

PREFILED DEC 21 2011

REFERENCE TITLE: medical marijuana

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

HB 2035

Introduced by
Representative Yee

AN ACT

AMENDING TITLE 32, CHAPTER 32, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-3215; AMENDING SECTION 36-2810, ARIZONA REVISED STATUTES; RELATING TO MEDICAL MARIJUANA.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Title 32, chapter 32, article 1, Arizona Revised Statutes, is amended by adding section 32-3215, to read:

32-3215. Medical marijuana; unprofessional conduct; annual reports; identifying information

A. IT IS AN ACT OF UNPROFESSIONAL CONDUCT FOR A HEALTH PROFESSIONAL WHO IS LICENSED PURSUANT TO CHAPTER 13, 14, 17 OR 29 OF THIS CHAPTER TO RECOMMEND MEDICAL MARIJUANA PURSUANT TO TITLE 36, CHAPTER 28.1 FOR OTHER THAN AN ACCEPTED THERAPEUTIC PURPOSE.

B. THE ARIZONA MEDICAL BOARD, THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY, THE NATUROPATHIC PHYSICIANS MEDICAL BOARD AND THE BOARD OF HOMEOPATHIC AND INTEGRATED MEDICINE EXAMINERS SHALL EACH SUBMIT AN ANNUAL REPORT ON OR BEFORE NOVEMBER 15 TO THE GOVERNOR, THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES THAT INCLUDES AT LEAST THE FOLLOWING INFORMATION:

1. THE NUMBER OF NOTIFICATIONS RECEIVED FROM THE DEPARTMENT OF HEALTH SERVICES AND FROM THE PUBLIC OF SUSPECTED UNPROFESSIONAL CONDUCT THAT RELATE TO MEDICAL MARIJUANA RECOMMENDATIONS ISSUED PURSUANT TO TITLE 36, CHAPTER 28.1.

2. THE NUMBER OF INVESTIGATIONS CONDUCTED AS A RESULT OF INFORMATION RECEIVED PURSUANT TO PARAGRAPH 1 AND THE OUTCOME OF THOSE INVESTIGATIONS.

C. ANNUAL REPORTS FILED PURSUANT TO SUBSECTION A OF THIS SECTION SHALL NOT INCLUDE IDENTIFYING INFORMATION ABOUT A PHYSICIAN.

Sec. 2. Subject to the requirements of article IV, part 1, section 1, Constitution of Arizona, section 36-2810, Arizona Revised Statutes, is amended to read:

36-2810. Confidentiality

A. The following information received and records kept by the department for purposes of administering this chapter are confidential, exempt from title 39, chapter 1, article 2, exempt from section 36-105 and not subject to disclosure to any individual or public or private entity, except as necessary for authorized employees of the department to perform official duties of the department pursuant to this chapter: -

1. Applications or renewals, their contents and supporting information submitted by qualifying patients and designated caregivers, including information regarding their designated caregivers and physicians.

2. Applications or renewals, their contents and supporting information submitted by or on behalf of nonprofit medical marijuana dispensaries in compliance with this chapter, including the physical addresses of nonprofit medical marijuana dispensaries.

3. The individual names and other information identifying persons to whom the department has issued registry identification cards.

B. Any dispensing information required to be kept under section 36-2806.02, subsection B, or department regulation shall identify cardholders by their registry identification numbers and not contain names or other personally identifying information.

C. Any department hard drives or other data recording media that are no longer in use and that contain cardholder information must be destroyed. The department shall retain a signed statement from a department employee confirming the destruction.

D. Data subject to this section shall not be combined or linked in any manner with any other list or database and it shall not be used for any purpose not provided for in this chapter.

E. ~~Nothing in This section precludes~~ DOES NOT PRECLUDE the following notifications:

1. Department employees may notify law enforcement about falsified or fraudulent information submitted to the department if the employee who suspects that falsified or fraudulent information has been submitted has conferred with his THE EMPLOYEE'S supervisor and both agree that the circumstances warrant reporting.

2. The department may notify state or local law enforcement about apparent criminal violations of this chapter if the employee who suspects the offense has conferred with his THE EMPLOYEE'S supervisor and both agree that the circumstances warrant reporting.

3. Nonprofit medical marijuana dispensary agents may notify the department of a suspected violation or attempted violation of this chapter or department rules.

4. THE DEPARTMENT MAY NOTIFY THE ARIZONA MEDICAL BOARD, THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY, THE NATUROPATHIC PHYSICIANS MEDICAL BOARD AND THE BOARD OF HOMEOPATHIC AND INTEGRATED MEDICINE EXAMINERS IF THE DEPARTMENT BELIEVES A PHYSICIAN HAS COMMITTED AN ACT OF UNPROFESSIONAL CONDUCT AS PRESCRIBED BY THE APPROPRIATE BOARD'S STATUTES BECAUSE OF THE LICENSEE'S FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS CHAPTER OR RULES ADOPTED PURSUANT TO THIS CHAPTER.

F. ~~Nothing in This section precludes~~ DOES NOT PRECLUDE submission of the section 36-2809 report to

the legislature. The annual report submitted to the legislature is subject to title 39, chapter 1, article 2.

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

Pursuant to article IV, part 1, section 1, Constitution of Arizona, section 36-2810, Arizona Revised Statutes, as amended by this act, is effective only on the affirmative vote of at least three-fourths of the members of each house of the legislature.