The Study Electronic Meeting of the West Valley City Council will be held on Tuesday, January 22, 2019, at 4:30 PM, in the Multi-Purpose Room, West Valley City Hall, 3600 Constitution Boulevard, West Valley City, Utah. Members of the press and public are invited to attend.

A G E N D A

1. Call to Order

2. Roll Call

3. Approval of Minutes:

   A. January 15, 2019

4. Review Agenda for Regular Meeting of January 22, 2019

   A. Regular Meeting Agenda

5. Awards, Ceremonies and Proclamations Scheduled for February 5, 2019

   A. Employee of the Month Award, February 2019- Ryan Carver, Police Department

6. Public Hearings Scheduled For February 5, 2019

- West Valley City does not discriminate on the basis of race, color, national origin, gender, religion, age or disability in employment or the provision of services.
- If you are planning to attend this public meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the City eight or more hours in advance of the meeting and we will try to provide whatever assistance may be required. The person to contact for assistance is Nichole Camac.
- Electronic connection may be made by telephonic or other means. In the event of an electronic meeting, the anchor location is designated as City Council Chambers, West Valley City Hall, 3600 Constitution Boulevard, West Valley City, Utah.

A. Accept Public Input Regarding Application ZT-7-2018, Filed by West Valley City, Requesting a Zone Text Change to Add Standards for Cannabis Production Facilities and Medical Cannabis Pharmacies

Action: Ordinance 19-03, Amend Sections 7-6-201, 7-6-205, and 7-6-301 and Enact Section 7-7-105.5 of the West Valley City Municipal Code to Enact Regulations Concerning Cannabis Production Establishments and Medical Cannabis Pharmacies

B. Accept Public Input Regarding Application ZT-9-2018, Filed by West Valley City, Requesting a Zone Text Change to Amend the Definition for Lodging Facilities

Action: Consider Ordinance 19-04, Amend Section 7-1-103 of the West Valley City Municipal Code to Amend the Definition of a Lodging Facility

7. Resolutions:

A. 19-10: Approve a Memorandum of Understanding Between West Valley City and Salt Lake County to Support the Mission of the Children's Justice Center

8. Consent Agenda Scheduled for February 5, 2019

A. Reso. 19-11: Authorize the City to Accept a Grant of Temporary Construction Easement from the Islamic Society of Greater Salt Lake City for Property Located at 1019 West Parkway Avenue

9. Communications:

A. Census Presentation (15 min)

B. Chesterfield Overlay Presentation (Part 2) (15 min)

C. Council Calendar

10. New Business:

A. Potential Future Agenda Items

A. Council Suggestions

B. Council Reports

11. Motion for Closed Session (if necessary)

12. Adjourn

MINUTES OF COUNCIL STUDY MEETING – JANUARY 15, 2019
-1-

THE WEST VALLEY CITY COUNCIL MET IN STUDY SESSION ON TUESDAY, JANUARY 15, 2019, AT 4:30 P.M. AT WEST VALLEY CITY HALL, MULTIPURPOSE ROOM, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER AND CONDUCTED BY MAYOR BIGELOW.

THE FOLLOWING MEMBERS WERE PRESENT:

Ron Bigelow, Mayor
Lars Nordfelt, Councilmember At-Large
Don Christensen, Councilmember At-Large
Steve Buhler, Councilmember District 2
Karen Lang, Councilmember District 3
Jake Fitisemanu, Councilmember District 4 *(arrived as noted)*

ABSENT:

Tom Huynh, Councilmember District 1

STAFF PRESENT:

Wayne T Pyle, City Manager
Nichole Camac, City Recorder

Paul Isaac, Assistant City Manager/ HR Director
Steve Pastorik, Acting CED Director
Eric Bunderson, City Attorney
Colleen Jacobs, Police Chief
John Evans, Fire Chief
Jim Welch, Finance Director
Layne Morris, CPD Director
Russ Willardson, Public Works Director
Nancy Day, Parks and Recreation Director
Sam Johnson, Strategic Communications Director
Jake Arslanian, Public Works Department
John Rock, Administration

APPROVAL OF MINUTES OF STUDY MEETING HELD JANUARY 8, 2019
The Council considered the Minutes of the Study Meeting held January 8, 2019. There were no changes, corrections or deletions.

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Councilmember Nordfelt moved to approve the Minutes of the Study Meeting held January 8, 2019. Councilmember Buhler seconded the motion.

A voice vote was taken and all members voted in favor of the motion.

REVIEW AGENDA FOR REGULAR CITY COUNCIL AND SPECIAL MUNICIPAL BUILDING AUTHORITY MEETING OF JANUARY 15, 2019
Upon inquiry by Mayor Bigelow, members of the Council had no further questions or concerns regarding items listed on the Agenda for the Regular City Council Meeting or Special Municipal Building Authority Meeting scheduled later this night.

Councilmember Fitisemanu arrived at 4:33 PM

PUBLIC HEARINGS SCHEDULED FOR JANUARY 22, 2019

A. **ACCEPT PUBLIC INPUT REGARDING APPLICATION Z-14-2018. FILED BY DEV GROUP, LLC, REQUESTING A ZONE CHANGE FROM 'A' (AGRICULTURE, MINIMUM LOT SIZE ½ ACRE) AND 'C-2' (GENERAL COMMERCIAL) TO 'RM' (MULTIPLE UNIT DWELLING RESIDENTIAL) AND 'C-2' (GENERAL COMMERCIAL) FOR PROPERTY LOCATED AT 3567-3627 SOUTH 5600 WEST**
Mayor Bigelow informed a public hearing had been advertised for the Regular Council Meeting scheduled January 22, 2019, in order for the City Council to hear and consider public comments regarding application Z-14-2018, filed by DEV Group, LLC, requesting a Zone Change from 'A' (Agriculture, Minimum Lot Size ½ Acre) and 'C-2' (General Commercial) to 'RM' (Multiple Unit Dwelling Residential) and 'C-2' (General Commercial) for property located at 3567-3627 South 5600 West.

Proposed Ordinance 19-02 and Resolution 19-07 related to the proposal to be considered by the City Council subsequent to the public hearing, was discussed as follows:

ACTION: ORDINANCE NO. 19-02, AMEND THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT 3567-3627 SOUTH 5600 WEST FROM 'A' (AGRICULTURE, MINIMUM LOT SIZE ½ ACRE) AND 'C-2' (GENERAL COMMERCIAL) TO 'RM' (MULTIPLE UNIT DWELLING RESIDENTIAL) AND 'C-2' (GENERAL COMMERCIAL)
Steve Pastorik, CED, discussed proposed Ordinance 19-02 that would amend the Zoning Map to show a change of zone for property located at 3567-3627 South 5600 West from 'A' (Agriculture, Minimum Lot Size ½ Acre) and 'C-2' (General Commercial) to 'RM' (Multiple Unit Dwelling Residential) and 'C-2' (General

Commercial).

Written documentation previously provided to the City Council included information as follows:

> The applicant is planning to develop the property into two commercial pads and a 130-unit townhome project. This proposal complies with the uses anticipated in the Hunter Town Center Plan that was adopted by the Council in 2017.
>
> The following list summarizes the project features:
>
> - Dwelling unit sizes: The proposed townhomes will be 1,575 square feet for the 2 story units and 2,067 square feet for the 3 story units. The 2 story buildings include 2 and 3 bedroom units and the 3 story buildings include 3 and 4 bedroom units.
> - Exterior materials: Exterior materials will be brick, stone, fiber cement siding and stucco.
> - Architecture: The proposed architecture is portrayed in the development agreement.
> - Landscaping: Open space, which includes outdoor patio and balcony space, represents 54.6% of the site without the public street and 49.0% with the public street.
> - Project amenities: Recreational amenities include courtyards, a BBQ area, a patio and balcony for each 3 story unit, a rooftop patio for each 3 story unit, a front porch and patio for each 2 story unit, a pavilion, walking paths, a tot lot and a sport court. Building amenities and other features include 9' ceilings, two-tone paint, solid surface countertops in the kitchens and bathrooms, a 6' masonry wall along the west and east sides and entry features at the entrances on 3500 S and 5600 W.

ACTION: RESOLUTION NO. 19-07, AUTHORIZE THE CITY TO ENTER INTO A DEVELOPMENT AGREEMENT WITH DEV GROUP, LLC FOR APPROXIMATELY 14.3 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 3567-3627 SOUTH 5600 WEST

Steve Pastorik, CED, discussed proposed Resolution 19-07 that would authorize the City to enter into a Development Agreement with Dev Group, LLC for approximately 14.3 Acres of property located at approximately 3567-3627 South 5600 West.

Written documentation previously provided to the City Council included

information as follows:

> DEV Group, LLC, has submitted an application (Z-14-2018) on 13.9 acres to change the zoning from A (agriculture) and C-2 (general commercial) to RM (multiple unit dwelling residential) and C-2 on the subject property. The Planning Commission recommended approval of the zone change subject to a development agreement.
>
> The proposed development agreement addresses the following topics:
>
> - Number of units
> - Townhome sizes
> - Townhome architecture
> - Project amenities
> - Single unit dwelling lots
> - Improvements

Upon inquiry by Mayor Bigelow, Steve stated the gas stations located on 3500 South and 5600 West have been closed in preparation for widening of the intersection and added that the properties are considered "total takes" by UDOT. Councilmember Buhler asked if there was negotiation with the single house that is remaining along 5600 West. Steve replied yes but indicated that agreeable terms between the two parties were not able to be met. Councilmember Fitisemanu asked what the parking requirement is. Steve replied that the Development Agreement requires 3 spaces per unit which is one more unit than the Code requires. Mayor Bigelow asked why the street outside the development is public. Steve replied the street will allow easier traffic flow, maneuverability, and will allow for any additional traffic from potential projects in the future. Councilmember Lang expressed concern about on-street parking along the public street. She stated that residents to the south expressed concern about 3 story units at the Planning Commission Public Hearing. Steve stated that the buildings along that side must be set back 25 feet to create a greater space between existing homes. Councilmember Buhler stated that anything is better than what is there now. Councilmember Lang stated that she feels a 2 story building along the south side would be a good compromise. Mayor Bigelow clarified that the senior homes are joined units and are not standalone. Wayne replied yes. Councilmember Buhler and Councilmember Fitisemanu agreed that two story units along the south end would be a good transition if the applicant were amenable. Councilmember Lang asked if there are masonry walls proposed along the public road. Steve replied no and indicated that the units face the road. Councilmember Lang stated that this may encourage

residents to park there for easy access. Councilmember Buhler stated that it would likely only be those living there.

The City Council will consider Ordinance 19-02 and Resolution 19-07 at the Regular Council Meeting scheduled January 22, 2019 at 6:30 P.M.

RESOLUTION 19-08: AUTHORIZE THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT BETWEEN WEST VALLEY CITY AND SALT LAKE COUNTY FOR CERTAIN FUNDING FOR THE UTAH AND SALT LAKE CANAL TRAIL

Jason Erekson, Parks and Recreation Department, presented proposed Resolution 19-08 that would authorize the execution of an Interlocal Cooperation Agreement between West Valley City and Salt Lake County for certain funding for the Utah and Salt Lake Canal Trail.

Written documentation previously provided to the City Council included information as follows:

> Salt Lake County is in the process of planning and constructing Phase III of the Utah and Salt Lake Canal trail. It will complete the trail from approximately 5900 W to 7200 W along the Utah and Salt Lake Canal. West Valley City has agreed to provide $100,000.00 toward the construction of this section of the trail.
>
> West Valley City has been working with Salt Lake County to develop the Utah & Salt Lake Canal Trail. Phase I and II are complete. Salt Lake County is ready for Phase III, by seeking grants, planning and construction and providing the majority of the funding. West Valley City has agreed to provide $100,000.00 of the estimated $750,000.00 cost to Salt Lake County for the construction of Phase III of the Utah & Salt Lake Canal Trail between approximately 5900 West to 7200 West.

Councilmember Buhler clarified this would be paid from park impact fees. Jason replied yes. Councilmember Nordfelt asked if the trail will utilize crosswalks on major streets. Jason replied yes. Councilmember Fitisemanu asked who is in charge of maintenance. Jason replied the County.

The City Council will consider Resolution 19-08 at the Regular Council Meeting scheduled January 22, 2019 at 6:30 P.M.

CONSENT AGENDA SCHEDULED FOR JANUARY 22, 2019

A. RESOLUTION 19-09: AUTHORIZE THE CITY TO EXECUTE AND ACCEPT TWO WARRANTY DEEDS TO ACCOMPLISH THE

DEDICATION OF RIGHT-OF-WAY AND CONSOLIDATION OF CERTAIN PROPERTIES OWNED BY THE CITY

Mayor Bigelow discussed proposed Resolution 19-09 that would authorize the City to execute and accept two Warranty Deeds to accomplish the dedication of Right-of-Way and consolidation of certain properties owned by the City.

Written documentation previously provided to the City Council included information as follows:

> Two Warranty Deeds have been prepared from West Valley City to West Valley City. The first Warranty Deed will convey the west seven feet of parcel 15-29-202-003 to West Valley City for additional 3600 West right-of-way. The second Warranty Deed from West Valley City to West Valley City will consolidate parcels 15-29-202-001, 15-29-202-002, 15-29-202-003 (excluding the seven feet for 3600 West right-of-way) and 15-29-202-004 into one overall composite description and one tax identification number.
>
> The existing right-of-way width adjacent to parcel 15-29-202-003 is a 33-foot half width and needs to be widened to 40 feet to comply with the West Valley City Major Street Plan. The West Valley City shops are currently located on four separate parcels owned by West Valley City (parcels 15-29-202-001, 15-29-202-002, 15-29-202-003 and 15-29-202-004). West Valley City will be remodeling and expanding the existing Public Works shops and facilities at this location. As a condition of obtaining a building permit and in order to comply with West Valley City Ordinance 7-2-10, consolidation of the four parcels into one overall composite description with one tax identification number is required.

Upon inquiry, there were no further questions or concerns expressed by members of the City Council.

The City Council will consider Resolution 19-09 at the Regular Council Meeting scheduled January 22, 2019, at 6:30 P.M.

COMMUNICATIONS

A. STRATEGIC PLAN PRESENTATION- PARKS AND RECREATION DEPARTMENT

Nancy Day, Parks and Recreation Director, presented a PowerPoint Presentation summarized as follows:

- What we do
    - Harmon Senior Recreation Center

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  - Family Fitness Center
  - Recreation
  - Stonebridge Golf Club
  - The Ride Golf Club
  - Park Planning and Development
  - Park Maintenance
- Who We Are
  - 350+ Employees Strong
    - Parks and Recreation Director
      - Executive Admin Assistant
    - Assistant Director Parks/Open Spaces
    - Assistant Director Recreation/FFC
      - Administrative Assistant
    - Special Projects- Interns
    - Harman Senior Center Director
    - The Ridge Head Golf Pro
      - Maintenance Superintendent
    - Stonebridge Head Golf Pro
      - Maintenance Superintendent
    - Food & Beverage Manager
- Why We Do What We Do
  - Parks
    - "Can't wait to enjoy this new park! Thanks to all who are involved in making it a reality."
    - "We have a wonderful opportunity to make this space into something memorable and a beautiful addition to this area of our city. Let's make it awesome!"
    - "The new signs look great…Thank you!"
  - Golf
    - "Thank you for providing and presenting the golf club set to Travis at the event this year. This really means a lot to Kelly and I, and I think Travis was totally stunned. He is really excited to continue to learn. Golf is one of the great activities that Travis believes he won't let his tumor and related physical disabilities get in the way of…Your entire staff does such a great job for our events…"
  - Harman Senior Center
    - "Thank you for providing and presenting the golf club set to Travis at the event this year. This really means a lot to Kelly and I, and I think Travis was totally stunned.

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He is really excited to continue to learn. Golf is one of the great activities that Travis believes he won't let his tumor and related physical disabilities get in the way of…Your entire staff does such a great job for our events…"

- Recreation
  - "My kids don't want to leave when I come to pick them up from Kidz Kamp! And they are pleasantly tired too!"
  - "I love your afterschool program. The kids are not in just 1 room like at other places. They are active and having fun. Thanks for everything you do!"
- Health & Wellness
  - "I love the people that manage the front desk, the instructors of the fitness classes, and for me the Silver Sneakers classes are my favorite, as well as the aquatic classes. The members of the classes make my day, and they have become my friends. I feel the staff are very friendly and make me feel welcomed, and I like their smiling faces, and caring attitudes! They have become my friends."
- Family Fitness Center
  - "We have had a family membership for several years. We love it. Our kids love it. The staff is great and helpful."
  - "Love it here from things for my fitness, the kids fitness or just kid friendly activities… the kids loved playing in the edutainment center!!! And having Minions playing was a huge plus!!!!!!"
  - "Love and APPRECIATE this facility and the workers there!!! They have given my blind 92 year old mother many, many years of service and care. She has been coming for water aerobics for several years and has always expressed her admiration for the customer service she is given. From myself and her other children we thank you all for taking loving care of our mother. One of her daughters participated in the Triathlon yesterday and mother loved sharing her favorite "club" with her family!! Keep up the wonderful service…"

- Park Planning
  - Centennial Park
    - Completion

        - SW Corner
        - Message Sign
        - Bike Pump Track
    - Pickleball Complex & Basketball Court Resurfacing
        - Bids Awarded
    - Wetland Stormwater Park
        - Concept Plan Under Design
        - Park Shop
    - Tennis Court
        - Resurfacing
        - RFP has Closed
    - Vistas East Park
        - Plans 95% Complete
        - New Name Survey
    - MVC Trailheads
        - 95% Complete
        - (exercise equipment installed this spring)
    - Utah/Salt Lake Canal Trailhead
        - Architect Under Contract
    - Newton Farms Park
        - Concept Plan Completed
    - Park Signage
        - City Park
        - Falcon Crest
        - Centennial
    - Arlington Park Walkway
        - 95% Complete
- Park Maintenance
    - 30 Parks (170.46 Acres)
    - 313 Acres Maintained (298.125 Landscaped)
    - 9.62 Miles of Trails
    - 20 Street Landscapes (49.45 Acres)
    - 12 City Properties (48 Acres)
    - 12+ Acres of Shrub & Flower Beds
    - 4,125 Trees (up 75 from last year) = $2.85 million value
    - Snow Removal: 32.2 miles Sidewalks/Trails, 6,018 Parking Stalls
    - Spent $18,700 & 531 hours removing graffiti
- Eagle and Volunteer Projects
    - Tree Farm Tree Potting (Eagle Project, Entheos Academy)

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  - Diamond Summit Trailhead Plant/Rock Installation (Eagle Projects - two)
  - Falcon Crest Tree Installation (Lowes)
  - UCCC Tree Planting & General Cleanup (American Prep Academy)
  - Park Vista Tree Planting & General Cleanup (Eagle Project)
  - Foxtail Park Tree Planting (Eagle Project)
  - Tree Farm Clean Up & Tree Planting (Eagle Project)
  - Sugar Plum Park Tree Planting (Amanda's Panda Preschool)
  - Centennial Park Mulch Installation & General Cleanup (U of U Scholars)
  - Bridle Farms Park Tree Planting (Eagle Project)
  - Bangerter City Sign Tree Planting (Eagle Project)
  - Earth Day (Tree Utah & Event Attendees)
  - Centennial Park Fence Repair & Handrail Painting (Maverik Group)
  - Various Park Garbage Pick-up (Girl Scouts, Citizens)
- Park Worker Manpower Comparison
  - Displayed a chart that illustrates acreage maintained per employee
- Harman Senior Recreation Center (Patron Satisfaction surveys- 98% very satisfied)
  - Meals Served: 8,071 (up 77)
  - Senior Participation: 32,408 (up 2,047)
  - Volunteer Hours: 3,531
  - Transportation: 4,973
  - New Intake Forms: 159
  - COMMUNITY INVOLVEMENT INCLUDES
    - Granger HS LAT Class visits Monthly
    - Talent Show & "Prom" with Granger HS
    - Took 80 Gifts to Legacy Care Facility
    - Disabled Children visit and do Crafts with Seniors
    - Car Show
- Family Fitness Center
  - Annual Facility Use: 303,074 (membership/drop-in only)
  - Average Daily Use: Over 1,600
  - Program Participations: 205,557
  - Revenue: $2,196,341
  - Number of Programs & Special Events Offered: 80+
  - Patron Satisfaction Surveys: 100% Satisfied (96% Very Satisfied or Better)

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  - NEW ADDITIONS:
    - Indoor Track Replacement
    - Rockwall Floor Replacement
    - Community Room Divider Walls Replacement
    - Main Water Heater Replacement
- Recreation & Events
  - Sixth Annual Youth Arts Festival
  - Movies in the Park
  - Special Events
  - SPARK Program in 4 Parks
  - FREE Summer Lunches Served in 12 Parks: 36,695
  - Increased Participation in all Youth Sports
  - Pavilion Reservations: 169 (15,210 Participations)
  - Sport Field Uses: 997
  - Sport Tournaments: 4 Local & 4 State
- Golf: The Ridge & Stonebridge Players Pass Revenue
  - Displayed chart
- The Ridge Rounds & Revenue / Stonebridge Rounds & Revenue
- The Ridge Golf Club
  - Operations
    - Tournaments: 65 (up 10)
    - 22% Increase in League Play
    - Focused on Course Conditions
    - Added two new Apparel Lines
    - Added PGA Junior League
    - Added Senior 8-man team
    - Addition of MVC Netting - Hole 13
    - Added Bistro Lights in Overlook
    - Recognized by UGA for Outstanding Veterans Program
    - Awarded Bid for 5A Utah State High School Girls Golf Championship
  - Maintenance
    - Maintained Level 3 Playability & Appearance
    - Planted 200+ Trees
    - Expanded Tree Nursery & Greenhouse Propagation Center to accommodate 700+ Trees
    - Developing Programs to Combat Soil Concerns
    - Water Usage was 122 Million Gallons
    - Continued Hole 13 & 17 Re-alignment & Alterations
- Stonebridge Golf Club
  - Operations

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        - Tournaments: 88
        - Updated Information & Menu Boards
        - Updated & Beautified Main Entry, Fireplace Mantle Décor
        - New Counter & Cabinets Pro Shop
    - Maintenance
        - Maintained 200 Acres at a Level 3
        - Rebuilt Cart Path on Creekside 6
        - Rebuilt Sagebrush #5 Tee
        - Applied 40,000 pounds of Fertilizer
        - Installed 1500' of Drainage
        - Water Usage was 96.4 Million Gallons
- Golf Course Special Events
    - Mother's Day Brunch
    - Bridal Shows
    - Wedding Receptions
- Department Priorities (providing a healthy and happy community)
    - **Capital Repair & Replacement Funds:** Aging Facilities, Safety Concerns, Nine of eleven 20+ year old Parks have original Playgrounds, Tennis Courts, Basketball Courts & Parking Lots in disrepair, Capital Equipment.
    - **Increase Park Maintenance Personnel:** Since 2010, 28.36 acres have been added (plus Trailheads, Trails, Frontage Roads, MVC Retention Field, Centennial Park Completion). Two new FTE added in 2016. No Vehicles or Equipment added.
    - **Land Acquisition:** Increase Acreage & Green/Open Space
    - **Increase Operations Budget**
- Department Reccomendations
    - One time funds ($74,475,500
        - Land Acquisition
            - 66.68 Acres ($16,930,000)
        - Increase in Capital Equipment for Level 4 Service($2,000,000)
        - Park Development
            - 75% of Pending ($4,125,000)
            - New Acquisition ($22,795,500)
            - Wetland Park ($10,000,000)
            - Rocky Mountain Power Corridor ($13,125,000)
            - Jordan River Park –3300 S to 3900 S ($5,500,000)
    - Annual Allotment ($1,315,000)

        - Operations Budget($330,000)
        - Capital Funding($400,000)
        - Park Maintenance & Personnel
            - Raise Current Maintenance Level to 4 ($585,000)
    - Funding Options
        - Bond
        - Tax Increase
        - Establish Park District
        - LWCF, ZAP, CDBG, other Grant Opportunities

Mayor Bigelow and Councilmember Buhler thanked Nancy for the presentation and the information provided. Councilmember Fitisemanu asked what a good number for FTE per acreage would be. Nancy replied 12. Mayor Bigelow asked how many additional employees that would require. Nancy replied 9.

B. STRATEGIC PLAN PRESENTATION- PUBLIC RELATIONS AND NEIGHBORHOOD SERVICES

Sam Johnson, Communications Director, presented a PowerPoint presentation summarized as follows:

- Online Communications
    - 51,668 Social Media Followers
        - 1.2 million twitter impressions
        - 1 million reached on facebook
        - 47,500 minutes watched
    - 474,068 Website Visitors
        - 166,962 downloads
        - 27,415 searches
- Community Outreach
    - 56 Event
    - 40 Volunteers
    - 85 Scouts and leaders
    - 22 Youth City Council Members
    - Neighborhood Watch
        - 35 Registered Neighborhood groups
        - 7 Prospective neighborhood groups
        - 137 neighborhood meetings
        - 220 Community presentations
    - National Night Out
        - 11,000 residents reached
        - 57 block parties

        - 12 additional events
        - 15 years of nationwide recognitions
- Video and graphics (16,884 total views, 47,516 minutes watched)
    - 25 public videos
        - 1 hour 7 minutes 58 seconds
    - 6 internal videos
        - 17 minutes 15 seconds
    - 43 Council Meetings
        - 31 hours 21 minutes 29 seconds
    - 458 graphic design projects
- Print and Promotion
    - Postcards
    - Current Print Projects- 60
    - Business cards- 24,000
    - Rack cards
    - Event promotions- 20
    - Letterhead
    - Info Cards
    - Swag and Brochures- 10,000+
    - New Print Projects- 5
    - Posters
    - Envelopes- 35,000
    - Pamphlets
    - Flyers

Councilmember Buhler asked how information is sent to the Media. Sam replied it's a combination of personal contacts, email, social media, and press releases. Councilmember Fitisemanu stated that neighborhood watch and neighborhood night out is a great program and asked if these have ever been correlated with a reduction in crime. Sam replied that he can find out.

C. COUNCIL CALENDAR

Mayor Bigelow referenced a Memorandum previously received from the City Manager that outlined upcoming meetings and events.

Members of the City Council had no further questions regarding the Council Update.

NEW BUSINESS

A. POTENTIAL FUTURE AGENDA ITEMS

Council Suggestions

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Wayne has if any Councilmembers are interested in attending National League of Cities in Washington DC. Councilmember Fitisemanu stated that he will be there for other business but not Monday and Tuesday. Councilmember Buhler suggested that he extend his trip. Councilmember Lang stated that she would be interested since she has not attended before. Councilmember Buhler stated that he would be willing to go.

Wayne stated the Utah Shakespeare Festival will be hosting a play, the Front Page, at the Harman Hall on February 8th and would like to invite the Council to attend and each speak a line in the play. He asked the Council to let him know if they'd like to participate.

B. COUNCIL REPORTS

COUNCILMEMBER CHRISTENSEN- ZIONS BANK

Councilmember Christensen stated that Zions Bank opened a traveling treasures exhibit and invited 4th graders to attend the event. He indicated they got some hands on interaction and really enjoyed the display.

COUNCILMEMBER FITISEMANU- CENSUS

Councilmember Fitisemanu stated that he attended County and State Census meetings with John Rock and is looking forward to getting residents interested in helping the City promote the upcoming census.

MAYOR BIGELOW- INTERNATIONAL GUARD BANQUET, JORDAN RIVER COMMISSION

Mayor Bigelow stated that he represented the City at the annual International Guard Awards Banquet. He indicated the event was held at the Cultural Center and was great for the City as it brought attendees from many locations.

Mayor Bigelow stated the Jordan River Commission is considering a Citizen Science Project. This program would invite anyone in the area (along the Jordan River) to download an app, take pictures, and then use the information of plants or animals to build an environmental picture and provide data for research.

MOTION TO ADJOURN

Upon motion by Councilmember Lang all voted in favor to adjourn.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL THE STUDY MEETING ON TUESDAY JANUARY 15, 2019 WAS ADJOURNED AT 5:53 PM BY MAYOR BIGELOW.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Study Meeting of the West Valley City Council held Tuesday, January 15, 2019.

_____
Nichole Camac, CMC
City Recorder

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The Regular Electronic Meeting of the West Valley City Council will be held on Tuesday, January 22, 2019, at 6:30 PM, in the City Council Chambers, West Valley City Hall, 3600 Constitution Boulevard, West Valley City, Utah. Members of the press and public are invited to attend.

A G E N D A

1. Call to Order

2. Roll Call

3. Opening Ceremony: Councilmember Karen Lang

4. Special Recognitions

5. Approval of Minutes:

   A. January 15, 2019

6. Comment Period:

   (The comment period is limited to 30 minutes. Any person wishing to comment shall limit their comments to five minutes. Any person wishing to comment during the comment period shall request recognition by the Mayor. Upon recognition, the citizen shall approach the microphone. All comments shall be directed to the Mayor. No person addressing the City Council during the comment period shall be allowed to comment more than once during that comment period. Speakers should not expect any debate with the Mayor, City Council or City Staff; however, the Mayor, City Council or City Staff may respond within the 30-minute period.)

- West Valley City does not discriminate on the basis of race, color, national origin, gender, religion, age or disability in employment or the provision of services.
- If you are planning to attend this public meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the City eight or more hours in advance of the meeting and we will try to provide whatever assistance may be required. The person to contact for assistance is Nichole Camac.
- Electronic connection may be made by telephonic or other means. In the event of an electronic meeting, the anchor location is designated as City Council Chambers, West Valley City Hall, 3600 Constitution Boulevard, West Valley City, Utah.

A. Public Comments

B. City Manager Comments

C. City Council Comments

7. Public Hearings:

A. Accept Public Input Regarding Application Z-14-2018. Filed by DEV Group, LLC, Requesting a Zone Change from 'A' (Agriculture, Minimum Lot Size ½ Acre) and 'C-2' (General Commercial) to 'RM' (Multiple Unit Dwelling Residential) and 'C-2' (General Commercial) for Property Located at 3567-3627 South 5600 West

Action: Consider Ordinance 19-02, Amend the Zoning Map to Show a Change of Zone for Property Located at 3567-3627 South 5600 West from 'A' (Agriculture, Minimum Lot Size ½ Acre) and 'C-2' (General Commercial) to 'RM' (Multiple Unit Dwelling Residential) and 'C-2' (General Commercial)

Action: Consider Resolution 19-07, Authorize the City to Enter into a Development Agreement with Dev Group, LLC for Approximately 14.3 Acres of Property Located at Approximately 3567-3627 South 5600 West

8. Resolutions:

A. 19-08: Authorize the Execution of an Interlocal Cooperation Agreement Between West Valley City and Salt Lake County for Certain Funding for the Utah and Salt Lake Canal Trail

9. Consent Agenda:

A. Reso. 19-09: Authorize the City to Execute and Accept Two Warranty Deeds to Accomplish the Dedication of Right-of-Way and Consolidation of Certain Properties Owned by the City

10. Motion for Closed Session (if necessary)

11. Adjourn

EOM Ryan Carver K-9 Police

Nominated by Carey Stricter Detective Police

On November 22, 2018 Ryan Carver went above and beyond by cooking for every Police Department employee that was working on Thanksgiving Day by cooking them an entire Thanksgiving meal. Ryan has done this for the past several years and takes it upon himself to collect the food, arrange a location to cook the meal, and cook the meal himself with the assistance of a few other volunteers. With Ryan coordinating, he cooked a total of 80 lbs of turkey, 25 lbs of ham, 30 lbs of potatoes, 2.5 gallons of gravy and 30 lbs of candied yams. When looking at the definition of gratitude in the Merriam-Webster Dictionary, it is defined as "the state of being grateful; THANKFULNESS". For Ryan to dedicate himself to devoting an entire day to cooking a meal for those who are out serving the community of West Valley City, there is no better example to me of going above and beyond and gratitude. The Police Department is extremely grateful for Ryan Carver and the level of dedication and commitment that Ryan has exhibited to them and the citizens of West Valley City.

In addition to Ryan's contribution to this agency, he also spent a recent assignment creating and forming a crisis intervention team and mental health court process to assist those with mental illness when a violation of law has occurred. The goal of the CIT and mental health court process is to provide long term care to the offender in hopes of decreasing recidivism and better their lives and the lives of those in our communities. Ryan has gone above and beyond by providing a work environment that is positive and appreciative. Ryan has strived to ensure the lives of offenders and citizens in our community are enhanced and by reducing recidivism he has assisted with implementing a system which lowers crime in West Valley City.

Item: ZT-7-2018
Fiscal Impact: N/A
Funding Source: N/A
Account #: N/A
Budget Opening Required: ☐

ISSUE:

This is a proposed zone text change to add standards for cannabis production facilities and medical cannabis pharmacies.

SYNOPSIS:

This past December the Utah Legislature passed HB 3001 that provided for the cultivation, processing, medical recommendation and patient use of medical cannabis. A copy of HB 3001 is included with this issue paper. The Planning Commission minutes highlight provisions of this bill that relate to local land use regulation.

To comply with HB 3001, staff is proposing an ordinance amendment to add standards for cannabis production facilities and medical cannabis pharmacies. In addition to the provisions in HB 3001, the proposed ordinance adds:

- separation requirements between cannabis production establishments, medical cannabis pharmacies and alcohol establishments;
- separation requirements for cannabis production establishments and medical cannabis pharmacies from High-Image Arterial Streets;
- minimum light levels for all outside areas of a cannabis production establishment or medical cannabis pharmacy site;
- a prohibition on the emission of dust, fumes, vapors, odors or waste into the environment from cannabis production establishments and
- time, place and manner restrictions for medical cannabis pharmacies.

Specific land use concerns from staff include odors coming from production facilities, security issues given the large amounts of cash and the high value of the product, power demands for indoor growers and impacts on industrial real estate.

RECOMMENDATION:

The Planning Commission recommends approval of this ordinance.

SUBMITTED BY:

Steve Pastorik, Assistant CED Director

UTAH MEDICAL CANNABIS ACT

2018 THIRD SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Gregory H. Hughes

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill provides for the cultivation, processing, medical recommendation, and patient use of medical cannabis.

Highlighted Provisions:

This bill:

- defines terms;
- provides for licensing and regulation of a cannabis cultivation facility, a cannabis processing facility, an independent cannabis testing laboratory, and a medical cannabis pharmacy;
- provides for security and tracking of medical cannabis and a medical cannabis product from cultivation to use to ensure safety and chemical content;
- requires certain labeling and childproof packaging of medical cannabis and a medical cannabis product;
- requires the Department of Agriculture and Food, the Department of Health, the Department of Public Safety, and the Department of Technology Services to create an electronic verification system to facilitate recommendation, dispensing, and record-keeping for medical cannabis transactions;
- allows physicians, osteopathic physicians, advanced practice registered nurses, and physician assistants to recommend medical cannabis;
- allows an individual with a qualifying condition to obtain a medical cannabis patient card on the recommendation of a certain medical professional to gain access to medical cannabis;

- allows a patient to designate a caregiver to assist with accessing medical cannabis;
- provides for a parent or legal guardian to obtain a medical cannabis guardian card for an eligible minor patient and for the minor patient to concurrently receive a provisional patient card;
- provides certain state employment discrimination protection for an individual who lawfully uses medical cannabis;
- limits the form and amount of medical cannabis available to a patient at one time;
- prohibits a minor from entering a medical cannabis pharmacy;
- requires the Department of Health to establish the state central fill medical cannabis pharmacy;
- provides for a process of state central fill shipment of medical cannabis and cannabis product to a local health department for patient retrieval;
- creates certain enterprise funds;
- imposes criminal penalties for improperly giving or selling medical cannabis;
- decriminalizes certain conduct for certain individuals before the medical cannabis card program and medical cannabis pharmacies are operational;
- creates protections from state prosecution for the lawful possession, use, and sale of medical cannabis;
- exempts medical cannabis and medical cannabis products from sales tax;
- prohibits a court from considering the lawful use of medical cannabis in a custody proceeding;
- repeals superfluous sections related to authorized use of cannabis or a cannabis product;
- provides a severability clause;
- re-enacts language that the voter initiative repealed by implication through use of outdated code; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

This bill provides revisor instructions.

Utah Code Sections Affected:

AMENDS:

4-41-102, as last amended by Laws of Utah 2018, Chapters 227 and 452

7-1-401, as last amended by Laws of Utah 2018, Chapter 446

10-9a-104, as amended by Statewide Initiative -- Proposition 2, Nov. 6, 2018

17-27a-104, as amended by Statewide Initiative -- Proposition 2, Nov. 6, 2018

26-61-202, as amended by Statewide Initiative -- Proposition 2, Nov. 6, 2018 and last amended by Laws of Utah 2018, Chapter 110

26-65-102 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452

26-65-103 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452

30-3-10, as amended by Statewide Initiative -- Proposition 2, Nov. 6, 2018

34A-2-418, as last amended by Laws of Utah 2016, Chapter 242

41-6a-517 (Superseded 07/01/19), as last amended by Laws of Utah 2017, Chapter 446

41-6a-517 (Effective 07/01/19), as last amended by Laws of Utah 2018, Chapter 452

49-11-1401, as last amended by Laws of Utah 2018, Chapter 61

53-1-106.5, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018

58-17b-302, as last amended by Laws of Utah 2014, Chapter 72

58-17b-310, as enacted by Laws of Utah 2004, Chapter 280

58-17b-502, as last amended by Laws of Utah 2018, Chapter 295

58-31b-305, as last amended by Laws of Utah 2014, Chapter 316

58-31b-502, as last amended by Laws of Utah 2016, Chapter 127

58-37-3.6 (Superseded 07/01/19), as last amended by Laws of Utah 2018, Chapters 333 and 446

58-37-3.6 (Effective 07/01/19), as last amended by Laws of Utah 2018, Chapters 333,

446, and 452

58-37-3.7, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018

58-37-3.8, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018

58-37-3.9, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018

58-37f-203 **(Effective 07/01/19)**, as last amended by Laws of Utah 2018, Chapters 123 and 452

58-67-304, as last amended by Laws of Utah 2018, Chapters 282 and 318

58-67-502, as last amended by Laws of Utah 2017, Chapter 299

58-68-304, as last amended by Laws of Utah 2018, Chapter 318

58-68-502, as last amended by Laws of Utah 2017, Chapter 299

58-70a-303, as last amended by Laws of Utah 2001, Chapter 268

58-70a-503, as last amended by Laws of Utah 2017, Chapter 309

58-85-102, as last amended by Laws of Utah 2018, Chapter 333

58-85-104, as last amended by Laws of Utah 2018, Chapter 333

58-85-105, as last amended by Laws of Utah 2018, Chapter 333

62A-4a-202.1, as amended by Statewide Initiative -- Proposition 2, Nov. 6, 2018

63I-1-226, as amended by Statewide Initiative -- Proposition 2, Nov. 6, 2018 and last amended by Laws of Utah 2018, Chapters 180, 281, 384, 430, and 468

63I-1-258, as amended by Statewide Initiative -- Proposition 2, Nov. 6, 2018 and last amended by Laws of Utah 2018, Chapter 399

67-19-33, as last amended by Laws of Utah 2006, Chapter 139

78A-6-508 **(Superseded 07/01/19)**, as last amended by Laws of Utah 2014, Chapter 409

78A-6-508 **(Effective 07/01/19)**, as last amended by Laws of Utah 2018, Chapter 452

ENACTS:

4-41a-104, Utah Code Annotated 1953

4-41a-105, Utah Code Annotated 1953

4-41a-106, Utah Code Annotated 1953

4-41a-405, Utah Code Annotated 1953

26-36d-101, Utah Code Annotated 1953

26-36d-102, Utah Code Annotated 1953

26-36d-103, Utah Code Annotated 1953

26-36d-201, Utah Code Annotated 1953

26-36d-202, Utah Code Annotated 1953

26-36d-203, Utah Code Annotated 1953

26-36d-204, Utah Code Annotated 1953

26-36d-205, Utah Code Annotated 1953

26-36d-206, Utah Code Annotated 1953

26-36d-207, Utah Code Annotated 1953

26-36d-208, Utah Code Annotated 1953

26-61a-108, Utah Code Annotated 1953

26-61a-110, Utah Code Annotated 1953

26-61a-112, Utah Code Annotated 1953

26-61a-113, Utah Code Annotated 1953

26-61a-114, Utah Code Annotated 1953

26-61a-205, Utah Code Annotated 1953

26-61a-403, Utah Code Annotated 1953

26-61a-503, Utah Code Annotated 1953

26-61a-601, Utah Code Annotated 1953

26-61a-602, Utah Code Annotated 1953

26-61a-603, Utah Code Annotated 1953

26-61a-604, Utah Code Annotated 1953

26-61a-605, Utah Code Annotated 1953

26-61a-606, Utah Code Annotated 1953

26-61a-607, Utah Code Annotated 1953

26-61a-608, Utah Code Annotated 1953

26-61a-609, Utah Code Annotated 1953

26-61a-610, Utah Code Annotated 1953

26-61a-611, Utah Code Annotated 1953

26-61a-701, Utah Code Annotated 1953

58-20b-101, Utah Code Annotated 1953

58-20b-102, Utah Code Annotated 1953

58-20b-201, Utah Code Annotated 1953

58-20b-301, Utah Code Annotated 1953

58-20b-302, Utah Code Annotated 1953

58-20b-303, Utah Code Annotated 1953

58-20b-304, Utah Code Annotated 1953

58-20b-305, Utah Code Annotated 1953

58-20b-401, Utah Code Annotated 1953

58-20b-501, Utah Code Annotated 1953

59-12-104.10, Utah Code Annotated 1953

62A-3-322, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

4-41a-101, (Renumbered from 4-41b-101, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

4-41a-102, (Renumbered from 4-41b-102, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

4-41a-103, (Renumbered from 4-41b-103, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

4-41a-201, (Renumbered from 4-41b-201, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

4-41a-202, (Renumbered from 4-41b-302, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

4-41a-203, (Renumbered from 4-41b-202, as enacted by Statewide Initiative --

Proposition 2, Nov. 6, 2018)

4-41a-204, (Renumbered from 4-41b-203, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

4-41a-205, (Renumbered from 4-41b-204, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

4-41a-301, (Renumbered from 4-41b-301, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

4-41a-302, (Renumbered from 4-41b-303, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

4-41a-401, (Renumbered from 4-41b-401, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

4-41a-402, (Renumbered from 4-41b-402, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

4-41a-403, (Renumbered from 4-41b-403, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

4-41a-404, (Renumbered from 4-41b-404, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

4-41a-406, (Renumbered from 4-41b-405, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

4-41a-501, (Renumbered from 4-41b-501, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

4-41a-502, (Renumbered from 4-41b-502, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

4-41a-601, (Renumbered from 4-41b-601, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

4-41a-602, (Renumbered from 4-41b-602, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

4-41a-603, (Renumbered from 4-41b-603, as enacted by Statewide Initiative --

Proposition 2, Nov. 6, 2018)

4-41a-701, (Renumbered from 4-41b-701, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

4-41a-702, (Renumbered from 4-41b-702, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

4-41a-801, (Renumbered from 4-41b-801, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

4-41a-802, (Renumbered from 4-41b-802, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

26-61a-101, (Renumbered from 26-60b-101, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

26-61a-102, (Renumbered from 26-60b-102, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

26-61a-103, (Renumbered from 26-60b-103, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

26-61a-104, (Renumbered from 26-60b-105, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

26-61a-105, (Renumbered from 26-60b-106, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

26-61a-106, (Renumbered from 26-60b-107, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

26-61a-107, (Renumbered from 26-60b-108, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

26-61a-109, (Renumbered from 26-60b-109, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

26-61a-111, (Renumbered from 26-60b-110, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

26-61a-201, (Renumbered from 26-60b-201, as enacted by Statewide Initiative --

Proposition 2, Nov. 6, 2018)

26-61a-202, (Renumbered from 26-60b-202, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

26-61a-203, (Renumbered from 26-60b-203, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

26-61a-204, (Renumbered from 26-60b-204, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

26-61a-301, (Renumbered from 26-60b-301, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

26-61a-302, (Renumbered from 26-60b-402, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

26-61a-303, (Renumbered from 26-60b-302, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

26-61a-304, (Renumbered from 26-60b-303, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

26-61a-305, (Renumbered from 26-60b-304, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

26-61a-401, (Renumbered from 26-60b-401, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

26-61a-402, (Renumbered from 26-60b-403, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

26-61a-501, (Renumbered from 26-60b-501, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

26-61a-502, (Renumbered from 26-60b-502, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

26-61a-504, (Renumbered from 26-60b-503, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

26-61a-505, (Renumbered from 26-60b-504, as enacted by Statewide Initiative --

Proposition 2, Nov. 6, 2018)

26-61a-506, (Renumbered from 26-60b-505, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

26-61a-507, (Renumbered from 26-60b-506, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

26-61a-702, (Renumbered from 26-60b-601, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

26-61a-703, (Renumbered from 26-60b-602, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

REPEALS:

4-41-201, as enacted by Laws of Utah 2018, Chapter 446

4-41-202, as enacted by Laws of Utah 2018, Chapter 446

4-41-203, as enacted by Laws of Utah 2018, Chapter 446

4-41-301, as enacted by Laws of Utah 2018, Chapter 446

4-41-302, as enacted by Laws of Utah 2018, Chapter 446

4-41-303, as enacted by Laws of Utah 2018, Chapter 446

4-41-304, as enacted by Laws of Utah 2018, Chapter 446

4-41b-104, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018

4-43-101 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452

4-43-102 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452

4-43-201 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452

4-43-202 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452

4-43-203 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452

4-43-301 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452

4-43-401 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452

4-43-402 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452

4-43-501 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452

4-43-502 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452

4-43-503 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452

4-43-601 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452

4-43-602 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452

4-43-701 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452

4-43-702 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452

4-43-703 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452

4-43-801 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452

26-60b-104, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018

58-67-808 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452

58-68-808 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452

58-85-103.5, as enacted by Laws of Utah 2018, Chapter 333

58-88-101 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452

58-88-102 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452

58-88-103 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452

58-88-104 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452

59-12-104.7 (Repealed 01/01/19), as repealed by Laws of Utah 2018, Second Special Session, Chapter 6

59-12-104.9 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452

59-29-101 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452

59-29-102 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452

59-29-103 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452

59-29-104 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452

59-29-105 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452

59-29-106 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452

59-29-107 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452

59-29-108 (Effective 07/01/19), as enacted by Laws of Utah 2018, Chapter 452

Utah Code Sections Affected by Revisor Instructions:

4-41a-106, Utah Code Annotated 1953

4-41a-201, Utah Code Annotated 1953

4-41a-301, (Renumbered from 4-41b-301, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

4-41a-401, (Renumbered from 4-41b-401, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

26-61a-114, Utah Code Annotated 1953

26-61a-202, (Renumbered from 26-60b-202, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

26-61a-301, (Renumbered from 26-60b-301, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

26-61a-401, (Renumbered from 26-60b-401, as enacted by Statewide Initiative -- Proposition 2, Nov. 6, 2018)

26-61a-602, Utah Code Annotated 1953

26-61a-606, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **4-41-102** is amended to read:

4-41-102. Definitions.

[~~For purposes of~~] As used in this chapter:

(1) "Agricultural pilot program" means a program to study the growth, cultivation, or marketing of industrial hemp.

(2) "Cannabidiol product" means a chemical compound extracted from a hemp product that:

(a) is processed into a medicinal dosage form; and

(b) contains less than 0.3% tetrahydrocannabinol by dry weight [~~before processing and no more than a 10:1 ratio of cannabidiol to tetrahydrocannabinol after processing~~].

(3) "Industrial hemp" means any part of a cannabis plant, whether growing or not, with a concentration of less than 0.3% tetrahydrocannabinol by dry weight.

(4) "Industrial hemp certificate" means a certificate issued by the department to a higher education institution to grow or cultivate industrial hemp under Subsection 4-41-103(1).

(5) "Industrial hemp license" means a license issued by the department to a person for the purpose of participating in a research pilot program.

(6) "Industrial hemp product" means a product derived from, or made by, processing industrial hemp plants or industrial hemp parts.

(7) "Licensee" means an individual or business entity possessing a license issued by the department under this chapter to grow, cultivate, process, or market industrial hemp or an industrial hemp product.

(8) "Medicinal dosage form" means [~~the same as that term is defined in Section 26-65-102~~.]:

(a) a tablet;

(b) a capsule;

(c) a concentrated oil;

(d) a sublingual preparation;

(e) a topical preparation;

(f) a transdermal preparation;

(g) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or rectangular cuboid shape; or

(h) other preparations that the department approves.

(9) "Person" means:

(a) an individual, partnership, association, firm, trust, limited liability company, or corporation; and

(b) an agent or employee of an individual, partnership, association, firm, trust, limited liability company, or corporation.

(10) "Research pilot program" means a program conducted by the department in collaboration with at least one licensee to study methods of cultivating, processing, or marketing industrial hemp.

Section 2. Section **4-41a-101**, which is renumbered from Section 4-41b-101 is renumbered and amended to read:

CHAPTER 41a. CANNABIS PRODUCTION ESTABLISHMENTS

Part 1. General Provisions.

[~~4-41b-101~~]. 4-41a-101. Title.

[~~(1)~~] This chapter is known as "Cannabis Production Establishments."

Section 3. Section **4-41a-102**, which is renumbered from Section 4-41b-102 is renumbered and amended to read:

[~~4-41b-102~~]. 4-41a-102. Definitions.

As used in this chapter:

(1) "Cannabis" means the same as that term is defined in Section [~~58-37-3.9~~] 26-61a-102.

(2) "Cannabis cultivation facility" means a person that:

(a) possesses cannabis;

(b) grows or intends to grow cannabis; and

(c) sells or intends to sell cannabis to a cannabis [~~production establishments~~] cultivation facility or to a cannabis [~~dispensaries~~] processing facility.

(3) "Cannabis cultivation facility agent" means an individual who:

(a) is an [~~owner, officer, director, board member,~~] employee[~~, or volunteer~~] of a cannabis cultivation facility[~~.~~]; and

(b) holds a valid cannabis production establishment agent registration card.

[~~(4) "Cannabis dispensary" means the same as that term is defined in Section 26-60b-102.~~]

[~~(5) "Cannabis dispensary agent" means the same as that term is defined in Section 26-60b-102.~~]

[~~(6)~~] (4) "Cannabis processing facility" means a person that:

(a) acquires or intends to acquire cannabis from a cannabis production establishment or a holder of an industrial hemp processor license under Title 4, Chapter 41, Hemp and

Cannabidiol Act;

(b) possesses cannabis with the intent to manufacture a cannabis product;

(c) manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and

(d) sells or intends to sell a cannabis product to a medical cannabis [~~dispensary~~] pharmacy or the state central fill medical cannabis pharmacy.

[~~(7)~~] (5) "Cannabis processing facility agent" means an individual who:

(a) is an [~~owner, officer, director, board member,~~] employee[~~, or volunteer~~] of a cannabis processing facility[~~.~~]; and

(b) holds a valid cannabis production establishment agent registration card.

[~~(8)~~] (6) "Cannabis product" means the same as that term is defined in Section [~~58-37-3.9~~] 26-61a-102.

[~~(9)~~] (7) "Cannabis production establishment" means a cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory.

[~~(10)~~] (8) "Cannabis production establishment agent" means a cannabis cultivation facility agent, a cannabis processing facility agent, or an independent cannabis testing laboratory agent.

[~~(11)~~] (9) "Cannabis production establishment agent registration card" means a registration card[~~, issued by~~] that the department[~~,~~] issues that:

(a) authorizes an individual to act as a cannabis production establishment agent; and

(b) designates the type of cannabis production establishment for which an individual is authorized to act as an agent.

[~~(12)~~] (10) "Community location" means a public or private school, a church, a public library, a public playground, or a public park.

(11) "Department" means the Department of Agriculture and Food.

(12) "Family member" means a parent, step-parent, spouse, child, sibling, step-sibling, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.

(13) "Independent cannabis testing laboratory" means a person that:

(a) conducts a chemical or other analysis of cannabis or a cannabis product; or

(b) acquires, possesses, and transports cannabis or a cannabis product with the intent to conduct a chemical or other analysis of the cannabis or cannabis product.

(14) "Independent cannabis testing laboratory agent" means an individual who:

(a) is an [~~owner, officer, director, board member,~~] employee[~~, or volunteer~~] of an independent cannabis testing laboratory[~~.~~]; and

(b) holds a valid cannabis production establishment agent registration card.

(15) "Inventory control system" means [~~the~~] a system described in Section [~~4-41b-103~~] 4-41a-103.

(16) "Medical cannabis" means the same as that term is defined in Section 26-61a-102.

[~~(16)~~] (17) "Medical cannabis card" means the same as that term is defined in Section [~~26-60b-102~~] 26-61a-102.

(18) "Medical cannabis pharmacy" means the same as that term is defined in Section 26-61a-102.

(19) "Medical cannabis pharmacy agent" means the same as that term is defined in Section 26-61a-102.

[~~(17) "Medical Cannabis Restricted Account" means the account created in Section 26-60b-109.~~]

(20) "Medical cannabis treatment" means the same as that term is defined in Section 26-61a-102.

(21) "Medicinal dosage form" means the same as that term is defined in Section 26-61a-102.

[~~(18) "Physician"~~] (22) "Qualified medical provider" means the same as that term is defined in Section [~~26-60b-107~~] 26-61a-102.

(23) "Qualified Production Enterprise Fund" means the fund created in Section 4-41a-104.

(24) "State central fill agent" means the same as that term is defined in Section

26-61a-102.

(25) "State central fill medical cannabis pharmacy" means the same as that term is defined in Section 26-61a-102.

(26) "State central fill shipment" means the same as that term is defined in Section 26-61a-102.

[~~(19)~~] (27) "State electronic verification system" means the system described in Section [~~26-60b-103~~] 26-61a-103.

(28) "Tetrahydrocannabinol" means a substance derived from cannabis or a synthetic equivalent as described in Subsection 58-37-4(2)(a)(iii)(AA).

(29) "Total composite tetrahydrocannabinol" means delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid.

Section 4. Section **4-41a-103**, which is renumbered from Section 4-41b-103 is renumbered and amended to read:

[~~4-41b-103~~]. 4-41a-103. Inventory control system.

(1) [~~A~~] Each cannabis production establishment [~~and a~~], each medical cannabis [~~dispensary~~] pharmacy, and the state central fill medical cannabis pharmacy shall maintain an inventory control system that meets the requirements of this section.

(2) [~~An~~] A cannabis production establishment, a medical cannabis pharmacy, and the state central fill medical cannabis pharmacy shall ensure that the inventory control system [~~shall track~~] maintained by the establishment or pharmacy:

(a) tracks cannabis using a unique identifier, in real time, from the point that a cannabis plant is eight inches tall[~~,~~] and has a root ball[~~,~~] until the cannabis is disposed of or sold, in the form of unprocessed cannabis or a cannabis product, to an individual with a medical cannabis card[~~. (3) An inventory control system shall store~~];

(b) maintains in real time a record of the amount of cannabis and cannabis products in the [~~cannabis production establishment's or cannabis dispensary's~~] possession[~~. (4) An inventory control system shall include~~] of the establishment or pharmacy;

(c) includes a video recording system that:

[~~(a)~~] (i) tracks all handling and processing of cannabis or a cannabis product in the [~~cannabis production~~] establishment or [~~cannabis dispensary~~] pharmacy;

[~~(b)~~] (ii) is tamper proof; [~~and (c) is capable of storing~~]

(iii) stores a video record for at least 45 days[~~. (5) An inventory control system installed in a cannabis production establishment or cannabis dispensary shall maintain~~]; and

(d) preserves compatibility with the state electronic verification system described in Section 26-61a-103.

[~~(6)~~] (3) A cannabis production establishment [~~or~~], a medical cannabis [~~dispensary~~] pharmacy, and the state central fill medical cannabis pharmacy shall allow the department or the Department of Health access to the cannabis production establishment's [~~or~~], medical cannabis [~~dispensary's~~] pharmacy's, or state central fill medical cannabis pharmacy's inventory control system [~~during an inspection~~] at any time.

[~~(7)~~] (4) The department may establish compatibility standards for an inventory control system by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(5) (a) The department shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing requirements for aggregate or batch records regarding the planting and propagation of cannabis before being tracked in an inventory control system described in this section.

(b) The department shall ensure that the rules described in Subsection (5)(a) address record-keeping for the amount of planted seed, number of cuttings taken, date and time of cutting and planting, number of plants established, and number of plants culled or dead.

Section 5. Section **4-41a-104** is enacted to read:

4-41a-104. Qualified Production Enterprise Fund -- Creation -- Revenue neutrality.

(1) There is created an enterprise fund known as the "Qualified Production Enterprise Fund."

(2) The fund created in this section is funded from:

(a) money the department deposits into the fund under this chapter;

(b) appropriations the Legislature makes to the fund; and

(c) the interest described in Subsection (3).

(3) Interest earned on the Qualified Production Enterprise Fund shall be deposited into the fund.

(4) The department may only use money in the fund to fund the department's implementation of this chapter.

(5) The department shall set fees authorized under this chapter in amounts that the department anticipates are necessary, in total, to cover the department's cost to implement this chapter.

Section 6. Section **4-41a-105** is enacted to read:

4-41a-105. Agreement with a tribe.

(1) As used in this section, "tribe" means a federally recognized Indian tribe or Indian band.

(2) (a) In accordance with this section, the governor may enter into an agreement with a tribe to allow for the operation of a cannabis production establishment on tribal land located within the state.

(b) An agreement described in Subsection (2)(a) may not exempt any person from the requirements of this chapter.

(c) The governor shall ensure that an agreement described in Subsection (2)(a):

(i) is in writing;

(ii) is signed by:

(A) the governor; and

(B) the governing body of the tribe that the tribe designates and has the authority to bind the tribe to the terms of the agreement;

(iii) states the effective date of the agreement;

(iv) provides that the governor shall renegotiate the agreement if the agreement is or becomes inconsistent with a state statute; and

(v) includes any accommodation that the tribe makes:

(A) to which the tribe agrees; and

(B) that is reasonably related to the agreement.

(d) Before executing an agreement under this Subsection (2), the governor shall consult with the department.

(e) At least 30 days before the execution of an agreement described in this Subsection (2), the governor or the governor's designee shall provide a copy of the agreement in the form in which the agreement will be executed to:

(i) the chairs of the Native American Legislative Liaison Committee; and

(ii) the Office of Legislative Research and General Counsel.

Section 7. Section **4-41a-106** is enacted to read:

4-41a-106. Severability clause.

(1) If a final decision of a court of competent jurisdiction holds invalid any provision of this title or this bill or the application of any provision of this title or this bill to any person or circumstance, the remaining provisions of this title and this bill remain effective without the invalidated provision or application.

(2) The provisions of this title and this bill are severable.

Section 8. Section **4-41a-201**, which is renumbered from Section 4-41b-201 is renumbered and amended to read:

Part 2. Cannabis Production Establishment

[~~4-41b-201~~]. 4-41a-201. Cannabis production establishment -- License.

(1) A person may not operate a cannabis production establishment without a license [~~issued by~~] that the department issues under this chapter.

(2) (a) Subject to Subsections (6) [~~and~~], (7), and (8), and to Section [~~4-41b-204~~] 4-41a-205, the department shall, [~~within 90 days after receiving a complete application~~] in accordance with Title 63G, Chapter 6a, Utah Procurement Code, issue a license to operate a cannabis production establishment to [~~a person who~~] an applicant who is eligible for a license under this section.

(b) An applicant is eligible for a license under this section if the applicant submits to the department:

[~~(a)~~] (i) a proposed name and address, located in a zone described in Subsection 4-41a-406(1)(a) or (b), where the [~~person~~] applicant will operate the cannabis production establishment that is not within [~~600~~] 1,000 feet of a community location or within [~~300~~] 600 feet of an area zoned [~~exclusively~~] primarily for residential use, as measured from the nearest entrance to the cannabis production establishment by following the shortest route of ordinary pedestrian travel to the property boundary of the community location or residential area, unless the relevant county or municipality recommends in writing that the department waive the community location proximity limit;

[~~(b)~~] (ii) the name and address of any individual who has:

(A) a financial or voting interest of [~~two percent~~] 2% or greater in the proposed cannabis production establishment; or [~~who has~~]

(B) the power to direct or cause the management or control of a proposed [~~medical~~] cannabis production establishment;

[~~(c)~~] (iii) an operating plan that:

(A) complies with Section [~~4-41b-203 and that~~] 4-41a-204;

(B) includes operating procedures [~~to~~] that comply with [~~the requirements of~~] this chapter and [~~with~~] any [~~laws adopted by~~] law the municipality or county [~~that are~~] in which the person is located adopts that is consistent with Section [~~4-41b-405~~] 4-41a-406; and

(C) the department approves;

[~~(d)~~] (iv) [~~financial statements demonstrating that the person possesses a minimum of~~] evidence that the applicant has obtained and maintains a performance bond that a surety authorized to transact surety business in the state issues in an amount of at least:

(A) [~~$500,000 in liquid assets available~~] $250,000 for each cannabis cultivation facility for which the [~~person~~] applicant applies; or [~~a minimum of $100,000~~]

(B) [~~in liquid assets available~~] $50,000 for each cannabis processing facility or independent cannabis testing laboratory for which the [~~person~~] applicant applies;

[~~(e) if the municipality or county where the proposed cannabis production establishment would be located has enacted zoning restrictions, a sworn statement certifying that the proposed cannabis production establishment is in compliance with the restrictions;~~]

[~~(f)~~] (v) if the municipality or county where the proposed cannabis production establishment would be located requires a local land use permit [~~or license~~], a copy of the applicant's approved application for the local land use permit [~~or license~~]; and

[~~(g)~~] (vi) an application fee [~~established by~~] in an amount that, subject to Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504[~~, that is necessary to cover the department's cost to implement this chapter~~].

(3) If the department [~~determines that a cannabis production establishment is eligible~~] approves an application for a license under this section[~~;~~]:

(a) the applicant shall pay the department [~~shall charge the cannabis establishment~~] an initial license fee in an amount [~~determined by~~] that, subject to Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504[~~.~~]; and

(b) the department shall notify the Department of Public Safety of the license approval and the names of each individual described in Subsection (2)(b)(ii).

(4) (a) Except as provided in Subsection [~~(5)~~] (4)(b), the department shall require a separate license for each type of cannabis production establishment and each location of a cannabis production establishment.

[~~(5)~~] (b) The department may issue a cannabis cultivation facility license and a cannabis processing facility license to a person to operate at the same physical location or at separate physical locations.

(5) If the department receives more than one application for a cannabis production establishment within the same city or town, the department shall consult with the local land use authority before approving any of the applications pertaining to that city or town.

(6) The department may not issue a license to operate an independent cannabis testing laboratory to a person who:

(a) [~~that~~] holds a license or has an ownership interest in a medical cannabis

[~~dispensary~~] pharmacy, a cannabis processing facility, or a cannabis cultivation facility [~~in the state~~];

(b) [~~that~~] has an owner, officer, director, or employee whose [~~immediate~~] family member holds a license or has an ownership interest in a medical cannabis [~~dispensary~~] pharmacy, a cannabis processing facility, or a cannabis cultivation facility; or

(c) [~~who~~] proposes to operate the independent cannabis testing laboratory at the same physical location as a medical cannabis [~~dispensary~~] pharmacy, a cannabis processing facility, or a cannabis cultivation facility.

(7) The department may not issue a license to operate a cannabis production establishment to an applicant if any individual [~~who has a financial or voting interest of two percent or greater in the applicant or who has the power to direct or cause the management or control of the applicant~~] described in Subsection (2)(b)(ii):

(a) has been convicted [~~of an offense that is a felony~~] under [~~either~~] state or federal law[~~; or~~] of:

(i) a felony; or

(ii) after the effective date of this bill, a misdemeanor for drug distribution; or

(b) is [~~less~~] younger than 21 years [~~of age~~] old.

(8) If an applicant for a cannabis production establishment license under this section holds a license under Title 4, Chapter 41, Hemp and Cannabidiol Act, or Title 26, Chapter 61a, Utah Medical Cannabis Act, the department:

(a) shall consult with the Department of Health regarding the applicant if the license the applicant holds is a license under Title 26, Chapter 61a, Utah Medical Cannabis Act; and

(b) may not give preference to the applicant based on the applicant's status as a holder of a license described in this Subsection (8).

[~~(8)~~] (9) The department may revoke a license under this part:

(a) if the cannabis production establishment [~~is~~] does not [~~operating~~] begin cannabis production operations within one year [~~of the issuance of~~] after the day on which the department issues the initial license[~~.~~];

(b) after the cannabis production establishment makes the same violation of this chapter three times; or

(c) if any individual described in Subsection (2)(b) is convicted, while the license is active, under state or federal law of:

(i) a felony; or

(ii) after the effective date of this bill, a misdemeanor for drug distribution.

[~~(9)~~] (10) The department shall deposit the proceeds of a fee [~~imposed by~~] that the department imposes under this section [~~in~~] into the [~~Medical Cannabis Restricted Account~~] Qualified Production Enterprise Fund.

[~~(10)~~] (11) The department shall begin accepting applications under this part [~~no later than~~] on or before January 1, 2020.

(12) The department's authority to issue a license under this section is plenary and is not subject to review.

Section 9. Section **4-41a-202**, which is renumbered from Section 4-41b-302 is renumbered and amended to read:

[~~4-41b-302~~]. 4-41a-202. Cannabis production establishment owners and directors -- Criminal background checks.

(1) Each applicant for a license as a cannabis production establishment shall submit to the department, at the time of application, from each individual who has a financial or voting interest of [~~two percent~~] 2% or greater in the applicant or who has the power to direct or cause the management or control of the applicant:

(a) a fingerprint card in a form acceptable to the [~~department; and~~] Department of Public Safety;

(b) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the registration of the individual's fingerprints in the Federal Bureau of Investigation Next Generation Identification System's Rap Back Service; and

[~~(b)~~] (c) consent to a fingerprint background check by:

(i) the Utah Bureau of Criminal Identification; and

(ii) the Federal Bureau of Investigation.

[~~(2) The department shall request that the Department of Public Safety complete a Federal Bureau of Investigation criminal background check for the individual described in Subsection (1).~~]

(2) The Bureau of Criminal Identification shall:

(a) check the fingerprints the applicant submits under Subsection (1) against the applicable state, regional, and national criminal records databases, including the Federal Bureau of Investigation Next Generation Identification System;

(b) report the results of the background check to the department;

(c) maintain a separate file of fingerprints that applicants submit under Subsection (1) for search by future submissions to the local and regional criminal records databases, including latent prints;

(d) request that the fingerprints be retained in the Federal Bureau of Investigation Next Generation Identification System's Rap Back Service for search by future submissions to national criminal records databases, including the Next Generation Identification System and latent prints; and

(e) establish a privacy risk mitigation strategy to ensure that the department only receives notifications for an individual with whom the department maintains an authorizing relationship.

(3) The department shall:

(a) assess an individual who submits fingerprints under Subsection (1) a fee in an amount that the department sets in accordance with Section 63J-1-504 for the services that the Bureau of Criminal Identification or another authorized agency provides under this section; and

(b) remit the fee described in Subsection (3)(a) to the Bureau of Criminal Identification.

Section 10. Section **4-41a-203**, which is renumbered from Section 4-41b-202 is renumbered and amended to read:

[~~4-41b-202~~]. 4-41a-203. Renewal.

[~~(1)~~] The department shall renew a [~~person's~~] license issued under Section [~~4-41b-201~~] 4-41a-201 every [~~two years,~~] year if, at the time of renewal:

[~~(a)~~] (1) the [~~person~~] licensee meets the requirements of Section [~~4-41b-201~~] 4-41a-201; [~~and~~]

[~~(b)~~] (2) the [~~person~~] licensee pays the department a license renewal fee in an amount [~~determined by~~] that, subject to Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504[~~.~~]; and

(3) if the cannabis production establishment changes the operating plan described in Section 4-41a-204 that the department approved under Subsection 4-41a-201(2)(b)(iii), the department approves the new operating plan.

Section 11. Section **4-41a-204**, which is renumbered from Section 4-41b-203 is renumbered and amended to read:

[~~4-41b-203~~]. 4-41a-204. Operating plan.

(1) A person applying for a cannabis production [~~facility~~] establishment license or license renewal shall submit to the department for the department's review a proposed [~~operation~~] operating plan that complies with this section and that includes:

(a) a description of the physical characteristics of the proposed facility, including a floor plan and an architectural elevation;

(b) a description of the credentials and experience of:

(i) each officer, director, [~~or~~] and owner of the proposed cannabis production establishment; and

(ii) any highly skilled or experienced prospective employee;

(c) the cannabis production establishment's employee training standards;

(d) a security plan;

(e) a description of the cannabis production establishment's inventory control system, including a [~~plan to make~~] description of how the inventory control system is compatible with the state electronic verification system described in Section 26-61a-103;

(f) storage protocols, both short- and long-term, to ensure that cannabis is stored in a

manner that is sanitary and preserves the integrity of the cannabis;

[~~(f)~~] (g) for a cannabis cultivation facility, the information described in Subsection (2);

[~~(g)~~] (h) for a cannabis processing facility, the information described in Subsection (3); and

[~~(h)~~] (i) for an independent cannabis testing laboratory, the information described in Subsection (4).

(2) (a) A cannabis cultivation facility shall ensure that the facility's operating plan [~~shall include the cannabis cultivation~~] includes the facility's intended:

(i) cannabis cultivation practices, including the [~~cannabis cultivation~~] facility's intended pesticide use[~~,~~] and fertilizer use[~~,~~]; and

(ii) subject to Subsection (2)(b), acreage or square footage under cultivation[~~,~~] and anticipated cannabis yield.

(b) Except as provided in Subsection (2)(c) or (d):

(i) a cannabis cultivation facility that cultivates cannabis indoors may not:

(A) use more than 100,000 square feet for cultivation; or

(B) hang, suspend, stack or otherwise position plants above other plants to cultivate more plants through use of vertical space; and

(ii) a cannabis cultivation facility that cultivates cannabis outdoors may not use more than four acres for cultivation.

(c) (i) Each licensee may annually apply to the department for authorization to exceed the cannabis cultivation facility's current cultivation size limitation by up to 20%.

(ii) The department may, after conducting a review as described in Subsection 4-41a-205(2)(a), grant the authorization described in Subsection (2)(c)(i).

(d) If a licensee describes an intended acreage or square footage under cultivation under Subsection (2)(a)(ii) that is less than the limitation described in Subsection (2)(b):

(i) the licensee may not cultivate more than the licensee's identified intended acreage or square footage under cultivation; and

(ii) notwithstanding Subsection (2)(b), the department may allocate the remaining

difference in acreage or square footage under cultivation to another licensee.

(3) A cannabis processing facility's operating plan shall include the [~~cannabis processing~~] facility's intended cannabis processing practices, including the cannabis processing facility's intended [~~offered variety of cannabis product, cannabinoid extraction method, cannabinoid extraction equipment, processing equipment, processing techniques, and sanitation and food safety procedures.~~]:

(a) offered variety of cannabis product;

(b) cannabinoid extraction method;

(c) cannabinoid extraction equipment;

(d) processing equipment;

(e) processing techniques; and

(f) sanitation and manufacturing safety procedures for items for human consumption.

(4) An independent cannabis testing laboratory's operating plan shall include the [~~independent cannabis testing~~] laboratory's intended:

(a) cannabis and cannabis product testing capability [~~and~~];

(b) cannabis and cannabis product testing equipment[~~.~~]; and

(c) testing methods, standards, practices, and procedures for testing cannabis and cannabis products.

Section 12. Section **4-41a-205**, which is renumbered from Section 4-41b-204 is renumbered and amended to read:

[~~4-41b-204~~]. 4-41a-205. Number of licenses -- Cannabis cultivation facilities.

(1) Except as [~~otherwise~~] provided in Subsection [~~(2)~~] (2)(a), the department may not issue [~~not~~] more than [~~15~~] 10 licenses to operate a cannabis cultivation [~~facilities~~] facility.

(2) (a) [~~After January 1, 2022, the~~] The department may issue [~~additional~~] up to five licenses to operate a cannabis cultivation [~~facilities~~] facility in addition to the 10 licenses described in Subsection (1) if the department determines, in consultation with the Department of Health and after an annual or more frequent analysis of the current and anticipated market

for [~~medical~~] cannabis in a medicinal dosage form and [~~medical~~] cannabis products in a medicinal dosage form, that each additional [~~licenses are needed~~] license is necessary to provide an adequate supply, quality, or variety of [~~medical~~] cannabis in a medicinal dosage form and [~~medical~~] cannabis products in a medicinal dosage form to medical cannabis [~~card holders in Utah~~] cardholders.

(b) If the recipient of one of the initial 10 licenses described in Subsection (1) ceases operations or otherwise abandons the license, the department may but is not required to grant the vacant license to another applicant based on an analysis as described in Subsection (2)(a).

(3) If there are more qualified applicants than [~~there are~~] the number of available licenses for cannabis cultivation facilities under Subsections (1) and (2), the department shall evaluate the applicants and award the limited number of licenses described in Subsections (1) and (2) to the applicants that best demonstrate:

(a) experience with establishing and successfully operating a business that involves:

(i) complying with a regulatory environment[~~,~~];

(ii) tracking inventory[~~,~~]; and

(iii) training, evaluating, and monitoring employees;

(b) an operating plan that will best ensure the safety and security of patrons and the community;

(c) positive connections to the local community; and

(d) the extent to which the applicant can reduce the cost to patients of cannabis in a medicinal dosage form or cannabis products [~~for patients~~] in a medicinal dosage form.

(4) The department may conduct a face-to-face interview with an applicant for a license that the department evaluates under Subsection (3).

Section 13. Section **4-41a-301**, which is renumbered from Section 4-41b-301 is renumbered and amended to read:

Part 3. Cannabis Production Establishments Agents

[~~4-41b-301~~]. 4-41a-301. Cannabis production establishment agent -- Registration.

(1) An individual may not act as a cannabis production establishment agent unless the department registers the individual [~~is registered by the department~~] as a cannabis production establishment agent.

(2) [~~A physician~~] The following individuals, regardless of the individual's status as a qualified medical provider, may not serve as a cannabis production establishment agent[~~.~~], have a financial or voting interest of 2% or greater in a cannabis production establishment, or have the power to direct or cause the management or control of a cannabis production establishment:

(a) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

(b) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act;

(c) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

(d) a physician assistant licensed under Title 58, Chapter 70a, Physician Assistant Act.

(3) An independent cannabis testing laboratory agent may not act as an agent for a medical cannabis [~~dispensary~~] pharmacy, the state central fill medical cannabis pharmacy, a cannabis processing facility, or a cannabis cultivation facility.

(4) (a) The department shall, within 15 business days after [~~receiving~~] the day on which the department receives a complete application from a cannabis production establishment on behalf of a prospective cannabis production establishment agent, register and issue a cannabis production establishment agent registration card to [~~an individual who~~] the prospective agent if the cannabis production establishment:

[~~(a)~~] (i) provides to the department:

(A) the [~~individual's~~] prospective agent's name and address [~~and~~];

(B) the name and location of a licensed cannabis production establishment where the [~~individual~~] prospective agent will act as the cannabis production establishment's agent; and

(C) the submission required under Subsection (4)(b); and

[~~(b)~~] (ii) pays a fee to the department[~~;~~] in an amount [~~determined by~~] that, subject to Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504[~~, that is~~

~~necessary to cover the department's cost to implement this part~~].

(b) Each prospective agent described in Subsection (4)(a) shall:

(i) submit to the department:

(A) a fingerprint card in a form acceptable to the Department of Public Safety; and

(B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next Generation Identification System's Rap Back Service; and

(ii) consent to a fingerprint background check by:

(A) the Bureau of Criminal Identification; and

(B) the Federal Bureau of Investigation.

(c) The Bureau of Criminal Identification shall:

(i) check the fingerprints the prospective agent submits under Subsection (4)(b) against the applicable state, regional, and national criminal records databases, including the Federal Bureau of Investigation Next Generation Identification System;

(ii) report the results of the background check to the department;

(iii) maintain a separate file of fingerprints that prospective agents submit under Subsection (4)(b) for search by future submissions to the local and regional criminal records databases, including latent prints;

(iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next Generation Identification System's Rap Back Service for search by future submissions to national criminal records databases, including the Next Generation Identification System and latent prints; and

(v) establish a privacy risk mitigation strategy to ensure that the department only receives notifications for an individual with whom the department maintains an authorizing relationship.

(d) The department shall:

(i) assess an individual who submits fingerprints under Subsection (4)(b) a fee in an amount that the department sets in accordance with Section 63J-1-504 for the services that the

Bureau of Criminal Identification or another authorized agency provides under this section; and

(ii) remit the fee described in Subsection (4)(d) to the Bureau of Criminal Identification.

(5) The department shall designate, on an individual's cannabis production establishment agent registration card:

(a) the name of the cannabis production establishment where the individual is registered as an agent; and

(b) the type of cannabis production establishment for which the individual is authorized to act as an agent.

(6) A cannabis production establishment agent shall comply with:

(a) a certification standard [~~developed by~~] that the department develops; or

(b) [~~with a third party~~] a third-party certification standard [~~designated by~~] that the department designates by rule [~~made~~], in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(7) The department shall ensure that the certification standard described in Subsection (6) [~~shall include~~] includes training:

(a) in Utah medical cannabis law;

(b) for a cannabis cultivation facility agent, in cannabis cultivation best practices;

(c) for a cannabis processing facility agent, in cannabis processing, [~~food~~] manufacturing safety procedures for items for human consumption, and sanitation best practices; and

(d) for an independent cannabis testing laboratory agent, in cannabis testing best practices.

(8) [~~The department may revoke or refuse to issue the~~] For an individual who holds or applies for a cannabis production establishment agent registration card [~~of an individual who~~]:

(a) the department may revoke or refuse to issue the card if the individual violates the requirements of this chapter; [~~or~~] and

(b) the department shall revoke or refuse to issue the card if the individual is convicted

[~~of an offense that is a felony~~] under state or federal law of:

(i) a felony; or

(ii) after the effective date of this bill, a misdemeanor for drug distribution.

(9) (a) A cannabis production establishment agent registration card expires two years after the day on which the department issues the card.

(b) A cannabis production establishment agent may renew the agent's registration card if the agent:

(i) is eligible for a cannabis production establishment registration card under this section;

(ii) certifies to the department in a renewal application that the information in Subsection (4)(a) is accurate or updates the information; and

(iii) pays to the department a renewal fee in an amount that:

(A) subject to Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504; and

(B) may not exceed the cost of the relatively lower administrative burden of renewal in comparison to the original application process.

Section 14. Section **4-41a-302**, which is renumbered from Section 4-41b-303 is renumbered and amended to read:

[~~4-41b-303~~]. 4-41a-302. Cannabis production establishment agent registration card -- Rebuttable presumption.

(1) A cannabis production establishment agent [~~who is registered with~~] whom the department registers under Section [~~4-41b-301~~] 4-41a-301 shall carry the individual's cannabis production establishment agent registration card with the [~~individual~~] agent at all times when:

(a) the [~~individual~~] agent is on the premises of a cannabis production establishment where the [~~individual~~] agent is [~~a cannabis production establishment agent~~] registered; [~~and~~]

(b) the [~~individual~~] agent is transporting cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device between:

(i) two cannabis production establishments; or [~~between~~]

(ii) a cannabis production establishment and:

(A) a medical cannabis [~~dispensary~~] pharmacy; or

(B) the state central fill medical cannabis pharmacy; and

(c) if the cannabis production establishment agent is an agent of a cannabis cultivating facility, the agent is transporting raw cannabis plants to a cannabis processing facility or an independent cannabis testing laboratory.

(2) If [~~an individual~~] a cannabis processing facility agent possesses cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device and produces the registration card in the agent's possession in compliance with Subsection (1) while handling, at a cannabis production establishment, or transporting the cannabis, [~~a~~] cannabis product, or [~~a~~] medical cannabis device [~~at a cannabis production establishment, or transporting cannabis, a cannabis product, or a medical cannabis device, possesses the cannabis, cannabis product, or medical cannabis device~~] in compliance with Subsection (1):

(a) there is a rebuttable presumption that the [~~individual~~] agent possesses the cannabis, cannabis product, or medical cannabis device legally; and

(b) a law enforcement officer does not have probable cause, based solely on the [~~individual's~~] agent's possession of the cannabis in medicinal dosage form, cannabis product in medicinal dosage form, or medical cannabis device in compliance with Subsection (1), to believe that the individual is engaging in illegal activity.

(3) (a) [~~An individual~~] A cannabis production establishment agent who [~~violates~~] fails to carry the agent's cannabis production establishment agent registration card in accordance with Subsection (1) is:

(i) for a first or second offense in a two-year period:

[~~(a)~~] (A) guilty of an infraction; and

[~~(b)~~] (B) [~~is~~] subject to a $100 fine[~~.~~]; or

(ii) for a third or subsequent offense in a two-year period:

(A) guilty of a class C misdemeanor; and

(B) subject to a $750 fine.

(b) (i) The prosecuting entity shall notify the department and the relevant cannabis production establishment of each conviction under Subsection (3)(a).

(ii) For each violation described in Subsection (3)(a)(ii), the department may assess the relevant cannabis production establishment a fine of up to $5,000, in accordance with a fine schedule that the department establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(c) An individual who is guilty of a violation described in Subsection (3)(a) is not guilty for a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct underlying the violation described in Subsection (3)(a).

Section 15. Section **4-41a-401**, which is renumbered from Section 4-41b-401 is renumbered and amended to read:

Part 4. General Cannabis Production Establishment Operating Requirements

[~~4-41b-401~~]. 4-41a-401. Cannabis production establishment -- General operating requirements.

(1) (a) A cannabis production establishment shall operate in accordance with the operating plan [~~provided to the department under Section 4-41b-203~~] described in Sections 4-41a-201 and 4-41a-204.

(b) A cannabis production establishment shall notify the department before a change in the cannabis production establishment's operating plan.

(c) (i) If a cannabis production establishment changes the cannabis production establishment's operating plan, the establishment shall ensure that the new operating plan complies with this chapter.

(ii) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a process to:

(A) review a change notification described in Subsection (1)(b);

(B) identify for the cannabis production establishment each point of noncompliance between the new operating plan and this chapter;

(C) provide an opportunity for the cannabis production establishment to address each identified point of noncompliance; and

(D) suspend or revoke a license if the cannabis production establishment fails to cure the noncompliance.

(2) A cannabis production establishment shall operate:

(a) except as provided in Subsection (5), in a facility that is accessible only by an individual with a valid cannabis production establishment agent registration card issued under Section [~~4-41b-301~~] 4-41a-301; and

(b) at the physical address provided to the department under Section [~~4-41b-201~~] 4-41a-201.

(3) A cannabis production establishment may not employ [~~any person~~] an individual who is younger than 21 years [~~of age~~] old.

(4) A cannabis production establishment [~~shall conduct a background check into the criminal history of every person who will become an agent of the cannabis production establishment and~~] may not employ [~~any person~~] an individual who has been convicted, [~~of an offense that is a felony~~] under [~~either~~] state or federal law[~~.~~], of:

(a) a felony; or

(b) after the effective date of this bill, a misdemeanor for drug distribution.

(5) A cannabis production establishment may authorize an individual who is at least 18 years old and is not a cannabis production establishment agent to access the cannabis production establishment if the cannabis production establishment:

(a) tracks and monitors the individual at all times while the individual is at the cannabis production establishment; and

(b) maintains a record of the individual's access, including arrival and departure.

(6) A cannabis production establishment shall operate in a facility that has:

(a) a single, secure public entrance;

(b) a security system with a backup power source that:

(i) detects and records entry into the cannabis production establishment; and

(ii) provides notice of an unauthorized entry to law enforcement when the cannabis production establishment is closed; and

(c) a lock or equivalent restrictive security feature on any area where the cannabis production establishment stores cannabis or a cannabis product.

Section 16. Section **4-41a-402**, which is renumbered from Section 4-41b-402 is renumbered and amended to read:

[~~4-41b-402~~]. 4-41a-402. Inspections.

(1) The department may inspect the records and facility of a cannabis production establishment at any time [~~in order~~] during business hours to determine if the cannabis production establishment complies with [~~the requirements of~~] this chapter.

(2) (a) An inspection under this section may include:

(i) inspection of a site, facility, vehicle, book, record, paper, document, data, and other physical or electronic information;

(ii) questioning of any relevant individual;

(iii) observation of an independent cannabis testing laboratory's methods, standards, practices, and procedures;

(iv) the taking of a specimen of cannabis or cannabis products sufficient for testing purposes; or

(v) inspection of equipment, an instrument, a tool, or machinery, including a container or label.

(b) Notwithstanding Section 4-41a-404, an authorized department employee may possess and transport a specimen of cannabis or cannabis products for testing described in Subsection (2)(a).

(3) In making an inspection under this section, the department may freely access any area and review and make copies of a book, record, paper, document, data, or other physical or electronic information, including financial data, sales data, shipping data, pricing data, and employee data.

(4) Failure to provide the department or the department's authorized agents immediate

access to records and facilities during business hours in accordance with this section may result in:

(a) the imposition of a civil monetary penalty that the department sets in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

(b) license or registration suspension or revocation; or

(c) an immediate cessation of operations under a cease and desist order that the department issues.

Section 17. Section **4-41a-403**, which is renumbered from Section 4-41b-403 is renumbered and amended to read:

[~~4-41b-403~~]. 4-41a-403. Advertising.

(1) A cannabis production establishment may not advertise to the general public in any medium.

(2) Notwithstanding Subsection (1), a cannabis production establishment may advertise an employment [~~opportunities~~] opportunity at the cannabis production facility.

Section 18. Section **4-41a-404**, which is renumbered from Section 4-41b-404 is renumbered and amended to read:

[~~4-41b-404~~]. 4-41a-404. Cannabis, cannabis product, or medical cannabis device transportation.

(1) [~~Except for an individual with a valid medical cannabis card pursuant to Title 26, Chapter 60b, Medical Cannabis Act, an individual~~]

(a) Only the following individuals may [~~not~~] transport cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device [~~unless the individual is~~] under this chapter:

[~~(a)~~] (i) a registered cannabis production establishment agent; or

[~~(b)~~] (ii) [~~a registered cannabis dispensary agent.~~] a medical cannabis cardholder who is transporting a medical cannabis treatment that the cardholder is authorized to possess under this chapter.

(b) Only an agent of a cannabis cultivating facility, when the agent is transporting

cannabis plants to a cannabis processing facility or an independent cannabis testing laboratory, may transport unprocessed cannabis outside of a medicinal dosage form.

(2) Except for an individual with a valid medical cannabis card [~~pursuant to~~] under Title 26, Chapter [~~60b~~] 61a, Utah Medical Cannabis Act, [~~an individual~~] who is transporting [~~cannabis, a cannabis product, or~~] a medical cannabis [~~device~~] treatment shall possess a transportation manifest that:

(a) includes a unique identifier that links the cannabis, cannabis product, or medical cannabis device to a relevant inventory control system;

(b) includes origin and destination information for any cannabis, cannabis product, or medical cannabis device that the individual is transporting; and

(c) [~~indicates~~] identifies the departure and arrival times and locations of the individual transporting the cannabis, cannabis product, or medical cannabis device.

(3) (a) In addition to the requirements in Subsections (1) and (2), the department may establish[~~,~~] by rule [~~made~~], in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, requirements for transporting cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device to ensure that [~~are related to safety for human~~] the cannabis [~~or~~], cannabis product [~~consumption.~~], or medical cannabis device remains safe for human consumption.

(b) The transportation described in Subsection (3)(a) is limited to transportation:

(i) between a cannabis cultivation facility and:

(A) another cannabis cultivation facility; or

(B) a cannabis processing facility; and

(ii) between a cannabis processing facility and:

(A) another cannabis processing facility;

(B) an independent cannabis testing laboratory; or

(C) a medical cannabis pharmacy.

(4) (a) [~~An individual who transports cannabis, a cannabis product, or a medical cannabis device~~] It is unlawful for a registered cannabis production establishment agent to

make a transport described in this section with a manifest that does not meet the requirements of this section [~~is:~~].

(b) Except as provided in Subsection (4)(d), an agent who violates Subsection (4)(a) is:

[~~(a)~~] (i) guilty of an infraction; and

[~~(b)~~] (ii) subject to a $100 fine.

(c) An individual who is guilty of a violation described in Subsection (4)(b) is not guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct underlying the violation described in Subsection (4)(b).

(d) If the agent described in Subsection (4)(a) is transporting more cannabis, cannabis product, or medical cannabis devices than the manifest identifies, except for a de minimis administrative error:

(i) the penalty described in Subsection (4)(b) does not apply; and

(ii) the agent is subject to penalties under Title 58, Chapter 37, Utah Controlled Substances Act.

(5) Nothing in this section prevents the department from taking administrative enforcement action against a cannabis production establishment or another person for failing to make a transport in compliance with the requirements of this section.

Section 19. Section **4-41a-405** is enacted to read:

4-41a-405. Excess and disposal.

(1) As used in this section, "medical cannabis waste" means waste and unused material from the cultivation and production of medical cannabis.

(2) A cannabis production establishment shall:

(a) render medical cannabis waste unusable and unrecognizable before transporting the medical cannabis waste from the cannabis production establishment; and

(b) dispose of medical cannabis waste in accordance with:

(i) federal and state laws, rules, and regulations related to hazardous waste;

(ii) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

(iii) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

(iv) other regulations that the department makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(3) An individual may not transport or dispose of medical cannabis waste other than as provided in this section.

Section 20. Section **4-41a-406**, which is renumbered from Section 4-41b-405 is renumbered and amended to read:

[~~4-41b-405~~]. 4-41a-406. Local control.

(1) [~~A municipality or county may not enact a zoning ordinance that prohibits a cannabis production establishment from operating in a location within the municipality's or county's jurisdiction on the sole basis that the cannabis production establishment possesses, grows, manufactures, or sells cannabis.~~]

(a) If a municipality's or county's zoning ordinances provide for an industrial zone, the municipality or county shall ensure that the ordinances allow for cannabis production establishments in at least one type of industrial zone.

(b) If a municipality's or county's zoning ordinances provide for an agricultural zone, the municipality or county shall ensure that the ordinances allow for cannabis production establishments in at least one type of agricultural zone.

(2) (a) A municipality or county may not deny or revoke a land use permit [~~or license~~] to operate a cannabis production facility on the sole basis that the applicant or cannabis production establishment violates [~~a~~] federal law [~~of~~] regarding the [~~United States~~] legal status of cannabis.

(b) A municipality or county may not deny or revoke a business license to operate a cannabis production facility on the sole basis that the applicant or cannabis production establishment violates federal law regarding the legal status of cannabis.

Section 21. Section **4-41a-501**, which is renumbered from Section 4-41b-501 is renumbered and amended to read:

Part 5. Cannabis Cultivation Facility Operating Requirements.

[~~4-41b-501~~]. 4-41a-501. Cannabis cultivation facility -- Operating

requirements.

(1) A cannabis cultivation facility shall ensure that any cannabis growing at the cannabis cultivation facility is not visible [~~at~~] from the ground level of the cannabis cultivation facility perimeter.

(2) A cannabis cultivation facility shall use a unique identifier that is connected to the cannabis cultivation facility's inventory control system [~~for~~] to identify:

(a) beginning at the time a cannabis plant is [~~8~~] eight inches tall and has a root ball, each cannabis plant;

(b) each unique harvest of cannabis plants;

(c) each batch of cannabis [~~transferred~~] the facility transfers to a medical cannabis [~~dispensary~~] pharmacy, the state central fill medical cannabis pharmacy, a cannabis processing facility, or an independent cannabis testing laboratory; and

(d) [~~disposal of~~] any excess, contaminated, or deteriorated cannabis of which the cannabis cultivation facility disposes.

Section 22. Section **4-41a-502**, which is renumbered from Section 4-41b-502 is renumbered and amended to read:

[~~4-41b-502~~]. 4-41a-502. Cannabis -- Labeling and child-resistant packaging.

For any cannabis that a cannabis cultivation facility cultivates or otherwise produces and subsequently ships to another cannabis production establishment, the facility shall:

(1) [~~Cannabis shall have a~~] label the cannabis with a label that[~~: (a)~~] has a unique batch identification number that is connected to the inventory control system; and [~~(b) does not display images, words, or phrases that are intended to appeal to children. (2) A cannabis cultivation facility shall~~]

(2) package the cannabis in a container that is:

(a) [~~is~~] tamper evident; and

(b) [~~is~~] not appealing to children. [~~or similar to a candy container;~~]

[~~(c) is opaque; and~~]

[~~(d) complies with child-resistant effectiveness standards established by the United States Consumer Product Safety Commission.~~]

Section 23. Section **4-41a-601**, which is renumbered from Section 4-41b-601 is renumbered and amended to read:

Part 6. Cannabis Processing Facility Operating Requirements.

[~~4-41b-601~~]. 4-41a-601. Cannabis processing facility -- Operating requirements -- General.

[~~(1)~~] A cannabis processing facility shall ensure that a cannabis product [~~sold by~~] the cannabis processing facility sells complies with the requirements of this part.

[~~(2) If a cannabis processing facility extracts cannabinoids from cannabis using a hydrocarbon process, the cannabis processing facility shall extract the cannabinoids under a blast hood and shall use a system to reclaim solvents.~~]

Section 24. Section **4-41a-602**, which is renumbered from Section 4-41b-602 is renumbered and amended to read:

[~~4-41b-602~~]. 4-41a-602. Cannabis product -- Labeling and child-resistant packaging.

(1) [~~A~~] For any cannabis product that a cannabis processing facility processes or produces, the facility shall [~~have a~~]:

(a) label the cannabis product with a label that:

[~~(a)~~] (i) clearly and unambiguously states that the cannabis product contains cannabis;

[~~(b)~~] (ii) clearly displays the amount of total composite tetrahydrocannabinol and cannabidiol in the [~~cannabis product~~] labeled container;

[~~(c)~~] (iii) has a unique identification number that:

[~~(i)~~] (A) is connected to the inventory control system; and

[~~(ii)~~] (B) identifies the unique cannabis product manufacturing process [~~by which~~] the cannabis processing facility used to manufacture the cannabis product [~~was manufactured~~];

[~~(d)~~] (iv) identifies the cannabinoid extraction process that the cannabis processing facility used to create the cannabis product;

[~~(c)~~] (v) does not display [~~images, words, or phrases~~] an image, word, or phrase that [~~are intended to appeal~~] the facility knows or should know appeals to children; and

[~~(f)~~] (vi) discloses [~~ingredients~~] each active or potentially active ingredient, in order of prominence, and possible [~~allergens.~~] allergen; and

[~~(2)~~] (b) [~~A cannabis processing facility shall~~] package [~~a~~] the cannabis product in a medicinal dosage form in a container that:

[~~(a)~~] (i) except for a blister pack, is tamper evident and tamper resistant;

[~~(b)~~] (ii) does not appeal to children;

(iii) [~~is not appealing to children or similar to~~] does not mimic a candy container;

[~~(c)~~] (iv) except for a blister pack, is opaque; [~~and~~]

[~~(d)~~] (v) complies with child-resistant effectiveness standards [~~established by~~] that the United States Consumer Product Safety Commission[~~.~~] establishes; and

(vi) includes a warning label that states: "WARNING: Cannabis has intoxicating effects and may be addictive. Do not operate a vehicle or machinery under its influence. KEEP OUT OF REACH OF CHILDREN. This product is for medical use only. Use only as directed by a qualified medical provider."

(2) For any cannabis or cannabis product that the cannabis processing facility processes into a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or rectangular cuboid shape, the facility shall:

(a) ensure that the label described in Subsection (1)(a) does not contain a photograph or other image of the content of the container; and

(b) include on the label described in Subsection (1)(a) a warning about the risks of over-consumption.

(3) The department shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing a standard labeling format that:

(a) complies with the requirements of this section; and

(b) ensures inclusion of a pharmacy label.

Section 25. Section **4-41a-603**, which is renumbered from Section 4-41b-603 is

renumbered and amended to read:

[~~4-41b-603~~]. 4-41a-603. Cannabis product -- Product quality.

(1) A cannabis processing facility may not produce a cannabis product in a physical form that:

(a) [~~is intended to appeal~~] the facility knows or should know appeals to children; [~~or~~]

(b) is designed to mimic or could be mistaken for [~~an existing~~] a candy product[~~.~~]; or

(c) for a product used in vaporization, includes a candy-like flavor or another flavor that the facility knows or should know appeals to children.

[~~(2) A cannabis processing facility may not manufacture a cannabis product by applying a cannabis agent only to the surface of a pre-manufactured food product that is not produced by the cannabis processing facility.~~]

[~~(3)~~] (2) A cannabis product may vary in the cannabis product's labeled [~~cannabis~~] cannabinoid profile by up to [~~15%~~] 10% of the indicated amount of a given cannabinoid, by weight.

[~~(4)~~] (3) The department shall adopt[~~,~~] by rule [~~made~~], in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, human safety standards for [~~manufacture~~] the manufacturing of cannabis products that are consistent[~~, to the extent possible,~~] with [~~rules for similar products that do not contain~~] best practices for the use of cannabis.

Section 26. Section **4-41a-701**, which is renumbered from Section 4-41b-701 is renumbered and amended to read:

Part 7. Independent Cannabis Testing Laboratories.

[~~4-41b-701~~]. 4-41a-701. Cannabis and cannabis product testing.

(1) [~~No~~] A medical cannabis pharmacy and the state central fill medical cannabis pharmacy may not offer any cannabis or cannabis product [~~may be offered~~] for sale [~~at a cannabis dispensary~~] unless an independent cannabis testing laboratory has tested a representative sample of the cannabis or cannabis product [~~has been tested by an independent cannabis testing laboratory~~] to determine:

(a) (i) the amount of total composite tetrahydrocannabinol and cannabidiol in the

cannabis or cannabis product; and

(ii) the amount of any other cannabinoid in the cannabis or cannabis product that the label claims the cannabis or cannabis product contains;

(b) that the presence of contaminants, including mold, fungus, pesticides, microbial contaminants, heavy metals, or foreign material, does not exceed an amount that is safe for human consumption; and

(c) for a cannabis product that is manufactured using a process that involves extraction using hydrocarbons, that the cannabis product does not contain [~~an unhealthy~~] a level of a residual solvent that is not safe for human consumption.

(2) [~~The department may determine, by~~] By rule [~~made~~], in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department:

(a) may determine the amount of [~~a~~] any substance described in [~~Subsection (1)~~] Subsections (1)(b) and (c) that is safe for human consumption[~~.~~]; and

(b) shall establish protocols for a recall of cannabis or a cannabis product by a cannabis production establishment.

(3) The department may require testing for a toxin if:

(a) the department receives information indicating the potential presence of a toxin; or

(b) the department's inspector has reason to believe a toxin may be present based on the inspection of a facility.

(4) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the standards, methods, practices, and procedures for the testing of cannabis and cannabis products by independent cannabis testing laboratories.

(5) The department may require an independent cannabis testing laboratory to participate in a proficiency evaluation that the department conducts or that an organization that the department approves conducts.

Section 27. Section **4-41a-702**, which is renumbered from Section 4-41b-702 is renumbered and amended to read:

[~~4-41b-702~~]. 4-41a-702. Reporting -- Inspections -- Seizure by the

department.

(1) If an independent cannabis testing laboratory determines that the results of a lab test indicate that a cannabis or cannabis product batch may be unsafe for human [~~consumption, the independent cannabis testing laboratory shall~~] use:

(a) the independent cannabis testing laboratory shall:

[~~(a)~~] (i) report the results and the cannabis or cannabis product batch to:

[~~(i)~~] (A) the department; and

[~~(ii)~~] (B) the cannabis production establishment that prepared the cannabis or cannabis product batch; and

[~~(b)~~] (ii) retain possession of the cannabis or cannabis product batch for [~~one week~~] two weeks in order to investigate the cause of the defective batch and to make a determination; and

[~~(c)~~] (b) [~~allow~~] the cannabis production establishment that prepared the cannabis or cannabis product batch [~~to~~] may appeal the determination described in Subsection [~~(1)(b)~~] (1)(a)(ii) to the department.

(2) If[~~, under Subsection (1)(b),~~] the department determines, under Subsection (1)(a)(ii) or following an appeal under Subsection (1)(b), that a cannabis or cannabis product prepared by a cannabis production establishment is unsafe for human consumption, the department may seize, embargo, or destroy, in the same manner as a cannabis production establishment under Section 4-41a-405, the cannabis or cannabis product batch.

(3) If an independent cannabis testing laboratory determines that the results of a lab test indicate that the cannabinoid content of a cannabis or cannabis product batch diverges more than 10% from the amounts the label indicates, the cannabis processing facility may not sell the cannabis or cannabis product batch unless the facility replaces the incorrect label with a label that correctly indicates the cannabinoid content.

Section 28. Section **4-41a-801**, which is renumbered from Section 4-41b-801 is renumbered and amended to read:

[~~4-41b-801~~]. 4-41a-801. Enforcement -- Fine -- Citation.

(1) [~~The department may, for a violation of this chapter by~~] If a person that is a cannabis production establishment or a cannabis production establishment agent violates this chapter, the department may:

(a) revoke the person's license or cannabis production establishment agent registration card;

(b) [~~refuse~~] decline to renew the person's license or cannabis production establishment agent registration card; or

(c) assess the person an administrative penalty that the department establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(2) The department shall deposit an administrative penalty imposed under this section [~~in the general fund~~] into the General Fund.

(3) (a) The department may take an action described in Subsection (3)(b) if the department concludes, upon [~~inspection or~~] investigation, that, for a person that is a cannabis production establishment or a cannabis production establishment agent:

(i) the person has violated the provisions of this chapter, a rule made under this chapter, or an order issued under this chapter; or

(ii) the person produced cannabis or a cannabis product batch that contains a substance, other than cannabis, that poses a significant threat to human health.

(b) If the department makes the determination about a person described in Subsection (3)(a), the department shall:

(i) issue the person a written administrative citation;

(ii) attempt to negotiate a stipulated settlement;

(iii) seize, embargo, or destroy the cannabis or cannabis product batch; [~~and~~]

(iv) order the person to cease and desist from the action that creates a violation; and

[~~(iv)~~] (v) direct the person to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.

(4) The department may, for a person subject to an uncontested citation, a stipulated settlement, or a finding of a violation in an adjudicative proceeding under this section[~~:(a)~~], for

a fine amount not already specified in law, assess the person, who is not an individual, a fine[~~, established in accordance with Section 63J-1-504,~~] of up to $5,000 per violation, in accordance with a fine schedule [~~established by~~] that the department establishes by rule [~~made~~] in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act[~~; or~~].

[~~(b) order the person to cease and desist from the action that creates a violation.~~]

(5) The department may not revoke a cannabis production establishment's license without first [~~direct~~] directing the cannabis production establishment to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.

(6) If within 20 calendar days after the day on which a department serves a citation for a violation of this chapter, the person that is the subject of the citation fails to request a hearing to contest the citation, the citation becomes the department's final order.

(7) The department may, for a person who fails to comply with a citation under this section:

(a) refuse to issue or renew the person's license or cannabis production establishment agent registration card; or

(b) suspend, revoke, or place on probation the person's license or cannabis production establishment registration card.

(8) [~~If the department makes a final determination under this section that~~]

(a) Except where a criminal penalty is expressly provided for a specific violation of this chapter, if an individual [~~violated~~]:

(i) violates a provision of this chapter, the individual is:

(A) guilty of an infraction[~~:~~]; and

(B) subject to a $100 fine; or

(ii) intentionally or knowingly violates a provision of this chapter or violates this chapter three or more times, the individual is:

(A) guilty of a class B misdemeanor; and

(B) subject to a $1,000 fine.

(b) An individual who is guilty of a violation described in Subsection (8)(a) is not

guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct underlying the violation described in Subsection (8)(a).

(9) Nothing in this section prohibits the department from referring potential criminal activity to law enforcement.

Section 29. Section **4-41a-802**, which is renumbered from Section 4-41b-802 is renumbered and amended to read:

[~~4-41b-802~~]. 4-41a-802. Report.

(1) [~~The~~] At or before the November interim meeting each year, the department shall report [~~annually~~] to the Health and Human Services Interim Committee on:

(a) the number of applications and renewal applications [~~received,~~] that the department receives under this chapter;

(b) the number of each type of cannabis production facility [~~licensed~~] that the department licenses in each county[~~,~~];

(c) the amount of cannabis [~~grown by~~] that licensees[~~,~~] grow;

(d) the amount of cannabis [~~manufactured~~] that licensees manufacture into cannabis products [~~by licensees,~~];

(e) the number of licenses [~~revoked,~~] the department revokes under this chapter; and

(f) the expenses incurred and revenues generated [~~from the medical cannabis program~~] under this chapter.

(2) The department may not include personally identifying information in the report described in this section.

Section 30. Section **7-1-401** is amended to read:

7-1-401. Fees payable to commissioner.

(1) Except for an out-of-state depository institution with a branch in Utah, a depository institution under the jurisdiction of the department shall pay an annual fee:

(a) computed by averaging the total assets of the depository institution shown on each quarterly report of condition for the depository institution for the calendar year immediately preceding the date on which the annual fee is due under Section 7-1-402; and

(b) at the following rates:

(i) on the first $5,000,000 of these assets, the greater of:

(A) 65 cents per $1,000; or

(B) $500;

(ii) on the next $10,000,000 of these assets, 35 cents per $1,000;

(iii) on the next $35,000,000 of these assets, 15 cents per $1,000;

(iv) on the next $50,000,000 of these assets, 12 cents per $1,000;

(v) on the next $200,000,000 of these assets, 10 cents per $1,000;

(vi) on the next $300,000,000 of these assets, 6 cents per $1,000; and

(vii) on all amounts over $600,000,000 of these assets, 2 cents per $1,000.

(2) A financial institution with a trust department shall pay a fee determined in accordance with Subsection (7) for each examination of the trust department by a state examiner.

(3) Notwithstanding Subsection (1), a credit union in its first year of operation shall pay a basic fee of $25 instead of the fee required under Subsection (1).

(4) A trust company that is not a depository institution or a subsidiary of a depository institution holding company shall pay:

(a) an annual fee of $500; and

(b) an additional fee determined in accordance with Subsection (7) for each examination by a state examiner.

(5) Any person or institution under the jurisdiction of the department that does not pay a fee under Subsections (1) through (4) shall pay:

(a) an annual fee of $200; and

(b) an additional fee determined in accordance with Subsection (7) for each examination by a state examiner.

(6) A person filing an application or request under Section 7-1-503, 7-1-702, 7-1-703, 7-1-704, 7-1-713, 7-5-3, or 7-18a-202[~~, or 7-26-201~~] shall pay:

(a) (i) a filing fee of $500 if on the day on which the application or request is filed the

person:

(A) is a person with authority to transact business as[~~: (I)~~] a depository institution[~~; (II)~~], a trust company[~~;~~], or [~~(III)~~] any other person described in Section 7-1-501 as being subject to the jurisdiction of the department; and

(B) has total assets in an amount less than $5,000,000; or

(ii) a filing fee of $2,500 for any person not described in Subsection (6)(a)(i); and

(b) all reasonable expenses incurred in processing the application.

(7) (a) Per diem assessments for an examination shall be calculated at the rate of $55 per hour:

(i) for each examiner; and

(ii) per hour worked.

(b) For an examination of a branch or office of a financial institution located outside of this state, in addition to the per diem assessment under this Subsection (7), the institution shall pay all reasonable travel, lodging, and other expenses incurred by each examiner while conducting the examination.

(8) In addition to a fee under Subsection (5), a person registering under Section 7-23-201 or 7-24-201 shall pay an original registration fee of $300.

(9) In addition to a fee under Subsection (5), a person applying for licensure under Chapter 25, Money Transmitter Act, shall pay an original license fee of $300.

Section 31. Section **10-9a-104** is amended to read:

10-9a-104. Stricter requirements.

(1) Except as provided in Subsection (2), a municipality may enact [~~an ordinance~~] a land use regulation imposing stricter requirements or higher standards than are required by this chapter.

(2) A municipality may not impose [~~stricter requirements or higher standards than are required by:~~]

[~~(a) Section 4-41b-405;~~]

[~~(b) Section 10-9a-305;~~]

[~~(c) Section 10-9a-514; and~~]

[~~(d) Section 26-60b-506.~~] a requirement or standard that conflicts with a provision of this chapter, other state law, or federal law.

Section 32. Section **17-27a-104** is amended to read:

17-27a-104. Stricter requirements or higher standards.

(1) Except as provided in Subsection (2), a county may enact [~~an ordinance~~] a land use regulation imposing stricter requirements or higher standards than are required by this chapter.

(2) A county may not impose [~~stricter requirements or higher standards than are required by:~~]

[~~(a) Section 4-41b-405;~~]

[~~(b) Section 17-27a-305;~~]

[~~(c) Section 17-27a-513; and~~]

[~~(d) Section 26-60b-506.~~] a requirement or standard that conflicts with a provision of this chapter, other state law, or federal law.

Section 33. Section **26-36d-101** is enacted to read:

CHAPTER 36d. HOSPITAL PROVIDER ASSESSMENT ACT.

Part 1. General Provisions.

26-36d-101. Title.

This chapter is known as the "Hospital Provider Assessment Act."

Section 34. Section **26-36d-102** is enacted to read:

26-36d-102. Legislative findings.

(1) The Legislature finds that there is an important state purpose to improve the access of Medicaid patients to quality care in Utah hospitals because of continuous decreases in state revenues and increases in enrollment under the Utah Medicaid program.

(2) The Legislature finds that in order to improve this access to those persons described in Subsection (1):

(a) the rates paid to Utah hospitals shall be adequate to encourage and support improved access; and

(b) adequate funding shall be provided to increase the rates paid to Utah hospitals providing services pursuant to the Utah Medicaid program.

Section 35. Section **26-36d-103** is enacted to read:

26-36d-103. Definitions.

As used in this chapter:

(1) "Accountable care organization" means a managed care organization, as defined in 42 C.F.R. Sec. 438, that contracts with the department under the provisions of Section 26-18-405.

(2) "Assessment" means the Medicaid hospital provider assessment established by this chapter.

(3) "Discharges" means the number of total hospital discharges reported on worksheet S-3 Part I, column 15, lines 12, 14, and 14.01 of the 2552-96 Medicare Cost Report or on Worksheet S-3 Part I, column 15, lines 14, 16, and 17 of the 2552-10 Medicare Cost Report for the applicable assessment year.

(4) "Division" means the Division of Health Care Financing of the department.

(5) "Hospital":

(a) means a privately owned:

(i) general acute hospital operating in the state as defined in Section 26-21-2; and

(ii) specialty hospital operating in the state, which shall include a privately owned hospital whose inpatient admissions are predominantly:

(A) rehabilitation;

(B) psychiatric;

(C) chemical dependency; or

(D) long-term acute care services; and

(b) does not include:

(i) a human services program, as defined in Section 62A-2-101;

(ii) a hospital owned by the federal government, including the Veterans Administration Hospital; or

(iii) a hospital that is owned by the state government, a state agency, or a political subdivision of the state, including:

(A) a state-owned teaching hospital; and

(B) the Utah State Hospital.

(6) "Medicare Cost Report" means CMS-2552-96 or CMS-2552-10, the cost report for electronic filing of hospitals.

(7) "State plan amendment" means a change or update to the state Medicaid plan.

Section 36. Section **26-36d-201** is enacted to read:

Part 2. Application of Chapter.

26-36d-201. Application of chapter.

(1) Other than for the imposition of the assessment described in this chapter, nothing in this chapter shall affect the nonprofit or tax exempt status of any nonprofit charitable, religious, or educational health care provider under:

(a) Section 501(c), as amended, of the Internal Revenue Code;

(b) other applicable federal law;

(c) any state law;

(d) any ad valorem property taxes;

(e) any sales or use taxes; or

(f) any other taxes, fees, or assessments, whether imposed or sought to be imposed by the state or any political subdivision, county, municipality, district, authority, or any agency or department thereof.

(2) All assessments paid under this chapter may be included as an allowable cost of a hospital for purposes of any applicable Medicaid reimbursement formula.

(3) This chapter does not authorize a political subdivision of the state to:

(a) license a hospital for revenue;

(b) impose a tax or assessment upon hospitals; or

(c) impose a tax or assessment measured by the income or earnings of a hospital.

Section 37. Section **26-36d-202** is enacted to read:

26-36d-202. Assessment, collection, and payment of hospital provider assessment.

(1) A uniform, broad based, assessment is imposed on each hospital as defined in Subsection 26-36d-103(5)(a):

(a) in the amount designated in Section 26-36d-203; and

(b) in accordance with Section 26-36d-204.

(2) (a) The assessment imposed by this chapter is due and payable on a quarterly basis in accordance with Section 26-36d-204.

(b) The collecting agent for this assessment is the department which is vested with the administration and enforcement of this chapter, including the right to adopt administrative rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary to:

(i) implement and enforce the provisions of this act; and

(ii) audit records of a facility:

(A) that is subject to the assessment imposed by this chapter; and

(B) does not file a Medicare Cost Report.

(c) The department shall forward proceeds from the assessment imposed by this chapter to the state treasurer for deposit in the expendable special revenue fund as specified in Section 26-36d-207.

(3) The department may, by rule, extend the time for paying the assessment.

Section 38. Section **26-36d-203** is enacted to read:

26-36d-203. Calculation of assessment.

(1) (a) An annual assessment is payable on a quarterly basis for each hospital in an amount calculated at a uniform assessment rate for each hospital discharge, in accordance with this section.

(b) The uniform assessment rate shall be determined using the total number of hospital discharges for assessed hospitals divided into the total non-federal portion in an amount consistent with Section 26-36d-205 that is needed to support capitated rates for accountable care organizations for purposes of hospital services provided to Medicaid enrollees.

(c) Any quarterly changes to the uniform assessment rate shall be applied uniformly to

all assessed hospitals.

(d) The annual uniform assessment rate may not generate more than:

(i) $1,000,000 to offset Medicaid mandatory expenditures; and

(ii) the non-federal share to seed amounts needed to support capitated rates for accountable care organizations as provided for in Subsection (1)(b).

(2) (a) For each state fiscal year, discharges shall be determined using the data from each hospital's Medicare Cost Report contained in the Centers for Medicare and Medicaid Services' Healthcare Cost Report Information System file. The hospital's discharge data will be derived as follows:

(i) for state fiscal year 2013, the hospital's cost report data for the hospital's fiscal year ending between July 1, 2009, and June 30, 2010;

(ii) for state fiscal year 2014, the hospital's cost report data for the hospital's fiscal year ending between July 1, 2010, and June 30, 2011;

(iii) for state fiscal year 2015, the hospital's cost report data for the hospital's fiscal year ending between July 1, 2011, and June 30, 2012;

(iv) for state fiscal year 2016, the hospital's cost report data for the hospital's fiscal year ending between July 1, 2012, and June 30, 2013; and

(v) for each subsequent state fiscal year, the hospital's cost report data for the hospital's fiscal year that ended in the state fiscal year two years prior to the assessment fiscal year.

(b) If a hospital's fiscal year Medicare Cost Report is not contained in the Centers for Medicare and Medicaid Services' Healthcare Cost Report Information System file:

(i) the hospital shall submit to the division a copy of the hospital's Medicare Cost Report applicable to the assessment year; and

(ii) the division shall determine the hospital's discharges.

(c) If a hospital is not certified by the Medicare program and is not required to file a Medicare Cost Report:

(i) the hospital shall submit to the division its applicable fiscal year discharges with supporting documentation;

(ii) the division shall determine the hospital's discharges from the information submitted under Subsection (2)(c)(i); and

(iii) the failure to submit discharge information shall result in an audit of the hospital's records and a penalty equal to 5% of the calculated assessment.

(3) Except as provided in Subsection (4), if a hospital is owned by an organization that owns more than one hospital in the state:

(a) the assessment for each hospital shall be separately calculated by the department; and

(b) each separate hospital shall pay the assessment imposed by this chapter.

(4) Notwithstanding the requirement of Subsection (3), if multiple hospitals use the same Medicaid provider number:

(a) the department shall calculate the assessment in the aggregate for the hospitals using the same Medicaid provider number; and

(b) the hospitals may pay the assessment in the aggregate.

Section 39. Section **26-36d-204** is enacted to read:

26-36d-204. Quarterly notice -- Collection.

Quarterly assessments imposed by this chapter shall be paid to the division within 15 business days after the original invoice date that appears on the invoice issued by the division.

Section 40. Section **26-36d-205** is enacted to read:

26-36d-205. Medicaid hospital adjustment under accountable care organization rates.

To preserve and improve access to hospital services, the division shall, for accountable care organization rates effective on or after April 1, 2013, incorporate an annualized amount equal to $154,000,000 into the accountable care organization rate structure calculation consistent with the certified actuarial rate range.

Section 41. Section **26-36d-206** is enacted to read:

26-36d-206. Penalties and interest.

(1) A facility that fails to pay any assessment or file a return as required under this

chapter, within the time required by this chapter, shall pay, in addition to the assessment, penalties and interest established by the department.

(2) (a) Consistent with Subsection (2)(b), the department shall adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which establish reasonable penalties and interest for the violations described in Subsection (1).

(b) If a hospital fails to timely pay the full amount of a quarterly assessment, the department shall add to the assessment:

(i) a penalty equal to 5% of the quarterly amount not paid on or before the due date; and

(ii) on the last day of each quarter after the due date until the assessed amount and the penalty imposed under Subsection (2)(b)(i) are paid in full, an additional 5% penalty on:

(A) any unpaid quarterly assessment; and

(B) any unpaid penalty assessment.

(c) Upon making a record of its actions, and upon reasonable cause shown, the division may waive, reduce, or compromise any of the penalties imposed under this part.

Section 42. Section **26-36d-207** is enacted to read:

26-36d-207. Hospital Provider Assessment Expendable Revenue Fund.

(1) There is created an expendable special revenue fund known as the "Hospital Provider Assessment Expendable Revenue Fund."

(2) The fund shall consist of:

(a) the assessments collected by the department under this chapter;

(b) any interest and penalties levied with the administration of this chapter; and

(c) any other funds received as donations for the fund and appropriations from other sources.

(3) Money in the fund shall be used:

(a) to support capitated rates consistent with Subsection 26-36d-203(1)(d) for accountable care organizations; and

(b) to reimburse money collected by the division from a hospital through a mistake

made under this chapter.

Section 43. Section **26-36d-208** is enacted to read:

26-36d-208. Repeal of assessment.

(1) The repeal of the assessment imposed by this chapter shall occur upon the certification by the executive director of the department that the sooner of the following has occurred:

(a) the effective date of any action by Congress that would disqualify the assessment imposed by this chapter from counting toward state Medicaid funds available to be used to determine the federal financial participation;

(b) the effective date of any decision, enactment, or other determination by the Legislature or by any court, officer, department, or agency of the state, or of the federal government that has the effect of:

(i) disqualifying the assessment from counting towards state Medicaid funds available to be used to determine federal financial participation for Medicaid matching funds; or

(ii) creating for any reason a failure of the state to use the assessments for the Medicaid program as described in this chapter;

(c) the effective date of:

(i) an appropriation for any state fiscal year from the General Fund for hospital payments under the state Medicaid program that is less than the amount appropriated for state fiscal year 2012;

(ii) the annual revenues of the state General Fund budget return to the level that was appropriated for fiscal year 2008;

(iii) a division change in rules that reduces any of the following below July 1, 2011 payments:

(A) aggregate hospital inpatient payments;

(B) adjustment payment rates; or

(C) any cost settlement protocol; or

(iv) a division change in rules that reduces the aggregate outpatient payments below

July 1, 2011 payments; and

(d) the sunset of this chapter in accordance with Section 63I-1-226.

(2) If the assessment is repealed under Subsection (1), money in the fund that was derived from assessments imposed by this chapter, before the determination made under Subsection (1), shall be disbursed under Section 26-36d-205 to the extent federal matching is not reduced due to the impermissibility of the assessments. Any funds remaining in the special revenue fund shall be refunded to the hospitals in proportion to the amount paid by each hospital.

Section 44. Section **26-61-202** is amended to read:

26-61-202. Cannabinoid Product Board -- Duties.

(1) The board shall review any available scientific research related to the human use of cannabis, a cannabinoid product, or an expanded cannabinoid product that:

(a) was conducted under a study approved by an IRB; or

(b) was conducted or approved by the federal government.

(2) Based on the research described in Subsection (1), the board shall evaluate the safety and efficacy of cannabis, cannabinoid products, and expanded cannabinoid products, including:

(a) medical conditions that respond to cannabis, cannabinoid products, and expanded cannabinoid products;

(b) cannabis and cannabinoid dosage amounts and medical dosage forms; [~~and~~]

(c) interaction of cannabis, cannabinoid products, and expanded cannabinoid products with other treatments[~~.~~]; and

(d) contraindications, adverse reactions, and potential side effects from use of cannabis, cannabinoid products, and expanded cannabinoid products.

(3) Based on the board's evaluation under Subsection (2), the board shall develop guidelines for treatment with cannabis, a cannabinoid product, and an expanded cannabinoid product that include:

(a) a list of medical conditions, if any, that the board determines are appropriate for

treatment with cannabis, a cannabis product, a cannabinoid product, or an expanded cannabinoid product[.];

(b) a list of contraindications, side effects, and adverse reactions that are associated with use of cannabis, cannabinoid products, or expanded cannabinoid products; and

(c) a list of potential drug-drug interactions between medications that the United States Food and Drug Administration has approved and cannabis, cannabinoid products, and expanded cannabinoid products.

(4) The board shall submit the guidelines described in Subsection (3) to:

(a) the director of the Division of Occupational and Professional Licensing; and

(b) the Health and Human Services Interim Committee.

(5) The board shall report the board's findings before November 1 of each year to the Health and Human Services Interim Committee.

(6) Guidelines [~~developed pursuant to~~] that the board develops under this section may not limit the availability of cannabis, cannabinoid products, or expanded cannabinoid products permitted [~~pursuant to~~] under Title 4, Chapter [~~41b~~] 41a, Cannabis Production [~~Establishment~~] Establishments, or Title 26, Chapter [~~60b~~] 61a, Utah Medical Cannabis Act.

Section 45. Section **26-61a-101**, which is renumbered from Section 26-60b-101 is renumbered and amended to read:

CHAPTER 61a. UTAH MEDICAL CANNABIS ACT.

Part 1. General Provisions.

[~~26-60b-101~~]. 26-61a-101. Title.

This chapter is known as "Utah Medical Cannabis Act."

Section 46. Section **26-61a-102**, which is renumbered from Section 26-60b-102 is renumbered and amended to read:

[~~26-60b-102~~]. 26-61a-102. Definitions.

As used in this chapter:

(1) "Blister" means a plastic cavity or pocket used to contain no more than a single dose of cannabis or a cannabis product in a blister pack.

(2) "Blister pack" means a plastic, paper, or foil package with multiple blisters each containing no more than a single dose of cannabis or a cannabis product.

[~~(1)~~] (3) "Cannabis" means [~~the same as that term is defined in Section 58-37-3.9~~] marijuana.

[~~(2)~~] (4) "Cannabis cultivation facility" means the same as that term is defined in Section [~~4-41b-102~~] 4-41a-102.

[~~(3) "Cannabis dispensary" means a person that:~~]

[~~(a) acquires or intends to acquire cannabis or a cannabis product from a cannabis production establishment and acquires or intends to acquire a medical cannabis device;~~]

[~~(b) possesses cannabis, a cannabis product, or a medical cannabis device; and~~]

[~~(c) sells or intends to sell cannabis, a cannabis product, or a medical cannabis device.~~]

[~~(4) "Cannabis dispensary agent" means an owner, officer, director, board member, employee, or volunteer of a cannabis dispensary.~~]

[~~(5) "Cannabis dispensary agent registration card" means a registration card issued by the department that authorizes an individual to act as a cannabis dispensary agent.~~]

[~~(6)~~] (5) "Cannabis processing facility" means the same as that term is defined in Section [~~4-41b-102~~] 4-41a-102.

[~~(7)~~] (6) "Cannabis product" means [~~the same as that term is defined in Section 58-37-3.9.~~] a product that:

(a) is intended for human use; and

(b) contains cannabis or tetrahydrocannabinol.

[~~(8)~~] (7) "Cannabis production establishment agent" means the same as that term is defined in Section [~~4-41b-102~~] 4-41a-102.

[~~(9)~~] (8) "Cannabis production establishment agent registration card" means the same as that term is defined in Section [~~4-41b-102~~] 4-41a-102.

[~~(10)~~] (9) "Community location" means a public or private school, a church, a public library, a public playground, or a public park.

(10) "Department" means the Department of Health.

(11) "Designated caregiver" means an individual:

(a) whom [~~a patient~~] an individual with a medical cannabis patient card or a medical cannabis guardian card designates as the patient's caregiver; and

(b) who registers with the department under Section [~~26-60b-202~~] 26-61a-202.

(12) "Dosing parameters" means quantity, routes, and frequency of administration for a recommended treatment of cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form.

[~~(12)~~] (13) "Independent cannabis testing laboratory" means the same as that term is defined in Section [~~4-41b-102~~] 4-41a-102.

[~~(13)~~] (14) "Inventory control system" means the system described in Section [~~4-41b-103~~] 4-41a-103.

(15) "Local health department" means the same as that term is defined in Section 26A-1-102.

(16) "Local health department distribution agent" means an agent designated and registered to distribute state central fill shipments under Sections 26-61a-606 and 26-61a-607.

(17) "Marijuana" means the same as that term is defined in Section 58-37-2.

(18) "Medical cannabis" means cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form.

[~~(14)~~] (19) "Medical cannabis card" means a medical cannabis patient card, a medical cannabis guardian card, or a medical cannabis caregiver card.

(20) "Medical cannabis cardholder" means a holder of a medical cannabis card.

(21) "Medical cannabis caregiver card" means an official card [~~issued by~~] that:

(a) the department issues to an individual [~~with a qualifying illness, or the individual's~~] whom a medical cannabis patient cardholder or a medical cannabis guardian cardholder designates as a designated caregiver [~~under this chapter, that~~]; and

(b) is connected to the electronic verification system.

[~~(15)~~] (22) (a) "Medical cannabis device" means [~~the same as that term is defined in Section 58-37-3.9.~~] a device that an individual uses to ingest cannabis in a medicinal dosage

form or a cannabis product in a medicinal dosage form.

(b) "Medical cannabis device" does not include a device that:

(i) facilitates cannabis combustion; or

(ii) an individual uses to ingest substances other than cannabis.

(23) "Medical cannabis guardian card" means an official card that:

(a) the department issues to the parent or legal guardian of a minor with a qualifying condition; and

(b) is connected to the electronic verification system.

(24) "Medical cannabis patient card" means an official card that:

(a) the department issues to an individual with a qualifying condition; and

(b) is connected to the electronic verification system.

(25) "Medical cannabis pharmacy" means a person that:

(a) (i) acquires or intends to acquire:

(A) cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form from a cannabis processing facility; or

(B) a medical cannabis device; or

(ii) possesses cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device; and

(b) sells or intends to sell cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device to a medical cannabis cardholder.

(26) "Medical cannabis pharmacy agent" means an individual who:

(a) is an employee of a medical cannabis pharmacy; and

(b) who holds a valid medical cannabis pharmacy agent registration card.

(27) "Medical cannabis pharmacy agent registration card" means a registration card issued by the department that authorizes an individual to act as a medical cannabis pharmacy agent.

(28) "Medical cannabis treatment" means cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device.

[~~(16) "Medical Cannabis Restricted Account" means the account created in Section 26-60b-109~~.]

(29) (a) "Medicinal dosage form" means:

(i) for processed medical cannabis or a medical cannabis product, the following in single dosage form with a specific and consistent cannabinoid content:

(A) a tablet;

(B) a capsule;

(C) a concentrated oil;

(D) a liquid suspension;

(E) a topical preparation;

(F) a transdermal preparation;

(G) a sublingual preparation;

(H) a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or rectangular cuboid shape; or

(I) for use only after the individual's qualifying condition has failed to substantially respond to at least two other forms described in this Subsection (29)(a)(i), a resin or wax;

(ii) for unprocessed cannabis flower, a blister pack, with each individual blister:

(A) containing a specific and consistent weight that does not exceed one gram and that varies by no more than 10% from the stated weight; and

(B) labeled with a barcode that provides information connected to an inventory control system and the individual blister's content and weight; and

(iii) a form measured in grams, milligrams, or milliliters.

(b) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:

(i) the medical cannabis cardholder has recently removed from the blister pack described in Subsection (29)(a)(ii) for use; and

(ii) does not exceed the quantity described in Subsection (29)(a)(ii).

(c) "Medicinal dosage form" does not include:

(i) any unprocessed cannabis flower outside of the blister pack, except as provided in

Subsection (29)(b); or

(ii) a process of vaporizing and inhaling concentrated cannabis by placing the cannabis on a nail or other metal object that is heated by a flame, including a blowtorch.

(30) "Pharmacy medical provider" means the medical provider required to be on site at a medical cannabis pharmacy under Section 26-61a-403.

(31) "Provisional patient card" means a card that:

(a) the department issues to a minor with a qualifying condition for whom:

(i) a qualified medical provider has recommended a medical cannabis treatment; and

(ii) the department issues a medical cannabis guardian card to the minor's parent or legal guardian; and

(b) is connected to the electronic verification system.

[~~(17)~~] (32) [~~"Physician"~~] "Qualified medical provider" means an individual who is qualified to recommend treatment with cannabis in a medicinal dosage form under Section [~~26-60b-107~~] 26-61a-106.

(33) "Qualified Distribution Enterprise Fund" means the enterprise fund created in Section 26-61a-110.

(34) "Qualified Patient Enterprise Fund" means the enterprise fund created in Section 26-61a-109.

[~~(18)~~] (35) "Qualifying [~~illness~~] condition" means a condition described in Section [~~26-60b-105~~] 26-61a-104.

(36) "State central fill agent" means an employee of the state central fill medical cannabis pharmacy that the department registers in accordance with Section 26-61a-602.

(37) "State central fill medical cannabis pharmacy" means the central fill pharmacy that the department creates in accordance with Section 26-61a-601.

(38) "State central fill medical provider" means a physician or pharmacist that the state central fill medical cannabis pharmacy employs to consult with medical cannabis cardholders in accordance with Section 26-61a-601.

(39) "State central fill shipment" means a shipment of cannabis in a medicinal dosage

form, cannabis product in a medicinal dosage form, or a medical cannabis device that the state central fill medical cannabis pharmacy prepares and ships for distribution to a medical cannabis cardholder in a local health department.

[~~(19)~~] (40) "State electronic verification system" means the system described in Section [~~26-60b-103~~] 26-61a-103.

Section 47. Section **26-61a-103**, which is renumbered from Section 26-60b-103 is renumbered and amended to read:

[~~26-60b-103~~]. 26-61a-103. Electronic verification system.

(1) The Department of Agriculture and Food, the [~~Department of Health~~] department, the Department of Public Safety, and the Department of Technology Services shall:

(a) enter into a memorandum of understanding in order to determine the function and operation of [~~an~~] the state electronic verification system in accordance with Subsection (2);

(b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah Procurement Code, to develop a request for proposals for a third-party provider to develop and maintain [~~an~~] the state electronic verification system in coordination with the Department of Technology Services; and

(c) select a third-party provider [~~described in~~] who meets the requirements contained in the request for proposals issued under Subsection (1)(b).

(2) The Department of Agriculture and Food, the department, the Department of Public Safety, and the Department of Technology Services shall ensure that, on or before March 1, 2020, the state electronic verification system described in Subsection (1) [~~shall~~]:

(a) [~~allow~~] allows an individual, with the individual's [~~physician~~] qualified medical provider in the [~~physician's~~] qualified medical provider's office, to apply for a medical cannabis patient card or, if applicable, a medical cannabis guardian card;

(b) allows an individual to apply to renew a medical cannabis patient card or a medical cannabis guardian card in accordance with Section 26-61a-201;

(c) allows a qualified medical provider to:

(i) access dispensing and card status information regarding a patient:

(A) with whom the qualified medical provider has a provider-patient relationship; and

(B) for whom the qualified medical provider has recommended or is considering recommending a medical cannabis card;

[~~(b)~~] (ii) [~~allow a physician to~~] electronically recommend, during a visit with a patient, treatment with cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form and optionally recommend dosing parameters;

(iii) electronically renew a recommendation to a medical cannabis patient cardholder or medical cannabis guardian cardholder:

(A) for the qualified medical provider who originally recommended a medical cannabis treatment, as that term is defined in Section 26-61a-102, using telehealth services; or

(B) for a qualified medical provider who did not originally recommend the medical cannabis treatment, during a face-to-face visit with a patient; and

(iv) at the request of a medical cannabis cardholder, initiate a state central fill shipment in accordance with Section 26-61a-603;

[~~(c)~~] (d) [~~connect~~] connects with:

(i) an inventory control system [~~used by a cannabis dispensary~~] that a medical cannabis pharmacy and the state central fill medical cannabis pharmacy use to track[~~,~~] in real time[~~,~~] and [~~to~~] archive [~~for no more than 60 days, purchase history~~] purchases of any cannabis [~~or a~~] in a medicinal dosage form, cannabis product [~~by a~~] in a medicinal dosage form, or medical cannabis [~~card holder~~] device, including:

(A) the time and date of [~~the~~] each purchase[~~,~~];

(B) the quantity and type of cannabis [~~or~~], cannabis product, or medical cannabis device purchased[~~, and~~];

(C) any cannabis production establishment [~~and cannabis dispensary~~], any medical cannabis pharmacy, or the state central fill medical cannabis pharmacy associated with the cannabis [~~or~~], cannabis product[~~;~~], or medical cannabis device; and

(D) the personally identifiable information of the medical cannabis cardholder who made the purchase; and

(ii) any commercially available inventory control system that a cannabis production establishment utilizes in accordance with Section 4-41a-103 to use data that the Department of Agriculture and Food requires by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, from the inventory tracking system that a licensee uses to track and confirm compliance;

[~~(d)~~] (e) [~~provide~~] provides access to:

(i) the [~~Department of Health and the Department of Agriculture and Food~~] department to the extent necessary to carry out the [~~Department of Health's and the Department of Agriculture and Food's~~] department's functions and responsibilities under this chapter [~~and~~];

(ii) the Department of Agriculture and Food to the extent necessary to carry out the functions and responsibilities of the Department of Agriculture and Food under Title 4, Chapter [~~41b~~] 41a, Cannabis Production [~~Establishment;~~] Establishments; and

(iii) the Division of Occupational and Professional Licensing to the extent necessary to carry functions and responsibilities related to the participation of the following in the recommendation and dispensing of medical cannabis:

(A) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

(B) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act;

(C) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

(D) a physician assistant licensed under Title 58, Chapter 70a, Physician Assistant Act;

(f) provides access to and interaction with the state central fill medical cannabis pharmacy, state central fill agents, and local health department distribution agents, to facilitate the state central fill shipment process;

[~~(e)~~] (g) [~~provide~~] provides access to state or local law enforcement:

(i) during a traffic stop for the purpose of determining if the individual subject to the traffic stop is [~~complying~~] in compliance with state medical cannabis law[~~,~~]; or

(ii) after obtaining a warrant; and

[~~(f)~~] (h) [~~create~~] creates a record each time a person accesses the database that identifies the person who [~~accessed~~] accesses the database and the individual whose records [~~are accessed; and~~] the person accesses.

[~~(g) (9) be operational no later than March 1, 2020.~~]

(3) The [~~Department of Health~~] department may release de-identified data [~~collected by~~] that the system collects for the purpose of:

(a) conducting medical research; and [~~for~~]

(b) providing the report required by Section [~~26-60b-602~~] 26-61a-703.

(4) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish:

(a) the limitations on access to the data in the state electronic verification system as described in this section; and

(b) standards and procedures to ensure accurate identification of an individual requesting information or receiving information in this section.

(5) (a) Any person who knowingly and intentionally releases any information in the state electronic verification system in violation of this section is guilty of a third degree felony.

(b) Any person who negligently or recklessly releases any information in the state electronic verification system in violation of this section is guilty of a class C misdemeanor.

(6) (a) Any person who obtains or attempts to obtain information from the state electronic verification system by misrepresentation or fraud is guilty of a third degree felony.

(b) Any person who obtains or attempts to obtain information from the state electronic verification system for a purpose other than a purpose this chapter authorizes is guilty of a third degree felony.

(7) (a) Except as provided in Subsection (7)(e), a person may not knowingly and intentionally use, release, publish, or otherwise make available to any other person information obtained from the state electronic verification system for any purpose other than a purpose specified in this section.

(b) Each separate violation of this Subsection (7) is:

(i) a third degree felony; and

(ii) subject to a civil penalty not to exceed $5,000.

(c) The department shall determine a civil violation of this Subsection (7) in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

(d) Civil penalties assessed under this Subsection (7) shall be deposited into the General Fund.

(e) This Subsection (7) does not prohibit a person who obtains information from the state electronic verification system under Subsection (2)(a), (c), or (f) from:

(i) including the information in the person's medical chart or file for access by a person authorized to review the medical chart or file;

(ii) providing the information to a person in accordance with the requirements of the Health Insurance Portability and Accountability Act of 1996; or

(iii) discussing or sharing that information on the patient with the patient.

Section 48. Section **26-61a-104**, which is renumbered from Section 26-60b-105 is renumbered and amended to read:

[~~26-60b-105~~]. 26-61a-104. Qualifying condition.

(1) By designating a particular condition under Subsection (2) for which the use of medical cannabis to treat symptoms is decriminalized, the Legislature does not conclusively state that:

(a) current scientific evidence clearly supports the efficacy of a medical cannabis treatment for the condition; or

(b) a medical cannabis treatment will treat, cure, or positively affect the condition.

[~~(1)~~] (2) For the purposes of this chapter, each of the following conditions [~~are considered~~] is a qualifying [~~illness~~] condition:

(a) HIV[~~,~~] or acquired immune deficiency syndrome [~~or an autoimmune disorder~~];

(b) Alzheimer's disease;

(c) amyotrophic lateral sclerosis;

(d) cancer[~~,~~];

(e) cachexia[~~, or a condition manifest by physical wasting,~~];

(f) persistent nausea[~~, or malnutrition associated with chronic disease~~] that is not significantly responsive to traditional treatment, except for nausea related to:

(i) pregnancy;

(ii) cannabis-induced cyclical vomiting syndrome; or

(iii) cannabinoid hyperemesis syndrome;

[~~(e)~~] (g) Crohn's disease[~~,~~] or ulcerative colitis[~~, or a similar gastrointestinal disorder~~];

[~~(f)~~] (h) epilepsy or [~~a similar condition that causes~~] debilitating seizures;

[~~(g)~~] (i) multiple sclerosis or [~~a similar condition that causes~~] persistent and debilitating muscle spasms;

[~~(h)~~] (j) post-traumatic stress disorder[~~,~~] that is being treated and monitored by a licensed mental health therapist, as that term is defined in Section 58-60-102, and that:

(i) has been diagnosed by a healthcare provider or mental health provider employed or contracted by the United States Veterans Administration, evidenced by copies of medical records from the Veterans Administration that are included as part of the qualified medical provider's pre-treatment assessment and medical record documentation; or

(ii) has been diagnosed or confirmed, through face-to-face or telehealth evaluation of the patient, by a provider who is:

(A) a licensed board-eligible or board-certified psychiatrist;

(B) a licensed psychologist with a doctorate-level degree;

(C) a licensed clinical social worker with a doctorate-level degree; or

(D) a licensed advanced practice registered nurse who is qualified to practice within the psychiatric mental health nursing speciality and who has completed the clinical practice requirements in psychiatric mental health nursing, including in psychotherapy, in accordance with Subsection 58-31b-302(4)(g);

[~~(i)~~] (k) autism;

(l) a terminal illness when the patient's remaining life expectancy is less than six months;

(m) a condition resulting in the individual receiving hospice care;

[~~(j)~~] (n) a rare condition or disease that:

(i) affects less than 200,000 [~~persons~~] individuals in the United States, as defined in Section 526 of the Federal Food, Drug, and Cosmetic Act; and

(ii) is not adequately managed despite treatment attempts using:

(A) conventional medications other than opioids or opiates; or

(B) physical interventions;

[~~(k)~~] (o) [~~chronic or debilitating~~] pain [~~in an individual, if~~] lasting longer than two weeks that is not adequately managed, in the qualified medical provider's opinion, despite treatment attempts using:

(i) [~~a physician determines that the individual is at risk of becoming chemically dependent on, or overdosing on, opiate-based pain medication~~] conventional medications other than opioids or opiates; or

(ii) [~~a physician determines that the individual is allergic to opiates or is otherwise medically unable to use opiates.~~] physical interventions; and

[~~(2)~~] (p) [~~In addition to the conditions described in Subsection (1),~~] a condition [~~approved~~] that the compassionate use board approves under Section [~~26-60b-106, in~~] 26-61a-105, on an individual, [~~on a~~] case-by-case basis[~~, is considered a qualifying illness for the purposes of this chapter~~].

Section 49. Section **26-61a-105**, which is renumbered from Section 26-60b-106 is renumbered and amended to read:

[~~26-60b-106~~]. 26-61a-105. Compassionate use board.

(1) (a) The department shall establish a [~~Compassionate Use Board~~] compassionate use board consisting of:

[~~(a)~~] (i) [~~five physicians~~] seven qualified medical providers that the executive director appoints:

(A) who are knowledgeable about the medicinal use of cannabis [~~and~~];

(B) who are physicians licensed under Title 58, Chapter 67, Utah Medical Practice Act,

or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

(C) whom [~~certified by~~] the appropriate board certifies in [~~one of~~] the [~~following specialties:~~] specialty of neurology, pain medicine and pain management, medical oncology, psychiatry, infectious disease, internal medicine, pediatrics, [~~and~~] or gastroenterology; and

[~~(b)~~] (ii) as a nonvoting member and the chair of the board, the executive director [~~of the Department of Health~~] or the director's designee [~~as a non-voting member~~].

(b) In appointing the seven qualified medical providers described in Subsection (1)(a), the executive director shall ensure that at least two have a board certification in pediatrics.

(2) (a) [~~Two of~~] Of the members of the board that the executive director first [~~appointed~~] appoints:

(i) three shall serve [~~for a~~] an initial term of [~~three~~] two years; and [~~two of~~]

(ii) the remaining members [~~of the board first appointed~~] shall serve [~~for a~~] an initial term of four years.

(b) After [~~the first members' terms expire, members of the board shall serve for a~~] an initial term [~~of~~] described in Subsection (2)(a) expires:

(i) each term is four years; and [~~shall be~~]

(ii) each board member is eligible for reappointment.

(c) [~~Any~~] A member of the board may serve until a successor is appointed.

[~~(d) The director of the Department of Health or the director's designee shall serve as the chair of the board.~~]

(3) [~~A~~] Four members constitute a quorum of the [~~Compassionate Use Board shall consist of three members~~] compassionate use board.

(4) A member of the board may [~~not~~] receive:

(a) compensation or benefits for the member's service[~~, but may receive~~]; and

(b) per diem and travel expenses in accordance with Section 63A-3-106, Section 63A-3-107, and rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(5) The [~~Compassionate Use Board~~] compassionate use board shall:

(a) review and recommend [~~to the~~] for department approval [~~for~~] an individual described in Subsection 26-61a-201(2)(a), a minor described in Subsection 26-61a-201(2)(c), or an individual who is not otherwise qualified to receive a medical cannabis card to obtain a medical cannabis card for compassionate use if:

(i) for an individual who is not otherwise qualified to receive a medical cannabis card, the individual's qualified medical provider is actively treating the individual [~~offers, in the board's discretion, satisfactory evidence that the individual suffers from a~~] for an intractable condition that:

(A) substantially impairs the individual's quality of life [~~and is intractable~~]; and

(B) has not, in the qualified medical provider's professional opinion, adequately responded to conventional treatments;

(ii) the qualified medical provider:

(A) recommends that the individual or minor be allowed to use medical cannabis; and

(B) provides a letter, relevant treatment history, and notes or copies of progress notes describing relevant treatment history including rationale for considering the use of medical cannabis; and

[~~(ii)~~] (iii) the board determines that:

(A) the recommendation of the individual's qualified medical provider is justified; and

(B) based on available information, it [~~is~~] may be in the best [~~interest~~] interests of the [~~patient~~] individual to allow the[~~-compassionate~~] use of medical cannabis;

(b) unless no petitions are pending:

(i) meet to receive or review compassionate use petitions at least quarterly[~~, unless no petitions are pending, or~~]; and

(ii) [~~as often as necessary~~] if there are more petitions than the board can receive or review during the board's regular schedule, as often as necessary;

(c) complete a review of each petition and recommend to the department approval or denial of the applicant for qualification for a medical cannabis card within 90 days [~~of receipt~~] after the day on which the board received the petition; and

(d) report, before November 1 of each year, to the Health and Human Services Interim Committee[~~,~~]:

(i) the number of compassionate use [~~approvals~~] recommendations the board issued during the past year; and

(ii) the types of conditions for which the board approved compassionate use.

(6) (a) (i) The department shall review any compassionate use [~~approved by~~] for which the board recommends approval under [~~this section~~] Subsection (5)(c) to determine [~~if~~] whether the board properly exercised the board's discretion under this section.

[~~(7)~~] (ii) If the department determines that the board properly [~~approved an individual for compassionate use under this section~~] exercised the board's discretion in recommending approval under Subsection (5)(c), the department shall:

(A) issue [~~a~~] the relevant medical cannabis card[~~.~~]; and

(B) provide for the renewal of the medical cannabis card in accordance with the recommendation of the qualified medical provider described in Subsection (5)(a).

(b) (i) If the board recommends denial under Subsection (5)(c), the individual seeking to obtain a medical cannabis card may petition the department to review the board's decision.

(ii) If the department determines that the board's recommendation for denial under Subsection (5)(c) was arbitrary or capricious:

(A) the department shall notify the board of the department's determination; and

(B) the board shall reconsider the board's refusal to recommend approval under this section.

(c) In reviewing the board's recommendation for approval or denial under Subsection (5)(c) in accordance with this Subsection (6), the department shall presume the board properly exercised the board's discretion unless the department determines that the board's recommendation was arbitrary or capricious.

[~~(8)~~] (7) Any individually identifiable health information contained in a petition [~~received~~] that the board or department receives under this section [~~shall be~~] is a protected record in accordance with Title 63G, Chapter 2, Government Records Access and Management

Act.

[~~(9)~~] (8) The [~~Compassionate Use Board may recommend~~] compassionate use board shall annually report the board's activity to the [~~Health and Human Services Interim Committee:~~]

[~~(a) a condition to designate as a qualifying illness under Section 26-60b-105; or~~]

[~~(b) a condition to remove as a qualifying illness under Section 26-60b-105~~]

Cannabinoid Product Board created in Section 26-61-201.

Section 50. Section **26-61a-106**, which is renumbered from Section 26-60b-107 is renumbered and amended to read:

[~~26-60b-107~~]. 26-61a-106. Qualified medical provider registration -- Continuing education -- Treatment recommendation.

(1) [~~For the purposes of this chapter, a physician means an~~] An individual[~~, other than a veterinarian, who~~] may not recommend a medical cannabis treatment unless the department registers the individual as a qualified medical provider in accordance with this section.

(2) (a) The department shall, within 15 days after the day on which the department receives an application from an individual, register and issue a qualified medical provider registration card to the individual if the individual:

(i) provides to the department the individual's name and address;

(ii) provides to the department a report detailing the individual's completion of the applicable continuing education requirement described in Subsection (3);

(iii) provides to the department evidence that the individual:

(A) has the authority to write a prescription;

(B) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah Controlled Substances Act; and [~~who~~]

(C) possesses the authority, in accordance with the individual's scope of practice, to prescribe a Schedule II controlled [~~substances.~~] substance;

(iv) provides to the department evidence that the individual is:

(A) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse

Practice Act;

(B) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

(C) a physician assistant licensed under Title 58, Chapter 70a, Physician Assistant Act, whose declaration of services agreement, as that term is defined in Section 58-70a-102, includes the recommending of medical cannabis, and whose supervising physician is a qualified medical provider; and

(v) pays the department a fee in an amount that:

(A) the department sets, in accordance with Section 63J-1-504; and

(B) does not exceed $300 for an initial registration.

(b) The department may not register an individual as a qualified medical provider if the individual is:

(i) a pharmacy medical provider or a state central fill medical provider; or

(ii) an owner, officer, director, board member, employee, or agent of a cannabis production establishment or a medical cannabis pharmacy.

(3) (a) An individual shall complete the continuing education described in this Subsection (3) in the following amounts:

(i) for an individual as a condition precedent to registration, four hours; and

(ii) for a qualified medical provider as a condition precedent to renewal, four hours every two years.

(b) In accordance with Subsection (3)(a), a qualified medical provider shall:

(i) complete continuing education:

(A) regarding the topics described in Subsection (3)(d); and

(B) offered by the department under Subsection (3)(c) or an accredited or approved continuing education provider that the department recognizes as offering continuing education appropriate for the recommendation of cannabis to patients; and

(ii) make a continuing education report to the department in accordance with a process that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah

Administrative Rulemaking Act, and in collaboration with the Division of Occupational and Professional Licensing and:

(A) for an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act, the Board of Nursing;

(B) for a qualified medical provider licensed under Title 58, Chapter 67, Utah Medical Practice Act, the Physicians Licensing Board;

(C) for a qualified medical provider licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board; and

(D) for a physician assistant licensed under Title 58, Chapter 70a, Physician Assistant Act, the Physician Assistant Licensing Board.

(c) The department may, in consultation with the Division of Occupational and Professional Licensing, develop the continuing education described in this Subsection (3).

(d) The continuing education described in this Subsection (3) may discuss:

(i) the provisions of this chapter;

(ii) general information about medical cannabis under federal and state law;

(iii) the latest scientific research on the endocannabinoid system and medical cannabis, including risks and benefits;

(iv) recommendations for medical cannabis as it relates to the continuing care of a patient in pain management, risk management, potential addiction, or palliative care; and

(v) best practices for recommending the form and dosage of medical cannabis products based on the qualifying condition underlying a medical cannabis recommendation.

[~~(2) A physician may recommend cannabis if the physician recommends cannabis to no more than 20% of the physician's patients at any given time.~~]

(4) (a) Except as provided in Subsection (4)(b) or (c), a qualified medical provider may not recommend a medical cannabis treatment to more than 175 of the qualified medical provider's patients at the same time, as determined by the number of medical cannabis cards under the qualified medical provider's name in the state electronic verification system.

[~~(3)~~] (b) Except as provided in Subsection (4)(c), [~~A physician~~] a qualified medical provider may recommend a medical cannabis treatment to [~~greater than 20% of the physician's patients~~] up to 300 of the qualified medical provider's patients at any given time, as determined by the number of medical cannabis cards under the qualified medical provider's name in the state electronic verification system, if:

(i) the [~~physician is certified, by the~~] appropriate American medical board[~~, in one of the following specialties:~~] has certified the qualified medical provider in the specialty of anesthesiology, gastroenterology, neurology, oncology, pain, hospice and palliative [~~care, physiatry~~] medicine, physical medicine and rehabilitation, rheumatology, or psychiatry[~~.~~]; or

(ii) a licensed business employs or contracts the qualified medical provider for the specific purpose of providing hospice and palliative care.

(c) (i) Notwithstanding Subsection (4)(b), a qualified medical provider described in Subsection (4)(b) may petition the Division of Occupational and Professional Licensing for authorization to exceed the limit described in Subsection (4)(b) by graduating increments of 100 patients per authorization, not to exceed three authorizations.

(ii) The Division of Occupational and Professional Licensing shall grant the authorization described in Subsection (4)(c)(i) if:

(A) the petitioning qualified medical provider pays a $100 fee;

(B) the division performs a review that includes the qualified medical provider's medical cannabis recommendation activity in the state electronic verification system, relevant information related to patient demand, and any patient medical records that the division determines would assist in the division's review; and

(C) after the review described in this Subsection (4)(c)(ii), the division determines that granting the authorization would not adversely affect public safety, adversely concentrate the overall patient population among too few qualified medical providers, or adversely concentrate the use of medical cannabis among the provider's patients.

[~~(4)~~] (5) A [~~physician~~] qualified medical provider may recommend medical cannabis to an individual under this chapter only in the course of a [~~physician-patient~~] qualified medical

provider-patient relationship after the [~~physician~~] qualifying medical provider has completed and documented in the patient's medical record a [~~full~~] thorough assessment of the patient's condition and medical history based on the appropriate standard of care for the patient's condition.

[~~(5)~~] (6) (a) Except as provided in Subsection [~~(5)(b)~~] (6)(b), a [~~physician eligible to recommend cannabis or a cannabis product under this section~~] qualified medical provider may not advertise that the [~~physician~~] qualified medical provider recommends medical cannabis [~~or a cannabis product~~] treatment.

(b) [~~A physician may advertise via~~] For purposes of Subsection (6)(a), the communication of the following, through a website [~~that displays only~~] does not constitute advertising:

(i) a green cross;

[~~(ii) the location and hours of operation of the physician's office;~~]

[~~(iii)~~] (ii) a qualifying [~~illness~~] condition that the [~~physician~~] qualified medical provider treats; [~~and~~] or

[~~(iv)~~] (iii) a scientific study regarding medical cannabis use.

(7) (a) A qualified medical provider registration card expires two years after the day on which the department issues the card.

(b) The department shall renew a qualified medical provider's registration card if the provider:

(i) applies for renewal;

(ii) is eligible for a qualified medical provider registration card under this section, including maintaining an unrestricted license as described in Subsection (2)(a)(iii);

(iii) certifies to the department in a renewal application that the information in Subsection (2)(a) is accurate or updates the information;

(iv) submits a report detailing the completion of the continuing education requirement described in Subsection (3); and

(v) pays the department a fee in an amount that:

(A) the department sets, in accordance with Section 63J-1-504; and

(B) does not exceed $50 for a registration renewal.

(8) The department may revoke the registration of a qualified medical provider who fails to maintain compliance with the requirements of this section.

(9) A qualified medical provider may not receive any compensation or benefit for the qualified medical provider's medical cannabis treatment recommendation from:

(a) a cannabis production establishment or an owner, officer, director, board member, employee, or agent of a cannabis production establishment;

(b) a medical cannabis pharmacy or an owner, officer, director, board member, employee, or agent of a medical cannabis pharmacy; or

(c) a qualified medical provider or pharmacy medical provider.

Section 51. Section **26-61a-107**, which is renumbered from Section 26-60b-108 is renumbered and amended to read:

[~~26-60b-108~~]. 26-61a-107. Standard of care -- Physicians and pharmacists not liable -- No private right of action.

[~~A physician who recommends treatment with cannabis or a cannabis product to an individual in accordance with this chapter may not, based on the recommendation, be subject to~~]

(1) An individual described in Subsection (2) is not subject to the following solely for violating a federal law or regulation that would otherwise prohibit recommending, prescribing, or dispensing medical cannabis, a medical cannabis product, or a cannabis-based drug that the United States Food and Drug Administration has not approved:

(a) civil [~~liability,~~] or criminal liability[~~,~~]; or

(b) licensure sanctions under Title 58, Chapter 17b, Pharmacy Practice Act, Title 58, Chapter 31b, Nurse Practice Act, Title 58, Chapter 67, Utah Medical Practice Act [~~or~~], Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, or Title 58, Chapter 70a, Physician Assistant Act.

(2) The limitations of liability described in Subsection (1) apply to:

(a) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act, a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, or a physician assistant licensed under Title 58, Chapter 70a, Physician Assistant Act:

(i) (A) whom the department has registered as a qualified medical provider; and

(B) who recommends treatment with cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form to a patient in accordance with this chapter; or

(ii) before January 1, 2021, who:

(A) has the authority to write a prescription; and

(B) recommends a medical cannabis treatment to a patient who has a qualifying condition; and

(b) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act:

(i) whom the department has registered as a pharmacy medical provider or a state central fill medical provider; and

(ii) who dispenses, in a medical cannabis pharmacy or the state central fill medical cannabis pharmacy, treatment with cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form to a medical cannabis cardholder in accordance with this chapter.

(3) Nothing in this section or chapter reduces or in any way negates the duty of an individual described in Subsection (2) to use reasonable and ordinary care in the treatment of a patient:

(a) who may have a qualifying condition; and

(b) (i) for whom the individual described in Subsection (2)(a)(i) or (ii) has recommended or might consider recommending a treatment with cannabis or a cannabis product; or

(ii) with whom the pharmacist described in Subsection (2)(b) has interacted in the dosing or dispensing of cannabis or a cannabis product.

Section 52. Section **26-61a-108** is enacted to read:

26-61a-108. Agreement with a tribe.

(1) As used in this section, "tribe" means a federally recognized Indian tribe or Indian band.

(2) (a) In accordance with this section, the governor may enter into an agreement with a tribe to allow for the operation of a medical cannabis pharmacy on tribal land located within the state.

(b) An agreement described in Subsection (2)(a) may not exempt any person from the requirements of this chapter.

(c) The governor shall ensure that an agreement described in Subsection (2)(a):

(i) is in writing;

(ii) is signed by:

(A) the governor; and

(B) the governing body of the tribe that the tribe designates and has the authority to bind the tribe to the terms of the agreement;

(iii) states the effective date of the agreement;

(iv) provides that the governor shall renegotiate the agreement if the agreement is or becomes inconsistent with a state statute; and

(v) includes any accommodation that the tribe makes:

(A) to which the tribe agrees; and

(B) that is reasonably related to the agreement.

(d) Before executing an agreement under this Subsection (2), the governor shall consult with the department.

(e) At least 30 days before the execution of an agreement described in this Subsection (2), the governor or the governor's designee shall provide a copy of the agreement in the form in which the agreement will be executed to:

(i) the chairs of the Native American Legislative Liaison Committee; and

(ii) the Office of Legislative Research and General Counsel.

Section 53. Section **26-61a-109**, which is renumbered from Section 26-60b-109 is renumbered and amended to read:

[~~26-60b-109~~]. 26-61a-109. Qualified Patient Enterprise Fund -- Creation -- Revenue neutrality.

(1) There is created [~~in the General Fund a restricted account~~] an enterprise fund known as the [~~"Medical Cannabis Restricted Account."~~] "Qualified Patient Enterprise Fund."

(2) The [~~account~~] fund created in this section is funded from:

[~~(a) money deposited into the account by the Department of Agriculture and Food under Title 4, Chapter 41b, Cannabis Production Establishments;~~]

[~~(b)~~] (a) money [~~deposited~~] the department deposits into the [~~account by the department~~] fund under this chapter;

[~~(c)~~] (b) appropriations [~~made~~] the Legislature makes to the [~~account by the Legislature~~] fund; and

[~~(d)~~] (c) the interest described in Subsection (3).

(3) Interest earned on the [~~account is~~] fund shall be deposited [~~in~~] into the [~~account~~] fund.

(4) [~~Money~~] The department may only use money in the [~~account may only be used~~] fund to fund the [~~state medical cannabis program, including Title 26, Chapter 60b, Medical Cannabis Act and Title 4, Chapter 41b, Cannabis Production Establishments~~] department's responsibilities under this chapter, except for the responsibilities described in Subsection 26-61a-110(4).

(5) The department shall set fees authorized under this chapter in amounts that the department anticipates are necessary, in total, to cover the department's cost to implement this chapter.

Section 54. Section **26-61a-110** is enacted to read:

26-61a-110. Qualified Distribution Enterprise Fund -- Creation.

(1) There is created an enterprise fund known as the "Qualified Distribution Enterprise Fund."

(2) The fund created in this section is funded from:

(a) money the department deposits into the fund from the operation of the state central

fill medical cannabis pharmacy under this chapter;

(b) appropriations the Legislature makes to the fund; and

(c) the interest described in Subsection (3).

(3) Interest earned on the fund shall be deposited into the fund.

(4) The department may only use money in the fund to fund the operation of the state central fill medical cannabis pharmacy.

Section 55. Section **26-61a-111**, which is renumbered from Section 26-60b-110 is renumbered and amended to read:

[~~26-60b-110~~]. 26-61a-111. Nondiscrimination for medical care or government employment.

(1) For purposes of medical care, including an organ [~~and~~] or tissue [~~transplants, the use of cannabis by a patient who holds~~] transplant, a [~~medical cannabis card~~] patient's use, in accordance with this chapter, of cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form:

(a) is considered the equivalent of the authorized use of any other medication used at the discretion of a physician; and

(b) does not constitute the use of an illicit substance or otherwise disqualify an individual from needed medical care.

[~~(2) No landlord may refuse to lease to and may not otherwise penalize a person solely for the person's status as a medical cannabis card holder, unless failing to do so would cause the landlord to lose a monetary or licensing-related benefit under federal law.~~]

(2) (a) Notwithstanding any other provision of law and except as provided in Subsection (2)(b), the state or any political subdivision shall treat an employee's use of medical cannabis in accordance with this chapter or Section 58-37-3.7 in the same way the state or political subdivision treats employee use of opioids and opiates.

(b) Subsection (2)(a) does not apply where application would jeopardize federal funding for the employee's position.

Section 56. Section **26-61a-112** is enacted to read:

26-61a-112. No insurance requirement.

Nothing in this chapter requires an insurer, a third-party administrator, or an employer to pay or reimburse for cannabis, a cannabis product, or a medical cannabis device.

Section 57. Section **26-61a-113** is enacted to read:

26-61a-113. No effect on use of hemp extract -- Cannabidiol -- Approved drugs.

(1) Nothing in this chapter prohibits an individual:

(a) with a valid hemp extract registration card that the department issues under Section 26-56-103 from possessing, administering, or using hemp extract in accordance with Section 58-37-4.3; or

(b) from purchasing, selling, possessing, or using a cannabidiol product in accordance with Section 4-41-402.

(2) Nothing in this chapter restricts or otherwise affects the prescription, distribution, or dispensing of a product that the United States Food and Drug Administration has approved.

Section 58. Section **26-61a-114** is enacted to read:

26-61a-114. Severability clause.

(1) If any provision of this title or this bill or the application of any provision of this title or this bill to any person or circumstance is held invalid by a final decision of a court of competent jurisdiction, the remaining provisions of this title and this bill remain effective without the invalidated provision or application.

(2) The provisions of this title and this bill are severable.

Section 59. Section **26-61a-201**, which is renumbered from Section 26-60b-201 is renumbered and amended to read:

Part 2. Medical Cannabis Card Registration.

[~~26-60b-201~~]. 26-61a-201. Medical cannabis patient card -- Medical cannabis guardian card application -- Fees -- Studies.

(1) [~~The Department of Health shall, no later than~~] On or before March 1, 2020, [~~and~~] the department shall, within 15 days after [~~an individual~~] the day on which an individual who satisfies the eligibility criteria in this section or Section 26-61a-202 submits an application in

[~~compliance~~] accordance with this section[~~,~~] or Section 26-61a-202:

(a) issue a medical cannabis patient card to an individual [~~who complies with this section.~~] described in Subsection (2)(a);

(b) issue a medical cannabis guardian card to an individual described in Subsection (2)(b);

(c) issue a provisional patient card to a minor described in Subsection (2)(c); and

(d) issue a medical cannabis caregiver card to an individual described in Subsection 26-61a-202(4).

(2) (a) An individual is eligible for a medical cannabis patient card if:

[~~(a)~~] (i) (A) the individual is at least [~~18~~] 21 years old[~~,~~]; or

(B) the individual is 18, 19, or 20 years old, the individual petitions the compassionate use board under Section 26-61a-105, and the compassionate use board recommends department approval of the petition;

(ii) the individual is a Utah resident[~~, and treatment with medical cannabis has been recommended by~~];

(iii) the individual's [~~physician under~~] qualified medical provider recommends treatment with medical cannabis in accordance with Subsection (4); [~~or~~]

(iv) the individual signs an acknowledgment stating that the individual received the information described in Subsection (8); and

(v) the individual pays to the department a fee in an amount that, subject to Subsection 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

(b) (i) [~~the individual~~] An individual is eligible for a medical cannabis guardian card if the individual:

(A) is at least 18 years old;

(B) is a Utah resident;

(C) is the parent or legal guardian of a minor[~~, the individual is at least 18 years old, the individual is a Utah resident, and treatment with~~] for whom the minor's qualified medical provider recommends a medical cannabis [~~has been recommended by the minor's physician~~

~~under Subsection (4)~~] treatment, the individual petitions the compassionate use board under Section 26-61a-105, and the compassionate use board recommends department approval of the petition;

(D) the individual signs an acknowledgment stating that the individual received the information described in Subsection (8);

(E) pays to the department a fee in an amount that, subject to Subsection 26-61a-109(5), the department sets in accordance with Section 63J-1-504, plus the cost of the criminal background check described in Section 26-61a-203; and

(F) the individual has not been convicted of a misdemeanor or felony drug distribution offense under either state or federal law, unless the individual completed any imposed sentence six months or more before the day on which the individual applies for a medical cannabis guardian card.

(ii) The department shall notify the Department of Public Safety of each individual that the department registers for a medical cannabis guardian card.

(c) (i) A minor is eligible for a provisional patient card if:

(A) the minor has a qualifying condition;

(B) the minor's qualified medical provider recommends a medical cannabis treatment to address the minor's qualifying condition;

(C) the minor's parent or legal guardian petitions the compassionate use board under Section 26-61a-105, and the compassionate use board recommends department approval of the petition; and

(D) the minor's parent or legal guardian is eligible for a medical cannabis guardian card under Subsection (2)(b).

(ii) The department shall automatically issue a provisional patient card to the minor described in Subsection (2)(c)(i) at the same time the department issues a medical cannabis guardian card to the minor's parent or legal guardian.

(3) (a) An individual who is eligible for a medical cannabis card [~~under~~] described in Subsection [~~(2)~~] (2)(a) or (b) shall submit an application for a medical cannabis card to the

department [~~via~~]:

(i) through an electronic application connected to the state electronic verification system[~~,~~];

(ii) with the recommending [~~physician~~] qualified medical provider while in the recommending [~~physician's~~] qualified medical provider's office[~~,~~]; and [~~that includes~~]

(iii) with information including:

(A) the [~~individual's~~] applicant's name, gender, age, and address[~~.~~];

(B) the number of the applicant's valid form of identification that is a valid United States federal- or state-issued photo identification, including a driver license, a United States passport, a United States passport card, or a United States military identification card;

(C) for a medical cannabis guardian card, the name, gender, and age of the minor receiving a medical cannabis treatment under the cardholder's medical cannabis guardian card; and

(D) for a provisional patient card, the name of the minor's parent or legal guardian who holds the associated medical cannabis guardian card.

(b) The department shall ensure that a medical cannabis card the department issues under this section contains the information described in Subsection (3)(a)(iii).

(c) (i) If a qualified medical provider determines that, because of age, illness, or disability, a medical cannabis patient cardholder requires assistance in administering the medical cannabis treatment that the qualified medical provider recommends, the qualified medical provider may indicate the cardholder's need in the state electronic verification system.

(ii) If a qualified medical provider makes the indication described in Subsection (3)(c)(i):

(A) the department shall add a label to the relevant medical cannabis patient card indicating the cardholder's need for assistance; and

(B) any adult who is 21 years old or older and who is physically present with the cardholder at the time the cardholder needs to use the recommended medical cannabis treatment may handle the medical cannabis treatment and any associated medical cannabis

device as needed to assist the cardholder in administering the recommended medical cannabis treatment, including in the event of an emergency medical condition under Subsection 26-61a-204(2).

(iii) A non-cardholding individual acting under Subsection (3)(c)(ii)(B) may not:

(A) ingest or inhale medical cannabis;

(B) possess, transport, or handle medical cannabis or a medical cannabis device outside of the immediate area where the cardholder is present or with an intent other than to provide assistance to the cardholder; or

(C) possess, transport, or handle medical cannabis or a medical cannabis device when the cardholder is not in the process of being dosed with medical cannabis.

(4) [~~A physician who recommends treatment with~~] To recommend a medical cannabis treatment to [~~an individual or minor~~] a patient or to renew a recommendation, a qualified medical provider shall:

(a) before recommending cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form:

(i) verify the patient's and, for a minor patient, the minor patient's parent or legal guardian's valid form of identification described in Subsection (3)(a);

(ii) review any record related to the patient and, for a minor patient, the patient's parent or legal guardian in:

(A) the state electronic verification system; and

(B) the controlled substance database created in Section 58-37f-201; and

(iii) consider the recommendation in light of the patient's qualifying condition and history of medical cannabis and controlled substance use; and

[~~(a)~~] (b) state in the [~~physician's~~] qualified medical provider's recommendation that the [~~individual~~] patient:

(i) suffers from a qualifying [~~illness~~] condition, including the type of qualifying [~~illness,~~] condition; and [~~that the individual~~]

(ii) may benefit from treatment with cannabis in a medicinal dosage form or a cannabis

product in a medicinal dosage form.[~~; and~~]

[~~(b) before recommending cannabis or a cannabis product, look up the individual in the controlled substance database created in Section 58-37f-201.~~]

(5) (a) [~~A~~] Except as provided in Subsection (5)(b), a medical cannabis card [~~issued by~~] that the department issues under this section is valid for the lesser of:

(i) an amount of time [~~determined by~~] that the [~~physician~~] qualified medical provider determines; or

(ii) (A) for the first issuance, 30 days; or

(B) for a renewal, six months.

(b) (i) A medical cannabis card that the department issues in relation to a terminal illness described in Section 26-61a-104 does not expire.

(ii) The recommending qualified medical provider may revoke a recommendation that the provider made in relation to a terminal illness described in Section 26-61a-104 if the medical cannabis cardholder no longer has the terminal illness.

(6) (a) A medical cannabis patient card or a medical cannabis guardian card is renewable if:

(i) at the time of renewal, the cardholder meets the requirements of Subsection (2)(a) or (b); or

(ii) the cardholder received the medical cannabis card through the recommendation of the compassionate use board under Section 26-61a-105.

(b) A cardholder described in Subsection (6)(a) may renew the cardholder's card:

(i) using the application process described in Subsection (3); or

(ii) through phone or video conference with the qualified medical provider who made the recommendation underlying the card, at the qualifying medical provider's discretion.

(c) A cardholder under Subsection (2)(a) or (b) who renews the cardholder's card shall pay to the department a renewal fee in an amount that:

(i) subject to Subsection 26-61a-109(5), the department sets in accordance with Section 63J-1-504; and

(ii) may not exceed the cost of the relatively lower administrative burden of renewal in comparison to the original application process.

(d) If a minor meets the requirements of Subsection (2)(c), the minor's provisional patient card renews automatically at the time the minor's parent or legal guardian renews the parent or legal guardian's associated medical cannabis guardian card.

(e) The department may revoke a medical cannabis guardian card if the cardholder under Subsection (2)(b) is convicted of a misdemeanor or felony drug distribution offense under either state or federal law.

[~~(6)~~] (7) (a) [~~An individual who has been issued a medical cannabis card~~] A cardholder under this section [~~may: (a)~~] shall carry [~~a~~] the cardholder's valid medical cannabis card with the patient's name[~~;~~].

(b) (i) A medical cannabis patient cardholder or a provisional patient cardholder may purchase, in accordance with this chapter and the recommendation underlying the card, cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device.

(ii) A cardholder under this section may possess[~~, and~~] or transport, in accordance with this chapter and the recommendation underlying the card, cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device[~~;~~].

[~~(c)~~] (iii) [~~use or assist with the use of medical cannabis or medical cannabis products to treat~~] To address the qualifying [~~illness or symptoms associated with the qualifying illness of the person for whom medical cannabis has been recommended~~] condition underlying the medical cannabis treatment recommendation:

(A) a medical cannabis patient cardholder or a provisional patient cardholder may use cannabis in a medicinal dosage form, a medical cannabis product in a medicinal dosage form, or a medical cannabis device; and

(B) a medical cannabis guardian cardholder may assist the associated provisional patient cardholder with the use of cannabis in a medicinal dosage form, a medical cannabis product in a medicinal dosage form, or a medical cannabis device.

[~~(d)~~] (c) If neither a licensed medical cannabis pharmacy nor the state central fill medical cannabis pharmacy is operating within the state after January 1, 2021, [~~if a licensed cannabis dispensary is not operating within 100 miles of the medical cannabis card holder's primary residence, grow up to six cannabis plants for personal medical use within an enclosed and locked space and not within view from a public place and that is not within 600 feet of a community location or within 300 feet of an area zoned exclusively for residential use, as measured from the nearest entrance to the space and following the shortest route or ordinary pedestrian travel to the property boundary of the community location or residential area.~~] a cardholder under this section is not subject to prosecution for the possession of:

(i) no more than 113 grams of marijuana in a medicinal dosage form;

(ii) an amount of cannabis product in a medicinal dosage form that contains no more than 20 grams of tetrahydrocannabinol; or

(iii) marijuana drug paraphernalia.

(8) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a process to provide information regarding the following to an individual receiving a medical cannabis card:

(a) risks associated with medical cannabis treatment;

(b) the fact that a condition's listing as a qualifying condition does not suggest that medical cannabis treatment is an effective treatment or cure for that condition, as described in Subsection 26-61a-104(1); and

(c) other relevant warnings and safety information that the department determines.

[~~(7)~~] (9) The department may establish procedures[~~,~~] by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the [~~medical cannabis card~~] application and issuance provisions of this section.

[~~(8)~~] (10) (a) A person may submit, to the department[~~,~~] a request to conduct a medical research study using medical cannabis cardholder data [~~contained in~~] that the state electronic verification system contains.

(b) The department shall review a request [~~submitted under~~] described in Subsection

[~~(8)(a)~~] (10)(a) to determine [~~if~~] whether the medical research study is valid.

(c) If the department [~~determines~~] makes a determination under Subsection (10)(b) that the medical research study is valid [~~under Subsection (8)(b)~~], the department shall notify [~~a~~] each relevant [~~medical cannabis~~] cardholder asking for the [~~medical cannabis~~] cardholder's [~~participation~~] consent to participate in the study.

(d) The department may release, for the purposes of a study described in this Subsection (10), information about a [~~medical cannabis~~] cardholder under this section who consents to [~~participation~~] participate under Subsection [~~(8)(c)~~] (10)(c).

(e) The department may establish standards for a medical research study's validity, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Section 60. Section **26-61a-202**, which is renumbered from Section 26-60b-202 is renumbered and amended to read:

[~~26-60b-202~~]. 26-61a-202. Medical cannabis caregiver card -- Registration -- Renewal -- Revocation.

(1) [~~An individual~~] A cardholder described in Section 26-61a-201 may designate up to two individuals to serve as a designated [~~caregivers~~] caregiver for the [~~individual~~] cardholder if[~~:~~]

[~~(a) the individual has a valid medical cannabis card under Section 26-60b-201; and~~]

[~~(b) a physician~~] a qualified medical provider determines that, due to physical difficulty or undue hardship, the [~~individual~~] cardholder needs assistance to obtain the medical cannabis [~~or a cannabis product from a cannabis dispensary~~] treatment that the qualified medical provider recommends.

(2) An individual [~~registered~~] that the department registers as a designated caregiver under this section:

(a) may[~~: (a)~~] carry a valid medical cannabis caregiver card [~~with the designating patient's name and the designated caregiver's name~~];

(b) [~~purchase, possess, and transport,~~] in accordance with this chapter, may purchase, possess, transport, or assist the patient in the use of cannabis in a medicinal dosage form, a

cannabis product in a medicinal dosage form, or a medical cannabis device on behalf of the designating [~~patient~~] medical cannabis cardholder;

(c) may not charge a fee to an individual to act as the individual's designated caregiver or for a service that the designated caregiver provides in relation to the role as a designated caregiver;

[~~(c)~~] (d) may accept reimbursement from the designating [~~patient~~] medical cannabis cardholder for direct costs [~~incurred by~~] the designated caregiver incurs for assisting with the designating [~~patient's~~] cardholder's medicinal use of cannabis; and

[~~(d)~~] (e) [~~after January 1, 2021,~~] if neither a licensed medical cannabis [~~dispensary~~] pharmacy nor the state central fill medical cannabis pharmacy is [~~not~~] operating within [~~100 miles of the designating patient's primary residence, assist the designating patient with growing up to six cannabis plants for personal medicinal use within an enclosed and locked space and not within view from a public place and that is not within 600 feet of a community location or within 300 feet of an area zoned exclusively for residential use, as measured from the nearest entrance to the space and following the shortest route or ordinary pedestrian travel to the property boundary of the community location or residential area.~~] the state after January 1, 2021, is not subject to prosecution for the possession of:

(i) no more than 113 grams of marijuana in a medicinal dosage form;

(ii) an amount of cannabis product in a medicinal dosage form that contains no more than 20 grams of tetrahydrocannabinol; or

(iii) marijuana drug paraphernalia.

(3) (a) The department shall[~~;~~]:

(i) within [~~30~~] 15 days after the day on which an individual submits an application in compliance with this section, issue a medical cannabis card to [~~an individual designated as a caregiver under Subsection (1) and who complies with this section.~~] the applicant if the applicant:

(A) is designated as a caregiver under Subsection (1);

(B) is eligible for a medical cannabis caregiver card under Subsection (4); and

(C) complies with this section; and

(ii) notify the Department of Public Safety of each individual that the department registers as a designated caregiver.

(b) The department shall ensure that a medical cannabis caregiver card contains the information described in Subsection (5)(b).

(4) An individual is eligible for a medical cannabis [~~card as a designated~~] caregiver card if the individual:

(a) is at least [~~18~~] 21 years old;

(b) is a Utah resident;

(c) pays[~~,~~] to the department[~~,~~] a fee [~~established by~~] in an amount that, subject to Subsection 26-61a-109(5), the department sets in accordance with Section 63J-1-504, plus the cost of [~~a~~] the criminal background check [~~required by~~] described in Section [~~26-60b-203; and~~] 26-61a-203;

(d) signs an acknowledgment stating that the applicant received the information described in Subsection 26-61a-201(8); and

[~~(d)~~] (e) has not been convicted of [~~an~~] a misdemeanor or felony drug distribution offense that is a felony under either state or federal law, unless the individual completes any imposed sentence [~~imposed was completed seven~~] two or more years [~~earlier~~] before the day on which the individual submits the application.

(5) An [~~individual who is~~] eligible applicant for a medical cannabis caregiver card[~~ as a designated caregiver~~] shall:

(a) submit an application for a medical cannabis caregiver card to the department [~~via~~] through an electronic application connected to the state electronic verification system; and [~~shall include the individual's~~]

(b) submit the following information in the application described in Subsection (5)(a):

(i) the applicant's name, gender, age, and address [~~and~~];

(ii) the name, gender, age, and address of the [~~patient that~~] cardholder described in Section 26-61a-201 who designated the [~~individual under Subsection (1).~~] applicant; and

(iii) if a medical cannabis guardian cardholder designated the caregiver, the name, gender, and age of the minor receiving a medical cannabis treatment in relation to the medical cannabis guardian cardholder.

(6) [~~A~~] Except as provided in Subsection (6)(b), a medical cannabis caregiver card [~~issued by~~] that the department issues under this section is valid for the lesser of:

(a) an amount of time [~~determined by the physician, by the patient, or 6 months.~~] that the cardholder described in Section 26-61a-201 who designated the caregiver determines; or

(b) the amount of time remaining before the card of the cardholder described in Section 26-61a-201 expires.

(7) [~~A medical cannabis card is renewable for a designated caregiver if, at the time of renewal:~~]

[~~(a) the individual with a medical cannabis card described in Subsection (1) renews the caregiver's designation; and~~]

[~~(b) the~~]

(a) If a designated caregiver meets the requirements of Subsection (4)[~~.~~], the designated caregiver's medical cannabis caregiver card renews automatically at the time the cardholder described in Section 26-61a-201 who designated the caregiver:

(i) renews the cardholder's card; and

(ii) renews the caregiver's designation, in accordance with Subsection (7)(b).

(b) The department shall provide a method in the card renewal process to allow a cardholder described in Section 26-61a-201 who has designated a caregiver to:

(i) signify that the cardholder renews the caregiver's designation;

(ii) remove a caregiver's designation; or

(iii) designate a new caregiver.

[~~(8) A designated caregiver may not charge an individual a fee to act as the individual's designated caregiver or for services provided.~~]

[~~(9)~~] (8) The [~~Department of Health~~] department may revoke a [~~designated caregiver's~~] medical cannabis caregiver card if the [~~individual~~] designated caregiver:

(a) violates this chapter; or

(b) is convicted [~~of an offense that is a felony~~] under [~~either~~] state or federal law of:

(i) a felony; or

(ii) after the effective date of this bill, a misdemeanor for drug distribution.

Section 61. Section **26-61a-203**, which is renumbered from Section 26-60b-203 is renumbered and amended to read:

[~~26-60b-203~~]. 26-61a-203. Designated caregiver -- Guardian -- Criminal background check.

(1) [~~An individual registered as a designated caregiver~~] Each applicant for a medical cannabis guardian card under Section [~~26-60b-202~~] 26-61a-201 or a medical cannabis caregiver card under Section 26-61a-202 shall:

(a) submit [~~to a criminal background check in accordance with Subsection (2).(2) Each designated caregiver shall~~] to the department, at the time of application:

[~~(a)~~] (i) [~~submit, to the department,~~] a fingerprint card in a form acceptable to the [~~department and the~~] Department of Public Safety; and

(ii) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the registration of the applicant's fingerprints in the Federal Bureau of Investigation Next Generation Identification System's Rap Back Service; and

(b) consent to a fingerprint background check by:

(i) the [~~Utah~~] Bureau of Criminal Identification; and

(ii) the Federal Bureau of Investigation.

[~~(3)~~] (2) The [~~Department of Public Safety~~] Bureau of Criminal Identification shall:

(a) [~~complete a Federal Bureau of Investigation Criminal Background Check for each designated caregiver~~] check the fingerprints the applicant submits under Subsection [~~(2) and~~] (1)(a) against the applicable state, regional, and national criminal records databases, including the Federal Bureau of Investigation Next Generation Identification System;

(b) report the results of the background check to the department[~~.~~];

(c) maintain a separate file of fingerprints that applicants submit under Subsection

(1)(a) for search by future submissions to the local and regional criminal records databases, including latent prints;

(d) request that the fingerprints be retained in the Federal Bureau of Investigation Next Generation Identification System's Rap Back Service for search by future submissions to national criminal records databases, including the Next Generation Identification System and latent prints; and

(e) establish a privacy risk mitigation strategy to ensure that the department only receives notifications for an individual with whom the department maintains an authorizing relationship.

(3) The department shall:

(a) assess an applicant who submits fingerprints under Subsection (1)(a) a fee in an amount that the department sets in accordance with Section 63J-1-504 for the services that the Bureau of Criminal Identification or another authorized agency provides under this section; and

(b) remit the fee described in Subsection (3)(a) to the Bureau of Criminal Identification.

Section 62. Section **26-61a-204**, which is renumbered from Section 26-60b-204 is renumbered and amended to read:

[~~26-60b-204~~]. 26-61a-204. Medical cannabis card -- Patient and designated caregiver requirements -- Rebuttable presumption.

(1) (a) [~~An individual who has a~~] A medical cannabis [~~card and~~] cardholder who possesses cannabis in a medicinal dosage form or a cannabis product [~~outside of~~] in a medicinal dosage form that the [~~individual's residence~~] cardholder purchased under this chapter shall:

[~~(a)~~] (i) carry[~~, with the individual~~] at all times[;] the [~~individual's~~] cardholder's medical cannabis card;

[~~(b)~~] (ii) carry, with the cannabis in a medicinal dosage form or cannabis product in a medicinal dosage form, a label that identifies that the cannabis or cannabis product:

(A) was [~~originally~~] sold from a licensed medical cannabis [~~dispensary and~~] pharmacy

or the state central fill medical cannabis pharmacy; and

(B) includes an identification number that links the cannabis or cannabis product to the inventory control system; and

[~~(c)~~] (iii) possess not more than [~~four ounces~~]:

(A) 113 grams of unprocessed cannabis; or

(B) an amount of cannabis product that contains 20 [~~or fewer~~] grams of total composite tetrahydrocannabinol [~~or cannabidiol~~].

(b) A medical cannabis cardholder who possesses cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form in violation of Subsection (1)(a) is:

(i) guilty of an infraction; and

(ii) subject to a $100 fine.

(c) A medical cannabis cardholder who possesses between 113 and 226 grams of unprocessed cannabis or a total amount of cannabis product that contains between 20 and 40 grams of total composite tetrahydrocannabinol is:

(i) guilty of a class B misdemeanor; and

(ii) subject to a fine of $1,000.

(d) An individual who is guilty of a violation described in Subsection (1)(b) or (c) is not guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct underlying the penalty described in Subsection (1)(b) or (c).

(e) A medical cannabis cardholder who possesses more than 226 grams of unprocessed cannabis or a total amount of cannabis product that contains more than 40 grams of total composite tetrahydrocannabinol is subject to the penalties described in Title 58, Chapter 37, Utah Controlled Substances Act.

(2) (a) As used in this Subsection (2), "emergency medical condition" means the same as that term is defined in Section 31A-22-627.

[~~(a)~~] (b) Except as described in Subsection [~~(2)(b), an individual who has~~] (2)(c), a medical cannabis [~~card~~] patient cardholder or a provisional patient cardholder may not use, in public view, cannabis or a cannabis product [~~in public view~~].

[~~(b)~~] (c) [~~An~~] In the event of an emergency medical condition, an individual described in Subsection (2)(b) may use [~~cannabis or a cannabis product~~], and the holder of a medical cannabis guardian card or a medical cannabis caregiver card may administer to the cardholder's charge, in public view [~~in the event of a medical emergency~~], cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form.

(3) If [~~an individual~~] a medical cannabis cardholder carrying the cardholder's card possesses cannabis in a medicinal dosage form or a cannabis product in compliance with Subsection (1), or a medical cannabis device that corresponds with the cannabis or cannabis product:

(a) there is a rebuttable presumption that the [~~individual~~] cardholder possesses the cannabis, cannabis product, or medical cannabis device legally; and

(b) [~~a law enforcement officer does not have~~] there is no probable cause, based solely on the [~~individual's~~] cardholder's possession of the cannabis in medicinal dosage form, cannabis product in medicinal dosage form, or medical cannabis device, to believe that the [~~individual~~] cardholder is engaging in illegal activity.

(4) (a) If a law enforcement officer stops an individual who possesses cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device, and the individual represents to the law enforcement officer that the individual holds a valid medical cannabis card, but the individual does not have the medical cannabis card in the individual's possession at the time of the stop by the law enforcement officer, the law enforcement officer shall attempt to access the state electronic verification system to determine whether the individual holds a valid medical cannabis card.

(b) If the law enforcement officer is able to verify that the individual described in Subsection (4)(a) [~~holds~~] is a valid medical cannabis [~~card~~] cardholder, the law enforcement officer:

(i) may not arrest or take the individual into custody for the sole reason that the individual is in possession of cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device; and

(ii) may not seize the cannabis, cannabis product, or medical cannabis device.

[~~(5) An individual who possesses cannabis, a cannabis product, or a medical cannabis device in violation of Subsection (1)(a) or Subsection 1(b) is guilty of an infraction and subject to a $100 fine.~~]

Section 63. Section **26-61a-205** is enacted to read:

26-61a-205. Lost or stolen medical cannabis card.

(1) If a medical cannabis card is lost or stolen, the medical cannabis cardholder shall report the lost or stolen card to the department.

(2) Upon receiving the report described in Subsection (1), the department shall designate the medical cannabis card as lost or stolen in the state electronic verification system.

(3) A medical cannabis pharmacy agent or a local health department distribution agent may confiscate a medical cannabis card that is designated as lost or stolen in accordance with Subsection (2) if an individual presents the card at the relevant medical cannabis pharmacy or local health department.

(4) To request a new medical cannabis card, the medical cannabis cardholder described in Subsection (1) shall:

(a) complete a form that the department designates; and

(b) pay a fee in an amount that, subject to Subsection 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

Section 64. Section **26-61a-301**, which is renumbered from Section 26-60b-301 is renumbered and amended to read:

Part 3. Medical Cannabis Pharmacy License.

[~~26-60b-301~~]. 26-61a-301. Medical cannabis pharmacy -- License -- Eligibility.

(1) A person may not operate as a medical cannabis [~~dispensary~~] pharmacy without a license [~~issued by~~] that the department [~~issued~~] issues under this part.

(2) (a) Subject to [~~Subsections (5)~~] Subsections (4) and (5) and to Section [~~26-60b-304~~] 26-61a-305, the department shall, [~~within 90 business days after receiving a~~

~~complete application~~] in accordance with Title 63G, Chapter 6a, Utah Procurement Code, issue a license to operate a medical cannabis [~~dispensary~~] pharmacy to [~~a person who~~] an applicant who is eligible for a license under this section.

(b) An applicant is eligible for a license under this section if the applicant submits to the department:

[~~(a)~~] (i) subject to Subsection (2)(c), a proposed name and address where the [~~person~~] applicant will operate the medical cannabis [~~dispensary~~] pharmacy [~~that is not within 600 feet of a community location or within 300 feet of an area zoned exclusively for residential use, as measured from the nearest entrance to the cannabis production establishment by following the shortest route of ordinary pedestrian travel to the property boundary of the community location or residential area~~];

[~~(b)~~] (ii) the name and address of [~~any~~] an individual who:

(A) has a financial or voting interest of [~~two percent~~] 2% or greater in the proposed medical cannabis [~~dispensary~~] pharmacy; or [~~who~~]

(B) has the power to direct or cause the management or control of a proposed cannabis production establishment;

[~~(c)~~] (iii) [~~financial statements demonstrating that the person possesses a minimum of $250,000 in liquid assets available~~] evidence that the applicant has obtained and maintains a performance bond that a surety authorized to transact surety business in the state issues in an amount of at least $125,000 for each application [~~submitted~~] that the applicant submits to the department;

[~~(d)~~] (iv) an operating plan that:

(A) complies with Section [~~26-60b-303~~] 26-61a-304; and [~~that~~]

(B) includes operating procedures to comply with the operating requirements for a medical cannabis [~~dispensary~~] pharmacy described in this chapter and with[~~any laws adopted by the municipality~~] a relevant municipal or county law that [~~are~~] is consistent with Section [~~26-60b-506~~] 26-61a-507;

[~~(e) if the municipality or county where the proposed cannabis production~~

~~establishment would be located has enacted zoning restrictions, a sworn statement certifying that the proposed cannabis dispensary is in compliance with the restrictions;~~]

[~~(f)~~] (v) if the municipality or county where the proposed medical cannabis [~~dispensary~~] pharmacy would be located requires a local land use permit [~~or license~~], a copy of the person's approved application for the local land use permit [~~or license~~]; and

[~~(g)~~] (vi) an application fee [~~established by~~] in an amount that, subject to Subsection 26-61a-109(5), the department sets in accordance with Section 63J-1-504 [~~that is necessary to cover the department's cost to implement this part;~~].

(c) (i) A person may not locate a medical cannabis pharmacy in or within 600 feet of an area that the relevant municipality or county has zoned as primarily residential.

(ii) An applicant for a license under this section shall provide evidence of compliance with the proximity requirement described in Subsection (2)(c)(i).

(d) Except as provided in Subsection (2)(c), a medical cannabis pharmacy is a permitted use in all zoning districts within a municipality or county.

(e) If the department receives more than one application for a medical cannabis pharmacy within the same city or town, the department shall consult with the local land use authority before approving any of the applications pertaining to that city or town.

[~~(4)~~] (3) If the department determines that [~~a cannabis dispensary~~] an applicant is eligible for a license under this section, the department shall:

(a) charge the [~~cannabis dispensary~~] applicant an initial license fee in an amount [~~determined by~~] that, subject to Subsection 26-61a-109(5), the department sets in accordance with Section 63J-1-504[~~.~~]; and

(b) notify the Department of Public Safety of the license approval and the names of each individual described in Subsection (2)(b)(ii).

[~~(5)~~] (4) The department may not issue a license to operate a medical cannabis [~~dispensary~~] pharmacy to an applicant if [~~any~~] an individual [~~who has a financial or voter interest of two percent or greater in the cannabis dispensary applicant or who has power to direct or cause the management or control of the applicant~~] described in Subsection (2)(b)(ii):

(a) has been convicted [~~of an offense that is a felony~~] under [~~either~~] state or federal law[~~; or~~] of:

(i) a felony; or

(ii) after the effective date of this bill, a misdemeanor for drug distribution; or

(b) is [~~less~~] younger than 21 years [~~of age~~] old.

(5) If an applicant for a medical cannabis pharmacy license under this section holds a license under Title 4, Chapter 41, Hemp and Cannabidiol Act, or Title 4, Chapter 41a, Cannabis Production Establishments, the department:

(a) shall consult with the Department of Agriculture and Food regarding the applicant; and

(b) may not give preference to the applicant based on the applicant's status as a holder of a license described in this Subsection (5).

(6) The department may revoke a license under this part if:

(a) the medical cannabis [~~dispensary is not operating~~] pharmacy does not begin operations within one year [~~of the issuance of~~] after the day on which the department issues the initial license[~~.~~];

(b) the medical cannabis pharmacy makes the same violation of this chapter three times; or

(c) an individual described in Subsection (2)(a)(ii) is convicted, while the license is active, under state or federal law of:

(i) a felony; or

(ii) after the effective date of this bill, a misdemeanor for drug distribution.

(7) The department shall deposit the proceeds of a fee imposed by this section in the [~~Medical Cannabis Restricted~~] Qualified Patient Enterprise Account.

(8) The department shall begin accepting applications under this part [~~no later than~~] on or before March 1, 2020.

(9) The department's authority to issue a license under this section is plenary and is not subject to review.

Section 65. Section **26-61a-302**, which is renumbered from Section 26-60b-402 is renumbered and amended to read:

[~~26-60b-402~~]. 26-61a-302. Medical cannabis pharmacy owners and directors -- Criminal background checks.

(1) Each applicant for a license as a medical cannabis pharmacy shall submit, at the time of application, from each individual who has a financial or voting interest of [~~two percent~~] 2% or greater in the applicant or who has the power to direct or cause the management or control of the applicant:

(a) a fingerprint card in a form acceptable to the [~~department; and~~] Department of Public Safety;

(b) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the registration of the individual's fingerprints in the Federal Bureau of Investigation Next Generation Identification System's Rap Back Service; and

[~~(b)~~] (c) consent to a fingerprint background check by:

(i) the [~~Utah~~] Bureau of Criminal Identification; and

(ii) the Federal Bureau of Investigation.

[~~(2) The department shall request that the Department of Public Safety complete a Federal Bureau of Investigation criminal background check for each individual described in Subsection (1).~~]

(2) The Bureau of Criminal Identification shall:

(a) check the fingerprints the applicant submits under Subsection (1) against the applicable state, regional, and national criminal records databases, including the Federal Bureau of Investigation Next Generation Identification System;

(b) report the results of the background check to the department;

(c) maintain a separate file of fingerprints that applicants submit under Subsection (1) for search by future submissions to the local and regional criminal records databases, including latent prints;

(d) request that the fingerprints be retained in the Federal Bureau of Investigation Next

Generation Identification System's Rap Back Service for search by future submissions to national criminal records databases, including the Next Generation Identification System and latent prints; and

(e) establish a privacy risk mitigation strategy to ensure that the department only receives notifications for an individual with whom the department maintains an authorizing relationship.

(3) The department shall:

(a) assess an individual who submits fingerprints under Subsection (1) a fee in an amount that the department sets in accordance with Section 63J-1-504 for the services that the Bureau of Criminal Identification or another authorized agency provides under this section; and

(b) remit the fee described in Subsection (3)(a) to the Bureau of Criminal Identification.

Section 66. Section **26-61a-303**, which is renumbered from Section 26-60b-302 is renumbered and amended to read:

[~~26-60b-302~~]. 26-61a-303. Renewal.

(1) [~~Except as provided in Subsection (3), the~~] The department shall renew a [~~person's~~] license under this part every [~~two years~~] year if, at the time of renewal:

(a) the [~~person~~] licensee meets the requirements of Section [~~26-60b-301~~] 26-61a-301; and

(b) the [~~person~~] licensee pays the department a license renewal fee in an amount [~~determined by~~] that, subject to Subsection 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

(2) (a) If a licensed medical cannabis [~~dispensary~~] pharmacy abandons the medical cannabis [~~dispensary's~~] pharmacy's license, the department shall publish notice of an available license:

(i) in a newspaper of general circulation for the geographic area in which the medical cannabis [~~dispensary~~] pharmacy license is available; or

(ii) on the Utah Public Notice Website established in Section 63F-1-701.

(b) The department may establish criteria, in collaboration with the Division of Occupational and Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, [~~for what actions by a~~] to identify the medical cannabis [~~dispensary~~] pharmacy actions that constitute abandonment of a medical cannabis [~~dispensary~~] pharmacy license.

Section 67. Section **26-61a-304**, which is renumbered from Section 26-60b-303 is renumbered and amended to read:

[~~26-60b-303~~]. 26-61a-304. Operating plan.

[~~(1)~~] A person applying for a medical cannabis [~~dispensary~~] pharmacy license shall submit to the department a proposed operation plan for the medical cannabis [~~dispensary~~] pharmacy that complies with this section and that includes:

[~~(a)~~] (1) a description of the physical characteristics of the proposed facility, including a floor plan and an architectural elevation;

[~~(b)~~] (2) a description of the credentials and experience of:

[~~(i)~~] (a) each officer, director, or owner of the proposed medical cannabis [~~dispensary~~] pharmacy; and

[~~(ii)~~] (b) any highly skilled or experienced prospective employee;

[~~(c)~~] (3) the medical cannabis [~~dispensary's~~] pharmacy's employee training standards;

[~~(d)~~] (4) a security plan; [~~and~~]

[~~(e)~~] (5) a description of the medical cannabis [~~dispensary's~~] pharmacy's inventory control system, including a plan to make the inventory control system compatible with the state electronic verification system[~~.~~]; and

(6) storage protocols, both short- and long-term, to ensure that cannabis is stored in a manner that is sanitary and preserves the integrity of the cannabis.

Section 68. Section **26-61a-305**, which is renumbered from Section 26-60b-304 is renumbered and amended to read:

[~~26-60b-304~~]. 26-61a-305. Maximum number of licenses.

(1) (a) [~~The~~] Except as provided in Subsection (1)(b), the department may not issue

more than [~~the greater of, in each county in the state:~~] seven medical cannabis pharmacy licenses.

[~~(a) one cannabis dispensary license; or~~]

[~~(b) an amount of cannabis dispensary licenses equal to the number of residents in the county divided by 150,000, rounded up to the nearest greater whole number.~~]

(b) (i) In addition to the licenses described in Subsection (1)(a), the department shall issue an eighth license if the state central fill medical cannabis pharmacy:

(A) is not operational by January 1, 2021; or

(B) ceases operations after January 1, 2021.

(ii) In addition to the licenses described in Subsections (1)(a) and (1)(b)(i), the department shall issue a ninth license if the state central fill medical cannabis pharmacy:

(A) is not operational by July 1, 2021; or

(B) ceases operations after July 1, 2021.

(iii) In addition to the licenses described in Subsections (1)(a), (1)(b)(i), and (1)(b)(ii), the department shall issue a tenth license if the state central fill medical cannabis pharmacy:

(A) is not operational by January 1, 2022; or

(B) ceases operations after January 1, 2022.

(iv) The department shall issue the licenses described in Subsection (1)(b)(i), (ii), and (iii), if a final order of a court enjoins or invalidates the operation of the state central fill medical cannabis pharmacy.

(2) If there are more qualified applicants than there are available licenses for medical cannabis [~~dispensaries~~] pharmacies, the department shall:

(a) evaluate [~~the applicants~~] each applicant and award the license to the applicant that best demonstrates:

[~~(a)~~] (i) experience with establishing and successfully operating a business that involves complying with a regulatory environment, tracking inventory, and training, evaluating, and monitoring employees;

[~~(b)~~] (ii) an operating plan that will best ensure the safety and security of patrons and

the community;

[~~(c)~~] (iii) positive connections to the local community;

[~~(d)~~] (iv) the suitability of the proposed location and [~~its~~] the location's accessibility for qualifying patients; and

[~~(e)~~] (v) the extent to which the applicant can reduce the cost of cannabis or cannabis products for patients[~~.~~]; and

(b) ensure a geographic dispersal among licensees that is sufficient to reasonably maximize access to the largest number of medical cannabis cardholders.

(3) The department may conduct a face-to-face interview with an applicant for a license that the department evaluates under Subsection (2).

Section 69. Section **26-61a-401**, which is renumbered from Section 26-60b-401 is renumbered and amended to read:

Part 4. Medical Cannabis Pharmacy Agents

[~~26-60b-401~~]. 26-61a-401. Medical cannabis pharmacy agent -- Registration.

(1) An individual may not serve as a medical cannabis [~~dispensary~~] pharmacy agent of a medical cannabis [~~dispensary~~] pharmacy unless [~~the individual is registered by~~] the department registers the individual as a medical cannabis [~~dispensary~~] pharmacy agent.

(2) [~~A physician~~] Except as provided in Section 26-61a-403, the following individuals, regardless of the individual's status as a qualified medical provider, may not act as a medical cannabis [~~dispensary~~] pharmacy agent[~~.~~], have a financial or voting interest of 2% or greater in a medical cannabis pharmacy, or have the power to direct or cause the management or control of a medical cannabis pharmacy:

(a) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act;

(b) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

(c) a physician assistant licensed under Title 58, Chapter 70a, Physician Assistant Act.

(3) (a) The department shall, within 15 days after [~~receiving~~] the day on which the department receives a complete application from a medical cannabis [~~dispensary~~] pharmacy on behalf of a prospective medical cannabis [~~dispensary~~] pharmacy agent, register and issue a medical cannabis [~~dispensary~~] pharmacy agent registration card to [~~an individual who~~] the prospective agent if the medical cannabis pharmacy:

[~~(a)~~] (i) provides to the department:

(A) the [~~individual's~~] prospective agent's name and address [~~and~~];

(B) the name and location of the licensed medical cannabis [~~dispensary~~] pharmacy where the [~~individual~~] prospective agent seeks to act as the medical cannabis [~~dispensary~~] pharmacy agent; [~~and~~]

(C) the submission required under Subsection (3)(b); and

[~~(b)~~] (ii) pays a fee to the department[~~,~~] in an amount [~~determined by~~] that, subject to Subsection 26-61a-109(5), the department sets in accordance with Section 63J-1-504[~~, that is necessary to cover the department's cost to implement this part~~].

(b) Each prospective agent described in Subsection (3)(a) shall:

(i) submit to the department:

(A) a fingerprint card in a form acceptable to the Department of Public Safety; and

(B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next Generation Identification System's Rap Back Service; and

(ii) consent to a fingerprint background check by:

(A) the Bureau of Criminal Identification; and

(B) the Federal Bureau of Investigation.

(c) The Bureau of Criminal Identification shall:

(i) check the fingerprints the prospective agent submits under Subsection (3)(b) against the applicable state, regional, and national criminal records databases, including the Federal Bureau of Investigation Next Generation Identification System;

(ii) report the results of the background check to the department;

(iii) maintain a separate file of fingerprints that prospective agents submit under Subsection (3)(b) for search by future submissions to the local and regional criminal records databases, including latent prints;

(iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next Generation Identification System's Rap Back Service for search by future submissions to national criminal records databases, including the Next Generation Identification System and latent prints; and

(v) establish a privacy risk mitigation strategy to ensure that the department only receives notifications for an individual with whom the department maintains an authorizing relationship.

(d) The department shall:

(i) assess an individual who submits fingerprints under Subsection (3)(b) a fee in an amount that the department sets in accordance with Section 63J-1-504 for the services that the Bureau of Criminal Identification or another authorized agency provides under this section; and

(ii) remit the fee described in Subsection (3)(d) to the Bureau of Criminal Identification.

(4) The department shall designate, on an individual's medical cannabis [~~dispensary~~] pharmacy agent registration card[~~;~~] the name of the medical cannabis [~~dispensary~~] pharmacy where the individual is registered as an agent.

(5) A medical cannabis [~~dispensary~~] pharmacy agent shall comply with a certification standard [~~developed by the department~~] that the department develops in collaboration with the Division of Occupational and Professional Licensing and the Board of Pharmacy, or a [~~third party~~] third-party certification standard [~~designated by~~] that the department[~~;~~] designates by rule [~~made~~], in collaboration with the Division of Occupational and Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(6) The department shall ensure that the certification standard described in Subsection (5) [~~shall include~~] includes training in:

(a) Utah medical cannabis law; and

(b) medical cannabis [~~dispensary~~] pharmacy best practices.

(7) The department may revoke [~~or refuse to issue~~] the medical cannabis [~~dispensary~~] pharmacy agent registration card of, or refuse to issue a medical cannabis pharmacy agent registration card to, an individual who:

(a) violates the requirements of this chapter; or

(b) is convicted [~~of an offense that is a felony~~] under state or federal law[~~.~~] of:

(i) a felony; or

(ii) after the effective date of this bill, a misdemeanor for drug distribution.

(8) (a) A medical cannabis pharmacy agent registration card expires two years after the day on which the department issues or renews the card.

(b) A medical cannabis pharmacy agent may renew the agent's registration card if the agent:

(i) is eligible for a medical cannabis pharmacy agent registration card under this section;

(ii) certifies to the department in a renewal application that the information in Subsection (3)(a) is accurate or updates the information; and

(iii) pays to the department a renewal fee in an amount that:

(A) subject to Subsection 26-61a-109(5), the department sets in accordance with Section 63J-1-504; and

(B) may not exceed the cost of the relatively lower administrative burden of renewal in comparison to the original application process.

Section 70. Section **26-61a-402**, which is renumbered from Section 26-60b-403 is renumbered and amended to read:

[~~26-60b-403~~]. 26-61a-402. Medical cannabis pharmacy agent registration card -- Rebuttable presumption.

(1) A medical cannabis [~~dispensary~~] pharmacy agent [~~who is registered with the department under section 426-60b-401~~] shall carry the individual's medical cannabis

[~~dispensary~~] pharmacy agent registration card with the individual at all times when:

(a) the individual is on the premises of a medical cannabis [~~dispensary~~] pharmacy; and

(b) the individual is transporting cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device between [~~two cannabis production establishments or between~~] a cannabis production establishment and a medical cannabis [~~dispensary~~] pharmacy.

(2) If an individual handling, at a medical cannabis pharmacy, cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device [~~at a cannabis dispensary,~~] or transporting cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device, possesses the cannabis, cannabis product, or medical cannabis device in compliance with Subsection (1):

(a) there is a rebuttable presumption that the individual possesses the cannabis, cannabis product, or medical cannabis device legally; and

(b) [~~a law enforcement officer does not have~~] there is no probable cause, based solely on the individual's possession of the cannabis in medicinal dosage form, cannabis product in medicinal dosage form, or medical cannabis device in compliance with Subsection (1), [~~to believe~~] that the individual is engaging in illegal activity.

(3) (a) [~~An individual who violates~~] A medical cannabis pharmacy agent who fails to carry the agent's medical cannabis pharmacy agent registration card in accordance with Subsection (1) is:

(i) for a first or second offense in a two-year period:

[~~(a)~~] (A) guilty of an infraction; and

[~~(b)~~] (B) is subject to a $100 fine[~~.~~]; or

(ii) for a third or subsequent offense in a two-year period:

(A) guilty of a class C misdemeanor; and

(B) subject to a $750 fine.

(b) (i) The prosecuting entity shall notify the department and the relevant medical cannabis pharmacy of each conviction under Subsection (3)(a).

(ii) For each violation described in Subsection (3)(a)(ii), the department may assess the relevant medical cannabis pharmacy a fine of up to $5,000, in accordance with a fine schedule that the department establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(c) An individual who is guilty of a violation described in Subsection (3)(a) is not guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct underlying the violation described in Subsection (3)(a).

Section 71. Section **26-61a-403** is enacted to read:

26-61a-403. Pharmacy medical providers -- Registration -- Continuing education.

(1) (a) A medical cannabis pharmacy:

(i) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy Practice Act, as a pharmacy medical provider;

(ii) may employ a physician who has the authority to write a prescription and is licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, as a pharmacy medical provider;

(iii) shall ensure that a pharmacy medical provider described in Subsection (1)(a)(i) works onsite during all business hours; and

(iv) shall designate one pharmacy medical provider described in Subsection (1)(a)(i) as the pharmacist-in-charge to oversee the operation of and generally supervise the medical cannabis pharmacy.

(b) An individual may not serve as a pharmacy medical provider unless the department registers the individual as a pharmacy medical provider in accordance with Subsection (2).

(2) (a) The department shall, within 15 days after the day on which the department receives an application from a medical cannabis pharmacy on behalf of a prospective pharmacy medical provider, register and issue a pharmacy medical provider registration card to the prospective pharmacy medical provider if the medical cannabis pharmacy:

(i) provides to the department:

(A) the prospective pharmacy medical provider's name and address;

(B) the name and location of the licensed medical cannabis pharmacy where the prospective pharmacy medical provider seeks to act as a pharmacy medical provider;

(C) a report detailing the completion of the continuing education requirement described in Subsection (3); and

(D) evidence that the prospective pharmacy medical provider is a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy Practice Act, or a physician who has the authority to write a prescription and is licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

(ii) pays a fee to the department in an amount that, subject to Subsection 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

(b) The department may not register a qualified medical provider or a state central fill medical provider as a pharmacy medical provider.

(3) (a) A pharmacy medical provider shall complete the continuing education described in this Subsection (3) in the following amounts:

(i) as a condition precedent to registration, four hours; and

(ii) as a condition precedent to renewal of the registration, four hours every two years.

(b) In accordance with Subsection (3)(a), the pharmacy medical provider shall:

(i) complete continuing education:

(A) regarding the topics described in Subsection (3)(d); and

(B) offered by the department under Subsection (3)(c) or an accredited or approved continuing education provider that the department recognizes as offering continuing education appropriate for the medical cannabis pharmacy practice; and

(ii) make a continuing education report to the department in accordance with a process that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in collaboration with the Division of Occupational and Professional Licensing and:

(A) for a pharmacy medical provider who is licensed under Title 58, Chapter 17b, Pharmacy Practice Act, the Board of Pharmacy;

(B) for a pharmacy medical provider licensed under Title 58, Chapter 67, Utah Medical Practice Act, the Physicians Licensing Board; and

(C) for a pharmacy medical provider licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board.

(c) The department may, in consultation with the Division of Occupational and Professional Licensing, develop the continuing education described in this Subsection (3).

(d) The continuing education described in this Subsection (3) may discuss:

(i) the provisions of this chapter;

(ii) general information about medical cannabis under federal and state law;

(iii) the latest scientific research on the endocannabinoid system and medical cannabis, including risks and benefits;

(iv) recommendations for medical cannabis as it relates to the continuing care of a patient in pain management, risk management, potential addiction, and palliative care; or

(v) best practices for recommending the form and dosage of a medical cannabis product based on the qualifying condition underlying a medical cannabis recommendation.

(4) (a) A pharmacy medical provider registration card expires two years after the day on which the department issues or renews the card.

(b) A pharmacy medical provider may renew the provider's registration card if the provider:

(i) is eligible for a pharmacy medical provider registration card under this section;

(ii) certifies to the department in a renewal application that the information in Subsection (2)(a) is accurate or updates the information;

(iii) submits a report detailing the completion of the continuing education requirement described in Subsection (3); and

(iv) pays to the department a renewal fee in an amount that:

(A) subject to Subsection 26-61a-109(5), the department sets in accordance with Section 63J-1-504; and

(B) may not exceed the cost of the relatively lower administrative burden of renewal in

comparison to the original application process.

Section 72. Section **26-61a-501**, which is renumbered from Section 26-60b-501 is renumbered and amended to read:

Part 5. Medical Cannabis Pharmacy Operation

[~~26-60b-501~~]. 26-61a-501. Operating requirements -- General.

(1) (a) A medical cannabis [~~dispensary~~] pharmacy shall operate:

(i) at the physical address provided to the department under Section 26-61a-301; and

(ii) in accordance with the operating plan provided to the department under [~~Section 26-60b-303~~] Section 26-61a-301 and, if applicable, 26-61a-304.

(b) A medical cannabis [~~dispensary~~] pharmacy shall notify the department before a change in the medical cannabis [~~dispensary's~~] pharmacy's physical address or operating plan.

(2) [~~A~~] An individual may not enter a medical cannabis [~~dispensary shall operate~~] pharmacy unless the individual:

(a) is at least 18 years old; and

[~~(a)~~] (b) except as provided in Subsection (5), [~~in a facility that is accessible only by an individual with~~] possesses a valid:

(i) medical cannabis [~~dispensary~~] pharmacy agent registration card; or [~~a~~]

(ii) medical cannabis card[~~; and~~].

[~~(b) at the physical address provided to the department under Section 26-60b-301.~~]

(3) A medical cannabis [~~dispensary~~] pharmacy may not employ [~~any person~~] an individual who is younger than 21 years [~~of age~~] old.

(4) A medical cannabis [~~dispensary shall conduct a background check into the criminal history of every person who will become an agent of the cannabis dispensary and~~] pharmacy may not employ [~~any person~~] an individual who has been convicted of [~~an offense that is~~] a felony under [~~either~~] state or federal law.

(5) [~~A~~] Notwithstanding Subsection (2), a medical cannabis [~~dispensary~~] pharmacy may authorize an individual who is not a medical cannabis [~~dispensary~~] pharmacy agent to access the medical cannabis [~~dispensary~~] pharmacy if the medical cannabis [~~dispensary~~]

pharmacy tracks and monitors the individual at all times while the individual is at the medical cannabis [~~dispensary~~] pharmacy and maintains a record of the individual's access.

(6) A medical cannabis [~~dispensary~~] pharmacy shall operate in a facility that has:

(a) a single, secure public entrance;

(b) a security system with a backup power source that:

(i) detects and records entry into the medical cannabis [~~dispensary~~] pharmacy; and

(ii) provides notice of an unauthorized entry to law enforcement when the medical cannabis [~~dispensary~~] pharmacy is closed; and

(c) a lock on [~~any~~] each area where the medical cannabis [~~dispensary~~] pharmacy stores cannabis or a cannabis product.

(7) A medical cannabis [~~dispensary~~] pharmacy shall post, both clearly and conspicuously in the medical cannabis [~~dispensary~~] pharmacy, the limit on the purchase of cannabis described in Subsection [~~26-60b-502(3)~~] 26-61a-502(2).

(8) A medical cannabis [~~dispensary~~] pharmacy may not allow any individual to consume cannabis on the property or premises of the medical cannabis [~~dispensary~~] pharmacy.

(9) A medical cannabis [~~dispensary~~] pharmacy may not sell cannabis or a cannabis product without first indicating on the cannabis or cannabis product label the name of the medical cannabis [~~dispensary~~] pharmacy.

(10) (a) Each medical cannabis pharmacy shall retain in the pharmacy's records the following information regarding each recommendation underlying a transaction:

(i) the qualified medical provider's name, address, and telephone number;

(ii) the patient's name and address;

(iii) the date of issuance;

(iv) dosing parameters or an indication that the qualified medical provider did not recommend specific dosing parameters; and

(v) if the patient did not complete the transaction, the name of the medical cannabis cardholder who completed the transaction.

(b) The medical cannabis pharmacy may not sell cannabis or a cannabis product unless

the cannabis or cannabis product has a label securely affixed to the container indicating the following minimum information:

(i) the name, address, and telephone number of the medical cannabis pharmacy;

(ii) the unique identification number that the medical cannabis pharmacy assigns;

(iii) the date of the sale;

(iv) the name of the patient;

(v) the name of the qualified medical provider who recommended the medical cannabis treatment;

(vi) directions for use and cautionary statements, if any;

(vii) the amount dispensed and the cannabinoid content;

(viii) the beyond use date; and

(ix) any other requirements that the department determines, in consultation with the Division of Occupational and Professional Licensing and the Board of Pharmacy.

(11) A pharmacy medical provider or medical cannabis pharmacy agent shall:

(a) unless the medical cannabis cardholder has had a consultation under Subsection 26-61a-502(4), verbally offer to a medical cannabis cardholder at the time of a purchase of cannabis, a cannabis product, or a medical cannabis device, personal, face-to-face counseling with the pharmacy medical provider who is a pharmacist; and

(b) provide a telephone number or website by which the cardholder may contact a pharmacy medical provider for counseling.

(12) (a) A medical cannabis pharmacy may create a medical cannabis disposal program that allows an individual to deposit unused or excess medical cannabis, cannabis residue from a medical cannabis device, or medical cannabis product in a locked box or other secure receptacle within the medical cannabis pharmacy.

(b) A medical cannabis pharmacy with a disposal program described in Subsection (12)(a) shall ensure that only a medical cannabis pharmacy agent can access deposited medical cannabis or medical cannabis products.

(c) A medical cannabis pharmacy shall dispose of any deposited medical cannabis or

medical cannabis products by:

(i) rendering the deposited medical cannabis or medical cannabis products unusable and unrecognizable before transporting deposited medical cannabis or medical cannabis products from the medical cannabis pharmacy; and

(ii) disposing of the deposited medical cannabis or medical cannabis products in accordance with:

(A) federal and state law, rules, and regulations related to hazardous waste;

(B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

(C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

(D) other regulations that the department makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(13) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, protocols for a recall of cannabis and cannabis products by a medical cannabis pharmacy.

Section 73. Section **26-61a-502**, which is renumbered from Section 26-60b-502 is renumbered and amended to read:

[~~26-60b-502~~]. 26-61a-502. Dispensing -- Amount a medical cannabis pharmacy may dispense -- Reporting -- Form of cannabis or cannabis product.

(1) (a) A medical cannabis [~~dispensary~~] pharmacy may [~~only~~] not sell a product other than, subject to this chapter:

[~~(a)~~] (i) cannabis in a medicinal dosage form that the medical cannabis pharmacy acquired from a cannabis processing facility that is licensed under Section 4-41a-201;

[~~(b)~~] (ii) a cannabis product in a medicinal dosage form that the medical cannabis pharmacy acquired from a cannabis processing facility that is licensed under Section 4-41a-201;

[~~(c)~~] (iii) a medical cannabis device; or

[~~(d)~~] (iv) educational [~~materials~~] material related to the medical use of cannabis.

[~~(2)~~] (b) A medical cannabis [~~dispensary~~] pharmacy may only sell [~~the items~~] an item

listed in Subsection (1)(a) to an individual with:

(i) a medical cannabis card [~~issued by the department.~~]; and

(ii) corresponding identification that is a valid United States federal- or state-issued photo identification, including a driver license, a United States passport, a United States passport card, or a United States military identification card.

(c) Notwithstanding Subsection (1)(a), a medical cannabis pharmacy may not sell a cannabis-based drug that the United States Food and Drug Administration has approved.

[~~(3)~~] (2) A medical cannabis [~~dispensary~~] pharmacy may not dispense [~~on behalf of any one individual with~~]:

(a) to a medical cannabis [~~card,~~] cardholder in any one [~~14-day~~] 12-day period, more than the lesser of:

(i) an amount sufficient to provide 14 days of treatment based on the dosing parameters that the relevant qualified medical provider recommends; or

[~~(a)~~] (ii) (A) [~~an amount~~] 56 grams by weight of unprocessed cannabis that [~~exceeds two ounces by weight~~] is in a medicinal dosage form and that carries a label clearly displaying the amount of tetrahydrocannabinol and cannabidiol in the cannabis; or

[~~(b)~~] (B) an amount of cannabis products that is in a medicinal dosage form and that contains, in total, greater than 10 grams of total composite tetrahydrocannabinol [~~or cannabidiol.~~];

(b) to a medical cannabis cardholder whose primary residence is located more than 100 miles from the nearest medical cannabis pharmacy or local health department, in any one 28-day period, more than the lesser of:

(i) an amount sufficient to provide 30 days of treatment based on the dosing parameters that the relevant qualified medical provider recommends; or

(ii) (A) 113 grams by weight of unprocessed cannabis that is in a medicinal dosage form and that carries a label clearly displaying the amount of tetrahydrocannabinol and cannabidiol in the cannabis; or

(B) an amount of cannabis products that is in a medicinal dosage form and that

contains, in total, greater than 20 grams of total composite tetrahydrocannabinol; or

(c) to an individual whose qualified medical provider did not recommend dosing parameters, until the individual consults with the pharmacy medical provider in accordance with Subsection (4), any cannabis or cannabis products.

[~~(4)~~] (3) An individual with a medical cannabis card may not purchase:

(a) more cannabis or cannabis products than the amounts designated in Subsection [~~(3)~~] (2) in any one [~~14-day~~] 12-day period[~~.~~]; or

(b) if the relevant qualified medical provider did not recommend dosing parameters, until the individual consults with the pharmacy medical provider in accordance with Subsection (4), any cannabis or cannabis products.

(4) If a qualified medical provider recommends treatment with medical cannabis or a cannabis product but does not provide dosing parameters:

(a) the qualified medical provider shall document in the recommendation:

(i) an evaluation of the qualifying condition underlying the recommendation;

(ii) prior treatment attempts with cannabis and cannabis products; and

(iii) the patient's current medication list; and

(b) before the relevant medical cannabis cardholder may obtain cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form, the pharmacy medical provider shall:

(i) review pertinent medical records, including the qualified medical provider documentation described in Subsection (4)(a); and

(ii) after completing the review described in Subsection (4)(b)(i) and consulting with the recommending qualified medical provider as needed, determine the best course of treatment through consultation with the cardholder regarding:

(A) the patient's qualifying condition underlying the recommendation from the qualified medical provider;

(B) indications for available treatments;

(C) dosing parameters; and

(D) potential adverse reactions.

(5) A medial cannabis [~~dispensary~~] pharmacy shall:

(a) (i) access the state electronic verification system before dispensing cannabis or a cannabis product to [~~an individual with~~] a medical cannabis [~~card~~] cardholder in order to determine if the [~~individual~~] cardholder or, where applicable, the associated patient has met the maximum amount of cannabis or cannabis products described in Subsection [~~(3)~~] (2); and

(ii) if the verification in Subsection (5)(a)(i) indicates that the individual has met the maximum amount described in Subsection (2):

(A) decline the sale; and

(B) notify the qualified medical provider who made the underlying recommendation;

(b) submit a record to the state electronic verification system each time the medical cannabis [~~dispensary~~] pharmacy dispenses cannabis or a cannabis product to [~~an individual with~~] a medical cannabis [~~card.~~] cardholder;

(c) package any cannabis or cannabis product that is in a blister pack in a container that:

(i) complies with Subsection 4-41a-602(2);

(ii) is tamper-resistant and tamper-evident; and

(iii) opaque; and

(d) for a product that is a cube that is designed for ingestion through chewing or holding in the mouth for slow dissolution, include a separate, off-label warning about the risks of over-consumption.

(6) (a) Except as provided in Subsection (6)(b), a medical cannabis [~~dispensary~~] pharmacy may not sell medical cannabis in the form of a cigarette or a medical cannabis device that is intentionally designed or constructed to resemble a cigarette.

(b) A medial cannabis [~~dispensary~~] pharmacy may sell a medical cannabis device that warms cannabis material into a vapor without the use of a flame and that delivers cannabis to an individual's respiratory system.

(7) A medical cannabis [~~dispensary~~] pharmacy may not give [~~to an individual with a~~

~~medical cannabis card~~], at no cost, a product that the medical cannabis [~~dispensary~~] pharmacy is allowed to sell under Subsection (1).

(8) The department may impose a uniform fee on each medical cannabis cardholder transaction in a medical cannabis pharmacy in an amount that, subject to Subsection 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

Section 74. Section **26-61a-503** is enacted to read:

26-61a-503. Partial filling.

(1) As used in this section, "partially fill" means to provide less than the full amount of cannabis or cannabis product that the qualified medical provider recommends, if the qualified medical provider recommended specific dosing parameters.

(2) A pharmacy medical provider may partially fill a recommendation for a medical cannabis treatment at the request of the qualified medical provider who issued the medical cannabis treatment recommendation or the medical cannabis cardholder.

(3) The department shall make rules, in collaboration with the Division of Occupational and Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, specifying how to record the date, quantity supplied, and quantity remaining of a partially filled medical cannabis treatment recommendation.

(4) A pharmacy medical provider who is a pharmacist may, upon the request of a medical cannabis cardholder, determine different dosing parameters, subject to the dosing limits in Subsection 26-61a-502(2), to fill the quantity remaining of a partially filled medical cannabis treatment recommendation if:

(a) the pharmacy medical provider determined dosing parameters for the partial fill under Subsection 26-61a-502(4); and

(b) the medical cannabis cardholder reports that:

(i) the partial fill did not substantially affect the qualifying condition underlying the medical cannabis recommendation; or

(ii) the patient experienced an adverse reaction to the partial fill or was otherwise

unable to successfully use the partial fill.

Section 75. Section **26-61a-504**, which is renumbered from Section 26-60b-503 is renumbered and amended to read:

[~~26-60b-503~~]. 26-61a-504. Inspections.

(1) Each medical cannabis pharmacy shall maintain the pharmacy's medical cannabis treatment recommendation files and other records in accordance with this chapter, department rules, and the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1936, as amended.

(2) The department may inspect the records and facility of a medical cannabis [~~dispensary~~] pharmacy at any time during business hours in order to determine if the medical cannabis [~~dispensary~~] pharmacy complies with [~~the licensing requirements of this part~~] this chapter.

(3) An inspection under this section may include:

(a) inspection of a site, facility, vehicle, book, record, paper, document, data, and other physical or electronic information;

(b) questioning of any relevant individual; or

(c) inspection of equipment, an instrument, a tool, or machinery, including a container or label.

(4) In making an inspection under this section, the department may freely access any area and review and make copies of a book, record, paper, document, data, or other physical or electronic information, including financial data, sales data, shipping data, pricing data, and employee data.

(5) Failure to provide the department or the department's authorized agents immediate access to records and facilities during business hours in accordance with this section may result in:

(a) the imposition of a civil monetary penalty that the department sets in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

(b) license or registration suspension or revocation; or

(c) an immediate cessation of operations under a cease and desist order that the department issues.

Section 76. Section **26-61a-505**, which is renumbered from Section 26-60b-504 is renumbered and amended to read:

[~~26-60b-504~~]. 26-61a-505. Advertising.

(1) Except as provided in Subsections (2) and (3), a medical cannabis [~~dispensary~~] pharmacy may not advertise in any medium.

(2) A medical cannabis [~~dispensary~~] pharmacy may use signage on the outside of the medical cannabis [~~dispensary~~] pharmacy that includes only:

(a) the medical cannabis [~~dispensary's~~] pharmacy's name and hours of operation; and

(b) a green cross.

(3) A medical cannabis [~~dispensary~~] pharmacy may maintain a website that includes information about:

(a) the location and hours of operation of the medical cannabis [~~dispensary~~] pharmacy;

(b) [~~the products and services~~] a product or service available at the medical cannabis [~~dispensary~~] pharmacy;

(c) personnel affiliated with the medical cannabis [~~dispensary~~] pharmacy;

(d) best practices that the medical cannabis [~~dispensary~~] pharmacy upholds; and

(e) educational [~~materials~~] material related to the medical use of cannabis.

Section 77. Section **26-61a-506**, which is renumbered from Section 26-60b-505 is renumbered and amended to read:

[~~26-60b-505~~]. 26-61a-506. Cannabis, cannabis product, or medical cannabis device transportation.

(1) [~~Except for an individual with a valid medical cannabis card, an individual~~] Only the following individuals may [~~not~~] transport cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device [~~unless the individual is~~] under this chapter:

(a) a registered medical cannabis [~~production establishment~~] pharmacy agent; [~~or~~]

(b) a registered [~~cannabis dispensary~~] state central fill agent[~~.~~];

(c) a courier for a state central fill shipment described in Section 26-61a-605; or

(d) a medical cannabis cardholder who is transporting a medical cannabis treatment that the cardholder is authorized to transport.

(2) Except for an individual with a valid medical cannabis card[~~, an individual~~] under this chapter who is transporting a medical cannabis[~~, a cannabis product, or a medical cannabis device~~] treatment that the cardholder is authorized to transport, an individual described in Subsection (1) shall possess a transportation manifest that:

(a) includes a unique identifier that links the cannabis, cannabis product, or medical cannabis device to a relevant inventory control system;

(b) includes origin and destination information for [~~any~~] cannabis, a cannabis product, or a medical cannabis device that the individual is transporting; and

(c) [~~indicates~~] identifies the departure and arrival times and locations of the individual transporting the cannabis, cannabis product, or medical cannabis device.

(3) (a) In addition to the requirements in Subsections (1) and (2), the department may establish[~~;~~] by rule [~~made~~], in collaboration with the Division of Occupational and Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, requirements for transporting cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device to ensure that [~~are related to safety for human~~] the cannabis [~~or~~], cannabis product, or medical cannabis device remains safe for human consumption.

(b) The transportation described in Subsection (3)(a) is limited to transportation:

(i) between a medical cannabis pharmacy and another medical cannabis pharmacy; and

(ii) between the state central fill medical cannabis pharmacy and:

(A) another state central fill medical cannabis pharmacy location; or

(B) a local health department.

(4) (a) [~~An individual who transports cannabis, a cannabis product, or a medical cannabis device~~] It is unlawful for a registered medical cannabis pharmacy agent, a registered

state central fill agent, or a courier described in Section 26-61a-605 to make a transport described in this section with a manifest that does not meet the requirements of [~~Subsection (2) is:~~] this section.

(b) Except as provided in Subsection (4)(d), an agent or courier who violates Subsection (4)(a) is:

[~~(a)~~] (i) guilty of an infraction; and

[~~(b)~~] (ii) subject to a $100 fine.

(c) An individual who is guilty of a violation described in Subsection (4)(b) is not guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct underlying the violation described in Subsection (4)(b).

(d) If the individual described in Subsection (4)(a) is transporting more cannabis, cannabis product, or medical cannabis devices than the manifest identifies, except for a de minimis administrative error:

(i) this chapter does not apply; and

(ii) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled Substances Act.

Section 78. Section **26-61a-507**, which is renumbered from Section 26-60b-506 is renumbered and amended to read:

[~~26-60b-506~~]. 26-61a-507. Local control.

[~~(1) A municipality or county may not enact a zoning ordinance that prohibits a cannabis dispensary from operating in a location within the municipality's or county's jurisdiction on the sole basis that the cannabis dispensary is a cannabis dispensary.~~]

(1) (a) (i) Except as provided in Subsection (1)(a)(ii), to be eligible to obtain or maintain a license under Section 26-61a-301, a person shall demonstrate that the intended medical cannabis pharmacy location is located at least:

(A) 600 feet from a community location's property boundary following the shortest route of ordinary pedestrian travel;

(B) 200 feet from the patron entrance to the community location's property boundary;

and

(C) 600 feet from an area zoned primarily residential.

(ii) A municipal or county land use authority may recommend in writing that the department waive the community location proximity requirement described in Subsection (1)(a)(i).

[~~(2)~~] (b) (i) A municipality or county may not deny or revoke a land use permit [~~or license~~] to operate a medical cannabis [~~dispensary~~] pharmacy on the sole basis that the applicant or medical cannabis [~~dispensary~~] pharmacy violates [~~a~~] federal law [~~of~~] regarding the [~~United States~~] legal status.

(ii) A municipality or county may not deny or revoke a business license to operate a medical cannabis pharmacy on the sole basis that the applicant or medical cannabis pharmacy violates federal law regarding the legal status of cannabis.

[~~(3)~~] (2) A municipality or county may enact [~~ordinances~~] an ordinance that:

(a) is not in conflict with this chapter [~~governing~~]; and

(b) governs the time, place, [~~and~~] or manner of medical cannabis [~~dispensary~~] pharmacy operations in the municipality or county.

Section 79. Section **26-61a-601** is enacted to read:

Part 6. State Central Fill Medical Cannabis Pharmacy

26-61a-601. Department to establish state central fill medical cannabis pharmacy -- Duties -- Pharmacy medical provider registration -- Continuing education.

(1) On or before July 1, 2020, the department shall establish or contract to establish, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, a state central fill medical cannabis pharmacy as described in this section.

(2) The state central fill medical cannabis pharmacy shall:

(a) procure cannabis that a cannabis processing facility processes into a medicinal dosage form;

(b) prepare cannabis in medicinal dosage form, a cannabis product in medicinal dosage form, or a medical cannabis device for shipment to a medical cannabis cardholder under a

qualified medical provider's recommendation to address a qualifying condition;

(c) transport a state central fill shipment, in accordance with Section 26-61a-605, to the relevant local health department for distribution, in accordance with Section 26-61a-607;

(d) (i) (A) if the state establishes the state central fill medical cannabis pharmacy, process and accept payment for a transaction involving a state central fill shipment; or

(B) if the state establishes the state central fill medical cannabis pharmacy by contract, process prepaid requests for a state central fill shipment from the department; and

(ii) deposit funds that the state central fill medical cannabis pharmacy collects under Subsection (2)(d)(i) into the Qualified Distribution Enterprise Fund created in Section 26-61a-110.

(3) (a) An individual may not enter a state central fill medical cannabis pharmacy location unless:

(i) the individual is a state central fill agent or an employee of the state central fill medical cannabis pharmacy;

(ii) the individual is an employee of the department; or

(iii) a state central fill agent escorts the individual at all times.

(b) An individual who violates Subsection (3)(a) is:

(i) guilty of an infraction; and

(ii) subject to a $100 fine.

(c) An individual who is guilty of a violation described in Subsection (3)(b) is not guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct underlying the violation described in Subsection (3)(b).

(4) (a) The state central fill medical cannabis pharmacy:

(i) shall employ at least one pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy Practice Act, as a state central fill medical provider;

(ii) may employ a physician who has the authority to write a prescription and is licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, as a state central fill medical provider;

(iii) shall ensure that a state central fill medical provider described in Subsection (4)(a)(i) works onsite at each location during all business hours;

(iv) shall designate one state central fill medical provider described in Subsection (4)(a)(i) as the pharmacist-in-charge, as that term is defined in Section 58-17b-102, to oversee the operation of and generally supervise the state central fill medical cannabis pharmacy; and

(v) may establish more than one location in which the state central fill medical cannabis pharmacy operates if the department determines, after an analysis of the current and anticipated market for cannabis in a medicinal dosage form and cannabis products in a medicinal dosage form, including costs and logistical issues in transportation of state central fill shipments, that multiple central fill locations are necessary to provide an adequate supply of state central fill shipments to local health departments for distribution to recipient medical cannabis cardholders.

(b) An individual may not serve as a state central fill medical provider unless the department registers the individual as a state central fill medical provider.

(5) (a) The department shall, within 15 days after the day on which the department receives an application from the state central fill medical cannabis pharmacy on behalf of a prospective state central fill medical provider, register and issue a state central fill medical provider registration card to the prospective state central fill medical provider if the state central fill medical cannabis pharmacy provides to the department:

(i) the prospective state central fill medical provider's name and address; and

(ii) evidence that the prospective state central fill medical provider is:

(A) a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy Practice Act; or

(B) a physician who has the authority to write a prescription and is licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

(b) The department may not register a qualified medical provider or a pharmacy medical provider as a state central fill medical provider.

(6) (a) A state central fill medical provider shall complete the continuing education described in this Subsection (6) in the following amounts:

(i) as a condition precedent to registration, four hours; and

(ii) as a condition precedent to renewal, four hours every two years.

(b) In accordance with Subsection (6)(a), the state central fill medical provider shall:

(i) complete continuing education:

(A) regarding the topics described in Subsection (6)(d); and

(B) offered by the department under Subsection (6)(c) or an accredited or approved continuing education provider that the department recognizes as offering continuing education appropriate for the medical cannabis pharmacy practice; and

(ii) make a continuing education report to the department in accordance with a process that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in collaboration with the Division of Occupational and Professional Licensing and:

(A) for a state central fill medical provider who is licensed under Title 58, Chapter 17b, Pharmacy Practice Act, the Board of Pharmacy;

(B) for a state central fill medical provider licensed under Title 58, Chapter 67, Utah Medical Practice Act, the Physicians Licensing Board; and

(C) for a state central fill medical provider licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, the Osteopathic Physician and Surgeon's Licensing Board.

(c) The department may, in consultation with the Division of Occupational and Professional Licensing, develop the continuing education described in this Subsection (6).

(d) The continuing education described in this Subsection (6) may discuss:

(i) the provisions of this chapter;

(ii) general information about medical cannabis under federal and state law;

(iii) the latest scientific research on the endocannabinoid system and medical cannabis, including risks and benefits;

(iv) recommendations for medical cannabis as it relates to the continuing care of a

patient in pain management, risk management, potential addiction, and palliative care; or

(v) best practices for recommending the form and dosage of medical cannabis products based on the qualifying condition underlying the medical cannabis recommendation.

(7) (a) A state central fill medical provider registration card expires two years after the day on which the department issues or renews the card.

(b) A state central fill medical provider may renew the provider's registration card if the provider:

(i) is eligible for a state central fill medical provider registration card under this section;

(ii) certifies to the department in a renewal application that the information in Subsection (5) is accurate or updates the information; and

(iii) submits a report detailing the completion of the continuing education requirement described in Subsection (6).

Section 80. Section **26-61a-602** is enacted to read:

26-61a-602. State central fill agent -- Background check -- Registration card -- Rebuttable presumption.

(1) An individual may not serve as a state central fill agent unless:

(a) the individual is an employee of the state central fill medical cannabis pharmacy; and

(b) the department registers the individual as a state central fill agent.

(2) (a) The department shall, within 15 days after the day on which the department receives a complete application from the state central fill medical cannabis pharmacy on behalf of a prospective state central fill agent, register and issue a state central fill agent registration card to the prospective agent if the state central fill medical cannabis pharmacy:

(i) provides to the department:

(A) the prospective agent's name and address;

(B) the submission required under Subsection (2)(b); and

(ii) as reported under Subsection (2)(b), has not been convicted under state or federal

law of:

(A) a felony; or

(B) after the effective date of this bill, a misdemeanor for drug distribution.

(b) Each prospective agent described in Subsection (2)(a) shall:

(i) submit to the department:

(A) a fingerprint card in a form acceptable to the Department of Public Safety; and

(B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next Generation Identification System's Rap Back Service; and

(ii) consent to a fingerprint background check by:

(A) the Bureau of Criminal Identification; and

(B) the Federal Bureau of Investigation.

(c) The Bureau of Criminal Identification shall:

(i) check the fingerprints the prospective agent submits under Subsection (2)(b) against the applicable state, regional, and national criminal records databases, including the Federal Bureau of Investigation Next Generation Identification System;

(ii) report the results of the background check to the department;

(iii) maintain a separate file of fingerprints that prospective agents submit under Subsection (2)(b) for search by future submissions to the local and regional criminal records databases, including latent prints;

(iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next Generation Identification System's Rap Back Service for search by future submissions to national criminal records databases, including the Next Generation Identification System and latent prints; and

(v) establish a privacy risk mitigation strategy to ensure that the department only receives notifications for an individual with whom the department maintains an authorizing relationship.

(d) The department shall:

(i) assess an individual who submits fingerprints under Subsection (2)(b) a fee in an amount that the department sets in accordance with Section 63J-1-504 for the services that the Bureau of Criminal Identification or another authorized agency provides under this section; and

(ii) remit the fee described in Subsection (2)(d) to the Bureau of Criminal Identification.

(3) (a) A state central fill agent shall comply with a certification standard that the department develops, in collaboration with the Division of Occupational and Professional Licensing and the Board of Pharmacy, or a third-party certification standard that the department designates by rule, in collaboration with the Division of Occupational and Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(b) The department shall ensure that the certification standard described in Subsection (3)(a) includes continuing education in:

(i) Utah medical cannabis law;

(ii) the state central fill medical cannabis pharmacy shipment process; and

(iii) state central fill agent best practices.

(4) The department may revoke or refuse to issue the state central fill agent registration card of an individual who:

(a) violates the requirements of this chapter; or

(b) is convicted under state or federal law of:

(i) a felony; or

(ii) after the effective date of this bill, a misdemeanor for drug distribution.

(5) (a) A state central fill agent registration card expires two years after the day on which the department issues or renews the card.

(b) A state central fill agent may renew the agent's registration card if the agent:

(i) is eligible for a state central fill registration card under this section; and

(ii) certifies to the department in a renewal application that the information in Subsection (2)(a) is accurate or updates the information.

(6) A state central fill agent who the department registers under this section shall carry the individual's state central fill agent registration card with the individual at all times when:

(a) the individual is on the premises of the state central fill medical cannabis pharmacy; and

(b) the individual is transporting cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device between a cannabis production establishment and the state central fill medical cannabis pharmacy.

(7) If an individual handling cannabis, a cannabis product, or a medical cannabis device handles the cannabis, cannabis product, or medical cannabis device in compliance with Subsection (6):

(a) there is a rebuttable presumption that the individual possesses the cannabis, cannabis product, or medical cannabis device legally; and

(b) there is no probable cause, based solely on the individual's handling of the cannabis in medicinal dosage form, cannabis product in medicinal dosage form, or medical cannabis device, that the individual is engaging in illegal activity.

(8) (a) An individual who violates Subsection (6) is:

(i) guilty of an infraction; and

(ii) subject to a $100 fine.

(b) An individual who is guilty of a violation described in Subsection (8)(a) is not guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct underlying the violation described in Subsection (8)(a).

Section 81. Section **26-61a-603** is enacted to read:

26-61a-603. Recommendation.

(1) When an individual receives a recommendation for a medical cannabis treatment from the individual's qualified medical provider, the individual may initiate a shipment from the state central fill medical cannabis pharmacy to a local health department by:

(a) contacting the state central fill medical cannabis pharmacy directly; or

(b) requesting that the qualified medical provider initiate the shipment through the state

electronic verification system.

(2) Upon receiving a request to prepare a shipment under Subsection (1), a state central fill agent shall:

(a) verify the shipment information using the state electronic verification system;

(b) process payment, including contacting the medical cannabis cardholder to complete payment if necessary;

(c) prepare the shipment in accordance with Section 26-61a-604;

(d) record the preparation of the shipment in the electronic verification system; and

(e) place the shipment for transportation in accordance with Section 26-61a-605.

Section 82. Section **26-61a-604** is enacted to read:

26-61a-604. State central fill shipment preparation.

(1) (a) The state central fill medical cannabis pharmacy may not prepare or ship to a local health department a product other than:

(i) cannabis in medicinal dosage form that the state central fill medical cannabis pharmacy acquired from a cannabis processing facility that is licensed under Section 4-41a-201;

(ii) a cannabis product in medicinal dosage form that the state central fill medical cannabis pharmacy acquired from a cannabis processing facility that is licensed under Section 4-41a-201;

(iii) a medical cannabis device; or

(iv) educational material related to the medical use of cannabis.

(b) The state central fill medical cannabis pharmacy may only sell or ship an item listed in Subsection (1)(a) in response to a request for shipment described in Subsection 26-61a-603(1).

(c) Notwithstanding Subsection (1)(a), the state central fill medical cannabis pharmacy may not sell a cannabis-based drug that the United States Food and Drug Administration has approved.

(2) The state central fill medical cannabis pharmacy may not prepare a shipment:

(a) for a medical cannabis cardholder in any one 12-day period, more than the lesser of:

(i) an amount sufficient to provide 14 days of treatment based on the dosing parameters that the relevant qualified medical provider recommends; or

(ii) (A) 56 grams by weight of unprocessed cannabis that is in a medicinal dosage form and that carries a label clearly displaying the amount of tetrahydrocannabinol and cannabidiol in the cannabis; or

(B) an amount of cannabis products that is in a medicinal dosage form and that contains, in total, greater than 10 grams of total composite tetrahydrocannabinol;

(b) to a medical cannabis cardholder whose primary residence is located more than 100 miles from the nearest medical cannabis pharmacy or local health department, in any one 28-day period, more than the lesser of:

(i) an amount sufficient to provide 30 days of treatment based on the dosing parameters that the relevant qualified medical provider recommends; or

(ii) (A) 113 grams by weight of unprocessed cannabis that is in a medicinal dosage form and that carries a label clearly displaying the amount of tetrahydrocannabinol and cannabidiol in the cannabis; or

(B) an amount of cannabis products that is in a medicinal dosage form and that contains, in total, greater than 20 grams of total composite tetrahydrocannabinol; or

(c) for an individual whose qualified medical provider did not recommend dosing parameters, any cannabis or cannabis product, until the individual consults with the state central fill medical provider in accordance with Subsection (4).

(3) A medical cannabis cardholder may not receive a state central fill shipment containing:

(a) more cannabis or cannabis products than the amounts designated in Subsection (2) in any one 12-day period; or

(b) if the relevant qualified medical provider did not recommend dosing parameters, any cannabis or cannabis product, until the cardholder consults with the state central fill medical provider in accordance with Subsection (4).

(4) If a qualified medical provider recommends treatment with medical cannabis or a cannabis product but does not provide dosing parameters:

(a) the qualified medical provider shall document in the recommendation:

(i) an evaluation of the qualifying condition underlying the recommendation;

(ii) prior treatment attempts with cannabis and cannabis products; and

(iii) the patient's current medication list; and

(b) before the relevant medical cannabis cardholder may receive a state central fill shipment, the state central fill medical provider shall:

(i) review pertinent medical records, including the qualified medical provider documentation described in Subsection (4)(a); and

(ii) after completing the review described in Subsection (4)(b)(i) and consulting with the recommending qualified medical provider as needed, determine the best course of treatment through consultation with the cardholder regarding:

(A) the patient's qualifying condition underlying the recommendation from the qualified medical provider;

(B) indications for available treatments;

(C) dosing parameters; and

(D) potential adverse reactions.

(5) The state central fill medical cannabis pharmacy shall:

(a) (i) access the state electronic verification system before preparing a shipment of cannabis or a cannabis product to determine if the medical cannabis cardholder or, where applicable, the associated patient has met the maximum amount of cannabis or cannabis product described in Subsection (2); and

(ii) if the verification in Subsection (5)(a)(i) indicates that the individual has met the maximum amount described in Subsection (2):

(A) decline the request to prepare the shipment; and

(B) notify the qualified medical provider that made the recommendation;

(b) submit a record to the state electronic verification system each time the state central

fill medical cannabis pharmacy prepares and ships a shipment of cannabis, a cannabis product, or a medical cannabis device;

(c) package any cannabis or cannabis product that is in a blister pack in a container that:

(i) complies with Subsection 4-41a-602(2);

(ii) is tamper-resistant and tamper-evident; and

(iii) is opaque; and

(d) for any product that is a cube that is designed for ingestion through chewing or holding in the mouth for slow dissolution, include a separate, off-label warning about the risks of over-consumption.

(6) (a) Except as provided in Subsection (6)(b), the state central fill medical cannabis pharmacy may not sell medical cannabis in the form of a cigarette or a medical cannabis device that is intentionally designed or constructed to resemble a cigarette.

(b) The state central fill medical cannabis pharmacy may sell a medical cannabis device that warms cannabis material into a vapor without the use of a flame and that delivers cannabis to an individual's respiratory system.

(7) The state central fill medical cannabis pharmacy may not give, at no cost, a product that the medical cannabis pharmacy is allowed to sell under Subsection (1).

(8) (a) The state central fill medical cannabis pharmacy shall retain in the pharmacy's records the following information regarding each recommendation underlying a transaction:

(i) the qualified medical provider's name, address, and telephone number;

(ii) the patient's name and address;

(iii) the date of issuance;

(iv) dosing parameters or an indication that the qualified medical provider did not recommend specific dosing parameters; and

(v) the name and the address of the medical cannabis cardholder if the cardholder is not the patient.

(b) The state central fill medical cannabis pharmacy may not sell cannabis or a

cannabis product unless the cannabis or cannabis product has a label securely affixed to the container indicating the following minimum information:

(i) the name and telephone number of the state central fill medical cannabis pharmacy;

(ii) the unique identification number that the state central fill medical cannabis pharmacy assigns;

(iii) the date of the sale;

(iv) the name of the medical cannabis cardholder;

(v) the name of the qualified medical provider who recommends the medical cannabis treatment;

(vi) directions for use and cautionary statements, if any;

(vii) the amount dispensed and the cannabinoid content;

(viii) the beyond use date; and

(ix) any other requirements that the department determines, in consultation with the Division of Occupational and Professional Licensing and the Board of Pharmacy.

(9) A pharmacy medical provider at the state central fill medical cannabis pharmacy or a state central fill agent shall:

(a) include in each state central fill shipment written counseling regarding the state central fill shipment; and

(b) provide a telephone number or website by which a medical cannabis cardholder may contact a pharmacy medical provider for counseling.

(10) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, protocols for a recall of cannabis and cannabis products by the state central fill medical cannabis pharmacy.

(11) The department may impose a uniform fee on each medical cannabis cardholder transaction for a state central fill shipment in an amount that, subject to Subsection 26-61a-109(5), the department sets in accordance with Section 63J-1-504.

Section 83. Section **26-61a-605** is enacted to read:

26-61a-605. State central fill shipment transportation.

(1) The state central fill medical cannabis pharmacy shall ensure that the state central fill medical cannabis pharmacy is capable of delivering, in a secure manner, cannabis in medicinal dosage form, a cannabis product in medicinal dosage form, and a medical cannabis device to each local health department in the state within two business days after the day on which the state central fill medical cannabis pharmacy receives a request for a state central fill shipment resulting from a recommendation of a qualified medical provider under Section 26-61a-603.

(2) (a) The department may contract with a private entity for the entity to serve as a courier for the state central fill medical cannabis pharmacy, delivering state central fill shipments to local health departments for distribution to medical cannabis cardholders.

(b) If the department enters into a contract described in Subsection (2)(a), the department shall:

(i) issue the contract described in Subsection (2)(a) in accordance with Title 63G, Chapter 6a, Utah Procurement Code;

(ii) impose security and personnel requirements on the contracted private entity sufficient to ensure the security and safety of state central fill shipments; and

(iii) provide regular oversight of the contracted private entity.

(3) Except for an individual with a valid medical cannabis card who transports a shipment the individual receives, an individual may not transport a state central fill shipment unless the individual is:

(a) a registered state central fill agent; or

(b) an agent of the private courier described in Subsection (2).

(4) An individual transporting a state central fill shipment shall possess a transportation manifest that:

(a) includes a unique identifier that links the state central fill shipment to a relevant inventory control system;

(b) includes origin and destination information for a state central fill shipment the individual is transporting; and

(c) indicates the departure and arrival times and locations of the individual transporting the state central fill shipment.

(5) In addition to the requirements in Subsections (3) and (4), the department may establish by rule, in collaboration with the Division of Occupational and Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, requirements for transporting state central fill shipments that are related to safety for human consumption of cannabis or a cannabis product.

(6) (a) It is unlawful for an individual to transport a state central fill shipment with a manifest that does not meet the requirements of Subsection (4).

(b) Except as provided in Subsection (6)(d), an individual who violates Subsection (6)(a) is:

(i) guilty of an infraction; and

(ii) subject to a $100 fine.

(c) An individual who is guilty of a violation described in Subsection (6)(b) is not guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct underlying the violation described in Subsection (6)(b).

(d) If the individual described in Subsection (6)(a) is transporting more cannabis, cannabis product, or medical cannabis devices than the manifest identifies, except for a de minimis administrative error:

(i) this chapter does not apply; and

(ii) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled Substances Act.

Section 84. Section **26-61a-606** is enacted to read:

26-61a-606. Local health department distribution agent -- Background check -- Registration card -- Rebuttable presumption.

(1) An individual may not serve as a local health department distribution agent unless:

(a) the individual is an employee of a local health department; and

(b) the department registers the individual as a local health department distribution

agent.

(2) (a) The department shall, within 15 days after the day on which the department receives a complete application from a local health department on behalf of a prospective local health department distribution agent, register and issue a local health department distribution agent registration card to the prospective agent if the local health department:

(i) provides to the department:

(A) the prospective agent's name and address;

(B) the name and location of the local health department where the prospective agent seeks to act as a local health department distribution agent;

(C) the submission required under Subsection (2)(b); and

(ii) as reported under Subsection (2)(c), has not been convicted under state or federal law of:

(A) a felony; or

(B) after the effective date of this bill, a misdemeanor for drug distribution.

(b) Each prospective agent described in Subsection (2)(a) shall:

(i) submit to the department:

(A) a fingerprint card in a form acceptable to the Department of Public Safety; and

(B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next Generation Identification System's Rap Back Service; and

(ii) consent to a fingerprint background check by:

(A) the Bureau of Criminal Identification; and

(B) the Federal Bureau of Investigation.

(c) The Bureau of Criminal Identification shall:

(i) check the fingerprints the prospective agent submits under Subsection (2)(b) against the applicable state, regional, and national criminal records databases, including the Federal Bureau of Investigation Next Generation Identification System;

(ii) report the results of the background check to the department;

(iii) maintain a separate file of fingerprints that prospective agents submit under Subsection (2)(b) for search by future submissions to the local and regional criminal records databases, including latent prints;

(iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next Generation Identification System's Rap Back Service for search by future submissions to national criminal records databases, including the Next Generation Identification System and latent prints; and

(v) establish a privacy risk mitigation strategy to ensure that the department only receives notifications for an individual with whom the department maintains an authorizing relationship.

(d) The department shall:

(i) assess an individual who submits fingerprints under Subsection (2)(b) a fee in an amount that the department sets in accordance with Section 63J-1-504 for the services that the Bureau of Criminal Identification or another authorized agency provides under this section; and

(ii) remit the fee described in Subsection (2)(d) to the Bureau of Criminal Identification.

(3) The department shall designate on an individual's local health department distribution agent registration card the name of the local health department where the individual is registered as an agent.

(4) (a) A local health department distribution agent shall comply with a certification standard that the department develops, in collaboration with the Division of Occupational and Professional Licensing and the Board of Pharmacy, or a third-party certification standard that the department designates by rule in collaboration with the Division of Occupational and Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(b) The department shall ensure that the certification standard described in Subsection (4)(a) includes training in:

(i) Utah medical cannabis law;

(ii) the state central fill medical cannabis pharmacy shipment process; and

(iii) local health department distribution agent best practices.

(5) The department may revoke or refuse to issue or renew the local health department distribution agent registration card of an individual who:

(a) violates the requirements of this chapter; or

(b) is convicted under state or federal law of:

(i) a felony; or

(ii) after the effective date of this bill, a misdemeanor for drug distribution.

(6) A local health department distribution agent who the department has registered under this section shall carry the agent's local health department distribution agent registration card with the agent at all times when:

(a) the agent is on the premises of the local health department; and

(b) the agent is handling a shipment of cannabis or cannabis product from the state central fill medical cannabis pharmacy.

(7) If a local health department distribution agent handling a shipment of cannabis or cannabis product from the state central fill medical cannabis pharmacy possesses the shipment in compliance with Subsection (6):

(a) there is a rebuttable presumption that the agent possesses the shipment legally; and

(b) there is no probable cause, based solely on the agent's possession of the shipment containing medical cannabis in medicinal dosage form, a cannabis product in medicinal dosage form, or a medical cannabis device, that the agent is engaging in illegal activity.

(8) (a) A local health department distribution agent who violates Subsection (6) is:

(i) guilty of an infraction; and

(ii) subject to a $100 fine.

(b) An individual who is guilty of a violation described in Subsection (8)(a) is not guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct underlying the violation described in Subsection (8)(a).

Section 85. Section **26-61a-607** is enacted to read:

26-61a-607. Local health department distribution.

(1) Each local health department shall designate:

(a) one or more of the local health department's locations as a state central fill shipment distribution location; and

(b) a sufficient number of personnel to ensure that at least one individual is available at all times during business hours:

(i) whom the department has registered as a local health department distribution agent; and

(ii) to distribute state central fill shipments to medical cannabis cardholders in accordance with this section.

(2) An individual may not retrieve a shipment from the state central fill medical cannabis pharmacy at a local health department unless the individual presents:

(a) a form of identification that is a valid United States federal- or state-issued photo identification, including a driver license, a United States passport, a United States passport card, or a United States military identification card; and

(b) a valid medical cannabis card under the same name that appears on the identification described in Subsection (2)(a).

(3) Before a local health department distribution agent distributes a state central fill shipment to a medical cannabis cardholder, the local health department distribution agent shall:

(a) verify the shipment information using the state electronic verification system;

(b) ensure that the individual satisfies the identification requirements in Subsection (2);

(c) verify that payment is complete; and

(d) record the completion of the shipment transaction in the electronic verification system.

(4) The local health department shall:

(a) (i) store each state central fill shipment that the local health department receives, until the recipient medical cannabis cardholder retrieves the shipment or the local health department returns the shipment to the state central fill medical cannabis pharmacy in

accordance with Subsection (5), in a single, secure, locked area that is equipped with a security system that detects and records entry into the area; and

(ii) ensure that only a local health department distribution agent is able to access the area;

(b) return any unclaimed state central fill shipment to the state central fill medical cannabis pharmacy, in accordance with Subsection (5)(a), after the local health department has possessed the state central fill shipment for 10 business days; and

(c) return any state central fill shipment to the state central fill medical cannabis pharmacy, in accordance with Subsection (5)(b), if a medical cannabis cardholder returns the shipment to the local health department after retrieving the shipment.

(5) (a) If a local health department returns an unclaimed state central fill shipment under Subsection (4)(b), the state central fill medical cannabis pharmacy may repackage or otherwise reuse the shipment for another state central fill shipment.

(b) If a local health department returns a returned state central fill shipment under Subsection (4)(c), the state central fill medical cannabis pharmacy shall dispose of the returned shipment by:

(i) rendering the state central fill shipment unusable and unrecognizable before transporting the shipment from the state central fill medical cannabis pharmacy; and

(ii) disposing of the state central fill shipment in accordance with:

(A) federal and state laws, rules, and regulations related to hazardous waste;

(B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

(C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

(D) other regulations that the department makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Section 86. Section **26-61a-608** is enacted to read:

26-61a-608. Department to set state central fill medical cannabis pharmacy prices.

(1) The department shall set a price schedule for cannabis in a medicinal dosage form that the state central fill medical cannabis pharmacy sells to medical cannabis cardholders

through distribution to local health departments.

(2) The department shall ensure that the price schedule described in Subsection (1):

(a) through an annual review, takes into consideration:

(i) the demand for medical cannabis and cannabis products dispensed through the state central fill medical cannabis pharmacy and the local health departments;

(ii) the labor required to cultivate and process cannabis into a medicinal dosage form;

(iii) the regulatory burden involved in the creation of the product; and

(iv) any other consideration the department considers necessary; and

(b) after at least three medical cannabis pharmacies that the department licenses under Section 26-61a-301 are operational, contains pricing for a specific product that is within 10% of the average price for the product among the operational medical cannabis pharmacies.

(3) The department shall ensure that the price schedule that the department sets under Subsection (1) includes a set fee that the department deposits into the Qualified Distribution Enterprise Fund to cover the cost of:

(a) the state central fill medical cannabis pharmacy; and

(b) the courier described in Section 26-61a-605, if any.

Section 87. Section **26-61a-609** is enacted to read:

26-61a-609. Partial filling.

(1) As used in this section, "partially fill" means to provide less than the full amount of cannabis or cannabis product that the qualified medical provider recommends, if the qualified medical provider recommended specific dosing parameters.

(2) The state central fill medical cannabis pharmacy may partially fill a recommendation for a medical cannabis treatment at the request of the qualified medical provider who issued the medical cannabis treatment recommendation or the medical cannabis cardholder.

(3) The department shall make rules in collaboration with the Division of Occupational and Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, specifying how to record the date, quantity

supplied, and quantity remaining of a partially filled medical cannabis treatment recommendation.

(4) A state central fill medical provider who is a pharmacist may, upon the request of a medical cannabis cardholder, determine different dosing parameters, subject to the dosing limits in Subsection 26-61a-604(2), to fill the quantity remaining of a partially filled medical cannabis treatment recommendation if:

(a) the state central fill medical provider determined dosing parameters for the partial fill under Subsection 26-61a-604(4); and

(b) the medical cannabis cardholder reports that:

(i) the partial fill did not substantially affect the qualifying condition underlying the medical cannabis recommendation; or

(ii) the patient experienced an adverse reaction to the partial fill or was otherwise unable to successfully use the partial fill.

Section 88. Section **26-61a-610** is enacted to read:

26-61a-610. Records -- Inspections.

(1) The state central fill medical cannabis pharmacy shall maintain the pharmacy's medical cannabis treatment recommendation files and other records in accordance with this chapter, department rules, and the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1936, as amended.

(2) The department may inspect the records and facility of the state central fill medical cannabis pharmacy or a local health department at any time during business hours in order to determine compliance with this chapter.

(3) An inspection under this section may include:

(a) inspection of a site, facility, vehicle, book, record, paper, document, data, and other physical or electronic information;

(b) questioning of any relevant individual; or

(c) inspection of equipment, an instrument, a tool, or machinery, including a container or label.

(4) In making an inspection under this section, the department may freely access any area and review and make copies of a book, record, paper, document, data, or other physical or electronic information, including financial data, sales data, shipping data, pricing data, and employee data.

(5) Failure to provide the department or the department's authorized agents immediate access during business hours in accordance with this section may result in:

(a) the imposition of a civil monetary penalty that the department sets in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

(b) license or registration suspension or revocation; or

(c) an immediate cessation of operations under a cease and desist order that the department issues.

Section 89. Section **26-61a-611** is enacted to read:

26-61a-611. Advertising.

(1) Except as provided in Subsection (2), the state central fill medical cannabis pharmacy may not advertise in any medium.

(2) The state central fill medical cannabis pharmacy may maintain a website that includes information about:

(a) the contact information for the state central fill medical cannabis pharmacy;

(b) a product or service available through shipment from the state central fill medical cannabis pharmacy;

(c) a description of the state central fill medical cannabis pharmacy shipment process;

(d) information about retrieving a state central fill shipment at a local health department; or

(e) educational material related to the medical use of cannabis.

Section 90. Section **26-61a-701** is enacted to read:

Part 7. Enforcement

26-61a-701. Enforcement -- Misdemeanor.

(1) Except as provided in Title 4, Chapter 41a, Cannabis Production Establishments,

and Sections 26-61a-502, 26-61a-605, and 26-61a-607, it is unlawful for a medical cannabis cardholder to sell or otherwise give to another medical cannabis cardholder cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, a medical cannabis device, or any cannabis residue remaining in or from a medical cannabis device.

(2) (a) Except as provided in Subsection (2)(b), a medical cannabis cardholder who violates Subsection (1) is:

(i) guilty of a class B misdemeanor; and

(ii) subject to a $1,000 fine.

(b) An individual is not guilty under Subsection (2)(a) if the individual:

(i) (A) is a designated caregiver; and

(B) gives the product described in Subsection (1) to the medical cannabis cardholder who designated the individual as a designated caregiver; or

(ii) (A) is a medical cannabis guardian cardholder; and

(B) gives the product described in Subsection (1) to the relevant provisional patient cardholder.

(c) An individual who is guilty of a violation described in Subsection (2)(a) is not guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct underlying the violation described in Subsection (2)(a).

Section 91. Section **26-61a-702**, which is renumbered from Section 26-60b-601 is renumbered and amended to read:

[~~26-60b-601~~]. 26-61a-702. Enforcement -- Fine -- Citation.

(1) (a) The department may, for a medical cannabis pharmacy's violation of this chapter [~~by a person who is a cannabis dispensary or cannabis dispensary agent~~]:

[~~(a)~~] (i) revoke the [~~person's license or~~] medical cannabis [~~dispensary agent registration card~~] pharmacy license;

[~~(b)~~] (ii) refuse to renew the [~~person's license or~~] medical cannabis [~~dispensary agent registration card~~] pharmacy license; or

[~~(c)~~] (iii) assess the [~~person~~] medical cannabis pharmacy an administrative penalty.

(b) The department may, for a medical cannabis pharmacy agent's or state central fill agent's violation of this chapter:

(i) revoke the medical cannabis pharmacy agent or state central fill agent registration card;

(ii) refuse to renew the medical cannabis pharmacy agent or state central fill agent registration card; or

(iii) assess the medical cannabis pharmacy agent or state central fill agent an administrative penalty.

(2) The department shall deposit an administrative penalty imposed under this section [~~in~~] into the [~~general fund~~] General Fund.

(3) [~~The department may, for~~] For a person subject to an uncontested citation, a stipulated settlement, or a finding of a violation in an adjudicative proceeding under this section, the department may:

(a) for a fine amount not already specified in law, assess the person a fine[~~, established in accordance with Section 63J-1-504~~,] of up to $5,000 per violation, in accordance with a fine schedule [~~established~~] that the department establishes by rule [~~made~~] in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

(b) order the person to cease and desist from the action that creates a violation.

(4) The department may not revoke a medical cannabis [~~dispensary's~~] pharmacy's license without first directing the medical cannabis [~~dispensary~~] pharmacy to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.

(5) If, within 20 calendar days after the day on which the department issues a citation for a violation of this chapter, the person that is the subject of the citation fails to request a hearing to contest the citation, the citation becomes the department's final order.

(6) The department may, for a person who fails to comply with a citation under this section:

(a) refuse to issue or renew the person's license [~~or cannabis dispensary~~] agent registration card; or

(b) suspend, revoke, or place on probation the person's license or [~~cannabis dispensary~~] agent registration card.

(7) (a) [~~If the department makes a final determination under this section that~~] Except where a criminal penalty is expressly provided for a specific violation of this chapter, if an individual [~~violated~~] violates a provision of this chapter, the individual is:

(i) guilty of an infraction[~~.~~]; and

(ii) subject to a $100 fine.

(b) An individual who is guilty of a violation described in Subsection (7)(a) is not guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct underlying the violation described in Subsection (7)(a).

Section 92. Section **26-61a-703**, which is renumbered from Section 26-60b-602 is renumbered and amended to read:

[~~26-60b-602~~]. 26-61a-703. Report.

(1) [~~The~~] By the November interim meeting each year, the department shall report [~~annually~~] to the Health and Human Services Interim Committee on:

(a) the number of applications and renewal applications filed for medical cannabis cards[~~;~~];

(b) the number of qualifying patients and designated caregivers[~~;~~];

(c) the nature of the debilitating medical conditions of the qualifying patients[~~;~~];

(d) the age and county of residence of cardholders[~~;~~];

(e) the number of medical cannabis cards revoked[~~;~~];

(f) the number of practitioners providing recommendations for qualifying patients[~~;~~];

(g) the number of license applications and renewal license applications received[~~;~~];

(h) the number of licenses the department has issued in each county[~~;~~];

(i) the number of licenses the department has revoked[~~; and~~];

(j) the quantity and timeliness of state central fill shipments, including the amount of time between recommendation to the state central fill medical cannabis pharmacy and arrival of a state central fill shipment at a local health department;

(k) the market share of state central fill shipments;

(l) the expenses incurred and revenues generated from the medical cannabis program[.];

(m) the expenses incurred and revenues generated from the state central fill medical cannabis pharmacy, including a profit and loss statement; and

(n) an analysis of product availability, including the price differential between comparable products, in medical cannabis pharmacies and the state central fill medical cannabis pharmacy.

(2) The department may not include personally identifying information in the report described in this section.

Section 93. Section **26-65-102 (Effective 07/01/19)** is amended to read:

26-65-102 (Effective 07/01/19). Definitions.

(1) "Agent" means an employee or independent contractor of an entity.

[~~(2) "Cannabidiol laboratory" means the same as that term is defined in Section 4-43-102.~~]

[~~(3)~~] (2) "Cannabidiol product" means [~~the same as that term is defined in Section 4-41-102.~~] a chemical compound extracted from cannabis that:

(a) is processed into a medicinal dosage form; and

(b) contains less than 0.3% tetrahydrocannabinol by dry weight.

(3) "Cannabis" means marijuana, as that term is defined in Section 58-37-2.

[~~(4) "Cannabidiol-qualified pharmacy" means the same as that term is defined in Section 4-43-102.~~]

[~~(5) "Cannabinoid Product Restricted Account" means the account created in Section 4-43-801.~~]

[~~(6)~~] (4) "Medicinal dosage form" means a qualifying dosage form for a cannabidiol product under Section 26-65-103.

[~~(7)~~] (5) "Physician" means an individual who is licensed to practice:

(a) medicine, under Title 58, Chapter 67, Utah Medical Practice Act; or

(b) osteopathic medicine, under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

Section 94. Section **26-65-103 (Effective 07/01/19)** is amended to read:

26-65-103 (Effective 07/01/19). Medicinal dosage form.

(1) For the purpose of this chapter, any of the following is a qualifying medicinal dosage form for a cannabidiol product:

(a) a tablet;

(b) a capsule;

(c) a concentrated oil;

(d) a liquid suspension;

(e) a transdermal preparation; and

(f) a sublingual preparation.

(2) A patient may not purchase, use, or possess a cannabidiol product unless the cannabidiol product is prepared in a medicinal dosage form.

(3) A [~~cannabidiol-qualified~~] pharmacy may not purchase, possess, or sell a cannabidiol product unless the cannabidiol product is prepared in a medicinal dosage form.

(4) The department may recommend that the Legislature approve the use of an additional medicinal dosage form.

Section 95. Section **30-3-10** is amended to read:

30-3-10. Custody of children in case of separation or divorce -- Custody consideration.

(1) If a [~~husband and wife~~] married couple having one or more minor children are separated, or their marriage is declared void or dissolved, the court shall make an order for the future care and custody of the minor children as it considers appropriate.

(a) In determining any form of custody, including a change in custody, the court shall consider the best interests of the child without preference for either [~~the mother or father~~] parent solely because of the biological sex of the parent and, among other factors the court finds relevant, the following:

(i) in accordance with Subsection (7), the past conduct and demonstrated moral standards of each of the parties;

(ii) which parent is most likely to act in the best interest of the child, including allowing the child frequent and continuing contact with the noncustodial parent;

(iii) the extent of bonding between the parent and child, meaning the depth, quality, and nature of the relationship between a parent and child;

(iv) whether the parent has intentionally exposed the child to pornography or material harmful to a minor, as defined in Section 76-10-1201; and

(v) those factors outlined in Section 30-3-10.2.

(b) There [~~shall be~~] is a rebuttable presumption that joint legal custody, as defined in Section 30-3-10.1, is in the best interest of the child, except in cases where there is:

(i) domestic violence in the home or in the presence of the child;

(ii) special physical or mental needs of a parent or child, making joint legal custody unreasonable;

(iii) physical distance between the residences of the parents, making joint decision making impractical in certain circumstances; or

(iv) any other factor the court considers relevant including those listed in this section and Section 30-3-10.2.

(c) (i) The person who desires joint legal custody shall file a proposed parenting plan in accordance with Sections 30-3-10.8 and 30-3-10.9.

(ii) A presumption for joint legal custody may be rebutted by a showing by a preponderance of the evidence that it is not in the best interest of the child.

(d) [~~The children~~] A child may not be required by either party to testify unless the trier of fact determines that extenuating circumstances exist that would necessitate the testimony of the [~~children~~] child be heard and there is no other reasonable method to present [~~their~~] the child's testimony.

(e) (i) The court may inquire of [~~the children~~] the child's and take into consideration the [~~children's~~] the child's desires regarding future custody or parent-time schedules, but the

expressed desires are not controlling and the court may determine the children's custody or parent-time otherwise.

(ii) The desires of a child 14 years of age or older shall be given added weight, but is not the single controlling factor.

(f) (i) If [~~interviews~~] an interview with [~~the children are~~] a child is conducted by the court pursuant to Subsection (1)(e), [~~they~~] the interview shall be conducted by the judge in camera.

(ii) The prior consent of the parties may be obtained but is not necessary if the court finds that an interview with [~~the children~~] a child is the only method to ascertain the child's desires regarding custody.

(2) In awarding custody, the court shall consider, among other factors the court finds relevant, which parent is most likely to act in the best interests of the child, including allowing the child frequent and continuing contact with the noncustodial parent as the court finds appropriate.

(3) If the court finds that one parent does not desire custody of the child, the court shall take that evidence into consideration in determining whether to award custody to the other parent.

(4) (a) Except as provided in Subsection (4)(b), a court may not discriminate against a parent due to a disability, as defined in Section 57-21-2, in awarding custody or determining whether a substantial change has occurred for the purpose of modifying an award of custody.

(b) [~~If a~~] The court [~~takes a parent's~~] may not consider the disability [~~into account~~] of a parent as a factor in awarding custody or [~~determining whether~~] modifying an award of custody based on a determination of a substantial change [~~has occurred for the purpose of modifying an award of custody, the parent with a disability may rebut any evidence, presumption, or inference arising from the disability by showing~~] in circumstances, unless the court makes specific findings that:

(i) the disability [~~does not~~] significantly or substantially [~~inhibit~~] inhibits the parent's ability to provide for the physical and emotional needs of the child at issue; and

(ii) the parent with a disability [~~has~~] lacks sufficient human, monetary, or other resources available to supplement the parent's ability to provide for the physical and emotional needs of the child at issue.

(c) Nothing in this section may be construed to apply to adoption proceedings under Title 78B, Chapter 6, Part 1, Utah Adoption Act.

(5) This section establishes neither a preference nor a presumption for or against joint physical custody or sole physical custody, but allows the court and the family the widest discretion to choose a parenting plan that is in the best interest of the child.

(6) When an issue before the court involves custodial responsibility in the event of a deployment of one or both parents who are servicemembers, and the servicemember has not yet been notified of deployment, the court shall resolve the issue based on the standards in Sections 78B-20-306 through 78B-20-309.

[~~(6)~~] (7) In considering the past conduct and demonstrated moral standards of each [~~of the parties as described~~] party under Subsection (1)(a)(i)[~~,~~] or any other factor a court finds relevant, the court may not discriminate against a parent because of or otherwise consider the parent's:

(a) lawful possession or [~~consumption~~] use of cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device, in accordance with Title 26, Chapter [~~60b~~] 61a, Utah Medical Cannabis Act, except as it relates to that parent's ability to care for a child; or [~~because of~~]

(b) [~~the parent's~~] status as a:

(i) cannabis production establishment agent, as that term is defined in Section 4-41a-102;

(ii) medical cannabis pharmacy agent, as that term is defined in Section 26-61a-102;

(iii) state central fill agent, as that term is defined in Section 26-61a-102; or

(iv) medical cannabis cardholder in accordance with [~~Title 4, Chapter 41b, a cannabis dispensary agent in accordance with Title 26, Chapter 60b, or a medical cannabis card holder in accordance with~~] Title 26, Chapter [~~60b~~] 61a, Utah Medical Cannabis Act.

Section 96. Section **34A-2-418** is amended to read:

34A-2-418. Awards -- Medical, nursing, hospital, and burial expenses -- Artificial means and appliances.

(1) In addition to the compensation provided in this chapter or Chapter 3, Utah Occupational Disease Act, and subject to Subsection 34A-2-407(11), the employer or the insurance carrier shall pay reasonable sums for medical, nurse, and hospital services, for medicines, and for artificial means, appliances, and prostheses necessary to treat the injured employee.

(2) The employer and the insurance carrier are not required to pay or reimburse for cannabis, a cannabis product, or a medical cannabis device, as those terms are defined in Section 26-61a-102.

[~~(2)~~] (3) If death results from the injury, the employer or the insurance carrier shall pay the burial expenses in ordinary cases as established by rule.

[~~(3)~~] (4) If a compensable accident results in the breaking of or loss of an employee's artificial means or appliance including eyeglasses, the employer or insurance carrier shall provide a replacement of the artificial means or appliance.

[~~(4)~~] (5) An administrative law judge may require the employer or insurance carrier to maintain the artificial means or appliances or provide the employee with a replacement of any artificial means or appliance for the reason of breakage, wear and tear, deterioration, or obsolescence.

[~~(5)~~] (6) An administrative law judge may, in unusual cases, order, as the administrative law judge considers just and proper, the payment of additional sums:

(a) for burial expenses; or

(b) to provide for artificial means or appliances.

Section 97. Section **41-6a-517 (Superseded 07/01/19)** is amended to read:

41-6a-517 (Superseded 07/01/19). Definitions -- Driving with any measurable controlled substance in the body -- Penalties -- Arrest without warrant.

(1) As used in this section:

(a) "Controlled substance" means the same as that term is defined in Section 58-37-2.

(b) "Practitioner" means the same as that term is defined in Section 58-37-2.

(c) "Prescribe" means the same as that term is defined in Section 58-37-2.

(d) "Prescription" means the same as that term is defined in Section 58-37-2.

(2) In cases not amounting to a violation of Section 41-6a-502, a person may not operate or be in actual physical control of a motor vehicle within this state if the person has any measurable controlled substance or metabolite of a controlled substance in the person's body.

(3) It is an affirmative defense to prosecution under this section that the controlled substance was:

(a) involuntarily ingested by the accused;

(b) prescribed by a practitioner for use by the accused; [~~or~~]

(c) cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form that the accused ingested in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act; or

[~~(c)~~] (d) otherwise legally ingested.

(4) (a) A person convicted of a violation of Subsection (2) is guilty of a class B misdemeanor.

(b) A person who violates this section is subject to conviction and sentencing under both this section and any applicable offense under Section 58-37-8.

(5) A peace officer may, without a warrant, arrest a person for a violation of this section when the officer has probable cause to believe the violation has occurred, although not in the officer's presence, and if the officer has probable cause to believe that the violation was committed by the person.

(6) The Driver License Division shall, if the person is 21 years of age or older on the date of arrest:

(a) suspend, for a period of 120 days, the driver license of a person convicted under Subsection (2) of an offense committed on or after July 1, 2009; or

(b) revoke, for a period of two years, the driver license of a person if:

(i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

(ii) the current violation under Subsection (2) is committed on or after July 1, 2009, and within a period of 10 years after the date of the prior violation.

(7) The Driver License Division shall, if the person is 19 years of age or older but under 21 years of age on the date of arrest:

(a) suspend, until the person is 21 years of age or for a period of one year, whichever is longer, the driver license of a person convicted under Subsection (2) of an offense committed on or after July 1, 2011; or

(b) revoke, until the person is 21 years of age or for a period of two years, whichever is longer, the driver license of a person if:

(i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

(ii) the current violation under Subsection (2) is committed on or after July 1, 2009, and within a period of 10 years after the date of the prior violation.

(8) The Driver License Division shall, if the person is under 19 years of age on the date of arrest:

(a) suspend, until the person is 21 years of age, the driver license of a person convicted under Subsection (2) of an offense committed on or after July 1, 2009; or

(b) revoke, until the person is 21 years of age, the driver license of a person if:

(i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

(ii) the current violation under Subsection (2) is committed on or after July 1, 2009, and within a period of 10 years after the date of the prior violation.

(9) The Driver License Division shall subtract from any suspension or revocation period the number of days for which a license was previously suspended under Section 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon which the record of conviction is based.

(10) The Driver License Division shall:

(a) deny, suspend, or revoke a person's license for the denial and suspension periods in effect prior to July 1, 2009, for a conviction of a violation under Subsection (2) that was

committed prior to July 1, 2009; or

(b) deny, suspend, or revoke the operator's license of a person for the denial, suspension, or revocation periods in effect from July 1, 2009, through June 30, 2011, if:

(i) the person was 20 years of age or older but under 21 years of age at the time of arrest; and

(ii) the conviction under Subsection (2) is for an offense that was committed on or after July 1, 2009, and prior to July 1, 2011.

(11) A court that reported a conviction of a violation of this section for a violation that occurred on or after July 1, 2009, to the Driver License Division may shorten the suspension period imposed under Subsection (7)(a) or (8)(a) prior to completion of the suspension period if the person:

(a) completes at least six months of the license suspension;

(b) completes a screening;

(c) completes an assessment, if it is found appropriate by a screening under Subsection (11)(b);

(d) completes substance abuse treatment if it is found appropriate by the assessment under Subsection (11)(c);

(e) completes an educational series if substance abuse treatment is not required by the assessment under Subsection (11)(c) or the court does not order substance abuse treatment;

(f) has not been convicted of a violation of any motor vehicle law in which the person was involved as the operator of the vehicle during the suspension period imposed under Subsection (7)(a) or (8)(a);

(g) has complied with all the terms of the person's probation or all orders of the court if not ordered to probation; and

(h) (i) is 18 years of age or older and provides a sworn statement to the court that the person has not consumed a controlled substance not prescribed by a practitioner for use by the person or unlawfully consumed alcohol during the suspension period imposed under Subsection (7)(a) or (8)(a); or

(ii) is under 18 years of age and has the person's parent or legal guardian provide an affidavit or other sworn statement to the court certifying that to the parent or legal guardian's knowledge the person has not consumed a controlled substance not prescribed by a practitioner for use by the person or unlawfully consumed alcohol during the suspension period imposed under Subsection (7)(a) or (8)(a).

(12) If the court shortens a person's license suspension period in accordance with the requirements of Subsection (11), the court shall forward the order shortening the person's license suspension period prior to the completion of the suspension period imposed under Subsection (7)(a) or (8)(a) to the Driver License Division.

(13) (a) The court shall notify the Driver License Division if a person fails to:

(i) complete all court ordered screening and assessment, educational series, and substance abuse treatment; or

(ii) pay all fines and fees, including fees for restitution and treatment costs.

(b) Upon receiving the notification, the division shall suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).

(14) The court:

(a) shall order supervised probation in accordance with Section 41-6a-507 for a person convicted under Subsection (2); and

(b) may order a person convicted under Subsection (2) to participate in a 24-7 sobriety program as defined in Section 41-6a-515.5 if the person is 21 years of age or older.

(15) (a) A court that reported a conviction of a violation of this section to the Driver License Division may shorten the suspension period imposed under Subsection (6) before completion of the suspension period if the person is participating in or has successfully completed a 24-7 sobriety program as defined in Section 41-6a-515.5.

(b) If the court shortens a person's license suspension period in accordance with the requirements of this Subsection (15), the court shall forward to the Driver License Division the order shortening the person's suspension period.

(c) The court shall notify the Driver License Division if a person fails to complete all

requirements of a 24-7 sobriety program.

(d) Upon receiving the notification described in Subsection (15)(c), the division shall suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).

Section 98. Section **41-6a-517 (Effective 07/01/19)** is amended to read:

41-6a-517 (Effective 07/01/19). Definitions -- Driving with any measurable controlled substance in the body -- Penalties -- Arrest without warrant.

(1) As used in this section:

(a) "Controlled substance" means the same as that term is defined in Section 58-37-2.

(b) "Practitioner" means the same as that term is defined in Section 58-37-2.

(c) "Prescribe" means the same as that term is defined in Section 58-37-2.

(d) "Prescription" means the same as that term is defined in Section 58-37-2.

(2) In cases not amounting to a violation of Section 41-6a-502, a person may not operate or be in actual physical control of a motor vehicle within this state if the person has any measurable controlled substance or metabolite of a controlled substance in the person's body.

(3) It is an affirmative defense to prosecution under this section that the controlled substance was:

(a) involuntarily ingested by the accused;

(b) prescribed by a practitioner for use by the accused [~~or recommended by a physician for use by the accused; or~~];

(c) cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form that the accused ingested in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act; or

[~~(c)~~] (d) otherwise legally ingested.

(4) (a) A person convicted of a violation of Subsection (2) is guilty of a class B misdemeanor.

(b) A person who violates this section is subject to conviction and sentencing under both this section and any applicable offense under Section 58-37-8.

(5) A peace officer may, without a warrant, arrest a person for a violation of this

section when the officer has probable cause to believe the violation has occurred, although not in the officer's presence, and if the officer has probable cause to believe that the violation was committed by the person.

(6) The Driver License Division shall, if the person is 21 years of age or older on the date of arrest:

(a) suspend, for a period of 120 days, the driver license of a person convicted under Subsection (2) of an offense committed on or after July 1, 2009; or

(b) revoke, for a period of two years, the driver license of a person if:

(i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

(ii) the current violation under Subsection (2) is committed on or after July 1, 2009, and within a period of 10 years after the date of the prior violation.

(7) The Driver License Division shall, if the person is 19 years of age or older but under 21 years of age on the date of arrest:

(a) suspend, until the person is 21 years of age or for a period of one year, whichever is longer, the driver license of a person convicted under Subsection (2) of an offense committed on or after July 1, 2011; or

(b) revoke, until the person is 21 years of age or for a period of two years, whichever is longer, the driver license of a person if:

(i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

(ii) the current violation under Subsection (2) is committed on or after July 1, 2009, and within a period of 10 years after the date of the prior violation.

(8) The Driver License Division shall, if the person is under 19 years of age on the date of arrest:

(a) suspend, until the person is 21 years of age, the driver license of a person convicted under Subsection (2) of an offense committed on or after July 1, 2009; or

(b) revoke, until the person is 21 years of age, the driver license of a person if:

(i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

(ii) the current violation under Subsection (2) is committed on or after July 1, 2009,

and within a period of 10 years after the date of the prior violation.

(9) The Driver License Division shall subtract from any suspension or revocation period the number of days for which a license was previously suspended under Section 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon which the record of conviction is based.

(10) The Driver License Division shall:

(a) deny, suspend, or revoke a person's license for the denial and suspension periods in effect prior to July 1, 2009, for a conviction of a violation under Subsection (2) that was committed prior to July 1, 2009; or

(b) deny, suspend, or revoke the operator's license of a person for the denial, suspension, or revocation periods in effect from July 1, 2009, through June 30, 2011, if:

(i) the person was 20 years of age or older but under 21 years of age at the time of arrest; and

(ii) the conviction under Subsection (2) is for an offense that was committed on or after July 1, 2009, and prior to July 1, 2011.

(11) A court that reported a conviction of a violation of this section for a violation that occurred on or after July 1, 2009, to the Driver License Division may shorten the suspension period imposed under Subsection (7)(a) or (8)(a) prior to completion of the suspension period if the person:

(a) completes at least six months of the license suspension;

(b) completes a screening;

(c) completes an assessment, if it is found appropriate by a screening under Subsection (11)(b);

(d) completes substance abuse treatment if it is found appropriate by the assessment under Subsection (11)(c);

(e) completes an educational series if substance abuse treatment is not required by the assessment under Subsection (11)(c) or the court does not order substance abuse treatment;

(f) has not been convicted of a violation of any motor vehicle law in which the person

was involved as the operator of the vehicle during the suspension period imposed under Subsection (7)(a) or (8)(a);

(g) has complied with all the terms of the person's probation or all orders of the court if not ordered to probation; and

(h) (i) is 18 years of age or older and provides a sworn statement to the court that the person has not consumed a controlled substance not prescribed by a practitioner for use by the person or unlawfully consumed alcohol during the suspension period imposed under Subsection (7)(a) or (8)(a); or

(ii) is under 18 years of age and has the person's parent or legal guardian provide an affidavit or other sworn statement to the court certifying that to the parent or legal guardian's knowledge the person has not consumed a controlled substance not prescribed by a practitioner for use by the person or unlawfully consumed alcohol during the suspension period imposed under Subsection (7)(a) or (8)(a).

(12) If the court shortens a person's license suspension period in accordance with the requirements of Subsection (11), the court shall forward the order shortening the person's license suspension period prior to the completion of the suspension period imposed under Subsection (7)(a) or (8)(a) to the Driver License Division.

(13) (a) The court shall notify the Driver License Division if a person fails to:

(i) complete all court ordered screening and assessment, educational series, and substance abuse treatment; or

(ii) pay all fines and fees, including fees for restitution and treatment costs.

(b) Upon receiving the notification, the division shall suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).

(14) The court:

(a) shall order supervised probation in accordance with Section 41-6a-507 for a person convicted under Subsection (2); and

(b) may order a person convicted under Subsection (2) to participate in a 24-7 sobriety program as defined in Section 41-6a-515.5 if the person is 21 years of age or older.

(15) (a) A court that reported a conviction of a violation of this section to the Driver License Division may shorten the suspension period imposed under Subsection (6) before completion of the suspension period if the person is participating in or has successfully completed a 24-7 sobriety program as defined in Section 41-6a-515.5.

(b) If the court shortens a person's license suspension period in accordance with the requirements of this Subsection (15), the court shall forward to the Driver License Division the order shortening the person's suspension period.

(c) The court shall notify the Driver License Division if a person fails to complete all requirements of a 24-7 sobriety program.

(d) Upon receiving the notification described in Subsection (15)(c), the division shall suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).

Section 99. Section **49-11-1401** is amended to read:

49-11-1401. Forfeiture of retirement benefits for employees for employment related offense convictions -- Notifications -- Investigations -- Appeals.

(1) As used in this section:

(a) "Convicted" means a conviction by plea or by verdict, including a plea of guilty or a plea of no contest that is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, regardless of whether the charge was, or is, subsequently reduced or dismissed in accordance with the plea in abeyance agreement.

(b) "Employee" means a member of a system or plan administered by the board.

(c) (i) "Employment related offense" means a felony committed during employment or the term of an elected or appointed office with a participating employer that is:

[~~(i)~~] (A) during the performance of the employee's duties;

[~~(ii)~~] (B) within the scope of the employee's employment; or

[~~(iii)~~] (C) under color of the employee's authority.

(ii) "Employment related offense" does not include any federal offense for conduct that is lawful under Title 26, Chapter 61a, Utah Medical Cannabis Act.

(2) (a) Notwithstanding any other provision of this title, an employee shall forfeit

accrual of service credit, employer retirement related contributions, including employer contributions to the employer sponsored defined contribution plans, or other retirement related benefits from a system or plan under this title in accordance with this section.

(b) The forfeiture of retirement related benefits under Subsection (2)(a) does not include the employee's contribution to a defined contribution plan.

(3) An employee shall forfeit the benefits described under Subsection (2)(a):

(a) if the employee is convicted of an employment related offense;

(b) beginning on the day on which the employment related offense occurred; and

(c) until the employee is either:

(i) re-elected or reappointed to office; or

(ii) (A) terminated from the position for which the employee was found to have committed an employment related offense; and

(B) rehired or hired as an employee who is eligible to be a member of a Utah state retirement system or plan.

(4) The employee's participating employer shall:

(a) immediately notify the office:

(i) if an employee is charged with an offense that is or may be an employment related offense under this section; and

(ii) if the employee described in Subsection (4)(a)(i) is acquitted of the offense that is or may be an employment related offense under this section; and

(b) if the employee is convicted of an offense that may be an employment related offense:

(i) conduct an investigation, which may rely on the conviction, to determine:

(A) whether the conviction is for an employment related offense; and

(B) the date on which the employment related offense was initially committed; and

(ii) after the period of time for an appeal by an employee under Subsection (5), immediately notify the office of the employer's determination under this Subsection (4)(b).

(5) An employee may appeal the employee's participating employer's determination

under Subsection (4)(b) in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

(6) (a) Notwithstanding Subsection (4), a district attorney, a county attorney, the attorney general's office, or the state auditor may notify the office and the employee's participating employer if an employee is charged with an offense that is or may be an employment related offense under this section.

(b) If the employee's participating employer receives a notification under Subsection (6)(a), the participating employer shall immediately report to the entity that provided the notification under Subsection (6)(a):

(i) if the employee is acquitted of the offense;

(ii) if the employee is convicted of an offense that may be an employment related offense; and

(iii) when the participating employer has concluded its duties under this section if the employee is convicted, including conducting an investigation, making a determination under Subsection (4)(b) that the conviction was for an employment related offense, and notifying the office under Subsection (7).

(c) The notifying entity under Subsection (6)(a) may assist the employee's participating employer with the investigation and determination described under Subsection (4)(b).

(7) Upon receiving a notification from a participating employer that the participating employer has made a determination under Subsection (4)(b) that the conviction was for an employment related offense, the office shall immediately forfeit any service credit, employer retirement related contributions, including employer contributions to the employer sponsored contribution plans, or other retirement related benefits accrued by or made for the benefit of the employee, beginning on the date of the initial employment related offense determined under Subsection (4)(b).

(8) This section applies to an employee who is convicted on or after the effective date of this act for an employment related offense.

(9) The board may make rules to implement this section.

(10) If any provision of this section, or the application of any provision to any person or circumstance, is held invalid, the remainder of this section shall be given effect without the invalid provision or application.

Section 100. Section **53-1-106.5** is amended to read:

53-1-106.5. Utah Medical Cannabis Act -- Department duties.

In addition to the duties described in Section 53-1-106, the department shall:

(1) provide standards for training peace officers and law enforcement agencies in the use of the state electronic verification system; and

(2) collaborate with the Department of Health and the Department of Agriculture and Food to provide standards for training peace officers and law enforcement agencies in medical cannabis law.

Section 101. Section **58-17b-302** is amended to read:

58-17b-302. License required -- License classifications for pharmacy facilities.

(1) A license is required to act as a pharmacy, except:

(a) as specifically exempted from licensure under Section 58-1-307[.]; and

(b) for the operation of a medical cannabis pharmacy or the state central fill medical cannabis pharmacy under Title 26, Chapter 61a, Utah Medical Cannabis Act.

(2) The division shall issue a pharmacy license to a facility that qualifies under this chapter in the classification of a:

(a) class A pharmacy;

(b) class B pharmacy;

(c) class C pharmacy;

(d) class D pharmacy;

(e) class E pharmacy; or

(f) dispensing medical practitioner clinic pharmacy.

(3) (a) Each place of business shall require a separate license.

(b) If multiple pharmacies exist at the same address, a separate license shall be required for each pharmacy.

(4) (a) The division may further define or supplement the classifications of pharmacies.

(b) The division may impose restrictions upon classifications to protect the public health, safety, and welfare.

(5) Each pharmacy, including the state central fill medical cannabis pharmacy, shall have a pharmacist-in-charge, except as otherwise provided by rule.

(6) Whenever an applicable statute or rule requires or prohibits action by a pharmacy, the pharmacist-in-charge and the owner of the pharmacy shall be responsible for all activities of the pharmacy, regardless of the form of the business organization.

Section 102. Section **58-17b-310** is amended to read:

58-17b-310. Continuing education.

(1) The division in collaboration with the board may establish by rule continuing education requirements for each classification of licensure under this chapter.

(2) The division shall accept and apply toward an hour requirement that the division establishes under Subsection (1) continuing education that a pharmacist completes in accordance with Sections 26-61a-403 and 26-61a-601.

Section 103. Section **58-17b-502** is amended to read:

58-17b-502. Unprofessional conduct.

(1) "Unprofessional conduct" includes:

[~~(1)~~] (a) willfully deceiving or attempting to deceive the division, the board, or their agents as to any relevant matter regarding compliance under this chapter;

[~~(2) (a)~~] (b) except as provided in Subsection (2)[~~(b)~~]:

(i) paying or offering rebates to practitioners or any other health care providers, or receiving or soliciting rebates from practitioners or any other health care provider; or

(ii) paying, offering, receiving, or soliciting compensation in the form of a commission, bonus, rebate, kickback, or split fee arrangement with practitioners or any other health care provider, for the purpose of obtaining referrals[~~.~~];

[~~(b) Subsection (2)(a) does not apply to:~~]

[~~(i) giving or receiving price discounts based on purchase volume;~~]

[~~(ii) passing along pharmaceutical manufacturer's rebates; or~~]

[~~(iii) providing compensation for services to a veterinarian.~~]

[~~(3)~~] (c) misbranding or adulteration of any drug or device or the sale, distribution, or dispensing of any outdated, misbranded, or adulterated drug or device;

[~~(4)~~] (d) engaging in the sale or purchase of drugs or devices that are samples or packages bearing the inscription "sample" or "not for resale" or similar words or phrases;

[~~(5)~~] (e) except as provided in Section 58-17b-503 or Part 9, Charitable Prescription Drug Recycling Act, accepting back and redistributing any unused drug, or a part of it, after it has left the premises of any pharmacy, unless the drug is in a unit pack, as defined in Section 58-17b-503, or the manufacturer's sealed container, as defined in rule;

[~~(6)~~] (f) an act in violation of this chapter committed by a person for any form of compensation if the act is incidental to the person's professional activities, including the activities of a pharmacist, pharmacy intern, or pharmacy technician;

[~~(7)~~] (g) violating:

[~~(a)~~] (i) the federal Controlled Substances Act, Title II, P.L. 91-513;

[~~(b)~~] (ii) Title 58, Chapter 37, Utah Controlled Substances Act; or

[~~(c)~~] (iii) rules or regulations adopted under either act;

[~~(8)~~] (h) requiring or permitting pharmacy interns or technicians to engage in activities outside the scope of practice for their respective license classifications, as defined in this chapter and division rules made in collaboration with the board, or beyond their scope of training and ability;

[~~(9)~~] (i) administering:

[~~(a)~~] (i) without appropriate training, as defined by rule;

[~~(b)~~] (ii) without a physician's order, when one is required by law; and

[~~(c)~~] (iii) in conflict with a practitioner's written guidelines or written protocol for administering;

[~~(10)~~] (j) disclosing confidential patient information in violation of the provisions of the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110

Stat. 1936, as amended, or other applicable law;

[~~(11)~~] (k) engaging in the practice of pharmacy without a licensed pharmacist designated as the pharmacist-in-charge;

[~~(12)~~] (l) failing to report to the division any adverse action taken by another licensing jurisdiction, government agency, law enforcement agency, or court for conduct that in substance would be considered unprofessional conduct under this section;

[~~(13)~~] (m) as a pharmacist or pharmacy intern, compounding a prescription drug in a dosage form which is regularly and commonly available from a manufacturer in quantities and strengths prescribed by a practitioner; [~~and~~]

[~~(14)~~] (n) failing to act in accordance with Title 26, Chapter 64, Family Planning Access Act, when dispensing a self-administered hormonal contraceptive under a standing order[~~.~~]; and

(o) violating the requirements of Title 26, Chapter 61a, Utah Medical Cannabis Act.

(2) Subsection (1)(b) does not apply to:

(a) giving or receiving a price discount based on purchase volume;

(b) passing along a pharmaceutical manufacturer's rebate; or

(c) providing compensation for services to a veterinarian.

(3) "Unprofessional conduct" does not include, in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act:

(a) when registered as a pharmacy medical provider, as that term is defined in Section 26-61a-102, providing pharmacy medical provider services in a medical cannabis pharmacy; or

(b) when registered as a state central fill medical provider, as that term is defined in Section 26-61a-102, providing state central fill medical provider services in the state central fill medical cannabis pharmacy.

(4) Notwithstanding Subsection (3), the division, in consultation with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define unprofessional conduct for a pharmacist described in Subsections (3)(a) and (b).

Section 104. Section **58-20b-101** is enacted to read:

CHAPTER 20b. ENVIRONMENTAL HEALTH SCIENTIST ACT

Part 1. General Provisions.

58-20b-101. Title.

This chapter is known as the "Environmental Health Scientist Act."

Section 105. Section **58-20b-102** is enacted to read:

58-20b-102. Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

(1) "Accredited program" means a degree-offering program from:

(a) an institution, college, or university that is accredited by the Department of Education or the Council for Higher Education Accreditation; or

(b) a non-accredited institution, college, or university that offers education equivalent to Department of Education-accredited programs, as determined by a third party selected by the board.

(2) "Board" means the Environmental Health Scientist Board created in Section 58-20b-201.

(3) "General supervision" means the supervising environmental health scientist is available for immediate voice communication with the person he or she is supervising.

(4) "Practice of environmental health science" means:

(a) the enforcement of, the issuance of permits required by, or the inspection for the purpose of enforcing state and local public health laws in the following areas:

(i) air quality;

(ii) food quality;

(iii) solid, hazardous, and toxic substances disposal;

(iv) consumer product safety;

(v) housing;

(vi) noise control;

(vii) radiation protection;

(viii) water quality;

(ix) vector control;

(x) drinking water quality;

(xi) milk sanitation;

(xii) rabies control;

(xiii) public health nuisances;

(xiv) indoor clean air regulations;

(xv) institutional and residential sanitation; or

(xvi) recreational facilities sanitation; or

(b) representing oneself in any manner as, or using the titles "environmental health scientist," "environmental health scientist-in-training," or "registered sanitarian."

(5) "Unlawful conduct" means the same as that term is defined in Section 58-1-501.

(6) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-20b-501 and as may be further defined by division rule.

Section 106. Section **58-20b-201** is enacted to read:

Part 2. Board.

58-20b-201. Board.

(1) There is created the Environmental Health Scientist Board consisting of four environmental health scientists in good standing and one member of the general public.

(2) The board shall be appointed and serve in accordance with Section 58-1-201.

(3) The duties and responsibilities of the board shall be in accordance with Sections 58-1-202 and 58-1-203. In addition, the board shall designate one of its members on a permanent or rotating basis to:

(a) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and

(b) advise the division in its investigation of these complaints.

(4) A board member who has, under Subsection (3), reviewed a complaint or advised in the investigation of the complaint is disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

Section 107. Section **58-20b-301** is enacted to read:

Part 3. Licensing.

58-20b-301. Licensure required -- License classifications.

(1) A person shall hold a license under this chapter in order to engage in the practice of environmental health science while employed by any of the following, except as specifically exempted in Section 58-20b-305 or 58-1-307:

(a) a local health department;

(b) the state Department of Health;

(c) the state Department of Human Services;

(d) the Department of Agriculture and Food as a food and dairy compliance officer; or

(e) a local health department as its director of environmental health services.

(2) Any other individual not subject to Subsection (1) may also be licensed under this chapter upon compliance with all requirements.

(3) The division shall issue to persons who qualify under this chapter a license in the classification:

(a) environmental health scientist; or

(b) environmental health scientist-in-training.

Section 108. Section **58-20b-302** is enacted to read:

58-20b-302. Qualifications for licensure.

(1) Except as provided in Subsection (2), an applicant for licensure as an environmental health scientist shall:

(a) submit an application in a form prescribed by the division;

(b) pay a fee determined by the department under Section 63J-1-504;

(c) be of good moral character;

(d) hold, at a minimum, a bachelor's degree from an accredited program in a university or college, which degree includes completion of specific course work as defined by rule;

(e) pass an examination as determined by division rule in collaboration with the board; and

(f) pass the Utah Law and Rules Examination for Environmental Health Scientists administered by the division.

(2) An applicant for licensure as an environmental health scientist-in-training shall:

(a) submit an application in a form prescribed by the division;

(b) pay a fee determined by the department under Section 63J-1-504;

(c) be of good moral character;

(d) hold, at a minimum, a bachelor's degree from an accredited program in a university or college, which degree includes completion of specific course work as defined by rule;

(e) pass the Utah Law and Rules Examination for Environmental Health Scientists administered by the division; and

(f) present evidence acceptable to the division and the board that the applicant, when licensed, will practice as an environmental health scientist-in-training only under the general supervision of a supervising environmental health scientist licensed under this chapter.

Section 109. Section **58-20b-303** is enacted to read:

58-20b-303. Term of license -- Expiration -- Renewal.

(1) (a) The division shall issue each license for an environmental health scientist in accordance with a two-year renewal cycle established by rule.

(b) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.

(2) Each license for an environmental health scientist-in-training shall be issued for a term of two years and may not be renewed.

(3) Each license issued under this chapter automatically expires on the expiration date shown on the license unless the licensee renews it in accordance with Section 58-1-308.

Section 110. Section **58-20b-304** is enacted to read:

58-20b-304. Continuing education.

Each person holding a license under this chapter as an environmental health scientist or an environmental health scientist-in-training shall complete in each two-year period of licensure not fewer than 30 hours of professional continuing education in accordance with

standards defined by division rule.

Section 111. Section **58-20b-305** is enacted to read:

58-20b-305. Exemptions from licensure.

In addition to the exemptions from licensure in Section 58-1-307, a person is exempt from the licensure requirements of this chapter if:

(1) the person's practice of environmental health science is limited to inspecting in order to enforce compliance with an inspection and maintenance program established pursuant to Section 41-6a-1642 or to issuing permits under that program;

(2) the person is a laboratory staff person employed by the Department of Agriculture and Food or the Department of Health, and in the person's employment inspects, permits, certifies, or otherwise enforces laboratory standards in laboratories regulated by state or local public health laws; or

(3) the person is the local health officer of a local public health department, which employs a director of environmental health services licensed under this chapter.

Section 112. Section **58-20b-401** is enacted to read:

Part 4. License Denial and Discipline.

58-20b-401. Grounds for denial of license -- Disciplinary proceedings.

Grounds for refusing to issue a license to an applicant, for refusing to renew the license of a licensee, for revoking, suspending, restricting, or placing on probation the license of a licensee, for issuing a public or private reprimand to a licensee, and for issuing a cease and desist order shall be in accordance with Section 58-1-401.

Section 113. Section **58-20b-501** is enacted to read:

Part 5. Unprofessional Conduct.

58-20b-501. Unprofessional conduct.

"Unprofessional conduct" includes:

(1) acting dishonestly or fraudulently in the performance of professional duties as an environmental health scientist or environmental health scientist-in-training;

(2) intentionally filing a false report or record in the performance of professional duties

as an environmental health scientist or environmental health scientist-in-training; and

(3) willfully impeding or obstructing another person from filing a report in the performance of professional duties as an environmental health scientist or environmental health scientist-in-training.

Section 114. Section **58-31b-305** is amended to read:

58-31b-305. Term of license -- Expiration -- Renewal.

(1) The division shall issue each license or certification under this chapter in accordance with a two-year renewal cycle established by rule. The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.

(2) The division shall renew the license of a licensee who, at the time of renewal:

(a) completes and submits an application for renewal in a form prescribed by the division;

(b) pays a renewal fee established by the division under Section 63J-1-504; and

(c) meets continuing competency requirements as established by rule.

(3) In addition to the renewal requirements under Subsection (2), a person licensed as [~~a~~] an advanced practice registered nurse shall be currently certified by a program approved by the division in collaboration with the board and submit evidence satisfactory to the division of that qualification or if licensed prior to July 1, 1992, meet the requirements established by rule.

(4) In addition to the requirements described in Subsections (2) and (3), an advanced practice registered nurse licensee specializing in psychiatric mental health nursing who, as of the day on which the division originally issued the licensee's license had not completed the division's clinical practice requirements in psychiatric and mental health nursing, shall, to qualify for renewal:

(a) if renewing less than two years after the day on which the division originally issued the license, demonstrate satisfactory progress toward completing the clinical practice requirements; or

(b) have completed the clinical practice requirements.

(5) Each license or certification automatically expires on the expiration date shown on

the license or certification unless renewed in accordance with Section 58-1-308.

(6) The division shall accept and apply toward an hour requirement that the division establishes under Subsection (2)(c) continuing education that an advanced practice registered nurse completes in accordance with Section 26-61a-106.

Section 115. Section **58-31b-502** is amended to read:

58-31b-502. Unprofessional conduct.

(1) "Unprofessional conduct" includes:

[~~(1)~~] (a) failure to safeguard a patient's right to privacy as to the patient's person, condition, diagnosis, personal effects, or any other matter about which the licensee is privileged to know because of the licensee's or person with a certification's position or practice as a nurse or practice as a medication aide certified;

[~~(2)~~] (b) failure to provide nursing service or service as a medication aide certified in a manner that demonstrates respect for the patient's human dignity and unique personal character and needs without regard to the patient's race, religion, ethnic background, socioeconomic status, age, sex, or the nature of the patient's health problem;

[~~(3)~~] (c) engaging in sexual relations with a patient during any:

[~~(a)~~] (i) period when a generally recognized professional relationship exists between the person licensed or certified under this chapter and the patient; or

[~~(b)~~] (ii) extended period when a patient has reasonable cause to believe a professional relationship exists between the person licensed or certified under the provisions of this chapter and the patient;

[~~(4) (a)~~] (d) (i) as a result of any circumstance under Subsection [~~(3)~~] (1)(c), exploiting or using information about a patient or exploiting the licensee's or the person with a certification's professional relationship between the licensee or holder of a certification under this chapter and the patient; or

[~~(b)~~] (ii) exploiting the patient by use of the licensee's or person with a certification's knowledge of the patient obtained while acting as a nurse or a medication aide certified;

[~~(5)~~] (e) unlawfully obtaining, possessing, or using any prescription drug or illicit drug;

[~~(6)~~] (f) unauthorized taking or personal use of nursing supplies from an employer;

[~~(7)~~] (g) unauthorized taking or personal use of a patient's personal property;

[~~(8)~~] (h) knowingly entering into any medical record any false or misleading information or altering a medical record in any way for the purpose of concealing an act, omission, or record of events, medical condition, or any other circumstance related to the patient and the medical or nursing care provided;

[~~(9)~~] (i) unlawful or inappropriate delegation of nursing care;

[~~(10)~~] (j) failure to exercise appropriate supervision of persons providing patient care services under supervision of the licensed nurse;

[~~(11)~~] (k) employing or aiding and abetting the employment of an unqualified or unlicensed person to practice as a nurse;

[~~(12)~~] (l) failure to file or record any medical report as required by law, impeding or obstructing the filing or recording of such a report, or inducing another to fail to file or record such a report;

[~~(13)~~] (m) breach of a statutory, common law, regulatory, or ethical requirement of confidentiality with respect to a person who is a patient, unless ordered by a court;

[~~(14)~~] (n) failure to pay a penalty imposed by the division;

[~~(15)~~] (o) prescribing a Schedule [~~II-III~~] II or III controlled substance without complying with the requirements in Section 58-31b-803;

[~~(16)~~] (p) violating Section 58-31b-801;

[~~(17)~~] (q) violating the dispensing requirements of Section 58-17b-309 or Chapter 17b, Part 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable; and

[~~(18)~~] (r) establishing or operating a pain clinic without a consultation and referral plan for Schedule [~~II-III~~] II or III controlled substances.

(2) "Unprofessional conduct" does not include, in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act, when registered as a qualified medical provider, as that term is defined in Section 26-61a-102, recommending the use of medical cannabis.

(3) Notwithstanding Subsection (2), the division, in consultation with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define unprofessional conduct for an advanced practice registered nurse described in Subsection (2).

Section 116. Section **58-37-3.6 (Superseded 07/01/19)** is amended to read:

58-37-3.6 (Superseded 07/01/19). Exemption for possession or distribution of a cannabinoid product or expanded cannabinoid product pursuant to an approved study.

(1) As used in this section:

(a) "Cannabinoid product" means a product intended for human ingestion that:

(i) contains an extract or concentrate that is obtained from cannabis;

(ii) is prepared in a medicinal dosage form; and

(iii) contains at least 10 units of cannabidiol for every one unit of tetrahydrocannabinol.

(b) "Cannabis" means any part of the plant cannabis sativa, whether growing or not.

(c) "Drug paraphernalia" means the same as that term is defined in Section 58-37a-3.

(d) "Expanded cannabinoid product" means a product intended for human ingestion that:

(i) contains an extract or concentrate that is obtained from cannabis;

(ii) is prepared in a medicinal dosage form; and

(iii) contains less than 10 units of cannabidiol for every one unit of tetrahydrocannabinol.

(e) "Medicinal dosage form" means:

(i) a tablet;

(ii) a capsule;

(iii) a concentrated oil;

(iv) a liquid suspension;

(v) a transdermal preparation; or

(vi) a sublingual preparation.

(f) "Tetrahydrocannabinol" means a substance derived from cannabis that meets the description in Subsection 58-37-4(2)(a)(iii)(AA).

(2) Notwithstanding any other provision of this chapter, an individual who possesses or distributes a cannabinoid product or an expanded cannabinoid product is not subject to the penalties described in this title for the possession or distribution of marijuana or tetrahydrocannabinol to the extent that the individual's possession or distribution of the cannabinoid product or expanded cannabinoid product complies with Title 26, Chapter 61, Cannabinoid Research Act.

[~~(3) Notwithstanding any other provision of this chapter, an individual who grows, processes, or possesses cannabis is not subject to the penalties described in this title for the growth, processing, or possession of marijuana to the extent that the individual is authorized to grow, process, or possess the cannabis under Section 4-41-203 and is in compliance with any rules made pursuant to Section 4-41-204.~~]

[~~(4) Notwithstanding any other provision of this chapter, an individual who possesses or uses cannabis in a medicinal dosage form is not subject to the penalties described in this title for the possession or use of marijuana or tetrahydrocannabinol to the extent that the individual's possession or use of the cannabis complies with Title 58, Chapter 85, Utah Right to Try Act.~~]

Section 117. Section **58-37-3.6 (Effective 07/01/19)** is amended to read:

58-37-3.6 (Effective 07/01/19). Exemption for possession or distribution of a cannabinoid product or expanded cannabinoid product pursuant to an approved study.

(1) As used in this section:

[~~(a) "Cannabidiol product" means the same as that term is defined in Section 4-41-102.~~]

[~~(b)~~] (a) "Cannabinoid product" means a product intended for human ingestion that:

(i) contains an extract or concentrate that is obtained from cannabis;

(ii) is prepared in a medicinal dosage form; and

(iii) contains at least 10 units of cannabidiol for every one unit of tetrahydrocannabinol.

[~~(c)~~] (b) "Cannabis" means any part of the plant cannabis sativa, whether growing or not.

[~~(d)~~] (c) "Drug paraphernalia" means the same as that term is defined in Section

58-37a-3.

[~~(e)~~] (d) "Expanded cannabinoid product" means a product intended for human ingestion that:

(i) contains an extract or concentrate that is obtained from cannabis;

(ii) is prepared in a medicinal dosage form; and

(iii) contains less than 10 units of cannabidiol for every one unit of tetrahydrocannabinol.

[~~(f)~~] (e) "Medicinal dosage form" means:

(i) a tablet;

(ii) a capsule;

(iii) a concentrated oil;

(iv) a liquid suspension;

(v) a transdermal preparation; or

(vi) a sublingual preparation.

[~~(g)~~] (f) "Tetrahydrocannabinol" means a substance derived from cannabis that meets the description in Subsection 58-37-4(2)(a)(iii)(AA).

(2) Notwithstanding any other provision of this chapter[~~: (a)~~] an individual who possesses or distributes a cannabinoid product or an expanded cannabinoid product is not subject to the penalties described in this title for the possession or distribution of marijuana or tetrahydrocannabinol to the extent that the individual's possession or distribution of the cannabinoid product or expanded cannabinoid product complies with Title 26, Chapter 61, Cannabinoid Research Act[~~;~~].

[~~(b) an individual who grows, processes, possesses, transports, or distributes cannabidiol for medicinal use or a hemp-grade product that is intended to be processed into cannabidiol for medicinal use, is not subject to the penalties described in this title to the extent that the individual's growth, processing, possession, transportation, or distribution of the cannabidiol or hemp-grade product is in compliance with Title 4, Chapter 43, Cannabidiol Producers; and~~]

[~~(c) a person who processes, possesses, or sells cannabidiol is not subject to the penalties described in this title if:~~]

[~~(i) the person is a cannabidiol-qualified pharmacy; or~~]

[~~(ii) the person is an individual whose physician has recommended use of the cannabidiol and the individual purchased the cannabidiol from a cannabidiol-qualified pharmacy.~~]

[~~(3) Notwithstanding any other provision of this chapter, an individual who grows, processes, or possesses cannabis is not subject to the penalties described in this title for the growth, processing, or possession of marijuana to the extent that the individual is authorized to grow, process, or possess the cannabis under Section 4-41-203 and is in compliance with any rules made pursuant to Section 4-41-204.~~]

[~~(4) Notwithstanding any other provision of this chapter, an individual who possesses or uses cannabis in a medicinal dosage form is not subject to the penalties described in this title for the possession or use of marijuana or tetrahydrocannabinol to the extent that the individual's possession or use of the cannabis complies with Title 58, Chapter 85, Utah Right to Try Act.~~]

Section 118. Section **58-37-3.7** is amended to read:

58-37-3.7. Medical cannabis decriminalization.

(1) As used in this section:

(a) "Cannabis" means the same as that term is defined in Section 26-61a-102.

(b) "Cannabis product" means the same as that term is defined in Section 26-61a-102.

(c) "Medical cannabis card" means the same as that term is defined in Section 26-61a-102.

(d) "Medical cannabis device" means the same as that term is defined in Section 26-61a-102.

(e) "Medical cannabis pharmacy" means the same as that term is defined in Section 26-61a-102.

(f) "Medicinal dosage form" means the same as that term is defined in Section 26-61a-102.

(g) "Qualified medical provider" means the same as that term is defined in Section 26-61a-102.

(h) "Qualifying condition" means the same as that term is defined in Section 26-61a-102.

(i) "Tetrahydrocannabinol" means the same as that term is defined in Section 58-37-3.9.

[~~(1)~~] (2) Before [~~July~~] January 1, [~~2020~~] 2021, [~~it is an affirmative defense to criminal charges against an individual~~] an individual is not guilty under this chapter for the use[~~,~~] or possession[~~, or manufacture~~] of marijuana, tetrahydrocannabinol, or marijuana drug paraphernalia [~~under this chapter that~~] if:

(a) at the time of the arrest, the individual [~~would be eligible for a medical cannabis card, and that the individuals conduct would have been lawful, after July 1, 2020.~~]:

(i) (A) had been diagnosed with a qualifying condition; and

(B) had a pre-existing provider-patient relationship with an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act, a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, a physician licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, or a physician assistant licensed under Title 58, Chapter 70a, Physician Assistant Act, who believed that the individual's illness described in Subsection (2)(a)(i)(A) could benefit from the use in question; or

(ii) (A) for possession, was a medical cannabis cardholder; or

(B) for use, was a medical cannabis patient cardholder or a minor with a qualifying condition under the supervision of a medical cannabis guardian cardholder; and

(b) the marijuana or tetrahydrocannabinol was in a medicinal dosage form in a quantity described in Subsection 26-61a-502(2).

[~~(2)~~] (3) [~~It is an affirmative defense to criminal charges against an individual~~] An individual is not guilty under this chapter for the use or possession of marijuana, tetrahydrocannabinol, or marijuana drug paraphernalia under this chapter if:

(a) at the time of the arrest, the individual:

(i) [~~is a~~] was not a resident of Utah or has been a resident of Utah for less than 45 days [~~and was issued~~];

(ii) had a currently valid medical cannabis [~~identification~~] card or [~~its~~] the equivalent of a medical cannabis card under the laws of another state, district, territory, commonwealth, or insular possession of the United States; and

[~~(b)~~] (iii) [~~the individual has~~] had been diagnosed with a qualifying [~~illness~~] condition as described in Section [~~26-60b-105.~~] 26-61a-104; and

(b) the marijuana or tetrahydrocannabinol is in a medicinal dosage form in a quantity described in Subsection 26-61a-502(2).

[~~(3) A court shall, for charges that the court dismisses under Subsection (1) or Subsection (2), dismiss the charges without prejudice.~~]

Section 119. Section **58-37-3.8** is amended to read:

58-37-3.8. Enforcement.

(1) [~~No~~] A law enforcement officer [~~employed by an agency that receives state or local government funds shall~~], as that term is defined in Section 53-13-103, except for an officially designated drug enforcement task force regarding conduct that is not in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act, may not expend any state or local resources, including the officer's time, to:

(a) effect any arrest or seizure of cannabis, as that term is defined in Section 26-61a-102, or conduct any investigation, on the sole basis of activity the officer believes to constitute a violation of federal law if the officer has reason to believe that [~~such~~] the activity is in compliance with the state medical cannabis laws[~~, nor shall any such officer expend any state or local resources, including the officer's time, to~~];

(b) enforce a law that restricts an individual's right to acquire, own, or possess a firearm based solely on the individual's possession or use of cannabis in accordance with state medical cannabis laws; or

(c) provide any information or logistical support related to [~~such~~] an activity described in Subsection (1)(a) to any federal law enforcement authority or prosecuting entity.

(2) [~~No~~] An agency or political subdivision of [~~Utah~~] the state may [~~rely on a violation of federal law as the sole basis for taking~~] not take an adverse action against a person for providing a professional [~~services~~] service to a medical cannabis [~~dispensary~~] pharmacy, as that term is defined in Section 26-61a-102, the state central fill medical cannabis pharmacy, as that term is defined in Section 26-61a-102, or a cannabis production establishment [~~if the person has not violated the state medical cannabis laws~~], as that term is defined in Section 4-41a-102, on the sole basis that the service is a violation of federal law.

Section 120. Section **58-37-3.9** is amended to read:

58-37-3.9. Exemption for possession or use of cannabis to treat a qualifying illness.

(1) As used in this section:

(a) "Cannabis" means marijuana.

[~~(b) "Cannabis dispensary" means the same as that term is defined in Section 26-60b-102.~~]

[~~(c)~~] (b) "Cannabis product" means [~~a product that: (i) is intended for human ingestion; and (ii) contains cannabis or tetrahydrocannabinol~~] the same as that term is defined in Section 26-61a-102.

[~~(d) "Designated caregiver" means the same as that term is defined in Section 26-60b-102.~~]

[~~(e)~~] (c) "Drug paraphernalia" means the same as that term is defined in Section 58-37a-3.

[~~(f) "Marijuana" means the same as that term is defined in Section 58-37-2.~~]

[~~(g)~~] (d) "Medical cannabis [~~card~~] cardholder" means the same as that term is defined in Section [~~26-60b-102~~] 26-61a-102.

[~~(h)~~] (e) [~~(i)~~] "Medical cannabis device" means [~~a device that an individual uses to ingest cannabis or a cannabis product~~] the same as that term is defined in Section 26-61a-102.

[~~(ii) "Medical cannabis device" does not include a device that facilitates cannabis combustion at a temperature of greater than 750 degrees Fahrenheit.~~]

[~~(i)~~] (f) "[~~Qualifying illness~~] Medicinal dosage form" means the same as that term is defined in Section [~~26-60b-102~~] 26-61a-102.

[~~(j)~~] (g) "Tetrahydrocannabinol" means a substance derived from cannabis [~~that meets the description~~] or a synthetic description as described in Subsection 58-37-4(2)(a)(iii)(AA).

(2) Notwithstanding any other provision of law, except as otherwise provided in this section:

(a) an individual [~~who~~] is not guilty of a violation of this title for the following conduct if the individual engages in the conduct in accordance with Title 4, Chapter 41a, Cannabis Production Establishments, or Title 26, Chapter 61a, Utah Medical Cannabis Act:

(i) [~~possesses, produces, manufactures, dispenses, distributes, sells, or offers~~] possessing, ingesting, producing, manufacturing, dispensing, distributing, selling, or offering to sell cannabis or a cannabis product; or [~~who possesses~~]

(ii) possessing cannabis or a cannabis product with the intent to [~~produce, manufacture, dispense, distribute, sell, or offer to sell cannabis or a cannabis product is not subject to the penalties described in this title for~~] engage in the conduct [~~to the extent that the individual's conduct complies with:~~] described in Subsection (2)(a)(i); and

[~~(i)~~] (b) an individual is guilty of a violation of this title regarding drug paraphernalia if the individual, in accordance with Title 4, Chapter [~~41b~~] 41a, Cannabis Production [~~Establishment;~~] Establishments, and [~~(ii)~~] Title 26, Chapter [~~60b~~] 61a, Utah Medical Cannabis Act[~~;~~]:

[~~(b)~~] (i) [~~an individual who~~] possesses, manufactures, distributes, sells, or offers to sell a medical cannabis device; or

(ii) [~~who~~] possesses a medical cannabis device with the intent to [~~manufacture, distribute, sell, or offer to sell a medical cannabis device is authorized and is not subject to the penalties described in this title for the possession, manufacture, distribution, sale, or offer for sale of drug paraphernalia to the extent that the individual's~~] engage in any of the conduct [~~complies with:~~] described in Subsection (2)(b)(i).

[~~(i) Title 4, Chapter 41b, Cannabis Production Establishment; and~~]

[~~(ii) Title 26, Chapter 60b, Medical Cannabis Act.~~]

[~~(3) For purposes of state law, except as otherwise provided in this section, activities related to cannabis shall be considered lawful and any cannabis consumed shall be considered legally ingested, as long as the conduct is in accordance with:~~]

[~~(a) Title 4, Chapter 41b, Cannabis Production Establishment; and~~]

[~~(b) Title 26, Chapter 60b, Medical Cannabis Act.~~]

[~~(4)~~] (3) (a) As used in this Subsection (3), "smoking" does not include the vaporization or heating of medical cannabis.

(b) [~~It is not lawful for~~] Title 26, Chapter 61a, Utah Medical Cannabis Act, does not authorize a medical cannabis [~~card holder~~] cardholder to smoke or combust cannabis or to use a device to facilitate the smoking or combustion of cannabis. [~~An individual convicted of violating this section is guilty of an infraction. For purposes of this section, smoking does not include a means of administration that involves cannabis combustion at a temperature that is not greater than 750 degrees Fahrenheit and that does not involve using a flame.~~]

(c) A medical cannabis cardholder who smokes cannabis or engages in any other conduct described in Subsection (3)(b):

(i) does not possess the cannabis in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act; and

(ii) is subject to charges under this chapter for the use or possession of marijuana, tetrahydrocannabinol, or marijuana drug paraphernalia for the conduct described in Subsection (3)(b).

[~~(5) An individual is not exempt from the penalties described in this title for ingesting cannabis or a cannabis product while operating a motor vehicle.~~]

[~~(6)~~] (4) An individual who is assessed a penalty or convicted of [~~an infraction~~] a crime under Title 4, Chapter [~~41b~~] 41a, Cannabis Production [~~Establishment~~] Establishments, or Title 26, Chapter [~~60b~~] 61a, Utah Medical Cannabis Act, is not, based on the conduct underlying that penalty or conviction, subject to [~~the penalties~~] a penalty described in this chapter for:

(a) the possession, manufacture, sale, or offer for sale of cannabis or a cannabis

product; or

(b) the possession, manufacture, sale, or offer for sale of drug paraphernalia.

Section 121. Section **58-37f-203 (Effective 07/01/19)** is amended to read:

58-37f-203 (Effective 07/01/19). Submission, collection, and maintenance of data.

(1) (a) The division shall implement on a statewide basis, including non-resident pharmacies as defined in Section 58-17b-102, the following two options for a pharmacist to submit information:

(i) real-time submission of the information required to be submitted under this part to the controlled substance database; and

(ii) 24-hour daily or next business day, whichever is later, batch submission of the information required to be submitted under this part to the controlled substance database.

(b) (i) On and after January 1, 2016, a pharmacist shall comply with either:

(A) the submission time requirements established by the division under Subsection (1)(a)(i); or

(B) the submission time requirements established by the division under Subsection (1)(a)(ii).

(ii) Prior to January 1, 2016, a pharmacist may submit information using either option under this Subsection (1).

(c) The division shall comply with Title 63G, Chapter 6a, Utah Procurement Code.

(2) (a) The pharmacist-in-charge and the pharmacist of the drug outlet where a controlled substance is dispensed shall submit the data described in this section to the division in accordance with:

(i) the requirements of this section;

(ii) the procedures established by the division;

(iii) additional types of information or data fields established by the division; and

(iv) the format established by the division.

(b) A dispensing medical practitioner licensed under Chapter 17b, Part 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, shall comply with

the provisions of this section and the dispensing medical practitioner shall assume the duties of the pharmacist under this chapter.

(3) [~~(a)~~] The pharmacist-in-charge and the pharmacist described in Subsection (2) shall, for each controlled substance dispensed by a pharmacist under the pharmacist's supervision other than those dispensed for an inpatient at a health care facility, submit to the division any type of information or data field established by the division by rule in accordance with Subsection (6).

[~~(b) The pharmacist described in Subsection (2) shall, in the case of a cannabidiol-qualified pharmacy dispensing a cannabidiol product, submit the following information to the division:~~]

[~~(i) the name of the recommending physician;~~]

[~~(ii) the date of the recommendation;~~]

[~~(iii) the date the recommendation was filled by the cannabidiol-qualified pharmacy;~~]

[~~(iv) the name of the individual for whom the recommendation was written; and~~]

[~~(v) any other information the division requires by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.~~]

(4) An individual whose records are in the database may obtain those records upon submission of a written request to the division.

(5) (a) A patient whose record is in the database may contact the division in writing to request correction of any of the patient's database information that is incorrect. The patient shall provide a postal address for the division's response.

(b) The division shall grant or deny the request within 30 days from receipt of the request and shall advise the requesting patient of its decision by mail postmarked within 35 days of receipt of the request.

(c) If the division denies a request under this Subsection (5) or does not respond within 35 days, the patient may submit an appeal to the Department of Commerce, within 60 days after the postmark date of the patient's letter making a request for a correction under this Subsection (5).

(6) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish submission requirements under this part, including:

(a) electronic format;

(b) submission procedures; and

(c) required information and data fields.

(7) The division shall ensure that the database system records and maintains for reference:

(a) the identification of each individual who requests or receives information from the database;

(b) the information provided to each individual; and

(c) the date and time that the information is requested or provided.

Section 122. Section **58-67-304** is amended to read:

58-67-304. License renewal requirements.

(1) As a condition precedent for license renewal, each licensee shall, during each two-year licensure cycle or other cycle defined by division rule:

(a) complete qualified continuing professional education requirements in accordance with the number of hours and standards defined by division rule made in collaboration with the board;

(b) appoint a contact person for access to medical records and an alternate contact person for access to medical records in accordance with Subsection 58-67-302(1)(j);

(c) if the licensee practices medicine in a location with no other persons licensed under this chapter, provide some method of notice to the licensee's patients of the identity and location of the contact person and alternate contact person for the licensee; and

(d) if the licensee is an associate physician licensed under Section 58-67-302.8, successfully complete the educational methods and programs described in Subsection 58-67-807(4).

(2) If a renewal period is extended or shortened under Section 58-67-303, the

continuing education hours required for license renewal under this section are increased or decreased proportionally.

(3) An application to renew a license under this chapter shall:

(a) require a physician to answer the following question: "Do you perform elective abortions in Utah in a location other than a hospital?"; and

(b) immediately following the question, contain the following statement: "For purposes of the immediately preceding question, elective abortion means an abortion other than one of the following: removal of a dead fetus, removal of an ectopic pregnancy, an abortion that is necessary to avert the death of a woman, an abortion that is necessary to avert a serious risk of substantial and irreversible impairment of a major bodily function of a woman, an abortion of a fetus that has a defect that is uniformly diagnosable and uniformly lethal, or an abortion where the woman is pregnant as a result of rape or incest."

(4) In order to assist the Department of Health in fulfilling its responsibilities relating to the licensing of an abortion clinic and the enforcement of Title 76, Chapter 7, Part 3, Abortion, if a physician responds positively to the question described in Subsection (3)(a), the division shall, within 30 days after the day on which it renews the physician's license under this chapter, inform the Department of Health in writing:

(a) of the name and business address of the physician; and

(b) that the physician responded positively to the question described in Subsection (3)(a).

(5) The division shall accept and apply toward the hour requirement in Subsection (1)(a) and continuing education that a physician completes in accordance with Sections 26-61a-106, 26-61a-403, and 26-61a-601.

Section 123. Section **58-67-502** is amended to read:

58-67-502. Unprofessional conduct.

(1) "Unprofessional conduct" includes, in addition to the definition in Section 58-1-501:

(a) using or employing the services of any individual to assist a licensee in any manner

not in accordance with the generally recognized practices, standards, or ethics of the profession, state law, or division rule;

(b) making a material misrepresentation regarding the qualifications for licensure under Section 58-67-302.7 or Section 58-67-302.8; [~~or~~]

(c) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable[~~.~~]; or

(d) violating the requirements of Title 26, Chapter 61a, Utah Medical Cannabis Act.

(2) "Unprofessional conduct" does not include[~~,~~]:

(a) in compliance with Section 58-85-103:

[~~(a)~~] (i) obtaining an investigational drug or investigational device;

[~~(b)~~] (ii) administering the investigational drug to an eligible patient; or

[~~(c)~~] (iii) treating an eligible patient with the investigational drug or investigational device[~~.~~]; or

(b) in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act:

(i) when registered as a qualified medical provider, as that term is defined in Section 26-61a-102, recommending the use of medical cannabis;

(ii) when registered as a pharmacy medical provider, as that term is defined in Section 26-61a-102, providing pharmacy medical provider services in a medical cannabis pharmacy; or

(iii) when registered as a state central fill medical provider, as that term is defined in Section 26-61a-102, providing state central fill medical provider services in the state central fill medical cannabis pharmacy.

(3) Notwithstanding Subsection (2)(b), the division, in consultation with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define unprofessional conduct for a pharmacist described in Subsection (2)(b).

Section 124. Section **58-68-304** is amended to read:

58-68-304. License renewal requirements.

(1) As a condition precedent for license renewal, each licensee shall, during each two-year licensure cycle or other cycle defined by division rule:

(a) complete qualified continuing professional education requirements in accordance with the number of hours and standards defined by division rule in collaboration with the board;

(b) appoint a contact person for access to medical records and an alternate contact person for access to medical records in accordance with Subsection 58-68-302(1)(j);

(c) if the licensee practices osteopathic medicine in a location with no other persons licensed under this chapter, provide some method of notice to the licensee's patients of the identity and location of the contact person and alternate contact person for access to medical records for the licensee in accordance with Subsection 58-68-302(1)(k); and

(d) if the licensee is an associate physician licensed under Section 58-68-302.5, successfully complete the educational methods and programs described in Subsection 58-68-807(4).

(2) If a renewal period is extended or shortened under Section 58-68-303, the continuing education hours required for license renewal under this section are increased or decreased proportionally.

(3) An application to renew a license under this chapter shall:

(a) require a physician to answer the following question: "Do you perform elective abortions in Utah in a location other than a hospital?"; and

(b) immediately following the question, contain the following statement: "For purposes of the immediately preceding question, elective abortion means an abortion other than one of the following: removal of a dead fetus, removal of an ectopic pregnancy, an abortion that is necessary to avert the death of a woman, an abortion that is necessary to avert a serious risk of substantial and irreversible impairment of a major bodily function of a woman, an abortion of a fetus that has a defect that is uniformly diagnosable and uniformly lethal, or an abortion where the woman is pregnant as a result of rape or incest."

(4) In order to assist the Department of Health in fulfilling its responsibilities relating to the licensing of an abortion clinic, if a physician responds positively to the question described in Subsection (3)(a), the division shall, within 30 days after the day on which it

renews the physician's license under this chapter, inform the Department of Health in writing:

(a) of the name and business address of the physician; and

(b) that the physician responded positively to the question described in Subsection (3)(a).

(5) The division shall accept and apply toward the hour requirement in Subsection (1)(a) and continuing education that a physician completes in accordance with Sections 26-61a-106, 26-61a-403, and 26-61a-601.

Section 125. Section **58-68-502** is amended to read:

58-68-502. Unprofessional conduct.

(1) "Unprofessional conduct" includes, in addition to the definition in Section 58-1-501:

(a) using or employing the services of any individual to assist a licensee in any manner not in accordance with the generally recognized practices, standards, or ethics of the profession, state law, or division rule;

(b) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable; [~~or~~]

(c) making a material misrepresentation regarding the qualifications for licensure under Section 58-68-302.5[~~.~~]; or

(d) violating the requirements of Title 26, Chapter 61a, Utah Medical Cannabis Act.

(2) "Unprofessional conduct" does not include[~~,~~]:

(a) in compliance with Section 58-85-103:

[~~(a)~~] (i) obtaining an investigational drug or investigational device;

[~~(b)~~] (ii) administering the investigational drug to an eligible patient; or

[~~(c)~~] (iii) treating an eligible patient with the investigational drug or investigational device[~~.~~]; or

(b) in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act:

(i) when registered as a qualified medical provider, as that term is defined in Section 26-61a-102, recommending the use of medical cannabis;

(ii) when registered as a pharmacy medical provider, as that term is defined in Section 26-61a-102, providing pharmacy medical provider services in a medical cannabis pharmacy; or

(iii) when registered as a state central fill medical provider, as that term is defined in Section 26-61a-102, providing state central fill medical provider services in the state central fill medical cannabis pharmacy.

(3) Notwithstanding Subsection (2)(b), the division, in consultation with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define unprofessional conduct for a pharmacist described in Subsection (2)(b).

Section 126. Section **58-70a-303** is amended to read:

58-70a-303. Term of license -- Expiration -- Renewal.

(1) (a) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by division rule.

(b) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.

(2) At the time of renewal, the licensee shall show compliance with continuing education renewal requirements.

(3) Each license issued under this chapter expires on the expiration date shown on the license unless renewed in accordance with Section 58-1-308.

(4) The division shall accept and apply toward an hour requirement that the division establishes under Subsection (2) continuing education that a physician assistant completes in accordance with Section 26-61a-106.

Section 127. Section **58-70a-503** is amended to read:

58-70a-503. Unprofessional conduct.

(1) "Unprofessional conduct" includes:

[~~(1)~~] (a) violation of a patient confidence to any person who does not have a legal right and a professional need to know the information concerning the patient;

[~~(2)~~] (b) knowingly prescribing, selling, giving away, or directly or indirectly administering, or offering to prescribe, sell, furnish, give away, or administer any prescription

drug except for a legitimate medical purpose upon a proper diagnosis indicating use of that drug in the amounts prescribed or provided;

[~~(3)~~] (c) prescribing prescription drugs for oneself or administering prescription drugs to oneself, except those that have been legally prescribed for the physician assistant by a licensed practitioner and that are used in accordance with the prescription order for the condition diagnosed;

[~~(4)~~] (d) failure to maintain at the practice site a delegation of services agreement that accurately reflects current practices;

[~~(5)~~] (e) failure to make the delegation of services agreement available to the division for review upon request;

[~~(6)~~] (f) in a practice that has physician assistant ownership interests, failure to allow the supervising physician the independent final decision making authority on patient treatment decisions, as set forth in the delegation of services agreement or as defined by rule; and

[~~(7)~~] (g) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable.

(2) "Unprofessional conduct" does not include, in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act, when registered as a qualified medical provider, as that term is defined in Section 26-61a-102, recommending the use of medical cannabis.

(3) Notwithstanding Subsection (2), the division, in consultation with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define unprofessional conduct for a physician assistant described in Subsection (2).

Section 128. Section **58-85-102** is amended to read:

58-85-102. Definitions.

As used in this chapter:

[~~(1) "Cannabis" means cannabis that has been grown by a state-approved grower and processed into a medicinal dosage form.~~]

[~~(2) "Cannabis-based treatment" means a course of treatment involving cannabis.~~]

[~~(3)~~] (1) "Eligible patient" means an individual who has been diagnosed with a

terminal illness by a physician.

[~~(4) "Health care facility" means the same as that term is defined in Section 26-55-102.~~]

[~~(5)~~] (2) "Insurer" means the same as that term is defined in Section 31A-1-301.

[~~(6)~~] (3) "Investigational device" means a device that:

(a) meets the definition of "investigational device" in 21 C.F.R. Sec. 812.3; and

(b) has successfully completed the United States Food and Drug Administration Phase 1 testing for an investigational device described in 21 C.F.R. Part 812.

[~~(7)~~] (4) "Investigational drug" means a drug that:

(a) meets the definition of "investigational new drug" in 21 C.F.R. Sec. 312.3; and

(b) has successfully completed the United States Food and Drug Administration Phase 1 testing for an investigational new drug described in 21 C.F.R. Part 312.

[~~(8)~~] (5) "Medicinal dosage form" means the same as that term is defined in Section 58-37-3.6.

[~~(9)~~] (6) "Physician" means an individual who is licensed under:

(a) Title 58, Chapter 67, Utah Medical Practice Act; or

(b) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

[~~(10) "State-approved grower and processor" means a person who grows cannabis pursuant to state law and processes the cannabis into a medicinal dosage form.~~]

[~~(11)~~] (7) "Terminal illness" means a condition of a patient that:

(a) as determined by a physician:

(i) is likely to pose a greater risk to the patient than the risk posed to the patient by treatment with an investigational drug or investigational device; and

(ii) will inevitably lead to the patient's death; and

(b) presents the patient, after the patient has explored conventional therapy options, with no treatment option that is satisfactory or comparable to treatment with an investigational drug or device.

Section 129. Section **58-85-104** is amended to read:

58-85-104. Standard of care -- Medical practitioners not liable -- No private right of action.

(1) [~~(a)~~] It is not a breach of the applicable standard of care for a physician, other licensed health care provider, or hospital to treat an eligible patient with an investigational drug or investigational device under this chapter.

[~~(b) It is not a breach of the applicable standard of care for a physician to recommend a cannabis-based treatment to a terminally ill patient under this chapter, or a health care facility to aid or assist in any way a terminally ill patient's use of cannabis.~~]

(2) A physician, other licensed health care provider, or hospital that treats an eligible patient with an investigational drug or investigational device under this chapter[~~, or a physician who recommends a cannabis-based treatment to a terminally ill patient or a health care facility that facilitates a terminally ill patient's recommended use of a cannabis-based treatment under this chapter,~~] may not, for any harm done to the eligible patient by the investigational drug or device, [~~or for any harm done to the terminally ill patient by the cannabis-based treatment,~~] be subject to:

(a) civil liability;

(b) criminal liability; or

(c) licensure sanctions under:

(i) for a physician:

(A) Title 58, Chapter 67, Utah Medical Practice Act; or

(B) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

(ii) for the other licensed health care provider, the act governing the other licensed health care provider's license; or

(iii) for the hospital [~~or health care facility~~], Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

(3) This chapter does not:

(a) require a manufacturer of an investigational drug or investigational device to agree to make an investigational drug or investigational device available to an eligible patient or an

eligible patient's physician;

(b) require a physician to agree to:

(i) administer an investigational drug to an eligible patient under this chapter; or

(ii) treat an eligible patient with an investigational device under this chapter; or

[~~(iii) recommend a cannabis-based treatment to a terminally ill patient; or~~]

(c) create a private right of action for an eligible patient:

(i) against a physician or hospital, for the physician's or hospital's refusal to:

(A) administer an investigational drug to an eligible patient under this chapter; or

(B) treat an eligible patient with an investigational device under this chapter; or

[~~(C) recommend a cannabis-based treatment to the terminally ill patient; or~~]

(ii) against a manufacturer, for the manufacturer's refusal to provide an eligible patient with an investigational drug or an investigational device under this chapter.

Section 130. Section **58-85-105** is amended to read:

58-85-105. Insurance coverage.

(1) This chapter does not:

(a) require an insurer to cover the cost of:

(i) administering an investigational drug under this chapter; or

(ii) treating a patient with an investigational device under this chapter; or

[~~(iii) a cannabis-based treatment; or~~]

(b) prohibit an insurer from covering the cost of:

(i) administering an investigational drug under this chapter; or

(ii) treating a patient with an investigational device under this chapter[~~; or~~].

[~~(iii) a cannabis-based treatment.~~]

(2) Except as described in Subsection (3), an insurer may deny coverage to an eligible patient who is treated with an investigational drug or investigational device, for harm to the eligible patient caused by the investigational drug or investigational device.

(3) An insurer may not deny coverage to an eligible patient under Subsection (2) for:

(a) the eligible patient's preexisting condition;

(b) benefits that commenced before the day on which the eligible patient is treated with the investigational drug or investigational device; or

(c) palliative or hospice care for an eligible patient that has been treated with an investigational drug or device, but is no longer receiving curative treatment with the investigational drug or device.

Section 131. Section **59-12-104.10** is enacted to read:

59-12-104.10. Exemption from sales tax for cannabis.

(1) As used in this section:

(a) "Cannabis" means the same as that term is defined in Section 26-61a-102.

(b) "Cannabis product" means the same as that term is defined in Section 26-61a-102.

(c) "Medical cannabis device" means the same as that term is defined in Section 26-61a-102.

(d) "Medical cannabis pharmacy" means the same as that term is defined in Section 26-61a-102.

(e) "Medicinal dosage form" means the same as that term is defined in Section 26-61a-102.

(f) "State central fill medical cannabis pharmacy" means the same as that term is defined in Section 26-61a-102.

(2) In addition to the exemptions described in Section 59-12-104, the sale by a licensed medical cannabis pharmacy or the state central fill medical cannabis pharmacy of the following is not subject to the taxes this chapter imposes:

(a) cannabis in a medicinal dosage form; or

(b) a cannabis product in a medicinal dosage form.

(3) The sale of a medical cannabis device by a medical cannabis pharmacy or the state central fill medical cannabis pharmacy is subject to the taxes this chapter imposes.

Section 132. Section **62A-3-322** is enacted to read:

62A-3-322. Medical cannabis use by a vulnerable adult or guardian.

A peace officer or an employee or agent of the division may not solicit or provide, and a

court may not order, emergency services for a vulnerable adult based solely on:

(1) the vulnerable adult's possession or use of cannabis in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act; or

(2) the guardian of the vulnerable adult assisting with the use of or possessing cannabis in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act.

Section 133. Section **62A-4a-202.1** is amended to read:

62A-4a-202.1. Entering home of a child -- Taking a child into protective custody -- Caseworker accompanied by peace officer -- Preventive services -- Shelter facility or emergency placement.

(1) A peace officer or child welfare worker may not:

(a) enter the home of a child who is not under the jurisdiction of the court, remove a child from the child's home or school, or take a child into protective custody unless authorized under Subsection 78A-6-106(2); or

(b) remove a child from the child's home or take a child into custody under this section solely on the basis of:

(i) educational neglect, truancy, or failure to comply with a court order to attend school; or

(ii) the possession or use, in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act, of cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device [~~in the home, if the use and possession of the cannabis, cannabis product, or medical cannabis device is in compliance with Title 26, Chapter 60b, Medical Cannabis Act~~], as those terms are defined in Section 26-61a-102.

(2) A child welfare worker within the division may take action under Subsection [~~(10)~~] (1) accompanied by a peace officer, or without a peace officer when a peace officer is not reasonably available.

(3) (a) If possible, consistent with the child's safety and welfare, before taking a child into protective custody, the child welfare worker shall also determine whether there are services available that, if provided to a parent or guardian of the child, would eliminate the

need to remove the child from the custody of the child's parent or guardian.

(b) If the services described in Subsection (3)(a) are reasonably available, they shall be utilized.

(c) In determining whether the services described in Subsection (3)(a) are reasonably available, and in making reasonable efforts to provide those services, the child's health, safety, and welfare shall be the child welfare worker's paramount concern.

(4) (a) A child removed or taken into custody under this section may not be placed or kept in a secure detention facility pending court proceedings unless the child is detainable based on guidelines promulgated by the Division of Juvenile Justice Services.

(b) A child removed from the custody of the child's parent or guardian but who does not require physical restriction shall be given temporary care in:

(i) a shelter facility; or

(ii) an emergency placement in accordance with Section 62A-4a-209.

(c) When making a placement under Subsection (4)(b), the Division of Child and Family Services shall give priority to a placement with a noncustodial parent, relative, or friend, in accordance with Section 62A-4a-209.

[~~(a)~~] (d) If the child is not placed with a noncustodial parent, a relative, or a designated friend, the caseworker assigned to the child shall file a report with the caseworker's supervisor explaining why a different placement was in the child's best interest.

(5) When a child is removed from the child's home or school or taken into protective custody, the caseworker shall give a parent of the child a pamphlet or flier explaining:

(a) the parent's rights under this part, including the right to be present and participate in any court proceeding relating to the child's case;

(b) that it may be in the parent's best interest to contact an attorney and that, if the parent cannot afford an attorney, the court will appoint one;

(c) the name and contact information of a division employee the parent may contact with questions;

(d) resources that are available to the parent, including:

(i) mental health resources;

(ii) substance abuse resources; and

(iii) parenting classes; and

(e) any other information considered relevant by the division.

(6) The pamphlet or flier described in Subsection (5) shall be:

(a) evaluated periodically for its effectiveness at conveying necessary information and revised accordingly;

(b) written in simple, easy-to-understand language; and

(c) available in English and other languages as the division determines to be appropriate and necessary.

Section 134. Section **63I-1-226** is amended to read:

63I-1-226. Repeal dates, Title 26.

(1) Section 26-1-40 is repealed July 1, 2019.

[~~(1)~~] (2) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July 1, 2025.

[~~(2)~~] (3) Section 26-10-11 is repealed July 1, 2020.

(4) Subsection 26-18-417(3) is repealed July 1, 2020.

[~~(3) Section 26-21-23, Licensing of non-Medicaid nursing facility beds, is repealed July 1, 2018.~~]

[~~(4)~~] (5) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1, 2024.

(6) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July 1, 2024.

(7) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is repealed July 1, 2024.

[~~(5)~~] (8) Title 26, Chapter [~~36a~~] 36d, Hospital Provider Assessment Act, is repealed July 1, [~~2016~~] 2019.

[~~(6) Section 26-38-2.5 is repealed July 1, 2017.~~]

[~~(7) Section 26-38-2.6 is repealed July 1, 2017.~~]

[~~(8)~~] (9) Title 26, Chapter 56, Hemp Extract Registration Act, is repealed January 1, 2019.

(10) Title 26, Chapter 63, Nurse Home Visiting Pay-for-Success Program, is repealed July 1, 2026.

Section 135. Section **63I-1-258** is amended to read:

63I-1-258. Repeal dates, Title 58.

(1) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is repealed July 1, 2026.

(2) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2025.

(3) Title 58, Chapter [~~20a~~] 20b, Environmental Health Scientist Act, is repealed July 1, [~~2018~~] 2028.

(4) Section 58-37-4.3 is repealed January 1, 2020.

(5) Subsection 58-37-6(7)(f)(iii) is repealed July 1, 2022, and the Office of Legislative Research and General Counsel is authorized to renumber the remaining subsections accordingly.

[~~(5)~~] (6) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1, 2023.

[~~(6)~~] (7) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act, is repealed July 1, 2019.

[~~(7)~~] (8) Title 58, Chapter 42a, Occupational Therapy Practice Act, is repealed July 1, 2025.

[~~(8)~~] (9) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is repealed July 1, 2023.

[~~(9)~~] (10) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1, 2024.

[~~(10)~~] (11) Title 58, Chapter 61, Part 7, Behavior Analyst Licensing Act, is repealed July 1, 2026.

[~~(11)~~] (12) Title 58, Chapter 72, Acupuncture Licensing Act, is repealed July 1, 2027.

(13) Title 58, Chapter 86, State Certification of Commercial Interior Designers Act, is repealed July 1, 2021.

(14) The following sections are repealed on July 1, 2019:

(a) Section 58-5a-502;

(b) Section 58-31b-502.5;

(c) Section 58-67-502.5;

(d) Section 58-68-502.5; and

(e) Section 58-69-502.5.

Section 136. Section **67-19-33** is amended to read:

67-19-33. Controlled substances and alcohol use prohibited.

[~~An~~] Except as provided in Title 26, Chapter 61a, Utah Medical Cannabis Act, an employee may not:

(1) manufacture, dispense, possess, use, distribute, or be under the influence of a controlled substance or alcohol during work hours or on state property except where legally permissible;

(2) manufacture, dispense, possess, use, or distribute a controlled substance or alcohol if the activity prevents:

(a) state agencies from receiving federal grants or performing under federal contracts of $25,000 or more; or

(b) the employee to perform his services or work for state government effectively as regulated by the rules of the executive director in accordance with Section 67-19-34; or

(3) refuse to submit to a drug or alcohol test under Section 67-19-36.

Section 137. Section **78A-6-508 (Superseded 07/01/19)** is amended to read:

78A-6-508 (Superseded 07/01/19). Evidence of grounds for termination.

(1) In determining whether a parent or parents have abandoned a child, it is prima facie evidence of abandonment that the parent or parents:

(a) although having legal custody of the child, have surrendered physical custody of the child, and for a period of six months following the surrender have not manifested to the child

or to the person having the physical custody of the child a firm intention to resume physical custody or to make arrangements for the care of the child;

(b) have failed to communicate with the child by mail, telephone, or otherwise for six months;

(c) failed to have shown the normal interest of a natural parent, without just cause; or

(d) have abandoned an infant, as described in Subsection 78A-6-316(1).

(2) In determining whether a parent or parents are unfit or have neglected a child the court shall consider, but is not limited to, the following circumstances, conduct, or conditions:

(a) emotional illness, mental illness, or mental deficiency of the parent that renders the parent unable to care for the immediate and continuing physical or emotional needs of the child for extended periods of time;

(b) conduct toward a child of a physically, emotionally, or sexually cruel or abusive nature;

(c) habitual or excessive use of intoxicating liquors, controlled substances, or dangerous drugs that render the parent unable to care for the child;

(d) repeated or continuous failure to provide the child with adequate food, clothing, shelter, education, or other care necessary for the child's physical, mental, and emotional health and development by a parent or parents who are capable of providing that care;

(e) whether the parent is incarcerated as a result of conviction of a felony, and the sentence is of such length that the child will be deprived of a normal home for more than one year;

(f) a history of violent behavior; or

(g) whether the parent has intentionally exposed the child to pornography or material harmful to a minor, as defined in Section 76-10-1201.

(3) Notwithstanding Subsection (2)(c), the court may not discriminate against a parent [~~because of the~~] or otherwise consider a parent's lawful possession or consumption of cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device, as those terms are defined in Section 26-61a-102, in accordance with Title 26,

Chapter [~~60b~~] 61a, Utah Medical Cannabis Act.

(4) A parent who, legitimately practicing the parent's religious beliefs, does not provide specified medical treatment for a child is not, for that reason alone, a negligent or unfit parent.

(5) (a) Notwithstanding Subsection (2), a parent may not be considered neglectful or unfit because of a health care decision made for a child by the child's parent unless the state or other party to the proceeding shows, by clear and convincing evidence, that the health care decision is not reasonable and informed.

(b) Nothing in Subsection (5)(a) may prohibit a parent from exercising the right to obtain a second health care opinion.

(6) If a child has been placed in the custody of the division and the parent or parents fail to comply substantially with the terms and conditions of a plan within six months after the date on which the child was placed or the plan was commenced, whichever occurs later, that failure to comply is evidence of failure of parental adjustment.

(7) The following circumstances constitute prima facie evidence of unfitness:

(a) sexual abuse, sexual exploitation, injury, or death of a sibling of the child, or of any child, due to known or substantiated abuse or neglect by the parent or parents;

(b) conviction of a crime, if the facts surrounding the crime are of such a nature as to indicate the unfitness of the parent to provide adequate care to the extent necessary for the child's physical, mental, or emotional health and development;

(c) a single incident of life-threatening or gravely disabling injury to or disfigurement of the child;

(d) the parent has committed, aided, abetted, attempted, conspired, or solicited to commit murder or manslaughter of a child or child abuse homicide; or

(e) the parent intentionally, knowingly, or recklessly causes the death of another parent of the child, without legal justification.

Section 138. Section **78A-6-508 (Effective 07/01/19)** is amended to read:

78A-6-508 (Effective 07/01/19). Evidence of grounds for termination.

(1) In determining whether a parent or parents have abandoned a child, it is prima facie

evidence of abandonment that the parent or parents:

(a) although having legal custody of the child, have surrendered physical custody of the child, and for a period of six months following the surrender have not manifested to the child or to the person having the physical custody of the child a firm intention to resume physical custody or to make arrangements for the care of the child;

(b) have failed to communicate with the child by mail, telephone, or otherwise for six months;

(c) failed to have shown the normal interest of a natural parent, without just cause; or

(d) have abandoned an infant, as described in Subsection 78A-6-316(1).

(2) In determining whether a parent or parents are unfit or have neglected a child the court shall consider, but is not limited to, the following circumstances, conduct, or conditions:

(a) emotional illness, mental illness, or mental deficiency of the parent that renders the parent unable to care for the immediate and continuing physical or emotional needs of the child for extended periods of time;

(b) conduct toward a child of a physically, emotionally, or sexually cruel or abusive nature;

(c) habitual or excessive use of intoxicating liquors, controlled substances, or dangerous drugs that render the parent unable to care for the child;

(d) repeated or continuous failure to provide the child with adequate food, clothing, shelter, education, or other care necessary for the child's physical, mental, and emotional health and development by a parent or parents who are capable of providing that care;

(e) whether the parent is incarcerated as a result of conviction of a felony, and the sentence is of such length that the child will be deprived of a normal home for more than one year;

(f) a history of violent behavior; or

(g) whether the parent has intentionally exposed the child to pornography or material harmful to a minor, as defined in Section 76-10-1201.

(3) Notwithstanding Subsection (2)(c), the court may not discriminate against a parent

because of or otherwise consider the parent's lawful possession or consumption of cannabis in a medicinal dosage form, a cannabis product, as those terms are defined in Section 26-61a-102 or a medical cannabis device, in accordance with Title 26, Chapter [~~60b~~] 61a, Utah Medical Cannabis Act.

(4) A parent who, legitimately practicing the parent's religious beliefs, does not provide specified medical treatment for a child is not, for that reason alone, a negligent or unfit parent.

(5) (a) Notwithstanding Subsection (2), a parent may not be considered neglectful or unfit because of a health care decision made for a child by the child's parent unless the state or other party to the proceeding shows, by clear and convincing evidence, that the health care decision is not reasonable and informed.

(b) Nothing in Subsection (5)(a) may prohibit a parent from exercising the right to obtain a second health care opinion.

(6) If a child has been placed in the custody of the division and the parent or parents fail to comply substantially with the terms and conditions of a plan within six months after the date on which the child was placed or the plan was commenced, whichever occurs later, that failure to comply is evidence of failure of parental adjustment.

(7) The following circumstances constitute prima facie evidence of unfitness:

(a) sexual abuse, sexual exploitation, injury, or death of a sibling of the child, or of any child, due to known or substantiated abuse or neglect by the parent or parents;

(b) conviction of a crime, if the facts surrounding the crime are of such a nature as to indicate the unfitness of the parent to provide adequate care to the extent necessary for the child's physical, mental, or emotional health and development;

(c) a single incident of life-threatening or gravely disabling injury to or disfigurement of the child;

(d) the parent has committed, aided, abetted, attempted, conspired, or solicited to commit murder or manslaughter of a child or child abuse homicide; or

(e) the parent intentionally, knowingly, or recklessly causes the death of another parent of the child, without legal justification.

Section 139. **Repealer.**

This bill repeals:

Section **4-41-201**, **Title.**

Section **4-41-202**, **Definitions.**

Section **4-41-203**, **Department to cultivate cannabis.**

Section **4-41-301**, **Department to establish a state dispensary.**

Section **4-41-302**, **Labeling.**

Section **4-41-303**, **Department to set prices.**

Section **4-41-304**, **Department to make rules regarding purchasers, communication -- Report.**

Section **4-41b-104**, **Preemption.**

Section **4-43-101** **(Effective 07/01/19), Title.**

Section **4-43-102** **(Effective 07/01/19), Definitions.**

Section **4-43-201** **(Effective 07/01/19), Cannabidiol processor -- Cannabidiol laboratory -- License -- Renewal.**

Section **4-43-202** **(Effective 07/01/19), Renewal.**

Section **4-43-203** **(Effective 07/01/19), Bond required for license.**

Section **4-43-301** **(Effective 07/01/19), Cannabidiol processor and laboratory agents.**

Section **4-43-401** **(Effective 07/01/19), Cannabidiol processor or cannabidiol laboratory -- General operating requirements.**

Section **4-43-402** **(Effective 07/01/19), Cannabidiol processor or cannabidiol laboratory -- Inspection by department.**

Section **4-43-501** **(Effective 07/01/19), Cannabidiol processor -- Operating requirements.**

Section **4-43-502** **(Effective 07/01/19), Cannabidiol product.**

Section **4-43-503** **(Effective 07/01/19), Cannabidiol medicine -- Labeling and packaging.**

Section 4-43-601 **(Effective 07/01/19), Hemp and cannabidiol product testing.**

Section 4-43-602 **(Effective 07/01/19), Reporting -- Inspections.**

Section 4-43-701 **(Effective 07/01/19), Enforcement -- Fine -- Citation.**

Section 4-43-702 **(Effective 07/01/19), Report to the Legislature.**

Section 4-43-703 **(Effective 07/01/19), Fees -- Deposit into Cannabinoid Product Restricted Account.**

Section 4-43-801 **(Effective 07/01/19), Cannabinoid Product Restricted Account -- Creation.**

Section 26-60b-104**, Preemption.**

Section 58-67-808 **(Effective 07/01/19), Recommendation of cannabidiol products.**

Section 58-68-808 **(Effective 07/01/19), Recommendation of cannabidiol products.**

Section 58-85-103.5**, Right to request a recommendation for a cannabis-based treatment.**

Section 58-88-101 **(Effective 07/01/19), Title.**

Section 58-88-102 **(Effective 07/01/19), Definitions.**

Section 58-88-103 **(Effective 07/01/19), Cannabidiol-qualified pharmacy requirements.**

Section 58-88-104 **(Effective 07/01/19), Division to make rules -- Study.**

Section 59-12-104.7 **(Repealed 01/01/19), Reporting by purchaser of certain sales and use tax exempt purchases.**

Section 59-12-104.9 **(Effective 07/01/19), Exemption from sales tax for cannabinoid products.**

Section 59-29-101 **(Effective 07/01/19), Title.**

Section 59-29-102 **(Effective 07/01/19), Definitions.**

Section 59-29-103 **(Effective 07/01/19), Imposition of tax -- Rate -- Administration.**

Section 59-29-104 **(Effective 07/01/19), Collection of tax.**

Section 59-29-105 **(Effective 07/01/19), Deposit of tax revenue.**

Section 59-29-106 **(Effective 07/01/19), Records.**

Section **59-29-107 (Effective 07/01/19), Rulemaking authority.**

Section **59-29-108 (Effective 07/01/19), Penalties and interest.**

Section 140. **Effective date.**

(1) Except as provided in Subsection (2), if approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.

(2) The amendments to Sections 26-65-102 (Effective (07/01/19), 26-65-103 (Effective 07/01/19), 41-6a-517 (Effective 07/01/19), 58-37-3.6 (Effective 07/01/19), and 78A-6-508 (Effective 07/01/19) in this bill take effect on July 1, 2019.

Section 141. **Revisor instructions.**

The Legislature intends that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication:

(1) in Sections 4-41a-106 and 26-61a-114 replace the language from "this bill" with the bill's designated chapter number in the Laws of Utah; and

(2) in Sections 4-41a-201, 4-41a-301, 4-41a-401, 26-61a-202, 26-61a-301, 26-61a-401, 26-61a-602, and 26-61a-606, replace the language from "the effective date of this bill" to the bill's actual effective date.

WEST VALLEY CITY, UTAH

ORDINANCE NO._____

Draft Date: 1/14/2019

Date Adopted: _____

Date Effective: _____

AN ORDINANCE AMENDING SECTIONS 7-6-201, 7-6-205, AND 7-6-301 AND ENACTING SECTION 7-7-105.5 OF THE WEST VALLEY CITY MUNICIPAL CODE TO ENACT REGULATIONS CONCERNING CANNABIS PRODUCTION ESTABLISHMENTS AND MEDICAL CANNABIS PHARMACIES.

WHEREAS, Title 7 of the West Valley City Municipal Code establishes regulations concerning the use and development of land throughout the City; and

WHEREAS, the Utah legislature recently enacted legislation governing medical cannabis production and distribution; and

WHEREAS, the City is required to permit certain medical cannabis establishments, subject to the restrictions set forth in state law and subject to the standards enacted herein to mitigate the secondary effects of such establishments; and

WHEREAS, the City Council of West Valley City, Utah does hereby determine that it is in the best interests of the health, safety, and welfare of the citizens of West Valley City to amend Sections 7-6-201, 7-6-205, and 7-6-301 and to enact Section 7-7-105.5 of the West Valley City Municipal Code;

NOW, THEREFORE, BE IT ORDAINED by the City Council of West Valley City, Utah as follows:

Section 1. Repealer. Any provision of the West Valley City Municipal Code found to be in conflict with this Ordinance is hereby repealed.

Section 2. Amendment. Sections 7-6-201, 7-6-205, and 7-6-301 of the West Valley City Municipal Code are hereby amended as follows:

7-6-201. AGRICULTURAL AND RESIDENTIAL USE TABLE.

The following table indicates the permitted (P), conditional (C), and prohibited (X) Uses within the Agricultural and Residential Zones of the City. Where uses are marked with an asterisk, regulations can be found elsewhere in this Title. It is the express intent of the City Council that any Use not listed in this table is prohibited in the Agricultural and Residential Zones of the City.

Uses - (Uses with an asterisk (*) include use specific regulations.)	**Zones – (Zones with an asterisk (*) include regulations that limit the use.)**									
	A, A-1, A-2	**RE**	**R-1**	**R-2-6.5**	**R-2-8**	**R-4**	**RM**	**RMH**	**SH**	**RB**
Agriculture	P	P	P	P	P	P	P	P	P	P
Apartments	X	X	X	X	X	C	C	X	P	X
Assisted Living Facility	X	X	X	X	X	P	P	X	P	P
Cannabis Production Establishment*	C*	X	X	X	X	X	X	X	X	X
Cargo Container*	P	X	X	X	X	X	X	X	X	X
Commercial raising, rental, stabling, training and grazing of animals*	C	X	X	X	X	X	X	X	X	X
Community Use	P	P	P	P	P	P	P	P	P	P
Condominiums	X	X	C	C	C	C	C	X	C	X
Crisis Nursery and Counseling Center	X	X	X	P	P	P	P	P	P	P
Day Care/Preschool Center	X	X	X	X	X	X	P	X	X	P
Day Care/Preschool Center in conjunction with a church	C	C	C	C	C	C	P	C	C	P
Equestrian schools	C	X	X	X	X	X	X	X	X	X
Financial Institution	X	X	X	X	X	X	X	X	X	P
Food Vending Unit and Mobile Food Vending Vehicle as an accessory use to an approved community use	P	P	P	P	P	P	P	P	P	P
Four Unit Dwelling	X	X	X	X	X	C	X	X	X	X

Uses - (Uses with an asterisk (*) include use specific regulations.)	Zones – (Zones with an asterisk (*) include regulations that limit the use.)									
	A, A-1, A-2	RE	R-1	R-2-6.5	R-2-8	R-4	RM	RMH	SH	RB
Home Occupation*	P	P	P	P	P	P	P	P	P	P
Home Occupation in Accessory Building*	C	C	C	C	C	C	C	C	C	C
Household Pets	P	P	P	P	P	P	P	P	P	P
Inland Port Use	X*	X	X*	X	X	X	X	X	X	X
Kennel, Indoor*	C	X	X	X	X	X	X	X	X	X
Kennel, Outdoor*	C	X	X	X	X	X	X	X	X	X
Kennel, Sportsman's*	C	X	X	X	X	X	X	X	X	X
Mobile Home Park*	X	X	X	X	X	X	X	C	X	X
Mobile Home (in a Mobile Home Park or in a Mobile Home Subdivision only)	X	X	X	X	X	X	X	P	X	X
Mobile Home Subdivision	X	X	X	X	X	X	X	C	X	X
Noncommercial raising, training and grazing of animals	P	X	X	X	X	X	X	X	X	X
Nursing home/Convalescent Center	X	X	X	X	X	P	P	X	P	P
Office, Medical and Dental	X	X	X	X	X	X	P	X	X	P
Office, Professional	X	X	X	X	X	X	P	X	X	P
Planned Unit Development	X	C	C	C	C	C	C	C	C	X
Public Utility installations (except lines and rights-of-way)	C	C	C	C	C	C	C	C	C	C
Radio and television transmission antennas, transmitting stations and related facilities*	C	X	X	X	X	X	X	X	X	X
Single Unit Dwelling	P	P	P	P	P	P	P	P	P	P
Temporary Nonresidential Buildings	P	P	P	P	P	P	P	P	P	P
Temporary Land Use	X	X	X	X	X	X	X	X	X	P

Uses - (Uses with an asterisk (*) include use specific regulations.)	Zones – (Zones with an asterisk (*) include regulations that limit the use.)									
	A, A-1, A-2	RE	R-1	R-2-6.5	R-2-8	R-4	RM	RMH	SH	RB
Temporary Use accessory to a Community Use	P	P	P	P	P	P	P	P	P	P
Three Unit Dwelling	X	X	X	X	X	C	X	X	X	X
Turf Farm Equipment Manufacturing*	C	X	X	X	X	X	X	X	X	X
Twin Home	X	X	X	X	P	P	P	X	X	X
Two Unit Dwelling	X	X	X	P	P	P	X	X	X	X
Uses customarily accessory to listed conditional uses	P	P	P	P	P	P	P	P	P	P
Uses customarily accessory to listed permitted uses	P	P	P	P	P	P	P	P	P	P
Veterinary Hospital*	C	X	X	X	X	X	X	X	X	P

X: Use is prohibited

C: Use is conditional

P: Use is permitted

7-6-205. GENERALLY APPLICABLE REQUIREMENTS – AGRICULTURAL ZONES.

The following requirements are applicable within all Agricultural Zones within the City:

(1) All Structures or enclosures for the keeping of Animals, including but not limited to barns, Kennels, corrals, stables, and coops, shall be located at least 40 feet from any dwelling. If no dwelling exists, any such Structures or enclosures must be located a minimum of 100 feet from any public Street.

(2) Existing Lots under one half acre may apply setback standards set forth in Section 7-6-204 for Accessory Buildings if said Accessory Buildings are not used for the keeping of Animals and

are subordinate in height and area to the Single Unit Dwelling located on the Lot.

(3) The maintenance and keeping of livestock on a Lot or Parcel of Land in an Agricultural Zone as a Permitted Use shall be limited to a total of 200 Animal points per acre, with fractional amounts of land receiving a prorated point allowance (for example, a 0.5 acre Lot is entitled to 100 points, while a 1.5 acre Lot is entitled to 300 points). Animal points may be spent as follows:

a. Large sized adults over one year of age (over 40 inches in height at the top of the shoulders) – 40 points per Animal. Examples include horses, bison, cattle, llamas, ostriches, camels, and similarly sized creatures.

b. Medium sized adults over one year of age (20 to 40 inches in height at the top of the shoulders) – 20 points per Animal. Examples include miniature cattle and horses, pigs, sheep, goats, and emus.

c. Small sized adults over 4 months of age (under 20 inches in height at the top of the shoulders) – 1 point per Animal. Examples include chickens, geese, swans, pigeons, and rabbits.

d. Notwithstanding any other provision of this Section, roosters and crowing hens shall cost 20 points each.

(4) All new Subdivisions in or including property in an Agricultural Zone shall include the following notification on the plat: "This area is subject to the normal, everyday sounds, odors, and other aspects associated with an agricultural lifestyle."

(5) Inland Port Uses shall:

a. Only be a conditional use in the A, A-1, and A-2 zones if the property is within the authority jurisdictional land boundary of the Utah Inland Port Authority; and

b. Comply with the requirements applicable to developments in the M zone.

(6) Cannabis Production Establishments shall only be allowed as a Conditional Use in the A-1 zone.

7-6-301. COMMERCIAL AND MANUFACTURING USE TABLE.

The following table indicates the permitted (P), conditional (C), and prohibited (X) Uses within the Commercial, Manufacturing, and overlay Zones of the City. (PC) means a Use is permitted when not adjacent to a residential Use, Residential Zone, or Agricultural Zone and conditional

when adjacent to a residential Use, Residential Zone, or Agricultural Zone. Certain Uses may have additional restrictions or requirements as set forth in this Title. Where Uses are marked with an asterisk, additional regulations can be found elsewhere in this Title. It is the express intent of the City Council that any Use not listed in this table is prohibited in the Commercial and Manufacturing Zones of the City.

Uses - (Uses with an asterisk (*) include use specific regulations.)	**Zones - (Zones with an asterisk (*) include regulations that limit the use.)**											
	BRP	**MXD**	**CC**	**C-1**	**C-2**	**C-3**	**LI**	**M**	**DLSOZ**	**JROZ**	**BHOZ**	**56WOZ**
Agricultural Business or Industry*	X	X	X	X	X	X	X	C	X	X	X	X
Agriculture	P	P	P	P	P	P	P	P				
Alternative Financial Service Provider*	X	X	X	X	P	P	X	P	X	X	X	X
Artist Studio	P	P*	P*	P	P	P	P	P				
Assisted Living Facility	X	P*	P*	P	P	P	X	X				
Automobile Parts Store	X	P*	X	P	P	P	X	P				X*
Automobile Sales, New	X	X	X	X	P	P	P	P	X	X		X*
Automobile Sales, Used	X	X	X	X	P	P	X	P	X	X	X	X*
Automobile Service*	X	X	X	X	PC	PC	P*	PC	X	X	X	X*
Bail Bonds Dealer	X	X	X	X	X	X	X	P	X	X	X	X
Blood Plasma Center	X	X	X	X	P	P	X	X	X	X	X	X
Brew Restaurant, Brew Restaurant and Liquor Retailer, Small Brewer*	X	X	P	X	P	P	X	P				
Bus Terminal*	X	X	X	X	X	PC	P	PC	X			
Cannabis Production Establishment*	X	X	X	X	X	X	X	P	X	X	X	X
Caretaker's Dwelling	P	P	P	P	P	P	P	P				

Uses - (Uses with an asterisk (*) include use specific regulations.)	Zones - (Zones with an asterisk (*) include regulations that limit the use.)											
	BRP	MXD	CC	C-1	C-2	C-3	LI	M	DLSOZ	JROZ	BHOZ	56WOZ
Cargo Container*	P	X	X	X	P	P	P	P	X	X	X	X
Commercial Raising, Rental, Stabling, Training and Grazing of Animals*	X	X	X	X	X	X	X	PC	X			
Commissary	X	X	X	X	X	X	X	PC	X			
Community Use	P	P*	P	P	P	P	P	P				
Convenience Store	X	P*	X	PC	PC	PC	P*	PC	X	X	*	
Day Care/Preschool Center	P	P*	P*	P	P	P	P	P				
Detention Facility/Jail*	X	X	X	X	X	X	X	C	X		X	X
Equestrian School	X	X	X	X	X	X	X	PC	X			
Equity Club*, Fraternal Club*, Social Club*, or Other Establishment Requiring a Club License	X	X	X	X	C	C	X	PC				
Event Center, Indoor*	X	P*	X	X	PC	PC	P	PC				
Event Center, Outdoor*	X	X	X	X	X	X	C	C				
Fast Food Establishment with Drive-Up Window*	X	P*	X	X	P	P	X	P	X	X	*	*
Fast Food Establishment with No Drive-Up Window	P	P*	P*	P	P	P	X	P		*	*	
Financial Institution	P	P*	P*	P	P	P	X	P				
Fitness Center	P	P*	X	P	P	P	P	P				
Food Vending Unit* and Mobile Food Vending Vehicle*	P	X	P*	X	P	P	X	P				
Fuel Sales Including	X	P*	X	PC	PC	PC	P	PC	X	X	*	

Uses - (Uses with an asterisk (*) include use specific regulations.)	Zones - (Zones with an asterisk (*) include regulations that limit the use.)											
	BRP	MXD	CC	C-1	C-2	C-3	LI	M	DLSOZ	JROZ	BHOZ	56WOZ
Gasoline, Diesel, Propane and Other Similar Fuels												
Furniture Store	X	P	X	P	P	P	X	P				
Garden Center* or Garden Center* with an Indoor Event Center* as an Accessory Use	X	P	X	C	P	P	X	P				
Grocery Store	X	P*	X	PC	PC	PC	X	PC				
Gun Range, Indoor	P	P	X	X	P	P	P	P				
Hardware Store	X	P*	X	P	P	P	X	P	X	X		
Heavy Equipment Sales and Service	X	X	X	X	X	X	X	PC	X		X	X*
Heavy Truck and Trailer Sales, New	X	X	X	X	X	X	P	PC	X			X*
Heavy Truck and Trailer Sales, Used	X	X	X	X	X	X	X	PC	X		X	X*
Heavy Truck and Trailer Service	X	X	X	X	X	X	C*	PC	X		X	X*
Home Improvement Center*	X	P*	X	X	PC	PC	X	PC	X	X		
Home Occupation*	X	P	P	X	X	X	X	X				
Hospital	P	P*	P*	X	PC	PC	P	PC				
Incinerator	X	X	X	X	X	X	X	X	X			
Industrial, Light	P	X	X	X	X	C	P	PC				
Industrial, Heavy	X	X	X	X	X	X	X	C	X		X	X
Inland Port Use	X	X	X	X	X	X	PC	PC				
Instructional Facility	P	P*	X	P	P	PC	P	PC				

Uses - (Uses with an asterisk (*) include use specific regulations.)	Zones - (Zones with an asterisk (*) include regulations that limit the use.)											
	BRP	MXD	CC	C-1	C-2	C-3	LI	M	DLSOZ	JROZ	BHOZ	56WOZ
Kennel, Indoor*	P	P*	P*	PC	PC	PC	P	PC				
Kennel, Outdoor*	X	X	X	X	X	X	X	C	X			
Laundromat	X	P	X	P	P	P	X	P				
Lingerie Store	X	P	X	X	P	P	X	P	X	X	X	X
Lodging Facility*	P	P*	P*	X	PC	PC	P	PC				
Manufacturer of Alcoholic Products	X	X	X	X	X	X	C	C	X			
Massage Establishment	X	X	X	X	P	P	X	P				
Medical Cannabis Pharmacy*	P	P	P	P	P	P	P	P				
Mortuary	X	P	X	P	P	P	X	P				
Movie Theater	X	P*	X	X	P	P	X	P				
Moving Truck Rental Business	X	X	X	X	C	C	X	PC	X			X*
Neighborhood Grocery	X	P*	X	P	P	P	X	P				
Neighborhood Service Establishment	X	P*	P*	P	P	P	X	P				
Noncommercial Raising, Training and Grazing of Animals	X	X	X	X	X	X	X	P	X			
Nursing Home/Convalescent Center	X	P*	P*	P	P	P	X	X				
Off-Premises Beer Retailer	X	P*	P	P	P	P	C*	P				
Office, Medical and Dental	P	P*	P*	P	P	P	X	X				
Office, Professional	P	P*	P	P	P	P	P	P				
Outside Display of	X	X	P*	X	P	P	X	P				

Uses - (Uses with an asterisk (*) include use specific regulations.)	Zones - (Zones with an asterisk (*) include regulations that limit the use.)											
	BRP	MXD	CC	C-1	C-2	C-3	LI	M	DLSOZ	JROZ	BHOZ	56WOZ
Merchandise*												
Outside Storage*	X	X	X	X	X	C	C*	C	X		*	
Parking Lot, Commercial	P	P	X	X	P	P	P	P				
Parking Structure	P	P*	P*	X	P	P	P	P				
Permanent Cosmetic Establishment	X	P*	P*	P	P	P	X	P				
Public Utility Installation (except lines and rights-of-way)	P	C*	P	C	C	C	P	PC				
Radio and Television Transmission Antennas, Transmitting Stations and Related Facilities*	X	X	X	X	X	X	P	P	X			
Recreation, Indoor	X	P*	X	P	P	P	P	P				
Recreation, Outdoor*	X	P*	X	X	PC	PC	X	PC	X			
Recreational Facility Beer Retailer*	X	P	X	X	P	P	P	P				
Recreational Vehicle, Motorized Outdoor Recreation Equipment and Mobile Home Sales	X	X	X	X	PC	PC	P	PC	X	X		
Rental Store	X	X	X	X	P	P	X	P				
Residential	X	P*	P*	X	X	X	X	X	X			
Restaurant*, Restaurant On-Premises Beer Retailer*, Restaurant Liquor Retailer	P	P*	P*	P	P	P	X	P				
Retail Department or	X	P*	P*	P	P	P	X	P				

Uses - (Uses with an asterisk (*) include use specific regulations.)	Zones - (Zones with an asterisk (*) include regulations that limit the use.)											
	BRP	MXD	CC	C-1	C-2	C-3	LI	M	DLSOZ	JROZ	BHOZ	56WOZ
Specialty Store												
Retail Tobacco Specialty Business*	X	X	X	X	P	P	X	P				
Sanitary Landfill	X	X	X	X	X	X	X	X				
Secondhand Precious Metal Dealer/Processor and/or Precious Gem Dealer	X	P*	X	P	P	P	X	P				
Secondhand Store	X	P*	X	P	P	P	X	P	*			
Self-Storage Facility*	X	X	X	X	C	C	C	PC	X	X	X	X
Sexually Oriented Business*	X	X	X	X	X	X	X	P	X	X	X	X
Shopping Center*	X	P*	P*	C	C	C	X	C				
State Store/Package Agency*	X	X	X	X	P	P	X	P				
Swap Meet, Indoor	X	X	X	X	X	X	X	X				
Swap Meet, Outdoor	X	X	X	X	X	X	X	X				
Tobacco Oriented Business*	X	X	X	X	X	X	X	P	X			
Tattoo Establishment	X	X	X	X	X	X	X	P	X	X	X	X
Tavern*	X	X	X	X	X	X	X	X				
Taxicab Business	X	X	X	X	P	P	P	P				
Temporary Nonresidential Building	P	P	P	P	P	P	P	P				
Temporary Land Use	P	P	X	P	P	P	P	P				
Towing and Impound Yard*	X	X	X	X	X	X	X	PC	X		X	X
Truck Transfer Company	X	X	X	X	X	X	C	C	X			
Turf Farm Equipment Manufacturing*	X	X	X	X	X	X	X	PC	X			

Uses - (Uses with an asterisk (*) include use specific regulations.)	Zones - (Zones with an asterisk (*) include regulations that limit the use.)											
	BRP	MXD	CC	C-1	C-2	C-3	LI	M	DLSOZ	JROZ	BHOZ	56WOZ
Uses Customarily Accessory to a Listed Permitted Use	P	P	P	P	P	P	P	P				
Uses Customarily Accessory to a Listed Conditional Use	P	P	P	P	P	P	P	P				
Vehicle Recycling Facility*	X	X	X	X	X	X	X	PC	X		X	X
Vehicle Storage Yard*	X	X	X	X	X	X	X	C	X		X	X
Veterinary Hospital*	P	P*	P*	P	P	P	P	P				
Warehouse	P	X	X	X	C*	C	P	PC	X	X		

X: Use is prohibited in the zone

X*: Use is prohibited in portions of the applicable overlay zone

C: Use is conditional

C*: Use is conditional and includes zone specific regulations

P: Use is permitted

P*: Use is permitted and includes zone specific regulations

PC: Use is permitted when not adjacent to a residential Use, Residential Zone, or Agricultural Zone. Use is conditional when adjacent to a residential Use, Residential Zone, or Agricultural Zone.

***: Use includes overlay zone specific regulations**

Section 3. Enactment. Section 7-7-105.5 is hereby enacted as follows:

7-7-105.5. CANNABIS PRODUCTION ESTABLISHMENTS AND MEDICAL CANNABIS PHARMACIES.

(1) The following standards apply to all Cannabis Production Establishments and Medical Cannabis Pharmacies:

a. A Cannabis Production Establishment or a Medical Cannabis Pharmacy shall not be located within 1,000 feet of any other Cannabis Production Establishment, any other Medical Cannabis Pharmacy, or an Alcohol Establishment.

b. A Cannabis Production Establishment or Medical Cannabis Pharmacy shall not be located within 500 feet of the right-of-way for any High-Image Arterial Street set forth in Section 7-10-102 or Section 7-10-201.

c. All outside areas of a Cannabis Production Establishment or Medical Cannabis Pharmacy site shall meet the minimum lighting levels for commercial uses set forth in Section 7-9-113.

d. As required by state law, a copy of an applicant's state approved license application shall be submitted as part of the permitted or conditional use application.

(2) The following standards apply to all Cannabis Production Establishments:

a. There shall be no emission of dust, fumes, vapors, odors or waste into the environment from any facility where growing, processing and testing of cannabis occurs.

b. Spacing requirements set forth in state law shall apply.

c. As required by state law, no signage is allowed for Cannabis Production Establishments.

(3) The following standards apply to all Medical Cannabis Pharmacies:

a. Spacing requirements set forth in state law shall apply.

b. A drive-through service shall not be allowed.

c. Outdoor seating areas shall be prohibited.

d. Outdoor vending machines shall be prohibited.

e. Direct or home delivery service shall be prohibited.

f. Permitted hours of operation shall be 8 AM to 8 PM.

g. The maximum size of a Medical Cannabis Pharmacy shall be 3,000 square feet.

h. No more than one Medical Cannabis Pharmacy shall be permitted in the City for every 135,000 residents of the City, rounded down. For example, 270,000 residents would be required for a second Medical Cannabis Pharmacy to be permitted.

i. No cannabis products shall be visible from outside a Medical Cannabis Pharmacy building.

j. Signs for Medical Cannabis Pharmacies shall be limited to one Wall Sign on the front face of the building. The maximum area of a Wall Sign on a Medical Cannabis Pharmacy shall be limited to 5 percent of the first story building face of the front face of the building. Advertising standards set forth in state law shall apply.

k. No bars shall be placed on windows.

Section 4. Severability. If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 5. Effective Date. This Ordinance shall take effect immediately upon posting in the manner required by law.

PASSED and APPROVED this _____ day of _____, 2019.

WEST VALLEY CITY

_____

MAYOR

ATTEST:

_____

CITY RECORDER

ZT-7-2018 MINUTES
JANUARY 9, 2019 PLANNING COMMISSION PUBLIC HEARING

ZT-7-2018
West Valley City
An ordinance amendment to add standards for cannabis production facilities and medical cannabis pharmacies

This past December the Utah Legislature passed HB 3001 that provided for the cultivation, processing, medical recommendation and patient use of medical cannabis. A copy of HB 3001 is included with this report. The following list highlights provisions of this bill that relate to local land use regulation:

Bill Provision	Page #	Line #
Defines cannabis production establishments as a cannabis cultivation facility, a cannabis processing facility or an independent cannabis testing laboratory	15	406-407
Requires cannabis production establishments to be located at least 1,000' from a community location and 600' from an area zoned primarily for residential use	21	565-571
Requires a copy of an applicant's approved State application for a cannabis production facility be submitted for a local land use permit	22	593-595
Requires the State to consult with the local land use authority before approving more than one application for a cannabis production establishment	22	612-614
Limits indoor cultivation to 100,000 sq. ft. and outdoor cultivation to four acres	27	744, 747-748
Limits the number of State licenses for cannabis cultivation facilities to 10 with the option to increase the number of licenses to 15	28	780-790
Prohibits any form of advertising for a cannabis production establishment	38	1048-1049
Requires waste from cannabis production establishments to be unusable and unrecognizable before transported and that waste be treated as hazardous waste	40	1115-1125
Requires municipalities to allow cannabis production establishments in at least one type of industrial zone	41	1133-1135
Requires municipalities to allow cannabis production establishments in at least one type of agricultural zone	41	1136-1138
Prohibits municipalities from denying a land use permit or business license on the sole basis that the cannabis production establishment violates federal law regarding the legal status of cannabis	41	1139-1145
Defines medical cannabis pharmacies	65	1805-1813

Requires a copy of an applicant's approved State application for a medical cannabis pharmacy be submitted for a local land use permit	106	2944-2946
Requires medical cannabis pharmacies to be located at least 600' from an area zoned primarily for residential use	106	2950-2951
Allows medical cannabis pharmacies as a permitted use in all zoning districts except for areas 600' from zones that are primarily for residential use	106	2954-2955
Requires the State to consult with the local land use authority before approving more than one application for a medical cannabis pharmacy	106	2956-2958
Limits the number of State licenses for medical cannabis pharmacies to 7 with the option to increase the number of licenses to 10	110-111	3081-3101
Ensures the geographic dispersal among licensees	112	3116-3117
Requires waste from medical cannabis pharmacies to be unusable and unrecognizable before transported and that waste be treated as hazardous waste	122-123	3417-3428
Limits signage on the outside of a medical cannabis pharmacy to the medical cannabis pharmacy's name and hours of operation and a green cross	129	3591-3596
Requires medical cannabis pharmacies to be located at least 600' from a community location's property boundary following the shortest route of ordinary pedestrian travel and 200' from a community location's property boundary (as the crow flies)	131-132	3664-3671
Prohibits municipalities from denying a land use permit or business license on the sole basis that the medical cannabis pharmacy violates federal law regarding the legal status of cannabis	132	3675-3681
Allows municipalities to enact ordinances that govern the time, place and manner of medical cannabis pharmacy operations	132	3682-3685

To comply with HB 3001, staff is proposing an ordinance amendment to add standards for cannabis production facilities and medical cannabis pharmacies. In addition to the provisions in HB 3001, the proposed ordinance adds:

- separation requirements between cannabis production establishments, medical cannabis pharmacies and alcohol establishments;
- separation requirements for cannabis production establishments and medical cannabis pharmacies from High-Image Arterial Streets;
- minimum light levels for all outside areas of a cannabis production establishment or medical cannabis pharmacy site;
- a prohibition on the emission of dust, fumes, vapors, odors or waste into the environment from cannabis production establishments and
- time, place and manner restrictions for medical cannabis pharmacies.

These additional provisions were added to limit the potential number of cannabis production establishments and medical cannabis pharmacies within the City, to steer these facilities to locations that are not highly visible, to promote security and to minimize impacts on neighboring properties.

Staff Alternatives:

1. Approval.

2. Continuance, for reasons determined during the public hearing.

3. Denial.

Discussion: Commissioner Lovato asked about a small sliver of land in the Chesterfield area that allows cannabis distribution. Steve Pastorik said that after separation from the freeway and residential, there is an area left in the northeast part of the City that is part of the Metro Business Park where cannabis distribution is allowed.

Commissioner McEwen asked if there are other cities in the process of passing ordinances regarding cannabis production and distribution. Steve Pastorik answered not that he is aware of. As a city, we have had a draft ready to go in anticipation that this bill would pass. HB3001 just passed in December. Steve Pastorik anticipates other cities will follow with their own cannabis ordinances.

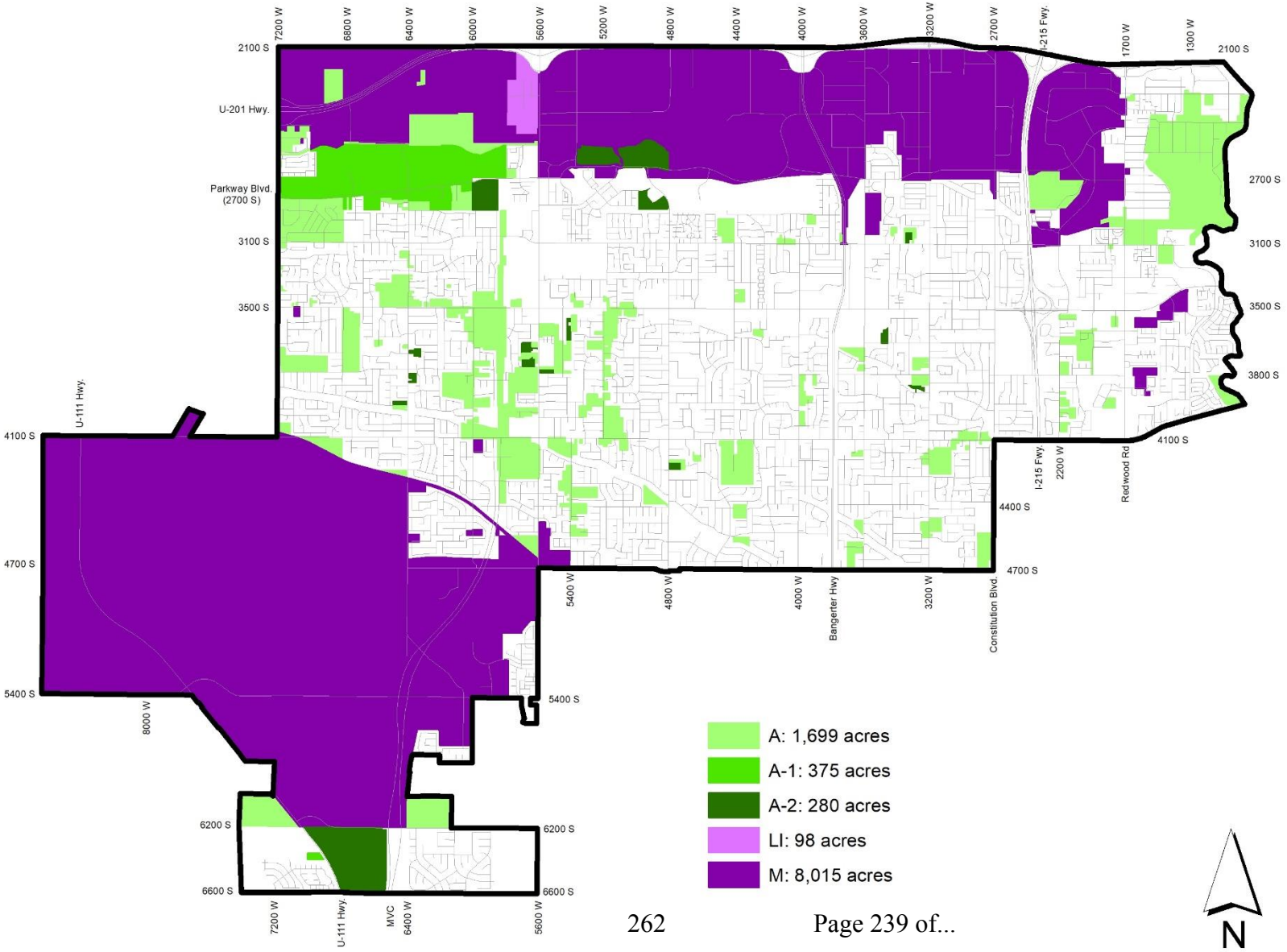
Commissioner Lovato asked if there is an advantage to being more permissive with cannabis legislation. Chair Meaders feels it is easier to remove restrictions rather than add them later.

Motion: Commissioner Winters moved to approve ZT-7-2018. Commissioner Lovato seconded the motion.

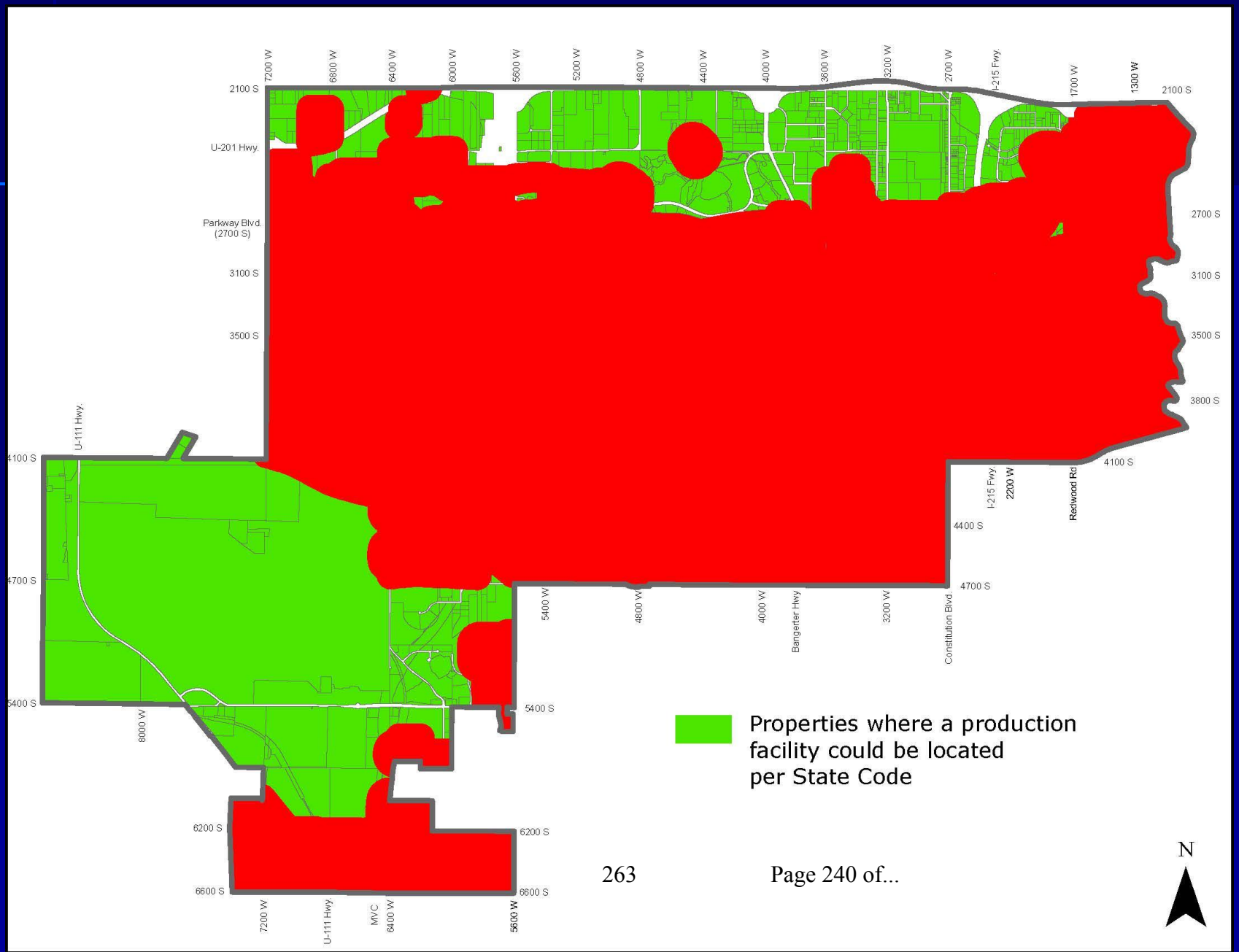
Vote:	
Brent Fuller	Yes
Commissioner Lovato	Yes
Commissioner McEwen	Yes
Chair Meaders	Yes
Commissioner Wood	Yes
Commissioner Winters	Yes
Commissioner Woodruff	Yes

Unanimous – ZT-7-2018 – Approved

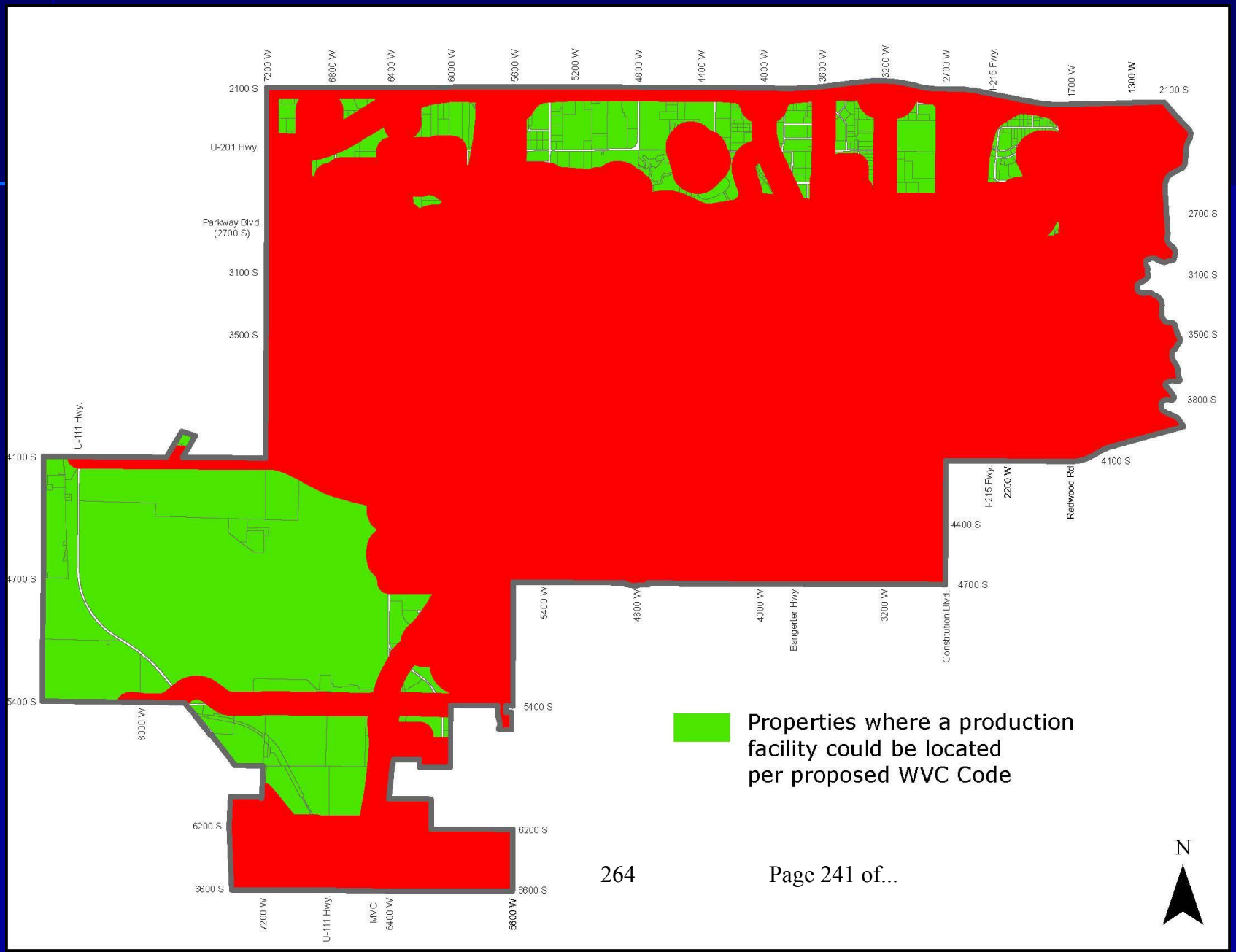
ZT-7-2018 Petition by WEST VALLEY CITY requesting a zone text change to add standards for cannabis production facilities and medical cannabis pharmacies. (Staff – Steve Pastorik at 801-963-3545)



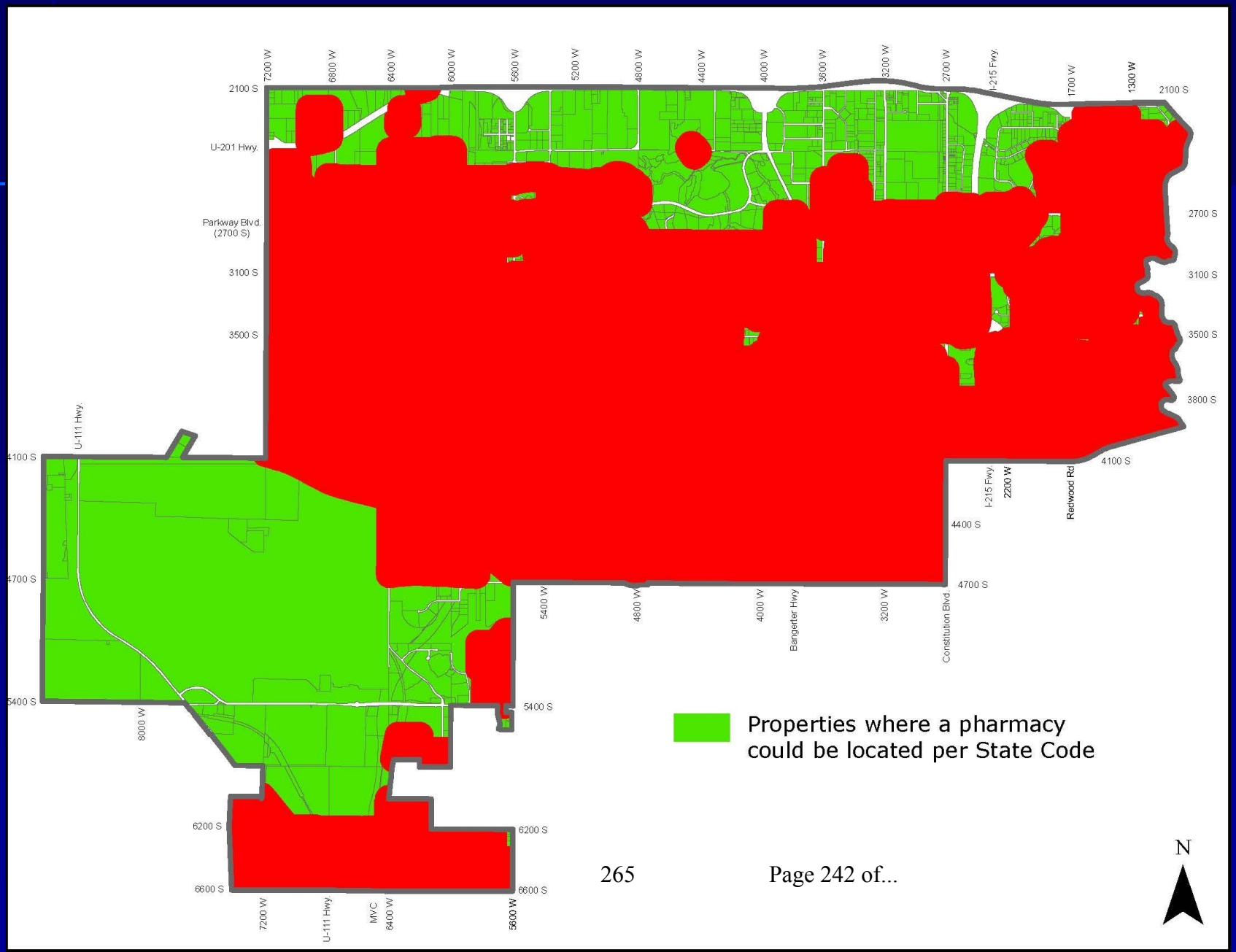
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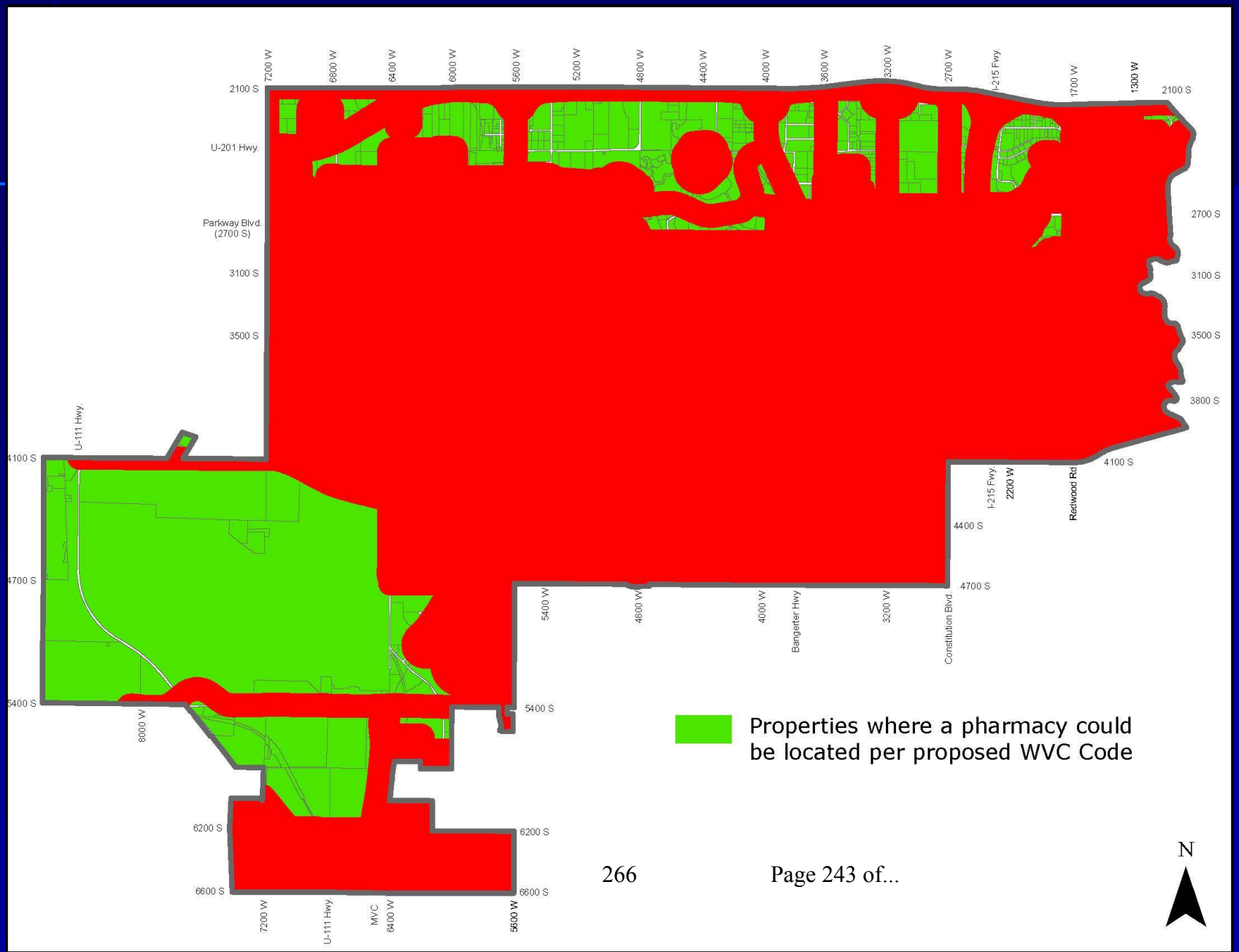
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Item: ZT-9-2018
Fiscal Impact: N/A
Funding Source: N/A
Account #: N/A
Budget Opening Required: ☐

ISSUE:

This is a proposed zone text change to amend the definition for lodging facilities.

SYNOPSIS:

Staff was recently approached by a developer interested in developing what seemed to be a combination of an extended stay hotel and apartments. The proposed facility would include furnished and unfurnished rooms. No lease would be required. Housekeeping was optional for the unfurnished rooms.

The proposed changes are intended to clarify key differences between apartments and an extended stay hotel.

RECOMMENDATION:

The Planning Commission recommends approval of this zone text change.

SUBMITTED BY:

Steve Pastorik, Assistant CED Director

WEST VALLEY CITY, UTAH

ORDINANCE NO._____

Draft Date: 1/14/2019

Date Adopted: _____

Date Effective: _____

AN ORDINANCE AMENDING SECTION 7-1-103 OF THE WEST VALLEY CITY MUNICIPAL CODE TO AMEND THE DEFINITION OF A LODGING FACILITY.

WHEREAS, Title 7 of the West Valley City Municipal Code establishes regulations concerning the use and development of land throughout the City; and

WHEREAS, the City desires to amend the definition of a lodging facility to clarify when a proposed use would qualify as a lodging facility; and

WHEREAS, the City Council of West Valley City, Utah does hereby determine that it is in the best interests of the health, safety, and welfare of the citizens of West Valley City to amend Section 7-1-103 of the West Valley City Municipal Code;

NOW, THEREFORE, BE IT ORDAINED by the City Council of West Valley City, Utah as follows:

Section 1. Repealer. Any provision of the West Valley City Municipal Code found to be in conflict with this Ordinance is hereby repealed.

Section 2. Amendment. Section 7-1-103 of the West Valley City Municipal Code is hereby amended as follows:

7-1-103. DEFINITIONS.

Whenever any words or phrases used in this Title are not defined herein, but are defined in related sections of the Utah Code or the West Valley City Municipal Code, such definitions are incorporated herein and shall apply as though set forth herein in full, unless the context clearly indicates a contrary intention. Words not defined in either Code shall have their ordinarily accepted meanings within the context in which they are used.

Unless a contrary intention clearly appears, words used in the present tense include the future, the

singular includes the plural, the term "shall" is always mandatory, and the term "may" is permissive. The following terms as used in this Title shall have the following meanings:

(1) "Accessory Building" means a detached Building incidental to and located on the same Lot occupied by a Primary Building and subordinate in height and area to the Primary Building, but can be up to 14 feet in height.

(2) "Accessory Use" means a Use customarily incidental and subordinate to the Primary Use or Building and located on the same Lot therewith, not including Uses which dominate in area, extent, or purpose over the Primary Use or Building.

(3) "Agricultural Building" means a Building exempt from the Utah State Construction Code pursuant to Section 15A-1-204, Utah Code Annotated 1953, as a Structure used solely in conjunction with agricultural Use and not for human occupancy.

(4) "Agricultural Business or Industry" means the processing of raw food products by packaging, treating, or intensive feeding, including but not limited to Animal feed yards, the raising of fur-bearing Animals, food packaging or processing plants, and Commercial poultry or egg production. Notwithstanding this subsection (4), non-Animal food processing plants located in an urban renewal area or community reinvestment area in the M Zone are not Agricultural Business or Industry.

(5) "Agricultural Zones" means the A, A-1, and A-2 zones.

(6) "Agriculture" means land used for the production of food through the tilling of the soil, the raising of crops, or horticulture and gardening, but excluding the keeping or raising of domestic Animals or fowl and Agricultural Business or Industry.

(7) "Airport" means any landing area, runway, or other facility designed, used, or intended to be used either publicly or privately by any Person or Persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other Buildings and open spaces.

(8) "Alcohol Establishment" means a business involved in the sale, manufacture, or distribution of alcoholic beverages for retail or wholesale purposes, excluding Off-Premises Beer Retailers.

(9) "Alcoholic Products" means all products obtained by fermentation, infusion, decoction, brewing, distillation, or any other process that uses any liquid or combination of liquids, whether drinkable or not, to create alcohol and that contain at least 0.63 percent alcohol by volume or 0.5 percent alcohol by weight, excluding common extracts, vinegars, ciders, essences, tinctures, food

preparations, or over-the-counter drugs and medicines.

(10) "Alley" means a secondary vehicular and pedestrian access to abutting properties not intended for general traffic circulation.

(11) "Alteration" means a physical change or addition to a site, Building, or Structure.

(12) "Alternative Financial Service Provider" means Car Title Loan Businesses, Check Cashing Businesses, Pawnbrokers, Unchartered Financial Service Providers, and any businesses or entities offering similar services.

(13) "Amenity" means an aesthetic, recreation, or service component integrated into a Development to increase its desirability or marketability.

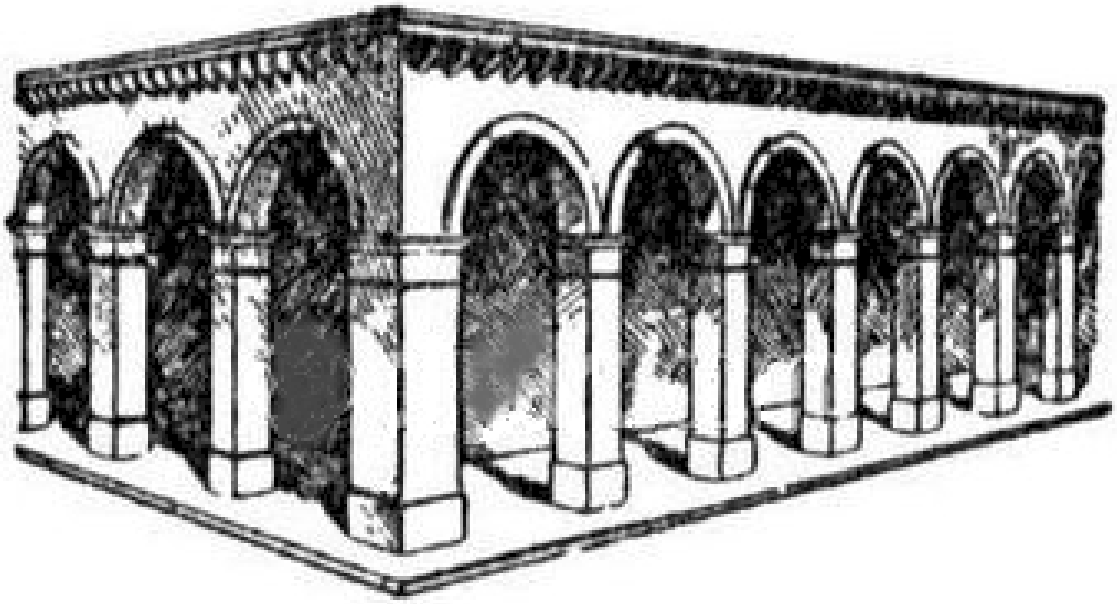
(14) "Animal" means any of a kingdom of living being differing from plants in capacity for spontaneous movement and rapid motor response to stimulation.

(15) "Animal Training" means the training of two or more Animals for compensation, whether boarded on the premises or transported to the premises for training.

(16) "Apartments" means a Building or group of Buildings with five or more rental Dwelling Units per Building.

(17) "Applicant" means a Person, firm, association, partnership, corporation, or any other entity or combination thereof owning property or serving as agent of a property Owner and requesting a modification or approval required by this Title.

(18) "Arcade" means a series of arches supported by columns, piers, or pillars Attached to a wall to form a roofed passageway or lane as illustrated below:



(19) "Architectural Banding" means a horizontal band at least six inches thick applied to the Façade of a Building, including but not limited to a change in color, texture, pattern, material, or relief.

(20) "Arterial Street, Major" means a Street with up to seven lanes for which the principal function is movement of large volumes of traffic from Collector Streets.

(21) "Arterial Street, Minor" means a Street with up to five lanes for which the principal function is movement of traffic.

(22) "Artist Studio" means a place of work for an artist, artisan, or craftsperson, including Persons engaged in the application, teaching, or performance of the fine arts.

(23) "Assisted Living Facility" means Residences for the frail elderly providing rooms, meals, personal care, and supervision of self-administered medication.

(24) "Attached" means a physical connection between Buildings or parts of Buildings, including common walls or overhead roof Structures or canopies.

(25) "Automobile Sales, Used" means the Use of property for the display and sale of used motor vehicles, including related financing services.

(26) "Automobile Sales, New" means the Use of property for the display and sale of new motor vehicles, including related financing services and Automobile Service, and the display and sale of used motor vehicles.

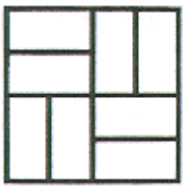
(27) "Automobile Service" means the repair, rental, and maintenance of automobiles and trucks,

including but not limited to body shops, transmission shops, lube and emissions centers, tire stores, car washes as a Primary Use, auto glass shops, and car rental.

(28) "Bail Bonds Dealer" means any individual or entity offering or facilitating bail bond services, including but not limited to any individual or entity licensed as a bail bond agency or producer under the Bail Bond Act or any amended or successor statute.

(29) "Basement" means a Story partly underground. A Basement is a Story for the purpose of height measurement if over one half of its total height is above ground.

(30) "Basket Weave Brick Pattern" means a pattern of bricks in which bricks alternate between horizontal and vertical placement as illustrated below:



(31) "Billboard" means a freestanding, outdoor sign if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located, including any sign Structure, support, or lighting that is part of, related to, or supports the sign.

(32) "Blade Sign" means a small, pedestrian scale sign placed at or near the top of the ground floor of a building that is perpendicular to the Building Façade.

(33) "Block" means a unit of land bounded by Streets, with the length of the block measured at the property Frontage Lot lines.

(34) "Blood Plasma Center" means an establishment where patrons receive compensation for donating blood plasma.

(35) "Body Piercing" means the act of piercing any part of the body of an individual, excepting the ears, for the purpose of allowing the insertion of earrings, jewelry, or similar objects into the body.

(36) "Brew Restaurant" means a business licensed to brew and sell beer for on-premises consumption in connection with a bona fide Restaurant where the revenue from the sale of beer is less than 30 percent of gross revenue.

(37) "Brew Restaurant and Liquor Retailer" means a Brew Restaurant that also holds a liquor license subject to the Alcoholic Beverage Control Act.

(38) "Buildable Area" means that portion of a Lot which may be developed after required setbacks are deducted.

(39) "Building" means any Structure having a roof supported by columns or walls for the housing or enclosure of Persons, Animals, or chattels.

(40) "Building Coverage" means the percentage of a Lot that is or can be covered by Buildings.

(41) "Building Height" means the vertical distance from the Grade to the highest point of the coping of a flat roof or to a point midway between the lowest part of the eaves or Cornice and ridge of a hip or Gable Roof. In the CC zone, Building Height shall be measured as the vertical distance between the lowest point of the roof and the average elevation of the corners of the Building at finished Grade.

(42) "Building, Primary" means a principal Building or a Building housing a principal Use on a Lot.

(43) "Bus Terminal" means any premises for the storage or parking of buses or the loading or unloading of passengers, excluding public transportation service offered by a public entity.

(44) "Canopy" means a roofed Structure not completely enclosed by walls supported by structural supports extending directly to the ground, excluding Carports.

(45) "Car Title Loan" means taking possession of an automobile title in exchange for consideration or extension of a loan, excluding loans made by federal or state chartered banks and credit unions.

(46) "Caretaker's Dwelling" means a Dwelling Unit for the caretaker of an otherwise nonresidential Building that is completely contained within the nonresidential Building.

(47) "Cargo Container" means a prefabricated metal Structure designed for use as an individual shipping container in accordance with international standards for overseas shipping, designed to be mounted on a rail car as freight, or designed as an enclosed truck trailer.

(48) "Carport" means a roofed Structure enclosed on not more than three sides and providing space for the parking of motor vehicles.

(49) "Check Cashing" means cashing a check for consideration or extending a Deferred Deposit Loan and any similar activity or enterprise, including but not limited to all businesses licensed by the State of Utah pursuant to the Check Cashing Registration Act.

(50) "Church" means a Building, together with its Accessory Buildings and Uses, where Persons regularly assemble for religious worship and which is maintained and controlled by a nonprofit

religious body organized to sustain religious worship.

(51) "City" means West Valley City.

(52) "City Attorney's Office" means the Law Department of West Valley City.

(53) "City Council" means the City Council of West Valley City.

(54) "City/County Health Department" means the Salt Lake City or County Health Department.

(55) "City Manager" means the chief executive officer of West Valley City.

(56) "City Recorder" means the West Valley City Recorder.

(57) "Civic Green" means a public open space designed for less intensive foot traffic than a Square with a minimum of 50 percent of unpaved pervious surface, including turf, groundcover, and mulch.

(58) "Club License" means a dining club license, equity club license, fraternal club license, or social club license or substantially equivalent license issued pursuant to the Alcoholic Beverage Control Act.

(59) "Collector Street" means a Street up to three lanes which carries traffic from Minor Streets to the Arterial Street system, including the principal Entrance and circulation Streets within residential Developments.

(60) "Colonnade" means a series of columns set at regular intervals and supporting the base of a roof Structure.

(61) "Commercial" means any Use involving the exchange, purchase, or sale of goods or services for gain or economic profit.

(62) "Commercial Complex" means two or more Commercial Uses on a single Lot or adjacent Lots which are dependent upon each other to meet minimum standards for parking, vehicular circulation, or Landscaping or which are approved as elements in an overall Site Plan under a Conditional Use or Subdivision application.

(63) "Commercial Zones" means the C-1, C-2, C-3, CC, BRP, and MXD zones.

(64) "Commissary" means an establishment where food is prepared and where no retail sales are conducted at the establishment.

(65) "Community and Economic Development Department" means the Community and Economic Development Department of West Valley City.

(66) "Community Use" means a Use which has the primary purpose of serving the educational, religious, recreational, or governmental needs of the general community, including but not limited

to Churches, educational institutions, Public Parks, Buildings, and facilities, and cemeteries. Detention Facilities, halfway houses, alcohol rehabilitation centers, Buildings offering lodging or residential services, and similar Uses are excluded from the definition of "Community Use."

(67) "Concert" means an assembly of 125 or more patrons at any given time for the purpose to provide or enjoy musical performances or another similar event for which tickets are sold or entry fees charged.

(68) "Concert Hall" means any establishment which is not a Concert Venue but holds Concerts.

(69) "Concert Venue" means the Maverik Center, USANA Amphitheater, Utah Cultural Celebration Center, Rocky Mountain Raceway, or Hale Center Theater.

(70) "Conditional Use" means a land Use that is permitted with conditions imposed to mitigate detrimental effects.

(71) "Conditional Use Permit" means a permit issued by the City outlining the requirements of approval for a Conditional Use, including written conditions and final, approved Development Plans, if applicable.

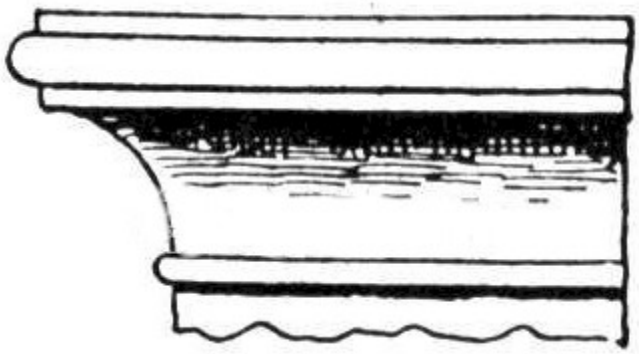
(72) "Condominium" or "Planned Unit Development" means the Ownership of a single unit in a multiunit project together with an undivided interest in the common areas and facilities of the property.

(73) "Consolidated Fee Schedule" means the schedule of fees adopted in the West Valley City Municipal Code.

(74) "Convalescent Center" means a facility licensed as a nursing care facility by the State of Utah.

(75) "Convenience Store" means any Building which contains less than 5,000 square feet of net floor area and which is used for retail sale of prepackaged food, produce, and other nonfood commodities.

(76) "Cornice" means the uppermost section of moldings along the top of a wall or just below a roof as illustrated below:

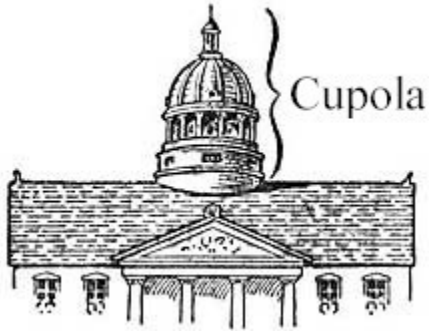


(77) "Courtyard" means an uncovered open space bounded on two or more sides by Buildings.

(78) "Crisis Nursery and Counseling Center" means an establishment that provides daytime and overnight care for children who are at risk of abuse or neglect and counseling to individuals and families, but does not provide medical treatment.

(79) "Cul-de-Sac" means a Minor Street with only one outlet and a terminal for the safe and convenient reversal of traffic.

(80) "Cupola" means a small ornamental Structure built on top of a roof, such as a dome, as illustrated below:



(81) "Day Care/Preschool Center" means any facility at a nonresidential location licensed by the State of Utah to provide children with daycare or preschool instruction as a Commercial business.

(82) "Decorative Parapet" means an arched, gabled, or stepped Parapet.

(83) "Dedication of Land" means the conveyance of land to the City by a property Owner or developer for public use.

(84) "Deferred Deposit Loan" means a transaction where a Person presents a check written upon his or her account to a Check Cashing business in exchange for money and the promise to refrain from cashing the check until a later date or any similar transaction.

(85) "Density" means the number of Dwelling Units per gross acre of land.

(86) "Detention Facility/Jail" means any facility operated to house offenders in a secure setting for the duration of their confinement or any facility providing assessment, stabilization, or treatment services for parole violators or noncompliant probationers.

(87) "Development" means any manmade change to real estate, including but not limited to the erection of Buildings or Structures, mining, dredging, filling, grading, paving, excavation, or drilling.

(88) "Development Agreement" means a voluntary agreement between the City, using its legislative judgment, and a property Owner or developer relating to a proposed Development within the City that shall run with the land and be binding upon all successors and assigns of the property Owner or developer.

(89) "Development Plan" means all plans, studies, plats, statements, reports, and information required by this Title.

(90) "Director of Health" means the legally designated Director of the Salt Lake City or County Health Department or any representative authorized by such official to act on his or her behalf.

(91) "Dwelling Unit" means one or more rooms connected together in a Structure in which doors and hallways provide shared access to common living facilities, including but not limited to provisions for sleeping, eating, cooking, and sanitation.

(92) "Entrance" means the location of ingress to a room, Building, or Lot.

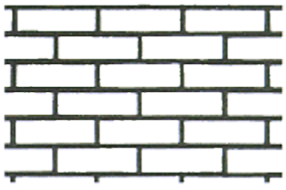
(93) "Exit" means the location of egress from a room, Building, or Lot.

(94) "Event Center, Indoor" means an indoor stadium, arena, Concert Hall, dance hall, or Reception Center that hosts sporting events, Concerts, theatrical performances, rodeos, receptions, parties, or other similar indoor events.

(95) "Event Center, Outdoor" means an outdoor stadium, arena, amphitheater, or similar venue that hosts sporting events, Concerts, theatrical performances, rodeos, or similar outdoor events.

(96) "Façade" means any face or elevation of a Building.

(97) "Face Brick Pattern" means a brick pattern in which all bricks are laid horizontally with the end of bricks aligned with the midpoint of the brick below as illustrated below:



(98) "Fast Food Establishment" means any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state and whose principal method of operation includes the following characteristics:

a. Foods and beverages are usually served in edible or disposable containers;

b. The consumption of foods and beverages is not restricted to tables, counters, or an immediately adjacent dining patio; or

c. The establishment provides drive-in, drive-through, and/or walk-up service.

(99) "Fence" means walls, hedges, beams, wood, metal, masonry, vinyl, or plastic Structures constructed to obscure view, prevent trespass, or for ornamental or decorative purposes.

(100) "Fenestration" means openings in a Building wall that allow light and views between the Building's interior and exterior.

(101) "Final Plat" means a map of a Subdivision which has been accurately surveyed to permit identification of Streets, Alleys, Blocks, Lots, and other divisions and which conforms with this Title and state law.

(102) "Financial Institution" means a bank, savings and loan institution, credit union, mortgage office, or automated teller machine, excluding Alternative Financial Service Providers.

(103) "Fire Department" means the West Valley City Fire Department.

(104) "Fitness Center" means a facility where individuals use equipment or space for the purpose of physical exercise.

(105) "Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

(106) "Flood Control and Storm Drainage Ordinance" means the West Valley City Flood Control and Storm Drainage Ordinance as presently adopted and amended in the future.

(107) "Flood, 100-Year" means a Flood having a one percent chance of being equaled or exceeded in any given year.

(108) "Flood, 10-Year" means a Flood having a 10 percent chance of being equaled or exceeded in any given year.

(109) "Floodplain, 100-Year" means that area adjacent to a drainage channel which would be inundated by a 100-Year Flood.

(110) "Focal Point" means a point of convergence and interest.

(111) "Food Vending Unit" means a unit that is manually pushed or pulled behind a vehicle and is not motorized to move on its own power, that remains stationary in one location, that is temporary and not permanently established, and which is used for the sale of food and beverages for immediate consumption.

(112) "Four Unit Dwelling" means a Building arranged or designed to have only four Dwelling Units under one ownership on one Lot, such as a fourplex.

(113) "Freeway" means a Street with fully controlled access designed to link major destination points. A Freeway is designed for high speed traffic with a minimum of four travel lanes.

(114) "Frontage" means all property adjacent to a Right-of-way, waterway, or political Subdivision boundary, measured along the Street or boundary line. An intercepting Street shall determine only the boundary of the Frontage on the side of the Street which it intercepts.

(115) "Gable Roof" means two pitched roofs back to back forming a triangular roof as illustrated below:



(116) "Garage, Private" means a Structure, enclosed by walls and a roof, accessory to a residential dwelling which is intended primarily for the storage of private vehicles belonging to the residents of that dwelling. A Private Garage may be Attached or detached and is considered "Attached" if the garage and dwelling share a roof or wall.

(117) "Garden Center" means a place of business where plants, nursery products, potting soil, power equipment, and other garden tools and equipment are sold to the consumer.

(118) "Gathering Place" means an area allocated and designed for the purpose of accommodating the assembling and meeting of people, such as a courtyard or plaza.

(119) "General Plan" means the document the City has adopted in accordance with state law to set forth general guidelines and principles for future Development.

(120) "Grade" means the natural Grade as established by the elevation of the existing surface of the land prior to commencement of any proposed improvements or any previous disturbance of the site.

a. When not readily established due to prior modifications, Grade shall be fixed by reference elevations and points where the prior disturbance appears to meet undisturbed properties.

b. The Grade shall connect to the elevation and slopes of adjoining properties without a need for retaining walls, abrupt differences in the visual slope of the land, and without changing the direction or flow of runoff water.

c. When measuring Building Height from Grade, the height is measured by the vertical distance from Grade to the highest point of the Parapet wall of a flat roof, or to a point midway between the lowest point of the eaves or Cornice and the ridge of a hip or Gable Roof.

d. For Buildings having no wall approximately parallel to and within five feet of a Street, the Grade shall be the average level of the finished surface ground adjacent to the exterior walls of the Building.

(121) "Grading/Site Development Ordinance" means the West Valley City Grading/Site Development Ordinance as presently adopted and as amended in the future.

(122) "Grocery Store" means a retail establishment with a net floor area over 5,000 square feet offering food and other household products.

(123) "Gun Range, Indoor" means a Building with facilities for the firing of firearms.

(124) "Gun Range, Outdoor" means an outdoor facility for the firing of firearms.

(125) "Hardware Store" means a facility with a gross floor area under 30,000 square feet primarily engaged in the retail sale of hardware, including but not limited to tools, builder's hardware, plumbing and electrical supplies, housewares and household appliances, and paint and glass.

(126) "Heavy Equipment Sales and Service" means a business selling and servicing equipment such as backhoes, bulldozers, cranes, excavators, construction equipment, and similar equipment or vehicles.

(127) "Heavy Industrial" means asphalt and concrete plants; crematories; electric generating plants and facilities; sand and gravel excavation, processing, and storage; manufacturing and storage of chemicals, explosives, and fuels; Outdoor Gun Ranges, outdoor manufacturing; sewage treatment and disposal facilities; and water purification facilities.

(128) "Heavy Trucks" means concrete transport trucks, dump trucks, garbage trucks, log carries, mobile cranes, refrigerator trucks, tractor trucks, tank trucks, and similar vehicles.

(129) "Hip Roof" means a Gable Roof with the ends brought together at the same pitch as the rest of the roof.

(130) "Home Child Care" means care for children who are nonfamily-members in an occupied

dwelling by the resident of that dwelling and up to one employee who is not a resident of that dwelling.

(131) "Home Improvement Center" means an establishment over 30,000 square feet selling various household goods, tools, and Building materials, household appliances, electronic equipment, household Animal supplies, and nursery products.

(132) "Home Occupation" means any lawful Use conducted within a dwelling by residents of the dwelling which is incidental and secondary to the residential Use of the dwelling and does not change the residential character of the dwelling or neighborhood.

(133) "Home Preschool" means a preschool program for nonfamily-members in an occupied dwelling by residents of that dwelling.

(134) "Hospital" means an establishment that offers facilities and beds for use beyond a 24-hour period for individuals requiring diagnosis, treatment, or cure for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy and which regularly makes available services including but not limited to clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery, obstetrical care, or other medical treatments of similar scope.

(135) "Household Pet" has the meaning set forth in Section 7-2-122.

(136) "Incinerator" means a furnace or similar apparatus for burning waste, trash, or garbage.

(137) "Inland Port" and "Inland Port Use" have the meanings set forth in the Utah Inland Port Authority Act, Title 11, Chapter 58, Utah Code Annotated 1953, or successor statute.

(138) "Instructional Facilities" means indoor facilities used for private Commercial instruction in arts, crafts, physical fitness, or other skills.

(139) "Intensity" means the concentration of activity and the size of Buildings and Structures, including the number of people, cars, visitors, and customers present, the hours of operation, and the presence of outdoor advertising.

(140) "Intensive Retail Service" means a Use engaged in providing retail sale, rental, service, processing, or repair of items for household use, including but not limited to groceries, cards and stationery, books, toys, cosmetics, and sporting equipment.

(141) "Junk" means any salvaged, discarded, or scrapped copper, brass, iron, steel, metal, rope, rags, batteries, paper, trash, plastic, rubber, tires, waste, dismantled or inoperable motor vehicles, and other articles and materials commonly designated as Junk.

(142) "Kennel" means any place where three or more Animals over six months of age are kept

for sale, boarding, care, or breeding for which a fee is charged or paid.

(143) "Kennel, Sportsman's" means a Kennel for the keeping of three to five dogs for noncommercial use on a Lot of at least one acre.

(144) "Knee Brace" means a diagonal support placed across the angle between a Building overhang or roof and the Building wall.

(145) "Landscaping" means the improvement of property through the addition of plants and the eradication of weeds and other deleterious material, including the installation of trees, shrubs, lawn, and vegetative or nonvegetative permeable groundcover.

(146) "Laundromat" means an establishment providing washing, drying, or dry cleaning machines on the premises on a pay-per-use basis to the general public.

(147) "Less Intensive Retail Service" means a retail Use with more than 75 percent of the gross floor area used for display and sales of bulky commodities, including but not limited to furniture, large appliances, Building materials, carpeting and floor covering, and air conditioning and heating equipment.

(148) "Light Industrial" means the indoor manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales and distribution of such products, which does not produce noise, odors, vibration, hazardous waste materials, or particulate that will disturb or endanger neighboring properties.

(149) "Lingerie Store" means a retail establishment meeting any of the following criteria:

a. Over five percent of the floor area is devoted to the sale of lingerie, adult novelties, and adult marital or sexual aids;

b. Lingerie, adult novelties, and adult marital or sexual aids account for five percent or more of gross sales; or

c. The establishment is marketed as a Lingerie Store or adult establishment.

(150) "Lodging Facility" means any establishment outside Residential or Agricultural Zones where lodging or overnight accommodations are offered, with or without compensation. Lodging Facilities meet all of the following characteristics: a) all guest rooms are fully furnished, b) no lease is required to stay, and c) free housekeeping is provided for all guest rooms. If any Lodging Facility or other establishment where lodging or overnight accommodations are offered is located in any zone by any governmental entity, nonprofit corporation, or any other actor operating under

or pursuant to either a state preemption or a general or limited exemption from any land use or zoning regulations, such Lodging Facility or establishment shall be built in accordance with the standards set forth in Section 7-7-117.

(151) "Lot" means an individually described plot of land occupied, or capable of being occupied, by one Building or group of Buildings, together with such yards, open spaces, and Yard areas as required by this Title, and having full Frontage on and unrestricted access to a dedicated Street.

(152) "Lot, Corner" means a Lot abutting on two intersecting or intercepting Streets where the interior angle of intersection or interception does not exceed 135 degrees.

(153) "Lot, Interior" means a Lot other than a Corner Lot.

(154) "Lot Line Adjustment" means the relocation of the property boundary line between two adjoining Lots with the consent of the Owners of record which does not create new Lots or Dwelling Units and all requirements of this Title are met.

(155) "Lot Split" means the division of property into two legal Lots.

(156) "Lot Width" means the distance between the side Lot lines measured along a straight line at the minimum required front setback. For Corner Lots, the Lot Width is the lesser of the two distances between the abutting Streets to the Interior Lot lines opposite those Streets.

(157) "Major Street Plan" means the plan defining the future alignment of Streets and their Rights-of-way which has been approved by the Planning Commission and City Council.

(158) "Mansard Roof" means a roof with a steep lower slope and a flatter upper slope on all sides.

(159) "Manufacturer of Alcoholic Products" means the same as set forth in the Alcoholic Beverage Control Act.

(160) "Manufacturing Zones" means the LI and M zones.

(161) "Massage" and "Massage Therapy" mean the same as set forth in the Massage Therapy Practice Act or any amended or successor legislation.

(162) "Massage Establishment" means any place where Massage or Massage Therapy are practiced for hire.

(163) "Minor Street" means a Street with no more than two lanes for which the principal function is access to abutting land and for which traffic movement is a secondary function.

(164) "Mobile Food Vending Vehicle" means a fully enclosed motorized vehicle mounted food service establishment which is operated by a vendor within the frame of the vehicle, which sells food products for immediate consumption, and which moves under its own power, not being

manually pushed, pulled, or towed by another vehicle.

(165) "Mobile Home" means a Structure that is transportable in one or more sections, built on a permanent chassis, and is designed to be used without a permanent foundation as a Residence or temporary housing accommodation, excluding Recreational Vehicles and travel trailers.

(166) "Mobile Home Park" means any plot of ground upon which two or more Mobile Homes are located with or without compensation.

(167) "Mobile Home Space" means a plot of ground within a Mobile Home Park which is designed for the accommodation of one Mobile Home.

(168) "Mobile Home Stand" means that part of a Mobile Home Space which has been reserved for the placement of one Mobile Home with appurtenant Structures or additions.

(169) "Mobile Home Subdivision" means a residential Subdivision designed to offer Lots under separate Ownership for the placement of Mobile Homes.

(170) "Mortuary" means a facility in which dead bodies are prepared for burial or cremation or where funeral services are conducted.

(171) "Motorized Outdoor Recreation Equipment" means motorized or commonly motorized equipment used in off-road or recreational activities, including but not limited to boats, snowmobiles, race cars, dune buggies, ATVs, watercraft, and off-road motorcycles.

(172) "Movie Theater" means an establishment containing audience seating and at least one screen or facility to view movies.

(173) "Moving Truck Rental Business" means an establishment where moving trucks or trailers are stored outside and rented to customers.

(174) "Multiple Unit Dwelling" means a Building arranged or designed to provide for more than four Dwelling Units.

(175) "Mural" means any mosaic, painting, or graphic art or combination thereof which is professionally applied to a Building; does not contain any brand name, product name, letters of the alphabet spelling or abbreviating the name of any product, company, profession, or business; or any logo, trademark, trade name, or other commercial message.

(176) "Natural Drainage Course" means any natural watercourse which is open continuously for the flow of water in a definite direction or course.

(177) "Natural Waterways" means those areas along streams, rivers, creeks, gullies, springs, or washes which are natural drainage channels and in which no Buildings are to be constructed.

(178) "Neighborhood Grocery" means a retail establishment with 5,000 square feet or less which sells food and other household products, which does not sell motor fuel, and which is closed between the hours of 10:00 P.M. and 6:00 A.M.

(179) "Neighborhood Service Establishment" means low impact retail and service Uses which supply frequently purchased necessities with minimal customer travel, including bakeries, bookstores, dry cleaners, hair styling shops, and similar Uses.

(180) "Nonconforming Structure" means a Structure that legally existed before its current Zoning designation and, because of subsequent Zoning changes, does not now conform to the Zoning Ordinance's setback, height restrictions, or other regulations that govern the Structure.

(181) "Nonconforming Use" means a Use of land that legally existed before its current Zoning designation, has been maintained continuously since the time the Zoning regulation governing the land changed, and because of subsequent Zoning changes does not now conform to the Zoning regulations that now govern the land.

(182) "Office, Medical and Dental" means a Building used by physicians, dentists, or similar Personnel for the treatment and examination of patients and where no overnight stays occur.

(183) "Office, Professional" means a Building used by attorneys, accountants, insurance or real estate agents, and other individuals offering professional services.

(184) "Off-Premises Beer Retailer" means a licensed place of business wherein beer is sold in original containers to be consumed off the premises.

(185) "Outside Display of Merchandise" means the outside display of goods in conjunction with an approved retail business.

(186) "Outside Storage" means the keeping of any goods, materials, or equipment outside of a Building for more than 24 hours, excluding Vehicle Recycling Facilities, Vehicle Storage Yards, Towing and Impound Yards, and Outside Display of Merchandise.

(187) "Overpressure" means a sudden increase in air pressure resulting from an explosion traveling at the speed of sound.

(188) "Owner" means the Owner in fee simple of real property as shown in the records of the Salt Lake County Recorder's Office, including both the singular and the plural and including, but not limited to, natural Persons, firms, associations, partnerships, private or public corporations, or any combination thereof.

(189) "Package Agency" is as defined in the Alcoholic Beverage Control Act.

(190) "Pad Site" means a location for a freestanding Building within a larger Commercial center.

(191) "Parapet" means a low wall projecting from the edge of a roof.

(192) "Parcel of Land" means a contiguous quantity of land owned by the same Owner.

(193) "Parking Lot, Commercial" means an open area, other than a Street, used for parking of five or more automobiles and available for public use, with or without compensation.

(194) "Parking Space" means a space within a Building, Lot, or parking lot for the parking or storage of one vehicle.

(195) "Parking Structure" means a Building or Structure of more than one level used to store motor vehicles.

(196) "Pawnbroker" means any Person who loans money on deposit of personal property or deals in the purchase, exchange, or possession of personal property on condition of selling the same back again to the pledger or depositor, or who loans or advances money on personal property by taking chattel mortgage security thereon and takes or receives such personal property into his possession, and who sells the unredeemed pledges, together with such new merchandise as will facilitate the sale of same, or engages in any substantially similar transaction.

(197) "Permanent Cosmetics" means a mark or design made on or under the skin by a process of pricking or ingraining an indelible pigment, dye, or ink in the skin for masking discolorations or cosmetically enhancing facial features which shall follow the natural line of the feature. "Permanent Cosmetics" are limited to eyeliner, eyebrows, and lip coloring procedures.

(198) "Permanent Cosmetics Establishment" means an establishment engaging in Permanent Cosmetics licensed in accordance with Title 58, Utah Code Annotated 1953, excluding Tattoo Establishments and Home Occupations.

(199) "Permitted Use" means a specific Use authorized in a particular zone which does not require Planning Commission review and approval.

(200) "Person" means any individual, firm, trust, partnership, or public or private association or corporation.

(201) "Planned Unit Development" means an integrated design for Development of residential, Commercial, or industrial Uses, or a combination of such Uses, in which one or more of the regulations other than the Use regulations of the Zoning district in which the Development is located is waived or varied to allow flexibility in site and Building design and location in accordance with an approved plan and requirements set forth in this Title.

(202) "Planning Commission" means the West Valley City Planning Commission.

(203) "Porte-cochere" means a porch large enough for automobiles to pass through.

(204) "Portico" means a porch or walkway with a roof supported by columns leading to the Entrance of a Building.

(205) "Preliminary Plat" means the initial map of a proposed Subdivision.

(206) "Primary Façade" means the side of a Building facing the public Street. For Corner Lots, the Street facing side with the primary customer Entrance is the Primary Façade. For residential Buildings designed around a Courtyard or parking area, the side with the primary resident Entrance is the Primary Façade.

(207) "Primary Street" is the Street adjacent to a single Frontage Lot. For Corner Lots, the Primary Street is the public Street with the largest Right-of-way width.

(208) "Primary Use" means the principal Use for which a property is used.

(209) "Protection Strip" means a strip of land bordering a Subdivision or a Street within a Subdivision which serves to bar access of adjacent property Owners to required public improvements installed within the Subdivision until the adjacent Owners share in the cost of said public improvements.

(210) "Public Park" means a park, playground, swimming pool, golf course, or athletic field under the control, operation, or management of the State of Utah, a state agency, Salt Lake County, or West Valley City.

(211) "Public Utility" means every common carrier, gas corporation, electrical corporation, wholesale electrical cooperative, telecommunications corporation, water cooperative, sewage corporation, heat corporation, or independent energy producer where a service is performed for or a commodity delivered to the general public.

(212) "Public Way" means any road, Street, Alley, lane, court, place, viaduct, tunnel, culvert, or bridge laid out or erected as such by the public, dedicated or abandoned to the public, or made such by the Subdivision of real property, including the entire area within the Right-of-way.

(213) "Public Works Department" means the West Valley City Public Works Department.

(214) "Quoins" means dressing for Building corners differentiated from the adjoining walls by material, texture, color, size, or projection.

(215) "Reasonable Notice" means actual notice or notice that meets the requirements of state law.

(216) "Reception Center" means a Building, facility, or Use primarily used to host public or

private events, parties, or gatherings, including but not limited to places where patrons dance to live or recorded music or where recorded music is presented by a "DJ" or "disc jockey."

(217) "Recreation, Indoor" means an indoor establishment providing the general public with amusement or activities, including but not limited to bowling alleys, laser tag, skating rinks, trampoline parks, or arcades.

(218) "Recreation, Outdoor" means an outdoor establishment providing the general public with amusement or activities, including but not limited to miniature golf, batting cages, go-cart tracks, driving ranges, or amusement park rides.

(219) "Recreational Vehicle" means any vehicle which is designed to be transported on its own wheels and used as temporary living quarters for travel or vacation purposes, including but not limited to vacation vehicles, truck-campers, tent-trailers, motor homes, and travel trailers.

(220) "Recreational Facility Beer Retailer" means a business that is licensed to sell beer and permit consumption thereof at recreation facilities, that does not sell beer in original containers, and that sells beer only to the ultimate consumer.

(221) "Regional Shopping Mall" means a Shopping Center located within 200 feet of Interstate 215 with a combined Building size over 500,000 square feet and a minimum site area of 50 acres.

(222) "Religious Institution" means a Building used primarily for religious worship and activities.

(223) "Rental Store" means a business that rents furniture, appliances, or electronics to customers.

(224) "Residence" means a permanent domicile, dwelling place, or abode.

(225) "Residential Zones" means the R-1-4, R-1-6, R-1-7, R-1-8, R-1-10, R-1-12, R-1-20, R-2-6.5, R-2-8, R-4, RB, RE, RM, RMH, and SH zones.

(226) "Restaurant" means any place of business where the predominant purpose is the preparation of food and drinks which are served and offered for sale or sold for human consumption on or off the premises.

(227) "Restaurant Liquor Retailer" means a Restaurant that maintains a liquor license in accordance with the Alcoholic Beverage Control Act.

(228) "Restaurant On-Premises Beer Retailer" means a licensed place of business in connection with a bona fide Restaurant where beer is sold for on-premise consumption and accounts for less than 30 percent of gross revenue.

(229) "Retail Anchor" means the major store or stores within a Shopping Center.

(230) "Right-of-way" means a public or private strip of land used or intended to be used for a Street, Sidewalk, sanitary or storm sewer, drainage, park strip, or similar Use.

(231) "Sanitary Landfill" means a site for solid waste disposal.

(232) "School" means an institution satisfying the requirements of public education and having an academic curriculum similar to that offered in public schools, excluding Home Occupations represented as schools. For the purposes of regulations pertaining to Sexually Oriented Businesses, "School" means an institution of learning or instruction primarily catering to minors, whether public or private, which is licensed by the State of Utah.

(233) "Secondary Façade" means any side of a Building that is not a Primary Façade and is either visible from a public Right-of-way or has a customer Entrance.

(234) "Secondhand Store" means any business which is engaged in the purchase, barter, exchange, or sale of any secondhand merchandise of value or which deals in secondhand goods, excluding businesses dealing in used motor vehicles and trailers and including businesses buying or selling more than five firearms per year.

(235) "Self-Storage Facility" means a Building or group of Buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent.

(236) "Shopping Center" means a group of retail and other Commercial establishments built on a site which is planned, developed, operated, and managed as an operating unit.

(237) "Sidewalk" means a passageway for pedestrians that excludes motor vehicles.

(238) "Single Unit Dwelling" means a Building arranged or designed to have one Dwelling Unit.

(239) "Site Plan" means a drawing including all of the following:

a. Date;

b. North arrow and scale;

c. The legal description of the subject property;

d. The dimension and location of existing and proposed improvements on the property and adjoining property, including but not limited to Buildings, fencing, hard surfacing, utility lines and poles, and Landscaping, drawn to scale;

e. Location of proposed construction, including but not limited to signs;

f. Name, address, and telephone number of the builder and property Owner;

g. Existing and proposed vehicle access, parking stalls, curb, gutter, and Sidewalk, vehicle circulation patterns, and curb cuts;

h. The location, height, and size of proposed signs, lighting, and advertising devices; and

i. All other information necessary to determine whether the proposed construction is in compliance with this Title and all other applicable law.

(240) "Small Brewer" means a Brew Restaurant which, in addition to retail sales and on-site consumption, markets beer wholesale in an amount not to exceed 60,000 barrels per year and derives less than 30 percent of gross revenues from beer sales, including but not limited to microbreweries.

(241) "Soldier Course Brick Pattern" means a pattern of bricks in which all bricks are laid vertically as illustrated below:



(242) "Sound Wall" means a solid concrete or masonry wall constructed adjacent to a Major Arterial Street or Freeway to create a noise and access barrier, excluding hollow core or foam core walls and including walls greater than six feet tall.

(243) "Special District" means all entities established under Title 17B, Utah Code Annotated 1953, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or state agency.

(244) "Square" means a public, active pedestrian center designed for a high pedestrian traffic level with a minimum of 20 percent unpaved pervious surface area, including turf, groundcover, or mulch.

(245) "State Store" means the same as set forth in the Alcoholic Beverage Control Act.

(246) "Story" means the space within a Building having clear headroom of seven feet or over.

(247) "Story, Half" means a Story with at least two of its opposite sides situated under a sloping roof and with a maximum of two-thirds of the floor area of the Story below.

(248) "Street" means public Rights-of-way, including highways, avenues, boulevards, parkways, roads, lanes, walks, Alleys, viaducts, subways, tunnels, bridges, public easements, and other ways.

(249) "Structure" means anything constructed or erected on or below the ground, including signs and Billboards but excluding Fences six feet tall or shorter.

(250) "Structural Alterations" means any change in supporting members of a Building or Structure, including bearing walls, columns, beams, or girders.

(251) "Subdivider" means the Owner of real property proposed to be subdivided, including all

successors and assigns.

(252) "Subdivision" means the same as set forth in the Utah Municipal Land Use, Development, and Management Act.

(253) "Subdivision, Major" is a Subdivision with at least 10 Lots or a Subdivision requiring any new Street or extension of public utilities or facilities.

(254) "Subdivision, Minor" means any Subdivision with nine or fewer Lots on which all Lots have Frontage on improved public Streets and which does not create any new Streets.

(255) "Survey Monument" means a mark affixed to a permanent object along a line of survey to furnish a survey control.

(256) "Swap Meet, Indoor" means property where the Owner, lessee, or licensee rents, lends, or leases portions of a Building to Persons for use as a marketplace to barter, exchange, or sell goods or services and where no walls are erected from floor to ceiling between the majority of individual tenant spaces, including but not limited to flea markets.

(257) "Swap Meet, Outdoor" means property where the Owner, lessee, or licensee rents, lends, or leases outdoor space or booths to Persons for use as a marketplace to barter, exchange, or sell goods, including but not limited to flea markets, but excluding Yard or garage sales at Residences.

(258) "Tattoo" means a mark or design made on or under the skin by a process of pricking or ingraining an indelible pigment, dye, or ink in the skin, excluding Permanent Cosmetics.

(259) "Tattoo Establishment" means any location, place, area, Structure, or business used for the practice or instruction of Tattooing or Body Piercing, excluding Permanent Cosmetics Establishments.

(260) "Tavern" means the same as set forth in the Alcoholic Beverage Control Act.

(261) "Temporary Land Use" means a Use which is transient or seasonal in nature.

(262) "Temporary Nonresidential Building" means a Building incidental to construction work, such as a construction trailer, or a temporary sales office for the sale or lease of Dwelling Units.

(263) "Temporary Residential Storage Container" means a fully enclosed Structure without a permanent foundation uniquely designed for short term storage of household or remodeling goods and for portable use via transport vehicle.

(264) "Three Unit Dwelling" means a Building arranged or designed to have only three Dwelling Units under one ownership on one Lot, such as a triplex.

(265) "Towing and Impound Yard" means a facility for the temporary storage of vehicles that

have been towed, carried, hauled or pushed from property for impoundment, excluding New Automotive Sales, Used Automotive Sales, Automobile Service, Vehicle Recycling Facilities, and Vehicle Storage Yards.

(266) "Transportation and Public Ways Ordinance" means the West Valley City Transportation and Public Ways Ordinance as presently adopted and amended in the future.

(267) "Truck Transfer Company" means a facility serving as a transfer or storage point for a truck freight line, including associated offices, parking, and maintenance facilities.

(268) "Turf Farm Equipment Manufacturing" means a Commercial business engaged in assembling, testing, storing, selling, or repairing equipment, parts, and machinery used exclusively for sod harvesting.

(269) "Twin Home" means a Building arranged or designed to have only two Dwelling Units under separate ownership by two Owners which has a common wall along a common Lot line.

(270) "Two Unit Dwelling" means a Building arranged or designed to have only two Dwelling Units under one ownership on one Lot, such as a duplex.

(271) "Unchartered Financial Service Provider" means any business extending loans, cash advances, short term credit, rent-to-own services, or any similar financial services, excluding federal and state chartered banks, industrial banks, savings and loan institutions, New and Used Automobile Sales, and credit unions.

(272) "Use" means any legal purpose for which a Building, Structure, or tract of land can be designed, arranged, intended, maintained, or occupied or any activity, occupation, business, or operation legally carried on in a Building or Structure or on a tract of land.

(273) "Variance" means a device which grants a property Owner relief from certain provisions of the Zoning Ordinance upon the showing set forth in state law and by this Title.

(274) "Vehicle Recycling Facility" means the outside storage of or Use of property for a storage yard for operable or inoperable automobiles or trucks, a Junk yard, a salvage yard, or a tow truck or wrecker service, including but not limited to the following:

a. The outside storage of two or more used vehicles or used vehicle parts, including tires, regardless of operational ability, condition, time frame, or reason; or

b. The storage of any number of used vehicles or used vehicle parts, including tires, for the purpose of dismantling, stripping, salvaging, or selling all or part of the vehicle, excluding the indoor storage of vehicles in a fully enclosed Building, New and Used Automobile Sales,

Automobile Service, and Vehicle Storage Yards.

(275) "Vehicle Storage Yard" means a site where operable vehicles without occupants are stored for compensation for more than 24 hours, excluding New and Used Automobile Sales, Automobile Service, Towing and Impound Yards, and Vehicle Recycling Facilities.

(276) "Veterinary Hospital" means a place where Animals are given medical care and the boarding of Animals is limited to short term, indoor care incidental to the medical Use.

(277) "Warehouse" means a Building used primarily for storage of goods and materials.

(278) "Water and Sewer Improvement Districts" means the Granger-Hunter Improvement District, the Magna Improvement District, the Taylorsville-Bennion Improvement District, and any other water or sewer improvement district existing or hereafter organized which has jurisdiction over land in the City.

(279) "Yard" means a space on a Lot unoccupied and unobstructed from the ground upward by Buildings, except as otherwise provided herein.

(280) "Yard, Front" means a space on the same Lot with a Building between the front of the Building and the front Lot line and extending across the full width of the Lot. The depth or setback of a Front Yard is the minimum distance between the front Lot line and the closest point of the front of the Building. On Corner Lots, the Front Yard is the Yard which is faced by the primary Entrance to the Building.

(281) "Yard, Rear" means a space on the same Lot with a Building opposite the Front Yard between the rear of the Building and the rear Lot line and extending across the full width of the Lot. The depth of the Rear Yard is the minimum distance between the rear Lot line and the closest point of the rear of the Building.

(282) "Yard, Side" means a space on the same Lot with a Building between the side line of the Building and the side Lot line and extending from the Front Yard to the Rear Yard. The width of the Side Yard shall be the minimum distance between the side Lot line and the side line of the Building.

(283) "Zoning" means the land use regulation imposed by the City, including but not limited to the division of the City into Zoning districts, the establishment of land use standards in each district, and the regulation of Buildings upon the land.

(284) "Zoning Administrator" means the West Valley City Zoning Administrator as appointed by the City Manager or his or her designee.

(285) "Zoning Ordinance" means the West Valley City Zoning Ordinance as presently adopted and amended in the future.

Section 3. Severability. If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 4. Effective Date. This Ordinance shall take effect immediately upon posting in the manner required by law.

PASSED and APPROVED this _____ day of _____, 2019.

WEST VALLEY CITY

_____

MAYOR

ATTEST:

_____

CITY RECORDER

(150) "Lodging Facility" means any establishment outside Residential or Agricultural Zones where lodging or overnight accommodations are offered, with or without compensation. Lodging Facilities meet all of the following characteristics: a) all guest rooms are fully furnished, b) no lease is required to stay, and c) free housekeeping is provided for all guest rooms. If any Lodging Facility or other establishment where lodging or overnight accommodations are offered is located in any zone by any governmental entity, nonprofit corporation, or any other actor operating under or pursuant to either a state preemption or a general or limited exemption from any land use or zoning regulations, such Lodging Facility or establishment shall be built in accordance with the standards set forth in Section 7-7-117.

ZT-9-2018 MINUTES
JANUARY 9, 2019 PLANNING COMMISSION PUBLIC HEARING

ZT-9-2018
West Valley City
An ordinance amendment to revise the definition for lodging facilities

Staff is proposing an amendment to the definition for lodging facilities. Staff was recently approached by a developer interested in developing what seemed to be a combination of an extended stay hotel and apartments. The proposed facility would include furnished and unfurnished rooms. No lease would be required. Housekeeping was optional for the unfurnished rooms.

The proposed changes are intended to clarify key differences between apartments and an extended stay hotel.

Staff Alternatives:

1. Approval.

2. Continuance, for reasons determined during the public hearing.

3. Denial.

Motion: Commissioner Fuller moved to approve ZT-9-2019. Commissioner McEwen seconded the motion.

Vote:	
Brent Fuller	Yes
Commissioner Lovato	Yes
Commissioner McEwen	Yes
Chair Meaders	Yes
Commissioner Wood	Yes
Commissioner Winters	Yes
Commissioner Woodruff	Yes

Unanimous – ZT-9-2018 – Approved

ITEM # _____
FISCAL IMPACT: _____
FUNDING SOURCE: _____

ISSUE:

A resolution ratifying the Memorandum of Understanding between West Valley City and The Salt Lake County for maintaining best practices in using the multidisciplinary team work approach to physical and sexual child abuse investigations.

SYNOPSIS:

The Salt Lake County Children's Justice Center (CJC) is required to maintain a Memorandum of Understanding (MOU) with Allied Agencies to comply with Utah law and to meet the Accreditation Standards of the National Children's Alliance. Failure to maintain this agreement would negatively impact the funding awarded to the CJC from state and federal sources.

The first agreement was signed with 6 Allied Agencies in 2013. It was renewed again in 2016 due to changes in leadership. In 2019 we are updating the MOU for the third time due to changes in agency leadership in the past year.

As an allied agency, West Valley City Police commit to continual use of the Children's Justice Center to coordinate child abuse investigations, conduct the child victim interviews at the CJC, and participate in team staffing to review the investigative and child protection process.

RECOMMENDATION:

City Staff recommends the approval of the resolution.

WEST VALLEY CITY, UTAH

RESOLUTION NO. _____

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING ("MOU") BETWEEN WEST VALLEY CITY AND THE SALT LAKE COUNTY TO SUPPORT THE MISSION OF THE CHILDREN'S JUSTICE CENTER.

WHEREAS, Title 11, Chapter 13, Utah Code Annotated 1953, as amended, entitled "Interlocal Cooperation Act," provides that any one or more public agencies may contract with any one or more other public agencies to perform any governmental service, activity, or undertaking which each public agency is authorized by law to perform; and

WHEREAS, the City previously entered into a Memorandum of Understanding with Salt Lake County concerning their operation of the nonprofit Children's Justice Center ("CJC"); and

WHEREAS, the CJC has as a purpose to provide a comprehensive, multidisciplinary, nonprofit, intergovernmental response to sexual abuse of children, physical abuse of children, and other crimes involving children where the child is a primary victim or a critical witness in Salt Lake County; and

WHEREAS, a renewed Memorandum of Understanding (the "MOU") has been prepared by and between the City and Salt Lake County to support the mission of the Children's Justice Center; and

WHEREAS, the City Council of West Valley City, Utah, does hereby determine that it is in the best interests of the health, safety, and welfare of the citizens of West Valley City to approve the MOU;

NOW, THEREFORE, BE IT RESOLVED by the City Council of West Valley City, Utah, that the MOU is hereby approved, and that the Mayor is hereby authorized to execute said MOU and any other documents necessary to accomplish the purposes set forth therein for and on behalf of West Valley City, subject to approval of the final form of the MOU by the City Manager and the City Attorney's Office.

PASSED, APPROVED, AND MADE EFFECTIVE this _____ day of _____, 2019.

WEST VALLEY CITY

_____
MAYOR

ATTEST:

_____
CITY RECORDER

County Contract No.

District Attorney No.

MEMORANDUM OF UNDERSTANDING
Between
SALT LAKE COUNTY
On behalf of its District Attorney's Office
Children's Justice Center,
And
Allied Agencies

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is made and entered into between SALT LAKE COUNTY, a body corporate and politic of the State of Utah for its District Attorney's Office Children's Justice Center ("CJC"), and those Allied Agencies who have subscribed thereto ("Allied Agencies") by executing a signature page and causing it to be appended to this document. The MOU is effective as to each Allied Agency as of the date appearing on the signature page. Salt Lake County and the Allied Agencies are jointly referred to as "the Parties."

RECITALS

WHEREAS, Salt Lake County, through the Salt Lake County District Attorney operates a program called the Children's Justice Center ("CJC"); and

WHEREAS, the CJC has as a purpose to provide a comprehensive, multidisciplinary, nonprofit, intergovernmental response to sexual abuse of children, physical abuse of children, and other crimes involving children where the child is a primary victim or a critical witness in Salt Lake County; and

WHEREAS, the CJC is expected to fulfill this purpose by minimizing the time and duplication of effort required to investigate, prosecute, and initiate treatment 'for the abused child in the state; and

WHEREAS, additional objectives of the CJC are more fully set forth in statute at U.C.A. § 67-5b-102 (3); and

WHEREAS, the Allied Agencies recognize that child abuse is a community problem that causes devastating damage to individual children, their families and the communities in which they live; that no single agency or discipline has the knowledge, skills and resources to provide assistance needed by abused children and their families; and that the combined wisdom, experience and professional knowledge of prosecutors, child protective services, law enforcement, medical and mental health professionals and others will significantly enhance the

effectiveness of the investigation, prosecution and treatment of victims of child abuse and their families.

NOW, THEREFORE, the Parties hereto agree as follows:

1. To support the CJC in fulfilling its purpose by:

A. Developing a comprehensive and cooperative multidisciplinary team approach to investigating child abuse;

B. Reducing, to the greatest extent possible, the number of interviews required of a victim of child abuse to minimize the negative impact of the investigation on the child; and

C. Developing, maintaining, and supporting, through the CJC, an environment that emphasizes the best interests of children.

D. Committing to use the Children's Justice Center for the implementation delivery of forensic interviews and multi-disciplinary team staffings involving child abuse cases.

2. Duration and Termination:

A. This Agreement shall become effective as to each Allied Agency upon signature by that agency.

B. This Agreement may be terminated by a majority vote of the total voting membership of the CJC Advisory Board.

C. An Allied Agency may withdraw from this Agreement by written notice of its intent to withdraw to the CJC Advisory Board.

IN WITNESS WHEREOF, the parties have subscribed their names effective as of the date indicated.

SALT LAKE COUNTY

By _____ Date _____
Mayor or Designee

SALT LAKE COUNTY DISTRICT ATTORNEY

By _____ Date _____
Sim Gill, District Attorney

Approved as to Form:

By Ryan Lambert _____ Date 12/21/18
Digitally signed by Ryan Lambert
DN: dc=org, dc=slcounty, ou=Departments, ou=District Attorney, ou=Users, ou=GC, cn=Ryan Lambert, email=RLambert@slco.org
Date: 2018.12.21 10:59:30 -07'00'
Deputy District Attorney

Salt Lake County Children's Justice Center Allied Agency Memorandum of Understanding Signature Page

IN WITNESS WHEREOF, the Agency named below hereby subscribes to the Salt Lake County Children's Justice Center Allied Agency Memorandum of Understanding, a copy of which is attached hereto.

_____
(Agency Name)

_____
(Address)

_____

_____

_____

By:_____
Signature Date

Name:_____
Print

Title:_____

Item #:	
Fiscal Impact:	NA
Funding Source:	NA
Account #:	NA
Budget Opening Required:	No

ISSUE:

Acceptance of a Grant of Temporary Construction Easement.

SYNOPSIS:

The Islamic Society of Greater Salt Lake City, a Utah non-profit corporation, has signed a Grant of Temporary Construction Easement for property located at 1019 W. Parkway Avenue (15-23-326-011).

BACKGROUND:

A Grant of Temporary Construction Easement is required over a portion of the Islamic Society of Greater Salt Lake City parcel located at 1019 W. Parkway Avenue for construction of the Winton Street Sidewalk Project. This project scheduled for construction in 2019 will include construction of curb, gutter, sidewalk and textured colored concrete across a portion of property owned by the Islamic Society of Greater Salt Lake City. The project will also include a six-foot wide sidewalk along the Parkway Avenue and Winton Street frontages of property owned by the Utah Transit Authority. This project will provide a pedestrian walkway from the existing mosque at the end of Parkway Avenue to the Islamic Cemetery at the south end of Winton Street.

RECOMMENDATION:

Accept Grant of Temporary Construction Easement and authorize the City Recorder to record said Grant of Temporary Construction Easement for and in behalf of West Valley City.

SUBMITTED BY:

Steven J. Dale, P.L.S., Right-of-way and Survey Manager

WEST VALLEY CITY, UTAH

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY TO ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM THE ISLAMIC SOCIETY OF GREATER SALT LAKE CITY FOR PROPERTY LOCATED AT 1019 WEST PARKWAY AVENUE.

WHEREAS, the trustee for the Islamic Society of Greater Salt Lake City (herein "Owner") has executed a Grant of Temporary Construction Easement for property located at 1019 West Parkway Avenue that is affected by the Winton Street Sidewalk Project (herein "Project"); and

WHEREAS, the easement conveyed by Owner is necessary and desirable for the completion of the Project; and

WHEREAS, the City Council of West Valley City, Utah, does hereby determine that it is in the best interests of the health, safety, and welfare of the citizens of West Valley City to accept the Temporary Construction Easement;

NOW, THEREFORE, BE IT RESOLVED by the City Council of West Valley City, Utah, as follows:

1. That the above-referenced document entitled "Grant of Temporary Construction Easement" is hereby approved in substantially the form attached, and that the Mayor is hereby authorized to execute any other documents necessary to complete the transaction, for and on behalf of West Valley City, subject to final approval of the documents by the City Manager and the City Attorney's Office.

2. The Mayor is hereby authorized to accept, and the City Recorder is authorized to record, the Grant of Temporary Construction Easement for and on behalf of West Valley City.

PASSED, APPROVED and **MADE EFFECTIVE** this _____day of _____ _____, 2019.

WEST VALLEY CITY

_____
MAYOR

ATTEST:

_____
CITY RECORDER

WHEN RECORDED RETURN TO:
West Valley City Recorder
3600 South Constitution Blvd.
West Valley City, Utah 84119

Space above for County Recorder's use

PARCEL ID NO: **15-23-326-011**

GRANT OF TEMPORARY CONSTRUCTION EASEMENT

For valuable consideration, receipt whereof is hereby acknowledged, **The Islamic Society of Greater Salt Lake City, a Utah non-profit corporation**, GRANTOR, hereby grants and conveys to WEST VALLEY CITY, a municipal corporation, of the State of Utah, 3600 South Constitution Blvd., West Valley City, Utah, 84119, GRANTEE, its successors and assigns, a temporary construction easement on, over, across and through GRANTOR'S land located at **1019 W. Parkway Avenue**, for construction and replacement of improvements, said easement being described as follows:

> A tract of land, being part of an entire tract of property located in the Southwest Quarter of Section 23, Township 1 South, Range 1 West, Salt Lake Base and Meridian, Salt Lake County, Utah. The boundaries of said tract of land are more particularly described as follows:
>
> Beginning at the Northeast Corner of Lot 7, Block 20, Chesterfield Plat A, according to the official plat thereof as recorded in the office of the Salt Lake County Recorder, and running thence South 00°07'17" East 15.00 feet along the east line of said Lot 7; thence West 154.68 feet; thence North 00°48'59" East 15.00 feet to the north line of said Lot 7 and the south right-of-way line of Parkway Avenue; thence East 154.43 feet along said north line and said right-of-way line to the Point of Beginning. Encompassing 2,318 square feet, more or less.

Together with all rights of ingress and egress necessary or convenient for the full and complete use, occupation, and enjoyment of the easement hereby granted, and all rights and privileges incident thereto.

This easement shall commence upon the beginning of actual construction on the property and shall continue only until project construction on the property is complete, or for one year, whichever first occurs. The easement shall be non-exclusive such that the Grantors may use the property at any time in a manner which does not interfere with construction activities.

WITNESSED the hand of said GRANTOR this 14 day of January, 2019.

GRANTOR
The Islamic Society of Greater Salt Lake City

BY:

TITLE: Trustee

State of Utah)
:ss
County of Salt Lake)

On this 14 day of January, 2019, personally appeared before me Abdul Rashid Afridi whose identity is personally known to me or proved to me on the basis of satisfactory evidence, and who affirmed that he is the Trustee, of **The Islamic Society of Greater Salt Lake City, a Utah non-profit corporation**, and he acknowledged to me that they executed the foregoing instrument in the capacity indicated.

BRENT W WORTHINGTON
Notary Public
State of Utah
Comm. No. 681302
My Comm. Expires Feb 2, 2019

Notary Public

LEGEND

PATTERNED CONCRETE PARKSTRIP PER APWA PLAN NO. 232

DRIVEWAY TIE-IN, 4" THICK (GRADE 1, UTBC)

200+00.00
BEGIN LINE B
SP-452
N 7430404.650
E 1522929.853

279+00.00
END LINE B
SP-452
N 7430393.013
E 1522922.369

REMOVE TREE
201+89.0± RT 2.5±

ADJUST UTILITY TO GRADE
200+49.5± RT 5.8±

RELOCATE SIGN
200+34.8± RT 5.9± TO
200+40.00 RT 4.00'

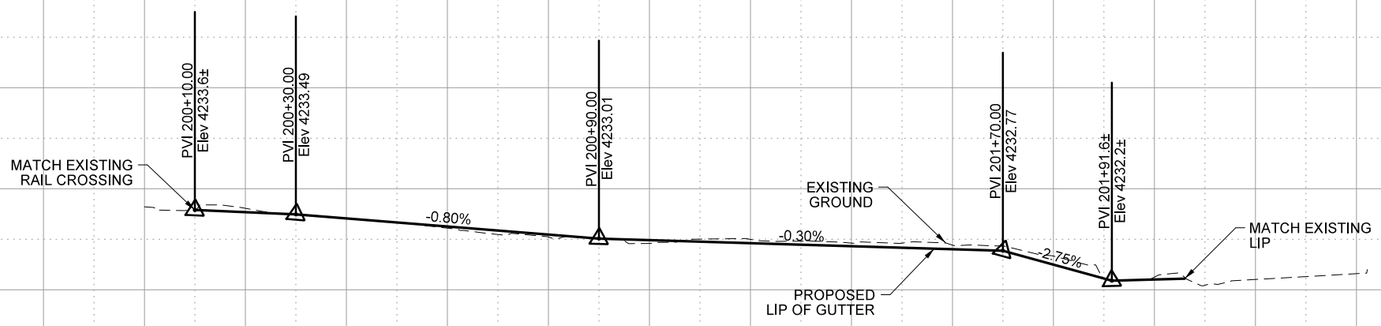
CHANNELIZING FENCE
200+00.00 RT 11.50' TO
200+20.00 RT 17.50' TO
200+30.00 RT 17.50'
200+25.00 RT 12.50' TO
200+25.00 RT 4.00' TO
200+40.00 RT 4.00'
200+30.00 RT 13.50' TO
200+30.00 RT 11.50'

6' CHAINLINK FENCE
200+30.0± RT 26.0'± TO
200+30.00 RT 13.50' TO
201+89.1± RT 11.5'±

DETECTABLE WARNING SURFACE
200+20.00 RT 11.50'

FLARED DRIVEWAY APPROACH PER APWA PLAN NO. 221
200+62.48 RT 12.30' TO
200+76.00 RT 11.50'
201+44.00 RT 11.50' TO
201+59.00 RT 11.50'

WINSTON ST
1070 WEST
PARKWAY AVE
2" (Steel)
WINTON ST (1075 W)
200+00
201+00
202+00
202+50
PROTECT EXISTING SIGNAL POLE
PI 200+52.00
PI 200+68.12
12" UB
FLARED DRIVEWAY APPROACH PER APWA PLAN NO. 221
2" (PTR Plastic)
REMOVE TREE
STA 201+91.5±
LIP:4232.2±
CFL:4232.0±
TBC:4232.5±
MATCH EXISTING
ABANDON
LINE B
8" PV
SAWCUT
FILL
SEE SHEET DT-1
DRIVEWAY TIE-IN 4" THICK (GRADE, 1 UTBC) (13 SY)
6' CHAINLINK FENCE
DRIVEWAY TIE-IN 4" THICK (GRADE, 1 UTBC) (7 SY)
TRANSITION SAWCUT TO MATCH EXISTING SIDEWALK & PARKSTRIP
PROTECT EXISTING TREES
PROTECT EXISTING MAILBOX
STA 201+89.1±
FOW:4232.8±
BOW:4232.9±
MATCH EXISTING
LINE A
TE
5'
15'
4'
0 20 40 60 80



WEST VALLEY CITY PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION
3600 CONSTITUTION BOULEVARD
WEST VALLEY CITY, UTAH 84119-3720

DESIGN
PROFESSIONAL ENGINEER
DATE

WINTON STREET
SIDEWALK PROJECT
PLAN AND PROFILE

PROJECT NUMBER WVC ENG SP-452

SHEET NO. PP-2

DESIGN CHECK DRAWN CHECK

NO. BY DATE REVISIONS REMARKS

1/2/2019 2:45:48 PM H:\ENGDIV\PROJECTS\Winton Street Sidewalk SP-452\CAD\Drawings\Plan Set\PP-2 - SP-452.dgn

100+00.00
BEGIN LINE A
SP-452
N 7430007.496
E 1522868.611

CHANNELIZING FENCE
103+96.16 LT 7.35' TO
104+05.00 LT 7.00' TO
104+05.00 RT 1.00'
104+00.00 RT 6.00' TO
104+10.00 RT 6.00'
104+10.00 RT 25.00' TO
104+10.00 RT 0.00'

ADJUST UTILITY TO GRADE
103+95.0± LT 5.0'±

DETECTABLE WARNING SURFACE
104+10.00 RT 0.00'

WINTON ST (1075 W)

PARKWAY AVE

PROTECT EXISTING FIRE HYDRANT AND WATER VALVE

ABANDONED

PI 100+70.61

PT 101+21.97

PC 103+67.92

PI 103+87.99

PT 103+99.38

N 6°19'44" W

STA 100+50.00
FOW:4234.1±
BOW:4234.2±
MATCH EXISTING

PC 100+50.00

PRC 100+90.22

PI 101+06.34

N 0°08'38" E

LINE A

TEMPORARY CONSTRUCTION EASEMENT
STA100+23.63 RT 19.92'

TRANSITION TO
EXISTING SIDEWALK

PROTECT EXISTING UTA STRUCTURES

S 89°44'22" E

SEE SHEET DT-1

WINSTON ST

1070 WEST

LINE B

104+25.00
END LINE A
SP-452
N 7430393.013
E 1522922.369

0 20 40 60 80

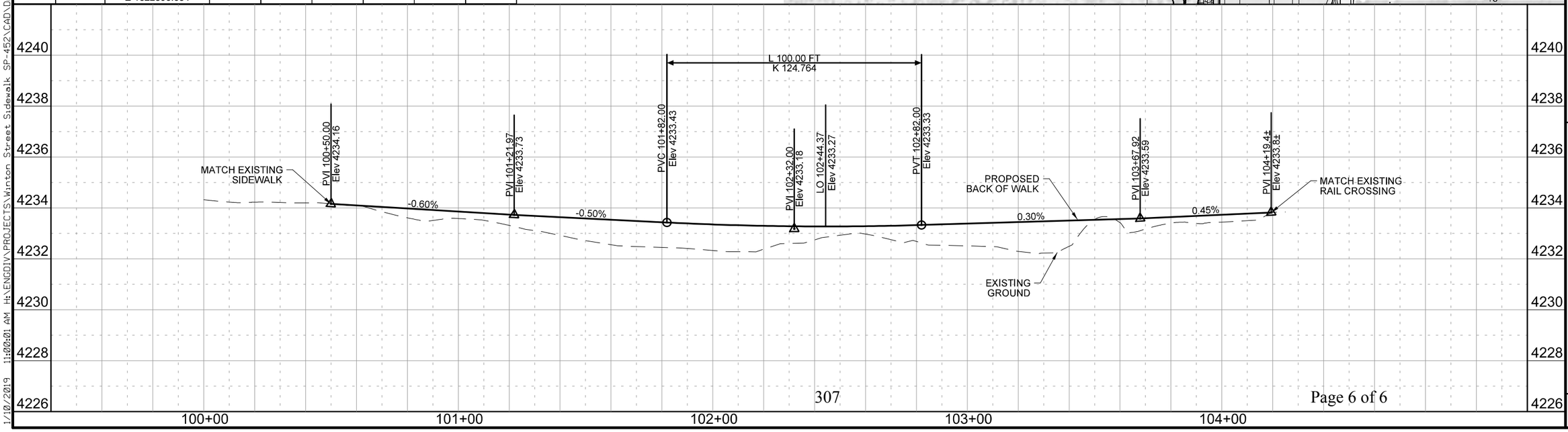
CURVE DATA

CURVE ID	TBC RADIUS	CENTER OF CURVE COORDINATES	PC STATION	PC OFFSET	PRC STATION	PRC OFFSET	PT STATION	PT OFFSET
C1	75	N 7430065.459 E 1522937.642	100+50.00	0.0 RT	100+50.00	0.0 RT		
C2	75	N 7430127.419 E 1522801.037			100+50.00	0.0 RT	101+21.97	0.0 RT
C3	20	N 7430373.129 E 1522896.654	103+67.92	0.0 RT			103+99.38	0.0 RT

LEGEND

PATTERNED CONCRETE PARKSTRIP PER APWA PLAN NO. 232

DRIVEWAY TIE-IN, 4" THICK (GRADE 1, UTBC)



WEST VALLEY CITY PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION
3600 CONSTITUTION BOULEVARD
WEST VALLEY CITY, UTAH 84119-3720

DESIGN
PROFESSIONAL ENGINEER

WINTON STREET
SIDEWALK PROJECT
PLAN AND PROFILE

PROJECT NUMBER WVC ENG SP-452

SHEET NO. PP-1

NO.	BY	DATE	REMARKS

REVISIONS

DESIGN ___ CHECK ___
DRAWN ___ CHECK ___

1/10/2019 11:00:01 AM H:\ENGDIV\PROJECTS\Winton Street Sidewalk SP-452\CAD\Drawings\Plan Set\PP-1 - SP-452.dgn

2020 Census
West Valley City Council

Presenters: Sergio A. Martinez
Dallas Regional Census Center/Field Division/Denver Region
Tuesday, January 22nd, 2019, West Valley City Utah

Decennial Census Overview

2020 Census In Utah

- Local outreach campaign is imperative to educate and motivate the profile of West Valley city.
- Three methods to responding the questionnaire: Online, Phone and traditional paper questionnaire by mail.
- March 23rd 2020 Online portal opens

Decennial Census Overview

- The Census is Confidential and Required by Law

1. The Census Bureau is required to keep information confidential. All responses provided on the 2020 Census questionnaire or to a Census Bureau employee are confidential and protected under Title 13 of the U.S. Code
2. We will never share a respondents personal information with other government agencies
3. Results from the census are reported in statistical format only
4. Records are confidential for 72 years by law (Title 44, U.S. Code)
5. All Census Bureau employees swear a lifetime oath to protect respondent information.
6. Penalty for wrongful disclosure is up to 5 years imprisonment and/or a fine of $250,000

Key Communications Phases

- The 2020 Census Phases
  - Education Phase – 2018-2019
  - Awareness Phase – April 2019
  - Motivation Phase – March – May 2020
  - Reminder Phase – May – July 2020

  - Local governments and community leaders throughout the nation participate in activities highlighting the message that the 2020 Census is imminent and that it is easy, important and safe to participate

Communications Campaign

- **Key dates of the 2020 Census Operational Timeline:**
- Early Area Census Offices (ACO) opens ------ January 2019
- Address Canvassing Conducted ---------- August 2019
- Area Census Offices ---------- July 2019
- CENSUS DAY ---------- April 1, 2020
- NRFU ---------- May 2020
- Census Bureau delivers appointment counts to the President of the United States December 31, 2020
- Redistricting counts are delivered to states March 2021

What can the City council do?

- Create a Resolution
- Empower CCC with resources
- Lead the rest of Utah

Links to Video Presentation

1. https://gardner.utah.edu/demographics/2020-census/

   OR

2.- https://vimeo.com/300836922

Chesterfield Overlay Zone

	East/West Running Streets												North/South Running Streets								
	Sunset	Shelley	Russett	Claybourne	Southgate	2700	Malvern	Crystal	Stratford	Warnock	Whitlock	Parkway	Lester	Cassell	Chatham	Derby	Fargo	Hempstead	Chesterfield	Winton	Overall
Number of homes	33	32	38	27	19	10	10	20	11	15	10	35	26	5	15	15	16	18	27	3	385
Average home size	1143	1097	1016	1169	1159	1233	1279	1306	1386	1122	1076	1335	1098	1583	1256	1588	1529	1328	1505	1712	1244
Median home size	1050	1030	1001	1161	1066	1270	1363	1200	1440	1164	1017	1190	1080	1512	1288	1540	1521	1227	1350	1419	1176
Percent 1 story	97%	97%	100%	96%	95%	100%	80%	100%	100%	100%	100%	89%	100%	100%	100%	80%	94%	100%	81%	67%	95%
Average age	1957	1955	1951	1957	1955	1963	1963	1957	1950	1962	1951	1964	1965	1985	1970	1976	1985	1968	1967	1978	1962
Covered parking mix																					
Attached	9%	9%	0%	11%	0%	30%	0%	20%	18%	27%	10%	17%	35%	60%	20%	53%	44%	33%	22%	0%	18%
Detached	6%	41%	37%	48%	21%	30%	60%	45%	45%	7%	50%	37%	23%	20%	60%	20%	44%	39%	33%	67%	38%
Carport	52%	13%	13%	4%	5%	0%	10%	5%	9%	7%	0%	17%	12%	0%	7%	7%	6%	0%	7%	0%	8%
None	33%	36%	50%	37%	74%	40%	30%	30%	27%	60%	40%	29%	31%	20%	13%	20%	6%	28%	37%	33%	35%
House style mix																					
A-Frame	3%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Basement	0%	0%	3%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Bi-Level/Split Entry	0%	0%	0%	0%	0%	0%	0%	5%	0%	0%	0%	0%	4%	0%	0%	7%	0%	0%	0%	0%	1%
Cottage/Bungalow	58%	69%	79%	70%	79%	60%	60%	50%	73%	67%	80%	57%	46%	20%	53%	33%	6%	50%	37%	0%	57%
Manufactured Home	15%	6%	13%	19%	11%	30%	30%	10%	0%	13%	20%	11%	8%	40%	13%	33%	19%	28%	22%	67%	16%
Ranch/Rambler	24%	19%	5%	11%	11%	10%	0%	35%	18%	13%	0%	14%	42%	40%	33%	7%	69%	22%	26%	0%	21%
Split Level/Tri-Level	0%	3%	0%	0%	0%	0%	0%	0%	9%	0%	0%	6%	0%	0%	0%	0%	0%	0%	0%	0%	1%
Two Story Conventional	0%	3%	0%	0%	0%	0%	10%	0%	0%	0%	0%	11%	0%	0%	0%	20%	6%	0%	15%	33%	4%
Two Story Modern	0%	0%	0%	0%	0%	0%	0%	0%	0%	7%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Exterior materials mix																					
Aluminum/vinyl	61%	47%	37%	33%	47%	30%	60%	25%	45%	13%	40%	23%	50%	60%	27%	40%	44%	39%	26%	0%	38%
Asbestos/asphalt shingle	6%	3%	11%	4%	16%	10%	0%	10%	0%	7%	0%	3%	0%	0%	0%	7%	0%	0%	0%	0%	5%
Brick	0%	9%	8%	0%	0%	10%	0%	15%	36%	7%	20%	3%	4%	0%	7%	0%	0%	0%	0%	0%	5%
Composition	0%	0%	0%	0%	0%	0%	0%	0%	0%	7%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Frame/stucco/hard board	18%	9%	29%	37%	11%	10%	20%	15%	0%	20%	20%	37%	12%	20%	13%	20%	25%	28%	26%	100%	22%
Other/cinder block/tin	6%	9%	3%	4%	0%	0%	10%	5%	0%	0%	0%	3%	0%	0%	7%	0%	0%	0%	0%	0%	3%
Stucco	9%	16%	13%	22%	26%	40%	10%	30%	18%	47%	20%	31%	35%	20%	47%	33%	31%	33%	48%	0%	27%

Source: Salt Lake County Assessor

House Size

Size of Home	Number of Homes	% of Total Homes
Less than 1,000 SF	126	32.7%
1,000 to 1,199 SF	74	19.2%
1,200 to 1,399 SF	63	16.3%
1,400 to 1,599 SF	58	15.1%
1,600 SF or more	64	16.6%
Total	385	

Average house size: 1,244 SF

Source: Salt Lake County Assessor

House Size

	A Zone		R-1-6 Zone	
Size of Home	Number of Homes	% of Total Homes	% of Total Homes	Number of Homes
Less than 1,000 SF	37	23.1%	89	39.6%
1,000 to 1,199 SF	22	13.8%	52	23.1%
1,200 to 1,399 SF	30	18.8%	32	14.2%
1,400 to 1,599 SF	28	17.5%	30	13.3%
1,600 SF or more	43	26.9%	22	9.8%
Total	160		225	
	Average house size: 1,398 SF		Average house size: 1,135 SF	

Source: Salt Lake County Assessor

House Style

- 57% of homes are considered a cottage/bungalow which were built pre-1950.
- 21% of homes are considered a ranch/rambler which were built during the 1950's or after.
- 16% of homes are considered manufactured homes.
- 95% of homes have only one story (not including basements).

Source: Salt Lake County Assessor

Exterior Materials

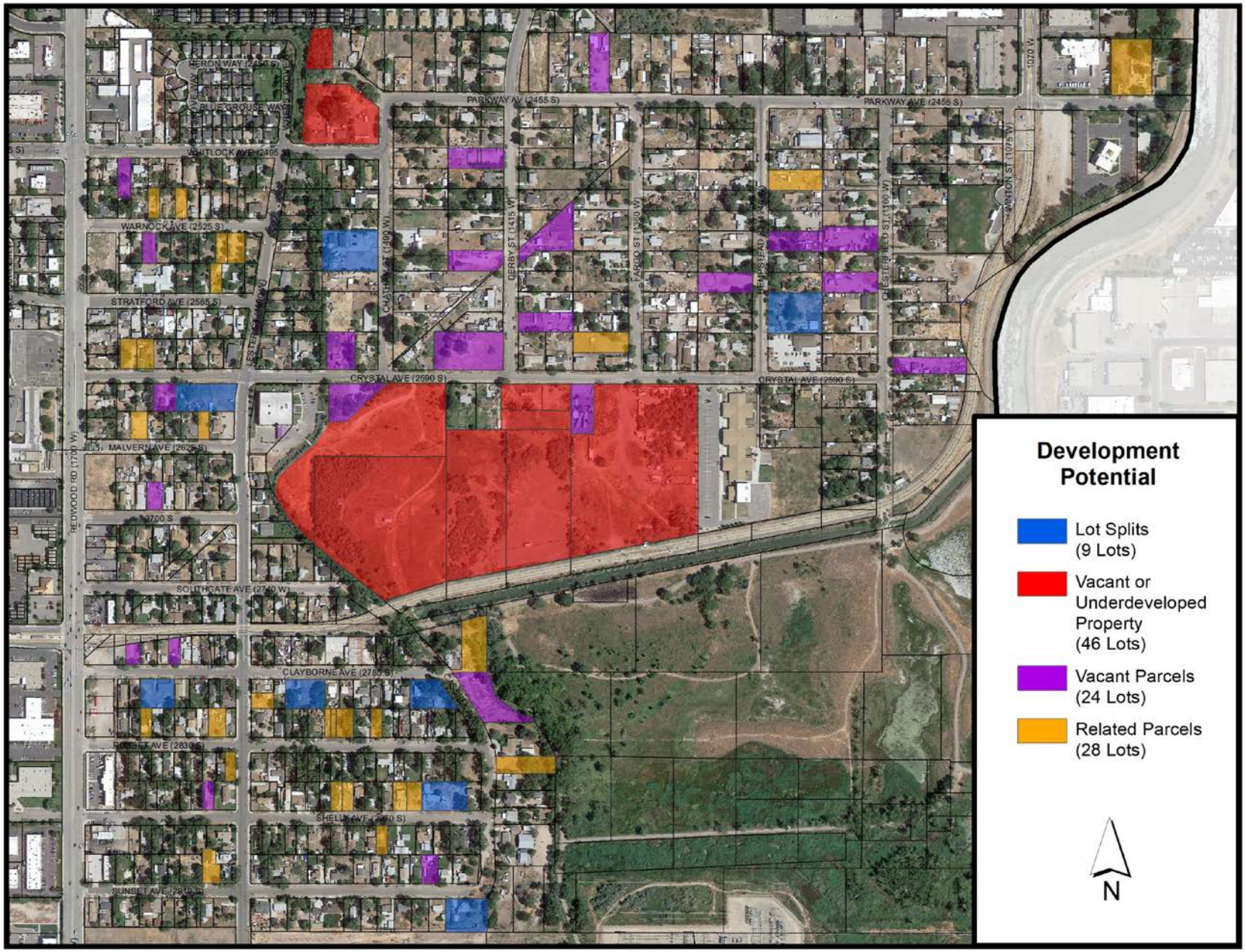
- 65% of exteriors are some type of siding – aluminum, vinyl, wood, etc.
- 27% of exteriors are stucco.
- 5% of exteriors are brick.
- Only 5% of non-brick homes include a masonry trim or wainscot.

Source: Salt Lake County Assessor

Covered Parking

	A Zone		R-1-6 Zone	
Type of Covered Parking	Number of Homes	% of Homes w/ Covered Parking	Number of Homes	% of Homes w/ Covered Parking
Attached	43	37.4%	28	20.9%
Carport	13	11.3%	18	13.4%
Detached	59	51.3%	88	65.7%
Total Homes with Covered Parking	115		134	

Source: Salt Lake County Assessor


Development Potential
Lot Splits (9 Lots)
Vacant or Underdeveloped Property (46 Lots)
Vacant Parcels (24 Lots)
Related Parcels (28 Lots)
N
PARKWAY AV (2455 S)
CRYSTAL AVE (2590 S)
WARNOCK AVE (2525 S)
STRATFORD AVE (2585 S)
MALVERN AVE (2625 S)
SOUTHGATE AVE (2740 W)
CLAYBORNE AVE (2785 S)
SHELLY AVE (2870 S)
SUNSET AVE (2910 S)
REDWOOD RD (1700 W)
DERBY ST (1415 W)
FARRO ST (1360 W)
CHESTERFIELD ST (1160 W)
1075 W

Recommended Standards

- Minimum house size: 1,400 SF in R-1-6, 1,600 SF in A
- Maximum height: 1 story
- Allowed materials: brick, stone, fiber cement, stucco and 5” of taller foam backed/insulated vinyl siding
- Required masonry: 0%
- Minimum garage size: 2-car
- Garage type: detached or side entry in R-1-6
- Design standards:
  - Front porch required
  - Home must be oriented toward the street
  - 6/12 roof pitch
  - Modified point system to account for change in materials and porch requirement

Application of Standards

- All overlay standards would apply to new homes including replacement homes.
- The height, materials and garage type standards would apply to additions.

January 16, 2019

MEMORANDUM

TO: CITY COUNCIL

FROM: WAYNE T. PYLE, CITY MANAGER

RE: UPCOMING MEETINGS AND EVENTS

City Council Study Meetings are held at 4:30 P.M. every Tuesday unless otherwise noted.

City Council Regular Meeting are held at 6:30 P.M. every Tuesday unless otherwise noted.

January

January 25/26, 2019 *Friday/Saturday*	All Star Monster Truck Tour; Maverik Center, 3200 Decker Lake Drive
January 29, 2019 *Tuesday*	No City Council Meetings- 5th Tuesday
January 30, 2019 *Wednesday*	Local Officials Day at the Legislature; Utah State Capitol, 350 North State Street
January 31, 2019 *Thursday*	Hot Beverage Bar and Crazy Sock Contest, Sponsored by the EAC, 8-10 AM; West Valley City Hall Lobby, 3600 S Constitution Blvd.
January 31, 2019 Thursday	January Blood Drive, 8:30 AM – 12:30 PM; West Valley Hall, 3600 South Constitution Boulevard

February

February 2, 2019 *Saturday*	Lewis Field Bulls & Broncs, 7:30 PM; Maverik Center, 3200 Decker Lake Drive
February 3, 2019	Jaripeo Baile, 2:00 PM; Maverik Center, 3200 Decker Lake

Saturday	Drive
February 4, 2019 *Monday*	Fire Within Granger High Student Exhibit; UCCC, 1355 W 3100 S (2/4-2/28)
February 6, 2019 *Wednesday*	2-D & 3-D Railroad Exhibits by Granger High Art Class; UCCC, 1355 W 3100 S (2/6-3/26)
February 8, 2019 *Friday*	Shakespeare Gala; Harmon Hall, 3333 Decker Lake Drive
February 8, 2019 *Friday*	The Front Page Play; 7:00 PM; Harmon Hall, 3333 Decker Lake Drive
February 9, 2019 *Saturday*	Employee Hockey Game, 7:00 PM; Maverik Center, 3200 Decker Lake Drive
February 12, 2019 *Tuesday*	Prop 2 Discussion, 12:00 PM; Murray City Hall Council Chambers, 5025 State Street
February 15, 2019	Police Awards Banquet, Time and Location TBD
February 18, 2019 *Monday*	City Offices Closed for President's Day
February 22, 2019 *Friday*	Kicker Arenacross, 7:30 PM; Maverik Center, 3200 Decker Lake Drive
February 23, 2019 *Saturday*	Kicker Arenacross, 7:30 PM; Maverik Center, 3200 Decker Lake Drive
February 28, 2019 *Thursday*	ChamberWest Annual Awards Gala, 5-8:30 PM; Maverik Maverik Center, 3200 Decker Lake Drive

March

March 7, 2019 *Thursday*	Sounds of Silk Exhibit; UCCC, 1355 W 3100 S (3/7-4/3)
March 7, 2019 *Thursday*	Weavers Guild Exhibit Opening Reception, 6 PM; UCCC, 1355 W 3100 S (3/7-4/24)

March 7, 2019 *Thursday*	UT Surface Design Exhibit; UCCC, 1355 W 3500 S (3/7-4/24)
March 7-10, 2019 *Thursday - Monday*	Cirque du Soleil Crystal, Times Vary; Maverik Center, 3200 Decker Lake Drive
March 10-13, 2019 *Sunday - Wednesday*	NLC Conference, Washington D.C.
March 15, 2019 *Friday*	The Roadshow, 7:00 PM; Maverik Center, 3200 Decker Lake Drive
March 23, 2019 *Saturday*	PAC-12 Women's Gymnastics Championship, 10:00 AM; Maverik Center, 3200 Decker Lake Drive
March 29, 2019 *Friday*	UT Shakespeare Festival, Macbeth, 10 AM & 7 PM; Harmon Hall, 3333 Decker Lake Drive

April

April 1, 2019 *Monday*	UT Shakespeare Festival, Macbeth, 10 AM & 7 PM; Harmon Hall, 3333 Decker Lake Drive
April 2, 2019 *Tuesday*	UT Shakespeare Festival, Macbeth, 10 AM & 7 PM; Harmon Hall, 3333 Decker Lake Drive
April 2, 2019 *Tuesday*	Computer Key Art Exhibit; UCCC, 1355 W 3100 S (4/2-5/28)
April 24-26, 2019 *Wednesday-Friday*	ULCT Midyear Conference; St. George
April 26, 2019 Friday	Shanks Golf Tournament; The Ridge, 5055 Westridge Blvd
April 26, 2019 *Friday*	Frankie Valli & The Four Seasons, 8:00 PM; Maverik Center, 3200 Decker Lake Drive
April 30, 2019 *Tuesday*	No City Council Meetings- 5th Tuesday

May

May 1, 2019 *Wednesday*	Art at the Main Exhibit; UCCC 1355 W 3100 S (5/1-6/26)
May 10, 2019 *Friday*	Spike 150 Railroad Exhibit Opening Reception, 6 PM; UCCC, 1355 W 3100 S, (5/2-6/26)
May 27, 2019 *Monday*	City Offices Closed for Memorial Day

June

June 3- June 7, 2019 *Monday-Friday*	Election- Filing Deadline; 8 AM- 5 PM in the City Recorder's Office
June 4, 2019 *Tuesday*	Kelly Boswell Watercolor Exhibit; UCCC, 1355 W 3100 S (6/4-7/9)
June 15, 2019 *Saturday*	Alabama, 7:00 PM; Maverik Center, 3200 Decker Lake Drive
June 18, 2019 *Tuesday*	Train/Goo Goo Dolls, 7 PM; USANA, 5150 Upper Ridge Road
June 21, 22: 24-28, *Fri., Sat.: Mon.-Fri.*	2019 Summer Play; UCCC, 1355 W 3100 S

July

July 1, 2019 *Monday*	Election- Deadline for Candidates to Submit Profile to State Website
July 1, 2019 *Monday*	WorldStage Concert: Utah Symphony; UCCC, 1355 W 3100 S
July 2, 2019 *Tuesday*	Santana: Supernatural Now, 7 PM; USANA, 5150 Upper Road
July 3, 2019	David Estates Exhibit; UCCC, 1355 W 3100 S

Wednesday	(7/3-8/28)
July 4, 2019 *Thursday*	City Offices Closed for Independence Day
July 8, 2019 *Monday*	WorldStage Concert; UCCC, 1355 W 3100 S
July 11, 2019 *Thursday*	FOUS XV Exhibit; UCCC, 1355 W 3100 S (7/11-8/28)
July 15, 2019 *Monday*	WorldStage Concert; UCCC, 1355 W 3100 S
July 16, 2019 *Tuesday*	What's on your Plate Group Exhibit; UCCC 1355 W 3100 S (7/16-8/28)
July 18, 2019 *Thursday*	Face of Utah Sculpture XV Exhibit Opening Reception, 6:00 PM; UCCC, 1355 W 3100 S, (7/11-8/28)
July 20, 2019 *Saturday*	Jon Bellion: The Glory Sound Prep Tour, 7 PM; USANA, 5150 Upper Ridge Road
July 22, 2019 *Monday*	WorldStage: West Valley Symphony; UCCC, 1355 W 3100 S
July 24, 2019 *Wednesday*	City Offices Closed for Pioneer Day
July 29, 2019 *Monday*	WorldStage Concert; UCCC, 1355 W 3100 S
July 30, 2019 *Tuesday*	No City Council Meetings- 5th Tuesday

August

August 5, 2019 *Monday*	WorldStage Concert; UCCC, 1355 W 3100 S
August 6, 2019	Election- Campaign Finance Statement Due

Tuesday	
August 6, 2019 *Tuesday*	No City Council Meetings- Neighborhood Night Out
August 9 & 10, 2019 *Friday & Saturday*	Wasatch International Food Festival; UCCC, 1355 W 3100 S
August 12, 2019 *Monday*	WorldStage Concert; UCCC, 1355 W 3100 S
August 13, 2019 *Tuesday*	Primary Election Day
August 19, 2019 *Monday*	WorldStage Concert; UCCC, 1355 W 3100 S
August 26, 2019 *Monday*	WorldStage Concert; UCCC, 1355 W 3100 S
August 27, 2019 *Tuesday*	Election- City Council Canvass Election Returns from Primary

September

September 2, 2019 *Monday*	City Offices Closed for Labor Day
September 4, 2019 Wednesday	Utah Calligraphic Artists Exhibit; UCCC, 1355 W 3100 S (9/4-10/17)
September 5, 2019 *Thursday*	Utah Water Color Society Exhibit Opening Reception; UCCC, 1355 W 3100 S (9/5-10/16)
September 6, 2019 *Friday*	Election- Deadline for Candidates to Submit Profile to State Website
September 11-13, 2019 *Wednesday-Friday*	ULCT Annual Convention; Salt Lake City

September 14, 2019 *Saturday*	KISS: End of the Road World Tour, 7:30 PM; USANA, 5150 Upper Ridge Road
September 17, 2019 *Tuesday*	Wildlife Art by Jennifer Seeley; UCCC, 1355 W 3100 S (9/17-11/6)
September 20, 2019 *Friday*	Marco Antonio Solis, 8:00 PM; Maverik Center, 3200 Decker Lake Drive
September 20, 2019 *Friday*	Greek Theater; UCCC, 1355 W 3100 S

October

October 24, 2019 *Thursday*	Posada Exhibit; UCCC, 1355 W 3100 S (10/24-11/6)
October 28, 2019 *Monday*	Day of the Dead Altar and Art Exhibition; UCCC, 1355 W 3100 S (10/28-11/7)
October 29, 2019 *Tuesday*	No City Council Meetings- 5th Tuesday
October 29, 2019 *Tuesday*	Election- Campaign Finance Statement Due

November

November 2, 2019 *Saturday*	Day of the Dead Celebration; UCCC, 1355 W 3100 S
November 5, 2019 Tuesday	General Election Day
November 5, 2019 *Tuesday*	No City Council Meetings- Election Day
November 11, 2019 *Monday*	City Offices Closed for Veteran's Day

November 14, 2019 *Thursday*	Frank Lloyd Wright Exhibit Opening Reception; UCCC, 1355 W 3100 S (11/14-1/13)
November 19, 2019 *Tuesday*	Election- City Council Canvass Election Returns from General Election
November 20, 2019 *Wednesday*	Winter Scenes & Holiday Dreams Exhibit; UCCC, 1355 W 3100 S (11/20-12/31)
November 20, 2019 *Wednesday*	Trees of Diversity Exhibit; UCCC, 1355 W 3100 S (11/20-12/31)
November 28, 2019 *Thursday*	City Offices Closed for Thanksgiving

December

December 2, 2019 *Monday*	Merry Mondays: Concert & Holiday Market; UCCC, 1355 W 3100 S
December 5, 2019 *Thursday*	Election- Final Campaign Finance Statement Due
December 9, 2019 *Monday*	Merry Mondays: Concert & Holiday Market; UCCC, 1355 W 3100 S
December 16, 2019 *Monday*	Merry Mondays: Concert & Holiday Market; UCCC, 1355 W 3100 S
December 24, 2019 *Tuesday*	No City Council Meetings- Christmas Eve Holiday
December 25, 2019 *Wednesday*	City Offices Closed for Christmas
December 26, 2019 *Thursday*	City Offices Closed for Christmas Holiday
December 31, 2019 *Tuesday*	No City Council Meetings- 5th Tuesday