

Medical Cannabis Policy Advisory Board Bylaws

Revised October 21, 2025

ARTICLE I: Name

The name of this board is the Medical Cannabis Policy Advisory Board, herein referred to as “the board” created under UCA 26B-1-435 and operating within the Utah Department of Health and Human Services (DHHS).

ARTICLE II: Purpose

~~The board makes recommendations to state lawmakers and state agencies regarding current or proposed medical cannabis rules or statutes, additional cultivation facility and pharmacy licensing, and other medical cannabis-related material which impact DHHS and the Utah Department of Agriculture and Food (UDAF), herein referred to as “Departments.”~~

ARTICLE II: Members

Section 1

Members of the board shall:

- (a) Be appointed by the executive director of DHHS, the commissioner of the Utah Department of Agriculture and Food (UDAF), or the University of Utah Center for Medical Cannabis Research based on requirements established in UCA 26B-1-435(2);
- (b) serve a term length as determined by UCA 26B-1-435(3);
- (c) serve without compensation but shall be reimbursed for their travel expenses and per diem incurred in their participation. A member may decline reimbursement.
- (d) attend meetings either in person or by teleconference and shall provide advance notice if they are unable to do so.

Section 2

Any member of the board may resign from the board at any time by notifying the chair in writing. They are encouraged to assist the applicable department in nominating a suitable replacement and are encouraged to remain until a suitable replacement has been appointed.

Section 3

Any member of the board may be recommended for termination by a simple majority vote of the board or at the discretion of the board chair, as a result of:

1. resignation;
2. violation of the board bylaws;
3. failure to disclose conflicts of interest in a disclosure statement form designated by the DHHS;
4. interfere or the appearance of interference with the board member’s efficient service performance.

5. ineligibility of membership, including no longer maintaining the expertise or representing the category which was the basis for appointment;
6. if appointed to the board position as a licensed member of the board, the board member fails to maintain a license that is active and in good standing.
7. the board member fails or refuses to fulfill the responsibilities and duties of a board member, including attendance at board meetings;
8. the board member engages in unlawful or unprofessional conduct, including:
 - a. conviction of a felony;
 - b. conviction of a misdemeanor relating to public health, safety or the medical cannabis industry; or
 - c. other conduct which may compromise the integrity of the member to serve in a public setting.

Section 4

Notice shall be sent to the member, using the last email address on file, setting forth the termination and the grounds for termination. The notice shall be sent within fifteen days of the recommendation for termination. The board shall submit in writing and within thirty days after sending the notice a recommendation to the executive director or commissioner stating the board's recommendation and grounds for termination. The member may be terminated by action of the executive director or commissioner.

ARTICLE III: Duties of the Board

Section 1

The board's duties are enumerated in UCA 26B-1-435(8) and (9) and outlined in article III, sections 2 and 3.

Section 2

The board may recommend:

- 1) to DHHS or UDAF changes to current or proposed medical cannabis rules or statutes;
- 2) to the appropriate legislative committee whether the advisory board supports a change to medical cannabis statutes.

Section 3.

The board shall:

- 1) review any draft rule that is authorized under Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, or Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies;
- 2) be notified by UDAF or DHHS of non-substantive administrative rule changes;
- 3) consult with UDAF regarding the issuance of an additional:
 - a) cultivation facility licenses under UCA 4-41a-205; or
 - b) pharmacy licenses under UCA 4-41a-1005;
- 4) consult with DHHS regarding cannabis patient education;

- 5) consult regarding the reasonableness of any fees set by DHHS or UDAF that pertain to the medical cannabis program; and
- 6) consult regarding any issue pertaining to medical cannabis when asked by DHHS or UDAF.

Section 4.

The board may establish standing or special committees and subcommittees. Any proposals of a committee or subcommittee will be brought to the board for a full vote.

The following committees are established by majority vote of the board:

- (a) Pharmacy committee; and
- (b) Cultivator and processor committee.

ARTICLE IV: Officers

Section 1

The board shall nominate a chair and vice-chair by a simple majority vote. Pursuant to UCA 26B-1-435(5)(a), when designating the chair and vice-chair, the advisory board shall ensure that at least one individual appointed by DHHS is appointed as chair or vice-chair.

Section 2

Duties of the chair shall be to:

- 1) preside over all meetings of the board;
- 2) approve and present meeting agendas;
- 3) observe and enforce the bylaws and policies of the board; and
- 4) perform all such other duties of the seat as provided by these bylaws or prescribed by the board.

Section 3

In the absence of the chair at any meeting in which a quorum is present, the vice-chair will preside over the meeting.

Section 4

The term for a board chair and vice-chair is one year. A chair and vice-chair may be reelected more than once.

ARTICLE V: Staff

Pursuant to UCA 26B-1-435(7), DHHS shall:

- 1) provide staff support for the advisory board; and
- 2) assist the advisory board in conducting meetings, developing agendas, recording and publishing motions and minutes, and managing board notices on the Utah Public Notice Website.

ARTICLE VI: Meetings

Section 1

The advisory board shall meet as often as necessary to accomplish its duties at the request of the chair. The chair will determine the agenda of each meeting with assistance from DHHS and UDAF. The chair has sole authority to approve items on any agenda; however, the board may add items to a future board meeting agenda through a majority vote.

Section 2

The board chair will determine if meetings should be held virtually or in-person. In-person meetings will be hosted by DHHS at the Multi-Agency State Office Building located at 195 N 1950 W, Salt Lake City unless otherwise determined.

Section 3

All board meetings must comply with the Open and Public Meetings Act, as enumerated in UCA 52-4. Hybrid or fully virtual board meetings must comply with UCA 52-4-207. Closed meetings may be held in accordance with UCA 52-4-205.

Section 4

Board members that wish to attend a meeting virtually must receive approval from the board chair.

Section 5

Pursuant to UCA 26B-1-435(5)(a), a majority of board members constitute a quorum. In the absence of a quorum, any business transacted is null and void, except to take measures to obtain a quorum or to reschedule another meeting.

Section 6

Board members may discuss board business outside of meetings, but any private meeting attendance must never include a quorum.

Section 7

At the discretion of the board chair, members of the public wishing to speak may be recognized for two minutes of comment. Members of the public seeking to comment for more than two minutes may request additional time from the chair.

Section 8

No individual member shall make a statement of policy that purports to be that of the board unless the board shall have adopted such policy, but no one shall be prohibited from stating their personal opinions, provided they are clearly identified as such.

Section 9

All board meetings will consist of four essential items on their agendas:

1. Call to Order

2. Administrative Business
3. Agenda Items
4. Adjournment

ARTICLE VII: Voting and Balloting Procedures

Section 1

In any instance in which a majority vote is called for, the board chair shall issue a call for a voice vote or roll call vote.

Section 2

Each board member, including the chair, has one vote.

Section 3

The board shall vote based on the following guidelines:

- 1) No proxy or absentee voting shall be allowed.
- 2) Members may fully participate in a meeting via teleconference.
- 3) Any meeting may be canceled by the chair when in consultation with the DHHS and UDAF staff, the chair determines the meeting is not needed or when there will not be a quorum present.
- 4) Any meeting may be canceled by the chair at any time due to inclement weather or an emergency situation.

Section 4

Regardless of the size of an established quorum, the board shall **take** actions with a minimum of five votes.

ARTICLE VIII: Parliamentary Authority

Meetings shall be generally conducted in keeping with Robert's Rules of Order but shall be as informal as circumstances permit.

ARTICLE IX: Adoption of Bylaws

Section 1

The Bylaws may be amended in whole or part at a meeting of the board by majority vote, provided that such amendment was submitted to members of the board for review prior to the meeting at which such amendment is to be voted on by the board.

Section 2

These Bylaws shall take effect immediately upon a majority vote of the board. Adopted amendments shall take effect immediately upon adoption.