

REFERENCE TITLE: marijuana; sampling; advertising; sale

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2082

Introduced by
Representative Osborne

AN ACT

AMENDING SECTIONS 36-2854, 36-2858 AND 36-2859, ARIZONA REVISED STATUTES;
RELATING TO ADULT USE OF 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 36-2854, Arizona Revised
4 Statutes, is amended to read:

5 36-2854. Rules; licensing; early applicants; fees; civil
6 penalty; legal counsel

7 A. The department shall adopt rules to implement and enforce this
8 chapter and regulate marijuana, marijuana products, marijuana
9 establishments and marijuana testing facilities. Those rules shall
10 include requirements for:

11 1. Licensing marijuana establishments and marijuana testing
12 facilities, including conducting investigations and background checks to
13 determine eligibility for licensing for marijuana establishment and
14 marijuana testing facility applicants, except that:

15 (a) An application for a marijuana establishment license or
16 marijuana testing facility license may not require the disclosure of the
17 identity of any person who is entitled to a share of less than ten percent
18 of the profits of an applicant that is a publicly traded corporation.

19 (b) The department may not issue more than one marijuana
20 establishment license for every ten pharmacies that have registered under
21 section 32-1929, that have obtained a pharmacy permit from the Arizona
22 board of pharmacy and that operate within this state.

23 (c) Notwithstanding subdivision (b) of this paragraph, the
24 department may issue a marijuana establishment license to not more than
25 two marijuana establishments per county that contains no registered
26 nonprofit medical marijuana dispensaries, or one marijuana establishment
27 license per county that contains one registered nonprofit medical
28 marijuana dispensary. Any license issued pursuant to this subdivision
29 shall be for a fixed county and may not be relocated outside of that
30 county.

31 (d) The department shall accept applications for marijuana
32 establishment licenses from early applicants beginning January 19, 2021
33 through March 9, 2021. Not later than sixty days after receiving an
34 application pursuant to this subdivision, the department shall issue a
35 marijuana establishment license to each qualified early applicant. If the
36 department has not adopted final rules pursuant to this section at the
37 time marijuana establishment licenses are issued pursuant to this
38 subdivision, licensees shall comply with the rules adopted by the
39 department to implement chapter 28.1 of this title except those that are
40 inconsistent with this chapter.

41 (e) After issuing marijuana establishment licenses to qualified
42 early applicants, the department shall issue marijuana establishment
43 licenses available under subdivisions (b) and (c) of this paragraph by
44 random selection and according to rules adopted pursuant to this section.

1 At least sixty days before any random selection, the department shall
2 prominently publicize the random selection on its website and through
3 other means of general distribution intended to reach as many interested
4 parties as possible and shall provide notice through an email notification
5 system to which interested parties can subscribe.

6 (f) Notwithstanding subdivisions (b) and (c) of this paragraph, and
7 not later than six months after the department adopts final rules to
8 implement a social equity ownership program pursuant to paragraph 9 of
9 this subsection, the department shall issue twenty-six additional
10 marijuana establishment licenses to entities that are qualified pursuant
11 to the social equity ownership program.

12 (g) Licenses issued by the department to marijuana establishments
13 and marijuana testing facilities shall be valid for a period of two years.
14 A dual licensee's initial renewal date, which will be the ongoing renewal
15 date for both the dual licensee's marijuana establishment license and
16 nonprofit medical marijuana dispensary registration, is the earlier of:

17 (i) The date of the marijuana establishment license renewal.

18 (ii) The date of the nonprofit medical marijuana dispensary
19 registration renewal.

20 (h) Beginning September 29, 2021, the department may not issue a
21 marijuana establishment or marijuana testing facility license to an
22 applicant who has an ownership interest in an out-of-state marijuana
23 establishment or marijuana testing facility, or the other state's
24 equivalent, that has had its license revoked by the other state.

25 2. Licensing fees and renewal fees for marijuana establishments and
26 marijuana testing facilities in amounts that are reasonable and related to
27 the actual cost of processing applications for licenses and renewals and
28 that do not exceed five times the fees prescribed by the department to
29 register or renew a nonprofit medical marijuana dispensary.

30 3. The security of marijuana establishments and marijuana testing
31 facilities.

32 4. Marijuana establishments to safely cultivate, process and
33 manufacture marijuana and marijuana products. Not later than December 31,
34 2023, the department shall require licensees to procure, develop, acquire
35 and maintain a system to track marijuana and marijuana products at all
36 points of cultivation, manufacturing and sale. The system developed and
37 maintained pursuant to this paragraph shall:

38 (a) Ensure an accurate accounting and reporting of the production,
39 processing and sale of marijuana and marijuana products.

40 (b) Ensure compliance with rules adopted by the department.

41 (c) Be capable of tracking, at a minimum:

42 (i) The propagation of immature marijuana plants and the production
43 of marijuana by a marijuana establishment.

1 (ii) The processing of marijuana and marijuana products by a
2 marijuana establishment.

3 (iii) The sale and purchase of marijuana and marijuana products
4 between licensees.

5 (iv) The transfer of marijuana and marijuana products between
6 premises for which licenses have been issued.

7 (v) The disposal of marijuana waste.

8 (vi) The identity of the person making the entry in the system and
9 the time, date and location of each entry into the system, including any
10 corrections or changes to that information.

11 (vii) Any other information that the department determines is
12 reasonably necessary to accomplish the duties, functions and powers of the
13 department.

14 (d) Contain a transactional stamp to ensure accuracy, provide for
15 chain of custody of the information and foreclose tampering of the data,
16 human error or intentional misreporting.

17 5. Tracking, testing, labeling consistent with section 36-2854.01
18 and packaging marijuana and marijuana products, including requirements
19 that marijuana and marijuana products be:

20 (a) Sold to consumers in clearly and conspicuously labeled
21 containers that contain accurate warnings regarding the use of marijuana
22 or marijuana products.

23 (b) Placed in child-resistant packaging on exit from a marijuana
24 establishment.

25 6. Forms of government-issued identification that are acceptable by
26 a marijuana establishment verifying a consumer's age and procedures
27 related to verifying a consumer's age consistent with section 4-241.
28 Until the department adopts final rules related to verifying a consumer's
29 age, marijuana establishments shall comply with the proof of legal age
30 requirements prescribed in section 4-241.

31 7. The potency of edible marijuana products that may be sold to
32 consumers by marijuana establishments at reasonable levels on
33 consideration of industry standards, except that the rules:

34 (a) Shall limit the strength of edible marijuana products to not
35 more than ten milligrams of tetrahydrocannabinol per serving or one
36 hundred milligrams of tetrahydrocannabinol per package.

37 (b) Shall require that if a marijuana product contains more than
38 one serving, it must be delineated or scored into standard serving sizes
39 and homogenized to ensure uniform disbursement throughout the marijuana
40 product.

41 8. Ensuring the health, safety and training of employees of
42 marijuana establishments and marijuana testing facilities.

43 9. The creation and implementation of a social equity ownership
44 program to promote the ownership and operation of marijuana establishments

1 and marijuana testing facilities by individuals from communities
2 disproportionately impacted by the enforcement of previous marijuana laws.

3 10. Prohibiting a marijuana testing facility from having any direct
4 or indirect familial relationship with or financial ownership interest in
5 a marijuana establishment or related marijuana business entity or
6 management company. The rules shall include prohibiting a marijuana
7 establishment from having any direct or indirect familial relationship
8 with or financial ownership interest in a marijuana testing facility or
9 related marijuana business entity or management company.

10 11. Requiring marijuana establishments to display in a conspicuous
11 location a sign that warns pregnant women about the potential dangers to
12 fetuses caused by smoking or ingesting marijuana while pregnant or to
13 infants while breastfeeding and the risk of being reported to the
14 department of child safety during pregnancy or at the birth of the child
15 by persons who are required to report. The rules shall include the
16 specific warning language that must be included on the sign. The cost and
17 display of the sign required by rule shall be borne by the marijuana
18 establishment.

19 12. PROHIBITING A MARIJUANA ESTABLISHMENT RETAIL SITE FROM
20 PROVIDING SAMPLES OF MARIJUANA OR MARIJUANA PRODUCTS FOR ON-SITE USE AND
21 AT NO COST TO A CONSUMER.

22 B. The department may:

23 1. Subject to title 41, chapter 6, article 10, deny any application
24 submitted or deny, suspend or revoke, in whole or in part, any
25 registration or license issued under this chapter if the registered or
26 licensed party or an officer, agent or employee of the registered or
27 licensed party does any of the following:

28 (a) Violates this chapter or any rule adopted pursuant to this
29 chapter.

30 (b) Has been, is or may continue to be in substantial violation of
31 the requirements for licensing or registration and, as a result, the
32 health or safety of the general public is in immediate danger.

33 2. Subject to title 41, chapter 6, article 10, and unless another
34 penalty is provided elsewhere in this chapter, assess a civil penalty
35 against a person that violates this chapter or any rule adopted pursuant
36 to this chapter in an amount not to exceed \$2,000 for each violation.
37 Each day a violation occurs constitutes a separate violation. In
38 determining the amount of a civil penalty assessed against a person, the
39 department shall consider all of the factors set forth in section 36-2816,
40 subsection H. All civil penalties collected by the department pursuant to
41 this paragraph shall be deposited in the smart and safe Arizona fund
42 established by section 36-2856.

43 3. At any time during regular hours of operation, visit and inspect
44 a marijuana establishment, marijuana testing facility or dual licensee to

1 determine if it complies with this chapter and rules adopted pursuant to
2 this chapter. The department shall make at least one unannounced visit
3 annually to each facility licensed pursuant to this chapter.

4 4. Adopt any other rules that are not expressly stated in this
5 section and that are necessary to ensure the safe and responsible
6 cultivation, sale, processing, manufacture, testing and transport of
7 marijuana and marijuana products.

8 C. Until the department adopts rules permitting and regulating
9 delivery by marijuana establishments pursuant to subsection D of this
10 section, delivery is unlawful under this chapter.

11 D. On or after January 1, 2023, the department may, and not later
12 than January 1, 2025 the department shall, adopt rules to permit and
13 regulate delivery by marijuana establishments. The rules shall:

14 1. Require that delivery and the marijuana and marijuana products
15 to be delivered originate from a designated retail location of a marijuana
16 establishment and only after an order is made with the marijuana
17 establishment by a consumer.

18 2. Prohibit delivery to any property owned or leased by the United
19 States, this state, a political subdivision of this state or the Arizona
20 board of regents.

21 3. Limit the amount of marijuana and marijuana products based on
22 retail price that may be in a delivery vehicle during a single trip from
23 the designated retail location of a marijuana establishment.

24 4. Prohibit extra or unallocated marijuana or marijuana products in
25 delivery vehicles.

26 5. Require that deliveries be made only by marijuana facility
27 agents in unmarked vehicles that are equipped with a global positioning
28 system or similar location tracking system and video surveillance and
29 recording equipment, and that contain a locked compartment in which
30 marijuana and marijuana products must be stored.

31 6. Require delivery logs necessary to ensure compliance with this
32 subsection and rules adopted pursuant to this subsection.

33 7. Require inspections to ensure compliance with this subsection
34 and rules adopted pursuant to this subsection.

35 8. Include any other provisions necessary to ensure safe and
36 restricted delivery.

37 9. Require dual licensees to comply with the rules adopted pursuant
38 to this subsection.

39 E. Except as provided in subsection D of this section, the
40 department may not permit delivery of marijuana or marijuana products
41 under this chapter by any individual or entity. In addition to any other
42 penalty imposed by law, an individual or entity that delivers marijuana or
43 marijuana products in a manner that is not authorized by this chapter
44 shall pay a civil penalty of \$20,000 per violation to the smart and safe

1 Arizona fund established by section 36-2856. This subsection may be
2 enforced by the attorney general.

3 F. All rules adopted by the department pursuant to this section
4 shall be consistent with the purpose of this chapter.

5 G. The department may not adopt any rule that:

6 1. Prohibits the operation of marijuana establishments, either
7 expressly or through requirements that make the operation of a marijuana
8 establishment unduly burdensome.

9 2. Prohibits or interferes with the ability of a dual licensee to
10 operate a marijuana establishment and a nonprofit medical marijuana
11 dispensary at shared locations.

12 H. Notwithstanding section 41-192, the department may employ legal
13 counsel and make an expenditure or incur an indebtedness for legal
14 services for the purposes of:

15 1. Defending this chapter or rules adopted pursuant to this
16 chapter.

17 2. Defending chapter 28.1 of this title or rules adopted pursuant
18 to chapter 28.1 of this title.

19 I. The department shall deposit all license fees, application fees
20 and renewal fees paid to the department pursuant to this chapter in the
21 smart and safe Arizona fund established by section 36-2856.

22 J. On request, the department shall share with the department of
23 revenue information regarding a marijuana establishment, marijuana testing
24 facility or dual licensee, including its name, physical address,
25 cultivation site and transaction privilege tax license number.

26 K. Notwithstanding any other law, the department may:

27 1. License an independent third-party laboratory to also operate as
28 a marijuana testing facility.

29 2. Operate a marijuana testing facility.

30 L. The department shall maintain and publish a current list of all
31 marijuana establishments and marijuana testing facilities by name and
32 license number.

33 M. Notwithstanding any other law, the issuance of an occupational,
34 professional or other regulatory license or certification to a person by a
35 jurisdiction or regulatory authority outside this state does not entitle
36 that person to be issued a marijuana establishment license, a marijuana
37 testing facility license, or any other license, registration or
38 certification under this chapter.

39 N. Until the department adopts rules as required by subsection A,
40 paragraph 10 of this section:

41 1. A marijuana testing facility is prohibited from having any
42 direct or indirect familial relationship with or financial ownership
43 interest in a marijuana establishment or related marijuana business entity
44 or management company.

1 2. A marijuana establishment is prohibited from having any direct
2 or indirect familial relationship with or financial ownership interest in
3 a marijuana testing facility or related marijuana business entity or
4 management company.

5 Sec. 2. Subject to the requirements of article IV, part 1,
6 section 1, Constitution of Arizona, section 36-2858, Arizona Revised
7 Statutes, is amended to read:

8 36-2858. Lawful operation of marijuana establishments and
9 marijuana testing facilities

10 A. Except as specifically and expressly provided in section 36-2857
11 and notwithstanding any other law, it is lawful and is not an offense
12 under the laws of this state or any locality, may not constitute the basis
13 for detention, search or arrest, and may not constitute the sole basis for
14 seizure or forfeiture of assets or the basis for imposing penalties under
15 the laws of this state or any locality for:

16 1. A marijuana establishment, or an agent acting on behalf of a
17 marijuana establishment, to:

18 (a) Possess marijuana or marijuana products.

19 (b) Purchase, sell or transport marijuana and marijuana products to
20 or from a marijuana establishment.

21 (c) Sell marijuana and marijuana products to consumers, except that
22 a marijuana establishment may not sell more than one ounce of marijuana to
23 a consumer in a single transaction, not more than five grams of which may
24 be in the form of marijuana concentrate.

25 (d) Cultivate, produce, test or process marijuana or manufacture
26 marijuana or marijuana products by any means, including chemical
27 extraction or chemical synthesis.

28 2. An agent acting on behalf of a marijuana establishment to sell
29 or otherwise transfer marijuana to an individual under twenty-one years of
30 age, if the agent reasonably verified that the individual appeared to be
31 twenty-one years of age or older by means of a government-issued
32 photographic identification in compliance with rules adopted pursuant to
33 section 36-2854, subsection A, paragraph 6.

34 3. A marijuana testing facility, or an agent acting on behalf of a
35 marijuana testing facility, to obtain, possess, process, repackage,
36 transfer, transport or test marijuana and marijuana products.

37 4. A nonprofit medical marijuana dispensary or a marijuana
38 establishment, or an agent acting on behalf of a nonprofit medical
39 marijuana dispensary or a marijuana establishment, to sell or otherwise
40 transfer marijuana or marijuana products to a nonprofit medical marijuana
41 dispensary, a marijuana establishment or an agent acting on behalf of a
42 nonprofit medical marijuana dispensary or a marijuana establishment.

43 5. Any individual, corporation or other entity to sell, lease or
44 otherwise allow property or goods that are owned, managed or controlled by

1 the individual, corporation or other entity to be used for any activity
2 authorized by this chapter, or to provide services to a marijuana
3 establishment, or marijuana testing facility or agent acting on behalf of
4 a marijuana establishment or marijuana testing facility in connection with
5 any activity authorized by this chapter.

6 B. This section does not preclude the department from imposing
7 penalties against a marijuana establishment or marijuana testing facility
8 for failing to comply with this chapter or rules adopted pursuant to this
9 chapter.

10 C. A marijuana establishment may be owned or operated by a publicly
11 traded company.

12 D. Notwithstanding any other law, a dual licensee:

13 1. May hold a marijuana establishment license and operate a
14 marijuana establishment pursuant to this chapter.

15 2. May operate on a for-profit basis if the dual licensee promptly
16 notifies the department and department of revenue and takes any actions
17 necessary to enable its for-profit operation, including converting its
18 corporate form and amending its organizational and operating documents.

19 3. Must continue to hold both its marijuana establishment license
20 and nonprofit medical marijuana dispensary registration, regardless of any
21 change in ownership of the dual licensee, unless it terminates its status
22 as a dual licensee and forfeits either its marijuana establishment license
23 or nonprofit medical marijuana dispensary registration by notifying the
24 department of such a termination and forfeiture.

25 4. Is not required to:

26 (a) Employ or contract with a medical director.

27 (b) Obtain nonprofit medical marijuana dispensary agent or
28 marijuana facility agent registrations for outside vendors that do not
29 have regular, unsupervised access to the interior of the dual licensee's
30 premises.

31 (c) Have a single secure entrance as required by section 36-2806,
32 subsection C, but may be required to implement appropriate security
33 measures to deter and prevent the theft of marijuana and to reasonably
34 regulate customer access to the premises.

35 (d) Comply with any other provision of chapter 28.1 of this title
36 or any rule adopted pursuant to chapter 28.1 of this title that makes its
37 operation as a dual licensee unduly burdensome.

38 E. Notwithstanding any other law, a dual licensee that elects to
39 operate on a for-profit basis pursuant to subsection D, paragraph 2 of
40 this section:

41 1. Is subject to the taxes imposed pursuant to title 43.

42 2. Is not required to submit its annual financial statements or an
43 audit report to the department for purposes of renewing its nonprofit
44 medical marijuana dispensary registration.

1 F. Notwithstanding any other law, a dual licensee must conduct both
2 of the following operations at a shared location:

3 1. Sell marijuana and marijuana products to consumers pursuant to
4 this chapter.

5 2. Dispense marijuana to registered qualifying patients and
6 registered designated caregivers pursuant to chapter 28.1 of this title.

7 G. Notwithstanding chapter 28.1 of this title or any rule adopted
8 pursuant to chapter 28.1 of this title, a dual licensee may engage in any
9 act, practice, conduct or transaction allowed for a marijuana
10 establishment by this chapter.

11 H. Notwithstanding any other law:

12 1. An individual may be an applicant, principal officer or board
13 member of more than one marijuana establishment or more than one dual
14 licensee regardless of the establishment's location.

15 2. Two or more marijuana establishments or dual licensees may
16 designate a single off-site location as prescribed in section 36-2850,
17 paragraph 21, subdivision (c) to be jointly used by those dual licensees
18 or marijuana establishments.

19 I. Marijuana establishments, marijuana testing facilities and dual
20 licensees that are subject to applicable federal or state
21 antidiscrimination laws may not pay their employees differently based
22 solely on a protected class status such as sex, race, color, religion,
23 national origin, age or disability. This subsection does not expand or
24 modify the jurisdictional reach, provisions or requirements of any
25 applicable antidiscrimination law.

26 J. MARIJUANA ESTABLISHMENTS ARE PROHIBITED FROM SELLING MARIJUANA
27 OR MARIJUANA PRODUCTS TO PERSONS WHO ARE OBVIOUSLY INTOXICATED. FOR THE
28 PURPOSES OF THIS SUBSECTION, "OBVIOUSLY INTOXICATED" MEANS AFFECTED BY
29 ALCOHOL OR DRUGS TO SUCH AN EXTENT THAT A PERSON'S PHYSICAL FACULTIES ARE
30 SUBSTANTIALLY IMPAIRED AND THE IMPAIRMENT IS SHOWN BY SIGNIFICANTLY
31 UNCOORDINATED PHYSICAL ACTION OR SIGNIFICANT PHYSICAL DYSFUNCTION THAT
32 WOULD BE OBVIOUS TO A REASONABLE PERSON.

33 Sec. 3. Subject to the requirements of article IV, part 1,
34 section 1, Constitution of Arizona, section 36-2859, Arizona Revised
35 Statutes, is amended to read:

36 36-2859. Advertising restrictions; enforcement; civil penalty

37 A. A marijuana establishment or nonprofit medical marijuana
38 dispensary may engage in advertising BUT MAY NOT:

39 1. ADVERTISE MARIJUANA OR MARIJUANA PRODUCTS TO INDIVIDUALS WHO ARE
40 UNDER TWENTY-ONE YEARS OF AGE, INCLUDING:

41 (a) USING GRAPHICS DESIGNED TO ATTRACT INDIVIDUALS WHO ARE UNDER
42 TWENTY-ONE YEARS OF AGE.

1 (b) ADVERTISING WITHIN ONE MILE OF ANY PUBLIC SCHOOL OR PRIVATE
2 SCHOOL PROVIDING INSTRUCTION TO STUDENTS IN ANY COMBINATION OF
3 KINDERGARTEN PROGRAMS OR GRADES ONE THROUGH TWELVE.

4 2. SPONSOR ANY ATHLETIC, MUSICAL, ARTISTIC OR OTHER SOCIAL OR
5 CULTURAL EVENT OR ANY ENTRY FEE OR TEAM IN ANY EVENT, UNLESS ALL OF THE
6 ATTENDEES ARE TWENTY-ONE YEARS OF AGE OR OLDER. THIS PARAGRAPH DOES NOT
7 PROHIBIT A MARIJUANA ESTABLISHMENT OR NONPROFIT MEDICAL MARIJUANA
8 DISPENSARY FROM EITHER:

9 (a) MAKING CHARITABLE CONTRIBUTIONS WITHOUT BRAND ACKNOWLEDGMENT.

10 (b) HOSTING EVENTS FOR MEMBERS OF THE MARIJUANA INDUSTRY.

11 B. A BILLBOARD ADVERTISEMENT UNDER THIS SECTION IS PROHIBITED
12 WITHIN ONE THOUSAND FEET, IF IN THE LINE OF SIGHT, OF ANY CHILD CARE
13 CENTER, CHURCH, PUBLIC PARK, PUBLIC PLAYGROUND OR PUBLIC OR PRIVATE SCHOOL
14 THAT PROVIDES INSTRUCTION IN PRESCHOOL OR KINDERGARTEN PROGRAMS OR ANY OF
15 GRADES ONE THROUGH TWELVE. A PERSON IN VIOLATION OF THIS SUBSECTION HAS
16 THIRTY DAYS TO COME INTO COMPLIANCE.

17 ~~B.~~ C. An advertising platform may host advertising only if ~~and~~
18 BOTH of the following apply:

19 1. The advertising is authorized by a marijuana establishment or
20 nonprofit medical marijuana dispensary.

21 2. The advertising accurately and legibly identifies the marijuana
22 establishment or nonprofit medical marijuana dispensary responsible for
23 the content of the advertising by name and license number or registration
24 number.

25 ~~C.~~ D. Any advertising under this chapter involving direct,
26 individualized communication or dialogue shall use a method of age
27 affirmation to verify that the recipient is twenty-one years of age or
28 older before engaging in that communication or dialogue. For the purposes
29 of this subsection, that method of age affirmation may include user
30 confirmation, birth date disclosure or other similar registration methods.

31 ~~D.~~ E. It is unlawful for an individual or entity other than a
32 marijuana establishment or dual licensee to do any of the following in a
33 manner that is not authorized by this chapter or rules adopted by the
34 department pursuant to this chapter:

35 1. Facilitate the delivery of marijuana or marijuana products.

36 2. Solicit or accept orders for marijuana or marijuana products or
37 operate a platform that solicits or accepts orders for marijuana or
38 marijuana products.

39 3. Operate a listing service related to the sale or delivery of
40 marijuana or marijuana products.

41 ~~E.~~ F. A marijuana establishment that violates this section is
42 subject to disciplinary action by the department pursuant to section
43 36-2854, subsection B. A nonprofit medical marijuana dispensary that

1 violates this section is subject to disciplinary action by the department
2 pursuant to section 36-2816.

3 ~~F.~~ G. In addition to any other penalty imposed by law, an
4 individual or entity other than a marijuana establishment or nonprofit
5 medical marijuana dispensary that advertises marijuana or marijuana
6 products in violation of this section or otherwise violates this section
7 shall pay a civil penalty of \$20,000 per violation to the smart and safe
8 Arizona fund established by section 36-2856. This subsection may be
9 enforced by the attorney general.

10 Sec. 4. Requirements for enactment; three-fourths vote

11 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
12 sections 36-2854, 36-2858 and 36-2859, Arizona Revised Statutes, as
13 amended by this act, are effective only on the affirmative vote of at
14 least three-fourths of the members of each house of the legislature.