

REFERENCE TITLE: **medical marijuana; medical conditions**

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2260

Introduced by
Representatives Espinoza: Dalessandro

AN ACT

AMENDING SECTION 36-2801, ARIZONA REVISED STATUTES; AMENDING TITLE 36,
CHAPTER 28.1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-2823;
RELATING TO MEDICAL MARIJUANA.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Subject to the requirements of article IV, part 1,
3 section 1, Constitution of Arizona, section 36-2801, Arizona Revised
4 Statutes, is amended to read:

5 36-2801. Definitions

6 In this chapter, unless the context otherwise requires:

7 1. "Allowable amount of marijuana":

8 (a) With respect to a qualifying patient, means:

9 (i) Two and one-half ounces of usable marijuana.

10 (ii) If the qualifying patient's registry identification card
11 states that the qualifying patient is authorized to cultivate marijuana,
12 twelve marijuana plants contained in an enclosed, locked facility, except
13 that the plants are not required to be in an enclosed, locked facility if
14 the plants are being transported because the qualifying patient is moving.

15 (b) With respect to a designated caregiver, for each patient
16 assisted by the designated caregiver under this chapter, means:

17 (i) Two and one-half ounces of usable marijuana.

18 (ii) If the designated caregiver's registry identification card
19 provides that the designated caregiver is authorized to cultivate
20 marijuana, twelve marijuana plants contained in an enclosed, locked
21 facility, except that the plants are not required to be in an enclosed,
22 locked facility if the plants are being transported because the designated
23 caregiver is moving.

24 (c) Does not include marijuana that is incidental to medical use,
25 but is not usable marijuana.

26 2. "Cardholder" means a qualifying patient, a designated caregiver,
27 a nonprofit medical marijuana dispensary agent or a independent
28 third-party laboratory agent who has been issued and possesses a valid
29 registry identification card.

30 3. "Debilitating medical condition" means one or more of the
31 following:

32 (a) Cancer, glaucoma, positive status for human immunodeficiency
33 virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic
34 lateral sclerosis, Crohn's disease, **ANY DEBILITATING CONDITION OF AUTISM
35 SPECTRUM DISORDER INCLUDING AGITATION, RAGE ATTACKS OR SELF-INJURIOUS
36 BEHAVIOR, POST-TRAUMATIC STRESS DISORDER FOR VETERANS** or agitation of
37 Alzheimer's disease or the treatment of these conditions.

38 (b) A chronic or debilitating disease or medical condition or its
39 treatment that produces one or more of the following:

40 (i) Cachexia or wasting syndrome.

41 (ii) Severe and chronic pain.

42 (iii) Severe nausea.

43 (iv) Seizures, including those characteristic of epilepsy.

44 (v) Severe and persistent muscle spasms, including those
45 characteristic of multiple sclerosis.

- 1 (c) Any other medical condition or its treatment added by the
2 department pursuant to section 36-2801.01.
- 3 4. "Department" means the department of health services or its
4 successor agency.
- 5 5. "Designated caregiver" means a person who:
6 (a) Is at least twenty-one years of age.
7 (b) Has agreed to assist with a patient's medical use of marijuana.
8 (c) Has not been convicted of an excluded felony offense.
9 (d) Assists not more than five qualifying patients with the medical
10 use of marijuana.
- 11 (e) May receive reimbursement for actual costs incurred in
12 assisting a registered qualifying patient's medical use of marijuana if
13 the registered designated caregiver is connected to the registered
14 qualifying patient through the department's registration process. The
15 designated caregiver may not be paid any fee or compensation for service
16 as a caregiver. Payment for costs under this subdivision does not
17 constitute an offense under title 13, chapter 34 or under title 36,
18 chapter 27, article 4.
- 19 6. "Enclosed, locked facility" means a closet, room, greenhouse or
20 other enclosed area that is equipped with locks or other security devices
21 that ~~permit~~ ALLOW access only by a cardholder.
- 22 7. "Excluded felony offense" means:
23 (a) A violent crime as defined in section 13-901.03, subsection B,
24 that was classified as a felony in the jurisdiction where the person was
25 convicted.
- 26 (b) A violation of a state or federal controlled substance law that
27 was classified as a felony in the jurisdiction where the person was
28 convicted but does not include:
29 (i) An offense for which the sentence, including any term of
30 probation, incarceration or supervised release, was completed ten or more
31 years earlier.
32 (ii) An offense involving conduct that would be immune from arrest,
33 prosecution or penalty under section 36-2811, except that the conduct
34 occurred before December 14, 2010 or was prosecuted by an authority other
35 than the state of Arizona.
- 36 8. "Independent third-party laboratory" means an entity that has a
37 national or international accreditation and that is certified by the
38 department to analyze marijuana cultivated for medical use.
- 39 9. "Independent third-party laboratory agent" means an owner,
40 employee or volunteer of a certified independent third-party laboratory
41 who is at least twenty-one years of age and who has not been convicted of
42 an excluded felony offense.
- 43 10. "Marijuana" means all parts of any plant of the genus cannabis,
44 whether growing or not, and the seeds of such A plant.

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

7 12. "Nonprofit medical marijuana dispensary" means a not-for-profit
8 entity that acquires, possesses, cultivates, manufactures, delivers,
9 transfers, transports, supplies, sells or dispenses marijuana or related
10 supplies and educational materials to cardholders. A nonprofit medical
11 marijuana dispensary may receive payment for all expenses incurred in its
12 operation.

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

17 14. "Physician" means a doctor of medicine who holds a valid and
18 existing license to practice medicine pursuant to title 32, chapter 13 or
19 its successor, a doctor of osteopathic medicine who holds a valid and
20 existing license to practice osteopathic medicine pursuant to title 32,
21 chapter 17 or its successor, a naturopathic physician who holds a valid
22 and existing license to practice naturopathic medicine pursuant to title
23 32, chapter 14 or its successor or a homeopathic physician who holds a
24 valid and existing license to practice homeopathic medicine pursuant to
25 title 32, chapter 29 or its successor.

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

28 16. "Registry identification card" means a document issued by the
29 department that identifies a person as a registered qualifying patient, a
30 registered designated caregiver, a registered nonprofit medical marijuana
31 dispensary agent or a registered independent third-party laboratory agent.

32 17. "Usable marijuana":

33 (a) Means the dried flowers of the marijuana plant, and any mixture
34 or preparation thereof.

35 (b) Does not include:

36 (i) The seeds, stalks and roots of the plant.

37 (ii) The weight of any non-marijuana ingredients combined with
38 marijuana and prepared for consumption as food or drink.

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

1 19. "Visiting qualifying patient" means a person:

2 (a) Who is not a resident of Arizona or who has been a resident of
3 Arizona less than thirty days.

4 (b) Who has been diagnosed with a debilitating medical condition by
5 a person who is licensed with authority to prescribe drugs to humans in
6 the state of the person's residence or, in the case of a person who has
7 been a resident of Arizona less than thirty days, the state of the
8 person's former residence.

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

15 (a) Specify the qualifying patient's debilitating medical condition
16 in the written certification.

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

20 (c) BE A PEDIATRICIAN IF THE QUALIFYING PATIENT IS UNDER EIGHTEEN
21 YEARS OF AGE AND THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION
22 IS AUTISM.

23 Sec. 2. Subject to the requirements of article IV, part 1,
24 section 1, Constitution of Arizona, title 36, chapter 28.1, Arizona
25 Revised Statutes, is amended by adding section 36-2823, to read:

26 36-2823. Autism; physician requirements

27 A PHYSICIAN WHO PROVIDES WRITTEN CERTIFICATION FOR A QUALIFYING
28 PATIENT WHO IS UNDER EIGHTEEN YEARS OF AGE AND WHOSE DEBILITATING MEDICAL
29 CONDITION IS AUTISM SHALL:

30 1. RECOMMEND TO THE QUALIFYING PATIENT'S DESIGNATED CAREGIVER THE
31 MARIJUANA'S POTENCY AND QUANTITY AND THE FREQUENCY OF USE.

32 2. ASSESS THE QUALIFYING PATIENT ON A MONTHLY BASIS UNTIL THE
33 PHYSICIAN IS SATISFIED THAT THE QUALIFYING PATIENT IS TAKING A STABLE DOSE
34 OF MARIJUANA FOR THE MOST BENEFICIAL RESULTS AND CONTINUE TO MONITOR THE
35 QUALIFYING PATIENT EVERY SIX MONTHS.

36 3. REPORT THE RESULTS ANNUALLY TO THE DEPARTMENT.

37 Sec. 3. Requirements for enactment; three-fourths vote

38 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
39 section 36-2801, Arizona Revised Statutes, as amended by this act, and
40 section 36-2823, Arizona Revised Statutes, as added by this act, are
41 effective only on the affirmative vote of at least three-fourths of the
42 members of each house of the legislature.