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Industry Bulletin: 23-01

Subject: Standard operating procedure for a medical cannabis pharmacy to continue sales during an inventory control system outage

A medical cannabis pharmacy must have an approved standard operating procedure from the Utah Department of Health and Human Services (DHHS) to continue sales during a software outage of its inventory control system. The standard operating procedure must include the following items in order to be in compliance with Utah law.

Required components of the standard operating procedure during a software outage of the inventory control system	
1. Sales information in electronic verification system (EVS)	<ul style="list-style-type: none"> a. Check the notes tab in the EVS to determine if the patient purchased a product that was not recorded in the inventory control system during the outage.
	<ul style="list-style-type: none"> b. Check the patient's purchase history in the EVS and calculate the total amount of medical cannabis product that the patient purchased in the past 28 days, including any product noted in the EVS notes tab during the present inventory control system outage.
	<ul style="list-style-type: none"> c. Refuse the sale of the product to the patient if the sale will result in the patient receiving more product than the legal dosage limit as defined in Utah Code Ann. 26-61a-102.
	<ul style="list-style-type: none"> d. Product may be sold to the patient as long as it can be verified in the EVS that the sale would not result in the patient receiving more product than the legal dosage limit.



	<p>e. Enter the following information in the EVS notes tab associated with the patient making the purchase immediately after selling any product or device:</p> <ul style="list-style-type: none">• Select note type “ICS Outage Sale.”• For “Note name” enter the pharmacy name and location.• For “Correspondence date” enter the date of sale.• In the “Comment field” enter:<ul style="list-style-type: none">• The time of each purchase.• The quantity and type of product or device purchased. This should include sufficient information regarding a product’s weight and THC level so the legal dosage limit may be calculated by another medical cannabis pharmacy.• An identification code unique to the medical cannabis pharmacy agent or pharmacy medical provider making the notation.• Mark “no” to the private note question.
2. Records of product and device sales	<ul style="list-style-type: none">• a. All information that state law requires to be collected about the sale of a product or device must be recorded, even during an inventory control system outage. Information may be recorded on paper or electronic records as outlined in the pharmacy’s standard operating procedure. This information must be made available to DHHS upon request.• b. For home deliveries: A pharmacy must record all information required on the manifest. This can be done manually using a paper manifest or in an electronic manifest generated by a back-up inventory control system as outlined in the pharmacy’s standard operating procedure.

3. After the inventory control system outage is over	<ul style="list-style-type: none"> a. All required information about the products and devices sold during the outage must be entered into the inventory control system within 72 hours after the outage is over.
	<ul style="list-style-type: none"> b. A pharmacy must keep all records and documents from sales made during an outage for 2 years. <p>These records and documents must be made available to DHHS upon request.</p>

To get approval for a standard operating procedure:

- Email a copy of the standard operating procedure to the DHHS at cannabiscompliance@utah.gov.
- A pharmacy will receive an email with the approval or recommendations for improvement within 30 business days.

Please note: While a medical cannabis pharmacy may continue sales during an inventory control system outage by complying with this procedure, a pharmacy may **not** continue sales during an electronic verification system (EVS) outage.

The DHHS cannot legally interpret laws for external parties but individuals may contact the DHHS Center for Medical Cannabis compliance program at cannabiscompliance@utah.gov or (801) 538-6504 with general questions about the laws.