

REFERENCE TITLE: **medical marijuana; packaging; labeling**

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

HB 2064

Introduced by
Representative Leach

AN ACT

AMENDING SECTION 36-2806, ARIZONA REVISED STATUTES; RELATING TO MEDICAL MARIJUANA.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Subject to the requirements of article IV, part 1,
3 section 1, Constitution of Arizona, section 36-2806, Arizona Revised
4 Statutes, is amended to read:

5 36-2806. Registered nonprofit medical marijuana dispensaries;
6 requirements; prohibitions; definition

7 A. A registered nonprofit medical marijuana dispensary shall be
8 operated on a not-for-profit basis. The bylaws of a registered nonprofit
9 medical marijuana dispensary shall contain such provisions relative to the
10 disposition of revenues and receipts to establish and maintain its
11 nonprofit character. A registered nonprofit medical marijuana dispensary
12 need not be recognized as tax-exempt by the internal revenue service and
13 is not required to incorporate pursuant to title 10, chapter 19,
14 article 1.

15 B. The operating documents of a registered nonprofit medical
16 marijuana dispensary shall include procedures for the oversight of the
17 registered nonprofit medical marijuana dispensary and procedures to ensure
18 accurate recordkeeping.

19 C. A registered nonprofit medical marijuana dispensary shall have a
20 single secure entrance and shall implement appropriate security measures
21 to deter and prevent the theft of marijuana and unauthorized entrance into
22 areas containing marijuana.

23 D. A registered nonprofit medical marijuana dispensary is
24 prohibited from acquiring, possessing, cultivating, manufacturing,
25 delivering, transferring, transporting, supplying or dispensing marijuana
26 for any purpose except to assist registered qualifying patients with the
27 medical use of marijuana directly or through the registered qualifying
28 patients' designated caregivers.

29 E. All cultivation of marijuana must take place in an enclosed,
30 locked facility at a physical address provided to the department during
31 the registration process, which can only be accessed by registered
32 nonprofit medical marijuana dispensary agents associated in the registry
33 with the nonprofit medical marijuana dispensary.

34 F. A registered nonprofit medical marijuana dispensary may acquire
35 usable marijuana or marijuana plants from a registered qualifying patient
36 or a registered designated caregiver only if the registered qualifying
37 patient or registered designated caregiver receives no compensation for
38 the marijuana.

39 G. A nonprofit medical marijuana dispensary shall not ~~permit~~:

40 1. ALLOW any person to consume marijuana on the property of a
41 nonprofit medical marijuana dispensary.

42 2. ACQUIRE, POSSESS, MANUFACTURE OR SELL A MARIJUANA PRODUCT THAT
43 IS PACKAGED OR LABELED IN A MANNER THAT IS ATTRACTIVE TO MINORS.

1 H. Registered nonprofit medical marijuana dispensaries are subject
2 to reasonable inspection by the department. The department shall give
3 reasonable notice of an inspection under this subsection.

4 I. FOR THE PURPOSES OF THIS SECTION, "ATTRACTIVE TO MINORS" MEANS
5 PACKAGING, LABELING OR MARKETING THAT FEATURES ANY OF THE FOLLOWING:

6 1. A CARTOON.

7 2. A DESIGN, BRAND OR NAME THAT RESEMBLES A NONCANNABIS CONSUMER
8 PRODUCT OF THE TYPE THAT IS TYPICALLY MARKETED TO MINORS.

9 3. A SYMBOL OR CELEBRITY IMAGE THAT IS COMMONLY USED TO MARKET
10 PRODUCTS TO MINORS.

11 4. AN IMAGE OF MINORS.

12 5. WORDS THAT REFER TO PRODUCTS THAT ARE COMMONLY ASSOCIATED WITH
13 MINORS OR MARKETED BY MINORS.

14 Sec. 2. Requirements for enactment; three-fourths vote

15 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
16 section 36-2806, Arizona Revised Statutes, as amended by this act, is
17 effective only on the affirmative vote of at least three-fourths of the
18 members of each house of the legislature.