

Senate Engrossed

medical marijuana dispensaries; location

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SENATE BILL 1105

AN ACT

AMENDING SECTIONS 36-2804 AND 36-2857, 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, section 36-2804, Arizona Revised
4 Statutes, is amended to read:

5 36-2804. Registration and certification of nonprofit medical
6 marijuana dispensaries

7 A. Nonprofit medical marijuana dispensaries shall register with the
8 department.

9 B. Not later than ninety days after receiving an application for a
10 nonprofit medical marijuana dispensary, the department shall register the
11 nonprofit medical marijuana dispensary and issue a registration
12 certificate and a random ~~20-digit~~ TWENTY-DIGIT alphanumeric identification
13 number if:

14 1. The prospective nonprofit medical marijuana dispensary has
15 submitted the following:

16 (a) The application fee.

17 (b) An application, including:

18 (i) The legal name of the nonprofit medical marijuana dispensary.

19 (ii) The physical address of the nonprofit medical marijuana
20 dispensary and the physical address of one additional location, if any,
21 where marijuana will be cultivated, neither of which may be within five
22 hundred feet of a public or private school, A CHILD CARE FACILITY OR A
23 FACILITY THAT PROVIDES PRESCHOOL PROGRAMS existing before the date of the
24 nonprofit medical marijuana dispensary application.

25 (iii) The name, address and date of birth of each principal officer
26 and board member of the nonprofit medical marijuana dispensary.

27 (iv) The name, address and date of birth of each nonprofit medical
28 marijuana dispensary agent.

29 (c) Operating procedures consistent with department rules for
30 oversight of the nonprofit medical marijuana dispensary, including
31 procedures to ensure accurate ~~record-keeping~~ RECORDKEEPING and adequate
32 security measures.

33 (d) If the city, town or county in which the nonprofit medical
34 marijuana dispensary would be located has enacted zoning restrictions, a
35 sworn statement certifying that the registered nonprofit medical marijuana
36 dispensary is in compliance with the restrictions.

37 2. None of the principal officers or board members has been
38 convicted of an excluded felony offense.

39 3. None of the principal officers or board members has served as a
40 principal officer or board member for a registered nonprofit medical
41 marijuana dispensary that has had its registration certificate revoked.

42 4. None of the principal officers or board members is under
43 twenty-one years of age.

44 C. The department may not issue more than one nonprofit medical
45 marijuana dispensary registration certificate for every ten pharmacies

1 that have registered under section 32-1929, have obtained a pharmacy
2 permit from the Arizona STATE board of pharmacy and operate within the
3 state, except that the department may issue nonprofit medical marijuana
4 dispensary registration certificates in excess of this limit if necessary
5 to ensure that the department issues at least one nonprofit medical
6 marijuana dispensary registration certificate in each county in which an
7 application has been approved.

8 D. The department may conduct a criminal records check in order to
9 carry out this section.

10 Sec. 2. Subject to the requirements of article IV, part 1,
11 section 1, Constitution of Arizona, section 36-2857, Arizona Revised
12 Statutes, is amended to read:

13 36-2857. Localities; marijuana establishments and marijuana
14 testing facilities

15 A. A locality may:

16 1. Enact reasonable zoning regulations that limit the use of land
17 for marijuana establishments and marijuana testing facilities to specified
18 areas.

19 2. Limit the number of marijuana establishments or marijuana
20 testing facilities, or both.

21 3. Prohibit marijuana establishments or marijuana testing
22 facilities, or both.

23 4. Regulate the time, place and manner of marijuana establishment
24 and marijuana testing facility operations.

25 5. Establish reasonable restrictions on public signage regarding
26 marijuana, marijuana establishments and marijuana testing facilities.

27 6. Prohibit or restrict delivery within its jurisdiction.

28 B. A county may exercise its authority pursuant to subsection A of
29 this section only in unincorporated areas of the county.

30 C. A locality may not enact any ordinance, regulation or rule that:

31 1. Is more restrictive than a comparable ordinance, regulation or
32 rule that applies to nonprofit medical marijuana dispensaries.

33 2. Makes the operation of a marijuana establishment or marijuana
34 testing facility unduly burdensome if the locality has not prohibited
35 marijuana establishments or marijuana testing facilities.

36 3. Conflicts with this chapter or rules adopted pursuant to this
37 chapter.

38 4. Prohibits the transportation of marijuana by a marijuana
39 establishment or marijuana testing facility on public roads.

40 5. Restricts or interferes with the ability of a dual licensee or
41 an entity eligible to become a dual licensee to operate a nonprofit
42 medical marijuana dispensary and a marijuana establishment cooperatively
43 at shared locations.

44 6. Except as expressly authorized by this section or section
45 36-2851, prohibits or restricts any conduct or transaction allowed by this

1 chapter, or imposes any liability or penalty in addition to that
2 prescribed by this chapter for any conduct or transaction constituting a
3 violation of this chapter.

4 7. ALLOWS A MARIJUANA ESTABLISHMENT TO LOCATE WITHIN FIVE HUNDRED
5 FEET OF A PUBLIC OR PRIVATE SCHOOL, A CHILD CARE FACILITY OR A FACILITY
6 THAT PROVIDES PRESCHOOL PROGRAMS.

7 Sec. 3. Applicability

8 This act applies to any nonprofit medical marijuana dispensary
9 registration certificate or marijuana establishment license that is issued
10 on or after the effective date of this act.

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

12 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
13 sections 36-2804 and 36-2857, Arizona Revised Statutes, as amended by this
14 act, are effective only on the affirmative vote of at least three-fourths
15 of the members of each house of the legislature.