

# Medical cannabis program basics

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# Presentation disclaimer

- This presentation highlights parts of Utah medical cannabis laws and provides information that is current as of the date of this presentation.
- While it outlines some Utah laws, it is not meant to be comprehensive.
- A complete copy of the Utah medical cannabis laws 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.

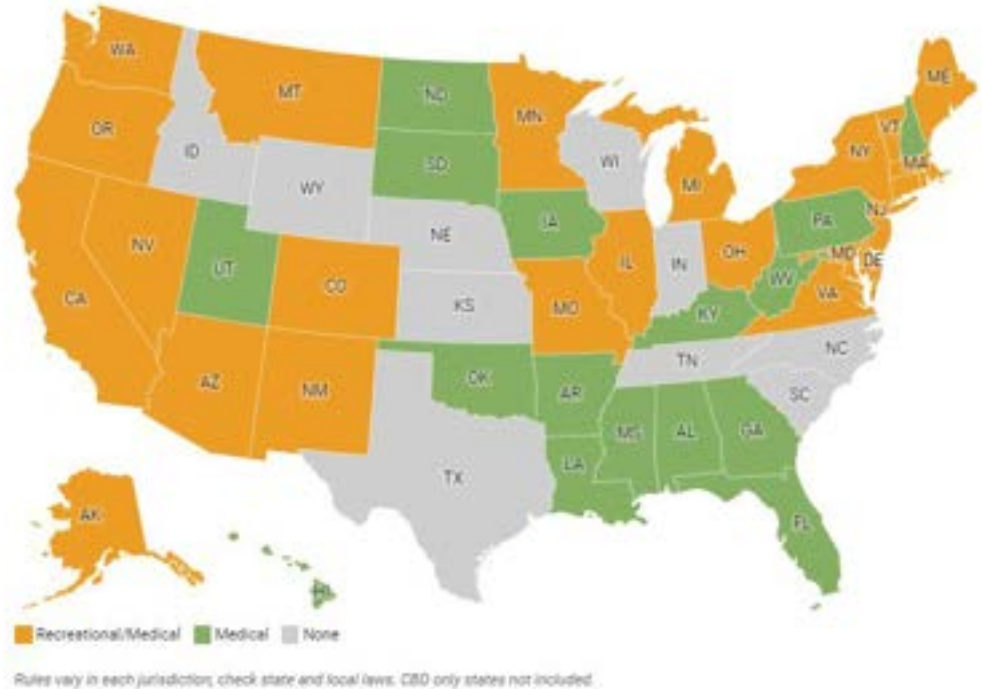
# **DHHS Center for Medical Cannabis mission statement**

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The DHHS Center for Medical Cannabis ensures that qualifying patients are guided by trained medical professionals to receive access to safe and effective cannabis products.

# Cannabis legalization across the U.S.

- 40 states have legalized medical cannabis.
- 24 states have legalized recreational cannabis.
- 10 states have not legalized cannabis.



# Hemp products vs. medical cannabis products

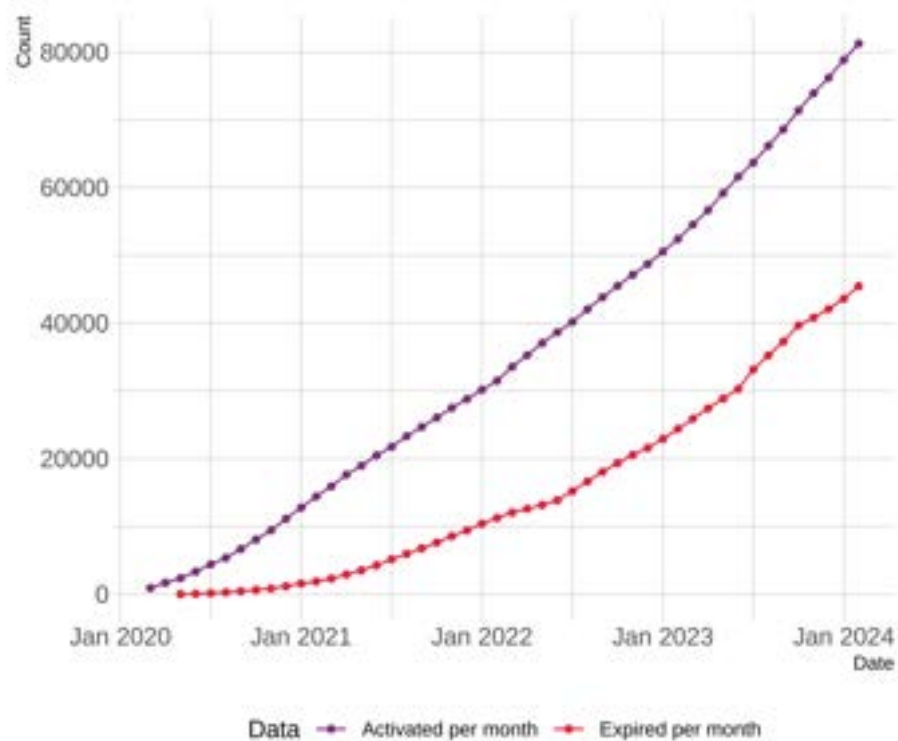
Hemp products	Medical cannabis products
<ul style="list-style-type: none"><li>• Less than .3% concentration of THC.</li><li>• Federally legal: may be transported across state lines.</li><li>• Combined amount of THC and any THC analog cannot exceed 10% of a product's total cannabinoid content.</li><li>• Cannot exceed a THC/THC analog amount more than 5 milligrams per serving and 150 milligrams per package.</li><li>• Products with any trace of THC or THC analog cannot be sold to individuals under 21 years old.</li><li>• Many businesses are registered with the Utah Department of Agriculture and Food to manufacture and sell these products in Utah.</li><li>• Online market and youth access are major concerns.</li></ul>	<ul style="list-style-type: none"><li>• More than .3% concentration of THC.</li><li>• Federally illegal: cannot be transported across state lines.</li><li>• Legal in Utah law under certain conditions.</li><li>• Small number of businesses are licensed in Utah to legally cultivate, manufacture, and sell these products (8 cultivators, 15 processors, and 15 medical cannabis pharmacies).</li><li>• No limit on amount of THC in a product.</li><li>• Medical cannabis products may be sold to individuals with active medical cannabis cards, including minors.</li></ul>

# History of medical cannabis access in Utah

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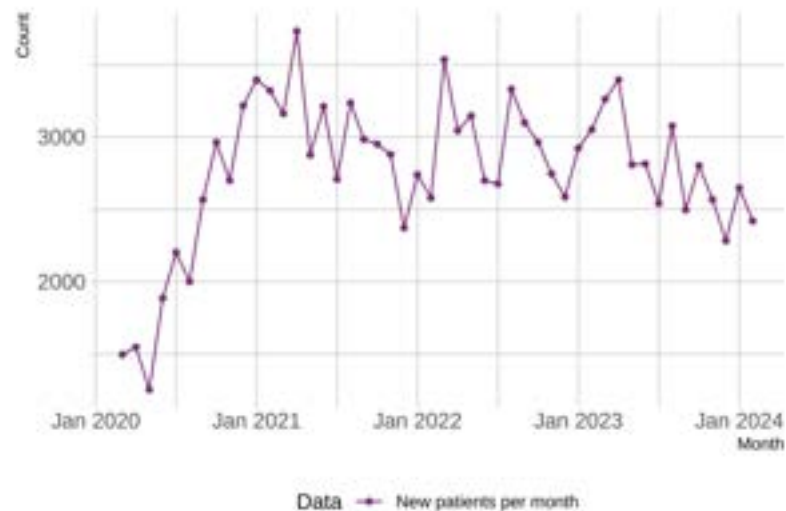
- **Nov. 2018:** Utah voters pass Prop. 2, the state's medical cannabis law.
- **Dec. 2018:** State lawmakers meet in special session to approve significant changes to Prop. 2.
- **Dec. 2018:** Becomes legal to possess medical cannabis in Utah under certain conditions.
- **Mar. 2020:** First medical cannabis patient card issued first medical cannabis pharmacy opens.
- **Dec. 2022:** 15th medical cannabis pharmacy opens.
- **Feb. 2024:** The program reaches 81,000 active medical cannabis cardholders and nearly 1,000 qualified medical providers participating in the state's medical cannabis program.

# Program growth



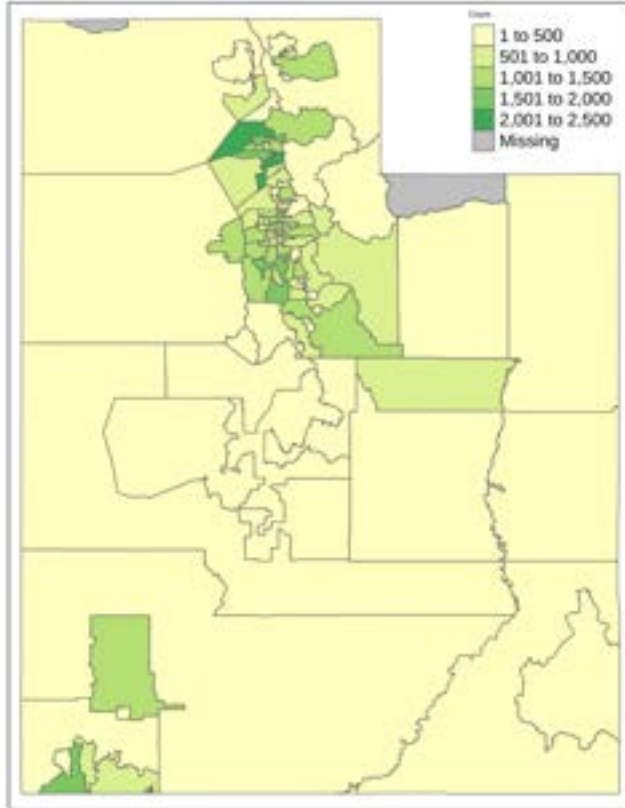
## New patients per month

The new patients per month can be in any status - active, expired, pending renewal, etc.



# Program growth (cont.)

Patient counts by small area boundary



Patients by county

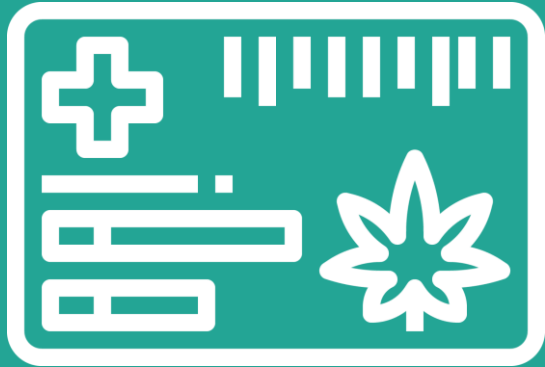
Detail	Count
Salt Lake	33,015
Utah	13,221
Davis	9,053
Weber	8,431
Washington	3,602
Cache	3,206
Box Elder	1,692
Tooele	1,638
Summit	1,391
Iron	1,336
Carbon	843
Wasatch	770
Sanpete	495
Uintah	373
Sevier	288
Duchesne	273
Emery	272
Juab	228
Morgan	209
Millard	202
Other	195
Beaver	153
Grand	136
Garfield	107
Kane	93
Rich	48
San Juan	36
Piute	28
Wayne	19
Daggett	12

Patient age groups

Detail	Count
13 and Under	24
14-17	19
18-20	48
21-30	16,183
31-40	21,513
41-50	18,521
51-60	10,719
61-70	9,194
71 and Over	5,046



# Qualifying conditions



- 16 qualifying conditions for medical cannabis use.
- New qualifying conditions are passed by Utah Legislature.

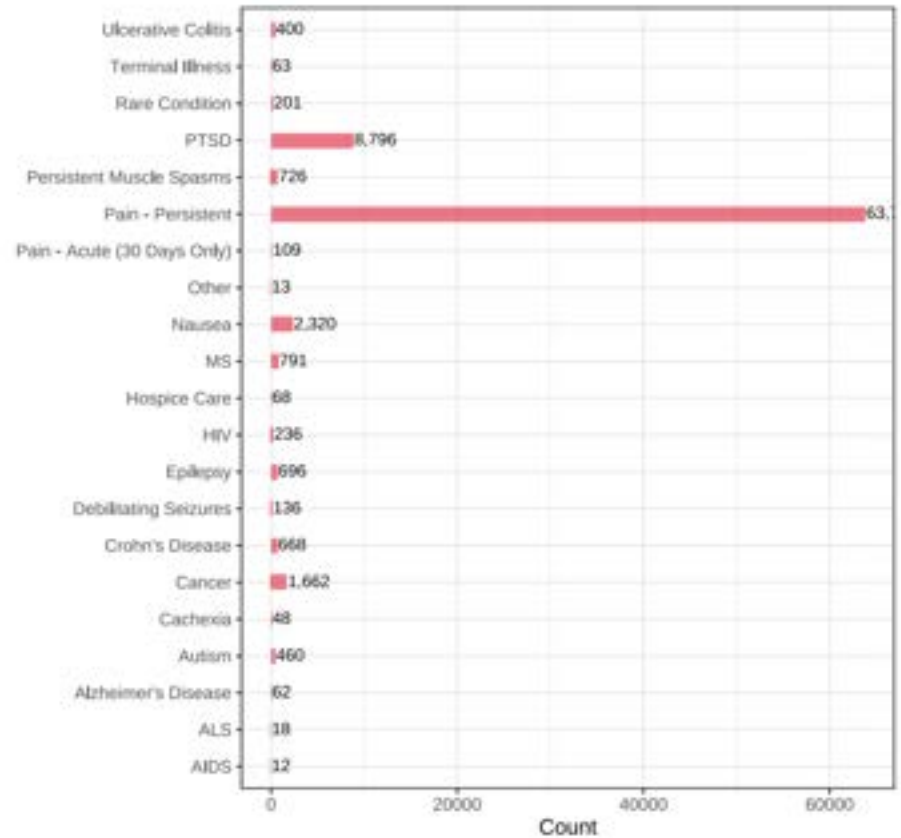
# Qualifying conditions list

- HIV or AIDS
- Alzheimer's disease
- Amyotrophic lateral sclerosis (ALS)
- Cancer
- Cachexia
- Crohn's disease or ulcerative colitis
- Epilepsy or debilitating seizures
- Multiple sclerosis (MS) or persistent and debilitating muscle spasms
- Autism
- Terminal illness with a life expectancy of <6 months
- A condition resulting in hospice care
- Persistent nausea that is not responsive to traditional treatment, but not related to:
  - Pregnancy, cannabis-induced cyclic vomiting syndrome, or cannabinoid hyperemesis syndrome
- Post-traumatic stress disorder (PTSD) that is:
  - Being treated and monitored by a licensed health therapist;
  - Been diagnosed by a healthcare provider at the VA or by a psychiatrist, masters-prepared psychologist, masters-prepared licensed clinical social worker (LCSW), or a psychiatric APRN; and
  - Documented in the patient's record.

# Qualifying conditions list (cont.)

- A rare condition or disease that affects <200,000 individuals in the U.S. and is not adequately managed by conventional medications (besides opioids or opiates) or physical interventions
- Acute pain that lasts 2 weeks or longer for an acute condition, such as a surgical procedure
- Persistent pain lasting longer than 2 weeks that is not adequately managed by conventional medications (besides opioids or opiates) or physical interventions

- Over 81,000 patients in the program as of 2/28/2024.
- Most common qualifying conditions:
  - Chronic pain
  - PTSD
  - Nausea
  - Cancer



## Patient count and qualifying conditions

# Recommending medical providers



- A recommending medical provider (RMP) can recommend medical cannabis.
- There are 2 types of RMPs:
  - Qualified medical provider (QMP)
  - Limited medical provider (LMP)

# Qualified medical provider (QMP) requirements and abilities

QMPs are registered with DHHS and can recommend medical cannabis for up to 1,252 patients (1.5% of the total number of registered medical cannabis patient card holders on April 1, 2024).

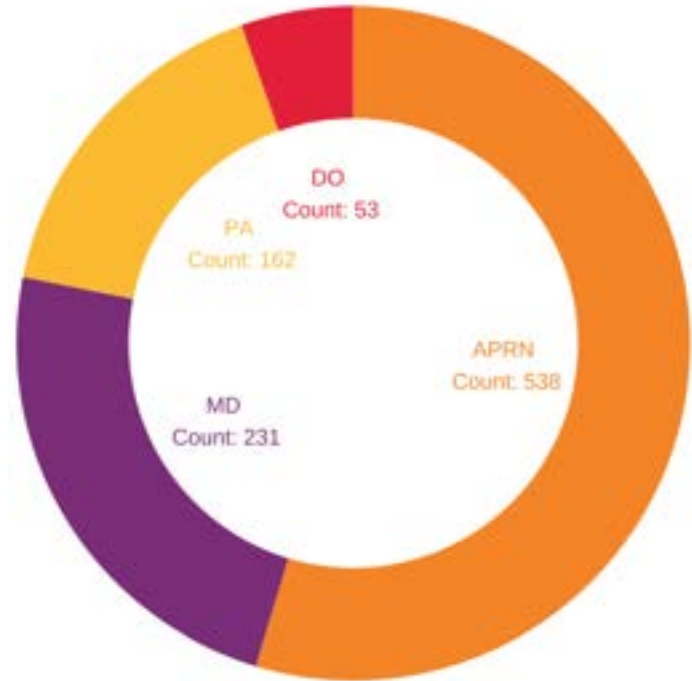
- Must be Utah licensed MD, DO, PA, APRN, or DPM with controlled substance license.
- Complete at least 4 hours of DHHS-approved education during each 2-year renewal cycle.
- Register with electronic verification system (EVS) and pay \$100 registration fee.

If a QMP receives payment from a patient's insurance plan for services, that patient does not count toward the QMP's 1,252 recommendation limit.

As of April 1, 2024, the program has 955 participating QMPs.

# Qualified medical provider (QMP) count

As of April 1, 2024, the program has 955 participating QMPs.



# Limited medical provider (LMP) requirements

LMPs aren't registered with DHHS but can recommend medical cannabis for up to 15 patients.

- Must be Utah licensed MD, DO, PA, APRN, or DPM with controlled substance license.
- Do not require continuing education.



# RMP recommending medical cannabis to patients

A RMP, whether they are a QMP or LMP, will:

- Have an initial face-to-face appointment with the patient.
- Make the recommendation in the setting of a provider-patient relationship.
- Conduct a thorough medical assessment:
  - Review the patient's government issued photo identification.
  - Check for contraindications in the Controlled Substance Database (CSD).
  - Consider the patient's qualifying condition.
  - Consider the patient's history of substance use or opioid use disorder.
  - Consider the patient's history of medical cannabis and controlled substance use.

# RMP recommending medical cannabis to patients (cont.)

For QMPs:

- Document the assessment in the patient's record and optionally in EVS.
- Complete recommendation in EVS for patient.
- Patient must meet with a QMP at least once a year to renew their medical cannabis card.

For LMPs:

- Document the assessment in the patient's record.
- Complete the *Limited Medical Provider Recommendation for Medical Cannabis* form and submit the form to a licensed medical cannabis pharmacy.

# LMP recommendation form for medical cannabis

## Medical Provider Information

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

DOP License Type: MD  DO  APRN  PA  Podiatrist

DOP Professional License Number: \_\_\_\_\_ DEA Number: \_\_\_\_\_

DOP Controlled Substance number: \_\_\_\_\_ NPI Number: \_\_\_\_\_

Clinic or Practice Name: \_\_\_\_\_

Clinic or Practice Email Address: \_\_\_\_\_

Clinic or Practice Mailing Address: \_\_\_\_\_

Clinic or Practice Telephone Number: \_\_\_\_\_

## Patient Information

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

Qualifying Condition: \_\_\_\_\_

(See Qualifying Conditions in Appendix B. Only select one.)

Qualifying condition is PTSD and I attest I have documentation per Appendix B for this recommendation.

List rare condition here: \_\_\_\_\_

I certify that I have reviewed the NIH website and the patient's condition is listed as a rare condition.

Terminal illness: (Patient's life expectancy is less than six months.) Yes  No

Age (Patient's age cannot be under age 21): \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Last four digits of SSN? Yes  No  Patient Telephone Number: \_\_\_\_\_

If the patient has had a medical cannabis card for over a year, do you approve them for renewal on an annual basis? Yes  No  If no, the card will expire in six months unless it is renewed.

Do you have dosing guidelines or directions of use for your patient? If yes, see Appendix A Dosing Guidelines.

Yes  No

I certify that the information provided in this form is true and correct and that I have met at least once in-person with the patient identified in the form.

Limited Medical Provider Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Medical Cannabis Pharmacy Use Only	Verification: Verbal / Written	Initials:	Date:
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## Appendix A: Dosing Guidelines Drop Down

If no dosage form or total quantity is specified, the patient will be allowed all forms up to the state limit in consultation with a pharmacist at a medical cannabis pharmacy

Dosage Form:

NOTE: Smoking of cannabis is prohibited. The 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, is prohibited. Edible products such as candies, cookies, and brownies are not permitted under Utah law.

- All forms allowed
- All forms allowed except: \_\_\_\_\_
- Aerosol
- Capsule
- Concentrated oil
- Sublingual preparation
- Gelatinous cube or lozenge
- Liquid suspension
- Resin
- Tablet
- Topical preparation
- Transdermal preparation
- Unprocessed cannabis flower

Total Dosage Quantity for 30-Days of Treatment:

Up to state limit

NOTE: In any one 28-day period, a patient may not purchase more than the lesser of: an amount sufficient to provide 30 days of treatment based on the dosing parameters that the qualified medical provider (QMP) recommends; or 113 grams by weight of unprocessed cannabis (flower); and for other cannabis products, more than a total of 20 grams of total composite THC.

Restrict quantity to \_\_\_\_\_ g/mg

Any relevant medical or medication history for pharmacy reference:

# Dosing Guidelines



- RMP can include in their recommendation:
  - dosage form; and
  - dosage amount.
- Including dosing guidelines in the recommendation is optional. If the RMP doesn't include them, a pharmacist will determine them.

# Compassionate Use Board (CUB)



- For those who are under age 21 or don't have a qualifying condition.
- Any RMP can petition the CUB on behalf of their patient.
  - Must have an intractable condition.
  - Condition must substantially impair quality of life.
  - Must have tried conventional treatments.

# Minor/guardian cards

- Provisional patient cards issued to minors who are younger than 18 years.
  - Guardians apply for these on behalf of the patient.
  - Compassionate Use Board (CUB) approval is required for all provisional patient cards.
  - Must be recommended by a RMP.
  - Valid for up to a year at a time. The CUB or the patient's medical provider can decrease the card renewal period.
- Guardian card is issued to the minor's parent or legal guardian.
  - Automatically issued and renewed with provisional patient cards.
  - Criminal background check required.
  - Guardians buy medical cannabis on the patient's behalf.

# Non-Utah resident cards

- Issued to non-Utah residents who are visiting Utah and who are medical cannabis card holders in their home state.
- Valid for 21 days at a time.
- Limit of 2 non-Utah resident cards for a total of 42 days per calendar year.
- Qualifying condition as listed in Utah law required.
- Issued to patients the day before they travel to Utah.

# Medical cannabis cardholder requirements

- Cardholders may purchase medical cannabis products from any of Utah's 15 medical cannabis pharmacies.
- Cardholders may only possess and use medical cannabis products purchased from one of the 15 pharmacies.
- Out-of-state products are not allowed.
- Cards are valid for 1 year. Patients must renew their card with a RMP.





# Controlled Substance Database (CSD)

- Patients with active medical cannabis cards are in the CSD.
- Access available to licensed practitioners with a controlled substance license.
- A green leaf in the “Patient Warnings” section indicates an active medical cannabis card



# Legal protections for RMPs

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- Proper licensure and adherence to state laws prevent:
  - Civil or criminal liability
  - Licensure sanctions
- These are only applicable regarding recommending medical cannabis.
- If laws are not followed, RMPs may be subject to:
  - Denial of an application for a medical cannabis card or QMP registration card.
  - Suspension or revocation of a medical cannabis card or QMP registration card.
  - Penalty or fine.
- Protections do not apply federally.

# QMP advertising & targeted marketing

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- A QMP medical clinic, or medical office employing a QMP may engage in targeted marketing.
- QMPs that advertise online or in printed material must report quarterly to DHHS:
  - For cash payment without insurance, their or their employer's fees for a recommendation; and
  - Whether the QMP or employing entity bill insurance.
- DHHS has rulemaking authority over targeted marketing standards.

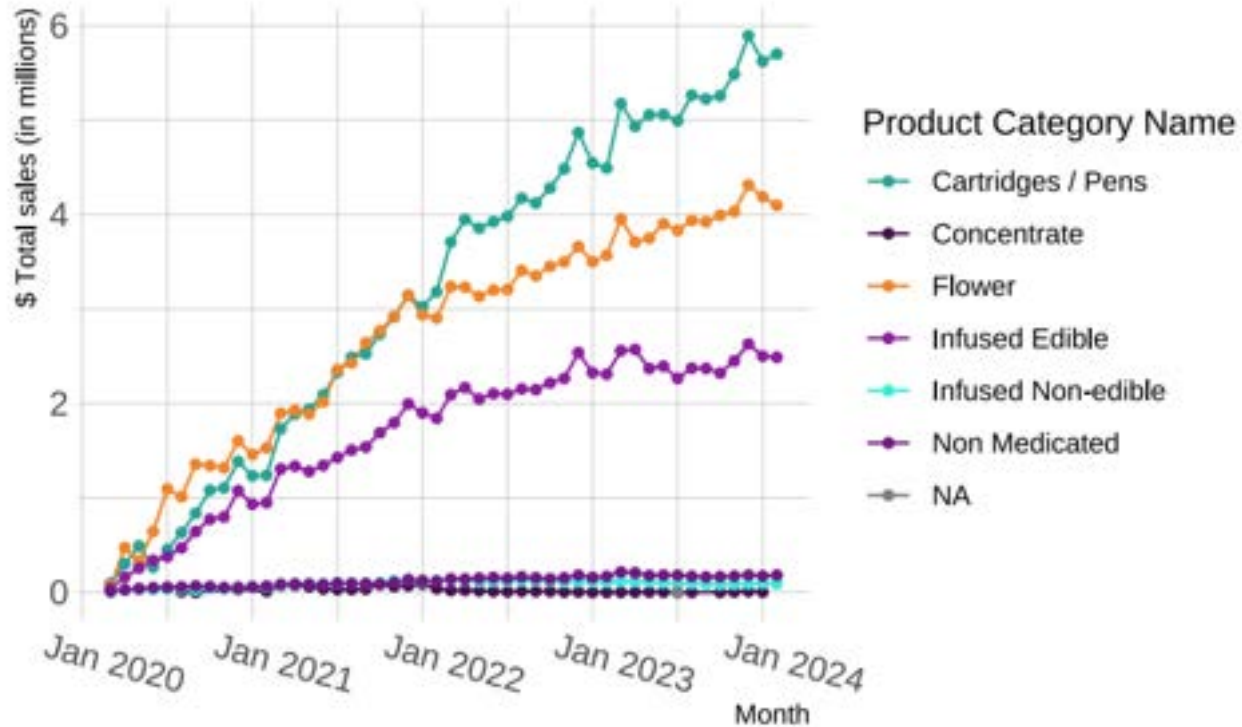
Legal Dosage Form	Legal Dosage Form Examples	Typical Routes of Administration
Tablet	Tablet	Oral
Capsule	Capsule	Oral
Gelatinous cube	Gummy, chews, gelatin cube, lozenge	Oral
Homogenous confection	Soft chew	Oral
Liquid suspension	Liquid suspension	Oral
Unprocessed flower	Flower, Bud	Vaporization
Wax	Wax	Vaporization
Resin	Resin	Vaporization
Concentrated oil or viscous oil	Vape cartridge	Vaporization
Transdermal preparation	Skin patch	Transdermal
Sublingual preparation	Extract, Tincture	Sublingual
Suppository	Suppository	Rectal or vaginal
Topical preparation	Salve, balm, lotion, cream	Topical
Aerosol	Inhaler	Inhalation

## Legal dosage forms

# Prohibited forms

- Brownies and cookies
- Chocolate
- Smoking unprocessed flower
- No products or containers that appeal to children
- Can't mimic a candy container

# Patient purchasing (February 2024)



# Patient purchasing (February 2024)

Product Category Type	Total Sales	Units Sold	Percent of All Products Sold	Product Subtypes
Cartridges / Pens	\$5,700,821	119,829	45.40%	Vape Cartridges, Vape Pens
Flower	\$4,096,249	79,894	32.60%	Buds, Finished Flower, Pre-Pack
Infused Edible	\$2,489,095	70,452	19.80%	Gummies, Lozenges, Oils, Sprays, Liquid Suspensions, Capsules, Pills
Infused Non-edible	\$91,236.25	2,234	0.70%	Balms, Gels, Lotion, Patches, Salves, Topical
Non Medicated	\$181,804.30	22,474	1.40%	Pens, Vaporizers, Devices, Grinders, Batteries, Cases

# Dispensing and possession limitations



**Approximately 113 grams (4oz) of unprocessed cannabis flower**

- In a 28-day period, a cardholder can purchase no more than:
  - An amount to provide 30 days of treatment based on the dosing guidelines in the recommendation.
  - 113 grams by weight of unprocessed flower; and
  - 20 grams of composite THC in all other dosage types.



# Purchasing period exceptions

A QMP can petition DHHS to waive the 28-day purchasing period limit if the cardholder:

- Has been diagnosed with a terminal illness;
- Has a life expectancy of six months or less; and
- Needs the waiver for palliative purposes.

The waiver is limited to 180 days.

# Medical cannabis pharmacies



- 15 medical cannabis pharmacies in Utah
- Medical cannabis pharmacy laws

Name	Location
Curaleaf	Provo
Curaleaf	Lehi
Curaleaf	Payson
Curaleaf	Park City
Dragonfly Wellness	Salt Lake City
Dragonfly Wellness	Price
Beehive Pharmacy	Salt Lake City
Beehive Pharmacy	Brigham City
The Flower Shop	South Ogden
The Flower Shop	North Logan
Bloc Pharmacy	South Jordan
Bloc Pharmacy	St. George
WholesomeCo	West Bountiful
Zion Medicinal	Cedar City
Cannabist	Springville

## Medical cannabis pharmacy locations

# Medical cannabis pharmacies



- Equipped with a security system
- Outside signage is limited to a green cross; and the pharmacy name, logo, and operating hours
- Agents must be registered with UDAF and pass federal criminal background checks
- Must have a licensed pharmacist onsite during business hours
- Onsite cannabis use is not allowed

# Medical cannabis pharmacies



- May only sell cannabis products, medical cannabis devices, and/or medical cannabis education materials
- Cannot advertise specific products or dosage types to the public but may engage in targeted marketing with a consenting adult
- Cannot offer samples
- Must follow product labeling requirements

# Pharmacy medical provider (PMP) registration requirements and role

## Requirements:

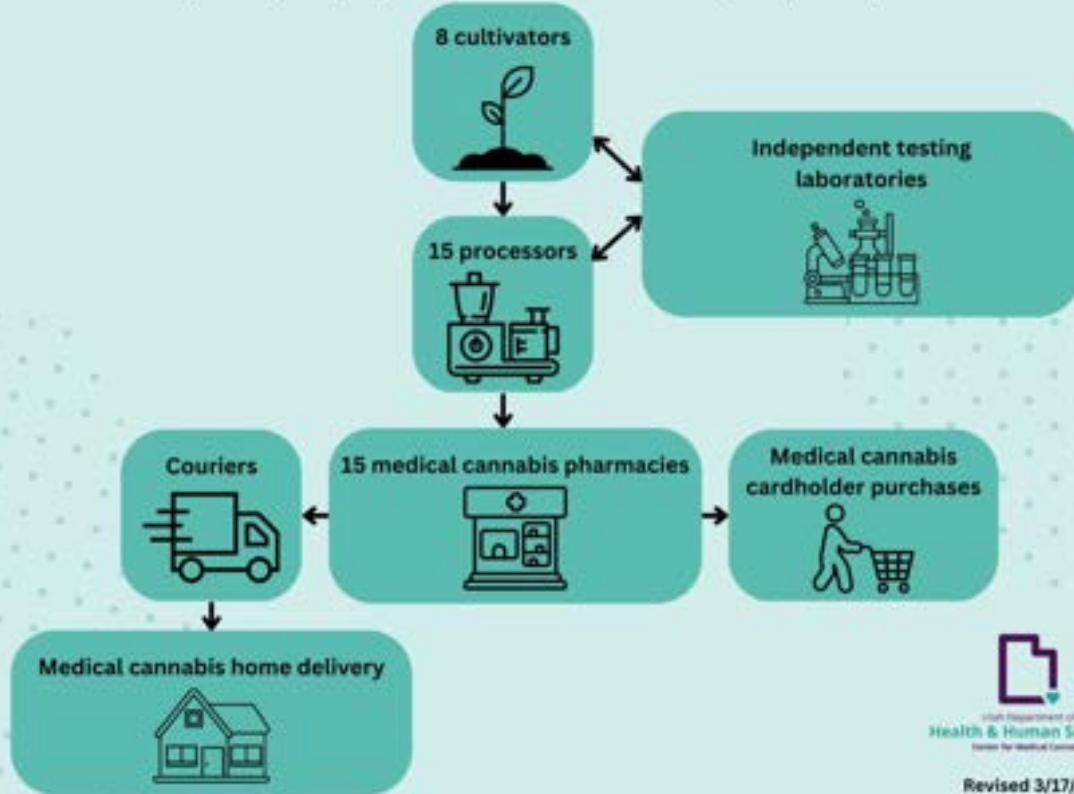
- A Utah licensed physician or pharmacist
- Complete at least 4 hours of DHHS-approved education during each 2-year renewal cycle
- Register with electronic verification system (EVS)
- \$100 registration fee

## Role:

- Reviews medical cannabis orders in EVS for patients
- Provides dosing guidelines for patients as needed
- Consults with every patient during their first medical cannabis purchase
- Consults with patients as needed
- Reviews every medical cannabis transaction

# Utah medical cannabis distribution system

The inventory control system (ICS) tracks cannabis from cultivation to patient purchase, or "from seed to sale."



## Utah medical cannabis distribution system

# Questions?

**medicalcannabis.utah.gov**  
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**(801) 538-6504**

