

**NOTICE OF PROPOSED EXPEDITED RULEMAKING**  
**TITLE 9. HEALTH SERVICES**  
**CHAPTER 17. DEPARTMENT OF HEALTH SERVICES**  
**MEDICAL MARIJUANA PROGRAM**

**PREAMBLE**

<b><u>1.</u></b>	<b><u>Article, Part or Sections Affected (as applicable)</u></b>	<b><u>Rulemaking Action</u></b>
	R9-17-101	Amend
	R9-17-102	Amend
	R9-17-103	Amend
	R9-17-107	Amend
	Table 1.1	Amend
	R9-17-202	Amend
	R9-17-203	Amend
	R9-17-204	Amend
	R9-17-303	Amend
	R9-17-304	Amend
	R9-17-305	Amend
	R9-17-306	Amend
	R9-17-307	Amend
	R9-17-308	Amend
	R9-17-310	Amend
	R9-17-311	Amend
	R9-17-312	Amend
	R9-17-316	Amend
	R9-17-317.01	Amend
	Table 3.1	Amend
	R9-17-319	Amend
	R9-17-322	Amend
	R9-17-323	Amend
	R9-17-324	Amend
<b><u>2.</u></b>	<b><u>Citations to the agency’s statutory authority for the rulemaking to include the authorizing statute (general) and the implementing statute (specific):</u></b>	
	Authorizing Statutes: A.R.S. §§ 36-132(A)(1) and 36-136(G)	

Implementing Statutes: A.R.S. §§ A.R.S. §§ 36-2803, 36-2204, 36-2804.01, 36-2806, and 36-2819

**3. Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the proposed expedited rulemaking:**

Notice of Docket Opening: 28 A.A.R. 1073, May 20, 2022

**4. The agency's contact person who can answer questions about the rulemaking:**

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or

Name: Robert Lane, Chief  
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Office of Administrative Counsel and Rules  
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Phoenix, AZ 85007

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**5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, under A.R.S. § 41-1027, to include an explanation about the rulemaking:**

Arizona Revised Statutes (A.R.S.) Title 36, Chapter 28.1, specifies requirements for the regulation of medical marijuana dispensaries and dispensary agents, as well as for qualifying patients and designated caregivers. The Arizona Department of Health Services (Department) has adopted rules to implement these statutes in Arizona Administrative Code (A.A.C.) Title 9, Chapter 17. Laws 2021, Ch. 439, made changes to the requirements for medical marijuana dispensaries and others regulated under 9 A.A.C. 17. These include allowing an individual to provide a level 1 fingerprint clearance card, issued according to A.R.S. § 41-1758.07, rather than submitting fingerprints for a background check; making changes to medical marijuana testing requirements; requiring the addition of a time frame for testing; and allowing marijuana facility agents to work in dispensaries. In addition, the Department was ordered in Maricopa County Superior Court (Case No. CV2021-003384), to accept applications for nonprofit medical marijuana registration certificates by December 31, 2022. The rules in 9 A.A.C. 17 do not currently allow

for this. After obtaining an exception from the Governor’s rulemaking moratorium established under Executive Order 2022-01, the Department is making changes to the rules in 9 A.A.C. 17 to be consistent with the court decision and/or litigation related to the rules; improve the effectiveness of the rules and make them less burdensome, including addressing inconsistencies with requirements in 9 A.A.C. 18; amend rules made obsolete by recent changes in statutory authority; correct cross-references; address issues identified in a five-year-review report approved by the Governor’s Regulatory Review Council on July 7, 2021; reduce the burden on stakeholders by eliminating or consolidating steps, procedures or processes; amend rules that are outdated, redundant, or otherwise no longer necessary; and make the rules clearer, more concise, and more understandable. Given the time constraints imposed by the court order, the Department is conducting this rulemaking in an iterative fashion, with the first including changes that will not increase the cost of regulatory compliance, increase a fee, or reduce procedural rights of persons regulated, but reduce a burden due to outdated requirements without compromising health and safety. These include removing the refund of a portion of an application fee for a dispensary for applicants with complete and compliant applications that are not allocated a dispensary registration certificate, but reducing the application fee by a corresponding amount. This will reduce the economic burden on all applicants, as well as the Department.

**6. A reference to any study relevant to the rules that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

The Department did not review or rely on any study for this rulemaking.

**7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state.**

Not applicable

**8. The preliminary summary of the economic, small business, and consumer impact:**

Under A.R.S. § 41-1055(D)(2), the Department is not required to provide an economic, small business, and consumer impact statement.

**9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:**

Not applicable

**10. Where, when, and how persons may provide written comment to the agency on the proposed expedited rules under A.R.S. § 41-1027(C):**

Close of record: Monday, June 27, 2022, at 4:00 p.m.

A person may submit written comments on the proposed expedited rules no later than the close of record to either of the individuals listed in item 4.

**11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**

**a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**

A registration certificate for a dispensary, issued according to A.R.S. § 36-2804, or laboratory, issued according to A.R.S. § 36-2804.07, is specific to the certificate holder, type of facility, facility location, and scope of services provided. As such, a general permit is not applicable and is not used. Except when associated with authorization for the cultivation of marijuana, a registry identification card for a qualifying patient, designated caregiver, dispensary agent, or laboratory agent is a general permit.

**b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**

Not applicable

**c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:**

No such analysis was submitted.

**12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:**

Although not changed in this rulemaking, the following incorporation by reference is included in the rulemaking:

R9-17-317.01: ANSI/ASQ Standard Z1.4 (2018), General Inspection Level II, available at <https://asq.org/quality-resources/z14-z19>.

**13. The full text of the rules follows:**

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

**ARTICLE 1. GENERAL**

Section

- R9-17-101. Definitions
- R9-17-102. Fees
- R9-17-103. ~~Application Submission~~ Repealed
- R9-17-107. Time-frames
- Table 1.1 Time-frames

**ARTICLE 2. QUALIFYING PATIENTS AND DESIGNATED CAREGIVERS**

Section

- 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

**ARTICLE 3. DISPENSARIES AND DISPENSARY AGENTS**

Section

- R9-17-303. Dispensary Registration Certificate Allocation Process
- R9-17-304. Applying for a Dispensary Registration Certificate
- R9-17-305. Applying for Approval to Operate a Dispensary
- R9-17-306. Changes to a Dispensary Registration Certificate
- R9-17-307. Applying to Change a Dispensary's Location or Change or Add a Dispensary's Cultivation Site
- R9-17-308. Renewing a Dispensary Registration Certificate
- R9-17-310. Administration
- R9-17-311. Submitting an Application for a Dispensary Agent Registry Identification Card
- R9-17-312. Submitting an Application to Renew a Dispensary Agent's Registry Identification Card
- R9-17-316. Inventory Control System
- R9-17-317.01. Analysis of Medical Marijuana or a Marijuana Product
- Table 3.1. Analytes
- R9-17-319. Edible Food Products
- R9-17-322. Denial or Revocation of a Dispensary Registration Certificate
- R9-17-323. Denial or Revocation of a Dispensary Agent's Registry Identification Card
- R9-17-324. Dual Licensees

## 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. “Accreditation” means being deemed as technically competent under ISO 17025 by the:
  - a. American Association of Laboratory Accreditation,
  - b. Perry Johnson Laboratory Accreditation,
  - c. ANSI National Accreditation Board, or
  - d. International Accreditation Services.
2. “Accuracy testing” means a mechanism in which a laboratory performs testing on samples with known characteristics, prepared by the laboratory, to determine a laboratory agent’s ability to analyze samples within specific acceptance criteria.
3. “Acquire” means to obtain through any type of transaction and from any source.
4. “Activities of daily living” means ambulating, bathing, dressing, grooming, eating, toileting, and getting in and out of bed.
5. “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.
6. “Analyte” means a specific substance for which testing is performed by a laboratory.
7. “Applicant” means:
  - a. An individual submitting an application for a registry identification card or to amend, change, or replace a registry identification card for a qualifying patient, designated caregiver, dispensary agent, or laboratory agent;
  - b. An entity submitting an application for a dispensary registration certificate or approval to operate a dispensary; or
  - c. An individual or entity submitting an application for a laboratory registration certificate, approval to test, or approval to change parameters.
8. “Batch” means:
  - a. When referring to cultivated medical marijuana, a specific lot of medical marijuana grown from one or more seeds or cuttings that are planted and harvested at the same time;
  - b. When referring to marijuana products, a specific amount of a marijuana product infused, manufactured, or prepared for sale from the same set of ingredients at the same time; and
  - c. When referring to testing of medical marijuana or a marijuana product, a specific set of samples prepared and tested during the same run using the same equipment.
9. “Batch number” means a unique numeric or alphanumeric identifier assigned to a batch by a dispensary when:

- a. The batch of medical marijuana is planted, or
  - b. The batch of a marijuana product is infused, manufactured, or prepared for sale.
10. “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.
11. “Change” means:
- a. When used in relation to a registry identification card, 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;
  - b. When used in relation to a place, moving to a different location;
  - c. When used in relation to an individual, selecting a different individual to perform specific actions;
  - d. When used in relation to parameters, revising a laboratory’s standard operating procedures or quality assurance plan, required in R9-17-404.06, due to:
    - i. Adding **or** removing a parameter,
    - ii. Altering a testing method, or
    - iii. Using a different instrument for performing a test; and
  - e. When used in relation to testing results, altering the testing results in any way and for any reason.
12. “Commercial device” means the same as in A.R.S. § 3-3451.
13. “Contaminant” means matter, pollutant, hazardous substance, or other substance that is not intended to be part of dispensed medical marijuana or a marijuana product.
14. “Cultivation site” means the one additional location where marijuana may be cultivated, infused, or prepared for sale by and for a dispensary.
15. “Current photograph” means an image of an individual, taken no more than 60 calendar days before the submission of the individual’s application, in a Department-approved electronic format capable of producing an image that:
- a. Has a resolution of at least 600 x 600 pixels but not more than 1200 x 1200 pixels;
  - b. Is 2 inches by 2 inches in size;
  - c. Is in natural color;
  - d. Is a front view of the individual’s full face, without a hat or headgear that obscures the hair or hairline;
  - e. Has a plain white or off-white background; and
  - f. Has between 1 and 1 3/8 inches from the bottom of the chin to the top of the head.

16. “Denial” means the Department’s final decision not to issue a registry identification card, a dispensary registration certificate, a laboratory registration certificate, or an approval of a change of dispensary or a dispensary’s cultivation site location, to an applicant because the applicant or the application does not comply with the applicable requirements in A.R.S. Title 36, Chapter 28.1 or this Chapter.
17. “Dispensary” means the same as “nonprofit medical marijuana dispensary” as defined in A.R.S. § 36-2801.
18. “Dispensary agent” means the same as “nonprofit medical marijuana dispensary agent” as defined in A.R.S. § 36-2801.
19. “Dual licensee” means the same as in A.R.S. § 36-2850.
20. “Edible food product” means a substance, beverage, or ingredient used or intended for use or for sale in whole or in part for human oral consumption.
21. “Enclosed area” when used in conjunction with “enclosed, locked facility” means outdoor space surrounded by solid, 10-foot walls, constructed of metal, concrete, or stone that prevent any viewing of the marijuana plants, and a 1-inch thick metal gate.
22. “Entity” means the same as in A.R.S. § 29-2102.
23. “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.
24. “Geographic area” means the same as in A.R.S. § 36-2803.01.
25. “In-state financial institution” means the same as in A.R.S. § 6-101.
26. “Inhalable” means intended for use through intake into the lungs of an individual.
27. “Laboratory” means the same as “independent third-party laboratory” as defined in A.R.S. § 36-2801.
28. “Laboratory agent” means the same as “independent third-party laboratory agent” as defined in A.R.S. § 36-2801.
29. “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.
30. “Marijuana establishment” means the same as in A.R.S. § 36-2850.
31. “Marijuana facility agent” means the same as in A.R.S. § 36-2850.
- ~~31.~~32. “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.
- ~~32.~~33. “Out-of-state financial institution” means the same as in A.R.S. § 6-101.
- ~~33.~~34. “Parameter” means the combination of a particular type of sample with a specific instrument or equipment by which the sample will be tested for a specific analyte or characteristic.
- ~~34.~~35. “Proficiency testing” means a mechanism in which samples with known characteristics are submitted to a laboratory for analysis to determine a laboratory agent’s ability to analyze samples within specific acceptance criteria.
- ~~35.~~36. “Proficiency testing service” means an independent company or other person acceptable to the Department, based on ISO/IEC 17043:2010 certification, that:
- a. Is the source for samples with known characteristics for proficiency testing, and
  - b. Assesses the acceptability of a laboratory agent’s results from the samples with known characteristics during proficiency testing.
- ~~36.~~37. “Private school” means the same as in A.R.S. § 15-101.
- ~~37.~~ “Public place”:
- ~~a. Means any location, facility, or venue that is not intended for the regular exclusive use of an individual or a specific group of individuals;~~
  - ~~b. Includes, but not is limited to:~~
    - ~~i. Airports;~~
    - ~~ii. Banks;~~
    - ~~iii. Bars;~~
    - ~~iv. Child care facilities;~~
    - ~~v. Child care group homes during hours of operation;~~
    - ~~vi. Common areas of apartment buildings, condominiums, or other multifamily housing facilities;~~
    - ~~vii. Educational facilities;~~
    - ~~viii. Entertainment facilities or venues;~~
    - ~~ix. Health care institutions, except as provided in subsection (24)(c);~~
    - ~~x. Hotel and motel common areas;~~
    - ~~xi. Laundromats;~~
    - ~~xii. Libraries;~~
    - ~~xiii. Office buildings;~~
    - ~~xiv. Parking lots;~~
    - ~~xv. Parks;~~
    - ~~xvi. Public transportation facilities;~~

- xvii. ~~Reception areas;~~
- xviii. ~~Restaurants;~~
- xix. ~~Retail food production or marketing establishments;~~
- xx. ~~Retail service establishments;~~
- xxi. ~~Retail stores;~~
- xxii. ~~Shopping malls;~~
- xxiii. ~~Sidewalks;~~
- xxiv. ~~Sports facilities;~~
- xxv. ~~Theaters; and~~
- xxvi. ~~Waiting rooms; and~~

e. 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.~~

38. “Public school” means the same as “school” as defined in A.R.S. § 15-101.

39. “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, dispensary agent, laboratory, or laboratory agent.

40. “Revocation” means the Department’s final decision that an individual’s registry identification card, a dispensary registration certificate, or a laboratory registration certificate is rescinded because the individual, the dispensary, or the laboratory does not comply with the applicable requirements in A.R.S. Title 36, Chapter 28.1 or this Chapter.

41. “Sample” means:

- a. A representative portion of a larger quantity of medical marijuana or a marijuana product,
- b. A specific quantity of a substance or set of substances to be used for testing purposes, or
- c. To collect the representative portion in subsection (39)(a).

42. “Time/temperature control for safety food” means the same as in the Food Code: 2017 Recommendations of the United States Public Health Service, Food and Drug Administration, § 1-201.10.

~~42-43.~~ “Working day” means a Monday, Tuesday, Wednesday, Thursday, or Friday that is not a state

holiday or a statewide furlough day.

**R9-17-102. Fees**

- A.** An applicant submitting an application to the Department shall submit the following nonrefundable fees:
1. ~~Except as provided in R9-17-303(D), for~~ For registration of a dispensary, \$5,000 \$4,000;
  2. To renew the registration of a dispensary, \$1,000;
  3. To change the location of a dispensary, \$2,500;
  4. To change the location of a dispensary's cultivation site or add a cultivation site, \$2,500;
  5. For a registry identification card for a:
    - a. Qualifying patient, except as provided in subsection (B), \$150;
    - b. Designated caregiver, \$200;
    - c. Dispensary agent, \$500; and
    - d. Laboratory agent, \$500;
  6. For renewing a registry identification card for a:
    - a. Qualifying patient, except as provided in subsection (B), \$150;
    - b. Designated caregiver, \$200;
    - c. Dispensary agent, \$500; and
    - d. Laboratory agent, \$500;
  7. For amending or changing a registry identification card, \$10;
  8. For requesting a replacement registry identification card, \$10;
  9. For registration of a laboratory, \$5,000; and
  10. To renew the registration of a laboratory, \$1,000.
- B.** A qualifying patient may pay a reduced fee of \$75 if the qualifying patient submits, with the qualifying patient's application for a registry identification card or the qualifying patient's application to renew the qualifying patient's registry identification card, a copy of an eligibility notice or electronic benefits transfer card demonstrating current participation in the U.S. Department of Agriculture, Food and Nutrition Services, Supplemental Nutrition Assistance Program.

**R9-17-103. ~~Application Submission~~ Repealed**

- ~~**A.** An applicant submitting an application for a registry identification card or to amend, change, or replace a registry identification card for a qualifying patient, designated caregiver, dispensary agent, or laboratory agent, shall submit the application electronically in a Department provided format.~~
- ~~**B.** A residence address or mailing address submitted for a qualifying patient or designated caregiver as part of an application for a registry identification card is located in Arizona.~~
- ~~**C.** A mailing address submitted for a principal officer or board member as part of a dispensary certificate registration application or as part of an application for a dispensary agent registration identification card is located in Arizona.~~

~~**D.** A mailing address submitted for an owner as a part of a laboratory registration certificate application or as part of an application for a laboratory agent registration identification card is located in Arizona.~~

**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, a dispensary registration certificate, an approval to operate a dispensary, a laboratory registration certificate, an approval for testing, or an approval to add a parameter;
  2. Provide a notice of administrative completeness to an applicant; or
  3. Provide a notice of deficiencies to an applicant, including a list of the information or documents needed to complete the application.
- B.** An application for approval to operate a dispensary is not complete until the date the applicant states on a written notice provided to the Department according to R9-17-305 that the dispensary is ready for an inspection by the Department.
- C.** A laboratory's application for approval for testing is not complete until the date the applicant states on a written notice provided to the Department according to R9-17-402.01 that the laboratory is ready for an inspection by the Department.
- D.** If the Department provides a notice of deficiencies to an applicant:
1. The administrative completeness review time-frame and the overall time-frame are suspended from the date of the notice of deficiencies until the date the Department receives the missing information or documents from the applicant; and
  2. The Department shall consider the application withdrawn if the applicant does not submit the missing information or documents to the Department within the time-frame in Table 1.1.
- E.** Within the substantive review time-frame for each type of approval in Table 1.1, the Department:
1. According to subsection (H), shall issue or deny:
    - a. A registry identification card, dispensary registration certificate, or laboratory registration certificate; or
    - b. Approval to operate a dispensary, approval for testing, or approval to add a parameter;
  2. May complete an inspection that may require more than one visit to a dispensary and, if applicable, the dispensary's cultivation site;
  3. May complete an inspection that may require more than one visit to a laboratory; and
  4. 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.
- F.** If the Department issues a written comprehensive request or a supplemental request for information:

1. The substantive review time-frame and the overall time-frame are suspended from the date of the written comprehensive request or the supplemental request for information until the date the Department receives all of the information requested, and
2. The applicant shall submit to the Department all of the information and documents listed in the written comprehensive request or supplemental request for information within ~~10 working days after the date of the comprehensive written request or supplemental request for information~~ the time-frame in Table 1.1.

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

1. ~~After the applicant receives the written notice of the allocation, the applicant shall submit to the Department for each principal officer or board member for whom fingerprints were submitted according to R9-17-304(C)(3)(b):~~
  - a. ~~An application for a dispensary agent registry identification card that includes:~~
    - i. ~~The principal officer's or board member's first name; middle initial, if applicable; last name; and suffix, if applicable;~~
    - ii. ~~The principal officer's or board member's residence address and mailing address;~~
    - iii. ~~The county where the principal officer or board member resides;~~
    - iv. ~~The principal officer's or board member's date of birth;~~
    - v. ~~The identifying number on the applicable card or document in subsection (G)(1)(b)(i) through (v);~~
    - vi. ~~The name and registry identification number of the dispensary;~~
    - vii. ~~One of the following:~~
      - (1) ~~A statement that the principal officer or board member does not currently hold a valid registry identification card, or~~
      - (2) ~~The assigned registry identification number for each valid registry identification card currently held by the principal officer or board member;~~
    - viii. ~~A statement signed by the principal officer or board member pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;~~
    - ix. ~~An attestation that the information provided in and with the application is true and correct; and~~
    - x. ~~The signature of the principal officer or board member and the date the principal~~

officer or board member signed;

- b. ~~A copy the principal officer's or board member's:~~
  - i. ~~Arizona driver's license issued on or after October 1, 1996;~~
  - ii. ~~Arizona identification card issued on or after October 1, 1996;~~
  - iii. ~~Arizona registry identification card;~~
  - iv. ~~Photograph page in the principal officer's or board member's U.S. passport; or~~
  - v. ~~Arizona driver's license or identification card issued before October 1, 1996 and one of the following for the principal officer or board member:~~
    - (1) ~~Birth certificate verifying U.S. citizenship;~~
    - (2) ~~U. S. Certificate of Naturalization, or~~
    - (3) ~~U. S. Certificate of Citizenship;~~
- e. ~~A current photograph of the principal officer or board member; and~~
- d. ~~The applicable fee in R9-17-102 for applying for a dispensary agent registry identification card.~~

2. ~~After receipt of the information and documents in subsection (G)(1), the Department shall review the information and documents.~~

- a. ~~If the information and documents for at least one of the principal officers or board members complies with the A.R.S. Title 36, Chapter 28.1 and this Chapter, the Department shall issue:~~
  - i. ~~A dispensary agent registry identification card to any principal officer or board member whose dispensary agent registry identification card application complies with A.R.S. Title 36, Chapter 28.1 and this Chapter; and~~
  - ii. ~~The dispensary registration certificate.~~
- b. ~~If the information and documents for a dispensary agent registry identification card application for any principal officer or board member does not comply with A.R.S. Title 36, Chapter 28.1 and this Chapter, the Department shall deny the dispensary agent registry identification card application and provide notice to the principal officer or board member and to the dispensary that includes:~~
  - i. ~~The specific reasons for the denial; and~~
  - ii. ~~The process for requesting a judicial review of the Department's decision pursuant to A.R.S. Title 12, Chapter 7, Article 6.~~

**H.** If an application for an initial laboratory registration certificate is approved, the Department shall review the information and documents submitted according to R9-17-402(A)(4) and:

- 1. If the information and documents for at least one of the owners comply with the A.R.S. Title 36, Chapter 28.1 and this Chapter, the Department shall issue:

- a. A laboratory agent registry identification card to any owner who complies with A.R.S. Title 36, Chapter 28.1 and this Chapter; and
  - b. The laboratory registration certificate; and
2. If the information and documents submitted according to R9-17-402(A)(4) for an owner do not comply with A.R.S. Title 36, Chapter 28.1 and this Chapter, the Department shall deny the owner a laboratory agent registry identification card and provide notice to the owner and to the laboratory that includes:
- a. The specific reasons for the denial; and
  - b. The process for requesting a judicial review of the Department's decision pursuant to A.R.S. Title 12, Chapter 7, Article 6.

**I.** The Department shall issue:

- 1. A registry identification card, renewal of a dispensary registration certificate, an approval to operate a dispensary, renewal of a laboratory registration certificate, an approval for testing, or an approval to add a parameter, as applicable, if the Department determines that the applicant complies with A.R.S. Title 36, Chapter 28.1 and this Chapter;
- 2. For an applicant for a registry identification card, a denial that includes the reason for the denial and the process for requesting judicial review if:
  - a. The Department determines that the applicant does not comply with A.R.S. Title 36, Chapter 28.1 and this Chapter; or
  - b. The applicant does not submit all of the information and documents listed in the written comprehensive request or supplemental request for information within 10 working days after the date of the comprehensive written request or supplemental request for information;
- 3. For an applicant for an initial dispensary registration certificate, if the Department determines that the dispensary registration certificate application complies with A.R.S. Title 36, Chapter 28.1 and this Chapter:
  - a. A dispensary registration certificate, if not all available dispensary registration certificates have been allocated according to the criteria and processes in R9-17-303; or
  - b. Written notice that:
    - i. The dispensary registration certificate application complies with A.R.S. Title 36, Chapter 28.1 and this Chapter;
    - ii. The applicant was not allocated a dispensary registration certificate according to the criteria and processes in R9-17-303 because all available dispensary registration certificates have been allocated according to the criteria and processes in R9-17-303; and

- iii. The written notice is not a denial and is not considered a final decision of the Department subject to administrative review; or
4. For an applicant for a dispensary registration certificate, an approval to operate, a laboratory registration certificate, an approval for testing, or an approval to add a parameter, a denial that includes the reason for the denial and the process for administrative review if:
- a. The Department determines that the applicant does not comply with A.R.S. Title 36, Chapter 28.1 or this Chapter; or
  - b. The applicant does not submit all of the information and documents listed in the written comprehensive request or supplemental request for information within 10 working days after the date of the comprehensive written request or supplemental request for information.

**Table 1.1 Time-frames**

<b>Type of approval</b>	<b>Authority (A.R.S. § or A.A.C.)</b>	<b>Overall Time- frame (in- working days)</b>	<b>Time frame for applicant to complete application (in- working days)</b>	<b>Administrative Completeness Time frame (in- working days)</b>	<b>Substantive Review Time- frame (in- working days)</b>
Changing a registry- identification card	§ 36-2808	10	10	5	5
Requesting a replacement registry- identification card	§ 36-2804.06	5	5	2	3
Applying for a registry identification card for a qualifying patient or a designated caregiver	§ 36-2804.02(A)	15	30	5	10
Amending a registry- identification card for a qualifying patient or a designated caregiver	§ 36-2808	10	10	5	5
Renewing a qualifying patient's or designated caregiver's registry- identification card	§§ 36-2804.02(A) and 36-2804.06	15	15	5	10
Applying for a dispensary registration certificate	§ 36-2804	30	10	5	25
Applying for approval to operate a dispensary	R9-17-305	45	-	15	30
Changing a dispensary location or adding or changing a dispensary's cultivation site location	§ 36-2804 and R9-17-307	90	90	30	60
Renewing a dispensary registration certificate	§ 36-2804.06	15	15	5	10
Applying for a dispensary agent	§§ 36-2804.01 and	15	30	5	10

registry identification card	<del>36-2804.03</del>				
Renewing a dispensary agent's registry identification card	§ 36-2804.06	15	15	5	10
Applying for a laboratory registration certificate	§ 36-2804.07	90	90	30	60
Applying for approval for testing	R9-17-402.01	90	90	30	60
Renewing a laboratory registration certificate	§ 36-2804.06	15	15	5	10
Applying to add a parameter	R9-17-404.07	90	90	30	60
Applying for a laboratory agent registry identification card	§ 36-2804.01	15	30	5	10
Renewing a laboratory agent's registry identification card	§ 36-2804.06	15	15	5	10

<u>Type of approval</u>	<u>Authority (A.R.S. § or A.A.C.)</u>	<u>Overall Time-frame (in working days)</u>	<u>Time-frame for applicant to complete application (in working days)</u>	<u>Administrative Completeness Time-frame (in working days)</u>	<u>Substantive Review Time-frame (in working days)</u>	<u>Response Time for Request in R9-17-107(F)(2) (in working days)</u>
<u>Changing a registry identification card</u>	<u>§ 36-2808</u>	<u>10</u>	<u>10</u>	<u>5</u>	<u>5</u>	<u>10</u>
<u>Requesting a replacement registry identification card</u>	<u>§ 36-2804.06</u>	<u>5</u>	<u>5</u>	<u>2</u>	<u>3</u>	<u>10</u>
<u>Applying for a registry identification card for a qualifying patient or a designated caregiver</u>	<u>§ 36-2804.02(A)</u>	<u>15</u>	<u>30</u>	<u>5</u>	<u>10</u>	<u>10</u>
<u>Amending a registry identification card for a qualifying patient or a designated caregiver</u>	<u>§ 36-2808</u>	<u>10</u>	<u>30</u>	<u>5</u>	<u>5</u>	<u>10</u>
<u>Renewing a qualifying patient's or designated caregiver's registry identification card</u>	<u>§§ 36-2804.02(A) and 36-2804.06</u>	<u>15</u>	<u>30</u>	<u>5</u>	<u>10</u>	<u>10</u>
<u>Applying for a dispensary registration certificate</u>	<u>§ 36-2804</u>	<u>30</u>	<u>10</u>	<u>5</u>	<u>25</u>	<u>10</u>
<u>Applying for approval to operate a dispensary</u>	<u>R9-17-305</u>	<u>45</u>	<u>90</u>	<u>15</u>	<u>30</u>	<u>60</u>
<u>Changing a dispensary registration certificate</u>	<u>§ 36-2804 and R9-17-307</u>	<u>90</u>	<u>90</u>	<u>30</u>	<u>60</u>	<u>60</u>
<u>Renewing a</u>	<u>§ 36-2804.06</u>	<u>15</u>	<u>30</u>	<u>5</u>	<u>10</u>	<u>10</u>

<u>dispensary registration certificate</u>						
<u>Applying for a dispensary agent registry identification card</u>	<u>§§ 36-2804.01 and 36-2804.03</u>	<u>15</u>	<u>30</u>	<u>5</u>	<u>10</u>	<u>10</u>
<u>Renewing a dispensary agent's registry identification card</u>	<u>§ 36-2804.06</u>	<u>15</u>	<u>30</u>	<u>5</u>	<u>10</u>	<u>10</u>
<u>Applying for a laboratory registration certificate</u>	<u>§ 36-2804.07</u>	<u>90</u>	<u>90</u>	<u>30</u>	<u>60</u>	<u>60</u>
<u>Applying for approval for testing</u>	<u>R9-17-402.01</u>	<u>90</u>	<u>90</u>	<u>30</u>	<u>60</u>	<u>60</u>
<u>Renewing a laboratory registration certificate</u>	<u>§ 36-2804.06</u>	<u>15</u>	<u>30</u>	<u>5</u>	<u>10</u>	<u>10</u>
<u>Applying to add a parameter</u>	<u>R9-17-404.07</u>	<u>90</u>	<u>90</u>	<u>30</u>	<u>60</u>	<u>60</u>
<u>Applying for a laboratory agent registry identification card</u>	<u>§ 36-2804.01</u>	<u>15</u>	<u>30</u>	<u>5</u>	<u>10</u>	<u>10</u>
<u>Renewing a laboratory agent's registry identification card</u>	<u>§ 36-2804.06</u>	<u>15</u>	<u>30</u>	<u>5</u>	<u>10</u>	<u>10</u>

## ARTICLE 2. QUALIFYING PATIENTS AND DESIGNATED CAREGIVERS

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

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

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

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

- j. A statement, initialed by the physician, that the physician has explained the potential risks and benefits of the medical use of marijuana to the qualifying patient;
- k. A statement, initialed by the physician, that, in the physician’s professional opinion, the qualifying patient is likely to receive therapeutic or palliative benefit from the qualifying patient’s medical use of marijuana to treat or alleviate the qualifying patient’s debilitating medical condition;
- l. A statement, initialed by the physician, that, if the physician has referred the qualifying patient to a dispensary, the physician has disclosed to the qualifying patient any personal or professional relationship the physician has with the dispensary;
- m. A statement, initialed by the physician, that the physician has provided information to the qualifying patient, if the qualifying patient is female, that warns about:
  - i. The potential dangers to a fetus caused by smoking or ingesting marijuana while pregnant or to an infant while breastfeeding, and
  - ii. The risk of being reported to the Department of Child Safety during pregnancy or at the birth of the child by persons who are required to report;
- n. An attestation that the information provided in the written certification is true and correct; and
- o. The physician’s signature and the date the physician signed;
- 6. If the qualifying patient is designating a caregiver, the following in a Department-provided format:
  - a. The designated caregiver’s first name; middle initial, if applicable; last name; and suffix, if applicable;
  - b. The designated caregiver’s date of birth;
  - c. The designated caregiver’s Arizona residence address and Arizona mailing address;
  - d. The county where the designated caregiver resides;
  - e. The identifying number on the applicable card or document in subsection ~~(F)(6)(i)(i)~~ (F)(6)(h)(i) through (v);
  - f. ~~One of the following:~~
    - i. ~~A statement that the designated caregiver does not currently hold a valid~~



- (2) The designated caregiver's signature;
  - (3) If different from the designated caregiver, the signature of the individual physically rolling the designated caregiver's fingerprints;
  - (4) The designated caregiver's address;
  - (5) If applicable, the designated caregiver's surname before marriage and any names previously used by the designated caregiver;
  - (6) The designated caregiver's date of birth;
  - (7) The designated caregiver's Social Security number;
  - (8) The designated caregiver's citizenship status;
  - (9) The designated caregiver's gender;
  - (10) The designated caregiver's race;
  - (11) The designated caregiver's height;
  - (12) The designated caregiver's weight;
  - (13) The designated caregiver's hair color;
  - (14) The designated caregiver's eye color; and
  - (15) The designated caregiver's place of birth; ~~or~~
  - ii. If the designated caregiver's fingerprints and information required in subsection ~~(F)(6)(k)(i)~~ (F)(6)(j)(i) were submitted to the Department as part of an application for a designated caregiver registry identification card, dispensary agent registry identification card, or laboratory 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; or
  - iii. Documentation that the designated caregiver has a valid level I fingerprint clearance card issued according to A.R.S. § 41-1758.07; 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 Arizona residence address and Arizona mailing address;
- c. The county where the qualifying patient resides;
- d. The qualifying patient's custodial parent's or legal guardian's first name; middle initial, if applicable; last name; and suffix, if applicable;
- e. The identifying number on the applicable card or document in subsection (G)(5)(a) through (e);
- f. The qualifying patient's custodial parent's or legal guardian's Arizona residence address and Arizona mailing address;
- g. The county where the qualifying patient's custodial parent or legal guardian resides;
- h. The qualifying patient's custodial parent's or legal guardian's e-mail address;
- i. The name, address, and telephone number of a physician who has a physician-patient relationship with the qualifying patient and is providing the written certification for medical marijuana for the qualifying patient;
- j. The name, address, and telephone number of a second physician who has conducted a comprehensive review of the patient's medical record, maintained by other treating physicians, and is providing a written certification for medical marijuana for the qualifying patient;
- k. The qualifying patient's custodial parent's or legal guardian's date of birth;
- l. Whether the qualifying patient's custodial parent or legal guardian is requesting authorization for cultivating medical marijuana plants for the qualifying patient's medical use because the qualifying patient's custodial parent or legal guardian believes that the qualifying patient resides at least 25 miles from the nearest operating dispensary;
- m. Whether the qualifying patient's custodial parent or legal guardian would like notification of any clinical studies needing human subjects for research on the medical use of marijuana;
- n. Whether the individual submitting the application on behalf of the qualifying patient under 18 years of age is the qualifying patient's custodial parent or legal

- guardian;
- ~~e.~~ ~~One of the following:~~
    - ~~i.~~ ~~A statement that the qualifying patient's custodial parent or legal guardian does not currently hold a valid registry identification card, or~~
    - ~~ii.~~ ~~The assigned registry identification number for the qualifying patient's custodial parent or legal guardian for each valid registry identification card currently held by the qualifying patient's custodial parent or legal guardian;~~
  - ~~p.o.~~ An attestation that the information provided in the application is true and correct; and
  - ~~q.p.~~ The signature of the qualifying patient's custodial parent or legal guardian and the date the qualifying patient's custodial parent or legal guardian signed;
2. A current photograph of the:
    - a. Qualifying patient, and
    - b. Qualifying patient's custodial parent or legal guardian serving as the qualifying patient's designated caregiver;
  3. An attestation in a Department-provided format signed and dated by the qualifying patient's custodial parent or legal guardian that the qualifying patient's custodial parent or legal guardian:
    - ~~a.~~ ~~has~~ Has not been convicted of an excluded felony offense as defined in A.R.S. § 36-2801, or
    - ~~b.~~ Is deemed to not have been convicted of an excluded felony offence through holding a valid level I fingerprint clearance card issued according to A.R.S. § 41-1758.07;
  4. A statement in a Department-provided format signed by the qualifying patient's custodial parent or legal guardian who is serving as the qualifying patient's designated caregiver:
    - a. Allowing the qualifying patient's medical use of marijuana;
    - b. Agreeing to assist the qualifying patient with the medical use of marijuana; and
    - c. Pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
  5. A copy of one of the following for the qualifying patient's custodial parent or legal guardian:
    - a. Arizona driver's license issued on or after October 1, 1996;
    - b. Arizona identification card issued on or after October 1, 1996;

- c. Arizona registry identification card;
  - d. Photograph page in the qualifying patient's custodial parent or legal guardian U.S. passport or a U.S. passport card; or
  - e. Arizona driver's license or identification card issued before October 1, 1996 and one of the following for the qualifying patient's custodial parent or legal guardian:
    - i. Birth certificate verifying U.S. citizenship,
    - ii. U. S. Certificate of Naturalization, or
    - iii. U. S. Certificate of Citizenship;
6. If the individual submitting the application on behalf of a qualifying patient is the qualifying patient's legal guardian, a copy of documentation establishing the individual as the qualifying patient's legal guardian;
7. For the Department's criminal records check authorized in A.R.S. § 36-2804.05:
- a. The qualifying patient's custodial parent or legal guardian's fingerprints on a fingerprint card that includes:
    - i. The qualifying patient's custodial parent or legal guardian's first name; middle initial, if applicable; and last name;
    - ii. The qualifying patient's custodial parent or legal guardian's signature;
    - iii. If different from the qualifying patient's custodial parent or legal guardian, the signature of the individual physically rolling the qualifying patient's custodial parent's or legal guardian's fingerprints;
    - iv. The qualifying patient's custodial parent's or legal guardian's address;
    - v. If applicable, the qualifying patient's custodial parent's or legal guardian's surname before marriage and any names previously used by the qualifying patient's custodial parent or legal guardian;
    - vi. The qualifying patient's custodial parent's or legal guardian's date of birth;
    - vii. The qualifying patient's custodial parent's or legal guardian's Social Security number;
    - viii. The qualifying patient's custodial parent's or legal guardian's citizenship status;
    - ix. The qualifying patient's custodial parent's or legal guardian's gender;
    - x. The qualifying patient's custodial parent's or legal guardian's race;
    - xi. The qualifying patient's custodial parent's or legal guardian's height;

- xii. The qualifying patient's custodial parent's or legal guardian's weight;
  - xiii. The qualifying patient's custodial parent's or legal guardian's hair color;
  - xiv. The qualifying patient's custodial parent's or legal guardian's eye color;  
and
  - xv. The qualifying patient's custodial parent's or legal guardian's place of birth; ~~or~~
- b. If the qualifying patient's custodial parent's or legal guardian's fingerprints and information required in subsection (G)(7)(a) were submitted to the Department as part of an application for a designated caregiver registry identification card, dispensary agent registry identification card, or laboratory agent registry identification card within the previous six months, the registry identification number on the registry identification card issued to the qualifying patient's custodial parent or legal guardian as a result of the application; or
  - c. Documentation that the qualifying patient's custodial parent or legal guardian has a valid level I fingerprint clearance card issued according to A.R.S. § 41-1758.07;
8. A written certification from the physician in subsection (G)(1)(i) and a separate written certification from the physician in (G)(1)(j) in a Department-provided format dated within 90 calendar days before the submission of the qualifying patient's application that includes:
- a. The physician's:
    - i. Name,
    - ii. License number including an identification of the physician license type,
    - iii. Office address on file with the physician's licensing board,
    - iv. Telephone number on file with the physician's licensing board, and
    - v. E-mail address;
  - b. The qualifying patient's name and date of birth;
  - c. An identification of one or more of the debilitating medical conditions in R9-17-201 as the qualifying patient's specific debilitating medical condition;
  - d. If the debilitating medical condition identified in subsection (G)(9)(c) is a condition in:
    - i. R9-17-201(9) through (13), the underlying chronic or debilitating disease or medical condition; or
    - ii. R9-17-201(14), the debilitating medical condition;

- e. For the physician listed in subsection (G)(1)(i):
  - i. A statement that the physician has made or confirmed a diagnosis of a debilitating medical condition as defined in A.R.S. § 36-2801 for the qualifying patient;
  - ii. A statement, initialed by the physician, that the physician:
    - (1) Has established a medical record for the qualifying patient, and
    - (2) Is maintaining the qualifying patient’s medical record as required in A.R.S. § 12-2297;
  - iii. A statement, initialed by the physician, that the physician has conducted an in-person physical examination of the qualifying patient within the previous 90 calendar days appropriate to the qualifying patient’s presenting symptoms and the qualifying patient’s debilitating medical condition diagnosed or confirmed by the physician;
  - iv. The date the physician conducted the in-person physical examination of the qualifying patient;
  - v. A statement, initialed by the physician, that the physician reviewed the qualifying patient’s:
    - (1) Medical records, including medical records from other treating physicians from the previous 12 months,
    - (2) Response to conventional medications and medical therapies, and
    - (3) Profile on the Arizona Board of Pharmacy Controlled Substances Prescription Monitoring Program database;
  - vi. A statement, initialed by the physician, that the physician has explained the potential risks and benefits of the use of medical marijuana to the qualifying patient’s custodial parent or legal guardian responsible for health care decisions for the qualifying patient; and
  - vii. A statement, initialed by the physician, that the physician has provided information to the qualifying patient’s custodial parent or legal guardian responsible for health care decisions for the qualifying patient, if the qualifying patient is female, that warns about:
    - (1) The potential dangers to a fetus caused by smoking or ingesting marijuana while pregnant or to an infant while breastfeeding, and
    - (2) The risk of being reported to the Department of Child Safety

during pregnancy or at the birth of the child by persons who are required to report;

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

**R9-17-203. Amending a Qualifying Patient's or Designated Caregiver's Registry Identification Card**

- A.** To add a designated caregiver or to request a change of a qualifying patient's designated caregiver, the qualifying patient shall submit to the Department, within 10 working days after the addition or the change, the following:
- 1. An application in a Department-provided format that includes:
    - a. The qualifying patient's name and the registry identification number on the

- qualifying patient's current registry identification card;
  - b. If applicable, the name of the qualifying patient's current designated caregiver and the date the designated caregiver last provided or will last provide assistance to the qualifying patient;
  - c. The name of the individual the qualifying patient is designating as caregiver; and
  - d. The signature of the qualifying patient and date the qualifying patient signed;
2. For the caregiver the qualifying patient is designating:
- a. The designated caregiver's first name; middle initial, if applicable; last name; and suffix, if applicable;
  - b. The designated caregiver's date of birth;
  - c. The designated caregiver's Arizona residence address and Arizona mailing address;
  - d. The county where the designated caregiver resides;
  - e. The identifying number on the applicable card or document in subsection ~~(A)(2)(i)(i)~~ (A)(2)(h)(i) through (v);
  - f. ~~One of the following:~~
    - ~~i. A statement that the designated caregiver does not currently hold a valid registry identification card, or~~
    - ~~ii. The assigned registry identification number for the designated caregiver for each valid registry identification card currently held by the designated caregiver;~~
  - ~~g.f.~~ An attestation in a Department-provided format signed and dated by the designated caregiver that the designated caregiver has not been convicted of an excluded felony offense as defined in A.R.S. § 36-2801;
  - ~~h.g.~~ A statement in a Department-provided format signed by the designated caregiver:
    - i. Agreeing to assist the qualifying patient with the medical use of marijuana; and
    - ii. Pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
  - ~~i.h.~~ A copy the designated caregiver's:
    - i. Arizona driver's license issued on or after October 1, 1996;
    - ii. Arizona identification card issued on or after October 1, 1996;
    - iii. Arizona registry identification card;

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

card, dispensary agent registry identification card, or laboratory 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

3. The applicable fee in R9-17-102 for applying for a designated caregiver registry identification card.

**B.** To amend a qualifying patient's address on the qualifying patient's registry identification card when the qualifying patient or the qualifying patient's designated caregiver is authorized to cultivate marijuana, the qualifying patient shall submit to the Department, within 10 working days after the change in address, the following:

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

**C.** To request authorization to cultivate marijuana based on a qualifying patient's current address or a new address, the qualifying patient shall submit to the Department, if applicable within 10 working days after the change in address, the following:

1. The qualifying patient's name and the registry identification number on the qualifying patient's current registry identification card;
2. If the qualifying patient's address is a new address, the qualifying patient's:
  - a. Current address,
  - b. New address,

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

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

- A. Except for a qualifying patient who is under 18 years of age, to renew a qualifying patient's registry identification card, the qualifying patient shall submit the following to the Department at least 30 calendar days before the expiration date of the qualifying patient's registry identification card:
  - 1. An application in a Department-provided format that includes:
    - a. The qualifying patient's first name; middle initial, if applicable; last name; and suffix, if applicable;
    - b. The qualifying patient's date of birth;
    - c. Except as provided in subsection (A)(1)(j), the qualifying patient's Arizona residence address and Arizona mailing address;
    - d. The county where the qualifying patient resides;
    - e. The qualifying patient's e-mail address;
    - f. The registry identification number on the qualifying patient's current registry identification card;
    - g. The name, address, and telephone number of the physician providing the written certification for medical marijuana for the qualifying patient;
    - h. Whether the qualifying patient is requesting authorization for cultivating marijuana plants for the qualifying patient's medical use because the qualifying patient believes that the qualifying patient resides at least 25 miles from the

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

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

- l. A statement, initialed by the physician, that, if the physician has referred the qualifying patient to a dispensary, the physician has disclosed to the qualifying patient any personal or professional relationship the physician has with the dispensary;
  - m. A statement, initialed by the physician, that the physician has provided information to the qualifying patient, if the qualifying patient is female, that warns about:
    - i. The potential dangers to a fetus caused by smoking or ingesting marijuana while pregnant or to an infant while breastfeeding, and
    - ii. The risk of being reported to the Department of Child Safety during pregnancy or at the birth of the child by persons who are required to report;
  - n. An attestation that the information provided in the written certification is true and correct; and
  - o. The physician's signature and the date the physician signed;
6. If the qualifying patient is designating a caregiver or if the qualifying patient's designated caregiver's registry identification card has the same expiration date as the qualifying patient's registry identification card, the following in a Department-provided format:
- a. The designated caregiver's first name; middle initial, if applicable; last name; and suffix, if applicable;
  - b. The designated caregiver's date of birth;
  - c. The designated caregiver's Arizona residence address and Arizona mailing address;
  - d. The county where the designated caregiver resides;
  - e. If the qualifying patient is renewing the designated caregiver's registry identification card, the registry identification number on the designated caregiver's registry identification card associated with the qualifying patient;
  - f. If the qualifying patient is designating an individual not previously designated as the qualifying patient's designated caregiver, the identification number on and a copy of the designated caregiver's:
    - i. Arizona driver's license issued on or after October 1, 1996;
    - ii. Arizona identification card issued on or after October 1, 1996;
    - iii. Arizona registry identification card;
    - iv. Photograph page in the designated caregiver's U. S. passport or a U.S.



individual physically rolling the designated caregiver's fingerprints;

- (4) The designated caregiver's address;
- (5) If applicable, the designated caregiver's surname before marriage and any names previously used by the designated caregiver;
- (6) The designated caregiver's date of birth;
- (7) The designated caregiver's Social Security number;
- (8) The designated caregiver's citizenship status;
- (9) The designated caregiver's gender;
- (10) The designated caregiver's race;
- (11) The designated caregiver's height;
- (12) The designated caregiver's weight;
- (13) The designated caregiver's hair color;
- (14) The designated caregiver's eye color; and
- (15) The designated caregiver's place of birth; ~~or~~

ii. If the designated caregiver's fingerprints and information required in subsection ~~(A)(6)(k)(i)~~ (A)(6)(j)(i) were submitted to the Department as part of an application for a designated caregiver registry identification card, dispensary agent registry identification card, or laboratory 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; or

iii. Documentation that the designated caregiver has a valid level I fingerprint clearance card issued according to A.R.S. § 41-1758.07;

7. If the qualifying patient's designated caregiver's registry identification card has the same expiration date as the qualifying patient's registry identification card and the designated caregiver's name in subsection (A)(6)(a) is not the same name as on the designated caregiver's current registry identification card, one of the following with the designated caregiver's new name:

- a. An Arizona driver's license,
- b. An Arizona identification card, or
- c. The photograph page in the designated caregiver's U.S. passport or a U.S. passport card; and

8. The applicable fees in R9-17-102 for applying to:
  - a. Renew a qualifying patient's registry identification card; and
  - b. If applicable, issue or renew a designated caregiver's registry identification card.
- B.** To renew a registry identification card for a qualifying patient who is under 18 years of age, the qualifying patient's custodial parent or legal guardian responsible for health care decisions for the qualifying patient shall submit to the Department the following:
  1. An application in a Department-provided format that includes:
    - a. The qualifying patient's:
      - i. First name; middle initial, if applicable; last name; and suffix, if applicable; and
      - ii. Date of birth;
    - b. The qualifying patient's Arizona residence address and Arizona 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 Arizona residence address and Arizona mailing address;
    - g. The county where the qualifying patient's custodial parent or legal guardian resides;
    - h. The qualifying patient's custodial parent's or legal guardian's e-mail address;
    - i. The registry identification number on the qualifying patient's custodial parent's or legal guardian's current registry identification card;
    - j. The name, address, and telephone number of a physician who has a physician-patient relationship with the qualifying patient and is providing the written certification for medical marijuana for the qualifying patient;
    - k. The name, address, and telephone number of a second physician who has conducted a comprehensive review of the qualifying patient's medical record maintained by other treating physicians, and is providing a written certification for medical marijuana for the qualifying patient;
    - l. Whether the qualifying patient's custodial parent or legal guardian is requesting approval for cultivating marijuana plants for the qualifying patient's medical use because the qualifying patient's custodial parent or legal guardian believes that

- the qualifying patient resides at least 25 miles from the nearest operating dispensary;
- m. Whether the qualifying patient’s custodial parent or legal guardian would like notification of any clinical studies needing human subjects for research on the medical use of marijuana;
  - n. A statement in a Department-provided format signed by the qualifying patient’s custodial parent or legal guardian who is serving as the qualifying patient’s designated caregiver:
    - i. Allowing the qualifying patient’s medical use of marijuana;
    - ii. Agreeing to assist the qualifying patient with the medical use of marijuana; and
    - iii. Pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
  - o. An attestation that the information provided in the application is true and correct; and
  - p. The signature of the qualifying patient’s custodial parent or legal guardian and the date the qualifying patient’s custodial parent or legal guardian signed;
2. If the qualifying patient’s custodial parent’s or legal guardian’s name in subsection (B)(1)(e) is not the same name as on the qualifying patient’s custodial parent’s or legal guardian’s current registry identification card, one of the following with the custodial parent’s or legal guardian’s new name:
    - a. An Arizona driver’s license,
    - b. An Arizona identification card, or
    - c. The photograph page in the qualifying patient’s custodial parent’s or legal guardian’s U.S. passport or a U.S. passport card;
  3. A current photograph of the qualifying patient;
  4. A written certification from the physician in subsection (B)(1)(j) and a separate written certification from the physician in subsection (B)(1)(k) in a Department-provided format dated within 90 calendar days before the submission of the qualifying patient’s renewal application that includes:
    - a. The physician’s:
      - i. Name,
      - ii. License number including an identification of the physician license type,

- iii. Office address on file with the physician’s licensing board,
- iv. Telephone number on file with the physician’s licensing board, and
- v. E-mail address;
- b. The qualifying patient’s name and date of birth;
- c. An identification of one or more of the debilitating medical conditions in R9-17-201 as the qualifying patient’s specific debilitating medical condition;
- d. If the debilitating medical condition identified in subsection (B)(4)(c) is a condition in:
  - i. R9-17-201(9) through (13), the underlying chronic or debilitating disease or medical condition; or
  - ii. R9-17-201(14), the debilitating medical condition;
- e. For the physician listed in subsection (B)(1)(j):
  - i. A statement that the physician has made or confirmed a diagnosis of a debilitating medical condition as defined in A.R.S. § 36-2801 for the qualifying patient;
  - ii. A statement, initialed by the physician, that the physician:
    - (1) Has established a medical record for the qualifying patient, and
    - (2) Is maintaining the qualifying patient’s medical record as required in A.R.S. § 12-2297;
  - iii. A statement, initialed by the physician, that the physician has conducted an in-person physical examination of the qualifying patient within the previous 90 calendar days appropriate to the qualifying patient’s presenting symptoms and the qualifying patient’s debilitating medical condition diagnosed or confirmed by the physician;
  - iv. The date the physician conducted the in-person physical examination of the qualifying patient;
  - v. A statement, initialed by the physician, that the physician reviewed the qualifying patient’s:
    - (1) Medical records including medical records from other treating physicians from the previous 12 months,
    - (2) Response to conventional medications and medical therapies, and
    - (3) Profile on the Arizona Board of Pharmacy Controlled Substances Prescription Monitoring Program database;

- vi. A statement, initialed by the physician, that the physician has explained the potential risks and benefits of the use of medical marijuana to the qualifying patient’s custodial parent or legal guardian responsible for health care decisions for the qualifying patient; and
- vii. A statement, initialed by the physician, that the physician has provided information to the qualifying patient’s custodial parent or legal guardian responsible for health care decisions for the qualifying patient, if the qualifying patient is female, that warns about:
  - (1) The potential dangers to a fetus caused by smoking or ingesting marijuana while pregnant or to an infant while breastfeeding, and
  - (2) The risk of being reported to the Department of Child Safety during pregnancy or at the birth of the child by persons who are required to report;
- f. For the physician listed in subsection (B)(1)(k), a statement, initialed by the physician, that the physician conducted a comprehensive review of the qualifying patient’s medical records from other treating physicians;
- g. A statement, initialed by the physician, that, in the physician’s professional opinion, the qualifying patient is likely to receive therapeutic or palliative benefit from the qualifying patient’s medical use of marijuana to treat or alleviate the qualifying patient’s debilitating medical condition;
- h. A statement, initialed by the physician, that, if the physician has referred the qualifying patient’s custodial parent or legal guardian to a dispensary, the physician has disclosed to the qualifying patient’s custodial parent or legal guardian any personal or professional relationship the physician has with the dispensary;
- i. An attestation that the information provided in the written certification is true and correct; and
- j. The physician’s signature and the date the physician signed; and
- 5. A current photograph of the qualifying patient’s custodial parent or legal guardian;
- 6. For the Department’s criminal records check authorized in A.R.S. § 36-2804.05:
  - a. The qualifying patient’s custodial parent’s or legal guardian’s fingerprints on a fingerprint card that includes:
    - i. The qualifying patient’s custodial parent’s or legal guardian’s first name; middle initial, if applicable; and last name;

- ii. The qualifying patient's custodial parent's or legal guardian's signature;
- iii. If different from the qualifying patient's custodial parent or legal guardian, the signature of the individual physically rolling the qualifying patient's custodial parent's or legal guardian's fingerprints;
- iv. The qualifying patient's custodial parent's or legal guardian's address;
- v. If applicable, the qualifying patient's custodial parent's or legal guardian's surname before marriage and any names previously used by the qualifying patient's custodial parent or legal guardian;
- vi. The qualifying patient's custodial parent's or legal guardian's date of birth;
- vii. The qualifying patient's custodial parent's or legal guardian's Social Security number;
- viii. The qualifying patient's custodial parent's or legal guardian's citizenship status;
- ix. The qualifying patient's custodial parent's or legal guardian's gender;
- x. The qualifying patient's custodial parent's or legal guardian's race;
- xi. The qualifying patient's custodial parent's or legal guardian's height;
- xii. The qualifying patient's custodial parent's or legal guardian's weight;
- xiii. The qualifying patient's custodial parent's or legal guardian's hair color;
- xiv. The qualifying patient's custodial parent's or legal guardian's eye color; and
- xv. The qualifying patient's custodial parent's or legal guardian's place of birth; or

b. If the qualifying patient's custodial parent's or legal guardian's fingerprints and information required in subsection (B)(6)(a) were submitted to the Department as part of an application for a designated caregiver registry identification card, dispensary agent registry identification card, or laboratory agent registry identification card 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; or

c. Documentation that the custodial parent or legal guardian has a valid level I fingerprint clearance card issued according to A.R.S. § 41-1758.07; and

7. The applicable fees in R9-17-102 for applying to renew a:

- a. Qualifying patient's registry identification card, and
  - b. Designated caregiver's registry identification card.
- C. Except as provided in subsection (A)(6), to renew a qualifying patient's designated caregiver's registry identification card, the qualifying patient shall submit to the Department, at least 30 calendar days before the expiration date of the designated caregiver's registry identification card, the following:
- 1. An application in a Department-provided format that includes:
    - a. The qualifying patient's first name; middle initial, if applicable; last name; and suffix, if applicable;
    - b. The registry identification number on the qualifying patient's current registry identification card;
    - c. The designated caregiver's first name; middle initial, if applicable; last name; and suffix, if applicable;
    - d. The designated caregiver's date of birth;
    - e. The designated caregiver's Arizona residence address and Arizona mailing address;
    - f. The county where the designated caregiver resides;
    - g. The registry identification number on the designated caregiver's current registry identification card;
  - 2. If the designated caregiver's name in subsection (C)(1)(a) is not the same name as on the designated caregiver's current registry identification card, one of the following with the designated caregiver's new name:
    - a. An Arizona driver's license,
    - b. An Arizona identification card, or
    - c. The photograph page in the designated caregiver's U.S. passport or a U.S. passport card;
  - 3. A current photograph of the designated caregiver;
  - 4. A statement in a Department-provided format signed by the designated caregiver:
    - a. Agreeing to assist the qualifying patient with the medical use of marijuana; and
    - b. Pledging not to divert marijuana to any individual or person who is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1; and
  - 5. For the Department's criminal records check authorized in A.R.S. § 36-2804.05:
    - a. The designated caregiver's fingerprints on a fingerprint card that includes:
      - i. The designated caregiver's first name; middle initial, if applicable; and

- last name;
  - ii. The designated caregiver's signature;
  - iii. If different from the designated caregiver, the signature of the individual physically rolling the designated caregiver's fingerprints;
  - iv. The designated caregiver's address;
  - v. If applicable, the designated caregiver's surname before marriage and any names previously used by the designated caregiver;
  - vi. The designated caregiver's date of birth;
  - vii. The designated caregiver's Social Security number;
  - viii. The designated caregiver's citizenship status;
  - ix. The designated caregiver's gender;
  - x. The designated caregiver's race;
  - xi. The designated caregiver's height;
  - xii. The designated caregiver's weight;
  - xiii. The designated caregiver's hair color;
  - xiv. The designated caregiver's eye color; and
  - xv. The designated caregiver's place of birth; ~~or~~
- b. If the designated caregiver's fingerprints and information required in subsection (C)(1)(j)(i) were submitted to the Department as part of an application for a designated caregiver registry identification card, dispensary agent registry identification card, or laboratory 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; or
- c. Documentation that the designated caregiver has a valid level I fingerprint clearance card issued according to A.R.S. § 41-1758.07; and
6. The applicable fee in R9-17-102 for renewing a designated caregiver's registry identification card.

### ARTICLE 3. DISPENSARIES AND DISPENSARY AGENTS

#### **R9-17-303. Dispensary Registration Certificate Allocation Process**

- A.** Each calendar year, the Department may review current valid dispensary registration certificates to determine if the Department may issue additional dispensary registration certificates pursuant to A.R.S. § 36-2804(C).
1. If the Department determines that the Department may issue additional dispensary registration certificates, the Department shall post, on the Department's website, the information that the Department is accepting dispensary registration certificate applications, including the deadline for accepting dispensary registration certificate applications.
    - a. The Department shall post the information in subsection (A)(1) at least 30 calendar days before the date the Department begins accepting applications.
    - b. The deadline for submission of dispensary registration certificate applications is 10 working days after the date the Department begins accepting applications.
    - c. Sixty working days after the date the Department begins accepting applications, the Department shall determine if the Department received more dispensary registration certificate applications that are complete and in compliance with A.R.S. Title 36, Chapter 28.1 and this Chapter to participate in the allocation process than the Department is allowed to issue.
      - i. If the Department received more dispensary registration certificate applications than the Department is allowed to issue, the Department shall allocate any available dispensary registration certificates according to the priorities established in subsection (B).
      - ii. If the Department is allowed to issue a dispensary registration certificate for each dispensary registration certificate application the Department received, the Department shall allocate the dispensary registration certificates to those applicants.
  2. If the Department determines that the Department is not allowed to issue additional dispensary registration certificates, the Department shall, on the Department's website:
    - a. Post the information that the Department is not accepting dispensary registration certificate applications, and
    - b. Maintain the information until the next review.

- B.** If the Department receives, by 60 working days after the date the Department begins accepting applications determined, according to subsection (A)(1)(c), that more dispensary registration certificate applications were received that are complete and are in compliance with A.R.S. Title 36, Chapter 28.1 and this Chapter to participate in the allocation process than the number of dispensary registration certificates the Department is allowed to issue, the Department shall allocate the dispensary registration certificates according to the following criteria:
1. ~~If~~ For dispensary registration certificate applications are received for a county ~~that does not contain a~~ in which no dispensary is located:
    - a. If only one dispensary registration certificate application is received for a proposed dispensary located in the county, the Department shall allocate the dispensary registration certificate to that applicant; or
    - b. If more than one dispensary registration certificate application is received for a proposed dispensary located in the county, the Department shall prioritize and allocate a dispensary registration certificate to an applicant according to subsection (B)(2);
  2. For dispensary registration certificate applications received according to subsection (B)(1)(b), the Department shall prioritize and allocate a dispensary registration certificate to an applicant according to the following:
    - a. If only one dispensary registration certificate application is received for a proposed dispensary ~~located~~ in a geographic area in the county, at a location that is at least 25 miles from another dispensary and from which another dispensary has moved, the Department shall allocate the dispensary registration certificate to that applicant;
    - b. If more than one dispensary registration certificate application is received for a proposed dispensary ~~located~~ in a geographic area in the county, at a location that is at least 25 miles from another dispensary and from which another dispensary has moved, the Department shall:
      - i. ~~prioritize~~ Prioritize and allocate a dispensary registration certificate to an applicant based on which proposed dispensary location will provide dispensary services to the most qualifying patients within five miles of the proposed dispensary location, as determined from the number of registry identification cards issued to qualifying patients; and

- ii. If two or more dispensary registration certificate applications specify the same location from which another dispensary has moved, comply with subsection (C); and
  - c. If no dispensary registration certificate applications are received for a proposed dispensary located in a geographic area in the county, at a location that meets the criteria in subsection (2)(a) is at least 25 miles from another dispensary and from which another dispensary has moved, the Department shall allocate a dispensary registration certificate in the county as follows:
    - i. If only one dispensary registration certificate application is received for a proposed dispensary located in a geographic area in the county at a location that is at least 25 miles from another dispensary, the Department shall allocate the dispensary registration certificate to that applicant;
    - ii. If more than one dispensary registration certificate application is received for a proposed dispensary located in a geographic area in the county at a location that is at least 25 miles from another dispensary, the Department shall allocate a dispensary registration certificate to an applicant at a location that is at least 25 miles from another dispensary based on random drawing; and
    - iii. If no dispensary registration certificate is allocated according to subsection (B)(2)(c)(i) or (ii), the Department shall allocate a dispensary registration certificate to an applicant for a proposed dispensary located in the county based on random drawing;
- 3. If additional dispensary registration certificates are available after dispensary registration certificates are allocated, for a county, that does not contain a dispensary for each county in which no dispensary is located, according to subsection (B)(1) or (2), the Department shall allocate the additional dispensary registration certificates for a location in any geographic area as follows to applicants who applied for a proposed dispensary location outside of the open counties:
  - a. If ~~only one~~ the number of dispensary registration certificate ~~application is~~ applications received for a proposed dispensary located in a geographic area at a location that is at least 25 miles from another dispensary, including a dispensary allocated a dispensary registration certificate according to subsection (B)(1) or (2), and from which another dispensary has moved ~~since the previous allocation of dispensary registration certificates~~ is less than or equal to the number of

- available dispensary registration certificates, the Department shall allocate the dispensary registration ~~certificate~~ certificates to ~~that applicant~~ those applicants; or
- b. If ~~more than one~~ the number of dispensary registration certificate ~~application is~~ applications received for a proposed dispensary ~~located in a geographic area at a~~ location that is at least 25 miles from another dispensary, including a dispensary allocated a dispensary registration certificate according to subsection (B)(1) or (2), and from which another dispensary has moved ~~since the previous allocation of dispensary registration certificates~~ is greater than the number of available dispensary registration certificates, the Department shall:
- i. ~~prioritize~~ Prioritize and allocate dispensary registration certificates to applicants based on which proposed dispensary location will provide dispensary services to the most qualifying patients within five miles of the proposed dispensary location, as determined from the number of registry identification cards issued to qualifying patients; and
  - ii. If two or more dispensary registration certificate applications specify the same location from which another dispensary has moved, comply with subsection (C);
4. If additional dispensary registration certificates are available after dispensary registration certificates are allocated according to subsections (B)(1), (2), and (3), the Department shall allocate the dispensary registration certificates for a location in any geographic area as follows:
- a. If ~~only one~~ the number of dispensary registration certificate ~~application is~~ applications received for a proposed dispensary ~~located in a geographic area in which there are no other dispensaries operating within 25 miles of the geographic area~~ at a location that is at least 25 miles from another dispensary, including a dispensary allocated a dispensary registration certificate according to subsection (B)(1), (2), or (3), is less than or equal to the number of available dispensary registration certificates, the Department shall allocate a dispensary registration certificate to ~~that applicant~~ those applicants; or
  - b. If ~~more than one~~ the number of dispensary registration certificate ~~application is~~ applications received for a proposed dispensary ~~located in a geographic area in which there are no other dispensaries operating within 25 miles of the geographic area~~ at a location that is at least 25 miles from another dispensary, including a dispensary allocated a dispensary registration certificate according to subsection

(B)(1), (2), or (3), is greater than the number of available dispensary registration certificates, the Department shall allocate a dispensary registration certificate to an applicant;

i. ~~based~~ Based on random drawing; and

ii. If two or more dispensary registration certificate applications specify the same location, comply with subsection (C); and

5. If additional dispensary registration certificates are available after dispensary registration certificates are allocated according to subsections (B)(1) through (4), for all dispensary registration certificate applications not allocated a dispensary registration certificate, the Department shall allocate a dispensary registration certificate to an applicant;

a. ~~based~~ Based on random drawing; and

b. If two or more dispensary registration certificate applications specify the same location, comply with subsection (C).

C. ~~If there is a tie or a margin of 0.1% or less in the scores generated by applying the criteria in subsection (B), the~~ The Department shall randomly select one dispensary registration certificate application ~~and allocate for allocation of~~ a dispensary registration certificate ~~to that applicant if:~~

1. There is a tie or a margin of 0.1% or less in the scores generated by applying the criteria in subsection (B), or

2. Two or more dispensary registration certificate applications specify the same location.

D. For purposes of subsection (B):

1. “Five miles” includes the area contained within a circle that extends for five miles in all directions from a specific location, not the distance travelled from the specific location by road; and

2. “25 miles” includes the area contained within a circle that extends for 25 miles in all directions from the center of ~~a geographic area~~ a proposed dispensary location, not the distance travelled from ~~the center of the geographic area~~ one location to another location by road.

E. 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 to participate in the allocation process, the Department shall:

1. ~~Provide~~ provide a written notice to the applicant that states that, although the applicant’s dispensary registration certificate application was complete and complied with A.R.S.

Title 36, Chapter 28.1 and this Chapter, the Department did not allocate the applicant a dispensary registration certificate under the processes in this Section; ~~and~~

~~2. Return \$1,000 of the application fee to the applicant.~~

F. If the Department receives a dispensary registration certificate application at a time other than the time stated in subsection (B), the Department shall return the dispensary registration certificate application, including the application fee, to the applicant.

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

A. An individual shall not be ~~an applicant, a principal officer,~~ or board member on:

~~1. More than one dispensary registration certificate application for a location in a single geographic area, or~~

~~2. More more than five dispensary registration certificate applications for locations in different geographic areas.~~

B. If the Department determines that an individual is ~~an applicant, a principal officer,~~ or board member on more than ~~one dispensary registration certificate application for a geographic area or~~ ~~more than~~ five dispensary registration certificate applications, the Department shall review the applications and provide the applicant on each of the dispensary registration certificate applications with a written comprehensive request for more information that includes the specific requirements in A.R.S. Title 36, Chapter 28.1 and this Chapter that the dispensary registration certificate application does not comply with.

1. If an applicant withdraws an application to comply with this Chapter and submits information demonstrating compliance with A.R.S. Title 36, Chapter 28.1 and this Chapter, the Department shall process the applicant's remaining dispensary registration certificate applications according to this Chapter.

2. If an applicant does not withdraw an application or submit information demonstrating compliance with A.R.S. Title 36, Chapter 28.1 and this Chapter, the Department shall issue a denial to the applicant according to R9-17-322.

3. An application fee submitted with a dispensary registration certificate application in subsection (B) that is withdrawn is not refunded.

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

1. An application in a Department-provided format that includes:

a. The legal name of the proposed dispensary;

b. The physical address ~~and geographic area~~ of the proposed dispensary;

c. The name of the geographic area;

- d. The county in which the geographic area in subsection (C)(1)(c) is located;
- e. If applicable, the name of the dispensary that previously held a dispensary registration certificate at the physical address of the proposed dispensary and the approximate date the dispensary left the location;
- e.f. The following information for the applicant:
  - i. Name of the ~~individual~~ or entity applying,
  - ii. Type of business organization,
  - iii. ~~Mailing~~ Arizona mailing address,
  - iv. Telephone number, and
  - v. E-mail address;
- d.g. The name of the ~~individual~~ principal officer or board member designated to submit dispensary agent registry identification card applications on behalf of the proposed dispensary;
- e.h. The name and professional license number of the proposed dispensary's medical director;
- f.i. The name, residence address, and date of birth of each:
  - i. Principal officer, and
  - ii. Board member;
- g. ~~For each principal officer or board member, whether the principal officer or board member:~~
  - i. ~~Has served as a principal officer or board member for a dispensary that had the dispensary registration certificate revoked;~~
  - ii. ~~Is a physician currently providing written certifications for qualifying patients;~~
  - iii. ~~Is a law enforcement officer; or~~
  - iv. ~~Is employed by or a contractor of the Department;~~
- h.j. Whether the applicant agrees to allow the Department to submit supplemental requests for information;
- i.k. A statement that, if the applicant is issued a dispensary registration certificate, the proposed dispensary will not operate until the proposed dispensary is inspected and obtains an approval to operate from the Department;
- l. A statement that the applicant understands that, if the applicant is issued a dispensary registration certificate, the dispensary may relocate only as specified in A.R.S. § 36-2803.01(D);

- ~~j.m.~~ An attestation that the information provided to the Department to apply for a dispensary registration certificate is true and correct; and
  - ~~k.n.~~ The signatures of each principal officer and each board member of the proposed dispensary according to R9-17-301 and the date signed;
2. If the applicant is one of the business organizations in R9-17-301(A)(2) through ~~(7)~~ (5), a copy of ~~the business organization's articles of incorporation, articles of organization, or partnership or joint venture documents that include:~~ documentation that the applicant is in good standing with the Arizona Corporation Commission;
- ~~a. The name of the business organization;~~
  - ~~b. The type of business organization, and~~
  - ~~c. The names and titles of the individuals in R9-17-301(A) and (B);~~
3. For each principal officer and each board member:
- a. An attestation signed and dated by the principal officer or board member that the principal officer or board member:
    - ~~i. has~~ Has not been convicted of an excluded felony offense as defined in A.R.S. § 36-2801, ~~or~~
    - ~~ii. Is deemed to not have been convicted of an excluded felony offense through holding a valid level I fingerprint clearance card issued according to A.R.S. § 41-1758.07; and~~
  - ~~b. For the Department's criminal records check authorized in A.R.S. §§ 36-2804 and 36-2804.05:~~
    - ~~i. The principal officer's or board member's fingerprints on a fingerprint card that includes:~~
      - ~~(1) The principal officer's or board member's first name; middle initial, if applicable; and last name;~~
      - ~~(2) The principal officer's or board member's signature;~~
      - ~~(3) If different from the principal officer or board member, the signature of the individual physically rolling the principal officer's or board member's fingerprints;~~
      - ~~(4) The principal officer's or board member's residence address;~~
      - ~~(5) If applicable, the principal officer's or board member's surname before marriage and any names previously used by the principal officer or board member;~~
      - ~~(6) The principal officer's or board member's date of birth;~~

- (7) ~~The principal officer's or board member's Social Security number;~~
  - (8) ~~The principal officer's or board member's citizenship status;~~
  - (9) ~~The principal officer's or board member's gender;~~
  - (10) ~~The principal officer's or board member's race;~~
  - (11) ~~The principal officer's or board member's height;~~
  - (12) ~~The principal officer's or board member's weight;~~
  - (13) ~~The principal officer's or board member's hair color;~~
  - (14) ~~The principal officer's or board member's eye color; and~~
  - (15) ~~The principal officer's or board member's place of birth; or~~
  - ii. ~~If the fingerprints and information required in subsection (C)(3)(b)(i) were submitted to the Department as part of an application for a designated caregiver registry identification card, dispensary agent registry identification card, or laboratory 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;~~
  - b. Documentation that the principal officer or board member has a valid marijuana facility agent license;
4. Policies and procedures that comply with the requirements in this Chapter for:
- a. Inventory control,
  - b. Laboratory testing of medical marijuana and medical marijuana products,
  - c. Qualifying patient recordkeeping, and
  - d. Security; ~~and~~
  - e. ~~Patient education and support;~~
5. As required in A.R.S. § 36-2804(B)(1)(d), a sworn statement, signed and dated by each principal officer and each board member of the proposed dispensary according to R9-17-301, certifying that the proposed dispensary is in compliance with any local zoning restrictions;
6. ~~Documentation from the local jurisdiction where the proposed dispensary's physical address is located that:~~
- a. ~~There are no local zoning restrictions for the proposed dispensary's location, or~~
  - b. ~~The proposed dispensary's location is in compliance with any local zoning restrictions;~~

6. A statement, in a Department-provided format, signed and dated within 60 calendar days before the date of the application by a representative of the local jurisdiction:
  - a. Certifying that the proposed dispensary is in compliance with any local zoning restrictions; and
  - b. Including:
    - i. Information identifying the local jurisdiction and the local jurisdiction's representative,
    - ii. The legal name of the proposed dispensary, and
    - iii. The physical address of the proposed dispensary as specified according to subsection (C)(1)(b);
7. Documentation, in a Department-provided format, of:
  - a. Ownership by the applicant of the physical address of the proposed dispensary, signed and dated within 60 calendar days before the date of the application; or
  - b. Permission from the owner of the physical address of the proposed dispensary for the applicant for a dispensary registration certificate to operate a dispensary at the physical address, signed, notarized, and dated within 60 calendar days before the date of the application;
8. ~~The proposed dispensary's by laws including:~~
  - a. ~~The names and titles of individuals designated as principal officers and board members of the proposed dispensary;~~
  - b. ~~Whether the proposed dispensary plans to:~~
    - i. ~~Cultivate marijuana;~~
    - ii. ~~Acquire marijuana from qualifying patients, designated caregivers, or other dispensaries;~~
    - iii. ~~Sell or provide marijuana to other dispensaries;~~
    - iv. ~~Transport marijuana;~~
    - v. ~~Prepare, sell, or dispense marijuana-infused edible food products;~~
    - vi. ~~Prepare, sell, or dispense marijuana-infused non-edible products;~~
    - vii. ~~Sell or provide marijuana paraphernalia or other supplies related to the administration of marijuana to qualifying patients and designated caregivers;~~
    - viii. ~~Deliver medical marijuana to qualifying patients; or~~
    - ix. ~~Provide patient support and related services to qualifying patients;~~
  - c. ~~Provisions for the disposition of revenues and receipts to ensure that the proposed~~

- ~~dispensary operates on a not-for-profit basis; and~~
- d. Provisions for amending the proposed dispensary's by-laws;
- 9. A business plan demonstrating the on-going viability of the proposed dispensary on a not-for-profit basis that includes:
  - a. A description and total dollar amount of expenditures already incurred to establish the proposed dispensary or to secure a dispensary registration certificate by the applicant for the dispensary registration certificate;
  - b. A description and total dollar amount of monies or tangible assets received for operating the proposed dispensary from entities other than the applicant for the dispensary registration certificate or a principal officer or board member associated with the applicant, including the entity's name and the interest in the dispensary or the benefit the entity obtained;
  - e. Projected expenditures expected before the proposed dispensary is operational;
  - d. Projected expenditures after the dispensary is operational; and
  - e. Projected revenue; and

~~10.8.~~ The applicable fee in R9-17-102 for applying for a dispensary registration certificate.

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

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

**A.** To apply for approval to operate a dispensary, a person holding a dispensary registration certificate shall submit to the Department, and, if the dispensary registration certificate was issued on or after April 1, 2020, within 18 months after the dispensary registration certificate was issued, 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. Except as provided in R9-17-324, the name and professional license number of the dispensary's medical director;
  - e. If applicable, the physical address of the dispensary's cultivation site;
  - f. The dispensary's Transaction Privilege Tax Number issued by the Arizona Department of Revenue;
  - g. The dispensary's proposed hours of operation during which the dispensary plans to be available to dispense medical marijuana to qualifying patients and

designated caregivers;

- h. Whether the dispensary plans to:
  - i. Cultivate marijuana;
  - ii. Manufacture marijuana products;
  - iii. Prepare marijuana-infused edible products; or
  - iv. Sell or dispense marijuana-infused edible products that are either:
    - (1) A time/temperature control for safety food, or
    - (2) Not prepared in individually packaged containers;
- h.i. Whether the dispensary agrees to allow the Department to submit supplemental requests for information;
- i.j. Whether the dispensary and, if applicable, the dispensary's cultivation site are ready for an inspection by the Department;
- j.k. 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.l. An attestation that the information provided to the Department to apply for approval to operate a dispensary is true and correct; and
- l.m. The signatures of each principal officer and each board member of the dispensary according to R9-17-301 and the date signed;
- 2. A copy of the dispensary's license or permit of the location as a food establishment, issued under 9 A.A.C. 8, Article 1, if the dispensary plans to:
  - a. Prepare marijuana-infused edible food products, as specified in subsection (A)(1)(h)(iii); or
  - b. Sell or dispense marijuana-infused edible food products, as specified in subsection (A)(1)(h)(iv);
- 2.3. A copy of documentation issued by the local jurisdiction to the dispensary authorizing occupancy of the building as a dispensary and, if applicable, as the dispensary's cultivation site, such as a certificate of occupancy, a special use permit, or a conditional use permit;
- ~~3.~~ ~~A sworn statement, signed and dated by each principal officer and each board member of the dispensary according to R9-17-301, certifying that the dispensary is in compliance with local zoning restrictions;~~
- 4. The distance to the closest private school or public school from:

- a. The dispensary; and
  - b. If applicable, the dispensary's cultivation site;
5. A site plan drawn to scale of the dispensary location showing streets, property lines of the contiguous premises, 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 of the contiguous premises, buildings, parking areas, outdoor areas if applicable, fences, security features, fire hydrants if applicable, and access to water mains; and
8. If applicable, a floor plan drawn to scale of each building at the dispensary's cultivation site showing the:
- a. Layout and dimensions of each room,
  - b. Name and function of each room,
  - c. Location of each hand washing sink,
  - d. Location of each toilet room,
  - e. Means of egress,
  - f. Location of each video camera,
  - g. Location of each panic button, and
  - h. Location of natural and artificial lighting sources.
- B.** A dispensary's cultivation site may be located anywhere in the state where a cultivation site is allowed by the local jurisdiction.

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

- A.** Except as provided in R9-17-324, a dispensary may not transfer or assign the dispensary registration certificate.
- B.** A dispensary may change the location of the:

1. Dispensary:
  - a. If the dispensary was allocated a dispensary registration certificate on or after April 1, 2020, according to A.R.S. § 36-2803.01(D); and
  - b. If the dispensary was allocated a dispensary registration certificate before April 1, 2020:
    - i. Within the first three years after the Department issued the dispensary's registration certificate, to another location in the geographic area where the dispensary is located; or
    - ii. After the first three years after the Department issued a dispensary registration certificate to the dispensary, to another location in the state; or
2. Dispensary's cultivation site to another location in the state.

C. A dispensary or the dispensary's cultivation site shall not cultivate, manufacture, distribute, dispense, or sell medical marijuana at a new location or make a change in the activities conducted at a current location until the dispensary:

1. ~~submits~~ Submits an application for a change ~~in a dispensary location or a change or addition of a cultivation site~~ in R9-17-307; and
2. ~~the Department issues~~ Receives an amended dispensary registration certificate or an approval for:
  - a. ~~the The dispensary's cultivation site's new location to the dispensary, including the activities to be conducted at the new location;~~
  - b. The dispensary's cultivation site's new location, including the activities to be conducted at the new location; or
  - c. The requested change in the activities conducted at a current location.

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

A. A dispensary shall submit a separate application to the Department for each request for one of the possible changes in R9-17-306(C).

**B.** ~~To change the location of a dispensary or the dispensary's cultivation site or to add a cultivation site, the~~ To request any of the changes specified in R9-17-306(C), a the dispensary shall submit ~~an application~~ to the Department ~~that includes:~~

1. The following information in a Department-provided format:
  - a. The legal name of the dispensary;
  - b. The registry identification number for the dispensary;

- c. Whether the request is for:
  - i. A change of location for the dispensary,
  - ii. A change of location for the dispensary’s cultivation site, ~~or~~
  - iii. An addition of a cultivation site, or
  - iv. A change in the activities conducted at a current location;
- d. The current physical address of the dispensary or the dispensary’s cultivation site;
- e. The physical address of the proposed location for the dispensary or the dispensary’s cultivation site, if applicable;
- f. ~~The~~ For a change of location or an addition of a cultivation site, the distance to the closest public school or private school from:
  - i. The proposed location for the dispensary, or
  - ii. The proposed location for the dispensary’s cultivation site;
- g. For a request to change activities conducted at a current location or include any of the following activities at a new location, whether the dispensary plans to:
  - i. Cultivate marijuana;
  - ii. Manufacture marijuana products;
  - iii. Prepare marijuana-infused edible products; or
  - iv. Sell or dispense marijuana-infused edible products that are either:
    - (1) A time/temperature control for safety food, or
    - (2) Not prepared in individually packaged containers;
- ~~g.~~h. The name of the entity applying;
- ~~h.~~i. If applicable, the anticipated date of the change of location or activities;
- ~~i.~~j. Whether the proposed dispensary, ~~or~~ the dispensary’s proposed cultivation site, or the location of the change in activities is ready for an inspection by the Department;
- ~~j.~~k. If the proposed dispensary, ~~or~~ the dispensary’s proposed cultivation site, or the location of the change in activities is not ready for an inspection by the Department, the date the dispensary, ~~or~~ the dispensary’s proposed cultivation site, or the location of the change in activities will be ready for an inspection by the Department;
- ~~k.~~l. An attestation that the information provided to the Department to apply for a change in location is true and correct; and
- ~~l.~~m. The signature of each principal officer and each board member of the dispensary

- according to R9-17-301 and the date signed;
2. A copy of documentation issued by the local jurisdiction to the dispensary authorizing occupancy of the proposed building as a dispensary or location as the dispensary's cultivation site for the activities to be conducted at the location, such as a certificate of occupancy, a special use permit, or a conditional use permit;
  - ~~3.~~ ~~A sworn statement, signed by each principal officer and board member of the dispensary according to R9-17-301, certifying that the location of the proposed dispensary building or of the dispensary's proposed cultivation site is in compliance with local zoning restrictions;~~
  3. A copy of the dispensary's license or permit of the location as a food establishment, issued under 9 A.A.C. 8, Article 1, if the dispensary plans to:
    - a. Prepare marijuana-infused edible food products, as specified in subsection (B)(1)(g)(iii); or
    - b. Sell or dispense marijuana-infused edible food products, as specified in subsection (B)(1)(g)(iv);
  4. A copy of documentation, in a Department-provided format, of:
    - a. Ownership of the physical address of the proposed dispensary, proposed cultivation site, or location for the change in activities, signed and dated within 60 calendar days before the date of the request; or
    - b. Permission from the owner of the physical address of the proposed dispensary, proposed cultivation site, or location for the change in activities, for the dispensary to operate a dispensary or conduct the specified activities at the physical address, signed, notarized, and dated within 60 calendar days before the date of the request;
  - 4.5. 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 of the contiguous premises, buildings, parking areas, outdoor areas if applicable, fences, security features, fire hydrants if applicable, and access to water mains; and
    - b. A floor plan drawn to scale of the building where the proposed dispensary is located showing the:
      - i. Layout and dimensions of each room,
      - ii. Name and function of each room,
      - iii. Location of each hand washing sink,

- iv. Location of each toilet room,
- v. Means of egress,
- vi. Location of each video camera,
- vii. Location of each panic button, and
- viii. Location of natural and artificial lighting sources;

~~5-6.~~ If the change in location is for the dispensary's cultivation site or if adding a cultivation site:

- a. A site plan drawn to scale of the dispensary's proposed cultivation site showing streets, property lines of the contiguous premises, buildings, parking areas, outdoor areas if applicable, fences, security features, fire hydrants if applicable, and access to water mains; and
- b. If applicable, a floor plan drawn to scale of each building used by the dispensary's proposed cultivation site showing the:
  - i. Layout and dimensions of each room,
  - ii. Name and function of each room,
  - iii. Location of each hand washing sink,
  - iv. Location of each toilet room,
  - v. Means of egress,
  - vi. Location of each video camera,
  - vii. Location of each panic button, and
  - viii. Location of natural and artificial lighting sources; and

~~6-7.~~ The applicable fee in R9-17-102 for applying for a change in location or the addition of a cultivation site.

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

**R9-17-308. Renewing a Dispensary Registration Certificate**

To renew a dispensary registration certificate, a dispensary that has an approval to operate a dispensary issued by the Department, shall submit to the Department, at least 30 calendar days before the expiration date of the dispensary's current dispensary registration certificate, the following:

1. An application in a Department-provided format that includes:
  - a. The legal name of the dispensary;
  - b. The registry identification number for the dispensary;
  - c. If the dispensary is a dual licensee, the marijuana establishment license number;
  - d. The physical address of the dispensary;
  - e. The name of the entity applying;
  - f. Except as provided in R9-17-324(D), the name and license number of the dispensary's medical director;
  - g. The dispensary's hours of operation during which the dispensary is available to dispense medical marijuana to qualifying patients and designated caregivers;
  - h. The name, address, date of birth, and registry identification number of each:
    - i. Principal officer,
    - ii. Board member, and
    - iii. Dispensary agent;
  - i. For each principal officer or board member, whether the principal officer or board member:
    - i. Has served as a principal officer or board member for a dispensary that had the dispensary registration certificate revoked,
    - ii. Has served as a principal officer or board member for a marijuana establishment that had the marijuana establishment license revoked, or
    - ~~iii.~~ Is a physician currently providing written certifications for qualifying patients;
    - iii. ~~Is a law enforcement officer, or~~
    - iv. ~~Is employed by or a contractor of the Department;~~
  - j. The dispensary's Transaction Privilege Tax Number issued by the Arizona Department of Revenue;
  - k. Whether the dispensary agrees to allow the Department to submit supplemental requests for information;
  - l. An attestation that the information provided to the Department to renew the dispensary registration certificate is true and correct; and

- m. The signature of each principal officer and each board member of the dispensary according to R9-17-301 and the 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;~~
- 3.2. ~~Except as specified in R9-17-324(E) Either:~~
  - a. An attestation, in a Department-provided format, that the dispensary is operating on a not-for-profit basis; or
  - b. Both of the following
    - a.i. A copy of an annual financial statement for the previous two years, or for the portion of the previous two years the dispensary was operational, prepared according to generally accepted accounting principles; and
    - b.i. A report of an audit by an independent certified public accountant of the annual financial statement required in subsection (3)(a); and
- 4.3. The applicable fee in R9-17-102 for applying to renew a dispensary registration certificate.

**R9-17-310. Administration**

- A. A dispensary shall:
  - 1. Ensure that the dispensary is operating and available to dispense medical marijuana and marijuana products to qualifying patients and designated caregivers:
    - a. At least 30 hours weekly between the hours of 7:00 a.m. and 10:00 p.m.; and
    - b. For a dispensary with a dispensary registration certificate issued on or after April 1, 2020:
      - i. At the location specified according to R9-17-304(C)(1)(b), and
      - ii. ~~within~~ Within 18 months after receiving the dispensary registration certificate;
  - 2. Develop, document, and implement policies and procedures regarding:
    - a. Job descriptions and employment contracts, including:
      - i. Personnel duties, authority, responsibilities, and qualifications;
      - ii. Personnel supervision;
      - iii. Training in and adherence to confidentiality requirements;
      - iv. Periodic performance evaluations; and
      - v. Disciplinary actions;
    - b. Business records, such as manual or computerized records of assets and

liabilities, monetary transactions, journals, ledgers, and supporting documents, including agreements, checks, invoices, and vouchers;

- c. Inventory control, including:
  - i. Tracking;
  - ii. Packaging;
  - iii. Accepting marijuana from qualifying patients and designated caregivers;
  - iv. Acquiring marijuana or marijuana products from other dispensaries;
  - v. Providing marijuana or marijuana products to another dispensary; and
  - vi. Either:
    - (1) Providing samples of marijuana or marijuana products to a laboratory for testing, or
    - (2) Allowing a laboratory agent access to medical marijuana or marijuana product to collect samples;
- d. Laboratory testing, including:
  - i. The analytes, including possible contaminants, to be tested for;
  - ii. The process for separating a batch of marijuana or of a marijuana product until laboratory testing has been completed and testing results received by the dispensary;
  - iii. The process for collecting samples of medical marijuana or a marijuana product for laboratory testing, including:
    - (1) The amount to be collected from each batch,
    - (2) The method for ensuring that a sample collected is representative of the batch,
    - (3) The packaging of the sample,
    - (4) The method for documenting chain of custody for the sample, and
    - (5) Methods to deter tampering with the sample and to determine whether tampering has occurred;
  - vi. The process for submitting a sample of medical marijuana or a marijuana product to a laboratory agent or laboratory for testing;
  - v. The process for requesting retesting of the remaining portion of a sample of medical marijuana or a marijuana product; and
  - vi. Actions to be taken on the basis of laboratory testing results;
- e. Remediation, including:

- i. Criteria for when a batch of medical marijuana or marijuana product can be remediated;
    - ii. The process by which each type of medical marijuana or marijuana product is remediated, including the methods for remediation and subsequent retesting; and
    - iii. Documentation of the remediation process;
  - f. Disposal of medical marijuana or a marijuana product, including:
    - i. Destroying a batch of marijuana or a marijuana product that does not meet the requirements in Table 3.1 and documenting the destruction;
    - ii. Submitting marijuana that is not usable marijuana to a local law enforcement agency and documenting the submission; or
    - iii. Otherwise disposing of marijuana or a marijuana product such that the marijuana or marijuana product is unrecognizable or cannot otherwise be used and documenting the method of disposal, the laboratory agent overseeing the disposal, and the date of disposal;
  - g. Qualifying patient records, including purchases, denials of sale, any delivery options, confidentiality, and retention; and
  - h. Patient education and support, including the development and distribution of materials on:
    - i. Availability of different strains of marijuana and the purported effects of the different strains;
    - ii. Information about the purported effectiveness of various methods, forms, and routes of medical marijuana administration;
    - iii. Information about laboratory testing, the analytes for which the dispensary receives testing results, the right to receive a copy of the final report of testing specified in R9-17-404.06 upon request, and how to read and understand the final report of testing;
    - iv. Methods of tracking the effects on a qualifying patient of different strains and forms of marijuana; and
    - v. Prohibition on the smoking of medical marijuana in public places;
- 3. Maintain copies of the policies and procedures at the dispensary and provide copies to the Department for review upon request;
- 4. Review dispensary policies and procedures at least once every 12 months from the issue date of the dispensary registration certificate and update as needed;

5. Except as provided in R9-17-324(D), employ or contract with a medical director;
6. ~~Except as provided in R9-17-324(C), ensure~~ Ensure that each dispensary agent or marijuana facility agent associated with the dispensary has the ~~dispensary agent's~~ applicable registry identification card or marijuana facility agent license in the dispensary agent's or marijuana facility agent's immediate possession when the dispensary agent or marijuana facility agent is:
  - a. Working or providing volunteer services at the dispensary or the dispensary's cultivation site, or
  - b. Transporting marijuana for the dispensary;
7. Except as provided in R9-17-324(C), ensure that a dispensary agent or marijuana facility agent associated with the dispensary accompanies any individual other than another dispensary agent or marijuana facility agent associated with the dispensary when the individual is present in the enclosed, locked facility where marijuana is cultivated by the dispensary;
8. ~~Except as provided in R9-17-324(C), not~~ Not allow an individual who does not possess a dispensary agent registry identification card issued under the dispensary registration certificate or marijuana facility agent license associated with the dispensary to:
  - a. Serve as a principal officer or board member for the dispensary,
  - b. Serve as the medical director for the dispensary,
  - c. Be employed by the dispensary, or
  - d. Provide volunteer services at or on behalf of the dispensary;
9. Provide written notice to the Department, including the date of the event, within 10 working days after the date, when a dispensary agent or marijuana facility agent associated with the dispensary no longer:
  - a. Serves as a principal officer or board member for the dispensary,
  - b. Serves as the medical director for the dispensary,
  - c. Is employed by the dispensary, or
  - d. Provides volunteer services at or on behalf of the dispensary;
10. Document and report any loss or theft of marijuana from the dispensary to the appropriate law enforcement agency;
11. Maintain copies of any documentation required in this Chapter for at least 12 months after the date on the documentation and provide copies of the documentation to the Department for review upon request;
12. Post the following information in a place that can be viewed by individuals entering the

dispensary:

- a. If applicable, the dispensary's approval to operate;
  - b. The dispensary's registration certificate;
  - c. Except as provided in R9-17-324(D), the name of the dispensary's medical director and the medical director's professional license number on a sign at least 20 centimeters by 30 centimeters;
  - d. The hours of operation during which the dispensary will dispense medical marijuana to a qualifying patient or a designated caregiver;
  - e. A sign in a Department-provided format that contains the following language:
    - i. "WARNING: There may be potential dangers to fetuses caused by smoking or ingesting marijuana while pregnant or to infants while breastfeeding," and
    - ii. "WARNING: Use of marijuana during pregnancy may result in a risk of being reported to the Department of Child Safety during pregnancy or at the birth of the child by persons who are required to report;" and
    - iii. A sign stating that a qualifying patient has the right to receive the results of laboratory testing of medical marijuana or a marijuana product; and
  - f. A sign stating that a qualifying patient has the right to receive the results of laboratory testing of medical marijuana or a marijuana product; and
13. Except as provided in R9-17-324(D):
- a. Not lend any part of the dispensary's income or property without receiving adequate security and a reasonable rate of interest,
  - b. Not purchase property for more than adequate consideration in money or cash equivalent,
  - c. Not pay compensation for salaries or other compensation for personal services that is in excess of a reasonable allowance,
  - d. Not sell any part of the dispensary's property or equipment for less than adequate consideration in money or cash equivalent, and
  - e. Not engage in any other transaction that results in a substantial diversion of the dispensary's income or property.

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

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

Except as provided in R9-17-107(F) or R9-17-324(C), to obtain a dispensary agent registry identification

card for an individual serving as a principal officer or board member for the dispensary, employed by the dispensary, or providing volunteer services at or on behalf of the dispensary, the dispensary shall submit to the Department the following for each individual:

1. An application in a Department-provided format that includes:
  - a. The individual's first name; middle initial, if applicable; last name; and suffix, if applicable;
  - b. The individual's residence address and Arizona mailing address;
  - c. The county where the individual resides;
  - d. The individual's date of birth;
  - e. The identifying number on the applicable card or document in subsection ~~(5)(a)~~ (4)(a) through (e);
  - f. The name and registry identification number of the dispensary; and
  - g. The signature of the individual in R9-17-304(C)(1)(d) or of a principal officer or board member, as applicable, designated to submit dispensary agent applications on the dispensary's behalf and the date signed;
2. An attestation signed and dated by the individual that the individual:
  - a. ~~has~~ Has not been convicted of an excluded felony offense as defined in A.R.S. § 36-2801, or
  - b. Is deemed to not have been convicted of an excluded felony offence through holding a valid level I fingerprint clearance card issued according to A.R.S. § 41-1758.07;
- ~~3.~~ ~~One of the following:~~
  - a. ~~A statement that the individual does not currently hold a valid registry identification card, or~~
  - b. ~~The assigned registry identification number for the individual for each valid registry identification card currently held by the individual;~~
- ~~4.3.~~ A statement in a Department-provided format signed by the individual pledging not to divert marijuana to any other individual who or entity that is not allowed to possess marijuana pursuant to A.R.S. Title 36, Chapter 28.1;
- ~~5.4.~~ A copy of the individual'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 individual's U.S. passport or a U.S. passport card; or

- e. Arizona driver's license or identification card issued before October 1, 1996 and one of the following for the individual:
  - i. Birth certificate verifying U.S. citizenship,
  - ii. U.S. Certificate of Naturalization, or
  - iii. U.S. Certificate of Citizenship;

~~6.5.~~ A current photograph of the individual;

~~7.6.~~ For the Department's criminal records check authorized in A.R.S. §§ 36-2804.01 and 36-2804.05:

- a. The individual's fingerprints on a fingerprint card that includes:
  - i. The individual's first name; middle initial, if applicable; and last name;
  - ii. The individual's signature;
  - iii. If different from the individual, the signature of another individual physically rolling the individual's fingerprints;
  - iv. The individual's address;
  - v. If applicable, the individual's surname before marriage and any names previously used by the individual;
  - vi. The individual's date of birth;
  - vii. The individual's Social Security number;
  - viii. The individual's citizenship status;
  - ix. The individual's gender;
  - x. The individual's race;
  - xi. The individual's height;
  - xii. The individual's weight;
  - xiii. The individual's hair color;
  - xiv. The individual's eye color; and
  - xv. The individual's place of birth; ~~or~~
- b. If the individual's fingerprints and information required in subsection ~~(7)(a)~~ (6)(a) were submitted to the Department as part of an application for a designated caregiver registry identification card, dispensary agent registry identification card for another dispensary, or laboratory agent registry identification card within the previous six months, the registry identification number on the registry identification card issued to the individual as a result of the application; or
- c. Documentation that the individual has a valid level I fingerprint clearance card issued according to A.R.S. § 41-1758.07; and

8. The applicable fee in R9-17-102 for applying for a dispensary agent registry identification card.

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

To renew a dispensary agent’s registry identification card, a dispensary shall submit to the Department, at least 30 calendar days before the expiration of the dispensary agent’s registry identification card, the following:

1. An application in a Department-provided format that includes:
  - a. The dispensary agent’s first name; middle initial, if applicable; last name; and suffix, if applicable;
  - b. The dispensary agent’s residence address and Arizona mailing address;
  - c. The county where the dispensary agent resides;
  - d. The dispensary agent’s date of birth;
  - e. The registry identification number on the dispensary agent’s current registry identification card;
  - f. The name and registry identification number of the dispensary; and
  - g. The signature of the individual in R9-17-304(C)(1)(d) or of a principal officer or board member, as applicable, designated to submit dispensary agent applications on the dispensary’s behalf and the date signed;
2. An attestation signed and dated by the dispensary agent that the dispensary agent:
  - a. ~~has~~ Has not been convicted of an excluded felony offense as defined in A.R.S. § 36-2801, or
  - b. Is deemed to not have been convicted of an excluded felony offence through holding a valid level I fingerprint clearance card issued according to A.R.S. § 41-1758.07;
3. If the dispensary agent’s name in subsection (1)(a) is not the same name as on the dispensary agent’s current registry identification card, one of the following with the dispensary agent’s new name:
  - a. An Arizona driver’s license,
  - b. An Arizona identification card, or
  - c. The photograph page in the dispensary agent’s U.S. passport or a U.S. passport card;
4. A statement in a Department-provided format signed by the dispensary agent pledging not to divert marijuana to any individual who or entity that is not allowed to possess

marijuana pursuant to A.R.S. Title 36, Chapter 28.1;

5. A current photograph of the dispensary agent;
6. For the Department's criminal records check authorized in A.R.S. § 36-2804.05:
  - a. The dispensary agent's fingerprints on a fingerprint card that includes:
    - i. The dispensary agent's first name; middle initial, if applicable; and last name;
    - ii. The dispensary agent's signature;
    - iii. If different from the dispensary agent, the signature of the individual physically rolling the dispensary agent's fingerprints;
    - iv. The dispensary agent's address;
    - v. If applicable, the dispensary agent's surname before marriage and any names previously used by the dispensary agent;
    - vi. The dispensary agent's date of birth;
    - vii. The dispensary agent's Social Security number;
    - viii. The dispensary agent's citizenship status;
    - ix. The dispensary agent's gender;
    - x. The dispensary agent's race;
    - xi. The dispensary agent's height;
    - xii. The dispensary agent's weight;
    - xiii. The dispensary agent's hair color;
    - xiv. The dispensary agent's eye color; and
    - xv. The dispensary agent's place of birth; ~~or~~
  - b. If the dispensary agent's fingerprints and information required in subsection (6)(a) were submitted to the Department as part of an application for a designated caregiver registry identification card, dispensary agent registry identification card for another dispensary, or laboratory agent registry identification card within the previous six months, the registry identification number on the registry identification card issued to the dispensary agent as a result of the application; or
  - c. Documentation that the dispensary agent has a valid level I fingerprint clearance card issued according to A.R.S. § 41-1758.07; and
7. The applicable fee in R9-17-102 for applying to renew a dispensary agent's registry identification card.

**R9-17-316. Inventory Control System**

- A. A dispensary shall designate in writing a dispensary agent or marijuana facility agent associated

with the dispensary who has oversight of the dispensary's medical marijuana inventory control system.

- B.** A dispensary shall only acquire marijuana from:
1. The dispensary's cultivation site,
  2. Another dispensary or another dispensary's cultivation site,
  3. A marijuana establishment licensed under 9 A.A.C. 18,
  - ~~3.4.~~ A qualifying patient authorized by the Department to cultivate marijuana, or
  - ~~4.5.~~ A designated caregiver authorized by the Department to cultivate marijuana.
- C.** A dispensary shall establish and implement an inventory control system for the dispensary's medical marijuana and marijuana products that documents:
1. The following amounts:
    - a. Each day's beginning inventory of medical marijuana and marijuana products,
    - b. Acquisitions according to subsection (B),
    - c. Medical marijuana harvested by the dispensary,
    - d. Medical marijuana and marijuana products provided to another dispensary,
    - e. Medical marijuana and marijuana products dispensed to a qualifying patient or designated caregiver,
    - f. Medical marijuana and marijuana products submitted to a laboratory for testing according to R9-17-317.01,
    - g. Medical marijuana or marijuana products that were disposed of, and
    - h. The day's ending medical marijuana and marijuana products inventory;
  2. For acquiring medical marijuana from a qualifying patient or designated caregiver:
    - a. A description of the medical marijuana acquired including the amount and strain,
    - b. The name and registry identification number of the qualifying patient or designated caregiver who provided the medical marijuana,
    - c. The name and registry identification number or license number, as applicable, of the dispensary agent or marijuana facility agent receiving the medical marijuana on behalf of the dispensary, and
    - d. The date of acquisition;
  3. For acquiring medical marijuana or a marijuana product from another dispensary or a marijuana establishment:
    - a. A description of the medical marijuana or marijuana product acquired including:
      - i. The amount, batch number, and strain of the medical marijuana or marijuana product;

- ii. For a marijuana product, the ingredients in order of abundance; and
  - iii. For an edible marijuana product infused with medical marijuana or a marijuana product:
    - (1) The date of manufacture,
    - (2) The total weight of the edible marijuana product, and
    - (3) The estimated amount and batch number of the medical marijuana or marijuana product infused in the edible marijuana product;
  - b. As applicable, either:
    - i. The name and registry identification number of the dispensary providing the medical marijuana or marijuana product, or
    - ii. The name and license number of the marijuana establishment providing the medical marijuana or marijuana product;
  - c. The name and registry identification number or license number, as applicable, of the dispensary agent or marijuana facility agent providing the medical marijuana or marijuana product;
  - d. The name and registry identification number or license number, as applicable, of the dispensary agent or marijuana facility agent receiving the medical marijuana or marijuana product on behalf of the dispensary; and
  - e. The date of acquisition;
4. For each batch of marijuana cultivated:
- a. The batch number;
  - b. Whether the batch originated from marijuana seeds or marijuana cuttings;
  - c. The origin and strain of the marijuana seeds or marijuana cuttings planted;
  - d. The number of marijuana seeds or marijuana cuttings planted;
  - e. The date the marijuana seeds or cuttings were planted;
  - f. A list of all chemical additives, including nonorganic pesticides, herbicides, and fertilizers used in the cultivation;
  - g. The number of plants grown to maturity; and
  - h. Harvest information including:
    - i. Date of harvest,
    - ii. Final processed usable marijuana yield weight, and
    - iii. Name and registry identification number or license number, as applicable, of the dispensary agent or marijuana facility agent

responsible for the harvest;

5. For providing medical marijuana or a marijuana product to another dispensary or a marijuana establishment:
  - a. A description of the medical marijuana or marijuana product provided including:
    - i. The amount, batch number, and strain of the medical marijuana or marijuana product;
    - ii. For a marijuana product, the ingredients in order of abundance; and
    - iii. For an edible marijuana product infused with medical marijuana or a marijuana product:
      - (1) The date of manufacture,
      - (2) The total weight of the edible marijuana product, and
      - (3) The estimated amount and batch number of the medical marijuana or marijuana product infused in the edible marijuana product;
  - b. The name and registry identification number or marijuana establishment license number, as applicable, of the other dispensary or the marijuana establishment;
  - c. The name and registry identification number or license number, as applicable, of the dispensary agent or marijuana facility agent who received the medical marijuana or marijuana product on behalf of the other dispensary or the marijuana establishment; and
  - d. The date the medical marijuana or marijuana product was provided;
6. For submitting marijuana or marijuana products to a laboratory agent or laboratory for testing:
  - a. The amount, strain, and batch number of the marijuana or marijuana product submitted;
  - b. The name and registry identification number of the laboratory;
  - c. The name and registry identification number of the laboratory agent who received the marijuana or marijuana product on behalf of the laboratory; and
  - d. The date the marijuana or marijuana product was submitted to the laboratory; and
7. For disposal of medical marijuana or a marijuana product that is not to be dispensed or used for making a marijuana product:
  - a. Description of and reason for the medical marijuana or marijuana product being disposed of including, if applicable:
    - i. The number of failed or other unusable plants, and

- ii. The results of laboratory testing;
- b. Date of disposal;
- c. Method of disposal; and
- d. Name and registry identification number or license number, as applicable, of the dispensary agent or marijuana facility agent responsible for the disposal.

**D.** The individual designated in subsection (A) shall conduct and document an audit of the dispensary's inventory that is accounted for according to generally accepted accounting principles at least once every 30 calendar days.

- 1. If the audit identifies a reduction in the amount of medical marijuana or a marijuana product in the dispensary's inventory not due to documented causes, the dispensary shall determine and document where the loss has occurred and take and document corrective action.
- 2. If the reduction in the amount of medical marijuana or a marijuana product in the dispensary's inventory is due to suspected criminal activity by a dispensary agent or marijuana facility agent, the dispensary shall report the dispensary agent or marijuana facility agent to the Department and to the local law enforcement authorities.

**E.** A dispensary shall:

- 1. Maintain the documentation required in subsections (C) and (D) at the dispensary for at least five years after the date on the document, and
- 2. Provide the documentation required in subsections (C) and (D) to the Department for review upon request.

**R9-17-317.01. Analysis of Medical Marijuana or a Marijuana Product**

**A.** Before offering a batch of medical marijuana or of a marijuana product for sale or dispensing to a qualifying patient or designated caregiver, a dispensary shall ensure that:

- 1. Except as provided in subsection (A)(2) or (3), each batch of medical marijuana or marijuana product is tested in compliance with requirements in R9-17-404.03, R9-17-404.04, and Table 3.1; ~~and~~
- 2. Each batch of a marijuana product is tested according to requirements in R9-17-404.03, R9-17-404.04, and Table 3.1 for, as applicable:
  - a. At least potency and microbial contaminants other than mycotoxins if the marijuana product was prepared from another marijuana product, such as a concentrate or tincture, that is in compliance with requirements in R9-17-404.03, R9-17-404.04, and Table 3.1, using none of the following:
    - i. A temperature above which any analyte could chemically decompose or

- react with a component of the marijuana product;
  - ii. A pressure above which any analyte could chemically decompose or react with a component of the marijuana product;
  - iii. A process by which any analyte in the marijuana product that is in compliance with requirements in R9-17-404.03, R9-17-404.04, and Table 3.1 may be further concentrated; or
  - iv. A solvent other than water; or
- b. All analytes except ethanol if the marijuana product is intended to contain ethanol; and

3. If the results of testing of the dispensary's medical marijuana and marijuana products for heavy metals, according to R9-17-404.03, indicate that the medical marijuana and marijuana products are in compliance with Table 3.1 for a period of at least six consecutive months:

- a. Each batch of medical marijuana or a marijuana product is tested according to requirements in R9-17-404.03, R9-17-404.04, and Table 3.1 for all analytes except heavy metals; and
- b. At least once every three months, each batch of medical marijuana or a marijuana product is tested according to requirements in R9-17-404.03 and Table 3.1 for heavy metals.

**B.** A dispensary shall ensure that:

- 1. Until laboratory testing has been completed and testing results received by the dispensary that comply with requirements in R9-17-404.03, R9-17-404.04, and Table 3.1, a batch of marijuana or of a marijuana product is stored in a location away from medical marijuana and marijuana products offered for dispensing;
- 2. ~~Only~~ Except as provided in subsection (D), only one sample of each batch of medical marijuana or marijuana product is collected according to ANSI/ASQ Standard Z1.4 (2018), General Inspection Level II, incorporated by reference, including no future editions, and available at <https://asq.org/quality-resources/z14-z19>, including:
  - a. Use, as applicable, of one of the following sampling methods:
    - i. Top, middle, and bottom sampling using a sample thief, a device consisting of two nested tubes with one or more aligned slots through which a sample may be collected and then sealed into the inner tube by rotating the outer tube;
    - ii. Star pattern sampling from the top, middle, and bottom of each storage



with the requirements in R9-17-404.03, R9-17-404.04, and Table 3.1, the dispensary:

1. Within seven days after receiving the final report of testing, may request retesting of the remaining portion of the sample in subsection (B)(4) for all analytes that do not comply with the requirements in R9-17-404.03, R9-17-404.04, and Table 3.1 by a second, independent laboratory that is approved by the Department for testing the analytes;
2. If the final report of testing from the second, independent laboratory indicates that any analyte tested for according to subsection (C)(1) does not comply with the requirements in R9-17-404.03, R9-17-404.04, and Table 3.1, shall remediate, if applicable, or destroy the batch of medical marijuana or marijuana product according to policies and procedures;
3. If the final report of testing from the second, independent laboratory indicates that all analytes tested for according to subsection (C)(1) comply with the requirements in R9-17-404.03, R9-17-404.04, and Table 3.1:
  - a. Shall ensure that the batch of medical marijuana or marijuana product is not offered for sale or dispensing; and
  - b. May request retesting of the remaining portion of the sample in subsection (B)(4) for the analytes that do not comply with the requirements in R9-17-404.03, R9-17-404.04, and Table 3.1 by a third, independent laboratory that is approved by the Department for testing the analytes; and
4. If the dispensary requested retesting of the remaining portion of the sample in subsection (B)(4) for an analyte by a third, independent laboratory according to subsection (C)(3)(b):
  - a. If the final report of testing from the third, independent laboratory indicates that the analyte tested for according to subsection (C)(3) complies with the requirements in R9-17-404.03, R9-17-404.04, and Table 3.1, may offer the batch of medical marijuana or marijuana product for sale or dispensing; and
  - b. If the final report of testing from the third, independent laboratory indicates that an analyte tested for according to subsection (C)(3) does not comply with the requirements in R9-17-404.03, R9-17-404.04, and Table 3.1, shall remediate, if applicable, or destroy the batch of medical marijuana or marijuana product according to policies and procedures.

**D.** A dispensary may request retesting of a batch of medical marijuana or marijuana product using a second sample if:

1. The batch of marijuana or marijuana product is still in the possession of the dispensary;
2. The dispensary receives notification from the Department or another dispensary that

indicates that the final report of testing from a laboratory, specified in R9-17-404.06(B)(3), for the batch of medical marijuana or marijuana product may be inaccurate;

3. The dispensary:
  - a. Collects the second sample according to subsections (B)(2) and (3);
  - b. Packages and labels the sample according to subsections (B)(4) and (5); and
  - c. Submits the sample to a second, independent laboratory that is approved by the Department for testing the analytes; and
4. The dispensary follows the requirements in subsections (C)(2) through (4) in determining whether the batch of medical marijuana or marijuana product:
  - a. May be offered for sale or dispensing, or
  - b. Is required to be remediated, if applicable, or destroyed.

**D.E.** A dispensary shall ensure that remediation of a batch of marijuana or of a marijuana product that has undergone laboratory testing and does not comply with the requirements in R9-17-404.03, R9-17-404.04, and Table 3.1:

1. Is performed according to policies and procedures,
2. Uses a method that is appropriate to address an analyte not in compliance with Table 3.1, and
3. Does not introduce or produce a substance in a concentration that is known to be harmful to humans.

**E.F.** If a batch of medical marijuana or a marijuana product is remediated, a dispensary shall submit samples from the remediated batch for laboratory testing according to subsection (B).

**F.G.** A dispensary shall provide to the Department upon request a sample of the dispensary's inventory of medical marijuana or a marijuana product of sufficient quantity to enable the Department to conduct an analysis of the medical marijuana or marijuana product.

**Table 3.1. Analytes**

**Key:**

- CAS Number = Chemical Abstract Services Registry number  
 CFU = Colony-forming unit, a method to estimate the number of viable bacteria or fungal cells in a sample  
 \* = ~~Testing for the analyte required beginning May 1, 2021~~ Required for marijuana products only

<b>A. Microbial Contaminants</b>			
<b>Analyte</b>	<b>Maximum Allowable Contaminants</b>		<b>Required Action</b>
<i>Escherichia coli</i>	100 CFU/g		Remediate and retest, or Destroy
<i>Salmonella</i> spp.	Detectable in 1 gram		Destroy
<i>Aspergillus flavus</i> <i>Aspergillus fumigatus</i> <i>Aspergillus niger</i> <i>Aspergillus terreus</i>	Inhalable: Detectable in 1 gram		Remediate and retest, Remediate and use for preparing an extract or a concentrate, or Destroy
*Mycotoxins: Aflatoxin B1, B2, G1, and G2 Ochratoxin A	Marijuana product, except a marijuana product intended for topical application, prepared from an extract or concentrate of medical marijuana: 20 µg/kg (ppb) of total aflatoxins 20 µg/kg (ppb) of ochratoxin		Destroy
<b>B. Heavy Metals</b>			
<b>Analyte</b>	<b>Maximum Allowable Concentration</b>		<b>Required Action</b>
Arsenic	0.4 ppm		Remediate and retest, or Destroy
Cadmium	0.4 ppm		
Lead	1.0 ppm		
Mercury	1.2 ppm		
<b>C. *Residual Solvents</b>			
<b>Analyte</b>	<b>CAS Number</b>	<b>Maximum Allowable Concentration</b>	<b>Required Action</b>
Acetone	67-64-1	1,000 ppm	Remediate and retest, or Destroy
Acetonitrile	75-05-8	410 ppm	
Benzene	71-43-2	2 ppm	
Butanes (measured as the cumulative residue of n-butane and iso-butane)	106-97-8 and 75-28-5, respectively	5,000 ppm	
Chloroform	67-66-3	60 ppm	
Dichloromethane	75-09-2	600 ppm	
Ethanol	64-17-5	5,000 ppm	
Ethyl Acetate	141-78-6	5,000 ppm	
Ethyl Ether	60-29-7	5,000 ppm	
Heptane	142-82-5	5,000 ppm	
Hexanes (measured as the cumulative residue of n-hexane, 2-	110-54-3, 107-83-5, 96-14-0, 75-83-2, and	290 ppm	

methylpentane, 3-methylpentane, 2,2-dimethylbutane, and 2,3-dimethylbutane)	79-29-8, respectively		
Isopropyl Acetate	108-21-4	5,000 ppm	
Methanol	67-56-1	3,000 ppm	
Pentanes (measured as the cumulative residue of n-pentane, isopentane, and neo-pentane)	109-66-0, 78-78-4, and 463-82-1, respectively	5,000 ppm	
2-Propanol (IPA)	67-63-0	5,000 ppm	
Propane	74-98-6	5,000 ppm	
Toluene	108-88-3	890 ppm	
Xylenes (measured as the cumulative residue of 1,2-dimethylbenzene, 1,3-dimethylbenzene, and 1,4-dimethylbenzene, and the non-xylene, ethyl benzene)	1330-20-7 (95-47-6, 108-38-3, and 106-42-3, respectively, and 100-41-4)	2,170 ppm	

**D. Pesticides, Fungicides, Growth Regulators**

Analyte	CAS Number	Maximum Allowable Concentration	Required Action
*Abamectin	71751-41-2	0.5 ppm	Remediate and retest, or Destroy
Acephate	30560-19-1	0.4 ppm	
Acequinocyl	57960-19-7	2.0 ppm	
Acetamiprid	135410-20-7	0.2 ppm	
Aldicarb	116-06-3	0.4 ppm	
Azoxystrobin	131860-33-8	0.2 ppm	
*Bifenazate	149877-41-8	0.2 ppm	
Bifenthrin	82657-04-3	0.2 ppm	
Boscalid	188425-85-6	0.4 ppm	
Carbaryl	63-25-2	0.2 ppm	
Carbofuran	1563-66-2	0.2 ppm	
*Chlorantraniliprole	500008-45-7	0.2 ppm	
*Chlorfenapyr	122453-73-0	1.0 ppm	
Chlorpyrifos	2921-88-2	0.2 ppm	
*Clofentezine	74115-24-5	0.2 ppm	
*Cyfluthrin	68359-37-5	1.0 ppm	
*Cypermethrin	52315-07-8	1.0 ppm	
*Daminozide	1596-84-5	1.0 ppm	
*DDVP (Dichlorvos)	62-73-7	0.1 ppm	
Diazinon	333-41-5	0.2 ppm	
Dimethoate	60-51-5	0.2 ppm	
Ethoprophos	13194-48-4	0.2 ppm	
Etofenprox	80844-07-1	0.4 ppm	
Etoxazole	153233-91-1	0.2 ppm	
Fenoxycarb	72490-01-8	0.2 ppm	
Fenpyroximate	134098-61-6	0.4 ppm	
*Fipronil	120068-37-3	0.4 ppm	
Flonicamid	158062-67-0	1.0 ppm	

Fludioxonil	131341-86-1	0.4 ppm
Hexythiazox	78587-05-0	1.0 ppm
Imazalil	35554-44-0	0.2 ppm
Imidacloprid	138261-41-3	0.4 ppm
Kresoxim-methyl	143390-89-0	0.4 ppm
Malathion	121-75-5	0.2 ppm
Metalaxyl	57837-19-1	0.2 ppm
Methiocarb	2032-65-7	0.2 ppm
Methomyl	16752-77-5	0.4 ppm
Myclobutanil	88671-89-0	0.2 ppm
Naled	300-76-5	0.5 ppm
Oxamyl	23135-22-0	1.0 ppm
*Paclobutrazol	76738-62-0	0.4 ppm
*Permethrins (measured as the cumulative residue of cis- and trans- isomers)	52645-53-1 (54774-45-7 and 51877-74-8)	0.2 ppm
*Phosmet	732-11-6	0.2 ppm
Piperonyl butoxide	51-03-6	2.0 ppm
*Prallethrin	23031-36-9	0.2 ppm
Propiconazole	60207-90-1	0.4 ppm
Propoxur	114-26-1	0.2 ppm
*Pyrethrins (measured as the cumulative residue of pyrethrin 1, cinerin 1 and jasmolin 1)	8003-34-7 (121-21-1, 25402-06-6, and 4466-14-2)	1.0 ppm
*Pyridaben	96489-71-3	0.2 ppm
*Spinosad	168316-95-8	0.2 ppm
Spiromesifen	283594-90-1	0.2 ppm
Spirotetramat	203313-25-1	0.2 ppm
Spiroxamine	118134-30-8	0.4 ppm
Tebuconazole	107534-96-3	0.4 ppm
Thiacloprid	111988-49-9	0.2 ppm
Thiamethoxam	153719-23-4	0.2 ppm
Trifloxystrobin	141517-21-7	0.2 ppm
<b>E. Potency</b>		
<b>Analyte</b>	<b>Labelling</b>	<b>Required Action</b>
Tetrahydrocannabinolic acid (THC-A)	Label claim is not within +/- 20 % of tested value	Revise label as necessary
Delta-9-tetrahydrocannabinol ( $\Delta$ 9-THC)		
Cannabidiolic acid (CBD-A)		
Cannabidiol (CBD)		
<b>F. Herbicides</b>		
<b>Analyte</b>	<b>Maximum Allowable Contaminant</b>	<b>Required Action</b>
Pendimethalin	0.1 ppm	Remediate and retest, or Destroy

**R9-17-319. Edible Food Products**

- A. A dispensary that prepares, sells, or dispenses marijuana-infused edible food products shall:
1. Before preparing, ~~selling, or dispensing~~ marijuana-infused edible food product products, obtain ~~written authorization from the Department~~ a license or permit of the location as a food establishment, issued under 9 A.A.C. 8, Article 1, to prepare, sell, or dispense marijuana-infused edible food products;
  2. If the dispensary prepares the marijuana-infused edible food products, ensure that the marijuana-infused edible food products are prepared according to the applicable requirements in 9 A.A.C. 8, Article 1;
  3. If the marijuana-infused edible food products are not prepared at the dispensary, obtain and maintain at the dispensary a copy of the current ~~written authorization~~ license or permit as a food establishment, issued under 9 A.A.C. 8, Article 1, to prepare marijuana- infused edible food products from the dispensary or marijuana establishment that prepares the marijuana-infused edible products;
  4. Before selling or dispensing marijuana-infused edible food products, obtain a license or permit of the location as a food establishment, issued under 9 A.A.C. 8, Article 1, to sell or dispense marijuana-infused edible food products that are either:
    - a. A time/temperature control for safety food, or
    - b. Not prepared in individually packaged containers; and
  - 4.5. If a dispensary sells or dispenses marijuana-infused edible food products, ensure that the marijuana-infused edible food products are sold or dispensed according to applicable requirements in 9 A.A.C. 8, Article 1.
- B. A dispensary is responsible for the content and quality of any edible food product sold or dispensed by the dispensary.

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

- A. The Department shall deny an application for a dispensary registration certificate or a renewal if:
1. For an application for a dispensary registration certificate, the physical address of the building or, if applicable, the physical address of the dispensary's cultivation site is within 500 feet of a private school or a public school that existed before the date the dispensary submitted the initial dispensary registration certificate application, before the date of an application to change the location of the dispensary, or before the date of an application to add a cultivation site;
  2. A principal officer or board member:
    - a. Has been convicted of an excluded felony offense;

- b. Has served as a principal officer or board member for a dispensary or marijuana establishment that:
    - i. Had the dispensary registration certificate or marijuana establishment license revoked, or
    - ii. Did not obtain an approval to operate the dispensary or marijuana establishment, as applicable, within ~~the first year~~ 18 months after the dispensary registration certificate or marijuana establishment license was issued;
  - c. Is under 21 years of age; or
  - d. Is a physician currently providing written certifications for medical marijuana for qualifying patients; or
  - e. ~~Is a law enforcement officer; or~~
  - f. ~~Is an employee or contractor of the Department; or~~
3. The application or the dispensary does not comply with the requirements in A.R.S. Title 36, Chapter 28.1 and this Chapter.
- B.** The Department may deny an application for a dispensary registration certificate if a principal officer or board member of the dispensary provides false or misleading information to the Department.
- C.** The Department shall revoke a dispensary’s registration certificate if:
- 1. The dispensary:
    - a. Operates before obtaining approval to operate a dispensary from the Department;
    - b. Diverts marijuana to ~~an entity~~ a person other than:
      - i. Another dispensary with a valid dispensary registration certificate issued by the Department,
      - ii. A marijuana establishment with a valid marijuana establishment license issued under 9 A.A.C. 18;
      - ~~iii.~~ A laboratory with a valid laboratory registration certificate issued by the Department,
      - ~~iv.~~ A qualifying patient with a valid registry identification card issued by the Department,
      - ~~v.~~ A designated caregiver with a valid registry identification card issued by the Department,
      - ~~vi.~~ A dispensary agent with a valid registry identification card or marijuana facility agent with a valid marijuana facility agent license issued by the

Department accepting the marijuana on behalf of a dispensary or  
marijuana establishment, or

~~vi.~~vii. A laboratory agent with a valid registry identification card issued by the  
Department accepting the marijuana on behalf of a laboratory;

- c. Acquires usable marijuana or mature marijuana plants from any entity other than another dispensary with a valid dispensary registration certificate issued by the Department, a marijuana establishment with a marijuana establishment license issued under 9 A.A.C. 18, a qualifying patient with a valid registry identification card, or a designated caregiver with a valid registry identification card; or
- d. Acquires a marijuana product from any person other than another dispensary with a valid dispensary registration certificate issued by the Department or a marijuana establishment with a marijuana establishment license issued under 9 A.A.C. 18; or

2. A principal officer or board member has been convicted of an excluded felony offense.

**D.** The Department may revoke a dispensary registration certificate if the dispensary does not:

- 1. Comply with the requirements in A.R.S. Title 36, Chapter 28.1 and this Chapter; or
- 2. Implement the policies and procedures or comply with the statements provided to the Department with the dispensary's application.

**E.** If the Department denies a dispensary registration certificate application, the Department shall provide notice to the applicant that includes:

- 1. The specific reason or reasons for the denial, and
- 2. All other information required by A.R.S. § 41-1076.

**F.** If the Department revokes a dispensary registration certificate, the Department shall provide notice to the dispensary that includes:

- 1. The specific reason or reasons for the revocation; and
- 2. The process for requesting a judicial review of the Department's decision pursuant to A.R.S. Title 12, Chapter 7, Article 6.

**R9-17-323. Denial or Revocation of a Dispensary Agent's Registry Identification Card**

**A.** The Department shall deny a dispensary agent's application for or renewal of the dispensary agent's registry identification card if the dispensary agent:

- 1. Does not meet the definition "nonprofit medical marijuana dispensary agent" in A.R.S. § 36-2801; ~~or~~
- 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. Previously had a marijuana facility agent license revoked for not complying with A.R.S. Title 36, Chapter 28.2 or 9 A.A.C. 18.
- B.** The Department may deny a dispensary agent’s application for or renewal of the dispensary agent’s registry identification card if the dispensary agent provides false or misleading information to the Department.
- C.** The Department shall revoke a dispensary agent’s registry identification card if the dispensary agent:
- ~~1.~~ Uses ~~medical marijuana, if the dispensary agent does not have a qualifying patient registry identification card;~~
  - ~~2.1.~~ Diverts medical marijuana to an entity a person other than:
    - a. Another dispensary with a valid dispensary registration certificate issued by the Department,
    - b. A marijuana establishment with a valid marijuana establishment license issued under 9 A.A.C. 18;
    - ~~b.c.~~ A laboratory with a valid laboratory registration certificate issued by the Department,
    - ~~e.d.~~ A qualifying patient with a valid registry identification card issued by the Department,
    - ~~d.e.~~ A designated caregiver with a valid registry identification card issued by the Department,
    - ~~e.f.~~ A dispensary agent with a valid registry identification card or marijuana facility agent with a valid marijuana facility agent license issued by the Department accepting the marijuana on behalf of a dispensary or marijuana establishment, or
    - ~~f.g.~~ A laboratory agent with a valid registry identification card issued by the Department accepting the marijuana on behalf of a laboratory; or
  - ~~3.2.~~ Has Except as provided in A.R.S. § 36-2804.01(D), has been convicted of an excluded felony offense.
- D.** The Department may revoke a dispensary agent’s registry identification card if the dispensary agent knowingly violates A.R.S. Title 36, Chapter 28.1 or this Chapter.
- E.** If the Department denies or revokes a dispensary agent’s registry identification card, the Department shall provide notice to the dispensary agent and the dispensary agent’s dispensary that includes:
1. The specific reason or reasons for the denial or revocation; and
  2. The process for requesting a judicial review of the Department’s decision pursuant to

A.R.S. Title 12, Chapter 7, Article 6.

**R9-17-324. Dual Licensees**

- A.** If a dispensary is a dual licensee, the dispensary shall:
1. Provide marijuana and marijuana products, according to A.A.C. R9-18-309, to consumers, as defined in A.R.S. § 36-2850, at the same location as the dispensary dispenses medical marijuana and marijuana products to qualifying patients and designated caregivers;
  2. Notify the Department within five calendar days after beginning to operate on a for-profit basis, as allowed by A.R.S. § 36-2858(D)(2), and, if applicable, provide to the Department the documents required in R9-17-304(C)(2) for the new organizational or corporate structure; and
  3. Comply with the requirements in A.R.S. § 36-2858(D)(3).
- B.** If a dispensary is a dual licensee, the entity holding the valid dispensary registration certificate may:
1. Request that the dispensary's cultivation site, specified according to R9-17-305(A)(1)(e) or R9-17-307(A)(1), be transferred under the entity's marijuana establishment license according to A.A.C. R9-18-303(E)(3);
  2. Request approval of a change in the location in subsection (A)(1) by complying with the requirements in both:
    - a. R9-17-307(A), and
    - b. A.A.C. R9-18-306; or
  3. Transfer or assign both the dispensary registration certificate and the marijuana establishment license to the same entity.
- C.** A dispensary that is a dual licensee may allow an individual without a dispensary agent registry identification card or marijuana facility agent license ~~to be employed by or contracted with the dispensary and~~ into areas of the dispensary or the dispensary's cultivation site where marijuana is cultivated, processed, manufactured, or stored if:
- ~~1. The individual has a marijuana facility agent license, issued under 9 A.A.C. 18, Article 2, associated with the entity holding the dispensary's dispensary registration certificate and marijuana establishment license; or~~
  - ~~2. The the individual:~~
    - ~~a.1.~~ Is not at the dispensary or the dispensary's cultivation site more than once per week; and
    - ~~b.2.~~ When at the dispensary or the dispensary's cultivation site, is supervised by a dispensary agent who has a valid registry identification card or an individual ~~in subsection (C)(1)~~

with a valid marijuana facility license associated with the dispensary.

**D.** A dispensary that is a dual licensee is exempt from the requirements in:

1. R9-17-310(A)(5), (12), and (13);
2. R9-17-313; and
3. R9-17-320(B)(4) and (5), but shall ensure that a dispensary agent or marijuana facility agent at the dispensary or the dispensary's cultivation site:
  - a. Reports to a principal officer or board member of the dispensary any health condition experienced by the dispensary agent or marijuana facility agent that may adversely affect the safety or quality of any medical marijuana or marijuana products with which the dispensary agent or marijuana facility agent may come into contact; and
  - b. If the principal officer or board member determines that a dispensary agent or marijuana facility agent has a health condition that may adversely affect the safety or quality of the medical marijuana or marijuana products, is prohibited from direct contact with any medical marijuana, marijuana products, or equipment or materials for processing medical marijuana or marijuana products until the principal officer or board member determines that the dispensary agent's or marijuana facility agent's health condition will not adversely affect the medical marijuana or marijuana products.

**E.** ~~A dispensary that is a dual licensee:~~

- ~~1. If the dispensary has notified the Department according to subsection (A)(2) that the dispensary has begun operating on a for-profit basis and provided a valid marijuana establishment license number according to R9-18-308(1)(c), is exempt from the requirements in R9-18-308(3); and~~
- ~~2. If the dispensary is still operating on a not-for-profit basis and provided a valid marijuana establishment license number according to R9-18-308(1)(c), may submit to the Department when renewing the dispensary's dispensary registration certificate an attestation, in a Department-provided format, that the dispensary is operating on a not-for-profit basis in lieu of submitting the copy of an annual financial statement required in R9-18-308(3)(a) and the report of an audit required in R9-18-308(3)(b).~~

**F.E.** If the Department identifies an instance of noncompliance with a requirement of both this Chapter and 9 A.A.C. 18 during an inspection of a dual licensee, the Department shall note the instance of noncompliance on a notice of deficiencies associated with the dual licensee's marijuana establishment license under 9 A.A.C. 18, rather than on both the notice of deficiencies for the

dispensary registration certificate and the notice of deficiencies for the marijuana establishment license.