

## **R68. Agriculture and Food, Plant Industry.**

### **R68-34. Educational Event and Educational Material Rules.**

#### **R68-34-1. Authority and Purpose.**

Pursuant to Subsections 4-41a-403(5)(a) through 4-41a-403(5)(c), this rule establishes the elements and restrictions on educational events a cannabis production establishment may hold for the public or medical providers, and provides guidelines for educational material shared at the events.

#### **R68-34-2. Definitions.**

1) "Educational event" means an event held by a cannabis production establishment or presented by a cannabis production establishment agent for the purpose of providing education about medical cannabis for the benefit of the public or medical providers.

2) "Educational material" means content distributed by a medical cannabis production establishment, cannabis production establishment agent, medical cannabis pharmacy agent, or qualified medical provider, whether in-person or online. Educational material includes:

- a) live or recorded content of an actual educational event;
- b) printed material such as books, pamphlets, flyers, or business cards; and
- c) online content.

#### **R68-34-3. Educational Material Standards.**

1) A presenter seeking to dispel false or misleading information about medical cannabis may include the false or misleading information in educational material if they also include a true statement regarding lawful cannabis use in Utah that dispels the false or misleading information.

2) Educational material shall include information relating to side effects, consequences, contraindications, and effectiveness of medical cannabis, and ensure that information relating to effectiveness is not presented in greater scope, depth, or detail than information relating to side effects, consequences, and contraindications.

3) Educational material standards assessed by the department include factors such as typography, layout, contrast, headlines, paragraphing, white space, and other techniques used to achieve emphasis.

4) Educational material is false or otherwise misleading if it:

a) contains a representation that a cannabis strain, brand, or product is more effective, useful in a broader range of conditions or patients, or safer than another drug or treatment, including other cannabis strains or product, unless the claim has been demonstrated by substantial evidence or substantial clinical data;

b) uses a quote or paraphrases information out of context or without citing conflicting information from the same source to convey a false or misleading idea;

c) uses a study on individuals without a qualifying medical condition without disclosing that the subjects were not suffering from a qualifying medical condition;

d) uses data to present a cannabis product favorably that is derived from patients treated with a different product or with dosages different from those legal in Utah;

e) contains favorable information or conclusions from a study that is inadequate in design, scope, or conduct to furnish significant support for the information or conclusions;

f) fails to disclose the source of the material with sufficient detail to enable participants to locate the material independently; or

g) fails to disclose that a study has not been subject to the peer review process.

5) Educational material shall not include:

a) an unsubstantiated health claim or claim that is not supported by substantial evidence or substantial clinical data;

b) information that encourages the use of cannabis for a condition other than a qualifying medical condition;

c) unprofessional terms, slang, phrasing, or verbiage associated with the recreational use of cannabis unless those terms are necessary to clarify or provide information valuable to the educational event participants, such as law enforcement officers, in identifying and educating individuals on common terms used by patients and other individuals to refer to cannabis and are presented in that context;

d) any image bearing resemblance to a cartoon character or fictional character whose target audience is children or minors;

e) content, symbol, or imagery that the cannabis production establishment knows or should know appeals to children;

f) imagery featuring a person using the product in any way;

g) any statement that encourages, promotes, or otherwise creates an impression that use of cannabis is legal or acceptable to use in a manner except as specifically authorized under Title 26, Chapter 61a, Utah Medical Cannabis Act;

h) any statement that recreational use of cannabis has any potential health or therapeutic benefits, or that recreational use or possession is legal in Utah or under federal law;

i) any recreationally oriented subject;

j) any content that might be considered dismissive of medical cannabis as approved to treat a qualifying medical condition;

k) content that promotes consumption in excess of the recommended dosage;

l) content targeting out-of-state customers;

m) any statement that falsely disparages a competitor's product; or

n) any statement, design, or representation, picture or illustration that is obscene or indecent.

#### **R68-34-4. Educational Event Standards.**

1) Any attendee at an educational event held by a cannabis production establishment pursuant to Section 4-41a-403 shall be at least 21 years of age.

2) A presenter may address issues or questions posed during an educational event that clarify or provide educational material on the limits of cannabis use under Title 4, Chapter 41a, Cannabis Production Establishments or Title 26, Chapter 61a, Utah Medical Cannabis Act.

#### **R68-34-5. Department Review.**

1) Any educational event that falls under this rule must be disclosed to the department no less than 10 business days prior to the educational event.

2) A department employee may attend an educational event to verify compliance with state law and this rule.

3) The department may require that a cannabis production establishment provide copies of any educational material scheduled to be distributed at an educational event to:

- a) verify that documents and materials are in compliance with Section 4-41a-403 and do not conflict with Title 26, Chapter 61a, Utah Medical Cannabis Act;
- b) confirm the information presented is correct; and
- c) pursuant to Subsection 4-41a-403(1), confirm that advertising is not included.
- 4) The department may require the cannabis production facility or presenter at an educational event to change the presentation and materials to comply with state laws and this rule.

**KEY: cannabis, educational event**

**Date of Enactment or Last Substantive Amendment: January 8, 2021**

**Authorizing, and Implemented or Interpreted Law: 4-41a-403(5)(a) through 4-41a-403(5)(c)**