



Town of Chino Valley

MEETING NOTICE TOWN COUNCIL

STUDY SESSION
Thursday, October 3, 2013
6:00 P.M.

Council Chambers
202 N. State Route 89
Chino Valley, Arizona

AGENDA

- 1) CALL TO ORDER; ROLL CALL
- 2) Discuss possible amendments to the Unified Development Ordinance with regard to regulations for Medical Marijuana. (Ruth Mayday, Planner)
- 3) Discuss possible amendments to the Unified Development Ordinance to provide parameters for the location of Recovery Homes in the community. (Ruth Mayday, Planner)
- 4) ADJOURNMENT

Dated this 30th day of September, 2013.

By: **Jami C. Lewis, Town Clerk**

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CERTIFICATION OF POSTING

The undersigned hereby certifies that a copy of this notice was duly posted at Chino Valley South Campus, Chino Valley Post Office, and Chino Valley North Campus in accordance with the statement filed by the Town Council with the Town Clerk.

Date: _____

Time: _____

By: _____
Jami C. Lewis, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Study Session

Meeting Date: 10/03/2013
Contact Person: Ruth Mayday, Planner
 Phone: 928-636-4427 x-1217
Department: Development Services
Item Type: N/A
Estimated length of Staff Presentation: 10 minutes
Physical location of item: NONE

Information

AGENDA ITEM TITLE:

Discuss possible amendments to the Unified Development Ordinance with regard to regulations for Medical Marijuana. (Ruth Mayday, Planner)

SITUATION & ANALYSIS:

During the September 10, 2013 regular meeting of Town Council, staff was directed by council to further research regulation of the cultivating of medical marijuana within the corporate boundaries of the Town. Based on an analysis of Arizona Revised Statutes 36-2801, the Arizona Department of Health Services regulations set forth in Title 9, Chapter 17 of the Arizona Administrative Code, and ordinances adopted by similar communities in Arizona, staff has drafted language that would amend the Unified Development Ordinance to regulate the cultivation, infusion, and dispensing of medical marijuana.

Attachments

Draft UDO Text
ARS Medical Marijuana
DHS Regulations

Medical Marijuana Proposed Text Amendments

Additions to Definitions

UDO Section 2. Definitions

2.1 Meanings of Words and Terms (ADDED IN ALPHABETICAL ORDER)

MEDICAL MARIJUANA: ALL PARTS OF THE GENUS CANNABIS WHETHER GROWING OR NOT, AND THE SEED OF SUCH PLANTS THAT MAY BE ADMINISTERED TO TREAT OR ALLEVIATE A QUALIFYING PATIENTS DEBILITATING MEDICAL CONDITION OR SYMPTOMS ASSOCIATED WITH THE PATIENT'S DEBILITATING MEDICAL CONDITION.

MEDICAL MARIJUANA CULTIVATION: THE PROCESS BY WHICH A PERSON OR PERSONS GROWS A MARIJUANA PLANT.

A) A MEDICAL MARIJUANA CULTIVATION FACILITY SHALL MEAN A BUILDING, STRUCTURE, OR PREMISES USED FO THE CULTIVATION OR STORAGE OF MEDICAL MARIJUANA THAT IS PHYSICALLY SPEPARATE AND OFF-SITE FROM A MEDICAL MARIJUANA DISPENSARY.

B) A MEDICAL MARIJUANA CULTIVATION FACILITY THAT IS ON-SITE WITH OR PHYSICALLY ATTACHED TO A MEDICAL MARIJUANA DISPENSARY SHALL BE CLASSIFIED AS A DISPENSARY.

C) A MEDICAL MARIJUANA CULTIVATION FACILITY SHALL BE WHOLLY CONTAINED WITHIN AN ENCLOSED, LOCKED FACILITY AS DEFINED IN ARS§36-2801 (6).

MEDICAL MARIJUANA DESIGNATED CAREGIVER: A PERSON WHO MEETS THE REQUIREMENTS SET FORTH IN ARS§36.2801.5 AND IS LICENSED BY THE STATE OF ARIZONA AS SUCH.

MEDICAL MARIJUANA DISPENSARY: A NON-PROFIT ENTITY DEFINED IN ARS§36-2801(11) THAT SELLS, DISTRIBUTES, TRANSMITS, GIVES, DISPENSES, OR OTHERWISE PROVIDES MEDICAL MARIJUANA TO QUALIFYING PATIENTS.

MEDICAL MARIJUANA INFUSION FACILITY: A FACILITY THAT INCORPORATES MEDICAL MARIJUANA BY THE MEANS OF COOKING, BLENDING, INFUSING, OR OTHEWISE COMBINING MEDICAL MARIJUANA INTO CONSUMABLE, INGESTIBLE, OR EDIBLE GOODS.

MEDICAL MARIJUANA QUALIFYING PATIENT: A PERSON WHO HAS BEEN DIAGNOSED BY A PHYSICIAN AS HAVING A DEBILITATING MEDICAL CONDITION AS DEFINED IN ARS §36-2801.13, AND DULY REGISTERED AS A QUALIFYING PATIENT WITH THE ARIZONA DEPARTMENT OF HEALTH SERVICES.

Dispensary, Cultivation Site, Infusion Facility

UDO Section 3.5 “AR-36” Agricultural/Residential (36 Acre Minimum)

3.5.3 Conditional Uses (Conditional Use Permit Required)

O. MEDICAL MARIJUANA CULTIVATION AND INFUSION FACILITIES

1) MEDICAL MARIJUANA CULTIVATION FACILITIES ARE CONSIDERED “COMMERCIAL GREENHOUSES” AND SHALL MEET THE STANDARDS SET FORTH IN UDO SECTION 4.30 COMMERCIAL GREENHOUSE STANDARDS.

2) IN ADDITION TO OTHER MATERIALS REQUIRED, APPLICANTS FOR A CONDITIONAL USE PERMIT UNDER THIS SECTION SHALL ALSO PROVIDE THE FOLLOWING:

a) WRITTEN EVIDENCE OF THE FOLLOWING FROM THE APPROPRIATE REGULATORY AGENCY STATTING:

i. THE PROPOSED CULTIVATION FACILITY IS NOT WITHIN FIVE HUNDRED FEET (500’) OF A PUBLIC OR PRIVATE SCHOOL.

ii. THE PROPOSED CULTIVATION FACILITY IS IN COMPLIANCE WITH ALL REGULATORY REQUIREMENTS FOR SCREENING AND SECURITY OF THE FACILITY.

iii. A COPY OF THE OPERATING PROCEDURES SUBMITTED TO AND APPROVED BY THE STATE REGULATORY AGENCY

iv. ANY CULTIVATION FACILITY THAT HAS AN INFUSION FACILITY PHYSICALLY ATTACHED TO THE STRUCTURE OR ON THE SAME SITE AS THE CULTIVATION FACILITY SHALL PROVIDE CERTIFIED COPIES OF ALL APPROVED PERMITS AND LICENSES REQUIRED BY THE HEALTH DEPARTMENT WITH JURISDICTION OVER SAID ACTIVITIES.

b. A COMPLETE LIST OF ALL DISPENSARIES FOR WHICH THE CULTIVATION FACILITY WILL CULTIVATE MEDICAL MARIJUANA. SAID LIST WILL INCLUDE THE NAME AND PHYSICAL LOCATION OF THE DISPENSARY; THE NUMBER OF ANY LICENSE GRANTED BY THE

REGULATORY AGENCY; THE NAME AND CONTACT INFORMATION FOR EACH AND EVERY MEMBER OF THE BOARD OF DIRECTORS OF THE DISPENSARY.

4. THE FOLLOWING SEPARATION REQUIREMENTS SHALL APPLY TO ALL CULTIVATION FACILITIES:

- a. FIVE HUNDRED FEET (500') FROM ANY SCHOOL, PUBLIC OR PRIVATE
- b. FIVE HUNDRED FEET (500') FROM ANY OTHER CULTIVATION FACILITY, INFUSION FACILITY, OR MEDICAL MARIJUANA DISPENSARY
- c. FIVE HUNDRED FEET (500') FROM ANY PUBLIC PARK, PUBLIC BUILDING, OR PUBLIC COMMUNITY CENTER
- d. FIVE HUNDRED FEET (500') FROM ANY LICENSED DRUG OR ALCOHOL REHABILITATION FACILITY OR CORRECTIONAL TRANSITIONAL HOUSING FACILITY
- e. FIVE HUNDRED FEET (500') FROM ANY RESIDENTIAL ZONING CLASSIFICATION. FOR CULTIVATION AND/OR INFUSION FACILITIES LOCATING IN A MIXED AR (AGRICULTURAL – RESIDENTIAL) ZONING CLASSIFICATION, FIVE HUNDRED (500') FROM ANY EXISTING RESIDENTIAL USE.
- f. SEPARATION SHALL BE MEASURED OUTWARD FROM THE EXTERIOR WALL OF THE STRUCTURE OR BUILDING CONTAINING THE MEDICAL MARIJUANA USE TO THE PROPERTY LINE OF THE SEPARATED USE SET FORTH HEREIN.

5. ALL CULTIVATION AND INFUSION FACILITIES SHALL BE LOCATED IN A PERMANENT BUILDING. NO FACILITY SHALL BE ALLOWED TO LOCATE IN A TRAILER, CARGO CONTAINER, OR MOTORIZED VEHICLE.

6. THE TOTAL SQUARE FOOTAGE OF A CULTIVATION FACILITY SHALL NOT EXCEED THREE THOUSAND (3,000) SQUARE FEET. THE MAXIMUM SQUARE FOOTAGE SHALL NOT BE EXCEEDED WITHOUT A VARIANCE.

7. THERE SHALL BE NO DUST, FUMES, ODOR, OR VAPORS EMITTING FROM ANY CULTIVATION OR INFUSION FACILITY.

8. THERE SHALL BE NO DISPENSING OR RETAIL SALES OF MEDICAL MARIJUANA FROM A CULTIVATION FACILITY OR INFUSION FACILITY.

9. THERE SHALL BE NO CONSUMPTION OF MEDICAL MARIJUANA ON THE PREMISES OF A CULTIVATION OR INFUSION FACILITY.

10. ENTRY INTO A MEDICAL MARIJUANA CULTIVATION OR INFUSION FACILITY BY THOSE WHO ARE NOT MEDICAL MARIJUANA DISPENSARY AGENTS LICENSED AND REGISTERED WITH THE STATE REGULATORY AGENCY IS STRICTLY PROHIBITED.

P) DESIGNATED CAREGIVERS THAT ARE LICENSED BY THE STATE REGULATORY AGENCY TO CULTIVATE MEDICAL MARIJUANA ARE PERMITTED TO DO SO, SUBJECT TO THE FOLLOWING CONDITIONS:

1) DESIGNATED CAREGIVERS MUST MEET THE REQUIREMENTS SET FORTH IN ARSS36-2402.02 (A)(3)(f).

2) DESIGNATED CAREGIVER CULTIVATION FACILITIES SHALL BE CONSIDERED COMMERCIAL GREENHOUSES, SUBJECT TO THE FOLLOWING CONDITIONS:

a) DESIGNATED CAREGIVER CULTIVATION FACILITIES SHALL NOT EXCEED TWO HUNDRED FIFTY (250) SQUARE FEET, INCLUDING ALL DRYING, STORAGE, AND INFUSION OF MEDICAL MARIJUANA.

b.) CULTIVATION MUST BE DONE IN AN ENCLOSED, LOCKED FACILITY

b) MUST BE SET BACK FIVE HUNDRED FEET (500') FROM ALL PARCEL BOUNDARIES.

c. MUST BE LOCATED ON A MINIMUM FOUR (4) ACRE LOT SIZE.

d. MORE THAN ONE (1) DESIGNATED CAREGIVER IS PERMITTED TO CULTIVATE AT A GIVEN DESIGNATED CAREGIVER SITE. THE SHARED CULTIVATION SITE SHALL NOT EXCEED TWO HUNDRED FIFTY (250) SQUARE FEET.

e. MUST MEET ALL REQUIREMENTS SET FORTH IN UDO 3.5.3 (O) UNLESS OTHERWISE INDICATED HEREIN .

UDO Section 3.6 AR-5 Agricultural/Residential (Five (5) acre minimum), Subsection 3.6.3 Conditional Use Permits

(O) MEDICAL MARIJUANA CULTIVATION AND INFUSION FACILITIES, AS SET FORTH IN UDO SECTION 3.5.3, SUBSECTION (O).

(P) DESIGNATED CAREGIVER CULTIVATION FACILITIES AS SET FORTH IN UDO SECTION 3.5.3, SUBSECTION (P).

UDO Section 3.7 AR-4 Agricultural/Residential (Four (4) Acre minimum), Subsection 3.7.3 Conditional Use Permits__

(O) MEDICAL MARIJUANA CULTIVATION AND INFUSION FACILITIES, AS SET FORTH IN UDO SECTION 3.5.3, SUBSECTION (O).

(P) DESIGNATED CAREGIVER CULTIVATION FACILITIES AS SET FORTH IN UDO SECTION 3.5.3, SUBSECTION (P).

UDO Section 3.15 CL – Commercial Light Subsection 3.15.3 Conditional Uses (Also CH and I as Conditional Uses)

O. MEDICAL MARIJUANA CULTIVATION AND INFUSION FACILITIES

1) MEDICAL MARIJUANA CULTIVATION FACILITIES ARE “COMMERCIAL GREENHOUSES” AND SHALL MEET THE STANDARDS SET FORTH IN UDO SECTION 4.30 COMMERCIAL GREENHOUSE STANDARDS.

2) IN ADDITION TO OTHER MATERIALS REQUIRED, APPLICANTS FOR A CONDITIONAL USE PERMIT UNDER THIS SECTION SHALL ALSO PROVIDE THE FOLLOWING:

a) WRITTEN EVIDENCE OF THE FOLLOWING FROM THE APPROPRIATE REGULATORY AGENCY STATTING:

i. THE PROPOSED CULTIVATION FACILITY IS NOT WITHIN FIVE HUNDRED FEET (500’) OF A PUBLIC OR PRIVATE SCHOOL.

ii. THE PROPOSED CULTIVATION FACILITY IS IN COMPLIANCE WITH ALL REGULATORY REQUIREMENTS FOR SCREENING AND SECURITY OF THE FACILITY.

iii. A COPY OF THE OPERATING PROCEDURES SUBMITTED TO AND APPROVED BY THE STATE REGULATORY AGENCY

iv. ANY CULTIVATION FACILITY THAT HAS AN INFUSION FACILITY PHYSICALLY ATTACHED TO THE STRUCTURE OR ON THE SAME SITE AS THE CULTIVATION FACILITY SHALL PROVIDE CERTIFIED COPIES OF ALL APPROVED PERMITS AND LICENSES REQUIRED BY THE HEALTH DEPARTMENT WITH JURISDICTION OVER SAID ACTIVITIES.

b. APPLICANT MUST PROVIDE A COMPLETE LIST OF ALL DISPENSARIES FOR WHICH THE CULTIVATION FACILITY WILL CULTIVATE MEDICAL MARIJUANA. SAID LIST WILL INCLUDE THE NAME AND PHYSICAL LOCATION OF THE DISPENSARY; THE NUMBER OF ANY LICENSE GRANTED BY THE REGULATORY AGENCY; THE NAME AND CONTACT

INFORMATION FOR EACH AND EVERY MEMBER OF THE BOARD OF
DIRECTORS OF THE DISPENSARY.

3. THE FOLLOWING SEPARATION REQUIREMENTS SHALL APPLY TO ALL
CULTIVATION FACILITIES:
 - a. FIVE HUNDRED FEET (500') FROM ANY SCHOOL, PUBLIC OR PRIVATE
 - b. FIVE HUNDRED FEET (500') FROM ANY OTHER CULTIVATION FACILITY,
INFUSION FACILITY, OR MEDICAL MARIJUANA DISPENSARY
 - c. FIVE HUNDRED FEET (500') FROM ANY PUBLIC PARK, PUBLIC BUILDING,
OR PUBLIC COMMUNITY CENTER
 - d. FIVE HUNDRED FEET (500') FROM ANY LICENSED DRUG OR ALCOHOL
REHABILITATION FACILITY OR CORRECTIONAL TRANSITIONAL HOUSING
FACILITY
 - e. FIVE HUNDRED FEET (500') FROM ANY RESIDENTIAL ZONING
CLASSIFICATION. FOR CULTIVATION AND/OR INFUSION FACILITIES
LOCATING IN A MIXED AR (AGRICULTURAL – RESIDENTIAL) ZONING
CLASSIFICATION, FIVE HUNDRED (500') FROM ANY EXISTING RESIDENTIAL
USE.
4. ALL CULTIVATION AND INFUSION FACILITIES SHALL BE LOCATED IN A
PERMANENT BUILDING. NO FACILITY SHALL BE ALLOWED TO LOCATE IN A
TRAILER, CARGO CONTAINER, OR MOTORIZED VEHICLE.
5. THE TOTAL SQUARE FOOTAGE OF A CULTIVATION FACILITY SHALL NOT
EXCEED THREE THOUSAND (3,000) SQUARE FEET. THE MAXIMUM SQUARE
FOOTAGE SHALL NOT BE EXCEEDED WITHOUT A VARIANCE.
6. THERE SHALL BE NO DUST, FUMES, ODOR, OR VAPORS EMITTING FROM ANY
CULTIVATION OR INFUSION FACILITY.
7. THERE SHALL BE NO DISPENSING OR RETAIL SALES OF MEDICAL MARIJUANA
FROM A CULTIVATION FACILITY OR INFUSION FACILITY.
8. THERE SHALL BE NO CONSUMPTION OF MEDICAL MARIJUANA ON THE
PREMISES OF A CULTIVATION OR INFUSION FACILITY.
10. ENTRY INTO A MEDICAL MARIJUANA CULTIVATION OR INFUSION FACILITY
BY THOSE WHO ARE NOT MEDICAL MARIJUANA DISPENSARY AGENTS
LICENSED AND REGISTERED WITH THE STATE REGULATORY AGENCY IS
STRICTLY PROHIBITED.

P) DESIGNATED CAREGIVERS THAT ARE LICENSED BY THE STATE REGULATORY AGENCY TO CULTIVATE MEDICAL MARIJUANA ARE PERMITTED TO DO SO, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) DESIGNATED CAREGIVERS MUST MEET THE REQUIREMENTS SET FORTH IN ARSS36-2402.02 (A)(3)(f).
- 2) DESIGNATED CAREGIVER CULTIVATION FACILITIES SHALL BE CONSIDERED COMMERCIAL GREENHOUSES, SUBJECT TO THE FOLLOWING CONDITIONS:
 - a) DESIGNATED CAREGIVER CULTIVATION FACILITIES SHALL NOT EXCEED TWO HUNDRED FIFTY (250) SQUARE FEET, INCLUDING ALL DRYING, STORAGE, AND INFUSION OF MEDICAL MARIJUANA.
 - b.) CULTIVATION MUST BE DONE IN AN ENCLOSED, LOCKED FACILITY
 - c) MUST BE SET BACK FIVE HUNDRED FEET (500') FROM ALL PARCEL BOUNDARIES.
 - d. MUST BE LOCATED ON A MINIMUM FOUR (4) ACRE LOT SIZE.
 - e. MORE THAN ONE (1) DESIGNATED CAREGIVER IS PERMITTED TO CULTIVATE AT A GIVEN DESIGNATED CAREGIVER SITE. THE SHARED CULTIVATION SITE SHALL NOT EXCEED TWO HUNDRED FIFTY (250) SQUARE FEET.
 - f. MUST MEET ALL REQUIREMENTS SET FORTH IN UDO 3.5.3 (O) UNLESS OTHERWISE INDICATED HEREIN .
3. DESIGNATED CAREGIVERS THAT CULTIVATE MEDICAL MARIJUANA MUST PROVIDE A LIST OF QUALIFIED PATIENTS FOR WHOM THEY ARE CULTIVATING MEDICAL MARIJUANA. SAID LIST SHALL INCLUDE THE FOLLOWING:
 - a. THE NAME AND ADDRESS OF EACH QUALIFYING PATIENT FOR WHOM MEDICAL MARIJUANA IS CULTIVATED
 - b. THE REGISTRY NUMBER FOR THE QUALIFYING PATIENT'S REGISTRY IDENTIFICATION NUMBER
 - c. AN ATTESTATION FROM THE QUALIFYING PATIENT AND THE DESIGNATED CAREGIVER THAT THERE ARE NO DISPENSARIES WITHIN TWENTY-FIVE (25) MILES OF THE QUALIFYING PATIENT'S RESIDENCE.
 - d. A MAP SHOWING THE LOCATION OF THE QUALIFYING PATIENT'S RESIDENCE AND THE LOCATION OF ALL DISPENSARIES WITHIN A FIFTY (50) MILE RADIUS.

(I am ambivalent about 3 – is it an intrusion on HIPPA rights? The purpose is to make sure they are really growing for qualified patients and not just themselves/smokin' buddies.)

Regulate Medical Marijuana dispensaries by Conditional Use Permit in the following zoning classifications: CL, CH, I (Not allowed in an AR district)

Q. MEDICAL MARIJUANA DISPENSARIES WITH CULTIVATION AND/OR INFUSION FACILITIES MUST MEET THE STANDARDS SET FORTH IN UDO §4.30 COMMERCIAL GREENHOUSES

1. PRIOR TO THE ISSUANCE OF A CONDITIONAL USE PERMIT, A DISPENSARY MUST PROVIDE WRITTEN EVIDENCE OF THE FOLLOWING FROM THE APPROPRIATE REGULATORY AGENCY STATING:

- a. THE PROPOSED DISPENSARY IS NOT LOCATED WITHIN FIVE HUNDRED FEET (500') OF A PUBLIC OR PRIVATE SCHOOL.
- b. THE PROPOSED DISPENSARY IS IN COMPLIANCE WITH ALL STATE REGULATORY AGENCY REQUIREMENTS FOR SCREENING AND SECURITY OF THE FACILITY.
- c. ANY APPLICATION SUBMITTED TO AND APPROVED BY A STATE REGULATORY AGENCY, AND APPROVAL THEREOF.
- d. ANY DISPENSARY THAT INCLUDES INFUSION OF MEDICAL MARIJUANA INTO INGESTABLE, CONSUMABLE, OR EDIBLE GOODS SHALL PROVIDE CERTIFIED COPIES OF ALL APPROVED PERMITS AND LICENSES REQUIRED BY LOCAL HEALTH DEPARTMENT.

2. APPLICANT MUST PROVIDE A COMPLETE LIST OF ALL CULTIVATION AND INFUSION FACILITIES FROM WHICH THE DISPENSARY WILL RECEIVE MEDICAL MARIJUANA. SAID LIST WILL INCLUDE THE NAME AND PHYSICAL LOCATION OF THE CULTIVATION OR INFUSION FACILITY; THE NUMBER OF ANY STATE LICENSE GRANTED BY THE STATE REGULATING AGENCY ; THE NAME AND CONTACT INFORMATION FOR EACH AND EVERY MEMBER OF THE BOARD OF DIRECTORS OF THE CULTIVATION AND/OR INFUSION FACILITY.

3. THE FOLLOWING SEPARATION REQUIREMENTS SHALL APPLY TO ALL DISPENSARY FACILITIES:

- a. FIVE HUNDRED FEET (500') FROM ANY SCHOOL, PUBLIC OR PRIVATE
- b. FIVE HUNDRED FEET (500') FROM ANY OTHER DISPENSARY, CULTIVATION, OR INFUSION FACILITY
- c. FIVE HUNDRED FEET (500') FROM ANY PUBLIC PARK, PUBLIC BUILDING, OR PUBLIC COMMUNITY CENTER.

d. FIVE HUNDRED FEET (500') FROM ANY LICENSED DRUG OR ALCOHOL REHABILITATION FACILITY OR CORRECTIONAL TRANSITIONAL HOUSING FACILITY.

e. FIVE HUNDRED (500') FROM ANY RESIDENTIAL ZONING CLASSIFICATION

4. THERE SHALL BE NO DUST, FUMES, ODOR, OR VAPORS EMITTING FROM ANY DISPENSARY, CULTIVATION, OR INFUSION FACILITY.

5. ALL DISPENSARIES SHALL BE LOCATED IN A PERMANENT BUILDING OR STRUCTURE. NO SUCH FACILITY SHALL BE ALLOWED TO LOCATE IN A TRAILER, CARGO CONTAINER, OR MOTORIZED VEHICLE.

6. THE TOTAL SQUARE FOOTAGE OF A MEDICAL MARIJUANA DISPENSARY FACILITY SHALL NOT EXCEED TWO THOUSAND (2,000) SQUARE FEET. THE MAXIMUM SQUARE FOOTAGE SHALL NOT BE EXCEEDED WITHOUT A VARIANCE.

7. THERE SHALL BE NO CONSUMPTION OF MEDICAL MARIJUANA ON THE PREMISES OF A DISPENSARY FACILITY.

8. ENTRY INTO A MEDICAL MARIJUANA DISPENSARY FACILITY BY THOSE WHO ARE NOT MEDICAL MARIJUANA DISPENSARY AGENTS LICENSED AND REGISTERED WITH THE STATE REGULATORY AGENCY OR REGISTERED QUALIFYING PATIENTS IS STRICTLY PROHIBITED.

UDO Section 3.16 CH – Commercial Heavy Subsection 3.16.2 Conditional Use Permits

O. MEDICAL MARIJUANA CULTIVATION AND INFUSION FACILITIES, AS SET FORTH IN UDO SECTION 3.15.3 (O)

P) DESIGNATED CAREGIVERS THAT ARE LICENSED BY THE STATE REGULATORY AGENCY TO CULTIVATE MEDICAL MARIJUANA ARE PERMITTED TO DO SO, SUBJECT TO THE CONDITIONS SET FORTH IN UDO SECTION 3.15.3 (P)

Q. MEDICAL MARIJUANA DISPENSARIES WITH CULTIVATION AND/OR INFUSION FACILITIES MUST MEET THE STANDARDS SET FORTH IN UDO §4.30 COMMERCIAL GREENHOUSES AND THE REQUIREMENTS OF UDO SECTION 3.15.3 (Q)

UDO Section 3.17 CH – Industrial Subsection 3.17.3 Conditional Use Permits

O. MEDICAL MARIJUANA CULTIVATION AND INFUSION FACILITIES, AS SET FORTH IN UDO SECTION 3.15.3 (O)

P) DESIGNATED CAREGIVERS THAT ARE LICENSED BY THE STATE REGULATORY AGENCY TO CULTIVATE MEDICAL MARIJUANA ARE PERMITTED TO DO SO, SUBJECT TO THE CONDITIONS SET FORTH IN UDO SECTION 3.15.3 (P)

Q. MEDICAL MARIJUANA DISPENSARIES WITH CULTIVATION AND/OR INFUSION FACILITIES MUST MEET THE STANDARDS SET FORTH IN UDO §4.30 COMMERCIAL GREENHOUSES AND THE REQUIREMENTS OF UDO SECTION 3.15.3 (Q)

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36-2801. Definitions

(Caution: 1998 Prop. 105 applies)

In this chapter, unless the context otherwise requires:

1. "Allowable amount of marijuana"
 - (a) With respect to a qualifying patient, the "allowable amount of marijuana" means:
 - (i) Two-and-one-half ounces of usable marijuana; and
 - (ii) If the qualifying patient's registry identification card states that the qualifying patient is authorized to cultivate marijuana, twelve marijuana plants contained in an enclosed, locked facility except that the plants are not required to be in an enclosed, locked facility if the plants are being transported because the qualifying patient is moving.
 - (b) With respect to a designated caregiver, the "allowable amount of marijuana" for each patient assisted by the designated caregiver under this chapter means:
 - (i) Two-and-one-half ounces of usable marijuana; and
 - (ii) If the designated caregiver's registry identification card provides that the designated caregiver is authorized to cultivate marijuana, twelve marijuana plants contained in an enclosed, locked facility except that the plants are not required to be in an enclosed, locked facility if the plants are being transported because the designated caregiver is moving.
 - (c) Marijuana that is incidental to medical use, but is not usable marijuana as defined in this chapter, shall not be counted toward a qualifying patient's or designated caregiver's allowable amount of marijuana.
2. "Cardholder" means a qualifying patient, a designated caregiver or a nonprofit medical marijuana dispensary agent who has been issued and possesses a valid registry identification card.
3. "Debilitating medical condition" means one or more of the following:
 - (a) 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 or the treatment of these conditions.
 - (b) A chronic or debilitating disease or medical condition or its treatment that produces one or more 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.
 - (c) Any other medical condition or its treatment added by the department pursuant to section 36-2801.01.
4. "Department" means the Arizona department of health services or its successor agency.
5. "Designated caregiver" means a person who:
 - (a) Is at least twenty-one years of age.
 - (b) Has agreed to assist with a patient's medical use of marijuana.
 - (c) Has not been convicted of an excluded felony offense.
 - (d) Assists no more than five qualifying patients with the medical use of marijuana.
 - (e) May receive reimbursement for actual costs incurred in assisting a registered qualifying patient's medical use of marijuana if the registered designated caregiver is connected to the registered qualifying patient through the department's registration process. The designated caregiver may not be paid any fee or compensation for his service as a caregiver. Payment for costs under this subdivision shall not constitute an offense under title 13, chapter 34 or under title 36, chapter 27, article 4.
6. "Enclosed, locked facility" means a closet, room, greenhouse or other enclosed area equipped with locks or other security devices that permit access only by a cardholder.
7. "Excluded felony offense" means:
 - (a) A violent crime as defined in section 13-901.03, subsection B, that was classified as a felony in the jurisdiction where the person was convicted.
 - (b) A violation of a state or federal controlled substance law that was classified as a felony in the jurisdiction where the person was convicted but does not include:
 - (i) An offense for which the sentence, including any term of probation, incarceration or supervised release, was completed ten or more years earlier.

(ii) An offense involving conduct that would be immune from arrest, prosecution or penalty under section 36-2811 except that the conduct occurred before the effective date of this chapter or was prosecuted by an authority other than the state of Arizona.

8. "Marijuana" means all parts of any plant of the genus *cannabis* whether growing or not, and the seeds of such plant.

9. "Medical use" means the acquisition, possession, cultivation, manufacture, use, administration, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition.

10. "Nonprofit medical marijuana dispensary agent" means a principal officer, board member, employee or volunteer of a nonprofit medical marijuana dispensary who is at least twenty-one years of age and has not been convicted of an excluded felony offense.

11. "Nonprofit medical marijuana dispensary" 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.

12. "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.

13. "Qualifying patient" means a person who has been diagnosed by a physician as having a debilitating medical condition.

14. "Registry identification card" means a document issued by the department that identifies a person as a registered qualifying patient, registered designated caregiver or a registered nonprofit medical marijuana dispensary agent.

15. "Usable marijuana" means the dried flowers of the marijuana plant, and any mixture or preparation thereof, but does not include the seeds, stalks and roots of the plant and does not include the weight of any non-marijuana ingredients combined with marijuana and prepared for consumption as food or drink.

16. "Verification system" means a secure, password-protected, web-based system established and maintained by the department that is available to law enforcement personnel and nonprofit medical marijuana dispensary agents on a twenty-four hour basis for verification of registry identification cards.

17. "Visiting qualifying patient" means a person:

- (a) Who is not a resident of Arizona or who has been a resident of Arizona less than thirty days.
- (b) Who has been diagnosed with a debilitating medical condition by a person who is licensed with authority to prescribe drugs to humans in the state of the person's residence or, in the case of a person who has been a resident of Arizona less than thirty days, the state of the person's former residence.

18. "Written certification" means a document dated and signed by a physician, stating that in the physician's professional opinion the patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the patient's debilitating medical condition or symptoms associated with the debilitating medical condition. The physician must:

- (a) Specify the qualifying patient's debilitating medical condition in the written certification.
- (b) Sign and date the written certification only in the course of a physician-patient relationship after the physician has completed a full assessment of the qualifying patient's medical history.

36-2801.01. Addition of debilitating medical conditions

(Caution: 1998 Prop. 105 applies)

The public may petition the department to add debilitating medical conditions or treatments to the list of debilitating medical conditions set forth in section 36-2801, paragraph 3. The department shall consider petitions in the manner required by department rule, including public notice and hearing. The department shall approve or deny a petition within one-hundred-eighty days of its submission. The approval

or denial of a petition is a final decision of the department subject to judicial review pursuant to title 12, chapter 7, article 6. Jurisdiction and venue are vested in the superior court.

36-2802. Arizona Medical Marijuana Act; limitations

(Caution: 1998 Prop. 105 applies)

This chapter does not authorize any person to engage in, and does not prevent the imposition of any civil, criminal or other penalties for engaging in, the following conduct:

A. Undertaking any task under the influence of marijuana that would constitute negligence or professional malpractice.

B. Possessing or engaging in the medical use of marijuana:

1. On a school bus.
2. On the grounds of any preschool or primary or secondary school.
3. In any correctional facility.

C. Smoking marijuana:

1. On any form of public transportation.
2. In any public place.

D. 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 qualifying patient 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.

E. Using marijuana except as authorized under this chapter.

36-2803. Rulemaking

(Caution: 1998 Prop. 105 applies)

A. Not later than one hundred twenty days after the effective date of this chapter, the department shall adopt rules:

1. Governing the manner in which the department shall consider petitions from the public to add debilitating medical conditions or treatments to the list of debilitating medical conditions set forth in section 36-2801, paragraph 3, including public notice of, and an opportunity to comment in a public hearing upon, petitions.

2. Establishing the form and content of registration and renewal applications submitted under this chapter.

3. Governing the manner in which it shall consider applications for and renewals of registry identification cards.

4. Governing nonprofit medical marijuana dispensaries, for the purpose of protecting against diversion and theft without imposing an undue burden on nonprofit medical marijuana dispensaries or compromising the confidentiality of cardholders, including:

- (a) The manner in which the department shall consider applications for and renewals of registration certificates.

- (b) Minimum oversight requirements for nonprofit medical marijuana dispensaries.

- (c) Minimum recordkeeping requirements for nonprofit medical marijuana dispensaries.

- (d) Minimum security requirements for nonprofit medical marijuana dispensaries, including requirements for protection of each registered nonprofit medical marijuana dispensary location by a fully operational security alarm system.

- (e) Procedures for suspending or revoking the registration certificate of nonprofit medical marijuana dispensaries that violate the provisions of this chapter or the rules adopted pursuant to this section.

5. Establishing application and renewal fees for registry identification cards and nonprofit medical marijuana dispensary registration certificates, according to the following:

- (a) The total amount of all fees shall generate revenues sufficient to implement and administer this chapter except that fee revenue may be offset or supplemented by private donations.

- (b) Nonprofit medical marijuana dispensary application fees may not exceed \$5,000.
 - (c) Nonprofit medical marijuana dispensary renewal fees may not exceed \$1,000.
 - (d) The total amount of revenue from nonprofit medical marijuana dispensary application and renewal fees and registry identification card fees for nonprofit medical marijuana dispensary agents shall be sufficient to implement and administer the nonprofit medical marijuana dispensary provisions of this chapter, including the verification system, except that the fee revenue may be offset or supplemented by private donations.
 - (e) The department may establish a sliding scale of patient application and renewal fees based upon a qualifying patient's household income.
 - (f) The department may consider private donations under section 36-2817 to reduce application and renewal fees.
- B. The department is authorized to adopt the rules set forth in subsection A and shall adopt those rules pursuant to title 41, chapter 6.

36-2804. Registration and certification of nonprofit medical marijuana dispensaries

(Caution: 1998 Prop. 105 applies)

- A. Nonprofit medical marijuana dispensaries shall register with the department.
 - B. Not later than ninety days after receiving an application for a nonprofit medical marijuana dispensary, the department shall register the nonprofit medical marijuana dispensary and issue a registration certificate and a random 20-digit alphanumeric identification number if:
 - 1. The prospective nonprofit medical marijuana dispensary has submitted the following:
 - (a) The application fee.
 - (b) An application, including:
 - (i) The legal name of the nonprofit medical marijuana dispensary.
 - (ii) The physical address of the nonprofit medical marijuana dispensary and the physical address of one additional location, if any, where marijuana will be cultivated, neither of which may be within five hundred feet of a public or private school existing before the date of the nonprofit medical marijuana dispensary application.
 - (iii) The name, address and date of birth of each principal officer and board member of the nonprofit medical marijuana dispensary.
 - (iv) The name, address and date of birth of each nonprofit medical marijuana dispensary agent.
 - (c) Operating procedures consistent with department rules for oversight of the nonprofit medical marijuana dispensary, including procedures to ensure accurate record-keeping and adequate security measures.
 - (d) If the city, town or county in which the nonprofit medical marijuana dispensary would be located has enacted zoning restrictions, a sworn statement certifying that the registered nonprofit medical marijuana dispensary is in compliance with the restrictions.
 - 2. None of the principal officers or board members has been convicted of an excluded felony offense.
 - 3. None of the principal officers or board members has served as a principal officer or board member for a registered nonprofit medical marijuana dispensary that has had its registration certificate revoked.
 - 4. None of the principal officers or board members is under twenty-one years of age.
- C. The department may not issue more than one nonprofit medical marijuana dispensary registration certificate for every ten pharmacies that have registered under section 32-1929, have obtained a pharmacy permit from the Arizona board of pharmacy and operate within the state except that the department may issue nonprofit medical marijuana dispensary registration certificates in excess of this limit if necessary to ensure that the department issues at least one nonprofit medical marijuana dispensary registration certificate in each county in which an application has been approved.
- D. The department may conduct a criminal records check in order to carry out this section.

36-2804.01. Registration of nonprofit medical marijuana dispensary agents; notices; civil penalty; classification

(Caution: 1998 Prop. 105 applies)

A. A nonprofit medical marijuana dispensary agent shall be registered with the department before volunteering or working at a medical marijuana dispensary.

B. A nonprofit medical marijuana dispensary may apply to the department for a registry identification card for a nonprofit medical marijuana dispensary agent by submitting:

1. The name, address and date of birth of the nonprofit medical marijuana dispensary agent.
2. A nonprofit medical marijuana dispensary agent application.
3. A statement signed by the prospective nonprofit medical marijuana dispensary agent pledging not to divert marijuana to anyone who is not allowed to possess marijuana pursuant to this chapter.
4. The application fee.

C. A registered nonprofit medical marijuana dispensary shall notify the department within ten days after a nonprofit medical marijuana dispensary agent ceases to be employed by or volunteer at the registered nonprofit medical marijuana dispensary.

D. No person who has been convicted of an excluded felony offense may be a nonprofit medical marijuana dispensary agent.

E. The department may conduct a criminal records check in order to carry out this section.

36-2804.02. Registration of qualifying patients and designated caregivers

(Caution: 1998 Prop. 105 applies)

A. A qualifying patient may apply to the department for a registry identification card by submitting:

1. Written certification issued by a physician within the ninety days immediately preceding the date of application.
2. The application fee.
3. An application, including:
 - (a) Name, mailing address, residence address and date of birth of the qualifying patient except that if the applicant is homeless no address is required.
 - (b) Name, address and telephone number of the qualifying patient's physician.
 - (c) Name, address and date of birth of the qualifying patient's designated caregiver, if any.
 - (d) A statement signed by the qualifying patient pledging not to divert marijuana to anyone who is not allowed to possess marijuana pursuant to this chapter.
 - (e) A signed statement from the designated caregiver, if any, agreeing to be the patient's designated caregiver and pledging not to divert marijuana to anyone who is not allowed to possess marijuana pursuant to this chapter.
 - (f) A designation as to who will be allowed to cultivate marijuana plants for the qualifying patient's medical use if a registered nonprofit medical marijuana dispensary is not operating within twenty-five miles of the qualifying patient's home.

B. The application for a qualifying patient's registry identification card shall ask whether the patient would like the department to notify him of any clinical studies needing human subjects for research on the medical use of marijuana. The department shall notify interested patients if it is notified of studies that will be conducted in the United States.

36-2804.03. Issuance of registry identification cards

(Caution: 1998 Prop. 105 applies)

A. Except as provided in subsection B and in section 36-2804.05, the department shall:

1. Verify the information contained in an application or renewal submitted pursuant to this chapter and approve or deny an application or renewal within ten days of receiving a completed application or renewal.

2. Issue a registry identification card to a qualifying patient and his designated caregiver, if any, within five days of approving the application or renewal. A designated caregiver must have a registry identification card for each of his qualifying patients.

3. Issue each nonprofit medical marijuana dispensary agent a registry identification card and log-in information for the verification system within five days of approving the application or renewal.

B. The department may not issue a registry identification card to a qualifying patient who is under the age of eighteen unless:

1. The qualifying patient's physician has explained the potential risks and benefits of the medical use of marijuana to the custodial parent or legal guardian responsible for health care decisions for the qualifying patient.

2. A custodial parent or legal guardian responsible for health care decisions for the qualifying patient submits a written certification from two physicians.

3. The custodial parent or legal guardian with responsibility for health care decisions for the qualifying patient consents in writing to:

(a) Allow the qualifying patient's medical use of marijuana.

(b) Serve as the qualifying patient's designated caregiver.

(c) Control the acquisition of the marijuana, the dosage and the frequency of the medical use of marijuana by the qualifying patient.

C. A registry identification card, or its equivalent, that is issued under the laws of another state, district, territory, commonwealth or insular possession of the United States that allows a visiting qualifying patient to possess or use marijuana for medical purposes in the jurisdiction of issuance has the same force and effect when held by a visiting qualifying patient as a registry identification card issued by the department, except that a visiting qualifying patient is not authorized to obtain marijuana from a nonprofit medical marijuana dispensary.

36-2804.04. Registry identification cards

(Caution: 1998 Prop. 105 applies)

A. Registry identification cards for qualifying patients and designated caregivers shall contain all of the following:

1. Name, address and date of birth of the cardholder.

2. A statement of whether the cardholder is a qualifying patient or a designated caregiver.

3. The date of issuance and expiration date of the registry identification card.

4. A random 20-digit alphanumeric identification number, containing at least four numbers and at least four letters, that is unique to the cardholder.

5. If the cardholder is a designated caregiver, the random identification number of the registered qualifying patient the designated caregiver is assisting.

6. A photograph of the cardholder.

7. A clear indication of whether the cardholder has been authorized by this chapter to cultivate marijuana plants for the qualifying patient's medical use.

B. Registry identification cards for nonprofit medical marijuana dispensary agents shall contain the following:

1. The name, address and date of birth of the nonprofit medical marijuana dispensary agent.

2. A statement that the cardholder is a nonprofit medical marijuana dispensary agent.

3. The legal name of the registered nonprofit medical marijuana dispensary with which the nonprofit medical marijuana dispensary agent is affiliated.

4. A random 20-digit alphanumeric identification number that is unique to the cardholder.

5. The date of issuance and expiration date of the registry identification card.

6. A photograph, if the department decides to require one.

C. If the registry identification card of either a qualifying patient or the patient's designated caregiver does not state that the cardholder is authorized to cultivate marijuana plants, then the department must give written notice to the registered qualifying patient, when the qualifying patient's registry

identification card is issued, of the name and address of all registered nonprofit medical marijuana dispensaries.

36-2804.05. Denial of registry identification card

(Caution: 1998 Prop. 105 applies)

A. The department may deny an application or renewal of a qualifying patient's registry identification card only if the applicant:

1. Does not meet the requirements of section 36-2801, paragraph 13.
2. Does not provide the information required.
3. Previously had a registry identification card revoked for violating this chapter.
4. Provides false information.

B. The department may deny an application or renewal of a designated caregiver's registry identification card if the applicant:

1. Does not meet the requirements of section 36-2801, paragraph 5.
2. Does not provide the information required.
3. Previously had a registry identification card revoked for violating this chapter.
4. Provides false information.

C. The department may deny a registry identification card to a nonprofit medical marijuana dispensary agent if:

1. The agent applicant does not meet the requirements of section 36-2801(10).
2. The applicant or dispensary did not provide the required information.
3. Previously had a registry identification card revoked for violating this chapter.
4. The applicant or dispensary provides false information.

D. The department may conduct a criminal records check of each designated caregiver or nonprofit medical marijuana dispensary agent applicant to carry out this section.

E. The department shall give written notice to the registered nonprofit medical marijuana dispensary of the reason for denying a registry identification card to a nonprofit medical marijuana dispensary agent.

F. The department shall give written notice to the qualifying patient of the reason for denying a registry identification card to the qualifying patient's designated caregiver.

G. Denial of an application or renewal is considered a final decision of the department subject to judicial review pursuant to title 12, chapter 7, article 6. Jurisdiction and venue for judicial review are vested in the superior court.

36-2804.06. Expiration and renewal of registry identification cards and registration certificates; replacement

(Caution: 1998 Prop. 105 applies)

A. All registry identification cards and registration certificates expire one year after date of issue.

B. A registry identification card of a nonprofit medical marijuana dispensary agent shall be cancelled and his access to the verification system shall be deactivated upon notification to the department by a registered nonprofit medical marijuana dispensary that the nonprofit medical marijuana dispensary agent is no longer employed by or no longer volunteers at the registered nonprofit medical marijuana dispensary.

C. A renewal nonprofit medical marijuana dispensary registration certificate shall be issued within ten days of receipt of the prescribed renewal application and renewal fee from a registered nonprofit medical marijuana dispensary if its registration certificate is not under suspension and has not been revoked.

D. If a cardholder loses his registry identification card, he shall promptly notify the department. Within five days of the notification, and upon payment of a ten dollar fee, the department shall issue a new registry identification card with a new random identification number to the cardholder and, if the cardholder is a registered qualifying patient, to the registered qualifying patient's registered designated caregiver, if any.

36-2805. Facility restrictions

(Caution: 1998 Prop. 105 applies)

A. Any nursing care institution, hospice, assisted living center, assisted living facility, assisted living home, residential care institution, adult day health care facility or adult foster care home licensed under title 36, chapter 4, may adopt reasonable restrictions on the use of marijuana by their residents or persons receiving inpatient services, including:

1. That the facility will not store or maintain the patient's supply of marijuana.
2. That the facility, caregivers or hospice agencies serving the facility's residents are not responsible for providing the marijuana for qualifying patients.

3. That marijuana be consumed by a method other than smoking.

4. That marijuana be consumed only in a place specified by the facility.

B. Nothing in this section requires a facility listed in subsection A to adopt restrictions on the medical use of marijuana.

C. A facility listed in subsection A may not unreasonably limit a registered qualifying patient's access to or use of marijuana authorized under this chapter unless failing to do so would cause facility to lose a monetary or licensing-related benefit under federal law or regulations.

36-2806.01. Dispensary locations

(Caution: 1998 Prop. 105 applies)

Cities, towns and counties may enact reasonable zoning regulations that limit the use of land for registered nonprofit medical marijuana dispensaries to specified areas in the manner provided in title 9, chapter 4, article 6.1, and title 11, chapter 6, article 2.

36-2806.02. Dispensing marijuana for medical use

(Caution: 1998 Prop. 105 applies)

A. Before marijuana may be dispensed to a registered designated caregiver or a registered qualifying patient, a nonprofit medical marijuana dispensary agent must access the verification system and determine for the registered qualifying patient for whom the marijuana is intended and any registered designated caregiver transporting the marijuana to the patient, that:

1. The registry identification card presented to the registered nonprofit medical marijuana dispensary is valid.

2. Each person presenting a registry identification card is the person identified on the registry identification card presented to the nonprofit medical marijuana dispensary agent.

3. The amount to be dispensed would not cause the registered qualifying patient to exceed the limit on obtaining no more than two-and-one-half ounces of marijuana during any fourteen-day period.

B. After making the determinations required in subsection A, but before dispensing marijuana to a registered qualifying patient or a registered designated caregiver on a registered qualifying patient's behalf, a nonprofit medical marijuana dispensary agent must enter the following information in the verification system:

1. How much marijuana is being dispensed to the registered qualifying patient.

2. Whether it was dispensed directly to the registered qualifying patient or to the registered qualifying patient's registered designated caregiver.

3. The date and time the marijuana was dispensed.

4. The registry identification card number of the nonprofit medical marijuana dispensary and of the nonprofit medical marijuana dispensary agent who dispensed the marijuana.

36-2807. Verification system

(Caution: 1998 Prop. 105 applies)

A. Within one hundred twenty days of the effective date of this chapter, the department shall establish a secure, password-protected, web-based verification system for use on a twenty-four hour basis by law enforcement personnel, nonprofit medical marijuana dispensary agents and employers to verify registry identification cards. An employer 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.

B. The verification system must allow law enforcement personnel and nonprofit medical marijuana dispensary agents to enter a registry identification number and verify whether the number corresponds with a current, valid identification card.

C. The system shall disclose:

1. The name of the cardholder, but must not disclose the cardholder's address.
2. The amount of marijuana that each registered qualifying patient received from nonprofit medical marijuana dispensaries during the past sixty days.

D. The verification system must include the following data security features:

1. Any time an authorized user enters five invalid registry identification numbers within five minutes, that user cannot log in to the system again for ten minutes.
2. A user's log-in information shall be deactivated after five incorrect login attempts until the authorized user contacts the department and verifies the user's identity.
3. The server must reject any log-in request that is not over an encrypted connection.

36-2808. Notifications to department; civil penalty

(Caution: 1998 Prop. 105 applies)

A. A registered qualifying patient shall notify the department within ten days of any change in the registered qualifying patient's name, address, designated caregiver or preference regarding who may cultivate marijuana for the registered qualifying patient or if the registered qualifying patient ceases to have his debilitating medical condition.

B. A registered designated caregiver or nonprofit medical marijuana dispensary agent shall notify the department within ten days of any change in his name or address.

C. When a cardholder notifies the department of any changes listed in subsection A but remains eligible under this chapter, the department shall issue the cardholder a new registry identification card with new random 20-digit alphanumeric identification numbers within ten days of receiving the updated information and a ten-dollar fee. If the person notifying the department is a registered qualifying patient, the department shall also issue his registered designated caregiver, if any, a new registry identification card within ten days of receiving the updated information.

D. If the registered qualifying patient's certifying physician notifies the department in writing that either the registered qualifying patient has ceased to suffer from a debilitating medical condition or that the physician no longer believes the patient would receive therapeutic or palliative benefit from the medical use of marijuana, the card is void upon notification by the department to the qualifying patient.

E. When a registered qualifying patient ceases to be a registered qualifying patient or changes registered designated caregiver, the department shall promptly notify the former designated caregiver that his duties and rights under this chapter as to that qualifying patient expire fifteen days after notification by the department is sent.

F. A registered qualifying patient, designated caregiver or nonprofit medical marijuana dispensary agent who fails to comply with subsection A or B is subject to a civil penalty of not more than one hundred fifty dollars.

36-2809. Annual report

(Caution: 1998 Prop. 105 applies)

The department shall submit to the legislature an annual report that does not disclose any identifying information about cardholders, nonprofit medical marijuana dispensaries or physicians but contains at least all of the following information:

1. The number of registry identification card applications and renewals.
2. The number of qualifying patients and designated caregivers approved in each county.
3. The nature of the debilitating medical conditions of the qualifying patients.
4. The number of registry identification cards revoked.
5. The number of physicians providing written certifications for qualifying patients.
6. The number of registered nonprofit medical marijuana dispensaries.
7. The number of nonprofit medical marijuana dispensary agents in each county.

36-2810. Confidentiality

(Caution: 1998 Prop 105 applies)

A. The following information received and records kept by the department for purposes of administering this chapter are confidential, exempt from title 39, chapter 1, article 2, exempt from section 36-105 and not subject to disclosure to any individual or public or private entity, except as necessary for authorized employees of the department to perform official duties of the department pursuant to this chapter:

1. Applications or renewals, their contents and supporting information submitted by qualifying patients and designated caregivers, including information regarding their designated caregivers and physicians.
2. Applications or renewals, their contents and supporting information submitted by or on behalf of nonprofit medical marijuana dispensaries in compliance with this chapter, including the physical addresses of nonprofit medical marijuana dispensaries.
3. The individual names and other information identifying persons to whom the department has issued registry identification cards.

B. Any dispensing information required to be kept under section 36-2806.02, subsection B or department regulation shall identify cardholders by their registry identification numbers and not contain names or other personally identifying information.

C. Any department hard drives or other data recording media that are no longer in use and that contain cardholder information must be destroyed. The department shall retain a signed statement from a department employee confirming the destruction.

D. Data subject to this section shall not be combined or linked in any manner with any other list or database and shall not be used for any purpose not provided for in this chapter.

E. This section does not preclude the following notifications:

1. Department employees may notify law enforcement about falsified or fraudulent information submitted to the department if the employee who suspects that falsified or fraudulent information has been submitted has conferred with the employee's supervisor and both agree that the circumstances warrant reporting.

2. The department may notify state or local law enforcement about apparent criminal violations of this chapter if the employee who suspects the offense has conferred with the employee's supervisor and both agree that the circumstances warrant reporting.

3. Nonprofit medical marijuana dispensary agents may notify the department of a suspected violation or attempted violation of this chapter or department rules.

4. The department may notify the Arizona medical board, the Arizona board of osteopathic examiners in medicine and surgery, the naturopathic physicians medical board and the board of homeopathic and integrated medicine examiners if the department believes a physician has committed an act of unprofessional conduct as prescribed by the appropriate board's statutes because of the licensee's failure to comply with the requirements of this chapter or rules adopted pursuant to this chapter.

F. This section does not preclude submission of the section 36-2809 report to the legislature. The annual report submitted to the legislature is subject to title 39, chapter 1, article 2.

36-2813. Discrimination prohibited

(Caution: 1998 Prop. 105 applies)

A. No school or landlord may refuse to enroll or lease to and may not otherwise penalize a person solely for his status as a cardholder, unless failing to do so would cause the school or landlord to lose a monetary or licensing related benefit under federal law or regulations.

B. 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 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:

1. The person's status as a cardholder.

2. A registered qualifying patient'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.

C. For the purposes of medical care, including organ transplants, a registered qualifying patient's authorized use of marijuana must be considered the equivalent of the use of any other medication under the direction of a physician and does not constitute the use of an illicit substance or otherwise disqualify a registered qualifying patient from medical care.

D. No person may be denied custody of or visitation or parenting time with a minor, and there is no presumption of neglect or child endangerment for conduct allowed under this chapter, unless the person's behavior creates an unreasonable danger to the safety of the minor as established by clear and convincing evidence.

36-2814. Acts not required; acts not prohibited

(Caution: 1998 Prop. 105 applies)

A. Nothing in this chapter requires:

1. A government medical assistance program or private health insurer to reimburse a person for costs associated with the medical use of marijuana.

2. 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.

3. 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 qualifying patient 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.

B. Nothing in this chapter prohibits an employer from disciplining an employee for ingesting marijuana in the workplace or working while under the influence of marijuana.

36-2815. Revocation

(Caution: 1998 Prop. 105 applies)

A. The department shall immediately revoke the registry identification card of a nonprofit medical marijuana dispensary agent who violates section 36-2804.01, subsection D, or section 36-2816, subsection B. The department shall suspend or revoke the registry identification card of a nonprofit medical marijuana dispensary agent for other violations of this chapter.

B. The department shall immediately revoke the registration certificate of a registered nonprofit medical marijuana dispensary that violates section 2816, subsections B or C, and its board members and principal officers may not serve as the board members or principal officers for any other registered nonprofit medical marijuana dispensary.

C. Any cardholder who sells marijuana to a person who is not allowed to possess marijuana for medical purposes under this chapter shall have his registry identification card revoked, and shall be subject to other penalties for the unauthorized sale of marijuana and other applicable offenses.

D. The department may revoke the registry identification card of any cardholder who knowingly violates this chapter, and the cardholder shall be subject to other penalties for the applicable offense.

E. Revocation is a final decision of the department subject to judicial review pursuant to title 12, chapter 7, article 6. Jurisdiction and venue are vested in the superior court.

36-2816. Violations; civil penalty; classification

(Caution: 1998 Prop. 105 applies)

A. A registered qualifying patient may not directly, or through his designated caregiver, obtain more than two-and-one-half ounces of marijuana from registered nonprofit medical marijuana dispensaries in any fourteen-day period.

B. A registered nonprofit medical marijuana dispensary or agent may not dispense, deliver or otherwise transfer marijuana to a person other than another registered nonprofit medical marijuana dispensary, a registered qualifying patient or a registered qualifying patient's registered designated caregiver.

C. A registered nonprofit medical marijuana dispensary may not acquire usable marijuana or mature marijuana plants from any person other than another registered nonprofit medical marijuana dispensary, a registered qualifying patient or a registered designated caregiver. A knowing violation of this subsection is a class 2 felony.

D. It is a class 1 misdemeanor for any person, including an employee or official of the department or another state agency or local government, to breach the confidentiality of information obtained pursuant to this chapter.

E. Making false statements to a law enforcement official about any fact or circumstance relating to the medical use of marijuana to avoid arrest or prosecution is subject to a civil penalty of not more than five hundred dollars, which shall be in addition to any other penalties that may apply for making a false statement or for the use of marijuana other than use undertaken pursuant to this chapter.

36-2817. Medical marijuana fund; private donations

(Caution: 1998 Prop. 105 applies)

A. The medical marijuana fund is established consisting of fees collected, civil penalties imposed and private donations received under this chapter. The department shall administer the fund. Monies in the fund are continuously appropriated.

B. The director of the department may accept and spend private grants, gifts, donations, contributions and devises to assist in carrying out the provisions of this chapter.

C. Monies in the medical marijuana fund do not revert to the state general fund at the end of a fiscal year.

36-2818. Enforcement of this act; mandamus

(Caution: 1998 Prop. 105 applies)

A. If the department fails to adopt regulations to implement this chapter within one hundred twenty days of the effective date of this chapter, any citizen may commence a mandamus action in superior court to compel the department to perform the actions mandated under this chapter.

B. If the department fails to issue a registry identification card within forty-five days of the submission of a valid application or renewal, the registry identification card shall be deemed issued, and a copy of the registry identification card application or renewal is deemed a valid registry identification card.

C. If at any time after the one hundred forty days following the effective date of this chapter the department is not accepting applications or has not promulgated rules allowing qualifying patients to submit applications, a notarized statement by a qualifying patient containing the information required in an application pursuant to section 36-2804.02, subsection A, paragraph 3, together with a written certification issued by a physician within the ninety days immediately preceding the notarized statement, shall be deemed a valid registry identification card.

36-2819. Fingerprinting requirements

(Caution: 1998 Prop. 105 applies)

Each person applying as a designated caregiver, a principal officer, agent or employee of a nonprofit medical marijuana dispensary or a medical marijuana dispensary agent shall submit a full set of fingerprints to the department for the purpose of obtaining a state and federal criminal records check pursuant to section 41-1750 and public law 92-544. The department of public safety may exchange this fingerprint data with the federal bureau of investigation without disclosing that the records check is related to the medical marijuana act and acts permitted by it. The department shall destroy each set of fingerprints after the criminal records check is completed.

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MEDICAL MARIJUANA PROGRAM

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ARTICLE 1. GENERAL

R9-17-101. Definitions

In addition to the definitions in A.R.S. § 36-2801, the following definitions apply in this Chapter unless otherwise stated:

1. "Acquire" means to obtain through any type of transaction and from any source.
2. "Activities of daily living" means ambulating, bathing, dressing, grooming, eating, toileting, and getting in and out of bed.
3. "Amend" means adding or deleting information on an individual's registry identification card that affects the individual's ability to perform or delegate a specific act or function.
4. "Batch" means a specific lot of medical marijuana grown from one or more seeds or cuttings that are planted and harvested at the same time.
5. "Batch number" means a unique numeric or alphanumeric identifier assigned to a batch by a dispensary when the batch is planted.
6. "Calendar day" means each day, not including the day of the act, event, or default from which a designated period of time begins to run, but including the last day of the period unless it is a Saturday, Sunday, statewide furlough day, or legal holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, statewide furlough day, or legal holiday.
7. "CHAA" means a Community Health Analysis Area, a geographic area based on population, established by the Department for use by public health programs.
8. "Change" means adding or deleting information on an individual's registry identification card that does not substantively affect the individual's ability to perform or delegate a specific act or function.
9. "Commercial device" means the same as in A.R.S. § 41-2051.
10. "Cultivation site" means the one additional location where marijuana may be cultivated, infused, or prepared for sale by and for a dispensary.
11. "Current photograph" means an image of an individual, taken no more than 60 calendar days before the submission of the individual's application, in a Department-approved electronic format capable of producing an image that:
 - a. Has a resolution of at least 600 x 600 pixels but not more than 1200 x 1200 pixels;
 - b. Is 2 inches by 2 inches in size;
 - c. Is in natural color;

- d. Is a front view of the individual's full face, without a hat or headgear that obscures the hair or hairline;
 - e. Has a plain white or off-white background; and
 - f. Has between 1 and 1 3/8 inches from the bottom of the chin to the top of the head.
- 12. "Denial" means the Department's final decision not to issue a registry identification card, a dispensary registration certificate, an approval to operate a dispensary, or an approval of a change of dispensary or a dispensary's cultivation site location, to an applicant because the applicant or the application does not comply with the applicable requirements in A.R.S. Title 36, Chapter 28.1 or this Chapter.
- 13. "Dispensary" means the same as "nonprofit medical marijuana dispensary" as defined in A.R.S. § 36-2801.
- 14. "Dispensary agent" means the same as "nonprofit medical marijuana dispensary agent" as defined in A.R.S. § 36-2801.
- 15. "Edible food product" means a substance, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.
- 16. "Enclosed area" when used in conjunction with "enclosed, locked facility" means outdoor space surrounded by solid, 10-foot walls, constructed of metal, concrete, or stone that prevent any viewing of the marijuana plants, and a 1-inch thick metal gate.
- 17. "Entity" means a "person" as defined in A.R.S. § 1-215.
- 18. "Generally accepted accounting principles" means the set of financial reporting standards established by the Financial Accounting Standards Board, the Governmental Accounting Standards Board, or another specialized body dealing with accounting and auditing matters.
- 19. "In-state financial institution" means the same as in A.R.S. § 6-101.
- 20. "Legal guardian" means an adult who is responsible for a minor:
 - a. Through acceptance of guardianship of the minor through a testamentary appointment or an appointment by a court pursuant to A.R.S. Title 14, Chapter 5, Article 2; or
 - b. As a "custodian" as defined in A.R.S. § 8-201.
- 21. "Medical record" means the same as:
 - a. "Adequate records" as defined in A.R.S. § 32-1401,
 - b. "Adequate medical records" as defined in A.R.S. § 32-1501,
 - c. "Adequate records" as defined in A.R.S. § 32-1800, or

- d. "Adequate records" as defined in A.R.S. § 32-2901.
- 22. "Out-of-state financial institution" means the same as in A.R.S. § 6-101.
- 23. "Private school" means the same as in A.R.S. § 15-101.
- 24. "Public place":
 - a. Means any location, facility, or venue that is not intended for the regular exclusive use of an individual or a specific group of individuals;
 - b. Includes, but not is limited to:
 - i. Airports;
 - ii. Banks;
 - iii. Bars;
 - iv. Child care facilities;
 - v. Child care group homes during hours of operation;
 - vi. Common areas of apartment buildings, condominiums, or other multifamily housing facilities;
 - vii. Educational facilities;
 - viii. Entertainment facilities or venues;
 - ix. Health care institutions, except as provided in subsection (24)(c);
 - x. Hotel and motel common areas;
 - xi. Laundromats;
 - xii. Libraries;
 - xiii. Office buildings;
 - xiv. Parking lots;
 - xv. Parks;
 - xvi. Public transportation facilities;
 - xvii. Reception areas;
 - xviii. Restaurants;
 - xix. Retail food production or marketing establishments;
 - xx. Retail service establishments;
 - xxi. Retail stores;
 - xxii. Shopping malls;
 - xxiii. Sidewalks;
 - xxiv. Sports facilities;
 - xxv. Theaters; and
 - xxvi. Waiting rooms; and

- c. Does not include:
 - i. Nursing care institutions as defined in A.R.S. § 36-401,
 - ii. Hospices as defined in A.R.S. § 36-401,
 - iii. Assisted living centers as defined in A.R.S. § 36-401,
 - iv. Assisted living homes as defined in A.R.S. § 36-401,
 - v. Adult day health care facilities as defined in A.R.S. § 36-401,
 - vi. Adult foster care homes as defined in A.R.S. § 36-401, or
 - vii. Private residences.
- 25. "Public school" means the same as "school" as defined in A.R.S. § 15-101.
- 26. "Registry identification number" means the random 20-digit alphanumeric identifier generated by the Department, containing at least four numbers and four letters, issued by the Department to a qualifying patient, designated caregiver, dispensary, or dispensary agent.
- 27. "Revocation" means the Department's final decision that an individual's registry identification card or a dispensary registration certificate is rescinded because the individual or the dispensary does not comply with the applicable requirements in A.R.S. Title 36, Chapter 28.1 or this Chapter.
- 28. "Working day" means a Monday, Tuesday, Wednesday, Thursday, or Friday that is not a state holiday or a statewide furlough day.

R9-17-102. Fees

- A. An applicant submitting an application to the Department shall submit the following nonrefundable fees:
 - 1. Except as provided in R9-17-303(I), for registration of a dispensary, \$5,000;
 - 2. To renew the registration of a dispensary, \$1,000;
 - 3. To change the location of a dispensary, \$2,500;
 - 4. To change the location of a dispensary's cultivation site or add a cultivation site, \$2,500;
 - 5. For a registry identification card for a:
 - a. Qualifying patient, except as provided in subsection (B), \$150;
 - b. Designated caregiver, \$200; and
 - c. Dispensary agent, \$500;
 - 6. For renewing a registry identification card for a:
 - a. Qualifying patient, except as provided in subsection (B), \$150;
 - b. Designated caregiver, \$200; and
 - c. Dispensary agent, \$500;

7. For amending or changing a registry identification card, \$10; and
 8. For requesting a replacement registry identification card, \$10.
- B.** A qualifying patient may pay a reduced fee of \$75 if the qualifying patient submits, with the qualifying patient's application for a registry identification card or the qualifying patient's application to renew the qualifying patient's registry identification card, a copy of an eligibility notice or electronic benefits transfer card demonstrating current participation in the U.S. Department of Agriculture, Food and Nutrition Services, Supplemental Nutrition Assistance Program.

R9-17-103. Application Submission

- A.** An applicant submitting an application for a registry identification card or to amend, change, or replace a registry identification card for a qualifying patient, designated caregiver, or dispensary agent shall submit the application electronically in a Department-provided format.
- B.** A residence address or mailing address submitted as part of an application required by this Chapter shall be located in Arizona.

R9-17-104. Changing Information on a Registry Identification Card

Except as provided in R9-17-203(B) and (C), to make a change to a cardholder's name or address on the cardholder's registry identification card, the cardholder shall submit to the Department, within 10 working days after the change, a request for the change that includes:

1. The cardholder's name and the registry identification number on the cardholder's current registry identification card;
2. The cardholder's new name or address, as applicable;
3. For a change in the cardholder's name, one of the following with the cardholder's new name:
 - a. An Arizona driver's license,
 - b. An Arizona identification card, or
 - c. The photograph page in the cardholder's U.S. passport;
4. For a change in address, the county where the new address is located;
5. The effective date of the cardholder's new name or address; and
6. The applicable fee in R9-17-102 for changing a registry identification card.

R9-17-105. Requesting a Replacement Registry Identification Card

To request a replacement card for a cardholder's registry identification card that has been lost, stolen, or destroyed, the cardholder shall submit to the Department, within 10 working days after the cardholder's registry identification card was lost, stolen, or destroyed, a request for a replacement card that includes:

1. The cardholder's name and date of birth;

2. If known, the registry identification number on the cardholder's lost, stolen, or destroyed registry identification card;
3. If the cardholder cannot provide the registry identification number on the cardholder's lost, stolen, or destroyed registry identification card, a copy of one of the following documents that the cardholder submitted when the cardholder obtained the registry identification card:
 - a. Arizona driver's license,
 - b. Arizona identification card,
 - c. Arizona registry identification card, or
 - d. Photograph page in the cardholder's U.S. passport; and
4. The applicable fee in R9-17-102 for requesting a replacement registry identification card.

R9-17-106. Adding a Debilitating Medical Condition

- A.** An entity may request the addition of a medical condition to the list of debilitating medical conditions in R9-17-201 by submitting to the Department, at the times specified in subsection (C), the following in writing:
1. The entity's name;
 2. The entity's mailing address, name of contact individual, telephone number, and, if applicable, e-mail address;
 3. The name of the medical condition the entity is requesting be added;
 4. A description of the symptoms and other physiological effects experienced by an individual suffering from the medical condition or a treatment of the medical condition that may impair the ability of the individual to accomplish activities of daily living;
 5. The availability of conventional medical treatments to provide therapeutic or palliative benefit for the medical condition or a treatment of the medical condition;
 6. A summary of the evidence that the use of marijuana will provide therapeutic or palliative benefit for the medical condition or a treatment of the medical condition; and
 7. Articles, published in peer-reviewed scientific journals, reporting the results of research on the effects of marijuana on the medical condition or a treatment of the medical condition supporting why the medical condition should be added.
- B.** The Department shall:
1. Acknowledge in writing the Department's receipt of a request for the addition of a medical condition to the list of debilitating medical conditions listed in R9-17-201 within 30 calendar days after receiving the request;
 2. Review the request to determine if the requester has provided evidence that:

- a. The specified medical condition or treatment of the medical condition impairs the ability of the individual to accomplish activities of daily living, and
 - b. Marijuana usage provides a therapeutic or palliative benefit to an individual suffering from the medical condition or treatment of the medical condition;
- 3. Within 90 calendar days after receiving the request, notify the requester that the Department has determined that the information provided by the requester:
 - a. Meets the requirements in subsection (B)(2) and the date the Department will conduct a public hearing to discuss the request; or
 - b. Does not meet the requirements in subsection (B)(2), the specific reason for the determination, and the process for requesting judicial review of the Department's determination pursuant to A.R.S. Title 12, Chapter 7, Article 6;
- 4. If applicable:
 - a. Schedule a public hearing to discuss the request;
 - b. Provide public notice of the public hearing by submitting a Notice of Public Information to the Office of the Secretary of State, for publication in the *Arizona Administrative Register* at least 30 calendar days before the date of the public hearing;
 - c. Post a copy of the request on the Department's web site for public comment at least 30 calendar days before the date of the public hearing; and
 - d. Hold the public hearing no more than 150 calendar days after receiving the request; and
- 5. Within 180 calendar days after receiving the request:
 - a. Add the medical condition to the list of debilitating medical conditions; or
 - b. Provide written notice to the requester of the Department's decision to deny the request that includes:
 - i. The specific reasons for the Department's decision; and
 - ii. The process for requesting judicial review of the Department's decision pursuant to A.R.S. Title 12, Chapter 7, Article 6.
- C. The Department shall accept requests for the addition of a medical condition to the list of debilitating medical conditions in R9-17-201 in January and July of each calendar year starting in January 2012.

R9-17-107. Time-frames

- A. Within the administrative completeness review time-frame for each type of approval in Table 1.1, the Department shall:

1. Issue a registry identification card or dispensary registration certificate;
 2. Provide a notice of administrative completeness to an applicant; or
 3. Provide a notice of deficiencies to an applicant, including a list of the information or documents needed to complete the application.
- B.** An application for approval to operate a dispensary is not complete until the date the applicant states on a written notice provided to the Department that the dispensary is ready for an inspection by the Department.
- C.** If the Department provides a notice of deficiencies to an applicant:
1. The administrative completeness review time-frame and the overall time-frame are suspended from the date of the notice of deficiencies until the date the Department receives the missing information or documents from the applicant;
 2. If the applicant does not submit the missing information or documents to the Department within the time-frame in Table 1.1, the Department shall consider the application withdrawn; and
 3. If the applicant submits the missing information or documents to the Department within the time-frame in Table 1.1, the substantive review time-frame begins on the date the Department receives the missing information or documents.
- D.** Within the substantive review time-frame for each type of approval in Table 1.1, the Department:
1. Shall issue or deny a registry identification card, dispensary registration certificate, or approval to operate a dispensary;
 2. May complete an inspection that may require more than one visit to a dispensary and, if applicable, the dispensary's cultivation site; and
 3. May make one written comprehensive request for more information, unless the Department and the applicant agree in writing to allow the Department to submit supplemental requests for information.
- E.** If the Department issues a written comprehensive request or a supplemental request for information:
1. The substantive review time-frame and the overall time-frame are suspended from the date of the written comprehensive request or the supplemental request for information until the date the Department receives all of the information requested, and
 2. The applicant shall submit to the Department all of the information and documents listed in the written comprehensive request or supplemental request for information within 10 working days after the date of the comprehensive written request or supplemental request for information.

F. If an applicant for an initial dispensary registration certificate is allocated a dispensary registration certificate as provided in R9-17-302 and R9-17-303, the Department shall provide a written notice to the applicant of the allocation of the dispensary registration certificate that contains the dispensary's registry identification number.

1. After the applicant receives the written notice of the allocation, the applicant shall submit to the Department for each principal officer or board member for whom fingerprints were submitted:
 - a. An application for a dispensary agent registry identification card that includes:
 - i. The principal officer's or board member's first name; middle initial, if applicable; last name; and suffix, if applicable;
 - ii. The principal officer's or board member's residence address and mailing address;
 - iii. The county where the principal officer or board member resides;
 - iv. The principal officer's or board member's date of birth;
 - v. The identifying number on the applicable card or document in subsection (F)(1)(b)(i) through (F)(1)(b)(v);
 - vi. The name and registry identification number of the dispensary;
 - vii. One of the following:
 - (1) A statement that the principal officer or board member does not currently hold a valid registry identification card, or
 - (2) The assigned registry identification number for each valid registry identification card currently held by the principal officer or board member;
 - viii. A statement signed by the principal officer or board member pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
 - ix. An attestation that the information provided in and with the application is true and correct; and
 - x. The signature of the principal officer or board member and the date the principal officer or board member signed;
 - b. A copy the principal officer's or board member's:
 - i. Arizona driver's license issued on or after October 1, 1996;
 - ii. Arizona identification card issued on or after October 1, 1996;
 - iii. Arizona registry identification card;

- iv. Photograph page in the principal officer's or board member's U.S. passport; or
 - v. Arizona driver's license or identification card issued before October 1, 1996 and one of the following for the principal officer or board member:
 - (1) Birth certificate verifying U.S. citizenship,
 - (2) U. S. Certificate of Naturalization, or
 - (3) U. S. Certificate of Citizenship;
 - c. A current photograph of the principal officer or board member; and
 - d. The applicable fee in R9-17-102 for applying for a dispensary agent registry identification card.
- 2. After receipt of the information and documents in subsection (F)(1), the Department shall review the information and documents.
 - a. If the information and documents for at least one of the principal officers or board members complies with the A.R.S. Title 36, Chapter 28.1 and this Chapter, the Department shall issue:
 - i. A dispensary agent registry identification card to any principal officer or board member whose dispensary agent registry identification card application complies with A.R.S. Title 36, Chapter 28.1 and this Chapter; and
 - ii. The dispensary registration certificate.
 - b. If the information and documents for a dispensary agent registry identification card application for any principal officer or board member does not comply with A.R.S. Title 36, Chapter 28.1 and this Chapter, the Department shall deny the dispensary agent registry identification card application and provide notice to the principal officer or board member and to the dispensary that includes:
 - i. The specific reasons for the denial; and
 - ii. The process for requesting a judicial review of the Department's decision pursuant to A.R.S. Title 12, Chapter 7, Article 6.
- G.** The Department shall issue:
 - 1. A registry identification card or an approval to operate a dispensary, as applicable, if the Department determines that the applicant complies with A.R.S. Title 36, Chapter 28.1 and this Chapter;
 - 2. For an applicant for a registry identification card, a denial that includes the reason for the denial and the process for requesting judicial review if:

- a. The Department determines that the applicant does not comply with A.R.S. Title 36, Chapter 28.1 and this Chapter; or
 - b. The applicant does not submit all of the information and documents listed in the written comprehensive request or supplemental request for information within 10 working days after the date of the comprehensive written request or supplemental request for information;
- 3. For an applicant for a dispensary registration certificate, if the Department determines that the dispensary registration certificate application complies with A.R.S. Title 36, Chapter 28.1 and this Chapter but the Department is not issuing a dispensary registration certificate to the applicant because all available dispensary registration certificates have been allocated according to the criteria and processes in R9-17-302 and R9-17-303, written notice that:
 - a. The dispensary registration certificate application complies with A.R.S. Title 36, Chapter 28.1 and this Chapter;
 - b. The applicant was not allocated a dispensary registration certificate according to the criteria and processes in R9-17-302 and R9-17-303; and
 - c. The written notice is not a denial and is not considered a final decision of the Department subject to administrative review; or
- 4. For an applicant for a dispensary registration certificate, a denial that includes the reason for the denial and the process for administrative review if:
 - a. The Department determines that a dispensary registration certificate application does not comply with A.R.S. Title 36, Chapter 28.1 or this Chapter; or
 - b. The applicant does not submit all of the information and documents listed in the written comprehensive request or supplemental request for information within 10 working days after the date of the comprehensive written request or supplemental request for information.

TABLE 1.1

Type of approval	Authority (A.R.S. § or A.A.C.)	Overall Time- frame (in working days)	Time-frame for applicant to complete application (in working days)	Administrative Completeness Time-frame (in working days)	Substantive Review Time- frame (in working days)
Changing a registry identification card	36-2808	10	10	5	5
Requesting a replacement registry identification card	36-2804.06	5	5	2	3
Applying for a registry identification card for a qualifying patient or a designated caregiver	36-2804.02(A)	15	30	5	10
Amending a registry identification card for a qualifying patient or a designated caregiver	36-2808	10	10	5	5
Renewing a qualifying patient's or designated caregiver's registry identification card	36-2804.02(A) and 36-2804.06	15	15	5	10

Applying for a dispensary registration certificate	36-2804	45 <u>30</u>	10	15 <u>5</u>	30 <u>25</u>
Applying for approval to operate a dispensary	R9-17-305	45	10	15	30
Changing a dispensary location or adding or changing a dispensary's cultivation site location	36-2804 and R9-17-307	90	90	30	60
Renewing a dispensary registration certificate	36-2804.06	15	15	5	10
Applying for a dispensary agent registry identification card	36-2804.01 and 36-2804.03	15	30	5	10
Renewing a dispensary agent's registry identification card	36-2804.06	15	15	5	10

R9-17-108. Expiration of a Registry Identification Card or a Dispensary Registration Certificate

- A.** Except as provided in subsection (B), a registry identification card issued to a qualifying patient, designated caregiver, or dispensary agent is valid for one year after the date of issuance.
- B.** If the Department issues a registry identification card to a qualifying patient, designated caregiver, or dispensary agent based on a request for a replacement registry identification card or

an application to change or amend a registry identification card; the replacement, changed, or amended registry identification card shall have the same expiration date as the registry identification card being replaced, changed, or amended.

- C. Except as provided in subsection (D), a dispensary registration certificate is valid for one year after the date of issuance.
- D. If the Department issues an amended dispensary registration certificate based on a change of location or an addition of a cultivation site, the dispensary registration certificate shall have the same expiration date as the dispensary registration certificate previously held by the dispensary.
- E. An approval to operate a dispensary shall have the same expiration date as the dispensary registration certificate associated with the approval to operate the dispensary.

R9-17-109. Notifications and Void Registry Identification Cards

- A. The Department shall provide written notice that a cardholder's registry identification card is void and no longer valid under A.R.S. Title 36, Chapter 28.1 and this Chapter to a:
 - 1. Qualifying patient when the Department receives notification from:
 - a. The qualifying patient that the qualifying patient no longer has a debilitating medical condition; or
 - b. The physician who provided the qualifying patient's written certification that the:
 - i. Qualifying patient no longer has a debilitating medical condition,
 - ii. Physician no longer believes that the qualifying patient would receive therapeutic or palliative benefit from the medical use of marijuana, or
 - iii. Physician believes that the qualifying patient is not using the medical marijuana as recommended;
 - 2. Designated caregiver when:
 - a. The Department receives notification from the designated caregiver's qualifying patient that the designated caregiver no longer assists the qualifying patient with the medical use of marijuana, or
 - b. The registry identification card for the qualifying patient that is listed on the designated caregiver's registry identification card is no longer valid; or
 - 3. Dispensary agent when:
 - a. The Department receives the written notification, required in R9-17-310(A)(9), that the dispensary agent:
 - i. No longer serves as a principal officer, board member, or medical director for the dispensary;
 - ii. Is no longer employed by or contracted with the dispensary; or

- iii. No longer provides volunteer service at the dispensary; or
 - b. The registration certificate for the dispensary that is listed on the dispensary agent's registry identification card is no longer valid.
- B. The Department shall void a qualifying patient's registry identification card:
 - 1. When the Department receives notification that the qualifying patient is deceased; or
 - 2. For a qualifying patient under 18 years of age, when the qualifying patient's designated caregiver's registry identification card is revoked.
- C. The written notice required in subsection (A) that a registry identification card is void is not a revocation and is not considered a final decision of the Department subject to judicial review.

ARTICLE 2. QUALIFYING PATIENTS AND DESIGNATED CAREGIVERS

R9-17-201. Debilitating Medical Conditions

An individual applying for a qualifying patient registry identification card shall have a diagnosis from a physician of at least one of the following debilitating medical conditions:

- 1. Cancer;
- 2. Glaucoma;
- 3. Human immunodeficiency virus;
- 4. Acquired immune deficiency syndrome;
- 5. Hepatitis C;
- 6. Amyotrophic lateral sclerosis;
- 7. Crohn's disease;
- 8. Agitation of Alzheimer's disease;
- 9. A chronic or debilitating disease or medical condition or the treatment for a chronic or debilitating disease or medical condition that produces cachexia or wasting syndrome;
- 10. A chronic or debilitating disease or medical condition or the treatment for a chronic or debilitating disease or medical condition that produces severe and chronic pain;
- 11. A chronic or debilitating disease or medical condition or the treatment for a chronic or debilitating disease or medical condition that produces severe nausea;
- 12. A chronic or debilitating disease or medical condition or the treatment for a chronic or debilitating disease or medical condition that produces seizures, including those characteristic of epilepsy;
- 13. A chronic or debilitating disease or medical condition or the treatment for a chronic or debilitating disease or medical condition that produces severe or persistent muscle spasms, including those characteristic of multiple sclerosis; or

14. A debilitating medical condition approved by the Department under A.R.S. § 36-2801.01 and R9-17-106.

R9-17-202. Applying for a Registry Identification Card for a Qualifying Patient or a Designated Caregiver

- A. Except for a qualifying patient who is under 18 years of age, a qualifying patient is not required to have a designated caregiver.
- B. A qualifying patient may have only one designated caregiver at any given time.
- C. Except for a qualifying patient who is under 18 years of age, if the information submitted for a qualifying patient complies with A.R.S. Title 36, Chapter 28.1 and this Chapter but the information for the qualifying patient's designated caregiver does not comply with A.R.S. Title 36, Chapter 28.1 and this Chapter, the Department shall issue the registry identification card for the qualifying patient separate from issuing a registry identification card for the qualifying patient's designated caregiver.
- D. If the Department issues a registry identification card to a qualifying patient under subsection (C), the Department shall continue the process for issuing or denying the qualifying patient's designated caregiver's registry identification card.
- E. The Department shall not issue a designated caregiver's registry identification card before the Department issues the designated caregiver's qualifying patient's registry identification card.
- F. Except as provided in subsection (G), to apply for a registry identification card, a qualifying patient shall submit to the Department the following:
 1. An application in a Department-provided format that includes:
 - a. The qualifying patient's:
 - i. First name; middle initial, if applicable; last name; and suffix, if applicable;
 - ii. Date of birth; and
 - iii. Gender;
 - b. Except as provided in subsection (F)(1)(i), the qualifying patient's residence address and mailing address;
 - c. The county where the qualifying patient resides;
 - d. The qualifying patient's e-mail address;
 - e. The identifying number on the applicable card or document in subsection (F)(2)(a) through (e);
 - f. The name, address, and telephone number of the physician providing the written certification for medical marijuana for the qualifying patient;

- g. Whether the qualifying patient is requesting authorization for cultivating marijuana plants for the qualifying patient's medical use because the qualifying patient believes that the qualifying patient resides at least 25 miles from the nearest operating dispensary;
 - h. If the qualifying patient is requesting authorization for cultivating marijuana plants, whether the qualifying patient is designating the qualifying patient's designated caregiver to cultivate marijuana plants for the qualifying patient's medical use;
 - i. If the qualifying patient is homeless, an address where the qualifying patient can receive mail;
 - j. Whether the qualifying patient would like notification of any clinical studies needing human subjects for research on the medical use of marijuana;
 - k. An attestation that the information provided in the application is true and correct; and
 - l. The signature of the qualifying patient and date the qualifying patient signed;
2. A copy of the qualifying patient's:
- a. Arizona driver's license issued on or after October 1, 1996;
 - b. Arizona identification card issued on or after October 1, 1996;
 - c. Arizona registry identification card;
 - d. Photograph page in the qualifying patient's U.S. passport; or
 - e. Arizona driver's license or identification card issued before October 1, 1996 and one of the following for the qualifying patient:
 - i. Birth certificate verifying U.S. citizenship,
 - ii. U.S. Certificate of Naturalization, or
 - iii. U.S. Certificate of Citizenship;
3. A current photograph of the qualifying patient;
4. A statement in a Department-provided format signed by the qualifying patient pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
5. A physician's written certification in a Department-provided format dated within 90 calendar days before the submission of the qualifying patient's application that includes:
- a. The physician's:
 - i. Name,
 - ii. License number including an identification of the physician license type,

- iii. Office address on file with the physician's licensing board,
 - iv. Telephone number on file with the physician's licensing board, and
 - v. E-mail address;
- b. The qualifying patient's name and date of birth;
- c. A statement that the physician has made or confirmed a diagnosis of a debilitating medical condition as defined in A.R.S. § 36-2801 for the qualifying patient;
- d. An identification of one or more of the debilitating medical conditions in R9-17-201 as the qualifying patient's specific debilitating medical condition;
- e. If the debilitating medical condition identified in subsection (F)(5)(d) is a condition in:
 - i. R9-17-201(9) through (13), the underlying chronic or debilitating disease or medical condition; or
 - ii. R9-17-201(14), the debilitating medical condition;
- f. A statement, initialed by the physician, that the physician:
 - i. Has established a medical record for the qualifying patient, and
 - ii. Is maintaining the qualifying patient's medical record as required in A.R.S. § 12-2297;
- g. A statement, initialed by the physician, that the physician has conducted an in-person physical examination of the qualifying patient within the previous 90 calendar days appropriate to the qualifying patient's presenting symptoms and the qualifying patient's debilitating medical condition diagnosed or confirmed by the physician;
- h. The date the physician conducted the in-person physical examination of the qualifying patient;
- i. A statement, initialed by the physician, that the physician reviewed the qualifying patient's:
 - i. Medical records including medical records from other treating physicians from the previous 12 months,
 - ii. Response to conventional medications and medical therapies, and
 - iii. Profile on the Arizona Board of Pharmacy Controlled Substances Prescription Monitoring Program database;

- j. A statement, initialed by the physician, that the physician has explained the potential risks and benefits of the medical use of marijuana to the qualifying patient;
 - k. A statement, initialed by the physician, that in the physician's professional opinion, the qualifying patient is likely to receive therapeutic or palliative benefit from the qualifying patient's medical use of marijuana to treat or alleviate the qualifying patient's debilitating medical condition;
 - l. A statement, initialed by the physician, that if the physician has referred the qualifying patient to a dispensary, the physician has disclosed to the qualifying patient any personal or professional relationship the physician has with the dispensary;
 - m. An attestation that the information provided in the written certification is true and correct; and
 - n. The physician's signature and the date the physician signed;
6. If the qualifying patient is designating a caregiver, the following in a Department-provided format:
- a. The designated caregiver's first name; middle initial, if applicable; last name; and suffix, if applicable;
 - b. The designated caregiver's date of birth;
 - c. The designated caregiver's residence address and mailing address;
 - d. The county where the designated caregiver resides;
 - e. The identifying number on the applicable card or document in subsection (F)(6)(i)(i) through (v);
 - f. One of the following:
 - i. A statement that the designated caregiver does not currently hold a valid registry identification card, or
 - ii. The assigned registry identification number for the designated caregiver for each valid registry identification card currently held by the designated caregiver;
 - g. An attestation signed and dated by the designated caregiver that the designated caregiver has not been convicted of an excluded felony offense as defined in A.R.S. § 36-2801;
 - h. A statement signed by the designated caregiver:

- i. Agreeing to assist the qualifying patient with the medical use of marijuana; and
 - ii. Pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
- i. A copy of the designated caregiver's:
 - i. Arizona driver's license issued on or after October 1, 1996;
 - ii. Arizona identification card issued on or after October 1, 1996;
 - iii. Arizona registry identification card;
 - iv. Photograph page in the designated caregiver's U.S. passport; or
 - v. Arizona driver's license or identification card issued before October 1, 1996 and one of the following for the designated caregiver:
 - (1) Birth certificate verifying U.S. citizenship,
 - (2) U.S. Certificate of Naturalization, or
 - (3) U.S. Certificate of Citizenship;
- j. A current photograph of the designated caregiver; and
- k. For the Department's criminal records check authorized in A.R.S. § 36-2804.05:
 - i. The designated caregiver's fingerprints on a fingerprint card that includes:
 - (1) The designated caregiver's first name; middle initial, if applicable; and last name;
 - (2) The designated caregiver's signature;
 - (3) If different from the designated caregiver, the signature of the individual physically rolling the designated caregiver's fingerprints;
 - (4) The designated caregiver's address;
 - (5) If applicable, the designated caregiver's surname before marriage and any names previously used by the designated caregiver;
 - (6) The designated caregiver's date of birth;
 - (7) The designated caregiver's Social Security number;
 - (8) The designated caregiver's citizenship status;
 - (9) The designated caregiver's gender;
 - (10) The designated caregiver's race;
 - (11) The designated caregiver's height;

- (12) The designated caregiver's weight;
 - (13) The designated caregiver's hair color;
 - (14) The designated caregiver's eye color; and
 - (15) The designated caregiver's place of birth; or
 - ii. If the designated caregiver's fingerprints and information required in subsection (F)(6)(k)(i) were submitted to the Department as part of an application for a designated caregiver or a dispensary agent registry identification card within the previous six months, the registry identification number on the registry identification card issued to the designated caregiver as a result of the application; and
 - 7. The applicable fees in R9-17-102 for applying for:
 - a. A qualifying patient registry identification card; and
 - b. If applicable, a designated caregiver registry identification card.
- G.** To apply for a registry identification card for a qualifying patient who is under 18 years of age, the qualifying patient's custodial parent or legal guardian responsible for health care decisions for the qualifying patient shall submit to the Department the following:
- 1. An application in a Department-provided format that includes:
 - a. The qualifying patient's:
 - i. First name; middle initial, if applicable; last name; and suffix, if applicable;
 - ii. Date of birth; and
 - iii. Gender;
 - b. The qualifying patient's residence address and mailing address;
 - c. The county where the qualifying patient resides;
 - d. The qualifying patient's custodial parent's or legal guardian's first name; middle initial, if applicable; last name; and suffix, if applicable;
 - e. The identifying number on the applicable card or document in subsection (G)(5)(a) through (e);
 - f. The qualifying patient's custodial parent's or legal guardian's residence address and mailing address;
 - g. The county where the qualifying patient's custodial parent or legal guardian resides;
 - h. The qualifying patient's custodial parent's or legal guardian's e-mail address;

- i. The name, address, and telephone number of a physician who has a physician-patient relationship with the qualifying patient and is providing the written certification for medical marijuana for the qualifying patient;
 - j. The name, address, and telephone number of a second physician who has conducted a comprehensive review of the patient's medical record maintained by other treating physicians, and is providing a written certification for medical marijuana for the qualifying patient;
 - k. The qualifying patient's custodial parent's or legal guardian's date of birth;
 - l. Whether the qualifying patient's custodial parent or legal guardian is requesting authorization for cultivating medical marijuana plants for the qualifying patient's medical use because the qualifying patient's custodial parent or legal guardian believes that the qualifying patient resides at least 25 miles from the nearest operating dispensary;
 - m. Whether the qualifying patient's custodial parent or legal guardian would like notification of any clinical studies needing human subjects for research on the medical use of marijuana;
 - n. Whether the individual submitting the application on behalf of the qualifying patient under 18 years of age is the qualifying patient's custodial parent or legal guardian;
 - o. One of the following:
 - i. A statement that the qualifying patient's custodial parent or legal guardian does not currently hold a valid registry identification card, or
 - ii. The assigned registry identification number for the qualifying patient's custodial parent or legal guardian for each valid registry identification card currently held by the qualifying patient's custodial parent or legal guardian;
 - p. An attestation that the information provided in the application is true and correct; and
 - q. The signature of the qualifying patient's custodial parent or legal guardian and the date the qualifying patient's custodial parent or legal guardian signed;
2. A current photograph of the:
- a. Qualifying patient, and
 - b. Qualifying patient's custodial parent or legal guardian serving as the qualifying patient's designated caregiver;

3. An attestation in a Department-provided format signed and dated by the qualifying patient's custodial parent or legal guardian that the qualifying patient's custodial parent or legal guardian has not been convicted of an excluded felony offense as defined in A.R.S. § 36-2801;
4. A statement in a Department-provided format signed by the qualifying patient's custodial parent or legal guardian who is serving as the qualifying patient's designated caregiver:
 - a. Allowing the qualifying patient's medical use of marijuana;
 - b. Agreeing to assist the qualifying patient with the medical use of marijuana; and
 - c. Pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
5. A copy of one of the following for the qualifying patient's custodial parent or legal guardian:
 - a. Arizona driver's license issued on or after October 1, 1996;
 - b. Arizona identification card issued on or after October 1, 1996;
 - c. Arizona registry identification card;
 - d. Photograph page in the qualifying patient's custodial parent or legal guardian U.S. passport; or
 - e. Arizona driver's license or identification card issued before October 1, 1996 and one of the following for the qualifying patient's custodial parent or legal guardian:
 - i. Birth certificate verifying U.S. citizenship,
 - ii. U. S. Certificate of Naturalization, or
 - iii. U. S. Certificate of Citizenship;
6. If the individual submitting the application on behalf of a qualifying patient is the qualifying patient's legal guardian, a copy of documentation establishing the individual as the qualifying patient's legal guardian;
7. For the Department's criminal records check authorized in A.R.S. § 36-2804.05:
 - a. The qualifying patient's custodial parent or legal guardian's fingerprints on a fingerprint card that includes:
 - i. The qualifying patient's custodial parent or legal guardian's first name; middle initial, if applicable; and last name;
 - ii. The qualifying patient's custodial parent or legal guardian's signature;

- iii. If different from the qualifying patient's custodial parent or legal guardian, the signature of the individual physically rolling the qualifying patient's custodial parent's or legal guardian's fingerprints;
 - iv. The qualifying patient's custodial parent's or legal guardian's address;
 - v. If applicable, the qualifying patient's custodial parent's or legal guardian's surname before marriage and any names previously used by the qualifying patient's custodial parent or legal guardian;
 - vi. The qualifying patient's custodial parent's or legal guardian's date of birth;
 - vii. The qualifying patient's custodial parent's or legal guardian's Social Security number;
 - viii. The qualifying patient's custodial parent's or legal guardian's citizenship status;
 - ix. The qualifying patient's custodial parent's or legal guardian's gender;
 - x. The qualifying patient's custodial parent's or legal guardian's race;
 - xi. The qualifying patient's custodial parent's or legal guardian's height;
 - xii. The qualifying patient's custodial parent's or legal guardian's weight;
 - xiii. The qualifying patient's custodial parent's or legal guardian's hair color;
 - xiv. The qualifying patient's custodial parent's or legal guardian's eye color; and
 - xv. The qualifying patient's custodial parent's or legal guardian's place of birth; or
 - b. If the qualifying patient's custodial parent's or legal guardian's fingerprints and information required in subsection (G)(7)(a) were submitted to the Department as part of an application for a designated caregiver or a dispensary agent registry identification card within the previous six months, the registry identification number on the registry identification card issued to the qualifying patient's custodial parent or legal guardian as a result of the application;
8. A written certification from the physician in subsection (G)(1)(i) and a separate written certification from the physician in (G)(1)(j) in a Department-provided format dated within 90 calendar days before the submission of the qualifying patient's application that includes:
- a. The physician's:
 - i. Name,

- ii. License number including an identification of the physician license type,
 - iii. Office address on file with the physician's licensing board,
 - iv. Telephone number on file with the physician's licensing board, and
 - v. E-mail address;
- b. The qualifying patient's name and date of birth;
- c. An identification of one or more of the debilitating medical conditions in R9-17-201 as the qualifying patient's specific debilitating medical condition;
- d. If the debilitating medical condition identified in subsection (G)(9)(c) is a condition in:
 - i. R9-17-201(9) through (13), the underlying chronic or debilitating disease or medical condition; or
 - ii. R9-17-201(14), the debilitating medical condition;
- e. For the physician listed in subsection (G)(1)(i):
 - i. A statement that the physician has made or confirmed a diagnosis of a debilitating medical condition as defined in A.R.S. § 36-2801 for the qualifying patient;
 - ii. A statement, initialed by the physician, that the physician:
 - (1) Has established a medical record for the qualifying patient, and
 - (2) Is maintaining the qualifying patient's medical record as required in A.R.S. § 12-2297;
 - iii. A statement, initialed by the physician, that the physician has conducted an in-person physical examination of the qualifying patient within the previous 90 calendar days appropriate to the qualifying patient's presenting symptoms and the qualifying patient's debilitating medical condition diagnosed or confirmed by the physician;
 - iv. The date the physician conducted the in-person physical examination of the qualifying patient;
 - v. A statement, initialed by the physician, that the physician reviewed the qualifying patient's:
 - (1) Medical records including medical records from other treating physicians from the previous 12 months,
 - (2) Response to conventional medications and medical therapies, and

- (3) Profile on the Arizona Board of Pharmacy Controlled Substances Prescription Monitoring Program database; and
- vi. A statement, initialed by the physician, that the physician has explained the potential risks and benefits of the use of medical marijuana to the qualifying patient's custodial parent or legal guardian responsible for health care decisions for the qualifying patient;
- f. For the physician listed in subsection (G)(1)(j), a statement, initialed by the physician, that the physician conducted a comprehensive review of the qualifying patient's medical records from other treating physicians;
- g. A statement, initialed by the physician, that, in the physician's professional opinion, the qualifying patient is likely to receive therapeutic or palliative benefit from the qualifying patient's medical use of marijuana to treat or alleviate the qualifying patient's debilitating medical condition;
- h. A statement, initialed by the physician, that if the physician has referred the qualifying patient's custodial parent or legal guardian to a dispensary, the physician has disclosed to the qualifying patient any personal or professional relationship the physician has with the dispensary;
- i. An attestation that the information provided in the written certification is true and correct; and
- j. The physician's signature and the date the physician signed; and
- 9. The applicable fees in R9-17-102 for applying for a:
 - a. Qualifying patient registry identification card, and
 - b. Designated caregiver registry identification card.
- H.** For purposes of this Article, "25 miles" includes the area contained within a circle that extends for 25 miles in all directions from a specific location.
- I.** For purposes of this Article, "residence address" when used in conjunction with a qualifying patient means:
 - 1. The street address including town or city and zip code assigned by a local jurisdiction; or
 - 2. For property that does not have a street address assigned by a local jurisdiction, the legal description of the property on the title documents recorded by the assessor of the county in which the property is located.
- R9-17-203. Amending a Qualifying Patient's or Designated Caregiver's Registry Identification Card**

- A. To add a designated caregiver or to request a change of a qualifying patient's designated caregiver, the qualifying patient shall submit to the Department, within 10 working days after the addition or the change, the following:
1. An application in a Department-provided format that includes:
 - a. The qualifying patient's name and the registry identification number on the qualifying patient's current registry identification card;
 - b. If applicable, the name of the qualifying patient's current designated caregiver and the date the designated caregiver last provided or will last provide assistance to the qualifying patient;
 - c. The name of the individual the qualifying patient is designating as caregiver; and
 - d. The signature of the qualifying patient and date the qualifying patient signed;
 2. For the caregiver the qualifying patient is designating:
 - a. The designated caregiver's first name; middle initial, if applicable; last name; and suffix, if applicable;
 - b. The designated caregiver's date of birth;
 - c. The designated caregiver's residence address and mailing address;
 - d. The county where the designated caregiver resides;
 - e. The identifying number on the applicable card or document in subsection (A)(2)(i)(i) through (v);
 - f. One of the following:
 - i. A statement that the designated caregiver does not currently hold a valid registry identification card, or
 - ii. The assigned registry identification number for the designated caregiver for each valid registry identification card currently held by the designated caregiver;
 - g. An attestation in a Department-provided format signed and dated by the designated caregiver that the designated caregiver has not been convicted of an excluded felony offense as defined in A.R.S. § 36-2801;
 - h. A statement in a Department-provided format signed by the designated caregiver:
 - i. Agreeing to assist the qualifying patient with the medical use of marijuana; and
 - ii. Pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;

- i. A copy the designated caregiver's:
 - i. Arizona driver's license issued on or after October 1, 1996;
 - ii. Arizona identification card issued on or after October 1, 1996;
 - iii. Arizona registry identification card;
 - iv. Photograph page in the designated caregiver's U.S. passport; or
 - v. Arizona driver's license or identification card issued before October 1, 1996 and one of the following for the designated caregiver:
 - (1) Birth certificate verifying U.S. citizenship,
 - (2) U. S. Certificate of Naturalization, or
 - (3) U. S. Certificate of Citizenship;
- j. A current photograph of the designated caregiver; and
- k. For the Department's criminal records check authorized in A.R.S. § 36-2804.05:
 - i. The designated caregiver's fingerprints on a fingerprint card that includes:
 - (1) The designated caregiver's first name; middle initial, if applicable; and last name;
 - (2) The designated caregiver's signature;
 - (3) If different from the designated caregiver, the signature of the individual physically rolling the designated caregiver's fingerprints;
 - (4) The designated caregiver's address;
 - (5) If applicable, the designated caregiver's surname before marriage and any names previously used by the designated caregiver;
 - (6) The designated caregiver's date of birth;
 - (7) The designated caregiver's Social Security number;
 - (8) The designated caregiver's citizenship status;
 - (9) The designated caregiver's gender;
 - (10) The designated caregiver's race;
 - (11) The designated caregiver's height;
 - (12) The designated caregiver's weight;
 - (13) The designated caregiver's hair color;
 - (14) The designated caregiver's eye color; and
 - (15) The designated caregiver's place of birth; or

- ii. If the designated caregiver's fingerprints and information required in subsection (A)(2)(k)(i) were submitted to the Department as part of an application for a designated caregiver or a dispensary agent within the previous six months, the registry identification number on the registry identification card issued to the designated caregiver as a result of the application; and
 3. The applicable fee in R9-17-102 for applying for a designated caregiver registry identification card.
- B.** To amend a qualifying patient's address on the qualifying patient's registry identification card when the qualifying patient or the qualifying patient's designated caregiver is authorized to cultivate marijuana, the qualifying patient shall submit to the Department, within 10 working days after the change in address, the following:
 1. The qualifying patient's name and the registry identification number on the qualifying patient's current registry identification card;
 2. The qualifying patient's new address;
 3. The county where the new address is located;
 4. The name of the qualifying patient's designated caregiver, if applicable;
 5. Whether the qualifying patient is requesting authorization for cultivating marijuana plants for the qualifying patient's medical use because the qualifying patient believes that the qualifying patient resides at least 25 miles from the nearest operating dispensary;
 6. If the qualifying patient is requesting authorization for cultivating marijuana plants, whether the qualifying patient is designating the qualifying patient's designated caregiver to cultivate marijuana plants for the qualifying patient's medical use;
 7. The effective date of the qualifying patient's new address; and
 8. The applicable fee in R9-17-102 for applying to:
 - a. Amend a qualifying patient's registry identification card; and
 - b. If the qualifying patient is designating a designated caregiver for cultivation authorization, amend a designated caregiver's registry identification card.
- C.** To request authorization to cultivate marijuana based on a qualifying patient's current address or a new address, the qualifying patient shall submit to the Department, if applicable within 10 working days after the change in address, the following:
 1. The qualifying patient's name and the registry identification number on the qualifying patient's current registry identification card;
 2. If the qualifying patient's address is a new address, the qualifying patient's:

- a. Current address,
 - b. New address,
 - c. The county where the new address is located, and
 - d. The effective date of the qualifying patient's new address;
- 3. The name of the qualifying patient's designated caregiver, if applicable;
- 4. Whether the qualifying patient is requesting authorization for cultivating marijuana plants for the qualifying patient's medical use because the qualifying patient believes that the qualifying patient resides at least 25 miles from the nearest operating dispensary;
- 5. If the qualifying patient is requesting authorization for cultivating marijuana plants, whether the qualifying patient is designating the qualifying patient's designated caregiver to cultivate marijuana plants for the qualifying patient's medical use; and
- 6. The applicable fee in R9-17-102 for applying to:
 - a. Amend a qualifying patient's registry identification card; and
 - b. If the qualifying patient is designating a designated caregiver for cultivation authorization, amend a designated caregiver's registry identification card.

R9-17-204. Renewing a Qualifying Patient's or Designated Caregiver's Registry Identification Card

- A. Except for a qualifying patient who is under 18 years of age, to renew a qualifying patient's registry identification card, the qualifying patient shall submit the following to the Department at least 30 calendar days before the expiration date of the qualifying patient's registry identification card:
 - 1. An application in a Department-provided format that includes:
 - a. The qualifying patient's first name; middle initial, if applicable; last name; and suffix, if applicable;
 - b. The qualifying patient's date of birth;
 - c. Except as provided in subsection (A)(1)(j), the qualifying patient's residence address and mailing address;
 - d. The county where the qualifying patient resides;
 - e. The qualifying patient's e-mail address;
 - f. The registry identification number on the qualifying patient's current registry identification card;
 - g. The name, address, and telephone number of the physician providing the written certification for medical marijuana for the qualifying patient;

- h. Whether the qualifying patient is requesting authorization for cultivating marijuana plants for the qualifying patient's medical use because the qualifying patient believes that the qualifying patient resides at least 25 miles from the nearest operating dispensary;
 - i. If the qualifying patient is requesting authorization for cultivating marijuana plants, whether the qualifying patient is designating the qualifying patient's designated caregiver to cultivate marijuana plants for the qualifying patient's medical use;
 - j. If the qualifying patient is homeless, an address where the qualifying patient can receive mail;
 - k. Whether the qualifying patient would like notification of any clinical studies needing human subjects for research on the medical use of marijuana;
 - l. An attestation that the information provided in the application is true and correct; and
 - m. The signature of the qualifying patient and the date the qualifying patient signed;
2. If the qualifying patient's name in subsection (A)(1)(a) is not the same name as on the qualifying patient's current registry identification card, one of the following with the qualifying patient's new name:
 - a. An Arizona driver's license,
 - b. An Arizona identification card, or
 - c. The photograph page in the qualifying patient's U.S. passport;
 3. A current photograph of the qualifying patient;
 4. A statement in a Department-provided format signed by the qualifying patient pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
 5. A physician's written certification in a Department-provided format dated within 90 calendar days before the submission of the qualifying patient's renewal application that includes:
 - a. The physician's:
 - i. Name,
 - ii. License number including an identification of the physician license type,
 - iii. Office address on file with the physician's licensing board,
 - iv. Telephone number on file with the physician's licensing board, and
 - v. E-mail address;

- b. The qualifying patient's name and date of birth;
- c. A statement that the physician has made or confirmed a diagnosis of a debilitating medical condition as defined in A.R.S. § 36-2801 for the qualifying patient;
- d. An identification of one or more of the debilitating medical conditions in R9-17-201 as the qualifying patient's specific debilitating medical condition;
- e. If the debilitating medical condition identified in subsection (A)(5)(d) is a condition in:
 - i. R9-17-201(9) through (13), the underlying chronic or debilitating disease or medical condition; or
 - ii. R9-17-201(14), the debilitating medical condition;
- f. A statement, initialed by the physician, that the physician:
 - i. Has established a medical record for the qualifying patient, and
 - ii. Is maintaining the qualifying patient's medical record as required in A.R.S. § 12-2297;
- g. A statement, initialed by the physician, that the physician has conducted an in-person physical examination of the qualifying patient within the previous 90 calendar days appropriate to the qualifying patient's presenting symptoms and the qualifying patient's debilitating medical condition diagnosed or confirmed by the physician;
- h. The date the physician conducted the in-person physical examination of the qualifying patient;
- i. A statement, initialed by the physician, that the physician reviewed the qualifying patient's:
 - i. Medical records including medical records from other treating physicians from the previous 12 months,
 - ii. Response to conventional medications and medical therapies, and
 - iii. Profile on the Arizona Board of Pharmacy Controlled Substances Prescription Monitoring Program database;
- j. A statement, initialed by the physician, that the physician has explained the potential risks and benefits of the medical use of marijuana to the qualifying patient;
- k. A statement, initialed by the physician, that in the physician's professional opinion, the qualifying patient is likely to receive therapeutic or palliative benefit

- from the qualifying patient's medical use of marijuana to treat or alleviate the qualifying patient's debilitating medical condition;
- l. A statement, initialed by the physician, that if the physician has referred the qualifying patient to a dispensary, the physician has disclosed to the qualifying patient any personal or professional relationship the physician has with the dispensary;
 - m. An attestation that the information provided in the written certification is true and correct; and
 - n. The physician's signature and the date the physician signed;
6. If the qualifying patient is designating a caregiver or if the qualifying patient's designated caregiver's registry identification card has the same expiration date as the qualifying patient's registry identification card, the following in a Department-provided format:
- a. The designated caregiver's first name; middle initial, if applicable; last name; and suffix, if applicable;
 - b. The designated caregiver's date of birth;
 - c. The designated caregiver's residence address and mailing address;
 - d. The county where the designated caregiver resides;
 - e. If the qualifying patient is renewing the designated caregiver's registry identification card, the registry identification number on the designated caregiver's registry identification card associated with the qualifying patient;
 - f. If the qualifying patient is designating an individual not previously designated as the qualifying patient's designated caregiver, the identification number on and a copy of the designated caregiver's:
 - i. Arizona driver's license issued on or after October 1, 1996;
 - ii. Arizona identification card issued on or after October 1, 1996;
 - iii. Arizona registry identification card;
 - iv. Photograph page in the designated caregiver's U. S. passport; or
 - v. Arizona driver's license or identification card issued before October 1, 1996 and one of the following for the designated caregiver:
 - (1) Birth certificate verifying U.S. citizenship,
 - (2) U. S. Certificate of Naturalization, or
 - (3) U. S. Certificate of Citizenship;
 - g. If the qualifying patient is designating an individual not previously designated as the qualifying patient's designated caregiver, one of the following:

- i. A statement that the designated caregiver does not currently hold a valid registry identification card, or
 - ii. The assigned registry identification number for the designated caregiver for each valid registry identification card currently held by the designated caregiver;
- h. A current photograph of the designated caregiver;
- i. An attestation signed and dated by the designated caregiver that the designated caregiver has not been convicted of an excluded felony offense as defined in A.R.S. § 36-2801;
- j. A statement in a Department-provided format signed by the designated caregiver:
 - i. Agreeing to assist the qualifying patient with the medical use of marijuana; and
 - ii. Pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1; and
- k. For the Department's criminal records check authorized in A.R.S. § 36-2804.05:
 - i. The designated caregiver's fingerprints on a fingerprint card that includes:
 - (1) The designated caregiver's first name; middle initial, if applicable; and last name;
 - (2) The designated caregiver's signature;
 - (3) If different from the designated caregiver, the signature of the individual physically rolling the designated caregiver's fingerprints;
 - (4) The designated caregiver's address;
 - (5) If applicable, the designated caregiver's surname before marriage and any names previously used by the designated caregiver;
 - (6) The designated caregiver's date of birth;
 - (7) The designated caregiver's Social Security number;
 - (8) The designated caregiver's citizenship status;
 - (9) The designated caregiver's gender;
 - (10) The designated caregiver's race;
 - (11) The designated caregiver's height;
 - (12) The designated caregiver's weight;

- (13) The designated caregiver's hair color;
 - (14) The designated caregiver's eye color; and
 - (15) The designated caregiver's place of birth; or
 - ii. If the designated caregiver's fingerprints and information required in subsection (A)(6)(k)(i) were submitted to the Department as part of an application for a designated caregiver or a dispensary agent registry identification card within the previous six months, the registry identification number on the registry identification card issued to the designated caregiver as a result of the application;
 - 7. If the qualifying patient's designated caregiver's registry identification card has the same expiration date as the qualifying patient's registry identification card and the designated caregiver's name in subsection (A)(6)(a) is not the same name as on the designated caregiver's current registry identification card, one of the following with the designated caregiver's new name:
 - a. An Arizona driver's license,
 - b. An Arizona identification card, or
 - c. The photograph page in the designated caregiver's U.S. passport; and
 - 8. The applicable fees in R9-17-102 for applying to:
 - a. Renew a qualifying patient's registry identification card; and
 - b. If applicable, issue or renew a designated caregiver's registry identification card.
- B.** To renew a registry identification card for a qualifying patient who is under 18 years of age, the qualifying patient's custodial parent or legal guardian responsible for health care decisions for the qualifying patient shall submit to the Department the following:
- 1. An application in a Department-provided format that includes:
 - a. The qualifying patient's:
 - i. First name; middle initial, if applicable; last name; and suffix, if applicable; and
 - ii. Date of birth;
 - b. The qualifying patient's residence address and mailing address;
 - c. The county where the qualifying patient resides;
 - d. The registry identification number on the qualifying patient's current registry identification card;
 - e. The qualifying patient's custodial parent's or legal guardian's first name; middle initial, if applicable; last name; and suffix, if applicable;

- f. The qualifying patient's custodial parent's or legal guardian's residence address and mailing address;
- g. The county where the qualifying patient's custodial parent or legal guardian resides;
- h. The qualifying patient's custodial parent's or legal guardian's e-mail address;
- i. The registry identification number on the qualifying patient's custodial parent's or legal guardian's current registry identification card;
- j. The name, address, and telephone number of a physician who has a physician-patient relationship with the qualifying patient and is providing the written certification for medical marijuana for the qualifying patient;
- k. The name, address, and telephone number of a second physician who has conducted a comprehensive review of the qualifying patient's medical record maintained by other treating physicians, and is providing a written certification for medical marijuana for the qualifying patient;
- l. Whether the qualifying patient's custodial parent or legal guardian is requesting approval for cultivating marijuana plants for the qualifying patient's medical use because the qualifying patient's custodial parent or legal guardian believes that the qualifying patient resides at least 25 miles from the nearest operating dispensary;
- m. Whether the qualifying patient's custodial parent or legal guardian would like notification of any clinical studies needing human subjects for research on the medical use of marijuana;
- n. A statement in a Department-provided format signed by the qualifying patient's custodial parent or legal guardian who is serving as the qualifying patient's designated caregiver:
 - i. Allowing the qualifying patient's medical use of marijuana;
 - ii. Agreeing to assist the qualifying patient with the medical use of marijuana; and
 - iii. Pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
- o. An attestation that the information provided in the application is true and correct; and

- p. The signature of the qualifying patient's custodial parent or legal guardian and the date the qualifying patient's custodial parent or legal guardian signed;
- 2. If the qualifying patient's custodial parent's or legal guardian's name in subsection (B)(1)(e) is not the same name as on the qualifying patient's custodial parent's or legal guardian's current registry identification card, one of the following with the custodial parent's or legal guardian's new name:
 - a. An Arizona driver's license,
 - b. An Arizona identification card, or
 - c. The photograph page in the qualifying patient's custodial parent's or legal guardian's U.S. passport;
- 3. A current photograph of the qualifying patient;
- 4. A written certification from the physician in subsection (B)(1)(j) and a separate written certification from the physician in subsection (B)(1)(k) in a Department-provided format dated within 90 calendar days before the submission of the qualifying patient's renewal application that includes:
 - a. The physician's:
 - i. Name,
 - ii. License number including an identification of the physician license type,
 - iii. Office address on file with the physician's licensing board,
 - iv. Telephone number on file with the physician's licensing board, and
 - v. E-mail address;
 - b. The qualifying patient's name and date of birth;
 - c. An identification of one or more of the debilitating medical conditions in R9-17-201 as the qualifying patient's specific debilitating medical condition;
 - d. If the debilitating medical condition identified in subsection (B)(4)(c) is a condition in:
 - i. R9-17-201(9) through (13), the underlying chronic or debilitating disease or medical condition; or
 - ii. R9-17-201(14), the debilitating medical condition;
 - e. For the physician listed in subsection (B)(1)(j):
 - i. A statement that the physician has made or confirmed a diagnosis of a debilitating medical condition as defined in A.R.S. § 36-2801 for the qualifying patient;
 - ii. A statement, initialed by the physician, that the physician:

- (1) Has established a medical record for the qualifying patient, and
 - (2) Is maintaining the qualifying patient's medical record as required in A.R.S. § 12-2297;
- iii. A statement, initialed by the physician, that the physician has conducted an in-person physical examination of the qualifying patient within the previous 90 calendar days appropriate to the qualifying patient's presenting symptoms and the qualifying patient's debilitating medical condition diagnosed or confirmed by the physician;
- iv. The date the physician conducted the in-person physical examination of the qualifying patient;
- v. A statement, initialed by the physician, that the physician reviewed the qualifying patient's:
 - (1) Medical records including medical records from other treating physicians from the previous 12 months,
 - (2) Response to conventional medications and medical therapies, and
 - (3) Profile on the Arizona Board of Pharmacy Controlled Substances Prescription Monitoring Program database; and
- vi. A statement, initialed by the physician, that the physician has explained the potential risks and benefits of the use of medical marijuana to the qualifying patient's custodial parent or legal guardian responsible for health care decisions for the qualifying patient;
- f. For the physician listed in subsection (B)(1)(k), a statement, initialed by the physician, that the physician conducted a comprehensive review of the qualifying patient's medical records from other treating physicians;
- g. A statement, initialed by the physician, that in the physician's professional opinion the qualifying patient is likely to receive therapeutic or palliative benefit from the qualifying patient's medical use of marijuana to treat or alleviate the qualifying patient's debilitating medical condition;
- h. A statement, initialed by the physician, that if the physician has referred the qualifying patient's custodial parent or legal guardian to a dispensary, the physician has disclosed to the qualifying patient's custodial parent or legal guardian any personal or professional relationship the physician has with the dispensary;

- i. An attestation that the information provided in the written certification is true and correct; and
 - j. The physician's signature and the date the physician signed; and
- 5. A current photograph of the qualifying patient's custodial parent or legal guardian;
- 6. For the Department's criminal records check authorized in A.R.S. § 36-2804.05:
 - a. The qualifying patient's custodial parent's or legal guardian's fingerprints on a fingerprint card that includes:
 - i. The qualifying patient's custodial parent's or legal guardian's first name; middle initial, if applicable; and last name;
 - ii. The qualifying patient's custodial parent's or legal guardian's signature;
 - iii. If different from the qualifying patient's custodial parent or legal guardian, the signature of the individual physically rolling the qualifying patient's custodial parent's or legal guardian's fingerprints;
 - iv. The qualifying patient's custodial parent's or legal guardian's address;
 - v. If applicable, the qualifying patient's custodial parent's or legal guardian's surname before marriage and any names previously used by the qualifying patient's custodial parent or legal guardian;
 - vi. The qualifying patient's custodial parent's or legal guardian's date of birth;
 - vii. The qualifying patient's custodial parent's or legal guardian's Social Security number;
 - viii. The qualifying patient's custodial parent's or legal guardian's citizenship status;
 - ix. The qualifying patient's custodial parent's or legal guardian's gender;
 - x. The qualifying patient's custodial parent's or legal guardian's race;
 - xi. The qualifying patient's custodial parent's or legal guardian's height;
 - xii. The qualifying patient's custodial parent's or legal guardian's weight;
 - xiii. The qualifying patient's custodial parent's or legal guardian's hair color;
 - xiv. The qualifying patient's custodial parent's or legal guardian's eye color; and
 - xv. The qualifying patient's custodial parent's or legal guardian's place of birth; or
 - b. If the qualifying patient's custodial parent's or legal guardian's fingerprints and information required in subsection (B)(6)(a) were submitted as part of an

application for a designated caregiver or a dispensary agent registry identification card to the Department within the previous six months, the registry identification number on the registry identification card issued to the patient's custodial parent or legal guardian serving as the qualifying patient's designated caregiver as a result of the application; and

7. The applicable fees in R9-17-102 for applying to renew a:
 - a. Qualifying patient's registry identification card, and
 - b. Designated caregiver's registry identification card.
- C. Except as provided in subsection (A)(6), to renew a qualifying patient's designated caregiver's registry identification card, the qualifying patient shall submit to the Department, at least 30 calendar days before the expiration date of the designated caregiver's registry identification card, the following:
1. An application in a Department-provided format that includes:
 - a. The qualifying patient's first name; middle initial, if applicable; last name; and suffix, if applicable;
 - b. The registry identification number on the qualifying patient's current registry identification card;
 - c. The designated caregiver's first name; middle initial, if applicable; last name; and suffix, if applicable;
 - d. The designated caregiver's date of birth;
 - e. The designated caregiver's residence address and mailing address;
 - f. The county where the designated caregiver resides;
 - g. The registry identification number on the designated caregiver's current registry identification card;
 2. If the designated caregiver's name in subsection (C)(1)(a) is not the same name as on the designated caregiver's current registry identification card, one of the following with the designated caregiver's new name:
 - a. An Arizona driver's license,
 - b. An Arizona identification card, or
 - c. The photograph page in the designated caregiver's U.S. passport;
 3. A current photograph of the designated caregiver;
 4. A statement in a Department-provided format signed by the designated caregiver:
 - a. Agreeing to assist the qualifying patient with the medical use of marijuana; and

- b. Pledging not to divert marijuana to any individual or person who is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1; and
- 5. For the Department's criminal records check authorized in A.R.S. § 36-2804.05:
 - a. The designated caregiver's fingerprints on a fingerprint card that includes:
 - i. The designated caregiver's first name; middle initial, if applicable; and last name;
 - ii. The designated caregiver's signature;
 - iii. If different from the designated caregiver, the signature of the individual physically rolling the designated caregiver's fingerprints;
 - iv. The designated caregiver's address;
 - v. If applicable, the designated caregiver's surname before marriage and any names previously used by the designated caregiver;
 - vi. The designated caregiver's date of birth;
 - vii. The designated caregiver's Social Security number;
 - viii. The designated caregiver's citizenship status;
 - ix. The designated caregiver's gender;
 - x. The designated caregiver's race;
 - xi. The designated caregiver's height;
 - xii. The designated caregiver's weight;
 - xiii. The designated caregiver's hair color;
 - xiv. The designated caregiver's eye color; and
 - xv. The designated caregiver's place of birth; or
 - b. If the designated caregiver's fingerprints and information required in subsection (C)(1)(j)(i) were submitted as part of an application for a designated caregiver or a dispensary agent registry identification card to the Department within the previous six months, the registry identification number on the registry identification card issued to the designated caregiver as a result of the application; and
- 6. The applicable fee in R9-17-102 for renewing a designated caregiver's registry identification card.

R9-17-205. Denial or Revocation of a Qualifying Patient's or Designated Caregiver's Registry Identification Card

- A. The Department shall deny a qualifying patient's application for or renewal of the qualifying patient's registry identification card if the qualifying patient does not have a debilitating medical condition.
- B. The Department shall deny a designated caregiver's application for or renewal of the designated caregiver's registry identification card if the designated caregiver does not meet the definition of "designated caregiver" in A.R.S. § 36-2801.
- C. The Department may deny a qualifying patient's or designated caregiver's application for or renewal of the qualifying patient's or designated caregiver's registry identification card if the qualifying patient or designated caregiver:
 - 1. Previously had a registry identification card revoked for not complying with A.R.S. Title 36, Chapter 28.1 or this Chapter; or
 - 2. Provides false or misleading information to the Department.
- D. The Department shall revoke a qualifying patient's or designated caregiver's registry identification card if the qualifying patient or designated caregiver provides medical marijuana to an individual who is not authorized to possess medical marijuana under A.R.S. Title 36, Chapter 28.1.
- E. The Department shall revoke a designated caregiver's registry identification card if the designated caregiver has been convicted of an excluded felony offense.
- F. The Department may revoke a qualifying patient's or designated caregiver's registry identification card if the qualifying patient or designated caregiver knowingly violates A.R.S. Title 36, Chapter 28.1 or this Chapter.
- G. If the Department denies or revokes a qualifying patient's registry identification card, the Department shall provide written notice to the qualifying patient that includes:
 - 1. The specific reason or reasons for the denial or revocation; and
 - 2. The process for requesting a judicial review of the Department's decision pursuant to A.R.S. Title 12, Chapter 7, Article 6.
- H. If the Department denies or revokes a qualifying patient's designated caregiver's registry identification card, the Department shall provide written notice to the qualifying patient and the designated caregiver that includes:
 - 1. The specific reason or reasons for the denial or revocation; and
 - 2. The process for requesting a judicial review of the Department's decision pursuant to A.R.S. Title 12, Chapter 7, Article 6.

ARTICLE 3. DISPENSARIES AND DISPENSARY AGENTS

R9-17-301. Principal Officers and Board Members

- A.** For the purposes of this Chapter, in addition to the individual or individuals identified in the dispensary's by-laws as principal officers of the dispensary, the following individuals are considered principal officers:
1. If an individual is applying for a dispensary registration certificate, the individual;
 2. If a corporation is applying for a dispensary registration certificate, two individuals who are officers of the corporation;
 3. If a partnership is applying for a dispensary registration certificate, two of the individuals who are partners;
 4. If a limited liability company is applying for a dispensary registration certificate, a manager or, if the limited liability company does not have a manager, an individual who is a member of the limited liability company;
 5. If an association or cooperative is applying for a dispensary registration certificate, two individuals who are members of the governing board of the association or cooperative;
 6. If a joint venture is applying for a dispensary registration certificate, two of the individuals who signed the joint venture agreement; and
 7. If a business organization type other than those described in subsections (A)(2) through (6) is applying for a dispensary registration certificate, two individuals who are members of the business organization.
- B.** For purposes of this Chapter, in addition to the individual or individuals identified in the dispensary's by-laws as board members of the dispensary, the following individuals are considered board members:
1. If a corporation is applying for a dispensary registration certificate, the officers of the corporation;
 2. If a partnership is applying for a dispensary registration certificate, the partners;
 3. If a limited liability company is applying for a dispensary registration certificate, the members of the limited liability company;
 4. If an association or cooperative is applying for a dispensary registration certificate, the members of the association or cooperative;
 5. If a joint venture is applying for a dispensary registration certificate, the individuals who signed the joint venture agreement; and
 6. If a business organization type other the types of business organizations in subsections (B)(1) through (5), the members of the business organization.

- C. When a dispensary is required by this Chapter to provide information, sign documents, or ensure actions are taken, the individual or individuals in subsection (A) shall comply with the requirement on behalf of the dispensary.

R9-17-302. Evaluation of Dispensary Registration Certificate Applications

- A. If more than one dispensary registration certificate application, that is complete and in compliance with A.R.S. Title 36, Chapter 28.1 and this Chapter, is received for a single CHAA, the Department shall review the dispensary registration certificate applications for the CHAA to determine if:
- ~~1.~~ Each applicant, principal officer, or board member associated with a dispensary registration certificate application has submitted Arizona resident personal income tax returns for the previous three years with the dispensary registration certificate application;
 - ~~2.~~ Each applicant, principal officer, or board member associated with a dispensary registration certificate application:
 - ~~a.~~ Is current on paying court ordered child support;
 - ~~b.~~ Is not delinquent paying taxes, interest, or penalties due to a governmental agency;
 - ~~c.~~ Does not have an unpaid judgment due to a governmental agency; and
 - ~~d.~~ Is not in default on a government issued student loan;
 - ~~3.1.~~ Each individual who has 20% or more interest in the dispensary is the applicant or a principal officer or board member of the dispensary; and
 - ~~4.~~ Each applicant, principal officer, or board member has never:
 - ~~a.~~ Filed for personal bankruptcy, or
 - ~~b.~~ Been a principal officer of a business entity that filed for bankruptcy; and
 - ~~5.2.~~ Documentation was submitted with the dispensary registration certificate application that:
 - a. Is from an in-state financial institution or an out-of-state financial institution;
 - b. Is dated within 30 calendar days before the date the dispensary registration certificate application was submitted; and
 - c. Demonstrates that the entity applying for the dispensary registration certificate or a principal officer of the entity:
 - i. Has at least \$150,000 under the control of the entity or principal officer to begin operating the dispensary, and

- ii. Has had control of the \$150,000 in subsection ~~(A)(5)(c)(i)~~ (A)(2)(c)(i) for at least 30 calendar days before the date the dispensary registration certificate application was submitted.

B. The Department shall process the dispensary registration certificate applications to allocate a dispensary registration certificate in a CHAA for each dispensary registration certificate assigned to the CHAA as follows:

1. The Department shall review all dispensary registration certificate applications received for the CHAA to determine if each application meets the criteria in subsection (A)(1);
2. If the Department determines that only one of the reviewed dispensary registration certificate applications meets the criteria in subsection (A)(1), the Department shall allocate a dispensary registration certificate to that applicant;
3. If the Department determines that none of the reviewed dispensary registration certificate applications meets the criteria in subsection (A)(1), the Department shall randomly select one dispensary registration certificate application and allocate a dispensary registration certificate to that applicant;
4. If the Department determines that more than one or all of the reviewed dispensary registration certificate applications meet the criteria in subsection (A)(1), the Department shall review those applications that meet the criteria in subsection (A)(1) for the criteria in subsection (A)(2);
5. If the Department determines that only one of the reviewed dispensary registration certificate applications meets the criteria in subsection (A)(2), the Department shall allocate a dispensary registration certificate to that applicant;
6. If the Department determines that none of the reviewed dispensary registration certificate applications meets the criteria in subsection (A)(2), the Department shall randomly select one dispensary registration certificate application that meets the criteria in subsection (A)(1) and allocate a dispensary registration certificate to that applicant; and
7. If the Department determines that more than one or all of the reviewed dispensary registration certificate applications meet the criteria in subsection (A)(2), the Department shall ~~review those applications that meet the criteria in subsection (A)(2) for the criteria in subsection (A)(3)~~ randomly select one of the dispensary registration certificate applications that meet the criteria in subsection (A)(2) and allocate a dispensary registration certificate to that applicant;

8. ~~If the Department determines that only one of the reviewed dispensary registration certificate applications meets the criteria in subsection (A)(3), the Department shall allocate a dispensary registration certificate to that applicant;~~
9. ~~If the Department determines that none of the reviewed dispensary registration certificate applications meets the criteria in subsection (A)(3), the Department shall randomly select one dispensary registration certificate application that meets the criteria in subsection (A)(2) and allocate a dispensary registration certificate to that applicant;~~
10. ~~If the Department determines that more than one or all of the reviewed dispensary registration certificate applications meet the criteria in subsection (A)(3), the Department shall review those applications that meet the criteria in subsection (A)(3) for the criteria in subsection (A)(4);~~
11. ~~If the Department determines that only one of the reviewed dispensary registration certificate applications meets the criteria in subsection (A)(4), the Department shall allocate a dispensary registration certificate to that applicant;~~
12. ~~If the Department determines that none of the reviewed dispensary registration certificate applications meets the criteria in subsection (A)(4), the Department shall randomly select one dispensary registration certificate application that meets the criteria in subsection (A)(3) and allocate a dispensary registration certificate to that applicant;~~
13. ~~If the Department determines that more than one or all of the reviewed dispensary registration certificate applications meet the criteria in subsection (A)(4), the Department shall review those applications that meet the criteria in subsection (A)(4) for the criteria in subsection (A)(5);~~
14. ~~If the Department determines that only one of the reviewed dispensary registration certificate applications meets the criteria in subsection (A)(5), the Department shall allocate a dispensary registration certificate to that applicant;~~
15. ~~If the Department determines that none of the reviewed dispensary registration certificate applications or all of the dispensary registration certificate applications meet the criteria in subsection (A)(5), the Department shall randomly select one dispensary registration certificate application that meets the criteria in subsection (A)(4) and allocate a dispensary registration certificate to that applicant; and~~
16. ~~If the Department determines that more than one of the reviewed dispensary registration certificate applications meet the criteria in subsection (A)(5), the Department shall randomly select one of the dispensary registration certificate applications that meet the~~

~~criteria in subsection (A)(5) and allocate a dispensary registration certificate to that applicant.~~

- C. If an applicant submits more than one dispensary registration certificate application, the documentation in subsection ~~(A)(5)~~ (A)(2) needs to demonstrate there is at least \$150,000 available for each dispensary registration certificate application submitted.

R9-17-303. Dispensary Registration Certificate Allocation Process

- A. The Department shall review dispensary registration certificate applications and issue dispensary registration certificates according to the requirements in R9-17-107 and R9-17-302.
- B. Except as provided in subsection (C), the Department shall assign only one dispensary registration certificate allocation for each CHAA.
- C. A city or town that contains more than one CHAA may request the reassignment of a dispensary registration certificate allocation from one CHAA to another CHAA under the jurisdiction of the city or town by submitting a written request to the Department by ~~June 1, 2011~~ 30 calendar days after the posting in subsection (D) that contains:
1. The CHAAs involved in the reassignment,
 2. The reassignment requested, and
 3. The signature of the individual authorized to submit the request.
- D. The Department shall accept dispensary registration certificate applications for ~~30 calendar~~ 10 working days beginning June 1, 2011 30 calendar days after the Department posts on the Department's website that the Department will be accepting dispensary registration certificate applications.
- E. If the Department receives:
1. Only one dispensary registration certificate application for a dispensary located in a CHAA that the Department determines is complete and is in compliance with A.R.S. Title 36, Chapter 28.1 and this Chapter by ~~60 calendar working days after June 1, 2011~~ the Department begins accepting applications, the Department shall allocate the dispensary registration certificate for the CHAA to that applicant; or
 2. More than one dispensary registration certificate application for a dispensary located in a CHAA that the Department determines are complete and are in compliance with A.R.S. Title 36, Chapter 28.1 and this Chapter, by ~~60 calendar working days after June 1, 2011~~ the Department begins accepting applications, the Department shall allocate a dispensary registration certificate according to R9-17-302.

- F. ~~In May of each~~ Each calendar year beginning in ~~May 2012~~ 2013, the Department shall review current valid dispensary registration certificates to determine if the Department may issue additional dispensary registration certificates pursuant to A.R.S. § 36-2804(C).
1. If the Department determines that the Department may issue additional dispensary registration certificates, the Department shall post, on the Department's web site, the information that the Department is accepting dispensary registration certificate applications, including the deadline for accepting dispensary registration certificate applications.
 - a. The Department shall post the information in subsection (F)(1) ~~by the last working day of the month~~ at least 30 calendar days before the date the Department begins accepting applications.
 - b. The deadline for submission of dispensary registration certificate applications is ~~30 calendar 10 working~~ days after the date of posting in the Department begins accepting applications in subsection (F)(1)(a).
 - c. ~~Sixty calendar working~~ Sixty calendar working days after the date ~~of posting in subsection (F)(1)(a)~~ the Department begins accepting applications, the Department shall determine if the Department received more dispensary registration certificate applications that are complete and in compliance with A.R.S. Title 36, Chapter 28.1 and this Chapter than the Department is allowed to issue.
 - i. If the Department received more dispensary registration certificates applications than the Department is allowed to issue, the Department shall allocate any available dispensary registration certificates according to the priorities established in subsection (G).
 - ii. If the Department is allowed to issue a dispensary registration certificate for each dispensary registration certificate application the Department received, the Department shall allocate the dispensary registration certificates to those applicants.
 2. If the Department determines that the Department is not allowed to issue additional dispensary registration certificates, the Department shall, on the Department's web site:
 - a. Post the information that the Department is not accepting dispensary registration certificate applications, and
 - b. Maintain the information until the next review.
- G. Beginning in ~~May 2012~~ 2013, if the Department receives, by ~~60 calendar~~ 60 calendar working days after the date the Department begins accepting applications ~~posted the notice in subsection (F)(1)(a)~~, more

dispensary registration certificate applications that are complete and are in compliance with A.R.S. Title 36, Chapter 28.1 and this Chapter than the Department is allowed to issue, the Department shall allocate the dispensary registration certificates according to the following criteria:

1. If dispensary registration certificate applications are received for a county that does not contain a dispensary:
 - a. If only one dispensary registration certificate application for a dispensary located in the county is received, the Department shall allocate the dispensary registration certificate to that applicant; or
 - b. If more than one dispensary registration certificate application for a dispensary located in the county is received, the Department shall prioritize and allocate a dispensary registration certificate to an applicant whose proposed dispensary location will provide dispensary services to the most qualifying patients based on:
 - i. The number of registry identification cards issued to qualifying patients who reside within 10 miles of the applicant's proposed dispensary location, and
 - ii. The number of dispensaries operating within 10 miles of the applicant's proposed dispensary location;
2. If there are additional dispensary registration certificates available after dispensary registration certificates are allocated according to subsection (G)(1), and if dispensary registration certificate applications are received for a location in a CHAA that does not contain a dispensary and whose dispensary registration certificate has not been reassigned under subsection (C), the Department shall allocate the dispensary registration certificates as follows:
 - a. If the Department receives dispensary registration certificate applications for a dispensary in more CHAAs, that do not contain a dispensary and whose dispensary registration certificates have not been reassigned under subsection (C), than there are dispensary registration certificates available, the Department shall prioritize and assign a dispensary registration certificate allocation to a CHAA based on which CHAA has the most registry identification cards issued to qualifying patients who reside within the CHAA;

- b. If only one dispensary registration certificate application for a dispensary located in the CHAA is received, the Department shall allocate the dispensary registration certificate to that applicant; or
 - c. If the Department receives more than one dispensary registration certificate application for a dispensary located in the CHAA, the Department shall prioritize and allocate dispensary registration certificates to an applicant whose proposed dispensary location will provide dispensary services to the most qualifying patients based on:
 - i. The number of registry identification cards issued to qualifying patients who reside within 10 miles of the applicant's proposed dispensary location, and
 - ii. The number of dispensaries operating within 10 miles of the applicant's proposed dispensary location;
 - 3. If there are additional dispensary registration certificates available after dispensary registration certificates are allocated according to subsections (G)(1) and (2), for all dispensary registration certificate applications not allocated a dispensary registration certificate pursuant to subsections (G)(1) and (2) and any other dispensary registration certificate applications received, the Department shall prioritize and allocate a dispensary registration certificate to an applicant whose proposed dispensary location will provide dispensary services to the most qualifying patients based on:
 - a. The number of registry identification cards issued to qualifying patients who reside within 10 miles of the applicant's proposed dispensary location, and
 - b. The number of dispensaries operating within 10 miles of the applicant's proposed dispensary location; and
 - 4. If there is a tie or a margin of 0.1% or less in the scores generated by applying the criteria in subsection (G), the Department shall randomly select one dispensary registration certificate application and allocate a dispensary registration certificate to that applicant.
- H.** For purposes of subsection (G), "10 miles" includes the area contained within a circle that extends for 10 miles in all directions from a specific location.
- I.** If the Department does not allocate a dispensary registration certificate to an applicant that had submitted a dispensary registration certificate application that the Department determined was complete and in compliance with A.R.S. Title 36, Chapter 28.1 and this Chapter, the Department shall:

1. Provide a written notice to the applicant that states that, although the applicant's dispensary registration certificate application was complete and complied with A.R.S. Title 36, Chapter 28.1 and this Chapter, the Department did not allocate the applicant a dispensary registration certificate under the processes in R9-17-302 and this Section; and
 2. Return \$1,000 of the application fee to the applicant.
- J.** If the Department receives a dispensary registration certificate application at a time other than the time stated in subsection (D) or (F), the Department shall return the dispensary registration certificate application, including the application fee, to the entity that submitted the dispensary registration certificate application.

R9-17-304. Applying for a Dispensary Registration Certificate

- A.** An individual shall not be an applicant, principal officer, or board member on:
1. More than one dispensary registration certificate application for a location in a single CHAA, or
 2. More than five dispensary registration certificate applications for locations in different CHAAs.
- B.** If the Department determines that an individual is an applicant, principal officer, or board member on more than one dispensary registration certificate application for a CHAA or more than five dispensary registration certificate applications, the Department shall review the applications and provide the applicant on each of the dispensary registration certificate applications with a written comprehensive request for more information that includes the specific requirements in A.R.S. Title 36, Chapter 28.1 and this Chapter that the dispensary registration certificate application does not comply with.
1. If an applicant withdraws an application to comply with this Chapter and submits information demonstrating compliance with A.R.S. Title 36, Chapter 28.1 and this Chapter, the Department shall process the applicant's dispensary registration certificate applications according to this Chapter.
 2. If an applicant does not withdraw an application or submit information demonstrating compliance with A.R.S. Title 36, Chapter 28.1 and this Chapter, the Department shall issue a denial to the applicant according to R9-17-322.
 3. An application fee submitted with a dispensary registration certificate application in subsection (B) that is withdrawn is not refunded.
- C.** ~~Each principal officer or board member of a dispensary is an Arizona resident and has been an Arizona resident for the three years immediately preceding the date the dispensary submits a dispensary registration certificate application.~~

~~D.C.~~ To apply for a dispensary registration certificate, an entity shall submit to the Department the following:

1. An application in a Department-provided format that includes:
 - a. The legal name of the dispensary;
 - b. The physical address of the proposed dispensary;
 - c. The following information for the entity applying:
 - i. Name,
 - ii. Type of business organization,
 - iii. Mailing address,
 - iv. Telephone number, and
 - v. E-mail address;
 - d. The name of the individual designated to submit dispensary agent registry identification card applications on behalf of the dispensary;
 - e. The name and license number of the dispensary's medical director;
 - f. Whether:
 - i. Any individual who has 20% or more interest in the dispensary is not the applicant or a principal officer or board member of the dispensary; or
 - ii. The applicant has submitted documentation that:
 - (1) Is from an in-state financial institution or an out-of-state financial institution;
 - (2) Is dated within 30 calendar days before the date the dispensary registration certificate application was submitted; and
 - (3) Demonstrates that the entity applying for the dispensary registration certificate or a principal officer of the entity has at least \$150,000 under the control of the entity or principal officer to begin operating the dispensary and has had control of the \$150,000 for at least 30 calendar days before the date the dispensary registration certificate application was submitted;
 - g. The name, residence address, and date of birth of each:
 - i. Principal officer, and
 - ii. Board member;
 - h. For each principal officer or board member, whether the principal officer or board member:

- i. Has served as a principal officer or board member for a dispensary that had the dispensary registration certificate revoked;
 - ii. Is a physician currently providing written certifications for qualifying patients;
 - iii. Is a law enforcement officer; or
 - iv. Is employed by or a contractor of the Department;
 - ~~v. Has submitted Arizona resident personal income tax returns for the previous three years with the dispensary registration certificate application;~~
 - ~~vi. Is current on paying court ordered child support;~~
 - ~~vii. Is delinquent paying taxes, interest, or penalties due to a governmental agency;~~
 - ~~viii. Has an unpaid judgment due to a governmental agency;~~
 - ~~ix. Is in default on a government issued student loan;~~
 - ~~x. Has ever filed for personal bankruptcy; or~~
 - ~~xi. Has ever been a principal officer of a business entity that filed for bankruptcy;~~
 - i. Whether the dispensary agrees to allow the Department to submit supplemental requests for information;
 - j. A statement that, if the dispensary is issued a dispensary registration certificate, the dispensary will not operate until the dispensary is inspected and obtains an approval to operate from the Department;
 - k. An attestation that the information provided to the Department to apply for a dispensary registration certificate is true and correct; and
 - l. The signatures of the principal officers of the dispensary according to R9-17-301(A) and the date the principal officers signed;
2. If the entity applying is one of the business organizations in R9-17-301(A)(2) through (7), a copy of the business organization's articles of incorporation, articles of organization, or partnership or joint venture documents that include:
- a. The name of the business organization,
 - b. The type of business organization, and
 - c. The names and titles of the individuals in R9-17-301(A) and (B);
3. For each principal officer and board member:

- a. An attestation signed and dated by the principal officer or board member that the principal officer or board member has not been convicted of an excluded felony offense as defined in A.R.S. § 36-2801; and
- ~~b. An attestation signed and dated by the principal officer or board member that the principal officer or board member is an Arizona resident and has been an Arizona resident for at least three consecutive years immediately preceding the date the dispensary submitted the dispensary certificate application;~~
- ~~c.~~ b. For the Department's criminal records check authorized in A.R.S. § 36-2804.05:
 - i. The principal officer's or board member's fingerprints on a fingerprint card that includes:
 - (1) The principal officer's or board member's first name; middle initial, if applicable; and last name;
 - (2) The principal officer's or board member's signature;
 - (3) If different from the principal officer or board member, the signature of the individual physically rolling the principal officer's or board member's fingerprints;
 - (4) The principal officer's or board member's residence address;
 - (5) If applicable, the principal officer's or board member's surname before marriage and any names previously used by the principal officer or board member;
 - (6) The principal officer's or board member's date of birth;
 - (7) The principal officer's or board member's Social Security number;
 - (8) The principal officer's or board member's citizenship status;
 - (9) The principal officer's or board member's gender;
 - (10) The principal officer's or board member's race;
 - (11) The principal officer's or board member's height;
 - (12) The principal officer's or board member's weight;
 - (13) The principal officer's or board member's hair color;
 - (14) The principal officer's or board member's eye color; and
 - (15) The principal officer's or board member's place of birth; or
 - ii. If the fingerprints and information required in subsection ~~(D)(3)(c)(i)~~ (C)(3)(b)(i) were submitted to the Department as part of an application for a designated caregiver or a dispensary agent registry identification

card within the previous six months, the registry identification number on the registry identification card issued to the principal officer or board member as a result of the application; and

- d. ~~A copy of one of the following containing the principal officer's or board member's name and current residence address:~~
 - i. ~~A non-expired Arizona driver's license;~~
 - ii. ~~A non-expired Arizona identification card;~~
 - iii. ~~A current lease agreement;~~
 - iv. ~~A mortgage statement for the most recent tax year;~~
 - v. ~~A tax statement issued by a governmental agency for the most recent tax year;~~
 - vi. ~~A utility bill dated within 60 calendar days before the date of the dispensary application;~~
 - vii. ~~A paycheck or statement of direct deposit issued by an employer dated within 60 calendar days before the date of the dispensary application;~~
 - viii. ~~Current motor vehicle, life, or health insurance policy; or~~
 - ix. ~~Any other document that demonstrates that the principal officer or board member is an Arizona resident;~~
- 4. Policies and procedures that comply with the requirements in this Chapter for:
 - a. Inventory control,
 - b. Qualifying patient recordkeeping,
 - c. Security, and
 - d. Patient education and support;
- 5. As required in A.R.S. § 36-2804(B)(1)(d), a sworn statement signed and dated by the individual or individuals in R9-17-301(A) certifying that the dispensary is in compliance with any local zoning restrictions;
- 6. Documentation from the local jurisdiction where the dispensary's proposed physical address is located that:
 - a. There are no local zoning restrictions for the dispensary's location, or
 - b. The dispensary's location is in compliance with any local zoning restrictions;
- 7. Documentation of:
 - a. Ownership of the physical address of the proposed dispensary, or

- b. Permission from the owner of the physical address of the proposed dispensary for the entity applying for a dispensary registration certificate to operate a dispensary at the physical address;
- 8. The dispensary's by-laws including:
 - a. The names and titles of individuals designated as principal officers and board members of the dispensary;
 - b. Whether the dispensary plans to:
 - i. Cultivate marijuana;
 - ii. Acquire marijuana from qualifying patients, designated caregivers, or other dispensaries;
 - iii. Sell or provide marijuana to other dispensaries;
 - iv. Transport marijuana;
 - v. Prepare, sell, or dispense marijuana-infused edible food products;
 - vi. Prepare, sell, or dispense marijuana-infused non-edible products;
 - vii. Sell or provide marijuana paraphernalia or other supplies related to the administration of marijuana to qualifying patients and designated caregivers;
 - viii. Deliver medical marijuana to qualifying patients; or
 - ix. Provide patient support and related services to qualifying patients;
 - c. Provisions for the disposition of revenues and receipts to ensure that the dispensary operates on a not-for-profit basis; and
 - d. Provisions for amending the dispensary's by-laws;
- 9. A business plan demonstrating the on-going viability of the dispensary on a not-for-profit basis that includes:
 - a. A description of and total dollar amount of expenditures already incurred to establish the dispensary or to secure a dispensary registration certificate by the individual or business organization applying for the dispensary registration certificate,
 - b. A description and total dollar amount of monies or tangible assets received for operating the dispensary from entities other than the individual applying for the dispensary registration certificate or a principal officer or board member associated with the dispensary including the entity's name and the interest in the dispensary or the benefit the entity obtained,
 - c. Projected expenditures expected before the dispensary is operational,

- d. Projected expenditures after the dispensary is operational, and
 - e. Projected revenue; and
10. The applicable fee in R9-17-102 for applying for a dispensary registration certificate.

E.D. Before an entity with a dispensary registration certificate begins operating a dispensary, the entity shall apply for and obtain an approval to operate a dispensary from the Department.

R9-17-305. Applying for Approval to Operate a Dispensary

- A.** To apply for approval to operate a dispensary, a person holding a dispensary registration certificate shall submit to the Department, at least 60 calendar days before the expiration of the dispensary registration certificate, the following:
1. An application in a Department-provided format that includes:
 - a. The name and registry identification number of the dispensary;
 - b. The physical address of the dispensary;
 - c. The name, address, and date of birth of each dispensary agent;
 - d. The name and license number of the dispensary's medical director;
 - e. If applicable, the physical address of the dispensary's cultivation site;
 - f. The dispensary's Transaction Privilege Tax Number issued by the Arizona Department of Revenue;
 - g. The dispensary's proposed hours of operation during which the dispensary plans to be available to dispense medical marijuana to qualifying patients and designated caregivers;
 - h. Whether the dispensary agrees to allow the Department to submit supplemental requests for information;
 - i. Whether the dispensary and, if applicable, the dispensary's cultivation site are ready for an inspection by the Department;
 - j. If the dispensary and, if applicable, the dispensary's cultivation site are not ready for an inspection by the Department, the date the dispensary and, if applicable, the dispensary's cultivation site will be ready for an inspection by the Department;
 - k. An attestation that the information provided to the Department to apply for approval to operate a dispensary is true and correct; and
 - l. The signatures of the principal officers of the dispensary according to R9-17-301(A) and the date the principal officers signed;
 2. A copy of documentation issued by the local jurisdiction to the dispensary authorizing occupancy of the building as a dispensary and, if applicable, as the dispensary's

cultivation site, such as a certificate of occupancy, a special use permit, or a conditional use permit;

3. A sworn statement signed and dated by the individual or individuals in R9-17-301(A) certifying that the dispensary is in compliance with local zoning restrictions;
 4. The distance to the closest private school or public school from:
 - a. The dispensary; and
 - b. If applicable, the dispensary's cultivation site;
 5. A site plan drawn to scale of the dispensary location showing streets, property lines, buildings, parking areas, outdoor areas if applicable, fences, security features, fire hydrants if applicable, and access to water mains;
 6. A floor plan drawn to scale of the building where the dispensary is located showing the:
 - a. Layout and dimensions of each room,
 - b. Name and function of each room,
 - c. Location of each hand washing sink,
 - d. Location of each toilet room,
 - e. Means of egress,
 - f. Location of each video camera,
 - g. Location of each panic button, and
 - h. Location of natural and artificial lighting sources;
 7. If applicable, a site plan drawn to scale of the dispensary's cultivation site showing streets, property lines, buildings, parking areas, outdoor areas if applicable, fences, security features, fire hydrants if applicable, and access to water mains; and
 8. If applicable, a floor plan drawn to scale of each building at the dispensary's cultivation site showing the:
 - a. Layout and dimensions of each room,
 - b. Name and function of each room,
 - c. Location of each hand washing sink,
 - d. Location of each toilet room,
 - e. Means of egress,
 - f. Location of each video camera,
 - g. Location of each panic button, and
 - h. Location of natural and artificial lighting sources.
- B.** A dispensary's cultivation site may be located anywhere in the state where a cultivation site is allowed by the local jurisdiction.

R9-17-306. Changes to a Dispensary Registration Certificate

- A. A dispensary may not transfer or assign the dispensary registration certificate.
- B. A dispensary may change the location of the:
 - 1. Dispensary:
 - a. Within the first three years after the Department issues the dispensary's registration certificate, to another location in the CHAA where the dispensary is located; or
 - b. After the first three years after the Department issues a dispensary registration certificate to the dispensary, to another location in the state; or
 - 2. Dispensary's cultivation site to another location in the state.
- C. A dispensary or the dispensary's cultivation site shall not cultivate, manufacture, distribute, dispense, or sell medical marijuana at a new location until the dispensary submits an application for a change in a dispensary location or a change or addition of a cultivation site in R9-17-307 and the Department issues an amended dispensary registration certificate or an approval for the dispensary's cultivation site's new location to the dispensary.

R9-17-307. Applying to Change a Dispensary's Location or Change or Add a Dispensary's Cultivation Site

- A. To change the location of a dispensary or the dispensary's cultivation site or to add a cultivation site, the dispensary shall submit an application to the Department that includes:
 - 1. The following information in a Department-provided format:
 - a. The legal name of the dispensary;
 - b. The registry identification number for the dispensary;
 - c. Whether the request is for:
 - i. A change of location for the dispensary,
 - ii. A change of location for the dispensary's cultivation site, or
 - iii. An addition of a cultivation site;
 - d. The current physical address of the dispensary or the dispensary's cultivation site;
 - e. The physical address of the proposed location for the dispensary or the dispensary's cultivation site;
 - f. The distance to the closest public or private school from:
 - i. The proposed location for the dispensary, or
 - ii. The proposed location for the dispensary's cultivation site;
 - g. The name of the entity applying;
 - h. If applicable, the anticipated date of the change of location;

- i. Whether the proposed dispensary or the dispensary's proposed cultivation site is ready for an inspection by the Department;
 - j. If the proposed dispensary or the dispensary's proposed cultivation site is not ready for an inspection by the Department, the date the dispensary or the dispensary's cultivation site will be ready for an inspection by the Department;
 - k. An attestation that the information provided to the Department to apply for a change in location is true and correct; and
 - l. The signature of the individual or individuals in R9-17-301(A) and the date the individual or individuals signed;
- 2. A copy of documentation issued by the local jurisdiction to the dispensary authorizing occupancy of the proposed building as a dispensary or the dispensary's cultivation site such as a certificate of occupancy, a special use permit, or a conditional use permit;
- 3. A sworn statement signed by the individual or individuals in R9-17-301(A) certifying that the building where the proposed dispensary or the dispensary's proposed cultivation site will be located is in compliance with local zoning restrictions;
- 4. If the change in location is for the dispensary:
 - a. A site plan drawn to scale of the proposed dispensary location showing streets, property lines, buildings, parking areas, outdoor areas if applicable, fences, security features, fire hydrants if applicable, and access to water mains; and
 - b. A floor plan drawn to scale of the building where the proposed dispensary is located showing the:
 - i. Layout and dimensions of each room,
 - ii. Name and function of each room,
 - iii. Location of each hand washing sink,
 - iv. Location of each toilet room,
 - v. Means of egress,
 - vi. Location of each video camera,
 - vii. Location of each panic button, and
 - viii. Location of natural and artificial lighting sources;
- 5. If the change in location is for the dispensary's cultivation site or if adding a cultivation site:
 - a. A site plan drawn to scale of the dispensary's proposed cultivation site showing streets, property lines, buildings, parking areas, outdoor areas if applicable,

fences, security features, fire hydrants if applicable, and access to water mains;
and

- b. If applicable, a floor plan drawn to scale of each building used by the dispensary's proposed cultivation site showing the:
 - i. Layout and dimensions of each room,
 - ii. Name and function of each room,
 - iii. Location of each hand washing sink,
 - iv. Location of each toilet room,
 - v. Means of egress,
 - vi. Location of each video camera,
 - vii. Location of each panic button, and
 - viii. Location of natural and artificial lighting sources; and

6. The applicable fee in R9-17-102 for applying for a change in location or adding a cultivation site.

- B.** If the information and documents submitted by the dispensary comply with A.R.S. Title 36, Chapter 28.1 and this Chapter, the Department shall issue an amended dispensary registration certificate that includes the new address of the new location and retains the expiration date of the previously issued dispensary registration certificate.
- C.** An application for a change in location of a dispensary or a dispensary's cultivation site or the addition of a cultivation site may not be combined with an application for renewing a dispensary registration certificate. The Department shall process each application separately according to the applicable time-frame established in R9-17-107.
- D.** A dispensary shall submit written notification to the Department when the dispensary no longer uses a previously approved cultivation site.

R9-17-308. Renewing a Dispensary Registration Certificate

- A.** An entity with a dispensary registration certificate that has not submitted an application for approval to operate a dispensary to the Department at least 60 calendar days before the expiration date of the dispensary registration certificate or has not obtained approval to operate a dispensary issued by the Department is prohibited from renewing the dispensary registration certificate.
- B.** To renew a dispensary registration certificate, a dispensary that has an approval to operate as a dispensary issued by the Department, shall submit to the Department, at least 30 calendar days before the expiration date of the dispensary's current dispensary registration certificate, the following:
 - 1. An application in a Department-provided format that includes:

- a. The legal name of the dispensary;
 - b. The registry identification number for the dispensary;
 - c. The physical address of the dispensary;
 - d. The name of the entity applying;
 - e. The name of the individual designated to submit dispensary agent registry identification card applications on behalf of the dispensary;
 - f. The name and license number of the dispensary's medical director;
 - g. The dispensary's hours of operation during which the dispensary is available to dispense medical marijuana to qualifying patients and designated caregivers;
 - h. The name, address, date of birth, and registry identification number of each:
 - i. Principal officer,
 - ii. Board member, and
 - iii. Dispensary agent;
 - i. For each principal officer or board member, whether the principal officer or board member:
 - i. Has served as a principal officer or board member for a dispensary that had the dispensary registration certificate revoked,
 - ii. Is a physician currently providing written certifications for qualifying patients,
 - iii. Is a law enforcement officer, or
 - iv. Is employed by or a contractor of the Department;
 - j. The dispensary's Transaction Privilege Tax Number issued by the Arizona Department of Revenue;
 - k. Whether the dispensary agrees to allow the Department to submit supplemental requests for information;
 - l. An attestation that the information provided to the Department to renew the dispensary registration certificate is true and correct; and
 - m. The signature of the individual or individuals in R9-17-301(A) and the date the individual or individuals signed;
- 2- ~~An attestation from each principal officer and board member, signed and dated by the principal officer or board member, that the principal officer or board member is an Arizona resident and has been an Arizona resident for at least three consecutive years immediately preceding the date the dispensary submitted the application to renew the dispensary registration certificate;~~

- ~~3.2.~~ If the application is for renewing a dispensary registration certificate that was initially issued within the previous 12 months, a copy of the dispensary's approval to operate a dispensary issued by the Department;
- ~~4.3.~~ A copy of an annual financial statement for the previous year, or for the portion of the previous year the dispensary was operational, prepared according to generally accepted accounting principles;
- ~~5.4.~~ A report of an audit by an independent certified public accountant of the annual financial statement required in subsection ~~(B)(4)~~ (B)(3); and
- ~~6.5.~~ The applicable fee in R9-17-102 for applying to renew a dispensary registration certificate.

R9-17-309. Inspections

- A.** Submission of an application for a dispensary registration certificate constitutes permission for entry to and inspection of the dispensary and, if applicable, the dispensary's cultivation site.
- B.** Except as provided in subsection (D), an onsite inspection of a dispensary or the dispensary's cultivation site shall occur at a date and time agreed to by the dispensary and the Department that is no later than five working days after the date the Department submits a written request to the dispensary to schedule the certification or compliance inspection, unless the Department agrees to a later date and time.
- C.** The Department shall not accept allegations of a dispensary's noncompliance with A.R.S. Title 36, Chapter 28.1 or this Chapter from an anonymous source.
- D.** If the Department receives an allegation of a dispensary's or a dispensary's cultivation site's noncompliance with A.R.S. Title 36, Chapter 28.1 or this Chapter, the Department may conduct an unannounced inspection of the dispensary or the dispensary's cultivation site.
- E.** If the Department identifies a violation of statute or rule of A.R.S. Title 36, Chapter 28.1 or this Chapter during an inspection of a dispensary or the dispensary's cultivation site:
 - 1. The Department shall provide the dispensary with a written notice that includes the specific rule or statute that was violated; and
 - 2. The dispensary shall notify the Department in writing, with a postmark date within 20 working days after the date of the notice of violations, identifying the corrective actions taken and the date of the correction.

R9-17-310. Administration

- A.** A dispensary shall:

1. Ensure that the dispensary is operating and available to dispense medical marijuana to qualifying patients and designated caregivers at least 30 hours weekly between the hours of 7:00 a.m. and 10:00 p.m.;
2. Develop, document, and implement policies and procedures regarding:
 - a. Job descriptions and employment contracts, including:
 - i. Personnel duties, authority, responsibilities, and qualifications;
 - ii. Personnel supervision;
 - iii. Training in and adherence to confidentiality requirements;
 - iv. Periodic performance evaluations; and
 - v. Disciplinary actions;
 - b. Business records, such as manual or computerized records of assets and liabilities, monetary transactions, journals, ledgers, and supporting documents, including agreements, checks, invoices, and vouchers;
 - c. Inventory control, including:
 - i. Tracking;
 - ii. Packaging;
 - iii. Accepting marijuana from qualifying patients and designated caregivers;
 - iv. Acquiring marijuana from other dispensaries; and
 - v. Disposing of unusable marijuana, which may include submitting any unusable marijuana to a local law enforcement agency;
 - d. Qualifying patient records, including purchases, denials of sale, any delivery options, confidentiality, and retention;
 - e. Patient education and support, including:
 - i. Availability of different strains of marijuana and the purported effects of the different strains;
 - ii. Information about the purported effectiveness of various methods, forms, and routes of medical marijuana administration;
 - iii. Methods of tracking the effects on a qualifying patient of different strains and forms of marijuana; and
 - iv. Prohibition on the smoking of medical marijuana in public places;
3. Maintain copies of the policies and procedures at the dispensary and provide copies to the Department for review upon request;
4. Review dispensary policies and procedures at least once every 12 months from the issue date of the dispensary registration certificate and update as needed;

5. Employ or contract with a medical director;
6. Ensure that each dispensary agent has the dispensary agent's registry identification card in the dispensary agent's immediate possession when the dispensary agent:
 - a. Is working or providing volunteer services at the dispensary or the dispensary's cultivation site, or
 - b. Is transporting marijuana for the dispensary;
7. Ensure that a dispensary agent accompanies any individual other than another dispensary agent associated with the dispensary when the individual is present in the enclosed, locked facility where marijuana is cultivated by the dispensary;
8. Not allow an individual who does not possess a dispensary agent registry identification card issued under the dispensary registration certificate to:
 - a. Serve as a principal officer or board member for the dispensary,
 - b. Serve as the medical director for the dispensary,
 - c. Be employed by the dispensary, or
 - d. Provide volunteer services at or on behalf of the dispensary;
9. Provide written notice to the Department, including the date of the event, within 10 working days after the date, when a dispensary agent no longer:
 - a. Serves as a principal officer or board member for the dispensary,
 - b. Serves as the medical director for the dispensary,
 - c. Is employed by the dispensary, or
 - d. Provides volunteer services at or on behalf of the dispensary;
10. Document and report any loss or theft of marijuana from the dispensary to the appropriate law enforcement agency;
11. Maintain copies of any documentation required in this Chapter for at least 12 months after the date on the documentation and provide copies of the documentation to the Department for review upon request;
12. Post the following information in a place that can be viewed by individuals entering the dispensary:
 - a. If applicable, the dispensary's approval to operate,
 - b. The dispensary's registration certificate,
 - c. The name of the dispensary's medical director and the medical director's license number on a sign at least 20 centimeters by 30 centimeters, and
 - d. The hours of operation during which the dispensary will dispense medical marijuana to a qualifying patient or a designated caregiver;

13. Not lend any part of the dispensary's income or property without receiving adequate security and a reasonable rate of interest;
14. Not purchase property for more than adequate consideration in money or cash equivalent;
15. Not pay compensation for salaries or other compensation for personal services that is in excess of a reasonable allowance;
16. Not sell any part of the dispensary's property or equipment for less than adequate consideration in money or cash equivalent; and
17. Not engage in any other transaction that results in a substantial diversion of the dispensary's income or property.

B. If a dispensary cultivates marijuana, the dispensary shall cultivate the marijuana in an enclosed, locked facility.

R9-17-311. Submitting an Application for a Dispensary Agent Registry Identification Card

Except as provided in R9-17-107(F), to obtain a dispensary agent registry identification card for an individual serving as a principal officer or board member for the dispensary, employed by or contracted with the dispensary, or providing volunteer services at or on behalf of the dispensary, the dispensary shall submit to the Department the following for each dispensary agent:

1. An application in a Department-provided format that includes:
 - a. The dispensary agent's first name; middle initial, if applicable; last name; and suffix, if applicable;
 - b. The dispensary agent's residence address and mailing address;
 - c. The county where the dispensary agent resides;
 - d. The dispensary agent's date of birth;
 - e. The identifying number on the applicable card or document in subsection (5)(a) through (e);
 - f. The name and registry identification number of the dispensary; and
 - g. The signature of the individual in ~~R9-17-304(D)(1)(d)~~ R9-17-304(C)(1)(d) designated to submit dispensary agent applications on the dispensary's behalf and the date the individual signed;
2. An attestation signed and dated by the dispensary agent that the dispensary agent has not been convicted of an excluded felony offense as defined in A.R.S. § 36-2801;
3. One of the following:
 - a. A statement that the dispensary agent does not currently hold a valid registry identification card, or

- b. The assigned registry identification number for the dispensary agent for each valid registry identification card currently held by the dispensary agent;
- 4. A statement in a Department-provided format signed by the dispensary agent pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
- 5. A copy of the dispensary agent's:
 - a. Arizona driver's license issued on or after October 1, 1996;
 - b. Arizona identification card issued on or after October 1, 1996;
 - c. Arizona registry identification card;
 - d. Photograph page in the dispensary agent's U.S. passport; or
 - e. Arizona driver's license or identification card issued before October 1, 1996 and one of the following for the dispensary agent:
 - i. Birth certificate verifying U.S. citizenship,
 - ii. U. S. Certificate of Naturalization, or
 - iii. U. S. Certificate of Citizenship;
- 6. A current photograph of the dispensary agent;
- 7. For the Department's criminal records check authorized in A.R.S. § 36-2804.05:
 - a. The dispensary agent's fingerprints on a fingerprint card that includes:
 - i. The dispensary agent's first name; middle initial, if applicable; and last name;
 - ii. The dispensary agent's signature;
 - iii. If different from the dispensary agent, the signature of the individual physically rolling the dispensary agent's fingerprints;
 - iv. The dispensary agent's address;
 - v. If applicable, the dispensary agent's surname before marriage and any names previously used by the dispensary agent;
 - vi. The dispensary agent's date of birth;
 - vii. The dispensary agent's Social Security number;
 - viii. The dispensary agent's citizenship status;
 - ix. The dispensary agent's gender;
 - x. The dispensary agent's race;
 - xi. The dispensary agent's height;
 - xii. The dispensary agent's weight;
 - xiii. The dispensary agent's hair color;

- xiv. The dispensary agent's eye color; and
- xv. The dispensary agent's place of birth; or
- b. If the dispensary agent's fingerprints and information required in subsection (7)(a) were submitted to the Department within the previous six months as part of an application for a designated caregiver registry identification card or a dispensary agent registry identification card for another dispensary, the registry identification number on the registry identification card issued to the dispensary agent as a result of the application; and
- 8. The applicable fee in R9-17-102 for applying for a dispensary agent registry identification card.

R9-17-312. Submitting an Application to Renew a Dispensary Agent's Registry Identification Card

To renew a dispensary agent's registry identification card for an individual serving as a principal officer or board member for the dispensary, employed by or contracted with the dispensary, or providing volunteer services at or on behalf of the dispensary, the dispensary shall submit to the Department, at least 30 calendar days before the expiration of the dispensary agent's registry identification card, the following:

- 1. An application in a Department-provided format that includes:
 - a. The dispensary agent's first name; middle initial, if applicable; last name; and suffix, if applicable;
 - b. The dispensary agent's residence address and mailing address;
 - c. The county where the dispensary agent resides;
 - d. The dispensary agent's date of birth;
 - e. The registry identification number on the dispensary agent's current registry identification card;
 - f. The name and registry identification number of the dispensary; and
 - g. The signature of the individual in ~~R9-17-304(D)(1)(d)~~ R9-17-304(C)(1)(d) designated to submit dispensary agent applications on the dispensary's behalf and the date the individual signed;
- 2. If the dispensary agent's name in subsection (1)(a) is not the same name as on the dispensary agent's current registry identification card, one of the following with the dispensary agent's new name:
 - a. An Arizona driver's license,
 - b. An Arizona identification card, or
 - c. The photograph page in the dispensary agent's U.S. passport;

3. A statement in a Department-provided format signed by the dispensary agent pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
4. A current photograph of the dispensary agent;
5. For the Department's criminal records check authorized in A.R.S. § 36-2804.05:
 - a. The dispensary agent's fingerprints on a fingerprint card that includes:
 - i. The dispensary agent's first name; middle initial, if applicable; and last name;
 - ii. The dispensary agent's signature;
 - iii. If different from the dispensary agent, the signature of the individual physically rolling the dispensary agent's fingerprints;
 - iv. The dispensary agent's address;
 - v. If applicable, the dispensary agent's surname before marriage and any names previously used by the dispensary agent;
 - vi. The dispensary agent's date of birth;
 - vii. The dispensary agent's Social Security number;
 - viii. The dispensary agent's citizenship status;
 - ix. The dispensary agent's gender;
 - x. The dispensary agent's race;
 - xi. The dispensary agent's height;
 - xii. The dispensary agent's weight;
 - xiii. The dispensary agent's hair color;
 - xiv. The dispensary agent's eye color; and
 - xv. The dispensary agent's place of birth; or
 - b. If the dispensary agent's fingerprints and information required in subsection (5)(a) were submitted to the Department within the previous six months as part of an application for a designated caregiver registry identification card or a dispensary agent registry identification card for another dispensary, the registry identification number on the registry identification card issued to the dispensary agent as a result of the application; and
6. The applicable fee in R9-17-102 for applying to renew a dispensary agent's registry identification card.

R9-17-313. Medical Director

- A.** A dispensary shall appoint an individual who is a physician to function as a medical director.

- B.** During a dispensary's hours of operation, a medical director or an individual who is a physician and is designated by the medical director to serve as medical director in the medical director's absence is:
1. Onsite; or
 2. Able to be contacted by any means possible, such as by telephone or pager.
- C.** A medical director shall:
1. Develop and provide training to the dispensary's dispensary agents at least once every 12 months from the initial date of the dispensary's registration certificate on the following subjects:
 - a. Guidelines for providing information to qualifying patients related to risks, benefits, and side effects associated with medical marijuana;
 - b. Guidelines for providing support to qualifying patients related to the qualifying patient's self-assessment of the qualifying patient's symptoms, including a rating scale for pain, cachexia or wasting syndrome, nausea, seizures, muscle spasms, and agitation;
 - c. Recognizing signs and symptoms of substance abuse; and
 - d. Guidelines for refusing to provide medical marijuana to an individual who appears to be impaired or abusing medical marijuana; and
 2. Assist in the development and implementation of review and improvement processes for patient education and support provided by the dispensary.
- D.** A medical director shall provide oversight for the development and dissemination of:
1. Educational materials for qualifying patients and designated caregivers that include:
 - a. Alternative medical options for the qualifying patient's debilitating medical condition;
 - b. Information about possible side effects of and contraindications for medical marijuana including possible impairment with use and operation of a motor vehicle or heavy machinery, when caring for children, or of job performance;
 - c. Guidelines for notifying the physician who provided the written certification for medical marijuana if side effects or contraindications occur;
 - d. A description of the potential for differing strengths of medical marijuana strains and products;
 - e. Information about potential drug-to-drug interactions, including interactions with alcohol, prescription drugs, non-prescription drugs, and supplements;
 - f. Techniques for the use of medical marijuana and marijuana paraphernalia;

- g. Information about different methods, forms, and routes of medical marijuana administration;
 - h. Signs and symptoms of substance abuse, including tolerance, dependency, and withdrawal; and
 - i. A listing of substance abuse programs and referral information;
2. A system for a qualifying patient or the qualifying patient's designated caregiver to document the qualifying patient's pain, cachexia or wasting syndrome, nausea, seizures, muscle spasms, or agitation that includes:
- a. A log book, maintained by the qualifying patient and or the qualifying patient's designated caregiver, in which the qualifying patient or the qualifying patient's designated caregiver may track the use and effects of specific medical marijuana strains and products;
 - b. A rating scale for pain, cachexia or wasting syndrome, nausea, seizures, muscles spasms, and agitation;
 - c. Guidelines for the qualifying patient's self-assessment or, if applicable, assessment of the qualifying patient by the qualifying patient's designated caregiver; and
 - d. Guidelines for reporting usage and symptoms to the physician providing the written certification for medical marijuana and any other treating physicians; and
3. Policies and procedures for refusing to provide medical marijuana to an individual who appears to be impaired or abusing medical marijuana.
- E. A medical director for a dispensary shall not provide a written certification for medical marijuana for any qualifying patient.

R9-17-314. Dispensing Medical Marijuana

Before a dispensary agent dispenses medical marijuana to a qualifying patient or a designated caregiver, the dispensary agent shall:

- 1. Verify the qualifying patient's or the designated caregiver's identity;
- 2. Offer any appropriate patient education or support materials;
- 3. Enter the qualifying patient's or designated caregiver's registry identification number on the qualifying patient's or designated caregiver's registry identification card into the medical marijuana electronic verification system;
- 4. Verify the validity of the qualifying patient's or designated caregiver's registry identification card;

5. Verify 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; and
6. Enter the following information into the medical marijuana electronic verification system for the qualifying patient or designated caregiver:
 - a. The amount of medical marijuana dispensed,
 - b. Whether the medical marijuana was dispensed to the qualifying patient or to the qualifying patient's designated caregiver,
 - c. The date and time the medical marijuana was dispensed,
 - d. The dispensary agent's registry identification number, and
 - e. The dispensary's registry identification number.

R9-17-315. Qualifying Patient Records

- A.** A dispensary shall ensure that:
1. A qualifying patient record is established and maintained for each qualifying patient who obtains medical marijuana from the dispensary;
 2. An entry in a qualifying patient record:
 - a. Is recorded only by a dispensary agent authorized by dispensary policies and procedures to make an entry,
 - b. Is dated and signed by the dispensary agent,
 - c. Includes the dispensary agent's registry identification number, and
 - d. Is not changed to make the initial entry illegible;
 3. If an electronic signature is used to sign an entry, the dispensary agent whose signature the electronic code represents is accountable for the use of the electronic signature;
 4. A qualifying patient record is only accessed by a dispensary agent authorized by dispensary policies and procedures to access the qualifying patient record;
 5. A qualifying patient record is provided to the Department for review upon request;
 6. A qualifying patient record is protected from loss, damage, or unauthorized use; and
 7. A qualifying patient record is maintained for five years from the date of the qualifying patient's or, if applicable, the qualifying patient's designated caregiver's last request for medical marijuana from the dispensary.
- B.** If a dispensary maintains qualifying patient records electronically, the dispensary shall ensure that:
1. There are safeguards to prevent unauthorized access, and

2. The date and time of an entry in a qualifying patient record is recorded electronically by an internal clock.
- C.** A dispensary shall ensure that the qualifying patient record for a qualifying patient who requests or whose designated caregiver on behalf of the qualifying patient requests medical marijuana from the dispensary contains:
1. Qualifying patient information that includes:
 - a. The qualifying patient's name;
 - b. The qualifying patient's date of birth; and
 - c. The name of the qualifying patient's designated caregiver, if applicable;
 2. Documentation of any patient education and support materials provided to the qualifying patient or the qualifying patient's designated caregiver, including a description of the materials and the date the materials were provided;
 3. For each time the qualifying patient requests and does not obtain medical marijuana or, if applicable, the designated caregiver requests on behalf of the qualifying patient and does not obtain medical marijuana from the dispensary, the following:
 - a. The date,
 - b. The name and registry identification number of the individual who requested the medical marijuana, and
 - c. The dispensary's reason for refusing to provide the medical marijuana.

R9-17-316. Inventory Control System

- A.** A dispensary shall designate in writing a dispensary agent who has oversight of the dispensary's medical marijuana inventory control system.
- B.** A dispensary shall only acquire marijuana from:
1. The dispensary's cultivation site,
 2. Another dispensary or another dispensary's cultivation site,
 3. A qualifying patient authorized by the Department to cultivate marijuana, or
 4. A designated caregiver authorized by the Department to cultivate marijuana.
- C.** A dispensary shall establish and implement an inventory control system for the dispensary's medical marijuana that documents:
1. Each day's beginning inventory, acquisitions, harvests, sales, disbursements, disposal of unusable marijuana, and ending inventory;
 2. For acquiring medical marijuana from a qualifying patient or designated caregiver:
 - a. A description of the medical marijuana acquired including the amount and strain,

- b. The name and registry identification number of the qualifying patient or designated caregiver who provided the medical marijuana,
 - c. The name and registry identification number of the dispensary agent receiving the medical marijuana on behalf of the dispensary, and
 - d. The date of acquisition;
- 3. For acquiring medical marijuana from another dispensary:
 - a. A description of the medical marijuana acquired including the amount, strain, and batch number;
 - b. The name and registry identification number of the dispensary providing the medical marijuana;
 - c. The name and registry identification number of the dispensary agent providing the medical marijuana;
 - d. The name and registry identification number of the dispensary agent receiving the medical marijuana on behalf of the dispensary; and
 - e. The date of acquisition;
- 4. For each batch of marijuana cultivated:
 - a. The batch number;
 - b. Whether the batch originated from marijuana seeds or marijuana cuttings;
 - c. The origin and strain of the marijuana seeds or marijuana cuttings planted;
 - d. The number of marijuana seeds or marijuana cuttings planted;
 - e. The date the marijuana seeds or cuttings were planted;
 - f. A list of all chemical additives, including nonorganic pesticides, herbicides, and fertilizers used in the cultivation;
 - g. The number of plants grown to maturity;
 - h. Harvest information including:
 - i. Date of harvest,
 - ii. Final processed usable marijuana yield weight, and
 - iii. Name and registry identification number of the dispensary agent responsible for the harvest, and
 - i. The disposal of medical marijuana that is not usable marijuana including the:
 - i. Description of and reason for the marijuana being disposed of including, if applicable, the number of failed or other unusable plants;
 - ii. Date of disposal;
 - iii. Method of disposal; and

- iv. Name and registry identification number of the dispensary agent responsible for the disposal;
- 5. For providing medical marijuana to another dispensary:
 - a. The amount, strain, and batch number of medical marijuana provided;
 - b. The name and registry identification number of the other dispensary;
 - c. The name and registry identification number of the dispensary agent who received the medical marijuana on behalf of the other dispensary; and
 - d. The date the medical marijuana was provided; and
- 6. For receiving edible food products infused with medical marijuana from another dispensary:
 - a. A description of the edible food products received from the dispensary including total weight of each edible food product and estimated amount and batch number of the medical marijuana infused in each edible food product;
 - b. Total estimated amount and batch number of medical marijuana infused in the edible food products;
 - c. The name and registry identification number of the:
 - i. Dispensary and the dispensary agent providing the edible food products to the receiving dispensary, and
 - ii. Dispensary agent receiving the edible food products on behalf of the receiving dispensary; and
 - d. The date the edible food products were provided to the dispensary.
- D.** The individual designated in subsection (A) shall conduct and document an audit of the dispensary's inventory that is accounted for according to generally accepted accounting principles at least once every 30 calendar days.
 - 1. If the audit identifies a reduction in the amount of medical marijuana in the dispensary's inventory not due to documented causes, the dispensary shall determine where the loss has occurred and take and document corrective action.
 - 2. If the reduction in the amount of medical marijuana in the dispensary's inventory is due to suspected criminal activity by a dispensary agent, the dispensary shall report the dispensary agent to the Department and to the local law enforcement authorities.
- E.** A dispensary shall:
 - 1. Maintain the documentation required in subsections (C) and (D) at the dispensary for five years from the date on the document, and

2. Provide the documentation required in subsections (C) and (D) to the Department for review upon request.

R9-17-317. Product Labeling and Analysis

- A.** A dispensary shall ensure that medical marijuana provided by the dispensary to a qualifying patient or a designated caregiver is labeled with:
1. The dispensary's registry identification number;
 2. The amount, strain, and batch number of medical marijuana;
 3. The following statement: "ARIZONA DEPARTMENT OF HEALTH SERVICES' 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 OUT OF REACH OF CHILDREN";
 4. If not cultivated by the dispensary, whether the medical marijuana was obtained from a qualifying patient, a designated caregiver, or another dispensary;
 5. The date of manufacture, harvest, or sale;
 6. A list of all chemical additives, including nonorganic pesticides, herbicides, and fertilizers, used in the cultivation and production of the medical marijuana; and
 7. The registry identification number of the qualifying patient.
- B.** If a dispensary provides medical marijuana cultivated by the dispensary to another dispensary, the dispensary shall ensure that the medical marijuana is labeled with:
1. The dispensary's registry identification number;
 2. The amount, strain, and batch number of the medical marijuana;
 3. The date of harvest or sale; and
 4. A list of all chemical additives, including nonorganic pesticides, herbicides, and fertilizers, used in the cultivation of the medical marijuana.
- C.** If medical marijuana is provided as part of an edible food product, a dispensary shall, in addition to the information in subsection (A), include on the label the total weight of the edible food product.
- D.** A dispensary shall provide to the Department upon request a sample of the dispensary's medical marijuana inventory of sufficient quantity to enable the Department to conduct an analysis of the medical marijuana.

R9-17-318. Security

- A.** Except as provided in R9-17-310(A)(7), a dispensary shall ensure that access to the enclosed, locked facility where marijuana is cultivated is limited to the dispensary's principal officers, board members, and authorized dispensary agents.
- B.** A dispensary agent may transport marijuana, marijuana plants, and marijuana paraphernalia between the dispensary and:
 - 1. The dispensary's cultivation site,
 - 2. A qualifying patient, and
 - 3. Another dispensary.
- C.** Before transportation, a dispensary agent shall:
 - 1. Complete a trip plan that includes:
 - a. The name of the dispensary agent in charge of transporting the marijuana;
 - b. The date and start time of the trip;
 - c. A description of the marijuana, marijuana plants, or marijuana paraphernalia being transported; and
 - d. The anticipated route of transportation; and
 - 2. Provide a copy of the trip plan in subsection (C)(1) to the dispensary.
- D.** During transportation, a dispensary agent shall:
 - 1. Carry a copy of the trip plan in subsection (C)(1) with the dispensary agent for the duration of the trip;
 - 2. Use a vehicle without any medical marijuana identification;
 - 3. Have a means of communication with the dispensary; and
 - 4. Ensure that the marijuana, marijuana plants, or marijuana paraphernalia are not visible.
- E.** After transportation, a dispensary agent shall enter the end time of the trip and any changes to the trip plan on the trip plan required in subsection (C)(1).
- F.** A dispensary shall:
 - 1. Maintain the documents required in subsection (C)(2) and (E), and
 - 2. Provide a copy of the documents required in subsection (C)(2) and (E) to the Department for review upon request.
- G.** To prevent unauthorized access to medical marijuana at the dispensary and, if applicable, the dispensary's cultivation site, the dispensary shall have the following:
 - 1. Security equipment to deter and prevent unauthorized entrance into limited access areas that include:

- a. Devices or a series of devices to detect unauthorized intrusion, which may include a signal system interconnected with a radio frequency method, such as cellular, private radio signals, or other mechanical or electronic device;
 - b. Exterior lighting to facilitate surveillance;
 - c. Electronic monitoring including:
 - i. At least one 19-inch or greater call-up monitor;
 - ii. A video printer capable of immediately producing a clear still photo from any video camera image;
 - iii. Video cameras:
 - (1) Providing coverage of all entrances to and exits from limited access areas and all entrances to and exits from the building, capable of identifying any activity occurring in or adjacent to the building, and
 - (2) Having a recording resolution of at least 704 x 480 or the equivalent;
 - iv. A video camera at each point of sale location allowing for the identification of any qualifying patient or designated caregiver purchasing medical marijuana;
 - v. A video camera in each grow room capable of identifying any activity occurring within the grow room in low light conditions;
 - vi. Storage of video recordings from the video cameras for at least 30 calendar days;
 - vii. A failure notification system that provides an audible and visual notification of any failure in the electronic monitoring system; and
 - viii. Sufficient battery backup for video cameras and recording equipment to support at least five minutes of recording in the event of a power outage; and
 - d. Panic buttons in the interior of each building; and
2. Policies and procedures:
- a. That restrict access to the areas of the dispensary that contain marijuana and if applicable, the dispensary's cultivation site to authorized individuals only;
 - b. That provide for the identification of authorized individuals;
 - c. That prevent loitering;
 - d. For conducting electronic monitoring; and

- e. For the use of a panic button.

R9-17-319. Edible Food Products

- A. A dispensary that prepares, sells, or dispenses marijuana-infused edible food products shall:
 - 1. Before preparing, selling, or dispensing marijuana-infused edible food product obtain written authorization from the Department to prepare, sell, or dispense marijuana-infused edible food products;
 - 2. If the dispensary prepares the marijuana-infused edible food products, ensure that the marijuana-infused edible food products are prepared according to the applicable requirements in 9 A.A.C. 8, Article 1;
 - 3. If the marijuana-infused edible food products are not prepared at the dispensary, obtain and maintain at the dispensary a copy of the current written authorization to prepare marijuana-infused edible food products from the dispensary that prepares the marijuana-infused edible products; and
 - 4. If a dispensary sells or dispenses marijuana-infused edible food products, ensure that the marijuana-infused edible food products are sold or dispensed according to applicable requirements in 9 A.A.C. 8, Article 1.
- B. A dispensary is responsible for the content and quality of any edible food product sold or dispensed by the dispensary.

R9-17-320. Cleaning and Sanitation

- A. A dispensary shall ensure that any building or equipment used by a dispensary for the cultivation, harvest, preparation, packaging, storage, infusion, or sale of medical marijuana is maintained in a clean and sanitary condition.
 - 1. Medical marijuana in the process of production, preparation, manufacture, packing, storage, sale, distribution, or transportation is protected from flies, dust, dirt, and all other contamination.
 - 2. Refuse or waste products incident to the manufacture, preparation, packing, selling, distributing, or transportation of medical marijuana are removed from the building used as a dispensary and, if applicable, a building at the dispensary's cultivation site at least once every 24 hours or more often as necessary to maintain a clean condition.
 - 3. All trucks, trays, buckets, other receptacles, platforms, racks, tables, shelves, knives, saws, cleavers, other utensils, or the machinery used in moving, handling, cutting, chopping, mixing, canning, packaging, or other processes are cleaned daily.
 - 4. All stored edible food products are securely covered.

- B.** A dispensary shall ensure that a dispensary agent at the dispensary or the dispensary's cultivation site:
1. Cleans the dispensary agent's hands and exposed portions of the dispensary agent's arms in a hand washing sink:
 - a. Before preparing medical marijuana including working with food, equipment, and utensils;
 - b. During preparation, as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks;
 - c. After handling soiled equipment or utensils;
 - d. After touching bare human body parts other than the dispensary agent's clean hands and exposed portions of arms; and
 - e. After using the toilet room;
 2. If working directly with the preparation of medical marijuana or the infusion of marijuana into non-edible products:
 - a. Keeps the dispensary agent's fingernails trimmed, filed, and maintained so that the edges and surfaces are cleanable;
 - b. Unless wearing intact gloves in good repair, does not have fingernail polish or artificial fingernails on the dispensary agent's fingernails; and
 - c. Wears protective apparel such as coats, aprons, gowns, or gloves to prevent contamination;
 3. Wears clean clothing appropriate to assigned tasks;
 4. Reports to the medical director any health condition experienced by the dispensary agent that may adversely affect the safety or quality of any medical marijuana with which the dispensary agent may come into contact; and
 5. If the medical director determines that a dispensary agent has a health condition that may adversely affect the safety or quality of the medical marijuana, is prohibited from direct contact with any medical marijuana or equipment or materials for processing medical marijuana until the medical director determines that the dispensary agent's health condition will not adversely affect the medical marijuana.

R9-17-321. Physical Plant

- A.** A dispensary or a dispensary's cultivation site shall be located at least 500 feet from a private school or a public school that existed before the date the dispensary submitted the initial dispensary registration certificate application.

- B.** A dispensary shall provide onsite parking or parking adjacent to the building used as the dispensary.
- C.** A building used as a dispensary or the location used as a dispensary's cultivation site shall have:
 - 1. At least one toilet room;
 - 2. Each toilet room shall contain:
 - a. A flushable toilet;
 - b. Mounted toilet tissue;
 - c. A sink with running water;
 - d. Soap contained in a dispenser; and
 - e. Disposable, single-use paper towels in a mounted dispenser or a mechanical air hand dryer;
 - 3. At least one hand washing sink not located in a toilet room;
 - 4. Designated storage areas for medical marijuana or materials used in direct contact with medical marijuana separate from storage areas for toxic or flammable materials; and
 - 5. If preparation or packaging of medical marijuana is done in the building, a designated area for the preparation or packaging that:
 - a. Includes work space that can be sanitized, and
 - b. Is only used for the preparation or packaging of medical marijuana.
- D.** For each commercial device used at a dispensary or the dispensary's cultivation site, the dispensary shall:
 - 1. Ensure that the commercial device is licensed or certified pursuant to A.R.S. § 41-2091,
 - 2. Maintain documentation of the commercial device's license or certification, and
 - 3. Provide a copy of the commercial device's license or certification to the Department for review upon request.

R9-17-322. Denial or Revocation of a Dispensary Registration Certificate

- A.** The Department shall deny an application for a dispensary registration certificate or a renewal if:
 - 1. For an application for a dispensary registration certificate, the physical address of the building or, if applicable, the physical address of the dispensary's cultivation site is within 500 feet of a private school or a public school that existed before the date the dispensary submitted the initial dispensary registration certificate application;
 - 2. A principal officer or board member:
 - ~~a. Is not a resident of Arizona or has not been a resident of Arizona for at least three consecutive years immediately preceding the date the application for the dispensary registration certificate was submitted;~~

- ~~b.a.~~ Has been convicted of an excluded felony offense;
 - ~~e.b.~~ Has served as a principal officer or board member for a dispensary that:
 - i. Had the dispensary registration certificate revoked, or
 - ii. Did not obtain an approval to operate the dispensary within the first year after the dispensary registration certificate was issued;
 - ~~d.c.~~ Is under 21 years of age;
 - ~~e.d.~~ Is a physician currently providing written certifications for medical marijuana for qualifying patients;
 - ~~f.e.~~ Is a law enforcement officer; or
 - ~~g.f.~~ Is an employee or contractor of the Department; or
 - 3. The application or the dispensary does not comply with the requirements in A.R.S. Title 36, Chapter 28.1 and this Chapter.
- B.** The Department may deny an application for a dispensary registration certificate if a principal officer or board member of the dispensary provides false or misleading information to the Department.
- C.** The Department shall revoke a dispensary's registration certificate if:
- 1. The dispensary:
 - a. Operates before obtaining approval to operate a dispensary from the Department;
 - b. Dispenses, delivers, or otherwise transfers marijuana to an entity other than another dispensary with a valid dispensary registration certificate issued by the Department, a qualifying patient with a valid registry identification card, or a designated caregiver with a valid registry identification card; or
 - c. Acquires usable marijuana or mature marijuana plants from any entity other than another dispensary with a valid dispensary registration certificate issued by the Department, a qualifying patient with a valid registry identification card, or a designated caregiver with a valid registry identification card; or
 - 2. A principal officer or board member has been convicted of an excluded felony offense.
- D.** The Department may revoke a dispensary registration certificate if the dispensary does not:
- 1. Comply with the requirements in A.R.S. Title 36, Chapter 28.1 and this Chapter; or
 - 2. Implement the policies and procedures or comply with the statements provided to the Department with the dispensary's application.
- E.** If the Department denies a dispensary registration certificate application, the Department shall provide notice to the applicant that includes:
- 1. The specific reason or reasons for the denial, and

2. All other information required by A.R.S. § 41-1076.
- F.** If the Department revokes a dispensary registration certificate, the Department shall provide notice to the dispensary that includes:
1. The specific reason or reasons for the revocation; and
 2. The process for requesting a judicial review of the Department's decision pursuant to A.R.S. Title 12, Chapter 7, Article 6.
- R9-17-323. Denial or Revocation of a Dispensary Agent's Registry Identification Card**
- A.** The Department shall deny a dispensary agent's application for or renewal of the dispensary agent's registry identification card if the dispensary agent:
1. Does not meet the requirements in A.R.S. § 36-2801(10); or
 2. Previously had a registry identification card revoked for not complying with A.R.S. Title 36, Chapter 28.1 or this Chapter.
- B.** The Department may deny a dispensary agent's application for or renewal of the dispensary agent's registry identification card if the dispensary agent provides false or misleading information to the Department.
- C.** The Department shall revoke a dispensary agent's registry identification card if the dispensary agent:
1. Uses medical marijuana, if the dispensary agent does not have a qualifying patient registry identification card;
 2. Diverts medical marijuana to an individual who is not authorized to possess medical marijuana under A.R.S. Title 36, Chapter 28.1; or
 3. Has been convicted of an excluded felony offense.
- D.** The Department may revoke a dispensary agent's registry identification card if the dispensary agent knowingly violates A.R.S. Title 36, Chapter 28.1 or this Chapter.
- E.** If the Department denies or revokes a dispensary agent's registry identification card, the Department shall provide notice to the dispensary agent and the dispensary agent's dispensary that includes:
1. The specific reason or reasons for the denial or revocation; and
 2. The process for requesting a judicial review of the Department's decision pursuant to A.R.S. Title 12, Chapter 7, Article 6.

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Study Session

Meeting Date: 10/03/2013
Contact Person: Ruth Mayday, Planner
 Phone: 928-636-4427 x-1217
Department: Development Services
Item Type: N/A
Estimated length of Staff Presentation: None
Physical location of item: NONE

Information

AGENDA ITEM TITLE:

Discuss possible amendments to the Unified Development Ordinance to provide parameters for the location of Recovery Homes in the community.

SITUATION & ANALYSIS:

Recovery Residences provide persons recovering from substance abuse a supportive living environment to better transition them into activities of daily life. However, concentrations of such facilities in neighborhoods undermine the benefits of community living necessary for success; instead, they have a tendency to duplicate the institutionalized setting of a hospital or extended care facility. Additionally, the Fair Housing Act (FHA) sets forth regulations that govern how these residences can be regulated by local communities. With these factors in mind, staff has prepared draft language for guiding the location of sober living/recovery residences in the Town of Chino Valley.

Attachments

Draft UDO Text

DEFINITIONS: RECOVERY RESIDENCES

DWELLING UNIT--, ~~SINGLE~~ A room or group of rooms ~~within a dwelling containing~~ PROVIDING COMPLETE LIVING FACILITIES FOR ONE FAMILY OR SINGLE HOUSEKEEPING UNIT, INCLUDING one (1) PERMANENT cooking accommodation WITH A FUNCTIONAL SINK OR WATER SUPPLY, AN AREA FOR SLEEPING OR PRESENCE OF SLEEPING EQUIPMENT, AND COMPLETE SANITATION FACILITIES, occupied exclusively by one or more persons living as a single non-profit family housekeeping unit.

FAMILY. An individual, or two or more persons related by blood or marriage, or a group of persons not related by blood or marriage living together as A Single HOUSEKEEPING UNIT IN A DWELLING UNIT.

RECOVERY RESIDENCE: A DWELLING UNIT OR BUILDING USED TO PROVIDE A STABLE, SOBER ENVIRONMENT FOR INDIVIDUALS RECOVERING FROM SUBSTANCE ABUSE.

A. EVERY PERSON RESIDING IN THE FACILITY (EXCLUDING STAFF) IS AN "INDIVIDUAL WITH A DISABILITY" AS DEFINED BY FEDERAL AND STATE FAIR HOUSING LAWS.

B. THE RESIDENCE IS NOT LICENSED BY A STATE REGULATING AUTHORITY

C. THE RESIDENCE DOES NOT HOUSE OR PROVIDE SHELTER OR SERVICES TO:

1. CURRENT USERS OF CONTROLLED SUBSTANCES THAT MAY BE ILLEGAL

2. PERSONS CONVICTED FOR ILLEGAL MANUFACTURE OR DISTRIBUTION OF A CONTROLLED SUBSTANCE

3. SEX OFFENDERS

4. JUVENILE OFFENDERS

5. ANY OTHER PERSONS NOT CONSIDERED DISABLED UNDER THE FAIR HOUSING ACT OR OTHER FEDERAL LAW BY VIRTUE OF THE FAIR HOUSING ACT.

RESIDENTIAL FACILITY: A HOME IN WHICH PERSONS WITH DEVELOPMENTAL DISABILITIES LIVE AND THAT IS LICENSED, OPERATED, SUPPORTED, OR SUPERVISED BY A STATE REGULATING AUTHORITY. DEVELOPMENTAL DISABILITIES ARE THOSE CONDITIONS DEFINED BY ARS §36-582 AND THE STATE REGULATING AUTHORITY.

SINGLE HOUSEKEEPING UNIT: ANY NUMBER OF RELATED, OR UP TO SIX (6) NON-RELATED PERSONS LIVING AS THE FUNCTIONAL EQUIVALENT OF A FAMILY AND THAT MEET THE FOLLOWING REQUIREMENTS:

A. JOINT OCCUPATION OF A SINGLE DWELLING UNIT, INCLUDING THE USE AND RESPONSIBILITY FOR COMMON AREAS

B. IF THE DWELLING UNIT IS RENTED, ALL ADULT RESIDENTS HAVE CHOSEN TO JOINTLY OCCUPY THE ENTIRE PREMISES OF THE DWELLING UNIT UNDER A SINGLE WRITTEN LEASE WITH JOINT USE AND RESPONSIBILITY FOR THE PREMISES, AND THE MAKEUP OF THE HOUSEHOLD OCCUPYING THE UNIT IS DETERMINED BY THE RESIDENTS OF THE UNIT RATHER THAN THE LANDLORD OR PROPERTY MANAGER.

Text for “R” (residential) zoning classifications equal to or greater than one (1) acre in size, commencing in AR-36 Agricultural/Residential (36 Acre Minimum):

3.5.3 Conditional Uses (Conditional Use Permit Required)

O. RECOVERY RESIDENCE, SUBJECT TO THE FOLLOWING CONDITIONS AND REQUIREMENTS:

1. THE APPLICANT SHALL PROVIDE THE NAME AND ADDRESS OF THE MANAGER OF THE RECOVERY RESIDENCE AND THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE PERSON IN CONTROL OF THE PROPERTY. SHOULD THE PERSONS NAMED ON THE INITIAL APPLICATION CHANGE DURING THE TERM OF THE CONDITIONAL USE PERMIT, THE TOWN SHALL BE NOTIFIED WITHIN FIFTEEN (15) CALENDAR DAYS OF SAID CHANGE

5. UPON APPLICATION, THE OWNER OF RECORD SHALL SUPPLY AN OPERATIONS AND MANAGEMENT PLAN TO ENSURE COMPLIANCE WITH ALL PREVAILING LAWS. THE PLAN SHALL INCLUDE, BUT IS NOT LIMITED TO, THE FOLLOWING INFORMATION:

a. NUMBER OF PERSONS PER SLEEPING ROOM

b. MAXIMUM NUMBER OF RESIDENTS

c. TYPICAL LENGTH OF STAY

d. GUEST AND RESIDENT RULES OF CONDUCT

e. PROCEDURES FOR DISPOSAL OF MEDICAL WASTE

2. A RECOVERY RESIDENCE SHALL NOT BE LOCATED WITHIN ONE THOUSAND TWO HUNDRED FEET (1,200') OF ANOTHER RECOVERY RESIDENCE OR RESIDENTIAL FACILITY , PUBLIC OR PRIVATE, AS MEASURED FROM THE EXTERIOR WALL OF THE RECOVERY RESIDENCE OUTWARD TO THE PROPERTY LINE OF ANOTHER RECOVERY RESIDENCE OR RESIDENTIAL FACILITY.

3. THE NUMBER OF RESIDENTS (EXCLUDING STAFF) PER SLEEPING ROOM SHALL NOT EXCEED TWO (2).

4. THERE SHALL BE NO SIGN OR OTHER FEATURE VISIBLE FROM THE STREET DISTINGUISHING THE RECOVERY RESIDENCE FROM ANY OTHER RESIDENCE .

6. ALL PARKING SHALL BE ON SITE AND IN FULL COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN THE UNIFIED DEVELOPMENT ORDINANCE; AT NO TIME SHALL A RECOVERY RESIDENCE CAUSE OR CREATE A TRAFFIC OR PARKING PROBLEM.

7. IF, DURING THE TERM OF THE CONDITIONAL USE PERMIT, THE STATE OF ARIZONA ENACTS REGULATIONS GOVERNING RECOVERY RESIDENCES OR ANY OTHER LIVING ARRANGEMENTS INTENDED TO INTEGRATE PERSONS RECOVERING FROM SUBSTANCE ABUSE INTO THE COMMUNITY, SUCH REGULATIONS SHALL APPLY IN ADDITION TO THE CONDITIONS SET FORTH HEREIN AND SHALL PREEMPT ANY CONFLICTING CONDITION LISTED HEREIN.

8. REQUEST FOR ACCOMMODATION: SHOULD AN OWNER OF A RECOVERY RESIDENCE BELIEVE THAT ANY REQUIREMENT SET FORTH HEREIN PREVENTS THE ESTABLISHMENT OF A RECOVERY RESIDENCE, THE OWNER, UPON DENIAL OF A REQUIRED CONDITIONAL USE PERMIT BY THE COMMISSION, SHALL SUBMIT A WRITTEN REQUEST FOR ACCOMMODATION THAT SUFFICIENTLY ADDRESSES THE FOLLOWING:

a. THE REASON THE ACCOMMODATION IS NEEDED; AND

b. SAFETY AND WELFARE CONCERNS OF THE COMMUNITY; AND

c. COMPLIANCE WITH THIS SECTION OF THE UDO; AND

d. COMPLIANCE WITH ALL ADOPTED BUILDING AND FIRE CODES; AND

e. THE ACCOMMODATION WILL NOT CREATE OR CONSTITUTE A SUBSTANTIAL DETRIMENT TO NEIGHBORING PROPERTIES IN TERMS OF PARKING, TRAFFIC, WATER AND/OR SEWER SYSTEM(S), SMOKE, FUMES, FIRE HAZARDS, OR OTHER NOXIOUS OR INJURIOUS IMPACTS.

f. PROFITABILITY OR FINANCIAL HARDSHIP OF THE OWNER OR OPERATOR OF THE RECOVERY RESIDENCE SHALL NOT CONSTITUTE GROUNDS FOR GRANTING A REQUEST FOR ACCOMMODATION.

3.6.3 Conditional Uses (Conditional Use Permit Required)

O. RECOVERY RESIDENCE, SUBJECT TO THE CONDITIONS AND REQUIREMENTS SET FORTH IN UDO SECTION 3.5.3 SUBSECTION O.

3.7.3 Conditional Uses (Conditional Use Permit Required)

O. RECOVERY RESIDENCE, SUBJECT TO THE CONDITIONS AND REQUIREMENTS SET FORTH IN UDO SECTION 3.5.3 SUBSECTION O.

3.8.3 Conditional Uses (Conditional Use Permit Required)

O. RECOVERY RESIDENCE, SUBJECT TO THE CONDITIONS AND REQUIREMENTS SET FORTH IN UDO SECTION 3.5.3 SUBSECTION O.

3.9.3 Conditional Uses (Conditional Use Permit Required)

O. RECOVERY RESIDENCE, SUBJECT TO THE CONDITIONS AND REQUIREMENTS SET FORTH IN UDO SECTION 3.5.3 SUBSECTION O.

3.10.3 Conditional Uses (Conditional Use Permit Required)

O. RECOVERY RESIDENCE, SUBJECT TO THE CONDITIONS AND REQUIREMENTS SET FORTH IN UDO SECTION 3.5.3 SUBSECTION O.

3.11.3 Conditional Uses (Conditional Use Permit Required)

O. RECOVERY RESIDENCE, SUBJECT TO THE CONDITIONS AND REQUIREMENTS SET FORTH IN UDO SECTION 3.5.3 SUBSECTION O.