

R380. Health, Administration.

R380-401. Electronic Verification System and Inventory Control System.

R380-401-1. Authority and Purpose.

Pursuant to Subsections 26-1-5(1) and 26-61a-103(4), this rule establishes EVS and ICS access limitations and standards and confidentiality requirements.

R380-401-2. Definitions.

For purposes of this section, the following definitions apply:

(1) "Law enforcement personnel" means law enforcement personnel who have access to UCIJIS.

(2) "Safeguard" means to maintain the confidentiality of the information accessed and not use, release, publish, disclose or otherwise make available to any other person not authorized to access the information; for any other purpose than as specifically authorized or permitted by applicable law.

(3) "State agency employee" means an employee of the Utah Department of Health, Utah Department of Agriculture and Food, Utah Department of Technology Services and the Utah Department of Commerce, Division of Occupational and Professional Licensing.

(4) "UCIJIS" means the Utah Criminal Justice Information System.

R380-401-3. Access Limitations and Standards.

(1) A person requests access to the data in the EVS and ICS by creating an account to begin an EVS or ICS application process.

(2) The following individual may access information in the EVS about themselves, or another cardholder for whom they are a guardian or caregiver, to the extent allowed in Title 26, Chapter 61a, Utah Medical Cannabis Act or Title 4, Chapter 41a, Utah Cannabis Production Establishments:

(a) a medical cannabis patient cardholder;

(b) a medical cannabis guardian cardholder; and

(c) a medical cannabis caregiver cardholder.

(3) The following individual may be granted EVS access to the extent allowed in Title 26, Chapter 61a, Utah Medical Cannabis Act or Title 4, Chapter 41a, Utah Cannabis Productions Establishments, and this rule:

(a) a QMP;

(b) a PMP;

(c) a pharmacy agent;

(d) a courier agent;

(e) a cannabis production establishment agent;

(f) a state agency employee; or

(g) law enforcement personnel.

(4) A medical cannabis cardholder may be granted EVS access for a purpose specified in Title 26, Chapter 61a, Utah Medical Cannabis Act, and this rule, including:

(a) to submit a card application, both initial and renewal;

(b) to submit an online payment of fee;

(c) to submit a petition to the Compassionate Use Board;

(d) to gain access to a home delivery medical cannabis pharmacy website, to order a product; and

(e) to complete a survey reporting patient outcomes and interactions with medical cannabis.

(5) A QMP may be granted EVS access and ICS access for purposes specified in Title 26, Chapter 61a, Utah Medical Cannabis Act, and this rule, including:

(a) to complete QMP registration, both initial and renewal;

(b) to complete an online fee payment;

(c) to submit, review, edit, or change patient medical information;

(d) to submit a recommendation on behalf of a patient, to receive a specific dosage type and dosage amount of medical cannabis; and

(e) to complete a survey reporting a patient outcome and interaction with medical cannabis.

(6) A PMP may be granted EVS access and ICS access for a purpose specified in Title 26, Chapter 61a, Utah Medical Cannabis Act, and this rule, including:

(a) to complete PMP registration, both initial and renewal;

(b) to complete an online fee payment;

(c) to review and verify a dosing parameter in a patient medical cannabis recommendation, submitted by a QMP;

(d) to enter a dosing parameter in a medical cannabis recommendation, if it does not contain dosing parameters;

(e) to complete a survey reporting a patient outcome and interaction with medical cannabis; and

(f) to update employment status of a PMPs and a pharmacy agent.

(7) An authorized state agency employee may be granted EVS access or ICS access for a purpose specified in Title 26, Chapter 61a, Utah Medical Cannabis Act, and Title 4, Chapter 41a, Utah Cannabis Productions Establishments, and this rule, including:

(a) to process an application submitted by a licensee and a card applicant, both initial and renewal;

(b) to review the inventory of a medical cannabis pharmacy and cannabis production establishment;

(c) to manage a petition submitted to the Compassionate Use Board; and

(d) to run an epidemiological report and statistics from data stored in the EVS.

(8) A cannabis production establishment agent, pharmacy agent, and a courier agent may be granted EVS access and ICS access for any purpose specified in Title 26, Chapter 61a, Utah Medical Cannabis Act, and this rule, including:

(a) for the purpose of completing agent registration, both initial and renewal;

(b) to complete an online payment of fee;

(c) to update employment status.

(9) State and local law enforcement personnel may be granted EVS access through UCIJIS, for the purpose of determining if an individual is in compliance with the state medical cannabis law.

R380-401-4. Applications for Access.

(1) A person listed in Section R380-401-3 requests access to the data in the EVS and ICS by creating an account to begin an EVS or ICS application process.

(2) An applicant's EVS access and ICS access is limited to the information submitted by the applicant, until the application is approved.

(3) Once an application is approved, the level of EVS access and ICS access granted shall depend on the type of card or license issued:

(a) a request for access shall be completed within the EVS application interface;

(b) appropriate access shall be automatically requested with a cardholder and license application when applicable;

(c) a separate request for access may be completed, when the Department determines that a card or license application is not required;

(d) required fields of a card or license application shall be completed by an applicant;

(e) a request for access will not be considered submitted unless required information is provided.

R380-401-5. Confidentiality Requirements.

(1) A person authorized to access information in the EVS and the ICS shall access only the minimum amount of information necessary to perform an authorized function specified in Title 26, Chapter 61a, Utah Medical Cannabis Act, or Title 4, Chapter 41a, Utah Cannabis Productions Establishments, R68-27, Cannabis Cultivation, and this rule.

(2) A person authorized to access information in the EVS and the ICS shall safeguard all information stored in those systems, including specific information about medical cannabis cardholders.

(3) The Executive Director of the Department, or his or her designee, shall determine if an emergency situation shall warrant immediate release of medical cannabis cardholder information, to another state agency. The information may be released only to another governmental agency under the Memorandum of Understanding, or data sharing agreement, between the Department and the requesting agency.

(4) A person authorized to access the EVS or ICS who fails to observe the confidentiality requirement of this rule may lose access the EVS and ICS, and may be subject to the penalties provided in Section 26-61a-103.

KEY: medical cannabis, medical cannabis pharmacy, inventory control system, electronic verification system

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