

Jennifer Dailey-Provost proposes the following substitute bill:

**Cannabinoid Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jennifer Dailey-Provost**

Senate Sponsor:

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**LONG TITLE**

**General Description:**

This bill amends provisions related to cannabinoid (hemp) products.

**Highlighted Provisions:**

This bill:

- amends provisions related to hazardous waste and 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; and
- amends provisions related to unlawful acts.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

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

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

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

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

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

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

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

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

As used in this chapter:

- 29 (1) "Adulterant" means any poisonous or deleterious substance in a quantity that may be  
30 injurious to human health, including:
- 31 (a) pesticides;
  - 32 (b) heavy metals;
  - 33 (c) solvents;
  - 34 (d) microbial life;
  - 35 (e) artificially derived cannabinoids;
  - 36 (f) toxins; or
  - 37 (g) foreign matter.
- 38 (2)(a) "Artificially derived cannabinoid" means a chemical substance that is created by a  
39 chemical reaction that changes the molecular structure of any chemical substances  
40 derived from the cannabis plant.
- 41 (b) "Artificially derived cannabinoid" does not include:
- 42 (i) a naturally occurring chemical substance that is separated from the cannabis plant  
43 by a chemical or mechanical extraction process; or
  - 44 (ii) cannabinoids that are produced by decarboxylation from a naturally occurring  
45 cannabinoid acid without the use of a chemical catalyst.
- 46 (3) "Cannabidiol" or "CBD" means the cannabinoid identified as CAS# 13956-29-1.
- 47 (4) "Cannabidiolic acid" or "CBDA" means the cannabinoid identified as CAS# 1244-58-2.
- 48 (5) "Cannabinoid processor license" means a license that the department issues to a person  
49 for the purpose of processing a cannabinoid product.
- 50 (6) "Cannabinoid product" means a product that:
- 51 (a) contains or is represented to contain one or more naturally occurring cannabinoids;
  - 52 (b) contains less than the cannabinoid product THC level, by dry weight;
  - 53 (c) contains a combined amount of total THC and any THC analog that does not exceed  
54 10% of the total cannabinoid content;
  - 55 (d) does not exceed a total of THC and any THC analog that is greater than:
    - 56 (i) 5 milligrams per serving; and
    - 57 (ii) 150 milligrams per package; and
  - 58 (e) unless the product is in an oil based suspension, has a serving size that:
    - 59 (i) is an integer; and
    - 60 (ii) is a discrete unit of the cannabinoid product.
- 61 (7) "Cannabinoid product class" means a group of cannabinoid products that:
- 62 (a) have all ingredients in common; and

- 63 (b) are produced by or for the same company.
- 64 (8) "Cannabinoid product THC level" means a combined concentration of total THC and  
65 any THC analog of less than 0.3% on a dry weight basis if laboratory testing confirms a  
66 result within a measurement of uncertainty that includes the combined concentration of  
67 0.3%[-] .
- 68 (9) "Cannabis" means the same as that term is defined in Section 26B-4-201.
- 69 (10) "Delta-9-tetrahydrocannabinol" or "delta-9-THC" means the cannabinoid identified as  
70 CAS# 1972-08-3, the primary psychotropic cannabinoid in cannabis.
- 71 (11) "Hazardous waste laws" means:
- 72 (a) federal and state laws, rules, and regulations related to hazardous waste;  
73 (b) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.; and  
74 (c) Title 19, Chapter 6, Part 5, Solid Waste Management Act.
- 75 ~~[(11)]~~ (12) "Industrial hemp" means any part of a cannabis plant, whether growing or not,  
76 with a concentration of less than 0.3% tetrahydrocannabinol by dry weight.
- 77 ~~[(12)]~~ (13) "Industrial hemp producer registration" means a registration that the department  
78 issues to a person for the purpose of processing industrial hemp or an industrial hemp  
79 product.
- 80 ~~[(13)]~~ (14)(a) "Industrial hemp product" means a product made by processing industrial  
81 hemp plants or industrial hemp parts.
- 82 (b) "Industrial hemp product" does not include cannabinoid material or a cannabinoid  
83 product.
- 84 ~~[(14)]~~ (15) "Industrial hemp retailer permit" means a permit that the department issues to a  
85 retailer who sells any viable industrial hemp seed or cannabinoid product.
- 86 ~~[(15)]~~ (16) "Key participant" means any of the following:
- 87 (a) a licensee;  
88 (b) an operation manager;  
89 (c) a site manager; or  
90 (d) an employee who has access to any industrial hemp material with a THC  
91 concentration above 0.3%.
- 92 ~~[(16)]~~ (17) "Licensee" means a person possessing a cannabinoid processor license that the  
93 department issues under this chapter.
- 94 ~~[(17)]~~ (18) "Newly identified cannabinoid" means a cannabinoid that:
- 95 (a) is not expressly identified by chemical name or CAS number in this chapter; and  
96 (b) is identified by the department under Section 4-41-405.

97 [~~18~~] (19) "Non-compliant material" means:

98 (a) a hemp plant that does not comply with this chapter, including a cannabis plant with  
99 a concentration of 0.3% tetrahydrocannabinol or greater by dry weight;

100 (b) a cannabinoid product, chemical, or compound with a concentration that exceeds the  
101 cannabinoid product THC level; and

102 (c) a cannabinoid product containing any of the following:

103 (i) delta-9-tetrahydrocannabiphorol (THCP), the cannabinoid identified as CAS#  
104 54763-99-4;

105 (ii) delta-8-tetrahydrocannabiphorol (THCP), the cannabinoid identified as CAS#  
106 51768-60-6;

107 (iii) delta-9-tetrahydrocannabinol (THC) acetate, the cannabinoid identified as CAS#  
108 23132-17-4;

109 (iv) delta-8-tetrahydrocannabinol (THC) acetate, the cannabinoid identified as CAS#  
110 23050-54-6;

111 (v) 9(s)-hexahydrocannabinol (HHC), the cannabinoid identified as CAS#  
112 36403-91-5; or

113 (vi) 9(r)-hexahydrocannabinol (HHC), the cannabinoid identified as CAS#  
114 36403-90-4.

115 [~~19~~] (20) "Permittee" means a person possessing a permit that the department issues under  
116 this chapter.

117 [~~20~~] (21) "Person" means:

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

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

122 [~~21~~] (22) "Retailer permittee" means a person possessing an industrial hemp retailer permit  
123 that the department issues under this chapter.

124 [~~22~~] (23) "Tetrahydrocannabinol" or "THC" means a delta-9-tetrahydrocannabinol, the  
125 cannabinoid identified as CAS# 1972-08-3.

126 [~~23~~] (24)(a) "THC analog" means a substance that is structurally or pharmacologically  
127 substantially similar to, or is represented as being similar to, delta-9-THC.

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

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

- 131 (ii) cannabicyclol (CBL), the cannabinoid identified as CAS# 21366-63-2;  
 132 (iii) cannabidiol (CBD), the cannabinoid identified as CAS# 13956-29-1;  
 133 (iv) cannabidivanol (CBDV), the cannabinoid identified as CAS# 24274-48-4;  
 134 (v) cannabielsoin (CBE), the cannabinoid identified as CAS# 52025-76-0;  
 135 (vi) cannabigerol (CBG), the cannabinoid identified as CAS# 25654-31-3;  
 136 (vii) cannabigerovarin (CBGV), the cannabinoid identified as CAS# 55824-11-8;  
 137 (viii) cannabitol (CBN), the cannabinoid identified as CAS# 521-35-7;  
 138 (ix) cannabivarin (CBV), the cannabinoid identified as CAS# 33745-21-0; or  
 139 (x) delta-9-tetrahydrocannabivarin (THCV), the cannabinoid identified as CAS#  
 140 31262-37-0.

141 [~~(24)~~] (25) "Total cannabidiol" or "total CBD" means the combined amounts of cannabidiol  
 142 and cannabidiolic acid, calculated as "total CBD = CBD + (CBDA x 0.877)".

143 [~~(25)~~] (26) "Total tetrahydrocannabinol" or "total THC" means the sum of the determined  
 144 amounts of delta-9-THC, tetrahydrocannabinolic acid, calculated as "total THC =  
 145 delta-9-THC + (THCA x 0.877)".

146 [~~(26)~~] (27) "Transportable industrial hemp concentrate" means any amount of a natural  
 147 cannabinoid in a purified state that:

- 148 (a) is the product of any chemical or physical process applied to naturally occurring  
 149 biomass that concentrates or isolates the cannabinoids contained in the biomass;  
 150 (b) is derived from a cannabis plant that, based on sampling that was collected no more  
 151 than 30 days before the day on which the cannabis plant was harvested, contains a  
 152 combined concentration of total THC and any THC analog of less than 0.3% on a dry  
 153 weight basis;  
 154 (c) has a THC and THC analog concentration total that is less than 20% when  
 155 concentrated from the cannabis plant to the purified state; and  
 156 (d) is intended to be processed into a cannabinoid product.

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

158 **4-41-103.2 . Cannabinoid processor license.**

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

- 165 hemp for the purpose of:
- 166 (i) conducting a physical inspection; or
- 167 (ii) ensuring compliance with the requirements of this chapter.
- 168 (3) The department may set a fee in accordance with Subsection 4-2-103(2) for the
- 169 application for a cannabinoid processor license.
- 170 (4) A licensee:
- 171 (a) may only market a cannabinoid product that the licensee processes[-] ; and
- 172 (b) shall dispose of waste and unused material from the production of a cannabinoid
- 173 product in accordance with hazardous waste laws.
- 174 (5)(a) An applicant for a cannabinoid processor license shall:
- 175 (i) be at least 18 years old; and
- 176 (ii) submit a nationwide criminal history from the Federal Bureau of Investigation to
- 177 the department.
- 178 (b) The department shall reject an individual's application for a cannabinoid processor
- 179 license if the criminal history described in Subsection (5)(a)(ii) was not completed in
- 180 the previous 90 days before the day the applicant submits the license application to
- 181 the department.
- 182 (6) An applicant is not eligible to receive a cannabinoid processor license if the applicant
- 183 has:
- 184 (a) been convicted of a felony; or
- 185 (b) been convicted of a drug-related misdemeanor within the previous 10 years.
- 186 Section 3. Section **4-41-103.3** is amended to read:
- 187 **4-41-103.3 . Industrial hemp retailer permit.**
- 188 (1) Except as provided in Subsection (5), a retailer permittee of the department may market
- 189 or sell a cannabinoid product or a viable industrial hemp seed.
- 190 (2) A person seeking an industrial hemp retailer permit shall provide to the department:
- 191 (a) the name of the person that is seeking to market or sell a cannabinoid product or a
- 192 viable industrial hemp seed;
- 193 (b) the address of each location where a cannabinoid product or a viable industrial hemp
- 194 seed will be sold; and
- 195 (c) written consent allowing a representative of the department to enter all premises
- 196 where the person is selling a cannabinoid product or a viable industrial hemp seed for
- 197 the purpose of:
- 198 (i) conducting a physical inspection; or

- 199 (ii) ensuring compliance with the requirements of this chapter.
- 200 [~~(3) Beginning January 1, 2026, an industrial hemp retailer permittee shall:~~]
- 201 [~~(a) maintain a video surveillance system that:~~]
- 202 [~~(i) is able to monitor who purchases a cannabinoid product from the permittee;]~~
- 203 [~~(ii) is tamper proof; and]~~
- 204 [~~(iii) stores a video record for at least 45 days; and]~~
- 205 [~~(b) provide the department access to the video surveillance system upon request.]~~
- 206 (3) An industrial hemp retailer permittee shall:
- 207 (a) check the identification of any individual purchasing a cannabinoid product to ensure
- 208 the individual is at least 21 years old; and
- 209 (b) dispose of waste and unused material related to a cannabinoid product in accordance
- 210 with hazardous waste laws.
- 211 (4) The department may set a fee in accordance with Subsection 4-2-103(2) for the
- 212 application for an industrial hemp retailer permit.
- 213 (5) Any marketing for a cannabinoid product or a viable industrial hemp seed shall include
- 214 a notice to consumers that the product is hemp and is not cannabis or medical cannabis,
- 215 as those terms are defined in Section 26B-4-201.
- 216 Section 4. Section **4-41-103.4** is amended to read:
- 217 **4-41-103.4 . Industrial hemp laboratory testing.**
- 218 [~~(1) The department or a laboratory contracted with the department may test industrial~~
- 219 ~~hemp and cannabinoid products.]~~
- 220 [~~(2)] The department or a laboratory contracted with the department:~~
- 221 (1) may test industrial hemp and cannabinoid products;
- 222 (2) may dispose of non-compliant material[-] ; and
- 223 (3) shall dispose of waste and unused material related to a cannabinoid product in
- 224 accordance with hazardous waste laws.
- 225 Section 5. Section **4-41-105** is amended to read:
- 226 **4-41-105 . Unlawful acts.**
- 227 (1) It is unlawful for a person to handle, process, or market living industrial hemp plants,
- 228 viable hemp seeds, leaf materials, or floral materials derived from industrial hemp
- 229 without the appropriate license or permit issued by the department under this chapter.
- 230 (2)(a) It is unlawful for any person to:
- 231 (i) distribute, sell, or market a cannabinoid product that is:
- 232 (A) not registered with the department under Section 4-41-104; or

- 233 (B) noncompliant material;
- 234 (ii) except as provided in Subsection (2)(b), transport into or out of the state extracted
- 235 material or final product that contains 0.3% or more of total THC and any THC
- 236 analog;
- 237 (iii) sell or use a cannabinoid product that is:
- 238 (A) added to a conventional food or beverage, as the department further defines in
- 239 rules described in Section 4-41-403;
- 240 (B) marketed or manufactured to be enticing to children, as further defined in
- 241 rules described in Section 4-41-403; or
- 242 (C) smokable flower; [øf]
- 243 (iv) knowingly or intentionally sell or give a cannabinoid product that contains THC
- 244 or a THC analog in the course of business to an individual who is not at least 21
- 245 years old[-] ; or
- 246 (v) delay or deny an inspection authorized under this chapter.
- 247 (b) A person may transport transportable industrial hemp concentrate if the person:
- 248 (i) complies with rules created by the department under Section 4-41-103.1 related to
- 249 transportable industrial hemp concentrate; and
- 250 (ii)(A) has a cannabinoid processor license; or
- 251 (B) the equivalent to a cannabinoid processor license from another state.
- 252 (3) The department may seize and destroy non-compliant material.
- 253 (4) Nothing in this chapter authorizes any person to violate federal law, regulation, or any
- 254 provision of this title.

255 Section 6. **Effective Date.**

256 This bill takes effect on May 6, 2026.