

REFERENCE TITLE: medical marijuana; invalidity; exception

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

SB 1716

Introduced by
Senator Gowan

AN ACT

AMENDING SECTION 36-2803.01, 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 36-2803.01, Arizona Revised
4 Statutes, is amended to read:

5 36-2803.01. New dispensary registration certificates;
6 issuance; priority; requirements; definition

7 A. Beginning on April 1, 2020, the department shall issue all new
8 nonprofit medical marijuana dispensary registration certificates in the
9 following order of priority based on the dispensary's geographic area as
10 described in the registration certificate application:

11 1. The geographic area had a registered nonprofit medical marijuana
12 dispensary move from the geographic area and the geographic area is at
13 least twenty-five miles from another dispensary that has been issued a
14 dispensary registration certificate.

15 2. The geographic area is at least twenty-five miles from another
16 dispensary that has been issued a dispensary registration certificate.

17 3. According to rule, ~~if~~ there are no dispensary registration
18 certificate applications as described in paragraph 1 or 2 of this
19 subsection.

20 B. If the department receives multiple applications as described in
21 subsection A, paragraph 1 of this section from previously approved
22 nonprofit medical marijuana dispensary locations, the department shall
23 approve the certificate for the application that serves the most
24 qualifying patients within five miles of the proposed dispensary location.
25 If the department receives multiple applications as described in
26 subsection A, paragraph 2 of this section or if there are no applications
27 from previously approved dispensary locations, the department may issue
28 the registration certificate by random drawing.

29 C. A nonprofit medical marijuana dispensary that receives a
30 registration certificate pursuant to subsection A, paragraph 1 or 2 of
31 this section on or after April 1, 2020 must open the dispensary at the
32 approved location within eighteen months after the application is approved
33 or the registration certificate becomes invalid. **THIS SUBSECTION DOES NOT**
34 **APPLY TO A NONPROFIT MEDICAL MARIJUANA DISPENSARY THAT WAS UNABLE TO OPEN**
35 **DUE TO A RESTRICTION IN THE LOCAL ORDINANCE.**

36 D. A nonprofit medical marijuana dispensary that is issued a
37 registration certificate pursuant to subsection A, paragraph 1 or 2 of
38 this section may relocate only as follows:

39 1. If the dispensary is located within a city or town, only within
40 that city or town.

41 2. If the dispensary is located within an unincorporated area, only
42 within the unincorporated area of the county where the dispensary is
43 located but not within twenty-five miles from another dispensary that has
44 been issued a dispensary registration certificate.

1 E. For the purposes of this section, "geographic area" means a
2 city, town or unincorporated area of a county.

3 Sec. 2. Retroactivity

4 Section 36-2803.01, Arizona Revised Statutes, as amended by this
5 act, applies retroactively to from and after December 31, 2022.

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

7 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
8 sections 36-2803.01, Arizona Revised Statutes, as amended by this act, is
9 effective only on the affirmative vote of at least three-fourths of the
10 members of each house of the legislature.

11 Sec. 4. Emergency

12 This act is an emergency measure that is necessary to preserve the
13 public peace, health or safety and is operative immediately as provided by
14 law.