



UTAH DEPARTMENT OF
HEALTH
Center for Medical Cannabis

03/14/2022

INDUSTRY-WIDE BULLETIN: 22-03

Subject: Medical Cannabis Pharmacy Employee Status as a Visitor Prior to Registration as a PMP or a Medical Cannabis Pharmacy Agent

Dear medical cannabis pharmacies:

This Industry-Wide Bulletin from the Utah Department of Health Center for Medical Cannabis (department) is intended to remind medical cannabis pharmacies about the laws applicable to a medical cannabis pharmacy employee's status as a visitor prior to the employee's registration by the department as a pharmacy medical provider (PMP) or a medical cannabis pharmacy agent. The department's recent inspection of multiple pharmacies brought attention to the need for this Industry-Wide Bulletin.

Prior to receiving a valid PMP or medical cannabis pharmacy agent card via email from the department, an employee of a medical cannabis pharmacy is classified as a "visitor" when visiting a pharmacy location. Utah Administrative Code R380-406-7 (9) establishes standards for visitor access to a medical cannabis pharmacy:

Utah Administrative Code R380-406-7

(9) An outside vendor, contractor, and visitor, must obtain a visitor identification badge, prior to entering the cardholder only, or limited access area of a medical cannabis pharmacy; to be worn at all times when on the premise of the medical cannabis pharmacy, and shall be escorted at all times by an employee authorized to enter the medical cannabis pharmacy. The visitor identification badge must be visibly displayed at all times, while in the facility. A visitor must be logged in and out, and that log shall be available for inspection by the Department at all times. The visitor identification badge shall be returned to the medical cannabis pharmacy upon exit.

If a medical cannabis pharmacy hires an individual as an employee when the individual is only an applicant for a PMP or pharmacy agent registration card, the medical cannabis pharmacy is required to ensure that the individual complies with the visitor standards established in R380-406-7 (9). In addition, the individual may not perform medical cannabis pharmacy agent duties until after receipt of a valid PMP or medical cannabis pharmacy agent card from the

department. Duties of a medical cannabis pharmacy agent are established in established in R380-407-2 (1):

R380-407-2. Medical Cannabis Pharmacy Agent -- Duties and Responsibilities.

- (1) A pharmacy agent may perform the following duties:
 - (a) within the dosage parameters specified by a QMP or PMP, assist the cardholder with understanding available products, proper use of a medical device, medical cannabis strains, and methods of consumption or application;
 - (b) using the ICS, verify the status of an individual's medical cannabis card, and dosage parameters in a patient recommendation;
 - (c) enter and retrieve information from the ICS;
 - (d) authorize entry of a cardholder into the cardholder counseling area;
 - (e) take a refill order from a QMP;
 - (f) provide pricing and product information;
 - (g) accurately process cardholder payment, including issuance of receipt, refund, credit, and cash;
 - (h) prepare labeling for product;
 - (i) retrieve medical cannabis, and medical cannabis device, from inventory;
 - (j) accept new medical cannabis, or medical cannabis device, orders left on voicemail for a PMP to review;
 - (k) verbally offer to a cardholder, the opportunity for counseling with a PMP regarding medical cannabis, or a medical cannabis device;
 - (l) assist with dispensing of product to a cardholder;
 - (m) screen calls for a PMP;
 - (n) prepare inventory of medical cannabis, and medical cannabis device;
 - (o) transport medical cannabis, or medical cannabis device; and
 - (p) assist with maintaining a safe, clean, and professional environment.
- (2) A pharmacy agent shall not perform the following duties:
 - (a) receive dosage parameters for a patient's recommendation over the phone, or in person;
 - (b) access patient information in the EVS;
 - (c) view medical treatment, and medication history, in the EVS;
 - (d) determine, or modify, dosage parameters in a patient's recommendation; or
 - (e) provide counseling, or consultation, regarding a patient's medical condition, or medical treatment.

Please contact the department at cannabiscompliance@utah.gov with any questions or comments regarding these laws or information provided in this Industry-Wide Bulletin.

This industry-wide bulletin does not constitute legal advice. Individuals and entities are encouraged to seek legal counsel to ensure their actions comply with all applicable statutes and rules.