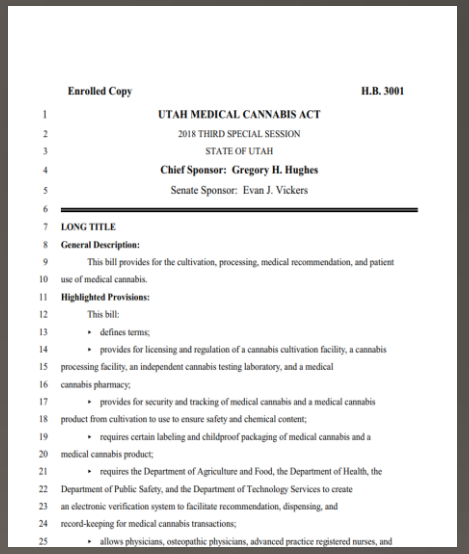
Utah Medical Cannabis

Davis County Board of Health – May 14, 2019

Utah Medical Cannabis Act

- Background
  - Ballet Proposition 2 passed and became effective on December 1, 2018
  - Key supporters and opponents negotiated terms of an agreement to make changes to Prop 2
  - Utah lawmakers approved House Bill 3001: Utah Medical Cannabis Act (UMCA) in a special session of the Legislature on December 3, 2018
    - 220 pages
  - Medical Cannabis program is required to be in full operation by March 1, 2020



Enrolled Copy H.B. 3001

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

Utah Medical Cannabis Program

- Most elements of the medical cannabis program must be operational by March 1, 2020
  - Issuance of medical cannabis patient cards
  - Licensing of medical cannabis pharmacies
  - State central fill pharmacy and distribution system
- Prior to January 2021, patients are not guilty of use or possession of medical cannabis if at the time of arrest:
  - The individual had been diagnosed with a qualifying condition and has a pre-existing provider-patient relationship; and
  - The cannabis was in a medicinal dosage form and legal quantity
- Compliance with the Utah Medical Cannabis Act may not protect patients from liability for violations under federal law or the laws of other states

Qualified Medical Providers

- A qualified medical provider (QMP) is a medical professional who can recommend a patient for treatment with medical cannabis.
  - QMP registration is limited to Utah licensed: Physicians, Osteopathic Physicians, Advance Practice Registered Nurses (APRN), and Physician Assistants
  - Must be licensed to prescribe a controlled substance
  - Must complete four hours of continuing education prior to registration and four hours every two-year renewal
  - May not recommend medical cannabis treatment to more than 175 patients or 300 patients if certified by the appropriate medical board in certain specialties or employed by or contracted with a licensed business for the specific purpose of providing hospice and palliative care
  - May only recommend medical cannabis treatment to a patient after completing and documenting a thorough assessment of the condition and medical history



Qualifying Conditions

- HIV/AIDS
- Alzheimer's disease
- Amyotrophic lateral sclerosis
- Cancer
- Cachexia
- Persistent nausea
- Crohn's disease or ulcerative colitis
- Epilepsy or debilitating seizures
- Multiple sclerosis or debilitating muscle spasms
- Post-traumatic stress disorder (PTSD)
- Autism
- Terminal illness when patient's life expectancy is less than 6 months
- Condition resulting in hospice care
- Rare condition or diseases not managed despite treatment
- Pain lasting longer than two weeks that is not adequately managed
- Other conditions approved by the Compassionate Use Board

Dosage Forms and Devices

- Tablet
- Capsule
- Concentrated oil
- Liquid suspension
- Topical preparation

- Transdermal preparation
- Gelatinous cube
- Unprocessed cannabis flower in blister pack (1 gram)
- Wax or resin, if patient does not respond to two other forms



- Smoking of Marijuana is prohibited
- Patients may purchase a medical cannabis device that warms material into a vapor and delivers to respiratory system
- Edible products and unprocessed flowers outside blister packs are prohibited

Medical Cannabis Cards

Medical Cannabis Patient Card

- 18 years of age and older
- Patients age 18-20 must have card approved by Compassionate Use Board

Medical Cannabis Caregiver Card

- Adults 21 years of age and older who care for a patient card holder
- Card renews automatically with patient card
- Criminal background check

Provisional Patient Card

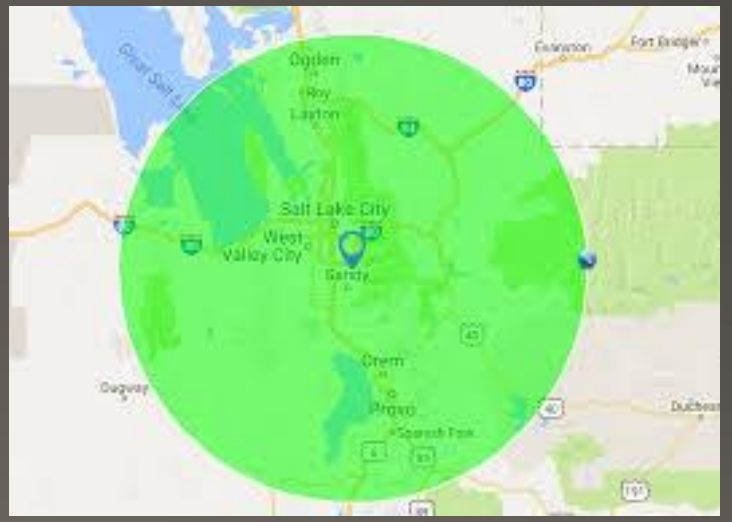
- < 18 years of age
- Issued and renews automatically with Guardian Card
- Requires approval by Compassionate Use Board

Medical Cannabis Guardian Card

- Issued to parent or guardian of patients < 18 years of age
- Criminal background check

Purchase and Possession Restrictions

- Purchase restrictions are based on the distance of the patient's residence from the nearest pharmacy or local health department
  - Residence <100 miles
    - In any one 12 day period, the patient may not purchase more than the lessor of:
      - An amount sufficient to provide 14 days of treatment; or
      - 56 grams by weight of unprocessed cannabis (flower); or
      - More than 10 grams of total composite THC
  - Residence >100 miles
    - In any one 28 day period, the patient may not purchase more than the
      - An amount sufficient to provide 30 days of treatment; or
      - 113 grams by weight of unprocessed cannabis (flower); or
      - More than 20 grams of total composite THC
- Patient may not possess more than:
  - 113 grams by weight of unprocessed cannabis (flower); or
  - More than 20 grams of total composite THC
- Patient may not possess marijuana drug paraphernalia



Medical Cannabis Pharmacies

- Seven pharmacy licenses available
  - Must have a licensed and registered pharmacist.
  - All employees are required to register as medical cannabis pharmacy agents.
  - May not be located within 600 feet of an area zoned as residential or a community location.
  - Must have a single, secure public entrance and be equipped with security system.
  - Only cardholders (patient, guardian, or caregiver) may enter pharmacy and at must be at least 18 years of age.
  - May only sell cannabis products in medicinal dosage form, medical cannabis devices, or educational materials related to the medical use of cannabis.
  - Use of cannabis on property is forbidden.
  - Cannot advertise but may have signage that includes green cross, name, and hours of operation.
  - Must follow product labeling requirements.
  - Must use an state Inventory Control System.



State Central Fill Pharmacy

- Must be operational by July 1, 2020.
- Must be a closed-door pharmacy that ships patient orders to one of 13 local health department locations where patient picks up the order.
- Must meet all applicable medical cannabis pharmacy requirements.
- Patients request shipments of medical cannabis through the electronic verification system (EVS) or from qualified medical providers directly through the EVS. Patients may also order by phone.
- Processes payments electronically.
- Pharmacist must consult directly with the patient when the QMP recommending a medical cannabis treatment does not provide dosing parameters.
- Written counseling information must be included with each shipment, along with contact information by which a cardholder may contact a pharmacy medical provider for counseling

UTAH DEPARTMENT OF HEALTH

Role of Local Health Departments

- Each local health department shall designate: one or more of the local health department's locations as a distribution location
- Have a sufficient number of personnel to ensure that at least one individual is available at all times during business hours
- The local health department shall:
  - store shipments in a single, secure, locked area that is equipped with a security system that detects and records entry into the area; and
  - ensures that only a local health department distribution agent is able to access the area



Utah Medical Cannabis Act Overview

Updated as of December 12, 2018



Plant 8” Tall

Inventory Control System

provides for security and tracking of cannabis and a related product from cultivation to patient use.

Patient Use

Cultivators (10-15 max)

Independent Cannabis Testing Laboratory

Processors

State Central Fill Pharmacy/Pharmacies

Electronic Verification System

Medical Cannabis Pharmacies (7-10)

Local Health Department (13+)

Qualified Medical Provider (MD,DO, APRN, or PA)

Medical Cannabis Cardholder

red arrows indicate regulated transportation and distribution

access to state electronic verification system