

CHAPTER 25**H. B. 105**

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PLANT EXTRACT AMENDMENTS

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LONG TITLE**General Description:**

This bill makes amendments to the Utah Code related to hemp.

Highlighted Provisions:

This bill:

- ▶ permits the Department of Agriculture and a department-certified higher education institution to grow industrial hemp for the purpose of agricultural or academic research;
- ▶ exempts an individual with intractable epilepsy who uses or possesses hemp extract, and complies with other requirements, from the penalties related to possession or use of the hemp extract under the Controlled Substances Act;
- ▶ exempts an individual who possesses hemp extract and administers the hemp extract to a minor with intractable epilepsy from the penalties related to administering the hemp extract to a minor under the Controlled Substances Act;
- ▶ requires the Department of Health to issue a hemp extract registration card to an individual who meets certain requirements;
- ▶ requires a neurologist signing a statement that an individual or minor could benefit from treatment with hemp extract to keep a record of the neurologist's evaluation and transmit the record to the Department of Health;
- ▶ requires the Department of Health to maintain a database of neurologist evaluations;
- ▶ repeals certain provisions on July 1, 2016; and
- ▶ makes technical and conforming amendments.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on July 1, 2014.

Utah Code Sections Affected:**AMENDS:**

63I-1-226, as last amended by Laws of Utah 2013, Chapters 32, 60, and 195

63I-1-258, as last amended by Laws of Utah 2013, Chapters 55, 87, 222, 278, and 351

ENACTS:

4-41-101, Utah Code Annotated 1953

4-41-102, Utah Code Annotated 1953

4-41-103, Utah Code Annotated 1953

26-55-101, Utah Code Annotated 1953

26-55-102, Utah Code Annotated 1953

26-55-103, Utah Code Annotated 1953

58-37-4.3, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 4-41-101 is enacted to read:

**CHAPTER 41. INDUSTRIAL HEMP
RESEARCH ACT**

4-41-101. Title.

This chapter is known as the "Industrial Hemp Research Act."

Section 2. Section 4-41-102 is enacted to read:

4-41-102. Definitions.

For purposes of this chapter:

(1) "Industrial hemp" means any part of a cannabis plant, whether growing or not, with a concentration of less than 0.3% tetrahydrocannabinol by weight.

(2) "Industrial hemp certificate" means a certificate issued by the department to a higher education institution to grow or cultivate industrial hemp under Subsection 4-41-103(1).

Section 3. Section 4-41-103 is enacted to read:

4-41-103. Industrial hemp -- Agricultural and academic research.

(1) The department may grow or cultivate industrial hemp for the purpose of agricultural or academic research.

(2) The department shall certify a higher education institution to grow or cultivate industrial hemp for the purpose of agricultural or academic research if the higher education institution submits to the department:

(a) the location where the higher education institution intends to grow or cultivate industrial hemp;

(b) the higher education institution's research plan; and

(c) the name of an employee of the higher education institution who will supervise the industrial hemp growth, cultivation, and research.

(3) The department shall maintain a list of each industrial hemp certificate holder.

(4) The department shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to ensure any industrial hemp project meets the standards of an agricultural pilot project, as defined by Section 7606 of the U.S. Agricultural Act of 2014.

Section 4. Section 26-55-101 is enacted to read:

**CHAPTER 55. HEMP EXTRACT
REGISTRATION ACT**

26-55-101. (Codified as 26-56-101) Title.

This chapter is known as the "Hemp Extract Registration Act."

Section 5. Section 26-55-102 is enacted to read:

**26-55-102. (Codified as 26-56-102)
Definitions.**

As used in this chapter:

(1) "Hemp extract" is as defined in Section 58-37-4.3.

(2) "Hemp extract registration card" means a card issued by the department under Subsection 26-55-103(1) or (2).

(3) "Intractable epilepsy" means epilepsy that, as determined by a neurologist, does not respond to three or more treatment options overseen by the neurologist.

(4) "Neurologist" means an individual who is licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, that is board certified in neurology.

(5) "Parent" means a parent or legal guardian of a minor who is responsible for the minor's medical care.

(6) "Registrant" means an individual to whom the department issues a hemp extract registration card under Subsection 26-55-103(1) or (2).

Section 6. Section 26-55-103 is enacted to read:

26-55-103. (Codified as 26-56-103) Hemp extract registration card -- Application -- Fees -- Database.

(1) The department shall issue a hemp extract registration card to an individual who:

(a) is at least 18 years of age;

(b) is a Utah resident;

(c) provides the department with a statement signed by a neurologist that:

(i) indicates that the individual:

(A) suffers from intractable epilepsy; and

(B) may benefit from treatment with hemp extract; and

(ii) is consistent with a record from the neurologist, concerning the individual, contained in the database described in Subsection (8);

(d) pays the department a fee in an amount established by the department under Subsection (5); and

(e) submits an application to the department, on a form created by the department, that contains:

(i) the individual's name and address;

(ii) a copy of the individual's valid photo identification; and

(iii) any other information the department considers necessary to implement this chapter.

(2) The department shall issue a hemp extract registration card to a parent who:

(a) is at least 18 years of age;

(b) is a Utah resident;

(c) provides the department with a statement signed by a neurologist that:

(i) indicates that a minor in the parent's care:

(A) suffers from intractable epilepsy; and

(B) may benefit from treatment with hemp extract; and

(ii) is consistent with a record from the neurologist, concerning the minor, contained in the database described in Subsection (8);

(d) pays the department a fee in an amount established by the department under Subsection (5); and

(e) submits an application to the department, on a form created by the department, that contains:

(i) the parent's name and address;

(ii) the minor's name;

(iii) a copy of the parent's valid photo identification; and

(iv) any other information the department considers necessary to implement this chapter.

(3) The department shall maintain a record of:

(a) the name of each registrant; and

(b) the name of each minor receiving care from a registrant.

(4) The department shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

(a) establish the information an applicant is required to provide to the department under Subsections (1)(e)(iii) and (2)(e)(iv); and

(b) establish, in accordance with recommendations from the Department of Public Safety, the form and content of the hemp extract registration card.

(5) The department shall establish fees in accordance with Section 63J-1-504 that are no

greater than the amount necessary to cover the cost the department incurs to implement this chapter.

(6) The registration cards issued under Subsections (1) and (2) are:

(a) valid for one year; and

(b) renewable, if, at the time of renewal, the registrant meets the requirements of either Subsection (1) or (2).

(7) The neurologist who signs the statement described in Subsection (1)(c) or (2)(c) shall:

(a) keep a record of the neurologist's evaluation and observation of a patient who is a registrant or minor under a registrant's care, including the patient's response to hemp extract; and

(b) transmit the record described in Subsection (7)(a) to the department.

(8) The department shall:

(a) maintain a database of the records described in Subsection (7); and

(b) treat the records as identifiable health data, as defined in Section 26-3-1.

(9) The department may share the records described in Subsection (8) with a higher education institution for the purpose of studying hemp extract.

Section 7. Section 58-37-4.3 is enacted to read:

58-37-4.3. Exemption for use or possession of hemp extract.

(1) As used in this section, "hemp extract" means an extract from a cannabis plant, or a mixture or preparation containing cannabis plant material, that:

(a) is composed of less than 0.3% tetrahydrocannabinol by weight;

(b) is composed of at least 15% cannabidiol by weight; and

(c) contains no other psychoactive substance.

(2) Notwithstanding any other provision of this chapter, an individual who possesses or uses hemp extract is not subject to the penalties described in this chapter for possession or use of the hemp extract if the individual:

(a) possesses or uses the hemp extract only to treat intractable epilepsy, as defined in Section 26-55-102;

(b) originally obtained the hemp extract from a sealed container with a label indicating the hemp extract's place of origin, and a number that corresponds with a certificate of analysis;

(c) possesses, in close proximity to the hemp extract, a certificate of analysis that:

(i) has a number that corresponds with the number on the label described in Subsection (2)(b);

(ii) indicates the hemp extract's ingredients, including its percentages of tetrahydrocannabinol and cannabidiol by weight;

(iii) is created by a laboratory that is:

(A) not affiliated with the producer of the hemp extract; and

(B) licensed in the state where the hemp extract was produced; and

(iv) is transmitted by the laboratory to the Department of Health; and

(d) has a current hemp extract registration card issued by the Department of Health under Section 26-55-103.

(3) Notwithstanding any other provision of this chapter, an individual who possesses hemp extract lawfully under Subsection (2) and administers hemp extract to a minor is not subject to the penalties described in this chapter for administering the hemp extract to the minor if:

(a) the individual is the minor's parent or legal guardian; and

(b) the individual is registered with the Department of Health as the minor's parent under Section 26-55-103.

Section 8. Section 63I-1-226 is amended to read:

63I-1-226. Repeal dates, Title 26.

(1) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July 1, 2015.

(2) Section 26-10-11 is repealed July 1, 2015.

(3) Section 26-18-12, Expansion of 340B drug pricing programs, is repealed July 1, 2013.

(4) Section 26-21-23, Licensing of non-Medicaid nursing care facility beds, is repealed July 1, 2018.

(5) Section 26-21-211 is repealed July 1, 2013.

(6) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1, 2014.

(7) Title 26, Chapter 36a, Hospital Provider Assessment Act, is repealed July 1, 2016.

(8) Section 26-38-2.5 is repealed July 1, 2017.

(9) Section 26-38-2.6 is repealed July 1, 2017.

(10) Title 26, Chapter 55, Hemp Extract Registration Act, is repealed July 1, 2016.

Section 9. Section 63I-1-258 is amended to read:

63I-1-258. Repeal dates, Title 58.

(1) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is repealed July 1, 2016.

(2) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2015.

(3) Section 58-17b-309.5 is repealed July 1, 2015.

(4) Title 58, Chapter 20a, Environmental Health Scientist Act, is repealed July 1, 2018.

(5) Section 58-37-4.3 is repealed July 1, 2016.

~~[(5)]~~ (6) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1, 2023.

~~[(6)]~~ (7) Title 58, Chapter 41, Speech-language Pathology and Audiology Licensing Act, is repealed July 1, 2019.

~~[(7)]~~ (8) Title 58, Chapter 42a, Occupational Therapy Practice Act, is repealed July 1, 2015.

~~[(8)]~~ (9) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is repealed July 1, 2023.

~~[(9)]~~ (10) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1, 2014.

~~[(10)]~~ (11) Section 58-69-302.5 is repealed on July 1, 2015.

~~[(11)]~~ (12) Title 58, Chapter 72, Acupuncture Licensing Act, is repealed July 1, 2017.

Section 10. Effective date.

This bill takes effect on July 1, 2014.