

MEDICAL MARIJUANA USE IN ASSISTED LIVING RESIDENCES WORKING DRAFT - REVISED 02/02/2010

As more assisted living residences are faced with making decisions regarding the use of medical marijuana by residents residing in their homes, many questions have arisen and facilities have requested guidance. There are not hard fast answers for some of the questions and issues that have been raised and new issues will come up as the program evolves. This is a working document will require revision as laws and regulations change. You may wish to consider the following items as you address this issue in your facility.

Develop and Disclose Policies and Procedures

It is important to develop and to disclose policies and procedures governing the use of medical marijuana in your facility.

Policy Considerations:

Although not an exhaustive list, this is a starting point for issues that are important to address:

- What documentation will the facility require the resident to present to ensure authorized use – i.e. valid registration card?
- In what form is medical marijuana permitted? (i.e. smoked, ingested, vaporized)
- Who will supply it for the resident if the resident cannot do so on his/her own?
- If the resident cannot obtain the medical marijuana on his or her own, can an employee be the designated caregiver?
- If a resident requests assistance in obtaining medical marijuana, how and what kind of assistance will facility provide?
- Where can it be used?
- Where and how will it be stored?
- Who will have access?
- How will it be protected for unauthorized use or diversion?
- How will the supply be monitored or tracked, and by whom?
- What rules will be in place for usage in the facility?
- Can marijuana be grown in the facility?
- What are the consequences for violating facility policies and rules?
Some examples: sharing with other, selling to others, using a form of medical marijuana in the facility that is not permitted, other residents pressuring residents to share or sell, growing in the facility.
- Establish policies addressing staff responsibilities, rules, expectations

Due to changing laws and regulations, it is important to have your policies and procedures reviewed by your facility's legal department or attorney on a routine basis.

Possible Areas of Deficient Practice:

- Failure to disclose policies and procedures regarding usage
- Failure to ensure resident has a valid authorization card
- Failure to store in a manner that prevents unauthorized use and diversion
- Failure to address issues with theft, diversion, unauthorized use, violation of policies, procedures and rules