



1. Introduction (4-41a-1101(12), 4-41a-1104(4), R66-5-22)

Applicants for initial and renewal registration as a medical cannabis pharmacy agent or a medical cannabis courier agent are required to read and understand this information before registering with the Utah Department of Agriculture and Food (UDAF) Medical Cannabis Division.

This information is intended to be a general overview of medical cannabis laws pertaining to the practice of a medical cannabis pharmacy agent or courier agent in Utah. It only highlights certain sections of federal and state laws, and is not intended to cover all laws applicable to the practice of a pharmacy or courier agent. It also outlines best practices for medical cannabis pharmacy and courier agents.

Applicants are responsible to read and understand all laws pertaining to their registration.

2. Medical Cannabis Cards (Utah Code 26B-4-213)

Utah residents may apply for medical cannabis cards with their recommending medical provider (RMP) through the Utah electronic verification system (EVS). All card applications for patients who are younger than 21 years must be approved by the Compassionate Use Board.

The types of medical cannabis cards available in Utah and their requirements are listed below

Patient

- Issued to patients ages 21 years and older.
- Valid for 1 year at a time.
- Patients who are 18-20 years of age must have the medical cannabis card approved by the Compassionate Use Board.
- The Compassionate Use Board can decrease the renewal period for patients whose cards they approve.

Caregiver Card

- Issued to caregivers of patients who have an active patient card.
- A patient with an active medical cannabis card designates a caregiver in the EVS.
- Once a patient has designated someone as their caregiver on the patient application, the caregiver must submit a caregiver application using a separate Utah-ID.
- Caregiver cards have the same expiration date as the associated patient card.
- Once a caregiver card expires, the caregiver must reapply for renewal.
- An additional fee for a caregiver card is required.
- The caregiver is required to complete a criminal background check with DHHS prior to card issuance.

Minor and Guardian Cards (Provisional Patient Cards)

- Provisional patient cards are issued to minors who are younger than 18 years.
- Compassionate Use Board approval is required for all provisional patient cards.
- Valid for 1 year at a time.
- The Compassionate Use Board can decrease the renewal period for provisional patient cards.
- Guardian cards are issued to the minor's parent or legal guardian.
- Guardian cards are automatically issued and renewed with provisional patient cards.
- The parent/guardian is required to complete a criminal background check with DHHS prior to card issuance.

Non- Utah Resident Card

- Issued to people who are not residents of Utah but who are visiting Utah and who are medical cannabis cardholders in their home state.
- Valid for 21 days at a time.
- Patients may be issued 2 non-Utah resident cards per calendar year.
- Patients must have a qualifying condition that is legal for medical cannabis use in Utah.
- The non-Utah resident card is issued to patients the day before they travel to Utah.

3. Qualifying Conditions (Utah Code 26B-4-203)

Individuals with the following conditions are authorized under state law to receive a medical cannabis patient card:

- Acute pain that will last up to 2 weeks or longer, such as during a surgical procedure
- Alzheimer's disease
- Amyotrophic lateral sclerosis (ALS)
- Autism
- Cachexia
- Cancer
- Crohn's disease or ulcerative colitis
- Epilepsy or debilitating seizures
- HIV or AIDs
- Hospice care
- Multiple sclerosis (MS) or debilitating muscle spasms
- Persistent nausea that isn't related to pregnancy, cannabis-induced cyclical vomiting syndrome, or cannabinoid hyperemesis syndrome, and that isn't responsive to traditional treatments
- Persistent pain that lasts longer than 2 weeks and that isn't responsive to traditional treatments besides opioids, including physical therapy.
- Post-traumatic stress disorder (PTSD) that is being treated and monitored by a mental health therapist and that has been diagnosed and is documented in the patient's medical record
- Rare condition or disease that affects less than 200,000 individuals in the U.S. and that isn't responsive to traditional treatments besides opioids, including physical therapy

- Terminal illness when the patient's remaining life expectancy is less than 6 months
- pain that is expected to last for two weeks or longer for an acute condition, including a surgical procedure, for which a medical professional may generally prescribe opioids for a limited duration, subject to Subsection 26B-4-213(5)(c); and
- a condition that the Compassionate Use Board approves under Section 26B-1-421, on an individual, case-by-case basis.

If a patient doesn't have a qualifying condition specifically named in the law or if they are younger than 21 years, they must petition the Compassionate Use Board for approval of their medical cannabis card.

4. Recommending Medical Providers (RMPs) (Utah Code 26B-4-204)

There are 2 pathways that RMPs may use to recommend medical cannabis to qualifying patients: the limited medical provider (LMP) program and the qualified medical provider (QMP) program.

Both pathways require that the provider is a Utah-licensed MD, DO, APRN, PA, or DPM with a controlled-substance license.

Limited medical providers (LMPs) (R66-5-18)

LMPs are not required to register with the DHHS Center for Medical Cannabis, pay a registration fee, or complete continuing education requirements to recommend medical cannabis. They can only recommend medical cannabis to patients who have a qualifying condition for medical cannabis use and who are 21 years or older.

Additionally, they are limited to 15 active medical cannabis recommendations at a time. To recommend medical cannabis, an LMP completes the Limited Medical Provider Recommendation for Medical Cannabis form, available at <https://medicalcannabis.utah.gov/providers/lmp/>, and faxes or emails it to a licensed medical cannabis pharmacy.

A pharmacist, also known as a pharmacy medical provider or PMP; or a pharmacy agent at the medical cannabis pharmacy must verify the validity of the recommendation

and enter the completed form into the electronic verification system (EVS). The patient will then be able to complete their medical cannabis card application.

Qualified medical providers (QMPs)

QMPs are required to register with the UDAF Center for Medical Cannabis, pay a \$100 registration fee, and complete 4 hours of DHHS-approved continuing education on medical cannabis during each two-year renewal period.

QMPs can recommend medical cannabis cards to a maximum number of patients that is equal to 1.5% of the total number of registered medical cannabis patient cardholders. If a medical provider receives payment from a patient's insurance plan for services, then the patient whose insurance plan was billed does not count toward the 1.5% patient cap. The patient cap will be set quarterly during each calendar year.

Additionally, QMPs can petition the Compassionate Use Board to approve a medical cannabis patient card or provisional patient card if a patient would benefit from medical cannabis use but does not have a qualifying condition or is younger than 21 years.

An individual may not register as a QMP if they are:

- A Pharmacy Medical Provider (PMP)
- An Owner, Officer, Director, Board Member, Employee, or Agent of a Cannabis Production Establishment, a Medical Cannabis Pharmacy, or a Medical Cannabis Courier

5. Recommending Medical Provider (RMP) Dosing Guidelines (Utah Code 26B-4-204 & 26B-4-213)

If an RMP recommends dosing guidelines, a pharmacist at a medical cannabis pharmacy must make sure the patient's purchase complies with the guidelines.

- For example, if an RMP selects "concentrated oil" as the dosage form in a recommendation, a medical cannabis pharmacy must only sell the patient medical cannabis in the form of concentrated oil. An RMP may recommend one or more dosage forms.
- Additionally, if an RMP sets the patient dosage limit at 10 g per month, a medical cannabis pharmacy must only sell the patient products that total 10 g per month.
- To change an RMP's dosing guideline, a pharmacist must contact the cardholder's RMP, obtain approval from the RMP to make the change, and document the RMP's approval of the change in the EVS.

However, the RMP can choose to authorize the pharmacist to make any therapeutic substitutions to the dosing guidelines in EVS. If the RMP authorizes the pharmacist to make substitutions, then the PMP does not need to contact the cardholder's RMP and obtain approval from the RMP to change the recommendation.

Recommended Medical Provider (RMP) recommendation with partial dosing guidelines.

If an RMP only limits a certain part of a recommendation in the EVS but does not limit other parts (for example, the RMP limits dosage form but does not limit amount or vice versa), a pharmacist may determine the remaining parts of the recommendation during a consultation. However, the pharmacist may not change what the RMP has already recommended unless approval for the change is communicated by the RMP to the pharmacist and documented in the EVS.

Medical Cannabis Pharmacist determination of patient's dosing guidelines

If an RMP certifies a patient's eligibility for a medical cannabis card but allows the medical cannabis pharmacist to recommend dosing guidelines, as documented in EVS, the pharmacist must determine the best course of treatment through consultation with the patient. The pharmacist should review the following information with the patient:

- Information about the patient included in their medical cannabis recommendation.
- The patient's qualifying condition.
- Indications for medical treatments.
- Any dosing guidelines documented by the RMP.
- Potential adverse reactions.

6. Dosage forms and devices (Utah Code 26B-4-201)

Medicinal cannabis dosage forms in Utah are limited to:

- for processed medical cannabis, the following with a specific and consistent cannabinoid content:
 - a tablet;
 - a capsule;
 - a concentrated liquid or viscous oil;
 - a liquid suspension that does not exceed 30 milliliters;
 - a topical preparation;
 - a transdermal preparation;
 - a sublingual preparation;
 - a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or rectangular cuboid shape;
 - a resin or wax;
 - an aerosol;
 - a suppository preparation; or

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- a soft or hard confection that is a uniform rectangular cuboid or uniform spherical shape, is homogeneous in color and texture, and each piece is a single serving; or
- for unprocessed cannabis flower, a container described in Section 4-41a-602 that:
 - contains cannabis flower in a quantity that varies by no more than 10% from the stated weight at the time of packaging;
 - at any time the medical cannabis cardholder transports or possesses the container in public, is contained within an opaque bag or box that the medical cannabis pharmacy provides; and
 - is labeled with the container's content and weight, the date of purchase, the legal use termination date, and a barcode that provides information connected to an inventory control system.
- "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:
 - the medical cannabis cardholder has recently removed from the container described in Subsection (39)(a)(ii) for use; and
 - does not exceed the quantity described in Subsection (39)(a)(ii).

"Medicinal dosage form" does not include:

- any unprocessed cannabis flower outside of the container described in Subsection (39)(a)(ii), except as provided in Subsection (39)(b);
- any unprocessed cannabis flower in a container described in Subsection (39)(a)(ii) after the legal use termination date;
- a 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;
- a liquid suspension that is branded as a beverage;
- a substance described in Subsection (39)(a)(i) or (ii) if the substance is not measured in grams, milligrams, or milliliters; or
- a substance that contains or is covered to any degree with chocolate.

7. Purchase and possession restrictions (Utah Code 26B-4-201)

A medical cannabis pharmacy may dispense to a patient up to the "legal dosage limit" of medical cannabis. The legal dosage limit is defined as an amount that is sufficient to provide 28 days of treatment based on dosing guidelines that the relevant RMP or PMP recommends.

The legal dosage limit cannot ever exceed 113 grams by weight for unprocessed cannabis flower and 20 grams of active THC for other cannabis products.

Utah medical cannabis card holders may not ever possess more than 113 grams by weight for unprocessed cannabis flower and 20 grams of active THC for other cannabis products.

8. Pharmacy employee registration requirements (Utah Code 26B-4-219)

Medical cannabis pharmacy employees must be registered by UDAF as a pharmacy medical provider (PMP) or a medical cannabis pharmacy agent.

Pharmacy Medical Provider (PMP)

Each medical cannabis pharmacy must employ at least 1 Utah licensed pharmacist who is registered with UDAF as a PMP. At least 1 PMP must be physically present in a medical cannabis pharmacy during all business hours.

Each medical cannabis pharmacy must have a PMP who is designated as the pharmacy's pharmacist in charge. PMP registration expires every 2 years unless it is renewed by the PMP. A PMP may be a pharmacist or a physician but if it is a physician, the physician cannot also be registered as a QMP.

Registration requirements for a PMP include:

- Be at least 21 years of age.
- Complete 4 hours of continuing education approved by DHHS
- Pay the DHHS-required application fee.
- Provide the name and location of the pharmacy where they have been offered employment as a PMP.

Medical Cannabis Pharmacy Agent

A QMP cannot be registered as a pharmacy agent.

Registration requirements for a pharmacy agent include:

- Be at least 21 years of age.
- Complete the continuing education course approved by UDAF including passing the exam.
- Pass a national criminal background check to verify that there are not any state or federal convictions for
 - a felony within the preceding 10 years;
 - or after December 3, 2018, misdemeanors for drug distribution.
- Pay the UDAF-required application fee.
- Provide the name and location of the medical cannabis pharmacy where they have been offered employment as a pharmacy agent.

9. Medical cannabis pharmacy general operating requirements (Utah Code 4-41a-109, R66-5-3, R66-5-4)

The following operating requirements apply to all licensed medical cannabis pharmacies in Utah:

General operating standards

- The medical cannabis pharmacy must be well lit, well ventilated, clean, and sanitary.
- There must be a maintained hard-copy or electronic list of current employees working at the pharmacy that includes the employees' names, UDAF registrations, and work schedules.
- Current employees must wear an identification tag and carry their UDAF registration card with them while on the premises of the medical cannabis pharmacy.
- The medical cannabis pharmacy must have a paper or digital copy of current medical cannabis laws on-hand.

PMP onsite

- A PMP must be onsite at the medical cannabis pharmacy location at all times during the medical cannabis pharmacy's business hours.

Compliance with operating plan

- The medical cannabis pharmacy must operate solely at the physical address provided to UDAF and in accordance with the operating plan provided to UDAF.
- Standard operating procedures (SOPs) and state administrative rules and statutes must be available to all pharmacy employees, and employees must be familiar with them.

Notification of operating plan changes

- The medical cannabis pharmacy must notify UDAF before any change in their physical address or operating plan.

Facility Visitors

- Access to the cardholder area of a medical cannabis pharmacy is limited to the following individuals:
 - An individual registered by DHHS as a medical cannabis cardholder, pharmacy medical provider (PMP), or a medical cannabis pharmacy agent.
 - An individual logged in as a visitor who receives a visitor identification badge that is worn and visibly displayed at all times and is escorted within the cardholder area by a pharmacy agent or PMP at all times.

Inventory (R66-5-8)

- The medical cannabis pharmacy must have an organized inventory.
- Medical cannabis product deliveries must be conducted under the direct supervision of a PMP or a pharmacy agent, who must be present to accept the delivery. After the delivery is complete, the medical cannabis product must immediately be placed in a designated limited-access area.
- A medical cannabis pharmacy must have daily and weekly inventory controls of all medical cannabis products and devices to help the pharmacy detect any diversion, theft, or loss of product in a timely manner.
- A PMP at each medical cannabis pharmacy must conduct a monthly inventory audit that includes a reconciliation of all physical inventory with the ICS record. Records of monthly inventories must be kept for 5 years.
- If a medical cannabis pharmacy employee identifies an undocumented discrepancy in inventory, the medical cannabis pharmacy needs to determine where the loss occurred, inform UDAF of the loss via telephone, provide a written notice of the loss, and immediately take corrective action within 2 business days of the first discovery of the loss.
- The pharmacist in charge at each medical cannabis pharmacy must conduct an annual inventory audit each year. The annual inventory needs to be signed by the pharmacist who conducted it. Records of annual inventories must be kept for 5 years.

No consumption on property

- The medical cannabis pharmacy must prohibit any individual from consuming cannabis products on the property or premises of the pharmacy.

Counseling

- A pharmacist must consult with a patient prior to their first medical cannabis purchase.
- The medical cannabis pharmacy must have a designated counseling area to provide confidential patient counseling.

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- The medical cannabis pharmacy must provide medical cannabis cardholders a telephone number or website by which the cardholder may contact a pharmacist for counseling.

Advertising (4-41a-109)

- A medical cannabis pharmacy may engage in public advertising of the following topics in any medium:
 - A service available at the pharmacy.
 - Best practices that they uphold.
 - Education materials related to the medical use of cannabis.
 - Their address and hours of operation.
 - Their name and logo.
 - Whether they offer home delivery services.
- A medical cannabis pharmacy may not advertise a particular medical cannabis product, medical cannabis device, medical cannabis brand, or medical dosage form.

Targeted Marketing

- Targeted marketing is the promotion of a medical cannabis product, medical cannabis brand, or a medical cannabis device by a medical cannabis pharmacy using the following methods:
 - An in-person marketing event that is held inside the cardholder-only area of a medical cannabis pharmacy.
 - Electronic communication that requires acknowledgment of the person receiving or accessing the communication that they are an adult age 18 or older.
 - Other marketing material that is physically available or digitally displayed in the cardholder-only area of a medical cannabis pharmacy.

Recreational Disposition (4-41a-109)

- No communication or material used in a medical cannabis pharmacy's advertising, educational event, educational material, or targeted marketing may include a recreational disposition. A recreational disposition means:
 - An image of a celebrity or other person whose target audience is children or minors.
 - Content that a reasonable person knows or should know appeals to children.
 - Content that encourages, promotes, or otherwise creates the impression that the recreational use of cannabis is legal or acceptable, or that the recreational use of cannabis has potential health or therapeutic benefits.
 - Content that is obscene or indecent.
 - Content that promotes excessive consumption.
 - Slang words or phrases associated with the recreational use of cannabis.

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- A medical cannabis pharmacy may reference a cannabis strain name or medicinal dosage form in an educational event, educational material, and targeted marketing even if that name or dosage meets the definition of a recreational disposition.

Product Fees

- A uniform fee of \$3 on each medical cannabis cardholder transaction in a medical cannabis pharmacy must be paid to DHHS.

Product Waste Disposal

- A medical cannabis pharmacy may create a disposal program that allows an individual to deposit unused or excess medical cannabis in a locked box or other secure receptacle within the pharmacy.
- A medical cannabis pharmacy shall dispose of any deposited medical cannabis by rendering the product unusable and unrecognizable before transporting it and disposing of the product in accordance with:
 - Federal and state law, rules and regulations related to hazardous waste.
 - The Resource Conservation and Recovery Act.
 - The Solid Waste Management Act.
 - Other regulations that the department makes in accordance with the Administrative Rulemaking Act.
- A medical cannabis product waste disposal area must be in view of a recording security camera and must be recorded by the security camera.

10. Medical cannabis pharmacy sales (Utah Code 26B-4-244, R66-5-3, R66-5-6)

A medical cannabis pharmacy may only sell products to current medical cannabis card holders who have a valid form of photo ID. A valid form of photo ID means any of the following forms of identification that is either current or expired within the previous 6 months:

- A valid state-issued driver license or identification card.
- A valid United States federal-issued photo identification, such as:
 - A United States passport.
 - A United States passport card.
 - A United States military identification card.
 - A permanent resident card or alien registration card.
- A passport that another country issued.
- IDs listed on <https://bci.utah.gov/forms/acceptable-forms-of-identification/>
- Mobile IDs - requires additional SOP

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If a patient is living in an assisted living facility, a nursing care facility, or a general acute hospital, or is in hospice or has a terminal illness, their photo ID can be expired and still be considered valid.

Please note that driving privilege cards both issued in Utah or in another state are not considered valid forms of photo ID.

Only the following products and devices can be sold:

- Educational materials related to the medical use of cannabis.
- Medical cannabis products in a medicinal dosage form acquired from another licensed medical cannabis pharmacy or medical cannabis processing facility.
- Medical cannabis devices.

All medical cannabis pharmacy purchases must be placed in a suitable container and appropriately labeled for use by the patient.

A medical cannabis pharmacy cannot sell expired, damaged, deteriorated, misbranded, adulterated, or opened medical cannabis products or devices.

A medical cannabis pharmacy cannot provide products at no cost, even to employees. This includes samples.

Point-of-sale systems must be in working order, and payments can only be processed using payment providers that are authorized by the state of Utah Division of Finance.

Once a purchase is complete, a pharmacy agent must input the purchase information into the ICS. This ensures that purchase reporting in the ICS is in real-time.

11. Product labeling (Utah Code 4-41a-1101(9), R66-2; UCA 4-41a-602)

Processor label

- Products sold by a medical cannabis pharmacy must have a label on them placed by the processor that:
 - Clearly displays the product's known cannabinoid content and the amount of each cannabinoid.
 - Has a unique ID number that is connected to the inventory control system and that identifies the manufacturing process the processing facility used to manufacture the cannabis product.
 - Identifies the cannabinoid extraction process that the cannabis processing facility used to create the product.
 - Does not display an image, word, or phrase that the facility knows or should know appeals to children.

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- Discloses each active or potentially active ingredient and possible allergen.
- Cannabis product labeling shall contain the following information:
 - the medicinal dosage form identified on the product face along with the words "THC or Cannabis Infused":
 - "gummies" may be used instead of "gelatinous cube";
 - "tincture" may be used instead of "sublingual preparation" or "liquid suspension"; and
 - a descriptive product name is allowed if the text is smaller than the dosage form and is not appealing to children;
 - the name and license number of the cannabis processing facility;
 - directions for consumers to contact the department with product complaints by going to medicalcannabis.utah.gov/production;
 - for products containing THC, a warning symbol provided by the department; and
 - the amount of total THC contained in the package, in milligrams.
- The label of a cannabis derivative product may include a flavor name if it is not candy-like or a name the facility knows or should know appeals to children.
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Warning Labels & Disclosures

- Before January 1, 2024, cannabis product labeling shall contain the following warning: "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 recommending medical provider."
- Starting on January 1, 2024, cannabis product labeling shall contain the following warning: "WARNING: Cannabis has intoxicating effects, may be addictive, and may increase risk of mental illness. 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 recommending medical provider."
- Starting on May 3, 2023, raw cannabis or a cannabis product sold in a vaporizer cartridge shall include a warning label that states:
 - "WARNING: Vaping of cannabis-derived products has been associated with lung injury."; and
 - "WARNING: Inhalation of cannabis smoke has been associated with lung injury."
- The label of a cannabis product that contains an artificially derived cannabinoid shall clearly display the following text: "This product contains artificially derived cannabinoids."
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Package Appearance

- A cannabis processing facility may include a QR code on the cannabis product labeling that links to a COA from a licensed independent cannabis testing laboratory. The QR code may not link to any other information.
- Any information appearing on the cannabis product labeling shall be:
 - displayed in any legible font, that is not a script or decorative font, provided that the lowercase letter "o" is at least one-sixteenth inch in height;
 - displayed in a color that contrasts conspicuously with its background; and

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- displayed in English, although a licensee may also choose to display required information in additional languages.

Fact Panel

- A cannabis processing facility shall place a cannabis fact panel on a cannabis product before the sale of the cannabis product to a medical cannabis pharmacy.
- The cannabis fact panel shall be printed in black and white.
- The cannabis fact panel shall be securely affixed to the package.
- The cannabis fact panel for cannabis plant product shall include the following information, from top to bottom, in the order as listed:
 - the name of the cannabis cultivation facility;
 - the lot number;
 - the date of harvest;
 - the date of final testing;
 - the batch number;
 - the date on which the product was packaged;
 - the quantity of any cannabinoid listed as present on the COA that is greater than 1% of total cannabinoids;
 - the expiration date; and
 - the net weight displayed in grams.
- THC potency levels for cannabis flower shall be listed as total THC in milligrams per gram.
- The cannabis fact panel for cannabis derivative product shall include the following information, from top to bottom, in the order listed:
 - the batch number;
 - the date of the final testing;
 - the date on which the product was packaged;
 - for products intended to be ingested, the amount of total THC and any advertised cannabinoid in milligrams per serving;
 - the quantity of any cannabinoid listed as present on the COA that is greater than 1% of total cannabinoids;
 - the expiration date;
 - the total amount of THC measured in milligrams per gram;
 - a list of each ingredient and each major food allergen as identified in 21 U.S.C. 343;
 - the identity of any artificially derived cannabinoid present in the product;
 - the net weight of the product displayed in grams or milliliters and number of pieces, if applicable; and
 - a disclosure of the type of extraction process used and any solvent, gas, or other chemical used in the extraction process.
- Any terpene listed on a cannabis product package shall be verified as present by a licensed independent cannabis testing laboratory and have its quantity listed on the fact panel.

Pharmacy Label

- A medical cannabis pharmacy cannot sell cannabis or a cannabis product unless the product has a label affixed to the container provided by the pharmacy or an informational enclosure provided by the pharmacy indicating the following minimum 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 recommending 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;
 - for unprocessed cannabis flower, the legal use termination date; and
 - any other requirements that the department determines, in consultation with the Division of Professional Licensing and the Board of Pharmacy.
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12. Pharmacy security operating requirements (Utah Code R66-5-7)

The following operating requirements apply to all licensed medical cannabis pharmacies in Utah:

Signs

- A sign on the outside of a medical cannabis pharmacy can include the medical cannabis pharmacy name, logo, hours of operation, and a green cross.
- Within a medical cannabis pharmacy, the medical cannabis purchase limit must be clearly and conspicuously posted.
- All limited-access areas must include signs that clearly label them as such.
- All products that are being disposed of must be clearly marked as, “Not for sale or use.”

Locks

- A medical cannabis pharmacy must have a single, secure public entrance with a secure lock.
- Additionally, every other entrance into the pharmacy and limited access areas where cannabis, cannabis products, and cannabis devices must also be secured with locks. Access to these locked areas, including keys, combination numbers, passcodes, etc., should only be given to authorized personnel.
- During business hours, a medical cannabis pharmacy may display a sample of each product offered in a securely locked case. This display case must be transparent and not visible from the outside of the pharmacy.

Security System

A medical cannabis pharmacy must have a security system with a back-up power source that detects and records entry into the pharmacy. Additional requirements include the following:

- A panic alarm that provides notice of unauthorized entry to law enforcement.
- A printer that can produce a clear still photo from a video camera image.
- A video camera that records 24 hours a day and 7 days a week or is motion-activated, with a recording resolution of 640x470, a date and time stamp, and a failure notification system. The video recording system should monitor all medical cannabis pharmacy entrances and exits, limited access areas, point-of-sale registers, medical cannabis disposal areas, and outside areas adjacent to the building. All video recordings must be kept for at least 45 days in a lock box, cabinet, closet, or other secured location.
- An electronic monitoring system with a 19-inch call-up monitor.

13. Protection of private information (Utah Code 26B-4-202, R66-5-4)

A medical cannabis pharmacy agent must guard the confidentiality of all sensitive identifiable information available in the EVS and the ICS. Medical cannabis pharmacy employees are responsible for following standards outlined in the Health Insurance Portability and Accountability Act (HIPAA).

Sensitive identifiable data includes personally identifiable information (PII) and personal health information (PHI).

Personally Identifiable Information (PII)

- PII is any information that can be used to distinguish an individual's identity, and can include:
 - Name
 - Social security number
 - Date and place of birth
 - Mother's maiden name
 - Biometric records
 - Any other information that is linked or linkable to an individual, such as medical, educational, financial, and employment information.

Personal health information (PHI)

- PHI is data, including demographic data, that relates to the following items:
 - An individuals' past, present, or future physical or mental health or condition.
 - The provision of healthcare to the individual.

- The past, present, or future payment for the provision of healthcare to the individual.

Minimum necessary standard

- PHI must only be used or disclosed when it is necessary to satisfy a particular business purpose or to carry out a business function.
- An agent is prohibited from accessing information about family members, neighbors, friends, or co-workers without a business need to access the information.

Examples of where sensitive identifiable information may be found

- Sensitive identifiable information may be found in the following:
 - Electronic records (computer-based records, electronic medical records, scanned documents, video recordings, files on servers and mobile devices, email content and attachments).
 - Paper or hard copy records (documents, forms, labels, photos).
 - Spoken or verbal communications (telephone conversations, meetings).

Steps to protect a patient's privacy

- A pharmacy and courier agent is responsible to take steps to protect the privacy of a patient's sensitive identifiable information. Steps include:
 - Lock desks, drawer/file cabinets, and work areas containing sensitive identifiable information when unattended.
 - Keep work areas clear of PII and PHI information when not in use.
 - Store keys to cabinets, doors, and other secure areas in secure locations.
 - Collect printed documents immediately after sending them to print.
 - Arrange workstation monitors so that sensitive identifiable data is protected from being viewed by unauthorized persons.
 - Use cybersecurity measures, such as email encryption, when sending or requesting sensitive identifiable information online.
 - Don't share your unique passwords with others.
 - Log out fully before other authorized users access a shared workstation.
 - Clear whiteboards of sensitive identifiable information when done using it or leaving the room.
 - Shred, purge, or totally destroy sensitive identifiable data prior to disposal.

Penalties for violation of privacy laws

- A person authorized to access the state electronic verification system (EVS) or inventory control system (ICS) who fails to observe confidentiality requirements established in

state and federal law may lose access to the EVS and ICS. UDAF may also revoke their UDAF-issued agent card.

- Any person who obtains or attempts to obtain information from the EVS for a purpose other than a purpose authorized under Utah law is guilty of a third degree felony and may be subject to a civil penalty of up to \$5,000.

A pharmacy agent must report any actual or suspected failure to protect private information to the facility's pharmacist-in-charge.

14. Medical Cannabis Pharmacy Agent duties (R66-5-19)

The following duties may be performed by a pharmacy agent:

- Accept new medical cannabis or medical cannabis device orders left on voicemail for a PMP to review.
- Access patient information in the EVS.
- Accurately process cardholder payments including issuance of receipts, refunds, credits, and cash.
- Assist the cardholder with understanding available products, proper use of a medical device, medical cannabis strains and methods of approved consumption or application, within the dosage parameters specified by a QMP or PMP.
- Assist with dispensing of product to cardholders.
- Assist with maintaining a safe, clean, and professional environment.
- Authorize entry of a cardholder into the cardholder counseling area.
- Enter and retrieve information from the ICS.
- Prepare inventories of medical cannabis and medical cannabis devices.
- Prepare labels.
- Provide pricing and product information.
- Retrieve medical cannabis and medical cannabis devices from inventory.
- Screen calls for a PMP.
- Take refill orders from a QMP.
- Transport medical cannabis or medical cannabis devices (if employed at a licensed home delivery medical cannabis pharmacy).
- Using the ICS, verify the status of an individual's medical cannabis card and dosage parameters in a patient recommendation.
- Verbally offer to a cardholder the opportunity for counseling with a PMP regarding medical cannabis or a medical cannabis device.
- View medical treatment and medication history in the EVS.

The following duties cannot be performed by a pharmacy agent:

- Determine or modify dosage guidelines in a patient's recommendation.
- Provide counseling or consultation regarding a patient's medical condition or medical treatment.

- Receive dosing guidelines for a patient's recommendation over the phone or in person.

15. Delivery services (4-41a-102, 4-41a-1205, R66-6)

A medical cannabis pharmacy may offer delivery services if approved by UDAF

Medical cannabis couriers must adhere to the same patient privacy standards and operating standards as a medical cannabis pharmacy for which they are delivering shipments.

Additionally, a specific written operating plan for providing home delivery services is required.

A pharmacy or courier agent delivering medical cannabis must:

- Deliver in a vehicle that is:
 - Known to UDAF.
 - Has no marking or indication on the exterior of what is being transported.
 - Is not an unmanned vehicle.
 - Has an alarm system.
 - Has a GPS device that is not easily removable, is attached to the vehicle, and is capable of storing and transmitting data.
- Have a manifest that includes a unique identifier, origin and destination, departure and estimated arrival times.
- Have a trip log showing the specific route.
- Make sure the appropriate storage temperature is maintained to protect the integrity of the product.
- Make sure only a pharmacy or courier agent can access the shipment
- Make sure that no one other than a pharmacy or courier agent is allowed in the delivery vehicle.
- Provide each cardholder with printed material that includes a pharmacy's contact information and hours when a PMP is available for counseling.
- Record the completion of the shipment by the end of the business day
- Report missing product to the pharmacy's PMP, UDAF and law enforcement within 24 hours of noticing that it is missing.
- Return any undeliverable shipment to the pharmacy as soon as possible, but at minimum within 10 business days.
- Store shipment in a secure manner, which means including it in a fully enclosed box, container, or cage that is secured inside the delivery vehicle.
- Wear an identification tag.

When delivering medical cannabis or devices to a cardholder, the pharmacy or courier agent must:

- If the cardholder is not a facility, deliveries must occur at the medical cannabis cardholders:
 - Home address

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- Work address so long as it is not a community location
- Drop off the delivery to only the cardholder
- Never leave product unattended in a delivery vehicle for more than 1 hour
- Never make changes in dosage or quantity at the request of the cardholder during a delivery
- Never store medical cannabis at a courier facility
- Never consume medical cannabis while delivering
- Only transport medical cannabis products or devices that appear on the manifest; and
- Deliver products to cardholders between 6 a.m. and 10 p.m.

The following must be verified prior to delivery of shipment to the individual:

- The product is paid for
- Shipment delivered to the address on the cardholder's EVS account.
- Shipment is dropped off or left with a healthcare facility designated by the cardholder or an employee designated by the facility.
- Shipment is not dropped off or left with anyone other than the medical cannabis cardholder.
- Valid form of photo ID of the individual that placed the order.
- Valid medical cannabis card under the same name that appears on the ID.

Contact Information

Utah Department of Agriculture and Food.

Industrial Hemp and Medical Cannabis Division

Phone: (801) 982-2200

Email: cannabis@utah.gov

Address: 4315 S 2700 W 2nd Floor, Suite 2200
Taylorsville, UT 84129