

# Proposed medical cannabis legislation

Intended for a September special session | August 20, 2019

## Financial

**Problem:** The state treasurer cannot process electronic payments for the state central fill program.

**Solution:** Repeals the state central fill medical cannabis pharmacy and directs the Utah Department of Health (DoH) to establish a state central patient portal, a website that will authenticate patients, provide information, and facilitate electronic orders of medical cannabis shipments to patient homes from certain home delivery medical cannabis pharmacies. The state will not be involved in any financial transactions for medical cannabis. Home delivery medical cannabis pharmacies may use an electronic payment provider that the Division of Finance authorizes or traditional banking (if congressionally authorized) to complete electronic orders.

## Local health department distribution

**Problem:** Counties raised concerns in the spring over distributing medical cannabis from the state central fill medical cannabis pharmacy.

**Solution:** After repealing the state central fill medical cannabis pharmacy, local health departments will not be involved in the medical cannabis program. Increases the number of available licenses for private medical cannabis pharmacies from 7 to 12 to compensate for the loss of the wider network of local health department locations. Authorizes DoH to license medical cannabis couriers for home delivery.

## Patient protections

**Problem:** Well-meaning patients seeking the protections of 2018 HB 3001 are nevertheless being punished for use or possession of medical cannabis or being ordered to abstain from medical use.

**Solution:** Provides that lawful use of medical cannabis may not be considered differently than lawful use of an opioid or opiate in certain circumstances. Prohibits a judge from ordering as a condition of probation or release, and a prosecutor from requiring as a condition for a plea, a patient to abstain from use or possession of medical cannabis. Prohibits a judge from determining that a parent's use of medical cannabis is abuse or harm of a child or otherwise not in the child's best interest.

## Cultivation issues

**Problem:** Cultivators are required to cultivate indoors or outdoors, but not both, creating inefficiencies.

**Solution:** Allows for a combination of indoor and outdoor cultivations and requires Utah Department of Agriculture and Food (UDAF) to develop a formula to ensure that combination cultivation falls below the existing statutory limitations on indoor and outdoor cultivation.

## Academic Research

**Problem:** Research universities within the state need a path to research medical cannabis that does not violate state law.

**Solution:** Authorizes UDAF to license research universities to conduct medical cannabis research, similar to previously authorized industrial hemp research.