

**TITLE 9. HEALTH SERVICES
CHAPTER 17. DEPARTMENT OF HEALTH SERVICES –
MEDICAL MARIJUANA PROGRAM**

ARTICLE 1. GENERAL

- R9-17-101. Definitions
- R9-17-102. Fees
- R9-17-103. Application Submission
- R9-17-104. Changing Information on a Registry Identification Card
- R9-17-105. Requesting a Replacement Registry Identification Card
- R9-17-106. Adding a Debilitating Medical Condition
- R9-17-107. Time-frames
- R9-17-108. Notifications and Void Registry Identification Cards

ARTICLE 2. QUALIFYING PATIENTS AND DESIGNATED CAREGIVERS

- R9-17-201. Debilitating Medical Conditions
- R9-17-202. Applying for a Registry Identification Card for a Qualifying Patient or a Designated Caregiver
- R9-17-203. Amending a Qualifying Patient's or Designated Caregiver's Registry Identification Card
- R9-17-204. Renewing a Qualifying Patient's or Designated Caregiver's Registry Identification Card
- R9-17-205. Denial or Revocation of a Qualifying Patient's or Designated Caregiver's Registry Identification Card

ARTICLE 3. DISPENSARIES AND DISPENSARY AGENTS

- R9-17-301. Individuals to Act for a Dispensary Regarding Requirements
- R9-17-302. Dispensary Registration Certificate Allocation Process
- R9-17-303. Applying for a Dispensary Registration Certificate
- R9-17-304. Applying for Approval to Operate a Dispensary
- R9-17-305. Changes to a Dispensary Registration Certificate
- R9-17-306. Applying for a Change in Location for a Dispensary or a Dispensary's Cultivation Site
- R9-17-307. Renewing a Dispensary Registration Certificate
- R9-17-308. Inspections
- R9-17-309. Administration
- R9-17-310. Submitting an Application for a Dispensary Agent Registry Identification Card
- R9-17-311. Submitting an Application to Renew a Dispensary Agent's Registry Identification Card
- R9-17-312. Medical Director
- R9-17-313. Dispensing Medical Marijuana

- R9-17-314. Qualifying Patient Records**
- R9-17-315. Inventory Control System**
- R9-17-316. Product Labeling and Analysis**
- R9-17-317. Security**
- R9-17-318. Edible Food Products**
- R9-17-319. Cleaning and Sanitation**
- R9-17-320. Physical Plant**
- R9-17-321. Denial or Revocation of a Dispensary Registration Certificate**
- R9-17-322. Denial or Revocation of a Dispensary Agent's Registry Identification Card**

DRAFT

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 will be cultivated 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 that is capable of producing a image:
 - a. With a resolution of at least 600 x 600 pixels but not more than 1200 x 1200 pixels;
 - b. Two inches by two inches in size;
 - c. In natural color;
 - d. That is a front view of the individual's full face, without a hat or headgear that obscures the hair or hairline, with a plain white or off-white background; and
 - e. That 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 to not issue a registry identification card, a dispensary registration certificate, or an approval of a change of dispensary 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. "Enclosed" means:
 - a. A building with four walls and a roof or an indoor room or closet; or
 - b. An area surrounded by four solid ~~12-~~10 foot walls constructed of metal, concrete, or stone that prevent any viewing of the marijuana plants, with a one-inch thick metal gate and a barrier covering the top of the area that is:
 - i. Welded or woven metal wire mesh, with minimum wire thickness of 0.25 inches and maximum gap between wires of 1 inch;
 - ii. Welded metal wire grid, with minimum wire thickness of 0.25 inches and maximum gap between wires of 3 inches;
 - iii. Metal chain-link weave, with gauge no less than 9 and no more than 11.5;
 - iv. A panel of metal vertical bars, with minimum bar thickness of 0.5 inches and maximum gap between bars of 4 inches; or
 - v. Constructed of iron or other metallic material and similar to the examples in subsections (15)(b)(i) through (15)(b)(iv), if approved by the Department.
16. "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.
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. "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.
- ~~15. "Medical director" means a doctor of medicine who holds a valid and existing license to practice medicine pursuant to A.R.S. Title 32, Chapter 13 or its successor or a doctor of osteopathic medicine who holds a valid and existing license to practice osteopathic medicine pursuant to A.R.S. Title 32, Chapter 17 or its successor and who has been designated by a dispensary to provide medical oversight at the dispensary.~~
- ~~16. "Ongoing" when used in connection with a physician-patient relationship means:
 - a. The physician-patient relationship has existed for at least one year and the physician has seen or assessed the patient on at least four visits for the patient's debilitating medical condition during the course of the physician-patient relationship; or
 - b. The physician assumes primary responsibility for providing management and routine care of the patient's debilitating medical condition after conducting a comprehensive medical history and physical examination, including a personal review of the patient's medical record maintained by other treating physicians~~

~~that may include the patient's reaction and response to conventional medical therapies.~~

20. "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.
- ~~21. "Physician-patient relationship" means interaction between a physician and an individual in which the physician has ongoing responsibility for the assessment, care, and treatment of the patient's debilitating medical condition.~~
21. "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 airports; banks; bars; child care facilities; child care group homes during hours of operation; common areas of apartment buildings, condominiums, or other multifamily housing facilities; educational facilities; entertainment facilities or venues; health care institutions, except as provided in subsection (21)(c); hotel and motel common areas; laundromats; libraries; office buildings; parks; parking lots; public transportation facilities; reception areas; restaurants; retail food production or marketing establishments; retail service establishments; retail stores; shopping malls; sidewalks; sports facilities; theaters; warehouses; and 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.
22. "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.
23. "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.
24. "Working day" means ~~the period from 8:00 a.m. to 5:00 p.m. on 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 R9-17-302 (F), 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, \$2,500;
 5. For a registry identification card for a:
 - a. Qualifying patient, except as provided in subsection (B), \$160;
 - b. Designated caregiver, \$200; and
 - c. Dispensary agent, \$200;
 6. For renewing a registry identification card for a:
 - a. Qualifying patient, except as provided in subsection (B), \$160;
 - b. Designated caregiver, \$200; and
 - c. Dispensary agent, \$200;
 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 \$80 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 United States Department of Agriculture, Food and Nutrition Services, Supplemental Nutrition Assistance Program.

R9-17-103. Application Submission

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 using a Department-provided format.

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 a request for the change within 10 working days after 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 address, the county where the new address is located;
4. The effective date of the cardholder's new name or address; and
5. 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 issued on or after October 1, 1996;
 - b. Arizona identification card issued on or after October 1, 1996;
 - 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 replacing a registry identification card.

R9-17-106. Adding a Debilitating Medical Condition

A. ~~An individual~~ A person may request the addition of a medical condition or treatment of a medical condition to the list of debilitating medical conditions listed in R9-17-201 by submitting to the Department, at the time specified in subsection (C), the following in writing:

1. The person's name;
2. The ~~individual's~~ person's mailing address, name of contact individual, telephone number, and, if applicable, e-mail address;
3. The name of the medical condition or the treatment of the medical condition the ~~individual~~ person is requesting be added;
4. A description of the symptoms and other physiological effects experienced by an individual suffering from the medical condition or the 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 the 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 the 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 the treatment of the medical condition supporting why the medical condition or the treatment of 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 the 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 the 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 website for public comment at least 30 calendar days before the date of the public hearing; and
 - d. Hold a 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 or treatment of a medical condition to the list of debilitating medical conditions; or
 - b. Provide written notice to the request 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. ~~An individual~~ A person submitting a request for the addition of a medical condition or treatment of a medical condition to the list of debilitating medical conditions shall submit the request in January or in July of each calendar year.

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. ~~A registration packet for~~ An application for approval to operate a dispensary is not complete until the applicant provides the Department with written notice 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 over-all 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 ~~60 working days after the date of the notice of deficiencies~~ 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 ~~60 calendar days of the date after the notice of deficiencies~~ 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 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 or, 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 supplement 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 a dispensary registration certificate in compliance with A.R.S. Title 36, Chapter 28.1 and this Chapter is allocated a dispensary registration certificate as provided in R9-17-302, the Department shall provide a written notice 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:
 - a. An application for a dispensary agent registry identification card for each principal officer and board member for whom fingerprints were submitted 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 designated principal officer's or board member's date of birth;
 - v. The dispensary's registry identification number; and
 - vi. The identifying number on the applicable card or document in subsection (F)(1)(d);
 - b. One of the following:
 - i. A statement by the principal officer or board member that the principal officer or board member does not currently hold a valid registry identification card; or
 - ii. The assigned registry identification number for each valid registry identification card currently held by the principal officer or board member;

- c. A statement in a Department-provided format signed by the principal officer or board member 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;
 - d. 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. An Arizona driver's license or identification card issued before October 1, 1996 and one of the following:
 - (1) Birth certificate verifying U.S. citizenship,
 - (2) U. S. Certificate of Naturalization, or
 - (3) U. S. Certificate of Citizenship.
 - e. A current photograph of the principal officer or board member; and
 - f. 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, and 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:
- a. Issue:
 - i. A dispensary agent registry identification card to the principal officer or board member, and
 - ii. The dispensary registration certificate;
 - b. If the information and documents for any dispensary agent registry identification card application for any other principal officer or board member complies with A.R.S. Title 36, Chapter 28.1 and this Chapter, issue a dispensary agent registry identification card for the other principal officer or board member; and
 - c. If the information and documents for a dispensary agent registry identification card application for any other principal officer or board member does not comply with A.R.S. Title 36, Chapter 28.1 and this Chapter, deny the dispensary agent registry identification card application and provide notice to the dispensary and the other principal officer or board member 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. Written notification to an applicant for a dispensary registration certificate that:
 - a. The Department has determined that the dispensary registration application does comply 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 pursuant to A.R.S. § 26-2804(C) have been issued according to the criteria in R9-17-302; and

- b. The written notification is not a denial and is not considered a final decision of the Department subject to judicial review;
- 2. A registry identification card, a dispensary registration certificate, or an approval to operate a dispensary, as applicable, if the Department determines that applicant complies with A.R.S. Title 36, Chapter 28.1 and this Chapter; or
- 3. For a registry identification card or a dispensary registration certificate, 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.

TABLE 1.1

Type of approval	Statutory Authority (A.R.S. §)	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	36-2804	45	10	15	30

registration certificate					
Applying for approval to operate a dispensary	R9-17-304	45	10	15	30
Changing a dispensary location or a dispensary's cultivation site location	36-2804 and R9-17-306	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. Notifications and Void Registry Identification Cards

- A. The Department shall provide written notification 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 using the medical marijuana inappropriately;
 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 in 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 R9-17-309(A)(5), that the dispensary agent no longer serves as a principal officer, board member,

- or medical director for the dispensary is no longer employed by or contracted with the dispensary; or 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 when the Department receives notification that the qualifying patient is deceased.
- C.** The written notification 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 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 causes 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 causes 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 causes severe nausea;
12. A chronic or debilitating disease or medical condition or the treatment for a chronic or debilitating disease or medical condition that causes 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 causes severe or persistent muscle spasms, including those characteristic of multiple sclerosis; or
14. A debilitating medical condition or treatment 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, the Department

may issue a 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 application process for the qualifying patient's designated caregiver's registry identification card.
- E. The Department shall not issue a designated caregiver's registry identification card until 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 identifying number on the applicable card or document in subsection (F)(2);
 - e. The name, address, and telephone number of the physician ~~recommending~~ providing the written certification for medical marijuana for the qualifying patient;
 - f. 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;
 - g. 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;
 - h. The qualifying patient's e-mail address;
 - 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. An Arizona driver's license or identification card issued before October 1, 1996 and one of the following:
 - 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 or person who 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 qualifying patient has 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. A statement, initialed by the physician, that the physician agrees to assume responsibility for providing management and routine care of the qualifying patient's debilitating medical condition after conducting a full assessment of the qualifying patient's medical history;
 - i. ~~Has a professional relationship with the qualifying patient that has existed for at least one year and the physician has seen or assessed the qualifying patient on at least four visits for the patient's debilitating medical condition during the course of the professional relationship; or~~
 - ii. ~~Has assumed primary responsibility for providing management and routine care of the patient's debilitating medical condition after conducting a comprehensive medical history and physical examination, including a personal review of the patient's medical record maintained by other treating physicians, that may include the patient's reaction and response to conventional medical therapies;~~
 - 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 ~~reviewed all prescription and non-prescription medications and supplements that the qualifying patient is currently using for consideration of any potential drug~~

interaction with medical marijuana has conducted an in-person physical examination of the qualifying patient appropriate to the qualifying patient's presenting symptoms and the qualifying patient's debilitating medical condition diagnosed by the physician;

- h. 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;
- i. 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;
- j. A statement, initialed by the physician, that the physician plans to continue to assess the qualifying patient and the qualifying patient's use of medical marijuana during the course of the physician-patient relationship;
- 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 a 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 residence address and mailing address;
 - c. The county where the designated caregiver resides;
 - d. The designated caregiver's date of birth;
 - e. The identifying number on the applicable card or document in subsection (F)(6)(i);
 - f. 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;
 - g. One of the following:
 - i. A statement signed by the designated caregiver 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 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 or person who 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 qualifying patient's U.S. passport; or
 - v. An Arizona driver's license or identification card issued before October 1, 1996 and one of the following:
 - (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 in a Department-provided format that includes the designated caregiver's name, date of birth, social security number, and fingerprints; 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 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)(6);
 - 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 name, address, and telephone number of a physician who has a physician-patient relationship with the qualifying patient and is ~~recommending~~ providing the written certification for medical marijuana for the qualifying patient;
 - i. 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 written certification for medical marijuana for the qualifying patient;
 - j. The qualifying patient's custodial parent's or legal guardian's date of birth;
 - k. The qualifying patient's custodial parent's or legal guardian's e-mail address;
 - l. Whether the qualifying patient's custodial parent or legal guardian is requesting authorization for medical marijuana cultivation 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. An attestation that the information provided in the application is true and correct; and
 - o. 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 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. One of the following:
 - a. A statement signed by the qualifying patient's custodial parent or legal guardian that the qualifying patient's custodial parent or legal guardian does not currently hold a valid registry identification card; or
 - b. 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;
 5. 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 or person who is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
6. 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 U.S. passport; or
 - e. An Arizona driver's license or identification card issued before October 1, 1996 and one of the following:
 - i. Birth certificate verifying U.S. citizenship,
 - ii. U. S. Certificate of Naturalization, or
 - iii. U. S. Certificate of Citizenship;
7. 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;
8. 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;
9. 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 in a Department-provided format that includes the qualifying patient's custodial parent's or legal guardian's name, date of birth, social security number, and fingerprints; or
 - b. If the qualifying patient's custodial parent's or legal guardian's fingerprints and information required in subsection (G)(9)(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 designated caregiver as a result of the application;
10. A statement in a Department-provided format signed by the qualifying patient 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;
11. A written certification from the physician in subsection (G)(1)(h) and a separate written certification from the physician in (G)(1)(i) 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 qualifying patient has a debilitating medical condition as defined in A.R.S. § 36-2801;
- 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. For the physician listed in subsection (G)(1)(h):
 - i. A statement that the physician has made or confirmed a diagnosis of qualifying patient has a debilitating medical condition as defined in A.R.S. § 36-2801 for the qualifying patient;
 - ii. An identification of one or more of the debilitating medical conditions in R9-17-201 as the qualifying patient's specific debilitating medical condition;
 - iii. A statement, initialed by the physician, that the physician agrees to assume responsibility for providing management and routine care of the qualifying patient's debilitating medical condition after conducting a full assessment of the qualifying patient's medical history;
 - i. ~~Has a professional relationship with the qualifying patient that has existed for at least one year and the physician has seen or assessed the qualifying patient on at least four visits for the patient's debilitating medical condition during the course of the professional relationship; or~~
 - ii. ~~Has assumed primary responsibility for providing management and routine care of the patient's debilitating medical condition after conducting a comprehensive medical history and physical examination, including a personal review of the patient's medical record maintained by other treating physicians, that may include the patient's reaction and response to conventional medical therapies;~~
 - iv. 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;
 - v. ~~A statement, initialed by the physician, that the physician reviewed all prescription and non-prescription medications and supplements that the qualifying patient is currently using for consideration of any potential drug interaction with medical marijuana~~ has conducted an in-person physical examination of the qualifying patient appropriate to the qualifying patient's presenting symptoms and the qualifying patient's debilitating medical condition diagnosed by the physician;
 - vi. 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;
- vii. A statement, initialed by the physician, that the physician has explained the potential risks and benefits of the use of the medical marijuana to the qualifying patient's custodial parent or legal guardian responsible for the health care decisions for the qualifying patient; and
- viii. A statement, initialed by the physician, that the physician plans to continue to assess the qualifying patient and the qualifying patient's use of medical marijuana during the course of the physician-patient relationship;
- f. For the physician listed in subsection (G)(1)(i), 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 a qualifying patient 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
- 14. 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.

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 the following:
 - 1. An application in a Department-provided format that includes:
 - a. The qualifying patient's name and 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 residence address and mailing address;
 - c. The county where the designated caregiver resides;
 - d. The designated caregiver's date of birth;
 - e. The identifying number on the applicable card or document in subsection (A)(2)(i);
 - f. 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;
 - g. One of the following:
 - i. A statement signed by the designated caregiver 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 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 or person who is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
 - i. A copy the designated caregiver'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 designated caregiver's U.S. passport; or
 - e. An Arizona driver's license or identification card issued before October 1, 1996 and one of the following:
 - i. Birth certificate verifying U.S. citizenship,
 - ii. U. S. Certificate of Naturalization, or
 - iii. 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 in a Department-provided format that includes the designated caregiver's name, date of birth, social security number, and fingerprints; 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 last 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 the following:
1. The qualifying patient's name and 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 amend a qualifying patient'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 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 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 registry identification number on the qualifying patient's current registry identification card;
 - f. The name, address, and telephone number of the physician ~~recommending~~ providing the written certification for medical marijuana for the qualifying patient;
 - g. Whether the qualifying patient is requesting approval 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 approval 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. The qualifying patient's e-mail address;
 - j. If the qualifying patient is homeless, an address where the qualifying patient can receive mail;
 - k. An attestation that the information provided in the application is true and correct; and
 - l. The signature of the qualifying patient and date signed;
2. A current photograph of the qualifying patient;
3. A statement in a Department-provided format signed by the qualifying patient 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;
4. 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 qualifying patient has 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. A statement, initialed by the physician, that the physician agrees to assume responsibility for providing management and routine care of the qualifying patient's debilitating medical condition after conducting a full assessment of the qualifying patient's medical history:
 - i. ~~Has a professional relationship with the qualifying patient that has existed for at least one year and the physician has seen or assessed the qualifying patient on at least four visits for the patient's debilitating medical condition during the course of the professional relationship; or~~
 - ii. ~~Has assumed primary responsibility for providing management and routine care of the patient's debilitating medical condition after conducting a comprehensive medical history and physical examination, including a personal review of the patient's medical record maintained by other treating physicians, that may include the patient's reaction and response to conventional medical therapies;~~
- 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 reviewed all prescription and non-prescription medications and supplements that the qualifying patient is currently using for consideration of any potential drug interaction with medical marijuana~~ has conducted an in-person physical examination of the qualifying patient appropriate to the qualifying patient's presenting symptoms and the qualifying patient's debilitating medical condition diagnosed by the physician;
- h. 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;
- i. 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;
- j. A statement, initialed by the physician, that the physician plans to continue to assess the qualifying patient and the qualifying patient's use of medical marijuana during the course of the physician-patient relationship;
- 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 a 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 signed;
5. 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:
- 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 designated an individual not previously designated as the qualifying patient's 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. An Arizona driver's license or identification card issued before October 1, 1996 and one of the following:
 - i. Birth certificate verifying U.S. citizenship,
 - ii. U. S. Certificate of Naturalization, or
 - iii. U. S. Certificate of Citizenship;
 - 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. One of the following:
 - i. A statement signed by the designated caregiver 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;
 - i. 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 or person who is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
 - j. A current photograph of the designated caregiver;
 - k. For the Department's criminal records check authorized in A.R.S. § 36-2804.05:

- i. The designated caregiver's fingerprints in a Department-provided format that includes the designated caregiver name, date of birth, social security number, and fingerprints; or
 - ii. If the designated caregiver's fingerprints and information required in subsection (A)(5)(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
 6. 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 registry identification number on the qualifying patient's custodial parent's or legal guardian's current registry identification card;
 - i. A statement in a Department-provided format signed by the qualifying patient's custodial parent or legal guardian 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 or person who is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
 - j. The name, address, and telephone number of a physician who has a physician-patient relationship with the qualifying patient and is recommending 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 ~~recommending~~ providing the 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. The qualifying patient's custodial parent's or legal guardian's e-mail address;
 - n. 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;
 - 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 signed;
- 2. A current photograph of the qualifying patient;
 - 3. A statement in a Department-provided format signed by the qualifying patient 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;
 - 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) on 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. Identification of the physician license type;
 - c. The qualifying patient's name and date of birth;
 - d. A statement that the qualifying patient has a debilitating medical condition as defined in A.R.S. § 36-2801;
 - e. An identification of one or more of the debilitating medical conditions in R9-17-201 as the qualifying patient's specific debilitating medical condition;
 - f. For the physician listed in subsection (B)(1)(j):
 - i. A statement that the physician has made or confirmed a diagnosis of ~~qualifying patient has a~~ debilitating medical condition as defined in A.R.S. § 36-2801 for the qualifying patient;
 - ii. An identification of one or more of the debilitating medical conditions in R9-17-201 as the qualifying patient's specific debilitating medical condition;

- iii. A statement, initialed by the physician, that the physician agrees to assume responsibility for providing management and routine care of the qualifying patient's debilitating medical condition after conducting a full assessment of the qualifying patient's medical history;
 - i. ~~Has a professional relationship with the qualifying patient that has existed for at least one year and the physician has seen or assessed the qualifying patient on at least four visits for the patient's debilitating medical condition during the course of the professional relationship; or~~
 - ii. ~~Has assumed primary responsibility for providing management and routine care of the patient's debilitating medical condition after conducting a comprehensive medical history and physical examination, including a personal review of the patient's medical record maintained by other treating physicians, that may include the patient's reaction and response to conventional medical therapies;~~
- iv. 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;
- v. ~~A statement, initialed by the physician, that the physician reviewed all prescription and non-prescription medications and supplements that the qualifying patient is currently using for consideration of any potential drug interaction with medical marijuana~~has conducted an in-person physical examination of the qualifying patient appropriate to the qualifying patient's presenting symptoms and the qualifying patient's debilitating medical condition diagnosed by the physician;
- vi. 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;
- vii. A statement, initialed by the physician, that the physician has explained the potential risks and benefits of the use of the medical marijuana to the qualifying patient's custodial parent or legal guardian responsible for the health care decisions for the qualifying patient; and
- viii. A statement, initialed by the physician, that the physician plans to continue to assess the qualifying patient and the qualifying patient's use of medical marijuana during the course of the physician-patient relationship;

- 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 a qualifying patient 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
- 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 in a Department-provided format that includes the qualifying patient's custodial parent or legal guardian's name, date of birth, social security number, and fingerprints; 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 dispensary agent 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 R9-10-102 for applying to:
 - a. Renew a qualifying patient's registry identification card, and
 - b. Renew a designated caregiver's registry identification card.
- C. Except as provided in subsection (A)(5), 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;
 - h. A current photograph of the designated caregiver;
 - i. 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 or person who is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1; and
 - j. For the Department's criminal records check authorized in A.R.S. § 36-2804.05:
 - i. The designated caregiver's fingerprints in a Department-provided format that includes the designated caregiver's name, date of birth, social security number, and fingerprints; or
 - ii. 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 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
2. 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 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 or renewal of the designated caregiver's registry identification card if the designated caregiver does not comply with A.R.S. § 36-2801(5).
- C. The Department may deny a qualifying patient's or designated caregiver's application 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:
 - 1. No longer agrees to assist the qualifying patient in the use of medical marijuana; or
 - 2. 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 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 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. Individuals to Act for a Dispensary Regarding Requirements

- A.** When a dispensary is required by this Article to provide information on or sign documents or ensure actions are taken, the following shall comply with the requirement on behalf of the dispensary:
 - 1. If the dispensary is an individual, the individual;
 - 2. If the dispensary is a corporation, two officers of the corporation;
 - 3. If the dispensary is a partnership, two of the partners;
 - 4. If the dispensary is a limited liability company, a manager or, if the limited liability company does not have a manager, a member of the limited liability company;
 - 5. If the dispensary is an association or cooperative, two members of the governing board of the association or cooperative;
 - 6. If the dispensary is a joint venture, two of the individuals who signed the joint venture agreement; and
 - 7. If the dispensary is a business organization type other than those described in subsections (2) through (6), two individuals who are members of the business organization.
- B.** For purposes of this Chapter, the individual or individuals in subsection (A) are considered principal officers.

R9-17-302. 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.
- B.** The Department shall accept dispensary registration certificate applications for 30 calendar days beginning May 1, 2011.
 - 1. 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.
 - 2. If the Department receives:

- a. 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 days after May 1, 2011, the Department shall allocate the dispensary registration certificate for the CHAA to that applicant; or
 - b. 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 days after May 1, 2011, the Department shall randomly select:
 - i. One dispensary registration certificate applicant and allocate the dispensary registration certificate for the CHAA to that applicant; or
 - ii. As many dispensary certificate applicants as there as dispensary registration certificate assigned to the CHAA, if the CHAA has more than one dispensary registration certificate assigned as a result of a city or town's request in subsection (B)(1),
 - 3. Except as provided in subsection (B)(2)(b)(ii), from the dispensary registration applications received within the time-frame in subsection (B), the Department shall allocate only one dispensary registration certificate for each CHAA.
- C.** In April of each calendar year beginning in April, 2012, 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 the information that the Department is accepting dispensary registration certificate applications on the Department's website, including the deadline for accepting dispensary registration certificate applications.
 - a. The Department shall post the information in subsection (C)(1) by last day of the month.
 - b. The deadline for submission of dispensary registration certificate applications is 30 calendar days after the date of posting in subsection (C)(1)(a).
 - c. Sixty calendar days after the date of posting in subsection (C)(1)(a), 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 (D).
 - 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 post and maintain the

information that the Department is not accepting dispensary registration certificate applications on the Department's website until the next review.

D. If the Department receives 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, the Department shall allocate the dispensary registration certificates according to the following criteria:

1. 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 by 60 days after the Department posted the notice in subsection (B)(1)(a), the Department shall allocate the dispensary registration certificate to that applicant; or
 - b. If the Department receives more than one dispensary registration certificate application for a dispensary located in the county by 60 days after the Department posted the notice in subsection (B)(1)(a), the Department shall randomly select one dispensary registration application for the county and allocate the dispensary registration certificate to that applicant.
2. If there are additional dispensary registration certificates available after dispensary registration certificates are allocated according to subsection (D)(1), for a CHAA that does not contain a dispensary:
 - a. If only one dispensary registration certificate application for a dispensary located in the CHAA is received by 60 days after the Department posted the notice in subsection (C)(1)(a), the Department shall allocate the dispensary registration certificate to that applicant; or
 - b. If the Department received more than one dispensary registration certificate application for a dispensary located in the CHAA by 60 days after the Department posted the notice in subsection (C)(1)(a), the Department shall randomly select one dispensary registration application for the CHAA and allocate the dispensary registration certificate to that applicant.
3. If there are additional dispensary registration certificates available after dispensary registration certificates are allocated according to subsections (D)(1) and (D)(2), for all dispensary registration certificate applications not allocated a dispensary registration certificate pursuant to subsections (D)(1) and (D)(2) and any other dispensary registration certificates received by 60 days after the Department posted the notice in subsection (B)(1)(a), the Department shall prioritize and allocate dispensary registration certificates to applicants 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.
4. If there is a tie or a margin of .1% or less in the scores generated by applying the criteria in subsection (D)(3), the Department shall randomly select one dispensary registration application and allocate a dispensary registration certificate to that applicant.

E. For purposes of subsection (D), "10 miles" includes the area contained within a circle that extends for 10 miles in all directions from a specific location.

- F.** 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 return \$1,000 of the application fee to the applicant.
- G.** If the Department receives a dispensary registration certificate application at a time other than the time stated in subsections (B) or (C)(1), the Department shall return the dispensary registration certificate application, including the application fee, to the person who submitted the dispensary registration certificate application.

R9-17-303. Applying for a Dispensary Registration Certificate

- A.** Each principal officer or board member of a dispensary is an Arizona resident and has been an Arizona resident for the ~~two~~ three years immediately preceding the date the dispensary submits a dispensary certificate application.
- B.** To apply for a dispensary registration certificate, a person 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 name of the entity applying;
 - d. The name of the individual designated to submit dispensary agent applications on behalf of the dispensary;
 - e. The name and license number of the dispensary's medical director;
 - f. The name, address, and date of birth of each:
 - i. Principal officer, and
 - ii. Board member,
 - g. Whether a 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 ~~making qualifying patient recommendations~~ providing written certifications for qualifying patients;
 - iii. Has unpaid taxes, interest, or penalties due to a governmental agency;
 - iv. Has an unpaid judgment due to a governmental agency;
 - v. Is in default on a government-issued student loan;
 - vi. Failed to pay court-ordered child support;
 - vii. Is a law enforcement officer; or
 - viii. Is employed by or a contractor of the Department;
 - h. Whether the dispensary agrees to allow the Department to submit supplemental requests for information;
 - i. An attestation that the information provided to the Department to apply for a dispensary registration certificate is true and correct; and
 - j. The signature of the individual or individuals in R9-17-301 and the date signed;
 2. If the person applying is one of the business organizations in R9-17-301(2) through (7), the following:
 - a. The name of the business organization;

- b. The name and title of each principal officer and board member; and
 - c. A copy of the business organization's articles of incorporation, articles of organization, or partnership or joint venture documents, as applicable;
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;
 - 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 ~~two~~ three consecutive years immediately preceding the date the dispensary submitted the dispensary certificate application;
 - c. 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 in a Department-provided format that includes the principal officer's or board member's name, date of birth, social security number, and fingerprints; or
 - ii. If the fingerprints and information required in subsection (B)(3)(c)(i) were submitted to the Department as part of an application for a designated caregiver or 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. ~~A copy of the certificate of occupancy or other documentation issued by the local jurisdiction to the applicant authorizing occupancy of the building as a dispensary and, if applicable, as the dispensary's cultivation site;~~

5. A sworn statement signed and dated by the individual or individuals in R9-17-301 certifying that the dispensary is in compliance with local zoning restrictions;
 7. ~~The distance to the closest public or private school from:~~
 - a. ~~The dispensary; and~~
 - b. ~~If applicable, the dispensary's cultivation site;~~
 8. ~~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;~~
 9. ~~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;~~
 10. ~~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;~~
 11. ~~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;~~
 6. The dispensary's by-laws containing provisions for the disposition of revenues and receipts;
 7. A business plan demonstrating the on-going viability of the dispensary as on a non-profit organization not-for-profit basis; and
 15. ~~The dispensary's proposed hours of operation;~~
 16. ~~Whether:~~
 - a. ~~A registered pharmacist will be onsite or on call during regular business hours;~~
 - b. ~~The dispensary will provide information about the importance of physical activity and nutrition onsite;~~
 - c. ~~Whether the dispensary has or has not incorporated; and~~
 - d. ~~Whether the dispensary has a surety bond and, if so, how much; and~~
 8. The applicable fee in R9-17-102 for applying for an initial registration of a dispensary.
- C.** Before a person with a dispensary registration certificate begins operating a dispensary, the person shall apply for and obtain an approval to operate a dispensary from the Department.

R9-17-304. Applying for Approval to Operate a Dispensary

To apply for approval to operate a dispensary, a person holding a dispensary registration certificate shall submit to the Department at least 60 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;
 - 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
1. The signature of the individual or individuals in R9-17-301 and the date signed;
2. A copy of the certificate of occupancy or other documentation issued by the local jurisdiction to the applicant authorizing occupancy of the building as a dispensary and, if applicable, as the dispensary's cultivation site;
3. A sworn statement signed and dated by the individual or individuals in R9-17-301 certifying that the dispensary is in compliance with local zoning restrictions;
4. The distance to the closest public or private 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.

R9-17-305. Changes to a Dispensary Registration Certificate

- A. A dispensary may not transfer or assign the dispensary registration and certificate.
- B. Except as provided in R9-17-306(A), a dispensary may move the dispensary or the dispensary's cultivation site to a new location but shall not cultivate, manufacture, distribute, dispense, or sell medical marijuana at the new location until the dispensary submits an application for a change in a dispensary location in R9-17-306 and the Department issues a registration certificate for the new location.

R9-17-306. Applying for a Change in Location for a Dispensary or a Dispensary's Cultivation Site

- A. A dispensary shall not change the dispensary's location during the first three years after the dispensary is issued a dispensary registration certificate.
- B. To change the location of a dispensary or the dispensary's 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 a change of location for the:
 - i. Dispensary, or
 - ii. Dispensary's cultivation site;
 - c. The current physical address of the dispensary or the dispensary's cultivation site; and
 - d. The name of the person applying;
 - 2. A copy of the certificate of occupancy or other documentation issued by the local jurisdiction authorizing occupancy of the proposed building by a dispensary or the dispensary's cultivation site;
 - 3. A sworn statement signed by the individual or individuals in R9-17-302 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. The distance to the closest public or private school from the proposed dispensary or the dispensary's proposed cultivation site;
 5. 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;
 6. If the change in location is for the dispensary's 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 the 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;
 7. The anticipated date of the change of location;
 8. Whether the proposed dispensary or the dispensary's proposed cultivation site is ready for an inspection by the Department;
 9. 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;
 10. An attestation that the information provided to the Department to apply for a change in location is true and correct;
 11. The applicable fee in R9-17-102 for applying for a change in location; and
 12. The signature of the individual or individuals in R9-17-301 and the date signed.
- C. 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 initial dispensary registration certificate.

- D. An application for a change in location of a dispensary or a dispensary's 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 R9-17-106.
- E. A dispensary or a dispensary's cultivation site shall not be used until the Department issues an approval for the change in the location of the dispensary or the dispensary's cultivation site.

R9-17-307. Renewing a Dispensary Registration Certificate

- A. A person with a dispensary registration certificate that has not submitted an application for approval to operate a dispensary to the Department at least 60 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 approval to operate as a dispensary issued by the Department, shall submit to the Department, at least 30 calendar days before the expiration of the dispensary's current 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, address, date of birth, and registry identification number of each:
 - i. Principal officer,
 - ii. Board member, and
 - iii. Dispensary agent;
 - g. Whether a 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 making qualifying patient recommendations providing written certifications for medical marijuana for qualifying patients;
 - iii. Has not provided a surety bond or filed any tax return with a taxing agency;
 - iv. Has unpaid taxes, interest, or penalties due to a governmental agency;
 - v. Has an unpaid judgment due to a governmental agency;
 - vi. Is in default on a government-issued student loan;
 - vii. Failed to pay court-ordered child support;
 - viii. Is a law enforcement officer; or
 - ix. Is employed by or a contractor of the Department;
 - h. 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 ~~two~~ three consecutive years immediately preceding the date the dispensary submitted the application to renew the dispensary registration certificate;
- i. The name and license number of the dispensary's medical director;
 - 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 and date signed;
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;
 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;
 4. A report of an audit by an independent certified public accountant of the annual financial statement required in subsection (2); and
 5. The applicable fee in R9-17-102 for applying to renew dispensary registration certificate.

R9-17-308. 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. A dispensary shall provide the Department with authorized remote access to the dispensary's electronic monitoring system.~~
- B. Except as provided in subsection (D), an on-site inspection of a dispensary or cultivation site shall occur at a date and time agreed to by the licensee 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 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.

- F. If the Department provides a dispensary with a written request for a copy of any record or document required by A.R.S. Title 36, Chapter 28.1 or this Chapter, the dispensary shall submit a copy of the requested record or document to the Department within five working days after the date on the Department's written request.

R9-17-309. Administration

A. A dispensary shall:

1. 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, including 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, denial of sale, any delivery options, confidentiality, and retention;
 - e. Patient education and support, including:
 - i. Availability of different strains of marijuana and the effects of the different strains;
 - ii. Information about and 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;
2. Maintain copies of the policies and procedures at the dispensary and provide copies to the Department for review upon request;
3. Employ or contract with a medical director;
4. 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,
 - d. Have access to medical marijuana at a food establishment contracted to infuse medical marijuana into edible food products for the dispensary, or

- e. Provide volunteer services at or on behalf of the dispensary;
5. Provide written notice to the Department, including the date of the event within ten 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,
 - d. Has access to medical marijuana at a food establishment contracted to infuse medical marijuana into edible food products for the dispensary, or
 - e. Provides volunteer services at or on behalf of the dispensary;
6. Document and report any loss or theft of marijuana from the dispensary to the appropriate law enforcement agency; and
7. Maintain copies of the documentation in subsection (A)(6) and provide copies to the Department for review upon request.
- B. ~~Except as provided in subsection (C), If a dispensary cultivates marijuana, the dispensary shall cultivate the medical marijuana dispensed by the dispensary in an enclosed, locked facility.~~
- C. ~~A dispensary:~~
 1. ~~Shall cultivate at least 70% of the medical marijuana the dispensary provides to qualifying patients or designated caregivers;~~
 2. ~~Shall only provide medical marijuana cultivated or acquired by the dispensary to another dispensary in Arizona, a qualifying patient, or a designated caregiver authorized by A.R.S. Title 36, Chapter 28.1 and this Chapter to acquire medical marijuana;~~
 3. ~~May only acquire medical marijuana from another dispensary in Arizona, a qualifying patient, or a designated caregiver;~~
 4. ~~May acquire up to 30% of the medical marijuana the dispensary provides to qualifying patients and designated caregivers from another dispensary in Arizona, a qualifying patient, or a designated caregiver; and~~
 5. ~~Shall not provide more than 30% of the medical marijuana cultivated by the dispensary to other dispensaries.~~

R9-17-310. Submitting an Application for a Dispensary Agent Registry Identification Card

Except as provided in R9-17-107(E), 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);
 - f. The name and registry identification number of the dispensary;
 - g. An attestation that the information provided in and with the application is true and correct; and

- 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;
 - g. An attestation that the information provided in and with the application is true and correct;
 - h. The signature of the individual in R9-17-303(B)(1)(d) designated to submit dispensary agent's applications on the dispensary's behalf and the date 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. A statement in a Department-provided format signed by the dispensary agent 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;
 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 in a Department-provided format that includes the dispensary agent's name, date of birth, social security number, and fingerprints; 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 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.

R9-17-312. Medical Director

- A. A dispensary shall appoint an individual who is a physician to function as a medical director.
~~A medical director may only serve as a medical director for three dispensaries at any time.~~
- B. During 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. On-site, 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 sides 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 for 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-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, to 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 ~~recommending~~ 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 shall not establish a physician-patient relationship with or ~~write medical marijuana recommendations~~ provide a written certification for medical marijuana for a qualifying patient.

R9-17-313. 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.

R9-17-314. 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
 - c. 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 a qualifying patient's record for the 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 patient's name;
 - b. The 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 and does not obtain medical marijuana on behalf of the qualifying patient 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.
- D.** A dispensary shall provide a qualifying patient record to the Department for review upon request.

R9-17-315. 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 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, designated caregiver, or dispensary and dispensary agent 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 and the dispensary agent 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;
4. For ~~each batch of marijuana cultivation~~ cultivated:
- a. The batch number;
 - b. Whether the batch originated from marijuana seeds or marijuana cuttings;
 - c. The origin and strain of marijuana seed or marijuana cutting planted, type of soil used, date seeds were planted, and the watering schedule;
 - 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 non-organic pesticides, herbicides, and fertilizers used in the cultivation;
 - g. The number of female plants grown to maturity;
 - h. Harvest information including:
 - i. Date of harvest;
 - ii. ~~Amount of medical marijuana harvested, including the amount of marijuana and the amount of usable marijuana~~ Final processed usable marijuana yield weight;
 - 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. A description of and reason for the marijuana being disposed of including, if applicable the number of any male, 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;
6. For providing medical marijuana to a food establishment for infusion into an edible food product:
- a. A description of the medical marijuana provided including the amount, strain, and batch number;
 - b. The name and registry identification number of the designated agent who:

- i. Provided the medical marijuana to the food establishment on behalf of the dispensary, and
 - ii. Received the medical marijuana on behalf of the food establishment; and
 - c. The date the medical marijuana was provided to the food establishment; and
 7. For receiving edible food products infused with medical marijuana from a food establishment:
 - a. The date the medical marijuana used to infuse the edible food products was received by the food establishment and the amount and batch number of medical marijuana received;
 - b. A description of the edible food products received from the food establishment, including total weight of each edible food product and estimated amount and batch number of the medical marijuana infused in each edible food product;
 - c. Total estimated amount and batch number of medical marijuana infused in edible food products;
 - d. A description of any reduction in the amount of medical marijuana;
 - e. For any unusable marijuana disposed of at the food establishment:
 - i. A description of the unusable marijuana,
 - ii. The amount and batch number of unusable marijuana disposed of,
 - iii. Date of disposal,
 - iv. Method of disposal, and
 - v. Name and registry identification number of the dispensary agent responsible for the disposal at the food establishment;
 - f. The name and registry identification number of the designated agent who:
 - i. Provided the edible food products to the dispensary on behalf of the food establishment, and
 - ii. Received the edible food products on behalf of the dispensary; and
 - g. The date the edible food products were provided to the dispensary.
- C. 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.
- D. A dispensary shall:
 1. Maintain the documentation required in subsections (B) and (C) at the dispensary for five years from the date on the document, and
 2. Provide the documentation required in subsections (B) and (C) to the Department for review upon request.

R9-17-316. 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: Smoking marijuana can cause addiction, cancer, heart attack, or lung infection and can impair one's ability to drive a motor vehicle or operate heavy machinery";
 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 non-organic 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:
- ~~1. The total weight of the edible food product; and~~
 - ~~2. The following statement "This product is infused with medical marijuana and was produced without regulatory oversight for health, safety, or efficacy. There may be health risks associated with the consumption of the 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.

R9-17-317. Security

- A. A dispensary shall ensure that access to the enclosed, locked facility where marijuana is cultivated is limited to principal officers, board members, and designated agents of the dispensary.
- B. A dispensary agent may transport marijuana ~~in any form~~, marijuana plants, and marijuana paraphernalia between the dispensary and:
1. The dispensary's cultivation site,
 2. A qualifying patient,
 3. Another dispensary, and
 4. A food establishment contracted with the dispensary to prepare edible food products infused with medical marijuana.
- 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. 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 is 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) Have a recording resolution of least at 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. Video cameras and recording equipment with sufficient battery backup to support at least five minutes of recording in the event of a power outage;
 - ~~ix. The capability of providing authorized remote viewing of live and recorded video with:
 - (1) Internet connectivity of at least 384 kbps upstream; and
 - (2) A static IP address to allow for remote connection;~~
 - 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.

R9-17-318. Edible Food Products

- A.** A dispensary that sells or provides edible food products shall:
- 1. Ensure that the edible food products are prepared:
 - a. At the dispensary, if the dispensary has a food establishment permit issued pursuant to 9 A.A.C. 8, Article 1 and the local ordinances and requirements of the local health department where the dispensary is located; or
 - b. Under contract with the dispensary, at a facility that has a food establishment permit issued pursuant to 9 A.A.C. 8, Article 1 and the local ordinances and requirements of the local health department where the facility is located;
 - 2. If the edible food products are not prepared at the dispensary, obtain a retail food establishment permit issued pursuant to 9 A.A.C. 8, Article 1 and the local ordinances and requirements of the local health department where the dispensary is located; and
 - 3. As applicable, obtain and provide to the Department a copy of the dispensary's or the facility's food establishment permit and the dispensary's retail food establishment permit issued pursuant to 9 A.A.C. 8, Article 1 at the following times:
 - a. Before the dispensary prepares or offers edible food products at the dispensary,
 - b. Upon contracting with the food establishment, and
 - c. Every 12 months after the initial date:
 - i. The dispensary prepares or offers edible food products; and
 - ii. The contract is entered into while the contract is in effect.
- B.** A dispensary is responsible for the content and quality of any edible food product sold or provided by the dispensary.
- C.** Adding medical marijuana to an edible food product does not adulterate the edible food product.

R9-17-319. 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 ~~securely~~ 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 dispensary and, if applicable, cultivation site daily.
 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, or other processes are cleaned daily.
 4. All edible food products are securely covered.
- B.** A dispensary shall ensure that a dispensary agent in 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 handwashing 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:
 - 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 equipment or materials used in direct contact with medical marijuana until the medical director determines that the dispensary agent's health condition will not adversely affect the medical marijuana.

R9-17-320. Physical Plant

- A. A dispensary requesting ~~an initial registration and certificate approval to operate~~ shall be located at least 500 feet from a public or private school.
- B. A dispensary shall provide on-site parking or parking adjacent to the building used as the dispensary.
- C. The building used by a dispensary or the dispensary's cultivation site shall have:
 - 1. At least one toilet room, and 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;
 - 2. At least one handwashing sink not located in a toilet room;
 - 3. 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
 - 4. 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.

R9-17-321. 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. The physical address of the building or, if applicable, the physical address of the dispensary's cultivation site is within 500 feet of a public or private school that existed before the date the dispensary submitted the 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 ~~two~~ three consecutive years immediately preceding the date the application for the dispensary registration certificate was submitted;
 - b. Has been convicted of an excluded felony offense;
 - c. 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. Is under 21 years of age;
 - e. Is a physician currently ~~making qualifying patient recommendations~~ providing written certifications for medical marijuana for qualifying patients;
 - f. Is a law enforcement officer; or

- g. Is an employee of or a contractor with 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:
 - ~~1. Has not provided a surety bond or filed any tax return with a taxing agency;~~
 - 1. Has unpaid taxes, interest, or penalties due to a governmental agency;
 - 2. Has an unpaid judgment owed to a governmental agency;
 - 3. Is in default on a government-issued student loan;
 - 4. Failed to pay court-ordered child support; or
 - 5. 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 a person other than another dispensary in Arizona, a qualifying patient, or a designated caregiver;
 - c. The Department determines that the dispensary did not implement the policies and procedures or comply with the statements provided to the Department with the dispensary's application; or
 - d. Acquires usable marijuana or mature marijuana plants from any person other than another dispensary in Arizona, a qualifying patient, or a designated caregiver; 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 comply with the requirements in A.R.S. Title 36, Chapter 28.1 and this Chapter.
- E. If the Department denies or revokes a dispensary registration certificate, the Department shall provide notice to the applicant or 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.

R9-17-322. Denial or Revocation of a Dispensary Agent's Registry Identification Card

- A. The Department may deny a dispensary agent's application 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);
 - 2. Previously had a registry identification card revoked for not complying with A.R.S. Title 36, Chapter 28.1 or this Chapter; or
 - 3. Provides false or misleading information to the Department.
- B. The Department shall revoke a dispensary agent's identification card if the dispensary agent:
 - 1. Uses medical marijuana, if the dispensary agent does not have a qualifying patient registry identification card;
 - 2. Provides 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.

- C.** 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.
- D.** 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.

DRAFT