LEGISLATIVE GENERAL COUNSEL
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H.B. 130
2nd Sub. (Gray)

Senator Evan J. Vickers proposes the following substitute bill:

CANNABINOID RESEARCH

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brad M. Daw

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill enacts provisions related to research of cannabis and cannabinoid products.

Highlighted Provisions:

This bill:

- allows a person to possess cannabis, a cannabinoid product, and an expanded cannabinoid product and to distribute the cannabis, a cannabinoid product, or an expanded cannabinoid product to a patient pursuant to an institutional review board-approved study;
- allows a person conducting an institutional review board-approved study to import and distribute cannabis, a cannabinoid product, and an expanded cannabinoid product under certain circumstances; and
- creates the Cannabinoid Product Board within the Department of Health.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

ENACTS:

26-59-101, Utah Code Annotated 1953
26-59-102, Utah Code Annotated 1953
26-59-103, Utah Code Annotated 1953
26-59-201, Utah Code Annotated 1953
26-59-202, Utah Code Annotated 1953
58-37-3.6, Utah Code Annotated 1953

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

Section 1. Section **26-59-101** is enacted to read:

CHAPTER 59. CANNABINOID RESEARCH ACT

26-59-101. Title.

This chapter is known as "Cannabinoid Research Act."

Section 2. Section **26-59-102** is enacted to read:

26-59-102. Definitions.

As used in this chapter:

(1) "Approved study" means a medical research study:

(a) the purpose of which is to investigate the medical benefits and risks of cannabinoid products; and

(b) that is approved by an IRB.

(2) "Board" means the Cannabinoid Product Board created in Section 26-59-201.

(3) "Cannabinoid product" means the same as that term is defined in Section 58-37-3.6.

(4) "Cannabis" means the same as that term is defined in Section 58-37-3.6.

(5) "Expanded cannabinoid product" means the same as that term is defined in Section 58-37-36.

(6) "Institutional review board" or "IRB" means an institutional review board that is registered for human subject research by the United States Department of Health and Human Services.

Section 3. Section **26-59-103** is enacted to read:

26-59-103. Institutional review board -- Approved study, cannabis, cannabinoid product, or expanded cannabinoid product.

(1) A person conducting an approved study may, for the purposes of the study:

(a) process a cannabinoid product or an expanded cannabinoid product;

(b) possess a cannabinoid product or an expanded cannabinoid product; and

(c) administer a cannabinoid product, or an expanded cannabinoid product to an individual in accordance with the approved study.

(2) A person conducting an approved study may:

(a) import cannabis, a cannabinoid product, or an expanded cannabinoid product from another state if:

(i) the importation complies with federal law; and

(ii) the person uses the cannabis, cannabinoid product, or expanded cannabinoid product in accordance with the approved study; or

(b) obtain cannabis, a cannabinoid product, or an expanded cannabinoid product from the National Institute on Drug Abuse.

(3) A person conducting an approved study may distribute cannabis, a cannabinoid product, or an expanded cannabinoid product outside the state if:

(a) the distribution complies with federal law; and

(b) the distribution is for the purposes of, and in accordance with, the approved study.

Section 4. Section **26-59-201** is enacted to read:

26-59-201. Cannabinoid Product Board.

(1) There is created the Cannabinoid Product Board within the department.

(2) The department shall appoint, in consultation with a professional association based in the state that represents physicians, seven members to the Cannabinoid Product Board as follows:

(a) three individuals who are medical research professionals; and

(b) four physicians.

(3) The department shall appoint board members under Subsection (2) such that three of the board members are members of the Controlled Substances Advisory Committee created in Section 58-38a-201.

(4) (a) Four of the board members appointed under Subsection (2) shall serve an initial term of two years and three of the board members appointed under Subsection (2) shall serve an initial term of four years.

(b) Successor board members shall each serve a term of four years.

(5) The department may remove a board member without cause.

(6) The board shall nominate a board member to serve as chairperson of the board by a majority vote of the board members.

(7) The board shall meet as often as necessary to accomplish the duties assigned to the board under this chapter.

(8) Each board member, including the chair, has one vote.

(9) (a) A majority of board members constitutes a quorum.

(b) A vote of a majority of the quorum at any board meeting is necessary to take action on behalf of the board.

(10) A board member may not receive compensation for the member's service on the board, but may, in accordance with rules adopted by the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, receive:

(a) per diem at the rate established under Section 63A-3-106; and

(b) travel expenses at the rate established under Section 63A-3-107.

Section 5. Section **26-59-202** is enacted to read:

26-59-202. Cannabinoid Product Board -- Duties.

Ŝ→ **(1) The board shall review any available research related to the human use of a cannabinoid product that:**

(a) was conducted under a study approved by an IRB; or

(b) was conducted or approved by the federal government. ←Ŝ

Ŝ→ **[~~(1)~~] (2)** ←Ŝ Ŝ→ **[~~The~~] Based on the research described in Subsection (1), the** ←Ŝ board shall evaluate the safety and efficacy of cannabinoid products, including:

(a) medical conditions that respond to cannabinoid products;

(b) cannabinoid dosage amounts and medical dosage forms; and

(c) interaction of cannabinoid products with other treatments.

Ŝ→ **[~~(2)~~] (3)** ←Ŝ Based on the board's evaluation under Subsection Ŝ→ **[~~(1)~~] (2)** ←Ŝ , the board shall develop guidelines for a physician recommending treatment with a cannabinoid product that includes a list of medical conditions, if any, that the board determines are appropriate for treatment with Ŝ→ **a** ←Ŝ cannabinoid Ŝ→ **[~~medicine~~] product** ←Ŝ .

Ŝ→ **[~~(3)~~] (4)** ←Ŝ The board shall submit the guidelines described in Subsection Ŝ→ **[~~(2)~~] (3)** ←Ŝ to:

(a) the director of the Division of Occupational and Professional Licensing; and

(b) the Health and Human Services Interim Committee.

Ŝ→ **[~~(4)~~] (5)** ←Ŝ The board shall report the board's findings before November 1 of each year to the Health and Human Services Interim Committee.

Section 6. Section **58-37-3.6** is enacted to read:

58-37-3.6. Exemption for possession or distribution of a cannabinoid product

pursuant to an approved study.

(1) As used in this section:

(a) "Cannabinoid product" means a product intended for human ingestion that:

(i) contains an extract or concentrate that is obtained from cannabis;

(ii) is prepared in a medicinal dosage form; and

(iii) contains at least 10 units of cannabidiol for every one unit of tetrahydrocannabinol.

(b) "Cannabis" means any part of the plant cannabis sativa, whether growing or not.

(c) "Drug paraphernalia" means the same as that term is defined in Section 58-37a-3.

(d) "Expanded cannabinoid product" means a product intended for human ingestion that:

(i) contains an extract or concentrate that is obtained from cannabis;

(ii) is prepared in a medicinal dosage form; and

(iii) contains less than 10 units of cannabidiol for every one unit of tetrahydrocannabinol.

(e) "Medicinal dosage form" means:

(i) a tablet;

(ii) a capsule;

(iii) a concentrated oil;

(iv) a liquid suspension;

(v) a transdermal preparation; or

(vi) a sublingual preparation.

(f) "Tetrahydrocannabinol" means a substance derived from cannabis that meets the description in Subsection 58-37-4(2)(a)(iii)(AA).

(2) Notwithstanding any other provision of this chapter, an individual who possesses or distributes a cannabinoid product or an expanded cannabinoid product is not subject to the penalties described in this title for the possession or distribution of marijuana or tetrahydrocannabinol to the extent that the individual's possession or distribution of the cannabinoid product or expanded cannabinoid product complies with Title 26, Chapter 59, Cannabinoid Research Act.

Section 7. **Effective date.**

If approved by two-thirds of all the members elected to each house, this bill takes effect

upon approval by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.