

REFERENCE TITLE: marijuana; qualifying illnesses; testing; complaints

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SB 1640

Introduced by
Senator Payne

AN ACT

AMENDING SECTIONS 32-1501, 36-2801, 36-2803, 36-2804.02, 36-2817, 36-2822 AND 36-2854.01, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 28.2, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 36-2866 AND 36-2867; 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. Section 32-1501, Arizona Revised Statutes, is amended to
3 read:

4 32-1501. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Accepted therapeutic purpose" means treatment of a disease,
7 injury, ailment or infirmity that is competent and generally recognized as
8 safe and effective.

9 2. "Active license" means a current valid license to practice
10 naturopathic medicine.

11 3. "Adequate medical records" means legible medical records
12 containing, at a minimum, sufficient information to identify the patient,
13 support the diagnosis, describe the treatment, accurately document the
14 results, indicate advice and cautionary warning provided to the patient
15 and provide sufficient information for a similarly qualified practitioner
16 to assume continuity of the patient's care at any point in the course of
17 treatment.

18 4. "Approved clinical training program" or "clinical training
19 program" means a program for naturopathic medical students in which the
20 training occurred or is being conducted by or in conjunction with an
21 approved school of naturopathic medicine.

22 5. "Approved internship program" or "internship" means that the
23 program in which the training occurred or is being conducted has been
24 approved for internship training for physicians or for graduates of a
25 school of naturopathic medicine by the board or was approved or accredited
26 by an educational or professional association recognized by the board or
27 by another state's or country's licensing agency recognized by the board.

28 6. "Approved postdoctoral training" or "postdoctoral training"
29 means that the program in which the training occurred or is being
30 conducted has been approved for specialty training or for graduate medical
31 education in naturopathic medicine by the board or approved or accredited
32 by an educational or professional association recognized by the board or
33 by another state's or country's licensing agency recognized by the board.

34 7. "Approved preceptorship program" or "preceptorship" means that
35 the program in which the training occurred or is being conducted has been
36 approved for preceptorship training for physicians or for graduates of a
37 school of naturopathic medicine by the board or was approved or accredited
38 by an educational or professional association recognized by the board or
39 by another state's or country's licensing agency recognized by the board.

40 8. "Approved school of naturopathic medicine" or "school of
41 naturopathic medicine" means a school, college or university determined by
42 the board to have an educational program that meets standards prescribed
43 by the council on naturopathic medical education, or its successor agency,
44 and that offers a course of study that, on successful completion, results

1 in the awarding of the degree of doctor of naturopathic medicine and whose
2 course of study is either of the following:

3 (a) Accredited or a candidate for accreditation by an accrediting
4 agency recognized by the United States secretary of education as a
5 specialized accrediting agency for schools of naturopathic medicine or its
6 successor.

7 (b) Accredited or a candidate for accreditation by an accrediting
8 agency recognized by the council for higher education accreditation or its
9 successor.

10 9. "Board" means the naturopathic physicians medical board.

11 10. "Chelation therapy" means an experimental medical therapy to
12 restore cellular homeostasis through the use of intravenous, metal-binding
13 and bioinorganic agents such as ethylene diamine tetraacetic acid.
14 Chelation therapy does not include experimental therapy used to treat
15 heavy metal poisoning.

16 11. "Completed application" means that the applicant paid the
17 required fees and supplied all documents and information as requested by
18 the board and in a manner acceptable to the board.

19 12. "Controlled substance" means a drug, substance or immediate
20 precursor in schedules I through V of title 36, chapter 27, article 2 or
21 the rules adopted pursuant to title 36, chapter 27, article 2.

22 13. "Direct supervision" means that a physician who is licensed
23 pursuant to this chapter or chapter 13, 17 or 29 of this title:

24 (a) Is physically present and within sight or sound of the person
25 supervised and is available for consultation regarding procedures that the
26 physician has authorized and for which the physician remains responsible.

27 (b) Has designated a person licensed pursuant to this chapter or
28 chapter 13, 17 or 29 of this title to provide direct supervision in the
29 physician's absence.

30 14. "Doctor of naturopathic medicine" or "doctor" means a natural
31 person who is licensed to practice naturopathic medicine under this
32 chapter.

33 15. "Drug" has the same meaning prescribed in section 32-1901 but
34 does not include:

35 (a) Intravenous administration of legend drugs, except for:

36 (i) Vitamins, chelation therapy and drugs used in emergency
37 resuscitation and stabilization.

38 (ii) Minerals.

39 (iii) Nutrients. For the purposes of this item, "nutrient" means a
40 substance that provides nourishment for growth or metabolism and that is
41 manufactured and supplied for intravenous use by a manufacturer registered
42 with the United States food and drug administration or compounded by a
43 pharmacy licensed by the Arizona state board of pharmacy.

44 (b) Controlled substances listed as schedule I or II controlled
45 substances as defined in the federal controlled substances act of 1970

1 (21 United States Code section 802), except morphine, any drug that is
2 reclassified from schedule III to schedule II after January 1, 2014 and
3 any homeopathic preparations that are also controlled substances.

4 (c) Cancer chemotherapeutics classified as legend drugs.

5 (d) Antipsychotics.

6 16. "General supervision" means that the physician is available for
7 consultation regarding procedures that the physician has authorized and
8 for which the physician remains responsible.

9 17. "Legend drug" means any drug that is defined by section 503(b)
10 of the federal food, drug, and cosmetic act and under which definition its
11 label is required to bear the statement "Rx only".

12 18. "Letter of concern" means a nondisciplinary advisory letter
13 that is issued by the board to a person who is regulated under this
14 chapter and that states that while there is insufficient evidence to
15 support disciplinary action the board believes that the person should
16 modify or eliminate certain practices and that continuation of the
17 activities that led to the information being submitted to the board may
18 result in action against the person's license, certificate or
19 registration.

20 19. "Letter of reprimand" means a disciplinary letter that is
21 issued by the board and that informs a person who is regulated under this
22 chapter that the person's conduct violates state or federal law but does
23 not require the board to restrict the person's license, certificate or
24 registration because the person's conduct did not result in harm to a
25 patient or to the public.

26 20. "Limit" means taking a nondisciplinary action that alters the
27 physician's practice or professional activities if the board determines
28 that there is evidence that the physician is or may be mentally or
29 physically unable to safely engage in the practice of medicine.

30 21. "Medical assistant" or "naturopathic medical assistant" means a
31 person who is certified by the board as a medical assistant, who assists a
32 doctor of naturopathic medicine and who may perform delegated procedures
33 that are commensurate with the assistant's education and training under
34 the direct supervision of a doctor of naturopathic medicine and that do
35 not include diagnosing, designing or modifying established treatment
36 programs or those procedures prohibited by the board or by this chapter.

37 22. "Medically incompetent" means a person who is licensed,
38 certified or registered pursuant to this chapter and who lacks sufficient
39 naturopathic medical knowledge or skills, or both, to a degree that is
40 likely to endanger the health of patients.

41 23. "Natural substance" means a homeopathic, botanical, nutritional
42 or other supplement that does not require a prescription pursuant to
43 federal law before it is prescribed, dispensed or otherwise furnished to a
44 patient and that is prescribed by a physician who is licensed pursuant to

1 this chapter to enhance health, prevent disease or treat a medical
2 condition diagnosed by the physician.

3 24. "Naturopathic medical student" means a person who is enrolled
4 in a course of study at an approved school of naturopathic medicine.

5 25. "Naturopathic medicine" means medicine as taught in approved
6 schools of naturopathic medicine and in clinical, internship,
7 preceptorship and postdoctoral training programs approved by the board and
8 practiced by a recipient of a degree of doctor of naturopathic medicine
9 WHO IS licensed pursuant to this chapter.

10 26. "Nurse" means a person who is licensed pursuant to chapter 15
11 of this title.

12 27. "Physician" means a doctor of naturopathic medicine who is
13 licensed pursuant to this chapter.

14 28. "Practice of naturopathic medicine" means a medical system of
15 diagnosing and treating diseases, injuries, ailments, infirmities and
16 other conditions of the human mind and body, including by natural means,
17 drugless methods, drugs, nonsurgical methods, devices, physical,
18 electrical, hygienic and sanitary measures and all forms of physical
19 agents and modalities.

20 29. "Restrict" means taking a disciplinary action that alters the
21 physician's practice or professional activities if the board determines
22 that there is evidence that the physician is or may be medically
23 incompetent or guilty of unprofessional conduct.

24 30. "Specialist" means a physician who has successfully completed
25 approved postdoctoral training, who is certified by a specialty board of
26 examiners recognized by the board and who is certified by the board to
27 practice the specialty pursuant to this chapter.

28 31. "Unprofessional conduct" includes the following, whether
29 occurring in this state or elsewhere:

30 (a) Intentionally disclosing a professional secret or intentionally
31 disclosing a privileged communication except as either of these may
32 otherwise be required by law.

33 (b) Engaging in any dishonorable conduct reflecting unfavorably on
34 the profession.

35 (c) Committing a felony, whether or not involving moral turpitude,
36 or a misdemeanor involving moral turpitude. In either case conviction by
37 any court of competent jurisdiction or a plea of no contest is conclusive
38 evidence of the commission of the felony or misdemeanor.

39 (d) Habitual intemperance in the use of alcohol or any substance
40 abuse.

41 (e) Engaging in the illegal use of any narcotic or hypnotic drugs,
42 or illegal substances.

43 (f) Engaging in conduct that the board determines is gross
44 malpractice, repeated malpractice or any malpractice resulting in the
45 death of a patient.

1 (g) Impersonating another doctor of naturopathic medicine or any
2 other practitioner of the healing arts.

3 (h) Falsely acting or assuming to act as a member, an employee or
4 an authorized agent of the board.

5 (i) Procuring or attempting to procure a license or a certificate
6 pursuant to this chapter by fraud, by misrepresentation or by knowingly
7 taking advantage of the mistake of another person or agency.

8 (j) Having professional connection with or lending one's name to
9 enhance or continue the activities of an illegal physician or an illegal
10 practitioner of any healing art.

11 (k) Representing that a manifestly incurable disease, injury,
12 ailment or infirmity can be permanently cured, or falsely or fraudulently
13 representing that a curable disease, injury, ailment or infirmity can be
14 cured within a stated time.

15 (l) Offering, undertaking or agreeing to cure or treat a disease,
16 injury, ailment or infirmity by a secret means, method, treatment,
17 medicine, substance, device or instrumentality.

18 (m) Refusing to divulge to the board on demand the means, method,
19 treatment, medicine, substance, device or instrumentality used in the
20 treatment of a disease, injury, ailment or infirmity.

21 (n) Giving or receiving, or aiding or abetting the giving or
22 receiving of, rebates, either directly or indirectly.

23 (o) Knowingly making any false or fraudulent statement, written or
24 oral, in connection with the practice of naturopathic medicine or any
25 naturopathic treatment method.

26 (p) Engaging in immorality or misconduct that tends to discredit
27 the naturopathic profession.

28 (q) Having a license refused, revoked or suspended by any other
29 state, district or territory of the United States or any other country,
30 unless it can be shown that this action was not due to reasons that relate
31 to the ability to safely and skillfully practice as a doctor of
32 naturopathic medicine or to any act of unprofessional conduct in this
33 paragraph.

34 (r) Engaging in any conduct or practice that is contrary to
35 recognized standards of ethics of the naturopathic profession, any conduct
36 or practice that does or might constitute a danger to the health, welfare
37 or safety of the patient or the public, or any conduct, practice or
38 condition that does or might impair the ability to safely and skillfully
39 practice as a doctor of naturopathic medicine.

40 (s) Failing to observe any federal, state, county or municipal law
41 relating to public health as a physician in this state.

42 (t) Violating or attempting to violate, directly or indirectly, or
43 assisting in or abetting the violation of, or conspiring to violate this
44 chapter or board rules.

1 (u) Committing false, fraudulent, deceptive or misleading
2 advertising or advertising the quality of a medical or health care service
3 by a physician or by the physician's staff, employer or representative.

4 (v) Failing or refusing to maintain adequate medical records on a
5 patient or failing or refusing to make medical records in the physician's
6 possession promptly available to another physician or health care provider
7 who is licensed pursuant to chapter 7, 8, 13, 15, 17 or 29 of this title
8 on request and receipt of proper authorization to do so from the patient,
9 a minor patient's parent, the patient's legal guardian or the patient's
10 authorized representative or failing to comply with title 12, chapter 13,
11 article 7.1.

12 (w) Referring a patient to a diagnostic or treatment facility or
13 prescribing goods and services without disclosing in writing to the
14 patient that the physician has a pecuniary interest in the facility, goods
15 or services to which the patient is referred or prescribed. This
16 subdivision does not apply to a referral by one physician or practitioner
17 to another physician or practitioner within a group of physicians or
18 practitioners practicing together.

19 (x) Engaging in sexual intimacies with a patient in the course of
20 direct treatment.

21 (y) Failing to dispense drugs and devices in compliance with
22 article 4 of this chapter.

23 (z) Administering, dispensing or prescribing any drug or a device
24 for other than an accepted therapeutic purpose.

25 (aa) Falsely representing or holding oneself out as being a
26 specialist or representation by a doctor of naturopathic medicine or the
27 doctor's staff, employer or representative that the doctor is boarded or
28 board certified if this is not true or that standing is not current.

29 (bb) Delegating professional duties and responsibilities to a
30 person if the person has not been approved or qualified by licensure or by
31 certification to perform these duties or responsibilities.

32 (cc) Failing to appropriately supervise a naturopathic medical
33 student, a nurse, a medical assistant, a health care provider or a
34 technician who is employed by or assigned to the physician during the
35 performance of delegated professional duties and responsibilities.

36 (dd) Using experimental forms of diagnosis or treatment without
37 adequate informed consent of the patient or the patient's legal guardian
38 and without conforming to experimental criteria, including protocols,
39 detailed records, periodic analysis of results and periodic review by a
40 medical peer review committee as approved by the United States food and
41 drug administration or its successor agency.

42 (ee) Failing to furnish information in a timely manner to the board
43 or investigators or representatives of the board if this information is
44 legally requested by the board and failing to allow properly authorized
45 board personnel on demand to examine and have access to documents, reports

1 and records maintained by the physician that relate to the physician's
2 medical practice or medically related activities.

3 (ff) Failing to report in writing to the board evidence that a
4 person who is licensed, certified or registered pursuant to this chapter
5 is or may be medically incompetent, guilty of unprofessional conduct or
6 mentally or physically unable to safely practice or assist in the practice
7 of naturopathic medicine.

8 (gg) Conducting or engaging in an internship or preceptorship in
9 naturopathic medicine without being approved and registered by the board
10 for that internship or preceptorship.

11 (hh) Signing a blank, undated or predated prescription form.

12 (ii) Engaging in conduct that the board determines is gross
13 negligence, repeated negligence or negligence resulting in harm or death
14 to a patient.

15 (jj) Knowingly making a false or misleading statement in oral
16 testimony to the board on a form required by the board or in written
17 correspondence to the board, including attachments to that correspondence.

18 (kk) The failure of a physician who is the chief medical officer,
19 the executive officer or the chief of staff of an internship, a
20 preceptorship or a clinical training program to report in writing to the
21 board that the privileges of a doctor of naturopathic medicine, a
22 naturopathic medical student or a medical assistant have been denied,
23 limited, revoked or suspended because that doctor's, student's or
24 assistant's actions appear to indicate that the person is or may be
25 medically incompetent, is or may be guilty of unprofessional conduct or is
26 or may be unable to safely engage or assist in the practice of
27 naturopathic medicine.

28 (ll) Having action taken against a doctor of naturopathic medicine
29 by a licensing or regulatory board in another jurisdiction due to that
30 doctor's mental or physical inability to engage safely in the practice of
31 naturopathic medicine or the doctor's medical incompetence or for
32 unprofessional conduct as defined by that licensing or regulatory board
33 and that corresponds directly or indirectly to an act of unprofessional
34 conduct prescribed by this paragraph. The action taken may include
35 refusing, denying, revoking or suspending a license, otherwise limiting,
36 restricting or monitoring a licensee or placing a licensee on probation by
37 that licensing or regulatory board.

38 (mm) Having sanctions imposed by an agency of the federal
39 government, including restricting, suspending, limiting or removing a
40 person from the practice of naturopathic medicine or restricting that
41 person's ability to obtain financial remuneration.

42 (nn) Violating any formal order, probation, consent agreement or
43 stipulation issued or entered into by the board pursuant to this chapter.

1 (oo) Refusing to submit to a body fluid examination pursuant to a
2 board investigation of alleged substance abuse by a doctor of naturopathic
3 medicine.

4 (pp) Charging a fee for services not rendered or dividing a
5 professional fee for patient referrals among health care providers or
6 health care institutions or between these providers and institutions or a
7 contractual arrangement that has this effect.

8 (qq) Obtaining a fee by fraud, deceit or misrepresentation.

9 (rr) Charging or collecting a clearly excessive fee. In
10 determining whether a fee is clearly excessive, the board shall consider
11 the fee or range of fees customarily charged in this state for similar
12 services, in light of modifying factors such as the time required, the
13 complexity of the service and the skill required to perform the service
14 properly. This subdivision does not apply if there is a clear written
15 contract for a fixed fee between the physician and the patient that was
16 entered into before the service was provided.

17 (ss) With the exception of heavy metal poisoning, using chelation
18 therapy in the treatment of arteriosclerosis or as any other form of
19 therapy without adequate informed patient consent and without conforming
20 to generally accepted experimental criteria, including protocols, detailed
21 records, periodic analysis of results and periodic review by a medical
22 peer review committee.

23 (tt) Using a controlled substance unless it is prescribed by
24 another physician for use during a prescribed course of treatment.

25 (uu) Prescribing, dispensing or administering anabolic androgenic
26 steroids for other than therapeutic purposes.

27 (vv) Except in an emergency or urgent care situation, prescribing
28 or dispensing a controlled substance to a member of the naturopathic
29 physician's immediate family.

30 (ww) Prescribing, dispensing or furnishing a prescription
31 medication or a prescription-only device as defined in section 32-1901 to
32 a person unless the licensee first conducts a physical examination of that
33 person or has previously established a doctor-patient relationship. The
34 physical examination may be conducted through telehealth as defined in
35 section 36-3601 ~~unless the examination is for the purpose of obtaining a~~
36 ~~written certification from the physician for the purposes of title 36,~~
37 ~~chapter 28.1.~~ This subdivision does not apply to:

38 (i) A licensee who provides temporary patient supervision on behalf
39 of the patient's regular treating licensed health care professional.

40 (ii) An emergency medical situation as defined in section 41-1831.

41 (iii) Prescriptions written to prepare a patient for a medical
42 examination.

43 (iv) Prescriptions written or prescription medications issued for
44 use by a county or tribal public health department for immunization
45 programs or emergency treatment or in response to an infectious disease

1 investigation, a public health emergency, an infectious disease outbreak
2 or an act of bioterrorism. For the purposes of this item, "bioterrorism"
3 has the same meaning prescribed in section 36-781.

4 (v) Prescriptions written or antimicrobials dispensed to a contact
5 as defined in section 36-661 who is believed to have had significant
6 exposure risk as defined in section 36-661 with another person who has
7 been diagnosed with a communicable disease as defined in section 36-661 by
8 the prescribing or dispensing physician.

9 (vi) Prescriptions written by a licensee through a telehealth
10 program that is covered by the policies and procedures adopted by the
11 administrator of a hospital or outpatient treatment center.

12 (xx) If medical treatment is considered experimental or
13 investigational, failing to include in a patient's record a consent to
14 treatment document that is signed by the patient or the patient's parent
15 or legal guardian and that indicates that the patient or the patient's
16 parent or legal guardian has been informed of the risk of any treatment to
17 be provided and the expected cost of that treatment.

18 (yy) When issuing a written certification as defined in section
19 36-2801, failing or refusing to include in the adequate medical records of
20 a patient a copy of all of the following:

21 (i) The medical records relied on by the physician to support the
22 diagnosis or confirmed diagnosis of the patient's debilitating medical
23 condition.

24 (ii) The written certification.

25 (iii) The patient's profile on the Arizona board of pharmacy
26 controlled substances prescription monitoring program database.

27 (zz) Dispensing a schedule II controlled substance that is an
28 opioid.

29 Sec. 2. Subject to the requirements of article IV, part 1,
30 section 1, Constitution of Arizona, section 36-2801, Arizona Revised
31 Statutes, is amended to read:

32 36-2801. Definitions

33 In this chapter, unless the context otherwise requires:

34 1. "Allowable amount of marijuana":

35 (a) With respect to a qualifying patient, means:

36 (i) Two and one-half ounces of usable marijuana.

37 (ii) If the qualifying patient's registry identification card
38 states that the qualifying patient is authorized to cultivate marijuana,
39 twelve marijuana plants contained in an enclosed, locked facility, except
40 that the plants are not required to be in an enclosed, locked facility if
41 the plants are being transported because the qualifying patient is moving.

42 (b) With respect to a designated caregiver, for each patient
43 assisted by the designated caregiver under this chapter, means:

44 (i) Two and one-half ounces of usable marijuana.

1 (ii) If the designated caregiver's registry identification card
2 provides that the designated caregiver is authorized to cultivate
3 marijuana, twelve marijuana plants contained in an enclosed, locked
4 facility, except that the plants are not required to be in an enclosed,
5 locked facility if the plants are being transported because the designated
6 caregiver is moving.

7 (c) Does not include marijuana that is incidental to medical use,
8 but is not usable marijuana.

9 2. "Cardholder" means a qualifying patient, a designated caregiver,
10 a nonprofit medical marijuana dispensary agent or ~~an~~ AN independent
11 third-party laboratory agent who has been issued and possesses a valid
12 registry identification card.

13 3. "Debilitating medical condition" means one or more of the
14 following:

15 (a) Cancer, glaucoma, positive status for human immunodeficiency
16 virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic
17 lateral sclerosis, Crohn's disease or agitation of Alzheimer's disease or
18 the treatment of these conditions.

19 (b) A chronic or debilitating disease or medical condition or its
20 treatment that produces one or more of the following:

21 (i) Cachexia or wasting syndrome.

22 (ii) Severe and chronic pain.

23 (iii) Severe nausea.

24 (iv) Seizures, including those characteristic of epilepsy.

25 (v) Severe and persistent muscle spasms, including those
26 characteristic of multiple sclerosis.

27 (c) POST-TRAUMATIC STRESS DISORDER.

28 (d) AUTISM SPECTRUM DISORDER THAT IS DIAGNOSED BY A PHYSICIAN WHO
29 IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR 17 OR A PSYCHOLOGIST WHO
30 IS LICENSED PURSUANT TO TITLE 32, CHAPTER 19.1 AND WHO IS ACTING WITHIN
31 THE PHYSICIAN'S OR PSYCHOLOGIST'S SCOPE OF PRACTICE.

32 (e) UTERINE FIBROIDS, ENDOMETRIOSIS AND OVARIAN CYSTS.

33 ~~(c)~~ (f) Any other medical condition or its treatment added by the
34 department pursuant to section 36-2801.01.

35 4. "Department" means the department of health services or its
36 successor agency.

37 5. "Designated caregiver" means a person who:

38 (a) Is at least twenty-one years of age.

39 (b) Has agreed to assist with a patient's medical use of marijuana.

40 (c) Has not been convicted of an excluded felony offense.

41 (d) Assists not more than five qualifying patients with the medical
42 use of marijuana.

43 (e) May receive reimbursement for actual costs incurred in
44 assisting a registered qualifying patient's medical use of marijuana if
45 the registered designated caregiver is connected to the registered

1 qualifying patient through the department's registration process. The
2 designated caregiver may not be paid any fee or compensation for service
3 as a caregiver. Payment for costs under this subdivision does not
4 constitute an offense under title 13, chapter 34 or under ~~title 36,~~
5 chapter 27, article 4 **OF THIS TITLE**.

6 6. "Enclosed, locked facility" means a closet, room, greenhouse or
7 other enclosed area that is equipped with locks or other security devices
8 that ~~permit~~ **ALLOW** access only by a cardholder.

9 7. "Excluded felony offense" means:

10 (a) A violent crime as defined in section 13-901.03, subsection B,
11 that was classified as a felony in the jurisdiction where the person was
12 convicted.

13 (b) A violation of a state or federal controlled substance law that
14 was classified as a felony in the jurisdiction where the person was
15 convicted but does not include:

16 (i) An offense for which the sentence, including any term of
17 probation, incarceration or supervised release, was completed ten or more
18 years earlier.

19 (ii) An offense involving conduct that would be immune from arrest,
20 prosecution or penalty under section 36-2811, except that the conduct
21 occurred before December 14, 2010 or was prosecuted by an authority other
22 than the state of Arizona.

23 8. "Independent third-party laboratory" means an entity that has a
24 national or international accreditation and that is certified by the
25 department to analyze marijuana cultivated for medical use.

26 9. "Independent third-party laboratory agent" means an owner,
27 employee or volunteer of a certified independent third-party laboratory
28 who is at least twenty-one years of age and who has not been convicted of
29 an excluded felony offense.

30 10. "Marijuana" means all parts of any plant of the genus cannabis,
31 whether growing or not, and the seeds of such **A** plant.

32 11. "Medical use" means the acquisition, possession, cultivation,
33 manufacture, use, administration, delivery, transfer or transportation of
34 marijuana or paraphernalia relating to the administration of marijuana to
35 treat or alleviate a registered qualifying patient's debilitating medical
36 condition or symptoms associated with the **QUALIFYING** patient's
37 debilitating medical condition.

38 12. "Nonprofit medical marijuana dispensary" means a not-for-profit
39 entity that acquires, possesses, cultivates, manufactures, delivers,
40 transfers, transports, supplies, sells or dispenses marijuana or related
41 supplies and educational materials to cardholders. A nonprofit medical
42 marijuana dispensary may receive payment for all expenses incurred in its
43 operation.

1 13. "Nonprofit medical marijuana dispensary agent" means a
2 principal officer, board member, employee or volunteer of a nonprofit
3 medical marijuana dispensary who is at least twenty-one years of age and
4 has not been convicted of an excluded felony offense.

5 14. "Physician" means a doctor of medicine who holds a valid and
6 existing license to practice medicine pursuant to title 32, chapter 13 or
7 its successor, a doctor of osteopathic medicine who holds a valid and
8 existing license to practice osteopathic medicine pursuant to title 32,
9 chapter 17 or its successor, a naturopathic physician who holds a valid
10 and existing license to practice naturopathic medicine pursuant to title
11 32, chapter 14 or its successor or a homeopathic physician who holds a
12 valid and existing license to practice homeopathic medicine pursuant to
13 title 32, chapter 29 or its successor.

14 15. "Qualifying patient" means a person who has been diagnosed by a
15 physician as having a debilitating medical condition.

16 16. "Registry identification card" means a document issued by the
17 department that identifies a person as a registered qualifying patient, a
18 registered designated caregiver, a registered nonprofit medical marijuana
19 dispensary agent or a registered independent third-party laboratory agent.

20 17. "Usable marijuana":

21 (a) Means the dried flowers of the marijuana plant, ~~and~~ and any
22 mixture or preparation thereof.

23 (b) Does not include:

24 (i) The seeds, stalks and roots of the plant.

25 (ii) The weight of any non-marijuana ingredients combined with
26 marijuana and prepared for consumption as food or drink.

27 18. "Verification system" means a secure, password-protected,
28 web-based system that is established and maintained by the department and
29 that is available to law enforcement personnel and nonprofit medical
30 marijuana dispensary agents on a twenty-four-hour basis for verifying
31 registry identification cards.

32 19. "Visiting qualifying patient" means a person:

33 (a) Who is not a resident of Arizona or who has been a resident of
34 Arizona ~~less~~ FEWER than thirty days.

35 (b) Who has been diagnosed with a debilitating medical condition by
36 a person who is licensed with authority to prescribe drugs to humans in
37 the state of the person's residence or, in the case of a person who has
38 been a resident of Arizona ~~less~~ FEWER than thirty days, the state of the
39 person's former residence.

40 20. "Written certification" means a document dated and signed by a
41 physician, stating that in the physician's professional opinion the
42 patient is likely to receive therapeutic or palliative benefit from the
43 medical use of marijuana to treat or alleviate the patient's debilitating
44 medical condition or symptoms associated with the debilitating medical
45 condition. The physician must:

1 (a) Specify the qualifying patient's debilitating medical condition
2 in the written certification.

3 (b) Sign and date the written certification only in the course of a
4 physician-patient relationship after the physician has completed a full
5 assessment of the qualifying patient's medical history.

6 Sec. 3. Subject to the requirements of article IV, part 1,
7 section 1, Constitution of Arizona, section 36-2803, Arizona Revised
8 Statutes, is amended to read:

9 36-2803. Rulemaking; notice; testing of marijuana and
10 marijuana products; fees

11 A. The department shall adopt rules:

12 1. Governing the manner in which the department considers petitions
13 from the public to add debilitating medical conditions or treatments to
14 the list of debilitating medical conditions set forth in section 36-2801,
15 paragraph 3, including public notice of, and an opportunity to comment in
16 a public hearing on, petitions.

17 2. Establishing the form and content of registration and renewal
18 applications submitted under this chapter.

19 3. Governing the manner in which the department considers
20 applications for and renewals of registry identification cards.

21 4. Governing nonprofit medical marijuana dispensaries to protect
22 against diversion and theft without imposing an undue burden on nonprofit
23 medical marijuana dispensaries or compromising the confidentiality of
24 cardholders, including:

25 (a) The manner in which the department considers applications for
26 and renewals of registration certificates.

27 (b) Minimum oversight requirements for nonprofit medical marijuana
28 dispensaries.

29 (c) Minimum recordkeeping requirements for nonprofit medical
30 marijuana dispensaries.

31 (d) Minimum security requirements for nonprofit medical marijuana
32 dispensaries, including requirements to protect each registered nonprofit
33 medical marijuana dispensary location by a fully operational security
34 alarm system.

35 (e) Procedures for suspending or revoking the registration
36 certificate of nonprofit medical marijuana dispensaries that violate this
37 chapter or the rules adopted pursuant to this section.

38 5. Establishing application and renewal fees for registry
39 identification cards, nonprofit medical marijuana dispensary registration
40 certificates and independent third-party laboratory certificates,
41 according to the following:

42 (a) The total amount of all fees shall generate revenues that are
43 sufficient to implement and administer this chapter, except that fee
44 revenue may be offset or supplemented by private donations.

(b) Nonprofit medical marijuana dispensary application fees may not exceed \$5,000.

(c) Nonprofit medical marijuana dispensary renewal fees may not exceed \$1,000.

(d) The total amount of revenue generated from nonprofit medical marijuana dispensary application and renewal fees, registry identification card fees for nonprofit medical marijuana dispensary agents and independent third-party laboratory agents and application and renewal fees for independent third-party laboratories shall be sufficient to implement and administer this chapter, including the verification system, except that the fee revenue may be offset or supplemented by private donations.

(e) The department may establish a sliding scale of patient application and renewal fees that are based on a qualifying patient's household income and that are reasonable and related to the actual costs of processing applications and renewals.

(f) The department may consider private donations under section 36-2817 to reduce application and renewal fees.

B. The department of health services shall adopt rules that require each nonprofit medical marijuana dispensary to display in a conspicuous location a sign that warns pregnant women about the potential dangers to fetuses caused by smoking or ingesting marijuana while pregnant or to infants while breastfeeding and the risk of being reported to the department of child safety during pregnancy or at the birth of the child by persons who are required to report. The rules shall include the specific warning language that must be included on the sign. The cost and display of the sign required by rule shall be borne by the nonprofit medical marijuana dispensary. The rules shall also require each certifying physician to attest that the physician has provided information to each qualifying female patient that warns about the potential dangers to fetuses caused by smoking or ingesting marijuana while pregnant or to infants while breastfeeding and the risk of being reported to the department of child safety during pregnancy or at the birth of the child by persons who are required to report.

C. The department is authorized to adopt the rules set forth in subsections A and B of this section and shall adopt those rules pursuant to title 41, chapter 6.

D. The department of health services shall post prominently on its public website a warning about the potential dangers to fetuses caused by smoking or ingesting marijuana while pregnant or to infants while breastfeeding and the risk of being reported to the department of child safety during pregnancy or at the birth of the child by persons who are required to report.

E. Before selling or dispensing marijuana or marijuana products to registered qualified patients or registered designated caregivers, nonprofit medical marijuana dispensaries shall test marijuana and

1 marijuana products for medical use to determine unsafe levels of
2 contamination, including unsafe levels of microbial contamination, heavy
3 metals, pesticides, fungicides, growth regulators and residual solvents
4 and confirm the potency of the marijuana to be dispensed. The dried
5 flowers of the marijuana plant are not required to be tested for residual
6 solvents. If a nonprofit medical marijuana dispensary's test results for
7 heavy metals comply with the prescribed requirements for a period of six
8 consecutive months, heavy metal testing for that dispensary's marijuana
9 and marijuana products is required only on a quarterly basis.

10 F. THE DEPARTMENT SHALL ADOPT RULES THAT DEFINE WHAT CONSTITUTES A
11 BATCH IN A MANNER THAT APPROPRIATELY BALANCES THE NEED FOR ENSURING
12 QUALIFYING PATIENTS' SAFETY AND PRECISE POTENCY INFORMATION WITH THE ADDED
13 COST THAT STRICTER REQUIREMENTS WOULD IMPOSE ON QUALIFYING PATIENTS. FOR
14 CULTIVATED MARIJUANA, THE SIZE OF A BATCH MAY NOT EXCEED FIFTY POUNDS, AND
15 ALL CULTIVATED MARIJUANA IN ONE BATCH MUST BE PLANTED WITHIN SEVENTY-TWO
16 HOURS AND HARVESTED WITHIN SEVENTY-TWO HOURS. THE DEPARTMENT MAY NARROW
17 THE SCOPE WHAT CONSTITUTES A BATCH BUT MAY NOT EXPAND IT.

18 G. THE DEPARTMENT SHALL ADOPT RULES CONCERNING UNIQUE BATCH NUMBERS
19 TO ENSURE THAT BATCH NUMBERS ARE NOT REUSED AND TO ALLOW QUALIFYING
20 PATIENTS TO ADEQUATELY MATCH A CERTIFICATE OF ANALYSIS TO A SPECIFIC
21 PRODUCT.

22 H. THE DEPARTMENT SHALL ADOPT RULES REGARDING SAMPLING PROCEDURES
23 THAT APPROPRIATELY BALANCE THE NEED FOR ENSURING QUALIFYING PATIENTS'
24 SAFETY AND PRECISE POTENCY INFORMATION WITH THE ADDED COST THAT STRICTER
25 REQUIREMENTS WOULD IMPOSE ON QUALIFYING PATIENTS. BEGINNING JANUARY 1,
26 2028, THE RULES SHALL REQUIRE:

27 1. INDEPENDENT THIRD-PARTY LABORATORIES TO BEGIN COLLECTING
28 SAMPLES, TO PERFORM THE COLLECTION PER ISO 17025 AND TO MAINTAIN SAMPLING
29 RECORDS FOR ONE YEAR.

30 2. NONPROFIT MEDICAL MARIJUANA DISPENSARIES TO MAINTAIN ANY VIDEO
31 SURVEILLANCE RECORDS THAT DEPICT SAMPLES BEING COLLECTED FOR A PERIOD OF
32 SIX MONTHS.

33 I. AN INDEPENDENT THIRD-PARTY LABORATORY THAT CONDUCTS TESTING IN
34 ACCORDANCE WITH SUBSECTION E OF THIS SECTION SHALL UPLOAD TO THE
35 DEPARTMENT'S ONLINE PORTAL WITHIN FIVE CALENDAR DAYS AFTER COMPLETING THE
36 TESTING THE INDEPENDENT THIRD-PARTY LABORATORY'S APPROVED CERTIFICATE OF
37 ANALYSIS THAT PROVIDES THE DETAILS OF THE RESULTS OF THE TEST THAT WAS
38 CONDUCTED IN ACCORDANCE WITH SUBSECTION E OF THIS SECTION.

39 J. THE DEPARTMENT SHALL ADOPT RULES, BASED ON NATIONAL OR
40 INTERNATIONAL STANDARDS IF AVAILABLE, TO STANDARDIZE HOW INDEPENDENT
41 THIRD-PARTY LABORATORIES TEST SAMPLES OF MARIJUANA AND MARIJUANA PRODUCTS
42 TO ENSURE CONSISTENT, RELIABLE AND SCIENTIFICALLY VALID RESULTS.

43 K. THE DEPARTMENT SHALL DEVELOP A STANDARD FORM AND REQUIRE
44 INDEPENDENT THIRD-PARTY LABORATORIES TO SUBMIT THE STANDARD FORM AS THE

1 FINAL CERTIFICATE OF ANALYSIS OF TEST RESULTS. THE STANDARD FORM MUST
2 CONTAIN THE MANDATORY TESTING REQUIREMENTS.

3 ~~F.~~ L. Nonprofit medical marijuana dispensaries shall:

4 1. Provide test results to a registered qualifying patient or
5 designated caregiver immediately on request.

6 2. Display in a conspicuous location a sign that notifies patients
7 of their right to receive the certified independent third-party laboratory
8 test results for marijuana and marijuana products for medical use.

9 ~~G.~~ M. The department shall adopt rules to certify and regulate
10 independent third-party laboratories that analyze marijuana cultivated for
11 medical use. The department shall establish certification fees for
12 INDEPENDENT THIRD-PARTY laboratories pursuant to subsection A of this
13 section. In order to be certified as an independent third-party
14 laboratory that is allowed to test marijuana and marijuana products for
15 medical use pursuant to this chapter, an independent third-party
16 laboratory:

17 1. Must meet requirements established by the department, including
18 reporting and health and safety requirements.

19 2. May not have any direct or indirect familial or financial
20 relationship with or interest in a nonprofit medical marijuana dispensary
21 or related medical marijuana business entity or management company, or any
22 direct or indirect familial or financial relationship with a designated
23 caregiver for whom the INDEPENDENT THIRD-PARTY laboratory is testing
24 marijuana and marijuana products for medical use in this state.

25 3. Must have a quality assurance program and standards.

26 4. Must have an adequate chain of custody and sample requirement
27 policies.

28 5. Must have an adequate records retention process to preserve
29 records.

30 6. Must establish procedures to ensure that results are accurate,
31 precise and scientifically valid before reporting the results.

32 7. Must be accredited by a national or international accreditation
33 association or other similar accrediting entity, as determined by the
34 department.

35 8. Must establish policies and procedures for disposal and reverse
36 distribution of samples that are collected by the INDEPENDENT THIRD-PARTY
37 laboratory.

38 ~~H. Through December 31, 2022, the department may conduct~~
39 ~~proficiency testing and remediate problems with independent third-party~~
40 ~~laboratories that are certified and regulated pursuant to this chapter and~~
41 ~~marijuana testing facilities that are licensed and regulated pursuant to~~
42 ~~chapter 28.2 of this title.~~

43 ~~I.~~ N. Beginning January 1, 2023, The department shall ~~conduct~~
44 ~~proficiency testing and remediate problems with~~ REQUIRE independent
45 third-party laboratories that are certified and regulated pursuant to this

chapter and marijuana testing facilities that are licensed and regulated pursuant to chapter 28.2 of this title **TO CONDUCT PROFICIENCY TESTING THAT IS COMMERCIALY AVAILABLE BY CONTRACTING WITH A PROFICIENCY TESTING PROVIDER THAT HAS NATIONAL OR INTERNATIONAL ACCREDITATION.** The department ~~may contract for proficiency testing with laboratories that have a national or international accreditation~~ **SHALL SUPERVISE REMEDIATION AND TAKE CORRECTIVE ACTION AS NEEDED.**

~~J.~~ For the purposes of ~~subsections H and I of this section~~ **SUBSECTION**, remediation may include assessing civil penalties and suspending or revoking ~~a~~ **AN INDEPENDENT THIRD-PARTY** laboratory's certification or a marijuana testing facility's license.

~~K.~~ **0.** The department shall adopt rules that prescribe reasonable time frames for testing marijuana and marijuana products.

Sec. 4. Subject to the requirements of article IV, part 1, section 1, Constitution of Arizona, section 36-2804.02, Arizona Revised Statutes, is amended to read:

36-2804.02. Registration of qualifying patients and designated caregivers; exemption

A. A qualifying patient may apply to the department for a registry identification card by submitting:

1. Written certification issued by a physician within the ninety days immediately preceding the date of application.

2. The application fee. **THE DEPARTMENT MAY NOT CHARGE MORE THAN \$25 FOR THE APPLICATION FEE.**

3. An application, including:

(a) **THE** name, mailing address, residence address and date of birth of the qualifying patient except that if the applicant is homeless no address is required.

(b) **THE** name, address and telephone number of the qualifying patient's physician.

(c) **THE** name, address and date of birth of the qualifying patient's designated caregiver, if any.

(d) A statement signed by the qualifying patient pledging not to divert marijuana to anyone who is not allowed to possess marijuana pursuant to this chapter.

(e) A signed statement from the designated caregiver, if any, agreeing to be the patient's designated caregiver and pledging not to divert marijuana to anyone who is not allowed to possess marijuana pursuant to this chapter.

(f) A designation as to who will be allowed to cultivate marijuana plants for the qualifying patient's medical use if a registered nonprofit medical marijuana dispensary is not operating within twenty-five miles of the qualifying patient's home.

B. The application for a qualifying patient's registry identification card shall ask whether the patient would like the

department to notify ~~him~~ THE PATIENT of any clinical studies needing human subjects for research on the medical use of marijuana. The department shall notify interested patients if it is notified of studies that will be conducted in the United States.

C. A VETERAN OF THE UNITED STATES ARMED FORCES WHO HAS BEEN HONORABLY DISCHARGED IS EXEMPT FROM THE APPLICATION FEE PRESCRIBED IN SUBSECTION A OF THIS SECTION.

Sec. 5. Subject to the requirements of article IV, part 1, section 1, Constitution of Arizona, section 36-2817, Arizona Revised Statutes, is amended to read:

36-2817. Medical marijuana fund; private donations; fund transfers; use of monies

A. The medical marijuana fund is established consisting of fees collected, civil penalties imposed and private donations received under this chapter. The department shall administer the fund. Monies in the fund are continuously appropriated.

B. The director of the department may accept and spend private grants, gifts, donations, contributions and devises to assist in carrying out this chapter.

C. Monies in the medical marijuana fund ~~may~~ SHALL be used to provide grants for marijuana clinical trials conducted pursuant to section 36-2822.

D. Monies in the medical marijuana fund do not revert to the state general fund at the end of a fiscal year.

E. On November 30, 2020, the director of the department shall transfer the following sums from the medical marijuana fund for the following purposes:

1. \$15,000,000 to the Arizona teachers academy fund established by section 15-1655.

2. \$10,000,000 to the department to fund the formation and operation of councils, commissions and programs dedicated to improving public health, including teen suicide prevention, the maternal mortality review program, improving youth health, substance abuse prevention, addressing adverse childhood experiences, the Arizona poison control system established pursuant to section 36-1161, the Arizona health improvement plan, the STATE child fatality review team established pursuant to section 36-3501 and the chronic pain self management program.

3. \$10,000,000 to the governor's office of highway safety to distribute grants for the following purposes:

(a) Reducing impaired driving, including conducting training programs and purchasing equipment for detecting, testing and enforcing laws against driving, flying or boating while impaired.

(b) Equipment, training and personnel costs for dedicated traffic enforcement.

1 4. \$2,000,000 to the department to implement, carry out and enforce
2 chapter 28.2 of this title.

3 5. \$4,000,000 to the department to distribute grants to qualified
4 nonprofit entities that will provide outreach to individuals who may be
5 eligible to file petitions for expungement pursuant to section 36-2862 and
6 will assist with the expungement petition process. The department shall
7 distribute grants pursuant to this paragraph on or before June 30, 2021.

8 6. \$2,000,000 to the department of health services to develop and
9 implement, in conjunction with the department of economic security and
10 other state agencies, a social equity ownership program to promote the
11 ownership and operation of marijuana establishments and marijuana testing
12 facilities by individuals from communities disproportionately impacted by
13 the enforcement of previous marijuana laws. For the purposes of this
14 paragraph, "marijuana establishment" and "marijuana testing facility" have
15 the same meanings prescribed in section 36-2850.

16 7. \$1,000,000 to the department to fund programs and grants to
17 qualified nonprofit organizations for education and community outreach
18 related to chapter 28.2 of this title.

19 8. \$1,000,000 to the smart and safe Arizona fund established by
20 section 36-2856.

21 F. After all costs incurred to implement, carry out and enforce
22 this chapter and the rules adopted pursuant to this chapter are paid for
23 fiscal year 2021-2022, the department shall transfer from the medical
24 marijuana fund the following sums for the following purposes:

25 1. \$1,250,000 to the department for suicide prevention.

26 2. \$1,250,000 to the Arizona health care cost containment system
27 for suicide prevention.

28 3. \$2,000,000 to the institute for mental health research for
29 research to improve mental health services, research and education in this
30 state.

31 4. \$2,000,000 to the department for the primary care provider loan
32 repayment program and the rural private primary care provider loan
33 repayment program established by chapter 21 of this title. The department
34 shall prioritize rural providers in the areas of mental health care and
35 behavioral health care if feasible and appropriate.

36 5. \$2,000,000 to the board of medical student loans for the
37 purposes of title 15, chapter 13, article 7. The board shall prioritize
38 students who intend to practice in the area of psychiatry or other areas
39 of practice that treat mental illness if feasible and appropriate.

40 6. \$5,000,000 to county public health departments, in proportion to
41 the population of each county, for the purposes of addressing important
42 public health issues and communities affected by drug addiction and
43 incarceration.

44 7. \$1,000,000 to the department for the health care directives
45 registry established pursuant to section 36-3291.

1 G. Monies transferred pursuant to subsection F of this section do
2 not revert to the state general fund.

3 H. The director shall make a onetime transfer of \$250,000 from the
4 medical marijuana fund to the department to provide grants for marijuana
5 research studies pursuant to section 36-2812.

6 I. The director may use monies in the medical marijuana fund to
7 contract with **AN INDEPENDENT THIRD-PARTY** laboratories pursuant to section
8 36-2803, subsection ~~F~~ **N** to comply with the proficiency testing
9 requirements of this chapter for independent third-party laboratories and
10 marijuana testing facilities. On or before July 1 of each year, the
11 department shall report to the joint legislative budget committee
12 expenditures made pursuant to this subsection for the preceding fiscal
13 year.

14 Sec. 6. Subject to the requirements of article IV, part 1,
15 section 1, Constitution of Arizona, section 36-2822, Arizona Revised
16 Statutes, is amended to read:

17 **36-2822. Arizona biomedical research centre; medical**
18 **marijuana fund; grants; marijuana clinical trials;**
19 **requirements**

20 A. The Arizona biomedical research centre in the department shall
21 provide competitive grants from monies in the medical marijuana fund
22 established by section 36-2817 for marijuana clinical trials that are
23 approved by the United States food and drug administration for evaluating
24 both the safety and efficacy of using marijuana in humans and researching
25 the impacts of marijuana interactions with prescription drugs,
26 nonprescription drugs and illicit drugs.

27 B. Clinical trials funded pursuant to subsection A of this section
28 shall be conducted by Arizona-based researchers from nonprofit
29 organizations or universities, be approved by the United States food and
30 drug administration, the United States drug enforcement administration and
31 an institutional review board and be publishable in peer-reviewed medical
32 and public health journals. The centre shall prioritize randomized
33 controlled clinical trials that study the treatment of autism, epilepsy,
34 post-traumatic stress disorder and pain.

35 C. Notwithstanding title 13, chapter 34, a person who receives a
36 grant for a marijuana clinical trial pursuant to this section and any of
37 the person's employees working on the clinical trial may not be charged
38 with or prosecuted for possession of marijuana that is cultivated for
39 medical use when the person is working on the clinical trial.

40 D. The Arizona biomedical research centre ~~may~~ **SHALL** provide up to
41 \$5,000,000 annually for five consecutive years from the medical marijuana
42 fund established by section 36-2817 to administer and award competitive
43 grants pursuant to this section. The centre may not use more than five
44 percent of these monies for administrative purposes.

1 Sec. 7. Subject to the requirements of article IV, part 1,
2 section 1, Constitution of Arizona, section 36-2854.01, Arizona Revised
3 Statutes, is amended to read:

4 36-2854.01. Marijuana products; labeling; packaging

5 ~~Not later than December 31, 2023,~~ Any marijuana product packaging
6 labeled for sale shall include a consumer scannable tetrahydrocannabinol
7 quick response code or similar technology linking to a webpage that
8 displays all of the following for the specific marijuana product:

9 1. The date of harvest of the marijuana.

10 2. The tetrahydrocannabinol strain of the marijuana.

11 3. The tetrahydrocannabinol extraction method used to extract the
12 tetrahydrocannabinol from the marijuana.

13 ~~4. A laboratory report of impurities containing at least heavy~~
14 ~~metals and agrochemicals.~~

15 4. THE COMPLETED INDEPENDENT THIRD-PARTY LABORATORY'S APPROVED
16 CERTIFICATE OF ANALYSIS THAT IS PROVIDED TO THE DEPARTMENT PURSUANT TO
17 SECTION 36-2803, SUBSECTION I IF THE MARIJUANA PRODUCT IS TESTED PURSUANT
18 TO SECTION 36-2803, OR THE COMPLETED MARIJUANA TESTING FACILITY
19 CERTIFICATE OF ANALYSIS.

20 5. The date of manufacture of the marijuana product.

21 6. The distribution chain, including at least a point of intended
22 sale.

23 7. A warning that states, "using marijuana during pregnancy could
24 cause birth defects or other health issues to your unborn child."

25 Sec. 8. Subject to the requirements of article IV, part 1, section
26 1, Constitution of Arizona, title 36, chapter 28.2, Arizona Revised
27 Statutes, is amended by adding sections 36-2866 and 36-2867, to read:

28 36-2866. Third-party contractor; sample collection and
29 testing

30 A. BEGINNING JANUARY 1, 2028, THE DEPARTMENT SHALL CONTRACT WITH A
31 THIRD PARTY, WHICH MAY INCLUDE AN INDEPENDENT THIRD-PARTY LABORATORY OR A
32 MARIJUANA TESTING FACILITY, TO COLLECT RANDOM SAMPLES OF MARIJUANA OR
33 MARIJUANA PRODUCTS FOR SALE AT NONPROFIT MEDICAL MARIJUANA DISPENSARIES
34 AND MARIJUANA ESTABLISHMENTS TO CONFIRM THAT THE CERTIFIED TEST RESULTS OF
35 THE MARIJUANA OR MARIJUANA PRODUCTS MATCH THE MARIJUANA OR MARIJUANA
36 PRODUCTS BEING SOLD. THE THIRD-PARTY CONTRACTOR MAY COLLECT, POSSESS AND
37 TEST THE SAMPLES OF MARIJUANA AND MARIJUANA PRODUCTS FOR THE PURPOSES OF
38 THIS SECTION.

39 B. NOTWITHSTANDING TITLE 13, CHAPTER 34, A THIRD-PARTY CONTRACTOR
40 MAY NOT BE CHARGED WITH OR PROSECUTED FOR POSSESSION OF MARIJUANA OR
41 MARIJUANA PRODUCTS THAT ARE COLLECTED FOR THE PURPOSES OF A CONTRACT WITH
42 THE DEPARTMENT PURSUANT TO THIS SECTION.

1 36-2867. Complaints: disclosure of information:
2 confidentiality

3 A. A COMPLAINT THAT RELATES TO COMPLIANCE WITH THIS CHAPTER,
4 CHAPTER 28.1 OF THIS TITLE OR THE RULES ADOPTED PURSUANT TO THIS CHAPTER
5 OR CHAPTER 28.1 OF THIS TITLE AND THAT IS SUBMITTED TO THE DEPARTMENT
6 REGARDING AN INDEPENDENT THIRD-PARTY LABORATORY, A MARIJUANA TESTING
7 FACILITY, A NONPROFIT MEDICAL MARIJUANA DISPENSARY OR A MARIJUANA
8 ESTABLISHMENT SHALL BE MADE AVAILABLE TO THE PUBLIC AFTER THE DEPARTMENT
9 DETERMINES THAT THERE IS A REASONABLE BASIS TO PROCEED TO INVESTIGATE THE
10 COMPLAINT. THE NAME OF A COMPLAINANT UNDER THIS SUBSECTION SHALL REMAIN
11 CONFIDENTIAL IF REQUESTED BY THE COMPLAINANT.

12 B. UNLESS OTHERWISE PROHIBITED BY FEDERAL OR STATE LAW, THE
13 DEPARTMENT MAY DISCLOSE THE INFORMATION IN A COMPLAINT DESCRIBED IN
14 SUBSECTION A OF THIS SECTION TO AN OFFICER OF THE COURT PURSUANT TO A
15 COURT ORDER, TO A DEPARTMENT OR AGENCY OF THIS STATE OR THE FEDERAL
16 GOVERNMENT, TO A LAW ENFORCEMENT AGENCY OR TO A COUNTY MEDICAL EXAMINER IF
17 THE DISCLOSURE OF THIS INFORMATION IS NECESSARY AND PERTINENT TO AN
18 INVESTIGATION OR PROCEEDING. THE RECIPIENT OF INFORMATION DISCLOSED
19 PURSUANT TO THIS SUBSECTION SHALL MAINTAIN THE CONFIDENTIALITY OF THE
20 COMPLAINANT'S NAME.

21 Sec. 9. Requirements for enactment; three-fourths vote

22 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
23 sections 36-2801, 36-2803, 36-2804.02, 36-2817, 36-2822 and 36-2854.01,
24 Arizona Revised Statutes, as amended by this act, and sections 36-2866 and
25 36-2867, Arizona Revised Statutes, as added by this act, are effective
26 only on the affirmative vote of at least three-fourths of the members of
27 each house of the legislature.