

# Utah Medical Cannabis Flow Chart

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FOR NON-RESIDENTS

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**INSTRUCTIONS:** Following the flow chart, you may charge an offense for each **VIOLATION** box you pass through. However, be aware of the exception noted in the comments contained the bottom left-hand VIOLATION box.

**START HERE**

§ 26B-4-201(43)(B)

Does the person have a medical cannabis card (or equivalent) from another state?



NO

YES

Was the person diagnosed with a qualifying condition?

§ 26B-4-203(2)

- HIV / AIDS
- Alzheimer's disease
- Amyotrophic lateral sclerosis
- Cancer
- Cachexia
- Persistent nausea\*
- Crohn's disease
- Ulcerative colitis
- Epilepsy
- Debilitating seizures
- Multiple sclerosis
- Persistent & debilitating muscle spasms
- PTSD\*
- Autism
- Terminal illness\*
- Receiving hospice care
- Rare condition\*
- Chronic pain\*
- Compassionate Use Board Approval\*

\* Additional requirements apply (see § 26B-4-203(2) for details)

§ 26B-4-216(1)(e)

Was the cannabis in medicinal dosage form?



NO

YES

**For Processed Cannabis** (measured in g, mg, or ml)  
(measured in g, mg, or ml)

- Tablet
- Capsule
- Concentrated liquid
- Viscous oil
- Liquid suspension (<30 ml)
- Topical preparation
- Sublingual preparation
- Gelatinous cube
- Lozenge
- Resin or wax
- Aerosol

**For Unprocessed Cannabis** (measured in g, mg, or ml)  
MUST be in a container that:

- Quantity varies no more than 10% from the stated weight at time of packaging;
- Labeled with: (1) content; (2) weight; (3) purchase date; (4) termination date; and (5) inventory control system barcode
- If transported or possessed in public, it must be contained in opaque, child-resistant bag

§ 26B-4-201(42)

**Non-Resident Qualifications:**



A "non-resident" is a person who:  
☐ is NOT a resident of Utah; OR  
☐ has been a Utah resident for less than 45 days

**NOTE:** The Medical Cannabis Act does not define "resident." To determine what is required to satisfy this definition, please consult with your local prosecutor.

§ 26B-4-201(43)

**VIOLATION**

§ 26-61a-204(1)(e)

**1<sup>st</sup> Offense** – Infraction  
\$100 fine + 35% surcharge  
**2+ Offense** – Subject to charges under § 58-37-8

§ 58-37-3.9(3)(c)

Was cannabis smoked or combusted?  
(excludes vaporization)

YES



**VIOLATION**

§ 58-37-3.9(3)(c)(iii)

**1<sup>st</sup> Offense** – Infraction  
\$100 fine + 35% surcharge  
**2+ Offense** – Subject to charges under § 58-37-8



**VIOLATION**

§ 26-61a-204(2)(d)

**1<sup>st</sup> Offense** – Infraction  
\$100 fine + 35% surcharge  
**2+ Offense** – Class B Misdemeanor  
\$1000 fine + 90% surcharge

Was the cannabis used in public view? (non-emergency)

§ 26B-4-216(2)(b)

YES

NO



Was the person in possession of:

**MORE THAN TWICE**  
the 30-day supply\*

**Cannabis:** >226 grams  
**THC:** >40 grams

§ 26B-4-216(1)(f)



**VIOLATION**

§ 58-37-8

Utah Controlled Substances Act  
Per § 26B-4-216(1)(d), if a person is charged with this violation, the person CANNOT be charged with ANY other violation under § 26B-4-216(1)(b) or (c)

**UP TO TWICE**  
the 30-day supply\*

**Cannabis:** 113-226 grams  
**THC:** 20-40 grams

§ 26B-4-216(1)(c)



**VIOLATION**

§ 26B-4-216(1)(c)

**1<sup>st</sup> Offense** – Infraction  
\$100 fine + 35% surcharge  
**2+ Offense** – Class B Misdemeanor  
\$1000 fine + 90% surcharge

**30-DAY SUPPLY\***  
NOT exceeding:

**Cannabis:** 113 grams  
**THC:** 20 grams

§ 26B-4-201(24)



**NO VIOLATION**

§ 26B-4-216(1)(a)(ii)

\* A person may legally possess an amount that is sufficient to provide 30 days of treatment based on the dosing guidelines that a relevant qualified provider or a pharmacy medical provider recommends. § 26B-4-201(24).