

REFERENCE TITLE: **medical marijuana card; fees; prohibition**

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

## **HB 2404**

Introduced by  
Representatives Leach, Thorpe: Finchem, Kern, Livingston, Petersen

**AN ACT**

**AMENDING SECTION 36-2803, 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 36-2803, Arizona Revised  
4 Statutes, is amended to read:  
5 36-2803. Rulemaking  
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 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 applications for  
22 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.  
44 (d) The total amount of revenue from nonprofit medical marijuana  
45 dispensary application and renewal fees and registry identification card fees

1 for nonprofit medical marijuana dispensary agents shall be sufficient to  
2 implement and administer the nonprofit medical marijuana dispensary  
3 provisions of this chapter, including the verification system, except that  
4 the fee revenue may be offset or supplemented by private donations.

5 (e) The department may establish a sliding scale of patient  
6 application and renewal fees based ~~upon~~ ON a qualifying patient's household  
7 income. THE DEPARTMENT MAY NOT PROVIDE A REDUCED FEE FOR A PATIENT  
8 APPLICATION OR RENEWAL IF THE PATIENT PARTICIPATES IN THE SUPPLEMENTAL  
9 NUTRITION ASSISTANCE PROGRAM ADMINISTERED BY THE UNITED STATES DEPARTMENT OF  
10 AGRICULTURE, FOOD AND NUTRITION SERVICE.

11 (f) The department may consider private donations under section  
12 36-2817 to reduce application and renewal fees.

13 B. The department is authorized to adopt the rules set forth in  
14 subsection A OF THIS SECTION and shall adopt those rules pursuant to title  
15 41, chapter 6.

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

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