

Senate Engrossed House Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

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

CHAPTER 112

HOUSE BILL 2035

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)

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

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

4 32-3215. Medical marijuana; unprofessional conduct; annual
5 reports; identifying information

6 A. IT IS AN ACT OF UNPROFESSIONAL CONDUCT FOR A HEALTH PROFESSIONAL
7 WHO IS LICENSED PURSUANT TO CHAPTER 13, 14, 17 OR 29 OF THIS TITLE TO
8 RECOMMEND MEDICAL MARIJUANA PURSUANT TO TITLE 36, CHAPTER 28.1 FOR OTHER THAN
9 A DEBILITATING MEDICAL CONDITION AS DEFINED IN SECTION 36-2801.

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

17 1. THE NUMBER OF NOTIFICATIONS RECEIVED FROM THE DEPARTMENT OF HEALTH
18 SERVICES AND FROM THE PUBLIC OF SUSPECTED UNPROFESSIONAL CONDUCT THAT RELATE
19 TO MEDICAL MARIJUANA RECOMMENDATIONS ISSUED PURSUANT TO TITLE 36, CHAPTER
20 28.1.

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

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

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

28 36-2810. Confidentiality

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

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

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

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

44 B. Any dispensing information required to be kept under section
45 36-2806.02, subsection B, — or department regulation shall identify

1 cardholders by their registry identification numbers and not contain names or
2 other personally identifying information.

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

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

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

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

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

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

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

31 F. ~~Nothing in This section precludes~~ DOES NOT PRECLUDE submission of
32 the section 36-2809 report to the legislature. The annual report submitted
33 to the legislature is subject to title 39, chapter 1, article 2.

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

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

APPROVED BY THE GOVERNOR MARCH 29, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 29, 2012.

Passed the House February 13, 20 12

Passed the Senate March 20, 20 12

by the following vote: 41 Ayes,

by the following vote: 25 Ayes,

16 Nays, 2 Not Voting
1 vacant
Article IV, Part 1
Section 1
excluding
Section 2
Speaker of the House Pro Tempore

4 Nays, 1 Not Voting
Art. IV, Part 1, Sec. 1 -
Az Const. - Section 2 of bill
only
Steve Fiske
President of the Senate

Cheryl Laube
Chief Clerk of the House

Charmine Bellinger
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20____

at _____ o'clock _____ M.

Secretary of State

ON RECONSIDERATION
H.B. 2035

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

March 27, 2012,

by the following vote: 55 Ayes,

2 Nays, 3 Not Voting
Pursuant to Article IV, part 1, Section 1



Speaker of the House



Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

27 day of March, 2012

at 11:10 o'clock A M.


Secretary to the Governor

Approved this 29th day of

March, 2012,

at 10:20 o'clock A. M.

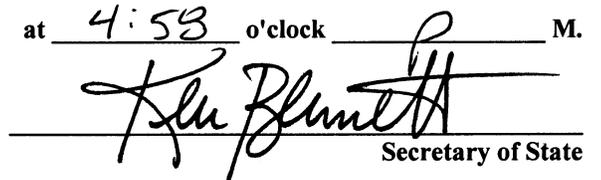

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 29th day of March, 2012,

at 4:58 o'clock _____ M.


Secretary of State

H.B. 2035