

MEDICAL MARIJUANA FAQs & CHECKLIST

These frequently asked questions and the checklist on page 2 are designed to help medical cannabis patients in Utah know what they can currently do to comply with the Utah Medical Cannabis Act (“UMCA”) and what requirements they must meet to qualify for a medical cannabis defense. *See disclaimer below.

➤ FREQUENTLY ASKED QUESTIONS

Q: Who does the medical cannabis decriminalization law apply to?

It applies to people using marijuana medicinally for a “qualifying condition” and who are criminally charged for possession of marijuana, THC, or paraphernalia.

Use the checklist on p.2 to see if you would qualify for the medical marijuana

defense. It also applies to people who possess for a spouse or child who is a valid medical cannabis user.



Q: When can a person assert a medical cannabis defense?

The medical cannabis defense can be asserted whenever a law enforcement officer becomes aware you are in possession of marijuana, marijuana paraphernalia, or a substance containing THC. It can also be asserted in a criminal case if the government charges you with illegal possession of any of those things. In either situation, a police officer or prosecutor can still pursue criminal charges if they don’t believe that you qualify, but you would be able to present your defense to a judge or jury who would have the final say.

Q: How does a person qualify for the medical cannabis defense?

In order to comply with the Utah Medical Cannabis Act and qualify for the medical cannabis defense, a person must comply with several requirements. (See the checklist on p.2.) After December 31, 2020, these requirements will change, and a person will be required to obtain a state-issued medical cannabis card.

➤ PRACTICAL TIPS FOR MEDICAL CANNABIS USERS

- ✓ Use a vitamin/pill organizer or cold seal (self-fill) blister pack to store unprocessed cannabis. Currently, there are no cannabis blister pack manufacturers in Utah, so you need to make sure your medical cannabis is in a legal form. An easy way to do this is to use either a daily vitamin/pill organizer that you can purchase at your local pharmacy or cold seal blister packs that can be purchased online. Make sure each individual blister is the right size to hold what could be considered one dose.
- ✓ Make sure your unprocessed cannabis is divided up into single doses. Make sure that each blister/container contains no more than a gram and has a specific and consistent weight.
- ✓ If your medical provider diagnosed you with a qualifying condition before you were found in possession of cannabis but didn’t write you a letter beforehand, he or she can still write a letter as long as they previously believed that your condition could have benefited from the use of medical cannabis.



*This is reference material only and is not a substitute for personalized legal advice. In fact, even if you believe you are in compliance with the requirements in the checklist, the government can still charge you with a crime if they disagree with you. Additionally, this defense only applies until December 31, 2020. After that, you must obtain a government-issued medical cannabis card. Because laws change frequently, we cannot guarantee the accuracy of this information after the publication date of March 31st, 2019. If you have been charged with a crime or if you need personalized legal advice, you may contact Intermountain Legal at 801-970-2800 or visit our website at www.intermountainlegal.net.

MEDICAL MARIJUANA PATIENT CHECKLIST (UTAH)

1. QUALIFYING MEDICAL CONDITION

- Before being cited, arrested, or charged with possession of marijuana, marijuana-related paraphernalia, or THC, I was diagnosed with at least one of the following medical conditions:
- | | |
|---|---|
| <input type="checkbox"/> Pain lasting longer than two weeks that is not adequately managed by a non-opioid (e.g. aspirin) or physical intervention (e.g. chiropractic care) after having made at least two treatment attempts | <input type="checkbox"/> Epilepsy / debilitating seizures |
| <input type="checkbox"/> HIV or AIDS | <input type="checkbox"/> Multiple sclerosis / persistent and debilitating muscle spasms |
| <input type="checkbox"/> Alzheimer's disease | <input type="checkbox"/> PTSD (which is treated by a licensed mental health therapist and has been diagnosed either by the VA or through an evaluation by qualified mental health specialist) |
| <input type="checkbox"/> Amyotrophic lateral sclerosis (ALS) | <input type="checkbox"/> Autism |
| <input type="checkbox"/> Cancer | <input type="checkbox"/> Terminal illness with less than six months life expectancy |
| <input type="checkbox"/> Cachexia | <input type="checkbox"/> A condition resulting in the patient receiving hospice care |
| <input type="checkbox"/> Persistent nausea (which is not significantly responsive to traditional treatment and is not related to pregnancy, cannabis-induced cyclical vomiting syndrome, or cannabinoid hyperemesis syndrome) | <input type="checkbox"/> A rare condition or disease that affects less than 200,000 individuals in the United States and is not adequately managed by a non-opioid or physical intervention |
| <input type="checkbox"/> Crohn's disease / ulcerative colitis | |
- Before being cited, arrested, or charged with possession of marijuana, marijuana-related paraphernalia, or THC, I had a pre-existing provider-patient relationship with a medical provider who "believed that my illness could benefit from the use of medicinal marijuana." **See our practical tips for cannabis users on page 1.*

2. MEDICINAL DOSAGE FORM

- When I was found in possession of marijuana or THC, it was in "medicinal dosage form" as described below:
- For unprocessed cannabis, it was in a package with multiple plastic cavities or pockets (blisters) that each contain a single dose of cannabis which is not more than one gram and which is divided into specific and consistent portions/weights. **See our practical tips for cannabis users on page 1.*
 - For processed cannabis, a tablet, a capsule, a concentrated oil, a liquid suspension, a topical preparation, a transdermal preparation, a sublingual preparation, a lozenge or gelatinous edible in cube or rectangular shape, or, if two other forms have not been medically effective, a resin or wax. All of these forms must have a specific and consistent cannabinoid content.

3. LEGAL AMOUNT

- At the time I was found in possession of marijuana or THC, I had 56 grams or less (by weight) of unprocessed cannabis OR processed cannabis products that contain no more than 10 grams of total composite THC.

4. OTHER CONSIDERATIONS

- I was not in possession of cannabis while doing anything else that would be considered illegal (eg. driving while impaired, distributing or possessing with intent to distribute, possessing or using during pregnancy, possessing while on federal land, etc.)