

R66. Agriculture and Food, Specialized Products.

R66-6. Home Delivery and Courier.

R66-6-1. Authority and Purpose.

- (1) Subsection 4-41a-1202(1) authorizes this rule.
- (2) This rule establishes medical cannabis home delivery operating standards, home delivery agent operating standards, courier agent application procedures, courier agent renewal application procedures, and courier agent certification Standards.

R66-6-2. Definitions.

- (1) ~~"DHHS" means the Utah Department of Health and Human Services.~~
- (2) "Manifest" means the document required under Subsection 4-41a-404(2) to be in the possession of any individual transporting medical cannabis that does not have a valid medical cannabis card.

R66-6-3. Home Delivery Service.

(1) A medical cannabis pharmacy may offer home delivery if it maintains an updated written operating plan for home delivery service that includes procedures to:

- (1) ~~a~~ ensure accurate record keeping of delivery information in the ICS;
- (2) ~~b~~ transport medical cannabis in a fully enclosed box, container, or cage, that is secured inside a delivery vehicle ~~and is held at an appropriate storage temperature throughout the delivery process to maintain the integrity of the product~~; and
- (3) ~~c~~ provide the department with information regarding any vehicle used for the delivery service, including the vehicle's make, model, color, vehicle identification number, and license plate number.

(2) A medical cannabis pharmacy may offer home delivery if it receives the home delivery pharmacy designation from the department that authorizes delivery of medical cannabis directly or through a medical cannabis courier.

R66-6-4. Home Delivery Operating Standards.

(1) A medical cannabis delivery pharmacy or courier's operating plan shall meet the requirements described in Sections R66-6-3 and 4-41a-12 and include security measures containing the following information:

- (a) a communication plan detailing the ability of couriers to communicate with a central dispatch or security team during delivery routes;
- (b) emergency procedures with clear protocols for handling emergencies, including accidents, attempted theft, or security breaches;
- (c) storage and security procedures for product that is unable to be delivered due to time constraints, weather or emergencies;

(d) an inventory management system that tracks medical cannabis from pharmacy to patient, ensuring accountability for all products; and

(e) policies for verifying the identity of the individual receiving the medical cannabis to ensure the product is delivered to the correct medical cannabis cardholder or caregiver facility employee.

(2) Each home delivery pharmacy or courier shall:

- (a) utilize a system for real time tracking of deliveries;
- (b) verify the identity of the medical cannabis cardholder or caregiver facility employee at time of delivery;
- (c) keep accurate records of delivery information for documentation in the inventory control system;
- (d) lock medical cannabis in a fully enclosed box, container, or cage when transporting and maintain appropriate storage temperature throughout the delivery process;
- (e) ensure that the manifest is not modified in any way after they depart from a home delivery medical cannabis pharmacy facility with the shipment appearing on the manifest; and
- (f) ensure that no person other than a pharmacy agent or courier agent is in a delivery vehicle during delivery or during the time medical cannabis is in the vehicle.

(3) When delivering medical cannabis to a cardholder's home, a pharmacy agent or courier agent may not:

- (a) deliver medical cannabis to anyone other than a medical cannabis cardholder or a caregiver facility employee;
- (b) perform a home delivery before 6 a.m. or after 10 p.m.;
- (c) leave medical cannabis unattended in a delivery vehicle for more than 60 minutes unless the courier agent or pharmacy agent is staying overnight in the process of conducting a delivery;
- (d) make a change in dosage or quantity at the request of the cardholder during delivery;
- (e) consume medical cannabis while delivering medical cannabis; or
- (f) transport medical cannabis beyond the locations that appear on the manifest.

(4) When delivering medical cannabis, a pharmacy agent or courier agent shall:

(a) wear an identification tag or similar form of identification that clearly identifies them to a cardholder and includes their position; and

(b) provide each cardholder or facility caregiver with printed material that includes a home delivery medical cannabis pharmacy's contact information and hours for counseling over the phone with a Pharmacy Medical Provider (PMP).

(5) If medical cannabis goes missing during a home delivery route, the pharmacy agent or courier agent shall:

- (a) notify the home delivery medical cannabis pharmacy's supervising PMP within 24 hours of when the medical cannabis pharmacy agent first became aware of the missing product;
- (b) provide details about the missing product to both the department and local law enforcement; and
- (c) log the missing products into the inventory control system.
- (6) The department may inspect any vehicle used for home delivery at any time.
- (7) A courier may store medical cannabis at its approved facility for up to [~~ten business~~] fourteen days if the courier:
 - (a) has an approved operating plan for the facility that meets the requirements of Subsection 4-41a-1205(3);
 - (b) has a record documenting a failed delivery attempt because the intended recipient was unavailable or could not verify their identity; and
 - (c) tracks the product while it is in their possession.

R66-6-5. Change in Operating Plans.

A medical cannabis courier shall submit a notice, on a form provided by the department, before making any changes to the courier's operating plans.

R66-6-[5]6. Violation Categories.

(1) Public safety Violations: \$3,00-\$5,000 per violation. This category is for violations that present a direct threat to public health or safety, including:

- (a) cannabis sold to an unlicensed source;
- (b) cannabis purchased from an unlicensed source;
- (c) refusal to allow inspection; or
- (d) failure to maintain home delivery service standards.

(2) Regulatory Violations: \$1,000 - \$5,000 per violation. This category is for violations involving this rule and other applicable state rules:

- (a) failure to maintain security systems;
- (b) failure to keep and maintain records for at least five years;
- (c) failure to maintain traceability;
- (d) failure to follow transportation requirements.

(3) Licensing Violations: \$500- \$5,000 per violation. This category is for violations involving licensing requirements, Including:

- (a) an unauthorized change to the operating plan;
- (b) failure to notify the department of changes to the operating plan;
- (c) failure to notify the department of changes to financial or voting interests of greater than 10%;
- (d) failure to follow the operating plan as approved by the department;
- (e) failure to respond to violations.

(4) The department shall calculate penalties based on the level of violation and the adverse effect or potential adverse effect at the time of the incidents giving rise to the violation.

- (5) The department may enhance or reduce the penalty based on the seriousness of the violation.

KEY: medical cannabis, medical cannabis courier agent, medical cannabis home delivery, changes in operating plans, violation categories

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