

# Medical Cannabis Policy Advisory Board Recommendations and Relevant 2024 General Session Legislative Action

\*Updated 3/19. The Governor's veto period ends on March 20th, 2024.\*

## 1. Felony disqualifications for cannabis business owners and production establishment agents.

- a. Recommendation: support provisions of *S.B. 233 Medical Cannabis Amendments, 2nd substitute*, that reduce the felony disqualification for medical cannabis business owners and cannabis production establishment agents from any felony conviction to a felony conviction within 10 years of the date of their application to the Department of Agriculture and Food.
- b. Status: **adopted** in S.B. 233, **signed** by the Governor.

## 2. Medical cannabis processor advertising and targeted marketing.

- a. Recommendation: (1) allow medical cannabis processors the same rights of medical cannabis pharmacies to engage in advertising and targeted marketing, and (2) prohibit processors from listing pricing, discounts, or incentives for medical cannabis products in targeted marketing.
- b. Status: (1) **adopted** in S.B. 233, **signed** by the Governor. (2) was **not adopted**, but rulemaking authority was given to UDAF.

## 3. Medical cannabis dosage forms.

- a. Recommendation: allow (1) suppositories, and (2) any homogeneous edible dosage form, including, but not limited to, chocolate and chewables, as legal dosage forms.
- b. Status: (1) **adopted** in S.B. 233. (2) **adopted** soft or hard confections that are a uniform rectangular cuboid or uniform spherical shape and homogeneous in color and texture. Chocolate was **prohibited. Signed** by the Governor.

## 4. Medical cannabis pharmacy ownership cap.

- a. Recommendation: establish a 30% medical cannabis pharmacy ownership limit, expressed in a whole number, over which one person or entity, or a related party, could have ownership.
- b. Status: **adopted** in H.B. 389, **not signed** by the Governor as of 3/19.

## 5. Legal dosage limit exceptions.

- a. Recommendation: amend *S.B. 233 Medical Cannabis Amendments, 2nd substitute*, (1) On line 2586, as it relates to the section allowing qualifying medical providers to petition the Department of Health and Human Services

for a 28-day purchasing period limit waiver: change “qualified medical provider” to “a recommending medical provider or pharmacy medical provider,” and (2) on line 2590, as it relates to qualifying criteria for a waiver to the 28-day purchasing period limit, change “and” to “or.”

- b. Status: ***neither adopted*** into S.B. 233, but ***did adopt*** a 28-day purchasing period limit waiver.

#### **6. Medical cannabis business tax credits and decoupling.**

- a. Recommendation: create a state medical cannabis business tax credit at the highest percentage possible in order to match tax savings produced by a decoupling from IRS Code Section 280E.
- b. Status: ***adopted*** in S.B. 72, ***failed to pass (due to a lack of funding)***.

#### **7. Capping medical cannabis processor licenses.**

- a. Recommendation: add a “soft” cap on cannabis processing facilities, asking the legislature choose a maximum number of cannabis processing facility licenses and to allow the Utah Department of Agriculture and Food to issue additional processor licenses beyond the maximum after conducting a market analysis on an annual or more frequent basis.
- b. Status: ***not adopted*** into a bill.

#### **8. Telehealth renewals for medical cannabis recommendations.**

- a. Recommendation: allow recommending medical providers to perform telehealth medical cannabis card renewals if meeting for the first time with a patient under the following conditions:
  - i. Receipt of a referral from a medical provider who is treating the patients’ qualifying condition;
  - ii. Receipt of recent medical records, with “recent” being defined as documents pertaining to the patient that are less than 6 months old, from the medical provider;
  - iii. The patient has seen any medical provider in person within the past year; and
  - iv. The recommending medical provider conducting the renewal has a physical practice location in Utah.
- b. Status: ***not adopted*** into a bill.