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

HB 2451

Introduced by
Representative Montenegro

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 MARIJUANA OR MARIJUANA PRODUCTS WITH NAMES THAT RESEMBLE OR IMITATE FOOD OR DRINK BRANDS MARKETED TO CHILDREN, OR OTHERWISE ADVERTISE MARIJUANA OR MARIJUANA PRODUCTS TO CHILDREN.

2. ADVERTISE AT OR ON PUBLIC TRANSPORTATION SHELTERS, PUBLIC BUSES OR PUBLIC TRAINS.

3. ADVERTISE ELECTRONICALLY VIA SOCIAL MEDIA OR ON A WEBSITE UNLESS THE ADVERTISER HAS RELIABLE EVIDENCE THAT 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 WARNING: "MARIJUANA IS ONLY FOR ADULTS WHO ARE TWENTY-ONE YEARS OF AGE OR OLDER. KEEP OUT OF REACH OF CHILDREN."

C. A BILLBOARD ADVERTISEMENT UNDER THIS SECTION IS PROHIBITED WITHIN ONE THOUSAND FEET, IF IN THE LINE OF SIGHT, OF ANY CHILD CARE CENTER, CHURCH, 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 HAS THIRTY DAYS TO COMPLY WITH THESE REQUIREMENTS.

D. A BILLBOARD ADVERTISEMENT UNDER THIS SECTION IS PROHIBITED FROM ADVERTISING POTENCY OR TETRAHYDROCANNABINOL LEVELS OF THE MARIJUANA OR MARIJUANA PRODUCTS.

E. An advertising platform may host advertising only if all 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.

F. 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.

G. ONLY A MARIJUANA ESTABLISHMENT OR NONPROFIT MEDICAL MARIJUANA DISPENSARY MAY ADVERTISE MARIJUANA, PRODUCTS CONTAINING
TETRAHYDROCANNABINOL OR MARIJUANA PARAPHERNALIA IN ACCORDANCE WITH THE
RESTRICTIONS IMPOSED BY THIS CHAPTER.

D. 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.

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

F. 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. 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.