State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
Second Regular Session  
2024

HOUSE BILL 2451

AN ACT

AMENDING SECTION 36-2859, ARIZONA REVISED STATUTES; RELATING TO MARIJUANA.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Subject to the requirements of article IV, part 1, section 1, Constitution of Arizona, section 36-2859, Arizona Revised Statutes, is amended to read:

36-2859. Advertising restrictions; enforcement; civil penalty

A. A marijuana establishment or nonprofit medical marijuana dispensary may engage in advertising but may not do any of the following:

1. Advertise marijuana or marijuana products to individuals who are under twenty-one years of age, including advertising:
   (a) With names that resemble or imitate food or drink brands marketed to children.
   (b) With images or likenesses of toys or cartoons, including Santa Claus, that appeal to individuals who are under twenty-one years of age.
   (c) In a way that primarily appeals to individuals who are under twenty-one years of age such that the advertising has a special attractiveness to individuals who are under twenty-one years of age beyond general attractiveness for individuals who are twenty-one years of age or older.

2. Advertise at or on public transportation shelters, public buses or public trains.

3. Advertise electronically via social media or on a website unless at least 71.6 percent of the audience is expected to be at least twenty-one years of age.

B. All advertising shall contain the following conspicuous and legible warning: “Do not use marijuana if you are under twenty-one years of age. Keep marijuana out of reach of children.”

C. A billboard advertisement under this section is prohibited within one thousand radial feet of any child care center, church, substance abuse recovery facility, public park, public playground or public or private school that provides instruction to students in preschool or kindergarten programs or any of grades one through twelve. A person in violation of this subsection, on notification by the Attorney General's office, has thirty days to comply with these requirements. For circumstances beyond the control of the billboard operator that may prevent the removal within the prescribed time frame, the sign must be removed as soon as it is safely and legally possible. A person that does not comply with this subsection is subject to the civil penalties and disciplinary action prescribed in this section.

D. A billboard advertisement under this section is prohibited from advertising strain names, potency or tetrahydrocannabinol levels of the marijuana or marijuana products.

E. A billboard advertisement under this section may not use any image or other visual representation of an individual consuming marijuana or marijuana products.
An advertising platform may host advertising only if both of the following apply:

1. The advertising is authorized by a marijuana establishment or nonprofit medical marijuana dispensary.
2. The advertising accurately and legibly identifies the marijuana establishment or nonprofit medical marijuana dispensary responsible for the content of the advertising by name and license number or registration number.

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

Only a marijuana establishment or nonprofit medical marijuana dispensary may authorize advertising for marijuana, products containing tetrahydrocannabinol or marijuana paraphernalia in accordance with the restrictions imposed by this chapter.

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

1. Facilitate the delivery of marijuana or marijuana products.
2. Solicit or accept orders for marijuana or marijuana products or operate a platform that solicits or accepts orders for marijuana or marijuana products.
3. Operate a listing service related to the sale or delivery of marijuana or marijuana products.

A marijuana establishment that violates this section by the attorney general is subject to disciplinary action by the department pursuant to section 36-2854, subsection B. A nonprofit medical marijuana dispensary that violates this section by the attorney general is subject to disciplinary action by the department pursuant to section 36-2816.

In addition to any other penalty imposed by law, an individual or entity other than a marijuana establishment or nonprofit medical marijuana dispensary that advertises marijuana or marijuana products in violation of this section or otherwise violates this section shall pay a civil penalty of $20,000 per violation to the smart and safe Arizona fund established by section 36-2856.

This subsection may be enforced by the attorney general.
Sec. 2. **Exemption from rulemaking**

Notwithstanding any other law, for the purposes of this act, the department of health services is exempt from the rulemaking requirements of title 41, chapters 6 and 6.1, Arizona Revised Statutes, for twenty-four months after the effective date of this act.

Sec. 3. **Effective date**

Section 36-2859, Arizona Revised Statutes, as amended by this act, is effective from and after June 29, 2025.

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

Pursuant to article IV, part 1, section 1, Constitution of Arizona, section 36-2859, Arizona Revised Statutes, as amended by this act, is effective only on the affirmative vote of at least three-fourths of the members of each house of the legislature.