

Jennifer Dailey-Provost proposes the following substitute bill:

Cannabis Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jennifer Dailey-Provost

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill amends provisions related to cannabis.

Highlighted Provisions:

This bill:

- ▶ amends provisions related to hazardous waste and cannabinoid (hemp) disposal;
- ▶ requires industrial hemp retailers to check an individual's identification to ensure a purchaser is at least 21 years old;
- ▶ repeals video surveillance requirements for industrial hemp retailers;
- ▶ amends provisions related to unlawful acts concerning hemp products;
- ▶ exempts medical cannabis processors from obtaining an additional license to process 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); and
- ▶ allows medical cannabis pharmacies to sell low THC products.

Money Appropriated in this Bill:

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **4-41-102**, as last amended by Laws of Utah 2025, Chapter 114

35 **4-41-103.2**, as last amended by Laws of Utah 2025, Chapter 114

36 **4-41-103.3**, as last amended by Laws of Utah 2025, Chapter 114

37 **4-41-103.4**, as last amended by Laws of Utah 2024, Chapter 35

38 **4-41-105**, as last amended by Laws of Utah 2025, Chapter 114

39 **4-41a-102**, as last amended by Laws of Utah 2025, First Special Session, Chapter 9

40 **4-41a-104**, as last amended by Coordination Clause, Laws of Utah 2023, Chapter 307

41 and enacted by Laws of Utah 2018, Third Special Session, Chapter 1

42 **4-41a-201**, as last amended by Laws of Utah 2025, Chapter 414

43 **4-41a-201.1**, as last amended by Laws of Utah 2025, Chapter 414

44 **4-41a-204**, as last amended by Laws of Utah 2025, First Special Session, Chapter 16

45 **4-41a-602**, as last amended by Laws of Utah 2025, Chapter 392

46 **4-41a-801**, as last amended by Laws of Utah 2025, Chapters 114, 414

47 **4-41a-1102**, as last amended by Laws of Utah 2025, Chapter 414

48 **26B-4-201**, as last amended by Laws of Utah 2025, Chapter 392

49 **26B-4-202**, as last amended by Laws of Utah 2025, Chapter 392

50 **26B-4-203**, as last amended by Laws of Utah 2025, Chapter 392

51 **26B-4-213**, as last amended by Laws of Utah 2025, Chapter 392

52 **26B-4-214**, as last amended by Laws of Utah 2025, Chapter 392

53 **26B-4-219**, as last amended by Laws of Utah 2025, Chapter 414

54 **26B-4-222**, as last amended by Laws of Utah 2025, First Special Session, Chapter 9

55 **26B-4-245**, as last amended by Laws of Utah 2025, Chapter 392

56 **52-4-205**, as last amended by Laws of Utah 2025, Chapter 391

57 ENACTS:

58 **26B-4-201.1**, Utah Code Annotated 1953

59 RENUMBERS AND AMENDS:

60 **4-41a-104.1**, (Renumbered from 26B-1-310, as last amended by Laws of Utah 2025,
61 First Special Session, Chapter 9)

62 **4-41a-111**, (Renumbered from 26B-1-435, as last amended by Laws of Utah 2025,

63 First Special Session, Chapter 9)
 64 **4-41a-112**, (Renumbered from 26B-1-421, as last amended by Laws of Utah 2025,
 65 Chapter 494)

66

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

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

69 **4-41-102 . Definitions.**

70 As used in this chapter:

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

73 (a) pesticides;

74 (b) heavy metals;

75 (c) solvents;

76 (d) microbial life;

77 (e) artificially derived cannabinoids;

78 (f) toxins; or

79 (g) foreign matter.

80 (2)(a) "Artificially derived cannabinoid" means a chemical substance that is created by a
 81 chemical reaction that changes the molecular structure of any chemical substances
 82 derived from the cannabis plant.

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

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

86 (ii) cannabinoids that are produced by decarboxylation from a naturally occurring
 87 cannabinoid acid without the use of a chemical catalyst.

88 (3) "Cannabidiol" or "CBD" means the cannabinoid identified as CAS# 13956-29-1.

89 (4) "Cannabidiolic acid" or "CBDA" means the cannabinoid identified as CAS# 1244-58-2.

90 (5) "Cannabinoid processor license" means a license that the department issues to a person
 91 for the purpose of processing a cannabinoid product.

92 (6) "Cannabinoid product" means a product that:

93 (a) contains or is represented to contain one or more naturally occurring cannabinoids;

94 (b) contains less than the cannabinoid product THC level, by dry weight;

95 (c) contains a combined amount of total THC and any THC analog that does not exceed
 96 10% of the total cannabinoid content;

- 97 (d) does not exceed a total of THC and any THC analog that is greater than:
98 (i) 5 milligrams per serving; and
99 (ii) 150 milligrams per package; and
100 (e) unless the product is in an oil based suspension, has a serving size that:
101 (i) is an integer; and
102 (ii) is a discrete unit of the cannabinoid product.
- 103 (7) "Cannabinoid product class" means a group of cannabinoid products that:
104 (a) have all ingredients in common; and
105 (b) are produced by or for the same company.
- 106 (8) "Cannabinoid product THC level" means a combined concentration of total THC and
107 any THC analog of less than 0.3% on a dry weight basis if laboratory testing confirms a
108 result within a measurement of uncertainty that includes the combined concentration of
109 0.3%[-] .
- 110 (9) "Cannabis" means the same as that term is defined in Section 26B-4-201.
- 111 (10) "Delta-9-tetrahydrocannabinol" or "delta-9-THC" means the cannabinoid identified as
112 CAS# 1972-08-3, the primary psychotropic cannabinoid in cannabis.
- 113 (11) "Hazardous waste laws" means:
114 (a) federal and state laws, rules, and regulations related to hazardous waste;
115 (b) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.; and
116 (c) Title 19, Chapter 6, Part 5, Solid Waste Management Act.
- 117 ~~[(11)]~~ (12) "Industrial hemp" means any part of a cannabis plant, whether growing or not,
118 with a concentration of less than 0.3% tetrahydrocannabinol by dry weight.
- 119 ~~[(12)]~~ (13) "Industrial hemp producer registration" means a registration that the department
120 issues to a person for the purpose of processing industrial hemp or an industrial hemp
121 product.
- 122 ~~[(13)]~~ (14)(a) "Industrial hemp product" means a product made by processing industrial
123 hemp plants or industrial hemp parts.
124 (b) "Industrial hemp product" does not include cannabinoid material or a cannabinoid
125 product.
- 126 ~~[(14)]~~ (15) "Industrial hemp retailer permit" means a permit that the department issues to a
127 retailer who sells any viable industrial hemp seed or cannabinoid product.
- 128 ~~[(15)]~~ (16) "Key participant" means any of the following:
129 (a) a licensee;
130 (b) an operation manager;

- 131 (c) a site manager; or
- 132 (d) an employee who has access to any industrial hemp material with a THC
- 133 concentration above 0.3%.
- 134 [(16)] (17) "Licensee" means a person possessing a cannabinoid processor license that the
- 135 department issues under this chapter.
- 136 [(17)] (18) "Newly identified cannabinoid" means a cannabinoid that:
- 137 (a) is not expressly identified by chemical name or CAS number in this chapter; and
- 138 (b) is identified by the department under Section 4-41-405.
- 139 [(18)] (19) "Non-compliant material" means:
- 140 (a) a hemp plant that does not comply with this chapter, including a cannabis plant with
- 141 a concentration of 0.3% tetrahydrocannabinol or greater by dry weight;
- 142 (b) a cannabinoid product, chemical, or compound with a concentration that exceeds the
- 143 cannabinoid product THC level; and
- 144 (c) a cannabinoid product containing any of the following:
- 145 (i) delta-9-tetrahydrocannabiphorol (THCP), the cannabinoid identified as CAS#
- 146 54763-99-4;
- 147 (ii) delta-8-tetrahydrocannabiphorol (THCP), the cannabinoid identified as CAS#
- 148 51768-60-6;
- 149 (iii) delta-9-tetrahydrocannabinol (THC) acetate, the cannabinoid identified as CAS#
- 150 23132-17-4;
- 151 (iv) delta-8-tetrahydrocannabinol (THC) acetate, the cannabinoid identified as CAS#
- 152 23050-54-6;
- 153 (v) 9(s)-hexahydrocannabinol (HHC), the cannabinoid identified as CAS#
- 154 36403-91-5; or
- 155 (vi) 9(r)-hexahydrocannabinol (HHC), the cannabinoid identified as CAS#
- 156 36403-90-4.
- 157 [(19)] (20) "Permittee" means a person possessing a permit that the department issues under
- 158 this chapter.
- 159 [(20)] (21) "Person" means:
- 160 (a) an individual, partnership, association, firm, trust, limited liability company, or
- 161 corporation; and
- 162 (b) an agent or employee of an individual, partnership, association, firm, trust, limited
- 163 liability company, or corporation.
- 164 [(21)] (22) "Retailer permittee" means a person possessing an industrial hemp retailer permit

165 that the department issues under this chapter.

166 [~~(22)~~] (23) "Tetrahydrocannabinol" or "THC" means a delta-9-tetrahydrocannabinol, the
167 cannabinoid identified as CAS# 1972-08-3.

168 [~~(23)~~] (24)(a) "THC analog" means a substance that is structurally or pharmacologically
169 substantially similar to, or is represented as being similar to, delta-9-THC.

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

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

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

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

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

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

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

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

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

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

181 (x) delta-9-tetrahydrocannabivarin (THCV), the cannabinoid identified as CAS#
182 31262-37-0.

183 [~~(24)~~] (25) "Total cannabidiol" or "total CBD" means the combined amounts of cannabidiol
184 and cannabidiolic acid, calculated as "total CBD = CBD + (CBDA x 0.877)".

185 [~~(25)~~] (26) "Total tetrahydrocannabinol" or "total THC" means the sum of the determined
186 amounts of delta-9-THC, tetrahydrocannabinolic acid, calculated as "total THC =
187 delta-9-THC + (THCA x 0.877)".

188 [~~(26)~~] (27) "Transportable industrial hemp concentrate" means any amount of a natural
189 cannabinoid in a purified state that:

190 (a) is the product of any chemical or physical process applied to naturally occurring
191 biomass that concentrates or isolates the cannabinoids contained in the biomass;

192 (b) is derived from a cannabis plant that, based on sampling that was collected no more
193 than 30 days before the day on which the cannabis plant was harvested, contains a
194 combined concentration of total THC and any THC analog of less than 0.3% on a dry
195 weight basis;

196 (c) has a THC and THC analog concentration total that is less than 20% when
197 concentrated from the cannabis plant to the purified state; and

198 (d) is intended to be processed into a cannabinoid product.

199 Section 2. Section **4-41-103.2** is amended to read:

200 **4-41-103.2 . Cannabinoid processor license.**

- 201 (1) The department or a licensee of the department may process a cannabinoid product.
- 202 (2) A person seeking a cannabinoid processor license shall provide to the department:
- 203 (a) the legal description and global positioning coordinates sufficient for locating the
- 204 facility the person uses to process industrial hemp; and
- 205 (b) written consent allowing a representative of the department and local law
- 206 enforcement to enter all premises where the person processes or stores industrial
- 207 hemp for the purpose of:
- 208 (i) conducting a physical inspection; or
- 209 (ii) ensuring compliance with the requirements of this chapter.
- 210 (3) The department may set a fee in accordance with Subsection 4-2-103(2) for the
- 211 application for a cannabinoid processor license.
- 212 (4) A licensee:
- 213 (a) may only market a cannabinoid product that the licensee processes[-] ; and
- 214 (b) shall dispose of waste and unused material from the production of a cannabinoid
- 215 product in accordance with hazardous waste laws.
- 216 (5)(a) An applicant for a cannabinoid processor license shall:
- 217 (i) be at least 18 years old; and
- 218 (ii) submit a nationwide criminal history from the Federal Bureau of Investigation to
- 219 the department.
- 220 (b) The department shall reject an individual's application for a cannabinoid processor
- 221 license if the criminal history described in Subsection (5)(a)(ii) was not completed in
- 222 the previous 90 days before the day the applicant submits the license application to
- 223 the department.
- 224 (6) An applicant is not eligible to receive a cannabinoid processor license if the applicant
- 225 has:
- 226 (a) been convicted of a felony; or
- 227 (b) been convicted of a drug-related misdemeanor within the previous 10 years.
- 228 (7) A person licensed under Section 4-41a-201 as a cannabis processing facility as defined
- 229 in Section 4-41a-102 may produce a cannabinoid product that complies with the
- 230 requirements of this chapter without obtaining a license under this section

231 Section 3. Section **4-41-103.3** is amended to read:

232 **4-41-103.3 . Industrial hemp retailer permit.**

- 233 (1) Except as provided in Subsection (5), a retailer permittee of the department may market
 234 or sell a cannabinoid product or a viable industrial hemp seed.
- 235 (2) A person seeking an industrial hemp retailer permit shall provide to the department:
 236 (a) the name of the person that is seeking to market or sell a cannabinoid product or a
 237 viable industrial hemp seed;
 238 (b) the address of each location where a cannabinoid product or a viable industrial hemp
 239 seed will be sold; and
 240 (c) written consent allowing a representative of the department to enter all premises
 241 where the person is selling a cannabinoid product or a viable industrial hemp seed for
 242 the purpose of:
 243 (i) conducting a physical inspection; or
 244 (ii) ensuring compliance with the requirements of this chapter.
- 245 [~~(3) Beginning January 1, 2026, an industrial hemp retailer permittee shall:~~]
 246 [~~(a) maintain a video surveillance system that:~~]
 247 [~~(i) is able to monitor who purchases a cannabinoid product from the permittee;~~]
 248 [~~(ii) is tamper proof; and~~]
 249 [~~(iii) stores a video record for at least 45 days; and~~]
 250 [~~(b) provide the department access to the video surveillance system upon request.~~]
- 251 (3) An industrial hemp retailer permittee shall:
 252 (a) check the identification of any individual purchasing a cannabinoid product to ensure
 253 the individual is at least 21 years old; and
 254 (b) dispose of waste and unused material related to a cannabinoid product in accordance
 255 with hazardous waste laws.
- 256 (4) The department may set a fee in accordance with Subsection 4-2-103(2) for the
 257 application for an industrial hemp retailer permit.
- 258 (5) Any marketing for a cannabinoid product or a viable industrial hemp seed shall include
 259 a notice to consumers that the product is hemp and is not cannabis or medical cannabis,
 260 as those terms are defined in Section 26B-4-201.
- 261 Section 4. Section **4-41-103.4** is amended to read:
 262 **4-41-103.4 . Industrial hemp laboratory testing.**
- 263 [~~(1) The department or a laboratory contracted with the department may test industrial~~
 264 ~~hemp and cannabinoid products.]~~
- 265 [~~(2)] The department or a laboratory contracted with the department:~~
 266 (1) may test industrial hemp and cannabinoid products;

- 267 (2) may dispose of non-compliant material[-] ; and
 268 (3) shall dispose of waste and unused material related to a cannabinoid product in
 269 accordance with hazardous waste laws.
- 270 Section 5. Section **4-41-105** is amended to read:
 271 **4-41-105 . Unlawful acts.**
- 272 (1) It is unlawful for a person to handle, process, or market living industrial hemp plants,
 273 viable hemp seeds, leaf materials, or floral materials derived from industrial hemp
 274 without the appropriate license or permit issued by the department under this chapter.
- 275 (2)(a) It is unlawful for any person to:
- 276 (i) distribute, sell, or market a cannabinoid product that is:
 277 (A) not registered with the department under Section 4-41-104; or
 278 (B) noncompliant material;
- 279 (ii) except as provided in Subsection (2)(b), transport into or out of the state extracted
 280 material or final product that contains 0.3% or more of total THC and any THC
 281 analog;
- 282 (iii) sell or use a cannabinoid product that is:
 283 (A) added to a conventional food or beverage, as the department further defines in
 284 rules described in Section 4-41-403;
 285 (B) marketed or manufactured to be enticing to children, as further defined in
 286 rules described in Section 4-41-403; or
 287 (C) smokable flower;[-or]
- 288 (iv) knowingly or intentionally sell or give a cannabinoid product that contains THC
 289 or a THC analog in the course of business to an individual who is not at least 21
 290 years old[-] ; or
- 291 (v) delay or deny an inspection authorized under this chapter.
- 292 (b) A person may transport transportable industrial hemp concentrate if the person:
 293 (i) complies with rules created by the department under Section 4-41-103.1 related to
 294 transportable industrial hemp concentrate; and
 295 (ii)(A) has a cannabinoid processor license; or
 296 (B) the equivalent to a cannabinoid processor license from another state.
- 297 (3) The department may seize and destroy non-compliant material.
- 298 (4) Nothing in this chapter authorizes any person to violate federal law, regulation, or any
 299 provision of this title.
- 300 Section 6. Section **4-41a-102** is amended to read:

301 **4-41a-102 . Definitions.**

302 As used in this chapter:

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

305 (a) pesticides;

306 (b) heavy metals;

307 (c) solvents;

308 (d) microbial life;

309 (e) artificially derived cannabinoid;

310 (f) toxins; or

311 (g) foreign matter.

312 (2) "Advertise" or "advertising" means information provided by a person in any medium:

313 (a) to the public; and

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

315 (3) "Advisory board" means the Medical Cannabis Policy Advisory Board created in
316 Section ~~[26B-1-435]~~ 4-41a-111.317 (4)(a) "Anticompetitive business practice" means any practice that is an illegal
318 anticompetitive activity under Section 76-16-510.

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

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

322 (A) no longer acting independently; or

323 (B) when collaborating are able to wield market power together;

324 (ii) monopolizing or attempting to monopolize trade by:

325 (A) acting to maintain or acquire a dominant position in the market; or

326 (B) preventing new entry into the market; or

327 (iii) other conduct outlined in rule.

328 (5)(a) "Artificially derived cannabinoid" means a chemical substance that is created by a
329 chemical reaction that changes the molecular structure of any chemical substance
330 derived from the cannabis plant.

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

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

334 (ii) a cannabinoid that is produced by decarboxylation from a naturally occurring

- 335 cannabinoid acid without the use of a chemical catalyst.
- 336 (6) "Batch" means a quantity of:
- 337 (a) cannabis extract produced on a particular date and time and produced between
- 338 completion of equipment and facility sanitation protocols until the next required
- 339 sanitation cycle during which lots of cannabis are used;
- 340 (b) cannabis product produced on a particular date and time and produced between
- 341 completion of equipment and facility sanitation protocols until the next required
- 342 sanitation cycle during which cannabis extract is used; or
- 343 (c) cannabis flower packaged on a particular date and time and produced between
- 344 completion of equipment and facility sanitation protocols until the next required
- 345 sanitation cycle during which lots of cannabis are being used.
- 346 (7) "Cannabis Research Review Board" means the Cannabis Research Review Board
- 347 created in Section 26B-1-420.
- 348 (8) "Cannabis" means the same as that term is defined in Section 26B-4-201.
- 349 (9) "Cannabis concentrate" means:
- 350 (a) the product of any chemical or physical process applied to naturally occurring
- 351 biomass that concentrates or isolates the cannabinoids contained in the biomass; and
- 352 (b) any amount of a natural cannabinoid or artificially derived cannabinoid in an
- 353 artificially derived cannabinoid's purified state.
- 354 (10) "Cannabis cultivation byproduct" means any portion of a cannabis plant that is not
- 355 intended to be sold as a cannabis plant product.
- 356 (11) "Cannabis cultivation facility" means a person that:
- 357 (a) possesses cannabis;
- 358 (b) grows or intends to grow cannabis; and
- 359 (c) sells or intends to sell cannabis to a cannabis cultivation facility, a cannabis
- 360 processing facility, or a medical cannabis research licensee.
- 361 (12) "Cannabis cultivation facility agent" means an individual who
- 362 holds a valid cannabis production establishment agent registration card with a cannabis
- 363 cultivation facility designation.
- 364 (13) "Cannabis derivative product" means a product made using cannabis concentrate.
- 365 (14) "Cannabis plant product" means any portion of a cannabis plant intended to be sold in
- 366 a form that is recognizable as a portion of a cannabis plant.
- 367 (15) "Cannabis processing facility" means a person that:
- 368 (a) acquires or intends to acquire cannabis from a cannabis production establishment;

- 369 (b) possesses cannabis with the intent to manufacture a cannabis product;
- 370 (c) manufactures or intends to manufacture a cannabis product from unprocessed
- 371 cannabis or a cannabis extract; and
- 372 (d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or a
- 373 medical cannabis research licensee.
- 374 (16) "Cannabis processing facility agent" means an individual who
- 375 holds a valid cannabis production establishment agent registration card with a cannabis
- 376 processing facility designation.
- 377 (17) "Cannabis product" means the same as that term is defined in Section 26B-4-201.
- 378 (18) "Cannabis production establishment" means a cannabis cultivation facility, a cannabis
- 379 processing facility, or an independent cannabis testing laboratory.
- 380 (19) "Cannabis production establishment agent" means a cannabis cultivation facility agent,
- 381 a cannabis processing facility agent, or an independent cannabis testing laboratory agent.
- 382 (20) "Cannabis production establishment agent registration card" means a registration card
- 383 that the department issues that:
- 384 (a) authorizes an individual to act as a cannabis production establishment agent; and
- 385 (b) designates the type of cannabis production establishment for which an individual is
- 386 authorized to act as an agent.
- 387 (21) "Closed-door medical cannabis pharmacy" means a facility operated by a home
- 388 delivery medical cannabis pharmacy for delivering medical cannabis.
- 389 (22) "Community location" means a public or private elementary or secondary school, a
- 390 church, a public library, a public playground, or a public park.
- 391 (23) "Cultivation space" means, quantified in square feet, the horizontal area in which a
- 392 cannabis cultivation facility cultivates cannabis, including each level of horizontal area
- 393 if the cannabis cultivation facility hangs, suspends, stacks, or otherwise positions plants
- 394 above other plants in multiple levels.
- 395 (24) "Delivery address" means:
- 396 (a) for a medical cannabis cardholder who is not a facility:
- 397 (i) the medical cannabis cardholder's home address; or
- 398 (ii) an address designated by the medical cannabis cardholder that:
- 399 (A) is the medical cannabis cardholder's workplace; and
- 400 (B) is not a community location; or
- 401 (b) for a medical cannabis cardholder that is a facility, the facility's address.
- 402 (25) "Department" means the Department of Agriculture and Food.

- 403 (26) "Family member" means a parent, step-parent, spouse, child, sibling, step-sibling,
404 uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law,
405 sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.
- 406 (27) "Government issued photo identification" means the same as that term is defined in
407 Section 26B-4-201, including expired identification in accordance with Section
408 26B-4-244.
- 409 (28) "Home delivery medical cannabis pharmacy" means a medical cannabis pharmacy that
410 the department authorizes, as part of the pharmacy's license, to deliver medical cannabis
411 shipments to a delivery address to fulfill electronic orders.
- 412 (29)(a) "Independent cannabis testing laboratory" means a person that:
413 (i) conducts a chemical or other analysis of cannabis or a cannabis product; or
414 (ii) acquires, possesses, and transports cannabis or a cannabis product with the intent
415 to conduct a chemical or other analysis of the cannabis or cannabis product.
- 416 (b) "Independent cannabis testing laboratory" includes a laboratory that the department
417 or a research university operates in accordance with Subsection 4-41a-201(14).
- 418 (30) "Independent cannabis testing laboratory agent" means an individual who
419 holds a valid cannabis production establishment agent registration card with an independent
420 cannabis testing laboratory designation.
- 421 (31) "Inventory control system" means a system described in Section 4-41a-103.
- 422 (32) "Licensing board" or "board" means the [~~Cannabis Production Establishment and~~
423 ~~Pharmacy Licensing Advisory~~] Specialized Product Authority Licensing Board created
424 in Section 4-41a-201.1.
- 425 (33) "Medical cannabis" or "medical cannabis product" means the same as that term is
426 defined in Section 26B-4-201.
- 427 (34) "Medical cannabis card" means the same as that term is defined in Section 26B-4-201.
- 428 (35) "Medical cannabis courier" means a courier that:
429 (a) the department licenses in accordance with Section 4-41a-1201; and
430 (b) contracts with a home delivery medical cannabis pharmacy to deliver medical
431 cannabis shipments to fulfill electronic orders.
- 432 (36) "Medical cannabis courier agent" means an individual who:
433 (a) is an employee of a medical cannabis courier; and
434 (b) who holds a valid medical cannabis courier agent registration card.
- 435 (37) "Medical cannabis pharmacy" means the same as that term is defined in Section
436 26B-4-201.

- 437 (38) "Medical cannabis pharmacy agent" means the same as that term is defined in Section
438 26B-4-201.
- 439 (39) "Medical cannabis research license" means a license that the department issues to a
440 research university for the purpose of obtaining and possessing medical cannabis for
441 academic research.
- 442 (40) "Medical cannabis research licensee" means a research university that the department
443 licenses to obtain and possess medical cannabis for academic research, in accordance
444 with Section 4-41a-901.
- 445 (41) "Medical cannabis shipment" means a shipment of medical cannabis that a home
446 delivery medical cannabis pharmacy or a medical cannabis courier delivers to a delivery
447 address to fulfill an electronic medical cannabis order.
- 448 (42) "Medical cannabis treatment" means the same as that term is defined in Section
449 26B-4-201.
- 450 (43) "Medicinal dosage form" means the same as that term is defined in Section 26B-4-201.
- 451 (44) "Patient product information insert" means the same as that term is defined in Section
452 26B-4-201.
- 453 (45) "Pharmacy ownership limit" means an amount equal to 30% of the total number of
454 medical cannabis pharmacy licenses issued by the department rounded down to the
455 nearest whole number.
- 456 (46) "Pharmacy medical provider" means the same as that term is defined in Section
457 26B-4-201.
- 458 (47) "Qualified Production Enterprise Fund" means the fund created in Section 4-41a-104.
- 459 (48) "Recommending medical provider" means the same as that term is defined in Section
460 26B-4-201.
- 461 (49) "Research university" means the same as that term is defined in Section 53H-8-202
462 and a private, nonprofit college or university in the state that:
- 463 (a) is accredited by the Northwest Commission on Colleges and Universities;
464 (b) grants doctoral degrees; and
465 (c) has a laboratory containing or a program researching a schedule I controlled
466 substance described in Section 58-37-4.
- 467 (50) "State electronic verification system" means the system described in Section 26B-4-202.
- 468 (51) "Targeted marketing" means the promotion of medical cannabis, a medical cannabis
469 brand, or a medical cannabis device using any of the following methods:
470 (a) electronic communication to an individual who is at least 21 years old and has

- 471 requested to receive promotional information;
- 472 (b) an in-person marketing event that is:
- 473 (i) held inside a medical cannabis pharmacy; and
- 474 (ii) in an area where only a medical cannabis cardholder may access the event;
- 475 (c) other marketing material that is physically available or digitally displayed in a
- 476 medical cannabis pharmacy; or
- 477 (d) a leaflet a medical cannabis pharmacy places in the opaque package or box that is
- 478 provided to an individual when obtaining medical cannabis:
- 479 (i) in the medical cannabis pharmacy;
- 480 (ii) at the medical cannabis pharmacy's drive-through pick up window; or
- 481 (iii) in a medical cannabis shipment.
- 482 (52) "Tetrahydrocannabinol" or "THC" means the same as that term is defined in Section
- 483 4-41-102.
- 484 (53) "Tier one cannabis processing facility" means a cannabis processing facility that is
- 485 able to:
- 486 (a) create cannabis concentrate;
- 487 (b) create cannabis derivative product; and
- 488 (c) package and label medical cannabis.
- 489 (54) "Tier two cannabis processing facility" means a cannabis processing facility that is
- 490 able to package and label medical cannabis only if the medical cannabis is a cannabis
- 491 plant product.
- 492 (55) "THC analog" means the same as that term is defined in Section 4-41-102.
- 493 (56) "Total composite tetrahydrocannabinol" means all detectable forms of
- 494 tetrahydrocannabinol.
- 495 (57) "Total tetrahydrocannabinol" or "total THC" means the same as that term is defined in
- 496 Section 4-41-102.
- 497 Section 7. Section **4-41a-104** is amended to read:
- 498 **4-41a-104 . Qualified Production Enterprise Fund -- Creation -- Revenue**
- 499 **neutrality.**
- 500 (1) There is created an enterprise fund known as the "Qualified Production Enterprise
- 501 Fund."
- 502 (2) The fund created in this section is funded from:
- 503 (a) money the department deposits into the fund under this chapter;
- 504 (b) appropriations the Legislature makes to the fund;[-and]

- 505 (c) the interest described in Subsection (3)~~[-]~~ ; and
 506 (d) the fee described in Subsection (6).
- 507 (3) Interest earned on the Qualified Production Enterprise Fund shall be deposited into the
 508 fund.
- 509 (4) The department may ~~[only]~~ use money in the fund to fund the department's
 510 implementation of~~[-this chapter.]~~ ;
 511 (a) this chapter;
 512 (b) Chapter 41, Hemp and Cannabinoid Act; or
 513 (c) Chapter 45, Kratom Consumer Protection Act.
- 514 (5) The department shall set fees authorized under this chapter in amounts that the
 515 department anticipates are necessary, in total, to cover the department's cost to
 516 implement this chapter.
- 517 (6) The department may impose a uniform fee on each medical cannabis transaction in a
 518 medical cannabis pharmacy in an amount that the department sets in accordance with
 519 Section 63J-1-504.

520 Section 8. Section ~~4-41a-104.1~~, which is renumbered from Section 26B-1-310 is renumbered
 521 and amended to read:

522 **[26B-1-310] 4-41a-104.1 . Qualified Patient Enterprise Fund -- Creation --**
 523 **Revenue neutrality -- Uniform fee.**

- 524 (1) There is created an enterprise fund known as the "Qualified Patient Enterprise Fund."
 525 (2) The fund created in this section is funded from:
 526 (a) money the department deposits into the fund under ~~[Chapter 4, Part 2, Cannabinoid~~
 527 ~~Research and Medical Cannabis]~~ Title 26B, Chapter 4, Part 2, Cannabinoid Research
 528 and Medical Cannabis;
 529 (b) appropriations the Legislature makes to the fund; and
 530 (c) the interest described in Subsection (3).
- 531 (3) Interest earned on the fund shall be deposited into the fund.
- 532 (4) Money deposited into the fund may only be used by:
 533 (a) the department to accomplish the department's responsibilities described in ~~[Chapter~~
 534 ~~4, Part 2, Cannabinoid Research and Medical Cannabis]~~ Title 26B, Chapter 4, Part 2,
 535 Cannabinoid Research and Medical Cannabis;
 536 (b) the Center for Medical Cannabis Research created in Section 53H-4-206 to
 537 accomplish the Center for Medical Cannabis Research's responsibilities; and
 538 (c) ~~[the Department of Agriculture and Food for the one time purchase of equipment to~~

539 meet the requirements described in Section ~~4-41a-204.1~~ expenses for employing the
 540 licensing board.

541 (5) The department shall set fees authorized under [~~Chapter 4, Part 2, Cannabinoid~~
 542 ~~Research and Medical Cannabis~~] Title 26B, Chapter 4, Part 2, Cannabinoid Research and
 543 Medical Cannabis, in amounts that the department anticipates are necessary, in total, to
 544 cover the department's cost to implement [~~Chapter 4, Part 2, Cannabinoid Research and~~
 545 ~~Medical Cannabis~~] Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical
 546 Cannabis.

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

550 Section 9. Section ~~4-41a-111~~, which is renumbered from Section 26B-1-435 is renumbered
 551 and amended to read:

552 **[~~26B-1-435~~] 4-41a-111 . Medical Cannabis Policy Advisory Board creation --**
 553 **Membership -- Duties.**

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

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

556 [(i) appointed by the executive director:]

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

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

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

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

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

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

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

568 (B) an individual who owns or operates a licensed medical cannabis pharmacy;[
 569 and]

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

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

- 573 (E) a mental health specialist;
- 574 (F) an individual who represents an organization that advocates for medical
- 575 cannabis patients;
- 576 (G) a member of the general public who holds a medical cannabis patient card; and
- 577 (H) a member of the general public who does not hold a medical cannabis card;
- 578 and
- 579 ~~[(iii)]~~ (ii) a representative from the Center for Medical Cannabis Research created in
- 580 Section 53H-4-206, appointed by the Center for Medical Cannabis Research.
- 581 (b) The commissioner of the Department of Agriculture and Food shall ensure that at
- 582 least one individual appointed under Subsection ~~[(2)(a)(ii)(A)]~~ (2)(a)(i)(A) or (B) also
- 583 owns or operates a licensed cannabis processing facility.
- 584 (3)(a) Subject to Subsection (3)(b), a member of the advisory board shall serve for a four
- 585 year term.
- 586 (b) When appointing the initial membership of the advisory board, the executive director
- 587 and the commissioner of the Department of Agriculture and Food shall coordinate to
- 588 appoint four advisory board members to serve a term of two years to ensure that
- 589 approximately half of the board is appointed every two years.
- 590 (4)(a) If an advisory board member is no longer able to serve as a member, a new
- 591 member shall be appointed in the same manner as the original appointment.
- 592 (b) A member appointed in accordance with Subsection (4)(a) shall serve for the
- 593 remainder of the unexpired term of the original appointment.
- 594 (5)(a) A majority of the advisory board members constitutes a quorum.
- 595 (b) The action of a majority of a quorum constitutes an action of the advisory board.
- 596 (c) For a term lasting one year, the advisory board shall annually designate members of
- 597 the advisory board to serve as chair and vice-chair.
- 598 (d) When designating the chair and vice-chair, the advisory board shall ensure that at
- 599 least one individual described ~~[Subsection]~~ ~~[-(2)(a)(i)]~~ in Subsections (2)(a)(i)(D)
- 600 through (H) is appointed as chair or vice-chair.
- 601 (6) An advisory board member may not receive compensation or benefits for the member's
- 602 service on the advisory board but may receive per diem and reimbursement for travel
- 603 expenses incurred as an advisory board member in accordance with:
- 604 (a) Sections 63A-3-106 and 63A-3-107; and
- 605 (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
- 606 63A-3-107.

- 607 (7) The [department] licensing board shall:
- 608 (a) provide staff support for the advisory board; and
- 609 (b) assist the advisory board in conducting meetings.
- 610 (8) The advisory board may recommend:
- 611 (a) to the department [~~or the Department of Agriculture and Food~~] changes to current or
- 612 proposed medical cannabis rules or statutes; and
- 613 (b) to the appropriate legislative committee whether the advisory board supports a
- 614 change to medical cannabis statutes.
- 615 (9) The advisory board shall:
- 616 (a) review any draft rule that is authorized under Title 26B, Chapter 4, Part 2,
- 617 Cannabinoid Research and Medical Cannabis, or [Title 4, Chapter 41a, Cannabis
- 618 Production Establishments and Pharmacies] this chapter;
- 619 (b) consult with the [~~Department of Agriculture and Food~~] department regarding the
- 620 issuance of an additional:
- 621 (i) cultivation facility license under Section 4-41a-205; or
- 622 (ii) pharmacy license under Section 4-41a-1005;
- 623 (c) consult with the department regarding cannabis patient education;
- 624 (d) consult regarding the reasonableness of any fees set by the department [~~or the~~
- 625 ~~Department of Agriculture and Food~~] that pertain to the medical cannabis program;
- 626 and
- 627 (e) consult regarding any issue pertaining to medical cannabis when asked by the
- 628 department [~~or the Department of Agriculture and Food~~].

629 Section 10. Section ~~4-41a-112~~, which is renumbered from Section 26B-1-421 is renumbered
630 and amended to read:

631 **[26B-1-421] 4-41a-112 . Compassionate Use Board.**

632 [~~(1) The definitions in Section 26B-4-201 apply to this section.~~]

633 [~~(2)~~] (1)(a) The [department] licensing board shall establish a Compassionate Use Board
634 consisting of:

- 635 (i) seven qualified medical providers that the [~~executive director~~] commissioner
- 636 appoints with the advice and consent of the Senate:
- 637 (A) who are knowledgeable about the medicinal use of cannabis;
- 638 (B) who are physicians licensed under Title 58, Chapter 67, Utah Medical Practice
- 639 Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and
- 640 (C) who are board certified by the American Board of Medical Specialties or an

641 American Osteopathic Association Specialty Certifying Board in the specialty
642 of neurology, pain medicine and pain management, medical oncology,
643 psychiatry, infectious disease, internal medicine, pediatrics, family medicine,
644 or gastroenterology; and

645 (ii) as a nonvoting member and the chair of the Compassionate Use Board, the [
646 ~~executive director~~] commissioner or the director's designee.

647 (b) In appointing the seven qualified medical providers described in Subsection [(2)(a)]
648 (1)(a), the [~~executive director~~] commissioner shall ensure that at least two have a
649 board certification in pediatrics.

650 [(3)] (2)(a) Of the members of the Compassionate Use Board that the [~~executive director~~]
651 commissioner first appoints:

652 (i) three shall serve an initial term of two years; and

653 (ii) the remaining members shall serve an initial term of four years.

654 (b) After an initial term described in Subsection [(3)(a)] (2)(a) expires:

655 (i) each term is four years; and

656 (ii) each [~~board~~] member is eligible for reappointment.

657 (c) A member of the Compassionate Use Board may serve until a successor is appointed.

658 (d) Four members constitute a quorum of the Compassionate Use Board.

659 [(4)] (3) A member of the Compassionate Use Board may receive:

660 (a) notwithstanding Section 63A-3-106, compensation or benefits for the member's
661 service; and

662 (b) travel expenses in accordance with Section 63A-3-107 and rules made by the
663 Division of Finance in accordance with Section 63A-3-107.

664 [(5)] (4) The Compassionate Use Board shall:

665 (a) review and recommend for [~~department~~] licensing board approval a petition to the [
666 ~~board~~] Compassionate Use Board regarding an individual described in Subsection
667 26B-4-213(2)(a), a minor described in Subsection 26B-4-213(2)(c), or an individual
668 who is not otherwise qualified to receive a medical cannabis card to obtain a medical
669 cannabis card for compassionate use, for the standard or a reduced period of validity,
670 if:

671 (i) for an individual who is not otherwise qualified to receive a medical cannabis
672 card, the individual's recommending medical provider is actively treating the
673 individual for an intractable condition that:

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

- 675 (B) has not, in the recommending medical provider's professional opinion,
 676 adequately responded to conventional treatments;
- 677 (ii) the recommending medical provider:
- 678 (A) recommends that the individual or minor be allowed to use medical cannabis;
 679 and
- 680 (B) provides a letter, relevant treatment history, and notes or copies of progress
 681 notes describing relevant treatment history including rationale for considering
 682 the use of medical cannabis; and
- 683 (iii) the Compassionate Use Board determines that:
- 684 (A) the recommendation of the individual's recommending medical provider is
 685 justified; and
- 686 (B) based on available information, it may be in the best interests of the individual
 687 to allow the use of medical cannabis;
- 688 (b) when a recommending medical provider recommends that an individual described in
 689 Subsection 26B-4-213(2)(a)(i)(B) or a minor described in Subsection 26B-4-213(2)(c)
 690 be allowed to use a medical cannabis device or medical cannabis to vaporize a
 691 medical cannabis treatment, review and approve or deny the use of the medical
 692 cannabis device or medical cannabis;
- 693 (c) unless no petitions are pending:
- 694 (i) meet to receive or review compassionate use petitions at least quarterly; and
 695 (ii) if there are more petitions than the ~~[board]~~ Compassionate Use Board can receive
 696 or review during the ~~[board's]~~ Compassionate Use Board's regular schedule, meet
 697 as often as necessary;
- 698 (d) except as provided in Subsection ~~[(6)]~~ (5), complete a review of each petition and
 699 recommend to the ~~[department]~~ licensing board approval or denial of the applicant for
 700 qualification for a medical cannabis card within 90 days after the day on which the [
 701 ~~board]~~ Compassionate Use Board received the petition; and
- 702 (e) consult with the ~~[department]~~ licensing board regarding the criteria described in
 703 Subsection ~~[(6)]~~ (5).
- 704 ~~[(6)]~~ (5) The ~~[department]~~ licensing board shall make rules, in consultation with the
 705 Compassionate Use Board and in accordance with Title 63G, Chapter 3, Utah
 706 Administrative Rulemaking Act, to establish a process and criteria for a petition to the [
 707 ~~board]~~ Compassionate Use Board to automatically qualify for expedited final review and
 708 approval or denial by the ~~[department]~~ licensing board in cases where, in the

709 determination of the [department] licensing board and the [board] Compassionate Use
710 Board:

711 (a) time is of the essence;

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

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

715 [(7)] (6)(a)(i) The [department] licensing board shall review:

716 (A) any compassionate use for which the Compassionate Use Board recommends
717 approval under Subsection [(5)(d)] (4)(d) to determine whether the [board]
718 Compassionate Use Board properly exercised the [board's] discretion under
719 this section; and

720 (B) any expedited petitions the [department] licensing board receives under the
721 process described in Subsection [(6)] (5).

722 (ii) If the [department] licensing board determines that the Compassionate Use Board
723 properly exercised the [board's] Compassionate Use Board's discretion in
724 recommending approval under Subsection [(5)(d)] (4)(d) or that the expedited
725 petition merits approval based on the criteria established in accordance with
726 Subsection [(6)] (5), the [department] licensing board shall:

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

728 (B) provide for the renewal of the medical cannabis card in accordance with the
729 recommendation of the recommending medical provider described in
730 Subsection [(5)(a)] (4)(a).

731 (b) If the Compassionate Use Board recommends denial under Subsection [(5)(d)] (4)(d),
732 the individual seeking to obtain a medical cannabis card may petition the [department]
733 licensing board to review the [board's] Compassionate Use Board's decision.

734 (c) In reviewing the Compassionate Use Board's recommendation for approval or denial
735 under Subsection [(5)(d)] (4)(d) in accordance with this Subsection [(7)] (6), the [
736 department] licensing board shall presume the [board] Compassionate Use Board
737 properly exercised the [board's] Compassionate Use Board's discretion unless the [
738 department] licensing board determines that the [board's] recommendation was
739 arbitrary or capricious.

740 [(8)] (7) Any individually identifiable health information contained in a petition that the
741 Compassionate Use Board or [department] licensing board receives under this section is
742 a protected record in accordance with Title 63G, Chapter 2, Government Records

743 Access and Management Act.

744 [(9)] (8) The Compassionate Use Board shall annually report [the board's] activity to the
745 advisory board.

746 Section 11. Section **4-41a-201** is amended to read:

747 **4-41a-201 . Cannabis production establishment -- License.**

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

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

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

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

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

758 (C) timely and objectively evaluate applications;

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

760 (E) select applicants to receive a license.

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

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

765 (i) subject to Subsection (2)(c), a proposed name and each address, located in a zone
766 described in Subsection 4-41a-406(2)(a) or (b), where the applicant will operate
767 the cannabis production establishment;

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

769 (A) for a publicly traded company, a financial or voting interest of 10% or greater
770 in the proposed cannabis production establishment;

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

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

775 (iii) an operating plan that:

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

- 777 (B) includes operating procedures that comply with this chapter and any law the
778 municipality or county in which the person is located adopts that is consistent
779 with Section 4-41a-406; and
- 780 (C) the department or licensing board approves;
- 781 (iv) a statement that the applicant will obtain and maintain a liquid cash account with
782 a financial institution or a performance bond that a surety authorized to transact
783 surety business in the state issues in an amount of at least:
- 784 (A) \$100,000 for each cannabis cultivation facility for which the applicant applies;
785 or
- 786 (B) \$50,000 for each cannabis processing facility or independent cannabis testing
787 laboratory for which the applicant applies;
- 788 (v) an application fee in an amount that, subject to Subsection 4-41a-104(5), the
789 department sets in accordance with Section 63J-1-504; and
- 790 (vi) a description of any investigation or adverse action taken by any licensing
791 jurisdiction, government agency, law enforcement agency, or court in any state for
792 any violation or detrimental conduct in relation to any of the applicant's
793 cannabis-related operations or businesses.
- 794 (c)(i) A person may not locate a cannabis production establishment:
- 795 (A) within 1,000 feet of a community location; or
- 796 (B) in or within 600 feet of a district that the relevant municipality or county has
797 zoned as primarily residential.
- 798 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured
799 from the nearest entrance to the cannabis production establishment by following
800 the shortest route of ordinary pedestrian travel to the property boundary of the
801 community location or residential area.
- 802 (iii) The licensing board may grant a waiver to reduce the proximity requirements in
803 Subsection (2)(c)(i) by up to 20% if the licensing board determines that it is not
804 reasonably feasible for the applicant to site the proposed cannabis production
805 establishment without the waiver.
- 806 (iv) An applicant for a license under this section shall provide evidence of
807 compliance with the proximity requirements described in Subsection (2)(c)(i).
- 808 (3) If the licensing board approves an application for a license under this section and
809 Section 4-41a-201.1:
- 810 (a) the applicant shall pay the department an initial license fee in an amount that, subject

- 811 to Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504;
812 and
- 813 (b) the department shall notify the Department of Public Safety of the license approval
814 and the names of each individual described in Subsection (2)(b)(ii).
- 815 (4)(a) Except as provided in this Subsection (4), a cannabis production establishment
816 shall obtain a separate license for each type of cannabis production establishment and
817 each location of a cannabis production establishment.
- 818 (b) The licensing board may issue a cannabis cultivation facility license and a cannabis
819 processing facility license to a person to operate at the same physical location or at
820 separate physical locations.
- 821 (c) A cannabis cultivation facility may operate at [~~two~~] three addresses under a single
822 license.
- 823 (d) A tier one cannabis processing facility may operate at a second address under the
824 same tier one license if:
- 825 (i) the second address is co-located at a cannabis cultivation facility operated by the
826 same licensee; and
- 827 (ii) the licensee pays a fee of \$70,000 for the second location.
- 828 (e) An applicant for a tier two cannabis processing facility license that has a cannabis
829 cultivation facility license and intends to process cannabis at the cannabis cultivation
830 facility shall pay a fee of \$25,000 for the tier two cannabis processing facility license.
- 831 (5) If the licensing board receives more than one application for a cannabis production
832 establishment within the same city or town, the licensing board shall consult with the
833 local land use authority before approving any of the applications pertaining to that city
834 or town.
- 835 (6) The licensing board may not issue a license to operate an independent cannabis testing
836 laboratory to a person who:
- 837 (a) holds a license or has an ownership interest in a medical cannabis pharmacy, a
838 cannabis processing facility, or a cannabis cultivation facility;
- 839 (b) has an owner, officer, director, or employee whose family member holds a license or
840 has an ownership interest in a medical cannabis pharmacy, a cannabis processing
841 facility, or a cannabis cultivation facility; or
- 842 (c) proposes to operate the independent cannabis testing laboratory at the same physical
843 location as a medical cannabis pharmacy, a cannabis processing facility, or a
844 cannabis cultivation facility.

- 845 (7) The licensing board may not issue a license to operate a cannabis production
846 establishment to an applicant if any individual described in Subsection (2)(b)(ii):
847 (a) has been convicted under state or federal law of:
848 (i) a felony in the preceding 10 years; or
849 (ii) after December 3, 2018, a misdemeanor for drug distribution;
850 (b) is younger than 21 years old; or
851 (c) after September 23, 2019, until January 1, 2023, is actively serving as a legislator.
- 852 (8)(a) If an applicant for a cannabis production establishment license under this section
853 holds a license under~~[Title 4,]~~ Chapter 41, Hemp and Cannabinoid Act, the
854 licensing board may not give preference to the applicant based on the applicant's
855 status as a holder of the license.
- 856 (b) If an applicant for a license to operate a cannabis cultivation facility under this
857 section holds a license to operate a medical cannabis pharmacy under this title, the
858 licensing board may give consideration to the applicant based on the applicant's
859 status as a holder of a medical cannabis pharmacy license if:
860 (i) the applicant demonstrates that a decrease in costs to patients is more likely to
861 result from the applicant's vertical integration than from a more competitive
862 marketplace; and
863 (ii) the licensing board finds multiple other factors, in addition to the existing license,
864 that support granting the new license.
- 865 (9) The licensing board may revoke a license under this part:
866 (a) if the cannabis production establishment does not begin cannabis production
867 operations within one year after the day on which the licensing board issues the
868 initial license;
869 (b) after the third of the same violation of this chapter in any of the licensee's licensed
870 cannabis production establishments or medical cannabis pharmacies;
871 (c) if any individual described in Subsection (2)(b) is convicted, while the license is
872 active, under state or federal law of:
873 (i) a felony; or
874 (ii) after December 3, 2018, a misdemeanor for drug distribution;
875 (d) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at
876 the time of application, or fails to supplement the information described in
877 Subsection (2)(b)(vi) with any investigation or adverse action that occurs after the
878 submission of the application within 14 calendar days after the licensee receives

- 879 notice of the investigation or adverse action;
- 880 (e) if the cannabis production establishment demonstrates a willful or reckless disregard
881 for the requirements of this chapter or the rules the department makes in accordance
882 with this chapter;
- 883 (f) if, after a change of ownership described in Subsection (15)(b), the board determines
884 that the cannabis production establishment no longer meets the minimum standards
885 for licensure and operation of the cannabis production establishment described in this
886 chapter;
- 887 (g) for an independent cannabis testing laboratory, if the independent cannabis testing
888 laboratory fails to substantially meet the performance standards described in
889 Subsection (14)(b); or
- 890 (h) if, following an investigation conducted pursuant to Subsection 4-41a-201.1(11), the
891 board finds that the licensee has participated in an anticompetitive business practice.
- 892 (10)(a) A person who receives a cannabis production establishment license under this
893 chapter, if the municipality or county where the licensed cannabis production
894 establishment will be located requires a local land use permit, shall submit to the
895 licensing board a copy of the licensee's approved application for the land use permit
896 within 120 days after the day on which the licensing board issues the license.
- 897 (b) If a licensee fails to submit to the licensing board a copy of the licensee's approved
898 land use permit application in accordance with Subsection (10)(a), the licensing
899 board may revoke the licensee's license.
- 900 (11) The department shall deposit the proceeds of a fee that the department imposes under
901 this section into the Qualified Production Enterprise Fund.
- 902 (12) The department shall begin accepting applications under this part on or before January
903 1, 2020.
- 904 (13)(a) The department's authority, and consequently the licensing board's authority, to
905 issue a license under this section is plenary and is not subject to review.
- 906 (b) Notwithstanding Subsection [~~(2)(a)(ii)(A)~~] (2)(a)(ii), the decision of the department
907 to award a license to an applicant is not subject to:
- 908 (i) Title 63G, Chapter 6a, Part 16, Protests; or
909 (ii) Title 63G, Chapter 6a, Part 17, Procurement Appeals Board.
- 910 (14)(a) Notwithstanding this section, the department:
- 911 (i) may operate or partner with a research university to operate an independent
912 cannabis testing laboratory;

- 913 (ii) if the department operates or partners with a research university to operate an
914 independent cannabis testing laboratory, may not cease operating or partnering
915 with a research university to operate the independent cannabis testing laboratory
916 unless:
- 917 (A) the department issues at least two licenses to independent cannabis testing
918 laboratories; and
- 919 (B) the department has ensured that the licensed independent cannabis testing
920 laboratories have sufficient capacity to provide the testing necessary to support
921 the state's medical cannabis market; and
- 922 (iii) after ceasing department or research university operations under Subsection
923 (14)(a)(ii) shall resume independent cannabis testing laboratory operations at any
924 time if:
- 925 (A) fewer than two licensed independent cannabis testing laboratories are
926 operating; or
- 927 (B) the licensed independent cannabis testing laboratories become, in the
928 department's determination, unable to fully meet the market demand for testing.
- 929 (b)(i) The department shall make rules, in accordance with Title 63G, Chapter 3,
930 Utah Administrative Rulemaking Act, to establish performance standards for the
931 operation of an independent cannabis testing laboratory, including deadlines for
932 testing completion.
- 933 (ii) A license that the department issues to an independent cannabis testing laboratory
934 is contingent upon substantial satisfaction of the performance standards described
935 in Subsection (14)(b)(i), as determined by the board.
- 936 (15)(a) A cannabis production establishment license is not transferrable or assignable.
- 937 (b) If the ownership of a cannabis production establishment changes by 50% or more:
- 938 (i) the cannabis production establishment shall submit a new application described in
939 Subsection (2)(b), subject to Subsection (2)(c);
- 940 (ii) within 30 days of the submission of the application, the board shall:
- 941 (A) conduct the application review described in Section 4-41a-201.1; and
- 942 (B) award a license to the cannabis production establishment for the remainder of
943 the term of the cannabis production establishment's license before the
944 ownership change if the cannabis production establishment meets the minimum
945 standards for licensure and operation of the cannabis production establishment
946 described in this chapter; and

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

951 Section 12. Section ~~4-41a-201.1~~ is amended to read:

952 **4-41a-201.1 . Specialized Product Authority Licensing Board -- Composition --**

953 **Duties.**

- 954 (1) There is created within the department the [~~Cannabis Production Establishment and~~
 955 ~~Pharmacy Licensing Advisory~~] Specialized Product Authority Licensing Board.
- 956 (2) The commissioner shall[;]
 957 [(a) ~~appoint the members of~~] hire three directors as employees of the department to be on
 958 the licensing board[;] .
 959 [(b) ~~submit the name of each individual that the commissioner appoints under~~
 960 ~~Subsection (2)(a) to the governor for confirmation or rejection; and~~]
 961 [(e) ~~if the governor rejects an appointee that the commissioner submits under Subsection~~
 962 ~~(2)(b), appoint another individual in accordance with this Subsection (2).]~~
- 963 (3)(a) [~~Except as provided in Subsection (3)(b), the~~] The licensing board shall consist of [
 964 the following eight members:] three directors.
 965 [(i) ~~the following seven voting members whom the commissioner appoints:]~~
 966 [(A) ~~one member of the public;~~]
 967 [(B) ~~one member with knowledge and experience in the pharmaceutical or~~
 968 ~~nutraceutical manufacturing industry;~~]
 969 [(C) ~~one member representing law enforcement;~~]
 970 [(D) ~~one member whom an organization representing medical cannabis patients~~
 971 ~~recommends;~~]
 972 [(E) ~~a chemist who has experience with cannabis and who is associated with a~~
 973 ~~research university;~~]
 974 [(F) ~~a pharmacist who is not associated with the medical cannabis industry; and~~]
 975 [(G) ~~an accountant; and~~]
 976 [(ii) ~~the commissioner or the commissioner's designee as a non-voting member,~~
 977 ~~except to cast a deciding vote in the event of a tie.]~~
 978 [(b) ~~The commissioner may appoint a ninth member to the licensing board who has a~~
 979 ~~background in the cannabis cultivation and processing industry.]~~
 980 [(e) ~~The commissioner or the commissioner's designee shall serve as the chair of the~~

981 licensing board.]

982 ~~[(d)]~~ (b) An individual is not eligible ~~[for appointment to be a member]~~ as a director of
983 the licensing board if the individual:

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

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

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

991 (c) At least one member of the licensing board shall have experience related to public
992 health or medicine.

993 ~~[(4)(a) Except as provided in Subsection (4)(b), a voting licensing board member shall~~
994 ~~serve a term of four years, beginning July 1 and ending June 30.]~~

995 ~~[(b) Notwithstanding Subsection (4)(a), for the initial appointments to the licensing~~
996 ~~board, the commissioner shall stagger the length of the terms of licensing board~~
997 ~~members to ensure that the commissioner appoints two or three licensing board~~
998 ~~members every two years.]~~

999 ~~[(e) As a licensing board member's term expires:]~~

1000 ~~[(i) the licensing board member is eligible for reappointment; and]~~

1001 ~~[(ii) the commissioner shall make an appointment, in accordance with Subsection (2),~~
1002 ~~for the new term before the end of the member's term.]~~

1003 ~~[(d) When a vacancy occurs on the licensing board for any reason other than the~~
1004 ~~expiration of a licensing board member's term, the commissioner shall appoint a~~
1005 ~~replacement to the vacant position, in accordance with Subsection (2), for the~~
1006 ~~unexpired term.]~~

1007 ~~[(e) In making appointments, the commissioner shall ensure that no two members of the~~
1008 ~~licensing board are employed by or represent the same company or nonprofit~~
1009 ~~organization.]~~

1010 ~~[(f) The commissioner may remove a licensing board member for cause, neglect of duty,~~
1011 ~~inefficiency, or malfeasance]~~

1012 (4) A director serves at the pleasure of the commissioner.

1013 (5)(a)~~[(i) Five]~~ Two members of the licensing board constitute a quorum of the
1014 licensing board.

- 1015 [(ii) (b) An action of the majority of the licensing board members when a quorum is
 1016 present constitutes an action of the licensing board.
- 1017 [~~(b) The department shall provide staff support to the licensing board.~~]
- 1018 [(e) ~~A member of the licensing board may not receive compensation or benefits for the~~
 1019 ~~member's service, but may receive per diem and travel expenses in accordance with:]~~
- 1020 [~~(i) Section 63A-3-106;~~]
- 1021 [~~(ii) Section 63A-3-107; and~~]
- 1022 [~~(iii) rules made by the Division of Finance in accordance with Sections 63A-3-106~~
 1023 ~~and 63A-3-107.]~~
- 1024 (6) The licensing board shall:
- 1025 (a) [~~meet as called by the chair to~~] review cannabis production establishment, medical
 1026 cannabis pharmacy, and medical cannabis courier license applications;
- 1027 (b) review each license application for compliance with:
- 1028 (i) this chapter; and
- 1029 (ii) department rules;
- 1030 (c) conduct a public hearing to consider the license application;
- 1031 (d) approve the department's license application forms and checklists; and
- 1032 (e) make a determination on each license application.
- 1033 (7) The licensing board shall hold a public hearing to review a cannabis production
 1034 establishment's or medical cannabis pharmacy's license if the establishment:
- 1035 (a) changes ownership by an interest of 20% or more;
- 1036 (b) changes or adds a location;
- 1037 (c) upgrades to a different licensing tier under department rule;
- 1038 (d) changes extraction or formulation standard operating procedures;
- 1039 (e) adds an industrial hemp processing or cultivation [~~license~~] operation to the same
 1040 location as the cannabis production establishment's processing facility; or
- 1041 (f) as necessary based on the recommendation of the department.
- 1042 (8) In a public hearing held under Subsection (7), the licensing board may consider the
 1043 following in determining whether to approve a request to change pharmacy locations:
- 1044 (a) medical cannabis availability, quality, and variety;
- 1045 (b) whether geographic dispersal among licensees is sufficient to reasonably maximize
 1046 access to the largest number of medical cannabis cardholders;
- 1047 (c) the extent to which the pharmacy can increase efficiency and reduce the cost to
 1048 patients of medical cannabis; and

- 1049 (d) the factors listed in Subsection 4-41a-1004(7).
- 1050 (9) In a public hearing held [~~pursuant to~~] under Subsection (7), the licensing board may not
- 1051 approve a request to change a medical cannabis pharmacy location outside of the
- 1052 pharmacy's current region established under Subsection 4-41a-1005(1)(c)(ii)(A).
- 1053 (10)(a) The licensing board shall meet as necessary to consider cannabis production
- 1054 establishment, medical cannabis pharmacy, and medical cannabis courier license
- 1055 renewal applications.
- 1056 (b) During the public meeting described in Subsection (10)(a):
- 1057 (i) a representative from each applicant for renewal shall:
- 1058 (A) attend in person or electronically; or
- 1059 (B) submit information before the meeting, as the licensing board may require, for
- 1060 the licensing board's consideration;
- 1061 (ii) the licensing board shall consider, for each cannabis cultivation facility seeking
- 1062 renewal, information including:
- 1063 (A) the amount of biomass the licensee produced during the current calendar year;
- 1064 (B) the amount of biomass the licensee projects to produce during the following
- 1065 year;
- 1066 (C) the amount of hemp waste the licensee currently holds;
- 1067 (D) the current square footage or acres of growing area the licensee uses; and
- 1068 (E) the square footage or acres of growing area the licensee projects to use in the
- 1069 following year;
- 1070 (iii) the licensing board shall consider, for each cannabis processing facility seeking
- 1071 renewal, information including:
- 1072 (A) methods and procedures for extraction;
- 1073 (B) standard operating procedures; and
- 1074 (C) a complete listing of the medical dosage forms that the licensee produces; and
- 1075 (iv) the licensing board shall consider, for each cannabis pharmacy seeking renewal,
- 1076 information including:
- 1077 (A) product availability, quality, and variety;
- 1078 (B) the pharmacy's operating procedures and practices; and
- 1079 (C) the factors listed in Subsection 4-41a-1003(1).
- 1080 (c) Following consideration of the information provided under Subsection (10)(b), the
- 1081 licensing board may elect to approve, deny, or issue conditional approval of a
- 1082 cannabis production establishment or pharmacy license renewal application.

1083 (d) The information a licensee or license applicant provides to the licensing board for a
 1084 license determination constitutes a protected record under Subsection 63G-2-305(1)
 1085 or (2) if the applicant or licensee provides the licensing board with the information
 1086 regarding business confidentiality required in Section 63G-2-309.

1087 (11)(a) In cooperation with the attorney general, the licensing board may investigate
 1088 information received by the department indicating that a licensee is potentially
 1089 engaging in anticompetitive business practices.

1090 (b) In investigating potential anticompetitive business practices under this section, the
 1091 attorney general may issue civil investigative demands as set forth in Section
 1092 76-16-506.

1093 [~~(12) The department shall:~~]

1094 [~~(a) provide staff support for the licensing board;~~]

1095 [~~(b) assist the licensing board in conducting meetings; and~~]

1096 [~~(c) review all submitted applications for completion and accuracy.~~]

1097 (12)(a) The licensing board shall hear all appeals related to administrative action taken
 1098 under this chapter, Chapter 41, Hemp and Cannabinoid Act, and Chapter 45, Kratom
 1099 Consumer Protection Act, as an informal proceeding under Title 63G, Chapter 4,
 1100 Administrative Procedures Act.

1101 (b) The licensing board shall create rules for hearing appeals in accordance with Title
 1102 63G, Chapter 3, Utah Administrative Rulemaking Act.

1103 (13)(a) The licensing board in consultation with the Compassionate Use Board described
 1104 in Section 4-41a-112 shall provide recommendations, if any, to the Medical Cannabis
 1105 Governance Structure Working Group regarding additional conditions to be added to
 1106 the qualifying conditions list described in Section 26B-4-203.

1107 (b) The licensing board shall create a process that allows the public to suggest conditions
 1108 that should be recommended to the Legislature for inclusion on the qualifying
 1109 conditions list.

1110 (14) For rules made under this chapter, the department shall collaborate with the licensing
 1111 board when making the rules.

1112 (15) The licensing board shall supervise and assist the department in carrying out the duties
 1113 described in Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis.

1114 (16) Except as required by this chapter to hold a public meeting or hearing, the licensing
 1115 board is not subject to Title 52, Chapter 4, Open and Public Meetings Act.

1116 Section 13. Section **4-41a-204** is amended to read:

1117 **4-41a-204 . Operating plan.**

- 1118 (1) A person applying for a cannabis production establishment license or license renewal
1119 shall submit to the department for the department's review a proposed operating plan
1120 that complies with this section and that includes:
- 1121 (a) a description of the physical characteristics of each proposed facility, including a
1122 floor plan and an architectural elevation;
 - 1123 (b) a description of the credentials and experience of:
 - 1124 (i) each officer, director, and owner of the proposed cannabis production
1125 establishment; and
 - 1126 (ii) any highly skilled or experienced prospective employee;
 - 1127 (c) the cannabis production establishment's employee training standards;
 - 1128 (d) a security plan;
 - 1129 (e) a description of the cannabis production establishment's inventory control system,
1130 including a description of how the inventory control system is compatible with the
1131 state electronic verification system described in Section 26B-4-202;
 - 1132 (f) storage protocols, both short- and long-term, to ensure that cannabis is stored in a
1133 manner that is sanitary and preserves the integrity of the cannabis;
 - 1134 (g) for a cannabis cultivation facility, the information described in Subsection (2);
 - 1135 (h) for a cannabis processing facility, the information described in Subsection (3);
 - 1136 (i) for an independent cannabis testing laboratory, the information described in
1137 Subsection (4); and
 - 1138 (j) for a cannabis production establishment located in an industrial zone, a plan to reduce
1139 odor created by the cannabis production establishment that:
 - 1140 (i) meets local ordinance nuisance laws; and
 - 1141 (ii) identifies:
 - 1142 (A) operations and materials that generate odors; and
 - 1143 (B) equipment, operations, or materials the cannabis production establishment will
1144 use to mitigate odor emissions, including plans to maintain equipment.
- 1145 (2)(a) A cannabis cultivation facility shall ensure that the facility's operating plan
1146 includes the facility's intended:
- 1147 (i) cannabis cultivation practices, including the facility's intended pesticide use and
1148 plant food use; and
 - 1149 (ii) subject to Subsection (2)(b), acreage or square footage under cultivation and
1150 anticipated cannabis yield.

- 1151 (b) Except as provided in Subsection (2)(c)(i) or (c)(ii), a cannabis cultivation facility
 1152 may not:
- 1153 (i) for a facility that cultivates cannabis only indoors, use more than 100,000 total
 1154 square feet of cultivation space;
- 1155 (ii) for a facility that cultivates cannabis only outdoors, use more than four acres for
 1156 cultivation; and
- 1157 (iii) for a facility that cultivates cannabis through a combination of indoor and
 1158 outdoor cultivation, use more combined indoor square footage and outdoor
 1159 acreage than allowed under the department's formula described in Subsection
 1160 (2)(e).
- 1161 (c)(i) Each licensee may apply to the department for:
- 1162 (A) a one-time, permanent increase of up to 20% of the limitation on the cannabis
 1163 cultivation facility's cultivation space; or
- 1164 (B) a short-term increase, not to exceed 12 months, of up to 40% of the limitation
 1165 on the cannabis cultivation facility's cultivation space.
- 1166 (ii) After conducting a review equivalent to the review described in Subsection
 1167 4-41a-205(2)(a), if the department determines that additional cultivation is
 1168 needed, the department may:
- 1169 (A) grant the one-time, permanent increase described in Subsection (2)(c)(i)(A); or
 1170 (B) grant the short-term increase described in Subsection (2)(c)(i)(B).
- 1171 (d) If a licensee describes an intended acreage or square footage under cultivation under
 1172 Subsection (2)(a)(ii) that is less than the limitation described in Subsection (2)(b), the
 1173 licensee may not cultivate more than the licensee's identified intended acreage or
 1174 square footage under cultivation.
- 1175 (e) The department shall, in accordance with Title 63G, Chapter 3, Utah Administrative
 1176 Rulemaking Act, establish a formula for combined usage of indoor and outdoor
 1177 cultivation that:
- 1178 (i) does not exceed, in estimated cultivation yield, the aggregate limitations described
 1179 in Subsection (2)(b)(i) or (ii); and
- 1180 (ii) allows a cannabis cultivation facility to operate both indoors and outdoors.
- 1181 (f)(i) The department may authorize a cannabis cultivation facility to operate at no
 1182 more than [~~two~~] three separate locations.
- 1183 (ii) If the department authorizes multiple locations under Subsection (2)(f)(i)[~~]~~ :
- 1184 (A) [~~]~~the [~~two~~] multiple cannabis cultivation facility locations combined may not

1185 exceed the cultivation limitations described in this Subsection (2)[-] ; and
1186 (B) the cannabis cultivation facility shall pay a \$15,000 fee for each location after
1187 the second location.

1188 (3) A cannabis processing facility's operating plan shall include the facility's intended
1189 cannabis processing practices, including the cannabis processing facility's intended:

1190 (a) offered variety of cannabis product;

1191 (b) cannabinoid extraction method;

1192 (c) cannabinoid extraction equipment;

1193 (d) processing equipment;

1194 (e) processing techniques; and

1195 (f) sanitation and manufacturing safety procedures for items for human consumption.

1196 (4) An independent cannabis testing laboratory's operating plan shall include the
1197 laboratory's intended:

1198 (a) cannabis and cannabis product testing capability;

1199 (b) cannabis and cannabis product testing equipment; and

1200 (c) testing methods, standards, practices, and procedures for testing cannabis and
1201 cannabis products.

1202 (5) Notwithstanding an applicant's proposed operating plan, a cannabis production
1203 establishment is subject to land use regulations implemented by a local land use
1204 authority under Title 10, Chapter 20, Municipal Land Use, Development, and
1205 Management Act, or Title 17, Chapter 79, County Land Use, Development, and
1206 Management Act, regarding the availability of outdoor cultivation in an industrial zone.

1207 Section 14. Section **4-41a-602** is amended to read:

1208 **4-41a-602 . Cannabis product -- Labeling and child-resistant packaging.**

1209 (1) For any cannabis product that a cannabis processing facility processes or produces and
1210 for any raw cannabis that the facility packages, the facility shall:

1211 (a) label the cannabis or cannabis product with a label that:

1212 (i) clearly and unambiguously states that the cannabis product or package contains
1213 cannabis;

1214 (ii) clearly displays the amount of total composite tetrahydrocannabinol, cannabidiol,
1215 and any known cannabinoid that is greater than 1% of the total cannabinoids
1216 contained in the cannabis or cannabis product as determined under Subsection
1217 4-41a-701(4);

1218 (iii) has a unique identification number that:

- 1219 (A) is connected to the inventory control system; and
- 1220 (B) identifies the unique cannabis product manufacturing process the cannabis
- 1221 processing facility used to manufacture the cannabis product;
- 1222 (iv) identifies the cannabinoid extraction process that the cannabis processing facility
- 1223 used to create the cannabis product;
- 1224 (v) does not display an image, word, or phrase that the facility knows or should know
- 1225 appeals to children; and
- 1226 (vi) discloses each active or potentially active ingredient, in order of prominence, and
- 1227 possible allergen; and
- 1228 (b) package the raw cannabis or cannabis product in a medicinal dosage form in a
- 1229 container that:
- 1230 (i) is tamper evident and tamper resistant;
- 1231 (ii) does not appeal to children;
- 1232 (iii) does not mimic a candy container;
- 1233 (iv) complies with child-resistant effectiveness standards that the United States
- 1234 Consumer Product Safety Commission establishes;
- 1235 (v) includes a warning label that states:
- 1236 (A) for a container labeled on or after January 1, 2024, "WARNING: Cannabis
- 1237 has intoxicating effects, may be addictive, and may increase risk of mental
- 1238 illness. Do not operate a vehicle or machinery under its influence. KEEP OUT
- 1239 OF REACH OF CHILDREN. This product is for medical use only. Use only as
- 1240 directed by a recommending medical provider."; or
- 1241 (B) for a container labeled on or after January 1, 2026, "WARNING: Cannabis
- 1242 use by pregnant or breastfeeding women, may result in fetal injury, preterm
- 1243 birth, or developmental problems for the child. Cannabis may be addictive and
- 1244 may increase risk of mental illness. Do not operate a vehicle or machinery
- 1245 under its influence. KEEP OUT OF REACH OF CHILDREN. This product is
- 1246 for medical use only. Use only as directed by a recommending medical
- 1247 provider."; and
- 1248 (vi) for raw cannabis or a cannabis product sold in a vaporizer cartridge labeled on or
- 1249 after May 3, 2023, includes a warning label that states:
- 1250 (A) "WARNING: Vaping of cannabis-derived products has been associated with
- 1251 lung injury."; and
- 1252 (B) "WARNING: Inhalation of cannabis smoke has been associated with lung

- 1253 injury."
- 1254 (2) To ensure that a cannabis product that a cannabis processing facility processes or
1255 produces has a medical rather than recreational disposition, the facility may not produce
1256 or process a product whose logo, product name, or brand name includes terms related to
1257 recreational marijuana, including "weed," "pot," "reefer," "grass," "hash," "ganja,"
1258 "Mary Jane," "high," "haze," "stoned," "joint," "bud," "smoke," "euphoria," "dank,"
1259 "doobie," "kush," "frost," "cookies," "rec," "bake," "blunt," "combust," "bong,"
1260 "budtender," "dab," "blaze," "toke," or "420."
- 1261 (3) For any cannabis or cannabis product that the cannabis processing facility processes into
1262 a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or rectangular
1263 cuboid shape, the facility shall:
- 1264 (a) ensure that the label described in Subsection (1)(a) does not contain a photograph or
1265 other image of the content of the container; and
- 1266 (b) include on the label described in Subsection (1)(a) a warning about the risks of
1267 over-consumption.
- 1268 (4) For any cannabis product that contains an artificially derived cannabinoid, the cannabis
1269 processing facility shall ensure that the label clearly:
- 1270 (a) identifies each artificially derived cannabinoid; and
- 1271 (b) identifies that each artificially derived cannabinoid is an artificially derived
1272 cannabinoid.
- 1273 (5)(a) A cannabis processor may not distribute medical cannabis with a label, logo,
1274 brand name, or in packaging if the label, logo, brand name, or packaging has not been
1275 pre-approved by the department.
- 1276 (b) If the department has approved a label or packaging, a cannabis processor may
1277 change the approved label or packaging and use the changed label or packaging for
1278 use with another medical cannabis product without obtaining the department's
1279 approval if:
- 1280 (i) the label or packaging complies with the requirements of this chapter and rules
1281 made under this chapter;
- 1282 (ii) the only change to the label and packaging are changes to one or more of the
1283 following:
- 1284 (A) flavor information;
- 1285 (B) terpene information; or
- 1286 (C) cultivar information; and

1287 (iii) no other changes were made to the label or package including graphics, fonts,
 1288 sizing, or colors.

1289 [~~5~~] (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 1290 department:

1291 (a) shall make rules to establish:

1292 (i) a standard labeling format that:

1293 (A) complies with the requirements of this section; and

1294 (B) ensures inclusion of a pharmacy label; and

1295 (ii) additional requirements on packaging for cannabis and cannabis products to
 1296 ensure safety and product quality; and

1297 (b) may make rules to further define standards regarding images, words, phrases, or
 1298 containers that may appeal to children under Subsection (1)(a)(v) or (1)(b)(ii).

1299 Section 15. Section **4-41a-801** is amended to read:

1300 **4-41a-801 . Enforcement -- Fine -- Citation.**

1301 (1)(a) If a person that is a cannabis production establishment, a cannabis production
 1302 establishment agent, a medical cannabis pharmacy, a medical cannabis pharmacy
 1303 agent, or a medical cannabis courier, violates this chapter, the department may:

1304 (i) revoke the person's license or agent registration card;

1305 (ii) decline to renew the person's license or agent registration card;

1306 (iii) assess the person an administrative penalty that the department establishes by
 1307 rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
 1308 Act; or

1309 (iv) provide a letter of concern in accordance with Subsection (8).

1310 (b) Except for a violation that threatens public health or for the third violation of the
 1311 same rule or statute in a 24-month period, the department shall issue a letter of
 1312 concern before taking other administrative action under this section.

1313 (2) The department shall deposit an administrative penalty imposed under this section into
 1314 the General Fund.

1315 (3)(a) The department may take an action described in Subsection (3)(b) if the
 1316 department concludes, upon investigation, that, for a person that is a cannabis
 1317 production establishment, a cannabis production establishment agent, a medical
 1318 cannabis pharmacy, a medical cannabis pharmacy agent, or a medical cannabis
 1319 courier:

1320 (i) the person has violated the provisions of this chapter, a rule made under this

- 1321 chapter, or an order issued under this chapter; or.
- 1322 (ii) the person produced cannabis or a cannabis product batch that contains a
1323 substance, other than cannabis, that poses a significant threat to human health.
- 1324 (b) If the department makes the determination about a person described in Subsection
1325 (3)(a), the department may:
- 1326 (i) issue the person a written administrative citation;
- 1327 (ii) attempt to negotiate a stipulated settlement;
- 1328 (iii) order the person to cease and desist from the action that creates a violation; or
- 1329 (iv) direct the person to appear before an adjudicative proceeding conducted under
1330 Title 63G, Chapter 4, Administrative Procedures Act.
- 1331 (c) If the department concludes, upon investigation, that a cannabis production
1332 establishment or a cannabis production establishment agent has produced a cannabis
1333 batch or a cannabis product batch that contains a substance that poses a significant
1334 threat to human health, the department shall seize, embargo, or destroy the cannabis
1335 batch or cannabis product batch.
- 1336 (4) The department may, for a person subject to an uncontested citation, a stipulated
1337 settlement, or a finding of a violation in an adjudicative proceeding under this section,
1338 for a fine amount not already specified in law, assess the person, who is not an
1339 individual, a fine of up to \$5,000 per violation, in accordance with a fine schedule that
1340 the department establishes by rule in accordance with Title 63G, Chapter 3, Utah
1341 Administrative Rulemaking Act.
- 1342 (5) The department may not revoke a license without first directing the licensee to appear
1343 before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative
1344 Procedures Act.
- 1345 (6) If within 30 calendar days after the day on which a department serves a citation for a
1346 violation of this chapter, the person that is the subject of the citation fails to request a
1347 hearing to contest the citation, the citation becomes the department's final order.
- 1348 (7) The department may, for a person who fails to comply with a citation under this section:
- 1349 (a) refuse to issue or renew the person's license or agent registration card; or
- 1350 (b) suspend, revoke, or place on probation the person's license or registration card.
- 1351 (8)(a) A letter of concern shall describe:
- 1352 (i) the violation including the statute or rule being violated;
- 1353 (ii) possible options to remedy the issue; and
- 1354 (iii) possible consequences for not remedying the violation.

- 1355 (b) Under a letter of concern, the department shall provide the person at least 30 days to
 1356 remedy the violation.
- 1357 (c) If the person fails to remedy the violation described in a letter of concern, the
 1358 department may take other enforcement action as described in this section.
- 1359 (d) If a letter of concern is resolved without an enforcement action being taken under
 1360 Subsection (8)(c), the department may not report that a letter of concern was issued to
 1361 the licensing board.

1362 (9)(a) Except where a criminal penalty is expressly provided for a specific violation of
 1363 this chapter, or where civil and criminal penalties are provided for violations of
 1364 Section 76-10-31, if an individual:

- 1365 (i) violates a provision of this chapter, the individual is:
- 1366 (A) guilty of an infraction; and
- 1367 (B) subject to a \$100 fine; or
- 1368 (ii) intentionally or knowingly violates a provision of this chapter or violates this
 1369 chapter three or more times, the individual is:
- 1370 (A) guilty of a class B misdemeanor; and
- 1371 (B) subject to a \$1,000 fine.

1372 (b) An individual who is guilty of a violation described in Subsection (9)(a) is not guilty
 1373 of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the
 1374 conduct underlying the violation described in Subsection (9)(a).

1375 (10) Nothing in this section prohibits:

- 1376 (a) the department from referring potential criminal activity to law enforcement; or
- 1377 (b) the attorney general from investigating or prosecuting individuals or businesses for
 1378 violations of Title 76, Chapter 10, Part 31, Utah Antitrust Act.

1379 ~~[(11) An appeal of administrative action taken under this chapter shall be heard by an~~
 1380 ~~administrative law judge as an informal proceeding in accordance with Title 63G,~~
 1381 ~~Chapter 4, Administrative Procedures Act.]~~

1382 Section 16. Section **4-41a-1102** is amended to read:

1383 **4-41a-1102 . Dispensing -- Amount a medical cannabis pharmacy may dispense --**
 1384 **Reporting -- Form of cannabis or cannabis product.**

1385 (1)(a) A medical cannabis pharmacy may not sell a product other than:

- 1386 (i) medical cannabis that the medical cannabis pharmacy acquired from another
 1387 medical cannabis pharmacy or a cannabis processing facility that is licensed under
 1388 Section 4-41a-201;

- 1389 (ii) a medical cannabis device; or
1390 (iii) educational material related to the medical use of cannabis.
- 1391 (b) A medical cannabis pharmacy may only sell an item listed in Subsection (1)(a) to an
1392 individual with:
- 1393 (i)(A) a medical cannabis card; or
1394 (B) a [~~Department of Health and Human Services~~]registration described in
1395 Subsection 26B-4-213(10); and
1396 (ii) a corresponding government issued photo identification.
- 1397 (c) Notwithstanding Subsection (1)(a), a medical cannabis pharmacy may not sell a
1398 cannabis-based drug that the United States Food and Drug Administration has
1399 approved.
- 1400 (d) Notwithstanding Subsection (1)(b), a medical cannabis pharmacy may not sell a
1401 medical cannabis device or medical cannabis to an individual described in Subsection
1402 26B-4-213(2)(a)(i)(B) or to a minor described in Subsection 26B-4-213(2)(c) unless
1403 the individual or minor has the approval of the Compassionate Use Board in
1404 accordance with Subsection [~~26B-1-421(5)~~] 4-41a-112(4).
- 1405 (2) A medical cannabis pharmacy:
- 1406 (a) may dispense to a medical cannabis cardholder, in any one 28-day period, up to the
1407 legal dosage limit of:
- 1408 (i) unprocessed cannabis that:
- 1409 (A) is in a medicinal dosage form; and
1410 (B) carries a label clearly displaying the amount of tetrahydrocannabinol and
1411 cannabidiol in the cannabis; and
1412 (ii) a cannabis product that is in a medicinal dosage form; and
- 1413 (b) may not dispense:
- 1414 (i) except for a medical cannabis cardholder approved under Subsection 26B-4-245(2),
1415 more medical cannabis than described in Subsection (2)(a); or
1416 (ii) any medical cannabis to an individual whose recommending medical provider did
1417 not recommend directions of use and dosing guidelines, until the individual
1418 consults with the pharmacy medical provider in accordance with Subsection
1419 26B-4-231(5).
- 1420 (3)(a) A medical cannabis pharmacy shall:
- 1421 (i)(A) access the state electronic verification system before dispensing medical
1422 cannabis to a medical cannabis cardholder in order to determine if the

- 1423 cardholder or, where applicable, the associated patient has met the maximum
1424 amount of medical cannabis described in Subsection (2); and
- 1425 (B) if the verification in Subsection (3)(a)(i)(A) indicates that the individual has
1426 met the maximum amount described in Subsection (2), decline the sale, and
1427 notify the recommending medical provider who made the underlying
1428 recommendation;
- 1429 (ii) submit a record to the state electronic verification system each time the medical
1430 cannabis pharmacy dispenses medical cannabis to a medical cannabis cardholder;
- 1431 (iii) ensure that the pharmacy medical provider who is a licensed pharmacist reviews
1432 each medical cannabis transaction before dispensing the medical cannabis to the
1433 cardholder in accordance with pharmacy practice standards;
- 1434 (iv) package any medical cannabis in a container that:
- 1435 (A) complies with Subsection 4-41a-602(1)(b) or, if applicable, provisions related
1436 to a container for unprocessed cannabis flower in the definition of "medicinal
1437 dosage form" in Section 26B-4-201; and
- 1438 (B) is tamper-resistant and tamper-evident;
- 1439 (v) for a product that is a cube that is designed for ingestion through chewing or
1440 holding in the mouth for slow dissolution, include a separate, off-label warning
1441 about the risks of over-consumption; and
- 1442 (vi) beginning January 1, 2024, for medical cannabis that is cannabis flower,
1443 vaporizer cartridges, or concentrate, provide the product's terpene profiles
1444 collected under Subsection 4-41a-701(4) at or before the point of sale.
- 1445 (b) A medical cannabis cardholder transporting or possessing the container described in
1446 Subsection (3)(a)(iv) in public shall keep the container within the opaque bag or box
1447 that the medical cannabis pharmacist provides.
- 1448 (c) A medical cannabis pharmacy shall provide an opaque bag or box for the medical
1449 cannabis cardholder to use in transporting the medical cannabis in public if the
1450 medical cannabis cardholder does not provide an opaque bag or box.
- 1451 (4)(a) Except as provided in Subsection (4)(b), a medical cannabis pharmacy may not
1452 sell medical cannabis in the form of a cigarette or a medical cannabis device that is
1453 intentionally designed or constructed to resemble a cigarette.
- 1454 (b) A medical cannabis pharmacy may sell a medical cannabis device that warms
1455 cannabis material into a vapor without the use of a flame and that delivers cannabis to
1456 an individual's respiratory system.

- 1457 (5)(a) A medical cannabis pharmacy may not give, at no cost, a product that the medical
1458 cannabis pharmacy is allowed to sell under Subsection (1)(a)(i) or (ii).
- 1459 (b) A medical cannabis pharmacy may give, at no cost, educational material related to
1460 the medical use of cannabis.
- 1461 (6) A medical cannabis pharmacy may purchase and store medical cannabis devices
1462 regardless of whether the seller has a cannabis-related license under this chapter or Title
1463 26B, Utah Health and Human Services Code.
- 1464 Section 17. Section **26B-4-201** is amended to read:
- 1465 **26B-4-201 . Definitions.**
- 1466 As used in this part:
- 1467 (1) "Active tetrahydrocannabinol" means THC, any THC analog, and
1468 tetrahydrocannabinolic acid.
- 1469 (2) "Administration of criminal justice" means the performance of detection, apprehension,
1470 detention, pretrial release, post-trial release, prosecution, and adjudication.
- 1471 (3) "Advertise" means information provided by a person in any medium:
- 1472 (a) to the public; and
1473 (b) that is not age restricted to an individual who is at least 21 years old.
- 1474 (4) "Advisory board" means the Medical Cannabis Policy Advisory Board created in
1475 Section [~~26B-1-435~~] 4-41a-111.
- 1476 (5) "Cannabis" means marijuana.
- 1477 (6) "Cannabis cultivation facility" means the same as that term is defined in Section
1478 4-41a-102.
- 1479 [~~(6)~~] (7) "Cannabis processing facility" means the same as that term is defined in Section
1480 4-41a-102.
- 1481 [~~(7)~~] (8) "Cannabis product" means a product that:
- 1482 (a) is intended for human use; and
1483 (b) contains cannabis or any tetrahydrocannabinol or THC analog in a total
1484 concentration of 0.3% or greater on a dry weight basis.
- 1485 [~~(8)~~] (9) "Cannabis production establishment" means the same as that term is defined in
1486 Section 4-41a-102.
- 1487 [~~(9)~~] (10) "Cannabis production establishment agent" means the same as that term is defined
1488 in Section 4-41a-102.
- 1489 [~~(10)~~] (11) "Cannabis production establishment agent registration card" means the same as
1490 that term is defined in Section 4-41a-102.

- 1491 [(11)] (12) "Conditional medical cannabis card" means an electronic medical cannabis card
 1492 that the department issues in accordance with Subsection 26B-4-213(1)(b) to allow an
 1493 applicant for a medical cannabis card to access medical cannabis during the department's
 1494 review of the application.
- 1495 [(12)] (13) "Controlled substance database" means the controlled substance database created
 1496 in Section 58-37f-201.
- 1497 [(13)] (14) "Delivery address" means the same as that term is defined in Section 4-41a-102.
- 1498 [(14)] (15) "Department" means the [~~Department of Health and Human Services~~]
 1499 Department of Agriculture and Food.
- 1500 [(15)] (16) "Designated caregiver" means:
 1501 (a) an individual:
 1502 (i) whom an individual with a medical cannabis patient card or a medical cannabis
 1503 guardian card designates as the patient's caregiver; and
 1504 (ii) who registers with the department under Section 26B-4-214; or
 1505 (b)(i) a facility that an individual designates as a designated caregiver in accordance
 1506 with Subsection 26B-4-214(1)(b); or
 1507 (ii) an assigned employee of the facility described in Subsection 26B-4-214(1)(b)(ii).
- 1508 [(16)] (17) "Directions of use" means recommended routes of administration for a medical
 1509 cannabis treatment and suggested usage guidelines.
- 1510 [(17)] (18) "Dosing guidelines" means a quantity range and frequency of administration for
 1511 a recommended treatment of medical cannabis.
- 1512 [(18)] (19) "Government issued photo identification" means any of the following forms of
 1513 identification:
 1514 (a) a valid state-issued driver license or identification card;
 1515 (b) a valid United States federal-issued photo identification, including:
 1516 (i) a United States passport;
 1517 (ii) a United States passport card;
 1518 (iii) a United States military identification card; or
 1519 (iv) a permanent resident card or alien registration receipt card; or
 1520 (c) a foreign passport.
- 1521 [(19)] (20) "Home delivery medical cannabis pharmacy" means a medical cannabis
 1522 pharmacy that the department authorizes, as part of the pharmacy's license, to deliver
 1523 medical cannabis shipments to a delivery address to fulfill electronic orders.
- 1524 [(20)] (21) "Inventory control system" means the system described in Section 4-41a-103.

- 1525 [~~(21)~~] (22) "Legal dosage limit" means an amount that:
- 1526 (a) is sufficient to provide 30 days of treatment based on the dosing guidelines that the
- 1527 relevant recommending medical provider or pharmacy medical provider, in
- 1528 accordance with Subsection 26B-4-231(5), recommends; and
- 1529 (b) may not exceed:
- 1530 (i) for unprocessed cannabis in a medicinal dosage form, 113 grams by weight; and
- 1531 (ii) for a cannabis product in a medicinal dosage form, a quantity that contains, in
- 1532 total, greater than 20 grams of active tetrahydrocannabinol.
- 1533 [~~(22)~~] (23) "Legal use termination date" means a date on the label of a container of
- 1534 unprocessed cannabis flower:
- 1535 (a) that is 60 days after the date of purchase of the cannabis; and
- 1536 (b) after which, the cannabis is no longer in a medicinal dosage form outside of the
- 1537 primary residence of the relevant medical cannabis patient cardholder.
- 1538 (24) "Licensing board" means the same as that term is defined in Section 4-41a-102.
- 1539 (25)(a) "Low THC product" means a product that:
- 1540 (i) is intended for human use;
- 1541 (ii) contains cannabis or any tetrahydrocannabinol or THC analog in a total
- 1542 concentration of less than 0.3% on a dry weight basis; and
- 1543 (iii) is processed by a cannabis processing facility.
- 1544 (b) "Low THC product" does not include a product registered under Chapter 41, Hemp
- 1545 and Cannabinoid Act.
- 1546 [~~(23)~~] (26) "Marijuana" means the same as that term is defined in Section 58-37-2.
- 1547 [~~(24)~~] (27) "Medical cannabis" or "medical cannabis product" means:
- 1548 (a) [-]cannabis in a medicinal dosage form[-øŕ] ;
- 1549 (b) a cannabis product in a medicinal dosage form[-:] ; or
- 1550 (c) a low THC product in a medicinal dosage form.
- 1551 [~~(25)~~] (28) "Medical cannabis card" means a medical cannabis patient card, a medical
- 1552 cannabis guardian card, a medical cannabis caregiver card, or a conditional medical
- 1553 cannabis card.
- 1554 [~~(26)~~] (29) "Medical cannabis cardholder" means:
- 1555 (a) a holder of a medical cannabis card; or
- 1556 (b) a facility or assigned employee, described in Subsection [~~(15)~~](b) (16)(b), only:
- 1557 (i) within the scope of the facility's or assigned employee's performance of the role of
- 1558 a medical cannabis patient cardholder's caregiver designation under Subsection

1559 26B-4-214(1)(b); and

1560 (ii) while in possession of documentation that establishes:

1561 (A) a caregiver designation described in Subsection 26B-4-214(1)(b);

1562 (B) the identity of the individual presenting the documentation; and

1563 (C) the relation of the individual presenting the documentation to the caregiver
1564 designation.

1565 ~~[(27)]~~ (30) "Medical cannabis caregiver card" means an electronic document that a

1566 cardholder may print or store on an electronic device or a physical card or document that:

1567 (a) the department issues to an individual whom a medical cannabis patient cardholder

1568 or a medical cannabis guardian cardholder designates as a designated caregiver; and

1569 (b) is connected to the electronic verification system.

1570 ~~[(28)]~~ (31) "Medical cannabis courier" means the same as that term is defined in Section

1571 4-41a-102.

1572 ~~[(29)]~~ (32)(a) "Medical cannabis device" means a device that an individual uses to ingest

1573 or inhale medical cannabis.

1574 (b) "Medical cannabis device" does not include a device that:

1575 (i) facilitates cannabis combustion; or

1576 (ii) an individual uses to ingest substances other than cannabis.

1577 ~~[(30)]~~ (33) "Medical cannabis guardian card" means an electronic document that a

1578 cardholder may print or store on an electronic device or a physical card or document that:

1579 (a) the department issues to the parent or legal guardian of a minor with a qualifying

1580 condition; and

1581 (b) is connected to the electronic verification system.

1582 ~~[(31)]~~ (34) "Medical cannabis patient card" means an electronic document that a cardholder

1583 may print or store on an electronic device or a physical card or document that:

1584 (a) the department issues to an individual with a qualifying condition; and

1585 (b) is connected to the electronic verification system.

1586 ~~[(32)]~~ (35) "Medical cannabis pharmacy" means a person that:

1587 (a)(i) acquires or intends to acquire medical cannabis from a cannabis processing

1588 facility or another medical cannabis pharmacy or a medical cannabis device; or

1589 (ii) possesses medical cannabis or a medical cannabis device; and

1590 (b) sells or intends to sell medical cannabis or a medical cannabis device to a medical
1591 cannabis cardholder.

1592 ~~[(33)]~~ (36) "Medical cannabis pharmacy agent" means an individual who holds a valid

1593 medical cannabis pharmacy agent registration card issued by the department.

1594 [(34)] (37) "Medical cannabis pharmacy agent registration card" means a registration card
1595 issued by the department that authorizes an individual to act as a medical cannabis
1596 pharmacy agent.

1597 [(35)] (38) "Medical cannabis shipment" means the same as that term is defined in Section
1598 4-41a-102.

1599 [(36)] (39) "Medical cannabis treatment" means medical cannabis or a medical cannabis
1600 device.

1601 [(37)] (40)(a) "Medicinal dosage form" means:

1602 (i) for processed medical cannabis, the following with a specific and consistent
1603 cannabinoid content:

1604 (A) a tablet;

1605 (B) a capsule;

1606 (C) a concentrated liquid or viscous oil;

1607 (D) a liquid suspension that does not exceed 30 milliliters;

1608 (E) a topical preparation;

1609 (F) a transdermal preparation;

1610 (G) a sublingual preparation;

1611 (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or
1612 rectangular cuboid shape;

1613 (I) a resin or wax;

1614 (J) an aerosol;

1615 (K) a suppository preparation; or

1616 (L) a soft or hard confection that is a uniform rectangular cuboid or uniform
1617 spherical shape, is homogeneous in color and texture, and each piece is a single
1618 serving; or

1619 (ii) for unprocessed cannabis flower, a container described in Section 4-41a-602 that:

1620 (A) contains cannabis flower in a quantity that varies by no more than 10% from
1621 the stated weight at the time of packaging;

1622 (B) at any time the medical cannabis cardholder transports or possesses the
1623 container in public, is contained within an opaque bag or box that the medical
1624 cannabis pharmacy provides; and

1625 (C) is labeled with the container's content and weight, the date of purchase, the
1626 legal use termination date, and a barcode that provides information connected

- 1627 to an inventory control system.
- 1628 (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:
- 1629 (i) the medical cannabis cardholder has recently removed from the container
- 1630 described in Subsection [~~(37)(a)(ii)~~] (39)(a)(ii) for use; and
- 1631 (ii) does not exceed the quantity described in Subsection [~~(37)(a)(ii)~~] (39)(a)(ii).
- 1632 (c) "Medicinal dosage form" does not include:
- 1633 (i) any unprocessed cannabis flower outside of the container described in Subsection [
- 1634 ~~(37)(a)(ii)~~] (39)(a)(ii), except as provided in Subsection [~~(37)(b)~~] (39)(b);
- 1635 (ii) any unprocessed cannabis flower in a container described in Subsection [
- 1636 ~~(37)(a)(ii)~~] (39)(a)(ii) after the legal use termination date;
- 1637 (iii) a process of vaporizing and inhaling concentrated cannabis by placing the
- 1638 cannabis on a nail or other metal object that is heated by a flame, including a
- 1639 blowtorch;
- 1640 (iv) a liquid suspension that is branded as a beverage;
- 1641 (v) a substance described in Subsection [~~(37)(a)(i)~~] (39)(a)(i) or (ii) if the substance is
- 1642 not measured in grams, milligrams, or milliliters; or
- 1643 (vi) a substance that contains or is covered to any degree with chocolate.
- 1644 [~~(38)~~] (41) "Nonresident patient" means an individual who:
- 1645 (a) is not a resident of Utah or has been a resident of Utah for less than 45 days;
- 1646 (b) has a currently valid medical cannabis card or the equivalent of a medical cannabis
- 1647 card under the laws of another state, district, territory, commonwealth, or insular
- 1648 possession of the United States; and
- 1649 (c) has been diagnosed with a qualifying condition as described in Section 26B-4-203.
- 1650 [~~(39)~~] (42) "Patient product information insert" means a single page document or webpage
- 1651 that contains information about a medical cannabis product regarding:
- 1652 (a) how to use the product;
- 1653 (b) common side effects;
- 1654 (c) serious side effects;
- 1655 (d) dosage;
- 1656 (e) contraindications;
- 1657 (f) safe storage;
- 1658 (g) information on when a product should not be used; and
- 1659 (h) other information the department deems appropriate in consultation with the
- 1660 cannabis processing facility that created the product.

- 1661 [~~(40)~~] (43) "Pharmacy medical provider" means the medical provider required to be on site
1662 at a medical cannabis pharmacy under Section 26B-4-219.
- 1663 [~~(41)~~] (44) "Provisional patient card" means a card that:
- 1664 (a) the department issues to a minor with a qualifying condition for whom:
- 1665 (i) a recommending medical provider has recommended a medical cannabis
1666 treatment; and
- 1667 (ii) the department issues a medical cannabis guardian card to the minor's parent or
1668 legal guardian; and
- 1669 (b) is connected to the electronic verification system.
- 1670 [~~(42)~~] (45) "Qualified Patient Enterprise Fund" means the enterprise fund created in Section [
1671 26B-1-310] 4-41a-104.1.
- 1672 [~~(43)~~] (46) "Qualifying condition" means a condition described in Section 26B-4-203.
- 1673 [~~(44)~~] (47) "Recommend" or "recommendation" means, for a recommending medical
1674 provider, the act of suggesting the use of medical cannabis treatment, which:
- 1675 (a) certifies the patient's eligibility for a medical cannabis card; and
- 1676 (b) may include, at the recommending medical provider's discretion, directions of use,
1677 with or without dosing guidelines.
- 1678 [~~(45)~~] (48) "Recommending medical provider" means an individual who:
- 1679 (a) meets the recommending qualifications;
- 1680 (b) completes four hours of continuing medical education specific to medical cannabis
1681 through formal or informal sources; and
- 1682 (c) every two years, provides an acknowledgment to the department that the individual
1683 completed four hours of continuing medical education.
- 1684 [~~(46)~~] (49) "Recommending qualifications" means that an individual:
- 1685 (a)(i) has the authority to write a prescription;
- 1686 (ii) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah
1687 Controlled Substances Act; and
- 1688 (iii) possesses the authority, in accordance with the individual's scope of practice, to
1689 prescribe a Schedule II controlled substance; and
- 1690 (b) is licensed as:
- 1691 (i) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
- 1692 (ii) an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice
1693 Act;
- 1694 (iii) a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,

- 1695 Chapter 68, Utah Osteopathic Medical Practice Act; or
- 1696 (iv) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.
- 1697 [(47)] (50) "State electronic verification system" means the system described in Section
- 1698 26B-4-202.
- 1699 [(48)] (51) "Targeted marketing" means the promotion by a recommending medical
- 1700 provider, medical clinic, or medical office that employs a recommending medical
- 1701 provider of a medical cannabis recommendation service using any of the following
- 1702 methods:
- 1703 (a) electronic communication to an individual who is at least 21 years old and has
- 1704 requested to receive promotional information;
- 1705 (b) an in-person marketing event that is held in an area where only an individual who is
- 1706 at least 21 years old may access the event;
- 1707 (c) other marketing material that is physically or digitally displayed in the office of the
- 1708 medical clinic or office that employs a recommending medical provider; or
- 1709 (d) a leaflet that a recommending medical provider, medical clinic, or medical office that
- 1710 employs a recommending medical provider shares with an individual who is at least
- 1711 21 years old.
- 1712 [(49)] (52) "Tetrahydrocannabinol" or "THC" means a substance derived from cannabis or a
- 1713 synthetic equivalent as described in Subsection 58-37-4(2)(a)(iii)(AA).
- 1714 [(50)] (53) "THC analog" means the same as that term is defined in Section 4-41-102.
- 1715 Section 18. Section **26B-4-201.1** is enacted to read:
- 1716 **26B-4-201.1 . Transition of duties.**
- 1717 (1) As used in this section, "transition period" means the period of time beginning on May
- 1718 6, 2026, and ending on January 1, 2027.
- 1719 (2) During the transition period:
- 1720 (a) the department may request:
- 1721 (i) the Department of Health and Human Services to carry out the duties described in
- 1722 this part; or
- 1723 (ii) technical assistance from the Department of Health and Human Services related
- 1724 to carrying out the duties described in this part;
- 1725 (b) the department may terminate or limit the scope of the Department of Health and
- 1726 Human Services's power to carry out duties described in this part; or
- 1727 (c) if the department requests the Department of Health and Human Services to carry out
- 1728 duties described in this part, the department may make personnel available to the

1729 Department of Health and Human Services for carrying out the duties.

1730 (3) Upon the request of the department under this section, the Department of Health and
 1731 Human Services has the authority to carry out any duties:

1732 (a) within the scope of the request; and

1733 (b) if related to this part.

1734 (4) Notwithstanding any other provision of law, the Department of Health and Human
 1735 Services may use funds from the Qualified Patient Enterprise Fund to cover any costs
 1736 incurred by the Department of Health and Human Services related to carrying out duties
 1737 requested by the department under this section.

1738 Section 19. Section **26B-4-202** is amended to read:

1739 **26B-4-202 . Electronic verification system.**

1740 (1) The [~~Department of Agriculture and Food, the~~]department, the Department of Public
 1741 Safety, and the Division of Technology Services shall:

1742 (a) enter into a memorandum of understanding in order to determine the function and
 1743 operation of the state electronic verification system in accordance with Subsection (2);

1744 (b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah
 1745 Procurement Code, to develop a request for proposals for a third-party provider to
 1746 develop and maintain the state electronic verification system in coordination with the
 1747 Division of Technology Services; and

1748 (c) select a third-party provider who:

1749 (i) meets the requirements contained in the request for proposals issued under
 1750 Subsection (1)(b); and

1751 (ii) may not have any commercial or ownership interest in a cannabis production
 1752 establishment or a medical cannabis pharmacy.

1753 (2) The [~~Department of Agriculture and Food, the~~]department, the Department of Public
 1754 Safety, and the Division of Technology Services shall ensure that the state electronic
 1755 verification system described in Subsection (1):

1756 (a) allows an individual to apply for a medical cannabis patient card or, if applicable, a
 1757 medical cannabis guardian card, provided that the card may not become active until:

1758 (i) the relevant recommending medical provider completes the associated medical
 1759 cannabis recommendation; or

1760 (ii) the medical cannabis pharmacy completes the recording described in Subsection
 1761 (2)(d);

1762 (b) allows an individual to apply to renew a medical cannabis patient card or a medical

- 1763 cannabis guardian card in accordance with Section 26B-4-213;
- 1764 (c) allows a recommending medical provider, or an employee described in Subsection (3)
- 1765 acting on behalf of the recommending medical provider, to:
- 1766 (i) access dispensing and card status information regarding a patient:
- 1767 (A) with whom the recommending medical provider has a provider-patient
- 1768 relationship; and
- 1769 (B) for whom the recommending medical provider has recommended or is
- 1770 considering recommending a medical cannabis card;
- 1771 (ii) electronically recommend treatment with medical cannabis and optionally
- 1772 recommend dosing guidelines;
- 1773 (iii) electronically renew a recommendation to a medical cannabis patient cardholder
- 1774 or medical cannabis guardian cardholder:
- 1775 (A) using telehealth services, for the recommending medical provider who
- 1776 originally recommended a medical cannabis treatment during a face-to-face
- 1777 visit with the patient; or
- 1778 (B) during a face-to-face visit with the patient, for a recommending medical
- 1779 provider who did not originally recommend the medical cannabis treatment
- 1780 during a face-to-face visit; and
- 1781 (iv) submit an initial application, renewal application, or application payment on
- 1782 behalf of an individual applying for any of the following:
- 1783 (A) a medical cannabis patient card;
- 1784 (B) a medical cannabis guardian card; or
- 1785 (C) a medical cannabis caregiver card;
- 1786 (d) allows a medical cannabis pharmacy medical provider or medical cannabis pharmacy
- 1787 agent, in accordance with Subsection 4-41a-1101(10)(a), to:
- 1788 (i) access the electronic verification system to review the history within the system of
- 1789 a patient with whom the provider or agent is interacting, limited to read-only
- 1790 access for medical cannabis pharmacy agents unless the medical cannabis
- 1791 pharmacy's pharmacist in charge authorizes add and edit access;
- 1792 (ii) record a patient's recommendation from a recommending medical provider,
- 1793 including any directions of use, dosing guidelines, or caregiver indications from
- 1794 the recommending medical provider;
- 1795 (iii) record a recommending medical provider's renewal of the provider's previous
- 1796 recommendation; and

- 1797 (iv) submit an initial application, renewal application, or application payment on
1798 behalf of an individual applying for any of the following:
1799 (A) a medical cannabis patient card;
1800 (B) a medical cannabis guardian card; or
1801 (C) a medical cannabis caregiver card;
- 1802 (e) connects with:
- 1803 (i) an inventory control system that a medical cannabis pharmacy uses to track in real
1804 time and archive purchases of any medical cannabis or a medical cannabis device,
1805 including:
1806 (A) the time and date of each purchase;
1807 (B) the quantity and type of medical cannabis or medical cannabis device
1808 purchased;
1809 (C) any cannabis production establishment, any medical cannabis pharmacy, or
1810 any medical cannabis courier associated with the medical cannabis or medical
1811 cannabis device; and
1812 (D) the personally identifiable information of the medical cannabis cardholder
1813 who made the purchase; and
- 1814 (ii) any commercially available inventory control system that a cannabis production
1815 establishment utilizes in accordance with Section 4-41a-103 to use data that the [
1816 ~~Department of Agriculture and Food~~] department requires by rule, in accordance
1817 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, from the
1818 inventory tracking system that a licensee uses to track and confirm compliance;
- 1819 (f) provides access to:
- 1820 (i) the department to the extent necessary to carry out the department's functions and
1821 responsibilities under this part;
- 1822 (ii) the [~~Department of Agriculture and Food~~] department to the extent necessary to
1823 carry out the functions and responsibilities of the [~~Department of Agriculture and
1824 Food~~] department under Title 4, Chapter 41a, Cannabis Production Establishments
1825 and Pharmacies; and
- 1826 (iii) the Division of Professional Licensing to the extent necessary to carry out the
1827 functions and responsibilities related to the participation of the following in the
1828 recommendation and dispensing of medical cannabis:
1829 (A) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing
1830 Act;

- 1831 (B) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
 1832 (C) an advanced practice registered nurse licensed under Title 58, Chapter 31b,
 1833 Nurse Practice Act;
 1834 (D) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
 1835 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
 1836 (E) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
 1837 Assistant Act;
- 1838 (g) communicates dispensing information from a record that a medical cannabis
 1839 pharmacy submits to the state electronic verification system under Subsection
 1840 4-41a-1102(3)(a)(ii) to the controlled substance database;
- 1841 (h) provides access to state or local law enforcement only to verify the validity of an
 1842 individual's medical cannabis card for the administration of criminal justice and
 1843 through a database used by law enforcement; and
- 1844 (i) creates a record each time a person accesses the system that identifies the person who
 1845 accesses the system and the individual whose records the person accesses.
- 1846 (3)(a) An employee of a recommending medical provider may access the electronic
 1847 verification system for a purpose described in Subsection (2)(c) on behalf of the
 1848 recommending medical provider if:
- 1849 (i) the recommending medical provider has designated the employee as an individual
 1850 authorized to access the electronic verification system on behalf of the
 1851 recommending medical provider;
- 1852 (ii) the recommending medical provider provides written notice to the department of
 1853 the employee's identity and the designation described in Subsection (3)(a)(i); and
- 1854 (iii) the department grants to the employee access to the electronic verification
 1855 system.
- 1856 (b) An employee of a business that employs a recommending medical provider may
 1857 access the electronic verification system for a purpose described in Subsection (2)(c)
 1858 on behalf of the recommending medical provider if:
- 1859 (i) the recommending medical provider has designated the employee as an individual
 1860 authorized to access the electronic verification system on behalf of the
 1861 recommending medical provider;
- 1862 (ii) the recommending medical provider and the employing business jointly provide
 1863 written notice to the department of the employee's identity and the designation
 1864 described in Subsection (3)(b)(i); and

- 1865 (iii) the department grants to the employee access to the electronic verification
1866 system.
- 1867 (c) Every two years, an employee described in Subsections (3)(a) and (3)(b) shall
1868 complete at least one hour of education regarding health information privacy laws
1869 that is offered by the department or an accredited or approved education provider that
1870 the department recognizes before the department may grant the employee access to
1871 the electronic verification system.
- 1872 (4)(a) As used in this Subsection (4), "prescribing provider" means:
- 1873 (i) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
1874 (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
1875 Practice Act;
1876 (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
1877 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
1878 (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
1879 Assistant Act.
- 1880 (b) A prescribing provider may access information in the electronic verification system
1881 regarding a patient the prescribing provider treats.
- 1882 (5) The department may release limited data that the system collects for the purpose of:
- 1883 (a) conducting medical and other department approved research;
1884 (b) providing the report required by Section 26B-4-222; and
1885 (c) other official department purposes.
- 1886 (6) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
1887 Administrative Rulemaking Act, to establish:
- 1888 (a) the limitations on access to the data in the state electronic verification system as
1889 described in this section; and
1890 (b) standards and procedures to ensure accurate identification of an individual requesting
1891 information or receiving information in this section.
- 1892 (7) Any person who negligently or recklessly releases any information in the state
1893 electronic verification system in violation of this section is guilty of a class C
1894 misdemeanor.
- 1895 (8) Any person who obtains or attempts to obtain information from the state electronic
1896 verification system by misrepresentation or fraud is guilty of a third degree felony.
- 1897 (9)(a) Except as provided in Subsections (9)(c) and (9)(e), a person may not knowingly
1898 and intentionally use, release, publish, or otherwise make available to any other

- 1899 person information obtained from the state electronic verification system for any
 1900 purpose other than a purpose specified in this section.
- 1901 (b) Each separate violation of this Subsection (9) is:
- 1902 (i) a third degree felony; and
- 1903 (ii) subject to a civil penalty not to exceed \$5,000.
- 1904 (c) A law enforcement officer who uses the database used by law enforcement to access
 1905 information in the electronic verification system for a reason that is not the
 1906 administration of criminal justice is guilty of a class B misdemeanor.
- 1907 (d) The department shall determine a civil violation of this Subsection (9) in accordance
 1908 with Title 63G, Chapter 4, Administrative Procedures Act.
- 1909 (e) Civil penalties assessed under this Subsection (9) shall be deposited into the General
 1910 Fund.
- 1911 (f) This Subsection (9) does not prohibit a person who obtains information from the state
 1912 electronic verification system under Subsection (2)(a), (c), or (f) from:
- 1913 (i) including the information in the person's medical chart or file for access by a
 1914 person authorized to review the medical chart or file;
- 1915 (ii) providing the information to a person in accordance with the requirements of the
 1916 Health Insurance Portability and Accountability Act of 1996; or
- 1917 (iii) discussing or sharing that information about the patient with the patient.

1918 Section 20. Section **26B-4-203** is amended to read:

1919 **26B-4-203 . Qualifying condition.**

- 1920 (1) By designating a particular condition under Subsection (2) for which the use of medical
 1921 cannabis to treat symptoms is decriminalized, the Legislature does not conclusively state
 1922 that:
- 1923 (a) current scientific evidence clearly supports the efficacy of a medical cannabis
 1924 treatment for the condition; or
- 1925 (b) a medical cannabis treatment will treat, cure, or positively affect the condition.
- 1926 (2) For the purposes of this part, each of the following conditions is a qualifying condition:
- 1927 (a) HIV or acquired immune deficiency syndrome;
- 1928 (b) Alzheimer's disease;
- 1929 (c) amyotrophic lateral sclerosis;
- 1930 (d) cancer;
- 1931 (e) cachexia;
- 1932 (f) persistent nausea that is not significantly responsive to traditional treatment, except

- 1933 for nausea related to:
- 1934 (i) pregnancy;
- 1935 (ii) cannabis-induced cyclical vomiting syndrome; or
- 1936 (iii) cannabinoid hyperemesis syndrome;
- 1937 (g) Crohn's disease or ulcerative colitis;
- 1938 (h) epilepsy or debilitating seizures;
- 1939 (i) multiple sclerosis or persistent and debilitating muscle spasms;
- 1940 (j) post-traumatic stress disorder that is being treated and monitored by a licensed mental
- 1941 health therapist, as that term is defined in Section 58-60-102, and that:
- 1942 (i) has been diagnosed by a healthcare provider or mental health provider employed
- 1943 or contracted by the United States Veterans Administration, evidenced by copies
- 1944 of medical records from the United States Veterans Administration that are
- 1945 included as part of the recommending medical provider's pre-treatment assessment
- 1946 and medical record documentation; or
- 1947 (ii) has been diagnosed or confirmed, through face-to-face or telehealth evaluation of
- 1948 the patient, by a provider who is:
- 1949 (A) a licensed board-eligible or board-certified psychiatrist;
- 1950 (B) a licensed psychologist with a master's-level degree;
- 1951 (C) a licensed clinical social worker with a master's-level degree;
- 1952 (D) a licensed advanced practice registered nurse who is qualified to practice
- 1953 within the psychiatric mental health nursing specialty and who has completed
- 1954 the clinical practice requirements in psychiatric mental health nursing,
- 1955 including in psychotherapy, in accordance with Subsection 58-31b-302(5)(g);
- 1956 or
- 1957 (E) a licensed physician assistant who is qualified to specialize in mental health
- 1958 care under Section 58-70a-501.1;
- 1959 (k) autism;
- 1960 (l) a terminal illness when the patient's remaining life expectancy is less than six months;
- 1961 (m) a condition resulting in the individual receiving hospice care;
- 1962 (n) a rare condition or disease that:
- 1963 (i) affects less than 200,000 individuals in the United States, as defined in Section
- 1964 526 of the Federal Food, Drug, and Cosmetic Act; and
- 1965 (ii) is not adequately managed despite treatment attempts using:
- 1966 (A) conventional medications other than opioids or opiates; or

- 1967 (B) physical interventions;
- 1968 (o) pain lasting longer than two weeks that is not adequately managed, in the
- 1969 recommending medical provider's opinion, despite treatment attempts using:
- 1970 (i) conventional medications other than opioids or opiates; or
- 1971 (ii) physical interventions;
- 1972 (p) pain that is expected to last for two weeks or longer for an acute condition, including
- 1973 a surgical procedure, for which a medical professional may generally prescribe
- 1974 opioids for a limited duration, subject to Subsection 26B-4-213(5)(c); and
- 1975 (q) a condition that the Compassionate Use Board approves under Section [~~26B-1-421~~]
- 1976 4-41a-112, on an individual, case-by-case basis.

1977 Section 21. Section **26B-4-213** is amended to read:

1978 **26B-4-213 . Medical cannabis patient card -- Medical cannabis guardian card --**

1979 **Conditional medical cannabis card -- Application -- Fees -- Studies.**

- 1980 (1)(a) Subject to Section 26B-4-246, within 15 days after the day on which an individual
- 1981 who satisfies the eligibility criteria in this section or Section 26B-4-214 submits an
- 1982 application in accordance with this section or Section 26B-4-214, the department
- 1983 shall:
- 1984 (i) issue a medical cannabis patient card to an individual described in Subsection
- 1985 (2)(a);
- 1986 (ii) issue a medical cannabis guardian card to an individual described in Subsection
- 1987 (2)(b);
- 1988 (iii) issue a provisional patient card to a minor described in Subsection (2)(c); and
- 1989 (iv) issue a medical cannabis caregiver card to an individual described in Subsection
- 1990 26B-4-214(4).
- 1991 (b)(i) Upon the entry of a recommending medical provider's medical cannabis
- 1992 recommendation for a patient in the state electronic verification system, either by
- 1993 the provider or the provider's employee or by a medical cannabis pharmacy
- 1994 medical provider or medical cannabis pharmacy in accordance with Subsection
- 1995 4-41a-1101(10)(a), the department shall issue to the patient an electronic
- 1996 conditional medical cannabis card, in accordance with this Subsection (1)(b).
- 1997 (ii) A conditional medical cannabis card is valid for the lesser of:
- 1998 (A) 60 days; or
- 1999 (B) the day on which the department completes the department's review and issues
- 2000 a medical cannabis card under Subsection (1)(a), denies the patient's medical

2001 cannabis card application, or revokes the conditional medical cannabis card
2002 under Subsection (8).

2003 (iii) The department may issue a conditional medical cannabis card to an individual
2004 applying for a medical cannabis patient card for which approval of the
2005 Compassionate Use Board is not required.

2006 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and
2007 obligations under law applicable to a holder of the medical cannabis card for
2008 which the individual applies and for which the department issues the conditional
2009 medical cannabis card.

2010 (2)(a) An individual is eligible for a medical cannabis patient card if:

2011 (i)(A) the individual is at least 21 years old; or

2012 (B) the individual is 18, 19, or 20 years old, the individual petitions the
2013 Compassionate Use Board under Section [~~26B-1-421~~] 4-41a-112, and the
2014 Compassionate Use Board recommends department approval of the petition;

2015 (ii) the individual is a Utah resident;

2016 (iii) the individual's recommending medical provider recommends treatment with
2017 medical cannabis in accordance with Subsection (4);

2018 (iv) the individual signs an acknowledgment stating that the individual received the
2019 information described in Subsection (9); and

2020 (v) the individual pays to the department a fee in an amount that, subject to
2021 Subsection [~~26B-1-310(5)~~] 4-41a-104.1(5), the department sets in accordance with
2022 Section 63J-1-504.

2023 (b)(i) An individual is eligible for a medical cannabis guardian card if the individual:

2024 (A) is at least 18 years old;

2025 (B) is a Utah resident;

2026 (C) is the parent or legal guardian of a minor for whom the minor's recommending
2027 medical provider recommends a medical cannabis treatment, the individual
2028 petitions the Compassionate Use Board under Section [~~26B-1-421~~] 4-41a-112,
2029 and the Compassionate Use Board recommends department approval of the
2030 petition;

2031 (D) the individual signs an acknowledgment stating that the individual received
2032 the information described in Subsection (9); and

2033 (E) pays to the department a fee in an amount that, subject to Subsection [

2034 ~~26B-1-310(5)~~] 4-41a-104.1(5), the department sets in accordance with Section

2035 63J-1-504, plus the cost of the criminal background check described in Section
2036 26B-4-215.

2037 (ii) The department shall notify the Department of Public Safety of each individual
2038 that the department registers for a medical cannabis guardian card.

2039 (c)(i) A minor is eligible for a provisional patient card if:

2040 (A) the minor has a qualifying condition;

2041 (B) the minor's recommending medical provider recommends a medical cannabis
2042 treatment to address the minor's qualifying condition;

2043 (C) one of the minor's parents or legal guardians petitions the Compassionate Use
2044 Board under Section [~~26B-1-421~~] 4-41a-112, and the Compassionate Use Board
2045 recommends department approval of the petition; and

2046 (D) the minor's parent or legal guardian is eligible for a medical cannabis guardian
2047 card under Subsection (2)(b) or designates a caregiver under Subsection (2)(d)
2048 who is eligible for a medical cannabis caregiver card under Section 26B-4-214.

2049 (ii) The department shall automatically issue a provisional patient card to the minor
2050 described in Subsection (2)(c)(i) at the same time the department issues a medical
2051 cannabis guardian card to the minor's parent or legal guardian.

2052 (d) If the parent or legal guardian of a minor described in Subsections (2)(c)(i)(A)
2053 through (C) does not qualify for a medical cannabis guardian card under Subsection
2054 (2)(b), the parent or legal guardian may designate up to two caregivers in accordance
2055 with Subsection 26B-4-214(1)(c) to ensure that the minor has adequate and safe
2056 access to the recommended medical cannabis treatment.

2057 (3)(a) An individual who is eligible for a medical cannabis card described in Subsection
2058 (2)(a) or (b) shall submit an application for a medical cannabis card to the department:

2059 (i) through an electronic application connected to the state electronic verification
2060 system;

2061 (ii) with the recommending medical provider; and

2062 (iii) with information including:

2063 (A) the applicant's name, gender, age, and address;

2064 (B) the number of the applicant's government issued photo identification;

2065 (C) for a medical cannabis guardian card, the name, gender, and age of the minor
2066 receiving a medical cannabis treatment under the cardholder's medical cannabis
2067 guardian card; and

2068 (D) for a provisional patient card, the name of the minor's parent or legal guardian

2069 who holds the associated medical cannabis guardian card.

2070 (b)(i) If a recommending medical provider determines that, because of age, illness, or
2071 disability, a medical cannabis patient cardholder requires assistance in
2072 administering the medical cannabis treatment that the recommending medical
2073 provider recommends, the recommending medical provider may indicate the
2074 cardholder's need in the state electronic verification system, either directly or
2075 through the order described in Subsections 26B-4-204(1)(b) and (c).

2076 (ii) If a recommending medical provider makes the indication described in
2077 Subsection (3)(b)(i):

2078 (A) the department shall add a label to the relevant medical cannabis patient card
2079 indicating the cardholder's need for assistance;

2080 (B) any adult who is 18 years old or older and who is physically present with the
2081 cardholder at the time the cardholder needs to use the recommended medical
2082 cannabis treatment may handle the medical cannabis treatment and any
2083 associated medical cannabis device as needed to assist the cardholder in
2084 administering the recommended medical cannabis treatment; and

2085 (C) an individual of any age who is physically present with the cardholder in the
2086 event of an emergency medical condition, as that term is defined in Section
2087 31A-1-301, may handle the medical cannabis treatment and any associated
2088 medical cannabis device as needed to assist the cardholder in administering the
2089 recommended medical cannabis treatment.

2090 (iii) A non-cardholding individual acting under Subsection (3)(b)(ii)(B) or (C) may
2091 not:

2092 (A) ingest or inhale medical cannabis;

2093 (B) possess, transport, or handle medical cannabis or a medical cannabis device
2094 outside of the immediate area where the cardholder is present or with an intent
2095 other than to provide assistance to the cardholder; or

2096 (C) possess, transport, or handle medical cannabis or a medical cannabis device
2097 when the cardholder is not in the process of being dosed with medical cannabis.

2098 (4)(a) Except as provided in Subsection (4)(b), a recommending medical provider may
2099 not recommend medical cannabis to a patient through a virtual visit.

2100 (b) A recommending medical provider may recommend medical cannabis to a patient
2101 through a virtual visit if the patient:

2102 (i) is on hospice or has a terminal illness according to the patient's medical provider;

- 2103 (ii) is a resident of an assisted living facility, as defined in Section 26B-2-201, or a
 2104 nursing care facility, as defined in Section 26B-2-201;
- 2105 (iii) has previously received a medical cannabis recommendation from the
 2106 recommending medical provider through a face-to-face visit; or
- 2107 (iv) is a current patient of the recommending medical provider and has met with the
 2108 recommending medical provider face-to-face previously.
- 2109 (c) A recommending medical provider shall:
- 2110 (i) before recommending or renewing a recommendation for medical cannabis in a
 2111 medicinal dosage form or a cannabis product in a medicinal dosage form:
- 2112 (A) verify the patient's and, for a minor patient, the minor patient's parent or legal
 2113 guardian's government issued photo identification described in Subsection
 2114 (3)(a);
- 2115 (B) review any record related to the patient and, for a minor patient, the patient's
 2116 parent or legal guardian accessible to the recommending medical provider
 2117 including in the controlled substance database created in Section 58-37f-201;
 2118 and
- 2119 (C) consider the recommendation in light of the patient's qualifying condition,
 2120 history of substance use or opioid use disorder, and history of medical cannabis
 2121 and controlled substance use during a visit with the patient; and
- 2122 (ii) state in the recommending medical provider's recommendation that the patient:
- 2123 (A) suffers from a qualifying condition, including the type of qualifying condition;
 2124 and
- 2125 (B) may benefit from treatment with cannabis in a medicinal dosage form or a
 2126 cannabis product in a medicinal dosage form.
- 2127 (5)(a) Except as provided in Subsection (5)(b) or (c), a medical cannabis card that the
 2128 department issues under this section is valid for the lesser of:
- 2129 (i) an amount of time that the recommending medical provider determines; or
 2130 (ii) one year from the day the card is issued.
- 2131 (b)(i) A medical cannabis card that the department issues in relation to a terminal
 2132 illness described in Section 26B-4-203 expires after one year.
- 2133 (ii) The recommending medical provider may revoke a recommendation that the
 2134 provider made in relation to a terminal illness described in Section 26B-4-203 if
 2135 the medical cannabis cardholder no longer has the terminal illness.
- 2136 (c) A medical cannabis card that the department issues in relation to acute pain as

- 2137 described in Section 26B-4-203 expires 30 days after the day on which the
2138 department first issues a conditional or full medical cannabis card.
- 2139 (6)(a) A medical cannabis patient card or a medical cannabis guardian card is renewable
2140 if:
- 2141 (i) at the time of renewal, the cardholder meets the requirements of Subsection (2)(a)
2142 or (b); or
 - 2143 (ii) the cardholder received the medical cannabis card through the recommendation of
2144 the Compassionate Use Board under Section [~~26B-1-421~~] 4-41a-112.
- 2145 (b) The recommending medical provider who made the underlying recommendation for
2146 the card of a cardholder described in Subsection (6)(a) may renew the cardholder's
2147 card through phone or video conference with the cardholder, at the recommending
2148 medical provider's discretion.
- 2149 (c) Before having access to a renewed card, a cardholder under Subsection (2)(a) or (b)
2150 shall pay to the department a renewal fee in an amount that:
- 2151 (i) subject to Subsection [~~26B-1-310(5)~~] 4-41a-104.1(5), the department sets in
2152 accordance with Section 63J-1-504; and
 - 2153 (ii) may not exceed the cost of the relatively lower administrative burden of renewal
2154 in comparison to the original application process.
- 2155 (d) If a minor meets the requirements of Subsection (2)(c), the minor's provisional
2156 patient card renews automatically at the time the minor's parent or legal guardian
2157 renews the parent or legal guardian's associated medical cannabis guardian card.
- 2158 (7)(a) A cardholder under this section shall carry the cardholder's valid medical cannabis
2159 card with the patient's name.
- 2160 (b)(i) A medical cannabis patient cardholder or a provisional patient cardholder may
2161 purchase, in accordance with this part and the recommendation underlying the
2162 card, cannabis in a medicinal dosage form, a cannabis product in a medicinal
2163 dosage form, or a medical cannabis device.
- 2164 (ii) A cardholder under this section may possess or transport, in accordance with this
2165 part and the recommendation underlying the card, cannabis in a medicinal dosage
2166 form, a cannabis product in a medicinal dosage form, or a medical cannabis
2167 device.
 - 2168 (iii) To address the qualifying condition underlying the medical cannabis treatment
2169 recommendation:
 - 2170 (A) a medical cannabis patient cardholder or a provisional patient cardholder may

2171 use medical cannabis or a medical cannabis device; and
2172 (B) a medical cannabis guardian cardholder may assist the associated provisional
2173 patient cardholder with the use of medical cannabis or a medical cannabis
2174 device.

2175 (8)(a) The department may revoke a medical cannabis card that the department issues
2176 under this section if:

2177 (i) the recommending medical provider withdraws the medical provider's
2178 recommendation for medical cannabis; or

2179 (ii) the cardholder:

2180 (A) violates this part; or

2181 (B) is convicted under state or federal law of, after March 17, 2021, a drug
2182 distribution offense.

2183 (b) The department may not refuse to issue a medical cannabis card to a patient solely
2184 based on a prior revocation under Subsection (8)(a)(i).

2185 (9) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah
2186 Administrative Rulemaking Act, a process to provide information regarding the
2187 following to an individual receiving a medical cannabis card:

2188 (a) risks associated with medical cannabis treatment;

2189 (b) the fact that a condition's listing as a qualifying condition does not suggest that
2190 medical cannabis treatment is an effective treatment or cure for that condition, as
2191 described in Subsection 26B-4-203(1); and

2192 (c) other relevant warnings and safety information that the department determines.

2193 (10) The department may establish procedures by rule, in accordance with Title 63G,
2194 Chapter 3, Utah Administrative Rulemaking Act, to implement the application and
2195 issuance provisions of this section.

2196 (11)(a) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
2197 Utah Administrative Rulemaking Act, a process to allow an individual from another
2198 state to register with the department in order to purchase medical cannabis or a
2199 medical cannabis device from a medical cannabis pharmacy while the individual is
2200 visiting the state.

2201 (b) The department may only provide the registration process described in Subsection
2202 (11)(a):

2203 (i) to a nonresident patient; and

2204 (ii) for no more than two visitation periods per calendar year of up to 21 calendar

- 2205 days per visitation period.
- 2206 (12)(a) A person may submit to the department a request to conduct a research study
2207 using medical cannabis cardholder data that the state electronic verification system
2208 contains.
- 2209 (b) The department shall review a request described in Subsection (12)(a) to determine
2210 whether an institutional review board, as that term is defined in Section 26B-4-201,
2211 could approve the research study.
- 2212 (c) At the time an individual applies for a medical cannabis card, the department shall
2213 notify the individual:
- 2214 (i) of how the individual's information will be used as a cardholder;
- 2215 (ii) that by applying for a medical cannabis card, unless the individual withdraws
2216 consent under Subsection (12)(d), the individual consents to the use of the
2217 individual's information for external research; and
- 2218 (iii) that the individual may withdraw consent for the use of the individual's
2219 information for external research at any time, including at the time of application.
- 2220 (d) An applicant may, through the medical cannabis card application, and a medical
2221 cannabis cardholder may, through the state central patient portal, withdraw the
2222 applicant's or cardholder's consent to participate in external research at any time.
- 2223 (e) The department may release, for the purposes of a study described in this Subsection
2224 (12), information about a cardholder under this section who consents to participate
2225 under Subsection (12)(c).
- 2226 (f) If an individual withdraws consent under Subsection (12)(d), the withdrawal of
2227 consent:
- 2228 (i) applies to external research that is initiated after the withdrawal of consent; and
2229 (ii) does not apply to research that was initiated before the withdrawal of consent.
- 2230 (g) The department may establish standards for a medical research study's validity, by
2231 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
2232 Act.
- 2233 (13) The department shall record the issuance or revocation of a medical cannabis card
2234 under this section in the controlled substance database.
- 2235 Section 22. Section **26B-4-214** is amended to read:
- 2236 **26B-4-214 . Medical cannabis caregiver card -- Registration -- Renewal --**
2237 **Revocation.**
- 2238 (1)(a) A cardholder described in Section 26B-4-213 may designate up to two

- 2239 individuals, or an individual and a facility in accordance with Subsection (1)(b), to
2240 serve as a designated caregiver for the cardholder.
- 2241 (b)(i) A cardholder described in Section 26B-4-213 may designate one of the
2242 following types of facilities as one of the caregivers described in Subsection (1)(a):
- 2243 (A) for a patient or resident, an assisted living facility, as that term is defined in
2244 Section 26B-2-201;
 - 2245 (B) for a patient or resident, a nursing care facility, as that term is defined in
2246 Section 26B-2-201; or
 - 2247 (C) for a patient, a general acute hospital, as that term is defined in Section
2248 26B-2-201.
- 2249 (ii) A facility may:
- 2250 (A) assign one or more employees to assist patients with medical cannabis
2251 treatment under the caregiver designation described in this Subsection (1)(b);
2252 and
 - 2253 (B) receive a medical cannabis shipment from a medical cannabis pharmacy or a
2254 medical cannabis courier on behalf of the medical cannabis cardholder within
2255 the facility who designated the facility as a caregiver.
- 2256 (iii) The department shall make rules to regulate the practice of facilities and facility
2257 employees serving as designated caregivers under this Subsection (1)(b).
- 2258 (c) A parent or legal guardian described in Subsection 26B-4-213(2)(d), in consultation
2259 with the minor and the minor's recommending medical provider, may designate up to
2260 two individuals to serve as a designated caregiver for the minor, if the department
2261 determines that the parent or legal guardian is not eligible for a medical cannabis
2262 guardian card under Section 26B-4-213.
- 2263 (d)(i) Upon the entry of a caregiver designation under Subsection (1)(c) by a patient
2264 with a terminal illness described in Section 26B-4-203, the department shall issue
2265 to the designated caregiver an electronic conditional medical cannabis caregiver
2266 card, in accordance with this Subsection (1)(d).
- 2267 (ii) A conditional medical cannabis caregiver card is valid for the lesser of:
- 2268 (A) 60 days; or
 - 2269 (B) the day on which the department completes the department's review and issues
2270 a medical cannabis caregiver card under Subsection (1)(a), denies the patient's
2271 medical cannabis caregiver card application, or revokes the conditional
2272 medical cannabis caregiver card under Section 26B-4-246.

- 2273 (iii) The department may issue a conditional medical cannabis card to an individual
2274 applying for a medical cannabis patient card for which approval of the
2275 Compassionate Use Board is not required.
- 2276 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and
2277 obligations under law applicable to a holder of the medical cannabis card for
2278 which the individual applies and for which the department issues the conditional
2279 medical cannabis card.
- 2280 (2) An individual that the department registers as a designated caregiver under this section
2281 and a facility described in Subsection (1)(b):
- 2282 (a) for an individual designated caregiver, may carry a valid medical cannabis caregiver
2283 card;
- 2284 (b) in accordance with this part, may purchase, possess, transport, or assist the patient in
2285 the use of medical cannabis or a medical cannabis device on behalf of the designating
2286 medical cannabis cardholder;
- 2287 (c) may not charge a fee to an individual to act as the individual's designated caregiver
2288 or for a service that the designated caregiver provides in relation to the role as a
2289 designated caregiver; and
- 2290 (d) may accept reimbursement from the designating medical cannabis cardholder for
2291 direct costs the designated caregiver incurs for assisting with the designating
2292 cardholder's medicinal use of cannabis.
- 2293 (3)(a) The department shall:
- 2294 (i) within 15 days after the day on which an individual submits an application in
2295 compliance with this section, issue a medical cannabis card to the applicant if the
2296 applicant:
- 2297 (A) is designated as a caregiver under Subsection (1);
2298 (B) is eligible for a medical cannabis caregiver card under Subsection (4); and
2299 (C) complies with this section; and
- 2300 (ii) notify the Department of Public Safety of each individual that the department
2301 registers as a designated caregiver.
- 2302 (b) The department shall ensure that a medical cannabis caregiver card contains the
2303 information described in Subsections (5)(b) and (3)(c)(i).
- 2304 (c) If a cardholder described in Section 26B-4-213 designates an individual as a
2305 caregiver who already holds a medical cannabis caregiver card, the individual with
2306 the medical cannabis caregiver card:

- 2307 (i) shall report to the department the information required of applicants under
2308 Subsection (5)(b) regarding the new designation;
- 2309 (ii) if the individual makes the report described in Subsection (3)(c)(i), is not required
2310 to file an application for another medical cannabis caregiver card;
- 2311 (iii) may receive an additional medical cannabis caregiver card in relation to each
2312 additional medical cannabis patient who designates the caregiver; and
- 2313 (iv) is not subject to an additional background check.
- 2314 (4) An individual is eligible for a medical cannabis caregiver card if the individual:
- 2315 (a) is at least 21 years old;
- 2316 (b) is a Utah resident;
- 2317 (c) pays to the department a fee in an amount that, subject to Subsection [26B-1-310(5)]
2318 4-41a-104.1(5), the department sets in accordance with Section 63J-1-504, plus the
2319 cost of the criminal background check described in Section 26B-4-215; and
- 2320 (d) signs an acknowledgment stating that the applicant received the information
2321 described in Subsection 26B-4-213(9).
- 2322 (5) An eligible applicant for a medical cannabis caregiver card shall:
- 2323 (a) submit an application for a medical cannabis caregiver card to the department
2324 through an electronic application connected to the state electronic verification
2325 system; and
- 2326 (b) submit the following information in the application described in Subsection (5)(a):
- 2327 (i) the applicant's name, gender, age, and address;
- 2328 (ii) the name, gender, age, and address of the cardholder described in Section
2329 26B-4-213 who designated the applicant;
- 2330 (iii) if a medical cannabis guardian cardholder designated the caregiver, the name,
2331 gender, and age of the minor receiving a medical cannabis treatment in relation to
2332 the medical cannabis guardian cardholder; and
- 2333 (iv) any additional information that the department requests to assist in matching the
2334 application with the designating medical cannabis patient.
- 2335 (6) Except as provided in Subsection (6)(b), a medical cannabis caregiver card that the
2336 department issues under this section is valid for the lesser of:
- 2337 (a) an amount of time that the cardholder described in Section 26B-4-213 who
2338 designated the caregiver determines; or
- 2339 (b) the amount of time remaining before the card of the cardholder described in Section
2340 26B-4-213 expires.

- 2341 (7)(a) If a designated caregiver meets the requirements of Subsection (4), the designated
2342 caregiver's medical cannabis caregiver card renews automatically at the time the
2343 cardholder described in Section 26B-4-213 who designated the caregiver:
- 2344 (i) renews the cardholder's card; and
 - 2345 (ii) renews the caregiver's designation, in accordance with Subsection (7)(b).
- 2346 (b) The department shall provide a method in the card renewal process to allow a
2347 cardholder described in Section 26B-4-213 who has designated a caregiver to:
- 2348 (i) signify that the cardholder renews the caregiver's designation;
 - 2349 (ii) remove a caregiver's designation; or
 - 2350 (iii) designate a new caregiver.
- 2351 (8) The department shall record the issuance or revocation of a medical cannabis card under
2352 this section in the controlled substance database.
- 2353 Section 23. Section **26B-4-219** is amended to read:
- 2354 **26B-4-219 . Pharmacy medical providers -- Registration -- Continuing education.**
- 2355 (1)(a) A medical cannabis pharmacy:
- 2356 (i) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy
2357 Practice Act, as a pharmacy medical provider;
 - 2358 (ii) may employ a physician who has the authority to write a prescription and is
2359 licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,
2360 Chapter 68, Utah Osteopathic Medical Practice Act, as a pharmacy medical
2361 provider;
 - 2362 (iii) shall ensure that a pharmacy medical provider described in Subsection (1)(a)(i)
2363 works onsite during all business hours; and
 - 2364 (iv) shall designate one pharmacy medical provider described in Subsection (1)(a)(i)
2365 as the pharmacist-in-charge to oversee the operation of and generally supervise
2366 the medical cannabis pharmacy.
- 2367 (b) The pharmacist-in-charge shall determine which cannabis and cannabis products the
2368 medical cannabis pharmacy maintains in the medical cannabis pharmacy's inventory.
- 2369 (c) An individual may not serve as a pharmacy medical provider unless the department
2370 registers the individual as a pharmacy medical provider in accordance with
2371 Subsection (2).
- 2372 (2)(a) The department shall, within 15 days after the day on which the department
2373 receives an application from a medical cannabis pharmacy on behalf of a prospective
2374 pharmacy medical provider, register and issue a pharmacy medical provider

- 2375 registration card to the prospective pharmacy medical provider if the medical
2376 cannabis pharmacy:
- 2377 (i) provides to the department:
- 2378 (A) the prospective pharmacy medical provider's name and address;
- 2379 (B) the name and location of the licensed medical cannabis pharmacy where the
2380 prospective pharmacy medical provider seeks to act as a pharmacy medical
2381 provider;
- 2382 (C) an acknowledgment that the individual has completed four hours of
2383 continuing education related to medical cannabis; and
- 2384 (D) evidence that the prospective pharmacy medical provider is a pharmacist who
2385 is licensed under Title 58, Chapter 17b, Pharmacy Practice Act, or a physician
2386 who has the authority to write a prescription and is licensed under Title 58,
2387 Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
2388 Osteopathic Medical Practice Act; and
- 2389 (ii) pays a fee to the department in an amount that, subject to Subsection [
2390 ~~26B-1-310(5)~~] 4-41a-104.1(5), the department sets in accordance with Section
2391 63J-1-504.
- 2392 (b) The department may not register a recommending medical provider as a pharmacy
2393 medical provider.
- 2394 (3)(a) A pharmacy medical provider shall complete the continuing education described
2395 in this Subsection (3) in the following amounts:
- 2396 (i) as a condition precedent to registration, four hours; and
- 2397 (ii) as a condition precedent to renewal of the registration, four hours every two years.
- 2398 (b) The department may, in consultation with the Division of Professional Licensing,
2399 develop the continuing education described in this Subsection (3).
- 2400 (c) The continuing education described in this Subsection (3) may discuss:
- 2401 (i) the provisions of this part;
- 2402 (ii) general information about medical cannabis under federal and state law;
- 2403 (iii) the latest scientific research on the endocannabinoid system and medical
2404 cannabis, including risks and benefits;
- 2405 (iv) recommendations for medical cannabis as it relates to the continuing care of a
2406 patient in pain management, risk management, potential addiction, and palliative
2407 care; or
- 2408 (v) best practices for recommending the form and dosage of medical cannabis based

- 2409 on the qualifying condition underlying a medical cannabis recommendation.
- 2410 (4)(a) A pharmacy medical provider registration card expires two years after the day on
- 2411 which the department issues or renews the card.
- 2412 (b) A pharmacy medical provider may renew the provider's registration card if the
- 2413 provider:
- 2414 (i) is eligible for a pharmacy medical provider registration card under this section;
- 2415 (ii) certifies to the department in a renewal application that the information in
- 2416 Subsection (2)(a) is accurate or updates the information;
- 2417 (iii) submits a report detailing the completion of the continuing education
- 2418 requirement described in Subsection (3); and
- 2419 (iv) pays to the department a renewal fee in an amount that:
- 2420 (A) subject to Subsection [~~26B-1-310(5)~~] 4-41a-104.1(5), the department sets in
- 2421 accordance with Section 63J-1-504; and
- 2422 (B) may not exceed the cost of the relatively lower administrative burden of
- 2423 renewal in comparison to the original application process.
- 2424 (5)(a) Except as provided in Subsection (5)(b), a person may not advertise that the
- 2425 person or another person dispenses medical cannabis.
- 2426 (b) Notwithstanding Subsection (5)(a) and Section 4-41a-109, a registered pharmacy
- 2427 medical provider may advertise the following:
- 2428 (i) a green cross;
- 2429 (ii) that the person is registered as a pharmacy medical provider and dispenses
- 2430 medical cannabis; or
- 2431 (iii) a scientific study regarding medical cannabis use.
- 2432 (6)(a) The department may revoke a pharmacy medical provider's registration for a
- 2433 violation of this chapter.
- 2434 (b) The department may inspect patient records held by a medical cannabis pharmacy to
- 2435 ensure a pharmacy medical provider is practicing in accordance with this chapter and
- 2436 applicable rules.
- 2437 Section 24. Section **26B-4-222** is amended to read:
- 2438 **26B-4-222 . Report.**
- 2439 (1) By the November interim meeting each year, the department shall report to the Health
- 2440 and Human Services Interim Committee on:
- 2441 (a) the number of applications and renewal applications filed for medical cannabis cards;
- 2442 (b) the number of qualifying patients and designated caregivers;

- 2443 (c) the nature of the debilitating medical conditions of the qualifying patients;
 2444 (d) the age and county of residence of cardholders;
 2445 (e) the number of medical cannabis cards revoked;
 2446 (f) the number of practitioners providing recommendations for qualifying patients; and
 2447 (g) the expenses and revenues of the Qualified Patient Enterprise Fund created in
 2448 Section ~~[26B-1-310]~~ 4-41a-104.1.

2449 (2) The report shall include information provided by the Center for Medical Cannabis
 2450 Research described in Section 53H-4-206.

2451 (3) The department may not include personally identifying information in the report
 2452 described in this section.

2453 (4) The department shall report to the working group described in Section 36-12-8.2 as
 2454 requested by the working group.

2455 Section 25. Section **26B-4-245** is amended to read:

2456 **26B-4-245 . Purchasing and use limitations.**

2457 (1) An individual with a medical cannabis card:

2458 (a) may purchase, in any one 28-day period, up to the legal dosage limit of:

2459 (i) unprocessed cannabis in a medicinal dosage form; and

2460 (ii) a cannabis product in a medicinal dosage form;

2461 (b) may not purchase:

2462 (i) except as provided in Subsection (2), more medical cannabis than described in
 2463 Subsection (1)(a); or

2464 (ii) if the relevant recommending medical provider did not recommend directions of
 2465 use and dosing guidelines, until the individual consults with the pharmacy medical
 2466 provider in accordance with Subsection 26B-4-231(5), any medical cannabis; and

2467 (c) may not use a route of administration that the relevant recommending medical
 2468 provider or the pharmacy medical provider, in accordance with Subsection
 2469 26B-4-231(5), has not recommended.

2470 (2)(a) A recommending medical provider may petition the department to waive the
 2471 28-day period limit described in Subsection (1)(a) for a medical cannabis cardholder
 2472 if the medical cannabis cardholder:

2473 (i) has been diagnosed with a terminal illness;

2474 (ii) has a life expectancy of six months or less; and

2475 (iii) needs the waiver for palliative purposes.

2476 (b) The department shall:

- 2477 (i) consult with the Compassionate Use Board to determine whether the waiver
2478 should be granted; and
2479 (ii) issue a response to the petition within 10 days from the day on which the petition
2480 is received.
2481 (c) The department may waive the 28-day period limit for no more than 180 days.
2482 (d) A petition described in this Subsection (2) may be combined with the petition
2483 described in Subsection [~~26B-1-421(6)~~] 4-41a-112(5).

2484 Section 26. Section **52-4-205** is amended to read:

2485 **52-4-205 . Purposes of closed meetings -- Certain issues prohibited in closed**
2486 **meetings.**

- 2487 (1) A closed meeting described under Section 52-4-204 may only be held for:
2488 (a) except as provided in Subsection (3), discussion of the character, professional
2489 competence, or physical or mental health of an individual;
2490 (b) strategy sessions to discuss collective bargaining;
2491 (c) strategy sessions to discuss pending or reasonably imminent litigation;
2492 (d) strategy sessions to discuss the purchase, exchange, or lease of real property,
2493 including any form of a water right or water shares, or to discuss a proposed
2494 development agreement, project proposal, or financing proposal related to the
2495 development of land owned by the state or a political subdivision, if public
2496 discussion would:
2497 (i) disclose the appraisal or estimated value of the property under consideration; or
2498 (ii) prevent the public body from completing the transaction on the best possible
2499 terms;
2500 (e) strategy sessions to discuss the sale of real property, including any form of a water
2501 right or water shares, if:
2502 (i) public discussion of the transaction would:
2503 (A) disclose the appraisal or estimated value of the property under consideration;
2504 or
2505 (B) prevent the public body from completing the transaction on the best possible
2506 terms;
2507 (ii) the public body previously gave public notice that the property would be offered
2508 for sale; and
2509 (iii) the terms of the sale are publicly disclosed before the public body approves the
2510 sale;

- 2511 (f) discussion regarding deployment of security personnel, devices, or systems;
- 2512 (g) investigative proceedings regarding allegations of criminal misconduct;
- 2513 (h) as relates to the Independent Legislative Ethics Commission, conducting business
- 2514 relating to the receipt or review of ethics complaints;
- 2515 (i) as relates to an ethics committee of the Legislature, a purpose permitted under
- 2516 Section 52-4-204;
- 2517 (j) as relates to the Independent Executive Branch Ethics Commission created in Section
- 2518 63A-14-202, conducting business relating to an ethics complaint;
- 2519 (k) as relates to a county legislative body, discussing commercial information as defined
- 2520 in Section 59-1-404;
- 2521 (l) as relates to the Utah Higher Education Savings Board of Trustees and its appointed
- 2522 board of directors, discussing fiduciary or commercial information;
- 2523 (m) deliberations, not including any information gathering activities, of a public body
- 2524 acting in the capacity of:
- 2525 (i) an evaluation committee under Title 63G, Chapter 6a, Utah Procurement Code,
- 2526 during the process of evaluating responses to a solicitation, as defined in Section
- 2527 63G-6a-103;
- 2528 (ii) a protest officer, defined in Section 63G-6a-103, during the process of making a
- 2529 decision on a protest under Title 63G, Chapter 6a, Part 16, Protests; or
- 2530 (iii) a procurement appeals panel under Title 63G, Chapter 6a, Utah Procurement
- 2531 Code, during the process of deciding an appeal under Title 63G, Chapter 6a, Part
- 2532 17, Procurement Appeals Board;
- 2533 (n) the purpose of considering information that is designated as a trade secret, as defined
- 2534 in Section 13-24-2, if the public body's consideration of the information is necessary
- 2535 to properly conduct a procurement under Title 63G, Chapter 6a, Utah Procurement
- 2536 Code;
- 2537 (o) the purpose of discussing information provided to the public body during the
- 2538 procurement process under Title 63G, Chapter 6a, Utah Procurement Code, if, at the
- 2539 time of the meeting:
- 2540 (i) the information may not, under Title 63G, Chapter 6a, Utah Procurement Code, be
- 2541 disclosed to a member of the public or to a participant in the procurement process;
- 2542 and
- 2543 (ii) the public body needs to review or discuss the information to properly fulfill its
- 2544 role and responsibilities in the procurement process;

- 2545 (p) as relates to the governing board of a governmental nonprofit corporation, as that
2546 term is defined in Section 11-13a-102, the purpose of discussing information that is
2547 designated as a trade secret, as that term is defined in Section 13-24-2, if:
- 2548 (i) public knowledge of the discussion would reasonably be expected to result in
2549 injury to the owner of the trade secret; and
 - 2550 (ii) discussion of the information is necessary for the governing board to properly
2551 discharge the board's duties and conduct the board's business;
- 2552 (q) as it relates to the Cannabis Production Establishment Licensing Advisory Board, to
2553 review confidential information regarding violations and security requirements in
2554 relation to the operation of cannabis production establishments;
- 2555 (r) considering a loan application, if public discussion of the loan application would
2556 disclose:
- 2557 (i) nonpublic personal financial information; or
 - 2558 (ii) a nonpublic trade secret, as defined in Section 13-24-2, or nonpublic business
2559 financial information the disclosure of which would reasonably be expected to
2560 result in unfair competitive injury to the person submitting the information;
- 2561 (s) a discussion of the board of the Point of the Mountain State Land Authority, created
2562 in Section 11-59-201, regarding a potential tenant of point of the mountain state land,
2563 as defined in Section 11-59-102; or
- 2564 (t) a purpose for which a meeting is required to be closed under Subsection (2).
- 2565 (2) The following meetings shall be closed:
- 2566 (a) a meeting of the Health and Human Services Interim Committee to review a report
2567 described in Subsection 26B-1-506(1)(a), and a response to the report described in
2568 Subsection 26B-1-506(2);
 - 2569 (b) a meeting of the Child Welfare Legislative Oversight Panel to:
 - 2570 (i) review a report described in Subsection 26B-1-506(1)(a), and a response to the
2571 report described in Subsection 26B-1-506(2); or
 - 2572 (ii) review and discuss an individual case, as described in Section 36-33-103;
 - 2573 (c) a meeting of a conservation district as defined in Section 17D-3-102 for the purpose
2574 of advising the Natural Resource Conservation Service of the United States
2575 Department of Agriculture on a farm improvement project if the discussed
2576 information is protected information under federal law;
 - 2577 (d) a meeting of the Compassionate Use Board established in Section [~~26B-1-421~~
2578 4-41a-112] for the purpose of reviewing petitions for a medical cannabis card in

- 2579 accordance with Section 26B-1-421;
- 2580 (e) a meeting of the Colorado River Authority of Utah if:
- 2581 (i) the purpose of the meeting is to discuss an interstate claim to the use of the water
- 2582 in the Colorado River system; and
- 2583 (ii) failing to close the meeting would:
- 2584 (A) reveal the contents of a record classified as protected under Subsection
- 2585 63G-2-305(81);
- 2586 (B) reveal a legal strategy relating to the state's claim to the use of the water in the
- 2587 Colorado River system;
- 2588 (C) harm the ability of the Colorado River Authority of Utah or river
- 2589 commissioner to negotiate the best terms and conditions regarding the use of
- 2590 water in the Colorado River system; or
- 2591 (D) give an advantage to another state or to the federal government in negotiations
- 2592 regarding the use of water in the Colorado River system;
- 2593 (f) a meeting of the General Regulatory Sandbox Program Advisory Committee if:
- 2594 (i) the purpose of the meeting is to discuss an application for participation in the
- 2595 regulatory sandbox as defined in Section 63N-16-102; and
- 2596 (ii) failing to close the meeting would reveal the contents of a record classified as
- 2597 protected under Subsection 63G-2-305(82);
- 2598 (g) a meeting of a project entity if:
- 2599 (i) the purpose of the meeting is to conduct a strategy session to discuss market
- 2600 conditions relevant to a business decision regarding the value of a project entity
- 2601 asset if the terms of the business decision are publicly disclosed before the
- 2602 decision is finalized and a public discussion would:
- 2603 (A) disclose the appraisal or estimated value of the project entity asset under
- 2604 consideration; or
- 2605 (B) prevent the project entity from completing on the best possible terms a
- 2606 contemplated transaction concerning the project entity asset;
- 2607 (ii) the purpose of the meeting is to discuss a record, the disclosure of which could
- 2608 cause commercial injury to, or confer a competitive advantage upon a potential or
- 2609 actual competitor of, the project entity;
- 2610 (iii) the purpose of the meeting is to discuss a business decision, the disclosure of
- 2611 which could cause commercial injury to, or confer a competitive advantage upon a
- 2612 potential or actual competitor of, the project entity; or

2613 (iv) failing to close the meeting would prevent the project entity from getting the best
2614 price on the market; and

2615 (h) a meeting of the Rules Review and General Oversight Committee to review and
2616 discuss:

2617 (i) an individual child welfare case as described in Subsection 36-35-102(3)(c); or

2618 (ii) information that is subject to a confidentiality agreement as described in
2619 Subsection 36-35-102(3)(c).

2620 (3) In a closed meeting, a public body may not:

2621 (a) interview a person applying to fill an elected position;

2622 (b) discuss filling a midterm vacancy or temporary absence governed by Title 20A,
2623 Chapter 1, Part 5, Candidate Vacancy and Vacancy and Temporary Absence in
2624 Elected Office; or

2625 (c) discuss the character, professional competence, or physical or mental health of the
2626 person whose name was submitted for consideration to fill a midterm vacancy or
2627 temporary absence governed by Title 20A, Chapter 1, Part 5, Candidate Vacancy and
2628 Vacancy and Temporary Absence in Elected Office.

2629 Section 27. **Effective Date.**

2630 This bill takes effect on May 6, 2026.