

## SUBLINGUAL FACT SHEET

This fact sheet highlights parts of the Utah Medical Cannabis Act that are implemented by the Utah Department of Health. It provides information that is current as of September 19, 2019. While this fact sheet features certain parts of the Act, it is not intended to be comprehensive. For information about the cultivation and processing of medical cannabis in Utah, please contact the Utah Department of Agriculture and Food. A complete copy of the Utah Medical Cannabis Act and other laws relating to medical cannabis in Utah are available on the Utah Legislature's website ([le.utah.gov](http://le.utah.gov)).

## PROGRAM DEADLINE: MARCH 1, 2020

- Most elements of the medical cannabis program, including the issuance of medical cannabis patient cards and the licensing of medical cannabis pharmacies, must begin operations 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 cannabis was in a medicinal dosage form and a legal quantity (58-37-3.7).
- Compliance with the Utah Medical Cannabis Act may not protect patients from liability for violations under federal law or the laws of other states.

## QUALIFIED MEDICAL PROVIDERS (26-61A-106)

A qualified medical provider (QMP) is a medical professional who can recommend a patient for treatment with medical cannabis. 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 four hours of continuing education prior to registration and four hours upon every two-year renewal.
- May not recommend medical cannabis treatment to more than 175 of the QMP's patients at one time, or to more than 300 patients if the 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 the Division of Occupational and Professional Licensure for authorization to exceed the 300-patient limit by graduating increments of 100, not to exceed three authorizations.
- May only recommend medical cannabis treatment to a patient in the course of the physician-patient relationship after completing and documenting in the patient's record a thorough assessment of the patient's condition and medical history.

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## QUALIFYING CONDITIONS (26-61A-104)

Individuals with the following conditions are authorized under the Utah Medical Cannabis Act to receive a medical cannabis patient card:

- HIV or acquired immune deficiency syndrome (AIDS)
- 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 U.S., 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 qualified medical provider's opinion, despite treatment attempts using conventional medications other than opioids or opiates or physical interventions
- If a patient does not have a qualifying condition specifically named, they may petition the Compassionate Use Board for approval of their medical cannabis card.

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

Medical cannabis will only be available in the following forms under the Utah Medical Cannabis Act:

- Tablet
- Capsule
- Concentrated oil
- Sublingual preparation
- 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 does not respond to two forms listed above, a qualified medical provider may recommend a wax or resin dosage form.
- 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. Edible products (besides gelatinous cubes) such as candies, cookies, brownies, and unprocessed flowers outside of blister packs are not permitted under Utah Code 26-61a-102 (29).

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## 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 years of age must be approved by the Compassionate Use Board. Cards issued include the following:

- Medical Cannabis Patient Card
  - Issued to patients 18 years of age and older
  - Application fee (amount to be determined)
  - Valid for up to 30 days upon initial issuance, then six months upon renewal (with additional 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 additional fee)
- Criminal background check
- Provisional Patient Card
  - Patients under 18 years of age
  - Issued and renews automatically with Guardian Card (no additional fee)
  - Requires approval by Compassionate Use Board
- Medical Cannabis Guardian Card
  - Issued to parent or guardian of patients under 18 years of age
  - Valid for 30 days upon initial issuance, then six months upon renewal (with additional fee)
  - Criminal background check

## PURCHASE AND POSSESSION RESTRICTIONS (26-61A-204, 502)

In any one 28-day period, the patient may not purchase more than the lesser of:

- An amount sufficient to provide 30 days of treatment based on the dosing parameters that the qualified medical provider (QMP) recommends; or
- 113 grams by weight of unprocessed cannabis (flower); or
- For cannabis products in medicinal dosage form, more than a total of 20 grams of total composite THC.

Medical cannabis cardholders may not possess more than:

- 113 grams by weight of unprocessed cannabis (flower); or
- An amount of cannabis product that contains 20 grams of total composite THC.

Medical cannabis cardholders may not possess marijuana drug paraphernalia.

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

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- 14 pharmacy licenses available with an annual renewal cycle.
- Eight initial licenses to open as early as March 2020, with six to open later in the year, all issued under one Request for Proposal (RFP).
- UDOH may issue more licenses if market analysis determines necessity.
- Must have at least one licensed pharmacist, MD, or DO registered as a pharmacy medical provider with Utah Department of Health onsite during all business hours to consult with patients.
- May only sell cannabis products in medicinal dosage form, medical cannabis devices, or educational materials related to the medical use of cannabis.
- To enter a pharmacy, the individual must be a cardholder (patient, guardian, or caregiver) and at least 18 years of age.
- Use of cannabis on property is forbidden.
- All employees are required to register as medical cannabis pharmacy agents and pass criminal 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 an Inventory Control System that tracks cannabis using a unique identifier, in real time, from when the plant is eight inches tall to when the product is sold.

## STATE CENTRAL PATIENT PORTAL (26-61A-601)

- Utah Department of Health has until July 1, 2020 to work with a vendor to set up a State Central Patient Portal online.
- The State Central Patient Portal will allow cardholders to:
  - Obtain and download the cardholder's medical cannabis card;
  - Review the cardholder's medical cannabis purchase history;
  - Manage the cardholder's personal information, including withdrawing consent for the use of cardholder information for a study;
  - Find contact information for a medical provider employed by the Utah Department of Health who can provide the cardholder with counseling relative to their use of medical cannabis products and devices. With authorization from the patient, this medical provider may determine dosing parameters of medical cannabis products to be purchased by the cardholder and submit them in the electronic verification system.
  - Find contact information for all medical cannabis pharmacies in Utah and links to where cardholders can order product online. Orders submitted online and over the phone can only be fulfilled by medical cannabis pharmacies authorized by the department to provide home delivery service.

## HOME DELIVERY (26-61A-603)

- Home delivery of medical cannabis products or devices must be conducted by: (1) a home delivery medical cannabis pharmacy; or (2) a medical cannabis courier company licensed by the

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department who contracts with a home delivery medical cannabis pharmacy to deliver medical cannabis shipments.

- Medical cannabis shipments must be accepted in person by the cardholder with verified photo identification.
- Medical cannabis courier employees who transport medical cannabis must be registered by the department as medical cannabis courier agents. The Utah Department of Health has until July 1, 2020 to begin accepting medical cannabis courier license applications.

## CONTACT INFORMATION

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*Updated 10/24/2019*