MEDICAL CANNABIS AND PARENTAL/YOUTH USE
TODAY’S TOPICS
THE GOOD, THE BAD, AND THE Q&A
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WHO ARE WE?
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BRIEF OVERVIEW OF UTAH MEDICAL CANNABIS ACT
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JUVENILE-SPECIFIC INFO
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WHO ARE WE?

BRIEF OVERVIEW OF UTAH MEDICAL CANNABIS ACT

JUVENILE-SPECIFIC INFO

QUESTIONS?
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82% OF LIBERTAS PROPOSALS BECOME UTAH LAW
Key Point:

We didn’t legalize medical cannabis in Utah only for childless adults.
Medical Cannabis Condition List

The following conditions are approved under Utah’s current medical cannabis law as qualifying for medical cannabis use.

- HIV or AIDS
- Alzheimer’s disease
- ALS
- Cancer
- Cachexia
- Persistent nausea (not connected to pregnancy) that isn’t significantly responsive to traditional treatment
- Crohn’s or ulcerative colitis
- Epilepsy/debilitating seizures
- Multiple sclerosis or persistent muscle spasms
- PTSD
- Autism
- Terminal illness with less than six months life expectancy
- A condition resulting in the patient receiving hospice care
- A rare condition or disease that affects less than 200,000 individuals in the USA
- Any patient approved by the Compassionate Use Board that has a condition not already covered by this list

- Pain lasting longer than two weeks if one of the following doesn’t adequately manage the pain:
  - A non-opioid medication (e.g. aspirin); or
  - Physical intervention (e.g. chiropractic care)

* Those currently on opioids will likely automatically qualify, as their doctor would attest that a non-opioid cannot adequately manage the pain.
THC-Acid (living plant) 
358.5 g/mol, **non-psychoactive**

decarboxylation

drying, heating

THC (Δ-9-tetrahydrocannabinol) 
314.5 g/mol, **psychoactive**

CBN Cannabinol 
310.4 g/mol 
(~10% THC psychoactivity)

CBD Cannabidiol 
314.4 g/mol **non-psychoactive**
Marijuana: dried flowers and leaves of the cannabis plant
Marijuana: dried flowers and leaves of the cannabis plant

- Contains over 420 chemical compounds
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Contains over 420 chemical compounds

including over 60 belonging to chemical group of cannabinoids with psychoactive (mood changing) properties
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Amount and mixtures of cannabinoids vary with species of the plant, growing practices, timing of the harvest.
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Most psychoactive component of marijuana is THC (delta-9-tetrahydrocannabinol)
Marijuana: dried flowers and leaves of the cannabis plant

Contains over 420 chemical compounds

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Cannabinoids: primarily concentrated in flowers (less concentrated in leaves and stems)

Amount and mixtures of cannabinoids vary with species of the plant, growing practices, timing of the harvest

Most psychoactive component of marijuana is THC (delta-9-tetrahydrocannabinol)

THC in living plant occurs in non-psychoactive form THC-A or tetrahydrocannabinolic acid
THC, psychoactive
314.5 g/mol

11-hydroxy THC or 11-OH-THC psychoactive
330.5 g/mol

11-nor-9-Carboxy-THC or THC-COOH non-psychoactive
344.4 g/mol

11-norTHC-9-carboxylic acid glucuronide or THC-COO-glu non-psychoactive
520.6 g/mol

SUMMARY

THC → 11-OH-THC → THC-COOH → THC-COO-glu

psychoactive → psychoactive → non-psychoactive → non-psychoactive
HOW LONG SUBSTANCES REMAIN IN YOUR SYSTEM

<table>
<thead>
<tr>
<th>Substance</th>
<th>Time in System</th>
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<tr>
<td>marijuana (THC)</td>
<td>up to 7 days</td>
</tr>
<tr>
<td>methamphetamine</td>
<td>1-3 days</td>
</tr>
<tr>
<td>cocaine</td>
<td>12 hours</td>
</tr>
<tr>
<td>alcohol</td>
<td>1-3 hours</td>
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</table>
“There is no one blood or oral fluid concentration that can differentiate impaired and not impaired.”

— Marilyn Huestis, Ph.D.
“There is no one blood or oral fluid concentration that can differentiate impaired and not impaired.”

— Marilyn Huestis, Ph.D.

"It's not like we need to say, 'Oh, let's do some more research and give you an answer.' We already know. We've done the research."
(2) Before January 1, 2021, an individual is not guilty under this chapter for the use or possession of marijuana, tetrahydrocannabinol, or marijuana drug paraphernalia if:

(a) at the time of the arrest or citation, the individual:

(i) (A) had been diagnosed with a qualifying condition; and

(B) had a pre-existing provider-patient relationship with an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act, a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, a physician licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, or a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant Act, who believed that the individual's illness described in Subsection (2)(a)(i)(A) could benefit from the use in question;

(b) the marijuana or tetrahydrocannabinol was in a medicinal dosage form in one of the following amounts:

(i) no more than 56 grams by weight of unprocessed cannabis; or

(ii) an amount of cannabis products that contains, in total, no more than 10 grams of total composite tetrahydrocannabinol.
(2) Before January 1, 2021, an individual is not guilty under this chapter for the use or possession of marijuana, tetrahydrocannabinol, or marijuana drug paraphernalia if:

(a) at the time of the arrest or citation, the individual:

(i) (A) had been diagnosed with a qualifying condition; and

(B) had a pre-existing provider-patient relationship with an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act, a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, a physician licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, or a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant Act, who believed that the individual's illness described in Subsection (2)(a)(i)(A) could benefit from the use in question;

(ii) for possession, was:

(A) the parent or legal guardian of an individual described in Subsection (2)(a)(i) who is a minor; or

(B) the spouse of an individual described in Subsection (2)(a)(i); or

(b) the marijuana or tetrahydrocannabinol was in a medicinal dosage form in one of the following amounts:

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(ii) for possession, was:

(A) the parent or legal guardian of an individual described in Subsection (2)(a)(i) who is a minor; or

(B) the spouse of an individual described in Subsection (2)(a)(i); or

(iii) (A) for possession, was a medical cannabis cardholder; or

(B) for use, was a medical cannabis patient cardholder or a minor with a qualifying condition under the supervision of a medical cannabis guardian cardholder; and

(b) the marijuana or tetrahydrocannabinol was in a medicinal dosage form in one of the following amounts:

(i) no more than 56 grams by weight of unprocessed cannabis; or

(ii) an amount of cannabis products that contains, in total, no more than 10 grams of total composite tetrahydrocannabinol.
58-37-3.7

(3) An individual is not guilty under this chapter for the use or possession of marijuana, tetrahydrocannabinol, or marijuana drug paraphernalia under this chapter if:

(a) at the time of the arrest or citation, the individual:

(i) was not a resident of Utah or has been a resident of Utah for less than 45 days;

(ii) had a currently valid medical cannabis card or the equivalent of a medical cannabis card under the laws of another state, district, territory, commonwealth, or insular possession of the United States; and

(iii) had been diagnosed with a qualifying condition as described in Section 26-61a-104; and

(b) the marijuana or tetrahydrocannabinol is in a medicinal dosage form in a quantity described in Subsection 26-61a-502(2).
(2) Notwithstanding any other provision of law, except as otherwise provided in this section:

(a) an individual is **not guilty of a violation of this title** for the following conduct if the individual engages in the conduct in accordance with Title 4, Chapter 41a, Cannabis Production Establishments, or Title 26, Chapter 61a, Utah Medical Cannabis Act:

(i) possessing, ingesting, producing, manufacturing, dispensing, **distributing**, **selling**, or offering to sell cannabis or a cannabis product; or

(ii) possessing cannabis or a cannabis product with the **intent** to engage in the conduct described in Subsection (2)(a)(i); and
Effective 9/23/2019

26-61a-115. Analogous to prescribed controlled substances.

When an employee, officer, or agent of the state or a political subdivision makes a finding, determination, or otherwise considers an individual's possession or use of cannabis, a cannabis product, or a medical cannabis device, the employee, officer, or agent may not consider the individual's possession or use any differently than the lawful possession or use of any prescribed controlled substance, if the individual's possession or use complies with:

(1) this chapter;

(2) Title 4, Chapter 41a, Cannabis Production Establishments; or

(3) Subsection 58-37-3.7(2) or (3).
(2) In any judicial proceeding in which a judge, panel, jury, or court commissioner makes a finding, determination, or otherwise considers an individual's possession or use of medical cannabis, a cannabis product, or a medical cannabis device, the judge, panel, jury, or court commissioner may not consider or treat the individual's possession or use any differently than the lawful possession or use of any prescribed controlled substance if:

(a) the individual's possession complies with Title 4, Chapter 41a, Cannabis Production Establishments;

(b) the individual's possession or use complies with Subsection 58-37-3.7(2) or (3); or

(c) (i) the individual's possession or use complies with Title 26, Chapter 61a, Utah Medical Cannabis Act; and

(ii) the individual reasonably complies with the dosing parameters determined by the individual's qualified medical provider or through a consultation described in Subsection 26-61a-502(4) or (5).
(2) In any judicial proceeding in which a judge, panel, jury, or court commissioner makes a finding, determination, or otherwise considers an individual's possession or use of medical cannabis, a cannabis product, or a medical cannabis device, the judge, panel, jury, or court commissioner may not consider or treat the individual's possession or use any differently than the lawful possession or use of any prescribed controlled substance if:

(a) the individual's possession complies with Title 4, Chapter 41a, Cannabis Production Establishments;

(b) the individual's possession or use complies with Subsection 58-37-3.7(2) or (3); or

(c) (i) the individual's possession or use complies with Title 26, Chapter 61a, Utah Medical Cannabis Act; and

(ii) the individual reasonably complies with the dosing parameters determined by the individual's qualified medical provider or through a consultation described in Subsection 26-61a-502(4) or (5).

(3) Notwithstanding Sections 77-18-1 and 77-2a-3, for probation, release, a plea in abeyance agreement, a diversion agreement, or a tendered admission under Utah Rules of Juvenile Procedure, Rule 25, a term or condition may not require that an individual abstain from the use or possession of medical cannabis, a cannabis product, or a medical cannabis device, either directly or through a general prohibition on violating federal law, without an exception related to medical cannabis use, if the individual's use or possession complies with:

(a) Title 26, Chapter 61a, Utah Medical Cannabis Act; or

(b) Subsection 58-37-3.7(2) or (3).
(c) (i) A minor is eligible for a provisional patient card if:
(A) the minor has a qualifying condition;
(B) the minor's qualified medical provider recommends a medical cannabis treatment to address the minor's qualifying condition;
(C) the minor's parent or legal guardian petitions the compassionate use board under Section 26-61a-105, and the compassionate use board recommends department approval of the petition; and
(D) the minor's parent or legal guardian is eligible for a medical cannabis guardian card under Subsection (2)(b).

(ii) The department shall automatically issue a provisional patient card to the minor described in Subsection (2)(c)(i) at the same time the department issues a medical cannabis guardian card to the minor's parent or legal guardian.
(b) In any child welfare proceeding in which the court makes a finding, determination, or otherwise considers an individual's possession or use of medical cannabis, a cannabis product, or a medical cannabis device, the court may not consider or treat the individual's possession or use any differently than the lawful possession or use of any prescribed controlled substance if the individual's use or possession complies with:

(i) Title 4, Chapter 41a, Cannabis Production Establishments;

(ii) the individual's possession or use complies with Subsection 58-37-3.7(2) or (3); or

(iii) (A) the individual's possession or use complies with Title 26, Chapter 61a, Utah Medical Cannabis Act; and

(B) the individual reasonably complies with the dosing parameters determined by the individual's qualified medical provider or through a consultation described in Subsection 26-61a-502(4) or (5).
(b) In *any child welfare proceeding* in which the court makes a finding, determination, or otherwise considers an individual's possession or use of medical cannabis, a cannabis product, or a medical cannabis device, the court may not consider or treat the individual's possession or use any differently than the lawful possession or use of any prescribed controlled substance if the individual's use or possession complies with:

(i) Title 4, Chapter 41a, Cannabis Production Establishments;

(ii) the individual's possession or use complies with Subsection 58-37-3.7(2) or (3); or

(iii) (A) the individual's possession or use complies with Title 26, Chapter 61a, Utah Medical Cannabis Act; and 
   
   (B) the individual reasonably complies with the dosing parameters determined by the individual's qualified medical provider or through a consultation described in Subsection 26-61a-502(4) or (5).

(c) A *parent's or guardian's use of medical cannabis or a cannabis product is not abuse or neglect of a child under Section 78A-6-105, nor is it contrary to the best interests of a child, if:

(i) (A) for a medical cannabis cardholder after January 1, 2021, the parent's or guardian's possession or use complies with Title 26, Chapter 61a, Utah Medical Cannabis Act, and there is no evidence that the parent's or guardian's use of medical cannabis unreasonably deviates from the dosing parameters determined by the parent's or guardian's qualified medical provider or through a consultation described in Subsection 26-61a-502(4) or (5); or

   (B) before January 1, 2021, the parent's or guardian's possession or use complies with Subsection 58-37-3.7(2) or (3); and

(ii) (A) there is no evidence showing that the child has inhaled, ingested, or otherwise had cannabis introduced to the child's body; or

   (B) there is no evidence showing a nexus between the parent's or guardian's use of medical cannabis or a cannabis product and behavior that would separately constitute abuse or neglect of the child.
QUESTIONS?

@LibertasUtah