

REFERENCE TITLE: **medical marijuana; pesticide use**

State of Arizona  
Senate  
Fifty-fourth Legislature  
Second Regular Session  
2020

# **SB 1015**

Introduced by  
Senator Borrelli

AN ACT

AMENDING SECTION 36-2803, ARIZONA REVISED STATUTES; RELATING TO MEDICAL MARIJUANA.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

5 36-2803. Rulemaking; notice; testing of marijuana and  
6 marijuana products; fees

7 A. The department shall adopt rules:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 E. Beginning November 1, 2020, before selling or dispensing  
39 marijuana or marijuana products to registered qualified patients or  
40 registered designated caregivers, nonprofit medical marijuana dispensaries  
41 shall test marijuana and marijuana products for medical use to determine  
42 unsafe levels of microbial contamination, heavy metals, pesticides,  
43 herbicides, fungicides, growth regulators and residual solvents and  
44 confirm the potency of the marijuana to be dispensed. ONLY PESTICIDE  
45 PRODUCTS THAT ARE EXEMPT FROM FEDERAL REGULATION UNDER THE MINIMUM RISK

1 EXEMPTION REGULATIONS IN 40 CODE OF FEDERAL REGULATIONS SECTION 152.25(f)  
2 MAY BE USED IN CULTIVATING MARIJUANA FOR MEDICAL USE.

3 F. Beginning November 1, 2020, nonprofit medical marijuana  
4 dispensaries shall:

5 1. Provide test results to a registered qualifying patient or  
6 designated caregiver immediately on request.

7 2. Display in a conspicuous location a sign that notifies patients  
8 of their right to receive the certified independent third-party laboratory  
9 test results for marijuana and marijuana products for medical use.

10 G. The department shall adopt rules to certify and regulate  
11 independent third-party laboratories that analyze marijuana cultivated for  
12 medical use. The department shall establish certification fees for  
13 laboratories pursuant to subsection A of this section. In order to be  
14 certified as an independent third-party laboratory that is allowed to test  
15 marijuana and marijuana products for medical use pursuant to this chapter,  
16 an independent third-party laboratory:

17 1. Must meet requirements established by the department, including  
18 reporting and health and safety requirements.

19 2. May not have any direct or indirect familial or financial  
20 relationship with or interest in a nonprofit medical marijuana dispensary  
21 or related medical marijuana business entity or management company, or any  
22 direct or indirect familial or financial relationship with a designated  
23 caregiver for whom the laboratory is testing marijuana and marijuana  
24 products for medical use in this state.

25 3. Must have a quality assurance program and standards.

26 4. Must have an adequate chain of custody and sample requirement  
27 policies.

28 5. Must have an adequate records retention process to preserve  
29 records.

30 6. Must establish procedures to ensure that results are accurate,  
31 precise and scientifically valid before reporting the results.

32 7. Must be accredited by a national or international accreditation  
33 association or other similar accrediting entity, as determined by the  
34 department.

35 8. Must establish policies and procedures for disposal and reverse  
36 distribution of samples that are collected by the laboratory.

37 H. The department may conduct proficiency testing and remediate  
38 problems with independent third-party laboratories that are certified and  
39 regulated pursuant to this chapter. Remediation may include assessing  
40 civil penalties and suspending or revoking a laboratory's certification.

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

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