

PLANT EXTRACT AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gage Froerer

Senate Sponsor: Stephen H. Urquhart

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LONG TITLE

General Description:

This bill makes amendments to the Utah Code related to hemp.

Highlighted Provisions:

This bill:

- ▶ permits the Department of Agriculture and a department-certified higher education institution to grow industrial hemp for the purpose of agricultural or academic research;
- ▶ exempts an individual with intractable epilepsy who uses or possesses hemp extract, and complies with other requirements, from the penalties related to possession or use of the hemp extract under the Controlled Substances Act;
- ▶ exempts an individual who possesses hemp extract and administers the hemp extract to a minor with intractable epilepsy from the penalties related to administering the hemp extract to a minor under the Controlled Substances Act;
- ▶ requires the Department of Health to issue a hemp extract registration card to an

29 individual who meets certain requirements;

30 ▶ requires a neurologist signing a statement that an individual or minor could benefit
31 from treatment with hemp extract to keep a record of the neurologist's evaluation

32 and transmit the record to the Department of Health;

33 ▶ requires the Department of Health to maintain a database of neurologist evaluations;

34 ▶ repeals certain provisions on July 1, 2016; and

35 ▶ makes technical and conforming amendments.

36 **Money Appropriated in this Bill:**

37 None

38 **Other Special Clauses:**

39 This bill takes effect on July 1, 2014.

40 **Utah Code Sections Affected:**

41 AMENDS:

42 **63I-1-226**, as last amended by Laws of Utah 2013, Chapters 32, 60, and 195

43 **63I-1-258**, as last amended by Laws of Utah 2013, Chapters 55, 87, 222, 278, and 351

44 ENACTS:

45 **4-41-101**, Utah Code Annotated 1953

46 **4-41-102**, Utah Code Annotated 1953

47 **4-41-103**, Utah Code Annotated 1953

48 **26-55-101**, Utah Code Annotated 1953

49 **26-55-102**, Utah Code Annotated 1953

50 **26-55-103**, Utah Code Annotated 1953

51 **58-37-4.3**, Utah Code Annotated 1953



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

54 Section 1. Section **4-41-101** is enacted to read:

55 **CHAPTER 41. INDUSTRIAL HEMP RESEARCH ACT**

56 **4-41-101. Title.**

57 This chapter is known as the "Industrial Hemp Research Act."

58 Section 2. Section **4-41-102** is enacted to read:

59 **4-41-102. Definitions.**

60 For purposes of this chapter:

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

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

65 Section 3. Section **4-41-103** is enacted to read:

66 **4-41-103. Industrial hemp -- Agricultural and academic research.**

67 (1) The department may grow or cultivate industrial hemp for the purpose of
68 agricultural or academic research.

69 (2) The department shall certify a higher education institution to grow or cultivate
70 industrial hemp for the purpose of agricultural or academic research if the higher education
71 institution submits to the department:

72 (a) the location where the higher education institution intends to grow or cultivate
73 industrial hemp;

74 (b) the higher education institution's research plan; and

75 (c) the name of an employee of the higher education institution who will supervise the
76 industrial hemp growth, cultivation, and research.

77 (3) The department shall maintain a list of each industrial hemp certificate holder.

78 (4) The department shall make rules in accordance with Title 63G, Chapter 3, Utah
79 Administrative Rulemaking Act, to ensure any industrial hemp project meets the standards of
80 an agricultural pilot project, as defined by Section 7606 of the U.S. Agricultural Act of 2014.

81 Section 4. Section **26-55-101** is enacted to read:

82 **CHAPTER 55. HEMP EXTRACT REGISTRATION ACT**

83 **26-55-101. Title.**

84 This chapter is known as the "Hemp Extract Registration Act."

85 Section 5. Section **26-55-102** is enacted to read:

86 **26-55-102. Definitions.**

87 As used in this chapter:

88 (1) "Hemp extract" is as defined in Section [58-37-4.3](#).

89 (2) "Hemp extract registration card" means a card issued by the department under
90 Subsection [26-55-103](#)(1) or (2).

91 (3) "Intractable epilepsy" means epilepsy that, as determined by a neurologist, does not
92 respond to three or more treatment options overseen by the neurologist.

93 (4) "Neurologist" means an individual who is licensed under Title 58, Chapter 67, Utah
94 Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, that is
95 board certified in neurology.

96 (5) "Parent" means a parent or legal guardian of a minor who is responsible for the
97 minor's medical care.

98 (6) "Registrant" means an individual to whom the department issues a hemp extract
99 registration card under Subsection [26-55-103](#)(1) or (2).

100 Section 6. Section **26-55-103** is enacted to read:

101 **26-55-103. Hemp extract registration card -- Application -- Fees -- Database.**

102 (1) The department shall issue a hemp extract registration card to an individual who:

103 (a) is at least 18 years of age;

104 (b) is a Utah resident;

105 (c) provides the department with a statement signed by a neurologist that:

106 (i) indicates that the individual:

107 (A) suffers from intractable epilepsy; and

108 (B) may benefit from treatment with hemp extract; and

109 (ii) is consistent with a record from the neurologist, concerning the individual,
110 contained in the database described in Subsection (8);

111 (d) pays the department a fee in an amount established by the department under
112 Subsection (5); and

113 (e) submits an application to the department, on a form created by the department, that
114 contains:

- 115 (i) the individual's name and address;
- 116 (ii) a copy of the individual's valid photo identification; and
- 117 (iii) any other information the department considers necessary to implement this
118 chapter.

119 (2) The department shall issue a hemp extract registration card to a parent who:

- 120 (a) is at least 18 years of age;
- 121 (b) is a Utah resident;
- 122 (c) provides the department with a statement signed by a neurologist that:
 - 123 (i) indicates that a minor in the parent's care:
 - 124 (A) suffers from intractable epilepsy; and
 - 125 (B) may benefit from treatment with hemp extract; and
 - 126 (ii) is consistent with a record from the neurologist, concerning the minor, contained in
127 the database described in Subsection (8);

128 (d) pays the department a fee in an amount established by the department under
129 Subsection (5); and

130 (e) submits an application to the department, on a form created by the department, that
131 contains:

- 132 (i) the parent's name and address;
- 133 (ii) the minor's name;
- 134 (iii) a copy of the parent's valid photo identification; and
- 135 (iv) any other information the department considers necessary to implement this
136 chapter.

137 (3) The department shall maintain a record of:

- 138 (a) the name of each registrant; and
- 139 (b) the name of each minor receiving care from a registrant.

140 (4) The department shall make rules in accordance with Title 63G, Chapter 3, Utah

141 Administrative Rulemaking Act, to:

142 (a) establish the information an applicant is required to provide to the department under
143 Subsections (1)(e)(iii) and (2)(e)(iv); and

144 (b) establish, in accordance with recommendations from the Department of Public
145 Safety, the form and content of the hemp extract registration card.

146 (5) The department shall establish fees in accordance with Section [63J-1-504](#) that are
147 no greater than the amount necessary to cover the cost the department incurs to implement this
148 chapter.

149 (6) The registration cards issued under Subsections (1) and (2) are:

150 (a) valid for one year; and

151 (b) renewable, if, at the time of renewal, the registrant meets the requirements of either
152 Subsection (1) or (2).

153 (7) The neurologist who signs the statement described in Subsection (1)(c) or (2)(c)
154 shall:

155 (a) keep a record of the neurologist's evaluation and observation of a patient who is a
156 registrant or minor under a registrant's care, including the patient's response to hemp extract;
157 and

158 (b) transmit the record described in Subsection (7)(a) to the department.

159 (8) The department shall:

160 (a) maintain a database of the records described in Subsection (7); and

161 (b) treat the records as identifiable health data, as defined in Section [26-3-1](#).

162 (9) The department may share the records described in Subsection (8) with a higher
163 education institution for the purpose of studying hemp extract.

164 Section 7. Section **58-37-4.3** is enacted to read:

165 **58-37-4.3. Exemption for use or possession of hemp extract.**

166 (1) As used in this section, "hemp extract" means an extract from a cannabis plant, or a
167 mixture or preparation containing cannabis plant material, that:

168 (a) is composed of less than 0.3% tetrahydrocannabinol by weight;

169 (b) is composed of at least 15% cannabidiol by weight; and

170 (c) contains no other psychoactive substance.

171 (2) Notwithstanding any other provision of this chapter, an individual who possesses or
172 uses hemp extract is not subject to the penalties described in this chapter for possession or use
173 of the hemp extract if the individual:

174 (a) possesses or uses the hemp extract only to treat intractable epilepsy, as defined in
175 Section [26-55-102](#);

176 (b) originally obtained the hemp extract from a sealed container with a label indicating
177 the hemp extract's place of origin, and a number that corresponds with a certificate of analysis;

178 (c) possesses, in close proximity to the hemp extract, a certificate of analysis that:

179 (i) has a number that corresponds with the number on the label described in Subsection
180 (2)(b);

181 (ii) indicates the hemp extract's ingredients, including its percentages of
182 tetrahydrocannabinol and cannabidiol by weight;

183 (iii) is created by a laboratory that is:

184 (A) not affiliated with the producer of the hemp extract; and

185 (B) licensed in the state where the hemp extract was produced; and

186 (iv) is transmitted by the laboratory to the Department of Health; and

187 (d) has a current hemp extract registration card issued by the Department of Health
188 under Section [26-55-103](#).

189 (3) Notwithstanding any other provision of this chapter, an individual who possesses
190 hemp extract lawfully under Subsection (2) and administers hemp extract to a minor is not
191 subject to the penalties described in this chapter for administering the hemp extract to the
192 minor if:

193 (a) the individual is the minor's parent or legal guardian; and

194 (b) the individual is registered with the Department of Health as the minor's parent
195 under Section [26-55-103](#).

196 Section 8. Section **63I-1-226** is amended to read:

197 **63I-1-226. Repeal dates, Title 26.**

198 (1) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July
199 1, 2015.

200 (2) Section 26-10-11 is repealed July 1, 2015.

201 (3) Section 26-18-12, Expansion of 340B drug pricing programs, is repealed July 1,
202 2013.

203 (4) Section 26-21-23, Licensing of non-Medicaid nursing care facility beds, is repealed
204 July 1, 2018.

205 (5) Section 26-21-211 is repealed July 1, 2013.

206 (6) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1, 2014.

207 (7) Title 26, Chapter 36a, Hospital Provider Assessment Act, is repealed July 1, 2016.

208 (8) Section 26-38-2.5 is repealed July 1, 2017.

209 (9) Section 26-38-2.6 is repealed July 1, 2017.

210 (10) Title 26, Chapter 55, Hemp Extract Registration Act, is repealed July 1, 2016.

211 Section 9. Section **63I-1-258** is amended to read:

212 **63I-1-258. Repeal dates, Title 58.**

213 (1) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is
214 repealed July 1, 2016.

215 (2) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2015.

216 (3) Section 58-17b-309.5 is repealed July 1, 2015.

217 (4) Title 58, Chapter 20a, Environmental Health Scientist Act, is repealed July 1, 2018.

218 (5) Section 58-37-4.3 is repealed July 1, 2016.

219 ~~[(5)]~~ (6) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1,
220 2023.

221 ~~[(6)]~~ (7) Title 58, Chapter 41, Speech-language Pathology and Audiology Licensing
222 Act, is repealed July 1, 2019.

223 ~~[(7)]~~ (8) Title 58, Chapter 42a, Occupational Therapy Practice Act, is repealed July 1,
224 2015.

225 [~~(8)~~] (9) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is
226 repealed July 1, 2023.

227 [~~(9)~~] (10) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1,
228 2014.

229 [~~(10)~~] (11) Section 58-69-302.5 is repealed on July 1, 2015.

230 [~~(11)~~] (12) Title 58, Chapter 72, Acupuncture Licensing Act, is repealed July 1, 2017.
231 Section 10. **Effective date.**
232 This bill takes effect on July 1, 2014.