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## **Proposition 203 – Arizona Medical Marijuana Act Frequently Asked Questions**

### **What is Proposition 203 or the Arizona Medical Marijuana Act?**

Proposition 203 allows a "qualifying patient" who has a "debilitating medical condition" to obtain an "allowable amount of marijuana" from a "nonprofit medical marijuana dispensary" and to possess and use the marijuana (cannabis) to treat or alleviate the debilitating medical condition or symptoms associated with the condition. Under Proposition 203, the Arizona Department of Health Services (ADHS) is required to adopt and enforce a regulatory system for the distribution of marijuana for medical use, including a system for approving, renewing and revoking the registration of qualifying patients, designated caregivers, nonprofit dispensaries, and dispensary agents. The costs of the regulatory system will be paid from application and renewal fees collected, civil penalties imposed, and private donations received pursuant to this proposition.

### **Who will qualify to receive a medical marijuana registration card?**

A "qualifying patient" is defined in Proposition 203 as a person who has been diagnosed by a physician (a doctor of medicine, osteopathy, naturopathic medicine, or homeopathy) as having one of the following debilitating medical conditions:

- Cancer
- Glaucoma
- Positive status for human immunodeficiency virus
- Acquired immune deficiency syndrome
- Hepatitis C
- Amyotrophic lateral sclerosis
- Crohn's disease
- Agitation of Alzheimer's disease

A chronic or debilitating disease or medical condition that produces any of the following:

- Cachexia or wasting syndrome
- Severe and chronic pain
- Severe nausea
- Seizures (including those characteristic of epilepsy) or
- Severe and persistent muscle spasms (including those characteristic of multiple sclerosis)

A qualifying patient's "designated caregiver" and a "dispensary agent" will also receive registration cards under Proposition 203.

**How can a person register?**

A qualifying patient will have to apply for a registration card and submit a signed written certification issued by the qualifying patient's physician, stating that in the physician's professional opinion the patient would likely receive therapeutic or symptom-relieving benefits from the medical use of marijuana to treat or alleviate a debilitating medical condition. The certification will have to specify the debilitating medical condition and be made in the course of a physician-patient relationship after the physician has completed a full assessment of the patient's medical history. If the qualifying patient is under 18 years of age, the patient's custodial parent or legal guardian will have to submit written certifications from two physicians, and the custodial parent or legal guardian will have to consent in writing to control the patient's medical use of the marijuana. The process will be described in the rules ADHS will be developing.

**How much marijuana can a qualifying patient buy?**

A qualifying patient registered with ADHS (or a registered designated caregiver on behalf of the qualifying patient) will be able to obtain up to 2.5 ounces of marijuana in a 14-day period from a registered nonprofit medical marijuana dispensary. If the qualifying patient's home is located more than 25 miles from the nearest nonprofit medical marijuana dispensary, the patient or designated caregiver will be able to cultivate up to 12 marijuana plants in an enclosed, locked facility.

**How will the dispensaries work?**

A medical marijuana dispensary registered with ADHS will have to be operated on a not-for-profit basis, but will be able to receive payment for all expenses incurred in its operation. ADHS will not be able to issue more than one nonprofit medical marijuana dispensary registration certificate for every ten pharmacy permits issued by the Arizona State Board of Pharmacy under current law. A dispensary will be able to cultivate marijuana only in an enclosed, locked facility and will be able to acquire marijuana from other registered nonprofit dispensaries or from a registered qualifying patient or designated caregiver if the patient or caregiver is not compensated for the marijuana. Proposition 203 specifies various security, record-keeping, and verification requirements a registered dispensary will have to follow relating to the operation of the dispensary. These will be better described in the rules ADHS will be developing.

**What protections will the card provide to the patient?**

Proposition 203 generally provides that any person who acts in conformity with the requirements of the proposition is not be subject to any governmentally imposed sanction relating to the medical use of marijuana.

This proposition will prohibit certain discriminatory practices, including:

1. A school or landlord will not be able to refuse to enroll or lease to a person registered pursuant to this proposition unless failing to do so would cause the school or landlord to lose a monetary or licensing benefit under federal law;
2. An employer will not be able to discriminate against a person registered pursuant to this proposition in hiring, terminating, or imposing employment conditions unless failing to do so would cause the employer to lose a monetary or licensing benefit under federal law; and
3. An employer will not be able to penalize a qualifying patient registered pursuant to this proposition for a positive drug test for marijuana, unless the patient used, possessed, or was impaired by marijuana on the employment premises or during hours of employment.

## **What is still prohibited?**

Proposition 203 does not:

- Authorize a person to undertake any task under the influence of marijuana that constitutes negligence or professional malpractice.
- Authorize possessing or using medical marijuana on a school bus, on the grounds of a preschool, primary school, or high school, or in a correctional facility.
- Authorize smoking marijuana on public transportation or in a public place.
- Authorize operating, navigating, or being in actual physical control of a motor vehicle, aircraft, or motorboat while under the influence of marijuana. A registered qualifying patient will not be considered to be under the influence of marijuana solely because of the presence of marijuana in the person's system that appears in a concentration insufficient to cause impairment.
- Require a government medical assistance program or private health insurer to reimburse a person for costs associated with the medical use of marijuana.
- Require an owner of private property to allow the use of marijuana on that property.
- Require an employer to allow the ingestion of marijuana in the workplace.
- Prevent a nursing care or other residential or inpatient healthcare facility from adopting reasonable restrictions on the provision, storage and use of marijuana by residents or patients.

## **How can I apply for a card or to operate a dispensary?**

ADHS has begun a rulemaking process, which will include public hearings, to flesh out the details regarding applications and application fees for dispensaries and the issuance of cards. The rules will include a method for approving, renewing, and revoking the registration of qualifying patients, designated caregivers, nonprofit dispensaries, and dispensary agents. ADHS' goal would be to create an on-line application procedure for cards and dispensaries.

## **At what point would I be able to apply for a card or to operate a dispensary?**

The Department anticipates that the rulemaking process will likely take about 120 days and will follow the timeline below. Once the rules are in effect, ADHS will begin accepting applications.

- **December 17, 2010:** ADHS posts an initial informal draft of the rules
- **December 17, 2010 – January 7, 2011:** ADHS receives informal (electronic) public comment on the initial informal draft rules
- **January 31, 2011:** ADHS posts official draft rules for public comment
- **January 31, 2011 – February 18, 2011:** ADHS receive public comment on the official draft rules
- **February 15 – 17, 2011:** ADHS holds 3 public meetings about the draft rules:
  - Phoenix: Tuesday, February 15, 2011 at 1:00 pm, 250 N 17th Ave
  - Tucson: Wednesday, February, 16, 2011 at 1:00 pm, 400 W. Congress, Room 222
  - Phoenix: Thursday, February 17, 2011 at 1:00 pm, 250 N 17th Ave
- **March 28, 2011:** ADHS publishes the final Rules that will be used to implement the Act
- **April 2011:** ADHS begins to accept applications for registry identification cards and for dispensary certificates

**How can I stay in touch with what is happening?**

ADHS has created a website (<http://www.azdhs.gov/prop203/>) to inform the public about the rulemaking and what else is happening. This website includes a mechanism for people to subscribe to get electronic updates on what is happening.