

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

HOUSE BILL 2061

AN ACT

AMENDING SECTIONS 36-2803 AND 36-2804.04, ARIZONA REVISED STATUTES; RELATING TO THE ARIZONA MEDICAL MARIJUANA ACT.

(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 36-2803, Arizona Revised
4 Statutes, is amended to read:

5 36-2803. Rulemaking; notice

6 A. ~~Not later than one hundred twenty days after the effective date of~~
7 ~~this chapter.~~ The department shall adopt rules:

8 1. Governing the manner in which the department ~~shall consider~~
9 **CONSIDERS** petitions from the public to add debilitating medical conditions or
10 treatments to the list of debilitating medical conditions set forth in
11 section 36-2801, paragraph 3, including public notice of, and an opportunity
12 to comment in a public hearing ~~upon~~ **ON**, petitions.

13 2. Establishing the form and content of registration and renewal
14 applications submitted under this chapter.

15 3. Governing the manner in which ~~it shall consider~~ **THE DEPARTMENT**
16 **CONSIDERS** applications for and renewals of registry identification cards.

17 4. Governing nonprofit medical marijuana dispensaries, for the purpose
18 of protecting against diversion and theft without imposing an undue burden on
19 nonprofit medical marijuana dispensaries or compromising the confidentiality
20 of cardholders, including:

21 (a) The manner in which the department ~~shall consider~~ **CONSIDERS**
22 applications for and renewals of registration certificates.

23 (b) Minimum oversight requirements for nonprofit medical marijuana
24 dispensaries.

25 (c) Minimum recordkeeping requirements for nonprofit medical marijuana
26 dispensaries.

27 (d) Minimum security requirements for nonprofit medical marijuana
28 dispensaries, including requirements for protection of each registered
29 nonprofit medical marijuana dispensary location by a fully operational
30 security alarm system.

31 (e) Procedures for suspending or revoking the registration certificate
32 of nonprofit medical marijuana dispensaries that violate ~~the provisions of~~
33 ~~this chapter or the rules adopted pursuant to this section.~~

34 5. Establishing application and renewal fees for registry
35 identification cards and nonprofit medical marijuana dispensary registration
36 certificates, according to the following:

37 (a) The total amount of all fees shall generate revenues sufficient to
38 implement and administer this chapter, except that fee revenue may be offset
39 or supplemented by private donations.

40 (b) Nonprofit medical marijuana dispensary application fees may not
41 exceed \$5,000.

42 (c) Nonprofit medical marijuana dispensary renewal fees may not exceed
43 \$1,000.

1 (d) The total amount of revenue from nonprofit medical marijuana
2 dispensary application and renewal fees and registry identification card fees
3 for nonprofit medical marijuana dispensary agents shall be sufficient to
4 implement and administer the nonprofit medical marijuana dispensary
5 provisions of this chapter, including the verification system, except that
6 the fee revenue may be offset or supplemented by private donations.

7 (e) The department may establish a sliding scale of patient
8 application and renewal fees based ~~upon~~ ON a qualifying patient's household
9 income.

10 (f) The department may consider private donations under section
11 36-2817 to reduce application and renewal fees.

12 B. THE DEPARTMENT SHALL ADOPT RULES THAT REQUIRE EACH NONPROFIT
13 MEDICAL MARIJUANA DISPENSARY TO DISPLAY IN A CONSPICUOUS LOCATION A SIGN THAT
14 WARNS PREGNANT WOMEN ABOUT THE POTENTIAL DANGERS TO FETUSES CAUSED BY SMOKING
15 OR INGESTING MARIJUANA WHILE PREGNANT OR TO INFANTS WHILE BREASTFEEDING AND
16 THE RISK OF BEING REPORTED TO THE DEPARTMENT OF CHILD SAFETY DURING PREGNANCY
17 OR AT THE BIRTH OF THE CHILD BY PERSONS WHO ARE REQUIRED TO REPORT. THE
18 RULES SHALL INCLUDE THE SPECIFIC WARNING LANGUAGE THAT MUST BE INCLUDED ON
19 THE SIGN. THE COST AND DISPLAY OF THE SIGN REQUIRED BY RULE SHALL BE BORNE
20 BY THE NONPROFIT MEDICAL MARIJUANA DISPENSARY. THE RULES SHALL ALSO REQUIRE
21 EACH CERTIFYING PHYSICIAN TO ATTEST THAT THE PHYSICIAN HAS PROVIDED
22 INFORMATION TO EACH QUALIFYING FEMALE PATIENT THAT WARNS ABOUT THE POTENTIAL
23 DANGERS TO FETUSES CAUSED BY SMOKING OR INGESTING MARIJUANA WHILE PREGNANT OR
24 TO INFANTS WHILE BREASTFEEDING AND THE RISK OF BEING REPORTED TO THE
25 DEPARTMENT OF CHILD SAFETY DURING PREGNANCY OR AT THE BIRTH OF THE CHILD BY
26 PERSONS WHO ARE REQUIRED TO REPORT.

27 ~~B-~~ C. The department is authorized to adopt the rules set forth in
28 ~~subsection~~ SUBSECTIONS A AND B OF THIS SECTION and shall adopt those rules
29 pursuant to title 41, chapter 6.

30 D. THE DEPARTMENT SHALL POST PROMINENTLY ON ITS PUBLIC WEBSITE A
31 WARNING ABOUT THE POTENTIAL DANGERS TO FETUSES CAUSED BY SMOKING OR INGESTING
32 MARIJUANA WHILE PREGNANT OR TO INFANTS WHILE BREASTFEEDING AND THE RISK OF
33 BEING REPORTED TO THE DEPARTMENT OF CHILD SAFETY DURING PREGNANCY OR AT THE
34 BIRTH OF THE CHILD BY PERSONS WHO ARE REQUIRED TO REPORT.

35 Sec. 2. Subject to the requirements of article IV, part 1, section 1,
36 Constitution of Arizona, section 36-2804.04, Arizona Revised Statutes, is
37 amended to read:

38 36-2804.04. Registry identification cards

39 A. Registry identification cards for qualifying patients and
40 designated caregivers shall contain all of the following:

41 1. THE name, address and date of birth of the cardholder.

42 2. A statement of whether the cardholder is a qualifying patient or a
43 designated caregiver.

44 3. The date of issuance and expiration date of the registry
45 identification card.

1 4. A random ~~20-digit~~ TWENTY-DIGIT alphanumeric identification
2 number, containing at least four numbers and at least four letters, that is
3 unique to the cardholder.

4 5. If the cardholder is a designated caregiver, the random
5 identification number of the registered qualifying patient the designated
6 caregiver is assisting.

7 6. A photograph of the cardholder.

8 7. A clear indication of whether the cardholder has been authorized by
9 this chapter to cultivate marijuana plants for the qualifying patient's
10 medical use.

11 8. A WARNING TO PREGNANT WOMEN ABOUT THE POTENTIAL DANGERS TO FETUSES
12 CAUSED BY SMOKING OR INGESTING MARIJUANA WHILE PREGNANT OR TO INFANTS WHILE
13 BREASTFEEDING AND THE RISK OF BEING REPORTED TO THE DEPARTMENT OF CHILD
14 SAFETY DURING PREGNANCY OR AT THE BIRTH OF THE CHILD BY PERSONS WHO ARE
15 REQUIRED TO REPORT.

16 B. Registry identification cards for nonprofit medical marijuana
17 dispensary agents shall contain the following:

18 1. The name, address and date of birth of the nonprofit medical
19 marijuana dispensary agent.

20 2. A statement that the cardholder is a nonprofit medical marijuana
21 dispensary agent.

22 3. The legal name of the registered nonprofit medical marijuana
23 dispensary with which the nonprofit medical marijuana dispensary agent is
24 affiliated.

25 4. A random ~~20-digit~~ TWENTY-DIGIT alphanumeric identification number
26 that is unique to the cardholder.

27 5. The date of issuance and expiration date of the registry
28 identification card.

29 6. A photograph, if the department decides to require one.

30 C. If the registry identification card of either a qualifying patient
31 or the patient's designated caregiver does not state that the cardholder is
32 authorized to cultivate marijuana plants, ~~then~~ the department must give
33 written notice to the registered qualifying patient, when the qualifying
34 patient's registry identification card is issued, of the name and address of
35 all registered nonprofit medical marijuana dispensaries.

36 Sec. 3. Requirements for enactment; three-fourths vote

37 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
38 sections 36-2803 and 36-2804.04, Arizona Revised Statutes, as amended by this
39 act, are effective only on the affirmative vote of at least three-fourths of
40 the members of each house of the legislature.