

REFERENCE TITLE: **medical marijuana; fingerprinting; enforcement**

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

SCR 1021

Introduced by
Senator Borrelli

A CONCURRENT RESOLUTION

**ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE A MEASURE RELATING TO
THE ARIZONA MEDICAL MARIJUANA ACT.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the Senate of the State of Arizona, the House of
2 Representatives concurring:

3 1. Under the power of the referendum, as vested in the
4 Legislature, the following measure, relating to the Arizona medical
5 marijuana act, is enacted to become valid as a law if approved by the
6 voters and on proclamation of the Governor:

7 AN ACT

8 AMENDING SECTIONS 36-2801, 36-2804, 36-2804.01, 36-2804.06,
9 36-2806, 36-2810, 36-2816 AND 36-2819, ARIZONA REVISED
10 STATUTES; AMENDING TITLE 36, CHAPTER 28.1, ARIZONA REVISED
11 STATUTES, BY ADDING SECTION 36-2820; RELATING TO THE ARIZONA
12 MEDICAL MARIJUANA ACT.

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

14 Section 1. Section 36-2801, Arizona Revised Statutes,
15 is amended to read:

16 36-2801. Definitions

17 In this chapter, unless the context otherwise requires:

18 1. "Allowable amount of marijuana":

19 (a) With respect to a qualifying patient, ~~the~~
20 ~~"allowable amount of marijuana"~~ means:

21 (i) ~~Two-and-one-half~~ TWO AND ONE-HALF ounces of usable
22 marijuana. ~~;~~ ~~and~~

23 (ii) If the qualifying patient's registry
24 identification card states that the qualifying patient is
25 authorized to cultivate marijuana, twelve marijuana plants
26 contained in an enclosed, locked facility, except that the
27 plants are not required to be in an enclosed, locked facility
28 if the plants are being transported because the qualifying
29 patient is moving.

30 (b) With respect to a designated caregiver, ~~the~~
31 ~~"allowable amount of marijuana"~~ for each patient assisted by
32 the designated caregiver under this chapter, means:

33 (i) ~~Two-and-one-half~~ TWO AND ONE-HALF ounces of usable
34 marijuana. ~~;~~ ~~and~~

35 (ii) If the designated caregiver's registry
36 identification card provides that the designated caregiver is
37 authorized to cultivate marijuana, twelve marijuana plants
38 contained in an enclosed, locked facility, except that the
39 plants are not required to be in an enclosed, locked facility
40 if the plants are being transported because the designated
41 caregiver is moving.

42 (c) DOES NOT INCLUDE marijuana that is incidental to
43 medical use, but is not usable marijuana ~~as defined in this~~
44 ~~chapter, shall not be counted toward a qualifying patient's or~~
45 ~~designated caregiver's allowable amount of marijuana.~~

1 2. "Cardholder" means a qualifying patient, a
2 designated caregiver or a nonprofit medical marijuana
3 dispensary agent who has been issued and possesses a valid
4 registry identification card.

5 3. "Debilitating medical condition" means one or more
6 of the following:

7 (a) Cancer, glaucoma, positive status for human
8 immunodeficiency virus, acquired immune deficiency syndrome,
9 hepatitis C, amyotrophic lateral sclerosis, Crohn's
10 disease, ~~OR~~ agitation of Alzheimer's disease or the treatment
11 of these conditions.

12 (b) A chronic or debilitating disease or medical
13 condition or its treatment that produces one or more of the
14 following:

15 (i) Cachexia or wasting syndrome. ~~;~~

16 (ii) Severe and chronic pain. ~~;~~

17 (iii) Severe nausea. ~~;~~

18 (iv) Seizures, including those characteristic of
19 epilepsy. ~~;~~ ~~OR~~

20 (v) Severe and persistent muscle spasms, including
21 those characteristic of multiple sclerosis.

22 (c) Any other medical condition or its treatment added
23 by the department pursuant to section 36-2801.01.

24 4. "Department" means the ~~Arizona~~ department of health
25 services or its successor agency.

26 5. "Designated caregiver" means a person who:

27 (a) Is at least twenty-one years of age.

28 (b) Has agreed to assist with a patient's medical use
29 of marijuana.

30 (c) Has ~~not been convicted of an excluded felony~~
31 ~~offense~~ A VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO
32 TITLE 41, CHAPTER 12, ARTICLE 3.1.

33 (d) Assists ~~no~~ NOT more than five qualifying patients
34 with the medical use of marijuana.

35 (e) May receive reimbursement for actual costs incurred
36 in assisting a registered qualifying patient's medical use of
37 marijuana if the registered designated caregiver is connected
38 to the registered qualifying patient through the department's
39 registration process. The designated caregiver may not be
40 paid any fee or compensation for ~~his~~ service as a caregiver.
41 Payment for costs under this subdivision ~~shall~~ DOES not
42 constitute an offense under title 13, chapter 34 or under
43 title 36, chapter 27, article 4.

1 6. "Enclosed, locked facility" means a closet, room,
2 greenhouse or other enclosed area THAT IS equipped with locks
3 or other security devices that permit access only by a
4 cardholder.

5 ~~7. "Excluded felony offense" means:~~

6 ~~(a) A violent crime as defined in section 13-901.03,~~
7 ~~subsection B, that was classified as a felony in the~~
8 ~~jurisdiction where the person was convicted.~~

9 ~~(b) A violation of a state or federal controlled~~
10 ~~substance law that was classified as a felony in the~~
11 ~~jurisdiction where the person was convicted but does not~~
12 ~~include:~~

13 ~~(i) An offense for which the sentence, including any~~
14 ~~term of probation, incarceration or supervised release, was~~
15 ~~completed ten or more years earlier.~~

16 ~~(ii) An offense involving conduct that would be immune~~
17 ~~from arrest, prosecution or penalty under section 36-2811,~~
18 ~~except that the conduct occurred before the effective date of~~
19 ~~this chapter or was prosecuted by an authority other than the~~
20 ~~state of Arizona.~~

21 ~~8.~~ 7. "Marijuana" means all parts of any plant of the
22 genus cannabis whether growing or not, and the seeds of such
23 plant.

24 ~~9.~~ 8. "Medical use" means the acquisition, possession,
25 cultivation, manufacture, use, administration, delivery,
26 transfer or transportation of marijuana or paraphernalia
27 relating to the administration of marijuana to treat or
28 alleviate a registered qualifying patient's debilitating
29 medical condition or symptoms associated with the patient's
30 debilitating medical condition.

31 ~~11.~~ 9. "Nonprofit medical marijuana dispensary" means
32 a not-for-profit entity that acquires, possesses, cultivates,
33 manufactures, delivers, transfers, transports, supplies, sells
34 or dispenses marijuana or related supplies and educational
35 materials to cardholders. A nonprofit medical marijuana
36 dispensary may receive payment for all expenses incurred in
37 its operation.

38 10. "Nonprofit medical marijuana dispensary agent"
39 means a principal officer, board member, employee or volunteer
40 of a nonprofit medical marijuana dispensary who is at least
41 twenty-one years of age and has ~~not been convicted of an~~
42 ~~excluded felony offense~~ A VALID FINGERPRINT CLEARANCE CARD
43 ISSUED PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1.

1 ~~12.~~ 11. "Physician" means a doctor of medicine who
2 holds a valid and existing license to practice medicine
3 pursuant to title 32, chapter 13 or its successor, a doctor of
4 osteopathic medicine who holds a valid and existing license to
5 practice osteopathic medicine pursuant to title 32, chapter 17
6 or its successor, a naturopathic physician who holds a valid
7 and existing license to practice naturopathic medicine
8 pursuant to title 32, chapter 14 or its successor or a
9 homeopathic physician who holds a valid and existing license
10 to practice homeopathic medicine pursuant to title 32, chapter
11 29 or its successor.

12 ~~13.~~ 12. "Qualifying patient" means a person who has
13 been diagnosed by a physician as having a debilitating medical
14 condition.

15 ~~14.~~ 13. "Registry identification card" means a
16 document issued by the department that identifies a person as
17 a registered qualifying patient, A registered designated
18 caregiver or a registered nonprofit medical marijuana
19 dispensary agent.

20 ~~15.~~ 14. "Usable marijuana":

21 (a) Means the dried flowers of the marijuana plant, and
22 any mixture or preparation thereof. ~~, but~~

23 (b) Does not include:

24 (i) The seeds, stalks and roots of the plant. ~~and does~~
25 ~~not include~~

26 (ii) The weight of any non-marijuana ingredients
27 combined with marijuana and prepared for consumption as food
28 or drink.

29 ~~16.~~ 15. "Verification system" means a secure,
30 password-protected, web-based system ~~THAT IS~~ established and
31 maintained by the department ~~AND~~ that is available to law
32 enforcement personnel and nonprofit medical marijuana
33 dispensary agents on a ~~twenty-four-hour~~ TWENTY-FOUR-HOUR basis
34 for verification of registry identification cards.

35 ~~17.~~ 16. "Visiting qualifying patient" means a person:

36 (a) Who is not a resident of Arizona or who has been a
37 resident of Arizona less than thirty days.

38 (b) Who has been diagnosed with a debilitating medical
39 condition by a person who is licensed with authority to
40 prescribe drugs to humans in the state of the person's
41 residence or, in the case of a person who has been a resident
42 of Arizona less than thirty days, the state of the person's
43 former residence.

44 ~~18.~~ 17. "Written certification" means a document dated
45 and signed by a physician, stating that in the physician's

1 professional opinion the patient is likely to receive
2 therapeutic or palliative benefit from the medical use of
3 marijuana to treat or alleviate the patient's debilitating
4 medical condition or symptoms associated with the debilitating
5 medical condition. The physician must:

6 (a) Specify the qualifying patient's debilitating
7 medical condition in the written certification.

8 (b) Sign and date the written certification only in the
9 course of a physician-patient relationship after the physician
10 has completed a full assessment of the qualifying patient's
11 medical history.

12 Sec. 2. Section 36-2804, Arizona Revised Statutes, is
13 amended to read:

14 36-2804. Registration and certification of nonprofit
15 medical marijuana dispensaries

16 A. Nonprofit medical marijuana dispensaries shall
17 register with the department.

18 B. Not later than ninety days after receiving an
19 application for a nonprofit medical marijuana dispensary, the
20 department shall register the nonprofit medical marijuana
21 dispensary and issue a registration certificate and a random
22 ~~20-digit~~ TWENTY-DIGIT alphanumeric identification number if:

23 1. The prospective nonprofit medical marijuana
24 dispensary has submitted the following:

25 (a) The application fee.

26 (b) An application, including:

27 (i) The legal name of the nonprofit medical marijuana
28 dispensary.

29 (ii) The physical address of the nonprofit medical
30 marijuana dispensary and the physical address of one
31 additional location, if any, where marijuana will be
32 cultivated, neither of which may be within five hundred feet
33 of a public or private school existing before the date of the
34 nonprofit medical marijuana dispensary application.

35 (iii) The name, address and date of birth of each
36 principal officer and board member of the nonprofit medical
37 marijuana dispensary.

38 (iv) The name, address and date of birth of each
39 nonprofit medical marijuana dispensary agent.

40 (c) Operating procedures consistent with department
41 rules for oversight of the nonprofit medical marijuana
42 dispensary, including procedures to ensure accurate ~~record-~~
43 ~~keeping~~ RECORDKEEPING and adequate security measures.

44 (d) If the city, town or county in which the nonprofit
45 medical marijuana dispensary would be located has enacted

1 zoning restrictions, a sworn statement certifying that the
2 registered nonprofit medical marijuana dispensary is in
3 compliance with the restrictions.

4 (e) FOR RENEWAL APPLICATIONS, DOCUMENTATION THAT ALL
5 STATE AND LOCAL TAX DEFICIENCIES ARE PAID OR TEMPORARILY
6 RELEASED.

7 2. ~~None~~ EACH of the principal officers or board members
8 has ~~been convicted of an excluded felony offense~~ A VALID
9 FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO TITLE 41,
10 CHAPTER 12, ARTICLE 3.1.

11 3. None of the principal officers or board members has
12 served as a principal officer or board member for a registered
13 nonprofit medical marijuana dispensary that has had its
14 registration certificate revoked.

15 4. None of the principal officers or board members is
16 under twenty-one years of age.

17 C. The department may not issue more than one nonprofit
18 medical marijuana dispensary registration certificate for
19 every ten pharmacies that have registered under section
20 32-1929, have obtained a pharmacy permit from the Arizona
21 STATE board of pharmacy and operate within the state except
22 that the department may issue nonprofit medical marijuana
23 dispensary registration certificates in excess of this limit
24 if necessary to ensure that the department issues at least one
25 nonprofit medical marijuana dispensary registration
26 certificate in each county in which an application has been
27 approved.

28 ~~D. The department may conduct a criminal records check~~
29 ~~in order to carry out this section.~~

30 Sec. 3. Section 36-2804.01, Arizona Revised Statutes,
31 is amended to read:

32 36-2804.01. Registration of nonprofit medical marijuana
33 dispensary agents; notices; civil
34 penalty; classification

35 A. A nonprofit medical marijuana dispensary agent shall
36 be registered with the department before volunteering or
37 working at a NONPROFIT medical marijuana dispensary.

38 B. A nonprofit medical marijuana dispensary may apply
39 to the department for a registry identification card for a
40 nonprofit medical marijuana dispensary agent by submitting:

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

43 2. A nonprofit medical marijuana dispensary agent
44 application.

1 3. A statement signed by the prospective nonprofit
2 medical marijuana dispensary agent pledging not to divert
3 marijuana to anyone who is not allowed to possess marijuana
4 pursuant to this chapter.

5 4. The application fee.

6 5. A COPY OF A VALID FINGERPRINT CLEARANCE CARD ISSUED
7 PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1.

8 C. A registered nonprofit medical marijuana dispensary
9 shall notify the department within ten days after a nonprofit
10 medical marijuana dispensary agent ceases to be employed by or
11 volunteer at the registered nonprofit medical marijuana
12 dispensary.

13 D. ~~No person who has been convicted of an excluded~~
14 ~~felony offense~~ A PERSON WITHOUT A VALID FINGERPRINT CLEARANCE
15 CARD ISSUED PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1 may
16 NOT be a nonprofit medical marijuana dispensary agent.

17 E. ~~The department may conduct a criminal records check~~
18 ~~in order to carry out this section.~~

19 Sec. 4. Section 36-2804.06, Arizona Revised Statutes,
20 is amended to read:

21 36-2804.06. Expiration and renewal of registry
22 identification cards and registration
23 certificates; replacement

24 A. All registry identification cards and registration
25 certificates expire ~~one year~~ TWO YEARS after THEIR date of
26 issue.

27 B. ~~A~~ THE DEPARTMENT SHALL CANCEL THE registry
28 identification card of a nonprofit medical marijuana
29 dispensary agent ~~shall be cancelled~~ and ~~his~~ SHALL DEACTIVATE
30 THE AGENT'S access to the verification system ~~shall be~~
31 ~~deactivated upon~~ ON notification to the department by a
32 registered nonprofit medical marijuana dispensary that the
33 nonprofit medical marijuana dispensary agent is no longer
34 employed by or no longer volunteers at the registered
35 nonprofit medical marijuana dispensary.

36 C. THE DEPARTMENT SHALL ISSUE a renewal nonprofit
37 medical marijuana dispensary registration certificate ~~shall be~~
38 ~~issued~~ within ten days ~~of~~ AFTER receipt of the prescribed
39 renewal application and renewal fee from a registered
40 nonprofit medical marijuana dispensary if ~~its~~ THE DISPENSARY'S
41 registration certificate is not under suspension and has not
42 been revoked.

43 D. ~~if~~ A cardholder WHO loses ~~his~~ THE CARDHOLDER'S
44 registry identification card, ~~he~~ shall promptly notify the
45 department. Within five days ~~of~~ AFTER the notification, ~~and~~

1 ~~upon~~ ON payment of a ~~ten-dollar~~ \$10 fee, the department shall
2 issue a new registry identification card with a new random
3 identification number to the cardholder and, if the cardholder
4 is a registered qualifying patient, to the registered
5 qualifying patient's registered designated caregiver, if any.

6 Sec. 5. Section 36-2806, Arizona Revised Statutes, is
7 amended to read:

8 36-2806. Registered nonprofit medical marijuana
9 dispensaries; requirements

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

19 B. The operating documents of a registered nonprofit
20 medical marijuana dispensary shall include procedures for the
21 oversight of the registered nonprofit medical marijuana
22 dispensary and procedures to ensure accurate recordkeeping.

23 C. A registered nonprofit medical marijuana dispensary
24 shall have a single secure entrance and shall implement
25 appropriate security measures to deter and prevent the theft
26 of marijuana and unauthorized entrance into areas containing
27 marijuana.

28 D. A registered nonprofit medical marijuana dispensary
29 is prohibited from acquiring, possessing, cultivating,
30 manufacturing, delivering, transferring, transporting,
31 supplying or dispensing marijuana for any purpose except to
32 assist registered qualifying patients with the medical use of
33 marijuana directly or through the registered qualifying
34 patients' designated caregivers.

35 E. All cultivation of marijuana must take place in an
36 enclosed, locked facility, at a physical address provided to
37 the department during the registration process, ~~which~~ THAT can
38 ~~only~~ be accessed ONLY by registered nonprofit medical
39 marijuana dispensary agents associated in the registry with
40 the nonprofit medical marijuana dispensary.

41 F. A registered nonprofit medical marijuana dispensary
42 may acquire usable marijuana or marijuana plants from a
43 registered qualifying patient or a registered designated
44 caregiver only if the registered qualifying patient or

1 registered designated caregiver receives no compensation for
2 the marijuana.

3 G. A nonprofit medical marijuana dispensary shall not
4 ~~permit~~ ALLOW any person to consume marijuana on the property
5 of ~~a~~ THE nonprofit medical marijuana dispensary.

6 H. Registered nonprofit medical marijuana dispensaries
7 are subject to reasonable inspection by the department. The
8 department ~~shall give reasonable notice of an inspection~~ MAY
9 INSPECT A DISPENSARY under this subsection DURING NORMAL
10 BUSINESS HOURS.

11 Sec. 6. Section 36-2810, Arizona Revised Statutes, is
12 amended to read:

13 36-2810. Confidentiality

14 A. EXCEPT AS PROVIDED IN SUBSECTION G OF THIS SECTION,
15 the following information received and records kept by the
16 department for purposes of administering this chapter are
17 confidential, exempt from title 39, chapter 1, article 2,
18 exempt from section 36-105 and not subject to disclosure to
19 any individual or public or private entity, except as
20 necessary for authorized employees of the department to
21 perform official duties of the department pursuant to this
22 chapter:

23 1. Applications or renewals, their contents and
24 supporting information submitted by qualifying patients and
25 designated caregivers, including information regarding their
26 designated caregivers and physicians.

27 2. Applications or renewals, their contents and
28 supporting information submitted by or on behalf of nonprofit
29 medical marijuana dispensaries in compliance with this
30 chapter, including the physical addresses of nonprofit medical
31 marijuana dispensaries.

32 3. The individual names and other information
33 identifying persons to whom the department has issued registry
34 identification cards.

35 B. Any dispensing information required to be kept under
36 section 36-2806.02, subsection B or department regulation
37 shall identify cardholders by their registry identification
38 numbers and not contain names or other personally identifying
39 information.

40 C. Any department hard drives or other data recording
41 media that are no longer in use and that contain cardholder
42 information must be destroyed. The department shall retain a
43 signed statement from a department employee confirming the
44 destruction.

1 D. EXCEPT FOR PUBLIC HEALTH RESEARCH, data subject to
2 this section shall not be combined or linked in any manner
3 with any other list or database and shall not be used for any
4 purpose not provided for in this chapter.

5 E. This section does not preclude the following
6 notifications:

7 1. Department employees may notify law enforcement
8 about falsified or fraudulent information submitted to the
9 department if the employee who suspects that falsified or
10 fraudulent information has been submitted has conferred with
11 the employee's supervisor and both agree that the
12 circumstances warrant reporting.

13 2. The department may notify state or local law
14 enforcement about apparent criminal violations of this chapter
15 if the employee who suspects the offense has conferred with
16 the employee's supervisor and both agree that the
17 circumstances warrant reporting.

18 3. Nonprofit medical marijuana dispensary agents may
19 notify the department of a suspected violation or attempted
20 violation of this chapter or department rules.

21 4. The department may notify the Arizona medical board,
22 the Arizona board of osteopathic examiners in medicine and
23 surgery, the naturopathic physicians medical board and the
24 board of homeopathic and integrated medicine examiners if the
25 department believes a physician has committed an act of
26 unprofessional conduct as prescribed by the appropriate
27 board's statutes because of the licensee's failure to comply
28 with the requirements of this chapter or rules adopted
29 pursuant to this chapter.

30 F. This section does not preclude submission of the
31 section 36-2809 report to the legislature. The annual report
32 submitted to the legislature is subject to title 39, chapter
33 1, article 2.

34 G. THE DEPARTMENT MAY NOTIFY THE PUBLIC OF INSPECTION
35 AND COMPLIANCE INFORMATION FOR A NONPROFIT MEDICAL MARIJUANA
36 DISPENSARY, INCLUDING THE NAME AND ADDRESS OF THE DISPENSARY
37 AND ANY COMPLAINTS AND ENFORCEMENT ACTIONS AGAINST THE
38 DISPENSARY.

39 Sec. 7. Section 36-2816, Arizona Revised Statutes, is
40 amended to read:

41 36-2816. Violations; classification; civil penalty;
42 enforcement

43 A. A registered qualifying patient may not directly, or
44 through ~~his~~ THE PATIENT'S designated caregiver, obtain more
45 than ~~two-and-one-half~~ TWO AND ONE-HALF ounces of marijuana

1 from registered nonprofit medical marijuana dispensaries in
2 any fourteen-day period.

3 B. A registered nonprofit medical marijuana dispensary
4 or agent may not dispense, deliver or otherwise transfer
5 marijuana to a person other than another registered nonprofit
6 medical marijuana dispensary, a registered qualifying patient
7 or a registered qualifying patient's registered designated
8 caregiver.

9 C. A registered nonprofit medical marijuana dispensary
10 may not acquire usable marijuana or mature marijuana plants
11 from any person other than another registered nonprofit
12 medical marijuana dispensary, a registered qualifying patient
13 or a registered designated caregiver. A knowing violation of
14 this subsection is a class 2 felony.

15 D. It is a class 1 misdemeanor for any person,
16 including an employee or official of the department or another
17 state agency or local government, to breach the
18 confidentiality of information obtained pursuant to this
19 chapter.

20 E. Making false statements to a law enforcement
21 official about any fact or circumstance relating to the
22 medical use of marijuana to avoid arrest or prosecution is
23 subject to a civil penalty of not more than ~~five hundred~~
24 ~~dollars~~ \$500, which shall be in addition to any other
25 penalties that may apply for making a false statement or for
26 the use of marijuana other than use undertaken pursuant to
27 this chapter.

28 F. THE DIRECTOR MAY DENY, SUSPEND OR REVOKE, IN WHOLE
29 OR IN PART, ANY REGISTRATION ISSUED UNDER THIS CHAPTER IF THE
30 REGISTERED PARTY OR AN OFFICER, AGENT OR EMPLOYEE OF THE
31 REGISTERED PARTY DOES EITHER OF THE FOLLOWING:

32 1. VIOLATES THIS CHAPTER OR ANY RULE ADOPTED PURSUANT
33 TO THIS CHAPTER.

34 2. HAS BEEN, IS OR MAY CONTINUE TO BE IN SUBSTANTIAL
35 VIOLATION OF THE REQUIREMENTS FOR REGISTRATION AND AS A RESULT
36 THE HEALTH OR SAFETY OF THE GENERAL PUBLIC IS IN IMMEDIATE
37 DANGER.

38 G. IN ADDITION TO ANY OTHER PENALTIES AUTHORIZED BY
39 THIS CHAPTER, THE DIRECTOR MAY ASSESS A CIVIL PENALTY AGAINST
40 A PERSON THAT VIOLATES THIS CHAPTER OR ANY RULE ADOPTED
41 PURSUANT TO THIS CHAPTER IN AN AMOUNT NOT TO EXCEED \$5,000 FOR
42 EACH VIOLATION. EACH DAY A VIOLATION OCCURS CONSTITUTES A
43 SEPARATE VIOLATION. THE MAXIMUM AMOUNT OF ANY ASSESSMENT IS
44 \$25,000 FOR ANY THIRTY-DAY PERIOD.

1 H. THE DIRECTOR SHALL ISSUE A NOTICE OF ASSESSMENT THAT
2 INCLUDES THE PROPOSED AMOUNT OF THE ASSESSMENT. IN
3 DETERMINING THE AMOUNT OF A CIVIL PENALTY ASSESSED AGAINST A
4 PERSON UNDER SUBSECTION G OF THIS SECTION, THE DEPARTMENT
5 SHALL CONSIDER ALL OF THE FOLLOWING:

- 6 1. REPEATED VIOLATIONS OF THIS CHAPTER OR THE RULES
7 ADOPTED PURSUANT TO THIS CHAPTER.
8 2. PATTERNS OF NONCOMPLIANCE.
9 3. THE TYPES OF VIOLATIONS.
10 4. THE SEVERITY OF THE VIOLATIONS.
11 5. THE POTENTIAL FOR AND OCCURRENCES OF ACTUAL HARM.
12 6. THREATS TO HEALTH AND SAFETY.
13 7. THE NUMBER OF VIOLATIONS.
14 8. THE NUMBER OF PERSONS AFFECTED BY THE VIOLATIONS.
15 9. THE LENGTH OF TIME THE VIOLATIONS HAVE BEEN
16 OCCURRING.

17 Sec. 8. Section 36-2819, Arizona Revised Statutes, is
18 amended to read:

19 36-2819. Fingerprinting requirements

20 Each person applying as a designated caregiver, a
21 principal officer, agent or employee of a nonprofit medical
22 marijuana dispensary or a NONPROFIT medical marijuana
23 dispensary agent shall submit a full set of fingerprints to
24 the department OF HEALTH SERVICES for the purpose of obtaining
25 a state and federal criminal records check pursuant to section
26 41-1750 and Public Law 92-544. The department of public
27 safety may exchange this fingerprint data with the federal
28 bureau of investigation without disclosing that the records
29 check is related to the medical marijuana act and acts
30 permitted by it. The department shall destroy each set of
31 fingerprints after the criminal records check is completed. A
32 DESIGNATED CAREGIVER, A PRINCIPAL OFFICER, AGENT OR EMPLOYEE
33 OF A NONPROFIT MEDICAL MARIJUANA DISPENSARY OR A NONPROFIT
34 MEDICAL MARIJUANA DISPENSARY AGENT MUST POSSESS AND MAINTAIN A
35 VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO TITLE 41,
36 CHAPTER 12, ARTICLE 3.1.

37 Sec. 9. Title 36, chapter 28.1, Arizona Revised
38 Statutes, is amended by adding section 36-2820, to read:

39 36-2820. Fingerprint clearance card; definition

40 A. PURSUANT TO SECTIONS 41-1758.01 AND 41-1758.07, THE
41 FINGERPRINT DIVISION OF THE DEPARTMENT OF PUBLIC SAFETY SHALL
42 CONDUCT FINGERPRINT BACKGROUND CHECKS ON PERSONS AND
43 APPLICANTS WHO ARE REQUIRED TO POSSESS AND MAINTAIN A VALID
44 FINGERPRINT CLEARANCE CARD PURSUANT TO SECTION 36-2819 AND

1 PERFORM ALL THE DUTIES REQUIRED WHEN ISSUING A FINGERPRINT
2 CLEARANCE CARD.

3 B. FOR THE PURPOSES OF TITLE 41, CHAPTER 3, ARTICLE 12
4 AND TITLE 41, CHAPTER 12, ARTICLE 3.1, "PERSON" INCLUDES A
5 PERSON WHO IS REQUIRED TO POSSESS AND MAINTAIN A VALID
6 FINGERPRINT CLEARANCE CARD PURSUANT TO SECTION 36-2819.

7 2. The Secretary of State shall submit this proposition to the
8 voters at the next general election as provided by article IV, part 1,
9 section 1, Constitution of Arizona.