

R380. Health, Administration.

R380-408. Home Delivery and Courier.

R380-408-1. Authority and Purpose.

Pursuant to Subsections 26-1-5(1) and 26-61a-606, this rule establishes home delivery operating standards, home delivery agent operating standards, courier agent application procedures, courier agent renewal application procedures, and courier agent certification standards.

R380-408-2. Home Delivery Service -- Operating Standards.

(1) In addition to general operating standards established in Sections 26-61a-605 through 26-61a-607, home delivery medical cannabis pharmacies and couriers shall comply with the operating standards established in this rule. The following operating standards apply to home delivery medical cannabis pharmacies and couriers:

(a) maintain an updated written operating plan for the home delivery service, describing plan to comply with standards established in this section and meeting the requirements of subsection 26-61a-604(14);

(b) ensure accurate record keeping of delivery information in the ICS;

(c) maintain a record of not less than 5 years of the initials, or identification codes that identify each pharmacy agent, or courier agent, by name. The initials, or identification codes, shall be unique to ensure that each pharmacy agent, or courier agent, can be identified. Identical initials, or identification codes, shall not be used for different pharmacy agents, or courier agents;

(d) lock medical cannabis, and medical cannabis device, that are transported in a fully enclosed box, container, or cage, that is secured inside a delivery vehicle. Ensure appropriate storage temperature throughout the delivery process to maintain the integrity of the product;

(e) maintain a current list, either paper or electronic, of any employee working for the home delivery medical cannabis pharmacy, or courier, who make home deliveries, that shall include employee name, Department registration license classification and license number, and registration expiration date;

(f) upon request, provide the Department with information regarding any vehicle used for the home delivery service; including the vehicle's make, model, color, vehicle identification number, license plate number, insurance number, and Division of Motor Vehicle registration number;

(g) ensure that a manifest is not modified in any way, after a pharmacy agent, or courier agent, departs from a home delivery medical cannabis pharmacy facility with a shipment appearing on the manifest;

(h) ensure that no person, other than a pharmacy agent or courier agent, is in a delivery vehicle during a delivery; or during the time medical cannabis, or a medical cannabis device, is in the vehicle; and

(i) ensure that trip log documentation showing a specific route of delivery exists for a route driven by a pharmacy agent, or courier agent, on a specific day is immediately available for review by the Department, upon request.

(2) When delivering medical cannabis, and a medical cannabis device, to a medical cannabis cardholder's home, a pharmacy agent, or courier agent shall not:

(a) drop off medical cannabis, or a medical cannabis device, with anyone other than a medical cannabis cardholder;

(b) perform a home delivery before 6am or after 10pm;

(c) leave medical cannabis, or a medical cannabis device, unattended in a delivery vehicle, for more than one hour;

(d) make changes in dosage, or quantity, at the request of the medical cannabis cardholder, during a delivery; and

(e) consume medical cannabis while delivering medical cannabis.

(3) When delivering medical cannabis, and a medical cannabis device, a pharmacy agent, and courier agent, employed by the home delivery medical cannabis pharmacy, or courier, shall:

(a) wear an identification tag, or similar form of identification, that clearly identify them to medical a cannabis cardholder; including their position as a pharmacy agent, or courier agent; and

(b) provide each cardholder receiving a shipment, printed material that includes a home delivery medical cannabis pharmacy's contact information, and hours when a PMP at the home delivery medical cannabis pharmacy is available for counseling over the phone.

(4) Vehicles used for the purpose of home delivery must meet the following standards:

(a) no marking, or other indication, on the exterior that may indicate what is being transported;

(b) cannot be an unmanned vehicle;

(c) have an active alarm system;

(d) have a global positioning system (GPS) monitoring device that is:

(i) not a mobile device that is easily removable;

(ii) attached to the vehicle at all times that the vehicle contains medical cannabis, or a medical cannabis device; and

(iii) capable of storing and transmitting GPS data so it can be monitored by the home delivery medical cannabis pharmacy, during transport of medical cannabis, and a medical cannabis device;

(e) be subject to inspection by the Department at any time; and

(f) not transport medical cannabis, or a medical cannabis device, beyond what appears on a manifest; or what a pharmacy agent, or courier, has picked up from a medical cannabis cardholder, to be returned to the home delivery medical cannabis pharmacy.

(5) In the case of medical cannabis, or a medical cannabis device, that goes missing during the course of a home delivery route:

(a) the pharmacy agent, or courier agent, shall notify the home delivery medical cannabis pharmacy's supervising PMP, within 24 hours of when the pharmacy agent, or courier agent, first became aware of the missing product; and

(b) information regarding missing product shall be reported by the home delivery medical cannabis pharmacy, to the Department and local law enforcement, and logged in to the ICS.

(6) A courier cannot store medical cannabis, or a medical cannabis device, at its facility. Medical cannabis, and a medical cannabis device, delivered by the courier must be picked up from a home delivery medical cannabis pharmacy facility; and either delivered to the medical cannabis cardholder's residence, or returned to the home delivery medical cannabis pharmacy facility.

R380-408-3. Home Delivery Agent -- Operating Standards.

(1) In addition to operating standards established in Sections 26-61a-605 through 26-61a-607, a pharmacy agent and courier agent, shall comply with the operating standards established in this rule. The following operating standards apply to a pharmacy agent, and courier agent:

(a) ensure accurate record keeping of delivery information in the ICS;

(b) ensure locking of medical cannabis, and a medical cannabis device, that are transported in a fully enclosed box container or cage that is secured inside a delivery vehicle, that ensures appropriate storage temperature throughout the delivery process, to maintain the integrity of the product;

(c) ensure that a manifest is not modified in any way, after they depart from a home delivery medical cannabis pharmacy facility with the shipment appearing on the manifest; and

(d) ensure that no person, other than a pharmacy agent or courier agent, is in a delivery vehicle during a delivery; or during the time medical cannabis, or a medical cannabis device, is in the vehicle.

(2) When delivering medical cannabis and a medical cannabis device to a cardholder home, a pharmacy agent or courier agent shall not:

(a) drop off medical cannabis, or medical cannabis device, with anyone other than a medical cannabis cardholder;

(b) perform a home delivery before 6am or after 10pm;

(c) leave medical cannabis, or a medical cannabis device, unattended in a delivery vehicle for more than 60 minutes;

(d) make a change in dosage or quantity, on the request of the cardholder during a delivery;

(e) consume medical cannabis while delivering medical cannabis; and

(f) transport medical cannabis, or a medical cannabis device, beyond what appears on a manifest.

(3) When delivering medical cannabis, and a medical cannabis device, a pharmacy agent and courier agent shall:

(a) wear an identification tag or similar form of identification to clearly identify them to a cardholder, including their position as a pharmacy agent or courier agent; and

(b) provide each cardholder printed material that includes a home delivery medical cannabis pharmacy's contact information, and hours for counseling over the phone with a PMP.

(4) In the case of medical cannabis, or a medical cannabis device, that goes missing during the course of a home delivery route, the pharmacy agent, or courier agent, shall notify the home delivery medical cannabis pharmacy's supervising PMP within 24 hours of when the medical cannabis pharmacy agent first became aware of the missing product.

R380-408-4. Medical Cannabis Courier Agent -- Application Procedures.

(1) The application procedures established in this section shall govern applications for initial issuance of a courier agent registration card under Title 26, Chapter 61a, Utah Medical Cannabis Act.

(2) Each card applicant shall apply upon forms available in the EVS from the Department.

(3) The Department may issue a card only if the applicant meets the card requirements, established under Title 26, Chapter 61a, Utah Medical Cannabis Act, and by Department rule.

(4) The Department shall provide a written notice of denial to an applicant who submits a complete application, if the Department determines that the applicant does not meet the card requirements.

(5) The Department shall provide to the applicant a written notice of incomplete application that the application will be closed, unless the applicant corrects the deficiency within the time period specified in the notice; and otherwise meets all card requirements.

(6) A written notice of denial and incomplete application shall be sent to the applicant's last email address shown in the Department's EVS database, unless the applicant has requested to be notified by regular mail.

(7) Each applicant is required to maintain a current email and mailing address with the Department. Notice to the last email address on file with the Department constitutes legal notice, unless the applicant has requested to be notified by regular mail.

R380-408-5. Medical Cannabis Courier Agent - Renewal Application Procedures.

(1) Renewal application procedures established in this section shall govern applications to renew a courier agent registration card under Title 26, Chapter 61a, Utah Medical Cannabis Act.

(2) Each card applicant shall apply upon renewal application forms available from the Department.

(3) The Department shall issue a card to an applicant who submits a complete renewal application, if the Department determines that the applicant meets the card requirements.

(4) The Department shall provide a written notice of denial to an applicant who submits a complete renewal application, if the Department determines that the applicant does not meet the card requirements.

(5) The Department shall provide to the applicant a written notice of incomplete application that the renewal application will be closed, unless the applicant corrects the deficiency within the time period specified in the notice; and otherwise meets all card requirements.

(6) The Department shall send a renewal notice to each cardholder at least 60 days prior to the expiration date shown on the cardholder's card. The notice shall include instructions to renew the card via the Department's website.

(7) A renewal notice shall be sent to the cardholder's last email shown in the Department's EVS database unless the cardholder has requested to be notified by regular mail.

(8) Each cardholder is required to maintain a current email address with the Department. Emailing to the last email address furnished to the Department constitutes legal notice, unless the cardholder has requested to be notified by regular mail.

(9) It shall be the responsibility of each cardholder to maintain a current email address, and mailing address with the Department.

(10) A renewal notice shall advise each cardholder that a card automatically expires on the expiration date, and is no longer valid.

(11) If an individual's courier agent registration card expires, the individual may submit a card renewal application at any time, regardless of the length of time passed since the expiration of the card.

R380-408-6. Medical Cannabis Courier Agent -- Certification Standard.

The certification standard for applicants for initial and renewal registration of a courier agent card will be the successful completion of an online course developed by the Department.

KEY: medical cannabis, medical cannabis courier agent, medical cannabis home delivery, marijuana

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Authorizing, and Implemented or Interpreted Law: 63G-3; 26-1-5(1); 26-61a; 26-61a-606; 26-61a-604(14); 26-61a-607