



About Charlee's Law

HB105 (2014) Plant Extract Amendments

HB58 (2016) Hemp Extract Amendments

Purpose:

The purpose of Charlee's Law is two-fold:

Hemp Extract Registration Act: Allows Utah citizens with intractable epilepsy to possess high-CBD/low-THC cannabis (medical hemp) oil without risk of prosecution by the state of Utah.

Industrial Hemp Research Act: Under the enrolled Federal Agricultural Act of 2014 (Section 7606), Charlee's Law allows for hemp cultivation and research by Utah universities under the direction of the Utah Department of Agriculture.

Specifics of Hemp Extract Registration Act:

- The law became effective July 1, 2014 with a sunset date of July 1, 2016. In 2016, the program was reviewed and extended for five more years.
- The Utah Department of Health (DoH) has created and maintains a Hemp Extract Registration Program, through which Hemp Extract Registration Cards are issued and a database is maintained. The Hemp Extract Registration Program was initiated July 8, 2014.
- A Hemp Extract Registration Card will be issued to an applicant who:
 - 1) is either a) at least 18 years old or b) parent and caregiver of a minor patient
 - 2) presents a valid photo ID
 - 3) presents evidence of Utah residency (requirements set by State of Utah and DoH)
 - 4) suffers from intractable epilepsy as determined by a neurologist (has tried 3 treatments under a neurologist)
 - 5) presents a signed "written certification" from a board-certified neurologist stating that the patient a) suffers from intractable epilepsy and b) could benefit from treatment with hemp extract. The "written certification" may be on the DoH form or on physician's letterhead.
 - 6) Completes an application provided by the DoH
 - 7) pays a \$200 fee, determined by DoH, to cover cost of program
- The neurologist must maintain patient records and transmit an "evaluation record" to the DoH. The "Evaluation record" may be on the DoH form or may be a physician's report with a signed statement that the report is consistent with the neurologist records. The patient may submit a copy of the "evaluation record" when submitting their application, but the neurologist must also transmit the "evaluation record" electronically.
- An "evaluation record" is *required* to include:
 - 1) the qualifying patient's name and date of birth
 - 2) the date of clinic office visit
 - 3) the neurologist's name, Department of Professional Licensing number and expiration date
 - 4) evidence of epilepsy
 - 5) if evaluation record is submitted for the initial registration, an indication that qualifying patient currently suffers from intractable epilepsy
 - 6) if evaluation record is submitted after registration of a hemp extract registration card:

- a) the hemp extract's effect on seizure control
 - b) any adverse effects that may be attributed to use of the hemp extract.
- An "evaluation record" is *recommended* to include:
 - 1) hemp extract information, such as the supplier, product description, dosage, frequency of use, and duration of use by the qualifying patient
 - 2) frequency of seizures before and after use of hemp extract
 - 3) evidence supporting the patient suffers from intractable epilepsy
 - 4) information about other treatments or medications, including dosage, frequency and dates of use, used to treat or control qualifying patient's epilepsy.
- The DoH will maintain a database of patient records and share those records, as identifiable health data, with institutions of higher learning for research purposes.
- The Hemp Extract Registration Card is valid for one year and is renewable through original application process.
- Qualifying hemp extract:
 - 1) contains maximum .3% THC & minimum 5% CBD
 - 2) contains no other psychoactive ingredient
 - 3) is used only for the purpose of medically treating intractable epilepsy
 - 4) has been tested by a lab not affiliated with the producer and licensed in the state where the product is produced. A "certificate of analysis" must be provided.
 - 5) is in a sealed container labeled with THC/CBD content, producer name & location, & product batch number.
 - 6) "certificate of analysis" must be carried in close proximity, with corresponding batch number.
- Patients following the guidelines of Charlee's Law are not subject to the penalties described in the Utah Controlled Substances Act.

Specifics of Industrial Hemp Research Act:

- The law became effective July 1, 2014 with a sunset date of July 1, 2016. In 2016, the program was reviewed and extended for five more years.
- The Utah State Department of Agriculture may issue an Industrial Hemp Certificate to an institution of higher learning, allowing them to grow or cultivate industrial hemp for purpose of agriculture or academic research.
- Educational research departments must present research plans, as well as the name of the researcher and the growing location.
- Industrial hemp grown must contain a concentration of less than 0.3% THC by weight.

Resources:

- For general information and FAQ, visit www.hope4childrenwithpilepsy.com
- For information about applying for a Hemp Extract Registration Card, visit www.health.utah.gov