

Utah (Compromise Legislation 10-4-2018)	Score	Total Available		
Patient Rights and Civil	74	100		Utah ( Legislation, Draft 10-4-18) Letter Grade: F
Arrest Protection	30	40	26-61b-204, *Note however, that under 26-61b-204(1)(iii)(b) if a patient is caught with even a <i>de minimis</i> amount of cannabis over 113 grams, they are subject to a Class B misdemeanor and a \$1,000 fine, <b>regardless of criminal intent</b> , 58-37-3.9(1)(a) also provides some arrest protections via limiting state and local resources from completing an arrest on the sole reasons that the patient is violating federal law.	Improvement Bonus 0
Affirmative Defense	10	15	Arrest protections via the form of an affirmative defense exist for individual who is operating a vehicle with medical cannabis in their system (41-6a-517(3)(c) ). Affirmative defense protections also exist for use and possession if individual has been diagnosed with a qualifying condition and has a pre existing relationship with health care provider. 58-37-3.8(2). Affirmative defense protects those who are not Utah residents under 58-37-3.8 (3) Additionally, the affirmative defense only is in place until January 1, 2021, but does not provide further instruction if the program is not operational by this date.	Score Out of 500 286.83
Parental Rights Protection	10	10	62A-4a-202.1, prevents child from being removed solely because of presence of cannabis in medical dosage form, 30-3-10 (7) provides protections against discrimination for patients, caregivers and employees of medical cannabis facilities, 78A-6-508(3) prevents termination of parental rights solely for a parents lawful possession of a medical cannabis product	Percentage 57.37%

DUI Protections	2	5	41-6a-517(3)c provides an affirmative defense, but provides no standard to measure impairment or lack thereof
Employment Protections	4	5	25-61b-111(3) provides employment protections for patients, but does not extend these protections to caregivers. That being said, this provision is consistent with other states' employment discrimination protection clauses.
Explicit Privacy Standards	7	7	26-61b-504(1), it is commendable that patient records at medical cannabis pharmacies are protected under Health Insurance Portability and Accountability Act (HIPAA). 26-61b-106(8) protects personally identifiable health information in petitions to the Compassionate Use Board.
Housing Protections	5	5	26-61b-111(2) is consistent with the housing protections included in other state programs
Does Not Create New Cr	0	5	26-61b-204(1)(B), among other sections, creates new penalties for patients.
Organ Transplants	5	5	26-61b-111(1) adequately protects patients from discrimination when it comes to organ or tissue transplants and is consistent with other state medical programs

Reciprocity	1	3	58=37-3.8(3)(a)(i) provides an affirmative defense to out of state residents, but out of state residents are not eligible to further benefits of the Utah medical cannabis program.
			The way this bill is currently written with the terms medical cannabis pharmacy and state central fill medical cannabis pharmacy is deeply concerning. Louisiana went through similar challenges in its program by using the words pharmacy and prescription in its statute. As a result, the Louisiana medical cannabis program was delayed by nearly 3 years. By definition, a pharmacy is a facility that is capable of dispensing controlled substances Schedule II-V upon receipt of a patient's valid prescription. (See, e.g. The Federal Food Drug and Cosmetic Act § 503, See also, 21 U.S.C § 823(f), distinguishing the Attorney General's ability to register practitioners "including pharmacies, as distinguished from pharmacists" to dispense controlled substances). Having a licensed pharmacist on staff at dispensaries has been achieved in Connecticut, New York, Minnesota, Pennsylvania and Arkansas. However this is very different from the business operating as a pharmacy. If lawmakers are uncomfortable with facilitated named dispensaries, they could follow the model in Michigan and name these facilities Medical Cannabis Provisioning Centers
<b>Access to Medicine</b>	<b>43</b>	<b>100</b>	
<b>Allows Distribution Pro</b>	<b>14</b>	<b>40</b>	

--> Allows Access to Dried	4	15	26-61b-102(25)(1)(ii) only allows dried flower in very limited circumstances (after a patient has failed to respond to two other medical cannabis forms). This blister pack could also create issues with individuals who have conditions that affect their motor skills and are unable to open the pack.
--> Allows Delivery	1	5	Delivery is allowed from the state central pharmacy to the regional department of health, but it appears that there is not delivery allowed from the regional departments of health and medical cannabis pharmacies directly to the patients. <i>See 4-41b-404</i>
--> No Sales Tax or Reass	5	5	59-12-104.9 Appropriately exempts medical cannabis and medical cannabis products from sales tax
--> Allows for a Reasonable Number of Dispensaries	2	5	The issues of nomenclature aside (pharmacy v. dispensary) this bill does not appear to provide enough access points for medical cannabis, even when the state central fill pharmacy is included. 26-61b-304 provides that only <b>five</b> medical cannabis pharmacy licenses may be issued. For comparison, Arkansas, which has a population comparable to Utah is allowing the issuance of 32 licenses for medical cannabis dispensaries. Connecticut which has a <i>slightly larger</i> population has 9 dispensing facilities.
--> Does not Require Vertical	0	2	26-61b-601 By creating a state central fill pharmacy, this forces vertical integration for the various medical cannabis businesses
--> Ownership/ Employment	2	2	the ownership restrictions as described in 4-41b-201(2)(b)(i) and other similar sections are reasonable when compared to other states' medical cannabis programs
--> Provisions for Labor S	0	2	None included in draft of bill.
--> Environmental Impact	0	2	None included in draft of bill.

--> Choice of Dispensary	0	2	Small number of cannabis pharmacies limits patient choice
<b>Noncommercial Cultivation</b>		<b>20</b>	
--> Personal Cultivation	0	15	Unlike the Ballot Initiative, personal cultivation if an individual lives more than 100 miles from a medical cannabis pharmacy is not allowed
--> Collective Gardening	0	5	No mention in this draft of bill
<b>Explicit Right to Edibles</b>	<b>5</b>	<b>10</b>	26-61b-102(25)(a) limits the form of cannabis to tablets, capsules, concentrated oils, liquid suspension, topicals, transdermal preparation, and cube designed for ingestion. 4-41b-603 limits the types of edible products that can be made. ASA supports creating products that do not appeal to children however, this definition may overly limit patient medical options
<b>Does not Impose Bans</b>	<b>7</b>	<b>10</b>	Bill limits the total number of grams of THC for cannabis products
<b>Does not Impose Bans</b>	<b>7</b>	<b>10</b>	4-41-102(2)(b) describes and limits the ration of CBD to THC
<b>Local Bans/Zoning</b>	<b>10</b>	<b>10</b>	4-41b-406 and other sections prevent localities and municipalites from enacting overly restrictive zoning ordinances on medical cannabis businesses
<b>Ease of Navigation</b>	<b>73</b>	<b>100</b>	
<b>Comprehensive Qualify</b>	<b>40</b>	<b>50</b>	26-61b-105 outlines which conditions qualify for the use of medical cannabis. The defintion provided for pain in 26-61b-105(o) requires that individuals in pain try opioids and physical interventions before trying medical cannabis. According to the CDC, over 115 individuals lose their lives each to due to opioid related causes. An individual in pain should have the opiton to try medical cannabis <i>in lieu</i> of opioid therapy from the start of treatment.
<b>Adding New Conditions</b>		<b>10</b>	
--> Law/Regulations Allow	5	5	26-61b-105(p) and 26-61b-106 (5) allows new conditions to be added through the Compassionate Use Board

--> System Works for Add	0	5	This category can not be assessed until an individual goes through the petitioning process to assess whether or not adding conditions works
<b>Reasonable Access for</b>	<b>10</b>	<b>10</b>	The restrictions placed on minors under 26-61b-201(2) are not unduly burdensome and are similar to the restrictions put in place by other states programs
<b>Reasonable Caregiver E</b>	<b>2</b>	<b>4</b>	26-61b-202-203 places stringent background check requirements on medical cannabis caregivers
<b>Number of Caregivers</b>	<b>2</b>	<b>2</b>	
<b>Patient/ Practitioner- Fo</b>	<b>1</b>	<b>2</b>	26-61b-106 Includes practitioners but not patients
<b>Reasonable Fees (Patie</b>	<b>5</b>	<b>10</b>	Patient fees are not established by this bill, however a medical cannabis pharmacy may not give products at no cost to patients 26-61b-502(7). Additionally, no mention is made for low-income individuals receiving a discount or waiver on fees
<b>Allows Multiple-Year Re</b>	<b>0</b>	<b>2</b>	26-61b-201(5) limits card validity to 30 days upon the first issuance, 60 days upon the first renewal and then six months for subsequent renewals. This is one of the shortest card validity times in the country.
<b>Reasonable Physician F</b>	<b>5</b>	<b>5</b>	26-61b-107 provides reasonable training and education requirements for qualified medical providers
<b>Does Not Classify Cann</b>	<b>3</b>	<b>5</b>	26-61b-105(o) puts a preference on physical interventions and opioids before cannabis
<b>Functionality</b>	<b>40</b>	<b>100</b>	
Patients Able to Access Medicine at Dispensaries or by Cultivation	15	50	This category is difficult to assess until a program is fully operational. However, due to the limited number of access points for patients and the challenges of using a central state fill pharmacy, it is projected that Utah could vastly improve in this category.
No Significant Administrative or Supply Problems	5	15	* See note in Access to Medicine Category

Patients Can Receive Legal Protections Within Reasonable Time frame of Doctor's Recommendation	8	10	58-37-3.8 An individual receives protection of the affirmative defense upon diagnosis of a qualifying condition and an existing relationship with a medical provider who believes that patient can benefit from the medical use of cannabis.
Reasonable Possession Limits	4	5	26-61b-502 outlines the possession limits a qualifying patient can have. While it is lower than some states, 56 grams of unprocessed cannabis, or just under two-ounces per 14 day period is a relatively reasonable possession limit
Reasonable Purchase Limits	4	5	26-61b-502 outlines the purchase limits a qualifying patient can have. While it is lower than some states, 56 grams of unprocessed cannabis, or just under two-ounces per 14 day period is a relatively reasonable purchase limit
Allows Patients to Medicate where they Choose	4	5	26-61b-204(2)© prevents an individual from using medical cannabis in public view except for a medical emergency
Covered by Insurance/State Health Aid	0	3	No mention of this in draft bill
Financial Hardship (Fee Waivers/ Discount Medicine)	0	7	No mention of this in draft bill
<b>Consumer Safety and Provider Requirements</b>	<b>56.83</b>	<b>100</b>	
<b>Dispensing</b>		<b>25</b>	
<b>Staff Training</b>	<b>5</b>	<b>5</b>	4-41b-301(7)
<b>Standard Operating Procedures</b>		<b>5</b>	
--> Facility Sanitary Conditions	1.25	1.25	4-41b-301(7)
--> Storage Protocols	0	1.25	Not in draft bill
--> Reasonable Security Protocols	1.25	1.25	4-41b-203(1)(d)
--> Inventory Control	1.25	1.25	4-41b-103

<b>Recall Protocol and Adverse Event Reporting</b>	<b>3</b>	<b>5</b>	4-41b-702
<b>Product Labeling</b>	<b>5.01</b>	<b>5</b>	
--> Product Contents Including Source Material Identification	1.67	1.67	4-41b-602
--> Allergens	1.67	1.67	4-41b-602
--> Potency/Compound Identification	1.67	1.67	4-41b-602
<b>Required Testing</b>	<b>5</b>	<b>5</b>	
--> Active Compound Identification		1.67	4-41b-701(1)(a)(i)
--> Contaminants		1.67	4-41b-701(1)(b)
--> Potency		1.67	4-41b-701(1)(a)(i)
<b>Grow/Cultivation</b>	<b>18.50</b>	<b>25</b>	
<b>Staff Training</b>	<b>5</b>	<b>5</b>	
<b>Standard Operating Procedures</b>	<b>3.00</b>	<b>5</b>	
--> Facility and Equipment Sanitary Conditions	0.71	0.71	4-41b-203(3)(f)
--> Workforce Safety Protocols	0	0.71	Not in draft bill
--> Storage Proocols (Short Term and Long Term) Storage)	0	0.71	not in draft bill
--> Reasonable Security Protocols	0.71	0.71	4-41b-203(1)(d)
--> Batch and Lot Tracking	0.71	0.71	4-41b-103
--> Disposal/Waste	0.71	0.71	4-41b-405
--> Water Management	0	0.71	not in draft bill
<b>Pesticide Guidance</b>	<b>2.5</b>	<b>5</b>	
--> Pesticide Guidance	2.5	2.5	4-41b-203(2)
--> Pesticide Labeling	0	2.5	guidance on labeling not in draft bill
<b>Required Testing</b>	<b>5</b>	<b>5</b>	
--> Active Ingredient Identification	1.25	1.25	4-41b-701(1)(a)(i)
--> Contaminants	1.25	1.25	4-41b-701(1)(b)

--> Potency	1.25	1.25	4-41b-701(1)(a)(i)
--> Sample Retention	1.25	1.25	4-41b-702(1)(b)
<b>Recall Protocol and Adverse Event Reporting</b>	<b>3</b>	<b>5</b>	4-41b-702
<b>Manufacturing</b>	<b>20</b>	<b>25</b>	
<b>Staff Training</b>	<b>5</b>	<b>5</b>	
<b>Standard Operating Procedures</b>	<b>3</b>	<b>5</b>	
--> Facility and Equipment Sanitary Conditions	1	1	4-41b-203(3)(f)
--> Workforce Safety Protocols	0	1	Not in draft bill
--> Storage Proocols	0	1	Not in draft bill
--> Reasonable Security Protocols	1	1	4-41b-203(1)(d)
--> Batch and Lot Tracking	1	1	4-41b-103
<b>Product Labeling</b>	<b>5</b>	<b>5</b>	
--> Product Contents Including Source Material Identification	1.67	1.67	4-41b-602
--> Allergens	1.67	1.67	4-41b-602
--> Potency and Compound Information	1.67	1.67	4-41-602
<b>Required Testing</b>	<b>4</b>	<b>5</b>	
--> Active Ingredient Identification	1	1	4-41b-701(1)(a)(i)
--> Contaminants	1	1	4-41b-701(1)(b)
--> Potency	1	1	4-41b-701(a)(i)
--> Shelf Life Testing	0	1	Not in draft bill
--> Sample Retention	1	1	4-41b-702(1)(b)
<b>Recall Protocol and Adverse Event Reporting</b>	<b>3</b>	<b>5</b>	4-41b-702
<b>Laboratory Operations</b>	<b>18.32</b>	<b>25</b>	
<b>Staff Training</b>	<b>5</b>	<b>5</b>	

<b>Method Validation in Accordance with AHP Guidelines</b>	<b>0</b>	<b>5</b>	Not in draft bill
<b>Result Reporting</b>	<b>5</b>	<b>5</b>	4-41b-701
<b>Independent or Third Party</b>	<b>5</b>	<b>5</b>	4-41b-701
<b>Standard Operating Procedures and Protocols</b>	<b>3.32</b>	<b>5</b>	
--> Equipment and Instrument Calibration	0.83	0.83	4-41b-203
--> Sample Tracking	0.83	0.83	4-41b-103
--> Facility and Equipment Sanitary Conditions	0.83	0.83	4-41b-203(3)(f)
--> Disposal/Waste	0.83	0.83	4-41b-405
--> Storage Protocols	0.00	0.83	Not in draft bill
--> Workforce Safety Protocols	0	0.83	Not in draft bill