

1 **UTAH MEDICAL CANNABIS ACT**

2 2018 THIRD SPECIAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Gregory H. Hughes**

5 Senate Sponsor: Evan J. Vickers

6

7 **LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ provides for licensing and regulation of a cannabis cultivation facility, a cannabis
15 processing facility, an independent cannabis testing laboratory, and a medical
16 cannabis pharmacy;
- 17 ▶ provides for security and tracking of medical cannabis and a medical cannabis
18 product from cultivation to use to ensure safety and chemical content;
- 19 ▶ requires certain labeling and childproof packaging of medical cannabis and a
20 medical cannabis product;
- 21 ▶ requires the Department of Agriculture and Food, the Department of Health, the
22 Department of Public Safety, and the Department of Technology Services to create
23 an electronic verification system to facilitate recommendation, dispensing, and
24 record-keeping for medical cannabis transactions;
- 25 ▶ allows physicians, osteopathic physicians, advanced practice registered nurses, and
26 physician assistants to recommend medical cannabis;
- 27 ▶ allows an individual with a qualifying condition to obtain a medical cannabis



28 patient card on the recommendation of a certain medical professional to gain access to medical
29 cannabis;

30 ▶ allows a patient to designate a caregiver to assist with accessing medical cannabis;

31 ▶ provides for a parent or legal guardian to obtain a medical cannabis guardian card

32 for an eligible minor patient and for the minor patient to concurrently receive a

33 provisional patient card;

34 ▶ provides certain state employment discrimination protection for an individual who
35 lawfully uses medical cannabis;

36 ▶ limits the form and amount of medical cannabis available to a patient at one time;

37 ▶ prohibits a minor from entering a medical cannabis pharmacy;

38 ▶ requires the Department of Health to establish the state central fill medical cannabis
39 pharmacy;

40 ▶ provides for a process of state central fill shipment of medical cannabis and
41 cannabis product to a local health department for patient retrieval;

42 ▶ creates certain enterprise funds;

43 ▶ imposes criminal penalties for improperly giving or selling medical cannabis;

44 ▶ decriminalizes certain conduct for certain individuals before the medical cannabis
45 card program and medical cannabis pharmacies are operational;

46 ▶ creates protections from state prosecution for the lawful possession, use, and sale of
47 medical cannabis;

48 ▶ exempts medical cannabis and medical cannabis products from sales tax;

49 ▶ prohibits a court from considering the lawful use of medical cannabis in a custody
50 proceeding;

51 ▶ repeals superfluous sections related to authorized use of cannabis or a cannabis
52 product;

53 ▶ provides a severability clause;

54 ▶ re-enacts language that the voter initiative repealed by implication through use of
55 outdated code; and

56 ▶ makes technical and conforming changes.

57 **Money Appropriated in this Bill:**

58 None

59 **Other Special Clauses:**

60 This bill provides a special effective date.

61 This bill provides revisor instructions.

62 **Utah Code Sections Affected:**

63 AMENDS:

64 **4-41-102**, as last amended by Laws of Utah 2018, Chapters 227 and 45265 **7-1-401**, as last amended by Laws of Utah 2018, Chapter 44666 **10-9a-104**, as amended by Statewide Initiative -- Proposition 2, Nov. 6, 201867 **17-27a-104**, as amended by Statewide Initiative -- Proposition 2, Nov. 6, 201868 **26-61-202**, as amended by Statewide Initiative -- Proposition 2, Nov. 6, 2018 and last
69 amended by Laws of Utah 2018, Chapter 11070 **26-65-102 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 45271 **26-65-103 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 45272 **30-3-10**, as amended by Statewide Initiative -- Proposition 2, Nov. 6, 201873 **34A-2-418**, as last amended by Laws of Utah 2016, Chapter 24274 **41-6a-517 (Superseded 07/01/19)**, as last amended by Laws of Utah 2017, Chapter 44675 **41-6a-517 (Effective 07/01/19)**, as last amended by Laws of Utah 2018, Chapter 45276 **49-11-1401**, as last amended by Laws of Utah 2018, Chapter 6177 **53-1-106.5**, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 201878 **58-17b-302**, as last amended by Laws of Utah 2014, Chapter 7279 **58-17b-310**, as enacted by Laws of Utah 2004, Chapter 28080 **58-17b-502**, as last amended by Laws of Utah 2018, Chapter 29581 **58-31b-305**, as last amended by Laws of Utah 2014, Chapter 31682 **58-31b-502**, as last amended by Laws of Utah 2016, Chapter 12783 **58-37-3.6 (Superseded 07/01/19)**, as last amended by Laws of Utah 2018, Chapters
84 333 and 44685 **58-37-3.6 (Effective 07/01/19)**, as last amended by Laws of Utah 2018, Chapters 333,
86 446, and 45287 **58-37-3.7**, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 201888 **58-37-3.8**, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 201889 **58-37-3.9**, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018

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

110 ENACTS:

111 **4-41a-104**, Utah Code Annotated 1953
112 **4-41a-105**, Utah Code Annotated 1953
113 **4-41a-106**, Utah Code Annotated 1953
114 **4-41a-405**, Utah Code Annotated 1953
115 **26-36d-101**, Utah Code Annotated 1953
116 **26-36d-102**, Utah Code Annotated 1953
117 **26-36d-103**, Utah Code Annotated 1953
118 **26-36d-201**, Utah Code Annotated 1953
119 **26-36d-202**, Utah Code Annotated 1953
120 **26-36d-203**, Utah Code Annotated 1953

- 121 [26-36d-204](#), Utah Code Annotated 1953
- 122 [26-36d-205](#), Utah Code Annotated 1953
- 123 [26-36d-206](#), Utah Code Annotated 1953
- 124 [26-36d-207](#), Utah Code Annotated 1953
- 125 [26-36d-208](#), Utah Code Annotated 1953
- 126 [26-61a-108](#), Utah Code Annotated 1953
- 127 [26-61a-110](#), Utah Code Annotated 1953
- 128 [26-61a-112](#), Utah Code Annotated 1953
- 129 [26-61a-113](#), Utah Code Annotated 1953
- 130 [26-61a-114](#), Utah Code Annotated 1953
- 131 [26-61a-205](#), Utah Code Annotated 1953
- 132 [26-61a-403](#), Utah Code Annotated 1953
- 133 [26-61a-503](#), Utah Code Annotated 1953
- 134 [26-61a-601](#), Utah Code Annotated 1953
- 135 [26-61a-602](#), Utah Code Annotated 1953
- 136 [26-61a-603](#), Utah Code Annotated 1953
- 137 [26-61a-604](#), Utah Code Annotated 1953
- 138 [26-61a-605](#), Utah Code Annotated 1953
- 139 [26-61a-606](#), Utah Code Annotated 1953
- 140 [26-61a-607](#), Utah Code Annotated 1953
- 141 [26-61a-608](#), Utah Code Annotated 1953
- 142 [26-61a-609](#), Utah Code Annotated 1953
- 143 [26-61a-610](#), Utah Code Annotated 1953
- 144 [26-61a-611](#), Utah Code Annotated 1953
- 145 [26-61a-701](#), Utah Code Annotated 1953
- 146 [58-20b-101](#), Utah Code Annotated 1953
- 147 [58-20b-102](#), Utah Code Annotated 1953
- 148 [58-20b-201](#), Utah Code Annotated 1953
- 149 [58-20b-301](#), Utah Code Annotated 1953
- 150 [58-20b-302](#), Utah Code Annotated 1953
- 151 [58-20b-303](#), Utah Code Annotated 1953

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

158 RENUMBERS AND AMENDS:

- 159 [4-41a-101](#), (Renumbered from 4-41b-101, as enacted by Statewide Initiative --
- 160 Proposition 2, Nov. 6, 2018)
- 161 [4-41a-102](#), (Renumbered from 4-41b-102, as enacted by Statewide Initiative --
- 162 Proposition 2, Nov. 6, 2018)
- 163 [4-41a-103](#), (Renumbered from 4-41b-103, as enacted by Statewide Initiative --
- 164 Proposition 2, Nov. 6, 2018)
- 165 [4-41a-201](#), (Renumbered from 4-41b-201, as enacted by Statewide Initiative --
- 166 Proposition 2, Nov. 6, 2018)
- 167 [4-41a-202](#), (Renumbered from 4-41b-302, as enacted by Statewide Initiative --
- 168 Proposition 2, Nov. 6, 2018)
- 169 [4-41a-203](#), (Renumbered from 4-41b-202, as enacted by Statewide Initiative --
- 170 Proposition 2, Nov. 6, 2018)
- 171 [4-41a-204](#), (Renumbered from 4-41b-203, as enacted by Statewide Initiative --
- 172 Proposition 2, Nov. 6, 2018)
- 173 [4-41a-205](#), (Renumbered from 4-41b-204, as enacted by Statewide Initiative --
- 174 Proposition 2, Nov. 6, 2018)
- 175 [4-41a-301](#), (Renumbered from 4-41b-301, as enacted by Statewide Initiative --
- 176 Proposition 2, Nov. 6, 2018)
- 177 [4-41a-302](#), (Renumbered from 4-41b-303, as enacted by Statewide Initiative --
- 178 Proposition 2, Nov. 6, 2018)
- 179 [4-41a-401](#), (Renumbered from 4-41b-401, as enacted by Statewide Initiative --
- 180 Proposition 2, Nov. 6, 2018)
- 181 [4-41a-402](#), (Renumbered from 4-41b-402, as enacted by Statewide Initiative --
- 182 Proposition 2, Nov. 6, 2018)

- 183 **4-41a-403**, (Renumbered from 4-41b-403, as enacted by Statewide Initiative --
- 184 Proposition 2, Nov. 6, 2018)
- 185 **4-41a-404**, (Renumbered from 4-41b-404, as enacted by Statewide Initiative --
- 186 Proposition 2, Nov. 6, 2018)
- 187 **4-41a-406**, (Renumbered from 4-41b-405, as enacted by Statewide Initiative --
- 188 Proposition 2, Nov. 6, 2018)
- 189 **4-41a-501**, (Renumbered from 4-41b-501, as enacted by Statewide Initiative --
- 190 Proposition 2, Nov. 6, 2018)
- 191 **4-41a-502**, (Renumbered from 4-41b-502, as enacted by Statewide Initiative --
- 192 Proposition 2, Nov. 6, 2018)
- 193 **4-41a-601**, (Renumbered from 4-41b-601, as enacted by Statewide Initiative --
- 194 Proposition 2, Nov. 6, 2018)
- 195 **4-41a-602**, (Renumbered from 4-41b-602, as enacted by Statewide Initiative --
- 196 Proposition 2, Nov. 6, 2018)
- 197 **4-41a-603**, (Renumbered from 4-41b-603, as enacted by Statewide Initiative --
- 198 Proposition 2, Nov. 6, 2018)
- 199 **4-41a-701**, (Renumbered from 4-41b-701, as enacted by Statewide Initiative --
- 200 Proposition 2, Nov. 6, 2018)
- 201 **4-41a-702**, (Renumbered from 4-41b-702, as enacted by Statewide Initiative --
- 202 Proposition 2, Nov. 6, 2018)
- 203 **4-41a-801**, (Renumbered from 4-41b-801, as enacted by Statewide Initiative --
- 204 Proposition 2, Nov. 6, 2018)
- 205 **4-41a-802**, (Renumbered from 4-41b-802, as enacted by Statewide Initiative --
- 206 Proposition 2, Nov. 6, 2018)
- 207 **26-61a-101**, (Renumbered from 26-60b-101, as enacted by Statewide Initiative --
- 208 Proposition 2, Nov. 6, 2018)
- 209 **26-61a-102**, (Renumbered from 26-60b-102, as enacted by Statewide Initiative --
- 210 Proposition 2, Nov. 6, 2018)
- 211 **26-61a-103**, (Renumbered from 26-60b-103, as enacted by Statewide Initiative --
- 212 Proposition 2, Nov. 6, 2018)
- 213 **26-61a-104**, (Renumbered from 26-60b-105, as enacted by Statewide Initiative --

214 Proposition 2, Nov. 6, 2018)
215 **26-61a-105**, (Renumbered from 26-60b-106, as enacted by Statewide Initiative --
216 Proposition 2, Nov. 6, 2018)
217 **26-61a-106**, (Renumbered from 26-60b-107, as enacted by Statewide Initiative --
218 Proposition 2, Nov. 6, 2018)
219 **26-61a-107**, (Renumbered from 26-60b-108, as enacted by Statewide Initiative --
220 Proposition 2, Nov. 6, 2018)
221 **26-61a-109**, (Renumbered from 26-60b-109, as enacted by Statewide Initiative --
222 Proposition 2, Nov. 6, 2018)
223 **26-61a-111**, (Renumbered from 26-60b-110, as enacted by Statewide Initiative --
224 Proposition 2, Nov. 6, 2018)
225 **26-61a-201**, (Renumbered from 26-60b-201, as enacted by Statewide Initiative --
226 Proposition 2, Nov. 6, 2018)
227 **26-61a-202**, (Renumbered from 26-60b-202, as enacted by Statewide Initiative --
228 Proposition 2, Nov. 6, 2018)
229 **26-61a-203**, (Renumbered from 26-60b-203, as enacted by Statewide Initiative --
230 Proposition 2, Nov. 6, 2018)
231 **26-61a-204**, (Renumbered from 26-60b-204, as enacted by Statewide Initiative --
232 Proposition 2, Nov. 6, 2018)
233 **26-61a-301**, (Renumbered from 26-60b-301, as enacted by Statewide Initiative --
234 Proposition 2, Nov. 6, 2018)
235 **26-61a-302**, (Renumbered from 26-60b-402, as enacted by Statewide Initiative --
236 Proposition 2, Nov. 6, 2018)
237 **26-61a-303**, (Renumbered from 26-60b-302, as enacted by Statewide Initiative --
238 Proposition 2, Nov. 6, 2018)
239 **26-61a-304**, (Renumbered from 26-60b-303, as enacted by Statewide Initiative --
240 Proposition 2, Nov. 6, 2018)
241 **26-61a-305**, (Renumbered from 26-60b-304, as enacted by Statewide Initiative --
242 Proposition 2, Nov. 6, 2018)
243 **26-61a-401**, (Renumbered from 26-60b-401, as enacted by Statewide Initiative --
244 Proposition 2, Nov. 6, 2018)

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

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

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

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

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

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

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

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

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

263 REPEALS:

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

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

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

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

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

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

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

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

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

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

274 **4-43-201 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452

275 **4-43-202 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452

276 **4-43-203 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
277 **4-43-301 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
278 **4-43-401 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
279 **4-43-402 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
280 **4-43-501 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
281 **4-43-502 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
282 **4-43-503 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
283 **4-43-601 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
284 **4-43-602 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
285 **4-43-701 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
286 **4-43-702 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
287 **4-43-703 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
288 **4-43-801 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
289 **26-60b-104**, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018
290 **58-67-808 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
291 **58-68-808 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
292 **58-85-103.5**, as enacted by Laws of Utah 2018, Chapter 333
293 **58-88-101 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
294 **58-88-102 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
295 **58-88-103 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
296 **58-88-104 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
297 **59-12-104.7 (Repealed 01/01/19)**, as repealed by Laws of Utah 2018, Second Special
298 Session, Chapter 6
299 **59-12-104.9 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
300 **59-29-101 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
301 **59-29-102 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
302 **59-29-103 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
303 **59-29-104 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
304 **59-29-105 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
305 **59-29-106 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452
306 **59-29-107 (Effective 07/01/19)**, as enacted by Laws of Utah 2018, Chapter 452

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

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

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

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

311 **4-41a-301**, (Renumbered from 4-41b-301, as enacted by Statewide Initiative --
312 Proposition 2, Nov. 6, 2018)

313 **4-41a-401**, (Renumbered from 4-41b-401, as enacted by Statewide Initiative --
314 Proposition 2, Nov. 6, 2018)

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

316 **26-61a-202**, (Renumbered from 26-60b-202, as enacted by Statewide Initiative --
317 Proposition 2, Nov. 6, 2018)

318 **26-61a-301**, (Renumbered from 26-60b-301, as enacted by Statewide Initiative --
319 Proposition 2, Nov. 6, 2018)

320 **26-61a-401**, (Renumbered from 26-60b-401, as enacted by Statewide Initiative --
321 Proposition 2, Nov. 6, 2018)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

349 (a) a tablet;

350 (b) a capsule;

351 (c) a concentrated oil;

352 (d) a sublingual preparation;

353 (e) a topical preparation;

354 (f) a transdermal preparation;

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

357 (h) other preparations that the department approves.

358 (9) "Person" means:

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

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

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

366 Section 2. Section 4-41a-101, which is renumbered from Section 4-41b-101 is
367 renumbered and amended to read:

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

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Part 1. General Provisions.

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

~~[(1)]~~ This chapter is known as "Cannabis Production Establishments."

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

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

As used in this chapter:

(1) "Cannabis" means the same as that term is defined in Section ~~[58-37-3-9]~~ 26-61a-102.

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

- (a) possesses cannabis;
- (b) grows or intends to grow cannabis; and
- (c) sells or intends to sell cannabis to a cannabis ~~[production establishments]~~ cultivation facility or to a cannabis ~~[dispensaries]~~ processing facility.

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

- (a) is an ~~[owner, officer, director, board member,]~~ employee~~[-, or volunteer]~~ of a cannabis cultivation facility~~[-];~~ and
- (b) holds a valid cannabis production establishment agent registration card.

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

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

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

- (a) acquires or intends to acquire cannabis from a cannabis production establishment or a holder of an industrial hemp processor license under Title 4, Chapter 41, Hemp and Cannabidiol Act;
- (b) possesses cannabis with the intent to manufacture a cannabis product;
- (c) manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and
- (d) sells or intends to sell a cannabis product to a medical cannabis ~~[dispensary]~~ pharmacy or the state central fill medical cannabis pharmacy.

- 400 ~~[(7)]~~ (5) "Cannabis processing facility agent" means an individual who:
- 401 (a) is an ~~[owner, officer, director, board member,]~~ employee~~[-, or volunteer]~~ of a
- 402 cannabis processing facility~~[-]; and~~
- 403 (b) holds a valid cannabis production establishment agent registration card.
- 404 ~~[(8)]~~ (6) "Cannabis product" means the same as that term is defined in Section
- 405 ~~[58-37-3.9]~~ 26-61a-102.
- 406 ~~[(9)]~~ (7) "Cannabis production establishment" means a cannabis cultivation facility, a
- 407 cannabis processing facility, or an independent cannabis testing laboratory.
- 408 ~~[(10)]~~ (8) "Cannabis production establishment agent" means a cannabis cultivation
- 409 facility agent, a cannabis processing facility agent, or an independent cannabis testing
- 410 laboratory agent.
- 411 ~~[(11)]~~ (9) "Cannabis production establishment agent registration card" means a
- 412 registration card~~[-, issued by]~~ that the department[-] issues that:
- 413 (a) authorizes an individual to act as a cannabis production establishment agent; and
- 414 (b) designates the type of cannabis production establishment for which an individual is
- 415 authorized to act as an agent.
- 416 ~~[(12)]~~ (10) "Community location" means a public or private school, a church, a public
- 417 library, a public playground, or a public park.
- 418 (11) "Department" means the Department of Agriculture and Food.
- 419 (12) "Family member" means a parent, step-parent, spouse, child, sibling, step-sibling,
- 420 uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law,
- 421 sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.
- 422 (13) "Independent cannabis testing laboratory" means a person that:
- 423 (a) conducts a chemical or other analysis of cannabis or a cannabis product; or
- 424 (b) acquires, possesses, and transports cannabis or a cannabis product with the intent to
- 425 conduct a chemical or other analysis of the cannabis or cannabis product.
- 426 (14) "Independent cannabis testing laboratory agent" means an individual who:
- 427 (a) is an ~~[owner, officer, director, board member,]~~ employee~~[-, or volunteer]~~ of an
- 428 independent cannabis testing laboratory~~[-]; and~~
- 429 (b) holds a valid cannabis production establishment agent registration card.
- 430 (15) "Inventory control system" means ~~[the]~~ a system described in Section ~~[4-41b-103]~~

431 [4-41a-103](#).

432 (16) "Medical cannabis" means the same as that term is defined in Section [26-61a-102](#).

433 ~~[(16)]~~ (17) "Medical cannabis card" means the same as that term is defined in Section
434 ~~[26-60b-102]~~ [26-61a-102](#).

435 (18) "Medical cannabis pharmacy" means the same as that term is defined in Section
436 [26-61a-102](#).

437 (19) "Medical cannabis pharmacy agent" means the same as that term is defined in
438 Section [26-61a-102](#).

439 ~~[(17) "Medical Cannabis Restricted Account" means the account created in Section
440 [26-60b-109](#).]~~

441 (20) "Medical cannabis treatment" means the same as that term is defined in Section
442 [26-61a-102](#).

443 (21) "Medicinal dosage form" means the same as that term is defined in Section
444 [26-61a-102](#).

445 ~~[(18) "Physician"]~~ (22) "Qualified medical provider" means the same as that term is
446 defined in Section ~~[26-60b-107]~~ [26-61a-102](#).

447 (23) "Qualified Production Enterprise Account" means the account created in Section
448 [4-41a-104](#).

449 (24) "State central fill agent" means the same as that term is defined in Section
450 [26-61a-102](#).

451 (25) "State central fill medical cannabis pharmacy" means the same as that term is
452 defined in Section [26-61a-102](#).

453 (26) "State central fill shipment" means the same as that term is defined in Section
454 [26-61a-102](#).

455 ~~[(19)]~~ (27) "State electronic verification system" means the system described in Section
456 ~~[26-60b-103]~~ [26-61a-103](#).

457 (28) "Tetrahydrocannabinol" means a substance derived from cannabis or a synthetic
458 equivalent as described in Subsection [58-37-4\(2\)\(a\)\(iii\)\(AA\)](#).

459 (29) "Total composite tetrahydrocannabinol" means delta-9-tetrahydrocannabinol and
460 tetrahydrocannabinolic acid.

461 Section 4. Section **4-41a-103**, which is renumbered from Section 4-41b-103 is

462 renumbered and amended to read:

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

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

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

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

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

477 (c) includes a video recording system that:

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

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

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

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

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

490 ~~[7)]~~ (4) The department may establish compatibility standards for an inventory control
 491 system by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
 492 Rulemaking Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

523 (b) An agreement described in Subsection (2)(a) may not exempt any person from the

524 requirements of this chapter.

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

526 (i) is in writing;

527 (ii) is signed by:

528 (A) the governor; and

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

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

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

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

535 (A) to which the tribe agrees; and

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

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

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

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

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

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

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

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

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

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

553 **Part 2. Cannabis Production Establishment**

554 ~~[4-41b-201].~~ **4-41a-201. Cannabis production establishment -- License.**

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

557 (2) (a) Subject to Subsections (6) ~~[and]~~, (7), and (8), and to Section ~~[4-41b-204]~~
558 4-41a-205, the department shall, ~~[within 90 days after receiving a complete application]~~ in
559 accordance with Title 63G, Chapter 6a, Utah Procurement Code, issue a license to operate a
560 cannabis production establishment to ~~[a person who]~~ an applicant who is eligible for a license
561 under this section.

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

564 ~~[(a)]~~ (i) a proposed name and address, located in a zone described in Subsection
565 4-41a-406(1)(a) or (b), where the ~~[person]~~ applicant will operate the cannabis production
566 establishment that is not within ~~[600]~~ 1,000 feet of a community location or within ~~[300]~~ 600
567 feet of an area zoned ~~[exclusively]~~ primarily for residential use, as measured from the nearest
568 entrance to the cannabis production establishment by following the shortest route of ordinary
569 pedestrian travel to the property boundary of the community location or residential area, unless
570 the relevant county or municipality recommends in writing that the department waive the
571 community location proximity limit;

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

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

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

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

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

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

582 (C) the department approves;

583 ~~[(d)]~~ (iv) ~~[financial statements demonstrating that the person possesses a minimum of]~~
584 evidence that the applicant has obtained and maintains a performance bond that a surety
585 authorized to transact surety business in the state issues in an amount of at least:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

632 (i) a felony; or

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

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

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

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

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

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

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

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

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

650 (i) a felony; or

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

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

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

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

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

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

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

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

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

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

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

674 (ii) the Federal Bureau of Investigation.

675 ~~[(2) The department shall request that the Department of Public Safety complete a~~
676 ~~Federal Bureau of Investigation criminal background check for the individual described in~~
677 ~~Subsection (1).]~~

678 (2) The Bureau of Criminal Identification shall:

679 (a) check the fingerprints the applicant submits under Subsection (1) against the
 680 applicable state, regional, and national criminal records databases, including the Federal
 681 Bureau of Investigation Next Generation Identification System;
 682 (b) report the results of the background check to the department;
 683 (c) maintain a separate file of fingerprints that applicants submit under Subsection (1)
 684 for search by future submissions to the local and regional criminal records databases, including
 685 latent prints;
 686 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next
 687 Generation Identification System's Rap Back Service for search by future submissions to
 688 national criminal records databases, including the Next Generation Identification System and
 689 latent prints; and
 690 (e) establish a privacy risk mitigation strategy to ensure that the department only
 691 receives notifications for an individual with whom the department maintains an authorizing
 692 relationship.

693 (3) The department shall:

694 (a) assess an individual who submits fingerprints under Subsection (1) a fee in an
 695 amount that the department sets in accordance with Section 63J-1-504 for the services that the
 696 Bureau of Criminal Identification or another authorized agency provides under this section; and
 697 (b) remit the fee described in Subsection (3)(a) to the Bureau of Criminal
 698 Identification.

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

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

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

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

705 ~~4-41a-201; [and]~~

706 ~~[(b)]~~ (2) the ~~[person]~~ licensee pays the department a license renewal fee in an amount
 707 ~~[determined by]~~ that, subject to Subsection ~~4-41a-104(5)~~, the department sets in accordance
 708 with Section ~~63J-1-504[-]; and~~

709 (3) if the cannabis production establishment changes the operating plan described in

710 Section 4-41a-204 that the department approved under Subsection 4-41a-201(2)(b)(iii), the
711 department approves the new operating plan.

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

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

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

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

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

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

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

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

725 (d) a security plan;

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

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

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

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

733 and

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

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

738 (i) cannabis cultivation practices, including the [~~cannabis cultivation~~] facility's
739 intended pesticide use[;] and fertilizer use[;]; and

740 (ii) subject to Subsection (2)(b), acreage or square footage under cultivation[;] and

741 anticipated cannabis yield.

742 (b) Except as provided in Subsection (2)(c) or (d):

743 (i) a cannabis cultivation facility that cultivates cannabis indoors may not:

744 (A) use more than 100,000 square feet for cultivation; or

745 (B) hang, suspend, stack or otherwise position plants above other plants to cultivate
746 more plants through use of vertical space; and

747 (ii) a cannabis cultivation facility that cultivates cannabis outdoors may not use more
748 than four acres for cultivation.

749 (c) (i) Each licensee may annually apply to the department for authorization to exceed
750 the cannabis cultivation facility's current cultivation size limitation by up to 20%.

751 (ii) The department may, after conducting a review as described in Subsection
752 4-41a-205(2)(a), grant the authorization described in Subsection (2)(c)(i).

753 (d) If a licensee describes an intended acreage or square footage under cultivation
754 under Subsection (2)(a)(ii) that is less than the limitation described in Subsection (2)(b):

755 (i) the licensee may not cultivate more than the licensee's identified intended acreage or
756 square footage under cultivation; and

757 (ii) notwithstanding Subsection (2)(b), the department may allocate the remaining
758 difference in acreage or square footage under cultivation to another licensee.

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

764 (a) offered variety of cannabis product;

765 (b) cannabinoid extraction method;

766 (c) cannabinoid extraction equipment;

767 (d) processing equipment;

768 (e) processing techniques; and

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

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

- 772 (a) cannabis and cannabis product testing capability [~~and~~];
- 773 (b) cannabis and cannabis product testing equipment[~~;~~]; and
- 774 (c) testing methods, standards, practices, and procedures for testing cannabis and
- 775 cannabis products.

776 Section 12. Section ~~4-41b-204~~, which is renumbered from Section 4-41b-204 is

777 renumbered and amended to read:

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

779 **facilities.**

780 (1) Except as [~~otherwise~~] provided in Subsection [~~(2)~~] (2)(a), the department may not

781 issue [~~not~~] more than [~~15~~] 10 licenses to operate a cannabis cultivation [~~facilities~~] facility.

782 (2) (a) [~~After January 1, 2022, the~~] The department may issue [~~additional~~] up to five

783 licenses to operate a cannabis cultivation [~~facilities~~] facility in addition to the 10 licenses

784 described in Subsection (1) if the department determines, in consultation with the Department

785 of Health and after an annual or more frequent analysis of the current and anticipated market

786 for [~~medical~~] cannabis in a medicinal dosage form and [~~medical~~] cannabis products in a

787 medicinal dosage form, that each additional [~~licenses are needed~~] license is necessary to

788 provide an adequate supply, quality, or variety of [~~medical~~] cannabis in a medicinal dosage

789 form and [~~medical~~] cannabis products in a medicinal dosage form to medical cannabis [~~card~~

790 holders in Utah] cardholders.

791 (b) If the recipient of one of the initial 10 licenses described in Subsection (1) ceases

792 operations or otherwise abandons the license, the department may but is not required to grant

793 the vacant license to another applicant based on an analysis as described in Subsection (2)(a).

794 (3) If there are more qualified applicants than [~~there are~~] the number of available

795 licenses for cannabis cultivation facilities under Subsections (1) and (2), the department shall

796 evaluate the applicants and award the limited number of licenses described in Subsections (1)

797 and (2) to the applicants that best demonstrate:

- 798 (a) experience with establishing and successfully operating a business that involves:
 - 799 (i) complying with a regulatory environment[~~;~~];
 - 800 (ii) tracking inventory[~~;~~]; and
 - 801 (iii) training, evaluating, and monitoring employees;
- 802 (b) an operating plan that will best ensure the safety and security of patrons and the

803 community;

804 (c) positive connections to the local community; and

805 (d) the extent to which the applicant can reduce the cost to patients of cannabis in a
806 medicinal dosage form or cannabis products [~~for patients~~] in a medicinal dosage form.

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

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

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

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

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

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

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

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

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

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

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

830 (4) (a) The department shall, within 15 business days after [~~receiving~~] the day on which
831 the department receives a complete application from a cannabis production establishment on
832 behalf of a prospective cannabis production establishment agent, register and issue a cannabis
833 production establishment agent registration card to [~~an individual who~~] the prospective agent if

834 the cannabis production establishment:

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

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

837 (B) the name and location of a licensed cannabis production establishment where the

838 ~~[individual]~~ prospective agent will act as the cannabis production establishment's agent; and

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

840 ~~[(b)]~~ (ii) pays a fee to the department~~;~~ in an amount ~~[determined by]~~ that, subject to

841 Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504~~;~~ that is

842 necessary to cover the department's cost to implement this part].

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

844 (i) submit to the department:

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

846 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the

847 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next

848 Generation Identification System's Rap Back Service; and

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

850 (A) the Bureau of Criminal Identification; and

851 (B) the Federal Bureau of Investigation.

852 (c) The Bureau of Criminal Identification shall:

853 (i) check the fingerprints the prospective agent submits under Subsection (4)(b) against

854 the applicable state, regional, and national criminal records databases, including the Federal

855 Bureau of Investigation Next Generation Identification System;

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

857 (iii) maintain a separate file of fingerprints that prospective agents submit under

858 Subsection (4)(b) for search by future submissions to the local and regional criminal records

859 databases, including latent prints;

860 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next

861 Generation Identification System's Rap Back Service for search by future submissions to

862 national criminal records databases, including the Next Generation Identification System and

863 latent prints; and

864 (v) establish a privacy risk mitigation strategy to ensure that the department only

865 receives notifications for an individual with whom the department maintains an authorizing
866 relationship.

867 (d) The department shall:

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

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

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

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

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

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

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

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

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

886 (a) in Utah medical cannabis law;

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

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

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

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

893 (8) ~~[The department may revoke or refuse to issue the]~~ For an individual who holds or
894 applies for a cannabis production establishment agent registration card ~~[of an individual who]:~~

895 (a) the department may revoke or refuse to issue the card if the individual violates the

896 requirements of this chapter; ~~or~~ and

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

899 (i) a felony; or

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

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

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

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

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

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

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

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

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

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

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

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

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

925 (i) two cannabis production establishments; or [between]

926 (ii) a cannabis production establishment and;

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

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

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

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

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

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

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

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

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

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

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

954 (b) (i) The prosecuting entity shall notify the department and the relevant cannabis
955 production establishment of each conviction under Subsection (3)(a).

956 (ii) For each violation described in Subsection (3)(a)(ii), the department may assess the
957 relevant cannabis production establishment a fine of up to \$5,000, in accordance with a fine

958 schedule that the department establishes by rule in accordance with Title 63G, Chapter 3, Utah
959 Administrative Rulemaking Act.

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

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

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

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

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

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

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

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

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

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

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

985 (2) A cannabis production establishment shall operate:

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

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

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

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

997 (a) a felony; or

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

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

1002 (a) tracks and monitors the individual at all times while the individual is at the
1003 cannabis production establishment; and

1004 (b) maintains a record of the individual's access, including arrival and departure.

1005 (6) A cannabis production establishment shall operate in a facility that has:

1006 (a) a single, secure public entrance;

1007 (b) a security system with a backup power source that:

1008 (i) detects and records entry into the cannabis production establishment; and

1009 (ii) provides notice of an unauthorized entry to law enforcement when the cannabis
1010 production establishment is closed; and

1011 (c) a lock or equivalent restrictive security feature on any area where the cannabis
1012 production establishment stores cannabis or a cannabis product.

1013 Section 16. Section ~~4-41a-402~~, which is renumbered from Section 4-41b-402 is
1014 renumbered and amended to read:

1015 [~~4-41b-402~~]. **4-41a-402. Inspections.**

1016 (1) The department may inspect the records and facility of a cannabis production
1017 establishment at any time [~~in order~~] during business hours to determine if the cannabis
1018 production establishment complies with [~~the requirements of~~] this chapter.

1019 (2) (a) An inspection under this section may include:

1020 (i) inspection of a site, facility, vehicle, book, record, paper, document, data, and other
1021 physical or electronic information;

1022 (ii) questioning of any relevant individual;

1023 (iii) observation of an independent cannabis testing laboratory's methods, standards,
1024 practices, and procedures;

1025 (iv) the taking of a specimen of cannabis or cannabis products sufficient for testing
1026 purposes; or

1027 (v) inspection of equipment, an instrument, a tool, or machinery, including a container
1028 or label.

1029 (b) Notwithstanding Section 4-41a-404, an authorized department employee may
1030 possess and transport a specimen of cannabis or cannabis products for testing described in
1031 Subsection (2)(a).

1032 (3) In making an inspection under this section, the department may freely access any
1033 area and review and make copies of a book, record, paper, document, data, or other physical or
1034 electronic information, including financial data, sales data, shipping data, pricing data, and
1035 employee data.

1036 (4) Failure to provide the department or the department's authorized agents immediate
1037 access to records and facilities during business hours in accordance with this section may result
1038 in:

1039 (a) the imposition of a civil monetary penalty that the department sets in accordance
1040 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

1041 (b) license or registration suspension or revocation; or

1042 (c) an immediate cessation of operations under a cease and desist order that the
1043 department issues.

1044 Section 17. Section **4-41a-403**, which is renumbered from Section 4-41b-403 is
1045 renumbered and amended to read:

1046 ~~[4-41b-403]~~. **4-41a-403. Advertising.**

1047 (1) A cannabis production establishment may not advertise to the general public in any
1048 medium.

1049 (2) Notwithstanding Subsection (1), a cannabis production establishment may advertise
1050 an employment [opportunities] opportunity at the cannabis production facility.

1051 Section 18. Section ~~4-41a-404~~, which is renumbered from Section 4-41b-404 is
1052 renumbered and amended to read:

1053 ~~[4-41b-404]~~. **4-41a-404. Cannabis, cannabis product, or medical cannabis**
1054 **device transportation.**

1055 (1) ~~[Except for an individual with a valid medical cannabis card pursuant to Title 26,~~
1056 ~~Chapter 60b, Medical Cannabis Act, an individual]~~

1057 (a) Only the following individuals may [not] transport cannabis in a medicinal dosage
1058 form, a cannabis product in a medicinal dosage form, or a medical cannabis device [unless the
1059 individual is] under this chapter:

1060 ~~[(a)]~~ (i) a registered cannabis production establishment agent; or

1061 ~~[(b)]~~ (ii) [a registered cannabis dispensary agent.] a medical cannabis cardholder who is
1062 transporting a medical cannabis treatment that the cardholder is authorized to possess under
1063 this chapter.

1064 (b) Only an agent of a cannabis cultivating facility, when the agent is transporting
1065 cannabis plants to a cannabis processing facility or an independent cannabis testing laboratory,
1066 may transport unprocessed cannabis outside of a medicinal dosage form.

1067 (2) Except for an individual with a valid medical cannabis card ~~[pursuant to]~~ under
1068 Title 26, Chapter ~~60b~~ 61a, Utah Medical Cannabis Act, [an individual] who is transporting
1069 [cannabis, a cannabis product, or] a medical cannabis [device] treatment shall possess a
1070 transportation manifest that:

1071 (a) includes a unique identifier that links the cannabis, cannabis product, or medical
1072 cannabis device to a relevant inventory control system;

1073 (b) includes origin and destination information for any cannabis, cannabis product, or
1074 medical cannabis device that the individual is transporting; and

1075 (c) ~~[indicates]~~ identifies the departure and arrival times and locations of the individual
1076 transporting the cannabis, cannabis product, or medical cannabis device.

1077 (3) (a) In addition to the requirements in Subsections (1) and (2), the department may
1078 establish[-] by rule ~~[made]~~, in accordance with Title 63G, Chapter 3, Utah Administrative
1079 Rulemaking Act, requirements for transporting cannabis in a medicinal dosage form, a
1080 cannabis product in a medicinal dosage form, or a medical cannabis device to ensure that [are
1081 related to safety for human] the cannabis [or], cannabis product [consumption-], or medical

1082 cannabis device remains safe for human consumption.

1083 (b) The transportation described in Subsection (3)(a) is limited to transportation:

1084 (i) between a cannabis cultivation facility and:

1085 (A) another cannabis cultivation facility; or

1086 (B) a cannabis processing facility; and

1087 (ii) between a cannabis processing facility and:

1088 (A) another cannabis processing facility;

1089 (B) an independent cannabis testing laboratory; or

1090 (C) a medical cannabis pharmacy.

1091 (4) (a) [~~An individual who transports cannabis, a cannabis product, or a medical~~

1092 ~~cannabis device]~~ It is unlawful for a registered cannabis production establishment agent to

1093 make a transport described in this section with a manifest that does not meet the requirements

1094 of this section [~~is~~].

1095 (b) Except as provided in Subsection (4)(d), an agent who violates Subsection (4)(a) is:

1096 ~~[(a)]~~ (i) guilty of an infraction; and

1097 ~~[(b)]~~ (ii) subject to a \$100 fine.

1098 (c) An individual who is guilty of a violation described in Subsection (4)(b) is not

1099 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct

1100 underlying the violation described in Subsection (4)(b).

1101 (d) If the agent described in Subsection (4)(a) is transporting more cannabis, cannabis

1102 product, or medical cannabis devices than the manifest identifies, except for a de minimis

1103 administrative error:

1104 (i) the penalty described in Subsection (4)(b) does not apply; and

1105 (ii) the agent is subject to penalties under Title 58, Chapter 37, Utah Controlled

1106 Substances Act.

1107 (5) Nothing in this section prevents the department from taking administrative

1108 enforcement action against a cannabis production establishment or another person for failing to

1109 make a transport in compliance with the requirements of this section.

1110 Section 19. Section ~~4-41a-405~~ is enacted to read:

1111 **4-41a-405. Excess and disposal.**

1112 (1) As used in this section, "medical cannabis waste" means waste and unused material

1113 from the cultivation and production of medical cannabis.

1114 (2) A cannabis production establishment shall:

1115 (a) render medical cannabis waste unusable and unrecognizable before transporting the
1116 medical cannabis waste from the cannabis production establishment; and

1117 (b) dispose of medical cannabis waste in accordance with:

1118 (i) federal and state laws, rules, and regulations related to hazardous waste;

1119 (ii) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

1120 (iii) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

1121 (iv) other regulations that the department makes in accordance with Title 63G, Chapter
1122 3, Utah Administrative Rulemaking Act.

1123 (3) An individual may not transport or dispose of medical cannabis waste other than as
1124 provided in this section.

1125 Section 20. Section ~~4-41a-406~~, which is renumbered from Section 4-41b-405 is
1126 renumbered and amended to read:

1127 ~~[4-41b-405].~~ **4-41a-406. Local control.**

1128 (1) ~~[A municipality or county may not enact a zoning ordinance that prohibits a~~
1129 ~~cannabis production establishment from operating in a location within the municipality's or~~
1130 ~~county's jurisdiction on the sole basis that the cannabis production establishment possesses,~~
1131 ~~grows, manufactures, or sells cannabis.]~~

1132 (a) If a municipality's or county's zoning ordinances provide for an industrial zone, the
1133 municipality or county shall ensure that the ordinances allow for cannabis production
1134 establishments in at least one type of industrial zone.

1135 (b) If a municipality's or county's zoning ordinances provide for an agricultural zone,
1136 the municipality or county shall ensure that the ordinances allow for cannabis production
1137 establishments in at least one type of agricultural zone.

1138 (2) (a) A municipality or county may not deny or revoke a land use permit ~~[or license]~~
1139 to operate a cannabis production facility on the sole basis that the applicant or cannabis
1140 production establishment violates [a] federal law ~~[of]~~ regarding the ~~[United States]~~ legal status
1141 of cannabis.

1142 (b) A municipality or county may not deny or revoke a business license to operate a
1143 cannabis production facility on the sole basis that the applicant or cannabis production

1144 establishment violates federal law regarding the legal status of cannabis.

1145 Section 21. Section ~~4-41b-501~~, which is renumbered from Section 4-41b-501 is
1146 renumbered and amended to read:

1147 **Part 5. Cannabis Cultivation Facility Operating Requirements.**

1148 ~~[4-41b-501].~~ **4-41a-501. Cannabis cultivation facility -- Operating**
1149 **requirements.**

1150 (1) A cannabis cultivation facility shall ensure that any cannabis growing at the
1151 cannabis cultivation facility is not visible ~~[at]~~ from the ground level of the cannabis cultivation
1152 facility perimeter.

1153 (2) A cannabis cultivation facility shall use a unique identifier that is connected to the
1154 cannabis cultivation facility's inventory control system ~~[for]~~ to identify:

1155 (a) beginning at the time a cannabis plant is ~~[8]~~ eight inches tall and has a root ball,
1156 each cannabis plant;

1157 (b) each unique harvest of cannabis plants;

1158 (c) each batch of cannabis ~~[transferred]~~ the facility transfers to a medical cannabis
1159 ~~[dispensary] pharmacy, the state central fill medical cannabis pharmacy,~~ a cannabis processing
1160 facility, or an independent cannabis testing laboratory; and

1161 (d) ~~[disposal of]~~ any excess, contaminated, or deteriorated cannabis of which the
1162 cannabis cultivation facility disposes.

1163 Section 22. Section ~~4-41a-502~~, which is renumbered from Section 4-41b-502 is
1164 renumbered and amended to read:

1165 ~~[4-41b-502].~~ **4-41a-502. Cannabis -- Labeling and child-resistant**
1166 **packaging.**

1167 For any cannabis that a cannabis cultivation facility cultivates or otherwise produces
1168 and subsequently ships to another cannabis production establishment, the facility shall:

1169 (1) ~~[Cannabis shall have a]~~ label the cannabis with a label that ~~[(a)]~~ has a unique batch
1170 identification number that is connected to the inventory control system; and ~~[(b) does not~~
1171 ~~display images, words, or phrases that are intended to appeal to children.~~ ~~(2) A cannabis~~
1172 ~~cultivation facility shall]~~

1173 (2) package the cannabis in a container that is:

1174 (a) ~~[is]~~ tamper evident; and

1175 (b) [is] not appealing to children, [~~or similar to a candy container;~~
 1176 [~~e~~] is opaque; and]
 1177 [~~d~~] complies with child-resistant effectiveness standards established by the United
 1178 States Consumer Product Safety Commission;]

1179 Section 23. Section **4-41a-601**, which is renumbered from Section 4-41b-601 is
 1180 renumbered and amended to read:

1181 **Part 6. Cannabis Processing Facility Operating Requirements.**

1182 [~~4-41b-601~~]. **4-41a-601. Cannabis processing facility -- Operating**
 1183 **requirements -- General.**

1184 [(1)] A cannabis processing facility shall ensure that a cannabis product [~~sold by~~] the
 1185 cannabis processing facility sells complies with the requirements of this part.

1186 [(2)] [~~If a cannabis processing facility extracts cannabinoids from cannabis using a~~
 1187 ~~hydrocarbon process, the cannabis processing facility shall extract the cannabinoids under a~~
 1188 ~~blast hood and shall use a system to reclaim solvents.~~]

1189 Section 24. Section **4-41a-602**, which is renumbered from Section 4-41b-602 is
 1190 renumbered and amended to read:

1191 [~~4-41b-602~~]. **4-41a-602. Cannabis product -- Labeling and child-resistant**
 1192 **packaging.**

1193 (1) [(A)] For any cannabis product that a cannabis processing facility processes or
 1194 produces, the facility shall [have a]:

1195 (a) label the cannabis product with a label that:

1196 [(a)] (i) clearly and unambiguously states that the cannabis product contains cannabis;

1197 [(b)] (ii) clearly displays the amount of total composite tetrahydrocannabinol and
 1198 cannabidiol in the [~~cannabis product~~] labeled container;

1199 [(c)] (iii) has a unique identification number that:

1200 [(i)] (A) is connected to the inventory control system; and

1201 [(ii)] (B) identifies the unique cannabis product manufacturing process [~~by which~~] the
 1202 cannabis processing facility used to manufacture the cannabis product [~~was manufactured~~];

1203 [(d)] (iv) identifies the cannabinoid extraction process that the cannabis processing
 1204 facility used to create the cannabis product;

1205 [(e)] (v) does not display [~~images, words, or phrases~~] an image, word, or phrase that

1206 ~~[are intended to appeal]~~ the facility knows or should know appeals to children; and

1207 ~~[(f)]~~ (vi) discloses [ingredients] each active or potentially active ingredient, in order of

1208 prominence, and possible [allergens.] allergen; and

1209 ~~[(2)]~~ (b) [A cannabis processing facility shall] package [a] the cannabis product in a

1210 medicinal dosage form in a container that:

1211 ~~[(a)]~~ (i) except for a blister pack, is tamper evident and tamper resistant;

1212 ~~[(b)]~~ (ii) does not appeal to children;

1213 ~~[(iii)]~~ [is not appealing to children or similar to] does not mimic a candy container;

1214 ~~[(c)]~~ (iv) except for a blister pack, is opaque; [and]

1215 ~~[(d)]~~ (v) complies with child-resistant effectiveness standards [established by] that the

1216 United States Consumer Product Safety Commission[-] establishes; and

1217 (vi) includes a warning label that states: "WARNING: Cannabis has intoxicating

1218 effects and may be addictive. Do not operate a vehicle or machinery under its influence. KEEP

1219 OUT OF REACH OF CHILDREN. This product is for medical use only. Use only as directed

1220 by a qualified medical provider."

1221 (2) For any cannabis or cannabis product that the cannabis processing facility processes

1222 into a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or rectangular

1223 cuboid shape, the facility shall:

1224 (a) ensure that the label described in Subsection (1)(a) does not contain a photograph or

1225 other image of the content of the container; and

1226 (b) include on the label described in Subsection (1)(a) a warning about the risks of

1227 over-consumption.

1228 (3) The department shall make rules in accordance with Title 63G, Chapter 3, Utah

1229 Administrative Rulemaking Act, establishing a standard labeling format that:

1230 (a) complies with the requirements of this section; and

1231 (b) ensures inclusion of a pharmacy label.

1232 Section 25. Section ~~4-41a-603~~, which is renumbered from Section 4-41b-603 is

1233 renumbered and amended to read:

1234 ~~[4-41b-603].~~ **4-41a-603. Cannabis product -- Product quality.**

1235 (1) A cannabis processing facility may not produce a cannabis product in a physical

1236 form that:

1237 (a) ~~[is intended to appeal]~~ the facility knows or should know appeals to children; ~~[or]~~
 1238 (b) is designed to mimic or could be mistaken for ~~[an existing]~~ a candy product[-]; or
 1239 (c) for a product used in vaporization, includes a candy-like flavor or another flavor
 1240 that the facility knows or should know appeals to children.

1241 ~~[(2) A cannabis processing facility may not manufacture a cannabis product by~~
 1242 ~~applying a cannabis agent only to the surface of a pre-manufactured food product that is not~~
 1243 ~~produced by the cannabis processing facility.]~~

1244 ~~[(3)]~~ (2) A cannabis product may vary in the cannabis product's labeled ~~[cannabis]~~
 1245 cannabinoid profile by up to ~~[+5%]~~ 10% of the indicated amount of a given cannabinoid, by
 1246 weight.

1247 ~~[(4)]~~ (3) The department shall adopt[-] by rule ~~[made]~~, in accordance with Title 63G,
 1248 Chapter 3, Utah Administrative Rulemaking Act, human safety standards for ~~[manufacture]~~ the
 1249 manufacturing of cannabis products that are consistent~~[-, to the extent possible,]~~ with ~~[rules for~~
 1250 ~~similar products that do not contain]~~ best practices for the use of cannabis.

1251 Section 26. Section ~~4-41a-701~~, which is renumbered from Section 4-41b-701 is
 1252 renumbered and amended to read:

1253 **Part 7. Independent Cannabis Testing Laboratories.**

1254 ~~[4-41b-701].~~ **4-41a-701. Cannabis and cannabis product testing.**

1255 (1) ~~[No]~~ A medical cannabis pharmacy and the state central fill medical cannabis
 1256 pharmacy may not offer any cannabis or cannabis product ~~[may be offered]~~ for sale ~~[at a~~
 1257 ~~cannabis dispensary]~~ unless an independent cannabis testing laboratory has tested a
 1258 representative sample of the cannabis or cannabis product ~~[has been tested by an independent~~
 1259 ~~cannabis testing laboratory]~~ to determine:

1260 (a) (i) the amount of total composite tetrahydrocannabinol and cannabidiol in the
 1261 cannabis or cannabis product; and

1262 (ii) the amount of any other cannabinoid in the cannabis or cannabis product that the
 1263 label claims the cannabis or cannabis product contains;

1264 (b) that the presence of contaminants, including mold, fungus, pesticides, microbial
 1265 contaminants, heavy metals, or foreign material, does not exceed an amount that is safe for
 1266 human consumption; and

1267 (c) for a cannabis product that is manufactured using a process that involves extraction

1268 using hydrocarbons, that the cannabis product does not contain ~~[an unhealthy]~~ a level of a
 1269 residual solvent that is not safe for human consumption.

1270 (2) ~~[The department may determine, by]~~ By rule [made], in accordance with Title 63G,
 1271 Chapter 3, Utah Administrative Rulemaking Act, the department:

1272 (i) may determine the amount of [a] any substance described in [Subsection (1)]
 1273 Subsections (1)(b) and (c) that is safe for human consumption[-]; and

1274 (ii) shall establish protocols for a recall of cannabis or a cannabis product by a cannabis
 1275 production establishment.

1276 (3) The department may require testing for a toxin if:

1277 (a) the department receives information indicating the potential presence of a toxin; or

1278 (b) the department's inspector has reason to believe a toxin may be present based on the
 1279 inspection of a facility.

1280 (4) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
 1281 Utah Administrative Rulemaking Act, the standards, methods, practices, and procedures for the
 1282 testing of cannabis and cannabis products by independent cannabis testing laboratories.

1283 (5) The department may require an independent cannabis testing laboratory to
 1284 participate in a proficiency evaluation that the department conducts or that an organization that
 1285 the department approves conducts.

1286 Section 27. Section ~~4-41a-702~~, which is renumbered from Section 4-41b-702 is
 1287 renumbered and amended to read:

1288 ~~[4-41b-702].~~ **4-41a-702. Reporting -- Inspections -- Seizure by the**
 1289 **department.**

1290 (1) If an independent cannabis testing laboratory determines that the results of a lab test
 1291 indicate that a cannabis or cannabis product batch may be unsafe for human ~~[consumption, the~~
 1292 ~~independent cannabis testing laboratory shall]~~ use:

1293 (a) the independent cannabis testing laboratory shall:

1294 ~~[(a)]~~ (i) report the results and the cannabis or cannabis product batch to:

1295 ~~[(i)]~~ (A) the department; and

1296 ~~[(ii)]~~ (B) the cannabis production establishment that prepared the cannabis or cannabis
 1297 product batch; and

1298 ~~[(b)]~~ (ii) retain possession of the cannabis or cannabis product batch for ~~[one week]~~

1299 two weeks in order to investigate the cause of the defective batch and to make a determination;
1300 and

1301 ~~[(c)]~~ (b) ~~[allow]~~ the cannabis production establishment that prepared the cannabis or
1302 cannabis product batch ~~[to]~~ may appeal the determination described in Subsection ~~[(1)(b)]~~
1303 (1)(a)(ii) to the department.

1304 (2) If ~~[, under Subsection (1)(b);]~~ the department determines, under Subsection (1)(a)(ii)
1305 or following an appeal under Subsection (1)(b), that a cannabis or cannabis product prepared
1306 by a cannabis production establishment is unsafe for human consumption, the department may
1307 seize, embargo, or destroy, in the same manner as a cannabis production establishment under
1308 Section 4-41a-405, the cannabis or cannabis product batch.

1309 (3) If an independent cannabis testing laboratory determines that the results of a lab test
1310 indicate that the cannabinoid content of a cannabis or cannabis product batch diverges more
1311 than 10% from the amounts the label indicates, the cannabis processing facility may not sell the
1312 cannabis or cannabis product batch unless the facility replaces the incorrect label with a label
1313 that correctly indicates the cannabinoid content.

1314 Section 28. Section **4-41a-801**, which is renumbered from Section 4-41b-801 is
1315 renumbered and amended to read:

1316 ~~[4-41b-801].~~ **4-41a-801. Enforcement -- Fine -- Citation.**

1317 (1) ~~[The department may, for a violation of this chapter by]~~ If a person that is a
1318 cannabis production establishment or a cannabis production establishment agent violates this
1319 chapter, the department may:

1320 (a) revoke the person's license or cannabis production establishment agent registration
1321 card;

1322 (b) ~~[refuse]~~ decline to renew the person's license or cannabis production establishment
1323 agent registration card; or

1324 (c) assess the person an administrative penalty that the department establishes by rule
1325 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1326 (2) The department shall deposit an administrative penalty imposed under this section
1327 ~~[in the general fund]~~ into the General Fund.

1328 (3) (a) The department may take an action described in Subsection (3)(b) if the
1329 department concludes, upon ~~[inspection or]~~ investigation, that, for a person that is a cannabis

1330 production establishment or a cannabis production establishment agent:

1331 (i) the person has violated the provisions of this chapter, a rule made under this
1332 chapter, or an order issued under this chapter; or

1333 (ii) the person produced cannabis or a cannabis product batch that contains a substance,
1334 other than cannabis, that poses a significant threat to human health.

1335 (b) If the department makes the determination about a person described in Subsection
1336 (3)(a), the department shall:

1337 (i) issue the person a written administrative citation;

1338 (ii) attempt to negotiate a stipulated settlement;

1339 (iii) seize, embargo, or destroy the cannabis or cannabis product batch; [~~and~~]

1340 (iv) order the person to cease and desist from the action that creates a violation; and

1341 [~~(iv)~~] (v) direct the person to appear before an adjudicative proceeding conducted
1342 under Title 63G, Chapter 4, Administrative Procedures Act.

1343 (4) The department may, for a person subject to an uncontested citation, a stipulated
1344 settlement, or a finding of a violation in an adjudicative proceeding under this section[~~-(a)~~], for
1345 a fine amount not already specified in law, assess the person, who is not an individual, a fine[~~;~~
1346 ~~established in accordance with Section 63J-1-504,~~] of up to \$5,000 per violation, in accordance
1347 with a fine schedule [~~established by~~] that the department establishes by rule [~~made~~] in
1348 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act[~~;-or~~].

1349 [~~(b) order the person to cease and desist from the action that creates a violation.~~]

1350 (5) The department may not revoke a cannabis production establishment's license
1351 without first [~~direct~~] directing the cannabis production establishment to appear before an
1352 adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.

1353 (6) If within 20 calendar days after the day on which a department serves a citation for
1354 a violation of this chapter, the person that is the subject of the citation fails to request a hearing
1355 to contest the citation, the citation becomes the department's final order.

1356 (7) The department may, for a person who fails to comply with a citation under this
1357 section:

1358 (a) refuse to issue or renew the person's license or cannabis production establishment
1359 agent registration card; or

1360 (b) suspend, revoke, or place on probation the person's license or cannabis production

1361 establishment registration card.

1362 (8) [~~If the department makes a final determination under this section that~~]

1363 (a) Except where a criminal penalty is expressly provided for a specific violation of
1364 this chapter, if an individual [~~violated~~]:

1365 (i) violates a provision of this chapter, the individual is:

1366 (A) guilty of an infraction[;]; and

1367 (B) subject to a \$100 fine; or

1368 (ii) intentionally or knowingly violates a provision of this chapter or violates this
1369 chapter three or more times, the individual is:

1370 (A) guilty of a class B misdemeanor; and

1371 (B) subject to a \$1,000 fine.

1372 (b) An individual who is guilty of a violation described in Subsection (8)(a) is not

1373 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
1374 underlying the violation described in Subsection (8)(a).

1375 (9) Nothing in this section prohibits the department from referring potential criminal
1376 activity to law enforcement.

1377 Section 29. Section ~~4-41a-802~~, which is renumbered from Section 4-41b-802 is
1378 renumbered and amended to read:

1379 ~~[4-41b-802].~~ **4-41a-802. Report.**

1380 (1) [~~The~~] At or before the November interim meeting each year, the department shall
1381 report [~~annually~~] to the Health and Human Services Interim Committee on:

1382 (a) the number of applications and renewal applications [~~received~~] that the department
1383 receives under this chapter;

1384 (b) the number of each type of cannabis production facility [~~licensed~~] that the
1385 department licenses in each county[;];

1386 (c) the amount of cannabis [~~grown by~~] that licensees[;] grow;

1387 (d) the amount of cannabis [~~manufactured~~] that licensees manufacture into cannabis
1388 products [~~by licensees~~];

1389 (e) the number of licenses [~~revoked~~] the department revokes under this chapter; and

1390 (f) the expenses incurred and revenues generated [~~from the medical cannabis program~~]
1391 under this chapter.

1392 (2) The department may not include personally identifying information in the report
1393 described in this section.

1394 Section 30. Section **7-1-401** is amended to read:

1395 **7-1-401. Fees payable to commissioner.**

1396 (1) Except for an out-of-state depository institution with a branch in Utah, a depository
1397 institution under the jurisdiction of the department shall pay an annual fee:

1398 (a) computed by averaging the total assets of the depository institution shown on each
1399 quarterly report of condition for the depository institution for the calendar year immediately
1400 preceding the date on which the annual fee is due under Section **7-1-402**; and

1401 (b) at the following rates:

1402 (i) on the first \$5,000,000 of these assets, the greater of:

1403 (A) 65 cents per \$1,000; or

1404 (B) \$500;

1405 (ii) on the next \$10,000,000 of these assets, 35 cents per \$1,000;

1406 (iii) on the next \$35,000,000 of these assets, 15 cents per \$1,000;

1407 (iv) on the next \$50,000,000 of these assets, 12 cents per \$1,000;

1408 (v) on the next \$200,000,000 of these assets, 10 cents per \$1,000;

1409 (vi) on the next \$300,000,000 of these assets, 6 cents per \$1,000; and

1410 (vii) on all amounts over \$600,000,000 of these assets, 2 cents per \$1,000.

1411 (2) A financial institution with a trust department shall pay a fee determined in
1412 accordance with Subsection (7) for each examination of the trust department by a state
1413 examiner.

1414 (3) Notwithstanding Subsection (1), a credit union in its first year of operation shall
1415 pay a basic fee of \$25 instead of the fee required under Subsection (1).

1416 (4) A trust company that is not a depository institution or a subsidiary of a depository
1417 institution holding company shall pay:

1418 (a) an annual fee of \$500; and

1419 (b) an additional fee determined in accordance with Subsection (7) for each
1420 examination by a state examiner.

1421 (5) Any person or institution under the jurisdiction of the department that does not pay
1422 a fee under Subsections (1) through (4) shall pay:

1423 (a) an annual fee of \$200; and

1424 (b) an additional fee determined in accordance with Subsection (7) for each
1425 examination by a state examiner.

1426 (6) A person filing an application or request under Section 7-1-503, 7-1-702, 7-1-703,
1427 7-1-704, 7-1-713, 7-5-3, or 7-18a-202~~[, or 7-26-201]~~ shall pay:

1428 (a) (i) a filing fee of \$500 if on the day on which the application or request is filed the
1429 person:

1430 (A) is a person with authority to transact business as~~[-(F)]~~ a depository institution~~[-~~
1431 ~~(H)]~~, a trust company~~[-]~~, or ~~[(H)]~~ any other person described in Section 7-1-501 as being
1432 subject to the jurisdiction of the department; and

1433 (B) has total assets in an amount less than \$5,000,000; or

1434 (ii) a filing fee of \$2,500 for any person not described in Subsection (6)(a)(i); and

1435 (b) all reasonable expenses incurred in processing the application.

1436 (7) (a) Per diem assessments for an examination shall be calculated at the rate of \$55
1437 per hour:

1438 (i) for each examiner; and

1439 (ii) per hour worked.

1440 (b) For an examination of a branch or office of a financial institution located outside of
1441 this state, in addition to the per diem assessment under this Subsection (7), the institution shall
1442 pay all reasonable travel, lodging, and other expenses incurred by each examiner while
1443 conducting the examination.

1444 (8) In addition to a fee under Subsection (5), a person registering under Section
1445 7-23-201 or 7-24-201 shall pay an original registration fee of \$300.

1446 (9) In addition to a fee under Subsection (5), a person applying for licensure under
1447 Chapter 25, Money Transmitter Act, shall pay an original license fee of \$300.

1448 Section 31. Section 10-9a-104 is amended to read:

1449 **10-9a-104. Stricter requirements.**

1450 (1) Except as provided in Subsection (2), a municipality may enact ~~[an ordinance]~~ a
1451 land use regulation imposing stricter requirements or higher standards than are required by this
1452 chapter.

1453 (2) A municipality may not impose ~~[stricter requirements or higher standards than are~~

1454 required-by:]

1455 [~~(a) Section 4-41b-405;~~]

1456 [~~(b) Section 10-9a-305;~~]

1457 [~~(c) Section 10-9a-514;~~ and]

1458 [~~(d) Section 26-60b-506;~~] a requirement or standard that conflicts with a provisions of
1459 this chapter, other state law, or federal law.

1460 Section 32. Section 17-27a-104 is amended to read:

1461 **17-27a-104. Stricter requirements or higher standards.**

1462 (1) Except as provided in Subsection (2), a county may enact [~~an ordinance~~] a land use
1463 regulation imposing stricter requirements or higher standards than are required by this chapter.

1464 (2) A county may not impose [~~stricter requirements or higher standards than are~~
1465 ~~required-by;~~]

1466 [~~(a) Section 4-41b-405;~~]

1467 [~~(b) Section 17-27a-305;~~]

1468 [~~(c) Section 17-27a-513;~~ and]

1469 [~~(d) Section 26-60b-506;~~] a requirement or standard that conflicts with a provision of
1470 this chapter, other state law, or federal law.

1471 Section 33. Section 26-36d-101 is enacted to read:

1472 **CHAPTER 36d. HOSPITAL PROVIDER ASSESSMENT ACT.**

1473 **Part 1. General Provisions.**

1474 **26-36d-101. Title.**

1475 This chapter is known as the "Hospital Provider Assessment Act."

1476 Section 34. Section 26-36d-102 is enacted to read:

1477 **26-36d-102. Legislative findings.**

1478 (1) The Legislature finds that there is an important state purpose to improve the access
1479 of Medicaid patients to quality care in Utah hospitals because of continuous decreases in state
1480 revenues and increases in enrollment under the Utah Medicaid program.

1481 (2) The Legislature finds that in order to improve this access to those persons described
1482 in Subsection (1):

1483 (a) the rates paid to Utah hospitals shall be adequate to encourage and support
1484 improved access; and

1485 (b) adequate funding shall be provided to increase the rates paid to Utah hospitals
1486 providing services pursuant to the Utah Medicaid program.

1487 Section 35. Section **26-36d-103** is enacted to read:

1488 **26-36d-103. Definitions.**

1489 As used in this chapter:

1490 (1) "Accountable care organization" means a managed care organization, as defined in
1491 42 C.F.R. Sec. 438, that contracts with the department under the provisions of Section
1492 26-18-405.

1493 (2) "Assessment" means the Medicaid hospital provider assessment established by this
1494 chapter.

1495 (3) "Discharges" means the number of total hospital discharges reported on worksheet
1496 S-3 Part I, column 15, lines 12, 14, and 14.01 of the 2552-96 Medicare Cost Report or on
1497 Worksheet S-3 Part I, column 15, lines 14, 16, and 17 of the 2552-10 Medicare Cost Report for
1498 the applicable assessment year.

1499 (4) "Division" means the Division of Health Care Financing of the department.

1500 (5) "Hospital":

1501 (a) means a privately owned:

1502 (i) general acute hospital operating in the state as defined in Section 26-21-2; and

1503 (ii) specialty hospital operating in the state, which shall include a privately owned
1504 hospital whose inpatient admissions are predominantly:

1505 (A) rehabilitation;

1506 (B) psychiatric;

1507 (C) chemical dependency; or

1508 (D) long-term acute care services; and

1509 (b) does not include:

1510 (i) a human services program, as defined in Section 62A-2-101;

1511 (ii) a hospital owned by the federal government, including the Veterans Administration
1512 Hospital; or

1513 (iii) a hospital that is owned by the state government, a state agency, or a political
1514 subdivision of the state, including:

1515 (A) a state-owned teaching hospital; and

1516 (B) the Utah State Hospital.

1517 (6) "Medicare cost report" means CMS-2552-96 or CMS-2552-10, the cost report for
1518 electronic filing of hospitals.

1519 (7) "State plan amendment" means a change or update to the state Medicaid plan.

1520 Section 36. Section **26-36d-201** is enacted to read:

1521 **Part 2. Application of Chapter.**

1522 **26-36d-201. Application of chapter.**

1523 (1) Other than for the imposition of the assessment described in this chapter, nothing in
1524 this chapter shall affect the nonprofit or tax exempt status of any nonprofit charitable, religious,
1525 or educational health care provider under:

1526 (a) Section 501(c), as amended, of the Internal Revenue Code;

1527 (b) other applicable federal law;

1528 (c) any state law;

1529 (d) any ad valorem property taxes;

1530 (e) any sales or use taxes; or

1531 (f) any other taxes, fees, or assessments, whether imposed or sought to be imposed by
1532 the state or any political subdivision, county, municipality, district, authority, or any agency or
1533 department thereof.

1534 (2) All assessments paid under this chapter may be included as an allowable cost of a
1535 hospital for purposes of any applicable Medicaid reimbursement formula.

1536 (3) This chapter does not authorize a political subdivision of the state to:

1537 (a) license a hospital for revenue;

1538 (b) impose a tax or assessment upon hospitals; or

1539 (c) impose a tax or assessment measured by the income or earnings of a hospital.

1540 Section 37. Section **26-36d-202** is enacted to read:

1541 **26-36d-202. Assessment, collection, and payment of hospital provider assessment.**

1542 (1) A uniform, broad based, assessment is imposed on each hospital as defined in
1543 Subsection [26-36d-103](#)(5)(a):

1544 (a) in the amount designated in Section [26-36d-203](#); and

1545 (b) in accordance with Section [26-36d-204](#).

1546 (2) (a) The assessment imposed by this chapter is due and payable on a quarterly basis

1547 in accordance with Section 26-36d-204.

1548 (b) The collecting agent for this assessment is the department which is vested with the
1549 administration and enforcement of this chapter, including the right to adopt administrative rules
1550 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary to:

1551 (i) implement and enforce the provisions of this act; and

1552 (ii) audit records of a facility:

1553 (A) that is subject to the assessment imposed by this chapter; and

1554 (B) does not file a Medicare cost report.

1555 (c) The department shall forward proceeds from the assessment imposed by this
1556 chapter to the state treasurer for deposit in the expendable special revenue fund as specified in
1557 Section 26-36d-207.

1558 (3) The department may, by rule, extend the time for paying the assessment.

1559 Section 38. Section **26-36d-203** is enacted to read:

1560 **26-36d-203. Calculation of assessment.**

1561 (1) (a) An annual assessment is payable on a quarterly basis for each hospital in an
1562 amount calculated at a uniform assessment rate for each hospital discharge, in accordance with
1563 this section.

1564 (b) The uniform assessment rate shall be determined using the total number of hospital
1565 discharges for assessed hospitals divided into the total non-federal portion in an amount
1566 consistent with Section 26-36d-205 that is needed to support capitated rates for accountable
1567 care organizations for purposes of hospital services provided to Medicaid enrollees.

1568 (c) Any quarterly changes to the uniform assessment rate shall be applied uniformly to
1569 all assessed hospitals.

1570 (d) The annual uniform assessment rate may not generate more than:

1571 (i) \$1,000,000 to offset Medicaid mandatory expenditures; and

1572 (ii) the non-federal share to seed amounts needed to support capitated rates for
1573 accountable care organizations as provided for in Subsection (1)(b).

1574 (2) (a) For each state fiscal year, discharges shall be determined using the data from
1575 each hospital's Medicare Cost Report contained in the Centers for Medicare and Medicaid
1576 Services' Healthcare Cost Report Information System file. The hospital's discharge data will be
1577 derived as follows:

- 1578 (i) for state fiscal year 2013, the hospital's cost report data for the hospital's fiscal year
1579 ending between July 1, 2009, and June 30, 2010;
- 1580 (ii) for state fiscal year 2014, the hospital's cost report data for the hospital's fiscal year
1581 ending between July 1, 2010, and June 30, 2011;
- 1582 (iii) for state fiscal year 2015, the hospital's cost report data for the hospital's fiscal year
1583 ending between July 1, 2011, and June 30, 2012;
- 1584 (iv) for state fiscal year 2016, the hospital's cost report data for the hospital's fiscal year
1585 ending between July 1, 2012, and June 30, 2013; and
- 1586 (v) for each subsequent state fiscal year, the hospital's cost report data for the hospital's
1587 fiscal year that ended in the state fiscal year two years prior to the assessment fiscal year.
- 1588 (b) If a hospital's fiscal year Medicare Cost Report is not contained in the Centers for
1589 Medicare and Medicaid Services' Healthcare Cost Report Information System file:
- 1590 (i) the hospital shall submit to the division a copy of the hospital's Medicare Cost
1591 Report applicable to the assessment year; and
- 1592 (ii) the division shall determine the hospital's discharges.
- 1593 (c) If a hospital is not certified by the Medicare program and is not required to file a
1594 Medicare Cost Report:
- 1595 (i) the hospital shall submit to the division its applicable fiscal year discharges with
1596 supporting documentation;
- 1597 (ii) the division shall determine the hospital's discharges from the information
1598 submitted under Subsection (2)(c)(i); and
- 1599 (iii) the failure to submit discharge information shall result in an audit of the hospital's
1600 records and a penalty equal to 5% of the calculated assessment.
- 1601 (3) Except as provided in Subsection (4), if a hospital is owned by an organization that
1602 owns more than one hospital in the state:
- 1603 (a) the assessment for each hospital shall be separately calculated by the department;
1604 and
- 1605 (b) each separate hospital shall pay the assessment imposed by this chapter.
- 1606 (4) Notwithstanding the requirement of Subsection (3), if multiple hospitals use the
1607 same Medicaid provider number:
- 1608 (a) the department shall calculate the assessment in the aggregate for the hospitals

1609 using the same Medicaid provider number; and

1610 (b) the hospitals may pay the assessment in the aggregate.

1611 Section 39. Section **26-36d-204** is enacted to read:

1612 **26-36d-204. Quarterly notice -- Collection.**

1613 Quarterly assessments imposed by this chapter shall be paid to the division within 15
1614 business days after the original invoice date that appears on the invoice issued by the division.

1615 Section 40. Section **26-36d-205** is enacted to read:

1616 **26-36d-205. Medicaid hospital adjustment under accountable care organization**
1617 **rates.**

1618 To preserve and improve access to hospital services, the division shall, for accountable
1619 care organization rates effective on or after April 1, 2013, incorporate an annualized amount
1620 equal to \$154,000,000 into the accountable care organization rate structure calculation
1621 consistent with the certified actuarial rate range.

1622 Section 41. Section **26-36d-206** is enacted to read:

1623 **26-36d-206. Penalties and interest.**

1624 (1) A facility that fails to pay any assessment or file a return as required under this
1625 chapter, within the time required by this chapter, shall pay, in addition to the assessment,
1626 penalties and interest established by the department.

1627 (2) (a) Consistent with Subsection (2)(b), the department shall adopt rules in
1628 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which establish
1629 reasonable penalties and interest for the violations described in Subsection (1).

1630 (b) If a hospital fails to timely pay the full amount of a quarterly assessment, the
1631 department shall add to the assessment:

1632 (i) a penalty equal to 5% of the quarterly amount not paid on or before the due date;

1633 and

1634 (ii) on the last day of each quarter after the due date until the assessed amount and the
1635 penalty imposed under Subsection (2)(b)(i) are paid in full, an additional 5% penalty on:

1636 (A) any unpaid quarterly assessment; and

1637 (B) any unpaid penalty assessment.

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

1640 Section 42. Section **26-36d-207** is enacted to read:

1641 **26-36d-207. Hospital Provider Assessment Expendable Revenue Fund.**

1642 (1) There is created an expendable special revenue fund known as the "Hospital
1643 Provider Assessment Expendable Revenue Fund."

1644 (2) The fund shall consist of:

1645 (a) the assessments collected by the department under this chapter;

1646 (b) any interest and penalties levied with the administration of this chapter; and

1647 (c) any other funds received as donations for the fund and appropriations from other
1648 sources.

1649 (3) Money in the fund shall be used:

1650 (a) to support capitated rates consistent with Subsection [26-36d-203\(1\)\(d\)](#) for
1651 accountable care organizations; and

1652 (b) to reimburse money collected by the division from a hospital through a mistake
1653 made under this chapter.

1654 Section 43. Section **26-36d-208** is enacted to read:

1655 **26-36d-208. Repeal of assessment.**

1656 (1) The repeal of the assessment imposed by this chapter shall occur upon the
1657 certification by the executive director of the department that the sooner of the following has
1658 occurred:

1659 (a) the effective date of any action by Congress that would disqualify the assessment
1660 imposed by this chapter from counting toward state Medicaid funds available to be used to
1661 determine the federal financial participation;

1662 (b) the effective date of any decision, enactment, or other determination by the
1663 Legislature or by any court, officer, department, or agency of the state, or of the federal
1664 government that has the effect of:

1665 (i) disqualifying the assessment from counting towards state Medicaid funds available
1666 to be used to determine federal financial participation for Medicaid matching funds; or

1667 (ii) creating for any reason a failure of the state to use the assessments for the Medicaid
1668 program as described in this chapter;

1669 (c) the effective date of:

1670 (i) an appropriation for any state fiscal year from the General Fund for hospital

1671 payments under the state Medicaid program that is less than the amount appropriated for state
1672 fiscal year 2012;

1673 (ii) the annual revenues of the state General Fund budget return to the level that was
1674 appropriated for fiscal year 2008;

1675 (iii) a division change in rules that reduces any of the following below July 1, 2011
1676 payments:

1677 (A) aggregate hospital inpatient payments;

1678 (B) adjustment payment rates; or

1679 (C) any cost settlement protocol; or

1680 (iv) a division change in rules that reduces the aggregate outpatient payments below
1681 July 1, 2011 payments; and

1682 (d) the sunset of this chapter in accordance with Section [63I-1-226](#).

1683 (2) If the assessment is repealed under Subsection (1), money in the fund that was
1684 derived from assessments imposed by this chapter, before the determination made under
1685 Subsection (1), shall be disbursed under Section [26-36d-205](#) to the extent federal matching is
1686 not reduced due to the impermissibility of the assessments. Any funds remaining in the special
1687 revenue fund shall be refunded to the hospitals in proportion to the amount paid by each
1688 hospital.

1689 Section 44. Section **26-61-202** is amended to read:

1690 **26-61-202. Cannabinoid Product Board -- Duties.**

1691 (1) The board shall review any available scientific research related to the human use of
1692 cannabis, a cannabinoid product, or an expanded cannabinoid product that:

1693 (a) was conducted under a study approved by an IRB; or

1694 (b) was conducted or approved by the federal government.

1695 (2) Based on the research described in Subsection (1), the board shall evaluate the
1696 safety and efficacy of cannabis, cannabinoid products, and expanded cannabinoid products,
1697 including:

1698 (a) medical conditions that respond to cannabis, cannabinoid products, and expanded
1699 cannabinoid products;

1700 (b) cannabis and cannabinoid dosage amounts and medical dosage forms; [~~and~~]

1701 (c) interaction of cannabis, cannabinoid products, and expanded cannabinoid products

1702 with other treatments[-]; and

1703 (d) contraindications, adverse reactions, and potential side effects from use of cannabis,
1704 cannabinoid products, and expanded cannabinoid products.

1705 (3) Based on the board's evaluation under Subsection (2), the board shall develop
1706 guidelines for treatment with cannabis, a cannabinoid product, and an expanded cannabinoid
1707 product that include:

1708 (a) a list of medical conditions, if any, that the board determines are appropriate for
1709 treatment with cannabis, a cannabis product, a cannabinoid product, or an expanded
1710 cannabinoid product[-];

1711 (b) a list of contraindications, side effects, and adverse reactions that are associated
1712 with use of cannabis, cannabinoid products, or expanded cannabinoid products; and

1713 (c) a list of potential drug-drug interactions between medications that the United States
1714 Food and Drug Administration has approved and cannabis, cannabinoid products, and
1715 expanded cannabinoid products.

1716 (4) The board shall submit the guidelines described in Subsection (3) to:

1717 (a) the director of the Division of Occupational and Professional Licensing; and

1718 (b) the Health and Human Services Interim Committee.

1719 (5) The board shall report the board's findings before November 1 of each year to the
1720 Health and Human Services Interim Committee.

1721 (6) Guidelines [~~developed pursuant to~~] that the board develops under this section may
1722 not limit the availability of cannabis, cannabinoid products, or expanded cannabinoid products
1723 permitted [~~pursuant to~~] under Title 4, Chapter [~~41b~~] 41a, Cannabis Production [~~Establishment~~]
1724 Establishments, or Title 26, Chapter [~~60b~~] 61a, Utah Medical Cannabis Act.

1725 Section 45. Section **26-61a-101**, which is renumbered from Section 26-60b-101 is
1726 renumbered and amended to read:

1727 **CHAPTER 61a. UTAH MEDICAL CANNABIS ACT.**

1728 **Part 1. General Provisions.**

1729 [~~26-60b-101~~]. **26-61a-101. Title.**

1730 This chapter is known as "Utah Medical Cannabis Act."

1731 Section 46. Section **26-61a-102**, which is renumbered from Section 26-60b-102 is
1732 renumbered and amended to read:

1733 ~~[26-60b-102].~~ 26-61a-102. Definitions.

1734 As used in this chapter:

1735 (1) "Blister" means a plastic cavity or pocket used to contain no more than a single
1736 dose of cannabis or a cannabis product in a blister pack.

1737 (2) "Blister pack" means a plastic, paper, or foil package with multiple blisters each
1738 containing no more than a single dose of cannabis or a cannabis product.

1739 ~~[(1)]~~ (3) "Cannabis" means ~~[the same as that term is defined in Section 58-37-3.9]~~
1740 marijuana.

1741 ~~[(2)]~~ (4) "Cannabis cultivation facility" means the same as that term is defined in
1742 Section ~~[4-41b-102]~~ 4-41a-102.

1743 ~~[(3)]~~ ~~"Cannabis dispensary" means a person that:]~~

1744 ~~[(a) acquires or intends to acquire cannabis or a cannabis product from a cannabis~~
1745 ~~production establishment and acquires or intends to acquire a medical cannabis device;]~~

1746 ~~[(b) possesses cannabis, a cannabis product, or a medical cannabis device; and]~~

1747 ~~[(c) sells or intends to sell cannabis, a cannabis product, or a medical cannabis device.]~~

1748 ~~[(4) "Cannabis dispensary agent" means an owner, officer, director, board member,~~
1749 ~~employee, or volunteer of a cannabis dispensary.]~~

1750 ~~[(5) "Cannabis dispensary agent registration card" means a registration card issued by~~
1751 ~~the department that authorizes an individual to act as a cannabis dispensary agent.]~~

1752 ~~[(6)]~~ (5) "Cannabis processing facility" means the same as that term is defined in
1753 Section ~~[4-41b-102]~~ 4-41a-102.

1754 ~~[(7)]~~ (6) "Cannabis product" means ~~[the same as that term is defined in Section~~
1755 ~~58-37-3.9;]~~ a product that:

1756 (a) is intended for human use; and

1757 (b) contains cannabis or tetrahydrocannabinol.

1758 ~~[(8)]~~ (7) "Cannabis production establishment agent" means the same as that term is
1759 defined in Section ~~[4-41b-102]~~ 4-41a-102.

1760 ~~[(9)]~~ (8) "Cannabis production establishment agent registration card" means the same
1761 as that term is defined in Section ~~[4-41b-102]~~ 4-41a-102.

1762 ~~[(10) "Community location" means a public or private school, a church, a public~~
1763 ~~library, a public playground, or a public park.]~~

- 1764 (9) "Department" means the Department of Health.
- 1765 [~~(H)~~] (10) "Designated caregiver" means an individual:
- 1766 (a) whom [~~a patient~~] an individual with a medical cannabis patient card or a medical
- 1767 cannabis guardian card designates as the patient's caregiver; and
- 1768 (b) who registers with the department under Section [~~26-60b-202~~] 26-61a-202.
- 1769 (11) "Dosing parameters" means quantity, routes, and frequency of administration for a
- 1770 recommended treatment of cannabis in a medicinal dosage form or a cannabis product in a
- 1771 medicinal dosage form.
- 1772 (12) "Independent cannabis testing laboratory" means the same as that term is defined
- 1773 in Section [~~4-41b-102~~] 4-41a-102.
- 1774 (13) "Inventory control system" means the system described in Section [~~4-41b-103~~]
- 1775 4-41a-103.
- 1776 (14) "Local health department" means the same as that term is defined in Section
- 1777 26A-1-102.
- 1778 (15) "Local health department distribution agent" means an agent designated and
- 1779 registered to distribute state central fill shipments under Sections 26-61a-606 and 26-61a-607.
- 1780 (16) "Marijuana" means the same as that term is defined in Section 58-37-2.
- 1781 (17) "Medical cannabis" means cannabis in a medicinal dosage form or a cannabis
- 1782 product in a medicinal dosage form.
- 1783 [~~(I4)~~] (18) "Medical cannabis card" means a medical cannabis patient card, a medical
- 1784 cannabis guardian card, or a medical cannabis caregiver card.
- 1785 (19) "Medical cannabis cardholder" means a holder of a medical cannabis card.
- 1786 (20) "Medical cannabis caregiver card" means an official card [~~issued by~~] that:
- 1787 (a) the department issues to an individual [~~with a qualifying illness, or the individual's~~]
- 1788 whom a medical cannabis patient cardholder or a medical cannabis guardian cardholder
- 1789 designates as a designated caregiver [~~under this chapter, that~~]; and
- 1790 (b) is connected to the electronic verification system.
- 1791 [~~(I5)~~] (21) (a) "Medical cannabis device" means [~~the same as that term is defined in~~
- 1792 Section 58-37-3.9.] a device that an individual uses to ingest cannabis in a medicinal dosage
- 1793 form or a cannabis product in a medicinal dosage form.
- 1794 (b) "Medical cannabis device" does not include a device that:

- 1795 (i) facilitates cannabis combustion; or
1796 (ii) an individual uses to ingest substances other than cannabis.
1797 (22) "Medical cannabis guardian card" means an official card that:
1798 (a) the department issues to the parent or legal guardian of a minor with a qualifying
1799 condition; and
1800 (b) is connected to the electronic verification system.
1801 (23) "Medical cannabis patient card" means an official card that:
1802 (a) the department issues to an individual with a qualifying condition; and
1803 (b) is connected to the electronic verification system.
1804 (24) "Medical cannabis pharmacy" means a person that:
1805 (a) (i) acquires or intends to acquire:
1806 (A) cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage
1807 form from a cannabis processing facility; or
1808 (B) a medical cannabis device; or
1809 (ii) possesses cannabis in a medicinal dosage form, a cannabis product in a medicinal
1810 dosage form, or a medical cannabis device; and
1811 (b) sells or intends to sell cannabis in a medicinal dosage form, a cannabis product in a
1812 medicinal dosage form, or a medical cannabis device to a medical cannabis cardholder.
1813 (25) "Medical cannabis pharmacy agent" means an individual who:
1814 (a) is an employee of a medical cannabis pharmacy; and
1815 (b) who holds a valid medical cannabis pharmacy agent registration card.
1816 (26) "Medical cannabis pharmacy agent registration card" means a registration card
1817 issued by the department that authorizes an individual to act as a medical cannabis pharmacy
1818 agent.
1819 (27) "Medical cannabis treatment" means cannabis in a medicinal dosage form, a
1820 cannabis product in a medicinal dosage form, or a medical cannabis device.
1821 ~~[(16) "Medical Cannabis Restricted Account" means the account created in Section~~
1822 ~~26-60b-109;]~~
1823 (28) (a) "Medicinal dosage form" means:
1824 (i) for processed medical cannabis or a medical cannabis product, the following in
1825 single dosage form with a specific and consistent cannabinoid content:

- 1826 (A) a tablet;
- 1827 (B) a capsule;
- 1828 (C) a concentrated oil;
- 1829 (D) a liquid suspension;
- 1830 (E) a topical preparation;
- 1831 (F) a transdermal preparation;
- 1832 (G) a sublingual preparation;
- 1833 (H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or
- 1834 rectangular cuboid shape; or
- 1835 (I) for use only after the individual's qualifying condition has failed to substantially
- 1836 respond to at least two other forms described in this Subsection (28)(a)(i), a resin or wax;
- 1837 (ii) for unprocessed cannabis flower, a blister pack, with each individual blister:
- 1838 (A) containing a specific and consistent weight that does not exceed one gram and that
- 1839 varies by no more than 10% from the stated weight; and
- 1840 (B) labeled with a barcode that provides information connected to an inventory control
- 1841 system and the individual blister's content and weight; and
- 1842 (iii) a form measured in grams, milligrams, or milliliters.
- 1843 (b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:
- 1844 (i) the medical cannabis cardholder has recently removed from the blister pack
- 1845 described in Subsection (28)(a)(ii) for use; and
- 1846 (ii) does not exceed the quantity described in Subsection (28)(a)(ii).
- 1847 (c) "Medicinal dosage form" does not include:
- 1848 (i) any unprocessed cannabis flower outside of the blister pack, except as provided in
- 1849 Subsection (28)(b); or
- 1850 (ii) a process of vaporizing and inhaling concentrated cannabis by placing the cannabis
- 1851 on a nail or other metal object that is heated by a flame, including a blowtorch.
- 1852 (29) "Pharmacy medical provider" means the medical provider required to be on site at
- 1853 a medical cannabis pharmacy under Section [26-61a-403](#).
- 1854 (30) "Provisional patient card" means a card that:
- 1855 (a) the department issues to a minor with a qualifying condition for whom:
- 1856 (i) a qualified medical provider has recommended a medical cannabis treatment; and

1857 (ii) the department issues a medical cannabis guardian card to the minor's parent or
 1858 legal guardian; and

1859 (b) is connected to the electronic verification system.

1860 ~~[(17)]~~ (31) ~~["Physician"]~~ "Qualified medical provider" means an individual who is
 1861 qualified to recommend treatment with cannabis in a medicinal dosage form under Section
 1862 ~~[26-60b-107]~~ 26-61a-106.

1863 (32) "Qualified Distribution Enterprise Account" means the enterprise account created
 1864 in Section 26-61a-110.

1865 (33) "Qualified Patient Enterprise Account" means the enterprise account created in
 1866 Section 26-61a-109.

1867 ~~[(18)]~~ (34) "Qualifying [illness] condition" means a condition described in Section
 1868 ~~[26-60b-105]~~ 26-61a-104.

1869 (35) "State central fill agent" means an employee of the state central fill medical
 1870 cannabis pharmacy that the department registers in accordance with Section 26-61a-602.

1871 (36) "State central fill medical cannabis pharmacy" means the central fill pharmacy that
 1872 the department creates in accordance with Section 26-61a-601.

1873 (37) "State central fill medical provider" means a physician or pharmacist that the state
 1874 central fill medical cannabis pharmacy employs to consult with medical cannabis cardholders
 1875 in accordance with Section 26-61a-601.

1876 (38) "State central fill shipment" means a shipment of cannabis in a medicinal dosage
 1877 form, cannabis product in a medicinal dosage form, or a medical cannabis device that the state
 1878 central fill medical cannabis pharmacy prepares and ships for distribution to a medical cannabis
 1879 cardholder in a local health department.

1880 ~~[(19)]~~ (39) "State electronic verification system" means the system described in Section
 1881 ~~[26-60b-103]~~ 26-61a-103.

1882 Section 47. Section **26-61a-103**, which is renumbered from Section 26-60b-103 is
 1883 renumbered and amended to read:

1884 ~~[26-60b-103].~~ **26-61a-103. Electronic verification system.**

1885 (1) The Department of Agriculture and Food, the ~~[Department of Health]~~ department,
 1886 the Department of Public Safety, and the Department of Technology Services shall:

1887 (a) enter into a memorandum of understanding in order to determine the function and

1888 operation of ~~[an]~~ the state electronic verification system in accordance with Subsection (2);

1889 (b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah
1890 Procurement Code, to develop a request for proposals for a third-party provider to develop and
1891 maintain ~~[an]~~ the state electronic verification system in coordination with the Department of
1892 Technology Services; and

1893 (c) select a third-party provider ~~[described in]~~ who meets the requirements contained in
1894 the request for proposals issued under Subsection (1)(b).

1895 (2) The Department of Agriculture and Food, the department, the Department of Public
1896 Safety, and the Department of Technology Services shall ensure that, on or before March 1,
1897 2020, the state electronic verification system described in Subsection (1) [shall]:

1898 (a) ~~[allow]~~ allows an individual, with the individual's [physician] qualified medical
1899 provider in the [physician's] qualified medical provider's office, to apply for a medical cannabis
1900 patient card or, if applicable, a medical cannabis guardian card;

1901 (b) allows an individual to apply to renew a medical cannabis patient card or a medical
1902 cannabis guardian card in accordance with Section [26-61a-201](#);

1903 (c) allows a qualified medical provider to:

1904 (i) access dispensing and card status information regarding a patient:

1905 (A) with whom the qualified medical provider has a provider-patient relationship; and

1906 (B) for whom the qualified medical provider has recommended or is considering
1907 recommending a medical cannabis card;

1908 ~~[(b)]~~ (ii) ~~[allow a physician to]~~ electronically recommend, during a visit with a patient,
1909 treatment with cannabis in a medicinal dosage form or a cannabis product in a medicinal
1910 dosage form and optionally recommend dosing parameters;

1911 (iii) electronically renew a recommendation to a medical cannabis patient cardholder or
1912 medical cannabis guardian cardholder:

1913 (A) for the qualified medical provider who originally recommended a medical cannabis
1914 treatment, as that term is defined in Section [26-61a-102](#), using telehealth services; or

1915 (B) for a qualified medical provider who did not originally recommend the medical
1916 cannabis treatment, during a face-to-face visit with a patient; and

1917 (iv) at the request of a medical cannabis cardholder, initiate a state central fill shipment
1918 in accordance with Section [26-61a-603](#);

1919 ~~(e)~~ (d) ~~connect~~ connects with:

1920 (i) an inventory control system ~~[used by a cannabis dispensary]~~ that a medical cannabis
 1921 pharmacy and the state central fill medical cannabis pharmacy use to track~~;~~ in real time~~;~~ and
 1922 ~~[to] archive [for no more than 60 days, purchase history]~~ purchases of any cannabis ~~[or a]~~ in a
 1923 medicinal dosage form, cannabis product ~~[by a]~~ in a medicinal dosage form, or medical
 1924 cannabis ~~[card holder]~~ device, including:

1925 (A) the time and date of ~~[the]~~ each purchase~~;~~;

1926 (B) the quantity and type of cannabis ~~[or]~~, cannabis product, or medical cannabis
 1927 device purchased~~;~~ ~~and~~;

1928 (C) any cannabis production establishment ~~[and cannabis dispensary]~~, any medical
 1929 cannabis pharmacy, or the state central fill medical cannabis pharmacy associated with the
 1930 cannabis ~~[or]~~, cannabis product~~;~~, or medical cannabis device; and

1931 (D) the personally identifiable information of the medical cannabis cardholder who
 1932 made the purchase; and

1933 (ii) any commercially available inventory control system that a cannabis production
 1934 establishment utilizes in accordance with Section 4-41a-103 to use data that the Department of
 1935 Agriculture and Food requires by rule, in accordance with Title 63G, Chapter 3, Utah
 1936 Administrative Rulemaking Act, from the inventory tracking system that a licensee uses to
 1937 track and confirm compliance;

1938 ~~(d)~~ (e) ~~provide~~ provides access to:

1939 (i) ~~the [Department of Health and the Department of Agriculture and Food]~~ department
 1940 to the extent necessary to carry out the [Department of Health's and the Department of
 1941 Agriculture and Food's] department's functions and responsibilities under this chapter ~~[and]~~;

1942 (ii) the Department of Agriculture and Food to the extent necessary to carry out the
 1943 functions and responsibilities of the Department of Agriculture and Food under Title 4, Chapter
 1944 [41b] 41a, Cannabis Production ~~[Establishment;]~~ Establishments; and

1945 (iii) the Division of Occupational and Professional Licensing to the extent necessary to
 1946 carry functions and responsibilities related to the participation of the following in the
 1947 recommendation and dispensing of medical cannabis:

1948 (A) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

1949 (B) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse

1950 Practice Act;

1951 (C) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or

1952 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

1953 (D) a physician assistant licensed under Title 58, Chapter 70a, Physician Assistant Act;

1954 (f) provides access to and interaction with the state central fill medical cannabis

1955 pharmacy, state central fill agents, and local health department distribution agents, to facilitate

1956 the state central fill shipment process;

1957 ~~(e)~~ (g) [provide] provides access to state or local law enforcement;

1958 (i) during a traffic stop for the purpose of determining if the individual subject to the

1959 traffic stop is [complying] in compliance with state medical cannabis law[;]; or

1960 (ii) after obtaining a warrant; and

1961 ~~(f)~~ (h) [create] creates a record each time a person accesses the database that

1962 identifies the person who [accessed] accesses the database and the individual whose records

1963 [are accessed; and] the person accesses.

1964 ~~(g) (9) be operational no later than March 1, 2020.]~~

1965 (3) The ~~[Department of Health]~~ department may release de-identified data ~~[collected~~

1966 ~~by] that the system collects for the purpose of:~~

1967 (a) conducting medical research; and [for]

1968 (b) providing the report required by Section ~~[26-60b-602]~~ [26-61a-703](#).

1969 (4) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah

1970 Administrative Rulemaking Act, to establish:

1971 (a) the limitations on access to the data in the state electronic verification system as

1972 described in this section; and

1973 (b) standards and procedures to ensure accurate identification of an individual

1974 requesting information or receiving information in this section.

1975 (5) (a) Any person who knowingly and intentionally releases any information in the

1976 state electronic verification system in violation of this section is guilty of a third degree felony.

1977 (b) Any person who negligently or recklessly releases any information in the state

1978 electronic verification system in violation of this section is guilty of a class C misdemeanor.

1979 (6) (a) Any person who obtains or attempts to obtain information from the state

1980 electronic verification system by misrepresentation or fraud is guilty of a third degree felony.

1981 (b) Any person who obtains or attempts to obtain information from the state electronic
 1982 verification system for a purpose other than a purpose this chapter authorizes is guilty of a third
 1983 degree felony.

1984 (7) (a) Except as provided in Subsection (7)(e), a person may not knowingly and
 1985 intentionally use, release, publish, or otherwise make available to any other person information
 1986 obtained from the state electronic verification system for any purpose other than a purpose
 1987 specified in this section.

1988 (b) Each separate violation of this Subsection (7) is:

1989 (i) a third degree felony; and

1990 (ii) subject to a civil penalty not to exceed \$5,000.

1991 (c) The department shall determine a civil violation of this Subsection (7) in
 1992 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

1993 (d) Civil penalties assessed under this Subsection (7) shall be deposited into the
 1994 General Fund.

1995 (e) This Subsection (7) does not prohibit a person who obtains information from the
 1996 state electronic verification system under Subsection (2)(a), (c), or (f) from:

1997 (i) including the information in the person's medical chart or file for access by a person
 1998 authorized to review the medical chart or file;

1999 (ii) providing the information to a person in accordance with the requirements of the
 2000 Health Insurance Portability and Accountability Act of 1996; or

2001 (iii) discussing or sharing that information on the patient with the patient.

2002 Section 48. Section **26-61a-104**, which is renumbered from Section 26-60b-105 is
 2003 renumbered and amended to read:

2004 ~~[26-60b-105].~~ **26-61a-104. Qualifying condition.**

2005 (1) By designating a particular condition under Subsection (2) for which the use of
 2006 medical cannabis to treat symptoms is decriminalized, the Legislature does not conclusively
 2007 state that:

2008 (a) current scientific evidence clearly supports the efficacy of a medical cannabis
 2009 treatment for the condition; or

2010 (b) a medical cannabis treatment will treat, cure, or positively affect the condition.

2011 ~~[(+)]~~ (2) For the purposes of this chapter, each of the following conditions [are

2012 ~~considered~~ is a qualifying [illness] condition:

2013 (a) HIV[;] or acquired immune deficiency syndrome ~~[or an autoimmune disorder];~~

2014 (b) Alzheimer's disease;

2015 (c) amyotrophic lateral sclerosis;

2016 (d) cancer[;];

2017 (e) cachexia ~~[; or a condition manifest by physical wasting;];~~

2018 (f) persistent nausea ~~[; or malnutrition associated with chronic disease]~~ that is not

2019 significantly responsive to traditional treatment, except for nausea related to:

2020 (i) pregnancy;

2021 (ii) cannabis-induced cyclical vomiting syndrome; or

2022 (iii) cannabinoid hyperemesis syndrome;

2023 ~~[(e)]~~ (g) Crohn's disease[;] or ulcerative colitis ~~[; or a similar gastrointestinal disorder];~~

2024 ~~[(f)]~~ (h) epilepsy or ~~[a similar condition that causes]~~ debilitating seizures;

2025 ~~[(g)]~~ (i) multiple sclerosis or ~~[a similar condition that causes]~~ persistent and

2026 debilitating muscle spasms;

2027 ~~[(h)]~~ (j) post-traumatic stress disorder[;] that:

2028 (i) has been diagnosed by a healthcare provider or mental health provider employed or

2029 contracted by the United States Veterans Administration, evidenced by copies of medical

2030 records from the Veterans Administration that are included as part of the qualified medical

2031 provider's pre-treatment assessment and medical record documentation; or

2032 (ii) has been diagnosed or confirmed, through face-to-face or telehealth evaluation of

2033 the patient, by a psychiatrist, psychologist, or clinical social worker who:

2034 (A) is licensed;

2035 (B) is board-eligible or board-certified; and

2036 (C) has a doctorate-level degree;

2037 ~~[(i)]~~ (k) autism;

2038 (l) a terminal illness when the patient's remaining life expectancy is less than six

2039 months;

2040 (m) a condition resulting in the individual receiving hospice care;

2041 ~~[(j)]~~ (n) a rare condition or disease that:

2042 (i) affects less than 200,000 ~~[persons]~~ individuals in the United States, as defined in

2043 Section 526 of the Federal Food, Drug, and Cosmetic Act; and

2044 (ii) is not adequately managed despite treatment attempts using:

2045 (A) conventional medications other than opioids or opiates; or

2046 (B) physical interventions;

2047 ~~[(k)]~~ (o) [chronic or debilitating] pain [in an individual, if] lasting longer than two

2048 weeks that is not adequately managed, in the qualified medical provider's opinion, despite

2049 treatment attempts using:

2050 ~~(i) [a physician determines that the individual is at risk of becoming chemically~~

2051 ~~dependent on, or overdosing on, opiate-based pain medication]~~ conventional medications other

2052 than opioids or opiates; or

2053 ~~(ii) [a physician determines that the individual is allergic to opiates or is otherwise~~

2054 ~~medically unable to use opiates.]~~ physical interventions; and

2055 ~~[(2)]~~ (p) [In addition to the conditions described in Subsection (1),] a condition

2056 [approved] that the compassionate use board approves under Section [26-60b-106, in

2057 26-61a-105, on an individual, [on a] case-by-case basis[, is considered a qualifying illness for

2058 the purposes of this chapter].

2059 Section 49. Section **26-61a-105**, which is renumbered from Section 26-60b-106 is

2060 renumbered and amended to read:

2061 ~~[26-60b-106].~~ **26-61a-105. Compassionate use board.**

2062 (1) ~~(a)~~ The department shall establish a ~~[Compassionate Use Board]~~ compassionate use

2063 board consisting of:

2064 ~~[(a)]~~ (i) [five physicians] seven qualified medical providers that the executive director

2065 appoints:

2066 (A) who are knowledgeable about the medicinal use of cannabis [and];

2067 (B) who are physicians licensed under Title 58, Chapter 67, Utah Medical Practice Act,

2068 or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

2069 (C) whom [certified by] the appropriate board certifies in [one of] the [following

2070 specialties:] specialty of neurology, pain medicine and pain management, medical oncology,

2071 psychiatry, infectious disease, internal medicine, pediatrics, [and] or gastroenterology; and

2072 ~~[(b)]~~ (ii) as a nonvoting member and the chair of the board, the executive director [of

2073 the Department of Health] or the director's designee [as a non-voting member].

2074 (b) In appointing the seven qualified medical providers described in Subsection (1)(a),
2075 the executive director shall ensure that at least two have a board certification in pediatrics.

2076 (2) (a) ~~[Two of]~~ Of the members of the board that the executive director first
2077 [appointed] appoints:

2078 (i) three shall serve [for a] an initial term of [three] two years; and [two of]

2079 (ii) the remaining members [of the board first appointed] shall serve [for a] an initial
2080 term of four years.

2081 (b) After ~~[the first members' terms expire, members of the board shall serve for a]~~ an
2082 initial term [of] described in Subsection (2)(a) expires:

2083 (i) each term is four years; and [shall be]

2084 (ii) each board member is eligible for reappointment.

2085 (c) ~~[Any]~~ A member of the board may serve until a successor is appointed.

2086 ~~[(d) The director of the Department of Health or the director's designee shall serve as~~
2087 ~~the chair of the board.]~~

2088 (3) ~~[A]~~ Four members constitute a quorum of the [Compassionate Use Board shall
2089 consist of three members] compassionate use board.

2090 (4) A member of the board may ~~[not]~~ receive:

2091 (a) compensation or benefits for the member's service[~~, but may receive]; and~~

2092 (b) per diem and travel expenses in accordance with Section 63A-3-106, Section
2093 63A-3-107, and rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2094 63A-3-107.

2095 (5) The ~~[Compassionate Use Board]~~ compassionate use board shall:

2096 (a) review and recommend ~~[to the]~~ for department approval [for] an individual
2097 described in Subsection 26-61a-201(2)(a), a minor described in Subsection 26-61a-201(2)(c),
2098 or an individual who is not otherwise qualified to receive a medical cannabis card to obtain a
2099 medical cannabis card for compassionate use if:

2100 (i) for an individual who is not otherwise qualified to receive a medical cannabis card,
2101 the individual's qualified medical provider is actively treating the individual [offers, in the
2102 board's discretion, satisfactory evidence that the individual suffers from a] for an intractable
2103 condition that:

2104 (A) substantially impairs the individual's quality of life [and is intractable]; and

2105 (B) has not, in the qualified medical provider's professional opinion, adequately
2106 responded to conventional treatments;
2107 (ii) the qualified medical provider:
2108 (A) recommends that the individual or minor be allowed to use medical cannabis; and
2109 (B) provides a letter, relevant treatment history, and notes or copies of progress notes
2110 describing relevant treatment history including rationale for considering the use of medical
2111 cannabis; and
2112 [(†)] (iii) the board determines that:
2113 (A) the recommendation of the individual's qualified medical provider is justified; and
2114 (B) based on available information, it [is] may be in the best [interest] interests of the
2115 [patient] individual to allow the[compassionate] use of medical cannabis;
2116 (b) unless no petitions are pending:
2117 (i) meet to receive or review compassionate use petitions at least quarterly[; unless no
2118 petitions are pending, or]; and
2119 (ii) [as often as necessary] if there are more petitions than the board can receive or
2120 review during the board's regular schedule, as often as necessary;
2121 (c) complete a review of each petition and recommend to the department approval or
2122 denial of the applicant for qualification for a medical cannabis card within 90 days [of receipt]
2123 after the day on which the board received the petition; and
2124 (d) report, before November 1 of each year, to the Health and Human Services Interim
2125 Committee[;]:
2126 (i) the number of compassionate use [approvals] recommendations the board issued
2127 during the past year; and
2128 (ii) the types of conditions for which the board approved compassionate use.
2129 (6) (a) (i) The department shall review any compassionate use [approved by] for which
2130 the board recommends approval under [this section] Subsection (5)(c) to determine [if]
2131 whether the board properly exercised the board's discretion under this section.
2132 [(7)] (ii) If the department determines that the board properly [approved an individual
2133 for compassionate use under this section] exercised the board's discretion in recommending
2134 approval under Subsection (5)(c), the department shall:
2135 (A) issue [a] the relevant medical cannabis card[-]; and

2136 (B) provide for the renewal of the medical cannabis card in accordance with the
 2137 recommendation of the qualified medical provider described in Subsection (5)(a).

2138 (b) (i) If the board recommends denial under Subsection (5)(c), the individual seeking
 2139 to obtain a medical cannabis card may petition the department to review the board's decision.

2140 (ii) If the department determines that the board's recommendation for denial under
 2141 Subsection (5)(c) was arbitrary or capricious:

2142 (A) the department shall notify the board of the department's determination; and

2143 (B) the board shall reconsider the board's refusal to recommend approval under this
 2144 section.

2145 (c) In reviewing the board's recommendation for approval or denial under Subsection
 2146 (5)(c) in accordance with this Subsection (6), the department shall presume the board properly
 2147 exercised the board's discretion unless the department determines that the board's
 2148 recommendation was arbitrary or capricious.

2149 ~~[(8)]~~ (7) Any individually identifiable health information contained in a petition
 2150 ~~[received]~~ that the board or department receives under this section ~~[shall be]~~ is a protected
 2151 record in accordance with Title 63G, Chapter 2, Government Records Access and Management
 2152 Act.

2153 ~~[(9)]~~ (8) The ~~[Compassionate Use Board may recommend]~~ compassionate use board
 2154 shall annually report the board's activity to the [Health and Human Services Interim
 2155 Committee:]

2156 ~~[(a) a condition to designate as a qualifying illness under Section 26-60b-105; or]~~

2157 ~~[(b) a condition to remove as a qualifying illness under Section 26-60b-105]~~

2158 Cannabinoid Product Board created in Section 26-61-201.

2159 Section 50. Section **26-61a-106**, which is renumbered from Section 26-60b-107 is
 2160 renumbered and amended to read:

2161 ~~[26-60b-107].~~ **26-61a-106. Qualified medical provider registration --**

2162 **Continuing education -- Treatment recommendation.**

2163 (1) ~~[For the purposes of this chapter, a physician means an]~~ An individual~~[, other than~~
 2164 ~~a veterinarian, who]~~ may not recommend a medical cannabis treatment unless the department
 2165 registers the individual as a qualified medical provider in accordance with this section.

2166 (2) (a) The department shall, within 15 days after the day on which the department

2167 receives an application from an individual, register and issue a qualified medical provider
2168 registration card to the individual if the individual:

2169 (i) provides to the department the individual's name and address;
2170 (ii) provides to the department a report detailing the individual's completion of the
2171 applicable continuing education requirement described in Subsection (3);
2172 (iii) provides to the department evidence that the individual:

2173 (A) has the authority to write a prescription;
2174 (B) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah
2175 Controlled Substances Act; and [who]
2176 (C) possesses the authority, in accordance with the individual's scope of practice, to
2177 prescribe a Schedule II controlled [substances:] substance;
2178 (iv) provides to the department evidence that the individual is:

2179 (A) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
2180 Practice Act;
2181 (B) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
2182 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
2183 (C) a physician assistant licensed under Title 58, Chapter 70a, Physician Assistant Act,
2184 whose declaration of services agreement, as that term is defined in Section [58-70a-102](#),
2185 includes the recommending of medical cannabis, and whose supervising physician is a
2186 qualified medical provider; and

2187 (v) pays the department a fee in an amount that:
2188 (A) the department sets, in accordance with section [63J-1-504](#); and
2189 (B) does not exceed \$300 for an initial registration.

2190 (b) The department may not register an individual as a qualified medical provider if the
2191 individual is:

2192 (i) a pharmacy medical provider or a state central fill medical provider; or
2193 (ii) an owner, officer, director, board member, employee, or agent of a cannabis
2194 cultivation facility or a medical cannabis pharmacy.

2195 (3) (a) An individual shall complete the continuing education described in this
2196 Subsection (3) in the following amounts:

2197 (i) for an individual as a condition precedent to registration, four hours; and

2198 (ii) for a qualified medical provider as a condition precedent to renewal, four hours
2199 every two years.

2200 (b) In accordance with Subsection (3)(a), a qualified medical provider shall:

2201 (i) complete continuing education:

2202 (A) regarding the topics described in Subsection (3)(d); and

2203 (B) offered by the department under Subsection (3)(c) or an accredited or approved
2204 continuing education provider that the department recognizes as offering continuing education
2205 appropriate for the recommendation of cannabis to patients; and

2206 (ii) make a continuing education report to the department in accordance with a process
2207 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah
2208 Administrative Rulemaking Act, and in collaboration with the Division of Occupational and
2209 Professional Licensing and:

2210 (A) for an advanced practice registered nurse licensed under Title 58, Chapter 31b,
2211 Nurse Practice Act, the Board of Nursing;

2212 (B) for a qualified medical provider licensed under Title 58, Chapter 67, Utah Medical
2213 Practice Act, the Physicians Licensing Board;

2214 (C) for a qualified medical provider licensed under Title 58, Chapter 68, Utah
2215 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board;
2216 and

2217 (D) for a physician assistant licensed under Title 58, Chapter 70a, Physician Assistant
2218 Act, the Physician Assistant Licensing Board.

2219 (c) The department may, in consultation with the Division of Occupational and
2220 Professional Licensing, develop the continuing education described in this Subsection (3).

2221 (d) The continuing education described in this Subsection (3) may discuss:

2222 (i) the provisions of this chapter;

2223 (ii) general information about medical cannabis under federal and state law;

2224 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,
2225 including risks and benefits;

2226 (iv) recommendations for medical cannabis as it relates to the continuing care of a
2227 patient in pain management, risk management, potential addiction, or palliative care; and

2228 (v) best practices for recommending the form and dosage of medical cannabis products

2229 based on the qualifying condition underlying a medical cannabis recommendation.

2230 ~~[(2) A physician may recommend cannabis if the physician recommends cannabis to no~~
2231 ~~more than 20% of the physician's patients at any given time.]~~

2232 (4) (a) Except as provided in Subsection (4)(b) or (c), a qualified medical provider may
2233 not recommend a medical cannabis treatment to more than 175 of the qualified medical
2234 provider's patients at the same time, as determined by the number of medical cannabis cards
2235 under the qualified medical provider's name in the state electronic verification system.

2236 ~~[(3)]~~ (b) Except as provided in Subsection (4)(c), [A physician] a qualified medical
2237 provider may recommend a medical cannabis treatment to [greater than 20% of the physician's
2238 patients] up to 300 of the qualified medical provider's patients at any given time, as determined
2239 by the number of medical cannabis cards under the qualified medical provider's name in the
2240 state electronic verification system, if:

2241 (i) the [physician is certified, by the] appropriate American medical board[; in one of
2242 the following specialties:] has certified the qualified medical provider in the specialty of
2243 anesthesiology, gastroenterology, neurology, oncology, pain, hospice and palliative [care,
2244 physiatry] medicine, physical medicine and rehabilitation, rheumatology, or psychiatry[-]; or

2245 (ii) a licensed business employs or contracts the qualified medical provider for the
2246 specific purpose of providing hospice and palliative care.

2247 (c) (i) Notwithstanding Subsection (4)(b), a qualified medical provider described in
2248 Subsection (4)(b) may petition the Division of Occupational and Professional Licensing for
2249 authorization to exceed the limit described in Subsection (4)(b) by graduating increments of
2250 100 patients per authorization, not to exceed three authorizations.

2251 (ii) The Division of Occupational and Professional Licensing shall grant the
2252 authorization described in Subsection (4)(c)(i) if:

2253 (A) the petitioning qualified medical provider pays a \$100 fee;

2254 (B) the division performs a review that includes the qualified medical provider's
2255 medical cannabis recommendation activity in the state electronic verification system, relevant
2256 information related to patient demand, and any patient medical records that the division
2257 determines would assist in the division's review; and

2258 (C) after the review described in this Subsection (4)(c)(ii), the division determines that
2259 granting the authorization would not adversely affect public safety, adversely concentrate the

2260 overall patient population among too few qualified medical providers, or adversely concentrate
2261 the use of medical cannabis among the provider's patients.

2262 ~~[(4)]~~ (5) A ~~[physician]~~ qualified medical provider may recommend medical cannabis to
2263 an individual under this chapter only in the course of a ~~[physician-patient]~~ qualified medical
2264 provider-patient relationship after the ~~[physician]~~ qualifying medical provider has completed
2265 and documented in the patient's medical record a ~~[full]~~ thorough assessment of the patient's
2266 condition and medical history based on the appropriate standard of care for the patient's
2267 condition.

2268 ~~[(5)]~~ (6) (a) Except as provided in Subsection ~~[(5)(b)]~~ (6)(b), a ~~[physician-eligible to~~
2269 ~~recommend cannabis or a cannabis product under this section]~~ qualified medical provider may
2270 not advertise that the ~~[physician]~~ qualified medical provider recommends medical cannabis ~~[or~~
2271 ~~a cannabis product]~~ treatment.

2272 (b) ~~[A physician may advertise via]~~ For purposes of Subsection (6)(a), the
2273 communication of the following, through a website ~~[that displays only]~~ does not constitute
2274 advertising:

2275 (i) a green cross;

2276 ~~[(ii) the location and hours of operation of the physician's office;]~~

2277 ~~[(iii)]~~ (ii) a qualifying ~~[illness]~~ condition that the ~~[physician]~~ qualified medical provider
2278 treats; [and] or

2279 ~~[(iv)]~~ (iii) a scientific study ~~[regarding]~~ medical cannabis use.

2280 (7) (a) A qualified medical provider registration card expires two years after the day on
2281 which the department issues the card.

2282 (b) The department shall renew a qualified medical provider's registration card if the
2283 provider:

2284 (i) applies for renewal;

2285 (ii) is eligible for a qualified medical provider registration card under this section,
2286 including maintaining an unrestricted license as described in Subsection (2)(a)(iii);

2287 (iii) certifies to the department in a renewal application that the information in
2288 Subsection (2)(a) is accurate or updates the information;

2289 (iv) submits a report detailing the completion of the continuing education requirement
2290 described in Subsection (3); and

- 2291 (v) pays the department a fee in an amount that:
 2292 (A) the department sets, in accordance with section [63J-1-504](#); and
 2293 (B) does not exceed \$50 for a registration renewal.
- 2294 (8) The department may revoke the registration of a qualified medical provider who
 2295 fails to maintain compliance with the requirements of this section.
- 2296 (9) A qualified medical provider may not receive any compensation or benefit for the
 2297 qualified medical provider's medical cannabis treatment recommendation from:
- 2298 (a) a cannabis production establishment or an owner, officer, director, board member,
 2299 employee, or agent of a cannabis production establishment;
- 2300 (b) a medical cannabis pharmacy or an owner, officer, director, board member,
 2301 employee, or agent of a medical cannabis pharmacy; or
- 2302 (c) a qualified medical provider or pharmacy medical provider.
- 2303 Section 51. Section **26-61a-107**, which is renumbered from Section 26-60b-108 is
 2304 renumbered and amended to read:
- 2305 **~~[26-60b-108].~~ 26-61a-107. Standard of care -- Physicians and pharmacists**
 2306 **not liable -- No private right of action.**
- 2307 ~~[A physician who recommends treatment with cannabis or a cannabis product to an~~
 2308 ~~individual in accordance with this chapter may not, based on the recommendation, be subject~~
 2309 ~~to]~~
- 2310 (1) An individual described in Subsection (2) is not subject to the following solely for
 2311 violating a federal law or regulation that would otherwise prohibit recommending, prescribing,
 2312 or dispensing medical cannabis, a medical cannabis product, or a cannabis-based drug that the
 2313 United States Food and Drug Administration has not approved:
- 2314 (a) civil ~~liability,~~ or criminal liability~~;~~; or
- 2315 (b) licensure sanctions under Title 58, Chapter 17b, Pharmacy Practice Act, Title 58,
 2316 Chapter 31b, Nurse Practice Act, Title 58, Chapter 67, Utah Medical Practice Act ~~[or],~~ Title
 2317 58, Chapter 68, Utah Osteopathic Medical Practice Act, or Title 58, Chapter 70a, Physician
 2318 Assistant Act.
- 2319 (2) The limitations of liability described in Subsection (1) apply to:
- 2320 (a) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
 2321 Practice Act, a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or

2322 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, or a physician assistant licensed
2323 under Title 58, Chapter 70a, Physician Assistant Act:

2324 (i) (A) whom the department has registered as a qualified medical provider; and

2325 (B) who recommends treatment with cannabis in a medicinal dosage form or a
2326 cannabis product in a medicinal dosage form to a patient in accordance with this chapter; or

2327 (ii) before January 1, 2021, who:

2328 (A) has the authority to write a prescription; and

2329 (B) recommends a medical cannabis treatment to a patient who has a qualifying
2330 condition; and

2331 (b) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act:

2332 (i) whom the department has registered as a pharmacy medical provider or a state
2333 central fill medical provider; and

2334 (ii) who dispenses, in a medical cannabis pharmacy or the state central fill medical
2335 cannabis pharmacy, treatment with cannabis in a medicinal dosage form or a cannabis product
2336 in a medicinal dosage form to a medical cannabis cardholder in accordance with this chapter.

2337 (3) Nothing in this section or chapter reduces or in any way negates the duty of an
2338 individual described in Subsection (2) to use reasonable and ordinary care in the treatment of a
2339 patient:

2340 (a) who may have a qualifying condition; and

2341 (b) (i) for whom the individual described in Subsection (2)(a)(i) or (ii) has
2342 recommended or might consider recommending a treatment with cannabis or a cannabis
2343 product; or

2344 (ii) with whom the pharmacist described in Subsection (2)(b) has interacted in the
2345 dosing or dispensing of cannabis or a cannabis product.

2346 Section 52. Section **26-61a-108** is enacted to read:

2347 **26-61a-108. Agreement with a tribe.**

2348 (1) As used in this section, "tribe" means a federally recognized Indian tribe or Indian
2349 band.

2350 (2) (a) In accordance with this section, the governor may enter into an agreement with a
2351 tribe to allow for the operation of a medical cannabis pharmacy on tribal land located within
2352 the state.

2353 (b) An agreement described in Subsection (2)(a) may not exempt any person from the
 2354 requirements of this chapter.

2355 (c) The governor shall ensure that an agreement described in Subsection (2)(a):

2356 (i) is in writing;

2357 (ii) is signed by:

2358 (A) the governor; and

2359 (B) the governing body of the tribe that the tribe designates and has the authority to
 2360 bind the tribe to the terms of the agreement;

2361 (iii) states the effective date of the agreement;

2362 (iv) provides that the governor shall renegotiate the agreement if the agreement is or
 2363 becomes inconsistent with a state statute; and

2364 (v) includes any accommodation that the tribe makes:

2365 (A) to which the tribe agrees; and

2366 (B) that is reasonably related to the agreement.

2367 (d) Before executing an agreement under this Subsection (2), the governor shall consult
 2368 with the department.

2369 (e) At least 30 days before the execution of an agreement described in this Subsection
 2370 (2), the governor or the governor's designee shall provide a copy of the agreement in the form
 2371 in which the agreement will be executed to:

2372 (i) the chairs of the Native American Legislative Liaison Committee; and

2373 (ii) the Office of Legislative Research and General Counsel.

2374 Section 53. Section **26-61a-109**, which is renumbered from Section 26-60b-109 is
 2375 renumbered and amended to read:

2376 ~~[26-60b-109].~~ **26-61a-109. Qualified Patient Enterprise Fund -- Creation --**
 2377 **Revenue neutrality.**

2378 (1) There is created [~~in the General Fund a restricted account~~] an enterprise fund
 2379 known as the [~~"Medical Cannabis Restricted Account."~~] "Qualified Patient Enterprise Fund."

2380 (2) The [~~account~~] fund created in this section is funded from:

2381 [~~(a) money deposited into the account by the Department of Agriculture and Food~~
 2382 ~~under Title 4, Chapter 41b, Cannabis Production Establishments;]~~

2383 [~~(b)~~] (a) money [deposited] the department deposits into the [account by the

2384 ~~department]~~ fund under this chapter;

2385 ~~[(e)]~~ (b) appropriations ~~[made]~~ the Legislature makes to the ~~[account by the~~

2386 ~~Legislature]~~ fund; and

2387 ~~[(d)]~~ (c) the interest described in Subsection (3).

2388 (3) Interest earned on the ~~[account is]~~ fund shall be deposited [in] into the [account]
2389 fund.

2390 (4) ~~[Money]~~ The department may only use money in the [account may only be used]
2391 fund to fund the [state medical cannabis program, including Title 26, Chapter 60b, Medical
2392 Cannabis Act and Title 4, Chapter 41b, Cannabis Production Establishments] department's
2393 responsibilities under this chapter, except for the responsibilities described in Subsection
2394 26-61a-110(4).

2395 (5) The department shall set fees authorized under this chapter in amounts that the
2396 department anticipates are necessary, in total, to cover the department's cost to implement this
2397 chapter.

2398 Section 54. Section **26-61a-110** is enacted to read:

2399 **26-61a-110. Qualified Distribution Enterprise Fund -- Creation.**

2400 (1) There is created an enterprise fund known as the "Qualified Distribution Enterprise
2401 Fund."

2402 (2) The fund created in this section is funded from:

2403 (a) money the department deposits into the fund from the operation of the state central
2404 fill medical cannabis pharmacy under this chapter;

2405 (b) appropriations the Legislature makes to the fund; and

2406 (c) the interest described in Subsection (3).

2407 (3) Interest earned on the fund shall be deposited into the fund.

2408 (4) The department may only use money in the fund to fund the operation of the state
2409 central fill medical cannabis pharmacy.

2410 Section 55. Section **26-61a-111**, which is renumbered from Section 26-60b-110 is
2411 renumbered and amended to read:

2412 ~~[26-60b-110].~~ **26-61a-111. Nondiscrimination for medical care or**
2413 **government employment.**

2414 (1) For purposes of medical care, including an organ [and] or tissue [transplants, the

2415 ~~use of cannabis by a patient who holds] transplant, a [medical cannabis card] patient's use, in~~
2416 ~~accordance with this chapter, of cannabis in a medicinal dosage form or a cannabis product in a~~
2417 ~~medicinal dosage form:~~

2418 (a) is considered the equivalent of the authorized use of any other medication used at
2419 the discretion of a physician; and

2420 (b) does not constitute the use of an illicit substance or otherwise disqualify an
2421 individual from needed medical care.

2422 ~~[(2) No landlord may refuse to lease to and may not otherwise penalize a person solely~~
2423 ~~for the person's status as a medical cannabis card holder, unless failing to do so would cause~~
2424 ~~the landlord to lose a monetary or licensing-related benefit under federal law.]~~

2425 (2) (a) Notwithstanding any other provision of law and except as provided in
2426 Subsection (2)(b), the state or any political subdivision shall treat an employee's use of medical
2427 cannabis in accordance with this chapter or Section [58-37-3.7](#) in the same way the state or
2428 political subdivision treats employee use of opioids and opiates.

2429 (b) Subsection (2)(a) does not apply where application would jeopardize federal
2430 funding for the employee's position.

2431 Section 56. Section **26-61a-112** is enacted to read:

2432 **26-61a-112. No insurance requirement.**

2433 Nothing in this chapter requires an insurer, a third-party administrator, or an employer
2434 to pay or reimburse for cannabis, a cannabis product, or a medical cannabis device.

2435 Section 57. Section **26-61a-113** is enacted to read:

2436 **26-61a-113. No effect on use of hemp extract -- Cannabidiol -- Approved drugs.**

2437 (1) Nothing in this chapter prohibits an individual:

2438 (a) with a valid hemp extract registration card that the department issues under Section
2439 [26-56-103](#) from possessing, administering, or using hemp extract in accordance with Section
2440 [58-37-4.3](#); or

2441 (b) from purchasing, selling, possessing, or using a cannabidiol product in accordance
2442 with Section [4-41-402](#).

2443 (2) Nothing in this chapter restricts or otherwise affects the prescription, distribution,
2444 or dispensing of a product that the United States Food and Drug Administration has approved.

2445 Section 58. Section **26-61a-114** is enacted to read:

2446 **26-61a-114. Severability clause.**

2447 (1) If any provision of this title or this bill or the application of any provision of this
2448 title or this bill to any person or circumstance is held invalid by a final decision of a court of
2449 competent jurisdiction, the remaining provisions of this title and this bill remain effective
2450 without the invalidated provision or application.

2451 (2) The provisions of this title and this bill are severable.

2452 Section 59. Section **26-61a-201**, which is renumbered from Section 26-60b-201 is
2453 renumbered and amended to read:

2454 **Part 2. Medical Cannabis Card Registration.**

2455 ~~[26-60b-201].~~ **26-61a-201. Medical cannabis patient card -- Medical**
2456 **cannabis guardian card application -- Fees -- Studies.**

2457 (1) ~~[The Department of Health shall, no later than]~~ On or before March 1, 2020, ~~[and]~~
2458 the department shall, within 15 days after ~~[an individual]~~ the day on which an individual who
2459 satisfies the eligibility criteria in this section or Section [26-61a-202](#) submits an application in
2460 [compliance] accordance with this section[;] or Section [26-61a-202](#):

2461 (a) issue a medical cannabis patient card to an individual [who complies with this
2462 section.] described in Subsection (2)(a);

2463 (b) issue a medical cannabis guardian card to an individual described in Subsection
2464 (2)(b);

2465 (c) issue a provisional patient card to a minor described in Subsection (2)(c); and

2466 (d) issue a medical cannabis caregiver card to an individual described in Subsection
2467 [26-61a-202](#)(4).

2468 (2) (a) An individual is eligible for a medical cannabis patient card if:

2469 ~~[(a)]~~ (i) (A) the individual is at least [18] 21 years old[;]; or

2470 (B) the individual is 18, 19, or 20 years old, the individual petitions the compassionate
2471 use board under Section [26-61a-105](#), and the compassionate use board recommends department
2472 approval of the petition;

2473 (ii) the individual is a Utah resident[; and treatment with medical cannabis has been
2474 recommended by];

2475 (iii) the individual's [physician under] qualified medical provider recommends
2476 treatment with medical cannabis in accordance with Subsection (4); [or]

2477 (iv) the individual signs an acknowledgment stating that the individual received the
2478 information described in Subsection (8); and

2479 (v) the individual pays to the department a fee in an amount that, subject to Subsection
2480 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

2481 (b) (i) [~~the individual~~] An individual is eligible for a medical cannabis guardian card if
2482 the individual:

2483 (A) is at least 18 years old;

2484 (B) is a Utah resident;

2485 (C) is the parent or legal guardian of a minor[~~the individual is at least 18 years old;~~
2486 ~~the individual is a Utah resident, and treatment with~~] for whom the minor's qualified medical
2487 provider recommends a medical cannabis [~~has been recommended by the minor's physician~~
2488 ~~under Subsection (4)] treatment, the individual petitions the compassionate use board under~~
2489 Section 26-61a-105, and the compassionate use board recommends department approval of the
2490 petition;

2491 (D) the individual signs an acknowledgment stating that the individual received the
2492 information described in Subsection (8);

2493 (E) pays to the department a fee in an amount that, subject to Subsection
2494 26-61a-109(5), the department sets in accordance with Section 63J-1-504, plus the cost of the
2495 criminal background check described in Section 26-61a-203; and

2496 (F) the individual has not been convicted of a misdemeanor or felony drug distribution
2497 offense under either state or federal law, unless the individual completed any imposed sentence
2498 six months or more before the day on which the individual applies for a medical cannabis
2499 guardian card.

2500 (ii) The department shall notify the Department of Public Safety of each individual that
2501 the department registers for a medical cannabis guardian card.

2502 (c) (i) A minor is eligible for a provisional patient card if:

2503 (A) the minor has a qualifying condition;

2504 (B) the minor's qualified medical provider recommends a medical cannabis treatment
2505 to address the minor's qualifying condition;

2506 (C) the minor's parent or legal guardian petitions the compassionate use board under
2507 Section 26-61a-105, and the compassionate use board recommends department approval of the

2508 petition; and

2509 (D) the minor's parent or legal guardian is eligible for a medical cannabis guardian card
2510 under Subsection (2)(b).

2511 (ii) The department shall automatically issue a provisional patient card to the minor
2512 described in Subsection (2)(c)(i) at the same time the department issues a medical cannabis
2513 guardian card to the minor's parent or legal guardian.

2514 (3) (a) An individual who is eligible for a medical cannabis card [~~under~~] described in
2515 Subsection [(2)] (2)(a) or (b) shall submit an application for a medical cannabis card to the
2516 department [via]:

2517 (i) through an electronic application connected to the state electronic verification
2518 system[.];

2519 (ii) with the recommending [physician] qualified medical provider while in the
2520 recommending [physician's] qualified medical provider's office[.]; and [that includes]

2521 (iii) with information including:

2522 (A) the [individual's] applicant's name, gender, age, and address[.];

2523 (B) the number of the applicant's valid form of identification that is a valid United
2524 States federal- or state-issued photo identification, including a driver license, a United States
2525 passport, a United States passport card, or a United States military identification card;

2526 (C) for a medical cannabis guardian card, the name, gender, and age of the minor
2527 receiving a medical cannabis treatment under the cardholder's medical cannabis guardian card;

2528 and

2529 (D) for a provisional patient card, the name of the minor's parent or legal guardian who
2530 holds the associated medical cannabis guardian card.

2531 (b) The department shall ensure that a medical cannabis card the department issues
2532 under this section contains the information described in Subsection (3)(a)(iii).

2533 (c) (i) If a qualified medical provider determines that, because of age, illness, or
2534 disability, a medical cannabis patient cardholder requires assistance in administering the
2535 medical cannabis treatment that the qualified medical provider recommends, the qualified
2536 medical provider may indicate the cardholder's need in the state electronic verification system.

2537 (ii) If a qualified medical provider makes the indication described in Subsection
2538 (3)(c)(i):

2539 (A) the department shall add a label to the relevant medical cannabis patient card
2540 indicating the cardholder's need for assistance; and

2541 (B) any adult who is 21 years old or older and who is physically present with the
2542 cardholder at the time the cardholder needs to use the recommended medical cannabis
2543 treatment may handle the medical cannabis treatment and any associated medical cannabis
2544 device as needed to assist the cardholder in administering the recommended medical cannabis
2545 treatment, including in the event of an emergency medical condition under Subsection
2546 [26-61a-204\(2\)](#).

2547 (iii) A non-cardholding individual acting under Subsection (3)(c)(ii)(B) may not:

2548 (A) ingest or inhale medical cannabis;

2549 (B) possess, transport, or handle medical cannabis or a medical cannabis device outside
2550 of the immediate area where the cardholder is present or with an intent other than to provide
2551 assistance to the cardholder; or

2552 (C) possess, transport, or handle medical cannabis or a medical cannabis device when
2553 the cardholder is not in the process of being dosed with medical cannabis.

2554 (4) [~~A physician who recommends treatment with~~] ~~To recommend~~ a medical cannabis
2555 treatment to [~~an individual or minor~~] a patient or to renew a recommendation, a qualified
2556 medical provider shall:

2557 (a) before recommending cannabis in a medicinal dosage form or a cannabis product in
2558 a medicinal dosage form:

2559 (i) verify the patient's and, for a minor patient, the minor patient's parent or legal
2560 guardian's valid form of identification described in Subsection (3)(a);

2561 (ii) review any record related to the patient and, for a minor patient, the patient's parent
2562 or legal guardian in:

2563 (A) the state electronic verification system; and

2564 (B) the controlled substance database created in Section [58-37f-201](#); and

2565 (iii) consider the recommendation in light of the patient's qualifying condition and
2566 history of medical cannabis and controlled substance use; and

2567 [~~(a)~~] (b) state in the [~~physician's~~] qualified medical provider's recommendation that the
2568 [~~individual~~] patient:

2569 (i) suffers from a qualifying [~~illness~~] condition, including the type of qualifying

2570 ~~[illness,] condition; and ~~[that the individual]~~~~

2571 (ii) may benefit from treatment with cannabis in a medicinal dosage form or a cannabis
2572 product in a medicinal dosage form.~~;~~ ~~and]~~

2573 ~~[(b) before recommending cannabis or a cannabis product, look up the individual in the~~
2574 ~~controlled substance database created in Section 58-37f-201.]~~

2575 (5) (a) ~~[A]~~ Except as provided in Subsection (5)(b), a medical cannabis card [issued
2576 by] that the department issues under this section is valid for the lesser of:

2577 (i) an amount of time ~~[determined by]~~ that the ~~[physician]~~ qualified medical provider
2578 determines; or

2579 (ii) (A) for the first issuance, 30 days; or

2580 (B) for a renewal, six months.

2581 (b) (i) A medical cannabis card that the department issues in relation to a terminal
2582 illness described in Section 26-61a-104 does not expire.

2583 (ii) The recommending qualified medical provider may revoke a recommendation that
2584 the provider made in relation to a terminal illness described in Section 26-61a-104 if the
2585 medical cannabis cardholder no longer has the terminal illness.

2586 (6) (a) A medical cannabis patient card or a medical cannabis guardian card is
2587 renewable if:

2588 (i) at the time of renewal, the cardholder meets the requirements of Subsection (2)(a) or
2589 (b); or

2590 (ii) the cardholder received the medical cannabis card through the recommendation of
2591 the compassionate use board under Section 26-61a-105.

2592 (b) A cardholder described in Subsection (6)(a) may renew the cardholder's card:

2593 (i) using the application process described in Subsection (3); or

2594 (ii) through phone or video conference with the qualified medical provider who made
2595 the recommendation underlying the card, at the qualifying medical provider's discretion.

2596 (c) A cardholder under Subsection (2)(a) or (b) who renews the cardholder's card shall
2597 pay to the department a renewal fee in an amount that:

2598 (i) subject to Subsection 26-61a-109(5), the department sets in accordance with Section
2599 63J-1-504; and

2600 (ii) may not exceed the cost of the relatively lower administrative burden of renewal in

2601 comparison to the original application process.

2602 (d) If a minor meets the requirements of Subsection (2)(c), the minor's provisional
 2603 patient card renews automatically at the time the minor's parent or legal guardian renews the
 2604 parent or legal guardian's associated medical cannabis guardian card.

2605 (e) The department may revoke a medical cannabis guardian card if the cardholder
 2606 under Subsection (2)(b) is convicted of a misdemeanor or felony drug distribution offense
 2607 under either state or federal law.

2608 ~~[(6)]~~ (7) (a) [An individual who has been issued a medical cannabis card] A cardholder
 2609 under this section [may: (a)] shall carry [a] the cardholder's valid medical cannabis card with
 2610 the patient's name[;].

2611 (b) (i) A medical cannabis patient cardholder or a provisional patient cardholder may
 2612 purchase, in accordance with this chapter and the recommendation underlying the card,
 2613 cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a
 2614 medical cannabis device.

2615 (ii) A cardholder under this section may possess[; and] or transport, in accordance with
 2616 this chapter and the recommendation underlying the card, cannabis in a medicinal dosage form,
 2617 a cannabis product in a medicinal dosage form, or a medical cannabis device[;].

2618 ~~[(c)]~~ (iii) [use or assist with the use of medical cannabis or medical cannabis products
 2619 to treat] To address the qualifying [illness or symptoms associated with the qualifying illness of
 2620 the person for whom medical cannabis has been recommended] condition underlying the
 2621 medical cannabis treatment recommendation:

2622 (A) a medical cannabis patient cardholder or a provisional patient cardholder may use
 2623 cannabis in a medicinal dosage form, a medical cannabis product in a medicinal dosage form,
 2624 or a medical cannabis device; and

2625 (B) a medical cannabis guardian cardholder may assist the associated provisional
 2626 patient cardholder with the use of cannabis in a medicinal dosage form, a medical cannabis
 2627 product in a medicinal dosage form, or a medical cannabis device.

2628 ~~[(d)]~~ (c) If neither a licensed medical cannabis pharmacy nor the state central fill
 2629 medical cannabis pharmacy is operating within the state after January 1, 2021[; if a licensed
 2630 cannabis dispensary is not operating within 100 miles of the medical cannabis card holder's
 2631 primary residence, grow up to six cannabis plants for personal medical use within an enclosed

2632 ~~and locked space and not within view from a public place and that is not within 600 feet of a~~
2633 ~~community location or within 300 feet of an area zoned exclusively for residential use, as~~
2634 ~~measured from the nearest entrance to the space and following the shortest route or ordinary~~
2635 ~~pedestrian travel to the property boundary of the community location or residential area.] a~~
2636 cardholder under this section is not subject to prosecution for the possession of:

2637 (i) no more than 113 grams of marijuana in a medicinal dosage form;
2638 (ii) an amount of cannabis product in a medicinal dosage form that contains no more
2639 than 20 grams of tetrahydrocannabinol; or

2640 (iii) marijuana drug paraphernalia.

2641 (8) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
2642 Utah Administrative Rulemaking Act, a process to provide information regarding the following
2643 to an individual receiving a medical cannabis card:

2644 (a) risks associated with medical cannabis treatment;

2645 (b) the fact that a condition's listing as a qualifying condition does not suggest that
2646 medical cannabis treatment is an effective treatment or cure for that condition, as described in
2647 Subsection [26-61a-104](#)(1); and

2648 (c) other relevant warnings and safety information that the department determines.

2649 ~~[(7)]~~ (9) The department may establish procedures[;] by rule, in accordance with Title
2650 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the [medical cannabis
2651 card] application and issuance provisions of this section.

2652 ~~[(8)]~~ (10) (a) A person may submit, to the department[;] a request to conduct a medical
2653 research study using medical cannabis cardholder data [contained in] that the state electronic
2654 verification system contains.

2655 (b) The department shall review a request [submitted under] described in Subsection
2656 ~~[(8)(a)]~~ (10)(a) to determine [if] whether the medical research study is valid.

2657 (c) If the department [determines] makes a determination under Subsection (10)(b) that
2658 the medical research study is valid [under Subsection ~~(8)(b)~~], the department shall notify [a]
2659 each relevant [medical cannabis] cardholder asking for the [medical cannabis] cardholder's
2660 [participation] consent to participate in the study.

2661 (d) The department may release, for the purposes of a study described in this
2662 Subsection (10), information about a [medical cannabis] cardholder under this section who

2663 consents to ~~[participation]~~ participate under Subsection ~~[(8)(e)]~~ (10)(c).

2664 (e) The department may establish standards for a medical research study's validity, by
2665 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2666 Section 60. Section **26-61a-202**, which is renumbered from Section 26-60b-202 is
2667 renumbered and amended to read:

2668 ~~[26-60b-202]~~. **26-61a-202. Medical cannabis caregiver card -- Registration**
2669 **-- Renewal -- Revocation.**

2670 (1) ~~[An individual]~~ A cardholder described in Section 26-61a-201 may designate up to
2671 two individuals to serve as a designated ~~[caregivers]~~ caregiver for the ~~[individual]~~ cardholder
2672 if[:]

2673 ~~[(a) the individual has a valid medical cannabis card under Section 26-60b-201; and]~~

2674 ~~[(b) a physician]~~ a qualified medical provider determines that, due to physical difficulty
2675 or undue hardship, the ~~[individual]~~ cardholder needs assistance to obtain the medical cannabis
2676 ~~[or a cannabis product from a cannabis dispensary]~~ treatment that the qualified medical
2677 provider recommends.

2678 (2) An individual ~~[registered]~~ that the department registers as a designated caregiver
2679 under this section:

2680 (a) may[:(a)] carry a valid medical cannabis caregiver card ~~[with the designating~~
2681 ~~patient's name and the designated caregiver's name];~~

2682 (b) ~~[purchase, possess, and transport,]~~ in accordance with this chapter, may purchase,
2683 possess, transport, or assist the patient in the use of cannabis in a medicinal dosage form, a
2684 cannabis product in a medicinal dosage form, or a medical cannabis device on behalf of the
2685 designating ~~[patient]~~ medical cannabis cardholder;

2686 (c) may not charge a fee to an individual to act as the individual's designated caregiver
2687 or for a service that the designated caregiver provides in relation to the role as a designated
2688 caregiver;

2689 ~~[(e)]~~ (d) may accept reimbursement from the designating ~~[patient]~~ medical cannabis
2690 cardholder for direct costs ~~[incurred by]~~ the designated caregiver incurs for assisting with the
2691 designating ~~[patient's]~~ cardholder's medicinal use of cannabis; and

2692 ~~[(d)]~~ (e) ~~[after January 1, 2021,]~~ if neither a licensed medical cannabis ~~[dispensary]~~
2693 pharmacy nor the state central fill medical cannabis pharmacy is ~~[not]~~ operating within ~~[100]~~

2694 ~~miles of the designating patient's primary residence, assist the designating patient with growing~~
2695 ~~up to six cannabis plants for personal medicinal use within an enclosed and locked space and~~
2696 ~~not within view from a public place and that is not within 600 feet of a community location or~~
2697 ~~within 300 feet of an area zoned exclusively for residential use, as measured from the nearest~~
2698 ~~entrance to the space and following the shortest route or ordinary pedestrian travel to the~~
2699 ~~property boundary of the community location or residential area.] the state after January 1,~~
2700 2021, is not subject to prosecution for the possession of:

2701 (i) no more than 113 grams of marijuana in a medicinal dosage form;
2702 (ii) an amount of cannabis product in a medicinal dosage form that contains no more
2703 than 20 grams of tetrahydrocannabinol; or

2704 (iii) marijuana drug paraphernalia.

2705 (3) (a) The department shall[;]:

2706 (i) within [30] 15 days after the day on which an individual submits an application in
2707 compliance with this section, issue a medical cannabis card to [an individual designated as a
2708 caregiver under Subsection (1) and who complies with this section.] the applicant if the
2709 applicant:

2710 (A) is designated as a caregiver under Subsection (1);

2711 (B) is eligible for a medical cannabis caregiver card under Subsection (4); and

2712 (C) complies with this section; and

2713 (ii) notify the Department of Public Safety of each individual that the department
2714 registers as a designated caregiver.

2715 (b) The department shall ensure that a medical cannabis caregiver card contains the
2716 information described in Subsection (5)(b).

2717 (4) An individual is eligible for a medical cannabis [~~card as a designated~~] caregiver
2718 card if the individual:

2719 (a) is at least [~~18~~] 21 years old;

2720 (b) is a Utah resident;

2721 (c) pays[;] to the department[;] a fee [~~established by~~] in an amount that, subject to
2722 Subsection 26-61a-109(5), the department sets in accordance with Section 63J-1-504, plus the
2723 cost of [a] the criminal background check [required by] described in Section [26-60b-203; and]
2724 26-61a-203;

2725 (d) signs an acknowledgment stating that the applicant received the information
2726 described in Subsection 26-61a-201(8); and

2727 ~~[(d)]~~ (e) has not been convicted of [an] a misdemeanor or felony drug distribution
2728 offense that is a felony under either state or federal law, unless the individual completes any
2729 imposed sentence [imposed was completed seven] two or more years [earlier] before the day on
2730 which the individual submits the application.

2731 (5) An ~~[individual who is]~~ eligible applicant for a medical cannabis caregiver card~~[as a~~
2732 ~~designated caregiver]~~ shall:

2733 (a) submit an application for a medical cannabis caregiver card to the department ~~[via]~~
2734 through an electronic application connected to the state electronic verification system; and
2735 ~~[shall include the individual's]~~

2736 (b) submit the following information in the application described in Subsection (5)(a):

2737 (i) the applicant's name, gender, age, and address [and];

2738 (ii) the name, gender, age, and address of the [patient that] cardholder described in
2739 Section 26-61a-201 who designated the [individual under Subsection (1).] applicant; and

2740 (iii) if a medical cannabis guardian cardholder designated the caregiver, the name,
2741 gender, and age of the minor receiving a medical cannabis treatment in relation to the medical
2742 cannabis guardian cardholder.

2743 (6) ~~[A]~~ Except as provided in Subsection (6)(b), a medical cannabis caregiver card
2744 [issued by] that the department issues under this section is valid for the lesser of:

2745 (a) an amount of time [determined by the physician, by the patient, or 6 months.] that
2746 the cardholder described in Section 26-61a-201 who designated the caregiver determines; or

2747 (b) the amount of time remaining before the card of the cardholder described in Section
2748 26-61a-201 expires.

2749 (7) ~~[A medical cannabis card is renewable for a designated caregiver if, at the time of~~
2750 ~~renewal:]~~

2751 ~~[(a) the individual with a medical cannabis card described in Subsection (1) renews the~~
2752 ~~caregiver's designation; and]~~

2753 ~~[(b) the]~~

2754 (a) If a designated caregiver meets the requirements of Subsection (4)[-], the designated
2755 caregiver's medical cannabis caregiver card renews automatically at the time the cardholder

2756 described in Section 26-61a-201 who designated the caregiver:

2757 (i) renews the cardholder's card; and

2758 (ii) renews the caregiver's designation, in accordance with Subsection (7)(b).

2759 (b) The department shall provide a method in the card renewal process to allow a

2760 cardholder described in Section 26-61a-201 who has designated a caregiver to:

2761 (i) signify that the cardholder renews the caregiver's designation;

2762 (ii) remove a caregiver's designation; or

2763 (iii) designate a new caregiver.

2764 ~~[(8) A designated caregiver may not charge an individual a fee to act as the individual's~~
2765 ~~designated caregiver or for services provided.]~~

2766 ~~[(9)] (8) The [Department of Health] department may revoke a [designated caregiver's]~~
2767 ~~medical cannabis caregiver card if the [individual] designated caregiver:~~

2768 (a) violates this chapter; or

2769 (b) is convicted ~~[of an offense that is a felony]~~ under ~~[either]~~ state or federal law of:

2770 (i) a felony; or

2771 (ii) after the effective date of this bill, a misdemeanor for drug distribution.

2772 Section 61. Section **26-61a-203**, which is renumbered from Section 26-60b-203 is
2773 renumbered and amended to read:

2774 ~~[26-60b-203].~~ **26-61a-203. Designated caregiver -- Guardian -- Criminal**
2775 **background check.**

2776 (1) ~~[An individual registered as a designated caregiver]~~ Each applicant for a medical
2777 cannabis guardian card under Section [26-60b-202] 26-61a-201 or a medical cannabis
2778 caregiver card under Section 26-61a-202 shall:

2779 (a) submit [to a criminal background check in accordance with Subsection (2).(2) Each
2780 designated caregiver shall] to the department, at the time of application:

2781 ~~[(a)] (i) [submit, to the department,]~~ a fingerprint card in a form acceptable to the

2782 ~~[department and the]~~ Department of Public Safety; and

2783 (ii) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the

2784 registration of the applicant's fingerprints in the Federal Bureau of Investigation Next

2785 Generation Identification System's Rap Back Service; and

2786 (b) consent to a fingerprint background check by:

2787 (i) the ~~[Utah]~~ Bureau of Criminal Identification; and

2788 (ii) the Federal Bureau of Investigation.

2789 ~~[(3)]~~ (2) The ~~[Department of Public Safety]~~ Bureau of Criminal Identification shall:

2790 (a) ~~[complete a Federal Bureau of Investigation Criminal Background Check for each~~
2791 ~~designated caregiver]~~ check the fingerprints the applicant submits under Subsection ~~[(2) and]~~
2792 (1)(a) against the applicable state, regional, and national criminal records databases, including
2793 the Federal Bureau of Investigation Next Generation Identification System;

2794 (b) report the results of the background check to the department[-];

2795 (c) maintain a separate file of fingerprints that applicants submit under Subsection
2796 (1)(a) for search by future submissions to the local and regional criminal records databases,
2797 including latent prints;

2798 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next
2799 Generation Identification System's Rap Back Service for search by future submissions to
2800 national criminal records databases, including the Next Generation Identification System and
2801 latent prints; and

2802 (e) establish a privacy risk mitigation strategy to ensure that the department only
2803 receives notifications for an individual with whom the department maintains an authorizing
2804 relationship.

2805 (3) The department shall:

2806 (a) assess an applicant who submits fingerprints under Subsection (1)(a) a fee in an
2807 amount that the department sets in accordance with Section [63J-1-504](#) for the services that the
2808 Bureau of Criminal Identification or another authorized agency provides under this section; and

2809 (b) remit the fee described in Subsection (3)(a) to the Bureau of Criminal
2810 Identification.

2811 Section 62. Section **26-61a-204**, which is renumbered from Section 26-60b-204 is
2812 renumbered and amended to read:

2813 ~~[26-60b-204].~~ **26-61a-204. Medical cannabis card -- Patient and designated**
2814 **caregiver requirements -- Rebuttable presumption.**

2815 (1) (a) ~~[An individual who has a]~~ A medical cannabis ~~[card and]~~ cardholder who
2816 possesses cannabis in a medicinal dosage form or a cannabis product ~~[outside of]~~ in a
2817 medicinal dosage form that the ~~[individual's residence]~~ cardholder purchased under this chapter

2818 shall:

2819 ~~[(a)] (i) carry~~~~[, with the individual]~~ at all times~~;~~ the ~~[individual's]~~ cardholder's
2820 medical cannabis card;

2821 ~~[(b)] (ii) carry, with the cannabis~~ in a medicinal dosage form or cannabis product in a
2822 medicinal dosage form, a label that identifies that the cannabis or cannabis product:

2823 (A) was ~~[originally]~~ sold from a licensed medical cannabis ~~[dispensary and]~~ pharmacy
2824 or the state central fill medical cannabis pharmacy; and

2825 (B) includes an identification number that links the cannabis or cannabis product to the
2826 inventory control system; and

2827 ~~[(c)] (iii) possess not more than~~ ~~[four ounces];~~

2828 (A) 113 grams of unprocessed cannabis; or

2829 (B) an amount of cannabis product that contains 20 ~~[or fewer]~~ grams of total composite
2830 tetrahydrocannabinol ~~[or cannabidiol].~~

2831 (b) A medical cannabis cardholder who possesses cannabis in a medicinal dosage form
2832 or a cannabis product in a medicinal dosage form in violation of Subsection (1)(a) is:

2833 (i) guilty of an infraction; and

2834 (ii) subject to a \$100 fine.

2835 (c) A medical cannabis cardholder who possesses between 113 and 226 grams of
2836 unprocessed cannabis or a total amount of cannabis product that contains between 20 and 40
2837 grams of total composite tetrahydrocannabinol is:

2838 (i) guilty of a class B misdemeanor; and

2839 (ii) subject to a fine of \$1,000.

2840 (d) An individual who is guilty of a violation described in Subsection (1)(b) or (c) is
2841 not guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the
2842 conduct underlying the penalty described in Subsection (1)(b) or (c).

2843 (e) A medical cannabis cardholder who possesses more than 226 grams of unprocessed
2844 cannabis or a total amount of cannabis product that contains more than 40 grams of total
2845 composite tetrahydrocannabinol is subject to the penalties described in Title 58, Chapter 37,
2846 Utah Controlled Substances Act.

2847 (2) (a) As used in this Subsection (2), "emergency medical condition" means the same
2848 as that term is defined in Section [31A-22-627](#).

2849 ~~[(a)]~~ (b) Except as described in Subsection ~~[(2)(b), an individual who has]~~ (2)(c), a
2850 medical cannabis ~~[card]~~ patient cardholder or a provisional patient cardholder may not use, in
2851 public view, cannabis or a cannabis product ~~[in public view]~~.

2852 ~~[(b)]~~ (c) ~~[An]~~ In the event of an emergency medical condition, an individual described
2853 in Subsection (2)(b) may use [cannabis or a cannabis product], and the holder of a medical
2854 cannabis guardian card or a medical cannabis caregiver card may administer to the cardholder's
2855 charge, in public view [in the event of a medical emergency], cannabis in a medicinal dosage
2856 form or a cannabis product in a medicinal dosage form.

2857 (3) If ~~[an individual]~~ a medical cannabis cardholder carrying the cardholder's card
2858 possesses cannabis in a medicinal dosage form or a cannabis product in compliance with
2859 Subsection (1), or a medical cannabis device that corresponds with the cannabis or cannabis
2860 product:

2861 (a) there is a rebuttable presumption that the ~~[individual]~~ cardholder possesses the
2862 cannabis, cannabis product, or medical cannabis device legally; and

2863 (b) ~~[a law enforcement officer does not have]~~ there is no probable cause, based solely
2864 on the ~~[individual's]~~ cardholder's possession of the cannabis, cannabis product, or medical
2865 cannabis device, to believe that the ~~[individual]~~ cardholder is engaging in illegal activity.

2866 (4) (a) If a law enforcement officer stops an individual who possesses cannabis in a
2867 medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis
2868 device, and the individual represents to the law enforcement officer that the individual holds a
2869 valid medical cannabis card, but the individual does not have the medical cannabis card in the
2870 individual's possession at the time of the stop by the law enforcement officer, the law
2871 enforcement officer shall attempt to access the state electronic verification system to determine
2872 whether the individual holds a valid medical cannabis card.

2873 (b) If the law enforcement officer is able to verify that the individual described in
2874 Subsection (4)(a) ~~[holds]~~ is a valid medical cannabis ~~[card]~~ cardholder, the law enforcement
2875 officer:

2876 (i) may not arrest or take the individual into custody for the sole reason that the
2877 individual is in possession of cannabis in a medicinal dosage form, a cannabis product in a
2878 medicinal dosage form, or a medical cannabis device; and

2879 (ii) may not seize the cannabis, cannabis product, or medical cannabis device.

2880 ~~[(5) An individual who possesses cannabis, a cannabis product, or a medical cannabis~~
 2881 ~~device in violation of Subsection (1)(a) or Subsection 1(b) is guilty of an infraction and subject~~
 2882 ~~to a \$100 fine.]~~

2883 Section 63. Section **26-61a-205** is enacted to read:

2884 **26-61a-205. Lost or stolen medical cannabis card.**

2885 (1) If a medical cannabis card is lost or stolen, the medical cannabis cardholder shall
 2886 report the lost or stolen card to the department.

2887 (2) Upon receiving the report described in Subsection (1), the department shall
 2888 designate the medical cannabis card as lost or stolen in the state electronic verification system.

2889 (3) A medical cannabis pharmacy agent or a local health department distribution agent
 2890 may confiscate a medical cannabis card that is designated as lost or stolen in accordance with
 2891 Subsection (2) if an individual presents the card at the relevant medical cannabis pharmacy or
 2892 local health department.

2893 (4) To request a new medical cannabis card, the medical cannabis cardholder described
 2894 in Subsection (1) shall:

2895 (a) complete a form that the department designates; and

2896 (b) pay a fee in an amount that, subject to Subsection [26-61a-109\(5\)](#), the department
 2897 sets in accordance with Section [63J-1-504](#).

2898 Section 64. Section **26-61a-301**, which is renumbered from Section 26-60b-301 is
 2899 renumbered and amended to read:

2900 **Part 3. Medical Cannabis Pharmacy License.**

2901 ~~**[26-60b-301].**~~ **26-61a-301. Medical cannabis pharmacy -- License --**

2902 **Eligibility.**

2903 (1) A person may not operate as a medical cannabis ~~[dispensary]~~ pharmacy without a
 2904 license ~~[issued by]~~ that the department ~~[issued]~~ issues under this part.

2905 (2) (a) Subject to ~~[Subsections (5)]~~ Subsections (4) and (5) and to Section
 2906 ~~[26-60b-304]~~ 26-61a-305, the department shall, ~~[within 90 business days after receiving a~~
 2907 ~~complete application]~~ in accordance with Title 63G, Chapter 6a, Utah Procurement Code, issue
 2908 a license to operate a medical cannabis ~~[dispensary]~~ pharmacy to ~~[a person who]~~ an applicant
 2909 who is eligible for a license under this section.

2910 (b) An applicant is eligible for a license under this section if the applicant submits to

2911 the department:

2912 ~~[(a)]~~ (i) subject to Subsection (2)(c), a proposed name and address where the [person]
 2913 applicant will operate the medical cannabis [~~dispensary~~] pharmacy [~~that is not within 600 feet~~
 2914 ~~of a community location or within 300 feet of an area zoned exclusively for residential use, as~~
 2915 ~~measured from the nearest entrance to the cannabis production establishment by following the~~
 2916 ~~shortest route of ordinary pedestrian travel to the property boundary of the community location~~
 2917 ~~or residential area];~~

2918 ~~[(b)]~~ (ii) the name and address of [~~any~~] an individual who:

2919 (A) has a financial or voting interest of [~~two percent~~] 2% or greater in the proposed
 2920 medical cannabis [~~dispensary~~] pharmacy; or [~~who~~]

2921 (B) has the power to direct or cause the management or control of a proposed cannabis
 2922 production establishment;

2923 ~~[(c)]~~ (iii) [~~financial statements demonstrating that the person possesses a minimum of~~
 2924 ~~\$250,000 in liquid assets available]~~ evidence that the applicant has obtained and maintains a
 2925 performance bond that a surety authorized to transact surety business in the state issues in an
 2926 amount of at least \$125,000 for each application [submitted] that the applicant submits to the
 2927 department;

2928 ~~[(d)]~~ (iv) an operating plan that:

2929 (A) complies with Section [~~26-60b-303~~] 26-61a-304; and [~~that~~]

2930 (B) includes operating procedures to comply with the operating requirements for a
 2931 medical cannabis [~~dispensary~~] pharmacy described in this chapter and with [~~any laws adopted~~
 2932 ~~by the municipality]~~ a relevant municipal or county law that [~~are~~] is consistent with Section
 2933 [~~26-60b-506~~] 26-61a-507;

2934 ~~[(e)]~~ if the municipality or county where the proposed cannabis production
 2935 establishment would be located has enacted zoning restrictions, a sworn statement certifying
 2936 that the proposed cannabis dispensary is in compliance with the restrictions;]

2937 ~~[(f)]~~ (v) if the municipality or county where the proposed medical cannabis
 2938 [~~dispensary~~] pharmacy would be located requires a local land use permit [~~or license~~], a copy of
 2939 the person's approved application for the local land use permit [~~or license~~]; and

2940 ~~[(g)]~~ (vi) an application fee [~~established by~~] in an amount that, subject to Subsection
 2941 26-61a-109(5), the department sets in accordance with Section 63J-1-504 [~~that is necessary to~~

2942 ~~cover the department's cost to implement this part;].~~

2943 (c) (i) A person may not locate a medical cannabis pharmacy in or within 600 feet of an
2944 area that the relevant municipality or county has zoned as primarily residential.

2945 (ii) An applicant for a license under this section shall provide evidence of compliance
2946 with the proximity requirement described in Subsection (2)(c)(i).

2947 (d) Except as provided in Subsection (2)(c), a medical cannabis pharmacy is a
2948 permitted use in all zoning districts within a municipality or county.

2949 (e) If the department receives more than one application for a medical cannabis
2950 pharmacy within the same city or town, the department shall consult with the local land use
2951 authority before approving any of the applications pertaining to that city or town.

2952 ~~[(4)]~~ (3) If the department determines that [a cannabis dispensary] an applicant is
2953 eligible for a license under this section, the department shall:

2954 (a) charge the [cannabis dispensary] applicant an initial license fee in an amount
2955 [determined by] that, subject to Subsection 26-61a-109(5), the department sets in accordance
2956 with Section 63J-1-504[-]; and

2957 (b) notify the Department of Public Safety of the license approval and the names of
2958 each individual described in Subsection (2)(b)(ii).

2959 ~~[(5)]~~ (4) The department may not issue a license to operate a medical cannabis
2960 [dispensary] pharmacy to an applicant if [any] an individual [who has a financial or voter
2961 interest of two percent or greater in the cannabis dispensary applicant or who has power to
2962 direct or cause the management or control of the applicant] described in Subsection (2)(b)(ii):

2963 (a) has been convicted [of an offense that is a felony] under [either] state or federal
2964 law[; or] of:

2965 (i) a felony; or

2966 (ii) after the effective date of this bill, a misdemeanor for drug distribution; or

2967 (b) is [less] younger than 21 years [of age] old.

2968 (5) If an applicant for a medical cannabis pharmacy license under this section holds a
2969 license under Title 4, Chapter 41, Hemp and Cannabidiol Act, or Title 4, Chapter 41a,
2970 Cannabis Production Establishments, the department:

2971 (a) shall consult with the Department of Agriculture and Food regarding the applicant;
2972 and

2973 (b) may not give preference to the applicant based on the applicant's status as a holder
 2974 of a license described in this Subsection (5).

2975 (6) The department may revoke a license under this part if:

2976 (a) the medical cannabis [dispensary is not operating] pharmacy does not begin
 2977 operations within one year [of the issuance of] after the day on which the department issues the
 2978 initial license[-];

2979 (b) the medical cannabis pharmacy makes the same violation of this chapter three
 2980 times; or

2981 (c) an individual described in Subsection (2)(a)(ii) is convicted, while the license is
 2982 active, under state or federal law of:

2983 (i) a felony; or

2984 (ii) after the effective date of this bill, a misdemeanor for drug distribution.

2985 (7) The department shall deposit the proceeds of a fee imposed by this section in the
 2986 ~~[Medical Cannabis Restricted]~~ Qualified Patient Enterprise Account.

2987 (8) The department shall begin accepting applications under this part ~~[no later than]~~ on
 2988 or before March 1, 2020.

2989 (9) The department's authority to issue a license under this section is plenary and is not
 2990 subject to review.

2991 Section 65. Section **26-61a-302**, which is renumbered from Section 26-60b-402 is
 2992 renumbered and amended to read:

2993 ~~[26-60b-402].~~ **26-61a-302. Medical cannabis pharmacy owners and**
 2994 **directors -- Criminal background checks.**

2995 (1) Each applicant for a license as a medical cannabis pharmacy shall submit, at the
 2996 time of application, from each individual who has a financial or voting interest of ~~[two percent]~~
 2997 2% or greater in the applicant or who has the power to direct or cause the management or
 2998 control of the applicant:

2999 (a) a fingerprint card in a form acceptable to the ~~[department; and]~~ Department of
 3000 Public Safety;

3001 (b) a signed waiver in accordance with Subsection [53-10-108](#)(4) acknowledging the
 3002 registration of the individual's fingerprints in the Federal Bureau of Investigation Next
 3003 Generation Identification System's Rap Back Service; and

3004 ~~[(b)]~~ (c) consent to a fingerprint background check by:

3005 (i) the ~~[Utah]~~ Bureau of Criminal Identification; and

3006 (ii) the Federal Bureau of Investigation.

3007 ~~[(2) The department shall request that the Department of Public Safety complete a~~
3008 ~~Federal Bureau of Investigation criminal background check for each individual described in~~
3009 ~~Subsection (1).]~~

3010 (2) The Bureau of Criminal Identification shall:

3011 (a) check the fingerprints the applicant submits under Subsection (1) against the
3012 applicable state, regional, and national criminal records databases, including the Federal
3013 Bureau of Investigation Next Generation Identification System;

3014 (b) report the results of the background check to the department;

3015 (c) maintain a separate file of fingerprints that applicants submit under Subsection (1)
3016 for search by future submissions to the local and regional criminal records databases, including
3017 latent prints;

3018 (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next
3019 Generation Identification System's Rap Back Service for search by future submissions to
3020 national criminal records databases, including the Next Generation Identification System and
3021 latent prints; and

3022 (e) establish a privacy risk mitigation strategy to ensure that the department only
3023 receives notifications for an individual with whom the department maintains an authorizing
3024 relationship.

3025 (3) The department shall:

3026 (a) assess an individual who submits fingerprints under Subsection (1) a fee in an
3027 amount that the department sets in accordance with Section 63J-1-504 for the services that the
3028 Bureau of Criminal Identification or another authorized agency provides under this section; and

3029 (b) remit the fee described in Subsection (3)(a) to the Bureau of Criminal
3030 Identification.

3031 Section 66. Section **26-61a-303**, which is renumbered from Section 26-60b-302 is
3032 renumbered and amended to read:

3033 ~~[26-60b-302].~~ **26-61a-303. Renewal.**

3034 (1) ~~[Except as provided in Subsection (3), the]~~ The department shall renew a [person's]

3035 license under this part every [~~two years~~] year if, at the time of renewal:

3036 (a) the [~~person~~] licensee meets the requirements of Section [~~26-60b-301~~] 26-61a-301;

3037 and

3038 (b) the [~~person~~] licensee pays the department a license renewal fee in an amount

3039 [~~determined by~~] that, subject to Subsection 26-61a-109(5), the department sets in accordance

3040 with Section 63J-1-504.

3041 (2) (a) If a licensed medical cannabis [~~dispensary~~] pharmacy abandons the medical

3042 cannabis [~~dispensary's~~] pharmacy's license, the department shall publish notice of an available

3043 license:

3044 (i) in a newspaper of general circulation for the geographic area in which the medical

3045 cannabis [~~dispensary~~] pharmacy license is available; or

3046 (ii) on the Utah Public Notice Website established in Section 63F-1-701.

3047 (b) The department may establish criteria, in collaboration with the Division of

3048 Occupational and Professional Licensing and the Board of Pharmacy and in accordance with

3049 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, [~~for what actions by a~~] to identify

3050 the medical cannabis [~~dispensary~~] pharmacy actions that constitute abandonment of a medical

3051 cannabis [~~dispensary~~] pharmacy license.

3052 Section 67. Section 26-61a-304, which is renumbered from Section 26-60b-303 is

3053 renumbered and amended to read:

3054 [~~26-60b-303~~]. 26-61a-304. Operating plan.

3055 [(+) A person applying for a medical cannabis [~~dispensary~~] pharmacy license shall

3056 submit to the department a proposed operation plan for the medical cannabis [~~dispensary~~]

3057 pharmacy that complies with this section and that includes:

3058 [(a)] (1) a description of the physical characteristics of the proposed facility, including

3059 a floor plan and an architectural elevation;

3060 [(b)] (2) a description of the credentials and experience of:

3061 [(i)] (a) each officer, director, or owner of the proposed medical cannabis [~~dispensary~~]

3062 pharmacy; and

3063 [(ii)] (b) any highly skilled or experienced prospective employee;

3064 [(c)] (3) the medical cannabis [~~dispensary's~~] pharmacy's employee training standards;

3065 [(d)] (4) a security plan; [~~and~~]

3066 ~~(e)~~ (5) a description of the medical cannabis ~~[dispensary's]~~ pharmacy's inventory
3067 control system, including a plan to make the inventory control system compatible with the state
3068 electronic verification system[-]; and

3069 (6) storage protocols, both short- and long-term, to ensure that cannabis is stored in a
3070 manner that is sanitary and preserves the integrity of the cannabis.

3071 Section 68. Section ~~26-60b-304~~, which is renumbered from Section 26-60b-304 is
3072 renumbered and amended to read:

3073 ~~[26-60b-304].~~ **26-61a-305. Maximum number of licenses.**

3074 (1) (a) ~~[The]~~ Except as provided in Subsection (1)(b), the department may not issue
3075 more than [the greater of, in each county in the state:] seven medical cannabis pharmacy
3076 licenses.

3077 ~~[(a) one cannabis dispensary license; or]~~

3078 ~~[(b) an amount of cannabis dispensary licenses equal to the number of residents in the~~
3079 ~~county divided by 150,000, rounded up to the nearest greater whole number.]~~

3080 (b) (i) In addition to the licenses described in Subsection (1)(a), the department shall
3081 issue an eighth license if the state central fill medical cannabis pharmacy:

3082 (A) is not operational by January 1, 2021; or

3083 (B) ceases operations after January 1, 2021.

3084 (ii) In addition to the licenses described in Subsections (1)(a) and (1)(b)(i), the
3085 department shall issue a ninth license if the state central fill medical cannabis pharmacy:

3086 (A) is not operational by July 1, 2021; or

3087 (B) ceases operations after July 1, 2021.

3088 (iii) In addition to the licenses described in Subsections (1)(a), (1)(b)(i), and (1)(b)(ii),
3089 the department shall issue a tenth license if the state central fill medical cannabis pharmacy:

3090 (A) is not operational by January 1, 2022; or

3091 (B) ceases operations after January 1, 2022.

3092 (iv) The department shall issue the licenses described in Subsection (1)(b)(i), (ii), and
3093 (iii), if a final order of a court enjoins or invalidates the operation of the state central fill
3094 medical cannabis pharmacy.

3095 (2) If there are more qualified applicants than there are available licenses for medical
3096 cannabis [dispensaries] pharmacies, the department shall:

3097 (a) evaluate ~~[the applicants]~~ each applicant and award the license to the applicant that
3098 best demonstrates:

3099 ~~[(a)]~~ (i) experience with establishing and successfully operating a business that
3100 involves complying with a regulatory environment, tracking inventory, and training, evaluating,
3101 and monitoring employees;

3102 ~~[(b)]~~ (ii) an operating plan that will best ensure the safety and security of patrons and
3103 the community;

3104 ~~[(c)]~~ (iii) positive connections to the local community;

3105 ~~[(d)]~~ (iv) the suitability of the proposed location and ~~[its]~~ the location's accessibility for
3106 qualifying patients; and

3107 ~~[(e)]~~ (v) the extent to which the applicant can reduce the cost of cannabis or cannabis
3108 products for patients~~[-]~~; and

3109 (b) ensure a geographic dispersal among licensees that is sufficient to reasonably
3110 maximize access to the largest number of medical cannabis cardholders.

3111 (3) The department may conduct a face-to-face interview with an applicant for a
3112 license that the department evaluates under Subsection (2).

3113 Section 69. Section **26-61a-401**, which is renumbered from Section 26-60b-401 is
3114 renumbered and amended to read:

3115 **Part 4. Medical Cannabis Pharmacy Agents**

3116 ~~[26-60b-401].~~ **26-61a-401. Medical cannabis pharmacy agent --**

3117 **Registration.**

3118 (1) An individual may not serve as a medical cannabis ~~[dispensary]~~ pharmacy agent of
3119 a medical cannabis ~~[dispensary]~~ pharmacy unless ~~[the individual is registered by]~~ the
3120 department registers the individual as a medical cannabis ~~[dispensary]~~ pharmacy agent.

3121 (2) ~~[A physician]~~ Except as provided in Section 26-61a-403, the following individuals,
3122 regardless of the individual's status as a qualified medical provider, may not act as a medical
3123 cannabis ~~[dispensary]~~ pharmacy agent~~[-]~~, have a financial or voting interest of 2% or greater in
3124 a medical cannabis pharmacy, or have the power to direct or cause the management or control
3125 of a medical cannabis pharmacy:

3126 (a) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
3127 Practice Act;

3128 (b) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title
3129 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

3130 (c) a physician assistant licensed under Title 58, Chapter 70a, Physician Assistant Act.

3131 (3) (a) The department shall, within 15 days after [receiving] the day on which the
3132 department receives a complete application from a medical cannabis [dispensary] pharmacy on
3133 behalf of a prospective medical cannabis [dispensary] pharmacy agent, register and issue a
3134 medical cannabis [dispensary] pharmacy agent registration card to [an individual who] the
3135 prospective agent if the medical cannabis pharmacy:

3136 [~~(a)~~] (i) provides to the department:

3137 (A) the [individual's] prospective agent's name and address [and];

3138 (B) the name and location of the licensed medical cannabis [dispensary] pharmacy
3139 where the [individual] prospective agent seeks to act as the medical cannabis [dispensary]
3140 pharmacy agent; [and]

3141 (C) the submission required under Subsection (3)(b); and

3142 [~~(b)~~] (ii) pays a fee to the department[;] in an amount [~~determined by~~] that, subject to
3143 Subsection [26-61a-109\(5\)](#), the department sets in accordance with Section [63J-1-504](#)[, that is
3144 necessary to cover the department's cost to implement this part].

3145 (b) Each prospective agent described in Subsection (3)(a) shall:

3146 (i) submit to the department:

3147 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and

3148 (B) a signed waiver in accordance with Subsection [53-10-108\(4\)](#) acknowledging the
3149 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next
3150 Generation Identification System's Rap Back Service; and

3151 (ii) consent to a fingerprint background check by:

3152 (A) the Bureau of Criminal Identification; and

3153 (B) the Federal Bureau of Investigation.

3154 (c) The Bureau of Criminal Identification shall:

3155 (i) check the fingerprints the prospective agent submits under Subsection (3)(b) against
3156 the applicable state, regional, and national criminal records databases, including the Federal
3157 Bureau of Investigation Next Generation Identification System;

3158 (ii) report the results of the background check to the department;

3159 (iii) maintain a separate file of fingerprints that prospective agents submit under
3160 Subsection (3)(b) for search by future submissions to the local and regional criminal records
3161 databases, including latent prints;

3162 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next
3163 Generation Identification System's Rap Back Service for search by future submissions to
3164 national criminal records databases, including the Next Generation Identification System and
3165 latent prints; and

3166 (v) establish a privacy risk mitigation strategy to ensure that the department only
3167 receives notifications for an individual with whom the department maintains an authorizing
3168 relationship.

3169 (d) The department shall:

3170 (i) assess an individual who submits fingerprints under Subsection (3)(b) a fee in an
3171 amount that the department sets in accordance with Section 63J-1-504 for the services that the
3172 Bureau of Criminal Identification or another authorized agency provides under this section; and

3173 (ii) remit the fee described in Subsection (3)(d) to the Bureau of Criminal
3174 Identification.

3175 (4) The department shall designate, on an individual's medical cannabis [~~dispensary~~]
3176 pharmacy agent registration card[;] the name of the medical cannabis [~~dispensary~~] pharmacy
3177 where the individual is registered as an agent.

3178 (5) A medical cannabis [~~dispensary~~] pharmacy agent shall comply with a certification
3179 standard [~~developed by the department~~] that the department develops in collaboration with the
3180 Division of Occupational and Professional Licensing and the Board of Pharmacy, or a [third
3181 party] third-party certification standard [designated by] that the department[;] designates by
3182 rule [made], in collaboration with the Division of Occupational and Professional Licensing and
3183 the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative
3184 Rulemaking Act.

3185 (6) The department shall ensure that the certification standard described in Subsection
3186 (5) [shall include] includes training in:

3187 (a) Utah medical cannabis law; and

3188 (b) medical cannabis [~~dispensary~~] pharmacy best practices.

3189 (7) The department may revoke [~~or refuse to issue~~] the medical cannabis [~~dispensary~~]

3190 pharmacy agent registration card of or refuse to issue a medical cannabis pharmacy agent
 3191 registration card to an individual who:

3192 (a) violates the requirements of this chapter; or

3193 (b) is convicted [~~of an offense that is a felony~~] under state or federal law[~~:-~~] of:

3194 (i) a felony; or

3195 (ii) after the effective date of this bill, a misdemeanor for drug distribution.

3196 (8) (a) A medical cannabis pharmacy agent registration card expires two years after the
 3197 day on which the department issues or renews the card.

3198 (b) A medical cannabis pharmacy agent may renew the agent's registration card if the
 3199 agent:

3200 (i) is eligible for a medical cannabis pharmacy agent registration card under this
 3201 section;

3202 (ii) certifies to the department in a renewal application that the information in
 3203 Subsection (3)(a) is accurate or updates the information; and

3204 (iii) pays to the department a renewal fee in an amount that:

3205 (A) subject to Subsection [26-61a-109](#)(5), the department sets in accordance with
 3206 Section [63J-1-504](#); and

3207 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
 3208 comparison to the original application process.

3209 Section 70. Section **26-61a-402**, which is renumbered from Section 26-60b-403 is
 3210 renumbered and amended to read:

3211 ~~[26-60b-403].~~ **26-61a-402. Medical cannabis pharmacy agent registration**
 3212 **card -- Rebuttable presumption.**

3213 (1) A medical cannabis [~~dispensary~~] pharmacy agent [~~who is registered with the~~
 3214 ~~department under section [426-60b-401](#)~~] shall carry the individual's medical cannabis
 3215 [~~dispensary~~] pharmacy agent registration card with the individual at all times when:

3216 (a) the individual is on the premises of a medical cannabis [~~dispensary~~] pharmacy; and

3217 (b) the individual is transporting cannabis in a medicinal dosage form, a cannabis
 3218 product in a medicinal dosage form, or a medical cannabis device between [~~two cannabis~~
 3219 ~~production establishments or between~~] a cannabis production establishment and a medical
 3220 cannabis [~~dispensary~~] pharmacy.

3221 (2) If an individual handling, at a medical cannabis pharmacy, cannabis in a medicinal
 3222 dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device [at a
 3223 cannabis dispensary,] or transporting cannabis in a medicinal dosage form, a cannabis product
 3224 in a medicinal dosage form, or a medical cannabis device, possesses the cannabis, cannabis
 3225 product, or medical cannabis device in compliance with Subsection (1):

3226 (a) there is a rebuttable presumption that the individual possesses the cannabis,
 3227 cannabis product, or medical cannabis device legally; and

3228 (b) [~~a law enforcement officer does not have~~] there is no probable cause, based solely
 3229 on the individual's possession of the cannabis, cannabis product, or medical cannabis device in
 3230 compliance with Subsection (1), [to believe] that the individual is engaging in illegal activity.

3231 (3) (a) [~~An individual who violates~~] A medical cannabis pharmacy agent who fails to
 3232 carry the agent's medical cannabis pharmacy agent registration card in accordance with
 3233 Subsection (1) is:

3234 (i) for a first or second offense in a two-year period:

3235 [~~(a)~~] (A) guilty of an infraction; and

3236 [~~(b)~~] (B) is subject to a \$100 fine[-]; or

3237 (ii) for a third or subsequent offense in a two-year period:

3238 (A) guilty of a class C misdemeanor; and

3239 (B) subject to a \$750 fine.

3240 (b) (i) The prosecuting entity shall notify the department and the relevant medical
 3241 cannabis pharmacy of each conviction under Subsection (3)(a).

3242 (ii) For each violation described in Subsection (3)(a)(ii), the department may assess the
 3243 relevant medical cannabis pharmacy a fine of up to \$5,000, in accordance with a fine schedule
 3244 that the department establishes by rule in accordance with Title 63G, Chapter 3, Utah
 3245 Administrative Rulemaking Act.

3246 (c) An individual who is guilty of a violation described in Subsection (3)(a) is not
 3247 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
 3248 underlying the violation described in Subsection (3)(a).

3249 Section 71. Section **26-61a-403** is enacted to read:

3250 **26-61a-403. Pharmacy medical providers -- Registration -- Continuing education.**

3251 (1) (a) A medical cannabis pharmacy:

3252 (i) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy
3253 Practice Act, as a pharmacy medical provider;

3254 (ii) may employ a physician who has the authority to write a prescription and is
3255 licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
3256 Osteopathic Medical Practice Act, as a pharmacy medical provider;

3257 (iii) shall ensure that a pharmacy medical provider described in Subsection (1)(a)(i)
3258 works onsite during all business hours; and

3259 (iv) shall designate one pharmacy medical provider described in Subsection (1)(a)(i) as
3260 the pharmacist-in-charge to oversee the operation of and generally supervise the medical
3261 cannabis pharmacy.

3262 (b) An individual may not serve as a pharmacy medical provider unless the department
3263 registers the individual as a pharmacy medical provider in accordance with Subsection (2).

3264 (2) (a) The department shall, within 15 days after the day on which the department
3265 receives an application from a medical cannabis pharmacy on behalf of a prospective pharmacy
3266 medical provider, register and issue a pharmacy medical provider registration card to the
3267 prospective pharmacy medical provider if the medical cannabis pharmacy:

3268 (i) provides to the department:

3269 (A) the prospective pharmacy medical provider's name and address;

3270 (B) the name and location of the licensed medical cannabis pharmacy where the
3271 prospective pharmacy medical provider seeks to act as a pharmacy medical provider;

3272 (C) a report detailing the completion of the continuing education requirement described
3273 in Subsection (3); and

3274 (D) evidence that the prospective pharmacy medical provider is a pharmacist who is
3275 licensed under Title 58, Chapter 17b, Pharmacy Practice Act, or a physician who has the
3276 authority to write a prescription and is licensed under Title 58, Chapter 67, Utah Medical
3277 Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

3278 (ii) pays a fee to the department in an amount that, subject to Subsection
3279 [26-61a-109\(5\)](#), the department sets in accordance with Section [63J-1-504](#).

3280 (b) The department may not register a qualified medical provider or a state central fill
3281 medical provider as a pharmacy medical provider.

3282 (3) (a) A pharmacy medical provider shall complete the continuing education described

3283 in this Subsection (3) in the following amounts:

3284 (i) as a condition precedent to registration, four hours; and

3285 (ii) as a condition precedent to renewal of the registration, four hours every two years.

3286 (b) In accordance with Subsection (3)(a), the pharmacy medical provider shall:

3287 (i) complete continuing education:

3288 (A) regarding the topics described in Subsection (3)(d); and

3289 (B) offered by the department under Subsection (3)(c) or an accredited or approved

3290 continuing education provider that the department recognizes as offering continuing education

3291 appropriate for the medical cannabis pharmacy practice; and

3292 (ii) make a continuing education report to the department in accordance with a process

3293 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah

3294 Administrative Rulemaking Act, and in collaboration with the Division of Occupational and

3295 Professional Licensing and:

3296 (A) for a pharmacy medical provider who is licensed under Title 58, Chapter 17b,

3297 Pharmacy Practice Act, the Board of Pharmacy;

3298 (B) for a pharmacy medical provider licensed under Title 58, Chapter 67, Utah Medical

3299 Practice Act, the Physicians Licensing Board; and

3300 (C) for a pharmacy medical provider licensed under Title 58, Chapter 68, Utah

3301 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board.

3302 (c) The department may, in consultation with the Division of Occupational and

3303 Professional Licensing, develop the continuing education described in this Subsection (3).

3304 (d) The continuing education described in this Subsection (3) may discuss:

3305 (i) the provisions of this chapter;

3306 (ii) general information about medical cannabis under federal and state law;

3307 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,

3308 including risks and benefits;

3309 (iv) recommendations for medical cannabis as it relates to the continuing care of a

3310 patient in pain management, risk management, potential addiction, and palliative care; or

3311 (v) best practices for recommending the form and dosage of a medical cannabis

3312 product based on the qualifying condition underlying a medical cannabis recommendation.

3313 (4) (a) A pharmacy medical provider registration card expires two years after the day

3314 on which the department issues or renews the card.

3315 (b) A pharmacy medical provider may renew the provider's registration card if the
3316 provider:

3317 (i) is eligible for a pharmacy medical provider registration card under this section;

3318 (ii) certifies to the department in a renewal application that the information in
3319 Subsection (2)(a) is accurate or updates the information;

3320 (iii) submits a report detailing the completion of the continuing education requirement
3321 described in Subsection (3); and

3322 (iv) pays to the department a renewal fee in an amount that:

3323 (A) subject to Subsection [26-61a-109](#)(5), the department sets in accordance with
3324 Section [63J-1-504](#); and

3325 (B) may not exceed the cost of the relatively lower administrative burden of renewal in
3326 comparison to the original application process.

3327 Section 72. Section **26-61a-501**, which is renumbered from Section 26-60b-501 is
3328 renumbered and amended to read:

3329 **Part 5. Medical Cannabis Pharmacy Operation**

3330 ~~[26-60b-501].~~ **26-61a-501. Operating requirements -- General.**

3331 (1) (a) A medical cannabis [~~dispensary~~] pharmacy shall operate:

3332 (i) at the physical address provided to the department under Section [26-61a-301](#); and

3333 (ii) in accordance with the operating plan provided to the department under [~~Section~~
3334 ~~26-60b-303~~] Section [26-61a-301](#) and, if applicable, [26-61a-304](#).

3335 (b) A medical cannabis [~~dispensary~~] pharmacy shall notify the department before a
3336 change in the medical cannabis [~~dispensary's~~] pharmacy's physical address or operating plan.

3337 (2) [~~A~~] An individual may not enter a medical cannabis [~~dispensary shall operate~~]
3338 pharmacy unless the individual:

3339 (a) is at least 18 years old; and

3340 [~~(a)~~] (b) except as provided in Subsection (5), [in a facility that is accessible only by an
3341 individual with] possesses a valid:

3342 (i) medical cannabis [~~dispensary~~] pharmacy agent registration card; or [a]

3343 (ii) medical cannabis card[; and].

3344 [~~(b) at the physical address provided to the department under Section [26-60b-301](#).]~~

3345 (3) A medical cannabis [~~dispensary~~] pharmacy may not employ [~~any person~~] an
3346 individual who is younger than 21 years [~~of age~~] old.

3347 (4) A medical cannabis [~~dispensary shall conduct a background check into the criminal~~
3348 ~~history of every person who will become an agent of the cannabis dispensary and~~] pharmacy
3349 may not employ [~~any person~~] an individual who has been convicted of [~~an offense that is~~] a
3350 felony under [~~either~~] state or federal law.

3351 (5) [~~A~~] Notwithstanding Subsection (2), a medical cannabis [~~dispensary~~] pharmacy
3352 may authorize an individual who is not a medical cannabis [~~dispensary~~] pharmacy agent to
3353 access the medical cannabis [~~dispensary~~] pharmacy if the medical cannabis [~~dispensary~~]
3354 pharmacy tracks and monitors the individual at all times while the individual is at the medical
3355 cannabis [~~dispensary~~] pharmacy and maintains a record of the individual's access.

3356 (6) A medical cannabis [~~dispensary~~] pharmacy shall operate in a facility that has:

3357 (a) a single, secure public entrance;

3358 (b) a security system with a backup power source that:

3359 (i) detects and records entry into the medical cannabis [~~dispensary~~] pharmacy; and

3360 (ii) provides notice of an unauthorized entry to law enforcement when the medical
3361 cannabis [~~dispensary~~] pharmacy is closed; and

3362 (c) a lock on [~~any~~] each area where the medical cannabis [~~dispensary~~] pharmacy stores
3363 cannabis or a cannabis product.

3364 (7) A medical cannabis [~~dispensary~~] pharmacy shall post, both clearly and
3365 conspicuously in the medical cannabis [~~dispensary~~] pharmacy, the limit on the purchase of
3366 cannabis described in Subsection [~~26-60b-502(3)~~] 26-61a-502(2).

3367 (8) A medical cannabis [~~dispensary~~] pharmacy may not allow any individual to
3368 consume cannabis on the property or premises of the medical cannabis [~~dispensary~~] pharmacy.

3369 (9) A medical cannabis [~~dispensary~~] pharmacy may not sell cannabis or a cannabis
3370 product without first indicating on the cannabis or cannabis product label the name of the
3371 medical cannabis [~~dispensary~~] pharmacy.

3372 (10) (a) Each medical cannabis pharmacy shall retain in the pharmacy's records the
3373 following information regarding each recommendation underlying a transaction:

3374 (i) the qualified medical provider's name, address, and telephone number;

3375 (ii) the patient's name and address;

3376 (iii) the date of issuance;
3377 (iv) dosing parameters or an indication that the qualified medical provider did not
3378 recommend specific dosing parameters; and
3379 (v) if the patient did not complete the transaction, the name of the medical cannabis
3380 cardholder who completed the transaction.
3381 (b) The medical cannabis pharmacy may not sell cannabis or a cannabis product unless
3382 the cannabis or cannabis product has a label securely affixed to the container indicating the
3383 following minimum information:
3384 (i) the name, address, and telephone number of the medical cannabis pharmacy;
3385 (ii) the unique identification number that the medical cannabis pharmacy assigns;
3386 (iii) the date of the sale;
3387 (iv) the name of the patient;
3388 (v) the name of the qualified medical provider who recommended the medical cannabis
3389 treatment;
3390 (vi) directions for use and cautionary statements, if any;
3391 (vii) the amount dispensed and the cannabinoid content;
3392 (viii) the beyond use date; and
3393 (ix) any other requirements that the department determines, in consultation with the
3394 Division of Occupational and Professional Licensing and the Board of Pharmacy.
3395 (11) A pharmacy medical provider or medical cannabis pharmacy agent shall:
3396 (a) unless the medical cannabis cardholder has had a consultation under Subsection
3397 26-61a-502(4), verbally offer to a medical cannabis cardholder at the time of a purchase of
3398 cannabis, a cannabis product, or a medical cannabis device, personal, face-to-face counseling
3399 with the pharmacy medical provider who is a pharmacist; and
3400 (b) provide a telephone number or website by which the cardholder may contact a
3401 pharmacy medical provider for counseling.
3402 (12) (a) A medical cannabis pharmacy may create a medical cannabis disposal program
3403 that allows an individual to deposit unused or excess medical cannabis, cannabis residue from a
3404 medical cannabis device, or medical cannabis product in a locked box or other secure
3405 receptacle within the medical cannabis pharmacy.
3406 (b) A medical cannabis pharmacy with a disposal program described in Subsection

3407 (12)(a) shall ensure that only a medical cannabis pharmacy agent can access deposited medical
 3408 cannabis or medical cannabis products.

3409 (c) A medical cannabis pharmacy shall dispose of any deposited medical cannabis or
 3410 medical cannabis products by:

3411 (i) rendering the deposited medical cannabis or medical cannabis products unusable
 3412 and unrecognizable before transporting deposited medical cannabis or medical cannabis
 3413 products from the medical cannabis pharmacy; and

3414 (ii) disposing of the deposited medical cannabis or medical cannabis products in
 3415 accordance with:

3416 (A) federal and state law, rules, and regulations related to hazardous waste;

3417 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

3418 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

3419 (D) other regulations that the department makes in accordance with Title 63G, Chapter
 3420 3, Utah Administrative Rulemaking Act.

3421 (13) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
 3422 Utah Administrative Rulemaking Act, protocols for a recall of cannabis and cannabis products
 3423 by a medical cannabis pharmacy.

3424 Section 73. Section **26-61a-502**, which is renumbered from Section 26-60b-502 is
 3425 renumbered and amended to read:

3426 ~~[26-60b-502]~~. **26-61a-502. Dispensing -- Amount a cannabis dispensary**
 3427 **may dispense -- Reporting -- Form of cannabis or cannabis product.**

3428 (1) (a) A medical cannabis [dispensary] pharmacy may [only] not sell a product other
 3429 than, subject to this chapter:

3430 ~~[(a)]~~ (i) cannabis in a medicinal dosage form that the medical cannabis pharmacy
 3431 acquired from a cannabis processing facility that is licensed under Section [4-41a-201](#);

3432 ~~[(b)]~~ (ii) a cannabis product in a medicinal dosage form that the medical cannabis
 3433 pharmacy acquired from a cannabis processing facility that is licensed under Section
 3434 [4-41a-201](#);

3435 ~~[(c)]~~ (iii) a medical cannabis device; or

3436 ~~[(d)]~~ (iv) educational [materials] material related to the medical use of cannabis.

3437 ~~[(2)]~~ (b) A medical cannabis [dispensary] pharmacy may only sell [the items] an item

3438 listed in Subsection (1)(a) to an individual with:

3439 (i) a medical cannabis card [issued by the department.]; and

3440 (ii) corresponding identification that is a valid United States federal- or state-issued
3441 photo identification, including a driver license, a United States passport, a United States
3442 passport card, or a United States military identification card.

3443 (c) Notwithstanding Subsection (1)(a), a medical cannabis pharmacy may not sell a
3444 cannabis-based drug that the United States Food and Drug Administration has approved.

3445 ~~[(3)]~~ (2) A medical cannabis [dispensary] pharmacy may not dispense [on behalf of any
3446 one individual with]:

3447 (a) to a medical cannabis [card,] cardholder in any one [~~14-day~~] 12-day period, more
3448 than the lesser of:

3449 (i) an amount sufficient to provide 14 days of treatment based on the dosing parameters
3450 that the relevant qualified medical provider recommends; or

3451 ~~[(a)]~~ (ii) (A) [~~an amount~~] 56 grams by weight of unprocessed cannabis that [~~exceeds~~
3452 two ounces by weight] is in a medicinal dosage form and that carries a label clearly displaying
3453 the amount of tetrahydrocannabinol and cannabidiol in the cannabis; or

3454 ~~[(b)]~~ (B) an amount of cannabis products that is in a medicinal dosage form and that
3455 contains, in total, greater than 10 grams of total composite tetrahydrocannabinol [~~or~~
3456 cannabidiol.];

3457 (b) to a medical cannabis cardholder whose primary residence is located more than 100
3458 miles from the nearest medical cannabis pharmacy or local health department, in any one
3459 28-day period, more than the lesser of:

3460 (i) an amount sufficient to provide 30 days of treatment based on the dosing parameters
3461 that the relevant qualified medical provider recommends; or

3462 (ii) (A) 113 grams by weight of unprocessed cannabis that is in a medicinal dosage
3463 form and that carries a label clearly displaying the amount of tetrahydrocannabinol and
3464 cannabidiol in the cannabis; or

3465 (B) an amount of cannabis products that is in a medicinal dosage form and that
3466 contains, in total, greater than 20 grams of total composite tetrahydrocannabinol; or

3467 (c) to an individual whose qualified medical provider did not recommend dosing
3468 parameters, until the individual consults with the pharmacy medical provider in accordance

3469 with Subsection (4), any cannabis or cannabis products.

3470 ~~[(4)]~~ (3) An individual with a medical cannabis card may not purchase;

3471 (a) more cannabis or cannabis products than the amounts designated in Subsection

3472 ~~[(3)]~~ (2) in any one ~~[14-day]~~ 12-day period[-]; or

3473 (b) if the relevant qualified medical provider did not recommend dosing parameters,

3474 until the individual consults with the pharmacy medical provider in accordance with

3475 Subsection (4), any cannabis or cannabis products.

3476 (4) If a qualified medical provider recommends treatment with medical cannabis or a

3477 cannabis product but does not provide dosing parameters:

3478 (a) the qualified medical provider shall document in the recommendation:

3479 (i) an evaluation of the qualifying condition underlying the recommendation;

3480 (ii) prior treatment attempts with cannabis and cannabis products; and

3481 (iii) the patient's current medication list; and

3482 (b) before the relevant medical cannabis cardholder may obtain cannabis in a medicinal

3483 dosage form or a cannabis product in a medicinal dosage form, the pharmacy medical provider

3484 shall:

3485 (i) review pertinent medical records, including the qualified medical provider

3486 documentation described in Subsection (4)(a); and

3487 (ii) after completing the review described in Subsection (4)(b)(i) and consulting with

3488 the recommending qualified medical provider as needed, determine the best course of treatment

3489 through consultation with the cardholder regarding:

3490 (A) the patient's qualifying condition underlying the recommendation from the

3491 qualified medical provider;

3492 (B) indications for available treatments;

3493 (C) dosing parameters; and

3494 (D) potential adverse reactions.

3495 (5) A medial cannabis ~~[dispensary]~~ pharmacy shall:

3496 (a) (i) access the state electronic verification system before dispensing cannabis or a

3497 cannabis product to ~~[an individual with]~~ a medical cannabis ~~[card]~~ cardholder in order to

3498 determine if the ~~[individual]~~ cardholder or, where applicable, the associated patient has met the

3499 maximum amount of cannabis or cannabis products described in Subsection ~~[(3)]~~ (2); and

3500 (ii) if the verification in Subsection (5)(a)(i) indicates that the individual has met the
3501 maximum amount described in Subsection (2):

3502 (A) decline the sale; and

3503 (B) notify the qualified medical provider who made the underlying recommendation;

3504 (b) submit a record to the state electronic verification system each time the medical
3505 cannabis [~~dispensary~~] pharmacy dispenses cannabis or a cannabis product to [~~an individual~~
3506 with] a medical cannabis [~~card.~~] cardholder;

3507 (c) package any cannabis or cannabis product that is in a blister pack in a container
3508 that:

3509 (i) complies with Subsection [4-41a-602\(2\)](#);

3510 (ii) is tamper-resistant and tamper-evident; and

3511 (iii) opaque; and

3512 (d) for a product that is a cube that is designed for ingestion through chewing or
3513 holding in the mouth for slow dissolution, include a separate, off-label warning about the risks
3514 of over-consumption.

3515 (6) (a) Except as provided in Subsection (6)(b), a medical cannabis [~~dispensary~~
3516 pharmacy] may not sell medical cannabis in the form of a cigarette or a medical cannabis device
3517 that is intentionally designed or constructed to resemble a cigarette.

3518 (b) A medical cannabis [~~dispensary~~] pharmacy may sell a medical cannabis device that
3519 warms cannabis material into a vapor without the use of a flame and that delivers cannabis to
3520 an individual's respiratory system.

3521 (7) A medical cannabis [~~dispensary~~] pharmacy may not give [~~to an individual with a~~
3522 medical cannabis card], at no cost, a product that the medical cannabis [~~dispensary~~] pharmacy is
3523 allowed to sell under Subsection (1).

3524 (8) The department may impose a uniform fee on each medical cannabis cardholder
3525 transaction in a medical cannabis pharmacy in an amount that, subject to Subsection
3526 [26-61a-109\(5\)](#), the department sets in accordance with Section [63J-1-504](#).

3527 Section 74. Section **26-61a-503** is enacted to read:

3528 **26-61a-503. Partial filling.**

3529 (1) As used in this section, "partially fill" means to provide less than the full amount of
3530 cannabis or cannabis product that the qualified medical provider recommends, if the qualified

3531 medical provider recommended specific dosing parameters.

3532 (2) A pharmacy medical provider may partially fill a recommendation for a medical
3533 cannabis treatment at the request of the qualified medical provider who issued the medical
3534 cannabis treatment recommendation or the medical cannabis cardholder.

3535 (3) The department shall make rules, in collaboration with the Division of
3536 Occupational and Professional Licensing and the Board of Pharmacy and in accordance with
3537 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, specifying how to record the date,
3538 quantity supplied, and quantity remaining of a partially filled medical cannabis treatment
3539 recommendation.

3540 (4) A pharmacy medical provider who is a pharmacist may, upon the request of a
3541 medical cannabis cardholder, determine different dosing parameters, subject to the dosing
3542 limits in Subsection 26-61a-502(2), to fill the quantity remaining of a partially filled medical
3543 cannabis treatment recommendation if:

3544 (a) the pharmacy medical provider determined dosing parameters for the partial fill
3545 under Subsection 26-61a-502(4); and

3546 (b) the medical cannabis cardholder reports that:

3547 (i) the partial fill did not substantially affect the qualifying condition underlying the
3548 medical cannabis recommendation; or

3549 (ii) the patient experienced an adverse reaction to the partial fill or was otherwise
3550 unable to successfully use the partial fill.

3551 Section 75. Section **26-61a-504**, which is renumbered from Section 26-60b-503 is
3552 renumbered and amended to read:

3553 **[26-60b-503].** **26-61a-504. Inspections.**

3554 (1) Each medical cannabis pharmacy shall maintain the pharmacy's medical cannabis
3555 treatment recommendation files and other records in accordance with this chapter, department
3556 rules, and the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No.
3557 104-191, 110 Stat. 1936, as amended.

3558 (2) The department may inspect the records and facility of a medical cannabis
3559 [dispensary] pharmacy at any time during business hours in order to determine if the medical
3560 cannabis [dispensary] pharmacy complies with [the licensing requirements of this part] this
3561 chapter.

3562 (3) An inspection under this section may include:

3563 (a) inspection of a site, facility, vehicle, book, record, paper, document, data, and other
3564 physical or electronic information;

3565 (b) questioning of any relevant individual; or

3566 (c) inspection of equipment, an instrument, a tool, or machinery, including a container
3567 or label.

3568 (4) In making an inspection under this section, the department may freely access any
3569 area and review and make copies of a book, record, paper, document, data, or other physical or
3570 electronic information, including financial data, sales data, shipping data, pricing data, and
3571 employee data.

3572 (5) Failure to provide the department or the department's authorized agents immediate
3573 access to records and facilities during business hours in accordance with this section may result
3574 in:

3575 (a) the imposition of a civil monetary penalty that the department sets in accordance
3576 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

3577 (b) license or registration suspension or revocation; or

3578 (c) an immediate cessation of operations under a cease and desist order that the
3579 department issues.

3580 Section 76. Section **26-61a-505**, which is renumbered from Section 26-60b-504 is
3581 renumbered and amended to read:

3582 ~~[26-60b-504].~~ **26-61a-505. Advertising.**

3583 (1) Except as provided in Subsections (2) and (3), a medical cannabis [~~dispensary~~]
3584 pharmacy may not advertise in any medium.

3585 (2) A medical cannabis [~~dispensary~~] pharmacy may use signage on the outside of the
3586 medical cannabis [~~dispensary~~] pharmacy that includes only:

3587 (a) the medical cannabis [~~dispensary's~~] pharmacy's name and hours of operation; and

3588 (b) a green cross.

3589 (3) A medical cannabis [~~dispensary~~] pharmacy may maintain a website that includes
3590 information about:

3591 (a) the location and hours of operation of the medial cannabis [~~dispensary~~] pharmacy;

3592 (b) [~~the products and services~~] a product or service available at the medial cannabis

3593 [~~dispensary~~] pharmacy;

3594 (c) personnel affiliated with the medical cannabis [~~dispensary~~] pharmacy;

3595 (d) best practices that the medical cannabis [~~dispensary~~] pharmacy upholds; and

3596 (e) educational [~~materials~~] material related to the medical use of cannabis.

3597 Section 77. Section **26-61a-506**, which is renumbered from Section 26-60b-505 is
3598 renumbered and amended to read:

3599 ~~[26-60b-505]~~. **26-61a-506. Cannabis, cannabis product, or medical**
3600 **cannabis device transportation.**

3601 (1) [~~Except for an individual with a valid medical cannabis card, an individual~~] Only
3602 the following individuals may [~~not~~] transport cannabis in a medicinal dosage form, a cannabis
3603 product in a medicinal dosage form, or a medical cannabis device [~~unless the individual is~~]
3604 under this chapter:

3605 (a) a registered medical cannabis [~~production establishment~~] pharmacy agent; [~~or~~]

3606 (b) a registered [~~cannabis dispensary~~] state central fill agent[~~;~~];

3607 (c) a courier for a state central fill shipment described in Section 26-61a-605; or

3608 (d) a medical cannabis cardholder who is transporting a medical cannabis treatment
3609 that the cardholder is authorized to transport.

3610 (2) Except for an individual with a valid medical cannabis card[~~, an individual~~] under
3611 this chapter who is transporting a medical cannabis[~~, a cannabis product, or a medical cannabis~~
3612 ~~device~~] treatment that the cardholder is authorized to transport, an individual described in
3613 Subsection (1) shall possess a transportation manifest that:

3614 (a) includes a unique identifier that links the cannabis, cannabis product, or medical
3615 cannabis device to a relevant inventory control system;

3616 (b) includes origin and destination information for [~~any~~] cannabis, a cannabis product,
3617 or a medical cannabis device that the individual is transporting; and

3618 (c) [~~indicates~~] identifies the departure and arrival times and locations of the individual
3619 transporting the cannabis, cannabis product, or medical cannabis device.

3620 (3) (a) In addition to the requirements in Subsections (1) and (2), the department may
3621 establish[~~;~~] by rule [~~made~~], in collaboration with the Division of Occupational and Professional
3622 Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah
3623 Administrative Rulemaking Act, requirements for transporting cannabis in a medicinal dosage

3624 form, a cannabis product in a medicinal dosage form, or a medical cannabis device to ensure
 3625 that [are related to safety for human] the cannabis [or], cannabis product, or medical cannabis
 3626 device remains safe for human consumption.

3627 (b) The transportation described in Subsection (3)(a) is limited to transportation:

3628 (i) between a medical cannabis pharmacy and another medical cannabis pharmacy; and

3629 (ii) between the state central fill medical cannabis pharmacy and:

3630 (A) another state central fill medical cannabis pharmacy location; or

3631 (B) a local health department.

3632 (4) (a) [An individual who transports cannabis, a cannabis product, or a medical

3633 cannabis device] It is unlawful for a registered medical cannabis pharmacy agent, a registered

3634 state central fill agent, or a courier described in Section [26-61a-605](#) to make a transport

3635 described in this section with a manifest that does not meet the requirements of [Subsection (2)

3636 is:] this section.

3637 (b) Except as provided in Subsection (4)(d), an agent or courier who violates

3638 Subsection (4)(a) is:

3639 [~~(a)~~] (i) guilty of an infraction; and

3640 [~~(b)~~] (ii) subject to a \$100 fine.

3641 (c) An individual who is guilty of a violation described in Subsection (4)(b) is not

3642 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct

3643 underlying the violation described in Subsection (4)(b).

3644 (d) If the individual described in Subsection (4)(a) is transporting more cannabis,

3645 cannabis product, or medical cannabis devices than the manifest identifies, except for a de

3646 minimis administrative error:

3647 (i) this chapter does not apply; and

3648 (ii) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled

3649 Substances Act.

3650 Section 78. Section **26-61a-507**, which is renumbered from Section 26-60b-506 is

3651 renumbered and amended to read:

3652 ~~[26-60b-506].~~ **26-61a-507. Local control.**

3653 ~~[(1) A municipality or county may not enact a zoning ordinance that prohibits a~~

3654 ~~cannabis dispensary from operating in a location within the municipality's or county's~~

3655 ~~jurisdiction on the sole basis that the cannabis dispensary is a cannabis dispensary.]~~

3656 (1) (a) (i) Except as provided in Subsection (1)(a)(ii), to be eligible to obtain or
 3657 maintain a license under Section 26-61a-301, a person shall demonstrate that the intended
 3658 medical cannabis pharmacy location is located at least:

3659 (A) 600 feet from a community location's property boundary following the shortest
 3660 route of ordinary pedestrian travel; and

3661 (B) 200 feet from the patron entrance to the community location's property boundary,
 3662 and within 600 feet of an area zoned residential.

3663 (ii) A municipal or county land use authority may recommend in writing that the
 3664 department waive the community location proximity requirement described in Subsection
 3665 (1)(a)(i).

3666 ~~[(2)]~~ (b) (i) A municipality or county may not deny or revoke a land use permit [or
 3667 license] to operate a medical cannabis [dispensary] pharmacy on the sole basis that the
 3668 applicant or medical cannabis [dispensary] pharmacy violates [a] federal law [of] regarding the
 3669 [United States] legal status.

3670 (ii) A municipality or county may not deny or revoke a business license to operate a
 3671 medical cannabis pharmacy on the sole basis that the applicant or medical cannabis pharmacy
 3672 violates federal law regarding the legal status of cannabis.

3673 ~~[(3)]~~ (2) A municipality or county may enact [ordinances] an ordinance that:

3674 (a) is not in conflict with this chapter [governing]; and

3675 (b) governs the time, place, [and] or manner of medical cannabis [dispensary]
 3676 pharmacy operations in the municipality or county.

3677 Section 79. Section **26-61a-601** is enacted to read:

3678 **Part 6. State Central Fill Medical Cannabis Pharmacy**

3679 **26-61a-601. Department to establish state central fill medical cannabis pharmacy**
 3680 **-- Duties -- Pharmacy medical provider registration -- Continuing education.**

3681 (1) On or before July 1, 2020, the department shall establish or contract to establish, in
 3682 accordance with Title 63G, Chapter 6a, Utah Procurement Code, a state central fill medical
 3683 cannabis pharmacy as described in this section.

3684 (2) The state central fill medical cannabis pharmacy shall:

3685 (a) procure cannabis that a cannabis processing facility processes into a medicinal

3686 dosage form;

3687 (b) prepare cannabis in medicinal dosage form, a cannabis product in medicinal dosage
3688 form, or a medical cannabis device for shipment to a medical cannabis cardholder under a
3689 qualified medical provider's recommendation to address a qualifying condition;

3690 (c) transport a state central fill shipment, in accordance with Section 26-61a-605, to the
3691 relevant local health department for distribution, in accordance with Section 26-61a-607;

3692 (d) (i) (A) if the state establishes the state central fill medical cannabis pharmacy,
3693 process and accept payment for a transaction involving a state central fill shipment; or

3694 (B) if the state establishes the state central fill medical cannabis pharmacy by contract,
3695 process prepaid requests for a state central fill shipment from the department; and

3696 (ii) deposit funds that the state central fill medical cannabis pharmacy collects under
3697 Subsection (2)(d)(i) into the Qualified Distribution Enterprise Account created in Section
3698 26-61a-110.

3699 (3) (a) An individual may not enter a state central fill medical cannabis pharmacy
3700 location unless:

3701 (i) the individual is a state central fill agent or an employee of the state central fill
3702 medical cannabis pharmacy;

3703 (ii) the individual is an employee of the department; or

3704 (iii) a state central fill agent escorts the individual at all times.

3705 (b) An individual who violates Subsection (3)(a) is:

3706 (i) guilty of an infraction; and

3707 (ii) subject to a \$100 fine.

3708 (c) An individual who is guilty of a violation described in Subsection (3)(b) is not
3709 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
3710 underlying the violation described in Subsection (3)(b).

3711 (4) (a) The state central fill medical cannabis pharmacy:

3712 (i) shall employ at least one pharmacist who is licensed under Title 58, Chapter 17b,
3713 Pharmacy Practice Act, as a state central fill medical provider;

3714 (ii) may employ a physician who has the authority to write a prescription and is
3715 licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
3716 Osteopathic Medical Practice Act, as a state central fill medical provider;

3717 (iii) shall ensure that a state central fill medical provider described in Subsection
3718 (4)(a)(i) works onsite at each location during all business hours;

3719 (iv) shall designate one state central fill medical provider described in Subsection
3720 (4)(a)(i) as the pharmacist-in-charge, as that term is defined in Section 58-17b-102, to oversee
3721 the operation of and generally supervise the state central fill medical cannabis pharmacy; and

3722 (v) may establish more than one location in which the state central fill medical
3723 cannabis pharmacy operates if the department determines, after an analysis of the current and
3724 anticipated market for cannabis in a medicinal dosage form and cannabis products in a
3725 medicinal dosage form, including costs and logistical issues in transportation of state central
3726 fill shipments, that multiple central fill locations are necessary to provide an adequate supply of
3727 state central fill shipments to local health departments for distribution to recipient medical
3728 cannabis cardholders.

3729 (b) An individual may not serve as a state central fill medical provider unless the
3730 department registers the individual as a state central fill medical provider.

3731 (5) (a) The department shall, within 15 days after the day on which the department
3732 receives an application from the state central fill medical cannabis pharmacy on behalf of a
3733 prospective state central fill medical provider, register and issue a state central fill medical
3734 provider registration card to the prospective state central fill medical provider if the state
3735 central fill medical cannabis pharmacy provides to the department:

3736 (i) the prospective state central fill medical provider's name and address; and

3737 (ii) evidence that the prospective state central fill medical provider is:

3738 (A) a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

3739 or

3740 (B) a physician who has the authority to write a prescription and is licensed under Title
3741 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical
3742 Practice Act.

3743 (b) The department may not register a qualified medical provider or a pharmacy
3744 medical provider as a state central fill medical provider.

3745 (6) (a) A state central fill medical provider shall complete the continuing education
3746 described in this Subsection (6) in the following amounts:

3747 (i) as a condition precedent to registration, four hours; and

3748 (ii) as a condition precedent to renewal, four hours every two years.
3749 (b) In accordance with Subsection (6)(a), the state central fill medical provider shall:
3750 (i) complete continuing education:
3751 (A) regarding the topics described in Subsection (6)(d); and
3752 (B) offered by the department under Subsection (6)(c) or an accredited or approved
3753 continuing education provider that the department recognizes as offering continuing education
3754 appropriate for the medical cannabis pharmacy practice; and
3755 (ii) make a continuing education report to the department in accordance with a process
3756 that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah
3757 Administrative Rulemaking Act, and in collaboration with the Division of Occupational and
3758 Professional Licensing and:
3759 (A) for a state central fill medical provider who is licensed under Title 58, Chapter 17b,
3760 Pharmacy Practice Act, the Board of Pharmacy;
3761 (B) for a state central fill medical provider licensed under Title 58, Chapter 67, Utah
3762 Medical Practice Act, the Physicians Licensing Board; and
3763 (C) for a state central fill medical provider licensed under Title 58, Chapter 68, Utah
3764 Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board.
3765 (c) The department may, in consultation with the Division of Occupational and
3766 Professional Licensing, develop the continuing education described in this Subsection (6).
3767 (d) The continuing education described in this Subsection (6) may discuss:
3768 (i) the provisions of this chapter;
3769 (ii) general information about medical cannabis under federal and state law;
3770 (iii) the latest scientific research on the endocannabinoid system and medical cannabis,
3771 including risks and benefits;
3772 (iv) recommendations for medical cannabis as it relates to the continuing care of a
3773 patient in pain management, risk management, potential addiction, and palliative care; or
3774 (v) best practices for recommending the form and dosage of medical cannabis products
3775 based on the qualifying condition underlying the medical cannabis recommendation.
3776 (7) (a) A state central fill medical provider registration card expires two years after the
3777 day on which the department issues or renews the card.
3778 (b) A state central fill medical provider may renew the provider's registration card if

3779 the provider:

3780 (i) is eligible for a state central fill medical provider registration card under this

3781 section;

3782 (ii) certifies to the department in a renewal application that the information in

3783 Subsection (5) is accurate or updates the information; and

3784 (iii) submits a report detailing the completion of the continuing education requirement

3785 described in Subsection (6).

3786 Section 80. Section **26-61a-602** is enacted to read:

3787 **26-61a-602. State central fill agent -- Background check -- Registration card --**

3788 **Rebuttable presumption.**

3789 (1) An individual may not serve as a state central fill agent unless:

3790 (a) the individual is an employee of the state central fill medical cannabis pharmacy;

3791 and

3792 (b) the department registers the individual as a state central fill agent.

3793 (2) (a) The department shall, within 15 days after the day on which the department

3794 receives a complete application from the state central fill medical cannabis pharmacy on behalf

3795 of a prospective state central fill agent, register and issue a state central fill agent registration

3796 card to the prospective agent if the state central fill medical cannabis pharmacy:

3797 (i) provides to the department:

3798 (A) the prospective agent's name and address;

3799 (B) the submission required under Subsection (2)(b); and

3800 (ii) as reported under Subsection (2)(b), has not been convicted under state or federal

3801 law of:

3802 (A) a felony; or

3803 (B) after the effective date of this bill, a misdemeanor for drug distribution.

3804 (b) Each prospective agent described in Subsection (2)(a) shall:

3805 (i) submit to the department:

3806 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and

3807 (B) a signed waiver in accordance with Subsection [53-10-108\(4\)](#) acknowledging the

3808 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next

3809 Generation Identification System's Rap Back Service; and

3810 (ii) consent to a fingerprint background check by:
3811 (A) the Bureau of Criminal Identification; and
3812 (B) the Federal Bureau of Investigation.
3813 (c) The Bureau of Criminal Identification shall:
3814 (i) check the fingerprints the prospective agent submits under Subsection (2)(b) against
3815 the applicable state, regional, and national criminal records databases, including the Federal
3816 Bureau of Investigation Next Generation Identification System;
3817 (ii) report the results of the background check to the department;
3818 (iii) maintain a separate file of fingerprints that prospective agents submit under
3819 Subsection (2)(b) for search by future submissions to the local and regional criminal records
3820 databases, including latent prints;
3821 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next
3822 Generation Identification System's Rap Back Service for search by future submissions to
3823 national criminal records databases, including the Next Generation Identification System and
3824 latent prints; and
3825 (v) establish a privacy risk mitigation strategy to ensure that the department only
3826 receives notifications for an individual with whom the department maintains an authorizing
3827 relationship.
3828 (d) The department shall:
3829 (i) assess an individual who submits fingerprints under Subsection (2)(b) a fee in an
3830 amount that the department sets in accordance with Section [63J-1-504](#) for the services that the
3831 Bureau of Criminal Identification or another authorized agency provides under this section; and
3832 (ii) remit the fee described in Subsection (2)(d) to the Bureau of Criminal
3833 Identification.
3834 (3) (a) A state central fill agent shall comply with a certification standard that the
3835 department develops, in collaboration with the Division of Occupational and Professional
3836 Licensing and the Board of Pharmacy, or a third-party certification standard that the department
3837 designates by rule, in collaboration with the Division of Occupational and Professional
3838 Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah
3839 Administrative Rulemaking Act.
3840 (b) The department shall ensure that the certification standard described in Subsection

3841 (3)(a) includes continuing education in:
3842 (i) Utah medical cannabis law;
3843 (ii) the state central fill medical cannabis pharmacy shipment process; and
3844 (iii) state central fill agent best practices.
3845 (4) The department may revoke or refuse to issue the state central fill agent registration
3846 card of an individual who:
3847 (a) violates the requirements of this chapter; or
3848 (b) is convicted under state or federal law of:
3849 (i) a felony; or
3850 (ii) after the effective date of this bill, a misdemeanor for drug distribution.
3851 (5) (a) A state central fill agent registration card expires two years after the day on
3852 which the department issues or renews the card.
3853 (b) A state central fill agent may renew the agent's registration card if the agent:
3854 (i) is eligible for a state central fill registration card under this section; and
3855 (ii) certifies to the department in a renewal application that the information in
3856 Subsection (2)(a) is accurate or updates the information.
3857 (6) A state central fill agent who the department registers under this section shall carry
3858 the individual's state central fill agent registration card with the individual at all times when:
3859 (a) the individual is on the premises of the state central fill medical cannabis pharmacy;
3860 and
3861 (b) the individual is transporting cannabis in a medicinal dosage form, a cannabis
3862 product in a medicinal dosage form, or a medical cannabis device between a cannabis
3863 production establishment and the state central fill medical cannabis pharmacy.
3864 (7) If an individual handling cannabis, a cannabis product, or a medical cannabis
3865 device handles the cannabis, cannabis product, or medical cannabis device in compliance with
3866 Subsection (6):
3867 (a) there is a rebuttable presumption that the individual possesses the cannabis,
3868 cannabis product, or medical cannabis device legally; and
3869 (b) there is no probable cause, based solely on the individual's handling of the
3870 cannabis, cannabis product, or medical cannabis device, that the individual is engaging in
3871 illegal activity.

3872 (8) (a) An individual who violates Subsection (6) is:

3873 (i) guilty of an infraction; and

3874 (ii) subject to a \$100 fine.

3875 (b) An individual who is guilty of a violation described in Subsection (8)(a) is not
3876 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
3877 underlying the violation described in Subsection (8)(a).

3878 Section 81. Section **26-61a-603** is enacted to read:

3879 **26-61a-603. Recommendation.**

3880 (1) When an individual receives a recommendation for a medical cannabis treatment
3881 from the individual's qualified medical provider, the individual may initiate a shipment from
3882 the state central fill medical cannabis pharmacy to a local health department by:

3883 (a) contacting the state central fill medical cannabis pharmacy directly; or

3884 (b) requesting that the qualified medical provider initiate the shipment through the state
3885 electronic verification system.

3886 (2) Upon receiving a request to prepare a shipment under Subsection (1), a state central
3887 fill agent shall:

3888 (a) verify the shipment information using the state electronic verification system;

3889 (b) process payment, including contacting the medical cannabis cardholder to complete
3890 payment if necessary;

3891 (c) prepare the shipment in accordance with Section [26-61a-604](#);

3892 (d) record the preparation of the shipment in the electronic verification system; and

3893 (e) place the shipment for transportation in accordance with Section [26-61a-605](#).

3894 Section 82. Section **26-61a-604** is enacted to read:

3895 **26-61a-604. State central fill shipment preparation.**

3896 (1) (a) The state central fill medical cannabis pharmacy may not prepare or ship to a
3897 local health department a product other than:

3898 (i) cannabis in medicinal dosage form that the state central fill medical cannabis
3899 pharmacy acquired from a cannabis processing facility that is licensed under Section
3900 [4-41a-201](#);

3901 (ii) a cannabis product in medicinal dosage form that the state central fill medical
3902 cannabis pharmacy acquired from a cannabis processing facility that is licensed under Section

3903 [4-41a-201](#);

3904 (iii) a medical cannabis device; or

3905 (iv) educational material related to the medical use of cannabis.

3906 (b) The state central fill medical cannabis pharmacy may only sell or ship an item listed

3907 in Subsection (1)(a) in response to a request for shipment described in Subsection

3908 [26-61a-603\(1\)](#).

3909 (c) Notwithstanding Subsection (1)(a), the state central fill medical cannabis pharmacy

3910 may not sell a cannabis-based drug that the United States Food and Drug Administration has

3911 approved.

3912 (2) The state central fill medical cannabis pharmacy may not prepare a shipment:

3913 (a) for a medical cannabis cardholder in any one 12-day period, more than the lesser of:

3914 (i) an amount sufficient to provide 14 days of treatment based on the dosing parameters

3915 that the relevant qualified medical provider recommends; or

3916 (ii) (A) 56 grams by weight of unprocessed cannabis that is in a medicinal dosage form

3917 and that carries a label clearly displaying the amount of tetrahydrocannabinol and cannabidiol

3918 in the cannabis; or

3919 (B) an amount of cannabis products that is in a medicinal dosage form and that

3920 contains, in total, greater than 10 grams of total composite tetrahydrocannabinol;

3921 (b) to a medical cannabis cardholder whose primary residence is located more than 100

3922 miles from the nearest medical cannabis pharmacy or local health department, in any one

3923 28-day period, more than the lesser of:

3924 (i) an amount sufficient to provide 30 days of treatment based on the dosing parameters

3925 that the relevant qualified medical provider recommends; or

3926 (ii) (A) 113 grams by weight of unprocessed cannabis that is in a medicinal dosage

3927 form and that carries a label clearly displaying the amount of tetrahydrocannabinol and

3928 cannabidiol in the cannabis; or

3929 (B) an amount of cannabis products that is in a medicinal dosage form and that

3930 contains, in total, greater than 20 grams of total composite tetrahydrocannabinol; or

3931 (c) for an individual whose qualified medical provider did not recommend dosing

3932 parameters, any cannabis or cannabis product, until the individual consults with the state

3933 central fill medical provider in accordance with Subsection (4).

3934 (3) A medical cannabis cardholder may not receive a state central fill shipment
3935 containing:

3936 (a) more cannabis or cannabis products than the amounts designated in Subsection (2)
3937 in any one 12-day period; or

3938 (b) if the relevant qualified medical provider did not recommend dosing parameters,
3939 any cannabis or cannabis product, until the cardholder consults with the state central fill
3940 medical provider in accordance with Subsection (4).

3941 (4) If a qualified medical provider recommends treatment with medical cannabis or a
3942 cannabis product but does not provide dosing parameters:

3943 (a) the qualified medical provider shall document in the recommendation:

3944 (i) an evaluation of the qualifying condition underlying the recommendation;

3945 (ii) prior treatment attempts with cannabis and cannabis products; and

3946 (iii) the patient's current medication list; and

3947 (b) before the relevant medical cannabis cardholder may receive a state central fill
3948 shipment, the state central fill medical provider shall:

3949 (i) review pertinent medical records, including the qualified medical provider
3950 documentation described in Subsection (4)(a); and

3951 (ii) after completing the review described in Subsection (4)(b)(i) and consulting with
3952 the recommending qualified medical provider as needed, determine the best course of treatment
3953 through consultation with the cardholder regarding:

3954 (A) the patient's qualifying condition underlying the recommendation from the
3955 qualified medical provider;

3956 (B) indications for available treatments;

3957 (C) dosing parameters; and

3958 (D) potential adverse reactions.

3959 (5) The state central fill medical cannabis pharmacy shall:

3960 (a) (i) access the state electronic verification system before preparing a shipment of
3961 cannabis or a cannabis product to determine if the medical cannabis cardholder or, where
3962 applicable, the associated patient has met the maximum amount of cannabis or cannabis
3963 product described in Subsection (2); and

3964 (ii) if the verification in Subsection (5)(a)(i) indicates that the individual has met the

3965 maximum amount described in Subsection (2):
3966 (A) decline the request to prepare the shipment; and
3967 (B) notify the qualified medical provider that made the recommendation;
3968 (b) submit a record to the state electronic verification system each time the state central
3969 fill medical cannabis pharmacy prepares and ships a shipment of cannabis, a cannabis product,
3970 or a medical cannabis device;
3971 (c) package any cannabis or cannabis product that is in a blister pack in a container
3972 that:
3973 (i) complies with Subsection 4-41a-602(2);
3974 (ii) is tamper-resistant and tamper-evident; and
3975 (iii) opaque; and
3976 (d) for any product that is a cube that is designed for ingestion through chewing or
3977 holding in the mouth for slow dissolution, include a separate, off-label warning about the risks
3978 of over-consumption.
3979 (6) (a) Except as provided in Subsection (6)(b), the state central fill medical cannabis
3980 pharmacy may not sell medical cannabis in the form of a cigarette or a medical cannabis device
3981 that is intentionally designed or constructed to resemble a cigarette.
3982 (b) The state central fill medical cannabis pharmacy may sell a medical cannabis
3983 device that warms cannabis material into a vapor without the use of a flame and that delivers
3984 cannabis to an individual's respiratory system.
3985 (7) The state central fill medical cannabis pharmacy may not give, at no cost, a product
3986 that the medical cannabis pharmacy is allowed to sell under Subsection (1).
3987 (8) (a) The state central fill medical cannabis pharmacy shall retain in the pharmacy's
3988 records the following information regarding each recommendation underlying a transaction:
3989 (i) the qualified medical provider's name, address, and telephone number;
3990 (ii) the patient's name and address;
3991 (iii) the date of issuance;
3992 (iv) dosing parameters or an indication that the qualified medical provider did not
3993 recommend specific dosing parameters; and
3994 (v) the name and the address of the medical cannabis cardholder if the cardholder is not
3995 the patient.

3996 (b) The state central fill medical cannabis pharmacy may not sell cannabis or a
3997 cannabis product unless the cannabis or cannabis product has a label securely affixed to the
3998 container indicating the following minimum information:

3999 (i) the name and telephone number of the state central fill medical cannabis pharmacy;

4000 (ii) the unique identification number that the state central fill medical cannabis
4001 pharmacy assigns;

4002 (iii) the date of the sale;

4003 (iv) the name of the medical cannabis cardholder;

4004 (v) the name of the qualified medical provider who recommends the medical cannabis
4005 treatment;

4006 (vi) directions for use and cautionary statements, if any;

4007 (vii) the amount dispensed and the cannabinoid content;

4008 (viii) the beyond use date; and

4009 (ix) any other requirements that the department determines, in consultation with the
4010 Division of Occupational and Professional Licensing and the Board of Pharmacy.

4011 (9) A pharmacy medical provider at the state central fill medical cannabis pharmacy or
4012 a state central fill agent shall:

4013 (a) include in each state central fill shipment written counseling regarding the state
4014 central fill shipment; and

4015 (b) provide a telephone number or website by which a medical cannabis cardholder
4016 may contact a pharmacy medical provider for counseling.

4017 (10) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
4018 Utah Administrative Rulemaking Act, protocols for a recall of cannabis and cannabis products
4019 by the state central fill medical cannabis pharmacy.

4020 (11) The department may impose a uniform fee on each medical cannabis cardholder
4021 transaction for a state central fill shipment in an amount that, subject to Subsection
4022 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

4023 Section 83. Section **26-61a-605** is enacted to read:

4024 **26-61a-605. State central fill shipment transportation.**

4025 (1) The state central fill medical cannabis pharmacy shall ensure that the state central
4026 fill medical cannabis pharmacy is capable of delivering, in a secure manner, cannabis in

4027 medicinal dosage form, a cannabis product in medicinal dosage form, and a medical cannabis
4028 device to each local health department in the state within two business days after the day on
4029 which the state central fill medical cannabis pharmacy receives a request for a state central fill
4030 shipment resulting from a recommendation of a qualified medical provider under Section
4031 26-61a-603.

4032 (2) (a) The department may contract with a private entity for the entity to serve as a
4033 courier for the state central fill medical cannabis pharmacy, delivering state central fill
4034 shipments to local health departments for distribution to medical cannabis cardholders.

4035 (b) If the department enters into a contract described in Subsection (2)(a), the
4036 department shall:

4037 (i) issue the contract described in Subsection (2)(a) in accordance with Title 63G,
4038 Chapter 6a, Utah Procurement Code;

4039 (ii) impose security and personnel requirements on the contracted private entity
4040 sufficient to ensure the security and safety of state central fill shipments; and

4041 (iii) provide regular oversight of the contracted private entity.

4042 (3) Except for an individual with a valid medical cannabis card who transports a
4043 shipment the individual receives, an individual may not transport a state central fill shipment
4044 unless the individual is:

4045 (a) a registered state central fill agent; or

4046 (b) an agent of the private courier described in Subsection (2).

4047 (4) An individual transporting a state central fill shipment shall possess a transportation
4048 manifest that:

4049 (a) includes a unique identifier that links the state central fill shipment to a relevant
4050 inventory control system;

4051 (b) includes origin and destination information for a state central fill shipment the
4052 individual is transporting; and

4053 (c) indicates the departure and arrival times and locations of the individual transporting
4054 the state central fill shipment.

4055 (5) In addition to the requirements in Subsections (3) and (4), the department may
4056 establish by rule, in collaboration with the Division of Occupational and Professional Licensing
4057 and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative

4058 Rulemaking Act, requirements for transporting state central fill shipments that are related to
4059 safety for human consumption of cannabis or a cannabis product.

4060 (6) (a) It is unlawful for an individual to transport a state central fill shipment with a
4061 manifest that does not meet the requirements of Subsection (4).

4062 (b) Except as provided in Subsection (6)(d), an individual who violates Subsection
4063 (6)(a):

4064 (i) is guilty of an infraction; and

4065 (ii) subject to a \$100 fine.

4066 (c) An individual who is guilty of a violation described in Subsection (6)(b) is not
4067 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
4068 underlying the violation described in Subsection (6)(b).

4069 (d) If the individual described in Subsection (6)(a) is transporting more cannabis,
4070 cannabis product, or medical cannabis devices than the manifest identifies, except for a de
4071 minimis administrative error:

4072 (i) this chapter does not apply; and

4073 (ii) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled
4074 Substances Act.

4075 Section 84. Section **26-61a-606** is enacted to read:

4076 **26-61a-606. Local health department distribution agent -- Background check --**
4077 **Registration card -- Rebuttable presumption.**

4078 (1) An individual may not serve as a local health department distribution agent unless:

4079 (a) the individual is an employee of a local health department; and

4080 (b) the department registers the individual as a local health department distribution
4081 agent.

4082 (2) (a) The department shall, within 15 days after the day on which the department
4083 receives a complete application from a local health department on behalf of a prospective local
4084 health department distribution agent, register and issue a local health department distribution
4085 agent registration card to the prospective agent if the local health department:

4086 (i) provides to the department:

4087 (A) the prospective agent's name and address;

4088 (B) the name and location of the local health department where the prospective agent

4089 seeks to act as a local health department distribution agent;
4090 (C) the submission required under Subsection (2)(b); and
4091 (ii) as reported under Subsection (2)(c), has not been convicted under state or federal
4092 law of:
4093 (A) a felony; or
4094 (B) after the effective date of this bill, a misdemeanor for drug distribution.
4095 (b) Each prospective agent described in Subsection (2)(a) shall:
4096 (i) submit to the department:
4097 (A) a fingerprint card in a form acceptable to the Department of Public Safety; and
4098 (B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the
4099 registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next
4100 Generation Identification System's Rap Back Service; and
4101 (ii) consent to a fingerprint background check by:
4102 (A) the Bureau of Criminal Identification; and
4103 (B) the Federal Bureau of Investigation.
4104 (c) The Bureau of Criminal Identification shall:
4105 (i) check the fingerprints the prospective agent submits under Subsection (2)(b) against
4106 the applicable state, regional, and national criminal records databases, including the Federal
4107 Bureau of Investigation Next Generation Identification System;
4108 (ii) report the results of the background check to the department;
4109 (iii) maintain a separate file of fingerprints that prospective agents submit under
4110 Subsection (2)(b) for search by future submissions to the local and regional criminal records
4111 databases, including latent prints;
4112 (iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next
4113 Generation Identification System's Rap Back Service for search by future submissions to
4114 national criminal records databases, including the Next Generation Identification System and
4115 latent prints; and
4116 (v) establish a privacy risk mitigation strategy to ensure that the department only
4117 receives notifications for an individual with whom the department maintains an authorizing
4118 relationship.
4119 (d) The department shall:

4120 (i) assess an individual who submits fingerprints under Subsection (2)(b) a fee in an
4121 amount that the department sets in accordance with Section 63J-1-504 for the services that the
4122 Bureau of Criminal Identification or another authorized agency provides under this section; and

4123 (ii) remit the fee described in Subsection (2)(d) to the Bureau of Criminal
4124 Identification.

4125 (3) The department shall designate on an individual's local health department
4126 distribution agent registration card the name of the local health department where the
4127 individual is registered as an agent.

4128 (4) (a) A local health department distribution agent shall comply with a certification
4129 standard that the department develops, in collaboration with the Division of Occupational and
4130 Professional Licensing and the Board of Pharmacy, or a third-party certification standard that
4131 the department designates by rule in collaboration with the Division of Occupational and
4132 Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter
4133 3, Utah Administrative Rulemaking Act.

4134 (b) The department shall ensure that the certification standard described in Subsection
4135 (4)(a) includes training in:

4136 (i) Utah medical cannabis law;

4137 (ii) the state central fill medical cannabis pharmacy shipment process; and

4138 (iii) local health department distribution agent best practices.

4139 (5) The department may revoke or refuse to issue or renew the local health department
4140 distribution agent registration card of an individual who:

4141 (a) violates the requirements of this chapter; or

4142 (b) is convicted under state or federal law of:

4143 (i) a felony; or

4144 (ii) after the effective date of this bill, a misdemeanor for drug distribution.

4145 (6) A local health department distribution agent who the department has registered
4146 under this section shall carry the agent's local health department distribution agent registration
4147 card with the agent at all times when:

4148 (a) the agent is on the premises of the local health department; and

4149 (b) the agent is handling a shipment of cannabis or cannabis product from the state
4150 central fill medical cannabis pharmacy.

4151 (7) If a local health department distribution agent handling a shipment of cannabis or
4152 cannabis product from the state central fill medical cannabis pharmacy possesses the shipment
4153 in compliance with Subsection (6):

4154 (a) there is a rebuttable presumption that the agent possesses the shipment legally; and

4155 (b) there is no probable cause, based solely on the agent's possession of the shipment,
4156 that the agent is engaging in illegal activity.

4157 (8) (a) A local health department distribution agent who violates Subsection (6) is:

4158 (i) guilty of an infraction; and

4159 (ii) subject to a \$100 fine.

4160 (b) An individual who is guilty of a violation described in Subsection (8)(a) is not
4161 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
4162 underlying the violation described in Subsection (8)(a).

4163 Section 85. Section **26-61a-607** is enacted to read:

4164 **26-61a-607. Local health department distribution.**

4165 (1) Each local health department shall designate:

4166 (a) one or more of the local health department's locations as a state central fill shipment
4167 distribution location; and

4168 (b) a sufficient number of personnel to ensure that at least one individual is available at
4169 all times during business hours:

4170 (i) whom the department has registered as a local health department distribution agent;

4171 and

4172 (ii) to distribute state central fill shipments to medical cannabis cardholders in
4173 accordance with this section.

4174 (2) An individual may not retrieve a shipment from the state central fill medical
4175 cannabis pharmacy at a local health department unless the individual presents:

4176 (a) a form of identification that is a valid United States federal- or state-issued photo
4177 identification, including a driver license, a United States passport, a United States passport
4178 card, or a United States military identification card; and

4179 (b) a valid medical cannabis card under the same name that appears on the
4180 identification described in Subsection (2)(a).

4181 (3) Before a local health department distribution agent distributes a state central fill

4182 shipment to a medical cannabis cardholder, the local health department distribution agent shall:

- 4183 (a) verify the shipment information using the state electronic verification system;
- 4184 (b) ensure that the individual satisfies the identification requirements in Subsection (2);
- 4185 (c) verify that payment is complete; and
- 4186 (d) record the completion of the shipment transaction in the electronic verification
- 4187 system.

4188 (4) The local health department shall:

- 4189 (a) (i) store each state central fill shipment that the local health department receives,
- 4190 until the recipient medical cannabis cardholder retrieves the shipment or the local health
- 4191 department returns the shipment to the state central fill medical cannabis pharmacy in
- 4192 accordance with Subsection (5), in a single, secure, locked area that is equipped with a security
- 4193 system that detects and records entry into the area; and

4194 (ii) ensure that only a local health department distribution agent is able to access the

4195 area;

- 4196 (b) return any unclaimed state central fill shipment to the state central fill medical
- 4197 cannabis pharmacy, in accordance with Subsection (5)(a), after the local health department has
- 4198 possessed the state central fill shipment for 10 business days; and

- 4199 (c) return any state central fill shipment to the state central fill medical cannabis
- 4200 pharmacy, in accordance with Subsection (5)(b), if a medical cannabis cardholder returns the
- 4201 shipment to the local health department after retrieving the shipment.

4202 (5) (a) If a local health department returns an unclaimed state central fill shipment

4203 under Subsection (4)(b), the state central fill medical cannabis pharmacy may repackage or

4204 otherwise reuse the shipment for another state central fill shipment.

4205 (b) If a local health department returns a returned state central fill shipment under

4206 Subsection (4)(c), the state central fill medical cannabis pharmacy shall dispose of the returned

4207 shipment by:

4208 (i) rendering the state central fill shipment unusable and unrecognizable before

4209 transporting the shipment from the state central fill medical cannabis pharmacy; and

4210 (ii) disposing of the state central fill shipment in accordance with:

4211 (A) federal and state laws, rules, and regulations related to hazardous waste;

4212 (B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

4213 (C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

4214 (D) other regulations that the department makes in accordance with Title 63G, Chapter
4215 3, Utah Administrative Rulemaking Act.

4216 Section 86. Section **26-61a-608** is enacted to read:

4217 **26-61a-608. Department to set state central fill prices.**

4218 (1) The department shall set a price schedule for cannabis in a medicinal dosage form
4219 that the state central fill medical cannabis pharmacy sells to medical cannabis cardholders
4220 through distribution to local health departments.

4221 (2) The department shall ensure that the price schedule described in Subsection (1):

4222 (a) through an annual review, takes into consideration:

4223 (i) the demand for medical cannabis and cannabis products dispensed through the state
4224 central fill medical cannabis pharmacy and the local health departments;

4225 (ii) the labor required to cultivate and process cannabis into a medicinal dosage form;

4226 (iii) the regulatory burden involved in the creation of the product; and

4227 (iv) any other consideration the department considers necessary; and

4228 (b) after at least three medical cannabis pharmacies that the department licenses under
4229 Section [26-61a-301](#) are operational, contains pricing for a specific product that is within 10%
4230 of the average price for the product among the operational medical cannabis pharmacies.

4231 (3) The department shall ensure that the price schedule that the department sets under
4232 Subsection (1) includes a set fee that the department deposits into the Qualified Distribution
4233 Enterprise Fund to cover the cost of:

4234 (a) the state central fill medical cannabis pharmacy; and

4235 (b) the courier described in Section [26-61a-605](#), if any.

4236 Section 87. Section **26-61a-609** is enacted to read:

4237 **26-61a-609. Partial filling.**

4238 (1) As used in this section, "partially fill" means to provide less than the full amount of
4239 cannabis or cannabis product that the qualified medical provider recommends, if the qualified
4240 medical provider recommended specific dosing parameters.

4241 (2) The state central fill medical cannabis pharmacy may partially fill a

4242 recommendation for a medical cannabis treatment at the request of the qualified medical

4243 provider who issued the medical cannabis treatment recommendation or the medical cannabis

4244 cardholder.

4245 (3) The department shall make rules in collaboration with the Division of Occupational
4246 and Professional Licensing and the Board of Pharmacy and in accordance with Title 63G,
4247 Chapter 3, Utah Administrative Rulemaking Act, specifying how to record the date, quantity
4248 supplied, and quantity remaining of a partially filled medical cannabis treatment
4249 recommendation.

4250 (4) A state central fill medical provider who is a pharmacist may, upon the request of a
4251 medical cannabis cardholder, determine different dosing parameters, subject to the dosing
4252 limits in Subsection 26-61a-604(2), to fill the quantity remaining of a partially filled medical
4253 cannabis treatment recommendation if:

4254 (a) the state central fill medical provider determined dosing parameters for the partial
4255 fill under Subsection 26-61a-604(4); and

4256 (b) the medical cannabis cardholder reports that:

4257 (i) the partial fill did not substantially affect the qualifying condition underlying the
4258 medical cannabis recommendation; or

4259 (ii) the patient experienced an adverse reaction to the partial fill or was otherwise
4260 unable to successfully use the partial fill.

4261 Section 88. Section **26-61a-610** is enacted to read:

4262 **26-61a-610. Records -- Inspections.**

4263 (1) The state central fill medical cannabis pharmacy shall maintain the pharmacy's
4264 medical cannabis treatment recommendation files and other records in accordance with this
4265 chapter, department rules, and the federal Health Insurance Portability and Accountability Act
4266 of 1996, Pub. L. No. 104-191, 110 Stat. 1936, as amended.

4267 (2) The department may inspect the records and facility of the state central fill medical
4268 cannabis pharmacy or a local health department at any time during business hours in order to
4269 determine compliance with this chapter.

4270 (3) An inspection under this section may include:

4271 (a) inspection of a site, facility, vehicle, book, record, paper, document, data, and other
4272 physical or electronic information;

4273 (b) questioning of any relevant individual; or

4274 (c) inspection of equipment, an instrument, a tool, or machinery, including a container

4275 or label.

4276 (4) In making an inspection under this section, the department may freely access any
4277 area and review and make copies of a book, record, paper, document, data, or other physical or
4278 electronic information, including financial data, sales data, shipping data, pricing data, and
4279 employee data.

4280 (5) Failure to provide the department or the department's authorized agents immediate
4281 access during business hours in accordance with this section may result in:

4282 (a) the imposition of a civil monetary penalty that the department sets in accordance
4283 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

4284 (b) license or registration suspension or revocation; or

4285 (c) an immediate cessation of operations under a cease and desist order that the
4286 department issues.

4287 Section 89. Section **26-61a-611** is enacted to read:

4288 **26-61a-611. Advertising.**

4289 (1) Except as provided in Subsection (2), the state central fill medical cannabis
4290 pharmacy may not advertise in any medium.

4291 (2) The state central fill medical cannabis pharmacy may maintain a website that
4292 includes information about:

4293 (a) the contact information for the state central fill medical cannabis pharmacy;

4294 (b) a product or service available through shipment from the state central fill medical
4295 cannabis pharmacy;

4296 (c) a description of the state central fill medical cannabis pharmacy shipment process;

4297 (d) information about retrieving a state central fill shipment at a local health
4298 department; or

4299 (e) educational material related to the medical use of cannabis.

4300 Section 90. Section **26-61a-701** is enacted to read:

4301 **Part 7. Enforcement**

4302 **26-61a-701. Enforcement -- Misdemeanor.**

4303 (1) Except as provided in Title 4, Chapter 41a, Cannabis Production Establishments,
4304 and Sections [26-61a-502](#), [26-61a-605](#), and [26-61a-607](#), it is unlawful for a medical cannabis
4305 cardholder to sell or otherwise give to another medical cannabis cardholder cannabis in a

4306 medicinal dosage form, a cannabis product in a medicinal dosage form, a medical cannabis
 4307 device, or any cannabis residue remaining in or from a medical cannabis device.

4308 (2) (a) Except as provided in Subsection (2)(b), a medical cannabis cardholder who
 4309 violates Subsection (1) is:

4310 (i) guilty of a class B misdemeanor; and

4311 (ii) subject to a \$1,000 fine.

4312 (b) An individual is not guilty under Subsection (2)(a) if the individual:

4313 (i) (A) is a designated caregiver; and

4314 (B) gives the product described in Subsection (1) to the medical cannabis cardholder
 4315 who designated the individual as a designated caregiver; or

4316 (ii) (A) is a medical cannabis guardian cardholder; and

4317 (B) gives the product described in Subsection (1) to the relevant provisional patient
 4318 cardholder.

4319 (c) An individual who is guilty of a violation described in Subsection (2)(a) is not
 4320 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
 4321 underlying the violation described in Subsection (2)(a).

4322 Section 91. Section **26-61a-702**, which is renumbered from Section 26-60b-601 is
 4323 renumbered and amended to read:

4324 ~~[26-60b-601]~~. **26-61a-702. Enforcement -- Fine -- Citation.**

4325 (1) (a) The department may, for a medical cannabis pharmacy's violation of this chapter
 4326 ~~[by a person who is a cannabis dispensary or cannabis dispensary agent]:~~

4327 ~~[(a)]~~ (i) revoke the ~~[person's license or]~~ medical cannabis ~~[dispensary agent registration~~
 4328 ~~card]~~ pharmacy license;

4329 ~~[(b)]~~ (ii) refuse to renew the ~~[person's license or]~~ medical cannabis ~~[dispensary agent~~
 4330 ~~registration card]~~ pharmacy license; or

4331 ~~[(c)]~~ (iii) assess the ~~[person]~~ medical cannabis pharmacy an administrative penalty.

4332 (b) The department may, for a medical cannabis pharmacy agent's or state central fill
 4333 agent's violation of this chapter:

4334 (i) revoke the medical cannabis pharmacy agent or state central fill agent registration
 4335 card;

4336 (ii) refuse to renew the medical cannabis pharmacy agent or state central fill agent

4337 registration card; or

4338 (iii) assess the medical cannabis pharmacy agent or state central fill agent an
4339 administrative penalty.

4340 (2) The department shall deposit an administrative penalty imposed under this section
4341 ~~[in] into the [general fund]~~ General Fund.

4342 (3) ~~[The department may, for]~~ For a person subject to an uncontested citation, a
4343 stipulated settlement, or a finding of a violation in an adjudicative proceeding under this
4344 section, the department may:

4345 (a) for a fine amount not already specified in law, assess the person a fine~~[established~~
4346 ~~in accordance with Section 63J-1-504,]~~ of up to \$5,000 per violation, in accordance with a fine
4347 schedule ~~[established]~~ that the department establishes by rule ~~[made]~~ in accordance with Title
4348 63G, Chapter 3, Utah Administrative Rulemaking Act; or

4349 (b) order the person to cease and desist from the action that creates a violation.

4350 (4) The department may not revoke a medical cannabis ~~[dispensary's]~~ pharmacy's
4351 license without first directing the medical cannabis ~~[dispensary]~~ pharmacy to appear before an
4352 adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.

4353 (5) If, within 20 calendar days after the day on which the department issues a citation
4354 for a violation of this chapter, the person that is the subject of the citation fails to request a
4355 hearing to contest the citation, the citation becomes the department's final order.

4356 (6) The department may, for a person who fails to comply with a citation under this
4357 section:

4358 (a) refuse to issue or renew the person's license ~~[or cannabis dispensary]~~ agent
4359 registration card; or

4360 (b) suspend, revoke, or place on probation the person's license or ~~[cannabis dispensary]~~
4361 agent registration card.

4362 (7) (a) ~~[If the department makes a final determination under this section that]~~ Except
4363 where a criminal penalty is expressly provided for a specific violation of this chapter, if an
4364 individual ~~[violated]~~ violates a provision of this chapter, the individual is:

4365 (i) guilty of an infraction~~[;]~~; and

4366 (ii) subject to a \$100 fine.

4367 (b) An individual who is guilty of a violation described in Subsection (7)(a) is not

4368 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct
4369 underlying the violation described in Subsection (7)(a).

4370 Section 92. Section **26-61a-703**, which is renumbered from Section 26-60b-602 is
4371 renumbered and amended to read:

4372 ~~[26-60b-602].~~ **26-61a-703. Report.**

4373 (1) ~~[The]~~ By the November interim meeting each year, the department shall report
4374 ~~[annually]~~ to the Health and Human Services Interim Committee on:

4375 (a) the number of applications and renewal applications filed for medical cannabis
4376 cards[;];

4377 (b) the number of qualifying patients and designated caregivers[;];

4378 (c) the nature of the debilitating medical conditions of the qualifying patients[;];

4379 (d) the age and county of residence of cardholders[;];

4380 (e) the number of medical cannabis cards revoked[;];

4381 (f) the number of practitioners providing recommendations for qualifying patients[;];

4382 (g) the number of license applications and renewal license applications received[;];

4383 (h) the number of licenses the department has issued in each county[;];

4384 (i) the number of licenses the department has revoked[; and];

4385 (j) the quantity and timeliness of state central fill shipments, including the amount of
4386 time between recommendation to the state central fill medical cannabis pharmacy and arrival of
4387 a state central fill shipment at a local health department;

4388 (k) the market share of state central fill shipments;

4389 (l) the expenses incurred and revenues generated from the medical cannabis
4390 program[;];

4391 (m) the expenses incurred and revenues generated from the state central fill medical
4392 cannabis pharmacy, including a profit and loss statement; and

4393 (n) an analysis of product availability, including the price differential between
4394 comparable products, in medical cannabis pharmacies and the state central fill medical
4395 cannabis pharmacy.

4396 (2) The department may not include personally identifying information in the report
4397 described in this section.

4398 Section 93. Section **26-65-102 (Effective 07/01/19)** is amended to read:

4399 **26-65-102 (Effective 07/01/19). Definitions.**

4400 (1) "Agent" means an employee or independent contractor of an entity.

4401 [~~(2) "Cannabidiol laboratory" means the same as that term is defined in Section~~
4402 ~~4-43-102.~~]

4403 [~~(3)~~ (2) "Cannabidiol product" means [~~the same as that term is defined in Section~~
4404 ~~4-41-102.~~] a chemical compound extracted from cannabis that:

4405 (a) is processed into a medicinal dosage form; and

4406 (b) contains less than 0.3% tetrahydrocannabinol by dry weight.

4407 (3) "Cannabis" means marijuana, as that term is defined in Section [58-37-2](#).

4408 [~~(4) "Cannabidiol-qualified pharmacy" means the same as that term is defined in~~
4409 ~~Section 4-43-102.~~]

4410 [~~(5) "Cannabinoid Product Restricted Account" means the account created in Section~~
4411 ~~4-43-801.~~]

4412 [~~(6)~~ (4) "Medicinal dosage form" means a qualifying dosage form for a cannabidiol
4413 product under Section [26-65-103](#).

4414 [~~(7)~~ (5) "Physician" means an individual who is licensed to practice:

4415 (a) medicine, under Title 58, Chapter 67, Utah Medical Practice Act; or

4416 (b) osteopathic medicine, under Title 58, Chapter 68, Utah Osteopathic Medical
4417 Practice Act.

4418 Section 94. Section **26-65-103 (Effective 07/01/19)** is amended to read:

4419 **26-65-103 (Effective 07/01/19). Medicinal dosage form.**

4420 (1) For the purpose of this chapter, any of the following is a qualifying medicinal
4421 dosage form for a cannabidiol product:

4422 (a) a tablet;

4423 (b) a capsule;

4424 (c) a concentrated oil;

4425 (d) a liquid suspension;

4426 (e) a transdermal preparation; and

4427 (f) a sublingual preparation.

4428 (2) A patient may not purchase, use, or possess a cannabidiol product unless the
4429 cannabidiol product is prepared in a medicinal dosage form.

4430 (3) A [~~cannabidiol-qualified~~] pharmacy may not purchase, possess, or sell a
4431 cannabidiol product unless the cannabidiol product is prepared in a medicinal dosage form.

4432 (4) The department may recommend that the Legislature approve the use of an
4433 additional medicinal dosage form.

4434 Section 95. Section **30-3-10** is amended to read:

4435 **30-3-10. Custody of children in case of separation or divorce -- Custody**
4436 **consideration.**

4437 (1) If a [~~husband and wife~~] married couple having one or more minor children are
4438 separated, or their marriage is declared void or dissolved, the court shall make an order for the
4439 future care and custody of the minor children as it considers appropriate.

4440 (a) In determining any form of custody, including a change in custody, the court shall
4441 consider the best interests of the child without preference for either [~~the mother or father~~]
4442 parent solely because of the biological sex of the parent and, among other factors the court
4443 finds relevant, the following:

4444 (i) in accordance with Subsection (7), the past conduct and demonstrated moral
4445 standards of each of the parties;

4446 (ii) which parent is most likely to act in the best interest of the child, including
4447 allowing the child frequent and continuing contact with the noncustodial parent;

4448 (iii) the extent of bonding between the parent and child, meaning the depth, quality,
4449 and nature of the relationship between a parent and child;

4450 (iv) whether the parent has intentionally exposed the child to pornography or material
4451 harmful to a minor, as defined in Section [76-10-1201](#); and

4452 (v) those factors outlined in Section [30-3-10.2](#).

4453 (b) There [~~shall be~~] is a rebuttable presumption that joint legal custody, as defined in
4454 Section [30-3-10.1](#), is in the best interest of the child, except in cases where there is:

4455 (i) domestic violence in the home or in the presence of the child;

4456 (ii) special physical or mental needs of a parent or child, making joint legal custody
4457 unreasonable;

4458 (iii) physical distance between the residences of the parents, making joint decision
4459 making impractical in certain circumstances; or

4460 (iv) any other factor the court considers relevant including those listed in this section

4461 and Section [30-3-10.2](#).

4462 (c) (i) The person who desires joint legal custody shall file a proposed parenting plan in
4463 accordance with Sections [30-3-10.8](#) and [30-3-10.9](#).

4464 (ii) A presumption for joint legal custody may be rebutted by a showing by a
4465 preponderance of the evidence that it is not in the best interest of the child.

4466 (d) [~~The children~~] A child may not be required by either party to testify unless the trier
4467 of fact determines that extenuating circumstances exist that would necessitate the testimony of
4468 the [~~children~~] child be heard and there is no other reasonable method to present [~~their~~] the
4469 child's testimony.

4470 (e) (i) The court may inquire of [~~the children~~] the child's and take into consideration the
4471 [~~children's~~] the child's desires regarding future custody or parent-time schedules, but the
4472 expressed desires are not controlling and the court may determine the children's custody or
4473 parent-time otherwise.

4474 (ii) The desires of a child 14 years of age or older shall be given added weight, but is
4475 not the single controlling factor.

4476 (f) (i) If [~~interviews~~] an interview with [~~the children are~~] a child is conducted by the
4477 court pursuant to Subsection (1)(e), [~~they~~] the interview shall be conducted by the judge in
4478 camera.

4479 (ii) The prior consent of the parties may be obtained but is not necessary if the court
4480 finds that an interview with [~~the children~~] a child is the only method to ascertain the child's
4481 desires regarding custody.

4482 (2) In awarding custody, the court shall consider, among other factors the court finds
4483 relevant, which parent is most likely to act in the best interests of the child, including allowing
4484 the child frequent and continuing contact with the noncustodial parent as the court finds
4485 appropriate.

4486 (3) If the court finds that one parent does not desire custody of the child, the court shall
4487 take that evidence into consideration in determining whether to award custody to the other
4488 parent.

4489 (4) (a) Except as provided in Subsection (4)(b), a court may not discriminate against a
4490 parent due to a disability, as defined in Section [57-21-2](#), in awarding custody or determining
4491 whether a substantial change has occurred for the purpose of modifying an award of custody.

4492 (b) ~~[If a]~~ The court [takes a parent's] may not consider the disability [into account] of a
4493 parent as a factor in awarding custody or [determining whether] modifying an award of custody
4494 based on a determination of a substantial change [has occurred for the purpose of modifying an
4495 award of custody, the parent with a disability may rebut any evidence, presumption, or
4496 inference arising from the disability by showing] in circumstances, unless the court makes
4497 specific findings that:

4498 (i) the disability ~~[does not]~~ significantly or substantially ~~[inhibit]~~ inhibits the parent's
4499 ability to provide for the physical and emotional needs of the child at issue; and

4500 (ii) the parent with a disability ~~[has]~~ lacks sufficient human, monetary, or other
4501 resources available to supplement the parent's ability to provide for the physical and emotional
4502 needs of the child at issue.

4503 (c) Nothing in this section may be construed to apply to adoption proceedings under
4504 Title 78B, Chapter 6, Part 1, Utah Adoption Act.

4505 (5) This section establishes neither a preference nor a presumption for or against joint
4506 physical custody or sole physical custody, but allows the court and the family the widest
4507 discretion to choose a parenting plan that is in the best interest of the child.

4508 (6) When an issue before the court involves custodial responsibility in the event of a
4509 deployment of one or both parents who are servicemembers, and the servicemember has not yet
4510 been notified of deployment, the court shall resolve the issue based on the standards in Sections
4511 78B-20-306 through 78B-20-309.

4512 ~~[(6)]~~ (7) In considering the past conduct and demonstrated moral standards of each [of
4513 the parties as described] party under Subsection (1)(a)(i)[;] or any other factor a court finds
4514 relevant, the court may not discriminate against a parent because of or otherwise consider the
4515 parent's:

4516 (a) lawful possession or [consumption] use of cannabis in a medicinal dosage form, a
4517 cannabis product in a medicinal dosage form, or a medical cannabis device, in accordance with
4518 Title 26, Chapter ~~[60b]~~ 61a, Utah Medical Cannabis Act[;]; or [because of]

4519 (b) ~~[the parent's]~~ status as a:

4520 (i) cannabis production establishment agent, as that term is defined in Section
4521 4-41a-102;

4522 (ii) medical cannabis pharmacy agent, as that term is defined in Section 26-61a-102;

4523 (iii) state central fill agent, as that term is defined in Section 26-61a-102; or
4524 (iv) medical cannabis cardholder in accordance with [Title 4, Chapter 41b, a cannabis
4525 dispensary agent in accordance with Title 26, Chapter 60b, or a medical cannabis card holder in
4526 accordance with] Title 26, Chapter [60b] 61a, Utah Medical Cannabis Act.

4527 Section 96. Section **34A-2-418** is amended to read:

4528 **34A-2-418. Awards -- Medical, nursing, hospital, and burial expenses -- Artificial**
4529 **means and appliances.**

4530 (1) In addition to the compensation provided in this chapter or Chapter 3, Utah
4531 Occupational Disease Act, and subject to Subsection 34A-2-407(11), the employer or the
4532 insurance carrier shall pay reasonable sums for medical, nurse, and hospital services, for
4533 medicines, and for artificial means, appliances, and prostheses necessary to treat the injured
4534 employee.

4535 (2) The employer and the insurance carrier are not required to pay or reimburse for
4536 cannabis, a cannabis product, or a medical cannabis device, as those terms are defined in
4537 Section 26-61a-102.

4538 [~~(2)~~] (3) If death results from the injury, the employer or the insurance carrier shall pay
4539 the burial expenses in ordinary cases as established by rule.

4540 [~~(3)~~] (4) If a compensable accident results in the breaking of or loss of an employee's
4541 artificial means or appliance including eyeglasses, the employer or insurance carrier shall
4542 provide a replacement of the artificial means or appliance.

4543 [~~(4)~~] (5) An administrative law judge may require the employer or insurance carrier to
4544 maintain the artificial means or appliances or provide the employee with a replacement of any
4545 artificial means or appliance for the reason of breakage, wear and tear, deterioration, or
4546 obsolescence.

4547 [~~(5)~~] (6) An administrative law judge may, in unusual cases, order, as the
4548 administrative law judge considers just and proper, the payment of additional sums:

4549 (a) for burial expenses; or

4550 (b) to provide for artificial means or appliances.

4551 Section 97. Section **41-6a-517 (Superseded 07/01/19)** is amended to read:

4552 **41-6a-517 (Superseded 07/01/19). Definitions -- Driving with any measurable**
4553 **controlled substance in the body -- Penalties -- Arrest without warrant.**

- 4554 (1) As used in this section:
- 4555 (a) "Controlled substance" means the same as that term is defined in Section 58-37-2.
- 4556 (b) "Practitioner" means the same as that term is defined in Section 58-37-2.
- 4557 (c) "Prescribe" means the same as that term is defined in Section 58-37-2.
- 4558 (d) "Prescription" means the same as that term is defined in Section 58-37-2.
- 4559 (2) In cases not amounting to a violation of Section 41-6a-502, a person may not
- 4560 operate or be in actual physical control of a motor vehicle within this state if the person has any
- 4561 measurable controlled substance or metabolite of a controlled substance in the person's body.
- 4562 (3) It is an affirmative defense to prosecution under this section that the controlled
- 4563 substance was:
- 4564 (a) involuntarily ingested by the accused;
- 4565 (b) prescribed by a practitioner for use by the accused; [~~or~~]
- 4566 (c) cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage
- 4567 form that the accused ingested in accordance with Title 26, Chapter 61a, Utah Medical
- 4568 Cannabis Act; or
- 4569 [~~e~~] (d) otherwise legally ingested.
- 4570 (4) (a) A person convicted of a violation of Subsection (2) is guilty of a class B
- 4571 misdemeanor.
- 4572 (b) A person who violates this section is subject to conviction and sentencing under
- 4573 both this section and any applicable offense under Section 58-37-8.
- 4574 (5) A peace officer may, without a warrant, arrest a person for a violation of this
- 4575 section when the officer has probable cause to believe the violation has occurred, although not
- 4576 in the officer's presence, and if the officer has probable cause to believe that the violation was
- 4577 committed by the person.
- 4578 (6) The Driver License Division shall, if the person is 21 years of age or older on the
- 4579 date of arrest:
- 4580 (a) suspend, for a period of 120 days, the driver license of a person convicted under
- 4581 Subsection (2) of an offense committed on or after July 1, 2009; or
- 4582 (b) revoke, for a period of two years, the driver license of a person if:
- 4583 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
- 4584 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,

4585 and within a period of 10 years after the date of the prior violation.

4586 (7) The Driver License Division shall, if the person is 19 years of age or older but
4587 under 21 years of age on the date of arrest:

4588 (a) suspend, until the person is 21 years of age or for a period of one year, whichever is
4589 longer, the driver license of a person convicted under Subsection (2) of an offense committed
4590 on or after July 1, 2011; or

4591 (b) revoke, until the person is 21 years of age or for a period of two years, whichever is
4592 longer, the driver license of a person if:

4593 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

4594 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,

4595 and within a period of 10 years after the date of the prior violation.

4596 (8) The Driver License Division shall, if the person is under 19 years of age on the date
4597 of arrest:

4598 (a) suspend, until the person is 21 years of age, the driver license of a person convicted
4599 under Subsection (2) of an offense committed on or after July 1, 2009; or

4600 (b) revoke, until the person is 21 years of age, the driver license of a person if:

4601 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

4602 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,

4603 and within a period of 10 years after the date of the prior violation.

4604 (9) The Driver License Division shall subtract from any suspension or revocation
4605 period the number of days for which a license was previously suspended under Section
4606 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon
4607 which the record of conviction is based.

4608 (10) The Driver License Division shall:

4609 (a) deny, suspend, or revoke a person's license for the denial and suspension periods in
4610 effect prior to July 1, 2009, for a conviction of a violation under Subsection (2) that was
4611 committed prior to July 1, 2009; or

4612 (b) deny, suspend, or revoke the operator's license of a person for the denial,
4613 suspension, or revocation periods in effect from July 1, 2009, through June 30, 2011, if:

4614 (i) the person was 20 years of age or older but under 21 years of age at the time of
4615 arrest; and

4616 (ii) the conviction under Subsection (2) is for an offense that was committed on or after
4617 July 1, 2009, and prior to July 1, 2011.

4618 (11) A court that reported a conviction of a violation of this section for a violation that
4619 occurred on or after July 1, 2009, to the Driver License Division may shorten the suspension
4620 period imposed under Subsection (7)(a) or (8)(a) prior to completion of the suspension period
4621 if the person:

4622 (a) completes at least six months of the license suspension;

4623 (b) completes a screening;

4624 (c) completes an assessment, if it is found appropriate by a screening under Subsection
4625 (11)(b);

4626 (d) completes substance abuse treatment if it is found appropriate by the assessment
4627 under Subsection (11)(c);

4628 (e) completes an educational series if substance abuse treatment is not required by the
4629 assessment under Subsection (11)(c) or the court does not order substance abuse treatment;

4630 (f) has not been convicted of a violation of any motor vehicle law in which the person
4631 was involved as the operator of the vehicle during the suspension period imposed under
4632 Subsection (7)(a) or (8)(a);

4633 (g) has complied with all the terms of the person's probation or all orders of the court if
4634 not ordered to probation; and

4635 (h) (i) is 18 years of age or older and provides a sworn statement to the court that the
4636 person has not consumed a controlled substance not prescribed by a practitioner for use by the
4637 person or unlawfully consumed alcohol during the suspension period imposed under
4638 Subsection (7)(a) or (8)(a); or

4639 (ii) is under 18 years of age and has the person's parent or legal guardian provide an
4640 affidavit or other sworn statement to the court certifying that to the parent or legal guardian's
4641 knowledge the person has not consumed a controlled substance not prescribed by a practitioner
4642 for use by the person or unlawfully consumed alcohol during the suspension period imposed
4643 under Subsection (7)(a) or (8)(a).

4644 (12) If the court shortens a person's license suspension period in accordance with the
4645 requirements of Subsection (11), the court shall forward the order shortening the person's
4646 license suspension period prior to the completion of the suspension period imposed under

4647 Subsection (7)(a) or (8)(a) to the Driver License Division.

4648 (13) (a) The court shall notify the Driver License Division if a person fails to:

4649 (i) complete all court ordered screening and assessment, educational series, and
4650 substance abuse treatment; or

4651 (ii) pay all fines and fees, including fees for restitution and treatment costs.

4652 (b) Upon receiving the notification, the division shall suspend the person's driving
4653 privilege in accordance with Subsections 53-3-221(2) and (3).

4654 (14) The court:

4655 (a) shall order supervised probation in accordance with Section 41-6a-507 for a person
4656 convicted under Subsection (2); and

4657 (b) may order a person convicted under Subsection (2) to participate in a 24-7 sobriety
4658 program as defined in Section 41-6a-515.5 if the person is 21 years of age or older.

4659 (15) (a) A court that reported a conviction of a violation of this section to the Driver
4660 License Division may shorten the suspension period imposed under Subsection (6) before
4661 completion of the suspension period if the person is participating in or has successfully
4662 completed a 24-7 sobriety program as defined in Section 41-6a-515.5.

4663 (b) If the court shortens a person's license suspension period in accordance with the
4664 requirements of this Subsection (15), the court shall forward to the Driver License Division the
4665 order shortening the person's suspension period.

4666 (c) The court shall notify the Driver License Division if a person fails to complete all
4667 requirements of a 24-7 sobriety program.

4668 (d) Upon receiving the notification described in Subsection (15)(c), the division shall
4669 suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).

4670 Section 98. Section 41-6a-517 (Effective 07/01/19) is amended to read:

4671 **41-6a-517 (Effective 07/01/19). Definitions -- Driving with any measurable**
4672 **controlled substance in the body -- Penalties -- Arrest without warrant.**

4673 (1) As used in this section:

4674 (a) "Controlled substance" means the same as that term is defined in Section 58-37-2.

4675 (b) "Practitioner" means the same as that term is defined in Section 58-37-2.

4676 (c) "Prescribe" means the same as that term is defined in Section 58-37-2.

4677 (d) "Prescription" means the same as that term is defined in Section 58-37-2.

4678 (2) In cases not amounting to a violation of Section 41-6a-502, a person may not
4679 operate or be in actual physical control of a motor vehicle within this state if the person has any
4680 measurable controlled substance or metabolite of a controlled substance in the person's body.

4681 (3) It is an affirmative defense to prosecution under this section that the controlled
4682 substance was:

4683 (a) involuntarily ingested by the accused;

4684 (b) prescribed by a practitioner for use by the accused [~~or recommended by a physician~~
4685 ~~for use by the accused; or~~];

4686 (c) cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage
4687 form that the accused ingested in accordance with Title 26, Chapter 61a, Utah Medical
4688 Cannabis Act; or

4689 [~~e~~] (d) otherwise legally ingested.

4690 (4) (a) A person convicted of a violation of Subsection (2) is guilty of a class B
4691 misdemeanor.

4692 (b) A person who violates this section is subject to conviction and sentencing under
4693 both this section and any applicable offense under Section 58-37-8.

4694 (5) A peace officer may, without a warrant, arrest a person for a violation of this
4695 section when the officer has probable cause to believe the violation has occurred, although not
4696 in the officer's presence, and if the officer has probable cause to believe that the violation was
4697 committed by the person.

4698 (6) The Driver License Division shall, if the person is 21 years of age or older on the
4699 date of arrest:

4700 (a) suspend, for a period of 120 days, the driver license of a person convicted under
4701 Subsection (2) of an offense committed on or after July 1, 2009; or

4702 (b) revoke, for a period of two years, the driver license of a person if:

4703 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

4704 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,
4705 and within a period of 10 years after the date of the prior violation.

4706 (7) The Driver License Division shall, if the person is 19 years of age or older but
4707 under 21 years of age on the date of arrest:

4708 (a) suspend, until the person is 21 years of age or for a period of one year, whichever is

4709 longer, the driver license of a person convicted under Subsection (2) of an offense committed
4710 on or after July 1, 2011; or

4711 (b) revoke, until the person is 21 years of age or for a period of two years, whichever is
4712 longer, the driver license of a person if:

4713 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

4714 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,
4715 and within a period of 10 years after the date of the prior violation.

4716 (8) The Driver License Division shall, if the person is under 19 years of age on the date
4717 of arrest:

4718 (a) suspend, until the person is 21 years of age, the driver license of a person convicted
4719 under Subsection (2) of an offense committed on or after July 1, 2009; or

4720 (b) revoke, until the person is 21 years of age, the driver license of a person if:

4721 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

4722 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,
4723 and within a period of 10 years after the date of the prior violation.

4724 (9) The Driver License Division shall subtract from any suspension or revocation
4725 period the number of days for which a license was previously suspended under Section
4726 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon
4727 which the record of conviction is based.

4728 (10) The Driver License Division shall:

4729 (a) deny, suspend, or revoke a person's license for the denial and suspension periods in
4730 effect prior to July 1, 2009, for a conviction of a violation under Subsection (2) that was
4731 committed prior to July 1, 2009; or

4732 (b) deny, suspend, or revoke the operator's license of a person for the denial,
4733 suspension, or revocation periods in effect from July 1, 2009, through June 30, 2011, if:

4734 (i) the person was 20 years of age or older but under 21 years of age at the time of
4735 arrest; and

4736 (ii) the conviction under Subsection (2) is for an offense that was committed on or after
4737 July 1, 2009, and prior to July 1, 2011.

4738 (11) A court that reported a conviction of a violation of this section for a violation that
4739 occurred on or after July 1, 2009, to the Driver License Division may shorten the suspension

4740 period imposed under Subsection (7)(a) or (8)(a) prior to completion of the suspension period
4741 if the person:

4742 (a) completes at least six months of the license suspension;

4743 (b) completes a screening;

4744 (c) completes an assessment, if it is found appropriate by a screening under Subsection
4745 (11)(b);

4746 (d) completes substance abuse treatment if it is found appropriate by the assessment
4747 under Subsection (11)(c);

4748 (e) completes an educational series if substance abuse treatment is not required by the
4749 assessment under Subsection (11)(c) or the court does not order substance abuse treatment;

4750 (f) has not been convicted of a violation of any motor vehicle law in which the person
4751 was involved as the operator of the vehicle during the suspension period imposed under
4752 Subsection (7)(a) or (8)(a);

4753 (g) has complied with all the terms of the person's probation or all orders of the court if
4754 not ordered to probation; and

4755 (h) (i) is 18 years of age or older and provides a sworn statement to the court that the
4756 person has not consumed a controlled substance not prescribed by a practitioner for use by the
4757 person or unlawfully consumed alcohol during the suspension period imposed under
4758 Subsection (7)(a) or (8)(a); or

4759 (ii) is under 18 years of age and has the person's parent or legal guardian provide an
4760 affidavit or other sworn statement to the court certifying that to the parent or legal guardian's
4761 knowledge the person has not consumed a controlled substance not prescribed by a practitioner
4762 for use by the person or unlawfully consumed alcohol during the suspension period imposed
4763 under Subsection (7)(a) or (8)(a).

4764 (12) If the court shortens a person's license suspension period in accordance with the
4765 requirements of Subsection (11), the court shall forward the order shortening the person's
4766 license suspension period prior to the completion of the suspension period imposed under
4767 Subsection (7)(a) or (8)(a) to the Driver License Division.

4768 (13) (a) The court shall notify the Driver License Division if a person fails to:

4769 (i) complete all court ordered screening and assessment, educational series, and
4770 substance abuse treatment; or

4771 (ii) pay all fines and fees, including fees for restitution and treatment costs.

4772 (b) Upon receiving the notification, the division shall suspend the person's driving
4773 privilege in accordance with Subsections 53-3-221(2) and (3).

4774 (14) The court:

4775 (a) shall order supervised probation in accordance with Section 41-6a-507 for a person
4776 convicted under Subsection (2); and

4777 (b) may order a person convicted under Subsection (2) to participate in a 24-7 sobriety
4778 program as defined in Section 41-6a-515.5 if the person is 21 years of age or older.

4779 (15) (a) A court that reported a conviction of a violation of this section to the Driver
4780 License Division may shorten the suspension period imposed under Subsection (6) before
4781 completion of the suspension period if the person is participating in or has successfully
4782 completed a 24-7 sobriety program as defined in Section 41-6a-515.5.

4783 (b) If the court shortens a person's license suspension period in accordance with the
4784 requirements of this Subsection (15), the court shall forward to the Driver License Division the
4785 order shortening the person's suspension period.

4786 (c) The court shall notify the Driver License Division if a person fails to complete all
4787 requirements of a 24-7 sobriety program.

4788 (d) Upon receiving the notification described in Subsection (15)(c), the division shall
4789 suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).

4790 Section 99. Section 49-11-1401 is amended to read:

4791 **49-11-1401. Forfeiture of retirement benefits for employees for employment**
4792 **related offense convictions -- Notifications -- Investigations -- Appeals.**

4793 (1) As used in this section:

4794 (a) "Convicted" means a conviction by plea or by verdict, including a plea of guilty or a
4795 plea of no contest that is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance,
4796 regardless of whether the charge was, or is, subsequently reduced or dismissed in accordance
4797 with the plea in abeyance agreement.

4798 (b) "Employee" means a member of a system or plan administered by the board.

4799 (c) (i) "Employment related offense" means a felony committed during employment or
4800 the term of an elected or appointed office with a participating employer that is:

4801 [(†)] (A) during the performance of the employee's duties;

4802 [(ii)] (B) within the scope of the employee's employment; or
4803 [(iii)] (C) under color of the employee's authority.

4804 (ii) "Employment related offense" does not include any federal offense for conduct that
4805 is lawful under Title 26, Chapter 61a, Utah Medical Cannabis Act.

4806 (2) (a) Notwithstanding any other provision of this title, an employee shall forfeit
4807 accrual of service credit, employer retirement related contributions, including employer
4808 contributions to the employer sponsored defined contribution plans, or other retirement related
4809 benefits from a system or plan under this title in accordance with this section.

4810 (b) The forfeiture of retirement related benefits under Subsection (2)(a) does not
4811 include the employee's contribution to a defined contribution plan.

4812 (3) An employee shall forfeit the benefits described under Subsection (2)(a):

- 4813 (a) if the employee is convicted of an employment related offense;
- 4814 (b) beginning on the day on which the employment related offense occurred; and
- 4815 (c) until the employee is either:

4816 (i) re-elected or reappointed to office; or

4817 (ii) (A) terminated from the position for which the employee was found to have
4818 committed an employment related offense; and

4819 (B) rehired or hired as an employee who is eligible to be a member of a Utah state
4820 retirement system or plan.

4821 (4) The employee's participating employer shall:

4822 (a) immediately notify the office:

4823 (i) if an employee is charged with an offense that is or may be an employment related
4824 offense under this section; and

4825 (ii) if the employee described in Subsection (4)(a)(i) is acquitted of the offense that is
4826 or may be an employment related offense under this section; and

4827 (b) if the employee is convicted of an offense that may be an employment related
4828 offense:

4829 (i) conduct an investigation, which may rely on the conviction, to determine:

4830 (A) whether the conviction is for an employment related offense; and

4831 (B) the date on which the employment related offense was initially committed; and

4832 (ii) after the period of time for an appeal by an employee under Subsection (5),

4833 immediately notify the office of the employer's determination under this Subsection (4)(b).

4834 (5) An employee may appeal the employee's participating employer's determination
4835 under Subsection (4)(b) in accordance with Title 63G, Chapter 4, Administrative Procedures
4836 Act.

4837 (6) (a) Notwithstanding Subsection (4), a district attorney, a county attorney, the
4838 attorney general's office, or the state auditor may notify the office and the employee's
4839 participating employer if an employee is charged with an offense that is or may be an
4840 employment related offense under this section.

4841 (b) If the employee's participating employer receives a notification under Subsection
4842 (6)(a), the participating employer shall immediately report to the entity that provided the
4843 notification under Subsection (6)(a):

4844 (i) if the employee is acquitted of the offense;

4845 (ii) if the employee is convicted of an offense that may be an employment related
4846 offense; and

4847 (iii) when the participating employer has concluded its duties under this section if the
4848 employee is convicted, including conducting an investigation, making a determination under
4849 Subsection (4)(b) that the conviction was for an employment related offense, and notifying the
4850 office under Subsection (7).

4851 (c) The notifying entity under Subsection (6)(a) may assist the employee's participating
4852 employer with the investigation and determination described under Subsection (4)(b).

4853 (7) Upon receiving a notification from a participating employer that the participating
4854 employer has made a determination under Subsection (4)(b) that the conviction was for an
4855 employment related offense, the office shall immediately forfeit any service credit, employer
4856 retirement related contributions, including employer contributions to the employer sponsored
4857 contribution plans, or other retirement related benefits accrued by or made for the benefit of the
4858 employee, beginning on the date of the initial employment related offense determined under
4859 Subsection (4)(b).

4860 (8) This section applies to an employee who is convicted on or after the effective date
4861 of this act for an employment related offense.

4862 (9) The board may make rules to implement this section.

4863 (10) If any provision of this section, or the application of any provision to any person

4864 or circumstance, is held invalid, the remainder of this section shall be given effect without the
4865 invalid provision or application.

4866 Section 100. Section **53-1-106.5** is amended to read:

4867 **53-1-106.5. Utah Medical Cannabis Act -- Department duties.**

4868 In addition to the duties described in Section **53-1-106**, the department shall:

4869 (1) provide standards for training peace officers and law enforcement agencies in the
4870 use of the state electronic verification system; and

4871 (2) collaborate with the Department of Health and the Department of Agriculture and
4872 Food to provide standards for training peace officers and law enforcement agencies in medical
4873 cannabis law.

4874 Section 101. Section **58-17b-302** is amended to read:

4875 **58-17b-302. License required -- License classifications for pharmacy facilities.**

4876 (1) A license is required to act as a pharmacy, except:

4877 (a) as specifically exempted from licensure under Section **58-1-307**[~~;~~]; and

4878 (b) for the operation of a medical cannabis pharmacy or the state central fill medical
4879 cannabis pharmacy under Title 26, Chapter 61a, Utah Medical Cannabis Act.

4880 (2) The division shall issue a pharmacy license to a facility that qualifies under this
4881 chapter in the classification of a:

4882 (a) class A pharmacy;

4883 (b) class B pharmacy;

4884 (c) class C pharmacy;

4885 (d) class D pharmacy;

4886 (e) class E pharmacy; or

4887 (f) dispensing medical practitioner clinic pharmacy.

4888 (3) (a) Each place of business shall require a separate license.

4889 (b) If multiple pharmacies exist at the same address, a separate license shall be required
4890 for each pharmacy.

4891 (4) (a) The division may further define or supplement the classifications of pharmacies.

4892 (b) The division may impose restrictions upon classifications to protect the public
4893 health, safety, and welfare.

4894 (5) Each pharmacy, including the state central fill medical cannabis pharmacy, shall

4895 have a pharmacist-in-charge, except as otherwise provided by rule.

4896 (6) Whenever an applicable statute or rule requires or prohibits action by a pharmacy,
4897 the pharmacist-in-charge and the owner of the pharmacy shall be responsible for all activities
4898 of the pharmacy, regardless of the form of the business organization.

4899 Section 102. Section **58-17b-310** is amended to read:

4900 **58-17b-310. Continuing education.**

4901 (1) The division in collaboration with the board may establish by rule continuing
4902 education requirements for each classification of licensure under this chapter.

4903 (2) The division shall accept and apply toward an hour requirement that the division
4904 establishes under Subsection (1) continuing education that a pharmacist completes in
4905 accordance with Sections [26-61a-403](#) and [26-61a-601](#).

4906 Section 103. Section **58-17b-502** is amended to read:

4907 **58-17b-502. Unprofessional conduct.**

4908 (1) "Unprofessional conduct" includes:

4909 [(+) (a) willfully deceiving or attempting to deceive the division, the board, or their
4910 agents as to any relevant matter regarding compliance under this chapter;

4911 [(2)(a)] (b) except as provided in Subsection (2)[(b)]:

4912 (i) paying or offering rebates to practitioners or any other health care providers, or
4913 receiving or soliciting rebates from practitioners or any other health care provider; or

4914 (ii) paying, offering, receiving, or soliciting compensation in the form of a commission,
4915 bonus, rebate, kickback, or split fee arrangement with practitioners or any other health care
4916 provider, for the purpose of obtaining referrals[-];

4917 [(b) Subsection (2)(a) does not apply to:]

4918 [(i) giving or receiving price discounts based on purchase volume;]

4919 [(ii) passing along pharmaceutical manufacturer's rebates; or]

4920 [(iii) providing compensation for services to a veterinarian.]

4921 [(3)] (c) misbranding or adulteration of any drug or device or the sale, distribution, or
4922 dispensing of any outdated, misbranded, or adulterated drug or device;

4923 [(4)] (d) engaging in the sale or purchase of drugs or devices that are samples or
4924 packages bearing the inscription "sample" or "not for resale" or similar words or phrases;

4925 [(5)] (e) except as provided in Section [58-17b-503](#) or Part 9, Charitable Prescription

4926 Drug Recycling Act, accepting back and redistributing any unused drug, or a part of it, after it
4927 has left the premises of any pharmacy, unless the drug is in a unit pack, as defined in Section
4928 [58-17b-503](#), or the manufacturer's sealed container, as defined in rule;

4929 ~~[(6)]~~ (f) an act in violation of this chapter committed by a person for any form of
4930 compensation if the act is incidental to the person's professional activities, including the
4931 activities of a pharmacist, pharmacy intern, or pharmacy technician;

4932 ~~[(7)]~~ (g) violating:

4933 ~~[(a)]~~ (i) the federal Controlled Substances Act, Title II, P.L. 91-513;

4934 ~~[(b)]~~ (ii) Title 58, Chapter 37, Utah Controlled Substances Act; or

4935 ~~[(c)]~~ (iii) rules or regulations adopted under either act;

4936 ~~[(8)]~~ (h) requiring or permitting pharmacy interns or technicians to engage in activities
4937 outside the scope of practice for their respective license classifications, as defined in this
4938 chapter and division rules made in collaboration with the board, or beyond their scope of
4939 training and ability;

4940 ~~[(9)]~~ (i) administering:

4941 ~~[(a)]~~ (i) without appropriate training, as defined by rule;

4942 ~~[(b)]~~ (ii) without a physician's order, when one is required by law; and

4943 ~~[(c)]~~ (iii) in conflict with a practitioner's written guidelines or written protocol for
4944 administering;

4945 ~~[(10)]~~ (j) disclosing confidential patient information in violation of the provisions of
4946 the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110
4947 Stat. 1936, as amended, or other applicable law;

4948 ~~[(11)]~~ (k) engaging in the practice of pharmacy without a licensed pharmacist
4949 designated as the pharmacist-in-charge;

4950 ~~[(12)]~~ (l) failing to report to the division any adverse action taken by another licensing
4951 jurisdiction, government agency, law enforcement agency, or court for conduct that in
4952 substance would be considered unprofessional conduct under this section;

4953 ~~[(13)]~~ (m) as a pharmacist or pharmacy intern, compounding a prescription drug in a
4954 dosage form which is regularly and commonly available from a manufacturer in quantities and
4955 strengths prescribed by a practitioner; ~~[and]~~

4956 ~~[(14)]~~ (n) failing to act in accordance with Title 26, Chapter 64, Family Planning

4957 Access Act, when dispensing a self-administered hormonal contraceptive under a standing
4958 order[-]; and

4959 (o) violating the requirements of Title 26, Chapter 61a, Utah Medical Cannabis Act.

4960 (2) Subsection (1)(b) does not apply to:

4961 (a) giving or receiving a price discount based on purchase volume;

4962 (b) passing along a pharmaceutical manufacturer's rebate; or

4963 (c) providing compensation for services to a veterinarian.

4964 (3) "Unprofessional conduct" does not include, in accordance with Title 26, Chapter
4965 61a, Utah Medical Cannabis Act:

4966 (a) when registered as a pharmacy medical provider, as that term is defined in Section
4967 20-61a-102, providing pharmacy medical provider services in a medical cannabis pharmacy; or

4968 (b) when registered as a state central fill medical provider, as that term is defined in
4969 Section 26-61a-102, providing state central fill medical provider services in the state central fill
4970 medical cannabis pharmacy.

4971 (4) Notwithstanding Subsection (3), the division, in consultation with the board and in
4972 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define
4973 unprofessional conduct for a pharmacist described in Subsections (3)(a) and (b).

4974 Section 104. Section **58-20b-101** is enacted to read:

4975 **CHAPTER 20b. ENVIRONMENTAL HEALTH SCIENTIST ACT**

4976 **Part 1. General Provisions.**

4977 **58-20b-101. Title.**

4978 This chapter is known as the "Environmental Health Scientist Act."

4979 Section 105. Section **58-20b-102** is enacted to read:

4980 **58-20b-102. Definitions.**

4981 In addition to the definitions in Section 58-1-102, as used in this chapter:

4982 (1) "Accredited program" means a degree-offering program from:

4983 (a) an institution, college, or university that is accredited by the Department of
4984 Education or the Council for Higher Education Accreditation; or

4985 (b) a non-accredited institution, college, or university that offers education equivalent
4986 to Department of Education-accredited programs, as determined by a third party selected by the
4987 board.

4988 (2) "Board" means the Environmental Health Scientist Board created in Section
 4989 58-20b-201.

4990 (3) "General supervision" means the supervising environmental health scientist is
 4991 available for immediate voice communication with the person he or she is supervising.

4992 (4) "Practice of environmental health science" means:

4993 (a) the enforcement of, the issuance of permits required by, or the inspection for the
 4994 purpose of enforcing state and local public health laws in the following areas:

4995 (i) air quality;

4996 (ii) food quality;

4997 (iii) solid, hazardous, and toxic substances disposal;

4998 (iv) consumer product safety;

4999 (v) housing;

5000 (vi) noise control;

5001 (vii) radiation protection;

5002 (viii) water quality;

5003 (ix) vector control;

5004 (x) drinking water quality;

5005 (xi) milk sanitation;

5006 (xii) rabies control;

5007 (xiii) public health nuisances;

5008 (xiv) indoor clean air regulations;

5009 (xv) institutional and residential sanitation; or

5010 (xvi) recreational facilities sanitation; or

5011 (b) representing oneself in any manner as, or using the titles "environmental health
 5012 scientist," "environmental health scientist-in-training," or "registered sanitarian."

5013 (5) "Unlawful conduct" means the same as that term is defined in Section 58-1-501.

5014 (6) "Unprofessional conduct" means the same as that term is defined in Sections
 5015 58-1-501 and 58-20b-501 and as may be further defined by division rule.

5016 Section 106. Section **58-20b-201** is enacted to read:

5017 **Part 2. Board.**

5018 **58-20b-201. Board.**

5019 (1) There is created the Environmental Health Scientist Board consisting of four
5020 environmental health scientists in good standing and one member of the general public.

5021 (2) The board shall be appointed and serve in accordance with Section 58-1-201.

5022 (3) The duties and responsibilities of the board shall be in accordance with Sections
5023 58-1-202 and 58-1-203. In addition, the board shall designate one of its members on a
5024 permanent or rotating basis to:

5025 (a) assist the division in reviewing complaints concerning the unlawful or
5026 unprofessional conduct of a licensee; and

5027 (b) advise the division in its investigation of these complaints.

5028 (4) A board member who has, under Subsection (3), reviewed a complaint or advised
5029 in the investigation of the complaint is disqualified from participating with the board when the
5030 board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

5031 Section 107. Section **58-20b-301** is enacted to read:

5032 **Part 3. Licensing.**

5033 **58-20b-301. Licensure required -- License classifications.**

5034 (1) A person shall hold a license under this chapter in order to engage in the practice of
5035 environmental health science while employed by any of the following, except as specifically
5036 exempted in Section 58-20b-305 or 58-1-307:

5037 (a) a local health department;

5038 (b) the state Department of Health;

5039 (c) the state Department of Human Services;

5040 (d) the Department of Agriculture and Food as a food and dairy compliance officer; or

5041 (e) a local health department as its director of environmental health services.

5042 (2) Any other individual not subject to Subsection (1) may also be licensed under this
5043 chapter upon compliance with all requirements.

5044 (3) The division shall issue to persons who qualify under this chapter a license in the
5045 classification:

5046 (a) environmental health scientist; or

5047 (b) environmental health scientist-in-training.

5048 Section 108. Section **58-20b-302** is enacted to read:

5049 **58-20b-302. Qualifications for licensure.**

5050 (1) Except as provided in Subsection (2), an applicant for licensure as an
5051 environmental health scientist shall:
5052 (a) submit an application in a form prescribed by the division;
5053 (b) pay a fee determined by the department under Section 63J-1-504;
5054 (c) be of good moral character;
5055 (d) hold, at a minimum, a bachelor's degree from an accredited program in a university
5056 or college, which degree includes completion of specific course work as defined by rule;
5057 (e) pass an examination as determined by division rule in collaboration with the board;
5058 and
5059 (f) pass the Utah Law and Rules Examination for Environmental Health Scientists
5060 administered by the division.

5061 (2) An applicant for licensure as an environmental health scientist-in-training shall:
5062 (a) submit an application in a form prescribed by the division;
5063 (b) pay a fee determined by the department under Section 63J-1-504;
5064 (c) be of good moral character;
5065 (d) hold, at a minimum, a bachelor's degree from an accredited program in a university
5066 or college, which degree includes completion of specific course work as defined by rule;
5067 (e) pass the Utah Law and Rules Examination for Environmental Health Scientists
5068 administered by the division; and
5069 (f) present evidence acceptable to the division and the board that the applicant, when
5070 licensed, will practice as an environmental health scientist-in-training only under the general
5071 supervision of a supervising environmental health scientist licensed under this chapter.

5072 Section 109. Section **58-20b-303** is enacted to read:

5073 **58-20b-303. Term of license -- Expiration -- Renewal.**

5074 (1) (a) The division shall issue each license for an environmental health scientist in
5075 accordance with a two-year renewal cycle established by rule.
5076 (b) The division may by rule extend or shorten a renewal period by as much as one year
5077 to stagger the renewal cycles it administers.
5078 (2) Each license for an environmental health scientist-in-training shall be issued for a
5079 term of two years and may not be renewed.
5080 (3) Each license issued under this chapter automatically expires on the expiration date

5081 shown on the license unless the licensee renews it in accordance with Section [58-1-308](#).

5082 Section 110. Section **58-20b-304** is enacted to read:

5083 **58-20b-304. Continuing education.**

5084 Each person holding a license under this chapter as an environmental health scientist or
5085 an environmental health scientist-in-training shall complete in each two-year period of
5086 licensure not fewer than 30 hours of professional continuing education in accordance with
5087 standards defined by division rule.

5088 Section 111. Section **58-20b-305** is enacted to read:

5089 **58-20b-305. Exemptions from licensure.**

5090 In addition to the exemptions from licensure in Section [58-1-307](#), a person is exempt
5091 from the licensure requirements of this chapter if:

5092 (1) the person's practice of environmental health science is limited to inspecting in
5093 order to enforce compliance with an inspection and maintenance program established pursuant
5094 to Section [41-6a-1642](#) or to issuing permits under that program;

5095 (2) the person is a laboratory staff person employed by the Department of Agriculture
5096 and Food or the Department of Health, and in the person's employment inspects, permits,
5097 certifies, or otherwise enforces laboratory standards in laboratories regulated by state or local
5098 public health laws; or

5099 (3) the person is the local health officer of a local public health department, which
5100 employs a director of environmental health services licensed under this chapter.

5101 Section 112. Section **58-20b-401** is enacted to read:

5102 **Part 4. License Denial and Discipline.**

5103 **58-20b-401. Grounds for denial of license -- Disciplinary proceedings.**

5104 Grounds for refusing to issue a license to an applicant, for refusing to renew the license
5105 of a licensee, for revoking, suspending, restricting, or placing on probation the license of a
5106 licensee, for issuing a public or private reprimand to a licensee, and for issuing a cease and
5107 desist order shall be in accordance with Section [58-1-401](#).

5108 Section 113. Section **58-20b-501** is enacted to read:

5109 **Part 5. Unprofessional Conduct.**

5110 **58-20b-501. Unprofessional conduct.**

5111 "Unprofessional conduct" includes:

- 5112 (1) acting dishonestly or fraudulently in the performance of professional duties as an
- 5113 environmental health scientist or environmental health scientist-in-training;
- 5114 (2) intentionally filing a false report or record in the performance of professional duties
- 5115 as an environmental health scientist or environmental health scientist-in-training; and
- 5116 (3) willfully impeding or obstructing another person from filing a report in the
- 5117 performance of professional duties as an environmental health scientist or environmental health
- 5118 scientist-in-training.

5119 Section 114. Section **58-31b-305** is amended to read:

5120 **58-31b-305. Term of license -- Expiration -- Renewal.**

5121 (1) The division shall issue each license or certification under this chapter in

5122 accordance with a two-year renewal cycle established by rule. The division may by rule extend

5123 or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.

5124 (2) The division shall renew the license of a licensee who, at the time of renewal:

5125 (a) completes and submits an application for renewal in a form prescribed by the

5126 division;

5127 (b) pays a renewal fee established by the division under Section [63J-1-504](#); and

5128 (c) meets continuing competency requirements as established by rule.

5129 (3) In addition to the renewal requirements under Subsection (2), a person licensed as

5130 [~~a~~] an advanced practice registered nurse shall be currently certified by a program approved by

5131 the division in collaboration with the board and submit evidence satisfactory to the division of

5132 that qualification or if licensed prior to July 1, 1992, meet the requirements established by rule.

5133 (4) In addition to the requirements described in Subsections (2) and (3), an advanced

5134 practice registered nurse licensee specializing in psychiatric mental health nursing who, as of

5135 the day on which the division originally issued the licensee's license had not completed the

5136 division's clinical practice requirements in psychiatric and mental health nursing, shall, to

5137 qualify for renewal:

5138 (a) if renewing less than two years after the day on which the division originally issued

5139 the license, demonstrate satisfactory progress toward completing the clinical practice

5140 requirements; or

5141 (b) have completed the clinical practice requirements.

5142 (5) Each license or certification automatically expires on the expiration date shown on

5143 the license or certification unless renewed in accordance with Section [58-1-308](#).

5144 (6) The division shall accept and apply toward an hour requirement that the division
5145 establishes under Subsection (2)(c) continuing education that an advanced practice registered
5146 nurse completes in accordance with Section [26-61a-106](#).

5147 Section 115. Section **58-31b-502** is amended to read:

5148 **58-31b-502. Unprofessional conduct.**

5149 (1) "Unprofessional conduct" includes:

5150 ~~[(1)]~~ (a) failure to safeguard a patient's right to privacy as to the patient's person,
5151 condition, diagnosis, personal effects, or any other matter about which the licensee is privileged
5152 to know because of the licensee's or person with a certification's position or practice as a nurse
5153 or practice as a medication aide certified;

5154 ~~[(2)]~~ (b) failure to provide nursing service or service as a medication aide certified in a
5155 manner that demonstrates respect for the patient's human dignity and unique personal character
5156 and needs without regard to the patient's race, religion, ethnic background, socioeconomic
5157 status, age, sex, or the nature of the patient's health problem;

5158 ~~[(3)]~~ (c) engaging in sexual relations with a patient during any:

5159 ~~[(a)]~~ (i) period when a generally recognized professional relationship exists between
5160 the person licensed or certified under this chapter and the patient; or

5161 ~~[(b)]~~ (ii) extended period when a patient [has reasonable cause to believe a professional
5162 relationship exists between the person licensed or certified under the provisions of this chapter
5163 and the patient;

5164 ~~[(4)]~~ ~~[(a)]~~ (d) (i) as a result of any circumstance under Subsection (3), exploiting or using
5165 information about a patient or exploiting the licensee's or the person with a certification's
5166 professional relationship between the licensee or holder of a certification under this chapter and
5167 the patient; or

5168 ~~[(b)]~~ (ii) exploiting the patient by use of the licensee's or person with a certification's
5169 knowledge of the patient obtained while acting as a nurse or a medication aide certified;

5170 ~~[(5)]~~ (e) unlawfully obtaining, possessing, or using any prescription drug or illicit drug;

5171 ~~[(6)]~~ (f) unauthorized taking or personal use of nursing supplies from an employer;

5172 ~~[(7)]~~ (g) unauthorized taking or personal use of a patient's personal property;

5173 ~~[(8)]~~ (h) knowingly entering into any medical record any false or misleading

5174 information or altering a medical record in any way for the purpose of concealing an act,
5175 omission, or record of events, medical condition, or any other circumstance related to the
5176 patient and the medical or nursing care provided;

5177 ~~[(9)]~~ (i) unlawful or inappropriate delegation of nursing care;

5178 ~~[(10)]~~ (j) failure to exercise appropriate supervision of persons providing patient care
5179 services under supervision of the licensed nurse;

5180 ~~[(11)]~~ (k) employing or aiding and abetting the employment of an unqualified or
5181 unlicensed person to practice as a nurse;

5182 ~~[(12)]~~ (l) failure to file or record any medical report as required by law, impeding or
5183 obstructing the filing or recording of such a report, or inducing another to fail to file or record
5184 such a report;

5185 ~~[(13)]~~ (m) breach of a statutory, common law, regulatory, or ethical requirement of
5186 confidentiality with respect to a person who is a patient, unless ordered by a court;

5187 ~~[(14)]~~ (n) failure to pay a penalty imposed by the division;

5188 ~~[(15)]~~ (o) prescribing a Schedule ~~[H-HH]~~ II or III controlled substance without
5189 complying with the requirements in Section 58-31b-803;

5190 ~~[(16)]~~ (p) violating Section 58-31b-801;

5191 ~~[(17)]~~ (q) violating the dispensing requirements of Section 58-17b-309 or Chapter 17b,
5192 Part 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy,
5193 if applicable; and

5194 ~~[(18)]~~ (r) establishing or operating a pain clinic without a consultation and referral plan
5195 for Schedule ~~[H-HH]~~ II or III controlled substances.

5196 (2) "Unprofessional conduct" does not include, in accordance with Title 26, Chapter
5197 61a, Utah Medical Cannabis Act, when registered as a qualified medical provider, as that term
5198 is defined in Section 26-61a-102, recommending the use of medical cannabis.

5199 (3) Notwithstanding Subsection (2), the division, in consultation with the board and in
5200 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define
5201 unprofessional conduct for an advanced practice registered nurse described in Subsection (2).

5202 Section 116. Section 58-37-3.6 (Superseded 07/01/19) is amended to read:

5203 **58-37-3.6 (Superseded 07/01/19). Exemption for possession or distribution of a**
5204 **cannabinoid product or expanded cannabinoid product pursuant to an approved study.**

- 5205 (1) As used in this section:
- 5206 (a) "Cannabinoid product" means a product intended for human ingestion that:
- 5207 (i) contains an extract or concentrate that is obtained from cannabis;
- 5208 (ii) is prepared in a medicinal dosage form; and
- 5209 (iii) contains at least 10 units of cannabidiol for every one unit of tetrahydrocannabinol.
- 5210 (b) "Cannabis" means any part of the plant cannabis sativa, whether growing or not.
- 5211 (c) "Drug paraphernalia" means the same as that term is defined in Section 58-37a-3.
- 5212 (d) "Expanded cannabinoid product" means a product intended for human ingestion
- 5213 that:
- 5214 (i) contains an extract or concentrate that is obtained from cannabis;
- 5215 (ii) is prepared in a medicinal dosage form; and
- 5216 (iii) contains less than 10 units of cannabidiol for every one unit of
- 5217 tetrahydrocannabinol.
- 5218 (e) "Medicinal dosage form" means:
- 5219 (i) a tablet;
- 5220 (ii) a capsule;
- 5221 (iii) a concentrated oil;
- 5222 (iv) a liquid suspension;
- 5223 (v) a transdermal preparation; or
- 5224 (vi) a sublingual preparation.
- 5225 (f) "Tetrahydrocannabinol" means a substance derived from cannabis that meets the
- 5226 description in Subsection 58-37-4(2)(a)(iii)(AA).
- 5227 (2) Notwithstanding any other provision of this chapter, an individual who possesses or
- 5228 distributes a cannabinoid product or an expanded cannabinoid product is not subject to the
- 5229 penalties described in this title for the possession or distribution of marijuana or
- 5230 tetrahydrocannabinol to the extent that the individual's possession or distribution of the
- 5231 cannabinoid product or expanded cannabinoid product complies with Title 26, Chapter 61,
- 5232 Cannabinoid Research Act.
- 5233 ~~[(3) Notwithstanding any other provision of this chapter, an individual who grows,~~
- 5234 ~~processes, or possesses cannabis is not subject to the penalties described in this title for the~~
- 5235 ~~growth, processing, or possession of marijuana to the extent that the individual is authorized to~~

5236 grow, process, or possess the cannabis under Section ~~4-41-203~~ and is in compliance with any
5237 rules made pursuant to Section ~~4-41-204~~.]

5238 [~~(4)~~ Notwithstanding any other provision of this chapter, an individual who possesses
5239 or uses cannabis in a medicinal dosage form is not subject to the penalties described in this title
5240 for the possession or use of marijuana or tetrahydrocannabinol to the extent that the individual's
5241 possession or use of the cannabis complies with Title 58, Chapter 85, Utah Right to Try Act.]

5242 Section 117. Section **58-37-3.6 (Effective 07/01/19)** is amended to read:

5243 **58-37-3.6 (Effective 07/01/19). Exemption for possession or distribution of a**
5244 **cannabinoid product or expanded cannabinoid product pursuant to an approved study.**

5245 (1) As used in this section:

5246 [~~(a)~~ "Cannabidiol product" means the same as that term is defined in Section
5247 ~~4-41-102~~.]

5248 [~~(b)~~ (a) "Cannabinoid product" means a product intended for human ingestion that:

5249 (i) contains an extract or concentrate that is obtained from cannabis;

5250 (ii) is prepared in a medicinal dosage form; and

5251 (iii) contains at least 10 units of cannabidiol for every one unit of tetrahydrocannabinol.

5252 [~~(c)~~ (b) "Cannabis" means any part of the plant cannabis sativa, whether growing or
5253 not.

5254 [~~(d)~~ (c) "Drug paraphernalia" means the same as that term is defined in Section
5255 ~~58-37a-3~~.

5256 [~~(e)~~ (d) "Expanded cannabinoid product" means a product intended for human
5257 ingestion that:

5258 (i) contains an extract or concentrate that is obtained from cannabis;

5259 (ii) is prepared in a medicinal dosage form; and

5260 (iii) contains less than 10 units of cannabidiol for every one unit of
5261 tetrahydrocannabinol.

5262 [~~(f)~~ (e) "Medicinal dosage form" means:

5263 (i) a tablet;

5264 (ii) a capsule;

5265 (iii) a concentrated oil;

5266 (iv) a liquid suspension;

5267 (v) a transdermal preparation; or

5268 (vi) a sublingual preparation.

5269 ~~[(g)]~~ (f) "Tetrahydrocannabinol" means a substance derived from cannabis that meets
5270 the description in Subsection [58-37-4\(2\)\(a\)\(iii\)\(AA\)](#).

5271 (2) Notwithstanding any other provision of this chapter~~[-(a)]~~ an individual who
5272 possesses or distributes a cannabinoid product or an expanded cannabinoid product is not
5273 subject to the penalties described in this title for the possession or distribution of marijuana or
5274 tetrahydrocannabinol to the extent that the individual's possession or distribution of the
5275 cannabinoid product or expanded cannabinoid product complies with Title 26, Chapter 61,
5276 Cannabinoid Research Act~~[;]~~.

5277 ~~[(b) an individual who grows, processes, possesses, transports, or distributes
5278 cannabidiol for medicinal use or a hemp-grade product that is intended to be processed into
5279 cannabidiol for medicinal use, is not subject to the penalties described in this title to the extent
5280 that the individual's growth, processing, possession, transportation, or distribution of the
5281 cannabidiol or hemp-grade product is in compliance with Title 4, Chapter 43, Cannabidiol
5282 Producers; and]~~

5283 ~~[(c) a person who processes, possesses, or sells cannabidiol is not subject to the
5284 penalties described in this title if:]~~

5285 ~~[(i) the person is a cannabidiol-qualified pharmacy; or]~~

5286 ~~[(ii) the person is an individual whose physician has recommended use of the
5287 cannabidiol and the individual purchased the cannabidiol from a cannabidiol-qualified
5288 pharmacy:]~~

5289 ~~[(3) Notwithstanding any other provision of this chapter, an individual who grows,
5290 processes, or possesses cannabis is not subject to the penalties described in this title for the
5291 growth, processing, or possession of marijuana to the extent that the individual is authorized to
5292 grow, process, or possess the cannabis under Section [4-41-203](#) and is in compliance with any
5293 rules made pursuant to Section [4-41-204](#).]~~

5294 ~~[(4) Notwithstanding any other provision of this chapter, an individual who possesses
5295 or uses cannabis in a medicinal dosage form is not subject to the penalties described in this title
5296 for the possession or use of marijuana or tetrahydrocannabinol to the extent that the individual's
5297 possession or use of the cannabis complies with Title 58, Chapter 85, Utah Right to Try Act.]~~

5298 Section 118. Section **58-37-3.7** is amended to read:

5299 **58-37-3.7. Medical cannabis decriminalization.**

5300 (1) As used in this section:

5301 (a) "Cannabis" means the same as that term is defined in Section [26-61a-102](#).

5302 (b) "Cannabis product" means the same as that term is defined in Section [26-61a-102](#).

5303 (c) "Medical cannabis card" means the same as that term is defined in Section
5304 [26-61a-102](#).

5305 (d) "Medical cannabis device" means the same as that term is defined in Section
5306 [26-61a-102](#).

5307 (e) "Medical cannabis pharmacy" means the same as that term is defined in Section
5308 [26-61a-102](#).

5309 (f) "Medicinal dosage form" means the same as that term is defined in Section
5310 [26-61a-102](#).

5311 (g) "Qualified medical provider" means the same as that term is defined in Section
5312 [26-61a-102](#).

5313 (h) "Qualifying condition" means the same as that term is defined in Section
5314 [26-61a-102](#).

5315 (i) "Tetrahydrocannabinol" means the same as that term is defined in Section
5316 [58-37-3.9](#).

5317 ~~[(1)]~~ (2) Before ~~[July]~~ January 1, ~~[2020]~~ 2021, ~~[it is an affirmative defense to criminal~~
5318 ~~charges against an individual]~~ an individual is not guilty under this chapter for the use~~;~~ or
5319 ~~possession~~;~~ or manufacture]~~ of marijuana, tetrahydrocannabinol, or marijuana drug
5320 ~~paraphernalia [under this chapter that] if:~~

5321 (a) at the time of the arrest, the individual ~~[would be eligible for a medical cannabis~~
5322 ~~card, and that the individuals conduct would have been lawful, after July 1, 2020.];~~

5323 (i) (A) had been diagnosed with a qualifying condition; and

5324 (B) had a pre-existing provider-patient relationship with an advanced practice
5325 registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act, a physician licensed
5326 under Title 58, Chapter 67, Utah Medical Practice Act, a physician licensed under Title 58,
5327 Chapter 68, Utah Osteopathic Medical Practice Act, or a physician assistant licensed under
5328 Title 58, Chapter 70a, Physician Assistant Act, who believed that the individual's illness

5329 described in Subsection (2)(a)(i)(A) could benefit from the use in question; or
5330 (ii) (A) for possession, was a medical cannabis cardholder; or
5331 (B) for use, was a medical cannabis patient cardholder or a minor with a qualifying
5332 condition under the supervision of a medical cannabis guardian cardholder; and
5333 (b) the marijuana or tetrahydrocannabinol was in a medicinal dosage form in a quantity
5334 described in Subsection [26-61a-502\(2\)](#).

5335 ~~[(2)]~~ (3) ~~[It is an affirmative defense to criminal charges against an individual]~~ An
5336 individual is not guilty under this chapter for the use or possession of marijuana,
5337 tetrahydrocannabinol, or marijuana drug paraphernalia under this chapter if:

5338 (a) at the time of the arrest, the individual:

5339 (i) ~~[is a]~~ was not a resident of Utah or has been a resident of Utah for less than 45 days
5340 ~~[and was issued];~~

5341 (ii) had a currently valid medical cannabis ~~[identification]~~ card or ~~[its]~~ the equivalent of of
5342 a medical cannabis card under the laws of another state, district, territory, commonwealth, or
5343 insular possession of the United States; and

5344 ~~[(b)]~~ (iii) ~~[the individual has]~~ had been diagnosed with a qualifying ~~[illness]~~ condition
5345 as described in Section ~~[26-60b-105:]~~ [26-61a-104](#); and

5346 (b) the marijuana or tetrahydrocannabinol is in a medicinal dosage form in a quantity
5347 described in Subsection [26-61a-502\(2\)](#).

5348 ~~[(3) A court shall, for charges that the court dismisses under Subsection (1) or~~
5349 ~~Subsection (2), dismiss the charges without prejudice.]~~

5350 Section 119. Section **58-37-3.8** is amended to read:

5351 **58-37-3.8. Enforcement.**

5352 (1) ~~[No]~~ A law enforcement officer ~~[employed by an agency that receives state or local~~
5353 ~~government funds shall], as that term is defined in Section 53-13-103, may not~~ expend any
5354 state or local resources, including the officer's time, to:

5355 (a) effect any arrest or seizure of cannabis, as that term is defined in Section
5356 [26-61a-102](#), or conduct any investigation, on the sole basis of activity the officer believes to
5357 constitute a violation of federal law if the officer has reason to believe that ~~[such]~~ the activity is
5358 in compliance with the state medical cannabis laws~~[, nor shall any such officer expend any~~
5359 ~~state or local resources, including the officer's time, to];~~

5360 (b) enforce a law that restricts an individual's right to acquire, own, or possess a
 5361 firearm based solely on the individual's possession or use of cannabis in accordance with state
 5362 medical cannabis laws; or

5363 (c) provide any information or logistical support related to [such] an activity described
 5364 in Subsection (1)(a) to any federal law enforcement authority or prosecuting entity.

5365 (2) [No] An agency or political subdivision of [Utah] the state may [rely on a violation
 5366 of federal law as the sole basis for taking] not take an adverse action against a person for
 5367 providing a professional [services] service to a medical cannabis [dispensary] pharmacy, as that
 5368 term is defined in Section 26-61a-102, the state central fill medical cannabis pharmacy, as that
 5369 term is defined in Section 26-61a-102, or a cannabis production establishment [if the person
 5370 has not violated the state medical cannabis laws], as that term is defined in Section 4-41a-102,
 5371 on the sole basis that the service is a violation of federal law.

5372 Section 120. Section **58-37-3.9** is amended to read:

5373 **58-37-3.9. Exemption for possession or use of cannabis to treat a qualifying**
 5374 **illness.**

5375 (1) As used in this section:

5376 (a) "Cannabis" means marijuana.

5377 ~~[(b) "Cannabis dispensary" means the same as that term is defined in Section~~
 5378 ~~26-60b-102.]~~

5379 ~~[(c) (b) "Cannabis product" means [a product that: (i) is intended for human ingestion;~~
 5380 ~~and (ii) contains cannabis or tetrahydrocannabinol] the same as that term is defined in Section~~
 5381 ~~26-61a-102.~~

5382 ~~[(d) "Designated caregiver" means the same as that term is defined in Section~~
 5383 ~~26-60b-102.]~~

5384 ~~[(e) (c) "Drug paraphernalia" means the same as that term is defined in Section~~
 5385 ~~58-37a-3.~~

5386 ~~[(f) "Marijuana" means the same as that term is defined in Section 58-37-2.]~~

5387 ~~[(g) (d) "Medical cannabis [card] cardholder" means the same as that term is defined~~
 5388 ~~in Section [26-60b-102] 26-61a-102.~~

5389 ~~[(h) (e) [(i)] "Medical cannabis device" means [a device that an individual uses to~~
 5390 ~~ingest cannabis or a cannabis product] the same as that term is defined in Section 26-61a-102.~~

5391 ~~[(ii) "Medical cannabis device" does not include a device that facilitates cannabis~~
 5392 ~~combustion at a temperature of greater than 750 degrees Fahrenheit.]~~

5393 ~~[(i) (f) "[Qualifying illness] Medicinal dosage form" means the same as that term is~~
 5394 ~~defined in Section ~~[26-60b-102]~~ 26-61a-102.~~

5395 ~~[(j) (g) "Tetrahydrocannabinol" means a substance derived from cannabis ~~[that meets~~~~
 5396 ~~the description] or a synthetic description as described in Subsection 58-37-4(2)(a)(iii)(AA).~~

5397 (2) Notwithstanding any other provision of law, except as otherwise provided in this
 5398 section:

5399 (a) an individual ~~[who]~~ is not guilty of a violation of this title for the following conduct
 5400 if the individual engages in the conduct in accordance with Title 4, Chapter 41a, Cannabis
 5401 Production Establishments, or Title 26, Chapter 61a, Utah Medical Cannabis Act:

5402 ~~(i) [possesses, produces, manufactures, dispenses, distributes, sells, or offers]~~
 5403 ~~possessing, ingesting, producing, manufacturing, dispensing, distributing, selling, or offering to~~
 5404 ~~sell cannabis or a cannabis product; or [who possesses]~~

5405 ~~(ii) possessing cannabis or a cannabis product with the intent to [produce, manufacture,~~
 5406 ~~dispense, distribute, sell, or offer to sell cannabis or a cannabis product is not subject to the~~
 5407 ~~penalties described in this title for] engage in the conduct [to the extent that the individual's~~
 5408 ~~conduct complies with:] described in Subsection (2)(a)(i); and~~

5409 ~~[(i) (b) an individual is guilty of a violation of this title regarding drug paraphernalia if~~
 5410 ~~the individual, in accordance with Title 4, Chapter ~~[41b]~~ 41a, Cannabis Production~~
 5411 ~~[Establishment;] Establishments, and [(ii) Title 26, Chapter ~~[60b]~~ 61a, Utah Medical~~
 5412 ~~Cannabis Act[;]:~~

5413 ~~[(b) (i) [an individual who] possesses, manufactures, distributes, sells, or offers to sell~~
 5414 ~~a medical cannabis device; or~~

5415 ~~(ii) [who] possesses a medical cannabis device with the intent to [manufacture,~~
 5416 ~~distribute, sell, or offer to sell a medical cannabis device is authorized and is not subject to the~~
 5417 ~~penalties described in this title for the possession, manufacture, distribution, sale, or offer for~~
 5418 ~~sale of drug paraphernalia to the extent that the individual's] engage in any of the conduct~~
 5419 ~~[complies with:] described in Subsection (2)(b)(i).~~

5420 ~~[(i) Title 4, Chapter 41b, Cannabis Production Establishment; and]~~

5421 ~~[(ii) Title 26, Chapter 60b, Medical Cannabis Act.]~~

5422 ~~[(3) For purposes of state law, except as otherwise provided in this section, activities~~
5423 ~~related to cannabis shall be considered lawful and any cannabis consumed shall be considered~~
5424 ~~legally ingested, as long as the conduct is in accordance with:]~~

5425 ~~[(a) Title 4, Chapter 41b, Cannabis Production Establishment; and]~~

5426 ~~[(b) Title 26, Chapter 60b, Medical Cannabis Act.]~~

5427 ~~[(4)]~~ (3) (a) As used in this Subsection (3), "smoking" does not include the
5428 vaporization or heating of medical cannabis.

5429 (b) [It is not lawful for] Title 26, Chapter 61a, Utah Medical Cannabis Act, does not
5430 authorize a medical cannabis [card holder] cardholder to smoke or combust cannabis or to use
5431 a device to facilitate the smoking or combustion of cannabis. [An individual convicted of
5432 violating this section is guilty of an infraction. For purposes of this section, smoking does not
5433 include a means of administration that involves cannabis combustion at a temperature that is
5434 not greater than 750 degrees Fahrenheit and that does not involve using a flame.]

5435 (c) A medical cannabis cardholder who smokes cannabis or engages in any other
5436 conduct described in Subsection (3)(b):

5437 (i) does not possess the cannabis in accordance with Title 26, Chapter 61a, Utah
5438 Medical Cannabis Act; and

5439 (ii) is subject to charges under this chapter for the use or possession of marijuana,
5440 tetrahydrocannabinol, or marijuana drug paraphernalia for the conduct described in Subsection
5441 (3)(b).

5442 ~~[(5) An individual is not exempt from the penalties described in this title for ingesting~~
5443 ~~cannabis or a cannabis product while operating a motor vehicle.]~~

5444 ~~[(6)]~~ (4) An individual who is assessed a penalty or convicted of [an infraction] a crime
5445 under Title 4, Chapter [41b] 41a, Cannabis Production [Establishment] Establishments, or Title
5446 26, Chapter [60b] 61a, Utah Medical Cannabis Act, is not, based on the conduct underlying
5447 that penalty or conviction, subject to [the penalties] a penalty described in this chapter for:

5448 (a) the possession, manufacture, sale, or offer for sale of cannabis or a cannabis
5449 product; or

5450 (b) the possession, manufacture, sale, or offer for sale of drug paraphernalia.

5451 Section 121. Section **58-37f-203 (Effective 07/01/19)** is amended to read:

5452 **58-37f-203 (Effective 07/01/19). Submission, collection, and maintenance of data.**

5453 (1) (a) The division shall implement on a statewide basis, including non-resident
5454 pharmacies as defined in Section 58-17b-102, the following two options for a pharmacist to
5455 submit information:

5456 (i) real-time submission of the information required to be submitted under this part to
5457 the controlled substance database; and

5458 (ii) 24-hour daily or next business day, whichever is later, batch submission of the
5459 information required to be submitted under this part to the controlled substance database.

5460 (b) (i) On and after January 1, 2016, a pharmacist shall comply with either:

5461 (A) the submission time requirements established by the division under Subsection
5462 (1)(a)(i); or

5463 (B) the submission time requirements established by the division under Subsection
5464 (1)(a)(ii).

5465 (ii) Prior to January 1, 2016, a pharmacist may submit information using either option
5466 under this Subsection (1).

5467 (c) The division shall comply with Title 63G, Chapter 6a, Utah Procurement Code.

5468 (2) (a) The pharmacist-in-charge and the pharmacist of the drug outlet where a
5469 controlled substance is dispensed shall submit the data described in this section to the division
5470 in accordance with:

5471 (i) the requirements of this section;

5472 (ii) the procedures established by the division;

5473 (iii) additional types of information or data fields established by the division; and

5474 (iv) the format established by the division.

5475 (b) A dispensing medical practitioner licensed under Chapter 17b, Part 8, Dispensing
5476 Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, shall comply with
5477 the provisions of this section and the dispensing medical practitioner shall assume the duties of
5478 the pharmacist under this chapter.

5479 (3) [~~a~~] The pharmacist-in-charge and the pharmacist described in Subsection (2)
5480 shall, for each controlled substance dispensed by a pharmacist under the pharmacist's
5481 supervision other than those dispensed for an inpatient at a health care facility, submit to the
5482 division any type of information or data field established by the division by rule in accordance
5483 with Subsection (6).

5484 ~~[(b) The pharmacist described in Subsection (2) shall, in the case of a~~
5485 ~~cannabidiol-qualified pharmacy dispensing a cannabidiol product, submit the following~~
5486 ~~information to the division:]~~

5487 ~~[(i) the name of the recommending physician;]~~

5488 ~~[(ii) the date of the recommendation;]~~

5489 ~~[(iii) the date the recommendation was filled by the cannabidiol-qualified pharmacy;]~~

5490 ~~[(iv) the name of the individual for whom the recommendation was written; and]~~

5491 ~~[(v) any other information the division requires by rule, made in accordance with Title~~
5492 ~~63G, Chapter 3, Utah Administrative Rulemaking Act.]~~

5493 (4) An individual whose records are in the database may obtain those records upon
5494 submission of a written request to the division.

5495 (5) (a) A patient whose record is in the database may contact the division in writing to
5496 request correction of any of the patient's database information that is incorrect. The patient
5497 shall provide a postal address for the division's response.

5498 (b) The division shall grant or deny the request within 30 days from receipt of the
5499 request and shall advise the requesting patient of its decision by mail postmarked within 35
5500 days of receipt of the request.

5501 (c) If the division denies a request under this Subsection (5) or does not respond within
5502 35 days, the patient may submit an appeal to the Department of Commerce, within 60 days
5503 after the postmark date of the patient's letter making a request for a correction under this
5504 Subsection (5).

5505 (6) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
5506 Administrative Rulemaking Act, to establish submission requirements under this part,
5507 including:

5508 (a) electronic format;

5509 (b) submission procedures; and

5510 (c) required information and data fields.

5511 (7) The division shall ensure that the database system records and maintains for
5512 reference:

5513 (a) the identification of each individual who requests or receives information from the
5514 database;

5515 (b) the information provided to each individual; and

5516 (c) the date and time that the information is requested or provided.

5517 Section 122. Section **58-67-304** is amended to read:

5518 **58-67-304. License renewal requirements.**

5519 (1) As a condition precedent for license renewal, each licensee shall, during each
5520 two-year licensure cycle or other cycle defined by division rule:

5521 (a) complete qualified continuing professional education requirements in accordance
5522 with the number of hours and standards defined by division rule made in collaboration with the
5523 board;

5524 (b) appoint a contact person for access to medical records and an alternate contact
5525 person for access to medical records in accordance with Subsection [58-67-302\(1\)\(j\)](#);

5526 (c) if the licensee practices medicine in a location with no other persons licensed under
5527 this chapter, provide some method of notice to the licensee's patients of the identity and
5528 location of the contact person and alternate contact person for the licensee; and

5529 (d) if the licensee is an associate physician licensed under Section [58-67-302.8](#),
5530 successfully complete the educational methods and programs described in Subsection
5531 [58-67-807\(4\)](#).

5532 (2) If a renewal period is extended or shortened under Section [58-67-303](#), the
5533 continuing education hours required for license renewal under this section are increased or
5534 decreased proportionally.

5535 (3) An application to renew a license under this chapter shall:

5536 (a) require a physician to answer the following question: "Do you perform elective
5537 abortions in Utah in a location other than a hospital?"; and

5538 (b) immediately following the question, contain the following statement: "For purposes
5539 of the immediately preceding question, elective abortion means an abortion other than one of
5540 the following: removal of a dead fetus, removal of an ectopic pregnancy, an abortion that is
5541 necessary to avert the death of a woman, an abortion that is necessary to avert a serious risk of
5542 substantial and irreversible impairment of a major bodily function of a woman, an abortion of a
5543 fetus that has a defect that is uniformly diagnosable and uniformly lethal, or an abortion where
5544 the woman is pregnant as a result of rape or incest."

5545 (4) In order to assist the Department of Health in fulfilling its responsibilities relating

5546 to the licensing of an abortion clinic and the enforcement of Title 76, Chapter 7, Part 3,
5547 Abortion, if a physician responds positively to the question described in Subsection (3)(a), the
5548 division shall, within 30 days after the day on which it renews the physician's license under this
5549 chapter, inform the Department of Health in writing:

5550 (a) of the name and business address of the physician; and

5551 (b) that the physician responded positively to the question described in Subsection
5552 (3)(a).

5553 (5) The division shall accept and apply toward the hour requirement in Subsection
5554 (1)(a) and continuing education that a physician completes in accordance with Sections
5555 26-61a-106, 26-61a-403, and 26-61a-601.

5556 Section 123. Section **58-67-502** is amended to read:

5557 **58-67-502. Unprofessional conduct.**

5558 (1) "Unprofessional conduct" includes, in addition to the definition in Section
5559 58-1-501:

5560 (a) using or employing the services of any individual to assist a licensee in any manner
5561 not in accordance with the generally recognized practices, standards, or ethics of the
5562 profession, state law, or division rule;

5563 (b) making a material misrepresentation regarding the qualifications for licensure under
5564 Section 58-67-302.7 or Section 58-67-302.8; [~~or~~]

5565 (c) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical
5566 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable[~~;~~]; or

5567 (d) violating the requirements of Title 26, Chapter 61a, Utah Medical Cannabis Act.

5568 (2) "Unprofessional conduct" does not include[~~;~~];

5569 (a) in compliance with Section 58-85-103:

5570 [~~(a)~~] (i) obtaining an investigational drug or investigational device;

5571 [~~(b)~~] (ii) administering the investigational drug to an eligible patient; or

5572 [~~(c)~~] (iii) treating an eligible patient with the investigational drug or investigational
5573 device[~~;~~]; or

5574 (b) in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act:

5575 (i) when registered as a qualified medical provider, as that term is defined in Section

5576 26-61a-102, recommending the use of medical cannabis;

5577 (ii) when registered as a pharmacy medical provider, as that term is defined in Section
5578 26-61a-102, providing pharmacy medical provider services in a medical cannabis pharmacy; or

5579 (iii) when registered as a state central fill medical provider, as that term is defined in
5580 Section 26-61a-102, providing state central fill medical provider services in the state central fill
5581 medical cannabis pharmacy.

5582 (3) Notwithstanding Subsection (2)(b), the division, in consultation with the board and
5583 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define
5584 unprofessional conduct for a pharmacist described in Subsections (2)(b).

5585 Section 124. Section **58-68-304** is amended to read:

5586 **58-68-304. License renewal requirements.**

5587 (1) As a condition precedent for license renewal, each licensee shall, during each
5588 two-year licensure cycle or other cycle defined by division rule:

5589 (a) complete qualified continuing professional education requirements in accordance
5590 with the number of hours and standards defined by division rule in collaboration with the
5591 board;

5592 (b) appoint a contact person for access to medical records and an alternate contact
5593 person for access to medical records in accordance with Subsection 58-68-302(1)(j);

5594 (c) if the licensee practices osteopathic medicine in a location with no other persons
5595 licensed under this chapter, provide some method of notice to the licensee's patients of the
5596 identity and location of the contact person and alternate contact person for access to medical
5597 records for the licensee in accordance with Subsection 58-68-302(1)(k); and

5598 (d) if the licensee is an associate physician licensed under Section 58-68-302.5,
5599 successfully complete the educational methods and programs described in Subsection
5600 58-68-807(4).

5601 (2) If a renewal period is extended or shortened under Section 58-68-303, the
5602 continuing education hours required for license renewal under this section are increased or
5603 decreased proportionally.

5604 (3) An application to renew a license under this chapter shall:

5605 (a) require a physician to answer the following question: "Do you perform elective
5606 abortions in Utah in a location other than a hospital?"; and

5607 (b) immediately following the question, contain the following statement: "For purposes

5608 of the immediately preceding question, elective abortion means an abortion other than one of
5609 the following: removal of a dead fetus, removal of an ectopic pregnancy, an abortion that is
5610 necessary to avert the death of a woman, an abortion that is necessary to avert a serious risk of
5611 substantial and irreversible impairment of a major bodily function of a woman, an abortion of a
5612 fetus that has a defect that is uniformly diagnosable and uniformly lethal, or an abortion where
5613 the woman is pregnant as a result of rape or incest."

5614 (4) In order to assist the Department of Health in fulfilling its responsibilities relating
5615 to the licensing of an abortion clinic, if a physician responds positively to the question
5616 described in Subsection (3)(a), the division shall, within 30 days after the day on which it
5617 renews the physician's license under this chapter, inform the Department of Health in writing:

5618 (a) of the name and business address of the physician; and

5619 (b) that the physician responded positively to the question described in Subsection

5620 (3)(a).

5621 (5) The division shall accept and apply toward the hour requirement in Subsection
5622 (1)(a) and continuing education that a physician completes in accordance with Sections
5623 26-61a-106, 26-61a-403, and 26-61a-601.

5624 Section 125. Section **58-68-502** is amended to read:

5625 **58-68-502. Unprofessional conduct.**

5626 (1) "Unprofessional conduct" includes, in addition to the definition in Section
5627 **58-1-501**:

5628 (a) using or employing the services of any individual to assist a licensee in any manner
5629 not in accordance with the generally recognized practices, standards, or ethics of the
5630 profession, state law, or division rule;

5631 (b) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical
5632 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable; [or]

5633 (c) making a material misrepresentation regarding the qualifications for licensure under
5634 Section **58-68-302.5**[;]; or

5635 (d) violating the requirements of Title 26, Chapter 61a, Utah Medical Cannabis Act.

5636 (2) "Unprofessional conduct" does not include[;]:

5637 (a) in compliance with Section 58-85-103:

5638 [~~(a)~~] (i) obtaining an investigational drug or investigational device;

5639 ~~[(b)]~~ (ii) administering the investigational drug to an eligible patient; or
5640 ~~[(c)]~~ (iii) treating an eligible patient with the investigational drug or investigational
5641 device~~[-]~~; or
5642 (b) in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act:
5643 (i) when registered as a qualified medical provider, as that term is defined in Section
5644 26-61a-102, recommending the use of medical cannabis;
5645 (ii) when registered as a pharmacy medical provider, as that term is defined in Section
5646 26-61a-102, providing pharmacy medical provider services in a medical cannabis pharmacy; or
5647 (iii) when registered as a state central fill medical provider, as that term is defined in
5648 Section 26-61a-102, providing state central fill medical provider services in the state central fill
5649 medical cannabis pharmacy.
5650 (3) Notwithstanding Subsection (2)(b), the division, in consultation with the board and
5651 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define
5652 unprofessional conduct for a pharmacist described in Subsections (2)(b).
5653 Section 126. Section **58-70a-303** is amended to read:
5654 **58-70a-303. Term of license -- Expiration -- Renewal.**
5655 (1) (a) The division shall issue each license under this chapter in accordance with a
5656 two-year renewal cycle established by division rule.
5657 (b) The division may by rule extend or shorten a renewal period by as much as one year
5658 to stagger the renewal cycles it administers.
5659 (2) At the time of renewal, the licensee shall show compliance with continuing
5660 education renewal requirements.
5661 (3) Each license issued under this chapter expires on the expiration date shown on the
5662 license unless renewed in accordance with Section 58-1-308.
5663 (4) The division shall accept and apply toward an hour requirement that the division
5664 establishes under Subsection (2) continuing education that a physician assistant completes in
5665 accordance with Section 26-61a-106.
5666 Section 127. Section **58-70a-503** is amended to read:
5667 **58-70a-503. Unprofessional conduct.**
5668 (1) "Unprofessional conduct" includes:
5669 ~~[(H)]~~ (a) violation of a patient confidence to any person who does not have a legal right

5670 and a professional need to know the information concerning the patient;

5671 ~~[(2)]~~ (b) knowingly prescribing, selling, giving away, or directly or indirectly
5672 administering, or offering to prescribe, sell, furnish, give away, or administer any prescription
5673 drug except for a legitimate medical purpose upon a proper diagnosis indicating use of that
5674 drug in the amounts prescribed or provided;

5675 ~~[(3)]~~ (c) prescribing prescription drugs for oneself or administering prescription drugs
5676 to oneself, except those that have been legally prescribed for the physician assistant by a
5677 licensed practitioner and that are used in accordance with the prescription order for the
5678 condition diagnosed;

5679 ~~[(4)]~~ (d) failure to maintain at the practice site a delegation of services agreement that
5680 accurately reflects current practices;

5681 ~~[(5)]~~ (e) failure to make the delegation of services agreement available to the division
5682 for review upon request;

5683 ~~[(6)]~~ (f) in a practice that has physician assistant ownership interests, failure to allow
5684 the supervising physician the independent final decision making authority on patient treatment
5685 decisions, as set forth in the delegation of services agreement or as defined by rule; and

5686 ~~[(7)]~~ (g) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing
5687 Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable.

5688 (2) "Unprofessional conduct" does not include, in accordance with Title 26, Chapter
5689 61a, Utah Medical Cannabis Act, when registered as a qualified medical provider, as that term
5690 is defined in Section [26-61a-102](#), recommending the use of medical cannabis.

5691 (3) Notwithstanding Subsection (2), the division, in consultation with the board and in
5692 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define
5693 unprofessional conduct for a physician assistant described in Subsection (2).

5694 Section 128. Section **58-85-102** is amended to read:

5695 **58-85-102. Definitions.**

5696 As used in this chapter:

5697 ~~[(1)] "Cannabis" means cannabis that has been grown by a state-approved grower and~~
5698 ~~processed into a medicinal dosage form.]~~

5699 ~~[(2)] "Cannabis-based treatment" means a course of treatment involving cannabis.]~~

5700 ~~[(3)]~~ (1) "Eligible patient" means an individual who has been diagnosed with a

5701 terminal illness by a physician.

5702 [~~(4)~~] "Health care facility" means the same as that term is defined in Section
5703 ~~26-55-102.~~]

5704 [~~(5)~~] (2) "Insurer" means the same as that term is defined in Section ~~31A-1-301.~~

5705 [~~(6)~~] (3) "Investigational device" means a device that:

5706 (a) meets the definition of "investigational device" in 21 C.F.R. Sec. 812.3; and

5707 (b) has successfully completed the United States Food and Drug Administration Phase
5708 1 testing for an investigational device described in 21 C.F.R. Part 812.

5709 [~~(7)~~] (4) "Investigational drug" means a drug that:

5710 (a) meets the definition of "investigational new drug" in 21 C.F.R. Sec. 312.3; and

5711 (b) has successfully completed the United States Food and Drug Administration Phase
5712 1 testing for an investigational new drug described in 21 C.F.R. Part 312.

5713 [~~(8)~~] (5) "Medicinal dosage form" means the same as that term is defined in Section
5714 ~~58-37-3.6.~~

5715 [~~(9)~~] (6) "Physician" means an individual who is licensed under:

5716 (a) Title 58, Chapter 67, Utah Medical Practice Act; or

5717 (b) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

5718 [~~(10)~~] "~~State-approved grower and processor" means a person who grows cannabis~~
5719 ~~pursuant to state law and processes the cannabis into a medicinal dosage form.~~]

5720 [~~(11)~~] (7) "Terminal illness" means a condition of a patient that:

5721 (a) as determined by a physician:

5722 (i) is likely to pose a greater risk to the patient than the risk posed to the patient by
5723 treatment with an investigational drug or investigational device; and

5724 (ii) will inevitably lead to the patient's death; and

5725 (b) presents the patient, after the patient has explored conventional therapy options,
5726 with no treatment option that is satisfactory or comparable to treatment with an investigational
5727 drug or device.

5728 Section 129. Section ~~58-85-104~~ is amended to read:

5729 **~~58-85-104. Standard of care -- Medical practitioners not liable -- No private right~~**
5730 **~~of action.~~**

5731 (1) [~~(a)~~] It is not a breach of the applicable standard of care for a physician, other

5732 licensed health care provider, or hospital to treat an eligible patient with an investigational drug
5733 or investigational device under this chapter.

5734 ~~[(b) It is not a breach of the applicable standard of care for a physician to recommend a~~
5735 ~~cannabis-based treatment to a terminally ill patient under this chapter, or a health care facility~~
5736 ~~to aid or assist in any way a terminally ill patient's use of cannabis.]~~

5737 (2) A physician, other licensed health care provider, or hospital that treats an eligible
5738 patient with an investigational drug or investigational device under this chapter~~[, or a physician~~
5739 ~~who recommends a cannabis-based treatment to a terminally ill patient or a health care facility~~
5740 ~~that facilitates a terminally ill patient's recommended use of a cannabis-based treatment under~~
5741 ~~this chapter,]~~ may not, for any harm done to the eligible patient by the investigational drug or
5742 device, ~~[or for any harm done to the terminally ill patient by the cannabis-based treatment,]~~ be
5743 subject to:

5744 (a) civil liability;

5745 (b) criminal liability; or

5746 (c) licensure sanctions under:

5747 (i) for a physician:

5748 (A) Title 58, Chapter 67, Utah Medical Practice Act; or

5749 (B) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

5750 (ii) for the other licensed health care provider, the act governing the other licensed
5751 health care provider's license; or

5752 (iii) for the hospital ~~[or health care facility]~~, Title 26, Chapter 21, Health Care Facility
5753 Licensing and Inspection Act.

5754 (3) This chapter does not:

5755 (a) require a manufacturer of an investigational drug or investigational device to agree
5756 to make an investigational drug or investigational device available to an eligible patient or an
5757 eligible patient's physician;

5758 (b) require a physician to agree to:

5759 (i) administer an investigational drug to an eligible patient under this chapter; or

5760 (ii) treat an eligible patient with an investigational device under this chapter; or

5761 ~~[(iii) recommend a cannabis-based treatment to a terminally ill patient; or]~~

5762 (c) create a private right of action for an eligible patient:

- 5763 (i) against a physician or hospital, for the physician's or hospital's refusal to:
5764 (A) administer an investigational drug to an eligible patient under this chapter; or
5765 (B) treat an eligible patient with an investigational device under this chapter; or
5766 [~~(C) recommend a cannabis-based treatment to the terminally ill patient; or~~]
5767 (ii) against a manufacturer, for the manufacturer's refusal to provide an eligible patient
5768 with an investigational drug or an investigational device under this chapter.

5769 Section 130. Section **58-85-105** is amended to read:

5770 **58-85-105. Insurance coverage.**

5771 (1) This chapter does not:

5772 (a) require an insurer to cover the cost of:

5773 (i) administering an investigational drug under this chapter; or

5774 (ii) treating a patient with an investigational device under this chapter; or

5775 [~~(iii) a cannabis-based treatment; or~~]

5776 (b) prohibit an insurer from covering the cost of:

5777 (i) administering an investigational drug under this chapter; or

5778 (ii) treating a patient with an investigational device under this chapter[~~; or~~].

5779 [~~(iii) a cannabis-based treatment.~~]

5780 (2) Except as described in Subsection (3), an insurer may deny coverage to an eligible
5781 patient who is treated with an investigational drug or investigational device, for harm to the
5782 eligible patient caused by the investigational drug or investigational device.

5783 (3) An insurer may not deny coverage to an eligible patient under Subsection (2) for:

5784 (a) the eligible patient's preexisting condition;

5785 (b) benefits that commenced before the day on which the eligible patient is treated with
5786 the investigational drug or investigational device; or

5787 (c) palliative or hospice care for an eligible patient that has been treated with an
5788 investigational drug or device, but is no longer receiving curative treatment with the
5789 investigational drug or device.

5790 Section 131. Section **59-12-104.10** is enacted to read:

5791 **59-12-104.10. Exemption from sales tax for cannabis.**

5792 (1) As used in this section:

5793 (a) "Cannabis" means the same as that term is defined in Section [26-61a-102](#).

5794 (b) "Cannabis product" means the same as that term is defined in Section 26-61a-102.

5795 (c) "Medical cannabis device" means the same as that term is defined in Section

5796 26-61a-102.

5797 (d) "Medical cannabis pharmacy" means the same as that term is defined in Section

5798 26-61a-102.

5799 (e) "Medicinal dosage form" means the same as that term is defined in Section

5800 26-61a-102.

5801 (f) "State central fill medical cannabis pharmacy" means the same as that term is

5802 defined in Section 26-61a-102.

5803 (2) In addition to the exemptions described in Section 59-12-104, the sale by a licensed

5804 medical cannabis pharmacy or the state central fill medical cannabis pharmacy of the following

5805 is not subject to the taxes this chapter imposes:

5806 (a) cannabis in a medicinal dosage form; or

5807 (b) a cannabis product in a medicinal dosage form.

5808 (3) The sale of a medical cannabis device by a medical cannabis pharmacy or the state

5809 central fill medical cannabis pharmacy is subject to the taxes this chapter imposes.

5810 Section 132. Section **62A-3-322** is enacted to read:

5811 **62A-3-322. Medical cannabis use by a vulnerable adult or guardian.**

5812 A peace officer or an employee or agent of the division may not solicit or provide, and a

5813 court may not order, emergency services for a vulnerable adult based solely on:

5814 (1) the vulnerable adult's possession or use of cannabis in accordance with Title 26,

5815 Chapter 61a, Utah Medical Cannabis Act; or

5816 (2) the guardian of the vulnerable adult assisting with the use of or possessing cannabis

5817 in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act.

5818 Section 133. Section **62A-4a-202.1** is amended to read:

5819 **62A-4a-202.1. Entering home of a child -- Taking a child into protective custody**

5820 **-- Caseworker accompanied by peace officer -- Preventive services -- Shelter facility or**

5821 **emergency placement.**

5822 (1) A peace officer or child welfare worker may not:

5823 (a) enter the home of a child who is not under the jurisdiction of the court, remove a

5824 child from the child's home or school, or take a child into protective custody unless authorized

5825 under Subsection [78A-6-106\(2\)](#); or

5826 (b) remove a child from the child's home or take a child into custody under this section
5827 solely on the basis of:

5828 (i) educational neglect, truancy, or failure to comply with a court order to attend
5829 school; or

5830 (ii) the possession or use, in accordance with Title 26, Chapter 61a, Utah Medical
5831 Cannabis Act, of cannabis in a medicinal dosage form, a cannabis product in a medicinal
5832 dosage form, or a medical cannabis device [~~in the home, if the use and possession of the~~
5833 ~~cannabis, cannabis product, or medical cannabis device is in compliance with Title 26, Chapter~~
5834 ~~60b, Medical Cannabis Act~~], as those terms are defined in Section [26-61a-102](#).

5835 (2) A child welfare worker within the division may take action under Subsection [~~(10)~~]
5836 (1) accompanied by a peace officer, or without a peace officer when a peace officer is not
5837 reasonably available.

5838 (3) (a) If possible, consistent with the child's safety and welfare, before taking a child
5839 into protective custody, the child welfare worker shall also determine whether there are
5840 services available that, if provided to a parent or guardian of the child, would eliminate the
5841 need to remove the child from the custody of the child's parent or guardian.

5842 (b) If the services described in Subsection (3)(a) are reasonably available, they shall be
5843 utilized.

5844 (c) In determining whether the services described in Subsection (3)(a) are reasonably
5845 available, and in making reasonable efforts to provide those services, the child's health, safety,
5846 and welfare shall be the child welfare worker's paramount concern.

5847 (4) (a) A child removed or taken into custody under this section may not be placed or
5848 kept in a secure detention facility pending court proceedings unless the child is detainable
5849 based on guidelines promulgated by the Division of Juvenile Justice Services.

5850 (b) A child removed from the custody of the child's parent or guardian but who does
5851 not require physical restriction shall be given temporary care in:

5852 (i) a shelter facility; or

5853 (ii) an emergency placement in accordance with Section [62A-4a-209](#).

5854 (c) When making a placement under Subsection (4)(b), the Division of Child and
5855 Family Services shall give priority to a placement with a noncustodial parent, relative, or

5856 friend, in accordance with Section [62A-4a-209](#).

5857 ~~[(a)]~~ (d) If the child is not placed with a noncustodial parent, a relative, or a designated
5858 friend, the caseworker assigned to the child shall file a report with the caseworker's supervisor
5859 explaining why a different placement was in the child's best interest.

5860 (5) When a child is removed from the child's home or school or taken into protective
5861 custody, the caseworker shall give a parent of the child a pamphlet or flier explaining:

5862 (a) the parent's rights under this part, including the right to be present and participate in
5863 any court proceeding relating to the child's case;

5864 (b) that it may be in the parent's best interest to contact an attorney and that, if the
5865 parent cannot afford an attorney, the court will appoint one;

5866 (c) the name and contact information of a division employee the parent may contact
5867 with questions;

5868 (d) resources that are available to the parent, including:

5869 (i) mental health resources;

5870 (ii) substance abuse resources; and

5871 (iii) parenting classes; and

5872 (e) any other information considered relevant by the division.

5873 (6) The pamphlet or flier described in Subsection (5) shall be:

5874 (a) evaluated periodically for its effectiveness at conveying necessary information and
5875 revised accordingly;

5876 (b) written in simple, easy-to-understand language; and

5877 (c) available in English and other languages as the division determines to be
5878 appropriate and necessary.

5879 Section 134. Section **63I-1-226** is amended to read:

5880 **63I-1-226. Repeal dates, Title 26.**

5881 (1) Section [26-1-40](#) is repealed July 1, 2019.

5882 ~~[(1)]~~ (2) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed
5883 July 1, 2025.

5884 ~~[(2)]~~ (3) Section [26-10-11](#) is repealed July 1, 2020.

5885 (4) Subsection [26-18-417\(3\)](#) is repealed July 1, 2020.

5886 ~~[(3)]~~ Section [26-21-23](#), Licensing of non-Medicaid nursing facility beds, is repealed

5887 ~~July 1, 2018.~~

5888 ~~[(4)]~~ (5) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1,

5889 2024.

5890 (6) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July 1, 2024.

5891 (7) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is repealed

5892 July 1, 2024.

5893 ~~[(5)]~~ (8) Title 26, Chapter ~~[36a]~~ 36d, Hospital Provider Assessment Act, is repealed

5894 July 1, ~~[2016]~~ 2019.

5895 ~~[(6) Section 26-38-2.5 is repealed July 1, 2017.]~~

5896 ~~[(7) Section 26-38-2.6 is repealed July 1, 2017.]~~

5897 ~~[(8)]~~ (9) Title 26, Chapter 56, Hemp Extract Registration Act, is repealed January 1,

5898 2019.

5899 (10) Title 26, Chapter 63, Nurse Home Visiting Pay-for-Success Program, is repealed

5900 July 1, 2026.

5901 Section 135. Section **63I-1-258** is amended to read:

5902 **63I-1-258. Repeal dates, Title 58.**

5903 (1) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is

5904 repealed July 1, 2026.

5905 (2) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2025.

5906 (3) Title 58, Chapter ~~[20a]~~ 20b, Environmental Health Scientist Act, is repealed July 1,

5907 ~~[2018]~~ 2028.

5908 (4) Section ~~58-37-4.3~~ is repealed January 1, 2020.

5909 (5) Subsection 58-37-6(7)(f)(iii) is repealed July 1, 2022, and the Office of Legislative

5910 Research and General Counsel is authorized to renumber the remaining subsections

5911 accordingly.

5912 ~~[(5)]~~ (6) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1,

5913 2023.

5914 ~~[(6)]~~ (7) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing

5915 Act, is repealed July 1, 2019.

5916 ~~[(7)]~~ (8) Title 58, Chapter 42a, Occupational Therapy Practice Act, is repealed July 1,

5917 2025.

5918 [~~8~~] (9) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is
5919 repealed July 1, 2023.

5920 [~~9~~] (10) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1,
5921 2024.

5922 [~~10~~] (11) Title 58, Chapter 61, Part 7, Behavior Analyst Licensing Act, is repealed
5923 July 1, 2026.

5924 [~~11~~] (12) Title 58, Chapter 72, Acupuncture Licensing Act, is repealed July 1, 2027.

5925 (13) Title 58, Chapter 86, State Certification of Commercial Interior Designers Act, is
5926 repealed July 1, 2021.

5927 (14) The following sections are repealed on July 1, 2019:

5928 (a) Section 58-5a-502;

5929 (b) Section 58-31b-502.5;

5930 (c) Section 58-67-502.5;

5931 (d) Section 58-68-502.5; and

5932 (e) Section 58-69-502.5.

5933 Section 136. Section **67-19-33** is amended to read:

5934 **67-19-33. Controlled substances and alcohol use prohibited.**

5935 [~~Am~~] Except as provided in Title 26, Chapter 61a, Utah Medical Cannabis Act, an
5936 employee may not:

5937 (1) manufacture, dispense, possess, use, distribute, or be under the influence of a
5938 controlled substance or alcohol during work hours or on state property except where legally
5939 permissible;

5940 (2) manufacture, dispense, possess, use, or distribute a controlled substance or alcohol
5941 if the activity prevents:

5942 (a) state agencies from receiving federal grants or performing under federal contracts of
5943 \$25,000 or more; or

5944 (b) the employee to perform his services or work for state government effectively as
5945 regulated by the rules of the executive director in accordance with Section 67-19-34; or

5946 (3) refuse to submit to a drug or alcohol test under Section 67-19-36.

5947 Section 137. Section **78A-6-508 (Superseded 07/01/19)** is amended to read:

5948 **78A-6-508 (Superseded 07/01/19). Evidence of grounds for termination.**

5949 (1) In determining whether a parent or parents have abandoned a child, it is prima facie
5950 evidence of abandonment that the parent or parents:

5951 (a) although having legal custody of the child, have surrendered physical custody of the
5952 child, and for a period of six months following the surrender have not manifested to the child
5953 or to the person having the physical custody of the child a firm intention to resume physical
5954 custody or to make arrangements for the care of the child;

5955 (b) have failed to communicate with the child by mail, telephone, or otherwise for six
5956 months;

5957 (c) failed to have shown the normal interest of a natural parent, without just cause; or

5958 (d) have abandoned an infant, as described in Subsection 78A-6-316(1).

5959 (2) In determining whether a parent or parents are unfit or have neglected a child the
5960 court shall consider, but is not limited to, the following circumstances, conduct, or conditions:

5961 (a) emotional illness, mental illness, or mental deficiency of the parent that renders the
5962 parent unable to care for the immediate and continuing physical or emotional needs of the child
5963 for extended periods of time;

5964 (b) conduct toward a child of a physically, emotionally, or sexually cruel or abusive
5965 nature;

5966 (c) habitual or excessive use of intoxicating liquors, controlled substances, or
5967 dangerous drugs that render the parent unable to care for the child;

5968 (d) repeated or continuous failure to provide the child with adequate food, clothing,
5969 shelter, education, or other care necessary for the child's physical, mental, and emotional health
5970 and development by a parent or parents who are capable of providing that care;

5971 (e) whether the parent is incarcerated as a result of conviction of a felony, and the
5972 sentence is of such length that the child will be deprived of a normal home for more than one
5973 year;

5974 (f) a history of violent behavior; or

5975 (g) whether the parent has intentionally exposed the child to pornography or material
5976 harmful to a minor, as defined in Section 76-10-1201.

5977 (3) Notwithstanding Subsection (2)(c), the court may not discriminate against a parent
5978 ~~[because of the]~~ or otherwise consider a parent's lawful possession or consumption of cannabis
5979 in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical

5980 cannabis device, as those terms are defined in Section 26-61a-102, in accordance with Title 26,
5981 Chapter ~~[60b]~~ 61a, Utah Medical Cannabis Act.

5982 (4) A parent who, legitimately practicing the parent's religious beliefs, does not provide
5983 specified medical treatment for a child is not, for that reason alone, a negligent or unfit parent.

5984 (5) (a) Notwithstanding Subsection (2), a parent may not be considered neglectful or
5985 unfit because of a health care decision made for a child by the child's parent unless the state or
5986 other party to the proceeding shows, by clear and convincing evidence, that the health care
5987 decision is not reasonable and informed.

5988 (b) Nothing in Subsection (5)(a) may prohibit a parent from exercising the right to
5989 obtain a second health care opinion.

5990 (6) If a child has been placed in the custody of the division and the parent or parents
5991 fail to comply substantially with the terms and conditions of a plan within six months after the
5992 date on which the child was placed or the plan was commenced, whichever occurs later, that
5993 failure to comply is evidence of failure of parental adjustment.

5994 (7) The following circumstances constitute prima facie evidence of unfitness:

5995 (a) sexual abuse, sexual exploitation, injury, or death of a sibling of the child, or of any
5996 child, due to known or substantiated abuse or neglect by the parent or parents;

5997 (b) conviction of a crime, if the facts surrounding the crime are of such a nature as to
5998 indicate the unfitness of the parent to provide adequate care to the extent necessary for the
5999 child's physical, mental, or emotional health and development;

6000 (c) a single incident of life-threatening or gravely disabling injury to or disfigurement
6001 of the child;

6002 (d) the parent has committed, aided, abetted, attempted, conspired, or solicited to
6003 commit murder or manslaughter of a child or child abuse homicide; or

6004 (e) the parent intentionally, knowingly, or recklessly causes the death of another parent
6005 of the child, without legal justification.

6006 Section 138. Section **78A-6-508 (Effective 07/01/19)** is amended to read:

6007 **78A-6-508 (Effective 07/01/19). Evidence of grounds for termination.**

6008 (1) In determining whether a parent or parents have abandoned a child, it is prima facie
6009 evidence of abandonment that the parent or parents:

6010 (a) although having legal custody of the child, have surrendered physical custody of the

6011 child, and for a period of six months following the surrender have not manifested to the child
6012 or to the person having the physical custody of the child a firm intention to resume physical
6013 custody or to make arrangements for the care of the child;

6014 (b) have failed to communicate with the child by mail, telephone, or otherwise for six
6015 months;

6016 (c) failed to have shown the normal interest of a natural parent, without just cause; or

6017 (d) have abandoned an infant, as described in Subsection 78A-6-316(1).

6018 (2) In determining whether a parent or parents are unfit or have neglected a child the
6019 court shall consider, but is not limited to, the following circumstances, conduct, or conditions:

6020 (a) emotional illness, mental illness, or mental deficiency of the parent that renders the
6021 parent unable to care for the immediate and continuing physical or emotional needs of the child
6022 for extended periods of time;

6023 (b) conduct toward a child of a physically, emotionally, or sexually cruel or abusive
6024 nature;

6025 (c) habitual or excessive use of intoxicating liquors, controlled substances, or
6026 dangerous drugs that render the parent unable to care for the child;

6027 (d) repeated or continuous failure to provide the child with adequate food, clothing,
6028 shelter, education, or other care necessary for the child's physical, mental, and emotional health
6029 and development by a parent or parents who are capable of providing that care;

6030 (e) whether the parent is incarcerated as a result of conviction of a felony, and the
6031 sentence is of such length that the child will be deprived of a normal home for more than one
6032 year;

6033 (f) a history of violent behavior; or

6034 (g) whether the parent has intentionally exposed the child to pornography or material
6035 harmful to a minor, as defined in Section 76-10-1201.

6036 (3) Notwithstanding Subsection (2)(c), the court may not discriminate against a parent
6037 because of or otherwise consider the parent's lawful possession or consumption of cannabis in a
6038 medicinal dosage form, a cannabis product, as those terms are defined in Section 26-61a-102 or
6039 a medical cannabis device, in accordance with Title 26, Chapter ~~[60b]~~ 61a, Utah Medical
6040 Cannabis Act.

6041 (4) A parent who, legitimately practicing the parent's religious beliefs, does not provide

6042 specified medical treatment for a child is not, for that reason alone, a negligent or unfit parent.

6043 (5) (a) Notwithstanding Subsection (2), a parent may not be considered neglectful or
6044 unfit because of a health care decision made for a child by the child's parent unless the state or
6045 other party to the proceeding shows, by clear and convincing evidence, that the health care
6046 decision is not reasonable and informed.

6047 (b) Nothing in Subsection (5)(a) may prohibit a parent from exercising the right to
6048 obtain a second health care opinion.

6049 (6) If a child has been placed in the custody of the division and the parent or parents
6050 fail to comply substantially with the terms and conditions of a plan within six months after the
6051 date on which the child was placed or the plan was commenced, whichever occurs later, that
6052 failure to comply is evidence of failure of parental adjustment.

6053 (7) The following circumstances constitute prima facie evidence of unfitness:

6054 (a) sexual abuse, sexual exploitation, injury, or death of a sibling of the child, or of any
6055 child, due to known or substantiated abuse or neglect by the parent or parents;

6056 (b) conviction of a crime, if the facts surrounding the crime are of such a nature as to
6057 indicate the unfitness of the parent to provide adequate care to the extent necessary for the
6058 child's physical, mental, or emotional health and development;

6059 (c) a single incident of life-threatening or gravely disabling injury to or disfigurement
6060 of the child;

6061 (d) the parent has committed, aided, abetted, attempted, conspired, or solicited to
6062 commit murder or manslaughter of a child or child abuse homicide; or

6063 (e) the parent intentionally, knowingly, or recklessly causes the death of another parent
6064 of the child, without legal justification.

6065 Section 139. **Repealer.**

6066 This bill repeals:

6067 Section **4-41-201, Title.**

6068 Section **4-41-202, Definitions.**

6069 Section **4-41-203, Department to cultivate cannabis.**

6070 Section **4-41-301, Department to establish a state dispensary.**

6071 Section **4-41-302, Labeling.**

6072 Section **4-41-303, Department to set prices.**

- 6073 Section **4-41-304**, Department to make rules regarding purchasers, communication
6074 -- Report.
- 6075 Section **4-41b-104**, Preemption.
- 6076 Section **4-43-101** (Effective 07/01/19), Title.
- 6077 Section **4-43-102** (Effective 07/01/19), Definitions.
- 6078 Section **4-43-201** (Effective 07/01/19), Cannabidiol processor -- Cannabidiol
6079 laboratory -- License -- Renewal.
- 6080 Section **4-43-202** (Effective 07/01/19), Renewal.
- 6081 Section **4-43-203** (Effective 07/01/19), Bond required for license.
- 6082 Section **4-43-301** (Effective 07/01/19), Cannabidiol processor and laboratory
6083 agents.
- 6084 Section **4-43-401** (Effective 07/01/19), Cannabidiol processor or cannabidiol
6085 laboratory -- General operating requirements.
- 6086 Section **4-43-402** (Effective 07/01/19), Cannabidiol processor or cannabidiol
6087 laboratory -- Inspection by department.
- 6088 Section **4-43-501** (Effective 07/01/19), Cannabidiol processor -- Operating
6089 requirements.
- 6090 Section **4-43-502** (Effective 07/01/19), Cannabidiol product.
- 6091 Section **4-43-503** (Effective 07/01/19), Cannabidiol medicine -- Labeling and
6092 packaging.
- 6093 Section **4-43-601** (Effective 07/01/19), Hemp and cannabidiol product testing.
- 6094 Section **4-43-602** (Effective 07/01/19), Reporting -- Inspections.
- 6095 Section **4-43-701** (Effective 07/01/19), Enforcement -- Fine -- Citation.
- 6096 Section **4-43-702** (Effective 07/01/19), Report to the Legislature.
- 6097 Section **4-43-703** (Effective 07/01/19), Fees -- Deposit into Cannabinoid Product
6098 Restricted Account.
- 6099 Section **4-43-801** (Effective 07/01/19), Cannabinoid Product Restricted Account --
6100 Creation.
- 6101 Section **26-60b-104**, Preemption.
- 6102 Section **58-67-808** (Effective 07/01/19), Recommendation of cannabidiol products.
- 6103 Section **58-68-808** (Effective 07/01/19), Recommendation of cannabidiol products.

6104 Section [58-85-103.5](#), **Right to request a recommendation for a cannabis-based**
6105 **treatment.**

6106 Section [58-88-101](#) (Effective 07/01/19), **Title.**

6107 Section [58-88-102](#) (Effective 07/01/19), **Definitions.**

6108 Section [58-88-103](#) (Effective 07/01/19), **Cannabidiol-qualified pharmacy**
6109 **requirements.**

6110 Section [58-88-104](#) (Effective 07/01/19), **Division to make rules -- Study.**

6111 Section [59-12-104.7](#) (Repealed 01/01/19), **Reporting by purchaser of certain sales**
6112 **and use tax exempt purchases.**

6113 Section [59-12-104.9](#) (Effective 07/01/19), **Exemption from sales tax for cannabinoid**
6114 **products.**

6115 Section [59-29-101](#) (Effective 07/01/19), **Title.**

6116 Section [59-29-102](#) (Effective 07/01/19), **Definitions.**

6117 Section [59-29-103](#) (Effective 07/01/19), **Imposition of tax -- Rate -- Administration.**

6118 Section [59-29-104](#) (Effective 07/01/19), **Collection of tax.**

6119 Section [59-29-105](#) (Effective 07/01/19), **Deposit of tax revenue.**

6120 Section [59-29-106](#) (Effective 07/01/19), **Records.**

6121 Section [59-29-107](#) (Effective 07/01/19), **Rulemaking authority.**

6122 Section [59-29-108](#) (Effective 07/01/19), **Penalties and interest.**

6123 Section 140. **Effective date.**

6124 (1) Except as provided in Subsection (2), if approved by two-thirds of all the members
6125 elected to each house, this bill takes effect upon approval by the governor, or the day following
6126 the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's
6127 signature, or in the case of a veto, the date of veto override.

6128 (2) The amendments to Sections [26-65-102](#) (Effective (07/01/19), [26-65-103](#) (Effective
6129 07/01/19), [41-6a-517](#) (Effective 07/01/19), [58-37-3.6](#) (Effective 07/01/19), and [78A-6-508](#)
6130 (Effective 07/01/19) in this bill take effect on July 1, 2019.

6131 Section 141. **Revisor instructions.**

6132 The Legislature intends that the Office of Legislative Research and General Counsel, in
6133 preparing the Utah Code database for publication:

6134 (1) in Sections [4-41a-106](#) and [26-61a-114](#) replace the language from "this bill" with

6135 the bill's designated chapter number in the Laws of Utah; and
6136 (2) in Sections [4-41a-201](#), [4-41a-301](#), [4-41a-401](#), [26-61a-202](#), [26-61a-301](#), [26-61a-401](#),
6137 [26-61a-602](#), and [26-61a-606](#), replace the language from "the effective date of this bill" to the
6138 bill's actual effective date.