

Arizona Medical Marijuana: The Clinical Perspective








Arizona Department of Health Services (ADHS)

February 28, 2011

Leadership for a Healthy Arizona



Outline

- Important Dates 
- Voting Results by County 
- Arizona Medical Marijuana VS Other Medical Marijuana Laws 
- Qualifying Patients 
- Designated Caregivers 
- Nonprofit Medical Marijuana Dispensaries 
- Dispensary Restrictions and Precautions 

Important Dates

- Nov 2, 2010: Proposition 203 passes in the general election
- Dec 17, 2010: ADHS posts informal draft Rules for public comment
- Dec 17, 2010 – Jan 7, 2011: ADHS receives public comment on the informal draft Rules
- Jan 31, 2011: ADHS posts official draft Rules for public comment
- Jan 31 – Feb 18, 2011: ADHS accepts public comments on a revised draft of the Rules
 - Feb 14 – 17, 2011: ADHS holds 4 public meetings to receive comments about the draft Rules
- March 28, 2011: ADHS publishes Final Rules
- April 14, 2011: Medical Marijuana Act effective
- April 2011: ADHS begins to accept applications for qualifying patients and designated caregivers
- May 1, 2011: ADHS begins to accept applications for dispensary registration certificates

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

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**Department of
Health Services**


Arizona Becomes the 14th State to Legalize Medical Marijuana

- Alaska
- Arizona
- California
- Colorado
- Hawaii
- Maine
- Michigan
- Montana
- Nevada
- New Mexico
- Oregon
- Vermont
- Rhode Island
- Washington

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Important Note

 The following information is based upon the draft Rules published on January 31, 2011, and the State Law signed by the Governor in December 2010.

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Arizona Medical Marijuana VS Other Medical Marijuana Laws - Differences

- Premise – this is the Arizona Medical Marijuana Act, not the Arizona Recreational 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 Medical Board

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
 - Physician contact information, including license # / type
 - Statements, initialed by the physician that the physician:
 - » Agrees to assume responsibility for providing management and routine care of the QP's debilitating medical condition after conducting a full assessment of the QP's medical history
 - » Has established and is maintaining a medical record for the QP

Arizona Medical Marijuana VS Other Medical Marijuana Laws - Differences

- » Has conducted an in-person physical exam of the QP appropriate to the patient's presenting symptoms and debilitating medical condition diagnosed by the physician
- » Reviewed the QP's medical records including records from other treating physicians from the previous 12 months, response to conventional medications and medical therapies, and profile on the Arizona Board of Pharmacy Controlled Substances Prescription Monitoring Program database
- » Explained the potential risks and benefits of medical use of marijuana to QP

Arizona Medical Marijuana VS Other Medical Marijuana Laws - Differences

- » That the physician plans to continue to assess the QP and the QP's use of medical marijuana during the course of the physician-patient relationship
 - » That in the physician's professional opinion, the QP is likely to receive therapeutic or palliative benefit from the QP's medical use of marijuana to treat or alleviate the QP's debilitating medical condition
 - » That, if the physician has referred a QP to a dispensary, the physician has disclosed to the QP any personal or professional relationship the physician has with the dispensary
- Attestation that the information provided in the written certification is true and correct

Arizona Medical Marijuana VS Other Medical Marijuana Laws - Differences

- Requires dispensaries to appoint an individual who is a physician to function as a medical director
 - Develop and provide training to the dispensary's dispensary agents at least once every 12 months
 - » Guidelines for providing information to QP's related to risks, benefits, and side effects associated with medical marijuana
 - » Guidelines for providing support to QP's related to the QP's self-assessment of the QP's symptoms including a rating scale for pain, cachexia or wasting syndrome, nausea, seizures, muscle spasms, and agitation

Arizona Medical Marijuana VS Other Medical Marijuana Laws - Differences

- » Recognizing signs / symptoms for substance abuse
- » Guidelines for refusing to provide medical marijuana to an individual who appears to be impaired or abusing medical marijuana
- Assist in the development and implementation of review and improvement processes for patient education and support provided by the dispensary
- Provide oversight for the development and dissemination of:
 - » Educational materials for QP's and designated caregivers (i.e. alternative medical options, side effects, differing strengths of medical marijuana, drug-drug interactions)

Arizona Medical Marijuana VS Other Medical Marijuana Laws - Differences

- A system for a QP or the QP's designated caregiver to document the QP's pain, cachexia or wasting syndrome, nausea, seizures, muscle spasms, and agitation that includes:
 - » Log book for tracking the use and effects of of specific medical marijuana strains and products
 - » Rating scale for pain, cachexia or wasting syndrome, nausea, seizures, muscle spasms, and agitation
 - » Guidelines for self-assessment
 - » Guidelines for reporting usage and symptoms to the physician providing the written certification for medical marijuana and any other treating physicians

Arizona Medical Marijuana VS Other Medical Marijuana Laws - Differences

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

Qualifying Patients

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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 (including those characteristic of epilepsy, severe or persistent muscle spasms (including those characteristic of multiple sclerosis), or
 - A debilitating medical condition or treatment approved by ADHS under A.R.S. § 36-2801.01 and *R9-17-106

Qualifying Patient (QP) Eligibility Requirements for Medical Marijuana

- Must have a written certification from a physician confirming diagnosis of QP's debilitating medical condition
 - Physician means a **doctor of medicine** who holds a valid and existing license to practice medicine pursuant to Title 32, Chapter 13 or its successor, a **doctor of osteopathic medicine** who holds a valid and existing license to practice osteopathic medicine pursuant to Title 32, Chapter 17 or its successor, a **naturopathic physician** who holds a valid and existing license to practice naturopathic medicine pursuant to Title 32, Chapter 14 or its successor, or a **homeopathic physician** who holds a valid and existing license to practice homeopathic medicine pursuant to Title 32, Chapter 29 or its successor

QP Applications for Registry Identification Cards

- For a qualifying patient to be eligible to purchase marijuana for medical use, they must:
 - Submit to ADHS an application (for a registry identification card) in a Department-provided format, including, but not limited to the following:
 - QP's personal information

QP Applications for Registry Identification Cards

- Physician's contact information and written certification including initialed statements:
 - That physician made or confirmed diagnosis of QP's debilitating medical condition
 - An identification of one or more debilitating medical conditions
 - That physician agrees to assume responsibility for providing management and routine care of the QP's debilitating medical condition, after conducting a full assessment of the QP's medical history
 - That physician has established and is maintaining a medical record for the QP

QP Applications for Registry Identification Cards

- That physician has conducted an in-person physical exam of the QP
- That the physician reviewed:
 - » QP's medical records including those from other treating physicians for the previous 12 months
 - » QP's response to conventional medications and medical therapies
 - » QP's profile on the Arizona Board of Pharmacy Controlled Substances Prescription Monitoring Program database
- That the physician explained the potential risks and benefits of medical use of marijuana to QP

QP Applications for Registry Identification Cards

- That the physician plans to continue to assess the QP and the QP's use of medical marijuana during the course of the physician-patient relationship
- That in the physician's professional opinion, the QP is likely to receive therapeutic or palliative benefit from the QP's medical use of marijuana to treat or alleviate the QP's debilitating medical condition
- That, if the physician has referred a QP to a dispensary, the physician has disclosed to the QP any personal or professional relationship the physician has with the dispensary

QP Applications for Registry Identification Cards

- Physician attestation, including signature and date, that the information provided in the written certification is true and correct
- Whether the QP is requesting authorization for cultivating marijuana plants for the QP's medical use because the QP lives at least 25 miles from the nearest operating dispensary
- Whether QP is designating a caregiver and if so, the designated caregiver's information

QP Applications for Registry Identification Cards

- If QP is requesting authorization to cultivate marijuana plants, whether they are designating their caregiver to cultivate marijuana plants for the QP's medical use
- QP signed statement pledging not to divert marijuana to any person who is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1
- QP attestation, including signature and date, that the information provided in the application is true and correct

Qualifying Patient Regulations

- May obtain 2 ½ ounces of marijuana every two weeks 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

Designated Caregivers

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Designated Caregiver Regulations

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

Nonprofit Medical Marijuana Dispensaries

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Nonprofit Medical Marijuana Dispensaries

- Means a not-for-profit entity that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to cardholders. A nonprofit medical marijuana dispensary may receive payment for all expenses incurred in its operation
- The Department may not issue more than one dispensary registration certificate for every ten pharmacies, except if necessary to ensure that the department issues at least one dispensary registration certificate in each county

Dispensary Restrictions and Precautions - Limiting Diversion of Medical Marijuana

- There are many checks and balances in place limiting the potential diversion of medical marijuana from dispensaries to individuals that are not permitted to possess marijuana as per A.R.S. Title 36, Chapter 28.1

Dispensary Restrictions and Precautions – Attestations

- Dispensary agents (a principal officer, board member, employee or volunteer of a nonprofit medical marijuana dispensary)
 - Must sign attestation that they have not been convicted of an excluded felony offense as defined in A.R.S. § 36-2801
 - Must sign statement pledging not to divert marijuana to any individual who is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1

Dispensary Restrictions and Precautions – Criminal Record Checks

- The Department may conduct criminal records checks of dispensary agents (and designated caregivers) prior to issuing a registry identification card
 - Fingerprints must be submitted with the registry ID card application in a Department-provided format that includes the dispensary agent's (or designated caregiver's) name, date of birth, and social security number

Dispensary Restrictions and Precautions – Security

- A dispensary shall ensure that access to the enclosed, locked facility where marijuana is cultivated is limited to principal officers, board members, and designated agents of the dispensary
- During transportation, a dispensary agent shall:
 - Carry and complete a trip plan
 - Use a vehicle without any medical marijuana identification

Dispensary Restrictions and Precautions – Security

- To prevent unauthorized access to medical marijuana at the dispensary, and if applicable, the dispensary's cultivation site, the dispensary shall have the following:
 - Security equipment to deter and prevent unauthorized entrance into limited access areas that include:
 - Devices or a series of devices to detect unauthorized intrusion, which may include a signal system interconnected with a radio frequency method
 - Exterior lighting

Dispensary Restrictions and Precautions – Security

- Electronic monitoring
 - » Call-up monitor
 - » Video printer capable of immediately producing a clear still photo from any video camera image
 - » Video cameras (with battery backup) at entrances / exits, point of sale locations, grow rooms
 - » Storage of video recordings for at least 30 days
 - » Failure notification system
- Panic buttons
- Policies and procedures

Dispensary Restrictions and Precautions – Inventory Control

- A dispensary shall designate in writing a dispensary agent who has oversight of the dispensary’s medical marijuana inventory control system
 - Conduct audit every 30 days using generally accepted accounting principles
 - Corrective action and reports to local law enforcement as needed
 - Algorithm can be used to correlate plant weight to final product weight

Dispensary Restrictions and Precautions – Inventory Control

- A dispensary shall establish and implement an inventory control system documenting:
 - Each day's beginning inventory, acquisitions, harvests, sales, disbursements, disposal of unusable marijuana, and ending inventory

Dispensary Restrictions and Precautions – Inventory Control

- For each batch of marijuana cultivated:
 - Batch number
 - Whether batch originated from marijuana seeds or cuttings
 - Origin and strain of seed or cutting planted
 - Number of seeds or cuttings planted
 - Date the seeds or cuttings were planted
 - List of chemical additives used in cultivation
 - Number of female plants grown to maturity

Dispensary Restrictions and Precautions – Inventory Control

- Harvest information including:
 - Date of harvest
 - Final processed usable marijuana yield weight
 - Name and registry ID # of the dispensary agent responsible for the harvest
- Disposal of medical marijuana that is not usable marijuana including:
 - Description of and reason for disposal, including, if applicable the number of any male, failed, or unusable plants
 - Date and method of disposal, including name and registry ID # of dispensary agent responsible for disposal

Questions?

Please visit our website at:

www.azdhs.gov/Prop203

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