

House Engrossed

medical marijuana; research; grants

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

# 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 AND THE USE OF MARIJUANA DURING  
24 PREGNANCY AND WHILE BREASTFEEDING.

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

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

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

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

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

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

4 C. MONIES IN THE MEDICAL MARIJUANA FUND MAY BE USED TO PROVIDE  
5 GRANTS FOR MARIJUANA CLINICAL TRIALS CONDUCTED PURSUANT TO SECTION  
6 36-2812.

7 ~~C.~~ D. Monies in the medical marijuana fund do not revert to the  
8 state general fund at the end of a fiscal year.

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

12 1. \$15,000,000 to the Arizona teachers academy fund established by  
13 section 15-1655.

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

22 3. \$10,000,000 to the governor's office of highway safety to  
23 distribute grants for the following purposes:

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

27 (b) Equipment, training and personnel costs for dedicated traffic  
28 enforcement.

29 4. \$2,000,000 to the department to implement, carry out and enforce  
30 chapter 28.2 of this title.

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

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

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

4           8. \$1,000,000 to the smart and safe Arizona fund established by  
5 section 36-2856.

6           Sec. 3. Requirements for enactment; three-fourths vote

7           Pursuant to article IV, part 1, section 1, Constitution of Arizona,  
8 section 36-2812, Arizona Revised Statutes, as added by this act, and  
9 section 36-2817, Arizona Revised Statutes, as amended by this act, are  
10 effective only on the affirmative vote of at least three-fourths of the  
11 members of each house of the legislature.