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

Section 1. Subject to the requirements of article IV, part 1, section 1, Constitution of Arizona, section 36-2803, Arizona Revised Statutes, is amended to read:

36-2803. Rulemaking; notice

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

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

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

3. Governing the manner in which it shall consider applications for and renewals of registry identification cards.

4. Governing nonprofit medical marijuana dispensaries, for the purpose of protecting against diversion and theft without imposing an undue burden on nonprofit medical marijuana dispensaries or compromising the confidentiality of cardholders, including:
   (a) The manner in which the department shall consider applications for and renewals of registration certificates.
   (b) Minimum oversight requirements for nonprofit medical marijuana dispensaries.
   (c) Minimum recordkeeping requirements for nonprofit medical marijuana dispensaries.
   (d) Minimum security requirements for nonprofit medical marijuana dispensaries, including requirements for protection of each registered nonprofit medical marijuana dispensary location by a fully operational security alarm system.
   (e) Procedures for suspending or revoking the registration certificate of nonprofit medical marijuana dispensaries that violate the provisions of this chapter or the rules adopted pursuant to this section.

5. Establishing application and renewal fees for registry identification cards and nonprofit medical marijuana dispensary registration certificates, according to the following:
   (a) The total amount of all fees shall generate revenues sufficient to implement and administer this chapter, except that fee revenue may be offset or supplemented by private donations.
   (b) Nonprofit medical marijuana dispensary application fees may not exceed $5,000.
   (c) Nonprofit medical marijuana dispensary renewal fees may not exceed $1,000.
(d) The total amount of revenue from nonprofit medical marijuana dispensary application and renewal fees and registry identification card fees for nonprofit medical marijuana dispensary agents shall be sufficient to implement and administer the nonprofit medical marijuana provisions of this chapter, including the verification system, except that the fee revenue may be offset or supplemented by private donations.

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

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

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

B. C. The department is authorized to adopt the rules set forth in subsections A and B of this section and shall adopt those rules pursuant to title 41, chapter 6.

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

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

36-2804.04. Registry identification cards

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

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

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

3. The date of issuance and expiration date of the registry identification card.
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4. A random \textbf{20-digit TWENTY-DIGIT} alphanumeric identification number—containing at least four numbers and at least four letters—that is unique to the cardholder.

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

6. A photograph of the cardholder.

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

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

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

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

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

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

4. A random \textbf{20-digit TWENTY-DIGIT} alphanumeric identification number that is unique to the cardholder.

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

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

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

Sec. 3. \textbf{Requirements for enactment; three-fourths vote}

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