ARIZONA MEDICAL MARIJUANA PROGRAM

Tina Wesoloskie, MPA
Office of Medical Marijuana Card Registry
Arizona Department of Health Services

Learning Objectives:
- List two medical conditions that qualify for medical marijuana in Arizona.
- Understand current cardholder statistics.

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# Arizona Medical Marijuana Program

AZ Association of Activity Professionals  
October 21, 2014

## Medical Marijuana States

<table>
<thead>
<tr>
<th>Medical Marijuana</th>
<th>Recreational</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Colorado</td>
</tr>
<tr>
<td>Arizona</td>
<td>Washington</td>
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<tr>
<td>California</td>
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<td>Delaware</td>
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<td>Hawaii</td>
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<td>Illinois</td>
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<td>Maine</td>
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<td>Maryland</td>
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<tr>
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<tr>
<td>New Mexico</td>
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<tr>
<td>Oregon</td>
<td></td>
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<tr>
<td>Rhode Island</td>
<td></td>
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<tr>
<td>Vermont</td>
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<tr>
<td>Washington D.C.</td>
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</table>

## Important Dates

- **Nov 2, 2010:** Proposition 203 passes  
- **April 14, 2011:** Medical Marijuana Act effective and accept applications for qualifying patients and design caregivers  
- **December 6, 2012:** First dispensary opens and dispenses

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Voting Results by County

<table>
<thead>
<tr>
<th>County</th>
<th>YES</th>
<th>NO</th>
<th>Total</th>
</tr>
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<tbody>
<tr>
<td>Apache</td>
<td>6816</td>
<td>11726</td>
<td>18,542</td>
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<tr>
<td>Cochise</td>
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<td>20979</td>
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<td>Coconino</td>
<td>20625</td>
<td>17561</td>
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<td>Gila</td>
<td>7800</td>
<td>9554</td>
<td>17,354</td>
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<tr>
<td>Graham</td>
<td>2926</td>
<td>5906</td>
<td>8,832</td>
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<tr>
<td>Greenlee</td>
<td>1101</td>
<td>1248</td>
<td>2,349</td>
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<td>Maricopa</td>
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<td>484591</td>
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<td>Mohave</td>
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<td>26526</td>
<td>52,305</td>
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<tr>
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<td>4506</td>
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<td>Yavapai</td>
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<td>Yuma</td>
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<td>19499</td>
<td>32,617</td>
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<td>Total</td>
<td>841,348</td>
<td>837,008</td>
<td>1,678,356</td>
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ADHS’ Responsibilities

- The Department is responsible for issuing registry identification cards or certificates to:
  - Qualifying patients - Designated Caregivers
  - Dispensary agents – Dispensaries
- Licensing and regulatory oversight of dispensaries statewide

Program Funding

The program is fully funded through registry card and dispensary registration fees.

- Qualifying Patient Cards - $150/$75
- Designated Caregiver Cards - $200
- Dispensary Agent Cards - $500
- Dispensary Fees - $5000 initial $1000 annual renewal
Qualifying Patients

Qualifying Patient (QP) Eligibility
Requirements for Medical Marijuana

- Must submit an application for, and obtain a registry identification card issued by the ADHS
  - Personal demographic and identification information
  - Written certification from physician
  - Attestation not to divert marijuana and application is true and correct
  - Copy of identification
  - Current photograph (to be placed on the card)
  - May designate a caregiver
  - May request to cultivate (if they live more than 25 miles from a dispensary) or request caregiver to cultivate

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, PTSD* or
  - A chronic or debilitating disease or medical condition (or the treatment for) that causes
    - wasting syndrome
    - severe and chronic pain
    - severe nausea
    - seizures
    - severe or persistent muscle spasms
Adding a Debilitating Medical Condition

- ADHS is required to accept petitions to add to list of debilitating medical conditions
- To date, ADHS has accepted and reviewed 6 rounds of petitions. PTSD will be added January 1, 2105.

Qualifying Patient (QP) Eligibility Requirements

- Must have a written certification from a physician confirming diagnosis of QP's debilitating medical condition
  - doctor of medicine
  - doctor of osteopathic medicine
  - naturopathic physician
  - homeopathic physician

Physician's Responsibility

- Examine the patient
- Establish and review medical records
- Make or confirm the diagnosis
- Discuss risks & benefits of the medical use of marijuana
- Check the QP’s profile in the controlled substance monitoring database
Qualifying Patient Regulations

- May obtain up to 2 ½ ounces of marijuana every 14-calendar days
- If authorized to cultivate (up to 12 plants) in an enclosed, locked facility
  - If the QP designates a caregiver, the caregiver can grow up to 12 plants for the QP
- May “give” (no compensation) usable marijuana and marijuana plants to dispensaries

Qualifying Patient (QP) Eligibility Requirements

- QP under the age of 18
  - Requires certification from 2 separate physicians
  - Parents or legal guardians must become the caregiver and attest to:
    - Assist and allow their minor patient with medical use
    - Will not divert the marijuana
    - Have not been convicted of an excluded felony offense

Qualifying Patient Cards

Fees are $150 per year, $75 if food stamp eligible. Requires annual renewal.

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Cardholder Statistics
September 20, 2014 Data

- Qualifying Patients: 55,332
- Minor Patients: 108
- Caregivers: 490
- Dispensary Agents: 1,331

Age Breakdown for QPs
September 30, 2014 Data

<table>
<thead>
<tr>
<th>Age</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>&lt;18</td>
<td>2</td>
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<tr>
<td>18-30</td>
<td>23.8</td>
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<tr>
<td>31-40</td>
<td>19.4</td>
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<tr>
<td>41-50</td>
<td>16.6</td>
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<td>51-60</td>
<td>21.3</td>
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<td>61-70</td>
<td>15.1</td>
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<tr>
<td>71-80</td>
<td>3</td>
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<tr>
<td>81+</td>
<td>0.7</td>
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Authorized to Cultivate
September 30, 2014 Data

<table>
<thead>
<tr>
<th>Authorized to Cultivate</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Qualifying Patients</td>
<td>1,564</td>
<td>2.8</td>
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<tr>
<td>Caregivers</td>
<td>356</td>
<td>59.6</td>
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QP Gender

<table>
<thead>
<tr>
<th>Gender</th>
<th>Frequency</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Female</td>
<td>17,782</td>
<td>32.1</td>
</tr>
<tr>
<td>Male</td>
<td>37,658</td>
<td>67.9</td>
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SNAP Eligible
June 2014 Data

Approximately 13% of the active QP cardholders were determined to be SNAP eligible. The application fee is reduced from $150 to $75 for those who are on the food stamp program.

Designated Caregivers
Designated Caregiver Regulations

- Must be at least 21 years of age
- Must not have been convicted of an excluded felony offense (fingerprints required)
- Can provide care for up to 5 qualifying patients
- If authorized, can grow up to 12 plants for each qualifying patient if the qualifying patient(s)
- Must have a separate registry identification card for each qualifying patient

Designated Caregiver Cards

Fees are $200 per designated caregiver card (for up to 5 qualifying patients). Requires annual renewal.

Medical Marijuana Dispensaries
Medical Marijuana Dispensaries

• Not-for-profit entity that may:
  – Dispense
  – Acquire
  – Cultivate
  – Prepare and sell edibles
  – Transport

• A dispensary may receive compensation for expenses incurred in its operation.

Community Health Analysis Areas
CHAA

• Statute allows ADHS to issue one dispensary registration certificate for every ten pharmacies in the state. Based on this calculation, the maximum number of potential dispensaries is 126.

• Dispensaries were distributed throughout the state using the Community Health Analysis Areas (CHAA) map.

• Only one dispensary is allowed per CHAA at this time.
1st Year DRC Application Process

- A total of 486 dispensary certificate applications were received from May 15th through 25th, 2012.

- A total of 98 registration certificates were allocated through a random selection process on August 7, 2012.

- Prior to opening, allocated dispensaries are required to submit an application to operate at least 60 days prior to the expiration of the certificate (August 7, 2013).

Approval to Operate Applications

Approval to operate applications must include, but is not limited to:

- Site plans
- Floor plans
- Certificate of occupancy from local jurisdiction

Approval to Operate and Compliance Inspections

Inspections are conducted at each dispensary including off-site cultivation sites, if applicable.

- Inventory control system
- Qualifying patient records
- Security requirements (cameras, panic buttons, etc.)
Dispensary Status

- Dispensaries Approved: 88
- Dispensaries Operating: 83
- Cultivation Sites: 52
- Kitchens: 14

Continued Oversight

- Conduct regular compliance inspections
- Conduct inspections in response to complaints received from the public, patients or other dispensaries
- Processing dispensary registration renewals every year
Medical Marijuana Dispensary Agents

- Must be at least 21
- Cannot have been convicted of an excluded felony offense
- Volunteers working within a dispensary are required to obtain a dispensary agent card.
- Dispensaries must apply for ID cards ($500/card) for each dispensary agent

Dispensary Medical Directors

- Every dispensary is required to appoint a physician to serve as the medical director
- Provide training to dispensary agents
- Develop education materials for qualifying patients
- Must be onsite or available by phone during dispensing hours
- May not provide written certifications for medical marijuana for any qualifying patient

Dispensary Agent Cards

[Image of a card with text and barcodes]
### Infused Food Products

- Obtain written authorization from ADHS to prepare or sell
- Ensure all products are prepared and sold according to the State Health Code for food
- Edibles may only be produced at the dispensary or cultivation site

### Point of Sale (POS)/Verification System

- Password-protected website:
  - Verification system for law enforcement, employers, and dispensary agents
  - Point of Sale system for dispensary agents
  - Dispensary Agent applications
POS/Verification System

• Key points:
  – Employers may use the verification system only to verify a registry identification card that is provided to the employer by a current employee or by an applicant who has received a conditional offer of employment.
  – Law enforcement will be able to see the last 60 days of transactions from a dispensary

AMMA Highlights

*Protections, Limitations, Etc.*

A.R.S. 36-2801

Medical Marijuana Act

Confidentiality (§36-2810)

• The AMMA has a strict confidentiality statute
• ADHS cannot disclose information to anyone regarding:
  – Cardholder names or information contained within their applications
  – Physical addresses of dispensaries*
  – Physicians who certify patients

*ADHS does provide the names and addresses of dispensaries to active qualifying patients.
Presumption of Medical Use

- Presumption exists if the designated caregiver or patient:
  - Is in possession of a registry identification card
  - Is in possession of an amount of marijuana that does not exceed the allowable amount
  - Conduct related to the marijuana is for the purposes pursuant to the AMMA

Limitations

AMMA does not authorize or prevent the imposition of penalties for:

- Operating, navigating, or being in actual physical control of any motor vehicle, aircraft, or motorboat while under the influence of marijuana
  - except that a registered GP shall not be considered to be under the influence of marijuana solely because of the presence of metabolites or components of marijuana that appear in insufficient concentration to cause impairment

Limitations

- AMMA does not authorize or prevent the imposition of penalties for:
  - Undertaking any task under the influence of marijuana that would constitute negligence or malpractice
  - Possessing or engaging in the medical use of marijuana:
    - On a school bus
    - On the grounds of any preschool or primary or secondary school
    - In any correctional facility
  - Smoking marijuana:
    - On any form of public transportation
    - In any public place
**“Public Place”**
*Defined in A.A.C. R9-17-101(24)*

- Location, facility, or venue that is not intended for the regular exclusive use of an individual or a specific group of individuals
- Includes, but is not limited to:
  - Airports, banks, bars, restaurants, child care facilities, common areas of multifamily housing facilities, educational facilities, office buildings, parking lots, parks, sidewalks, retail service establishments, shopping malls, waiting rooms, etc.

**“Public Place”**

- Does **not** include:
  - Nursing care institutions*
  - Hospices*
  - Assisted living centers*
  - Assisted living homes*
  - Adult day health care facilities*
  - Adult foster care homes*
  - Private residences

* As defined in A.R.S. § 36-401

**Medical Marijuana Act:**
**Acts Not Required**

- Nothing in the Act requires:
  - Any person or establishment in lawful possession of property to allow a guest, client, customer, or other visitor to use marijuana on or in that property
  - An employer to allow the ingestion of marijuana in any workplace or any employee to work while under the influence of marijuana
    - except that a registered QP shall not be considered to be under the influence of marijuana solely because of the presence of metabolites or components of marijuana that appear in insufficient concentration to cause impairment
Medical Marijuana Act: Acts Not Prohibited

- Nothing in the Act prohibits an employer from disciplining an employee for ingesting marijuana in the workplace or working while under the influence of marijuana.

Protections/Discrimination

- Unless a failure to do so would cause an employer to lose a monetary or licensing related benefit under federal law or regulations…
  - an employer may not discriminate against a person in hiring, termination, or imposing any term or condition of employment or otherwise penalize a person based upon either:

Protections/Discrimination

- The person’s status as a cardholder
  - OR...
- A registered QP’s positive drug test for marijuana components or metabolites
  - unless the patient used, possessed, or was impaired by marijuana on the premises of the place of employment or during the hours of employment.
Questions?
www.azdhs.gov/MedicalMarijuana/

Juli Boles
Dispensary Program Manager
bolesj@azdhs.gov
602.364.0926

Tina Wesoloskie
Medical Marijuana Card Registry Office Chief
602.364.1754
wesolot@azdhs.gov

Health and Wellness for all Arizonans