

---

**R9-17-106. Adding a Debilitating Medical Condition**

- A. An entity may request the addition of a medical condition to the list of debilitating medical conditions in R9-17-201 by submitting to the Department, at the times specified in subsection (C), the following in writing:
1. The entity's name;
  2. The entity's mailing address, name of contact individual, telephone number, and, if applicable, e-mail address;
  3. The name of the medical condition the entity is requesting be added;
  4. A description of the symptoms and other physiological effects experienced by an individual suffering from the medical condition or a treatment of the medical condition that may impair the ability of the individual to accomplish activities of daily living;
  5. The availability of conventional medical treatments to provide therapeutic or palliative benefit for the medical condition or a treatment of the medical condition;
  6. A summary of the evidence that the use of marijuana will provide therapeutic or palliative benefit for the medical condition or a treatment of the medical condition; and
  7. Articles, published in peer-reviewed scientific journals, reporting the results of research on the effects of marijuana on the medical condition or a treatment of the medical condition supporting why the medical condition should be added.
- B. The Department shall:
1. Acknowledge in writing the Department's receipt of a request for the addition of a medical condition to the list of debilitating medical conditions listed in R9-17-201 within 30 calendar days after receiving the request;
  2. Review the request to determine if the requester has provided evidence that:
    - a. The specified medical condition or treatment of the medical condition impairs the ability of the individual to accomplish activities of daily living, and
    - b. Marijuana usage provides a therapeutic or palliative benefit to an individual suffering from the medical condition or treatment of the medical condition;
  3. Within 90 calendar days after receiving the request, notify the requester that the Department has determined that the information provided by the requester:
    - a. Meets the requirements in subsection (B)(2) and the date the Department will conduct a public hearing to discuss the request; or
    - b. Does not meet the requirements in subsection (B)(2), the specific reason for the determination, and the process for requesting judicial review of the Department's determination pursuant to A.R.S. Title 12, Chapter 7, Article 6;
  4. If applicable:
    - a. Schedule a public hearing to discuss the request;
    - b. Provide public notice of the public hearing by submitting a Notice of Public Information to the Office of the Secretary of State, for publication in the Arizona Administrative Register at least 30 calendar days before the date of the public hearing;
    - c. Post a copy of the request on the Department's web site for public comment at least 30 calendar days before the date of the public hearing; and
    - d. Hold the public hearing no more than 150 calendar days after receiving the request; and
  5. Within 180 calendar days after receiving the request:
    - a. Add the medical condition to the list of debilitating medical conditions, or
    - b. Provide written notice to the requester of the Department's decision to deny the request that includes:
      - i. The specific reasons for the Department's decision; and
      - ii. The process for requesting judicial review of the Department's decision pursuant to A.R.S. Title 12, Chapter 7, Article 6.
- C. The Department shall accept requests for the addition of a medical condition to the list of debilitating medical conditions in R9-17-201 in January and July of each calendar year starting in January 2012.

**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 734, effective April 14, 2011 (Supp. 11-2).