Arizona’s Medical Marijuana Act

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Center for Population Science and Discovery

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University of Arizona Lesson Title: Medical Marijuana
Important Dates

Nov 2, 2010: Prop 203 passes

April 14, 2011: MM Act effective and begins to accept applications for qualifying patients and designated caregivers

December 6, 2012: First dispensary opens and dispenses
<table>
<thead>
<tr>
<th>Medical Marijuana States</th>
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</thead>
<tbody>
<tr>
<td>Alaska</td>
</tr>
<tr>
<td>Arizona</td>
</tr>
<tr>
<td>California</td>
</tr>
<tr>
<td>Connecticut</td>
</tr>
<tr>
<td>Delaware</td>
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<tr>
<td>Hawaii</td>
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<tr>
<td>Illinois</td>
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<tr>
<td>Maine</td>
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<tr>
<td>Maryland</td>
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<tr>
<td>Massachusetts</td>
</tr>
<tr>
<td>Michigan</td>
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<tr>
<td>Minnesota</td>
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<tr>
<td>Montana</td>
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<tr>
<td>Nevada</td>
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<tr>
<td>New Hampshire</td>
</tr>
<tr>
<td>New Jersey</td>
</tr>
<tr>
<td>New Mexico</td>
</tr>
<tr>
<td>New York</td>
</tr>
<tr>
<td>Oregon</td>
</tr>
<tr>
<td>Rhode Island</td>
</tr>
<tr>
<td>Vermont</td>
</tr>
<tr>
<td>Washington</td>
</tr>
<tr>
<td>Washington D.C.</td>
</tr>
<tr>
<td>Guam</td>
</tr>
<tr>
<td>Recreational</td>
</tr>
<tr>
<td>Colorado (+Med)</td>
</tr>
<tr>
<td>Washington (+Med)</td>
</tr>
<tr>
<td>Oregon (+Med)</td>
</tr>
</tbody>
</table>
# Voting Results by County

<table>
<thead>
<tr>
<th>County</th>
<th>YES</th>
<th>NO</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apache</td>
<td>6816</td>
<td>11726</td>
<td>18,542</td>
</tr>
<tr>
<td>Cochise</td>
<td>18466</td>
<td>20979</td>
<td>39,445</td>
</tr>
<tr>
<td>Coconino</td>
<td>20625</td>
<td>17761</td>
<td>38,386</td>
</tr>
<tr>
<td>Gila</td>
<td>7800</td>
<td>9554</td>
<td>17,354</td>
</tr>
<tr>
<td>Graham</td>
<td>2926</td>
<td>5906</td>
<td>8,832</td>
</tr>
<tr>
<td>Greenlee</td>
<td>1101</td>
<td>1248</td>
<td>2,349</td>
</tr>
<tr>
<td>La Paz</td>
<td>2023</td>
<td>2319</td>
<td>4,342</td>
</tr>
<tr>
<td>Maricopa</td>
<td>480564</td>
<td>484591</td>
<td>965,155</td>
</tr>
<tr>
<td>Mohave</td>
<td>25779</td>
<td>26526</td>
<td>52,305</td>
</tr>
<tr>
<td>Navajo</td>
<td>9918</td>
<td>18328</td>
<td>28,246</td>
</tr>
<tr>
<td>Pima</td>
<td>174591</td>
<td>131017</td>
<td>305,608</td>
</tr>
<tr>
<td>Pinal</td>
<td>36942</td>
<td>38928</td>
<td>75,870</td>
</tr>
<tr>
<td>Santa Cruz</td>
<td>4840</td>
<td>4560</td>
<td>9,400</td>
</tr>
<tr>
<td>Yavapai</td>
<td>35839</td>
<td>44066</td>
<td>79,905</td>
</tr>
<tr>
<td>Yuma</td>
<td>13118</td>
<td>19499</td>
<td>32,617</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>841,348</strong></td>
<td><strong>837,008</strong></td>
<td><strong>1,678,356</strong></td>
</tr>
</tbody>
</table>
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 various Medical Boards
ADHS’ Licensing Responsibilities

The ADHS is responsible for issuing registry identification cards or registration certificates to:

– 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, ALS, Crohn’s disease, Agitation of Alzheimer’s disease, PTSD, or
  – A chronic or debilitating disease or medical condition (or the treatment for) that causes:
    • cachexia or wasting syndrome; or
    • severe and chronic pain; or
    • severe nausea; or
    • seizures; or
    • severe or persistent muscle spasms; or
    • any debilitating medical condition or treatment approved by ADHS Director (ARS. 36-2801.01 and AAC. R9-17-106)
      • ADHS accepts petitions to add new Debilitating Medical Conditions every January and July.
Adding a Debilitating Medical Condition

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
Adding a Debilitating Medical Condition

Review process:

– Did the petitioner submit all required components?
– If so, does the 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
Adding a Debilitating Medical Condition

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 UA
- Makes recommendation to ADHS Director
Adding a Debilitating Medical Condition

To date, ADHS has accepted and reviewed 7 rounds of petitions. PTSD was added January 1, 2015

Judicial review regarding decisions are common
Qualifying Patient (QP) Eligibility Requirements

Must have a written certification from a physician confirming diagnosis of QP’s debilitating medical condition.

Physicians defined by the voters as:
- doctor of medicine
- doctor of osteopathic medicine
- naturopathic physician
- homeopathic physician
Physician’s Responsibility

Physicians must attest that they have done the following for a successful application:

- Examined the patient
- Established a medical record
- Reviewed previous medical records
- Made or confirmed a qualifying diagnosis
- Discussed risks & benefits of medical use of marijuana
- Checked the QP’s profile in the Controlled Substance Rx Monitoring Program Database

Complete & sign the Physician Certification form
Qualifying Patient Regulations

May obtain up to 2 ½ ounces (70.8 g) of marijuana every 14- days

If authorized to cultivate (up to 12 plants) in an enclosed, locked facility
  – If the QP designates a caregiver, the caregiver can grow up to 12 plants for the QP

May “give” (no compensation) usable marijuana and marijuana plants to dispensaries
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

Fees are $150 per year, $75 if SNAP (food stamp) eligible. Requires annual renewal.
Designated Caregivers
Designated Caregiver Regulations

- Must be at least 21 years of age

- Must not have been convicted of an excluded felony offense (fingerprints required)

- Can provide care for up to 5 qualifying patients

- If authorized and designated by a patient(s), can grow up to 12 plants for each qualifying patient

- Must have a separate registry identification card for each qualifying patient
Designated Caregivers

Fees are $200 per designated caregiver card (for up to 5 qualifying patients). Requires annual renewal.
Cardholder Statistics
October 31, 2015 Data

Qualifying patients: 84,242
Minor patients: 141
Caregivers: 637
Dispensary agents: 2,060
### Patient Age Breakdown

**October 2015 Data**

<table>
<thead>
<tr>
<th>Age</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>&lt;18</td>
<td>0.15%</td>
</tr>
<tr>
<td>18-30</td>
<td>24.5%</td>
</tr>
<tr>
<td>31-40</td>
<td>20.1%</td>
</tr>
<tr>
<td>41-50</td>
<td>15.8%</td>
</tr>
<tr>
<td>51-60</td>
<td>19.2%</td>
</tr>
<tr>
<td>61-70</td>
<td>15.9%</td>
</tr>
<tr>
<td>71-80</td>
<td>3.4%</td>
</tr>
<tr>
<td>81+</td>
<td>0.7%</td>
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</tbody>
</table>
### QP Gender

*October 2015 Data*

<table>
<thead>
<tr>
<th>Gender</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Female</td>
<td>17,782</td>
<td>34%</td>
</tr>
<tr>
<td>Male</td>
<td>37,658</td>
<td>66%</td>
</tr>
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</table>
## Debilitating Conditions

<table>
<thead>
<tr>
<th>Condition</th>
<th>Number Pt</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alzheimers</td>
<td>36</td>
<td>&lt;1%</td>
</tr>
<tr>
<td>Cachexia</td>
<td>77</td>
<td>&lt;1%</td>
</tr>
<tr>
<td>Cancer</td>
<td>2,158</td>
<td>2.5%</td>
</tr>
<tr>
<td>Chronic &amp; Severe Pain</td>
<td>64,853</td>
<td>76.8%</td>
</tr>
<tr>
<td>Chrons Disease</td>
<td>381</td>
<td>&lt;1%</td>
</tr>
<tr>
<td>Glaucoma</td>
<td>605</td>
<td>&lt;1%</td>
</tr>
<tr>
<td>Hepatitis C</td>
<td>816</td>
<td>&lt;1%</td>
</tr>
<tr>
<td>HIV/AIDS</td>
<td>409</td>
<td>&lt;1%</td>
</tr>
<tr>
<td>Muscle Spasms</td>
<td>676</td>
<td>&lt;1%</td>
</tr>
<tr>
<td>Nausea</td>
<td>612</td>
<td>&lt;1%</td>
</tr>
<tr>
<td>PTSD</td>
<td>819</td>
<td>&lt;1%</td>
</tr>
<tr>
<td>Sclerosis</td>
<td>31</td>
<td>&lt;1%</td>
</tr>
<tr>
<td>Seizures</td>
<td>746</td>
<td>&lt;1%</td>
</tr>
<tr>
<td>Multiple Conditions</td>
<td>12,164</td>
<td>14.4%</td>
</tr>
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</table>
Nonprofit Medical Marijuana Dispensaries
Medical Marijuana Dispensaries

Not-for-profit entity that may:

– Dispense
– Acquire
– Cultivate
– Prepare and sell edibles
– Transport

• A dispensary may receive compensation for expenses incurred in its operation.
Community Health Analysis Areas (CHAAs)

- Statute allows ADHS to issue one dispensary registration certificate for every ten pharmacies in the state. Based on this calculation, the maximum number of potential dispensaries is 126.

- Dispensaries were distributed throughout the state using the Community Health Analysis Areas (CHAA) map.
Dispensary Registration Certificate Allocation Process (1st Year)

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 via a live-streamed lottery.
Approval to Operate Inspections

Verification of:

– Inventory control system
– Security
– Qualifying patient records
– Authorized personnel verification
– Product labeling and analysis
– Cleaning and sanitation
Dispensary Statistics

Dispensaries Approved: 90

Dispensaries Operating: 85?

Cultivation Sites: 55

Kitchens: 17
~6,200,719 or 97% of Arizonans are within 25 miles of an operating Medical Marijuana Dispensary

MAP DATE: 9/30/2014
Nonprofit Medical Marijuana Dispensary Agents

- Must be at least 21

- Cannot have been convicted of an excluded felony offense

- Volunteers working within a dispensary are required to obtain a dispensary agent card.

- Dispensaries must apply for ID cards ($500/card) for each dispensary agent
Dispensary Agent Functions

- Verify QP and DC before dispensing
- Maintain an inventory control system
- Ensure that marijuana has required product labeling
- 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

• Every dispensary is required to appoint a physician to serve as the medical director
  • Provide training to dispensary agents
  • Develop education materials for qualifying patients
  • Must be onsite or available by phone during dispensing hours
  • May not provide written certifications for medical marijuana for any qualifying patient
Dispensary Medical Directors

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
Dispensary Agent Cards

Arizona Medical Marijuana Program ID
Agent ID: 0176455DAMUS357001

Issued: 10/23/2014  
Expiry: 10/23/2015  
DOB: 03/16/1977

Dispensary Agent Cards

Color Bar Identifier
ADHS prints ID cards with colored bar identifiers as follows:
- Qualifying Patient – Yellow
- Designated Caregiver – Red
- Dispensary Agent – Blue
- Dispensary Member – Purple

Ultraviolet Security Image
Under a black light, the ADHS logo (without the copper sunburst) is revealed in the center of the card.

Clear Laminate Hologram
The words "Arizona Medical Marijuana Program" are printed across the card on three separate lines within the clear laminate—once across the top, middle, and bottom of the card.

WARNING:

Acquiring, possessing, cultivating, manufacturing, delivering, transferring, transporting, supplying, selling or dispensing marijuana may be a violation of local, state or federal laws. Possession of this card does not provide legal protection.

Keep Marijuana Out of Reach of Children and Any Unauthorized Individual.

Call poison control 1-800-323-1232 with concerns.

Arizona Department of Health Services | Will Humble, Director | www.azhealth.gov
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 to verify patient’s purchases (e.g. limit of 2.5 oz. every 2 weeks)
- 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.

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

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

[Sign In To Your Account Today]
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:

– Cardholder names or information contained within their applications
– Physical addresses of dispensaries*
– Physicians who certify patients

*ADHS does provide the names and addresses of dispensaries to active qualifying patients.
Presumption of Medical Use

Legal presumption exists if the designated caregiver or patient:

- Is in possession of a registry identification card
- Is in possession of an amount of marijuana that does not exceed the allowable amount
- Conduct related to the marijuana is for the purposes pursuant to the AMMA
Limitations

AMMA does not authorize or prevent criminal penalties for:

“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”
Limitations

AMMA does not authorize or prevent the imposition of criminal penalties for:

• 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”
“Public Place”
Defined in A.A.C. R9-17-101(24)

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.
Some institutions can restrict marijuana use among QPs including:

- 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: 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
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.
An employer **may not** 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
- 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.