

## **Medical Marijuana Laws and Regulations for Dispensaries: Arizona, Colorado, New Mexico, and Oregon**



This chart is intended for educational purposes only; you should not act or rely upon the information contained herein without first seeking the advice of an attorney licensed in your jurisdiction.

The categories listed on this chart are limited so as to provide a comparative perspective of legislation from various jurisdictions. Please note that the listed provisions may have features that are not summarized in this chart. Pending bills may also seek to amend, repeal, or supersede these provisions – such information is not included in this comparison.

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	<b>Arizona</b> AZ ST § 13-3412.01, 32-1901.01, 36-2801 to -2819	<b>Colorado</b> <sup>4</sup> State Constitution Article XVIII § 14 CO ST §§ 12- 43.3-10 to 1001, 18-18-406.3, 25- 1.5-106, CO ADC 1006-2	<b>New Mexico</b> <sup>9</sup> NV ST §§ 453A.010 to .810, 633.521 NV ADC §§ 453A.010 to .240, 453.740	<b>Oregon</b> OR ST §§ 475.300 to .346 OR ADC §§ 333-008-0000 to 0120
Minimum Number Required to be Licensed By The State				
Maximum Number Required to be Licensed By The State	Allows the Department to certify one dispensary for every 10 pharmacies registered with the state. Allows the Department to exceed limitations to ensure at least one dispensary is registered in each county in which an application has been approved.		Determined at the discretion of the Secretary of the Department of Health <sup>10</sup>	
Requires Individuals to Designate A Compassion Center as A Primary Caregiver				
Must Develop Educational Materials				
<b>Required Information for Application</b>				
A Non-refundable Fee	X	X	X	X
Proposed Legal Name and Proposed Articles of Incorporation	X		X and proof that the entity is a non-profit corporation	X (Name only)
Address	X (May also submit one additional address if grow center is at a separate location from dispensary)			X (any property used by the dispensary to possess, produce, deliver, transport, dispense, or distribute marijuana)
A Copy of By-Laws			X	
Description of Facility That Would Be Used To Cultivate Marijuana			X	
Name, Address, and DOB of Each Principal Officer and Board Member	X	List of all owners must be provided	Identity of all creditors holding stake in the non-profit and all individuals with management authority	X (For producers, only name of producer)
Name, Address, and DOB of Each Dispensary Agent or Employee	X	List of all employees must be provided		X
Proof of State Residency of All Board Members, Principals, and Employees				X
Acknowledgement of Adherence to Plant Growth Limitations			X	
Fingerprints		X		
Proposed Security and Safety Measures	X (Must be consistent with Department rules)		X	
Proposed Procedures to Ensure Accurate Record Keeping	X (Must be consistent with Department rules)			
Complete Disclosure of All Persons With Direct or Indirect Financial Interest		X		
Applicant Consent to Criminal Background Check			X	
The ID Card Number for Each Patient for Whom the Center Will Grow Marijuana				
Proof that the Facility is Within Legal Distance of School, Church or Day Care Center			X	

	<b>Arizona</b>	<b>Colorado</b>	<b>New Mexico</b>	<b>Oregon</b>
<b>Required Information for Application (Cont'd)</b>				
Proof That the Board has At Least One Physician, Nurse or Other Provider			X	
A Sworn Statement That Dispensary is in Compliance With All Local Zoning Restrictions	X			
Other Information Required By Rule			X	X
<b>Factors Required To Be Considered Before Granting Certificates</b>				
Applicant's Knowledge of State and Federal Marijuana Laws				
Convenience to Patients Throughout The State			Sufficiency of overall supply available to patients in state	
Applicant's Ability to Provide A Steady Supply to The Registered Qualifying Patients In The State				
Applicant's Skill and Knowledge of Organic Growing Methods			X	
Applicant's Experience Running A Non-profit or Business			Experience and expertise of board members	
Wishes of Qualifying Patients Regarding Which Applicant Be Granted A Registration Certificate				
<b>Factors Required To Be Considered Before Granting Certificates (Cont'd)</b>				
Suitability of Proposed Facility				
Staffing Plan of the Organization				
Wishes of the City or Town Where the Dispensary Would Be Located				
Applicants Plans to Ensure Purity and Consistency of Dose			X (Includes provisions for periodic testing)	
Sufficiency of Applicants Plans for Record Keeping and Security of Health Records Considered Confidential Health Information				
Sufficiency of Applicants Plans for Safety and Security			X	
If Granting a License Would Put a Strain on Competition		A second license for a licensee may not be granted if it would place a strain on competition		
<b>Factors That Prohibit Certification</b>				
If a Board Member or Principle Officer Has Been Convicted of A Felony	X (Prohibits if individuals have been convicted of specified felonies)			
If a Board Member or Principle Officer Previously Served as a Principle Officer or Board Member for a Dispensary That Had Its Certification Revoked	X			
If a Board Member or Principle Officer Is Under 21	X			

	<b>Arizona</b>	<b>Colorado</b>	<b>New Mexico</b>	<b>Oregon</b>
Required Information to Be Submitted After An Application Is Approved But Before Operations Begin				
A Fee Paid to The State				
Legal Name and Articles of Incorporation				
The Physical Address				
Name, Address, and DOB of Each Principal Officer and Board Member				
Name, Address, and DOB of Any Person Who Will Be an Agent or Employee				
Application Requirements for Dispensary Agent Registration ID Cards	All agents must register with the Department before volunteering or working at a dispensary			
Name, Address, and DOB of Any Person Who Will Be an Agent or Employee	X			
Dispensary Agent Application	X			
Criminal Background Check	X (Requires submission of a full set of fingerprints)	X		
Statement Signed by Prospective Agent Pledging Not to Divert Marijuana to Anyone Who Is Not Allowed to Possess Marijuana	X			
Application Fee	X			
Prohibits Individuals Convicted of Felonies from Working for Dispensaries	Prohibits Individuals Convicted of Specified Penalties			Individuals convicted of specified felonies cannot be licensed or employed by a producer or dispensary
Information Required to Be On Registry ID Cards	Cards Are Distributed to Registered Agents			
Names, Addresses, and DOBs of the Cardholder	X			
Legal Name of the Compassion Center				
Unique Random Identification Number	X			
Date of Issuance/Expiration Date of the Registry ID Card	X			
Photograph	(Department has rulemaking authority to decide if a photo will be required)			
Legal Name of the Dispensary With Which the Employee is Affiliated	X			
Statement That The Cardholder is a Non-Profit Dispensary Agent	X			
Reasons An Application for an ID Card May Be Denied				
Does Not Meet Established Criteria	X			
Does Not Provide Required Information	X			
False Information is Provided	X			
Previously Had An ID Card Revoked For Violating a Provision Related to the Use of Medical Marijuana	X			

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Length of Time an ID Card is Valid	One Year			
Length of Time A Registration Certificate is Valid	One Year	Two Years	One Year (Must apply for renewal by Dec. 1)	One Year
Requires All Cardholders to Be Citizens of the State				
Requires Treatment Center to Notify State of Any Change In Information	Must notify within 10 days: after agent ceases to be employed; if an ID card is lost; agents must notify if change in name or address.	Must notify within 10 days after agent ceases to be employed. A change in location must be approved before business operation can proceed.	Within 30 days	
Center is Permitted to Receive Payment				
Maximum Number of Patients a Center May Assist				
Reasons an Application May Be Denied or a Certificate Revoked				
Drug Crime Conviction	X	Felony conviction for possession, distribution, or use of a controlled substance <sup>5</sup>	X <sup>11</sup>	
Failure of Applicant to Pay Child Support		Includes failure to meet other financial obligations <sup>6</sup>	X	
Failure to Comply With Law or Regulations	X <sup>1</sup>	X		
Failure to Comply With Any Special Terms or Conditions That Were Placed on its License		X		
Licensed Premises Was Operated in a Manner That Adversely Affects the Public Health or Welfare or the Safety of the Immediate Neighborhood		X		
If the Person Applying is A Licensed Physician Making Recommendations to Patients		X		
If an Officers or Board Member Has Served as a Principal Officer or Board Member for a Dispensary That Has Had its Registration Certificate Revoked	X			
If the Person is Under 21	X	X		
Employing a Person Who Has Not Passed A Criminal Background Check		X		
If The Person is a Sheriff, Deputy Sheriff, Police Officer, or Prosecuting Officer, or an Officer or Employee of The State Licensing Authority or a Local Licensing Authority		X		
If the Person's Authority to Be a Primary Caregiver Has Been Revoked		X		
If the Proposed Location is Currently Licensed as a Retail Food Establishment or Wholesale Food Registrant		X		
If the Person Has Not Been A Resident of the State for At Least Two Years		X <sup>7</sup>		

	Arizona	Colorado	New Mexico	Oregon
<b>Reasons an Application May Be Denied or a Certificate Revoked (Cont'd)</b>				
If the application concerns a location that is the same as or within one thousand feet of a location for which, within the two years immediately preceding the date of the application, the state or a local licensing authority denied an application for the same class of license due to the nature of the use or other concern related to the location		X		
If the Location Would Be In An Area Where Cultivation is Prohibited By Local Zoning Laws		X		
If The Location Is Within 1,000 ft. of A School or Drug Treatment Facility		Does not apply to renewals		
A License May Be Revoked if the Location Has Been Inactive for At Least One Year		X		
<b>Statutory Protections for Permit Holders and Employees When Acting In Compliance With Program</b>				See footnote for list of criminal laws cardholders are not protected from <sup>14</sup>
From Arrest, Prosecution or Penalty	X		X	Exempted from criminal laws when in substantial compliance with medical marijuana statutes and rules
Civil Penalty	X			
Discipline from A Professional Licensing Board	X			
Prohibits Forfeiture of Property Used In Connection With Medical Marijuana			X	
Prohibits Search and Seizure of Center	X (Allows inspection)			
<b>Possession Limits</b>				
Ounce limit			Amount that reflects current patient needs	To be determined by rule <sup>15</sup>
Plant Limit			150	To be determined by rule <sup>15</sup>
Maximum Amount Allowed to Be Dispensed				24 ounces <sup>16 &amp; 17</sup>
<b>Offenses Created</b>				
Fabrication or Misrepresentation to Law Enforcement Official			X	
Failing to Notify State of Changes of Information State Requires for Registration				
<b>Requirements for Operation</b>			See note below <sup>12</sup>	
Must Operate On A Not For Profit Basis	X			X
May Not Be Located Within A Specified Distance of a School	500 ft.		300 feet (Includes Churches and Daycare Centers)	1,000 ft. (includes residential neighborhoods)
Required to Notify Agency When A Principal Officer, Board Member, Agent, Volunteer, or Employee No Longer Works At The Center				Minimum security measures to be created by rule
Required to Implement Security Measures To Prevent Unauthorized Entrance Into Areas Containing Marijuana	X <sup>2</sup>	X <sup>8</sup>	X (Requires that each facility have at least one security alarm system) <sup>13</sup>	
Operating Documents must include procedures for the Oversight and Procedures To Ensure Accurate Record Keeping	X			
Requires Bylaws to Contain Provisions Relative to the Disposition of Revenues and Receipts to Establish and Maintain Nonprofit Character	X			

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<b>Requirements for Operation</b>				
Requires Cultivation of Marijuana to Take Place at an Enclosed Locked Facility That Can Only Be Accessed By Employees	X			
Required to Prohibit Consumption of Marijuana on Premises	X			
Requires Employees to Access the Verification System to Verify Patient's Eligibility	X			
Requires a Record of Each Sale	X <sup>3</sup>			
Must Record the Quantity of Medical Marijuana at the Center				
Must Report The Method of Disposal For Marijuana That Was Not Sold				
Requires Record of Every Patient and Caregiver Who Receives Marijuana From the Dispensary				
Must Develop Job Descriptions or Employment Contracts For Employees and Volunteers, Which Includes Duties, Authority, Responsibilities, Qualifications, and Supervisions			X	
Must Develop Policies for Training In and Adherence to State Confidentiality Laws			X	
Requires Maintenance of Financial Records and Requires Them to Be Open to Inspection			X	
Must Provide New Qualifying Patients With FAQ Sheet That Explains The Limitation on the Right to Use Medical Marijuana				
Must Develop Training for Employees With Respect to Proper Use of Security Measures and How to Respond in An Emergency			X	
Employees Must Be Trained in Compliance With State Law Regarding Medical Use				
Employees Must Be Trained Regarding The Use of Medical Marijuana				
Must Maintain Personnel Records for Each Employee			X	
Minimum Age of Employees				21
Must Develop Training for Employees With Respect to Professional Conduct, Ethics, and Patient Confidentiality			X	
Must Develop Training for Employees With Respect to Developments in the Field of Medical Use of Marijuana			X	
Requires the Distribution of Educational Materials				
Requires Documentation of All Training			X	
Prohibits Paraphernalia From Being Visible to Public				Prohibits engaging in the production, distribution or transportation of marijuana in public view.
Requires Permit to Be on Display At All Times		X	Must be kept in a safe location and produced immediately by the department or law enforcement	Producers must display production site cards

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Licenses Are Non-Transferrable		X Allows licensing authority to grant transfer with application		
Must Notify Law Enforcement of Any Theft or Loss				
Prohibits Physicians From Having an Office in Cultivation Center, and Prohibits Physicians From Receiving Payment from Cultivation Centers				
Provides That Applicant Records Maintained By The State Are Confidential			X	
Creates Inspection Procedures and Allows for Corrective Actions By the State	X	X (producer location are also subject to inspection)	X	X (producer location are also subject to inspection)
Creates Testing Requirements to Ensure Quality of Marijuana			X	
Legislation Creates Oversight Committee				
Allows Dispensaries to Acquire Usable Marijuana or Plants From Patients or Caregivers Provided No Compensation is Received	X			

<sup>1</sup>ID cards are revoked if marijuana is sold or delivered to an individual not authorized to possess marijuana under the state's medical marijuana laws; or if marijuana is obtained from anyone other than a registered dispensary, registered patient, or registered caregiver.

<sup>2</sup>Requires dispensaries to have a single secured entrance, and implement security measures to prevent and deter theft of marijuana or unauthorized entrance to areas containing marijuana.

<sup>3</sup>Requires employees to report to state registry the amount of marijuana being distributed, if it is being dispensed to a patient directly or to the designated caregiver, the date and time it was dispensed, the registry ID card number of the patient, and the registry ID number of the dispensary that dispensed the marijuana.

<sup>4</sup>Colorado issues three different types of licenses: a medical marijuana center license; an optional premises cultivation license; a medical marijuana-infused products manufacturing license.

<sup>5</sup>Also prohibits person who has discharged a sentence in the five years immediately preceding the application date for a conviction of a felony; or an individual, or in the case of a corporation, board members or principals with a criminal history that indicates a person or board members are not of good moral character.

<sup>6</sup>Also prohibits granting licenses to individuals who have failed to: provide a surety bond or file any tax return with a taxing agency; pay any taxes, interest, or penalties due; pay any judgments due to a government agency; and stay out of default on a government-issued student loan; or remedy an outstanding delinquency for taxes owed, an outstanding delinquency for judgments owed to a government agency, or an outstanding delinquency for child support.

<sup>7</sup>Makes an exception for a person who submits an application for licensure by December 15, 2010, if the person was a resident of Colorado on December 15, 2009.

<sup>8</sup>Statute requires the state licensing authority to promulgate security requirement rules for any premises licensed pursuant to this article, including, at a minimum, lighting, physical security, video, alarm requirements, and other minimum procedures for internal control as deemed necessary by the state licensing authority to properly administer and enforce the provisions of this article, including reporting requirements for changes, alterations, or modifications to the premises.

<sup>9</sup>When applying for a permit, New Mexico requires the submission of a number of items not required by other states.

Unique organizational information and materials items include: proof that the private entity is a non-profit corporation pursuant to Section 53-8-1 \_et seq\_. NMSA 1978; copies of the entity's by-laws; verification that the board of directors of the non-profit includes, at a minimum, five (5) voting members, including one (1) medical provider limited to a physician (MD or OD), a registered nurse, nurse practitioner, licensed practical nurse or physician assistant, and three (3) patients currently qualified; a list

of all persons or business entities having direct or indirect authority over the management or policies of the facility; a list of all persons or business entities having five percent or more ownership in the facility, whether direct or indirect and whether the interest is in land, building, or other material, including owners of any business entity which owns all or part of the land or building; the identities of all creditors holding a security interest in the premises of the private entity, if any; and a brief business plan showing how the private entity will fund operations during the first two years of licensing, including funding sources.

Unique production and distribution information and materials include: an acknowledgement that production, at any time, shall not exceed a total of one-hundred and fifty (150) mature plants, seedlings, cuttings, and clones, as well as an inventory of usable cannabis that reflects current patient needs; a written set of distribution criteria for qualified patients or primary caregivers appropriate for cannabis services that describes the method by which and locations at which distribution will occur, and that includes a clear identifiable photocopy of all qualified patient's or the primary caregiver's registry identification card served by the private entity; a complete written description of the means that the private non-profit shall employ to safely dispense the cannabis to qualified patients or the qualified patient's primary caregivers; a description and sample of the packaging of the useable cannabis that the private non-profit entity shall utilize, including a label that shall contain the name of the strain, batch, quantity and a statement that the product is for medical use and not for resale; and a description of the testing procedures the private entity shall use to determine the quality of medical cannabis produced or distributed.

Unique facility information includes: a description of the facility that shall be used in the production of cannabis; proof that the facility is not within three hundred (300) feet of any school, church or daycare center; and a description of the device or series of devices that shall be used to provide security.

Unique Educational methods and materials include: a description of the private entity's means for educating the qualified patient and the primary caregiver on the limitation of the right to possess and use cannabis; a description of the means the private entity shall employ to make qualified patients or the primary caregiver aware of the quality of the product; a description of ingestion options of useable cannabis provided by the private entity; a description of safe smoking techniques that shall be provided to qualified patients; and a description of potential side effects and how the private entity will educate qualified patients and the qualified patient's primary caregivers regarding potential side effects.

Sales records that include a sample of the private entity's sales record form(s), which shall identify (among other items) the name of the purchaser, the date of the sale, and the quantity and price of medical cannabis sold.

Policies and procedures that include copies of policies and procedures developed, implemented and maintained on the premises of the private entity's facility.

Unique personnel records include: nationwide and statewide criminal history screening documentation for all individuals associated with the private entity's production facility, to include board members, persons having direct or indirect authority over management or policies, employees, and volunteers; samples of the personnel records retained by the private entity for each employee as required by this rule, (including: a sample application for employment; sample record of any disciplinary action taken; a sample written job descriptions or employment contracts developed for all employee positions, to include duties, authority, responsibilities, qualifications and supervision; an on-site training curriculum (unless the private entity intends to enter into contractual relationships with outside resources capable of meeting employee training needs) that addresses, state and federal confidentiality laws, including HIPAA, professional conduct and ethics, informational developments in the field of medical use of cannabis, and employee safety and security training addressing, at a minimum, the proper use of the security measures and controls that have been adopted, and specific procedural instructions on how to respond to an emergency, including a robbery or violent accident); and proof of HIPAA certification for all individuals associated with a private entity production facility, including all board members, persons having direct or indirect authority over management or policies, employees, and volunteers.

<sup>10</sup>When determining the total number of licenses, the Secretary is required to consider: the overall health needs of qualified patients and the safety of the public in determining the number of licenses to be issued to non-profit private entities and shall further consider: the sufficiency of the overall supply available to qualified patients statewide; the service location of the applicant; the applicant's plan to ensure purity, consistency of dose, and the various forms of applications to be provided; i.e., topical, oral, tinctures, etc.; the applicant's skill and knowledge of organic growing methods to ensure a safe product; the quality of the security plan proposed, including location, security devices employed and staffing; the quality assurance plans in place, including provision for periodic testing; the experience and expertise of the non-profit board members; and other relevant factors.

<sup>11</sup>Individuals convicted of more than one felony offense, trafficking a controlled substance, or selling to minors are prohibited from serving on boards or working for entities. Individuals with one felony offense that is not a conviction for trafficking a controlled substance or selling to minors may serve on a board or work for an entity five years after the final completion of a sentence.

<sup>12</sup>A number of qualifications are unique to New Mexico. Those qualifications are: the development of distribution criteria for qualified patients or primary caregivers appropriate for marijuana services, and requires the qualified patient's or the primary caregiver's distribution criteria to include a clear identifiable photocopy of all qualified patient's or the primary caregiver's registry identification card served by the private entity; the development of a safety and security policy that covers safety and security procedures, personal safety, and crime prevention techniques; a written policy regarding the right to refuse service; and plans for the development, implementation and maintenance of an alcohol and drug free workplace program.

<sup>13</sup>Security requirements for licensed private non-profit entities include: providing and maintaining a fully operational security alarm system; conducting monthly maintenance inspections and making all necessary repairs to ensure the proper operation of

the alarm system and, in the event of an extended mechanical malfunction that exceeds an eight hour period, provide alternative security that includes closure of the premises; the maintenance of documentation for a period of at least 24 months of all inspections, servicing, alterations and upgrades performed on the security alarm system. Documentation shall be made available to the Department of Health within 24 hours.

<sup>14</sup>Individuals authorized to handle medical marijuana are not exempt from: driving under the influence of marijuana; engaging in the possession, production, distribution, or transportation of marijuana in public view; delivering marijuana to any individual who the person knows is not a registry identification cardholder; manufacturing or distributing marijuana at an address not registered with the department; failing to report transfer of medical marijuana to the department.

<sup>15</sup>Law enforcement officers who determine a dispensary or producer is holding an amount of marijuana in excess of that which they are allowed to hold under law, may confiscate usable marijuana in excess of the legal limit.

<sup>16</sup>This number represents the combined total of ounces of marijuana grow sites, caregivers, and patients may possess at one time, and grow sites are permitted to hold this amount in combination, for each patient for whom the grow site is registered to grow marijuana.

<sup>17</sup>If a cardholder has been convicted of a felony for the manufacture or delivery of a controlled substance, the cardholder or the designated primary caregiver of the cardholder may possess only one ounce of usable marijuana at any given time for a period of five years from the date of conviction.