

DHHS medical cannabis proposed rule hearing

Monday, November 7, 2022, 10am-11am

Multi Agency State Office Building (MASOB)
195 N 1950 W, Salt Lake City, UT 84116
Room 1045

Virtual meeting [link](#)

Introduction

- Purpose of this rule hearing is to provide the public an opportunity to submit public comment on proposed rules recently filed by the DHHS Center for Medical Cannabis.
- Documents relevant to this rule hearing may be found on the Utah Administrative Rules website at rules.utah.gov/publications in the Utah State Bulletin, Volume 2022-21 published on November 1, 2022.
- The DHHS is accepting public comments regarding the proposed rule amendments during today's rule hearing
- The DHHS will accept written comments by email at medicalcannabis@utah.gov up until December 1, 2022.

Rules proposed for repeal

- R380-400 Utah Medical Cannabis Act rule
- R380-401 Electronic verification system and inventory control system
- R380-402 Medical cannabis cards
- R380-403 Qualified medical providers
- R380-404 Dosing parameters
- R380-405 Pharmacy medical providers
- R380-406 Medical cannabis pharmacy
- R380-407 Medical cannabis pharmacy agent
- R380-408 Home delivery and courier
- R380-409 State central patient portal
- R380-410 Agreement with a tribe
- R380-411 Administrative hearing procedures
- R380-412 Compassionate use board
- R380-413 Administrative penalties

Proposed rules

- R383-1 Definitions
 - R383-2 Electronic verification system and inventory control system
 - R383-3 Medical cannabis cards
 - R383-4 Qualified medical providers
 - R383-5 Dosing guidelines
 - R383-6 Pharmacy medical providers
 - R383-7 Medical cannabis pharmacy
 - R383-8 Medical cannabis pharmacy agent
 - R383-9 Home delivery and courier
 - R383-10 State central patient portal
 - R383-11 Agreement with a tribe
 - R383-12 Administrative hearing procedures
 - R383-13 Compassionate use board
 - R383-14 Administrative penalties
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R383-1 Definitions

- Subsection R383-1-2(4) removes the term "child-care facility or preschool" because UCA 26-61a no longer uses the term.
 - Subsection R383-1-2(5) updates the former rule with the new name of the department.
 - Subsection R383-1-2(9) clarifies that a medical cannabis pharmacy's lockable cabinet located on a sales floor may be used as a limited access area.
 - Subsection R383-1-2(15) adds "RMP" an acronym for the term "recommending a medical provider." Recommending medical provider is a new term used in Chapter 26-61a and other rules. It includes qualified medical providers and limited medical providers.
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R383-2

Electronic verification system and inventory control system

- Subsection R383-2-2(3) updates the rule with new names of the department and the state agency responsible for professional licensing.
- Subsections R383-2-3(4) through (9) are removed because these subsections are not necessary. Chapter 26-61a establishes who may have access to the electronic verification system and the inventory control system and for what purpose and it is not necessary for the rule to repeat what the statute already authorized.

R383-3 Medical cannabis cards

- Proposed Rule R383-3 is being filed as a new rule to replace repealed Rule R380-403.
 - The citation for Subsection 26-1-5(1) is altered due to a change in statute and other citations are removed because they are unnecessary.
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R383-4 Qualified medical providers

- Subsection R383-4-5(2) is amended to no longer require that QMP continuing education coursework be approved by the department and an accredited organization. A course no longer requires approval by an accredited organization if it has department approval.
- Subsection R383-4-5(4) is amended to require QMPs who are renewing their registration to complete medical cannabis law coursework as part of their renewal requirement. This is already a requirement for a new QMP. The amendment expands the requirement to an existing QMP who is applying for renewal. Utah's medical cannabis laws change frequently enough to justify the inclusion of Utah law coursework during each two-year renewal cycle.

R383-5 Dosing guidelines

- Subsection R383-5-2(2) was removed to accurately portray what a patient may do when accessing the electronic verification system (EVS). A patient may no longer change their QMP on their own in the EVS.
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R383-6 Pharmacy medical providers

- Subsection R383-6-5(2) is amended to no longer require that PMP continuing education coursework be approved by the Department and an accredited organization. A course no longer requires approval by an accredited organization if it has Department approval.
 - Subsection R383-6-5(4) is amended to require PMPs who are renewing their registration to complete medical cannabis law coursework as part of their renewal requirement. This is already a requirement for a new PMP. The amendment expands the requirement to an existing PMP who is applying for renewal. Utah's medical cannabis laws change frequently enough to justify the inclusion of Utah law coursework during each two-year renewal cycle.
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R383-7 Medical cannabis pharmacy

- Subsection R383-7-2(2) establishes a definition of the term "Advertising." The proposed new definition allows a medical cannabis pharmacy to engage in public advertising under certain conditions. A medical cannabis pharmacy may engage in mass-market communication activities, such as a billboard, yard sign, radio, or online under certain conditions.
- Subsection R383-7-2(3) adds the definition of an educational event to clarify that the event may be held virtually or in person.
- Subsection R383-7-2(6) adds the definition of recreational disposition to include content that a reasonable person knows or should know appeals to children.
- Subsection R383-7-2(8) establishes a definition of the term "targeting marketing." The proposed new definition allows a medical cannabis pharmacy to engage in targeted marketing of specific medical cannabis product, medical cannabis brand, medical cannabis device, under certain conditions.

R383-7 Medical cannabis pharmacy cont.

- Subsections R383-7-3(8) and (9) make changes to requirements applicable to cases when a medical cannabis pharmacy makes changes to its ownership. The changes are needed to make the rule comply with new standards established under Senate Bill 190.
- Subsection R383-7-3(11) clarifies when a medical cannabis pharmacy may be located in the same building as a medical clinic that offers medical cannabis evaluations.
- Subsection R383-7-5(3)(r) shortens the amount of time within which a medical cannabis pharmacy must notify the Department that their pharmacist-in-charge (PIC) is changing from 30 days to 14 days. It also provides for cases when a medical cannabis pharmacy must make an immediate PIC change.
- Subsection R383-7-17(4) adds operating standards relative to educational material used by a medical cannabis pharmacy. The proposed new rule prohibits a medical cannabis pharmacy from including content that has a _____ recreational disposition in its educational material.

R383-7 Medical cannabis pharmacy cont.

- Subsection R383-7-18(2) adds operating standards for educational events in which a medical cannabis pharmacy participates. The proposed new standards require verification of minimum age to ensure compliance with age restrictions established in Subsection 26-61a-505(4).
- Section R383-7-19 establishes operating standards for targeted marketing used by a medical cannabis pharmacy to promote its products. These standards are very similar to those proposed new for educational material established in Section R383-7-17.
- Section R383-7-22 establishes operating standards for a medical cannabis pharmacy's acceptance and processing of the "Limited Medical Provider Recommendation for Medical Cannabis" form. Medical cannabis pharmacies already comply with these standards.
- DHHS plans to not make this rule effective until after a course meeting the requirements is available for pharmacy agents to complete online. Last possible effective date is March 1, 2023.

R383-8 Medical cannabis pharmacy agent

- Subsection R383-8-2(2) makes amendments so the rule is consistent with the statute. Senate Bill 190 required that the department allow pharmacy agents to have access to the electronic verification system (EVS) and the rule is amended to no longer restrict pharmacy agents from having EVS access.
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R383-8 Medical cannabis pharmacy agent cont.

- Subsection R383-8-4(10) makes amendments so the rule is consistent with Subsection 26-61a-401(3)(b).
 - The proposed new rule inserts language in Subsection R383-8-4(10) stipulating that a courier agent shall renew their pharmacy agent registration card within one year of its expiration date.
 - Failure to do will result in the pharmacy agent following the same process as a first-time applicant.
- Section R383-8-5 clarifies the pharmacy agent certification standard and the new continuing education requirement.
 - Added language consolidates the existing certification standard into the new continuing education requirement required under Senate Bill 190.
 - This legislation requires that a medical cannabis pharmacy agent complete continuing education related to patient privacy and federal health information privacy laws.

R383-9 Home delivery and courier

- Sections R383-9-2 and R383-9-3 are amended to allow for a caregiver facility such as a long-term care facility to receive a medical cannabis shipment on behalf of a medical cannabis cardholder.
 - SB 195 amended Chapter 26-61a to allow for this and the rule must be amended to comply with the statute.
 - Section R383-9-3 is amended to allow a medical cannabis courier or pharmacy agent to leave medical cannabis product or a medical cannabis device unattended in a delivery vehicle for more than 60 minutes if they are staying overnight in the process of conducting a delivery.
 - This amendment provides medical cannabis courier agents and pharmacy agents flexibility when doing deliveries to remote regions. It also provides patients better access to medical cannabis products as the delivering pharmacy may conduct deliveries over multiple days in the same region.
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R383-9 Home delivery and courier cont.

- Subsection R383-9-5(11) makes amendments so the rule is consistent with Subsection 26-61a-606(2)(b).
 - The proposed rule inserts language in Subsection R380-9-5(11) stipulating that a courier agent shall renew their courier agent registration card within one year of its expiration date.
 - Failure to do this will result in the courier agent having to follow the same process as a first-time applicant.
- Section R383-9-6 is amended to include a continuing education requirement within the courier agent certification standard.
 - Added language consolidates the existing certification standard into the new continuing education requirement that will be required for medical cannabis couriers and pharmacy agents.
 - Each medical cannabis courier shall complete continuing education related to patient privacy and federal health information privacy laws.
- DHHS plans to not make this rule effective until after a course meeting the requirements is available for pharmacy agents to complete online. Last possible effective date is March 1, 2023.

R383-10 State central patient portal

R383-11 Agreement with a tribe

**R383-12 Administrative hearing
procedures**

R383-13 Compassionate use board

R383-14 Administrative penalties

- No substantive amendments made to these rules.

Public comments

- State your name
- State your affiliation, if any
- Specify the rule section that you wish to comment on

Written Comments

- Written comments accepted until Thursday, December 1, 2022
 - Identify your name, your affiliation of any, the rule section you which to comment on
 - Submit by email to:
medicalcannabis@utah.gov with
“medical cannabis rule comment” in the subject line
 - Submit by regular mail to: PO Box 144340, Salt Lake City, UT 84114
 - Submit by hand delivery to: 165 N 1650 W, Salt Lake City, UT, 84116
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DHHS Center for Medical Cannabis

Contact information

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