



Assisted Living Advisory Council
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Medical Marijuana Practices in Other States – Talking Points

In Colorado, the first state to make marijuana legal for both medical and recreational purposes, senior living providers have chosen different ways to approach the state's marijuana laws.

- Emeritus / Brookdale Senior Living, which operates many assisted living and retirement communities in Colorado, has a medical marijuana policy in the states where it is legal that allows patients to oversee the storage, control and use of the drug. Residents must have a valid physician's order and follow state-specific regulations if they want to store, control or use it.
- While residents can possess and store marijuana, Brookdale Communities will not store or manage medical marijuana for residents because it remains illegal under federal law.
- Many other providers still choose not to allow use of the drug.
- Although residents' Civil Rights have been a concern in communities that do not allow use of the drug, there has not been any formally documented cases yet.
- Healthcare attorney Fred Miles, of Denver, Colorado-based law firm Miles & Peters states that providers that utilize Medicare, Medicaid or other federal funds run a risk of losing federal funding should they even create policies that condone usage of something federally classified as illegal. While those who lobby in favor of medical marijuana laws say federal action against senior living providers who align with state laws is highly unlikely, Miles says even publishing procedures on the issue can engage a "slippery slope."
- Last year, 44% of Americans aged 50 to 64 and 17% of those 65 and older had tried marijuana, according to a Gallup poll. That's more than double the amount of seniors who had tried marijuana in 1999. This trend is expected to continue, sparking the need for action.
- Many providers implement a "Don't ask, don't tell" policy, Miles says, adding that it's much easier to look the other way than address the issue head on. This has been confirmed by the President of the Colorado Health Care Association.
- Possible questions operators must address if creating a policy:
 - Are the premises private or public?
 - How can it be ingested?
 - What if residents have roommates?
 - Who is going to undertake storage?
 - Will it be treated like a narcotic?
- It is not expected that having a medical marijuana policy has notably impacted marketability of a facility as of yet, but at some point it might.
- Some cities and Indian Reservations have legalization policies separate from their surrounding states.