~~(17)~~] (18) "Cannabis production establishment agent registration card" means a  
165 registration card that the department issues that:

166 (a) authorizes an individual to act as a cannabis production establishment agent; and

167 (b) designates the type of cannabis production establishment for which an individual is  
168 authorized to act as an agent.

169 [~~(18)~~] (19) "Community location" means a public or private elementary or secondary  
170 school, a church, a public library, a public playground, or a public park.

171 [~~(19)~~] (20) "Cultivation space" means, quantified in square feet, the horizontal area in  
172 which a cannabis cultivation facility cultivates cannabis, including each level of horizontal area  
173 if the cannabis cultivation facility hangs, suspends, stacks, or otherwise positions plants above  
174 other plants in multiple levels.

175 [~~(20)~~] (21) "Delivery address" means:

176 (a) for a medical cannabis cardholder who is not a facility[:];

177 (i) the medical cannabis cardholder's home address; or

178 (ii) an address designated by the medical cannabis cardholder that is not a community  
179 location; or

180 (b) for a medical cannabis cardholder that is a facility, the facility's address.

181 ~~[(21)]~~ (22) "Department" means the Department of Agriculture and Food.

182 ~~[(22)]~~ (23) "Family member" means a parent, step-parent, spouse, child, sibling,  
183 step-sibling, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law,  
184 brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.

185 (24) "Government issued photo identification" means one of the following photo  
186 identifications issued by a foreign or domestic government:

187 (a) driver license;

188 (b) non-driver identification card;

189 (c) passport;

190 (d) military identification; or

191 (e) concealed weapons permit.

192 ~~[(23)]~~ (25) "Home delivery medical cannabis pharmacy" means a medical cannabis  
193 pharmacy that the department authorizes, as part of the pharmacy's license, to deliver medical  
194 cannabis shipments to a delivery address to fulfill electronic orders that the state central patient  
195 portal facilitates.

196 ~~[(24)]~~ (26) (a) "Independent cannabis testing laboratory" means a person that:

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

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

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

202 ~~[(25)]~~ (27) "Independent cannabis testing laboratory agent" means an individual who[:]  
203 holds a valid cannabis production establishment agent registration card with an  
204 independent cannabis testing laboratory designation.

205 ~~[(26)]~~ (28) "Inventory control system" means a system described in Section [4-41a-103](#).

206 ~~[(27)]~~ (29) "Licensing board" or "board" means the Cannabis Production Establishment  
207 and Pharmacy Licensing Advisory Board created in Section [4-41a-201.1](#).

208 ~~[(28)]~~ (30) "Medical cannabis" means the same as that term is defined in Section  
209 [26B-4-201](#).

210 ~~[(29)]~~ (31) "Medical cannabis card" means the same as that term is defined in Section  
211 [26B-4-201](#).

212 [~~(30)~~] (32) "Medical cannabis courier" means a courier that:

213 (a) the department licenses in accordance with Section 4-41a-1201; and

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

216 [~~(31)~~] (33) "Medical cannabis courier agent" means an individual who:

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

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

219 [~~(32)~~] (34) "Medical cannabis pharmacy" means the same as that term is defined in  
220 Section 26B-4-201.

221 [~~(33)~~] (35) "Medical cannabis pharmacy agent" means the same as that term is defined  
222 in Section 26B-4-201.

223 [~~(34)~~] (36) "Medical cannabis research license" means a license that the department  
224 issues to a research university for the purpose of obtaining and possessing medical cannabis for  
225 academic research.

226 [~~(35)~~] (37) "Medical cannabis research licensee" means a research university that the  
227 department licenses to obtain and possess medical cannabis for academic research, in  
228 accordance with Section 4-41a-901.

229 [~~(36)~~] (38) "Medical cannabis shipment" means a shipment of medical cannabis [~~or a~~  
230 ~~medical cannabis product~~] that a home delivery medical cannabis pharmacy or a medical  
231 cannabis courier delivers to a delivery address to fulfill an electronic medical cannabis order  
232 that the state central patient portal facilitates.

233 [~~(37)~~] (39) "Medical cannabis treatment" means the same as that term is defined in  
234 Section 26B-4-201.

235 [~~(38)~~] (40) "Medicinal dosage form" means the same as that term is defined in Section  
236 26B-4-201.

237 [~~(39)~~] (41) "Pharmacy medical provider" means the same as that term is defined in  
238 Section 26B-4-201.

239 [~~(40)~~] (42) "Qualified medical provider" means the same as that term is defined in  
240 Section 26B-4-201.

241 [~~(41)~~] (43) "Qualified Production Enterprise Fund" means the fund created in Section  
242 4-41a-104.



243            [~~(42)~~] (44) "Recommending medical provider" means the same as that term is defined  
244 in Section 26B-4-201.

245            [~~(43)~~] (45) "Research university" means the same as that term is defined in Section  
246 53B-7-702 and a private, nonprofit college or university in the state that:

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

251            [~~(44)~~] (46) "State electronic verification system" means the system described in Section  
252 26B-4-202.

253            (47) "Targeted marketing" means the promotion of a cannabis product, medical  
254 cannabis brand, or a medical cannabis device using any of the following methods:

255            (a) electronic communication to an individual who is at least 21 years old and has  
256 requested to receive promotional information;

257            (b) an in-person marketing event that is:

258            (i) held inside a medical cannabis pharmacy; and

259            (ii) in an area where only a medical cannabis cardholder may access the event;

260            (c) other marketing material that is physically available or digitally displayed in a  
261 medical cannabis pharmacy; or

262            (d) a leaflet a medical cannabis pharmacy places in the opaque package or box that is  
263 provided to an individual when obtaining medical cannabis:

264            (i) in the medical cannabis pharmacy;

265            (ii) at the medical cannabis pharmacy's drive-through pick up window; or

266            (iii) in a medical cannabis shipment.

267            [~~(45)~~] (48) "Tetrahydrocannabinol" or "THC" means the same as that term is defined in  
268 Section 4-41-102.

269            [~~(46)~~] (49) "THC analog" means the same as that term is defined in Section 4-41-102.

270            [~~(47)~~] (50) "Total composite tetrahydrocannabinol" means all detectable forms of  
271 tetrahydrocannabinol.

272            [~~(48)~~] (51) "Total tetrahydrocannabinol" or "total THC" means the same as that term is  
273 defined in Section 4-41-102.

274 Section 2. Section 4-41a-201 is amended to read:

275 **4-41a-201. Cannabis production establishment -- License.**

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

278 (2) (a) (i) Subject to Subsections (6), (7), (8), and (13) and to Section 4-41a-205, for a  
279 licensing process that the department initiates after March 17, 2021, the department, through  
280 the licensing board, shall issue licenses in accordance with Section 4-41a-201.1.

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

283 (A) solicit applications for a license under this section;

284 (B) allow for comments and questions in the development of applications;

285 (C) timely and objectively evaluate applications;

286 (D) hold public hearings that the department deems appropriate; and

287 (E) select applicants to receive a license.

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

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

292 (i) subject to Subsection (2)(c), a proposed name and address or, for a cannabis  
293 cultivation facility, addresses of no more than two facility locations, located in a zone described  
294 in Subsection 4-41a-406(2)(a) or (b), where the applicant will operate the cannabis production  
295 establishment;

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

297 (A) for a publicly traded company, a financial or voting interest of [~~2%~~] 10% or greater  
298 in the proposed cannabis production establishment;

299 (B) for a privately held company, a financial or voting interest in the proposed cannabis  
300 production establishment; or

301 (C) the power to direct or cause the management or control of a proposed cannabis  
302 production establishment;

303 (iii) an operating plan that:

304 (A) complies with Section 4-41a-204;

305 (B) includes operating procedures that comply with this chapter and any law the  
306 municipality or county in which the person is located adopts that is consistent with Section  
307 4-41a-406; and

308 (C) the department or licensing board approves;

309 (iv) a statement that the applicant will obtain and maintain a liquid cash account with a  
310 financial institution or a performance bond that a surety authorized to transact surety business  
311 in the state issues in an amount of at least:

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

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

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

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

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

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

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

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

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

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

335 (3) If the licensing board approves an application for a license under this section and

336 Section 4-41a-201.1:

337 (a) the applicant shall pay the department~~[-(i)]~~ an initial license fee in an amount that,  
338 subject to Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504~~[-~~  
339 ~~or]; and~~

340 ~~[(ii) a fee for a 120-day limited license to operate as a cannabis processing facility~~  
341 ~~described in Subsection (3)(b) that is equal to 33% of the initial license fee described in~~  
342 ~~Subsection (3)(a)(i); and]~~

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

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

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

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

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

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

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

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

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

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

- 367 (i) a felony in the preceding 10 years; or
- 368 (ii) after December 3, 2018, a misdemeanor for drug distribution;
- 369 (b) is younger than 21 years old; or
- 370 (c) after September 23, 2019, until January 1, 2023, is actively serving as a legislator.

371 (8) (a) If an applicant for a cannabis production establishment license under this  
372 section holds a license under Title 4, Chapter 41, Hemp and Cannabinoid Act, the licensing  
373 board may not give preference to the applicant based on the applicant's status as a holder of the  
374 license.

375 (b) If an applicant for a license to operate a cannabis cultivation facility under this  
376 section holds a license to operate a medical cannabis pharmacy under this title, the licensing  
377 board may give consideration to the applicant based on the applicant's status as a holder of a  
378 medical cannabis pharmacy license if:

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

381 (ii) the licensing board finds multiple other factors, in addition to the existing license,  
382 that support granting the new license.

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

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

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

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

390 (i) a felony; or

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

392 (d) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at  
393 the time of application, or fails to supplement the information described in Subsection  
394 (2)(b)(vi) with any investigation or adverse action that occurs after the submission of the  
395 application within 14 calendar days after the licensee receives notice of the investigation or  
396 adverse action;

397 (e) if the cannabis production establishment demonstrates a willful or reckless

398 disregard for the requirements of this chapter or the rules the department makes in accordance  
399 with this chapter;

400 (f) if, after a change of ownership described in Subsection (15)(b), the board  
401 determines that the cannabis production establishment no longer meets the minimum standards  
402 for licensure and operation of the cannabis production establishment described in this chapter;  
403 [or]

404 (g) for an independent cannabis testing laboratory, if the independent cannabis testing  
405 laboratory fails to substantially meet the performance standards described in Subsection  
406 (14)(b)[-]; or

407 (h) if, following an investigation conducted pursuant to Subsection [4-41a-201.1\(11\)](#),  
408 the board identifies that the licensee has participated in anticompetitive business practices.

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

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

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

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

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

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

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

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

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

428 (i) may operate or partner with a research university to operate an independent

429 cannabis testing laboratory;

430 (ii) if the department operates or partners with a research university to operate an  
431 independent cannabis testing laboratory, may not cease operating or partnering with a research  
432 university to operate the independent cannabis testing laboratory unless:

433 (A) the department issues at least two licenses to independent cannabis testing  
434 laboratories; and

435 (B) the department has ensured that the licensed independent cannabis testing  
436 laboratories have sufficient capacity to provide the testing necessary to support the state's  
437 medical cannabis market; and

438 (iii) after ceasing department or research university operations under Subsection  
439 (14)(a)(ii) shall resume independent cannabis testing laboratory operations at any time if:

440 (A) fewer than two licensed independent cannabis testing laboratories are operating; or

441 (B) the licensed independent cannabis testing laboratories become, in the department's  
442 determination, unable to fully meet the market demand for testing.

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

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

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

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

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

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

454 (A) conduct the application review described in Section [4-41a-201.1](#); and

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

459 (iii) if the board approves the license application, notwithstanding Subsection (3), the

460 cannabis production establishment shall pay a license fee that the department sets in  
461 accordance with Section 63J-1-504 in an amount that covers the board's cost of conducting the  
462 application review.

463 Section 3. Section **4-41a-201.1** is amended to read:

464 **4-41a-201.1. Cannabis Production Establishment and Pharmacy Licensing**  
465 **Advisory Board -- Composition -- Duties.**

466 (1) There is created within the department the Cannabis Production Establishment and  
467 Pharmacy Licensing Advisory Board.

468 (2) The commissioner shall:

469 (a) appoint the members of the board;

470 (b) submit the name of each individual that the commissioner appoints under  
471 Subsection (2)(a) to the governor for confirmation or rejection; and

472 (c) if the governor rejects an appointee that the commissioner submits under  
473 Subsection (2)(b), appoint another individual in accordance with this Subsection (2).

474 (3) (a) Except as provided in Subsection (3)(c), the board shall consist of the following  
475 [~~six~~] eight members:

476 (i) the following [~~five~~] seven voting members whom the commissioner appoints:

477 (A) one member of the public;

478 (B) one member with knowledge and experience in the pharmaceutical or nutraceutical  
479 manufacturing industry;

480 (C) one member representing law enforcement;

481 (D) one member whom an organization representing medical cannabis patients  
482 recommends; [~~and~~]

483 (E) a chemist who has experience with cannabis and who is associated with a research  
484 university; [~~and~~]

485 (F) a pharmacist who is not associated with the medical cannabis industry; and

486 (G) an accountant; and

487 (ii) the commissioner or the commissioner's designee as a non-voting member, except  
488 to cast a deciding vote in the event of a tie.

489 (b) The commissioner may appoint a [~~seventh~~] ninth member to the board who has a  
490 background in the cannabis cultivation and processing industry.



491 (c) The commissioner or the commissioner's designee shall serve as the chair of the  
492 board.

493 (d) An individual is not eligible for appointment to be a member of the board if the  
494 individual:

495 (i) has any commercial or ownership interest in a cannabis production establishment,  
496 medical cannabis pharmacy, or medical cannabis courier;

497 (ii) has an owner, officer, director, or employee whose family member holds a license  
498 or has an ownership interest in a cannabis production establishment, medical cannabis  
499 pharmacy, or medical cannabis courier; or

500 (iii) is employed or contracted to lobby on behalf of any cannabis production  
501 establishment, medical cannabis pharmacy, or medical cannabis courier.

502 (4) (a) Except as provided in Subsection (4)(b), a voting board member shall serve a  
503 term of four years, beginning July 1 and ending June 30.

504 (b) Notwithstanding Subsection (4)(a), for the initial appointments to the board, the  
505 commissioner shall stagger the length of the terms of board members to ensure that the  
506 commissioner appoints two or three board members every two years.

507 (c) As a board member's term expires:

508 (i) the board member is eligible for reappointment; and

509 (ii) the commissioner shall make an appointment, in accordance with Subsection (2),  
510 for the new term before the end of the member's term.

511 (d) When a vacancy occurs on the board for any reason other than the expiration of a  
512 board member's term, the commissioner shall appoint a replacement to the vacant position, in  
513 accordance with Subsection (2), for the unexpired term.

514 (e) In making appointments, the commissioner shall ensure that no two members of the  
515 board are employed by or represent the same company or nonprofit organization.

516 (f) The commissioner may remove a board member for cause, neglect of duty,  
517 inefficiency, or malfeasance.

518 (5) (a) (i) [~~Four~~] Five members of the board constitute a quorum of the board.

519 (ii) An action of the majority of the board members when a quorum is present  
520 constitutes an action of the board.

521 (b) The department shall provide staff support to the board.

522 (c) A member of the board may not receive compensation or benefits for the member's  
523 service, but may receive per diem and travel expenses in accordance with:

524 (i) Section 63A-3-106;

525 (ii) Section 63A-3-107; and

526 (iii) rules made by the Division of Finance in accordance with Sections 63A-3-106 and  
527 63A-3-107.

528 (6) The board shall:

529 (a) meet as called by the chair to review cannabis production establishment and  
530 pharmacy license applications;

531 (b) review each license application for compliance with:

532 (i) this chapter; and

533 (ii) department rules;

534 (c) conduct a public hearing to consider the license application;

535 (d) approve the department's license application forms and checklists; and

536 (e) make a determination on each license application.

537 (7) The board shall hold a public hearing to review a cannabis production  
538 establishment's or pharmacy's license if the establishment:

539 (a) changes ownership by an interest of 20% or more;

540 (b) changes or adds a location;

541 (c) upgrades to a different licensing tier under department rule;

542 (d) changes extraction or formulation standard operating procedures;

543 (e) adds an industrial hemp processing or cultivation license to the same location as the  
544 cannabis production establishment's processing facility; or

545 (f) as necessary based on the recommendation of the department.

546 (8) In a public hearing held under Subsection (7), the board may consider the following  
547 in determining whether to approve a request to change pharmacy locations:

548 (a) medical cannabis availability, quality, and variety;

549 (b) whether geographic dispersal among licensees is sufficient to reasonably maximize  
550 access to the largest number of medical cannabis cardholders;

551 (c) the extent to which the pharmacy can increase efficiency and reduce the cost to  
552 patients of medical cannabis; and

553 (d) the factors listed in Subsection 4-41a-1004(7).

554 (9) In a public hearing held pursuant to Subsection (7), the board may not approve a  
555 request to change a medical cannabis pharmacy location outside of the pharmacy's current  
556 region established under Subsection 4-41a-1005(1)(c)(ii)(A).

557 ~~[(8)]~~ (10) (a) The board shall meet annually in December to consider cannabis  
558 production establishment and pharmacy license renewal applications.

559 (b) During the meeting described in Subsection ~~[(8)(a)]~~ (10)(a):

560 (i) a representative from each applicant for renewal shall:

561 (A) attend in person or electronically; or

562 (B) submit information before the meeting, as the board may require, for the board's  
563 consideration; ~~[and]~~

564 (ii) the board shall consider, for each cannabis cultivation facility seeking renewal,  
565 information including:

566 (A) the amount of biomass the licensee produced during the current calendar year;

567 (B) the amount of biomass the licensee projects to produce during the following year;

568 (C) the amount of hemp waste the licensee currently holds;

569 (D) the current square footage or acres of growing area the licensee uses; and

570 (E) the square footage or acres of growing area the licensee projects to use in the

571 following year; ~~[and]~~

572 (iii) the board shall consider, for each cannabis processing facility seeking renewal,  
573 information including:

574 (A) methods and procedures for extraction;

575 (B) standard operating procedures; and

576 (C) a complete listing of the medical dosage forms that the licensee produces~~[-];~~ and

577 (iv) the board shall consider, for each cannabis pharmacy seeking renewal, information  
578 including:

579 (A) product availability, quality, and variety;

580 (B) a declaration of good standing created by the department through rule;

581 (C) the pharmacy's operating procedures and practices; and

582 (D) the factors listed in Subsection 4-41a-1003(1).

583 (c) Following consideration of the information provided under Subsection (10)(b), the

584 board may elect to approve, deny, or issue conditional approval of a cannabis production  
585 establishment or pharmacy license renewal application.

586 [~~e~~] (d) The information a licensee or license applicant provides to the board for a  
587 license determination constitutes a protected record under Subsection 63G-2-305(1) or (2) if  
588 the applicant or licensee provides the board with the information regarding business  
589 confidentiality required in Section 63G-2-309.

590 (11) In cooperation with the Division of Consumer Protection, the board may  
591 investigate information received by the department indicating that a licensee is potentially  
592 engaging in anticompetitive business practices.

593 Section 4. Section 4-41a-202 is amended to read:

594 **4-41a-202. Cannabis production establishment owners and directors -- Criminal**  
595 **background checks.**

596 (1) Each applicant for a license as a cannabis production establishment shall submit to  
597 the department, at the time of application, from each individual who has a financial or voting  
598 interest of [~~2%~~] 10% or greater in the applicant or who has the power to direct or cause the  
599 management or control of the applicant:

- 600 (a) a fingerprint card in a form acceptable to the Department of Public Safety;  
601 (b) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the  
602 registration of the individual's fingerprints in the Federal Bureau of Investigation Next  
603 Generation Identification System's Rap Back Service; and  
604 (c) consent to a fingerprint background check by:  
605 (i) the Utah Bureau of Criminal Identification; and  
606 (ii) the Federal Bureau of Investigation.

607 (2) The Bureau of Criminal Identification shall:

- 608 (a) check the fingerprints the applicant submits under Subsection (1) against the  
609 applicable state, regional, and national criminal records databases, including the Federal  
610 Bureau of Investigation Next Generation Identification System;  
611 (b) report the results of the background check to the department;  
612 (c) maintain a separate file of fingerprints that applicants submit under Subsection (1)  
613 for search by future submissions to the local and regional criminal records databases, including  
614 latent prints;

615 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next  
616 Generation Identification System's Rap Back Service for search by future submissions to  
617 national criminal records databases, including the Next Generation Identification System and  
618 latent prints; and

619 (e) establish a privacy risk mitigation strategy to ensure that the department only  
620 receives notifications for an individual with whom the department maintains an authorizing  
621 relationship.

622 (3) The department shall:

623 (a) assess an individual who submits fingerprints under Subsection (1) a fee in an  
624 amount that the department sets in accordance with Section 63J-1-504 for the services that the  
625 Bureau of Criminal Identification or another authorized agency provides under this section; and

626 (b) remit the fee described in Subsection (3)(a) to the Bureau of Criminal  
627 Identification.

628 Section 5. Section 4-41a-401 is amended to read:

629 **4-41a-401. Cannabis production establishment -- General operating**  
630 **requirements.**

631 (1) (a) A cannabis production establishment shall operate in accordance with the  
632 operating plan described in Sections 4-41a-201 and 4-41a-204.

633 (b) A cannabis production establishment shall notify the department before a change in  
634 the cannabis production establishment's operating plan.

635 (c) (i) If a cannabis production establishment changes the cannabis production  
636 establishment's operating plan, the establishment shall ensure that the new operating plan  
637 complies with this chapter.

638 (ii) The department shall establish by rule, in accordance with Title 63G, Chapter 3,  
639 Utah Administrative Rulemaking Act, a process to:

640 (A) review a change notification described in Subsection (1)(b);

641 (B) identify for the cannabis production establishment each point of noncompliance  
642 between the new operating plan and this chapter;

643 (C) provide an opportunity for the cannabis production establishment to address each  
644 identified point of noncompliance; and

645 (D) suspend or revoke a license if the cannabis production establishment fails to cure

646 the noncompliance.

647 (2) A cannabis production establishment shall operate:

648 (a) except as provided in Subsection (5), in a facility that is accessible only by an  
649 individual with a valid cannabis production establishment agent registration card issued under  
650 Section 4-41a-301; and

651 (b) at the physical address provided to the department under Section 4-41a-201.

652 (3) A cannabis production establishment may not employ an individual who is younger  
653 than 21 years old.

654 (4) A cannabis production establishment may not employ an individual who has been  
655 convicted, under state or federal law, of:

656 (a) a felony in the preceding 10 years; or

657 (b) after December 3, 2018, a misdemeanor for drug distribution.

658 (5) A cannabis production establishment may authorize an individual who is at least 18  
659 years old and is not a cannabis production establishment agent to access the cannabis  
660 production establishment if the cannabis production establishment:

661 (a) tracks and monitors the individual at all times while the individual is at the  
662 cannabis production establishment; and

663 (b) maintains a record of the individual's access, including arrival and departure.

664 (6) A cannabis production establishment shall operate in a facility that has:

665 (a) a single, secure public entrance;

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

667 (i) detects and records entry into the cannabis production establishment; and

668 (ii) provides notice of an unauthorized entry to law enforcement when the cannabis  
669 production establishment is closed; and

670 (c) a lock or equivalent restrictive security feature on any area where the cannabis  
671 production establishment stores cannabis or a cannabis product.

672 Section 6. Section 4-41a-602 is amended to read:

673 **4-41a-602. Cannabis product -- Labeling and child-resistant packaging.**

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

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

- 677 (i) clearly and unambiguously states that the cannabis product or package contains  
678 cannabis;
- 679 (ii) clearly displays the amount of total composite tetrahydrocannabinol, cannabidiol,  
680 and any known cannabinoid that is greater than 1% of the total cannabinoids contained in the  
681 cannabis or cannabis product as determined under Subsection 4-41a-701(4);
- 682 (iii) has a unique identification number that:
- 683 (A) is connected to the inventory control system; and
- 684 (B) identifies the unique cannabis product manufacturing process the cannabis  
685 processing facility used to manufacture the cannabis product;
- 686 (iv) identifies the cannabinoid extraction process that the cannabis processing facility  
687 used to create the cannabis product;
- 688 (v) does not display an image, word, or phrase that the facility knows or should know  
689 appeals to children; and
- 690 (vi) discloses each active or potentially active ingredient, in order of prominence, and  
691 possible allergen; and
- 692 (b) package the raw cannabis or cannabis product in a medicinal dosage form in a  
693 container that:
- 694 (i) is tamper evident and tamper resistant;
- 695 (ii) does not appeal to children;
- 696 (iii) does not mimic a candy container;
- 697 (iv) complies with child-resistant effectiveness standards that the United States  
698 Consumer Product Safety Commission establishes;
- 699 (v) includes a warning label that states:
- 700 (A) for a container labeled before July 1, 2021, "WARNING: Cannabis has  
701 intoxicating effects and may be addictive. Do not operate a vehicle or machinery under its  
702 influence. KEEP OUT OF REACH OF CHILDREN. This product is for medical use only. Use  
703 only as directed by a qualified medical provider.";
- 704 (B) for a container labeled on or after July 1, 2021, "WARNING: Cannabis has  
705 intoxicating effects and may be addictive. Do not operate a vehicle or machinery under its  
706 influence. KEEP OUT OF REACH OF CHILDREN. This product is for medical use only. Use  
707 only as directed by a recommending medical provider."; or

708 (C) for a container labeled on or after January 1, 2024, "WARNING: Cannabis has  
709 intoxicating effects, may be addictive, and may increase risk of mental illness. Do not operate a  
710 vehicle or machinery under its influence. KEEP OUT OF REACH OF CHILDREN. This  
711 product is for medical use only. Use only as directed by a recommending medical provider.";  
712 and

713 (vi) for raw cannabis or a cannabis product sold in a vaporizer cartridge labeled on or  
714 after May 3, 2023, includes a warning label that states:

715 (A) "WARNING: Vaping of cannabis-derived products has been associated with lung  
716 injury."; and

717 (B) "WARNING: Inhalation of cannabis smoke has been associated with lung injury.".

718 (2) To ensure that a cannabis product that a cannabis processing facility processes or  
719 produces has a medical rather than recreational disposition, the facility may not produce or  
720 process a product whose name or packaging includes terms related to recreational marijuana,  
721 including "weed," "pot," "reefer," "grass," "hash," "ganja," "Mary Jane," "high," "haze,"  
722 "stoned," "joint," "bud," "smoke," "euphoria," "dank," "doobie," "kush," "frost," "cookies,"  
723 "rec," "bake," "blunt," "combust," "bong," "budtender," "dab," "blaze," "toke," or "420."

724 [~~2~~] (3) For any cannabis or cannabis product that the cannabis processing facility  
725 processes into a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or  
726 rectangular cuboid shape, the facility shall:

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

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

731 [~~3~~] (4) For any cannabis product that contains an artificially derived cannabinoid, the  
732 cannabis processing facility shall ensure that the label clearly:

733 (a) identifies each artificially derived cannabinoid; and

734 (b) identifies that each artificially derived cannabinoid is an artificially derived  
735 cannabinoid.

736 [~~4~~] (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
737 Act, the department:

738 (a) shall make rules to establish:



- 739 (i) a standard labeling format that:  
740 (A) complies with the requirements of this section; and  
741 (B) ensures inclusion of a pharmacy label; and  
742 (ii) additional requirements on packaging for cannabis and cannabis products to ensure  
743 safety and product quality; and  
744 (b) may make rules to further define standards regarding images, words, phrases, or  
745 containers that may appeal to children under Subsection (1)(a)(v) or (1)(b)(ii).

746 Section 7. Section **4-41a-604** is enacted to read:

747 **4-41a-604. Advertising.**

748 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
749 department may make rules establishing conditions under which a cannabis processing facility  
750 may engage in targeted marketing.

751 Section 8. Section **4-41a-802** is amended to read:

752 **4-41a-802. Report.**

753 (1) At or before the November interim meeting each year, the department shall report  
754 to the Health and Human Services Interim Committee on:

755 (a) the number of applications and renewal applications that the department receives  
756 under this chapter;

757 (b) the number of each type of cannabis production facility that the department licenses  
758 in each county;

759 (c) the amount of cannabis that licensees grow;

760 (d) the amount of cannabis that licensees manufacture into cannabis products;

761 (e) the number of licenses the department revokes under this chapter;

762 (f) the department's operation of an independent cannabis testing laboratory under

763 Section **4-41a-201**, including:

764 (i) the cannabis and cannabis products the department tested; and

765 (ii) the results of the tests the department performed; [~~and~~]

766 (g) the expenses incurred and revenues generated under this chapter[~~;~~]; and

767 (h) an analysis of product availability in medical cannabis pharmacies in consultation  
768 with the Department of Health and Human Services.

769 (2) The department may not include personally identifying information in the report

770 described in this section.

771 (3) The department shall report to the working group described in Section 36-12-8.2 as  
772 requested by the working group.

773 Section 9. Section 4-41a-1001 is amended to read:

774 **4-41a-1001. Medical cannabis pharmacy -- License -- Eligibility.**

775 (1) A person may not operate as a medical cannabis pharmacy without a license that  
776 the department issues under this part.

777 (2) (a) (i) Subject to Subsections (4) and (5) and to Section 4-41a-1005, the department  
778 shall issue a license to operate a medical cannabis pharmacy [~~in accordance with Title 63G,~~  
779 ~~Chapter 6a, Utah Procurement Code]~~ through the licensing board created under Section  
780 4-41a-201.1.

781 (ii) The department may not issue a license to operate a medical cannabis pharmacy to  
782 an applicant who is not eligible for a license under this section.

783 (b) An applicant is eligible for a license under this section if the applicant submits to  
784 the department:

785 (i) subject to Subsection (2)(c), a proposed name and address where the applicant will  
786 operate the medical cannabis pharmacy;

787 (ii) the name and address of an individual who:

788 (A) for a publicly traded company, has a financial or voting interest of 10% or greater  
789 in the proposed medical cannabis pharmacy;

790 (B) for a privately held company, a financial or voting interest in the proposed medical  
791 cannabis pharmacy; or

792 (C) has the power to direct or cause the management or control of a proposed medical  
793 cannabis pharmacy;

794 (iii) for each application that the applicant submits to the department, a statement from  
795 the applicant that the applicant will obtain and maintain:

796 (A) a performance bond in the amount of \$100,000 issued by a surety authorized to  
797 transact surety business in the state; or

798 (B) a liquid cash account in the amount of \$100,000 with a financial institution;

799 (iv) an operating plan that:

800 (A) complies with Section 4-41a-1004;

801 (B) includes operating procedures to comply with the operating requirements for a  
802 medical cannabis pharmacy described in this part and with a relevant municipal or county law  
803 that is consistent with Section 4-41a-1106; and

804 (C) the department approves;

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

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

811 (c) (i) A person may not locate a medical cannabis pharmacy:

812 (A) within 200 feet of a community location; or

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

815 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured  
816 from the nearest entrance to the medical cannabis pharmacy establishment by following the  
817 shortest route of ordinary pedestrian travel to the property boundary of the community location  
818 or residential area.

819 (iii) The department may grant a waiver to reduce the proximity requirements in  
820 Subsection (2)(c)(i) by up to 20% if the department determines that it is not reasonably feasible  
821 for the applicant to site the proposed medical cannabis pharmacy without the waiver.

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

824 (d) The department may not issue a license to an eligible applicant that the department  
825 has selected to receive a license until the selected eligible applicant complies with the bond or  
826 liquid cash requirement described in Subsection (2)(b)(iii).

827 (e) If the department receives more than one application for a medical cannabis  
828 pharmacy within the same city or town, the department shall consult with the local land use  
829 authority before approving any of the applications pertaining to that city or town.

830 (f) In considering the issuance of a medical cannabis pharmacy license under this  
831 section, the department may consider the extent to which the pharmacy can increase efficiency

832 and reduce the cost to patients of medical cannabis.

833 (3) If the department selects an applicant for a medical cannabis pharmacy license  
834 under this section, the department shall:

835 (a) charge the applicant an initial license fee in an amount that, subject to Subsection  
836 4-41a-104(5), the department sets in accordance with Section 63J-1-504;

837 (b) notify the Department of Public Safety of the license approval and the names of  
838 each individual described in Subsection (2)(b)(ii); and

839 (c) charge the licensee a fee in an amount that, subject to Subsection 4-41a-104(5), the  
840 department sets in accordance with Section 63J-1-504, for any change in location, ownership,  
841 or company structure.

842 (4) The department may not issue a license to operate a medical cannabis pharmacy to  
843 an applicant if an individual described in Subsection (2)(b)(ii):

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

845 (i) a felony; or

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

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

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

849 (5) (a) If an applicant for a medical cannabis pharmacy license under this section holds  
850 another license under this chapter, the department may not give preference to the applicant  
851 based on the applicant's status as a holder of the license.

852 (b) If an applicant for a medical cannabis pharmacy license under this section holds a  
853 license to operate a cannabis cultivation facility under this section, the department may give  
854 consideration to the applicant's status as a holder of the license if:

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

857 (ii) the department finds multiple other factors, in addition to the existing license, that  
858 support granting the new license.

859 (6) [~~(a)~~] The [~~department~~] licensing board may revoke a license under this part:

860 [~~(i)~~] (a) if the medical cannabis pharmacy does not begin operations within one year  
861 after the day on which the department issues an announcement of the department's intent to  
862 award a license to the medical cannabis pharmacy;

863            [(iv)] (b) after the third the same violation of this chapter in any of the licensee's  
864 licensed cannabis production establishments or medical cannabis pharmacies;

865            [(iii)] (c) if an individual described in Subsection (2)(b)(ii) is convicted, while the  
866 license is active, under state or federal law of:

867            [(A)] (i) a felony in the preceding 10 years; or

868            [(B)] (ii) after December 3, 2018, a misdemeanor for drug distribution;

869            [(iv)] (d) if the licensee fails to provide the information described in Subsection  
870 (2)(b)(vi) at the time of application, or fails to supplement the information described in  
871 Subsection (2)(b)(vi) with any investigation or adverse action that occurs after the submission  
872 of the application within 14 calendar days after the licensee receives notice of the investigation  
873 or adverse action;

874            [(v)] (e) if the medical cannabis pharmacy demonstrates a willful or reckless disregard  
875 for the requirements of this chapter or the rules the department makes in accordance with this  
876 chapter; [or]

877            [(vi)] (f) if, after a change of ownership described in Subsection (11)(c), the  
878 department determines that the medical cannabis pharmacy no longer meets the minimum  
879 standards for licensure and operation of the medical cannabis pharmacy described in this  
880 chapter[-]; or

881            (g) if through an investigation conducted under Subsection 4-41a-201.1(11) and in  
882 accordance with Title 63G, Chapter 4, Administrative Procedures Act, the board finds that the  
883 licensee has participated in anticompetitive business practices.

884            ~~[(b) The department shall rescind a notice of an intent to issue a license under this part~~  
885 ~~to an applicant or revoke a license issued under this part if the associated medical cannabis~~  
886 ~~pharmacy does not begin operation on or before June 1, 2021.]~~

887            (7) (a) A person who receives a medical cannabis pharmacy license under this chapter,  
888 if the municipality or county where the licensed medical cannabis pharmacy will be located  
889 requires a local land use permit, shall submit to the department a copy of the licensee's  
890 approved application for the land use permit within 120 days after the day on which the  
891 department issues the license.

892            (b) If a licensee fails to submit to the department a copy the licensee's approved land  
893 use permit application in accordance with Subsection (7)(a), the department may revoke the

894 licensee's license.

895 (8) The department shall deposit the proceeds of a fee imposed by this section into the  
896 Qualified Production Enterprise Fund.

897 (9) The department shall begin accepting applications under this part on or before  
898 March 1, 2020.

899 (10) (a) The department's authority to issue a license under this section is plenary and is  
900 not subject to review.

901 (b) Notwithstanding Subsection (2), the decision of the department to award a license  
902 to an applicant is not subject to:

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

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

905 (11) (a) A medical cannabis pharmacy license is not transferrable or assignable.

906 (b) A medical cannabis pharmacy shall report in writing to the department no later than  
907 10 business days before the date of any change of ownership of the medical cannabis  
908 pharmacy.

909 (c) If the ownership of a medical cannabis pharmacy changes by 50% or more:

910 (i) concurrent with the report described in Subsection (11)(b), the medical cannabis  
911 pharmacy shall submit a new application described in Subsection (2)(b), subject to Subsection  
912 (2)(c);

913 (ii) within 30 days of the submission of the application, the department shall:

914 (A) conduct an application review; and

915 (B) award a license to the medical cannabis pharmacy for the remainder of the term of  
916 the medical cannabis pharmacy's license before the ownership change if the medical cannabis  
917 pharmacy meets the minimum standards for licensure and operation of the medical cannabis  
918 pharmacy described in this chapter; and

919 (iii) if the department approves the license application, notwithstanding Subsection (3),  
920 the medical cannabis pharmacy shall pay a license fee that the department sets in accordance  
921 with Section [63J-1-504](#) in an amount that covers the ~~[board's]~~ department's cost of conducting  
922 the application review.

923 Section 10. Section **4-41a-1005** is amended to read:

924 **4-41a-1005. Maximum number of licenses.**

925 (1) (a) Except as provided in ~~[Subsections]~~ Subsection (1)(b) or (d), if a sufficient  
926 number of applicants apply, the department shall issue up to 15 medical cannabis pharmacy  
927 licenses in accordance with this section.

928 (b) If an insufficient number of qualified applicants apply for the available number of  
929 medical cannabis pharmacy licenses, the department shall issue a medical cannabis pharmacy  
930 license to each qualified applicant.

931 (c) The department may issue the licenses described in Subsection (1)(a) in accordance  
932 with this Subsection (1)(c).

933 (i) Using one procurement process, the department may issue eight licenses to an initial  
934 group of medical cannabis pharmacies and six licenses to a second group of medical cannabis  
935 pharmacies.

936 (ii) ~~[If the department issues licenses in two phases in accordance with Subsection~~  
937 ~~(1)(c)(i), the]~~ The department shall:

938 (A) divide the state into no less than four geographic regions, set by the department in  
939 rule;

940 (B) issue at least one license in each geographic region during each phase of issuing  
941 licenses; and

942 (C) complete the process of issuing medical cannabis pharmacy licenses no later than  
943 July 1, 2020.

944 (iii) In issuing a 15th license under Subsection (1), the department shall ensure that the  
945 license recipient will locate the medical cannabis pharmacy within Dagget, Duchesne, Uintah,  
946 Carbon, Sevier, Emery, Grand, or San Juan County.

947 (d) (i) The department may issue licenses to operate a medical cannabis pharmacy in  
948 addition to the licenses described in Subsection (1)(a) if the department determines, in  
949 consultation with the Department of Health and Human Services and after an annual or more  
950 frequent analysis of the current and anticipated market for medical cannabis, that each  
951 additional license is necessary to provide an adequate supply, quality, or variety of medical  
952 cannabis to medical cannabis cardholders.

953 (ii) The department shall:

954 (A) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
955 make rules to establish criteria and processes for the consultation, analysis, and application for

956 a license described in Subsection (1)(d)(i); and

957 (B) report to the Executive Appropriations Committee of the Legislature before each  
958 time the department issues an additional license under Subsection (1)(d)(i) regarding the results  
959 of the consultation and analysis described in Subsection (1)(d)(i) and the application of the  
960 criteria described in Subsection (1)(d)(ii)(A).

961 (2) (a) If there are more qualified applicants than there are available licenses for  
962 medical cannabis pharmacies, the department shall:

963 (i) evaluate each applicant and award the license to the applicant that best  
964 demonstrates:

965 (A) experience with establishing and successfully operating a business that involves  
966 complying with a regulatory environment, tracking inventory, and training, evaluating, and  
967 monitoring employees;

968 (B) an operating plan that will best ensure the safety and security of patrons and the  
969 community;

970 (C) positive connections to the local community;

971 (D) the suitability of the proposed location and the location's accessibility for  
972 qualifying patients;

973 (E) the extent to which the applicant can increase efficiency and reduce the cost of  
974 medical cannabis for patients; and

975 (F) a strategic plan described in Subsection 4-41a-1004(7) that has a comparatively  
976 high likelihood of success; and

977 (ii) ensure a geographic dispersal among licensees that is sufficient to reasonably  
978 maximize access to the largest number of medical cannabis cardholders.

979 (b) In making the evaluation described in Subsection (2)(a), the department may give  
980 increased consideration to applicants who indicate a willingness to:

981 (i) operate as a home delivery medical cannabis pharmacy that accepts electronic  
982 medical cannabis orders that the state central patient portal facilitates; and

983 (ii) accept payments through:

984 (A) a payment provider that the Division of Finance approves, in consultation with the  
985 state treasurer, in accordance with Section 4-41a-108; or

986 (B) a financial institution in accordance with Subsection 4-41a-108(4).



987 (3) The department may conduct a face-to-face interview with an applicant for a  
988 license that the department evaluates under Subsection (2).

989 Section 11. Section **4-41a-1101** is amended to read:

990 **4-41a-1101. Operating requirements -- General.**

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

992 (i) at the physical address provided to the department under Section [4-41a-1001](#); and

993 (ii) in accordance with the operating plan provided to the department under Section  
994 [4-41a-1001](#) and, if applicable, Section [4-41a-1004](#).

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

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

998 (a) is at least 18 years old or is an emancipated minor under Section [80-7-105](#); and

999 (b) except as provided in Subsection (4):

1000 (i) possesses a valid:

1001 (A) medical cannabis pharmacy agent registration card;

1002 (B) pharmacy medical provider registration card; or

1003 (C) medical cannabis card;

1004 (ii) is an employee of the department performing an inspection under Section  
1005 [4-41a-1103](#); or

1006 (iii) is another individual as the department provides.

1007 (3) A medical cannabis pharmacy may not employ an individual who is younger than  
1008 21 years old.

1009 (4) Notwithstanding Subsection (2)(a), a medical cannabis pharmacy may authorize an  
1010 individual who is not a medical cannabis pharmacy agent or pharmacy medical provider to  
1011 access the medical cannabis pharmacy if the medical cannabis pharmacy tracks and monitors  
1012 the individual at all times while the individual is at the medical cannabis pharmacy and  
1013 maintains a record of the individual's access.

1014 (5) A medical cannabis pharmacy shall operate in a facility that has:

1015 (a) a single, secure public entrance;

1016 (b) a security system with a backup power source that:

1017 (i) detects and records entry into the medical cannabis pharmacy; and

1018 (ii) provides notice of an unauthorized entry to law enforcement when the medical  
1019 cannabis pharmacy is closed; and

1020 (c) a lock on each area where the medical cannabis pharmacy stores cannabis or a  
1021 cannabis product.

1022 (6) A medical cannabis pharmacy shall post, both clearly and conspicuously in the  
1023 medical cannabis pharmacy, the limit on the purchase of cannabis described in Subsection  
1024 4-41a-1102(2).

1025 (7) Except for an emergency situation described in Subsection 26B-4-213(3)(c), a  
1026 medical cannabis pharmacy may not allow any individual to consume cannabis on the property  
1027 or premises of the medical cannabis pharmacy.

1028 (8) A medical cannabis pharmacy may not sell cannabis or a cannabis product without  
1029 first indicating on the cannabis or cannabis product label the name of the medical cannabis  
1030 pharmacy.

1031 (9) (a) Each medical cannabis pharmacy shall retain in the pharmacy's records the  
1032 following information regarding each recommendation underlying a transaction:

1033 (i) the recommending medical provider's name, address, and telephone number;

1034 (ii) the patient's name and address;

1035 (iii) the date of issuance;

1036 (iv) directions of use and dosing guidelines or an indication that the recommending  
1037 medical provider did not recommend specific directions of use or dosing guidelines; and

1038 (v) if the patient did not complete the transaction, the name of the medical cannabis  
1039 cardholder who completed the transaction.

1040 (b) (i) Except as provided in Subsection (9)(b)(iii), a medical cannabis pharmacy may  
1041 not sell medical cannabis unless the medical cannabis has a label securely affixed to the  
1042 container indicating the following minimum information:

1043 (A) the name, address, and telephone number of the medical cannabis pharmacy;

1044 (B) the unique identification number that the medical cannabis pharmacy assigns;

1045 (C) the date of the sale;

1046 (D) the name of the patient;

1047 (E) the name of the recommending medical provider who recommended the medical  
1048 cannabis treatment;

- 1049 (F) directions for use and cautionary statements, if any;
- 1050 (G) the amount dispensed and the cannabinoid content;
- 1051 (H) the suggested use date;
- 1052 (I) for unprocessed cannabis flower, the legal use termination date; and
- 1053 (J) any other requirements that the department determines, in consultation with the
- 1054 Division of Professional Licensing and the Board of Pharmacy.
- 1055 (ii) A medical cannabis pharmacy is exempt from the requirement to provide the
- 1056 following information under Subsection (9)(b)(i) if the information is already provided on the
- 1057 product label that a cannabis production establishment affixes:
- 1058 (A) a unique identification number;
- 1059 (B) directions for use and cautionary statements;
- 1060 (C) amount and cannabinoid content; and
- 1061 (D) a suggested use date.
- 1062 (iii) If the size of a medical cannabis container does not allow sufficient space to
- 1063 include the labeling requirements described in Subsection (9)(b)(i), the medical cannabis
- 1064 pharmacy may provide the following information described in Subsection (9)(b)(i) on a
- 1065 supplemental label attached to the container or an informational enclosure that accompanies the
- 1066 container:
- 1067 (A) the cannabinoid content;
- 1068 (B) the suggested use date; and
- 1069 (C) any other requirements that the department determines.
- 1070 (iv) A medical cannabis pharmacy may sell medical cannabis to another medical
- 1071 cannabis pharmacy without a label described in Subsection (9)(b)(i).
- 1072 (10) A pharmacy medical provider or medical cannabis pharmacy agent shall:
- 1073 (a) upon receipt of an order from a limited medical provider in accordance with
- 1074 Subsections [26B-4-204](#)(1)(b) through (d):
- 1075 (i) for a written order or an electronic order under circumstances that the department
- 1076 determines, contact the limited medical provider or the limited medical provider's office to
- 1077 verify the validity of the recommendation; and
- 1078 (ii) for an order that the pharmacy medical provider or medical cannabis pharmacy
- 1079 agent verifies under Subsection (10)(a)(i) or an electronic order that is not subject to

1080 verification under Subsection (10)(a)(i), enter the limited medical provider's recommendation  
1081 or renewal, including any associated directions of use, dosing guidelines, or caregiver  
1082 indication, in the state electronic verification system;

1083 (b) in processing an order for a holder of a conditional medical cannabis card described  
1084 in Subsection 26B-4-213(1)(b) that appears irregular or suspicious in the judgment of the  
1085 pharmacy medical provider or medical cannabis pharmacy agent, contact the recommending  
1086 medical provider or the recommending medical provider's office to verify the validity of the  
1087 recommendation before processing the cardholder's order;

1088 (c) unless the medical cannabis cardholder has had a consultation under Subsection  
1089 26B-4-231(5), verbally offer to a medical cannabis cardholder at the time of a purchase of  
1090 cannabis, a cannabis product, or a medical cannabis device, personal counseling with the  
1091 pharmacy medical provider; and

1092 (d) provide a telephone number or website by which the cardholder may contact a  
1093 pharmacy medical provider for counseling.

1094 (11) (a) A medical cannabis pharmacy may create a medical cannabis disposal program  
1095 that allows an individual to deposit unused or excess medical cannabis[;] or cannabis residue  
1096 from a medical cannabis device[; ~~or medical cannabis product~~] in a locked box or other secure  
1097 receptacle within the medical cannabis pharmacy.

1098 (b) A medical cannabis pharmacy with a disposal program described in Subsection  
1099 (11)(a) shall ensure that only a medical cannabis pharmacy agent or pharmacy medical provider  
1100 can access deposited medical cannabis [~~or medical cannabis products~~].

1101 (c) A medical cannabis pharmacy shall dispose of any deposited medical cannabis [~~or~~  
1102 ~~medical cannabis products~~] by:

1103 (i) rendering the deposited medical cannabis [~~or medical cannabis products~~] unusable  
1104 and unrecognizable before transporting deposited medical cannabis [~~or medical cannabis~~  
1105 ~~products~~] from the medical cannabis pharmacy; and

1106 (ii) disposing of the deposited medical cannabis [~~or medical cannabis products~~] in  
1107 accordance with:

1108 (A) federal and state law, rules, and regulations related to hazardous waste;

1109 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

1110 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

1111 (D) other regulations that the department makes in accordance with Title 63G, Chapter  
1112 3, Utah Administrative Rulemaking Act.

1113 (12) A medical cannabis pharmacy:

1114 (a) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy  
1115 Practice Act, as a pharmacy medical provider;

1116 (b) may employ a physician who has the authority to write a prescription and is  
1117 licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah  
1118 Osteopathic Medical Practice Act, as a pharmacy medical provider;

1119 (c) shall ensure that a pharmacy medical provider described in Subsection (12)(a)  
1120 works onsite during all business hours;

1121 (d) shall designate one pharmacy medical provider described in Subsection (12)(a) as  
1122 the pharmacists-in-charge to oversee the operation of and generally supervise the medical  
1123 cannabis pharmacy; and

1124 (e) shall allow the pharmacist-in-charge to determine which cannabis and cannabis  
1125 products the medical cannabis pharmacy maintains in the medical cannabis pharmacy's  
1126 inventory.

1127 [~~12~~] (13) The department shall establish by rule, in accordance with Title 63G,  
1128 Chapter 3, Utah Administrative Rulemaking Act, protocols for a recall of cannabis and  
1129 cannabis products by a medical cannabis pharmacy.

1130 Section 12. Section **4-41a-1102** is amended to read:

1131 **4-41a-1102. Dispensing -- Amount a medical cannabis pharmacy may dispense --**  
1132 **Reporting -- Form of cannabis or cannabis product.**

1133 (1) (a) A medical cannabis pharmacy may not sell a product other than:

1134 (i) cannabis in a medicinal dosage form that the medical cannabis pharmacy acquired  
1135 from another medical cannabis pharmacy or a cannabis processing facility that is licensed  
1136 under Section [4-41a-201](#);

1137 (ii) a cannabis product in a medicinal dosage form that the medical cannabis pharmacy  
1138 acquired from another medical cannabis pharmacy or a cannabis processing facility that is  
1139 licensed under Section [4-41a-201](#);

1140 (iii) a medical cannabis device; or

1141 (iv) educational material related to the medical use of cannabis.

1142 (b) A medical cannabis pharmacy may only sell an item listed in Subsection (1)(a) to  
1143 an individual with:

1144 (i) (A) a medical cannabis card; or

1145 (B) a Department of Health and Human Services registration described in Subsection  
1146 [26B-4-213](#)(10); and

1147 (ii) except as provided in Subsection (7), a corresponding government issued photo  
1148 identification.

1149 (c) Notwithstanding Subsection (1)(a), a medical cannabis pharmacy may not sell a  
1150 cannabis-based drug that the United States Food and Drug Administration has approved.

1151 (d) Notwithstanding Subsection (1)(b), a medical cannabis pharmacy may not sell a  
1152 medical cannabis device or medical cannabis [product] to an individual described in  
1153 Subsection [26B-4-213](#)(2)(a)(i)(B) or to a minor described in Subsection [26B-4-213](#)(2)(c)  
1154 unless the individual or minor has the approval of the Compassionate Use Board in accordance  
1155 with Subsection [26B-1-421](#)(5).

1156 (2) A medical cannabis pharmacy:

1157 (a) may dispense to a medical cannabis cardholder, in any one 28-day period, up to the  
1158 legal dosage limit of:

1159 (i) unprocessed cannabis that:

1160 (A) is in a medicinal dosage form; and

1161 (B) carries a label clearly displaying the amount of tetrahydrocannabinol and  
1162 cannabidiol in the cannabis; and

1163 (ii) a cannabis product that is in a medicinal dosage form; and

1164 (b) may not dispense:

1165 (i) except for a medical cannabis cardholder approved under Subsection [26B-4-245](#)(2),  
1166 more medical cannabis than described in Subsection (2)(a); or

1167 (ii) to an individual whose recommending medical provider did not recommend  
1168 directions of use and dosing guidelines, until the individual consults with the pharmacy  
1169 medical provider in accordance with Subsection [26B-4-231](#)(5) any medical cannabis.

1170 (3) (a) A medical cannabis pharmacy shall:

1171 (i) (A) access the state electronic verification system before dispensing cannabis or a  
1172 cannabis product to a medical cannabis cardholder in order to determine if the cardholder or,

1173 where applicable, the associated patient has met the maximum amount of medical cannabis  
1174 described in Subsection (2); and

1175 (B) if the verification in Subsection (3)(a)(i)(A) indicates that the individual has met  
1176 the maximum amount described in Subsection (2), decline the sale, and notify the  
1177 recommending medical provider who made the underlying recommendation;

1178 (ii) submit a record to the state electronic verification system each time the medical  
1179 cannabis pharmacy dispenses medical cannabis to a medical cannabis cardholder;

1180 (iii) ensure that the pharmacy medical provider who is a licensed pharmacist reviews  
1181 each medical cannabis transaction before dispensing the medical cannabis to the cardholder in  
1182 accordance with pharmacy practice standards;

1183 (iv) package any medical cannabis that is in a container that:

1184 (A) complies with Subsection 4-41a-602(1)(b) or, if applicable, provisions related to a  
1185 container for unprocessed cannabis flower in the definition of "medicinal dosage form" in  
1186 Section 26B-4-201;

1187 (B) is tamper-resistant and tamper-evident; and

1188 (C) provides an opaque bag or box for the medical cannabis cardholder's use in  
1189 transporting the container in public;

1190 (v) for a product that is a cube that is designed for ingestion through chewing or  
1191 holding in the mouth for slow dissolution, include a separate, off-label warning about the risks  
1192 of over-consumption; and

1193 (vi) beginning January 1, 2024, for a cannabis product that is cannabis flower,  
1194 vaporizer cartridges, or concentrate, provide the product's terpene profiles collected under  
1195 Subsection [~~4-41a-602(4)~~] 4-41a-701(4) at or before the point of sale.

1196 (b) A medical cannabis cardholder transporting or possessing the container described  
1197 in Subsection (3)(a)(iv) in public shall keep the container within the opaque bag or box that the  
1198 medical cannabis pharmacist provides.

1199 (4) (a) Except as provided in Subsection (4)(b), a medical cannabis pharmacy may not  
1200 sell medical cannabis in the form of a cigarette or a medical cannabis device that is  
1201 intentionally designed or constructed to resemble a cigarette.

1202 (b) A medical cannabis pharmacy may sell a medical cannabis device that warms  
1203 cannabis material into a vapor without the use of a flame and that delivers cannabis to an

1204 individual's respiratory system.

1205 (5) (a) A medical cannabis pharmacy may not give, at no cost, a product that the  
1206 medical cannabis pharmacy is allowed to sell under Subsection (1)(a)(i), (ii), or (iii).

1207 (b) A medical cannabis pharmacy may give, at no cost, educational material related to  
1208 the medical use of cannabis.

1209 (6) A medical cannabis pharmacy may purchase and store medical cannabis devices  
1210 regardless of whether the seller has a cannabis-related license under this chapter or Title 26B,  
1211 Utah Health and Human Services Code.

1212 (7) A pharmacy medical provider who is a pharmacist may accept alternative evidence  
1213 of a medical cannabis cardholder's identity as determined appropriate by the pharmacist, if:

1214 (a) the individual does not have the individual's government issued photo identification  
1215 at the time of pickup; and

1216 (b) the pharmacist documents in a record kept by the medical cannabis pharmacy a  
1217 description of how the individual was positively identified.

1218 Section 13. Section **4-41a-1106** is amended to read:

1219 **4-41a-1106. Medical cannabis pharmacy agent -- Registration.**

1220 (1) An individual may not serve as a medical cannabis pharmacy agent of a medical  
1221 cannabis pharmacy unless the department registers the individual as a medical cannabis  
1222 pharmacy agent.

1223 (2) A recommending medical provider may not act as a medical cannabis pharmacy  
1224 agent, have a financial or voting interest of 2% or greater in a medical cannabis pharmacy, or  
1225 have the power to direct or cause the management or control of a medical cannabis pharmacy.

1226 (3) (a) The department shall, within 15 days after the day on which the department  
1227 receives a complete application from a medical cannabis pharmacy on behalf of a prospective  
1228 medical cannabis pharmacy agent, register and issue a medical cannabis pharmacy agent  
1229 registration card to the prospective agent if the medical cannabis pharmacy:

1230 (i) provides to the department:

1231 (A) the prospective agent's name and address;

1232 (B) the name and location of the licensed medical cannabis pharmacy where the  
1233 prospective agent seeks to act as the medical cannabis pharmacy agent; and

1234 (C) the submission required under Subsection (3)(b); and



1235 (ii) pays a fee to the department in an amount that, subject to Subsection 4-41a-104(5),  
1236 the department sets in accordance with Section 63J-1-504.

1237 (b) Each prospective agent described in Subsection (3)(a) shall:

1238 (i) submit to the department:

1239 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and

1240 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the  
1241 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next  
1242 Generation Identification System's Rap Back Service; and

1243 (ii) consent to a fingerprint background check by:

1244 (A) the Bureau of Criminal Identification; and

1245 (B) the Federal Bureau of Investigation.

1246 (c) The Bureau of Criminal Identification shall:

1247 (i) check the fingerprints the prospective agent submits under Subsection (3)(b) against  
1248 the applicable state, regional, and national criminal records databases, including the Federal  
1249 Bureau of Investigation Next Generation Identification System;

1250 (ii) report the results of the background check to the department;

1251 (iii) maintain a separate file of fingerprints that prospective agents submit under  
1252 Subsection (3)(b) for search by future submissions to the local and regional criminal records  
1253 databases, including latent prints;

1254 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next  
1255 Generation Identification System's Rap Back Service for search by future submissions to  
1256 national criminal records databases, including the Next Generation Identification System and  
1257 latent prints; and

1258 (v) establish a privacy risk mitigation strategy to ensure that the department only  
1259 receives notifications for an individual with whom the department maintains an authorizing  
1260 relationship.

1261 (d) The department shall:

1262 (i) assess an individual who submits fingerprints under Subsection (3)(b) a fee in an  
1263 amount that the department sets in accordance with Section 63J-1-504 for the services that the  
1264 Bureau of Criminal Identification or another authorized agency provides under this section; and

1265 (ii) remit the fee described in Subsection (3)(d)(i) to the Bureau of Criminal

1266 Identification.

1267 (4) The department shall designate, on an individual's medical cannabis pharmacy  
1268 agent registration card the name of the medical cannabis pharmacy where the individual is  
1269 registered as an agent.

1270 (5) A medical cannabis pharmacy agent shall comply with a certification standard that  
1271 the department develops in collaboration with the Division of Professional Licensing and the  
1272 Board of Pharmacy, or a third-party certification standard that the department designates by  
1273 rule, in collaboration with the Division of Professional Licensing and the Board of Pharmacy  
1274 and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1275 (6) The department shall ensure that the certification standard described in Subsection  
1276 (5) includes training in:

1277 (a) Utah medical cannabis law; and

1278 (b) medical cannabis pharmacy best practices.

1279 (7) The department may revoke the medical cannabis pharmacy agent registration card  
1280 of, or refuse to issue a medical cannabis pharmacy agent registration card to, an individual  
1281 who:

1282 (a) violates the requirements of this chapter; or

1283 (b) is convicted under state or federal law of:

1284 (i) a felony within the preceding 10 years; or

1285 (ii) after December 3, 2018, a misdemeanor for drug distribution.

1286 (8) (a) A medical cannabis pharmacy agent registration card expires two years after the  
1287 day on which the department issues or renews the card.

1288 (b) A medical cannabis pharmacy agent may renew the agent's registration card if the  
1289 agent:

1290 (i) is eligible for a medical cannabis pharmacy agent registration card under this  
1291 section;

1292 (ii) certifies to the department in a renewal application that the information in  
1293 Subsection (3)(a) is accurate or updates the information; and

1294 (iii) pays to the department a renewal fee in an amount that:

1295 (A) subject to Subsection 4-41a-104(5), the department sets in accordance with Section  
1296 63J-1-504; and

1297 (B) may not exceed the cost of the relatively lower administrative burden of renewal in  
1298 comparison to the original application process.

1299 (9) (a) As a condition precedent to registration and renewal of a medical cannabis  
1300 pharmacy agent registration card, a medical cannabis pharmacy agent shall:

1301 (i) complete at least one hour of continuing education regarding patient privacy and  
1302 federal health information privacy laws that is offered by the department under Subsection  
1303 (9)(b) or an accredited or approved continuing education provider that the department  
1304 recognizes as offering continuing education appropriate for the medical cannabis pharmacy  
1305 practice; and

1306 (ii) make a continuing education report to the department in accordance with a process  
1307 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah  
1308 Administrative Rulemaking Act, and in collaboration with the Division of Professional  
1309 Licensing and the Board of Pharmacy.

1310 (b) The department may, in consultation with the Division of Professional Licensing,  
1311 develop the continuing education described in this Subsection (9).

1312 (c) The pharmacist-in-charge described in Section 26B-4-219 shall ensure that each  
1313 medical cannabis pharmacy agent working in the medical cannabis pharmacy who has access to  
1314 the state electronic verification system is in compliance with this Subsection (9).

1315 (d) A medical cannabis pharmacy agent may not access the electronic verification  
1316 system following the termination of of the medical cannabis pharmacy agent's employment.

1317 (10) A medical cannabis pharmacy shall:

1318 (a) maintain a list of employees that have a medical cannabis pharmacy agent  
1319 registration card; and

1320 (b) provide the list to the department upon request.

1321 Section 14. Section 4-41a-1202 is amended to read:

1322 **4-41a-1202. Home delivery of medical cannabis shipments -- Medical cannabis**  
1323 **couriers -- License.**

1324 (1) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah  
1325 Administrative Rulemaking Act, to ensure the safety, security, and efficiency of a home  
1326 delivery medical cannabis pharmacy's fulfillment of electronic medical cannabis orders that the  
1327 state central patient portal facilitates, including rules regarding the safe and controlled delivery

1328 of medical cannabis shipments.

1329 (2) A person may not operate as a medical cannabis courier without a license that the  
1330 department issues under this section.

1331 (3) (a) Subject to Subsections (5) and (6), the department shall issue a license to  
1332 operate as a medical cannabis courier to an applicant who is eligible for a license under this  
1333 section.

1334 (b) An applicant is eligible for a license under this section if the applicant submits to  
1335 the department:

1336 (i) the name and address of an individual who:

1337 (A) has a financial or voting interest of 10% or greater in the proposed medical  
1338 cannabis courier; or

1339 (B) has the power to direct or cause the management or control of a proposed cannabis  
1340 production establishment;

1341 (ii) an operating plan that includes operating procedures to comply with the operating  
1342 requirements for a medical cannabis courier described in this chapter; and

1343 (iii) an application fee in an amount that, subject to Subsection 4-41a-104(5), the  
1344 department sets in accordance with Section 63J-1-504.

1345 (4) If the department determines that an applicant is eligible for a license under this  
1346 section, the department shall:

1347 (a) charge the applicant an initial license fee in an amount that, subject to Subsection  
1348 4-41a-104(5), the department sets in accordance with Section 63J-1-504; and

1349 (b) notify the Department of Public Safety of the license approval and the names of  
1350 each individual described in Subsection (3)(b)(i).

1351 (5) The department may not issue a license to operate as a medical cannabis courier to  
1352 an applicant if an individual described in Subsection (3)(b)(i):

1353 (a) has been convicted under state or federal law of:

1354 (i) a felony in the preceding 10 years; or

1355 (ii) after September 23, 2019, a misdemeanor for drug distribution; or

1356 (b) is younger than 21 years old.

1357 (6) The department may revoke a license under this part if:

1358 (a) the medical cannabis courier does not begin operations within one year after the day

1359 on which the department issues the initial license;

1360 (b) the medical cannabis courier makes the same violation of this chapter three times;

1361 (c) an individual described in Subsection (3)(b)(i) is convicted, while the license is  
1362 active, under state or federal law of:

1363 (i) a felony; or

1364 (ii) after September 23, 2019, a misdemeanor for drug distribution; or

1365 (d) after a change of ownership described in Subsection (15)(c), the department  
1366 determines that the medical cannabis courier no longer meets the minimum standards for  
1367 licensure and operation of the medical cannabis courier described in this chapter.

1368 (7) The department shall deposit the proceeds of a fee imposed by this section in the  
1369 Qualified Production Enterprise Fund.

1370 (8) The department shall begin accepting applications under this section on or before  
1371 July 1, 2020.

1372 (9) The department's authority to issue a license under this section is plenary and is not  
1373 subject to review.

1374 (10) Each applicant for a license as a medical cannabis courier shall submit, at the time  
1375 of application, from each individual who has a financial or voting interest of 10% or greater in  
1376 the applicant or who has the power to direct or cause the management or control of the  
1377 applicant:

1378 (a) a fingerprint card in a form acceptable to the Department of Public Safety;

1379 (b) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the  
1380 registration of the individual's fingerprints in the Federal Bureau of Investigation Next  
1381 Generation Identification System's Rap Back Service; and

1382 (c) consent to a fingerprint background check by:

1383 (i) the Bureau of Criminal Identification; and

1384 (ii) the Federal Bureau of Investigation.

1385 (11) The Bureau of Criminal Identification shall:

1386 (a) check the fingerprints the applicant submits under Subsection (10) against the  
1387 applicable state, regional, and national criminal records databases, including the Federal  
1388 Bureau of Investigation Next Generation Identification System;

1389 (b) report the results of the background check to the department;

1390 (c) maintain a separate file of fingerprints that applicants submit under Subsection (10)  
1391 for search by future submissions to the local and regional criminal records databases, including  
1392 latent prints;

1393 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next  
1394 Generation Identification System's Rap Back Service for search by future submissions to  
1395 national criminal records databases, including the Next Generation Identification System and  
1396 latent prints; and

1397 (e) establish a privacy risk mitigation strategy to ensure that the department only  
1398 receives notifications for an individual with whom the department maintains an authorizing  
1399 relationship.

1400 (12) The department shall:

1401 (a) assess an individual who submits fingerprints under Subsection (10) a fee in an  
1402 amount that the department sets in accordance with Section 63J-1-504 for the services that the  
1403 Bureau of Criminal Identification or another authorized agency provides under this section; and

1404 (b) remit the fee described in Subsection (12)(a) to the Bureau of Criminal  
1405 Identification.

1406 (13) The department shall renew a license under this section every year if, at the time  
1407 of renewal:

1408 (a) the licensee meets the requirements of this section; and

1409 (b) the licensee pays the department a license renewal fee in an amount that, subject to  
1410 Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504.

1411 (14) A person applying for a medical cannabis courier license shall submit to the  
1412 department a proposed operating plan that complies with this section and that includes:

1413 (a) a description of the physical characteristics of any proposed facilities, including a  
1414 floor plan and an architectural elevation, and delivery vehicles;

1415 (b) a description of the credentials and experience of each officer, director, or owner of  
1416 the proposed medical cannabis courier;

1417 (c) the medical cannabis courier's employee training standards;

1418 (d) a security plan; and

1419 (e) storage and delivery protocols, both short and long term, to ensure that medical  
1420 cannabis shipments are stored and delivered in a manner that is sanitary and preserves the

1421 integrity of the cannabis.

1422 (15) (a) A medical cannabis courier license is not transferrable or assignable.

1423 (b) A medical cannabis courier shall report in writing to the department no later than  
1424 10 business days before the date of any change of ownership of the medical cannabis courier.

1425 (c) If the ownership of a medical cannabis courier changes by 50% or more:

1426 (i) concurrent with the report described in Subsection (15)(b), the medical cannabis  
1427 courier shall submit a new application described in Subsection (3)(b);

1428 (ii) within 30 days of the submission of the application, the department shall:

1429 (A) conduct an application review; and

1430 (B) award a license to the medical cannabis courier for the remainder of the term of the  
1431 medical cannabis courier's license before the ownership change if the medical cannabis courier  
1432 meets the minimum standards for licensure and operation of the medical cannabis courier  
1433 described in this chapter; and

1434 (iii) if the department approves the license application, notwithstanding Subsection (4),  
1435 the medical cannabis courier shall pay a license fee that the department sets in accordance with  
1436 Section 63J-1-504 in an amount that covers the board's cost of conducting the application  
1437 review.

1438 (16) (a) Except as provided in Subsection(16)(b), a person may not advertise regarding  
1439 the transportation of medical cannabis.

1440 (b) Notwithstanding Subsection (15)(a) and subject to Section 4-41a-109, a licensed  
1441 home delivery medical cannabis pharmacy or a licensed medical cannabis courier may  
1442 advertise:

1443 (i) a green cross;

1444 (ii) the pharmacy's or courier's name and logo; and

1445 (iii) that the pharmacy or courier is licensed to transport medical cannabis shipments.

1446 Section 15. Section 26B-1-421 is amended to read:

1447 **26B-1-421. Compassionate Use Board.**

1448 (1) The definitions in Section 26B-4-201 apply to this section.

1449 (2) (a) The department shall establish a Compassionate Use Board consisting of:

1450 (i) seven qualified medical providers that the executive director appoints [~~and the~~  
1451 ~~Senate confirms~~] with the advice and consent of the Senate:

- 1452 (A) who are knowledgeable about the medicinal use of cannabis;
- 1453 (B) who are physicians licensed under Title 58, Chapter 67, Utah Medical Practice Act,  
1454 or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and
- 1455 (C) who are board certified by the American Board of Medical Specialties or an  
1456 American Osteopathic Association Specialty Certifying Board in the specialty of neurology,  
1457 pain medicine and pain management, medical oncology, psychiatry, infectious disease, internal  
1458 medicine, pediatrics, family medicine, or gastroenterology; and
- 1459 (ii) as a nonvoting member and the chair of the Compassionate Use Board, the  
1460 executive director or the director's designee.
- 1461 (b) In appointing the seven qualified medical providers described in Subsection (2)(a),  
1462 the executive director shall ensure that at least two have a board certification in pediatrics.
- 1463 (3) (a) Of the members of the Compassionate Use Board that the executive director  
1464 first appoints:
- 1465 (i) three shall serve an initial term of two years; and  
1466 (ii) the remaining members shall serve an initial term of four years.
- 1467 (b) After an initial term described in Subsection (3)(a) expires:
- 1468 (i) each term is four years; and  
1469 (ii) each board member is eligible for reappointment.
- 1470 (c) A member of the Compassionate Use Board may serve until a successor is  
1471 appointed.
- 1472 (d) Four members constitute a quorum of the Compassionate Use Board.
- 1473 (4) A member of the Compassionate Use Board may receive:
- 1474 (a) notwithstanding Section 63A-3-106, compensation or benefits for the member's  
1475 service; and
- 1476 (b) travel expenses in accordance with Section 63A-3-107 and rules made by the  
1477 Division of Finance in accordance with Section 63A-3-107.
- 1478 (5) The Compassionate Use Board shall:
- 1479 (a) review and recommend for department approval a petition to the board regarding an  
1480 individual described in Subsection 26B-4-213(2)(a), a minor described in Subsection  
1481 26B-4-213(2)(c), or an individual who is not otherwise qualified to receive a medical cannabis  
1482 card to obtain a medical cannabis card for compassionate use, for the standard or a reduced



1483 period of validity, if:

1484 (i) for an individual who is not otherwise qualified to receive a medical cannabis card,  
1485 the individual's ~~[qualified]~~ recommending medical provider is actively treating the individual  
1486 for an intractable condition that:

1487 (A) substantially impairs the individual's quality of life; and

1488 (B) has not, in the ~~[qualified]~~ recommending medical provider's professional opinion,  
1489 adequately responded to conventional treatments;

1490 (ii) the ~~[qualified]~~ recommending medical provider:

1491 (A) recommends that the individual or minor be allowed to use medical cannabis; and

1492 (B) provides a letter, relevant treatment history, and notes or copies of progress notes  
1493 describing relevant treatment history including rationale for considering the use of medical  
1494 cannabis; and

1495 (iii) the Compassionate Use Board determines that:

1496 (A) the recommendation of the individual's ~~[qualified]~~ recommending medical  
1497 provider is justified; and

1498 (B) based on available information, it may be in the best interests of the individual to  
1499 allow the use of medical cannabis;

1500 (b) when a ~~[qualified]~~ recommending medical provider recommends that an individual  
1501 described in Subsection 26B-4-213(2)(a)(i)(B) or a minor described in Subsection  
1502 26B-4-213(2)(c) be allowed to use a medical cannabis device or ~~[medical cannabis product]~~  
1503 medical cannabis to vaporize a medical cannabis treatment, review and approve or deny the use  
1504 of the medical cannabis device or ~~[medical cannabis product]~~ medical cannabis;

1505 (c) unless no petitions are pending:

1506 (i) meet to receive or review compassionate use petitions at least quarterly; and

1507 (ii) if there are more petitions than the board can receive or review during the board's  
1508 regular schedule, as often as necessary;

1509 (d) except as provided in Subsection (6), complete a review of each petition and  
1510 recommend to the department approval or denial of the applicant for qualification for a medical  
1511 cannabis card within 90 days after the day on which the board received the petition;

1512 (e) consult with the department regarding the criteria described in Subsection (6); and

1513 (f) report, before November 1 of each year, to the Health and Human Services Interim

1514 Committee and the Medical Cannabis Governance Structure Working Group:

1515 (i) the number of compassionate use recommendations the board issued during the past  
1516 year; [~~and~~]

1517 (ii) the types of conditions for which the board recommended compassionate use[~~;~~];  
1518 and

1519 (iii) the number of applications that are not completed.

1520 (6) The department shall make rules, in consultation with the Compassionate Use  
1521 Board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to  
1522 establish a process and criteria for a petition to the board to automatically qualify for expedited  
1523 final review and approval or denial by the department in cases where, in the determination of  
1524 the department and the board:

1525 (a) time is of the essence;

1526 (b) engaging the full review process would be unreasonable in light of the petitioner's  
1527 physical condition; and

1528 (c) sufficient factors are present regarding the petitioner's safety.

1529 (7) (a) (i) The department shall review:

1530 (A) any compassionate use for which the Compassionate Use Board recommends  
1531 approval under Subsection (5)(d) to determine whether the board properly exercised the board's  
1532 discretion under this section; and

1533 (B) any expedited petitions the department receives under the process described in  
1534 Subsection (6).

1535 (ii) If the department determines that the Compassionate Use Board properly exercised  
1536 the board's discretion in recommending approval under Subsection (5)(d) or that the expedited  
1537 petition merits approval based on the criteria established in accordance with Subsection (6), the  
1538 department shall:

1539 (A) issue the relevant medical cannabis card; and

1540 (B) provide for the renewal of the medical cannabis card in accordance with the  
1541 recommendation of the [~~qualified~~] recommending medical provider described in Subsection  
1542 (5)(a).

1543 (b) (i) If the Compassionate Use Board recommends denial under Subsection (5)(d),  
1544 the individual seeking to obtain a medical cannabis card may petition the department to review

1545 the board's decision.

1546 (ii) If the department determines that the Compassionate Use Board's recommendation  
1547 for denial under Subsection (5)(d) was arbitrary or capricious:

1548 (A) the department shall notify the Compassionate Use Board of the department's  
1549 determination; and

1550 (B) the board shall reconsider the Compassionate Use Board's refusal to recommend  
1551 approval under this section.

1552 (c) In reviewing the Compassionate Use Board's recommendation for approval or  
1553 denial under Subsection (5)(d) in accordance with this Subsection (7), the department shall  
1554 presume the board properly exercised the board's discretion unless the department determines  
1555 that the board's recommendation was arbitrary or capricious.

1556 (8) Any individually identifiable health information contained in a petition that the  
1557 Compassionate Use Board or department receives under this section is a protected record in  
1558 accordance with Title 63G, Chapter 2, Government Records Access and Management Act.

1559 (9) The Compassionate Use Board shall annually report the board's activity to the  
1560 Cannabis Research Review Board and the advisory board.

1561 Section 16. Section **26B-4-201** is amended to read:

1562 **26B-4-201. Definitions.**

1563 As used in this part:

1564 (1) "Active tetrahydrocannabinol" means THC, any THC analog, and  
1565 tetrahydrocannabinolic acid.

1566 (2) "Administration of criminal justice" means the performance of detection,  
1567 apprehension, detention, pretrial release, post-trial release, prosecution, and adjudication.

1568 [~~(2)~~] (3) "Advertise" or "advertising" means information provided by a medical  
1569 cannabis pharmacy in any medium:

1570 (a) to the public; and

1571 (b) that is not age restricted to an individual who is at least 21 years old.

1572 [~~(3)~~] (4) "Advisory board" means the Medical Cannabis Policy Advisory Board created  
1573 in Section [26B-1-435](#).

1574 [~~(4)~~] (5) "Cannabis Research Review Board" means the Cannabis Research Review  
1575 Board created in Section [26B-1-420](#).

1576 [5] (6) "Cannabis" means marijuana.

1577 [6] (7) "Cannabis cultivation facility" means the same as that term is defined in  
1578 Section 4-41a-102.

1579 [7] (8) "Cannabis processing facility" means the same as that term is defined in  
1580 Section 4-41a-102.

1581 [8] (9) "Cannabis product" means a product that:

1582 (a) is intended for human use; and

1583 (b) contains cannabis or any tetrahydrocannabinol or THC analog in a total  
1584 concentration of 0.3% or greater on a dry weight basis.

1585 [9] (10) "Cannabis production establishment" means the same as that term is defined  
1586 in Section 4-41a-102.

1587 [10] (11) "Cannabis production establishment agent" means the same as that term is  
1588 defined in Section 4-41a-102.

1589 [11] (12) "Cannabis production establishment agent registration card" means the  
1590 same as that term is defined in Section 4-41a-102.

1591 [12] (13) "Community location" means a public or private elementary or secondary  
1592 school, a church, a public library, a public playground, or a public park.

1593 [13] (14) "Conditional medical cannabis card" means an electronic medical cannabis  
1594 card that the department issues in accordance with Subsection 26B-4-213(1)(b) to allow an  
1595 applicant for a medical cannabis card to access medical cannabis during the department's  
1596 review of the application.

1597 [14] (15) "Controlled substance database" means the controlled substance database  
1598 created in Section 58-37f-201.

1599 [15] (16) "Delivery address" means[-] the same as that term is defined in Section  
1600 4-41a-102.

1601 [~~(a) for a medical cannabis cardholder who is not a facility, the medical cannabis~~  
1602 ~~cardholder's home address; or]~~

1603 [~~(b) for a medical cannabis cardholder that is a facility, the facility's address.]~~

1604 [16] (17) "Department" means the Department of Health and Human Services.

1605 [17] (18) "Designated caregiver" means:

1606 (a) an individual:

1607 (i) whom an individual with a medical cannabis patient card or a medical cannabis  
1608 guardian card designates as the patient's caregiver; and

1609 (ii) who registers with the department under Section 26B-4-214; or

1610 (b) (i) a facility that an individual designates as a designated caregiver in accordance  
1611 with Subsection 26B-4-214(1)(b); or

1612 (ii) an assigned employee of the facility described in Subsection 26B-4-214(1)(b)(ii).

1613 ~~[(18)]~~ (19) "Directions of use" means recommended routes of administration for a  
1614 medical cannabis treatment and suggested usage guidelines.

1615 ~~[(19)]~~ (20) "Dosing guidelines" means a quantity range and frequency of administration  
1616 for a recommended treatment of medical cannabis.

1617 ~~[(20)]~~ (21) "Financial institution" means a bank, trust company, savings institution, or  
1618 credit union, chartered and supervised under state or federal law.

1619 ~~[(21)]~~ (22) "Government issued photo identification" means any of the following forms  
1620 of identification:

1621 (a) a valid state-issued driver license or identification card;

1622 (b) a valid United States federal-issued photo identification, including:

1623 (i) a United States passport;

1624 (ii) a United States passport card;

1625 (iii) a United States military identification card; or

1626 (iv) a permanent resident card or alien registration receipt card; or

1627 (c) a foreign passport.

1628 ~~[(22)]~~ (23) "Home delivery medical cannabis pharmacy" means a medical cannabis  
1629 pharmacy that the department authorizes, as part of the pharmacy's license, to deliver medical  
1630 cannabis shipments to a delivery address to fulfill electronic orders that the state central patient  
1631 portal facilitates.

1632 ~~[(23)]~~ (24) "Inventory control system" means the system described in Section  
1633 4-41a-103.

1634 ~~[(24)]~~ (25) "Legal dosage limit" means an amount that:

1635 (a) is sufficient to provide 30 days of treatment based on the dosing guidelines that the  
1636 relevant recommending medical provider or the state central patient portal or pharmacy  
1637 medical provider, in accordance with Subsection 26B-4-230(5), recommends; and

1638 (b) may not exceed:  
1639 (i) for unprocessed cannabis in a medicinal dosage form, 113 grams by weight; and  
1640 (ii) for a cannabis product in a medicinal dosage form, a quantity that contains, in total,  
1641 greater than 20 grams of active tetrahydrocannabinol.

1642 [~~(25)~~] (26) "Legal use termination date" means a date on the label of a container of  
1643 unprocessed cannabis flower:

1644 (a) that is 60 days after the date of purchase of the cannabis; and  
1645 (b) after which, the cannabis is no longer in a medicinal dosage form outside of the  
1646 primary residence of the relevant medical cannabis patient cardholder.

1647 [~~(26)~~] (27) "Limited medical provider" means an individual who:

1648 (a) meets the recommending qualifications; and  
1649 (b) has no more than 15 patients with a valid medical cannabis patient card or  
1650 provisional patient card as a result of the individual's recommendation, in accordance with  
1651 Subsection 26B-4-204(1)(b).

1652 [~~(27)~~] (28) "Marijuana" means the same as that term is defined in Section 58-37-2.

1653 [~~(28)~~] (29) "Medical cannabis" means cannabis in a medicinal dosage form or a  
1654 cannabis product in a medicinal dosage form.

1655 [~~(29)~~] (30) "Medical cannabis card" means a medical cannabis patient card, a medical  
1656 cannabis guardian card, a medical cannabis caregiver card, or a conditional medical cannabis  
1657 card.

1658 [~~(30)~~] (31) "Medical cannabis cardholder" means:

1659 (a) a holder of a medical cannabis card; or  
1660 (b) a facility or assigned employee, described in [~~Subsection(17)(b)] Subsection  
1661 (18)(b), only:~~

1662 (i) within the scope of the facility's or assigned employee's performance of the role of a  
1663 medical cannabis patient cardholder's caregiver designation under Subsection 26B-4-214(1)(b);  
1664 and

1665 (ii) while in possession of documentation that establishes:

1666 (A) a caregiver designation described in Subsection 26B-4-214(1)(b);  
1667 (B) the identity of the individual presenting the documentation; and  
1668 (C) the relation of the individual presenting the documentation to the caregiver

1669 designation.

1670 ~~[(31)]~~ (32) "Medical cannabis caregiver card" means an electronic document that a  
1671 cardholder may print or store on an electronic device or a physical card or document that:

1672 (a) the department issues to an individual whom a medical cannabis patient cardholder  
1673 or a medical cannabis guardian cardholder designates as a designated caregiver; and

1674 (b) is connected to the electronic verification system.

1675 ~~[(32)]~~ (33) "Medical cannabis courier" means the same as that term is defined in  
1676 Section 4-41a-102.

1677 ~~[(33)]~~ (34) "Medical cannabis courier agent" means the same as that term is defined in  
1678 Section 4-41a-102.

1679 ~~[(34)]~~ (35) (a) "Medical cannabis device" means a device that an individual uses to  
1680 ingest or inhale cannabis in a medicinal dosage form or a cannabis product in a medicinal  
1681 dosage form.

1682 (b) "Medical cannabis device" does not include a device that:

1683 (i) facilitates cannabis combustion; or

1684 (ii) an individual uses to ingest substances other than cannabis.

1685 ~~[(35)]~~ (36) "Medical cannabis guardian card" means an electronic document that a  
1686 cardholder may print or store on an electronic device or a physical card or document that:

1687 (a) the department issues to the parent or legal guardian of a minor with a qualifying  
1688 condition; and

1689 (b) is connected to the electronic verification system.

1690 ~~[(36)]~~ (37) "Medical cannabis patient card" means an electronic document that a  
1691 cardholder may print or store on an electronic device or a physical card or document that:

1692 (a) the department issues to an individual with a qualifying condition; and

1693 (b) is connected to the electronic verification system.

1694 ~~[(37)]~~ (38) "Medical cannabis pharmacy" means a person that:

1695 (a) (i) acquires or intends to acquire medical cannabis or a cannabis product in a  
1696 medicinal dosage form from a cannabis processing facility or another medical cannabis  
1697 pharmacy or a medical cannabis device; or

1698 (ii) possesses medical cannabis or a medical cannabis device; and

1699 (b) sells or intends to sell medical cannabis or a medical cannabis device to a medical

1700 cannabis cardholder.

1701 ~~[(38)]~~ (39) "Medical cannabis pharmacy agent" means an individual who holds a valid  
1702 medical cannabis pharmacy agent registration card issued by the department.

1703 ~~[(39)]~~ (40) "Medical cannabis pharmacy agent registration card" means a registration  
1704 card issued by the department that authorizes an individual to act as a medical cannabis  
1705 pharmacy agent.

1706 ~~[(40)]~~ (41) "Medical cannabis shipment" means the same as that term is defined in  
1707 Section [4-41a-102](#).

1708 ~~[(41)]~~ (42) "Medical cannabis treatment" means cannabis in a medicinal dosage form, a  
1709 cannabis product in a medicinal dosage form, or a medical cannabis device.

1710 ~~[(42)]~~ (43) (a) "Medicinal dosage form" means:

1711 (i) for processed medical cannabis [~~or a medical cannabis product~~], the following with  
1712 a specific and consistent cannabinoid content:

1713 (A) a tablet;

1714 (B) a capsule;

1715 (C) a concentrated liquid or viscous oil;

1716 (D) a liquid suspension that, after December 1, 2022, does not exceed 30 ml;

1717 (E) a topical preparation;

1718 (F) a transdermal preparation;

1719 (G) a sublingual preparation;

1720 (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or  
1721 rectangular cuboid shape;

1722 (I) a resin or wax; [~~or~~]

1723 (J) an aerosol; [~~or~~]

1724 (K) a suppository preparation; or

1725 (L) a soft or hard confection that is a uniform rectangular cuboid or uniform spherical  
1726 shape and is homogeneous in color and texture; or

1727 (ii) for unprocessed cannabis flower, a container described in Section [4-41a-602](#) that:

1728 (A) contains cannabis flowers in a quantity that varies by no more than 10% from the  
1729 stated weight at the time of packaging;

1730 (B) at any time the medical cannabis cardholder transports or possesses the container in



1731 public, is contained within an opaque bag or box that the medical cannabis pharmacy provides;  
1732 and

1733 (C) is labeled with the container's content and weight, the date of purchase, the legal  
1734 use termination date, and after December 31, 2020, a barcode that provides information  
1735 connected to an inventory control system.

1736 (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:

1737 (i) the medical cannabis cardholder has recently removed from the container described  
1738 in Subsection [~~(42)(a)(ii)~~] (43)(a)(ii) for use; and

1739 (ii) does not exceed the quantity described in Subsection [~~(42)(a)(ii)~~] (43)(a)(ii).

1740 (c) "Medicinal dosage form" does not include:

1741 (i) any unprocessed cannabis flower outside of the container described in Subsection  
1742 [~~(42)(a)(ii)~~] (43)(a)(ii), except as provided in Subsection [~~(42)(b)~~] (43)(b);

1743 (ii) any unprocessed cannabis flower in a container described in Subsection  
1744 [~~(42)(a)(ii)~~] (43)(a)(ii) after the legal use termination date;

1745 (iii) a process of vaporizing and inhaling concentrated cannabis by placing the cannabis  
1746 on a nail or other metal object that is heated by a flame, including a blowtorch;

1747 (iv) a liquid suspension that is branded as a beverage ; [~~or~~]

1748 (v) a substance described in Subsection [~~(42)(a)(i)~~] (43)(a)(i) or (ii) if the substance is  
1749 not measured in grams, milligrams, or milliliters[-]; or

1750 (vi) a substance that contains or is covered to any degree with chocolate.

1751 [~~(43)~~] (44) "Nonresident patient" means an individual who:

1752 (a) is not a resident of Utah or has been a resident of Utah for less than 45 days;

1753 (b) has a currently valid medical cannabis card or the equivalent of a medical cannabis  
1754 card under the laws of another state, district, territory, commonwealth, or insular possession of  
1755 the United States; and

1756 (c) has been diagnosed with a qualifying condition as described in Section [26B-4-203](#).

1757 [~~(44)~~] (45) "Payment provider" means an entity that contracts with a cannabis  
1758 production establishment or medical cannabis pharmacy to facilitate transfers of funds between  
1759 the establishment or pharmacy and other businesses or individuals.

1760 [~~(45)~~] (46) "Pharmacy medical provider" means the medical provider required to be on  
1761 site at a medical cannabis pharmacy under Section [26B-4-219](#).

1762            [~~(46)~~] (47) "Provisional patient card" means a card that:  
1763            (a) the department issues to a minor with a qualifying condition for whom:  
1764            (i) a recommending medical provider has recommended a medical cannabis treatment;  
1765            and  
1766            (ii) the department issues a medical cannabis guardian card to the minor's parent or  
1767            legal guardian; and  
1768            (b) is connected to the electronic verification system.  
1769            [~~(47)~~] (48) "Qualified medical provider" means an individual:  
1770            (a) who meets the recommending qualifications; and  
1771            (b) whom the department registers to recommend treatment with cannabis in a  
1772            medicinal dosage form under Section [26B-4-204](#).  
1773            [~~(48)~~] (49) "Qualified Patient Enterprise Fund" means the enterprise fund created in  
1774            Section [26B-1-310](#).  
1775            [~~(49)~~] (50) "Qualifying condition" means a condition described in Section [26B-4-203](#).  
1776            [~~(50)~~] (51) "Recommend" or "recommendation" means, for a recommending medical  
1777            provider, the act of suggesting the use of medical cannabis treatment, which:  
1778            (a) certifies the patient's eligibility for a medical cannabis card; and  
1779            (b) may include, at the recommending medical provider's discretion, directions of use,  
1780            with or without dosing guidelines.  
1781            [~~(51)~~] (52) "Recommending medical provider" means a qualified medical provider or a  
1782            limited medical provider.  
1783            [~~(52)~~] (53) "Recommending qualifications" means that an individual:  
1784            (a) (i) has the authority to write a prescription;  
1785            (ii) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah  
1786            Controlled Substances Act; and  
1787            (iii) possesses the authority, in accordance with the individual's scope of practice, to  
1788            prescribe a Schedule II controlled substance; and  
1789            (b) is licensed as:  
1790            (i) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act;  
1791            (ii) an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice  
1792            Act;

1793 (iii) a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,  
1794 Chapter 68, Utah Osteopathic Medical Practice Act; or

1795 (iv) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.

1796 ~~[(53)]~~ (54) "State central patient portal" means the website the department creates, in  
1797 accordance with Section 26B-4-236, to facilitate patient safety, education, and an electronic  
1798 medical cannabis order.

1799 ~~[(54)]~~ (55) "State electronic verification system" means the system described in Section  
1800 26B-4-202.

1801 ~~[(55)]~~ (56) "Targeted marketing" means ~~[the promotion by a medical cannabis~~  
1802 ~~pharmacy of a medical cannabis product, medical cannabis brand, or a medical cannabis device~~  
1803 ~~using any of the following methods: (a) electronic communication to an individual who is at~~  
1804 ~~least 21 years old and has requested to receive promotional information from the medical~~  
1805 ~~cannabis pharmacy; (b) an in-person marketing event that is: (i) held inside a medical cannabis~~  
1806 ~~pharmacy; and (ii) in an area where only a medical cannabis cardholder may access the event;~~  
1807 ~~or (c) other marketing material that is physically available or digitally displayed in: (i) a~~  
1808 ~~medical cannabis pharmacy; and (ii) an area where only a medical cannabis cardholder has~~  
1809 ~~access] the promotion by a qualified medical provider, medical clinic, or medical office that~~  
1810 ~~employs a qualified medical provider of a medical cannabis recommendation service using any~~  
1811 ~~of the following methods:~~

1812 (a) electronic communication to an individual who is at least 21 years old and has  
1813 requested to receive promotional information;

1814 (b) an in-person marketing event that is held in an area where only an individual who is  
1815 at least 21 years old may access the event;

1816 (c) other marketing material that is digitally displayed in the office of the medical  
1817 clinic or office that employs a qualified medical provider; or

1818 (d) a leaflet that a qualified medical provider, medical clinic, or medical office that  
1819 employs a qualified medical provider shares with an individual who is at least 21 years old.

1820 ~~[(56)]~~ (57) "Tetrahydrocannabinol" or "THC" means a substance derived from  
1821 cannabis or a synthetic equivalent as described in Subsection 58-37-4(2)(a)(iii)(AA).

1822 ~~[(57)]~~ (58) "THC analog" means the same as that term is defined in Section 4-41-102.  
1823 Section 17. Section 26B-4-202 is amended to read:

1824 **26B-4-202. Electronic verification system.**

1825 (1) The Department of Agriculture and Food, the department, the Department of Public  
1826 Safety, and the Division of Technology Services shall:

1827 (a) enter into a memorandum of understanding in order to determine the function and  
1828 operation of the state electronic verification system in accordance with Subsection (2);

1829 (b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah  
1830 Procurement Code, to develop a request for proposals for a third-party provider to develop and  
1831 maintain the state electronic verification system in coordination with the Division of  
1832 Technology Services; and

1833 (c) select a third-party provider who:

1834 (i) meets the requirements contained in the request for proposals issued under  
1835 Subsection (1)(b); and

1836 (ii) may not have any commercial or ownership interest in a cannabis production  
1837 establishment or a medical cannabis pharmacy.

1838 (2) The Department of Agriculture and Food, the department, the Department of Public  
1839 Safety, and the Division of Technology Services shall ensure that the state electronic  
1840 verification system described in Subsection (1):

1841 (a) allows an individual to apply for a medical cannabis patient card or, if applicable, a  
1842 medical cannabis guardian card, provided that the card may not become active until:

1843 (i) the relevant qualified medical provider completes the associated medical cannabis  
1844 recommendation; or

1845 (ii) for a medical cannabis card related to a limited medical provider's  
1846 recommendation, the medical cannabis pharmacy completes the recording described in  
1847 Subsection (2)(d);

1848 (b) allows an individual to apply to renew a medical cannabis patient card or a medical  
1849 cannabis guardian card in accordance with Section [26B-4-213](#);

1850 (c) allows a qualified medical provider, or an employee described in Subsection (3)  
1851 acting on behalf of the qualified medical provider, to:

1852 (i) access dispensing and card status information regarding a patient:

1853 (A) with whom the qualified medical provider has a provider-patient relationship; and

1854 (B) for whom the qualified medical provider has recommended or is considering

1855 recommending a medical cannabis card;

1856 (ii) electronically recommend treatment with cannabis in a medicinal dosage form or a  
1857 cannabis product in a medicinal dosage form and optionally recommend dosing guidelines;

1858 (iii) electronically renew a recommendation to a medical cannabis patient cardholder or  
1859 medical cannabis guardian cardholder:

1860 (A) using telehealth services, for the qualified medical provider who originally  
1861 recommended a medical cannabis treatment during a face-to-face visit with the patient; or

1862 (B) during a face-to-face visit with the patient, for a qualified medical provider who  
1863 did not originally recommend the medical cannabis treatment during a face-to-face visit; and

1864 (iv) submit an initial application, renewal application, or application payment on behalf  
1865 of an individual applying for any of the following:

1866 (A) a medical cannabis patient card;

1867 (B) a medical cannabis guardian card; or

1868 (C) a medical cannabis caregiver card;

1869 (d) allows a medical cannabis pharmacy medical provider or medical cannabis  
1870 pharmacy agent, in accordance with Subsection 4-41a-1101(10)(a), to:

1871 (i) access the electronic verification system to review the history within the system of a  
1872 patient with whom the provider or agent is interacting, limited to read-only access for medical  
1873 cannabis pharmacy agents unless the medical cannabis pharmacy's pharmacist in charge  
1874 authorizes add and edit access;

1875 (ii) record a patient's recommendation from a limited medical provider, including any  
1876 directions of use, dosing guidelines, or caregiver indications from the limited medical provider;

1877 (iii) record a limited medical provider's renewal of the provider's previous  
1878 recommendation; and

1879 (iv) submit an initial application, renewal application, or application payment on behalf  
1880 of an individual applying for any of the following:

1881 (A) a medical cannabis patient card;

1882 (B) a medical cannabis guardian card; or

1883 (C) a medical cannabis caregiver card;

1884 (e) connects with:

1885 (i) an inventory control system that a medical cannabis pharmacy uses to track in real

1886 time and archive purchases of any cannabis in a medicinal dosage form, cannabis product in a  
1887 medicinal dosage form, or a medical cannabis device, including:

1888 (A) the time and date of each purchase;

1889 (B) the quantity and type of cannabis, cannabis product, or medical cannabis device  
1890 purchased;

1891 (C) any cannabis production establishment, any medical cannabis pharmacy, or any  
1892 medical cannabis courier associated with the cannabis, cannabis product, or medical cannabis  
1893 device; and

1894 (D) the personally identifiable information of the medical cannabis cardholder who  
1895 made the purchase; and

1896 (ii) any commercially available inventory control system that a cannabis production  
1897 establishment utilizes in accordance with Section 4-41a-103 to use data that the Department of  
1898 Agriculture and Food requires by rule, in accordance with Title 63G, Chapter 3, Utah  
1899 Administrative Rulemaking Act, from the inventory tracking system that a licensee uses to  
1900 track and confirm compliance;

1901 (f) provides access to:

1902 (i) the department to the extent necessary to carry out the department's functions and  
1903 responsibilities under this part;

1904 (ii) the Department of Agriculture and Food to the extent necessary to carry out the  
1905 functions and responsibilities of the Department of Agriculture and Food under Title 4, Chapter  
1906 41a, Cannabis Production Establishments and Pharmacies; and

1907 (iii) the Division of Professional Licensing to the extent necessary to carry out the  
1908 functions and responsibilities related to the participation of the following in the  
1909 recommendation and dispensing of medical cannabis:

1910 (A) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

1911 (B) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

1912 (C) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse  
1913 Practice Act;

1914 (D) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or  
1915 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

1916 (E) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant

1917 Act;

1918 (g) provides access to and interaction with the state central patient portal;

1919 (h) communicates dispensing information from a record that a medical cannabis  
1920 pharmacy submits to the state electronic verification system under Subsection

1921 [4-41a-1102\(3\)\(a\)\(ii\)](#) to the controlled substance database;

1922 (i) provides access to state or local law enforcement[:] only to verify the validity of an  
1923 individual's medical cannabis card for the administration of criminal justice and through a  
1924 database used by law enforcement; and

1925 ~~[(i) during a law enforcement encounter, without a warrant, using the individual's~~  
1926 ~~driver license or state ID, only for the purpose of determining if the individual subject to the~~  
1927 ~~law enforcement encounter has a valid medical cannabis card; or]~~

1928 ~~[(ii) after obtaining a warrant, and]~~

1929 (j) creates a record each time a person accesses the system that identifies the person  
1930 who accesses the system and the individual whose records the person accesses.

1931 (3) (a) An employee of a qualified medical provider may access the electronic  
1932 verification system for a purpose described in Subsection (2)(c) on behalf of the qualified  
1933 medical provider if:

1934 (i) the qualified medical provider has designated the employee as an individual  
1935 authorized to access the electronic verification system on behalf of the qualified medical  
1936 provider;

1937 (ii) the qualified medical provider provides written notice to the department of the  
1938 employee's identity and the designation described in Subsection (3)(a)(i); and

1939 (iii) the department grants to the employee access to the electronic verification system.

1940 (b) An employee of a business that employs a qualified medical provider may access  
1941 the electronic verification system for a purpose described in Subsection (2)(c) on behalf of the  
1942 qualified medical provider if:

1943 (i) the qualified medical provider has designated the employee as an individual  
1944 authorized to access the electronic verification system on behalf of the qualified medical  
1945 provider;

1946 (ii) the qualified medical provider and the employing business jointly provide written  
1947 notice to the department of the employee's identity and the designation described in Subsection

1948 (3)(b)(i); and  
1949 (iii) the department grants to the employee access to the electronic verification system.  
1950 (4) (a) As used in this Subsection (4), "prescribing provider" means:  
1951 (i) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;  
1952 (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse  
1953 Practice Act;  
1954 (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or  
1955 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or  
1956 (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician  
1957 Assistant Act.  
1958 (b) A prescribing provider may access information in the electronic verification system  
1959 regarding a patient the prescribing provider treats.  
1960 (5) The department may release limited data that the system collects for the purpose of:  
1961 (a) conducting medical and other department approved research;  
1962 (b) providing the report required by Section [26B-4-222](#); and  
1963 (c) other official department purposes.  
1964 (6) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah  
1965 Administrative Rulemaking Act, to establish:  
1966 (a) the limitations on access to the data in the state electronic verification system as  
1967 described in this section; and  
1968 (b) standards and procedures to ensure accurate identification of an individual  
1969 requesting information or receiving information in this section.  
1970 ~~[(7) (a) Any person who knowingly and intentionally releases any information in the~~  
1971 ~~state electronic verification system in violation of this section is guilty of a third degree felony.]~~  
1972 ~~[(b)]~~ (7) Any person who negligently or recklessly releases any information in the state  
1973 electronic verification system in violation of this section is guilty of a class C misdemeanor.  
1974 (8) ~~[(a)]~~ Any person who obtains or attempts to obtain information from the state  
1975 electronic verification system by misrepresentation or fraud is guilty of a third degree felony.  
1976 ~~[(b) Any person who obtains or attempts to obtain information from the state electronic~~  
1977 ~~verification system for a purpose other than a purpose this part authorizes is guilty of a third~~  
1978 ~~degree felony.]~~



1979 (9) (a) Except as provided in ~~[Subsection]~~ Subsections (9)(c) and (9)(e), a person may  
 1980 not knowingly and intentionally use, release, publish, or otherwise make available to any other  
 1981 person information obtained from the state electronic verification system for any purpose other  
 1982 than a purpose specified in this section.

1983 (b) Each separate violation of this Subsection (9) is:

1984 (i) a third degree felony; and

1985 (ii) subject to a civil penalty not to exceed \$5,000.

1986 (c) A law enforcement officer who uses the database used by law enforcement to  
 1987 access information in the electronic verification system for a reason that is not the  
 1988 administration of criminal justice is guilty of a class B misdemeanor.

1989 ~~[(e)]~~ (d) The department shall determine a civil violation of this Subsection (9) in  
 1990 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

1991 ~~[(d)]~~ (e) Civil penalties assessed under this Subsection (9) shall be deposited into the  
 1992 General Fund.

1993 ~~[(e)]~~ (f) This Subsection (9) does not prohibit a person who obtains information from  
 1994 the state electronic verification system under Subsection (2)(a), (c), or (f) from:

1995 (i) including the information in the person's medical chart or file for access by a person  
 1996 authorized to review the medical chart or file;

1997 (ii) providing the information to a person in accordance with the requirements of the  
 1998 Health Insurance Portability and Accountability Act of 1996; or

1999 (iii) discussing or sharing that information about the patient with the patient.

2000 Section 18. Section **26B-4-204** is amended to read:

2001 **26B-4-204. Qualified medical provider registration -- Continuing education --**  
 2002 **Treatment recommendation -- Limited medical provider.**

2003 (1) (a) (i) Except as provided in Subsection (1)(b), an individual may not recommend a  
 2004 medical cannabis treatment unless the department registers the individual as a qualified  
 2005 medical provider in accordance with this section.

2006 (ii) Notwithstanding Subsection (1)(a)(i), a qualified medical provider who is podiatrist  
 2007 licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act, may not recommend a  
 2008 medical cannabis treatment except within the course and scope of a practice of podiatry, as that  
 2009 term is defined in Section [58-5a-102](#).

2010 (b) An individual who meets the recommending qualifications may recommend a  
2011 medical cannabis treatment as a limited medical provider without registering under Subsection  
2012 (1)(a) if:

2013 (i) the individual recommends the use of medical cannabis to the patient through an  
2014 order described in Subsection (1)(c) after:

2015 (A) a face-to-face visit for an initial recommendation or the renewal of a  
2016 recommendation for a patient for whom the limited medical provider did not make the patient's  
2017 original recommendation; or

2018 (B) a visit using telehealth services for a renewal of a recommendation for a patient for  
2019 whom the limited medical provider made the patient's original recommendation; and

2020 (ii) the individual's recommendation or renewal would not cause the total number of  
2021 the individual's patients who have a valid medical cannabis patient card or provisional patient  
2022 card resulting from the individual's recommendation to exceed 15.

2023 (c) The individual described in Subsection (1)(b) shall communicate the individual's  
2024 recommendation through an order for the medical cannabis pharmacy to record the individual's  
2025 recommendation or renewal in the state electronic verification system under the individual's  
2026 recommendation that:

2027 (i) (A) the individual or the individual's employee sends electronically to a medical  
2028 cannabis pharmacy; or

2029 (B) the individual gives to the patient in writing for the patient to deliver to a medical  
2030 cannabis pharmacy; and

2031 (ii) may include:

2032 (A) directions of use or dosing guidelines; and

2033 (B) an indication of a need for a caregiver in accordance with Subsection

2034 [26B-4-213\(3\)\(c\)](#).

2035 (d) If the limited medical provider gives the patient a written recommendation to  
2036 deliver to a medical cannabis pharmacy under Subsection (1)(c)(i)(B), the limited medical  
2037 provider shall ensure that the document includes all of the information that is included on a  
2038 prescription the provider would issue for a controlled substance, including:

2039 (i) the date of issuance;

2040 (ii) the provider's name, address and contact information, controlled substance license

2041 information, and signature; and

2042 (iii) the patient's name, address and contact information, age, and diagnosed qualifying  
2043 condition.

2044 (e) In considering making a recommendation as a limited medical provider, an  
2045 individual may consult information that the department makes available on the department's  
2046 website for recommending providers.

2047 (2) (a) The department shall, within 15 days after the day on which the department  
2048 receives an application from an individual, register and issue a qualified medical provider  
2049 registration card to the individual if the individual:

2050 (i) provides to the department the individual's name and address;

2051 (ii) provides to the department an acknowledgment that the individual has completed  
2052 four hours of continuing education related to medical cannabis;

2053 (iii) provides to the department evidence that the individual meets the recommending  
2054 qualifications;

2055 (iv) for an applicant on or after November 1, 2021, provides to the department the  
2056 information described in Subsection (10)(a); and

2057 (v) pays the department a fee in an amount that:

2058 (A) the department sets, in accordance with Section [63J-1-504](#); and

2059 (B) does not exceed \$300 for an initial registration.

2060 (b) The department may not register an individual as a qualified medical provider if the  
2061 individual is:

2062 (i) a pharmacy medical provider; or

2063 (ii) an owner, officer, director, board member, employee, or agent of a cannabis  
2064 production establishment, a medical cannabis pharmacy, or a medical cannabis courier.

2065 (3) (a) An individual shall complete the continuing education related to medical  
2066 cannabis in the following amounts:

2067 (i) for an individual as a condition precedent to registration, four hours; and

2068 (ii) for a qualified medical provider as a condition precedent to renewal, four hours  
2069 every two years.

2070 (b) The department may, in consultation with the Division of Professional Licensing,  
2071 develop continuing education related to medical cannabis.

2072 (c) The continuing education described in this Subsection (3) may discuss:  
2073 (i) the provisions of this part;  
2074 (ii) general information about medical cannabis under federal and state law;  
2075 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,  
2076 including risks and benefits;  
2077 (iv) recommendations for medical cannabis as it relates to the continuing care of a  
2078 patient in pain management, risk management, potential addiction, or palliative care; and  
2079 (v) best practices for recommending the form and dosage of [~~medical cannabis~~  
2080 products] medical cannabis based on the qualifying condition underlying a medical cannabis  
2081 recommendation.

2082 (4) (a) Except as provided in Subsection (4)(b), a qualified medical provider may not  
2083 recommend a medical cannabis treatment to more than 1.5% of the total amount of medical  
2084 cannabis patient cardholders.

2085 (b) If a qualified medical provider receives payment from an insurance plan for  
2086 services provided under this chapter, then the patient whose insurance plan was billed does not  
2087 count toward the 1.5% patient cap described in Subsection (4)(a).

2088 (5) A recommending medical provider may recommend medical cannabis to an  
2089 individual under this part only in the course of a provider-patient relationship after the  
2090 recommending medical provider has completed and documented in the patient's medical record  
2091 a thorough assessment of the patient's condition and medical history based on the appropriate  
2092 standard of care for the patient's condition.

2093 (6) (a) Except as provided in [~~Subsection~~] Subsections (6)(b) and (c), a person may not  
2094 advertise that the person or the person's employee recommends a medical cannabis treatment.

2095 (b) Notwithstanding Subsection (6)(a) and Section 4-41a-109, a qualified medical  
2096 provider [~~or clinic or~~], medical clinic, or medical office that employs a qualified medical  
2097 provider may advertise only the following:

- 2098 (i) a green cross;
- 2099 (ii) the provider's or clinic's name and logo;
- 2100 (iii) a qualifying condition that the individual treats;
- 2101 (iv) that the individual is registered as a qualified medical provider and recommends  
2102 medical cannabis; [~~or~~]

2103 (v) a scientific study regarding medical cannabis use~~[-];~~ or

2104 (vi) contact information.

2105 (c) Notwithstanding Subsection (6)(a) and Section 4-41a-109, qualified medical

2106 provider, medical clinic, or medical office that employs a qualified medical provider may

2107 engage in targeted marketing, as determined by the department through rule, for advertising

2108 medical cannabis recommendation services.

2109 (7) (a) A qualified medical provider registration card expires two years after the day on  
2110 which the department issues the card.

2111 (b) The department shall renew a qualified medical provider's registration card if the  
2112 provider:

2113 (i) applies for renewal;

2114 (ii) is eligible for a qualified medical provider registration card under this section,  
2115 including maintaining an unrestricted license under the recommending qualifications;

2116 (iii) certifies to the department in a renewal application that the information in  
2117 Subsection (2)(a) is accurate or updates the information;

2118 (iv) submits a report detailing the completion of the continuing education requirement  
2119 described in Subsection (3); and

2120 (v) pays the department a fee in an amount that:

2121 (A) the department sets, in accordance with Section 63J-1-504; and

2122 (B) does not exceed \$50 for a registration renewal.

2123 (8) The department may revoke the registration of a qualified medical provider who  
2124 fails to maintain compliance with the requirements of this section.

2125 (9) A recommending medical provider may not:

2126 (a) receive any compensation or benefit for the qualified medical provider's medical  
2127 cannabis treatment recommendation from:

2128 ~~[(a)]~~ (i) a cannabis production establishment or an owner, officer, director, board  
2129 member, employee, or agent of a cannabis production establishment;

2130 ~~[(b)]~~ (ii) a medical cannabis pharmacy or an owner, officer, director, board member,  
2131 employee, or agent of a medical cannabis pharmacy; or

2132 ~~[(c)]~~ (iii) a recommending medical provider or pharmacy medical provider~~[-];~~ or

2133 (iv) provide a medical cannabis recommendation at a medical clinic or medical office

2134 that is violating the advertising limitations described in Subsection (6).

2135 (10) (a) [~~On or before November 1, 2021,~~] Each quarter, a qualified medical provider  
2136 shall report to the department, in a manner designated by the department:

2137 (i) if applicable, that the qualified medical provider or the entity that employs the  
2138 qualified medical provider represents online or on printed material that the qualified medical  
2139 provider is a qualified medical provider or offers medical cannabis recommendations to  
2140 patients; and

2141 (ii) (A) for cash payment without insurance, the fee amount that the qualified medical  
2142 provider or the entity that employs the qualified medical provider charges a patient for a  
2143 medical cannabis recommendation[~~, either~~] as an actual cash rate [~~or, if the provider or entity~~  
2144 ~~bills insurance, an average cash rate.~~]; and

2145 (B) whether the qualified medical provider or the entity that employs the qualified  
2146 medical provider bills insurance.

2147 (b) The department shall:

2148 (i) ensure that the following information related to qualified medical providers and  
2149 entities described in Subsection (10)(a)(i) is available on the department's website or on the  
2150 health care price transparency tool under Subsection (10)(b)(ii):

2151 (A) the name of the qualified medical provider and, if applicable, the name of the  
2152 entity that employs the qualified medical provider;

2153 (B) the address of the qualified medical provider's office or, if applicable, the entity  
2154 that employs the qualified medical provider; and

2155 (C) the fee amount described in Subsection (10)(a)(ii)(A); and

2156 (ii) share data collected under this Subsection (10) with the state auditor for use in the  
2157 health care price transparency tool described in Section [67-3-11](#).

2158 Section 19. Section **26B-4-207** is amended to read:

2159 **26B-4-207. Nondiscrimination for medical care or government employment --**  
2160 **Notice to prospective and current public employees -- No effect on private employers.**

2161 (1) For purposes of medical care, including an organ or tissue transplant, a patient's  
2162 use, in accordance with this part, of cannabis in a medicinal dosage form or a cannabis product  
2163 in a medicinal dosage form:

2164 (a) is considered the equivalent of the authorized use of any other medication used at

2165 the discretion of a physician; and

2166 (b) does not constitute the use of an illicit substance or otherwise disqualify an  
2167 individual from needed medical care.

2168 (2) For a violation of Section 34A-5-114, the Legislature may withhold future state  
2169 appropriations from a state agency or political subdivision.

2170 [~~(2)(a) Notwithstanding any other provision of law and except as provided in~~  
2171 ~~Subsection (2)(b), the state or any political subdivision shall treat:]~~

2172 [~~(i) an employee's use of medical cannabis in accordance with this part or Section~~  
2173 ~~58-37-3.7 in the same way the state or political subdivision treats employee use of any~~  
2174 ~~prescribed controlled substance; and]~~

2175 [~~(ii) an employee's status as a medical cannabis cardholder or an employee's medical~~  
2176 ~~cannabis recommendation from a qualified medical provider or limited provider in the same~~  
2177 ~~way the state or political subdivision treats an employee's prescriptions for any prescribed~~  
2178 ~~controlled substance:]~~

2179 [~~(b) A state or political subdivision employee who has a valid medical cannabis card is~~  
2180 ~~not subject to retaliatory action, as that term is defined in Section 67-19a-101, for failing a drug~~  
2181 ~~test due to marijuana or tetrahydrocannabinol without evidence that the employee was impaired~~  
2182 ~~or otherwise adversely affected in the employee's job performance due to the use of medical~~  
2183 ~~cannabis:]~~

2184 [~~(c) Subsections (2)(a) and (b) do not apply:]~~

2185 [~~(i) where the application of Subsection (2)(a) or (b) would jeopardize federal funding,~~  
2186 ~~a federal security clearance, or any other federal background determination required for the~~  
2187 ~~employee's position;]~~

2188 [~~(ii) if the employee's position is dependent on a license or peace officer certification~~  
2189 ~~that is subject to federal regulations, including 18 U.S.C. Sec. 922(g)(3); or]~~

2190 [~~(iii) if an employee described in Subsections 34A-2-102(1)(h)(ii) through (vi) uses~~  
2191 ~~medical cannabis during the 12 hours immediately preceding the employee's shift or during the~~  
2192 ~~employee's shift:]~~

2193 (3) (a) (i) A state employer or a political subdivision employer shall take the action  
2194 described in Subsection (3)(a)(ii) before:

2195 (A) giving to a current employee an assignment or duty that arises from or directly

2196 relates to an obligation under this part; or

2197 (B) hiring a prospective employee whose assignments or duties would include an  
2198 assignment or duty that arises from or directly relates to an obligation under this part.

2199 (ii) The employer described in Subsection (3)(a)(i) shall give the employee or  
2200 prospective employee described in Subsection (3)(a)(i) a written notice that notifies the  
2201 employee or prospective employee:

2202 (A) that the employee's or prospective employee's job duties may require the employee  
2203 or prospective employee to engage in conduct which is in violation of the criminal laws of the  
2204 United States; and

2205 (B) that in accepting a job or undertaking a duty described in Subsection (3)(a)(i),  
2206 although the employee or prospective employee is entitled to the protections of Title 67,  
2207 Chapter 21, Utah Protection of Public Employees Act, the employee may not object or refuse to  
2208 carry out an assignment or duty that may be a violation of the criminal laws of the United  
2209 States with respect to the manufacture, sale, or distribution of cannabis.

2210 (b) The Division of Human Resource Management shall create, revise, and publish the  
2211 form of the notice described in Subsection (3)(a).

2212 (c) Notwithstanding Subsection 67-21-3(3), an employee who has signed the notice  
2213 described in Subsection (3)(a) may not:

2214 (i) claim in good faith that the employee's actions violate or potentially violate the laws  
2215 of the United States with respect to the manufacture, sale, or distribution of cannabis; or

2216 (ii) refuse to carry out a directive that the employee reasonably believes violates the  
2217 criminal laws of the United States with respect to the manufacture, sale, or distribution of  
2218 cannabis.

2219 (d) An employer may not take retaliatory action as defined in Section 67-19a-101  
2220 against a current employee who refuses to sign the notice described in Subsection (3)(a).

2221 (4) Nothing in this section requires a private employer to accommodate the use of  
2222 medical cannabis or affects the ability of a private employer to have policies restricting the use  
2223 of medical cannabis by applicants or employees.

2224 Section 20. Section 26B-4-213 is amended to read:

2225 **26B-4-213. Medical cannabis patient card -- Medical cannabis guardian card --**  
2226 **Conditional medical cannabis card -- Application -- Fees -- Studies.**



2227 (1) (a) Subject to Section 26B-4-246, within 15 days after the day on which an  
2228 individual who satisfies the eligibility criteria in this section or Section 26B-4-214 submits an  
2229 application in accordance with this section or Section 26B-4-214, the department shall:

2230 (i) issue a medical cannabis patient card to an individual described in Subsection

2231 (2)(a);

2232 (ii) issue a medical cannabis guardian card to an individual described in Subsection

2233 (2)(b);

2234 (iii) issue a provisional patient card to a minor described in Subsection (2)(c); and

2235 (iv) issue a medical cannabis caregiver card to an individual described in Subsection  
2236 26B-4-214(4).

2237 (b) (i) Upon the entry of a recommending medical provider's medical cannabis  
2238 recommendation for a patient in the state electronic verification system, either by the provider  
2239 or the provider's employee or by a medical cannabis pharmacy medical provider or medical  
2240 cannabis pharmacy in accordance with Subsection 4-41a-1101(10)(a), the department shall  
2241 issue to the patient an electronic conditional medical cannabis card, in accordance with this  
2242 Subsection (1)(b).

2243 (ii) A conditional medical cannabis card is valid for the lesser of:

2244 (A) 60 days; or

2245 (B) the day on which the department completes the department's review and issues a  
2246 medical cannabis card under Subsection (1)(a), denies the patient's medical cannabis card  
2247 application, or revokes the conditional medical cannabis card under Subsection (8).

2248 (iii) The department may issue a conditional medical cannabis card to an individual  
2249 applying for a medical cannabis patient card for which approval of the Compassionate Use  
2250 Board is not required.

2251 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and  
2252 obligations under law applicable to a holder of the medical cannabis card for which the  
2253 individual applies and for which the department issues the conditional medical cannabis card.

2254 (2) (a) An individual is eligible for a medical cannabis patient card if:

2255 (i) (A) the individual is at least 21 years old; or

2256 (B) the individual is 18, 19, or 20 years old, the individual petitions the Compassionate  
2257 Use Board under Section 26B-1-421, and the Compassionate Use Board recommends

2258 department approval of the petition;

2259 (ii) the individual is a Utah resident;

2260 (iii) the individual's recommending medical provider recommends treatment with

2261 medical cannabis in accordance with Subsection (4);

2262 (iv) the individual signs an acknowledgment stating that the individual received the

2263 information described in Subsection (9); and

2264 (v) the individual pays to the department a fee in an amount that, subject to Subsection

2265 [26B-1-310](#)(5), the department sets in accordance with Section [63J-1-504](#).

2266 (b) (i) An individual is eligible for a medical cannabis guardian card if the individual:

2267 (A) is at least 18 years old;

2268 (B) is a Utah resident;

2269 (C) is the parent or legal guardian of a minor for whom the minor's [~~qualified~~]

2270 recommending medical provider recommends a medical cannabis treatment, the individual

2271 petitions the Compassionate Use Board under Section [26B-1-421](#), and the Compassionate Use

2272 Board recommends department approval of the petition;

2273 (D) the individual signs an acknowledgment stating that the individual received the

2274 information described in Subsection (9); and

2275 (E) pays to the department a fee in an amount that, subject to Subsection [26B-1-310](#)(5),

2276 the department sets in accordance with Section [63J-1-504](#), plus the cost of the criminal

2277 background check described in Section [26B-4-215](#).

2278 (ii) The department shall notify the Department of Public Safety of each individual that

2279 the department registers for a medical cannabis guardian card.

2280 (c) (i) A minor is eligible for a provisional patient card if:

2281 (A) the minor has a qualifying condition;

2282 (B) the minor's [~~qualified~~] recommending medical provider recommends a medical

2283 cannabis treatment to address the minor's qualifying condition;

2284 (C) one of the minor's parents or legal guardians petitions the Compassionate Use

2285 Board under Section [26B-1-421](#), and the Compassionate Use Board recommends department

2286 approval of the petition; and

2287 (D) the minor's parent or legal guardian is eligible for a medical cannabis guardian card

2288 under Subsection (2)(b) or designates a caregiver under Subsection (2)(d) who is eligible for a

2289 medical cannabis caregiver card under Section 26B-4-214.

2290 (ii) The department shall automatically issue a provisional patient card to the minor  
2291 described in Subsection (2)(c)(i) at the same time the department issues a medical cannabis  
2292 guardian card to the minor's parent or legal guardian.

2293 (d) If the parent or legal guardian of a minor described in Subsections (2)(c)(i)(A)  
2294 through (C) does not qualify for a medical cannabis guardian card under Subsection (2)(b), the  
2295 parent or legal guardian may designate up to two caregivers in accordance with Subsection  
2296 26B-4-214(1)(c) to ensure that the minor has adequate and safe access to the recommended  
2297 medical cannabis treatment.

2298 (3) (a) An individual who is eligible for a medical cannabis card described in  
2299 Subsection (2)(a) or (b) shall submit an application for a medical cannabis card to the  
2300 department:

2301 (i) through an electronic application connected to the state electronic verification  
2302 system;

2303 (ii) with the recommending medical provider; and

2304 (iii) with information including:

2305 (A) the applicant's name, gender, age, and address;

2306 (B) the number of the applicant's government issued photo identification;

2307 (C) for a medical cannabis guardian card, the name, gender, and age of the minor  
2308 receiving a medical cannabis treatment under the cardholder's medical cannabis guardian card;  
2309 and

2310 (D) for a provisional patient card, the name of the minor's parent or legal guardian who  
2311 holds the associated medical cannabis guardian card.

2312 (b) The department shall ensure that a medical cannabis card the department issues  
2313 under this section contains the information described in Subsection (3)(a)(iii).

2314 (c) (i) If a recommending medical provider determines that, because of age, illness, or  
2315 disability, a medical cannabis patient cardholder requires assistance in administering the  
2316 medical cannabis treatment that the recommending medical provider recommends, the  
2317 recommending medical provider may indicate the cardholder's need in the state electronic  
2318 verification system, either directly or, for a limited medical provider, through the order  
2319 described in Subsections 26B-4-204(1)(c) and (d).

2320 (ii) If a recommending medical provider makes the indication described in Subsection  
2321 (3)(c)(i):

2322 (A) the department shall add a label to the relevant medical cannabis patient card  
2323 indicating the cardholder's need for assistance;

2324 (B) any adult who is 18 years old or older and who is physically present with the  
2325 cardholder at the time the cardholder needs to use the recommended medical cannabis  
2326 treatment may handle the medical cannabis treatment and any associated medical cannabis  
2327 device as needed to assist the cardholder in administering the recommended medical cannabis  
2328 treatment; and

2329 (C) an individual of any age who is physically present with the cardholder in the event  
2330 of an emergency medical condition, as that term is defined in Section 31A-1-301, may handle  
2331 the medical cannabis treatment and any associated medical cannabis device as needed to assist  
2332 the cardholder in administering the recommended medical cannabis treatment.

2333 (iii) A non-cardholding individual acting under Subsection (3)(c)(ii)(B) or (C) may not:

2334 (A) ingest or inhale medical cannabis;

2335 (B) possess, transport, or handle medical cannabis or a medical cannabis device outside  
2336 of the immediate area where the cardholder is present or with an intent other than to provide  
2337 assistance to the cardholder; or

2338 (C) possess, transport, or handle medical cannabis or a medical cannabis device when  
2339 the cardholder is not in the process of being dosed with medical cannabis.

2340 (4) To recommend a medical cannabis treatment to a patient or to renew a  
2341 recommendation, a recommending medical provider shall:

2342 (a) visit with the patient face-to-face for an initial recommendation unless the patient:

2343 (i) prefers a virtual visit; and

2344 (ii) (A) is on hospice or has a terminal illness according to the patient's medical  
2345 provider; or

2346 (B) is a resident of an assisted living facility, as defined in Section 26B-2-201, or a  
2347 nursing care facility, as defined in Section 26B-2-201;

2348 (b) before recommending or renewing a recommendation for medical cannabis in a  
2349 medicinal dosage form or a cannabis product in a medicinal dosage form:

2350 (i) verify the patient's and, for a minor patient, the minor patient's parent or legal

2351 guardian's government issued photo identification described in Subsection (3)(a);  
2352 (ii) review any record related to the patient and, for a minor patient, the patient's parent  
2353 or legal guardian in:  
2354 (A) for a qualified medical provider, the state electronic verification system; and  
2355 (B) the controlled substance database created in Section 58-37f-201; and  
2356 (iii) consider the recommendation in light of the patient's qualifying condition, history  
2357 of substance use or opioid use disorder, and history of medical cannabis and controlled  
2358 substance use during a visit with the patient; and  
2359 (c) state in the recommending medical provider's recommendation that the patient:  
2360 (i) suffers from a qualifying condition, including the type of qualifying condition; and  
2361 (ii) may benefit from treatment with cannabis in a medicinal dosage form or a cannabis  
2362 product in a medicinal dosage form.  
2363 (5) (a) Except as provided in Subsection (5)(b) or (c), a medical cannabis card that the  
2364 department issues under this section is valid for the lesser of:  
2365 (i) an amount of time that the recommending medical provider determines; or  
2366 (ii) one year from the day the card is issued.  
2367 (b) (i) A medical cannabis card that the department issues in relation to a terminal  
2368 illness described in Section 26B-4-203 expires after one year.  
2369 (ii) The recommending medical provider may revoke a recommendation that the  
2370 provider made in relation to a terminal illness described in Section 26B-4-203 if the medical  
2371 cannabis cardholder no longer has the terminal illness.  
2372 (c) A medical cannabis card that the department issues in relation to acute pain as  
2373 described in Section 26B-4-203 expires 30 days after the day on which the department first  
2374 issues a conditional or full medical cannabis card.  
2375 (6) (a) A medical cannabis patient card or a medical cannabis guardian card is  
2376 renewable if:  
2377 (i) at the time of renewal, the cardholder meets the requirements of Subsection (2)(a) or  
2378 (b); or  
2379 (ii) the cardholder received the medical cannabis card through the recommendation of  
2380 the Compassionate Use Board under Section 26B-1-421.  
2381 (b) The recommending medical provider who made the underlying recommendation

2382 for the card of a cardholder described in Subsection (6)(a) may renew the cardholder's card  
2383 through phone or video conference with the cardholder, at the recommending medical  
2384 provider's discretion.

2385 (c) Before having access to a renewed card, a cardholder under Subsection (2)(a) or (b)  
2386 shall pay to the department a renewal fee in an amount that:

2387 (i) subject to Subsection 26B-1-310(5), the department sets in accordance with Section  
2388 63J-1-504; and

2389 (ii) may not exceed the cost of the relatively lower administrative burden of renewal in  
2390 comparison to the original application process.

2391 (d) If a minor meets the requirements of Subsection (2)(c), the minor's provisional  
2392 patient card renews automatically at the time the minor's parent or legal guardian renews the  
2393 parent or legal guardian's associated medical cannabis guardian card.

2394 (7) (a) A cardholder under this section shall carry the cardholder's valid medical  
2395 cannabis card with the patient's name.

2396 (b) (i) A medical cannabis patient cardholder or a provisional patient cardholder may  
2397 purchase, in accordance with this part and the recommendation underlying the card, cannabis in  
2398 a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis  
2399 device.

2400 (ii) A cardholder under this section may possess or transport, in accordance with this  
2401 part and the recommendation underlying the card, cannabis in a medicinal dosage form, a  
2402 cannabis product in a medicinal dosage form, or a medical cannabis device.

2403 (iii) To address the qualifying condition underlying the medical cannabis treatment  
2404 recommendation:

2405 (A) a medical cannabis patient cardholder or a provisional patient cardholder may use  
2406 [~~cannabis in a medicinal dosage form, a medical cannabis product in a medicinal dosage form,~~  
2407 or] medical cannabis or a medical cannabis device; and

2408 (B) a medical cannabis guardian cardholder may assist the associated provisional  
2409 patient cardholder with the use of [~~cannabis in a medicinal dosage form, a medical cannabis  
2410 product in a medicinal dosage form,] medical cannabis or a medical cannabis device.~~

2411 (8) (a) The department may revoke a medical cannabis card that the department issues  
2412 under this section if:

2413 (i) the recommending medical provider withdraws the medical provider's  
2414 recommendation for medical cannabis; or  
2415 (ii) the cardholder:  
2416 (A) violates this part; or  
2417 (B) is convicted under state or federal law of, after March 17, 2021, a drug distribution  
2418 offense.

2419 (b) The department may not refuse to issue a medical cannabis card to a patient solely  
2420 based on a prior revocation under Subsection (8)(a)(i).

2421 (9) The department shall establish by rule, in accordance with Title 63G, Chapter 3,  
2422 Utah Administrative Rulemaking Act, a process to provide information regarding the following  
2423 to an individual receiving a medical cannabis card:

2424 (a) risks associated with medical cannabis treatment;

2425 (b) the fact that a condition's listing as a qualifying condition does not suggest that  
2426 medical cannabis treatment is an effective treatment or cure for that condition, as described in  
2427 Subsection [26B-4-203\(1\)](#); and

2428 (c) other relevant warnings and safety information that the department determines.

2429 (10) The department may establish procedures by rule, in accordance with Title 63G,  
2430 Chapter 3, Utah Administrative Rulemaking Act, to implement the application and issuance  
2431 provisions of this section.

2432 (11) (a) On or before September 1, 2021, the department shall establish by rule, in  
2433 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a process to allow  
2434 an individual from another state to register with the department in order to purchase medical  
2435 cannabis or a medical cannabis device from a medical cannabis pharmacy while the individual  
2436 is visiting the state.

2437 (b) The department may only provide the registration process described in Subsection  
2438 (11)(a):

2439 (i) to a nonresident patient; and

2440 (ii) for no more than two visitation periods per calendar year of up to 21 calendar days  
2441 per visitation period.

2442 (12) (a) A person may submit to the department a request to conduct a research study  
2443 using medical cannabis cardholder data that the state electronic verification system contains.

2444 (b) The department shall review a request described in Subsection (12)(a) to determine  
2445 whether an institutional review board, as that term is defined in Section 26B-4-201, could  
2446 approve the research study.

2447 (c) At the time an individual applies for a medical cannabis card, the department shall  
2448 notify the individual:

2449 (i) of how the individual's information will be used as a cardholder;

2450 (ii) that by applying for a medical cannabis card, unless the individual withdraws  
2451 consent under Subsection (12)(d), the individual consents to the use of the individual's  
2452 information for external research; and

2453 (iii) that the individual may withdraw consent for the use of the individual's  
2454 information for external research at any time, including at the time of application.

2455 (d) An applicant may, through the medical cannabis card application, and a medical  
2456 cannabis cardholder may, through the state central patient portal, withdraw the applicant's or  
2457 cardholder's consent to participate in external research at any time.

2458 (e) The department may release, for the purposes of a study described in this  
2459 Subsection (12), information about a cardholder under this section who consents to participate  
2460 under Subsection (12)(c).

2461 (f) If an individual withdraws consent under Subsection (12)(d), the withdrawal of  
2462 consent:

2463 (i) applies to external research that is initiated after the withdrawal of consent; and

2464 (ii) does not apply to research that was initiated before the withdrawal of consent.

2465 (g) The department may establish standards for a medical research study's validity, by  
2466 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2467 (13) The department shall record the issuance or revocation of a medical cannabis card  
2468 under this section in the controlled substance database.

2469 Section 21. Section 26B-4-245 is amended to read:

2470 **26B-4-245. Purchasing and use limitations -- Exception.**

2471 (1) An individual with a medical cannabis card:

2472 [(+) (a) may purchase, in any one 28-day period, up to the legal dosage limit of:

2473 [(a) (i) unprocessed cannabis in a medicinal dosage form; and

2474 [(b) (ii) a cannabis product in a medicinal dosage form;



2475           ~~[(2)]~~ (b) may not purchase:

2476           ~~[(a)]~~ (i) except as provided in Subsection (2), more medical cannabis than described in  
2477 Subsection (1)(a); or

2478           ~~[(b)]~~ (ii) if the relevant recommending medical provider did not recommend directions  
2479 of use and dosing guidelines, until the individual consults with the pharmacy medical provider  
2480 in accordance with Subsection 26B-4-231(4), any medical cannabis; and

2481           ~~[(3)]~~ (c) may not use a route of administration that the relevant recommending medical  
2482 provider or the pharmacy medical provider, in accordance with Subsection 26B-4-231(4), has  
2483 not recommended.

2484           (2) (a) A qualified medical provider may petition the department to waive the 28-day  
2485 period limit described in Subsection (1)(a) for a medical cannabis cardholder if the medical  
2486 cannabis cardholder:

2487           (i) has been diagnosed with a terminal illness;

2488           (ii) has a life expectancy of six months or less; and

2489           (iii) needs the waiver for palliative purposes.

2490           (b) The department shall:

2491           (i) consult with the Compassionate Use Board to determine whether the waiver should  
2492 be granted;

2493           (ii) issue a response to the petition within 10 days from the day on which the petition is  
2494 received.

2495           (c) The department may waive the 28-day period limit for no more than 180 days.

2496           (d) A petition described in this Subsection (2) may be combined with the petition  
2497 described in Subsection 26B-1-421(6).

2498           Section 22. Section **34A-5-114** is enacted to read:

2499           **34A-5-114. Nondiscrimination for medical cannabis use while employed by the**  
2500 **government.**

2501           (1) As used in this section:

2502           (a) "Adverse employment action" means any of the following in regards to an  
2503 employee:

2504           (i) dismissal from employment;

2505           (ii) suspension from employment;

- 2506 (iii) reduction in compensation;  
2507 (iv) failing to increase compensation by an amount that the employee is otherwise  
2508 entitled to or was promised;  
2509 (v) failure to promote an employee if the employee would have otherwise been  
2510 promoted; or  
2511 (vi) threaten to take an action described in Subsections (1)(a)(i) through (v).  
2512 (b) "Medical cannabis" means the same as that term is defined in Section [26B-4-201](#).  
2513 (c) "Medical cannabis cardholder" means the same as that term is defined in Section  
2514 [26B-4-201](#).  
2515 (2) Notwithstanding any other provision of law and except as provided in Subsection  
2516 (4), the state or any political subdivision shall treat:  
2517 (a) an employee's use of medical cannabis in accordance with Title 26B, Chapter 4,  
2518 Part 2, Cannabinoid Research and Medical Cannabis, or Section [58-37-3.7](#) in the same way the  
2519 state or political subdivision treats employee use of any prescribed controlled substance; and  
2520 (b) an employee's status as a medical cannabis cardholder or an employee's medical  
2521 cannabis recommendation in the same manner the state or political subdivision treats an  
2522 employee's prescriptions for any prescribed controlled substance.  
2523 (3) A state or political subdivision employee who has a valid medical cannabis card is  
2524 not subject to an adverse employment action for failing a drug test due to marijuana or  
2525 tetrahydrocannabinol without evidence that the employee was impaired or otherwise adversely  
2526 affected in the employee's job performance due to the use of medical cannabis.  
2527 (4) Subsections (2) and (3) do not apply:  
2528 (a) where the application of Subsection (2) or (3) would jeopardize federal funding, a  
2529 federal security clearance, or any other federal background determination required for the  
2530 employee's position;  
2531 (b) if the employee's position is dependent on a license or peace officer certification  
2532 that is subject to federal regulations, including 18 U.S.C. Sec. 922(g)(3); or  
2533 (c) if an employee described in Subsections [34A-2-102](#)(1)(h)(ii) through (vi) uses  
2534 medical cannabis during the 12 hours immediately preceding the employee's shift or during the  
2535 employee's shift.  
2536 (5) An employee described in this section:

2537 (a) may file a complaint in accordance with Section 34A-5-107 with the commission;

2538 and

2539 (b) is entitled to any remedies under this chapter for an employer's violation of

2540 Subsection (2) or (3).

2541 (6) Nothing in this section requires a private employer to accommodate the use of

2542 medical cannabis or affects the ability of a private employer to have policies restricting the use

2543 of medical cannabis by applicants or employees.

2544 Section 23. Section **63I-2-236** is amended to read:

2545 **63I-2-236. Repeal dates: Title 36.**

2546 (1) Section 36-12-8.2 is repealed July 1, [~~2024~~] 2025.

2547 (2) Section 36-29-107.5 is repealed on November 30, 2024.

2548 (3) Section 36-29-109 is repealed on November 30, 2027.

2549 (4) Section 36-29-110 is repealed on November 30, 2024.

2550 (5) Section 36-29-111 is repealed July 1, 2025.

2551 (6) The following sections regarding the State Flag Task Force are repealed on January

2552 1, 2024:

2553 (a) Section 36-29-201;

2554 (b) Section 36-29-202; and

2555 (c) Section 36-29-203.

2556 (7) Title 36, Chapter 29, Part 3, Mental Illness Psychotherapy Drug Task Force, is

2557 repealed December 31, 2023.

2558 Section 24. **Effective date.**

2559 This bill takes effect on May 1, 2024.