

REFERENCE TITLE: **medical marijuana act; modifications**

State of Arizona  
House of Representatives  
Fifty-fourth Legislature  
First Regular Session  
2019

## **HB 2537**

Introduced by  
Representatives Friese: Bolding, Espinoza, Fernandez, Payne, Powers  
Hannley, Rivero, Salman

### **AN ACT**

AMENDING SECTIONS 36-2801, 36-2803, 36-2804, 36-2804.01, 36-2804.03, 36-2804.05, 36-2804.06, 36-2806, 36-2810, 36-2816 AND 36-2819, ARIZONA REVISED STATUTES; AMENDING SECTION 41-619.51, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 46, SECTION 3 AND CHAPTER 296, SECTION 12; REPEALING SECTION 41-619.51, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 287, SECTION 3; AMENDING SECTION 41-1758, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 46, SECTION 4 AND CHAPTER 296, SECTION 13; REPEALING SECTION 41-1758, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 287, SECTION 4; AMENDING SECTION 41-1758.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 46, SECTION 5 AND CHAPTER 296, SECTION 14; REPEALING SECTION 41-1758.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 287, SECTION 5; AMENDING SECTION 41-1758.07, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2017, CHAPTER 167, SECTION 16; AMENDING SECTION 41-1758.07, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 287, SECTION 6; 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 36-2801, Arizona Revised  
4 Statutes, is amended to read:

5 36-2801. Definitions

6 In this chapter, unless the context otherwise requires:

7 1. "Allowable amount of marijuana":

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

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

12 (ii) If the qualifying patient's registry identification card  
13 states that the qualifying patient is authorized to cultivate marijuana,  
14 ~~twelve~~ SIX marijuana plants contained in an enclosed, locked facility,  
15 except that the plants are not required to be in an enclosed, locked  
16 facility if the plants are being transported because the qualifying  
17 patient is moving.

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

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

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

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

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

36 3. "Debilitating medical condition" means one or more of the  
37 following:

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

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

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

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

- 1 (iii) Severe nausea. ~~;~~
- 2 (iv) Seizures, including those characteristic of epilepsy. ~~;~~
- 3 (v) Severe and persistent muscle spasms, including those  
4 characteristic of multiple sclerosis.
- 5 (c) Any other medical condition or its treatment added by the  
6 department pursuant to section 36-2801.01.
- 7 4. "Department" means the ~~Arizona~~ department of health services or  
8 its successor agency.
- 9 5. "Designated caregiver" means a person who:
- 10 (a) Is at least twenty-one years of age.
- 11 (b) Has agreed to assist with a patient's medical use of marijuana.
- 12 (c) Has ~~not been convicted of an excluded felony offense~~ A VALID  
13 FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO SECTION 41-1758.07.
- 14 (d) Assists ~~no~~ NOT more than five qualifying patients with the  
15 medical use of marijuana.
- 16 (e) May receive reimbursement for actual costs incurred in  
17 assisting a registered qualifying patient's medical use of marijuana if  
18 the registered designated caregiver is connected to the registered  
19 qualifying patient through the department's registration process. The  
20 designated caregiver may not be paid any fee or compensation for ~~his~~  
21 service as a caregiver. Payment for costs under this subdivision ~~shall~~  
22 DOES not constitute an offense under title 13, chapter 34 or under title  
23 36, chapter 27, article 4.
- 24 6. "Enclosed, locked facility" means a closet, room, greenhouse or  
25 other enclosed area THAT IS equipped with locks or other security devices  
26 that permit access only by a cardholder.
- 27 ~~7. "Excluded felony offense" means:~~
- 28 ~~(a) A violent crime as defined in section 13-901.03, subsection B,~~  
29 ~~that was classified as a felony in the jurisdiction where the person was~~  
30 ~~convicted.~~
- 31 ~~(b) A violation of a state or federal controlled substance law that~~  
32 ~~was classified as a felony in the jurisdiction where the person was~~  
33 ~~convicted but does not include:~~
- 34 ~~(i) An offense for which the sentence, including any term of~~  
35 ~~probation, incarceration or supervised release, was completed ten or more~~  
36 ~~years earlier.~~
- 37 ~~(ii) An offense involving conduct that would be immune from arrest,~~  
38 ~~prosecution or penalty under section 36-2811, except that the conduct~~  
39 ~~occurred before the effective date of this chapter or was prosecuted by an~~  
40 ~~authority other than the state of Arizona.~~
- 41 ~~8.~~ 7. "Marijuana" means:
- 42 (a) All parts of any plant of the genus cannabis whether growing or  
43 not, and the seeds of such plant.

1 (b) MARIJUANA THAT IS CULTIVATED, PROCESSED, DISPENSED, TESTED OR  
2 POSSESSED FOR A MEDICAL USE, INCLUDING MEDICAL MARIJUANA EXTRACT AND  
3 MEDICAL MARIJUANA PRODUCTS.

4 8. "MEDICAL MARIJUANA EXTRACT" MEANS A SUBSTANCE THAT IS OBTAINED  
5 BY SEPARATING CANNABINOIDS FROM ANY PART OF THE MARIJUANA PLANT BY  
6 PHYSICAL OR CHEMICAL MEANS TO CREATE A MEDICAL MARIJUANA PRODUCT WITH A  
7 CANNABINOID CONCENTRATION GREATER THAN THE RAW PLANT MATERIAL FROM WHICH  
8 IT IS DERIVED.

9 9. "MEDICAL MARIJUANA PRODUCT":

10 (a) MEANS A PRODUCT THAT BOTH:

11 (i) CONTAINS CANNABINOIDS THAT HAVE BEEN EXTRACTED FROM PLANT  
12 MATERIAL OR THE RESIN FROM PLANT MATERIAL BY PHYSICAL OR CHEMICAL MEANS.

13 (ii) IS INTENDED FOR ADMINISTRATION TO A REGISTERED QUALIFYING  
14 PATIENT FOR A MEDICAL USE.

15 (b) INCLUDES OILS, DISTILLATE, TINCTURES, EDIBLES, PATCHES,  
16 TOPICALS, SHATTER, WAX, KIEF, PILLS, CAPSULES AND SUPPOSITORIES.

17 ~~9.~~ 10. "Medical use" means the acquisition, possession,  
18 cultivation, manufacture, use, administration, delivery, transfer or  
19 transportation of marijuana or paraphernalia relating to the  
20 administration of marijuana to treat or alleviate a registered qualifying  
21 patient's debilitating medical condition or symptoms associated with the  
22 patient's debilitating medical condition.

23 11. "Nonprofit medical marijuana dispensary" means a not-for-profit  
24 entity that acquires, possesses, cultivates, manufactures, delivers,  
25 transfers, transports, supplies, sells or dispenses marijuana or related  
26 supplies and educational materials to cardholders. A nonprofit medical  
27 marijuana dispensary may receive payment for all expenses incurred in its  
28 operation.

29 ~~10.~~ 12. "Nonprofit medical marijuana dispensary agent" means a  
30 principal officer, board member, employee or volunteer of a nonprofit  
31 medical marijuana dispensary who is at least twenty-one years of age and  
32 has ~~not been convicted of an excluded felony offense~~ A VALID FINGERPRINT  
33 CLEARANCE CARD ISSUED PURSUANT TO SECTION 41-1758.07.

34 ~~12.~~ 13. "Physician" means a doctor of medicine who holds a valid  
35 and existing license to practice medicine pursuant to title 32, chapter 13  
36 or its successor, a doctor of osteopathic medicine who holds a valid and  
37 existing license to practice osteopathic medicine pursuant to title 32,  
38 chapter 17 or its successor, a naturopathic physician who holds a valid  
39 and existing license to practice naturopathic medicine pursuant to title  
40 32, chapter 14 or its successor or a homeopathic physician who holds a  
41 valid and existing license to practice homeopathic medicine pursuant to  
42 title 32, chapter 29 or its successor.

43 ~~13.~~ 14. "Qualifying patient" means a person who has been diagnosed  
44 by a physician as having a debilitating medical condition.

1           ~~14.~~ 15. "Registry identification card" means a document issued by  
2 the department that identifies a person as a registered qualifying  
3 patient, A registered designated caregiver or a registered nonprofit  
4 medical marijuana dispensary agent.

5           ~~15.~~ 16. "Usable marijuana":

6           (a) Means:

7           (i) The dried flowers of the marijuana plant, and any mixture or  
8 preparation thereof. ~~, but~~

9           (ii) THE USABLE MARIJUANA EQUIVALENT.

10          (b) Does not include:

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

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

14          17. "USABLE MARIJUANA EQUIVALENT" MEANS THE AMOUNT OF USABLE  
15 MARIJUANA IN A MEDICAL MARIJUANA PRODUCT THAT IS CALCULATED AS PRESCRIBED  
16 IN RULE BY THE DEPARTMENT.

17          ~~16.~~ 18. "Verification system" means a secure, password-protected,  
18 web-based system THAT IS established and maintained by the department AND  
19 that is available to law enforcement personnel and nonprofit medical  
20 marijuana dispensary agents on a ~~twenty-four hour~~ TWENTY-FOUR-HOUR basis  
21 for verification of registry identification cards.

22          ~~17.~~ 19. "Visiting qualifying patient" means a person:

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

25          (b) Who has been diagnosed with a debilitating medical condition by  
26 a person who is licensed with authority to prescribe drugs to humans in  
27 the state of the person's residence or, in the case of a person who has  
28 been a resident of Arizona less than thirty days, the state of the  
29 person's former residence.

30          ~~18.~~ 20. "Written certification" means a document dated and signed  
31 by a physician, stating that in the physician's professional opinion the  
32 patient is likely to receive therapeutic or palliative benefit from the  
33 medical use of marijuana to treat or alleviate the patient's debilitating  
34 medical condition or symptoms associated with the debilitating medical  
35 condition. The physician must:

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

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

41          Sec. 2. Subject to the requirements of article IV, part 1,  
42 section 1, Constitution of Arizona, section 36-2803, Arizona Revised  
43 Statutes, is amended to read:

44          36-2803. Rulemaking; notice

45          A. The department shall adopt rules:

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

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

8           3. Governing the manner in which the department considers  
9 applications for and renewals of registry identification cards.

10          4. Governing nonprofit medical marijuana dispensaries, ~~for the~~  
11 ~~purpose of protecting~~ **TO PROTECT** against diversion and theft without  
12 imposing an undue burden on nonprofit medical marijuana dispensaries or  
13 compromising the confidentiality of cardholders, including:

14           (a) The manner in which the department considers applications for  
15 and renewals of registration certificates.

16           (b) Minimum oversight requirements for nonprofit medical marijuana  
17 dispensaries.

18           (c) Minimum recordkeeping requirements for nonprofit medical  
19 marijuana dispensaries.

20           (d) Minimum security requirements for nonprofit medical marijuana  
21 dispensaries, including requirements ~~for protection of~~ **TO PROTECT** each  
22 registered nonprofit medical marijuana dispensary location by a fully  
23 operational security alarm system.

24           (e) Procedures for suspending or revoking the registration  
25 certificate of nonprofit medical marijuana dispensaries that violate this  
26 chapter or the rules adopted pursuant to this section.

27          5. Establishing application and renewal fees for registry  
28 identification cards and nonprofit medical marijuana dispensary  
29 registration certificates, according to the following:

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

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

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

37           (d) The total amount of revenue from nonprofit medical marijuana  
38 dispensary application and renewal fees and registry identification card  
39 fees for nonprofit medical marijuana dispensary agents shall be sufficient  
40 to implement and administer the nonprofit medical marijuana dispensary  
41 provisions of this chapter, including the verification system, except that  
42 the fee revenue may be offset or supplemented by private donations.

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

4 (f) The department may consider private donations under section  
5 36-2817 to reduce application and renewal fees.

6 B. The department OF HEALTH SERVICES shall adopt rules that require  
7 each nonprofit medical marijuana dispensary to display in a conspicuous  
8 location a sign that warns pregnant women about the potential dangers to  
9 fetuses caused by smoking or ingesting marijuana while pregnant or to  
10 infants while breastfeeding and the risk of being reported to the  
11 department of child safety during pregnancy or at the birth of the child  
12 by persons who are required to report. The rules shall include the  
13 specific warning language that must be included on the sign. The cost and  
14 display of the sign required by rule shall be borne by the nonprofit  
15 medical marijuana dispensary. The rules shall also require each  
16 certifying physician to attest that the physician has provided information  
17 to each qualifying female patient that warns about the potential dangers  
18 to fetuses caused by smoking or ingesting marijuana while pregnant or to  
19 infants while breastfeeding and the risk of being reported to the  
20 department of child safety during pregnancy or at the birth of the child  
21 by persons who are required to report.

22 C. THE DEPARTMENT SHALL ADOPT RULES THAT REQUIRE TESTING BY  
23 INDEPENDENT THIRD-PARTY LABORATORIES TO CONFIRM THAT MARIJUANA FOR MEDICAL  
24 USE MEETS THE SPECIFICATIONS AND APPROPRIATE CONTROLS, AS DEFINED IN RULE  
25 BY THE DEPARTMENT, DURING THE CULTIVATION, PROCESSING, PACKAGING AND  
26 STORAGE PROCESSES.

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

30 ~~D.~~ E. The department OF HEALTH SERVICES shall post prominently on  
31 its public website a warning about the potential dangers to fetuses caused  
32 by smoking or ingesting marijuana while pregnant or to infants while  
33 breastfeeding and the risk of being reported to the department of child  
34 safety during pregnancy or at the birth of the child by persons who are  
35 required to report.

36 Sec. 3. Subject to the requirements of article IV, part 1,  
37 section 1, Constitution of Arizona, section 36-2804, Arizona Revised  
38 Statutes, is amended to read:

39 36-2804. Registration and certification of nonprofit medical  
40 marijuana dispensaries

41 A. Nonprofit medical marijuana dispensaries shall register with the  
42 department.

43 B. Not later than ninety days after receiving an application for a  
44 nonprofit medical marijuana dispensary, the department shall register the  
45 nonprofit medical marijuana dispensary and issue a registration

1 certificate and a random ~~20-digit~~ TWENTY-DIGIT alphanumeric identification  
2 number if:

3 1. The prospective nonprofit medical marijuana dispensary has  
4 submitted the following:

5 (a) The application fee.

6 (b) An application, including:

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

8 (ii) The physical address of the nonprofit medical marijuana  
9 dispensary and the physical address of one additional location, if any,  
10 where marijuana will be cultivated, neither of which may be within five  
11 hundred feet of a public or private school existing before the date of the  
12 nonprofit medical marijuana dispensary application.

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

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

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

21 (d) If the city, town or county in which the nonprofit medical  
22 marijuana dispensary would be located has enacted zoning restrictions, a  
23 sworn statement certifying that the registered nonprofit medical marijuana  
24 dispensary is in compliance with the restrictions.

25 2. ~~None~~ EACH of the principal officers or board members has ~~been~~  
26 ~~convicted of an excluded felony offense~~ A VALID FINGERPRINT CLEARANCE CARD  
27 ISSUED PURSUANT TO SECTION 41-1758.07.

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

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

33 C. The department may not issue more than one nonprofit medical  
34 marijuana dispensary registration certificate for every ten pharmacies  
35 that have registered under section 32-1929, have obtained a pharmacy  
36 permit from the Arizona STATE board of pharmacy and operate within the  
37 state except that the department may issue nonprofit medical marijuana  
38 dispensary registration certificates in excess of this limit if necessary  
39 to ensure that the department issues at least one nonprofit medical  
40 marijuana dispensary registration certificate in each county in which an  
41 application has been approved.

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



1           3. Issue each nonprofit medical marijuana dispensary agent a  
2 registry identification card and log-in information for the verification  
3 system within five days ~~of~~ AFTER approving the application or renewal.

4           B. The department may not issue a registry identification card to a  
5 qualifying patient who is under ~~the age of~~ eighteen YEARS OF AGE unless:

6           1. The qualifying patient's physician has explained the potential  
7 risks and benefits of the medical use of marijuana to the custodial parent  
8 or legal guardian responsible for health care decisions for the qualifying  
9 patient.

10          2. A custodial parent or legal guardian responsible for health care  
11 decisions for the qualifying patient submits a written certification from  
12 two physicians.

13          3. The custodial parent or legal guardian with responsibility for  
14 health care decisions for the qualifying patient consents in writing to:

15           (a) Allow the qualifying patient's medical use of marijuana.

16           (b) Serve as the qualifying patient's designated caregiver.

17           (c) Control the acquisition of the marijuana, the dosage and the  
18 frequency of the medical use of marijuana by the qualifying patient.

19          C. A registry identification card, or its equivalent, that is  
20 issued under the laws of another state, district, territory, commonwealth  
21 or insular possession of the United States that allows a visiting  
22 qualifying patient to possess or use marijuana for medical purposes in the  
23 jurisdiction of issuance has the same force and effect when held by a  
24 visiting qualifying patient as a registry identification card issued by  
25 the department, ~~except that a~~ AND AUTHORIZES THE visiting qualifying  
26 patient ~~is not authorized~~ to obtain marijuana from a nonprofit medical  
27 marijuana dispensary PURSUANT TO SECTION 36-2806.

28          Sec. 6. Subject to the requirements to article IV, part 1,  
29 section 1, Constitution of Arizona, section 36-2804.05, Arizona Revised  
30 Statutes, is amended to read:

31           36-2804.05. Denial of registry identification card

32          A. The department may deny an application or renewal of a  
33 qualifying patient's registry identification card only if the applicant:

34           1. Does not meet the requirements of section 36-2801,  
35 paragraph ~~13~~ 14.

36           2. Does not provide the information required.

37           3. Previously had a registry identification card revoked for  
38 violating this chapter.

39           4. Provides false information.

40          B. The department may deny an application or renewal of a  
41 designated caregiver's registry identification card if the applicant:

42           1. Does not meet the requirements of section 36-2801, paragraph 5.

43           2. Does not provide the information required.

44           3. Previously had a registry identification card revoked for  
45 violating this chapter.

1           4. Provides false information.

2           C. The department may deny a registry identification card to a

3 nonprofit medical marijuana dispensary agent if:

4           1. The **NONPROFIT MEDICAL MARIJUANA DISPENSARY** agent applicant does

5 not meet the requirements of section ~~36-2801(10)~~ 36-2801, PARAGRAPH 12.

6           2. The applicant or ~~dispensary~~ **DISPENSARY** did not provide the

7 required information.

8           3. **THE NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT APPLICANT**

9 previously had a registry identification card revoked for violating this

10 chapter.

11           4. The applicant or dispensary provides false information.

12           ~~D. The department may conduct a criminal records check of each~~

13 ~~designated caregiver or nonprofit medical marijuana dispensary agent~~

14 ~~applicant to carry out this section.~~

15           ~~E.~~ D. The department shall ~~give written notice to~~ **NOTIFY** the

16 registered nonprofit medical marijuana dispensary **IN WRITING** of the reason

17 for denying a registry identification card to a nonprofit medical

18 marijuana dispensary agent.

19           ~~F.~~ E. The department shall ~~give written notice to~~ **NOTIFY** the

20 qualifying patient **IN WRITING** of the reason for denying a registry

21 identification card to the qualifying patient's designated caregiver.

22           ~~G.~~ F. Denial of an application or renewal is considered a final

23 decision of the department subject to judicial review pursuant to title

24 12, chapter 7, article 6. Jurisdiction and venue for judicial review are

25 vested in the superior court.

26           Sec. 7. Subject to the requirements of article IV, part 1,

27 section 1, Constitution of Arizona, section 36-2804.06, Arizona Revised

28 Statutes, is amended to read:

29           36-2804.06. Expiration and renewal of registry identification

30 cards and registration certificates;

31 replacement

32           A. All registry identification cards **EXPIRE TWO YEARS AFTER THEIR**

33 **DATE OF ISSUE.** ~~And~~ **ALL** registration certificates expire one year after

34 **THEIR** date of issue.

35           B. ~~A~~ **THE DEPARTMENT SHALL CANCEL THE** registry identification card

36 of a nonprofit medical marijuana dispensary agent ~~shall be cancelled~~ and

37 ~~his~~ **SHALL DEACTIVATE THE AGENT'S** access to the verification system ~~shall~~

38 ~~be deactivated upon~~ **ON** notification to the department by a registered

39 nonprofit medical marijuana dispensary that the nonprofit medical

40 marijuana dispensary agent is no longer employed by or no longer

41 volunteers at the registered nonprofit medical marijuana dispensary.

42           C. **THE DEPARTMENT SHALL ISSUE** a renewal nonprofit medical marijuana

43 dispensary registration certificate ~~shall be issued~~ within ten days ~~of~~

44 **AFTER** receipt of the prescribed renewal application and renewal fee from a

1 registered nonprofit medical marijuana dispensary if ~~its~~ THE DISPENSARY'S  
2 registration certificate is not under suspension and has not been revoked.

3 D. ~~if~~ A cardholder WHO loses ~~his~~ THE CARDHOLDER'S registry  
4 identification card, ~~he~~ shall promptly notify the department. Within five  
5 days ~~of~~ AFTER the notification, ~~and~~ ~~upon~~ ON payment of a ~~ten-dollar~~ \$10  
6 fee, the department shall issue a new registry identification card with a  
7 new random identification number to the cardholder and, if the cardholder  
8 is a registered qualifying patient, to the registered qualifying patient's  
9 registered designated caregiver, if any.

10 Sec. 8. Subject to the requirements of article IV, part 1,  
11 section 1, Constitution of Arizona, section 36-2806, Arizona Revised  
12 Statutes, is amended to read:

13 36-2806. Registered nonprofit medical marijuana dispensaries;  
14 requirements; inspection; laboratory testing;  
15 visiting qualifying patients; nonresident cards;  
16 definition

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

25 B. The operating documents of a registered nonprofit medical  
26 marijuana dispensary shall include procedures for the oversight of the  
27 registered nonprofit medical marijuana dispensary and procedures to ensure  
28 accurate recordkeeping.

29 C. A registered nonprofit medical marijuana dispensary shall have a  
30 single secure entrance and shall implement appropriate security measures  
31 to deter and prevent the theft of marijuana and unauthorized entrance into  
32 areas containing marijuana.

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

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

44 F. A registered nonprofit medical marijuana dispensary may acquire  
45 usable marijuana or marijuana plants from a registered qualifying patient

1 or a registered designated caregiver only if the registered qualifying  
2 patient or registered designated caregiver receives no compensation for  
3 the marijuana.

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

7 H. Registered nonprofit medical marijuana dispensaries are subject  
8 to reasonable inspection ~~by the department~~. The department shall: ~~give~~  
9 ~~reasonable notice of an inspection under this subsection~~.

10 1. ADOPT RULES THAT INCLUDE THE INSPECTION OF DISPENSARIES  
11 BEGINNING JUNE 1, 2020 BY THE DEPARTMENT, OR A THIRD-PARTY INDEPENDENT  
12 LABORATORY THAT IS CERTIFIED BY THE DEPARTMENT, AND THE COLLECTION,  
13 STORAGE AND TESTING OF SAMPLES OF MARIJUANA FOR MEDICAL USE TO DETERMINE  
14 UNSAFE LEVELS OF HARMFUL CHEMICALS, SOLVENTS, MOLD, HEAVY METALS, BACTERIA  
15 AND FUNGI AND TO CONFIRM THE POTENCY OF THE MARIJUANA TO BE DISPENSED.

16 2. ESTABLISH REMEDIATION REQUIREMENTS FOR NONPROFIT MEDICAL  
17 MARIJUANA DISPENSARIES IF THE TESTING IDENTIFIES UNSAFE LEVELS OF HARMFUL  
18 CHEMICALS, SOLVENTS, MOLD, HEAVY METALS, BACTERIA OR FUNGI IN THE  
19 MARIJUANA.

20 3. ENSURE THAT A CERTIFIED THIRD-PARTY LABORATORY DOES NOT HAVE ANY  
21 FINANCIAL INTEREST IN ANY DISPENSARY OPERATING IN THIS STATE.

22 4. ENSURE THAT THE OWNER OR AGENT OF A NONPROFIT MEDICAL MARIJUANA  
23 DISPENSARY IS NOT RELATED BY AFFINITY, BY CONSANGUINITY OR BY LAW TO THE  
24 THIRD DEGREE TO AN OWNER OR EMPLOYEE OF A LABORATORY THAT TESTS MARIJUANA  
25 FOR MEDICAL USE FROM THAT DISPENSARY PURSUANT TO THIS SUBSECTION.

26 I. THE DEPARTMENT MAY CERTIFY A THIRD-PARTY INDEPENDENT LABORATORY  
27 TO COLLECT AND TEST MARIJUANA FOR MEDICAL USE FROM NONPROFIT MEDICAL  
28 MARIJUANA DISPENSARIES. A THIRD-PARTY INDEPENDENT LABORATORY THAT IS  
29 CERTIFIED BY THE DEPARTMENT PURSUANT TO THIS SUBSECTION MUST BE ACCREDITED  
30 BY A NATIONAL ACCREDITATION BOARD OR OTHER SIMILAR ACCREDITING ENTITY, AS  
31 DETERMINED BY THE DEPARTMENT. A THIRD-PARTY INDEPENDENT LABORATORY THAT  
32 IS CERTIFIED BY THE DEPARTMENT MUST BE ABLE TO PERFORM ALL REQUIRED TEST  
33 FUNCTIONS AND SHALL REPORT THE TESTING RESULTS TO THE DEPARTMENT AND THE  
34 PARTY THAT PROVIDED THE ORIGINAL SAMPLE WITHIN TEN WORKING DAYS AFTER THE  
35 LABORATORY RECEIVES THE SAMPLE.

36 J. NOTWITHSTANDING TITLE 13, CHAPTER 34, AN EMPLOYEE OF THE  
37 DEPARTMENT OR AN EMPLOYEE OF ANY CERTIFIED THIRD-PARTY INDEPENDENT  
38 LABORATORY MAY NOT BE CHARGED WITH OR PROSECUTED FOR POSSESSION OF ANY  
39 AMOUNT OF MARIJUANA THAT IS CULTIVATED FOR MEDICAL USE AND THAT THE  
40 EMPLOYEE IS USING AS A SAMPLE FOR TESTING AS REQUIRED BY THIS SECTION AND  
41 THE RULES ADOPTED PURSUANT TO THIS CHAPTER.

42 K. ALL MARIJUANA FOR MEDICAL USE THAT IS DISPENSED BY A NONPROFIT  
43 MEDICAL MARIJUANA DISPENSARY SHALL BE DISPENSED IN CHILDPROOF CONTAINERS  
44 AND INDICATE THE REGISTERED QUALIFYING PATIENT'S NAME AND REGISTRY  
45 IDENTIFICATION CARD NUMBER AND THE POTENCY OF THE MARIJUANA ON THE LABEL.

1 L. A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY IN THIS  
2 STATE SHALL RECOGNIZE THE NONRESIDENT CARD OF A VISITING QUALIFYING  
3 PATIENT AND MAY DISPENSE TO THAT PATIENT IF ALL OF THE FOLLOWING APPLY:

4 1. THE STATE OR JURISDICTION FROM WHICH THE VISITING QUALIFYING  
5 PATIENT OBTAINED THE NONRESIDENT CARD DOES ALL OF THE FOLLOWING:

6 (a) GRANTS AN EXEMPTION FROM CRIMINAL PROSECUTION FOR THE MEDICAL  
7 USE OF MARIJUANA.

8 (b) MAINTAINS A DATABASE THAT PROVIDES THE INFORMATION NECESSARY TO  
9 VERIFY THE AUTHENTICITY OR VALIDITY OF THE NONRESIDENT CARD.

10 (c) ALLOWS THE DEPARTMENT AND ANY REGISTERED NONPROFIT MEDICAL  
11 MARIJUANA DISPENSARY IN THIS STATE TO ACCESS THE DATABASE DESCRIBED IN  
12 SUBDIVISION (b) OF THIS PARAGRAPH.

13 2. THE NONRESIDENT CARD HAS AN EXPIRATION DATE AND IS NOT EXPIRED.

14 3. THE DEPARTMENT DETERMINES THAT THE DATABASE DESCRIBED IN  
15 PARAGRAPH 1, SUBDIVISION (b) OF THIS SUBSECTION CAN PROVIDE TO NONPROFIT  
16 MEDICAL MARIJUANA DISPENSARIES IN THIS STATE INFORMATION THAT IS  
17 SUFFICIENTLY ACCURATE, CURRENT AND SPECIFIC AS TO ALLOW THE DISPENSARIES  
18 TO VERIFY THAT A PERSON WHO HOLDS OR BEARS A NONRESIDENT CARD IS LAWFULLY  
19 ENTITLED TO DO SO.

20 4. THE VISITING QUALIFYING PATIENT AGREES TO ABIDE BY, AND DOES  
21 ABIDE BY, THE LEGAL LIMITS ON POSSESSING MARIJUANA FOR MEDICAL USE IN THIS  
22 STATE AS PRESCRIBED IN SECTION 36-2816.

23 M. FOR THE PURPOSES OF THE RECIPROCITY DESCRIBED IN SUBSECTION L OF  
24 THIS SECTION:

25 1. THE AMOUNT OF MEDICAL MARIJUANA THAT THE VISITING QUALIFYING  
26 PATIENT IS ENTITLED TO POSSESS IN THAT PERSON'S STATE OR JURISDICTION OF  
27 RESIDENCE IS NOT RELEVANT.

28 2. THE VISITING QUALIFYING PATIENT, WHILE IN THIS STATE, MAY NOT  
29 POSSESS AN AMOUNT OF MARIJUANA FOR MEDICAL USE THAT EXCEEDS THE LIMITS  
30 PRESCRIBED IN SECTION 36-2816.

31 N. FOR THE PURPOSES OF THIS SECTION, "NONRESIDENT CARD" MEANS A  
32 CARD OR OTHER IDENTIFICATION THAT IS ISSUED BY A STATE OR JURISDICTION  
33 OTHER THAN THIS STATE AND THAT IS THE FUNCTIONAL EQUIVALENT OF A REGISTRY  
34 IDENTIFICATION CARD, AS DETERMINED BY THE DEPARTMENT.

35 Sec. 9. Subject to the requirements of article IV, part 1,  
36 section 1, Constitution of Arizona, section 36-2810, Arizona Revised  
37 Statutes, is amended to read:

38 36-2810. Confidentiality; required posting

39 A. The following information received and records kept by the  
40 department for purposes of administering this chapter are confidential,  
41 exempt from title 39, chapter 1, article 2, exempt from section 36-105 and  
42 not subject to disclosure to any individual or public or private entity,  
43 except as necessary for authorized employees of the department to perform  
44 official duties of the department pursuant to this chapter:

1           1. Applications or renewals, their contents and supporting  
2 information submitted by qualifying patients and designated caregivers,  
3 including information regarding their designated caregivers and  
4 physicians.

5           2. Applications or renewals, their contents and supporting  
6 information submitted by or on behalf of nonprofit medical marijuana  
7 dispensaries in compliance with this chapter, including the physical  
8 addresses of nonprofit medical marijuana dispensaries.

9           3. The individual names and other information identifying persons  
10 to whom the department has issued registry identification cards.

11           B. Any dispensing information required to be kept under section  
12 36-2806.02, subsection B or department regulation shall identify  
13 cardholders by their registry identification numbers and not contain names  
14 or other personally identifying information.

15           C. Any department hard drives or other data recording media that  
16 are no longer in use and that contain cardholder information must be  
17 destroyed. The department shall retain a signed statement from a  
18 department employee confirming the destruction.

19           D. Data subject to this section shall not be combined or linked in  
20 any manner with any other list or database and shall not be used for any  
21 purpose not provided for in this chapter.

22           E. This section does not preclude the following notifications:

23           1. Department employees may notify law enforcement about falsified  
24 or fraudulent information submitted to the department if the employee who  
25 suspects that falsified or fraudulent information has been submitted has  
26 conferred with the employee's supervisor and both agree that the  
27 circumstances warrant reporting.

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

32           3. Nonprofit medical marijuana dispensary agents may notify the  
33 department of a suspected violation or attempted violation of this chapter  
34 or department rules.

35           4. The department may notify the Arizona medical board, the Arizona  
36 board of osteopathic examiners in medicine and surgery, the naturopathic  
37 physicians medical board and the board of homeopathic and integrated  
38 medicine examiners if the department believes a physician has committed an  
39 act of unprofessional conduct as prescribed by the appropriate board's  
40 statutes because of the licensee's failure to comply with the requirements  
41 of this chapter or rules adopted pursuant to this chapter.

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

1 G. NOTWITHSTANDING ANY OTHER LAW, THE DEPARTMENT SHALL POST ON ITS  
2 PUBLIC WEBSITE INFORMATION REGARDING A NONPROFIT MEDICAL MARIJUANA  
3 DISPENSARY'S TEST RESULTS PURSUANT TO SECTION 36-2806, A DISPENSARY'S  
4 COMPLIANCE WITH THE REQUIREMENTS OF THIS CHAPTER AND THE DEPARTMENT'S  
5 SURVEY RESULTS. THE INFORMATION POSTED PURSUANT TO THIS SUBSECTION MAY  
6 NOT INCLUDE ANY PERSONALLY IDENTIFYING INFORMATION REGARDING INDIVIDUALS  
7 TO WHOM THE DEPARTMENT HAS ISSUED REGISTRY IDENTIFICATION CARDS.

8 Sec. 10. Subject to the requirements of article IV, part 1,  
9 section 1, Constitution of Arizona, section 36-2816, Arizona Revised  
10 Statutes, is amended to read:

11 36-2816. Violations; civil penalty; classification

12 A. A registered qualifying patient may not directly, or through ~~his~~  
13 ~~THE PATIENT'S~~ designated caregiver, obtain more than ~~two-and-one-half~~ TWO  
14 AND ONE-HALF ounces of marijuana from registered nonprofit medical  
15 marijuana dispensaries in any fourteen-day period.

16 B. A registered nonprofit medical marijuana dispensary or agent may  
17 not dispense, deliver or otherwise transfer marijuana to a person other  
18 than another registered nonprofit medical marijuana dispensary, a  
19 registered qualifying patient, ~~or~~ a registered qualifying patient's  
20 registered designated caregiver, A VISITING QUALIFYING PATIENT PURSUANT TO  
21 SECTION 36-2806 OR A CERTIFIED THIRD-PARTY INDEPENDENT LABORATORY FOR  
22 PURPOSES PRESCRIBED IN SECTION 36-2806 AND DEPARTMENT RULE.

23 C. A registered nonprofit medical marijuana dispensary may not  
24 acquire usable marijuana or mature marijuana plants from any person other  
25 than another registered nonprofit medical marijuana dispensary, a  
26 registered qualifying patient or a registered designated caregiver. A  
27 knowing violation of this subsection is a class 2 felony.

28 D. It is a class 1 misdemeanor for any person, including an  
29 employee or official of the department or another state agency or local  
30 government, to breach the confidentiality of information obtained pursuant  
31 to this chapter.

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

38 Sec. 11. Subject to the requirements of article IV, part 1,  
39 section 1, Constitution of Arizona, section 36-2819, Arizona Revised  
40 Statutes, is amended to read:

41 36-2819. Fingerprinting requirements

42 Each person applying as a designated caregiver, a principal officer,  
43 agent or employee of a nonprofit medical marijuana dispensary or a  
44 NONPROFIT medical marijuana dispensary agent shall submit a full set of  
45 fingerprints to the department OF HEALTH SERVICES for the purpose of

1 obtaining a state and federal criminal records check pursuant to section  
2 41-1750 and Public Law 92-544. The department of public safety may  
3 exchange this fingerprint data with the federal bureau of investigation  
4 without disclosing that the records check is related to the medical  
5 marijuana act and acts permitted by it. The department shall destroy each  
6 set of fingerprints after the criminal records check is completed. A  
7 DESIGNATED CAREGIVER, A PRINCIPAL OFFICER, AGENT OR EMPLOYEE OF A  
8 NONPROFIT MEDICAL MARIJUANA DISPENSARY OR A NONPROFIT MEDICAL MARIJUANA  
9 DISPENSARY AGENT MUST POSSESS AND MAINTAIN A VALID FINGERPRINT CLEARANCE  
10 CARD ISSUED PURSUANT TO SECTION 41-1758.07.

11 Sec. 12. Subject to the requirements of article IV, part 1,  
12 section 1, Constitution of Arizona, section 41-619.51, Arizona Revised  
13 Statutes, as amended by Laws 2018, chapter 46, section 3 and chapter 296,  
14 section 12, is amended to read:

15 41-619.51. Definitions

16 In this article, unless the context otherwise requires:

17 1. "Agency" means the supreme court, the department of economic  
18 security, the department of child safety, the department of education, the  
19 department of health services, the department of juvenile corrections, the  
20 department of emergency and military affairs, the department of public  
21 safety, the department of transportation, the state real estate  
22 department, the department of financial institutions, the Arizona game and  
23 fish department, THE ARIZONA DEPARTMENT OF AGRICULTURE, the board of  
24 examiners of nursing care institution administrators and assisted living  
25 facility managers, the state board of dental examiners, the Arizona state  
26 board of pharmacy or the board of physical therapy or the state board of  
27 technical registration.

28 2. "Board" means the board of fingerprinting.

29 3. "Central registry exception" means notification to the  
30 department of economic security, the department of child safety or the  
31 department of health services, as appropriate, pursuant to section  
32 41-619.57 that the person is not disqualified because of a central  
33 registry check conducted pursuant to section 8-804.

34 4. "Expedited review" means an examination, in accordance with  
35 board rule, of the documents an applicant submits by the board or its  
36 hearing officer without the applicant being present.

37 5. "Good cause exception" means the issuance of a fingerprint  
38 clearance card to an employee pursuant to section 41-619.55.

39 6. "Person" means a person who is required to be fingerprinted  
40 pursuant to this article or who is subject to a central registry check and  
41 any of the following:

42 (a) SECTION 3-314.

43 ~~(a)~~ (b) Section 8-105.

44 ~~(b)~~ (c) Section 8-322.

45 ~~(c)~~ (d) Section 8-463.

- 1        ~~(d)~~ (e) Section 8-509.
- 2        ~~(e)~~ (f) Section 8-802.
- 3        ~~(f)~~ (g) Section 8-804.
- 4        ~~(g)~~ (h) Section 15-183.
- 5        ~~(h)~~ (i) Section 15-503.
- 6        ~~(i)~~ (j) Section 15-512.
- 7        ~~(j)~~ (k) Section 15-534.
- 8        ~~(k)~~ (l) Section 15-763.01.
- 9        ~~(l)~~ (m) Section 15-782.02.
- 10       ~~(m)~~ (n) Section 15-1330.
- 11       ~~(n)~~ (o) Section 15-1881.
- 12       ~~(o)~~ (p) Section 17-215.
- 13       ~~(p)~~ (q) Section 28-3228.
- 14       ~~(q)~~ (r) Section 28-3413.
- 15       ~~(r)~~ (s) Section 32-122.02.
- 16       ~~(s)~~ (t) Section 32-122.05.
- 17       ~~(t)~~ (u) Section 32-122.06.
- 18       ~~(u)~~ (v) Section 32-1232.
- 19       ~~(v)~~ (w) Section 32-1276.01.
- 20       ~~(w)~~ (x) Section 32-1284.
- 21       ~~(x)~~ (y) Section 32-1297.01.
- 22       ~~(y)~~ (z) Section 32-1904.
- 23       ~~(z)~~ (aa) Section 32-1941.
- 24       ~~(aa)~~ (bb) Section 32-2022.
- 25       ~~(bb)~~ (cc) Section 32-2108.01.
- 26       ~~(cc)~~ (dd) Section 32-2123.
- 27       ~~(dd)~~ (ee) Section 32-2371.
- 28       ~~(ee)~~ (ff) Section 32-3620.
- 29       ~~(ff)~~ (gg) Section 32-3668.
- 30       ~~(gg)~~ (hh) Section 32-3669.
- 31       ~~(hh)~~ (ii) Section 36-207.
- 32       ~~(ii)~~ (jj) Section 36-411.
- 33       ~~(jj)~~ (kk) Section 36-425.03.
- 34       ~~(kk)~~ (ll) Section 36-446.04.
- 35       ~~(ll)~~ (mm) Section 36-594.01.
- 36       ~~(mm)~~ (nn) Section 36-594.02.
- 37       ~~(nn)~~ (oo) Section 36-882.
- 38       ~~(oo)~~ (pp) Section 36-883.02.
- 39       ~~(pp)~~ (qq) Section 36-897.01.
- 40       ~~(qq)~~ (rr) Section 36-897.03.
- 41       (ss) SECTION 36-2819.
- 42       ~~(rr)~~ (tt) Section 36-3008.
- 43       ~~(ss)~~ (uu) Section 41-619.53.
- 44       ~~(tt)~~ (vv) Section 41-1964.
- 45       ~~(uu)~~ (ww) Section 41-1967.01.

- 1           ~~(vv)~~ (xx) Section 41-1968.
- 2           ~~(ww)~~ (yy) Section 41-1969.
- 3           ~~(xx)~~ (zz) Section 41-2814.
- 4           ~~(yy)~~ (aaa) Section 46-141, subsection A.
- 5           ~~(zz)~~ (bbb) Section 46-321.

6           Sec. 13. Repeal  
7           Section ~~41-619.51~~, Arizona Revised Statutes, as amended by Laws  
8           2018, chapter 287, section 3, is repealed.

9           Sec. 14. Subject to the requirements of article IV, part 1,  
10          section 1, Constitution of Arizona, section 41-1758, Arizona Revised  
11          Statutes, as amended by Laws 2018, chapter 46, section 4 and chapter 296,  
12          section 13, is amended to read:

13          ~~41-1758.~~ Definitions

14          In this article, unless the context otherwise requires:

15          1. "Agency" means the supreme court, the department of economic  
16          security, the department of child safety, the department of education, the  
17          department of health services, the department of juvenile corrections, the  
18          department of emergency and military affairs, the department of public  
19          safety, the department of transportation, the state real estate  
20          department, the department of financial institutions, the board of  
21          fingerprinting, the Arizona game and fish department, THE ARIZONA  
22          DEPARTMENT OF AGRICULTURE, the board of examiners of nursing care  
23          institution administrators and assisted living facility managers, the  
24          state board of dental examiners, the Arizona state board of pharmacy or  
25          the board of physical therapy or the state board of technical  
26          registration.

27          2. "Division" means the fingerprinting division in the department  
28          of public safety.

29          3. "Electronic or internet-based fingerprinting services" means a  
30          secure system for digitizing applicant fingerprints and transmitting the  
31          applicant data and fingerprints of a person or entity submitting  
32          fingerprints to the department of public safety for any authorized purpose  
33          under this title. For the purposes of this paragraph, "secure system"  
34          means a system that complies with the information technology security  
35          policy approved by the department of public safety.

36          4. "Good cause exception" means the issuance of a fingerprint  
37          clearance card to an applicant pursuant to section 41-619.55.

38          5. "Person" means a person who is required to be fingerprinted  
39          pursuant to any of the following:

- 40           (a) SECTION 3-314.
- 41           ~~(a)~~ (b) Section 8-105.
- 42           ~~(b)~~ (c) Section 8-322.
- 43           ~~(c)~~ (d) Section 8-463.
- 44           ~~(d)~~ (e) Section 8-509.
- 45           ~~(e)~~ (f) Section 8-802.

1       ~~(f)~~ (g) Section 15-183.  
2       ~~(g)~~ (h) Section 15-503.  
3       ~~(h)~~ (i) Section 15-512.  
4       ~~(i)~~ (j) Section 15-534.  
5       ~~(j)~~ (k) Section 15-763.01.  
6       ~~(k)~~ (l) Section 15-782.02.  
7       ~~(l)~~ (m) Section 15-1330.  
8       ~~(m)~~ (n) Section 15-1881.  
9       ~~(n)~~ (o) Section 17-215.  
10      ~~(o)~~ (p) Section 28-3228.  
11      ~~(p)~~ (q) Section 28-3413.  
12      ~~(q)~~ (r) Section 32-122.02.  
13      ~~(r)~~ (s) Section 32-122.05.  
14      ~~(s)~~ (t) Section 32-122.06.  
15      ~~(t)~~ (u) Section 32-1232.  
16      ~~(u)~~ (v) Section 32-1276.01.  
17      ~~(v)~~ (w) Section 32-1284.  
18      ~~(w)~~ (x) Section 32-1297.01.  
19      ~~(x)~~ (y) Section 32-1904.  
20      ~~(y)~~ (z) Section 32-1941.  
21      ~~(z)~~ (aa) Section 32-2022.  
22      ~~(aa)~~ (bb) Section 32-2108.01.  
23      ~~(bb)~~ (cc) Section 32-2123.  
24      ~~(cc)~~ (dd) Section 32-2371.  
25      ~~(dd)~~ (ee) Section 32-3620.  
26      ~~(ee)~~ (ff) Section 32-3668.  
27      ~~(ff)~~ (gg) Section 32-3669.  
28      ~~(gg)~~ (hh) Section 36-207.  
29      ~~(hh)~~ (ii) Section 36-411.  
30      ~~(ii)~~ (jj) Section 36-425.03.  
31      ~~(jj)~~ (kk) Section 36-446.04.  
32      ~~(kk)~~ (ll) Section 36-594.01.  
33      ~~(ll)~~ (mm) Section 36-594.02.  
34      ~~(mm)~~ (nn) Section 36-882.  
35      ~~(nn)~~ (oo) Section 36-883.02.  
36      ~~(oo)~~ (pp) Section 36-897.01.  
37      ~~(pp)~~ (qq) Section 36-897.03.  
38      ~~(rr)~~ [36-2819](#).  
39      ~~(qq)~~ (ss) Section 36-3008.  
40      ~~(rr)~~ (tt) Section 41-619.52.  
41      ~~(ss)~~ (uu) Section 41-619.53.  
42      ~~(tt)~~ (vv) Section 41-1964.  
43      ~~(uu)~~ (ww) Section 41-1967.01.  
44      ~~(vv)~~ (xx) Section 41-1968.  
45      ~~(ww)~~ (yy) Section 41-1969.

1           ~~(xx)~~ (zz) Section 41-2814.

2           ~~(yy)~~ (aaa) Section 46-141, subsection A.

3           ~~(zz)~~ (bbb) Section 46-321.

4           6. "Vulnerable adult" has the same meaning prescribed in section  
5 13-3623.

6           Sec. 15. Repeal

7           Section ~~41-1758~~, Arizona Revised Statutes, as amended by Laws 2018,  
8 chapter 287, section 4, is repealed.

9           Sec. 16. Subject to the requirements of article IV, part 1,  
10 section 1, Constitution of Arizona, section 41-1758.01, Arizona Revised  
11 Statutes, as amended by Laws 2018, chapter 46, section 5 and chapter 296,  
12 section 14, is amended to read:

13           ~~41-1758.01.~~ Fingerprinting division; powers and duties

14           A. The fingerprinting division is established in the department of  
15 public safety and shall:

16           1. Conduct fingerprint background checks for persons and applicants  
17 who are seeking licenses from state agencies, employment with licensees,  
18 contract providers and state agencies or employment or educational  
19 opportunities with agencies that require fingerprint background checks  
20 pursuant to sections ~~3-314~~, 8-105, 8-322, 8-463, 8-509, 8-802, 15-183,  
21 15-503, 15-512, 15-534, 15-763.01, 15-782.02, 15-1330, 15-1881, 17-215,  
22 28-3228, 28-3413, 32-122.02, 32-122.05, 32-122.06, 32-1232, 32-1276.01,  
23 32-1284, 32-1297.01, 32-1904, 32-1941, 32-2022, 32-2108.01, 32-2123,  
24 32-2371, 32-3620, 32-3668, 32-3669, 36-207, 36-411, 36-425.03, 36-446.04,  
25 36-594.01, 36-594.02, 36-882, 36-883.02, 36-897.01, 36-897.03, ~~36-2819~~,  
26 36-3008, 41-619.52, 41-619.53, 41-1964, 41-1967.01, 41-1968, 41-1969 and  
27 41-2814, section 46-141, subsection A and section 46-321.

28           2. Issue fingerprint clearance cards. On issuance, a fingerprint  
29 clearance card becomes the personal property of the cardholder and the  
30 cardholder shall retain possession of the fingerprint clearance card.

31           3. On submission of an application for a fingerprint clearance  
32 card, collect the fees established by the board of fingerprinting pursuant  
33 to section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147,  
34 the monies collected in the board of fingerprinting fund.

35           4. Inform in writing each person who submits fingerprints for a  
36 fingerprint background check of the right to petition the board of  
37 fingerprinting for a good cause exception pursuant to section 41-1758.03,  
38 41-1758.04 or 41-1758.07.

39           5. If after conducting a state and federal criminal history records  
40 check the division determines that it is not authorized to issue a  
41 fingerprint clearance card to a person, inform the person in writing that  
42 the division is not authorized to issue a fingerprint clearance card. The  
43 notice shall include the criminal history information on which the denial  
44 was based. This criminal history information is subject to dissemination  
45 restrictions pursuant to section 41-1750 and Public Law 92-544.

1           6. Notify the person in writing if the division suspends, revokes  
2 or places a driving restriction notation on a fingerprint clearance card  
3 pursuant to section 41-1758.04. The notice shall include the criminal  
4 history information on which the suspension, revocation or placement of  
5 the driving restriction notation was based. This criminal history  
6 information is subject to dissemination restrictions pursuant to section  
7 41-1750 and Public Law 92-544.

8           7. Administer and enforce this article.

9           B. The fingerprinting division may contract for electronic or  
10 internet-based fingerprinting services through an entity or entities for  
11 the acquisition and transmission of applicant fingerprint and data  
12 submissions to the department, including identity verified fingerprints  
13 pursuant to section 15-106. The entity or entities contracted by the  
14 department of public safety may charge the applicant a fee for services  
15 provided pursuant to this article. The entity or entities contracted by  
16 the department of public safety shall comply with:

17           1. All information privacy and security measures and submission  
18 standards established by the department of public safety.

19           2. The information technology security policy approved by the  
20 department of public safety.

21           Sec. 17. Repeal

22           Section 41-1758.01, Arizona Revised Statutes, as amended by Laws  
23 2018, chapter 287, section 5, is repealed.

24           Sec. 18. Subject to the requirements of article IV, part 1, section  
25 1, Constitution of Arizona, section 41-1758.07, Arizona Revised Statutes,  
26 as amended by Laws 2017, chapter 167, section 16, is amended to read:

27           41-1758.07. Level I fingerprint clearance cards; definitions

28           A. On receiving the state and federal criminal history record of a  
29 person who is required to be fingerprinted pursuant to this section, the  
30 fingerprinting division in the department of public safety shall compare  
31 the record with the list of criminal offenses that preclude the person  
32 from receiving a level I fingerprint clearance card. If the person's  
33 criminal history record does not contain any of the offenses listed in  
34 subsections B and C of this section, the fingerprinting division shall  
35 issue the person a level I fingerprint clearance card.

36           B. A person who is subject to registration as a sex offender in  
37 this state or any other jurisdiction or who is awaiting trial on or who  
38 has been convicted of committing or attempting, soliciting, facilitating  
39 or conspiring to commit one or more of the following offenses in this  
40 state or the same or similar offenses in another state or jurisdiction is  
41 precluded from receiving a level I fingerprint clearance card:

42           1. Sexual abuse of a vulnerable adult.

43           2. Incest.

44           3. Homicide, including first or second degree murder, manslaughter  
45 and negligent homicide.

- 1           4. Sexual assault.
- 2           5. Sexual exploitation of a minor.
- 3           6. Sexual exploitation of a vulnerable adult.
- 4           7. Commercial sexual exploitation of a minor.
- 5           8. Commercial sexual exploitation of a vulnerable adult.
- 6           9. Child sex trafficking as prescribed in section 13-3212.
- 7           10. Child abuse.
- 8           11. Felony child neglect.
- 9           12. Abuse of a vulnerable adult.
- 10          13. Sexual conduct with a minor.
- 11          14. Molestation of a child.
- 12          15. Molestation of a vulnerable adult.
- 13          16. Dangerous crimes against children as defined in section 13-705.
- 14          17. Exploitation of minors involving drug offenses.
- 15          18. Taking a child for the purpose of prostitution as prescribed in
- 16 section 13-3206.
- 17          19. Neglect or abuse of a vulnerable adult.
- 18          20. Sex trafficking.
- 19          21. Sexual abuse.
- 20          22. Production, publication, sale, possession and presentation of
- 21 obscene items as prescribed in section 13-3502.
- 22          23. Furnishing harmful items to minors as prescribed in section
- 23 13-3506.
- 24          24. Furnishing harmful items to minors by internet activity as
- 25 prescribed in section 13-3506.01.
- 26          25. Obscene or indecent telephone communications to minors for
- 27 commercial purposes as prescribed in section 13-3512.
- 28          26. Luring a minor for sexual exploitation.
- 29          27. Enticement of persons for purposes of prostitution.
- 30          28. Procurement by false pretenses of person for purposes of
- 31 prostitution.
- 32          29. Procuring or placing persons in a house of prostitution.
- 33          30. Receiving earnings of a prostitute.
- 34          31. Causing one's spouse to become a prostitute.
- 35          32. Detention of persons in a house of prostitution for debt.
- 36          33. Keeping or residing in a house of prostitution or employment in
- 37 prostitution.
- 38          34. Pandering.
- 39          35. Transporting persons for the purpose of prostitution, polygamy
- 40 and concubinage.
- 41          36. Portraying adult as a minor as prescribed in section 13-3555.
- 42          37. Admitting minors to public displays of sexual conduct as
- 43 prescribed in section 13-3558.
- 44          38. Any felony offense involving contributing to the delinquency of
- 45 a minor.

- 1           39. Unlawful sale or purchase of children.  
2           40. Child bigamy.  
3           41. Any felony offense involving domestic violence as defined in  
4 section 13-3601 except for a felony offense only involving criminal damage  
5 in an amount of more than ~~two hundred fifty dollars~~ \$250 but less than ~~one~~  
6 ~~thousand dollars~~ \$1,000 if the offense was committed before June 29, 2009.  
7           42. Any felony offense in violation of title 13, chapter 12 if  
8 committed within five years before the date of applying for a level I  
9 fingerprint clearance card.  
10          43. Felony drug or alcohol related offenses if committed within  
11 five years before the date of applying for a level I fingerprint clearance  
12 card.  
13          44. Felony indecent exposure.  
14          45. Felony public sexual indecency.  
15          46. Terrorism.  
16          47. Any offense involving a violent crime as defined in section  
17 13-901.03.  
18          48. Trafficking of persons for forced labor or services.  
19          C. A person who is awaiting trial on or who has been convicted of  
20 committing or attempting, soliciting, facilitating or conspiring to commit  
21 one or more of the following offenses in this state or the same or similar  
22 offenses in another state or jurisdiction is precluded from receiving a  
23 level I fingerprint clearance card, except that the person may petition  
24 the board of fingerprinting for a good cause exception pursuant to section  
25 41-619.55:  
26           1. Any misdemeanor offense in violation of title 13, chapter 12.  
27           2. Misdemeanor indecent exposure.  
28           3. Misdemeanor public sexual indecency.  
29           4. Aggravated criminal damage.  
30           5. Theft.  
31           6. Theft by extortion.  
32           7. Shoplifting.  
33           8. Forgery.  
34           9. Criminal possession of a forgery device.  
35           10. Obtaining a signature by deception.  
36           11. Criminal impersonation.  
37           12. Theft of a credit card or obtaining a credit card by fraudulent  
38 means.  
39           13. Receipt of anything of value obtained by fraudulent use of a  
40 credit card.  
41           14. Forgery of a credit card.  
42           15. Fraudulent use of a credit card.  
43           16. Possession of any machinery, plate or other contrivance or  
44 incomplete credit card.

- 1           17. False statement as to financial condition or identity to obtain  
2 a credit card.
- 3           18. Fraud by persons authorized to provide goods or services.
- 4           19. Credit card transaction record theft.
- 5           20. Misconduct involving weapons.
- 6           21. Misconduct involving explosives.
- 7           22. Depositing explosives.
- 8           23. Misconduct involving simulated explosive devices.
- 9           24. Concealed weapon violation.
- 10          25. Misdemeanor possession and misdemeanor sale of peyote.
- 11          26. Felony possession and felony sale of peyote if committed more  
12 than five years before the date of applying for a level I fingerprint  
13 clearance card.
- 14          27. Misdemeanor possession and misdemeanor sale of a  
15 vapor-releasing substance containing a toxic substance.
- 16          28. Felony possession and felony sale of a vapor-releasing  
17 substance containing a toxic substance if committed more than five years  
18 before the date of applying for a level I fingerprint clearance card.
- 19          29. Misdemeanor sale of precursor chemicals.
- 20          30. Felony sale of precursor chemicals if committed more than five  
21 years before the date of applying for a level I fingerprint clearance  
22 card.
- 23          31. Misdemeanor possession, misdemeanor use or misdemeanor sale of  
24 marijuana, dangerous drugs or narcotic drugs.
- 25          32. Felony possession, felony use or felony sale of marijuana,  
26 dangerous drugs or narcotic drugs if committed more than five years before  
27 the date of applying for a level I fingerprint clearance card.
- 28          33. Misdemeanor manufacture or misdemeanor distribution of an  
29 imitation controlled substance.
- 30          34. Felony manufacture or felony distribution of an imitation  
31 controlled substance if committed more than five years before the date of  
32 applying for a level I fingerprint clearance card.
- 33          35. Misdemeanor manufacture or misdemeanor distribution of an  
34 imitation prescription-only drug.
- 35          36. Felony manufacture or felony distribution of an imitation  
36 prescription-only drug if committed more than five years before the date  
37 of applying for a level I fingerprint clearance card.
- 38          37. Misdemeanor manufacture or misdemeanor distribution of an  
39 imitation over-the-counter drug.
- 40          38. Felony manufacture or felony distribution of an imitation  
41 over-the-counter drug if committed more than five years before the date of  
42 applying for a level I fingerprint clearance card.
- 43          39. Misdemeanor possession or misdemeanor possession with intent to  
44 use an imitation controlled substance.

- 1           40. Felony possession or felony possession with intent to use an  
2 imitation controlled substance if committed more than five years before  
3 the date of applying for a level I fingerprint clearance card.
- 4           41. Misdemeanor possession or misdemeanor possession with intent to  
5 use an imitation prescription-only drug.
- 6           42. Felony possession or felony possession with intent to use an  
7 imitation prescription-only drug if committed more than five years before  
8 the date of applying for a level I fingerprint clearance card.
- 9           43. Misdemeanor possession or misdemeanor possession with intent to  
10 use an imitation over-the-counter drug.
- 11           44. Felony possession or felony possession with intent to use an  
12 imitation over-the-counter drug if committed more than five years before  
13 the date of applying for a level I fingerprint clearance card.
- 14           45. Misdemeanor manufacture of certain substances and drugs by  
15 certain means.
- 16           46. Felony manufacture of certain substances and drugs by certain  
17 means if committed more than five years before the date of applying for a  
18 level I fingerprint clearance card.
- 19           47. Adding poison or other harmful substance to food, drink or  
20 medicine.
- 21           48. A criminal offense involving criminal trespass under title 13,  
22 chapter 15.
- 23           49. A criminal offense involving burglary under title 13,  
24 chapter 15.
- 25           50. A criminal offense under title 13, chapter 23, except  
26 terrorism.
- 27           51. Misdemeanor offenses involving child neglect.
- 28           52. Misdemeanor offenses involving contributing to the delinquency  
29 of a minor.
- 30           53. Misdemeanor offenses involving domestic violence as defined in  
31 section 13-3601.
- 32           54. Felony offenses involving domestic violence if the offense only  
33 involved criminal damage in an amount of more than ~~two hundred fifty~~  
34 ~~dollars~~ \$250 but less than ~~one thousand dollars~~ \$1,000 and the offense was  
35 committed before June 29, 2009.
- 36           55. Arson.
- 37           56. Felony offenses involving sale, distribution or transportation  
38 of, offer to sell, transport or distribute or conspiracy to sell,  
39 transport or distribute marijuana, dangerous drugs or narcotic drugs if  
40 committed more than five years before the date of applying for a level I  
41 fingerprint clearance card.
- 42           57. Criminal damage.
- 43           58. Misappropriation of charter school monies as prescribed in  
44 section 13-1818.
- 45           59. Taking identity of another person or entity.

- 1           60. Aggravated taking identity of another person or entity.
- 2           61. Trafficking in the identity of another person or entity.
- 3           62. Cruelty to animals.
- 4           63. Prostitution, as prescribed in section 13-3214.
- 5           64. Sale or distribution of material harmful to minors through
- 6 vending machines as prescribed in section 13-3513.
- 7           65. Welfare fraud.
- 8           66. Any felony offense in violation of title 13, chapter 12 if
- 9 committed more than five years before the date of applying for a level I
- 10 fingerprint clearance card.
- 11           67. Kidnapping.
- 12           68. Robbery, aggravated robbery or armed robbery.
- 13           D. A person who is awaiting trial on or who has been convicted of
- 14 committing or attempting to commit a misdemeanor violation of section
- 15 28-1381, 28-1382 or 28-1383 in this state or the same or a similar offense
- 16 in another state or jurisdiction within five years from the date of
- 17 applying for a level I fingerprint clearance card is precluded from
- 18 driving any vehicle to transport employees or clients of the employing
- 19 agency as part of the person's employment. The division shall place a
- 20 notation on the level I fingerprint clearance card that indicates this
- 21 driving restriction. This subsection does not preclude a person from
- 22 driving a vehicle alone as part of the person's employment.
- 23           E. Notwithstanding subsection C of this section, on receiving
- 24 written notice from the board of fingerprinting that a good cause
- 25 exception was granted pursuant to section 41-619.55, the fingerprinting
- 26 division shall issue a level I fingerprint clearance card to the
- 27 applicant.
- 28           F. If the fingerprinting division denies a person's application for
- 29 a level I fingerprint clearance card pursuant to subsection C of this
- 30 section and a good cause exception is requested pursuant to section
- 31 41-619.55, the fingerprinting division shall release, on request by the
- 32 board of fingerprinting, the person's criminal history record to the board
- 33 of fingerprinting.
- 34           G. A person shall be granted a level I fingerprint clearance card
- 35 pursuant to this section if either of the following applies:
- 36           1. An agency granted a good cause exception before August 16, 1999
- 37 and no new precluding offense is identified. The fingerprint clearance
- 38 card shall specify only the program that granted the good cause exception.
- 39 On the request of the applicant, the agency that granted the prior good
- 40 cause exception shall notify the fingerprinting division in writing of the
- 41 date on which the prior good cause exception was granted, the date of the
- 42 conviction and the name of the offense for which the good cause exception
- 43 was granted.
- 44           2. The board granted a good cause exception and no new precluding
- 45 offense is identified.

1 H. The licensee or contract provider shall assume the costs of  
2 fingerprint checks conducted pursuant to this section and may charge these  
3 costs to persons who are required to be fingerprinted.

4 I. A person who is under eighteen years of age or who is at least  
5 ninety-nine years of age is exempt from the level I fingerprint clearance  
6 card requirements of this section. At all times the person shall be under  
7 the direct visual supervision of personnel who have valid level I  
8 fingerprint clearance cards.

9 J. The fingerprinting division shall conduct periodic state  
10 criminal history records checks and may conduct federal criminal history  
11 records checks when authorized pursuant to federal law for the purpose of  
12 updating the clearance status of current level I fingerprint clearance  
13 cardholders pursuant to this section and may notify the board of  
14 fingerprinting and the agency of the results of the records check.

15 K. The fingerprinting division shall revoke a person's level I  
16 fingerprint clearance card on receipt of a written request for revocation  
17 from the board of fingerprinting pursuant to section 41-619.55.

18 L. If a person's criminal history record contains an offense listed  
19 in subsection B or C of this section and the final disposition is not  
20 recorded on the record, the division shall conduct research to obtain the  
21 disposition within thirty business days after receipt of the record. If  
22 the division cannot determine, within thirty business days after receipt  
23 of the person's state and federal criminal history record information,  
24 whether the person is awaiting trial on or has been convicted of  
25 committing or attempting, soliciting, facilitating or conspiring to commit  
26 any of the offenses listed in subsection B or C of this section in this  
27 state or the same or a similar offense in another state or jurisdiction,  
28 the division shall not issue a level I fingerprint clearance card to the  
29 person. If the division is unable to make the determination required by  
30 this section and does not issue a level I fingerprint clearance card to a  
31 person, the person may request a good cause exception pursuant to section  
32 41-619.55.

33 M. If after conducting a state and federal criminal history records  
34 check the fingerprinting division determines that it is not authorized to  
35 issue a level I fingerprint clearance card to an applicant, the division  
36 shall notify the agency that the fingerprinting division is not authorized  
37 to issue a level I fingerprint clearance card. This notice shall include  
38 the criminal history information on which the denial was based. This  
39 criminal history information is subject to dissemination restrictions  
40 pursuant to section 41-1750 and Public Law 92-544.

41 N. The fingerprinting division is not liable for damages resulting  
42 from:

43 1. The issuance of a level I fingerprint clearance card to an  
44 applicant who is later found to have been ineligible to receive a level I  
45 fingerprint clearance card at the time the card was issued.

1           2. The denial of a level I fingerprint clearance card to an  
2 applicant who is later found to have been eligible to receive a level I  
3 fingerprint clearance card at the time issuance of the card was denied.

4           O. Notwithstanding any law to the contrary, an individual may apply  
5 for and receive a level I fingerprint clearance card pursuant to this  
6 section to satisfy a requirement that the person have a valid fingerprint  
7 clearance card issued pursuant to section 41-1758.03.

8           P. Notwithstanding any law to the contrary, except as prescribed  
9 pursuant to subsection Q of this section, an individual who receives a  
10 level I fingerprint clearance card pursuant to this section also satisfies  
11 a requirement that the individual have a valid fingerprint clearance card  
12 issued pursuant to section 41-1758.03.

13           Q. Unless a cardholder commits an offense listed in subsection B or  
14 C of this section after June 29, 2009, a fingerprint clearance card issued  
15 pursuant to section 41-1758.03 before June 29, 2009 and its renewals are  
16 valid for all requirements for a level I fingerprint clearance card except  
17 those relating to the requirements of section 8-105 or 8-509. A  
18 fingerprint clearance card issued before June 29, 2009 to meet the  
19 requirements of section 8-105 or 8-509 and its renewals are valid after  
20 June 29, 2009 to meet all requirements for a level I fingerprint clearance  
21 card, including the requirements of section 8-105 or 8-509, if the  
22 cardholder has been certified by the court to adopt or has been issued a  
23 foster home license before June 29, 2009.

24           R. The issuance of a level I fingerprint clearance card does not  
25 entitle a person to employment.

26           S. For the purposes of this section:

27           1. "Person" means a person who is fingerprinted pursuant to:

28           (a) Section 8-105, 8-463, 8-509, 8-802, 17-215, 36-207, 36-594.01,  
29 36-594.02, 36-882, 36-883.02, 36-897.01, 36-897.03, [36-2819](#), 41-619.52,  
30 41-619.53, 41-1964, 41-1967.01, 41-1968, 41-1969 or 46-141.

31           (b) Subsection O of this section.

32           2. "Renewal" means the issuance of a fingerprint clearance card to  
33 an existing fingerprint clearance cardholder who applies before the  
34 person's existing fingerprint clearance card expires.

35           Sec. 19. Subject to the requirements of article IV, part 1,  
36 section 1, Constitution of Arizona, section 41-1758.07, Arizona Revised  
37 Statutes, as amended by Laws 2018, chapter 287, section 6, is amended to  
38 read:

39           41-1758.07. [Level I fingerprint clearance cards; definitions](#)

40           A. On receiving the state and federal criminal history record of a  
41 person who is required to be fingerprinted pursuant to this section, the  
42 fingerprinting division in the department of public safety shall compare  
43 the record with the list of criminal offenses that preclude the person  
44 from receiving a level I fingerprint clearance card. If the person's  
45 criminal history record does not contain any of the offenses listed in

- 1 subsections B and C of this section, the fingerprinting division shall  
2 issue the person a level I fingerprint clearance card.
- 3 B. A person who is subject to registration as a sex offender in  
4 this state or any other jurisdiction or who is awaiting trial on or who  
5 has been convicted of committing or attempting, soliciting, facilitating  
6 or conspiring to commit one or more of the following offenses in this  
7 state or the same or similar offenses in another state or jurisdiction is  
8 precluded from receiving a level I fingerprint clearance card:
- 9 1. Sexual abuse of a vulnerable adult.
  - 10 2. Incest.
  - 11 3. Homicide, including first or second degree murder, manslaughter  
12 and negligent homicide.
  - 13 4. Sexual assault.
  - 14 5. Sexual exploitation of a minor.
  - 15 6. Sexual exploitation of a vulnerable adult.
  - 16 7. Commercial sexual exploitation of a minor.
  - 17 8. Commercial sexual exploitation of a vulnerable adult.
  - 18 9. Child sex trafficking as prescribed in section 13-3212.
  - 19 10. Child abuse.
  - 20 11. Felony child neglect.
  - 21 12. Abuse of a vulnerable adult.
  - 22 13. Sexual conduct with a minor.
  - 23 14. Molestation of a child.
  - 24 15. Molestation of a vulnerable adult.
  - 25 16. Dangerous crimes against children as defined in section 13-705.
  - 26 17. Exploitation of minors involving drug offenses.
  - 27 18. Taking a child for the purpose of prostitution as prescribed in  
28 section 13-3206.
  - 29 19. Neglect or abuse of a vulnerable adult.
  - 30 20. Sex trafficking.
  - 31 21. Sexual abuse.
  - 32 22. Production, publication, sale, possession and presentation of  
33 obscene items as prescribed in section 13-3502.
  - 34 23. Furnishing harmful items to minors as prescribed in section  
35 13-3506.
  - 36 24. Furnishing harmful items to minors by internet activity as  
37 prescribed in section 13-3506.01.
  - 38 25. Obscene or indecent telephone communications to minors for  
39 commercial purposes as prescribed in section 13-3512.
  - 40 26. Luring a minor for sexual exploitation.
  - 41 27. Enticement of persons for purposes of prostitution.
  - 42 28. Procurement by false pretenses of person for purposes of  
43 prostitution.
  - 44 29. Procuring or placing persons in a house of prostitution.
  - 45 30. Receiving earnings of a prostitute.

- 1 31. Causing one's spouse to become a prostitute.
- 2 32. Detention of persons in a house of prostitution for debt.
- 3 33. Keeping or residing in a house of prostitution or employment in
- 4 prostitution.
- 5 34. Pandering.
- 6 35. Transporting persons for the purpose of prostitution, polygamy
- 7 and concubinage.
- 8 36. Portraying adult as a minor as prescribed in section 13-3555.
- 9 37. Admitting minors to public displays of sexual conduct as
- 10 prescribed in section 13-3558.
- 11 38. Any felony offense involving contributing to the delinquency of
- 12 a minor.
- 13 39. Unlawful sale or purchase of children.
- 14 40. Child bigamy.
- 15 41. Any felony offense involving domestic violence as defined in
- 16 section 13-3601 except for a felony offense only involving criminal damage
- 17 in an amount of more than ~~two hundred fifty dollars~~ \$250 but less than ~~one~~
- 18 ~~thousand dollars~~ \$1,000 if the offense was committed before June 29, 2009.
- 19 42. Any felony offense in violation of title 13, chapter 12 if
- 20 committed within five years before the date of applying for a level I
- 21 fingerprint clearance card.
- 22 43. Felony drug or alcohol related offenses if committed within
- 23 five years before the date of applying for a level I fingerprint clearance
- 24 card.
- 25 44. Felony indecent exposure.
- 26 45. Felony public sexual indecency.
- 27 46. Terrorism.
- 28 47. Any offense involving a violent crime as defined in section
- 29 13-901.03.
- 30 48. Trafficking of persons for forced labor or services.
- 31 C. A person who is awaiting trial on or who has been convicted of
- 32 committing or attempting, soliciting, facilitating or conspiring to commit
- 33 one or more of the following offenses in this state or the same or similar
- 34 offenses in another state or jurisdiction is precluded from receiving a
- 35 level I fingerprint clearance card, except that the person may petition
- 36 the board of fingerprinting for a good cause exception pursuant to section
- 37 41-619.55:
  - 38 1. Any misdemeanor offense in violation of title 13, chapter 12.
  - 39 2. Misdemeanor indecent exposure.
  - 40 3. Misdemeanor public sexual indecency.
  - 41 4. Aggravated criminal damage.
  - 42 5. Theft.
  - 43 6. Theft by extortion.
  - 44 7. Shoplifting.
  - 45 8. Forgery.

- 1           9. Criminal possession of a forgery device.
- 2           10. Obtaining a signature by deception.
- 3           11. Criminal impersonation.
- 4           12. Theft of a credit card or obtaining a credit card by fraudulent
- 5 means.
- 6           13. Receipt of anything of value obtained by fraudulent use of a
- 7 credit card.
- 8           14. Forgery of a credit card.
- 9           15. Fraudulent use of a credit card.
- 10          16. Possession of any machinery, plate or other contrivance or
- 11 incomplete credit card.
- 12          17. False statement as to financial condition or identity to obtain
- 13 a credit card.
- 14          18. Fraud by persons authorized to provide goods or services.
- 15          19. Credit card transaction record theft.
- 16          20. Misconduct involving weapons.
- 17          21. Misconduct involving explosives.
- 18          22. Depositing explosives.
- 19          23. Misconduct involving simulated explosive devices.
- 20          24. Concealed weapon violation.
- 21          25. Misdemeanor possession and misdemeanor sale of peyote.
- 22          26. Felony possession and felony sale of peyote if committed more
- 23 than five years before the date of applying for a level I fingerprint
- 24 clearance card.
- 25          27. Misdemeanor possession and misdemeanor sale of a
- 26 vapor-releasing substance containing a toxic substance.
- 27          28. Felony possession and felony sale of a vapor-releasing
- 28 substance containing a toxic substance if committed more than five years
- 29 before the date of applying for a level I fingerprint clearance card.
- 30          29. Misdemeanor sale of precursor chemicals.
- 31          30. Felony sale of precursor chemicals if committed more than five
- 32 years before the date of applying for a level I fingerprint clearance
- 33 card.
- 34          31. Misdemeanor possession, misdemeanor use or misdemeanor sale of
- 35 marijuana, dangerous drugs or narcotic drugs.
- 36          32. Felony possession, felony use or felony sale of marijuana,
- 37 dangerous drugs or narcotic drugs if committed more than five years before
- 38 the date of applying for a level I fingerprint clearance card.
- 39          33. Misdemeanor manufacture or misdemeanor distribution of an
- 40 imitation controlled substance.
- 41          34. Felony manufacture or felony distribution of an imitation
- 42 controlled substance if committed more than five years before the date of
- 43 applying for a level I fingerprint clearance card.
- 44          35. Misdemeanor manufacture or misdemeanor distribution of an
- 45 imitation prescription-only drug.

- 1           36. Felony manufacture or felony distribution of an imitation  
2 prescription-only drug if committed more than five years before the date  
3 of applying for a level I fingerprint clearance card.
- 4           37. Misdemeanor manufacture or misdemeanor distribution of an  
5 imitation over-the-counter drug.
- 6           38. Felony manufacture or felony distribution of an imitation  
7 over-the-counter drug if committed more than five years before the date of  
8 applying for a level I fingerprint clearance card.
- 9           39. Misdemeanor possession or misdemeanor possession with intent to  
10 use an imitation controlled substance.
- 11           40. Felony possession or felony possession with intent to use an  
12 imitation controlled substance if committed more than five years before  
13 the date of applying for a level I fingerprint clearance card.
- 14           41. Misdemeanor possession or misdemeanor possession with intent to  
15 use an imitation prescription-only drug.
- 16           42. Felony possession or felony possession with intent to use an  
17 imitation prescription-only drug if committed more than five years before  
18 the date of applying for a level I fingerprint clearance card.
- 19           43. Misdemeanor possession or misdemeanor possession with intent to  
20 use an imitation over-the-counter drug.
- 21           44. Felony possession or felony possession with intent to use an  
22 imitation over-the-counter drug if committed more than five years before  
23 the date of applying for a level I fingerprint clearance card.
- 24           45. Misdemeanor manufacture of certain substances and drugs by  
25 certain means.
- 26           46. Felony manufacture of certain substances and drugs by certain  
27 means if committed more than five years before the date of applying for a  
28 level I fingerprint clearance card.
- 29           47. Adding poison or other harmful substance to food, drink or  
30 medicine.
- 31           48. A criminal offense involving criminal trespass under title 13,  
32 chapter 15.
- 33           49. A criminal offense involving burglary under title 13,  
34 chapter 15.
- 35           50. A criminal offense under title 13, chapter 23, except  
36 terrorism.
- 37           51. Misdemeanor offenses involving child neglect.
- 38           52. Misdemeanor offenses involving contributing to the delinquency  
39 of a minor.
- 40           53. Misdemeanor offenses involving domestic violence as defined in  
41 section 13-3601.
- 42           54. Felony offenses involving domestic violence if the offense only  
43 involved criminal damage in an amount of more than ~~two hundred fifty~~  
44 ~~dollars~~ \$250 but less than ~~one thousand dollars~~ \$1,000 and the offense was  
45 committed before June 29, 2009.

- 1           55. Arson.
- 2           56. Felony offenses involving sale, distribution or transportation  
3 of, offer to sell, transport or distribute or conspiracy to sell,  
4 transport or distribute marijuana, dangerous drugs or narcotic drugs if  
5 committed more than five years before the date of applying for a level I  
6 fingerprint clearance card.
- 7           57. Criminal damage.
- 8           58. Misappropriation of charter school monies as prescribed in  
9 section 13-1818.
- 10          59. Taking identity of another person or entity.
- 11          60. Aggravated taking identity of another person or entity.
- 12          61. Trafficking in the identity of another person or entity.
- 13          62. Cruelty to animals.
- 14          63. Prostitution, as prescribed in section 13-3214.
- 15          64. Sale or distribution of material harmful to minors through  
16 vending machines as prescribed in section 13-3513.
- 17          65. Welfare fraud.
- 18          66. Any felony offense in violation of title 13, chapter 12 if  
19 committed more than five years before the date of applying for a level I  
20 fingerprint clearance card.
- 21          67. Kidnapping.
- 22          68. Robbery, aggravated robbery or armed robbery.
- 23          D. A person who is awaiting trial on or who has been convicted of  
24 committing or attempting to commit a misdemeanor violation of section  
25 28-1381, 28-1382 or 28-1383 in this state or the same or a similar offense  
26 in another state or jurisdiction within five years from the date of  
27 applying for a level I fingerprint clearance card is precluded from  
28 driving any vehicle to transport employees or clients of the employing  
29 agency as part of the person's employment. The division shall place a  
30 notation on the level I fingerprint clearance card that indicates this  
31 driving restriction. This subsection does not preclude a person from  
32 driving a vehicle alone as part of the person's employment.
- 33          E. Notwithstanding subsection C of this section, on receiving  
34 written notice from the board of fingerprinting that a good cause  
35 exception was granted pursuant to section 41-619.55, the fingerprinting  
36 division shall issue a level I fingerprint clearance card to the  
37 applicant.
- 38          F. If the fingerprinting division denies a person's application for  
39 a level I fingerprint clearance card pursuant to subsection C of this  
40 section and a good cause exception is requested pursuant to section  
41 41-619.55, the fingerprinting division shall release, on request by the  
42 board of fingerprinting, the person's criminal history record to the board  
43 of fingerprinting.
- 44          G. A person shall be granted a level I fingerprint clearance card  
45 pursuant to this section if either of the following applies:

1           1. An agency granted a good cause exception before August 16, 1999  
2 and no new precluding offense is identified. The fingerprint clearance  
3 card shall specify only the program that granted the good cause exception.  
4 On the request of the applicant, the agency that granted the prior good  
5 cause exception shall notify the fingerprinting division in writing of the  
6 date on which the prior good cause exception was granted, the date of the  
7 conviction and the name of the offense for which the good cause exception  
8 was granted.

9           2. The board granted a good cause exception and no new precluding  
10 offense is identified.

11           H. The licensee or contract provider shall assume the costs of  
12 fingerprint checks conducted pursuant to this section and may charge these  
13 costs to persons who are required to be fingerprinted.

14           I. A person who is under eighteen years of age or who is at least  
15 ninety-nine years of age is exempt from the level I fingerprint clearance  
16 card requirements of this section. At all times the person shall be under  
17 the direct visual supervision of personnel who have valid level I  
18 fingerprint clearance cards.

19           J. The fingerprinting division shall conduct periodic state  
20 criminal history records checks and may conduct federal criminal history  
21 records checks when authorized pursuant to federal law for the purpose of  
22 updating the clearance status of current level I fingerprint clearance  
23 cardholders pursuant to this section and may notify the board of  
24 fingerprinting and the agency of the results of the records check.

25           K. The fingerprinting division shall revoke a person's level I  
26 fingerprint clearance card on receipt of a written request for revocation  
27 from the board of fingerprinting pursuant to section 41-619.55.

28           L. If a person's criminal history record contains an offense listed  
29 in subsection B or C of this section and the final disposition is not  
30 recorded on the record, the division shall conduct research to obtain the  
31 disposition within thirty business days after receipt of the record. If  
32 the division cannot determine, within thirty business days after receipt  
33 of the person's state and federal criminal history record information,  
34 whether the person is awaiting trial on or has been convicted of  
35 committing or attempting, soliciting, facilitating or conspiring to commit  
36 any of the offenses listed in subsection B or C of this section in this  
37 state or the same or a similar offense in another state or jurisdiction,  
38 the division shall not issue a level I fingerprint clearance card to the  
39 person. If the division is unable to make the determination required by  
40 this section and does not issue a level I fingerprint clearance card to a  
41 person, the person may request a good cause exception pursuant to section  
42 41-619.55.

43           M. If after conducting a state and federal criminal history records  
44 check the fingerprinting division determines that it is not authorized to  
45 issue a level I fingerprint clearance card to an applicant, the division

1 shall notify the agency that the fingerprinting division is not authorized  
2 to issue a level I fingerprint clearance card. This notice shall include  
3 the criminal history information on which the denial was based. This  
4 criminal history information is subject to dissemination restrictions  
5 pursuant to section 41-1750 and Public Law 92-544.

6 N. The fingerprinting division is not liable for damages resulting  
7 from:

8 1. The issuance of a level I fingerprint clearance card to an  
9 applicant who is later found to have been ineligible to receive a level I  
10 fingerprint clearance card at the time the card was issued.

11 2. The denial of a level I fingerprint clearance card to an  
12 applicant who is later found to have been eligible to receive a level I  
13 fingerprint clearance card at the time issuance of the card was denied.

14 O. Notwithstanding any law to the contrary, an individual may apply  
15 for and receive a level I fingerprint clearance card pursuant to this  
16 section to satisfy a requirement that the person have a valid fingerprint  
17 clearance card issued pursuant to section 41-1758.03.

18 P. Notwithstanding any law to the contrary, except as prescribed  
19 pursuant to subsection Q of this section, an individual who receives a  
20 level I fingerprint clearance card pursuant to this section also satisfies  
21 a requirement that the individual have a valid fingerprint clearance card  
22 issued pursuant to section 41-1758.03.

23 Q. Unless a cardholder commits an offense listed in subsection B or  
24 C of this section after June 29, 2009, a fingerprint clearance card issued  
25 pursuant to section 41-1758.03 before June 29, 2009 and its renewals are  
26 valid for all requirements for a level I fingerprint clearance card except  
27 those relating to the requirements of section 8-105 or 8-509. A  
28 fingerprint clearance card issued before June 29, 2009 to meet the  
29 requirements of section 8-105 or 8-509 and its renewals are valid after  
30 June 29, 2009 to meet all requirements for a level I fingerprint clearance  
31 card, including the requirements of section 8-105 or 8-509, if the  
32 cardholder has been certified by the court to adopt or has been issued a  
33 foster home license before June 29, 2009.

34 R. The issuance of a level I fingerprint clearance card does not  
35 entitle a person to employment.

36 S. For the purposes of this section:

37 1. "Person" means a person who is fingerprinted pursuant to:

38 (a) Section 3-314, 8-105, 8-463, 8-509, 8-802, 17-215, 36-207,  
39 36-594.01, 36-594.02, 36-882, 36-883.02, 36-897.01, 36-897.03, [36-2819](#),  
40 41-619.52, 41-619.53, 41-1964, 41-1967.01, 41-1968, 41-1969 or 46-141.

41 (b) Subsection O of this section.

42 2. "Renewal" means the issuance of a fingerprint clearance card to  
43 an existing fingerprint clearance cardholder who applies before the  
44 person's existing fingerprint clearance card expires.

1           Sec. 20. Legislative intent

2           The legislature intends that, if marijuana is legalized in this  
3 state for adult recreational use, the laboratory testing and childproof  
4 packaging requirements prescribed in section 36-2806, Arizona Revised  
5 Statutes, as amended by this act, shall apply to marijuana for adult  
6 recreational use.

7           Sec. 21. Effective date

8           The following are effective from and after August 3, 2019:

9           1. Section 41-619.51, Arizona Revised Statutes, as amended by Laws  
10 2018, chapter 46, section 3 and chapter 296, section 12 and this act.

11           2. Section 41-619.51, Arizona Revised Statutes, as amended by Laws  
12 2018, chapter 287, section 3 and as repealed by this act.

13           3. Section 41-1758, Arizona Revised Statutes, as amended by Laws  
14 2018, chapter 46, section 4 and chapter 296, section 13 and by this act.

15           4. Section 41-1758, Arizona Revised Statutes, as amended by Laws  
16 2018, chapter 287, section 4 and as repealed by this act.

17           5. Section 41-1758.01, Arizona Revised Statutes, as amended by Laws  
18 2018, chapter 46, section 5 and chapter 296, section 14 and this act.

19           6. Section 41-1758.01, Arizona Revised Statutes, as amended by Laws  
20 2018, chapter 287, section 5 and as repealed by this act.

21           7. Section 41-1758.07, Arizona Revised Statutes, as amended by Laws  
22 2018, chapter 287, section 6 and this act.

23           Sec. 22. Requirements for enactment; three-fourths vote

24           Pursuant to article IV, part 1, section 1, Constitution of Arizona,  
25 sections 36-2801, 36-2803, 36-2804, 36-2804.01, 36-2804.03, 36-2804.05,  
26 36-2804.06, 36-2806, 36-2810, 36-2816 and 36-2819, Arizona Revised  
27 Statutes, as amended by this act, section 41-619.51, Arizona Revised  
28 Statutes, as amended by Laws 2018, chapter 46, section 3 and chapter 296,  
29 section 12 and this act, section 41-1758, Arizona Revised Statutes, as  
30 amended by Laws 2018, chapter 46, section 4 and chapter 296, section 13  
31 and this act, section 41-1758.01, Arizona Revised Statutes, as amended by  
32 Laws 2018, chapter 46, section 5 and chapter 296, section 14 and this act,  
33 section 41-1758.07, Arizona Revised Statutes, as amended by Laws 2017,  
34 chapter 167, section 16 and this act, section 41-1758.07, Arizona Revised  
35 Statutes, as amended by Laws 2018, chapter 287, section 6 and this act,  
36 and section 19 of this act, are effective only on the affirmative vote of  
37 at least three-fourths of the members of each house of the legislature.