

**IN THE SUPREME COURT OF ARIZONA**

STATE OF ARIZONA, ) Arizona Supreme Court No.  
Appellee, ) CR-18-0370-PR  
v. ) Court of Appeals No.  
 ) 1 CA-CR 16-0703  
RODNEY CHRISTOPHER JONES, ) Yavapai County Superior Court  
Appellant. ) No. P1300CR201400328  
\_\_\_\_\_ )

**BRIEF OF *AMICI CURIAE* QUALIFYING PATIENTS AND CAREGIVERS**

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## Interest of Amici Curiae

Amici Curiae, who are qualified medical marijuana patients and caregivers, fear arrest, prosecution, and imprisonment for their possession and use of marijuana extracts based on the ruling below.<sup>1</sup> These patients, who suffer from cerebral palsy,<sup>2</sup> Dravet Syndrome,<sup>3</sup> epilepsy,<sup>4</sup> and a variety of other seizure disorders,<sup>5</sup> effectively treat their debilitating medical conditions only through the careful administration of marijuana extracts.<sup>6</sup>

For example, Tony and Bethany Pinkowski's two-year-old daughter, Jordyn, suffers from Dravet Syndrome, a rare, lifelong form of epilepsy caused by a mutation of the SCN1A gene.<sup>7</sup> Due to this disorder, Jordyn has suffered from "thousands of seizures" often requiring hospitalization and painful intubation.<sup>8</sup> Dravet Syndrome

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<sup>1</sup> See Declarations of Registered Caregivers on Behalf of Qualifying Patients ("Patient Declarations"), attached as Appendix to Brief of *Amici Curiae* Qualifying Patients and Caregivers.

<sup>2</sup> Patient Declarations at APP-010-13 (Robbin White Declaration); *Id.* at APP-004-06 (Parisa Mansouri-Rad Declaration).

<sup>3</sup> *Id.* at APP-001-03 (Bethany Pinkowski Declaration).

<sup>4</sup> *Id.* at APP-014-17 (Wendy Wise Declaration); *Id.* at APP-018-20 (Paola Gaudio Declaration); *Id.* at APP-007-09 (Carla Dassie Declaration); *Id.* at APP-021-24 (Sommer Mutter Declaration); *Id.* at APP-028-29 (Jessica Prather Declaration); *Id.* at APP-025-27 (Catherine Foland Declaration); *Id.* at APP-030-32 (Alicia Goodman Declaration); *Id.* at APP-033-36 (Andrea Light Declaration).

<sup>5</sup> *E.g. id.* at APP-007-09 (Carla Dassie Declaration).

<sup>6</sup> See Patient Declarations.

<sup>7</sup> *Id.* at APP-001-03 (Bethany Pinkowski Declaration).

<sup>8</sup> *Id.*

cannot be treated with many anti-seizure medications.<sup>9</sup> As Tony and Bethany tried numerous ineffective medications, their young daughter was regressing developmentally.<sup>10</sup> With no alternative, Bethany began administering two marijuana extracts: cannabidiol (CBD) oil and tetrahydrocannabinol (THC) tinctures.<sup>11</sup> The results were astonishing. Jordyn was seizure-free for 11 weeks.<sup>12</sup> “She now smiles and plays and is developing normally.”<sup>13</sup> As Bethany explains, marijuana extracts have been “lifesaving” for her daughter and the only treatment that “reduce[s] the frequency and length of Jordyn’s seizures.”<sup>14</sup>

Because Jordyn is so young, she can only use marijuana extracts in the form of liquids that her parents administer orally.<sup>15</sup> With the opinion below, such extracts are no longer lawfully available to her.<sup>16</sup> In addition to threatening Jordyn’s physical well-being, the Court of Appeal’s decision has caused financial hardship for her family.<sup>17</sup> Prior to the decision below, Tony and Bethany both worked outside the home and relied on a nurse who made daily home visits to administer Jordyn’s

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<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *State v. Jones*, 245 Ariz. 46 ¶¶ 9, 14 (App. 2018).

<sup>17</sup> Patient Declarations at APP-001-03 (Bethany Pinkowski Declaration).

medicine.<sup>18</sup> Now with the threat of arrest, prosecution, and imprisonment these nursing services are no longer available.<sup>19</sup> As a result, Bethany has had to resign from her position as a registered nurse at a hospital's neuro-intensive care unit to care for her daughter and the family has lost a significant portion of their collective income.<sup>20</sup>

Parisa Mansouri-Rad's daughter suffers from cerebral palsy and is visually impaired.<sup>21</sup> At 14 years old, she underwent spinal fusion surgery for scoliosis and has since developed superior mesenteric artery syndrome, a gastro-vascular disorder that causes nausea, vomiting, and severe abdominal pain.<sup>22</sup> Due to these debilitating medical conditions, Ms. Mansouri-Rad's daughter suffers from severe and chronic pain.<sup>23</sup> Prior to using marijuana extracts, she was "bedridden, out of school and on feeding tubes."<sup>24</sup> Since using marijuana extracts, however, her life has improved dramatically. She is eating independently, without relying on tubes, and she "is walking and moving without assistance."<sup>25</sup> With these improvements, Ms. Mansouri-Rad's daughter has "gained confidence in herself" and has returned to

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<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.* at APP-004-06 (Parisa Mansouri-Rad Declaration)

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

school full time.<sup>26</sup> Because the marijuana flower “is not as effective,” Ms. Mansouri-Rad’s daughter needs marijuana extracts to continue benefitting from this medicine.<sup>27</sup> Having tried vaporizing the flower, Ms. Mansouri-Rad knows that this ingestion method requires large quantities of plant material along with “far more time and effort for [her] daughter which is challenging due to her [daughter’s] limited mobility and limited strength and stamina.”<sup>28</sup> Marijuana extracts provide a “safer and more effective” treatment method.<sup>29</sup>

Ashley Dassie is 11 years old and another patient who finds relief through the controlled use of marijuana extracts.<sup>30</sup> Ashley suffers from a rare brain malformation called Schizencephaly, which has caused her to suffer seizures since she was six months old.<sup>31</sup> Ashley was prescribed a series of different seizure medications with no improvement.<sup>32</sup> She was still having daily seizures.<sup>33</sup> Worse, Ashley was regressing developmentally from being over-medicated.<sup>34</sup> Her parents felt that they were “losing their little girl” because the medications made her “not

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<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *Id.* at APP-007-09 (Carla Dassie Declaration).

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

cognitively available for learning at all and she was still seizing.”<sup>35</sup> With CBD oil Ashley’s parents “immediately noticed improvement in her sleeping, eating, and awareness.”<sup>36</sup> Once controlled, tinctures low in THC were added to her CBD intake and Ashley improved even more. She is no longer seizing every day and “she is more alert and available for learning for the *first time in her life*.”<sup>37</sup> As her mother explains, Ashley “can finally...be a kid. She smiles and communicates in her own way with loved ones and she is happy and full of life.”<sup>38</sup> Like Ms. Mansouri-Rad’s daughter, Ashley’s condition cannot be treated effectively with the marijuana flower, the only form of medical marijuana available if the opinion below stands.<sup>39</sup> The CBD levels in the marijuana flower are insufficient for her needs<sup>40</sup> and Ashley is physically unable to smoke marijuana.<sup>41</sup> The Court of Appeals’ opinion jeopardizes her health and well-being.

## I. INTRODUCTION AND SUMMARY OF ARGUMENT

The Court of Appeals’ opinion in this case violates basic principles of statutory interpretation. It undermines the intent of the voters who passed the

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<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> *Id.* (emphasis added).

<sup>38</sup> *Id.*

<sup>39</sup> *State v. Jones*, 245 Ariz. 46 ¶¶ 9, 14 (App. 2018).

<sup>40</sup> Declaration of William Troutt, NMD (“Troutt Declaration”) at APP-036-38 ¶¶ 12-18, attached as Appendix to Brief of *Amici Curiae* Qualifying Patients and Caregivers.

<sup>41</sup> Patient Declarations at APP-007-09 (Carla Dassie Declaration).



Arizona Medical Marijuana Act (AMMA).<sup>42</sup> Worst of all, the opinion jeopardizes the health of vulnerable children and adults whose well-being precariously depends upon lawful access to medical marijuana extracts. For these reasons, the undersigned Amici Curiae respectfully request that this Court accept the Petition for Review and reverse the decision below.

The majority held that AMMA does not allow a qualifying and card-carrying patient to possess a marijuana extract he acquired from a state-licensed dispensary.<sup>43</sup> This decision significantly constrains patients' ability to benefit from medical marijuana. The majority has left patients with two options: eat marijuana or smoke it.<sup>44</sup> But the most vulnerable patients with the most debilitating medical conditions cannot use this medicine through either of these methods. Marijuana extracts, however, are easy for all patients to ingest and can be manipulated to best suit a patient's needs.<sup>45</sup> The ability to manipulate the marijuana plant means, for example, that marijuana's non-psychoactive components can be isolated from THC, the principal psychoactive component of marijuana. This isolation process allows patients, and children in particular, to benefit from the medicine without experiencing any psychoactive effects from THC.<sup>46</sup> If marijuana extracts are not

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<sup>42</sup> A.R.S. § 36-2801 *et seq.*

<sup>43</sup> *State v. Jones*, 245 Ariz. 46, ¶ 9 (App. 2018).

<sup>44</sup> *Id.* at ¶ 14.

<sup>45</sup> *See* Troutt Declaration at APP-036, ¶¶ 11-12.

<sup>46</sup> *See* Patient Declarations.

permitted, patients will be unable to customize the medicine to their specific needs. Fortunately, the Department of Health Services (DHS), sanctions the possession and use of marijuana extracts by qualifying patients. As a result, state-licensed dispensaries sell extracts, such as CBD oil, tinctures, tonics, hash, and infused edible and non-edible products, to patients who use them to ease their suffering and improve their quality of life.<sup>47</sup> Many patients have come to wholly rely on marijuana extracts to treat their debilitating medical conditions.<sup>48</sup>

For example, Lacey White suffers from cerebral palsy and a severe cognitive disorder.<sup>49</sup> Although she is almost 22 years old, she has the intellectual function of a nine-month-old infant and is unable to walk, talk, or feed herself.<sup>50</sup> Lacey suffers from uncontrollable spasms, chronic pain, and seizures and requires constant care.<sup>51</sup>

Prior to AMMA, Lacey was prescribed a regimen of pharmaceutical medications.<sup>52</sup> Her doctors and parents tried countless drugs to control her seizures

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<sup>47</sup> R9-17-304(C)(8)(b)(v)-(vi) (requiring dispensary by-laws to include “whether the dispensary plans to: ... [p]repare, sell, or dispense marijuana-infused edible food products [and] marijuana-infused non-edible products...”); *see* ARIZ. DEP’T OF HEALTH SERVS., MEDICAL MARIJUANA VERIFICATION SYSTEM DISPENSARY HANDBOOK 11 (2017), <https://www.azdhs.gov/documents/licensing/medical-marijuana/dispensaries/dispensary-handbook.pdf> (providing that “[n]on-edibles are any non-edible items, *such as concentrates*, sold that contain medical marijuana”) (emphasis added).

<sup>48</sup> *See* Patient Declarations.

<sup>49</sup> Patient Declarations at APP-010-013 (Robbin White Declaration).

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

and provide relief from severe pain that caused constant screaming, crying, and anger fits.<sup>53</sup> Unfortunately, nothing worked, and these medications caused horrific side effects and withdrawal symptoms when discontinued.<sup>54</sup>

Today, Lacey is much better. With the use of marijuana extracts, Lacey goes for months without suffering a seizure.<sup>55</sup> She is much calmer and once-common spasms in her legs and feet rarely occur.<sup>56</sup> Prior to treatment with marijuana extracts, Lacey never laughed or smiled.<sup>57</sup> Now, she laughs and smiles “all the time.”<sup>58</sup> She can express love for her parents and is able to hug them.<sup>59</sup>

Holding that AMMA does not permit the use of marijuana extracts, the Court of Appeals’ ruling in this case threatens to strip patients like Lacey of life-changing gains. Patients and their caregivers now face an impossible choice: continue treatment and risk arrest, prosecution, and imprisonment,<sup>60</sup> or cease the use of medicine that has eased previously intractable pain and suffering. This Court’s review is necessary to correct the legal errors in the decision below and to ensure

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<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

<sup>60</sup> *State v. Jones*, 245 Ariz. 46, ¶¶ 1-2 (App. 2018) (upholding qualifying patient’s arrest, prosecution, and sentence of 2.5 years’ imprisonment for possessing 0.050 ounces of hashish, which he acquired at a state-licensed dispensary).

that qualified patients throughout Arizona can reliably and lawfully access the medicine they need.

## **II. ARGUMENT**

### **A. The Majority’s Opinion Contradicts the Text of AMMA and the Voters’ Clear Intent to Expand Medical Options for Patients with Debilitating Medical Conditions.**

This case presents a straightforward question of statutory construction and intent: whether AMMA’s “broad[]” and “sweeping” immunity<sup>61</sup> applies equally to the flowers of the marijuana plant and to extracts made or prepared from that plant. Both the text of AMMA and the initiative’s supporting materials<sup>62</sup> plainly demonstrate that the answer is yes.

The voters intended for patients like *Amici Curiae* to be able to lawfully access medical marijuana in the form most helpful to them. Dissenting from the majority opinion, Judge Jones correctly relied on the text of the statute to reach the same conclusion. He explained that AMMA “defines ‘marijuana’ broadly to include ‘all parts of any plant of the genus *cannabis* whether growing or not, and the seeds of such plant.’”<sup>63</sup> Based on this definition, Judge Jones reasoned that component

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<sup>61</sup> *Reed-Kalisher v. Hoggatt*, 237 Ariz. 119, 122, ¶ 8 (2015).

<sup>62</sup> ARIZ. SEC’Y OF STATE, ARIZONA BALLOT PROPOSITION GUIDE, GENERAL ELECTION – NOVEMBER 2010 at 73 (2010), <https://apps.azsos.gov/election/2010/info/PubPamphlet/english/e-book.pdf> [hereinafter 2010 VOTER GUIDE].

<sup>63</sup> *State v. Jones*, 245 Ariz. 46, ¶ 19 (app. 2018) (Jones, J., dissenting) (citing A.R.S. § 36-2801(8)).

parts “extracted from the marijuana plant ... [are] a part of the plant of the genus cannabis, just as sap is a part of a tree.”<sup>64</sup> This broad definition “clearly encompasses all forms of the marijuana plant, including its resin, and is consistent with the spirit and purpose of the AMMA.”<sup>65</sup>

The unambiguous and broad definition of marijuana is just one of multiple provisions in the statute that demonstrate the voters’ intent to allow medical marijuana extracts. For example, the statute distinguishes between “smoking” and other “use” of marijuana. AMMA forbids patients from “possessing or engaging in the medical *use* of marijuana” in certain locations, like schools or correctional facilities.<sup>66</sup> It also specifically forbids “*smoking* marijuana” in other locations, like public places.<sup>67</sup> Plus, AMMA specifically allows certain facilities, like “assisted living homes,” to adopt a restriction “[t]hat marijuana be consumed by a method *other than smoking*.”<sup>68</sup> Thus, the law clearly contemplates that patients can consume medical marijuana by means other than smoking the plant. And according to a locally-recognized medical marijuana expert, “[c]annabis preparations that are consumed as food or drink *typically involve cannabis extractions rather than just*

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<sup>64</sup> *Id.*

<sup>65</sup> *Id.* at ¶ 16.

<sup>66</sup> A.R.S. § 36-2802(B) (emphasis added).

<sup>67</sup> A.R.S. § 36-2802(C) (emphasis added).

<sup>68</sup> A.R.S. § 36-2805(A)(3) (emphasis added).

*plant material.*”<sup>69</sup> The Court of Appeals’ conclusion to the contrary discounts these provisions and therefore violates basic rules of statutory construction.

AMMA’s qualifying conditions also support the conclusion that the voters intended for the law’s immunity to include marijuana extracts. For example, AMMA decriminalizes medical marijuana use for patients who suffer from amyotrophic lateral sclerosis (ALS).<sup>70</sup> Patients with advanced ALS have great difficulty breathing and swallowing and so it can be physically impossible for them to eat or smoke raw plant material.<sup>71</sup> However, these patients can consume an extract simply by placing a few drops on the tongue.<sup>72</sup> It is illogical to interpret AMMA as allowing people with ALS to qualify as patients under the law but then to prohibit them from using the medicine in the only form they are physically capable of consuming.

Moreover, nothing in the 2010 Voter Guide supports the majority’s conclusion that qualifying patients are only permitted to use un-manipulated plant material to treat their debilitating medical conditions. The definition of marijuana in Arizona’s criminal code does not include the resin that can be extracted from the plant. But voters were told in the 2010 Voter Guide that “[a] ‘yes’ vote [for AMMA]

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<sup>69</sup> Troutt Declaration at APP-035, ¶ 9 (emphasis added).

<sup>70</sup> A.R.S. § 36-2801(3).

<sup>71</sup> Troutt Declaration at APP-036, ¶ 11.

<sup>72</sup> *Id.*

shall have the effect of authorizing the use of medical marijuana for people with debilitating medical conditions [and a] ‘no’ vote shall have the effect of *retaining current law* regarding the use of marijuana.”<sup>73</sup> By passing AMMA, voters specifically rejected “retaining current law” as it would apply to qualifying patients. The majority therefore erred in superimposing the older criminal code’s definition of marijuana onto the newer AMMA.<sup>74</sup>

Both the text of AMMA and its ballot materials demonstrate that voters intended to give patients flexibility in how they ingest medical marijuana. The majority’s contrary decision unjustifiably limits patients’ options and leaves them fearful of criminal prosecution and imprisonment.

**B. The Majority’s Opinion Will Irreparably Harm Patients, Including Parents and Their Children, Who Rely on Marijuana Extracts to Treat Their Debilitating Medical Conditions.**

The Court of Appeals’ legal error has grave implications for vulnerable patients. In passing AMMA, voters in Arizona intended for parents like Wendy Wise, Paola Gaudio, Robbin White, Marisa Mansouri-Rad, and many others to be able to lawfully treat their children’s debilitating conditions with medical

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<sup>73</sup> 2010 VOTER GUIDE, *supra* note 60, at 88 (emphasis added).

<sup>74</sup> *State v. Jones*, 245 Ariz. 46, ¶ 9 (App. 2018) (holding AMMA retains “preexisting law distinguishing between cannabis and marijuana”). *Contra* 2010 VOTER GUIDE, *supra* note 60, at 88 (expressly stating that *only* “[a] ‘no’ vote shall have the effect of retaining current law regarding the use of marijuana.”)

marijuana.<sup>75</sup> The decision below strips patients and their caregivers of AMMA’s immunity,<sup>76</sup> even though this Court has previously characterized that immunity as “broad[]” and “sweeping.”<sup>77</sup>

Marijuana extracts, such as CBD oil, can provide significant relief to patients, including children who suffer from medical conditions as debilitating as severe seizure disorders.<sup>78</sup> Many parents who successfully treat their children with CBD oil use an extract that has higher concentrations of cannabidiol than is available from the marijuana plant.<sup>79</sup> These oils are less psychoactive than the “relatively benign flowers of the marijuana plant.”<sup>80</sup>

For many patients, these extracts have been effective after traditional medications and narcotic drugs have failed.<sup>81</sup> The effect of marijuana extracts has been life-changing for Amici Curiae. As Wendy Wise explains, without access to marijuana extracts, she fears she would “lose” her 6-year-old son, William, who

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<sup>75</sup> See 2010 VOTER GUIDE at 73, 88.

<sup>76</sup> *Jones*, 245 Ariz. at ¶¶ 1-2.

<sup>77</sup> *Reed-Kalisher v. Hoggatt*, 237 Ariz. 119, 122, ¶ 8 (2015).

<sup>78</sup> Patient Declarations; Troutt Declaration.

<sup>79</sup> Patients Declarations; some parents are advised to supplement CBD oil with small amounts of THC in cases where the THC can enhance the anti-seizure effects of CBD. To do this requires precision dosing that is only possible with the use of extracts. Troutt Declaration at APP-036, ¶ 11.

<sup>80</sup> See *Jones*, 245 Ariz. at ¶ 14. The majority’s analysis erroneously assumed that the sole purpose of extraction processes is to increase the psychoactive potency of marijuana. In fact, many patients use the extraction process to make the medicine *less* psychoactive than the un-manipulated plant.

<sup>81</sup> Patients Declarations.



successfully treats his epilepsy through the careful administration of such extracts.<sup>82</sup> Similarly, Paola Gaudio, a registered nurse, is only able to control her son Gabriel's seizures with medical marijuana extracts.<sup>83</sup> Gabriel was diagnosed with epilepsy at six months old and is currently diagnosed with Lennox-Gastaut Syndrome, which used to cause him to suffer 15-20 seizures every day, including "drop seizures" during which Gabriel "literally collaps[ed] to the floor."<sup>84</sup> With the use of marijuana extracts, Gabriel now has only two to five seizures a day and no longer suffers from drop seizures.<sup>85</sup> As his mother explains, the use of these extracts allows Gabriel to "live a semi-normal life with such a debilitating disease."<sup>86</sup>

Sommer Mutter's son, Ethyn, is another patient who is unable to find relief from traditional medication yet thrives when using marijuana extracts to treat his debilitating conditions. Ethyn is a 13-year -old boy who suffers from severe and complex medical conditions, including type 1 diabetes, autism, and epilepsy.<sup>87</sup> He also suffers from chronic pain and discomfort associated with neuropathy, celiac disease, and arthritis.<sup>88</sup> Due to his severe autism, Ethyn's cognitive, motor, and oral

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<sup>82</sup> *Id.* at APP-014-17 (Wendy Wise Declaration).

<sup>83</sup> *Id.* at APP-018-20 (Paola Gaudio Declaration).

<sup>84</sup> *Id.*

<sup>85</sup> *Id.*

<sup>86</sup> *Id.*

<sup>87</sup> *Id.* at APP-021-24 (Sommer Mutter Declaration).

<sup>88</sup> *Id.*

motor functions are impaired.<sup>89</sup> He cannot perform many normal bodily movements that would be necessary to ingest medical marijuana in a form other than an extract.<sup>90</sup> Additionally, Ethyn’s autism makes him particularly sensitive to taste, smell, and texture.<sup>91</sup> As a result, his mother cannot administer leafy plant material to her son, but she can give him marijuana extracts.<sup>92</sup>

Prior to using these extracts Ethyn averaged five to eight seizures a day.<sup>93</sup> He was unhappy and in constant pain.<sup>94</sup> But now, with the precise dosing that marijuana extracts permit, Ethyn is “thriving.”<sup>95</sup> He has suffered only 11 seizures in three years and is now able to regularly attend school.<sup>96</sup> Through the controlled use of marijuana extracts, Ethyn is “the happiest he has ever been in his young life.”<sup>97</sup>

The Court of Appeals’ decision below leaves patients like William, Gabriel, and Ethyn without lawful access to their life-changing medicine. If this Court leaves that decision undisturbed, vulnerable patients throughout Arizona will suffer irreparable harm.

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<sup>89</sup> *Id.*

<sup>90</sup> *Id.*

<sup>91</sup> *Id.*

<sup>92</sup> *Id.*

<sup>93</sup> *Id.*

<sup>94</sup> *Id.*

<sup>95</sup> *Id.*

<sup>96</sup> *Id.*

<sup>97</sup> *Id.*

### III. CONCLUSION

This case involves a legal error that affects the liberty and physical well-being of many patients throughout the state. Because of its importance, Amici Curiae, who are patients, parents, and caregivers, respectfully urge this Court to accept jurisdiction and reverse the opinion below.

Respectfully submitted this 31st day of October 2018.

By /s/Jared G. Keenan

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