



UTAH DEPARTMENT OF  
**HEALTH**  

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**Center for Medical Cannabis**

## Utah Medical Cannabis Law Basics

Ogden Surgical-Medical Society  
2021 Annual CME Conference

October 7, 2021, 2pm  
Ogden Eccles Conference Center

Presented by Richard Oborn  
Director, Center for Medical Cannabis, Utah Dept of Health



- This presentation highlights parts of Utah medical cannabis laws and it provides information that is current as of the date of this presentation. While this presentation outlines some Utah laws, it is not intended to be comprehensive.
- A complete copy of the Utah Medical Cannabis Act and other laws relating to medical cannabis in Utah are available on the Utah Legislature's website ([le.utah.gov](http://le.utah.gov)).
- This presentation is for general information purposes only and is not intended to be and should not be used as legal advice.

# Presentation Outline



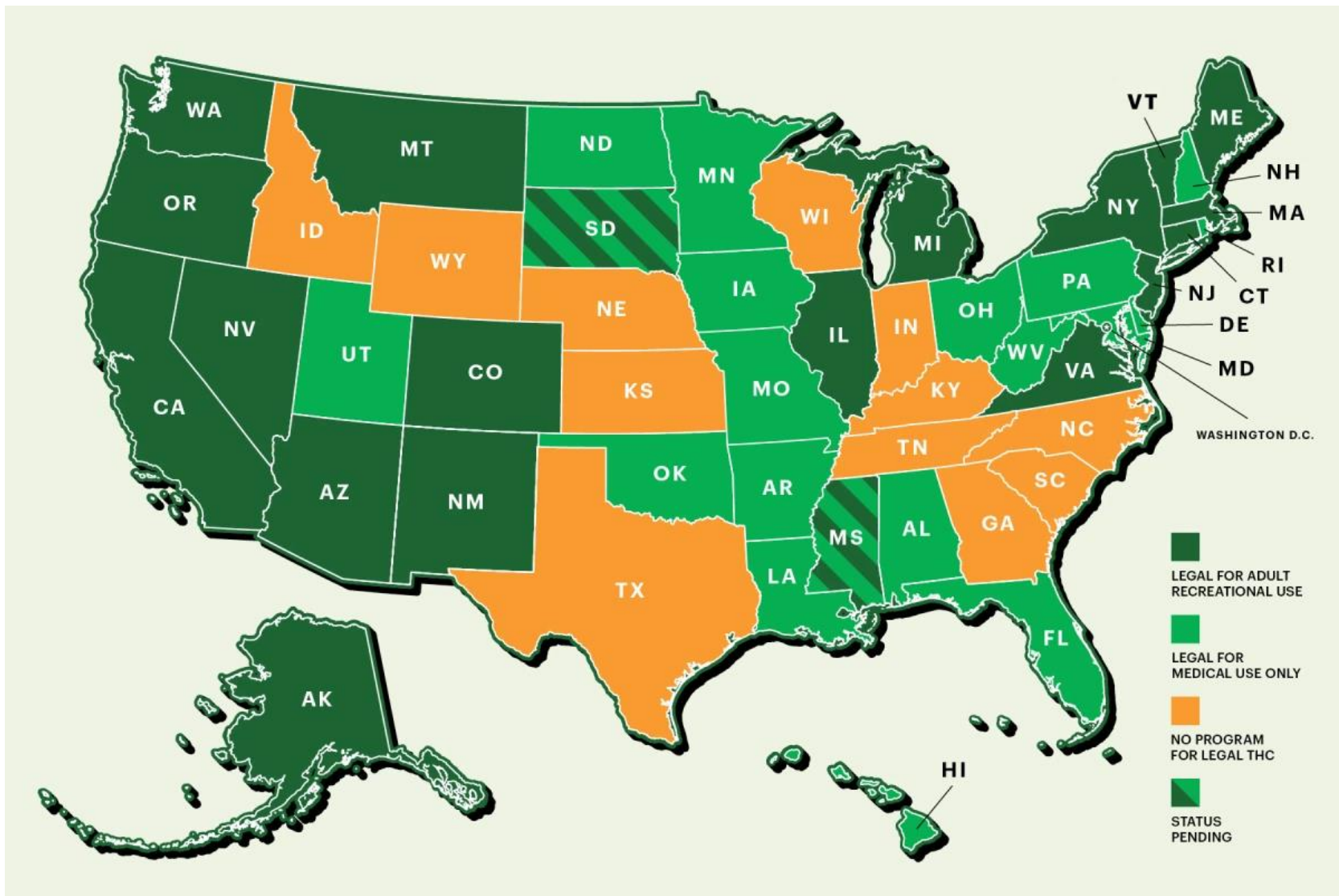
- Medical cannabis program basics (i.e. card application process, distribution system, qualifying conditions, providers, pharmacists, possession limits)
- Legal dosage forms
- Cannabis processor and pharmacy product labeling
- Medical cannabis pharmacy locations and standards
- Cannabis purchased outside Utah
- Upcoming changes to the medical cannabis program
- Questions



## Legal Differences Between CBD or hemp-based products and THC Products

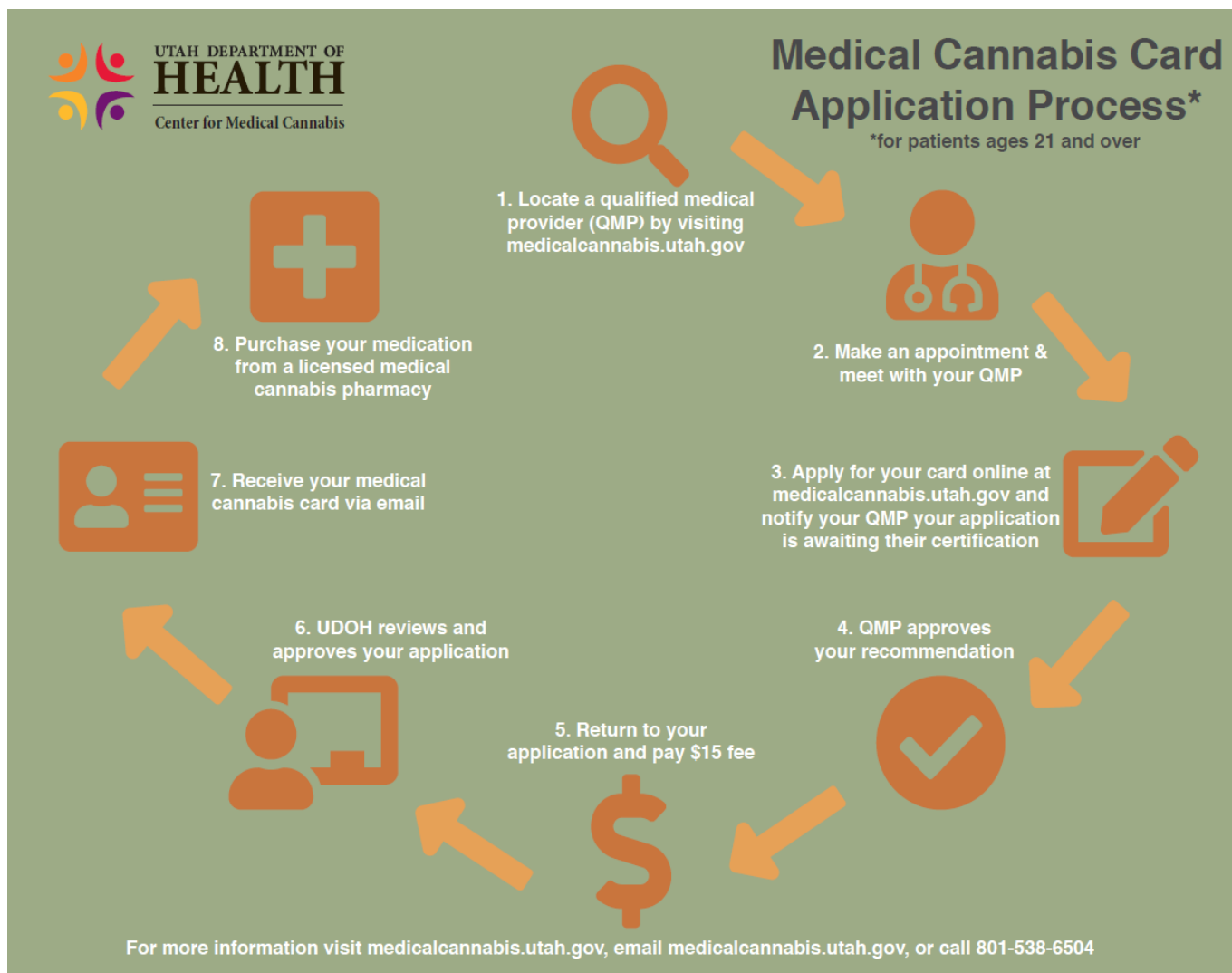
CBD or Hemp-Based Products	THC Products
<ul style="list-style-type: none"><li>• Less than .3% concentration of THC</li><li>• Federally legal and most states allow them</li><li>• Many businesses are registered with the Utah Dept of Agriculture and Food to legally manufacture and sell these products</li></ul>	<ul style="list-style-type: none"><li>• More than .3% concentration of THC</li><li>• Federally illegal but state legal in certain circumstances under some state laws, including Utah laws</li><li>• Very few businesses are licensed in Utah to legally manufacture and sell these products (8 cultivators, 13 processors, 14 medical cannabis pharmacies)</li></ul>

# Medical Cannabis Basics – Legalization in the US



- **36 states** allow for medical use of cannabis with a doctor's recommendation (including Utah)
- **18 states** allow for recreational use of cannabis
- **13 states** have decriminalized use of cannabis

# Medical Cannabis Basics - Card Application Process





# Medical Cannabis Basics – Utah Program Statistics

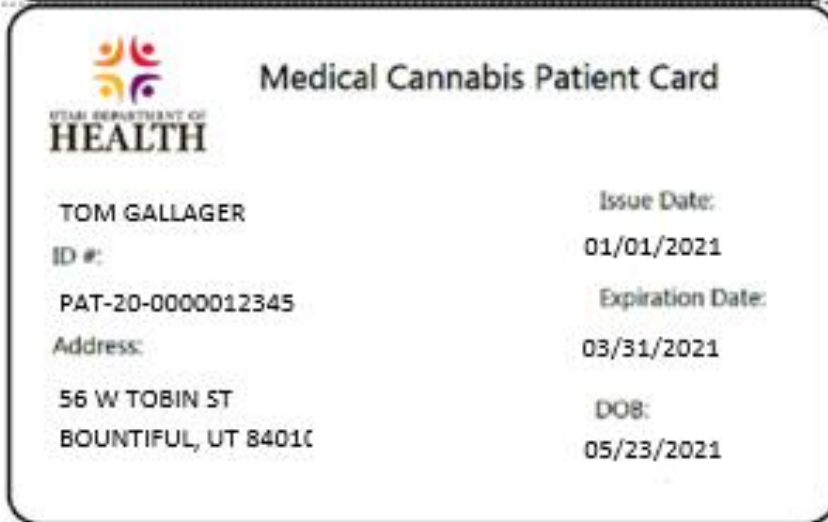


## Program Statistics as of July 23, 2021

- **33,500** active medical cannabis cardholders
- **748** qualified medical providers
- **70** pharmacy medical providers
- **305** pharmacy agents
- **25** medical cannabis courier agents
- **14** medical cannabis pharmacies
- **13** medical cannabis processors
- **8** medical cannabis cultivators
- **1** independent testing laboratory



# Medical Cannabis Basics - Resident Cards



- Utah residents can apply online for a medical cannabis card online at [www.medicalcannabis.utah.gov](http://www.medicalcannabis.utah.gov). Cards are emailed unless an individual contacts the department to request the card be mailed. It takes between one to five business days to process card applications.
- Initial card is \$15 and is issued for 90 days. For a qualified medical provider (QMP) to recommend a patient for a medical cannabis card, they must have a least one face-to-face visit with the patient. First card renewal is \$5 for six months. Subsequent renewals are \$15 and are every six months. A QMP's renewal of patient's card may be done virtually without a face-to-face visit.
- Once patient has held card for over one year, a QMP may approve them for an annual renewal instead of a six-month renewal.
- Guardian and caregiver cards require passing of federal criminal background checks.



# Medical Cannabis Basics - Non-Resident Cards



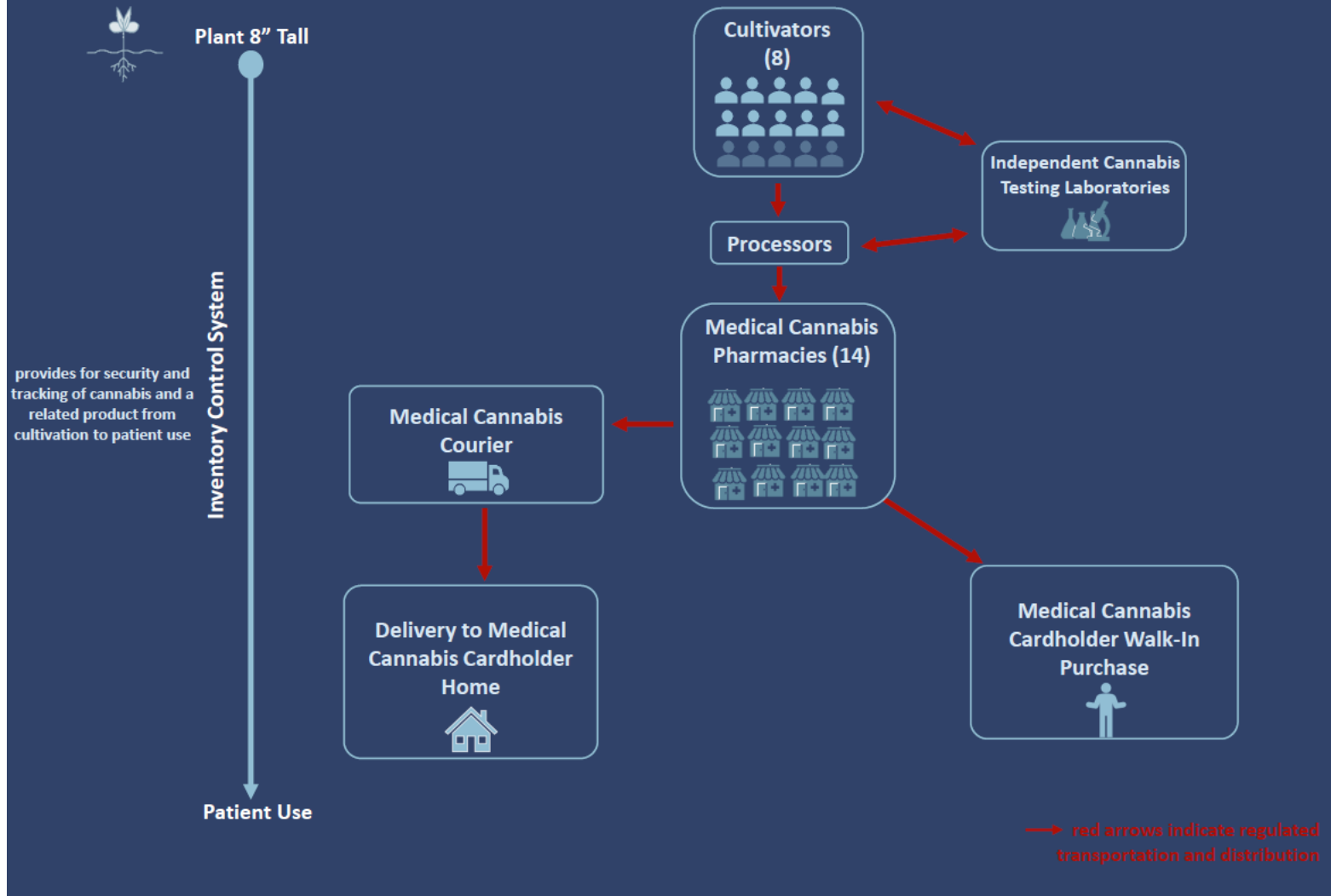
- Non-residents may apply online for a medical cannabis card at [www.medicalcannabis.utah.gov](http://www.medicalcannabis.utah.gov). Registration of non-resident medical cannabis cards began in March 2021.
- Non-resident card enables qualifying patients living outside Utah to purchase product in Utah.
- Non-resident cards expire after 21 days unless they are renewed for a second 21-day period. Non-residents are limited to two 21-day periods every calendar year.
- To qualify for a non-resident card, an individual must be diagnosed with a qualifying condition and provide the Utah Department of Health a copy of a medical cannabis card or equivalent from another state.

# Medical Cannabis Basics - Product Distribution



## Medical Cannabis Distribution System

Revised to reflect changes under Medical Cannabis Amendments Bill passed on September 16, 2019



# Medical Cannabis Basics - Qualifying Conditions



- Chronic Pain - lasting longer than two weeks and that is not adequately managed despite treatment attempts using conventional medications or physical interventions
- HIV or AIDS
- Alzheimer's Disease
- Amyotrophic Lateral Sclerosis (ALS)
- Cancer
- Cachexia
- Persistent nausea under certain conditions
- Crohn's Disease / Ulcerative Colitis
- Epilepsy / Debilitating seizures
- Multiple Sclerosis (MS) or persistent muscle spasms

# Medical Cannabis Basics - Qualifying Conditions



- Post Traumatic Stress Disorder (PTSD) which is treated by a licensed mental health therapist and has been diagnosed by either the VA or through an evaluation by a psychiatrist, or a Master's level psychologist, LCSW, or a Psych-APRN
- Autism
- Terminal illness with less than 6 months to live
- A condition resulting in the patient receiving hospice care
- A rare condition or disease that affects less than 200,000 individuals in the US and is not adequately managed by a non-opioid or physical intervention.

Individuals who do not have a “qualifying condition” may submit a petition to the Compassionate Use Board (CUB) for review with help from their QMP. All patients under age 21, regardless of their medical condition, must have their application approved by the CUB.

# Medical Cannabis Basics - Qualified Medical Providers



- QMP Registration Requirements: (1) Be a Utah-licensed physician, physician assistant, APRN, or podiatrist with a controlled substance license. (2) Pay a \$100 fee. (3) Complete a UDOH-approved CME course. (4) Apply online at [medicalcannabis.utah.gov](http://medicalcannabis.utah.gov).
- QMP may recommend cannabis treatment to no more than **275** active cardholders at the same time.
- Physician QMPs with board certification in anesthesiology, gastroenterology, neurology, oncology, pain, hospice and palliative medicine, physical medicine and rehabilitation, rheumatology, endocrinology, or psychiatry may recommend to no more than **600** active cardholders.
- QMP cannot engage in all types of advertising but may post on a website: a green cross; a list of qualifying conditions they treat; their registration as a QMP; and a scientific study regarding medical cannabis use.
- Utah law does not prohibit a business entity that employs a QMP, such as a medical clinic, from advertising.
- With permission from a QMP, DOH may post a QMP's name and contact info on the DOH website.



## Utah Code 26-61a-106

- A QMP may only recommend medical cannabis treatment to a patient only in the course of a provider-patient relationship after they have completed and documented in the patient's medical record a thorough assessment of the patient's condition and medical history based on the appropriate standard of care for the patient's condition.

# Medical Cannabis Basics - Qualified Medical Providers



- When a QMP recommends medical cannabis to a patient, they may choose to recommend it with or without dosing guidelines and directions of use.
  - “Dosing guidelines” are a quantity or range and frequency of administration for a recommended treatment.
  - “Directions for use” are recommended routes of administration (oral, inhalation, sublingual, transdermal) for a medical cannabis treatment and suggested usage guidelines.
- If a QMP recommends medical cannabis to a patient but does NOT specify dosing guidelines and directions of use, the QMP may submit to the electronic verification system (EVS):
  - information regarding the qualifying condition underlying the recommendation;
  - Information regarding prior treatment attempts with cannabis and cannabis products; and
  - portions of the patient's current medication list. See Utah Code 26-61a-502 (4).
- A patient’s initial visit with a QMP for a medical cannabis card evaluation costs a patient between \$200 and \$600. Insurance is typically not billed so patients usually pay the full price of the visit out of pocket without health insurance.



# Medical Cannabis Basics - Pharmacy Medical Provider



If a QMP recommends cannabis to a patient without specifying dosing guidelines or directions of use, these will be determined by a **pharmacy medical provider** (pharmacist registered by UDOH) at the patient's chosen medical cannabis pharmacy. When making this determination, the pharmacy medical provider (PMP) must:

- review pertinent medical records, including documentation the QMP may have submitted in the EVS ; and
- after completing the review, determine the best course of treatment through consultation with the patient regarding:
  - the individual's qualifying condition;
  - indications for available treatments;
  - directions of use and dosing guidelines; and
  - potential adverse reactions.
- review each medical cannabis transaction to ensure patient leaves pharmacy with drug that was determined by the QMP or PMP to be the best course of treatment



**Utah Code 26-61a-502 (4)**

# Possession Limitations



A medical cannabis cardholder in any one 28-day period, may purchase no more than the lesser of:

- an amount sufficient to provide 30 days of treatment on the dosing guidelines that the relevant QMP recommends; or
- 113 grams by weight of unprocessed cannabis; or
- cannabis in medicinal dosage form that contains, in total, greater than 20 grams of total composite THC.

See “legal dosage limit” definition in Utah Code 26-61a-102 (22).



Approximately 113 grams (4 oz) of unprocessed cannabis flower

# Legal Dosage Forms and Administration Routes



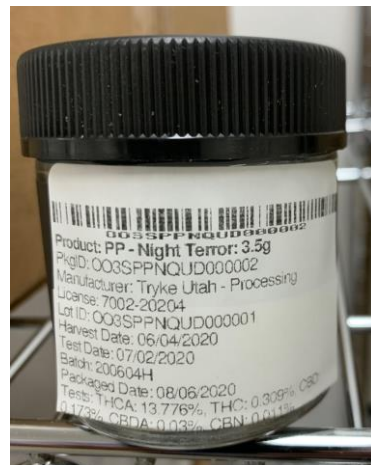
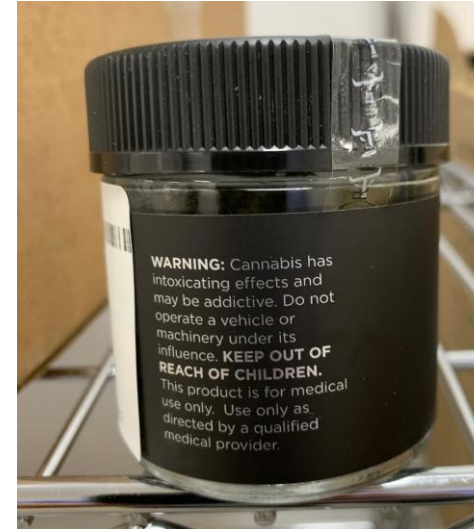
Legal Dosage Form	Legal Dosage Form Examples	Legal Routes of Administration
Tablet	Tablet	Oral
Capsule	Capsule	Oral
Gelatinous cube	Gummy, chews, gelatin cube, lozenge	Oral
Unprocessed flower (60 days)	Flower, Bud	Vaporization
Wax	Wax	Vaporization
Resin	Resin	Vaporization
Liquid suspension	Liquid suspension	Oral
Concentrated oil or viscous oil	Vape cartridge	Vaporization
Transdermal preparation	Skin patch	Transdermal
Sublingual preparation	Extract, Tincture	Sublingual
Topical preparation	Salve, balm, lotion, cream	Topical

- A complete list of legal dosage forms can be found in Utah Code 26-61a-102 (40).
- When transported in public, unprocessed cannabis flower must be contained within an opaque bag or box.
- Smoking is not a legal route of administration of cannabis in Utah.
- It is illegal in Utah to smoke or combust cannabis or to use a device to facilitate the smoking or combustion of cannabis. This includes the process of vaporizing and inhaling cannabis by placing the cannabis on a nail or other metal object that is heated by a flame, including a blowtorch.
- Smoking does not include vaporization or heating of medical cannabis. See Utah Code 58-37-3.9 (3).

# Legal Dosage Forms



## Unprocessed Flower







## Gummies / Chews





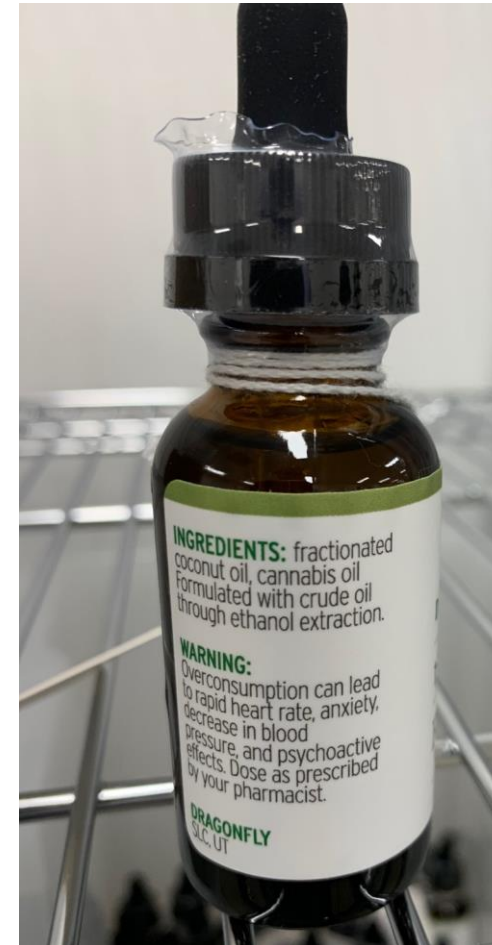
## Cannabis Lotion







## Cannabis Extract





## Concentrated Oil / Vape Cartridge



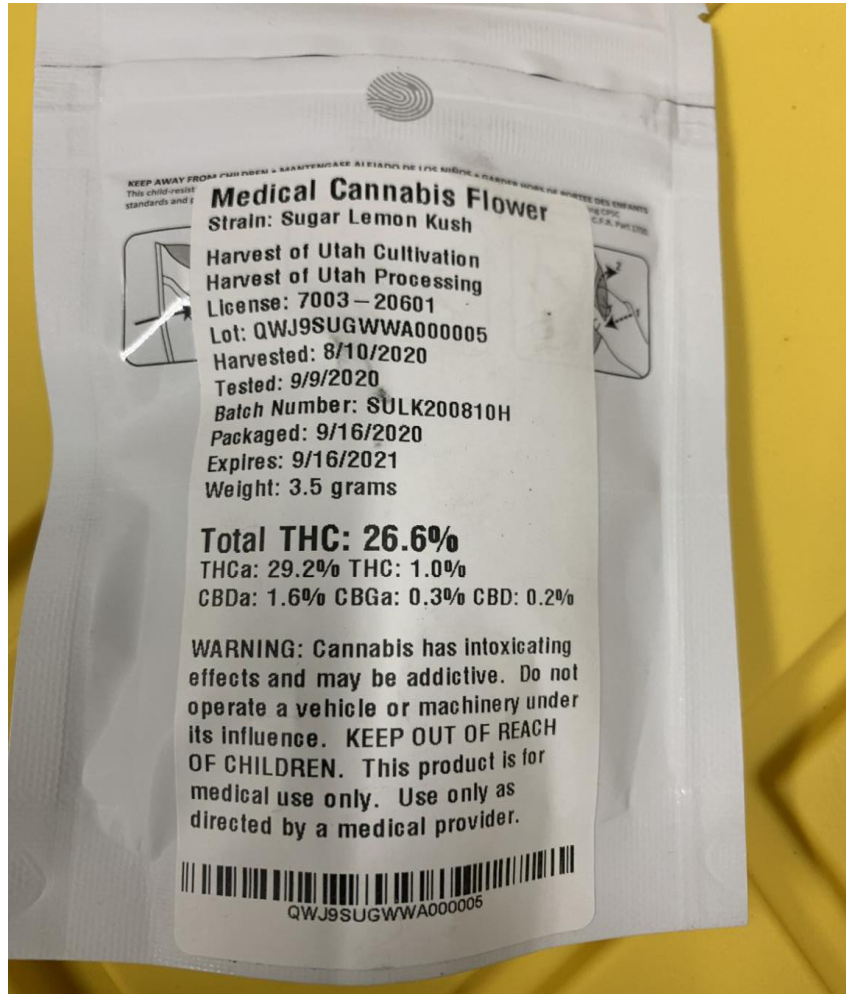
# Illegal Dosage Forms



- No edibles, such as brownies, cookies, or candy but gummies are allowed under certain conditions.
- No cannabis outside of a tamper resistant container.
- No smoking of cannabis.
- No containers that appeal to children.
- Cannot mimic a candy container.

For complete information about legal dosage forms and containers, see Utah Code 26-61a-102 (32) and 4-41a-602 (1)(b).

# Cannabis Processor Product Labeling



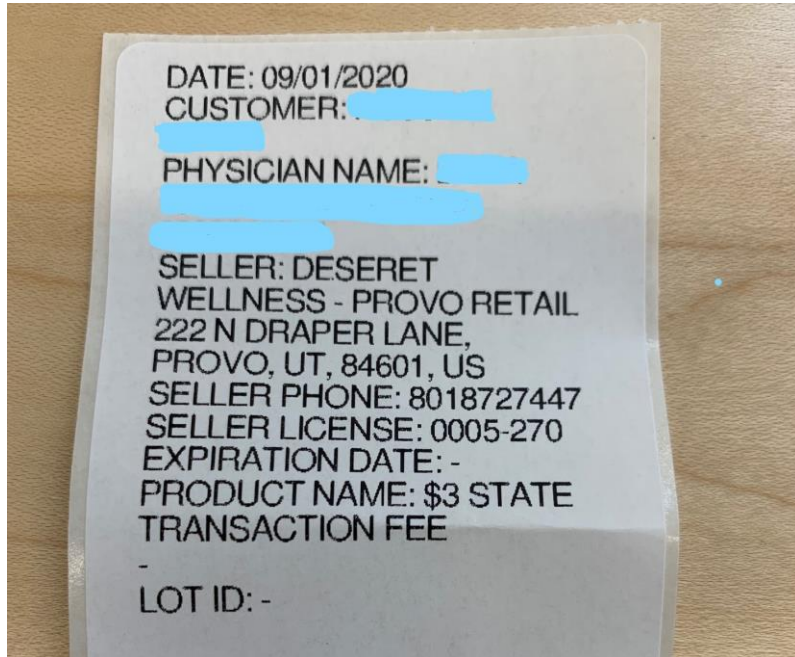
All products in Utah must have a label from the processor that:

1. clearly and unambiguously states that the cannabis product or package contains cannabis;
2. clearly displays the amount of total composite tetrahydrocannabinol and cannabidiol in the labeled container;
3. has a unique identification number that is connected to the inventory control system and identifies the unique cannabis product manufacturing process the cannabis processing facility used to manufacture the cannabis product;
4. identifies the cannabinoid extraction process that the cannabis processing facility used to create the cannabis product;
5. does not display an image, word, or phrase that the facility knows or should know appeals to children; and
6. discloses each active or potentially active ingredient, in order of prominence, and possible allergen.

Utah Code 26-41a-602 (1)(a)



# Cannabis Pharmacy Product Labeling



Utah Code 26-61a-501 (10)

**Upon selling a medical cannabis product to a cardholder, a medical cannabis pharmacy must provide a label or a receipt to the cardholder with the following information:**

1. the name, address, and telephone number of the medical cannabis pharmacy;
2. the unique identification number that the medical cannabis pharmacy assigns;
3. the date of the sale;
4. the name of the patient;
5. the name of the qualified medical provider who recommended the medical cannabis treatment;
6. directions for use and cautionary statements, if any;
7. the amount dispensed and the cannabinoid content;
8. the suggested use date; and
9. for unprocessed cannabis flower, the legal use termination date.

# 14 Medical Cannabis Pharmacy Locations



Name	Location
Dragonfly Wellness	711 S State St, Salt Lake City
Perfect Earth Modern Apothecary	2150 N Main St, North Logan
Perfect Earth Modern Apothecary	3775 Wall Ave, South Ogden
WholesomeCo Cannabis	580 W 100 N, West Bountiful
Curaleaf	3633 N Thanksgiving Way, Lehi
Deseret Wellness	222 N Draper Lane, Provo
Beehive Farmacy	1991 S 3600 W, Salt Lake City
Deseret Wellness	1351 Kearns Blvd, STE 110-B, Park City
Beehive Farmacy	870 W 1150 S, Brigham City
Pure UT	757 S 1040 W, Payson
Cannabist	484 S 1750 W, Springville
Bloc Pharmacy	10392 S Jordan Gateway, South Jordan
Bloc Pharmacy	1624 S Convention Center Dr., St. George
Bloom Medicinals	301 S Main Street, Cedar City



# Medical Cannabis Pharmacies



- May have signage that includes a green cross, name of pharmacy with logo, and hours of operation
- May not advertise in any medium but may have a websites/social media accounts that includes information about:
  - the location and hours of operation of the medical cannabis pharmacy;
  - a product or service available at the medical cannabis pharmacy;
  - personnel affiliated with the medical cannabis pharmacy;
  - best practices that the medical cannabis pharmacy upholds; and
  - educational material related to the medical use of cannabis.



For complete information about medical cannabis pharmacy requirements, see Utah Code 26-61a-301.

# Medical Cannabis Pharmacy Standards



- Must have a pharmacy medical provider (PMP) registered with UDOH onsite during all business hours to consult with patients and review transactions.
- All employees must either be a PMP or a medical cannabis pharmacy agent registered by the UDOH.
- PMP must be a Utah-licensed pharmacist, DO, or MD with at least 4 hours of approved education related to medical cannabis treatment.
- Medical cannabis pharmacy agent must be at least 18 years old and pass a criminal background screening.
- May only sell cannabis product in a medicinal dosage form, medical cannabis devices, or educational material related to medical use of cannabis. Cannot sell other things such as candy, t-shirts, or FDA approved medications.
- PMP must review every medical cannabis transaction.



- Each medical cannabis pharmacy must have a pharmacist-in-charge (PIC).
- To enter medical cannabis pharmacy, an individual must be a cardholder (patient, guardian, or caregiver) and at least 18, or they may enter as a visitor who is logged in and out.

*For complete information about medical cannabis pharmacy requirements, see Utah Code 26-61a-301.*

# Medical Cannabis Purchased Outside Utah



- Beginning July 1, 2021, all medical cannabis legally used and possessed in Utah by a Utah medical cannabis cardholder must have been purchased from a Utah-licensed medical cannabis pharmacy.
- A non-resident patient may use and possess medical cannabis in Utah if the product does not exceed Utah's legal dosage limit and is in a legal dosage form. A non-resident patient is someone who has a currently valid medical cannabis card or the equivalent of a medical cannabis card under the laws of another state and has been diagnosed with a qualifying condition recognized under Utah law. See Utah Code 58-37-3.7 and 26-61a-102.
- All product purchased from a Utah-licensed medical cannabis pharmacy must have a label that identifies the pharmacy where the product was purchased and an identification number that links the product to the state's inventory control system. See Utah Code 26-61a-204.



# Public Use of Medical Cannabis



- A medical cannabis cardholder or nonresident patient may not use cannabis in public view unless it is being used in the event of an emergency medical condition. The term “emergency medical condition” is defined in Utah Code 31A-22-627.
- An individual who illegally uses cannabis in public view is, for a first offense, guilty of an infraction and subject to a fine of up to \$100.
- For a second or subsequent offense, an individual who illegally uses cannabis is guilty of a class B misdemeanor and subject to a fine of \$1,000.





# Upcoming Changes to Utah's Medical Cannabis Program



- Medical cannabis product transaction and medical cannabis card information will be incorporated into the Utah Controlled Substance Database.
- Any MD, DO, APRN, PA may recommend medical cannabis to up to 15 qualifying patients and help them get a Utah medical cannabis card.
- An online healthcare transparency tool will be created for patients seeking medical cannabis evaluations. This will enable patients to easily compare QMP medical cannabis evaluation prices across the state.
- A 15th medical cannabis pharmacy will be licensed in a rural area.
- Initial cards will be issued for 6-month periods (not 60 days).



# Contact Information



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# Questions?



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