



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
First Regular Session

House: 3rd Read 51-7-2-0

Senate: 3rd Read 29-1-0-0

HB 2916: marijuana; security (Substituted for SB 1842)

Sponsor: Representative Bowers, LD 25

Transmitted to the Governor

HB 2916 originally passed the House as [SB 1121](#) and was one of 22 bills recently vetoed by the Governor.

Committee on Government & Elections

Senate: APPROP DPA/SE 6-4-0-0 | 3rd Read 26-2-2-0

House: APPROP DPA 11-2-0-0 | 3rd Read 53-7-0-0

Final Read: 29-0-1-0

Overview

Outlines requirements for security, packaging and labeling of marijuana and marijuana products.

History

The Arizona Department of Health Services (DHS) is tasked with adopting rules to implement and enforce statute relating to the regulation of marijuana, marijuana products, marijuana establishments and marijuana testing facilities. The rules must include requirements for various regulations such as licensing, including fees and renewals, for marijuana establishments and testing facilities, security of marijuana establishments and testing facilities, the safe cultivation, processing and manufacturing of marijuana and marijuana products and tracking, testing, labeling and packing of marijuana ([A.R.S. § 36-2854](#)).

Provisions

1. Prohibits DHS from issuing a marijuana establishment or marijuana testing facility license to an applicant who has an ownership interest in an out-of-state marijuana establishment or marijuana testing facility, or the other state's equivalent, that has had its license revoked by the other state. (Sec. 2)
2. Instructs DHS to require, by December 31, 2023, licensees to procure, develop, acquire and maintain a system to track marijuana and marijuana products at all points of cultivation, manufacturing and sale. (Sec. 2)
3. Requires the system developed and maintained by DHS to:
 - a) Ensure an accurate reporting and accounting of the production, processing and sale of marijuana and marijuana products;
 - b) Ensure compliance with rules adopted by DHS;
 - c) Be capable of tracking, at a minimum:
 - i. The propagation of immature marijuana plants and the production of marijuana by a marijuana establishment;
 - ii. The processing of marijuana and marijuana products by a marijuana establishment;
 - iii. The sale and purchase of marijuana and marijuana products between licensees;
 - iv. The transfer of marijuana and marijuana products between premises for which licenses have been issued;
 - v. The disposal of marijuana waste;

- vi. The identity of the person making the entry in the system and the time, date and location of each entry into the system, including any corrections or changes to that information; and
 - vii. Any other information that DHS determines is reasonably necessary to accomplish the functions, duties and powers of DHS; and
 - d) Contain a transactional stamp to ensure accuracy, provide for chain of custody of the information and foreclose tampering of the data, human error or intentional misreporting. (Sec. 2)
4. Directs DHS to adopt rules requiring marijuana establishments to display a sign warning pregnant women about the potential dangers of marijuana use to fetuses or infants and the risk of being reported. (Sec. 2)
 5. Stipulates that the rules must include the specific warning language that must be included on the sign. (Sec. 2)
 6. Specifies that the cost and display of the sign required by rule must be borne by the marijuana establishment. (Sec. 2)
 7. States that, by December 31, 2023, any marijuana product packaging labeled for sale must include a consumer scannable tetrahydrocannabinol (THC) quick response code or similar technology linking to a web page that displays all of the following for the specific marijuana product:
 - a) The date of harvest and manufacture of the marijuana;
 - b) The THC strain of the marijuana;
 - c) The THC extraction method used to extract the THC from the marijuana;
 - d) A laboratory report of impurities containing at least heavy metals and agrochemicals;
 - e) The distribution chain, including at least a point of intended sale; and
 - f) A warning that states, *using marijuana during pregnancy could cause birth defects or other health issues to your unborn child.* (Sec. 3)
 8. Exempts DHS from rulemaking requirements for six months after this Act takes effect, except DHS must provide the public at least 30 days to comment on the proposed rules. (Sec. 5)
 9. Modifies the definition of *designated caregiver*. (Sec. 1)
 10. Defines the following terms:
 - a) *Excluded felony offense*;
 - b) *Independent third-party laboratory*;
 - c) *Licensee*;
 - d) *Nonprofit medical marijuana dispensary*;
 - e) *Nonprofit medical marijuana dispensary agent*; and
 - f) *Qualifying patient*. (Sec. 1)
 11. Contains a Proposition 105 clause. (Sec. 6)
 12. Makes technical and conforming changes. (Sec. 1, 2, 4)

<input checked="" type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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