

**Representative Gregory H. Hughes** proposes the following substitute bill:

**UTAH MEDICAL CANNABIS ACT**

2018 THIRD SPECIAL SESSION

STATE OF UTAH

**Chief Sponsor: Gregory H. Hughes**

Senate Sponsor: Evan J. Vickers

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**LONG TITLE**

**General Description:**

This bill provides for the cultivation, processing, medical recommendation, and patient use of medical cannabis.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ provides for licensing and regulation of a cannabis cultivation facility, a cannabis processing facility, an independent cannabis testing laboratory, and a medical cannabis pharmacy;
- ▶ provides for security and tracking of medical cannabis and a medical cannabis product from cultivation to use to ensure safety and chemical content;
- ▶ requires certain labeling and childproof packaging of medical cannabis and a medical cannabis product;
- ▶ requires the Department of Agriculture and Food, the Department of Health, the Department of Public Safety, and the Department of Technology Services to create an electronic verification system to facilitate recommendation, dispensing, and record-keeping for medical cannabis transactions;
- ▶ allows physicians, osteopathic physicians, advanced practice registered nurses, and



- 26 physician assistants to recommend medical cannabis;
- 27       ▶ allows an individual with a qualifying condition to obtain a medical cannabis
- 28 patient card on the recommendation of a certain medical professional to gain access
- 29 to medical cannabis;
- 30       ▶ allows a patient to designate a caregiver to assist with accessing medical cannabis;
- 31       ▶ provides for a parent or legal guardian to obtain a medical cannabis guardian card
- 32 for an eligible minor patient and for the minor patient to concurrently receive a
- 33 provisional patient card;
- 34       ▶ provides certain state employment discrimination protection for an individual who
- 35 lawfully uses medical cannabis;
- 36       ▶ limits the form and amount of medical cannabis available to a patient at one time;
- 37       ▶ prohibits a minor from entering a medical cannabis pharmacy;
- 38       ▶ requires the Department of Health to establish the state central fill medical cannabis
- 39 pharmacy;
- 40       ▶ provides for a process of state central fill shipment of medical cannabis and
- 41 cannabis product to a local health department for patient retrieval;
- 42       ▶ creates certain enterprise funds;
- 43       ▶ imposes criminal penalties for improperly giving or selling medical cannabis;
- 44       ▶ decriminalizes certain conduct for certain individuals before the medical cannabis
- 45 card program and medical cannabis pharmacies are operational;
- 46       ▶ creates protections from state prosecution for the lawful possession, use, and sale of
- 47 medical cannabis;
- 48       ▶ exempts medical cannabis and medical cannabis products from sales tax;
- 49       ▶ prohibits a court from considering the lawful use of medical cannabis in a custody
- 50 proceeding;
- 51       ▶ repeals superfluous sections related to authorized use of cannabis or a cannabis
- 52 product;
- 53       ▶ provides a severability clause;
- 54       ▶ re-enacts language that the voter initiative repealed by implication through use of
- 55 outdated code; and
- 56       ▶ makes technical and conforming changes.

57 **Money Appropriated in this Bill:**

58 None

59 **Other Special Clauses:**

60 This bill provides a special effective date.

61 This bill provides revisor instructions.

62 **Utah Code Sections Affected:**

63 AMENDS:

64 **4-41-102**, as last amended by Laws of Utah 2018, Chapters 227 and 452

65 **7-1-401**, as last amended by Laws of Utah 2018, Chapter 446

66 **10-9a-104**, as amended by Statewide Initiative -- Proposition 2, Nov. 6, 2018

67 **17-27a-104**, as amended by Statewide Initiative -- Proposition 2, Nov. 6, 2018

68 **26-61-202**, as amended by Statewide Initiative -- Proposition 2, Nov. 6, 2018 and last

69 amended by Laws of Utah 2018, Chapter 110

70 **26-65-102 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452

71 **26-65-103 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452

72 **30-3-10**, as amended by Statewide Initiative -- Proposition 2, Nov. 6, 2018

73 **34A-2-418**, as last amended by Laws of Utah 2016, Chapter 242

74 **41-6a-517 (Superseded 07/01/19)**, as last amended by Laws of Utah 2017, Chapter 446

75 **41-6a-517 (Effective 07/01/19)**, as last amended by Laws of Utah 2018, Chapter 452

76 **49-11-1401**, as last amended by Laws of Utah 2018, Chapter 61

77 **53-1-106.5**, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018

78 **58-17b-302**, as last amended by Laws of Utah 2014, Chapter 72

79 **58-17b-310**, as enacted by Laws of Utah 2004, Chapter 280

80 **58-17b-502**, as last amended by Laws of Utah 2018, Chapter 295

81 **58-31b-305**, as last amended by Laws of Utah 2014, Chapter 316

82 **58-31b-502**, as last amended by Laws of Utah 2016, Chapter 127

83 **58-37-3.6 (Superseded 07/01/19)**, as last amended by Laws of Utah 2018, Chapters

84 333 and 446

85 **58-37-3.6 (Effective 07/01/19)**, as last amended by Laws of Utah 2018, Chapters 333,

86 446, and 452

87 **58-37-3.7**, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018

88 [58-37-3.8](#), as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018  
89 [58-37-3.9](#), as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018  
90 [58-37f-203 \(Effective 07/01/19\)](#), as last amended by Laws of Utah 2018, Chapters 123  
91 and 452  
92 [58-67-304](#), as last amended by Laws of Utah 2018, Chapters 282 and 318  
93 [58-67-502](#), as last amended by Laws of Utah 2017, Chapter 299  
94 [58-68-304](#), as last amended by Laws of Utah 2018, Chapter 318  
95 [58-68-502](#), as last amended by Laws of Utah 2017, Chapter 299  
96 [58-70a-303](#), as last amended by Laws of Utah 2001, Chapter 268  
97 [58-70a-503](#), as last amended by Laws of Utah 2017, Chapter 309  
98 [58-85-102](#), as last amended by Laws of Utah 2018, Chapter 333  
99 [58-85-104](#), as last amended by Laws of Utah 2018, Chapter 333  
100 [58-85-105](#), as last amended by Laws of Utah 2018, Chapter 333  
101 [62A-4a-202.1](#), as amended by Statewide Initiative -- Proposition 2, Nov. 6, 2018  
102 [63I-1-226](#), as amended by Statewide Initiative -- Proposition 2, Nov. 6, 2018 and last  
103 amended by Laws of Utah 2018, Chapters 180, 281, 384, 430, and 468  
104 [63I-1-258](#), as amended by Statewide Initiative -- Proposition 2, Nov. 6, 2018 and last  
105 amended by Laws of Utah 2018, Chapter 399  
106 [67-19-33](#), as last amended by Laws of Utah 2006, Chapter 139  
107 [78A-6-508 \(Superseded 07/01/19\)](#), as last amended by Laws of Utah 2014, Chapter  
108 409  
109 [78A-6-508 \(Effective 07/01/19\)](#), as last amended by Laws of Utah 2018, Chapter 452

110 ENACTS:

111 [4-41a-104](#), Utah Code Annotated 1953  
112 [4-41a-105](#), Utah Code Annotated 1953  
113 [4-41a-106](#), Utah Code Annotated 1953  
114 [4-41a-405](#), Utah Code Annotated 1953  
115 [26-36d-101](#), Utah Code Annotated 1953  
116 [26-36d-102](#), Utah Code Annotated 1953  
117 [26-36d-103](#), Utah Code Annotated 1953  
118 [26-36d-201](#), Utah Code Annotated 1953

- 119            **26-36d-202**, Utah Code Annotated 1953
- 120            **26-36d-203**, Utah Code Annotated 1953
- 121            **26-36d-204**, Utah Code Annotated 1953
- 122            **26-36d-205**, Utah Code Annotated 1953
- 123            **26-36d-206**, Utah Code Annotated 1953
- 124            **26-36d-207**, Utah Code Annotated 1953
- 125            **26-36d-208**, Utah Code Annotated 1953
- 126            **26-61a-108**, Utah Code Annotated 1953
- 127            **26-61a-110**, Utah Code Annotated 1953
- 128            **26-61a-112**, Utah Code Annotated 1953
- 129            **26-61a-113**, Utah Code Annotated 1953
- 130            **26-61a-114**, Utah Code Annotated 1953
- 131            **26-61a-205**, Utah Code Annotated 1953
- 132            **26-61a-403**, Utah Code Annotated 1953
- 133            **26-61a-503**, Utah Code Annotated 1953
- 134            **26-61a-601**, Utah Code Annotated 1953
- 135            **26-61a-602**, Utah Code Annotated 1953
- 136            **26-61a-603**, Utah Code Annotated 1953
- 137            **26-61a-604**, Utah Code Annotated 1953
- 138            **26-61a-605**, Utah Code Annotated 1953
- 139            **26-61a-606**, Utah Code Annotated 1953
- 140            **26-61a-607**, Utah Code Annotated 1953
- 141            **26-61a-608**, Utah Code Annotated 1953
- 142            **26-61a-609**, Utah Code Annotated 1953
- 143            **26-61a-610**, Utah Code Annotated 1953
- 144            **26-61a-611**, Utah Code Annotated 1953
- 145            **26-61a-701**, Utah Code Annotated 1953
- 146            **58-20b-101**, Utah Code Annotated 1953
- 147            **58-20b-102**, Utah Code Annotated 1953
- 148            **58-20b-201**, Utah Code Annotated 1953
- 149            **58-20b-301**, Utah Code Annotated 1953

- 150 [58-20b-302](#), Utah Code Annotated 1953
- 151 [58-20b-303](#), Utah Code Annotated 1953
- 152 [58-20b-304](#), Utah Code Annotated 1953
- 153 [58-20b-305](#), Utah Code Annotated 1953
- 154 [58-20b-401](#), Utah Code Annotated 1953
- 155 [58-20b-501](#), Utah Code Annotated 1953
- 156 [59-12-104.10](#), Utah Code Annotated 1953
- 157 [62A-3-322](#), Utah Code Annotated 1953

158 RENUMBERS AND AMENDS:

- 159 [4-41a-101](#), (Renumbered from 4-41b-101, as enacted by Statewide Initiative --
- 160 Proposition 2, Nov. 6, 2018)
- 161 [4-41a-102](#), (Renumbered from 4-41b-102, as enacted by Statewide Initiative --
- 162 Proposition 2, Nov. 6, 2018)
- 163 [4-41a-103](#), (Renumbered from 4-41b-103, as enacted by Statewide Initiative --
- 164 Proposition 2, Nov. 6, 2018)
- 165 [4-41a-201](#), (Renumbered from 4-41b-201, as enacted by Statewide Initiative --
- 166 Proposition 2, Nov. 6, 2018)
- 167 [4-41a-202](#), (Renumbered from 4-41b-302, as enacted by Statewide Initiative --
- 168 Proposition 2, Nov. 6, 2018)
- 169 [4-41a-203](#), (Renumbered from 4-41b-202, as enacted by Statewide Initiative --
- 170 Proposition 2, Nov. 6, 2018)
- 171 [4-41a-204](#), (Renumbered from 4-41b-203, as enacted by Statewide Initiative --
- 172 Proposition 2, Nov. 6, 2018)
- 173 [4-41a-205](#), (Renumbered from 4-41b-204, as enacted by Statewide Initiative --
- 174 Proposition 2, Nov. 6, 2018)
- 175 [4-41a-301](#), (Renumbered from 4-41b-301, as enacted by Statewide Initiative --
- 176 Proposition 2, Nov. 6, 2018)
- 177 [4-41a-302](#), (Renumbered from 4-41b-303, as enacted by Statewide Initiative --
- 178 Proposition 2, Nov. 6, 2018)
- 179 [4-41a-401](#), (Renumbered from 4-41b-401, as enacted by Statewide Initiative --
- 180 Proposition 2, Nov. 6, 2018)

181           **4-41a-402**, (Renumbered from 4-41b-402, as enacted by Statewide Initiative --  
182 Proposition 2, Nov. 6, 2018)  
183           **4-41a-403**, (Renumbered from 4-41b-403, as enacted by Statewide Initiative --  
184 Proposition 2, Nov. 6, 2018)  
185           **4-41a-404**, (Renumbered from 4-41b-404, as enacted by Statewide Initiative --  
186 Proposition 2, Nov. 6, 2018)  
187           **4-41a-406**, (Renumbered from 4-41b-405, as enacted by Statewide Initiative --  
188 Proposition 2, Nov. 6, 2018)  
189           **4-41a-501**, (Renumbered from 4-41b-501, as enacted by Statewide Initiative --  
190 Proposition 2, Nov. 6, 2018)  
191           **4-41a-502**, (Renumbered from 4-41b-502, as enacted by Statewide Initiative --  
192 Proposition 2, Nov. 6, 2018)  
193           **4-41a-601**, (Renumbered from 4-41b-601, as enacted by Statewide Initiative --  
194 Proposition 2, Nov. 6, 2018)  
195           **4-41a-602**, (Renumbered from 4-41b-602, as enacted by Statewide Initiative --  
196 Proposition 2, Nov. 6, 2018)  
197           **4-41a-603**, (Renumbered from 4-41b-603, as enacted by Statewide Initiative --  
198 Proposition 2, Nov. 6, 2018)  
199           **4-41a-701**, (Renumbered from 4-41b-701, as enacted by Statewide Initiative --  
200 Proposition 2, Nov. 6, 2018)  
201           **4-41a-702**, (Renumbered from 4-41b-702, as enacted by Statewide Initiative --  
202 Proposition 2, Nov. 6, 2018)  
203           **4-41a-801**, (Renumbered from 4-41b-801, as enacted by Statewide Initiative --  
204 Proposition 2, Nov. 6, 2018)  
205           **4-41a-802**, (Renumbered from 4-41b-802, as enacted by Statewide Initiative --  
206 Proposition 2, Nov. 6, 2018)  
207           **26-61a-101**, (Renumbered from 26-60b-101, as enacted by Statewide Initiative --  
208 Proposition 2, Nov. 6, 2018)  
209           **26-61a-102**, (Renumbered from 26-60b-102, as enacted by Statewide Initiative --  
210 Proposition 2, Nov. 6, 2018)  
211           **26-61a-103**, (Renumbered from 26-60b-103, as enacted by Statewide Initiative --

212 Proposition 2, Nov. 6, 2018)  
213 **26-61a-104**, (Renumbered from 26-60b-105, as enacted by Statewide Initiative --  
214 Proposition 2, Nov. 6, 2018)  
215 **26-61a-105**, (Renumbered from 26-60b-106, as enacted by Statewide Initiative --  
216 Proposition 2, Nov. 6, 2018)  
217 **26-61a-106**, (Renumbered from 26-60b-107, as enacted by Statewide Initiative --  
218 Proposition 2, Nov. 6, 2018)  
219 **26-61a-107**, (Renumbered from 26-60b-108, as enacted by Statewide Initiative --  
220 Proposition 2, Nov. 6, 2018)  
221 **26-61a-109**, (Renumbered from 26-60b-109, as enacted by Statewide Initiative --  
222 Proposition 2, Nov. 6, 2018)  
223 **26-61a-111**, (Renumbered from 26-60b-110, as enacted by Statewide Initiative --  
224 Proposition 2, Nov. 6, 2018)  
225 **26-61a-201**, (Renumbered from 26-60b-201, as enacted by Statewide Initiative --  
226 Proposition 2, Nov. 6, 2018)  
227 **26-61a-202**, (Renumbered from 26-60b-202, as enacted by Statewide Initiative --  
228 Proposition 2, Nov. 6, 2018)  
229 **26-61a-203**, (Renumbered from 26-60b-203, as enacted by Statewide Initiative --  
230 Proposition 2, Nov. 6, 2018)  
231 **26-61a-204**, (Renumbered from 26-60b-204, as enacted by Statewide Initiative --  
232 Proposition 2, Nov. 6, 2018)  
233 **26-61a-301**, (Renumbered from 26-60b-301, as enacted by Statewide Initiative --  
234 Proposition 2, Nov. 6, 2018)  
235 **26-61a-302**, (Renumbered from 26-60b-402, as enacted by Statewide Initiative --  
236 Proposition 2, Nov. 6, 2018)  
237 **26-61a-303**, (Renumbered from 26-60b-302, as enacted by Statewide Initiative --  
238 Proposition 2, Nov. 6, 2018)  
239 **26-61a-304**, (Renumbered from 26-60b-303, as enacted by Statewide Initiative --  
240 Proposition 2, Nov. 6, 2018)  
241 **26-61a-305**, (Renumbered from 26-60b-304, as enacted by Statewide Initiative --  
242 Proposition 2, Nov. 6, 2018)



243           **26-61a-401**, (Renumbered from 26-60b-401, as enacted by Statewide Initiative --  
244 Proposition 2, Nov. 6, 2018)

245           **26-61a-402**, (Renumbered from 26-60b-403, as enacted by Statewide Initiative --  
246 Proposition 2, Nov. 6, 2018)

247           **26-61a-501**, (Renumbered from 26-60b-501, as enacted by Statewide Initiative --  
248 Proposition 2, Nov. 6, 2018)

249           **26-61a-502**, (Renumbered from 26-60b-502, as enacted by Statewide Initiative --  
250 Proposition 2, Nov. 6, 2018)

251           **26-61a-504**, (Renumbered from 26-60b-503, as enacted by Statewide Initiative --  
252 Proposition 2, Nov. 6, 2018)

253           **26-61a-505**, (Renumbered from 26-60b-504, as enacted by Statewide Initiative --  
254 Proposition 2, Nov. 6, 2018)

255           **26-61a-506**, (Renumbered from 26-60b-505, as enacted by Statewide Initiative --  
256 Proposition 2, Nov. 6, 2018)

257           **26-61a-507**, (Renumbered from 26-60b-506, as enacted by Statewide Initiative --  
258 Proposition 2, Nov. 6, 2018)

259           **26-61a-702**, (Renumbered from 26-60b-601, as enacted by Statewide Initiative --  
260 Proposition 2, Nov. 6, 2018)

261           **26-61a-703**, (Renumbered from 26-60b-602, as enacted by Statewide Initiative --  
262 Proposition 2, Nov. 6, 2018)

263 REPEALS:

264           **4-41-201**, as enacted by Laws of Utah 2018, Chapter 446

265           **4-41-202**, as enacted by Laws of Utah 2018, Chapter 446

266           **4-41-203**, as enacted by Laws of Utah 2018, Chapter 446

267           **4-41-301**, as enacted by Laws of Utah 2018, Chapter 446

268           **4-41-302**, as enacted by Laws of Utah 2018, Chapter 446

269           **4-41-303**, as enacted by Laws of Utah 2018, Chapter 446

270           **4-41-304**, as enacted by Laws of Utah 2018, Chapter 446

271           **4-41b-104**, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018

272           **4-43-101 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452

273           **4-43-102 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452

274 **4-43-201 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
275 **4-43-202 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
276 **4-43-203 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
277 **4-43-301 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
278 **4-43-401 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
279 **4-43-402 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
280 **4-43-501 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
281 **4-43-502 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
282 **4-43-503 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
283 **4-43-601 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
284 **4-43-602 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
285 **4-43-701 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
286 **4-43-702 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
287 **4-43-703 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
288 **4-43-801 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
289 **26-60b-104**, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018  
290 **58-67-808 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
291 **58-68-808 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
292 **58-85-103.5**, as enacted by Laws of Utah 2018, Chapter 333  
293 **58-88-101 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
294 **58-88-102 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
295 **58-88-103 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
296 **58-88-104 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
297 **59-12-104.7 (Repealed 01/01/19)**, as repealed by Laws of Utah 2018, Second Special  
298 Session, Chapter 6  
299 **59-12-104.9 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
300 **59-29-101 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
301 **59-29-102 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
302 **59-29-103 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
303 **59-29-104 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452  
304 **59-29-105 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452

305 **59-29-106 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452

306 **59-29-107 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452

307 **59-29-108 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452

308 **Utah Code Sections Affected by Revisor Instructions:**

309 **4-41a-106**, Utah Code Annotated 1953

310 **4-41a-201**, Utah Code Annotated 1953

311 **4-41a-301**, (Renumbered from 4-41b-301, as enacted by Statewide Initiative --

312 Proposition 2, Nov. 6, 2018)

313 **4-41a-401**, (Renumbered from 4-41b-401, as enacted by Statewide Initiative --

314 Proposition 2, Nov. 6, 2018)

315 **26-61a-114**, Utah Code Annotated 1953

316 **26-61a-202**, (Renumbered from 26-60b-202, as enacted by Statewide Initiative --

317 Proposition 2, Nov. 6, 2018)

318 **26-61a-301**, (Renumbered from 26-60b-301, as enacted by Statewide Initiative --

319 Proposition 2, Nov. 6, 2018)

320 **26-61a-401**, (Renumbered from 26-60b-401, as enacted by Statewide Initiative --

321 Proposition 2, Nov. 6, 2018)

322 **26-61a-602**, Utah Code Annotated 1953

323 **26-61a-606**, Utah Code Annotated 1953



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

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

327 **4-41-102. Definitions.**

328 [~~For purposes of~~] As used in this chapter:

329 (1) "Agricultural pilot program" means a program to study the growth, cultivation, or  
330 marketing of industrial hemp.

331 (2) "Cannabidiol product" means a chemical compound extracted from a hemp product  
332 that:

333 (a) is processed into a medicinal dosage form; and

334 (b) contains less than 0.3% tetrahydrocannabinol by dry weight [~~before processing and~~  
335 ~~no more than a 10:1 ratio of cannabidiol to tetrahydrocannabinol after processing~~].

336 (3) "Industrial hemp" means any part of a cannabis plant, whether growing or not, with  
337 a concentration of less than 0.3% tetrahydrocannabinol by dry weight.

338 (4) "Industrial hemp certificate" means a certificate issued by the department to a  
339 higher education institution to grow or cultivate industrial hemp under Subsection [4-41-103\(1\)](#).

340 (5) "Industrial hemp license" means a license issued by the department to a person for  
341 the purpose of participating in a research pilot program.

342 (6) "Industrial hemp product" means a product derived from, or made by, processing  
343 industrial hemp plants or industrial hemp parts.

344 (7) "Licensee" means an individual or business entity possessing a license issued by the  
345 department under this chapter to grow, cultivate, process, or market industrial hemp or an  
346 industrial hemp product.

347 (8) "Medicinal dosage form" means [~~the same as that term is defined in Section~~  
348 [26-65-102](#).];

349 (a) a tablet;

350 (b) a capsule;

351 (c) a concentrated oil;

352 (d) a sublingual preparation;

353 (e) a topical preparation;

354 (f) a transdermal preparation;

355 (g) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or rectangular  
356 cuboid shape; or

357 (h) other preparations that the department approves.

358 (9) "Person" means:

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

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

363 (10) "Research pilot program" means a program conducted by the department in  
364 collaboration with at least one licensee to study methods of cultivating, processing, or  
365 marketing industrial hemp.

366 Section 2. Section **4-41a-101**, which is renumbered from Section 4-41b-101 is

367 renumbered and amended to read:

368 **CHAPTER 41a. CANNABIS PRODUCTION ESTABLISHMENTS**

369 **Part 1. General Provisions.**

370 ~~[4-41b-101].~~ **4-41a-101. Title.**

371 [(†)] This chapter is known as "Cannabis Production Establishments."

372 Section 3. Section **4-41a-102**, which is renumbered from Section 4-41b-102 is  
373 renumbered and amended to read:

374 ~~[4-41b-102].~~ **4-41a-102. Definitions.**

375 As used in this chapter:

376 (1) "Cannabis" means the same as that term is defined in Section [~~58-37-3.9~~]  
377 [26-61a-102](#).

378 (2) "Cannabis cultivation facility" means a person that:

379 (a) possesses cannabis;

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

381 (c) sells or intends to sell cannabis to a cannabis [~~production establishments~~]  
382 cultivation facility or to a cannabis [~~dispensaries~~] processing facility.

383 (3) "Cannabis cultivation facility agent" means an individual who:

384 (a) is an [~~owner, officer, director, board member,~~] employee[~~, or volunteer~~] of a  
385 cannabis cultivation facility[~~;~~]; and

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

387 [~~(4) "Cannabis dispensary" means the same as that term is defined in Section~~  
388 ~~26-60b-102.~~]

389 [~~(5) "Cannabis dispensary agent" means the same as that term is defined in Section~~  
390 ~~26-60b-102.~~]

391 [(6)] (4) "Cannabis processing facility" means a person that:

392 (a) acquires or intends to acquire cannabis from a cannabis production establishment or  
393 a holder of an industrial hemp processor license under Title 4, Chapter 41, Hemp and  
394 Cannabidiol Act;

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

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

398 (d) sells or intends to sell a cannabis product to a medical cannabis [~~dispensary~~]  
399 pharmacy or the state central fill medical cannabis pharmacy.

400 [~~(7)~~] (5) "Cannabis processing facility agent" means an individual who:

401 (a) is an [~~owner, officer, director, board member,~~] employee[~~, or volunteer~~] of a  
402 cannabis processing facility[-]; and

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

404 [~~(8)~~] (6) "Cannabis product" means the same as that term is defined in Section  
405 [~~58-37-3.9~~] 26-61a-102.

406 [~~(9)~~] (7) "Cannabis production establishment" means a cannabis cultivation facility, a  
407 cannabis processing facility, or an independent cannabis testing laboratory.

408 [~~(10)~~] (8) "Cannabis production establishment agent" means a cannabis cultivation  
409 facility agent, a cannabis processing facility agent, or an independent cannabis testing  
410 laboratory agent.

411 [~~(11)~~] (9) "Cannabis production establishment agent registration card" means a  
412 registration card[~~, issued by~~] that the department[-] issues that:

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

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

416 [~~(12)~~] (10) "Community location" means a public or private school, a church, a public  
417 library, a public playground, or a public park.

418 (11) "Department" means the Department of Agriculture and Food.

419 (12) "Family member" means a parent, step-parent, spouse, child, sibling, step-sibling,  
420 uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law,  
421 sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.

422 (13) "Independent cannabis testing laboratory" means a person that:

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

424 (b) acquires, possesses, and transports cannabis or a cannabis product with the intent to  
425 conduct a chemical or other analysis of the cannabis or cannabis product.

426 (14) "Independent cannabis testing laboratory agent" means an individual who:

427 (a) is an [~~owner, officer, director, board member,~~] employee[~~, or volunteer~~] of an  
428 independent cannabis testing laboratory[-]; and

- 429 (b) holds a valid cannabis production establishment agent registration card.
- 430 (15) "Inventory control system" means ~~[the]~~ a system described in Section ~~[4-41b-103]~~
- 431 4-41a-103.
- 432 (16) "Medical cannabis" means the same as that term is defined in Section 26-61a-102.
- 433 ~~[(16)]~~ (17) "Medical cannabis card" means the same as that term is defined in Section
- 434 ~~[26-60b-102]~~ 26-61a-102.
- 435 (18) "Medical cannabis pharmacy" means the same as that term is defined in Section
- 436 26-61a-102.
- 437 (19) "Medical cannabis pharmacy agent" means the same as that term is defined in
- 438 Section 26-61a-102.
- 439 ~~[(17) "Medical Cannabis Restricted Account" means the account created in Section~~
- 440 ~~26-60b-109.]~~
- 441 (20) "Medical cannabis treatment" means the same as that term is defined in Section
- 442 26-61a-102.
- 443 (21) "Medicinal dosage form" means the same as that term is defined in Section
- 444 26-61a-102.
- 445 ~~[(18) "Physician"]~~ (22) "Qualified medical provider" means the same as that term is
- 446 defined in Section ~~[26-60b-107]~~ 26-61a-102.
- 447 (23) "Qualified Production Enterprise Fund" means the fund created in Section
- 448 4-41a-104.
- 449 (24) "State central fill agent" means the same as that term is defined in Section
- 450 26-61a-102.
- 451 (25) "State central fill medical cannabis pharmacy" means the same as that term is
- 452 defined in Section 26-61a-102.
- 453 (26) "State central fill shipment" means the same as that term is defined in Section
- 454 26-61a-102.
- 455 ~~[(19)]~~ (27) "State electronic verification system" means the system described in Section
- 456 ~~[26-60b-103]~~ 26-61a-103.
- 457 (28) "Tetrahydrocannabinol" means a substance derived from cannabis or a synthetic
- 458 equivalent as described in Subsection 58-37-4(2)(a)(iii)(AA).
- 459 (29) "Total composite tetrahydrocannabinol" means delta-9-tetrahydrocannabinol and

460 tetrahydrocannabinolic acid.

461 Section 4. Section ~~4-41a-103~~, which is renumbered from Section 4-41b-103 is  
462 renumbered and amended to read:

463 ~~[4-41b-103].~~ **4-41a-103. Inventory control system.**

464 (1) ~~[A]~~ Each cannabis production establishment ~~[and a]~~, each medical cannabis  
465 ~~[dispensary]~~ pharmacy, and the state central fill medical cannabis pharmacy shall maintain an  
466 inventory control system that meets the requirements of this section.

467 (2) ~~[A]~~ A cannabis production establishment, a medical cannabis pharmacy, and the  
468 state central fill medical cannabis pharmacy shall ensure that the inventory control system  
469 ~~[shall track]~~ maintained by the establishment or pharmacy:

470 (a) tracks cannabis using a unique identifier, in real time, from the point that a cannabis  
471 plant is eight inches tall[;] and has a root ball[;] until the cannabis is disposed of or sold, in the  
472 form of unprocessed cannabis or a cannabis product, to an individual with a medical cannabis  
473 card[. ~~(3) An inventory control system shall store~~];

474 (b) maintains in real time a record of the amount of cannabis and cannabis products in  
475 the ~~[cannabis production establishment's or cannabis dispensary's]~~ possession[. ~~(4) An~~  
476 ~~inventory control system shall include~~] of the establishment or pharmacy;

477 (c) includes a video recording system that:

478 ~~[(a)]~~ (i) tracks all handling and processing of cannabis or a cannabis product in the  
479 ~~[cannabis production]~~ establishment or ~~[cannabis dispensary]~~ pharmacy;

480 ~~[(b)]~~ (ii) is tamper proof; ~~[and (c) is capable of storing]~~

481 (iii) stores a video record for at least 45 days[. ~~(5) An inventory control system~~  
482 ~~installed in a cannabis production establishment or cannabis dispensary shall maintain~~]; and

483 (d) preserves compatibility with the state electronic verification system described in  
484 Section [26-61a-103](#).

485 ~~[(6)]~~ (3) A cannabis production establishment ~~[or]~~, a medical cannabis ~~[dispensary]~~  
486 pharmacy, and the state central fill medical cannabis pharmacy shall allow the department or  
487 the Department of Health access to the cannabis production establishment's ~~[or]~~, medical  
488 cannabis [dispensary's] pharmacy's, or state central fill medical cannabis pharmacy's inventory  
489 control system ~~[during an inspection]~~ at any time.

490 ~~[(7)]~~ (4) The department may establish compatibility standards for an inventory control



491 system by rule made in accordance with Title 63G, Chapter 3, Utah Administrative  
492 Rulemaking Act.

493 (5) (a) The department shall make rules in accordance with Title 63G, Chapter 3, Utah  
494 Administrative Rulemaking Act, establishing requirements for aggregate or batch records  
495 regarding the planting and propagation of cannabis before being tracked in an inventory control  
496 system described in this section.

497 (b) The department shall ensure that the rules described in Subsection (5)(a) address  
498 record-keeping for the amount of planted seed, number of cuttings taken, date and time of  
499 cutting and planting, number of plants established, and number of plants culled or dead.

500 Section 5. Section **4-41a-104** is enacted to read:

501 **4-41a-104. Qualified Production Enterprise Fund -- Creation -- Revenue**  
502 **neutrality.**

503 (1) There is created an enterprise fund known as the "Qualified Production Enterprise  
504 Fund."

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

506 (a) money the department deposits into the fund under this chapter;

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

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

509 (3) Interest earned on the Qualified Production Enterprise Fund shall be deposited into  
510 the fund.

511 (4) The department may only use money in the fund to fund the department's  
512 implementation of this chapter.

513 (5) The department shall set fees authorized under this chapter in amounts that the  
514 department anticipates are necessary, in total, to cover the department's cost to implement this  
515 chapter.

516 Section 6. Section **4-41a-105** is enacted to read:

517 **4-41a-105. Agreement with a tribe.**

518 (1) As used in this section, "tribe" means a federally recognized Indian tribe or Indian  
519 band.

520 (2) (a) In accordance with this section, the governor may enter into an agreement with a  
521 tribe to allow for the operation of a cannabis production establishment on tribal land located

522 within the state.

523 (b) An agreement described in Subsection (2)(a) may not exempt any person from the  
524 requirements of this chapter.

525 (c) The governor shall ensure that an agreement described in Subsection (2)(a):

526 (i) is in writing;

527 (ii) is signed by:

528 (A) the governor; and

529 (B) the governing body of the tribe that the tribe designates and has the authority to  
530 bind the tribe to the terms of the agreement;

531 (iii) states the effective date of the agreement;

532 (iv) provides that the governor shall renegotiate the agreement if the agreement is or  
533 becomes inconsistent with a state statute; and

534 (v) includes any accommodation that the tribe makes:

535 (A) to which the tribe agrees; and

536 (B) that is reasonably related to the agreement.

537 (d) Before executing an agreement under this Subsection (2), the governor shall consult  
538 with the department.

539 (e) At least 30 days before the execution of an agreement described in this Subsection  
540 (2), the governor or the governor's designee shall provide a copy of the agreement in the form  
541 in which the agreement will be executed to:

542 (i) the chairs of the Native American Legislative Liaison Committee; and

543 (ii) the Office of Legislative Research and General Counsel.

544 Section 7. Section **4-41a-106** is enacted to read:

545 **4-41a-106. Severability clause.**

546 (1) If a final decision of a court of competent jurisdiction holds invalid any provision  
547 of this title or this bill or the application of any provision of this title or this bill to any person  
548 or circumstance, the remaining provisions of this title and this bill remain effective without the  
549 invalidated provision or application.

550 (2) The provisions of this title and this bill are severable.

551 Section 8. Section **4-41a-201**, which is renumbered from Section 4-41b-201 is  
552 renumbered and amended to read:

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**Part 2. Cannabis Production Establishment**

~~[4-41b-201]~~. **4-41a-201. Cannabis production establishment -- License.**

(1) A person may not operate a cannabis production establishment without a license ~~[issued by]~~ that the department issues under this chapter.

(2) (a) Subject to Subsections (6) ~~[and]~~, (7), and (8), and to Section ~~[4-41b-204]~~ 4-41a-205, the department shall, ~~[within 90 days after receiving a complete application]~~ in accordance with Title 63G, Chapter 6a, Utah Procurement Code, issue a license to operate a cannabis production establishment to ~~[a person who]~~ an applicant who is eligible for a license under this section.

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

~~[(a)]~~ (i) a proposed name and address, located in a zone described in Subsection 4-41a-406(1)(a) or (b), where the ~~[person]~~ applicant will operate the cannabis production establishment that is not within ~~[600]~~ 1,000 feet of a community location or within ~~[300]~~ 600 feet of an area zoned ~~[exclusively]~~ primarily for residential use, as measured from the nearest entrance to the cannabis production establishment by following the shortest route of ordinary pedestrian travel to the property boundary of the community location or residential area, unless the relevant county or municipality recommends in writing that the department waive the community location proximity limit;

~~[(b)]~~ (ii) the name and address of any individual who has:

(A) a financial or voting interest of ~~[two percent]~~ 2% or greater in the proposed cannabis production establishment; or ~~[who has]~~

(B) the power to direct or cause the management or control of a proposed ~~[medical]~~ cannabis production establishment;

~~[(c)]~~ (iii) an operating plan that:

(A) complies with Section ~~[4-41b-203 and that]~~ 4-41a-204;

(B) includes operating procedures ~~[to]~~ that comply with ~~[the requirements of]~~ this chapter and ~~[with]~~ any ~~[laws adopted by]~~ law the municipality or county ~~[that are]~~ in which the person is located adopts that is consistent with Section ~~[4-41b-405]~~ 4-41a-406; and

(C) the department approves;

~~[(d)]~~ (iv) ~~[financial statements demonstrating that the person possesses a minimum of]~~

584 evidence that the applicant has obtained and maintains a performance bond that a surety  
585 authorized to transact surety business in the state issues in an amount of at least:

586 (A) [~~\$500,000 in liquid assets available~~] \$250,000 for each cannabis cultivation facility  
587 for which the [person] applicant applies; or [~~a minimum of \$100,000~~]

588 (B) [~~in liquid assets available~~] \$50,000 for each cannabis processing facility or  
589 independent cannabis testing laboratory for which the [person] applicant applies;

590 [~~(e) if the municipality or county where the proposed cannabis production~~  
591 establishment would be located has enacted zoning restrictions, a sworn statement certifying  
592 that the proposed cannabis production establishment is in compliance with the restrictions;]

593 [~~(f)~~] (v) if the municipality or county where the proposed cannabis production  
594 establishment would be located requires a local land use permit [~~or license~~], a copy of the  
595 applicant's approved application for the local land use permit [~~or license~~]; and

596 [~~(g)~~] (vi) an application fee [~~established by~~] in an amount that, subject to Subsection  
597 [4-41a-104\(5\)](#), the department sets in accordance with Section [63J-1-504](#) [~~, that is necessary to~~  
598 cover the department's cost to implement this chapter].

599 (3) If the department [~~determines that a cannabis production establishment is eligible~~]  
600 approves an application for a license under this section[~~;~~];

601 (a) the applicant shall pay the department [~~shall charge the cannabis establishment~~] an  
602 initial license fee in an amount [~~determined by~~] that, subject to Subsection [4-41a-104\(5\)](#), the  
603 department sets in accordance with Section [63J-1-504](#) [~~;~~]; and

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

606 (4) (a) Except as provided in Subsection [~~(5)~~] (4)(b), the department shall require a  
607 separate license for each type of cannabis production establishment and each location of a  
608 cannabis production establishment.

609 [~~(5)~~] (b) The department may issue a cannabis cultivation facility license and a  
610 cannabis processing facility license to a person to operate at the same physical location or at  
611 separate physical locations.

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

615 (6) The department may not issue a license to operate an independent cannabis testing  
616 laboratory to a person who:

617 (a) [~~that~~] holds a license or has an ownership interest in a medical cannabis  
618 [~~dispensary~~] pharmacy, a cannabis processing facility, or a cannabis cultivation facility [~~in the~~  
619 state];

620 (b) [~~that~~] has an owner, officer, director, or employee whose [~~immediate~~] family  
621 member holds a license or has an ownership interest in a medical cannabis [~~dispensary~~]  
622 pharmacy, a cannabis processing facility, or a cannabis cultivation facility; or

623 (c) [~~who~~] proposes to operate the independent cannabis testing laboratory at the same  
624 physical location as a medical cannabis [~~dispensary~~] pharmacy, a cannabis processing facility,  
625 or a cannabis cultivation facility.

626 (7) The department may not issue a license to operate a cannabis production  
627 establishment to an applicant if any individual [~~who has a financial or voting interest of two~~  
628 ~~percent or greater in the applicant or who has the power to direct or cause the management or~~  
629 ~~control of the applicant~~] described in Subsection (2)(b)(ii):

630 (a) has been convicted [~~of an offense that is a felony~~] under [~~either~~] state or federal  
631 law[~~; or~~] of:

632 (i) a felony; or

633 (ii) after the effective date of this bill, a misdemeanor for drug distribution; or

634 (b) is [~~less~~] younger than 21 years [~~of age~~] old.

635 (8) If an applicant for a cannabis production establishment license under this section  
636 holds a license under Title 4, Chapter 41, Hemp and Cannabidiol Act, or Title 26, Chapter 61a,  
637 Utah Medical Cannabis Act, the department:

638 (a) shall consult with the Department of Health regarding the applicant if the license  
639 the applicant holds is a license under Title 26, Chapter 61a, Utah Medical Cannabis Act; and

640 (b) may not give preference to the applicant based on the applicant's status as a holder  
641 of a license described in this Subsection (8).

642 [~~(8)~~] (9) The department may revoke a license under this part:

643 (a) if the cannabis production establishment [~~is~~] does not [~~operating~~] begin cannabis  
644 production operations within one year [~~of the issuance of~~] after the day on which the  
645 department issues the initial license[~~-~~];

646 (b) after the cannabis production establishment makes the same violation of this  
647 chapter three times; or

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

650 (i) a felony; or

651 (ii) after the effective date of this bill, a misdemeanor for drug distribution.

652 ~~[(9)]~~ (10) The department shall deposit the proceeds of a fee [imposed by] that the  
653 department imposes under this section [in] into the [Medical Cannabis Restricted Account]  
654 Qualified Production Enterprise Fund.

655 ~~[(10)]~~ (11) The department shall begin accepting applications under this part [no later  
656 than] on or before January 1, 2020.

657 (12) The department's authority to issue a license under this section is plenary and is  
658 not subject to review.

659 Section 9. Section ~~4-41a-202~~, which is renumbered from Section 4-41b-302 is  
660 renumbered and amended to read:

661 ~~[4-41b-302]~~. **4-41a-202. Cannabis production establishment owners and**  
662 **directors -- Criminal background checks.**

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

667 (a) a fingerprint card in a form acceptable to the ~~[department; and]~~ Department of  
668 Public Safety;

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

672 ~~[(b)]~~ (c) consent to a fingerprint background check by:

673 (i) the Utah Bureau of Criminal Identification; and

674 (ii) the Federal Bureau of Investigation.

675 ~~[(2) The department shall request that the Department of Public Safety complete a~~  
676 ~~Federal Bureau of Investigation criminal background check for the individual described in~~

677 Subsection (1):]

678 (2) The Bureau of Criminal Identification shall:

679 (a) check the fingerprints the applicant submits under Subsection (1) against the  
680 applicable state, regional, and national criminal records databases, including the Federal  
681 Bureau of Investigation Next Generation Identification System;

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

683 (c) maintain a separate file of fingerprints that applicants submit under Subsection (1)  
684 for search by future submissions to the local and regional criminal records databases, including  
685 latent prints;

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

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

693 (3) The department shall:

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

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

699 Section 10. Section ~~4-41a-203~~, which is renumbered from Section 4-41b-202 is  
700 renumbered and amended to read:

701 ~~[4-41b-202].~~ **4-41a-203. Renewal.**

702 [(1)] The department shall renew a [person's] license issued under Section [~~4-41b-201~~]  
703 ~~4-41a-201~~ every [~~two years;~~] year if, at the time of renewal:

704 [(a)] (1) the [person] licensee meets the requirements of Section [~~4-41b-201~~]  
705 ~~4-41a-201~~; [and]

706 [(b)] (2) the [person] licensee pays the department a license renewal fee in an amount  
707 [~~determined by~~] that, subject to Subsection ~~4-41a-104(5)~~, the department sets in accordance

708 with Section [63J-1-504](#)[-]; and

709 (3) if the cannabis production establishment changes the operating plan described in  
 710 Section [4-41a-204](#) that the department approved under Subsection [4-41a-201](#)(2)(b)(iii), the  
 711 department approves the new operating plan.

712 Section 11. Section **4-41a-204**, which is renumbered from Section 4-41b-203 is  
 713 renumbered and amended to read:

714 ~~**[4-41b-203].**~~ **4-41a-204. Operating plan.**

715 (1) A person applying for a cannabis production [~~facility~~] establishment license or  
 716 license renewal shall submit to the department for the department's review a proposed  
 717 [~~operation~~] operating plan that complies with this section and that includes:

718 (a) a description of the physical characteristics of the proposed facility, including a  
 719 floor plan and an architectural elevation;

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

721 (i) each officer, director, [~~or~~] and owner of the proposed cannabis production  
 722 establishment; and

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

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

725 (d) a security plan;

726 (e) a description of the cannabis production establishment's inventory control system,  
 727 including a [~~plan to make~~] description of how the inventory control system is compatible with  
 728 the state electronic verification system described in Section [26-61a-103](#);

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

731 [~~(f)~~] (g) for a cannabis cultivation facility, the information described in Subsection (2);

732 [~~(g)~~] (h) for a cannabis processing facility, the information described in Subsection (3);

733 and

734 [~~(h)~~] (i) for an independent cannabis testing laboratory, the information described in  
 735 Subsection (4).

736 (2) (a) A cannabis cultivation facility shall ensure that the facility's operating plan  
 737 [~~shall include the cannabis cultivation~~] includes the facility's intended:

738 (i) cannabis cultivation practices, including the [~~cannabis cultivation~~] facility's



739 intended pesticide use<sup>[;]</sup> and fertilizer use<sup>[;]</sup>; and  
740 (ii) subject to Subsection (2)(b), acreage or square footage under cultivation<sup>[;]</sup> and  
741 anticipated cannabis yield.

742 (b) Except as provided in Subsection (2)(c) or (d):  
743 (i) a cannabis cultivation facility that cultivates cannabis indoors may not:  
744 (A) use more than 100,000 square feet for cultivation; or  
745 (B) hang, suspend, stack or otherwise position plants above other plants to cultivate  
746 more plants through use of vertical space; and  
747 (ii) a cannabis cultivation facility that cultivates cannabis outdoors may not use more  
748 than four acres for cultivation.

749 (c) (i) Each licensee may annually apply to the department for authorization to exceed  
750 the cannabis cultivation facility's current cultivation size limitation by up to 20%.  
751 (ii) The department may, after conducting a review as described in Subsection  
752 [4-41a-205\(2\)\(a\)](#), grant the authorization described in Subsection (2)(c)(i).

753 (d) If a licensee describes an intended acreage or square footage under cultivation  
754 under Subsection (2)(a)(ii) that is less than the limitation described in Subsection (2)(b):  
755 (i) the licensee may not cultivate more than the licensee's identified intended acreage or  
756 square footage under cultivation; and  
757 (ii) notwithstanding Subsection (2)(b), the department may allocate the remaining  
758 difference in acreage or square footage under cultivation to another licensee.

759 (3) A cannabis processing facility's operating plan shall include the [~~cannabis~~  
760 ~~processing~~] facility's intended cannabis processing practices, including the cannabis processing  
761 facility's intended [~~offered variety of cannabis product, cannabinoid extraction method,~~  
762 ~~cannabinoid extraction equipment, processing equipment, processing techniques, and sanitation~~  
763 ~~and food safety procedures.~~];

764 (a) offered variety of cannabis product;  
765 (b) cannabinoid extraction method;  
766 (c) cannabinoid extraction equipment;  
767 (d) processing equipment;  
768 (e) processing techniques; and  
769 (f) sanitation and manufacturing safety procedures for items for human consumption.

770 (4) An independent cannabis testing laboratory's operating plan shall include the  
 771 [~~independent cannabis testing~~] laboratory's intended:

772 (a) cannabis and cannabis product testing capability [~~and~~];

773 (b) cannabis and cannabis product testing equipment[~~;~~]; and

774 (c) testing methods, standards, practices, and procedures for testing cannabis and  
 775 cannabis products.

776 Section 12. Section ~~4-41a-205~~, which is renumbered from Section 4-41b-204 is  
 777 renumbered and amended to read:

778 [~~4-41b-204~~]. **4-41a-205. Number of licenses -- Cannabis cultivation**  
 779 **facilities.**

780 (1) Except as [~~otherwise~~] provided in Subsection [~~(2)~~] (2)(a), the department may not  
 781 issue [~~not~~] more than [~~15~~] 10 licenses to operate a cannabis cultivation [~~facilities~~] facility.

782 (2) (a) [~~After January 1, 2022, the~~] The department may issue [~~additional~~] up to five  
 783 licenses to operate a cannabis cultivation [~~facilities~~] facility in addition to the 10 licenses  
 784 described in Subsection (1) if the department determines, in consultation with the Department  
 785 of Health and after an annual or more frequent analysis of the current and anticipated market  
 786 for [~~medical~~] cannabis in a medicinal dosage form and [~~medical~~] cannabis products in a  
 787 medicinal dosage form, that each additional [~~licenses are needed~~] license is necessary to  
 788 provide an adequate supply, quality, or variety of [~~medical~~] cannabis in a medicinal dosage  
 789 form and [~~medical~~] cannabis products in a medicinal dosage form to medical cannabis [~~card~~  
 790 holders in Utah] cardholders.

791 (b) If the recipient of one of the initial 10 licenses described in Subsection (1) ceases  
 792 operations or otherwise abandons the license, the department may but is not required to grant  
 793 the vacant license to another applicant based on an analysis as described in Subsection (2)(a).

794 (3) If there are more qualified applicants than [~~there are~~] the number of available  
 795 licenses for cannabis cultivation facilities under Subsections (1) and (2), the department shall  
 796 evaluate the applicants and award the limited number of licenses described in Subsections (1)  
 797 and (2) to the applicants that best demonstrate:

798 (a) experience with establishing and successfully operating a business that involves;

799 (i) complying with a regulatory environment[~~;~~];

800 (ii) tracking inventory[~~;~~]; and

- 801 (iii) training, evaluating, and monitoring employees;
- 802 (b) an operating plan that will best ensure the safety and security of patrons and the  
803 community;
- 804 (c) positive connections to the local community; and
- 805 (d) the extent to which the applicant can reduce the cost to patients of cannabis in a  
806 medicinal dosage form or cannabis products [~~for patients~~] in a medicinal dosage form.

807 (4) The department may conduct a face-to-face interview with an applicant for a  
808 license that the department evaluates under Subsection (3).

809 Section 13. Section ~~4-41a-301~~, which is renumbered from Section 4-41b-301 is  
810 renumbered and amended to read:

811 **Part 3. Cannabis Production Establishments Agents**

812 [~~4-41b-301~~]. **4-41a-301. Cannabis production establishment agent --**

813 **Registration.**

814 (1) An individual may not act as a cannabis production establishment agent unless the  
815 department registers the individual [~~is registered by the department~~] as a cannabis production  
816 establishment agent.

817 (2) [~~A physician~~] The following individuals, regardless of the individual's status as a  
818 qualified medical provider, may not serve as a cannabis production establishment agent[-], have  
819 a financial or voting interest of 2% or greater in a cannabis production establishment, or have  
820 the power to direct or cause the management or control of a cannabis production establishment:

821 (a) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

822 (b) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse  
823 Practice Act;

824 (c) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title  
825 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

826 (d) a physician assistant licensed under Title 58, Chapter 70a, Physician Assistant Act.

827 (3) An independent cannabis testing laboratory agent may not act as an agent for a  
828 medical cannabis [dispensary] pharmacy, the state central fill medical cannabis pharmacy, a  
829 cannabis processing facility, or a cannabis cultivation facility.

830 (4) (a) The department shall, within 15 business days after [~~receiving~~] the day on which  
831 the department receives a complete application from a cannabis production establishment on

832 behalf of a prospective cannabis production establishment agent, register and issue a cannabis  
833 production establishment agent registration card to ~~[an individual who]~~ the prospective agent if  
834 the cannabis production establishment:

835 ~~[(a)]~~ (i) provides to the department:

836 (A) the ~~[individual's]~~ prospective agent's name and address ~~[and];~~

837 (B) the name and location of a licensed cannabis production establishment where the  
838 ~~[individual]~~ prospective agent will act as the cannabis production establishment's agent; and

839 (C) the submission required under Subsection (4)(b); and

840 ~~[(b)]~~ (ii) pays a fee to the department~~[-]~~ in an amount ~~[determined by]~~ that, subject to  
841 Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504~~[-, that is~~  
842 necessary to cover the department's cost to implement this part].

843 (b) Each prospective agent described in Subsection (4)(a) shall:

844 (i) submit to the department:

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

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

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

850 (A) the Bureau of Criminal Identification; and

851 (B) the Federal Bureau of Investigation.

852 (c) The Bureau of Criminal Identification shall:

853 (i) check the fingerprints the prospective agent submits under Subsection (4)(b) against  
854 the applicable state, regional, and national criminal records databases, including the Federal  
855 Bureau of Investigation Next Generation Identification System;

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

857 (iii) maintain a separate file of fingerprints that prospective agents submit under  
858 Subsection (4)(b) for search by future submissions to the local and regional criminal records  
859 databases, including latent prints;

860 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next  
861 Generation Identification System's Rap Back Service for search by future submissions to  
862 national criminal records databases, including the Next Generation Identification System and

863 latent prints; and

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

867 (d) The department shall:

868 (i) assess an individual who submits fingerprints under Subsection (4)(b) a fee in an  
869 amount that the department sets in accordance with Section 63J-1-504 for the services that the  
870 Bureau of Criminal Identification or another authorized agency provides under this section; and

871 (ii) remit the fee described in Subsection (4)(d) to the Bureau of Criminal  
872 Identification.

873 (5) The department shall designate, on an individual's cannabis production  
874 establishment agent registration card:

875 (a) the name of the cannabis production establishment where the individual is  
876 registered as an agent; and

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

879 (6) A cannabis production establishment agent shall comply with:

880 (a) a certification standard [~~developed by~~] that the department develops; or

881 (b) [~~with a third party~~] a third-party certification standard [~~designated by~~] that the  
882 department designates by rule [~~made~~], in accordance with Title 63G, Chapter 3, Utah  
883 Administrative Rulemaking Act.

884 (7) The department shall ensure that the certification standard described in Subsection  
885 (6) [~~shall include~~] includes training:

886 (a) in Utah medical cannabis law;

887 (b) for a cannabis cultivation facility agent, in cannabis cultivation best practices;

888 (c) for a cannabis processing facility agent, in cannabis processing, [~~food~~]

889 manufacturing safety procedures for items for human consumption, and sanitation best  
890 practices; and

891 (d) for an independent cannabis testing laboratory agent, in cannabis testing best  
892 practices.

893 (8) [~~The department may revoke or refuse to issue the~~] For an individual who holds or

894 applies for a cannabis production establishment agent registration card [~~of an individual who~~]:

895 (a) the department may revoke or refuse to issue the card if the individual violates the  
896 requirements of this chapter; [~~or~~] and

897 (b) the department shall revoke or refuse to issue the card if the individual is convicted  
898 [~~of an offense that is a felony~~] under state or federal law of:

899 (i) a felony; or

900 (ii) after the effective date of this bill, a misdemeanor for drug distribution.

901 (9) (a) A cannabis production establishment agent registration card expires two years  
902 after the day on which the department issues the card.

903 (b) A cannabis production establishment agent may renew the agent's registration card  
904 if the agent:

905 (i) is eligible for a cannabis production establishment registration card under this  
906 section;

907 (ii) certifies to the department in a renewal application that the information in  
908 Subsection (4)(a) is accurate or updates the information; and

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

910 (A) subject to Subsection [4-41a-104](#)(5), the department sets in accordance with Section  
911 [63J-1-504](#); and

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

914 Section 14. Section **4-41a-302**, which is renumbered from Section 4-41b-303 is  
915 renumbered and amended to read:

916 [~~4-41b-303~~]. **4-41a-302. Cannabis production establishment agent**  
917 **registration card -- Rebuttable presumption.**

918 (1) A cannabis production establishment agent [~~who is registered with~~] whom the  
919 department registers under Section [~~4-41b-301~~] [4-41a-301](#) shall carry the individual's cannabis  
920 production establishment agent registration card with the [~~individual~~] agent at all times when:

921 (a) the [~~individual~~] agent is on the premises of a cannabis production establishment  
922 where the [~~individual~~] agent is [~~a cannabis production establishment agent~~] registered; [~~and~~]

923 (b) the [~~individual~~] agent is transporting cannabis in a medicinal dosage form, a  
924 cannabis product in a medicinal dosage form, or a medical cannabis device between:

925 (i) two cannabis production establishments; or ~~[between]~~  
926 (ii) a cannabis production establishment and;  
927 (A) a medical cannabis ~~[dispensary]~~ pharmacy; or  
928 (B) the state central fill medical cannabis pharmacy; and  
929 (c) if the cannabis production establishment agent is an agent of a cannabis cultivating  
930 facility, the agent is transporting raw cannabis plants to a cannabis processing facility or an  
931 independent cannabis testing laboratory.

932 (2) If ~~[an individual]~~ a cannabis processing facility agent possesses cannabis in a  
933 medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis  
934 device and produces the registration card in the agent's possession in compliance with  
935 Subsection (1) while handling, at a cannabis production establishment, or transporting the  
936 cannabis, [a] cannabis product, or [a] medical cannabis device [at a cannabis production  
937 establishment, or transporting cannabis, a cannabis product, or a medical cannabis device,  
938 possesses the cannabis, cannabis product, or medical cannabis device] in compliance with  
939 Subsection (1):

940 (a) there is a rebuttable presumption that the ~~[individual]~~ agent possesses the cannabis,  
941 cannabis product, or medical cannabis device legally; and

942 (b) a law enforcement officer does not have probable cause, based solely on the  
943 ~~[individual's]~~ agent's possession of the cannabis in medicinal dosage form, cannabis product in  
944 medicinal dosage form, or medical cannabis device in compliance with Subsection (1), to  
945 believe that the individual is engaging in illegal activity.

946 (3) (a) ~~[An individual]~~ A cannabis production establishment agent who [violates] fails  
947 to carry the agent's cannabis production establishment agent registration card in accordance  
948 with Subsection (1) is:

949 (i) for a first or second offense in a two-year period:

950 ~~[(a)]~~ (A) guilty of an infraction; and

951 ~~[(b)]~~ (B) [is] subject to a \$100 fine[-]; or

952 (ii) for a third or subsequent offense in a two-year period:

953 (A) guilty of a class C misdemeanor; and

954 (B) subject to a \$750 fine.

955 (b) (i) The prosecuting entity shall notify the department and the relevant cannabis

956 production establishment of each conviction under Subsection (3)(a).

957 (ii) For each violation described in Subsection (3)(a)(ii), the department may assess the  
958 relevant cannabis production establishment a fine of up to \$5,000, in accordance with a fine  
959 schedule that the department establishes by rule in accordance with Title 63G, Chapter 3, Utah  
960 Administrative Rulemaking Act.

961 (c) An individual who is guilty of a violation described in Subsection (3)(a) is not  
962 guilty for a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct  
963 underlying the violation described in Subsection (3)(a).

964 Section 15. Section ~~4-41a-401~~, which is renumbered from Section 4-41b-401 is  
965 renumbered and amended to read:

966 **Part 4. General Cannabis Production Establishment Operating Requirements**  
967 ~~[4-41b-401].~~ **4-41a-401. Cannabis production establishment -- General**  
968 **operating requirements.**

969 (1) (a) A cannabis production establishment shall operate in accordance with the  
970 operating plan [~~provided to the department under Section 4-41b-203~~] described in Sections  
971 4-41a-201 and 4-41a-204.

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

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

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

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

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

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

984 (D) suspend or revoke a license if the cannabis production establishment fails to cure  
985 the noncompliance.

986 (2) A cannabis production establishment shall operate:



987 (a) except as provided in Subsection (5), in a facility that is accessible only by an  
988 individual with a valid cannabis production establishment agent registration card issued under  
989 Section [~~4-41b-301~~] 4-41a-301; and

990 (b) at the physical address provided to the department under Section [~~4-41b-201~~]  
991 4-41a-201.

992 (3) A cannabis production establishment may not employ [~~any person~~] an individual  
993 who is younger than 21 years [~~of age~~] old.

994 (4) A cannabis production establishment [~~shall conduct a background check into the~~  
995 ~~criminal history of every person who will become an agent of the cannabis production~~  
996 ~~establishment and~~] may not employ [~~any person~~] an individual who has been convicted, [~~of an~~  
997 ~~offense that is a felony~~] under [~~either~~] state or federal law[~~;~~], of:

998 (a) a felony; or

999 (b) after the effective date of this bill, a misdemeanor for drug distribution.

1000 (5) A cannabis production establishment may authorize an individual who is at least 18  
1001 years old and is not a cannabis production establishment agent to access the cannabis  
1002 production establishment if the cannabis production establishment:

1003 (a) tracks and monitors the individual at all times while the individual is at the  
1004 cannabis production establishment; and

1005 (b) maintains a record of the individual's access, including arrival and departure.

1006 (6) A cannabis production establishment shall operate in a facility that has:

1007 (a) a single, secure public entrance;

1008 (b) a security system with a backup power source that:

1009 (i) detects and records entry into the cannabis production establishment; and

1010 (ii) provides notice of an unauthorized entry to law enforcement when the cannabis  
1011 production establishment is closed; and

1012 (c) a lock or equivalent restrictive security feature on any area where the cannabis  
1013 production establishment stores cannabis or a cannabis product.

1014 Section 16. Section **4-41a-402**, which is renumbered from Section 4-41b-402 is  
1015 renumbered and amended to read:

1016 [~~4-41b-402~~]. **4-41a-402. Inspections.**

1017 (1) The department may inspect the records and facility of a cannabis production

1018 establishment at any time [~~in order~~] during business hours to determine if the cannabis  
1019 production establishment complies with [~~the requirements of~~] this chapter.

1020 (2) (a) An inspection under this section may include:

1021 (i) inspection of a site, facility, vehicle, book, record, paper, document, data, and other  
1022 physical or electronic information;

1023 (ii) questioning of any relevant individual;

1024 (iii) observation of an independent cannabis testing laboratory's methods, standards,  
1025 practices, and procedures;

1026 (iv) the taking of a specimen of cannabis or cannabis products sufficient for testing  
1027 purposes; or

1028 (v) inspection of equipment, an instrument, a tool, or machinery, including a container  
1029 or label.

1030 (b) Notwithstanding Section [4-41a-404](#), an authorized department employee may  
1031 possess and transport a specimen of cannabis or cannabis products for testing described in  
1032 Subsection (2)(a).

1033 (3) In making an inspection under this section, the department may freely access any  
1034 area and review and make copies of a book, record, paper, document, data, or other physical or  
1035 electronic information, including financial data, sales data, shipping data, pricing data, and  
1036 employee data.

1037 (4) Failure to provide the department or the department's authorized agents immediate  
1038 access to records and facilities during business hours in accordance with this section may result  
1039 in:

1040 (a) the imposition of a civil monetary penalty that the department sets in accordance  
1041 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

1042 (b) license or registration suspension or revocation; or

1043 (c) an immediate cessation of operations under a cease and desist order that the  
1044 department issues.

1045 Section 17. Section **4-41a-403**, which is renumbered from Section 4-41b-403 is  
1046 renumbered and amended to read:

1047 ~~[4-41b-403].~~ **4-41a-403. Advertising.**

1048 (1) A cannabis production establishment may not advertise to the general public in any

1049 medium.

1050 (2) Notwithstanding Subsection (1), a cannabis production establishment may advertise  
1051 an employment [opportunities] opportunity at the cannabis production facility.

1052 Section 18. Section ~~4-41a-404~~, which is renumbered from Section 4-41b-404 is  
1053 renumbered and amended to read:

1054 ~~[4-41b-404].~~ **4-41a-404. Cannabis, cannabis product, or medical cannabis**  
1055 **device transportation.**

1056 (1) ~~[Except for an individual with a valid medical cannabis card pursuant to Title 26,~~  
1057 ~~Chapter 60b, Medical Cannabis Act, an individual]~~

1058 (a) Only the following individuals may [not] transport cannabis in a medicinal dosage  
1059 form, a cannabis product in a medicinal dosage form, or a medical cannabis device [unless the  
1060 individual is] under this chapter:

1061 ~~[(a)]~~ (i) a registered cannabis production establishment agent; or

1062 ~~[(b)]~~ (ii) [a registered cannabis dispensary agent.] a medical cannabis cardholder who is  
1063 transporting a medical cannabis treatment that the cardholder is authorized to possess under  
1064 this chapter.

1065 (b) Only an agent of a cannabis cultivating facility, when the agent is transporting  
1066 cannabis plants to a cannabis processing facility or an independent cannabis testing laboratory,  
1067 may transport unprocessed cannabis outside of a medicinal dosage form.

1068 (2) Except for an individual with a valid medical cannabis card ~~[pursuant to]~~ under  
1069 Title 26, Chapter [60b] 61a, Utah Medical Cannabis Act, [an individual] who is transporting  
1070 [cannabis, a cannabis product, or] a medical cannabis [device] treatment shall possess a  
1071 transportation manifest that:

1072 (a) includes a unique identifier that links the cannabis, cannabis product, or medical  
1073 cannabis device to a relevant inventory control system;

1074 (b) includes origin and destination information for any cannabis, cannabis product, or  
1075 medical cannabis device that the individual is transporting; and

1076 (c) ~~[indicates]~~ identifies the departure and arrival times and locations of the individual  
1077 transporting the cannabis, cannabis product, or medical cannabis device.

1078 (3) (a) In addition to the requirements in Subsections (1) and (2), the department may  
1079 establish[;] by rule [made], in accordance with Title 63G, Chapter 3, Utah Administrative

1080 Rulemaking Act, requirements for transporting cannabis in a medicinal dosage form, a  
1081 cannabis product in a medicinal dosage form, or a medical cannabis device to ensure that [are  
1082 related to safety for human] the cannabis [or], cannabis product [consumption.], or medical  
1083 cannabis device remains safe for human consumption.

1084 (b) The transportation described in Subsection (3)(a) is limited to transportation:

1085 (i) between a cannabis cultivation facility and:

1086 (A) another cannabis cultivation facility; or

1087 (B) a cannabis processing facility; and

1088 (ii) between a cannabis processing facility and:

1089 (A) another cannabis processing facility;

1090 (B) an independent cannabis testing laboratory; or

1091 (C) a medical cannabis pharmacy.

1092 (4) (a) [An individual who transports cannabis, a cannabis product, or a medical  
1093 cannabis device] It is unlawful for a registered cannabis production establishment agent to  
1094 make a transport described in this section with a manifest that does not meet the requirements  
1095 of this section [is:].

1096 (b) Except as provided in Subsection (4)(d), an agent who violates Subsection (4)(a) is:

1097 [~~(a)~~] (i) guilty of an infraction; and

1098 [~~(b)~~] (ii) subject to a \$100 fine.

1099 (c) An individual who is guilty of a violation described in Subsection (4)(b) is not  
1100 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct  
1101 underlying the violation described in Subsection (4)(b).

1102 (d) If the agent described in Subsection (4)(a) is transporting more cannabis, cannabis  
1103 product, or medical cannabis devices than the manifest identifies, except for a de minimis  
1104 administrative error:

1105 (i) the penalty described in Subsection (4)(b) does not apply; and

1106 (ii) the agent is subject to penalties under Title 58, Chapter 37, Utah Controlled  
1107 Substances Act.

1108 (5) Nothing in this section prevents the department from taking administrative  
1109 enforcement action against a cannabis production establishment or another person for failing to  
1110 make a transport in compliance with the requirements of this section.

1111 Section 19. Section ~~4-41a-405~~ is enacted to read:

1112 **4-41a-405. Excess and disposal.**

1113 (1) As used in this section, "medical cannabis waste" means waste and unused material  
1114 from the cultivation and production of medical cannabis.

1115 (2) A cannabis production establishment shall:

1116 (a) render medical cannabis waste unusable and unrecognizable before transporting the  
1117 medical cannabis waste from the cannabis production establishment; and

1118 (b) dispose of medical cannabis waste in accordance with:

1119 (i) federal and state laws, rules, and regulations related to hazardous waste;

1120 (ii) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

1121 (iii) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

1122 (iv) other regulations that the department makes in accordance with Title 63G, Chapter  
1123 3, Utah Administrative Rulemaking Act.

1124 (3) An individual may not transport or dispose of medical cannabis waste other than as  
1125 provided in this section.

1126 Section 20. Section ~~4-41a-406~~, which is renumbered from Section 4-41b-405 is  
1127 renumbered and amended to read:

1128 ~~[4-41b-405].~~ **4-41a-406. Local control.**

1129 ~~(1) [A municipality or county may not enact a zoning ordinance that prohibits a~~  
1130 ~~cannabis production establishment from operating in a location within the municipality's or~~  
1131 ~~county's jurisdiction on the sole basis that the cannabis production establishment possesses,~~  
1132 ~~grows, manufactures, or sells cannabis.]~~

1133 (a) If a municipality's or county's zoning ordinances provide for an industrial zone, the  
1134 municipality or county shall ensure that the ordinances allow for cannabis production  
1135 establishments in at least one type of industrial zone.

1136 (b) If a municipality's or county's zoning ordinances provide for an agricultural zone,  
1137 the municipality or county shall ensure that the ordinances allow for cannabis production  
1138 establishments in at least one type of agricultural zone.

1139 (2) (a) A municipality or county may not deny or revoke a land use permit [or license]  
1140 to operate a cannabis production facility on the sole basis that the applicant or cannabis  
1141 production establishment violates [a] federal law [of] regarding the [United States] legal status

1142 of cannabis.

1143 (b) A municipality or county may not deny or revoke a business license to operate a  
1144 cannabis production facility on the sole basis that the applicant or cannabis production  
1145 establishment violates federal law regarding the legal status of cannabis.

1146 Section 21. Section ~~4-41a-501~~, which is renumbered from Section 4-41b-501 is  
1147 renumbered and amended to read:

1148 **Part 5. Cannabis Cultivation Facility Operating Requirements.**

1149 ~~[4-41b-501].~~ **4-41a-501. Cannabis cultivation facility -- Operating**

1150 **requirements.**

1151 (1) A cannabis cultivation facility shall ensure that any cannabis growing at the  
1152 cannabis cultivation facility is not visible ~~[at]~~ from the ground level of the cannabis cultivation  
1153 facility perimeter.

1154 (2) A cannabis cultivation facility shall use a unique identifier that is connected to the  
1155 cannabis cultivation facility's inventory control system ~~[for]~~ to identify:

1156 (a) beginning at the time a cannabis plant is ~~[8]~~ eight inches tall and has a root ball,  
1157 each cannabis plant;

1158 (b) each unique harvest of cannabis plants;

1159 (c) each batch of cannabis ~~[transferred]~~ the facility transfers to a medical cannabis  
1160 ~~[dispensary]~~ pharmacy, the state central fill medical cannabis pharmacy, a cannabis processing  
1161 facility, or an independent cannabis testing laboratory; and

1162 (d) ~~[disposal of]~~ any excess, contaminated, or deteriorated cannabis of which the  
1163 cannabis cultivation facility disposes.

1164 Section 22. Section ~~4-41a-502~~, which is renumbered from Section 4-41b-502 is  
1165 renumbered and amended to read:

1166 ~~[4-41b-502].~~ **4-41a-502. Cannabis -- Labeling and child-resistant**  
1167 **packaging.**

1168 For any cannabis that a cannabis cultivation facility cultivates or otherwise produces  
1169 and subsequently ships to another cannabis production establishment, the facility shall:

1170 (1) ~~[Cannabis shall have a]~~ label the cannabis with a label that~~[-(a)]~~ has a unique batch  
1171 identification number that is connected to the inventory control system; and ~~[(b) does not~~  
1172 ~~display images, words, or phrases that are intended to appeal to children.~~ (2) A cannabis

1173 ~~cultivation facility shall]~~

1174 (2) package the cannabis in a container that is:

1175 (a) ~~[is]~~ tamper evident; and

1176 (b) ~~[is]~~ not appealing to children, ~~[or similar to a candy container;]~~

1177 ~~[(c) is opaque; and]~~

1178 ~~[(d) complies with child-resistant effectiveness standards established by the United~~

1179 ~~States Consumer Product Safety Commission.]~~

1180 Section 23. Section **4-41a-601**, which is renumbered from Section 4-41b-601 is

1181 renumbered and amended to read:

1182 **Part 6. Cannabis Processing Facility Operating Requirements.**

1183 ~~[4-41b-601].~~ **4-41a-601. Cannabis processing facility -- Operating**

1184 **requirements -- General.**

1185 ~~[(1)]~~ A cannabis processing facility shall ensure that a cannabis product ~~[sold by]~~ the  
1186 cannabis processing facility sells complies with the requirements of this part.

1187 ~~[(2) If a cannabis processing facility extracts cannabinoids from cannabis using a~~  
1188 ~~hydrocarbon process, the cannabis processing facility shall extract the cannabinoids under a~~  
1189 ~~blast hood and shall use a system to reclaim solvents.]~~

1190 Section 24. Section **4-41a-602**, which is renumbered from Section 4-41b-602 is

1191 renumbered and amended to read:

1192 ~~[4-41b-602].~~ **4-41a-602. Cannabis product -- Labeling and child-resistant**  
1193 **packaging.**

1194 (1) ~~[A]~~ For any cannabis product that a cannabis processing facility processes or  
1195 produces, the facility shall [have a]:

1196 (a) label the cannabis product with a label that:

1197 ~~[(a)]~~ (i) clearly and unambiguously states that the cannabis product contains cannabis;

1198 ~~[(b)]~~ (ii) clearly displays the amount of total composite tetrahydrocannabinol and  
1199 cannabidiol in the ~~[cannabis product]~~ labeled container;

1200 ~~[(c)]~~ (iii) has a unique identification number that:

1201 ~~[(i)]~~ (A) is connected to the inventory control system; and

1202 ~~[(ii)]~~ (B) identifies the unique cannabis product manufacturing process ~~[by which]~~ the  
1203 cannabis processing facility used to manufacture the cannabis product ~~[was manufactured];~~

1204           ~~[(d)]~~ (iv) identifies the cannabinoid extraction process that the cannabis processing  
1205 facility used to create the cannabis product;

1206           ~~[(e)]~~ (v) does not display ~~[images, words, or phrases]~~ an image, word, or phrase that  
1207 ~~[are intended to appeal]~~ the facility knows or should know appeals to children; and

1208           ~~[(f)]~~ (vi) discloses ~~[ingredients]~~ each active or potentially active ingredient, in order of  
1209 prominence, and possible ~~[allergens:]~~ allergen; and

1210           ~~[(2)]~~ (b) ~~[A cannabis processing facility shall]~~ package ~~[a]~~ the cannabis product in a  
1211 medicinal dosage form in a container that:

1212           ~~[(a)]~~ (i) except for a blister pack, is tamper evident and tamper resistant;

1213           ~~[(b)]~~ (ii) does not appeal to children;

1214           ~~[(c)]~~ (iii) ~~[is not appealing to children or similar to]~~ does not mimic a candy container;

1215           ~~[(e)]~~ (iv) except for a blister pack, is opaque; ~~[and]~~

1216           ~~[(d)]~~ (v) complies with child-resistant effectiveness standards ~~[established by]~~ that the  
1217 United States Consumer Product Safety Commission[-] establishes; and

1218           (vi) includes a warning label that states: "WARNING: Cannabis has intoxicating  
1219 effects and may be addictive. Do not operate a vehicle or machinery under its influence. KEEP  
1220 OUT OF REACH OF CHILDREN. This product is for medical use only. Use only as directed  
1221 by a qualified medical provider."

1222           (2) For any cannabis or cannabis product that the cannabis processing facility processes  
1223 into a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or rectangular  
1224 cuboid shape, the facility shall:

1225           (a) ensure that the label described in Subsection (1)(a) does not contain a photograph or  
1226 other image of the content of the container; and

1227           (b) include on the label described in Subsection (1)(a) a warning about the risks of  
1228 over-consumption.

1229           (3) The department shall make rules in accordance with Title 63G, Chapter 3, Utah  
1230 Administrative Rulemaking Act, establishing a standard labeling format that:

1231           (a) complies with the requirements of this section; and

1232           (b) ensures inclusion of a pharmacy label.

1233           Section 25. Section **4-41a-603**, which is renumbered from Section 4-41b-603 is  
1234 renumbered and amended to read:



1235 ~~[4-41b-603]~~. **4-41a-603. Cannabis product -- Product quality.**

1236 (1) A cannabis processing facility may not produce a cannabis product in a physical  
1237 form that:

1238 (a) ~~[is intended to appeal]~~ the facility knows or should know appeals to children; ~~[or]~~

1239 (b) is designed to mimic or could be mistaken for ~~[an existing]~~ a candy product~~[-];~~ or

1240 (c) for a product used in vaporization, includes a candy-like flavor or another flavor

1241 that the facility knows or should know appeals to children.

1242 ~~[(2) A cannabis processing facility may not manufacture a cannabis product by~~  
1243 ~~applying a cannabis agent only to the surface of a pre-manufactured food product that is not~~  
1244 ~~produced by the cannabis processing facility.]~~

1245 ~~[(3)]~~ (2) A cannabis product may vary in the cannabis product's labeled ~~[cannabis]~~  
1246 cannabinoid profile by up to ~~[±5%]~~ 10% of the indicated amount of a given cannabinoid, by  
1247 weight.

1248 ~~[(4)]~~ (3) The department shall adopt~~[-]~~ by rule ~~[made]~~, in accordance with Title 63G,  
1249 Chapter 3, Utah Administrative Rulemaking Act, human safety standards for ~~[manufacture]~~ the  
1250 manufacturing of cannabis products that are consistent~~[-, to the extent possible,]~~ with ~~[rules for~~  
1251 ~~similar products that do not contain]~~ best practices for the use of cannabis.

1252 Section 26. Section **4-41a-701**, which is renumbered from Section 4-41b-701 is  
1253 renumbered and amended to read:

1254 **Part 7. Independent Cannabis Testing Laboratories.**

1255 ~~[4-41b-701]~~. **4-41a-701. Cannabis and cannabis product testing.**

1256 (1) ~~[No]~~ A medical cannabis pharmacy and the state central fill medical cannabis  
1257 pharmacy may not offer any cannabis or cannabis product ~~[may be offered]~~ for sale ~~[at a~~  
1258 ~~cannabis dispensary]~~ unless an independent cannabis testing laboratory has tested a  
1259 representative sample of the cannabis or cannabis product ~~[has been tested by an independent~~  
1260 ~~cannabis testing laboratory]~~ to determine:

1261 (a) (i) the amount of total composite tetrahydrocannabinol and cannabidiol in the  
1262 cannabis or cannabis product; and

1263 (ii) the amount of any other cannabinoid in the cannabis or cannabis product that the  
1264 label claims the cannabis or cannabis product contains;

1265 (b) that the presence of contaminants, including mold, fungus, pesticides, microbial

1266 contaminants, heavy metals, or foreign material, does not exceed an amount that is safe for  
1267 human consumption; and

1268 (c) for a cannabis product that is manufactured using a process that involves extraction  
1269 using hydrocarbons, that the cannabis product does not contain ~~[an unhealthy]~~ a level of a  
1270 residual solvent that is not safe for human consumption.

1271 (2) ~~[The department may determine, by]~~ By rule [made], in accordance with Title 63G,  
1272 Chapter 3, Utah Administrative Rulemaking Act, the department:

1273 (i) may determine the amount of ~~[a]~~ any substance described in ~~[Subsection (1)]~~  
1274 Subsections (1)(b) and (c) that is safe for human consumption~~[-]; and~~

1275 (ii) shall establish protocols for a recall of cannabis or a cannabis product by a cannabis  
1276 production establishment.

1277 (3) The department may require testing for a toxin if:

1278 (a) the department receives information indicating the potential presence of a toxin; or

1279 (b) the department's inspector has reason to believe a toxin may be present based on the  
1280 inspection of a facility.

1281 (4) The department shall establish by rule, in accordance with Title 63G, Chapter 3,  
1282 Utah Administrative Rulemaking Act, the standards, methods, practices, and procedures for the  
1283 testing of cannabis and cannabis products by independent cannabis testing laboratories.

1284 (5) The department may require an independent cannabis testing laboratory to  
1285 participate in a proficiency evaluation that the department conducts or that an organization that  
1286 the department approves conducts.

1287 Section 27. Section ~~4-41a-702~~, which is renumbered from Section 4-41b-702 is  
1288 renumbered and amended to read:

1289 ~~[4-41b-702]~~. **4-41a-702. Reporting -- Inspections -- Seizure by the**  
1290 **department**.

1291 (1) If an independent cannabis testing laboratory determines that the results of a lab test  
1292 indicate that a cannabis or cannabis product batch may be unsafe for human ~~[consumption, the~~  
1293 ~~independent cannabis testing laboratory shall]~~ use:

1294 (a) the independent cannabis testing laboratory shall:

1295 ~~[{a}]~~ (i) report the results and the cannabis or cannabis product batch to:

1296 ~~[{i}]~~ (A) the department; and

1297            [(f)] (B) the cannabis production establishment that prepared the cannabis or cannabis  
1298 product batch; and

1299            [(b)] (ii) retain possession of the cannabis or cannabis product batch for [~~one week~~]  
1300 two weeks in order to investigate the cause of the defective batch and to make a determination;  
1301 and

1302            [(e)] (b) [~~allow~~] the cannabis production establishment that prepared the cannabis or  
1303 cannabis product batch [~~to~~] may appeal the determination described in Subsection [(f)](b)  
1304 (1)(a)(ii) to the department.

1305            (2) If [~~under Subsection (f)](b);] the department determines, under Subsection (1)(a)(ii)  
1306 or following an appeal under Subsection (1)(b), that a cannabis or cannabis product prepared  
1307 by a cannabis production establishment is unsafe for human consumption, the department may  
1308 seize, embargo, or destroy, in the same manner as a cannabis production establishment under  
1309 Section 4-41a-405, the cannabis or cannabis product batch.~~

1310            (3) If an independent cannabis testing laboratory determines that the results of a lab test  
1311 indicate that the cannabinoid content of a cannabis or cannabis product batch diverges more  
1312 than 10% from the amounts the label indicates, the cannabis processing facility may not sell the  
1313 cannabis or cannabis product batch unless the facility replaces the incorrect label with a label  
1314 that correctly indicates the cannabinoid content.

1315            Section 28. Section **4-41a-801**, which is renumbered from Section 4-41b-801 is  
1316 renumbered and amended to read:

1317            [~~4-41b-801~~].            **4-41a-801. Enforcement -- Fine -- Citation.**

1318            (1) [~~The department may, for a violation of this chapter by~~] If a person that is a  
1319 cannabis production establishment or a cannabis production establishment agent violates this  
1320 chapter, the department may:

1321            (a) revoke the person's license or cannabis production establishment agent registration  
1322 card;

1323            (b) [~~refuse~~] decline to renew the person's license or cannabis production establishment  
1324 agent registration card; or

1325            (c) assess the person an administrative penalty that the department establishes by rule  
1326 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1327            (2) The department shall deposit an administrative penalty imposed under this section

1328 [~~in the general fund~~] into the General Fund.

1329 (3) (a) The department may take an action described in Subsection (3)(b) if the  
1330 department concludes, upon [~~inspection or~~] investigation, that, for a person that is a cannabis  
1331 production establishment or a cannabis production establishment agent:

1332 (i) the person has violated the provisions of this chapter, a rule made under this  
1333 chapter, or an order issued under this chapter; or

1334 (ii) the person produced cannabis or a cannabis product batch that contains a substance,  
1335 other than cannabis, that poses a significant threat to human health.

1336 (b) If the department makes the determination about a person described in Subsection  
1337 (3)(a), the department shall:

1338 (i) issue the person a written administrative citation;

1339 (ii) attempt to negotiate a stipulated settlement;

1340 (iii) seize, embargo, or destroy the cannabis or cannabis product batch; [~~and~~]

1341 (iv) order the person to cease and desist from the action that creates a violation; and

1342 [~~(iv)~~] (v) direct the person to appear before an adjudicative proceeding conducted  
1343 under Title 63G, Chapter 4, Administrative Procedures Act.

1344 (4) The department may, for a person subject to an uncontested citation, a stipulated  
1345 settlement, or a finding of a violation in an adjudicative proceeding under this section[~~:(a)~~], for  
1346 a fine amount not already specified in law, assess the person, who is not an individual, a fine[  
1347 ~~established in accordance with Section 63J-1-504,~~] of up to \$5,000 per violation, in accordance  
1348 with a fine schedule [~~established by~~] that the department establishes by rule [~~made~~] in  
1349 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act[~~;-or~~].

1350 [~~(b) order the person to cease and desist from the action that creates a violation.~~]

1351 (5) The department may not revoke a cannabis production establishment's license  
1352 without first [~~direct~~] directing the cannabis production establishment to appear before an  
1353 adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.

1354 (6) If within 20 calendar days after the day on which a department serves a citation for  
1355 a violation of this chapter, the person that is the subject of the citation fails to request a hearing  
1356 to contest the citation, the citation becomes the department's final order.

1357 (7) The department may, for a person who fails to comply with a citation under this  
1358 section:

1359 (a) refuse to issue or renew the person's license or cannabis production establishment  
1360 agent registration card; or

1361 (b) suspend, revoke, or place on probation the person's license or cannabis production  
1362 establishment registration card.

1363 (8) ~~[If the department makes a final determination under this section that]~~

1364 (a) Except where a criminal penalty is expressly provided for a specific violation of  
1365 this chapter, if an individual [violated]:

1366 (i) violates a provision of this chapter, the individual is:

1367 (A) guilty of an infraction[;]; and

1368 (B) subject to a \$100 fine; or

1369 (ii) intentionally or knowingly violates a provision of this chapter or violates this  
1370 chapter three or more times, the individual is:

1371 (A) guilty of a class B misdemeanor; and

1372 (B) subject to a \$1,000 fine.

1373 (b) An individual who is guilty of a violation described in Subsection (8)(a) is not  
1374 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct  
1375 underlying the violation described in Subsection (8)(a).

1376 (9) Nothing in this section prohibits the department from referring potential criminal  
1377 activity to law enforcement.

1378 Section 29. Section ~~4-41a-802~~, which is renumbered from Section 4-41b-802 is  
1379 renumbered and amended to read:

1380 ~~[4-41b-802].~~ **4-41a-802. Report.**

1381 (1) ~~[The]~~ At or before the November interim meeting each year, the department shall  
1382 report ~~[annually]~~ to the Health and Human Services Interim Committee on:

1383 (a) the number of applications and renewal applications [received;] that the department  
1384 receives under this chapter;

1385 (b) the number of each type of cannabis production facility [licensed] that the  
1386 department licenses in each county[;];

1387 (c) the amount of cannabis [grown by] that licensees[;] grow;

1388 (d) the amount of cannabis [manufactured] that licensees manufacture into cannabis  
1389 products [by licensees;];

1390 (e) the number of licenses ~~[revoked,]~~ the department revokes under this chapter; and

1391 (f) the expenses incurred and revenues generated ~~[from the medical cannabis program]~~  
1392 under this chapter.

1393 (2) The department may not include personally identifying information in the report  
1394 described in this section.

1395 Section 30. Section ~~7-1-401~~ is amended to read:

1396 **7-1-401. Fees payable to commissioner.**

1397 (1) Except for an out-of-state depository institution with a branch in Utah, a depository  
1398 institution under the jurisdiction of the department shall pay an annual fee:

1399 (a) computed by averaging the total assets of the depository institution shown on each  
1400 quarterly report of condition for the depository institution for the calendar year immediately  
1401 preceding the date on which the annual fee is due under Section ~~7-1-402~~; and

1402 (b) at the following rates:

1403 (i) on the first \$5,000,000 of these assets, the greater of:

1404 (A) 65 cents per \$1,000; or

1405 (B) \$500;

1406 (ii) on the next \$10,000,000 of these assets, 35 cents per \$1,000;

1407 (iii) on the next \$35,000,000 of these assets, 15 cents per \$1,000;

1408 (iv) on the next \$50,000,000 of these assets, 12 cents per \$1,000;

1409 (v) on the next \$200,000,000 of these assets, 10 cents per \$1,000;

1410 (vi) on the next \$300,000,000 of these assets, 6 cents per \$1,000; and

1411 (vii) on all amounts over \$600,000,000 of these assets, 2 cents per \$1,000.

1412 (2) A financial institution with a trust department shall pay a fee determined in  
1413 accordance with Subsection (7) for each examination of the trust department by a state  
1414 examiner.

1415 (3) Notwithstanding Subsection (1), a credit union in its first year of operation shall  
1416 pay a basic fee of \$25 instead of the fee required under Subsection (1).

1417 (4) A trust company that is not a depository institution or a subsidiary of a depository  
1418 institution holding company shall pay:

1419 (a) an annual fee of \$500; and

1420 (b) an additional fee determined in accordance with Subsection (7) for each

1421 examination by a state examiner.

1422 (5) Any person or institution under the jurisdiction of the department that does not pay  
1423 a fee under Subsections (1) through (4) shall pay:

1424 (a) an annual fee of \$200; and

1425 (b) an additional fee determined in accordance with Subsection (7) for each  
1426 examination by a state examiner.

1427 (6) A person filing an application or request under Section 7-1-503, 7-1-702, 7-1-703,  
1428 7-1-704, 7-1-713, 7-5-3, or 7-18a-202~~[, or 7-26-201]~~ shall pay:

1429 (a) (i) a filing fee of \$500 if on the day on which the application or request is filed the  
1430 person:

1431 (A) is a person with authority to transact business as~~[-(H)]~~ a depository institution~~[-~~  
1432 ~~(H)]~~, a trust company~~[-]~~, or ~~(H)]~~ any other person described in Section 7-1-501 as being  
1433 subject to the jurisdiction of the department; and

1434 (B) has total assets in an amount less than \$5,000,000; or

1435 (ii) a filing fee of \$2,500 for any person not described in Subsection (6)(a)(i); and

1436 (b) all reasonable expenses incurred in processing the application.

1437 (7) (a) Per diem assessments for an examination shall be calculated at the rate of \$55  
1438 per hour:

1439 (i) for each examiner; and

1440 (ii) per hour worked.

1441 (b) For an examination of a branch or office of a financial institution located outside of  
1442 this state, in addition to the per diem assessment under this Subsection (7), the institution shall  
1443 pay all reasonable travel, lodging, and other expenses incurred by each examiner while  
1444 conducting the examination.

1445 (8) In addition to a fee under Subsection (5), a person registering under Section  
1446 7-23-201 or 7-24-201 shall pay an original registration fee of \$300.

1447 (9) In addition to a fee under Subsection (5), a person applying for licensure under  
1448 Chapter 25, Money Transmitter Act, shall pay an original license fee of \$300.

1449 Section 31. Section 10-9a-104 is amended to read:

1450 **10-9a-104. Stricter requirements.**

1451 (1) Except as provided in Subsection (2), a municipality may enact ~~[an ordinance]~~ a

1452 land use regulation imposing stricter requirements or higher standards than are required by this  
1453 chapter.

1454 (2) A municipality may not impose [~~stricter requirements or higher standards than are~~  
1455 ~~required by:~~]

1456 [~~(a) Section 4-41b-405;~~]

1457 [~~(b) Section 10-9a-305;~~]

1458 [~~(c) Section 10-9a-514; and~~]

1459 [~~(d) Section 26-60b-506;~~] a requirement or standard that conflicts with a provisions of  
1460 this chapter, other state law, or federal law.

1461 Section 32. Section 17-27a-104 is amended to read:

1462 **17-27a-104. Stricter requirements or higher standards.**

1463 (1) Except as provided in Subsection (2), a county may enact [~~an ordinance~~] a land use  
1464 regulation imposing stricter requirements or higher standards than are required by this chapter.

1465 (2) A county may not impose [~~stricter requirements or higher standards than are~~  
1466 ~~required by:~~]

1467 [~~(a) Section 4-41b-405;~~]

1468 [~~(b) Section 17-27a-305;~~]

1469 [~~(c) Section 17-27a-513; and~~]

1470 [~~(d) Section 26-60b-506;~~] a requirement or standard that conflicts with a provision of  
1471 this chapter, other state law, or federal law.

1472 Section 33. Section 26-36d-101 is enacted to read:

1473 **CHAPTER 36d. HOSPITAL PROVIDER ASSESSMENT ACT.**

1474 **Part 1. General Provisions.**

1475 **26-36d-101. Title.**

1476 This chapter is known as the "Hospital Provider Assessment Act."

1477 Section 34. Section 26-36d-102 is enacted to read:

1478 **26-36d-102. Legislative findings.**

1479 (1) The Legislature finds that there is an important state purpose to improve the access  
1480 of Medicaid patients to quality care in Utah hospitals because of continuous decreases in state  
1481 revenues and increases in enrollment under the Utah Medicaid program.

1482 (2) The Legislature finds that in order to improve this access to those persons described



1483 in Subsection (1):

1484 (a) the rates paid to Utah hospitals shall be adequate to encourage and support  
1485 improved access; and

1486 (b) adequate funding shall be provided to increase the rates paid to Utah hospitals  
1487 providing services pursuant to the Utah Medicaid program.

1488 Section 35. Section **26-36d-103** is enacted to read:

1489 **26-36d-103. Definitions.**

1490 As used in this chapter:

1491 (1) "Accountable care organization" means a managed care organization, as defined in  
1492 42 C.F.R. Sec. 438, that contracts with the department under the provisions of Section  
1493 26-18-405.

1494 (2) "Assessment" means the Medicaid hospital provider assessment established by this  
1495 chapter.

1496 (3) "Discharges" means the number of total hospital discharges reported on worksheet  
1497 S-3 Part I, column 15, lines 12, 14, and 14.01 of the 2552-96 Medicare Cost Report or on  
1498 Worksheet S-3 Part I, column 15, lines 14, 16, and 17 of the 2552-10 Medicare Cost Report for  
1499 the applicable assessment year.

1500 (4) "Division" means the Division of Health Care Financing of the department.

1501 (5) "Hospital":

1502 (a) means a privately owned:

1503 (i) general acute hospital operating in the state as defined in Section 26-21-2; and

1504 (ii) specialty hospital operating in the state, which shall include a privately owned  
1505 hospital whose inpatient admissions are predominantly:

1506 (A) rehabilitation;

1507 (B) psychiatric;

1508 (C) chemical dependency; or

1509 (D) long-term acute care services; and

1510 (b) does not include:

1511 (i) a human services program, as defined in Section 62A-2-101;

1512 (ii) a hospital owned by the federal government, including the Veterans Administration

1513 Hospital; or

1514 (iii) a hospital that is owned by the state government, a state agency, or a political  
1515 subdivision of the state, including:

1516 (A) a state-owned teaching hospital; and

1517 (B) the Utah State Hospital.

1518 (6) "Medicare cost report" means CMS-2552-96 or CMS-2552-10, the cost report for  
1519 electronic filing of hospitals.

1520 (7) "State plan amendment" means a change or update to the state Medicaid plan.

1521 Section 36. Section **26-36d-201** is enacted to read:

1522 **Part 2. Application of Chapter.**

1523 **26-36d-201. Application of chapter.**

1524 (1) Other than for the imposition of the assessment described in this chapter, nothing in  
1525 this chapter shall affect the nonprofit or tax exempt status of any nonprofit charitable, religious,  
1526 or educational health care provider under:

1527 (a) Section 501(c), as amended, of the Internal Revenue Code;

1528 (b) other applicable federal law;

1529 (c) any state law;

1530 (d) any ad valorem property taxes;

1531 (e) any sales or use taxes; or

1532 (f) any other taxes, fees, or assessments, whether imposed or sought to be imposed by  
1533 the state or any political subdivision, county, municipality, district, authority, or any agency or  
1534 department thereof.

1535 (2) All assessments paid under this chapter may be included as an allowable cost of a  
1536 hospital for purposes of any applicable Medicaid reimbursement formula.

1537 (3) This chapter does not authorize a political subdivision of the state to:

1538 (a) license a hospital for revenue;

1539 (b) impose a tax or assessment upon hospitals; or

1540 (c) impose a tax or assessment measured by the income or earnings of a hospital.

1541 Section 37. Section **26-36d-202** is enacted to read:

1542 **26-36d-202. Assessment, collection, and payment of hospital provider assessment.**

1543 (1) A uniform, broad based, assessment is imposed on each hospital as defined in

1544 Subsection [26-36d-103\(5\)\(a\)](#):

- 1545 (a) in the amount designated in Section 26-36d-203; and  
1546 (b) in accordance with Section 26-36d-204.
- 1547 (2) (a) The assessment imposed by this chapter is due and payable on a quarterly basis  
1548 in accordance with Section 26-36d-204.
- 1549 (b) The collecting agent for this assessment is the department which is vested with the  
1550 administration and enforcement of this chapter, including the right to adopt administrative rules  
1551 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary to:
- 1552 (i) implement and enforce the provisions of this act; and  
1553 (ii) audit records of a facility:
- 1554 (A) that is subject to the assessment imposed by this chapter; and  
1555 (B) does not file a Medicare cost report.
- 1556 (c) The department shall forward proceeds from the assessment imposed by this  
1557 chapter to the state treasurer for deposit in the expendable special revenue fund as specified in  
1558 Section 26-36d-207.
- 1559 (3) The department may, by rule, extend the time for paying the assessment.
- 1560 Section 38. Section **26-36d-203** is enacted to read:
- 1561 **26-36d-203. Calculation of assessment.**
- 1562 (1) (a) An annual assessment is payable on a quarterly basis for each hospital in an  
1563 amount calculated at a uniform assessment rate for each hospital discharge, in accordance with  
1564 this section.
- 1565 (b) The uniform assessment rate shall be determined using the total number of hospital  
1566 discharges for assessed hospitals divided into the total non-federal portion in an amount  
1567 consistent with Section 26-36d-205 that is needed to support capitated rates for accountable  
1568 care organizations for purposes of hospital services provided to Medicaid enrollees.
- 1569 (c) Any quarterly changes to the uniform assessment rate shall be applied uniformly to  
1570 all assessed hospitals.
- 1571 (d) The annual uniform assessment rate may not generate more than:
- 1572 (i) \$1,000,000 to offset Medicaid mandatory expenditures; and  
1573 (ii) the non-federal share to seed amounts needed to support capitated rates for  
1574 accountable care organizations as provided for in Subsection (1)(b).
- 1575 (2) (a) For each state fiscal year, discharges shall be determined using the data from

1576 each hospital's Medicare Cost Report contained in the Centers for Medicare and Medicaid  
1577 Services' Healthcare Cost Report Information System file. The hospital's discharge data will be  
1578 derived as follows:

1579 (i) for state fiscal year 2013, the hospital's cost report data for the hospital's fiscal year  
1580 ending between July 1, 2009, and June 30, 2010;

1581 (ii) for state fiscal year 2014, the hospital's cost report data for the hospital's fiscal year  
1582 ending between July 1, 2010, and June 30, 2011;

1583 (iii) for state fiscal year 2015, the hospital's cost report data for the hospital's fiscal year  
1584 ending between July 1, 2011, and June 30, 2012;

1585 (iv) for state fiscal year 2016, the hospital's cost report data for the hospital's fiscal year  
1586 ending between July 1, 2012, and June 30, 2013; and

1587 (v) for each subsequent state fiscal year, the hospital's cost report data for the hospital's  
1588 fiscal year that ended in the state fiscal year two years prior to the assessment fiscal year.

1589 (b) If a hospital's fiscal year Medicare Cost Report is not contained in the Centers for  
1590 Medicare and Medicaid Services' Healthcare Cost Report Information System file:

1591 (i) the hospital shall submit to the division a copy of the hospital's Medicare Cost  
1592 Report applicable to the assessment year; and

1593 (ii) the division shall determine the hospital's discharges.

1594 (c) If a hospital is not certified by the Medicare program and is not required to file a  
1595 Medicare Cost Report:

1596 (i) the hospital shall submit to the division its applicable fiscal year discharges with  
1597 supporting documentation;

1598 (ii) the division shall determine the hospital's discharges from the information  
1599 submitted under Subsection (2)(c)(i); and

1600 (iii) the failure to submit discharge information shall result in an audit of the hospital's  
1601 records and a penalty equal to 5% of the calculated assessment.

1602 (3) Except as provided in Subsection (4), if a hospital is owned by an organization that  
1603 owns more than one hospital in the state:

1604 (a) the assessment for each hospital shall be separately calculated by the department;  
1605 and

1606 (b) each separate hospital shall pay the assessment imposed by this chapter.

1607 (4) Notwithstanding the requirement of Subsection (3), if multiple hospitals use the  
1608 same Medicaid provider number:

1609 (a) the department shall calculate the assessment in the aggregate for the hospitals  
1610 using the same Medicaid provider number; and

1611 (b) the hospitals may pay the assessment in the aggregate.

1612 Section 39. Section **26-36d-204** is enacted to read:

1613 **26-36d-204. Quarterly notice -- Collection.**

1614 Quarterly assessments imposed by this chapter shall be paid to the division within 15  
1615 business days after the original invoice date that appears on the invoice issued by the division.

1616 Section 40. Section **26-36d-205** is enacted to read:

1617 **26-36d-205. Medicaid hospital adjustment under accountable care organization**  
1618 **rates.**

1619 To preserve and improve access to hospital services, the division shall, for accountable  
1620 care organization rates effective on or after April 1, 2013, incorporate an annualized amount  
1621 equal to \$154,000,000 into the accountable care organization rate structure calculation  
1622 consistent with the certified actuarial rate range.

1623 Section 41. Section **26-36d-206** is enacted to read:

1624 **26-36d-206. Penalties and interest.**

1625 (1) A facility that fails to pay any assessment or file a return as required under this  
1626 chapter, within the time required by this chapter, shall pay, in addition to the assessment,  
1627 penalties and interest established by the department.

1628 (2) (a) Consistent with Subsection (2)(b), the department shall adopt rules in  
1629 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which establish  
1630 reasonable penalties and interest for the violations described in Subsection (1).

1631 (b) If a hospital fails to timely pay the full amount of a quarterly assessment, the  
1632 department shall add to the assessment:

1633 (i) a penalty equal to 5% of the quarterly amount not paid on or before the due date;  
1634 and

1635 (ii) on the last day of each quarter after the due date until the assessed amount and the  
1636 penalty imposed under Subsection (2)(b)(i) are paid in full, an additional 5% penalty on:

1637 (A) any unpaid quarterly assessment; and

1638 (B) any unpaid penalty assessment.  
1639 (c) Upon making a record of its actions, and upon reasonable cause shown, the division  
1640 may waive, reduce, or compromise any of the penalties imposed under this part.

1641 Section 42. Section **26-36d-207** is enacted to read:

1642 **26-36d-207. Hospital Provider Assessment Expendable Revenue Fund.**

1643 (1) There is created an expendable special revenue fund known as the "Hospital  
1644 Provider Assessment Expendable Revenue Fund."

1645 (2) The fund shall consist of:

1646 (a) the assessments collected by the department under this chapter;

1647 (b) any interest and penalties levied with the administration of this chapter; and

1648 (c) any other funds received as donations for the fund and appropriations from other  
1649 sources.

1650 (3) Money in the fund shall be used:

1651 (a) to support capitated rates consistent with Subsection [26-36d-203\(1\)\(d\)](#) for  
1652 accountable care organizations; and

1653 (b) to reimburse money collected by the division from a hospital through a mistake  
1654 made under this chapter.

1655 Section 43. Section **26-36d-208** is enacted to read:

1656 **26-36d-208. Repeal of assessment.**

1657 (1) The repeal of the assessment imposed by this chapter shall occur upon the  
1658 certification by the executive director of the department that the sooner of the following has  
1659 occurred:

1660 (a) the effective date of any action by Congress that would disqualify the assessment  
1661 imposed by this chapter from counting toward state Medicaid funds available to be used to  
1662 determine the federal financial participation;

1663 (b) the effective date of any decision, enactment, or other determination by the  
1664 Legislature or by any court, officer, department, or agency of the state, or of the federal  
1665 government that has the effect of:

1666 (i) disqualifying the assessment from counting towards state Medicaid funds available  
1667 to be used to determine federal financial participation for Medicaid matching funds; or

1668 (ii) creating for any reason a failure of the state to use the assessments for the Medicaid

1669 program as described in this chapter;

1670 (c) the effective date of:

1671 (i) an appropriation for any state fiscal year from the General Fund for hospital  
1672 payments under the state Medicaid program that is less than the amount appropriated for state  
1673 fiscal year 2012;

1674 (ii) the annual revenues of the state General Fund budget return to the level that was  
1675 appropriated for fiscal year 2008;

1676 (iii) a division change in rules that reduces any of the following below July 1, 2011  
1677 payments:

1678 (A) aggregate hospital inpatient payments;

1679 (B) adjustment payment rates; or

1680 (C) any cost settlement protocol; or

1681 (iv) a division change in rules that reduces the aggregate outpatient payments below  
1682 July 1, 2011 payments; and

1683 (d) the sunset of this chapter in accordance with Section [63I-1-226](#).

1684 (2) If the assessment is repealed under Subsection (1), money in the fund that was  
1685 derived from assessments imposed by this chapter, before the determination made under  
1686 Subsection (1), shall be disbursed under Section [26-36d-205](#) to the extent federal matching is  
1687 not reduced due to the impermissibility of the assessments. Any funds remaining in the special  
1688 revenue fund shall be refunded to the hospitals in proportion to the amount paid by each  
1689 hospital.

1690 Section 44. Section **26-61-202** is amended to read:

1691 **26-61-202. Cannabinoid Product Board -- Duties.**

1692 (1) The board shall review any available scientific research related to the human use of  
1693 cannabis, a cannabinoid product, or an expanded cannabinoid product that:

1694 (a) was conducted under a study approved by an IRB; or

1695 (b) was conducted or approved by the federal government.

1696 (2) Based on the research described in Subsection (1), the board shall evaluate the  
1697 safety and efficacy of cannabis, cannabinoid products, and expanded cannabinoid products,  
1698 including:

1699 (a) medical conditions that respond to cannabis, cannabinoid products, and expanded

1700 cannabinoid products;

1701 (b) cannabis and cannabinoid dosage amounts and medical dosage forms; [and]

1702 (c) interaction of cannabis, cannabinoid products, and expanded cannabinoid products  
1703 with other treatments[-]; and

1704 (d) contraindications, adverse reactions, and potential side effects from use of cannabis,  
1705 cannabinoid products, and expanded cannabinoid products.

1706 (3) Based on the board's evaluation under Subsection (2), the board shall develop  
1707 guidelines for treatment with cannabis, a cannabinoid product, and an expanded cannabinoid  
1708 product that include:

1709 (a) a list of medical conditions, if any, that the board determines are appropriate for  
1710 treatment with cannabis, a cannabis product, a cannabinoid product, or an expanded  
1711 cannabinoid product[-];

1712 (b) a list of contraindications, side effects, and adverse reactions that are associated  
1713 with use of cannabis, cannabinoid products, or expanded cannabinoid products; and

1714 (c) a list of potential drug-drug interactions between medications that the United States  
1715 Food and Drug Administration has approved and cannabis, cannabinoid products, and  
1716 expanded cannabinoid products.

1717 (4) The board shall submit the guidelines described in Subsection (3) to:

- 1718 (a) the director of the Division of Occupational and Professional Licensing; and
- 1719 (b) the Health and Human Services Interim Committee.

1720 (5) The board shall report the board's findings before November 1 of each year to the  
1721 Health and Human Services Interim Committee.

1722 (6) Guidelines [~~developed pursuant to~~] that the board develops under this section may  
1723 not limit the availability of cannabis, cannabinoid products, or expanded cannabinoid products  
1724 permitted [~~pursuant to~~] under Title 4, Chapter [~~41b~~] 41a, Cannabis Production [~~Establishment~~]  
1725 Establishments, or Title 26, Chapter [~~60b~~] 61a, Utah Medical Cannabis Act.

1726 Section 45. Section **26-61a-101**, which is renumbered from Section 26-60b-101 is  
1727 renumbered and amended to read:

**CHAPTER 61a. UTAH MEDICAL CANNABIS ACT.**

**Part 1. General Provisions.**

1730 [~~26-60b-101~~]. **26-61a-101. Title.**



1731 This chapter is known as "Utah Medical Cannabis Act."

1732 Section 46. Section ~~26-61a-102~~, which is renumbered from Section 26-60b-102 is  
1733 renumbered and amended to read:

1734 ~~[26-60b-102]~~. 26-61a-102. Definitions.

1735 As used in this chapter:

1736 (1) "Blister" means a plastic cavity or pocket used to contain no more than a single  
1737 dose of cannabis or a cannabis product in a blister pack.

1738 (2) "Blister pack" means a plastic, paper, or foil package with multiple blisters each  
1739 containing no more than a single dose of cannabis or a cannabis product.

1740 ~~[(1)]~~ (3) "Cannabis" means ~~[the same as that term is defined in Section 58-37-3.9]~~  
1741 marijuana.

1742 ~~[(2)]~~ (4) "Cannabis cultivation facility" means the same as that term is defined in  
1743 Section ~~[4-41b-102]~~ 4-41a-102.

1744 ~~[(3)]~~ "~~Cannabis dispensary~~" means a person that:]

1745 ~~[(a)]~~ ~~acquires or intends to acquire cannabis or a cannabis product from a cannabis~~  
1746 ~~production establishment and acquires or intends to acquire a medical cannabis device;]~~

1747 ~~[(b)]~~ ~~possesses cannabis, a cannabis product, or a medical cannabis device; and]~~

1748 ~~[(c)]~~ ~~sells or intends to sell cannabis, a cannabis product, or a medical cannabis device.]~~

1749 ~~[(4)]~~ "~~Cannabis dispensary agent~~" means an owner, officer, director, board member,  
1750 ~~employee, or volunteer of a cannabis dispensary.]~~

1751 ~~[(5)]~~ "~~Cannabis dispensary agent registration card~~" means a registration card issued by  
1752 ~~the department that authorizes an individual to act as a cannabis dispensary agent.]~~

1753 ~~[(6)]~~ (5) "Cannabis processing facility" means the same as that term is defined in  
1754 Section ~~[4-41b-102]~~ 4-41a-102.

1755 ~~[(7)]~~ (6) "Cannabis product" means ~~[the same as that term is defined in Section~~  
1756 ~~58-37-3.9;]~~ a product that:

1757 (a) is intended for human use; and

1758 (b) contains cannabis or tetrahydrocannabinol.

1759 ~~[(8)]~~ (7) "Cannabis production establishment agent" means the same as that term is  
1760 defined in Section ~~[4-41b-102]~~ 4-41a-102.

1761 ~~[(9)]~~ (8) "Cannabis production establishment agent registration card" means the same

1762 as that term is defined in Section [~~4-41b-102~~] [4-41a-102](#).

1763 [~~(10)~~] (9) "Community location" means a public or private school, a church, a public  
1764 library, a public playground, or a public park.

1765 (10) "Department" means the Department of Health.

1766 (11) "Designated caregiver" means an individual:

1767 (a) whom [~~a patient~~] an individual with a medical cannabis patient card or a medical  
1768 cannabis guardian card designates as the patient's caregiver; and

1769 (b) who registers with the department under Section [~~26-60b-202~~] [26-61a-202](#).

1770 (12) "Dosing parameters" means quantity, routes, and frequency of administration for a  
1771 recommended treatment of cannabis in a medicinal dosage form or a cannabis product in a  
1772 medicinal dosage form.

1773 [~~(12)~~] (13) "Independent cannabis testing laboratory" means the same as that term is  
1774 defined in Section [~~4-41b-102~~] [4-41a-102](#).

1775 [~~(13)~~] (14) "Inventory control system" means the system described in Section  
1776 [~~4-41b-103~~] [4-41a-103](#).

1777 (15) "Local health department" means the same as that term is defined in Section  
1778 [26A-1-102](#).

1779 (16) "Local health department distribution agent" means an agent designated and  
1780 registered to distribute state central fill shipments under Sections [26-61a-606](#) and [26-61a-607](#).

1781 (17) "Marijuana" means the same as that term is defined in Section [58-37-2](#).

1782 (18) "Medical cannabis" means cannabis in a medicinal dosage form or a cannabis  
1783 product in a medicinal dosage form.

1784 [~~(14)~~] (19) "Medical cannabis card" means a medical cannabis patient card, a medical  
1785 cannabis guardian card, or a medical cannabis caregiver card.

1786 (20) "Medical cannabis cardholder" means a holder of a medical cannabis card.

1787 (21) "Medical cannabis caregiver card" means an official card [~~issued by~~] that:

1788 (a) the department issues to an individual [~~with a qualifying illness, or the individual's~~]  
1789 whom a medical cannabis patient cardholder or a medical cannabis guardian cardholder  
1790 designates as a designated caregiver [~~under this chapter, that~~]; and

1791 (b) is connected to the electronic verification system.

1792 [~~(15)~~] (22) (a) "Medical cannabis device" means [~~the same as that term is defined in~~

1793 ~~Section 58-37-3.9:]~~ a device that an individual uses to ingest cannabis in a medicinal dosage  
1794 form or a cannabis product in a medicinal dosage form.

1795 (b) "Medical cannabis device" does not include a device that:

1796 (i) facilitates cannabis combustion; or

1797 (ii) an individual uses to ingest substances other than cannabis.

1798 (23) "Medical cannabis guardian card" means an official card that:

1799 (a) the department issues to the parent or legal guardian of a minor with a qualifying  
1800 condition; and

1801 (b) is connected to the electronic verification system.

1802 (24) "Medical cannabis patient card" means an official card that:

1803 (a) the department issues to an individual with a qualifying condition; and

1804 (b) is connected to the electronic verification system.

1805 (25) "Medical cannabis pharmacy" means a person that:

1806 (a) (i) acquires or intends to acquire:

1807 (A) cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage  
1808 form from a cannabis processing facility; or

1809 (B) a medical cannabis device; or

1810 (ii) possesses cannabis in a medicinal dosage form, a cannabis product in a medicinal  
1811 dosage form, or a medical cannabis device; and

1812 (b) sells or intends to sell cannabis in a medicinal dosage form, a cannabis product in a  
1813 medicinal dosage form, or a medical cannabis device to a medical cannabis cardholder.

1814 (26) "Medical cannabis pharmacy agent" means an individual who:

1815 (a) is an employee of a medical cannabis pharmacy; and

1816 (b) who holds a valid medical cannabis pharmacy agent registration card.

1817 (27) "Medical cannabis pharmacy agent registration card" means a registration card  
1818 issued by the department that authorizes an individual to act as a medical cannabis pharmacy  
1819 agent.

1820 (28) "Medical cannabis treatment" means cannabis in a medicinal dosage form, a  
1821 cannabis product in a medicinal dosage form, or a medical cannabis device.

1822 ~~[(16) "Medical Cannabis Restricted Account" means the account created in Section~~  
1823 ~~26-60b-109:]~~

1824 (29) (a) "Medicinal dosage form" means:  
1825 (i) for processed medical cannabis or a medical cannabis product, the following in  
1826 single dosage form with a specific and consistent cannabinoid content:  
1827 (A) a tablet;  
1828 (B) a capsule;  
1829 (C) a concentrated oil;  
1830 (D) a liquid suspension;  
1831 (E) a topical preparation;  
1832 (F) a transdermal preparation;  
1833 (G) a sublingual preparation;  
1834 (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or  
1835 rectangular cuboid shape; or  
1836 (I) for use only after the individual's qualifying condition has failed to substantially  
1837 respond to at least two other forms described in this Subsection (29)(a)(i), a resin or wax;  
1838 (ii) for unprocessed cannabis flower, a blister pack, with each individual blister:  
1839 (A) containing a specific and consistent weight that does not exceed one gram and that  
1840 varies by no more than 10% from the stated weight; and  
1841 (B) labeled with a barcode that provides information connected to an inventory control  
1842 system and the individual blister's content and weight; and  
1843 (iii) a form measured in grams, milligrams, or milliliters.  
1844 (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:  
1845 (i) the medical cannabis cardholder has recently removed from the blister pack  
1846 described in Subsection (29)(a)(ii) for use; and  
1847 (ii) does not exceed the quantity described in Subsection (29)(a)(ii).  
1848 (c) "Medicinal dosage form" does not include:  
1849 (i) any unprocessed cannabis flower outside of the blister pack, except as provided in  
1850 Subsection (29)(b); or  
1851 (ii) a process of vaporizing and inhaling concentrated cannabis by placing the cannabis  
1852 on a nail or other metal object that is heated by a flame, including a blowtorch.  
1853 (30) "Pharmacy medical provider" means the medical provider required to be on site at  
1854 a medical cannabis pharmacy under Section [26-61a-403](#).

1855 (31) "Provisional patient card" means a card that:

1856 (a) the department issues to a minor with a qualifying condition for whom:

1857 (i) a qualified medical provider has recommended a medical cannabis treatment; and

1858 (ii) the department issues a medical cannabis guardian card to the minor's parent or

1859 legal guardian; and

1860 (b) is connected to the electronic verification system.

1861 ~~[(17)]~~ (32) ["Physician"] "Qualified medical provider" means an individual who is

1862 qualified to recommend treatment with cannabis in a medicinal dosage form under Section

1863 ~~[26-60b-107]~~ 26-61a-106.

1864 (33) "Qualified Distribution Enterprise Fund" means the enterprise fund created in

1865 Section 26-61a-110.

1866 (34) "Qualified Patient Enterprise Fund" means the enterprise fund created in Section

1867 26-61a-109.

1868 ~~[(18)]~~ (35) "Qualifying [illness] condition" means a condition described in Section

1869 ~~[26-60b-105]~~ 26-61a-104.

1870 (36) "State central fill agent" means an employee of the state central fill medical

1871 cannabis pharmacy that the department registers in accordance with Section 26-61a-602.

1872 (37) "State central fill medical cannabis pharmacy" means the central fill pharmacy that

1873 the department creates in accordance with Section 26-61a-601.

1874 (38) "State central fill medical provider" means a physician or pharmacist that the state

1875 central fill medical cannabis pharmacy employs to consult with medical cannabis cardholders

1876 in accordance with Section 26-61a-601.

1877 (39) "State central fill shipment" means a shipment of cannabis in a medicinal dosage

1878 form, cannabis product in a medicinal dosage form, or a medical cannabis device that the state

1879 central fill medical cannabis pharmacy prepares and ships for distribution to a medical cannabis

1880 cardholder in a local health department.

1881 ~~[(19)]~~ (40) "State electronic verification system" means the system described in Section

1882 ~~[26-60b-103]~~ 26-61a-103.

1883 Section 47. Section **26-61a-103**, which is renumbered from Section 26-60b-103 is

1884 renumbered and amended to read:

1885 ~~[26-60b-103].~~ **26-61a-103. Electronic verification system.**

1886 (1) The Department of Agriculture and Food, the ~~[Department of Health]~~ department,  
1887 the Department of Public Safety, and the Department of Technology Services shall:

1888 (a) enter into a memorandum of understanding in order to determine the function and  
1889 operation of ~~[an]~~ the state electronic verification system in accordance with Subsection (2);

1890 (b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah  
1891 Procurement Code, to develop a request for proposals for a third-party provider to develop and  
1892 maintain ~~[an]~~ the state electronic verification system in coordination with the Department of  
1893 Technology Services; and

1894 (c) select a third-party provider ~~[described in]~~ who meets the requirements contained in  
1895 the request for proposals issued under Subsection (1)(b).

1896 (2) The Department of Agriculture and Food, the department, the Department of Public  
1897 Safety, and the Department of Technology Services shall ensure that, on or before March 1,  
1898 2020, the state electronic verification system described in Subsection (1) ~~[shall]~~:

1899 (a) ~~[allow]~~ allows an individual, with the individual's ~~[physician]~~ qualified medical  
1900 provider in the ~~[physician's]~~ qualified medical provider's office, to apply for a medical cannabis  
1901 patient card or, if applicable, a medical cannabis guardian card;

1902 (b) allows an individual to apply to renew a medical cannabis patient card or a medical  
1903 cannabis guardian card in accordance with Section [26-61a-201](#);

1904 (c) allows a qualified medical provider to:

1905 (i) access dispensing and card status information regarding a patient:

1906 (A) with whom the qualified medical provider has a provider-patient relationship; and

1907 (B) for whom the qualified medical provider has recommended or is considering  
1908 recommending a medical cannabis card;

1909 ~~[(b)]~~ (ii) ~~[allow a physician to]~~ electronically recommend, during a visit with a patient,  
1910 treatment with cannabis in a medicinal dosage form or a cannabis product in a medicinal  
1911 dosage form and optionally recommend dosing parameters;

1912 (iii) electronically renew a recommendation to a medical cannabis patient cardholder or  
1913 medical cannabis guardian cardholder:

1914 (A) for the qualified medical provider who originally recommended a medical cannabis  
1915 treatment, as that term is defined in Section [26-61a-102](#), using telehealth services; or

1916 (B) for a qualified medical provider who did not originally recommend the medical

1917 cannabis treatment, during a face-to-face visit with a patient; and  
1918 (iv) at the request of a medical cannabis cardholder, initiate a state central fill shipment  
1919 in accordance with Section 26-61a-603;  
1920 [~~(c)~~] (d) [~~connect~~] connects with:  
1921 (i) an inventory control system [~~used by a cannabis dispensary~~] that a medical cannabis  
1922 pharmacy and the state central fill medical cannabis pharmacy use to track[;] in real time[;] and  
1923 [to] archive [~~for no more than 60 days, purchase history~~] purchases of any cannabis [~~or a~~] in a  
1924 medicinal dosage form, cannabis product [~~by a~~] in a medicinal dosage form, or medical  
1925 cannabis [~~card holder~~] device, including:  
1926 (A) the time and date of [~~the~~] each purchase[;];  
1927 (B) the quantity and type of cannabis [~~or~~], cannabis product, or medical cannabis  
1928 device purchased[; ~~and~~];  
1929 (C) any cannabis production establishment [~~and cannabis dispensary~~], any medical  
1930 cannabis pharmacy, or the state central fill medical cannabis pharmacy associated with the  
1931 cannabis [~~or~~], cannabis product[;], or medical cannabis device; and  
1932 (D) the personally identifiable information of the medical cannabis cardholder who  
1933 made the purchase; and  
1934 (ii) any commercially available inventory control system that a cannabis production  
1935 establishment utilizes in accordance with Section 4-41a-103 to use data that the Department of  
1936 Agriculture and Food requires by rule, in accordance with Title 63G, Chapter 3, Utah  
1937 Administrative Rulemaking Act, from the inventory tracking system that a licensee uses to  
1938 track and confirm compliance;  
1939 [~~(d)~~] (e) [~~provide~~] provides access to:  
1940 (i) the [~~Department of Health and the Department of Agriculture and Food~~] department  
1941 to the extent necessary to carry out the [~~Department of Health's and the Department of~~  
1942 Agriculture and Food's] department's functions and responsibilities under this chapter [~~and~~];  
1943 (ii) the Department of Agriculture and Food to the extent necessary to carry out the  
1944 functions and responsibilities of the Department of Agriculture and Food under Title 4, Chapter  
1945 [41b] 41a, Cannabis Production [~~Establishment;~~] Establishments; and  
1946 (iii) the Division of Occupational and Professional Licensing to the extent necessary to  
1947 carry functions and responsibilities related to the participation of the following in the

1948 recommendation and dispensing of medical cannabis:

1949        (A) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

1950        (B) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse

1951 Practice Act;

1952        (C) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or

1953 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

1954        (D) a physician assistant licensed under Title 58, Chapter 70a, Physician Assistant Act;

1955        (f) provides access to and interaction with the state central fill medical cannabis

1956 pharmacy, state central fill agents, and local health department distribution agents, to facilitate

1957 the state central fill shipment process;

1958        ~~[(e)]~~ (g) [provide] provides access to state or local law enforcement;

1959        (i) during a traffic stop for the purpose of determining if the individual subject to the

1960 traffic stop is [complying] in compliance with state medical cannabis law[;]; or

1961        (ii) after obtaining a warrant; and

1962        ~~[(f)]~~ (h) [create] creates a record each time a person accesses the database that

1963 identifies the person who [accessed] accesses the database and the individual whose records

1964 [are accessed; and] the person accesses.

1965        ~~[(g) (9) be operational no later than March 1, 2020.]~~

1966        (3) The ~~[Department of Health]~~ department may release de-identified data ~~[collected~~

1967 by] that the system collects for the purpose of:

1968        (a) conducting medical research; and [for]

1969        (b) providing the report required by Section [26-60b-602] [26-61a-703](#).

1970        (4) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah

1971 Administrative Rulemaking Act, to establish:

1972        (a) the limitations on access to the data in the state electronic verification system as

1973 described in this section; and

1974        (b) standards and procedures to ensure accurate identification of an individual

1975 requesting information or receiving information in this section.

1976        (5) (a) Any person who knowingly and intentionally releases any information in the

1977 state electronic verification system in violation of this section is guilty of a third degree felony.

1978        (b) Any person who negligently or recklessly releases any information in the state



1979 electronic verification system in violation of this section is guilty of a class C misdemeanor.

1980 (6) (a) Any person who obtains or attempts to obtain information from the state  
1981 electronic verification system by misrepresentation or fraud is guilty of a third degree felony.

1982 (b) Any person who obtains or attempts to obtain information from the state electronic  
1983 verification system for a purpose other than a purpose this chapter authorizes is guilty of a third  
1984 degree felony.

1985 (7) (a) Except as provided in Subsection (7)(e), a person may not knowingly and  
1986 intentionally use, release, publish, or otherwise make available to any other person information  
1987 obtained from the state electronic verification system for any purpose other than a purpose  
1988 specified in this section.

1989 (b) Each separate violation of this Subsection (7) is:

1990 (i) a third degree felony; and

1991 (ii) subject to a civil penalty not to exceed \$5,000.

1992 (c) The department shall determine a civil violation of this Subsection (7) in  
1993 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

1994 (d) Civil penalties assessed under this Subsection (7) shall be deposited into the  
1995 General Fund.

1996 (e) This Subsection (7) does not prohibit a person who obtains information from the  
1997 state electronic verification system under Subsection (2)(a), (c), or (f) from:

1998 (i) including the information in the person's medical chart or file for access by a person  
1999 authorized to review the medical chart or file;

2000 (ii) providing the information to a person in accordance with the requirements of the  
2001 Health Insurance Portability and Accountability Act of 1996; or

2002 (iii) discussing or sharing that information on the patient with the patient.

2003 Section 48. Section **26-61a-104**, which is renumbered from Section 26-60b-105 is  
2004 renumbered and amended to read:

2005 ~~[26-60b-105]~~. **26-61a-104. Qualifying condition.**

2006 (1) By designating a particular condition under Subsection (2) for which the use of  
2007 medical cannabis to treat symptoms is decriminalized, the Legislature does not conclusively  
2008 state that:

2009 (a) current scientific evidence clearly supports the efficacy of a medical cannabis

2010 treatment for the condition; or

2011 (b) a medical cannabis treatment will treat, cure, or positively affect the condition.

2012 ~~[(+)]~~ (2) For the purposes of this chapter, each of the following conditions [are

2013 considered] is a qualifying [illness] condition:

2014 (a) HIV[;] or acquired immune deficiency syndrome [or an autoimmune disorder];

2015 (b) Alzheimer's disease;

2016 (c) amyotrophic lateral sclerosis;

2017 (d) cancer[;];

2018 (e) cachexia[; or a condition manifest by physical wasting;];

2019 (f) persistent nausea[; or malnutrition associated with chronic disease] that is not

2020 significantly responsive to traditional treatment, except for nausea related to:

2021 (i) pregnancy;

2022 (ii) cannabis-induced cyclical vomiting syndrome; or

2023 (iii) cannabinoid hyperemesis syndrome;

2024 ~~[(e)]~~ (g) Crohn's disease[;] or ulcerative colitis[; or a similar gastrointestinal disorder];

2025 ~~[(f)]~~ (h) epilepsy or [a similar condition that causes] debilitating seizures;

2026 ~~[(g)]~~ (i) multiple sclerosis or [a similar condition that causes] persistent and

2027 debilitating muscle spasms;

2028 ~~[(h)]~~ (j) post-traumatic stress disorder[;] that is being treated and monitored by a

2029 licensed mental health therapist, as that term is defined in Section 58-60-102, and that:

2030 (i) has been diagnosed by a healthcare provider or mental health provider employed or

2031 contracted by the United States Veterans Administration, evidenced by copies of medical

2032 records from the Veterans Administration that are included as part of the qualified medical

2033 provider's pre-treatment assessment and medical record documentation; or

2034 (ii) has been diagnosed or confirmed, through face-to-face or telehealth evaluation of

2035 the patient, by a provider who is:

2036 (A) a licensed board-eligible or board-certified psychiatrist;

2037 (B) a licensed psychologist with a doctorate-level degree;

2038 (C) a licensed clinical social worker with a doctorate-level degree; or

2039 (D) a licensed advanced practice registered nurse who is qualified to practice within

2040 the psychiatric mental health nursing speciality and who has completed the clinical practice

2041 requirements in psychiatric mental health nursing, including in psychotherapy, in accordance  
 2042 with Subsection 58-31b-302(4)(g);

2043 ~~[(i)]~~ (k) autism;

2044 (l) a terminal illness when the patient's remaining life expectancy is less than six  
 2045 months;

2046 (m) a condition resulting in the individual receiving hospice care;

2047 ~~[(j)]~~ (n) a rare condition or disease that:

2048 (i) affects less than 200,000 [persons] individuals in the United States, as defined in  
 2049 Section 526 of the Federal Food, Drug, and Cosmetic Act; and

2050 (ii) is not adequately managed despite treatment attempts using:

2051 (A) conventional medications other than opioids or opiates; or

2052 (B) physical interventions;

2053 ~~[(k)]~~ (o) ~~[chronic or debilitating]~~ pain ~~[in an individual, if]~~ lasting longer than two  
 2054 weeks that is not adequately managed, in the qualified medical provider's opinion, despite  
 2055 treatment attempts using:

2056 (i) ~~[a physician determines that the individual is at risk of becoming chemically~~  
 2057 ~~dependent on, or overdosing on, opiate-based pain medication]~~ conventional medications other  
 2058 than opioids or opiates; or

2059 (ii) ~~[a physician determines that the individual is allergic to opiates or is otherwise~~  
 2060 ~~medically unable to use opiates.]~~ physical interventions; and

2061 ~~[(2)]~~ (p) ~~[In addition to the conditions described in Subsection (1),]~~ a condition  
 2062 ~~[approved]~~ that the compassionate use board approves under Section [26-60b-106, in]  
 2063 26-61a-105, on an individual, [on a] case-by-case basis[; is considered a qualifying illness for  
 2064 the purposes of this chapter].

2065 Section 49. Section **26-61a-105**, which is renumbered from Section 26-60b-106 is  
 2066 renumbered and amended to read:

2067 ~~[26-60b-106].~~ **26-61a-105. Compassionate use board.**

2068 (1) (a) The department shall establish a ~~[Compassionate Use Board]~~ compassionate use  
 2069 board consisting of:

2070 ~~[(a)]~~ (i) ~~[five physicians]~~ seven qualified medical providers that the executive director  
 2071 appoints:

2072 (A) who are knowledgeable about the medicinal use of cannabis ~~[and]~~;

2073 (B) who are physicians licensed under Title 58, Chapter 67, Utah Medical Practice Act,  
2074 or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

2075 (C) whom ~~[certified by]~~ the appropriate board certifies in ~~[one of]~~ the ~~[following~~  
2076 ~~specialties:]~~ specialty of neurology, pain medicine and pain management, medical oncology,  
2077 psychiatry, infectious disease, internal medicine, pediatrics, [and] or gastroenterology; and

2078 ~~[(b)]~~ (ii) as a nonvoting member and the chair of the board, the executive director [of  
2079 the Department of Health] or the director's designee [as a non-voting member].

2080 (b) In appointing the seven qualified medical providers described in Subsection (1)(a),  
2081 the executive director shall ensure that at least two have a board certification in pediatrics.

2082 (2) (a) ~~[Two of]~~ Of the members of the board that the executive director first  
2083 [appointed] appoints:

2084 (i) three shall serve [for a] an initial term of [three] two years; and [two of]

2085 (ii) the remaining members [of the board first appointed] shall serve [for a] an initial  
2086 term of four years.

2087 (b) After ~~[the first members' terms expire, members of the board shall serve for a] an~~  
2088 initial term [of] described in Subsection (2)(a) expires:

2089 (i) each term is four years; and [shall be]

2090 (ii) each board member is eligible for reappointment.

2091 (c) ~~[Any]~~ A member of the board may serve until a successor is appointed.

2092 ~~[(d) The director of the Department of Health or the director's designee shall serve as~~  
2093 the chair of the board.]

2094 (3) ~~[A]~~ Four members constitute a quorum of the [Compassionate Use Board shall  
2095 consist of three members] compassionate use board.

2096 (4) A member of the board may ~~[not]~~ receive;

2097 (a) compensation or benefits for the member's service[; but may receive]; and

2098 (b) per diem and travel expenses in accordance with Section 63A-3-106, Section  
2099 63A-3-107, and rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
2100 63A-3-107.

2101 (5) The ~~[Compassionate Use Board]~~ compassionate use board shall:

2102 (a) review and recommend ~~[to the]~~ for department approval [for] an individual

2103 described in Subsection 26-61a-201(2)(a), a minor described in Subsection 26-61a-201(2)(c),  
2104 or an individual who is not otherwise qualified to receive a medical cannabis card to obtain a  
2105 medical cannabis card for compassionate use if:

2106 (i) for an individual who is not otherwise qualified to receive a medical cannabis card,  
2107 the individual's qualified medical provider is actively treating the individual [offers, in the  
2108 board's discretion, satisfactory evidence that the individual suffers from a] for an intractable  
2109 condition that:

2110 (A) substantially impairs the individual's quality of life [and is intractable]; and

2111 (B) has not, in the qualified medical provider's professional opinion, adequately  
2112 responded to conventional treatments;

2113 (ii) the qualified medical provider:

2114 (A) recommends that the individual or minor be allowed to use medical cannabis; and

2115 (B) provides a letter, relevant treatment history, and notes or copies of progress notes  
2116 describing relevant treatment history including rationale for considering the use of medical  
2117 cannabis; and

2118 [(ii)] (iii) the board determines that:

2119 (A) the recommendation of the individual's qualified medical provider is justified; and

2120 (B) based on available information, it [is] may be in the best [interest] interests of the  
2121 [patient] individual to allow the[compassionate] use of medical cannabis;

2122 (b) unless no petitions are pending:

2123 (i) meet to receive or review compassionate use petitions at least quarterly[, unless no  
2124 petitions are pending, or]; and

2125 (ii) [as often as necessary] if there are more petitions than the board can receive or  
2126 review during the board's regular schedule, as often as necessary;

2127 (c) complete a review of each petition and recommend to the department approval or  
2128 denial of the applicant for qualification for a medical cannabis card within 90 days [of receipt]  
2129 after the day on which the board received the petition; and

2130 (d) report, before November 1 of each year, to the Health and Human Services Interim  
2131 Committee[;];

2132 (i) the number of compassionate use [approvals] recommendations the board issued  
2133 during the past year; and

2134           (ii) the types of conditions for which the board approved compassionate use.  
2135           (6) (a) (i) The department shall review any compassionate use ~~[approved by]~~ for which  
2136 the board recommends approval under ~~[this section]~~ Subsection (5)(c) to determine ~~[if]~~  
2137 whether the board properly exercised the board's discretion under this section.  
2138           ~~[(7)]~~ (ii) If the department determines that the board properly ~~[approved an individual~~  
2139 ~~for compassionate use under this section]~~ exercised the board's discretion in recommending  
2140 approval under Subsection (5)(c), the department shall:  
2141           (A) issue ~~[a]~~ the relevant medical cannabis card[-]; and  
2142           (B) provide for the renewal of the medical cannabis card in accordance with the  
2143 recommendation of the qualified medical provider described in Subsection (5)(a).  
2144           (b) (i) If the board recommends denial under Subsection (5)(c), the individual seeking  
2145 to obtain a medical cannabis card may petition the department to review the board's decision.  
2146           (ii) If the department determines that the board's recommendation for denial under  
2147 Subsection (5)(c) was arbitrary or capricious:  
2148           (A) the department shall notify the board of the department's determination; and  
2149           (B) the board shall reconsider the board's refusal to recommend approval under this  
2150 section.  
2151           (c) In reviewing the board's recommendation for approval or denial under Subsection  
2152 (5)(c) in accordance with this Subsection (6), the department shall presume the board properly  
2153 exercised the board's discretion unless the department determines that the board's  
2154 recommendation was arbitrary or capricious.  
2155           ~~[(8)]~~ (7) Any individually identifiable health information contained in a petition  
2156 ~~[received]~~ that the board or department receives under this section ~~[shall be]~~ is a protected  
2157 record in accordance with Title 63G, Chapter 2, Government Records Access and Management  
2158 Act.  
2159           ~~[(9)]~~ (8) The ~~[Compassionate Use Board may recommend]~~ compassionate use board  
2160 shall annually report the board's activity to the ~~[Health and Human Services Interim~~  
2161 ~~Committee:]~~  
2162           ~~[(a) a condition to designate as a qualifying illness under Section 26-60b-105; or]~~  
2163           ~~[(b) a condition to remove as a qualifying illness under Section 26-60b-105]~~  
2164 Cannabinoid Product Board created in Section 26-61-201.

2165 Section 50. Section ~~26-61a-106~~, which is renumbered from Section 26-60b-107 is  
2166 renumbered and amended to read:

2167 ~~[26-60b-107]~~. **26-61a-106. Qualified medical provider registration --**  
2168 **Continuing education -- Treatment recommendation.**

2169 (1) ~~[For the purposes of this chapter, a physician means an]~~ An individual~~[, other than~~  
2170 ~~a veterinarian, who]~~ may not recommend a medical cannabis treatment unless the department  
2171 registers the individual as a qualified medical provider in accordance with this section.

2172 (2) (a) The department shall, within 15 days after the day on which the department  
2173 receives an application from an individual, register and issue a qualified medical provider  
2174 registration card to the individual if the individual:

2175 (i) provides to the department the individual's name and address;

2176 (ii) provides to the department a report detailing the individual's completion of the  
2177 applicable continuing education requirement described in Subsection (3);

2178 (iii) provides to the department evidence that the individual:

2179 (A) has the authority to write a prescription;

2180 (B) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah  
2181 Controlled Substances Act; and [who]

2182 (C) possesses the authority, in accordance with the individual's scope of practice, to  
2183 prescribe a Schedule II controlled [substances.] substance;

2184 (iv) provides to the department evidence that the individual is:

2185 (A) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse  
2186 Practice Act;

2187 (B) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or  
2188 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

2189 (C) a physician assistant licensed under Title 58, Chapter 70a, Physician Assistant Act,  
2190 whose declaration of services agreement, as that term is defined in Section [58-70a-102](#),  
2191 includes the recommending of medical cannabis, and whose supervising physician is a  
2192 qualified medical provider; and

2193 (v) pays the department a fee in an amount that:

2194 (A) the department sets, in accordance with section [63J-1-504](#); and

2195 (B) does not exceed \$300 for an initial registration.

2196 (b) The department may not register an individual as a qualified medical provider if the  
2197 individual is:

2198 (i) a pharmacy medical provider or a state central fill medical provider; or

2199 (ii) an owner, officer, director, board member, employee, or agent of a cannabis  
2200 production establishment or a medical cannabis pharmacy.

2201 (3) (a) An individual shall complete the continuing education described in this  
2202 Subsection (3) in the following amounts:

2203 (i) for an individual as a condition precedent to registration, four hours; and

2204 (ii) for a qualified medical provider as a condition precedent to renewal, four hours  
2205 every two years.

2206 (b) In accordance with Subsection (3)(a), a qualified medical provider shall:

2207 (i) complete continuing education:

2208 (A) regarding the topics described in Subsection (3)(d); and

2209 (B) offered by the department under Subsection (3)(c) or an accredited or approved  
2210 continuing education provider that the department recognizes as offering continuing education  
2211 appropriate for the recommendation of cannabis to patients; and

2212 (ii) make a continuing education report to the department in accordance with a process  
2213 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah  
2214 Administrative Rulemaking Act, and in collaboration with the Division of Occupational and  
2215 Professional Licensing and:

2216 (A) for an advanced practice registered nurse licensed under Title 58, Chapter 31b,  
2217 Nurse Practice Act, the Board of Nursing;

2218 (B) for a qualified medical provider licensed under Title 58, Chapter 67, Utah Medical  
2219 Practice Act, the Physicians Licensing Board;

2220 (C) for a qualified medical provider licensed under Title 58, Chapter 68, Utah  
2221 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board;  
2222 and

2223 (D) for a physician assistant licensed under Title 58, Chapter 70a, Physician Assistant  
2224 Act, the Physician Assistant Licensing Board.

2225 (c) The department may, in consultation with the Division of Occupational and  
2226 Professional Licensing, develop the continuing education described in this Subsection (3).



- 2227 (d) The continuing education described in this Subsection (3) may discuss:  
2228 (i) the provisions of this chapter;  
2229 (ii) general information about medical cannabis under federal and state law;  
2230 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,  
2231 including risks and benefits;  
2232 (iv) recommendations for medical cannabis as it relates to the continuing care of a  
2233 patient in pain management, risk management, potential addiction, or palliative care; and  
2234 (v) best practices for recommending the form and dosage of medical cannabis products  
2235 based on the qualifying condition underlying a medical cannabis recommendation.  
2236 ~~[(2) A physician may recommend cannabis if the physician recommends cannabis to no~~  
2237 ~~more than 20% of the physician's patients at any given time.]~~  
2238 (4) (a) Except as provided in Subsection (4)(b) or (c), a qualified medical provider may  
2239 not recommend a medical cannabis treatment to more than 175 of the qualified medical  
2240 provider's patients at the same time, as determined by the number of medical cannabis cards  
2241 under the qualified medical provider's name in the state electronic verification system.  
2242 ~~[(3)]~~ (b) Except as provided in Subsection (4)(c), [A physician] a qualified medical  
2243 provider may recommend a medical cannabis treatment to [greater than 20% of the physician's  
2244 patients] up to 300 of the qualified medical provider's patients at any given time, as determined  
2245 by the number of medical cannabis cards under the qualified medical provider's name in the  
2246 state electronic verification system, if:  
2247 (i) the [physician is certified, by the] appropriate American medical board[~~, in one of~~  
2248 the following specialties:] has certified the qualified medical provider in the specialty of  
2249 anesthesiology, gastroenterology, neurology, oncology, pain, hospice and palliative [care;  
2250 physiatry] medicine, physical medicine and rehabilitation, rheumatology, or psychiatry[~~;~~]; or  
2251 (ii) a licensed business employs or contracts the qualified medical provider for the  
2252 specific purpose of providing hospice and palliative care.  
2253 (c) (i) Notwithstanding Subsection (4)(b), a qualified medical provider described in  
2254 Subsection (4)(b) may petition the Division of Occupational and Professional Licensing for  
2255 authorization to exceed the limit described in Subsection (4)(b) by graduating increments of  
2256 100 patients per authorization, not to exceed three authorizations.  
2257 (ii) The Division of Occupational and Professional Licensing shall grant the

2258 authorization described in Subsection (4)(c)(i) if:

2259 (A) the petitioning qualified medical provider pays a \$100 fee;

2260 (B) the division performs a review that includes the qualified medical provider's  
 2261 medical cannabis recommendation activity in the state electronic verification system, relevant  
 2262 information related to patient demand, and any patient medical records that the division  
 2263 determines would assist in the division's review; and

2264 (C) after the review described in this Subsection (4)(c)(ii), the division determines that  
 2265 granting the authorization would not adversely affect public safety, adversely concentrate the  
 2266 overall patient population among too few qualified medical providers, or adversely concentrate  
 2267 the use of medical cannabis among the provider's patients.

2268 ~~[(4)]~~ (5) A ~~[physician]~~ qualified medical provider may recommend medical cannabis to  
 2269 an individual under this chapter only in the course of a ~~[physician-patient]~~ qualified medical  
 2270 provider-patient relationship after the ~~[physician]~~ qualifying medical provider has completed  
 2271 and documented in the patient's medical record a [full] thorough assessment of the patient's  
 2272 condition and medical history based on the appropriate standard of care for the patient's  
 2273 condition.

2274 ~~[(5)]~~ (6) (a) Except as provided in Subsection ~~[(5)(b)]~~ (6)(b), a ~~[physician eligible to~~  
 2275 ~~recommend cannabis or a cannabis product under this section]~~ qualified medical provider may  
 2276 not advertise that the ~~[physician]~~ qualified medical provider recommends medical cannabis ~~[or~~  
 2277 ~~a cannabis product]~~ treatment.

2278 (b) ~~[A physician may advertise via]~~ For purposes of Subsection (6)(a), the  
 2279 communication of the following, through a website [that displays only] does not constitute  
 2280 advertising:

2281 (i) a green cross;

2282 ~~[(ii) the location and hours of operation of the physician's office;]~~

2283 ~~[(iii)]~~ (ii) a qualifying ~~[illness]~~ condition that the ~~[physician]~~ qualified medical provider  
 2284 treats; [and] or

2285 ~~[(iv)]~~ (iii) a scientific study  $\hat{H} \rightarrow [H]$  **regarding**  $[H] \leftarrow \hat{H}$  medical cannabis use.

2286 (7) (a) A qualified medical provider registration card expires two years after the day on  
 2287 which the department issues the card.

2288 (b) The department shall renew a qualified medical provider's registration card if the

2289 provider:

2290 (i) applies for renewal;

2291 (ii) is eligible for a qualified medical provider registration card under this section,

2292 including maintaining an unrestricted license as described in Subsection (2)(a)(iii);

2293 (iii) certifies to the department in a renewal application that the information in

2294 Subsection (2)(a) is accurate or updates the information;

2295 (iv) submits a report detailing the completion of the continuing education requirement

2296 described in Subsection (3); and

2297 (v) pays the department a fee in an amount that:

2298 (A) the department sets, in accordance with section [63J-1-504](#); and

2299 (B) does not exceed \$50 for a registration renewal.

2300 (8) The department may revoke the registration of a qualified medical provider who

2301 fails to maintain compliance with the requirements of this section.

2302 (9) A qualified medical provider may not receive any compensation or benefit for the

2303 qualified medical provider's medical cannabis treatment recommendation from:

2304 (a) a cannabis production establishment or an owner, officer, director, board member,

2305 employee, or agent of a cannabis production establishment;

2306 (b) a medical cannabis pharmacy or an owner, officer, director, board member,

2307 employee, or agent of a medical cannabis pharmacy; or

2308 (c) a qualified medical provider or pharmacy medical provider.

2309 Section 51. Section **26-61a-107**, which is renumbered from Section 26-60b-108 is

2310 renumbered and amended to read:

2311 **[26-60b-108]. 26-61a-107. Standard of care -- Physicians and pharmacists**

2312 **not liable -- No private right of action.**

2313 ~~[A physician who recommends treatment with cannabis or a cannabis product to an~~

2314 ~~individual in accordance with this chapter may not, based on the recommendation, be subject~~

2315 ~~to]~~

2316 (1) An individual described in Subsection (2) is not subject to the following solely for

2317 violating a federal law or regulation that would otherwise prohibit recommending, prescribing,

2318 or dispensing medical cannabis, a medical cannabis product, or a cannabis-based drug that the

2319 United States Food and Drug Administration has not approved:

2320           (a) civil [liability,] or criminal liability[;]: or  
2321           (b) licensure sanctions under Title 58, Chapter 17b, Pharmacy Practice Act, Title 58,  
2322 Chapter 31b, Nurse Practice Act, Title 58, Chapter 67, Utah Medical Practice Act [or], Title  
2323 58, Chapter 68, Utah Osteopathic Medical Practice Act, or Title 58, Chapter 70a, Physician  
2324 Assistant Act.

2325           (2) The limitations of liability described in Subsection (1) apply to:  
2326           (a) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse  
2327 Practice Act, a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or  
2328 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, or a physician assistant licensed  
2329 under Title 58, Chapter 70a, Physician Assistant Act:

2330           (i) (A) whom the department has registered as a qualified medical provider; and  
2331           (B) who recommends treatment with cannabis in a medicinal dosage form or a  
2332 cannabis product in a medicinal dosage form to a patient in accordance with this chapter; or  
2333           (ii) before January 1, 2021, who:  
2334           (A) has the authority to write a prescription; and  
2335           (B) recommends a medical cannabis treatment to a patient who has a qualifying  
2336 condition; and

2337           (b) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act:  
2338           (i) whom the department has registered as a pharmacy medical provider or a state  
2339 central fill medical provider; and  
2340           (ii) who dispenses, in a medical cannabis pharmacy or the state central fill medical  
2341 cannabis pharmacy, treatment with cannabis in a medicinal dosage form or a cannabis product  
2342 in a medicinal dosage form to a medical cannabis cardholder in accordance with this chapter.

2343           (3) Nothing in this section or chapter reduces or in any way negates the duty of an  
2344 individual described in Subsection (2) to use reasonable and ordinary care in the treatment of a  
2345 patient:

2346           (a) who may have a qualifying condition; and  
2347           (b) (i) for whom the individual described in Subsection (2)(a)(i) or (ii) has  
2348 recommended or might consider recommending a treatment with cannabis or a cannabis  
2349 product; or  
2350           (ii) with whom the pharmacist described in Subsection (2)(b) has interacted in the

2351 dosing or dispensing of cannabis or a cannabis product.

2352 Section 52. Section **26-61a-108** is enacted to read:

2353 **26-61a-108. Agreement with a tribe.**

2354 (1) As used in this section, "tribe" means a federally recognized Indian tribe or Indian  
2355 band.

2356 (2) (a) In accordance with this section, the governor may enter into an agreement with a  
2357 tribe to allow for the operation of a medical cannabis pharmacy on tribal land located within  
2358 the state.

2359 (b) An agreement described in Subsection (2)(a) may not exempt any person from the  
2360 requirements of this chapter.

2361 (c) The governor shall ensure that an agreement described in Subsection (2)(a):

2362 (i) is in writing;

2363 (ii) is signed by:

2364 (A) the governor; and

2365 (B) the governing body of the tribe that the tribe designates and has the authority to  
2366 bind the tribe to the terms of the agreement;

2367 (iii) states the effective date of the agreement;

2368 (iv) provides that the governor shall renegotiate the agreement if the agreement is or  
2369 becomes inconsistent with a state statute; and

2370 (v) includes any accommodation that the tribe makes:

2371 (A) to which the tribe agrees; and

2372 (B) that is reasonably related to the agreement.

2373 (d) Before executing an agreement under this Subsection (2), the governor shall consult  
2374 with the department.

2375 (e) At least 30 days before the execution of an agreement described in this Subsection  
2376 (2), the governor or the governor's designee shall provide a copy of the agreement in the form  
2377 in which the agreement will be executed to:

2378 (i) the chairs of the Native American Legislative Liaison Committee; and

2379 (ii) the Office of Legislative Research and General Counsel.

2380 Section 53. Section **26-61a-109**, which is renumbered from Section 26-60b-109 is  
2381 renumbered and amended to read:

2382 ~~[26-60b-109].~~ 26-61a-109. Qualified Patient Enterprise Fund -- Creation --  
2383 Revenue neutrality.

2384 (1) There is created [~~in the General Fund a restricted account~~] an enterprise fund  
2385 known as the [~~"Medical Cannabis Restricted Account."~~] "Qualified Patient Enterprise Fund."

2386 (2) The [~~account~~] fund created in this section is funded from:

2387 [~~(a) money deposited into the account by the Department of Agriculture and Food~~  
2388 ~~under Title 4, Chapter 41b, Cannabis Production Establishments;~~]

2389 [~~(b)~~] (a) money [~~deposited~~] the department deposits into the [~~account by the~~  
2390 department] fund under this chapter;

2391 [~~(c)~~] (b) appropriations [~~made~~] the Legislature makes to the [~~account by the~~  
2392 Legislature] fund; and

2393 [~~(d)~~] (c) the interest described in Subsection (3).

2394 (3) Interest earned on the [~~account is~~] fund shall be deposited [~~in~~] into the [~~account~~  
2395 fund.

2396 (4) [~~Money~~] The department may only use money in the [~~account may only be used~~  
2397 fund to fund the [~~state medical cannabis program, including Title 26, Chapter 60b, Medical~~  
2398 Cannabis Act and Title 4, Chapter 41b, Cannabis Production Establishments] department's  
2399 responsibilities under this chapter, except for the responsibilities described in Subsection  
2400 26-61a-110(4).

2401 (5) The department shall set fees authorized under this chapter in amounts that the  
2402 department anticipates are necessary, in total, to cover the department's cost to implement this  
2403 chapter.

2404 Section 54. Section **26-61a-110** is enacted to read:

2405 **26-61a-110. Qualified Distribution Enterprise Fund -- Creation.**

2406 (1) There is created an enterprise fund known as the "Qualified Distribution Enterprise  
2407 Fund."

2408 (2) The fund created in this section is funded from:

2409 (a) money the department deposits into the fund from the operation of the state central  
2410 fill medical cannabis pharmacy under this chapter;

2411 (b) appropriations the Legislature makes to the fund; and

2412 (c) the interest described in Subsection (3).

2413 (3) Interest earned on the fund shall be deposited into the fund.

2414 (4) The department may only use money in the fund to fund the operation of the state  
2415 central fill medical cannabis pharmacy.

2416 Section 55. Section **26-61a-111**, which is renumbered from Section 26-60b-110 is  
2417 renumbered and amended to read:

2418 ~~[26-60b-110].~~ **26-61a-111. Nondiscrimination for medical care or**  
2419 **government employment.**

2420 (1) For purposes of medical care, including an organ [and] or tissue [transplants, the  
2421 use of cannabis by a patient who holds] transplant, a [medical cannabis card] patient's use, in  
2422 accordance with this chapter, of cannabis in a medicinal dosage form or a cannabis product in a  
2423 medicinal dosage form:

2424 (a) is considered the equivalent of the authorized use of any other medication used at  
2425 the discretion of a physician; and

2426 (b) does not constitute the use of an illicit substance or otherwise disqualify an  
2427 individual from needed medical care.

2428 ~~[(2) No landlord may refuse to lease to and may not otherwise penalize a person solely~~  
2429 ~~for the person's status as a medical cannabis card holder, unless failing to do so would cause~~  
2430 ~~the landlord to lose a monetary or licensing-related benefit under federal law.]~~

2431 (2) (a) Notwithstanding any other provision of law and except as provided in  
2432 Subsection (2)(b), the state or any political subdivision shall treat an employee's use of medical  
2433 cannabis in accordance with this chapter or Section [58-37-3.7](#) in the same way the state or  
2434 political subdivision treats employee use of opioids and opiates.

2435 (b) Subsection (2)(a) does not apply where application would jeopardize federal  
2436 funding for the employee's position.

2437 Section 56. Section **26-61a-112** is enacted to read:

2438 **26-61a-112. No insurance requirement.**

2439 Nothing in this chapter requires an insurer, a third-party administrator, or an employer  
2440 to pay or reimburse for cannabis, a cannabis product, or a medical cannabis device.

2441 Section 57. Section **26-61a-113** is enacted to read:

2442 **26-61a-113. No effect on use of hemp extract -- Cannabidiol -- Approved drugs.**

2443 (1) Nothing in this chapter prohibits an individual:

2444 (a) with a valid hemp extract registration card that the department issues under Section  
2445 26-56-103 from possessing, administering, or using hemp extract in accordance with Section  
2446 58-37-4.3; or

2447 (b) from purchasing, selling, possessing, or using a cannabidiol product in accordance  
2448 with Section 4-41-402.

2449 (2) Nothing in this chapter restricts or otherwise affects the prescription, distribution,  
2450 or dispensing of a product that the United States Food and Drug Administration has approved.

2451 Section 58. Section **26-61a-114** is enacted to read:

2452 **26-61a-114. Severability clause.**

2453 (1) If any provision of this title or this bill or the application of any provision of this  
2454 title or this bill to any person or circumstance is held invalid by a final decision of a court of  
2455 competent jurisdiction, the remaining provisions of this title and this bill remain effective  
2456 without the invalidated provision or application.

2457 (2) The provisions of this title and this bill are severable.

2458 Section 59. Section **26-61a-201**, which is renumbered from Section 26-60b-201 is  
2459 renumbered and amended to read:

2460 **Part 2. Medical Cannabis Card Registration.**

2461 ~~[26-60b-201].~~ **26-61a-201. Medical cannabis patient card -- Medical**  
2462 **cannabis guardian card application -- Fees -- Studies.**

2463 (1) ~~[The Department of Health shall, no later than]~~ On or before March 1, 2020, [and]  
2464 the department shall, within 15 days after [an individual] the day on which an individual who  
2465 satisfies the eligibility criteria in this section or Section 26-61a-202 submits an application in  
2466 [compliance] accordance with this section[;] or Section 26-61a-202:

2467 (a) issue a medical cannabis patient card to an individual [who complies with this  
2468 section.] described in Subsection (2)(a);

2469 (b) issue a medical cannabis guardian card to an individual described in Subsection  
2470 (2)(b);

2471 (c) issue a provisional patient card to a minor described in Subsection (2)(c); and

2472 (d) issue a medical cannabis caregiver card to an individual described in Subsection  
2473 26-61a-202(4).

2474 (2) (a) An individual is eligible for a medical cannabis patient card if:



2475 ~~[(a)]~~ (i) (A) the individual is at least ~~[18]~~ 21 years old~~;~~; or  
2476 (B) the individual is 18, 19, or 20 years old, the individual petitions the compassionate  
2477 use board under Section [26-61a-105](#), and the compassionate use board recommends department  
2478 approval of the petition;  
2479 (ii) the individual is a Utah resident~~;~~ and treatment with medical cannabis has been  
2480 recommended by];  
2481 (iii) the individual's ~~[physician under]~~ qualified medical provider recommends  
2482 treatment with medical cannabis in accordance with Subsection (4); ~~[or]~~  
2483 (iv) the individual signs an acknowledgment stating that the individual received the  
2484 information described in Subsection (8); and  
2485 (v) the individual pays to the department a fee in an amount that, subject to Subsection  
2486 [26-61a-109\(5\)](#), the department sets in accordance with Section [63J-1-504](#).  
2487 (b) (i) ~~[the individual]~~ An individual is eligible for a medical cannabis guardian card if  
2488 the individual:  
2489 (A) is at least 18 years old;  
2490 (B) is a Utah resident;  
2491 (C) is the parent or legal guardian of a minor~~;~~ the individual is at least 18 years old,  
2492 the individual is a Utah resident, and treatment with] for whom the minor's qualified medical  
2493 provider recommends a medical cannabis ~~[has been recommended by the minor's physician~~  
2494 under Subsection (4)] treatment, the individual petitions the compassionate use board under  
2495 Section [26-61a-105](#), and the compassionate use board recommends department approval of the  
2496 petition;  
2497 (D) the individual signs an acknowledgment stating that the individual received the  
2498 information described in Subsection (8);  
2499 (E) pays to the department a fee in an amount that, subject to Subsection  
2500 [26-61a-109\(5\)](#), the department sets in accordance with Section [63J-1-504](#), plus the cost of the  
2501 criminal background check described in Section [26-61a-203](#); and  
2502 (F) the individual has not been convicted of a misdemeanor or felony drug distribution  
2503 offense under either state or federal law, unless the individual completed any imposed sentence  
2504 six months or more before the day on which the individual applies for a medical cannabis  
2505 guardian card.

2506 (ii) The department shall notify the Department of Public Safety of each individual that  
2507 the department registers for a medical cannabis guardian card.

2508 (c) (i) A minor is eligible for a provisional patient card if:

2509 (A) the minor has a qualifying condition;

2510 (B) the minor's qualified medical provider recommends a medical cannabis treatment  
2511 to address the minor's qualifying condition;

2512 (C) the minor's parent or legal guardian petitions the compassionate use board under  
2513 Section [26-61a-105](#), and the compassionate use board recommends department approval of the  
2514 petition; and

2515 (D) the minor's parent or legal guardian is eligible for a medical cannabis guardian card  
2516 under Subsection (2)(b).

2517 (ii) The department shall automatically issue a provisional patient card to the minor  
2518 described in Subsection (2)(c)(i) at the same time the department issues a medical cannabis  
2519 guardian card to the minor's parent or legal guardian.

2520 (3) (a) An individual who is eligible for a medical cannabis card [~~under~~] described in  
2521 Subsection [~~(2)~~] (2)(a) or (b) shall submit an application for a medical cannabis card to the  
2522 department [~~via~~];

2523 (i) through an electronic application connected to the state electronic verification  
2524 system[;];

2525 (ii) with the recommending [~~physician~~] qualified medical provider while in the  
2526 recommending [~~physician's~~] qualified medical provider's office[;]; and [~~that includes~~]

2527 (iii) with information including:

2528 (A) the [~~individual's~~] applicant's name, gender, age, and address[;];

2529 (B) the number of the applicant's valid form of identification that is a valid United  
2530 States federal- or state-issued photo identification, including a driver license, a United States  
2531 passport, a United States passport card, or a United States military identification card;

2532 (C) for a medical cannabis guardian card, the name, gender, and age of the minor  
2533 receiving a medical cannabis treatment under the cardholder's medical cannabis guardian card;  
2534 and

2535 (D) for a provisional patient card, the name of the minor's parent or legal guardian who  
2536 holds the associated medical cannabis guardian card.

2537 (b) The department shall ensure that a medical cannabis card the department issues  
2538 under this section contains the information described in Subsection (3)(a)(iii).

2539 (c) (i) If a qualified medical provider determines that, because of age, illness, or  
2540 disability, a medical cannabis patient cardholder requires assistance in administering the  
2541 medical cannabis treatment that the qualified medical provider recommends, the qualified  
2542 medical provider may indicate the cardholder's need in the state electronic verification system.

2543 (ii) If a qualified medical provider makes the indication described in Subsection  
2544 (3)(c)(i):

2545 (A) the department shall add a label to the relevant medical cannabis patient card  
2546 indicating the cardholder's need for assistance; and

2547 (B) any adult who is 21 years old or older and who is physically present with the  
2548 cardholder at the time the cardholder needs to use the recommended medical cannabis  
2549 treatment may handle the medical cannabis treatment and any associated medical cannabis  
2550 device as needed to assist the cardholder in administering the recommended medical cannabis  
2551 treatment, including in the event of an emergency medical condition under Subsection  
2552 [26-61a-204\(2\)](#).

2553 (iii) A non-cardholding individual acting under Subsection (3)(c)(ii)(B) may not:

2554 (A) ingest or inhale medical cannabis;

2555 (B) possess, transport, or handle medical cannabis or a medical cannabis device outside  
2556 of the immediate area where the cardholder is present or with an intent other than to provide  
2557 assistance to the cardholder; or

2558 (C) possess, transport, or handle medical cannabis or a medical cannabis device when  
2559 the cardholder is not in the process of being dosed with medical cannabis.

2560 (4) [~~A physician who recommends treatment with~~] To recommend a medical cannabis  
2561 treatment to [~~an individual or minor~~] a patient or to renew a recommendation, a qualified  
2562 medical provider shall:

2563 (a) before recommending cannabis in a medicinal dosage form or a cannabis product in  
2564 a medicinal dosage form:

2565 (i) verify the patient's and, for a minor patient, the minor patient's parent or legal  
2566 guardian's valid form of identification described in Subsection (3)(a);

2567 (ii) review any record related to the patient and, for a minor patient, the patient's parent

2568 or legal guardian in:

2569 (A) the state electronic verification system; and

2570 (B) the controlled substance database created in Section [58-37f-201](#); and

2571 (iii) consider the recommendation in light of the patient's qualifying condition and

2572 history of medical cannabis and controlled substance use; and

2573 ~~[(a)]~~ (b) state in the ~~[physician's]~~ qualified medical provider's recommendation that the

2574 ~~[individual]~~ patient:

2575 (i) suffers from a qualifying ~~[illness]~~ condition, including the type of qualifying

2576 ~~[illness;]~~ condition; and ~~[that the individual]~~

2577 (ii) may benefit from treatment with cannabis in a medicinal dosage form or a cannabis

2578 product in a medicinal dosage form.; ~~and]~~

2579 ~~[(b) before recommending cannabis or a cannabis product, look up the individual in the~~

2580 ~~controlled substance database created in Section [58-37f-201](#).]~~

2581 (5) (a) ~~[A]~~ Except as provided in Subsection (5)(b), a medical cannabis card ~~[issued~~

2582 ~~by]~~ that the department issues under this section is valid for the lesser of:

2583 (i) an amount of time ~~[determined by]~~ that the ~~[physician]~~ qualified medical provider

2584 determines; or

2585 (ii) (A) for the first issuance, 30 days; or

2586 (B) for a renewal, six months.

2587 (b) (i) A medical cannabis card that the department issues in relation to a terminal

2588 illness described in Section [26-61a-104](#) does not expire.

2589 (ii) The recommending qualified medical provider may revoke a recommendation that

2590 the provider made in relation to a terminal illness described in Section [26-61a-104](#) if the

2591 medical cannabis cardholder no longer has the terminal illness.

2592 (6) (a) A medical cannabis patient card or a medical cannabis guardian card is

2593 renewable if:

2594 (i) at the time of renewal, the cardholder meets the requirements of Subsection (2)(a) or

2595 (b); or

2596 (ii) the cardholder received the medical cannabis card through the recommendation of

2597 the compassionate use board under Section [26-61a-105](#).

2598 (b) A cardholder described in Subsection (6)(a) may renew the cardholder's card:

- 2599 (i) using the application process described in Subsection (3); or  
2600 (ii) through phone or video conference with the qualified medical provider who made  
2601 the recommendation underlying the card, at the qualifying medical provider's discretion.
- 2602 (c) A cardholder under Subsection (2)(a) or (b) who renews the cardholder's card shall  
2603 pay to the department a renewal fee in an amount that:
- 2604 (i) subject to Subsection 26-61a-109(5), the department sets in accordance with Section  
2605 63J-1-504; and
- 2606 (ii) may not exceed the cost of the relatively lower administrative burden of renewal in  
2607 comparison to the original application process.
- 2608 (d) If a minor meets the requirements of Subsection (2)(c), the minor's provisional  
2609 patient card renews automatically at the time the minor's parent or legal guardian renews the  
2610 parent or legal guardian's associated medical cannabis guardian card.
- 2611 (e) The department may revoke a medical cannabis guardian card if the cardholder  
2612 under Subsection (2)(b) is convicted of a misdemeanor or felony drug distribution offense  
2613 under either state or federal law.
- 2614 ~~[(6)]~~ (7) (a) ~~[An individual who has been issued a medical cannabis card]~~ A cardholder  
2615 under this section ~~[may: (a)] shall carry [a] the cardholder's valid medical cannabis card with~~  
2616 the patient's name[;].
- 2617 (b) (i) A medical cannabis patient cardholder or a provisional patient cardholder may  
2618 purchase, in accordance with this chapter and the recommendation underlying the card,  
2619 cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a  
2620 medical cannabis device.
- 2621 (ii) A cardholder under this section may possess~~[, and]~~ or transport, in accordance with  
2622 this chapter and the recommendation underlying the card, cannabis in a medicinal dosage form,  
2623 a cannabis product in a medicinal dosage form, or a medical cannabis device[;].
- 2624 ~~[(c)]~~ (iii) ~~[use or assist with the use of medical cannabis or medical cannabis products~~  
2625 ~~to treat]~~ To address the qualifying [illness or symptoms associated with the qualifying illness of  
2626 ~~the person for whom medical cannabis has been recommended]~~ condition underlying the  
2627 medical cannabis treatment recommendation:
- 2628 (A) a medical cannabis patient cardholder or a provisional patient cardholder may use  
2629 cannabis in a medicinal dosage form, a medical cannabis product in a medicinal dosage form,

2630 or a medical cannabis device; and

2631 (B) a medical cannabis guardian cardholder may assist the associated provisional  
2632 patient cardholder with the use of cannabis in a medicinal dosage form, a medical cannabis  
2633 product in a medicinal dosage form, or a medical cannabis device.

2634 ~~[(d)]~~ (c) If neither a licensed medical cannabis pharmacy nor the state central fill  
2635 medical cannabis pharmacy is operating within the state after January 1, 2021~~[; if a licensed~~  
2636 ~~cannabis dispensary is not operating within 100 miles of the medical cannabis card holder's~~  
2637 ~~primary residence, grow up to six cannabis plants for personal medical use within an enclosed~~  
2638 ~~and locked space and not within view from a public place and that is not within 600 feet of a~~  
2639 ~~community location or within 300 feet of an area zoned exclusively for residential use, as~~  
2640 ~~measured from the nearest entrance to the space and following the shortest route or ordinary~~  
2641 ~~pedestrian travel to the property boundary of the community location or residential area.]~~ a  
2642 cardholder under this section is not subject to prosecution for the possession of:

2643 (i) no more than 113 grams of marijuana in a medicinal dosage form;

2644 (ii) an amount of cannabis product in a medicinal dosage form that contains no more  
2645 than 20 grams of tetrahydrocannabinol; or

2646 (iii) marijuana drug paraphernalia.

2647 (8) The department shall establish by rule, in accordance with Title 63G, Chapter 3,  
2648 Utah Administrative Rulemaking Act, a process to provide information regarding the following  
2649 to an individual receiving a medical cannabis card:

2650 (a) risks associated with medical cannabis treatment;

2651 (b) the fact that a condition's listing as a qualifying condition does not suggest that  
2652 medical cannabis treatment is an effective treatment or cure for that condition, as described in  
2653 Subsection [26-61a-104](#)(1); and

2654 (c) other relevant warnings and safety information that the department determines.

2655 ~~[(7)]~~ (9) The department may establish procedures~~[;]~~ by rule, in accordance with Title  
2656 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the ~~[medical cannabis~~  
2657 ~~card]~~ application and issuance provisions of this section.

2658 ~~[(8)]~~ (10) (a) A person may submit, to the department~~[;]~~ a request to conduct a medical  
2659 research study using medical cannabis cardholder data ~~[contained in]~~ that the state electronic  
2660 verification system contains.

2661 (b) The department shall review a request [~~submitted under~~] described in Subsection  
2662 [~~(8)(a)~~] (10)(a) to determine [if] whether the medical research study is valid.

2663 (c) If the department [~~determines~~] makes a determination under Subsection (10)(b) that  
2664 the medical research study is valid [~~under Subsection (8)(b)~~], the department shall notify [a]  
2665 each relevant [~~medical cannabis~~] cardholder asking for the [~~medical cannabis~~] cardholder's  
2666 [~~participation~~] consent to participate in the study.

2667 (d) The department may release, for the purposes of a study described in this  
2668 Subsection (10), information about a [~~medical cannabis~~] cardholder under this section who  
2669 consents to [~~participation~~] participate under Subsection [~~(8)(c)~~] (10)(c).

2670 (e) The department may establish standards for a medical research study's validity, by  
2671 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2672 Section 60. Section **26-61a-202**, which is renumbered from Section 26-60b-202 is  
2673 renumbered and amended to read:

2674 [~~26-60b-202~~]. **26-61a-202. Medical cannabis caregiver card -- Registration**  
2675 **-- Renewal -- Revocation.**

2676 (1) [~~An individual~~] A cardholder described in Section 26-61a-201 may designate up to  
2677 two individuals to serve as a designated [~~caregivers~~] caregiver for the [~~individual~~] cardholder  
2678 if[:]

2679 [~~(a) the individual has a valid medical cannabis card under Section 26-60b-201; and~~]  
2680 [~~(b) a physician~~] a qualified medical provider determines that, due to physical difficulty  
2681 or undue hardship, the [~~individual~~] cardholder needs assistance to obtain the medical cannabis  
2682 [~~or a cannabis product from a cannabis dispensary~~] treatment that the qualified medical  
2683 provider recommends.

2684 (2) An individual [~~registered~~] that the department registers as a designated caregiver  
2685 under this section:

2686 (a) may[:(a)] carry a valid medical cannabis caregiver card [~~with the designating~~  
2687 ~~patient's name and the designated caregiver's name~~];

2688 (b) [~~purchase, possess, and transport,~~] in accordance with this chapter, may purchase,  
2689 possess, transport, or assist the patient in the use of cannabis in a medicinal dosage form, a  
2690 cannabis product in a medicinal dosage form, or a medical cannabis device on behalf of the  
2691 designating [~~patient~~] medical cannabis cardholder;

2692 (c) may not charge a fee to an individual to act as the individual's designated caregiver  
2693 or for a service that the designated caregiver provides in relation to the role as a designated  
2694 caregiver;

2695 ~~[(c)]~~ (d) may accept reimbursement from the designating [patient] medical cannabis  
2696 cardholder for direct costs [incurred by] the designated caregiver incurs for assisting with the  
2697 designating [patient's] cardholder's medicinal use of cannabis; and

2698 ~~[(d)]~~ (e) [after January 1, 2021,] if neither a licensed medical cannabis [dispensary]  
2699 pharmacy nor the state central fill medical cannabis pharmacy is [not] operating within [100  
2700 miles of the designating patient's primary residence, assist the designating patient with growing  
2701 up to six cannabis plants for personal medicinal use within an enclosed and locked space and  
2702 not within view from a public place and that is not within 600 feet of a community location or  
2703 within 300 feet of an area zoned exclusively for residential use, as measured from the nearest  
2704 entrance to the space and following the shortest route or ordinary pedestrian travel to the  
2705 property boundary of the community location or residential area.] the state after January 1,  
2706 2021, is not subject to prosecution for the possession of:

2707 (i) no more than 113 grams of marijuana in a medicinal dosage form;

2708 (ii) an amount of cannabis product in a medicinal dosage form that contains no more  
2709 than 20 grams of tetrahydrocannabinol; or

2710 (iii) marijuana drug paraphernalia.

2711 (3) (a) The department shall[;]

2712 (i) within [30] 15 days after the day on which an individual submits an application in  
2713 compliance with this section, issue a medical cannabis card to [an individual designated as a  
2714 caregiver under Subsection (1) and who complies with this section.] the applicant if the  
2715 applicant:

2716 (A) is designated as a caregiver under Subsection (1);

2717 (B) is eligible for a medical cannabis caregiver card under Subsection (4); and

2718 (C) complies with this section; and

2719 (ii) notify the Department of Public Safety of each individual that the department  
2720 registers as a designated caregiver.

2721 (b) The department shall ensure that a medical cannabis caregiver card contains the  
2722 information described in Subsection (5)(b).



2723 (4) An individual is eligible for a medical cannabis ~~[card as a designated]~~ caregiver  
2724 card if the individual:

2725 (a) is at least ~~[18]~~ 21 years old;

2726 (b) is a Utah resident;

2727 (c) pays~~;~~ to the department~~;~~ a fee ~~[established by]~~ in an amount that, subject to  
2728 Subsection 26-61a-109(5), the department sets in accordance with Section 63J-1-504, plus the  
2729 cost of [a] the criminal background check [required by] described in Section [26-60b-203; and]  
2730 26-61a-203;

2731 (d) signs an acknowledgment stating that the applicant received the information  
2732 described in Subsection 26-61a-201(8); and

2733 ~~[(d)]~~ (e) has not been convicted of [an] a misdemeanor or felony drug distribution  
2734 offense that is a felony under either state or federal law, unless the individual completes any  
2735 imposed sentence [imposed was completed seven] two or more years [earlier] before the day on  
2736 which the individual submits the application.

2737 (5) An ~~[individual who is]~~ eligible applicant for a medical cannabis caregiver card~~[as a~~  
2738 ~~designated caregiver]~~ shall:

2739 (a) submit an application for a medical cannabis caregiver card to the department [via]  
2740 through an electronic application connected to the state electronic verification system; and  
2741 ~~[shall include the individual's]~~

2742 (b) submit the following information in the application described in Subsection (5)(a):

2743 (i) the applicant's name, gender, age, and address [and];

2744 (ii) the name, gender, age, and address of the [patient that] cardholder described in  
2745 Section 26-61a-201 who designated the [individual under Subsection (1):] applicant; and

2746 (iii) if a medical cannabis guardian cardholder designated the caregiver, the name,  
2747 gender, and age of the minor receiving a medical cannabis treatment in relation to the medical  
2748 cannabis guardian cardholder.

2749 (6) ~~[A]~~ Except as provided in Subsection (6)(b), a medical cannabis caregiver card  
2750 [issued by] that the department issues under this section is valid for the lesser of:

2751 (a) an amount of time [determined by the physician, by the patient, or 6 months:] that  
2752 the cardholder described in Section 26-61a-201 who designated the caregiver determines; or

2753 (b) the amount of time remaining before the card of the cardholder described in Section

2754 26-61a-201 expires.

2755 (7) ~~[A medical cannabis card is renewable for a designated caregiver if, at the time of~~  
2756 ~~renewal:]~~

2757 ~~[(a) the individual with a medical cannabis card described in Subsection (1) renews the~~  
2758 ~~caregiver's designation; and]~~

2759 ~~[(b) the]~~

2760 (a) If a designated caregiver meets the requirements of Subsection (4)[:], the designated  
2761 caregiver's medical cannabis caregiver card renews automatically at the time the cardholder  
2762 described in Section 26-61a-201 who designated the caregiver:

2763 (i) renews the cardholder's card; and

2764 (ii) renews the caregiver's designation, in accordance with Subsection (7)(b).

2765 (b) The department shall provide a method in the card renewal process to allow a  
2766 cardholder described in Section 26-61a-201 who has designated a caregiver to:

2767 (i) signify that the cardholder renews the caregiver's designation;

2768 (ii) remove a caregiver's designation; or

2769 (iii) designate a new caregiver.

2770 ~~[(8) A designated caregiver may not charge an individual a fee to act as the individual's~~  
2771 ~~designated caregiver or for services provided.]~~

2772 ~~[(9)]~~ (8) The ~~[Department of Health]~~ department may revoke a ~~[designated caregiver's]~~  
2773 medical cannabis caregiver card if the [individual] designated caregiver:

2774 (a) violates this chapter; or

2775 (b) is convicted [of an offense that is a felony] under [either] state or federal law of:

2776 (i) a felony; or

2777 (ii) after the effective date of this bill, a misdemeanor for drug distribution.

2778 Section 61. Section **26-61a-203**, which is renumbered from Section 26-60b-203 is  
2779 renumbered and amended to read:

2780 ~~[26-60b-203].~~ **26-61a-203. Designated caregiver -- Guardian -- Criminal**  
2781 **background check.**

2782 (1) ~~[An individual registered as a designated caregiver]~~ Each applicant for a medical  
2783 cannabis guardian card under Section ~~[26-60b-202]~~ 26-61a-201 or a medical cannabis  
2784 caregiver card under Section 26-61a-202 shall:

2785 (a) submit [to a criminal background check in accordance with Subsection (2).(2) Each  
2786 designated caregiver shall] to the department, at the time of application:

2787 [(a)] (i) [submit, to the department,] a fingerprint card in a form acceptable to the  
2788 [department and the] Department of Public Safety; and

2789 (ii) a signed waiver in accordance with Subsection [53-10-108](#)(4) acknowledging the  
2790 registration of the applicant's fingerprints in the Federal Bureau of Investigation Next  
2791 Generation Identification System's Rap Back Service; and

2792 (b) consent to a fingerprint background check by:

2793 (i) the [Utah] Bureau of Criminal Identification; and

2794 (ii) the Federal Bureau of Investigation.

2795 [(3)] (2) The [Department of Public Safety] Bureau of Criminal Identification shall:

2796 (a) [complete a Federal Bureau of Investigation Criminal Background Check for each  
2797 designated caregiver] check the fingerprints the applicant submits under Subsection [(2) and]  
2798 (1)(a) against the applicable state, regional, and national criminal records databases, including  
2799 the Federal Bureau of Investigation Next Generation Identification System;

2800 (b) report the results of the background check to the department[-];

2801 (c) maintain a separate file of fingerprints that applicants submit under Subsection  
2802 (1)(a) for search by future submissions to the local and regional criminal records databases,  
2803 including latent prints;

2804 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next  
2805 Generation Identification System's Rap Back Service for search by future submissions to  
2806 national criminal records databases, including the Next Generation Identification System and  
2807 latent prints; and

2808 (e) establish a privacy risk mitigation strategy to ensure that the department only  
2809 receives notifications for an individual with whom the department maintains an authorizing  
2810 relationship.

2811 (3) The department shall:

2812 (a) assess an applicant who submits fingerprints under Subsection (1)(a) a fee in an  
2813 amount that the department sets in accordance with Section [63J-1-504](#) for the services that the  
2814 Bureau of Criminal Identification or another authorized agency provides under this section; and

2815 (b) remit the fee described in Subsection (3)(a) to the Bureau of Criminal

2816 Identification.

2817 Section 62. Section ~~26-61a-204~~, which is renumbered from Section 26-60b-204 is  
2818 renumbered and amended to read:

2819 ~~[26-60b-204].~~ **26-61a-204. Medical cannabis card -- Patient and designated**  
2820 **caregiver requirements -- Rebuttable presumption.**

2821 (1) ~~(a) [An individual who has a]~~ A medical cannabis [card and] cardholder who  
2822 possesses cannabis in a medicinal dosage form or a cannabis product ~~[outside of]~~ in a  
2823 medicinal dosage form that the [individual's residence] cardholder purchased under this chapter  
2824 shall:

2825 ~~[(a)]~~ (i) carry[; with the individual] at all times[;] the [individual's] cardholder's  
2826 medical cannabis card;

2827 ~~[(b)]~~ (ii) carry, with the cannabis in a medicinal dosage form or cannabis product in a  
2828 medicinal dosage form, a label that identifies that the cannabis or cannabis product:

2829 (A) was [originally] sold from a licensed medical cannabis [dispensary and] pharmacy  
2830 or the state central fill medical cannabis pharmacy; and

2831 (B) includes an identification number that links the cannabis or cannabis product to the  
2832 inventory control system; and

2833 ~~[(c)]~~ (iii) possess not more than [four ounces]:

2834 (A) 113 grams of unprocessed cannabis; or

2835 (B) an amount of cannabis product that contains 20 [or fewer] grams of total composite  
2836 tetrahydrocannabinol [or cannabidiol].

2837 (b) A medical cannabis cardholder who possesses cannabis in a medicinal dosage form  
2838 or a cannabis product in a medicinal dosage form in violation of Subsection (1)(a) is:

2839 (i) guilty of an infraction; and

2840 (ii) subject to a \$100 fine.

2841 (c) A medical cannabis cardholder who possesses between 113 and 226 grams of  
2842 unprocessed cannabis or a total amount of cannabis product that contains between 20 and 40  
2843 grams of total composite tetrahydrocannabinol is:

2844 (i) guilty of a class B misdemeanor; and

2845 (ii) subject to a fine of \$1,000.

2846 (d) An individual who is guilty of a violation described in Subsection (1)(b) or (c) is

2847 not guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the  
2848 conduct underlying the penalty described in Subsection (1)(b) or (c).

2849 (e) A medical cannabis cardholder who possesses more than 226 grams of unprocessed  
2850 cannabis or a total amount of cannabis product that contains more than 40 grams of total  
2851 composite tetrahydrocannabinol is subject to the penalties described in Title 58, Chapter 37,  
2852 Utah Controlled Substances Act.

2853 (2) (a) As used in this Subsection (2), "emergency medical condition" means the same  
2854 as that term is defined in Section 31A-22-627.

2855 ~~[(a)]~~ (b) Except as described in Subsection (2)(b), an individual who has (2)(c), a  
2856 medical cannabis [card] patient cardholder or a provisional patient cardholder may not use, in  
2857 public view, cannabis or a cannabis product [in public view].

2858 ~~[(b)]~~ (c) ~~[An]~~ In the event of an emergency medical condition, an individual described  
2859 in Subsection (2)(b) may use [cannabis or a cannabis product], and the holder of a medical  
2860 cannabis guardian card or a medical cannabis caregiver card may administer to the cardholder's  
2861 charge, in public view [in the event of a medical emergency], cannabis in a medicinal dosage  
2862 form or a cannabis product in a medicinal dosage form.

2863 (3) If ~~[an individual]~~ a medical cannabis cardholder carrying the cardholder's card  
2864 possesses cannabis in a medicinal dosage form or a cannabis product in compliance with  
2865 Subsection (1), or a medical cannabis device that corresponds with the cannabis or cannabis  
2866 product:

2867 (a) there is a rebuttable presumption that the [individual] cardholder possesses the  
2868 cannabis, cannabis product, or medical cannabis device legally; and

2869 (b) ~~[a law enforcement officer does not have]~~ there is no probable cause, based solely  
2870 on the [individual's] cardholder's possession of the cannabis in medicinal dosage form,  
2871 cannabis product in medicinal dosage form, or medical cannabis device, to believe that the  
2872 [individual] cardholder is engaging in illegal activity.

2873 (4) (a) If a law enforcement officer stops an individual who possesses cannabis in a  
2874 medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis  
2875 device, and the individual represents to the law enforcement officer that the individual holds a  
2876 valid medical cannabis card, but the individual does not have the medical cannabis card in the  
2877 individual's possession at the time of the stop by the law enforcement officer, the law

2878 enforcement officer shall attempt to access the state electronic verification system to determine  
2879 whether the individual holds a valid medical cannabis card.

2880 (b) If the law enforcement officer is able to verify that the individual described in  
2881 Subsection (4)(a) [~~holds~~] is a valid medical cannabis [~~card~~] cardholder, the law enforcement  
2882 officer:

2883 (i) may not arrest or take the individual into custody for the sole reason that the  
2884 individual is in possession of cannabis in a medicinal dosage form, a cannabis product in a  
2885 medicinal dosage form, or a medical cannabis device; and

2886 (ii) may not seize the cannabis, cannabis product, or medical cannabis device.

2887 [~~(5) An individual who possesses cannabis, a cannabis product, or a medical cannabis~~  
2888 ~~device in violation of Subsection (1)(a) or Subsection 1(b) is guilty of an infraction and subject~~  
2889 ~~to a \$100 fine.~~]

2890 Section 63. Section **26-61a-205** is enacted to read:

2891 **26-61a-205. Lost or stolen medical cannabis card.**

2892 (1) If a medical cannabis card is lost or stolen, the medical cannabis cardholder shall  
2893 report the lost or stolen card to the department.

2894 (2) Upon receiving the report described in Subsection (1), the department shall  
2895 designate the medical cannabis card as lost or stolen in the state electronic verification system.

2896 (3) A medical cannabis pharmacy agent or a local health department distribution agent  
2897 may confiscate a medical cannabis card that is designated as lost or stolen in accordance with  
2898 Subsection (2) if an individual presents the card at the relevant medical cannabis pharmacy or  
2899 local health department.

2900 (4) To request a new medical cannabis card, the medical cannabis cardholder described  
2901 in Subsection (1) shall:

2902 (a) complete a form that the department designates; and

2903 (b) pay a fee in an amount that, subject to Subsection [26-61a-109\(5\)](#), the department  
2904 sets in accordance with Section [63J-1-504](#).

2905 Section 64. Section **26-61a-301**, which is renumbered from Section 26-60b-301 is  
2906 renumbered and amended to read:

2907 **Part 3. Medical Cannabis Pharmacy License.**

2908 [~~26-60b-301~~]. **26-61a-301. Medical cannabis pharmacy -- License --**

2909 **Eligibility.**

2910 (1) A person may not operate as a medical cannabis [dispensary] pharmacy without a  
2911 license ~~[issued by]~~ that the department [issued] issues under this part.

2912 (2) (a) Subject to ~~[Subsections (5)]~~ Subsections (4) and (5) and to Section  
2913 ~~[26-60b-304]~~ 26-61a-305, the department shall, ~~[within 90 business days after receiving a~~  
2914 ~~complete application]~~ in accordance with Title 63G, Chapter 6a, Utah Procurement Code, issue  
2915 a license to operate a medical cannabis [dispensary] pharmacy to ~~[a person who]~~ an applicant  
2916 who is eligible for a license under this section.

2917 (b) An applicant is eligible for a license under this section if the applicant submits to  
2918 the department:

2919 ~~[(a)]~~ (i) subject to Subsection (2)(c), a proposed name and address where the ~~[person]~~  
2920 applicant will operate the medical cannabis [dispensary] pharmacy ~~[that is not within 600 feet~~  
2921 ~~of a community location or within 300 feet of an area zoned exclusively for residential use, as~~  
2922 ~~measured from the nearest entrance to the cannabis production establishment by following the~~  
2923 ~~shortest route of ordinary pedestrian travel to the property boundary of the community location~~  
2924 ~~or residential area];~~

2925 ~~[(b)]~~ (ii) the name and address of ~~[any]~~ an individual who:

2926 (A) has a financial or voting interest of ~~[two percent]~~ 2% or greater in the proposed  
2927 medical cannabis [dispensary] pharmacy; or [who]

2928 (B) has the power to direct or cause the management or control of a proposed cannabis  
2929 production establishment;

2930 ~~[(c)]~~ (iii) ~~[financial statements demonstrating that the person possesses a minimum of~~  
2931 ~~\$250,000 in liquid assets available]~~ evidence that the applicant has obtained and maintains a  
2932 performance bond that a surety authorized to transact surety business in the state issues in an  
2933 amount of at least \$125,000 for each application [submitted] that the applicant submits to the  
2934 department;

2935 ~~[(d)]~~ (iv) an operating plan that:

2936 (A) complies with Section ~~[26-60b-303]~~ 26-61a-304; and ~~[that]~~

2937 (B) includes operating procedures to comply with the operating requirements for a  
2938 medical cannabis [dispensary] pharmacy described in this chapter and with ~~[any laws adopted~~  
2939 ~~by the municipality]~~ a relevant municipal or county law that [are] is consistent with Section

2940 [~~26-60b-506~~] 26-61a-507;

2941 [~~(e)~~] if the municipality or county where the proposed cannabis production  
2942 establishment would be located has enacted zoning restrictions, a sworn statement certifying  
2943 that the proposed cannabis dispensary is in compliance with the restrictions;]

2944 [~~(f)~~] (v) if the municipality or county where the proposed medical cannabis  
2945 [~~dispensary~~] pharmacy would be located requires a local land use permit [~~or license~~], a copy of  
2946 the person's approved application for the local land use permit [~~or license~~]; and

2947 [~~(g)~~] (vi) an application fee [~~established by~~] in an amount that, subject to Subsection  
2948 26-61a-109(5), the department sets in accordance with Section 63J-1-504 [~~that is necessary to~~  
2949 ~~cover the department's cost to implement this part~~].

2950 (c) (i) A person may not locate a medical cannabis pharmacy in or within 600 feet of an  
2951 area that the relevant municipality or county has zoned as primarily residential.

2952 (ii) An applicant for a license under this section shall provide evidence of compliance  
2953 with the proximity requirement described in Subsection (2)(c)(i).

2954 (d) Except as provided in Subsection (2)(c), a medical cannabis pharmacy is a  
2955 permitted use in all zoning districts within a municipality or county.

2956 (e) If the department receives more than one application for a medical cannabis  
2957 pharmacy within the same city or town, the department shall consult with the local land use  
2958 authority before approving any of the applications pertaining to that city or town.

2959 [~~(4)~~] (3) If the department determines that [~~a cannabis dispensary~~] an applicant is  
2960 eligible for a license under this section, the department shall:

2961 (a) charge the [~~cannabis dispensary~~] applicant an initial license fee in an amount  
2962 [determined by] that, subject to Subsection 26-61a-109(5), the department sets in accordance  
2963 with Section 63J-1-504[-]; and

2964 (b) notify the Department of Public Safety of the license approval and the names of  
2965 each individual described in Subsection (2)(b)(ii).

2966 [~~(5)~~] (4) The department may not issue a license to operate a medical cannabis  
2967 [~~dispensary~~] pharmacy to an applicant if [~~any~~] an individual [~~who has a financial or voter~~  
2968 ~~interest of two percent or greater in the cannabis dispensary applicant or who has power to~~  
2969 ~~direct or cause the management or control of the applicant~~] described in Subsection (2)(b)(ii):

2970 (a) has been convicted [~~of an offense that is a felony~~] under [~~either~~] state or federal



2971 law[~~;~~or] of:

2972 (i) a felony; or

2973 (ii) after the effective date of this bill, a misdemeanor for drug distribution; or

2974 (b) is [~~less~~] younger than 21 years [~~of age~~] old.

2975 (5) If an applicant for a medical cannabis pharmacy license under this section holds a

2976 license under Title 4, Chapter 41, Hemp and Cannabidiol Act, or Title 4, Chapter 41a,

2977 Cannabis Production Establishments, the department:

2978 (a) shall consult with the Department of Agriculture and Food regarding the applicant;

2979 and

2980 (b) may not give preference to the applicant based on the applicant's status as a holder

2981 of a license described in this Subsection (5).

2982 (6) The department may revoke a license under this part if:

2983 (a) the medical cannabis [~~dispensary is not operating~~] pharmacy does not begin

2984 operations within one year [~~of the issuance of~~] after the day on which the department issues the

2985 initial license[-];

2986 (b) the medical cannabis pharmacy makes the same violation of this chapter three

2987 times; or

2988 (c) an individual described in Subsection (2)(a)(ii) is convicted, while the license is

2989 active, under state or federal law of:

2990 (i) a felony; or

2991 (ii) after the effective date of this bill, a misdemeanor for drug distribution.

2992 (7) The department shall deposit the proceeds of a fee imposed by this section in the

2993 [~~Medical Cannabis Restricted~~] Qualified Patient Enterprise Account.

2994 (8) The department shall begin accepting applications under this part [~~no later than~~] on

2995 or before March 1, 2020.

2996 (9) The department's authority to issue a license under this section is plenary and is not

2997 subject to review.

2998 Section 65. Section ~~26-61a-302~~, which is renumbered from Section 26-60b-402 is

2999 renumbered and amended to read:

3000 ~~[26-60b-402]~~. **26-61a-302. Medical cannabis pharmacy owners and**

3001 **directors -- Criminal background checks.**

3002 (1) Each applicant for a license as a medical cannabis pharmacy shall submit, at the  
3003 time of application, from each individual who has a financial or voting interest of [~~two percent~~]  
3004 2% or greater in the applicant or who has the power to direct or cause the management or  
3005 control of the applicant:

3006 (a) a fingerprint card in a form acceptable to the [~~department; and~~] Department of  
3007 Public Safety;

3008 (b) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the  
3009 registration of the individual's fingerprints in the Federal Bureau of Investigation Next  
3010 Generation Identification System's Rap Back Service; and

3011 [~~(b)~~] (c) consent to a fingerprint background check by:

3012 (i) the [~~Utah~~] Bureau of Criminal Identification; and

3013 (ii) the Federal Bureau of Investigation.

3014 [~~(2) The department shall request that the Department of Public Safety complete a~~  
3015 ~~Federal Bureau of Investigation criminal background check for each individual described in~~  
3016 ~~Subsection (1).]~~

3017 (2) The Bureau of Criminal Identification shall:

3018 (a) check the fingerprints the applicant submits under Subsection (1) against the  
3019 applicable state, regional, and national criminal records databases, including the Federal  
3020 Bureau of Investigation Next Generation Identification System;

3021 (b) report the results of the background check to the department;

3022 (c) maintain a separate file of fingerprints that applicants submit under Subsection (1)  
3023 for search by future submissions to the local and regional criminal records databases, including  
3024 latent prints;

3025 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next  
3026 Generation Identification System's Rap Back Service for search by future submissions to  
3027 national criminal records databases, including the Next Generation Identification System and  
3028 latent prints; and

3029 (e) establish a privacy risk mitigation strategy to ensure that the department only  
3030 receives notifications for an individual with whom the department maintains an authorizing  
3031 relationship.

3032 (3) The department shall:

3033 (a) assess an individual who submits fingerprints under Subsection (1) a fee in an  
 3034 amount that the department sets in accordance with Section 63J-1-504 for the services that the  
 3035 Bureau of Criminal Identification or another authorized agency provides under this section; and

3036 (b) remit the fee described in Subsection (3)(a) to the Bureau of Criminal  
 3037 Identification.

3038 Section 66. Section **26-61a-303**, which is renumbered from Section 26-60b-302 is  
 3039 renumbered and amended to read:

3040 ~~[26-60b-302].~~ **26-61a-303. Renewal.**

3041 (1) ~~[Except as provided in Subsection (3), the]~~ The department shall renew a ~~[person's]~~  
 3042 license under this part every ~~[two years]~~ year if, at the time of renewal:

3043 (a) the ~~[person]~~ licensee meets the requirements of Section ~~[26-60b-301]~~ 26-61a-301;  
 3044 and

3045 (b) the ~~[person]~~ licensee pays the department a license renewal fee in an amount  
 3046 ~~[determined by]~~ that, subject to Subsection 26-61a-109(5), the department sets in accordance  
 3047 with Section 63J-1-504.

3048 (2) (a) If a licensed medical cannabis ~~[dispensary]~~ pharmacy abandons the medical  
 3049 cannabis ~~[dispensary's]~~ pharmacy's license, the department shall publish notice of an available  
 3050 license:

3051 (i) in a newspaper of general circulation for the geographic area in which the medical  
 3052 cannabis ~~[dispensary]~~ pharmacy license is available; or

3053 (ii) on the Utah Public Notice Website established in Section 63F-1-701.

3054 (b) The department may establish criteria, in collaboration with the Division of  
 3055 Occupational and Professional Licensing and the Board of Pharmacy and in accordance with  
 3056 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, ~~[for what actions by a]~~ to identify  
 3057 the medical cannabis ~~[dispensary]~~ pharmacy actions that constitute abandonment of a medical  
 3058 cannabis ~~[dispensary]~~ pharmacy license.

3059 Section 67. Section **26-61a-304**, which is renumbered from Section 26-60b-303 is  
 3060 renumbered and amended to read:

3061 ~~[26-60b-303].~~ **26-61a-304. Operating plan.**

3062 ~~[†]~~ A person applying for a medical cannabis ~~[dispensary]~~ pharmacy license shall  
 3063 submit to the department a proposed operation plan for the medical cannabis ~~[dispensary]~~

3064 pharmacy that complies with this section and that includes:

3065 ~~[(a)]~~ (1) a description of the physical characteristics of the proposed facility, including  
3066 a floor plan and an architectural elevation;

3067 ~~[(b)]~~ (2) a description of the credentials and experience of:

3068 ~~[(i)]~~ (a) each officer, director, or owner of the proposed medical cannabis ~~[dispensary]~~  
3069 pharmacy; and

3070 ~~[(ii)]~~ (b) any highly skilled or experienced prospective employee;

3071 ~~[(c)]~~ (3) the medical cannabis ~~[dispensary's]~~ pharmacy's employee training standards;

3072 ~~[(d)]~~ (4) a security plan; ~~[and]~~

3073 ~~[(e)]~~ (5) a description of the medical cannabis ~~[dispensary's]~~ pharmacy's inventory  
3074 control system, including a plan to make the inventory control system compatible with the state  
3075 electronic verification system[-]; and

3076 (6) storage protocols, both short- and long-term, to ensure that cannabis is stored in a  
3077 manner that is sanitary and preserves the integrity of the cannabis.

3078 Section 68. Section **26-61a-305**, which is renumbered from Section 26-60b-304 is  
3079 renumbered and amended to read:

3080 ~~[26-60b-304].~~ **26-61a-305. Maximum number of licenses.**

3081 (1) (a) ~~[The]~~ Except as provided in Subsection (1)(b), the department may not issue  
3082 more than [the greater of, in each county in the state:] seven medical cannabis pharmacy  
3083 licenses.

3084 ~~[(a) one cannabis dispensary license; or]~~

3085 ~~[(b) an amount of cannabis dispensary licenses equal to the number of residents in the~~  
3086 ~~county divided by 150,000, rounded up to the nearest greater whole number.]~~

3087 (b) (i) In addition to the licenses described in Subsection (1)(a), the department shall  
3088 issue an eighth license if the state central fill medical cannabis pharmacy:

3089 (A) is not operational by January 1, 2021; or

3090 (B) ceases operations after January 1, 2021.

3091 (ii) In addition to the licenses described in Subsections (1)(a) and (1)(b)(i), the  
3092 department shall issue a ninth license if the state central fill medical cannabis pharmacy:

3093 (A) is not operational by July 1, 2021; or

3094 (B) ceases operations after July 1, 2021.

3095 (iii) In addition to the licenses described in Subsections (1)(a), (1)(b)(i), and (1)(b)(ii),  
 3096 the department shall issue a tenth license if the state central fill medical cannabis pharmacy:

3097 (A) is not operational by January 1, 2022; or

3098 (B) ceases operations after January 1, 2022.

3099 (iv) The department shall issue the licenses described in Subsection (1)(b)(i), (ii), and  
 3100 (iii), if a final order of a court enjoins or invalidates the operation of the state central fill  
 3101 medical cannabis pharmacy.

3102 (2) If there are more qualified applicants than there are available licenses for medical  
 3103 cannabis [dispensaries] pharmacies, the department shall:

3104 (a) evaluate ~~[the applicants]~~ each applicant and award the license to the applicant that  
 3105 best demonstrates:

3106 ~~[(a)]~~ (i) experience with establishing and successfully operating a business that  
 3107 involves complying with a regulatory environment, tracking inventory, and training, evaluating,  
 3108 and monitoring employees;

3109 ~~[(b)]~~ (ii) an operating plan that will best ensure the safety and security of patrons and  
 3110 the community;

3111 ~~[(c)]~~ (iii) positive connections to the local community;

3112 ~~[(d)]~~ (iv) the suitability of the proposed location and ~~[its]~~ the location's accessibility for  
 3113 qualifying patients; and

3114 ~~[(e)]~~ (v) the extent to which the applicant can reduce the cost of cannabis or cannabis  
 3115 products for patients~~[-];~~ and

3116 (b) ensure a geographic dispersal among licensees that is sufficient to reasonably  
 3117 maximize access to the largest number of medical cannabis cardholders.

3118 (3) The department may conduct a face-to-face interview with an applicant for a  
 3119 license that the department evaluates under Subsection (2).

3120 Section 69. Section ~~26-60b-401~~ **26-61a-401**, which is renumbered from Section 26-60b-401 is  
 3121 renumbered and amended to read:

#### Part 4. Medical Cannabis Pharmacy Agents

3122 ~~[26-60b-401].~~ **26-61a-401. Medical cannabis pharmacy agent --**

#### **Registration.**

3125 (1) An individual may not serve as a medical cannabis ~~[dispensary]~~ pharmacy agent of

3126 a medical cannabis [dispensary] pharmacy unless ~~[the individual is registered by]~~ the  
3127 department registers the individual as a medical cannabis [dispensary] pharmacy agent.

3128 (2) ~~[A physician]~~ Except as provided in Section 26-61a-403, the following individuals,  
3129 regardless of the individual's status as a qualified medical provider, may not act as a medical  
3130 cannabis [dispensary] pharmacy agent[-], have a financial or voting interest of 2% or greater in  
3131 a medical cannabis pharmacy, or have the power to direct or cause the management or control  
3132 of a medical cannabis pharmacy:

3133 (a) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse  
3134 Practice Act;

3135 (b) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title  
3136 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

3137 (c) a physician assistant licensed under Title 58, Chapter 70a, Physician Assistant Act.

3138 (3) (a) The department shall, within 15 days after ~~[receiving]~~ the day on which the  
3139 department receives a complete application from a medical cannabis [dispensary] pharmacy on  
3140 behalf of a prospective medical cannabis [dispensary] pharmacy agent, register and issue a  
3141 medical cannabis [dispensary] pharmacy agent registration card to ~~[an individual who]~~ the  
3142 prospective agent if the medical cannabis pharmacy:

3143 ~~[(a)]~~ (i) provides to the department:

3144 (A) the ~~[individual's]~~ prospective agent's name and address ~~[and];~~

3145 (B) the name and location of the licensed medical cannabis [dispensary] pharmacy  
3146 where the ~~[individual]~~ prospective agent seeks to act as the medical cannabis [dispensary]  
3147 pharmacy agent; ~~[and]~~

3148 (C) the submission required under Subsection (3)(b); and

3149 ~~[(b)]~~ (ii) pays a fee to the department[-] in an amount ~~[determined by]~~ that, subject to  
3150 Subsection 26-61a-109(5), the department sets in accordance with Section 63J-1-504[-, that is  
3151 necessary to cover the department's cost to implement this part].

3152 (b) Each prospective agent described in Subsection (3)(a) shall:

3153 (i) submit to the department:

3154 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and

3155 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the  
3156 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next

3157 Generation Identification System's Rap Back Service; and  
3158 (ii) consent to a fingerprint background check by:  
3159 (A) the Bureau of Criminal Identification; and  
3160 (B) the Federal Bureau of Investigation.  
3161 (c) The Bureau of Criminal Identification shall:  
3162 (i) check the fingerprints the prospective agent submits under Subsection (3)(b) against  
3163 the applicable state, regional, and national criminal records databases, including the Federal  
3164 Bureau of Investigation Next Generation Identification System;  
3165 (ii) report the results of the background check to the department;  
3166 (iii) maintain a separate file of fingerprints that prospective agents submit under  
3167 Subsection (3)(b) for search by future submissions to the local and regional criminal records  
3168 databases, including latent prints;  
3169 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next  
3170 Generation Identification System's Rap Back Service for search by future submissions to  
3171 national criminal records databases, including the Next Generation Identification System and  
3172 latent prints; and  
3173 (v) establish a privacy risk mitigation strategy to ensure that the department only  
3174 receives notifications for an individual with whom the department maintains an authorizing  
3175 relationship.  
3176 (d) The department shall:  
3177 (i) assess an individual who submits fingerprints under Subsection (3)(b) a fee in an  
3178 amount that the department sets in accordance with Section 63J-1-504 for the services that the  
3179 Bureau of Criminal Identification or another authorized agency provides under this section; and  
3180 (ii) remit the fee described in Subsection (3)(d) to the Bureau of Criminal  
3181 Identification.  
3182 (4) The department shall designate, on an individual's medical cannabis [~~dispensary~~]  
3183 pharmacy agent registration card[;] the name of the medical cannabis [~~dispensary~~] pharmacy  
3184 where the individual is registered as an agent.  
3185 (5) A medical cannabis [~~dispensary~~] pharmacy agent shall comply with a certification  
3186 standard [~~developed by the department~~] that the department develops in collaboration with the  
3187 Division of Occupational and Professional Licensing and the Board of Pharmacy, or a [third

3188 ~~party~~ third-party certification standard [~~designated by~~] that the department[;] designates by  
3189 rule [made], in collaboration with the Division of Occupational and Professional Licensing and  
3190 the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative  
3191 Rulemaking Act.

3192 (6) The department shall ensure that the certification standard described in Subsection  
3193 (5) [~~shall include~~] includes training in:

3194 (a) Utah medical cannabis law; and

3195 (b) medical cannabis [dispensary] pharmacy best practices.

3196 (7) The department may revoke [or refuse to issue] the medical cannabis [dispensary]  
3197 pharmacy agent registration card of or refuse to issue a medical cannabis pharmacy agent  
3198 registration card to an individual who:

3199 (a) violates the requirements of this chapter; or

3200 (b) is convicted [of an offense that is a felony] under state or federal law[;] of:

3201 (i) a felony; or

3202 (ii) after the effective date of this bill, a misdemeanor for drug distribution.

3203 (8) (a) A medical cannabis pharmacy agent registration card expires two years after the  
3204 day on which the department issues or renews the card.

3205 (b) A medical cannabis pharmacy agent may renew the agent's registration card if the  
3206 agent:

3207 (i) is eligible for a medical cannabis pharmacy agent registration card under this  
3208 section;

3209 (ii) certifies to the department in a renewal application that the information in  
3210 Subsection (3)(a) is accurate or updates the information; and

3211 (iii) pays to the department a renewal fee in an amount that:

3212 (A) subject to Subsection 26-61a-109(5), the department sets in accordance with  
3213 Section 63J-1-504; and

3214 (B) may not exceed the cost of the relatively lower administrative burden of renewal in  
3215 comparison to the original application process.

3216 Section 70. Section ~~26-61a-402~~, which is renumbered from Section 26-60b-403 is  
3217 renumbered and amended to read:

3218 [~~26-60b-403~~]. 26-61a-402. Medical cannabis pharmacy agent registration



3219 **card -- Rebuttable presumption.**

3220 (1) A medical cannabis [dispensary] pharmacy agent [who is registered with the  
3221 department under section ~~426-60b-401~~] shall carry the individual's medical cannabis  
3222 [dispensary] pharmacy agent registration card with the individual at all times when:

3223 (a) the individual is on the premises of a medical cannabis [dispensary] pharmacy; and

3224 (b) the individual is transporting cannabis in a medicinal dosage form, a cannabis  
3225 product in a medicinal dosage form, or a medical cannabis device between ~~[two cannabis~~  
3226 ~~production establishments or between]~~ a cannabis production establishment and a medical  
3227 cannabis [dispensary] pharmacy.

3228 (2) If an individual handling, at a medical cannabis pharmacy, cannabis in a medicinal  
3229 dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device ~~[at a~~  
3230 ~~cannabis dispensary;]~~ or transporting cannabis in a medicinal dosage form, a cannabis product  
3231 in a medicinal dosage form, or a medical cannabis device, possesses the cannabis, cannabis  
3232 product, or medical cannabis device in compliance with Subsection (1):

3233 (a) there is a rebuttable presumption that the individual possesses the cannabis,  
3234 cannabis product, or medical cannabis device legally; and

3235 (b) ~~[a law enforcement officer does not have]~~ there is no probable cause, based solely  
3236 on the individual's possession of the cannabis in medicinal dosage form, cannabis product in  
3237 medicinal dosage form, or medical cannabis device in compliance with Subsection (1), ~~[to~~  
3238 ~~believe]~~ that the individual is engaging in illegal activity.

3239 (3) (a) ~~[An individual who violates]~~ A medical cannabis pharmacy agent who fails to  
3240 carry the agent's medical cannabis pharmacy agent registration card in accordance with  
3241 Subsection (1) is:

3242 (i) for a first or second offense in a two-year period:

3243 ~~[(a)]~~ (A) guilty of an infraction; and

3244 ~~[(b)]~~ (B) is subject to a \$100 fine[-]; or

3245 (ii) for a third or subsequent offense in a two-year period:

3246 (A) guilty of a class C misdemeanor; and

3247 (B) subject to a \$750 fine.

3248 (b) (i) The prosecuting entity shall notify the department and the relevant medical  
3249 cannabis pharmacy of each conviction under Subsection (3)(a).

3250 (ii) For each violation described in Subsection (3)(a)(ii), the department may assess the  
3251 relevant medical cannabis pharmacy a fine of up to \$5,000, in accordance with a fine schedule  
3252 that the department establishes by rule in accordance with Title 63G, Chapter 3, Utah  
3253 Administrative Rulemaking Act.

3254 (c) An individual who is guilty of a violation described in Subsection (3)(a) is not  
3255 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct  
3256 underlying the violation described in Subsection (3)(a).

3257 Section 71. Section **26-61a-403** is enacted to read:

3258 **26-61a-403. Pharmacy medical providers -- Registration -- Continuing education.**

3259 (1) (a) A medical cannabis pharmacy:

3260 (i) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy  
3261 Practice Act, as a pharmacy medical provider;

3262 (ii) may employ a physician who has the authority to write a prescription and is  
3263 licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah  
3264 Osteopathic Medical Practice Act, as a pharmacy medical provider;

3265 (iii) shall ensure that a pharmacy medical provider described in Subsection (1)(a)(i)  
3266 works onsite during all business hours; and

3267 (iv) shall designate one pharmacy medical provider described in Subsection (1)(a)(i) as  
3268 the pharmacist-in-charge to oversee the operation of and generally supervise the medical  
3269 cannabis pharmacy.

3270 (b) An individual may not serve as a pharmacy medical provider unless the department  
3271 registers the individual as a pharmacy medical provider in accordance with Subsection (2).

3272 (2) (a) The department shall, within 15 days after the day on which the department  
3273 receives an application from a medical cannabis pharmacy on behalf of a prospective pharmacy  
3274 medical provider, register and issue a pharmacy medical provider registration card to the  
3275 prospective pharmacy medical provider if the medical cannabis pharmacy:

3276 (i) provides to the department:

3277 (A) the prospective pharmacy medical provider's name and address;

3278 (B) the name and location of the licensed medical cannabis pharmacy where the  
3279 prospective pharmacy medical provider seeks to act as a pharmacy medical provider;

3280 (C) a report detailing the completion of the continuing education requirement described

3281 in Subsection (3); and

3282 (D) evidence that the prospective pharmacy medical provider is a pharmacist who is  
3283 licensed under Title 58, Chapter 17b, Pharmacy Practice Act, or a physician who has the  
3284 authority to write a prescription and is licensed under Title 58, Chapter 67, Utah Medical  
3285 Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

3286 (ii) pays a fee to the department in an amount that, subject to Subsection  
3287 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

3288 (b) The department may not register a qualified medical provider or a state central fill  
3289 medical provider as a pharmacy medical provider.

3290 (3) (a) A pharmacy medical provider shall complete the continuing education described  
3291 in this Subsection (3) in the following amounts:

3292 (i) as a condition precedent to registration, four hours; and

3293 (ii) as a condition precedent to renewal of the registration, four hours every two years.

3294 (b) In accordance with Subsection (3)(a), the pharmacy medical provider shall:

3295 (i) complete continuing education:

3296 (A) regarding the topics described in Subsection (3)(d); and

3297 (B) offered by the department under Subsection (3)(c) or an accredited or approved  
3298 continuing education provider that the department recognizes as offering continuing education  
3299 appropriate for the medical cannabis pharmacy practice; and

3300 (ii) make a continuing education report to the department in accordance with a process  
3301 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah  
3302 Administrative Rulemaking Act, and in collaboration with the Division of Occupational and  
3303 Professional Licensing and:

3304 (A) for a pharmacy medical provider who is licensed under Title 58, Chapter 17b,  
3305 Pharmacy Practice Act, the Board of Pharmacy;

3306 (B) for a pharmacy medical provider licensed under Title 58, Chapter 67, Utah Medical  
3307 Practice Act, the Physicians Licensing Board; and

3308 (C) for a pharmacy medical provider licensed under Title 58, Chapter 68, Utah  
3309 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board.

3310 (c) The department may, in consultation with the Division of Occupational and  
3311 Professional Licensing, develop the continuing education described in this Subsection (3).

- 3312 (d) The continuing education described in this Subsection (3) may discuss:
- 3313 (i) the provisions of this chapter;
- 3314 (ii) general information about medical cannabis under federal and state law;
- 3315 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,
- 3316 including risks and benefits;
- 3317 (iv) recommendations for medical cannabis as it relates to the continuing care of a
- 3318 patient in pain management, risk management, potential addiction, and palliative care; or
- 3319 (v) best practices for recommending the form and dosage of a medical cannabis
- 3320 product based on the qualifying condition underlying a medical cannabis recommendation.
- 3321 (4) (a) A pharmacy medical provider registration card expires two years after the day
- 3322 on which the department issues or renews the card.
- 3323 (b) A pharmacy medical provider may renew the provider's registration card if the
- 3324 provider:
- 3325 (i) is eligible for a pharmacy medical provider registration card under this section;
- 3326 (ii) certifies to the department in a renewal application that the information in
- 3327 Subsection (2)(a) is accurate or updates the information;
- 3328 (iii) submits a report detailing the completion of the continuing education requirement
- 3329 described in Subsection (3); and
- 3330 (iv) pays to the department a renewal fee in an amount that:
- 3331 (A) subject to Subsection [26-61a-109\(5\)](#), the department sets in accordance with
- 3332 Section [63J-1-504](#); and
- 3333 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
- 3334 comparison to the original application process.

3335 Section 72. Section **26-61a-501**, which is renumbered from Section 26-60b-501 is

3336 renumbered and amended to read:

3337 **Part 5. Medical Cannabis Pharmacy Operation**

3338 ~~[26-60b-501]~~. **26-61a-501. Operating requirements -- General.**

- 3339 (1) (a) A medical cannabis ~~[dispensary]~~ pharmacy shall operate:
- 3340 (i) at the physical address provided to the department under Section [26-61a-301](#); and
- 3341 (ii) in accordance with the operating plan provided to the department under [Section
- 3342 ~~26-60b-303~~] Section [26-61a-301](#) and, if applicable, [26-61a-304](#).

3343 (b) A medical cannabis [~~dispensary~~] pharmacy shall notify the department before a  
3344 change in the medical cannabis [~~dispensary's~~] pharmacy's physical address or operating plan.

3345 (2) [~~A~~] An individual may not enter a medical cannabis [~~dispensary shall operate~~]  
3346 pharmacy unless the individual:

3347 (a) is at least 18 years old; and

3348 [~~(a)~~] (b) except as provided in Subsection (5), [in a facility that is accessible only by an  
3349 individual with] possesses a valid:

3350 (i) medical cannabis [~~dispensary~~] pharmacy agent registration card; or [~~a~~]

3351 (ii) medical cannabis card[~~; and~~].

3352 [~~(b) at the physical address provided to the department under Section 26-60b-301.~~]

3353 (3) A medical cannabis [~~dispensary~~] pharmacy may not employ [~~any person~~] an  
3354 individual who is younger than 21 years [~~of age~~] old.

3355 (4) A medical cannabis [~~dispensary shall conduct a background check into the criminal~~  
3356 ~~history of every person who will become an agent of the cannabis dispensary and]~~ pharmacy  
3357 may not employ [~~any person~~] an individual who has been convicted of [~~an offense that is~~] a  
3358 felony under [~~either~~] state or federal law.

3359 (5) [~~A~~] Notwithstanding Subsection (2), a medical cannabis [~~dispensary~~] pharmacy  
3360 may authorize an individual who is not a medical cannabis [~~dispensary~~] pharmacy agent to  
3361 access the medical cannabis [~~dispensary~~] pharmacy if the medical cannabis [~~dispensary~~]  
3362 pharmacy tracks and monitors the individual at all times while the individual is at the medical  
3363 cannabis [~~dispensary~~] pharmacy and maintains a record of the individual's access.

3364 (6) A medical cannabis [~~dispensary~~] pharmacy shall operate in a facility that has:

3365 (a) a single, secure public entrance;

3366 (b) a security system with a backup power source that:

3367 (i) detects and records entry into the medical cannabis [~~dispensary~~] pharmacy; and

3368 (ii) provides notice of an unauthorized entry to law enforcement when the medical  
3369 cannabis [~~dispensary~~] pharmacy is closed; and

3370 (c) a lock on [~~any~~] each area where the medical cannabis [~~dispensary~~] pharmacy stores  
3371 cannabis or a cannabis product.

3372 (7) A medical cannabis [~~dispensary~~] pharmacy shall post, both clearly and  
3373 conspicuously in the medical cannabis [~~dispensary~~] pharmacy, the limit on the purchase of

3374 cannabis described in Subsection [~~26-60b-502(3)~~] 26-61a-502(2).

3375 (8) A medical cannabis [dispensary] pharmacy may not allow any individual to  
3376 consume cannabis on the property or premises of the medical cannabis [dispensary] pharmacy.

3377 (9) A medical cannabis [dispensary] pharmacy may not sell cannabis or a cannabis  
3378 product without first indicating on the cannabis or cannabis product label the name of the  
3379 medical cannabis [dispensary] pharmacy.

3380 (10) (a) Each medical cannabis pharmacy shall retain in the pharmacy's records the  
3381 following information regarding each recommendation underlying a transaction:

3382 (i) the qualified medical provider's name, address, and telephone number;

3383 (ii) the patient's name and address;

3384 (iii) the date of issuance;

3385 (iv) dosing parameters or an indication that the qualified medical provider did not  
3386 recommend specific dosing parameters; and

3387 (v) if the patient did not complete the transaction, the name of the medical cannabis  
3388 cardholder who completed the transaction.

3389 (b) The medical cannabis pharmacy may not sell cannabis or a cannabis product unless  
3390 the cannabis or cannabis product has a label securely affixed to the container indicating the  
3391 following minimum information:

3392 (i) the name, address, and telephone number of the medical cannabis pharmacy;

3393 (ii) the unique identification number that the medical cannabis pharmacy assigns;

3394 (iii) the date of the sale;

3395 (iv) the name of the patient;

3396 (v) the name of the qualified medical provider who recommended the medical cannabis  
3397 treatment;

3398 (vi) directions for use and cautionary statements, if any;

3399 (vii) the amount dispensed and the cannabinoid content;

3400 (viii) the beyond use date; and

3401 (ix) any other requirements that the department determines, in consultation with the  
3402 Division of Occupational and Professional Licensing and the Board of Pharmacy.

3403 (11) A pharmacy medical provider or medical cannabis pharmacy agent shall:

3404 (a) unless the medical cannabis cardholder has had a consultation under Subsection

3405 26-61a-502(4), verbally offer to a medical cannabis cardholder at the time of a purchase of  
3406 cannabis, a cannabis product, or a medical cannabis device, personal, face-to-face counseling  
3407 with the pharmacy medical provider who is a pharmacist; and

3408 (b) provide a telephone number or website by which the cardholder may contact a  
3409 pharmacy medical provider for counseling.

3410 (12) (a) A medical cannabis pharmacy may create a medical cannabis disposal program  
3411 that allows an individual to deposit unused or excess medical cannabis, cannabis residue from a  
3412 medical cannabis device, or medical cannabis product in a locked box or other secure  
3413 receptacle within the medical cannabis pharmacy.

3414 (b) A medical cannabis pharmacy with a disposal program described in Subsection  
3415 (12)(a) shall ensure that only a medical cannabis pharmacy agent can access deposited medical  
3416 cannabis or medical cannabis products.

3417 (c) A medical cannabis pharmacy shall dispose of any deposited medical cannabis or  
3418 medical cannabis products by:

3419 (i) rendering the deposited medical cannabis or medical cannabis products unusable  
3420 and unrecognizable before transporting deposited medical cannabis or medical cannabis  
3421 products from the medical cannabis pharmacy; and

3422 (ii) disposing of the deposited medical cannabis or medical cannabis products in  
3423 accordance with:

3424 (A) federal and state law, rules, and regulations related to hazardous waste;

3425 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

3426 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

3427 (D) other regulations that the department makes in accordance with Title 63G, Chapter  
3428 3, Utah Administrative Rulemaking Act.

3429 (13) The department shall establish by rule, in accordance with Title 63G, Chapter 3,  
3430 Utah Administrative Rulemaking Act, protocols for a recall of cannabis and cannabis products  
3431 by a medical cannabis pharmacy.

3432 Section 73. Section **26-61a-502**, which is renumbered from Section 26-60b-502 is  
3433 renumbered and amended to read:

3434 **[26-60b-502]. 26-61a-502. Dispensing -- Amount a medical cannabis**  
3435 **pharmacy may dispense -- Reporting -- Form of cannabis or cannabis product.**

3436 (1) (a) A medical cannabis [dispensary] pharmacy may [only] not sell a product other  
3437 than, subject to this chapter:

3438 ~~[(a)]~~ (i) cannabis in a medicinal dosage form that the medical cannabis pharmacy  
3439 acquired from a cannabis processing facility that is licensed under Section [4-41a-201](#);

3440 ~~[(b)]~~ (ii) a cannabis product in a medicinal dosage form that the medical cannabis  
3441 pharmacy acquired from a cannabis processing facility that is licensed under Section  
3442 [4-41a-201](#);

3443 ~~[(c)]~~ (iii) a medical cannabis device; or

3444 ~~[(d)]~~ (iv) educational [materials] material related to the medical use of cannabis.

3445 ~~[(2)]~~ (b) A medical cannabis [dispensary] pharmacy may only sell [the items] an item  
3446 listed in Subsection (1)(a) to an individual with:

3447 (i) a medical cannabis card [issued by the department.]; and

3448 (ii) corresponding identification that is a valid United States federal- or state-issued  
3449 photo identification, including a driver license, a United States passport, a United States  
3450 passport card, or a United States military identification card.

3451 (c) Notwithstanding Subsection (1)(a), a medical cannabis pharmacy may not sell a  
3452 cannabis-based drug that the United States Food and Drug Administration has approved.

3453 ~~[(3)]~~ (2) A medical cannabis [dispensary] pharmacy may not dispense [on behalf of any  
3454 one individual with]:

3455 (a) to a medical cannabis [card,] cardholder in any one [~~14-day~~] 12-day period, more  
3456 than the lesser of:

3457 (i) an amount sufficient to provide 14 days of treatment based on the dosing parameters  
3458 that the relevant qualified medical provider recommends; or

3459 ~~[(a)]~~ (ii) (A) [an amount] 56 grams by weight of unprocessed cannabis that [exceeds  
3460 two ounces by weight] is in a medicinal dosage form and that carries a label clearly displaying  
3461 the amount of tetrahydrocannabinol and cannabidiol in the cannabis; or

3462 ~~[(b)]~~ (B) an amount of cannabis products that is in a medicinal dosage form and that  
3463 contains, in total, greater than 10 grams of total composite tetrahydrocannabinol [or  
3464 cannabidiol.];

3465 (b) to a medical cannabis cardholder whose primary residence is located more than 100  
3466 miles from the nearest medical cannabis pharmacy or local health department, in any one



3467 28-day period, more than the lesser of:

3468 (i) an amount sufficient to provide 30 days of treatment based on the dosing parameters  
3469 that the relevant qualified medical provider recommends; or

3470 (ii) (A) 113 grams by weight of unprocessed cannabis that is in a medicinal dosage  
3471 form and that carries a label clearly displaying the amount of tetrahydrocannabinol and  
3472 cannabidiol in the cannabis; or

3473 (B) an amount of cannabis products that is in a medicinal dosage form and that  
3474 contains, in total, greater than 20 grams of total composite tetrahydrocannabinol; or

3475 (c) to an individual whose qualified medical provider did not recommend dosing  
3476 parameters, until the individual consults with the pharmacy medical provider in accordance  
3477 with Subsection (4), any cannabis or cannabis products.

3478 ~~[(4)]~~ (3) An individual with a medical cannabis card may not purchase:

3479 (a) more cannabis or cannabis products than the amounts designated in Subsection  
3480 ~~[(3)]~~ (2) in any one ~~[14-day]~~ 12-day period[-]; or

3481 (b) if the relevant qualified medical provider did not recommend dosing parameters,  
3482 until the individual consults with the pharmacy medical provider in accordance with  
3483 Subsection (4), any cannabis or cannabis products.

3484 (4) If a qualified medical provider recommends treatment with medical cannabis or a  
3485 cannabis product but does not provide dosing parameters:

3486 (a) the qualified medical provider shall document in the recommendation:

3487 (i) an evaluation of the qualifying condition underlying the recommendation;

3488 (ii) prior treatment attempts with cannabis and cannabis products; and

3489 (iii) the patient's current medication list; and

3490 (b) before the relevant medical cannabis cardholder may obtain cannabis in a medicinal  
3491 dosage form or a cannabis product in a medicinal dosage form, the pharmacy medical provider  
3492 shall:

3493 (i) review pertinent medical records, including the qualified medical provider  
3494 documentation described in Subsection (4)(a); and

3495 (ii) after completing the review described in Subsection (4)(b)(i) and consulting with  
3496 the recommending qualified medical provider as needed, determine the best course of treatment  
3497 through consultation with the cardholder regarding:

3498           (A) the patient's qualifying condition underlying the recommendation from the  
3499 qualified medical provider;

3500           (B) indications for available treatments;  
3501           (C) dosing parameters; and  
3502           (D) potential adverse reactions.

3503           (5) A medial cannabis [~~dispensary~~] pharmacy shall:

3504           (a) (i) access the state electronic verification system before dispensing cannabis or a  
3505 cannabis product to [an individual with] a medical cannabis [card] cardholder in order to  
3506 determine if the [individual] cardholder or, where applicable, the associated patient has met the  
3507 maximum amount of cannabis or cannabis products described in Subsection [(3)] (2); and  
3508           (ii) if the verification in Subsection (5)(a)(i) indicates that the individual has met the  
3509 maximum amount described in Subsection (2):

3510           (A) decline the sale; and  
3511           (B) notify the qualified medical provider who made the underlying recommendation;

3512           (b) submit a record to the state electronic verification system each time the medical  
3513 cannabis [dispensary] pharmacy dispenses cannabis or a cannabis product to [an individual  
3514 with] a medical cannabis [card.] cardholder;

3515           (c) package any cannabis or cannabis product that is in a blister pack in a container  
3516 that:

3517           (i) complies with Subsection [4-41a-602\(2\)](#);  
3518           (ii) is tamper-resistant and tamper-evident; and  
3519           (iii) opaque; and

3520           (d) for a product that is a cube that is designed for ingestion through chewing or  
3521 holding in the mouth for slow dissolution, include a separate, off-label warning about the risks  
3522 of over-consumption.

3523           (6) (a) Except as provided in Subsection (6)(b), a medical cannabis [~~dispensary~~]  
3524 pharmacy may not sell medical cannabis in the form of a cigarette or a medical cannabis device  
3525 that is intentionally designed or constructed to resemble a cigarette.

3526           (b) A medial cannabis [~~dispensary~~] pharmacy may sell a medical cannabis device that  
3527 warms cannabis material into a vapor without the use of a flame and that delivers cannabis to  
3528 an individual's respiratory system.

3529 (7) A medical cannabis [dispensary] pharmacy may not give [to an individual with a  
3530 medical cannabis card], at no cost, a product that the medial cannabis [dispensary] pharmacy is  
3531 allowed to sell under Subsection (1).

3532 (8) The department may impose a uniform fee on each medical cannabis cardholder  
3533 transaction in a medical cannabis pharmacy in an amount that, subject to Subsection  
3534 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

3535 Section 74. Section **26-61a-503** is enacted to read:

3536 **26-61a-503. Partial filling.**

3537 (1) As used in this section, "partially fill" means to provide less than the full amount of  
3538 cannabis or cannabis product that the qualified medical provider recommends, if the qualified  
3539 medical provider recommended specific dosing parameters.

3540 (2) A pharmacy medical provider may partially fill a recommendation for a medical  
3541 cannabis treatment at the request of the qualified medical provider who issued the medical  
3542 cannabis treatment recommendation or the medical cannabis cardholder.

3543 (3) The department shall make rules, in collaboration with the Division of  
3544 Occupational and Professional Licensing and the Board of Pharmacy and in accordance with  
3545 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, specifying how to record the date,  
3546 quantity supplied, and quantity remaining of a partially filled medical cannabis treatment  
3547 recommendation.

3548 (4) A pharmacy medical provider who is a pharmacist may, upon the request of a  
3549 medical cannabis cardholder, determine different dosing parameters, subject to the dosing  
3550 limits in Subsection 26-61a-502(2), to fill the quantity remaining of a partially filled medical  
3551 cannabis treatment recommendation if:

3552 (a) the pharmacy medical provider determined dosing parameters for the partial fill  
3553 under Subsection 26-61a-502(4); and

3554 (b) the medical cannabis cardholder reports that:

3555 (i) the partial fill did not substantially affect the qualifying condition underlying the  
3556 medical cannabis recommendation; or

3557 (ii) the patient experienced an adverse reaction to the partial fill or was otherwise  
3558 unable to successfully use the partial fill.

3559 Section 75. Section **26-61a-504**, which is renumbered from Section 26-60b-503 is

3560 renumbered and amended to read:

3561 ~~[26-60b-503]~~. 26-61a-504. Inspections.

3562 (1) Each medical cannabis pharmacy shall maintain the pharmacy's medical cannabis  
3563 treatment recommendation files and other records in accordance with this chapter, department  
3564 rules, and the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No.  
3565 104-191, 110 Stat. 1936, as amended.

3566 (2) The department may inspect the records and facility of a medical cannabis  
3567 [~~dispensary~~] pharmacy at any time during business hours in order to determine if the medical  
3568 cannabis [~~dispensary~~] pharmacy complies with [~~the licensing requirements of this part~~] this  
3569 chapter.

3570 (3) An inspection under this section may include:

3571 (a) inspection of a site, facility, vehicle, book, record, paper, document, data, and other  
3572 physical or electronic information;

3573 (b) questioning of any relevant individual; or

3574 (c) inspection of equipment, an instrument, a tool, or machinery, including a container  
3575 or label.

3576 (4) In making an inspection under this section, the department may freely access any  
3577 area and review and make copies of a book, record, paper, document, data, or other physical or  
3578 electronic information, including financial data, sales data, shipping data, pricing data, and  
3579 employee data.

3580 (5) Failure to provide the department or the department's authorized agents immediate  
3581 access to records and facilities during business hours in accordance with this section may result  
3582 in:

3583 (a) the imposition of a civil monetary penalty that the department sets in accordance  
3584 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

3585 (b) license or registration suspension or revocation; or

3586 (c) an immediate cessation of operations under a cease and desist order that the  
3587 department issues.

3588 Section 76. Section **26-61a-505**, which is renumbered from Section 26-60b-504 is  
3589 renumbered and amended to read:

3590 ~~[26-60b-504]~~. 26-61a-505. Advertising.

3591 (1) Except as provided in Subsections (2) and (3), a medical cannabis [dispensary]  
 3592 pharmacy may not advertise in any medium.

3593 (2) A medical cannabis [dispensary] pharmacy may use signage on the outside of the  
 3594 medical cannabis [dispensary] pharmacy that includes only:

3595 (a) the medical cannabis [dispensary's] pharmacy's name and hours of operation; and  
 3596 (b) a green cross.

3597 (3) A medical cannabis [dispensary] pharmacy may maintain a website that includes  
 3598 information about:

3599 (a) the location and hours of operation of the medial cannabis [dispensary] pharmacy;

3600 (b) ~~[the products and services]~~ a product or service available at the medial cannabis  
 3601 [dispensary] pharmacy;

3602 (c) personnel affiliated with the medical cannabis [dispensary] pharmacy;

3603 (d) best practices that the medical cannabis [dispensary] pharmacy upholds; and

3604 (e) educational ~~[materials]~~ material related to the medical use of cannabis.

3605 Section 77. Section **26-61a-506**, which is renumbered from Section 26-60b-505 is  
 3606 renumbered and amended to read:

3607 ~~[26-60b-505]~~. **26-61a-506. Cannabis, cannabis product, or medical**  
 3608 **cannabis device transportation.**

3609 (1) ~~[Except for an individual with a valid medical cannabis card, an individual]~~ Only  
 3610 the following individuals may ~~[not]~~ transport cannabis in a medicinal dosage form, a cannabis  
 3611 product in a medicinal dosage form, or a medical cannabis device ~~[unless the individual is]~~  
 3612 under this chapter:

3613 (a) a registered medical cannabis [production establishment] pharmacy agent; ~~[or]~~

3614 (b) a registered ~~[cannabis dispensary]~~ state central fill agent~~[.];~~

3615 (c) a courier for a state central fill shipment described in Section [26-61a-605](#); or

3616 (d) a medical cannabis cardholder who is transporting a medical cannabis treatment  
 3617 that the cardholder is authorized to transport.

3618 (2) Except for an individual with a valid medical cannabis card~~[, an individual]~~ under  
 3619 this chapter who is transporting a medical cannabis~~[, a cannabis product, or a medical cannabis~~  
 3620 ~~device]~~ treatment that the cardholder is authorized to transport, an individual described in  
 3621 Subsection (1) shall possess a transportation manifest that:

3622 (a) includes a unique identifier that links the cannabis, cannabis product, or medical  
3623 cannabis device to a relevant inventory control system;

3624 (b) includes origin and destination information for ~~[any]~~ cannabis, a cannabis product,  
3625 or a medical cannabis device that the individual is transporting; and

3626 (c) ~~[indicates]~~ identifies the departure and arrival times and locations of the individual  
3627 transporting the cannabis, cannabis product, or medical cannabis device.

3628 (3) (a) In addition to the requirements in Subsections (1) and (2), the department may  
3629 establish~~[-]~~ by rule ~~[made]~~, in collaboration with the Division of Occupational and Professional  
3630 Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah  
3631 Administrative Rulemaking Act, requirements for transporting cannabis in a medicinal dosage  
3632 form, a cannabis product in a medicinal dosage form, or a medical cannabis device to ensure  
3633 that [are related to safety for human] the cannabis [or], cannabis product, or medical cannabis  
3634 device remains safe for human consumption.

3635 (b) The transportation described in Subsection (3)(a) is limited to transportation:

3636 (i) between a medical cannabis pharmacy and another medical cannabis pharmacy; and

3637 (ii) between the state central fill medical cannabis pharmacy and:

3638 (A) another state central fill medical cannabis pharmacy location; or

3639 (B) a local health department.

3640 (4) (a) ~~[An individual who transports cannabis, a cannabis product, or a medical~~  
3641 ~~cannabis device]~~ It is unlawful for a registered medical cannabis pharmacy agent, a registered  
3642 state central fill agent, or a courier described in Section [26-61a-605](#) to make a transport  
3643 described in this section with a manifest that does not meet the requirements of [Subsection (2)  
3644 is:] this section.

3645 (b) Except as provided in Subsection (4)(d), an agent or courier who violates  
3646 Subsection (4)(a) is:

3647 ~~[(a)]~~ (i) guilty of an infraction; and

3648 ~~[(b)]~~ (ii) subject to a \$100 fine.

3649 (c) An individual who is guilty of a violation described in Subsection (4)(b) is not  
3650 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct  
3651 underlying the violation described in Subsection (4)(b).

3652 (d) If the individual described in Subsection (4)(a) is transporting more cannabis,

3653 cannabis product, or medical cannabis devices than the manifest identifies, except for a de  
 3654 minimis administrative error:

3655 (i) this chapter does not apply; and

3656 (ii) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled  
 3657 Substances Act.

3658 Section 78. Section **26-61a-507**, which is renumbered from Section 26-60b-506 is  
 3659 renumbered and amended to read:

3660 ~~[26-60b-506].~~ **26-61a-507. Local control.**

3661 ~~[(1) A municipality or county may not enact a zoning ordinance that prohibits a~~  
 3662 ~~cannabis dispensary from operating in a location within the municipality's or county's~~  
 3663 ~~jurisdiction on the sole basis that the cannabis dispensary is a cannabis dispensary.]~~

3664 (1) (a) (i) Except as provided in Subsection (1)(a)(ii), to be eligible to obtain or  
 3665 maintain a license under Section [26-61a-301](#), a person shall demonstrate that the intended  
 3666 medical cannabis pharmacy location is located at least:

3667 (A) 600 feet from a community location's property boundary following the shortest  
 3668 route of ordinary pedestrian travel;

3669 (B) 200 feet from the patron entrance to the community location's property boundary;  
 3670 and

3671 (C) 600 feet from an area zoned primarily residential.

3672 (ii) A municipal or county land use authority may recommend in writing that the  
 3673 department waive the community location proximity requirement described in Subsection  
 3674 (1)(a)(i).

3675 ~~[(2)] (b) (i) A municipality or county may not deny or revoke a land use permit [or~~  
 3676 ~~license] to operate a medical cannabis [dispensary] pharmacy on the sole basis that the~~  
 3677 ~~applicant or medical cannabis [dispensary] pharmacy violates [a] federal law [of] regarding the~~  
 3678 ~~[United States] legal status.~~

3679 (ii) A municipality or county may not deny or revoke a business license to operate a  
 3680 medical cannabis pharmacy on the sole basis that the applicant or medical cannabis pharmacy  
 3681 violates federal law regarding the legal status of cannabis.

3682 ~~[(3)] (2) A municipality or county may enact [ordinances] an ordinance that:~~

3683 (a) is not in conflict with this chapter [governing]; and

3684 (b) governs the time, place, [~~and~~] or manner of medical cannabis [~~dispensary~~]  
3685 pharmacy operations in the municipality or county.

3686 Section 79. Section **26-61a-601** is enacted to read:

3687 **Part 6. State Central Fill Medical Cannabis Pharmacy**

3688 **26-61a-601. Department to establish state central fill medical cannabis pharmacy**  
3689 **-- Duties -- Pharmacy medical provider registration -- Continuing education.**

3690 (1) On or before July 1, 2020, the department shall establish or contract to establish, in  
3691 accordance with Title 63G, Chapter 6a, Utah Procurement Code, a state central fill medical  
3692 cannabis pharmacy as described in this section.

3693 (2) The state central fill medical cannabis pharmacy shall:

3694 (a) procure cannabis that a cannabis processing facility processes into a medicinal  
3695 dosage form;

3696 (b) prepare cannabis in medicinal dosage form, a cannabis product in medicinal dosage  
3697 form, or a medical cannabis device for shipment to a medical cannabis cardholder under a  
3698 qualified medical provider's recommendation to address a qualifying condition;

3699 (c) transport a state central fill shipment, in accordance with Section [26-61a-605](#), to the  
3700 relevant local health department for distribution, in accordance with Section [26-61a-607](#);

3701 (d) (i) (A) if the state establishes the state central fill medical cannabis pharmacy,  
3702 process and accept payment for a transaction involving a state central fill shipment; or

3703 (B) if the state establishes the state central fill medical cannabis pharmacy by contract,  
3704 process prepaid requests for a state central fill shipment from the department; and

3705 (ii) deposit funds that the state central fill medical cannabis pharmacy collects under  
3706 Subsection (2)(d)(i) into the Qualified Distribution Enterprise Fund created in Section  
3707 [26-61a-110](#).

3708 (3) (a) An individual may not enter a state central fill medical cannabis pharmacy  
3709 location unless:

3710 (i) the individual is a state central fill agent or an employee of the state central fill  
3711 medical cannabis pharmacy;

3712 (ii) the individual is an employee of the department; or

3713 (iii) a state central fill agent escorts the individual at all times.

3714 (b) An individual who violates Subsection (3)(a) is:



- 3715 (i) guilty of an infraction; and  
3716 (ii) subject to a \$100 fine.  
3717 (c) An individual who is guilty of a violation described in Subsection (3)(b) is not  
3718 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct  
3719 underlying the violation described in Subsection (3)(b).  
3720 (4) (a) The state central fill medical cannabis pharmacy:  
3721 (i) shall employ at least one pharmacist who is licensed under Title 58, Chapter 17b,  
3722 Pharmacy Practice Act, as a state central fill medical provider;  
3723 (ii) may employ a physician who has the authority to write a prescription and is  
3724 licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah  
3725 Osteopathic Medical Practice Act, as a state central fill medical provider;  
3726 (iii) shall ensure that a state central fill medical provider described in Subsection  
3727 (4)(a)(i) works onsite at each location during all business hours;  
3728 (iv) shall designate one state central fill medical provider described in Subsection  
3729 (4)(a)(i) as the pharmacist-in-charge, as that term is defined in Section [58-17b-102](#), to oversee  
3730 the operation of and generally supervise the state central fill medical cannabis pharmacy; and  
3731 (v) may establish more than one location in which the state central fill medical  
3732 cannabis pharmacy operates if the department determines, after an analysis of the current and  
3733 anticipated market for cannabis in a medicinal dosage form and cannabis products in a  
3734 medicinal dosage form, including costs and logistical issues in transportation of state central  
3735 fill shipments, that multiple central fill locations are necessary to provide an adequate supply of  
3736 state central fill shipments to local health departments for distribution to recipient medical  
3737 cannabis cardholders.  
3738 (b) An individual may not serve as a state central fill medical provider unless the  
3739 department registers the individual as a state central fill medical provider.  
3740 (5) (a) The department shall, within 15 days after the day on which the department  
3741 receives an application from the state central fill medical cannabis pharmacy on behalf of a  
3742 prospective state central fill medical provider, register and issue a state central fill medical  
3743 provider registration card to the prospective state central fill medical provider if the state  
3744 central fill medical cannabis pharmacy provides to the department:  
3745 (i) the prospective state central fill medical provider's name and address; and

3746 (ii) evidence that the prospective state central fill medical provider is:  
3747 (A) a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy Practice Act;  
3748 or  
3749 (B) a physician who has the authority to write a prescription and is licensed under Title  
3750 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical  
3751 Practice Act.  
3752 (b) The department may not register a qualified medical provider or a pharmacy  
3753 medical provider as a state central fill medical provider.  
3754 (6) (a) A state central fill medical provider shall complete the continuing education  
3755 described in this Subsection (6) in the following amounts:  
3756 (i) as a condition precedent to registration, four hours; and  
3757 (ii) as a condition precedent to renewal, four hours every two years.  
3758 (b) In accordance with Subsection (6)(a), the state central fill medical provider shall:  
3759 (i) complete continuing education:  
3760 (A) regarding the topics described in Subsection (6)(d); and  
3761 (B) offered by the department under Subsection (6)(c) or an accredited or approved  
3762 continuing education provider that the department recognizes as offering continuing education  
3763 appropriate for the medical cannabis pharmacy practice; and  
3764 (ii) make a continuing education report to the department in accordance with a process  
3765 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah  
3766 Administrative Rulemaking Act, and in collaboration with the Division of Occupational and  
3767 Professional Licensing and:  
3768 (A) for a state central fill medical provider who is licensed under Title 58, Chapter 17b,  
3769 Pharmacy Practice Act, the Board of Pharmacy;  
3770 (B) for a state central fill medical provider licensed under Title 58, Chapter 67, Utah  
3771 Medical Practice Act, the Physicians Licensing Board; and  
3772 (C) for a state central fill medical provider licensed under Title 58, Chapter 68, Utah  
3773 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board.  
3774 (c) The department may, in consultation with the Division of Occupational and  
3775 Professional Licensing, develop the continuing education described in this Subsection (6).  
3776 (d) The continuing education described in this Subsection (6) may discuss:

- 3777 (i) the provisions of this chapter;  
3778 (ii) general information about medical cannabis under federal and state law;  
3779 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,  
3780 including risks and benefits;  
3781 (iv) recommendations for medical cannabis as it relates to the continuing care of a  
3782 patient in pain management, risk management, potential addiction, and palliative care; or  
3783 (v) best practices for recommending the form and dosage of medical cannabis products  
3784 based on the qualifying condition underlying the medical cannabis recommendation.
- 3785 (7) (a) A state central fill medical provider registration card expires two years after the  
3786 day on which the department issues or renews the card.
- 3787 (b) A state central fill medical provider may renew the provider's registration card if  
3788 the provider:
- 3789 (i) is eligible for a state central fill medical provider registration card under this  
3790 section;
- 3791 (ii) certifies to the department in a renewal application that the information in  
3792 Subsection (5) is accurate or updates the information; and
- 3793 (iii) submits a report detailing the completion of the continuing education requirement  
3794 described in Subsection (6).
- 3795 Section 80. Section **26-61a-602** is enacted to read:
- 3796 **26-61a-602. State central fill agent -- Background check -- Registration card --**  
3797 **Rebuttable presumption.**
- 3798 (1) An individual may not serve as a state central fill agent unless:
- 3799 (a) the individual is an employee of the state central fill medical cannabis pharmacy;  
3800 and
- 3801 (b) the department registers the individual as a state central fill agent.
- 3802 (2) (a) The department shall, within 15 days after the day on which the department  
3803 receives a complete application from the state central fill medical cannabis pharmacy on behalf  
3804 of a prospective state central fill agent, register and issue a state central fill agent registration  
3805 card to the prospective agent if the state central fill medical cannabis pharmacy:
- 3806 (i) provides to the department:
- 3807 (A) the prospective agent's name and address;

3808 (B) the submission required under Subsection (2)(b); and  
3809 (ii) as reported under Subsection (2)(b), has not been convicted under state or federal  
3810 law of:  
3811 (A) a felony; or  
3812 (B) after the effective date of this bill, a misdemeanor for drug distribution.  
3813 (b) Each prospective agent described in Subsection (2)(a) shall:  
3814 (i) submit to the department:  
3815 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and  
3816 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the  
3817 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next  
3818 Generation Identification System's Rap Back Service; and  
3819 (ii) consent to a fingerprint background check by:  
3820 (A) the Bureau of Criminal Identification; and  
3821 (B) the Federal Bureau of Investigation.  
3822 (c) The Bureau of Criminal Identification shall:  
3823 (i) check the fingerprints the prospective agent submits under Subsection (2)(b) against  
3824 the applicable state, regional, and national criminal records databases, including the Federal  
3825 Bureau of Investigation Next Generation Identification System;  
3826 (ii) report the results of the background check to the department;  
3827 (iii) maintain a separate file of fingerprints that prospective agents submit under  
3828 Subsection (2)(b) for search by future submissions to the local and regional criminal records  
3829 databases, including latent prints;  
3830 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next  
3831 Generation Identification System's Rap Back Service for search by future submissions to  
3832 national criminal records databases, including the Next Generation Identification System and  
3833 latent prints; and  
3834 (v) establish a privacy risk mitigation strategy to ensure that the department only  
3835 receives notifications for an individual with whom the department maintains an authorizing  
3836 relationship.  
3837 (d) The department shall:  
3838 (i) assess an individual who submits fingerprints under Subsection (2)(b) a fee in an

3839 amount that the department sets in accordance with Section 63J-1-504 for the services that the  
3840 Bureau of Criminal Identification or another authorized agency provides under this section; and

3841 (ii) remit the fee described in Subsection (2)(d) to the Bureau of Criminal  
3842 Identification.

3843 (3) (a) A state central fill agent shall comply with a certification standard that the  
3844 department develops, in collaboration with the Division of Occupational and Professional  
3845 Licensing and the Board of Pharmacy, or a third-party certification standard that the department  
3846 designates by rule, in collaboration with the Division of Occupational and Professional  
3847 Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah  
3848 Administrative Rulemaking Act.

3849 (b) The department shall ensure that the certification standard described in Subsection  
3850 (3)(a) includes continuing education in:

3851 (i) Utah medical cannabis law;

3852 (ii) the state central fill medical cannabis pharmacy shipment process; and

3853 (iii) state central fill agent best practices.

3854 (4) The department may revoke or refuse to issue the state central fill agent registration  
3855 card of an individual who:

3856 (a) violates the requirements of this chapter; or

3857 (b) is convicted under state or federal law of:

3858 (i) a felony; or

3859 (ii) after the effective date of this bill, a misdemeanor for drug distribution.

3860 (5) (a) A state central fill agent registration card expires two years after the day on  
3861 which the department issues or renews the card.

3862 (b) A state central fill agent may renew the agent's registration card if the agent:

3863 (i) is eligible for a state central fill registration card under this section; and

3864 (ii) certifies to the department in a renewal application that the information in

3865 Subsection (2)(a) is accurate or updates the information.

3866 (6) A state central fill agent who the department registers under this section shall carry  
3867 the individual's state central fill agent registration card with the individual at all times when:

3868 (a) the individual is on the premises of the state central fill medical cannabis pharmacy;

3869 and

3870 (b) the individual is transporting cannabis in a medicinal dosage form, a cannabis  
3871 product in a medicinal dosage form, or a medical cannabis device between a cannabis  
3872 production establishment and the state central fill medical cannabis pharmacy.

3873 (7) If an individual handling cannabis, a cannabis product, or a medical cannabis  
3874 device handles the cannabis, cannabis product, or medical cannabis device in compliance with  
3875 Subsection (6):

3876 (a) there is a rebuttable presumption that the individual possesses the cannabis,  
3877 cannabis product, or medical cannabis device legally; and

3878 (b) there is no probable cause, based solely on the individual's handling of the cannabis  
3879 in medicinal dosage form, cannabis product in medicinal dosage form, or medical cannabis  
3880 device, that the individual is engaging in illegal activity.

3881 (8) (a) An individual who violates Subsection (6) is:

3882 (i) guilty of an infraction; and

3883 (ii) subject to a \$100 fine.

3884 (b) An individual who is guilty of a violation described in Subsection (8)(a) is not  
3885 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct  
3886 underlying the violation described in Subsection (8)(a).

3887 Section 81. Section **26-61a-603** is enacted to read:

3888 **26-61a-603. Recommendation.**

3889 (1) When an individual receives a recommendation for a medical cannabis treatment  
3890 from the individual's qualified medical provider, the individual may initiate a shipment from  
3891 the state central fill medical cannabis pharmacy to a local health department by:

3892 (a) contacting the state central fill medical cannabis pharmacy directly; or

3893 (b) requesting that the qualified medical provider initiate the shipment through the state  
3894 electronic verification system.

3895 (2) Upon receiving a request to prepare a shipment under Subsection (1), a state central  
3896 fill agent shall:

3897 (a) verify the shipment information using the state electronic verification system;

3898 (b) process payment, including contacting the medical cannabis cardholder to complete  
3899 payment if necessary;

3900 (c) prepare the shipment in accordance with Section [26-61a-604](#);

3901 (d) record the preparation of the shipment in the electronic verification system; and

3902 (e) place the shipment for transportation in accordance with Section [26-61a-605](#).

3903 Section 82. Section **26-61a-604** is enacted to read:

3904 **26-61a-604. State central fill shipment preparation.**

3905 (1) (a) The state central fill medical cannabis pharmacy may not prepare or ship to a  
3906 local health department a product other than:

3907 (i) cannabis in medicinal dosage form that the state central fill medical cannabis  
3908 pharmacy acquired from a cannabis processing facility that is licensed under Section

3909 [4-41a-201](#);

3910 (ii) a cannabis product in medicinal dosage form that the state central fill medical  
3911 cannabis pharmacy acquired from a cannabis processing facility that is licensed under Section

3912 [4-41a-201](#);

3913 (iii) a medical cannabis device; or

3914 (iv) educational material related to the medical use of cannabis.

3915 (b) The state central fill medical cannabis pharmacy may only sell or ship an item listed  
3916 in Subsection (1)(a) in response to a request for shipment described in Subsection

3917 [26-61a-603\(1\)](#).

3918 (c) Notwithstanding Subsection (1)(a), the state central fill medical cannabis pharmacy  
3919 may not sell a cannabis-based drug that the United States Food and Drug Administration has  
3920 approved.

3921 (2) The state central fill medical cannabis pharmacy may not prepare a shipment:

3922 (a) for a medical cannabis cardholder in any one 12-day period, more than the lesser of:

3923 (i) an amount sufficient to provide 14 days of treatment based on the dosing parameters  
3924 that the relevant qualified medical provider recommends; or

3925 (ii) (A) 56 grams by weight of unprocessed cannabis that is in a medicinal dosage form  
3926 and that carries a label clearly displaying the amount of tetrahydrocannabinol and cannabidiol

3927 in the cannabis; or

3928 (B) an amount of cannabis products that is in a medicinal dosage form and that  
3929 contains, in total, greater than 10 grams of total composite tetrahydrocannabinol;

3930 (b) to a medical cannabis cardholder whose primary residence is located more than 100  
3931 miles from the nearest medical cannabis pharmacy or local health department, in any one

3932 28-day period, more than the lesser of:

3933 (i) an amount sufficient to provide 30 days of treatment based on the dosing parameters  
3934 that the relevant qualified medical provider recommends; or

3935 (ii) (A) 113 grams by weight of unprocessed cannabis that is in a medicinal dosage  
3936 form and that carries a label clearly displaying the amount of tetrahydrocannabinol and  
3937 cannabidiol in the cannabis; or

3938 (B) an amount of cannabis products that is in a medicinal dosage form and that  
3939 contains, in total, greater than 20 grams of total composite tetrahydrocannabinol; or

3940 (c) for an individual whose qualified medical provider did not recommend dosing  
3941 parameters, any cannabis or cannabis product, until the individual consults with the state  
3942 central fill medical provider in accordance with Subsection (4).

3943 (3) A medical cannabis cardholder may not receive a state central fill shipment  
3944 containing:

3945 (a) more cannabis or cannabis products than the amounts designated in Subsection (2)  
3946 in any one 12-day period; or

3947 (b) if the relevant qualified medical provider did not recommend dosing parameters,  
3948 any cannabis or cannabis product, until the cardholder consults with the state central fill  
3949 medical provider in accordance with Subsection (4).

3950 (4) If a qualified medical provider recommends treatment with medical cannabis or a  
3951 cannabis product but does not provide dosing parameters:

3952 (a) the qualified medical provider shall document in the recommendation:

3953 (i) an evaluation of the qualifying condition underlying the recommendation;

3954 (ii) prior treatment attempts with cannabis and cannabis products; and

3955 (iii) the patient's current medication list; and

3956 (b) before the relevant medical cannabis cardholder may receive a state central fill  
3957 shipment, the state central fill medical provider shall:

3958 (i) review pertinent medical records, including the qualified medical provider  
3959 documentation described in Subsection (4)(a); and

3960 (ii) after completing the review described in Subsection (4)(b)(i) and consulting with  
3961 the recommending qualified medical provider as needed, determine the best course of treatment  
3962 through consultation with the cardholder regarding:



3963 (A) the patient's qualifying condition underlying the recommendation from the  
3964 qualified medical provider;

3965 (B) indications for available treatments;  
3966 (C) dosing parameters; and  
3967 (D) potential adverse reactions.

3968 (5) The state central fill medical cannabis pharmacy shall:

3969 (a) (i) access the state electronic verification system before preparing a shipment of  
3970 cannabis or a cannabis product to determine if the medical cannabis cardholder or, where  
3971 applicable, the associated patient has met the maximum amount of cannabis or cannabis  
3972 product described in Subsection (2); and

3973 (ii) if the verification in Subsection (5)(a)(i) indicates that the individual has met the  
3974 maximum amount described in Subsection (2):

3975 (A) decline the request to prepare the shipment; and  
3976 (B) notify the qualified medical provider that made the recommendation;

3977 (b) submit a record to the state electronic verification system each time the state central  
3978 fill medical cannabis pharmacy prepares and ships a shipment of cannabis, a cannabis product,  
3979 or a medical cannabis device;

3980 (c) package any cannabis or cannabis product that is in a blister pack in a container  
3981 that:

3982 (i) complies with Subsection [4-41a-602\(2\)](#);  
3983 (ii) is tamper-resistant and tamper-evident; and  
3984 (iii) opaque; and

3985 (d) for any product that is a cube that is designed for ingestion through chewing or  
3986 holding in the mouth for slow dissolution, include a separate, off-label warning about the risks  
3987 of over-consumption.

3988 (6) (a) Except as provided in Subsection (6)(b), the state central fill medical cannabis  
3989 pharmacy may not sell medical cannabis in the form of a cigarette or a medical cannabis device  
3990 that is intentionally designed or constructed to resemble a cigarette.

3991 (b) The state central fill medical cannabis pharmacy may sell a medical cannabis  
3992 device that warms cannabis material into a vapor without the use of a flame and that delivers  
3993 cannabis to an individual's respiratory system.

3994 (7) The state central fill medical cannabis pharmacy may not give, at no cost, a product  
3995 that the medical cannabis pharmacy is allowed to sell under Subsection (1).

3996 (8) (a) The state central fill medical cannabis pharmacy shall retain in the pharmacy's  
3997 records the following information regarding each recommendation underlying a transaction:

3998 (i) the qualified medical provider's name, address, and telephone number;

3999 (ii) the patient's name and address;

4000 (iii) the date of issuance;

4001 (iv) dosing parameters or an indication that the qualified medical provider did not  
4002 recommend specific dosing parameters; and

4003 (v) the name and the address of the medical cannabis cardholder if the cardholder is not  
4004 the patient.

4005 (b) The state central fill medical cannabis pharmacy may not sell cannabis or a  
4006 cannabis product unless the cannabis or cannabis product has a label securely affixed to the  
4007 container indicating the following minimum information:

4008 (i) the name and telephone number of the state central fill medical cannabis pharmacy;

4009 (ii) the unique identification number that the state central fill medical cannabis  
4010 pharmacy assigns;

4011 (iii) the date of the sale;

4012 (iv) the name of the medical cannabis cardholder;

4013 (v) the name of the qualified medical provider who recommends the medical cannabis  
4014 treatment;

4015 (vi) directions for use and cautionary statements, if any;

4016 (vii) the amount dispensed and the cannabinoid content;

4017 (viii) the beyond use date; and

4018 (ix) any other requirements that the department determines, in consultation with the  
4019 Division of Occupational and Professional Licensing and the Board of Pharmacy.

4020 (9) A pharmacy medical provider at the state central fill medical cannabis pharmacy or  
4021 a state central fill agent shall:

4022 (a) include in each state central fill shipment written counseling regarding the state  
4023 central fill shipment; and

4024 (b) provide a telephone number or website by which a medical cannabis cardholder

4025 may contact a pharmacy medical provider for counseling.

4026 (10) The department shall establish by rule, in accordance with Title 63G, Chapter 3,  
4027 Utah Administrative Rulemaking Act, protocols for a recall of cannabis and cannabis products  
4028 by the state central fill medical cannabis pharmacy.

4029 (11) The department may impose a uniform fee on each medical cannabis cardholder  
4030 transaction for a state central fill shipment in an amount that, subject to Subsection  
4031 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

4032 Section 83. Section **26-61a-605** is enacted to read:

4033 **26-61a-605. State central fill shipment transportation.**

4034 (1) The state central fill medical cannabis pharmacy shall ensure that the state central  
4035 fill medical cannabis pharmacy is capable of delivering, in a secure manner, cannabis in  
4036 medicinal dosage form, a cannabis product in medicinal dosage form, and a medical cannabis  
4037 device to each local health department in the state within two business days after the day on  
4038 which the state central fill medical cannabis pharmacy receives a request for a state central fill  
4039 shipment resulting from a recommendation of a qualified medical provider under Section  
4040 26-61a-603.

4041 (2) (a) The department may contract with a private entity for the entity to serve as a  
4042 courier for the state central fill medical cannabis pharmacy, delivering state central fill  
4043 shipments to local health departments for distribution to medical cannabis cardholders.

4044 (b) If the department enters into a contract described in Subsection (2)(a), the  
4045 department shall:

4046 (i) issue the contract described in Subsection (2)(a) in accordance with Title 63G,  
4047 Chapter 6a, Utah Procurement Code;

4048 (ii) impose security and personnel requirements on the contracted private entity  
4049 sufficient to ensure the security and safety of state central fill shipments; and

4050 (iii) provide regular oversight of the contracted private entity.

4051 (3) Except for an individual with a valid medical cannabis card who transports a  
4052 shipment the individual receives, an individual may not transport a state central fill shipment  
4053 unless the individual is:

4054 (a) a registered state central fill agent; or

4055 (b) an agent of the private courier described in Subsection (2).

4056 (4) An individual transporting a state central fill shipment shall possess a transportation  
4057 manifest that:

4058 (a) includes a unique identifier that links the state central fill shipment to a relevant  
4059 inventory control system;

4060 (b) includes origin and destination information for a state central fill shipment the  
4061 individual is transporting; and

4062 (c) indicates the departure and arrival times and locations of the individual transporting  
4063 the state central fill shipment.

4064 (5) In addition to the requirements in Subsections (3) and (4), the department may  
4065 establish by rule, in collaboration with the Division of Occupational and Professional Licensing  
4066 and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative  
4067 Rulemaking Act, requirements for transporting state central fill shipments that are related to  
4068 safety for human consumption of cannabis or a cannabis product.

4069 (6) (a) It is unlawful for an individual to transport a state central fill shipment with a  
4070 manifest that does not meet the requirements of Subsection (4).

4071 (b) Except as provided in Subsection (6)(d), an individual who violates Subsection  
4072 (6)(a):

4073 (i) is guilty of an infraction; and

4074 (ii) subject to a \$100 fine.

4075 (c) An individual who is guilty of a violation described in Subsection (6)(b) is not  
4076 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct  
4077 underlying the violation described in Subsection (6)(b).

4078 (d) If the individual described in Subsection (6)(a) is transporting more cannabis,  
4079 cannabis product, or medical cannabis devices than the manifest identifies, except for a de  
4080 minimis administrative error:

4081 (i) this chapter does not apply; and

4082 (ii) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled  
4083 Substances Act.

4084 Section 84. Section **26-61a-606** is enacted to read:

4085 **26-61a-606. Local health department distribution agent -- Background check --**  
4086 **Registration card -- Rebuttable presumption.**

- 4087 (1) An individual may not serve as a local health department distribution agent unless:  
4088 (a) the individual is an employee of a local health department; and  
4089 (b) the department registers the individual as a local health department distribution  
4090 agent.
- 4091 (2) (a) The department shall, within 15 days after the day on which the department  
4092 receives a complete application from a local health department on behalf of a prospective local  
4093 health department distribution agent, register and issue a local health department distribution  
4094 agent registration card to the prospective agent if the local health department:
- 4095 (i) provides to the department:  
4096 (A) the prospective agent's name and address;  
4097 (B) the name and location of the local health department where the prospective agent  
4098 seeks to act as a local health department distribution agent;  
4099 (C) the submission required under Subsection (2)(b); and  
4100 (ii) as reported under Subsection (2)(c), has not been convicted under state or federal  
4101 law of:
- 4102 (A) a felony; or  
4103 (B) after the effective date of this bill, a misdemeanor for drug distribution.
- 4104 (b) Each prospective agent described in Subsection (2)(a) shall:  
4105 (i) submit to the department:  
4106 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and  
4107 (B) a signed waiver in accordance with Subsection [53-10-108\(4\)](#) acknowledging the  
4108 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next  
4109 Generation Identification System's Rap Back Service; and
- 4110 (ii) consent to a fingerprint background check by:  
4111 (A) the Bureau of Criminal Identification; and  
4112 (B) the Federal Bureau of Investigation.
- 4113 (c) The Bureau of Criminal Identification shall:  
4114 (i) check the fingerprints the prospective agent submits under Subsection (2)(b) against  
4115 the applicable state, regional, and national criminal records databases, including the Federal  
4116 Bureau of Investigation Next Generation Identification System;  
4117 (ii) report the results of the background check to the department;

- 4118 (iii) maintain a separate file of fingerprints that prospective agents submit under  
4119 Subsection (2)(b) for search by future submissions to the local and regional criminal records  
4120 databases, including latent prints;
- 4121 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next  
4122 Generation Identification System's Rap Back Service for search by future submissions to  
4123 national criminal records databases, including the Next Generation Identification System and  
4124 latent prints; and
- 4125 (v) establish a privacy risk mitigation strategy to ensure that the department only  
4126 receives notifications for an individual with whom the department maintains an authorizing  
4127 relationship.
- 4128 (d) The department shall:
- 4129 (i) assess an individual who submits fingerprints under Subsection (2)(b) a fee in an  
4130 amount that the department sets in accordance with Section 63J-1-504 for the services that the  
4131 Bureau of Criminal Identification or another authorized agency provides under this section; and
- 4132 (ii) remit the fee described in Subsection (2)(d) to the Bureau of Criminal  
4133 Identification.
- 4134 (3) The department shall designate on an individual's local health department  
4135 distribution agent registration card the name of the local health department where the  
4136 individual is registered as an agent.
- 4137 (4) (a) A local health department distribution agent shall comply with a certification  
4138 standard that the department develops, in collaboration with the Division of Occupational and  
4139 Professional Licensing and the Board of Pharmacy, or a third-party certification standard that  
4140 the department designates by rule in collaboration with the Division of Occupational and  
4141 Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter  
4142 3, Utah Administrative Rulemaking Act.
- 4143 (b) The department shall ensure that the certification standard described in Subsection  
4144 (4)(a) includes training in:
- 4145 (i) Utah medical cannabis law;  
4146 (ii) the state central fill medical cannabis pharmacy shipment process; and  
4147 (iii) local health department distribution agent best practices.
- 4148 (5) The department may revoke or refuse to issue or renew the local health department

4149 distribution agent registration card of an individual who:

4150 (a) violates the requirements of this chapter; or

4151 (b) is convicted under state or federal law of:

4152 (i) a felony; or

4153 (ii) after the effective date of this bill, a misdemeanor for drug distribution.

4154 (6) A local health department distribution agent who the department has registered

4155 under this section shall carry the agent's local health department distribution agent registration  
4156 card with the agent at all times when:

4157 (a) the agent is on the premises of the local health department; and

4158 (b) the agent is handling a shipment of cannabis or cannabis product from the state  
4159 central fill medical cannabis pharmacy.

4160 (7) If a local health department distribution agent handling a shipment of cannabis or  
4161 cannabis product from the state central fill medical cannabis pharmacy possesses the shipment  
4162 in compliance with Subsection (6):

4163 (a) there is a rebuttable presumption that the agent possesses the shipment legally; and

4164 (b) there is no probable cause, based solely on the agent's possession of the shipment  
4165 containing medical cannabis in medicinal dosage form, a cannabis product in medicinal dosage  
4166 form, or a medical cannabis device, that the agent is engaging in illegal activity.

4167 (8) (a) A local health department distribution agent who violates Subsection (6) is:

4168 (i) guilty of an infraction; and

4169 (ii) subject to a \$100 fine.

4170 (b) An individual who is guilty of a violation described in Subsection (8)(a) is not  
4171 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct  
4172 underlying the violation described in Subsection (8)(a).

4173 Section 85. Section **26-61a-607** is enacted to read:

4174 **26-61a-607. Local health department distribution.**

4175 (1) Each local health department shall designate:

4176 (a) one or more of the local health department's locations as a state central fill shipment  
4177 distribution location; and

4178 (b) a sufficient number of personnel to ensure that at least one individual is available at  
4179 all times during business hours:

4180 (i) whom the department has registered as a local health department distribution agent;  
4181 and

4182 (ii) to distribute state central fill shipments to medical cannabis cardholders in  
4183 accordance with this section.

4184 (2) An individual may not retrieve a shipment from the state central fill medical  
4185 cannabis pharmacy at a local health department unless the individual presents:

4186 (a) a form of identification that is a valid United States federal- or state-issued photo  
4187 identification, including a driver license, a United States passport, a United States passport  
4188 card, or a United States military identification card; and

4189 (b) a valid medical cannabis card under the same name that appears on the  
4190 identification described in Subsection (2)(a).

4191 (3) Before a local health department distribution agent distributes a state central fill  
4192 shipment to a medical cannabis cardholder, the local health department distribution agent shall:

4193 (a) verify the shipment information using the state electronic verification system;

4194 (b) ensure that the individual satisfies the identification requirements in Subsection (2);

4195 (c) verify that payment is complete; and

4196 (d) record the completion of the shipment transaction in the electronic verification  
4197 system.

4198 (4) The local health department shall:

4199 (a) (i) store each state central fill shipment that the local health department receives,  
4200 until the recipient medical cannabis cardholder retrieves the shipment or the local health  
4201 department returns the shipment to the state central fill medical cannabis pharmacy in  
4202 accordance with Subsection (5), in a single, secure, locked area that is equipped with a security  
4203 system that detects and records entry into the area; and

4204 (ii) ensure that only a local health department distribution agent is able to access the  
4205 area;

4206 (b) return any unclaimed state central fill shipment to the state central fill medical  
4207 cannabis pharmacy, in accordance with Subsection (5)(a), after the local health department has  
4208 possessed the state central fill shipment for 10 business days; and

4209 (c) return any state central fill shipment to the state central fill medical cannabis  
4210 pharmacy, in accordance with Subsection (5)(b), if a medical cannabis cardholder returns the



4211 shipment to the local health department after retrieving the shipment.

4212 (5) (a) If a local health department returns an unclaimed state central fill shipment  
4213 under Subsection (4)(b), the state central fill medical cannabis pharmacy may repackage or  
4214 otherwise reuse the shipment for another state central fill shipment.

4215 (b) If a local health department returns a returned state central fill shipment under  
4216 Subsection (4)(c), the state central fill medical cannabis pharmacy shall dispose of the returned  
4217 shipment by:

4218 (i) rendering the state central fill shipment unusable and unrecognizable before  
4219 transporting the shipment from the state central fill medical cannabis pharmacy; and

4220 (ii) disposing of the state central fill shipment in accordance with:

4221 (A) federal and state laws, rules, and regulations related to hazardous waste;

4222 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

4223 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

4224 (D) other regulations that the department makes in accordance with Title 63G, Chapter  
4225 3, Utah Administrative Rulemaking Act.

4226 Section 86. Section **26-61a-608** is enacted to read:

4227 **26-61a-608. Department to set state central fill prices.**

4228 (1) The department shall set a price schedule for cannabis in a medicinal dosage form  
4229 that the state central fill medical cannabis pharmacy sells to medical cannabis cardholders  
4230 through distribution to local health departments.

4231 (2) The department shall ensure that the price schedule described in Subsection (1):

4232 (a) through an annual review, takes into consideration:

4233 (i) the demand for medical cannabis and cannabis products dispensed through the state  
4234 central fill medical cannabis pharmacy and the local health departments;

4235 (ii) the labor required to cultivate and process cannabis into a medicinal dosage form;

4236 (iii) the regulatory burden involved in the creation of the product; and

4237 (iv) any other consideration the department considers necessary; and

4238 (b) after at least three medical cannabis pharmacies that the department licenses under  
4239 Section [26-61a-301](#) are operational, contains pricing for a specific product that is within 10%  
4240 of the average price for the product among the operational medical cannabis pharmacies.

4241 (3) The department shall ensure that the price schedule that the department sets under

4242 Subsection (1) includes a set fee that the department deposits into the Qualified Distribution  
4243 Enterprise Fund to cover the cost of:

4244 (a) the state central fill medical cannabis pharmacy; and

4245 (b) the courier described in Section [26-61a-605](#), if any.

4246 Section 87. Section **26-61a-609** is enacted to read:

4247 **26-61a-609. Partial filling.**

4248 (1) As used in this section, "partially fill" means to provide less than the full amount of  
4249 cannabis or cannabis product that the qualified medical provider recommends, if the qualified  
4250 medical provider recommended specific dosing parameters.

4251 (2) The state central fill medical cannabis pharmacy may partially fill a  
4252 recommendation for a medical cannabis treatment at the request of the qualified medical  
4253 provider who issued the medical cannabis treatment recommendation or the medical cannabis  
4254 cardholder.

4255 (3) The department shall make rules in collaboration with the Division of Occupational  
4256 and Professional Licensing and the Board of Pharmacy and in accordance with Title 63G,  
4257 Chapter 3, Utah Administrative Rulemaking Act, specifying how to record the date, quantity  
4258 supplied, and quantity remaining of a partially filled medical cannabis treatment  
4259 recommendation.

4260 (4) A state central fill medical provider who is a pharmacist may, upon the request of a  
4261 medical cannabis cardholder, determine different dosing parameters, subject to the dosing  
4262 limits in Subsection [26-61a-604](#)(2), to fill the quantity remaining of a partially filled medical  
4263 cannabis treatment recommendation if:

4264 (a) the state central fill medical provider determined dosing parameters for the partial  
4265 fill under Subsection [26-61a-604](#)(4); and

4266 (b) the medical cannabis cardholder reports that:

4267 (i) the partial fill did not substantially affect the qualifying condition underlying the  
4268 medical cannabis recommendation; or

4269 (ii) the patient experienced an adverse reaction to the partial fill or was otherwise  
4270 unable to successfully use the partial fill.

4271 Section 88. Section **26-61a-610** is enacted to read:

4272 **26-61a-610. Records -- Inspections.**

4273 (1) The state central fill medical cannabis pharmacy shall maintain the pharmacy's  
4274 medical cannabis treatment recommendation files and other records in accordance with this  
4275 chapter, department rules, and the federal Health Insurance Portability and Accountability Act  
4276 of 1996, Pub. L. No. 104-191, 110 Stat. 1936, as amended.

4277 (2) The department may inspect the records and facility of the state central fill medical  
4278 cannabis pharmacy or a local health department at any time during business hours in order to  
4279 determine compliance with this chapter.

4280 (3) An inspection under this section may include:

4281 (a) inspection of a site, facility, vehicle, book, record, paper, document, data, and other  
4282 physical or electronic information;

4283 (b) questioning of any relevant individual; or

4284 (c) inspection of equipment, an instrument, a tool, or machinery, including a container  
4285 or label.

4286 (4) In making an inspection under this section, the department may freely access any  
4287 area and review and make copies of a book, record, paper, document, data, or other physical or  
4288 electronic information, including financial data, sales data, shipping data, pricing data, and  
4289 employee data.

4290 (5) Failure to provide the department or the department's authorized agents immediate  
4291 access during business hours in accordance with this section may result in:

4292 (a) the imposition of a civil monetary penalty that the department sets in accordance  
4293 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

4294 (b) license or registration suspension or revocation; or

4295 (c) an immediate cessation of operations under a cease and desist order that the  
4296 department issues.

4297 Section 89. Section **26-61a-611** is enacted to read:

4298 **26-61a-611. Advertising.**

4299 (1) Except as provided in Subsection (2), the state central fill medical cannabis  
4300 pharmacy may not advertise in any medium.

4301 (2) The state central fill medical cannabis pharmacy may maintain a website that  
4302 includes information about:

4303 (a) the contact information for the state central fill medical cannabis pharmacy;

4304 (b) a product or service available through shipment from the state central fill medical  
4305 cannabis pharmacy;

4306 (c) a description of the state central fill medical cannabis pharmacy shipment process;

4307 (d) information about retrieving a state central fill shipment at a local health  
4308 department; or

4309 (e) educational material related to the medical use of cannabis.

4310 Section 90. Section **26-61a-701** is enacted to read:

4311 **Part 7. Enforcement**

4312 **26-61a-701. Enforcement -- Misdemeanor.**

4313 (1) Except as provided in Title 4, Chapter 41a, Cannabis Production Establishments,  
4314 and Sections [26-61a-502](#), [26-61a-605](#), and [26-61a-607](#), it is unlawful for a medical cannabis  
4315 cardholder to sell or otherwise give to another medical cannabis cardholder cannabis in a  
4316 medicinal dosage form, a cannabis product in a medicinal dosage form, a medical cannabis  
4317 device, or any cannabis residue remaining in or from a medical cannabis device.

4318 (2) (a) Except as provided in Subsection (2)(b), a medical cannabis cardholder who  
4319 violates Subsection (1) is:

4320 (i) guilty of a class B misdemeanor; and

4321 (ii) subject to a \$1,000 fine.

4322 (b) An individual is not guilty under Subsection (2)(a) if the individual:

4323 (i) (A) is a designated caregiver; and

4324 (B) gives the product described in Subsection (1) to the medical cannabis cardholder  
4325 who designated the individual as a designated caregiver; or

4326 (ii) (A) is a medical cannabis guardian cardholder; and

4327 (B) gives the product described in Subsection (1) to the relevant provisional patient  
4328 cardholder.

4329 (c) An individual who is guilty of a violation described in Subsection (2)(a) is not  
4330 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct  
4331 underlying the violation described in Subsection (2)(a).

4332 Section 91. Section **26-61a-702**, which is renumbered from Section 26-60b-601 is  
4333 renumbered and amended to read:

4334 ~~[26-60b-601].~~ **26-61a-702. Enforcement -- Fine -- Citation.**

4335 (1) (a) The department may, for a medical cannabis pharmacy's violation of this chapter  
 4336 [~~by a person who is a cannabis dispensary or cannabis dispensary agent~~]:

4337 [~~(a)~~] (i) revoke the [~~person's license or~~] medical cannabis [~~dispensary agent registration~~  
 4338 ~~card~~] pharmacy license;

4339 [~~(b)~~] (ii) refuse to renew the [~~person's license or~~] medical cannabis [~~dispensary agent~~  
 4340 ~~registration card~~] pharmacy license; or

4341 [~~(c)~~] (iii) assess the [~~person~~] medical cannabis pharmacy an administrative penalty.

4342 (b) The department may, for a medical cannabis pharmacy agent's or state central fill  
 4343 agent's violation of this chapter:

4344 (i) revoke the medical cannabis pharmacy agent or state central fill agent registration  
 4345 card;

4346 (ii) refuse to renew the medical cannabis pharmacy agent or state central fill agent  
 4347 registration card; or

4348 (iii) assess the medical cannabis pharmacy agent or state central fill agent an  
 4349 administrative penalty.

4350 (2) The department shall deposit an administrative penalty imposed under this section  
 4351 [~~in~~] into the [~~general fund~~] General Fund.

4352 (3) [~~The department may, for~~] For a person subject to an uncontested citation, a  
 4353 stipulated settlement, or a finding of a violation in an adjudicative proceeding under this  
 4354 section, the department may:

4355 (a) for a fine amount not already specified in law, assess the person a fine[~~, established~~  
 4356 ~~in accordance with Section 63J-1-504,~~] of up to \$5,000 per violation, in accordance with a fine  
 4357 schedule [~~established~~] that the department establishes by rule [~~made~~] in accordance with Title  
 4358 63G, Chapter 3, Utah Administrative Rulemaking Act; or

4359 (b) order the person to cease and desist from the action that creates a violation.

4360 (4) The department may not revoke a medical cannabis [~~dispensary's~~] pharmacy's  
 4361 license without first directing the medical cannabis [~~dispensary~~] pharmacy to appear before an  
 4362 adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.

4363 (5) If, within 20 calendar days after the day on which the department issues a citation  
 4364 for a violation of this chapter, the person that is the subject of the citation fails to request a  
 4365 hearing to contest the citation, the citation becomes the department's final order.

4366 (6) The department may, for a person who fails to comply with a citation under this  
4367 section:

4368 (a) refuse to issue or renew the person's license [~~or cannabis dispensary~~] agent  
4369 registration card; or

4370 (b) suspend, revoke, or place on probation the person's license or [~~cannabis dispensary~~]  
4371 agent registration card.

4372 (7) (a) [If the department makes a final determination under this section that] Except  
4373 where a criminal penalty is expressly provided for a specific violation of this chapter, if an  
4374 individual [~~violated~~] violates a provision of this chapter, the individual is:

4375 (i) guilty of an infraction[;]; and

4376 (ii) subject to a \$100 fine.

4377 (b) An individual who is guilty of a violation described in Subsection (7)(a) is not  
4378 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct  
4379 underlying the violation described in Subsection (7)(a).

4380 Section 92. Section ~~26-61a-703~~, which is renumbered from Section 26-60b-602 is  
4381 renumbered and amended to read:

4382 ~~[26-60b-602]~~. **26-61a-703. Report.**

4383 (1) ~~[The]~~ By the November interim meeting each year, the department shall report  
4384 [annually] to the Health and Human Services Interim Committee on:

4385 (a) the number of applications and renewal applications filed for medical cannabis  
4386 cards[;];

4387 (b) the number of qualifying patients and designated caregivers[;];

4388 (c) the nature of the debilitating medical conditions of the qualifying patients[;];

4389 (d) the age and county of residence of cardholders[;];

4390 (e) the number of medical cannabis cards revoked[;];

4391 (f) the number of practitioners providing recommendations for qualifying patients[;];

4392 (g) the number of license applications and renewal license applications received[;];

4393 (h) the number of licenses the department has issued in each county[;];

4394 (i) the number of licenses the department has revoked[~~and~~];

4395 (j) the quantity and timeliness of state central fill shipments, including the amount of  
4396 time between recommendation to the state central fill medical cannabis pharmacy and arrival of

4397 a state central fill shipment at a local health department;  
4398 (k) the market share of state central fill shipments;  
4399 (l) the expenses incurred and revenues generated from the medical cannabis  
4400 program[-];  
4401 (m) the expenses incurred and revenues generated from the state central fill medical  
4402 cannabis pharmacy, including a profit and loss statement; and  
4403 (n) an analysis of product availability, including the price differential between  
4404 comparable products, in medical cannabis pharmacies and the state central fill medical  
4405 cannabis pharmacy.  
4406 (2) The department may not include personally identifying information in the report  
4407 described in this section.

4408 Section 93. Section **26-65-102 (Effective 07/01/19)** is amended to read:

4409 **26-65-102 (Effective 07/01/19). Definitions.**

4410 (1) "Agent" means an employee or independent contractor of an entity.

4411 [~~2~~] "~~Cannabidiol laboratory~~" means the same as that term is defined in Section  
4412 ~~4-43-102.~~]

4413 [~~3~~] (2) "Cannabidiol product" means [~~the same as that term is defined in Section~~  
4414 ~~4-41-102.~~] a chemical compound extracted from cannabis that:

4415 (a) is processed into a medicinal dosage form; and

4416 (b) contains less than 0.3% tetrahydrocannabinol by dry weight.

4417 (3) "Cannabis" means marijuana, as that term is defined in Section 58-37-2.

4418 [~~4~~] "~~Cannabidiol-qualified pharmacy~~" means the same as that term is defined in  
4419 Section ~~4-43-102.~~]

4420 [~~5~~] "~~Cannabinoid Product Restricted Account~~" means the account created in Section  
4421 ~~4-43-801.~~]

4422 [~~6~~] (4) "Medicinal dosage form" means a qualifying dosage form for a cannabidiol  
4423 product under Section 26-65-103.

4424 [~~7~~] (5) "Physician" means an individual who is licensed to practice:

4425 (a) medicine, under Title 58, Chapter 67, Utah Medical Practice Act; or

4426 (b) osteopathic medicine, under Title 58, Chapter 68, Utah Osteopathic Medical  
4427 Practice Act.

4428 Section 94. Section **26-65-103 (Effective 07/01/19)** is amended to read:

4429 **26-65-103 (Effective 07/01/19). Medicinal dosage form.**

4430 (1) For the purpose of this chapter, any of the following is a qualifying medicinal  
4431 dosage form for a cannabidiol product:

4432 (a) a tablet;

4433 (b) a capsule;

4434 (c) a concentrated oil;

4435 (d) a liquid suspension;

4436 (e) a transdermal preparation; and

4437 (f) a sublingual preparation.

4438 (2) A patient may not purchase, use, or possess a cannabidiol product unless the  
4439 cannabidiol product is prepared in a medicinal dosage form.

4440 (3) A [~~cannabidiol-qualified~~] pharmacy may not purchase, possess, or sell a  
4441 cannabidiol product unless the cannabidiol product is prepared in a medicinal dosage form.

4442 (4) The department may recommend that the Legislature approve the use of an  
4443 additional medicinal dosage form.

4444 Section 95. Section **30-3-10** is amended to read:

4445 **30-3-10. Custody of children in case of separation or divorce -- Custody**  
4446 **consideration.**

4447 (1) If a [~~husband and wife~~] married couple having one or more minor children are  
4448 separated, or their marriage is declared void or dissolved, the court shall make an order for the  
4449 future care and custody of the minor children as it considers appropriate.

4450 (a) In determining any form of custody, including a change in custody, the court shall  
4451 consider the best interests of the child without preference for either [~~the mother or father~~]  
4452 parent solely because of the biological sex of the parent and, among other factors the court  
4453 finds relevant, the following:

4454 (i) in accordance with Subsection (7), the past conduct and demonstrated moral  
4455 standards of each of the parties;

4456 (ii) which parent is most likely to act in the best interest of the child, including  
4457 allowing the child frequent and continuing contact with the noncustodial parent;

4458 (iii) the extent of bonding between the parent and child, meaning the depth, quality,



4459 and nature of the relationship between a parent and child;

4460 (iv) whether the parent has intentionally exposed the child to pornography or material  
4461 harmful to a minor, as defined in Section 76-10-1201; and

4462 (v) those factors outlined in Section 30-3-10.2.

4463 (b) There ~~shall be~~ is a rebuttable presumption that joint legal custody, as defined in  
4464 Section 30-3-10.1, is in the best interest of the child, except in cases where there is:

4465 (i) domestic violence in the home or in the presence of the child;

4466 (ii) special physical or mental needs of a parent or child, making joint legal custody  
4467 unreasonable;

4468 (iii) physical distance between the residences of the parents, making joint decision  
4469 making impractical in certain circumstances; or

4470 (iv) any other factor the court considers relevant including those listed in this section  
4471 and Section 30-3-10.2.

4472 (c) (i) The person who desires joint legal custody shall file a proposed parenting plan in  
4473 accordance with Sections 30-3-10.8 and 30-3-10.9.

4474 (ii) A presumption for joint legal custody may be rebutted by a showing by a  
4475 preponderance of the evidence that it is not in the best interest of the child.

4476 (d) ~~[The children]~~ A child may not be required by either party to testify unless the trier  
4477 of fact determines that extenuating circumstances exist that would necessitate the testimony of  
4478 the ~~[children]~~ child be heard and there is no other reasonable method to present ~~[their]~~ the  
4479 child's testimony.

4480 (e) (i) The court may inquire of ~~[the children]~~ the child's and take into consideration the  
4481 ~~[children's]~~ the child's desires regarding future custody or parent-time schedules, but the  
4482 expressed desires are not controlling and the court may determine the children's custody or  
4483 parent-time otherwise.

4484 (ii) The desires of a child 14 years of age or older shall be given added weight, but is  
4485 not the single controlling factor.

4486 (f) (i) If ~~[interviews]~~ an interview with ~~[the children are]~~ a child is conducted by the  
4487 court pursuant to Subsection (1)(e), ~~[they]~~ the interview shall be conducted by the judge in  
4488 camera.

4489 (ii) The prior consent of the parties may be obtained but is not necessary if the court

4490 finds that an interview with ~~[the children]~~ a child is the only method to ascertain the child's  
4491 desires regarding custody.

4492 (2) In awarding custody, the court shall consider, among other factors the court finds  
4493 relevant, which parent is most likely to act in the best interests of the child, including allowing  
4494 the child frequent and continuing contact with the noncustodial parent as the court finds  
4495 appropriate.

4496 (3) If the court finds that one parent does not desire custody of the child, the court shall  
4497 take that evidence into consideration in determining whether to award custody to the other  
4498 parent.

4499 (4) (a) Except as provided in Subsection (4)(b), a court may not discriminate against a  
4500 parent due to a disability, as defined in Section 57-21-2, in awarding custody or determining  
4501 whether a substantial change has occurred for the purpose of modifying an award of custody.

4502 (b) ~~[If a] The court [takes a parent's] may not consider the disability [into account] of a~~  
4503 parent as a factor in awarding custody or ~~[determining whether]~~ modifying an award of custody  
4504 based on a determination of a substantial change [has occurred for the purpose of modifying an  
4505 award of custody, the parent with a disability may rebut any evidence, presumption, or  
4506 inference arising from the disability by showing] in circumstances, unless the court makes  
4507 specific findings that:

4508 (i) the disability ~~[does not]~~ significantly or substantially ~~[inhibit]~~ inhibits the parent's  
4509 ability to provide for the physical and emotional needs of the child at issue; and

4510 (ii) the parent with a disability ~~[has]~~ lacks sufficient human, monetary, or other  
4511 resources available to supplement the parent's ability to provide for the physical and emotional  
4512 needs of the child at issue.

4513 (c) Nothing in this section may be construed to apply to adoption proceedings under  
4514 Title 78B, Chapter 6, Part 1, Utah Adoption Act.

4515 (5) This section establishes neither a preference nor a presumption for or against joint  
4516 physical custody or sole physical custody, but allows the court and the family the widest  
4517 discretion to choose a parenting plan that is in the best interest of the child.

4518 (6) When an issue before the court involves custodial responsibility in the event of a  
4519 deployment of one or both parents who are servicemembers, and the servicemember has not yet  
4520 been notified of deployment, the court shall resolve the issue based on the standards in Sections

4521 [78B-20-306](#) through [78B-20-309](#).

4522 ~~[(6)]~~ (7) In considering the past conduct and demonstrated moral standards of each ~~[of~~  
4523 ~~the parties as described]~~ party under Subsection (1)(a)(i)~~;~~ or any other factor a court finds  
4524 relevant, the court may not discriminate against a parent because of or otherwise consider the  
4525 parent's:

4526 (a) lawful possession or [consumption] use of cannabis in a medicinal dosage form, a  
4527 cannabis product in a medicinal dosage form, or a medical cannabis device, in accordance with  
4528 Title 26, Chapter [60b] 61a, Utah Medical Cannabis Act, except as it relates to that parent's  
4529 ability to care for a child; or [because of]

4530 (b) ~~[the parent's]~~ status as a:

4531 (i) cannabis production establishment agent, as that term is defined in Section  
4532 4-41a-102;

4533 (ii) medical cannabis pharmacy agent, as that term is defined in Section [26-61a-102](#);

4534 (iii) state central fill agent, as that term is defined in Section [26-61a-102](#); or

4535 (iv) medical cannabis cardholder in accordance with [Title 4, Chapter 41b, a cannabis  
4536 dispensary agent in accordance with Title 26, Chapter 60b, or a medical cannabis card holder in  
4537 accordance with] Title 26, Chapter [60b] 61a, Utah Medical Cannabis Act.

4538 Section 96. Section **34A-2-418** is amended to read:

4539 **34A-2-418. Awards -- Medical, nursing, hospital, and burial expenses -- Artificial**  
4540 **means and appliances.**

4541 (1) In addition to the compensation provided in this chapter or Chapter 3, Utah  
4542 Occupational Disease Act, and subject to Subsection [34A-2-407](#)(11), the employer or the  
4543 insurance carrier shall pay reasonable sums for medical, nurse, and hospital services, for  
4544 medicines, and for artificial means, appliances, and prostheses necessary to treat the injured  
4545 employee.

4546 (2) The employer and the insurance carrier are not required to pay or reimburse for  
4547 cannabis, a cannabis product, or a medical cannabis device, as those terms are defined in  
4548 Section [26-61a-102](#).

4549 ~~[(2)]~~ (3) If death results from the injury, the employer or the insurance carrier shall pay  
4550 the burial expenses in ordinary cases as established by rule.

4551 ~~[(3)]~~ (4) If a compensable accident results in the breaking of or loss of an employee's

4552 artificial means or appliance including eyeglasses, the employer or insurance carrier shall  
4553 provide a replacement of the artificial means or appliance.

4554 [~~(4)~~] (5) An administrative law judge may require the employer or insurance carrier to  
4555 maintain the artificial means or appliances or provide the employee with a replacement of any  
4556 artificial means or appliance for the reason of breakage, wear and tear, deterioration, or  
4557 obsolescence.

4558 [~~(5)~~] (6) An administrative law judge may, in unusual cases, order, as the  
4559 administrative law judge considers just and proper, the payment of additional sums:

- 4560 (a) for burial expenses; or
- 4561 (b) to provide for artificial means or appliances.

4562 Section 97. Section **41-6a-517 (Superseded 07/01/19)** is amended to read:

4563 **41-6a-517 (Superseded 07/01/19). Definitions -- Driving with any measurable**  
4564 **controlled substance in the body -- Penalties -- Arrest without warrant.**

4565 (1) As used in this section:

- 4566 (a) "Controlled substance" means the same as that term is defined in Section [58-37-2](#).
- 4567 (b) "Practitioner" means the same as that term is defined in Section [58-37-2](#).
- 4568 (c) "Prescribe" means the same as that term is defined in Section [58-37-2](#).
- 4569 (d) "Prescription" means the same as that term is defined in Section [58-37-2](#).

4570 (2) In cases not amounting to a violation of Section [41-6a-502](#), a person may not  
4571 operate or be in actual physical control of a motor vehicle within this state if the person has any  
4572 measurable controlled substance or metabolite of a controlled substance in the person's body.

4573 (3) It is an affirmative defense to prosecution under this section that the controlled  
4574 substance was:

- 4575 (a) involuntarily ingested by the accused;
- 4576 (b) prescribed by a practitioner for use by the accused; [~~or~~]
- 4577 (c) cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage

4578 form that the accused ingested in accordance with Title 26, Chapter 61a, Utah Medical  
4579 Cannabis Act; or

4580 [~~(c)~~] (d) otherwise legally ingested.

4581 (4) (a) A person convicted of a violation of Subsection (2) is guilty of a class B  
4582 misdemeanor.

4583 (b) A person who violates this section is subject to conviction and sentencing under  
4584 both this section and any applicable offense under Section 58-37-8.

4585 (5) A peace officer may, without a warrant, arrest a person for a violation of this  
4586 section when the officer has probable cause to believe the violation has occurred, although not  
4587 in the officer's presence, and if the officer has probable cause to believe that the violation was  
4588 committed by the person.

4589 (6) The Driver License Division shall, if the person is 21 years of age or older on the  
4590 date of arrest:

4591 (a) suspend, for a period of 120 days, the driver license of a person convicted under  
4592 Subsection (2) of an offense committed on or after July 1, 2009; or

4593 (b) revoke, for a period of two years, the driver license of a person if:

4594 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

4595 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,  
4596 and within a period of 10 years after the date of the prior violation.

4597 (7) The Driver License Division shall, if the person is 19 years of age or older but  
4598 under 21 years of age on the date of arrest:

4599 (a) suspend, until the person is 21 years of age or for a period of one year, whichever is  
4600 longer, the driver license of a person convicted under Subsection (2) of an offense committed  
4601 on or after July 1, 2011; or

4602 (b) revoke, until the person is 21 years of age or for a period of two years, whichever is  
4603 longer, the driver license of a person if:

4604 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

4605 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,  
4606 and within a period of 10 years after the date of the prior violation.

4607 (8) The Driver License Division shall, if the person is under 19 years of age on the date  
4608 of arrest:

4609 (a) suspend, until the person is 21 years of age, the driver license of a person convicted  
4610 under Subsection (2) of an offense committed on or after July 1, 2009; or

4611 (b) revoke, until the person is 21 years of age, the driver license of a person if:

4612 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

4613 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,

4614 and within a period of 10 years after the date of the prior violation.

4615 (9) The Driver License Division shall subtract from any suspension or revocation  
4616 period the number of days for which a license was previously suspended under Section  
4617 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon  
4618 which the record of conviction is based.

4619 (10) The Driver License Division shall:

4620 (a) deny, suspend, or revoke a person's license for the denial and suspension periods in  
4621 effect prior to July 1, 2009, for a conviction of a violation under Subsection (2) that was  
4622 committed prior to July 1, 2009; or

4623 (b) deny, suspend, or revoke the operator's license of a person for the denial,  
4624 suspension, or revocation periods in effect from July 1, 2009, through June 30, 2011, if:

4625 (i) the person was 20 years of age or older but under 21 years of age at the time of  
4626 arrest; and

4627 (ii) the conviction under Subsection (2) is for an offense that was committed on or after  
4628 July 1, 2009, and prior to July 1, 2011.

4629 (11) A court that reported a conviction of a violation of this section for a violation that  
4630 occurred on or after July 1, 2009, to the Driver License Division may shorten the suspension  
4631 period imposed under Subsection (7)(a) or (8)(a) prior to completion of the suspension period  
4632 if the person:

4633 (a) completes at least six months of the license suspension;

4634 (b) completes a screening;

4635 (c) completes an assessment, if it is found appropriate by a screening under Subsection  
4636 (11)(b);

4637 (d) completes substance abuse treatment if it is found appropriate by the assessment  
4638 under Subsection (11)(c);

4639 (e) completes an educational series if substance abuse treatment is not required by the  
4640 assessment under Subsection (11)(c) or the court does not order substance abuse treatment;

4641 (f) has not been convicted of a violation of any motor vehicle law in which the person  
4642 was involved as the operator of the vehicle during the suspension period imposed under  
4643 Subsection (7)(a) or (8)(a);

4644 (g) has complied with all the terms of the person's probation or all orders of the court if

4645 not ordered to probation; and

4646 (h) (i) is 18 years of age or older and provides a sworn statement to the court that the  
4647 person has not consumed a controlled substance not prescribed by a practitioner for use by the  
4648 person or unlawfully consumed alcohol during the suspension period imposed under

4649 Subsection (7)(a) or (8)(a); or

4650 (ii) is under 18 years of age and has the person's parent or legal guardian provide an  
4651 affidavit or other sworn statement to the court certifying that to the parent or legal guardian's  
4652 knowledge the person has not consumed a controlled substance not prescribed by a practitioner  
4653 for use by the person or unlawfully consumed alcohol during the suspension period imposed  
4654 under Subsection (7)(a) or (8)(a).

4655 (12) If the court shortens a person's license suspension period in accordance with the  
4656 requirements of Subsection (11), the court shall forward the order shortening the person's  
4657 license suspension period prior to the completion of the suspension period imposed under  
4658 Subsection (7)(a) or (8)(a) to the Driver License Division.

4659 (13) (a) The court shall notify the Driver License Division if a person fails to:

4660 (i) complete all court ordered screening and assessment, educational series, and  
4661 substance abuse treatment; or

4662 (ii) pay all fines and fees, including fees for restitution and treatment costs.

4663 (b) Upon receiving the notification, the division shall suspend the person's driving  
4664 privilege in accordance with Subsections 53-3-221(2) and (3).

4665 (14) The court:

4666 (a) shall order supervised probation in accordance with Section 41-6a-507 for a person  
4667 convicted under Subsection (2); and

4668 (b) may order a person convicted under Subsection (2) to participate in a 24-7 sobriety  
4669 program as defined in Section 41-6a-515.5 if the person is 21 years of age or older.

4670 (15) (a) A court that reported a conviction of a violation of this section to the Driver  
4671 License Division may shorten the suspension period imposed under Subsection (6) before  
4672 completion of the suspension period if the person is participating in or has successfully  
4673 completed a 24-7 sobriety program as defined in Section 41-6a-515.5.

4674 (b) If the court shortens a person's license suspension period in accordance with the  
4675 requirements of this Subsection (15), the court shall forward to the Driver License Division the



4676 order shortening the person's suspension period.

4677 (c) The court shall notify the Driver License Division if a person fails to complete all  
4678 requirements of a 24-7 sobriety program.

4679 (d) Upon receiving the notification described in Subsection (15)(c), the division shall  
4680 suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).

4681 Section 98. Section 41-6a-517 (Effective 07/01/19) is amended to read:

4682 **41-6a-517 (Effective 07/01/19). Definitions -- Driving with any measurable**  
4683 **controlled substance in the body -- Penalties -- Arrest without warrant.**

4684 (1) As used in this section:

4685 (a) "Controlled substance" means the same as that term is defined in Section 58-37-2.

4686 (b) "Practitioner" means the same as that term is defined in Section 58-37-2.

4687 (c) "Prescribe" means the same as that term is defined in Section 58-37-2.

4688 (d) "Prescription" means the same as that term is defined in Section 58-37-2.

4689 (2) In cases not amounting to a violation of Section 41-6a-502, a person may not  
4690 operate or be in actual physical control of a motor vehicle within this state if the person has any  
4691 measurable controlled substance or metabolite of a controlled substance in the person's body.

4692 (3) It is an affirmative defense to prosecution under this section that the controlled  
4693 substance was:

4694 (a) involuntarily ingested by the accused;

4695 (b) prescribed by a practitioner for use by the accused [~~or recommended by a physician~~  
4696 ~~for use by the accused; or~~];

4697 (c) cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage  
4698 form that the accused ingested in accordance with Title 26, Chapter 61a, Utah Medical  
4699 Cannabis Act; or

4700 [~~(c)~~] (d) otherwise legally ingested.

4701 (4) (a) A person convicted of a violation of Subsection (2) is guilty of a class B  
4702 misdemeanor.

4703 (b) A person who violates this section is subject to conviction and sentencing under  
4704 both this section and any applicable offense under Section 58-37-8.

4705 (5) A peace officer may, without a warrant, arrest a person for a violation of this  
4706 section when the officer has probable cause to believe the violation has occurred, although not



4707 in the officer's presence, and if the officer has probable cause to believe that the violation was  
4708 committed by the person.

4709 (6) The Driver License Division shall, if the person is 21 years of age or older on the  
4710 date of arrest:

4711 (a) suspend, for a period of 120 days, the driver license of a person convicted under  
4712 Subsection (2) of an offense committed on or after July 1, 2009; or

4713 (b) revoke, for a period of two years, the driver license of a person if:

4714 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

4715 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,  
4716 and within a period of 10 years after the date of the prior violation.

4717 (7) The Driver License Division shall, if the person is 19 years of age or older but  
4718 under 21 years of age on the date of arrest:

4719 (a) suspend, until the person is 21 years of age or for a period of one year, whichever is  
4720 longer, the driver license of a person convicted under Subsection (2) of an offense committed  
4721 on or after July 1, 2011; or

4722 (b) revoke, until the person is 21 years of age or for a period of two years, whichever is  
4723 longer, the driver license of a person if:

4724 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

4725 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,  
4726 and within a period of 10 years after the date of the prior violation.

4727 (8) The Driver License Division shall, if the person is under 19 years of age on the date  
4728 of arrest:

4729 (a) suspend, until the person is 21 years of age, the driver license of a person convicted  
4730 under Subsection (2) of an offense committed on or after July 1, 2009; or

4731 (b) revoke, until the person is 21 years of age, the driver license of a person if:

4732 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

4733 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,  
4734 and within a period of 10 years after the date of the prior violation.

4735 (9) The Driver License Division shall subtract from any suspension or revocation  
4736 period the number of days for which a license was previously suspended under Section  
4737 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon

4738 which the record of conviction is based.

4739 (10) The Driver License Division shall:

4740 (a) deny, suspend, or revoke a person's license for the denial and suspension periods in  
4741 effect prior to July 1, 2009, for a conviction of a violation under Subsection (2) that was  
4742 committed prior to July 1, 2009; or

4743 (b) deny, suspend, or revoke the operator's license of a person for the denial,  
4744 suspension, or revocation periods in effect from July 1, 2009, through June 30, 2011, if:

4745 (i) the person was 20 years of age or older but under 21 years of age at the time of  
4746 arrest; and

4747 (ii) the conviction under Subsection (2) is for an offense that was committed on or after  
4748 July 1, 2009, and prior to July 1, 2011.

4749 (11) A court that reported a conviction of a violation of this section for a violation that  
4750 occurred on or after July 1, 2009, to the Driver License Division may shorten the suspension  
4751 period imposed under Subsection (7)(a) or (8)(a) prior to completion of the suspension period  
4752 if the person:

4753 (a) completes at least six months of the license suspension;

4754 (b) completes a screening;

4755 (c) completes an assessment, if it is found appropriate by a screening under Subsection  
4756 (11)(b);

4757 (d) completes substance abuse treatment if it is found appropriate by the assessment  
4758 under Subsection (11)(c);

4759 (e) completes an educational series if substance abuse treatment is not required by the  
4760 assessment under Subsection (11)(c) or the court does not order substance abuse treatment;

4761 (f) has not been convicted of a violation of any motor vehicle law in which the person  
4762 was involved as the operator of the vehicle during the suspension period imposed under  
4763 Subsection (7)(a) or (8)(a);

4764 (g) has complied with all the terms of the person's probation or all orders of the court if  
4765 not ordered to probation; and

4766 (h) (i) is 18 years of age or older and provides a sworn statement to the court that the  
4767 person has not consumed a controlled substance not prescribed by a practitioner for use by the  
4768 person or unlawfully consumed alcohol during the suspension period imposed under

4769 Subsection (7)(a) or (8)(a); or

4770 (ii) is under 18 years of age and has the person's parent or legal guardian provide an  
4771 affidavit or other sworn statement to the court certifying that to the parent or legal guardian's  
4772 knowledge the person has not consumed a controlled substance not prescribed by a practitioner  
4773 for use by the person or unlawfully consumed alcohol during the suspension period imposed  
4774 under Subsection (7)(a) or (8)(a).

4775 (12) If the court shortens a person's license suspension period in accordance with the  
4776 requirements of Subsection (11), the court shall forward the order shortening the person's  
4777 license suspension period prior to the completion of the suspension period imposed under  
4778 Subsection (7)(a) or (8)(a) to the Driver License Division.

4779 (13) (a) The court shall notify the Driver License Division if a person fails to:

4780 (i) complete all court ordered screening and assessment, educational series, and  
4781 substance abuse treatment; or

4782 (ii) pay all fines and fees, including fees for restitution and treatment costs.

4783 (b) Upon receiving the notification, the division shall suspend the person's driving  
4784 privilege in accordance with Subsections 53-3-221(2) and (3).

4785 (14) The court:

4786 (a) shall order supervised probation in accordance with Section 41-6a-507 for a person  
4787 convicted under Subsection (2); and

4788 (b) may order a person convicted under Subsection (2) to participate in a 24-7 sobriety  
4789 program as defined in Section 41-6a-515.5 if the person is 21 years of age or older.

4790 (15) (a) A court that reported a conviction of a violation of this section to the Driver  
4791 License Division may shorten the suspension period imposed under Subsection (6) before  
4792 completion of the suspension period if the person is participating in or has successfully  
4793 completed a 24-7 sobriety program as defined in Section 41-6a-515.5.

4794 (b) If the court shortens a person's license suspension period in accordance with the  
4795 requirements of this Subsection (15), the court shall forward to the Driver License Division the  
4796 order shortening the person's suspension period.

4797 (c) The court shall notify the Driver License Division if a person fails to complete all  
4798 requirements of a 24-7 sobriety program.

4799 (d) Upon receiving the notification described in Subsection (15)(c), the division shall

4800 suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).

4801 Section 99. Section 49-11-1401 is amended to read:

4802 **49-11-1401. Forfeiture of retirement benefits for employees for employment**  
4803 **related offense convictions -- Notifications -- Investigations -- Appeals.**

4804 (1) As used in this section:

4805 (a) "Convicted" means a conviction by plea or by verdict, including a plea of guilty or a  
4806 plea of no contest that is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance,  
4807 regardless of whether the charge was, or is, subsequently reduced or dismissed in accordance  
4808 with the plea in abeyance agreement.

4809 (b) "Employee" means a member of a system or plan administered by the board.

4810 (c) (i) "Employment related offense" means a felony committed during employment or  
4811 the term of an elected or appointed office with a participating employer that is:

4812 [(i)] (A) during the performance of the employee's duties;

4813 [(ii)] (B) within the scope of the employee's employment; or

4814 [(iii)] (C) under color of the employee's authority.

4815 (ii) "Employment related offense" does not include any federal offense for conduct that  
4816 is lawful under Title 26, Chapter 61a, Utah Medical Cannabis Act.

4817 (2) (a) Notwithstanding any other provision of this title, an employee shall forfeit  
4818 accrual of service credit, employer retirement related contributions, including employer  
4819 contributions to the employer sponsored defined contribution plans, or other retirement related  
4820 benefits from a system or plan under this title in accordance with this section.

4821 (b) The forfeiture of retirement related benefits under Subsection (2)(a) does not  
4822 include the employee's contribution to a defined contribution plan.

4823 (3) An employee shall forfeit the benefits described under Subsection (2)(a):

4824 (a) if the employee is convicted of an employment related offense;

4825 (b) beginning on the day on which the employment related offense occurred; and

4826 (c) until the employee is either:

4827 (i) re-elected or reappointed to office; or

4828 (ii) (A) terminated from the position for which the employee was found to have  
4829 committed an employment related offense; and

4830 (B) rehired or hired as an employee who is eligible to be a member of a Utah state

4831 retirement system or plan.

4832 (4) The employee's participating employer shall:

4833 (a) immediately notify the office:

4834 (i) if an employee is charged with an offense that is or may be an employment related  
4835 offense under this section; and

4836 (ii) if the employee described in Subsection (4)(a)(i) is acquitted of the offense that is  
4837 or may be an employment related offense under this section; and

4838 (b) if the employee is convicted of an offense that may be an employment related  
4839 offense:

4840 (i) conduct an investigation, which may rely on the conviction, to determine:

4841 (A) whether the conviction is for an employment related offense; and

4842 (B) the date on which the employment related offense was initially committed; and

4843 (ii) after the period of time for an appeal by an employee under Subsection (5),  
4844 immediately notify the office of the employer's determination under this Subsection (4)(b).

4845 (5) An employee may appeal the employee's participating employer's determination  
4846 under Subsection (4)(b) in accordance with Title 63G, Chapter 4, Administrative Procedures  
4847 Act.

4848 (6) (a) Notwithstanding Subsection (4), a district attorney, a county attorney, the  
4849 attorney general's office, or the state auditor may notify the office and the employee's  
4850 participating employer if an employee is charged with an offense that is or may be an  
4851 employment related offense under this section.

4852 (b) If the employee's participating employer receives a notification under Subsection  
4853 (6)(a), the participating employer shall immediately report to the entity that provided the  
4854 notification under Subsection (6)(a):

4855 (i) if the employee is acquitted of the offense;

4856 (ii) if the employee is convicted of an offense that may be an employment related  
4857 offense; and

4858 (iii) when the participating employer has concluded its duties under this section if the  
4859 employee is convicted, including conducting an investigation, making a determination under  
4860 Subsection (4)(b) that the conviction was for an employment related offense, and notifying the  
4861 office under Subsection (7).

4862 (c) The notifying entity under Subsection (6)(a) may assist the employee's participating  
4863 employer with the investigation and determination described under Subsection (4)(b).

4864 (7) Upon receiving a notification from a participating employer that the participating  
4865 employer has made a determination under Subsection (4)(b) that the conviction was for an  
4866 employment related offense, the office shall immediately forfeit any service credit, employer  
4867 retirement related contributions, including employer contributions to the employer sponsored  
4868 contribution plans, or other retirement related benefits accrued by or made for the benefit of the  
4869 employee, beginning on the date of the initial employment related offense determined under  
4870 Subsection (4)(b).

4871 (8) This section applies to an employee who is convicted on or after the effective date  
4872 of this act for an employment related offense.

4873 (9) The board may make rules to implement this section.

4874 (10) If any provision of this section, or the application of any provision to any person  
4875 or circumstance, is held invalid, the remainder of this section shall be given effect without the  
4876 invalid provision or application.

4877 Section 100. Section **53-1-106.5** is amended to read:

4878 **53-1-106.5. Utah Medical Cannabis Act -- Department duties.**

4879 In addition to the duties described in Section **53-1-106**, the department shall:

4880 (1) provide standards for training peace officers and law enforcement agencies in the  
4881 use of the state electronic verification system; and

4882 (2) collaborate with the Department of Health and the Department of Agriculture and  
4883 Food to provide standards for training peace officers and law enforcement agencies in medical  
4884 cannabis law.

4885 Section 101. Section **58-17b-302** is amended to read:

4886 **58-17b-302. License required -- License classifications for pharmacy facilities.**

4887 (1) A license is required to act as a pharmacy, except:

4888 (a) as specifically exempted from licensure under Section **58-1-307**[~~;~~]; and

4889 (b) for the operation of a medical cannabis pharmacy or the state central fill medical  
4890 cannabis pharmacy under Title 26, Chapter 61a, Utah Medical Cannabis Act.

4891 (2) The division shall issue a pharmacy license to a facility that qualifies under this  
4892 chapter in the classification of a:

- 4893 (a) class A pharmacy;
- 4894 (b) class B pharmacy;
- 4895 (c) class C pharmacy;
- 4896 (d) class D pharmacy;
- 4897 (e) class E pharmacy; or
- 4898 (f) dispensing medical practitioner clinic pharmacy.
- 4899 (3) (a) Each place of business shall require a separate license.
- 4900 (b) If multiple pharmacies exist at the same address, a separate license shall be required
- 4901 for each pharmacy.
- 4902 (4) (a) The division may further define or supplement the classifications of pharmacies.
- 4903 (b) The division may impose restrictions upon classifications to protect the public
- 4904 health, safety, and welfare.
- 4905 (5) Each pharmacy, including the state central fill medical cannabis pharmacy, shall
- 4906 have a pharmacist-in-charge, except as otherwise provided by rule.
- 4907 (6) Whenever an applicable statute or rule requires or prohibits action by a pharmacy,
- 4908 the pharmacist-in-charge and the owner of the pharmacy shall be responsible for all activities
- 4909 of the pharmacy, regardless of the form of the business organization.
- 4910 Section 102. Section **58-17b-310** is amended to read:
- 4911 **58-17b-310. Continuing education.**
- 4912 (1) The division in collaboration with the board may establish by rule continuing
- 4913 education requirements for each classification of licensure under this chapter.
- 4914 (2) The division shall accept and apply toward an hour requirement that the division
- 4915 establishes under Subsection (1) continuing education that a pharmacist completes in
- 4916 accordance with Sections [26-61a-403](#) and [26-61a-601](#).
- 4917 Section 103. Section **58-17b-502** is amended to read:
- 4918 **58-17b-502. Unprofessional conduct.**
- 4919 (1) "Unprofessional conduct" includes:
- 4920 ~~[(+)]~~ (a) willfully deceiving or attempting to deceive the division, the board, or their
- 4921 agents as to any relevant matter regarding compliance under this chapter;
- 4922 ~~[(2)(a)]~~ (b) except as provided in Subsection (2)~~[(b)]~~:
- 4923 (i) paying or offering rebates to practitioners or any other health care providers, or

4924 receiving or soliciting rebates from practitioners or any other health care provider; or  
4925 (ii) paying, offering, receiving, or soliciting compensation in the form of a commission,  
4926 bonus, rebate, kickback, or split fee arrangement with practitioners or any other health care  
4927 provider, for the purpose of obtaining referrals[-];  
4928 [~~(b)~~ Subsection (2)(a) does not apply to:]  
4929 [(i) giving or receiving price discounts based on purchase volume;]  
4930 [(ii) passing along pharmaceutical manufacturer's rebates; or]  
4931 [(iii) providing compensation for services to a veterinarian.]  
4932 [(3)] (c) misbranding or adulteration of any drug or device or the sale, distribution, or  
4933 dispensing of any outdated, misbranded, or adulterated drug or device;  
4934 [(4)] (d) engaging in the sale or purchase of drugs or devices that are samples or  
4935 packages bearing the inscription "sample" or "not for resale" or similar words or phrases;  
4936 [(5)] (e) except as provided in Section 58-17b-503 or Part 9, Charitable Prescription  
4937 Drug Recycling Act, accepting back and redistributing any unused drug, or a part of it, after it  
4938 has left the premises of any pharmacy, unless the drug is in a unit pack, as defined in Section  
4939 58-17b-503, or the manufacturer's sealed container, as defined in rule;  
4940 [(6)] (f) an act in violation of this chapter committed by a person for any form of  
4941 compensation if the act is incidental to the person's professional activities, including the  
4942 activities of a pharmacist, pharmacy intern, or pharmacy technician;  
4943 [(7)] (g) violating:  
4944 [(a)] (i) the federal Controlled Substances Act, Title II, P.L. 91-513;  
4945 [(b)] (ii) Title 58, Chapter 37, Utah Controlled Substances Act; or  
4946 [(c)] (iii) rules or regulations adopted under either act;  
4947 [(8)] (h) requiring or permitting pharmacy interns or technicians to engage in activities  
4948 outside the scope of practice for their respective license classifications, as defined in this  
4949 chapter and division rules made in collaboration with the board, or beyond their scope of  
4950 training and ability;  
4951 [(9)] (i) administering:  
4952 [(a)] (i) without appropriate training, as defined by rule;  
4953 [(b)] (ii) without a physician's order, when one is required by law; and  
4954 [(c)] (iii) in conflict with a practitioner's written guidelines or written protocol for



4955 administering;

4956 ~~[(10)]~~ (j) disclosing confidential patient information in violation of the provisions of  
4957 the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110  
4958 Stat. 1936, as amended, or other applicable law;

4959 ~~[(11)]~~ (k) engaging in the practice of pharmacy without a licensed pharmacist  
4960 designated as the pharmacist-in-charge;

4961 ~~[(12)]~~ (l) failing to report to the division any adverse action taken by another licensing  
4962 jurisdiction, government agency, law enforcement agency, or court for conduct that in  
4963 substance would be considered unprofessional conduct under this section;

4964 ~~[(13)]~~ (m) as a pharmacist or pharmacy intern, compounding a prescription drug in a  
4965 dosage form which is regularly and commonly available from a manufacturer in quantities and  
4966 strengths prescribed by a practitioner; ~~[and]~~

4967 ~~[(14)]~~ (n) failing to act in accordance with Title 26, Chapter 64, Family Planning  
4968 Access Act, when dispensing a self-administered hormonal contraceptive under a standing  
4969 order[-]; and

4970 (o) violating the requirements of Title 26, Chapter 61a, Utah Medical Cannabis Act.

4971 (2) Subsection (1)(b) does not apply to:

4972 (a) giving or receiving a price discount based on purchase volume;

4973 (b) passing along a pharmaceutical manufacturer's rebate; or

4974 (c) providing compensation for services to a veterinarian.

4975 (3) "Unprofessional conduct" does not include, in accordance with Title 26, Chapter  
4976 61a, Utah Medical Cannabis Act:

4977 (a) when registered as a pharmacy medical provider, as that term is defined in Section  
4978 20-61a-102, providing pharmacy medical provider services in a medical cannabis pharmacy; or

4979 (b) when registered as a state central fill medical provider, as that term is defined in  
4980 Section 26-61a-102, providing state central fill medical provider services in the state central fill  
4981 medical cannabis pharmacy.

4982 (4) Notwithstanding Subsection (3), the division, in consultation with the board and in  
4983 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define  
4984 unprofessional conduct for a pharmacist described in Subsections (3)(a) and (b).

4985 Section 104. Section **58-20b-101** is enacted to read:

4986 **CHAPTER 20b. ENVIRONMENTAL HEALTH SCIENTIST ACT**

4987 **Part 1. General Provisions.**

4988 **58-20b-101. Title.**

4989 This chapter is known as the "Environmental Health Scientist Act."

4990 Section 105. Section **58-20b-102** is enacted to read:

4991 **58-20b-102. Definitions.**

4992 In addition to the definitions in Section [58-1-102](#), as used in this chapter:

4993 (1) "Accredited program" means a degree-offering program from:

4994 (a) an institution, college, or university that is accredited by the Department of

4995 Education or the Council for Higher Education Accreditation; or

4996 (b) a non-accredited institution, college, or university that offers education equivalent

4997 to Department of Education-accredited programs, as determined by a third party selected by the

4998 board.

4999 (2) "Board" means the Environmental Health Scientist Board created in Section

5000 [58-20b-201](#).

5001 (3) "General supervision" means the supervising environmental health scientist is

5002 available for immediate voice communication with the person he or she is supervising.

5003 (4) "Practice of environmental health science" means:

5004 (a) the enforcement of, the issuance of permits required by, or the inspection for the

5005 purpose of enforcing state and local public health laws in the following areas:

5006 (i) air quality;

5007 (ii) food quality;

5008 (iii) solid, hazardous, and toxic substances disposal;

5009 (iv) consumer product safety;

5010 (v) housing;

5011 (vi) noise control;

5012 (vii) radiation protection;

5013 (viii) water quality;

5014 (ix) vector control;

5015 (x) drinking water quality;

5016 (xi) milk sanitation;

- 5017 (xii) rabies control;  
5018 (xiii) public health nuisances;  
5019 (xiv) indoor clean air regulations;  
5020 (xv) institutional and residential sanitation; or  
5021 (xvi) recreational facilities sanitation; or  
5022 (b) representing oneself in any manner as, or using the titles "environmental health  
5023 scientist," "environmental health scientist-in-training," or "registered sanitarian."  
5024 (5) "Unlawful conduct" means the same as that term is defined in Section 58-1-501.  
5025 (6) "Unprofessional conduct" means the same as that term is defined in Sections  
5026 58-1-501 and 58-20b-501 and as may be further defined by division rule.

5027 Section 106. Section **58-20b-201** is enacted to read:

5028 **Part 2. Board.**

5029 **58-20b-201. Board.**

- 5030 (1) There is created the Environmental Health Scientist Board consisting of four  
5031 environmental health scientists in good standing and one member of the general public.  
5032 (2) The board shall be appointed and serve in accordance with Section 58-1-201.  
5033 (3) The duties and responsibilities of the board shall be in accordance with Sections  
5034 58-1-202 and 58-1-203. In addition, the board shall designate one of its members on a  
5035 permanent or rotating basis to:  
5036 (a) assist the division in reviewing complaints concerning the unlawful or  
5037 unprofessional conduct of a licensee; and  
5038 (b) advise the division in its investigation of these complaints.  
5039 (4) A board member who has, under Subsection (3), reviewed a complaint or advised  
5040 in the investigation of the complaint is disqualified from participating with the board when the  
5041 board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

5042 Section 107. Section **58-20b-301** is enacted to read:

5043 **Part 3. Licensing.**

5044 **58-20b-301. Licensure required -- License classifications.**

- 5045 (1) A person shall hold a license under this chapter in order to engage in the practice of  
5046 environmental health science while employed by any of the following, except as specifically  
5047 exempted in Section 58-20b-305 or 58-1-307:

- 5048 (a) a local health department;
- 5049 (b) the state Department of Health;
- 5050 (c) the state Department of Human Services;
- 5051 (d) the Department of Agriculture and Food as a food and dairy compliance officer; or
- 5052 (e) a local health department as its director of environmental health services.
- 5053 (2) Any other individual not subject to Subsection (1) may also be licensed under this
- 5054 chapter upon compliance with all requirements.

5055 (3) The division shall issue to persons who qualify under this chapter a license in the  
5056 classification:

- 5057 (a) environmental health scientist; or
- 5058 (b) environmental health scientist-in-training.

5059 Section 108. Section **58-20b-302** is enacted to read:

5060 **58-20b-302. Qualifications for licensure.**

5061 (1) Except as provided in Subsection (2), an applicant for licensure as an  
5062 environmental health scientist shall:

- 5063 (a) submit an application in a form prescribed by the division;
- 5064 (b) pay a fee determined by the department under Section [63J-1-504](#);
- 5065 (c) be of good moral character;
- 5066 (d) hold, at a minimum, a bachelor's degree from an accredited program in a university
- 5067 or college, which degree includes completion of specific course work as defined by rule;
- 5068 (e) pass an examination as determined by division rule in collaboration with the board;
- 5069 and
- 5070 (f) pass the Utah Law and Rules Examination for Environmental Health Scientists
- 5071 administered by the division.

5072 (2) An applicant for licensure as an environmental health scientist-in-training shall:

- 5073 (a) submit an application in a form prescribed by the division;
- 5074 (b) pay a fee determined by the department under Section [63J-1-504](#);
- 5075 (c) be of good moral character;
- 5076 (d) hold, at a minimum, a bachelor's degree from an accredited program in a university
- 5077 or college, which degree includes completion of specific course work as defined by rule;
- 5078 (e) pass the Utah Law and Rules Examination for Environmental Health Scientists

5079 administered by the division; and

5080 (f) present evidence acceptable to the division and the board that the applicant, when  
5081 licensed, will practice as an environmental health scientist-in-training only under the general  
5082 supervision of a supervising environmental health scientist licensed under this chapter.

5083 Section 109. Section **58-20b-303** is enacted to read:

5084 **58-20b-303. Term of license -- Expiration -- Renewal.**

5085 (1) (a) The division shall issue each license for an environmental health scientist in  
5086 accordance with a two-year renewal cycle established by rule.

5087 (b) The division may by rule extend or shorten a renewal period by as much as one year  
5088 to stagger the renewal cycles it administers.

5089 (2) Each license for an environmental health scientist-in-training shall be issued for a  
5090 term of two years and may not be renewed.

5091 (3) Each license issued under this chapter automatically expires on the expiration date  
5092 shown on the license unless the licensee renews it in accordance with Section [58-1-308](#).

5093 Section 110. Section **58-20b-304** is enacted to read:

5094 **58-20b-304. Continuing education.**

5095 Each person holding a license under this chapter as an environmental health scientist or  
5096 an environmental health scientist-in-training shall complete in each two-year period of  
5097 licensure not fewer than 30 hours of professional continuing education in accordance with  
5098 standards defined by division rule.

5099 Section 111. Section **58-20b-305** is enacted to read:

5100 **58-20b-305. Exemptions from licensure.**

5101 In addition to the exemptions from licensure in Section [58-1-307](#), a person is exempt  
5102 from the licensure requirements of this chapter if:

5103 (1) the person's practice of environmental health science is limited to inspecting in  
5104 order to enforce compliance with an inspection and maintenance program established pursuant  
5105 to Section [41-6a-1642](#) or to issuing permits under that program;

5106 (2) the person is a laboratory staff person employed by the Department of Agriculture  
5107 and Food or the Department of Health, and in the person's employment inspects, permits,  
5108 certifies, or otherwise enforces laboratory standards in laboratories regulated by state or local  
5109 public health laws; or

5110           (3) the person is the local health officer of a local public health department, which  
5111 employs a director of environmental health services licensed under this chapter.

5112           Section 112. Section **58-20b-401** is enacted to read:

5113                               **Part 4. License Denial and Discipline.**

5114           **58-20b-401. Grounds for denial of license -- Disciplinary proceedings.**

5115           Grounds for refusing to issue a license to an applicant, for refusing to renew the license  
5116 of a licensee, for revoking, suspending, restricting, or placing on probation the license of a  
5117 licensee, for issuing a public or private reprimand to a licensee, and for issuing a cease and  
5118 desist order shall be in accordance with Section [58-1-401](#).

5119           Section 113. Section **58-20b-501** is enacted to read:

5120                               **Part 5. Unprofessional Conduct.**

5121           **58-20b-501. Unprofessional conduct.**

5122           "Unprofessional conduct" includes:

5123           (1) acting dishonestly or fraudulently in the performance of professional duties as an  
5124 environmental health scientist or environmental health scientist-in-training;

5125           (2) intentionally filing a false report or record in the performance of professional duties  
5126 as an environmental health scientist or environmental health scientist-in-training; and

5127           (3) willfully impeding or obstructing another person from filing a report in the  
5128 performance of professional duties as an environmental health scientist or environmental health  
5129 scientist-in-training.

5130           Section 114. Section **58-31b-305** is amended to read:

5131           **58-31b-305. Term of license -- Expiration -- Renewal.**

5132           (1) The division shall issue each license or certification under this chapter in  
5133 accordance with a two-year renewal cycle established by rule. The division may by rule extend  
5134 or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.

5135           (2) The division shall renew the license of a licensee who, at the time of renewal:

5136           (a) completes and submits an application for renewal in a form prescribed by the  
5137 division;

5138           (b) pays a renewal fee established by the division under Section [63J-1-504](#); and

5139           (c) meets continuing competency requirements as established by rule.

5140           (3) In addition to the renewal requirements under Subsection (2), a person licensed as

5141 [~~a~~] an advanced practice registered nurse shall be currently certified by a program approved by  
5142 the division in collaboration with the board and submit evidence satisfactory to the division of  
5143 that qualification or if licensed prior to July 1, 1992, meet the requirements established by rule.

5144 (4) In addition to the requirements described in Subsections (2) and (3), an advanced  
5145 practice registered nurse licensee specializing in psychiatric mental health nursing who, as of  
5146 the day on which the division originally issued the licensee's license had not completed the  
5147 division's clinical practice requirements in psychiatric and mental health nursing, shall, to  
5148 qualify for renewal:

5149 (a) if renewing less than two years after the day on which the division originally issued  
5150 the license, demonstrate satisfactory progress toward completing the clinical practice  
5151 requirements; or

5152 (b) have completed the clinical practice requirements.

5153 (5) Each license or certification automatically expires on the expiration date shown on  
5154 the license or certification unless renewed in accordance with Section [58-1-308](#).

5155 (6) The division shall accept and apply toward an hour requirement that the division  
5156 establishes under Subsection (2)(c) continuing education that an advanced practice registered  
5157 nurse completes in accordance with Section [26-61a-106](#).

5158 Section 115. Section **58-31b-502** is amended to read:

5159 **58-31b-502. Unprofessional conduct.**

5160 (1) "Unprofessional conduct" includes:

5161 [~~(H)~~] (a) failure to safeguard a patient's right to privacy as to the patient's person,  
5162 condition, diagnosis, personal effects, or any other matter about which the licensee is privileged  
5163 to know because of the licensee's or person with a certification's position or practice as a nurse  
5164 or practice as a medication aide certified;

5165 [~~(2)~~] (b) failure to provide nursing service or service as a medication aide certified in a  
5166 manner that demonstrates respect for the patient's human dignity and unique personal character  
5167 and needs without regard to the patient's race, religion, ethnic background, socioeconomic  
5168 status, age, sex, or the nature of the patient's health problem;

5169 [~~(3)~~] (c) engaging in sexual relations with a patient during any:

5170 [~~(a)~~] (i) period when a generally recognized professional relationship exists between  
5171 the person licensed or certified under this chapter and the patient; or

5172           ~~[(b)]~~ (ii) extended period when a patient has reasonable cause to believe a professional  
5173 relationship exists between the person licensed or certified under the provisions of this chapter  
5174 and the patient;

5175           ~~[(4)(a)]~~ (d) (i) as a result of any circumstance under Subsection (3), exploiting or using  
5176 information about a patient or exploiting the licensee's or the person with a certification's  
5177 professional relationship between the licensee or holder of a certification under this chapter and  
5178 the patient; or

5179           ~~[(b)]~~ (ii) exploiting the patient by use of the licensee's or person with a certification's  
5180 knowledge of the patient obtained while acting as a nurse or a medication aide certified;

5181           ~~[(5)]~~ (e) unlawfully obtaining, possessing, or using any prescription drug or illicit drug;

5182           ~~[(6)]~~ (f) unauthorized taking or personal use of nursing supplies from an employer;

5183           ~~[(7)]~~ (g) unauthorized taking or personal use of a patient's personal property;

5184           ~~[(8)]~~ (h) knowingly entering into any medical record any false or misleading  
5185 information or altering a medical record in any way for the purpose of concealing an act,  
5186 omission, or record of events, medical condition, or any other circumstance related to the  
5187 patient and the medical or nursing care provided;

5188           ~~[(9)]~~ (i) unlawful or inappropriate delegation of nursing care;

5189           ~~[(10)]~~ (j) failure to exercise appropriate supervision of persons providing patient care  
5190 services under supervision of the licensed nurse;

5191           ~~[(11)]~~ (k) employing or aiding and abetting the employment of an unqualified or  
5192 unlicensed person to practice as a nurse;

5193           ~~[(12)]~~ (l) failure to file or record any medical report as required by law, impeding or  
5194 obstructing the filing or recording of such a report, or inducing another to fail to file or record  
5195 such a report;

5196           ~~[(13)]~~ (m) breach of a statutory, common law, regulatory, or ethical requirement of  
5197 confidentiality with respect to a person who is a patient, unless ordered by a court;

5198           ~~[(14)]~~ (n) failure to pay a penalty imposed by the division;

5199           ~~[(15)]~~ (o) prescribing a Schedule ~~[H-III]~~ II or III controlled substance without  
5200 complying with the requirements in Section [58-31b-803](#);

5201           ~~[(16)]~~ (p) violating Section [58-31b-801](#);

5202           ~~[(17)]~~ (q) violating the dispensing requirements of Section [58-17b-309](#) or Chapter 17b,



5203 Part 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy,  
5204 if applicable; and

5205 [(+8)] (r) establishing or operating a pain clinic without a consultation and referral plan  
5206 for Schedule [H-HH] II or III controlled substances.

5207 (2) "Unprofessional conduct" does not include, in accordance with Title 26, Chapter  
5208 61a, Utah Medical Cannabis Act, when registered as a qualified medical provider, as that term  
5209 is defined in Section [26-61a-102](#), recommending the use of medical cannabis.

5210 (3) Notwithstanding Subsection (2), the division, in consultation with the board and in  
5211 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define  
5212 unprofessional conduct for an advanced practice registered nurse described in Subsection (2).

5213 Section 116. Section **58-37-3.6 (Superseded 07/01/19)** is amended to read:

5214 **58-37-3.6 (Superseded 07/01/19). Exemption for possession or distribution of a**  
5215 **cannabinoid product or expanded cannabinoid product pursuant to an approved study.**

5216 (1) As used in this section:

5217 (a) "Cannabinoid product" means a product intended for human ingestion that:

5218 (i) contains an extract or concentrate that is obtained from cannabis;

5219 (ii) is prepared in a medicinal dosage form; and

5220 (iii) contains at least 10 units of cannabidiol for every one unit of tetrahydrocannabinol.

5221 (b) "Cannabis" means any part of the plant cannabis sativa, whether growing or not.

5222 (c) "Drug paraphernalia" means the same as that term is defined in Section [58-37a-3](#).

5223 (d) "Expanded cannabinoid product" means a product intended for human ingestion

5224 that:

5225 (i) contains an extract or concentrate that is obtained from cannabis;

5226 (ii) is prepared in a medicinal dosage form; and

5227 (iii) contains less than 10 units of cannabidiol for every one unit of

5228 tetrahydrocannabinol.

5229 (e) "Medicinal dosage form" means:

5230 (i) a tablet;

5231 (ii) a capsule;

5232 (iii) a concentrated oil;

5233 (iv) a liquid suspension;

5234 (v) a transdermal preparation; or

5235 (vi) a sublingual preparation.

5236 (f) "Tetrahydrocannabinol" means a substance derived from cannabis that meets the  
5237 description in Subsection 58-37-4(2)(a)(iii)(AA).

5238 (2) Notwithstanding any other provision of this chapter, an individual who possesses or  
5239 distributes a cannabinoid product or an expanded cannabinoid product is not subject to the  
5240 penalties described in this title for the possession or distribution of marijuana or  
5241 tetrahydrocannabinol to the extent that the individual's possession or distribution of the  
5242 cannabinoid product or expanded cannabinoid product complies with Title 26, Chapter 61,  
5243 Cannabinoid Research Act.

5244 [~~(3) Notwithstanding any other provision of this chapter, an individual who grows,  
5245 processes, or possesses cannabis is not subject to the penalties described in this title for the  
5246 growth, processing, or possession of marijuana to the extent that the individual is authorized to  
5247 grow, process, or possess the cannabis under Section 4-41-203 and is in compliance with any  
5248 rules made pursuant to Section 4-41-204.~~]

5249 [~~(4) Notwithstanding any other provision of this chapter, an individual who possesses  
5250 or uses cannabis in a medicinal dosage form is not subject to the penalties described in this title  
5251 for the possession or use of marijuana or tetrahydrocannabinol to the extent that the individual's  
5252 possession or use of the cannabis complies with Title 58, Chapter 85, Utah Right to Try Act.~~]

5253 Section 117. Section 58-37-3.6 (Effective 07/01/19) is amended to read:

5254 **58-37-3.6 (Effective 07/01/19). Exemption for possession or distribution of a**  
5255 **cannabinoid product or expanded cannabinoid product pursuant to an approved study.**

5256 (1) As used in this section:

5257 [~~(a) "Cannabidiol product" means the same as that term is defined in Section~~  
5258 ~~4-41-102.~~]

5259 [~~(b)~~] (a) "Cannabinoid product" means a product intended for human ingestion that:

5260 (i) contains an extract or concentrate that is obtained from cannabis;

5261 (ii) is prepared in a medicinal dosage form; and

5262 (iii) contains at least 10 units of cannabidiol for every one unit of tetrahydrocannabinol.

5263 [~~(c)~~] (b) "Cannabis" means any part of the plant cannabis sativa, whether growing or

5264 not.

5265           ~~[(d)]~~ (c) "Drug paraphernalia" means the same as that term is defined in Section  
5266 58-37a-3.

5267           ~~[(e)]~~ (d) "Expanded cannabinoid product" means a product intended for human  
5268 ingestion that:

- 5269           (i) contains an extract or concentrate that is obtained from cannabis;
- 5270           (ii) is prepared in a medicinal dosage form; and
- 5271           (iii) contains less than 10 units of cannabidiol for every one unit of  
5272 tetrahydrocannabinol.

5273           ~~[(f)]~~ (e) "Medicinal dosage form" means:

- 5274           (i) a tablet;
- 5275           (ii) a capsule;
- 5276           (iii) a concentrated oil;
- 5277           (iv) a liquid suspension;
- 5278           (v) a transdermal preparation; or
- 5279           (vi) a sublingual preparation.

5280           ~~[(g)]~~ (f) "Tetrahydrocannabinol" means a substance derived from cannabis that meets  
5281 the description in Subsection 58-37-4(2)(a)(iii)(AA).

5282           (2) Notwithstanding any other provision of this chapter~~[-(a)]~~ an individual who  
5283 possesses or distributes a cannabinoid product or an expanded cannabinoid product is not  
5284 subject to the penalties described in this title for the possession or distribution of marijuana or  
5285 tetrahydrocannabinol to the extent that the individual's possession or distribution of the  
5286 cannabinoid product or expanded cannabinoid product complies with Title 26, Chapter 61,  
5287 Cannabinoid Research Act~~[-(a)]~~.

5288           ~~[(b) an individual who grows, processes, possesses, transports, or distributes  
5289 cannabidiol for medicinal use or a hemp-grade product that is intended to be processed into  
5290 cannabidiol for medicinal use, is not subject to the penalties described in this title to the extent  
5291 that the individual's growth, processing, possession, transportation, or distribution of the  
5292 cannabidiol or hemp-grade product is in compliance with Title 4, Chapter 43, Cannabidiol  
5293 Producers; and]~~

5294           ~~[(c) a person who processes, possesses, or sells cannabidiol is not subject to the  
5295 penalties described in this title if:]~~

5296 ~~[(i) the person is a cannabidiol-qualified pharmacy; or]~~

5297 ~~[(ii) the person is an individual whose physician has recommended use of the~~  
5298 ~~cannabidiol and the individual purchased the cannabidiol from a cannabidiol-qualified~~  
5299 ~~pharmacy.]~~

5300 ~~[(3) Notwithstanding any other provision of this chapter, an individual who grows,~~  
5301 ~~processes, or possesses cannabis is not subject to the penalties described in this title for the~~  
5302 ~~growth, processing, or possession of marijuana to the extent that the individual is authorized to~~  
5303 ~~grow, process, or possess the cannabis under Section 4-41-203 and is in compliance with any~~  
5304 ~~rules made pursuant to Section 4-41-204.]~~

5305 ~~[(4) Notwithstanding any other provision of this chapter, an individual who possesses~~  
5306 ~~or uses cannabis in a medicinal dosage form is not subject to the penalties described in this title~~  
5307 ~~for the possession or use of marijuana or tetrahydrocannabinol to the extent that the individual's~~  
5308 ~~possession or use of the cannabis complies with Title 58, Chapter 85, Utah Right to Try Act.]~~

5309 Section 118. Section 58-37-3.7 is amended to read:

5310 **58-37-3.7. Medical cannabis decriminalization.**

5311 (1) As used in this section:

5312 (a) "Cannabis" means the same as that term is defined in Section 26-61a-102.

5313 (b) "Cannabis product" means the same as that term is defined in Section 26-61a-102.

5314 (c) "Medical cannabis card" means the same as that term is defined in Section  
5315 26-61a-102.

5316 (d) "Medical cannabis device" means the same as that term is defined in Section  
5317 26-61a-102.

5318 (e) "Medical cannabis pharmacy" means the same as that term is defined in Section  
5319 26-61a-102.

5320 (f) "Medicinal dosage form" means the same as that term is defined in Section  
5321 26-61a-102.

5322 (g) "Qualified medical provider" means the same as that term is defined in Section  
5323 26-61a-102.

5324 (h) "Qualifying condition" means the same as that term is defined in Section  
5325 26-61a-102.

5326 (i) "Tetrahydrocannabinol" means the same as that term is defined in Section

5327 [58-37-3.9.](#)

5328 ~~[(+)]~~ (2) Before ~~[July]~~ January 1, ~~[2020]~~ 2021, ~~[it is an affirmative defense to criminal~~  
5329 ~~charges against an individual]~~ an individual is not guilty under this chapter for the use[;] or  
5330 possession[; or manufacture] of marijuana, tetrahydrocannabinol, or marijuana drug  
5331 paraphernalia ~~[under this chapter that]~~ if:

5332 (a) at the time of the arrest, the individual ~~[would be eligible for a medical cannabis~~  
5333 card, and that the individual's conduct would have been lawful, after July 1, 2020.]:

5334 (i) (A) had been diagnosed with a qualifying condition; and

5335 (B) had a pre-existing provider-patient relationship with an advanced practice  
5336 registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act, a physician licensed  
5337 under Title 58, Chapter 67, Utah Medical Practice Act, a physician licensed under Title 58,  
5338 Chapter 68, Utah Osteopathic Medical Practice Act, or a physician assistant licensed under  
5339 Title 58, Chapter 70a, Physician Assistant Act, who believed that the individual's illness  
5340 described in Subsection (2)(a)(i)(A) could benefit from the use in question; or

5341 (ii) (A) for possession, was a medical cannabis cardholder; or

5342 (B) for use, was a medical cannabis patient cardholder or a minor with a qualifying  
5343 condition under the supervision of a medical cannabis guardian cardholder; and

5344 (b) the marijuana or tetrahydrocannabinol was in a medicinal dosage form in a quantity  
5345 described in Subsection [26-61a-502\(2\)](#).

5346 ~~[(2)]~~ (3) ~~[It is an affirmative defense to criminal charges against an individual]~~ An  
5347 individual is not guilty under this chapter for the use or possession of marijuana,  
5348 tetrahydrocannabinol, or marijuana drug paraphernalia under this chapter if:

5349 (a) at the time of the arrest, the individual:

5350 (i) ~~[is a]~~ was not a resident of Utah or has been a resident of Utah for less than 45 days  
5351 ~~[and was issued]~~;

5352 (ii) had a currently valid medical cannabis ~~[identification]~~ card or ~~[its]~~ the equivalent of  
5353 a medical cannabis card under the laws of another state, district, territory, commonwealth, or  
5354 insular possession of the United States; and

5355 ~~[(b)]~~ (iii) ~~[the individual has]~~ had been diagnosed with a qualifying ~~[illness]~~ condition  
5356 as described in Section ~~[26-60b-105.]~~ [26-61a-104](#); and

5357 (b) the marijuana or tetrahydrocannabinol is in a medicinal dosage form in a quantity

5358 described in Subsection [26-61a-502\(2\)](#).

5359 ~~[(3) A court shall, for charges that the court dismisses under Subsection (1) or~~  
5360 ~~Subsection (2), dismiss the charges without prejudice.]~~

5361 Section 119. Section **58-37-3.8** is amended to read:

5362 **58-37-3.8. Enforcement.**

5363 (1) ~~[No]~~ A law enforcement officer [employed by an agency that receives state or local  
5364 government funds shall], as that term is defined in Section 53-13-103, except for an officially  
5365 designated drug enforcement task force regarding conduct that is not in accordance with Title  
5366 26, Chapter 61a, Utah Medical Cannabis Act, may not expend any state or local resources,  
5367 including the officer's time, to:

5368 (a) effect any arrest or seizure of cannabis, as that term is defined in Section  
5369 26-61a-102, or conduct any investigation, on the sole basis of activity the officer believes to  
5370 constitute a violation of federal law if the officer has reason to believe that ~~[such]~~ the activity is  
5371 in compliance with the state medical cannabis laws~~[- nor shall any such officer expend any~~  
5372 ~~state or local resources, including the officer's time, to];~~

5373 (b) enforce a law that restricts an individual's right to acquire, own, or possess a  
5374 firearm based solely on the individual's possession or use of cannabis in accordance with state  
5375 medical cannabis laws; or

5376 (c) provide any information or logistical support related to ~~[such]~~ an activity described  
5377 in Subsection (1)(a) to any federal law enforcement authority or prosecuting entity.

5378 (2) ~~[No]~~ An agency or political subdivision of [Utah] the state may [rely on a violation  
5379 of federal law as the sole basis for taking] not take an adverse action against a person for  
5380 providing a professional [services] service to a medical cannabis [dispensary] pharmacy, as that  
5381 term is defined in Section 26-61a-102, the state central fill medical cannabis pharmacy, as that  
5382 term is defined in Section 26-61a-102, or a cannabis production establishment [if the person  
5383 has not violated the state medical cannabis laws], as that term is defined in Section 4-41a-102,  
5384 on the sole basis that the service is a violation of federal law.

5385 Section 120. Section **58-37-3.9** is amended to read:

5386 **58-37-3.9. Exemption for possession or use of cannabis to treat a qualifying**  
5387 **illness.**

5388 (1) As used in this section:

5389 (a) "Cannabis" means marijuana.

5390 ~~[(b) "Cannabis dispensary" means the same as that term is defined in Section~~

5391 ~~26-60b-102.]~~

5392 ~~[(c) (b) "Cannabis product" means [a product that: (i) is intended for human ingestion;~~

5393 ~~and (ii) contains cannabis or tetrahydrocannabinol] the same as that term is defined in Section~~

5394 ~~26-61a-102.~~

5395 ~~[(d) "Designated caregiver" means the same as that term is defined in Section~~

5396 ~~26-60b-102.]~~

5397 ~~[(e) (c) "Drug paraphernalia" means the same as that term is defined in Section~~

5398 ~~58-37a-3.~~

5399 ~~[(f) "Marijuana" means the same as that term is defined in Section 58-37-2.]~~

5400 ~~[(g) (d) "Medical cannabis [card] cardholder" means the same as that term is defined~~

5401 ~~in Section [26-60b-102] 26-61a-102.~~

5402 ~~[(h) (e) [(i)] "Medical cannabis device" means [a device that an individual uses to~~

5403 ~~ingest cannabis or a cannabis product] the same as that term is defined in Section 26-61a-102.~~

5404 ~~[(ii) "Medical cannabis device" does not include a device that facilitates cannabis~~

5405 ~~combustion at a temperature of greater than 750 degrees Fahrenheit.]~~

5406 ~~[(i) (f) "[Qualifying illness] Medicinal dosage form" means the same as that term is~~

5407 ~~defined in Section [26-60b-102] 26-61a-102.~~

5408 ~~[(j) (g) "Tetrahydrocannabinol" means a substance derived from cannabis [that meets~~

5409 ~~the description] or a synthetic description as described in Subsection 58-37-4(2)(a)(iii)(AA).~~

5410 (2) Notwithstanding any other provision of law, except as otherwise provided in this

5411 section:

5412 (a) an individual ~~[who] is not guilty of a violation of this title for the following conduct~~

5413 ~~if the individual engages in the conduct in accordance with Title 4, Chapter 41a, Cannabis~~

5414 ~~Production Establishments, or Title 26, Chapter 61a, Utah Medical Cannabis Act:~~

5415 ~~(i) [possesses, produces, manufactures, dispenses, distributes, sells, or offers]~~

5416 ~~possessing, ingesting, producing, manufacturing, dispensing, distributing, selling, or offering to~~

5417 ~~sell cannabis or a cannabis product; or [who possesses]~~

5418 ~~(ii) possessing cannabis or a cannabis product with the intent to [produce, manufacture,~~

5419 ~~dispense, distribute, sell, or offer to sell cannabis or a cannabis product is not subject to the~~

5420 ~~penalties described in this title for] engage in the conduct [to the extent that the individual's~~  
5421 ~~conduct complies with:] described in Subsection (2)(a)(i); and~~  
5422 ~~[(i)] (b) an individual is guilty of a violation of this title regarding drug paraphernalia if~~  
5423 ~~the individual, in accordance with Title 4, Chapter [41b] 41a, Cannabis Production~~  
5424 ~~[Establishment;] Establishments, and [(ii)] Title 26, Chapter [60b] 61a, Utah Medical~~  
5425 ~~Cannabis Act[;]:~~  
5426 ~~[(b)] (i) [an individual who] possesses, manufactures, distributes, sells, or offers to sell~~  
5427 ~~a medical cannabis device; or~~  
5428 ~~(ii) [who] possesses a medical cannabis device with the intent to [manufacture;~~  
5429 ~~distribute, sell, or offer to sell a medical cannabis device is authorized and is not subject to the~~  
5430 ~~penalties described in this title for the possession, manufacture, distribution, sale, or offer for~~  
5431 ~~sale of drug paraphernalia to the extent that the individual's] engage in any of the conduct~~  
5432 ~~[complies with:] described in Subsection (2)(b)(i).~~  
5433 ~~[(i) Title 4, Chapter 41b, Cannabis Production Establishment; and]~~  
5434 ~~[(ii) Title 26, Chapter 60b, Medical Cannabis Act.]~~  
5435 ~~[(3) For purposes of state law, except as otherwise provided in this section, activities~~  
5436 ~~related to cannabis shall be considered lawful and any cannabis consumed shall be considered~~  
5437 ~~legally ingested, as long as the conduct is in accordance with:]~~  
5438 ~~[(a) Title 4, Chapter 41b, Cannabis Production Establishment; and]~~  
5439 ~~[(b) Title 26, Chapter 60b, Medical Cannabis Act.]~~  
5440 ~~[(4)] (3) (a) As used in this Subsection (3), "smoking" does not include the~~  
5441 ~~vaporization or heating of medical cannabis.~~  
5442 ~~(b) [It is not lawful for] Title 26, Chapter 61a, Utah Medical Cannabis Act, does not~~  
5443 ~~authorize a medical cannabis [card holder] cardholder to smoke or combust cannabis or to use~~  
5444 ~~a device to facilitate the smoking or combustion of cannabis. [An individual convicted of~~  
5445 ~~violating this section is guilty of an infraction. For purposes of this section, smoking does not~~  
5446 ~~include a means of administration that involves cannabis combustion at a temperature that is~~  
5447 ~~not greater than 750 degrees Fahrenheit and that does not involve using a flame.]~~  
5448 ~~(c) A medical cannabis cardholder who smokes cannabis or engages in any other~~  
5449 ~~conduct described in Subsection (3)(b):~~  
5450 ~~(i) does not possess the cannabis in accordance with Title 26, Chapter 61a, Utah~~



5451 Medical Cannabis Act; and

5452 (ii) is subject to charges under this chapter for the use or possession of marijuana,  
 5453 tetrahydrocannabinol, or marijuana drug paraphernalia for the conduct described in Subsection  
 5454 (3)(b).

5455 ~~[(5) An individual is not exempt from the penalties described in this title for ingesting~~  
 5456 ~~cannabis or a cannabis product while operating a motor vehicle.]~~

5457 ~~[(6)]~~ (4) An individual who is assessed a penalty or convicted of ~~[an infraction]~~ a crime  
 5458 under Title 4, Chapter ~~[41b]~~ 41a, Cannabis Production ~~[Establishment]~~ Establishments, or Title  
 5459 26, Chapter ~~[60b]~~ 61a, Utah Medical Cannabis Act, is not, based on the conduct underlying  
 5460 that penalty or conviction, subject to ~~[the penalties]~~ a penalty described in this chapter for:

5461 (a) the possession, manufacture, sale, or offer for sale of cannabis or a cannabis  
 5462 product; or

5463 (b) the possession, manufacture, sale, or offer for sale of drug paraphernalia.

5464 Section 121. Section **58-37f-203 (Effective 07/01/19)** is amended to read:

5465 **58-37f-203 (Effective 07/01/19). Submission, collection, and maintenance of data.**

5466 (1) (a) The division shall implement on a statewide basis, including non-resident  
 5467 pharmacies as defined in Section **58-17b-102**, the following two options for a pharmacist to  
 5468 submit information:

5469 (i) real-time submission of the information required to be submitted under this part to  
 5470 the controlled substance database; and

5471 (ii) 24-hour daily or next business day, whichever is later, batch submission of the  
 5472 information required to be submitted under this part to the controlled substance database.

5473 (b) (i) On and after January 1, 2016, a pharmacist shall comply with either:

5474 (A) the submission time requirements established by the division under Subsection  
 5475 (1)(a)(i); or

5476 (B) the submission time requirements established by the division under Subsection  
 5477 (1)(a)(ii).

5478 (ii) Prior to January 1, 2016, a pharmacist may submit information using either option  
 5479 under this Subsection (1).

5480 (c) The division shall comply with Title 63G, Chapter 6a, Utah Procurement Code.

5481 (2) (a) The pharmacist-in-charge and the pharmacist of the drug outlet where a

5482 controlled substance is dispensed shall submit the data described in this section to the division  
5483 in accordance with:

- 5484 (i) the requirements of this section;
- 5485 (ii) the procedures established by the division;
- 5486 (iii) additional types of information or data fields established by the division; and
- 5487 (iv) the format established by the division.

5488 (b) A dispensing medical practitioner licensed under Chapter 17b, Part 8, Dispensing  
5489 Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, shall comply with  
5490 the provisions of this section and the dispensing medical practitioner shall assume the duties of  
5491 the pharmacist under this chapter.

5492 (3) ~~(a)~~ The pharmacist-in-charge and the pharmacist described in Subsection (2)  
5493 shall, for each controlled substance dispensed by a pharmacist under the pharmacist's  
5494 supervision other than those dispensed for an inpatient at a health care facility, submit to the  
5495 division any type of information or data field established by the division by rule in accordance  
5496 with Subsection (6).

5497 ~~[(b) The pharmacist described in Subsection (2) shall, in the case of a~~  
5498 ~~cannabidiol-qualified pharmacy dispensing a cannabidiol product, submit the following~~  
5499 ~~information to the division:]~~

- 5500 ~~[(i) the name of the recommending physician;]~~
- 5501 ~~[(ii) the date of the recommendation;]~~
- 5502 ~~[(iii) the date the recommendation was filed by the cannabidiol-qualified pharmacy;]~~
- 5503 ~~[(iv) the name of the individual for whom the recommendation was written; and]~~
- 5504 ~~[(v) any other information the division requires by rule, made in accordance with Title~~  
5505 ~~63G, Chapter 3, Utah Administrative Rulemaking Act.]~~

5506 (4) An individual whose records are in the database may obtain those records upon  
5507 submission of a written request to the division.

5508 (5) (a) A patient whose record is in the database may contact the division in writing to  
5509 request correction of any of the patient's database information that is incorrect. The patient  
5510 shall provide a postal address for the division's response.

5511 (b) The division shall grant or deny the request within 30 days from receipt of the  
5512 request and shall advise the requesting patient of its decision by mail postmarked within 35

5513 days of receipt of the request.

5514 (c) If the division denies a request under this Subsection (5) or does not respond within  
5515 35 days, the patient may submit an appeal to the Department of Commerce, within 60 days  
5516 after the postmark date of the patient's letter making a request for a correction under this  
5517 Subsection (5).

5518 (6) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah  
5519 Administrative Rulemaking Act, to establish submission requirements under this part,  
5520 including:

5521 (a) electronic format;

5522 (b) submission procedures; and

5523 (c) required information and data fields.

5524 (7) The division shall ensure that the database system records and maintains for  
5525 reference:

5526 (a) the identification of each individual who requests or receives information from the  
5527 database;

5528 (b) the information provided to each individual; and

5529 (c) the date and time that the information is requested or provided.

5530 Section 122. Section **58-67-304** is amended to read:

5531 **58-67-304. License renewal requirements.**

5532 (1) As a condition precedent for license renewal, each licensee shall, during each  
5533 two-year licensure cycle or other cycle defined by division rule:

5534 (a) complete qualified continuing professional education requirements in accordance  
5535 with the number of hours and standards defined by division rule made in collaboration with the  
5536 board;

5537 (b) appoint a contact person for access to medical records and an alternate contact  
5538 person for access to medical records in accordance with Subsection [58-67-302\(1\)\(j\)](#);

5539 (c) if the licensee practices medicine in a location with no other persons licensed under  
5540 this chapter, provide some method of notice to the licensee's patients of the identity and  
5541 location of the contact person and alternate contact person for the licensee; and

5542 (d) if the licensee is an associate physician licensed under Section [58-67-302.8](#),  
5543 successfully complete the educational methods and programs described in Subsection

5544 [58-67-807](#)(4).

5545 (2) If a renewal period is extended or shortened under Section [58-67-303](#), the  
5546 continuing education hours required for license renewal under this section are increased or  
5547 decreased proportionally.

5548 (3) An application to renew a license under this chapter shall:

5549 (a) require a physician to answer the following question: "Do you perform elective  
5550 abortions in Utah in a location other than a hospital?"; and

5551 (b) immediately following the question, contain the following statement: "For purposes  
5552 of the immediately preceding question, elective abortion means an abortion other than one of  
5553 the following: removal of a dead fetus, removal of an ectopic pregnancy, an abortion that is  
5554 necessary to avert the death of a woman, an abortion that is necessary to avert a serious risk of  
5555 substantial and irreversible impairment of a major bodily function of a woman, an abortion of a  
5556 fetus that has a defect that is uniformly diagnosable and uniformly lethal, or an abortion where  
5557 the woman is pregnant as a result of rape or incest."

5558 (4) In order to assist the Department of Health in fulfilling its responsibilities relating  
5559 to the licensing of an abortion clinic and the enforcement of Title 76, Chapter 7, Part 3,  
5560 Abortion, if a physician responds positively to the question described in Subsection (3)(a), the  
5561 division shall, within 30 days after the day on which it renews the physician's license under this  
5562 chapter, inform the Department of Health in writing:

5563 (a) of the name and business address of the physician; and

5564 (b) that the physician responded positively to the question described in Subsection  
5565 (3)(a).

5566 (5) The division shall accept and apply toward the hour requirement in Subsection  
5567 (1)(a) and continuing education that a physician completes in accordance with Sections  
5568 [26-61a-106](#), [26-61a-403](#), and [26-61a-601](#).

5569 Section 123. Section **58-67-502** is amended to read:

5570 **58-67-502. Unprofessional conduct.**

5571 (1) "Unprofessional conduct" includes, in addition to the definition in Section

5572 [58-1-501](#):

5573 (a) using or employing the services of any individual to assist a licensee in any manner  
5574 not in accordance with the generally recognized practices, standards, or ethics of the

5575 profession, state law, or division rule;

5576 (b) making a material misrepresentation regarding the qualifications for licensure under  
5577 Section [58-67-302.7](#) or Section [58-67-302.8](#); [~~or~~]

5578 (c) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical  
5579 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable[-]; or

5580 (d) violating the requirements of Title 26, Chapter 61a, Utah Medical Cannabis Act.

5581 (2) "Unprofessional conduct" does not include[-];

5582 (a) in compliance with Section [58-85-103](#):

5583 [~~(a)~~] (i) obtaining an investigational drug or investigational device;

5584 [~~(b)~~] (ii) administering the investigational drug to an eligible patient; or

5585 [~~(c)~~] (iii) treating an eligible patient with the investigational drug or investigational  
5586 device[-]; or

5587 (b) in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act:

5588 (i) when registered as a qualified medical provider, as that term is defined in Section  
5589 [26-61a-102](#), recommending the use of medical cannabis;

5590 (ii) when registered as a pharmacy medical provider, as that term is defined in Section  
5591 [26-61a-102](#), providing pharmacy medical provider services in a medical cannabis pharmacy; or

5592 (iii) when registered as a state central fill medical provider, as that term is defined in  
5593 Section [26-61a-102](#), providing state central fill medical provider services in the state central fill  
5594 medical cannabis pharmacy.

5595 (3) Notwithstanding Subsection (2)(b), the division, in consultation with the board and  
5596 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define  
5597 unprofessional conduct for a pharmacist described in Subsections (2)(b).

5598 Section 124. Section **58-68-304** is amended to read:

5599 **58-68-304. License renewal requirements.**

5600 (1) As a condition precedent for license renewal, each licensee shall, during each  
5601 two-year licensure cycle or other cycle defined by division rule:

5602 (a) complete qualified continuing professional education requirements in accordance  
5603 with the number of hours and standards defined by division rule in collaboration with the  
5604 board;

5605 (b) appoint a contact person for access to medical records and an alternate contact

5606 person for access to medical records in accordance with Subsection [58-68-302\(1\)\(j\)](#);

5607 (c) if the licensee practices osteopathic medicine in a location with no other persons  
5608 licensed under this chapter, provide some method of notice to the licensee's patients of the  
5609 identity and location of the contact person and alternate contact person for access to medical  
5610 records for the licensee in accordance with Subsection [58-68-302\(1\)\(k\)](#); and

5611 (d) if the licensee is an associate physician licensed under Section [58-68-302.5](#),  
5612 successfully complete the educational methods and programs described in Subsection  
5613 [58-68-807\(4\)](#).

5614 (2) If a renewal period is extended or shortened under Section [58-68-303](#), the  
5615 continuing education hours required for license renewal under this section are increased or  
5616 decreased proportionally.

5617 (3) An application to renew a license under this chapter shall:

5618 (a) require a physician to answer the following question: "Do you perform elective  
5619 abortions in Utah in a location other than a hospital?"; and

5620 (b) immediately following the question, contain the following statement: "For purposes  
5621 of the immediately preceding question, elective abortion means an abortion other than one of  
5622 the following: removal of a dead fetus, removal of an ectopic pregnancy, an abortion that is  
5623 necessary to avert the death of a woman, an abortion that is necessary to avert a serious risk of  
5624 substantial and irreversible impairment of a major bodily function of a woman, an abortion of a  
5625 fetus that has a defect that is uniformly diagnosable and uniformly lethal, or an abortion where  
5626 the woman is pregnant as a result of rape or incest."

5627 (4) In order to assist the Department of Health in fulfilling its responsibilities relating  
5628 to the licensing of an abortion clinic, if a physician responds positively to the question  
5629 described in Subsection (3)(a), the division shall, within 30 days after the day on which it  
5630 renews the physician's license under this chapter, inform the Department of Health in writing:

5631 (a) of the name and business address of the physician; and

5632 (b) that the physician responded positively to the question described in Subsection  
5633 (3)(a).

5634 (5) The division shall accept and apply toward the hour requirement in Subsection  
5635 (1)(a) and continuing education that a physician completes in accordance with Sections  
5636 [26-61a-106](#), [26-61a-403](#), and [26-61a-601](#).

5637 Section 125. Section **58-68-502** is amended to read:

5638 **58-68-502. Unprofessional conduct.**

5639 (1) "Unprofessional conduct" includes, in addition to the definition in Section  
5640 [58-1-501](#):

5641 (a) using or employing the services of any individual to assist a licensee in any manner  
5642 not in accordance with the generally recognized practices, standards, or ethics of the  
5643 profession, state law, or division rule;

5644 (b) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical  
5645 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable; ~~[or]~~

5646 (c) making a material misrepresentation regarding the qualifications for licensure under  
5647 Section [58-68-302.5](#)~~[-];~~ or

5648 (d) violating the requirements of Title 26, Chapter 61a, Utah Medical Cannabis Act.

5649 (2) "Unprofessional conduct" does not include~~[-];~~

5650 (a) in compliance with Section [58-85-103](#):

5651 ~~[(a)]~~ (i) obtaining an investigational drug or investigational device;

5652 ~~[(b)]~~ (ii) administering the investigational drug to an eligible patient; or

5653 ~~[(c)]~~ (iii) treating an eligible patient with the investigational drug or investigational  
5654 device~~[-];~~ or

5655 (b) in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act:

5656 (i) when registered as a qualified medical provider, as that term is defined in Section

5657 [26-61a-102](#), recommending the use of medical cannabis;

5658 (ii) when registered as a pharmacy medical provider, as that term is defined in Section  
5659 [26-61a-102](#), providing pharmacy medical provider services in a medical cannabis pharmacy; or

5660 (iii) when registered as a state central fill medical provider, as that term is defined in  
5661 [Section 26-61a-102](#), providing state central fill medical provider services in the state central fill  
5662 medical cannabis pharmacy.

5663 (3) Notwithstanding Subsection (2)(b), the division, in consultation with the board and  
5664 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define  
5665 unprofessional conduct for a pharmacist described in Subsections (2)(b).

5666 Section 126. Section **58-70a-303** is amended to read:

5667 **58-70a-303. Term of license -- Expiration -- Renewal.**

5668 (1) (a) The division shall issue each license under this chapter in accordance with a  
5669 two-year renewal cycle established by division rule.

5670 (b) The division may by rule extend or shorten a renewal period by as much as one year  
5671 to stagger the renewal cycles it administers.

5672 (2) At the time of renewal, the licensee shall show compliance with continuing  
5673 education renewal requirements.

5674 (3) Each license issued under this chapter expires on the expiration date shown on the  
5675 license unless renewed in accordance with Section [58-1-308](#).

5676 (4) The division shall accept and apply toward an hour requirement that the division  
5677 establishes under Subsection (2) continuing education that a physician assistant completes in  
5678 accordance with Section [26-61a-106](#).

5679 Section 127. Section **58-70a-503** is amended to read:

5680 **58-70a-503. Unprofessional conduct.**

5681 (1) "Unprofessional conduct" includes:

5682 [~~(1)~~] (a) violation of a patient confidence to any person who does not have a legal right  
5683 and a professional need to know the information concerning the patient;

5684 [~~(2)~~] (b) knowingly prescribing, selling, giving away, or directly or indirectly  
5685 administering, or offering to prescribe, sell, furnish, give away, or administer any prescription  
5686 drug except for a legitimate medical purpose upon a proper diagnosis indicating use of that  
5687 drug in the amounts prescribed or provided;

5688 [~~(3)~~] (c) prescribing prescription drugs for oneself or administering prescription drugs  
5689 to oneself, except those that have been legally prescribed for the physician assistant by a  
5690 licensed practitioner and that are used in accordance with the prescription order for the  
5691 condition diagnosed;

5692 [~~(4)~~] (d) failure to maintain at the practice site a delegation of services agreement that  
5693 accurately reflects current practices;

5694 [~~(5)~~] (e) failure to make the delegation of services agreement available to the division  
5695 for review upon request;

5696 [~~(6)~~] (f) in a practice that has physician assistant ownership interests, failure to allow  
5697 the supervising physician the independent final decision making authority on patient treatment  
5698 decisions, as set forth in the delegation of services agreement or as defined by rule; and



5699           ~~[(7)]~~ (g) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing  
5700 Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable.

5701           (2) "Unprofessional conduct" does not include, in accordance with Title 26, Chapter  
5702 61a, Utah Medical Cannabis Act, when registered as a qualified medical provider, as that term  
5703 is defined in Section 26-61a-102, recommending the use of medical cannabis.

5704           (3) Notwithstanding Subsection (2), the division, in consultation with the board and in  
5705 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define  
5706 unprofessional conduct for a physician assistant described in Subsection (2).

5707           Section 128. Section **58-85-102** is amended to read:

5708           **58-85-102. Definitions.**

5709           As used in this chapter:

5710           ~~[(1) "Cannabis" means cannabis that has been grown by a state-approved grower and~~  
5711 ~~processed into a medicinal dosage form.]~~

5712           ~~[(2) "Cannabis-based treatment" means a course of treatment involving cannabis.]~~

5713           ~~[(3)]~~ (1) "Eligible patient" means an individual who has been diagnosed with a  
5714 terminal illness by a physician.

5715           ~~[(4) "Health care facility" means the same as that term is defined in Section~~  
5716 ~~26-55-102.]~~

5717           ~~[(5)]~~ (2) "Insurer" means the same as that term is defined in Section 31A-1-301.

5718           ~~[(6)]~~ (3) "Investigational device" means a device that:

5719           (a) meets the definition of "investigational device" in 21 C.F.R. Sec. 812.3; and

5720           (b) has successfully completed the United States Food and Drug Administration Phase  
5721 1 testing for an investigational device described in 21 C.F.R. Part 812.

5722           ~~[(7)]~~ (4) "Investigational drug" means a drug that:

5723           (a) meets the definition of "investigational new drug" in 21 C.F.R. Sec. 312.3; and

5724           (b) has successfully completed the United States Food and Drug Administration Phase  
5725 1 testing for an investigational new drug described in 21 C.F.R. Part 312.

5726           ~~[(8)]~~ (5) "Medicinal dosage form" means the same as that term is defined in Section  
5727 ~~58-37-3.6.~~

5728           ~~[(9)]~~ (6) "Physician" means an individual who is licensed under:

5729           (a) Title 58, Chapter 67, Utah Medical Practice Act; or

5730 (b) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

5731 [~~(10) "State-approved grower and processor" means a person who grows cannabis~~  
5732 ~~pursuant to state law and processes the cannabis into a medicinal dosage form.]~~

5733 [~~(11)~~] (7) "Terminal illness" means a condition of a patient that:

5734 (a) as determined by a physician:

5735 (i) is likely to pose a greater risk to the patient than the risk posed to the patient by  
5736 treatment with an investigational drug or investigational device; and

5737 (ii) will inevitably lead to the patient's death; and

5738 (b) presents the patient, after the patient has explored conventional therapy options,  
5739 with no treatment option that is satisfactory or comparable to treatment with an investigational  
5740 drug or device.

5741 Section 129. Section **58-85-104** is amended to read:

5742 **58-85-104. Standard of care -- Medical practitioners not liable -- No private right**  
5743 **of action.**

5744 (1) [(a)] It is not a breach of the applicable standard of care for a physician, other  
5745 licensed health care provider, or hospital to treat an eligible patient with an investigational drug  
5746 or investigational device under this chapter.

5747 [~~(b) It is not a breach of the applicable standard of care for a physician to recommend a~~  
5748 ~~cannabis-based treatment to a terminally ill patient under this chapter, or a health care facility~~  
5749 ~~to aid or assist in any way a terminally ill patient's use of cannabis.]~~

5750 (2) A physician, other licensed health care provider, or hospital that treats an eligible  
5751 patient with an investigational drug or investigational device under this chapter[~~, or a physician~~  
5752 ~~who recommends a cannabis-based treatment to a terminally ill patient or a health care facility~~  
5753 ~~that facilitates a terminally ill patient's recommended use of a cannabis-based treatment under~~  
5754 ~~this chapter,] may not, for any harm done to the eligible patient by the investigational drug or  
5755 device, [~~or for any harm done to the terminally ill patient by the cannabis-based treatment,] be  
5756 subject to:~~~~

5757 (a) civil liability;

5758 (b) criminal liability; or

5759 (c) licensure sanctions under:

5760 (i) for a physician:

- 5761 (A) Title 58, Chapter 67, Utah Medical Practice Act; or  
 5762 (B) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;  
 5763 (ii) for the other licensed health care provider, the act governing the other licensed  
 5764 health care provider's license; or  
 5765 (iii) for the hospital [~~or health care facility~~], Title 26, Chapter 21, Health Care Facility  
 5766 Licensing and Inspection Act.
- 5767 (3) This chapter does not:  
 5768 (a) require a manufacturer of an investigational drug or investigational device to agree  
 5769 to make an investigational drug or investigational device available to an eligible patient or an  
 5770 eligible patient's physician;  
 5771 (b) require a physician to agree to:  
 5772 (i) administer an investigational drug to an eligible patient under this chapter; or  
 5773 (ii) treat an eligible patient with an investigational device under this chapter; or  
 5774 [~~(iii) recommend a cannabis-based treatment to a terminally ill patient; or~~]  
 5775 (c) create a private right of action for an eligible patient:  
 5776 (i) against a physician or hospital, for the physician's or hospital's refusal to:  
 5777 (A) administer an investigational drug to an eligible patient under this chapter; or  
 5778 (B) treat an eligible patient with an investigational device under this chapter; or  
 5779 [~~(C) recommend a cannabis-based treatment to the terminally ill patient; or~~]  
 5780 (ii) against a manufacturer, for the manufacturer's refusal to provide an eligible patient  
 5781 with an investigational drug or an investigational device under this chapter.
- 5782 Section 130. Section **58-85-105** is amended to read:  
 5783 **58-85-105. Insurance coverage.**  
 5784 (1) This chapter does not:  
 5785 (a) require an insurer to cover the cost of:  
 5786 (i) administering an investigational drug under this chapter; or  
 5787 (ii) treating a patient with an investigational device under this chapter; or  
 5788 [~~(iii) a cannabis-based treatment; or~~]  
 5789 (b) prohibit an insurer from covering the cost of:  
 5790 (i) administering an investigational drug under this chapter; or  
 5791 (ii) treating a patient with an investigational device under this chapter[~~; or~~].

5792 [~~(iii) a cannabis-based treatment.~~]

5793 (2) Except as described in Subsection (3), an insurer may deny coverage to an eligible  
5794 patient who is treated with an investigational drug or investigational device, for harm to the  
5795 eligible patient caused by the investigational drug or investigational device.

5796 (3) An insurer may not deny coverage to an eligible patient under Subsection (2) for:

5797 (a) the eligible patient's preexisting condition;

5798 (b) benefits that commenced before the day on which the eligible patient is treated with  
5799 the investigational drug or investigational device; or

5800 (c) palliative or hospice care for an eligible patient that has been treated with an  
5801 investigational drug or device, but is no longer receiving curative treatment with the  
5802 investigational drug or device.

5803 Section 131. Section **59-12-104.10** is enacted to read:

5804 **59-12-104.10. Exemption from sales tax for cannabis.**

5805 (1) As used in this section:

5806 (a) "Cannabis" means the same as that term is defined in Section [26-61a-102](#).

5807 (b) "Cannabis product" means the same as that term is defined in Section [26-61a-102](#).

5808 (c) "Medical cannabis device" means the same as that term is defined in Section  
5809 [26-61a-102](#).

5810 (d) "Medical cannabis pharmacy" means the same as that term is defined in Section  
5811 [26-61a-102](#).

5812 (e) "Medicinal dosage form" means the same as that term is defined in Section  
5813 [26-61a-102](#).

5814 (f) "State central fill medical cannabis pharmacy" means the same as that term is  
5815 defined in Section [26-61a-102](#).

5816 (2) In addition to the exemptions described in Section [59-12-104](#), the sale by a licensed  
5817 medical cannabis pharmacy or the state central fill medical cannabis pharmacy of the following  
5818 is not subject to the taxes this chapter imposes:

5819 (a) cannabis in a medicinal dosage form; or

5820 (b) a cannabis product in a medicinal dosage form.

5821 (3) The sale of a medical cannabis device by a medical cannabis pharmacy or the state  
5822 central fill medical cannabis pharmacy is subject to the taxes this chapter imposes.

5823 Section 132. Section **62A-3-322** is enacted to read:

5824 **62A-3-322. Medical cannabis use by a vulnerable adult or guardian.**

5825 A peace officer or an employee or agent of the division may not solicit or provide, and a  
5826 court may not order, emergency services for a vulnerable adult based solely on:

5827 (1) the vulnerable adult's possession or use of cannabis in accordance with Title 26,  
5828 Chapter 61a, Utah Medical Cannabis Act; or

5829 (2) the guardian of the vulnerable adult assisting with the use of or possessing cannabis  
5830 in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act.

5831 Section 133. Section **62A-4a-202.1** is amended to read:

5832 **62A-4a-202.1. Entering home of a child -- Taking a child into protective custody**  
5833 **-- Caseworker accompanied by peace officer -- Preventive services -- Shelter facility or**  
5834 **emergency placement.**

5835 (1) A peace officer or child welfare worker may not:

5836 (a) enter the home of a child who is not under the jurisdiction of the court, remove a  
5837 child from the child's home or school, or take a child into protective custody unless authorized  
5838 under Subsection **78A-6-106(2)**; or

5839 (b) remove a child from the child's home or take a child into custody under this section  
5840 solely on the basis of:

5841 (i) educational neglect, truancy, or failure to comply with a court order to attend  
5842 school; or

5843 (ii) the possession or use, in accordance with Title 26, Chapter 61a, Utah Medical  
5844 Cannabis Act, of cannabis in a medicinal dosage form, a cannabis product in a medicinal  
5845 dosage form, or a medical cannabis device [in the home, if the use and possession of the  
5846 cannabis, cannabis product, or medical cannabis device is in compliance with Title 26, Chapter  
5847 60b, Medical Cannabis Act], as those terms are defined in Section **26-61a-102**.

5848 (2) A child welfare worker within the division may take action under Subsection ~~[(10)]~~  
5849 (1) accompanied by a peace officer, or without a peace officer when a peace officer is not  
5850 reasonably available.

5851 (3) (a) If possible, consistent with the child's safety and welfare, before taking a child  
5852 into protective custody, the child welfare worker shall also determine whether there are  
5853 services available that, if provided to a parent or guardian of the child, would eliminate the

5854 need to remove the child from the custody of the child's parent or guardian.

5855 (b) If the services described in Subsection (3)(a) are reasonably available, they shall be  
5856 utilized.

5857 (c) In determining whether the services described in Subsection (3)(a) are reasonably  
5858 available, and in making reasonable efforts to provide those services, the child's health, safety,  
5859 and welfare shall be the child welfare worker's paramount concern.

5860 (4) (a) A child removed or taken into custody under this section may not be placed or  
5861 kept in a secure detention facility pending court proceedings unless the child is detainable  
5862 based on guidelines promulgated by the Division of Juvenile Justice Services.

5863 (b) A child removed from the custody of the child's parent or guardian but who does  
5864 not require physical restriction shall be given temporary care in:

5865 (i) a shelter facility; or

5866 (ii) an emergency placement in accordance with Section [62A-4a-209](#).

5867 (c) When making a placement under Subsection (4)(b), the Division of Child and  
5868 Family Services shall give priority to a placement with a noncustodial parent, relative, or  
5869 friend, in accordance with Section [62A-4a-209](#).

5870 [~~a~~] (d) If the child is not placed with a noncustodial parent, a relative, or a designated  
5871 friend, the caseworker assigned to the child shall file a report with the caseworker's supervisor  
5872 explaining why a different placement was in the child's best interest.

5873 (5) When a child is removed from the child's home or school or taken into protective  
5874 custody, the caseworker shall give a parent of the child a pamphlet or flier explaining:

5875 (a) the parent's rights under this part, including the right to be present and participate in  
5876 any court proceeding relating to the child's case;

5877 (b) that it may be in the parent's best interest to contact an attorney and that, if the  
5878 parent cannot afford an attorney, the court will appoint one;

5879 (c) the name and contact information of a division employee the parent may contact  
5880 with questions;

5881 (d) resources that are available to the parent, including:

5882 (i) mental health resources;

5883 (ii) substance abuse resources; and

5884 (iii) parenting classes; and

5885 (e) any other information considered relevant by the division.

5886 (6) The pamphlet or flier described in Subsection (5) shall be:

5887 (a) evaluated periodically for its effectiveness at conveying necessary information and  
5888 revised accordingly;

5889 (b) written in simple, easy-to-understand language; and

5890 (c) available in English and other languages as the division determines to be  
5891 appropriate and necessary.

5892 Section 134. Section **63I-1-226** is amended to read:

5893 **63I-1-226. Repeal dates, Title 26.**

5894 (1) Section 26-1-40 is repealed July 1, 2019.

5895 ~~[(+)]~~ (2) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed  
5896 July 1, 2025.

5897 ~~[(2)]~~ (3) Section 26-10-11 is repealed July 1, 2020.

5898 (4) Subsection 26-18-417(3) is repealed July 1, 2020.

5899 ~~[(3) Section 26-21-23, Licensing of non-Medicaid nursing facility beds, is repealed~~  
5900 ~~July 1, 2018.]~~

5901 ~~[(4)]~~ (5) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1,  
5902 2024.

5903 (6) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July 1, 2024.

5904 (7) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is repealed  
5905 July 1, 2024.

5906 ~~[(5)]~~ (8) Title 26, Chapter ~~[36a]~~ 36d, Hospital Provider Assessment Act, is repealed  
5907 July 1, ~~[2016]~~ 2019.

5908 ~~[(6) Section 26-38-2.5 is repealed July 1, 2017.]~~

5909 ~~[(7) Section 26-38-2.6 is repealed July 1, 2017.]~~

5910 ~~[(8)]~~ (9) Title 26, Chapter 56, Hemp Extract Registration Act, is repealed January 1,  
5911 2019.

5912 (10) Title 26, Chapter 63, Nurse Home Visiting Pay-for-Success Program, is repealed  
5913 July 1, 2026.

5914 Section 135. Section **63I-1-258** is amended to read:

5915 **63I-1-258. Repeal dates, Title 58.**

- 5916 (1) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is  
5917 repealed July 1, 2026.
- 5918 (2) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2025.
- 5919 (3) Title 58, Chapter ~~[20a]~~ 20b, Environmental Health Scientist Act, is repealed July 1,  
5920 ~~[2018]~~ 2028.
- 5921 (4) Section 58-37-4.3 is repealed January 1, 2020.
- 5922 (5) Subsection 58-37-6(7)(f)(iii) is repealed July 1, 2022, and the Office of Legislative  
5923 Research and General Counsel is authorized to renumber the remaining subsections  
5924 accordingly.
- 5925 ~~[(5)]~~ (6) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1,  
5926 2023.
- 5927 ~~[(6)]~~ (7) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing  
5928 Act, is repealed July 1, 2019.
- 5929 ~~[(7)]~~ (8) Title 58, Chapter 42a, Occupational Therapy Practice Act, is repealed July 1,  
5930 2025.
- 5931 ~~[(8)]~~ (9) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is  
5932 repealed July 1, 2023.
- 5933 ~~[(9)]~~ (10) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1,  
5934 2024.
- 5935 ~~[(10)]~~ (11) Title 58, Chapter 61, Part 7, Behavior Analyst Licensing Act, is repealed  
5936 July 1, 2026.
- 5937 ~~[(11)]~~ (12) Title 58, Chapter 72, Acupuncture Licensing Act, is repealed July 1, 2027.
- 5938 (13) Title 58, Chapter 86, State Certification of Commercial Interior Designers Act, is  
5939 repealed July 1, 2021.
- 5940 (14) The following sections are repealed on July 1, 2019:
- 5941 (a) Section 58-5a-502;
- 5942 (b) Section 58-31b-502.5;
- 5943 (c) Section 58-67-502.5;
- 5944 (d) Section 58-68-502.5; and
- 5945 (e) Section 58-69-502.5.
- 5946 Section 136. Section **67-19-33** is amended to read:



5947 **67-19-33. Controlled substances and alcohol use prohibited.**

5948 [~~An~~] Except as provided in Title 26, Chapter 61a, Utah Medical Cannabis Act, an  
5949 employee may not:

5950 (1) manufacture, dispense, possess, use, distribute, or be under the influence of a  
5951 controlled substance or alcohol during work hours or on state property except where legally  
5952 permissible;

5953 (2) manufacture, dispense, possess, use, or distribute a controlled substance or alcohol  
5954 if the activity prevents:

5955 (a) state agencies from receiving federal grants or performing under federal contracts of  
5956 \$25,000 or more; or

5957 (b) the employee to perform his services or work for state government effectively as  
5958 regulated by the rules of the executive director in accordance with Section 67-19-34; or

5959 (3) refuse to submit to a drug or alcohol test under Section 67-19-36.

5960 Section 137. Section **78A-6-508 (Superseded 07/01/19)** is amended to read:

5961 **78A-6-508 (Superseded 07/01/19). Evidence of grounds for termination.**

5962 (1) In determining whether a parent or parents have abandoned a child, it is prima facie  
5963 evidence of abandonment that the parent or parents:

5964 (a) although having legal custody of the child, have surrendered physical custody of the  
5965 child, and for a period of six months following the surrender have not manifested to the child  
5966 or to the person having the physical custody of the child a firm intention to resume physical  
5967 custody or to make arrangements for the care of the child;

5968 (b) have failed to communicate with the child by mail, telephone, or otherwise for six  
5969 months;

5970 (c) failed to have shown the normal interest of a natural parent, without just cause; or

5971 (d) have abandoned an infant, as described in Subsection 78A-6-316(1).

5972 (2) In determining whether a parent or parents are unfit or have neglected a child the  
5973 court shall consider, but is not limited to, the following circumstances, conduct, or conditions:

5974 (a) emotional illness, mental illness, or mental deficiency of the parent that renders the  
5975 parent unable to care for the immediate and continuing physical or emotional needs of the child  
5976 for extended periods of time;

5977 (b) conduct toward a child of a physically, emotionally, or sexually cruel or abusive

5978 nature;

5979 (c) habitual or excessive use of intoxicating liquors, controlled substances, or  
5980 dangerous drugs that render the parent unable to care for the child;

5981 (d) repeated or continuous failure to provide the child with adequate food, clothing,  
5982 shelter, education, or other care necessary for the child's physical, mental, and emotional health  
5983 and development by a parent or parents who are capable of providing that care;

5984 (e) whether the parent is incarcerated as a result of conviction of a felony, and the  
5985 sentence is of such length that the child will be deprived of a normal home for more than one  
5986 year;

5987 (f) a history of violent behavior; or

5988 (g) whether the parent has intentionally exposed the child to pornography or material  
5989 harmful to a minor, as defined in Section 76-10-1201.

5990 (3) Notwithstanding Subsection (2)(c), the court may not discriminate against a parent  
5991 [~~because of the~~] or otherwise consider a parent's lawful possession or consumption of cannabis  
5992 in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical  
5993 cannabis device, as those terms are defined in Section 26-61a-102, in accordance with Title 26,  
5994 Chapter [~~60b~~] 61a, Utah Medical Cannabis Act.

5995 (4) A parent who, legitimately practicing the parent's religious beliefs, does not provide  
5996 specified medical treatment for a child is not, for that reason alone, a negligent or unfit parent.

5997 (5) (a) Notwithstanding Subsection (2), a parent may not be considered neglectful or  
5998 unfit because of a health care decision made for a child by the child's parent unless the state or  
5999 other party to the proceeding shows, by clear and convincing evidence, that the health care  
6000 decision is not reasonable and informed.

6001 (b) Nothing in Subsection (5)(a) may prohibit a parent from exercising the right to  
6002 obtain a second health care opinion.

6003 (6) If a child has been placed in the custody of the division and the parent or parents  
6004 fail to comply substantially with the terms and conditions of a plan within six months after the  
6005 date on which the child was placed or the plan was commenced, whichever occurs later, that  
6006 failure to comply is evidence of failure of parental adjustment.

6007 (7) The following circumstances constitute prima facie evidence of unfitness:

6008 (a) sexual abuse, sexual exploitation, injury, or death of a sibling of the child, or of any

6009 child, due to known or substantiated abuse or neglect by the parent or parents;

6010 (b) conviction of a crime, if the facts surrounding the crime are of such a nature as to  
6011 indicate the unfitness of the parent to provide adequate care to the extent necessary for the  
6012 child's physical, mental, or emotional health and development;

6013 (c) a single incident of life-threatening or gravely disabling injury to or disfigurement  
6014 of the child;

6015 (d) the parent has committed, aided, abetted, attempted, conspired, or solicited to  
6016 commit murder or manslaughter of a child or child abuse homicide; or

6017 (e) the parent intentionally, knowingly, or recklessly causes the death of another parent  
6018 of the child, without legal justification.

6019 Section 138. Section **78A-6-508 (Effective 07/01/19)** is amended to read:

6020 **78A-6-508 (Effective 07/01/19). Evidence of grounds for termination.**

6021 (1) In determining whether a parent or parents have abandoned a child, it is prima facie  
6022 evidence of abandonment that the parent or parents:

6023 (a) although having legal custody of the child, have surrendered physical custody of the  
6024 child, and for a period of six months following the surrender have not manifested to the child  
6025 or to the person having the physical custody of the child a firm intention to resume physical  
6026 custody or to make arrangements for the care of the child;

6027 (b) have failed to communicate with the child by mail, telephone, or otherwise for six  
6028 months;

6029 (c) failed to have shown the normal interest of a natural parent, without just cause; or

6030 (d) have abandoned an infant, as described in Subsection [78A-6-316\(1\)](#).

6031 (2) In determining whether a parent or parents are unfit or have neglected a child the  
6032 court shall consider, but is not limited to, the following circumstances, conduct, or conditions:

6033 (a) emotional illness, mental illness, or mental deficiency of the parent that renders the  
6034 parent unable to care for the immediate and continuing physical or emotional needs of the child  
6035 for extended periods of time;

6036 (b) conduct toward a child of a physically, emotionally, or sexually cruel or abusive  
6037 nature;

6038 (c) habitual or excessive use of intoxicating liquors, controlled substances, or  
6039 dangerous drugs that render the parent unable to care for the child;

6040 (d) repeated or continuous failure to provide the child with adequate food, clothing,  
6041 shelter, education, or other care necessary for the child's physical, mental, and emotional health  
6042 and development by a parent or parents who are capable of providing that care;

6043 (e) whether the parent is incarcerated as a result of conviction of a felony, and the  
6044 sentence is of such length that the child will be deprived of a normal home for more than one  
6045 year;

6046 (f) a history of violent behavior; or

6047 (g) whether the parent has intentionally exposed the child to pornography or material  
6048 harmful to a minor, as defined in Section [76-10-1201](#).

6049 (3) Notwithstanding Subsection (2)(c), the court may not discriminate against a parent  
6050 because of or otherwise consider the parent's lawful possession or consumption of cannabis in a  
6051 medicinal dosage form, a cannabis product, as those terms are defined in Section [26-61a-102](#) or  
6052 a medical cannabis device, in accordance with Title 26, Chapter ~~[60b]~~ [61a](#), Utah Medical  
6053 Cannabis Act.

6054 (4) A parent who, legitimately practicing the parent's religious beliefs, does not provide  
6055 specified medical treatment for a child is not, for that reason alone, a negligent or unfit parent.

6056 (5) (a) Notwithstanding Subsection (2), a parent may not be considered neglectful or  
6057 unfit because of a health care decision made for a child by the child's parent unless the state or  
6058 other party to the proceeding shows, by clear and convincing evidence, that the health care  
6059 decision is not reasonable and informed.

6060 (b) Nothing in Subsection (5)(a) may prohibit a parent from exercising the right to  
6061 obtain a second health care opinion.

6062 (6) If a child has been placed in the custody of the division and the parent or parents  
6063 fail to comply substantially with the terms and conditions of a plan within six months after the  
6064 date on which the child was placed or the plan was commenced, whichever occurs later, that  
6065 failure to comply is evidence of failure of parental adjustment.

6066 (7) The following circumstances constitute prima facie evidence of unfitness:

6067 (a) sexual abuse, sexual exploitation, injury, or death of a sibling of the child, or of any  
6068 child, due to known or substantiated abuse or neglect by the parent or parents;

6069 (b) conviction of a crime, if the facts surrounding the crime are of such a nature as to  
6070 indicate the unfitness of the parent to provide adequate care to the extent necessary for the

6071 child's physical, mental, or emotional health and development;

6072 (c) a single incident of life-threatening or gravely disabling injury to or disfigurement  
6073 of the child;

6074 (d) the parent has committed, aided, abetted, attempted, conspired, or solicited to  
6075 commit murder or manslaughter of a child or child abuse homicide; or

6076 (e) the parent intentionally, knowingly, or recklessly causes the death of another parent  
6077 of the child, without legal justification.

6078 Section 139. **Repealer.**

6079 This bill repeals:

6080 Section 4-41-201, Title.

6081 Section 4-41-202, Definitions.

6082 Section 4-41-203, Department to cultivate cannabis.

6083 Section 4-41-301, Department to establish a state dispensary.

6084 Section 4-41-302, Labeling.

6085 Section 4-41-303, Department to set prices.

6086 Section 4-41-304, Department to make rules regarding purchasers, communication

6087 -- Report.

6088 Section 4-41b-104, Preemption.

6089 Section 4-43-101 (Effective 07/01/19), Title.

6090 Section 4-43-102 (Effective 07/01/19), Definitions.

6091 Section 4-43-201 (Effective 07/01/19), Cannabidiol processor -- Cannabidiol

6092 laboratory -- License -- Renewal.

6093 Section 4-43-202 (Effective 07/01/19), Renewal.

6094 Section 4-43-203 (Effective 07/01/19), Bond required for license.

6095 Section 4-43-301 (Effective 07/01/19), Cannabidiol processor and laboratory

6096 agents.

6097 Section 4-43-401 (Effective 07/01/19), Cannabidiol processor or cannabidiol

6098 laboratory -- General operating requirements.

6099 Section 4-43-402 (Effective 07/01/19), Cannabidiol processor or cannabidiol

6100 laboratory -- Inspection by department.

6101 Section 4-43-501 (Effective 07/01/19), Cannabidiol processor -- Operating

6102 requirements.

6103 Section 4-43-502 (Effective 07/01/19), Cannabidiol product.

6104 Section 4-43-503 (Effective 07/01/19), Cannabidiol medicine -- Labeling and  
6105 packaging.

6106 Section 4-43-601 (Effective 07/01/19), Hemp and cannabidiol product testing.

6107 Section 4-43-602 (Effective 07/01/19), Reporting -- Inspections.

6108 Section 4-43-701 (Effective 07/01/19), Enforcement -- Fine -- Citation.

6109 Section 4-43-702 (Effective 07/01/19), Report to the Legislature.

6110 Section 4-43-703 (Effective 07/01/19), Fees -- Deposit into Cannabinoid Product

6111 Restricted Account.

6112 Section 4-43-801 (Effective 07/01/19), Cannabinoid Product Restricted Account --  
6113 Creation.

6114 Section 26-60b-104, Preemption.

6115 Section 58-67-808 (Effective 07/01/19), Recommendation of cannabidiol products.

6116 Section 58-68-808 (Effective 07/01/19), Recommendation of cannabidiol products.

6117 Section 58-85-103.5, Right to request a recommendation for a cannabis-based  
6118 treatment.

6119 Section 58-88-101 (Effective 07/01/19), Title.

6120 Section 58-88-102 (Effective 07/01/19), Definitions.

6121 Section 58-88-103 (Effective 07/01/19), Cannabidiol-qualified pharmacy

6122 requirements.

6123 Section 58-88-104 (Effective 07/01/19), Division to make rules -- Study.

6124 Section 59-12-104.7 (Repealed 01/01/19), Reporting by purchaser of certain sales  
6125 and use tax exempt purchases.

6126 Section 59-12-104.9 (Effective 07/01/19), Exemption from sales tax for cannabinoid  
6127 products.

6128 Section 59-29-101 (Effective 07/01/19), Title.

6129 Section 59-29-102 (Effective 07/01/19), Definitions.

6130 Section 59-29-103 (Effective 07/01/19), Imposition of tax -- Rate -- Administration.

6131 Section 59-29-104 (Effective 07/01/19), Collection of tax.

6132 Section 59-29-105 (Effective 07/01/19), Deposit of tax revenue.

6133 Section [59-29-106](#) (Effective 07/01/19), **Records.**

6134 Section [59-29-107](#) (Effective 07/01/19), **Rulemaking authority.**

6135 Section [59-29-108](#) (Effective 07/01/19), **Penalties and interest.**

6136 Section 140. **Effective date.**

6137 (1) Except as provided in Subsection (2), if approved by two-thirds of all the members  
6138 elected to each house, this bill takes effect upon approval by the governor, or the day following  
6139 the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's  
6140 signature, or in the case of a veto, the date of veto override.

6141 (2) The amendments to Sections [26-65-102](#) (Effective (07/01/19), [26-65-103](#) (Effective  
6142 07/01/19), [41-6a-517](#) (Effective 07/01/19), [58-37-3.6](#) (Effective 07/01/19), and [78A-6-508](#)  
6143 (Effective 07/01/19) in this bill take effect on July 1, 2019.

6144 Section 141. **Revisor instructions.**

6145 The Legislature intends that the Office of Legislative Research and General Counsel, in  
6146 preparing the Utah Code database for publication:

6147 (1) in Sections [4-41a-106](#) and [26-61a-114](#) replace the language from "this bill" with  
6148 the bill's designated chapter number in the Laws of Utah; and

6149 (2) in Sections [4-41a-201](#), [4-41a-301](#), [4-41a-401](#), [26-61a-202](#), [26-61a-301](#), [26-61a-401](#),  
6150 [26-61a-602](#), and [26-61a-606](#), replace the language from "the effective date of this bill" to the  
6151 bill's actual effective date.