

Reducing Caregiver and Guardian Card Fees for the Utah Medical Cannabis Program

To: Medical Cannabis Policy Advisory Board

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Subject: Proposal re: reducing caregiver and guardian card fees for the Utah medical cannabis program

Background:

Currently, the Center for Medical Cannabis (CMC) imposes a \$68.25 application fee for medical cannabis caregiver and guardian cards in Utah. This fee comprises a \$15 card fee and a \$53.25 background check fee. However, the Department of Health and Human Services (DHHS) has the authority to adjust the \$15 card fee according to regulations. The \$53.25 background check fee involves \$20 directed to the DHHS Division of Licensing and Background Checks (DLBC) and \$33.25 to the Department of Public Safety Bureau of Criminal Identification (BCI) through DLBC. It's crucial to note that the CMC doesn't control the cost of the background check, which encompasses both state and federal levels and requires fingerprinting. Additionally, there is usually an added cost of fingerprinting of between \$5 to \$45, depending on where you get your prints taken. This cost, incurred by the caregiver, is on top of the CMC state fee and the background fee.

Proposal:

The real hurdle for prospective caregivers and guardians is the cost associated with a background check. At present, the background check fee accounts for three quarters of the cost to be a caregiver. To alleviate that burden, we propose the following: caregivers and guardians should pay no DHHS card fee. For caregivers, the patient pays an additional \$5.00 per caregiver. Background checks would be eliminated for both caregivers and guardians and replaced with a yes or no checkbox regarding criminal history related to drug trafficking/distribution.

Comparative Analysis:

We've examined laws in other states regarding caregiver background checks and fees. Out of the 16 medical-only states, 6 mandate a background check for any potential caregiver or guardian. Some states require background checks or disclosure of criminal history only under specific circumstances, while others don't mandate background checks but require declaration of criminal history. We were unable to find any arrests made due to diversion in any of the 10 states that do

not mandate background checks; indicating that the risk is low when removing the background check and moving to a criminal disclosure model.

Recommendation:

Considering the financial implications for caregivers and guardians, as well as other states' less restrictive regulatory approaches, we recommend implementing the above-discussed option. This will significantly reduce or eliminate fees for caregivers while ensuring adequate oversight through alternative mechanisms such as patient payment or the attestation requirement of no felony conviction. This approach aligns with our goal of making the Utah medical cannabis program accessible and equitable for all participants. We urge the board to consider this option and the potential benefits for caregivers, patients, and the overall success of the program. Thank you for your attention to this matter.