

Senate Engrossed House Bill

marijuana; advertising; restrictions

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

CHAPTER 166
HOUSE BILL 2179

AN ACT

AMENDING SECTION 36-2859, ARIZONA REVISED STATUTES; RELATING TO 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 36-2859, Arizona Revised
4 Statutes, is amended to read:

5 36-2859. Advertising; restrictions; warning; enforcement;
6 civil penalty; exception

7 A. A MARIJUANA ESTABLISHMENT OR NONPROFIT MEDICAL MARIJUANA
8 DISPENSARY MAY ADVERTISE OR AUTHORIZE ADVERTISING FOR MARIJUANA OR
9 MARIJUANA PRODUCTS IN ACCORDANCE WITH RESTRICTIONS IMPOSED BY THIS
10 SECTION.

11 B. AN INDIVIDUAL OR ENTITY THAT SELLS MARIJUANA PARAPHERNALIA MAY
12 ADVERTISE OR AUTHORIZE ADVERTISING FOR MARIJUANA PARAPHERNALIA IN
13 ACCORDANCE WITH RESTRICTIONS IMPOSED BY THIS SECTION.

14 ~~A.~~ C. A marijuana establishment, ~~or~~ A nonprofit medical marijuana
15 dispensary OR AN INDIVIDUAL OR ENTITY THAT SELLS MARIJUANA PARAPHERNALIA
16 may engage in advertising BUT MAY NOT DO ANY OF THE FOLLOWING:

17 1. ADVERTISE MARIJUANA OR MARIJUANA PRODUCTS, INCLUDING MARIJUANA
18 PARAPHERNALIA, TO INDIVIDUALS WHO ARE UNDER TWENTY-ONE YEARS OF AGE,
19 INCLUDING ADVERTISING:

20 (a) WITH NAMES THAT RESEMBLE OR IMITATE FOOD OR DRINK BRANDS THAT
21 ARE MARKETED TO CHILDREN.

22 (b) WITH IMAGES OR LIKENESSES OF TOYS, CARTOONS OR ANIMATED OR
23 FICTIONAL CHARACTERS, INCLUDING SANTA CLAUS, THAT ARE DESIGNED TO APPEAL
24 TO OR ENCOURAGE INDIVIDUALS WHO ARE UNDER TWENTY-ONE YEARS OF AGE TO
25 CONSUME MARIJUANA OR MARIJUANA PRODUCTS.

26 (c) WITH IMAGES OR VISUAL REPRESENTATIONS OF THE CONSUMPTION OF
27 MARIJUANA OR MARIJUANA PRODUCTS.

28 (d) WITH THE POTENCY OR TETRAHYDROCANNABINOL LEVELS OF THE
29 MARIJUANA OR MARIJUANA PRODUCT.

30 (e) IN A MEDIUM THAT SPECIFICALLY APPEALS TO INDIVIDUALS WHO ARE
31 UNDER TWENTY-ONE YEARS OF AGE SUCH THAT THE ADVERTISING HAS A SPECIAL
32 ATTRACTIVENESS TO INDIVIDUALS WHO ARE UNDER TWENTY-ONE YEARS OF AGE BEYOND
33 GENERAL ATTRACTIVENESS FOR INDIVIDUALS WHO ARE AT LEAST TWENTY-ONE YEARS
34 OF AGE.

35 2. ADVERTISE AT, ON OR WITHIN PUBLIC AIRPORTS, PUBLIC
36 TRANSPORTATION SHELTERS, PUBLIC BUSES, PUBLIC TRAINS, PUBLIC SHUTTLES OR
37 PUBLIC TRAMS.

38 3. ADVERTISE ELECTRONICALLY, VIA SOCIAL MEDIA OR ON A WEBSITE,
39 UNLESS AT LEAST 73.6 PERCENT OF THE AUDIENCE IS EXPECTED TO BE AT LEAST
40 TWENTY-ONE YEARS OF AGE.

41 4. ADVERTISE ANY HEALTH-RELATED STATEMENT OR STATEMENT REGARDING
42 THE EFFECTS OF MARIJUANA CONSUMPTION ON HEALTH THAT IS KNOWN TO BE UNTRUE.

43 5. SPONSOR ANY SPORTING EVENT UNLESS AT LEAST 73.6 PERCENT OF THE
44 AUDIENCE IS EXPECTED TO BE AT LEAST TWENTY-ONE YEARS OF AGE OR THE
45 SPONSORED ORGANIZATION PROVIDES WRITTEN APPROVAL. ANY SPONSORSHIP

1 ACKNOWLEDGEMENT SHALL BE IN ACCORDANCE WITH RESTRICTIONS IMPOSED BY THIS
2 SECTION.

3 D. ALL ADVERTISING PURSUANT TO THIS SECTION MUST CONTAIN THE
4 FOLLOWING CONSPICUOUS AND LEGIBLE WARNING: "DO NOT USE MARIJUANA IF YOU
5 ARE UNDER TWENTY-ONE YEARS OF AGE OR PREGNANT. KEEP MARIJUANA OUT OF
6 REACH OF CHILDREN." ALL PRINTED WARNINGS MUST OCCUPY AT LEAST TEN PERCENT
7 OF THE ADVERTISING AREA AND MUST BE IN BLACK FONT ON A WHITE BACKGROUND,
8 EXCEPT THAT BILLBOARD ADVERTISEMENT WARNINGS SHALL BE IN A TYPE SIZE THAT
9 IS AT LEAST TEN PERCENT OF THE LARGEST TYPE USED IN THE ADVERTISEMENT.

10 E. A BILLBOARD ADVERTISEMENT UNDER THIS SECTION IS PROHIBITED
11 WITHIN ONE THOUSAND RADIAL FEET OF ANY CHILD CARE CENTER, CHURCH,
12 SUBSTANCE ABUSE RECOVERY FACILITY, PUBLIC PARK, PUBLIC PLAYGROUND OR
13 PUBLIC OR PRIVATE SCHOOL THAT PROVIDES INSTRUCTION TO STUDENTS IN
14 PRESCHOOL OR KINDERGARTEN PROGRAMS OR ANY OF GRADES ONE THROUGH
15 TWELVE. AN INDIVIDUAL OR ENTITY THAT VIOLATES THIS SUBSECTION, ON
16 NOTIFICATION BY THE ATTORNEY GENERAL'S OFFICE, HAS THIRTY DAYS TO COMPLY
17 WITH THESE REQUIREMENTS. FOR CIRCUMSTANCES BEYOND THE CONTROL OF THE
18 BILLBOARD OPERATOR THAT MAY PREVENT REMOVAL WITHIN THE PRESCRIBED TIME
19 FRAME, THE ADVERTISEMENT MUST BE REMOVED AS SOON AS SAFELY AND LEGALLY
20 PRACTICABLE. AN INDIVIDUAL OR ENTITY THAT DOES NOT COMPLY WITH THIS
21 SUBSECTION IS SUBJECT TO THE CIVIL PENALTIES AND DISCIPLINARY ACTION
22 PRESCRIBED IN THIS SECTION.

23 ~~B.~~ F. An advertising platform may host advertising only if all of
24 the following apply:

25 1. The advertising is authorized by a marijuana establishment or
26 nonprofit medical marijuana dispensary.

27 2. The advertising accurately and legibly identifies the marijuana
28 establishment or nonprofit medical marijuana dispensary responsible for
29 the content of the advertising by name and license number or registration
30 number.

31 3. THE ADVERTISING CONTAINS A PRINTED WARNING THAT COMPLIES WITH
32 SUBSECTION D OF THIS SECTION.

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

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

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

1 2. Solicit or accept orders for marijuana or marijuana products or
2 operate a platform that solicits or accepts orders for marijuana or
3 marijuana products.

4 3. Operate a listing service related to the sale or delivery of
5 marijuana or marijuana products.

6 I. A MARIJUANA ESTABLISHMENT, A NONPROFIT MEDICAL MARIJUANA
7 DISPENSARY OR AN INDIVIDUAL OR ENTITY THAT SELLS MARIJUANA PARAPHERNALIA
8 AND THAT VIOLATES THIS SECTION, ON NOTIFICATION BY THE DEPARTMENT OR
9 ATTORNEY GENERAL'S OFFICE, HAS FOURTEEN DAYS TO COMPLY WITH THE
10 REQUIREMENTS OF THIS SECTION.

11 ~~F.~~ J. A marijuana establishment that ~~violates~~ IS FOUND TO BE IN
12 VIOLATION OF this section BY THE ATTORNEY GENERAL is subject to
13 disciplinary action by the department pursuant to section 36-2854,
14 subsection B. A nonprofit medical marijuana dispensary that ~~violates~~ IS
15 FOUND TO BE IN VIOLATION OF this section BY THE ATTORNEY GENERAL is
16 subject to disciplinary action by the department pursuant to section
17 36-2816.

18 ~~F.~~ K. In addition to any other penalty imposed by law, an
19 individual or entity other than a marijuana establishment or nonprofit
20 medical marijuana dispensary that advertises marijuana or marijuana
21 products, INCLUDING MARIJUANA PARAPHERNALIA, in violation of this section
22 or otherwise violates this section shall pay a civil penalty of \$20,000
23 per violation to the smart and safe Arizona fund established by section
24 36-2856.

25 L. This ~~subsection may~~ SECTION SHALL be enforced by the attorney
26 general.

27 M. FOR THE PURPOSES OF THIS SECTION, ADVERTISING DOES NOT INCLUDE A
28 COMMUNICATION OF A MARIJUANA ESTABLISHMENT OR NONPROFIT MEDICAL MARIJUANA
29 DISPENSARY THAT IS TARGETED ONLY TO THE ESTABLISHED CUSTOMER BASE OR THAT
30 IS REQUESTED BY A CUSTOMER OR POTENTIAL CUSTOMER PURSUANT TO AN OPT-IN
31 WITH AN AGE AFFIRMATION.

32 Sec. 2. Effective date

33 Section 36-2859, Arizona Revised Statutes, as amended by this act,
34 is effective from and after June 30, 2026.

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

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

APPROVED BY THE GOVERNOR MAY 12, 2025.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 12, 2025.