

Medical Marijuana Laws and Regulations for Dispensaries: Arizona, Colorado, New Mexico and Oregonⁱ



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Note ⁱⁱ	Arizona	Colorado ³	New Mexico ⁸	Oregon ¹²
	Ariz. Rev. Stat. Ann. § 13-3412.01; §§ 36-2801 to 36-2819; § 43-1201; Ariz. Admin. Comp. R. R9-17-108 to R9-17-205; Ariz. Admin. Comp. R. R9-17-301 to R9-17-323	Colo. Rev. Stat. §§ 12- 43.3-101 to 12-43.3-1102; § 18-18-406.3; § 22-1-119.3; § 25-1.5-106; 1 Colo. Admin. Code 212- 1:1.101 to 212-1:1.1401 5 Colo. Admin. Code 1006-2:1 to 1006-2:13;	NM Stat. Ann. §§ 26-2A-1 to 26-2A-7; §§ 26-2B-2 to 26-2B-7; §§ 30-31-6 to 30-31-7; NM Admin Code 7.34.2 to 7.34.4	OR Rev. Stat. §§ 475.300 to 475.346; § 90.396; OR Admin R. 333-008- 0000 to 333-008-0120; 411-360-0140
Minimum Number Required to be Licensed By The State				
Maximum Number Required to be Licensed By the State	One dispensary for every 10 pharmacies registered with the state. (May 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 ⁹	
Requires Individuals to Designate A Compassion Center as A Primary Caregiver				
Must Develop Educational Materials				
Required Information for Application				
Payment of a Fee	X	X	X	X
Proposed Legal Name and Proposed Articles of Incorporation	X		X (and proof that the entity is a not-for-profit corporation)	X (Name only)

	Arizona	Colorado	New Mexico	Oregon
Required Information for Application (continued)				
Address	X (May also submit one additional address if grow center is at a separate location from dispensary)	X (proof of lawful presence)	X (set forth in a production and distribution plan)	X (any property used by a grow site owner and the mailing address)
Evidence of Compliance with Zoning Laws	X	X	X	X
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	X (plus owners' background forms and evidence of authority to do business in the state)	Identity of all creditors holding stake in the non-profit and all individuals with management authority	X (only for grow site owners)
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
Business Plan and A Description of How the Dispensary Will Operate on a Not-for-Profit Basis			X (business plan)	
Acknowledgement of Adherence to Plant Growth Limitations			X	
Fingerprints	X	X		
Proposed Security and Safety Measures	X (Must be consistent with Department rules)		X (over management of the facility)	

	Arizona	Colorado	New Mexico	Oregon
Required Information for Application (continued)				
Proposed Procedures to Ensure Accurate Record Keeping	X (Must be consistent with Department rules)			
List of all Persons or Business Entities Having Direct or Indirect Authority Over Management or Policy		X		
List of all Persons or Business Entities Having 5% or more Ownership in the Center	X (20%)		X	
Complete Disclosure of All Persons With Direct or Indirect Financial Interest		X		
Applicant Consent to Criminal Background Check			X (applicant must pay fees)	X
The ID Card Number for Each Patient for Whom the Center Will Grow Marijuana				X
Copy of the Insurance Liability Policy		X		
Proof that the Facility is Within Legal Distance of School, Church or Day Care Center			X (300 feet)	
Proof That the Board has At Least One Physician, Nurse or Other Provider			X	

	Arizona	Colorado	New Mexico	Oregon
Required Information for Application (continued)				
A Sworn Statement That Dispensary is in Compliance With All Local Zoning Restrictions	X	X ⁴		
Other Information Required By Rule			X	X
Factors Required To Be Considered Before Granting Certificates				
Applicant's Knowledge of State and Federal Marijuana Laws				
Convenience to Patients Throughout The State			X (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 Not-for-profit or Business			X (experience and expertise of board members)	
Wishes of Qualifying Patients Regarding Which Applicant Be Granted A Registration Certificate				
Suitability of Proposed Facility				

	Arizona	Colorado	New Mexico	Oregon
Factors Required To Be Considered Before Granting Certificates (continued)				
Staffing Plan of the Organization			X (business plan)	
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			X (must submit written plan)	
Sufficiency of Applicants Plans 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		
Documentation to Demonstrate Compliance with Fire Safety Code				
Factors That Prohibit Certification				
If a Board Member or Principle Officer Has Been Convicted of A Felony	X (specified felonies)	X (anyone whose criminal history indicates poor moral character)	X (prohibits those with a felony conviction)	X (conviction for a Class A or B felony for the manufacture or delivery of a controlled substance in Schedule I or II)

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Factors That Prohibit Certification (continued)				
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	X		
Requirements for Application for Registration ID Cards	All agents must register with the Department before volunteering or working at a dispensary			
Fee	X	X		
Name, Address and DOB of Applicant	X			
Dispensary Agent Application	X			
Criminal Background Check	X (plus full set of fingerprints)	X		
Copy of State Issued ID	X			
Category of the Person's Affiliation				
Cardholders Must Notify State of Change of Name or Address	X			
Prohibits Individuals Convicted of Felonies from Working for Dispensaries	Prohibits Individuals Convicted of Specified Penalties			

	Arizona	Colorado	New Mexico	Oregon
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			
Center is Permitted to Receive Payment				
Length of Time an ID Card is Valid	One Year			
Length of Time A Registration Certificate is Valid	One Year	One Year	One Year	One Year
Requires All Cardholders to Be Citizens of the State				
Requires Treatment Center to Notify State of Any Change In Information	Within 10 days	Within 10 days (a change in location must be approved before operation can proceed)	Within 30 days	
Center is Permitted to Receive Payment				

	Arizona	Colorado	New Mexico	Oregon
Information Required to Be On Registry ID Cards (continued)				
Maximum Number of Patients a Center May Assist				
Reasons an Application May Be Denied				
Drug Conviction	X (or any excluded felony offense)	Felony conviction for possession, distribution or use of a controlled substance ⁵	X ¹⁰	X (any marijuana-related offense)
Previously Had An ID Card Revoked For Violating a Provision Related to the Use of Medical Marijuana	X			
Failure of Applicant to Pay Child Support	X (also must be current on taxes, student loans and judgments, and may not had filed for bankruptcy)	Includes failure to meet other financial obligations ⁶	X	
Failure to Comply With Any Provision of Medical Marijuana Act or Regulations	X ¹	X		X (multiple or continuing violations of the Act)
Non-compliance with Zoning Requirements	X	X	X	X
If an Officer or Board Member Has Served as a Principal Officer or Board Member for a Dispensary That Has Had its Registration Certificate Revoked	X	X		

	Arizona	Colorado	New Mexico	Oregon
Reasons an Application May Be Denied (continued)				
If the Person is Under 21	X	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 Oversight Agency or a Local Licensing Authority	X	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		
If The Location Is Within 1,000 ft. of A School or Drug Treatment Facility		X	X	

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Statutory Protections for Permit Holders and Employees				See footnote for list of criminal laws from which cardholders are not protected¹³
From Arrest, Prosecution or Penalty	X		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)			X
Possession Limits				
Ounce limit		2 ounces per patient	Inventory of usable cannabis that reflects current patient needs	24 ounces of usable marijuana
Plant Limit		6 plants per patient	150 mature plantings and seedlings	6 mature plants and 18 marijuana seedlings or starts for no more than four patients or primary caregivers

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Possession Limits (continued)				
Maximum Amount Allowed to Be Dispensed	2.5 ounces in a 14 day period	Plant limit: 6 immature plants, except that a center may sell or donate more than 6 immature plants but may not exceed half the recommended plant count to a patient who has been recommended an expanded plant count by his or her recommending physician.		
Must Adhere to Labeling Requirements and Ensure Compliance with Limitation	X			
Offenses Created				
Fabrication or Misrepresentation to Law Enforcement Official			X	
Failing to Notify State of Changes of Information State Requires for Registration				
Dispensing to Anyone Other Than a Patient or Primary Caregiver Who Has Registered with the Dispensary	X	X	X	
Requirements for Operation			See note below¹²	
Must Operate On A Not-for-Profit Basis	X		X	X
Minimum Age of Employees				21

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Requirements for Operation (continued)				
May Not Be Located Within A Specified Distance of a School	500 ft.	X	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	X	X		X
Required to Implement Security Measures To Prevent Unauthorized Entrance Into Areas Containing Marijuana	X (and a single, secured entrance)	X (locking and video surveillance)	X (requires that each facility have at least one security alarm system) ¹³	
Operating Documents Must Include Procedures for the Oversight and Procedures To Ensure Accurate Record Keeping	X	X	X	
Must Develop an Operations Manual			X	
Prohibited From Acquiring, Possessing, Cultivating, Manufacturing, Delivering, Transferring, Transporting, Supplying or Dispensing Marijuana for Any Purpose Except to Assist Registered Qualifying Patients	X	X	X	

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Requirements for Operation (continued)				
Requires Cultivation of Marijuana to Take Place at an Enclosed Locked Facility That Can Only Be Accessed By Employees	X	X		
Required to Prohibit Consumption of Marijuana on Premises	X	X		
Requires Employees to Access the Verification System to Verify Patient's Eligibility	X	X		
Requires a Record of Each Sale	X ²	X		
Must Record the Quantity of Medical Marijuana at the Center	X	X ⁷		
Must Report The Method of Disposal For Marijuana That Was Not Sold	X			
Requires Business Records to Be Maintained	X	X	X	
Must Develop Job Descriptions or Employment Contracts For Employees and Volunteers, Which Includes Duties, Authority, Responsibilities, Qualifications, and Supervisions	X		X	
Must Develop Policies for Training In and Adherence to State Confidentiality Laws	X		X	

	Arizona	Colorado	New Mexico	Oregon
Requirements for Operation (continued)				
Requires Maintenance of Financial Records and Requires Them to Be Open to Inspection	X	X	X	
Requires Demonstrated Financial Capacity to Operate	X			
Must Provide New Qualifying Patients With FAQ Sheet That Explains The Limitation on the Right to Use Medical Marijuana	X (information on different strains & effectiveness)			
Requires Sliding Fee Schedule Based on Patient's Ability to Pay				
Must Report the Method of Disposal for Marijuana that Was Not Sold	X	X		
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				
Requires Food Establishment License if Establishment Wishes to Sell Food Products Infused with Marijuana	X			

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Requirements for Operation (continued)				
Must Maintain Personnel Records for Each Employee			X	
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		X		Prohibits engaging in the production, distribution or transportation of marijuana in public view.
Requires Permit to Be on Display At All Times	X	X	Must be kept in a safe location and produced immediately by the department or law enforcement	Producers must display production site cards
Requires the Development of a Drug and Alcohol-free Workplace			X	
Required to Conduct Inventory	X	X	X	
Requires Marijuana Infused Products to Have Special Packaging	X	X		

	Arizona	Colorado	New Mexico	Oregon
Requirements for Operation (continued)				
Licenses Are Non-Transferrable		X (but allows licensing authority to grant transfer with application)	X	
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		X		
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		Testing is optional	X	
Legislation Creates Oversight Committee			X (advisory board)	
Allows Dispensaries to Acquire Usable Marijuana or Plants From Patients or Caregivers Provided No Compensation is Received	X			

ⁱIn June of 2013, Nevada passed legislation on dispensaries and cultivation centers that do not go into effect until April 1, 2014.

ⁱⁱCalifornia has hundreds of dispensaries, but they are not regulated or licensed on the state level. They all are regulated at the local level.

¹ID 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.

²Requires 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.

³Colorado issues three different types of licenses: a medical marijuana center license; an optional premises cultivation license; a medical marijuana-infused products manufacturing license.

⁴The building cannot be located within 1,000 feet of a school, alcohol or drug treatment facility, principle campus or a college or university or seminary or residential childcare facility. It also cannot be within 1,000 feet of a location for which, within the two years immediately preceding the date of the application, an application was denied for the same class of license.

⁵Also 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. Allows the licensing authority to grant a license to an employee if the employee has a state felony conviction based on possession or use of a controlled substance that would not be a felony if the person were convicted of the offense on the date he or she applied for licensure.

⁶Also 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.

⁷Colorado requires its Medical Marijuana Center so use MIT or "Marijuana Inventory Tracking Solutions"

⁸When applying for a permit, New Mexico requires the submission of a number of items not required by other states that include: proof that the private entity is a non-profit corporation; 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.

⁹When 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.

¹⁰Individuals 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.

¹¹A 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.

¹²Oregon authorizes "grow sites," which are specific locations used by an individual grower to produce medical marijuana for use by a specific patient and that who must register with the state.

¹³Individuals 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.