

# Utah has a new medical marijuana law – but not the one approved by voters in the recent election

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By [Bethany Rodgers](#)

On Monday, the first business day after Utah's medical cannabis initiative became law, state legislators supplanted it with a more tightly controlled plan for providing marijuana-based treatment.

The [Utah Medical Cannabis Act](#), designed as a replacement for voter-approved Proposition 2, breezed through the Utah House of Representatives and Senate during Monday's special session. The one-day gathering of state lawmakers has been in the works since October, when [Gov. Gary Herbert announced](#) that supporters and opponents of Prop 2 had reached consensus around a legislative solution to their disagreements.

Votes in both chambers largely broke down on party lines, with Democrats arguing that the Legislature should not override voters who endorsed the ballot initiative in last month's election.

However, Speaker Greg Hughes, who defended the bill on the floor, argued the legislation is the fruit of inclusive deliberations that unfolded over many hours in public and private.

"I'm proud of the process that we've gone through, that we've had more public, formal hearings as well as informal hearings than any bill we've been involved in," he told House members Monday.

The measure passed the House by 60-13 and the Senate by 22-4. Herbert signed it into law Monday night.

"This is a historic day," he said in a news release. "With the passage of the Utah Medical Cannabis Act, Utah now has the best-designed medical cannabis program in the country. Working with trained medical professionals, qualified patients in Utah will be able to receive quality-controlled cannabis products from a licensed pharmacist in medical dosage form. And this will be done in a way that prevents diversion of product into a black market."

I just signed the Utah Medical Cannabis Act into law. Utah now has the best-designed medical cannabis program in the country. [#utpol pic.twitter.com/0yUEZ77sFV](#)

— Gov. Gary Herbert (@GovHerbert) [December 4, 2018](#)

Herbert said he's committed to implementing the legislation as quickly as possible.

The replacement legislation crafted by lawmakers and both sides in the Prop 2 debate overhauls the medical cannabis distribution system proposed by the ballot initiative and contains a more robust oversight and tracking plan.

The legislation has acted as a bridge between Prop 2 opponents such as The Church of Jesus Christ of Latter-day Saints and the Utah Patients Coalition (UPC), the group that spearheaded the initiative effort. But it also fractured the medical marijuana community, with some patient advocates feeling betrayed that the UPC would sign on to the Prop 2 alternative.

Critics of the bill say it would strangle Utah's medical marijuana program in red tape and block too many patients from cannabis treatment.

But Connor Boyack, a medical marijuana advocate who helped craft the bill passed Monday, celebrated the legislation as a workable solution to the debate over cannabis in the state.

"For years, we have been seeking a balance between political concessions and pushing the needle as far in favor of medical freedom as we could. This negotiated result is a decent balance to get the program underway," Boyack, president of the libertarian Libertas Institute, said in a prepared statement. "With this result, a major gutting of Prop 2 has been prevented, unlike what we have seen in the past and may see in the future on other issues."

**The LDS Church released a statement saying Monday's bill passage was possible because of cooperation from state leaders, medical professionals, patient advocates and law enforcement representatives.**

**"The Church of Jesus Christ of Latter-day Saints welcomed the opportunity to participate in a broad community effort to alleviate pain and suffering," Marty Stephens, director of community and government relations, said in the statement. "Today the passage of the Utah Medical Cannabis Act once again shows how organizations with diverse interests can come together to resolve difficult issues for the benefit of those who suffer while simultaneously protecting our children."**

Alliance for a Better Utah on Monday urged lawmakers not to meddle with the measure approved at the ballot box. "We strongly urge state lawmakers to honor the will of the people on medical cannabis legislation. Regardless of their personal policy preferences, lawmakers should respect that a majority of voters approved Proposition 2," Chase Thomas, executive director of the progressive-leaning nonprofit, said in a prepared statement.

The bill significantly reduces the number of private medical marijuana outlets compared with Prop 2; while the ballot initiative would permit up to 40 dispensaries, the legislation only allows seven so-called cannabis "pharmacies." Much of the distribution would be state-run, with cannabis orders delivered to local health departments for pickup by patients.

Whereas Prop 2 allowed edibles, the bill largely prohibits them, although it does make an exception for gelatin cubes. The legislation also tweaks the list of illnesses that qualify for cannabis treatments, removing most autoimmune diseases except for Crohn's disease and ulcerative colitis.

Following the bill's passage, the Marijuana Policy Project (MPP) released a statement arguing that while the legislation was inferior to Prop 2, it's still better than the alternative.

"This bill is undoubtedly inferior to the law enacted by voters in November. However, Proposition 2 would very likely have been defeated without the compromise deal, which prevented an onslaught of opposition spending," Matthew Schweich, MPP deputy director, said in a prepared statement. "Advocates made the responsible decision to negotiate with opponents and ensure that patients were not left without any access to medical cannabis."

During House floor debate, Rep. Rebecca Chavez-Houck offered up her own bill, one that would've retained most of Prop 2 while making some technical fixes that most agree are necessary.

When the state's voters speak as they did on the proposition, the lawmakers should "stay in our lane," she said. Utah legislators preach against acting as a nanny state and over-regulating the lives of residents, Chavez-Houck, D-Salt Lake City, continued.

"But when I look at what we're doing ... it flies in the face of that argument," she said.

While her Democratic colleagues got behind her proposal, it was voted down by the Republican majority.

House members also debated bill provisions that would require patients from ages 18 to 20 to seek permission from a compassionate use board — an appointed panel of physicians — before they could qualify for cannabis treatment. Generally speaking in the program as envisioned, patients ages 21 and older would only have to secure a recommendation from their own physicians, and several lawmakers said making younger people jump through an extra hoop was unnecessary and potentially harmful.

"I don't understand, if I have an 18-year-old in my district who is on hospice, telling them you cannot have access to this medication for comfort," Rep. Sandra Hollins, D-Salt Lake City, said.

Hughes said the legislation's crafters chose 21 as a threshold because it's treated as the age of adulthood elsewhere in the law.

An amendment that would've removed the extra step for patients 18 to 20 failed when it came to a House vote.

In the Senate, Republicans defeated several attempts by Democrats to amend the bill. Some of those proposed changes — like a requirement that the Senate confirm members of the compassionate use board — were applauded by the sponsor and other members of the majority, but effectively deferred to the general session beginning in January for consideration.

“I would actually like an opportunity to vote on this,” said Sen. Evan Vickers, R-Cedar City, “but I can’t do it today.”

Other changes, like two substitute bills proposed by Sen. Jim Dabakis, D-Salt Lake City, were less warmly received by the majority. Dabakis spoke at length about the public’s majority vote on Prop 2, and suggested the replacement bill creates an “astonishing” level of government involvement in medical marijuana.

The expansion of government under the bill, Dabakis said, is beyond what Democrats could envision “in their wildest dreams.”

“This state has never created, in one fell swoop, this kind of bureaucracy all at once,” Dabakis said. “What are we doing?”

Republican senators questioned the need to defer to the public vote on Prop 2. Because of the clustering of “yes” votes in Salt Lake County and the state’s urban core, the initiative was defeated in most counties and Senate districts despite winning a majority statewide.

Sen. Curt Bramble, R-Provo, said his primary responsibility is to the voters of his district, who opposed Prop 2.

“The fact that a majority voted in the state of Utah is an important factor,” Bramble said. “But we represent our districts.”

Multiple senators suggested that medical marijuana in Utah will be similar to the state’s liquor regulations, with regular, near-annual tweaks to state code in perpetuity.

“This is far from being a done deal,” said Sen. Jake Anderegg, R-Lehi.

*Tribune reporters Benjamin Wood and Taylor Stevens contributed to this report.*

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