

## ANSWERS TO FREQUENTLY ASKED QUESTIONS

This document provides information about the Utah Medical Cannabis Act. It is separated into two sections: before January 2021 and after January 2021. While certain parts of the Act are highlighted below, this document is not intended to be comprehensive. For more information about the cultivation and manufacturing under the Act, please contact the Utah Department of Agriculture and Food. A complete copy of HB 3001 is available on the Utah Legislature’s website ([le.utah.gov](http://le.utah.gov)).

### BEFORE JANUARY 1, 2021

#### 1. Before January 2021, under what conditions can an individual legally possess and use medical cannabis under Utah law?

Before January 1, 2021, patients are not guilty of use or possession of medical cannabis under Utah law if, at the time of arrest:

- the individual has been diagnosed with a qualifying condition and had a pre-existing provider-patient relationship with a Utah-licensed APRN, physician, or physician assistant who believed that the individual’s illness could benefit from the use in question; and
- the medical cannabis was in a [medicinal dosage form](#) in a quantity not to exceed [specified limits](#).

Compliance with the Utah Medical Cannabis Act may not protect an individual from liability for violations of federal law or the laws of other states. Specific questions regarding this provision of the law are best answered by an attorney who can provide legal counsel specific to an individual’s situation.

#### 2. Which medical providers can legally recommend medical cannabis to patient?

Before January 2021, any Utah-licensed Advanced Practice Registered Nurse (APRN), Doctor of Medicine (MD), Doctor of Osteopathy (DO), or Physician Assistant (PA) who holds a controlled substance license can recommend medical cannabis treatment to a patient with a qualifying condition.

#### 3. Where can I find a list of medical providers willing to recommend medical cannabis?

The Utah Department of Health does not currently have a list of medical providers because the system to electronically register as a qualified medical provider (QMP) has not yet been established. The registration of QMPs will likely begin in late 2019. When a QMP registers, they will have the option of listing their contact information on a website maintained by the Utah Department of Health.

#### 4. What if a patient’s current medical provider won’t recommend medical cannabis for a patient’s qualifying condition?

Participation in the program as a medical provider is voluntary, so a patient may need to establish a relationship with a new medical provider in order to obtain a recommendation.

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## 5. Where can qualifying patients purchase medical cannabis in Utah?

Currently, there are no facilities in Utah that are licensed to legally sell medical cannabis. By March 2020, the Utah Department of Health will have licensed up to seven privately-operated medical cannabis pharmacies where qualifying patients can legally purchase medical cannabis in Utah. In addition, the state central fill pharmacy will deliver medication to 13 to 18 local health department locations throughout Utah by July 2020.

## 6. What are the qualifying conditions?

Qualifying conditions under the Utah Medical Cannabis Act are listed below:

- HIV or acquired immune deficiency syndrome
- Alzheimer’s disease
- amyotrophic lateral sclerosis
- cancer
- cachexia
- persistent nausea that is not significantly responsive to traditional treatment, except for nausea related to:
  - pregnancy
  - cannabis-induced cyclical vomiting syndrome
  - cannabinoid hyperemesis syndrome
- Crohn’s disease or ulcerative colitis
- epilepsy or debilitating seizures
- multiple sclerosis or persistent and debilitating muscle spasms
- post-traumatic stress disorder (PTSD) that is being treated and monitored by a licensed health therapist (defined [here](#)), and that:
  - has been diagnosed by a healthcare provider by the Veterans Administration and documented in the patient’s record; or
  - has been diagnosed or confirmed by evaluation from a psychiatrist, doctorate psychologist, a doctorate licensed clinical social worker, or a psychiatric APRN
- autism
- a terminal illness when the patient’s life expectancy is less than six months
- a condition resulting in the individual receiving hospice care
- a rare condition or disease that affects less than 200,000 individuals in the U.S., as defined in federal law, and that is not adequately managed despite treatment attempts using conventional medications (other than opioids or opiates) or physical interventions
- pain lasting longer than two weeks that is not adequately managed, in the qualified medical provider’s opinion, despite treatment attempts using conventional medications other than opioids or opiates or physical interventions
- a condition that the compassionate use board approves (once established) on a case-by-case basis

## 7. What if an individual’s medical condition is not listed as a qualifying condition?

By March 2020, patients with medical conditions not listed in the law may petition the Compassionate Use Board for a medical cannabis card, which will review petitions and determine eligibility on a case-by-case basis.

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## 8. How can a patient with PTSD legally possess medical cannabis?

To qualify, a patient with PTSD must be treated and monitored by a Utah licensed mental health therapist (defined [here](#)). Additionally, a patient's PTSD must:

- a. have been diagnosed by a healthcare provider or a mental health provider employed or contracted by the Veterans Administration and documented in the patient's record; or
- b. have been diagnosed or confirmed by evaluation by a psychiatrist, doctorate psychologist, a doctorate licensed clinical social worker, or a psychiatric APRN.

## 9. What forms of medical cannabis are qualifying patients allowed to use?

Medical cannabis will only be available in the following forms under the Utah Medical Cannabis Act:

- Tablet
- Capsule
- Concentrated oil
- Liquid suspension
- Transdermal preparation
- Gelatinous cube
- Unprocessed cannabis flower in a blister pack containing no more than one gram of flower pods in each individual blister
- Wax or resin\*

\*If a patient fails to substantially respond on two other forms listed, a qualified medical provider may recommend wax or resin.

Smoking of cannabis is not permitted but patients may purchase a medical cannabis device that warms cannabis material into a vapor without the use of a flame and delivers cannabis to an individual's respiratory system (such as an electric dabbing rig). Although smoking of medical cannabis is prohibited, vaping is legal.

The law prohibits candies, cookies, brownies, and other edible products. Unprocessed flowers outside of blister packs are not permitted.

## 10. How much medical cannabis are qualifying patients allowed to possess at one time?

Qualifying patients may not possess:

- more than 113 grams of unprocessed cannabis (raw bud or flower in blister packs)
- More than 20 grams of total composite THC in all other medicinal dosage forms

## 11. How much medical cannabis are qualifying patients allowed to purchase at one time?

If a qualifying patient's primary residence is less than 100 miles from a medical cannabis pharmacy or local health department:

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In any one 12-day period, patients may not purchase more than the lesser of:

- An amount sufficient to provide 14 days of treatment based on the dosing parameters that the relevant qualified medical provider (QMP) recommends; or
- 56 grams of unprocessed cannabis (flower); or
- More than a total of 10 grams of tetrahydrocannabinol (THC) in medicinal form

If a qualifying patient's primary residence is 100 miles or greater from a medical cannabis pharmacy or local health department:

In any one 28-day period, patients may not purchase more than the lesser of:

- An amount sufficient to provide 30 days of treatment based on the dosing parameters that the relevant qualified medical provider (QMP) recommends; or
- 113 grams of unprocessed cannabis (flower); or
- More than a total of 20 grams of tetrahydrocannabinol (THC) in medicinal form

## **12. Is medical cannabis legal under federal law?**

No, cannabis is not legal under federal law.

## **13. Are there renter or employee protections for qualifying patients?**

Because medical cannabis users are not a protected class, there are no renter protections for those who choose to possess and use medical cannabis.

There are some limited protections for state and local government employees. The Utah Medical Cannabis Act allows these employers to treat medical cannabis use in the same fashion as opioids or opiates, meaning that disciplinary action and/or termination may occur due to impairment or poor job performance.

Private employees are subject to their employers' policies, which may include zero-tolerance for cannabis and/or drug testing.

## **14. Can individuals who have no qualifying condition purchase CBD oil with low a percentage of THC and similar products at retail outlets?**

Yes. It is legal under Utah law for anyone to purchase and possess hemp extract, or CBD oil, if it contains less than 0.03% tetrahydrocannabinol (THC).

## **15. What is the application process to open a medical cannabis pharmacy?**

The Utah Department of Health is not yet accepting applications from those seeking to open medical cannabis pharmacies. Later in 2019, a Request for Proposal (RFP) will be posted, allowing potential medical cannabis pharmacy owners to submit bids to establish one of seven privately run medical cannabis pharmacies.

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To be placed on the Utah Department of Health's RFP notification list for medical cannabis pharmacies, please send an email to [medicalcannabis@utah.gov](mailto:medicalcannabis@utah.gov).

## **16. How many medical cannabis pharmacies will be licensed?**

Up to seven private medical cannabis pharmacies will be licensed by March 2020.

## **17. What are legal protections for a medical provider who recommends medical cannabis to a qualifying patient?**

As long as a medical provider meets requirements outlined in Question 2, the provider is not subject to the following solely for violating a federal law or regulation that would otherwise prohibit recommending, prescribing, or dispensing medical cannabis, a medical cannabis product, or a cannabis-based drug that the United States Food and Drug Administration has not approved:

- civil or criminal liability; or
- licensure sanctions for your profession as described under the Pharmacy Practice Act, Nurse Practice Act, Utah Medical Practice Act, Utah Osteopathic Medical Practice Act, or Physician Assistant Act.

## **18. Where can a medical provider find education on the subject of medical cannabis?**

There are many courses, online and in-person, that provide education on treating different medical conditions with medical cannabis. The Utah Department of Health is working with stakeholders to determine criteria for courses that will meet the qualified medical provider's continuing education requirement. Once published, this criteria will be available at <https://health.utah.gov/medical-cannabis>.

## **19. Where can I go to check for updates regarding medical cannabis from the Utah Department of Health?**

<https://health.utah.gov/medical-cannabis>

### **AFTER JANUARY 1, 2021**

## **20. When will qualifying patients be required to hold a medical cannabis card in order to use and possess medical cannabis?**

Qualifying patients will have until December 31, 2020 to use and possess medical cannabis without holding a medical cannabis card. On January 1, 2021, no one without a medical cannabis card can legally use or possess medical cannabis in Utah.

## **21. What types of medical cannabis cards will be available?**

Beginning in March 2020, there will be four types of medical cannabis cards: patient cards, guardian cards, provisional patient cards, and caregiver cards.

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Patient Cards: Patients 18 years of age and older. Patients under 21 years of age must have approval from the Compassionate Use Board.

Guardian Cards: Parents or legal guardians of minors who are eligible to consume medical cannabis. These cards are issued in conjunction with provisional patient cards.

Provisional Patient Cards: Minors under the age of 18 who meet the eligibility requirements to consume medical cannabis. These are issued in conjunction with guardian cards. All provisional patient cards must have approval from the Compassionate Use Board.

Caregiver Cards: Adults 21 years of age and older who care for patient cardholders who are unable to procure or consume medical cannabis on their own. Caregivers must be designated by the patient cardholders they will be assisting.

## **22. What will it cost to get a medical cannabis card?**

The Department of Health has not yet set the fee for obtaining a medical cannabis card. The Utah Medical Cannabis Act allows the Utah Department of Health to charge a fee to offset the cost of reviewing applications and issuing cards. The fee will be established based on similar application fee schedules.

## **23. How often must medical cannabis cards be renewed?**

Medical cannabis patient and guardian cards must first be renewed 30 days after they are originally issued, then once every six months thereafter. Medical cannabis provisional cards issued to minor patients and medical cannabis caregiver cards issued to caregivers of patients are automatically renewed when the corresponding guardian or patient card is renewed. The Utah Department of Health will charge a minimal fee for card renewals; however, this fee has not yet been determined.

## **24. Will qualifying patients need a medical provider's recommendation in order to obtain a card?**

Yes, all patients must have a recommendation from a registered qualified medical provider (QMP) in order to apply for a medical cannabis card. A QMP must register with the Utah Department of Health and must be a Utah licensed physician, physician assistant, or advanced practice registered nurse (APRN) who has a controlled substance license and must have completed four hours of approved education.

## **25. How will medical providers determine the dose and form of the medical cannabis for their patients?**

Qualified medical providers (QMPs) are required to complete at least four hours of education specific to medical cannabis in order to register and to remain eligible to recommend medical cannabis. This training will prepare a QMP to know the appropriate dose and form of medical cannabis.

In some cases, the QMP may choose not to make a specific dosage or form recommendation. In these cases, the QMP must electronically document in the recommendation:

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- an evaluation of the qualifying condition underlying the recommendation;
- prior treatment attempts with cannabis and cannabis products; and
- the patient's current medication list.

Using this information, the pharmacy medical provider (a pharmacist or physician) at a medical cannabis pharmacy or the state central fill pharmacy will counsel with the patient and determine the dosing parameters.

## **26. What is the Compassionate Use Board?**

The Compassionate Use Board is responsible to review all card applications from patients under the age of 21 and patients with conditions not listed in statute. These patients must petition the Board and be approved by the Board before a medical cannabis card can be issued. The Board will consist of seven providers who will meet to review applications for medical cannabis cards on a case-by-case basis. The Board will begin accepting petitions by March 2020.

## **27. What is the state central fill medical cannabis pharmacy?**

The state central fill medical cannabis pharmacy is a state-owned facility designed to serve patient cardholders who do not live near, or who choose not to use, a privately-run medical cannabis pharmacy. The state central fill pharmacy will take orders from medical cannabis cardholders online and by phone and deliver the order to a local health department location of the patient's choosing for pickup. These orders are required to be delivered to the local health department location within two business days after the day the order is placed.

## **28. Is a medical cannabis card or provider recommendation from another state valid in Utah?**

A medical cannabis cardholder visiting from another state may use medical cannabis in Utah as long as the patient has one of the qualifying conditions listed in Utah law and possesses medical cannabis in the Utah's legal medicinal dosage form and amount.

A new resident who has lived in Utah for less than 45 days may utilize a medical cannabis card from another state. After 45 days, the card is no longer valid in Utah and the patient must apply for a Utah medical cannabis patient card with a recommendation from a Utah qualified medical provider.

## **29. What if a qualifying patient does not live close to a medical cannabis pharmacy?**

Patients who live long distances from the nearest medical cannabis pharmacy may prefer to order from the state central fill pharmacy online or by phone and pick up their medical cannabis at a local health department distribution location. These orders are required to be delivered to a local health department location within two business days after the order is placed.

## **30. How many different patients may a qualified medical provider make recommendations to at one time?**

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A qualified medical provider (QMP) may not recommend medical cannabis treatment to more than 175 of their patients with active medical cannabis cards at one time, or to more than 300 patients if the QMP is certified by the appropriate American medical board in anesthesiology, neurology, oncology, pain, hospice and palliative medicine, physical medicine and rehabilitation, rheumatology, or psychiatry or if a licensed business employs or contracts the QMP for the specific purpose of providing hospice and palliative care. A board certified QMP may petition the Utah Division of Occupational and Professional Licensure for authorization to exceed these patient limits by graduating increments of 100, not to exceed three authorizations.

## **31. Is a medical provider required to recommend a specific dosage or form?**

No, qualifying patients may consult in person with a pharmacist at one of the medical cannabis pharmacies or by phone with a pharmacist at the state central fill pharmacy for specific dosage and form advice. A medical provider may provide specific dosing information if desired, but it is not required to issue a recommendation.

## **CONTACT INFORMATION**

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Center for Medical Cannabis  
(801) 538-6504

Email: [medicalcannabis@utah.gov](mailto:medicalcannabis@utah.gov)  
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