

Raymond P. Ward proposes the following substitute bill:

Medical Cannabis Modifications

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Raymond P. Ward

Senate Sponsor: Luz Escamilla

LONG TITLE

General Description:

This bill amends provisions related to medical cannabis.

Highlighted Provisions:

This bill:

- repeals provisions related to qualified medical providers and limited medical providers in the medical cannabis program;
- allows certain health care providers to recommend medical cannabis without first registering with the Department of Health and Human Services;
- repeals continuing education requirements related to medical cannabis;
- moves enforcement of advertising and payment requirements related to medical cannabis from the Department of Health and Human Services to the Division of Professional Licensing; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

- 4-41a-102**, as last amended by Laws of Utah 2024, Chapters 217, 238 and 240
- 4-41a-301**, as last amended by Laws of Utah 2024, Chapter 217
- 4-41a-602**, as last amended by Laws of Utah 2024, Chapter 217
- 4-41a-1101**, as last amended by Laws of Utah 2024, Chapter 217
- 26B-1-435**, as last amended by Laws of Utah 2024, Chapters 238, 240
- 26B-2-203**, as renumbered and amended by Laws of Utah 2023, Chapter 305

- 29 **26B-4-201**, as last amended by Laws of Utah 2024, Chapters 217, 240
- 30 **26B-4-202**, as last amended by Laws of Utah 2024, Chapters 217, 240
- 31 **26B-4-203**, as last amended by Laws of Utah 2023, Chapter 317 and renumbered and
- 32 amended by Laws of Utah 2023, Chapter 307
- 33 **26B-4-204**, as last amended by Laws of Utah 2024, Chapter 217
- 34 **26B-4-205**, as renumbered and amended by Laws of Utah 2023, Chapter 307
- 35 **26B-4-213**, as last amended by Laws of Utah 2024, Chapters 217, 240
- 36 **26B-4-214**, as last amended by Laws of Utah 2024, Chapter 240
- 37 **26B-4-231**, as last amended by Laws of Utah 2024, Chapter 238
- 38 **26B-4-245**, as last amended by Laws of Utah 2024, Chapters 217, 240
- 39 **53B-17-903**, as last amended by Laws of Utah 2023, Chapter 328
- 40 **58-5a-102**, as last amended by Laws of Utah 2024, Chapter 458
- 41 **58-31b-305**, as last amended by Laws of Utah 2023, Chapter 329
- 42 **58-31b-502**, as last amended by Laws of Utah 2024, Chapter 237
- 43 **58-67-304**, as last amended by Laws of Utah 2023, Chapters 301, 329
- 44 **58-67-502**, as last amended by Laws of Utah 2024, Chapter 237
- 45 **58-68-304**, as last amended by Laws of Utah 2023, Chapters 301, 329
- 46 **58-68-502**, as last amended by Laws of Utah 2024, Chapter 237
- 47 **58-70a-303**, as last amended by Laws of Utah 2023, Chapter 329
- 48 **58-70a-503**, as last amended by Laws of Utah 2024, Chapter 237
- 49 **80-4-109**, as last amended by Laws of Utah 2023, Chapters 273, 317 and 330 and last
- 50 amended by Coordination Clause, Laws of Utah 2023, Chapter 330

51 ENACTS:

52 **58-1-513**, Utah Code Annotated 1953



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

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

56 **4-41a-102 . Definitions.**

57 As used in this chapter:

- 58 (1) "Adulterant" means any poisonous or deleterious substance in a quantity that may be
- 59 injurious to health, including:
- 60 (a) pesticides;
- 61 (b) heavy metals;
- 62 (c) solvents;

- 63 (d) microbial life;
- 64 (e) artificially derived cannabinoid;
- 65 (f) toxins; or
- 66 (g) foreign matter.
- 67 (2) "Advertise" or "advertising" means information provided by a person in any medium:
- 68 (a) to the public; and
- 69 (b) that is not age restricted to an individual who is at least 21 years old.
- 70 (3) "Advisory board" means the Medical Cannabis Policy Advisory Board created in
- 71 Section 26B-1-435.
- 72 (4)(a) "Anticompetitive business practice" means any practice that reduces the amount
- 73 of competition in the medical cannabis market that would be considered an attempt to
- 74 monopolize, as defined in Section 76-10-3103.
- 75 (b) "Anticompetitive business practice" may include:
- 76 (i) agreements that may be considered unreasonable when competitors interact to the
- 77 extent that they are:
- 78 (A) no longer acting independently; or
- 79 (B) when collaborating are able to wield market power together;
- 80 (ii) monopolizing or attempting to monopolize trade by:
- 81 (A) acting to maintain or acquire a dominant position in the market; or
- 82 (B) preventing new entry into the market; or
- 83 (iii) other conduct outlined in rule.
- 84 (5)(a) "Artificially derived cannabinoid" means a chemical substance that is created by a
- 85 chemical reaction that changes the molecular structure of any chemical substance
- 86 derived from the cannabis plant.
- 87 (b) "Artificially derived cannabinoid" does not include:
- 88 (i) a naturally occurring chemical substance that is separated from the cannabis plant
- 89 by a chemical or mechanical extraction process; or
- 90 (ii) a cannabinoid that is produced by decarboxylation from a naturally occurring
- 91 cannabinoid acid without the use of a chemical catalyst.
- 92 (6) "Cannabis Research Review Board" means the Cannabis Research Review Board
- 93 created in Section 26B-1-420.
- 94 (7) "Cannabis" means the same as that term is defined in Section 26B-4-201.
- 95 (8) "Cannabis concentrate" means:
- 96 (a) the product of any chemical or physical process applied to naturally occurring

- 97 biomass that concentrates or isolates the cannabinoids contained in the biomass; and
- 98 (b) any amount of a natural cannabinoid or artificially derived cannabinoid in an
- 99 artificially derived cannabinoid's purified state.
- 100 (9) "Cannabis cultivation byproduct" means any portion of a cannabis plant that is not
- 101 intended to be sold as a cannabis plant product.
- 102 (10) "Cannabis cultivation facility" means a person that:
- 103 (a) possesses cannabis;
- 104 (b) grows or intends to grow cannabis; and
- 105 (c) sells or intends to sell cannabis to a cannabis cultivation facility, a cannabis
- 106 processing facility, or a medical cannabis research licensee.
- 107 (11) "Cannabis cultivation facility agent" means an individual who
- 108 holds a valid cannabis production establishment agent registration card with a cannabis
- 109 cultivation facility designation.
- 110 (12) "Cannabis derivative product" means a product made using cannabis concentrate.
- 111 (13) "Cannabis plant product" means any portion of a cannabis plant intended to be sold in
- 112 a form that is recognizable as a portion of a cannabis plant.
- 113 (14) "Cannabis processing facility" means a person that:
- 114 (a) acquires or intends to acquire cannabis from a cannabis production establishment;
- 115 (b) possesses cannabis with the intent to manufacture a cannabis product;
- 116 (c) manufactures or intends to manufacture a cannabis product from unprocessed
- 117 cannabis or a cannabis extract; and
- 118 (d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or a
- 119 medical cannabis research licensee.
- 120 (15) "Cannabis processing facility agent" means an individual who
- 121 holds a valid cannabis production establishment agent registration card with a cannabis
- 122 processing facility designation.
- 123 (16) "Cannabis product" means the same as that term is defined in Section 26B-4-201.
- 124 (17) "Cannabis production establishment" means a cannabis cultivation facility, a cannabis
- 125 processing facility, or an independent cannabis testing laboratory.
- 126 (18) "Cannabis production establishment agent" means a cannabis cultivation facility agent,
- 127 a cannabis processing facility agent, or an independent cannabis testing laboratory agent.
- 128 (19) "Cannabis production establishment agent registration card" means a registration card
- 129 that the department issues that:
- 130 (a) authorizes an individual to act as a cannabis production establishment agent; and

- 131 (b) designates the type of cannabis production establishment for which an individual is
132 authorized to act as an agent.
- 133 (20) "Closed-door medical cannabis pharmacy" means a facility operated by a home
134 delivery medical cannabis pharmacy for delivering cannabis or a medical cannabis
135 product.
- 136 (21) "Community location" means a public or private elementary or secondary school, a
137 church, a public library, a public playground, or a public park.
- 138 (22) "Cultivation space" means, quantified in square feet, the horizontal area in which a
139 cannabis cultivation facility cultivates cannabis, including each level of horizontal area
140 if the cannabis cultivation facility hangs, suspends, stacks, or otherwise positions plants
141 above other plants in multiple levels.
- 142 (23) "Delivery address" means:
- 143 (a) for a medical cannabis cardholder who is not a facility:
- 144 (i) the medical cannabis cardholder's home address; or
145 (ii) an address designated by the medical cannabis cardholder that:
- 146 (A) is the medical cannabis cardholder's workplace; and
147 (B) is not a community location; or
- 148 (b) for a medical cannabis cardholder that is a facility, the facility's address.
- 149 (24) "Department" means the Department of Agriculture and Food.
- 150 (25) "Family member" means a parent, step-parent, spouse, child, sibling, step-sibling,
151 uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law,
152 sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.
- 153 (26) "Government issued photo identification" means the same as that term is defined in
154 Section 26B-4-201, including expired identification in accordance with Section
155 26B-4-244.
- 156 (27) "Home delivery medical cannabis pharmacy" means a medical cannabis pharmacy that
157 the department authorizes, as part of the pharmacy's license, to deliver medical cannabis
158 shipments to a delivery address to fulfill electronic orders that the state central patient
159 portal facilitates.
- 160 (28)(a) "Independent cannabis testing laboratory" means a person that:
- 161 (i) conducts a chemical or other analysis of cannabis or a cannabis product; or
162 (ii) acquires, possesses, and transports cannabis or a cannabis product with the intent
163 to conduct a chemical or other analysis of the cannabis or cannabis product.
- 164 (b) "Independent cannabis testing laboratory" includes a laboratory that the department

- 165 or a research university operates in accordance with Subsection 4-41a-201(14).
- 166 (29) "Independent cannabis testing laboratory agent" means an individual who
- 167 holds a valid cannabis production establishment agent registration card with an
- 168 independent cannabis testing laboratory designation.
- 169 (30) "Inventory control system" means a system described in Section 4-41a-103.
- 170 (31) "Licensing board" or "board" means the Cannabis Production Establishment and
- 171 Pharmacy Licensing Advisory Board created in Section 4-41a-201.1.
- 172 (32) "Medical cannabis" means the same as that term is defined in Section 26B-4-201.
- 173 (33) "Medical cannabis card" means the same as that term is defined in Section 26B-4-201.
- 174 (34) "Medical cannabis courier" means a courier that:
- 175 (a) the department licenses in accordance with Section 4-41a-1201; and
- 176 (b) contracts with a home delivery medical cannabis pharmacy to deliver medical
- 177 cannabis shipments to fulfill electronic orders that the state central patient portal
- 178 facilitates.
- 179 (35) "Medical cannabis courier agent" means an individual who:
- 180 (a) is an employee of a medical cannabis courier; and
- 181 (b) who holds a valid medical cannabis courier agent registration card.
- 182 (36) "Medical cannabis pharmacy" means the same as that term is defined in Section
- 183 26B-4-201.
- 184 (37) "Medical cannabis pharmacy agent" means the same as that term is defined in Section
- 185 26B-4-201.
- 186 (38) "Medical cannabis research license" means a license that the department issues to a
- 187 research university for the purpose of obtaining and possessing medical cannabis for
- 188 academic research.
- 189 (39) "Medical cannabis research licensee" means a research university that the department
- 190 licenses to obtain and possess medical cannabis for academic research, in accordance
- 191 with Section 4-41a-901.
- 192 (40) "Medical cannabis shipment" means a shipment of medical cannabis that a home
- 193 delivery medical cannabis pharmacy or a medical cannabis courier delivers to a delivery
- 194 address to fulfill an electronic medical cannabis order that the state central patient portal
- 195 facilitates.
- 196 (41) "Medical cannabis treatment" means the same as that term is defined in Section
- 197 26B-4-201.
- 198 (42) "Medicinal dosage form" means the same as that term is defined in Section 26B-4-201.

- 199 (43) "Pharmacy ownership limit" means an amount equal to 30% of the total number of
200 medical cannabis pharmacy licenses issued by the department rounded down to the
201 nearest whole number.
- 202 (44) "Pharmacy medical provider" means the same as that term is defined in Section
203 26B-4-201.
- 204 [~~(45) "Qualified medical provider" means the same as that term is defined in Section~~
205 ~~26B-4-201.~~]
- 206 [(46)] (45) "Qualified Production Enterprise Fund" means the fund created in Section
207 4-41a-104.
- 208 [(47)] (46) "Recommending medical provider" means the same as that term is defined in
209 Section 26B-4-201.
- 210 [(48)] (47) "Research university" means the same as that term is defined in Section
211 53B-7-702 and a private, nonprofit college or university in the state that:
- 212 (a) is accredited by the Northwest Commission on Colleges and Universities;
213 (b) grants doctoral degrees; and
214 (c) has a laboratory containing or a program researching a schedule I controlled
215 substance described in Section 58-37-4.
- 216 [(49)] (48) "State electronic verification system" means the system described in Section
217 26B-4-202.
- 218 [(50)] (49) "Targeted marketing" means the promotion of a cannabis product, medical
219 cannabis brand, or a medical cannabis device using any of the following methods:
- 220 (a) electronic communication to an individual who is at least 21 years old and has
221 requested to receive promotional information;
- 222 (b) an in-person marketing event that is:
- 223 (i) held inside a medical cannabis pharmacy; and
224 (ii) in an area where only a medical cannabis cardholder may access the event;
- 225 (c) other marketing material that is physically available or digitally displayed in a
226 medical cannabis pharmacy; or
- 227 (d) a leaflet a medical cannabis pharmacy places in the opaque package or box that is
228 provided to an individual when obtaining medical cannabis:
- 229 (i) in the medical cannabis pharmacy;
230 (ii) at the medical cannabis pharmacy's drive-through pick up window; or
231 (iii) in a medical cannabis shipment.
- 232 [(51)] (50) "Tetrahydrocannabinol" or "THC" means the same as that term is defined in

233 Section 4-41-102.

234 [(52)] (51) "THC analog" means the same as that term is defined in Section 4-41-102.

235 [(53)] (52) "Total composite tetrahydrocannabinol" means all detectable forms of
236 tetrahydrocannabinol.

237 [(54)] (53) "Total tetrahydrocannabinol" or "total THC" means the same as that term is
238 defined in Section 4-41-102.

239 Section 2. Section **4-41a-301** is amended to read:

240 **4-41a-301 . Cannabis production establishment agent -- Registration.**

241 (1) An individual may not act as a cannabis production establishment agent unless the
242 department registers the individual as a cannabis production establishment agent,
243 regardless of whether the individual is a seasonal, temporary, or permanent employee.

244 (2) The following individuals, regardless of the individual's status as a [~~qualified medical~~
245 ~~provider~~] recommending medical provider, may not serve as a cannabis production
246 establishment agent, have a financial or voting interest of 2% or greater in a cannabis
247 production establishment, or have the power to direct or cause the management or
248 control of a cannabis production establishment:

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

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

252 (c) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title
253 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

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

256 (3) An independent cannabis testing laboratory agent may not act as an agent for a medical
257 cannabis pharmacy, a medical cannabis courier, a cannabis processing facility, or a
258 cannabis cultivation facility.

259 (4)(a) The department shall, within 15 business days after the day on which the
260 department receives a complete application from a prospective cannabis production
261 establishment agent, register and issue a cannabis production establishment agent
262 registration card to the prospective agent if the prospective agent:

263 (i) provides to the department:

264 (A) the prospective agent's name and address;

265 (B) which cannabis production establishment agent designations the applicant
266 desires; and

- 267 (C) the submission required under Subsection (4)(b); and
- 268 (ii) pays a fee to the department in an amount that, subject to Subsection 4-41a-104
- 269 (5), the department sets in accordance with Section 63J-1-504.
- 270 (b) Each prospective agent described in Subsection (4)(a) shall:
- 271 (i) submit to the department:
- 272 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and
- 273 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging
- 274 the registration of the prospective agent's fingerprints in the Federal Bureau of
- 275 Investigation Next Generation Identification System's Rap Back Service; and
- 276 (ii) consent to a fingerprint background check by:
- 277 (A) the Bureau of Criminal Identification; and
- 278 (B) the Federal Bureau of Investigation.
- 279 (c) The Bureau of Criminal Identification shall:
- 280 (i) check the fingerprints the prospective agent submits under Subsection (4)(b)
- 281 against the applicable state, regional, and national criminal records databases,
- 282 including the Federal Bureau of Investigation Next Generation Identification
- 283 System;
- 284 (ii) report the results of the background check to the department;
- 285 (iii) maintain a separate file of fingerprints that prospective agents submit under
- 286 Subsection (4)(b) for search by future submissions to the local and regional
- 287 criminal records databases, including latent prints;
- 288 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation
- 289 Next Generation Identification System's Rap Back Service for search by future
- 290 submissions to national criminal records databases, including the Next Generation
- 291 Identification System and latent prints; and
- 292 (v) establish a privacy risk mitigation strategy to ensure that the department only
- 293 receives notifications for an individual with whom the department maintains an
- 294 authorizing relationship.
- 295 (d) The department shall:
- 296 (i) assess an individual who submits fingerprints under Subsection (4)(b) a fee in an
- 297 amount that the department sets in accordance with Section 63J-1-504 for the
- 298 services that the Bureau of Criminal Identification or another authorized agency
- 299 provides under this section; and
- 300 (ii) remit the fee described in Subsection (4)(d)(i) to the Bureau of Criminal

- 301 Identification.
- 302 (5)(a) The department shall designate, on an individual's cannabis production establishment
303 agent registration card
304 the type of cannabis production establishment for which the individual is authorized to
305 act as an agent.
- 306 (b) When issuing a card under Subsection (5)(a) the department:
- 307 (i) may issue a cannabis production establishment agent registration card that
308 contains both a cannabis processing facility designation and a cannabis cultivator
309 facility designation; and
- 310 (ii) if the cannabis production establishment agent registration card will contain an
311 independent cannabis testing laboratory designation, may not include any other
312 designations.
- 313 (6) A cannabis production establishment agent shall comply with:
- 314 (a) a certification standard that the department develops; or
315 (b) a certification standard that the department has reviewed and approved.
- 316 (7)(a) The department shall ensure that the certification standard described in Subsection
317 (6) includes training:
- 318 (i) in Utah medical cannabis law;
319 (ii) for a cannabis cultivation facility agent, in cannabis cultivation best practices;
320 (iii) for a cannabis processing facility agent, in cannabis processing, manufacturing
321 safety procedures for items for human consumption, and sanitation best practices;
322 and
323 (iv) for an independent cannabis testing laboratory agent, in cannabis testing best
324 practices.
- 325 (b) The department shall review the training described in Subsection (7)(a) annually or
326 as often as necessary to ensure compliance with this section.
- 327 (8) For an individual who holds or applies for a cannabis production establishment agent
328 registration card:
- 329 (a) the department may revoke or refuse to issue the card if the individual violates the
330 requirements of this chapter; and
331 (b) the department shall revoke or refuse to issue the card if the individual is convicted
332 under state or federal law of:
333 (i) a felony in the preceding 10 years; or
334 (ii) after December 3, 2018, a misdemeanor for drug distribution.

- 335 (9)(a) A cannabis production establishment agent registration card expires two years
336 after the day on which the department issues the card.
- 337 (b) A cannabis production establishment agent may renew the agent's registration card if
338 the agent:
- 339 (i) is eligible for a cannabis production establishment registration card under this
340 section;
- 341 (ii) certifies to the department in a renewal application that the information in
342 Subsection (4)(a) is accurate or updates the information; and
- 343 (iii) pays to the department a renewal fee in an amount that:
- 344 (A) subject to Subsection 4-41a-104(5), the department sets in accordance with
345 Section 63J-1-504; and
- 346 (B) may not exceed the cost of the relatively lower administrative burden of
347 renewal in comparison to the original application process.

- 348 (10) A cannabis production establishment shall:
- 349 (a) maintain a list of each employee that holds a cannabis production establishment
350 agent registration card; and
- 351 (b) provide the list to the department upon request.

352 Section 3. Section **4-41a-602** is amended to read:

353 **4-41a-602 . Cannabis product -- Labeling and child-resistant packaging.**

- 354 (1) For any cannabis product that a cannabis processing facility processes or produces and
355 for any raw cannabis that the facility packages, the facility shall:
- 356 (a) label the cannabis or cannabis product with a label that:
- 357 (i) clearly and unambiguously states that the cannabis product or package contains
358 cannabis;
- 359 (ii) clearly displays the amount of total composite tetrahydrocannabinol, cannabidiol,
360 and any known cannabinoid that is greater than 1% of the total cannabinoids
361 contained in the cannabis or cannabis product as determined under Subsection
362 4-41a-701(4);
- 363 (iii) has a unique identification number that:
- 364 (A) is connected to the inventory control system; and
- 365 (B) identifies the unique cannabis product manufacturing process the cannabis
366 processing facility used to manufacture the cannabis product;
- 367 (iv) identifies the cannabinoid extraction process that the cannabis processing facility
368 used to create the cannabis product;

- 369 (v) does not display an image, word, or phrase that the facility knows or should know
370 appeals to children; and
- 371 (vi) discloses each active or potentially active ingredient, in order of prominence, and
372 possible allergen; and
- 373 (b) package the raw cannabis or cannabis product in a medicinal dosage form in a
374 container that:
- 375 (i) is tamper evident and tamper resistant;
- 376 (ii) does not appeal to children;
- 377 (iii) does not mimic a candy container;
- 378 (iv) complies with child-resistant effectiveness standards that the United States
379 Consumer Product Safety Commission establishes;
- 380 (v) includes a warning label that states:
- 381 [~~(A)~~ for a container labeled before July 1, 2021, "WARNING: Cannabis has
382 intoxicating effects and may be addictive. Do not operate a vehicle or
383 machinery under its influence. KEEP OUT OF REACH OF CHILDREN. This
384 product is for medical use only. Use only as directed by a qualified medical
385 provider.";]
- 386 [~~(B)~~ (A) for a container labeled on or after July 1, 2021, "WARNING: Cannabis
387 has intoxicating effects and may be addictive. Do not operate a vehicle or
388 machinery under its influence. KEEP OUT OF REACH OF CHILDREN. This
389 product is for medical use only. Use only as directed by a recommending
390 medical provider."; or
- 391 [~~(C)~~ (B) for a container labeled on or after January 1, 2024, "WARNING:
392 Cannabis has intoxicating effects, may be addictive, and may increase risk of
393 mental illness. Do not operate a vehicle or machinery under its influence.
394 KEEP OUT OF REACH OF CHILDREN. This product is for medical use
395 only. Use only as directed by a recommending medical provider."; and
- 396 (vi) for raw cannabis or a cannabis product sold in a vaporizer cartridge labeled on or
397 after May 3, 2023, includes a warning label that states:
- 398 (A) "WARNING: Vaping of cannabis-derived products has been associated with
399 lung injury."; and
- 400 (B) "WARNING: Inhalation of cannabis smoke has been associated with lung
401 injury.".
- 402 (2) To ensure that a cannabis product that a cannabis processing facility processes or

403 produces has a medical rather than recreational disposition, the facility may not produce
 404 or process a product whose logo, product name, or brand name includes terms related to
 405 recreational marijuana, including "weed," "pot," "reefer," "grass," "hash," "ganja,"
 406 "Mary Jane," "high," "haze," "stoned," "joint," "bud," "smoke," "euphoria," "dank,"
 407 "doobie," "kush," "frost," "cookies," "rec," "bake," "blunt," "combust," "bong,"
 408 "budtender," "dab," "blaze," "toke," or "420."

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

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

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

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

418 (a) identifies each artificially derived cannabinoid; and

419 (b) identifies that each artificially derived cannabinoid is an artificially derived
 420 cannabinoid.

421 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 422 department:

423 (a) shall make rules to establish:

424 (i) a standard labeling format that:

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

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

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

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

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

432 **4-41a-1101 . Operating requirements -- General.**

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

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

435 (ii) in accordance with the operating plan provided to the department under Section
 436 4-41a-1001 and, if applicable, Section 4-41a-1004.

- 437 (b) A medical cannabis pharmacy shall notify the department before a change in the
438 medical cannabis pharmacy's physical address or operating plan.
- 439 (2) An individual may not enter a medical cannabis pharmacy unless the individual:
440 (a) is at least 18 years old or is an emancipated minor under Section 80-7-105; and
441 (b) except as provided in Subsection (4):
442 (i) possesses a valid:
443 (A) medical cannabis pharmacy agent registration card;
444 (B) pharmacy medical provider registration card; or
445 (C) medical cannabis card;
446 (ii) is an employee of the department performing an inspection under Section
447 4-41a-1103; or
448 (iii) is another individual as the department provides.
- 449 (3) A medical cannabis pharmacy may not employ an individual who is younger than 21
450 years old.
- 451 (4) Notwithstanding Subsection (2)(a), a medical cannabis pharmacy may authorize an
452 individual who is not a medical cannabis pharmacy agent or pharmacy medical provider
453 to access the medical cannabis pharmacy if the medical cannabis pharmacy tracks and
454 monitors the individual at all times while the individual is at the medical cannabis
455 pharmacy and maintains a record of the individual's access.
- 456 (5) A medical cannabis pharmacy shall operate in a facility that has:
457 (a) a single, secure public entrance;
458 (b) a security system with a backup power source that:
459 (i) detects and records entry into the medical cannabis pharmacy; and
460 (ii) provides notice of an unauthorized entry to law enforcement when the medical
461 cannabis pharmacy is closed; and
462 (c) a lock on each area where the medical cannabis pharmacy stores cannabis or a
463 cannabis product.
- 464 (6) A medical cannabis pharmacy shall post, both clearly and conspicuously in the medical
465 cannabis pharmacy, the limit on the purchase of cannabis described in Subsection
466 4-41a-1102(2).
- 467 (7) Except for an emergency situation described in Subsection 26B-4-213(3)(c), a medical
468 cannabis pharmacy may not allow any individual to consume cannabis on the property
469 or premises of the medical cannabis pharmacy.
- 470 (8) A medical cannabis pharmacy may not sell cannabis or a cannabis product without first

- 471 indicating on the cannabis or cannabis product label the name of the medical cannabis
472 pharmacy.
- 473 (9)(a) Each medical cannabis pharmacy shall retain in the pharmacy's records the
474 following information regarding each recommendation underlying a transaction:
- 475 (i) the recommending medical provider's name, address, and telephone number;
 - 476 (ii) the patient's name and address;
 - 477 (iii) the date of issuance;
 - 478 (iv) directions of use and dosing guidelines or an indication that the recommending
479 medical provider did not recommend specific directions of use or dosing
480 guidelines; and
 - 481 (v) if the patient did not complete the transaction, the name of the medical cannabis
482 cardholder who completed the transaction.
- 483 (b)(i) Except as provided in Subsection (9)(b)(iii), a medical cannabis pharmacy may
484 not sell medical cannabis unless the medical cannabis has a label securely affixed
485 to the container indicating the following minimum information:
- 486 (A) the name, address, and telephone number of the medical cannabis pharmacy;
 - 487 (B) the unique identification number that the medical cannabis pharmacy assigns;
 - 488 (C) the date of the sale;
 - 489 (D) the name of the patient;
 - 490 (E) the name of the recommending medical provider who recommended the
491 medical cannabis treatment;
 - 492 (F) directions for use and cautionary statements, if any;
 - 493 (G) the amount dispensed and the cannabinoid content;
 - 494 (H) the suggested use date;
 - 495 (I) for unprocessed cannabis flower, the legal use termination date; and
 - 496 (J) any other requirements that the department determines, in consultation with the
497 Division of Professional Licensing and the Board of Pharmacy.
- 498 (ii) A medical cannabis pharmacy is exempt from the requirement to provide the
499 following information under Subsection (9)(b)(i) if the information is already
500 provided on the product label that a cannabis production establishment affixes:
- 501 (A) a unique identification number;
 - 502 (B) directions for use and cautionary statements;
 - 503 (C) amount and cannabinoid content; and
 - 504 (D) a suggested use date.

- 505 (iii) If the size of a medical cannabis container does not allow sufficient space to
506 include the labeling requirements described in Subsection (9)(b)(i), the medical
507 cannabis pharmacy may provide the following information described in
508 Subsection (9)(b)(i) on a supplemental label attached to the container or an
509 informational enclosure that accompanies the container:
- 510 (A) the cannabinoid content;
 - 511 (B) the suggested use date; and
 - 512 (C) any other requirements that the department determines.
- 513 (iv) A medical cannabis pharmacy may sell medical cannabis to another medical
514 cannabis pharmacy without a label described in Subsection (9)(b)(i).
- 515 (10) A pharmacy medical provider or medical cannabis pharmacy agent shall:
- 516 (a) upon receipt of an order from a [~~limited medical provider~~] recommending medical
517 provider in accordance with Subsections 26B-4-204(1)(b) [~~through (d)~~] and (c):
 - 518 (i) for a written order or an electronic order under circumstances that the department
519 determines, contact the [~~limited medical provider~~] recommending medical provider
520 or the [~~limited medical provider's~~] recommending medical provider's office to
521 verify the validity of the recommendation; and
 - 522 (ii) for an order that the pharmacy medical provider or medical cannabis pharmacy
523 agent verifies under Subsection (10)(a)(i) or an electronic order that is not subject
524 to verification under Subsection (10)(a)(i), enter the [~~limited medical provider's~~]
525 recommending medical provider's recommendation or renewal, including any
526 associated directions of use, dosing guidelines, or caregiver indication, in the state
527 electronic verification system;
 - 528 (b) in processing an order for a holder of a conditional medical cannabis card described
529 in Subsection 26B-4-213(1)(b) that appears irregular or suspicious in the judgment of
530 the pharmacy medical provider or medical cannabis pharmacy agent, contact the
531 recommending medical provider or the recommending medical provider's office to
532 verify the validity of the recommendation before processing the cardholder's order;
 - 533 (c) unless the medical cannabis cardholder has had a consultation under Subsection
534 26B-4-231(5), verbally offer to a medical cannabis cardholder at the time of a
535 purchase of cannabis, a cannabis product, or a medical cannabis device, personal
536 counseling with the pharmacy medical provider; and
 - 537 (d) provide a telephone number or website by which the cardholder may contact a
538 pharmacy medical provider for counseling.

- 539 (11)(a) A medical cannabis pharmacy may create a medical cannabis disposal program
540 that allows an individual to deposit unused or excess medical cannabis or cannabis
541 residue from a medical cannabis device in a locked box or other secure receptacle
542 within the medical cannabis pharmacy.
- 543 (b) A medical cannabis pharmacy with a disposal program described in Subsection
544 (11)(a) shall ensure that only a medical cannabis pharmacy agent or pharmacy
545 medical provider can access deposited medical cannabis.
- 546 (c) A medical cannabis pharmacy shall dispose of any deposited medical cannabis by:
547 (i) rendering the deposited medical cannabis unusable and unrecognizable before
548 transporting deposited medical cannabis from the medical cannabis pharmacy; and
549 (ii) disposing of the deposited medical cannabis in accordance with:
550 (A) federal and state law, rules, and regulations related to hazardous waste;
551 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;;
552 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and
553 (D) other regulations that the department makes in accordance with Title 63G,
554 Chapter 3, Utah Administrative Rulemaking Act.
- 555 (12) A medical cannabis pharmacy:
556 (a) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy
557 Practice Act, as a pharmacy medical provider;
558 (b) may employ a physician who has the authority to write a prescription and is licensed
559 under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
560 Osteopathic Medical Practice Act, as a pharmacy medical provider;
561 (c) shall ensure that a pharmacy medical provider described in Subsection (12)(a) works
562 onsite during all business hours;
563 (d) shall designate one pharmacy medical provider described in Subsection (12)(a) as the
564 pharmacist-in-charge to oversee the operation of and generally supervise the medical
565 cannabis pharmacy; and
566 (e) shall allow the pharmacist-in-charge to determine which cannabis and cannabis
567 products the medical cannabis pharmacy maintains in the medical cannabis
568 pharmacy's inventory.
- 569 (13) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah
570 Administrative Rulemaking Act, protocols for a recall of cannabis and cannabis products
571 by a medical cannabis pharmacy.
- 572 Section 5. Section **26B-1-435** is amended to read:

573 **26B-1-435 . Medical Cannabis Policy Advisory Board creation -- Membership --**574 **Duties.**

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

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

577 (i) appointed by the executive director:

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

580 (B) a medical research professional;

581 (C) a mental health specialist;

582 (D) an individual who represents an organization that advocates for medical
583 cannabis patients;

584 (E) an individual who holds a medical cannabis patient card; and

585 (F) a member of the general public who does not hold a medical cannabis card; and

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

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

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

591 (C) a law enforcement officer.

592 (b) The commissioner of the Department of Agriculture and Food shall ensure that at
593 least one individual appointed under Subsection (2)(a)(ii)(A) or (B) also owns or
594 operates a licensed cannabis processing facility.

595 (3)(a) Subject to Subsection (3)(b), a member of the advisory board shall serve for a four
596 year term.

597 (b) When appointing the initial membership of the advisory board, the executive director
598 and the commissioner of the Department of Agriculture and Food shall coordinate to
599 appoint four advisory board members to serve a term of two years to ensure that
600 approximately half of the board is appointed every two years.

601 (4)(a) If an advisory board member is no longer able to serve as a member, a new
602 member shall be appointed in the same manner as the original appointment.

603 (b) A member appointed in accordance with Subsection (4)(a) shall serve for the
604 remainder of the unexpired term of the original appointment.

605 (5)(a) A majority of the advisory board members constitutes a quorum.

606 (b) The action of a majority of a quorum constitutes an action of the advisory board.

- 607 (c) For a term lasting one year, the advisory board shall annually designate members of
608 the advisory board to serve as chair and vice-chair.
- 609 (d) When designating the chair and vice-chair, the advisory board shall ensure that at
610 least one individual described Subsection (2)(a)(i) is appointed as chair or vice-chair.
- 611 (6) An advisory board member may not receive compensation or benefits for the member's
612 service on the advisory board but may receive per diem and reimbursement for travel
613 expenses incurred as an advisory board member in accordance with:
- 614 (a) Sections 63A-3-106 and 63A-3-107; and
615 (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
616 63A-3-107.
- 617 (7) The department shall:
- 618 (a) provide staff support for the advisory board; and
619 (b) assist the advisory board in conducting meetings.
- 620 (8) The advisory board may recommend:
- 621 (a) to the department or the Department of Agriculture and Food changes to current or
622 proposed medical cannabis rules or statutes; and
623 (b) to the appropriate legislative committee whether the advisory board supports a
624 change to medical cannabis statutes.
- 625 (9) The advisory board shall:
- 626 (a) review any draft rule that is authorized under this chapter or Title 4, Chapter 41a,
627 Cannabis Production Establishments and Pharmacies;
628 (b) consult with the Department of Agriculture and Food regarding the issuance of an
629 additional:
- 630 (i) cultivation facility license under Section 4-41a-205; or
631 (ii) pharmacy license under Section 4-41a-1005;
- 632 (c) consult with the department regarding cannabis patient education;
633 (d) consult regarding the reasonableness of any fees set by the department or the
634 Department of Agriculture and Food that pertain to the medical cannabis program;
635 and
636 (e) consult regarding any issue pertaining to medical cannabis when asked by the
637 department or the Utah Department of Agriculture and Food.

638 Section 6. Section **26B-2-203** is amended to read:

639 **26B-2-203 . Services required -- General acute hospitals -- Specialty hospitals.**

- 640 (1) General acute hospitals and specialty hospitals shall remain open and be continuously

641 ready to receive patients 24 hours of every day in a year and have an attending medical
642 staff consisting of one or more physicians licensed to practice medicine and surgery
643 under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
644 Osteopathic Medical Practice Act.

645 (2) A specialty hospital shall provide on-site all basic services required of a general acute
646 hospital that are needed for the diagnosis, therapy, or rehabilitation offered to or
647 required by patients admitted to or cared for in the facility.

648 (3)(a) A home health agency shall provide at least licensed nursing services or
649 therapeutic services directly through the agency employees.

650 (b) A home health agency may provide additional services itself or under arrangements
651 with another agency, organization, facility, or individual.

652 (4) Beginning January 1, 2023, a hospice program shall provide at least one [~~qualified~~
653 ~~medical provider~~] recommending medical provider, as that term is defined in Section
654 26B-4-201, for the treatment of hospice patients.

655 Section 7. Section **26B-4-201** is amended to read:

656 **26B-4-201 . Definitions.**

657 As used in this part:

658 (1) "Active tetrahydrocannabinol" means THC, any THC analog, and
659 tetrahydrocannabinolic acid.

660 (2) "Administration of criminal justice" means the performance of detection, apprehension,
661 detention, pretrial release, post-trial release, prosecution, and adjudication.

662 (3) "Advertise" means information provided by a person in any medium:

663 (a) to the public; and

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

665 (4) "Advisory board" means the Medical Cannabis Policy Advisory Board created in
666 Section 26B-1-435.

667 (5) "Cannabis Research Review Board" means the Cannabis Research Review Board
668 created in Section 26B-1-420.

669 (6) "Cannabis" means marijuana.

670 (7) "Cannabis processing facility" means the same as that term is defined in Section
671 4-41a-102.

672 (8) "Cannabis product" means a product that:

673 (a) is intended for human use; and

674 (b) contains cannabis or any tetrahydrocannabinol or THC analog in a total

- 675 concentration of 0.3% or greater on a dry weight basis.
- 676 (9) "Cannabis production establishment" means the same as that term is defined in Section
677 4-41a-102.
- 678 (10) "Cannabis production establishment agent" means the same as that term is defined in
679 Section 4-41a-102.
- 680 (11) "Cannabis production establishment agent registration card" means the same as that
681 term is defined in Section 4-41a-102.
- 682 (12) "Conditional medical cannabis card" means an electronic medical cannabis card that
683 the department issues in accordance with Subsection 26B-4-213(1)(b) to allow an
684 applicant for a medical cannabis card to access medical cannabis during the department's
685 review of the application.
- 686 (13) "Controlled substance database" means the controlled substance database created in
687 Section 58-37f-201.
- 688 (14) "Delivery address" means the same as that term is defined in Section 4-41a-102.
- 689 (15) "Department" means the Department of Health and Human Services.
- 690 (16) "Designated caregiver" means:
- 691 (a) an individual:
- 692 (i) whom an individual with a medical cannabis patient card or a medical cannabis
693 guardian card designates as the patient's caregiver; and
- 694 (ii) who registers with the department under Section 26B-4-214; or
- 695 (b)(i) a facility that an individual designates as a designated caregiver in accordance
696 with Subsection 26B-4-214(1)(b); or
- 697 (ii) an assigned employee of the facility described in Subsection 26B-4-214(1)(b)(ii).
- 698 (17) "Directions of use" means recommended routes of administration for a medical
699 cannabis treatment and suggested usage guidelines.
- 700 (18) "Dosing guidelines" means a quantity range and frequency of administration for a
701 recommended treatment of medical cannabis.
- 702 (19) "Government issued photo identification" means any of the following forms of
703 identification:
- 704 (a) a valid state-issued driver license or identification card;
- 705 (b) a valid United States federal-issued photo identification, including:
- 706 (i) a United States passport;
- 707 (ii) a United States passport card;
- 708 (iii) a United States military identification card; or

- 709 (iv) a permanent resident card or alien registration receipt card; or
710 (c) a foreign passport.
- 711 (20) "Home delivery medical cannabis pharmacy" means a medical cannabis pharmacy that
712 the department authorizes, as part of the pharmacy's license, to deliver medical cannabis
713 shipments to a delivery address to fulfill electronic orders that the state central patient
714 portal facilitates.
- 715 (21) "Inventory control system" means the system described in Section 4-41a-103.
- 716 (22) "Legal dosage limit" means an amount that:
- 717 (a) is sufficient to provide 30 days of treatment based on the dosing guidelines that the
718 relevant recommending medical provider or the state central patient portal or
719 pharmacy medical provider, in accordance with Subsection 26B-4-230(5),
720 recommends; and
- 721 (b) may not exceed:
- 722 (i) for unprocessed cannabis in a medicinal dosage form, 113 grams by weight; and
723 (ii) for a cannabis product in a medicinal dosage form, a quantity that contains, in
724 total, greater than 20 grams of active tetrahydrocannabinol.
- 725 (23) "Legal use termination date" means a date on the label of a container of unprocessed
726 cannabis flower:
- 727 (a) that is 60 days after the date of purchase of the cannabis; and
728 (b) after which, the cannabis is no longer in a medicinal dosage form outside of the
729 primary residence of the relevant medical cannabis patient cardholder.
- 730 [~~(24) "Limited medical provider" means an individual who:~~
731 [~~(a) meets the recommending qualifications; and~~
732 [~~(b) has no more than 15 patients with a valid medical cannabis patient card as a result~~
733 [~~of the individual's recommendation, in accordance with Subsection 26B-4-204(1)(b).]~~
- 734 [~~(25)~~ (24) "Marijuana" means the same as that term is defined in Section 58-37-2.
- 735 [~~(26)~~ (25) "Medical cannabis" means cannabis in a medicinal dosage form or a cannabis
736 product in a medicinal dosage form.
- 737 [~~(27)~~ (26) "Medical cannabis card" means a medical cannabis patient card, a medical
738 cannabis guardian card, a medical cannabis caregiver card, or a conditional medical
739 cannabis card.
- 740 [~~(28)~~ (27) "Medical cannabis cardholder" means:
- 741 (a) a holder of a medical cannabis card; or
742 (b) a facility or assigned employee, described in Subsection (16)(b), only:

- 743 (i) within the scope of the facility's or assigned employee's performance of the role of
 744 a medical cannabis patient cardholder's caregiver designation under Subsection
 745 26B-4-214(1)(b); and
- 746 (ii) while in possession of documentation that establishes:
 747 (A) a caregiver designation described in Subsection 26B-4-214(1)(b);
 748 (B) the identity of the individual presenting the documentation; and
 749 (C) the relation of the individual presenting the documentation to the caregiver
 750 designation.
- 751 ~~[(29)]~~ (28) "Medical cannabis caregiver card" means an electronic document that a
 752 cardholder may print or store on an electronic device or a physical card or document that:
 753 (a) the department issues to an individual whom a medical cannabis patient cardholder
 754 or a medical cannabis guardian cardholder designates as a designated caregiver; and
 755 (b) is connected to the electronic verification system.
- 756 ~~[(30)]~~ (29) "Medical cannabis courier" means the same as that term is defined in Section
 757 4-41a-102.
- 758 ~~[(31)]~~ (30)(a) "Medical cannabis device" means a device that an individual uses to ingest
 759 or inhale cannabis in a medicinal dosage form or a cannabis product in a medicinal
 760 dosage form.
 761 (b) "Medical cannabis device" does not include a device that:
 762 (i) facilitates cannabis combustion; or
 763 (ii) an individual uses to ingest substances other than cannabis.
- 764 ~~[(32)]~~ (31) "Medical cannabis guardian card" means an electronic document that a
 765 cardholder may print or store on an electronic device or a physical card or document that:
 766 (a) the department issues to the parent or legal guardian of a minor with a qualifying
 767 condition; and
 768 (b) is connected to the electronic verification system.
- 769 ~~[(33)]~~ (32) "Medical cannabis patient card" means an electronic document that a cardholder
 770 may print or store on an electronic device or a physical card or document that:
 771 (a) the department issues to an individual with a qualifying condition; and
 772 (b) is connected to the electronic verification system.
- 773 ~~[(34)]~~ (33) "Medical cannabis pharmacy" means a person that:
 774 (a)(i) acquires or intends to acquire medical cannabis or a cannabis product in a
 775 medicinal dosage form from a cannabis processing facility or another medical
 776 cannabis pharmacy or a medical cannabis device; or

- 777 (ii) possesses medical cannabis or a medical cannabis device; and
- 778 (b) sells or intends to sell medical cannabis or a medical cannabis device to a medical
779 cannabis cardholder.
- 780 [(35)] (34) "Medical cannabis pharmacy agent" means an individual who holds a valid
781 medical cannabis pharmacy agent registration card issued by the department.
- 782 [(36)] (35) "Medical cannabis pharmacy agent registration card" means a registration card
783 issued by the department that authorizes an individual to act as a medical cannabis
784 pharmacy agent.
- 785 [(37)] (36) "Medical cannabis shipment" means the same as that term is defined in Section
786 4-41a-102.
- 787 [(38)] (37) "Medical cannabis treatment" means cannabis in a medicinal dosage form, a
788 cannabis product in a medicinal dosage form, or a medical cannabis device.
- 789 [(39)] (38)(a) "Medicinal dosage form" means:
- 790 (i) for processed medical cannabis, the following with a specific and consistent
791 cannabinoid content:
- 792 (A) a tablet;
- 793 (B) a capsule;
- 794 (C) a concentrated liquid or viscous oil;
- 795 (D) a liquid suspension that does not exceed 30 milliliters;
- 796 (E) a topical preparation;
- 797 (F) a transdermal preparation;
- 798 (G) a sublingual preparation;
- 799 (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or
800 rectangular cuboid shape;
- 801 (I) a resin or wax;
- 802 (J) an aerosol;
- 803 (K) a suppository preparation; or
- 804 (L) a soft or hard confection that is a uniform rectangular cuboid or uniform
805 spherical shape, is homogeneous in color and texture, and each piece is a single
806 serving; or
- 807 (ii) for unprocessed cannabis flower, a container described in Section 4-41a-602 that:
- 808 (A) contains cannabis flower in a quantity that varies by no more than 10% from
809 the stated weight at the time of packaging;
- 810 (B) at any time the medical cannabis cardholder transports or possesses the

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

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

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

817 (i) the medical cannabis cardholder has recently removed from the container
818 described in Subsection [~~(39)(a)(ii)~~] (38)(a)(ii) for use; and

819 (ii) does not exceed the quantity described in Subsection [~~(39)(a)(ii)~~] (38)(a)(ii).

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

821 (i) any unprocessed cannabis flower outside of the container described in Subsection [
822 ~~(39)(a)(ii)~~] (38)(a)(ii), except as provided in Subsection [~~(39)(b)~~] (38)(b);

823 (ii) any unprocessed cannabis flower in a container described in Subsection [
824 ~~(39)(a)(ii)~~] (38)(a)(ii) after the legal use termination date;

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

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

829 (v) a substance described in Subsection [~~(39)(a)(i)~~] (38)(a)(i) or (ii) if the substance is
830 not measured in grams, milligrams, or milliliters; or

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

832 [~~(40)~~] (39) "Nonresident patient" means an individual who:

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

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

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

838 [~~(41)~~] (40) "Pharmacy medical provider" means the medical provider required to be on site
839 at a medical cannabis pharmacy under Section 26B-4-219.

840 [~~(42)~~] (41) "Provisional patient card" means a card that:

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

842 (i) a recommending medical provider has recommended a medical cannabis
843 treatment; and

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

845 legal guardian; and

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

847 [~~(43) "Qualified medical provider" means an individual:~~]

848 [(a) who meets the recommending qualifications; and]

849 [(b) whom the department registers to recommend treatment with cannabis in a

850 medicinal dosage form under Section 26B-4-204.]

851 [~~(44)~~ (42) "Qualified Patient Enterprise Fund" means the enterprise fund created in Section

852 26B-1-310.

853 [~~(45)~~ (43) "Qualifying condition" means a condition described in Section 26B-4-203.

854 [~~(46)~~ (44) "Recommend" or "recommendation" means, for a recommending medical

855 provider, the act of suggesting the use of medical cannabis treatment, which:

856 (a) certifies the patient's eligibility for a medical cannabis card; and

857 (b) may include, at the recommending medical provider's discretion, directions of use,

858 with or without dosing guidelines.

859 [~~(47)~~ (45) "Recommending medical provider" [~~means a qualified medical provider or a~~

860 ~~limited medical provider~~] means an individual who meets the recommending

861 qualifications.

862 [~~(48)~~ (46) "Recommending qualifications" means that an individual:

863 (a)(i) has the authority to write a prescription;

864 (ii) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah

865 Controlled Substances Act; and

866 (iii) possesses the authority, in accordance with the individual's scope of practice, to

867 prescribe a Schedule II controlled substance; and

868 (b) is licensed as:

869 (i) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

870 (ii) an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice

871 Act;

872 (iii) a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,

873 Chapter 68, Utah Osteopathic Medical Practice Act; or

874 (iv) a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.

875 [~~(49)~~ (47) "State central patient portal" means the website the department creates, in

876 accordance with Section 26B-4-236, to facilitate patient safety, education, and an

877 electronic medical cannabis order.

878 [~~(50)~~ (48) "State electronic verification system" means the system described in Section

- 879 26B-4-202.
- 880 [(51)] (49) "Targeted marketing" means the promotion by a [~~qualified medical provider~~
 881 recommending medical provider, medical clinic, or medical office that employs a [
 882 ~~qualified medical provider~~] recommending medical provider of a medical cannabis
 883 recommendation service using any of the following methods:
- 884 (a) electronic communication to an individual who is at least 21 years old and has
 885 requested to receive promotional information;
- 886 (b) an in-person marketing event that is held in an area where only an individual who is
 887 at least 21 years old may access the event;
- 888 (c) other marketing material that is physically or digitally displayed in the office of the
 889 medical clinic or office that employs a [~~qualified medical provider~~] recommending
 890 medical provider; or
- 891 (d) a leaflet that a [~~qualified medical provider~~] recommending medical provider, medical
 892 clinic, or medical office that employs a [~~qualified medical provider~~] recommending
 893 medical provider shares with an individual who is at least 21 years old.
- 894 [(52)] (50) "Tetrahydrocannabinol" or "THC" means a substance derived from cannabis or a
 895 synthetic equivalent as described in Subsection 58-37-4(2)(a)(iii)(AA).
- 896 [(53)] (51) "THC analog" means the same as that term is defined in Section 4-41-102.
- 897 Section 8. Section **26B-4-202** is amended to read:
- 898 **26B-4-202 . Electronic verification system.**
- 899 (1) The Department of Agriculture and Food, the department, the Department of Public
 900 Safety, and the Division of Technology Services shall:
- 901 (a) enter into a memorandum of understanding in order to determine the function and
 902 operation of the state electronic verification system in accordance with Subsection
 903 (2);
- 904 (b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah
 905 Procurement Code, to develop a request for proposals for a third-party provider to
 906 develop and maintain the state electronic verification system in coordination with the
 907 Division of Technology Services; and
- 908 (c) select a third-party provider who:
- 909 (i) meets the requirements contained in the request for proposals issued under
 910 Subsection (1)(b); and
- 911 (ii) may not have any commercial or ownership interest in a cannabis production
 912 establishment or a medical cannabis pharmacy.

- 913 (2) The Department of Agriculture and Food, the department, the Department of Public
914 Safety, and the Division of Technology Services shall ensure that the state electronic
915 verification system described in Subsection (1):
- 916 (a) allows an individual to apply for a medical cannabis patient card or, if applicable, a
917 medical cannabis guardian card, provided that the card may not become active until:
- 918 (i) the relevant [~~qualified medical provider~~] recommending medical provider
919 completes the associated medical cannabis recommendation; or
- 920 (ii) [~~for a medical cannabis card related to a limited medical provider's~~
921 ~~recommendation,~~]the medical cannabis pharmacy completes the recording
922 described in Subsection (2)(d);
- 923 (b) allows an individual to apply to renew a medical cannabis patient card or a medical
924 cannabis guardian card in accordance with Section 26B-4-213;
- 925 (c) allows a [~~qualified medical provider~~] recommending medical provider, or an
926 employee described in Subsection (3) acting on behalf of the [~~qualified medical~~
927 ~~provider~~] recommending medical provider, to:
- 928 (i) access dispensing and card status information regarding a patient:
- 929 (A) with whom the [~~qualified medical provider~~] recommending medical provider
930 has a provider-patient relationship; and
- 931 (B) for whom the [~~qualified medical provider~~] recommending medical provider
932 has recommended or is considering recommending a medical cannabis card;
- 933 (ii) electronically recommend treatment with cannabis in a medicinal dosage form or
934 a cannabis product in a medicinal dosage form and optionally recommend dosing
935 guidelines;
- 936 (iii) electronically renew a recommendation to a medical cannabis patient cardholder
937 or medical cannabis guardian cardholder:
- 938 (A) using telehealth services, for the [~~qualified medical provider~~] recommending
939 medical provider who originally recommended a medical cannabis treatment
940 during a face-to-face visit with the patient; or
- 941 (B) during a face-to-face visit with the patient, for a [~~qualified medical provider~~]
942 recommending medical provider who did not originally recommend the
943 medical cannabis treatment during a face-to-face visit; and
- 944 (iv) submit an initial application, renewal application, or application payment on
945 behalf of an individual applying for any of the following:
- 946 (A) a medical cannabis patient card;

- 947 (B) a medical cannabis guardian card; or
948 (C) a medical cannabis caregiver card;
- 949 (d) allows a medical cannabis pharmacy medical provider or medical cannabis pharmacy
950 agent, in accordance with Subsection 4-41a-1101(10)(a), to:
- 951 (i) access the electronic verification system to review the history within the system of
952 a patient with whom the provider or agent is interacting, limited to read-only
953 access for medical cannabis pharmacy agents unless the medical cannabis
954 pharmacy's pharmacist in charge authorizes add and edit access;
- 955 (ii) record a patient's recommendation from a [~~limited medical provider~~]
956 recommending medical provider, including any directions of use, dosing
957 guidelines, or caregiver indications from the [~~limited medical provider~~]
958 recommending medical provider;
- 959 (iii) record a [~~limited medical provider's~~] recommending medical provider's renewal
960 of the provider's previous recommendation; and
- 961 (iv) submit an initial application, renewal application, or application payment on
962 behalf of an individual applying for any of the following:
- 963 (A) a medical cannabis patient card;
964 (B) a medical cannabis guardian card; or
965 (C) a medical cannabis caregiver card;
- 966 (e) connects with:
- 967 (i) an inventory control system that a medical cannabis pharmacy uses to track in real
968 time and archive purchases of any cannabis in a medicinal dosage form, cannabis
969 product in a medicinal dosage form, or a medical cannabis device, including:
- 970 (A) the time and date of each purchase;
971 (B) the quantity and type of cannabis, cannabis product, or medical cannabis
972 device purchased;
- 973 (C) any cannabis production establishment, any medical cannabis pharmacy, or
974 any medical cannabis courier associated with the cannabis, cannabis product,
975 or medical cannabis device; and
- 976 (D) the personally identifiable information of the medical cannabis cardholder
977 who made the purchase; and
- 978 (ii) any commercially available inventory control system that a cannabis production
979 establishment utilizes in accordance with Section 4-41a-103 to use data that the
980 Department of Agriculture and Food requires by rule, in accordance with Title

- 981 63G, Chapter 3, Utah Administrative Rulemaking Act, from the inventory
 982 tracking system that a licensee uses to track and confirm compliance;
- 983 (f) provides access to:
- 984 (i) the department to the extent necessary to carry out the department's functions and
 985 responsibilities under this part;
- 986 (ii) the Department of Agriculture and Food to the extent necessary to carry out the
 987 functions and responsibilities of the Department of Agriculture and Food under
 988 Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies; and
- 989 (iii) the Division of Professional Licensing to the extent necessary to carry out the
 990 functions and responsibilities related to the participation of the following in the
 991 recommendation and dispensing of medical cannabis:
- 992 (A) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing
 993 Act;
- 994 (B) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
- 995 (C) an advanced practice registered nurse licensed under Title 58, Chapter 31b,
 996 Nurse Practice Act;
- 997 (D) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
 998 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
- 999 (E) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
 1000 Assistant Act;
- 1001 (g) provides access to and interaction with the state central patient portal;
- 1002 (h) communicates dispensing information from a record that a medical cannabis
 1003 pharmacy submits to the state electronic verification system under Subsection
 1004 4-41a-1102(3)(a)(ii) to the controlled substance database;
- 1005 (i) provides access to state or local law enforcement only to verify the validity of an
 1006 individual's medical cannabis card for the administration of criminal justice and
 1007 through a database used by law enforcement; and
- 1008 (j) creates a record each time a person accesses the system that identifies the person who
 1009 accesses the system and the individual whose records the person accesses.
- 1010 (3)(a) An employee of a [~~qualified medical provider~~] recommending medical provider
 1011 may access the electronic verification system for a purpose described in Subsection
 1012 (2)(c) on behalf of the [~~qualified medical provider~~] recommending medical provider if:
- 1013 (i) the [~~qualified medical provider~~] recommending medical provider has designated
 1014 the employee as an individual authorized to access the electronic verification

- 1015 system on behalf of the [~~qualified medical provider~~] recommending medical
1016 provider;
- 1017 (ii) the [~~qualified medical provider~~] recommending medical provider provides written
1018 notice to the department of the employee's identity and the designation described
1019 in Subsection (3)(a)(i); and
- 1020 (iii) the department grants to the employee access to the electronic verification
1021 system.
- 1022 (b) An employee of a business that employs a [~~qualified medical provider~~]
1023 recommending medical provider may access the electronic verification system for a
1024 purpose described in Subsection (2)(c) on behalf of the [~~qualified medical provider~~]
1025 recommending medical provider if:
- 1026 (i) the [~~qualified medical provider~~] recommending medical provider has designated
1027 the employee as an individual authorized to access the electronic verification
1028 system on behalf of the [~~qualified medical provider~~] recommending medical
1029 provider;
- 1030 (ii) the [~~qualified medical provider~~] recommending medical provider and the
1031 employing business jointly provide written notice to the department of the
1032 employee's identity and the designation described in Subsection (3)(b)(i); and
- 1033 (iii) the department grants to the employee access to the electronic verification
1034 system.
- 1035 (4)(a) As used in this Subsection (4), "prescribing provider" means:
- 1036 (i) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
1037 (ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
1038 Practice Act;
- 1039 (iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
1040 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
- 1041 (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
1042 Assistant Act.
- 1043 (b) A prescribing provider may access information in the electronic verification system
1044 regarding a patient the prescribing provider treats.
- 1045 (5) The department may release limited data that the system collects for the purpose of:
- 1046 (a) conducting medical and other department approved research;
- 1047 (b) providing the report required by Section 26B-4-222; and
- 1048 (c) other official department purposes.

- 1049 (6) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
1050 Administrative Rulemaking Act, to establish:
- 1051 (a) the limitations on access to the data in the state electronic verification system as
1052 described in this section; and
- 1053 (b) standards and procedures to ensure accurate identification of an individual requesting
1054 information or receiving information in this section.
- 1055 (7) Any person who negligently or recklessly releases any information in the state
1056 electronic verification system in violation of this section is guilty of a class C
1057 misdemeanor.
- 1058 (8) Any person who obtains or attempts to obtain information from the state electronic
1059 verification system by misrepresentation or fraud is guilty of a third degree felony.
- 1060 (9)(a) Except as provided in Subsections (9)(c) and (9)(e), a person may not knowingly
1061 and intentionally use, release, publish, or otherwise make available to any other
1062 person information obtained from the state electronic verification system for any
1063 purpose other than a purpose specified in this section.
- 1064 (b) Each separate violation of this Subsection (9) is:
- 1065 (i) a third degree felony; and
- 1066 (ii) subject to a civil penalty not to exceed \$5,000.
- 1067 (c) A law enforcement officer who uses the database used by law enforcement to access
1068 information in the electronic verification system for a reason that is not the
1069 administration of criminal justice is guilty of a class B misdemeanor.
- 1070 (d) The department shall determine a civil violation of this Subsection (9) in accordance
1071 with Title 63G, Chapter 4, Administrative Procedures Act.
- 1072 (e) Civil penalties assessed under this Subsection (9) shall be deposited into the General
1073 Fund.
- 1074 (f) This Subsection (9) does not prohibit a person who obtains information from the state
1075 electronic verification system under Subsection (2)(a), (c), or (f) from:
- 1076 (i) including the information in the person's medical chart or file for access by a
1077 person authorized to review the medical chart or file;
- 1078 (ii) providing the information to a person in accordance with the requirements of the
1079 Health Insurance Portability and Accountability Act of 1996; or
- 1080 (iii) discussing or sharing that information about the patient with the patient.

1081 Section 9. Section **26B-4-203** is amended to read:

1082 **26B-4-203 . Qualifying condition.**

- 1083 (1) By designating a particular condition under Subsection (2) for which the use of medical
1084 cannabis to treat symptoms is decriminalized, the Legislature does not conclusively state
1085 that:
- 1086 (a) current scientific evidence clearly supports the efficacy of a medical cannabis
1087 treatment for the condition; or
- 1088 (b) a medical cannabis treatment will treat, cure, or positively affect the condition.
- 1089 (2) For the purposes of this part, each of the following conditions is a qualifying condition:
- 1090 (a) HIV or acquired immune deficiency syndrome;
- 1091 (b) Alzheimer's disease;
- 1092 (c) amyotrophic lateral sclerosis;
- 1093 (d) cancer;
- 1094 (e) cachexia;
- 1095 (f) persistent nausea that is not significantly responsive to traditional treatment, except
1096 for nausea related to:
- 1097 (i) pregnancy;
- 1098 (ii) cannabis-induced cyclical vomiting syndrome; or
- 1099 (iii) cannabinoid hyperemesis syndrome;
- 1100 (g) Crohn's disease or ulcerative colitis;
- 1101 (h) epilepsy or debilitating seizures;
- 1102 (i) multiple sclerosis or persistent and debilitating muscle spasms;
- 1103 (j) post-traumatic stress disorder that is being treated and monitored by a licensed mental
1104 health therapist, as that term is defined in Section 58-60-102, and that:
- 1105 (i) has been diagnosed by a healthcare provider or mental health provider employed
1106 or contracted by the United States Veterans Administration, evidenced by copies
1107 of medical records from the United States Veterans Administration that are
1108 included as part of the [~~qualified medical provider's~~] recommending medical
1109 provider's pre-treatment assessment and medical record documentation; or
- 1110 (ii) has been diagnosed or confirmed, through face-to-face or telehealth evaluation of
1111 the patient, by a provider who is:
- 1112 (A) a licensed board-eligible or board-certified psychiatrist;
- 1113 (B) a licensed psychologist with a master's-level degree;
- 1114 (C) a licensed clinical social worker with a master's-level degree;
- 1115 (D) a licensed advanced practice registered nurse who is qualified to practice
1116 within the psychiatric mental health nursing specialty and who has completed

- 1117 the clinical practice requirements in psychiatric mental health nursing,
 1118 including in psychotherapy, in accordance with Subsection 58-31b-302(5)(g);
 1119 or
 1120 (E) a licensed physician assistant who is qualified to specialize in mental health
 1121 care under Section 58-70a-501.1;
- 1122 (k) autism;
- 1123 (l) a terminal illness when the patient's remaining life expectancy is less than six months;
- 1124 (m) a condition resulting in the individual receiving hospice care;
- 1125 (n) a rare condition or disease that:
- 1126 (i) affects less than 200,000 individuals in the United States, as defined in Section
 1127 526 of the Federal Food, Drug, and Cosmetic Act; and
- 1128 (ii) is not adequately managed despite treatment attempts using:
- 1129 (A) conventional medications other than opioids or opiates; or
 1130 (B) physical interventions;
- 1131 (o) pain lasting longer than two weeks that is not adequately managed, in the [qualified
 1132 ~~medical provider's~~] recommending medical provider's opinion, despite treatment
 1133 attempts using:
- 1134 (i) conventional medications other than opioids or opiates; or
 1135 (ii) physical interventions;
- 1136 (p) pain that is expected to last for two weeks or longer for an acute condition, including
 1137 a surgical procedure, for which a medical professional may generally prescribe
 1138 opioids for a limited duration, subject to Subsection 26B-4-213(5)(c); and
- 1139 (q) a condition that the Compassionate Use Board approves under Section 26B-1-421,
 1140 on an individual, case-by-case basis.

1141 Section 10. Section **26B-4-204** is amended to read:

1142 **26B-4-204 . Treatment recommendation.**

- 1143 (1)(a)(i) [~~Except as provided in Subsection (1)(b), an individual may not recommend~~
 1144 ~~a medical cannabis treatment unless the department registers the individual as a~~
 1145 ~~qualified medical provider in accordance with this section.] A recommending
 1146 medical provider may recommend medical cannabis.~~
- 1147 (ii) Notwithstanding Subsection (1)(a)(i), a [qualified medical provider]
 1148 recommending medical provider who is podiatrist licensed under Title 58, Chapter
 1149 5a, Podiatric Physician Licensing Act, may not recommend a medical cannabis
 1150 treatment except within the course and scope of a practice of podiatry, as that term

1151 is defined in Section 58-5a-102.

1152 ~~[(b) An individual who meets the recommending qualifications may recommend a~~
1153 ~~medical cannabis treatment as a limited medical provider without registering under~~
1154 ~~Subsection (1)(a) if:]~~

1155 ~~[(i) the individual recommends the use of medical cannabis to the patient through an~~
1156 ~~order described in Subsection (1)(c) after:]~~

1157 ~~[(A) a face-to-face visit for an initial recommendation or the renewal of a~~
1158 ~~recommendation for a patient for whom the limited medical provider did not~~
1159 ~~make the patient's original recommendation; or]~~

1160 ~~[(B) a visit using telehealth services for a renewal of a recommendation for a~~
1161 ~~patient for whom the limited medical provider made the patient's original~~
1162 ~~recommendation; and]~~

1163 ~~[(ii) the individual's recommendation or renewal would not cause the total number of~~
1164 ~~the individual's patients who have a valid medical cannabis patient card or~~
1165 ~~provisional patient card resulting from the individual's recommendation to exceed~~
1166 ~~15.]~~

1167 ~~[(e)]~~ (b) ~~[The individual described in Subsection (1)(b) shall]~~ A recommending medical
1168 provider may communicate the individual's recommendation through an order for the
1169 medical cannabis pharmacy to record the individual's recommendation or renewal in
1170 the state electronic verification system under the individual's recommendation that:

1171 (i)(A) the individual or the individual's employee sends electronically to a medical
1172 cannabis pharmacy; or
1173 (B) the individual gives to the patient in writing for the patient to deliver to a
1174 medical cannabis pharmacy; and

1175 (ii) may include:

1176 (A) directions of use or dosing guidelines; and
1177 (B) an indication of a need for a caregiver in accordance with Subsection
1178 26B-4-213(3)(c).

1179 ~~[(d)]~~ (c) If the ~~[limited medical provider]~~ recommending medical provider gives the
1180 patient a written recommendation to deliver to a medical cannabis pharmacy under
1181 Subsection ~~[(1)(e)(i)(B), the limited medical provider]~~ (1)(b)(i)(B), the recommending
1182 medical provider shall ensure that the document includes all of the information that is
1183 included on a prescription the provider would issue for a controlled substance,
1184 including:

- 1185 (i) the date of issuance;
- 1186 (ii) the provider's name, address and contact information, controlled substance license
1187 information, and signature; and
- 1188 (iii) the patient's name, address and contact information, age, and diagnosed
1189 qualifying condition.
- 1190 ~~[(e)]~~ (d) In considering making a recommendation as a ~~[limited medical provider]~~
1191 recommending medical provider, an individual may consult information that the
1192 department makes available on the department's website for recommending providers.
- 1193 ~~[(3)(a) An individual shall complete the continuing education related to medical
1194 cannabis in the following amounts:]~~
- 1195 ~~[(i) for an individual as a condition precedent to registration, four hours; and]~~
- 1196 ~~[(ii) for a qualified medical provider as a condition precedent to renewal, four hours
1197 every two years.]~~
- 1198 ~~[(2)(a) The department shall, within 15 days after the day on which the department
1199 receives an application from an individual, register and issue a qualified medical
1200 provider registration card to the individual if the individual:]~~
- 1201 ~~[(i) provides to the department the individual's name and address;]~~
- 1202 ~~[(ii) provides to the department an acknowledgment that the individual has completed
1203 four hours of continuing education related to medical cannabis;]~~
- 1204 ~~[(iii) provides to the department evidence that the individual meets the
1205 recommending qualifications;]~~
- 1206 ~~[(iv) for an applicant on or after November 1, 2021, provides to the department the
1207 information described in Subsection (10)(a); and]~~
- 1208 ~~[(v) pays the department a fee in an amount that:]~~
- 1209 ~~[(A) the department sets, in accordance with Section 63J-1-504; and]~~
- 1210 ~~[(B) does not exceed \$300 for an initial registration.]~~
- 1211 ~~[(b) The department may not register an individual as a qualified medical provider if the
1212 individual is:]~~
- 1213 ~~[(i) a pharmacy medical provider; or]~~
- 1214 ~~[(ii) an owner, officer, director, board member, employee, or agent of a cannabis
1215 production establishment, a medical cannabis pharmacy, or a medical cannabis
1216 courier.]~~
- 1217 ~~[(b)]~~ (2)(a) The department may, in consultation with the Division of Professional
1218 Licensing, develop continuing education related to medical cannabis.

- 1219 ~~[(e)]~~ (b) The continuing education described in this Subsection ~~[(3)]~~ (2) may discuss:
- 1220 (i) the provisions of this part;
- 1221 (ii) general information about medical cannabis under federal and state law;
- 1222 (iii) the latest scientific research on the endocannabinoid system and medical
- 1223 cannabis, including risks and benefits;
- 1224 (iv) recommendations for medical cannabis as it relates to the continuing care of a
- 1225 patient in pain management, risk management, potential addiction, or palliative
- 1226 care; and
- 1227 (v) best practices for recommending the form and dosage of medical cannabis based
- 1228 on the qualifying condition underlying a medical cannabis recommendation.
- 1229 ~~[(4)]~~ (3)(a) Except as provided in Subsection ~~[(4)(b)]~~ (3)(b), a ~~[qualified medical provider]~~
- 1230 recommending medical provider may not recommend a medical cannabis treatment
- 1231 to more than 1.5% of the total amount of medical cannabis patient cardholders.
- 1232 (b) If a ~~[qualified medical provider]~~ recommending medical provider receives payment
- 1233 from an insurance plan for services provided under this chapter, then the patient
- 1234 whose insurance plan was billed does not count toward the 1.5% patient cap
- 1235 described in Subsection ~~[(4)(a)]~~ (3)(a).
- 1236 ~~[(5)]~~ (4) A recommending medical provider may recommend medical cannabis to an
- 1237 individual under this part only in the course of a provider-patient relationship after the
- 1238 recommending medical provider has completed and documented in the patient's medical
- 1239 record a thorough assessment of the patient's condition and medical history based on the
- 1240 appropriate standard of care for the patient's condition.
- 1241 ~~[(6)(a) Except as provided in Subsections (6)(b) and (c), a person may not advertise that~~
- 1242 ~~the person or the person's employee recommends a medical cannabis treatment.]~~
- 1243 ~~[(b) Notwithstanding Subsection (6)(a) and Section 4-41a-109, a qualified medical~~
- 1244 ~~provider, medical clinic, or medical office that employs a qualified medical provider~~
- 1245 ~~may advertise only the following:]~~
- 1246 ~~[(i) a green cross;]~~
- 1247 ~~[(ii) the provider's or clinic's name and logo;]~~
- 1248 ~~[(iii) a qualifying condition that the individual treats;]~~
- 1249 ~~[(iv) that the qualified medical provider, medical clinic, or medical office evaluates~~
- 1250 ~~patients for medical cannabis recommendations;]~~
- 1251 ~~[(v) a scientific study regarding medical cannabis use; or]~~
- 1252 ~~[(vi) contact information.]~~

1253 ~~[(e) Notwithstanding Subsection (6)(a) and Section 4-41a-109, qualified medical~~
1254 ~~provider, medical clinic, or medical office that employs a qualified medical provider~~
1255 ~~may engage in targeted marketing, as determined by the department through rule, for~~
1256 ~~advertising medical cannabis recommendation services.]~~

1257 ~~[(7)(a) A qualified medical provider registration card expires two years after the day on~~
1258 ~~which the department issues the card.]~~

1259 ~~[(b) The department shall renew a qualified medical provider's registration card if the~~
1260 ~~provider:]~~

1261 ~~[(i) applies for renewal;]~~

1262 ~~[(ii) is eligible for a qualified medical provider registration card under this section,~~
1263 ~~including maintaining an unrestricted license under the recommending~~
1264 ~~qualifications;]~~

1265 ~~[(iii) certifies to the department in a renewal application that the information in~~
1266 ~~Subsection (2)(a) is accurate or updates the information;]~~

1267 ~~[(iv) submits a report detailing the completion of the continuing education~~
1268 ~~requirement described in Subsection (3); and]~~

1269 ~~[(v) pays the department a fee in an amount that:]~~

1270 ~~[(A) the department sets, in accordance with Section 63J-1-504; and]~~
1271 ~~[(B) does not exceed \$50 for a registration renewal.]~~

1272 ~~[(8) The department may revoke the registration of a qualified medical provider who fails~~
1273 ~~to maintain compliance with the requirements of this section.]~~

1274 ~~[(9) A recommending medical provider may not:]~~

1275 ~~[(a) receive any compensation or benefit for the qualified medical provider's medical~~
1276 ~~cannabis treatment recommendation from:]~~

1277 ~~[(i) a cannabis production establishment or an owner, officer, director, board~~
1278 ~~member, employee, or agent of a cannabis production establishment;]~~

1279 ~~[(ii) a medical cannabis pharmacy or an owner, officer, director, board member,~~
1280 ~~employee, or agent of a medical cannabis pharmacy; or]~~

1281 ~~[(iii) a recommending medical provider or pharmacy medical provider; or]~~

1282 ~~[(b) provide a medical cannabis recommendation at a medical clinic or medical office~~
1283 ~~that is violating the advertising limitations described in Subsection (6).]~~

1284 ~~[(10)]~~ (5)(a) [Each quarter, a qualified medical provider shall report to the department, in
1285 a manner designated by the department:] The department shall host a recommending
1286 provider contact list on the department's website that contains the information

1287 described in Subsection (5)(b).

1288 ~~[(i) if applicable, that the qualified medical provider or the entity that employs the~~
 1289 ~~qualified medical provider represents online or on printed material that the~~
 1290 ~~qualified medical provider is a qualified medical provider or offers medical~~
 1291 ~~cannabis recommendations to patients; and]~~

1292 ~~[(ii)(A) for cash payment without insurance, the fee amount that the qualified~~
 1293 ~~medical provider or the entity that employs the qualified medical provider~~
 1294 ~~charges a patient for a medical cannabis recommendation as an actual cash~~
 1295 ~~rate; and]~~

1296 ~~[(B) whether the qualified medical provider or the entity that employs the~~
 1297 ~~qualified medical provider bills insurance.]~~

1298 (b) ~~[The department shall:]~~ A recommending medical provider that elects to be included
 1299 on the contact list shall provide the department the following:

1300 ~~[(i) ensure that the following information related to qualified medical providers and~~
 1301 ~~entities described in Subsection (10)(a)(i) is available on the department's website~~
 1302 ~~or on the health care price transparency tool under Subsection (10)(b)(ii):]~~

1303 ~~[(A)]~~ (i) the name of the [qualified medical provider] recommending medical provider
 1304 and, if applicable, the name of the entity that employs the [qualified medical
 1305 provider] recommending medical provider;

1306 ~~[(B)]~~ (ii) the address of the [qualified medical provider's] recommending medical
 1307 provider's office or, if applicable, the entity that employs the [qualified medical
 1308 provider] recommending medical provider; and

1309 ~~[(C)]~~ (iii)(A) the fee amount [described in Subsection (10)(a)(ii)(A); and] charged
 1310 by the recommending medical provider; or

1311 (B) whether the recommending medical provider or entity that employs the
 1312 recommending medical provider bills insurance.

1313 ~~[(ii)]~~ (c) The department shall share data collected under this Subsection [(10)] (5) with
 1314 the state auditor for use in the health care price transparency tool[described in
 1315 Section 67-3-11].

1316 Section 11. Section **26B-4-205** is amended to read:

1317 **26B-4-205 . Standard of care -- Physicians and pharmacists not liable -- No**
 1318 **private right of action.**

1319 (1) An individual described in Subsection (2) is not subject to the following solely for
 1320 violating a federal law or regulation that would otherwise prohibit recommending,

- 1321 prescribing, or dispensing medical cannabis, a medical cannabis product, or a
 1322 cannabis-based drug that the United States Food and Drug Administration has not
 1323 approved:
- 1324 (a) civil or criminal liability; or
- 1325 (b) licensure sanctions under Title 58, Chapter 17b, Pharmacy Practice Act, Title 58,
 1326 Chapter 31b, Nurse Practice Act, Title 58, Chapter 67, Utah Medical Practice Act,
 1327 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, or Title 58, Chapter
 1328 70a, Utah Physician Assistant Act.
- 1329 (2) The limitations of liability described in Subsection (1) apply to:
- 1330 ~~[(a) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act,~~
 1331 ~~an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse~~
 1332 ~~Practice Act, a physician licensed under Title 58, Chapter 67, Utah Medical Practice~~
 1333 ~~Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, or a physician~~
 1334 ~~assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant Act.]~~
- 1335 ~~[(i)(A) whom the department has registered as a qualified medical provider; or]~~
 1336 ~~[(B) who makes a recommendation as a limited medical provider; and]~~
- 1337 [(ii)] (a) a recommending medical provider who recommends treatment with cannabis in
 1338 a medicinal dosage form or a cannabis product in a medicinal dosage form to a
 1339 patient in accordance with this part; and
- 1340 (b) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act:
- 1341 (i) whom the department has registered as a pharmacy medical provider; and
- 1342 (ii) who dispenses, in a medical cannabis pharmacy, treatment with cannabis in a
 1343 medicinal dosage form or a cannabis product in a medicinal dosage form to a
 1344 medical cannabis cardholder in accordance with this part.
- 1345 (3) Nothing in this section or part reduces or in any way negates the duty of an individual
 1346 described in Subsection (2) to use reasonable and ordinary care in the treatment of a
 1347 patient:
- 1348 (a) who may have a qualifying condition; and
- 1349 (b)(i) for whom the individual described in Subsection ~~[(2)(a)(i) or (ii)]~~ (2)(a) has
 1350 recommended or might consider recommending a treatment with cannabis or a
 1351 cannabis product; or
- 1352 (ii) with whom the pharmacist described in Subsection (2)(b) has interacted in the
 1353 dosing or dispensing of cannabis or a cannabis product.
- 1354 (4)(a) As used in this Subsection (4), "healthcare facility" means a health care facility as

1355 defined in Section 26B-2-201.

1356 (b) A healthcare facility may adopt restrictions on the possession, use, and storage of
1357 medical cannabis on the premises of the healthcare facility by a medical cannabis
1358 cardholder who resides at or is actively receiving treatment or care at the healthcare
1359 facility.

1360 (c) An employee or agent of a healthcare facility described in this Subsection (4) is not
1361 subject to civil or criminal liability for carrying out employment duties, including:

1362 (i) providing or supervising care to a medical cannabis cardholder; or

1363 (ii) in accordance with a caregiver designation under Section 26B-4-214 for a
1364 medical cannabis cardholder residing at the healthcare facility, purchasing,
1365 transporting, or possessing medical cannabis for the relevant patient and in
1366 accordance with the designation.

1367 (d) Nothing in this section requires a healthcare facility to adopt a restriction under
1368 Subsection (4)(b).

1369 Section 12. Section **26B-4-213** is amended to read:

1370 **26B-4-213 . Medical cannabis patient card -- Medical cannabis guardian card --**
1371 **Conditional medical cannabis card -- Application -- Fees -- Studies.**

1372 (1)(a) Subject to Section 26B-4-246, within 15 days after the day on which an individual
1373 who satisfies the eligibility criteria in this section or Section 26B-4-214 submits an
1374 application in accordance with this section or Section 26B-4-214, the department
1375 shall:

1376 (i) issue a medical cannabis patient card to an individual described in Subsection
1377 (2)(a);

1378 (ii) issue a medical cannabis guardian card to an individual described in Subsection
1379 (2)(b);

1380 (iii) issue a provisional patient card to a minor described in Subsection (2)(c); and

1381 (iv) issue a medical cannabis caregiver card to an individual described in Subsection
1382 26B-4-214(4).

1383 (b)(i) Upon the entry of a recommending medical provider's medical cannabis
1384 recommendation for a patient in the state electronic verification system, either by
1385 the provider or the provider's employee or by a medical cannabis pharmacy
1386 medical provider or medical cannabis pharmacy in accordance with Subsection
1387 4-41a-1101(10)(a), the department shall issue to the patient an electronic
1388 conditional medical cannabis card, in accordance with this Subsection (1)(b).

- 1389 (ii) A conditional medical cannabis card is valid for the lesser of:
1390 (A) 60 days; or
1391 (B) the day on which the department completes the department's review and issues
1392 a medical cannabis card under Subsection (1)(a), denies the patient's medical
1393 cannabis card application, or revokes the conditional medical cannabis card
1394 under Subsection (8).
- 1395 (iii) The department may issue a conditional medical cannabis card to an individual
1396 applying for a medical cannabis patient card for which approval of the
1397 Compassionate Use Board is not required.
- 1398 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and
1399 obligations under law applicable to a holder of the medical cannabis card for
1400 which the individual applies and for which the department issues the conditional
1401 medical cannabis card.
- 1402 (2)(a) An individual is eligible for a medical cannabis patient card if:
1403 (i)(A) the individual is at least 21 years old; or
1404 (B) the individual is 18, 19, or 20 years old, the individual petitions the
1405 Compassionate Use Board under Section 26B-1-421, and the Compassionate
1406 Use Board recommends department approval of the petition;
- 1407 (ii) the individual is a Utah resident;
- 1408 (iii) the individual's recommending medical provider recommends treatment with
1409 medical cannabis in accordance with Subsection (4);
- 1410 (iv) the individual signs an acknowledgment stating that the individual received the
1411 information described in Subsection (9); and
- 1412 (v) the individual pays to the department a fee in an amount that, subject to
1413 Subsection 26B-1-310(5), the department sets in accordance with Section
1414 63J-1-504.
- 1415 (b)(i) An individual is eligible for a medical cannabis guardian card if the individual:
1416 (A) is at least 18 years old;
1417 (B) is a Utah resident;
1418 (C) is the parent or legal guardian of a minor for whom the minor's recommending
1419 medical provider recommends a medical cannabis treatment, the individual
1420 petitions the Compassionate Use Board under Section 26B-1-421, and the
1421 Compassionate Use Board recommends department approval of the petition;
1422 (D) the individual signs an acknowledgment stating that the individual received

- 1423 the information described in Subsection (9); and
- 1424 (E) pays to the department a fee in an amount that, subject to Subsection
- 1425 26B-1-310(5), the department sets in accordance with Section 63J-1-504, plus
- 1426 the cost of the criminal background check described in Section 26B-4-215.
- 1427 (ii) The department shall notify the Department of Public Safety of each individual
- 1428 that the department registers for a medical cannabis guardian card.
- 1429 (c)(i) A minor is eligible for a provisional patient card if:
- 1430 (A) the minor has a qualifying condition;
- 1431 (B) the minor's recommending medical provider recommends a medical cannabis
- 1432 treatment to address the minor's qualifying condition;
- 1433 (C) one of the minor's parents or legal guardians petitions the Compassionate Use
- 1434 Board under Section 26B-1-421, and the Compassionate Use Board
- 1435 recommends department approval of the petition; and
- 1436 (D) the minor's parent or legal guardian is eligible for a medical cannabis guardian
- 1437 card under Subsection (2)(b) or designates a caregiver under Subsection (2)(d)
- 1438 who is eligible for a medical cannabis caregiver card under Section 26B-4-214.
- 1439 (ii) The department shall automatically issue a provisional patient card to the minor
- 1440 described in Subsection (2)(c)(i) at the same time the department issues a medical
- 1441 cannabis guardian card to the minor's parent or legal guardian.
- 1442 (d) If the parent or legal guardian of a minor described in Subsections (2)(c)(i)(A)
- 1443 through (C) does not qualify for a medical cannabis guardian card under Subsection
- 1444 (2)(b), the parent or legal guardian may designate up to two caregivers in accordance
- 1445 with Subsection 26B-4-214(1)(c) to ensure that the minor has adequate and safe
- 1446 access to the recommended medical cannabis treatment.
- 1447 (3)(a) An individual who is eligible for a medical cannabis card described in Subsection
- 1448 (2)(a) or (b) shall submit an application for a medical cannabis card to the department:
- 1449 (i) through an electronic application connected to the state electronic verification
- 1450 system;
- 1451 (ii) with the recommending medical provider; and
- 1452 (iii) with information including:
- 1453 (A) the applicant's name, gender, age, and address;
- 1454 (B) the number of the applicant's government issued photo identification;
- 1455 (C) for a medical cannabis guardian card, the name, gender, and age of the minor
- 1456 receiving a medical cannabis treatment under the cardholder's medical cannabis

- 1457 guardian card; and
- 1458 (D) for a provisional patient card, the name of the minor's parent or legal guardian
- 1459 who holds the associated medical cannabis guardian card.
- 1460 (b) The department shall ensure that a medical cannabis card the department issues
- 1461 under this section contains the information described in Subsection (3)(a)(iii).
- 1462 (c)(i) If a recommending medical provider determines that, because of age, illness, or
- 1463 disability, a medical cannabis patient cardholder requires assistance in
- 1464 administering the medical cannabis treatment that the recommending medical
- 1465 provider recommends, the recommending medical provider may indicate the
- 1466 cardholder's need in the state electronic verification system, either directly or ~~[, for~~
- 1467 ~~a limited medical provider,]~~ through the order described in Subsections [
- 1468 ~~26B-4-204(1)(e) and (d)] 26B-4-204(1)(b) and (c).~~
- 1469 (ii) If a recommending medical provider makes the indication described in
- 1470 Subsection (3)(c)(i):
- 1471 (A) the department shall add a label to the relevant medical cannabis patient card
- 1472 indicating the cardholder's need for assistance;
- 1473 (B) any adult who is 18 years old or older and who is physically present with the
- 1474 cardholder at the time the cardholder needs to use the recommended medical
- 1475 cannabis treatment may handle the medical cannabis treatment and any
- 1476 associated medical cannabis device as needed to assist the cardholder in
- 1477 administering the recommended medical cannabis treatment; and
- 1478 (C) an individual of any age who is physically present with the cardholder in the
- 1479 event of an emergency medical condition, as that term is defined in Section
- 1480 31A-1-301, may handle the medical cannabis treatment and any associated
- 1481 medical cannabis device as needed to assist the cardholder in administering the
- 1482 recommended medical cannabis treatment.
- 1483 (iii) A non-cardholding individual acting under Subsection (3)(c)(ii)(B) or (C) may
- 1484 not:
- 1485 (A) ingest or inhale medical cannabis;
- 1486 (B) possess, transport, or handle medical cannabis or a medical cannabis device
- 1487 outside of the immediate area where the cardholder is present or with an intent
- 1488 other than to provide assistance to the cardholder; or
- 1489 (C) possess, transport, or handle medical cannabis or a medical cannabis device
- 1490 when the cardholder is not in the process of being dosed with medical cannabis.

- 1491 ~~[(4) To recommend a medical cannabis treatment to a patient or to renew a~~
 1492 ~~recommendation, a recommending medical provider shall:]~~
- 1493 ~~[(a) visit with the patient face-to-face for an initial recommendation unless the patient:]~~
 1494 ~~[(i) prefers a virtual visit; and]~~
 1495 ~~[(ii)(A) is on hospice or has a terminal illness according to the patient's medical~~
 1496 ~~provider; or]~~
 1497 ~~[(B) is a resident of an assisted living facility, as defined in Section 26B-2-201, or~~
 1498 ~~a nursing care facility, as defined in Section 26B-2-201;]~~
- 1499 ~~[(b)] (4)(a) Except as provided in Subsection (4)(b), a recommending medical provider may not~~
~~recommend medical cannabis to a patient through a virtual visit.~~
- 1500 ~~(b) A recommending medical provider may recommend medical cannabis to a patient~~
 1501 ~~through a virtual visit if the patient:~~
- 1502 ~~(i) is on hospice or has a terminal illness according to the patient's medical provider;~~
 1503 ~~(ii) is a resident of an assisted living facility, as defined in Section 26B-2-201, or a~~
 1504 ~~nursing care facility, as defined in Section 26B-2-201;~~
 1505 ~~(iii) has previously received a medical cannabis recommendation from the~~
 1506 ~~recommending medical provider through a face-to-face visit; or~~
 1507 ~~(iv) is a current patient of the recommending medical provider and has met with the~~
 1508 ~~recommending medical provider face-to-face previously.~~
- 1509 ~~(c) A recommending medical provider shall:~~
- 1510 ~~(i) before recommending or renewing a recommendation for medical cannabis in a~~
 1511 ~~medicinal dosage form or a cannabis product in a medicinal dosage form:~~
- 1512 ~~[(i)] (A) verify the patient's and, for a minor patient, the minor patient's parent or~~
 1513 ~~legal guardian's government issued photo identification described in~~
 1514 ~~Subsection (3)(a);~~
- 1515 ~~[(ii)] (B) review any record related to the patient and, for a minor patient, the~~
 1516 ~~patient's parent or legal guardian [in:] accessible to the recommending medical~~
 1517 ~~provider including in the controlled substance database created in Section~~
 1518 ~~58-37f-201; and~~
- 1519 ~~[(A) for a qualified medical provider, the state electronic verification system; and]~~
 1520 ~~[(B) the controlled substance database created in Section 58-37f-201; and]~~
- 1521 ~~[(iii)] (C) consider the recommendation in light of the patient's qualifying~~
 1522 ~~condition, history of substance use or opioid use disorder, and history of~~
 1523 ~~medical cannabis and controlled substance use during a visit with the patient;~~

- 1524 and
- 1525 [(e)] (ii) state in the recommending medical provider's recommendation that the
- 1526 patient:
- 1527 [(i)] (A) suffers from a qualifying condition, including the type of qualifying
- 1528 condition; and
- 1529 [(i)] (B) may benefit from treatment with cannabis in a medicinal dosage form or
- 1530 a cannabis product in a medicinal dosage form.
- 1531 (5)(a) Except as provided in Subsection (5)(b) or (c), a medical cannabis card that the
- 1532 department issues under this section is valid for the lesser of:
- 1533 (i) an amount of time that the recommending medical provider determines; or
- 1534 (ii) one year from the day the card is issued.
- 1535 (b)(i) A medical cannabis card that the department issues in relation to a terminal
- 1536 illness described in Section 26B-4-203 expires after one year.
- 1537 (ii) The recommending medical provider may revoke a recommendation that the
- 1538 provider made in relation to a terminal illness described in Section 26B-4-203 if
- 1539 the medical cannabis cardholder no longer has the terminal illness.
- 1540 (c) A medical cannabis card that the department issues in relation to acute pain as
- 1541 described in Section 26B-4-203 expires 30 days after the day on which the
- 1542 department first issues a conditional or full medical cannabis card.
- 1543 (6)(a) A medical cannabis patient card or a medical cannabis guardian card is renewable
- 1544 if:
- 1545 (i) at the time of renewal, the cardholder meets the requirements of Subsection (2)(a)
- 1546 or (b); or
- 1547 (ii) the cardholder received the medical cannabis card through the recommendation of
- 1548 the Compassionate Use Board under Section 26B-1-421.
- 1549 (b) The recommending medical provider who made the underlying recommendation for
- 1550 the card of a cardholder described in Subsection (6)(a) may renew the cardholder's
- 1551 card through phone or video conference with the cardholder, at the recommending
- 1552 medical provider's discretion.
- 1553 (c) Before having access to a renewed card, a cardholder under Subsection (2)(a) or (b)
- 1554 shall pay to the department a renewal fee in an amount that:
- 1555 (i) subject to Subsection 26B-1-310(5), the department sets in accordance with
- 1556 Section 63J-1-504; and
- 1557 (ii) may not exceed the cost of the relatively lower administrative burden of renewal

- 1558 in comparison to the original application process.
- 1559 (d) If a minor meets the requirements of Subsection (2)(c), the minor's provisional
1560 patient card renews automatically at the time the minor's parent or legal guardian
1561 renews the parent or legal guardian's associated medical cannabis guardian card.
- 1562 (7)(a) A cardholder under this section shall carry the cardholder's valid medical cannabis
1563 card with the patient's name.
- 1564 (b)(i) A medical cannabis patient cardholder or a provisional patient cardholder may
1565 purchase, in accordance with this part and the recommendation underlying the
1566 card, cannabis in a medicinal dosage form, a cannabis product in a medicinal
1567 dosage form, or a medical cannabis device.
- 1568 (ii) A cardholder under this section may possess or transport, in accordance with this
1569 part and the recommendation underlying the card, cannabis in a medicinal dosage
1570 form, a cannabis product in a medicinal dosage form, or a medical cannabis
1571 device.
- 1572 (iii) To address the qualifying condition underlying the medical cannabis treatment
1573 recommendation:
- 1574 (A) a medical cannabis patient cardholder or a provisional patient cardholder may
1575 use medical cannabis or a medical cannabis device; and
- 1576 (B) a medical cannabis guardian cardholder may assist the associated provisional
1577 patient cardholder with the use of medical cannabis or a medical cannabis
1578 device.
- 1579 (8)(a) The department may revoke a medical cannabis card that the department issues
1580 under this section if:
- 1581 (i) the recommending medical provider withdraws the medical provider's
1582 recommendation for medical cannabis; or
- 1583 (ii) the cardholder:
- 1584 (A) violates this part; or
- 1585 (B) is convicted under state or federal law of, after March 17, 2021, a drug
1586 distribution offense.
- 1587 (b) The department may not refuse to issue a medical cannabis card to a patient solely
1588 based on a prior revocation under Subsection (8)(a)(i).
- 1589 (9) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah
1590 Administrative Rulemaking Act, a process to provide information regarding the
1591 following to an individual receiving a medical cannabis card:

- 1592 (a) risks associated with medical cannabis treatment;
- 1593 (b) the fact that a condition's listing as a qualifying condition does not suggest that
1594 medical cannabis treatment is an effective treatment or cure for that condition, as
1595 described in Subsection 26B-4-203(1); and
- 1596 (c) other relevant warnings and safety information that the department determines.
- 1597 (10) The department may establish procedures by rule, in accordance with Title 63G,
1598 Chapter 3, Utah Administrative Rulemaking Act, to implement the application and
1599 issuance provisions of this section.
- 1600 (11)(a) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
1601 Utah Administrative Rulemaking Act, a process to allow an individual from another
1602 state to register with the department in order to purchase medical cannabis or a
1603 medical cannabis device from a medical cannabis pharmacy while the individual is
1604 visiting the state.
- 1605 (b) The department may only provide the registration process described in Subsection
1606 (11)(a):
- 1607 (i) to a nonresident patient; and
- 1608 (ii) for no more than two visitation periods per calendar year of up to 21 calendar
1609 days per visitation period.
- 1610 (12)(a) A person may submit to the department a request to conduct a research study
1611 using medical cannabis cardholder data that the state electronic verification system
1612 contains.
- 1613 (b) The department shall review a request described in Subsection (12)(a) to determine
1614 whether an institutional review board, as that term is defined in Section 26B-4-201,
1615 could approve the research study.
- 1616 (c) At the time an individual applies for a medical cannabis card, the department shall
1617 notify the individual:
- 1618 (i) of how the individual's information will be used as a cardholder;
- 1619 (ii) that by applying for a medical cannabis card, unless the individual withdraws
1620 consent under Subsection (12)(d), the individual consents to the use of the
1621 individual's information for external research; and
- 1622 (iii) that the individual may withdraw consent for the use of the individual's
1623 information for external research at any time, including at the time of application.
- 1624 (d) An applicant may, through the medical cannabis card application, and a medical
1625 cannabis cardholder may, through the state central patient portal, withdraw the

- 1626 applicant's or cardholder's consent to participate in external research at any time.
- 1627 (e) The department may release, for the purposes of a study described in this Subsection
1628 (12), information about a cardholder under this section who consents to participate
1629 under Subsection (12)(c).
- 1630 (f) If an individual withdraws consent under Subsection (12)(d), the withdrawal of
1631 consent:
- 1632 (i) applies to external research that is initiated after the withdrawal of consent; and
1633 (ii) does not apply to research that was initiated before the withdrawal of consent.
- 1634 (g) The department may establish standards for a medical research study's validity, by
1635 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
1636 Act.

1637 (13) The department shall record the issuance or revocation of a medical cannabis card
1638 under this section in the controlled substance database.

1639 Section 13. Section **26B-4-214** is amended to read:

1640 **26B-4-214 . Medical cannabis caregiver card -- Registration -- Renewal --**
1641 **Revocation.**

1642 (1)(a) A cardholder described in Section 26B-4-213 may designate, through the state
1643 central patient portal, up to two individuals, or an individual and a facility in
1644 accordance with Subsection (1)(b), to serve as a designated caregiver for the
1645 cardholder.

1646 (b)(i) A cardholder described in Section 26B-4-213 may designate one of the
1647 following types of facilities as one of the caregivers described in Subsection (1)(a):

1648 (A) for a patient or resident, an assisted living facility, as that term is defined in
1649 Section 26B-2-201;

1650 (B) for a patient or resident, a nursing care facility, as that term is defined in
1651 Section 26B-2-201; or

1652 (C) for a patient, a general acute hospital, as that term is defined in Section
1653 26B-2-201.

1654 (ii) A facility may:

1655 (A) assign one or more employees to assist patients with medical cannabis
1656 treatment under the caregiver designation described in this Subsection (1)(b);
1657 and

1658 (B) receive a medical cannabis shipment from a medical cannabis pharmacy or a
1659 medical cannabis courier on behalf of the medical cannabis cardholder within

- 1660 the facility who designated the facility as a caregiver.
- 1661 (iii) The department shall make rules to regulate the practice of facilities and facility
1662 employees serving as designated caregivers under this Subsection (1)(b).
- 1663 (c) A parent or legal guardian described in Subsection 26B-4-213(2)(d), in consultation
1664 with the minor and the minor's [~~qualified medical provider~~] recommending medical
1665 provider, may designate, through the state central patient portal, up to two individuals
1666 to serve as a designated caregiver for the minor, if the department determines that the
1667 parent or legal guardian is not eligible for a medical cannabis guardian card under
1668 Section 26B-4-213.
- 1669 (d)(i) Upon the entry of a caregiver designation under Subsection (1)(c) by a patient
1670 with a terminal illness described in Section 26B-4-203, the department shall issue
1671 to the designated caregiver an electronic conditional medical cannabis caregiver
1672 card, in accordance with this Subsection (1)(d).
- 1673 (ii) A conditional medical cannabis caregiver card is valid for the lesser of:
1674 (A) 60 days; or
1675 (B) the day on which the department completes the department's review and issues
1676 a medical cannabis caregiver card under Subsection (1)(a), denies the patient's
1677 medical cannabis caregiver card application, or revokes the conditional
1678 medical cannabis caregiver card under 26B-4-246.
- 1679 (iii) The department may issue a conditional medical cannabis card to an individual
1680 applying for a medical cannabis patient card for which approval of the
1681 Compassionate Use Board is not required.
- 1682 (iv) An individual described in Subsection (1)(b)(iii) has the rights, restrictions, and
1683 obligations under law applicable to a holder of the medical cannabis card for
1684 which the individual applies and for which the department issues the conditional
1685 medical cannabis card.
- 1686 (2) An individual that the department registers as a designated caregiver under this section
1687 and a facility described in Subsection (1)(b):
- 1688 (a) for an individual designated caregiver, may carry a valid medical cannabis caregiver
1689 card;
- 1690 (b) in accordance with this part, may purchase, possess, transport, or assist the patient in
1691 the use of cannabis in a medicinal dosage form, a cannabis product in a medicinal
1692 dosage form, or a medical cannabis device on behalf of the designating medical
1693 cannabis cardholder;

- 1694 (c) may not charge a fee to an individual to act as the individual's designated caregiver
1695 or for a service that the designated caregiver provides in relation to the role as a
1696 designated caregiver; and
- 1697 (d) may accept reimbursement from the designating medical cannabis cardholder for
1698 direct costs the designated caregiver incurs for assisting with the designating
1699 cardholder's medicinal use of cannabis.
- 1700 (3)(a) The department shall:
- 1701 (i) within 15 days after the day on which an individual submits an application in
1702 compliance with this section, issue a medical cannabis card to the applicant if the
1703 applicant:
- 1704 (A) is designated as a caregiver under Subsection (1);
1705 (B) is eligible for a medical cannabis caregiver card under Subsection (4); and
1706 (C) complies with this section; and
- 1707 (ii) notify the Department of Public Safety of each individual that the department
1708 registers as a designated caregiver.
- 1709 (b) The department shall ensure that a medical cannabis caregiver card contains the
1710 information described in Subsections (5)(b) and (3)(c)(i).
- 1711 (c) If a cardholder described in Section 26B-4-213 designates an individual as a
1712 caregiver who already holds a medical cannabis caregiver card, the individual with
1713 the medical cannabis caregiver card:
- 1714 (i) shall report to the department the information required of applicants under
1715 Subsection (5)(b) regarding the new designation;
1716 (ii) if the individual makes the report described in Subsection (3)(c)(i), is not required
1717 to file an application for another medical cannabis caregiver card;
1718 (iii) may receive an additional medical cannabis caregiver card in relation to each
1719 additional medical cannabis patient who designates the caregiver; and
1720 (iv) is not subject to an additional background check.
- 1721 (4) An individual is eligible for a medical cannabis caregiver card if the individual:
- 1722 (a) is at least 21 years old;
1723 (b) is a Utah resident;
1724 (c) pays to the department a fee in an amount that, subject to Subsection 26B-1-310(5),
1725 the department sets in accordance with Section 63J-1-504, plus the cost of the
1726 criminal background check described in Section 26B-4-215;
1727 (d) signs an acknowledgment stating that the applicant received the information

- 1728 described in Subsection 26B-4-213(9) .
- 1729 (5) An eligible applicant for a medical cannabis caregiver card shall:
- 1730 (a) submit an application for a medical cannabis caregiver card to the department
- 1731 through an electronic application connected to the state electronic verification
- 1732 system; and
- 1733 (b) submit the following information in the application described in Subsection (5)(a):
- 1734 (i) the applicant's name, gender, age, and address;
- 1735 (ii) the name, gender, age, and address of the cardholder described in Section
- 1736 26B-4-213 who designated the applicant;
- 1737 (iii) if a medical cannabis guardian cardholder designated the caregiver, the name,
- 1738 gender, and age of the minor receiving a medical cannabis treatment in relation to
- 1739 the medical cannabis guardian cardholder; and
- 1740 (iv) any additional information that the department requests to assist in matching the
- 1741 application with the designating medical cannabis patient.
- 1742 (6) Except as provided in Subsection (6)(b), a medical cannabis caregiver card that the
- 1743 department issues under this section is valid for the lesser of:
- 1744 (a) an amount of time that the cardholder described in Section 26B-4-213 who
- 1745 designated the caregiver determines; or
- 1746 (b) the amount of time remaining before the card of the cardholder described in Section
- 1747 26B-4-213 expires.
- 1748 (7)(a) If a designated caregiver meets the requirements of Subsection (4), the designated
- 1749 caregiver's medical cannabis caregiver card renews automatically at the time the
- 1750 cardholder described in Section 26B-4-213 who designated the caregiver:
- 1751 (i) renews the cardholder's card; and
- 1752 (ii) renews the caregiver's designation, in accordance with Subsection (7)(b).
- 1753 (b) The department shall provide a method in the card renewal process to allow a
- 1754 cardholder described in Section 26B-4-213 who has designated a caregiver to:
- 1755 (i) signify that the cardholder renews the caregiver's designation;
- 1756 (ii) remove a caregiver's designation; or
- 1757 (iii) designate a new caregiver.
- 1758 (8) The department shall record the issuance or revocation of a medical cannabis card under
- 1759 this section in the controlled substance database.
- 1760 Section 14. Section **26B-4-231** is amended to read:
- 1761 **26B-4-231 . Partial filling -- Pharmacy medical provider directions of use.**

- 1762 (1) As used in this section, "partially fill" means to provide less than the full amount of
1763 cannabis or cannabis product that the recommending medical provider recommends, if
1764 the recommending medical provider recommended specific dosing guidelines.
- 1765 (2) A pharmacy medical provider may partially fill a recommendation for a medical
1766 cannabis treatment at the request of the recommending medical provider who issued the
1767 medical cannabis treatment recommendation or the medical cannabis cardholder.
- 1768 (3) The department shall make rules, in collaboration with the Division of Professional
1769 Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah
1770 Administrative Rulemaking Act, specifying how to record the date, quantity supplied,
1771 and quantity remaining of a partially filled medical cannabis treatment recommendation.
- 1772 (4) A pharmacy medical provider who is a pharmacist may, upon the request of a medical
1773 cannabis cardholder, determine different dosing guidelines, subject to the dosing limits
1774 in Subsection 4-41a-1102(2), to fill the quantity remaining of a partially filled medical
1775 cannabis treatment recommendation if:
- 1776 (a) the pharmacy medical provider determined dosing guidelines for the partial fill under
1777 Subsection 4-41a-1102(5) or (6); and
- 1778 (b) the medical cannabis cardholder reports that:
- 1779 (i) the partial fill did not substantially affect the qualifying condition underlying the
1780 medical cannabis recommendation; or
- 1781 (ii) the patient experienced an adverse reaction to the partial fill or was otherwise
1782 unable to successfully use the partial fill.
- 1783 (5) If a recommending medical provider recommends treatment with medical cannabis but
1784 wishes for the pharmacy medical provider to determine directions of use and dosing
1785 guidelines:
- 1786 (a) the recommending medical provider shall provide to the pharmacy medical provider,
1787 either through the state electronic verification system or through a medical cannabis
1788 pharmacy's recording of a recommendation under the order of a [~~limited medical~~
1789 ~~provider~~] recommending medical provider, any of the following information that the
1790 recommending medical provider feels would be needed to provide appropriate
1791 directions of use and dosing guidelines:
- 1792 (i) information regarding the qualifying condition underlying the recommendation;
1793 (ii) information regarding prior treatment attempts with medical cannabis; and
1794 (iii) portions of the patient's current medication list; and
- 1795 (b) before the relevant medical cannabis cardholder may obtain medical cannabis, the

- 1796 pharmacy medical provider shall:
- 1797 (i) review pertinent medical records, including the recommending medical provider
- 1798 documentation described in Subsection (5)(a); and
- 1799 (ii) after completing the review described in Subsection (5)(b)(i) and consulting with
- 1800 the recommending medical provider as needed, determine the best course of
- 1801 treatment through consultation with the cardholder regarding:
- 1802 (A) the patient's qualifying condition underlying the recommendation from the
- 1803 recommending medical provider;
- 1804 (B) indications for available treatments;
- 1805 (C) directions of use and dosing guidelines; and
- 1806 (D) potential adverse reactions.

1807 Section 15. Section **26B-4-245** is amended to read:

1808 **26B-4-245 . Purchasing and use limitations.**

- 1809 (1) An individual with a medical cannabis card:
- 1810 (a) may purchase, in any one 28-day period, up to the legal dosage limit of:
- 1811 (i) unprocessed cannabis in a medicinal dosage form; and
- 1812 (ii) a cannabis product in a medicinal dosage form;
- 1813 (b) may not purchase:
- 1814 (i) except as provided in Subsection (2), more medical cannabis than described in
- 1815 Subsection (1)(a); or
- 1816 (ii) if the relevant recommending medical provider did not recommend directions of
- 1817 use and dosing guidelines, until the individual consults with the pharmacy medical
- 1818 provider in accordance with Subsection 26B-4-231(5), any medical cannabis; and
- 1819 (c) may not use a route of administration that the relevant recommending medical
- 1820 provider or the pharmacy medical provider, in accordance with Subsection 26B-4-231
- 1821 (5), has not recommended.
- 1822 (2)(a) A [~~qualified medical provider~~] recommending medical provider may petition the
- 1823 department to waive the 28-day period limit described in Subsection (1)(a) for a
- 1824 medical cannabis cardholder if the medical cannabis cardholder:
- 1825 (i) has been diagnosed with a terminal illness;
- 1826 (ii) has a life expectancy of six months or less; and
- 1827 (iii) needs the waiver for palliative purposes.
- 1828 (b) The department shall:
- 1829 (i) consult with the Compassionate Use Board to determine whether the waiver

1830 should be granted;

1831 (ii) issue a response to the petition within 10 days from the day on which the petition

1832 is received.

1833 (c) The department may waive the 28-day period limit for no more than 180 days.

1834 (d) A petition described in this Subsection (2) may be combined with the petition

1835 described in Subsection 26B-1-421(6).

1836 Section 16. Section **53B-17-903** is amended to read:

1837 **53B-17-903 . Education in pain treatment.**

1838 The University of Utah School of Medicine shall ensure that any licensed physicians

1839 who oversee fellowship training to specialize in pain treatment are [~~qualified medical providers~~]

1840 recommending medical providers, as that term is defined in Section 26B-4-201.

1841 Section 17. Section **58-1-513** is enacted to read:

1842 **58-1-513 . Recommending medical provider cannabis advertisement -- Payment**

1843 **restriction -- Unprofessional conduct.**

1844 (1) As used in this section:

1845 (a) "Recommending medical provider" means the same as that term is defined in Section

1846 26B-4-201.

1847 (b) "Targeted marketing" means the same as that term is defined in Section 26B-4-201.

1848 (2)(a) Except as provided in Subsections (2)(b) and (c), a person may not advertise that

1849 the person or the person's employee recommends a medical cannabis treatment.

1850 (b) Notwithstanding Subsection (2)(a) and Section 4-41a-109, a recommending medical

1851 provider, medical clinic, or medical office that employs a recommending medical

1852 provider may advertise only the following:

1853 (i) a green cross;

1854 (ii) the provider's or clinic's name and logo;

1855 (iii) a qualifying condition that the individual treats;

1856 (iv) that the recommending medical provider, medical clinic, or medical office

1857 evaluates patients for medical cannabis recommendations;

1858 (v) a scientific study regarding medical cannabis use; or

1859 (vi) contact information.

1860 (c) Notwithstanding Subsection (2)(a) and Section 4-41a-109, a recommending medical

1861 provider, medical clinic, or medical office that employs a recommending medical

1862 provider may engage in targeted marketing, as determined by the Department of

1863 Health and Human Services through rule, for advertising medical cannabis

- 1864 recommendation services.
- 1865 (3)(a) A recommending medical provider may not:
- 1866 (i) receive any compensation or benefit for the recommending medical provider's
- 1867 medical cannabis treatment recommendation from:
- 1868 (A) a cannabis production establishment or an owner, officer, director, board
- 1869 member, employee, or agent of a cannabis production establishment;
- 1870 (B) a medical cannabis pharmacy or an owner, officer, director, board member,
- 1871 employee, or agent of a medical cannabis pharmacy; or
- 1872 (C) a recommending medical provider or pharmacy medical provider; or
- 1873 (ii) provide a medical cannabis recommendation at a medical clinic or medical office
- 1874 that is violating the advertising limitations described in Subsection (2).
- 1875 (b) A violation of Subsection (3)(a) is unprofessional conduct.
- 1876 Section 18. Section **58-5a-102** is amended to read:
- 1877 **58-5a-102 . Definitions.**
- 1878 In addition to the definitions under Section 58-1-102, as used in this chapter:
- 1879 (1) "Assisted living facility" means the same as that term is defined in Section 26B-2-201.
- 1880 (2) "Board" means the Podiatric Physician Board created in Section 58-5a-201.
- 1881 (3) "Indirect supervision" means the same as that term is defined by the division by rule
- 1882 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 1883 (4) "Medical assistant" means an unlicensed individual working under the indirect
- 1884 supervision of a licensed podiatric physician and engaging in specific tasks assigned by
- 1885 the licensed podiatric physician in accordance with the standards and ethics of the
- 1886 podiatry profession.
- 1887 (5) "Practice of podiatry" means, subject to Section 58-5a-103, the diagnosis and treatment
- 1888 of conditions affecting the human foot and ankle and their manifestations of systemic
- 1889 conditions, and wound debridement on the limbs and torso, by all appropriate and lawful
- 1890 means.
- 1891 (6) "Unlawful conduct" includes:
- 1892 (a) the conduct that constitutes unlawful conduct under Section 58-1-501; and
- 1893 (b) for an individual who is not licensed under this chapter:
- 1894 (i) using the title or name podiatric physician, podiatrist, podiatric surgeon, foot
- 1895 doctor, foot specialist, or D.P.M.; or
- 1896 (ii) implying or representing that the individual is qualified to practice podiatry.
- 1897 (7)(a) "Unprofessional conduct" includes, for an individual licensed under this chapter:

- 1898 (i) the conduct that constitutes unprofessional conduct under Section 58-1-501;
- 1899 (ii) communicating to a third party, without the consent of the patient, information
- 1900 the individual acquires in treating the patient, except as necessary for professional
- 1901 consultation regarding treatment of the patient;
- 1902 (iii) allowing the individual's name or license to be used by an individual who is not
- 1903 licensed to practice podiatry under this chapter;
- 1904 (iv) except as described in Section 58-5a-306, employing, directly or indirectly, any
- 1905 unlicensed individual to practice podiatry;
- 1906 (v) using alcohol or drugs, to the extent the individual's use of alcohol or drugs
- 1907 impairs the individual's ability to practice podiatry;
- 1908 (vi) unlawfully prescribing, selling, or giving away any prescription drug, including
- 1909 controlled substances, as defined in Section 58-37-2;
- 1910 (vii) gross incompetency in the practice of podiatry;
- 1911 (viii) willfully and intentionally making a false statement or entry in hospital records,
- 1912 medical records, or reports;
- 1913 (ix) willfully making a false statement in reports or claim forms to governmental
- 1914 agencies or insurance companies with the intent to secure payment not rightfully
- 1915 due;
- 1916 (x) willfully using false or fraudulent advertising;
- 1917 (xi) conduct the division defines as unprofessional conduct by rule made in
- 1918 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 1919 (xii) falsely making an entry in, or altering, a medical record with the intent to
- 1920 conceal:
- 1921 (A) a wrongful or negligent act or omission of an individual licensed under this
- 1922 chapter or an individual under the direction or control of an individual licensed
- 1923 under this chapter; or
- 1924 (B) conduct described in Subsections (7)(a)(i) through (xi) or Subsection 58-1-501
- 1925 (1); or
- 1926 (xiii) violating the requirements of Title 26B, Chapter 4, Part 2, Cannabinoid
- 1927 Research and Medical Cannabis.
- 1928 (b) "Unprofessional conduct" does not include, in accordance with Title 26B, Chapter 4,
- 1929 Part 2, Cannabinoid Research and Medical Cannabis, when ~~[registered as a~~
- 1930 ~~qualified medical provider or acting as a limited medical provider, as those terms are]~~
- 1931 acting as a recommending medical provider, as that term is defined in Section

1932 26B-4-201, recommending the use of medical cannabis within the scope of a practice
1933 of podiatry.

1934 Section 19. Section **58-31b-305** is amended to read:

1935 **58-31b-305 . Term of license -- Expiration -- Renewal.**

1936 (1)(a) The division shall issue each license or certification under this chapter in
1937 accordance with a two-year renewal cycle established by rule.

1938 (b) The division may by rule extend or shorten a renewal period by as much as one year
1939 to stagger the renewal cycles the division administers.

1940 (2) The division shall renew the license of a licensee who, at the time of renewal:

1941 (a) completes and submits an application for renewal in a form prescribed by the
1942 division;

1943 (b) pays a renewal fee established by the division under Section 63J-1-504;

1944 (c) views a suicide prevention video described in Section 58-1-601 and submits proof in
1945 the form required by the division; and

1946 (d) meets continuing competency requirements as established by rule.

1947 (3) In addition to the renewal requirements under Subsection (2), a person licensed as an
1948 advanced practice registered nurse shall be currently certified by a program approved by
1949 the division in collaboration with the board and submit evidence satisfactory to the
1950 division of that qualification or if licensed prior to July 1, 1992, meet the requirements
1951 established by rule.

1952 (4) In addition to the requirements described in Subsections (2) and (3), an advanced
1953 practice registered nurse licensee specializing in psychiatric mental health nursing who,
1954 as of the day on which the division originally issued the licensee's license had not
1955 completed the division's clinical practice requirements in psychiatric and mental health
1956 nursing, shall, to qualify for renewal:

1957 (a) if renewing less than two years after the day on which the division originally issued
1958 the license, demonstrate satisfactory progress toward completing the clinical practice
1959 requirements; or

1960 (b) have completed the clinical practice requirements.

1961 (5) Each license or certification automatically expires on the expiration date shown on the
1962 license or certification unless renewed in accordance with Section 58-1-308.

1963 [~~(6) The division shall accept and apply toward an hour requirement that the division
1964 establishes under Subsection (2)(d) continuing education that an advanced practice
1965 registered nurse completes in accordance with Section 26B-4-204.~~]

1966 Section 20. Section **58-31b-502** is amended to read:

1967 **58-31b-502 . Unprofessional conduct.**

1968 (1) "Unprofessional conduct" includes:

1969 (a) failure to safeguard a patient's right to privacy as to the patient's person, condition,
1970 diagnosis, personal effects, or any other matter about which the licensee is privileged
1971 to know because of the licensee's or person with a certification's position or practice
1972 as a nurse or practice as a medication aide certified;

1973 (b) failure to provide nursing service or service as a medication aide certified in a
1974 manner that demonstrates respect for the patient's human dignity and unique personal
1975 character and needs without regard to the patient's race, religion, ethnic background,
1976 socioeconomic status, age, sex, or the nature of the patient's health problem;

1977 (c) engaging in sexual relations with a patient during any:

1978 (i) period when a generally recognized professional relationship exists between the
1979 person licensed or certified under this chapter and the patient; or

1980 (ii) extended period when a patient has reasonable cause to believe a professional
1981 relationship exists between the person licensed or certified under the provisions of
1982 this chapter and the patient;

1983 (d)(i) as a result of any circumstance under Subsection (1)(c), exploiting or using
1984 information about a patient or exploiting the licensee's or the person with a
1985 certification's professional relationship between the licensee or holder of a
1986 certification under this chapter and the patient; or

1987 (ii) exploiting the patient by use of the licensee's or person with a certification's
1988 knowledge of the patient obtained while acting as a nurse or a medication aide
1989 certified;

1990 (e) unlawfully obtaining, possessing, or using any prescription drug or illicit drug;

1991 (f) unauthorized taking or personal use of nursing supplies from an employer;

1992 (g) unauthorized taking or personal use of a patient's personal property;

1993 (h) unlawful or inappropriate delegation of nursing care;

1994 (i) failure to exercise appropriate supervision of persons providing patient care services
1995 under supervision of the licensed nurse;

1996 (j) employing or aiding and abetting the employment of an unqualified or unlicensed
1997 person to practice as a nurse;

1998 (k) failure to file or record any medical report as required by law, impeding or

1999 obstructing the filing or recording of such a report, or inducing another to fail to file

- 2000 or record such a report;
- 2001 (l) breach of a statutory, common law, regulatory, or ethical requirement of
- 2002 confidentiality with respect to a person who is a patient, unless ordered by a court;
- 2003 (m) failure to pay a penalty imposed by the division;
- 2004 (n) violating Section 58-31b-801;
- 2005 (o) violating the dispensing requirements of Section 58-17b-309 or Chapter 17b, Part 8,
- 2006 Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic
- 2007 Pharmacy, if applicable;
- 2008 (p) performing or inducing an abortion in violation of the requirements of Section
- 2009 76-7-302 or Section 76-7a-201, regardless of whether the person licensed or certified
- 2010 under the provisions of this chapter is found guilty of a crime in connection with the
- 2011 violation;
- 2012 (q) falsely making an entry in, or altering, a medical record with the intent to conceal:
- 2013 (i) a wrongful or negligent act or omission of an individual licensed under this
- 2014 chapter or an individual under the direction or control of an individual licensed
- 2015 under this chapter; or
- 2016 (ii) conduct described in Subsections (1)(a) through (n) or Subsection 58-1-501(1);
- 2017 (r) violating the requirements of Title 26B, Chapter 4, Part 2, Cannabinoid Research and
- 2018 Medical Cannabis; or
- 2019 (s) for an advance practice registered nurse, designating a child as do not resuscitate
- 2020 without parental consent.
- 2021 (2) "Unprofessional conduct" does not include, in accordance with Title 26B, Chapter 4,
- 2022 Part 2, Cannabinoid Research and Medical Cannabis, when [~~registered as a qualified~~
- 2023 ~~medical provider, or acting as a limited medical provider, as those terms are~~] acting as a
- 2024 recommending medical provider, as that term is defined in Section 26B-4-201,
- 2025 recommending the use of medical cannabis.
- 2026 (3) Notwithstanding Subsection (2), the division, in consultation with the board and in
- 2027 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall
- 2028 define unprofessional conduct for an advanced practice registered nurse described in
- 2029 Subsection (2).
- 2030 Section 21. Section **58-67-304** is amended to read:
- 2031 **58-67-304 . License renewal requirements.**
- 2032 (1) As a condition precedent for license renewal, each licensee shall, during each two-year
- 2033 licensure cycle or other cycle defined by division rule:

- 2034 (a) complete qualified continuing professional education requirements in accordance
2035 with the number of hours and standards defined by division rule made in
2036 collaboration with the board;
- 2037 (b) appoint a contact person for access to medical records and an alternate contact
2038 person for access to medical records in accordance with Subsection 58-67-302(1)(i);
- 2039 (c) if the licensee practices medicine in a location with no other persons licensed under
2040 this chapter, provide some method of notice to the licensee's patients of the identity
2041 and location of the contact person and alternate contact person for the licensee; and
- 2042 (d) if the licensee is an associate physician licensed under Section 58-67-302.8,
2043 successfully complete the educational methods and programs described in Subsection
2044 58-67-807(4).
- 2045 (2) If a renewal period is extended or shortened under Section 58-67-303, the continuing
2046 education hours required for license renewal under this section are increased or
2047 decreased proportionally.
- 2048 (3)(a) An application to renew a license under this chapter shall:
- 2049 (i) require a physician to answer the following question: "Do you perform elective
2050 abortions in Utah in a location other than a hospital?"; and
- 2051 (ii) immediately following the question, contain the following statement: "For
2052 purposes of the immediately preceding question, elective abortion means an
2053 abortion other than one of the following: removal of a dead fetus, removal of an
2054 ectopic pregnancy, an abortion that is necessary to avert the death of a woman, an
2055 abortion that is necessary to avert a serious physical risk of substantial impairment
2056 of a major bodily function of a woman, an abortion of a fetus that has a defect that
2057 is uniformly diagnosable and uniformly lethal, or an abortion where the woman is
2058 pregnant as a result of rape or incest."
- 2059 (b) The statement in Subsection (3)(a)(ii) shall be modified, if necessary, to ensure
2060 compliance with the definitions and requirements of Title 76, Chapter 7, Part 3,
2061 Abortion, and Title 76, Chapter 7a, Abortion Prohibition.
- 2062 (4) In order to assist the Department of Health and Human Services in fulfilling the
2063 department's responsibilities relating to the licensing of a health care facility and the
2064 enforcement of Title 76, Chapter 7, Part 3, Abortion, and Title 76, Chapter 7a, Abortion
2065 Prohibition, if a physician responds positively to the question described in Subsection
2066 (3)(a)(i) the division shall, within 30 days after the day on which the division renews the
2067 physician's license under this chapter, inform the Department of Health and Human

- 2068 Services in writing:
- 2069 (a) of the name and business address of the physician; and
- 2070 (b) that the physician responded positively to the question described in Subsection
- 2071 (3)(a)(i).
- 2072 (5) The division shall accept and apply toward the hour requirement in Subsection (1)(a)
- 2073 any continuing education that a physician completes in accordance with [~~Sections~~
- 2074 ~~26B-4-204 and~~] Section 26B-4-219.
- 2075 Section 22. Section **58-67-502** is amended to read:
- 2076 **58-67-502 . Unprofessional conduct.**
- 2077 (1) "Unprofessional conduct" includes, in addition to the definition in Section 58-1-501:
- 2078 (a) using or employing the services of any individual to assist a licensee in any manner
- 2079 not in accordance with the generally recognized practices, standards, or ethics of the
- 2080 profession, state law, or division rule;
- 2081 (b) making a material misrepresentation regarding the qualifications for licensure under
- 2082 Section 58-67-302.7 or 58-67-302.8;
- 2083 (c) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical
- 2084 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable;
- 2085 (d) violating the requirements of Title 26B, Chapter 4, Part 2, Cannabinoid Research and
- 2086 Medical Cannabis;
- 2087 (e) performing or inducing an abortion in violation of the requirements of Section
- 2088 76-7-302 or Section 76-7a-201, regardless of whether the individual licensed under
- 2089 this chapter is found guilty of a crime in connection with the violation;
- 2090 (f) falsely making an entry in, or altering, a medical record with the intent to conceal:
- 2091 (i) a wrongful or negligent act or omission of an individual licensed under this
- 2092 chapter or an individual under the direction or control of an individual licensed
- 2093 under this chapter; or
- 2094 (ii) conduct described in Subsections (1)(a) through (e) or Subsection 58-1-501(1);
- 2095 (g) performing, or causing to be performed, upon an individual who is less than 18 years
- 2096 old:
- 2097 (i) a primary sex characteristic surgical procedure; or
- 2098 (ii) a secondary sex characteristic surgical procedure; or
- 2099 (h) designating a child as do not resuscitate without parental consent.
- 2100 (2) "Unprofessional conduct" does not include:
- 2101 (a) in compliance with Section 58-85-103:

- 2102 (i) obtaining an investigational drug or investigational device;
- 2103 (ii) administering the investigational drug to an eligible patient; or
- 2104 (iii) treating an eligible patient with the investigational drug or investigational device;
- 2105 or
- 2106 (b) in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical
- 2107 Cannabis:
- 2108 (i) when ~~[registered as a qualified medical provider or acting as a limited medical~~
- 2109 ~~provider, as those terms are]~~ acting as a recommending medical provider, as that
- 2110 term is defined in Section 26B-4-201, recommending the use of medical cannabis;
- 2111 or
- 2112 (ii) when registered as a pharmacy medical provider, as that term is defined in
- 2113 Section 26B-4-201, providing pharmacy medical provider services in a medical
- 2114 cannabis pharmacy.
- 2115 (3) Notwithstanding Subsection (2)(b), the division, in consultation with the board and in
- 2116 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall
- 2117 define unprofessional conduct for a physician described in Subsection (2)(b).
- 2118 Section 23. Section **58-68-304** is amended to read:
- 2119 **58-68-304 . License renewal requirements.**
- 2120 (1) As a condition precedent for license renewal, each licensee shall, during each two-year
- 2121 licensure cycle or other cycle defined by division rule:
- 2122 (a) complete qualified continuing professional education requirements in accordance
- 2123 with the number of hours and standards defined by division rule in collaboration with
- 2124 the board;
- 2125 (b) appoint a contact person for access to medical records and an alternate contact
- 2126 person for access to medical records in accordance with Subsection 58-68-302(1)(i);
- 2127 (c) if the licensee practices osteopathic medicine in a location with no other persons
- 2128 licensed under this chapter, provide some method of notice to the licensee's patients
- 2129 of the identity and location of the contact person and alternate contact person for
- 2130 access to medical records for the licensee in accordance with Subsection
- 2131 58-68-302(1)(j); and
- 2132 (d) if the licensee is an associate physician licensed under Section 58-68-302.5,
- 2133 successfully complete the educational methods and programs described in Subsection
- 2134 58-68-807(4).
- 2135 (2) If a renewal period is extended or shortened under Section 58-68-303, the continuing

- 2136 education hours required for license renewal under this section are increased or
 2137 decreased proportionally.
- 2138 (3)(a) An application to renew a license under this chapter shall:
- 2139 (i) require a physician to answer the following question: "Do you perform elective
 2140 abortions in Utah in a location other than a hospital?"; and
- 2141 (ii) immediately following the question, contain the following statement: "For
 2142 purposes of the immediately preceding question, elective abortion means an
 2143 abortion other than one of the following: removal of a dead fetus, removal of an
 2144 ectopic pregnancy, an abortion that is necessary to avert the death of a woman, an
 2145 abortion that is necessary to avert a serious physical risk of substantial impairment
 2146 of a major bodily function of a woman, an abortion of a fetus that has a defect that
 2147 is uniformly diagnosable and uniformly lethal, or an abortion where the woman is
 2148 pregnant as a result of rape or incest."
- 2149 (b) The statement in Subsection (3)(a)(ii) shall be modified, if necessary, to ensure
 2150 compliance with the definitions and requirements of Title 76, Chapter 7, Part 3,
 2151 Abortion, and Title 76, Chapter 7a, Abortion Prohibition.
- 2152 (4) In order to assist the Department of Health and Human Services in fulfilling the
 2153 department's responsibilities relating to the licensing of a health care facility and the
 2154 enforcement of Title 76, Chapter 7, Part 3, Abortion, and Title 76, Chapter 7a, Abortion
 2155 Prohibition, if a physician responds positively to the question described in Subsection
 2156 (3)(a)(i), the division shall, within 30 days after the day on which it renews the
 2157 physician's license under this chapter, inform the Department of Health and Human
 2158 Services in writing:
- 2159 (a) of the name and business address of the physician; and
- 2160 (b) that the physician responded positively to the question described in Subsection
 2161 (3)(a)(i).
- 2162 (5) The division shall accept and apply toward the hour requirement in Subsection (1)(a)
 2163 any continuing education that a physician completes in accordance with [~~Sections~~
 2164 ~~26B-4-204 and~~] Section 26B-4-219.
- 2165 Section 24. Section **58-68-502** is amended to read:
- 2166 **58-68-502 . Unprofessional conduct.**
- 2167 (1) "Unprofessional conduct" includes, in addition to the definition in Section 58-1-501:
- 2168 (a) using or employing the services of any individual to assist a licensee in any manner
 2169 not in accordance with the generally recognized practices, standards, or ethics of the

- 2170 profession, state law, or division rule;
- 2171 (b) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical
2172 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable;
- 2173 (c) making a material misrepresentation regarding the qualifications for licensure under
2174 Section 58-68-302.5;
- 2175 (d) violating the requirements of Title 26B, Chapter 4, Part 2, Cannabinoid Research and
2176 Medical Cannabis;
- 2177 (e) performing or inducing an abortion in violation of the requirements of Section
2178 76-7-302 or Section 76-7a-201, regardless of whether the individual licensed under
2179 this chapter is found guilty of a crime in connection with the violation;
- 2180 (f) falsely making an entry in, or altering, a medical record with the intent to conceal:
2181 (i) a wrongful or negligent act or omission of an individual licensed under this
2182 chapter or an individual under the direction or control of an individual licensed
2183 under this chapter; or
2184 (ii) conduct described in Subsections (1)(a) through (e) or Subsection 58-1-501(1);
- 2185 (g) performing or causing to be performed, upon an individual who is less than 18 years
2186 old:
2187 (i) a primary sex characteristic surgical procedure; or
2188 (ii) a secondary sex characteristic surgical procedure; or
- 2189 (h) designating a child as do not resuscitate without parental consent.
- 2190 (2) "Unprofessional conduct" does not include:
- 2191 (a) in compliance with Section 58-85-103:
2192 (i) obtaining an investigational drug or investigational device;
2193 (ii) administering the investigational drug to an eligible patient; or
2194 (iii) treating an eligible patient with the investigational drug or investigational device;
2195 or
- 2196 (b) in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical
2197 Cannabis:
2198 (i) when [~~registered as a qualified medical provider or acting as a limited medical~~
2199 ~~provider, as those terms are]~~ acting as a recommending medical provider, as that
2200 term is defined in Section 26B-4-201, recommending the use of medical cannabis;
2201 or
2202 (ii) when registered as a pharmacy medical provider, as that term is defined in
2203 Section 26B-4-201, providing pharmacy medical provider services in a medical

2204 cannabis pharmacy.

2205 (3) Notwithstanding Subsection (2)(b), the division, in consultation with the board and in
2206 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall
2207 define unprofessional conduct for a physician described in Subsection (2)(b).

2208 Section 25. Section **58-70a-303** is amended to read:

2209 **58-70a-303 . Term of license -- Expiration -- Renewal.**

2210 (1)(a) The division shall issue each license under this chapter in accordance with a
2211 two-year renewal cycle established by division rule.

2212 (b) The division may by rule extend or shorten a renewal period by as much as one year
2213 to stagger the renewal cycles it administers.

2214 (2) At the time of renewal, the licensee shall show compliance with continuing education
2215 renewal requirements.

2216 (3) Each license issued under this chapter expires on the expiration date shown on the
2217 license unless renewed in accordance with Section 58-1-308.

2218 [~~(4) The division shall accept and apply toward an hour requirement that the division
2219 establishes under Subsection (2) continuing education that a physician assistant
2220 completes in accordance with Section 26B-4-204.]~~

2221 Section 26. Section **58-70a-503** is amended to read:

2222 **58-70a-503 . Unprofessional conduct.**

2223 (1) "Unprofessional conduct" includes:

2224 (a) violation of a patient confidence to any person who does not have a legal right and a
2225 professional need to know the information concerning the patient;

2226 (b) knowingly prescribing, selling, giving away, or directly or indirectly administering,
2227 or offering to prescribe, sell, furnish, give away, or administer any prescription drug
2228 except for a legitimate medical purpose upon a proper diagnosis indicating use of that
2229 drug in the amounts prescribed or provided;

2230 (c) prescribing prescription drugs for oneself or administering prescription drugs to
2231 oneself, except those that have been legally prescribed for the physician assistant by a
2232 licensed practitioner and that are used in accordance with the prescription order for
2233 the condition diagnosed;

2234 (d) in a practice that has physician assistant ownership interests, failure to allow a
2235 physician the independent final decision making authority on treatment decisions for
2236 the physician's patient;

2237 (e) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical

- 2238 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable;
- 2239 (f) falsely making an entry in, or altering, a medical record with the intent to conceal:
- 2240 (i) a wrongful or negligent act or omission of an individual licensed under this
- 2241 chapter or an individual under the direction or control of an individual licensed
- 2242 under this chapter; or
- 2243 (ii) conduct described in Subsections (1)(a) through (e) or Subsection 58-1-501(1);
- 2244 (g) violating the requirements of Title 26B, Chapter 4, Part 2, Cannabinoid Research and
- 2245 Medical Cannabis; or
- 2246 (h) designating a child as do not resuscitate without parental consent.
- 2247 (2)(a) "Unprofessional conduct" does not include, in accordance with Title 26B, Chapter
- 2248 4, Part 2, Cannabinoid Research and Medical Cannabis, when [~~registered as a~~
- 2249 ~~qualified medical provider or acting as a limited medical provider, as those terms are]~~
- 2250 acting as a recommending medical provider, as that term is defined in Section
- 2251 26B-4-201, recommending the use of medical cannabis.
- 2252 (b) Notwithstanding Subsection (2)(a), the division, in consultation with the board and in
- 2253 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall
- 2254 define unprofessional conduct for a physician assistant described in Subsection (2)(a).
- 2255 Section 27. Section **80-4-109** is amended to read:
- 2256 **80-4-109 . Consideration of cannabis during proceedings.**
- 2257 (1) As used in this section:
- 2258 (a) "Cannabis" means the same as that term is defined in Section 26B-4-201.
- 2259 (b) "Cannabis product" means the same as that term is defined in Section 26B-4-201.
- 2260 (c)(i) "Chronic" means repeated or patterned.
- 2261 (ii) "Chronic" does not mean an isolated incident.
- 2262 (d) "Directions of use" means the same as that term is defined in Section 26B-4-201.
- 2263 (e) "Dosing guidelines" means the same as that term is defined in Section 26B-4-201.
- 2264 (f) "Medical cannabis" means the same as that term is defined in Section 26B-4-201.
- 2265 (g) "Medical cannabis cardholder" means the same as that term is defined in Section
- 2266 26B-4-201.
- 2267 (h) "[~~Qualified~~] Recommending medical provider" means the same as that term is
- 2268 defined in Section 26B-4-201.
- 2269 (2) In a proceeding under this chapter in which the juvenile court makes a finding,
- 2270 determination, or otherwise considers an individual's possession or use of medical
- 2271 cannabis, a cannabis product, or a medical cannabis device, the juvenile court may not

- 2272 consider or treat the individual's possession or use any differently than the lawful
2273 possession or use of any prescribed controlled substance if:
- 2274 (a) the individual's possession or use complies with Title 4, Chapter 41a, Cannabis
2275 Production Establishments and Pharmacies;
- 2276 (b) the individual's possession or use complies with Subsection 58-37-3.7(2) or (3); or
2277 (c)(i) the individual's possession or use complies with Title 26B, Chapter 4, Part 2,
2278 Cannabinoid Research and Medical Cannabis; and
2279 (ii) the individual reasonably complies with the directions of use and dosing
2280 guidelines determined by the individual's [~~qualified medical provider~~]
2281 recommending medical provider or through a consultation described in Subsection
2282 26B-4-230(5).
- 2283 (3) In a proceeding under this chapter, a parent's or guardian's use of cannabis or a cannabis
2284 product is not abuse or neglect of a child unless there is evidence showing that:
- 2285 (a) the child is harmed because of the child's inhalation or ingestion of cannabis, or
2286 because of cannabis being introduced to the child's body in another manner; or
2287 (b) the child is at an unreasonable risk of harm because of chronic inhalation or
2288 ingestion of cannabis or chronic introduction of cannabis to the child's body in
2289 another manner.
- 2290 (4) Unless there is harm or an unreasonable risk of harm to the child as described in
2291 Subsection (3), a parent's or guardian's use of medical cannabis or a cannabis product is
2292 not contrary to the best interests of a child if:
- 2293 (a) for a medical cannabis cardholder after January 1, 2021, the parent's or guardian's
2294 possession or use complies with Title 26B, Chapter 4, Part 2, Cannabinoid Research
2295 and Medical Cannabis, and there is no evidence that the parent's or guardian's use of
2296 medical cannabis unreasonably deviates from the directions of use and dosing
2297 guidelines determined by the parent's or guardian's [~~qualified medical provider~~]
2298 recommending medical provider or through a consultation described in Subsection
2299 26B-4-230(5); or
2300 (b) before January 1, 2021, the parent's or guardian's possession or use complies with
2301 Subsection 58-37-3.7(2) or (3).
- 2302 (5) Subsection (3) does not prohibit a finding of abuse or neglect of a child and Subsection
2303 (3) does not prohibit a finding that a parent's or guardian's use of medical cannabis or a
2304 cannabis product is contrary to the best interests of a child, if there is evidence showing
2305 a nexus between the parent's or guardian's use of cannabis or a cannabis product and

2306 behavior that would separately constitute abuse or neglect of the child.

2307 Section 28. **Effective Date.**

2308 This bill takes effect on July 1, 2025.