

Bill	Utah SB 73 Intro Version	Utah SB 89 Intro Version
<b>Patients Rights</b>		
<b>Arrest Protection</b>	<p>(b) (i) If a law enforcement officer stops an individual who possesses cannabis, a cannabis product, or a medical cannabis device, and the individual represents to the law enforcement officer that the individual holds a valid medical cannabis card, but the individual does not have the medical cannabis card in the individual's possession at the time of the stop by the law enforcement officer, the law enforcement officer shall attempt to access the electronic verification system to determine whether the individual holds a valid medical cannabis card.</p> <p>(ii) If the law enforcement officer is able to verify that the individual holds a valid medical cannabis card, the law enforcement officer:</p> <p>(A) may not arrest or take the individual into custody for the sole reason that the individual is in possession of cannabis, a cannabis product, or a medical cannabis device;</p> <p>(B) may not seize the cannabis, cannabis product, or medical cannabis device; and</p> <p>(C) may only issue a citation to the individual for an infraction for not carrying the medical cannabis card in accordance with Subsection (1)(a).</p>	<p>764 26-58-204. Medical cannabinoid card -- Patient and designated caregiver requirements -- Rebuttable presumption.</p> <p>765 (1) An individual with a valid medical cannabinoid card who possesses cannabinoid</p> <p>766 outside of the individual's residence shall:</p> <p>767</p> <p>768 (a) carry, with the individual at all times, the individual's medical cannabinoid card;</p> <p>769 (b) carry with the cannabinoid or cannabinoid product, a label that identifies that the cannabinoid was originally sold from a licensed cannabinoid dispensary, including the bar code or identification number that links the cannabinoid to the cannabinoid dispensary's inventory control system; and</p> <p>770</p> <p>771 (c) possess no more than a 30-day supply of cannabinoid as established by the recommendation of a physician for the individual's treatment.</p> <p>772</p> <p>773 (2) If an individual possesses cannabinoid in accordance with Subsection (1):</p> <p>774 (a) there is a rebuttable presumption that the individual possesses the cannabinoid legally; and</p> <p>775</p> <p>776 (b) a law enforcement officer does not have probable cause, solely on the basis of the individual's possession of the cannabinoid, to believe that the individual is engaging in illegal activity.</p> <p>777</p> <p>778 (3) If a law enforcement officer stops an individual who possesses cannabinoid, the individual represents to the law enforcement officer that the individual holds a valid medical cannabinoid card, and the individual does not have the medical cannabinoid card in the individual's possession, the law enforcement officer shall attempt to access the electronic verification system to determine whether the individual holds a valid medical cannabinoid card.</p> <p>779</p> <p>780</p> <p>781</p> <p>782</p>
<b>Affirmative Defense</b>	<p>(3) It is an affirmative defense to prosecution under this section that the controlled substance was:</p> <p>1434</p> <p>1435 (a) involuntarily ingested by the accused;</p> <p>1436 (b) prescribed by a practitioner for use by the accused; [or]</p> <p>1437 (c) cannabis or a cannabis product that was:</p> <p>1438 (i) recommended by a physician to the accused, if the accused holds a valid medical cannabis card under Title 26, Chapter 58, Medical Cannabis Act; or</p> <p>1439 (ii) ingested by the accused in another state in which the use of cannabis or a cannabis product is legal under state law.</p>	<p>817 (3) It is an affirmative defense to prosecution under this section that the controlled substance was:</p> <p>818</p> <p>819 (a) involuntarily ingested by the accused;</p> <p>820 (b) prescribed by a practitioner for use by the accused; [or]</p> <p>821 (c) cannabinoid recommended by a physician and the person holds a valid medical cannabinoid card under Title 26, Chapter 58, Medical Cannabinoid Act</p> <p>822</p>
<b>Child Custody</b>	<p>(6) In considering the past conduct and demonstrated moral standards of each of the parties as described under Subsection (1)(a)(i), a court may not discriminate against a parent because of the parent's possession or consumption of cannabis, a cannabis product, or a medical cannabis device, in accordance with Title 26, Chapter 58, Medical Cannabis Act.</p>	No
<b>DUID Proctions</b>	<p>(3) It is an affirmative defense to prosecution under this section that the controlled substance was:</p> <p>1434</p> <p>1435 (a) involuntarily ingested by the accused;</p> <p>1436 (b) prescribed by a practitioner for use by the accused; [or]</p> <p>1437 (c) cannabis or a cannabis product that was:</p> <p>1438 (i) recommended by a physician to the accused, if the accused holds a valid medical cannabis card under Title 26, Chapter 58, Medical Cannabis Act; or</p> <p>1439 (ii) ingested by the accused in another state in which the use of cannabis or a cannabis product is legal under state law.</p>	<p>817 (3) It is an affirmative defense to prosecution under this section that the controlled substance was:</p> <p>818</p> <p>819 (a) involuntarily ingested by the accused;</p> <p>820 (b) prescribed by a practitioner for use by the accused; [or]</p> <p>821 (c) cannabinoid recommended by a physician and the person holds a valid medical cannabinoid card under Title 26, Chapter 58, Medical Cannabinoid Act</p> <p>822</p>
<b>Employment</b>	<p>(2) A public employer may not do the following to an individual because the individual uses cannabis, a cannabis product, or a medical cannabis device in accordance with this chapter:</p> <p>1064 (a) refuse to hire or promote the individual;</p> <p>1065 (b) discharge, demote, or terminate the individual;</p> <p>1066 (c) retaliate against or harass the individual; or</p> <p>1067 (d) discriminate against the individual in matters of compensation or in terms, privileges, and conditions of employment.</p>	No
<b>Explicit Privacy Standards</b>	<p>(f) is accessible by the participating entity to the extent necessary for the participating entity to carry out the functions and responsibilities given to the participating entity under this chapter;</p> <p>840 (g) is accessible by state or local law enforcement:</p> <p>841 (i) during a traffic stop for the purpose of determining if the individual subject to the traffic stop is complying with state medical cannabis law; or</p> <p>842 (ii) after obtaining a warrant; and</p> <p>844 (h) creates a record each time the database is accessed that identifies the individual who accessed the database and the individual whose records were accessed.</p>	<p>667 (f) is accessible by a participating entity to the extent necessary for the participating entity to carry out the functions and responsibilities given to the participating entity under this chapter;</p> <p>668</p> <p>669 (g) is accessible by state or local law enforcement:</p> <p>670 (i) during a traffic stop; or</p> <p>671 (ii) after obtaining a warrant; and</p> <p>672</p> <p>673 (h) creates a record each time the database is accessed that identifies the individual who accessed the database and the individual whose records were accessed.</p> <p>674</p>
<b>Housing Protections</b>	None	No
<b>Does Not Create New Criminal Penalties For Patients</b>	None	No, but civil fines possible: 4-42-801. Enforcement -- Fine -- Citation
<b>Organ Transplants</b>	None	No
<b>Reciprocity</b>	None	No
<b>Access</b>		
<b>Allows Access to Dried Flowers</b>	Yes	No
<b>Allows Delivery</b>	No	No
<b>No Sales Tax or Reasonable Sales Tax</b>	<p>1688 59-28-103. Imposition of tax -- Rate.</p> <p>1669 There is imposed a tax on the retail purchaser of cannabis, a cannabis product, or a medical cannabis device at a cannabis dispensary in the state, in an amount equal to 4.70% of</p> <p>1670</p>	Sales tax applies, 4.7% minimum, potentially more through Additional State Sale and Use Tax Act
<b>Allows for a Reasonable Number of Dispensing Facilities</b>	<p>1134 26-58-302. Maximum number of licenses.</p> <p>1135 (1) The department may not issue more than the greater of, in each county in the state:</p> <p>1136 (a) one cannabis dispensary license; or</p> <p>1137 (b) an amount of cannabis dispensary licenses equal to the number of residents in the county divided by 200,000, rounded up to the nearest greater whole number.</p> <p>1138</p>	<p>1307 58-86-204. Maximum number of licenses.</p> <p>1308 (1) The division may not issue more than five cannabinoid dispensary licenses at any given time.</p> <p>1309</p>
<b>Does Not Require Vertical Integration</b>	Not required	Not required
<b>Ownership/Employment Restrictions</b>	has not been convicted of an offense that is a felony under either state or federal	<p>1328 (a) has not been convicted of an offense that is a felony under either state or federal</p> <p>1329 law;</p>
<b>Provisions for Labor Standards</b>	No	No, potentially could be addressed through regulation
<b>Environmental Impact Regulations</b>	No, but could be addressed in regs	No, potentially could be addressed through regulation
<b>Choice of Dispensary Without Restrictions</b>	Not restricted	Not restricted
<b>Personal Cultivation</b>	No	No
<b>Collective Gardening</b>	No	No
<b>Explicit Right to Edibles/Concentrates/Other Forms</b>	Extracts allowed, no clear guidance on other forms, potentially addressed through regs	<p>928 (i) is prepared in a medicinal dosage form that is:</p> <p>929 (A) a tablet;</p> <p>930 (B) a capsule;</p> <p>931 (C) a concentrated oil;</p> <p>932 (D) a trans-dermal preparation; or</p> <p>933 (E) a sub-lingual preparation.</p>
<b>Does Not Impose Limits or Bans on THC</b>	No restrictions	<p>926 (B) contains at least 10 grams of the cannabinoid cannabinoid per one gram of tetrahydrocannabinol conten</p> <p>927</p>
<b>Does Not Impose Minimum CBD Requirements</b>	No restrictions	<p>926 (B) contains at least 10 grams of the cannabinoid cannabinoid per one gram of tetrahydrocannabinol conten</p> <p>927</p>
<b>Municipal Bans/Zoning</b>	<p>422 4-42-206. Zoning.</p> <p>423 (1) A municipality or local government may not enact a zoning ordinance that prohibits a cannabis production establishment from operating in a location within the municipality's or local government's jurisdiction, on the sole basis that the cannabis production establishment is a cannabis production establishment.</p> <p>424</p> <p>425 (2) A municipality or local government shall allow a cannabis production establishment to operate as a permitted use in an agricultural, industrial, or manufacturing zone, or a comparable zone.</p> <p>426</p> <p>427</p> <p>428</p> <p>429</p>	<p>644 26-58-103. Local ordinances.</p> <p>645 This chapter does not prohibit a political subdivision from enacting an ordinance, which restricts the location of, or operating requirements of, a cannabinoid dispensary, that is more restrictive than this chapter.</p> <p>646</p> <p>647</p>
<b>Navigation</b>		

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Comprehensive Qualifying Conditions	<p>1029 26-58-208. Qualifying illness.</p> <p>1030 (1) For the purposes of this chapter, the following conditions are considered a</p> <p>1031 qualifying illness:</p> <p>1032 (a) acquired immune deficiency syndrome or an autoimmune disorder;</p> <p>1033 (b) Alzheimer's disease;</p> <p>1034 (c) amyotrophic lateral sclerosis;</p> <p>1035 (d) cancer, cachexia, or a similar condition with symptoms that include physical</p> <p>1036 wasting, nausea, or malnutrition associated with chronic disease;</p> <p>1037 (e) Crohn's disease or a similar gastrointestinal disorder;</p> <p>1038 (f) epilepsy or a similar condition that causes debilitating seizures;</p> <p>1039 (g) multiple sclerosis or a similar condition that causes persistent and debilitating</p> <p>1040 muscle spasms;</p> <p>1041 (h) post-traumatic stress disorder related to military service; and</p> <p>1042 (i) chronic pain in an individual, if a physician determines that the individual is at risk</p> <p>1043 of becoming chemically dependent on, or overdosing on, opiate-based pain medication.</p> <p>1044 (2) In addition to the conditions described in Subsection (1), a condition approved</p> <p>1045 under Section 26-58-206, in an individual, on a case-by-case basis, is considered a qualifying</p> <p>1046 illness for the purposes of this chapter.</p>	<p>1101 (a) epilepsy;</p> <p>1102 (b) nausea and vomiting during chemotherapy;</p> <p>1103 (c) appetite stimulation caused by an HIV or AIDS infection;</p> <p>1104 (d) muscle spasticity or a movement disorder; and</p> <p>1105 (e) neuropathic pain conditions as follows:</p> <p>1106 (i) complex regional pain syndrome;</p> <p>1107 (ii) peripheral neuropathy caused by diabetes;</p> <p>1108 (iii) post-herpetic neuralgia;</p> <p>1109 (iv) pain related to HIV;</p> <p>1110 (v) pain related to cancer;</p> <p>1111 (vi) pain occurring after and related to a stroke; and</p> <p>1112 (vii) phantom limb pain.</p>
Law/regs allows for new conditions	<p>1044 (2) In addition to the conditions described in Subsection (1), a condition approved</p> <p>1045 under Section 26-58-206, in an individual, on a case-by-case basis, is considered a qualifying</p> <p>1046 illness for the purposes of this chapter.</p>	<p>1113 (2) On or before September 30 of each year, the committee shall:</p> <p>1114 (a) review the list of conditions described in Subsection (1) to determine if, based on</p> <p>1115 available medically relevant information, it is medically appropriate to add or remove a</p> <p>1116 condition from the list; and</p> <p>1117 (b) present the committee's recommendation to the Health and Human Services Interim</p> <p>1118 Committee.</p>
System works for adding new conditons	N/A (system not in place)	N/A (system not in place)
Reasonable Access For Minors	<p>770 (2) The Department of Health shall, no earlier than December 1, 2016, and within 15</p> <p>771 days after an individual submits an application in compliance with this Subsection (2), issue a</p> <p>772 medical cannabis card, via the electronic verification system, to an individual who is the parent</p> <p>773 or legal guardian of a minor if the individual:</p> <p>774 (a) is at least 18 years old;</p> <p>775 (b) is a Utah resident;</p> <p>776 (c) provides the Department of Health, via the electronic verification system, with a</p> <p>777 recommendation electronically signed by a physician that indicates that the minor:</p> <p>778 (i) suffers from a qualifying illness, including:</p> <p>779 (A) the type of qualifying illness; and</p> <p>780 (B) the age, name, and gender of the minor with the qualifying illness; and</p> <p>781 (ii) may benefit from treatment with cannabis or a cannabis product;</p> <p>782 (d) pays the department a fee established by the department in accordance with Section</p>	No restrictions
Reasonable Caregiver Background Check Requirements	<p>925 (b) The Department of Health may revoke or refuse to issue the registration of a</p> <p>926 designated caregiver if the designated caregiver has committed a felony that is:</p> <p>927 (i) a crime of violence involving the use of force or violence against another person; or</p> <p>928 (ii) a felony conviction of a state or federal law pertaining to controlled substances.</p>	<p>746 (5) The department shall refuse to issue or revoke the registration of a designated</p> <p>747 caregiver if the designated caregiver has committed a felony that is:</p> <p>748 (a) a crime of violence involving the use of force or violence against another person; or</p> <p>749 (b) a felony conviction of a state or federal law pertaining to controlled substances.</p>
Number of Caregivers	<p>792 (4) An individual who holds a valid medical cannabis card under Subsection (1)</p> <p>793 who a physician determines is unable to obtain cannabis or a cannabis product from a cannabis</p> <p>794 dispensary may register with the Department of Health, via the electronic verification system,</p> <p>795 up to two individuals to serve as designated caregivers of the individual.</p>	<p>655 (ii) designate up to two caregivers for the patient;</p>
Patient/Practitioner-Focused Task Force or Advisory Board	<p>933 (a) four physicians who are knowledgeable about the medical use of cannabis and</p> <p>934 certified by the appropriate American board in one of the following specialties:</p> <p>935 (i) neurology;</p> <p>936 (ii) pain medicine and pain management;</p> <p>937 (iii) medical oncology;</p> <p>938 (iv) psychiatry;</p> <p>939 (v) infectious disease;</p> <p>940 (vi) internal medicine and pediatrics; and</p> <p>941 (vii) gastroenterology; and</p> <p>942 (b) the director of the Department of Health or the director's designee.</p> <p>943 (2) The department shall appoint at least one member of the board who has a specialty</p> <p>944 in addiction medicine.</p>	No
Reasonable Fees for Patients & Caregivers	TBD by regs	TBD by regs
Allows Multiple-Year Registrations	<p>805 (5) A medical cannabis card the department issues under Subsection (1), (2), or (4) is:</p> <p>806 (a) valid for the lesser of:</p> <p>807 (i) an amount of time determined by the physician who recommends treatment with</p> <p>808 cannabis or a cannabis product under Subsection (1) or (2); or</p> <p>809 (ii) two years</p>	<p>710 (4) A medical cannabidiol card that the department issues under Subsection (1) or (2)</p> <p>711 is valid for the lesser of:</p> <p>712 (a) an amount of time determined by the physician who recommends treatment with</p> <p>713 cannabidiol; or</p> <p>714 (b) two years.</p> <p>715 (5) The depar</p>
Reasonable Physician Requirements	<p>998 26-58-207. Physician qualification.</p> <p>999 (1) For the purposes of this section, a physician means an individual who is licensed to</p> <p>1000 practice:</p> <p>1001 (a) medicine under Title 58, Chapter 67, Utah Medical Practice Act; or</p> <p>1002 (b) osteopathic medicine under Title 58, Chapter 68, Utah Osteopathic Medical</p> <p>1003 Practice Act.</p> <p>1004 (2) A physician may recommend cannabis if the physician:</p> <p>1005 (a) completes the training requirements described in Subsection (3); and</p> <p>1006 (b) except as described in Subsection (4), recommends cannabis to no more than 20%</p> <p>1007 of the physician's patients at any given time.</p> <p>1008 (3) A physician shall complete, before recommending cannabis to a patient, a training</p> <p>1009 program in cannabis recommendation best practices that is approved by the department, by rule</p> <p>1010 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.</p> <p>1011 (4) A physician may recommend cannabis to greater than 20% of the physician's</p> <p>1012 patients if the physician:</p> <p>1013 (a) is certified, by the appropriate American medical board, in one of the following</p> <p>1014 specialties:</p> <p>1015 (i) anesthesiology;</p> <p>1016 (ii) gastroenterology;</p> <p>1017 (iii) neurology;</p> <p>1018 (iv) oncology;</p> <p>1019 (v) pain and palliative care;</p> <p>1020 (vi) psychiatry; or</p> <p>1021 (vii) psychiatry;</p> <p>1022 (b) appears before the Compassionate Use Board described in Section 26-58-206; and</p> <p>1023 (c) demonstrates, to the satisfaction of the board and with the department's approval,</p> <p>1024 that:</p> <p>1025 (i) the physician's practice has unique characteristics that warrant allowing the</p> <p>1026 physician to recommend cannabis to greater than 20% of the physician's patients; and</p> <p>1027 (ii) the physician has established expertise in medical cannabis.</p>	<p>1120 58-67-807. Recommendation of cannabidiol -- Registration with division and</p> <p>1121 Department of Health.</p> <p>1122 (1) A physician may recommend the use of cannabidiol to a patient in accordance with</p> <p>1123 Title 26, Chapter 58, Medical Cannabidiol Act, if the physician:</p> <p>1124 (a) registers with the division and the Department of Health as a physician who</p> <p>1125 recommends cannabidiol; and</p> <p>1126 (b) completes the training required under Subsection (3).</p> <p>1127 (2) A physician who recommends cannabidiol shall:</p> <p>1128 (a) recommend cannabidiol to 100 patients or fewer;</p> <p>1129 (b) consult the controlled substance database before recommending cannabidiol to a</p> <p>1130 patient to determine if the patient is abusing cannabidiol;</p> <p>1131 (c) report, to the Department of Health in accordance with Section 26-58-206, an</p> <p>1132 adverse event experienced by a patient related to the patient's medical cannabidiol use; and</p> <p>1133 (d) report other data on cannabidiol required by Title 26, Chapter 58, Medical</p> <p>1134 Cannabidiol Act.</p> <p>1135 (3) (a) The division shall establish by rule made in accordance with Title 63G, Chapter</p> <p>1136 3, Utah Administrative Rulemaking Act, training requirements for a physician that</p> <p>1137 recommends cannabidiol.</p> <p>1138 (b) The division shall include, in the training requirements the division establishes</p> <p>1139 under Subsection (3)(a), training on using caution when recommending cannabidiol to avoid</p> <p>1140 patient cannabidiol abuse.</p> <p>1141 (4) It is not a breach of the applicable standard of care for a physician to recommend</p> <p>1142 treatment with cannabidiol to an individual under this section and Title 26, Chapter 58,</p> <p>1143 Medical Cannabidiol Act.</p> <p>1144 (5) A physician who recommends treatment with cannabidiol or a cannabidiol product</p> <p>1145 to an individual under this section and Title 26, Chapter 58, Medical Cannabidiol Act, may not,</p> <p>1146 solely based on that recommendation, be subject to:</p> <p>1147 (a) civil liability;</p> <p>1148 (b) criminal liability; or</p> <p>1149 (c) licensure sanctions under this chapter</p>
Does not classify cannabis as medicine of last resort	Generally does not but some restrictions on pain recommendations	No, but heavy restrictions on pain access, denies most pain patients access to use as an alternative or complementary therapy to opioids
<b>Functionality</b>		
Patients Able to Obtain Medicine at Dispensaries or via Cultivation	Dispensaries	Dispensaries
No Significant Administrative or Supply Problems	N/A, Program not in place	N/A, Program not in place
Legal Protections within Reasonable Time Frame	Dept. must issue patient ID cards within 15 days if application has no deficiencies	15 days
Reasonable Possession Limit	Not explicit, but controlled by purchase limit	30-day supply, determined by amount recommended by patient's physician
Reasonable Purchase Limit	<p>1239 (3) A cannabis dispensary may not dispense on behalf of any one individual with a</p> <p>1240 medical cannabis card, in any one 30-day period:</p> <p>1241 (a) an amount of unprocessed cannabis that exceeds two ounces by weight; or</p> <p>1242 (b) an amount of cannabis products that contains, in total, greater than 10 grams of</p> <p>1243 cannabinoids by weight.</p>	Controlled by 30-day supply with computer monitoring
Allow Patients to Medicate Where They Choose	No restrictions	No restrictions

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Covered by insurance/state health aide	No	No
Financial Hardship (Fee Waivers/Discount Medicine)	No, potentially addressed through regulation	No, potentially addressed through regulation