# Arizona Medical Marijuana Program

Arizona Department of Health Services March 2013





### Outline

- Important Dates
- Voting Results by County
- AZ Medical Marijuana vs. Other Medical Marijuana Laws
- Qualifying Patients
- Designated Caregivers
- QP and CG Statistics
- Nonprofit Medical Marijuana Dispensaries
- MM Infused-Edible Food Products
- Point of Sale/Verification System
- AMMA Highlights: Protections, Limitations, Etc.





### Medical Marijuana States

Alaska Arizona California Colorado Connecticut Delaware Hawaii Maine Massachusetts Michigan

Montana Nevada New Mexico **New Jersey** Oregon Vermont Rhode Island Washington Washington D.C.







### **Important Dates**

- Nov 2, 2010: Proposition 203 passes
- Dec 17, 2010: ADHS posts informal draft Rules for public comment
- Dec through Feb 2011: ADHS receives public comment & holds 4 public meetings
- March 28, 2011: ADHS publishes Final Rules
- April 14, 2011: Medical Marijuana Act effective
- April 14, 2011: ADHS begins to accept applications for qualifying patients and designated caregivers
- March 15, 2012: ADHS begins to accept renewal applications for qualifying patients and designated caregivers
- May 14-25, 2012: ADHS accepted dispensary applications
- August 7, 2012: ADHS allocated dispensary registration certificates via a Random Selection Process
- December 6, 2012: First dispensary opens and dispenses





### 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





# Arizona Medical Marijuana v. Other Medical Marijuana Laws - *Differences*

- Premise this is the Arizona <u>Medical</u> Marijuana Act, not the Arizona <u>Recreational</u> Marijuana Act
  - Unlike several other Medical Marijuana laws, the Arizona Medical Marijuana Act:
    - Requires registry identification cards
    - Limits the number of dispensaries
    - Has the support of the various Medical Boards





# Arizona Medical Marijuana vs. Other Medical Marijuana Laws - *Differences*

- Includes several requirements for and expectations of physicians who may provide qualifying patients (QP's) with written certifications
- Requires dispensaries to appoint an individual who is a physician to function as a medical director
- Requires dispensaries to develop, document and implement policies and procedures regarding inventory control





# Arizona Medical Marijuana VS Other Medical Marijuana Laws - Similarities

- Similar to other Medical Marijuana laws, the Arizona Medical Marijuana Act:
  - Requires dispensaries to install specific security equipment to deter and prevent unauthorized access to medical marijuana







### ADHS' Licensing Responsibilities

- The Department is responsible for issuing registry identification cards or registration certificates to the following:
  - Qualifying patients
  - Designated caregivers
  - Dispensaries
  - Dispensary agents





# **Qualifying Patients**





### 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
    - severe or persistent muscle spasms or
  - A debilitating medical condition or treatment approved by ADHS under A.R.S. 36-2801.01 and A.A.C. R9-17-106
  - Adding Debilitating Medical Conditions process every January and July starting in 2012







- Every January and July ADHS accepts petitions to add to the list of debilitating medical conditions
- The petitioner must submit:
  - Name, mailing address, telephone #, email
  - Name of medical condition
  - Description of the symptoms
  - Availability of conventional medical treatments
  - Summary of evidence that MM will provide benefit
  - Peer-reviewed, scientific journal articles reporting results of research on MM benefits specific to the condition





- Review process:
  - Did the petitioner submit all required components?
  - If so, does petition
    - Provide evidence that the condition impairs the ability to accomplish activities of daily living?
    - Provide evidence that marijuana use would provide therapeutic or palliative benefit for the condition?
  - ADHS Medical Committee meets to decide next step







- ADHS would hold a public hearing to receive input and hear testimony regarding the condition
- ADHS works with U of A Colleges of Public Health and Medicine to conduct additional scientific research
- ADHS Medical Committee meets again to evaluate:
  - Outcome of public hearing
  - Additional research by U of A
  - Makes recommendation to Director





- January 2012
  - 4 conditions made it to public hearing
    - PTSD, Migraines, Generalized Anxiety Disorder, Depression
    - Director's Decision: none are added
- July 2012
  - 2 petitions submitted (sleeping disorders & skin conditions)
  - These were not complete and did not move forward to public hearing
- January 2013
  - 1 petition submitted (Atopic Dermatitis)
  - This was not complete and is not moving forward to public hearing





### Qualifying Patient (QP) Eligibility Requirements

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

FO	R <u>ALL</u> QUALIFYING PATIENTS
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Arizona License Number:	Type: MD DO NMDND MD(H)/DO(H)
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Amyotrophic lateral sclerosis (ALS)	Cancer
Crohn's disease	Glaucoma
Human immunodeficiency virus (HIV)	Hepatitis C
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Health and Wellness for all Arizonans



Print Form

### Physician's Responsibility

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- Examine the patient
- Establish a medical record
- Review previous medical records
- Make or confirm the diagnosis
- Discuss risks & benefits of medical use of marijuana
- Check the QP's profile in the Controlled Substance Rx Monitoring Program Database
- Complete & sign the Physician Certification form
- Give the form to the QP to submit





# 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
  - May request to cultivate (if they live more than 25 miles from a dispensary)
  - Whether QP is designating a caregiver and if so, the designated caregiver's personal information and whether they are requesting that caregiver cultivate marijuana plants for QP's use
  - Attestation not to divert marijuana and application is true and correct
  - Copy of identification
  - Current photograph (to be placed on the card)





# **Qualifying Patient Regulations**

- May obtain 2 ½ ounces of marijuana every 14calendar days from a licensed dispensary
- 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
  - If the QP designates a caregiver, the caregiver can grow up to 12 plants for the QP if the QP lives more than 25 miles from a licensed dispensary
- May "give" (receive 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 caregiver and attest to:
    - Assisting minor patient with medical use
    - Allowing the minor to use the marijuana
    - Will not divert the marijuana to anyone who is not allowed to possess
    - Have not been convicted of an excluded felony offense







### **Qualifying Patients**

#### Patient ID Card



#### WARNING:

Marijuana use can be addictive and can impair an individual's ability to drive a motor vehicle or operate heavy machinery. Marijuana smoke contains carcinogens and can lead to an increased risk for cancer, tachycardia, hypertension, heart attack, and lung infection. KEEP MARIJUANA OUT OF REACH OF CHILDREN AND ANY UNAUTHORIZED INDIVIDUAL.

Call the Poison Control Hotline at 1-800-222-1222 if you have concerns.



Arizona Department of Health Services | Will Humble, Director www.azdhs.gov





# **Designated Caregivers**





### **Designated Caregiver Regulations**

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





### **Designated Caregiver**

- Must submit an application for and obtain a registry identification card issued by ADHS
  - Had to have been previously designated by QP
  - CG's personal demographic and identification information
  - Attestation
  - Copy of identification (driver's license, identification card, passport, previously issued registry card)
  - Current photograph (to be placed on the card)
  - Fingerprints (to be mailed to ADHS P.O. Box)

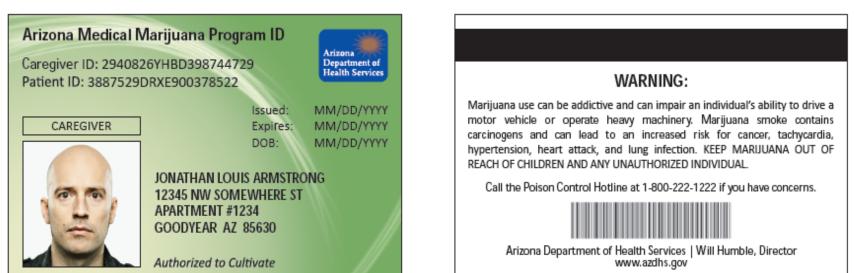






### **Designated Caregivers**

### Caregiver ID Card







# **QP** and **DC** Statistics





### Patient and Caregiver Statistics Cumulative 4.14.11 to 3.12.13

- 36,595 active individual qualifying patients; 737 active individual caregivers; 39 minor patients
- Approximately 72% of QPs request to cultivate (down from 83% before dispensaries were open)
- 72.35% of QPs Male

•Age of applicant (QPs)

- 18 Years
- ■18-30 Years
- ■31-40 Years
- ■41-50 Years
- ■51-60 Years
- ■61-70 Years
- ■71-80 Years
- ■81+ Years

- .11%
- 26.94%
- 20.19%
- 18.05%
- 21.28%
- 11.5%
- 1.64%
- .30%





### Patient and Caregiver Statistics Cumulative 4.14.11 to 3.12.13

- Chronic pain overwhelmingly (71.08%) reported as medical condition (underlying cause varies)
- Reported specific conditions: Cancer (1.9%) and Hepatitis C (1.79%)





# Nonprofit Medical Marijuana Dispensaries

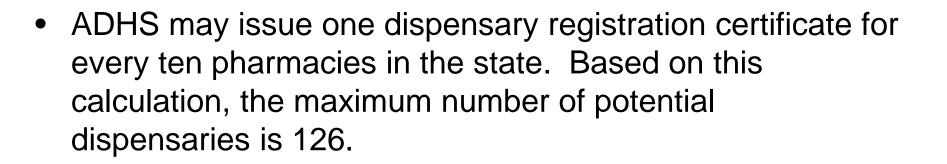




# Nonprofit Medical Marijuana Dispensaries

- Not-for-profit entity that:
  - Acquires
  - Cultivates
  - Dispenses

- Transports
- Delivers
- Manufactures









## Applying for a Dispensary Registration Certificate

- Applicants for a dispensary registration certificate were required to submit an application, including but not limited to:
  - Policies and procedures
  - Business plan
  - Zoning compliance and property ownership documentation
  - Application fee (\$5,000)





### Applying for a Dispensary Registration Certificate

- Evaluation criteria (optional)
  - Whether any individual who had 20% or more interest in the dispensary and was not the applicant or principal officer or board member of the dispensary
  - Whether the applicant submitted proof of \$150K to begin operating







# Dispensary Registration Certificate Allocation Process (1<sup>st</sup> Year)

- Dispensary registration certificates were issued based on one dispensary per Community Health Analysis Area (CHAA)
- If there was more than one dispensary registration certificate application for a CHAA that was complete and in compliance, the ADHS issued dispensary registration certificates using a random selection process
- There were a total of 98 registration certificates allocated on August 7, 2012.





# Applying for Approval to Operate a Dispensary

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





### Approval to Operate Applications

- Site plan
- Floor plan
- Conditional use permit, special use permit, or certificate of occupancy







### **Approval to Operate Inspections**

- Verification of:
  - Inventory control system
  - Security
  - Qualifying patient records
  - Authorized personnel verification
  - Product labeling and analysis
  - Cleaning and sanitation

Approval to operate inspections will be conducted at each dispensary to include off-site cultivation sites, if applicable.





## **Dispensary Status**

- ADHS has received 20 Approval to Operate Applications to date
- Currently, there are 9 approved dispensaries
  - -7 of those open and operating
- ADHS is scheduling inspections





## Nonprofit Medical Marijuana Dispensary Agents



- Means a principal officer, board member, employee, or volunteer who is at least 21
- Must sign an attestation that:
  - They have not been convicted of an excluded felony offense
  - They will not divert MM
- A dispensary agent shall be registered with ADHS before volunteering or working at a medical marijuana dispensary
- Dispensaries must apply for ID cards (\$500/card) for each dispensary agent





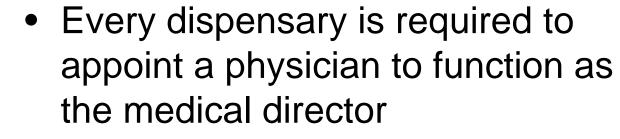
## **Dispensary Agent Functions**

- 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
- Ensure that edible food products sold or dispensed are prepared only as permitted
- Maintain dispensary and cultivation site in a clean and sanitary condition
- If transporting, agents are to:
  - Carry and complete a trip plan
  - Use a vehicle without any MM identification





## **Dispensary Medical Directors**



- Must be onsite or available by telephone or pager
- Must designate another physician to cover as medical director in their absence
- Cannot provide a written certification for medical marijuana for any qualifying patient





## Dispensary Medical Directors Duties

- Duties
  - Develop and provide training to dispensary agents every year
  - Help develop educational materials for QPs and caregivers
  - Develop a system to help QPs track symptoms, marijuana usage, and side effects





# MM Infused Edible Food Products





### Infused Food Products

- A dispensary that prepares, sells, or dispenses marijuana-infused edible food products shall:
  - Obtain written authorization from ADHS
  - If dispensary prepares, sells or dispenses infused food, ensure the products are prepared, sold or dispensed according to the requirements in the State Health Code
  - If infused food is not prepared at the dispensary, obtain and maintain a copy of written authorization to prepare from the dispensary that prepares the food





## Point of Sale (POS)/Verification System





## **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











Welcome to the AZ Medical Marijuana Card Verification/Point of Sale System.

This portal will be used to verify/validate Medical Marijuana Cards, as well as submission of Dispensary Medical Marijuana Transactions. In order to register for access, please select your appropriate role from the list below.

Sign In To Your Account Today



Home Login

Employers This system is accessible to employers to allow for lawful Arizona Medical Marijuana Card verification.

Employer Registration



This system is accessbile to AZ Law Enforcement Officers to allow for lawful Medical Marijuana Card verification, as well as lawful Medical Marijuana Transaction verfication.

Law Enforcement Registration



Dispensary Agents This system is accessible to AZ Medical Marijuana Dispensary Agents to allow for lawful Medical Marijuana Card verification, as well as to record lawful Medical Marijuana transactions.

Dispensary Agent Registration



Dispensary Members This system is accessible to AZ Medical Marijuana Dispensary Members to allow for lawful Medical Marijuana Card verification, as well as to record lawful Medical Marijuana transactions.

Dispensary Member Registration





# AMMA Highlights Protections, Limitations, Etc.





Medical Marijuana Act Confidentiality (§36-2810)

- The AMMA has a strict confidentiality statute
- ADHS cannot disclose information to anyone regarding:
  - Applications (content & supporting info)
  - Physical addresses of dispensaries
  - Cardholder names
  - Physicians who certify





## Protections Under the Medical Marijuana Act

 No school, landlord, or employer may be penalized or denied any benefit under state law for enrolling, leasing to, or employing a registered qualifying patient or a registered designated caregiver





#### Limitations Under the Medical Marijuana Act

- MM Act does not authorize or prevent the imposition of penalties for engaging in the following:
  - 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







# Limitations Under the Medical Marijuana Act

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 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







#### "Public Place" Defined

- 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" Defined

- Does <u>not</u> 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: 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 <u>may not</u> discriminate against a person in hiring, termination, or imposing any term or condition of employment or otherwise penalize a person based upon either:
  - The person's status as a cardholder
    - OR...





## Medical Marijuana Act: Discrimination

 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





## 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









#### References

- Marijuana as Medicine?: The Science Beyond the Controversy:
  - <u>http://iom.edu/Reports/2000/Marijuana-as-Medicine-The-Science-Beyond-the-Controversy.aspx</u>
- Marijuana and Medicine: Assessing the Science Base (1999)
  - http://www.nap.edu/openbook.php?record\_id=6376
- Arizona Medical Marijuana Website:
  - www.azdhs.gov/medicalmarijuana
- The DEA Position on Marijuana
  - <u>http://www.justice.gov/dea/marijuana\_position.pdf</u>
- DEA Drug Fact Sheet: Marijuana
  - <u>http://www.justice.gov/dea/pubs/abuse/drug\_data\_sheets/Marijuana.pdf</u>





## Questions? Please visit our website at: <u>www.azdhs.gov/MedicalMarijuana/</u>



