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master

Jonathan Bejarano committed on Aug 7

1 parent f66a12b commit fbcb596322e0fc971f7f2a4e84b8371cf85fd748

Showing 1 changed file with 1,472 additions and 1,806 deletions.

Unified Split

3,278 utah_medical.txt

... @@ -1,1820 +1,1486 @@

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1 -Be it enacted by the Legislature of the state of Utah:
2 -     Section 1. Section 4-42-101 is enacted to read:
3 -
4 -CHAPTER 42. CANNABIS PRODUCTION ESTABLISHMENTS
5 -
6 -
7     Part 1. General Provisions
8 -
9 -     4-42-101. Title.
10 -     (1) This chapter is known as "Cannabis Production Establishments."
11 -     Section 2. Section 4-42-102 is enacted to read:
12 -     4-42-102. Definitions.
13 -     As used in this chapter:
14 -
15 -     (1) "Cannabinoid profile" means the percentage of a cannabis
16 -     product, by weight, that
17 -     is composed of the cannabinoids:
18 -     (a) Tetrahydrocannabinol or THC;
19 -     (b) Tetrahyrdocannabinolic acid or THCa;
20 -
21 -     (c) Cannabidiol or CBD;
22 -     (d) Cannabinol or CBN; and
23 -
24 -     (e) Cannabigerol or CBG.
25 -     (2) "Cannabis" means the same as that term is defined in Section 58-
26 -     37-3.6.
27 -     (3) "Cannabis cultivation facility" means a person that:
28 -
29 -     (a) grows cannabis; or
30 -     (b) possesses cannabis with the intent to grow cannabis.
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1 +1
2 +The Utah Medical Cannabis Act
3 +Be It Enacted by the People of the State of Utah:
4 +Section 1. Section 4-41b-101 is enacted to read:
5 +CHAPTER 41b. CANNABIS PRODUCTION ESTABLISHMENTS
6 -
7     Part 1. General Provisions
8 +4-41b-101. Title.
9 +(1) This chapter is known as "Cannabis Production Establishments."
10 +Section 2. Section 4-41b-102 is enacted to read:
11 +4-41b-102. Definitions.
12 +As used in this chapter:
13 +(1) "Cannabis" means the same as that term is defined in Section 58-37-
14 -     3.6b.
15 +(2) "Cannabis cultivation facility" means a person that:
16 -
17 -     (a) possesses cannabis;
18 -     (b) grows or intends to grow cannabis; and
19 -     (c) sells or intends to sell cannabis to cannabis production establishments
20 -     or to cannabis
21 -     dispensaries.
22 +(3) "Cannabis cultivation facility agent" means an individual who is an
23 -     owner, officer, director,
24 -     board member, employee, or volunteer of a cannabis cultivation facility.
25 +(4) "Cannabis dispensary" means the same as that term is defined in Section
26 -     26-60b-102.
27 +(5) "Cannabis dispensary agent" means the same as that term is defined in
28 -     Section 26-60b-102.
29 +(6) "Cannabis processing facility" means a person that:
30 +(a) acquires or intends to acquire cannabis from a cannabis production
```

25 - (4) "Cannabis cultivation facility agent" means an individual who is
 26 an owner, officer,
 27 - director, board member, employee, or volunteer of a cannabis cultivation
 28 facility.
 29 - (5) "Cannabis dispensary" means the same as that term is defined in
 30 Section
 31 - 26-58-102.
 32 - (6) "Cannabis dispensary agent" means the same as that term is
 33 defined in Section
 34 - 26-58-102.
 35 - (7) "Cannabis processing facility" means a person that:
 36 - (a) manufactures a cannabis product from unprocessed cannabis;
 37 - (b) purchases or possesses cannabis with the intent to manufacture a
 38 cannabis product;
 39 - or
 40 - (c) sells or intends to sell a cannabis product to a cannabis
 41 dispensary.
 42 - (8) "Cannabis processing facility agent" means an individual who is
 43 an owner, officer,
 44 - director, board member, employee, or volunteer of a cannabis processing
 45 facility.
 46 - (9) "Cannabis product" means the same as that term is defined in
 47 Section 58-37-3.6.
 48 - (10) "Cannabis production establishment" means:
 49 - (a) a cannabis cultivation facility;
 - (b) a cannabis processing facility; or
 - (c) an independent cannabis testing laboratory;
 - (11) "Cannabis production establishment agent" means:
 - (a) a cannabis cultivation facility agent;
 - (b) a cannabis processing facility agent; or
 - (c) an independent cannabis testing laboratory agent.
 - (12) "Cannabis production establishment agent registration card"
 means a registration
 - card, issued by the department, that:
 - (a) authorizes an individual to act as a cannabis production

establishment;
 24 +(b) possesses cannabis with the intent to manufacture a cannabis product;
 25 +(c) manufactures or intends to manufacture a cannabis product from
 26 unprocessed cannabis; and
 27 +(d) sells or intends to sell a cannabis product to a cannabis dispensary.
 28 +(7) "Cannabis processing facility agent" means an individual who is an
 29 owner, officer, director,
 30 +board member, employee, or volunteer of a cannabis processing facility.
 31 +(8) "Cannabis product" means the same as that term is defined in Section
 32 58-37-3.6b.
 33 +(9) "Cannabis production establishment" means a cannabis cultivation
 34 facility, a cannabis
 35 +processing facility, or an independent cannabis testing laboratory.
 36 +(10) "Cannabis production establishment agent" means a cannabis cultivation
 37 facility agent, a
 38 +cannabis processing facility agent, or an independent cannabis testing
 39 laboratory agent.
 40 +(11) "Cannabis production establishment agent registration card" means a
 41 registration card,
 42 +issued by the department, that authorizes an individual to act as a
 43 cannabis production establishment agent
 44 +and designates the type of cannabis production establishment for which an
 45 individual is authorized to act
 46 +as an agent.
 47 +(12) "Community location" means a public or private school, a church, a
 48 public library, a public
 49 +playground, or a public park.
 +(13) "Independent cannabis testing laboratory" means a person that:
 +(a) conducts a chemical or other analysis of cannabis or a cannabis
 product; or
 +(b) acquires, possesses, and transports cannabis or a cannabis product with
 the intent to conduct a
 +chemical or other analysis of the cannabis or cannabis product.
 +(14) "Independent cannabis testing laboratory agent" means an individual
 who is an owner,
 +officer, director, board member, employee, or volunteer of an independent
 cannabis testing laboratory.
 +(15) "Inventory control system" means the system described in Section 4-
 41b-103.
 +(16) "Medical cannabis card" means the same as that term is defined in
 Section 26-60b-102.
 +(17) "Medical Cannabis Restricted Account" means the account created in

	establishment agent; and		Section 26-60b-109.
50	- (b) designates the type of cannabis production establishment for which an individual is	49	+(18) "Physician" means the same as that term is defined in Section 26-60b-107.
51	- authorized to act as an agent.	50	+(19) "State electronic verification system" means the system described in Section 26-60b-103.
52	- (13) "Independent cannabis testing laboratory" means a person that:	51	+Section 3. Section 4-41b-103 is enacted to read:
53	- (a) conducts a chemical or other analysis of cannabis or a cannabis product; or	52	+2
54	- (b) possesses cannabis or a cannabis product with the intent to conduct a chemical or	53	+4-41b-103. Inventory control system.
55	- other analysis of the cannabis or cannabis product.	54	+(1) A cannabis production establishment and a cannabis dispensary shall maintain an inventory
56	- (14) "Independent cannabis testing laboratory agent" means an individual who is an	55	+control system that meets the requirements of this section.
57	- owner, officer, director, board member, employee, or volunteer of an independent cannabis	56	+(2) An inventory control system shall track cannabis using a unique identifier, in real time, from
58	- testing laboratory.	57	+the point that a cannabis plant is eight inches tall, and has a root ball, until the cannabis is disposed of or
59	- (15) "Inventory control system" means the system described in Section 4-42-103.	58	+sold, in the form of unprocessed cannabis or a cannabis product, to an individual with a medical cannabis
60	- (16) "Medical cannabis card" means the same as that term is defined in Section	59	+card.
61	- 26-58-102.	60	+(3) An inventory control system shall store in real time a record of the amount of cannabis and
62	- (17) "Medical Cannabis Restricted Account" means the account created in Section	61	+cannabis products in the cannabis production establishment's or cannabis dispensary's possession.
63	- 26-58-108.	62	+(4) An inventory control system shall include a video recording system that:
64	- (18) "Physician" means the same as that term is defined in Section 26-58-201.	63	+(a) tracks all handling and processing of cannabis or a cannabis product in the cannabis
65	- (19) "State electronic verification system" means the system described in Section	64	+production establishment or cannabis dispensary;
66	- 26-58-103.	65	+(b) is tamper proof; and
67	- Section 3. Section 4-42-103 is enacted to read:	66	+(c) is capable of storing a video record for 45 days.
68	- 4-42-103. Inventory control system.	67	+(5) An inventory control system installed in a cannabis production establishment or cannabis
69	- (1) A cannabis production establishment and a cannabis dispensary shall maintain an	68	+dispensary shall maintain compatibility with the state electronic verification system.
70	- inventory control system that meets the requirements of this section.	69	+(6) A cannabis production establishment or cannabis dispensary shall allow the department or the
71	- (2) An inventory control system shall track cannabis, using a unique identifier, in real	70	+Department of Health access to the cannabis production establishment's or cannabis dispensary's
72	- time, from the point that a cannabis plant is eight inches tall, and has a root ball, until the	71	+inventory control system during an inspection.
73	- cannabis is sold, in the form of a cannabis product, to an individual with a medical cannabis	72	+(7) The department may establish compatibility standards for an inventory control system by rule

74 - card.

75 - (3) An inventory control system shall store in real time a record of the amount of

76 - cannabis and cannabis products in the cannabis production establishment's or cannabis

77 - dispensary's possession.

78 - (4) An inventory control system shall include a video recording system that:

79 - (a) tracks all handling and processing of cannabis or a cannabis product in the cannabis

80 - production establishment or cannabis dispensary;

81 - (b) is tamper proof;

82 - (c) is capable of storing a video record for 45 days.

83 - (5) An inventory control system installed in a cannabis production establishment or

84 - cannabis dispensary shall maintain compatibility with the state electronic verification system.

85 - (6) A cannabis production establishment or cannabis dispensary shall allow the

86 - department or The Department of Health access to the cannabis production establishment's or

87 - cannabis dispensary's inventory control system during an inspection.

88 - (7) The department may establish compatibility standards for an inventory control

89 - system by rule made in accordance with Title 63G, Chapter 3, Utah Administrative

90 - Rulemaking Act.

91 - Section 4. Section 4-42-201 is enacted to read:

92 -

93 Part 2. Cannabis Production Establishment

94 -

95 - 4-42-201. Cannabis production establishment -- License.

96 - (1) In order to operate a cannabis production establishment, a person shall obtain a

97 - license issued by the department under this chapter.

98 - (2) Subject to Subsections (6) and (7), the department shall, within 30 days after

99 - receiving a complete application, issue a license to operate a cannabis production establishment

100 - to a person who submits to the department:

101 - (a) a proposed name, address, and physical location where the person

73 +made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

74 +Section 4. Section 4-41b-104 is enacted to read:

75 +4-41b-104. Preemption.

76 +This chapter preempts any ordinance or rule enacted by a political subdivision of the state

77 +regarding a cannabis production establishment.

78 +Section 5. Section 4-41b-201 is enacted to read:

79 Part 2. Cannabis Production Establishment

80 +4-41b-201. Cannabis production establishment -- License.

81 +(1) A person may not operate a cannabis production establishment without a license issued by the

82 +department under this chapter.

83 +(2) Subject to Subsections (6) and (7) and to Section 4-41b-204, the department shall, within 90

84 +days after receiving a complete application, issue a license to operate a cannabis production establishment

85 +to a person who submits to the department:

86 +(a) a proposed name and address where the person will operate the cannabis production

87 +establishment that is not within 600 feet of a community location or within

will operate the

102 - cannabis production establishment;

103 - (b) an operating plan that complies with Section 4-42-203;

104 - (c) evidence that the person possesses or controls a minimum of \$250,000 in liquid

105 - assets for each license for which the person applies;

106 - (d) for each location of a cannabis production establishment for which the person

107 - applies, a complete application for a local business license;

108 - (e) an application fee:

109 - (i) before January 1, 2017, of \$5,000; and

110 - (ii) after January 1, 2017, in an amount established by the department in accordance

111 - with Section 63J-1-504, that is necessary to cover the department's cost to implement this

112 - chapter; and

113 - (f) the result of a criminal background check for each proposed cannabis production

114 - establishment agent for the cannabis production establishment.

115 - (3) If the department determines that a cannabis production establishment is eligible for

116 - a license under this section, the department shall:

117 - (a) before January 1, 2018, charge the cannabis production establishment an initial

118 - license fee of \$65,000; and

119 - (b) on or after January 1, 2018, charge the cannabis establishment an initial license fee

120 - in an amount determined by the department in accordance with Section 63J-1-504.

121 - (4) The department shall require a separate application license and a separate license

122 - application fee under Subsection (3) for each type of cannabis production establishment and

123 - each location of a cannabis production establishment.

124 - (5) The department may issue any combination of a cannabis cultivation facility

300 feet of an area zoned

88 +exclusively for residential use, as measured from the nearest entrance to the cannabis production

89 +establishment by following the shortest route of ordinary pedestrian travel to the property boundary of the

90 +community location or residential area;

91 +(b) the name and address of any individual who has a financial or voting interest of two percent

92 +or greater in the proposed cannabis production establishment or who has the power to direct or cause the

93 +management or control of a proposed medical cannabis production establishment;

94 +(c) an operating plan that complies with Section 4-41b-203 and that includes operating

95 +procedures to comply with the requirements of this chapter and with any laws adopted by the municipality

96 +or county that are consistent with Section 4-41b-405;

97 +(d) financial statements demonstrating that the person possesses a minimum of \$500,000 in liquid

98 +assets available for each cannabis cultivation facility for which the person applies or a minimum of

99 +\$100,000 in liquid assets available for each cannabis processing facility or independent cannabis testing

100 +laboratory for which the person applies;

101 +(e) if the municipality or county where the proposed cannabis production establishment would

102 +be located has enacted zoning restrictions, a sworn statement certifying that the proposed cannabis

103 +production establishment is in compliance with the restrictions;

104 +(f) if the municipality or county where the proposed cannabis production establishment would be

105 +located requires a local permit or license, a copy of the application for the local permit or license; and

106 +3

107 +(g) an application fee established by the department in accordance with Section 63J-1-504, that is

108 +necessary to cover the department's cost to implement this chapter.

109 +(3) If the department determines that a cannabis production establishment is eligible for a license

110 +under this section, the department shall charge the cannabis establishment an initial license fee in an

125 - license, a cannabis processing facility license, and a cannabis
dispensary license to a person to

126 - operate:

127 - (a) at the same physical location; or

128 - (b) at separate physical locations.

129 - (6) The department may not issue a license to operate an independent
cannabis testing

130 - laboratory to a person:

131 - (a) that holds a license or has an ownership interest in a cannabis
dispensary, a

132 - cannabis processing facility, or a cannabis cultivation facility in the
state;

133 - (b) that has an owner, officer, director, or employee whose
immediate family member

134 - holds a license or has an ownership interest in a cannabis dispensary, a
cannabis processing

135 - facility, or a cannabis cultivation facility; or

136 - (c) proposes to operate the independent cannabis testing laboratory
at the same physical

137 - location as a cannabis dispensary, a cannabis processing facility, or a
cannabis cultivation

138 - facility.

139 - Section 5. Section 4-42-202 is enacted to read:

140 - 4-42-202. Renewal.

141 - (1) The department shall renew a person's license issued under
Section 4-42-201 every

142 - two years, if, at the time of renewal, the person meets the requirements
of Section 4-42-201.

143 - (2) The department shall charge a cannabis production establishment
that the

144 - department determines is eligible for license renewal a license renewal
fee in an amount

145 - determined by the department in accordance with Section 63J-1-504.

146 - Section 6. Section 4-42-203 is enacted to read:

147 - 4-42-203. Operating plan.

148 - (1) A person applying for a license to operate a cannabis production
facility shall

111 +amount determined by the department in accordance with Section 63J-1-504.

112 +(4) Except as provided in Subsection (5), the department shall require a
separate license for each

113 +type of cannabis production establishment and each location of a cannabis
production establishment.

114 +(5) The department may issue a cannabis cultivation facility license and a
cannabis processing

115 +facility license to a person to operate at the same physical location or at
separate physical locations.

116 +(6) The department may not issue a license to operate an independent
cannabis testing laboratory

117 +to a person:

118 +(a) that holds a license or has an ownership interest in a cannabis
dispensary, a cannabis

119 +processing facility, or a cannabis cultivation facility in the state;

120 +(b) that has an owner, officer, director, or employee whose immediate
family member holds a

121 +license or has an ownership interest in a cannabis dispensary, a cannabis
processing facility, or a cannabis

122 +cultivation facility; or

123 +(c) who proposes to operate the independent cannabis testing laboratory at
the same physical

124 +location as a cannabis dispensary, a cannabis processing facility, or a
cannabis cultivation facility.

125 +(7) The department may not issue a license to operate a cannabis production
establishment to an

126 +applicant if any individual who has a financial or voting interest of two
percent or greater in the applicant

127 +or who has the power to direct or cause the management or control of the
applicant:

128 +(a) has been convicted of an offense that is a felony under either state or
federal law; or

129 +(b) is less than 21 years of age.

130 +(8) The department may revoke a license under this part if the cannabis
production establishment

131 +is not operating within one year of the issuance of the initial license.

132 +(9) The department shall deposit the proceeds of a fee imposed by this
section in the Medical

133 +Cannabis Restricted Account.

134 +(10) The department shall begin accepting applications under this part no
later than January 1,

149	- submit to the department, with the person's application, a proposed operation plan that	135	+2020.
150	- includes:	136	+Section 6. Section 4-41b-202 is enacted to read:
151	- (a) drawings of the physical characteristics of the proposed facility, including a site	137	+4-41b-202. Renewal.
152	- plan, floor plan and architectural elevations which indicate compliance with the requirements	138	+(1) The department shall renew a person's license issued under Section 4-41b-201 every two
153	- of this chapter;	139	+years, if, at the time of renewal:
154	- (b) a description of the credentials and experience of:	140	+(a) the person meets the requirements of Section 4-41b-201; and
155	- (i) each officer, director, or owner of the proposed cannabis production establishment;	141	+(b) the person pays the department a license renewal fee in an amount determined by the
156	- and	142	+department in accordance with Section 63J-1-504.
157	- (ii) any highly skilled or experienced prospective employee;	143	+Section 7. Section 4-41b-203 is enacted to read:
158	- (c) the cannabis production establishment's employee training standards;	144	+4-41b-203. Operating plan.
159	- (d) a security plan;	145	+(1) A person applying for a cannabis production facility license shall submit to the department a
160	- (e) a banking and financial services plan;	146	+proposed operation plan that complies with this section and that includes:
161	- (f) a description of the cannabis production establishment's inventory control system,	147	+(a) a description of the physical characteristics of the proposed facility, including a floor plan and
162	- including a plan to make the inventory control system compatible with the state electronic	148	+an architectural elevation;
163	- verification system;	149	+(b) a description of the credentials and experience of:
164	- (g) a cannabis or cannabis product disposal plan;	150	+(i) each officer, director, or owner of the proposed cannabis production establishment; and
165	- (h) for a cannabis cultivation facility, the information described in Subsection (2);	151	+(ii) any highly skilled or experienced prospective employee;
166	- (i) for a cannabis processing facility, the information described in Subsection (3); and	152	+(c) the cannabis production establishment's employee training standards;
167	- (j) for an independent cannabis testing laboratory, the information described in	153	+(d) a security plan;
168	- Subsection (4).	154	+(e) a description of the cannabis production establishment's inventory control system, including a
169	- (2) A cannabis cultivation facility's operating plan shall include:	155	+plan to make the inventory control system compatible with the state electronic verification system;
170	- (a) evidence that the cannabis cultivation facility has entered into a preliminary	156	+(f) for a cannabis cultivation facility, the information described in Subsection (2);
171	- agreement with a cannabis processing facility or a cannabis dispensary in the state to purchase	157	+(g) for a cannabis processing facility, the information described in Subsection (3); and
172	- the cannabis cultivation facility's output; and	158	+(h) for an independent cannabis testing laboratory, the information described in Subsection (4).
173	- (b) the cannabis cultivation facility's intended cannabis cultivation practices, including	159	+4
174	- the cannabis cultivation facility's intended:	160	+(2) A cannabis cultivation facility's operating plan shall include the cannabis cultivation facility's
175	- (i) pesticide use;	161	+intended cannabis cultivation practices, including the cannabis cultivation

176 - (ii) fertilizer use;

177 - (iii) square footage under cultivation; and

178 - (iv) anticipated cannabis yield.

179 - (3) A cannabis processing facility's operating plan shall include:

180 - (a) evidence that the cannabis processing facility has entered into a preliminary

181 - agreement:

182 - (i) with a cannabis cultivation facility in the state to purchase unprocessed cannabis

183 - input; and

184 - (ii) with a cannabis dispensary in the state to purchase the cannabis processing facility's

185 - output;

186 - (b) the cannabis processing facility's intended cannabis processing practices, including

187 - the cannabis processing facility's intended:

188 - (i) offered variety of cannabis product;

189 - (ii) cannabinoid extraction method;

190 - (iii) cannabinoid extraction equipment;

191 - (iv) processing equipment;

192 - (v) processing techniques; and

193 - (vi) sanitation and food safety procedures;

194 - (4) An independent cannabis testing laboratory's operating plan shall include:

195 - (a) evidence that the independent cannabis testing laboratory agreement with a

196 - cannabis production establishment to provide testing services; and

197 - (b) the independent cannabis testing laboratory's intended:

198 - (i) cannabis and cannabis product testing capability; and

199 - (ii) cannabis and cannabis product testing equipment.

200 - (5) The department may require, by rule in accordance with Title 63G, Chapter 3, Utah

162 facility's intended pesticide use,

163 +fertilizer use, square footage under cultivation, and anticipated cannabis yield.

164 +fertilizer use, square footage under cultivation, and anticipated cannabis yield.

165 +fertilizer use, square footage under cultivation, and anticipated cannabis yield.

166 +fertilizer use, square footage under cultivation, and anticipated cannabis yield.

167 +fertilizer use, square footage under cultivation, and anticipated cannabis yield.

168 +fertilizer use, square footage under cultivation, and anticipated cannabis yield.

169 +fertilizer use, square footage under cultivation, and anticipated cannabis yield.

170 +fertilizer use, square footage under cultivation, and anticipated cannabis yield.

171 +fertilizer use, square footage under cultivation, and anticipated cannabis yield.

172 +fertilizer use, square footage under cultivation, and anticipated cannabis yield.

173 +fertilizer use, square footage under cultivation, and anticipated cannabis yield.

174 +fertilizer use, square footage under cultivation, and anticipated cannabis yield.

175 +fertilizer use, square footage under cultivation, and anticipated cannabis yield.

176 +fertilizer use, square footage under cultivation, and anticipated cannabis yield.

177 +fertilizer use, square footage under cultivation, and anticipated cannabis yield.

178 +fertilizer use, square footage under cultivation, and anticipated cannabis yield.

179 +fertilizer use, square footage under cultivation, and anticipated cannabis yield.

180 +fertilizer use, square footage under cultivation, and anticipated cannabis yield.

181 +fertilizer use, square footage under cultivation, and anticipated cannabis yield.

182 +fertilizer use, square footage under cultivation, and anticipated cannabis yield.

183 +fertilizer use, square footage under cultivation, and anticipated cannabis yield.

184 +fertilizer use, square footage under cultivation, and anticipated cannabis yield.

185 +fertilizer use, square footage under cultivation, and anticipated cannabis yield.

186 +fertilizer use, square footage under cultivation, and anticipated cannabis yield.

187 +fertilizer use, square footage under cultivation, and anticipated cannabis yield.

188 +fertilizer use, square footage under cultivation, and anticipated cannabis yield.

189 +fertilizer use, square footage under cultivation, and anticipated cannabis yield.

190 +fertilizer use, square footage under cultivation, and anticipated cannabis yield.

191 +fertilizer use, square footage under cultivation, and anticipated cannabis yield.

192 +fertilizer use, square footage under cultivation, and anticipated cannabis yield.

193 +fertilizer use, square footage under cultivation, and anticipated cannabis yield.

194 +fertilizer use, square footage under cultivation, and anticipated cannabis yield.

195 +fertilizer use, square footage under cultivation, and anticipated cannabis yield.

196 +fertilizer use, square footage under cultivation, and anticipated cannabis yield.

197 +fertilizer use, square footage under cultivation, and anticipated cannabis yield.

198 +fertilizer use, square footage under cultivation, and anticipated cannabis yield.

199 +fertilizer use, square footage under cultivation, and anticipated cannabis yield.

200 +fertilizer use, square footage under cultivation, and anticipated cannabis yield.

201 - Administrative Rulemaking Act, additional operating standards for a
 202 cannabis production
 203 - establishment's operating plan that are related to safety for human
 204 cannabis product
 205 - consumption.
 206 - Section 7. Section 4-42-301 is enacted to read:
 207 -
 208 Part 3. Cannabis Production Establishment Agents
 209 -
 210 4-42-301. Cannabis production establishment agent -- Registration.
 211 - (1) In order to act as a cannabis production establishment agent, an
 212 individual shall
 213 - register with the department as a cannabis production establishment
 214 agent.
 215 - (2) A physician may not serve as a cannabis production establishment
 216 agent.
 217 - (3) An independent cannabis testing laboratory agent may not act as
 218 an agent for a
 219 - cannabis dispensary, a cannabis processing facility, or a cannabis
 220 cultivation facility.
 221 - (4) The department shall, within 30 business days after receiving a
 222 complete
 223 - application, register and issue a cannabis production establishment agent
 224 registration card to an
 225 - individual who:
 226 - (a) has not been convicted of an offense that is a felony under
 227 either state or federal
 228 - law;
 229 - (b) provides to the department:
 230 - (i) the individual's name and address; and
 231 - (ii) the name and location of a licensed cannabis production
 232 establishment where the
 233 - individual seeks to act as the cannabis production establishment's agent;
 234 - (c) pays the department a fee:
 235 - (i) before January 1, 2018, of \$250; and
 236 - (ii) on or after January 1, 2018, in an amount determined by the
 237 department in
 238 - accordance with Section 63J-1-504, that is necessary to cover the
 239 department's cost to
 240 - implement this part; and
 241 - (d) complies with the requirement for and passes a criminal

187 +patients.
 188 +(4) The department may conduct a face-to-face interview with an applicant
 189 for a license that the
 190 +department evaluates under Subsection (3).
 191 +Section 9. Section 4-41b-301 is enacted to read:
 192 Part 3. Cannabis Production Establishment Agents
 193 +4-41b-301. Cannabis production establishment agent -- Registration.
 194 +(1) An individual may not act as a cannabis production establishment agent
 195 unless the individual
 196 +is registered by the department as a cannabis production establishment
 197 agent.
 198 +(2) A physician may not serve as a cannabis production establishment agent.
 199 +(3) An independent cannabis testing laboratory agent may not act as an
 200 agent for a cannabis
 201 +dispensary, a cannabis processing facility, or a cannabis cultivation
 202 facility.
 203 +(4) The department shall, within 15 business days after receiving a
 204 complete application from a
 205 +cannabis production establishment on behalf of a prospective cannabis
 206 production establishment agent,
 207 +register and issue a cannabis production establishment agent registration
 208 card to an individual who:
 209 +(a) provides to the department the individual's name and address and the
 210 name and location of a
 211 +licensed cannabis production establishment where the individual will act as
 212 the cannabis production
 213 +establishment's agent; and
 214 +(b) pays a fee to the department, in an amount determined by the department
 215 in accordance with
 216 +Section 63J-1-504, that is necessary to cover the department's cost to
 217 implement this part.
 218 +(5) The department shall designate, on an individual's cannabis production
 219 establishment agent
 220 +registration card:
 221 +(a) the name of the cannabis production establishment where the individual
 222 is registered as an
 223 +agent; and
 224 +(b) the type of cannabis production establishment for which the individual
 225 is authorized to act as
 226 +an agent.
 227 +5
 228 +(6) A cannabis production establishment agent shall comply with a

background check
 229 - described in Section 4-42-302.

230 - (5) The department shall designate, on an individual's cannabis
 production
 231 - establishment agent registration card the name and type of any cannabis
 production
 232 - establishment where the individual is registered as an agent.
 233 - (6) A cannabis production establishment agent shall comply with a
 certification
 234 - standard developed by the department or with a third party certification
 standard approved by
 235 - the department.
 236 - (7) The certification standard described in Subsection (6) shall
 address:
 237 - (a) Utah medical cannabis law;
 238 - (b) for a cannabis cultivation facility agent, cannabis cultivation
 best practices;
 239 - (c) for a cannabis processing facility agent, cannabis processing,
 food safety, and
 240 - sanitation best practices; and
 241 - (d) for an independent cannabis testing laboratory agent, cannabis
 testing best
 242 - practices.
 243 - (8) The department may revoke or refuse to issue a cannabis
 production establishment
 244 - agent registration card of an individual who:
 245 - (a) violates the requirements of this chapter; or
 246 - (b) is convicted of an offense, that is a felony under state or
 federal law, that involves a
 247 - drug or violent crime.

248 - Section 8. Section 4-42-302 is enacted to read:
 249 - 4-42-302. Cannabis production establishment agent -- Criminal
 background
 250 - checks.

251 - (1) An individual that applies for registration as a cannabis
 production establishment
 252 - agent under Section 4-42-301 shall:
 253 - (a) submit, at the time of application, a fingerprint card in a form
 acceptable to the
 254 - department; and

certification standard
 214 +developed by the department or with a third party certification standard
 designated by the department by
 215 +rule made in accordance with Title 63G, Chapter 3, Utah Administrative
 Rulemaking Act.
 216 +(7) The certification standard described in Subsection (6) shall include
 training:
 217 +(a) in Utah medical cannabis law;
 218 +(b) for a cannabis cultivation facility agent, in cannabis cultivation best
 practices;
 219 +(c) for a cannabis processing facility agent, in cannabis processing, food
 safety, and sanitation
 220 +best practices; and
 221 +(d) for an independent cannabis testing laboratory agent, in cannabis
 testing best practices.
 222 +(8) The department may revoke or refuse to issue the cannabis production
 establishment agent
 223 +registration card of an individual who:
 224 +(a) violates the requirements of this chapter; or
 225 +(b) is convicted of an offense that is a felony under state or federal law.
 226 +Section 10. Section 4-41b-302 is enacted to read:
 227 +4-41b-302. Cannabis production establishment -- Criminal background checks.
 228 +(1) Each applicant shall submit, at the time of application, from each
 individual who has a
 229 +financial or voting interest of two percent or greater in the applicant or
 who has the power to direct or
 230 +cause the management or control of the applicant:
 231 +(a) a fingerprint card in a form acceptable to the department; and
 232 +(b) consent to a fingerprint background check by the Utah Bureau of
 Criminal Identification and
 233 +the Federal Bureau of Investigation.
 234 +(2) The department shall request that the Department of Public Safety
 complete a Federal Bureau
 235 +of Investigation criminal background check for the individual described in
 Subsection (1).
 236 +Section 11. Section 4-41b-303 is enacted to read:
 237 +4-41b-303. Cannabis production establishment agent registration card --
 Rebuttable
 238 +presumption.
 239 +(1) A cannabis production establishment agent who is registered with the

255 - (b) consent to a fingerprint background check by:

256 - (i) the Utah Bureau of Criminal Identification; and

257 - (ii) the Federal Bureau of Investigation.

258 - (2) The department shall request that the Department of Public Safety complete a

259 - Federal Bureau of Investigation criminal background check for the individual described in

260 - Subsection (1).

261 - Section 9. Section 4-42-303 is enacted to read:

262 - 4-42-303. Cannabis production establishment agent registration card

--

263 - Rebuttable presumption.

264 - (1) A cannabis production establishment agent who is registered with the department

265 - under Section 4-42-301 shall carry the individual's cannabis production establishment agent

266 - registration card with the individual at all times when:

267 - (a) the individual is on the premises of the cannabis production establishment where

268 - the individual is a cannabis production establishment agent; and

269 - (b) the individual is transporting cannabis, a cannabis product, or a medical cannabis

270 - device between two cannabis production establishments or between a cannabis production

271 - establishment and a cannabis dispensary.

272 - (2) If an individual handling cannabis, a cannabis product, or a medical cannabis

273 - device at a cannabis production establishment, or transporting cannabis, a cannabis product, or

274 - a medical cannabis device, possesses the cannabis, cannabis product, or medical cannabis

275 - device in compliance with Subsection (1):

276 - (a) there is a rebuttable presumption that the individual possesses the cannabis,

277 - cannabis product, or medical cannabis device legally; and

278 - (b) a law enforcement officer does not have probable cause, based solely on the

279 - individual's possession of the cannabis, cannabis product, or medical cannabis device in

department under

240 +Section 4-41b-301 shall carry the individual's cannabis production establishment agent registration card

241 +with the individual at all times when:

242 +(a) the individual is on the premises of a cannabis production establishment where the individual

243 +is a cannabis production establishment agent; and

244 +(b) the individual is transporting cannabis, a cannabis product, or a medical cannabis device

245 +between two cannabis production establishments or between a cannabis production establishment and a

246 +cannabis dispensary.

247 +(2) If an individual handling cannabis, a cannabis product, or a medical cannabis device at a

248 +cannabis production establishment, or transporting cannabis, a cannabis product, or a medical cannabis

249 +device, possesses the cannabis, cannabis product, or medical cannabis device in compliance with

250 +Subsection (1):

251 +(a) there is a rebuttable presumption that the individual possesses the cannabis, cannabis product,

252 +or medical cannabis device legally; and

253 +(b) a law enforcement officer does not have probable cause, based solely on the individual's

254 +possession of the cannabis, cannabis product, or medical cannabis device in compliance with Subsection

255 +(1), to believe that the individual is engaging in illegal activity.

256 +(3) An individual who violates Subsection (1) is:

257 +(a) guilty of an infraction; and

258 +(b) is subject to a \$100 fine.

259 +Section 12. Section 4-41b-401 is enacted to read:

280 - compliance with Subsection (1), to believe that the individual is
engaging in illegal activity.

281 - (3) A cannabis production establishment agent registered with the
department is guilty

282 - of an infraction if the registered cannabis production establishment
agent:

283 - (a) (i) is on the premises of a cannabis production establishment
where the individual is

284 - registered as an agent; or

285 - (ii) transports cannabis, a cannabis product, or a medical cannabis
device; and

286 - (b) does not possess, on the registered cannabis production
establishment agent's

287 - person, a valid cannabis production establishment agent registration
card.

288 - (4) A registered cannabis production establishment agent who is
guilty of an infraction

289 - under Subsection (3) is subject to a fine of no more than \$100.

290 - Section 10. Section 4-42-401 is enacted to read:

291 -

292 Part 4. General Cannabis Production Establishment Operating Requirements

293 -

294 - 4-42-401. Cannabis production establishment -- General operating
requirements.

295 - (1) (a) A cannabis production establishment shall operate in
accordance with the

296 - operating plan provided to the department under Section 4-42-203.

297 - (b) A cannabis production establishment shall notify the department
no longer than 30

298 - days after a change in the cannabis production establishment's operating
plan.

299 - (2) A cannabis production establishment shall operate:

300 - (a) except as provided in Subsection (3), in a facility with a
controlled entrance that is

301 - accessible only by an individual with a valid cannabis production
establishment agent

302 - registration card issued under Section 4-42-301; and

303 - (b) at the physical address provided to the department under Section
4-42-201.

304 - (3) A cannabis production establishment may allow an individual who
is a visitor, a

305 - contractor, or a member of the press to access the cannabis production
establishment if the

260 Part 4. General Cannabis Production Establishment Operating Requirements

261 +4-41b-401. Cannabis production establishment -- General operating
requirements.

262 +(1)(a) A cannabis production establishment shall operate in accordance with
the operating plan

263 +provided to the department under Section 4-41b-203.

264 +(b) A cannabis production establishment shall notify the department before
a change in the

265 +cannabis production establishment's operating plan.

266 +(2) A cannabis production establishment shall operate:

267 +6

268 +(a) except as provided in Subsection (5), in a facility that is accessible
only by an individual with

269 +a valid cannabis production establishment agent registration card issued
under Section 4-41b-301; and

270 +(b) at the physical address provided to the department under Section 4-41b-
201.

271 +(3) A cannabis production establishment may not employ any person who is
younger than 21

272 +years of age.

273 +(4) A cannabis production establishment shall conduct a background check
into the criminal

306 - cannabis production establishment:

307 - (a) ensures that the individual is accompanied by a cannabis
production establishment

308 - agent at all times while the individual is at the cannabis production
establishment; and

309 - (b) maintains a record of the individual's access.

310 - (4) A cannabis production establishment shall operate in a facility
that has:

311 - (a) no exterior signage that indicates the type of business;

312 - (b) a single, secure public entrance;

313 - (c) a security system with a backup power source that:

314 - (i) detects and records entry into the cannabis production
establishment during business

315 - hours; and

316 - (ii) provides notice of an unauthorized entry to law enforcement
when the cannabis

317 - production establishment is closed; and

318 - (d) a locked and reinforced area where the cannabis production
establishment stores

319 - cannabis or a cannabis product.

320 - (5) A cannabis production establishment may not operate:

321 - (a) within 600 feet of a community location, as defined in Section
32B-1-102, that is

322 - not a public or private school; or

323 - (b) within 1000 feet of a public or private school.

324 - Section 11. Section 4-42-402 is enacted to read:

325 - 4-42-402. Inspections.

326 - (1) Subject to Subsection (2), the department shall inspect the
records and facility of a

327 - cannabis production establishment in order to determine if the cannabis
production

328 - establishment complies with the licensing requirements of this chapter.

329 - (2) The department may inspect the records and facility of a
cannabis production

330 - establishment at any time, scheduled or unscheduled.

331 - Section 12. Section 4-42-403 is enacted to read:

332 - 4-42-403. Advertising.

274 +history of every person who will become an agent of the cannabis production
establishment and may not

275 +employ any person who has been convicted of an offense that is a felony
under either state or federal law.

276 +(5) A cannabis production establishment may authorize an individual who is
not a cannabis

277 +production establishment agent to access the cannabis production
establishment if the cannabis production

278 +establishment tracks and monitors the individual at all times while the
individual is at the cannabis

279 +production establishment and maintains a record of the individual's access.

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

281 +(a) a single, secure public entrance;

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

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

284 +(ii) provides notice of an unauthorized entry to law enforcement when the
cannabis production

285 +establishment is closed; and

286 +(c) a lock on any area where the cannabis production establishment stores
cannabis or a cannabis

287 +product.

288 +Section 13. Section 4-41b-402 is enacted to read:

289 +4-41b-402. Inspections.

290 +The department may inspect the records and facility of a cannabis
production establishment at

291 +any time in order to determine if the cannabis production establishment
complies with the requirements of

292 +this chapter.

293 +Section 14. Section 4-41b-403 is enacted to read:

294 +4-41b-403. Advertising.

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

296 +(2) Notwithstanding Subsection (1), a cannabis production establishment may
advertise

297 +employment opportunities at the cannabis production facility.

298 +Section 15. Section 4-41b-404 is enacted to read:

299 +4-41b-404. Cannabis, cannabis product, or medical cannabis device
transportation.

300 +(1) Except for an individual with a valid medical cannabis card pursuant to
Title 26, Chapter 60b,

333 - (1) A cannabis production establishment may not advertise to the
 334 general public in any
 335 - medium.
 336 - (2) Notwithstanding Subsection (1), a cannabis production
 337 establishment may advertise
 338 - employment opportunities at the cannabis production facility.
 339 - Section 13. Section 4-42-404 is enacted to read:
 340 - 4-42-404. Cannabis, cannabis product, or medical cannabis device
 341 transportation.
 342 - (1) Except for an individual or a designated caregiver with a
 343 medical cannabis card
 344 - who possesses cannabis or a cannabis product in accordance with Section
 345 26-58-204, an
 346 - individual may only transport cannabis, a cannabis product, or a cannabis
 347 device between
 348 - cannabis production establishments or between a cannabis production
 349 establishment and a
 350 - cannabis dispensary if the individual is:
 351 - (a) a registered cannabis production establishment agent; or
 352 - (b) a registered cannabis dispensary agent.
 353 - (2) An individual transporting cannabis, a cannabis product, or a
 354 medical cannabis
 355 - device shall possess a transportation manifest that:
 356 - (a) includes a unique identifier that links the cannabis, cannabis
 357 product, or medical
 358 - cannabis device to a related inventory control system;
 359 - (b) includes origin and destination information for any cannabis,
 360 cannabis product, or
 361 - medical cannabis device the individual is transporting; and
 362 - (c) indicates the departure and arrival times and locations of the
 363 individual transporting
 364 - the cannabis, cannabis product, or medical cannabis device.
 365 - (3) In addition to the requirements in Subsections (1) and (2), the
 366 department may
 367 - establish, by rule made in accordance with Title 63G, Chapter 3, Utah
 368 Administrative
 369 - Rulemaking Act, requirements for transporting cannabis, a cannabis
 370 product, or a medical
 371 - cannabis device that are related to safety for human consumption of
 372 cannabis or cannabis
 373 - products.
 374 - (4) A cannabis production establishment agent registered with the

301 +Medical Cannabis Act, an individual may not transport cannabis, a cannabis
 302 product, or a medical
 303 +cannabis device unless the individual is:
 304 +(a) a registered cannabis production establishment agent; or
 305 +(b) a registered cannabis dispensary agent.
 306 +(2) Except for an individual with a valid medical cannabis card pursuant to
 307 Title 26, Chapter 60b,
 308 +Medical Cannabis Act, an individual transporting cannabis, a cannabis
 309 product, or a medical cannabis
 310 +device shall possess a transportation manifest that:
 311 +(a) includes a unique identifier that links the cannabis, cannabis product,
 312 or medical cannabis
 313 +device to a relevant inventory control system;
 314 +(b) includes origin and destination information for any cannabis, cannabis
 315 product, or medical
 316 +cannabis device the individual is transporting; and
 317 +(c) indicates the departure and arrival times and locations of the
 318 individual transporting the
 319 +cannabis, cannabis product, or medical cannabis device.
 320 +(3) In addition to the requirements in Subsections (1) and (2), the
 321 department may establish, by
 322 +rule made in accordance with Title 63G, Chapter 3, Utah Administrative
 323 Rulemaking Act, requirements
 324 +for transporting cannabis, a cannabis product, or a medical cannabis device
 325 that are related to safety for
 326 +human cannabis or cannabis product consumption.
 327 +(4) An individual who transports cannabis, a cannabis product, or a medical
 328 cannabis device with
 329 +a manifest that does not meet the requirements of this section is:
 330 +(a) guilty of an infraction; and
 331 +(b) subject to a \$100 fine.
 332 +7
 333 +Section 16. Section 4-41b-405 is enacted to read:
 334 +4-41b-405. Local control.
 335 +(1) A municipality or county may not enact a zoning ordinance that
 336 prohibits a cannabis
 337 +production establishment from operating in a location within the
 338 municipality's or county's jurisdiction on
 339 +the sole basis that the cannabis production establishment possesses, grows,

department is guilty

360 - of an infraction if the registered cannabis production establishment agent:

361 - (a) transports cannabis, a cannabis product, or a medical cannabis device; and

362 - (b) does not possess, on the registered cannabis production establishment agent's

363 - person or in the transport vehicle, a manifest that complies with Subsection (3).

364 - (5) A registered cannabis production establishment agent who is guilty of an infraction

365 - under Subsection (3) is subject to a \$100 fine.

366 - Section 14. Section 4-42-501 is enacted to read:

367 -

368 Part 5. Cannabis Cultivation Facility Operating Requirements

369 -

370 - 4-42-501. Cannabis cultivation facility -- Operating requirements.

371 - (1) A cannabis cultivation facility shall ensure that any cannabis growing at the

372 - cannabis cultivation facility is screened from view at the cannabis cultivation facility perimeter.

373 - (2) A cannabis cultivation facility shall use a unique identifier that is connected to the

374 - cannabis cultivation facility's inventory control system for:

375 - (a) beginning at the time a cannabis plant is 8 inches tall and has a root ball, each

376 - cannabis plant;

377 - (b) each unique harvest of cannabis plants; and

378 - (c) each batch of cannabis transferred to a cannabis dispensary, a cannabis processing

379 - facility, or an independent cannabis testing laboratory.

380 - (4) The department shall review a cannabis cultivation facility's operating plan

381 - submitted under Section 4-42-203 for the purpose of ensuring that the cannabis that a

382 - cultivation facility cultivates is safe for human use.

383 - (5) The department may determine standards, by rule made in accordance with Title

384 - 63, Chapter 3, Utah Administrative Rulemaking Act, for a cannabis cultivation facility's

385 - pesticide use.

328 manufactures, or sells

+cannabis.

329 +(2) A municipality or county may not deny or revoke a permit or license to operate a cannabis

330 +production facility on the sole basis that the applicant or cannabis production establishment violates a law

331 +of the United States.

332 +Section 17. Section 4-41b-501 is enacted to read:

333 Part 5. Cannabis Cultivation Facility Operating Requirements

334 +4-41b-501. Cannabis cultivation facility -- Operating requirements.

335 +(1) A cannabis cultivation facility shall ensure that any cannabis growing at the cannabis

336 +cultivation facility is not visible at the cannabis cultivation facility perimeter.

337 +(2) A cannabis cultivation facility shall use a unique identifier that is connected to the cannabis

338 +cultivation facility's inventory control system for:

339 +(a) beginning at the time a cannabis plant is 8 inches tall and has a root ball, each cannabis plant;

340 +(b) each unique harvest of cannabis plants;

341 +(c) each batch of cannabis transferred to a cannabis dispensary, a cannabis processing facility, or

342 +an independent cannabis testing laboratory; and

343 +(d) disposal of excess, contaminated, or deteriorated cannabis.

344 +Section 18. Section 4-41b-502 is enacted to read:

345 +4-41b-502. Cannabis -- Labeling and packaging.

346 +(1) Cannabis shall have a label that:

347 +(a) has a unique batch identification number that is connected to the inventory control system;

348 +and

349 +(b) does not display images, words, or phrases that are intended to appeal to children.

350 +(2) A cannabis cultivation facility shall package cannabis in a container that:

386 - Section 15. Section 4-42-601 is enacted to read:
 387 -

388 Part 6. Cannabis Processing Facility Operating Requirements
 389 -

390 - 4-42-601. Cannabis processing facility -- Operating requirements --
 General.
 391 - (1) A cannabis processing facility shall ensure that a cannabis
 product that the cannabis
 392 - processing facility sells or provides to a cannabis dispensary complies
 with the requirements of
 393 - this part.

394 - (2) If a cannabis processing facility extracts cannabinoids from
 cannabis using a
 395 - hydrocarbon process, the cannabis processing facility shall extract the
 cannabinoids under a
 396 - blast hood.
 397 - (3) The department shall review a cannabis processing facility's
 operating plan
 398 - submitted under Section 4-42-203 for the purpose of ensuring that a
 cannabis product that the
 399 - cannabis processing facility produces is safe for human consumption.

400 - Section 16. Section 4-42-602 is enacted to read:
 401 - 4-42-602. Cannabis product -- Labeling and packaging.
 402 - (1) A cannabis product shall have a label that:

403 - (a) clearly and unambiguously states that the cannabis product
 contains cannabis;
 404 - (b) clearly displays:

405 - (i) the total amount of cannabinoids by weight in the cannabis
 product;
 406 - (ii) the cannabinoid profile of the cannabis product; and
 407 - (iii) the number of doses, and the milligrams in each dose, in the
 cannabis product;
 408 - (c) has a unique batch identifier that is connected to the cannabis
 processing facility's
 409 - inventory control system.

351 +(a) is tamper evident;
 352 +(b) is not appealing to children or similar to a candy container;
 353 +(c) is opaque; and
 354 +(d) complies with child-resistant effectiveness standards established by
 the United States
 355 +Consumer Product Safety Commission.
 356 +Section 19. Section 4-41b-601 is enacted to read:
 357 Part 6. Cannabis Processing Facility Operating Requirements
 358 +4-41b-601. Cannabis processing facility -- Operating requirements --
 General.
 359 +(1) A cannabis processing facility shall ensure that a cannabis product
 sold by the cannabis
 360 +processing facility complies with the requirements of this part.

361 +(2) If a cannabis processing facility extracts cannabinoids from cannabis
 using a hydrocarbon
 362 +process, the cannabis processing facility shall extract the cannabinoids
 under a blast hood and shall use a
 363 +system to reclaim solvents.

364 +Section 20. Section 4-41b-602 is enacted to read:
 365 +4-41b-602. Cannabis product -- Labeling and packaging.
 366 +(1) A cannabis product shall have a label that:

367 +(a) clearly and unambiguously states that the cannabis product contains
 cannabis;
 368 +(b) clearly displays the amount of tetrahydrocannabinol and cannabidiol in
 the cannabis product;
 369 +(c) has a unique identification number that:
 370 +(i) is connected to the inventory control system; and
 371 +(ii) identifies the unique cannabis product manufacturing process by which
 the cannabis product
 372 +was manufactured;

373 +(d) identifies the cannabinoid extraction process that the cannabis
 processing facility used to
 374 +create the cannabis product;

375 +(e) does not display images, words, or phrases that are intended to appeal
 to children; and
 376 +(f) discloses ingredients and possible allergens.

377 +8
 378 +(2) A cannabis processing facility shall package a cannabis product in a

410 - (d) identifies the cannabinoid extraction method that the cannabis
preprocessing facility

411 - used to create the cannabis product;

412 - (e) if the cannabis processing facility used a hydrocarbon
extraction process to create

413 - the cannabis product, a certification that the product contains a level
of residual solvents that is

414 - safe for human consumption;

415 - (f) does not display images, words, or phrases that are:

416 - (i) intended to appeal to children; or

417 - (ii) similar to words or phrases used on candy labels; and

418 - (g) certifies that the cannabis product is free from microbiological
contaminants.

419 - (2) A cannabis processing facility shall package a cannabis product
in a container that:

420 - (a) is tamper evident;

421 - (b) is not appealing to children or similar to a candy container;

422 - (c) is opaque; and

423 - (d) complies with child-resistant special packaging standards
described in 16 C.F.R.

424 - Sec. 1700.15 that apply to a controlled drug as described in 16 C.F.R.
Sec. 1700.14.

425 - Section 17. Section 4-42-603 is enacted to read:

426 - 4-42-603. Cannabis product -- Product quality.

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

428 - form that:

429 - (a) is intended to appeal to children; or

430 - (b) is designed to mimic or be mistaken for an existing candy
product.

431 - (2) A cannabis processing facility may not manufacture a cannabis
product by applying

432 - a cannabis agent only to the surface of a pre-manufactured food product
that is not produced by

433 - the cannabis processing facility.

434 - (3) A cannabis product may vary in the cannabis product's labeled
cannabis profile by

435 - up to 15% of the indicated amount of a given cannabinoid, by weight.

436 - (4) The department shall adopt, by rule made in accordance with
Title 63G, Chapter 3,

379 container that:

+ (a) is tamper evident;

380 + (b) is not appealing to children or similar to a candy container;

381 + (c) is opaque; and

382 + (d) complies with child-resistant effectiveness standards established by
the United States

383 + Consumer Product Safety Commission.

384 + Section 21. Section 4-41b-603 is enacted to read:

385 + 4-41b-603. Cannabis product -- Product quality.

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

387 + (a) is intended to appeal to children; or

388 + (b) is designed to mimic or be mistaken for an existing candy product.

389 + (2) A cannabis processing facility may not manufacture a cannabis product
by applying a

390 + cannabis agent only to the surface of a pre-manufactured food product that
is not produced by the

391 + cannabis processing facility.

392 + (3) A cannabis product may vary in the cannabis product's labeled cannabis
profile by up to 15%

393 + of the indicated amount of a given cannabinoid, by weight.

394 + (4) The department shall adopt, by rule made in accordance with Title 63G,
Chapter 3, Utah

395 + Administrative Rulemaking Act, human safety standards for manufacture of
cannabis products that are

396 + consistent, to the extent possible, with rules for similar products that do
not contain cannabis.

397 + Section 22. Section 4-41b-701 is enacted to read:

437 - Utah Administrative Rulemaking Act, human consumption safety standards
for a cannabis

438 - product that are consistent, to the extent possible, with standards
adopted by the United States

439 - Food and Drug Administration for products that are similarly applied or
ingested.

440 - Section 18. Section 4-42-701 is enacted to read:

441 -

442 Part 7. Independent Cannabis Testing Laboratories

443 -

444 - 4-42-701. Cannabis and cannabis product testing.

445 - (1) An independent cannabis testing laboratory shall, before a
cannabis product is

446 - offered for sale at a cannabis dispensary, accurately test and certify
the cannabis product as

447 - provided in this section.

448 - (2) An independent cannabis testing laboratory shall determine the
cannabinoid profile

449 - of a cannabis product.

450 - (3) An independent cannabis testing laboratory shall determine if a
cannabis product

451 - contains, in an amount that is harmful to human health:

452 - (a) mold;

453 - (b) fungus;

454 - (c) pesticides; or

455 - (d) microbial contaminants.

456 - (4) For a cannabis product that is manufactured using a process that
involves extraction

457 - using hydrocarbons, an independent cannabis testing laboratory shall test
the cannabis product

458 - for an unhealthy level of a residual solvent.

459 - (5) The department may determine, by rule made in accordance with
Title 63G,

460 - Chapter 3, Utah Administrative Rulemaking Act:

461 - (a) the amount of substances described in Subsection (4) and the
amount of residual

462 - solvents that are safe for human consumption;

463 - (b) additional cannabis or cannabidiol testing that an independent

398 Part 7. Independent Cannabis Testing Laboratories

399 +4-41b-701. Cannabis and cannabis product testing.

400 +(1) No cannabis or cannabis product may be offered for sale at a cannabis
dispensary unless a

401 +representative sample of the cannabis or cannabis product has been tested
by an independent cannabis

402 +testing laboratory to determine:

403 +(a) the amount of tetrahydrocannabinol and cannabidiol in the cannabis or
cannabis product;

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

405 +contaminants, or foreign material, does not exceed an amount that is safe
for human consumption; and

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

407 +hydrocarbons, that the cannabis product does not contain an unhealthy level
of a residual solvent.

408 +(2) The department may determine, by rule made in accordance with Title
63G, Chapter 3, Utah

409 +Administrative Rulemaking Act, the amount of a substance described in
Subsection (1) that is safe for

410 +human consumption.

411 +Section 23. Section 4-41b-702 is enacted to read:

412 +4-41b-702. Reporting -- Inspections -- Seizure by the department.

413 +(1) If an independent cannabis testing laboratory determines that the
results of a lab test indicate

414 +that a cannabis or cannabis product batch may be unsafe for human
consumption, the independent

415 +cannabis testing laboratory shall:

416 +(a) report the results and the cannabis or cannabis product batch to:

417 +(i) the department; and

418 +(ii) the cannabis production establishment that prepared the cannabis or
cannabis product batch;

419 +(b) retain possession of the cannabis or cannabis product batch for one

cannabidiol testing

464 - laboratory is required to perform; and

465 - (c) minimum standards for an independent cannabidiol testing laboratory's testing

466 - methods and procedures.

467 - (6) The State Chemistry Lab may possess cannabis or a cannabis product for the

468 - purpose of a department test under Subsection (5).

469 - (7) An independent cannabis testing laboratory shall test any cannabis that the

470 - independent cannabis testing laboratory receives from a cannabis cultivation facility using

471 - carbon stable isotope testing to determine:

472 - (a) the origin of the cannabis;

473 - (b) the conditions under which the cannabis was grown; and

474 - (c) any other information about the cannabis required by the department, by rule made

475 - in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that can be

476 - determined using carbon stable isotope testing.

477 - Section 19. Section 4-42-702 is enacted to read:

478 - 4-42-702. Reporting -- Inspections -- Seizure by the department.

479 - (1) If an independent cannabis testing laboratory determines that the results of a lab test

480 - indicate that a cannabis product batch may be unsafe for human consumption or, using a carbon

481 - stable isotope test, that the cannabis was not cultivated in accordance with this chapter:

482 - (a) the independent cannabis testing laboratory shall report the results and the cannabis

483 - product batch simultaneously to:

484 - (i) the department; and

485 - (ii) the cannabis production establishment that prepared the cannabis product batch;

486 - (b) retain possession of the cannabis product batch for one week in order to investigate

487 - the cause of the defective or non-complying batch and to make a determination; and

488 - (c) allow the cannabis production establishment that prepared the cannabis product

489 - batch to appeal the determination described in Subsection (1)(b), and, if necessary following

490 - the appeal, allow the independent cannabis testing laboratory to retest the cannabis product

week in order to

420 +investigate the cause of the defective batch and to make a determination; and

421 +(c) allow the cannabis production establishment that prepared the cannabis or cannabis product

422 +batch to appeal the determination described in Subsection (1)(b).

423 +(2) If, under Subsection (1)(b), the department determines, following an appeal, that a cannabis

424 +or cannabis product prepared by a cannabis production establishment is unsafe for human consumption,

425 +the department may seize, embargo, or destroy the cannabis or cannabis product batch.

426 +Section 24. Section 4-41b-801 is enacted to read:

491 - batch.

492 - (2) If, under Subsection (1)(b), the department determines,
following an appeal, that a

493 - cannabis product prepared by a cannabis production establishment is
unsafe for human

494 - consumption or was not cultivated in accordance with this chapter, the
department may seize,

495 - embargo, or destroy a cannabis product batch.

496 - Section 20. Section 4-42-801 is enacted to read:

497 -

498 Part 8. Enforcement

499 -

500 - 4-42-801. Enforcement -- Fine -- Citation.

501 - (1) For a violation of the licensing provisions of this chapter by a
person that is a

502 - cannabis production establishment or a cannabis production establishment
agent:

503 - (a) revoke the person's cannabis production establishment license or
cannabis

504 - production establishment agent registration card;

505 - (b) refuse to renew the person's license or registration; or

506 - (c) assess the person an administrative penalty.

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

508 - in the Medical Cannabis Restricted Account.

509 - (3) (a) The department may take an action described in Subsection
(3)(b) if the

510 - department concludes, upon inspection or investigation, that, for a
person that is a cannabis

511 - production establishment or a cannabis production establishment agent:

512 - (i) the person has violated the provisions of this chapter, a rule
made under this

513 - chapter, or an order issued under this chapter;

514 - (ii) the person produced a cannabis product batch that a test shows
contains a

515 - contaminant described in Section 4-42-701; or

516 - (iii) the person possessed or used a cannabis batch that was not
cultivated in

517 - accordance with this chapter.

518 - (b) If the department makes the determination about a person
described in Subsection

519 - (3)(a)(i), the department shall:

520 - (i) issue the person a written citation;

427 Part 8. Enforcement

428 +4-41b-801. Enforcement -- Fine -- Citation.

429 +(1) The department may, for a violation of this chapter by a person that is
a cannabis production

430 +establishment or a cannabis production establishment agent:

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

432 +9

433 +(b) refuse to renew the person's license or cannabis production
establishment agent registration

434 +card; or

435 +(c) assess the person an administrative penalty.

436 +(2) The department shall deposit an administrative penalty imposed under
this section in the

437 +general fund.

438 +(3)(a) The department may take an action described in Subsection (3)(b) if
the department

439 +concludes, upon inspection or investigation, that, for a person that is a
cannabis production establishment

440 +or a cannabis production establishment agent:

441 +(i) the person has violated the provisions of this chapter, a rule made
under this chapter, or an

442 +order issued under this chapter; or

443 +(ii) the person produced cannabis or a cannabis product batch that contains
a substance that poses

444 +a threat to human health.

445 +(b) If the department makes the determination about a person described in
Subsection (3)(a), the

446 +department shall:

447 +(i) issue the person a written citation;

448 +(ii) attempt to negotiate a stipulated settlement;

449 +(iii) seize, embargo, or destroy the cannabis or cannabis product batch;
and

521 - (ii) attempt to negotiate a stipulated settlement; or

522 - (iii) direct the person to appear before an adjudicative proceeding conducted under

523 - Title 63G, Chapter 4, Administrative Procedures Act.

524 - (c) If the department makes the determination about a person described in Subsection

525 - (3)(a)(ii), the department may:

526 - (i) seize, embargo, or destroy the cannabis or cannabis product batch as described in

527 - Subsection 4-42-702(2); and

528 - (ii) direct the person to appear before an adjudicative proceeding conducted under Title

529 - 63G, Chapter 4, Administrative Procedures Act.

530 - (4) The department may, for a person subject to an uncontested citation, a stipulated

531 - settlement, or a finding of a violation in an adjudicative proceeding under this section:

532 - (a) assess the person a fine, established in accordance with Section 63J-1-504, of up to

533 - \$5,000 per violation, in accordance with a fine schedule established by rule made in accordance

534 - with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

535 - (b) order the person to cease and desist from, and cure, the action that creates a

536 - violation.

537 - (5) The department may not revoke a cannabis production establishment's license via a

538 - citation.

539 - (6) If within 20 calendar days after the day on which a department serves a citation for

540 - a violation of this chapter, the person that is the subject of the citation fails to request a hearing

541 - to contest the citation, the department shall use the citation as the basis for the department's

542 - final order.

543 - (7) The department may, for a person who fails to cure the violation that the basis is for

544 - the citation under this section:

545 - (a) refuse to issue or renew the person's license or cannabis

450 +(iv) direct the person to appear before an adjudicative proceeding conducted under Title 63G,

451 +Chapter 4, Administrative Procedures Act.

452 +(4) The department may, for a person subject to an uncontested citation, a stipulated settlement,

453 +or a finding of a violation in an adjudicative proceeding under this section:

454 +(a) assess the person a fine, established in accordance with Section 63J-1-504, of up to \$5,000

455 +per violation, in accordance with a fine schedule established by rule made in accordance with Title 63G,

456 +Chapter 3, Utah Administrative Rulemaking Act; or

457 +(b) order the person to cease and desist from the action that creates a violation.

458 +(5) The department may not revoke a cannabis production establishment's license without first

459 +direct the cannabis production establishment to appear before an adjudicative proceeding conducted under

460 +Title 63G, Chapter 4, Administrative Procedures Act.

461 +(6) If within 20 calendar days after the day on which a department serves a citation for a

462 +violation of this chapter, the person that is the subject of the citation fails to request a hearing to contest

463 +the citation, the citation becomes the department's final order.

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

465 +(a) refuse to issue or renew the person's license or cannabis production establishment agent

466 +registration card; or

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

468 +establishment registration card.

469 +(8) If the department makes a final determination under this section that an individual violated a

470 +provision of this chapter, the individual is guilty of an infraction.

471 +Section 25. Section 4-41b-802 is enacted to read:

472 +4-41b-802. Report.

473 +(1) The department shall report annually to the Health and Human Services Interim Committee

474 +on the number of applications and renewal applications received, the number

production establishment

546 - agent registration card; or

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

548 - establishment registration card.

549 - Section 21. Section 26-58-101 is enacted to read:

550 -

551 -CHAPTER 58. MEDICAL CANNABIS ACT

552 -

553 -

of each type of cannabis

475 +production facility licensed in each county, the amount of cannabis grown
by licensees, the amount of

476 +cannabis manufactured into cannabis products by licensees, the number of
licenses revoked, and the

477 +expenses incurred and revenues generated from the medical cannabis program.

478 +(2) The department may not include personally identifying information in
the report.

479 +Section 26. Section 10-9a-104 is amended to read:

480 +10-9a-104. Stricter requirements.

481 +(1) Except as provided in Subsection (2), a municipality may enact an
ordinance imposing

482 +stricter requirements or higher standards than are required by this
chapter.

483 +(2) A municipality may not impose stricter requirements or higher standards
than are required

484 +by:

485 +(a) Section 4-41b-405;

486 +[(a)] (b) Section 10-9a-305; [and]

487 +10

488 +[(b)] (c) Section 10-9a-514[.]; and

489 +(d) Section 26-60b-506.

490 +Section 27. Section 17-27a-104 is amended to read:

491 +17-27a-104. Stricter requirements.

492 +(1) Except as provided in Subsection (2), a county may enact an ordinance
imposing stricter

493 +requirements or higher standards than are required by this chapter.

494 +(2) A county may not impose stricter requirements or higher standards than
are required by:

495 +(a) Section 4-41b-405;

496 +[(a)] (b) Section 17-27a-305; [and]

497 +[(b)] (c) Section 17-27a-513[.]; and

498 +(d) Section 26-60b-506.

499 +Section 28. Section 26-61-202 is amended to read:

500 +26-61-202. Cannabinoid Product Board -- Duties.

501 +(1) The board shall review any available research related to the human use
of cannabis, a

502 +cannabinoid product, or an expanded cannabinoid product that:

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

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

505 +(2) Based on the research described in Subsection (1), the board shall
evaluate the safety and

506 +efficacy of cannabis, cannabinoid products, and expanded cannabinoid
products, including:

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

554 Part 1. General Provisions

- 555 -
- 556 - 26-58-101. Title.
- 557 - This chapter is known as "Medical Cannabis Act."
- 558 - Section 22. Section 26-58-102 is enacted to read:
- 559 - 26-58-102. Definitions.
- 560 - As used in this chapter:
- 561 - (1) "Cannabinoid profile" means the percentage of cannabis or a
cannabis product, by
- 562 - weight, that is composed of the cannabinoids:
- 563 - (a) Tetrahydrocannabinol or THC;
- 564 - (b) Tetrahydrocannabinolic acid or THCa;
- 565 - (c) Cannabidiol or CBD;
- 566 - (d) Cannabinol or CBN; and

- 508 +cannabinoid products;
- 509 +(b) [cannabinoid] dosage amounts and medical dosage forms; and
- 510 +(c) interaction of cannabis, cannabinoid products, and expanded cannabinoid
products with other
- 511 +treatments.
- 512 +(3) Based on the board's evaluation under Subsection (2), the board shall
develop guidelines for
- 513 +[a physician recommending] treatment with cannabis, a cannabinoid product,
and an expanded
- 514 +cannabinoid product that include[s] a list of medical conditions, if any,
that the board determines are
- 515 +appropriate for treatment with cannabis, a cannabinoid product, or an
expanded cannabinoid product.
- 516 +(4) The board shall submit the guidelines described in Subsection (3) to:
- 517 +(a) the director of the Division of Occupational and Professional
Licensing; and
- 518 +(b) the Health and Human Services Interim Committee.
- 519 +(5) The board shall report the board's findings before November 1 of each
year to the Health and
- 520 +Human Services Interim Committee.
- 521 +(6) Guidelines developed pursuant to this section may not limit the
availability of cannabis,
- 522 +cannabinoid products, or expanded cannabinoid products permitted pursuant
to Title 4, Chapter 41b,
- 523 +Cannabis Production Establishment or Title 26, Chapter 60b, Medical
Cannabis Act.
- 524 +Section 29. Section 26-60b-101 is enacted to read:
- 525 +CHAPTER 61b. MEDICAL CANNABIS ACT
- 526 Part 1. General Provisions
- 527 +26-60b-101. Title.
- 528 +This chapter is known as "Medical Cannabis Act."
- 529 +Section 30. Section 26-60b-102 is enacted to read:
- 530 +26-60b-102. Definitions.
- 531 +As used in this chapter:
- 532 +(1) "Cannabis" means the same as that term is defined in Section 58-37-
3.6b.
- 533 +(2) "Cannabis cultivation facility" means the same as that term is defined
in Section 4-41b-102.
- 534 +(3) "Cannabis dispensary" means a person that:
- 535 +(a) acquires or intends to acquire cannabis or a cannabis product from a
cannabis production
- 536 +establishment and acquires or intends to acquire a medical cannabis device;
- 537 +(b) possesses cannabis, a cannabis product, or a medical cannabis device;
and
- 538 +(c) sells or intends to sell cannabis, a cannabis product, or a medical
cannabis device.

567 - (e) Cannabigerol or CBG.

568 - (2) "Cannabis" means the same as that term is defined in Section 58-37-3.6.

569 - (3) "Cannabis cultivation facility" means the same as that term is defined in Section

570 - 4-42-102.

571 - (4) "Cannabis dispensary" means a person that:

572 - (a) sells cannabis, a cannabis product, or a medical cannabis device; or

573 - (b) purchases or possesses cannabis, a cannabis product, or a medical cannabis device,

574 - with the intent to sell the cannabis, cannabis product, or medical cannabis device.

575 - (5) "Cannabis dispensary agent" means an owner, officer, director, board member, or

576 - employee of, or a volunteer at, a cannabis dispensary.

577 - (6) "Cannabis dispensary agent registration card" means a registration card, issued by

578 - the department, that identifies an individual as a cannabis dispensary agent.

579 - (7) "Cannabis processing facility" means the same as that term is defined in Section

580 - 4-42-102.

581 - (8) "Cannabis product" means the same as that term is defined in Section 58-37-3.6.

582 - (9) "Cannabis production establishment agent" means the same as that term is defined

583 - in Section 4-42-102.

584 - (10) "Cannabis production establishment agent registration card" means the same as

585 - that term is defined in Section 4-42-102.

586 - (11) "Designated caregiver" means an individual:

587 - (a) whom a patient with a medical cannabis card designates as the patient's caregiver;

588 - and

589 - (b) registers with the department under Section 26-58-202.

590 - (12) "Independent cannabis testing laboratory" means the same as that term is defined

539 +(4) "Cannabis dispensary agent" means an owner, officer, director, board member, employee, or

540 +volunteer of a cannabis dispensary.

541 +11

542 +(5) "Cannabis dispensary agent registration card" means a registration card issued by the

543 +department that authorizes an individual to act as a cannabis dispensary agent.

544 +(6) "Cannabis processing facility" means the same as that term is defined in Section 4-41b-102.

545 +(7) "Cannabis product" means the same as that term is defined in Section 58-37-3.6b.

546 +(8) "Cannabis production establishment agent" means the same as that term is defined in Section

547 +4-41b-102.

548 +(9) "Cannabis production establishment agent registration card" means the same as that term is

549 +defined in Section 4-41b-102.

550 +(10) "Community location" means a public or private school, a church, a public library, a public

551 +playground, or a public park.

552 +(11) "Designated caregiver" means an individual:

553 +(a) whom a patient with a medical cannabis card designates as the patient's caregiver; and

554 +(b) registers with the department under Section 26-60b-202.

555 +(12) "Independent cannabis testing laboratory" means the same as that term is defined in Section

556 +4-41b-102.

557 +(13) "Inventory control system" means the system described in Section 4-41b-103.

558 +(14) "Medical cannabis card" means an official card issued by the department to an individual

559 +with a qualifying illness, or the individual's designated caregiver under this chapter, that is connected to

560 +the electronic verification system.

561 +(15) "Medical cannabis device" means the same as that term is defined in Section 58-37-3.6b.

562 +(16) "Medical Cannabis Restricted Account" means the account created in Section 26-60b-109.

591	- in Section 4-42-102.	563	+(17) "Physician" means an individual who is qualified to recommend cannabis under Section 26-
592	- (13) "Inventory control system" means the system described in Section 4-42-103.	564	+60b-107.
593	- (14) "Medical cannabis card" means an official, tamper proof document or card, issued	565	+(18) "Qualifying illness" means a condition described in Section 26-60b-105.
594	- by the department to an individual with a qualifying illness or the individual's designated	566	+(19) "State electronic verification system" means the system described in Section 26-60b-103.
595	- caregiver under this chapter, that is connected to the electronic verification system.	567	+Section 31. Section 26-60b-103 is enacted to read:
596	- (15) "Medical cannabis device" means the same as that term is defined in Section	568	+26-60b-103. Electronic verification system.
597	- 58-37-3.6(1)(b).	569	+(1) The Department of Agriculture and Food, the Department of Health, the Department of
598	- (16) "Medical Cannabis Restricted Account" means the account created in Section	570	+Public Safety, and the Department of Technology Services shall:
599	- 26-58-108.	571	+(a) enter into a memorandum of understanding in order to determine the function and operation
600	- (17) "Participating entity" means:	572	+of an electronic verification system;
601	- (a) the Department of Agriculture and Food;	573	+(b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah Procurement
602	- (b) the Department of Health; and	574	+Code, to develop a request for proposals for a third-party provider to develop and maintain an electronic
603	- (c) the Department of Technology Services.	575	+verification system in coordination with the Department of Technology Services; and
604	- (18) "Physician" means an individual who is qualified to recommend cannabis under	576	+(c) select a third-party provider described in Subsection (1)(b).
605	- Section 26-58-207.	577	+(2) The electronic verification system described in Subsection (1) shall:
606	- (19) "Qualifying illness" means a condition described in Section 26-58-104.	578	+(a) allow an individual, with the individual's physician in the physician's office, to apply for a
607	- (20) "State electronic verification system" means the system described in Section	579	+medical cannabis card;
608	- 26-58-103.	580	+(b) allow a physician to electronically recommend, during a visit with a patient, treatment with
609	- Section 23. Section 26-58-103 is enacted to read:	581	+cannabis or a cannabis product;
610	- 26-58-103. State electronic verification system.	582	+(c) connect with an inventory control system used by a cannabis dispensary to track, in real time,
611	- (1) The Department of Agriculture and Food, the Department of Health, the	583	+and to archive for no more than 60 days, purchase history of cannabis or a cannabis product by a medical
612	- Department of Public Safety, and the Department of Technology Services shall:	584	+cannabis card holder, including the time and date of the purchase, the quantity and type of cannabis or
613	- (a) enter into a memorandum of understanding in order to determine the function and	585	+cannabis product purchased, and any cannabis production establishment and cannabis dispensary
614	- operation of an electronic verification system;	586	+associated with the cannabis or cannabis product;
615	- (b) coordinate with the Division of Purchasing under Title 63G, Chapter 6a, Utah	587	+(d) provide access to the Department of Health and the Department of Agriculture and Food to

616 - Procurement Code, to develop a request for proposals for a third party
 617 provider to develop and
 618 - maintain an electronic verification system in coordination with the
 Department of Technology
 618 - Services;
 619 - (c) select a third party provided described in Subsection (1)(b);
 and
 620 - (d) take the actions described in Subsections (1)(a), (b), and (c)
 according to the
 621 - following schedule:
 622 - (i) no later than 75 days after the effective date of the bill,
 enter into the memorandum
 623 - of understanding described in Subsection (1)(a);
 624 - (ii) no later than 60 days after taking the action described in
 Subsection (1)(d)(i), issue
 625 - the request for proposals for a third party provider described in
 Subsection (1)(b);
 626 - (iii) 30 days after taking the action described in Subsection (1)(d)
 (ii), close bidding for
 627 - the request for proposals;
 628 - (iv) 90 days after taking the action described in Subsection (1)(d)
 (iii), select a third
 629 - party provider;
 630 - (v) 300 days after taking the action described in Subsection (1)(d)
 (iv), require the third
 631 - party provider to have a working prototype of a state electronic
 verification system and begin
 632 - training state employees on the state electronic verification system;
 633 - (vi) 90 days after taking the action described in Subsection (1)(d)
 (v), require the third
 634 - party provider to successfully integrate any cannabis production
 establishment or cannabis
 635 - dispensary licensee's inventory control system into the state electronic
 verification system; and
 636 - (vii) 30 days after taking the action described in Subsection (1)(d)
 (vi), require the state
 637 - electronic verification system and any associated system or process to be
 fully operational.
 638 - (2) The electronic verification system described in Subsection (1)
 shall:
 639 - (a) allow an individual, with the individual's physician in the
 physician's office, to
 640 - apply for a medical cannabis card;
 641 - (b) allow a physician to:

588 +the extent necessary to carry out the Department of Health's and the
 Department of Agriculture and
 589 +Food's functions and responsibilities under this chapter and under Title 4,
 Chapter 41b, Cannabis
 590 +Production Establishment;
 591 +(e) provide access to state or local law enforcement during a traffic stop
 for the purpose of
 592 +determining if the individual subject to the traffic stop is complying with
 state medical cannabis law, or
 593 +after obtaining a warrant;
 594 +(f) create a record each time a person accesses the database that
 identifies the person who
 595 +accessed the database and the individual whose records are accessed; and
 596 +12
 597 +(g) (9) be operational no later than March 1, 2020.
 598 +(3) The Department of Health may release de-identified data collected by
 the system for the
 599 +purpose of conducting medical research and for providing the report
 required by Section 26-60b-602.
 600 +Section 32. Section 26-60b-104 is enacted to read:
 601 +26-60b-104. Preemption.
 602 +This chapter preempts any ordinance or rule enacted by a political
 subdivision of the state
 603 +regarding a cannabis dispensary or a medical cannabis card.
 604 +Section 33. Section 26-60b-105 is enacted to read:
 605 +26-60b-105. Qualifying illness.
 606 +(1) For the purposes of this chapter, the following conditions are
 considered a qualifying illness:
 607 +(a) HIV, acquired immune deficiency syndrome or an autoimmune disorder;
 608 +(b) Alzheimer's disease;
 609 +(c) amyotrophic lateral sclerosis;
 610 +(d) cancer, cachexia, or a condition manifest by physical wasting, nausea,
 or malnutrition
 611 +associated with chronic disease;
 612 +(e) Crohn's disease, ulcerative colitis, or a similar gastrointestinal
 disorder;
 613 +(f) epilepsy or a similar condition that causes debilitating seizures;

642 - (i) electronically recommend, during a visit with a patient,
treatment with a cannabis

643 - product for the patient;

644 - (ii) see, on a screen where the physician inputs a recommendation,
simultaneously

645 - while the physician inputs the recommendation, the patient's cannabis
dispensing history; and

646 - (iii) access data about the physician's patient stored in the state
electronic verification

647 - system via an electronic or mobile platform that allows for:

648 - (A) a patient to voluntarily submit outcome information and ask
questions;

649 - (B) a physician to respond to the patient and use the patient-
submitted information for

650 - the purpose of quality improvement; and

651 - (C) patient cannabis dispensing data to be automatically displayed
when a physician

652 - accesses the Controlled Substance Database;

653 - (c) issue a medical cannabis card to an individual if the individual
meets the

654 - requirements described in Section 26-58-201;

655 - (d) issue to a designated caregiver, if the designated caregiver
meets the requirements

656 - in Section 26-58-202, a medical cannabis card on behalf of a named
patient;

657 - (e) connect with an inventory control system used by each cannabis
dispensary and

658 - cannabis production establishment to track, in real time, for the
purchase of a cannabis product

659 - by a medical cannabis card holder:

660 - (i) the time and date of the purchase;

661 - (ii) the quantity and type of a cannabis product purchased; and

662 - (iii) any cannabis production establishment or cannabis dispensary
that cultivated,

663 - processed, tested, or sold the cannabis product;

664 - (f) provide access to the Department of Health and the Department of
Agriculture and

665 - Food to the extent necessary to carry out the Department of Health's and
the Department of

666 - Agriculture and Food's functions and responsibilities under:

614 +(g) multiple sclerosis or a similar condition that causes persistent and
debilitating muscle spasms;

615 +(h) post-traumatic stress disorder;

616 +(i) autism;

617 +(j) a rare condition or disease that affects less than 200,000 persons in
the United States, as

618 +defined in Section 526 of the Federal Food, Drug, and Cosmetic Act; and

619 +(k) chronic or debilitating pain in an individual, if:

620 +(i) a physician determines that the individual is at risk of becoming
chemically dependent on, or

621 +overdosing on, opiate-based pain medication; or

622 +(ii) a physician determines that the individual is allergic to opiates or
is otherwise

623 +medically unable to use opiates.

624 +(2) In addition to the conditions described in Subsection (1), a condition
approved under Section

625 +26-60b-106, in an individual, on a case-by-case basis, is considered a
qualifying illness for the purposes

626 +of this chapter.

627 +Section 34. Section 26-60b-106 is enacted to read:

628 +26-60b-106. Compassionate Use Board.

629 +(1) The department shall establish a Compassionate Use Board consisting of:

630 +(a) five physicians who are knowledgeable about the medicinal use of
cannabis and certified by

631 +the appropriate board in one of the following specialties: neurology, pain
medicine and pain management,

632 +medical oncology, psychiatry, infectious disease, internal medicine,
pediatrics, and gastroenterology; and

633 +(b) the director of the Department of Health or the director's designee as
a non-voting member.

634 +(2) (a) Two of the members of the board first appointed shall serve for a
term of three years and

635 +two of the members of the board first appointed shall serve for a term of
four years.

636 +(b) After the first members' terms expire, members of the board shall serve
for a term of four

637 +years and shall be eligible for reappointment.

638 +(c) Any member of the board may serve until a successor is appointed.

667 - (i) this chapter; and

668 - (ii) Title 4, Chapter 42, Cannabis Production Establishment;

669 - (g) provide access to state or local law enforcement:

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

671 - traffic stop is complying with state medical cannabis law; or

672 - (ii) after obtaining a warrant;

673 - (h) create a record each time a person accesses the database that identifies the person

674 - who accesses the database and the individual whose records are accessed; and

675 - (i) transmit an individual's cannabis product purchase history to the controlled

676 - substance database created in Section 58-37f-203.

677 - (3) The Department of Health may release de-identified data collected by the system

678 - under Subsection (2) for the purpose of conducting medical research.

679 - Section 24. Section 26-58-104 is enacted to read:

680 - 26-58-104. Qualifying illness.

681 - (1) For the purposes of this chapter, the following conditions are considered a

682 - qualifying illness:

683 - (a) HIV, acquired immune deficiency syndrome or an autoimmune disorder;

684 - (b) Alzheimer's disease;

685 - (c) amyotrophic lateral sclerosis;

686 - (d) cancer, cachexia, or such condition manifest by physical wasting, nausea, or

687 - malnutrition associated with chronic disease;

688 - (e) Crohn's disease or a similar gastrointestinal disorder;

689 - (f) epilepsy or a similar condition that causes debilitating seizures;

690 - (g) multiple sclerosis or a similar condition that causes persistent and debilitating

691 - muscle spasms;

692 - (h) post-traumatic stress disorder related to military service; and

693 - (i) chronic pain in an individual, if:

639 + (d) The director of the Department of Health or the director's designee shall serve as the chair of

640 + the board.

641 + (3) A quorum of the Compassionate Use Board shall consist of three members.

642 + (4) A member of the board may not receive compensation or benefits for the member's service,

643 + but may receive per diem and travel expenses in accordance with Section 63A-3-106, Section 63A-3-107,

644 + and rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

645 + (5) The Compassionate Use Board shall:

646 + (a) review and recommend to the department approval for an individual who is not otherwise

647 + qualified to receive a medical cannabis card to obtain a medical cannabis card for compassionate use if:

648 + (i) the individual offers, in the board's discretion, satisfactory evidence that the individual suffers

649 + from a condition that substantially impairs the individual's quality of life and is intractable; and

650 + 13

651 + (ii) the board determines it is in the best interest of the patient to allow the compassionate use of

652 + medical cannabis;

653 + (b) meet to receive or review compassionate use petitions quarterly, unless no petitions are

654 + pending, or as often as necessary if there are more petitions than the board can receive or review during

655 + the board's regular schedule;

656 + (c) complete a review of each petition and recommend approval or denial of the applicant for

657 + qualification for a medical cannabis card within 90 days of receipt; and

658 + (d) report, before November 1 of each year, to the Health and Human Services Interim

659 + Committee, the number of compassionate use approvals the board issued during the past year and the

660 + types of conditions for which the board approved compassionate use.

661 + (6) The department shall review any compassionate use approved by the board under this section

662 + to determine if the board properly exercised the board's discretion under this section.

663 + (7) If the department determines the board properly approved an individual for compassionate

664 + use under this section, the department shall issue a medical cannabis card.

665 + (8) Any individually identifiable health information contained in a

694 - (A) a physician determines that the individual is at greater risk of
 695 becoming addicted
 696 - to, chemically dependent on, or overdosing on, opiate-based pain
 697 medication; or
 698 - (B) a physician determines that the individual is allergic to
 699 opiates, or is otherwise
 700 medically unable to use opiates.
 701 - (2) In addition to the conditions described in Subsection (1), a
 702 condition approved
 703 - under Section 26-58-105, in an individual, on a case-by-case basis, is
 704 considered a qualifying
 705 illness for the purposes of this chapter.
 706 - Section 25. Section 26-58-105 is enacted to read:
 707 - 26-58-105. Compassionate Use Board.

708 - (1) The department shall establish a Compassionate Use Board
 709 consisting of:
 710 - (a) five physicians who are knowledgeable about the medical use of
 711 cannabis and
 712 - certified in one of the following specialties:
 713 - (i) neurology;
 714 - (ii) pain medicine and pain management;
 715 - (iii) medical oncology;
 716 - (iv) psychiatry;
 717 - (v) infectious disease;
 718 - (vi) internal medicine; and
 719 - (vii) pediatrics;

720 - (b) the director of the Department of Health or the director's
 721 designee as a non-voting
 722 member; and

723 - (c) two medical research professionals with expertise in
 724 cannabinoids or a qualifying
 725 illness, including one medical research professional who is affiliated
 726 with a research-based
 727 higher education institution.
 728 - (2) The department shall appoint at least one member of the board
 729 who has a specialty
 730 in addiction medicine.

666 petition received under this
 667 +section shall be a protected record in accordance with Title 63G, Chapter
 668 2, Government Records Access
 669 +and Management Act.

670 +(9) The Compassionate Use Board may recommend to the Health and Human
 671 Services Interim
 672 +Committee:
 673 +(a) a condition to designate as a qualifying illness under Section 26-60b-
 674 105; or
 675 +(b) a condition to remove as a qualifying illness under Section 26-60b-105.

676 +Section 35. Section 26-60b-107 is enacted to read:
 677 +26-60b-107. Physician qualification.
 678 +(1) For the purposes of this chapter, a physician means an individual,
 679 other than a veterinarian,
 680 +who is licensed to prescribe a controlled substance under Title 58, Chapter
 681 37, Utah Controlled
 682 Substances Act and who possesses the authority, in accordance with the
 683 individual's scope of practice, to
 684 prescribe Schedule II controlled substances.
 685 +(2) A physician may recommend cannabis if the physician recommends cannabis
 686 to no more than
 687 +20% of the physician's patients at any given time.
 688 +(3) A physician may recommend cannabis to greater than 20% of the
 689 physician's patients if the
 690 physician is certified, by the appropriate American medical board, in one
 691 of the following specialties:
 692 +anesthesiology, gastroenterology, neurology, oncology, pain and palliative
 693 care, psychiatry, or psychiatry.
 694 +(4) A physician may recommend cannabis to an individual under this chapter
 695 only in the course
 696 of a physician-patient relationship after the physician has completed a
 697 full assessment of the patient's
 698 condition and medical history.

699 +(5)(a) Except as provided in Subsection (5)(b), a physician eligible to
 700 recommend cannabis or a
 701 cannabis product under this section may not advertise that the physician
 702 recommends cannabis or a
 703 cannabis product.

704 +(b) A physician may advertise via a website that displays only:
 705 +(i) a green cross;
 706 +(ii) the location and hours of operation of the physician's office;

720 - (3) (a) Four of the members of the board first appointed shall serve
for a term of three

721 - years and three of the members of the board first appointed shall serve
for a term of four years.

722 - (b) After the first members' terms expire, members of the board
shall serve for a term

723 - of four years and shall be eligible for reappointment.

724 - (c) Any member of the board may serve until a successor is
appointed.

725 - (d) The director of the Department of Health or the director's
designee shall serve as

726 - the nonvoting chair of the board.

727 - (4) A quorum of the Compassionate Use Board shall consist of five
members.

728 - (5) A member of the board may not receive compensation or benefits
for the member's

729 - service, but may receive per diem and travel expenses in accordance with:

730 - (a) Section 63A-3-106;

731 - (b) Section 63A-3-107; and

732 - (c) rules made by the Division of Finance pursuant to Sections 63A-
3-106 and

733 - 63A-3-107.

734 - (6) The Compassionate Use Board shall:

735 - (a) review and recommend to the department approval for an
individual who is not

736 - otherwise qualified to receive a medical cannabis card to obtain a
medical cannabis card for

737 - compassionate use if:

738 - (i) the individual and the individual's physician appear before the
board and offer, in

739 - the board's discretion, satisfactory evidence that the individual suffers
from a condition:

740 - (A) that substantially impairs the individual's quality of life;

741 - (B) that is intractable;

742 - (C) that is not responsive to other treatments; and

743 - (D) for which it is reasonably likely the condition will respond to
treatment with

744 - cannabis.

745 - (ii) the board determines it is in the best interest of the patient

692 +(iii) a qualifying illness that the physician treats; and

693 +(iv) a scientific study regarding cannabis use.

694 +Section 36. Section 26-60b-108 is enacted to read:

695 +26-60b-108. Standard of care -- Medical practitioners not liable -- No
private right of action.

696 +A physician who recommends treatment with cannabis or a cannabis product to
an individual in

697 +accordance with this chapter may not, based on the recommendation, be
subject to civil liability, criminal

698 +liability, or licensure sanctions under Title 58, Chapter 67, Utah Medical
Practice Act or Title 58, Chapter

699 +68, Utah Osteopathic Medical Practice Act.

700 +Section 37. Section 26-60b-109 is enacted to read:

701 +26-60b-109. Medical Cannabis Restricted Account -- Creation.

702 +(1) There is created in the General Fund a restricted account known as the
"Medical Cannabis

703 +Restricted Account."

704 +(2) The account created in this section is funded from:

705 +14

706 +(a) money deposited into the account by the Department of Agriculture and
Food under Title 4,

707 +Chapter 41b, Cannabis Production Establishments;

708 +(b) money deposited into the account by the department under this chapter;

709 +(c) appropriations made to the account by the Legislature; and

710 +(d) the interest described in Subsection (3).

711 +(3) Interest earned on the account is deposited in the account.

712 +(4) Money in the account may only be used to fund the state medical
cannabis program,

713 +including Title 26, Chapter 60b, Medical Cannabis Act and Title 4, Chapter
41b, Cannabis Production

714 +Establishments.

715 +Section 38. Section 26-60b-110 is enacted to read:

716 +26-60b-110. Nondiscrimination for use of cannabis, a cannabis product, or a
medical

717 +cannabis device.

746 to allow the
- compassionate use of medical cannabis;

747 - (b) meet to receive or review compassionate use petitions:

748 - (i) quarterly, unless no petitions are pending; or

749 - (ii) as often as necessary if there are more petitions than the
board can receive or

750 - review during the board's regular schedule;

751 - (c) report before November 1 of each year, to the Legislature's
Health and Human

752 - Services Interim Committee, the number of compassionate use approvals the
board issued

753 - during the past year and the types of conditions for which the board
approved compassionate

754 - use; and

755 - (d) evaluate whether the number of cannabis dispensaries in a
geographic area meets

756 - the needs for a geographic area and recommend to the Legislature whether
the number of

757 - cannabis dispensaries should be increased in a geographic area;

758 - (e) evaluate physician variances under Subsection 26-58-106(5).

759 - (7) The department shall review any compassionate use recommended by
the board

760 - under this section to confirm if the board properly exercised the board's
discretion under this

761 - section.

762 - (8) If the department determines the board properly approved an
individual for a

763 - compassionate use under this section, the department shall issue the
individual a provisional

764 - medical cannabis card in accordance with this chapter that is valid for
one year.

765 - (9) Any individually identifiable health information contained in a
petition received

766 - under this section shall be a protected record in accordance with Title
63G, Chapter 2,

767 - Government Records Access and Management Act.

768 - (10) The Compassionate Use Board shall, before November 1 of each
year,

769 - recommend to the Legislature:

770 - (a) a condition to designate as a qualifying illness under Section
26-58-104; or

771 - (b) a condition to remove as a qualifying illness under Section 26-

718 +(1) For purposes of medical care, including organ and tissue transplants,
the use of cannabis by a

719 +patient who holds a medical cannabis card in accordance with this chapter
is considered the equivalent of

720 +the authorized use of any other medication used at the discretion of a
physician and does not constitute the

721 +use of an illicit substance or otherwise disqualify an individual from
needed medical care.

722 +(2) No landlord may refuse to lease to and may not otherwise penalize a
person solely for the

723 +person's status as a medical cannabis card holder, unless failing to do so
would cause the landlord to lose

724 +a monetary or licensing-related benefit under federal law.

725 +Section 39. Section 26-60b-201 is enacted to read:

58-104.

– Section 26. Section 26-58-106 is enacted to read:

– 26-58-106. Physician qualification.

– (1) For the purposes of this section, a physician means an individual who is licensed to

– practice:

– (a) medicine under Title 58, Chapter 67, Utah Medical Practice Act; or

– (b) osteopathic medicine under Title 58, Chapter 68, Utah Osteopathic Medical

– Practice Act.

– (2) A physician may recommend cannabis if the physician:

– (a) completes the training requirements described in Subsection (3); and

– (b) except as described in Subsection (4), recommends cannabis to no more than 250 of

– the physician's patients at any given time.

– (3) (a) A physician shall complete, before recommending cannabis to a patient, a

– training program in cannabis recommendation best practices that is approved by the

– department, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative

– Rulemaking Act.

– (b) The department shall issue an endorsement to a physician that completes the

– training program described in Subsection (3)(a)

– (c) The endorsement described in Subsection (3)(b) entitles a physician to use a

– medical cannabis endorsement image developed by the department on the physician's website.

– (4) A physician may recommend cannabis to greater than 20% of the physician's

– patients if the physician:

– (a) is certified in one of the following specialties:

– (i) anesthesiology;

– (ii) gastroenterology;

– (iii) neurology;

– (iv) oncology;

– (v) pain and palliative care;

– (vi) psychiatry;

– (vii) psychiatry; or

– (viii) addiction medicine;

– (b) appears before the Compassionate Use Board described in Section 26-58-105; and

– (c) demonstrates, to the satisfaction of the board and with the

department's approval,

804 - that:

805 - (i) the physician's practice has unique characteristics that warrant
allowing the

806 - physician to recommend cannabis to greater than 250 of the physician's
patients; and

807 - (ii) the physician has established expertise in medical cannabis.

808 - (5) (a) Except as provided in Subsection (5)(b), a physician
eligible to recommend

809 - cannabis or a cannabis product under this section may not advertise that
the physician

810 - recommends cannabis or a cannabis product.

811 - (b) A physician may advertise via a website that displays only:

812 - (i) a green cross;

813 - (ii) the physician's office's hours of operation;

814 - (iii) the medical cannabis endorsement image described in Subsection
(3)(c);

815 - (iv) a qualifying illness that the physician treats;

816 - (v) scientific studies regarding cannabis use; and

817 - (vi) current studies on treatment with cannabis being conducted on
patients.

818 - Section 27. Section 26-58-107 is enacted to read:

819 - 26-58-107. Standard of care -- Medical practitioners not liable --
No private right

820 - of action -- Insurance coverage.

821 - (1) It is not a breach of the applicable standard of care for a
physician to recommend

822 - treatment with a cannabis product to an individual under this chapter.

823 - (2) A physician who recommends treatment with a cannabis product to
an individual in

824 - accordance with this chapter may not, based solely on the reason that the
recommendation is

825 - for a cannabis product, be subject to:

826 - (a) civil liability;

827 - (b) criminal liability; or

828 - (c) licensure sanctions under:

829 - (i) Title 58, Chapter 67, Utah Medical Practice Act; or

830 - (ii) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

831 - (3) An insurance carrier, third-party administrator, or employer is
not required to

832 - provide reimbursement for a cannabis product or a medical cannabis
device, under this chapter.

833 - Section 28. Section 26-58-108 is enacted to read:

834 - 26-58-108. Medical Cannabis Restricted Account -- Creation.

835 - (1) There is created in the General Fund a restricted account known
as the "Medical

836 - Cannabis Restricted Account."
 837 - (2) The account created in this section is funded from:
 838 - (a) money deposited by the State Tax Commission under Title 59,
 Chapter 28, Medical
 839 - Cannabis Tax;
 840 - (b) money deposited into the account by the Department of
 Agriculture and Food under
 841 - Section 4-42-801;
 842 - (c) money deposited into the account by the department under Section
 26-58-601;
 843 - (d) appropriations made to the account by the Legislature; and
 844 - (e) the interest described in Subsection (3).
 845 - (3) Interest earned on the account is deposited in the account.
 846 - (4) The money in the account may only be used to fund, upon
 appropriation:
 847 - (a) the state licensing and regulation cost of the state medical
 cannabis program
 848 - established in:
 849 - (i) Title 26, Chapter 58, Medical Cannabis Act;
 850 - (ii) Title 4, Chapter 42, Cannabis Production Establishments; and
 851 - (iii) Title 59, Chapter 28, Medical Cannabis Tax Act; and
 852 - (b) the cost to the attorney general for investigation and
 enforcement related to medical
 853 - cannabis.
 854 - (5) At the end of fiscal year 2018, the director of the Division of
 Finance shall transfer
 855 - into the General Fund from the Medical Cannabis Restricted Account an
 amount equal to the
 856 - General Fund appropriation in fiscal year 2016 and fiscal year 2017 to
 implement the
 857 - provisions of this bill.
 858 - Section 29. Section 26-58-201 is enacted to read:
 859 -
 860 Part 2. Medical Cannabis Card Registration
 861 -
 862 - 26-58-201. Medical cannabis card -- Application -- Fees -- Database.
 863 - (1) The department shall issue a medical cannabis card, via the
 electronic verification
 864 - system, to an individual who complies with this section no later than 45
 days after the day on
 865 - which the individual submits a complete application.
 866 - (2) An individual is eligible for a medical cannabis card if the
 individual:
 867 - (a) is at least 18 years old;

726 Part 2. Medical Cannabis Card Registration
 727 +26-60b-201. Medical cannabis card -- Application -- Fees -- Database.
 728 +(1) The Department of Health shall, no later than March 1, 2020, and within
 15 days after an
 729 +individual submits an application in compliance with this section, issue a
 medical cannabis card to an
 730 +individual who complies with this section.
 731 +(2) An individual is eligible for a medical cannabis card if:
 732 +(a) the individual is at least 18 years old, the individual is a Utah
 resident, and treatment with
 733 +medical cannabis has been recommended by the individual's physician under
 Subsection (4); or

868 - (b) is a Utah resident; and

869 - (c) recommended by the individual's physician under Subsection (5).

870 - (3) An individual who is the parent or legal guardian of a minor is eligible for a

871 - medical cannabis card if:

872 - (a) the individual is at least 18 years old;

873 - (b) the individual is a Utah resident; and

874 - (c) recommended by the minor's physician under Subsection (5).

875 - (4) An individual who is eligible for a medical cannabis card under Subsection (2) or

876 - (3) shall submit an application for a medical cannabis card to the department:

877 - (a) with the recommending physician, in the recommending physician's office;

878 - (b) via an electronic application connected to the electronic verification system;

879 - (c) that includes:

880 - (i) the individual's name, gender, age, address, and for the purpose of being notified

881 - about a recall or a research study, the individual's contact information; and

882 - (ii) a copy of the individual's valid photo identification;

883 - (5) A physician who recommends treatment with medical cannabis to an individual or

884 - minor shall:

885 - (a) input in the physician's diagnosis that the individual suffers from a qualifying

886 - illness:

887 - (i) the type of qualifying illness; and

888 - (ii) a recommendation that the individual try a cannabis product; and

889 - (b) look up the individual in the controlled substance database created in Section

890 - 58-37f-201 to check for potential interactions or warning signs.

891 - (6) A medical cannabis card the department issues under this section is valid for the

892 - lesser of:

734 +(b) the individual is the parent or legal guardian of a minor, the individual is at least 18 years old,

735 +the individual is a Utah resident, and treatment with medical cannabis has been recommended by the

736 +minor's physician under Subsection (4).

737 +(3) An individual who is eligible for a medical cannabis card under Subsection (2) shall submit

738 +an application for a medical cannabis card to the department via an electronic application connected to the

739 +electronic verification system, with the recommending physician while in the recommending physician's

740 +office, and that includes the individual's name, gender, age, and address.

741 +(4) A physician who recommends treatment with medical cannabis to an individual or minor

742 +shall:

743 +(a) state in the physician's recommendation that the individual suffers from a qualifying illness,

744 +including the type of qualifying illness, and that the individual may benefit from treatment with cannabis

745 +or a cannabis product; and

746 +(b) before recommending cannabis or a cannabis product, look up the individual in the controlled

747 +substance database created in Section 58-37f-201.

748 +(5) A medical cannabis card issued by the department under this section is valid for the lesser of

749 +an amount of time determined by the physician or six months.

750 +(6) An individual who has been issued a medical cannabis card under this section may:

751 +(a) carry a valid medical cannabis card with the patient's name;

752 +(b) purchase, possess, and transport, in accordance with this chapter, cannabis, a cannabis

753 +product, or a medical cannabis device;

754 +(c) use or assist with the use of medical cannabis or medical cannabis products to treat the

755 +qualifying illness or symptoms associated with the qualifying illness of the person for whom medical

756 +cannabis has been recommended; and

757 +(d) after January 1, 2021, if a licensed cannabis dispensary is not operating within 100 miles of

758 +the medical cannabis card holder's primary residence, grow up to six cannabis plants for personal medical

893 - (a) an amount of time determined by the physician who recommends
treatment with a
894 - cannabis product under Subsection (5); or
895 - (b) two years.

896 - (7) An individual may not ingest cannabis or a cannabis product:
897 - (a) in public view; or
898 - (b) while the individual operates a motor vehicle.

899 - (8) The department may revoke an individual's medical cannabis card
if the individual
900 - violates this chapter.
901 - (9) The department may establish procedures, by rule in accordance
with Title 63G,
902 - Chapter 3, Utah Administrative Rulemaking Act, to implement the medical
cannabis card
903 - application and issuance provisions of this Section.

904 - (10) (a) A person may submit, to the department, a request to
conduct a medical
905 - research study using medical cannabis cardholder data contained in the
electronic verification
906 - system.

907 - (b) The department shall review a request submitted under Subsection
(10)(a) to
908 - determine if the medical research study is valid.

909 - (c) If the department determines that a medical research study is
valid under Subsection
910 - (10)(b), the department shall notify a relevant medical cannabis
cardholder asking for the
911 - medical cannabis cardholder's participation in the study.

912 - (d) The department may release, for the purposes of a study,
information about a
913 - medical cannabis cardholder who consents to participation under
Subsection (10)(c).
914 - (e) The department may establish standards for a medical research
study's validity, by
915 - rule made in accordance with Title 63G, Chapter 3, Utah Administrative
Rulemaking Act.
916 - Section 30. Section 26-58-202 is enacted to read:
917 - 26-58-202. Medical cannabis card --- Designated caregiver ---

759 +use within an enclosed and locked space and not within view from a public
place and that is not within
760 +15
761 +600 feet of a community location or within 300 feet of an area zoned
exclusively for residential use, as
762 +measured from the nearest entrance to the space and following the shortest
route or ordinary pedestrian
763 +travel to the property boundary of the community location or residential
area.
764 +(7) The department may establish procedures, by rule in accordance with
Title 63G, Chapter 3,
765 +Utah Administrative Rulemaking Act, to implement the medical cannabis card
application and issuance
766 +provisions of this section.
767 +(8)(a) A person may submit, to the department, a request to conduct a
medical research study
768 +using medical cannabis cardholder data contained in the electronic
verification system.
769 +(b) The department shall review a request submitted under Subsection (8)(a)
to determine if the
770 +medical research study is valid.

771 +(c) If the department determines that the medical research study is valid
under Subsection (8)(b),
772 +the department shall notify a relevant medical cannabis cardholder asking
for the medical cannabis
773 +cardholder's participation in the study.

774 +(d) The department may release, for the purposes of a study, information
about a medical
775 +cannabis cardholder who consents to participation under Subsection (8)(c).

776 +(e) The department may establish standards for a medical research study's
validity, by rule made
777 +in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
Act.
778 +Section 40. Section 26-60b-202 is enacted to read:
779 +26-60b-202. Medical cannabis card --- Designated caregiver --- Registration
--- Renewal ---
780 +Revocation.

781 +(1) An individual may designate up to two individuals to serve as
designated caregivers for the
782 +individual if:
783 +(a) the individual has a valid medical cannabis card under Section 26-60b-

	Registration --		201; and
918	- Renewal -- Revocation.	784	+(b) a physician determines that, due to physical difficulty or undue hardship, the individual needs
919	- (1) An individual may designate up to two individuals to serve as designated caregivers	785	+assistance to obtain cannabis or a cannabis product from a cannabis dispensary.
920	- of the individual if:	786	+(2) An individual registered as a designated caregiver under this section may:
921	- (a) the individual has a valid medical cannabis card under Section 26-58-201; and	787	+(a) carry a valid medical cannabis card with the designating patient's name and the designated
922	- (b) a physician determines that, due to physical impossibility or undue hardship, the	788	+caregiver's name;
923	- individual is unable to obtain a cannabis product from a cannabis dispensary.	789	+(b) purchase, possess, and transport, in accordance with this chapter, cannabis, a cannabis
924	- (2) An individual registered as a designated caregiver under this section may:	790	+product, or a medical cannabis device on behalf of the designating patient;
925	- (a) carry a valid medical cannabis card with the designated caregiver's name for the	791	+(c) accept reimbursement from the designating patient for direct costs incurred by the designated
926	- purpose of transporting cannabis or a cannabis product to a designating patient or assisting a	792	+caregiver for assisting with the designating patient's medicinal use of cannabis; and
927	- designating patient in administering the cannabis product; and	793	+(d) after January 1, 2021, if a licensed cannabis dispensary is not operating within 100 miles of
928	- (b) purchase and possess, in accordance with this chapter, a cannabis product or a	794	+the designating patient's primary residence, assist the designating patient with growing up to six cannabis
929	- medical cannabis device on behalf of the designating patient.	795	+plants for personal medicinal use within an enclosed and locked space and not within view from a public
930	- (3) The department shall register an individual designated as a caregiver under	796	+place and that is not within 600 feet of a community location or within 300 feet of an area zoned
931	- Subsection (1) if the individual:	797	+exclusively for residential use, as measured from the nearest entrance to the space and following the
932	- (a) is at least 18 years old;	798	+shortest route or ordinary pedestrian travel to the property boundary of the community location or
933	- (b) is a Utah resident;	799	+residential area.
934	- (c) applies online, with the department, through the electronic verification system, for a	800	+(3) The department shall, within 30 days after an individual submits an application in compliance
935	- medical cannabis card as a designated caregiver;	801	+with this section, issue a medical cannabis card to an individual designated as a caregiver under
936	- (d) pays, to the department, a fee established by the department in accordance with	802	+Subsection (1) and who complies with this section.
937	- Section 63J-1-504, plus the cost of a criminal background check;	803	+(4) An individual is eligible for a medical cannabis card as a designated caregiver if the
938	- (e) complies with Section 26-58-205; and	804	+individual:
939	- (f) completes a training program for designated caregivers established by the	805	+(a) is at least 18 years old;
940	- department that includes an endorsement that the individual understands state law for	806	+(b) is a Utah resident;
941	- caregivers.	807	+(c) pays, to the department, a fee established by the department in

942 - (4) The department shall issue, to an individual who registers under
 943 this section, a
 943 - medical cannabis card that:

944 - (a) is connected to the electronic verification system; and
 945 - (b) includes the individual's name.

946 - (5) A medical cannabis card is renewable for a designated caregiver
 if, at the time of
 947 - renewal:

948 - (a) an individual with a medical cannabis card described in
 Subsection (1) renews the
 949 - caregiver's designation; and
 950 - (b) the designated caregiver meets the requirements of Subsection
 (3).

951 - (6) A designated caregiver may charge an individual to act as the
 individual's
 952 - designated caregiver.

953 - (7) The Department of Health may revoke an individual's medical
 cannabis card if the
 954 - individual:

955 - (a) violates this chapter; or
 956 - (b) is convicted of a felony that is:

957 - (i) a crime of involving the use of force or violence against
 another person; or
 958 - (ii) a felony conviction of a state or federal law pertaining to
 controlled substances.

959 - Section 31. Section 26-58-203 is enacted to read:
 960 - 26-58-203. Designated caregiver -- Criminal background check.
 961 - (1) An individual registered as a designated caregiver under Section
 26-58-202 shall
 962 - submit to a criminal background check in accordance with Subsection (2).
 963 - (2) Each designated caregiver shall:
 964 - (a) submit, to the department, a fingerprint card in a form
 acceptable to the department
 965 - and the Department of Public Safety; and
 966 - (b) consent to a fingerprint background check by:
 967 - (i) the Utah Bureau of Criminal Identification; and

968 - (ii) the Federal Bureau of Investigation.
 969 - (3) The Department of Public Safety shall complete a Federal Bureau
 of Investigation

808 accordance with Section 63J-
 +1-504, plus the cost of a criminal background check required by Section 26-
 60b-203; and
 809 +(d) has not been convicted of an offense that is a felony under either
 state or federal law, unless
 810 +any sentence imposed was completed seven or more years earlier.
 811 +(5) An individual who is eligible for a medical cannabis card as a
 designated caregiver shall
 812 +submit an application for a medical cannabis card to the department via an
 electronic application
 813 +connected to the electronic verification system and shall include the
 individual's name, gender, age, and
 814 +address and the name of the patient that designated the individual under
 Subsection (1).
 815 +16
 816 +(6) A medical cannabis card issued by the department under this section is
 valid for the lesser of
 817 +an amount of time determined by the physician, by the patient, or 6 months.
 818 +(7) A medical cannabis card is renewable for a designated caregiver if, at
 the time of renewal:
 819 +(a) the individual with a medical cannabis card described in Subsection (1)
 renews the caregiver's
 820 +designation; and
 821 +(b) the designated caregiver meets the requirements of Subsection (4).
 822 +(8) A designated caregiver may not charge an individual a fee to act as the
 individual's
 823 +designated caregiver or for services provided.

824 +(9) The Department of Health may revoke a designated caregiver's medical
 cannabis card if the
 825 +individual:
 826 +(a) violates this chapter; or
 827 +(b) is convicted of an offense that is a felony under either state or
 federal law.
 828 +Section 41. Section 26-60b-203 is enacted to read:
 829 +26-60b-203. Designated caregiver -- Criminal background check.
 830 +(1) An individual registered as a designated caregiver under Section 26-
 60b-202 shall submit to a
 831 +criminal background check in accordance with Subsection (2).
 832 +(2) Each designated caregiver shall:
 833 +(a) submit, to the department, a fingerprint card in a form acceptable to
 the department and the
 834 +Department of Public Safety; and
 835 +(b) consent to a fingerprint background check by:

970	- Criminal Background Check for each designated caregiver under Subsection (2) and report the	836	+(i) the Utah Bureau of Criminal Identification; and
971	- results of the background check to the department.	837	+(ii) the Federal Bureau of Investigation.
972	- Section 32. Section 26-58-204 is enacted to read:	838	+(3) The Department of Public Safety shall complete a Federal Bureau of Investigation Criminal
973	- 26-58-204. Medical cannabis card -- Patient and designated caregiver	839	+Background Check for each designated caregiver under Subsection (2) and report the results of the
974	- requirements -- Rebuttable presumption.	840	+background check to the department.
975	- (1) An individual who has a medical cannabis card and who possesses a cannabis	841	+Section 42. Section 26-60b-204 is enacted to read:
976	- product outside of the individual's residence shall:	842	+26-60b-204. Medical cannabis card -- Patient and designated caregiver requirements --
977	- (a) carry, with the individual at all times, the individual's medical cannabis card; and	843	+Rebuttable presumption.
978	- (b) carry, with the cannabis product, a label that identifies that the cannabis product	844	+(1) An individual who has a medical cannabis card and who possesses cannabis or a cannabis
979	- was originally sold from a department licensed cannabis dispensary, including the bar code or	845	+product outside of the individual's residence shall:
980	- identification number that links the cannabis or cannabis product to the dispensary's inventory	846	+(a) carry, with the individual at all times, the individual's medical cannabis card; and
981	- control system.	847	+(b) carry, with the cannabis or cannabis product, a label that identifies that the cannabis or
982	- (2) If an individual possesses a cannabis product in compliance with Subsection (1), or	848	+cannabis product was originally sold from a licensed cannabis dispensary and includes an identification
983	- a medical cannabis device that corresponds with the cannabis product:	849	+number that links the cannabis or cannabis product to the inventory control system.
984	- (a) there is a rebuttable presumption that the individual possesses the cannabis product	850	+(2)(a) Except as described in Subsection (2)(b), an individual who has a medical cannabis card
985	- or medical cannabis device legally; and	851	+may not use cannabis or a cannabis product in public view.
986	- (b) a law enforcement officer does not have probable cause, based solely on the	852	+(b) An individual may use cannabis or a cannabis product in public view in the event of a
987	- individual's possession of the cannabis product or medical cannabis device, to believe that the	853	+medical emergency.
988	- individual is engaging in illegal activity.	854	+(3) If an individual possesses cannabis or a cannabis product in compliance with Subsection (1),
989	- (3) (a) If a law enforcement officer stops an individual who possesses a cannabis	855	+or a medical cannabis device that corresponds with the cannabis or cannabis product:
990	- product or a medical cannabis device, and the individual represents to the law enforcement	856	+(a) there is a rebuttable presumption that the individual possesses the cannabis, cannabis product,
991	- officer that the individual holds a valid medical cannabis card, but the individual does not have	857	+or medical cannabis device legally; and
992	- the medical cannabis card in the individual's possession at the time of the stop by the law	858	+(b) a law enforcement officer does not have probable cause, based solely on the individual's
993	- enforcement officer, the law enforcement officer shall attempt to access the state electronic	859	+possession of the cannabis, cannabis product, or medical cannabis device, to believe that the individual is
994	- verification system to determine the individual's identity and whether	860	+engaging in illegal activity.

the individual holds a

995 - valid medical cannabis card.

996 - (b) If the law enforcement officer is able to verify the identity of the individual

997 - described in Subsection (3)(a), and that the individual holds a valid medical cannabis card, the

998 - law enforcement officer:

999 - (i) may not arrest or take the individual into custody for the sole reason that the

1000 - individual is in possession of a cannabis product or a medical cannabis device; and

1001 - (ii) may not seize the cannabis product or medical cannabis device.

1002 - (4) An individual who has a valid medical cannabis card is guilty of an infraction if the

1003 - individual:

1004 - (a) possesses a cannabis product or a medical cannabis device; and

1005 - (b) (i) does not possess the individual's medical cannabis card on the individual's

1006 - person; or

1007 - (ii) does not possess a label that complies with Subsection (1)(b).

1008 - (5) (a) Except as described in Subsection (5)(b), an individual who has a valid medical

1009 - cannabis card is guilty of an infraction if the individual uses a cannabis product or a medical

1010 - cannabis device in public view.

1011 - (b) An individual may use a cannabis product or a medical cannabis device in public

1012 - view in the event of a medical emergency.

1013 - (6) An individual who is guilty of an infraction under Subsection (4) or (5) is subject to

1014 - a \$100 fine.

1015 - Section 33. Section 26-58-301 is enacted to read:

1016 -

1017 Part 3. Cannabis Dispensary License

1018 -

1019 - 26-58-301. Cannabis dispensary -- License -- Eligibility.

1020 - (1) In order to operate as a cannabis dispensary, a person shall obtain a license from the

1021 - department issued under this part.

861 +(4)(a) If a law enforcement officer stops an individual who possesses cannabis, a cannabis

862 +product, or a medical cannabis device, and the individual represents to the law enforcement officer that

863 +the individual holds a valid medical cannabis card, but the individual does not have the medical cannabis

864 +card in the individual's possession at the time of the stop by the law enforcement officer, the law

865 +enforcement officer shall attempt to access the electronic verification system to determine whether the

866 +individual holds a valid medical cannabis card.

867 +(b) If the law enforcement officer is able to verify that the individual described in Subsection

868 +(4)(a) holds a valid medical cannabis card, the law enforcement officer:

869 +17

870 +(i) may not arrest or take the individual into custody for the sole reason that the individual is in

871 +possession of cannabis, a cannabis product, or a medical cannabis device; and

872 +(ii) may not seize the cannabis, cannabis product, or medical cannabis device.

873 +(5) An individual who possesses cannabis, a cannabis product, or a medical cannabis device in

874 +violation of Subsection (1) is guilty of an infraction and subject to a \$100 fine.

875 +Section 43. Section 26-60b-301 is enacted to read:

876 Part 3. Cannabis Dispensary License

877 +26-60b-301. Cannabis dispensary -- License -- Eligibility.

878 +(1) A person may not operate as a cannabis dispensary without a license issued by the

879 +department issued under this part.

880 +(2) Subject to Subsections (5) and to Section 26-60b-304, the department

1022 - (2) Subject to the requirements of this part, the department shall,
 1023 within 30 business
 1024 days after receiving a complete application, issue a license to operate a
 1025 cannabis dispensary to a
 1026 person who submits to the department:
 1027 - (a) a proposed name and address of the cannabis dispensary;
 1028 - (b) evidence that the person:
 1029 - (i) possesses or controls a minimum of \$500,000 in liquid assets for
 1030 each application
 1031 - submitted to the department; and
 1032 - (ii) can comply with the operating requirements for a cannabis
 1033 dispensary described in
 1034 this chapter;
 1035 - (c) a complete application for a local business license;
 1036 - (d) an application fee:
 1037 - (i) before January 1, 2018, of \$5,000; and
 1038 - (ii) after January 1, 2018, in an amount determined by the
 1039 department in accordance
 1040 with Section 63J-1-504, that is necessary to cover the department's cost
 1041 to implement this part;
 1042 - (e) an operating plan that complies with Section 26-58-303; and
 1043 - (f) the results of a criminal background check for each cannabis
 1044 dispensary agent.
 1045 - (3) If the department determines that a cannabis dispensary is
 1046 eligible for a license
 under this section, the department shall:
 - (a) before January 1, 2018, charge the cannabis dispensary an
 initial license fee of
 - \$65,000; and
 - (b) on or after January 1, 2018, charge the cannabis dispensary an
 initial license fee in
 - an amount determined by the department in accordance with Section 63J-1-
 504.
 - (4) The department shall require a separate license and a separate
 license fee under
 - Subsection (3) for each location of a cannabis dispensary.
 - (5) The department may revoke a license under this part if the

shall, within 90
 +business days after receiving a complete application, issue a license to
 operate a cannabis dispensary to a
 +person who submits to the department:
 +(a) a proposed name and address where the person will operate the cannabis
 dispensary that is
 +not within 600 feet of a community location or within 300 feet of an area
 zoned exclusively for residential
 +use, as measured from the nearest entrance to the cannabis production
 establishment by following the
 +shortest route of ordinary pedestrian travel to the property boundary of
 the community location or
 +residential area;
 +(b) the name and address of any individual who has a financial or voting
 interest of two percent
 +or greater in the proposed cannabis dispensary or who has the power to
 direct or cause the management or
 +control of a proposed cannabis production establishment;
 +(c) financial statements demonstrating that the person possesses a minimum
 of \$250,000 in liquid
 +assets available for each application submitted to the department;
 +(d) an operating plan that complies with Section 26-60b-303 and that
 includes operating
 +procedures to comply with the operating requirements for a cannabis
 dispensary described in this chapter
 +and with any laws adopted by the municipality or county that are consistent
 with Section 26-60b-506;
 +(e) if the municipality or county where the proposed cannabis production
 establishment would be
 +located has enacted zoning restrictions, a sworn statement certifying that
 the proposed cannabis
 +dispensary is in compliance with the restrictions;
 +(f) if the municipality or county where the proposed cannabis dispensary
 would be located
 +requires a local permit or license, a copy of the application for the local
 permit or license; and
 +(g) an application fee established by the department in accordance with
 Section 63J-1-504 that is
 +necessary to cover the department's cost to implement this part;
 +(4) If the department determines that a cannabis dispensary is eligible for
 a license under this
 +section, the department shall charge the cannabis dispensary an initial
 license fee in an amount
 +determined by the department in accordance with Section 63J-1-504.

cannabis dispensary is

- 1047 - not operating within one year of the issuance of the initial license.
- 1048 - (6) The department shall deposit the proceeds of a fee imposed by
- 1049 - this section in the
- 1049 - Medical Cannabis Restricted Account.
- 1050 - Section 34. Section 26-58-302 is enacted to read:
- 1051 - 26-58-302. Renewal.
- 1052 - (1) Except as provided in Subsection (3), the department shall renew
- 1053 - a person's license
- 1053 - under this part every two years if, at the time of renewal:
- 1054 - (a) the person meets the requirements of Section 26-58-301; and
- 1055 - (b) the person pays the department a license renewal fee in an
- 1056 - amount determined by
- 1056 - the department in accordance with Section 63J-1-504.
- 1057 - (2) (a) The department may not renew a cannabis dispensary's license
- 1058 - for a sixth
- 1058 - consecutive time unless the department publishes a notice, in a newspaper
- 1059 - of general
- 1059 - circulation for the geographic area in which the cannabis dispensary is
- 1060 - located, one year before
- 1060 - the day on which the cannabis dispensary's license expires, that
- 1061 - includes:
- 1061 - (i) the name and location of the cannabis dispensary;
- 1062 - (ii) the day on which the license for the cannabis dispensary will
- 1062 - expire; and
- 1063 - (iii) a solicitation for cannabis dispensary license applicants.
- 1064 - (b) If, after the department publishes the notice described in
- 1065 - Subsection (2)(a), the
- 1065 - department receives an application for a cannabis dispensary from a new
- 1066 - applicant and also
- 1066 - receives an application for renewal from the existing cannabis
- 1067 - dispensary, the department shall
- 1067 - issue the license to the applicant that the department determines best
- 1068 - meets the criteria
- 1068 - established in Section 26-58-304.
- 1069 - (3) (a) If a licensed cannabis dispensary abandons the cannabis
- 1070 - dispensary's license or
- 1070 - has the cannabis dispensary license revoked, the department shall publish
- 1070 - notice of an available

- 906 + (5) The department may not issue a license to operate a cannabis dispensary
- 906 + to an applicant if
- 907 + any individual who has a financial or voter interest of two percent or
- 907 + greater in the cannabis dispensary
- 908 + applicant or who has power to direct or cause the management or control of
- 908 + the applicant:
- 909 + (a) has been convicted of an offense that is a felony under either state or
- 909 + federal law; or
- 910 + (b) is less than 21 years of age.
- 911 + (6) The department may revoke a license under this part if the cannabis
- 911 + dispensary is not
- 912 + operating within one year of the issuance of the initial license.
- 913 + (7) The department shall deposit the proceeds of a fee imposed by this
- 913 + section in the Medical
- 914 + Cannabis Restricted Account.
- 915 + (8) The department shall begin accepting applications under this part no
- 915 + later than March 1,
- 916 + 2020.
- 917 + Section 44. Section 26-60b-302 is enacted to read:
- 918 + 26-60b-302. Renewal.
- 919 + (1) Except as provided in Subsection (3), the department shall renew a
- 919 + person's license under this
- 920 + part every two years if, at the time of renewal:
- 921 + (a) the person meets the requirements of Section 26-60b-301; and
- 922 + (b) the person pays the department a license renewal fee in an amount
- 922 + determined by the
- 923 + department in accordance with Section 63J-1-504.
- 924 + 18
- 925 + (2)(a) If a licensed cannabis dispensary abandons the cannabis dispensary's
- 925 + license, the
- 926 + department shall publish notice of an available license in a newspaper of
- 926 + general circulation for the
- 927 + geographic area in which the cannabis dispensary license is available or on
- 927 + the Utah Public Notice
- 928 + Website established in Section 63F-1-701.
- 929 + (b) The department may establish criteria, in accordance with Title 63G,
- 929 + Chapter 3, Utah

1071	- license in the same manner as described in Subsection (2)(a).	930	+Administrative Rulemaking Act, for what actions by a cannabis dispensary constitute abandonment of a
1072	- (b) The department may establish criteria, in accordance with Title 63G, Chapter 3,	931	+cannabis dispensary license.
1073	- Utah Administrative Rulemaking Act, for what actions by a cannabis dispensary constitute	932	+Section 45. Section 26-60b-303 is enacted to read:
1074	- abandonment of a cannabis dispensary license.	933	+26-60b-303. Operating plan.
1075	- Section 35. Section 26-58-303 is enacted to read:	934	+(1) A person applying for a cannabis dispensary license shall submit to the department a
1076	- 26-58-303. Operating plan.	935	+proposed operation plan for the cannabis dispensary that complies with this section and that includes:
1077	- (1) A person applying for a cannabis dispensary license shall submit to the department	936	+(a) a description of the physical characteristics of the proposed facility, including a floor plan and
1078	- a proposed operation plan for the cannabis dispensary that complies with this section.	937	+an architectural elevation;
1079	- (2) A cannabis dispensary's operating plan shall include:	938	+(b) a description of the credentials and experience of:
1080	- (a) a description of the physical characteristics of the proposed facility, including a	939	+(i) each officer, director, or owner of the proposed cannabis dispensary; and
1081	- floor plan and architectural elevations that indicate compliance with the requirements of this	940	+(ii) any highly skilled or experienced prospective employee;
1082	- chapter;	941	+(c) the cannabis dispensary's employee training standards;
1083	- (b) a description of the credentials and experience of:	942	+(d) a security plan; and
1084	- (i) each officer, director, or owner of the proposed cannabis dispensary; and	943	+(e) a description of the cannabis dispensary's inventory control system, including a plan to make
1085	- (ii) any highly skilled or experienced prospective employee;	944	+the inventory control system compatible with the electronic verification system.
1086	- (c) the cannabis dispensary's employee training standards;	945	+Section 46. Section 26-60b-304 is enacted to read:
1087	- (d) a security plan;	946	+26-60b-304. Maximum number of licenses.
1088	- (e) a banking plan;	947	+(1) The department may not issue more than the greater of, in each county in the state:
1089	- (f) a description of the cannabis dispensary's inventory control system, including a plan	948	+(a) one cannabis dispensary license; or
1090	- to make the inventory control system compatible with the state electronic verification system;	949	+(b) an amount of cannabis dispensary licenses equal to the number of residents in the county
1091	- and	950	+divided by 150,000, rounded up to the nearest greater whole number.
1092	- (g) that the cannabis processing facility has entered into a preliminary agreement with a	951	+(2) If there are more qualified applicants than there are available licenses for cannabis
1093	- cannabis processing facility in the state to purchase a cannabis product that the cannabis	952	+dispensaries, the department shall evaluate the applicants and award the license to the applicant that best
1094	- dispensary intends to sell.	953	+demonstrates:
1095	- (3) The department may require, by rule in accordance with Title 63G, Chapter 3, Utah	954	+(a) experience with establishing and successfully operating a business that involves complying
1096	- Administrative Rulemaking Act, additional operating standards for a cannabis production	955	+with a regulatory environment, tracking inventory, and training, evaluating, and monitoring employees;
1097	- establishment's operating plan that are related to safety for human cannabis product	956	+(b) an operating plan that will best ensure the safety and security of patrons and the community;

1098 - consumption.
 1099 - Section 36. Section 26-58-304 is enacted to read:
 1100 - 26-58-304. Maximum number of licenses.
 1101 - (1) The department may not issue more than the greater of, in each
 county in the state:
 1102 - (a) one cannabis dispensary license; or
 1103 - (b) an amount of cannabis dispensary licenses equal to the number of
 residents in the
 1104 - county divided by 200,000, rounded up to the nearest greater whole
 number.
 1105 - (2) If more than one applicant for a license in a geographic area
 meets the
 1106 - qualifications of this chapter for a cannabis dispensary, the department
 shall evaluate the
 1107 - applicants, and award the license to the applicant that best
 demonstrates:
 1108 - (a) experience with:
 1109 - (i) establishing and running a similar cannabis based business;
 1110 - (ii) operating a secure inventory control system;
 1111 - (iii) complying with a regulatory environment; and
 1112 - (iv) training, evaluating, and monitoring employees;
 1113 - (b) connections to the local community;
 1114 - (c) the extent to which the applicant can reduce the cost of
 cannabis products to a
 1115 - patient; and
 1116 - (d) the extent to which the applicant's business plan reflects
 cannabis industry best
 1117 - practices.
 1118 - (3) The department may conduct a face-to-face interview with an
 applicant for a
 1119 - license that the department evaluates under Subsection (2).
 1120 - Section 37. Section 26-58-401 is enacted to read:
 1121 -
 1122 Part 4. Cannabis Dispensary Agents
 1123 -
 1124 - 26-58-401. Cannabis dispensary agent -- Registration card.
 1125 - (1) An individual may only act as a cannabis dispensary agent of a
 cannabis dispensary
 1126 - if the individual is registered by the department as a cannabis
 dispensary agent.
 1127 - (2) A physician may not act as a cannabis dispensary agent.

957 +(c) positive connections to the local community;
 958 +(d) the suitability of the proposed location and its accessibility for
 qualifying patients; and
 959 +(e) the extent to which the applicant can reduce the cost of cannabis or
 cannabis products for
 960 +patients.
 961 +(3) The department may conduct a face-to-face interview with an applicant
 for a license that the
 962 +department evaluates under Subsection (2).
 963 +Section 47. Section 26-60b-401 is enacted to read:
 964 Part 4. Cannabis Dispensary Agents
 965 +26-60b-401. Cannabis dispensary agent -- Registration.
 966 +(1) An individual may not serve as a cannabis dispensary agent of a
 cannabis dispensary unless
 967 +the individual is registered by the department as a cannabis dispensary
 agent.
 968 +(2) A physician may not act as a cannabis dispensary agent.
 969 +(3) The department shall, within 15 days after receiving a complete
 application from a cannabis

1128 - (3) The department shall, within 30 days after receiving a complete
 application,
 1129 - register and issue a cannabis dispensary agent registration card to an
 individual who:
 1130 - (a) provides to the department:
 1131 - (i) the individual's name and address; and
 1132 - (ii) the name and location of the licensed cannabis dispensary where
 the individual
 1133 - seeks to act as the cannabis dispensary agent;
 1134 - (b) pays a fee to the department:
 1135 - (i) before January 1, 2018, of \$250; and
 1136 - (ii) on or after January 1, 2018, in an amount determined by the
 department in
 1137 - accordance with Section 63J-1-504, that is necessary to cover the
 department's cost to
 1138 - implement this part; and
 1139 - (c) complies with Section 26-58-402.
 1140 - (4) A cannabis dispensary agent shall comply with a certification
 standard developed
 1141 - by the department, or a third party certification standard approved by
 the department.
 1142 - (5) The certification standard described in Subsection (4) shall
 address:
 1143 - (a) Utah medical cannabis law;
 1144 - (b) cannabis dispensary best practices; and
 1145 - (c) resources available to help patients.
 1146 - (6) The department may revoke or refuse to issue the cannabis
 dispensary agent
 1147 - registration card of an individual who:
 1148 - (a) violates the requirements of this chapter; or
 1149 - (b) is convicted of a felony under state or federal law that
 involves a drug or violent
 1150 - crime that is a felony under state or federal law.
 1151 - Section 38. Section 26-58-402 is enacted to read:
 1152 - 26-58-402. Cannabis dispensary agents -- Criminal background checks.
 1153 - (1) An individual applying for a cannabis dispensary agent
 registration card under this
 1154 - chapter shall:

970 +dispensary on behalf of a prospective cannabis dispensary agent, register
 and issue a cannabis dispensary
 971 +agent registration card to an individual who:
 972 +(a) provides to the department the individual's name and address and the
 name and location of
 973 +the licensed cannabis dispensary where the individual seeks to act as the
 cannabis dispensary agent; and
 974 +(b) pays a fee to the department, in an amount determined by the department
 in accordance with
 975 +Section 63J-1-504, that is necessary to cover the department's cost to
 implement this part.
 976 +(4) The department shall designate, on an individual's cannabis dispensary
 agent registration
 977 +card, the name of the cannabis dispensary where the individual is
 registered as an agent.
 978 +19
 979 +(5) A cannabis dispensary agent shall comply with a certification standard
 developed by the
 980 +department, or a third party certification standard designated by the
 department, by rule made in
 981 +accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
 982 +(6) The certification standard described in Subsection (5) shall include
 training in:
 983 +(a) Utah medical cannabis law; and
 984 +(b) cannabis dispensary best practices.
 985 +(7) The department may revoke or refuse to issue the cannabis dispensary
 agent registration card
 986 +of an individual who:
 987 +(a) violates the requirements of this chapter; or
 988 +(b) is convicted of an offense that is a felony under state or federal law.
 989 +Section 48. Section 26-60b-402 is enacted to read:
 990 +26-60b-402. Cannabis dispensary agents -- Criminal background checks.
 991 +(1) Each applicant shall submit, at the time of application, from each
 individual who has a
 992 +financial or voting interest of two percent or greater in the applicant or
 who has the power to direct or
 993 +cause the management or control of the applicant:
 994 +(a) a fingerprint card in a form acceptable to the department; and
 995 +(b) consent to a fingerprint background check by the Utah Bureau of
 Criminal Identification and
 996 +the Federal Bureau of Investigation.

1155 - (a) submit, at the time of application, a fingerprint card in a form
 1156 - acceptable to the
 1157 - department; and
 1158 - (b) consent to a fingerprint background check by:
 1159 - (i) the Utah Bureau of Criminal Identification; and
 1160 - (ii) the Federal Bureau of Investigation.
 1161 - (2) The department shall request that the Department of Public
 1162 - Safety complete a
 1163 - Federal Bureau of Investigation criminal background check for each
 1164 - cannabis dispensary agent
 1165 - registration card applicant.
 1166 - (3) The department may revoke or refuse to issue an individual's
 1167 - cannabis dispensary
 1168 - agent registration card if the individual has been convicted of an
 1169 - offense that is a felony under
 1170 - state or federal law that is related to drugs or a violent crime.
 1171 - Section 39. Section 26-58-403 is enacted to read:
 1172 - 26-58-403. Cannabis dispensary agent registration card -- Rebuttable
 1173 - presumption.
 1174 - (1) An individual who has a cannabis dispensary agent registration
 1175 - card shall carry the
 1176 - individual's cannabis dispensary agent registration card with the
 1177 - individual at all times when:
 1178 - (a) the individual is on the premises of a cannabis dispensary; and
 1179 - (b) the individual is transporting cannabis, a cannabis product, or
 1180 - a medical cannabis
 1181 - device between two cannabis production establishments or between a
 1182 - cannabis production
 1183 - establishment and a cannabis dispensary.
 1184 - (2) If an individual handling cannabis, a cannabis product, or a
 1185 - medical cannabis
 1186 - device at a cannabis dispensary, or transporting cannabis, a cannabis
 1187 - product, or a medical
 1188 - cannabis device, possesses the cannabis, cannabis product, or medical
 1189 - cannabis device in
 1190 - compliance with Subsection (1):
 1191 - (a) there is a rebuttable presumption that the individual possesses
 1192 - the cannabis,
 1193 - cannabis product, or medical cannabis device legally; and

997 + (2) The department shall request that the Department of Public Safety
 998 - complete a Federal Bureau
 999 - of Investigation criminal background check for each individual described in
 1000 - Subsection (1).
 1001 - Section 49. Section 26-60b-403 is enacted to read:
 1002 - 26-60b-403. Cannabis dispensary agent registration card -- Rebuttable
 1003 - presumption.
 1004 - (1) A cannabis dispensary agent who is registered with the department under
 1005 - section 426-60b-
 1006 - 401 shall carry the individual's cannabis dispensary agent registration
 1007 - card with the individual at all times
 1008 - when:
 1009 - (a) the individual is on the premises of a cannabis dispensary; and
 1010 - (b) the individual is transporting cannabis, a cannabis product, or a
 1011 - medical cannabis device
 1012 - between two cannabis production establishments or between a cannabis
 1013 - production establishment and a
 1014 - cannabis dispensary.
 1015 - (2) If an individual handling cannabis, a cannabis product, or a medical
 1016 - cannabis device at a
 1017 - cannabis dispensary, or transporting cannabis, a cannabis product, or a
 1018 - medical cannabis device,
 1019 - possesses the cannabis, cannabis product, or medical cannabis device in
 1020 - compliance with Subsection (1):
 1021 - (a) there is a rebuttable presumption that the individual possesses the
 1022 - cannabis, cannabis product,
 1023 - or medical cannabis device legally; and
 1024 - (b) a law enforcement officer does not have probable cause, based solely on
 1025 - the individual's
 1026 - possession of the cannabis, cannabis product, or medical cannabis device in
 1027 - compliance with Subsection
 1028 - (1), to believe that the individual is engaging in illegal activity.
 1029 - (3) An individual who violates Subsection (1) is:
 1030 - (a) guilty of an infraction; and
 1031 - (b) is subject to a \$100 fine.
 1032 - Section 50. Section 26-60b-501 is enacted to read:

1181 - (b) a law enforcement officer does not have probable cause to
 1182 believe that the
 1183 - individual is engaging in illegal activity, based solely on the
 individual's possession of the
 1183 - cannabis, cannabis product, or medical cannabis device in compliance with
 Subsection (1).
 1184 - (3) A cannabis dispensary agent registered with the department is
 guilty of an
 1185 - infraction if the registered cannabis dispensary agent:
 1186 - (a) (i) is on the premises of a cannabis dispensary where the
 individual is registered as
 1187 - an agent; or
 1188 - (ii) transports cannabis, a cannabis product, or a medical cannabis
 device; and
 1189 - (b) does not possess, on the registered cannabis dispensary agent's
 person, a valid
 1190 - cannabis dispensary agent registration card.
 1191 - (4) A registered cannabis dispensary agent who is guilty of an
 infraction under
 1192 - Subsection (3) is subject to a fine of no more than \$100.
 1193 - Section 40. Section 26-58-501 is enacted to read:
 1194 -
 1195 Part 5. Cannabis Dispensary Operation
 1196 -
 1197 - 26-58-501. Operating requirements -- General.
 1198 - (1) (a) A cannabis dispensary shall operate in accordance with the
 operating plan
 1199 - provided to the department under Section 26-58-303.
 1200 - (b) A cannabis dispensary shall notify the department no longer than
 30 days after a
 1201 - change in the cannabis dispensary's operating plan.
 1202 - (2) A cannabis dispensary shall operate:
 1203 - (a) except as provided in Subsection (3), in a facility that is
 accessible only by an
 1204 - individual with a valid cannabis dispensary agent registration card
 issued under Section
 1205 - 26-58-401 or a medical cannabis card issued under Section 26-58-201; and
 1206 - (b) at the physical address provided to the department under Section
 26-58-301.
 1207 - (3) A cannabis dispensary may allow an individual who is a visitor,
 a contractor, or a
 1208 - member of the press to access the cannabis dispensary if the cannabis

1020 Part 5. Cannabis Dispensary Operation
 1021 +26-60b-501. Operating requirements -- General.
 1022 +(1) (a) A cannabis dispensary shall operate in accordance with the
 operating plan provided to the
 1023 +department under Section 26-60b-303.
 1024 +(b) A cannabis dispensary shall notify the department before a change in
 the cannabis
 1025 +dispensary's operating plan.
 1026 +(2) A cannabis dispensary shall operate:
 1027 +(a) except as provided in Subsection (5), in a facility that is accessible
 only by an individual with
 1028 +a valid cannabis dispensary agent registration card or a medical cannabis
 card; and
 1029 +(b) at the physical address provided to the department under Section 26-
 60b-301.
 1030 +(3) A cannabis dispensary may not employ any person who is younger than 21
 years of age.
 1031 +20
 1032 +(4) A cannabis dispensary shall conduct a background check into the
 criminal history of every
 1033 +person who will become an agent of the cannabis dispensary and may not

	dispensary:		employ any person who has
1209	- (a) tracks and monitors the individual at all times while the individual is at the	1034	+been convicted of an offense that is a felony under either state or federal law.
1210	- cannabis dispensary; and	1035	+ (5) A cannabis dispensary may authorize an individual who is not a cannabis dispensary agent to
1211	- (b) maintains a record of the individual's access.	1036	+access the cannabis dispensary if the cannabis dispensary tracks and monitors the individual at all times
1212	- (4) A cannabis dispensary shall operate in a facility that has:	1037	+while the individual is at the cannabis dispensary and maintains a record of the individual's access.
1213	- (a) a single, secure public entrance with a checkpoint;	1038	+ (6) A cannabis dispensary shall operate in a facility that has:
1214	- (b) a security system with a backup power source that:	1039	+ (a) a single, secure public entrance;
1215	- (i) detects and records entry into the cannabis dispensary during business hours; and	1040	+ (b) a security system with a backup power source that:
1216	- (ii) provides notice of an unauthorized entry to law enforcement when the cannabis	1041	+ (i) detects and records entry into the cannabis dispensary; and
1217	- dispensary is closed; and	1042	+ (ii) provides notice of an unauthorized entry to law enforcement when the cannabis dispensary is
1218	- (c) a reinforced and locked area where the cannabis dispensary stores cannabis or a	1043	+closed; and
1219	- cannabis product.	1044	+ (c) a lock on any area where the cannabis dispensary stores cannabis or a cannabis product.
1220	- (5) A cannabis dispensary shall post, clearly and conspicuously in the cannabis	1045	+ (7) A cannabis dispensary shall post, clearly and conspicuously in the cannabis dispensary, the
1221	- dispensary, the limit on the purchase of cannabis described in Subsection 26-58-502(3),	1046	+limit on the purchase of cannabis described in Subsection 26-60b-502(3).
1222	- (6) A cannabis dispensary may not allow any individual to consume cannabis on the	1047	+ (8) A cannabis dispensary may not allow any individual to consume cannabis on the property or
1223	- property or premises of the establishment.	1048	+premises of the cannabis dispensary.
1224	- (7) A cannabis dispensary may not, on an interior or exterior space, display or offer	1049	+ (9) A cannabis dispensary may not sell cannabis or a cannabis product without first indicating on
1225	- anything that glorifies or trivializes cannabis or that promotes a recreational cannabis lifestyle.	1050	+the cannabis or cannabis product label the name of the cannabis dispensary.
1226	- (8) A cannabis dispensary shall:	1051	+Section 51. Section 26-60b-502 is enacted to read:
1227	- (a) have a clinical, medical appearance; and	1052	+26-60b-502. Dispensing -- Amount a cannabis dispensary may dispense -- Reporting -- Form
1228	- (b) require any employee to wear a white lab coat.	1053	+of cannabis or cannabis product.
1229	- (9) A cannabis dispensary may not operate:	1054	+ (1) A cannabis dispensary may only sell, subject to this chapter:
1230	- (a) within 600 feet of a community location, as defined in Section 32B-1-102, that is	1055	+ (a) cannabis;
1231	- not a public or private school; or	1056	+ (b) a cannabis product;
1232	- (b) within 1000 feet of a public or private school.	1057	+ (c) a medical cannabis device; or
1233	- Section 41. Section 26-58-502 is enacted to read:	1058	+ (d) educational materials related to the medical use of cannabis.
1234	- 26-58-502. Dispensing -- Amount a cannabis dispensary may dispense --	1059	+ (2) A cannabis dispensary may only sell the items listed in Subsection (1) to an individual with a
1235	- Reporting -- Form of cannabis or cannabis product.	1060	+medical cannabis card issued by the department.
1236	- (1) A cannabis dispensary may only sell, subject to this chapter:	1061	+ (3) A cannabis dispensary may not dispense on behalf of any one individual

1237 - (a) a cannabis product;
 1238 - (b) a medical cannabis device; or
 1239 - (c) educational materials related to the medical use of cannabis.

1240 - (2) A cannabis dispensary may only sell a cannabis product or a
 medical cannabis
 1241 - device to an individual with a medical cannabis card issued by the
 department.

1242 - (3) A cannabis dispensary may not dispense on behalf of any one
 individual with a
 1243 - medical cannabis card, in any one 30-day period an amount of cannabis
 products that contains,
 1244 - in total, greater than 10 grams of cannabinoids by weight.

1245 - (4) An individual with a medical cannabis card may not purchase more
 cannabis
 1246 - products than the amount designated in Subsection (3).

1247 - (5) A designated caregiver designated by any individual with a
 medical cannabis card
 1248 - may not purchase, for the individual, an amount of cannabis products that
 exceeds the amount
 1249 - designated in Subsection (3).

1250 - (6) A cannabis dispensary shall:

1251 - (a) access the electronic verification system before dispensing a
 cannabis product to an
 1252 - individual with a medical cannabis card in order to determine if the
 individual has already met
 1253 - the maximum amount of cannabis products described in Subsection (3); and

1254 - (b) submit a record to the electronic verification system each time
 the cannabis
 1255 - dispensary dispenses a cannabis product to an individual with a medical
 cannabis card.

1256 - (7) (a) Except as provided in Subsection (7)(b), a cannabis
 dispensary may not sell a
 1257 - cannabis product that is intentionally designed or fabricated to resemble
 a cigarette, or made to
 1258 - resemble or be mistaken for a cigarette.

1259 - (b) A cannabis dispensary may sell a cannabis product with a thin,
 cylindrical
 1260 - configuration that warms a cannabis product into a vapor that is ingested
 into an individual's

with a medical
 1062 +cannabis card, in any one 14-day period:
 1063 +(a) an amount of unprocessed cannabis that exceeds two ounces by weight; or
 1064 +(b) an amount of cannabis products that contains, in total, greater than 10
 grams of
 1065 +tetrahydrocannabinol or cannabidiol.

1066 +(4) An individual with a medical cannabis card may not purchase more
 cannabis or cannabis
 1067 +products than the amounts designated in Subsection (3) in any one 14-day
 period.

1068 +(5) A cannabis dispensary shall:

1069 +(a) access the electronic verification system before dispensing cannabis or
 a cannabis product to
 1070 +an individual with a medical cannabis card in order to determine if the
 individual has met the maximum
 1071 +amount of cannabis or cannabis products described in Subsection (3); and
 1072 +(b) submit a record to the electronic verification system each time the
 cannabis dispensary
 1073 +dispenses cannabis or a cannabis product to an individual with a medical
 cannabis card.

1074 +(6)(a) Except as provided in Subsection (6)(b), a cannabis dispensary may
 not sell medical
 1075 +cannabis in the form of a cigarette or a medical cannabis device that is
 intentionally designed or
 1076 +constructed to resemble a cigarette.

1077 +(b) A cannabis dispensary may sell a medical cannabis device that warms
 cannabis material into
 1078 +a vapor without the use of a flame and that delivers cannabis to an
 individual's respiratory system.

1079 +(7) A cannabis dispensary may give to an individual with a medical cannabis
 card, at no cost, a
 1080 +product that the cannabis dispensary is allowed to sell under Subsection
 (1).

1081 +Section 52. Section 26-60b-503 is enacted to read:

1082 +26-60b-503. Inspections.

1083 +The department may inspect the records and facility of a cannabis
 dispensary at any time in order
 1084 +to determine if the cannabis dispensary complies with the licensing
 requirements of this part.

1085 +Section 53. Section 26-60b-504 is enacted to read:

1261	- respiratory system.	1086	+21
1262	- (8) A cannabis dispensary may not sell a medical cannabis device that produces a vapor	1087	+26-60b-504. Advertising.
1263	- with an odor or flavor.	1088	+(1) Except as provided in Subsections (2) and (3), a cannabis dispensary may not advertise in any
1264	- (9) A cannabis dispensary may give to an individual with a medical cannabis card, at	1089	+medium.
1265	- no cost, a product that the cannabis dispensary may sell under Subsection (1).	1090	+(2) A cannabis dispensary may use signage on the outside of the cannabis dispensary that
1266	- Section 42. Section 26-58-503 is enacted to read:	1091	+includes only:
1267	- 26-58-503. Advertising and signage.	1092	+(a) the cannabis dispensary's name and hours of operation; and
1268	- (1) Except as provided in Subsections (2) and (3) a cannabis dispensary may not	1093	+(b) a green cross.
1269	- advertise in any medium.	1094	+(3) A cannabis dispensary may maintain a website that includes information about:
1270	- (2) A cannabis dispensary may display signage on the outside of the cannabis	1095	+(a) the location and hours of operation of the cannabis dispensary;
1271	- dispensary that includes only:	1096	+(b) the products and services available at the cannabis dispensary;
1272	- (a) the cannabis dispensary's name and hours of operation; and	1097	+(c) personnel affiliated with the cannabis dispensary;
1273	- (b) a green cross.	1098	+(d) best practices that the cannabis dispensary upholds; and
1274	- (3) A cannabis dispensary may maintain a website that includes information about:	1099	+(e) educational materials related to the medical use of cannabis.
1275	- (a) the location and hours of the cannabis dispensary;	1100	+Section 54. Section 26-60b-505 is enacted to read:
1276	- (b) the products and services available at the cannabis dispensary;	1101	+26-60b-505. Cannabis, cannabis product, or medical cannabis device transportation.
1277	- (c) personnel affiliated with the cannabis dispensary;	1102	+(1) Except for an individual with a valid medical cannabis card, an individual may not transport
1278	- (d) best practices that the cannabis dispensary upholds;	1103	+cannabis, a cannabis product, or a medical cannabis device unless the individual is:
1279	- (e) educational materials related to the medical use of cannabis; and	1104	+(a) a registered cannabis production establishment agent; or
1280	- (f) employment opportunities with the cannabis dispensary.	1105	+(b) a registered cannabis dispensary agent.
1281	- Section 43. Section 26-58-504 is enacted to read:	1106	+(2) Except for an individual with a valid medical cannabis card, an individual transporting
1282	- 26-58-504. Inspections.	1107	+cannabis, a cannabis product, or a medical cannabis device shall possess a transportation manifest that:
1283	- (1) The department shall inspect, in accordance with Subsection (2), a cannabis	1108	+(a) includes a unique identifier that links the cannabis, cannabis product, or medical cannabis
1284	- dispensary's facility and records in order to determine if the cannabis dispensary complies with	1109	+device to a relevant inventory control system;
1285	- the licensing requirements of this part.	1110	+(b) includes origin and destination information for any cannabis, cannabis product, or medical
1286	- (2) The department may inspect the records and facility of a cannabis dispensary at any	1111	+cannabis device the individual is transporting; and
1287	- time, scheduled or unscheduled.	1112	+(c) indicates the departure and arrival times and locations of the individual transporting the

1288	-	Section 44. Section 26-58-505 is enacted to read:	1113	+cannabis, cannabis product, or medical cannabis device.
1289	-	26-58-505. Cannabis, cannabis product, or medical cannabis device	1114	+(3) In addition to the requirements in Subsections (1) and (2), the
				department may establish, by
1290	-	transportation.	1115	+rule made in accordance with Title 63G, Chapter 3, Utah Administrative
				Rulemaking Act, requirements
1291	-	(1) Except for an individual or designated caregiver with a medical	1116	+for transporting cannabis, a cannabis product, or a medical cannabis device
		cannabis card who		that are related to safety for
1292	-	possesses cannabis or a cannabis product in accordance with Section 26-	1117	+human cannabis or cannabis product consumption.
		58-204, an individual		
1293	-	may only transport cannabis, a cannabis product, or a cannabis device	1118	+(4) An individual who transports cannabis, a cannabis product, or a medical
		between cannabis		cannabis device with
1294	-	production establishments or between a cannabis production establishment	1119	+a manifest that does not meet the requirements of Subsection (2) is:
		and a cannabis		
1295	-	dispensary if the individual is:	1120	+(a) guilty of an infraction; and
1296	-	(a) a registered cannabis production establishment agent; or	1121	+(b) subject to a \$100 fine.
1297	-	(b) a registered cannabis dispensary agent.	1122	+Section 55. Section 26-60b-506 is enacted to read:
1298	-	(2) An individual transporting cannabis, a cannabis product, or a	1123	+26-60b-506. Local control.
		medical cannabis		
1299	-	device shall possess a transportation manifest that:	1124	+(1) A municipality or county may not enact a zoning ordinance that
				prohibits a cannabis
1300	-	(a) includes a unique identifier that links the cannabis, cannabis	1125	+dispensary from operating in a location within the municipality's or
		product, or medical		county's jurisdiction on the sole basis
1301	-	cannabis device to a related inventory control system;	1126	+that the cannabis dispensary is a cannabis dispensary.
1302	-	(b) includes origin and destination information for any cannabis,	1127	+(2) A municipality or county may not deny or revoke a permit or license to
		cannabis product, or		operate a cannabis
1303	-	medical cannabis device the individual is transporting; and	1128	+dispensary on the sole basis that the applicant or cannabis dispensary
				violates a law of the United States.
1304	-	(c) indicates the departure and arrival times and locations of the	1129	+(3) A municipality or county may enact ordinances not in conflict with this
		individual transporting		chapter governing the
1305	-	the cannabis, cannabis product, or medical cannabis device.	1130	+time, place, and manner of cannabis dispensary operations in the
				municipality or county.
1306	-	(3) In addition to the requirements in Subsections (1) and (2), the	1131	+Section 56. Section 26-60b-601 is enacted to read:
		department may		
1307	-	establish, by rule made in accordance with Title 63G, Chapter 3, Utah		
		Administrative		
1308	-	Rulemaking Act, requirements for transporting cannabis, a cannabis		
		product, or a medical		
1309	-	cannabis device that reflect best practices for cannabis or cannabis		
		product transportation for		
1310	-	safety for human cannabis or cannabis product consumption.		
1311	-	(4) A cannabis dispensary agent registered with the department is		
		guilty of an		
1312	-	infraction if the registered cannabis dispensary agent:		
1313	-	(a) transports cannabis, a cannabis product, or a medical cannabis		
		device; and		
1314	-	(b) does not possess, on the registered cannabis dispensary agent's		

person or in the

1315 - transport vehicle, a manifest that complies with Subsection (3).

1316 - (5) A registered cannabis dispensary agent who is guilty of an

infraction under

1317 - Subsection (3) is subject to a fine of no more than \$100.

1318 - Section 45. Section 26-58-601 is enacted to read:

1319 -

1320 Part 6. Enforcement

1321 -

1322 - 26-58-601. Enforcement -- Fine -- Citation.

1323 - (1) The department may, for a violation of this chapter by a person

who is a cannabis

1324 - dispensary or cannabis dispensary agent:

1325 - (a) revoke the person's cannabis dispensary license or cannabis

dispensary agent

1326 - registration card;

1327 - (b) refuse to renew the person's license or registration; or

1328 - (c) assess the person an administrative penalty.

1329 - (2) The department shall deposit an administrative penalty imposed

under this section

1330 - into the Medical Cannabis Restricted Account.

1331 - (3) The department may, for a person subject to an uncontested

citation, a stipulated

1332 - settlement, or a finding of a violation in an adjudicative proceeding

under this section:

1333 - (a) assess the person a fine, established in accordance with Section

63J-1-504, of up to

1334 - \$5,000 per violation, in accordance with a fine schedule established by

rule made in accordance

1335 - with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

1336 - (b) order the person to cease and desist from, and cure, the action

that creates a

1337 - violation.

1338 - (4) The department may not revoke a cannabis dispensary's license

via a citation.

1339 - (5) If, within 20 calendar days after the day on which the

department issues a citation

1340 - for a violation of this chapter, the person that is the subject of the

citation fails to request a

1341 - hearing to contest the citation, the citation becomes the basis of the

1132 Part 6. Enforcement

1133 +26-60b-601. Enforcement -- Fine -- Citation.

1134 +(1) The department may, for a violation of this chapter by a person who is

a cannabis dispensary

1135 +or cannabis dispensary agent:

1136 +(a) revoke the person's license or cannabis dispensary agent registration

card;

1137 +(b) refuse to renew the person's license or cannabis dispensary agent

registration card; or

1138 +(c) assess the person an administrative penalty.

1139 +(2) The department shall deposit an administrative penalty imposed under

this section in the

1140 +general fund.

1141 +22

1142 +(3) The department may, for a person subject to an uncontested citation, a

stipulated settlement,

1143 +or a finding of a violation in an adjudicative proceeding under this

section:

1144 +(a) assess the person a fine, established in accordance with Section 63J-1-

504, of up to \$5,000

1145 +per violation, in accordance with a fine schedule established by rule made

in accordance with Title 63G,

1146 +Chapter 3, Utah Administrative Rulemaking Act; or

1147 +(b) order the person to cease and desist from the action that creates a

violation.

1148 +(4) The department may not revoke a cannabis dispensary's license without

first directing the

1149 +cannabis dispensary to appear before an adjudicative proceeding conducted

under Title 63G, Chapter 4,

1150 +Administrative Procedures Act.

1151 +(5) If, within 20 calendar days after the day on which the department

issues a citation for a

1152 +violation of this chapter, the person that is the subject of the citation

fails to request a hearing to contest

1153 +the citation, the citation becomes the department's final order.

	department's final order.		
1342	- (6) The department may, for a person who fails to cure the violation for which a	1154	+ (6) The department may, for a person who fails to comply with a citation under this section:
1343	- citation under this section:	1155	+ (a) refuse to issue or renew the person's license or cannabis dispensary agent registration card; or
1344	- (a) refuse to issue or renew the person's license or cannabis dispensary agent	1156	+ (b) suspend, revoke, or place on probation the person's license or cannabis dispensary agent
1345	- registration card; or	1157	+ registration card.
1346	- (b) suspend, revoke, or place on probation the person's license or cannabis dispensary	1158	+ (7) If the department makes a final determination under this section that an individual violated a
1347	- agent registration card.	1159	+ provision of this chapter, the individual is guilty of an infraction.
1348	- Section 46. Section 30-3-10 is amended to read:	1160	+ Section 57. 26-60b-602 is enacted to read:
1349	- 30-3-10. Custody of children in case of separation or divorce --	1161	+ 26-60b-602. Report.
1350	Custody		
	- consideration.	1162	+ (1) The department shall report annually to the Health and Human Services Interim Committee
1351	- (1) If a husband and wife having minor children are separated, or their marriage is	1163	+ on the number of applications and renewal applications filed for medical cannabis cards, the number of
1352	- declared void or dissolved, the court shall make an order for the future care and custody of the	1164	+ qualifying patients and designated caregivers, the nature of the debilitating medical conditions of the
1353	- minor children as it considers appropriate.	1165	+ qualifying patients, the age and county of residence of cardholders, the number of medical cannabis cards
1354	- (a) In determining any form of custody, including a change in custody, the court shall	1166	+ revoked, the number of practitioners providing recommendations for qualifying patients, the number of
1355	- consider the best interests of the child without preference for either the mother or father solely	1167	+ license applications and renewal license applications received, the number of licenses issued in each
1356	- because of the biological sex of the parent and, among other factors the court finds relevant, the	1168	+ county, the number of licenses revoked, and the expenses incurred and revenues generated from the
1357	- following:	1169	+ medical cannabis program.
1358	- (i) the past conduct and demonstrated moral standards of each of the parties;	1170	+ (2) The department may not include personally identifying information in the report.
1359	- (ii) which parent is most likely to act in the best interest of the child, including	1171	+ Section 58. Section 30-3-10 is amended to read:
1360	- allowing the child frequent and continuing contact with the noncustodial parent;	1172	+ 30-3-10. Custody of children in case of separation or divorce -- Custody consideration.
1361	- (iii) the extent of bonding between the parent and child, meaning the depth, quality,	1173	+ (1) If a husband and wife having minor children are separated, or their marriage is declared void
1362	- and nature of the relationship between a parent and child;	1174	+ or dissolved, the court shall make an order for the future care and custody of the minor children as it
1363	- (iv) whether the parent has intentionally exposed the child to pornography or material	1175	+ considers appropriate.
1364	- harmful to a minor, as defined in Section 76-10-1201; and	1176	+ (a) In determining any form of custody, including a change in custody, the court shall consider
1365	- (v) those factors outlined in Section 30-3-10.2.	1177	+ the best interests of the child without preference for either the mother or father solely because of the
1366	- (b) There shall be a rebuttable presumption that joint legal	1178	+ biological sex of the parent and, among other factors the court finds

custody, as defined in
 1367 - Section 30-3-10.1, is in the best interest of the child, except in cases
 where there is:
 1368 - (i) domestic violence in the home or in the presence of the child;
 1369 - (ii) special physical or mental needs of a parent or child, making
 joint legal custody
 1370 - unreasonable;
 1371 - (iii) physical distance between the residences of the parents,
 making joint decision
 1372 - making impractical in certain circumstances; or
 1373 - (iv) any other factor the court considers relevant including those
 listed in this section
 1374 - and Section 30-3-10.2.
 1375 - (c) The person who desires joint legal custody shall file a proposed
 parenting plan in
 1376 - accordance with Sections 30-3-10.8 and 30-3-10.9. A presumption for joint
 legal custody may
 1377 - be rebutted by a showing by a preponderance of the evidence that it is
 not in the best interest of
 1378 - the child.
 1379 - (d) The children may not be required by either party to testify
 unless the trier of fact
 1380 - determines that extenuating circumstances exist that would necessitate
 the testimony of the
 1381 - children be heard and there is no other reasonable method to present
 their testimony.
 1382 - (e) The court may inquire of the children and take into
 consideration the children's
 1383 - desires regarding future custody or parent-time schedules, but the
 expressed desires are not
 1384 - controlling and the court may determine the children's custody or parent-
 time otherwise. The
 1385 - desires of a child 14 years of age or older shall be given added weight,
 but is not the single
 1386 - controlling factor.
 1387 - (f) If interviews with the children are conducted by the court
 pursuant to Subsection
 1388 - (1)(e), they shall be conducted by the judge in camera. The prior consent
 of the parties may be
 1389 - obtained but is not necessary if the court finds that an interview with
 the children is the only

relevant, the following:
 1179 +(i) the past conduct and demonstrated moral standards of each of the
 parties;
 1180 +(ii) which parent is most likely to act in the best interest of the child,
 including allowing the child
 1181 +frequent and continuing contact with the noncustodial parent;
 1182 +(iii) the extent of bonding between the parent and child, meaning the
 depth, quality, and nature of
 1183 +the relationship between a parent and child;
 1184 +(iv) whether the parent has intentionally exposed the child to pornography
 or material harmful to
 1185 +a minor, as defined in Section 76-10-1201; and
 1186 +(v) those factors outlined in Section 30-3-10.2.
 1187 +(b) There shall be a rebuttable presumption that joint legal custody, as
 defined in Section 30-3-
 1188 +10.1, is in the best interest of the child, except in cases where there is:
 1189 +(i) domestic violence in the home or in the presence of the child;
 1190 +(ii) special physical or mental needs of a parent or child, making joint
 legal custody
 1191 +unreasonable;
 1192 +(iii) physical distance between the residences of the parents, making joint
 decision making
 1193 +impractical in certain circumstances; or
 1194 +(iv) any other factor the court considers relevant including those listed
 in this section and Section
 1195 +30-3-10.2.
 1196 +23
 1197 +(c) The person who desires joint legal custody shall file a proposed
 parenting plan in accordance
 1198 +with Sections 30-3-10.8 and 30-3-10.9. A presumption for joint legal
 custody may be rebutted by a
 1199 +showing by a preponderance of the evidence that it is not in the best
 interest of the child.
 1200 +(d) The children may not be required by either party to testify unless the
 trier of fact determines
 1201 +that extenuating circumstances exist that would necessitate the testimony
 of the children be heard and

1390	- method to ascertain the child's desires regarding custody.	1202	+there is no other reasonable method to present their testimony.
1391	- (2) In awarding custody, the court shall consider, among other factors the court finds	1203	+(e) The court may inquire of the children and take into consideration the children's desires
1392	- relevant, which parent is most likely to act in the best interests of the child, including allowing	1204	+regarding future custody or parent-time schedules, but the expressed desires are not controlling and the
1393	- the child frequent and continuing contact with the noncustodial parent as the court finds	1205	+court may determine the children's custody or parent-time otherwise. The desires of a child 14 years of
1394	- appropriate.	1206	+age or older shall be given added weight, but is not the single controlling factor.
1395	- (3) If the court finds that one parent does not desire custody of the child, the court shall	1207	+(f) If interviews with the children are conducted by the court pursuant to Subsection (1)(e), they
1396	- take that evidence into consideration in determining whether to award custody to the other	1208	+shall be conducted by the judge in camera. The prior consent of the parties may be obtained but is not
1397	- parent.	1209	+necessary if the court finds that an interview with the children is the only method to ascertain the child's
1398	- (4) (a) Except as provided in Subsection (4)(b), a court may not discriminate against a	1210	+desires regarding custody.
1399	- parent due to a disability, as defined in Section 57-21-2, in awarding custody or determining	1211	+(2) In awarding custody, the court shall consider, among other factors the court finds relevant,
1400	- whether a substantial change has occurred for the purpose of modifying an award of custody.	1212	+which parent is most likely to act in the best interests of the child, including allowing the child frequent
1401	- (b) If a court takes a parent's disability into account in awarding custody or determining	1213	+and continuing contact with the noncustodial parent as the court finds appropriate.
1402	- whether a substantial change has occurred for the purpose of modifying an award of custody,	1214	+(3) If the court finds that one parent does not desire custody of the child, the court shall take that
1403	- the parent with a disability may rebut any evidence, presumption, or inference arising from the	1215	+evidence into consideration in determining whether to award custody to the other parent.
1404	- disability by showing that:	1216	+(4) (a) Except as provided in Subsection (4)(b), a court may not discriminate against a parent due
1405	- (i) the disability does not significantly or substantially inhibit the parent's ability to	1217	+to a disability, as defined in Section 57-21-2, in awarding custody or determining whether a substantial
1406	- provide for the physical and emotional needs of the child at issue; or	1218	+change has occurred for the purpose of modifying an award of custody.
1407	- (ii) the parent with a disability has sufficient human, monetary, or other resources	1219	+(b) If a court takes a parent's disability into account in awarding custody or determining whether
1408	- available to supplement the parent's ability to provide for the physical and emotional needs of	1220	+a substantial change has occurred for the purpose of modifying an award of custody, the parent with a
1409	- the child at issue.	1221	+disability may rebut any evidence, presumption, or inference arising from the disability by showing that:
1410	- (c) Nothing in this section may be construed to apply to adoption proceedings under	1222	+(i) the disability does not significantly or substantially inhibit the parent's ability to provide for
1411	- Title 78B, Chapter 6, Part 1, Utah Adoption Act.	1223	+the physical and emotional needs of the child at issue; or
1412	- (5) This section establishes neither a preference nor a presumption for or against joint	1224	+(ii) the parent with a disability has sufficient human, monetary, or other resources available to
1413	- physical custody or sole physical custody, but allows the court and the family the widest	1225	+supplement the parent's ability to provide for the physical and emotional needs of the child at issue.
1414	- discretion to choose a parenting plan that is in the best interest of the	1226	+(c) Nothing in this section may be construed to apply to adoption

	child.		proceedings under Title 78B,
1415	- (6) In considering the past conduct and demonstrated moral standards of each of the	1227	+Chapter 6, Part 1, Utah Adoption Act.
1416	- parties as described under Subsection (1)(a)(i), a court may not discriminate against a parent	1228	+ (5) This section establishes neither a preference nor a presumption for or against joint physical
1417	- because of the parent's possession or consumption of a cannabis product or a medical cannabis	1229	+custody or sole physical custody, but allows the court and the family the widest discretion to choose a
1418	- device, in accordance with Title 26, Chapter 58, Medical Cannabis Act.	1230	+parenting plan that is in the best interest of the child.
1419	- Section 47. Section 41-6a-517 is amended to read:	1231	+ (6) In considering the past conduct and demonstrated moral standards of each of the parties as
1420	- 41-6a-517. Definitions -- Driving with any measurable controlled substance in the	1232	+described under Subsection (1)(a)(i), a court may not discriminate against a parent because of the parent's
1421	- body -- Penalties -- Arrest without warrant.	1233	+possession or consumption of cannabis, a cannabis product, or a medical cannabis device, in accordance
1422	- (1) As used in this section:	1234	+with Title 26, Chapter 60b, Medical Cannabis Act, or because of the parent's status as a cannabis
1423	- (a) "Controlled substance" has the same meaning as in Section 58-37-2.	1235	+production establishment agent in accordance with Title 4, Chapter 41b, a cannabis dispensary agent in
1424	- (b) "Practitioner" has the same meaning as in Section 58-37-2.	1236	+accordance with Title 26, Chapter 60b, or a medical cannabis card holder in accordance with Title 26,
1425	- (c) "Prescribe" has the same meaning as in Section 58-37-2.	1237	+Chapter 60b.
1426	- (d) "Prescription" has the same meaning as in Section 58-37-2.	1238	+Section 59. Section 53-1-106.5 is enacted to read:
1427	- (2) In cases not amounting to a violation of Section 41-6a-502, a person may not	1239	+53-1-106.5. Medical Cannabis Act -- Department duties.
1428	- operate or be in actual physical control of a motor vehicle within this state if the person has any	1240	+In addition to the duties described in Section 53-1-106, the department shall provide standards for
1429	- measurable controlled substance or metabolite of a controlled substance in the person's body.	1241	+training peace officers and law enforcement agencies in the use of the electronic verification system and
1430	- (3) It is an affirmative defense to prosecution under this section that the controlled	1242	+collaborate with the Department of Health and the Department of Agriculture and Food to provide
1431	- substance was:	1243	+standards for training peace officers and law enforcement agencies in medical cannabis law.
1432	- (a) involuntarily ingested by the accused;	1244	+Section 60. Section 58-37-3.6b is enacted to read:
1433	- (b) prescribed by a practitioner for use by the accused; [or]	1245	+58-37-3.6b. Exemption for possession or use of cannabis to treat a qualifying illness.
1434	- (c) a cannabis product that was:	1246	+ (1) As used in this section:
1435	- (i) not causing impairment; and	1247	+ (a) "Cannabis" means marijuana.
1436	- (ii) (A) recommended by a physician to the accused, if the accused holds a valid	1248	+ (b) "Cannabis dispensary" means the same as that term is defined in Section 26-60b-102.
1437	- medical cannabis card under Title 26, Chapter 58, Medical Cannabis Act; or	1249	+ (c) "Cannabis product" means a product that:
1438	- (B) ingested by the accused in another state in which the use of a cannabis product is	1250	+ (i) is intended for human ingestion; and
1439	- legal under state law; or	1251	+24
1440	- [(c)] (d) otherwise legally ingested.	1252	+ (ii) contains cannabis or tetrahydrocannabinol.
1441	- (4) (a) A person convicted of a violation of Subsection (2) is	1253	+ (d) "Designated caregiver" means the same as that term is defined in

1442 guilty of a class B
- misdemeanor.

1443 - (b) A person who violates this section is subject to conviction and
sentencing under

1444 - both this section and any applicable offense under Section 58-37-8.

1445 - (5) A peace officer may, without a warrant, arrest a person for a
violation of this

1446 - section when the officer has probable cause to believe the violation has
occurred, although not

1447 - in the officer's presence, and if the officer has probable cause to
believe that the violation was

1448 - committed by the person.

1449 - (6) The Driver License Division shall, if the person is 21 years of
age or older on the

1450 - date of arrest:

1451 - (a) suspend, for a period of 120 days, the driver license of a
person convicted under

1452 - Subsection (2) of an offense committed on or after July 1, 2009; or

1453 - (b) revoke, for a period of two years, the driver license of a
person if:

1454 - (i) the person has a prior conviction as defined under Subsection
41-6a-501(2); and

1455 - (ii) the current violation under Subsection (2) is committed on or
after July 1, 2009,

1456 - and within a period of 10 years after the date of the prior violation.

1457 - (7) The Driver License Division shall, if the person is 19 years of
age or older but

1458 - under 21 years of age on the date of arrest:

1459 - (a) suspend, until the person is 21 years of age or for a period of
one year, whichever is

1460 - longer, the driver license of a person convicted under Subsection (2) of
an offense committed

1461 - on or after July 1, 2011; or

1462 - (b) revoke, until the person is 21 years of age or for a period of
two years, whichever is

1463 - longer, the driver license of a person if:

1464 - (i) the person has a prior conviction as defined under Subsection
41-6a-501(2); and

1465 - (ii) the current violation under Subsection (2) is committed on or
after July 1, 2009,

Section 26-60b-102.

1254 +(e) "Drug paraphernalia" means the same as that term is defined in Section
58-37a-3.

1255 +(f) "Marijuana" means the same as that term is defined in Section 58-37-2.

1256 +(g) "Medical cannabis card" means the same as that term is defined in
Section 26-60b-102.

1257 +(h)(i) "Medical cannabis device" means a device that an individual uses to
ingest cannabis or a

1258 +cannabis product.

1259 +(ii) "Medical cannabis device" does not include a device that facilitates
cannabis combustion at a

1260 +temperature of greater than 750 degrees Fahrenheit.

1261 +(i) "Qualifying illness" means the same as that term is defined in Section
26-60b-102.

1262 +(j) "Tetrahydrocannabinol" means a substance derived from cannabis that
meets the description

1263 +in Subsection 58-37-4(2)(a)(iii)(AA).

1264 +(2) Notwithstanding any other provision of law, except as otherwise
provided in this section:

1265 +(a) an individual who possesses, produces, manufactures, dispenses,
distributes, sells, or offers to

1266 +sell cannabis or a cannabis product or who possesses with intent to
produce, manufacture, dispense,

1267 +distribute, sell, or offer to sell cannabis or a cannabis product is not
subject to the penalties described in

1268 +this title for the conduct to the extent that the individual's conduct
complies with:

1269 +(i) Title 4, Chapter 41b, Cannabis Production Establishment; and

1270 +(ii) Title 26, Chapter 60b, Medical Cannabis Act;

1271 +(b) an individual who possesses, manufactures, distributes, sells, or
offers to sell a medical

1272 +cannabis device or who possesses with intent to manufacture, distribute,
sell, or offer to sell a medical

1273 +cannabis device is authorized and is not subject to the penalties described
in this title for the possession,

1274 +manufacture, distribution, sale, or offer for sale of drug paraphernalia to
the extent that the individual's

1275 +conduct complies with:

1276 +(i) Title 4, Chapter 41b, Cannabis Production Establishment; and

1277 +(ii) Title 26, Chapter 60b, Medical Cannabis Act.

1466	- and within a period of 10 years after the date of the prior violation.	1278	+ (3) For purposes of state law, except as otherwise provided in this section, activities related to
1467	- (8) The Driver License Division shall, if the person is under 19 years of age on the date	1279	+cannabis shall be considered lawful and any cannabis consumed shall be
1468	- of arrest:	1280	+considered legally ingested, as
1469	- (a) suspend, until the person is 21 years of age, the driver license of a person convicted	1281	+long as the conduct is in accordance with:
1470	- under Subsection (2) of an offense committed on or after July 1, 2009; or	1282	+(a) Title 4, Chapter 41b, Cannabis Production Establishment; and
1471	- (b) revoke, until the person is 21 years of age, the driver license of a person if:	1283	+(b) Title 26, Chapter 60b, Medical Cannabis Act.
1472	- (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and	1284	+(4) It is not lawful for a medical cannabis card holder to smoke cannabis or to use a device to
1473	- (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,	1285	+facilitate the smoking of cannabis. An individual convicted of violating this section is guilty of an
1474	- and within a period of 10 years after the date of the prior violation.	1286	+infraction. For purposes of this section, smoking does not include a means of administration that involves
1475	- (9) The Driver License Division shall subtract from any suspension or revocation	1287	+cannabis combustion at a temperature that is not greater than 750 degrees Fahrenheit and that does not
1476	- period the number of days for which a license was previously suspended under Section	1288	+involve using a flame.
1477	- 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon	1289	+(5) An individual is not exempt from the penalties described in this title for ingesting cannabis or
1478	- which the record of conviction is based.	1290	+a cannabis product while operating a motor vehicle.
1479	- (10) The Driver License Division shall:	1291	+(6) An individual who is assessed a penalty or convicted of an infraction under Title 4, Chapter
1480	- (a) deny, suspend, or revoke a person's license for the denial and suspension periods in	1292	+41b, Cannabis Production Establishment, or Title 26, Chapter 60b, Medical Cannabis Act, is not subject
1481	- effect prior to July 1, 2009, for a conviction of a violation under Subsection (2) that was	1293	+to the penalties described in this chapter for:
1482	- committed prior to July 1, 2009; or	1294	+(a) the possession, manufacture, sale, or offer for sale of cannabis or a cannabis product; or
1483	- (b) deny, suspend, or revoke the operator's license of a person for the denial,	1295	+(b) the possession, manufacture, sale, or offer for sale of drug paraphernalia.
1484	- suspension, or revocation periods in effect from July 1, 2009, through June 30, 2011, if:	1296	+Section 61. Section 58-37-3.6c is enacted to read:
1485	- (i) the person was 20 years of age or older but under 21 years of age at the time of	1297	+58-37-3.7. Affirmative defense.
1486	- arrest; and	1298	+(1) Before July 1, 2020, it is an affirmative defense to criminal charges against an individual for
1487	- (ii) the conviction under Subsection (2) is for an offense that was committed on or after	1299	+the use, possession, or manufacture of marijuana, tetrahydrocannabinol, or marijuana drug paraphernalia
1488	- July 1, 2009, and prior to July 1, 2011.	1300	+under this chapter that the individual would be eligible for a medical cannabis card, and that the
1489	- (11) A court that reported a conviction of a violation of this section for a violation that	1301	+individuals conduct would have been lawful, after July 1, 2020.
1490	- occurred on or after July 1, 2009, to the Driver License Division may	1302	+(2) It is an affirmative defense to criminal charges against an individual for the use or possession
			+of marijuana, tetrahydrocannabinol, or marijuana drug paraphernalia under

shorten the suspension

1491 - period imposed under Subsection (7)(a) or (8)(a) prior to completion of
the suspension period

1492 - if the person:

1493 - (a) completes at least six months of the license suspension;

1494 - (b) completes a screening;

1495 - (c) completes an assessment, if it is found appropriate by a
screening under Subsection

1496 - (11)(b);

1497 - (d) completes substance abuse treatment if it is found appropriate
by the assessment

1498 - under Subsection (11)(c);

1499 - (e) completes an educational series if substance abuse treatment is
not required by the

1500 - assessment under Subsection (11)(c) or the court does not order substance
abuse treatment;

1501 - (f) has not been convicted of a violation of any motor vehicle law
in which the person

1502 - was involved as the operator of the vehicle during the suspension period
imposed under

1503 - Subsection (7)(a) or (8)(a);

1504 - (g) has complied with all the terms of the person's probation or all
orders of the court if

1505 - not ordered to probation; and

1506 - (h) (i) is 18 years of age or older and provides a sworn statement
to the court that the

1507 - person has not consumed a controlled substance not prescribed by a
practitioner for use by the

1508 - person or unlawfully consumed alcohol during the suspension period
imposed under

1509 - Subsection (7)(a) or (8)(a); or

1510 - (ii) is under 18 years of age and has the person's parent or legal
guardian provide an

1511 - affidavit or other sworn statement to the court certifying that to the
parent or legal guardian's

1512 - knowledge the person has not consumed a controlled substance not
prescribed by a practitioner

1513 - for use by the person or unlawfully consumed alcohol during the
suspension period imposed

1514 - under Subsection (7)(a) or (8)(a).

this chapter if:

1303 +(a) the individual is a not a resident of Utah or has been a resident of
Utah for less than 45 days

1304 +and was issued a currently valid medical cannabis identification card or
its equivalent under the laws of

1305 +another state, district, territory, commonwealth, or insular possession of
the United States; and

1306 +25

1307 +(b) the individual has been diagnosed with a qualifying illness as
described in Section 26-60b-

1308 +105.

1309 +(3) A court shall, for charges that the court dismisses under Subsection
(1) or Subsection (2),

1310 +dismiss the charges without prejudice.

1311 +Section 62. Section 58-37-3.6d is enacted to read:

1312 +58-37-3.8. Enforcement.

1313 +(1) No law enforcement officer employed by an agency that receives state or
local government

1314 +funds shall expend any state or local resources, including the officer's
time, to effect any arrest or seizure

1315 +of cannabis, or conduct any investigation, on the sole basis of activity
the officer believes to constitute a

1316 +violation of federal law if the officer has reason to believe that such
activity is in compliance with the

1317 +state medical cannabis laws, nor shall any such officer expend any state or
local resources, including the

1318 +officer's time, to provide any information or logistical support related to
such activity to any federal law

1319 +enforcement authority or prosecuting entity.

1320 +(2) No agency or political subdivision of Utah may rely on a violation of
federal law as the sole

1321 +basis for taking an adverse action against a person providing professional
services to a cannabis

1322 +dispensary or a cannabis production establishment if the person has not
violated the state medical

1323 +cannabis laws.

1324 +Section 63. Section 59-1-307 is enacted to read:

1325 +59-1-307. Medical cannabis establishment business expenses, deductions.

1326 +In computing adjusted income for medical cannabis establishments operating
under Title 4,

1515	- (12) If the court shortens a person's license suspension period in accordance with the	1327	+Chapter 41b, Cannabis Production Establishment, or Title 26, Chapter 60b, Medical Cannabis Act, there
1516	- requirements of Subsection (11), the court shall forward the order shortening the person's	1328	+shall be allowed as a deduction from state taxes all the ordinary and necessary expenses paid or incurred
1517	- license suspension period prior to the completion of the suspension period imposed under	1329	+during the taxable year in carrying on a trade or business as a medical cannabis establishment, including
1518	- Subsection (7)(a) or (8)(a) to the Driver License Division.	1330	+reasonable allowance for salaries or other compensation for personal services actually rendered.
1519	- (13) (a) The court shall notify the Driver License Division if a person fails to:	1331	+Section 64. Section 59-12-104.7 is enacted to read:
1520	- (i) complete all court ordered screening and assessment, educational series, and	1332	+59-12-104.7. Exemption from sales tax for medical cannabis.
1521	- substance abuse treatment; or	1333	+(1) As used in this section:
1522	- (ii) pay all fines and fees, including fees for restitution and treatment costs.	1334	+(a) "Cannabis" means the same as that term is defined in Section 58-37-3.6b.
1523	- (b) Upon receiving the notification, the division shall suspend the person's driving	1335	+(b) "Cannabis dispensary" means the same as that term is defined in Section 26-60b-102.
1524	- privilege in accordance with Subsections 53-3-221(2) and (3).	1336	+(c) "Cannabis product" means the same as that term is defined in Section 58-37-3.6b.
1525	- (14) The court shall order supervised probation in accordance with Section 41-6a-507	1337	+(d) "Medical cannabis device" means the same as that term is defined in Section 58-37-3.6b.
1526	- for a person convicted under Subsection (2).	1338	+(2) In addition to the exemptions described in Section 59-12-104, the sale, by a licensed cannabis
1527	- Section 48. Section 53-1-106.5 is enacted to read:	1339	+dispensary, of cannabis, a cannabis product, or a medical cannabis device, is not subject to the taxes
1528	- 53-1-106.5. Medical Cannabis Act -- Department duties.	1340	+imposed by this chapter.
1529	- (1) In addition to the duties described in Section 53-1-106, the department shall:	1341	+Section 65. Section 62A-4a-202.1 is amended to read:
1530	- (a) develop standards for training peace officers and law enforcement agencies in state	1342	+62A-4a-202.1. Entering home of a child -- Taking a child into protective custody --
1531	- medical cannabis law and the use of the state electronic verification system; and	1343	+Caseworker accompanied by peace officer -- Preventive services -- Shelter facility or emergency
1532	- (b) collaborate with the Department of Health and the Department of Agriculture and	1344	+placement.
1533	- Food to provide a curriculum for training peace officers and law enforcement agencies in	1345	+(1) A peace officer or child welfare worker may not:
1534	- medical cannabis.	1346	+(a) enter the home of a child who is not under the jurisdiction of the court, remove a child from
1535	- (2) The department may not allow a law enforcement official to access the electronic	1347	+the child's home or school, or take a child into protective custody unless authorized under Subsection
1536	- verification system unless the law enforcement official has completed the training described in	1348	+78A-6-106(2); or
1537	- Subsections (1)(b) and (1)(c).	1349	+(b) remove a child from the child's home or take a child into custody under this section solely on
1538	- Section 49. Section 58-37-3.6 is enacted to read:	1350	+the basis of:
1539	- 58-37-3.6. Exemption for possession or use of cannabis to treat a	1351	+(i) educational neglect, truancy, or failure to comply with a court order

1540	qualifying - illness.	1352	to attend school[.]; or +(ii) the possession or use of cannabis, a cannabis product, or a medical cannabis device in the
1541	- (1) As used in this section:	1353	+home, if the use and possession of the cannabis, cannabis product, or medical cannabis device is in
1542	- (a) (i) "Cannabis" means the plant cannabis sativa.	1354	+compliance with Title 26, Chapter 60b, Medical Cannabis Act.
1543	- (ii) "Cannabis" includes marijuana.	1355	+(2) A child welfare worker within the division may take action under Subsection (10)
1544	- (b) "Cannabis dispensary" means the same as that term is defined in Section	1356	+accompanied by a peace officer, or without a peace officer when a peace officer is not reasonably
1545	- 26-58-102.	1357	+available.
1546	- (c) "Cannabis product" means a product that:	1358	+(3) (a) If possible, consistent with the child's safety and welfare, before taking a child into
1547	- (i) is intended for human ingestion;	1359	+protective custody, the child welfare worker shall also determine whether there are services available that,
1548	- (ii) contains cannabinoids extracted out of a whole cannabis plant; and	1360	+26
1549	- (iii) is separated into doses with an identified amount of total cannabinoids and	1361	+if provided to a parent or guardian of the child, would eliminate the need to remove the child from the
1550	- cannabinoid profile per dose.	1362	+custody of the child's parent or guardian.
1551	- (d) "Designated caregiver" means the same as that term is defined in Section	1363	+(b) If the services described in Subsection (3)(a) are reasonably available, they shall be utilized.
1552	- 26-58-102.	1364	+(c) In determining whether the services described in Subsection (3)(a) are reasonably available,
1553	- (e) "Drug paraphernalia" means the same as that term is defined in Section 58-37a-3.	1365	+and in making reasonable efforts to provide those services, the child's health, safety, and welfare shall be
1554	- (f) "Marijuana" means the same as that term is defined in Section 58-37-2.	1366	+the child welfare worker's paramount concern.
1555	- (g) "Medical cannabis card" means the same as that term is defined in Section	1367	+(4) (a) A child removed or taken into custody under this section may not be placed or kept in a
1556	- 26-58-102.	1368	+secure detention facility pending court proceedings unless the child is detainable based on guidelines
1557	- (h) "Medical cannabis device" means a device that:	1369	+promulgated by the Division of Juvenile Justice Services.
1558	- (i) an individual uses to ingest a lawfully sold cannabis product; and	1370	+(b) A child removed from the custody of the child's parent or guardian but who does not require
1559	- (ii) measures the amount of cannabinoids ingested.	1371	+physical restriction shall be given temporary care in:
1560	- (i) "Qualifying illness" means the same as that term is defined in Section 26-58-102.	1372	+(i) a shelter facility; or
1561	- (j) "Tetrahydrocannabinol" means a substance derived from cannabis that meets the	1373	+(ii) an emergency placement in accordance with Section 62A-4a-209.
1562	- description in Subsection 58-37-4(2)(a)(iii)(AA).	1374	+(c) When making a placement under Subsection (4)(b), the Division of Child and Family
1563	- (2) Notwithstanding any other provision of this chapter:	1375	+Services shall give priority to a placement with a noncustodial parent, relative, or friend, in accordance
1564	- (a) an individual who grows, possesses, sells, or offers to sell cannabis is not subject to	1376	+with Section 62A-4a-209.

1565	- the penalties described in this title for the growth, possession, sale, or offer for sale of	1377	+(a) If the child is not placed with a noncustodial parent, a relative, or a designated friend, the
1566	- marijuana or tetrahydrocannabinol to the extent that the individual's growth, possession, sale,	1378	+caseworker assigned to the child shall file a report with the caseworker's supervisor explaining why a
1567	- or offer for sale of the cannabis complies with:	1379	+different placement was in the child's best interest.
1568	- (i) Title 4, Chapter 42, Cannabis Production Establishment; and	1380	+(5) When a child is removed from the child's home or school or taken into protective custody, the
1569	- (ii) Title 26, Chapter 58, Medical Cannabis Act;	1381	+caseworker shall give a parent of the child a pamphlet or flier explaining:
1570	- (b) an individual who possesses, sells, or offers to sell a cannabis product or a medical	1382	+(a) the parent's rights under this part, including the right to be present and participate in any court
1571	- cannabis device is not subject to the penalties described in this title for the possession, sale, or	1383	+proceeding relating to the child's case;
1572	- offer for sale of marijuana or tetrahydrocannabinol to the extent that the individual's	1384	+(b) that it may be in the parent's best interest to contact an attorney and that, if the parent cannot
1573	- possession, sale, or offer for sale of the cannabis product or medical cannabis device complies	1385	+afford an attorney, the court will appoint one;
1574	- with:	1386	+(c) the name and contact information of a division employee the parent may contact with
1575	- (i) Title 4, Chapter 42, Cannabis Production Establishment; and	1387	+questions;
1576	- (ii) Title 26, Chapter 58, Medical Cannabis Act;	1388	+(d) resources that are available to the parent, including:
1577	- (c) an individual who possesses, sells, or offers to sell a medical cannabis device is not	1389	+(i) mental health resources;
1578	- subject to the penalties described in this title for the possession, sale, or offer for sale of	1390	+(ii) substance abuse resources; and
1579	- marijuana or tetrahydrocannabinol drug paraphernalia to the extent that the individual's	1391	+(iii) parenting classes; and
1580	- possession, sale, or offer for sale of the medical cannabis device complies with:	1392	+(e) any other information considered relevant by the division.
1581	- (i) Title 4, Chapter 42, Cannabis Production Establishment; and	1393	+(6) The pamphlet or flier described in Subsection (5) shall be:
1582	- (ii) Title 26, Chapter 58, Medical Cannabis Act.	1394	+(a) evaluated periodically for its effectiveness at conveying necessary information and revised
1583	- (3) An individual with a medical cannabis card is guilty of an infraction if the	1395	+accordingly;
1584	- individual uses or possesses drug paraphernalia that is not a medical cannabis device.	1396	+(b) written in simple, easy-to-understand language; and
1585	- (4) An individual who is guilty of an infraction under Subsection (3) is subject to a	1397	+(c) available in English and other languages as the division determines to be appropriate and
1586	- \$100 fine.	1398	+necessary.
1587	- Section 50. Section 58-37-3.7 is enacted to read:	1399	+Section 66. Section 63I-1-226 is amended to read:
1588	- 58-37-3.7. Affirmative defense.	1400	+63I-1-226. Repeal dates, Title 26.
1589	- (1) Before the day on which the Department of Health is issuing medical cannabis	1401	+(1) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July 1, 2025.
1590	- cards and a cannabis dispensary in the state is licensed and selling a cannabis product, it is an	1402	+(2) Section 26-10-11 is repealed July 1, 2020.
1591	- affirmative defense to criminal charges against an individual for the use or possession of	1403	+(3) Section 26-21-23, Licensing of non-Medicaid nursing facility beds, is repealed July 1, 2018.

1592	- marijuana, tetrahydrocannabinol, or marijuana or tetrahydrocannabinol drug paraphernalia	1404	+ (4) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1, 2024.
1593	- under this chapter that the individual's conduct would have been lawful after the individual	1405	+ (5) Title 26, Chapter 36a, Hospital Provider Assessment Act, is repealed July 1, 2016.
1594	- obtains a medical cannabis card under Title 26, Chapter 58, Medical Cannabis Act.	1406	+ (6) Section 26-38-2.5 is repealed July 1, 2017.
1595	- (2) A court shall, for charges that the court dismisses under Subsection (1), dismiss the	1407	+ (7) Section 26-38-2.6 is repealed July 1, 2017.
1596	- charges without prejudice.	1408	+ (8) Title 26, Chapter 56, Hemp Extract Registration Act, is repealed [July 1, 2016] January 1,
1597	- Section 51. Section 59-12-104.7 is enacted to read:	1409	+2019.
1598	- 59-12-104.7. Exemption from sales tax for medical cannabis.	1410	+ Section 67. Section 63I-1-258 is amended to read:
1599	- (1) As used in this section:	1411	+ 63I-1-258. Repeal dates, Title 58.
1600	- (a) "Cannabis" means the same as that term is defined in Section 58-37-3.6.	1412	+ (1) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is repealed July 1,
1601	- (b) "Cannabis dispensary" means the same as that term is defined in Section	1413	+2026.
1602	- 26-58-102.	1414	+ (2) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2025.
1603	- (c) "Cannabis product" means the same as that term is defined in Section 58-37-3.6.	1415	+27
1604	- (d) "Medical cannabis device" means the same as that term is defined in Section	1416	+ (3) Title 58, Chapter 20a, Environmental Health Scientist Act, is repealed July 1, 2018.
1605	- 58-37-3.6.	1417	+ (4) Section 58-37-4.3 is repealed [July 1, 2016] January 1, 2020.
1606	- (2) In addition to the exemptions described in Section 59-12-104, the sale, by a	1418	+ (5) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1, 2023.
1607	- licensed cannabis dispensary, of a cannabis product or a medical cannabis device, is not subject	1419	+ (6) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act, is repealed
1608	- to the taxes imposed by this chapter.	1420	+ July 1, 2019.
1609	- Section 52. Section 59-28-101 is enacted to read:	1421	+ (7) Title 58, Chapter 42a, Occupational Therapy Practice Act, is repealed July 1, 2025.
1610	-	1422	+ (8) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is repealed July 1, 2023.
1611	- CHAPTER 28. MEDICAL CANNABIS TAX ACT	1423	+ (9) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1, 2024.
1612	-	1424	+ (10) Title 58, Chapter 61, Part 7, Behavior Analyst Licensing Act, is repealed July 1, 2026.
1613	- 59-28-101. Title.	1425	+ (11) Title 58, Chapter 72, Acupuncture Licensing Act, is repealed July 1, 2017.
1614	- This chapter is known as the "Medical Cannabis Tax Act."	1426	+ Section 68. Section 78A-6-508 is amended to read:
1615	- Section 53. Section 59-28-102 is enacted to read:	1427	+ 78A-6-508. Evidence of grounds for termination.
1616	- 59-28-102. Definitions.	1428	+ (1) In determining whether a parent or parents have abandoned a child, it is prima facie evidence
1617	- As used in this chapter:	1429	+ of abandonment that the parent or parents:
1618	- (1) "Cannabis" means the same as that term is defined in Section 58-37-3.6.	1430	+ (a) although having legal custody of the child, have surrendered physical custody of the child,

1619	- (2) "Cannabis dispensary" means the same as that term is defined in Section	1431	+and for a period of six months following the surrender have not manifested to the child or to the person
1620	- 26-58-102.	1432	+having the physical custody of the child a firm intention to resume physical custody or to make
1621	- (3) "Cannabis product" means the same as that term is defined in Section 58-37-3.6.	1433	+arrangements for the care of the child;
1622	- (4) "Medical cannabis device" means the same as that term is defined in Section	1434	+(b) have failed to communicate with the child by mail, telephone, or otherwise for six months;
1623	- 58-37-3.6.	1435	+(c) failed to have shown the normal interest of a natural parent, without just cause; or
1624	- (5) "Medical Cannabis Restricted Account" means the account created in Section	1436	+(d) have abandoned an infant, as described in Subsection 78A-6-316(1).
1625	- 26-58-108.	1437	+(2) In determining whether a parent or parents are unfit or have neglected a child the court shall
1626	- Section 54. Section 59-28-103 is enacted to read:	1438	+consider, but is not limited to, the following circumstances, conduct, or conditions:
1627	- 59-28-103. Imposition of tax -- Rate.	1439	+(a) emotional illness, mental illness, or mental deficiency of the parent that renders the parent
1628	- There is imposed a tax on the retail purchaser of a cannabis product, or a medical	1440	+unable to care for the immediate and continuing physical or emotional needs of the child for extended
1629	- cannabis device at a cannabis dispensary in the state, in an amount equal to 4.70% of amounts	1441	+periods of time;
1630	- paid or charged for the cannabis product or medical cannabis device.	1442	+(b) conduct toward a child of a physically, emotionally, or sexually cruel or abusive nature;
1631	- Section 55. Section 59-28-104 is enacted to read:	1443	+(c) habitual or excessive use of intoxicating liquors, controlled substances, or dangerous drugs
1632	- 59-28-104. Collection of tax.	1444	+that render the parent unable to care for the child;
1633	- A cannabis dispensary shall:	1445	+(d) repeated or continuous failure to provide the child with adequate food, clothing, shelter,
1634	- (1) collect the tax imposed by Section 59-28-103 from a cannabis product or medical	1446	+education, or other care necessary for the child's physical, mental, and emotional health and development
1635	- cannabis device purchaser; and	1447	+by a parent or parents who are capable of providing that care;
1636	- (2) pay the tax collected under Subsection (1):	1448	+(e) whether the parent is incarcerated as a result of conviction of a felony, and the sentence is of
1637	- (a) to the commission quarterly on or before the last day of the month immediately	1449	+such length that the child will be deprived of a normal home for more than one year;
1638	- following the last day of the previous quarter; and	1450	+(f) a history of violent behavior; or
1639	- (b) using a form prescribed by the commission.	1451	+(g) whether the parent has intentionally exposed the child to pornography or material harmful to
1640	- Section 56. Section 59-28-105 is enacted to read:	1452	+a minor, as defined in Section 76-10-1201.
1641	- 59-28-105. Deposit of tax revenue.	1453	+(3) Notwithstanding Subsection (2)(c), the court may not discriminate against a parent because of
1642	- The commission shall deposit revenues generated by the tax imposed by this chapter	1454	+the parent's possession or consumption of cannabis, a cannabis product, or a medical cannabis device, in
1643	- into the Medical Cannabis Restricted Account.	1455	+accordance with Title 26, Chapter 60b, Medical Cannabis Act.
1644	- Section 57. Section 59-28-106 is enacted to read:	1456	+[(3)] (4) A parent who, legitimately practicing the parent's religious

1645	-	59-28-106. Records.	1457	+specified medical treatment for a child is not, for that reason alone, a negligent or unfit parent.
1646	-	(1) A cannabis dispensary shall maintain any record typically deemed necessary to	1458	+[(4)] (5) (a) Notwithstanding Subsection (2), a parent may not be considered neglectful or unfit
1647	-	determine the amount of tax that the cannabis dispensary is required to remit to the commission	1459	+because of a health care decision made for a child by the child's parent unless the state or other party to
1648	-	under this chapter.	1460	+the proceeding shows, by clear and convincing evidence, that the health care decision is not reasonable
1649	-	(2) The commission may require a cannabis dispensary to keep any record the	1461	+and informed.
1650	-	commission reasonably considers necessary to constitute sufficient evidence of the amount of	1462	+(b) Nothing in Subsection [(4)] (5)(a) may prohibit a parent from exercising the right to obtain a
1651	-	tax the cannabis dispensary is required to remit to the commission under this chapter:	1463	+second health care opinion.
1652	-	(a) by notice served upon the cannabis dispensary; or	1464	+[5)] (6) If a child has been placed in the custody of the division and the parent or parents fail to
1653	-	(b) by rule made in accordance with Title 63G, Chapter 3, Utah Administrative	1465	+comply substantially with the terms and conditions of a plan within six months after the date on which the
1654	-	Rulemaking Act.	1466	+child was placed or the plan was commenced, whichever occurs later, that failure to comply is evidence
1655	-	(3) Upon notice by the commission, a cannabis dispensary shall open the cannabis	1467	+of failure of parental adjustment.
1656	-	dispensary's records for examination by the commission.	1468	+[6)] (7) The following circumstances constitute prima facie evidence of unfitness:
1657	-	Section 58. Section 59-28-107 is enacted to read:	1469	+28
1658	-	59-28-107. Rulemaking authority -- Enforcement not more strict than those	1470	+(a) sexual abuse, sexual exploitation, injury, or death of a sibling of the child, or of any child, due
1659	-	applied to a similarly situated business.	1471	+to known or substantiated abuse or neglect by the parent or parents;
1660	-	(1) Except as provided in Subsection (2), the commission may make rules in	1472	+(b) conviction of a crime, if the facts surrounding the crime are of such a nature as to indicate the
1661	-	accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:	1473	+unfitness of the parent to provide adequate care to the extent necessary for the child's physical, mental, or
1662	-	(a) implement the tax imposed by this chapter; and	1474	+emotional health and development;
1663	-	(b) enforce payment of the tax imposed by this chapter.	1475	+(c) a single incident of life-threatening or gravely disabling injury to or disfigurement of the
1664	-	(2) The commission may not make a rule that applies to a cannabis dispensary that is	1476	+child;
1665	-	more restrictive than would apply to a similarly situated business.	1477	+(d) the parent has committed, aided, abetted, attempted, conspired, or solicited to commit murder
1666	-	(3) The commission may not enforce this chapter against a cannabis dispensary more	1478	+or manslaughter of a child or child abuse homicide; or
1667	-	strictly than the commission would for a similarly situated business.	1479	+(e) the parent intentionally, knowingly, or recklessly causes the death of another parent of the
1668	-	Section 59. Section 59-28-108 is enacted to read:	1480	+child, without legal justification.
1669	-	59-28-108. Penalties and interest.	1481	+Section 69. Override clause.

1670 - A cannabis dispensary that fails to comply with any provision of
 1671 this chapter is subject
 - to penalties and interest as provided in Sections 59-1-401 and 59-1-402.

1672 - Section 60. Section 62A-4a-202.1 is amended to read:
 1673 - 62A-4a-202.1. Entering home of a child -- Taking a child into
 protective custody
 1674 - -- Caseworker accompanied by peace officer -- Preventive services --
 Shelter facility or
 1675 - emergency placement.

1676 - (1) A peace officer or child welfare worker may not:
 1677 - (a) enter the home of a child who is not under the jurisdiction of
 the court, remove a
 1678 - child from the child's home or school, or take a child into protective
 custody unless authorized
 1679 - under Subsection 78A-6-106(2); or
 1680 - (b) remove a child from the child's home or take a child into
 custody under this section
 1681 - solely on the basis of:
 1682 - (i) educational neglect, truancy, or failure to comply with a court
 order to attend
 1683 - school[.]; or
 1684 - (ii) the possession or use of a cannabis product or a medical
 cannabis device in the
 1685 - home, if the use and possession of the cannabis product or medical
 cannabis device is in
 1686 - compliance with Title 26, Chapter 58, Medical Cannabis Act.

1687 - (2) A child welfare worker within the division may take action under
 Subsection (1)
 1688 - accompanied by a peace officer, or without a peace officer when a peace
 officer is not
 1689 - reasonably available.

1690 - (3) (a) If possible, consistent with the child's safety and welfare,
 before taking a child
 1691 - into protective custody, the child welfare worker shall also determine
 whether there are
 1692 - services available that, if provided to a parent or guardian of the
 child, would eliminate the
 1693 - need to remove the child from the custody of the child's parent or
 guardian.

1694 - (b) If the services described in Subsection (3)(a) are reasonably
 available, they shall be
 1695 - utilized.

1696 - (c) In determining whether the services described in Subsection (3)
 (a) are reasonably
 1697 - available, and in making reasonable efforts to provide those services,

1482 +This bill overrides, replaces, takes precedent over, and otherwise governs
 in place of any
 1483 +conflicting or contradictory legislation passed during a general session of
 the Utah Legislature before
 1484 +enactment of this law.
 1485 +END OF DIRECT PRIMARY ELECTION INITIATIVE

1486 +Persons gathering signatures for the petition may be paid for doing so.

the child's health, safety,
1698 - and welfare shall be the child welfare worker's paramount concern.
1699 - (4) (a) A child removed or taken into custody under this section may
not be placed or
1700 - kept in a secure detention facility pending court proceedings unless the
child is detainable
1701 - based on guidelines promulgated by the Division of Juvenile Justice
Services.
1702 - (b) A child removed from the custody of the child's parent or
guardian but who does
1703 - not require physical restriction shall be given temporary care in:
1704 - (i) a shelter facility; or
1705 - (ii) an emergency placement in accordance with Section 62A-4a-209.
1706 - (c) When making a placement under Subsection (4)(b), the Division of
Child and
1707 - Family Services shall give priority to a placement with a noncustodial
parent, relative, or
1708 - friend, in accordance with Section 62A-4a-209.
1709 - (d) If the child is not placed with a noncustodial parent, a
relative, or a designated
1710 - friend, the caseworker assigned to the child shall file a report with the
caseworker's supervisor
1711 - explaining why a different placement was in the child's best interest.
1712 - (5) When a child is removed from the child's home or school or taken
into protective
1713 - custody, the caseworker shall give a parent of the child a pamphlet or
flier explaining:
1714 - (a) the parent's rights under this part, including the right to be
present and participate in
1715 - any court proceeding relating to the child's case;
1716 - (b) that it may be in the parent's best interest to contact an
attorney and that, if the
1717 - parent cannot afford an attorney, the court will appoint one;
1718 - (c) the name and contact information of a division employee the
parent may contact
1719 - with questions;
1720 - (d) resources that are available to the parent, including:
1721 - (i) mental health resources;
1722 - (ii) substance abuse resources; and
1723 - (iii) parenting classes; and
1724 - (e) any other information considered relevant by the division.
1725 - (6) The pamphlet or flier described in Subsection (5) shall be:
1726 - (a) evaluated periodically for its effectiveness at conveying
necessary information and
1727 - revised accordingly;
1728 - (b) written in simple, easy-to-understand language; and

- 1729 - (c) available in English and other languages as the division
determines to be
- 1730 - appropriate and necessary.
- 1731 - Section 61. Section 63I-1-226 is amended to read:
- 1732 - 63I-1-226. Repeal dates, Title 26.
- 1733 - (1) Title 26, Chapter 9f, Utah Digital Health Service Commission
Act, is repealed July
- 1734 - 1, 2025.
- 1735 - (2) Section 26-10-11 is repealed July 1, 2020.
- 1736 - (3) Section 26-21-23, Licensing of non-Medicaid nursing care
facility beds, is repealed
- 1737 - July 1, 2018.
- 1738 - (4) Title 26, Chapter 33a, Utah Health Data Authority Act, is
repealed July 1, 2024.
- 1739 - (5) Title 26, Chapter 36a, Hospital Provider Assessment Act, is
repealed July 1, 2016.
- 1740 - (6) Section 26-38-2.5 is repealed July 1, 2017.
- 1741 - (7) Section 26-38-2.6 is repealed July 1, 2017.
- 1742 - (8) Title 26, Chapter 56, Hemp Extract Registration Act, is repealed
[July 1, 2016]
- 1743 - June 1, 2018.
- 1744 - Section 62. Section 63I-1-258 is amended to read:
- 1745 - 63I-1-258. Repeal dates, Title 58.
- 1746 - (1) Title 58, Chapter 13, Health Care Providers Immunity from
Liability Act, is
- 1747 - repealed July 1, 2026.
- 1748 - (2) Title 58, Chapter 15, Health Facility Administrator Act, is
repealed July 1, 2025.
- 1749 - (3) Title 58, Chapter 20a, Environmental Health Scientist Act, is
repealed July 1, 2018.
- 1750 - (4) Section 58-37-4.3 is repealed [July 1, 2016] January 1, 2017.
- 1751 - (5) Title 58, Chapter 40, Recreational Therapy Practice Act, is
repealed July 1, 2023.
- 1752 - (6) Title 58, Chapter 41, Speech-Language Pathology and Audiology
Licensing Act, is
- 1753 - repealed July 1, 2019.
- 1754 - (7) Title 58, Chapter 42a, Occupational Therapy Practice Act, is
repealed July 1, 2025.
- 1755 - (8) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing
Act, is repealed July
- 1756 - 1, 2023.
- 1757 - (9) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed
July 1, 2024.
- 1758 - (10) Title 58, Chapter 61, Part 7, Behavior Analyst Licensing Act,
is repealed July 1,
- 1759 - 2026.

1760 - (11) Title 58, Chapter 72, Acupuncture Licensing Act, is repealed
July 1, 2017.

1761 - Section 63. Section 78A-6-508 is amended to read:

1762 - 78A-6-508. Evidence of grounds for termination.

1763 - (1) In determining whether a parent or parents have abandoned a
child, it is prima facie

1764 - evidence of abandonment that the parent or parents:

1765 - (a) although having legal custody of the child, have surrendered
physical custody of the

1766 - child, and for a period of six months following the surrender have not
manifested to the child

1767 - or to the person having the physical custody of the child a firm
intention to resume physical

1768 - custody or to make arrangements for the care of the child;

1769 - (b) have failed to communicate with the child by mail, telephone, or
otherwise for six

1770 - months;

1771 - (c) failed to have shown the normal interest of a natural parent,
without just cause; or

1772 - (d) have abandoned an infant, as described in Subsection 78A-6-
316(1).

1773 - (2) In determining whether a parent or parents are unfit or have
neglected a child the

1774 - court shall consider, but is not limited to, the following circumstances,
conduct, or conditions:

1775 - (a) emotional illness, mental illness, or mental deficiency of the
parent that renders the

1776 - parent unable to care for the immediate and continuing physical or
emotional needs of the child

1777 - for extended periods of time;

1778 - (b) conduct toward a child of a physically, emotionally, or sexually
cruel or abusive

1779 - nature;

1780 - (c) habitual or excessive use of intoxicating liquors, controlled
substances, or

1781 - dangerous drugs that render the parent unable to care for the child;

1782 - (d) repeated or continuous failure to provide the child with
adequate food, clothing,

1783 - shelter, education, or other care necessary for the child's physical,
mental, and emotional health

1784 - and development by a parent or parents who are capable of providing that
care;

1785 - (e) whether the parent is incarcerated as a result of conviction of
a felony, and the

1786 - sentence is of such length that the child will be deprived of a normal
home for more than one

1787 - year;
1788 - (f) a history of violent behavior; or
1789 - (g) whether the parent has intentionally exposed the child to
pornography or material
1790 - harmful to a minor, as defined in Section 76-10-1201.
1791 - (3) Notwithstanding Subsection (2)(c), the court may not
discriminate against a parent
1792 - because of the parent's possession or consumption of a cannabis product
or a medical cannabis
1793 - device, in accordance with Title 26, Chapter 58, Medical Cannabis Act.
1794 - [(3)] (4) A parent who, legitimately practicing the parent's
religious beliefs, does not
1795 - provide specified medical treatment for a child is not, for that reason
alone, a negligent or unfit
1796 - parent.
1797 - [(4)] (5) (a) Notwithstanding Subsection (2), a parent may not be
considered neglectful
1798 - or unfit because of a health care decision made for a child by the
child's parent unless the state
1799 - or other party to the proceeding shows, by clear and convincing evidence,
that the health care
1800 - decision is not reasonable and informed.
1801 - (b) Nothing in Subsection [(4)] (5)(a) may prohibit a parent from
exercising the right to
1802 - obtain a second health care opinion.
1803 - [(5)] (6) If a child has been placed in the custody of the division
and the parent or
1804 - parents fail to comply substantially with the terms and conditions of a
plan within six months
1805 - after the date on which the child was placed or the plan was commenced,
whichever occurs
1806 - later, that failure to comply is evidence of failure of parental
adjustment.
1807 - [(6)] (7) The following circumstances constitute prima facie
evidence of unfitness:
1808 - (a) sexual abuse, sexual exploitation, injury, or death of a sibling
of the child, or of any
1809 - child, due to known or substantiated abuse or neglect by the parent or
parents;
1810 - (b) conviction of a crime, if the facts surrounding the crime are of
such a nature as to
1811 - indicate the unfitness of the parent to provide adequate care to the
extent necessary for the
1812 - child's physical, mental, or emotional health and development;
1813 - (c) a single incident of life-threatening or gravely disabling
injury to or disfigurement

1814	- of the child;
1815	- (d) the parent has committed, aided, abetted, attempted, conspired, or solicited to
1816	- commit murder or manslaughter of a child or child abuse homicide; or
1817	- (e) the parent intentionally, knowingly, or recklessly causes the death of another parent
1818	- of the child, without legal justification.
1819	- Section 64. Effective date.
1820	- This bill takes effect on July 1, 2016.

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