

NOTICE OF RULEMAKING DOCKET OPENING
DEPARTMENT OF HEALTH SERVICES
MEDICAL MARIJUANA PROGRAM

SECRETARY OF STATE

2016 AUG 12 PM 2:33

FILED

- 1. Title and its heading:** 9, Health Services

Chapter and its heading: 17, Department of Health Services
Medical Marijuana Program

Articles and their headings: Article 2, Qualifying Patients and Designated Caregivers;
Article 3, Dispensaries and Dispensary Agents

Section numbers: R9-17-202, R9-17-204, and R9-17-310 (The Department may add, delete, or modify other Sections, as necessary.)
- 2. The subject matter of the proposed rules:**

On April 5, 2016, Governor Doug Ducey signed HB 2061 into law, requiring the Arizona Department of Health Services (Department) to adopt rules warning of potential risks related to medical marijuana and pregnancy. Under the legislation, the rules must require each certifying physician to address the potential dangers to fetuses caused by smoking or ingesting marijuana while pregnant or to infants while breastfeeding as well as the risk of being reported to the Arizona Department of Child Safety during pregnancy or at the birth of the child by persons who are required to report. The rules must also require each nonprofit medical marijuana dispensary to conspicuously post signs addressing these same potential risks. After receiving an exception from the rulemaking moratorium, established by Executive Order 2016-03, the Department is amending the rules in Arizona Administrative Code Title 9, Chapter 17 to comply with HB 2061. The proposed amendments will conform to rulemaking format and style requirements of the Governor's Regulatory Review Council and the Office of the Secretary of State. The Department may add, delete, or modify other Sections, as necessary.
- 3. A citation to all published notices relating to the proceeding:**

None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rules:**

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or

Name: Robert Lane, Manager
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Office of Administrative Counsel and Rules
150 N. 18th Ave., Suite 200
Phoenix, AZ 85007

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5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Written comments will be accepted at the addresses listed in item #4 until the close of record, which has not yet been determined. The Department has not scheduled any oral proceedings at this time.

6. A timetable for agency decisions or other action on the proceeding, if known:

To be announced in the Notice of Proposed Rulemaking