

V101 - Marijuana FAQ - AL

AL: Weed. Pot. Grass. Dope. Mary Jane. Cannabis. Marijuana. Whatever you want to call it, it's legal here in Arizona. Both medically and recreationally. All Arizonans over the age of 21 can go into a dispensary and pick up their marijuana product of choice...to an extent.

AL: But what are the rules and what are your rights? I'm Amanda Luberto and welcome to Valley 101, an Arizona Republic podcast about metro Phoenix and today..? about marijuana. We asked you, our listeners, for your questions regarding legal marijuana in Arizona.

AL: Whether you're a long time user, a medical patient or are interested in seeing what it's all about now that it's legal, we've got answers.

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AL: Let's start at the top. What has been Arizona's journey to legal, recreational marijuana? For that, I asked someone who has been covering this journey for a while. Ryan Randazzo is a business reporter for the Arizona Republic and has been writing stories about cannabis for years.

AL: Okay so what is Arizona's story with marijuana starting medicinally to where we are now?

Ryan: 1:34 OK, so Arizona's history with legalized marijuana is maybe more interesting than any other state. We weren't the first, but it has been a long journey to twenty four years really from the first initiative. And what happened along the way really has changed politics in Arizona to a great deal. So in 1996, Arizona passed medical marijuana and almost immediately the state legislature basically threw that out and didn't allow it.

AL: Essentially, in the '90s, Arizonans had overwhelmingly voted to legalize medical marijuana and the lawmakers repealed it and voters were not happy.

Ryan: 2:44 So before they jump back into marijuana, Arizona voters passed what is called the Voter Protection Act in 1998, two years later. And basically that law says that if the voters approve something at the ballot box, the legislature cannot change it without a three quarter majority. And even then, the change has to be to further the purpose.

AL: The Voter Protection Act says ~~that~~ lawmakers can't just repeal something that voters have approved at the ballot box. Ryan reminded me that this comes into play in all sorts of different political issues today, like education and tax measures.

Ryan: 3:15 It did not happen then until 2010 when voters actually came back and legalized medical marijuana. ~~There was one failed initiative in the interim there.~~ So in 2010, we got medical marijuana. We started getting dispensaries. A couple of years later, Arizona has one of the biggest medical marijuana markets in the country today. We've got like three hundred thousand patients with cards in the state, far more medical patients in our state than in other places that are thought of as being more cannabis friendly.

AL: Arizona has also been a very profitable market for dispensary companies. There are a limited number of shops in the state so there isn't a lot of competition. Dispensaries also control the growing and distribution of marijuana to other dispensaries. Currently, Arizona has about 120 or so of those shops.

Ryan 4:20: And then there was another ballot measure in twenty sixteen that narrowly failed that would have allowed recreational marijuana. That probably would have passed if there was sort of a more unified front in the people who were putting that together. But there was some division in people that wanted to legalize marijuana that year. Too much to get into here. But they ended up fighting each other. That did not pass in twenty sixteen. They got their act together and brought brought back a ballot measure in twenty twenty and it passed on a 60 40 margin. So pretty strong support for recreational marijuana passed in November. Twenty, twenty and in January twenty twenty one. All these shops that were selling medical marijuana got licensed and were allowed to sell recreationally as well.

AL: Ryan told me that part of the reason why it didn't pass in 2016 is that voters were worried that dispensaries would start popping up like coffee shops: one on every corner. Four years later, The Smart and Safe Arizona Act passed in November 2020. It legalized recreational marijuana for adults ... and to ensure dispensaries weren't on every corner, a limited number of licenses were available.

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AL: A listener noted that even though it's legal to buy marijuana for anyone over the age of 21 with a valid Arizona ID, they are still seeing advertisements for medical cards.

Amanda 5:57: Why would they bother getting a medical card if they can get it recreationally?

Ryan 6:05: There's a couple of reasons. One, if they are heavy users, then they're going to save 16 percent excise tax that's charged on recreational. So both medical and recreational are charged regular

sales taxes. And depending on what city you're in, that varies. But recreational has another 16 percent on top. So people who are frequent users and people who are medical patients and are using this to mitigate pain or whatever are definitely fall into that category. They save money. First off. Second, the medical cards allow people to purchase more potent edibles so recreationally people can buy really strong strains of marijuana and they can buy concentrates that they smoke that are extremely high potency, but they can only buy edibles that have 10 milligrams per serving. And that's like an average dose of what's sold on the market. Here in Arizona, medical patients can buy much stronger edibles. And again, people who are sick, who are ill, don't enjoy smoking or can't smoke use those edibles. So that's another reason they might do it. There's also some protections in having a medical card for employment. ~~And I'm sure we're going to talk a little bit more about whether your boss can prevent you from using marijuana or not.~~ And people with a card have more workplace protections than people who are using it recreationally. So there are a few reasons that that people would want to continue to pay the fee every two years to the state for that medical card and to go through the trouble of getting a doctor's recommendation to use that card.

AL: So if you use a medical card, you can avoid an additional 16% tax, purchase stronger edibles, and it works as protection in legal situations. Currently, a medical card can cost up to \$200.

AL: If you are thinking of signing up for a medical marijuana card but are worried your application will leave a trail, don't be. The Arizona Department of Health, the doctor who recommended the card and the dispensaries from which you purchase are the only ones with access to that information. Your employer, parents, spouse or future in-laws won't know a thing ... unless you get so high you rat yourself out.

AL: There are also more freedoms to what you can buy and how much if you have a medical card compared to being a recreational user.

Ryan 10:10: So those folks can only possess legally an ounce at a time and they can only purchase an ounce at a time from dispensaries. People with medical cards can purchase two and a half ounces every two weeks so they can be in possession of more cannabis at one time and can purchase more at one time. If you are talking about someone breaking the rules, though, if a medical patient would purchase two and a half ounces and could not buy more, they they check what's called an allotment when when they walk into a dispensary and try and purchase. And the person behind the counter says, well, you are at your max. You've purchased your entire allotment for two weeks. And here's the date when you could buy more. A recreational patient

doesn't have an allotment. So technically, if they wanted to break the law, they could purchase an ounce today and they could go back to the same dispensary tomorrow and purchase another ounce, there's no record of how much they purchased. They would be in violation of the law if they had two ounces in their possession. But that would be a way for someone who was looking to bend the rules that they would not want that record with the medical card.

AL: Another listener asked how dispensaries are regulated. Ryan said the 2010 Medical Marijuana Act and the 2020 Recreation Act are controlled by a cannabis department under the umbrella of the Department of Health Services. They are responsible for licensing, inspections – including making sure work spaces are sanitary – but basically, that they are in compliance.

AL: Recreational marijuana brought in \$35 million in tax revenue in just the first 6 months. Because it's such a lucrative business, I asked Ryan if we are going to see a massive boom in dispensaries and how it will affect Arizona.

Ryan 25:10: So we're definitely going to see some more earlier this year. DHS issued 13 new rural licenses. So what happened in the past is when they issued the initial batch of licenses, some of them were for areas outside of Phoenix and Tucson and people maybe open a dispensary there and then realized it would be more lucrative to move to Phoenix or in some cases, they never even opened in a rural place. And then they moved into the cities where clearly you're going to make more money, there's more people. So they have what they called rural backfill licenses. And there were 13 of them issued earlier this year. Those cannot be moved to another place. And these are going to be like Graham County, Santa Cruz County, the rural places that are underserved that don't don't have a dispensary or only had one dispensary. So those 13 new shops will show up. And I think they're going to be pretty visible because they're going to be in these smaller towns and then there's going to be twenty six new licenses issued as part of a social equity program. They haven't been issued yet. This is probably going to face some court challenges if other states are a guide. But some time I'm hearing now early twenty, twenty two, DHS will issue these twenty six new licenses and those will be recreational only dispensaries.

AL: A massive boom? Not necessarily, but with both the 13 rural licenses and the 26 social equity licenses, Arizona is looking at 39 new dispensaries to come.

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AL: Okay so now that you know the backstory and some differences between medical and recreational use, let's get to the product. Maybe now that it's legal, you're interested in seeing what it's all about but don't know where to start.

AL: I talked with Jeremy Collins. He's the director of retail operations for Harvest Health and Recreation, based out of Tempe. Harvest is the largest dispensary company in the state of Arizona with 16 shops.

AL: I wanted to ask Jeremy some basic questions about marijuana, a Weed 101 class if you will. When you go into a dispensary, you will see strains classified as indica, sativa or hybrid. SO what's the difference?

Jeremy 3:27: a sativa is usually reported as bringing creative effects and might be a little bit more of an energetic or uplifting high that you get from that. Indica is going to be on the opposite end of that. That's like a lot of people kind of like on the street, call it in the couch, meaning that that's going to be the more you're going to feel a little bit more sedated, you're going to feel more calm, relaxed, and would be something that maybe if you're having trouble sleeping, you would want to go after Indica strain as opposed to a Sativa strain. Hybrid is is exactly that it's got a little bit of both in there.

AL: Tetrahydrocannabinol, or THC, is the main psychoactive compound in cannabis. It's what gives you that 'high' sensation. And as Jeremy explains, there are several ways to consume THC

Jeremy 4:21: There's kind of a ton of ways, it's like but if you can think of a way to take any sort of medicine, ultimately cannabis functions that same way. So the most common way is through inhalation by smoking flower. And that's probably the way that it's been done the longest in through history. When we think about consuming cannabis or marijuana, we think of rolling a joint, lighting up and inhaling it. On top of that, vaping it like through a pen has become extremely popular. So that's another way to inhale it. We've also got you know, you can do it with a bong or a pipe or there's a variety of ways that you can inhale cannabis on top of that. There's ways to ingest it. So through edibles works, we also have tinctures, which you take sublingual, which means underneath the tongue, and you can start out by the dropper. So you have a little bit more control of how much you're taking in. There are also capsules. There are suppositories in some markets that can help for certain certain ailments. And then the last way that I would highlight our topical so we have kind of balms, salves, lotions that have CBD content in them that can then be absorbed through the skin.

AL: Smoking, vaping, edibles, tinctures, and topical. Many ways is basically the answer. Jeremy brought up an interesting other player in this world: CBD. What's the difference and what does it do?

Jeremy 7:08: when it comes to THC and CBD, we have to remember this is all one plant. So you will get some different effects. But ultimately, it's heading the same system of your body, which is the endocannabinoid system. So very much like you have a nervous system, you have a circulatory system. ~~My digestive system research is showing that there there's this kind of cannabinoid system that is what THC and CBD are reacting to.~~ And how they interact with your other systems is kind of differs what the effect is. We also have to always kind of preface that, you know, just like any any drug, whether it's a pharmaceutical or natural drug. Different people have different effects. They might feel somewhat differently, but when we look at the very grand scheme of things and the masses of people that use cannabis, THC is typically going to is what people get like the high from there. That's like kind of the psychoactive element of the cannabis plant. So generally speaking, the higher the THC content, the the higher the high when it comes to CBD, that tends to be related to what we would call relief of some sort, whether that is what what is like calming you down or maybe it's there's a lot of research that shows that different ailments like and symptoms of things like epilepsy or Crohn's disease can be treated with this. The CBD is usually kind of the active part of that. What you're going to find most research shows, though, is that THC and CBD together is what's giving you the maximum effect of of whatever you're using and what you're trying to treat. So that's the beauty of Prop 207. And really legalizing cannabis in the state of Arizona is that people have have had for years the option to just buy CBD and maybe get a little bit of relief. But now that they can get the product that has the THC content in it, in most cases they're going to find better treatment or better relief or better high because they have both of those elements.

AL: Jeremy reminded me that in a dispensary, every product is labeled with what percent THC and CBD that product contains. So if you're looking for something that's predominantly CBD with a small amount of THC to help it work, you have full access to that information. He said this is a great benefit to legalization.

AL: He also made note that dispensary associates, or budtenders as they are sometimes referred to as, have extensive knowledge on the products. They're available to answer any questions and ensure you get a product that's best for you.

Jeremy 11:11: And that's sort of the beauty of being able to go into a dispensary now, is that you actually get to jump in with them. And if you want to take an hour and ask them all the questions in the world, you can or if you want to get in and get out, we have that option, too. But there's always somebody that's going to be able to help educate and inform if you aren't somebody who just wants to read the label and know what you're looking at.

AL: I asked if there's a way for a novice to know what the best method is for them. Should you start with flower or edibles or tinctures? Where to begin! Jeremy said there's an element of trial by error but it depends on what you're looking for also.

Jeremy 12:10: For instance, an edible. So when you think of like a gummy or a brownie or a chocolate bar that's infused with cannabis. Those those have an onset, but for most people is much longer than inhaling through through smoking or vaporizing.

AL: If you're looking for a more instantaneous reaction, smoking or vaping is the faster path. If you're looking for a slower release, an edible might be the way to go. He suggests edibles for people who are looking to use marijuana to get a good night's sleep. You can take some after dinner and by the time you're ready for bed, it should be kicking in.

Jeremy 12:49: If you've never used an edible before, you don't just eat the whole chocolate bar, you're going to have a real bad trip. So you're going to break off a certain segment. There are always portioned out. The beauty of the recreational market in Arizona is that all of our edibles are in one hundred milligram packages and then they're dosed out by 10 milligrams. So you can even break down. When I get a 10 milligram gummy, I can cut that into quarters. And I know then that I'm dosing about two and a half milligrams. And for me, five milligrams puts me to sleep all night. For others that maybe have a higher tolerance, they might have to take more. And then for some who it's their very first time, they might have to just do like one little sliver of that gummy, but it could take two to three hours to to onset.

AL: So maybe you're intrigued to make a purchase, but the stigma of a pot shop is still intimidating.

Jeremy 16:49: The dispensary is a much nicer environment, no matter what dispensary out, whether it's a harvest or all of our competition across the state, it's a much nicer environment than an alley. And, you know, we always tell folks like this is going to feel safer. It's going to feel like a very traditional retail experience, but just have a regulated product. So it's not much different than, you know, if you go to Walgreens, CVS, a liquor store, there's a lot of

different products that we buy on a more regular basis that doesn't feel quite as taboo as cannabis has in the past that we don't really give a lot of thought to. And I think that as more people experience a dispensary for the first time, they realize this is no different.

AL: So how does it work? If you're a recreational buyer, a dispensary will scan your ID to ensure that it's valid and that you're over 21. They might have you sign some paperwork or set up a profile, but this is more for internal data and promotions. Again, not something employers will have access to.

AL: I ended my conversation with Jeremy by asking him if there's any myths they're busting about the cannabis industry.

Jeremy 31:04: The other thing that I think is really interesting is I think historically people think that dispensaries are just run by these potheads who like to get high all day. And you're going to walk in and everybody is going to be kind of aloof and this and that. And that's really not the case. We have some really awesome professional backgrounds that work in cannabis from all different segments. I mean, I come with a with a retail background. But when you look across our whole company, there are people with retail and restaurant and hospitality and I.T. and major tech companies and farmers and florists. And you have a hard time finding something that hasn't been previously represented in people's careers. So this to me is is something that brings a lot of different people in different walks of life together. And that's what makes it so exciting, because everybody can see what the benefit is. It's not just one certain class of people.

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AL: Okay, now you know how Arizona got here and some dispensary basics. But what are your rights? Recreational marijuana in Arizona has been legal since January of this year, and it's valid to be a little hazy on the details.

AL: Tom Dean is an attorney for cannabis, as he says. I asked him some of the legal questions that you submitted, starting with this one: If you buy cannabis from a dispensary and are driving to another part of town, is it legal to have as long as it's unopened, similar to a beer can?

Tom 1:00: Yeah, it's not at all like open container. There is no marijuana open container law, so it doesn't matter whether the package has been opened or if it remains closed. It's all the same, unlike with alcohol where there's a distinction between an open container and one that hasn't yet been opened. So, for example, you could have well, you could have technically of a half smoked marijuana cigarette. That's fine as far as possession is concerned.

Now, of course, having and a half smoked joint in the car might suggest to an officer that you if he saw that you had recently consumed or that you were smoking while you're driving and therefore possibly impaired at the time while you're driving. So having an open marijuana package might lend some evidence to the prosecution if they're trying to persuade the jury that the driver was impaired at the time of driving. So it's probably a good idea not to carry cameras, cannabis products with you at all in the car just because it can lead to a potential DUI situation.

AL: So as far as possession, you'd be okay. But Tom suggests when driving to keep all marijuana products out of arm's reach, even in the trunk if possible, just in case you are pulled over by a police officer. This especially goes for paraphernalia and vape pens. In doing so, there can be no argument about smoking while driving.

Tom 2:54: If you get cited with the DUI that you might have been smoking and therefore impaired while driving, smoking and driving is also illegal in and of itself because it's a public roadway. Is considered an open space, so it's under the smart and safe Arizona act. You're not allowed to smoke in open spaces or public places. A highway would be considered an open space, and so therefore, smoking on it is also illegal. So that's an illegal you'd be charged with use of marijuana, which is already a statute criminal violation in Arizona, which can be filed as a class six felony.

AL: If you do get pulled over and a police officer is suspicious that you're under the influence of marijuana, they will do a field sobriety test similar to drunk driving.

Tom 6:13: Those tests were developed specifically and only for detecting impairment by alcohol. But law enforcement not having separately developed tests for marijuana impairment. We'll just use the alcohol tests and then claim that they somehow are also valid for determining impairment as a result of marijuana. Oftentimes when after the person is arrested, they'll then contact a drug recognition expert or DRE, who's an officer who's had additional training in a special course to detect impairment from substances other than alcohol.

AL: If there is suspicion that you're driving high, the police will do a blood test which will indicate the level of THC in your system. If you get arrested, you must submit to the blood test or else you will lose your driver's license for a year...and the police will most likely submit a warrant for the test anyway.

AL: Tom said it used to be an automatic guilty, but now under the Smart and Safe Arizona Act, it has to be proven that the amount of THC in your system could impair your driving.

Amanda 17:39: And this obviously isn't a PSA to go get high and start driving around because you probably won't get in trouble.

Tom 17:45: No, because you don't want and wants to get charged with a DUI and you don't want to because you're going to end up they're going to prosecute it. You're going to have to pay money for an attorney anywhere, depending on the attorney for five to ten thousand dollars to go to trial, you have to hire an expert witness. That could be anywhere from twenty five hundred sixty five hundred dollars, depending on which expert you hire. So you're going to spend at least seventy five hundred bare minimum, but it's more likely over ten thousand to defend yourself against the. Because if you don't, if you try to go in there yourself you're going to get convicted because the, the, the cop, the DRC, the drug recognition expert, the expert witness, the toxicologist on the state side are all going to say that you are impaired. And if you don't have an experienced cannabis attorney and an experienced expert witness on marijuana and impairment, then you're the jury is likely going to just believe what the prosecutors team is saying and you're going to get convicted.

AL: As far as smoking joints how people smoke cigarettes in public, Tom had the answer to those questions as well.

Tom 9:26: the limitations on smoking are you can't smoke in a public place or an open space in open spaces like a park or street, a sidewalk, a public place is defined the way it's defined under the Smoke Free Arizona act, which deals with tobacco products and includes pretty much any business open to the public. So for a bar or a restaurant, for example, you can't allow people to smoke indoors. You have to have a patio outside far enough away that it doesn't allow smoke to come into the bar. That's exactly how it is now with cannabis.

AL: He also said that similar to cigarettes under the Smoke Free Arizona Act, this does not apply to private residences.

AL: I asked if businesses are still drug testing employees now that it's legal. Tom said it's hard to tell for sure, there's not a lot of collected data about it yet, but that is a benefit to keeping or purchasing a medical card.

Tom 11:40: For those employers that do test under, this is one of the main reasons why you might want to keep your patient card, even if you're twenty one or older. If you are subject to drug testing at the workplace and you don't have a card, you can be terminated for that, for testing positive. If you do have a card, the employer cannot terminate you unless you are found to have been impaired at the

workplace or in possession at the workplace, or if the employer is has to maintain a drug free workplace.

AL: He also gave another reason that I hadn't considered.

Tom 12:33: The other big major area for why you might want to keep your card. By the way, your patient card is if you have minor children, because there's very specific protections under the Medical Marijuana Act for courts interfering with custody, visitation based on a patient's medical use of marijuana that don't exist under the adult use law. So those are the two reasons why you keep your ID.

AL: While it is legal for adults over the age of 21 to grow up to 6 marijuana plants in their home, it's still illegal to sell without a license. You are technically allowed to share whatever you grow with other adults over the age of 21 according to Tom as long as nothing of value is given in return. This also goes for quote unquote delivery services, like a weed postmates of sorts.

Tom 22:37: That's been established for years now to the Medical Marijuana Act, that these delivery businesses are illegal. So important for everyone to understand. You can't do deliveries. You also can't do mail orders either. Same thing, whether it's a delivery or mail order. Mail order, though, you're likely to trigger a federal investigation by the postal inspector or FBI, DEA. So really bad idea to engage in actually using the mail to send this stuff

AL: Tom says it gets tricky because *now* it's not illegal to possess as long as it's under the ounces limit. And there's no law against buying marijuana illegally because for a long time possession was illegal. But it is still illegal to *sell* without a license.

transitional music

AL: Recreational marijuana is legal for adults in Arizona and neighboring states, California and Colorado, but..Is it legal to travel with cannabis products from one legal state to another legal state either via car or airplane?

Tom 26:03: every state has different laws pertaining to the consequence of importing marijuana into that state. In Arizona, it's a serious felony depending on how much marijuana is involved. It's either a class for three or two felony. And so it doesn't matter if it's for sale or not. So even importing a small amount for personal use, that would be a class for felony. It wouldn't involve a mandatory prison, but it could involve prison is possible.

AL: Short answer? Very illegal.

Tom 28:38: So so, yeah, it's really important to understand that that is totally, totally illegal. And if you're caught doing it and you have an overzealous cop or prosecutor, they can file those charges against you and you can result in your incarceration.

AL: Another big topic right now regarding legal marijuana in Arizona is the fact that the state is expunging from records those with minor marijuana-related offenses. It is free to file the forms and people who are familiar with the legal system can file it themselves. Or they can seek the advice of attorneys like Tom. This is for people with minor dings on their records that are being held back from getting a better job, or something, can move on with their lives.

theme music up

AL: The last question that a listener asked was about why most dispensaries close at 10pm. It depends on the rules of each municipality, but ultimately there isn't a state law about what time a dispensary has to close. It's possible city councils will allow dispensaries to be open until midnight or 2am like liquor stores in the future.

theme plays

AL: Alright listeners, this concludes your weed 101 class. If you have more questions about marijuana or anything about metro Phoenix, go to valley101.azcentral.com to submit them. You can find the podcast on twitter at [azcpodcasts](https://twitter.com/azcpodcasts) and me at [amandaluberto](https://twitter.com/amandaluberto).

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