



## Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

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### FINAL MINUTES FOR THE MEDICAL MARIJUANA SUBCOMMITTEE MEETING Held on Wednesday, February 9, 2011 9535 E. Doubletree Ranch Road • Scottsdale, Arizona

#### *Subcommittee Members*

Paul M. Petelin Sr., M.D., Chair

Patricia R. J. Griffen

William J. Thrift, M.D.

#### **CALL TO ORDER**

Dr. Petelin called the meeting to order at 1:30 p.m.

#### **ROLL CALL**

The following Subcommittee members were present: Ms. Griffen, Dr. Petelin, and Dr. Thrift.

#### **CALL TO THE PUBLIC**

There were no individuals that spoke during the call to the public.

#### **NON-TIME SPECIFIC ITEMS**

##### **I. Review of the Arizona Department of Health Services' Medical Marijuana Draft Rules and Consideration of Potential Amendment Recommendations**

Lisa S. Wynn, Executive Director

The Subcommittee members indicated that they received and reviewed the Arizona Department of Health Services' Medical Marijuana Draft Rules dated January 31, 2011. Dr. Petelin expressed concern regarding additions to debilitating medical conditions under R9-17-106A, and whether there was a mechanism to remove a medical condition from rule if it proves that the indication is not beneficial or is possibly detrimental to the public. Dr. Thrift questioned whether medical conditions that are currently written in rule can be removed if it is later determined that medical marijuana is not beneficial to the patient. Ms. Wynn informed the Board that the law would need to be changed in order to remove a medical condition from the list of debilitating medical conditions under R9-17-201.

Dr. Petelin questioned the potential or proven advantage of prescription marijuana in patients with amyotrophic lateral sclerosis. He noted that this syndrome involved progressive muscular weakness, the inability to swallow or move. Ms. Griffen questioned whether the debilitating medical conditions currently listed under R9-17-201 have been clinically tried. Dr. Petelin stated that whether they were or not, the citizens of Arizona have voted this into law. Dr. Petelin noted that cancer was listed as a debilitating medical condition; however, he stated that "cancer" is a very general diagnosis and commented that the statement made in the draft rules was vague.

Dr. Petelin noted that there will be infusion facilities in which the marijuana medication may be administered by other means. Dr. Thrift stated that the draft rules currently do not address other infusions, including vaporization, tincture, and dosing. Dr. Thrift recognized that one advantage to smoking prescription marijuana for a debilitating condition is that the patient has the ability to self-titrate their dose. Dr. Thrift pointed out that the draft rules currently do not address research and development for prescription marijuana. He recommended including an amendment regarding certifying dispensaries for research and development.

The Subcommittee members were referred to section R9-17-202, subsection F, paragraph 5e. Ms. Wynn stated that this section was changed to state "...a physician *agrees* to assume responsibility..." due to the fact that physicians have no control over patients that leave their care. Ms. Wynn informed the Subcommittee that language was also included under paragraph 5h, which requires physicians to review the patient's medical records from the past 12 months and to utilize the Arizona Board of Pharmacy Controlled Substances Prescription Monitoring Program. Ms. Wynn explained that by using the Prescription Monitoring Program, the physicians will be notified of their patients that are receiving medical marijuana for a condition in which they are also receiving narcotic prescriptions.

Dr. Petelin referred Subcommittee members to R9-17-312 regarding Medical Directors. He questioned which types of physicians will qualify to serve as a Medical Director of a medical marijuana dispensary. Ms. Wynn clarified that a Medical Director could be either an allopathic physician, osteopathic naturopathic or homeopathic physician. Dr. Petelin stated that the function of a Medical Director is interesting and may potentially create conflicts with current law. For example, Dr. Petelin pointed out that the draft rule under section R9-17-312, subsection D, paragraph 1f, states that a Medical Director shall provide oversight for the development and dissemination of techniques for the use of medical marijuana and marijuana paraphernalia. However, Dr. Petelin noted that A.R.S. §13-3415 describes possession, manufacture, delivery and advertisement of drug paraphernalia, which are considered class 6 felonies. Jennifer Boucek, Assistant Attorney General, pointed out that marijuana is still considered an illegal drug under federal law.

Ms. Wynn stated that Board staff will draft the Subcommittee's proposed amendment recommendations and submit it to the Department of Health Services. She clarified that the proposed amendments include removing a debilitating medical condition that has been added to rule, considering whether there is a mechanism for removing a debilitating medical condition that is currently written in rule, and inclusion of processes for tincture, liquids, vaporizing, and dosing. Ms. Wynn stated that the draft will be provided to the Department of Health Services by Monday, February 14, 2011. Ms. Wynn reported that the final rules document will be available on March 28, 2011, and that the next interval for public comment is February 14-17, 2011. Ms. Wynn stated that the deadline for comments is February 18, 2011. Dr. Petelin recommended that the Subcommittee meet at 12:00 p.m. on Wednesday, February 16, 2011 for further discussion and consideration of the draft rules.

The meeting adjourned at 2:00 p.m.



A handwritten signature in cursive script, appearing to read "Lisa S. Wynn".

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Lisa S. Wynn, Executive Director