

Senate Engrossed House Bill

medical marijuana; research; grants

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

CHAPTER 419

HOUSE BILL 2298

AN ACT

AMENDING TITLE 36, CHAPTER 28.1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-2812; AMENDING SECTION 36-2817, 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, title 36, chapter 28.1, Arizona
4 Revised Statutes, is amended by adding section 36-2812, Arizona Revised
5 Statutes, to read:

6 36-2812. Arizona biomedical research centre; medical
7 marijuana fund; grants; marijuana clinical trials;
8 requirements; exemption

9 A. THE ARIZONA BIOMEDICAL RESEARCH CENTRE IN THE DEPARTMENT SHALL
10 PROVIDE COMPETITIVE GRANTS FROM MONIES IN THE MEDICAL MARIJUANA FUND
11 ESTABLISHED BY SECTION 36-2817 FOR MARIJUANA CLINICAL TRIALS THAT ARE
12 APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION FOR EVALUATING
13 BOTH THE SAFETY AND EFFICACY OF USING MARIJUANA IN HUMANS AND RESEARCHING
14 THE IMPACTS OF MARIJUANA INTERACTIONS WITH PRESCRIPTION DRUGS,
15 NONPRESCRIPTION DRUGS AND ILLICIT DRUGS.

16 B. CLINICAL TRIALS FUNDED PURSUANT TO SUBSECTION A OF THIS SECTION
17 SHALL BE CONDUCTED BY ARIZONA-BASED RESEARCHERS FROM NONPROFIT
18 ORGANIZATIONS OR UNIVERSITIES, BE APPROVED BY THE UNITED STATES FOOD AND
19 DRUG ADMINISTRATION, THE UNITED STATES DRUG ENFORCEMENT ADMINISTRATION AND
20 AN INSTITUTIONAL REVIEW BOARD AND BE PUBLISHABLE IN PEER-REVIEWED MEDICAL
21 AND PUBLIC HEALTH JOURNALS. THE CENTRE SHALL PRIORITIZE RANDOMIZED
22 CONTROLLED CLINICAL TRIALS THAT STUDY THE TREATMENT OF AUTISM, EPILEPSY,
23 POST-TRAUMATIC STRESS DISORDER AND PAIN.

24 C. NOTWITHSTANDING TITLE 13, CHAPTER 34, A PERSON WHO RECEIVES A
25 GRANT FOR A MARIJUANA CLINICAL TRIAL PURSUANT TO THIS SECTION AND ANY OF
26 THE PERSON'S EMPLOYEES WORKING ON THE CLINICAL TRIAL MAY NOT BE CHARGED
27 WITH OR PROSECUTED FOR POSSESSION OF MARIJUANA THAT IS CULTIVATED FOR
28 MEDICAL USE WHEN THE PERSON IS WORKING ON THE CLINICAL TRIAL.

29 D. THE ARIZONA BIOMEDICAL RESEARCH CENTRE MAY PROVIDE UP TO
30 \$5,000,000 ANNUALLY FOR FIVE CONSECUTIVE YEARS FROM THE MEDICAL MARIJUANA
31 FUND ESTABLISHED BY SECTION 36-2817 TO ADMINISTER AND AWARD COMPETITIVE
32 GRANTS PURSUANT TO THIS SECTION. THE CENTRE MAY NOT USE MORE THAN FIVE
33 PERCENT OF THESE MONIES FOR ADMINISTRATIVE PURPOSES.

34 Sec. 2. Subject to the requirements of article IV, part 1,
35 section 1, Constitution of Arizona, section 36-2817, Arizona Revised
36 Statutes, is amended to read:

37 36-2817. Medical marijuana fund; private donations; fund
38 transfers

39 A. The medical marijuana fund is established consisting of fees
40 collected, civil penalties imposed and private donations received under
41 this chapter. The department shall administer the fund. Monies in the
42 fund are continuously appropriated.

43 B. The director of the department may accept and spend private
44 grants, gifts, donations, contributions and devises to assist in carrying
45 out ~~the provisions of~~ this chapter.

1 C. MONIES IN THE MEDICAL MARIJUANA FUND MAY BE USED TO PROVIDE
2 GRANTS FOR MARIJUANA CLINICAL TRIALS CONDUCTED PURSUANT TO SECTION
3 36-2812.

4 ~~E.~~ D. Monies in the medical marijuana fund do not revert to the
5 state general fund at the end of a fiscal year.

6 ~~D.~~ E. On ~~the effective date of this amendment to this section~~
7 NOVEMBER 30, 2020, the director of the department shall transfer the
8 following sums from the medical marijuana fund for the following purposes:

9 1. \$15,000,000 to the Arizona teachers academy fund established by
10 section 15-1655.

11 2. \$10,000,000 to the department to fund the formation and
12 operation of councils, commissions and programs dedicated to improving
13 public health, including teen suicide prevention, the maternal mortality
14 review program, improving youth health, substance abuse prevention,
15 addressing adverse childhood experiences, the Arizona poison control
16 system established pursuant to section 36-1161, the Arizona health
17 improvement plan, the child fatality review team established pursuant to
18 section 36-3501 and the chronic pain self management program.

19 3. \$10,000,000 to the governor's office of highway safety to
20 distribute grants for the following purposes:

21 (a) Reducing impaired driving, including conducting training
22 programs and purchasing equipment for detecting, testing and enforcing
23 laws against driving, flying or boating while impaired.

24 (b) Equipment, training and personnel costs for dedicated traffic
25 enforcement.

26 4. \$2,000,000 to the department to implement, carry out and enforce
27 chapter 28.2 of this title.

28 5. \$4,000,000 to the department to distribute grants to qualified
29 nonprofit entities that will provide outreach to individuals who may be
30 eligible to file petitions for expungement pursuant to section 36-2862 and
31 will assist with the expungement petition process. The department shall
32 distribute grants pursuant to this paragraph on or before June 30, 2021.

33 6. \$2,000,000 to the department OF HEALTH SERVICES to develop and
34 implement, in conjunction with the department of economic security and
35 other state agencies, a social equity ownership program to promote the
36 ownership and operation of marijuana establishments and marijuana testing
37 facilities by individuals from communities disproportionately impacted by
38 the enforcement of previous marijuana laws. For the purposes of this
39 paragraph, "marijuana establishment" and "marijuana testing facility" have
40 the same meanings prescribed in section 36-2850.

41 7. \$1,000,000 to the department to fund programs and grants to
42 qualified nonprofit organizations for education and community outreach
43 related to chapter 28.2 of this title.

44 8. \$1,000,000 to the smart and safe Arizona fund established by
45 section 36-2856.

1 Sec. 3. Requirements for enactment: three-fourths vote
2 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
3 section 36-2812, Arizona Revised Statutes, as added by this act, and
4 section 36-2817, Arizona Revised Statutes, as amended by this act, are
5 effective only on the affirmative vote of at least three-fourths of the
6 members of each house of the legislature.

APPROVED BY THE GOVERNOR JULY 9, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 9, 2021.