

Medical Marijuana Delivery Guidelines

This document serves as general guidance for the delivery of medical marijuana and reminds a dispensary not to rely solely upon the statutes or rules referenced herein when determining compliance.

The delivery of medical marijuana to qualifying patients is not prohibited by the Arizona Medical Marijuana Act; however, a dispensary is required to comply with A.R.S Title 36, Chapter 28.1 and Arizona Administrative Code Title 9, Chapter 17.

Prior to delivering medical marijuana, the dispensary should ensure that doing so would not violate an ordinance or code adopted by the local governing body of a city, town, or county in which the dispensary is located or where medical marijuana is being delivered. It is within the authority of a local governing body to exclude and/or place restrictions on the delivery of medical marijuana.

Before considering delivery options, a dispensary should also assess its ability to perform transactions in real-time at the point in time and location at which the transaction occurs. The transaction must be recorded in the dispensary's point-of-sale/inventory control system and the medical marijuana electronic verification system at the time that the dispensary relinquishes possession of the medical marijuana to the qualifying patient or designated caregiver, regardless of location.

Administration

1. Policies and procedures are required to be developed by the dispensary detailing the process by which medical marijuana will be delivered and outlining the measures that the dispensary has implemented as a means of ensuring compliance with all applicable rules and statutes.
2. The policies and procedures must disclose whether mobile electronic devices will be utilized during the delivery process, if so, how they will be utilized, and how the dispensary will ensure confidentiality of patient information/records. (A.A.C. R9-17-310(A)(2)(d))

Transactions

1. Under statutes and rules, a dispensary is required to verify:
 - a. The validity of the qualifying patient's or designated caregiver's registry identification card through entry of appropriate information into the medical marijuana electronic verification system prior to consenting to delivery,
 - b. That the amount of medical marijuana the qualifying patient or designated caregiver is requesting would not cause the qualifying patient to exceed the limit on obtaining no more than two and one-half ounces of medical marijuana during any 14-calendar-day period prior to consenting to delivery, and
 - c. The identity of the qualifying patient or the designated caregiver prior to relinquishing possession of the medical marijuana and any appropriate patient education and support materials offered. (A.R.S. 36-2806.02 & A.A.C. R9-17-314)

GD-107-PHS-EDC: Medical Marijuana Delivery Guidelines

2. For transactions taking place at a location other than the dispensary, a dispensary should verify this information once more at the time and location of the transaction.
3. A dispensary is required to document the transaction at the point in time that the dispensary agent(s) relinquishes possession of the medical marijuana to the qualifying patient or designated caregiver, regardless of location, including:
 - a. An entry in the medical marijuana electronic verification system (R9-17-314) for the qualifying patient or designated caregiver that includes:
 - i. The amount of medical marijuana dispensed,
 - ii. Whether the medical marijuana was dispensed to the qualifying patient or to the qualifying patient's designated caregiver,
 - iii. The date and time the medical marijuana was dispensed,
 - iv. The dispensary agent's registry identification number, and
 - v. The dispensary's registry identification number;
 - b. An entry into the dispensary's point-of-sale and/or inventory control system (A.A.C. R9-17-316) reflecting the transaction; and
 - c. An entry on the qualifying patient's record, reflecting the transaction, containing applicable information as outlined in A.A.C. R9-17-315(C).
4. A dispensary is also required under A.A.C. R9-17-318 to:
 - a. Complete a trip plan,
 - b. Maintain a copy of the trip plan with the dispensary agent for the duration of the delivery,
 - c. Utilize a vehicle without any medical marijuana identification,
 - d. Maintain a means of communication with the dispensary,
 - e. Ensure that marijuana, marijuana plants, or marijuana paraphernalia are not visible, and
 - f. Update the trip plan upon returning to the dispensary with the end time of the trip and any changes to the trip plan. (A.A.C. R9-17-318 (B, C, D, E))
5. If marijuana-infused edible food products are being delivered, the dispensary must ensure that the marijuana-infused edible food products are transported according to applicable requirements in 9 A.A.C. 8, Article 1 (A.A.C. R9-17-319).

Note: The amount of marijuana in the possession of the dispensary agent or agent(s) transporting the medical marijuana is limited to the amount of marijuana requested by the qualifying patient or designated caregiver, and cannot exceed the amount disclosed on the original trip plan.