**R66. Agriculture and Food, Medical Cannabis and Industrial Hemp.**

**R66-6. Home Delivery and Courier.**

**R66-6-1. Authority and Purpose.**

(1) Subsection 4-41a-1202(1) authorizes this rule.

(2) This rule establishes medical cannabis home delivery operating standards, home delivery agent operating standards, courier agent application procedures, courier agent renewal application procedures, and courier agent certification standards.

**R66-6-2. Definitions.**

(1) "Card" means any type of medical cannabis card or registration card, whichever applies, authorized under Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis.

(2) "Courier agent" means a medical cannabis courier agent.

(3) "Department" means the Utah Department of Agriculture and Food.

(4) "DHHS" means the Utah Department of Health and Human Services.

(5) "Electronic Verification System" or "EVS" means the same as the term is defined in Section 26B-4-201.

(6) "Inventory Control System" or "ICS" means the same as the term is defined in Section 4-41a-103.

(7) "Manifest" means the document required under Subsection 4-41a-404(2) to be in the possession of any individual transporting medical cannabis that does not have a valid medical cannabis card.

(8) "Medical cannabis" for the purposes of this rule, means medical cannabis or a medical cannabis device, as the terms are defined in Section 26b-4-201.

(9) "Pharmacy agent" means a medical cannabis pharmacy agent.

(10) "Pharmacy Medical Provider" or "PMP" means the same as the term is defined in Subsection 26B-4-201(45).

(11) "State electronic verification system" means the same as the term is defined in Section 26B-4-202 and Subsection 4-41a-102(44).

**R66-6-3. Home Delivery Service -- Operating Standards.**

(1) In addition to general operating standards established in Section 4-41a-1203 through Section 4-41a-1205, home delivery medical cannabis pharmacies, pharmacy agents, and couriers shall comply with the operating standards established in this rule.

(2) The following operating standards apply to home or caregiver facility delivery medical cannabis pharmacies and couriers.

(3) Pharmacies and couriers shall:

(a) maintain an updated written operating plan for home delivery service, describing a plan to comply with standards established in this section and meeting the requirements of Subsection 4-41a-1202(14);

(b) ensure accurate record keeping of delivery information in the ICS;

(c) maintain a record of at least five years of the initials or unique identification codes that identify each pharmacy agent or courier agent;

(d) lock medical cannabis that is transported in a fully enclosed box, container, or cage, that is secured inside a delivery vehicle and ensure appropriate storage temperature throughout the delivery process to maintain the integrity of the product;

(e) maintain a current paper or electronic list of any employee who makes deliveries that includes each employee's name, department registration license classification and license number, and registration expiration date;

(f) upon request, provide the department with information regarding any vehicle used for the delivery service; including the vehicle's make, model, color, vehicle identification number, license plate number, insurance number, and Division of Motor Vehicle registration number;

(g) ensure that the manifest is not modified in any way after a pharmacy agent or courier agent departs from a home delivery medical cannabis pharmacy facility with a shipment appearing on the manifest;

(h) ensure that no person other than a pharmacy agent or courier agent is in a delivery vehicle during delivery or during the time medical cannabis is in the vehicle; and

(i) ensure that trip log documentation showing a specific route of delivery exists for a route driven by a pharmacy agent or courier agent on a specific day is immediately available for review by the department, upon request.

(4) When delivering medical cannabis to a medical cannabis cardholder's home or a caregiver facility, a pharmacy agent or courier agent may not:

(a) drop off medical cannabis with anyone other than a medical cannabis cardholder or a caregiver facility;

(b) perform a home delivery before 6 a.m. or after 10 p.m.;

(c) leave medical cannabis unattended in a delivery vehicle for more than one hour;

(d) make changes in dosage or quantity at the request of the medical cannabis cardholder during delivery; or

(e) consume medical cannabis while delivering medical cannabis.

(5) When delivering medical cannabis, a pharmacy agent or courier agent employed by a home delivery medical cannabis pharmacy or courier shall:

(a) wear an identification tag or similar form of identification that clearly identifies them to a medical cannabis cardholder and includes their position; and

(b) provide each cardholder or caregiver facility receiving a shipment with printed material that includes their contact information and hours when a PMP is available for counseling over the phone.

(6) Each pharmacy agent or courier agent shall ensure that vehicles used for home delivery:

(a) do not have any marking or other indication on the exterior that identifies what is being transported;

(b) are maned;

(c) have an active alarm system;

(d) have a global positioning system (GPS) monitoring device that is:

(i) not easily removable;

(ii) attached to the vehicle at any time that the vehicle contains medical cannabis; and

(iii) capable of storing and transmitting GPS data so it can be monitored by the home delivery medical cannabis pharmacy during transport of medical cannabis; and

(e) do not transport medical cannabis beyond the locations identified on a manifest.

(7) The limitation in Subsection R66-6-3(6)(e) does not apply to the transport of medical cannabis from a medical cannabis cardholder to be returned to the home delivery medical cannabis pharmacy.

(8) Vehicles used for home delivery may be subject to inspection by the department at any time.

(9) If medical cannabis goes missing during a home delivery route, the pharmacy agent or courier agent, shall:

(a) notify the home delivery medical cannabis pharmacy's supervising PMP within 24 hours of when the pharmacy agent or courier agent first became aware of the missing product;

(b) provide information regarding the missing product to the department and local law enforcement; and

(c) log the missing products into the ICS.

(10) A courier may not store medical cannabis at its facility. Medical cannabis delivered by the courier must be picked up from a home delivery medical cannabis pharmacy facility and either delivered to the medical cannabis cardholder's residence or returned to the home delivery medical cannabis pharmacy facility.

**R66-6-4. Home Delivery Agent -- Operating Standards.**

(1) In addition to operating standards established in Section 4-41a-1203 through Section 4-41a-1205 pharmacy and courier agents shall comply with the operating standards established in this rule.

(2) Each pharmacy and courier agent shall:

(a) ensure accurate records of delivery information are documented in the ICS;

(b) ensure that medical cannabis is locked in a fully enclosed box, container, or cage when transported and that appropriate storage temperature is maintained throughout the delivery process;

(c) ensure that the manifest is not modified in any way after they depart from a home delivery medical cannabis pharmacy facility with the shipment appearing on the manifest; and

(d) ensure that no person other than a pharmacy agent or courier agent is in a delivery vehicle during delivery or during the time medical cannabis is in the vehicle.

(3) When delivering medical cannabis to a cardholder's home, a pharmacy agent or courier agent may not:

(a) drop off medical cannabis with anyone other than a medical cannabis cardholder or a caregiver facility employee;

(b) perform a home delivery before 6 a.m. or after 10 p.m.;

(c) leave medical cannabis unattended in a delivery vehicle for more than 60 minutes unless the courier agent or pharmacy agent is staying overnight in the process of conducting a delivery;

(d) make a change in dosage or quantity at the request of the cardholder during a delivery;

(e) consume medical cannabis while delivering medical cannabis; or

(f) transport medical cannabis beyond the locations that appear on the manifest.

(4) When delivering medical cannabis, a pharmacy agent or courier agent shall:

(a) wear an identification tag or similar form of identification that clearly identifies them to a cardholder and includes their position; and

(b) provide each cardholder or facility caregiver with printed material that includes a home delivery medical cannabis pharmacy's contact information and hours for counseling over the phone with a PMP.

(5) If medical cannabis goes missing during a home delivery route, the pharmacy agent or courier agent shall notify the home delivery medical cannabis pharmacy's supervising PMP within 24 hours of when the medical cannabis pharmacy agent first became aware of the missing product.

**R66-6-5. Medical Cannabis Courier Agent -- Application Procedures.**

(1) The application procedures established in this section shall govern applications for the initial issuance of a courier agent registration card under Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies.

(2) Each card applicant shall apply using forms available in the EVS from the department.

(3) The department may issue a card only if the applicant meets the card requirements established under Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies and department rule.

(4) The department shall provide written notice of denial to an applicant who submits a complete application if the department determines that the applicant does not meet the card requirements.

(5) If the department receives an incomplete application, they shall provide written notice to the applicant indicating that the application is closed unless the applicant corrects the deficiency within the time specified in the notice, and otherwise meets all card requirements.

(6) The department shall send the written notice of denial or incomplete application to the applicant's last email address shown in the Department's EVS database unless the applicant has requested to be notified by regular mail.

(7) Each applicant shall maintain a current email and mailing address with the department. Notice to the last email address on file with the department constitutes legal notice unless the applicant has requested notification by regular mail.

**R66-6-6. Medical Cannabis Courier Agent - Renewal Application Procedures.**

(1) Renewal application procedures established in this section shall govern applications to renew a courier agent registration card under Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies.

(2) Each card applicant shall apply using renewal application forms available from the department.

(3) The department shall issue a card to an applicant who submits a complete renewal application if the department determines that the applicant meets the card requirements.

(4) The department shall provide written notice of denial to an applicant who submits a complete renewal application if the department determines that the applicant does not meet the card requirements.

(5) If an applicant submits an incomplete application, the department shall provide written notice indicating that the renewal application is closed unless the applicant corrects the deficiency within the time period specified in the notice and otherwise meets all card requirements.

(6) The department shall send a renewal notice to each cardholder at least 30 days before the expiration date shown on the cardholder's card. The notice shall include instructions to renew the card via the department's website and shall be sent to the cardholder's last email in the EVS database unless they have requested notification by regular mail.

(7) Each cardholder shall maintain a current email address and mailing address with the department. Emailing to the last email address furnished to the department constitutes legal notice unless the cardholder requests notification by regular mail.

(8) A courier agent shall renew their courier agent registration card with the department within five days after the registration card's expiration date. Failure to renew an expired card within five days shall result in the applicant having to submit a new application for a courier agent registration card and pay for a new fingerprint background check.

**R66-6-7. Medical Cannabis Courier Agent - Continuing Education Requirement.**

The department's certification standard for initial and renewal registration of a medical cannabis courier agent card is successful completion of a one-hour continuing education course offered or approved by the department regarding state medical cannabis law, patient privacy and federal health information privacy laws, and other topics.

**KEY: medical cannabis, medical cannabis courier agent, medical cannabis home delivery**

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