

Jennifer Dailey-Provost proposes the following substitute bill:

Cannabis Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jennifer Dailey-Provost

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill amends provisions related to medical cannabis.

Highlighted Provisions:

This bill:

- defines terms;
- allows for additional medical cannabis pharmacies;
- creates a new medical cannabis pharmacy license for independent medical cannabis pharmacies;
- creates ownership restrictions for independent medical cannabis pharmacies;
- adjusts fees for certain medical cannabis pharmacy licenses;
- amends provisions regarding cannabis production and sanitation;
- modifies provisions related to enforcement and appeals;
- amends provisions related to closed-door medical cannabis pharmacies;
- allows a cannabis processing facility to have a website that includes product information;
- limits the number of licenses that the Department of Agriculture and Food (department) may issue for cannabis processing facilities;
- amends provisions regarding when the department may seize products and test products;
- amends provisions related to information a medical cannabis pharmacy must have available to a patient purchasing medical cannabis;
- creates a reporting requirement for the department;
- repeals sections related to the state central patient portal;
- creates a medical cannabis ombudsman and duties for the ombudsman;
- authorizes the creation of patient product information inserts;
- moves the repeal of the Cannabis Research Review Board earlier one year;
- extends the repeal date for the Medical Cannabis Governance Structure Working Group;

29 and

30 ▸ makes technical and conforming changes.

31 **Money Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 None

35 **Utah Code Sections Affected:**

36 AMENDS:

37 **4-41a-102**, as last amended by Laws of Utah 2024, Chapters 217, 238 and 240

38 **4-41a-110**, as enacted by Laws of Utah 2023, Chapter 273

39 **4-41a-205**, as last amended by Laws of Utah 2020, Chapter 12

40 **4-41a-401**, as last amended by Laws of Utah 2024, Chapter 217

41 **4-41a-403**, as last amended by Laws of Utah 2023, Chapter 327

42 **4-41a-501**, as last amended by Laws of Utah 2023, Chapter 313

43 **4-41a-701**, as last amended by Laws of Utah 2023, Chapters 313, 317

44 **4-41a-801**, as renumbered and amended by Laws of Utah 2018, Third Special Session,
45 Chapter 1

46 **4-41a-802**, as last amended by Laws of Utah 2024, Chapter 217

47 **4-41a-1001**, as last amended by Laws of Utah 2024, Chapters 217, 238 and 240

48 **4-41a-1003**, as last amended by Laws of Utah 2023, Chapter 435 and renumbered and
49 amended by Laws of Utah 2023, Chapters 273, 307 and last amended by Coordination Clause,
50 Laws of Utah 2023, Chapter 307

51 **4-41a-1005**, as last amended by Laws of Utah 2024, Chapter 217

52 **4-41a-1101**, as last amended by Laws of Utah 2024, Chapter 217

53 **4-41a-1201**, as enacted by Laws of Utah 2023, Chapter 273

54 **4-41a-1202**, as last amended by Laws of Utah 2024, Chapters 217, 240

55 **4-41a-1203**, as renumbered and amended by Laws of Utah 2023, Chapters 273, 307 and
56 last amended by Coordination Clause, Laws of Utah 2023, Chapter 307

57 **4-41a-1206**, as enacted by Laws of Utah 2024, Chapter 238

58 **26B-1-310**, as last amended by Laws of Utah 2023, Chapters 273, 281 and renumbered
59 and amended by Laws of Utah 2023, Chapter 305 and last amended by Coordination Clause,
60 Laws of Utah 2023, Chapter 305

61 **26B-1-435**, as last amended by Laws of Utah 2024, Chapters 238, 240

62 **26B-4-201**, as last amended by Laws of Utah 2024, Chapters 217, 240

- 63 **26B-4-202**, as last amended by Laws of Utah 2024, Chapters 217, 240
 64 **26B-4-214**, as last amended by Laws of Utah 2024, Chapter 240
 65 **26B-4-222**, as last amended by Laws of Utah 2024, Chapter 240
 66 **26B-4-243**, as enacted by Laws of Utah 2023, Chapter 281
 67 **26B-4-247**, as enacted by Laws of Utah 2023, Chapter 273
 68 **63I-2-204**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
 69 **63I-2-226**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
 70 **63I-2-236**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

71 ENACTS:

- 72 **4-41a-1006**, Utah Code Annotated 1953
 73 **26B-4-248**, Utah Code Annotated 1953

74 REPEALS:

- 75 **4-41a-801.1**, as renumbered and amended by Laws of Utah 2023, Chapters 273, 307 and
 76 last amended by Coordination Clause, Laws of Utah 2023, Chapter 307
 77 **26B-4-236**, as last amended by Laws of Utah 2023, Chapters 273, 317 and renumbered
 78 and amended by Laws of Utah 2023, Chapter 307 and last amended by Coordination Clause,
 79 Laws of Utah 2023, Chapter 307

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

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

83 **4-41a-102 . Definitions.**

84 As used in this chapter:

- 85 (1) "Adulterant" means any poisonous or deleterious substance in a quantity that may be
 86 injurious to health, including:
 87 (a) pesticides;
 88 (b) heavy metals;
 89 (c) solvents;
 90 (d) microbial life;
 91 (e) artificially derived cannabinoid;
 92 (f) toxins; or
 93 (g) foreign matter.
 94 (2) "Advertise" or "advertising" means information provided by a person in any medium:
 95 (a) to the public; and
 96 (b) that is not age restricted to an individual who is at least 21 years old.

- 97 (3) "Advisory board" means the Medical Cannabis Policy Advisory Board created in
98 Section 26B-1-435.
- 99 (4)(a) "Anticompetitive business practice" means any practice that reduces the amount
100 of competition in the medical cannabis market that would be considered an attempt to
101 monopolize, as defined in Section 76-10-3103.
- 102 (b) "Anticompetitive business practice" may include:
- 103 (i) agreements that may be considered unreasonable when competitors interact to the
104 extent that they are:
- 105 (A) no longer acting independently; or
106 (B) when collaborating are able to wield market power together;
- 107 (ii) monopolizing or attempting to monopolize trade by:
- 108 (A) acting to maintain or acquire a dominant position in the market; or
109 (B) preventing new entry into the market; or
110 (iii) other conduct outlined in rule.
- 111 (5)(a) "Artificially derived cannabinoid" means a chemical substance that is created by a
112 chemical reaction that changes the molecular structure of any chemical substance
113 derived from the cannabis plant.
- 114 (b) "Artificially derived cannabinoid" does not include:
- 115 (i) a naturally occurring chemical substance that is separated from the cannabis plant
116 by a chemical or mechanical extraction process; or
117 (ii) a cannabinoid that is produced by decarboxylation from a naturally occurring
118 cannabinoid acid without the use of a chemical catalyst.
- 119 (6) "Batch" means a quantity of:
- 120 (a) cannabis extract produced on a particular date and time and produced between
121 completion of equipment and facility sanitation protocols until the next required
122 sanitation cycle during which lots of cannabis are used;
- 123 (b) cannabis product produced on a particular date and time and produced between
124 completion of equipment and facility sanitation protocols until the next required
125 sanitation cycle during which cannabis extract is used; or
- 126 (c) cannabis flower packaged on a particular date and time and produced between
127 completion of equipment and facility sanitation protocols until the next required
128 sanitation cycle during which lots of cannabis are being used.
- 129 [(6)] (7) "Cannabis Research Review Board" means the Cannabis Research Review Board
130 created in Section 26B-1-420.

- 131 ~~[(7)]~~ (8) "Cannabis" means the same as that term is defined in Section 26B-4-201.
- 132 ~~[(8)]~~ (9) "Cannabis concentrate" means:
- 133 (a) the product of any chemical or physical process applied to naturally occurring
- 134 biomass that concentrates or isolates the cannabinoids contained in the biomass; and
- 135 (b) any amount of a natural cannabinoid or artificially derived cannabinoid in an
- 136 artificially derived cannabinoid's purified state.
- 137 ~~[(9)]~~ (10) "Cannabis cultivation byproduct" means any portion of a cannabis plant that is not
- 138 intended to be sold as a cannabis plant product.
- 139 ~~[(10)]~~ (11) "Cannabis cultivation facility" means a person that:
- 140 (a) possesses cannabis;
- 141 (b) grows or intends to grow cannabis; and
- 142 (c) sells or intends to sell cannabis to a cannabis cultivation facility, a cannabis
- 143 processing facility, or a medical cannabis research licensee.
- 144 ~~[(11)]~~ (12) "Cannabis cultivation facility agent" means an individual who
- 145 holds a valid cannabis production establishment agent registration card with a cannabis
- 146 cultivation facility designation.
- 147 ~~[(12)]~~ (13) "Cannabis derivative product" means a product made using cannabis concentrate.
- 148 ~~[(13)]~~ (14) "Cannabis plant product" means any portion of a cannabis plant intended to be
- 149 sold in a form that is recognizable as a portion of a cannabis plant.
- 150 ~~[(14)]~~ (15) "Cannabis processing facility" means a person that:
- 151 (a) acquires or intends to acquire cannabis from a cannabis production establishment;
- 152 (b) possesses cannabis with the intent to manufacture a cannabis product;
- 153 (c) manufactures or intends to manufacture a cannabis product from unprocessed
- 154 cannabis or a cannabis extract; and
- 155 (d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or a
- 156 medical cannabis research licensee.
- 157 ~~[(15)]~~ (16) "Cannabis processing facility agent" means an individual who
- 158 holds a valid cannabis production establishment agent registration card with a cannabis
- 159 processing facility designation.
- 160 ~~[(16)]~~ (17) "Cannabis product" means the same as that term is defined in Section 26B-4-201.
- 161 ~~[(17)]~~ (18) "Cannabis production establishment" means a cannabis cultivation facility, a
- 162 cannabis processing facility, or an independent cannabis testing laboratory.
- 163 ~~[(18)]~~ (19) "Cannabis production establishment agent" means a cannabis cultivation facility
- 164 agent, a cannabis processing facility agent, or an independent cannabis testing laboratory

- 165 agent.
- 166 [(19)] (20) "Cannabis production establishment agent registration card" means a registration
167 card that the department issues that:
- 168 (a) authorizes an individual to act as a cannabis production establishment agent; and
169 (b) designates the type of cannabis production establishment for which an individual is
170 authorized to act as an agent.
- 171 [(20)] (21) "Closed-door medical cannabis pharmacy" means a facility operated by a home
172 delivery medical cannabis pharmacy for delivering [~~cannabis or a medical cannabis~~
173 ~~product~~] medical cannabis.
- 174 [(21)] (22) "Community location" means a public or private elementary or secondary school,
175 a church, a public library, a public playground, or a public park.
- 176 [(22)] (23) "Cultivation space" means, quantified in square feet, the horizontal area in which
177 a cannabis cultivation facility cultivates cannabis, including each level of horizontal area
178 if the cannabis cultivation facility hangs, suspends, stacks, or otherwise positions plants
179 above other plants in multiple levels.
- 180 [(23)] (24) "Delivery address" means:
- 181 (a) for a medical cannabis cardholder who is not a facility:
182 (i) the medical cannabis cardholder's home address; or
183 (ii) an address designated by the medical cannabis cardholder that:
184 (A) is the medical cannabis cardholder's workplace; and
185 (B) is not a community location; or
186 (b) for a medical cannabis cardholder that is a facility, the facility's address.
- 187 [(24)] (25) "Department" means the Department of Agriculture and Food.
- 188 [(25)] (26) "Family member" means a parent, step-parent, spouse, child, sibling,
189 step-sibling, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law,
190 brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.
- 191 [(26)] (27) "Government issued photo identification" means the same as that term is defined
192 in Section 26B-4-201, including expired identification in accordance with Section
193 26B-4-244.
- 194 [(27)] (28) "Home delivery medical cannabis pharmacy" means a medical cannabis
195 pharmacy that the department authorizes, as part of the pharmacy's license, to deliver
196 medical cannabis shipments to a delivery address to fulfill electronic orders[~~that the~~
197 ~~state central patient portal facilitates~~].
- 198 [(28)] (29)(a) "Independent cannabis testing laboratory" means a person that:

- 199 (i) conducts a chemical or other analysis of cannabis or a cannabis product; or
200 (ii) acquires, possesses, and transports cannabis or a cannabis product with the intent
201 to conduct a chemical or other analysis of the cannabis or cannabis product.
- 202 (b) "Independent cannabis testing laboratory" includes a laboratory that the department
203 or a research university operates in accordance with Subsection 4-41a-201(14).
- 204 [(29)] (30) "Independent cannabis testing laboratory agent" means an individual who
205 holds a valid cannabis production establishment agent registration card with an
206 independent cannabis testing laboratory designation.
- 207 [(30)] (31) "Inventory control system" means a system described in Section 4-41a-103.
- 208 [(31)] (32) "Licensing board" or "board" means the Cannabis Production Establishment and
209 Pharmacy Licensing Advisory Board created in Section 4-41a-201.1.
- 210 [(32)] (33) "Medical cannabis" or "medical cannabis product" means the same as that term is
211 defined in Section 26B-4-201.
- 212 [(33)] (34) "Medical cannabis card" means the same as that term is defined in Section
213 26B-4-201.
- 214 [(34)] (35) "Medical cannabis courier" means a courier that:
215 (a) the department licenses in accordance with Section 4-41a-1201; and
216 (b) contracts with a home delivery medical cannabis pharmacy to deliver medical
217 cannabis shipments to fulfill electronic orders[~~that the state central patient portal~~
218 ~~facilitates~~].
- 219 [(35)] (36) "Medical cannabis courier agent" means an individual who:
220 (a) is an employee of a medical cannabis courier; and
221 (b) who holds a valid medical cannabis courier agent registration card.
- 222 (37) "Medical cannabis ombudsman" means the ombudsman created in Section 26B-4-248.
- 223 [(36)] (38) "Medical cannabis pharmacy" means the same as that term is defined in Section
224 26B-4-201.
- 225 [(37)] (39) "Medical cannabis pharmacy agent" means the same as that term is defined in
226 Section 26B-4-201.
- 227 [(38)] (40) "Medical cannabis research license" means a license that the department issues to
228 a research university for the purpose of obtaining and possessing medical cannabis for
229 academic research.
- 230 [(39)] (41) "Medical cannabis research licensee" means a research university that the
231 department licenses to obtain and possess medical cannabis for academic research, in
232 accordance with Section 4-41a-901.

233 [(40)] (42) "Medical cannabis shipment" means a shipment of medical cannabis that a home
234 delivery medical cannabis pharmacy or a medical cannabis courier delivers to a delivery
235 address to fulfill an electronic medical cannabis order[~~that the state central patient portal~~
236 facilitates].

237 [(41)] (43) "Medical cannabis treatment" means the same as that term is defined in Section
238 26B-4-201.

239 [(42)] (44) "Medicinal dosage form" means the same as that term is defined in Section
240 26B-4-201.

241 (45) "Patient product information insert" means the same as that term is defined in Section
242 26B-4-201.

243 [(43)] (46) "Pharmacy ownership limit" means an amount equal to 30% of the total number
244 of medical cannabis pharmacy licenses issued by the department rounded down to the
245 nearest whole number.

246 [(44)] (47) "Pharmacy medical provider" means the same as that term is defined in Section
247 26B-4-201.

248 [(45)] (48) "Qualified medical provider" means the same as that term is defined in Section
249 26B-4-201.

250 [(46)] (49) "Qualified Production Enterprise Fund" means the fund created in Section
251 4-41a-104.

252 [(47)] (50) "Recommending medical provider" means the same as that term is defined in
253 Section 26B-4-201.

254 [(48)] (51) "Research university" means the same as that term is defined in Section
255 53B-7-702 and a private, nonprofit college or university in the state that:

256 (a) is accredited by the Northwest Commission on Colleges and Universities;

257 (b) grants doctoral degrees; and

258 (c) has a laboratory containing or a program researching a schedule I controlled
259 substance described in Section 58-37-4.

260 [(49)] (52) "State electronic verification system" means the system described in Section
261 26B-4-202.

262 [(50)] (53) "Targeted marketing" means the promotion of [~~a cannabis product,~~] medical
263 cannabis, a medical cannabis brand, or a medical cannabis device using any of the
264 following methods:

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

- 267 (b) an in-person marketing event that is:
- 268 (i) held inside a medical cannabis pharmacy; and
- 269 (ii) in an area where only a medical cannabis cardholder may access the event;
- 270 (c) other marketing material that is physically available or digitally displayed in a
- 271 medical cannabis pharmacy; or
- 272 (d) a leaflet a medical cannabis pharmacy places in the opaque package or box that is
- 273 provided to an individual when obtaining medical cannabis:
- 274 (i) in the medical cannabis pharmacy;
- 275 (ii) at the medical cannabis pharmacy's drive-through pick up window; or
- 276 (iii) in a medical cannabis shipment.

277 [~~51~~] (54) "Tetrahydrocannabinol" or "THC" means the same as that term is defined in

278 Section 4-41-102.

279 [~~52~~] (55) "THC analog" means the same as that term is defined in Section 4-41-102.

280 [~~53~~] (56) "Total composite tetrahydrocannabinol" means all detectable forms of

281 tetrahydrocannabinol.

282 [~~54~~] (57) "Total tetrahydrocannabinol" or "total THC" means the same as that term is

283 defined in Section 4-41-102.

284 Section 2. Section **4-41a-110** is amended to read:

285 **4-41a-110 . Department coordination.**

286 The department shall:

- 287 (1) provide draft rules made under this chapter to:
- 288 (a) the advisory board for the advisory board's review; and
- 289 (b) the medical cannabis ombudsman;
- 290 (2) consult with the advisory board before issuing an additional:
- 291 (a) cultivation facility license under Section 4-41a-205; or
- 292 (b) pharmacy license under Section 4-41a-1005;
- 293 (3) consult with the advisory board regarding fees set by the department that pertain to the
- 294 medical cannabis program; and
- 295 (4) when appropriate, consult with the advisory board regarding issues that arise in the
- 296 medical cannabis program.

297 Section 3. Section **4-41a-205** is amended to read:

298 **4-41a-205 . Number of licenses -- Cannabis cultivation facilities -- Cannabis**

299 **processing facilities.**

- 300 (1) Except as provided in Subsection (2)(a), the department shall issue at least five but not

- 301 more than eight licenses to operate a cannabis cultivation facility.
- 302 (2)(a) The department may issue a number of licenses to operate a cannabis cultivation
303 facility that, in addition to the licenses described in Subsection (1), does not cause the
304 total number of licenses to exceed 15 if the department determines, in consultation
305 with the Department of Health and Human Services and after an annual or more
306 frequent analysis of the current and anticipated market for medical cannabis, that
307 each additional license is necessary to provide an adequate supply, quality, or variety
308 of medical cannabis to medical cannabis cardholders.
- 309 (b) If the recipient of one of the initial licenses described in Subsection (1) ceases
310 operations for any reason or otherwise abandons the license, the department may but
311 is not required to grant the vacant license to another applicant based on an analysis as
312 described in Subsection (2)(a).
- 313 (3) If there are more qualified applicants than the number of available licenses for cannabis
314 cultivation facilities under Subsections (1) and (2), the department shall evaluate the
315 applicants and award the limited number of licenses described in Subsections (1) and (2)
316 to the applicants that best demonstrate:
- 317 (a) experience with establishing and successfully operating a business that involves:
318 (i) complying with a regulatory environment;
319 (ii) tracking inventory; and
320 (iii) training, evaluating, and monitoring employees;
- 321 (b) an operating plan that will best ensure the safety and security of patrons and the
322 community;
- 323 (c) positive connections to the local community; and
324 (d) the extent to which the applicant can increase efficiency and reduce the cost to
325 patients of medical cannabis.
- 326 (4) The department may conduct a face-to-face interview with an applicant for a license that
327 the department evaluates under Subsection (3).
- 328 (5) The licensing board may not issue more than 18 cannabis processing facility licenses.
- 329 Section 4. Section **4-41a-401** is amended to read:
- 330 **4-41a-401 . Cannabis production establishment -- General operating**
331 **requirements.**
- 332 (1)(a) A cannabis production establishment shall operate in accordance with the
333 operating plan described in Sections 4-41a-201 and 4-41a-204.
- 334 (b) A cannabis production establishment shall notify the department before a change in

- 335 the cannabis production establishment's operating plan.
- 336 (c)(i) If a cannabis production establishment changes the cannabis production
337 establishment's operating plan, the establishment shall ensure that the new
338 operating plan complies with this chapter.
- 339 (ii) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
340 Utah Administrative Rulemaking Act, a process to:
- 341 (A) review a change notification described in Subsection (1)(b);
342 (B) identify for the cannabis production establishment each point of
343 noncompliance between the new operating plan and this chapter;
344 (C) provide an opportunity for the cannabis production establishment to address
345 each identified point of noncompliance; and
346 (D) suspend or revoke a license if the cannabis production establishment fails to
347 cure the noncompliance.
- 348 (2) A cannabis production establishment shall operate:
- 349 (a) except as provided in Subsection (5), in a facility that is accessible only by an
350 individual with a valid cannabis production establishment agent registration card
351 issued under Section 4-41a-301; and
352 (b) at the physical address provided to the department under Section 4-41a-201.
- 353 (3) A cannabis production establishment may not employ an individual who is younger than
354 21 years old.
- 355 (4) A cannabis production establishment may not employ an individual who has been
356 convicted, under state or federal law, of:
- 357 (a) a felony in the preceding 10 years; or
358 (b) after December 3, 2018, a misdemeanor for drug distribution.
- 359 (5) A cannabis production establishment may authorize an individual who is at least 18
360 years old and is not a cannabis production establishment agent to access the cannabis
361 production establishment if the cannabis production establishment:
- 362 (a) tracks and monitors the individual at all times while the individual is at the cannabis
363 production establishment; and
364 (b) maintains a record of the individual's access, including arrival and departure.
- 365 (6) A cannabis production establishment shall operate in a facility that has:
- 366 (a) a single, secure public entrance;
367 (b) a security system with a backup power source that:
368 (i) detects and records entry into the cannabis production establishment; and

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

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

373 (7) The department shall make rules establishing requirements for cannabis production
374 establishments regarding:

375 (a) master manufacturing plans;

376 (b) batch production records;

377 (c) sanitary operations;

378 (d) sanitary facilities and controls;

379 (e) equipment and utensils;

380 (f) production and process controls;

381 (g) warehousing and distribution; and

382 (h) employee personal hygiene.

383 Section 5. Section **4-41a-403** is amended to read:

384 **4-41a-403 . Advertising.**

385 (1) Except as provided in this section and Section 4-41a-604, a cannabis production
386 establishment may not advertise to the general public in any medium.

387 (2) A cannabis production establishment may advertise an employment opportunity at the
388 cannabis production establishment.

389 (3)(a) A cannabis production establishment may maintain a website that:

390 ~~[(a)]~~ (i) contains information about the establishment and employees; and

391 ~~[(b)]~~ (ii) except as provided in Subsection (3)(b), does not advertise any medical
392 cannabis, cannabis products, or medical cannabis devices.

393 (b) A cannabis processing facility may:

394 (i) if the website has age verification mechanisms that effectively prevent access by
395 individuals under 21 years of age, maintain a website that contains:

396 (A) educational information regarding medical cannabis produced by the cannabis
397 processing facility, including the certificate of analysis that is created by an
398 independent cannabis testing facility; and

399 (B) where medical cannabis produced by the cannabis processing facility may be
400 purchased in the state; and

401 (ii) engage in targeted marketing in accordance with Section 4-41a-604 for
402 advertising a particular medical cannabis product, medical cannabis device, or

- 403 medical cannabis brand.
- 404 (4)(a) Notwithstanding any municipal or county ordinance prohibiting signage, a
405 cannabis production establishment may use signage on the outside of the cannabis
406 production establishment that:
- 407 (i) includes only:
- 408 (A) in accordance with Subsection (4)(b), the cannabis production establishment's
409 name, logo, and hours of operation; and
- 410 (B) a green cross; and
- 411 (ii) complies with local ordinances regulating signage.
- 412 (b) The department shall define standards for a cannabis production establishment's
413 name and logo to ensure a medical rather than recreational disposition.
- 414 (5)(a) A cannabis production establishment may hold an educational event for the public
415 or medical providers in accordance with this Subsection (5) and the rules described in
416 Subsection (5)(c).
- 417 (b) A cannabis production establishment may not include in an educational event
418 described in Subsection (5)(a):
- 419 (i) any topic that conflicts with this chapter or Title 26B, Chapter 4, Part 2,
420 Cannabinoid Research and Medical Cannabis;
- 421 (ii) any gift items or merchandise other than educational materials, as those terms are
422 defined by the department;
- 423 (iii) any marketing for a specific product from the cannabis production establishment
424 or any other statement, claim, or information that would violate the federal Food,
425 Drug, and Cosmetic Act, 21 U.S.C. Sec. 301, et seq.; or
- 426 (iv) a presenter other than the following:
- 427 (A) a cannabis production establishment agent;
- 428 (B) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
- 429 (C) an advanced practice registered nurse licensed under Title 58, Chapter 31b,
430 Nurse Practice Act;
- 431 (D) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
432 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
- 433 (E) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
434 Assistant Act; or
- 435 (F) a state employee.
- 436 (c) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah

437 Administrative Rulemaking Act, to define the elements of and restrictions on the
438 educational event described in Subsection (5)(a), including a minimum age of 21
439 years old for attendees.

440 Section 6. Section **4-41a-501** is amended to read:

441 **4-41a-501 . Cannabis cultivation facility -- Operating requirements.**

442 (1) A cannabis cultivation facility shall ensure that any cannabis growing at the cannabis
443 cultivation facility is not visible from the ground level of the cannabis cultivation facility
444 perimeter.

445 (2) A cannabis cultivation facility shall use a unique identifier that is connected to the
446 facility's inventory control system to identify:

447 (a) beginning at the time a cannabis plant is eight inches tall and has a root ball, each
448 cannabis plant;

449 (b) each unique harvest of cannabis plants;

450 (c) each batch of cannabis the facility transfers to a medical cannabis pharmacy, a
451 cannabis processing facility, or an independent cannabis testing laboratory; and

452 (d) any excess, contaminated, or deteriorated cannabis of which the cannabis cultivation
453 facility disposes.

454 (3) A cannabis cultivation facility shall identify cannabis biomass as cannabis byproduct or
455 cannabis plant product before transferring the cannabis biomass from the facility.

456 (4) A cannabis cultivation facility shall either:

457 (a) ensure that a cannabis processing facility chemically or physically processes
458 cannabis cultivation byproduct to produce a cannabis concentrate for incorporation
459 into cannabis derivative products; or

460 (b) destroy cannabis cultivation byproduct in accordance with Section 4-41a-405.

461 (5) A cannabis cultivation facility may utilize radiation-based methods and equipment for
462 quality assurance or remediation purposes.

463 (6) The department shall make rules establishing:

464 (a) the records a cannabis cultivation facility must keep regarding each batch, amount of
465 product treated, and the methods used; and

466 (b) disclosure requirements to a cannabis processor receiving the material subject to the
467 radiation including the methods and equipment used.

468 Section 7. Section **4-41a-701** is amended to read:

469 **4-41a-701 . Cannabis and cannabis product testing.**

470 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

- 471 department may make rules to:
- 472 (a) determine required adulterant tests for a cannabis plant product, cannabis
473 concentrate, or cannabis product;
- 474 (b) determine the amount of any adulterant that is safe for human consumption;
- 475 (c) immediately ban or limit the presence of any ingredient in a medical cannabis
476 product after receiving a recommendation to do so from a public health authority
477 under Section 26B-1-102;
- 478 (d) establish protocols for a recall of [~~cannabis or a cannabis product~~] medical cannabis
479 by a cannabis production establishment; or
- 480 (e) allow the propagation of testing results forward to derived product if the processing
481 steps the cannabis production establishment uses to produce the product are unlikely
482 to change the results of the test.
- 483 (2)(a) The department may require testing for a toxin if:
- 484 [~~(a)~~] (i) the department receives information indicating the potential presence of a
485 toxin; or
- 486 [~~(b)~~] (ii) the department's inspector has reason to believe a toxin may be present based
487 on the inspection of a facility.
- 488 (b) The department may not require a cannabis processor to test a cannabis batch or a
489 cannabis product batch a third time if the cannabis batch or cannabis product has
490 previously met all testing requirements after being tested by:
- 491 (i) an independent cannabis testing laboratory that is not the department; and
492 (ii) the department.
- 493 (3)(a) A cannabis production establishment may not:
- 494 (i) incorporate cannabis concentrate into a cannabis derivative product until an
495 independent cannabis testing laboratory tests the cannabis concentrate in
496 accordance with department rule; or
- 497 (ii) transfer cannabis or a cannabis product to a medical cannabis pharmacy until an
498 independent cannabis testing laboratory tests a representative sample of the
499 cannabis or cannabis product in accordance with department rule.
- 500 (b) A medical cannabis pharmacy may not offer any cannabis or cannabis product for
501 sale unless an independent cannabis testing laboratory has tested a representative
502 sample of the cannabis or cannabis product in accordance with department rule.
- 503 (4) Before the sale of a medical cannabis product, an independent cannabis testing
504 laboratory shall:

- 505 (a) identify and quantify any cannabinoid known to be present in [a] the medical
 506 cannabis product; and
- 507 (b) test terpene profiles for the following products:
- 508 (i) raw cannabis; or
- 509 (ii) a cannabis product:
- 510 (A) contained in a vaporizer cartridge; or
- 511 (B) in concentrate form; and
- 512 (c) record the five highest terpene profiles tested under Subsection (4)(b).
- 513 (5) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah
 514 Administrative Rulemaking Act, the standards, methods, practices, and procedures for
 515 the testing of cannabis and cannabis products by independent cannabis testing
 516 laboratories.
- 517 (6) The department may require an independent cannabis testing laboratory to participate in
 518 a proficiency evaluation that the department conducts or that an organization that the
 519 department approves conducts.

520 Section 8. Section **4-41a-801** is amended to read:

521 **4-41a-801 . Enforcement -- Fine -- Citation.**

- 522 (1)(a) If a person that is a cannabis production establishment~~[-or]~~ , a cannabis production
 523 establishment agent, a medical cannabis pharmacy, a medical cannabis pharmacy
 524 agent, or a medical cannabis courier violates this chapter, the department may:
- 525 ~~[(a)]~~ (i) revoke the person's license or [~~cannabis production establishment~~] agent
 526 registration card;
- 527 ~~[(b)]~~ (ii) decline to renew the person's license [~~or cannabis production establishment~~]
 528 agent registration card;
- 529 (iii) provide a letter of concern in accordance with Subsection (10); or
- 530 ~~[(e)]~~ (iv) assess the person an administrative penalty that the department establishes
 531 by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
 532 Act.
- 533 (b) Except for a violation that threatens public health or for the third violation of the
 534 same rule or statute in a 24-month period, the department shall issue a letter of
 535 concern before taking other administrative action under this section.
- 536 (2) The department shall deposit an administrative penalty imposed under this section into
 537 the General Fund.
- 538 (3)(a) The department may take an action described in Subsection (3)(b) if the

- 539 department concludes, upon investigation, that~~[, for a person that is]~~ a cannabis
 540 production establishment~~[or]~~, a cannabis production establishment agent~~[;]~~, a
 541 medical cannabis pharmacy, a medical cannabis pharmacy agent, or a medical
 542 cannabis courier
- 543 ~~[(i) the person]~~ has violated the provisions of this chapter, a rule made under this
 544 chapter, or an order issued under this chapter~~[;or]~~.
- 545 ~~[(ii) the person produced cannabis or a cannabis product batch that contains a~~
 546 ~~substance, other than cannabis, that poses a significant threat to human health.]~~
- 547 (b) If the department makes the determination about a person described in Subsection
 548 (3)(a), the department shall:
- 549 (i) issue the person a written administrative citation;
- 550 (ii) attempt to negotiate a stipulated settlement;
- 551 ~~[(iii) seize, embargo, or destroy the cannabis or cannabis product batch;]~~
- 552 ~~[(iv)] (iii)~~ order the person to cease and desist from the action that creates a violation; [
 553 and] or
- 554 ~~[(v)] (iv)~~ direct the person to appear before an adjudicative proceeding conducted
 555 under Title 63G, Chapter 4, Administrative Procedures Act.
- 556 (c) If the department concludes, upon investigation, that a cannabis production
 557 establishment or a cannabis production establishment agent has produced a cannabis
 558 batch or a cannabis product batch that contains a substance that poses a significant
 559 threat to human health, the department shall seize, embargo, or destroy the cannabis
 560 batch or cannabis product batch.
- 561 (4) The department may, for a person subject to an uncontested citation, a stipulated
 562 settlement, or a finding of a violation in an adjudicative proceeding under this section,
 563 for a fine amount not already specified in law, assess the person, who is not an
 564 individual, a fine of up to \$5,000 per violation, in accordance with a fine schedule that
 565 the department establishes by rule in accordance with Title 63G, Chapter 3, Utah
 566 Administrative Rulemaking Act.
- 567 (5) The department may not revoke a ~~[cannabis production establishment's-]~~license without
 568 first directing the ~~[cannabis production establishment]~~ licensee to appear before an
 569 adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative
 570 Procedures Act.
- 571 (6) If within ~~[20]~~ 30 calendar days after the day on which a department serves a citation for
 572 a violation of this chapter, the person that is the subject of the citation fails to request a

- 573 hearing to contest the citation, the citation becomes the department's final order.
- 574 (7) The department may, for a person who fails to comply with a citation under this section:
- 575 (a) refuse to issue or renew the person's license or cannabis production establishment
- 576 agent registration card; or
- 577 (b) suspend, revoke, or place on probation the person's license or cannabis production
- 578 establishment registration card.
- 579 (8)(a) Except where a criminal penalty is expressly provided for a specific violation of
- 580 this chapter, if an individual:
- 581 (i) violates a provision of this chapter, the individual is:
- 582 (A) guilty of an infraction; and
- 583 (B) subject to a \$100 fine; or
- 584 (ii) intentionally or knowingly violates a provision of this chapter or violates this
- 585 chapter three or more times, the individual is:
- 586 (A) guilty of a class B misdemeanor; and
- 587 (B) subject to a \$1,000 fine.
- 588 (b) An individual who is guilty of a violation described in Subsection (8)(a) is not guilty
- 589 of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the
- 590 conduct underlying the violation described in Subsection (8)(a).
- 591 (9) Nothing in this section prohibits the department from referring potential criminal
- 592 activity to law enforcement.
- 593 (10)(a) A letter of concern shall describe:
- 594 (i) the violation including the statute or rule being violated;
- 595 (ii) possible options to remedy the issue; and
- 596 (iii) possible consequences for not remedying the violation.
- 597 (b) Under a letter of concern, the department shall provide the person at least 30 days to
- 598 remedy the violation.
- 599 (c) If the person fails to remedy the violation described in a letter of concern, the
- 600 department may take other enforcement action as described in this section.
- 601 (d) If a letter of concern is resolved without an enforcement action being taken under
- 602 Subsection (10)(c), the department may not report that a letter of concern was issued
- 603 to the licensing board.
- 604 (11)(a) An appeal of administrative action taken under this chapter shall be heard by the
- 605 medical cannabis ombudsman as an informal proceeding in accordance with Title
- 606 63G, Chapter 4, Administrative Procedures Act.

607 (b) Subsection (11)(a) is only effective when the position of medical cannabis
608 ombudsman is actively occupied by an employed individual.

609 Section 9. Section **4-41a-802** is amended to read:

610 **4-41a-802 . Report.**

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

- 613 (a) the number of applications and renewal applications that the department receives
614 under this chapter;
- 615 (b) the number of each type of cannabis production facility that the department licenses
616 in each county;
- 617 (c) the amount of cannabis that licensees grow;
- 618 (d) the amount of cannabis that licensees manufacture into cannabis products;
- 619 (e) the number of licenses the department revokes under this chapter;
- 620 (f) the department's operation of an independent cannabis testing laboratory under
621 Section 4-41a-201, including:
- 622 (i) the cannabis and cannabis products the department tested; and
623 (ii) the results of the tests the department performed;
- 624 (g) the expenses incurred and revenues generated under this chapter; and
625 (h) an analysis of product availability in medical cannabis pharmacies in consultation
626 with the Department of Health and Human Services.

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

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

631 (4)(a) Before August 1, of each year, the department shall provide a report to the
632 working group described in Section 36-12-8.2 that provides the following for each
633 fine issued by the department under this chapter:

- 634 (i) the date of the fine;
635 (ii) the reference to the statute or rule that was violated for each fine issued; and
636 (iii) a short description explaining why the fine was issued.

637 (b) The report described in Subsection (4)(a) may not include identifying information of
638 the person that was subject to the fine.

639 Section 10. Section **4-41a-1001** is amended to read:

640 **4-41a-1001 . Medical cannabis pharmacy -- License -- Eligibility.**

- 641 (1) A person may not:
- 642 (a) operate as a medical cannabis pharmacy without a license that the department issues
643 under this part;
- 644 (b) obtain a medical cannabis pharmacy license if obtaining the license would cause the
645 person to exceed the pharmacy ownership limit;
- 646 (c) obtain a partial ownership share of a medical cannabis pharmacy if obtaining the
647 partial ownership share would cause the person to exceed the pharmacy ownership
648 limit; or
- 649 (d) enter into any contract or agreement that allows the person to directly or indirectly
650 control the operations of a medical cannabis pharmacy if the person's control of the
651 medical cannabis pharmacy would cause the person to effectively exceed the
652 pharmacy ownership limit.
- 653 (2)(a)(i) Subject to Subsections (4) and (5) and to Section 4-41a-1005, the department
654 shall issue a license to operate a medical cannabis pharmacy through the licensing
655 board created under Section 4-41a-201.1.
- 656 (ii) The department may not issue a license to operate a medical cannabis pharmacy
657 to an applicant who is not eligible for a license under this section.
- 658 (b) An applicant is eligible for a license under this section if the applicant submits to the
659 department:
- 660 (i) subject to Subsection (2)(c), a proposed name and address where the applicant will
661 operate the medical cannabis pharmacy;
- 662 (ii) the name and address of an individual who:
- 663 (A) for a publicly traded company, has a financial or voting interest of 10% or
664 greater in the proposed medical cannabis pharmacy;
- 665 (B) for a privately held company, a financial or voting interest in the proposed
666 medical cannabis pharmacy; or
- 667 (C) has the power to direct or cause the management or control of a proposed
668 medical cannabis pharmacy;
- 669 (iii) for each application that the applicant submits to the department, a statement
670 from the applicant that the applicant will obtain and maintain:
- 671 (A) a performance bond in the amount of \$100,000 issued by a surety authorized
672 to transact surety business in the state; or
- 673 (B) a liquid cash account in the amount of \$100,000 with a financial institution;
- 674 (iv) an operating plan that:

- 675 (A) complies with Section 4-41a-1004;
- 676 (B) includes operating procedures to comply with the operating requirements for a
677 medical cannabis pharmacy described in this part and with a relevant municipal
678 or county law that is consistent with Section 4-41a-1106; and
- 679 (C) the department approves;
- 680 (v) an application fee in an amount that, subject to Subsection 4-41a-104(5), the
681 department sets in accordance with Section 63J-1-504; and
- 682 (vi) a description of any investigation or adverse action taken by any licensing
683 jurisdiction, government agency, law enforcement agency, or court in any state for
684 any violation or detrimental conduct in relation to any of the applicant's
685 cannabis-related operations or businesses.
- 686 (c)(i) A person may not locate a medical cannabis pharmacy:
- 687 (A) within 200 feet of a community location; or
- 688 (B) in or within 600 feet of a district that the relevant municipality or county has
689 zoned as primarily residential.
- 690 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured
691 from the nearest entrance to the medical cannabis pharmacy establishment by
692 following the shortest route of ordinary pedestrian travel to the property boundary
693 of the community location or residential area.
- 694 (iii) The department may grant a waiver to reduce the proximity requirements in
695 Subsection (2)(c)(i) by up to 20% if the department determines that it is not
696 reasonably feasible for the applicant to cite the proposed medical cannabis
697 pharmacy without the waiver.
- 698 (iv) An applicant for a license under this section shall provide evidence of
699 compliance with the proximity requirements described in Subsection (2)(c)(i).
- 700 (d) The department may not issue a license to an eligible applicant that the department
701 has selected to receive a license until the selected eligible applicant complies with the
702 bond or liquid cash requirement described in Subsection (2)(b)(iii).
- 703 (e) If the department receives more than one application for a medical cannabis
704 pharmacy within the same city or town, the department shall consult with the local
705 land use authority before approving any of the applications pertaining to that city or
706 town.
- 707 (f) In considering the issuance of a medical cannabis pharmacy license under this
708 section, the department may consider the extent to which the pharmacy can increase

- 709 efficiency and reduce cost to patients of medical cannabis.
- 710 [~~(3) If the department selects an applicant]~~
- 711 (3)(a) After an entity has been selected for a medical cannabis pharmacy license under
- 712 this section, the department shall:
- 713 [~~(a)~~] (i) charge the applicant an initial license fee in an amount that, subject to
- 714 Subsection 4-41a-104(5), the department sets in accordance with Section
- 715 63J-1-504;
- 716 [~~(b)~~] (ii) notify the Department of Public Safety of the license approval and the names
- 717 of each individual described in Subsection (2)(b)(ii); and
- 718 [~~(c)~~] (iii) charge the licensee a fee in an amount that, subject to Subsection 4-41a-104
- 719 (5), the department sets in accordance with Section 63J-1-504, for any change in
- 720 location, ownership, or company structure.
- 721 (b) For a fee described in Subsection (3)(a)(i), a license fee for a medical cannabis
- 722 pharmacy located in a medically underserved area as determined by the federal
- 723 Health Resources and Services Administration shall be 50% less than what is charged
- 724 for other medical cannabis pharmacies.
- 725 (4) The department may not issue a license to operate a medical cannabis pharmacy to an
- 726 applicant if an individual described in Subsection (2)(b)(ii):
- 727 (a) has been convicted under state or federal law of:
- 728 (i) a felony in the preceding 10 years; or
- 729 (ii) after December 3, 2018, a misdemeanor for drug distribution;
- 730 (b) is younger than 21 years old; or
- 731 (c) after September 23, 2019, until January 1, 2023, is actively serving as a legislator.
- 732 (5)(a) If an applicant for a medical cannabis pharmacy license under this section holds
- 733 another license under this chapter, the department may not give preference to the
- 734 applicant based on the applicant's status as a holder of the license.
- 735 (b) If an applicant for a medical cannabis pharmacy license under this section holds a
- 736 license to operate a cannabis cultivation facility under this section, the department
- 737 may give consideration to the applicant's status as a holder of the license if:
- 738 (i) the applicant demonstrates that a decrease in costs to patients is more likely to
- 739 result from the applicant's vertical integration than from a more competitive
- 740 marketplace; and
- 741 (ii) the department finds multiple other factors, in addition to the existing license, that
- 742 support granting the new license.

- 743 (6) The licensing board may revoke a license under this part:
- 744 (a) if the medical cannabis pharmacy does not begin operations within one year after the
- 745 day on which the department issues an announcement of the department's intent to
- 746 award a license to the medical cannabis pharmacy;
- 747 (b) after the third the same violation of this chapter in any of the licensee's licensed
- 748 cannabis production establishments or medical cannabis pharmacies;
- 749 (c) if an individual described in Subsection (2)(b)(ii) is convicted, while the license is
- 750 active, under state or federal law of:
- 751 (i) a felony; or
- 752 (ii) after December 3, 2018, a misdemeanor for drug distribution;
- 753 (d) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at
- 754 the time of application, or fails to supplement the information described in
- 755 Subsection (2)(b)(vi) with any investigation or adverse action that occurs after the
- 756 submission of the application within 14 calendar days after the licensee receives
- 757 notice of the investigation or adverse action;
- 758 (e) if the medical cannabis pharmacy demonstrates a willful or reckless disregard for the
- 759 requirements of this chapter or the rules the department makes in accordance with
- 760 this chapter;
- 761 (f) if, after a change of ownership described in Subsection (11)(c), the department
- 762 determines that the medical cannabis pharmacy no longer meets the minimum
- 763 standards for licensure and operation of the medical cannabis pharmacy described in
- 764 this chapter; or
- 765 (g) if through an investigation conducted under Subsection 4-41a-201.1(11) and in
- 766 accordance with Title 63G, Chapter 4, Administrative Procedures Act, the board
- 767 finds that the licensee has participated in anticompetitive business practices.
- 768 (7)(a) A person who receives a medical cannabis pharmacy license under this chapter, if
- 769 the municipality or county where the licensed medical cannabis pharmacy will be
- 770 located requires a local land use permit, shall submit to the department a copy of the
- 771 licensee's approved application for the land use permit within 120 days after the day
- 772 on which the department issues the license.
- 773 (b) If a licensee fails to submit to the department a copy the licensee's approved land use
- 774 permit application in accordance with Subsection (7)(a), the department may revoke
- 775 the licensee's license.
- 776 (8) The department shall deposit the proceeds of a fee imposed by this section into the

777 Qualified Production Enterprise Fund.

778 (9) The department shall begin accepting applications under this part on or before March 1,
779 2020.

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

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

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

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

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

787 (b) A medical cannabis pharmacy shall report in writing to the department no later than
788 10 business days before the date of any change of ownership of the medical cannabis
789 pharmacy.

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

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

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

795 (A) conduct an application review; and

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

800 (iii) if the department approves the license application, notwithstanding Subsection
801 (3), the medical cannabis pharmacy shall pay a license fee that the department sets
802 in accordance with Section 63J-1-504 in an amount that covers the department's
803 cost of conducting the application review.

804 Section 11. Section **4-41a-1003** is amended to read:

805 **4-41a-1003 . Renewal - Notice of available license.**

806 (1)(a) The department shall renew a license [~~under Sections 4-41a-1001 through~~
807 ~~4-41a-1005~~] issued under this part every year if, at the time of renewal:

808 [(a)] (i) the licensee meets the requirements of Section 4-41a-1001;

809 [(b)] (ii) the licensee pays the department a license renewal fee in an amount that,
810 subject to Subsection 4-41a-1004(5), the department sets in accordance with

811 Section 63J-1-504; and
 812 [(e)] (iii) if the medical cannabis pharmacy changes the operating plan described in
 813 Section 4-41a-1004 that the department approved under Subsection
 814 4-41a-1001(2)(b)(iv), the department approves the new operating plan.

815 (b) A license fee for a medical cannabis pharmacy located in a county of the third,
 816 fourth, fifth, or sixth class shall be 50% less than what is charged for other medical
 817 cannabis pharmacies.

818 (2)(a) If a licensed medical cannabis pharmacy abandons the medical cannabis
 819 pharmacy's license, the department shall publish notice of an available license[-], for
 820 the geographic area in which the medical cannabis pharmacy license is available, as a
 821 class A notice under Section 63G-30-102, for at least seven days.

822 (b) The department may establish criteria, in collaboration with the Division of
 823 Professional Licensing and the Board of Pharmacy and in accordance with Title 63G,
 824 Chapter 3, Utah Administrative Rulemaking Act, to identify the medical cannabis
 825 pharmacy actions that constitute abandonment of a medical cannabis pharmacy
 826 license.

827 (3) If the department has not completed the necessary processes to make a determination on
 828 a license renewal under Subsections (1)(a) and (c) before the expiration of a license, the
 829 department may issue a conditional medical cannabis pharmacy license to a licensed
 830 medical cannabis pharmacy that has applied for license renewal under this section and
 831 paid the fee described in Subsection (1)(b).

832 Section 12. Section **4-41a-1005** is amended to read:

833 **4-41a-1005 . Maximum number of licenses.**

834 (1)(a) [~~Except as provided in Subsection (1)(b) or (d), if a sufficient number of~~
 835 ~~applicants apply, the department]~~ The licensing board shall issue up to [15] 17 medical
 836 cannabis pharmacy licenses in accordance with this section including the two medical
 837 cannabis pharmacy licenses in accordance with Section 4-41a-1006.

838 (b) The medical cannabis ombudsman shall select the entities to receive a license in
 839 accordance with this chapter.

840 (c) The medical cannabis ombudsman may choose to select entities as an entity is
 841 qualified for a license and in accordance with Subsection (2)(c).

842 [~~(b) If an insufficient number of qualified applicants apply for the available number of~~
 843 ~~medical cannabis pharmacy licenses, the department shall issue a medical cannabis~~
 844 ~~pharmacy license to each qualified applicant.]~~

- 845 ~~[(e) The department may issue the licenses described in Subsection (1)(a) in accordance~~
846 ~~with this Subsection (1)(e).]~~
- 847 ~~[(i) Using one procurement process, the department may issue eight licenses to an~~
848 ~~initial group of medical cannabis pharmacies and six licenses to a second group of~~
849 ~~medical cannabis pharmacies.]~~
- 850 ~~[(ii) The department shall:]~~
- 851 ~~[(A) divide the state into no less than four geographic regions, set by the~~
852 ~~department in rule;]~~
- 853 ~~[(B) issue at least one license in each geographic region during each phase of~~
854 ~~issuing licenses; and]~~
- 855 ~~[(C) complete the process of issuing medical cannabis pharmacy licenses no later~~
856 ~~than July 1, 2020.]~~
- 857 ~~[(iii) In issuing a 15th license under Subsection (1), the department shall ensure that~~
858 ~~the license recipient will locate the medical cannabis pharmacy within Dagget,~~
859 ~~Duchesne, Uintah, Carbon, Sevier, Emery, Grand, or San Juan County.]~~
- 860 ~~[(d)(i) The department may issue licenses to operate a medical cannabis pharmacy in~~
861 ~~addition to the licenses described in Subsection (1)(a) if the department~~
862 ~~determines, in consultation with the Department of Health and Human Services~~
863 ~~and after an annual or more frequent analysis of the current and anticipated market~~
864 ~~for medical cannabis, that each additional license is necessary to provide an~~
865 ~~adequate supply, quality, or variety of medical cannabis to medical cannabis~~
866 ~~cardholders.]~~
- 867 ~~[(ii) The department shall:]~~
- 868 ~~[(A) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking~~
869 ~~Act, make rules to establish criteria and processes for the consultation,~~
870 ~~analysis, and application for a license described in Subsection (1)(d)(i); and]~~
- 871 ~~[(B) report to the Executive Appropriations Committee of the Legislature before~~
872 ~~each time the department issues an additional license under Subsection~~
873 ~~(1)(d)(i) regarding the results of the consultation and analysis described in~~
874 ~~Subsection (1)(d)(i) and the application of the criteria described in Subsection~~
875 ~~(1)(d)(ii)(A).]~~
- 876 (2)(a) ~~[If there are more qualified applicants than there are available licenses for medical~~
877 ~~cannabis pharmacies, the department] The medical cannabis ombudsman shall:~~
- 878 (i) evaluate each applicant and award the license to the applicant that best

- 879 demonstrates:
- 880 (A) experience with establishing and successfully operating a business that
- 881 involves complying with a regulatory environment, tracking inventory, and
- 882 training, evaluating, and monitoring employees;
- 883 (B) an operating plan that will best ensure the safety and security of patrons and
- 884 the community;
- 885 (C) positive connections to the local community;
- 886 (D) the suitability of the proposed location and the location's accessibility for
- 887 qualifying patients;
- 888 (E) the extent to which the applicant can increase efficiency and reduce the cost of
- 889 medical cannabis for patients; and
- 890 (F) a strategic plan described in Subsection 4-41a-1004(7) that has a
- 891 comparatively high likelihood of success; and
- 892 (ii) ensure a geographic dispersal among licensees that is sufficient to reasonably
- 893 maximize access to the largest number of medical cannabis cardholders.
- 894 (b) In making the evaluation described in Subsection (2)(a), the [department] medical
- 895 cannabis ombudsman may give increased consideration to applicants who indicate a
- 896 willingness to:
- 897 (i) site a medical cannabis pharmacy in an area or population center designated as a
- 898 medically underserved area or population as determined by the federal Health
- 899 Resources and Services Administration;
- 900 (ii) operate as a home delivery medical cannabis pharmacy that accepts electronic
- 901 medical cannabis orders[~~that the state central patient portal facilitates~~]; and
- 902 [(~~ii~~)] (iii) accept payments through:
- 903 (A) a payment provider that the Division of Finance approves, in consultation
- 904 with the state treasurer, in accordance with Section 4-41a-108; or
- 905 (B) a financial institution in accordance with Subsection 4-41a-108(4).
- 906 (c) Except for the licenses described in Section 26B-4-249, before each new license may
- 907 be issued under this section, the medical cannabis ombudsman shall:
- 908 (i) consider the number of active patients in the program;
- 909 (ii) geographic locations of current medical cannabis pharmacies; and
- 910 (iii) consult with other government agencies, licensees, and other stakeholders to
- 911 determine the economic impact of an additional license.
- 912 (3) The [department] medical cannabis ombudsman may conduct a face-to-face interview

913 with an applicant for a license that the [department] medical cannabis ombudsman
914 evaluates under Subsection (2).

915 Section 13. Section **4-41a-1006** is enacted to read:

916 **4-41a-1006 . Licensees selected by medical cannabis ombudsman.**

917 (1) Upon receiving a recommendation from the medical cannabis ombudsman under
918 Section 26B-4-248, the licensing board shall issue a license to the entity.

919 (2) An entity selected for a license under Section 26B-4-248 is subject to all of the
920 applicable requirements of this chapter and Title 26B, Chapter 4, Part 2, Cannabinoid
921 Research and Medical Cannabis.

922 (3) The department shall ensure compliance with Subsection 26B-4-248(3)(e).

923 Section 14. Section **4-41a-1101** is amended to read:

924 **4-41a-1101 . Operating requirements -- General.**

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

926 (i) at the physical address provided to the department under Section 4-41a-1001; and

927 (ii) in accordance with the operating plan provided to the department under Section
928 4-41a-1001 and, if applicable, Section 4-41a-1004.

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

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

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

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

934 (i) possesses a valid:

935 (A) medical cannabis pharmacy agent registration card;

936 (B) pharmacy medical provider registration card; or

937 (C) medical cannabis card;

938 (ii) is an employee of the department performing an inspection under Section
939 4-41a-1103; or

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

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

943 (4) Notwithstanding Subsection (2)(a), a medical cannabis pharmacy may authorize an
944 individual who is not a medical cannabis pharmacy agent or pharmacy medical provider
945 to access the medical cannabis pharmacy if the medical cannabis pharmacy tracks and
946 monitors the individual at all times while the individual is at the medical cannabis

- 947 pharmacy and maintains a record of the individual's access.
- 948 (5) A medical cannabis pharmacy shall operate in a facility that has:
- 949 (a) a single, secure public entrance;
- 950 (b) a security system with a backup power source that:
- 951 (i) detects and records entry into the medical cannabis pharmacy; and
- 952 (ii) provides notice of an unauthorized entry to law enforcement when the medical
- 953 cannabis pharmacy is closed; and
- 954 (c) a lock on each area where the medical cannabis pharmacy stores [~~eannabis or a~~
- 955 ~~eannabis product~~] medical cannabis.
- 956 (6) A medical cannabis pharmacy shall post, both clearly and conspicuously in the medical
- 957 cannabis pharmacy, the limit on the purchase of cannabis described in Subsection
- 958 4-41a-1102(2).
- 959 (7) Except for an emergency situation described in Subsection 26B-4-213(3)(c), a medical
- 960 cannabis pharmacy may not allow any individual to consume cannabis on the property
- 961 or premises of the medical cannabis pharmacy.
- 962 (8) A medical cannabis pharmacy may not sell [~~eannabis or a cannabis product~~] medical
- 963 cannabis without first indicating on the [~~eannabis or cannabis product~~] medical cannabis
- 964 label the name of the medical cannabis pharmacy.
- 965 (9)(a) Each medical cannabis pharmacy shall retain in the pharmacy's records the
- 966 following information regarding each recommendation underlying a transaction:
- 967 (i) the recommending medical provider's name, address, and telephone number;
- 968 (ii) the patient's name and address;
- 969 (iii) the date of issuance;
- 970 (iv) directions of use and dosing guidelines or an indication that the recommending
- 971 medical provider did not recommend specific directions of use or dosing
- 972 guidelines; and
- 973 (v) if the patient did not complete the transaction, the name of the medical cannabis
- 974 cardholder who completed the transaction.
- 975 (b)(i) Except as provided in Subsection (9)(b)(iii), a medical cannabis pharmacy may
- 976 not sell medical cannabis unless the medical cannabis has a label securely affixed
- 977 to the container indicating the following minimum information:
- 978 (A) the name, address, and telephone number of the medical cannabis pharmacy;
- 979 (B) the unique identification number that the medical cannabis pharmacy assigns;
- 980 (C) the date of the sale;

- 981 (D) the name of the patient;
- 982 (E) the name of the recommending medical provider who recommended the
983 medical cannabis treatment;
- 984 (F) directions for use and cautionary statements, if any;
- 985 (G) the amount dispensed and the cannabinoid content;
- 986 (H) the suggested use date;
- 987 (I) for unprocessed cannabis flower, the legal use termination date; and
- 988 (J) any other requirements that the department determines, in consultation with the
989 Division of Professional Licensing and the Board of Pharmacy.
- 990 (ii) A medical cannabis pharmacy is exempt from the requirement to provide the
991 following information under Subsection (9)(b)(i) if the information is already
992 provided on the product label that a cannabis production establishment affixes:
- 993 (A) a unique identification number;
- 994 (B) directions for use and cautionary statements;
- 995 (C) amount and cannabinoid content; and
- 996 (D) a suggested use date.
- 997 (iii) If the size of a medical cannabis container does not allow sufficient space to
998 include the labeling requirements described in Subsection (9)(b)(i), the medical
999 cannabis pharmacy may provide the following information described in
1000 Subsection (9)(b)(i) on a supplemental label attached to the container or an
1001 informational enclosure that accompanies the container:
- 1002 (A) the cannabinoid content;
- 1003 (B) the suggested use date; and
- 1004 (C) any other requirements that the department determines.
- 1005 (iv) A medical cannabis pharmacy may sell medical cannabis to another medical
1006 cannabis pharmacy without a label described in Subsection (9)(b)(i).
- 1007 (10) A pharmacy medical provider or medical cannabis pharmacy agent shall:
- 1008 (a) upon receipt of an order from a limited medical provider in accordance with
1009 Subsections 26B-4-204(1)(b) through (d):
- 1010 (i) for a written order or an electronic order under circumstances that the department
1011 determines, contact the limited medical provider or the limited medical provider's
1012 office to verify the validity of the recommendation; and
- 1013 (ii) for an order that the pharmacy medical provider or medical cannabis pharmacy
1014 agent verifies under Subsection (10)(a)(i) or an electronic order that is not subject

- 1015 to verification under Subsection (10)(a)(i), enter the limited medical provider's
1016 recommendation or renewal, including any associated directions of use, dosing
1017 guidelines, or caregiver indication, in the state electronic verification system;
- 1018 (b) in processing an order for a holder of a conditional medical cannabis card described
1019 in Subsection 26B-4-213(1)(b) that appears irregular or suspicious in the judgment of
1020 the pharmacy medical provider or medical cannabis pharmacy agent, contact the
1021 recommending medical provider or the recommending medical provider's office to
1022 verify the validity of the recommendation before processing the cardholder's order;
- 1023 (c) unless the medical cannabis cardholder has had a consultation under Subsection
1024 26B-4-231(5), verbally offer to a medical cannabis cardholder at the time of a
1025 purchase of [~~cannabis, a cannabis product,~~] medical cannabis or a medical cannabis
1026 device, personal counseling with the pharmacy medical provider; and
- 1027 (d) provide a telephone number or website by which the cardholder may contact a
1028 pharmacy medical provider for counseling.
- 1029 (11)(a) A medical cannabis pharmacy may create a medical cannabis disposal program
1030 that allows an individual to deposit unused or excess medical cannabis or cannabis
1031 residue from a medical cannabis device in a locked box or other secure receptacle
1032 within the medical cannabis pharmacy.
- 1033 (b) A medical cannabis pharmacy with a disposal program described in Subsection
1034 (11)(a) shall ensure that only a medical cannabis pharmacy agent or pharmacy
1035 medical provider can access deposited medical cannabis.
- 1036 (c) A medical cannabis pharmacy shall dispose of any deposited medical cannabis by:
- 1037 (i) rendering the deposited medical cannabis unusable and unrecognizable before
1038 transporting deposited medical cannabis from the medical cannabis pharmacy; and
- 1039 (ii) disposing of the deposited medical cannabis in accordance with:
- 1040 (A) federal and state law, rules, and regulations related to hazardous waste;
- 1041 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;
- 1042 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and
- 1043 (D) other regulations that the department makes in accordance with Title 63G,
1044 Chapter 3, Utah Administrative Rulemaking Act.
- 1045 (12) A medical cannabis pharmacy:
- 1046 (a) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy
1047 Practice Act, as a pharmacy medical provider;
- 1048 (b) may employ a physician who has the authority to write a prescription and is licensed

- 1049 under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
 1050 Osteopathic Medical Practice Act, as a pharmacy medical provider;
- 1051 (c) shall ensure that a pharmacy medical provider described in Subsection (12)(a) works
 1052 onsite during all business hours;
- 1053 (d) shall designate one pharmacy medical provider described in Subsection (12)(a) as the
 1054 pharmacist-in-charge to oversee the operation of and generally supervise the medical
 1055 cannabis pharmacy;[-and]
- 1056 (e) shall allow the pharmacist-in-charge to determine which [~~cannabis and cannabis~~
 1057 ~~products~~] medical cannabis products the medical cannabis pharmacy maintains in the
 1058 medical cannabis pharmacy's inventory[-] ;
- 1059 (f) if a patient product information insert is available, shall provide a patient who
 1060 purchases a medical cannabis product the medical cannabis product's patient product
 1061 information insert using any of the following methods:
- 1062 (i) a physical document;
- 1063 (ii) an email message;
- 1064 (iii) a text message; or
- 1065 (iv) a quick response code;
- 1066 (g) for each medical cannabis product sold by the medical cannabis pharmacy, shall:
- 1067 (i) allow a medical cannabis cardholder located in the pharmacy to view the back
 1068 panel of the product when requested; and
- 1069 (ii) beginning July 1, 2025, include a picture of the back panel of the product on the
 1070 medical cannabis pharmacy's website; and
- 1071 (h) may not allow a recommending medical provider to recommend medical cannabis
 1072 within 500 feet of the medical cannabis pharmacy's property line.
- 1073 (13) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah
 1074 Administrative Rulemaking Act, protocols for a recall of cannabis and cannabis products
 1075 by a medical cannabis pharmacy.
- 1076 Section 15. Section **4-41a-1201** is amended to read:
- 1077 **4-41a-1201 . Medical cannabis home delivery designation.**
- 1078 (1) The department may designate a medical cannabis pharmacy as a home delivery
 1079 medical cannabis pharmacy if the department determines that the medical cannabis
 1080 pharmacy's operating plan demonstrates the functional and technical ability to:
- 1081 (a) safely conduct transactions for medical cannabis shipments;
- 1082 (b) accept electronic medical cannabis orders[-that the state central patient portal

- 1083 facilitates]; and
- 1084 (c) accept payments through:
- 1085 (i) a payment provider that the Division of Finance approves, in consultation with the
- 1086 state treasurer, in accordance with Section 26-61a-603; or
- 1087 (ii) a financial institution in accordance with Subsection 26-61a-603(4).
- 1088 (2) An applicant seeking a designation as a home delivery medical cannabis pharmacy shall
- 1089 identify in the applicant's operating plan any information relevant to the department's
- 1090 evaluation described in Subsection (1), including:
- 1091 (a) the name and contact information of the payment provider;
- 1092 (b) the nature of the relationship between the prospective licensee and the payment
- 1093 provider;
- 1094 (c) the processes of the following to safely and reliably conduct transactions for medical
- 1095 cannabis shipments:
- 1096 (i) the prospective licensee; and
- 1097 (ii) the electronic payment provider or the financial institution described in
- 1098 Subsection (1)(c); and
- 1099 (d) the ability of the licensee to comply with the department's rules regarding the secure
- 1100 transportation and delivery of medical cannabis [~~or medical cannabis product~~] to a
- 1101 medical cannabis cardholder.
- 1102 (3) Notwithstanding any county or municipal ordinance, a medical cannabis pharmacy that
- 1103 the department designates as a home delivery medical cannabis pharmacy may deliver
- 1104 medical cannabis shipments in accordance with this part.
- 1105 Section 16. Section **4-41a-1202** is amended to read:
- 1106 **4-41a-1202 . Home delivery of medical cannabis shipments -- Medical cannabis**
- 1107 **couriers -- License.**
- 1108 (1) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
- 1109 Administrative Rulemaking Act, to ensure the safety, security, and efficiency of a home
- 1110 delivery medical cannabis pharmacy's fulfillment of electronic medical cannabis orders[
- 1111 ~~that the state central patient portal facilitates~~], including rules regarding the safe and
- 1112 controlled delivery of medical cannabis shipments.
- 1113 (2) A person may not operate as a medical cannabis courier without a license that the
- 1114 department issues under this section.
- 1115 (3)(a) Subject to Subsections (5) and (6), the department shall issue a license to operate
- 1116 as a medical cannabis courier to an applicant who is eligible for a license under this

- 1117 section.
- 1118 (b) An applicant is eligible for a license under this section if the applicant submits to the
1119 department:
- 1120 (i) the name and address of an individual who:
- 1121 (A) has a financial or voting interest of 10% or greater in the proposed medical
1122 cannabis courier; or
- 1123 (B) has the power to direct or cause the management or control of a proposed
1124 cannabis production establishment;
- 1125 (ii) an operating plan that includes operating procedures to comply with the operating
1126 requirements for a medical cannabis courier described in this chapter; and
- 1127 (iii) an application fee in an amount that, subject to Subsection 4-41a-104(5), the
1128 department sets in accordance with Section 63J-1-504.
- 1129 (4) If the department determines that an applicant is eligible for a license under this section,
1130 the department shall:
- 1131 (a) charge the applicant an initial license fee in an amount that, subject to Subsection
1132 4-41a-104(5), the department sets in accordance with Section 63J-1-504; and
- 1133 (b) notify the Department of Public Safety of the license approval and the names of each
1134 individual described in Subsection (3)(b)(i).
- 1135 (5) The department may not issue a license to operate as a medical cannabis courier to an
1136 applicant if an individual described in Subsection (3)(b)(i):
- 1137 (a) has been convicted under state or federal law of:
- 1138 (i) a felony in the preceding 10 years; or
- 1139 (ii) after September 23, 2019, a misdemeanor for drug distribution; or
- 1140 (b) is younger than 21 years old.
- 1141 (6) The department may revoke a license under this part if:
- 1142 (a) the medical cannabis courier does not begin operations within one year after the day
1143 on which the department issues the initial license;
- 1144 (b) the medical cannabis courier makes the same violation of this chapter three times;
- 1145 (c) an individual described in Subsection (3)(b)(i) is convicted, while the license is
1146 active, under state or federal law of:
- 1147 (i) a felony; or
- 1148 (ii) after September 23, 2019, a misdemeanor for drug distribution; or
- 1149 (d) after a change of ownership described in Subsection (14)(c), the department
1150 determines that the medical cannabis courier no longer meets the minimum standards

- 1151 for licensure and operation of the medical cannabis courier described in this chapter.
- 1152 (7) The department shall deposit the proceeds of a fee imposed by this section in the
1153 Qualified Production Enterprise Fund.
- 1154 (8) The department's authority to issue a license under this section is plenary and is not
1155 subject to review.
- 1156 (9) Each applicant for a license as a medical cannabis courier shall submit, at the time of
1157 application, from each individual who has a financial or voting interest of 10% or
1158 greater in the applicant or who has the power to direct or cause the management or
1159 control of the applicant:
- 1160 (a) a fingerprint card in a form acceptable to the Department of Public Safety;
- 1161 (b) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
1162 registration of the individual's fingerprints in the Federal Bureau of Investigation
1163 Next Generation Identification System's Rap Back Service; and
- 1164 (c) consent to a fingerprint background check by:
- 1165 (i) the Bureau of Criminal Identification; and
- 1166 (ii) the Federal Bureau of Investigation.
- 1167 (10) The Bureau of Criminal Identification shall:
- 1168 (a) check the fingerprints the applicant submits under Subsection (9) against the
1169 applicable state, regional, and national criminal records databases, including the
1170 Federal Bureau of Investigation Next Generation Identification System;
- 1171 (b) report the results of the background check to the department;
- 1172 (c) maintain a separate file of fingerprints that applicants submit under Subsection (9)
1173 for search by future submissions to the local and regional criminal records databases,
1174 including latent prints;
- 1175 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next
1176 Generation Identification System's Rap Back Service for search by future
1177 submissions to national criminal records databases, including the Next Generation
1178 Identification System and latent prints; and
- 1179 (e) establish a privacy risk mitigation strategy to ensure that the department only
1180 receives notifications for an individual with whom the department maintains an
1181 authorizing relationship.
- 1182 (11) The department shall:
- 1183 (a) assess an individual who submits fingerprints under Subsection (9) a fee in an
1184 amount that the department sets in accordance with Section 63J-1-504 for the

- 1185 services that the Bureau of Criminal Identification or another authorized agency
1186 provides under this section; and
- 1187 (b) remit the fee described in Subsection (11)(a) to the Bureau of Criminal Identification.
- 1188 (12) The department shall renew a license under this section every year if, at the time of
1189 renewal:
- 1190 (a) the licensee meets the requirements of this section; and
- 1191 (b) the licensee pays the department a license renewal fee in an amount that, subject to
1192 Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504.
- 1193 (13) A person applying for a medical cannabis courier license shall submit to the
1194 department a proposed operating plan that complies with this section and that includes:
- 1195 (a) a description of the physical characteristics of any proposed facilities, including a
1196 floor plan and an architectural elevation, and delivery vehicles;
- 1197 (b) a description of the credentials and experience of each officer, director, or owner of
1198 the proposed medical cannabis courier;
- 1199 (c) the medical cannabis courier's employee training standards;
- 1200 (d) a security plan; and
- 1201 (e) storage and delivery protocols, both short and long term, to ensure that medical
1202 cannabis shipments are stored and delivered in a manner that is sanitary and
1203 preserves the integrity of the cannabis.
- 1204 (14)(a) A medical cannabis courier license is not transferable or assignable.
- 1205 (b) A medical cannabis courier shall report in writing to the department no later than 10
1206 business days before the date of any change of ownership of the medical cannabis
1207 courier.
- 1208 (c) If the ownership of a medical cannabis courier changes by 50% or more:
- 1209 (i) concurrent with the report described in Subsection (14)(b), the medical cannabis
1210 courier shall submit a new application described in Subsection (3)(b);
- 1211 (ii) within 30 days of the submission of the application, the department shall:
- 1212 (A) conduct an application review; and
- 1213 (B) award a license to the medical cannabis courier for the remainder of the term
1214 of the medical cannabis courier's license before the ownership change if the
1215 medical cannabis courier meets the minimum standards for licensure and
1216 operation of the medical cannabis courier described in this chapter; and
- 1217 (iii) if the department approves the license application, notwithstanding Subsection
1218 (4), the medical cannabis courier shall pay a license fee that the department sets in

1219 accordance with Section 63J-1-504 in an amount that covers the board's cost of
1220 conducting the application review.

1221 (15)(a) Except as provided in Subsection(15)(b), a person may not advertise regarding
1222 the transportation of medical cannabis.

1223 (b) Notwithstanding Subsection (14)(a) and subject to Section 4-41a-109, a licensed
1224 home delivery medical cannabis pharmacy or a licensed medical cannabis courier
1225 may advertise:

1226 (i) a green cross;

1227 (ii) the pharmacy's or courier's name and logo; and

1228 (iii) that the pharmacy or courier is licensed to transport medical cannabis shipments.

1229 Section 17. Section **4-41a-1203** is amended to read:

1230 **4-41a-1203 . Medical cannabis shipment transportation.**

1231 (1) The department shall ensure that each home delivery medical cannabis pharmacy is
1232 capable of delivering, directly or through a medical cannabis courier, medical cannabis
1233 shipments in a secure manner.

1234 (2)(a) A home delivery medical cannabis pharmacy may contract with a licensed
1235 medical cannabis courier to deliver medical cannabis shipments to fulfill electronic
1236 medical cannabis orders~~[that the state central patient portal facilitates]~~.

1237 (b) If a home delivery medical cannabis pharmacy enters into a contract described in
1238 Subsection (2)(a), the pharmacy shall:

1239 (i) impose security and personnel requirements on the medical cannabis courier
1240 sufficient to ensure the security and safety of medical cannabis shipments; and

1241 (ii) provide regular oversight of the medical cannabis courier.

1242 (3) Notwithstanding Subsection 4-41a-404(1), an individual may transport a medical
1243 cannabis shipment if the individual is:

1244 (a) a registered pharmacy medical provider;

1245 (b) a registered medical cannabis pharmacy agent; or

1246 (c) a registered agent of the medical cannabis courier described in Subsection (2).

1247 (4) An individual transporting a medical cannabis shipment under Subsection (3) shall
1248 comply with the requirements of Subsection 4-41a-404(3).

1249 (5) In addition to the requirements in Subsections (3) and (4), the department may establish
1250 by rule, in collaboration with the Division of Professional Licensing and the Board of
1251 Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative
1252 Rulemaking Act, requirements for transporting medical cannabis shipments that are

1253 related to safety for human consumption of [~~cannabis or a cannabis product~~] medical
 1254 cannabis.

1255 (6)(a) It is unlawful for an individual to transport a medical cannabis shipment with a
 1256 manifest that does not meet the requirements of Subsection (4).

1257 (b) Except as provided in Subsection (6)(d), an individual who violates Subsection (6)(a)
 1258 is:

1259 (i) guilty of an infraction; and

1260 (ii) subject to a \$100 fine.

1261 (c) An individual who is guilty of a violation described in Subsection (6)(b) is not guilty
 1262 of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the
 1263 conduct underlying the violation described in Subsection (6)(b).

1264 (d) If the individual described in Subsection (6)(a) is transporting more cannabis,
 1265 cannabis product, or medical cannabis devices than the manifest identifies, except for
 1266 a de minimis administrative error:

1267 (i) this chapter does not apply; and

1268 (ii) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled
 1269 Substances Act.

1270 Section 18. Section **4-41a-1206** is amended to read:

1271 **4-41a-1206 . Closed-door medical cannabis pharmacy.**

1272 (1)(a) Subject to Subsections (1)(b) and (c), a home delivery medical cannabis pharmacy
 1273 may open a single closed-door medical cannabis pharmacy.

1274 (b) A home delivery medical cannabis pharmacy may not open a closed-door medical
 1275 cannabis pharmacy unless the home delivery medical cannabis pharmacy:

1276 (i) has an operating plan that includes a closed-door medical cannabis pharmacy; and

1277 (ii) obtains a license issued by the department for a closed-door medical cannabis
 1278 pharmacy.

1279 (c) An entity that owns multiple home delivery medical cannabis pharmacies may open
 1280 only one closed-door medical cannabis pharmacy.

1281 (d) The department may institute a fee in accordance with Section 63J-1-504 to
 1282 administer this section.

1283 (2) A home delivery medical cannabis pharmacy that opens a closed-door medical cannabis
 1284 pharmacy under Subsection (1) shall ensure:

1285 (a) that a pharmacy medical provider who is a licensed pharmacist:

1286 (i) is directly supervising the packaging of an order; and

- 1287 (ii) is present in the closed-door medical cannabis pharmacy when an order is
1288 packaged for delivery; and
- 1289 (b) all record keeping requirements, labeling requirements, and patient counseling
1290 requirements described in this chapter and Title 26B, Chapter 4, Part 2, Cannabinoid
1291 Research and Medical Cannabis, are satisfied before sending out an order.
- 1292 (3) An individual who prepares an order at a closed-door medical cannabis pharmacy under
1293 this section shall be registered as:
- 1294 (a) a pharmacy medical provider; or
1295 (b) a medical cannabis pharmacy agent.
- 1296 (4)(a) A closed-door medical cannabis pharmacy shall operate:
- 1297 (i) except as provided in Subsection (4)(b), in a facility that is accessible only by an
1298 individual who is a pharmacy medical provider or a medical cannabis pharmacy
1299 agent; and
- 1300 (ii) at a physical address in accordance with Subsection (6).
- 1301 (b) A closed-door medical cannabis pharmacy may authorize an individual who is at
1302 least 18 years old and is not a pharmacy medical provider or a cannabis pharmacy
1303 agent to access the closed-door medical cannabis pharmacy if the closed-door
1304 medical cannabis pharmacy:
- 1305 (i) tracks and monitors the individual at all times while the individual is at the
1306 closed-door medical cannabis pharmacy; and
- 1307 (ii) maintains a record of the individual's access, including arrival and departure.
- 1308 (c) A closed-door medical cannabis pharmacy shall operate in a facility that has:
- 1309 (i) a single, secure public entrance; and
1310 (ii) a security system with a backup power source that:
- 1311 (A) detects and records entry into the closed-door medical cannabis pharmacy;
1312 (B) provides notice of an unauthorized entry to law enforcement when the
1313 closed-door medical cannabis pharmacy is closed; and
1314 (C) a lock or equivalent restrictive security feature on any area where the
1315 closed-door medical cannabis pharmacy stores a cannabis product.
- 1316 (d) A closed-door medical cannabis pharmacy shall ensure that any cannabis or cannabis
1317 products in the closed-door medical cannabis pharmacy that are intended for home
1318 delivery are separated in a manner that is readily distinguishable from any other
1319 cannabis or cannabis product in the facility.
- 1320 (5) A closed-door medical cannabis pharmacy may only provide cannabis or a cannabis

- 1321 product to an individual through a delivery that complies with this part.
- 1322 (6)(a) A person may not locate a closed-door medical cannabis pharmacy:
- 1323 (i) within 1,000 feet of a community location; or
- 1324 (ii) in or within 600 feet of a district that the relevant municipality or county has
- 1325 zoned as primarily residential.
- 1326 (b) The proximity requirements described in Subsection (6)(a) shall be measured from
- 1327 the nearest entrance to the closed-door medical cannabis pharmacy by following the
- 1328 shortest route of ordinary pedestrian travel to the property boundary of the
- 1329 community location or residential area.
- 1330 (c) The licensing board may grant a waiver to reduce the proximity requirements in
- 1331 Subsection (6)(a) by up to 20% if the licensing board determines that it is not
- 1332 reasonably feasible for the applicant to site the proposed closed-door medical
- 1333 cannabis pharmacy without the waiver.
- 1334 (d) An applicant for a license under this section shall provide evidence of compliance
- 1335 with the proximity requirements described in Subsection (6)(a).
- 1336 (7) When determining where a closed-door medical cannabis pharmacy may open, the
- 1337 licensing board:
- 1338 (a) shall utilize geographic regions created by the department through rule;
- 1339 (b) shall prioritize allowing entities that do not have a medical cannabis pharmacy in a
- 1340 region to open a closed-door medical cannabis pharmacy in the region;
- 1341 (c) of the total amount of closed-door medical cannabis pharmacies, may allow only
- 1342 three closed-door medical cannabis pharmacies to operate in counties of the first and
- 1343 second class as described in Section 17-50-501; and
- 1344 (d) for determining the three closed-door medical cannabis pharmacies described in
- 1345 Subsection (7)(c), consider the following:
- 1346 (i) the history of compliance with state law and rules for all licenses issued under this
- 1347 chapter;
- 1348 (ii) the medical cannabis pharmacy's willingness to offer a variety of brands and
- 1349 products;
- 1350 (iii) the ability of the operating plan to ensure the safety and security of the
- 1351 community;
- 1352 (iv) the suitability of the proposed location and the location's ability to serve the local
- 1353 community; and
- 1354 (v) any other relevant information determined through rule.

- 1355 (8) A closed-door medical cannabis pharmacy may not account for more than:
- 1356 (a) for an entity that holds a single medical cannabis pharmacy license, the greater of:
- 1357 (i) 35% of the medical cannabis pharmacy's total revenue; or
- 1358 (ii) \$2,000,000 in total revenue; or
- 1359 (b) for an entity that holds more than one medical cannabis pharmacy license, the greater
- 1360 of:
- 1361 (i) 35% of the total revenue of the entity's medical cannabis pharmacy that generates
- 1362 the most revenue; or
- 1363 (ii) \$2,000,000 in total revenue.
- 1364 (9) Notwithstanding any other provision of this section, the [department] licensing board
- 1365 may issue only [~~three~~] one closed-door medical cannabis pharmacy [~~licenses~~] license
- 1366 before July 1, 2027.
- 1367 (10) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 1368 department shall make rules to implement this section.
- 1369 Section 19. Section **26B-1-310** is amended to read:
- 1370 **26B-1-310 . Qualified Patient Enterprise Fund -- Creation -- Revenue neutrality**
- 1371 **-- Uniform fee.**
- 1372 (1) There is created an enterprise fund known as the "Qualified Patient Enterprise Fund."
- 1373 (2) The fund created in this section is funded from:
- 1374 (a) money the department deposits into the fund under Chapter 4, Part 2, Cannabinoid
- 1375 Research and Medical Cannabis;
- 1376 (b) appropriations the Legislature makes to the fund; and
- 1377 (c) the interest described in Subsection (3).
- 1378 (3) Interest earned on the fund shall be deposited into the fund.
- 1379 (4) Money deposited into the fund may only be used by:
- 1380 (a) the department to accomplish the department's responsibilities described in Chapter
- 1381 4, Part 2, Cannabinoid Research and Medical Cannabis; and
- 1382 (b) the Center for Medical Cannabis Research created in Section 53B-17-1402 to
- 1383 accomplish the Center for Medical Cannabis Research's responsibilities[-] ; and
- 1384 (c) if there is remaining money in the fund balance on June 30 of each fiscal year after
- 1385 financial obligations under Subsections (4)(a) through (b) are met, an amount up to
- 1386 \$300,000, the medical cannabis ombudsman and available for expenditure the next
- 1387 fiscal year for the program described in Subsection 26B-4-248(4) and, subject to
- 1388 Subsection (7), the program's associated administrative costs.

1389 (5) The department shall set fees authorized under Chapter 4, Part 2, Cannabinoid Research
 1390 and Medical Cannabis, in amounts that the department anticipates are necessary, in total,
 1391 to cover the department's cost to implement Chapter 4, Part 2, Cannabinoid Research
 1392 and Medical Cannabis.

1393 (6) The department may impose a uniform fee on each medical cannabis transaction in a
 1394 medical cannabis pharmacy in an amount that, subject to Subsection (5), the department
 1395 sets in accordance with Section 63J-1-504.

1396 (7) No more than 20% of the amount transferred under Subsection (4)(c) may be used for
 1397 administrative costs.

1398 Section 20. Section **26B-1-435** is amended to read:

1399 **26B-1-435 . Medical Cannabis Policy Advisory Board creation -- Membership --**
 1400 **Duties.**

1401 (1) There is created within the department the Medical Cannabis Policy Advisory Board.

1402 (2)(a) The advisory board shall consist of the following members:

1403 (i) appointed by the executive director:

1404 (A) a qualified medical provider who has recommended medical cannabis to at
 1405 least 100 patients before being appointed;

1406 [~~(B)~~] a medical research professional;

1407 [~~(C)~~] (B) a mental health specialist;

1408 [~~(D)~~] (C) an individual who represents an organization that advocates for medical
 1409 cannabis patients;

1410 [~~(E)~~] (D) [an individual] a member of the general public who holds a medical
 1411 cannabis patient card; and

1412 [~~(F)~~] (E) a member of the general public who does not hold a medical cannabis
 1413 card; [~~and~~]

1414 (ii) appointed by the commissioner of the Department of Agriculture and Food:

1415 (A) an individual who owns or operates a licensed cannabis cultivation facility, as
 1416 defined in Section 4-41a-102;

1417 (B) an individual who owns or operates a licensed medical cannabis pharmacy;
 1418 and

1419 (C) a law enforcement officer[~~;~~] ; and

1420 (iii) a representative from the Center for Medical Cannabis Research created in
 1421 Section 53B-14-1402, appointed by the Center for Medical Cannabis Research.

1422 (b) The commissioner of the Department of Agriculture and Food shall ensure that at

- 1423 least one individual appointed under Subsection (2)(a)(ii)(A) or (B) also owns or
1424 operates a licensed cannabis processing facility.
- 1425 (3)(a) Subject to Subsection (3)(b), a member of the advisory board shall serve for a four
1426 year term.
- 1427 (b) When appointing the initial membership of the advisory board, the executive director
1428 and the commissioner of the Department of Agriculture and Food shall coordinate to
1429 appoint four advisory board members to serve a term of two years to ensure that
1430 approximately half of the board is appointed every two years.
- 1431 (4)(a) If an advisory board member is no longer able to serve as a member, a new
1432 member shall be appointed in the same manner as the original appointment.
- 1433 (b) A member appointed in accordance with Subsection (4)(a) shall serve for the
1434 remainder of the unexpired term of the original appointment.
- 1435 (5)(a) A majority of the advisory board members constitutes a quorum.
- 1436 (b) The action of a majority of a quorum constitutes an action of the advisory board.
- 1437 (c) For a term lasting one year, the advisory board shall annually designate members of
1438 the advisory board to serve as chair and vice-chair.
- 1439 (d) When designating the chair and vice-chair, the advisory board shall ensure that at
1440 least one individual described Subsection (2)(a)(i) is appointed as chair or vice-chair.
- 1441 (6) An advisory board member may not receive compensation or benefits for the member's
1442 service on the advisory board but may receive per diem and reimbursement for travel
1443 expenses incurred as an advisory board member in accordance with:
- 1444 (a) Sections 63A-3-106 and 63A-3-107; and
- 1445 (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1446 63A-3-107.
- 1447 (7) The department shall:
- 1448 (a) provide staff support for the advisory board; and
- 1449 (b) assist the advisory board in conducting meetings.
- 1450 (8) The advisory board may recommend:
- 1451 (a) to the department or the Department of Agriculture and Food changes to current or
1452 proposed medical cannabis rules or statutes; and
- 1453 (b) to the appropriate legislative committee whether the advisory board supports a
1454 change to medical cannabis statutes.
- 1455 (9) The advisory board shall:
- 1456 (a) review any draft rule that is authorized under [~~this chapter~~] Chapter 4, Part 2,

- 1457 Cannabinoid Research and Medical Cannabis, or Title 4, Chapter 41a, Cannabis
1458 Production Establishments and Pharmacies;
- 1459 (b) consult with the Department of Agriculture and Food regarding the issuance of an
1460 additional:
- 1461 (i) cultivation facility license under Section 4-41a-205; or
1462 (ii) pharmacy license under Section 4-41a-1005;
- 1463 (c) consult with the department regarding cannabis patient education;
- 1464 (d) consult regarding the reasonableness of any fees set by the department or the
1465 Department of Agriculture and Food that pertain to the medical cannabis program;
1466 and
- 1467 (e) consult regarding any issue pertaining to medical cannabis when asked by the
1468 department or the Utah Department of Agriculture and Food.

1469 Section 21. Section **26B-4-201** is amended to read:

1470 **26B-4-201 . Definitions.**

1471 As used in this part:

- 1472 (1) "Active tetrahydrocannabinol" means THC, any THC analog, and
1473 tetrahydrocannabinolic acid.
- 1474 (2) "Administration of criminal justice" means the performance of detection, apprehension,
1475 detention, pretrial release, post-trial release, prosecution, and adjudication.
- 1476 (3) "Advertise" means information provided by a person in any medium:
- 1477 (a) to the public; and
1478 (b) that is not age restricted to an individual who is at least 21 years old.
- 1479 (4) "Advisory board" means the Medical Cannabis Policy Advisory Board created in
1480 Section 26B-1-435.
- 1481 (5) "Cannabis Research Review Board" means the Cannabis Research Review Board
1482 created in Section 26B-1-420.
- 1483 (6) "Cannabis" means marijuana.
- 1484 (7) "Cannabis processing facility" means the same as that term is defined in Section
1485 4-41a-102.
- 1486 (8) "Cannabis product" means a product that:
- 1487 (a) is intended for human use; and
1488 (b) contains cannabis or any tetrahydrocannabinol or THC analog in a total
1489 concentration of 0.3% or greater on a dry weight basis.
- 1490 (9) "Cannabis production establishment" means the same as that term is defined in Section

- 1491 4-41a-102.
- 1492 (10) "Cannabis production establishment agent" means the same as that term is defined in
1493 Section 4-41a-102.
- 1494 (11) "Cannabis production establishment agent registration card" means the same as that
1495 term is defined in Section 4-41a-102.
- 1496 (12) "Conditional medical cannabis card" means an electronic medical cannabis card that
1497 the department issues in accordance with Subsection 26B-4-213(1)(b) to allow an
1498 applicant for a medical cannabis card to access medical cannabis during the department's
1499 review of the application.
- 1500 (13) "Controlled substance database" means the controlled substance database created in
1501 Section 58-37f-201.
- 1502 (14) "Delivery address" means the same as that term is defined in Section 4-41a-102.
- 1503 (15) "Department" means the Department of Health and Human Services.
- 1504 (16) "Designated caregiver" means:
- 1505 (a) an individual:
- 1506 (i) whom an individual with a medical cannabis patient card or a medical cannabis
1507 guardian card designates as the patient's caregiver; and
- 1508 (ii) who registers with the department under Section 26B-4-214; or
- 1509 (b)(i) a facility that an individual designates as a designated caregiver in accordance
1510 with Subsection 26B-4-214(1)(b); or
- 1511 (ii) an assigned employee of the facility described in Subsection 26B-4-214(1)(b)(ii).
- 1512 (17) "Directions of use" means recommended routes of administration for a medical
1513 cannabis treatment and suggested usage guidelines.
- 1514 (18) "Dosing guidelines" means a quantity range and frequency of administration for a
1515 recommended treatment of medical cannabis.
- 1516 (19) "Government issued photo identification" means any of the following forms of
1517 identification:
- 1518 (a) a valid state-issued driver license or identification card;
- 1519 (b) a valid United States federal-issued photo identification, including:
- 1520 (i) a United States passport;
- 1521 (ii) a United States passport card;
- 1522 (iii) a United States military identification card; or
- 1523 (iv) a permanent resident card or alien registration receipt card; or
- 1524 (c) a foreign passport.

- 1525 (20) "Home delivery medical cannabis pharmacy" means a medical cannabis pharmacy that
1526 the department authorizes, as part of the pharmacy's license, to deliver medical cannabis
1527 shipments to a delivery address to fulfill electronic orders[~~that the state central patient~~
1528 ~~portal facilitates~~].
- 1529 (21) "Inventory control system" means the system described in Section 4-41a-103.
- 1530 (22) "Legal dosage limit" means an amount that:
- 1531 (a) is sufficient to provide 30 days of treatment based on the dosing guidelines that the
1532 relevant recommending medical provider or [~~the state central patient portal or~~]
1533 pharmacy medical provider, in accordance with Subsection 26B-4-230(5),
1534 recommends; and
- 1535 (b) may not exceed:
- 1536 (i) for unprocessed cannabis in a medicinal dosage form, 113 grams by weight; and
1537 (ii) for a cannabis product in a medicinal dosage form, a quantity that contains, in
1538 total, greater than 20 grams of active tetrahydrocannabinol.
- 1539 (23) "Legal use termination date" means a date on the label of a container of unprocessed
1540 cannabis flower:
- 1541 (a) that is 60 days after the date of purchase of the cannabis; and
1542 (b) after which, the cannabis is no longer in a medicinal dosage form outside of the
1543 primary residence of the relevant medical cannabis patient cardholder.
- 1544 (24) "Limited medical provider" means an individual who:
- 1545 (a) meets the recommending qualifications; and
1546 (b) has no more than 15 patients with a valid medical cannabis patient card as a result of
1547 the individual's recommendation, in accordance with Subsection 26B-4-204(1)(b).
- 1548 (25) "Marijuana" means the same as that term is defined in Section 58-37-2.
- 1549 (26) "Medical cannabis" or "medical cannabis product" means cannabis in a medicinal
1550 dosage form or a cannabis product in a medicinal dosage form.
- 1551 (27) "Medical cannabis card" means a medical cannabis patient card, a medical cannabis
1552 guardian card, a medical cannabis caregiver card, or a conditional medical cannabis card.
- 1553 (28) "Medical cannabis cardholder" means:
- 1554 (a) a holder of a medical cannabis card; or
1555 (b) a facility or assigned employee, described in Subsection (16)(b), only:
- 1556 (i) within the scope of the facility's or assigned employee's performance of the role of
1557 a medical cannabis patient cardholder's caregiver designation under Subsection
1558 26B-4-214(1)(b); and

- 1559 (ii) while in possession of documentation that establishes:
- 1560 (A) a caregiver designation described in Subsection 26B-4-214(1)(b);
- 1561 (B) the identity of the individual presenting the documentation; and
- 1562 (C) the relation of the individual presenting the documentation to the caregiver
- 1563 designation.
- 1564 (29) "Medical cannabis caregiver card" means an electronic document that a cardholder
- 1565 may print or store on an electronic device or a physical card or document that:
- 1566 (a) the department issues to an individual whom a medical cannabis patient cardholder
- 1567 or a medical cannabis guardian cardholder designates as a designated caregiver; and
- 1568 (b) is connected to the electronic verification system.
- 1569 (30) "Medical cannabis courier" means the same as that term is defined in Section
- 1570 4-41a-102.
- 1571 (31)(a) "Medical cannabis device" means a device that an individual uses to ingest or
- 1572 inhale [~~cannabis in a medicinal dosage form or a cannabis product in a medicinal~~
- 1573 ~~dosage form~~] medical cannabis.
- 1574 (b) "Medical cannabis device" does not include a device that:
- 1575 (i) facilitates cannabis combustion; or
- 1576 (ii) an individual uses to ingest substances other than cannabis.
- 1577 (32) "Medical cannabis guardian card" means an electronic document that a cardholder may
- 1578 print or store on an electronic device or a physical card or document that:
- 1579 (a) the department issues to the parent or legal guardian of a minor with a qualifying
- 1580 condition; and
- 1581 (b) is connected to the electronic verification system.
- 1582 (33) "Medical cannabis ombudsman" means the same as that term is defined in Section
- 1583 26B-4-248.
- 1584 [~~(33)~~] (34) "Medical cannabis patient card" means an electronic document that a cardholder
- 1585 may print or store on an electronic device or a physical card or document that:
- 1586 (a) the department issues to an individual with a qualifying condition; and
- 1587 (b) is connected to the electronic verification system.
- 1588 [~~(34)~~] (35) "Medical cannabis pharmacy" means a person that:
- 1589 (a)(i) acquires or intends to acquire medical cannabis [~~or a cannabis product in a~~
- 1590 ~~medicinal dosage form~~] from a cannabis processing facility or another medical
- 1591 cannabis pharmacy or a medical cannabis device; or
- 1592 (ii) possesses medical cannabis or a medical cannabis device; and

- 1593 (b) sells or intends to sell medical cannabis or a medical cannabis device to a medical
1594 cannabis cardholder.
- 1595 [(35)] (36) "Medical cannabis pharmacy agent" means an individual who holds a valid
1596 medical cannabis pharmacy agent registration card issued by the department.
- 1597 [(36)] (37) "Medical cannabis pharmacy agent registration card" means a registration card
1598 issued by the department that authorizes an individual to act as a medical cannabis
1599 pharmacy agent.
- 1600 [(37)] (38) "Medical cannabis shipment" means the same as that term is defined in Section
1601 4-41a-102.
- 1602 [(38)] (39) "Medical cannabis treatment" means [~~cannabis in a medicinal dosage form, a~~
1603 ~~cannabis product in a medicinal dosage form, or~~ medical cannabis or a medical cannabis
1604 device.
- 1605 [(39)] (40)(a) "Medicinal dosage form" means:
- 1606 (i) for processed medical cannabis, the following with a specific and consistent
1607 cannabinoid content:
- 1608 (A) a tablet;
- 1609 (B) a capsule;
- 1610 (C) a concentrated liquid or viscous oil;
- 1611 (D) a liquid suspension that does not exceed 30 milliliters;
- 1612 (E) a topical preparation;
- 1613 (F) a transdermal preparation;
- 1614 (G) a sublingual preparation;
- 1615 (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or
1616 rectangular cuboid shape;
- 1617 (I) a resin or wax;
- 1618 (J) an aerosol;
- 1619 (K) a suppository preparation; or
- 1620 (L) a soft or hard confection that is a uniform rectangular cuboid or uniform
1621 spherical shape, is homogeneous in color and texture, and each piece is a single
1622 serving; or
- 1623 (ii) for unprocessed cannabis flower, a container described in Section 4-41a-602 that:
- 1624 (A) contains cannabis flower in a quantity that varies by no more than 10% from
1625 the stated weight at the time of packaging;
- 1626 (B) at any time the medical cannabis cardholder transports or possesses the

1627 container in public, is contained within an opaque bag or box that the medical
1628 cannabis pharmacy provides; and

1629 (C) is labeled with the container's content and weight, the date of purchase, the
1630 legal use termination date, and a barcode that provides information connected
1631 to an inventory control system.

1632 (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:

1633 (i) the medical cannabis cardholder has recently removed from the container
1634 described in Subsection [~~(39)(a)(ii)~~] (40)(a)(ii) for use; and

1635 (ii) does not exceed the quantity described in Subsection [~~(39)(a)(ii)~~] (40)(a)(ii).

1636 (c) "Medicinal dosage form" does not include:

1637 (i) any unprocessed cannabis flower outside of the container described in Subsection [
1638 ~~(39)(a)(ii)~~] (40)(a)(ii), except as provided in Subsection [~~(39)(b)~~] (40)(b);

1639 (ii) any unprocessed cannabis flower in a container described in Subsection [
1640 ~~(39)(a)(ii)~~] (40)(a)(ii) after the legal use termination date;

1641 (iii) a process of vaporizing and inhaling concentrated cannabis by placing the
1642 cannabis on a nail or other metal object that is heated by a flame, including a
1643 blowtorch;

1644 (iv) a liquid suspension that is branded as a beverage;

1645 (v) a substance described in Subsection [~~(39)(a)(i)~~] (40)(a)(i) or (ii) if the substance is
1646 not measured in grams, milligrams, or milliliters; or

1647 (vi) a substance that contains or is covered to any degree with chocolate.

1648 [~~(40)~~] (41) "Nonresident patient" means an individual who:

1649 (a) is not a resident of Utah or has been a resident of Utah for less than 45 days;

1650 (b) has a currently valid medical cannabis card or the equivalent of a medical cannabis
1651 card under the laws of another state, district, territory, commonwealth, or insular
1652 possession of the United States; and

1653 (c) has been diagnosed with a qualifying condition as described in Section 26B-4-203.

1654 [~~(41)~~] (42) "Patient product information insert" means a single page document or webpage
1655 that contains information about a medical cannabis product regarding:

1656 (a) how to use the product;

1657 (b) common side effects;

1658 (c) serious side effects;

1659 (d) dosage;

1660 (e) contraindications;

- 1661 (f) safe storage;
1662 (g) information on when a product should not be used; and
1663 (h) other information the department deems appropriate in consultation with the
1664 cannabis processing facility that created the product.
- 1665 (43) "Pharmacy medical provider" means the medical provider required to be on site at a
1666 medical cannabis pharmacy under Section 26B-4-219.
- 1667 [(42)] (44) "Provisional patient card" means a card that:
1668 (a) the department issues to a minor with a qualifying condition for whom:
1669 (i) a recommending medical provider has recommended a medical cannabis
1670 treatment; and
1671 (ii) the department issues a medical cannabis guardian card to the minor's parent or
1672 legal guardian; and
1673 (b) is connected to the electronic verification system.
- 1674 [(43)] (45) "Qualified medical provider" means an individual:
1675 (a) who meets the recommending qualifications; and
1676 (b) whom the department registers to recommend treatment with cannabis in a medicinal
1677 dosage form under Section 26B-4-204.
- 1678 [(44)] (46) "Qualified Patient Enterprise Fund" means the enterprise fund created in Section
1679 26B-1-310.
- 1680 [(45)] (47) "Qualifying condition" means a condition described in Section 26B-4-203.
- 1681 [(46)] (48) "Recommend" or "recommendation" means, for a recommending medical
1682 provider, the act of suggesting the use of medical cannabis treatment, which:
1683 (a) certifies the patient's eligibility for a medical cannabis card; and
1684 (b) may include, at the recommending medical provider's discretion, directions of use,
1685 with or without dosing guidelines.
- 1686 [(47)] (49) "Recommending medical provider" means a qualified medical provider or a
1687 limited medical provider.
- 1688 [(48)] (50) "Recommending qualifications" means that an individual:
1689 (a)(i) has the authority to write a prescription;
1690 (ii) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah
1691 Controlled Substances Act; and
1692 (iii) possesses the authority, in accordance with the individual's scope of practice, to
1693 prescribe a Schedule II controlled substance; and
1694 (b) is licensed as:

- 1695 (i) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
- 1696 (ii) an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice
- 1697 Act;
- 1698 (iii) a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,
- 1699 Chapter 68, Utah Osteopathic Medical Practice Act; or
- 1700 (iv) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.
- 1701 ~~[(49) "State central patient portal" means the website the department creates, in accordance~~
- 1702 ~~with Section 26B-4-236, to facilitate patient safety, education, and an electronic medical~~
- 1703 ~~cannabis order.]~~
- 1704 ~~[(50)]~~ (51) "State electronic verification system" means the system described in Section
- 1705 26B-4-202.
- 1706 ~~[(51)]~~ (52) "Targeted marketing" means the promotion by a qualified medical provider,
- 1707 medical clinic, or medical office that employs a qualified medical provider of a medical
- 1708 cannabis recommendation service using any of the following methods:
- 1709 (a) electronic communication to an individual who is at least 21 years old and has
- 1710 requested to receive promotional information;
- 1711 (b) an in-person marketing event that is held in an area where only an individual who is
- 1712 at least 21 years old may access the event;
- 1713 (c) other marketing material that is physically or digitally displayed in the office of the
- 1714 medical clinic or office that employs a qualified medical provider; or
- 1715 (d) a leaflet that a qualified medical provider, medical clinic, or medical office that
- 1716 employs a qualified medical provider shares with an individual who is at least 21
- 1717 years old.
- 1718 ~~[(52)]~~ (53) "Tetrahydrocannabinol" or "THC" means a substance derived from cannabis or a
- 1719 synthetic equivalent as described in Subsection 58-37-4(2)(a)(iii)(AA).
- 1720 ~~[(53)]~~ (54) "THC analog" means the same as that term is defined in Section 4-41-102.
- 1721 Section 22. Section **26B-4-202** is amended to read:
- 1722 **26B-4-202 . Electronic verification system.**
- 1723 (1) The Department of Agriculture and Food, the department, the Department of Public
- 1724 Safety, and the Division of Technology Services shall:
- 1725 (a) enter into a memorandum of understanding in order to determine the function and
- 1726 operation of the state electronic verification system in accordance with Subsection (2);
- 1727 (b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah
- 1728 Procurement Code, to develop a request for proposals for a third-party provider to

- 1729 develop and maintain the state electronic verification system in coordination with the
1730 Division of Technology Services; and
- 1731 (c) select a third-party provider who:
- 1732 (i) meets the requirements contained in the request for proposals issued under
1733 Subsection (1)(b); and
- 1734 (ii) may not have any commercial or ownership interest in a cannabis production
1735 establishment or a medical cannabis pharmacy.
- 1736 (2) The Department of Agriculture and Food, the department, the Department of Public
1737 Safety, and the Division of Technology Services shall ensure that the state electronic
1738 verification system described in Subsection (1):
- 1739 (a) allows an individual to apply for a medical cannabis patient card or, if applicable, a
1740 medical cannabis guardian card, provided that the card may not become active until:
- 1741 (i) the relevant qualified medical provider completes the associated medical cannabis
1742 recommendation; or
- 1743 (ii) for a medical cannabis card related to a limited medical provider's
1744 recommendation, the medical cannabis pharmacy completes the recording
1745 described in Subsection (2)(d);
- 1746 (b) allows an individual to apply to renew a medical cannabis patient card or a medical
1747 cannabis guardian card in accordance with Section 26B-4-213;
- 1748 (c) allows a qualified medical provider, or an employee described in Subsection (3)
1749 acting on behalf of the qualified medical provider, to:
- 1750 (i) access dispensing and card status information regarding a patient:
- 1751 (A) with whom the qualified medical provider has a provider-patient relationship;
1752 and
- 1753 (B) for whom the qualified medical provider has recommended or is considering
1754 recommending a medical cannabis card;
- 1755 (ii) electronically recommend treatment with [~~cannabis in a medicinal dosage form or~~
1756 ~~a cannabis product in a medicinal dosage form~~] medical cannabis and optionally
1757 recommend dosing guidelines;
- 1758 (iii) electronically renew a recommendation to a medical cannabis patient cardholder
1759 or medical cannabis guardian cardholder:
- 1760 (A) using telehealth services, for the qualified medical provider who originally
1761 recommended a medical cannabis treatment during a face-to-face visit with the
1762 patient; or

- 1763 (B) during a face-to-face visit with the patient, for a qualified medical provider
1764 who did not originally recommend the medical cannabis treatment during a
1765 face-to-face visit; and
- 1766 (iv) submit an initial application, renewal application, or application payment on
1767 behalf of an individual applying for any of the following:
- 1768 (A) a medical cannabis patient card;
1769 (B) a medical cannabis guardian card; or
1770 (C) a medical cannabis caregiver card;
- 1771 (d) allows a medical cannabis pharmacy medical provider or medical cannabis pharmacy
1772 agent, in accordance with Subsection 4-41a-1101(10)(a), to:
- 1773 (i) access the electronic verification system to review the history within the system of
1774 a patient with whom the provider or agent is interacting, limited to read-only
1775 access for medical cannabis pharmacy agents unless the medical cannabis
1776 pharmacy's pharmacist in charge authorizes add and edit access;
- 1777 (ii) record a patient's recommendation from a limited medical provider, including any
1778 directions of use, dosing guidelines, or caregiver indications from the limited
1779 medical provider;
- 1780 (iii) record a limited medical provider's renewal of the provider's previous
1781 recommendation; and
- 1782 (iv) submit an initial application, renewal application, or application payment on
1783 behalf of an individual applying for any of the following:
- 1784 (A) a medical cannabis patient card;
1785 (B) a medical cannabis guardian card; or
1786 (C) a medical cannabis caregiver card;
- 1787 (e) connects with:
- 1788 (i) an inventory control system that a medical cannabis pharmacy uses to track in real
1789 time and archive purchases of any [~~cannabis in a medicinal dosage form, cannabis~~
1790 ~~product in a medicinal dosage form,~~] medical cannabis or a medical cannabis
1791 device, including:
- 1792 (A) the time and date of each purchase;
1793 (B) the quantity and type of [~~cannabis, cannabis product,~~] medical cannabis or
1794 medical cannabis device purchased;
- 1795 (C) any cannabis production establishment, any medical cannabis pharmacy, or
1796 any medical cannabis courier associated with the [~~cannabis, cannabis product,~~]

- 1797 medical cannabis or medical cannabis device; and
- 1798 (D) the personally identifiable information of the medical cannabis cardholder
- 1799 who made the purchase; and
- 1800 (ii) any commercially available inventory control system that a cannabis production
- 1801 establishment utilizes in accordance with Section 4-41a-103 to use data that the
- 1802 Department of Agriculture and Food requires by rule, in accordance with Title
- 1803 63G, Chapter 3, Utah Administrative Rulemaking Act, from the inventory
- 1804 tracking system that a licensee uses to track and confirm compliance;
- 1805 (f) provides access to:
- 1806 (i) the department to the extent necessary to carry out the department's functions and
- 1807 responsibilities under this part;
- 1808 (ii) the Department of Agriculture and Food to the extent necessary to carry out the
- 1809 functions and responsibilities of the Department of Agriculture and Food under
- 1810 Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies; and
- 1811 (iii) the Division of Professional Licensing to the extent necessary to carry out the
- 1812 functions and responsibilities related to the participation of the following in the
- 1813 recommendation and dispensing of medical cannabis:
- 1814 (A) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing
- 1815 Act;
- 1816 (B) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
- 1817 (C) an advanced practice registered nurse licensed under Title 58, Chapter 31b,
- 1818 Nurse Practice Act;
- 1819 (D) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
- 1820 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
- 1821 (E) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
- 1822 Assistant Act;
- 1823 ~~[(g) provides access to and interaction with the state central patient portal;]~~
- 1824 ~~[(h)]~~ (g) communicates dispensing information from a record that a medical cannabis
- 1825 pharmacy submits to the state electronic verification system under Subsection
- 1826 4-41a-1102(3)(a)(ii) to the controlled substance database;
- 1827 ~~[(i)]~~ (h) provides access to state or local law enforcement only to verify the validity of an
- 1828 individual's medical cannabis card for the administration of criminal justice and
- 1829 through a database used by law enforcement; and
- 1830 ~~[(j)]~~ (i) creates a record each time a person accesses the system that identifies the person

- 1831 who accesses the system and the individual whose records the person accesses.
- 1832 (3)(a) An employee of a qualified medical provider may access the electronic
1833 verification system for a purpose described in Subsection (2)(c) on behalf of the
1834 qualified medical provider if:
- 1835 (i) the qualified medical provider has designated the employee as an individual
1836 authorized to access the electronic verification system on behalf of the qualified
1837 medical provider;
 - 1838 (ii) the qualified medical provider provides written notice to the department of the
1839 employee's identity and the designation described in Subsection (3)(a)(i); and
 - 1840 (iii) the department grants to the employee access to the electronic verification
1841 system.
- 1842 (b) An employee of a business that employs a qualified medical provider may access the
1843 electronic verification system for a purpose described in Subsection (2)(c) on behalf
1844 of the qualified medical provider if:
- 1845 (i) the qualified medical provider has designated the employee as an individual
1846 authorized to access the electronic verification system on behalf of the qualified
1847 medical provider;
 - 1848 (ii) the qualified medical provider and the employing business jointly provide written
1849 notice to the department of the employee's identity and the designation described
1850 in Subsection (3)(b)(i); and
 - 1851 (iii) the department grants to the employee access to the electronic verification
1852 system.
- 1853 (4)(a) As used in this Subsection (4), "prescribing provider" means:
- 1854 (i) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
 - 1855 (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
1856 Practice Act;
 - 1857 (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
1858 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
 - 1859 (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
1860 Assistant Act.
- 1861 (b) A prescribing provider may access information in the electronic verification system
1862 regarding a patient the prescribing provider treats.
- 1863 (5) The department may release limited data that the system collects for the purpose of:
- 1864 (a) conducting medical and other department approved research;

- 1865 (b) providing the report required by Section 26B-4-222; and
1866 (c) other official department purposes.
- 1867 (6) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
1868 Administrative Rulemaking Act, to establish:
- 1869 (a) the limitations on access to the data in the state electronic verification system as
1870 described in this section; and
- 1871 (b) standards and procedures to ensure accurate identification of an individual requesting
1872 information or receiving information in this section.
- 1873 (7) Any person who negligently or recklessly releases any information in the state
1874 electronic verification system in violation of this section is guilty of a class C
1875 misdemeanor.
- 1876 (8) Any person who obtains or attempts to obtain information from the state electronic
1877 verification system by misrepresentation or fraud is guilty of a third degree felony.
- 1878 (9)(a) Except as provided in Subsections (9)(c) and (9)(e), a person may not knowingly
1879 and intentionally use, release, publish, or otherwise make available to any other
1880 person information obtained from the state electronic verification system for any
1881 purpose other than a purpose specified in this section.
- 1882 (b) Each separate violation of this Subsection (9) is:
- 1883 (i) a third degree felony; and
1884 (ii) subject to a civil penalty not to exceed \$5,000.
- 1885 (c) A law enforcement officer who uses the database used by law enforcement to access
1886 information in the electronic verification system for a reason that is not the
1887 administration of criminal justice is guilty of a class B misdemeanor.
- 1888 (d) The department shall determine a civil violation of this Subsection (9) in accordance
1889 with Title 63G, Chapter 4, Administrative Procedures Act.
- 1890 (e) Civil penalties assessed under this Subsection (9) shall be deposited into the General
1891 Fund.
- 1892 (f) This Subsection (9) does not prohibit a person who obtains information from the state
1893 electronic verification system under Subsection (2)(a), (c), or (f) from:
- 1894 (i) including the information in the person's medical chart or file for access by a
1895 person authorized to review the medical chart or file;
- 1896 (ii) providing the information to a person in accordance with the requirements of the
1897 Health Insurance Portability and Accountability Act of 1996; or
1898 (iii) discussing or sharing that information about the patient with the patient.

1899 Section 23. Section **26B-4-214** is amended to read:

1900 **26B-4-214 . Medical cannabis caregiver card -- Registration -- Renewal --**

1901 **Revocation.**

1902 (1)(a) A cardholder described in Section 26B-4-213 may designate~~[, through the state~~
1903 ~~central patient portal,]~~ up to two individuals, or an individual and a facility in
1904 accordance with Subsection (1)(b), to serve as a designated caregiver for the
1905 cardholder.

1906 (b)(i) A cardholder described in Section 26B-4-213 may designate one of the
1907 following types of facilities as one of the caregivers described in Subsection (1)(a):

1908 (A) for a patient or resident, an assisted living facility, as that term is defined in
1909 Section 26B-2-201;

1910 (B) for a patient or resident, a nursing care facility, as that term is defined in
1911 Section 26B-2-201; or

1912 (C) for a patient, a general acute hospital, as that term is defined in Section
1913 26B-2-201.

1914 (ii) A facility may:

1915 (A) assign one or more employees to assist patients with medical cannabis
1916 treatment under the caregiver designation described in this Subsection (1)(b);
1917 and

1918 (B) receive a medical cannabis shipment from a medical cannabis pharmacy or a
1919 medical cannabis courier on behalf of the medical cannabis cardholder within
1920 the facility who designated the facility as a caregiver.

1921 (iii) The department shall make rules to regulate the practice of facilities and facility
1922 employees serving as designated caregivers under this Subsection (1)(b).

1923 (c) A parent or legal guardian described in Subsection 26B-4-213(2)(d), in consultation
1924 with the minor and the minor's qualified medical provider, may designate~~[, through~~
1925 ~~the state central patient portal,]~~ up to two individuals to serve as a designated
1926 caregiver for the minor, if the department determines that the parent or legal guardian
1927 is not eligible for a medical cannabis guardian card under Section 26B-4-213.

1928 (d)(i) Upon the entry of a caregiver designation under this Subsection (1) by a patient
1929 with a terminal illness described in Section 26B-4-203, the department shall issue
1930 to the designated caregiver an electronic conditional medical cannabis caregiver
1931 card, in accordance with this Subsection (1)(d).

1932 (ii) A conditional medical cannabis caregiver card is valid for the lesser of:

- 1933 (A) 60 days; or
- 1934 (B) the day on which the department completes the department's review and issues
- 1935 a medical cannabis caregiver card under Subsection (1)(a), denies the patient's
- 1936 medical cannabis caregiver card application, or revokes the conditional
- 1937 medical cannabis caregiver card under Section 26B-4-246.
- 1938 (iii) The department may issue a conditional medical cannabis card to an individual
- 1939 applying for a medical cannabis patient card for which approval of the
- 1940 Compassionate Use Board is not required.
- 1941 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and
- 1942 obligations under law applicable to a holder of the medical cannabis card for
- 1943 which the individual applies and for which the department issues the conditional
- 1944 medical cannabis card.
- 1945 (2) An individual that the department registers as a designated caregiver under this section
- 1946 and a facility described in Subsection (1)(b):
- 1947 (a) for an individual designated caregiver, may carry a valid medical cannabis caregiver
- 1948 card;
- 1949 (b) in accordance with this part, may purchase, possess, transport, or assist the patient in
- 1950 the use of [~~cannabis in a medicinal dosage form, a cannabis product in a medicinal~~
- 1951 ~~dosage form,]~~ medical cannabis or a medical cannabis device on behalf of the
- 1952 designating medical cannabis cardholder;
- 1953 (c) may not charge a fee to an individual to act as the individual's designated caregiver
- 1954 or for a service that the designated caregiver provides in relation to the role as a
- 1955 designated caregiver; and
- 1956 (d) may accept reimbursement from the designating medical cannabis cardholder for
- 1957 direct costs the designated caregiver incurs for assisting with the designating
- 1958 cardholder's medicinal use of cannabis.
- 1959 (3)(a) The department shall:
- 1960 (i) within 15 days after the day on which an individual submits an application in
- 1961 compliance with this section, issue a medical cannabis card to the applicant if the
- 1962 applicant:
- 1963 (A) is designated as a caregiver under Subsection (1);
- 1964 (B) is eligible for a medical cannabis caregiver card under Subsection (4); and
- 1965 (C) complies with this section; and
- 1966 (ii) notify the Department of Public Safety of each individual that the department

- 1967 registers as a designated caregiver.
- 1968 (b) The department shall ensure that a medical cannabis caregiver card contains the
1969 information described in Subsections (5)(b) and (3)(c)(i).
- 1970 (c) If a cardholder described in Section 26B-4-213 designates an individual as a
1971 caregiver who already holds a medical cannabis caregiver card, the individual with
1972 the medical cannabis caregiver card:
- 1973 (i) shall report to the department the information required of applicants under
1974 Subsection (5)(b) regarding the new designation;
- 1975 (ii) if the individual makes the report described in Subsection (3)(c)(i), is not required
1976 to file an application for another medical cannabis caregiver card;
- 1977 (iii) may receive an additional medical cannabis caregiver card in relation to each
1978 additional medical cannabis patient who designates the caregiver; and
- 1979 (iv) is not subject to an additional background check.
- 1980 (4) An individual is eligible for a medical cannabis caregiver card if the individual:
- 1981 (a) is at least 21 years old;
- 1982 (b) is a Utah resident;
- 1983 (c) pays to the department a fee in an amount that, subject to Subsection 26B-1-310(5),
1984 the department sets in accordance with Section 63J-1-504, plus the cost of the
1985 criminal background check described in Section 26B-4-215; and
- 1986 (d) signs an acknowledgment stating that the applicant received the information
1987 described in Subsection 26B-4-213(9)[-].
- 1988 (5) An eligible applicant for a medical cannabis caregiver card shall:
- 1989 (a) submit an application for a medical cannabis caregiver card to the department
1990 through an electronic application connected to the state electronic verification
1991 system; and
- 1992 (b) submit the following information in the application described in Subsection (5)(a):
- 1993 (i) the applicant's name, gender, age, and address;
- 1994 (ii) the name, gender, age, and address of the cardholder described in Section
1995 26B-4-213 who designated the applicant;
- 1996 (iii) if a medical cannabis guardian cardholder designated the caregiver, the name,
1997 gender, and age of the minor receiving a medical cannabis treatment in relation to
1998 the medical cannabis guardian cardholder; and
- 1999 (iv) any additional information that the department requests to assist in matching the
2000 application with the designating medical cannabis patient.

- 2001 (6) Except as provided in Subsection (6)(b), a medical cannabis caregiver card that the
 2002 department issues under this section is valid for the lesser of:
- 2003 (a) an amount of time that the cardholder described in Section 26B-4-213 who
 2004 designated the caregiver determines; or
- 2005 (b) the amount of time remaining before the card of the cardholder described in Section
 2006 26B-4-213 expires.
- 2007 (7)(a) If a designated caregiver meets the requirements of Subsection (4), the designated
 2008 caregiver's medical cannabis caregiver card renews automatically at the time the
 2009 cardholder described in Section 26B-4-213 who designated the caregiver:
- 2010 (i) renews the cardholder's card; and
 2011 (ii) renews the caregiver's designation, in accordance with Subsection (7)(b).
- 2012 (b) The department shall provide a method in the card renewal process to allow a
 2013 cardholder described in Section 26B-4-213 who has designated a caregiver to:
- 2014 (i) signify that the cardholder renews the caregiver's designation;
 2015 (ii) remove a caregiver's designation; or
 2016 (iii) designate a new caregiver.
- 2017 (8) The department shall record the issuance or revocation of a medical cannabis card under
 2018 this section in the controlled substance database.
- 2019 Section 24. Section **26B-4-222** is amended to read:
- 2020 **26B-4-222 . Report.**
- 2021 (1) By the November interim meeting each year, the department shall report to the Health
 2022 and Human Services Interim Committee on:
- 2023 (a) the number of applications and renewal applications filed for medical cannabis cards;
 2024 (b) the number of qualifying patients and designated caregivers;
 2025 (c) the nature of the debilitating medical conditions of the qualifying patients;
 2026 (d) the age and county of residence of cardholders;
 2027 (e) the number of medical cannabis cards revoked;
 2028 (f) the number of practitioners providing recommendations for qualifying patients;
 2029 (g) the number of license applications and renewal license applications received;
 2030 (h) the number of licenses the department has issued in each county;
 2031 (i) the number of licenses the department has revoked;
 2032 (j) the quantity of medical cannabis shipments[~~that the state central patient portal~~
 2033 ~~facilitates~~];
 2034 (k) the number of overall purchases of medical cannabis [~~and medical cannabis products~~]

2035 from each medical cannabis pharmacy;

2036 (l) the expenses incurred and revenues generated from the medical cannabis program;

2037 and

2038 (m) an analysis of product availability in medical cannabis pharmacies in consultation

2039 with the Department of Agriculture and Food.

2040 (2) The report shall include information provided by the Center for Medical Cannabis

2041 Research described in Section 53B-17-1402.

2042 (3) The department may not include personally identifying information in the report

2043 described in this section.

2044 (4) The department shall report to the working group described in Section 36-12-8.2 as

2045 requested by the working group.

2046 Section 25. Section **26B-4-243** is amended to read:

2047 **26B-4-243 . Guidance for treatment with medical cannabis.**

2048 The department, in consultation with the Center for Medical Cannabis Research created

2049 in Section 53B-17-1402, shall:

2050 (1) develop evidence-based guidance for treatment with medical cannabis based on the

2051 latest medical research that shall include:

2052 (a) for each qualifying condition, a summary of the latest medical research regarding the

2053 treatment of the qualifying condition with medical cannabis;

2054 (b) risks, contraindications, side effects, and adverse reactions that are associated with

2055 medical cannabis use; and

2056 (c) potential drug interactions between medical cannabis and medications that have been

2057 approved by the United States Food and Drug Administration;~~[-and]~~

2058 (2) educate recommending medical providers, pharmacy medical providers, medical

2059 cannabis cardholders, and the public regarding:

2060 (a) the evidence-based guidance for treatment with medical cannabis described in

2061 Subsection (1)(a);

2062 (b) relevant warnings and safety information related to medical cannabis use; and

2063 (c) other topics related to medical cannabis use as determined by the department~~[-]~~ ; and

2064 (3) develop patient product information inserts for medical cannabis products in

2065 consultation with the cannabis processing facility that created the product and does not

2066 contain proprietary information about the product.

2067 Section 26. Section **26B-4-247** is amended to read:

2068 **26B-4-247 . Department coordination.**

2069 The department shall:

2070 (1) provide draft rules made under this chapter to the:

2071 (a) advisory board for the advisory board's review; and

2072 (b) medical cannabis ombudsman;

2073 (2) consult with the advisory board regarding:

2074 (a) patient education; and

2075 (b) fees set by the department that pertain to the medical cannabis program; and

2076 (3) when appropriate, consult with the advisory board regarding issues that arise in the
2077 medical cannabis program.

2078 Section 27. Section **26B-4-248** is enacted to read:

2079 **26B-4-248 . Medical cannabis ombudsman -- Duties -- Appeals.**

2080 (1)(a) There is created a medical cannabis ombudsman within the Office of Ombuds
2081 within the department.

2082 (b) The department shall consult with the Department of Agriculture and Food regarding
2083 the selection of the medical cannabis ombudsman.

2084 (c) The medical cannabis ombudsman or an immediate family member of the medical
2085 cannabis ombudsman may not have an ownership interest in a cannabis production
2086 establishment or medical cannabis pharmacy.

2087 (2) The ombudsman shall:

2088 (a) provide training and information to private citizens, civic groups, governmental
2089 entities, and other interested parties across the state regarding the role and duties of
2090 the ombudsman;

2091 (b) develop a website to provide the information described in Subsection (2)(b) in a form
2092 that is easily accessible;

2093 (c) consult on proposed rules that are created under Title 4, Chapter 41a, Cannabis
2094 Production Establishments and Pharmacies, and Title 26B, Chapter 4, Part 2,
2095 Cannabinoid Research and Medical Cannabis;

2096 (d) cooperate and coordinate with governmental entities and other organizations in the
2097 community in exercising the duties under this section; and

2098 (e) as appropriate, make recommendations to the Department of Agriculture and Food
2099 and the department regarding the creation or modification of rules that the
2100 ombudsman considers necessary to carry out the ombudsman's duties under this
2101 section.

2102 (3)(a) The ombudsman shall:

- 2103 (i) determine which entities receive licenses:
- 2104 (A) under Section 4-41a-1005 in consultation with the Department of Agriculture
- 2105 and Food and in accordance with Section 4-41a-1005; and
- 2106 (B) described in this Subsection (3); and
- 2107 (ii) inform the Department of Agriculture and Food of the selections.
- 2108 (b)(i) Subject to the requirements of this Subsection (3) and the criteria established
- 2109 for obtaining a medical cannabis pharmacy license under Title 4, Chapter 41a,
- 2110 Cannabis Production Establishments and Pharmacies, the ombudsman shall:
- 2111 (A) before January 1, 2026, select one entity to receive a medical cannabis
- 2112 pharmacy license; and
- 2113 (B) before January 1, 2027, but not before January 1, 2026, select one entity to
- 2114 receive a medical cannabis pharmacy license.
- 2115 (ii) When selecting entities under this Subsection (3), if there is a conflict between
- 2116 the criteria established for obtaining a medical cannabis pharmacy license under
- 2117 Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, and
- 2118 this section, this section controls.
- 2119 (c) For the license described in Subsection (3)(b)(i)(B), the ombudsman may not select
- 2120 an entity:
- 2121 (i) that owns any interest in or operates a medical cannabis production establishment;
- 2122 or
- 2123 (ii) that is owned, partially or entirely, or operated by a medical cannabis production
- 2124 establishment.
- 2125 (d) The ombudsman:
- 2126 (i) may not select an entity to receive a license under this Subsection (3) if the entity
- 2127 owns a financial interest in a medical cannabis pharmacy or is owned by an entity
- 2128 that owns a financial interest in a medical cannabis pharmacy; and
- 2129 (ii) shall select an entity that will site a medical cannabis pharmacy license issued
- 2130 under this Subsection (3) in an area:
- 2131 (A) designated as a medically underserved area as determined by the federal
- 2132 Health Resources and Services Administration; and
- 2133 (B) located in a county of the third, fourth, fifth, or sixth class.
- 2134 (e) A license described in this Subsection (3) may not be transferred to another entity
- 2135 unless that entity meets the requirements of Subsections (3)(c) and (3)(d) that the
- 2136 transferring entity met when obtaining the license.

- 2137 (4)(a) The ombudsman shall contract with a nonprofit entity that provides assistance to
2138 medical cannabis cardholders for purchasing medical cannabis or a medical cannabis
2139 device.
- 2140 (b) Subject to available funds, the contracted nonprofit entity may provide monthly \$150
2141 vouchers to a medical cannabis pharmacy as part of the program described in this
2142 Subsection (4).
- 2143 (c) A medical cannabis patient is eligible for the program if the individual is:
2144 (i) an active medical cannabis cardholder patient; and
2145 (ii) enrolled in Medicaid or Medicare.
- 2146 (d) The ombudsman may make rules to effectuate the program described in this
2147 Subsection (4) in accordance with Title 63G, Chapter 4, Administrative Procedures
2148 Act.
- 2149 (e) A contracted nonprofit entity shall provide the ombudsman an accounting each
2150 quarter of:
2151 (i) how money was used; and
2152 (ii) other metrics determined relevant by the ombudsman.
- 2153 (5)(a) The ombudsman shall hear all appeals for administrative action taken under Title
2154 4, Chapter 41a, Cannabis Production Establishments and Pharmacies as an informal
2155 proceeding under Title 63G, Chapter 4, Administrative Procedures Act.
- 2156 (b) The ombudsman shall create rules for hearing appeals in accordance with Title 63G,
2157 Chapter 3, Utah Administrative Rulemaking Act.
- 2158 (6) Before August 1, 2026, and each year thereafter, the ombudsman shall provide a report
2159 to the Medical Cannabis Governance Structure Working Group created in Section
2160 36-12-8.2 regarding:
2161 (a) the number of appeals heard under Subsection (5);
2162 (b) the number of patients served under Subsection (4); and
2163 (c) policy recommendations related to the medical cannabis program.
- 2164 Section 28. Section **63I-2-204** is amended to read:
2165 **63I-2-204 . Repeal dates: Title 4.**
- 2166 (1) Section 4-11-117, Beekeeping working group -- Development of standards, is repealed
2167 May 1, 2025.
- 2168 (2) Subsection 4-41a-102(6), regarding the Cannabis Research Review Board, is repealed
2169 July 1, [2026] 2025.
- 2170 (3) Section 4-46-104, Transition, is repealed July 1, 2024.

- 2171 Section 29. Section **63I-2-226** is amended to read:
- 2172 **63I-2-226 . Repeal dates: Titles 26 through 26B.**
- 2173 (1) Section 26B-1-241, Tardive dyskinesia, is repealed July 1, 2024.
- 2174 (2) Section 26B-1-302, National Professional Men's Basketball Team Support of Women
2175 and Children Issues Restricted Account, is repealed July 1, 2024.
- 2176 (3) Section 26B-1-309, Medicaid Restricted Account, is repealed July 1, 2024.
- 2177 (4) Section 26B-1-313, Cancer Research Restricted Account, is repealed July 1, 2024.
- 2178 (5) Section 26B-1-420, Cannabis Research Review Board, is repealed July 1, [~~2026~~] 2025.
- 2179 (6) Subsection 26B-1-421(9)(a), regarding a report to the Cannabis Research Review
2180 Board, is repealed July 1, [~~2026~~] 2025.
- 2181 (7) Section 26B-1-423, Rural Physician Loan Repayment Program Advisory Committee --
2182 Membership -- Compensation -- Duties, is repealed July 1, 2026.
- 2183 (8) Section 26B-2-243, Data collection and reporting requirements concerning incidents of
2184 abuse, neglect, or exploitation, is repealed July 1, 2027.
- 2185 (9) Section 26B-3-142, Long-acting injectables, is repealed July 1, 2024.
- 2186 (10) Subsection 26B-3-215(5), regarding reporting on coverage for in vitro fertilization and
2187 genetic testing, is repealed July 1, 2030.
- 2188 (11) Subsection 26B-4-201(5), regarding the Cannabis Research Review Board, is repealed
2189 July 1, [~~2026~~] 2025.
- 2190 (12) Subsection 26B-4-212(1)(b), regarding the Cannabis Research Review Board, is
2191 repealed July 1, [~~2026~~] 2025.
- 2192 (13) Section 26B-4-702, Creation of Utah Health Care Workforce Financial Assistance
2193 Program, is repealed July 1, 2027.
- 2194 (14) Subsection 26B-4-703(3)(b), regarding per diem and expenses for the Rural Physician
2195 Loan Repayment Program Advisory Committee, is repealed July 1, 2026.
- 2196 (15) Subsection 26B-4-703(3)(c), regarding expenses for the Rural Physician Loan
2197 Repayment Program, is repealed July 1, 2026.
- 2198 (16) Subsection 26B-4-703(6)(b), regarding recommendations from the Rural Physician
2199 Loan Repayment Program Advisory Committee, is repealed July 1, 2026.
- 2200 (17) Section 26B-5-117, Early childhood mental health support grant program, is repealed
2201 January 2, 2025.
- 2202 (18) Section 26B-5-302.5, Study concerning civil commitment and the Utah State Hospital,
2203 is repealed July 1, 2025.
- 2204 (19) Section 26B-6-414, Respite care services, is repealed July 1, 2025.

- 2205 (20) Section 26B-7-120, Invisible condition alert program education and outreach, is
2206 repealed July 1, 2025.
- 2207 Section 30. Section **63I-2-236** is amended to read:
2208 **63I-2-236 . Repeal dates: Title 36.**
- 2209 (1) Section 36-12-8.2, Medical cannabis governance structure working group, is repealed
2210 July 1, [~~2025~~] 2026.
- 2211 (2) Section 36-29-107.5, Murdered and Missing Indigenous Relatives Task Force --
2212 Creation -- Membership -- Quorum -- Compensation -- Staff -- Vacancies -- Duties --
2213 Interim report, is repealed November 30, 2024.
- 2214 (3) Section 36-29-109, Utah Broadband Center Advisory Commission, is repealed
2215 November 30, 2027.
- 2216 (4) Section 36-29-110, Blockchain and Digital Innovation Task Force, is repealed
2217 November 30, 2024.
- 2218 Section 31. **Repealer.**
2219 This bill repeals:
2220 Section **4-41a-801.1, Enforcement for medical cannabis pharmacies and couriers -- Fine**
2221 **-- Citation.**
2222 Section **26B-4-236, State central patient portal -- Department duties.**
2223 Section 32. **Effective Date.**
2224 This bill takes effect on May 7, 2025.