

**Questions re: Medical Marijuana in
Assisted Living**

1. Can you explain how the AZ Statute will affect Assisted Living communities?

A.R.S. 36-2805 allows, but does not require, assisted living facilities to adopt reasonable restrictions on the use of marijuana by residents and specifies some of the types of restrictions that may be adopted. However, the statute also states that an assisted living facility may not “unreasonably limit a registered qualifying patient’s access to or use of marijuana ... unless failing to do so would cause a facility” to be penalized under Federal law or regulations.

2. Will our facilities be able to keep marijuana in medication rooms and dispense like other medications?

A.R.S. 36-2805 allows, but does not require, assisted living facilities to store marijuana in medication rooms. However, any individual who assists the qualifying patient with the qualifying patient’s medical use of marijuana (dispenses the marijuana to the resident) will have to be a designated caregiver for the qualifying patient. In addition, only the designated caregiver or qualifying patient may have access to the marijuana, whether the marijuana is stored in the medication room or the patient’s room.

3. What forms does marijuana come in? What if we are a no smoking facility?

The Department understands that medical marijuana may be available as edible food products, suppositories, tinctures, lotions, and other types of infused products. The “reasonable restrictions” allowed by A.R.S. 36-2805 may include that marijuana must “be consumed by a method other than smoking.”

4. How will we determine if a person applying for a job is impaired? What constitutes impairment? We have concerns re staff with marijuana cards being able to provide personal care, lift, transfer residents, etc.

The determination of how an assisted living facility would establish that an individual is impaired is beyond the scope of the Department’s authority.

5. Can staff go to a dispensary and get a resident’s marijuana for him/her?

A dispensary is required by A.R.S. 36-2806.02 to verify that an individual requesting medical marijuana from the dispensary is eligible to receive the marijuana from the dispensary. A qualifying patient’s designated

caregiver is eligible to pick up medical marijuana for the qualifying patient. Therefore, if a qualifying patient has chosen a staff member as the qualifying patient's designated caregiver, that staff member may get medical marijuana for the qualifying patient from a dispensary.

6. *Can physicians write recommendations for residents to receive medical marijuana without the resident having a "card"?*

A qualifying patient must obtain a written certification (recommendation) from a physician for medical marijuana before submitting an application for a registry identification card.

7. *How will surveyors assess a facility's marijuana's policies?*

Policy decision by ADHS.

8. *Can an assisted living facility choose not to allow marijuana use by residents?*

A.R.S. 36-2805 states that an assisted living facility may not "unreasonably limit a registered qualifying patient's access to or use of marijuana ... unless failing to do so would cause a facility" to be penalized under Federal law or regulations. Unless the facility can demonstrate that allowing the reasonable use of marijuana would cause the facility to be penalized, the facility may not prohibit the medical use of marijuana by residents who are registered qualifying patients.