

Legal dosage limit exceptions



Medical Cannabis Policy Advisory Board, 2/20/2024

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Presentation outline

S.B. 233 Medical Cannabis Amendments

S.B. 233 includes a provision allowing an exception to the legal dosage limit.

The bill would allow a QMP to petition DHHS to waive the 28-day period limit for a patient if the patient:

- has been diagnosed with a terminal illness;
- has a life expectancy of six months or less; and
- needs the waiver for palliative purposes.

Under the bill, DHHS would consult with the CUB and issue a response within 10 days. The waiver would not be allowed to last for more than 180 days.

Background

Utah statute allows a medical cannabis cardholder to purchase medical cannabis products up to the “legal dosage limit,” unless their recommending medical provider specifies dosing guidelines.

The proposal to allow exceptions to the legal dosage limit is out of concern for patients who may benefit from consuming more medical cannabis than the statutory limit allows a patient to purchase.

Legal dosage limit definition

An amount that is sufficient to provide 30 days of treatment based on the dosing guidelines that the relevant recommending medical provider or pharmacy medical provider recommends, and may not exceed:

- For unprocessed cannabis in a medicinal dosage form, **113 grams** by weight; and
- For a cannabis product in a medicinal dosage form, a quantity that contains, in total, greater than **20 grams** of active tetrahydrocannabinol.

26B-4-245 allows a patient to purchase up to the legal dosage limit in any one 28-day period on a rolling basis.

Is there a need to increase dosage limits for some patients?

- There is no universally accepted dosing or titration for cannabis.
- Whether a patient requires more than 20 grams of active THC in a 30-day period can only be determined on a case-by-case basis.
- Individual patients metabolize and absorb cannabinoids differently. Products and amounts of each product that each patient needs will vary.

How many patients reached the legal dosage limit in 2023?

- State records indicate that **of the 77,644 individuals** with active patient cards in 2023, **there were 5,022 instances of the legal dosage limit being reached** for either processed products, flower, or both (6%).
- Far more patients (97%) reached the legal dosage limit for processed products.
- Reasons a patient may reach the limit:
 - Discount or a sale that only lasts for a certain time frame.
 - Patients may be trying to “stock up.”
 - Patients may need to consume higher amounts of cannabis to treat their medical condition.
 - Patients may have a higher cannabis tolerance.

How many patients reached the legal dosage limit in 2023?

# of times patient reached legal dosage limit in 2023	# of patients who reached limit for processed products	# of patients who reached limit for unprocessed flower
1 time	4891	131
2 times	1279	44
3 times	392	6
4 times	118	4
5 times	32	1
6 times	10	2
7 times	4	-
8 times	2	-
11 times	-	1
Grand Total	6728	189

RSO: a prominent example of high-THC use

- Rick Simpson Oil (RSO) is a well known, THC-potent extract currently sold in the cannabis market.
- Some patients try using RSO as a potential treatment for cancer, tumor growth, and neuropathic conditions.
- Standard RSO protocol is to consume 60 grams total of THC over a 90-day treatment window. Patients start with a low dose and increase the dose up to 1 gram per day until the 60 grams are gone.
- This protocol isn't generally recommended by medical providers due to its lack of clinical approval, but it is still practiced by some patients.

RSO in the Utah market

- RSO products are sold in the Utah medical cannabis market and sell for a higher price.
- While RSO is available, the legal dosage limit and cost factor into its limited use for those seeking to undergo the RSO protocol.
- Less than 1% of medical cannabis products sold in 2024 thus far are RSO products.
- A manufacturer reported that a few patients and pharmacy medical providers have made requests for RSO specifically.

Other states' allowances for dosage limit increases

Florida allows a qualified physician to petition the state Office of Medical Marijuana Use for an exception. The physician must:

- specify the qualifying condition;
- why an exception is necessary; and
- the amount in excess of the legal purchase limit that they recommend for the patient each month.

The **Iowa** Office of Medical Cannabidiol follows a similar procedure for requesting an amount beyond the legal limit.

Approval bodies for a legal limit increase

Recommending medical providers (RMPs) or pharmacy medical providers (PMPs) could submit the request.

- Why RMPs: They are already providing medical care for their patient.
- Why PMPs: They may interact with patient more and have more knowledge about medical cannabis products.

The Compassionate Use Board (CUB) or the DHHS Center for Medical Cannabis (CMC) could approve the request.

- Why CUB: Qualified medical providers who already make determinations regarding medically.
- Why CMC: Can have a faster turnaround time for determination and avoid adding to existing CUB workload.

1. Retain the existing legal dosage limit for all patients. Do not allow any exceptions to the limit (status quo).
2. **Allow a patient's RMP to petition the CMC or the CUB on behalf of the patient for an exception to the legal dosage limit.**
3. Allow a patient's PMP to petition the CMC or CUB on behalf of the patient for an exception to the legal dosage limit.
4. Allow either a RMP or PMP to petition the CMC or the CUB on behalf of the patient for an exception to the legal dosage limit.
5. Only allow patients undergoing palliative care with certain qualifying conditions to be eligible for the limit.

Recommendation options