

# DHHS Center for Medical Cannabis proposed rule hearing R383-1 thru R393-15

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Monday, October 2, 2023, 9am

Multi Agency State Office Building (MASOB)  
195 N 1950 W, Salt Lake City, UT 84116  
Room 1020C  
Virtual meeting [link](#)

# Introduction

- Purpose of this rule hearing is to provide the public an opportunity to submit public comment on proposed rules recently filed by the DHHS Center for Medical Cannabis.
  - Documents relevant to this rule hearing may be found on the Utah Administrative Rules website at [rules.utah.gov/publications](https://rules.utah.gov/publications) in the Utah State Bulletin, Volume 2023-18 published on September 15, 2023.
  - The DHHS is accepting public comments regarding the proposed rule amendments during today's rule hearing.
  - The DHHS will accept written comments by email at [medicalcannabis@utah.gov](mailto:medicalcannabis@utah.gov) up until October 16, 2023.
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# Proposed rule repeals

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- R383-11 Agreement with a tribe
  - Repealed due to HB 72 moving medical cannabis pharmacy licensing authority to UDAF. DHHS now has no need to be a party to a potential agreement with a tribe.
- R383-12 Administrative hearing procedures
  - Repealed due to need to defer to DHHS hearing procedures in R497-100.

# Proposed rule amendments

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- R383-1 Definitions
  - R383-2 Electronic verification system and inventory control system
  - R383-4 Qualified medical providers
  - R383-5 Dosing guidelines
  - R383-6 Pharmacy medical providers
  - R383-7 Medical cannabis pharmacy
  - R383-8 Medical cannabis pharmacy agent
  - R383-9 Home delivery and courier
  - R383-14 Administrative penalties
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# Simple rule amendments

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- All medical cannabis-related definitions appearing in DHHS administrative rules moved to R383-1. Definitions.
- References to Title 26, Chapter 61a, replaced with new statutes due to its recodification under Senate Bill 40, which passed during the 2023 General Session.
- Phrasing and minor grammar updates made throughout the amendments to make rule language align with rule-writing standards of the Office of Administrative Rules.

# R383-1 Definitions

- Amended to include definitions from other DHHS medical cannabis-related rules due to the Office of Admin. Rules recommending that all definitions from Title R383 be moved to R383-1.
- This move will help the reader locate all definitions applicable to DHHS medical cannabis rules in one rule instead of having to search for them in various rules.

# R383-2 Electronic verification system and inventory control system

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Definitions removed from this rule and moved to R383-1 Definitions. The Office of Administrative Rules recommended that all definitions from Title R383 be moved to R383-1.

This move will help the reader locate all definitions applicable to medical cannabis rules in one rule instead of having to search for them in various rules.

# R383-4 Qualified medical providers

- Amended to include definitions from other DHHS medical cannabis-related rules due to the Office of Admin. Rules recommending that all definitions from Title R383 be moved to R383-1.
- This move will help the reader locate all definitions applicable to DHHS medical cannabis rules in one rule instead of having to search for them in various rules.



# R383-5 Dosing guidelines

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- Subsection R383-5-2(3) is removed due to Senate Bill 137 which repealed provisions of the Utah Medical Cannabis Act that were related to the state's central patient portal medical provider.
- The repeal was made at the request of the DHHS because DHHS determined that it was unnecessary for DHHS to employ a state central patient portal medical provider.

# R383-6 pharmacy medical providers

- Amended to include definitions from other DHHS medical cannabis-related rules due to the Office of Admin. Rules recommending that all definitions from Title R383 be moved to R383-1.
- This move will help the reader locate all definitions applicable to DHHS medical cannabis rules in one rule instead of having to search for them in various rules.
- Subsection R383-6-3(9) is deleted and moved to the newly created Subsection R383-6-3(6)(b)(ii) so the renewal notice requirements are in one location.

# R383-7 Medical cannabis pharmacies

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- Amended to include definitions from other DHHS medical cannabis-related rules due to the Office of Admin. Rules recommending that all definitions from Title R383 be moved to R383-1. This move will help the reader locate all definitions applicable to DHHS medical cannabis rules in one rule instead of having to search for them in various rules.
- Definitions such as those for advertising, advertise, and targeted marketing are removed from the rule because those now appear in 26B-4-201.
- Subsection R383-7-3(8) related to ownership change requirements is deleted as it conflicts with Section 4-41a-1001 (11), a statute which came into effect on July 1, 2023 under House Bill 72. Also, the authority over medical cannabis pharmacy ownership changes moved to UDAF.

# R383-7 Medical cannabis pharmacies, cont.

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- Changes to Subsection R383-7-2(9) removes the requirement that a patient sign a non-disclosure agreement upon request by a medical cannabis pharmacy prior to obtaining a product's certification of analysis from a medical cannabis pharmacy.
- Changes to R383-7-15 add the term "walk-up" to clarify that a medical cannabis pharmacy may sell products using walk-up service at a pharmacy location.
- Changes to Subsection R383-7-18(6) modify standards for posting information about the concentration of each cannabinoid contained in a medical cannabis product.
  - Makes it so pharmacy may choose to have cannabinoid concentration appear as a percentage instead of in milligrams. This change will make it easier for online customers to understand the amount of tetrahydrocannabinol (THC) in medical cannabis products prior to purchase of the products.

# R383-8 Medical cannabis pharmacy agent

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- Subsection R383-8-4(10) is amended due to Senate Bill 137, passed during the 2023 General Session. S.B. 137, lines 1629 to 1631, removed a provision allowing an applicant to renew a medical cannabis pharmacy agent card within one year after the applicant's previous agent card expires.
- This statutory amendment prompts the need to change the time frame within which an agent must renew their agent card established in Subsection R383-8-4(10) to avoid having to pay for a new fingerprint background check from one year to five days.

# R383-9 Home delivery and courier

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- Subsection 26B-4-242 (3)(b) allows a courier to store a medical cannabis pharmacy's undelivered medical cannabis shipment for ten business days but Subsection R383-9-2(6) states that a courier cannot store medical cannabis, or a medical cannabis device, at its facility.
  - The proposed amendment addresses this conflict between the state statute and rule by removing Subsection R383-9- 2(6).
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# R383-9 Home delivery and courier, cont.

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- Subsection R383-9-5(11) is also amended due to S.B. 137 (2023). S.B. 137, lines 2366 to 2368, removed a provision allowing an applicant to renew a courier agent card within one year after the applicant's previous agent card expires.
- This statutory amendment prompts the need to change the time frame within which a courier agent must renew their agent card established in Subsection R383-9- 5(11) to avoid having to pay for a new fingerprint background check from one year to five days.
- Subsection R383-9-2(4)(f) is moved to Subsection R383-9-2(2) to be with similar requirements regarding what a home delivery service shall not do.

# R383-13

## Compassionate Use Board

- Rule R383-13 is repealed and reenacted with new language due to the DHHS needing to clarify the expedited review process and what happens when DHHS denies a request for expedited review of a petition submitted to the Compassionate Use Board.



# R383-14

## Administrative penalties

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- Amended to include definitions from other DHHS medical cannabis-related rules due to the Office of Admin. Rules recommending that all definitions from Title R383 be moved to R383-1.
- This move will help the reader locate all definitions applicable to DHHS medical cannabis rules in one rule instead of having to search for them in various rules.

# Proposed New Rules

- R383-15 Compassionate Use Board Administrative Hearing Procedure
    - This proposed new rule explains how an administrative hearing relating to petitions denied by the Compassionate Use Board will occur.
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# **DHHS Center for Medical Cannabis**

Contact information

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