

PROPOSITION ____
I-04-2010; Arizona Medical Marijuana Act

ANALYSIS BY LEGISLATIVE COUNCIL

1 Proposition ____ would allow a "qualifying patient" who has a "debilitating
2 medical condition" to obtain an "allowable amount of marijuana" from a "nonprofit
3 medical marijuana dispensary" and to possess and use the marijuana to treat or alleviate
4 the debilitating medical condition or symptoms associated with the condition. The
5 Arizona Department of Health Services (DHS) would be required to adopt and enforce a
6 regulatory system for the distribution of marijuana for medical use, including a system
7 for approving, renewing and revoking the registration of qualifying patients, designated
8 caregivers, nonprofit dispensaries and dispensary agents. The costs of the regulatory
9 system would be paid from application and renewal fees collected, civil penalties
10 imposed and private donations received pursuant to this proposition.

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

- 15 1. Cancer.
- 16 2. Glaucoma.
- 17 3. Positive status for human immunodeficiency virus.
- 18 4. Acquired immune deficiency syndrome.
- 19 5. Hepatitis C.
- 20 6. Amyotrophic lateral sclerosis.
- 21 7. Crohn's disease.
- 22 8. Agitation of Alzheimer's disease.
- 23 9. A chronic or debilitating disease or medical condition that produces any of the
24 following:
 - 25 a. Cachexia or wasting syndrome.
 - 26 b. Severe and chronic pain.
 - 27 c. Severe nausea.
 - 28 d. Seizures (including those characteristic of epilepsy).
 - 29 e. Severe and persistent muscle spasms (including those characteristic of
30 multiple sclerosis).
- 31 10. Any other medical condition added by DHS through a public petition process.

32
33 In order to register with DHS, a qualifying patient must submit a signed written
34 certification issued by the physician that states the physician's professional opinion that
35 the patient is likely to receive therapeutic or symptom-relieving benefits from the medical
36 use of marijuana to treat or alleviate a debilitating medical condition. The certification
37 must specify the debilitating medical condition and must be made in the course of a
38 physician-patient relationship after the physician has completed a full assessment of the
39 patient's medical history. If the qualifying patient is under 18 years of age, the patient's

1 custodial parent or legal guardian must submit written certifications from two physicians
2 and the custodial parent or legal guardian must consent in writing to control the patient's
3 medical use of the marijuana.
4

5 A qualifying patient who is registered with DHS (or a registered designated
6 caregiver on behalf of the qualifying patient) may obtain up to 2.5 ounces of marijuana in
7 a 14-day period from a registered nonprofit medical marijuana dispensary. If the
8 qualifying patient's home is located more than 25 miles from the nearest nonprofit
9 medical marijuana dispensary, the patient or designated caregiver may cultivate up to 12
10 marijuana plants in an enclosed, locked facility.
11

12 A registered nonprofit medical marijuana dispensary must be operated on a not-
13 for-profit basis, but may receive payment for all expenses incurred in its operation. DHS
14 may not issue more than one nonprofit medical marijuana dispensary registration
15 certificate for every ten pharmacy permits issued by the Arizona State Board of
16 Pharmacy under current law. The dispensary may cultivate marijuana only in an
17 enclosed, locked facility and may acquire marijuana from a registered qualifying patient
18 or designated caregiver if the patient or caregiver is not compensated for the marijuana.
19 This proposition specifies various security, record-keeping and verification requirements
20 relating to the operation of dispensaries.
21

22 Proposition ___ would generally provide that any person who acts in conformity
23 with the requirements of the proposition is not subject to any governmentally imposed
24 sanction relating to the medical use of marijuana. This proposition would prohibit certain
25 discriminatory practices, including the following:

26 1. A school or landlord may not refuse to enroll or lease to a person registered
27 pursuant to this proposition unless failing to do so would cause the school or landlord to
28 lose a monetary or licensing benefit under federal law.

29 2. An employer may not discriminate against a person registered pursuant to this
30 proposition in hiring, terminating or imposing employment conditions unless failing to do
31 so would cause the employer to lose a monetary or licensing benefit under federal law.
32 Further, an employer may not penalize a qualifying patient registered pursuant to this
33 proposition for a positive drug test for marijuana, unless the patient used, possessed or
34 was impaired by marijuana on the employment premises or during hours of employment.
35

36 By its terms, Proposition ___ would not:

37 1. Authorize a person to undertake any task under the influence of marijuana that
38 constitutes negligence or professional malpractice.

39 2. Authorize possessing or using medical marijuana on a school bus, on the
40 grounds of a preschool, primary school or high school or in a correctional facility.

41 3. Authorize smoking marijuana on public transportation or in a public place.

42 4. Authorize operating, navigating or being in actual physical control of a motor
43 vehicle, aircraft or motorboat while under the influence of marijuana. A registered
44 qualifying patient would not be considered to be under the influence of marijuana solely
45 because of the presence of marijuana in the person's system that appears in a
46 concentration insufficient to cause impairment.

- 1 5. Require a government medical assistance program or private health insurer to
- 2 reimburse a person for costs associated with the medical use of marijuana.
- 3 6. Require an owner of private property to allow the use of marijuana on that
- 4 property.
- 5 7. Require an employer to allow the ingestion of marijuana in the workplace.
- 6 8. Prevent a nursing care or other residential or inpatient healthcare facility from
- 7 adopting reasonable restrictions on the provision, storage and use of marijuana by
- 8 residents or patients.