

FACT SHEET

This fact sheet highlights parts of House Bill 3001: Utah Medical Cannabis Act that was passed by Utah lawmakers in December 2018. While this fact sheet features certain parts of the Act, it is not intended to be comprehensive. For more information about the cultivation and manufacturing of medical cannabis under HB 3001, please contact the Utah Department of Agriculture and Food. A complete copy of HB 3001 is available on the Utah Legislature's website (le.utah.gov).

PROGRAM DEADLINE: MARCH 1, 2020

- Most elements of the medical cannabis program must be operational by March 1, 2020.
- Prior to January 2021, patients are not guilty of use or possession of medical cannabis if at the time of arrest:
 - the individual had been diagnosed with a qualifying condition and had a pre-existing provider-patient relationship with a Utah licensed APRN, physician, or a physician assistant who believed that the individual's illness could benefit from the use in question; and
 - the marijuana was in a medicinal dosage form and a legal quantity (58-37-3.7).

QUALIFYING CONDITIONS (26-61A-104)

- HIV or acquired immune deficiency syndrome
- Alzheimer's disease
- Amyotrophic lateral sclerosis
- Cancer
- Cachexia
- Persistent nausea that is not significantly responsive to traditional treatment except for nausea related to: pregnancy, cannabis-induced cyclical vomiting syndrome, or CBD hyperemesis syndrome
- Crohn's disease or ulcerative colitis
- Epilepsy or debilitating seizures
- Multiple sclerosis or debilitating muscle spasms
- Post-traumatic stress disorder (PTSD) that is being treated and monitored by a mental health therapist and that: has been diagnosed by a health care provider or mental health provider by the VA and documented in the patient's record; or has been diagnosed or confirmed by evaluation by a psychiatrist, doctorate psychologist, a doctorate licensed clinical social worker, or a psych APRN
- Autism
- Terminal illness when the patient's remaining life expectancy is less than 6 months
- Condition resulting in the individual receiving hospice care
- Rare condition or disease that affects less than 200,000 individuals in the US, as defined in federal law and this is not adequately managed despite treatment attempts using conventional medications (other than opioids or opiates) or physical interventions
- Pain lasting longer than two weeks that is not adequately managed, in the QMP's opinion, despite treatment attempts using conventional medications other than opioids or opiates or physical interventions
- A condition that the Compassionate Use Board approves on a case by case basis

UTAH MEDICAL CANNABIS

DOSAGE FORMS AND DEVICES (26-61A-102, 502)

- Tablet
- Capsule
- Concentrated oil
- Liquid Suspension
- Topical preparation
- Transdermal preparation
- Gelatinous cube
- Unprocessed cannabis flower in blister pack containing no more than 1 gram of flower pods in each individual blister.
- If patient fails on two forms listed above, a QMP may recommend wax or resin.
- Smoking of cannabis is not permitted but patients may purchase a medical cannabis device that warms cannabis material into a vapor without use of a flame and delivers cannabis to an individual's respiratory system.

SMOKING OF MARIJUANA IS PROHIBITED. Candies, cookies, brownies, and other edible products or unprocessed flowers outside of blister packs are not permitted under Utah Code 26-61a-102 (29).

MEDICAL CANNABIS CARDS (26-61A-201 - 205)

Patients who are Utah residents may apply for medical cannabis cards with their Qualified Medical Provider (QMP) in the QMP's office through the electronic verification system. The Department of Health evaluates applications and issues cards within 15 days if applicant qualifies. All card applications for patients under 21 must be approved by the Compassionate Use Board. Cards issued include the following:

Medical Cannabis Patient Card

- Issued to patients 18 and older
- Application fee
- Valid for up to 30 days at first, then renew every six months (with fee)
- Card for patients age 18-20 must have card approved by Compassionate Use Board

Medical Cannabis Caregiver Card

- Card renews automatically with associated Medical Cannabis Patient or Guardian Card (with fee)
- Criminal background check

Provisional Patient Card

- Patients under 18
- Issued and renews automatically with Guardian Card (no fee)
- Requires approval by the Compassionate Use Board

Medical Cannabis Guardian Card

- Issued to parent or guardian of patients under 18
- Valid for up to 30 days at first, then renew every six months (with fee)
- Criminal background check

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AMOUNT RESTRICTIONS (26-61A-502)

- If primary residence of qualifying patient is less than 100 miles from a medical cannabis pharmacy or a local health department:
 - In any one 12- day period, may not possess more than the lesser of:
 - An amount sufficient to provide 14 days of treatment on the dosing parameters that the qualified medical provider (QMP) recommends; or
 - 56 grams by weight of unprocessed cannabis that is in a medicinal dosage form and that contains, in total, greater than 10 grams of total composite THC and CBD in the cannabis
- If primary residence of qualifying is greater than 100 miles from a medical cannabis pharmacy or a local health department:
 - In any one 28-day period, may not possess more than the lesser of:
 - An amount sufficient to provide 30 days of treatment based on the dosing parameters that the relevant qualified medical provider (QMP) recommends; or
 - 113 grams of marijuana in a medicinal dosage form
 - Medicinal forms containing more than 20 grams of tetrahydrocannabinol (THC)
- Medical cannabis cardholders may not possess marijuana drug paraphernalia.

MEDICAL CANNABIS PHARMACIES (26-61A-301, 501)

- Seven licenses available, one year renewal cycle.
- Must have a licensed pharmacist registered as a pharmacy medical provider with Utah Department of Health onsite during business hours at all times to consult with patients.
- May only sell cannabis product in medicinal dosage form, medical cannabis devices, or educational material related to medical use of cannabis.
- To enter pharmacy, must be a cardholder (patient, guardian, or caregiver) and at least 18.
- May not advertise or give samples. Use of cannabis on property is forbidden.
- All employees are required to register as agents and pass background checks.
- Cannot advertise but may have signage that includes green cross, name, and hours of operation,
- Must have a single secure public entrance and be equipped with security system that detects and records entry, and locks on any area that stores cannabis.
- Must follow product labeling requirements.
- May not be located within 600 feet of an area zoned as residential or a community location.
- Must use Inventory Control System (ICS) that tracks cannabis using a unique identifier, in real time, from 8" tall to sale

STATE CENTRAL FILL PHARMACY (26-61A-601)

- Must be operational by July 1, 2020 and may be at more than one location.
- Must be a closed door pharmacy that ships patient orders to a local health department location where patient picks up the order (no customer pick up at state central fill location).
- Must meet most medical cannabis pharmacy requirements.
- Receives requests for shipments from patients with verification through the electronic verification system (EVS) or from qualified medical providers directly through the EVS.
- Processes payment electronically.

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- Pharmacist may consult directly with the patient when the QMP recommending a medical cannabis treatment does not provide dosing parameters.
- Written counseling information included with each shipment, along with contact information by which a cardholder may contact a pharmacy medical provider for counseling.

QUALIFIED MEDICAL PROVIDERS (26-61A-106)

- Qualified Medical Provider (QMP) registration is limited to Utah licensed:
 - Physicians
 - Osteopathic Physicians
 - Advanced Practice Registered Nurses (APRN)
 - Physician Assistants
- Must be licensed to prescribe a controlled substance.
- Must complete 4 hours of CE prior to registration and 4 hours upon every 2 year renewal.
- May not recommend medical cannabis treatment to more than 175 of the QMP's patients at one time. QMP may recommend to up to 300 of the QMP's patients if QMP is certified by the appropriate American medical board in anesthesiology, neurology, oncology, pain, hospice and palliative medicine, physical medicine and rehabilitation, rheumatology, or psychiatry or if a licensed business employs or contracts the QMP for the specific purpose of providing hospice and palliative care. QMP may petition DOPL for authorization to exceed the 300 patient limit by graduating increments of 100, not to exceed 3 authorizations.
- May only recommend medical cannabis treatment to a patient in the course of physician-patient relationship after completing and documenting in patient's record a thorough assessment of patient's condition and medical history.

CONTACT

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Updated 1/11/2019