



## 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 June 1, 2022. Many parts of the law are not summarized in this document and it does not address regulations of cultivation and processing of medical cannabis in Utah. For information about the cannabis cultivation and processing 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)). This fact sheet is for general information purposes and is not intended to be and should not be used as legal advice.

## CBD/HEMP AND THC MEDICAL CANNABIS PRODUCTS

Cannabidiol (CBD) or hemp products are cannabis products with less than .3% concentration of tetrahydrocannabinol (THC) and are legal under federal law. THC is one of over 100 cannabinoids in cannabis and is the principal psychoactive ingredient that is responsible for making people high. CBD or hemp products are legal in most states.

- In Utah, CBD products must be registered with the Department of Agriculture and Food (UDAF) and must be sold by a UDAF-licensed retail store.
- If a cannabis product has .3% concentration of THC or more, it is federally illegal but it is legal under Utah law under certain conditions.
- This fact sheet describes the conditions under which medical cannabis with more than .3% concentration of THC is legal under state law.

## RECOMMENDING MEDICAL PROVIDERS

A qualified medical provider (QMP) is a Utah-licensed medical professional who can recommend a patient for treatment with medical cannabis.

- **QMP Registration Requirements.** Qualified medical provider (QMP) registration is limited to Utah-licensed medical doctors (MD), osteopathic physicians (DO), advanced practice registered nurses (APRN), physician assistants (PA), and podiatrists.<sup>1</sup> They must be licensed to prescribe a controlled substance. There is a \$100 initial application fee and \$50 bi-annual renewal fee. Applicants must complete

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<sup>1</sup> Utah Code 26-61a-106

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four hours of department-approved continuing education prior to registration and four hours upon every two-year renewal. A list of approved courses is posted at [medicalcannabis.utah.gov](http://medicalcannabis.utah.gov).

- **Patient Limit.** A QMP cannot recommend medical cannabis treatment to more than 275 of the QMP's patients at one time, or to more than 600 patients if the QMP is a physician and is certified by the appropriate American medical board in anesthesiology, neurology, oncology, pain, hospice and palliative medicine, physical medicine and rehabilitation, rheumatology, endocrinology, psychiatry or if a licensed business employs or contracts the QMP for the specific purpose of providing hospice and palliative care. <sup>2</sup>
- **Medical Provider-Patient Relationship.** A QMP 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.
- **In-Person Visit Required.** A QMP cannot recommend medical cannabis to a patient unless they have first met physically in-person with the patient for the purpose treating their medical condition and recommending medical cannabis. Subsequent appointments may be done via telehealth.<sup>3</sup>
- **QMP Not Required to Specify Dosing Guidelines.** A QMP has the option of recommending a medical cannabis card to a patient without specifying directions of use and dosing guidelines.<sup>4</sup> If a QMP does not specify directions of use and dosing guidelines in the electronic verification system (EVS), the QMP may provide any of the following information that the QMP feels would be needed to provide appropriate directions of use and dosing guidelines in the EVS:
  - information regarding the qualifying condition underlying the recommendation;
  - information regarding prior treatment attempts with medical cannabis; and
  - portions of the patient's current medication list.<sup>5</sup>
- **QMP Advertising Restrictions.** They only advertising that at QMP may do is that they may have a website/social media account where they may communicate the

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<sup>2</sup> Utah Code 26-61a-106 (4)

<sup>3</sup> Utah Code 26-61a-103(2)(c)(iii)

<sup>4</sup> Utah Code 26-61a-502

<sup>5</sup> Utah Code 26-61a-502 (4)

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following on a website: a green cross, a qualifying condition the individual treats, the individual's registration as a QMP; or a scientific study regarding medical cannabis use.<sup>6</sup>

- **Patient Release of Medical Information.** It is the QMP's responsibility to ensure that a patient signs a release of medical information form specifying authorization to release patient information under the Utah Medical Cannabis Act.
- **QMP Designee.** A QMP may designate an employee to act on the QMP's behalf to access the electronic verification system (EVS) to electronically recommend treatment with medical cannabis.<sup>7</sup> In these cases, the designated employee must log in to the EVS using their own EVS username and password.
- **Prescriber Access to Patient Information Stored in the EVS.** Any Utah-licensed physician, APRN, and PA may request that the department release information from the EVS to them about a patient that the prescribing provider treats.<sup>8</sup>
- **Limited Medical Provider (LMP).** A limited medical provider (LMP) may do a medical cannabis recommendation to up to 15 patients without registering with UDOH and without using the EVS. A limited medical provider is any MD, DO, APRN, PA, or podiatrist with a controlled substance license.
- **Posting of QMP/Medical Clinic Price Data Online.** If a QMP or medical clinics advertises medical cannabis evaluation services, they must report the fees that they charge patients for the visit to the department. These fees are posted on the Utah State Auditor's website. This information is available at <https://healthcost.utah.gov/cannabis.php>. On this website, patients may compare prices and see which medical clinics accept insurance for visits.
- **QMP Required in a Hospice Program.** Beginning January 1, 2023, a hospice program must have a least one qualified medical provider (QMP) for the treatment of hospice patients.<sup>9</sup>

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<sup>6</sup> Utah Code 26-61a-106 (6)

<sup>7</sup> Utah Code 26-61a-103 (2),(3)

<sup>8</sup> Utah Code 26-61a-103 (4)

<sup>9</sup> Utah Code 26-21-2.1 (4)

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- **U of U School of Medicine QMP Requirement.** The University of Utah School of Medicine shall ensure that any licensed physicians who oversee fellowship training to specialize in pain treatment are qualified medical providers (QMP).<sup>10</sup>

## QUALIFYING CONDITIONS

Individuals who are diagnosed with the following medical 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
- 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<sup>11</sup>
- If a patient does not have a qualifying condition specifically

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<sup>10</sup> Utah Code 53B-17-903

<sup>11</sup> Utah Code 26-61a-104

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documented in the patient's record; or has been diagnosed or confirmed by evaluation by a psychiatrist, master's level degree psychologist, a master's level degree licensed clinical social worker, or a psych APRN

- Pain that is expected to last for longer than two weeks or longer for an acute condition, including a surgical procedure, for a which a medical professional may generally prescribe opioids for a limited duration.

named in the law, they may petition the Compassionate Use Board (CUB) for approval of their medical cannabis card. CUB meetings are closed to the public, applicants, and the patient's medical providers.

## LEGAL DOSAGE FORMS, DEVICES, AND ROUTES OF ADMINISTRATION

Medical cannabis forms and devices that may be legally purchased in Utah are limited to the following:

- Tablet
- Capsule
- Gelatinous cube
- Unprocessed cannabis flower in tamper evident and resistant container that is opaque that: (1) contains a quantity that varies no more than 10% from the stated weight at the time of packaging and at any time; (2) is labeled with the container's content and weight, the date of the purchase, the legal use termination date, and a barcode that provides information
- Wax or resin
- Liquid suspension or concentrated liquid or viscous oil
- Transdermal , sublingual, or topical preparation
- Aerosol
- Medical cannabis devices such as a vaping pen that warms cannabis material into a vapor without the use of a flame and that delivers cannabis to an individual's respiratory system

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connected to an inventory control system.<sup>12</sup>

SMOKING OF MARIJUANA IS PROHIBITED. The process of vaporizing and inhaling concentrated cannabis by placing the cannabis on a nail or other metal object that is heated by a flame, including a blowtorch is prohibited. Edible products such as candies, cookies, and brownies are not permitted under Utah law.

## CANNABIS FLOWER LEGAL USE TERMINATION DATE

All unprocessed cannabis product (a.k.a. flower) has a legal use termination date that is always 60 days from the date of purchase. It is illegal to possess unprocessed cannabis outside of the primary residence of the relevant medical cannabis patient cardholder beyond the legal use termination date.<sup>13</sup> All other medical cannabis products do not have a legal use termination date. Products with no legal use termination date include tablets, capsules, gummies, wax, resin, concentrated oils, liquid suspensions, and topical preparations.

## MEDICAL CANNABIS CARDS

**General Medical Cannabis Card Information.** Qualifying patients who are Utah residents may apply for medical cannabis cards with their recommending medical provider. The department evaluates applications and issues cards within 15 days if the applicant qualifies. All card applications submitted by patients under 21 years of age and submitted by patients without qualifying conditions must be approved by the Compassionate Use Board (CUB). Cards issued include the following:

### Medical Cannabis Patient Card

- Issued to patients 18 years of age and older
- Valid for six months days upon initial issuance, then six months upon renewal.
- Card for patients age 18-20 must have card approved by CUB

### Medical Cannabis Caregiver Card

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

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<sup>12</sup> Utah Code 26-61a-102 (38)

<sup>13</sup> Utah Code 26-61a-102 (23) and (40)

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## 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 (CUB) and CUB may approve or deny a minor patients use of a vaping device

## Medical Cannabis Guardian Card

- Issued to parent or guardian of patients under 18 years of age
- Valid for 60 days upon initial issuance, then six months upon renewal (with additional fee)
- Criminal background check

## Non-Resident Medical Cannabis Patient Card

- Patients who are not Utah residents or who have been residents for less than 45 days
- Must have a currently valid medical cannabis card or the equivalent of a medical cannabis card under the laws of another state, district, territory, commonwealth, or insular possession of the US
- Must have been diagnosed with a qualifying condition listed under 26-61a-104
- Issued for no more than two visitation periods per calendar year of up to 21 calendar days per visitation period
- **Card Issuance Period.** A medical cannabis card issued to a Utah resident is valid for six months days for the first issuance and for a renewal, six months. After at least one year following the issuance of the original card, the recommending medical provider may determine that the patient has been stabilized on medical cannabis treatment and they may approve a patient to have a one-year renewal period.<sup>14</sup> If a QMP recommends a medical cannabis card to a patient with acute pain as the qualifying condition, the card expires in 30 days (not six months).
- **Conditional Medical Cannabis Cards.** The department may issue a conditional card to certain applicants while a card applicant waits for the department to review and approve a card application. Conditional cards will only be issued to applicants over age 21 who have a qualified medical condition.

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<sup>14</sup> Utah Code 26-61a-201 (5)

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- **Course Required of all Utah Controlled Substance Prescribers Includes Medical Cannabis Education.** A medical cannabis component is included in Utah's required continuing education course for controlled substance prescribers. The Utah Department of Commerce Division of Licensing already administers online a continuing education course every two years for all controlled substance prescribers.
- **Medical cannabis product and card information to be sent to and incorporated into Utah's Controlled Substance Database.** This change requires software modifications before the Utah Department of Health will implement it. Please see SB 192 passed during Utah's 2021 General Legislative Session for more details.

## PURCHASE AND POSSESSION RESTRICTIONS

**Purchase and Possession Limits.** In any one 28-day period, a 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); and
- For cannabis products in medicinal dosage form, more than a total of 20 grams of total composite THC.<sup>15</sup>

Medical cannabis cardholders may not possess more than:

- 113 grams by weight of unprocessed cannabis (flower); and
- an amount of cannabis product that contains, in total, 20 grams of total composite THC.<sup>16</sup>

**Medical Cannabis Purchased Outside Utah.** Beginning July 1, 2021, all medical cannabis legally possessed in Utah by a Utah medical cannabis cardholder must be purchased from a Utah-licensed medical cannabis pharmacy.<sup>17</sup> A non-resident patient may use and possess medical cannabis purchased outside of Utah in Utah if the product does not exceed Utah's

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<sup>15</sup> Utah Code 26-61a-503 (3)

<sup>16</sup> Utah Code 26-61a-102 (22)

<sup>17</sup> Utah Code 58-37-3.7 (2)

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legal dosage limit and is in a legal dosage form.<sup>18</sup> A non-resident patient is someone who has a currently valid medical cannabis card under the laws of another state and has been diagnosed with a qualifying condition.

**Cardholder Transportation of Medical Cannabis.** Any time a medical cannabis cardholder transports or possesses the unprocessed cannabis flower in public outside the primary residence of the medical cannabis cardholder, the unprocessed flower must be in container described in Utah Code 4-41a-602 that:

- contains cannabis flowers in a quantity that varies no more than 10% from the stated weight at the time of packaging;
- is contained within an opaque bag or box that the medical cannabis pharmacy provides;
- and is labeled with the container's content, weight, the date of purchase, the legal use termination date, and after December 31, 2020, a barcode that provides information connected to an inventory control system, and form measured in grams, milligrams, or milliliters.
- Cannot be labeled with a legal use termination date that is 60 days after the date of purchase of the unprocessed cannabis flower.<sup>19</sup>

**Cardholder Designation of Facility as a Caregiver.** A medical cannabis cardholder may designate one of the following facilities as a caregiver: an assisted living facility, a nursing care facility, or a general acute hospital. A facility may designate one or more of their employees to assist patients with medical cannabis treatment. A patient's designated facility and their employee may purchase, possess, transport, or assist the patient in the use of medical cannabis.<sup>20</sup>

## PUBLIC USE OF MEDICAL CANNABIS

A medical cannabis patient cardholder, a provisional patient cardholder (minor), or a nonresident patient may NOT use, in public view, medical cannabis or a cannabis product unless there is a case of an emergency medical condition as defined in Utah Code 31A-22-627. In the event of an emergency medical condition, a medical cannabis patient cardholder may use, and the holder of a medical cannabis guardian card or a medical

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<sup>18</sup> Utah Code 58-37-3.7 and 26-61a-102

<sup>19</sup> Utah Code 26-61a-102 (23)

<sup>20</sup> Utah Code 26-61a-202 (1)(b)

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cannabis caregiver card may administer to the cardholder's charge, in public view, cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form.<sup>21</sup>

## MEDICAL CANNABIS CARDHOLDER REBUTTABLE PRESUMPTION

If a medical cannabis cardholder carrying the cardholder's card possesses cannabis in a medicinal dosage form or a cannabis product or a medical cannabis device that corresponds with the cannabis or cannabis product:

- there is a rebuttable presumption that the cardholder possesses the cannabis, cannabis product, or medical cannabis device legally; and
- there is no probable cause, based solely on the cardholder's possession of the cannabis in medicinal dosage form, cannabis product in medicinal dosage form, or medical cannabis device, to believe that the cardholder is engaging in illegal activity.<sup>22</sup>

## MEDICAL CANNABIS CARDHOLDER FOUND WITHOUT CARD IN POSSESSION

If a law enforcement officer stops an individual who possesses cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device, and the individual represents to the law enforcement officer that the individual holds a valid medical cannabis card, but the individual does not have the medical cannabis card in the individual's possession at the time of the stop by the law enforcement officer, the law enforcement officer shall attempt to access the state electronic verification system via UCIIJS to determine whether the individual holds a valid medical cannabis card.

In these cases, if the law enforcement officer verifies in UCIIJS that the individual is a valid medical cannabis cardholder, the law enforcement officer:

- may not arrest or take the individual into custody for the sole reason that the individual is in possession of cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device; and
- may not seize the cannabis, cannabis product, or medical cannabis device.<sup>23</sup>

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<sup>21</sup> Utah Code 26-61a-204 (2)

<sup>22</sup> Utah Code 26-61a-204 (3)

<sup>23</sup> Utah Code 26-61a-204 (4)

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## CARDHOLDER SELLING OF MEDICAL CANNABIS

Only a Utah-licensed medical cannabis pharmacy may sell medical cannabis in Utah. It is unlawful for a medical cannabis cardholder to sell or otherwise give to another medical cannabis cardholder cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, a medical cannabis device, or any cannabis residue remaining in or from a medical cannabis device. A medical cannabis cardholder who violates this law is guilty of a class B misdemeanor and subject to a \$1,000 fine.<sup>24</sup>

## LAW ENFORCEMENT VERIFICATION OF MEDICAL CANNABIS CARDS

During law enforcement encounters, state or local law enforcement may verify the status of an individual's medical cannabis card in UCIIIS using the individual's driver's license or state. In these cases, the only information available to law enforcement is whether the individual holds an active patient card or not. Specific information about products purchased by a patient and the patient's qualifying medical condition is not shared with law enforcement in UCIIIS. Card verifications may not be done without a warrant unless it is during a law enforcement encounter.<sup>25</sup>

If state and local law enforcement need to verify the status of an individual's medical cannabis card at a time other than during law enforcement encounter, law enforcement must first obtain a warrant.

## EXEMPTION OF CANNABIS METABOLITE FROM DRIVING RELATED CRIMES

Utah law states that an individual may not operate or be in actual physical control of a motor vehicle within Utah if the individual has any measurable controlled substance or metabolite of a controlled substance in the person's body; however, this law does not apply to an individual who has THC has 11-nor-9 carboxy-THC as the only controlled substance present in the individual's body.<sup>26</sup> Hydroxy THC and delta 9 are still illegal. This provision

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<sup>24</sup> Utah Code 26-61a-204 (1)

<sup>25</sup> Utah Code 26-61a-103 (2)(i)

<sup>26</sup> Utah Code 41-6a-517 (2)

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was added to Utah law under SB 121 during the 2020 General Legislative Session.

## PRIVATE DATA COLLECTED IN MEDICAL CANNABIS SYSTEMS

The protection of patient information is of utmost importance to the department. Utah law protects medical cannabis card information but it important to know that the department may release limited data collected in the electronic verification system (EVS) and the inventory control system (ICS) for the purpose of conducting medical and other department approved research and providing the annual report required under Utah Code 26-61a-703.

When an individual applies for a medical cannabis card, the department will notify the individual of how the individual's information will be used as a cardholder. The department will notify the individual that by applying for a card, unless the individual withdraws consent, the individual consents to the use of the individual's information for external research. An individual may withdraw consent to the use of the individual's information for external research at any time, including at the time of application.<sup>27</sup>

## MEDICAL CANNABIS PHARMACIES

- **Number of Medical Cannabis Pharmacies.** As of June 1, 2022 there are 14 medical cannabis pharmacies operating in Utah. Using the Division of Purchasing's Request for Proposal (RFP) procurement process, the department issued an intent to award a 15<sup>th</sup> medical cannabis pharmacy license to Dragonfly Pharmacy for a location in Price, UT. The Price location is scheduled to open in Summer 2022. The department may issue more licenses if a market analysis determines necessity.<sup>28</sup>
- **Pharmacist On-Site During Pharmacy Business Hours.** A medical cannabis pharmacy must have at least one licensed pharmacist registered as a pharmacy medical provider with the Utah Department of Health onsite during all business hours to consult with patients and review medical cannabis transactions. A pharmacist must review each medical cannabis transaction before dispensing the

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<sup>27</sup> Utah Code 26-61a-201 (12)

<sup>28</sup> Utah Code 26-61a-305 (1)

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medical cannabis to the cardholder in accordance with pharmacy practice standards.<sup>29</sup>

- **Limitations on Type of Products a Pharmacy May Sell.** A pharmacy may only sell cannabis products in medicinal dosage form, medical cannabis devices, or educational materials related to the medical use of cannabis. It is illegal for a pharmacy to sell anything other than these types of products. No cannabis product may be provided at no cost to a card holder but educational material may be distributed for free. A pharmacy may offer product discounts but each medical cannabis transaction requires payment of a \$3 medical cannabis transaction fee to the department.<sup>30</sup>
- **Pharmacy Access.** To enter the cardholder only area of pharmacy, an individual must either be a registered pharmacy agent, a pharmacy medical provider (PMP), a cardholder (patient, guardian, or caregiver), or logged in as a visitor. All pharmacy employees who enter limited access areas of a pharmacy are required to register as a pharmacy agent or a pharmacy medical provider.
- **Cannabis Use on Pharmacy Property.** Use of cannabis on medical cannabis pharmacy property is prohibited.<sup>31</sup>
- **Pharmacy Security.** A pharmacy must have a single, secure public entrance and be equipped with a security system that detects and records entry and locks on any area that stores cannabis.<sup>32</sup>
- **Processor Labeling Requirements.** A pharmacy must follow product labeling requirements and ensure all pharmacy and processor labels are affixed to product containers. All medical cannabis sold and possessed in Utah must have a label from the processor that:
  - clearly and unambiguously states that the cannabis product or package contains cannabis;
  - clearly displays the amount of total composite tetrahydrocannabinol and cannabidiol in the labeled container;
  - has a unique identification number that: is connected to the inventory control

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<sup>29</sup> Utah Code 26-61a-502 (6)(a)(B)(iii)

<sup>30</sup> Utah Code 26-61a-502 (9)

<sup>31</sup> Utah Code 26-61a-501 (8)

<sup>32</sup> Utah Code 26-61a-501 (6)

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- system; and identifies the unique cannabis product manufacturing process the cannabis processing facility used to manufacture the cannabis product;
  - identifies the cannabinoid extraction process that the cannabis processing facility used to create the cannabis product;
  - does not display an image, word, or phrase that the facility knows or should know appeals to children; and
  - discloses each active or potentially active ingredient, in order of prominence, and possible allergen.<sup>33</sup>
- **Pharmacy Labeling Requirements.** Upon selling a medical cannabis product to a cardholder, a medical cannabis pharmacy must provide a label or a receipt to the cardholder with the following information:
    - the name, address, and telephone number of the medical cannabis pharmacy;
    - the unique identification number that the medical cannabis pharmacy assigns;
    - the date of the sale;
    - the name of the patient;
    - the name of the qualified medical provider who recommended the medical cannabis treatment;
    - directions for use and cautionary statements, if any;
    - the amount dispensed and the cannabinoid content;
    - the suggested use date; and
    - for unprocessed cannabis flower, the legal use termination date.
    - A medical cannabis pharmacy is exempt from the following labeling requirements if the information is already provided on the product label that a cannabis processor affixes:
      - a unique identifying number
      - directions for use and cautionary statements
      - amount and cannabinoid content
      - suggested use date.<sup>34</sup>
- **Product Packaging.** All medical cannabis products sold by a medical cannabis pharmacy and possessed in Utah must be packaged in a container that:
    - is tamper evident and tamper resistant;
    - does not appeal to children;
    - does not mimic a candy container;
    - complies with child-resistant effectiveness standards that the United States

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<sup>33</sup> Utah Code 26-41a-602 (1)(a)

<sup>34</sup> Utah Code 26-61a-501 (10)

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- Consumer Product Safety Commission establishes; and includes a warning label that states: “WARNING: Cannabis has intoxicating effects and may be addictive. Do not operate a vehicle or machinery under its influence. KEEP OUT OF REACH OF CHILDREN. This product is for medical use only. Use only as directed by a qualified medical provider.”<sup>35</sup>
- **Community Locations Proximity.** A pharmacy may not be located within 600 feet of an area zoned as residential or a community location.
- **Municipal Laws.** An ordinance that a municipality or county enacts may not conflict with the Utah Medical Cannabis Act (26-61a) and governs the time, place, or manner or medical cannabis pharmacy operations in the municipality or county but such ordinances may not restrict the hours of operation from 7 a.m. to 10 p.m.
- **Pharmacy Use of State Designated Seed to Sale and POS Software.** A pharmacy must use the state-approved inventory control system (ICS) that tracks cannabis using a unique identifier, in real time, from when the plant is eight inches tall to when the product is sold. The state approved ICS software must be used by the pharmacy as the pharmacy’s seed to sale tracking system and point of sale (POS) system.

## MEDICAL CANNABIS PHARMACY ADVERTISING AND EDUCATIONAL EVENTS

**Pharmacy Advertising.** A medical cannabis pharmacy may advertise in any medium. “Advertise” or “advertising” means information communicated that: (a) is a publicly available mass-market communication; (b) does not require acknowledgment of the person receiving or accessing the communication being an adult; and (c) does not require consent from an adult prior to receipt of or access to information about promotional discounts or incentives for a particular medical cannabis product, medical cannabis device, or medicinal dosage form. Advertising in Utah’s medical cannabis industry could only happen when it is a mass-market communication that does NOT require adult consent for the communication. Examples of advertising include any mass circulation of visual, oral or written communication to directly influence a person to patronize a particular medical cannabis pharmacy including but not limited to: outdoor signage; TV or radio commercials; and printed materials, websites, mobile applications, unsolicited pop-up ads, social media

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<sup>35</sup> Utah Code 4-41a-602 (1)(b)

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platforms or other digital communications that do not require consent from an adult prior to an adult's receipt or viewing of the communication.<sup>36</sup>

If an adult consents to the targeted marketing intended for an adult from a medical cannabis pharmacy, a medical cannabis pharmacy could communicate to the adult promotional information via text, email, digital ads (i.e. Facebook, Instagram, mobile or other digital applications). These types of communications would fall outside of the definition of "advertise" or "advertising." Discounts, incentives, and promotional information regarding specific products could appear in these types of targeted marketing that are intended for a consenting adult.

**Outdoor Signage.** Signage on the outside of the medical cannabis pharmacy may include only the facility's name with a logo, hours of operation, and a green cross. A pharmacy must comply with local ordinances regulating signage.

**Pharmacy Educational Events.** A medical cannabis pharmacy may hold an educational event for the public or medical providers. The event may not include:

- any topic that conflicts with the Utah Medical Cannabis Act (26-61a) or Cannabis Production Establishments (4-41a);
- any gift items or merchandise other than educational materials, as those terms are defined by the department;
- any marketing for a specific product from the medical cannabis pharmacy or any other statement, claim, or information that would violate the federal laws;
- a presenter other than a pharmacist, APRN, MD, DO, or PA licensed in any state; a state employee; or an individual who is presenting on a cannabis topic other than medical treatment or medical conditions and who is approved by the department based on the individual's background and credential in the presented topic;
- attendees who are under age 21 (an exception to this is a medical cannabis patient cardholder who is at least 18 years old).<sup>37</sup>

The department will make rules to define the elements of and restrictions on advertising and educational events.

## HOME DELIVERY

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<sup>36</sup> Utah Code 26-61a-116 and 505

<sup>37</sup> Utah Code 26-61a-505 (5)

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- 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 department who contracts with a home delivery medical cannabis pharmacy to deliver medical cannabis shipments for the pharmacy.
- When a pharmacy agent or courier agent must stay overnight in an area while in the process of making deliveries, they cannot leave the container used to store medical cannabis shipments unattended for more than one hour.
- Upon home delivery, medical cannabis shipments must be accepted in person by a cardholder with verified photo identification.
- Medical cannabis courier employees who transport medical cannabis must be registered by the department as medical cannabis courier agents.<sup>38</sup>
- Laws regulating the home delivery of medical cannabis in Utah can be found in Utah Code 26-61a-604, 605, 606, and 607 and Utah Administrative Code R360-408.

*Updated June 1, 2022*

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<sup>38</sup> Utah Code 26-61a-607