

On page 1, line 1, of the Senate Engrossed bill, delete "establish a maximum number of cannabis plants that may be cultivated " and insert "prohibit cultivation of medical cannabis "

On page 1, line 7, of the Senate Engrossed bill, after "less;" insert " and"

On page 1, line 10, of the Senate Engrossed bill, after "§ 34-20G-72;" delete "(c) If the cardholder has a registry identification card allowing cultivation, three flowering cannabis plants minimum or as prescribed by physician and three cannabis plants that are not flowering; and

(d) If the cardholder has a registry identification card allowing cultivation, the amount of cannabis and cannabis products that were produced from the cardholder's allowable plants, if the cannabis and cannabis products are possessed at the same property where the plants were cultivated;

"

On page 3, line 6, of the Senate Engrossed bill, after "products;

(13)" delete ""Enclosed, locked facility," any closet, room, greenhouse, building, or other enclosed area that is equipped with locks or other security devices that permit access only by a cardholder or a person allowed to cultivate the plants. Two or more cardholders who reside in the same dwelling may share one enclosed, locked facility for cultivation;

(14) "Flowering cannabis plant," the reproductive state of the cannabis plant in which the plant shows physical signs of flower budding out of the nodes of the stem;

(15) "

On page 3, line 14, of the Senate Engrossed bill, delete "(16)" and insert "(14)"

On page 3, line 18, of the Senate Engrossed bill, delete "(17)" and insert "(15)"

On page 3, line 20, of the Senate Engrossed bill, delete "(18)" and insert "(16)"

On page 3, line 22, of the Senate Engrossed bill, delete "(19)" and insert "(17)"

On page 3, line 22, of the Senate Engrossed bill, after "use," delete " includes"

On page 3, line 22, of the Senate Engrossed bill, after "administration, " delete "cultivation, manufacture, "

On page 3, line 23, of the Senate Engrossed bill, after "delivery," delete " harvest,"

On page 3, line 28, of the Senate Engrossed bill, after "by" delete " a nonresident"

On page 3, line 28, of the Senate Engrossed bill, after "nonresident " insert "any "

On page 3, line 28, of the Senate Engrossed bill, after "cardholder;" insert " or"

On page 3, line 29, of the Senate Engrossed bill, after "cardholder;

(b)" delete "The cultivation of cannabis by a cardholder who is not designated as being allowed to cultivate on the cardholder's registry identification card; or

(c)"

On page 3, line 33, of the Senate Engrossed bill, delete "(20)" and insert "(18)"

On page 4, line 12, of the Senate Engrossed bill, delete "(21)" and insert "(19)"

On page 4, line 16, of the Senate Engrossed bill, delete "(22)" and insert "(20)"

On page 4, line 18, of the Senate Engrossed bill, delete "(23)" and insert "(21)"

On page 4, line 22, of the Senate Engrossed bill, delete "(24)" and insert "(22)"

On page 4, after line 28, of the Senate Engrossed bill, insert: "

Section 2. That § 34-20G-2 be AMENDED:

34-20G-2. A cardholder is not subject to arrest, prosecution, or penalty of any kind, or denial of any right or privilege, including any civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau, for:

- (1) The medical use of cannabis in accordance with this chapter, if the cardholder does not possess more than the allowable amount of cannabis, ~~and if any cannabis plant is either cultivated in an enclosed, locked facility or is being transported;~~
- (2) Reimbursement by a registered qualifying patient to the patient's registered designated caregiver for direct costs incurred by the registered designated caregiver for assisting with the registered qualifying patient's medical use of cannabis;
- (3) Transferring the cannabis to a testing facility;
- (4) Compensating a dispensary or a testing facility for goods or services provided; or
- (5) ~~Selling, transferring, or delivering cannabis seeds produced by the cardholder to a cultivation facility or dispensary; or~~
- (6) Offering or providing cannabis to a cardholder for a registered qualifying patient's medical use, to a nonresident cardholder, or to a dispensary if nothing of value is transferred in return and the person giving the cannabis does not knowingly cause the recipient to possess more than the allowable amount of cannabis."

On page 4, after line 28, of the Senate Engrossed bill, insert: "

Section 3. That § 34-20G-9 be AMENDED:

34-20G-9. No cultivation facility or a cultivation facility agent is subject to prosecution, search, or inspection, except by the department pursuant to § 34-20G-69, seizure, or penalty of any kind, or may be denied any right or privilege, including civil

penalty or disciplinary action by a court or business licensing board or entity, for acting in accordance with this chapter to:

- (1) Possess, plant, propagate, cultivate, grow, harvest, produce, process, manufacture, compound, convert, prepare, pack, repack, or store cannabis;
- (2) Deliver, transfer, or transport cannabis to a testing facility and compensate a testing facility for services provided;
- (3) Accept cannabis offered by a cardholder or nonresident cardholder if nothing of value is exchanged in return;
- (4) Purchase or otherwise acquire cannabis from a cultivation facility;
- (5) Purchase cannabis seeds from ~~a cardholder, nonresident cardholder,~~ or the equivalent of a medical cannabis establishment that is registered in another jurisdiction; or
- (6) Deliver, sell, supply, transfer, or transport cannabis, cannabis paraphernalia, or related supplies or educational materials to a cultivation facility and dispensary."

On page 4, after line 28, of the Senate Engrossed bill, insert: "

Section 4. That § 34-20G-12 be AMENDED:

34-20G-12. ~~A cardholder, nonresident cardholder,~~ or the The equivalent of a medical cannabis establishment that is registered in another jurisdiction may sell or donate cannabis seeds to a cultivation facility in this state."

On page 4, after line 28, of the Senate Engrossed bill, insert: "

Section 5. That § 34-20G-18 be AMENDED:

34-20G-18. This chapter does not authorize any person to engage in, and does not prevent the imposition of any civil, criminal, or other penalty for engaging in, the following conduct:

- (1) Undertaking any task under the influence of cannabis, when doing so would constitute negligence or professional malpractice;
- (2) Possessing cannabis or otherwise engaging in the medical use of cannabis in any correctional facility;
- (3) Smoking cannabis:
 - (a) On any form of public transportation; or

- (b) In any public place or any place that is open to the public;
- (4) Operating, navigating, or being in actual physical control of any motor vehicle, aircraft, train, or motorboat while under the influence of cannabis, except that a registered qualifying patient or nonresident cardholder is not considered to be under the influence of cannabis solely because of the presence of metabolites or components of cannabis that appear in insufficient concentration to cause impairment;
- (5) Cultivating cannabis by any person not licensed or registered with the state to cultivate cannabis; or
- (6) Cultivating cannabis in a manner not authorized by this chapter or by administrative rules promulgated under this chapter."

On page 4, after line 28, of the Senate Engrossed bill, insert: "

Section 6. That § 34-20G-27 be AMENDED:

34-20G-27. Nothing in this chapter requires:

- (1) A government medical assistance program or private insurer to reimburse a person for costs associated with the medical use of cannabis; or
- (2) Any person or establishment in lawful possession of property to allow a guest, client, customer, or other visitor to smoke cannabis on or in that property; ~~or~~
- (3) ~~A landlord to allow the cultivation of cannabis on the rental property."~~

On page 4, after line 28, of the Senate Engrossed bill, insert: "

Section 7. That § 34-20G-29 be AMENDED:

34-20G-29. ~~No later than November 18, 2021, the~~ The department shall issue registry identification cards to qualifying patients who submit the following, in accordance with rules promulgated by the department:

- (1) A written certification issued by a practitioner within ninety days immediately preceding the date of an application;
- (2) The application or renewal fee;
- (3) The name, address, and date of birth of the qualifying patient, except that if the applicant is homeless, no address is required;
- (4) The name, address, and telephone number of the qualifying patient's practitioner;

- (5) The name, address, and date of birth of the designated caregiver, or designated caregivers, chosen by the qualifying patient;
- (6) If more than one designated caregiver is designated at any given time, documentation demonstrating that a greater number of designated caregivers are needed due to the patient's age or medical condition; and
- (7) The name of no more than two dispensaries that the qualifying patient designates, if any; ~~and~~
- ~~(8) If the qualifying patient designates a designated caregiver, a designation as to whether the qualifying patient or designated caregiver will be allowed under state law to possess and cultivate cannabis plants for the qualifying patient's medical use."~~

On page 4, after line 28, of the Senate Engrossed bill, insert: "

Section 8. That § 34-20G-42 be AMENDED:

34-20G-42. A registry identification card shall contain all of the following:

- (1) The name of the cardholder;
- (2) A designation of whether the cardholder is a qualifying patient or a designated caregiver;
- (3) The date of issuance and expiration date of the registry identification card;
- (4) A random ten-digit alphanumeric identification number, containing at least four numbers and at least four letters, that is unique to the cardholder;
- (5) If the cardholder is a designated caregiver, the random identification number of the qualifying patient the designated caregiver will assist;
- ~~(6) A clear indication of whether the cardholder has been designated to cultivate cannabis plants for the qualifying patient's medical use;~~
- ~~(7)~~ A photograph of the cardholder; and
- ~~(8)~~(7) The phone number or website address where the card can be verified."

On page 4, after line 28, of the Senate Engrossed bill, insert: "

Section 9. That § 34-20G-45 be AMENDED:

34-20G-45. ~~Within one hundred twenty days of July 1, 2021, the~~ The department shall establish a secure phone or web-based verification system. The verification system shall allow law enforcement personnel and medical cannabis establishments to enter a

registry identification number and determine whether the number corresponds with a current, valid registry identification card. The system may disclose only:

- (1) Whether the identification card is valid;
- (2) The name of the cardholder;
- (3) Whether the cardholder is a qualifying patient or a designated caregiver;
- (4) ~~Whether the cardholder is permitted to cultivate cannabis plants;~~
- ~~(5)~~ (5) The registry identification number of any affiliated registered qualifying patient; and
- ~~(6)~~(5) The registry identification of the qualifying patient's dispensary or dispensaries, if any."

On page 4, after line 28, of the Senate Engrossed bill, insert: "

Section 10. That § 34-20G-46 be AMENDED:

34-20G-46. The following notifications are required:

- (1) A registered qualifying patient shall notify the department of any change in the applicant's name or address, or if the patient ceases to have a debilitating medical condition, within ten days of the change;
- (2) A registered designated caregiver shall notify the department of any change in the caregiver's name or address, or if the caregiver becomes aware the qualifying patient passed away, within ten days of the change;
- (3) Before a registered qualifying patient changes a designated caregiver, the patient shall notify the department;
- (4) ~~If a registered qualifying patient changes a preference as to who may cultivate cannabis for the patient, the patient shall notify the department;~~
- ~~(5)~~ (5) If a cardholder loses a registry identification card, the cardholder shall notify the department within ten days of becoming aware the card has been lost; and
- ~~(6)~~(5) Before a registered qualifying patient changes a designated dispensary, the patient shall notify the department."

On page 5, line 5, of the Senate Engrossed bill, after "cannabis" delete the comma

On page 5, line 5, of the Senate Engrossed bill, after "cannabis, " insert "and "

On page 5, line 6, of the Senate Engrossed bill, after "rules" delete ", six three flowering cannabis plants minimum or as prescribed by a physician, three cannabis plants that are not flowering, and the cannabis produced by those plants"

On page 5, line 8, of the Senate Engrossed bill, after "plants;" insert " and"

On page 5, line 9, of the Senate Engrossed bill, after "use," delete " manufacture,"

On page 5, line 10, of the Senate Engrossed bill, after "manufacture, " delete "cultivation,"

On page 5, line 12, of the Senate Engrossed bill, after "condition" delete "; and"

On page 5, line 14, of the Senate Engrossed bill, after "and" delete "(4) Any cultivation of cannabis and storage of more than three ounces of cannabis occurred in a secure location that only the person asserting the defense could access"

On page 5, after line 16, of the Senate Engrossed bill, insert: "

Section 12. That § 34-20G-52 be AMENDED:

34-20G-52. An affirmative defense and motion to dismiss shall fail if the prosecution proves that:

- (1) The person had a registry identification card revoked for misconduct; or
- (2) The purpose for the possession ~~or cultivation~~ of cannabis was not solely for palliative or therapeutic use by the person with a debilitating medical condition who raised the defense."