

Arizona Medical Marijuana: The Basics

Arizona Department of Health Services (ADHS)

February 28, 2011

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Outline

- Important Dates 
- Voting Results by County 
- Qualifying Patients 
- Designated Caregivers 
- Nonprofit Medical Marijuana Dispensaries 
 - Medical Directors 
- Nonprofit Medical Marijuana Dispensary Agents 

Important Dates

- Nov 2, 2010: Proposition 203 passes in the general election
- Dec 17, 2010: ADHS posts informal draft Rules for public comment
- Dec 17, 2010 – Jan 7, 2011: ADHS receives public comment on the informal draft Rules
- Jan 31, 2011: ADHS posts official draft Rules for public comment
- Jan 31 – Feb 18, 2011: ADHS accepts public comments on a revised draft of the Rules
 - Feb 14 – 17, 2011: ADHS holds 4 public meetings to receive comments about the draft Rules
- March 28, 2011: ADHS publishes Final Rules
- April 14, 2011: Medical Marijuana Act effective
- April 2011: ADHS begins to accept applications for qualifying patients and designated caregivers
- May 1, 2011: ADHS begins to accept applications for dispensary registration certificates

Voting Results by County

County	YES	NO	Total
Apache	6816	11726	18,542
Cochise	18466	20979	39,445
Coconino	20625	17761	38,386
Gila	7800	9554	17,354
Graham	2926	5906	8,832
Greenlee	1101	1248	2,349
La Paz	2023	2319	4,342
Maricopa	480564	484591	965,155
Mohave	25779	26526	52,305
Navajo	9918	18328	28,246
Pima	174591	131017	305,608
Pinal	36942	38928	75,870
Santa Cruz	4840	4560	9,400
Yavapai	35839	44066	79,905
Yuma	13118	19499	32,617
Total:	841,348	837,008	1,678,356

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Health Services**

Important Note

 The following information is based upon the draft Rules published on January 31, 2011, and the State Law signed by the Governor in December 2010.

ADHS' Licensing Responsibilities

- ADHS (“the Department”) will be responsible for issuing registry identification cards or registration certificates to the following:
 - Qualifying patients
 - Designated caregivers
 - Dispensaries
 - Dispensary agents

Qualifying Patients: What you should know...

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Qualifying Patient (QP) Eligibility Requirements for Medical Marijuana

- Must have one of the following qualifying conditions
 - Cancer, glaucoma, HIV, AIDS, Hepatitis C, Amyotrophic Lateral Sclerosis, Crohn's disease, Agitation of Alzheimer's disease, or
 - A chronic or debilitating disease or medical condition (or the treatment for) that causes cachexia or wasting syndrome, severe and chronic pain, severe nausea, seizures (including those characteristic of epilepsy, severe or persistent muscle spasms (including those characteristic of multiple sclerosis), or
 - A debilitating medical condition or treatment approved by ADHS under A.R.S. § 36-2801.01 and *R9-17-106

QP Applications for Registry Identification Cards

- Must submit to ADHS an application in a Department-provided format, including, but not limited to the following:
 - QP's name, address, date of birth, gender, e-mail address, photo, application fee, etc...
 - Physician's contact information and written certification including initialed statements:
 - That physician made or confirmed diagnosis of QP's debilitating medical condition

QP Applications for Registry Identification Cards

- An identification of one or more debilitating medical conditions
- That physician agrees to assume responsibility for providing management and routine care of the QP's debilitating medical condition, after conducting a full assessment of the QP's medical history
- That physician has established and is maintaining a medical record for the QP
- That physician has conducted an in-person physical exam of the QP

QP Applications for Registry Identification Cards

- That the physician reviewed:
 - QP's medical records including those from other treating physicians for the previous 12 months
 - QP's response to conventional medications and medical therapies
 - QP's profile on the Arizona Board of Pharmacy Controlled Substances Prescription Monitoring Program database
- That the physician explained the potential risks and benefits of medical use of marijuana to QP

QP Applications for Registry Identification Cards

- That the physician plans to continue to assess the QP and the QP's use of medical marijuana during the course of the physician-patient relationship
- That in the physician's professional opinion, the QP is likely to receive therapeutic or palliative benefit from the QP's medical use of marijuana to treat or alleviate the QP's debilitating medical condition

QP Applications for Registry Identification Cards

- That, if the physician has referred a QP to a dispensary, the physician has disclosed to the QP any personal or professional relationship the physician has with the dispensary
- Physician attestation, including signature and date, that the information provided in the written certification is true and correct

QP Applications for Registry Identification Cards

- Whether the QP is requesting authorization for cultivating marijuana plants for the QP's medical use because the QP lives at least 25 miles from the nearest operating dispensary
- Whether QP is designating a caregiver and if so, the designated caregiver's information
 - If QP is requesting authorization to cultivate marijuana plants, whether they are designating their caregiver to cultivate marijuana plants for the QP's medical use

QP Applications for Registry Identification Cards

- QP signed statement pledging not to divert marijuana to any person who is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1
- QP attestation, including signature and date, that the information provided in the application is true and correct

QP Applications for Registry Identification Cards

- Registry ID card expires each year; QP must be re-evaluated by physician and submit application (including fee) yearly

Qualifying Patient Regulations

- May obtain 2 ½ ounces of marijuana every two weeks
- May grow their own marijuana (up to 12 plants) in an enclosed, locked facility if they live more than 25 miles from a licensed dispensary
- May “give” (receive no compensation) usable marijuana and marijuana plants to dispensaries

Designated Caregivers: What you should know...

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Designated Caregiver (DC) Eligibility Requirements

- If a Qualifying Patient (QP) designates a caregiver to assist them with the medical use of marijuana, the QP must submit (annually) to ADHS an application in a Department-provided format, including, but not limited to the following:
 - DC's name, address, date of birth, photo, fingerprints, application fee, etc...

Designated Caregiver (DC) Eligibility Requirements

- DC attestation, including signature and date, that the DC has not been convicted of an excluded felony offense as defined in A.R.S. § 36-2801
- One of the following:
 - A statement signed by the DC that the DC does not currently hold a valid registry ID card; or
 - The assigned registry ID card number for the DC for each valid registry ID card currently held by the DC

Designated Caregiver (DC) Eligibility Requirements

- A signed statement by the DC agreeing to assist the QP with the medical use of marijuana and pledging not to divert marijuana to any person who is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1

Designated Caregiver Regulations

- Must be at least 21 years of age
- Must not have been convicted of an excluded felony offense
- Can have up to 5 qualifying patients that they care for
- Can grow up to 12 plants for each qualifying patient if the qualifying patients live more than 25 miles from a licensed dispensary
- Must have a separate registry identification card for each qualifying patient

Nonprofit Medical Marijuana Dispensaries: What you should know...

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Nonprofit Medical Marijuana Dispensaries

- Means a not-for-profit entity that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to cardholders. A nonprofit medical marijuana dispensary may receive payment for all expenses incurred in its operation
- The Department may not issue more than one dispensary registration certificate for every ten pharmacies, except if necessary to ensure that the department issues at least one dispensary registration certificate in each county

Dispensary Registration Certificate Allocation Process (1st Year)

- Dispensaries will be issued based on one dispensary per Community Health Analysis Area (CHAA)
- Beginning May 1, 2011, if the Department (ADHS) receives only one complete and compliant dispensary registration certificate application for a CHAA, the ADHS will issue a registration certificate to that applicant

Dispensary Registration Certificate Allocation Process (1st Year)

- If the ADHS receives more than one complete and compliant dispensary registration certificate application for a CHAA, the ADHS will randomly select one applicant to issue a registration certificate to

Dispensary Registration Certificate Allocation Process (2nd Year +)

- ADHS will review current valid dispensary registration certificates (starting April 2012) to determine if additional dispensaries can be approved
 - Department will post availability on the ADHS website, including deadlines, by the last day of April

Dispensary Registration Certificate Allocation Process (2nd Year +)

- If only one application that meets all of the requirements is received, that applicant will be issued a dispensary registration certificate
- If more than one application that meets the requirements is received, the ADHS will determine which applicant will receive a dispensary registration certificate based on a priority system

Priorities for Issuing Registration Certificates After April 2012

- Priority to:
 - 1) Counties without a dispensary
 - 2) CHAA's without a dispensary
 - 3) The number of registry identification cards issued to QP's who reside within 10 miles of the proposed dispensary location and the number of dispensaries operating within 10 miles of the applicant's proposed dispensary location
 - If there is a tie or a margin of $<1\%$ on the scores, it will be randomly selected

Applying for a Dispensary Registration Certificate

- Must submit to ADHS an application in a Department-provided format, including, but not limited to the following:
 - Legal name of dispensary
 - Physical address of the proposed dispensary
 - Name of the entity applying
 - Name of individual designated to submit dispensary agent applications on behalf of the dispensary
 - Name / license # of the dispensary's medical director

Applying for a Dispensary Registration Certificate

- Name, address, and date of birth of each principal officer and board member
- Whether a principal officer or board member:
 - Has served as a principal officer or board member for a dispensary that had the dispensary registration certificate revoked
 - Is a physician currently providing written certifications for qualifying patients
 - Has unpaid taxes, interest, or penalties, or judgment due to a governmental agency
 - Is in default on a government-issued student loan
 - Failed to pay child support

Applying for a Dispensary Registration Certificate

- Is a law enforcement officer
 - Is employed by or a contractor of the Department
 - Is a physician currently providing written certifications for qualifying patients
 - Has unpaid taxes, interest, or penalties, or judgment due to a governmental agency
 - Is in default on a government-issued student loan
 - Failed to pay child support
- Whether dispensary agrees to allow the Department to submit supplemental requests for information

Applying for a Dispensary Registration Certificate

- An attestation that the information provided to the Department to apply for a dispensary registration certificate is true and correct
- Signature of individual(s) and date signed
- If the person applying is a corporation, partnership, LLC, association or cooperative, joint venture, or another business organization type:
 - Name of the business organization
 - Name / title of each principal officer and board member
 - Copy of the business organization's articles of incorporation or organization, or partnership or joint venture documents

Applying for a Dispensary Registration Certificate

- For each principal officer and board member:
 - Attestation that they have not been convicted of an excluded felony offense
 - Attestation that they have been a resident of Arizona for at least 3 consecutive years preceding the date of application submittal
 - Fingerprints in a Department provided format
 - Copy of residency documentation (i.e. Arizona driver's license, current lease agreement, tax statement, etc...)
- Policies and procedures for inventory control, qualifying patient recordkeeping, security, and patient education and support

Applying for a Dispensary Registration Certificate

- A sworn statement certifying that the dispensary is in compliance with local zoning restrictions
- Dispensary's by-laws containing provisions for the disposition of revenues and receipts
- A business plan demonstrating the on-going viability of the dispensary on a not-for-profit basis
- Application fee

Applying for Approval to Operate a Dispensary

- A person holding a dispensary registration certificate shall submit to ADHS at least 60 days before the expiration of the certificate, an application in a Department-provided format, including, but not limited to the following:
 - Legal name and registry ID number of dispensary
 - Physical address of the proposed dispensary
 - Name, address, and date of birth of each dispensary agent

Applying for a Dispensary Registration Certificate

- Name / license # of the dispensary's medical director
- If applicable, the physical address of the dispensary's cultivation site
- Dispensary's Transaction Privilege Tax Number
- Proposed hours of operation
- Whether the dispensary agrees to allow the Department to submit supplemental requests for information

Applying for a Dispensary Registration Certificate

- Whether the dispensary, and if applicable, the dispensary's cultivation site are ready for an inspection by the Department (or if not, when the dispensary will be ready)
- Attestation that the information provided in the application is true and correct
- Signature(s) and date signed
- Copy of the certificate of occupancy or other documentation issued by the local jurisdiction to the applicant authorizing occupancy of the building (dispensary and if applicable, cultivation site)

Applying for a Dispensary Registration Certificate

- A sworn statement certifying that the dispensary is in compliance with local zoning restrictions
- Distance to the closest public or private school from the dispensary and if applicable, the dispensary's cultivation site
- Site plan of dispensary and if applicable, the dispensary's cultivation site
- Floor plan and if applicable, the dispensary's cultivation site

Nonprofit Medical Marijuana Dispensary Medical Directors: What you should know...

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Nonprofit Medical Marijuana Dispensary Medical Directors

- The dispensary shall appoint a physician to function as medical director
- During operational hours, the medical director or another physician designated by the medical director must be on-site or able to be contacted
- Medical directors shall not establish a physician-patient relationship with or write medical marijuana certifications for QP's

Medical Director Functions

- A medical director shall:
 - Develop and provide training to the dispensary agents at least once every 12 months, from the point of obtaining a certificate:
 - Guidelines for providing information to QP's related to risks, benefits and side effects associated with MM
 - Recognizing signs and symptoms for substance abuse

Medical Director Functions

- Guidelines for providing support to QP's related to the QP's self-assessment of the QP's symptoms including a rating scale for pain, cachexia or wasting syndrome, nausea, seizures, muscle spasms, and agitation
- Guidelines for refusing to provide medical marijuana to a person who appears to be impaired or abusing MM, and

Medical Director Functions

- Assist in the development and implementation of review and improvement processes for patient education and support provided by dispensary
- Provide oversight for the development and dissemination of:
 - Educational materials for qualifying patients (QP) and designated caregivers (DC)
 - System for a QP or DC to document the QP's symptoms

Medical Director Functions

- System for a QP or DC to document the QP's pain, cachexia or wasting syndrome, nausea, seizures, muscle spasms, or agitation
- Policies and procedures for refusing to provide medical marijuana to an individual who appears to be impaired or abusing medical marijuana

Nonprofit Medical Marijuana Dispensary Agents: What you should know...

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Nonprofit Medical Marijuana Dispensary Agents

- Means a principal officer, board member, employee or volunteer of a nonprofit medical marijuana dispensary who is at least twenty-one years of age and has not been convicted of an excluded felony offense
- The Department may conduct criminal records checks in order to carry out this section

Nonprofit Medical Marijuana Dispensary Agents

- A dispensary agent shall be registered with the Department before volunteering or working at a dispensary
- A dispensary shall notify the Department within ten days after a dispensary agent ceases to be employed by or volunteer at the registered nonprofit medical marijuana dispensary

Dispensary Agent Applications for Registry Identification Cards

- A dispensary shall submit (annually) to ADHS an application for each dispensary agent in a Department-provided format, including, but not limited to the following:
 - DA's name, address, date of birth, photo, fingerprints, application fee, name and registry ID # of the dispensary, etc...
 - Attestation that the information provided in the application is true and correct

Dispensary Agent Applications for Registry Identification Cards

- Attestation signed and dated by the dispensary agent that they have not been convicted of an excluded felony offense as defined in A.R.S. § 36-2801
- One of the following:
 - A statement signed by the dispensary agent that they do not currently hold a valid registry ID card
 - The assigned registry ID number for the dispensary agent for each valid registry ID cards currently held by the agent
- Statement signed by the dispensary agent pledging not to divert marijuana pursuant to A.R.S. Title 36, Chapter 28.1

Dispensary Agent Functions

- Dispense medical marijuana
- Verify QP and DC before dispensing
- Maintain QP medical records
- Maintain an inventory control system
- Ensure that medical marijuana has required product labeling and analysis
- Provide required security

Dispensary Agent Functions

- Ensure that edible food products sold or provided are prepared only as permitted
- Maintain dispensary and cultivation site in a clean and sanitary condition

Questions?
Please visit our website at:
www.azdhs.gov/Prop203

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