

DHHS Center for Medical Cannabis proposed rule hearing R383-1, R383-2, R383-4, R383-5, R383-7, R383-8, R383-9, & R383-14

Tuesday, November 28, 2023, 11am

Multi Agency State Office Building (MASOB)
195 N 1950 W, Salt Lake City, UT 84116
Room 2009
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 in the Utah State Bulletin, Volume 2023-22 published on November 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 up until December 15, 2023.
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Proposed rule repeals

- R383-7 Medical Cannabis Pharmacy
 - HB 72 was passed during the 2023 general legislative session. This bill moved the regulatory authority of medical cannabis pharmacies to the Utah Department of Agriculture and Food. This rule is being repealed as DHHS no longer has regulatory authority over pharmacies. R383-7-12 is being moved to R383-5 Dosing Guidelines to eliminate the need to rename R383-7. It also makes more sense for the reader to locate dosing and partial filling guidelines in one location.
- R383-8 Medical Cannabis Pharmacy Agent
 - R383-8 is being repealed because UDAF now has regulatory authority over medical cannabis pharmacy agents. This statute changed during the 2023 legislative session with HB 72.

Proposed rule repeals cont.

- R383-9 Home delivery and courier
 - R383-9 is being repealed because UDAF will take over regulation of medical cannabis home delivery and courier facilities and courier agents. This change took place during the 2023 legislative session with HB 72.
 - R383-14 Administrative penalties
 - R383-14 is being repealed because UDAF now has regulatory authority over medical cannabis pharmacy agents, courier agents, medical cannabis couriers, and medical cannabis pharmacies. This regulation changed during the 2023 legislative session with HB 72. UDAF will take over regulation of these entities on January 1, 2024. With these changes in regulation, DHHS no longer has the ability to administer administrative penalties over medical cannabis pharmacies as this ability has shifted to UDAF.
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Proposed rule amendments

R383-1 Definitions

R383-2 Electronic verification system
and inventory control system

R383-4 Qualified medical providers

R383-5 Dosing guidelines

R383-1 Definitions

- Various R383-1 definitions are being removed because DHHS no longer has regulatory authority over medical cannabis pharmacy agents, courier agents, medical cannabis couriers, and medical cannabis pharmacies.
- The rules applicable to these entities are R383-7,8,9 and R383-14 and they are being repealed or amended.
- The definition of QMP proxy is added and the term is now used in Rules R383-1, R383-2 and R383-4.

R383-2 Electronic verification system and inventory control system

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- This proposed rule adds role types that need EVS access and removes role types that do not need EVS access.
- We added language clarifying that anyone who has EVS access cannot share their login information.
- References to the updated UDAF statute are also made due to passing of HB 72 during the 2023 legislative session.

R383-4 Qualified medical providers

- Qualified medical provider (QMP) proxies are added to various sections in this rule.
 - A QMP proxy requires access to the electronic verification system (EVS) to assist QMPs under 26B-4-202(3).
 - EVS access requires registration, which is a similar process to the QMP registration.
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R383-5 Dosing guidelines

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- This rule amendment adds R383-5-3, which was previously R383-7-12. This section is moved because R383-7 is being repealed in its entirety as the DHHS no longer has regulating authority over that rule.
- During the 2023 session, HB 72 moved the regulation authority of medical cannabis pharmacies to the UDAF.
- It makes logical sense for partial filling and dosing guidelines to be included in one rule since they both deal with how medical cannabis is dispensed.

Resources

- [2023-22 Bulletin](#)
- [DHHS-CMC Website](#)
- Written comments may be submitted to medicalcannabis@utah.gov up until December 15, 2023.

DHHS Center for Medical Cannabis

Contact information

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