



TITLE	POLICY NUMBER	
Marijuana Restrictions	DCS 15-36	
RESPONSIBLE AREA	EFFECTIVE DATE	REVISION
Office of Licensing and Regulation	08/27/18	1

I. POLICY STATEMENT

Individuals are not prohibited from licensure as a foster parent based solely on a Medical Marijuana Card being held by the applicant or another individual in the home. Because cultivation, possession and/or use of marijuana remain prohibited by federal law, the Office of Licensing and Regulation (OLR) shall not issue a license to an individual cultivating, possessing, or using marijuana or who allows a household member to cultivate, possess, or use marijuana despite the individual's possession of a valid Medical Marijuana Card.

II. APPLICABILITY

This policy is applicable to licensed foster parents, applicants for a foster care license, to all persons residing in the home (adult and juvenile) of a licensed foster parent or an applicant for a foster parent license and to any visitors in a licensed foster home.

III. AUTHORITY

[A.A.C. R21-6-315](#)

Smoking Restrictions

[A.A.C. R21-6-414 \(C\) \(5\)](#)

Licensing Actions

[A.A.C. R21-6-414 \(D\) \(2\)](#)

Licensing Actions

[Agricultural Act of 2014, Section 7606](#)
and [7 U.S.C. Ch. 88, Subchapter VII § 5940](#)

Legitimacy of industrial hemp research

[A.R.S. § 36-2801](#)

Definitions

[21 U.S.C. § 812 \(c\) \(c\)](#)

Schedules of Controlled Substances

[DCS 15-07](#)

Kinship Waiver Policy

IV. DEFINITIONS

Cardholder: as defined in [A.R.S. § 36-2801 \(2\)](#), a qualifying patient, a designated caregiver or a nonprofit medical marijuana dispensary agent who has been issued and possesses a valid registry identification card.

Marijuana: as defined in [A.R.S. § 36-2801 \(8\)](#), all parts of any plant of the genus cannabis whether growing or not, and the seeds of such plant.

Medical Marijuana Card or Registry Identification Card or Arizona Medical Marijuana Program ID (MMP-ID): as defined in [A.R.S. § 36-2801 \(14\)](#), a document issued by the Department of Health Services that identifies a person as a registered qualifying patient, registered designated caregiver or a registered nonprofit medical marijuana dispensary agent.

V. POLICY

- A. Applicants and current licensees holding an Arizona Medical Marijuana Card are eligible for licensure as a foster parent if all other qualifications under Arizona Administrative Code (A.A.C.) Title 21, [Chapter 6](#) and [Chapter 8](#) are met.
- B. Because marijuana and extracts of marijuana continue to be considered Schedule 1 controlled substances per the Controlled Substance Act ([21 U.S. Code § 812](#)), growing, using, selling, or possessing marijuana is illegal. Therefore, foster care license applicants or current licensees who grow, use, sell, or possess marijuana will be denied licensure despite the applicant or licensee holding a valid MMP-ID. This is also applicable to all household members (adult and juvenile) and any visitors in a licensed foster home.
- C. If an extract oil derived from marijuana is subject to control under [21 U.S. Code § 812](#), a foster parent or household member may not use or possess the oil in a licensed foster home.

VI. PROCEDURES

- A. Private licensing agencies shall inquire whether applicants, licensees, or any household members currently hold Medical Marijuana Cards.
- B. If the applicant, licensee or household member holds an Arizona Medical Marijuana Card, the medical condition requiring the card must be reflected on the [CSO-1232A Health Self-Disclosure](#) form and/or the [CSO-1269A Physician's Statement](#).
- C. The private licensing agency shall furnish a copy of this policy to an applicant/licensee if that applicant/licensee, their spouse, or a household member is a cardholder. The licensing agency representative shall discuss and explain the contents of the policy to the applicant/licensee.
- D. The private licensing agency shall note the date this policy was reviewed in the licensing file; the date of the review shall also be noted in the home study.
- E. A kinship applicant that holds a valid Arizona Medical Marijuana card that wants to be considered for foster care licensure shall follow procedures in [DCS 15-07 Kinship Waiver Policy](#).

VII. FORMS INDEX

[CSO-1232A Health Self-Disclosure](#)

[CSO-1269A Physician's Statement](#)