

REFERENCE TITLE: medical marijuana; dispensaries; information sharing

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

SB 1017

Introduced by
Senator Borrelli

AN ACT

AMENDING SECTION 36-2806, 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 36-2806, Arizona Revised
4 Statutes, is amended to read:

5 36-2806. Registered nonprofit medical marijuana dispensaries;
6 requirements; rules; inspections; testing

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

15 B. The operating documents of a registered nonprofit medical
16 marijuana dispensary shall include procedures ~~for the oversight of TO~~
17 ~~OVERSEE~~ the registered nonprofit medical marijuana dispensary and
18 procedures to ensure accurate recordkeeping.

19 C. A registered nonprofit medical marijuana dispensary shall have a
20 single secure entrance and shall implement appropriate security measures
21 to deter and prevent the theft of marijuana and unauthorized entrance into
22 areas containing marijuana.

23 D. A registered nonprofit medical marijuana dispensary is
24 prohibited from acquiring, possessing, cultivating, manufacturing,
25 delivering, transferring, transporting, supplying or dispensing marijuana
26 for any purpose except to assist registered qualifying patients with the
27 medical use of marijuana directly or through the registered qualifying
28 patients' designated caregivers or an independent third-party laboratory
29 agent or a certified independent third-party laboratory for the purposes
30 prescribed in this chapter and department rule.

31 E. All cultivation of marijuana must take place in an enclosed,
32 locked facility, at a physical address provided to the department during
33 the registration process, that can be accessed only by registered
34 nonprofit medical marijuana dispensary agents associated in the registry
35 with the nonprofit medical marijuana dispensary.

36 F. A registered nonprofit medical marijuana dispensary may acquire
37 usable marijuana or marijuana plants from a registered qualifying patient
38 or a registered designated caregiver only if the registered qualifying
39 patient or registered designated caregiver receives no compensation for
40 the marijuana.

41 G. A nonprofit medical marijuana dispensary shall not allow any
42 person to consume marijuana on the property of the nonprofit medical
43 marijuana dispensary.

1 H. Registered nonprofit medical marijuana dispensaries are subject
2 to reasonable inspection by the department. The department shall give
3 reasonable notice of an inspection under this subsection.

4 I. Beginning November 1, 2020, registered nonprofit medical
5 marijuana dispensaries are subject to product testing by certified
6 independent third-party laboratories pursuant to this chapter and rules
7 adopted pursuant to this chapter.

8 J. Notwithstanding title 13, chapter 34, an employee of the
9 department or an independent third-party laboratory agent may not be
10 charged with or prosecuted for possession of marijuana that is cultivated
11 for medical use as required by this chapter and the rules adopted pursuant
12 to this chapter.

13 K. ON REQUEST, THE DEPARTMENT OF HEALTH SERVICES SHALL SHARE WITH
14 THE DEPARTMENT OF REVENUE INFORMATION REGARDING A REGISTERED NONPROFIT
15 MEDICAL MARIJUANA DISPENSARY, INCLUDING ITS NAME, REGISTRY IDENTIFICATION
16 NUMBER, PHYSICAL ADDRESS, CULTIVATION SITE AND TRANSACTION PRIVILEGE TAX
17 LICENSE NUMBER, INFORMATION ABOUT ITS SUPPLIER AND ALL SALES DATA. THE
18 DEPARTMENT OF HEALTH SERVICES MAY NOT SHARE ANY SPECIFIC INFORMATION
19 REGARDING REGISTERED QUALIFYING PATIENTS THAT IS COLLECTED FROM THE
20 REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY.

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

22 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
23 section 36-2806, Arizona Revised Statutes, as amended by this act, is
24 effective only on the affirmative vote of at least three-fourths of the
25 members of each house of the legislature.

26 Sec. 3. Emergency

27 This act is an emergency measure that is necessary to preserve the
28 public peace, health or safety and is operative immediately as provided by
29 law.