

Jennifer Dailey-Provost proposes the following substitute bill:

Medical Cannabis Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jennifer Dailey-Provost

Senate Sponsor:

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LONG TITLE

General Description:

This bill amends provisions related to medical cannabis.

Highlighted Provisions:

This bill:

- ▶ exempts medical cannabis processors from obtaining an additional license to process cannabinoid (hemp) products;
- ▶ creates a fee on medical cannabis purchases for use in enforcement of various laws;
- ▶ renames the Cannabis Production Establishment and Pharmacy Licensing Advisory Board to the Specialized Product Authority Licensing Board (licensing board);
- ▶ reconstitutes the licensing board's membership;
- ▶ amends provisions related to labeling and packaging;
- ▶ modifies the licensing board's duties;
- ▶ moves control of the Qualified Patient Enterprise Fund to the Department of Agriculture and Food (UDAF);
- ▶ moves all Department of Health and Human Services duties related to the medical cannabis program to UDAF;
- ▶ allows medical cannabis processors to make cannabis products with a THC content below .3% (low THC products);
- ▶ allows medical cannabis pharmacies to sell low THC products; and
- ▶ allows any patient to obtain a medical cannabis patient card from a recommending medical provider through a virtual visit.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

29 **Utah Code Sections Affected:**

30 AMENDS:

- 31 **4-41-103.2**, as last amended by Laws of Utah 2025, Chapter 114
 32 **4-41a-102**, as last amended by Laws of Utah 2025, First Special Session, Chapter 9
 33 **4-41a-104**, as last amended by Coordination Clause, Laws of Utah 2023, Chapter 307
 34 and enacted by Laws of Utah 2018, Third Special Session, Chapter 1
 35 **4-41a-201**, as last amended by Laws of Utah 2025, Chapter 414
 36 **4-41a-201.1**, as last amended by Laws of Utah 2025, Chapter 414
 37 **4-41a-204**, as last amended by Laws of Utah 2025, First Special Session, Chapter 16
 38 **4-41a-602**, as last amended by Laws of Utah 2025, Chapter 392
 39 **4-41a-801**, as last amended by Laws of Utah 2025, Chapters 114, 414
 40 **26B-4-201**, as last amended by Laws of Utah 2025, Chapter 392
 41 **26B-4-202**, as last amended by Laws of Utah 2025, Chapter 392
 42 **26B-4-213**, as last amended by Laws of Utah 2025, Chapter 392
 43 **26B-4-214**, as last amended by Laws of Utah 2025, Chapter 392
 44 **26B-4-219**, as last amended by Laws of Utah 2025, Chapter 414
 45 **26B-4-222**, as last amended by Laws of Utah 2025, First Special Session, Chapter 9

46 ENACTS:

- 47
- 26B-4-201.1**
- , Utah Code Annotated 1953

48 RENUMBERS AND AMENDS:

- 49 **4-41a-104.1**, (Renumbered from 26B-1-310, as last amended by Laws of Utah 2025,
 50 First Special Session, Chapter 9)
 51 **4-41a-111**, (Renumbered from 26B-1-435, as last amended by Laws of Utah 2025,
 52 First Special Session, Chapter 9)

53

54 *Be it enacted by the Legislature of the state of Utah:*55 Section 1. Section **4-41-103.2** is amended to read:56 **4-41-103.2 . Cannabinoid processor license.**

- 57 (1) The department or a licensee of the department may process a cannabinoid product.
 58 (2) A person seeking a cannabinoid processor license shall provide to the department:
 59 (a) the legal description and global positioning coordinates sufficient for locating the
 60 facility the person uses to process industrial hemp; and
 61 (b) written consent allowing a representative of the department and local law
 62 enforcement to enter all premises where the person processes or stores industrial

- 63 hemp for the purpose of:
- 64 (i) conducting a physical inspection; or
- 65 (ii) ensuring compliance with the requirements of this chapter.
- 66 (3) The department may set a fee in accordance with Subsection 4-2-103(2) for the
- 67 application for a cannabinoid processor license.
- 68 (4) A licensee may only market a cannabinoid product that the licensee processes.
- 69 (5)(a) An applicant for a cannabinoid processor license shall:
- 70 (i) be at least 18 years old; and
- 71 (ii) submit a nationwide criminal history from the Federal Bureau of Investigation to
- 72 the department.
- 73 (b) The department shall reject an individual's application for a cannabinoid processor
- 74 license if the criminal history described in Subsection (5)(a)(ii) was not completed in
- 75 the previous 90 days before the day the applicant submits the license application to
- 76 the department.
- 77 (6) An applicant is not eligible to receive a cannabinoid processor license if the applicant
- 78 has:
- 79 (a) been convicted of a felony; or
- 80 (b) been convicted of a drug-related misdemeanor within the previous 10 years.
- 81 (7) A person licensed under Section 4-41a-201 as a cannabis processing facility as defined
- 82 in Section 4-41a-102 may produce a cannabinoid product that complies with the
- 83 requirements of this chapter without obtaining a license under this section.
- 84 Section 2. Section **4-41a-102** is amended to read:
- 85 **4-41a-102 . Definitions.**
- 86 As used in this chapter:
- 87 (1) "Adulterant" means any poisonous or deleterious substance in a quantity that may be
- 88 injurious to health, including:
- 89 (a) pesticides;
- 90 (b) heavy metals;
- 91 (c) solvents;
- 92 (d) microbial life;
- 93 (e) artificially derived cannabinoid;
- 94 (f) toxins; or
- 95 (g) foreign matter.
- 96 (2) "Advertise" or "advertising" means information provided by a person in any medium:

- 97 (a) to the public; and
- 98 (b) that is not age restricted to an individual who is at least 21 years old.
- 99 (3) "Advisory board" means the Medical Cannabis Policy Advisory Board created in
100 Section ~~[26B-1-435]~~ 4-41a-111.
- 101 (4)(a) "Anticompetitive business practice" means any practice that is an illegal
102 anticompetitive activity under Section 76-16-510.
- 103 (b) "Anticompetitive business practice" may include:
- 104 (i) agreements that may be considered unreasonable when competitors interact to the
105 extent that they are:
- 106 (A) no longer acting independently; or
- 107 (B) when collaborating are able to wield market power together;
- 108 (ii) monopolizing or attempting to monopolize trade by:
- 109 (A) acting to maintain or acquire a dominant position in the market; or
- 110 (B) preventing new entry into the market; or
- 111 (iii) other conduct outlined in rule.
- 112 (5)(a) "Artificially derived cannabinoid" means a chemical substance that is created by a
113 chemical reaction that changes the molecular structure of any chemical substance
114 derived from the cannabis plant.
- 115 (b) "Artificially derived cannabinoid" does not include:
- 116 (i) a naturally occurring chemical substance that is separated from the cannabis plant
117 by a chemical or mechanical extraction process; or
- 118 (ii) a cannabinoid that is produced by decarboxylation from a naturally occurring
119 cannabinoid acid without the use of a chemical catalyst.
- 120 (6) "Batch" means a quantity of:
- 121 (a) cannabis extract produced on a particular date and time and produced between
122 completion of equipment and facility sanitation protocols until the next required
123 sanitation cycle during which lots of cannabis are used;
- 124 (b) cannabis product produced on a particular date and time and produced between
125 completion of equipment and facility sanitation protocols until the next required
126 sanitation cycle during which cannabis extract is used; or
- 127 (c) cannabis flower packaged on a particular date and time and produced between
128 completion of equipment and facility sanitation protocols until the next required
129 sanitation cycle during which lots of cannabis are being used.
- 130 (7) "Cannabis Research Review Board" means the Cannabis Research Review Board

- 131 created in Section 26B-1-420.
- 132 (8) "Cannabis" means the same as that term is defined in Section 26B-4-201.
- 133 (9) "Cannabis concentrate" means:
- 134 (a) the product of any chemical or physical process applied to naturally occurring
- 135 biomass that concentrates or isolates the cannabinoids contained in the biomass; and
- 136 (b) any amount of a natural cannabinoid or artificially derived cannabinoid in an
- 137 artificially derived cannabinoid's purified state.
- 138 (10) "Cannabis cultivation byproduct" means any portion of a cannabis plant that is not
- 139 intended to be sold as a cannabis plant product.
- 140 (11) "Cannabis cultivation facility" means a person that:
- 141 (a) possesses cannabis;
- 142 (b) grows or intends to grow cannabis; and
- 143 (c) sells or intends to sell cannabis to a cannabis cultivation facility, a cannabis
- 144 processing facility, or a medical cannabis research licensee.
- 145 (12) "Cannabis cultivation facility agent" means an individual who
- 146 holds a valid cannabis production establishment agent registration card with a cannabis
- 147 cultivation facility designation.
- 148 (13) "Cannabis derivative product" means a product made using cannabis concentrate.
- 149 (14) "Cannabis plant product" means any portion of a cannabis plant intended to be sold in
- 150 a form that is recognizable as a portion of a cannabis plant.
- 151 (15) "Cannabis processing facility" means a person that:
- 152 (a) acquires or intends to acquire cannabis from a cannabis production establishment;
- 153 (b) possesses cannabis with the intent to manufacture a cannabis product;
- 154 (c) manufactures or intends to manufacture a cannabis product from unprocessed
- 155 cannabis or a cannabis extract; and
- 156 (d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or a
- 157 medical cannabis research licensee.
- 158 (16) "Cannabis processing facility agent" means an individual who
- 159 holds a valid cannabis production establishment agent registration card with a cannabis
- 160 processing facility designation.
- 161 (17) "Cannabis product" means the same as that term is defined in Section 26B-4-201.
- 162 (18) "Cannabis production establishment" means a cannabis cultivation facility, a cannabis
- 163 processing facility, or an independent cannabis testing laboratory.
- 164 (19) "Cannabis production establishment agent" means a cannabis cultivation facility agent,

- 165 a cannabis processing facility agent, or an independent cannabis testing laboratory agent.
- 166 (20) "Cannabis production establishment agent registration card" means a registration card
167 that the department issues that:
- 168 (a) authorizes an individual to act as a cannabis production establishment agent; and
169 (b) designates the type of cannabis production establishment for which an individual is
170 authorized to act as an agent.
- 171 (21) "Closed-door medical cannabis pharmacy" means a facility operated by a home
172 delivery medical cannabis pharmacy for delivering medical cannabis.
- 173 (22) "Community location" means a public or private elementary or secondary school, a
174 church, a public library, a public playground, or a public park.
- 175 (23) "Cultivation space" means, quantified in square feet, the horizontal area in which a
176 cannabis cultivation facility cultivates cannabis, including each level of horizontal area
177 if the cannabis cultivation facility hangs, suspends, stacks, or otherwise positions plants
178 above other plants in multiple levels.
- 179 (24) "Delivery address" means:
- 180 (a) for a medical cannabis cardholder who is not a facility:
- 181 (i) the medical cannabis cardholder's home address; or
182 (ii) an address designated by the medical cannabis cardholder that:
- 183 (A) is the medical cannabis cardholder's workplace; and
184 (B) is not a community location; or
- 185 (b) for a medical cannabis cardholder that is a facility, the facility's address.
- 186 (25) "Department" means the Department of Agriculture and Food.
- 187 (26) "Family member" means a parent, step-parent, spouse, child, sibling, step-sibling,
188 uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law,
189 sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.
- 190 (27) "Government issued photo identification" means the same as that term is defined in
191 Section 26B-4-201, including expired identification in accordance with Section
192 26B-4-244.
- 193 (28) "Home delivery medical cannabis pharmacy" means a medical cannabis pharmacy that
194 the department authorizes, as part of the pharmacy's license, to deliver medical cannabis
195 shipments to a delivery address to fulfill electronic orders.
- 196 (29)(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

- 199 to 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 (30) "Independent cannabis testing laboratory agent" means an individual who
203 holds a valid cannabis production establishment agent registration card with an independent
204 cannabis testing laboratory designation.
- 205 (31) "Inventory control system" means a system described in Section 4-41a-103.
- 206 (32) "Licensing board" or "board" means the [~~Cannabis Production Establishment and~~
207 ~~Pharmacy Licensing Advisory~~] Specialized Product Authority Licensing Board created
208 in Section 4-41a-201.1.
- 209 (33) "Medical cannabis" or "medical cannabis product" means the same as that term is
210 defined in Section 26B-4-201.
- 211 (34) "Medical cannabis card" means the same as that term is defined in Section 26B-4-201.
- 212 (35) "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.
- 216 (36) "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 (37) "Medical cannabis pharmacy" means the same as that term is defined in Section
220 26B-4-201.
- 221 (38) "Medical cannabis pharmacy agent" means the same as that term is defined in Section
222 26B-4-201.
- 223 (39) "Medical cannabis research license" means a license that the department issues to a
224 research university for the purpose of obtaining and possessing medical cannabis for
225 academic research.
- 226 (40) "Medical cannabis research licensee" means a research university that the department
227 licenses to obtain and possess medical cannabis for academic research, in accordance
228 with Section 4-41a-901.
- 229 (41) "Medical cannabis shipment" means a shipment of medical cannabis that a home
230 delivery medical cannabis pharmacy or a medical cannabis courier delivers to a delivery
231 address to fulfill an electronic medical cannabis order.
- 232 (42) "Medical cannabis treatment" means the same as that term is defined in Section

- 233 26B-4-201.
- 234 (43) "Medicinal dosage form" means the same as that term is defined in Section 26B-4-201.
- 235 (44) "Patient product information insert" means the same as that term is defined in Section
- 236 26B-4-201.
- 237 (45) "Pharmacy ownership limit" means an amount equal to 30% of the total number of
- 238 medical cannabis pharmacy licenses issued by the department rounded down to the
- 239 nearest whole number.
- 240 (46) "Pharmacy medical provider" means the same as that term is defined in Section
- 241 26B-4-201.
- 242 (47) "Qualified Production Enterprise Fund" means the fund created in Section 4-41a-104.
- 243 (48) "Recommending medical provider" means the same as that term is defined in Section
- 244 26B-4-201.
- 245 (49) "Research university" means the same as that term is defined in Section 53H-8-202
- 246 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 (50) "State electronic verification system" means the system described in Section 26B-4-202.
- 252 (51) "Targeted marketing" means the promotion of medical cannabis, a medical cannabis
- 253 brand, or a medical cannabis device using any of the following methods:
- 254 (a) electronic communication to an individual who is at least 21 years old and has
- 255 requested to receive promotional information;
- 256 (b) an in-person marketing event that is:
- 257 (i) held inside a medical cannabis pharmacy; and
- 258 (ii) in an area where only a medical cannabis cardholder may access the event;
- 259 (c) other marketing material that is physically available or digitally displayed in a
- 260 medical cannabis pharmacy; or
- 261 (d) a leaflet a medical cannabis pharmacy places in the opaque package or box that is
- 262 provided to an individual when obtaining medical cannabis:
- 263 (i) in the medical cannabis pharmacy;
- 264 (ii) at the medical cannabis pharmacy's drive-through pick up window; or
- 265 (iii) in a medical cannabis shipment.
- 266 (52) "Tetrahydrocannabinol" or "THC" means the same as that term is defined in Section

- 267 4-41-102.
- 268 (53) "Tier one cannabis processing facility" means a cannabis processing facility that is
 269 able to:
- 270 (a) create cannabis concentrate;
- 271 (b) create cannabis derivative product; and
- 272 (c) package and label medical cannabis.
- 273 (54) "Tier two cannabis processing facility" means a cannabis processing facility that is
 274 able to package and label medical cannabis only if the medical cannabis is a cannabis
 275 plant product.
- 276 (55) "THC analog" means the same as that term is defined in Section 4-41-102.
- 277 (56) "Total composite tetrahydrocannabinol" means all detectable forms of
 278 tetrahydrocannabinol.
- 279 (57) "Total tetrahydrocannabinol" or "total THC" means the same as that term is defined in
 280 Section 4-41-102.

281 Section 3. Section **4-41a-104** is amended to read:

282 **4-41a-104 . Qualified Production Enterprise Fund -- Creation -- Revenue**
 283 **neutrality.**

- 284 (1) There is created an enterprise fund known as the "Qualified Production Enterprise
 285 Fund."
- 286 (2) The fund created in this section is funded from:
- 287 (a) money the department deposits into the fund under this chapter;
- 288 (b) appropriations the Legislature makes to the fund; ~~and~~
- 289 (c) the interest described in Subsection (3)~~[-]~~ ; and
- 290 (d) the fee described in Subsection (6).
- 291 (3) Interest earned on the Qualified Production Enterprise Fund shall be deposited into the
 292 fund.
- 293 (4) The department may ~~[only]~~ use money in the fund to fund the department's
 294 implementation of~~[-this chapter.]~~ ;
- 295 (a) this chapter;
- 296 (b) Chapter 41, Hemp and Cannabinoid Act; or
- 297 (c) Chapter 45, Kratom Consumer Protection Act.
- 298 (5) The department shall set fees authorized under this chapter in amounts that the
 299 department anticipates are necessary, in total, to cover the department's cost to
 300 implement this chapter.

301 (6) The department may impose a uniform fee on each medical cannabis transaction in a
 302 medical cannabis pharmacy in an amount that the department sets in accordance with
 303 Section 63J-1-504.

304 Section 4. Section **4-41a-104.1**, which is renumbered from Section 26B-1-310 is renumbered
 305 and amended to read:

306 **[26B-1-310] 4-41a-104.1 . Qualified Patient Enterprise Fund -- Creation --**
 307 **Revenue neutrality -- Uniform fee.**

308 (1) There is created an enterprise fund known as the "Qualified Patient Enterprise Fund."

309 (2) The fund created in this section is funded from:

310 (a) money the department deposits into the fund under [~~Chapter 4, Part 2, Cannabinoid~~
 311 ~~Research and Medical Cannabis~~] Title 26B, Chapter 4, Part 2, Cannabinoid Research
 312 and Medical Cannabis;

313 (b) appropriations the Legislature makes to the fund; and

314 (c) the interest described in Subsection (3).

315 (3) Interest earned on the fund shall be deposited into the fund.

316 (4) Money deposited into the fund may only be used by:

317 (a) the department to accomplish the department's responsibilities described in [~~Chapter~~
 318 ~~4, Part 2, Cannabinoid Research and Medical Cannabis~~] Title 26B, Chapter 4, Part 2,
 319 Cannabinoid Research and Medical Cannabis;

320 (b) the Center for Medical Cannabis Research created in Section 53H-4-206 to
 321 accomplish the Center for Medical Cannabis Research's responsibilities; and

322 (c) [~~the Department of Agriculture and Food for the one-time purchase of equipment to~~
 323 ~~meet the requirements described in Section 4-41a-204.1~~] expenses for employing the
 324 licensing board.

325 (5) The department shall set fees authorized under [~~Chapter 4, Part 2, Cannabinoid~~
 326 ~~Research and Medical Cannabis~~] Title 26B, Chapter 4, Part 2, Cannabinoid Research and
 327 Medical Cannabis, in amounts that the department anticipates are necessary, in total, to
 328 cover the department's cost to implement [~~Chapter 4, Part 2, Cannabinoid Research and~~
 329 ~~Medical Cannabis~~] Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical
 330 Cannabis.

331 (6) The department may impose a uniform fee on each medical cannabis transaction in a
 332 medical cannabis pharmacy in an amount that, subject to Subsection (5), the department
 333 sets in accordance with Section 63J-1-504.

334 Section 5. Section **4-41a-111**, which is renumbered from Section 26B-1-435 is renumbered

335 and amended to read:

336 **~~[26B-1-435]~~ 4-41a-111 . Medical Cannabis Policy Advisory Board creation --**
 337 **Membership -- Duties.**

338 (1) There is created within the department the Medical Cannabis Policy Advisory Board.

339 (2)(a) The advisory board shall consist of the following members:

340 [~~(i) appointed by the executive director;~~]

341 [~~(A) a recommending medical provider who has recommended medical cannabis~~
 342 ~~to at least 100 patients before being appointed;~~]

343 [~~(B) a mental health specialist;~~]

344 [~~(C) an individual who represents an organization that advocates for medical~~
 345 ~~cannabis patients;~~]

346 [~~(D) a member of the general public who holds a medical cannabis patient card;~~
 347 ~~and]~~

348 [~~(E) a member of the general public who does not hold a medical cannabis card;~~]

349 [~~(ii)~~] (i) appointed by the commissioner of the Department of Agriculture and Food:

350 (A) an individual who owns or operates a licensed cannabis cultivation facility, as
 351 defined in Section 4-41a-102;

352 (B) an individual who owns or operates a licensed medical cannabis pharmacy; [
 353 ~~and]~~

354 (C) a law enforcement officer; [~~and]~~

355 (D) a recommending medical provider who has recommended medical cannabis to
 356 at least 100 patients before being appointed;

357 (E) a mental health specialist;

358 (F) an individual who represents an organization that advocates for medical
 359 cannabis patients;

360 (G) a member of the general public who holds a medical cannabis patient card; and

361 (H) a member of the general public who does not hold a medical cannabis card;
 362 and

363 [~~(iii)~~] (ii) a representative from the Center for Medical Cannabis Research created in
 364 Section 53H-4-206, appointed by the Center for Medical Cannabis Research.

365 (b) The commissioner of the Department of Agriculture and Food shall ensure that at
 366 least one individual appointed under Subsection [~~(2)(a)(ii)(A)] (2)(a)(i)(A) or (B) also~~
 367 owns or operates a licensed cannabis processing facility.

368 (3)(a) Subject to Subsection (3)(b), a member of the advisory board shall serve for a four

- 369 year term.
- 370 (b) When appointing the initial membership of the advisory board, the executive director
371 and the commissioner of the Department of Agriculture and Food shall coordinate to
372 appoint four advisory board members to serve a term of two years to ensure that
373 approximately half of the board is appointed every two years.
- 374 (4)(a) If an advisory board member is no longer able to serve as a member, a new
375 member shall be appointed in the same manner as the original appointment.
- 376 (b) A member appointed in accordance with Subsection (4)(a) shall serve for the
377 remainder of the unexpired term of the original appointment.
- 378 (5)(a) A majority of the advisory board members constitutes a quorum.
- 379 (b) The action of a majority of a quorum constitutes an action of the advisory board.
- 380 (c) For a term lasting one year, the advisory board shall annually designate members of
381 the advisory board to serve as chair and vice-chair.
- 382 (d) When designating the chair and vice-chair, the advisory board shall ensure that at
383 least one individual described in [Subsection] [-] Subsections (2)(a)(i)(D) through (H)
384 is appointed as chair or vice-chair.
- 385 (6) An advisory board member may not receive compensation or benefits for the member's
386 service on the advisory board but may receive per diem and reimbursement for travel
387 expenses incurred as an advisory board member in accordance with:
- 388 (a) Sections 63A-3-106 and 63A-3-107; and
- 389 (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
390 63A-3-107.
- 391 (7) The ~~[department]~~ licensing board shall:
- 392 (a) provide staff support for the advisory board; and
- 393 (b) assist the advisory board in conducting meetings.
- 394 (8) The advisory board may recommend:
- 395 (a) to the department ~~[or the Department of Agriculture and Food]~~ changes to current or
396 proposed medical cannabis rules or statutes; and
- 397 (b) to the appropriate legislative committee whether the advisory board supports a
398 change to medical cannabis statutes.
- 399 (9) The advisory board shall:
- 400 (a) review any draft rule that is authorized under Title 26B, Chapter 4, Part 2,
401 Cannabinoid Research and Medical Cannabis, or ~~[Title 4, Chapter 41a, Cannabis~~
402 ~~Production Establishments and Pharmacies]~~ this chapter;

- 403 (b) consult with the [~~Department of Agriculture and Food~~] department regarding the
 404 issuance of an additional:
- 405 (i) cultivation facility license under Section 4-41a-205; or
 406 (ii) pharmacy license under Section 4-41a-1005;
- 407 (c) consult with the department regarding cannabis patient education;
- 408 (d) consult regarding the reasonableness of any fees set by the department [~~or the~~
 409 ~~Department of Agriculture and Food~~]that pertain to the medical cannabis program;
 410 and
- 411 (e) consult regarding any issue pertaining to medical cannabis when asked by the
 412 department[~~or the Department of Agriculture and Food~~].

413 Section 6. Section **4-41a-201** is amended to read:

414 **4-41a-201 . Cannabis production establishment -- License.**

- 415 (1) Except as provided in Subsection (14), a person may not operate a cannabis production
 416 establishment without a license that the department issues under this chapter.
- 417 (2)(a)(i) Subject to Subsections (6), (7), (8), and (13) and to Section 4-41a-205, for a
 418 licensing process that the department initiates after March 17, 2021, the
 419 department, through the licensing board, shall issue licenses in accordance with
 420 Section 4-41a-201.1.
- 421 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
 422 the department shall make rules to specify a transparent and efficient process to:
- 423 (A) solicit applications for a license under this section;
 424 (B) allow for comments and questions in the development of applications;
 425 (C) timely and objectively evaluate applications;
 426 (D) hold public hearings that the department deems appropriate; and
 427 (E) select applicants to receive a license.
- 428 (iii) The department may not issue a license to operate a cannabis production
 429 establishment to an applicant who is not eligible for a license under this section.
- 430 (b) An applicant is eligible for a license under this section if the applicant submits to the
 431 licensing board:
- 432 (i) subject to Subsection (2)(c), a proposed name and each address, located in a zone
 433 described in Subsection 4-41a-406(2)(a) or (b), where the applicant will operate
 434 the cannabis production establishment;
- 435 (ii) the name and address of any individual who has:
- 436 (A) for a publicly traded company, a financial or voting interest of 10% or greater

- 437 in the proposed cannabis production establishment;
- 438 (B) for a privately held company, a financial or voting interest in the proposed
439 cannabis production establishment; or
- 440 (C) the power to direct or cause the management or control of a proposed cannabis
441 production establishment;
- 442 (iii) an operating plan that:
- 443 (A) complies with Section 4-41a-204;
- 444 (B) includes operating procedures that comply with this chapter and any law the
445 municipality or county in which the person is located adopts that is consistent
446 with Section 4-41a-406; and
- 447 (C) the department or licensing board approves;
- 448 (iv) a statement that the applicant will obtain and maintain a liquid cash account with
449 a financial institution or a performance bond that a surety authorized to transact
450 surety business in the state issues in an amount of at least:
- 451 (A) \$100,000 for each cannabis cultivation facility for which the applicant applies;
452 or
- 453 (B) \$50,000 for each cannabis processing facility or independent cannabis testing
454 laboratory for which the applicant applies;
- 455 (v) an application fee in an amount that, subject to Subsection 4-41a-104(5), the
456 department sets in accordance with Section 63J-1-504; and
- 457 (vi) a description of any investigation or adverse action taken by any licensing
458 jurisdiction, government agency, law enforcement agency, or court in any state for
459 any violation or detrimental conduct in relation to any of the applicant's
460 cannabis-related operations or businesses.
- 461 (c)(i) A person may not locate a cannabis production establishment:
- 462 (A) within 1,000 feet of a community location; or
- 463 (B) in or within 600 feet of a district that the relevant municipality or county has
464 zoned as primarily residential.
- 465 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured
466 from the nearest entrance to the cannabis production establishment by following
467 the shortest route of ordinary pedestrian travel to the property boundary of the
468 community location or residential area.
- 469 (iii) The licensing board may grant a waiver to reduce the proximity requirements in
470 Subsection (2)(c)(i) by up to 20% if the licensing board determines that it is not

- 471 reasonably feasible for the applicant to site the proposed cannabis production
472 establishment without the waiver.
- 473 (iv) An applicant for a license under this section shall provide evidence of
474 compliance with the proximity requirements described in Subsection (2)(c)(i).
- 475 (3) If the licensing board approves an application for a license under this section and
476 Section 4-41a-201.1:
- 477 (a) the applicant shall pay the department an initial license fee in an amount that, subject
478 to Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504;
479 and
- 480 (b) the department shall notify the Department of Public Safety of the license approval
481 and the names of each individual described in Subsection (2)(b)(ii).
- 482 (4)(a) Except as provided in this Subsection (4), a cannabis production establishment
483 shall obtain a separate license for each type of cannabis production establishment and
484 each location of a cannabis production establishment.
- 485 (b) The licensing board may issue a cannabis cultivation facility license and a cannabis
486 processing facility license to a person to operate at the same physical location or at
487 separate physical locations.
- 488 (c) A cannabis cultivation facility may operate at [~~two~~] three addresses under a single
489 license.
- 490 (d) A tier one cannabis processing facility may operate at a second address under the
491 same tier one license if:
- 492 (i) the second address is co-located at a cannabis cultivation facility operated by the
493 same licensee; and
- 494 (ii) the licensee pays a fee of \$70,000 for the second location.
- 495 (e) An applicant for a tier two cannabis processing facility license that has a cannabis
496 cultivation facility license and intends to process cannabis at the cannabis cultivation
497 facility shall pay a fee of \$25,000 for the tier two cannabis processing facility license.
- 498 (5) If the licensing board receives more than one application for a cannabis production
499 establishment within the same city or town, the licensing board shall consult with the
500 local land use authority before approving any of the applications pertaining to that city
501 or town.
- 502 (6) The licensing board may not issue a license to operate an independent cannabis testing
503 laboratory to a person who:
- 504 (a) holds a license or has an ownership interest in a medical cannabis pharmacy, a

- 505 cannabis processing facility, or a cannabis cultivation facility;
- 506 (b) has an owner, officer, director, or employee whose family member holds a license or
507 has an ownership interest in a medical cannabis pharmacy, a cannabis processing
508 facility, or a cannabis cultivation facility; or
- 509 (c) proposes to operate the independent cannabis testing laboratory at the same physical
510 location as a medical cannabis pharmacy, a cannabis processing facility, or a
511 cannabis cultivation facility.
- 512 (7) The licensing board may not issue a license to operate a cannabis production
513 establishment to an applicant if any individual described in Subsection (2)(b)(ii):
- 514 (a) has been convicted under state or federal law of:
- 515 (i) a felony in the preceding 10 years; or
516 (ii) after December 3, 2018, a misdemeanor for drug distribution;
- 517 (b) is younger than 21 years old; or
518 (c) after September 23, 2019, until January 1, 2023, is actively serving as a legislator.
- 519 (8)(a) If an applicant for a cannabis production establishment license under this section
520 holds a license under [~~Title 4~~], Chapter 41, Hemp and Cannabinoid Act, the licensing
521 board may not give preference to the applicant based on the applicant's status as a
522 holder of the license.
- 523 (b) If an applicant for a license to operate a cannabis cultivation facility under this
524 section holds a license to operate a medical cannabis pharmacy under this title, the
525 licensing board may give consideration to the applicant based on the applicant's
526 status as a holder of a medical cannabis pharmacy license if:
- 527 (i) the applicant demonstrates that a decrease in costs to patients is more likely to
528 result from the applicant's vertical integration than from a more competitive
529 marketplace; and
- 530 (ii) the licensing board finds multiple other factors, in addition to the existing license,
531 that support granting the new license.
- 532 (9) The licensing board may revoke a license under this part:
- 533 (a) if the cannabis production establishment does not begin cannabis production
534 operations within one year after the day on which the licensing board issues the
535 initial license;
- 536 (b) after the third of the same violation of this chapter in any of the licensee's licensed
537 cannabis production establishments or medical cannabis pharmacies;
- 538 (c) if any individual described in Subsection (2)(b) is convicted, while the license is

- 539 active, under state or federal law of:
- 540 (i) a felony; or
- 541 (ii) after December 3, 2018, a misdemeanor for drug distribution;
- 542 (d) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at
- 543 the time of application, or fails to supplement the information described in
- 544 Subsection (2)(b)(vi) with any investigation or adverse action that occurs after the
- 545 submission of the application within 14 calendar days after the licensee receives
- 546 notice of the investigation or adverse action;
- 547 (e) if the cannabis production establishment demonstrates a willful or reckless disregard
- 548 for the requirements of this chapter or the rules the department makes in accordance
- 549 with this chapter;
- 550 (f) if, after a change of ownership described in Subsection (15)(b), the board determines
- 551 that the cannabis production establishment no longer meets the minimum standards
- 552 for licensure and operation of the cannabis production establishment described in this
- 553 chapter;
- 554 (g) for an independent cannabis testing laboratory, if the independent cannabis testing
- 555 laboratory fails to substantially meet the performance standards described in
- 556 Subsection (14)(b); or
- 557 (h) if, following an investigation conducted pursuant to Subsection 4-41a-201.1(11), the
- 558 board finds that the licensee has participated in an anticompetitive business practice.
- 559 (10)(a) A person who receives a cannabis production establishment license under this
- 560 chapter, if the municipality or county where the licensed cannabis production
- 561 establishment will be located requires a local land use permit, shall submit to the
- 562 licensing board a copy of the licensee's approved application for the land use permit
- 563 within 120 days after the day on which the licensing board issues the license.
- 564 (b) If a licensee fails to submit to the licensing board a copy of the licensee's approved
- 565 land use permit application in accordance with Subsection (10)(a), the licensing
- 566 board may revoke the licensee's license.
- 567 (11) The department shall deposit the proceeds of a fee that the department imposes under
- 568 this section into the Qualified Production Enterprise Fund.
- 569 (12) The department shall begin accepting applications under this part on or before January
- 570 1, 2020.
- 571 (13)(a) The department's authority, and consequently the licensing board's authority, to
- 572 issue a license under this section is plenary and is not subject to review.

- 573 (b) Notwithstanding Subsection [~~(2)(a)(ii)(A)~~] (2)(a)(ii), the decision of the department
574 to award a license to an applicant is not subject to:
- 575 (i) Title 63G, Chapter 6a, Part 16, Protests; or
576 (ii) Title 63G, Chapter 6a, Part 17, Procurement Appeals Board.
- 577 (14)(a) Notwithstanding this section, the department:
- 578 (i) may operate or partner with a research university to operate an independent
579 cannabis testing laboratory;
- 580 (ii) if the department operates or partners with a research university to operate an
581 independent cannabis testing laboratory, may not cease operating or partnering
582 with a research university to operate the independent cannabis testing laboratory
583 unless:
- 584 (A) the department issues at least two licenses to independent cannabis testing
585 laboratories; and
- 586 (B) the department has ensured that the licensed independent cannabis testing
587 laboratories have sufficient capacity to provide the testing necessary to support
588 the state's medical cannabis market; and
- 589 (iii) after ceasing department or research university operations under Subsection
590 (14)(a)(ii) shall resume independent cannabis testing laboratory operations at any
591 time if:
- 592 (A) fewer than two licensed independent cannabis testing laboratories are
593 operating; or
- 594 (B) the licensed independent cannabis testing laboratories become, in the
595 department's determination, unable to fully meet the market demand for testing.
- 596 (b)(i) The department shall make rules, in accordance with Title 63G, Chapter 3,
597 Utah Administrative Rulemaking Act, to establish performance standards for the
598 operation of an independent cannabis testing laboratory, including deadlines for
599 testing completion.
- 600 (ii) A license that the department issues to an independent cannabis testing laboratory
601 is contingent upon substantial satisfaction of the performance standards described
602 in Subsection (14)(b)(i), as determined by the board.
- 603 (15)(a) A cannabis production establishment license is not transferrable or assignable.
- 604 (b) If the ownership of a cannabis production establishment changes by 50% or more:
- 605 (i) the cannabis production establishment shall submit a new application described in
606 Subsection (2)(b), subject to Subsection (2)(c);

- 607 (ii) within 30 days of the submission of the application, the board shall:
- 608 (A) conduct the application review described in Section 4-41a-201.1; and
- 609 (B) award a license to the cannabis production establishment for the remainder of
- 610 the term of the cannabis production establishment's license before the
- 611 ownership change if the cannabis production establishment meets the minimum
- 612 standards for licensure and operation of the cannabis production establishment
- 613 described in this chapter; and
- 614 (iii) if the board approves the license application, notwithstanding Subsection (3), the
- 615 cannabis production establishment shall pay a license fee that the department sets
- 616 in accordance with Section 63J-1-504 in an amount that covers the board's cost of
- 617 conducting the application review.

618 Section 7. Section **4-41a-201.1** is amended to read:

619 **4-41a-201.1 . Specialized Product Authority Licensing Board -- Composition --**

620 **Duties.**

- 621 (1) There is created within the department the [~~Cannabis Production Establishment and~~
- 622 ~~Pharmacy Licensing Advisory~~] Specialized Product Authority Licensing Board.
- 623 (2) The commissioner shall[;]
- 624 [(a) ~~appoint the members of~~] hire three directors as employees of the department to be on
- 625 the licensing board[;] .
- 626 [(b) ~~submit the name of each individual that the commissioner appoints under~~
- 627 ~~Subsection (2)(a) to the governor for confirmation or rejection; and~~]
- 628 [(e) ~~if the governor rejects an appointee that the commissioner submits under Subsection~~
- 629 ~~(2)(b), appoint another individual in accordance with this Subsection (2).~~]
- 630 (3)(a) [~~Except as provided in Subsection (3)(b), the~~] The licensing board shall consist of [
- 631 the following eight members:] three directors.
- 632 [(i) ~~the following seven voting members whom the commissioner appoints:~~]
- 633 [(A) ~~one member of the public;~~]
- 634 [(B) ~~one member with knowledge and experience in the pharmaceutical or~~
- 635 ~~nutraceutical manufacturing industry;~~]
- 636 [(C) ~~one member representing law enforcement;~~]
- 637 [(D) ~~one member whom an organization representing medical cannabis patients~~
- 638 ~~recommends;~~]
- 639 [(E) ~~a chemist who has experience with cannabis and who is associated with a~~
- 640 ~~research university;~~]

- 641 ~~[(F) a pharmacist who is not associated with the medical cannabis industry; and]~~
642 ~~[(G) an accountant; and]~~
643 ~~[(ii) the commissioner or the commissioner's designee as a non-voting member,~~
644 ~~except to cast a deciding vote in the event of a tie.]~~
645 ~~[(b) The commissioner may appoint a ninth member to the licensing board who has a~~
646 ~~background in the cannabis cultivation and processing industry.]~~
647 ~~[(c) The commissioner or the commissioner's designee shall serve as the chair of the~~
648 ~~licensing board.]~~
649 ~~[(d)]~~ (b) An individual is not eligible ~~[for appointment to be a member]~~ as a director of
650 the licensing board if the individual:
651 (i) has any commercial or ownership interest in a cannabis production establishment,
652 medical cannabis pharmacy, or medical cannabis courier;
653 (ii) has an owner, officer, director, or employee whose family member holds a license
654 or has an ownership interest in a cannabis production establishment, medical
655 cannabis pharmacy, or medical cannabis courier; or
656 (iii) is employed or contracted to lobby on behalf of any cannabis production
657 establishment, medical cannabis pharmacy, or medical cannabis courier.
658 (c) At least one member of the licensing board shall have experience related to public
659 health or medicine.
660 ~~[(4)(a) Except as provided in Subsection (4)(b), a voting licensing board member shall~~
661 ~~serve a term of four years, beginning July 1 and ending June 30.]~~
662 ~~[(b) Notwithstanding Subsection (4)(a), for the initial appointments to the licensing~~
663 ~~board, the commissioner shall stagger the length of the terms of licensing board~~
664 ~~members to ensure that the commissioner appoints two or three licensing board~~
665 ~~members every two years.]~~
666 ~~[(c) As a licensing board member's term expires:]~~
667 ~~[(i) the licensing board member is eligible for reappointment; and]~~
668 ~~[(ii) the commissioner shall make an appointment, in accordance with Subsection (2),~~
669 ~~for the new term before the end of the member's term.]~~
670 ~~[(d) When a vacancy occurs on the licensing board for any reason other than the~~
671 ~~expiration of a licensing board member's term, the commissioner shall appoint a~~
672 ~~replacement to the vacant position, in accordance with Subsection (2), for the~~
673 ~~unexpired term.]~~
674 ~~[(e) In making appointments, the commissioner shall ensure that no two members of the~~

- 675 licensing board are employed by or represent the same company or nonprofit
676 organization.]
- 677 ~~[(f) The commissioner may remove a licensing board member for cause, neglect of duty,~~
678 ~~inefficiency, or malfeasance]~~
- 679 (4) A director may only be terminated for just cause, including inefficiency, incompetency,
680 failure to maintain skills or adequate performance levels, insubordination, disloyalty to
681 the orders of a superior, misfeasance, malfeasance, or nonfeasance.
- 682 (5)(a)~~[(i) Five-]~~ Two members of the licensing board constitute a quorum of the
683 licensing board.
- 684 ~~[(ii) (b) An action of the majority of the licensing board members when a quorum is~~
685 ~~present constitutes an action of the licensing board.~~
- 686 ~~[(b) The department shall provide staff support to the licensing board.]~~
- 687 ~~[(c) A member of the licensing board may not receive compensation or benefits for the~~
688 ~~member's service, but may receive per diem and travel expenses in accordance with:]~~
- 689 ~~[(i) Section 63A-3-106;]~~
- 690 ~~[(ii) Section 63A-3-107; and]~~
- 691 ~~[(iii) rules made by the Division of Finance in accordance with Sections 63A-3-106~~
692 ~~and 63A-3-107.]~~
- 693 (6) The licensing board shall:
- 694 (a) ~~[meet as called by the chair to-]~~review cannabis production establishment, medical
695 cannabis pharmacy, and medical cannabis courier license applications;
- 696 (b) review each license application for compliance with:
- 697 (i) this chapter; and
- 698 (ii) department rules;
- 699 (c) conduct a public hearing to consider the license application;
- 700 (d) approve the department's license application forms and checklists; and
- 701 (e) make a determination on each license application.
- 702 (7) The licensing board shall hold a public hearing to review a cannabis production
703 establishment's or medical cannabis pharmacy's license if the establishment:
- 704 (a) changes ownership by an interest of 20% or more;
- 705 (b) changes or adds a location;
- 706 (c) upgrades to a different licensing tier under department rule;
- 707 (d) changes extraction or formulation standard operating procedures;
- 708 (e) adds an industrial hemp processing or cultivation [~~license~~] operation to the same

- 709 location as the cannabis production establishment's processing facility; or
710 (f) as necessary based on the recommendation of the department.
- 711 (8) In a public hearing held under Subsection (7), the licensing board may consider the
712 following in determining whether to approve a request to change pharmacy locations:
713 (a) medical cannabis availability, quality, and variety;
714 (b) whether geographic dispersal among licensees is sufficient to reasonably maximize
715 access to the largest number of medical cannabis cardholders;
716 (c) the extent to which the pharmacy can increase efficiency and reduce the cost to
717 patients of medical cannabis; and
718 (d) the factors listed in Subsection 4-41a-1004(7).
- 719 (9) In a public hearing held [~~pursuant to~~] under Subsection (7), the licensing board may not
720 approve a request to change a medical cannabis pharmacy location outside of the
721 pharmacy's current region established under Subsection 4-41a-1005(1)(c)(ii)(A).
- 722 (10)(a) The licensing board shall meet as necessary to consider cannabis production
723 establishment, medical cannabis pharmacy, and medical cannabis courier license
724 renewal applications.
- 725 (b) During the public meeting described in Subsection (10)(a):
726 (i) a representative from each applicant for renewal shall:
727 (A) attend in person or electronically; or
728 (B) submit information before the meeting, as the licensing board may require, for
729 the licensing board's consideration;
- 730 (ii) the licensing board shall consider, for each cannabis cultivation facility seeking
731 renewal, information including:
732 (A) the amount of biomass the licensee produced during the current calendar year;
733 (B) the amount of biomass the licensee projects to produce during the following
734 year;
735 (C) the amount of hemp waste the licensee currently holds;
736 (D) the current square footage or acres of growing area the licensee uses; and
737 (E) the square footage or acres of growing area the licensee projects to use in the
738 following year;
- 739 (iii) the licensing board shall consider, for each cannabis processing facility seeking
740 renewal, information including:
741 (A) methods and procedures for extraction;
742 (B) standard operating procedures; and

- 743 (C) a complete listing of the medical dosage forms that the licensee produces; and
 744 (iv) the licensing board shall consider, for each cannabis pharmacy seeking renewal,
 745 information including:
 746 (A) product availability, quality, and variety;
 747 (B) the pharmacy's operating procedures and practices; and
 748 (C) the factors listed in Subsection 4-41a-1003(1).
- 749 (c) Following consideration of the information provided under Subsection (10)(b), the
 750 licensing board may elect to approve, deny, or issue conditional approval of a
 751 cannabis production establishment or pharmacy license renewal application.
- 752 (d) The information a licensee or license applicant provides to the licensing board for a
 753 license determination constitutes a protected record under Subsection 63G-2-305(1)
 754 or (2) if the applicant or licensee provides the licensing board with the information
 755 regarding business confidentiality required in Section 63G-2-309.
- 756 (11)(a) In cooperation with the attorney general, the licensing board may investigate
 757 information received by the department indicating that a licensee is potentially
 758 engaging in anticompetitive business practices.
- 759 (b) In investigating potential anticompetitive business practices under this section, the
 760 attorney general may issue civil investigative demands as set forth in Section
 761 76-16-506.
- 762 ~~[(12) The department shall:]~~
- 763 ~~[(a) provide staff support for the licensing board;]~~
 764 ~~[(b) assist the licensing board in conducting meetings; and]~~
 765 ~~[(c) review all submitted applications for completion and accuracy.]~~
- 766 (12)(a) The licensing board shall hear all appeals related to administrative action taken
 767 under this chapter, Chapter 41, Hemp and Cannabinoid Act, and Chapter 45, Kratom
 768 Consumer Protection Act, as an informal proceeding under Title 63G, Chapter 4,
 769 Administrative Procedures Act.
- 770 (b) The licensing board shall create rules for hearing appeals in accordance with Title
 771 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 772 (13)(a) The licensing board in consultation with the Compassionate Use Board described
 773 in Section 26B-1-421 shall provide recommendations, if any, to the Medical
 774 Cannabis Governance Structure Working Group regarding additional conditions to be
 775 added to the qualifying conditions list described in Section 26B-4-203.
- 776 (b) The licensing board shall create a process that allows the public to suggest conditions

777 that should be recommended to the Legislature for inclusion on the qualifying
778 conditions list.

779 (14) For rules made under this chapter, the department shall collaborate with the licensing
780 board when making the rules.

781 (15) The licensing board shall supervise and assist the department in carrying out the duties
782 described in Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis.

783 (16) Except as required by this chapter to hold a public meeting or hearing, the licensing
784 board is not subject to Title 52, Chapter 4, Open and Public Meetings Act.

785 Section 8. Section **4-41a-204** is amended to read:

786 **4-41a-204 . Operating plan.**

787 (1) A person applying for a cannabis production establishment license or license renewal
788 shall submit to the department for the department's review a proposed operating plan
789 that complies with this section and that includes:

790 (a) a description of the physical characteristics of each proposed facility, including a
791 floor plan and an architectural elevation;

792 (b) a description of the credentials and experience of:

793 (i) each officer, director, and owner of the proposed cannabis production
794 establishment; and

795 (ii) any highly skilled or experienced prospective employee;

796 (c) the cannabis production establishment's employee training standards;

797 (d) a security plan;

798 (e) a description of the cannabis production establishment's inventory control system,
799 including a description of how the inventory control system is compatible with the
800 state electronic verification system described in Section 26B-4-202;

801 (f) storage protocols, both short- and long-term, to ensure that cannabis is stored in a
802 manner that is sanitary and preserves the integrity of the cannabis;

803 (g) for a cannabis cultivation facility, the information described in Subsection (2);

804 (h) for a cannabis processing facility, the information described in Subsection (3);

805 (i) for an independent cannabis testing laboratory, the information described in
806 Subsection (4); and

807 (j) for a cannabis production establishment located in an industrial zone, a plan to reduce
808 odor created by the cannabis production establishment that:

809 (i) meets local ordinance nuisance laws; and

810 (ii) identifies:

- 811 (A) operations and materials that generate odors; and
- 812 (B) equipment, operations, or materials the cannabis production establishment will
- 813 use to mitigate odor emissions, including plans to maintain equipment.
- 814 (2)(a) A cannabis cultivation facility shall ensure that the facility's operating plan
- 815 includes the facility's intended:
- 816 (i) cannabis cultivation practices, including the facility's intended pesticide use and
- 817 plant food use; and
- 818 (ii) subject to Subsection (2)(b), acreage or square footage under cultivation and
- 819 anticipated cannabis yield.
- 820 (b) Except as provided in Subsection (2)(c)(i) or (c)(ii), a cannabis cultivation facility
- 821 may not:
- 822 (i) for a facility that cultivates cannabis only indoors, use more than 100,000 total
- 823 square feet of cultivation space;
- 824 (ii) for a facility that cultivates cannabis only outdoors, use more than four acres for
- 825 cultivation; and
- 826 (iii) for a facility that cultivates cannabis through a combination of indoor and
- 827 outdoor cultivation, use more combined indoor square footage and outdoor
- 828 acreage than allowed under the department's formula described in Subsection
- 829 (2)(e).
- 830 (c)(i) Each licensee may apply to the department for:
- 831 (A) a one-time, permanent increase of up to 20% of the limitation on the cannabis
- 832 cultivation facility's cultivation space; or
- 833 (B) a short-term increase, not to exceed 12 months, of up to 40% of the limitation
- 834 on the cannabis cultivation facility's cultivation space.
- 835 (ii) After conducting a review equivalent to the review described in Subsection
- 836 4-41a-205(2)(a), if the department determines that additional cultivation is
- 837 needed, the department may:
- 838 (A) grant the one-time, permanent increase described in Subsection (2)(c)(i)(A); or
- 839 (B) grant the short-term increase described in Subsection (2)(c)(i)(B).
- 840 (d) If a licensee describes an intended acreage or square footage under cultivation under
- 841 Subsection (2)(a)(ii) that is less than the limitation described in Subsection (2)(b), the
- 842 licensee may not cultivate more than the licensee's identified intended acreage or
- 843 square footage under cultivation.
- 844 (e) The department shall, in accordance with Title 63G, Chapter 3, Utah Administrative

- 845 Rulemaking Act, establish a formula for combined usage of indoor and outdoor
846 cultivation that:
- 847 (i) does not exceed, in estimated cultivation yield, the aggregate limitations described
848 in Subsection (2)(b)(i) or (ii); and
- 849 (ii) allows a cannabis cultivation facility to operate both indoors and outdoors.
- 850 (f)(i) The department may authorize a cannabis cultivation facility to operate at no
851 more than [~~two~~] three separate locations.
- 852 (ii) If the department authorizes multiple locations under Subsection (2)(f)(i)[~~;~~] :
- 853 (A) [~~the~~] [~~two~~] multiple cannabis cultivation facility locations combined may not
854 exceed the cultivation limitations described in this Subsection (2)[~~;~~] ; and
- 855 (B) the cannabis cultivation facility shall pay a \$15,000 fee for each location after
856 the second location.
- 857 (3) A cannabis processing facility's operating plan shall include the facility's intended
858 cannabis processing practices, including the cannabis processing facility's intended:
- 859 (a) offered variety of cannabis product;
- 860 (b) cannabinoid extraction method;
- 861 (c) cannabinoid extraction equipment;
- 862 (d) processing equipment;
- 863 (e) processing techniques; and
- 864 (f) sanitation and manufacturing safety procedures for items for human consumption.
- 865 (4) An independent cannabis testing laboratory's operating plan shall include the
866 laboratory's intended:
- 867 (a) cannabis and cannabis product testing capability;
- 868 (b) cannabis and cannabis product testing equipment; and
- 869 (c) testing methods, standards, practices, and procedures for testing cannabis and
870 cannabis products.
- 871 (5) Notwithstanding an applicant's proposed operating plan, a cannabis production
872 establishment is subject to land use regulations implemented by a local land use
873 authority under Title 10, Chapter 20, Municipal Land Use, Development, and
874 Management Act, or Title 17, Chapter 79, County Land Use, Development, and
875 Management Act, regarding the availability of outdoor cultivation in an industrial zone.
- 876 Section 9. Section **4-41a-602** is amended to read:
- 877 **4-41a-602 . Cannabis product -- Labeling and child-resistant packaging.**
- 878 (1) For any cannabis product that a cannabis processing facility processes or produces and

- 879 for any raw cannabis that the facility packages, the facility shall:
- 880 (a) label the cannabis or cannabis product with a label that:
- 881 (i) clearly and unambiguously states that the cannabis product or package contains
- 882 cannabis;
- 883 (ii) clearly displays the amount of total composite tetrahydrocannabinol, cannabidiol,
- 884 and any known cannabinoid that is greater than 1% of the total cannabinoids
- 885 contained in the cannabis or cannabis product as determined under Subsection
- 886 4-41a-701(4);
- 887 (iii) has a unique identification number that:
- 888 (A) is connected to the inventory control system; and
- 889 (B) identifies the unique cannabis product manufacturing process the cannabis
- 890 processing facility used to manufacture the cannabis product;
- 891 (iv) identifies the cannabinoid extraction process that the cannabis processing facility
- 892 used to create the cannabis product;
- 893 (v) does not display an image, word, or phrase that the facility knows or should know
- 894 appeals to children; and
- 895 (vi) discloses each active or potentially active ingredient, in order of prominence, and
- 896 possible allergen; and
- 897 (b) package the raw cannabis or cannabis product in a medicinal dosage form in a
- 898 container that:
- 899 (i) is tamper evident and tamper resistant;
- 900 (ii) does not appeal to children;
- 901 (iii) does not mimic a candy container;
- 902 (iv) complies with child-resistant effectiveness standards that the United States
- 903 Consumer Product Safety Commission establishes;
- 904 (v) includes a warning label that states:
- 905 (A) for a container labeled on or after January 1, 2024, "WARNING: Cannabis
- 906 has intoxicating effects, may be addictive, and may increase risk of mental
- 907 illness. Do not operate a vehicle or machinery under its influence. KEEP OUT
- 908 OF REACH OF CHILDREN. This product is for medical use only. Use only as
- 909 directed by a recommending medical provider."; or
- 910 (B) for a container labeled on or after January 1, 2026, "WARNING: Cannabis
- 911 use by pregnant or breastfeeding women, may result in fetal injury, preterm
- 912 birth, or developmental problems for the child. Cannabis may be addictive and

913 may increase risk of mental illness. Do not operate a vehicle or machinery
914 under its influence. KEEP OUT OF REACH OF CHILDREN. This product is
915 for medical use only. Use only as directed by a recommending medical
916 provider."; and

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

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

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

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

930 (3) For any cannabis or cannabis product that the cannabis processing facility processes into
931 a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or rectangular
932 cuboid shape, the facility shall:

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

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

937 (4) For any cannabis product that contains an artificially derived cannabinoid, the cannabis
938 processing facility shall ensure that the label clearly:

939 (a) identifies each artificially derived cannabinoid; and

940 (b) identifies that each artificially derived cannabinoid is an artificially derived
941 cannabinoid.

942 (5)(a) A cannabis processor may not distribute medical cannabis with a label, logo,
943 brand name, or in packaging if the label, logo, brand name, or packaging has not been
944 pre-approved by the department.

945 (b) If the department has approved a label or packaging, a cannabis processor may
946 change the approved label or packaging and use the changed label or packaging for

947 use with another medical cannabis product without obtaining the department's
 948 approval if:
 949 (i) the label or packaging complies with the requirements of this chapter and rules
 950 made under this chapter;
 951 (ii) the only change to the label and packaging are changes to one or more of the
 952 following:
 953 (A) flavor information;
 954 (B) terpene information; or
 955 (C) cultivar information; and
 956 (iii) no other changes were made to the label or package including graphics, fonts,
 957 sizing, or colors.

958 [~~5~~] (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 959 department:

960 (a) shall make rules to establish:

961 (i) a standard labeling format that:

962 (A) complies with the requirements of this section; and

963 (B) ensures inclusion of a pharmacy label; and

964 (ii) additional requirements on packaging for cannabis and cannabis products to
 965 ensure safety and product quality; and

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

968 Section 10. Section **4-41a-801** is amended to read:

969 **4-41a-801 . Enforcement -- Fine -- Citation.**

970 (1)(a) If a person that is a cannabis production establishment, a cannabis production
 971 establishment agent, a medical cannabis pharmacy, a medical cannabis pharmacy
 972 agent, or a medical cannabis courier, violates this chapter, the department may:

973 (i) revoke the person's license or agent registration card;

974 (ii) decline to renew the person's license or agent registration card;

975 (iii) assess the person an administrative penalty that the department establishes by
 976 rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
 977 Act; or

978 (iv) provide a letter of concern in accordance with Subsection (8).

979 (b) Except for a violation that threatens public health or for the third violation of the
 980 same rule or statute in a 24-month period, the department shall issue a letter of

- 981 concern before taking other administrative action under this section.
- 982 (2) The department shall deposit an administrative penalty imposed under this section into
983 the General Fund.
- 984 (3)(a) The department may take an action described in Subsection (3)(b) if the
985 department concludes, upon investigation, that, for a person that is a cannabis
986 production establishment, a cannabis production establishment agent, a medical
987 cannabis pharmacy, a medical cannabis pharmacy agent, or a medical cannabis
988 courier:
- 989 (i) the person has violated the provisions of this chapter, a rule made under this
990 chapter, or an order issued under this chapter; or.
- 991 (ii) the person produced cannabis or a cannabis product batch that contains a
992 substance, other than cannabis, that poses a significant threat to human health.
- 993 (b) If the department makes the determination about a person described in Subsection
994 (3)(a), the department may:
- 995 (i) issue the person a written administrative citation;
- 996 (ii) attempt to negotiate a stipulated settlement;
- 997 (iii) order the person to cease and desist from the action that creates a violation; or
- 998 (iv) direct the person to appear before an adjudicative proceeding conducted under
999 Title 63G, Chapter 4, Administrative Procedures Act.
- 1000 (c) If the department concludes, upon investigation, that a cannabis production
1001 establishment or a cannabis production establishment agent has produced a cannabis
1002 batch or a cannabis product batch that contains a substance that poses a significant
1003 threat to human health, the department shall seize, embargo, or destroy the cannabis
1004 batch or cannabis product batch.
- 1005 (4) The department may, for a person subject to an uncontested citation, a stipulated
1006 settlement, or a finding of a violation in an adjudicative proceeding under this section,
1007 for a fine amount not already specified in law, assess the person, who is not an
1008 individual, a fine of up to \$5,000 per violation, in accordance with a fine schedule that
1009 the department establishes by rule in accordance with Title 63G, Chapter 3, Utah
1010 Administrative Rulemaking Act.
- 1011 (5) The department may not revoke a license without first directing the licensee to appear
1012 before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative
1013 Procedures Act.
- 1014 (6) If within 30 calendar days after the day on which a department serves a citation for a

- 1015 violation of this chapter, the person that is the subject of the citation fails to request a
1016 hearing to contest the citation, the citation becomes the department's final order.
- 1017 (7) The department may, for a person who fails to comply with a citation under this section:
- 1018 (a) refuse to issue or renew the person's license or agent registration card; or
- 1019 (b) suspend, revoke, or place on probation the person's license or registration card.
- 1020 (8)(a) A letter of concern shall describe:
- 1021 (i) the violation including the statute or rule being violated;
- 1022 (ii) possible options to remedy the issue; and
- 1023 (iii) possible consequences for not remedying the violation.
- 1024 (b) Under a letter of concern, the department shall provide the person at least 30 days to
1025 remedy the violation.
- 1026 (c) If the person fails to remedy the violation described in a letter of concern, the
1027 department may take other enforcement action as described in this section.
- 1028 (d) If a letter of concern is resolved without an enforcement action being taken under
1029 Subsection (8)(c), the department may not report that a letter of concern was issued to
1030 the licensing board.
- 1031 (9)(a) Except where a criminal penalty is expressly provided for a specific violation of
1032 this chapter, or where civil and criminal penalties are provided for violations of
1033 Section 76-10-31, if an individual:
- 1034 (i) violates a provision of this chapter, the individual is:
- 1035 (A) guilty of an infraction; and
- 1036 (B) subject to a \$100 fine; or
- 1037 (ii) intentionally or knowingly violates a provision of this chapter or violates this
1038 chapter three or more times, the individual is:
- 1039 (A) guilty of a class B misdemeanor; and
- 1040 (B) subject to a \$1,000 fine.
- 1041 (b) An individual who is guilty of a violation described in Subsection (9)(a) is not guilty
1042 of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the
1043 conduct underlying the violation described in Subsection (9)(a).
- 1044 (10) Nothing in this section prohibits:
- 1045 (a) the department from referring potential criminal activity to law enforcement; or
- 1046 (b) the attorney general from investigating or prosecuting individuals or businesses for
1047 violations of Title 76, Chapter 10, Part 31, Utah Antitrust Act.
- 1048 [~~(11) An appeal of administrative action taken under this chapter shall be heard by an~~

- 1049 administrative law judge as an informal proceeding in accordance with Title 63G,
1050 Chapter 4, Administrative Procedures Act.]
- 1051 Section 11. Section **26B-4-201** is amended to read:
- 1052 **26B-4-201 . Definitions.**
- 1053 As used in this part:
- 1054 (1) "Active tetrahydrocannabinol" means THC, any THC analog, and
1055 tetrahydrocannabinolic acid.
- 1056 (2) "Administration of criminal justice" means the performance of detection, apprehension,
1057 detention, pretrial release, post-trial release, prosecution, and adjudication.
- 1058 (3) "Advertise" means information provided by a person in any medium:
- 1059 (a) to the public; and
1060 (b) that is not age restricted to an individual who is at least 21 years old.
- 1061 (4) "Advisory board" means the Medical Cannabis Policy Advisory Board created in
1062 Section [~~26B-1-435~~] 4-41a-111.
- 1063 (5) "Cannabis" means marijuana.
- 1064 (6) "Cannabis cultivation facility" means the same as that term is defined in Section
1065 4-41a-102.
- 1066 [~~(6)~~] (7) "Cannabis processing facility" means the same as that term is defined in Section
1067 4-41a-102.
- 1068 [~~(7)~~] (8) "Cannabis product" means a product that:
- 1069 (a) is intended for human use; and
1070 (b) contains cannabis or any tetrahydrocannabinol or THC analog in a total
1071 concentration of 0.3% or greater on a dry weight basis.
- 1072 [~~(8)~~] (9) "Cannabis production establishment" means the same as that term is defined in
1073 Section 4-41a-102.
- 1074 [~~(9)~~] (10) "Cannabis production establishment agent" means the same as that term is defined
1075 in Section 4-41a-102.
- 1076 [~~(10)~~] (11) "Cannabis production establishment agent registration card" means the same as
1077 that term is defined in Section 4-41a-102.
- 1078 [~~(11)~~] (12) "Conditional medical cannabis card" means an electronic medical cannabis card
1079 that the department issues in accordance with Subsection 26B-4-213(1)(b) to allow an
1080 applicant for a medical cannabis card to access medical cannabis during the department's
1081 review of the application.
- 1082 [~~(12)~~] (13) "Controlled substance database" means the controlled substance database created

- 1083 in Section 58-37f-201.
- 1084 ~~[(13)]~~ (14) "Delivery address" means the same as that term is defined in Section 4-41a-102.
- 1085 ~~[(14)]~~ (15) "Department" means the ~~[Department of Health and Human Services]~~
- 1086 Department of Agriculture and Food.
- 1087 ~~[(15)]~~ (16) "Designated caregiver" means:
- 1088 (a) an individual:
- 1089 (i) whom an individual with a medical cannabis patient card or a medical cannabis
- 1090 guardian card designates as the patient's caregiver; and
- 1091 (ii) who registers with the department under Section 26B-4-214; or
- 1092 (b)(i) a facility that an individual designates as a designated caregiver in accordance
- 1093 with Subsection 26B-4-214(1)(b); or
- 1094 (ii) an assigned employee of the facility described in Subsection 26B-4-214(1)(b)(ii).
- 1095 ~~[(16)]~~ (17) "Directions of use" means recommended routes of administration for a medical
- 1096 cannabis treatment and suggested usage guidelines.
- 1097 ~~[(17)]~~ (18) "Dosing guidelines" means a quantity range and frequency of administration for
- 1098 a recommended treatment of medical cannabis.
- 1099 ~~[(18)]~~ (19) "Government issued photo identification" means any of the following forms of
- 1100 identification:
- 1101 (a) a valid state-issued driver license or identification card;
- 1102 (b) a valid United States federal-issued photo identification, including:
- 1103 (i) a United States passport;
- 1104 (ii) a United States passport card;
- 1105 (iii) a United States military identification card; or
- 1106 (iv) a permanent resident card or alien registration receipt card; or
- 1107 (c) a foreign passport.
- 1108 ~~[(19)]~~ (20) "Home delivery medical cannabis pharmacy" means a medical cannabis
- 1109 pharmacy that the department authorizes, as part of the pharmacy's license, to deliver
- 1110 medical cannabis shipments to a delivery address to fulfill electronic orders.
- 1111 ~~[(20)]~~ (21) "Inventory control system" means the system described in Section 4-41a-103.
- 1112 ~~[(21)]~~ (22) "Legal dosage limit" means an amount that:
- 1113 (a) is sufficient to provide 30 days of treatment based on the dosing guidelines that the
- 1114 relevant recommending medical provider or pharmacy medical provider, in
- 1115 accordance with Subsection 26B-4-231(5), recommends; and
- 1116 (b) may not exceed:

- 1117 (i) for unprocessed cannabis in a medicinal dosage form, 113 grams by weight; and
 1118 (ii) for a cannabis product in a medicinal dosage form, a quantity that contains, in
 1119 total, greater than 20 grams of active tetrahydrocannabinol.

1120 ~~[(22)]~~ (23) "Legal use termination date" means a date on the label of a container of
 1121 unprocessed cannabis flower:

- 1122 (a) that is 60 days after the date of purchase of the cannabis; and
 1123 (b) after which, the cannabis is no longer in a medicinal dosage form outside of the
 1124 primary residence of the relevant medical cannabis patient cardholder.

1125 ~~(24)~~(a) "Low THC product" means a product that:

- 1126 (i) is intended for human use;
 1127 (ii) contains cannabis or any tetrahydrocannabinol or THC analog in a total
 1128 concentration of less than 0.3% on a dry weight basis; and
 1129 (iii) is processed by a cannabis processing facility.
 1130 (b) "Low THC product" does not include a product registered under Chapter 41, Hemp
 1131 and Cannabinoid Act.

1132 ~~[(23)]~~ (25) "Marijuana" means the same as that term is defined in Section 58-37-2.

1133 ~~[(24)]~~ (26) "Medical cannabis" or "medical cannabis product" means

- 1134 (a) ~~[-]cannabis in a medicinal dosage form[-or] ;~~
 1135 (b) a cannabis product in a medicinal dosage form[-] ; or
 1136 (c) a low THC product in a medicinal dosage form.

1137 ~~[(25)]~~ (27) "Medical cannabis card" means a medical cannabis patient card, a medical
 1138 cannabis guardian card, a medical cannabis caregiver card, or a conditional medical
 1139 cannabis card.

1140 ~~[(26)]~~ (28) "Medical cannabis cardholder" means:

- 1141 (a) a holder of a medical cannabis card; or
 1142 (b) a facility or assigned employee, described in Subsection ~~[(15)(b)]~~ (16)(b), only:
 1143 (i) within the scope of the facility's or assigned employee's performance of the role of
 1144 a medical cannabis patient cardholder's caregiver designation under Subsection
 1145 26B-4-214(1)(b); and
 1146 (ii) while in possession of documentation that establishes:
 1147 (A) a caregiver designation described in Subsection 26B-4-214(1)(b);
 1148 (B) the identity of the individual presenting the documentation; and
 1149 (C) the relation of the individual presenting the documentation to the caregiver
 1150 designation.

- 1151 [~~(27)~~] (29) "Medical cannabis caregiver card" means an electronic document that a
1152 cardholder may print or store on an electronic device or a physical card or document that:
1153 (a) the department issues to an individual whom a medical cannabis patient cardholder
1154 or a medical cannabis guardian cardholder designates as a designated caregiver; and
1155 (b) is connected to the electronic verification system.
- 1156 [~~(28)~~] (30) "Medical cannabis courier" means the same as that term is defined in Section
1157 4-41a-102.
- 1158 [~~(29)~~] (31)(a) "Medical cannabis device" means a device that an individual uses to ingest
1159 or inhale medical cannabis.
1160 (b) "Medical cannabis device" does not include a device that:
1161 (i) facilitates cannabis combustion; or
1162 (ii) an individual uses to ingest substances other than cannabis.
- 1163 [~~(30)~~] (32) "Medical cannabis guardian card" means an electronic document that a
1164 cardholder may print or store on an electronic device or a physical card or document that:
1165 (a) the department issues to the parent or legal guardian of a minor with a qualifying
1166 condition; and
1167 (b) is connected to the electronic verification system.
- 1168 [~~(31)~~] (33) "Medical cannabis patient card" means an electronic document that a cardholder
1169 may print or store on an electronic device or a physical card or document that:
1170 (a) the department issues to an individual with a qualifying condition; and
1171 (b) is connected to the electronic verification system.
- 1172 [~~(32)~~] (34) "Medical cannabis pharmacy" means a person that:
1173 (a)(i) acquires or intends to acquire medical cannabis from a cannabis processing
1174 facility or another medical cannabis pharmacy or a medical cannabis device; or
1175 (ii) possesses medical cannabis or a medical cannabis device; and
1176 (b) sells or intends to sell medical cannabis or a medical cannabis device to a medical
1177 cannabis cardholder.
- 1178 [~~(33)~~] (35) "Medical cannabis pharmacy agent" means an individual who holds a valid
1179 medical cannabis pharmacy agent registration card issued by the department.
- 1180 [~~(34)~~] (36) "Medical cannabis pharmacy agent registration card" means a registration card
1181 issued by the department that authorizes an individual to act as a medical cannabis
1182 pharmacy agent.
- 1183 [~~(35)~~] (37) "Medical cannabis shipment" means the same as that term is defined in Section
1184 4-41a-102.

- 1185 [~~(36)~~] (38) "Medical cannabis treatment" means medical cannabis or a medical cannabis
1186 device.
- 1187 [~~(37)~~] (39)(a) "Medicinal dosage form" means:
- 1188 (i) for processed medical cannabis, the following with a specific and consistent
1189 cannabinoid content:
- 1190 (A) a tablet;
- 1191 (B) a capsule;
- 1192 (C) a concentrated liquid or viscous oil;
- 1193 (D) a liquid suspension that does not exceed 30 milliliters;
- 1194 (E) a topical preparation;
- 1195 (F) a transdermal preparation;
- 1196 (G) a sublingual preparation;
- 1197 (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or
1198 rectangular cuboid shape;
- 1199 (I) a resin or wax;
- 1200 (J) an aerosol;
- 1201 (K) a suppository preparation; or
- 1202 (L) a soft or hard confection that is a uniform rectangular cuboid or uniform
1203 spherical shape, is homogeneous in color and texture, and each piece is a single
1204 serving; or
- 1205 (ii) for unprocessed cannabis flower, a container described in Section 4-41a-602 that:
- 1206 (A) contains cannabis flower in a quantity that varies by no more than 10% from
1207 the stated weight at the time of packaging;
- 1208 (B) at any time the medical cannabis cardholder transports or possesses the
1209 container in public, is contained within an opaque bag or box that the medical
1210 cannabis pharmacy provides; and
- 1211 (C) is labeled with the container's content and weight, the date of purchase, the
1212 legal use termination date, and a barcode that provides information connected
1213 to an inventory control system.
- 1214 (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:
- 1215 (i) the medical cannabis cardholder has recently removed from the container
1216 described in Subsection [~~(37)(a)(ii)~~] (39)(a)(ii) for use; and
- 1217 (ii) does not exceed the quantity described in Subsection [~~(37)(a)(ii)~~] (39)(a)(ii).
- 1218 (c) "Medicinal dosage form" does not include:

- 1219 (i) any unprocessed cannabis flower outside of the container described in Subsection [
 1220 ~~(37)(a)(ii)~~ (39)(a)(ii), except as provided in Subsection [~~(37)(b)~~ (39)(b)];
- 1221 (ii) any unprocessed cannabis flower in a container described in Subsection [
 1222 ~~(37)(a)(ii)~~ (39)(a)(ii) after the legal use termination date;
- 1223 (iii) a process of vaporizing and inhaling concentrated cannabis by placing the
 1224 cannabis on a nail or other metal object that is heated by a flame, including a
 1225 blowtorch;
- 1226 (iv) a liquid suspension that is branded as a beverage;
- 1227 (v) a substance described in Subsection [~~(37)(a)(i)~~ (39)(a)(i)] or (ii) if the substance is
 1228 not measured in grams, milligrams, or milliliters; or
- 1229 (vi) a substance that contains or is covered to any degree with chocolate.
- 1230 [~~(38)~~ (40)] "Nonresident patient" means an individual who:
- 1231 (a) is not a resident of Utah or has been a resident of Utah for less than 45 days;
- 1232 (b) has a currently valid medical cannabis card or the equivalent of a medical cannabis
 1233 card under the laws of another state, district, territory, commonwealth, or insular
 1234 possession of the United States; and
- 1235 (c) has been diagnosed with a qualifying condition as described in Section 26B-4-203.
- 1236 [~~(39)~~ (41)] "Patient product information insert" means a single page document or webpage
 1237 that contains information about a medical cannabis product regarding:
- 1238 (a) how to use the product;
- 1239 (b) common side effects;
- 1240 (c) serious side effects;
- 1241 (d) dosage;
- 1242 (e) contraindications;
- 1243 (f) safe storage;
- 1244 (g) information on when a product should not be used; and
- 1245 (h) other information the department deems appropriate in consultation with the
 1246 cannabis processing facility that created the product.
- 1247 [~~(40)~~ (42)] "Pharmacy medical provider" means the medical provider required to be on site
 1248 at a medical cannabis pharmacy under Section 26B-4-219.
- 1249 [~~(41)~~ (43)] "Provisional patient card" means a card that:
- 1250 (a) the department issues to a minor with a qualifying condition for whom:
- 1251 (i) a recommending medical provider has recommended a medical cannabis
 1252 treatment; and

- 1253 (ii) the department issues a medical cannabis guardian card to the minor's parent or
1254 legal guardian; and
- 1255 (b) is connected to the electronic verification system.
- 1256 [(42)] (44) "Qualified Patient Enterprise Fund" means the enterprise fund created in Section [
1257 26B-1-310] 4-41a-104.1.
- 1258 [(43)] (45) "Qualifying condition" means a condition described in Section 26B-4-203.
- 1259 [(44)] (46) "Recommend" or "recommendation" means, for a recommending medical
1260 provider, the act of suggesting the use of medical cannabis treatment, which:
- 1261 (a) certifies the patient's eligibility for a medical cannabis card; and
- 1262 (b) may include, at the recommending medical provider's discretion, directions of use,
1263 with or without dosing guidelines.
- 1264 [(45)] (47) "Recommending medical provider" means an individual who:
- 1265 (a) meets the recommending qualifications;
- 1266 (b) completes four hours of continuing medical education specific to medical cannabis
1267 through formal or informal sources; and
- 1268 (c) every two years, provides an acknowledgment to the department that the individual
1269 completed four hours of continuing medical education.
- 1270 [(46)] (48) "Recommending qualifications" means that an individual:
- 1271 (a)(i) has the authority to write a prescription;
- 1272 (ii) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah
1273 Controlled Substances Act; and
- 1274 (iii) possesses the authority, in accordance with the individual's scope of practice, to
1275 prescribe a Schedule II controlled substance; and
- 1276 (b) is licensed as:
- 1277 (i) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
- 1278 (ii) an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice
1279 Act;
- 1280 (iii) a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,
1281 Chapter 68, Utah Osteopathic Medical Practice Act; or
- 1282 (iv) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.
- 1283 [(47)] (49) "State electronic verification system" means the system described in Section
1284 26B-4-202.
- 1285 [(48)] (50) "Targeted marketing" means the promotion by a recommending medical
1286 provider, medical clinic, or medical office that employs a recommending medical

1287 provider of a medical cannabis recommendation service using any of the following
1288 methods:

- 1289 (a) electronic communication to an individual who is at least 21 years old and has
1290 requested to receive promotional information;
- 1291 (b) an in-person marketing event that is held in an area where only an individual who is
1292 at least 21 years old may access the event;
- 1293 (c) other marketing material that is physically or digitally displayed in the office of the
1294 medical clinic or office that employs a recommending medical provider; or
- 1295 (d) a leaflet that a recommending medical provider, medical clinic, or medical office that
1296 employs a recommending medical provider shares with an individual who is at least
1297 21 years old.

1298 [(49)] (51) "Tetrahydrocannabinol" or "THC" means a substance derived from cannabis or a
1299 synthetic equivalent as described in Subsection 58-37-4(2)(a)(iii)(AA).

1300 [(50)] (52) "THC analog" means the same as that term is defined in Section 4-41-102.

1301 Section 12. Section **26B-4-201.1** is enacted to read:

1302 **26B-4-201.1 . Transition of duties.**

1303 (1) As used in this section, "transition period" means the period of time beginning on May
1304 6, 2026, and ending on January 1, 2027.

1305 (2) During the transition period:

1306 (a) the department may request:

1307 (i) the Department of Health and Human Services to carry out the duties described in
1308 this part; or

1309 (ii) technical assistance from the Department of Health and Human Services related
1310 to carrying out the duties described in this part;

1311 (b) the department may terminate or limit the scope of the Department of Health and
1312 Human Services's power to carry out duties described in this part; or

1313 (c) if the department requests the Department of Health and Human Services to carry out
1314 duties described in this part, the department may make personnel available to the
1315 Department of Health and Human Services for carrying out the duties.

1316 (3) Upon the request of the department under this section, the Department of Health and
1317 Human Services has the authority to carry out any duties:

1318 (a) within the scope of the request; and

1319 (b) if related to this part.

1320 (4) Notwithstanding any other provision of law, the Department of Health and Human

1321 Services may use funds from the Qualified Patient Enterprise Fund to cover any costs
1322 incurred by the Department of Health and Human Services related to carrying out duties
1323 requested by the department under this section.

1324 Section 13. Section **26B-4-202** is amended to read:

1325 **26B-4-202 . Electronic verification system.**

1326 (1) The [~~Department of Agriculture and Food, the~~]department, the Department of Public
1327 Safety, and the Division of Technology Services shall:

1328 (a) enter into a memorandum of understanding in order to determine the function and
1329 operation of the state electronic verification system in accordance with Subsection (2);

1330 (b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah
1331 Procurement Code, to develop a request for proposals for a third-party provider to
1332 develop and maintain the state electronic verification system in coordination with the
1333 Division of Technology Services; and

1334 (c) select a third-party provider who:

1335 (i) meets the requirements contained in the request for proposals issued under
1336 Subsection (1)(b); and

1337 (ii) may not have any commercial or ownership interest in a cannabis production
1338 establishment or a medical cannabis pharmacy.

1339 (2) The [~~Department of Agriculture and Food, the~~]department, the Department of Public
1340 Safety, and the Division of Technology Services shall ensure that the state electronic
1341 verification system described in Subsection (1):

1342 (a) allows an individual to apply for a medical cannabis patient card or, if applicable, a
1343 medical cannabis guardian card, provided that the card may not become active until:

1344 (i) the relevant recommending medical provider completes the associated medical
1345 cannabis recommendation; or

1346 (ii) the medical cannabis pharmacy completes the recording described in Subsection
1347 (2)(d);

1348 (b) allows an individual to apply to renew a medical cannabis patient card or a medical
1349 cannabis guardian card in accordance with Section 26B-4-213;

1350 (c) allows a recommending medical provider, or an employee described in Subsection (3)
1351 acting on behalf of the recommending medical provider, to:

1352 (i) access dispensing and card status information regarding a patient:

1353 (A) with whom the recommending medical provider has a provider-patient
1354 relationship; and

- 1355 (B) for whom the recommending medical provider has recommended or is
1356 considering recommending a medical cannabis card;
- 1357 (ii) electronically recommend treatment with medical cannabis and optionally
1358 recommend dosing guidelines;
- 1359 (iii) electronically renew a recommendation to a medical cannabis patient cardholder
1360 or medical cannabis guardian cardholder:
- 1361 (A) using telehealth services, for the recommending medical provider who
1362 originally recommended a medical cannabis treatment during a face-to-face
1363 visit with the patient; or
- 1364 (B) during a face-to-face visit with the patient, for a recommending medical
1365 provider who did not originally recommend the medical cannabis treatment
1366 during a face-to-face visit; and
- 1367 (iv) submit an initial application, renewal application, or application payment on
1368 behalf of an individual applying for any of the following:
- 1369 (A) a medical cannabis patient card;
- 1370 (B) a medical cannabis guardian card; or
- 1371 (C) a medical cannabis caregiver card;
- 1372 (d) allows a medical cannabis pharmacy medical provider or medical cannabis pharmacy
1373 agent, in accordance with Subsection 4-41a-1101(10)(a), to:
- 1374 (i) access the electronic verification system to review the history within the system of
1375 a patient with whom the provider or agent is interacting, limited to read-only
1376 access for medical cannabis pharmacy agents unless the medical cannabis
1377 pharmacy's pharmacist in charge authorizes add and edit access;
- 1378 (ii) record a patient's recommendation from a recommending medical provider,
1379 including any directions of use, dosing guidelines, or caregiver indications from
1380 the recommending medical provider;
- 1381 (iii) record a recommending medical provider's renewal of the provider's previous
1382 recommendation; and
- 1383 (iv) submit an initial application, renewal application, or application payment on
1384 behalf of an individual applying for any of the following:
- 1385 (A) a medical cannabis patient card;
- 1386 (B) a medical cannabis guardian card; or
- 1387 (C) a medical cannabis caregiver card;
- 1388 (e) connects with:

- 1389 (i) an inventory control system that a medical cannabis pharmacy uses to track in real
1390 time and archive purchases of any medical cannabis or a medical cannabis device,
1391 including:
- 1392 (A) the time and date of each purchase;
- 1393 (B) the quantity and type of medical cannabis or medical cannabis device
1394 purchased;
- 1395 (C) any cannabis production establishment, any medical cannabis pharmacy, or
1396 any medical cannabis courier associated with the medical cannabis or medical
1397 cannabis device; and
- 1398 (D) the personally identifiable information of the medical cannabis cardholder
1399 who made the purchase; and
- 1400 (ii) any commercially available inventory control system that a cannabis production
1401 establishment utilizes in accordance with Section 4-41a-103 to use data that the [
1402 ~~Department of Agriculture and Food~~] department requires by rule, in accordance
1403 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, from the
1404 inventory tracking system that a licensee uses to track and confirm compliance;
- 1405 (f) provides access to:
- 1406 (i) the department to the extent necessary to carry out the department's functions and
1407 responsibilities under this part;
- 1408 (ii) the [~~Department of Agriculture and Food~~] department to the extent necessary to
1409 carry out the functions and responsibilities of the [~~Department of Agriculture and
1410 Food~~] department under Title 4, Chapter 41a, Cannabis Production Establishments
1411 and Pharmacies; and
- 1412 (iii) the Division of Professional Licensing to the extent necessary to carry out the
1413 functions and responsibilities related to the participation of the following in the
1414 recommendation and dispensing of medical cannabis:
- 1415 (A) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing
1416 Act;
- 1417 (B) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
- 1418 (C) an advanced practice registered nurse licensed under Title 58, Chapter 31b,
1419 Nurse Practice Act;
- 1420 (D) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
1421 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
- 1422 (E) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician

- 1423 Assistant Act;
- 1424 (g) communicates dispensing information from a record that a medical cannabis
1425 pharmacy submits to the state electronic verification system under Subsection
1426 4-41a-1102(3)(a)(ii) to the controlled substance database;
- 1427 (h) provides access to state or local law enforcement only to verify the validity of an
1428 individual's medical cannabis card for the administration of criminal justice and
1429 through a database used by law enforcement; and
- 1430 (i) creates a record each time a person accesses the system that identifies the person who
1431 accesses the system and the individual whose records the person accesses.
- 1432 (3)(a) An employee of a recommending medical provider may access the electronic
1433 verification system for a purpose described in Subsection (2)(c) on behalf of the
1434 recommending medical provider if:
- 1435 (i) the recommending medical provider has designated the employee as an individual
1436 authorized to access the electronic verification system on behalf of the
1437 recommending medical provider;
- 1438 (ii) the recommending medical provider provides written notice to the department of
1439 the employee's identity and the designation described in Subsection (3)(a)(i); and
- 1440 (iii) the department grants to the employee access to the electronic verification
1441 system.
- 1442 (b) An employee of a business that employs a recommending medical provider may
1443 access the electronic verification system for a purpose described in Subsection (2)(c)
1444 on behalf of the recommending medical provider if:
- 1445 (i) the recommending medical provider has designated the employee as an individual
1446 authorized to access the electronic verification system on behalf of the
1447 recommending medical provider;
- 1448 (ii) the recommending medical provider and the employing business jointly provide
1449 written notice to the department of the employee's identity and the designation
1450 described in Subsection (3)(b)(i); and
- 1451 (iii) the department grants to the employee access to the electronic verification
1452 system.
- 1453 (c) Every two years, an employee described in Subsections (3)(a) and (3)(b) shall
1454 complete at least one hour of education regarding health information privacy laws
1455 that is offered by the department or an accredited or approved education provider that
1456 the department recognizes before the department may grant the employee access to

- 1457 the electronic verification system.
- 1458 (4)(a) As used in this Subsection (4), "prescribing provider" means:
- 1459 (i) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
- 1460 (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
- 1461 Practice Act;
- 1462 (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
- 1463 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
- 1464 (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
- 1465 Assistant Act.
- 1466 (b) A prescribing provider may access information in the electronic verification system
- 1467 regarding a patient the prescribing provider treats.
- 1468 (5) The department may release limited data that the system collects for the purpose of:
- 1469 (a) conducting medical and other department approved research;
- 1470 (b) providing the report required by Section 26B-4-222; and
- 1471 (c) other official department purposes.
- 1472 (6) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
- 1473 Administrative Rulemaking Act, to establish:
- 1474 (a) the limitations on access to the data in the state electronic verification system as
- 1475 described in this section; and
- 1476 (b) standards and procedures to ensure accurate identification of an individual requesting
- 1477 information or receiving information in this section.
- 1478 (7) Any person who negligently or recklessly releases any information in the state
- 1479 electronic verification system in violation of this section is guilty of a class C
- 1480 misdemeanor.
- 1481 (8) Any person who obtains or attempts to obtain information from the state electronic
- 1482 verification system by misrepresentation or fraud is guilty of a third degree felony.
- 1483 (9)(a) Except as provided in Subsections (9)(c) and (9)(e), a person may not knowingly
- 1484 and intentionally use, release, publish, or otherwise make available to any other
- 1485 person information obtained from the state electronic verification system for any
- 1486 purpose other than a purpose specified in this section.
- 1487 (b) Each separate violation of this Subsection (9) is:
- 1488 (i) a third degree felony; and
- 1489 (ii) subject to a civil penalty not to exceed \$5,000.
- 1490 (c) A law enforcement officer who uses the database used by law enforcement to access

- 1491 information in the electronic verification system for a reason that is not the
 1492 administration of criminal justice is guilty of a class B misdemeanor.
- 1493 (d) The department shall determine a civil violation of this Subsection (9) in accordance
 1494 with Title 63G, Chapter 4, Administrative Procedures Act.
- 1495 (e) Civil penalties assessed under this Subsection (9) shall be deposited into the General
 1496 Fund.
- 1497 (f) This Subsection (9) does not prohibit a person who obtains information from the state
 1498 electronic verification system under Subsection (2)(a), (c), or (f) from:
- 1499 (i) including the information in the person's medical chart or file for access by a
 1500 person authorized to review the medical chart or file;
- 1501 (ii) providing the information to a person in accordance with the requirements of the
 1502 Health Insurance Portability and Accountability Act of 1996; or
- 1503 (iii) discussing or sharing that information about the patient with the patient.

1504 Section 14. Section **26B-4-213** is amended to read:

1505 **26B-4-213 . Medical cannabis patient card -- Medical cannabis guardian card --**
 1506 **Conditional medical cannabis card -- Application -- Fees -- Studies.**

- 1507 (1)(a) Subject to Section 26B-4-246, within 15 days after the day on which an individual
 1508 who satisfies the eligibility criteria in this section or Section 26B-4-214 submits an
 1509 application in accordance with this section or Section 26B-4-214, the department
 1510 shall:
- 1511 (i) issue a medical cannabis patient card to an individual described in Subsection
 1512 (2)(a);
- 1513 (ii) issue a medical cannabis guardian card to an individual described in Subsection
 1514 (2)(b);
- 1515 (iii) issue a provisional patient card to a minor described in Subsection (2)(c); and
- 1516 (iv) issue a medical cannabis caregiver card to an individual described in Subsection
 1517 26B-4-214(4).
- 1518 (b)(i) Upon the entry of a recommending medical provider's medical cannabis
 1519 recommendation for a patient in the state electronic verification system, either by
 1520 the provider or the provider's employee or by a medical cannabis pharmacy
 1521 medical provider or medical cannabis pharmacy in accordance with Subsection
 1522 4-41a-1101(10)(a), the department shall issue to the patient an electronic
 1523 conditional medical cannabis card, in accordance with this Subsection (1)(b).
 1524 (ii) A conditional medical cannabis card is valid for the lesser of:

- 1525 (A) 60 days; or
- 1526 (B) the day on which the department completes the department's review and issues
- 1527 a medical cannabis card under Subsection (1)(a), denies the patient's medical
- 1528 cannabis card application, or revokes the conditional medical cannabis card
- 1529 under Subsection (8).
- 1530 (iii) The department may issue a conditional medical cannabis card to an individual
- 1531 applying for a medical cannabis patient card for which approval of the
- 1532 Compassionate Use Board is not required.
- 1533 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and
- 1534 obligations under law applicable to a holder of the medical cannabis card for
- 1535 which the individual applies and for which the department issues the conditional
- 1536 medical cannabis card.
- 1537 (2)(a) An individual is eligible for a medical cannabis patient card if:
- 1538 (i)(A) the individual is at least 21 years old; or
- 1539 (B) the individual is 18, 19, or 20 years old, the individual petitions the
- 1540 Compassionate Use Board under Section 26B-1-421, and the Compassionate
- 1541 Use Board recommends department approval of the petition;
- 1542 (ii) the individual is a Utah resident;
- 1543 (iii) the individual's recommending medical provider recommends treatment with
- 1544 medical cannabis in accordance with Subsection (4);
- 1545 (iv) the individual signs an acknowledgment stating that the individual received the
- 1546 information described in Subsection (9); and
- 1547 (v) the individual pays to the department a fee in an amount that, subject to
- 1548 Subsection [~~26B-1-310(5)~~] 4-41a-104.1(5), the department sets in accordance with
- 1549 Section 63J-1-504.
- 1550 (b)(i) An individual is eligible for a medical cannabis guardian card if the individual:
- 1551 (A) is at least 18 years old;
- 1552 (B) is a Utah resident;
- 1553 (C) is the parent or legal guardian of a minor for whom the minor's recommending
- 1554 medical provider recommends a medical cannabis treatment, the individual
- 1555 petitions the Compassionate Use Board under Section 26B-1-421, and the
- 1556 Compassionate Use Board recommends department approval of the petition;
- 1557 (D) the individual signs an acknowledgment stating that the individual received
- 1558 the information described in Subsection (9); and

1559 (E) pays to the department a fee in an amount that, subject to Subsection [
1560 26B-1-310(5)] 4-41a-104.1(5), the department sets in accordance with Section
1561 63J-1-504, plus the cost of the criminal background check described in Section
1562 26B-4-215.

1563 (ii) The department shall notify the Department of Public Safety of each individual
1564 that the department registers for a medical cannabis guardian card.

1565 (c)(i) A minor is eligible for a provisional patient card if:

1566 (A) the minor has a qualifying condition;

1567 (B) the minor's recommending medical provider recommends a medical cannabis
1568 treatment to address the minor's qualifying condition;

1569 (C) one of the minor's parents or legal guardians petitions the Compassionate Use
1570 Board under Section 26B-1-421, and the Compassionate Use Board
1571 recommends department approval of the petition; and

1572 (D) the minor's parent or legal guardian is eligible for a medical cannabis guardian
1573 card under Subsection (2)(b) or designates a caregiver under Subsection (2)(d)
1574 who is eligible for a medical cannabis caregiver card under Section 26B-4-214.

1575 (ii) The department shall automatically issue a provisional patient card to the minor
1576 described in Subsection (2)(c)(i) at the same time the department issues a medical
1577 cannabis guardian card to the minor's parent or legal guardian.

1578 (d) If the parent or legal guardian of a minor described in Subsections (2)(c)(i)(A)
1579 through (C) does not qualify for a medical cannabis guardian card under Subsection
1580 (2)(b), the parent or legal guardian may designate up to two caregivers in accordance
1581 with Subsection 26B-4-214(1)(c) to ensure that the minor has adequate and safe
1582 access to the recommended medical cannabis treatment.

1583 (3)(a) An individual who is eligible for a medical cannabis card described in Subsection

1584 (2)(a) or (b) shall submit an application for a medical cannabis card to the department:

1585 (i) through an electronic application connected to the state electronic verification
1586 system;

1587 (ii) with the recommending medical provider; and

1588 (iii) with information including:

1589 (A) the applicant's name, gender, age, and address;

1590 (B) the number of the applicant's government issued photo identification;

1591 (C) for a medical cannabis guardian card, the name, gender, and age of the minor
1592 receiving a medical cannabis treatment under the cardholder's medical cannabis

- 1593 guardian card; and
- 1594 (D) for a provisional patient card, the name of the minor's parent or legal guardian
- 1595 who holds the associated medical cannabis guardian card.
- 1596 (b)(i) If a recommending medical provider determines that, because of age, illness, or
- 1597 disability, a medical cannabis patient cardholder requires assistance in
- 1598 administering the medical cannabis treatment that the recommending medical
- 1599 provider recommends, the recommending medical provider may indicate the
- 1600 cardholder's need in the state electronic verification system, either directly or
- 1601 through the order described in Subsections 26B-4-204(1)(b) and (c).
- 1602 (ii) If a recommending medical provider makes the indication described in
- 1603 Subsection (3)(b)(i):
- 1604 (A) the department shall add a label to the relevant medical cannabis patient card
- 1605 indicating the cardholder's need for assistance;
- 1606 (B) any adult who is 18 years old or older and who is physically present with the
- 1607 cardholder at the time the cardholder needs to use the recommended medical
- 1608 cannabis treatment may handle the medical cannabis treatment and any
- 1609 associated medical cannabis device as needed to assist the cardholder in
- 1610 administering the recommended medical cannabis treatment; and
- 1611 (C) an individual of any age who is physically present with the cardholder in the
- 1612 event of an emergency medical condition, as that term is defined in Section
- 1613 31A-1-301, may handle the medical cannabis treatment and any associated
- 1614 medical cannabis device as needed to assist the cardholder in administering the
- 1615 recommended medical cannabis treatment.
- 1616 (iii) A non-cardholding individual acting under Subsection (3)(b)(ii)(B) or (C) may
- 1617 not:
- 1618 (A) ingest or inhale medical cannabis;
- 1619 (B) possess, transport, or handle medical cannabis or a medical cannabis device
- 1620 outside of the immediate area where the cardholder is present or with an intent
- 1621 other than to provide assistance to the cardholder; or
- 1622 (C) possess, transport, or handle medical cannabis or a medical cannabis device
- 1623 when the cardholder is not in the process of being dosed with medical cannabis.
- 1624 (4)(a) [~~Except as provided in Subsection (4)(b), a~~] A recommending medical provider
- 1625 may [~~not~~] recommend medical cannabis to a patient through a virtual visit.
- 1626 [~~(b) A recommending medical provider may recommend medical cannabis to a patient~~

- 1627 through a virtual visit if the patient:]
- 1628 [~~(i) is on hospice or has a terminal illness according to the patient's medical provider;~~]
- 1629 [~~(ii) is a resident of an assisted living facility, as defined in Section 26B-2-201, or a~~
- 1630 ~~nursing care facility, as defined in Section 26B-2-201;~~]
- 1631 [~~(iii) has previously received a medical cannabis recommendation from the~~
- 1632 ~~recommending medical provider through a face-to-face visit; or]~~
- 1633 [~~(iv) is a current patient of the recommending medical provider and has met with the~~
- 1634 ~~recommending medical provider face-to-face previously.]~~
- 1635 [(e)] (b) A recommending medical provider shall:
- 1636 (i) before recommending or renewing a recommendation for medical cannabis in a
- 1637 medicinal dosage form or a cannabis product in a medicinal dosage form:
- 1638 (A) verify the patient's and, for a minor patient, the minor patient's parent or legal
- 1639 guardian's government issued photo identification described in Subsection
- 1640 (3)(a);
- 1641 (B) review any record related to the patient and, for a minor patient, the patient's
- 1642 parent or legal guardian accessible to the recommending medical provider
- 1643 including in the controlled substance database created in Section 58-37f-201;
- 1644 and
- 1645 (C) consider the recommendation in light of the patient's qualifying condition,
- 1646 history of substance use or opioid use disorder, and history of medical cannabis
- 1647 and controlled substance use during a visit with the patient; and
- 1648 (ii) state in the recommending medical provider's recommendation that the patient:
- 1649 (A) suffers from a qualifying condition, including the type of qualifying condition;
- 1650 and
- 1651 (B) may benefit from treatment with cannabis in a medicinal dosage form or a
- 1652 cannabis product in a medicinal dosage form.
- 1653 (5)(a) Except as provided in Subsection (5)(b) or (c), a medical cannabis card that the
- 1654 department issues under this section is valid for the lesser of:
- 1655 (i) an amount of time that the recommending medical provider determines; or
- 1656 (ii) one year from the day the card is issued.
- 1657 (b)(i) A medical cannabis card that the department issues in relation to a terminal
- 1658 illness described in Section 26B-4-203 expires after one year.
- 1659 (ii) The recommending medical provider may revoke a recommendation that the
- 1660 provider made in relation to a terminal illness described in Section 26B-4-203 if

- 1661 the medical cannabis cardholder no longer has the terminal illness.
- 1662 (c) A medical cannabis card that the department issues in relation to acute pain as
1663 described in Section 26B-4-203 expires 30 days after the day on which the
1664 department first issues a conditional or full medical cannabis card.
- 1665 (6)(a) A medical cannabis patient card or a medical cannabis guardian card is renewable
1666 if:
- 1667 (i) at the time of renewal, the cardholder meets the requirements of Subsection (2)(a)
1668 or (b); or
- 1669 (ii) the cardholder received the medical cannabis card through the recommendation of
1670 the Compassionate Use Board under Section 26B-1-421.
- 1671 (b) The recommending medical provider who made the underlying recommendation for
1672 the card of a cardholder described in Subsection (6)(a) may renew the cardholder's
1673 card through phone or video conference with the cardholder, at the recommending
1674 medical provider's discretion.
- 1675 (c) Before having access to a renewed card, a cardholder under Subsection (2)(a) or (b)
1676 shall pay to the department a renewal fee in an amount that:
- 1677 (i) subject to Subsection [~~26B-1-310(5)~~] 4-41a-104.1(5), the department sets in
1678 accordance with Section 63J-1-504; and
- 1679 (ii) may not exceed the cost of the relatively lower administrative burden of renewal
1680 in comparison to the original application process.
- 1681 (d) If a minor meets the requirements of Subsection (2)(c), the minor's provisional
1682 patient card renews automatically at the time the minor's parent or legal guardian
1683 renews the parent or legal guardian's associated medical cannabis guardian card.
- 1684 (7)(a) A cardholder under this section shall carry the cardholder's valid medical cannabis
1685 card with the patient's name.
- 1686 (b)(i) A medical cannabis patient cardholder or a provisional patient cardholder may
1687 purchase, in accordance with this part and the recommendation underlying the
1688 card, cannabis in a medicinal dosage form, a cannabis product in a medicinal
1689 dosage form, or a medical cannabis device.
- 1690 (ii) A cardholder under this section may possess or transport, in accordance with this
1691 part and the recommendation underlying the card, cannabis in a medicinal dosage
1692 form, a cannabis product in a medicinal dosage form, or a medical cannabis
1693 device.
- 1694 (iii) To address the qualifying condition underlying the medical cannabis treatment

- 1695 recommendation:
- 1696 (A) a medical cannabis patient cardholder or a provisional patient cardholder may
- 1697 use medical cannabis or a medical cannabis device; and
- 1698 (B) a medical cannabis guardian cardholder may assist the associated provisional
- 1699 patient cardholder with the use of medical cannabis or a medical cannabis
- 1700 device.
- 1701 (8)(a) The department may revoke a medical cannabis card that the department issues
- 1702 under this section if:
- 1703 (i) the recommending medical provider withdraws the medical provider's
- 1704 recommendation for medical cannabis; or
- 1705 (ii) the cardholder:
- 1706 (A) violates this part; or
- 1707 (B) is convicted under state or federal law of, after March 17, 2021, a drug
- 1708 distribution offense.
- 1709 (b) The department may not refuse to issue a medical cannabis card to a patient solely
- 1710 based on a prior revocation under Subsection (8)(a)(i).
- 1711 (9) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah
- 1712 Administrative Rulemaking Act, a process to provide information regarding the
- 1713 following to an individual receiving a medical cannabis card:
- 1714 (a) risks associated with medical cannabis treatment;
- 1715 (b) the fact that a condition's listing as a qualifying condition does not suggest that
- 1716 medical cannabis treatment is an effective treatment or cure for that condition, as
- 1717 described in Subsection 26B-4-203(1); and
- 1718 (c) other relevant warnings and safety information that the department determines.
- 1719 (10) The department may establish procedures by rule, in accordance with Title 63G,
- 1720 Chapter 3, Utah Administrative Rulemaking Act, to implement the application and
- 1721 issuance provisions of this section.
- 1722 (11)(a) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
- 1723 Utah Administrative Rulemaking Act, a process to allow an individual from another
- 1724 state to register with the department in order to purchase medical cannabis or a
- 1725 medical cannabis device from a medical cannabis pharmacy while the individual is
- 1726 visiting the state.
- 1727 (b) The department may only provide the registration process described in Subsection
- 1728 (11)(a):

- 1729 (i) to a nonresident patient; and
1730 (ii) for no more than two visitation periods per calendar year of up to 21 calendar
1731 days per visitation period.
- 1732 (12)(a) A person may submit to the department a request to conduct a research study
1733 using medical cannabis cardholder data that the state electronic verification system
1734 contains.
- 1735 (b) The department shall review a request described in Subsection (12)(a) to determine
1736 whether an institutional review board, as that term is defined in Section 26B-4-201,
1737 could approve the research study.
- 1738 (c) At the time an individual applies for a medical cannabis card, the department shall
1739 notify the individual:
- 1740 (i) of how the individual's information will be used as a cardholder;
1741 (ii) that by applying for a medical cannabis card, unless the individual withdraws
1742 consent under Subsection (12)(d), the individual consents to the use of the
1743 individual's information for external research; and
1744 (iii) that the individual may withdraw consent for the use of the individual's
1745 information for external research at any time, including at the time of application.
- 1746 (d) An applicant may, through the medical cannabis card application, and a medical
1747 cannabis cardholder may, through the state central patient portal, withdraw the
1748 applicant's or cardholder's consent to participate in external research at any time.
- 1749 (e) The department may release, for the purposes of a study described in this Subsection
1750 (12), information about a cardholder under this section who consents to participate
1751 under Subsection (12)(c).
- 1752 (f) If an individual withdraws consent under Subsection (12)(d), the withdrawal of
1753 consent:
- 1754 (i) applies to external research that is initiated after the withdrawal of consent; and
1755 (ii) does not apply to research that was initiated before the withdrawal of consent.
- 1756 (g) The department may establish standards for a medical research study's validity, by
1757 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
1758 Act.
- 1759 (13) The department shall record the issuance or revocation of a medical cannabis card
1760 under this section in the controlled substance database.
- 1761 Section 15. Section **26B-4-214** is amended to read:
1762 **26B-4-214 . Medical cannabis caregiver card -- Registration -- Renewal --**

1763 **Revocation.**

- 1764 (1)(a) A cardholder described in Section 26B-4-213 may designate up to two
1765 individuals, or an individual and a facility in accordance with Subsection (1)(b), to
1766 serve as a designated caregiver for the cardholder.
- 1767 (b)(i) A cardholder described in Section 26B-4-213 may designate one of the
1768 following types of facilities as one of the caregivers described in Subsection (1)(a):
- 1769 (A) for a patient or resident, an assisted living facility, as that term is defined in
1770 Section 26B-2-201;
 - 1771 (B) for a patient or resident, a nursing care facility, as that term is defined in
1772 Section 26B-2-201; or
 - 1773 (C) for a patient, a general acute hospital, as that term is defined in Section
1774 26B-2-201.
- 1775 (ii) A facility may:
- 1776 (A) assign one or more employees to assist patients with medical cannabis
1777 treatment under the caregiver designation described in this Subsection (1)(b);
1778 and
 - 1779 (B) receive a medical cannabis shipment from a medical cannabis pharmacy or a
1780 medical cannabis courier on behalf of the medical cannabis cardholder within
1781 the facility who designated the facility as a caregiver.
- 1782 (iii) The department shall make rules to regulate the practice of facilities and facility
1783 employees serving as designated caregivers under this Subsection (1)(b).
- 1784 (c) A parent or legal guardian described in Subsection 26B-4-213(2)(d), in consultation
1785 with the minor and the minor's recommending medical provider, may designate up to
1786 two individuals to serve as a designated caregiver for the minor, if the department
1787 determines that the parent or legal guardian is not eligible for a medical cannabis
1788 guardian card under Section 26B-4-213.
- 1789 (d)(i) Upon the entry of a caregiver designation under Subsection (1)(c) by a patient
1790 with a terminal illness described in Section 26B-4-203, the department shall issue
1791 to the designated caregiver an electronic conditional medical cannabis caregiver
1792 card, in accordance with this Subsection (1)(d).
- 1793 (ii) A conditional medical cannabis caregiver card is valid for the lesser of:
- 1794 (A) 60 days; or
 - 1795 (B) the day on which the department completes the department's review and issues
1796 a medical cannabis caregiver card under Subsection (1)(a), denies the patient's

- 1797 medical cannabis caregiver card application, or revokes the conditional
1798 medical cannabis caregiver card under Section 26B-4-246.
- 1799 (iii) The department may issue a conditional medical cannabis card to an individual
1800 applying for a medical cannabis patient card for which approval of the
1801 Compassionate Use Board is not required.
- 1802 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and
1803 obligations under law applicable to a holder of the medical cannabis card for
1804 which the individual applies and for which the department issues the conditional
1805 medical cannabis card.
- 1806 (2) An individual that the department registers as a designated caregiver under this section
1807 and a facility described in Subsection (1)(b):
- 1808 (a) for an individual designated caregiver, may carry a valid medical cannabis caregiver
1809 card;
- 1810 (b) in accordance with this part, may purchase, possess, transport, or assist the patient in
1811 the use of medical cannabis or a medical cannabis device on behalf of the designating
1812 medical cannabis cardholder;
- 1813 (c) may not charge a fee to an individual to act as the individual's designated caregiver
1814 or for a service that the designated caregiver provides in relation to the role as a
1815 designated caregiver; and
- 1816 (d) may accept reimbursement from the designating medical cannabis cardholder for
1817 direct costs the designated caregiver incurs for assisting with the designating
1818 cardholder's medicinal use of cannabis.
- 1819 (3)(a) The department shall:
- 1820 (i) within 15 days after the day on which an individual submits an application in
1821 compliance with this section, issue a medical cannabis card to the applicant if the
1822 applicant:
- 1823 (A) is designated as a caregiver under Subsection (1);
1824 (B) is eligible for a medical cannabis caregiver card under Subsection (4); and
1825 (C) complies with this section; and
- 1826 (ii) notify the Department of Public Safety of each individual that the department
1827 registers as a designated caregiver.
- 1828 (b) The department shall ensure that a medical cannabis caregiver card contains the
1829 information described in Subsections (5)(b) and (3)(c)(i).
- 1830 (c) If a cardholder described in Section 26B-4-213 designates an individual as a

- 1831 caregiver who already holds a medical cannabis caregiver card, the individual with
1832 the medical cannabis caregiver card:
- 1833 (i) shall report to the department the information required of applicants under
1834 Subsection (5)(b) regarding the new designation;
 - 1835 (ii) if the individual makes the report described in Subsection (3)(c)(i), is not required
1836 to file an application for another medical cannabis caregiver card;
 - 1837 (iii) may receive an additional medical cannabis caregiver card in relation to each
1838 additional medical cannabis patient who designates the caregiver; and
 - 1839 (iv) is not subject to an additional background check.
- 1840 (4) An individual is eligible for a medical cannabis caregiver card if the individual:
- 1841 (a) is at least 21 years old;
 - 1842 (b) is a Utah resident;
 - 1843 (c) pays to the department a fee in an amount that, subject to Subsection [~~26B-1-310(5)~~
1844 4-41a-104.1(5)], the department sets in accordance with Section 63J-1-504, plus the
1845 cost of the criminal background check described in Section 26B-4-215; and
 - 1846 (d) signs an acknowledgment stating that the applicant received the information
1847 described in Subsection 26B-4-213(9).
- 1848 (5) An eligible applicant for a medical cannabis caregiver card shall:
- 1849 (a) submit an application for a medical cannabis caregiver card to the department
1850 through an electronic application connected to the state electronic verification
1851 system; and
 - 1852 (b) submit the following information in the application described in Subsection (5)(a):
 - 1853 (i) the applicant's name, gender, age, and address;
 - 1854 (ii) the name, gender, age, and address of the cardholder described in Section
1855 26B-4-213 who designated the applicant;
 - 1856 (iii) if a medical cannabis guardian cardholder designated the caregiver, the name,
1857 gender, and age of the minor receiving a medical cannabis treatment in relation to
1858 the medical cannabis guardian cardholder; and
 - 1859 (iv) any additional information that the department requests to assist in matching the
1860 application with the designating medical cannabis patient.
- 1861 (6) Except as provided in Subsection (6)(b), a medical cannabis caregiver card that the
1862 department issues under this section is valid for the lesser of:
- 1863 (a) an amount of time that the cardholder described in Section 26B-4-213 who
1864 designated the caregiver determines; or

1865 (b) the amount of time remaining before the card of the cardholder described in Section
1866 26B-4-213 expires.

1867 (7)(a) If a designated caregiver meets the requirements of Subsection (4), the designated
1868 caregiver's medical cannabis caregiver card renews automatically at the time the
1869 cardholder described in Section 26B-4-213 who designated the caregiver:

1870 (i) renews the cardholder's card; and

1871 (ii) renews the caregiver's designation, in accordance with Subsection (7)(b).

1872 (b) The department shall provide a method in the card renewal process to allow a
1873 cardholder described in Section 26B-4-213 who has designated a caregiver to:

1874 (i) signify that the cardholder renews the caregiver's designation;

1875 (ii) remove a caregiver's designation; or

1876 (iii) designate a new caregiver.

1877 (8) The department shall record the issuance or revocation of a medical cannabis card under
1878 this section in the controlled substance database.

1879 Section 16. Section **26B-4-219** is amended to read:

1880 **26B-4-219 . Pharmacy medical providers -- Registration -- Continuing education.**

1881 (1)(a) A medical cannabis pharmacy:

1882 (i) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy
1883 Practice Act, as a pharmacy medical provider;

1884 (ii) may employ a physician who has the authority to write a prescription and is
1885 licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,
1886 Chapter 68, Utah Osteopathic Medical Practice Act, as a pharmacy medical
1887 provider;

1888 (iii) shall ensure that a pharmacy medical provider described in Subsection (1)(a)(i)
1889 works onsite during all business hours; and

1890 (iv) shall designate one pharmacy medical provider described in Subsection (1)(a)(i)
1891 as the pharmacist-in-charge to oversee the operation of and generally supervise
1892 the medical cannabis pharmacy.

1893 (b) The pharmacist-in-charge shall determine which cannabis and cannabis products the
1894 medical cannabis pharmacy maintains in the medical cannabis pharmacy's inventory.

1895 (c) An individual may not serve as a pharmacy medical provider unless the department
1896 registers the individual as a pharmacy medical provider in accordance with
1897 Subsection (2).

1898 (2)(a) The department shall, within 15 days after the day on which the department

- 1899 receives an application from a medical cannabis pharmacy on behalf of a prospective
1900 pharmacy medical provider, register and issue a pharmacy medical provider
1901 registration card to the prospective pharmacy medical provider if the medical
1902 cannabis pharmacy:
- 1903 (i) provides to the department:
 - 1904 (A) the prospective pharmacy medical provider's name and address;
 - 1905 (B) the name and location of the licensed medical cannabis pharmacy where the
1906 prospective pharmacy medical provider seeks to act as a pharmacy medical
1907 provider;
 - 1908 (C) an acknowledgment that the individual has completed four hours of
1909 continuing education related to medical cannabis; and
 - 1910 (D) evidence that the prospective pharmacy medical provider is a pharmacist who
1911 is licensed under Title 58, Chapter 17b, Pharmacy Practice Act, or a physician
1912 who has the authority to write a prescription and is licensed under Title 58,
1913 Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
1914 Osteopathic Medical Practice Act; and
 - 1915 (ii) pays a fee to the department in an amount that, subject to Subsection [
1916 ~~26B-1-310(5)~~] 4-41a-104.1(5), the department sets in accordance with Section
1917 63J-1-504.
- 1918 (b) The department may not register a recommending medical provider as a pharmacy
1919 medical provider.
- 1920 (3)(a) A pharmacy medical provider shall complete the continuing education described
1921 in this Subsection (3) in the following amounts:
- 1922 (i) as a condition precedent to registration, four hours; and
 - 1923 (ii) as a condition precedent to renewal of the registration, four hours every two years.
- 1924 (b) The department may, in consultation with the Division of Professional Licensing,
1925 develop the continuing education described in this Subsection (3).
- 1926 (c) The continuing education described in this Subsection (3) may discuss:
- 1927 (i) the provisions of this part;
 - 1928 (ii) general information about medical cannabis under federal and state law;
 - 1929 (iii) the latest scientific research on the endocannabinoid system and medical
1930 cannabis, including risks and benefits;
 - 1931 (iv) recommendations for medical cannabis as it relates to the continuing care of a
1932 patient in pain management, risk management, potential addiction, and palliative

- 1933 care; or
- 1934 (v) best practices for recommending the form and dosage of medical cannabis based
- 1935 on the qualifying condition underlying a medical cannabis recommendation.
- 1936 (4)(a) A pharmacy medical provider registration card expires two years after the day on
- 1937 which the department issues or renews the card.
- 1938 (b) A pharmacy medical provider may renew the provider's registration card if the
- 1939 provider:
- 1940 (i) is eligible for a pharmacy medical provider registration card under this section;
- 1941 (ii) certifies to the department in a renewal application that the information in
- 1942 Subsection (2)(a) is accurate or updates the information;
- 1943 (iii) submits a report detailing the completion of the continuing education
- 1944 requirement described in Subsection (3); and
- 1945 (iv) pays to the department a renewal fee in an amount that:
- 1946 (A) subject to Subsection [~~26B-1-310(5)~~] 4-41a-104.1(5), the department sets in
- 1947 accordance with Section 63J-1-504; and
- 1948 (B) may not exceed the cost of the relatively lower administrative burden of
- 1949 renewal in comparison to the original application process.
- 1950 (5)(a) Except as provided in Subsection (5)(b), a person may not advertise that the
- 1951 person or another person dispenses medical cannabis.
- 1952 (b) Notwithstanding Subsection (5)(a) and Section 4-41a-109, a registered pharmacy
- 1953 medical provider may advertise the following:
- 1954 (i) a green cross;
- 1955 (ii) that the person is registered as a pharmacy medical provider and dispenses
- 1956 medical cannabis; or
- 1957 (iii) a scientific study regarding medical cannabis use.
- 1958 (6)(a) The department may revoke a pharmacy medical provider's registration for a
- 1959 violation of this chapter.
- 1960 (b) The department may inspect patient records held by a medical cannabis pharmacy to
- 1961 ensure a pharmacy medical provider is practicing in accordance with this chapter and
- 1962 applicable rules.
- 1963 Section 17. Section **26B-4-222** is amended to read:
- 1964 **26B-4-222 . Report.**
- 1965 (1) By the November interim meeting each year, the department shall report to the Health
- 1966 and Human Services Interim Committee on:

- 1967 (a) the number of applications and renewal applications filed for medical cannabis cards;
- 1968 (b) the number of qualifying patients and designated caregivers;
- 1969 (c) the nature of the debilitating medical conditions of the qualifying patients;
- 1970 (d) the age and county of residence of cardholders;
- 1971 (e) the number of medical cannabis cards revoked;
- 1972 (f) the number of practitioners providing recommendations for qualifying patients; and
- 1973 (g) the expenses and revenues of the Qualified Patient Enterprise Fund created in
- 1974 Section ~~[26B-1-310]~~ 4-41a-104.1.
- 1975 (2) The report shall include information provided by the Center for Medical Cannabis
- 1976 Research described in Section 53H-4-206.
- 1977 (3) The department may not include personally identifying information in the report
- 1978 described in this section.
- 1979 (4) The department shall report to the working group described in Section 36-12-8.2 as
- 1980 requested by the working group.

1981 Section 18. **Effective Date.**

1982 This bill takes effect on May 6, 2026.