

PROPOSITION 203**OFFICIAL TITLE****AN INITIATIVE MEASURE**

AMENDING TITLE 13, CHAPTER 6 BY ADDING SECTION 13-610, ARIZONA REVISED STATUTES; AMENDING SECTION 13-901.01, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 34, BY AMENDING SECTION 13-3413 AND ADDING SECTIONS 13-3405.01, 13-3413.01 AND 13-3423, ARIZONA REVISED STATUTES; AMENDING SECTION 13-4304, ARIZONA REVISED STATUTES; AMENDING TITLE 31, CHAPTER 3, ARTICLE 2 BY ADDING SECTION 31-411.02, ARIZONA REVISED STATUTES; AMENDING TITLE 36, BY ADDING CHAPTER 27.1, SECTIONS 36-2601, 36-2602, 36-2603, 36-2604, 36-2605, 36-2606, 36-2607, 36-2608, 36-2609, 36-2610, 36-2611, 36-2612, 36-2613 AND 36-2614 ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 11, ARTICLE 1 BY ADDING SECTION 41-1604.18, ARIZONA REVISED STATUTES; RELATING TO DRUGS.

TEXT OF THE PROPOSED AMENDMENT

Be it enacted by the People of the State of Arizona:

Section 1. Title.

This Act shall be known and may be cited as the "Drug Medicalization, Prevention, and Control Act of 2002."

Section 2. Findings and Declarations.

The people of the State of Arizona find and declare the following:

A. The Drug Medicalization, Prevention, and Control Act of 1996 approved by 65.4% of the voters is saving the state money and making our neighborhoods safer by diverting non-violent drug users into treatment rather than incarcerating them. The 1996 Act was overwhelmingly re-approved in 1998 after the Legislature attempted to thwart the will of the people.

B. According to a Report Card prepared by the Arizona Supreme Court, the 1996 Act is "resulting in safer communities and more substance abusing probationers in recovery." The most recent annual Report Card showed:

1. 5,385 non-violent offenders participated in the program;

2. Almost two-thirds of the offenders successfully participated in their treatment program;

3. Those offenders who could not be incarcerated for drug violations complied more successfully with drug treatment programs than those who could be incarcerated if they did not comply with the drug treatment programs.

4. Arizona's annual cost-savings as a result of placing offenders in treatment versus jail or prison is at least \$6,711,714.

C. The Drug Medicalization, Prevention, and Control Act of 2002 will expand the benefits of the 1996 Act by increasing the funding for drug treatment and expanding sentencing reforms for non-violent drug users. This will result in greater cost-savings to the state, safer communities, and more prison space for violent offenders.

D. The Drug Medicalization, Prevention, and Control Act of 2002 will also correct any further circumvention or misunderstanding of the 1996 Act by the courts, county attorneys, and federal government by clarifying the medical marijuana and sentencing reform provisions of the 1996 Act.

E. The Drug Medicalization, Prevention, and Control Act of 2002 acknowledges that there is a legitimate medical use for marijuana. The legitimate use of medical marijuana has been affirmed twice by Arizona voters and has been affirmed by medical and scientific research. The People of Arizona want to preserve the autonomy of Arizona residents and their physicians and allow them to utilize all legitimate medical alternatives to preserve their health, relieve pain, and alleviate suffering.

Section 3. Purpose and Intent.

The people of the State of Arizona declare their purposes to be as follows:

A. Those convicted of drug offenses will pay for drug treatment and prevention themselves. Drug fines should be placed in the Drug Treatment and Education Fund.

B. Tougher punishments will be provided for violent drug felons. The maximum sentence for violent crimes causing serious injury or death committed while under the influence of drugs will be

increased by 50%, but mandatory minimum sentences will be removed for non-violent drug offenders.

C. Arizona marijuana laws, which currently provide that someone caught with a small amount of marijuana could be charged with a felony and possible jail time, will be changed. Possession for small amounts of marijuana will be changed to a civil violation with a fine.

D. Those persons charged with drug offenses will not have their property forfeited unless and until they are found guilty of a crime.

E. Sentencing provisions of the 1996 Act requiring mandatory treatment and probation/parole for those convicted of drug possession will be clarified. The courts have not always understood that the 1996 Act clearly stated that first- and second-time offenders should not be incarcerated in jail or prison. In addition, some prosecutors have been trying to circumvent the mandatory treatment provisions of the 1996 Act by invoking paraphernalia laws. The Drug Medicalization, Prevention, and Control Act of 2002 remedies both these situations and will restore the parole provisions repealed by the Legislature in 1997.

F. Medical marijuana patients will no longer be forced to obtain their medicine on the streets. A state distribution system will be established. Only marijuana that can be identified as having been cultivated and produced in Arizona or provided by the federal government will be distributed to patients and the number of patients who will be eligible for medical use will be limited. The medical use of marijuana cultivated and distributed will not have any substantial effect upon interstate commerce. Patients who qualify for medical use will not be able to sell or otherwise distribute the marijuana provided to them by the state. Qualified patients must also be Arizona residents. The measure will not permit distribution of marijuana to patients except by state officials under regulated or controlled conditions that will ensure no commercial transactions and strictly limit the possession and use of marijuana by qualified patients to Arizona. Strict sanctions will be provided for those who violate the terms of the agreement.

Section 4. Title 13, Chapter 6, Arizona Revised Statutes, is amended by adding § 13-610 to read:

§ 13-610. MINIMUM MANDATORY DRUG SENTENCING LAWS: EXCEPTIONS.

A. NOTWITHSTANDING ANY LAW TO THE CONTRARY AND EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION, THERE SHALL BE NO MINIMUM MANDATORY SENTENCE OR MINIMUM MANDATORY FINE FOR ANY CONVICTION OF A DRUG OFFENSE LISTED IN TITLE 13, CHAPTER 34.

B. THE PROVISIONS OF THIS SECTION DO NOT APPLY TO § 13-901.01, § 13-3405.01, 13-3409, § 13-3411, § 13-3423 AND § 41-1604.15.

Section 5. Title 13, Chapter 9, Arizona Revised Statutes, is amended to read:

§ 13-901.01. Probation for persons convicted of personal possession and use of controlled substances and personal possession or use of drug paraphernalia associated with possession or use of a controlled substance: treatment; prevention; education.

Spelling, grammar, and punctuation were reproduced as submitted in the "for" and "against" arguments.

A. Notwithstanding any law to the contrary AND EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION, any person who is convicted of the personal possession or use of a controlled substance ~~as defined in § 36-2504~~ OR WHO IS CONVICTED OF PERSONAL POSSESSION OR USE OF DRUG PARAPHERNALIA ASSOCIATED WITH PERSONAL POSSESSION OR USE OF A CONTROLLED SUBSTANCE is eligible for probation. THE COURT SHALL NOT IMPOSE ANY SANCTION THAT INCLUDES INCARCERATION IN PRISON OR JAIL AS A CONDITION OF PROBATION. The court shall suspend the imposition or execution of sentence and place such person on probation.

B. Any person who has been convicted of or CURRENTLY STANDS indicted for a violent crime as defined in § 13-604.04 is not eligible for probation as provided for in this section but instead shall be sentenced pursuant to the other provisions of chapter 34 of this title.

C. Personal possession or use of a controlled substance OR PERSONAL POSSESSION OR USE OF DRUG PARAPHERNALIA ASSOCIATED WITH PERSONAL POSSESSION OR USE OF A CONTROLLED SUBSTANCE pursuant to this section shall not include possession for sale, production, manufacturing, or transportation for sale of any controlled substance.

D. If a person is convicted of personal possession or use of a controlled substance ~~as defined in § 36-2504~~ OR PERSONAL POSSESSION OR USE OF DRUG PARAPHERNALIA ASSOCIATED WITH PERSONAL POSSESSION OR USE OF A CONTROLLED SUBSTANCE, as a condition of probation, the court shall require participation in an appropriate drug treatment or education program administered by a qualified agency or organization that provides such programs to persons who abuse controlled substances. THE COURT SHALL NOT IMPOSE ANY SANCTION THAT INCLUDES INCARCERATION IN PRISON OR JAIL AS A CONDITION OF PROBATION. Each person WHO IS enrolled in a drug treatment or education program shall be required to pay for participation in the program to the extent of the person's financial ability.

E. A person who has been placed on probation ~~under the provisions of~~ PURSUANT TO this section and who is determined by the court to be in violation of probation shall have new conditions of probation established by the court. The court shall select the additional conditions it deems necessary, including intensified drug treatment, community service, intensive probation, home arrest, or any other sanctions short of incarceration IN PRISON OR JAIL.

F. If a person is convicted a second time of personal possession or use of a controlled substance ~~as defined in § 36-2504~~ OR PERSONAL POSSESSION OR USE OF DRUG PARAPHERNALIA ASSOCIATED WITH PERSONAL POSSESSION OR USE OF A CONTROLLED SUBSTANCE, the court may include additional conditions of probation it deems necessary, including intensified drug treatment, community service, intensive probation, home arrest, or any other action within the jurisdiction of the court. THE COURT SHALL NOT IMPOSE ANY SANCTION THAT INCLUDES INCARCERATION IN PRISON OR JAIL AS A CONDITION OF PROBATION.

G. A person who has been convicted three times of personal possession or use of a controlled substance ~~as defined in § 36-2504~~ OR OF PERSONAL POSSESSION OR USE OF DRUG PARAPHERNALIA ASSOCIATED WITH PERSONAL POSSESSION OR USE OF A CONTROLLED SUBSTANCE is not eligible for probation under the provisions of this section but instead shall be sentenced pursuant to the other provisions of chapter 34 of this title.

H. A COURT SHALL NOT CONSIDER A CONVICTION FOR PERSONAL POSSESSION OR USE OF A CONTROLLED SUBSTANCE OR PERSONAL POSSESSION OR USE OF DRUG PARAPHERNALIA ASSOCIATED WITH PERSONAL POSSESSION OR USE OF A CONTROLLED SUBSTANCE AS A PRIOR CONVICTION FOR PURPOSES OF THIS SECTION IF THE PERSON HAS COMPLETED THE COURT ORDERED DRUG TREATMENT

OR EDUCATION PROGRAM PURSUANT TO SUBSECTION D OF THIS SECTION FOR THAT PRIOR CONVICTION.

I. FOR THE PURPOSES OF DETERMINING WHETHER A PERSON IS SUBJECT TO THE PROVISIONS OF SUBSECTION G OF THIS SECTION, ONLY CONVICTIONS FOR PERSONAL POSSESSION OR USE OF A CONTROLLED SUBSTANCE OR PERSONAL POSSESSION OR USE OF DRUG PARAPHERNALIA ASSOCIATED WITH PERSONAL POSSESSION OR USE OF A CONTROLLED SUBSTANCE THAT OCCUR AFTER DECEMBER 6, 1996 SHALL APPLY.

J. A PERSON WHO HAS BEEN PLACED ON PROBATION PURSUANT TO THIS SECTION AND WHO IS THE SUBJECT OF A PETITION TO REVOKE PROBATION IN WHICH THE PETITION DOES NOT CONTAIN AN ALLEGATION THAT THE PERSON HAS COMMITTED A NEW CRIMINAL OFFENSE WHILE ON PROBATION SHALL NOT BE ARRESTED OR TAKEN INTO CUSTODY OR INCARCERATED IN PRISON OR JAIL BEFORE THE COURT HAS RULED ON THE PETITION TO REVOKE PROBATION, BUT SHALL BE SUMMONED TO APPEAR IN THE APPROPRIATE PROBATION VIOLATION COURT.

K. FOR THE PURPOSES OF THIS SECTION, "DRUG TREATMENT" FOR PERSONS WHO HAVE A HISTORY OF OPIOD USE SHALL INCLUDE AN ASSESSMENT BY A TREATMENT PROFESSIONAL WHO IS QUALIFIED IN THE USE OF NARCOTIC REPLACEMENT TREATMENT AND SHALL INCLUDE THE USE OF NARCOTIC REPLACEMENT THERAPY THAT MAY ALSO INCLUDE THE USE OF METHADONE MAINTENANCE, WHERE MEDICALLY APPROPRIATE.

L. FOR THE PURPOSES OF THIS SECTION, "CONTROLLED SUBSTANCE" HAS THE SAME MEANING PRESCRIBED IN § 36-2501.

Section 6, Title 13, Chapter 34, Arizona Revised Statutes, is amended by adding § 13-3405.01 to read:

§ 13-3405.01. POSSESSION OF MARIJUANA, MARIJUANA PLANTS OR RELATED MARIJUANA DRUG-PARAPHERNALIA FOR PERSONAL USE: PENALTIES: EXCLUSIONS: DEFINITIONS.

A. NOTWITHSTANDING ANY LAW TO THE CONTRARY AND EXCEPT AS PROVIDED IN § 13-3411 AND IN THIS SECTION:

(1) POSSESSION OF MARIJUANA FOR PERSONAL USE IS A CIVIL VIOLATION PUNISHABLE SOLELY BY A CIVIL FINE AND IS NOT PUNISHABLE AS A CRIMINAL OFFENSE.

(2) POSSESSION OF MARIJUANA PLANTS FOR PERSONAL USE IS A CIVIL VIOLATION PUNISHABLE SOLELY BY A CIVIL FINE AND IS NOT PUNISHABLE AS A CRIMINAL OFFENSE.

(3) POSSESSION OF MARIJUANA DRUG PARAPHERNALIA FOR PERSONAL USE FOR THE PURPOSES SET OUT IN THIS SECTION IS A CIVIL VIOLATION PUNISHABLE SOLELY BY A CIVIL FINE AND IS NOT PUNISHABLE AS A CRIMINAL OFFENSE.

B. A PERSON CONVICTED OF A CIVIL VIOLATION UNDER THIS SECTION SHALL PAY A CIVIL FINE OF TWO HUNDRED FIFTY DOLLARS, PROVIDED HOWEVER THAT IF SUCH PERSON HAS BEEN PREVIOUSLY CONVICTED THREE OR MORE TIMES OF A CIVIL VIOLATION PURSUANT TO THIS SECTION DURING THE TWO YEAR PERIOD IMMEDIATELY PRECEDING THE DATE OF COMMISSION OF THE CIVIL VIOLATION TO BE CHARGED, THE AMOUNT OF THE CIVIL FINE SHALL BE SEVEN HUNDRED FIFTY DOLLARS.

C. ANY JUDGE IMPOSING A FINE PURSUANT TO SUBSECTION B OF THIS SECTION SHALL WAIVE ALL OF THE FINE IF THE PERSON WHO VIOLATED THE PROVISIONS OF THIS SECTION COMPLETES A DRUG EDUCATION PROGRAM APPROVED OF BY THE COURT. EACH PERSON WHO IS ENROLLED IN A DRUG EDUCATION PROGRAM PURSUANT TO

THIS SECTION SHALL BE REQUIRED TO PAY FOR PARTICIPATION IN THE PROGRAM TO THE EXTENT OF THE PERSON'S FINANCIAL ABILITY, EXCEPT THAT THE COST OF THE PROGRAM TO THE PARTICIPANT SHALL NOT EXCEED THE COST OF THE FINE IMPOSED PURSUANT TO SUBSECTION B OF THIS SECTION.

D. NOTWITHSTANDING ANY LAW TO THE CONTRARY, A PERSON CHARGED SOLELY WITH A VIOLATION OF THIS SECTION SHALL NOT BE SUBJECT TO THE PROVISIONS OF § 13-901.01.

E. NOTWITHSTANDING ANY LAW TO THE CONTRARY, ALL OF THE MONEY COLLECTED PURSUANT TO A CIVIL FINE IMPOSED FOR A VIOLATION OF THIS SECTION SHALL BE DEPOSITED INTO THE DRUG TREATMENT AND EDUCATION FUND ESTABLISHED IN § 13-901.02.

F. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO RESTRICT A CRIMINAL PROSECUTION FOR POSSESSION, PRODUCTION, OR TRANSPORTATION OF MARIJUANA OR MARIJUANA PLANTS IF THE AMOUNT OF MARIJUANA POSSESSED EXCEEDS TWO OUNCES OF MARIJUANA OR TWO MARIJUANA PLANTS.

G. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO RESTRICT A CRIMINAL PROSECUTION FOR THE SALE OF ANY AMOUNT OF MARIJUANA.

H. IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "POSSESSION OF MARIJUANA FOR PERSONAL USE" MEANS POSSESSION, USE, OR TRANSPORTATION OF NOT MORE THAN TWO OUNCES OF MARIJUANA BY ANY PERSON EIGHTEEN YEARS OF AGE OR OLDER SOLELY FOR THAT PERSON'S PERSONAL USE PROVIDED THAT NONE OF SUCH MARIJUANA IS HELD FOR SALE OR SOLD TO OTHERS.

(2) "POSSESSION OF MARIJUANA PLANTS FOR PERSONAL USE" MEANS POSSESSION, USE, PRODUCTION OR TRANSPORTATION OF NOT MORE THAN TWO MARIJUANA PLANTS BY ANY PERSON EIGHTEEN YEARS OF AGE OR OLDER SOLELY FOR THAT PERSON'S PERSONAL USE PROVIDED THAT NONE OF SUCH MARIJUANA PLANTS ARE HELD FOR SALE OR SOLD TO OTHERS.

(3) "POSSESSION OF MARIJUANA DRUG PARAPHERNALIA FOR PERSONAL USE" MEANS POSSESSION, USE OR TRANSPORTATION OF MARIJUANA DRUG PARAPHERNALIA BY ANY PERSON EIGHTEEN YEARS OF AGE OR OLDER SOLELY FOR THE PURPOSES SET OUT IN THIS SECTION PROVIDED THAT NONE OF SUCH MARIJUANA DRUG PARAPHERNALIA IS HELD FOR SALE OR SOLD TO OTHERS.

(4) "MARIJUANA DRUG PARAPHERNALIA" MEANS ALL EQUIPMENT, PRODUCTS AND MATERIALS OF ANY KIND WHICH ARE USED, INTENDED FOR USE OR DESIGNED FOR PRODUCTION OR USE OF MARIJUANA CONSISTENT WITH THE PROVISIONS OF THIS SECTION.

(5) "HELD FOR SALE" MEANS HELD WITH THE SPECIFIC INTENT TO DELIVER, SELL OR DISTRIBUTE SUCH ITEM TO ANOTHER PERSON FOR CONSIDERATION.

Section 7. Title 13, Chapter 34, Arizona Revised Statutes, is amended to read:

§ 13-3413. Forfeiture and disposition of drugs and evidence

A. The following items used or intended for use in violation of A CRIMINAL OFFENSE OF this chapter are subject to seizure and forfeiture pursuant to chapter 39 of this title:

1. Property, equipment, containers, chemicals, materials, money, books, records, research products, formulas, microfilm, tapes and data.

2. Vapor-releasing substances containing a toxic substance.

3. Vehicles to transport or in any manner facilitate the transportation, sale or receipt of, or in which is contained or possessed, any item or drug, except as provided in chapter 39 of this title.

B. The following property is subject to seizure and forfeiture pursuant to chapter 39 of this title:

1. All proceeds traceable to an offense that is included in this chapter and that is committed for financial gain.

2. All proceeds seized in this state and traceable to an offense that:

(a) Is chargeable or indictable under the laws of the state in which the offense occurred and, if the offense occurred in a state other than this state, would be chargeable or indictable under this chapter if the offense occurred in this state.

(b) Is punishable by imprisonment for more than one year.

(c) Involves prohibited drugs, marijuana or other prohibited chemicals or substances.

(d) Is committed for financial gain.

C. Peyote, dangerous drugs, prescription-only drugs, marijuana, narcotic drugs and plants from which such drugs may be derived which are seized in connection with any violation of this chapter or which come into the possession of a law enforcement agency are summarily forfeited.

D. When seizures of marijuana are made in excess of ten pounds or seizures of any other substance specified in subsection C of this section are made in excess of one pound in connection with any violation of this chapter the responsible law enforcement agency may retain ten pounds of the marijuana or one pound of the other substance randomly selected from the seized quantity for representation purposes as evidence. IF THE SEIZED MARIJUANA WAS GROWN, CULTIVATED OR PRODUCED IN THE STATE, THE LAW ENFORCEMENT AGENCY SHALL RETAIN THE SEIZED MARIJUANA FOR REPRESENTATIONAL PURPOSES AS EVIDENCE AND AFTER SUCH PURPOSES ARE FULFILLED, FORWARD THE MARIJUANA TO THE ARIZONA DEPARTMENT OF PUBLIC SAFETY FOR DISTRIBUTION CONSISTENT WITH THE PROVISIONS OF § 13-3413.01. The agency may destroy the remainder of ANY OTHER SEIZED SUBSTANCE, OR IF THE MARIJUANA WAS NOT GROWN, CULTIVATED OR PRODUCED IN THE STATE, THE AGENCY MAY DESTROY THE REMAINDER OF the seized marijuana. Before any destruction is carried out, the responsible law enforcement agency shall photograph the material seized with identifying case numbers or other means of identification and prepare a report, identifying the seized material. The responsible law enforcement agency shall notify in writing any person arrested for a violation of this chapter or the attorney for the person at least twenty-four hours in advance that such photography will take place and that such person or the person's attorney may be present at such photographing of the seized material. In addition to the amount of marijuana or other substance retained for representation purposes as evidence, all photographs and records made under this section and properly identified are admissible in any court proceeding for any purpose for which the seized marijuana or substance itself would be admissible. Evidence retained after trial shall be disposed of pursuant to the rules of criminal procedure, rule 28.

E. If a seizure is made of chemicals used for the manufacture of a narcotic drug or dangerous drug as defined by section 13-3401 in connection with a violation of this title, the seizing agency may apply to a magistrate or superior court judge in the application for the search warrant or as soon as reasonable after the seizure for an order allowing the proper disposal or destruction of the substances,

on a showing to the magistrate or superior court judge by affidavit of both of the following:

1. The substances pose a significant safety hazard to life or property because of their explosive, flammable, poisonous or otherwise toxic nature.

2. No adequate and safe storage facility is reasonably available to the seizing agency.

F. On a proper showing pursuant to subsection E of this section, the magistrate or superior court judge shall order the substances to be properly destroyed if the containers are first photographed. In addition the magistrate or superior court judge may order that the chemicals be sampled and the samples preserved, unless the court finds either:

1. Sampling would be unnecessary or unsafe.

2. The chemicals are in labeled or factory sealed containers.

Section 8, Title 13, Chapter 34, Arizona Revised Statutes, is amended by adding § 13-3413.01 to read:

§ 13-3413.01. REQUEST FOR MARIJUANA; RETENTION OF SEIZED MARIJUANA GROWN IN ARIZONA; DISTRIBUTION FOR MEDICAL PURPOSES; NOTICE; LIMITATION OF LIABILITY.

A. NOTWITHSTANDING ANY LAW TO THE CONTRARY, WITHIN THIRTY DAYS OF THE EFFECTIVE DATE OF THIS ACT, THE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY SHALL SEND A LETTER TO THE NATIONAL INSTITUTE ON DRUG ABUSE AND THE UNIVERSITY OF MISSISSIPPI REQUESTING THAT THE NATIONAL INSTITUTE ON DRUG ABUSE AND THE UNIVERSITY OF MISSISSIPPI PROVIDE, BEGINNING ON FEBRUARY 1, 2003, QUARTERLY SHIPMENTS OF MARIJUANA GROWN AT THE UNIVERSITY OF MISSISSIPPI TO THE DEPARTMENT OF PUBLIC SAFETY IN SUCH AMOUNTS AS ARE NECESSARY TO PROVIDE MARIJUANA TO ALL PERSONS QUALIFIED TO USE MARIJUANA FOR MEDICAL PURPOSES PURSUANT TO TITLE 36 CHAPTER 27.1. THE DEPARTMENT OF PUBLIC SAFETY SHALL TAKE APPROPRIATE ACTIONS TO ENSURE THE SECURITY OF MARIJUANA SHIPPED PURSUANT TO THIS SUBSECTION. MARIJUANA RECEIVED BY THE DEPARTMENT OF PUBLIC SAFETY PURSUANT TO THIS SUBSECTION SHALL BE MAINTAINED AND DISTRIBUTED IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

B. NOTWITHSTANDING ANY LAW TO THE CONTRARY, MARIJUANA SUBJECT TO SEIZURE AND FORFEITURE PURSUANT TO CHAPTER 39 OF THIS TITLE THAT IS GROWN, CULTIVATED OR PRODUCED IN THE STATE SHALL NOT BE DESTROYED AND SHALL BE RETAINED BY THE ARIZONA DEPARTMENT OF PUBLIC SAFETY, EXCEPT FOR THAT AMOUNT OF MARIJUANA HELD FOR REPRESENTATIONAL PURPOSES PURSUANT TO § 13-3413(D). MARIJUANA RETAINED PURSUANT TO THIS SUBSECTION, RECEIVED PURSUANT TO SUBSECTION A OF THIS SECTION OR FORWARDED TO THE ARIZONA DEPARTMENT OF PUBLIC SAFETY PURSUANT TO § 13-3413 SHALL BE MAINTAINED IN A SECURE LOCATION WITHIN PUBLIC BUILDINGS LOCATED IN AT LEAST THREE COUNTIES HAVING THE GREATEST POPULATION IN THE STATE.

C. THE DEPARTMENT OF PUBLIC SAFETY SHALL PROHIBIT THE PUBLIC FROM ENTERING THE SECURE LOCATION OF A PUBLIC BUILDING WHERE MARIJUANA IS RETAINED PURSUANT TO SUBSECTIONS A AND B OF THIS SECTION, EXCEPT THAT A PERSON POSSESSING A VALID REGISTRY IDENTIFICATION CARD ISSUED PURSUANT TO § 36-2603 SHALL BE PERMITTED IN SUCH SECURE LOCATION FOR THE SOLE PURPOSE OF OBTAINING MARIJUANA PURSUANT TO THIS SECTION UPON THE PRESENTATION OF THAT PERSON'S REGISTRY IDENTIFICATION CARD.

D. UPON THE PRESENTATION OF A VALID REGISTRY IDENTIFICATION CARD ISSUED PURSUANT TO § 36-2603 BY

THE PERSON TO WHOM THE CARD WAS ISSUED, THE DEPARTMENT OF PUBLIC SAFETY SHALL GIVE TO THAT PERSON NOT MORE THAN TWO OUNCES OF MARIJUANA RETAINED OR RECEIVED PURSUANT TO SUBSECTIONS A AND B OF THIS SECTION. NO PERSON OBTAINING MARIJUANA UNDER THIS SECTION SHALL RECEIVE OR ATTEMPT TO RECEIVE MORE THAN TWO OUNCES OF MARIJUANA WITHIN A THIRTY DAY PERIOD.

E. THE DEPARTMENT OF PUBLIC SAFETY SHALL TAKE ALL REASONABLE STEPS NECESSARY TO PACKAGE OR OTHERWISE IDENTIFY MARIJUANA RETAINED OR RECEIVED PURSUANT TO SUBSECTIONS A AND B OF THIS SECTION BEFORE SUCH MARIJUANA IS GIVEN TO PERSONS IN POSSESSION OF A VALID REGISTRY IDENTIFICATION AS PROVIDED IN SUBSECTION D OF THIS SECTION.

F. NOTWITHSTANDING ANY LAW TO THE CONTRARY, AN EMPLOYEE OF THE DEPARTMENT OF PUBLIC SAFETY COMPLYING WITH THE REQUIREMENTS OF THIS SECTION SHALL NOT BE PROSECUTED FOR ACTS CONSISTENT WITH THIS SECTION AND SHALL NOT BE CIVILLY LIABLE FOR COMPLYING WITH THE REQUIREMENTS OF THIS SECTION.

G. THE DEPARTMENT OF PUBLIC SAFETY SHALL MAKE PUBLIC THE LOCATION OF THE PUBLIC BUILDINGS WHERE MARIJUANA RETAINED OR RECEIVED PURSUANT TO SUBSECTIONS A AND B OF THIS SECTION SHALL BE STORED.

H. ANY PERSON WHO USES OR ATTEMPTS TO USE A FALSIFIED REGISTRY IDENTIFICATION CARD OR A REGISTRY IDENTIFICATION CARD ISSUED PURSUANT TO § 36-2603 THAT WAS ISSUED TO SOMEONE OTHER THAN THE PERSON RECEIVING OR ATTEMPTING TO RECEIVE MARIJUANA PURSUANT TO THIS SECTION IS GUILTY OF A CLASS 4 FELONY.

I. IT SHALL BE UNLAWFUL FOR ANY PERSON POSSESSING A VALID REGISTRY IDENTIFICATION CARD ISSUED PURSUANT TO § 36-2603 TO POSSESS, USE, SELL, DELIVER OR TRANSPORT MARIJUANA RECEIVED PURSUANT TO THIS SECTION OUTSIDE THE BORDERS OF THIS STATE OR TO DELIVER MARIJUANA TO ANY OTHER PERSON WHO INTENDS TO POSSESS, SELL, DELIVER OR TRANSPORT SUCH MARIJUANA OUTSIDE THE BORDERS OF THIS STATE. IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, A PERSON WHO VIOLATES THE PROVISIONS OF THIS SUBSECTION IS GUILTY OF A CLASS 6 FELONY.

Section 9, Title 13, Chapter 34, Arizona Revised Statutes, is amended by adding § 13-3423 to read:

§ 13-3423. SENTENCE ENHANCEMENT AND PROBATION OR OTHER RELEASE NONELIGIBILITY; VIOLENT CRIME; UNDER THE INFLUENCE OF A CONTROLLED SUBSTANCE.

A. NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE MAXIMUM PERMISSIBLE SENTENCE OF A PERSON WHO IS CONVICTED BY PROOF BEYOND A REASONABLE DOUBT OF INTENTIONALLY AND KNOWINGLY COMMITTING A VIOLENT CRIME WHILE THE PERSON IS UNDER THE INFLUENCE OF A CONTROLLED SUBSTANCE AS DEFINED IN § 36-2501 IN VIOLATION OF ANY OF THE PROVISIONS OF TITLE 13, CHAPTER 34 SHALL BE INCREASED BY FIFTY PER CENT. A PERSON WHOSE SENTENCE HAS BEEN INCREASED PURSUANT TO THIS SECTION SHALL NOT BE ELIGIBLE FOR PROBATION OR RELEASE UNTIL THE ENTIRE SENTENCE HAS BEEN SERVED. PURSUANT TO § 41-1604.07, THE DIRECTOR OF THE ARIZONA DEPARTMENT OF CORRECTIONS SHALL INCLUDE ANY SUCH PERSON WHOSE SENTENCE HAS BEEN INCREASED PURSUANT TO THIS SECTION IN A NONELIGIBLE EARNED RELEASE CREDIT CLASS AND THE PRISONER IS NOT ELIGIBLE FOR PLACEMENT IN AN ELIGIBLE EARNED RELEASE CREDIT CLASS.

B. FOR THE PURPOSES OF THIS SECTION, "VIOLENT CRIME" MEANS ANY INTENTIONAL AND KNOWING COMMIT-

MENT OF A CRIMINAL ACT THAT RESULTS IN DEATH OR SERIOUS PHYSICAL INJURY.

C. FOR THE PURPOSES OF THIS SECTION, NO PERSON SHALL BE FOUND TO BE UNDER THE INFLUENCE OF A CONTROLLED SUBSTANCE EXCEPT UPON PROOF BEYOND A REASONABLE DOUBT.

Section 10. Title 13, Chapter 39, Arizona Revised Statutes, is amended to read:

§ 13-4304. Property subject to forfeiture: exemptions

All property, including all interests in such property, described in a statute providing for its forfeiture is subject to forfeiture. However:

1. No vehicle used by any person as a common carrier in the transaction of business as a common carrier may be forfeited under the provisions of this chapter unless it appears that the owner or other person in charge of the vehicle was a consenting party or privy to the act or omission giving rise to forfeiture or knew or had reason to know of it.

2. No vehicle may be forfeited under the provisions of this chapter for any act or omission established by the owner to have been committed or omitted by a person other than the owner while the vehicle was unlawfully in the possession of a person other than the owner in violation of the criminal laws of this state or of the United States.

3. No property may be forfeited pursuant to section 13-3413, subsection A, paragraph 1 or 3 if the conduct giving rise to the forfeiture both:

(a) Did not involve an amount of unlawful substance greater than the statutory threshold amount as defined in section 13-3401.

(b) Was not committed for financial gain.

4. No owner's or interest holder's interest may be forfeited under this chapter if the owner or interest holder establishes all of the following:

(a) He acquired the interest before or during the conduct giving rise to forfeiture.

(b) He did not empower any person whose act or omission gives rise to forfeiture with legal or equitable power to convey the interest, as to a bona fide purchaser for value, and he was not married to any such person or if married to such person, held the property as separate property.

(c) He did not know and could not reasonably have known of the act or omission or that it was likely to occur.

5. No owner's or interest holder's interest may be forfeited under this chapter if the owner or interest holder establishes all of the following:

(a) He acquired the interest after the conduct giving rise to forfeiture.

(b) He is a bona fide purchaser for value not knowingly taking part in an illegal transaction.

(c) He was at the time of purchase and at all times after the purchase and before the filing of a racketeering lien notice or the provision of notice of pending forfeiture or the filing and notice of a civil or criminal proceeding under this title relating to the property, whichever is earlier, reasonably without notice of the act or omission giving rise to forfeiture and reasonably without cause to believe that the property was subject to forfeiture.

6. NOTWITHSTANDING ANY LAW TO THE CONTRARY, NO OWNER'S OR INTEREST HOLDER'S INTEREST IN ANY PROPERTY MAY BE FORFEITED UNDER THIS CHAPTER AS PART OF A SEIZURE FOR FORFEITURE OF PROPERTY FOR A VIOLATION OF ANY DRUG OFFENCE LISTED IN TITLE 13, CHAPTER 34 UNLESS AND UNTIL THE OWNER OF THE PROPERTY OR THE INTEREST HOLDER WITH AN INTEREST IN THE PROPERTY IS CONVICTED OF SUCH AN OFFENSE IN THE STATE OR ANOTHER JURISDICTION AND THE COURT FINDS

BY CLEAR AND CONVINCING EVIDENCE THAT THE PROPERTY WAS INSTRUMENTAL IN COMMITTING OR FACILITATING THE CRIME OR WAS THE PROCEEDS OF THAT CRIME. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO EFFECT THE TEMPORARY SEIZURE OF PROPERTY FOR EVIDENTIARY OR PROTECTIVE PURPOSES.

Section 11. Title 31, Chapter 3, Article 2, Arizona Revised Statutes, is amended by adding § 31-411.02 to read:

§ 31-411.02 PAROLE OR COMMUNITY SUPERVISION FOR PERSONS PREVIOUSLY CONVICTED OF PERSONAL POSSESSION OR USE OF A CONTROLLED SUBSTANCE.

A. NOTWITHSTANDING ANY LAW TO THE CONTRARY, EVERY PERSON WHO IS ELIGIBLE FOR PAROLE OR COMMUNITY SUPERVISION PURSUANT TO THE PROVISIONS OF § 41-1604.18 SHALL BE RELEASED ON PAROLE OR COMMUNITY SUPERVISION WITHIN NINETY DAYS OF THE ISSUANCE OF THE LIST REQUIRED PURSUANT TO § 41-1604.18(D), PROVIDED HOWEVER THAT IF THE BOARD OF EXECUTIVE CLEMENCY DETERMINES BEYOND A REASONABLE DOUBT THAT AN ELIGIBLE PERSON WOULD BE A DANGER TO THE GENERAL PUBLIC, THE BOARD SHALL NOT RELEASE SUCH AN OTHERWISE ELIGIBLE PERSON ON PAROLE OR COMMUNITY SUPERVISION.

B. THE BOARD OF EXECUTIVE CLEMENCY SHALL ORDER AS A CONDITION OF PAROLE OR COMMUNITY SUPERVISION THAT EACH PERSON RELEASED ON PAROLE OR COMMUNITY SUPERVISION PURSUANT TO THIS SECTION BE REQUIRED TO PARTICIPATE IN AN APPROPRIATE DRUG TREATMENT OR EDUCATION PROGRAM ADMINISTERED BY A QUALIFIED AGENCY OR ORGANIZATION THAT PROVIDES SUCH TREATMENT TO PERSONS WHO ABUSE CONTROLLED SUBSTANCES. EACH PERSON WHO IS ENROLLED IN A DRUG TREATMENT OR EDUCATION PROGRAM SHALL BE REQUIRED TO PAY FOR PARTICIPATION IN THE PROGRAM TO THE EXTENT OF HIS OR HER FINANCIAL ABILITY.

C. EACH PERSON RELEASED UPON PAROLE OR COMMUNITY SUPERVISION PURSUANT TO THIS SECTION SHALL REMAIN ON PAROLE OR COMMUNITY SUPERVISION UNLESS THE BOARD REVOKES PAROLE OR COMMUNITY SUPERVISION OR GRANTS AN ABSOLUTE DISCHARGE FROM PAROLE OR COMMUNITY SUPERVISION OR UNTIL SUCH PERSON REACHES HIS OR HER INDIVIDUAL EARNED RELEASE CREDIT DATE. WHEN SUCH PERSON REACHES HIS OR HER INDIVIDUAL EARNED RELEASE CREDIT DATE, HIS OR HER PAROLE OR COMMUNITY SUPERVISION SHALL BE TERMINATED AND HE OR SHE SHALL NO LONGER BE UNDER THE AUTHORITY OF THE BOARD.

Section 12. Title 36, Arizona Revised Statutes, is amended by adding Chapter 27.1 to read:

§ 36-2601. Definitions

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "ATTENDING PHYSICIAN" MEANS A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN ARIZONA AS DEFINED IN § 32-1800(24) OR A DOCTOR OF MEDICINE LICENSED TO PRACTICE MEDICINE IN ARIZONA AS DEFINED IN § 32-1401(10) WHO HAS PRIMARY RESPONSIBILITY FOR THE CARE AND TREATMENT OF A PERSON DIAGNOSED WITH A DEBILITATING MEDICAL CONDITION.

2. "DEBILITATING MEDICAL CONDITION" MEANS:

(A) CANCER, GLAUCOMA, POSITIVE STATUS FOR HUMAN IMMUNODEFICIENCY VIRUS OR ACQUIRED IMMUNE DEFICIENCY SYNDROME, OR TREATMENT FOR THESE CONDITIONS;

(B) A MEDICAL CONDITION OR TREATMENT FOR A MEDICAL CONDITION THAT PRODUCES, FOR A SPECIFIC PATIENT, ONE OR MORE OF THE FOLLOWING:

- (i) CACHEXIA;
- (ii) SEVERE PAIN;
- (iii) SEVERE NAUSEA;
- (iv) SEIZURES, INCLUDING BUT NOT LIMITED TO SEIZURES CAUSED BY EPILEPSY; OR
- (v) PERSISTENT MUSCLE SPASMS, INCLUDING BUT NOT LIMITED TO SPASMS CAUSED BY MULTIPLE SCLEROSIS; OR

(C) ANY OTHER MEDICAL CONDITION OR TREATMENT FOR A MEDICAL CONDITION ADOPTED BY THE DEPARTMENT BY RULE OR APPROVED BY THE DEPARTMENT PURSUANT TO A PETITION SUBMITTED PURSUANT TO § 36-2611.

3. "DEPARTMENT" MEANS THE ARIZONA DEPARTMENT OF HEALTH SERVICES.

4. "DESIGNATED PRIMARY CAREGIVER" MEANS A PERSON EIGHTEEN YEARS OF AGE OR OLDER, WHO IS AND REMAINS A RESIDENT OF ARIZONA WHILE ACTING IN THE CAPACITY OF A DESIGNATED PRIMARY CAREGIVER, WHO HAS NOT BEEN CONVICTED OF A CRIMINAL DRUG OFFENSE PURSUANT TO TITLE 13, CHAPTER 34 OR BEEN CONVICTED OF A FELONY DRUG OFFENSE IN ANOTHER STATE OR JURISDICTION, WHO HAS SIGNIFICANT RESPONSIBILITY FOR MANAGING THE WELL-BEING OF A PERSON WHO HAS BEEN DIAGNOSED WITH A DEBILITATING MEDICAL CONDITION AND WHO IS DESIGNATED AS SUCH ON THAT PERSON'S APPLICATION FOR A REGISTRY IDENTIFICATION CARD OR IN OTHER WRITTEN NOTIFICATION TO THE DEPARTMENT. "DESIGNATED PRIMARY CAREGIVER" DOES NOT INCLUDE THE PERSON'S ATTENDING PHYSICIAN.

5. "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES.

6. "HELD FOR SALE" MEANS HELD WITH THE SPECIFIC INTENT TO DELIVER, SELL OR DISTRIBUTE SUCH ITEM TO ANOTHER PERSON FOR CONSIDERATION.

7. "MARIJUANA" MEANS ALL PARTS OF ANY PLANT OF THE GENUS CANNABIS, FROM WHICH THE RESIN HAS NOT BEEN EXTRACTED, WHETHER GROWING OR NOT, AND THE SEEDS OF SUCH PLANT.

8. "MEDICAL USE OF MARIJUANA" MEANS THE POSSESSION, USE, PRODUCTION OR ADMINISTRATION OF NOT MORE THAN TWO OUNCES OF MARIJUANA OR NOT MORE THAN TWO MARIJUANA PLANTS OR MARIJUANA DRUG PARAPHERNALIA AS DEFINED IN §13-3405.01(H)(4) THAT IS USED TO ADMINISTER MARIJUANA FOR THE EXCLUSIVE BENEFIT OF A PERSON TO MITIGATE THE SYMPTOMS OR EFFECTS OF HIS OR HER DEBILITATING MEDICAL CONDITION, PROVIDED THAT NONE OF SUCH MARIJUANA OR MARIJUANA DRUG PARAPHERNALIA IS HELD FOR SALE OR SOLD TO OTHERS.

9. "PUBLIC PLACE" MEANS ALL OR ANY PORTION OF AN AREA, LANDS, BUILDING OR OTHER STRUCTURE THAT IS GENERALLY OPEN TO THE PUBLIC OR TO WHICH THE PUBLIC HAS ACCESS AND IS NOT USED PRIMARILY FOR PRIVATE RESIDENTIAL PURPOSES. PUBLIC PLACE DOES NOT INCLUDE THE INSIDE OF A PERSON'S DWELLING OF RESIDENCE.

10. "REGISTRY IDENTIFICATION CARD" MEANS A DOCUMENT ISSUED BY THE DEPARTMENT THAT IDENTIFIES A PERSON WHO HAS BEEN AUTHORIZED TO ENGAGE IN THE MEDICAL USE OF MARIJUANA AND THE PERSON'S DESIGNATED PRIMARY CAREGIVER, IF ANY.

11. "USABLE MARIJUANA" MEANS THE DRIED LEAVES AND FLOWERS OF THE PLANT CANNABIS FAMILY MORACEAE, AND ANY MIXTURE OR PREPARATION THEREOF, WHICH ARE APPROPRIATE FOR MEDICAL USE AS ALLOWED IN THIS CHAPTER. "USABLE MARIJUANA" DOES NOT INCLUDE THE SEEDS, STALKS AND ROOTS OF THE PLANT.

12. "WRITTEN DOCUMENTATION" MEANS A STATEMENT SIGNED BY THE ATTENDING PHYSICIAN OF A PERSON DIAGNOSED WITH A DEBILITATING MEDICAL CONDITION OR COPIES OF THE PERSON'S RELEVANT MEDICAL RECORDS.

§ 36-2602. MEDICAL USE OF MARIJUANA BY PERSONS POSSESSING VALID REGISTRY IDENTIFICATION CARDS: LIMITS ON AMOUNT POSSESSED, DELIVERED OR PRODUCED: AFFIRMATIVE DEFENSE.

A. NOTWITHSTANDING § 13-3405 AND § 13-3405.01 AND ANY OTHER LAW TO THE CONTRARY, A PERSON WHO POSSESSES A VALID REGISTRY IDENTIFICATION CARD ISSUED PURSUANT TO § 36-2603 MAY POSSESS, USE OR PRODUCE TWO OUNCES OF MARIJUANA AND TWO MARIJUANA PLANTS AND THAT PERSON'S DESIGNATED PRIMARY CAREGIVER MAY POSSESS OR PRODUCE TWO OUNCES OF MARIJUANA AND TWO MARIJUANA PLANTS FOR THE SOLE PURPOSE OF MITIGATING THE SYMPTOMS OR EFFECTS OF THE PERSON'S DEBILITATING MEDICAL CONDITION. EXCEPT AS ALLOWED IN SUBSECTION C OF THIS SECTION, A REGISTRY IDENTIFICATION CARDHOLDER AND THAT PERSON'S DESIGNATED PRIMARY CAREGIVER SHALL NOT COLLECTIVELY POSSESS, DELIVER OR PRODUCE MARIJUANA IN EXCESS OF THE AMOUNTS PROVIDED IN THIS SUBSECTION.

B. NOTWITHSTANDING ANY LAW TO THE CONTRARY, A PERSON WHO POSSESSES A VALID REGISTRY IDENTIFICATION CARD ISSUED PURSUANT TO § 36-2603 MAY ENGAGE IN, AND THE DESIGNATED PRIMARY CAREGIVER OF SUCH A PERSON MAY ASSIST IN, THE MEDICAL USE OF MARIJUANA FOR THE SOLE PURPOSE OF MITIGATING THE SYMPTOMS OR EFFECTS OF THAT PERSON'S DEBILITATING MEDICAL CONDITION.

C. IF THE INDIVIDUALS DESCRIBED IN SUBSECTION A OF THIS SECTION POSSESS, DELIVER OR PRODUCE MARIJUANA IN EXCESS OF THE AMOUNTS ALLOWED IN SUBSECTION A OF THIS SECTION, SUCH INDIVIDUALS ARE NOT EXEMPTED FROM THE CRIMINAL LAWS OF THE STATE BUT MAY ESTABLISH AN AFFIRMATIVE DEFENSE TO SUCH CHARGES, BY A PREPONDERANCE OF THE EVIDENCE, THAT THE GREATER AMOUNT IS MEDICALLY NECESSARY TO MITIGATE THE SYMPTOMS OR EFFECTS OF THE PERSON'S DEBILITATING MEDICAL CONDITION.

§ 36-2603. REGISTRY IDENTIFICATION CARD: CARDHOLDER IMMUNITY: ISSUANCE: ELIGIBILITY: DUTIES OF CARDHOLDER.

A. NOTWITHSTANDING ANY LAW TO THE CONTRARY AND EXCEPT AS PROVIDED IN 36-2605 AND 36-2614, A PERSON ENGAGED IN OR ASSISTING IN THE MEDICAL USE OF MARIJUANA IS NOT SUBJECT TO CRIMINAL PROSECUTION OR SUBJECT TO A CIVIL FINE FOR POSSESSION, DELIVERY OR PRODUCTION OF TWO OUNCES OR LESS OF MARIJUANA, OR ANY OTHER CRIMINAL OFFENSE IN WHICH POSSESSION, DELIVERY OR PRODUCTION OF MARIJUANA IS AN ELEMENT IF ALL OF THE FOLLOWING CONDITIONS ARE MET:

(1) THE PERSON HOLDS A VALID REGISTRY IDENTIFICATION CARD ISSUED PURSUANT TO THIS SECTION, HAS APPLIED FOR A REGISTRY IDENTIFICATION CARD PURSUANT TO THIS SECTION, OR IS THE DESIGNATED PRIMARY CAREGIVER OF A CARDHOLDER OR APPLICANT;

(2) THE PERSON WHO HAS A DEBILITATING MEDICAL CONDITION OR HIS OR HER PRIMARY CAREGIVER ARE COLLECTIVELY IN POSSESSION OF, DELIVERING OR PRODUCING USABLE MARIJUANA OR MARIJUANA PLANTS FOR MEDICAL USE IN AMOUNTS THAT DO NOT EXCEED THE LIMITS ESTABLISHED IN § 36-2602; AND

(3) NONE OF THE MARIJUANA OR MARIJUANA PLANTS POSSESSED BY THE PERSON WHO HAS A DEBILITATING MEDICAL CONDITION OR HIS OR HER PRI-

MARY CAREGIVER ARE HELD FOR SALE OR SOLD TO OTHERS.

B. THE DEPARTMENT SHALL ESTABLISH AND MAINTAIN A PROGRAM FOR THE ISSUANCE OF REGISTRY IDENTIFICATION CARDS TO ARIZONA RESIDENTS WHO MEET THE REQUIREMENTS OF THIS SECTION. EXCEPT AS PROVIDED IN SUBSECTION C OF THIS SECTION, THE DEPARTMENT SHALL ISSUE A REGISTRY IDENTIFICATION CARD TO ANY ARIZONA RESIDENT WHO PAYS A FEE NOT TO EXCEED FIFTY DOLLARS ESTABLISHED BY THE DEPARTMENT TO OFFSET THE DEPARTMENT'S COSTS IN ADMINISTERING THE PROGRAM AND WHO PROVIDES ALL OF THE FOLLOWING:

(1) VALID, WRITTEN DOCUMENTATION FROM THE PERSON'S ATTENDING PHYSICIAN STATING THAT THE PERSON HAS BEEN DIAGNOSED WITH A DEBILITATING MEDICAL CONDITION AND THAT THE MEDICAL USE OF MARIJUANA MAY MITIGATE THE SYMPTOMS OR EFFECTS OF THE PERSON'S DEBILITATING MEDICAL CONDITION;

(2) THE NAME, ADDRESS AND DATE OF BIRTH OF THE PERSON;

(3) THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE PERSON'S ATTENDING PHYSICIAN; AND

(4) THE NAME AND ADDRESS OF THE PERSON'S DESIGNATED PRIMARY CAREGIVER, IF THE PERSON HAS DESIGNATED A PRIMARY CAREGIVER AT THE TIME OF APPLICATION.

C. THE DEPARTMENT SHALL ISSUE A REGISTRY IDENTIFICATION CARD TO A PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE IF THE PERSON SUBMITS THE MATERIALS REQUIRED UNDER SUBSECTION B OF THIS SECTION, IS AN ARIZONA RESIDENT AT THE TIME THE APPLICATION IS SUBMITTED, AND THE CUSTODIAL PARENT OR LEGAL GUARDIAN WITH RESPONSIBILITY FOR HEALTH CARE DECISIONS FOR THE PERSON UNDER EIGHTEEN YEARS OF AGE SIGNS A WRITTEN STATEMENT THAT CONTAINS ALL OF THE FOLLOWING:

(1) THE ATTENDING PHYSICIAN OF THE PERSON UNDER EIGHTEEN YEARS OF AGE HAS EXPLAINED TO THAT PERSON AND TO THE CUSTODIAL PARENT OR LEGAL GUARDIAN WITH RESPONSIBILITY FOR HEALTH CARE DECISIONS FOR THE PERSON UNDER EIGHTEEN YEARS OF AGE THE POSSIBLE RISKS AND BENEFITS OF THE MEDICAL USE OF MARIJUANA;

(2) THE CUSTODIAL PARENT OR LEGAL GUARDIAN WITH RESPONSIBILITY FOR HEALTH CARE DECISIONS FOR THE PERSON UNDER EIGHTEEN YEARS OF AGE CONSENTS TO THE MEDICAL USE OF MARIJUANA BY THE PERSON UNDER EIGHTEEN YEARS OF AGE FOR MEDICAL PURPOSES;

(3) THE CUSTODIAL PARENT OR LEGAL GUARDIAN WITH RESPONSIBILITY FOR HEALTH CARE DECISIONS FOR THE PERSON UNDER EIGHTEEN YEARS OF AGE AGREES TO SERVE AS THE DESIGNATED PRIMARY CAREGIVER FOR THE PERSON UNDER EIGHTEEN YEARS OF AGE; AND

(4) THE CUSTODIAL PARENT OR LEGAL GUARDIAN WITH RESPONSIBILITY FOR HEALTH CARE DECISIONS FOR THE PERSON UNDER EIGHTEEN YEARS OF AGE AGREES TO CONTROL THE ACQUISITION OF MARIJUANA AND THE DOSAGE AND FREQUENCY OF USE BY THE PERSON UNDER EIGHTEEN YEARS OF AGE.

D. A PERSON APPLYING FOR A REGISTRY IDENTIFICATION CARD PURSUANT TO THIS SECTION MAY SUBMIT THE INFORMATION REQUIRED IN THIS SECTION TO A COUNTY HEALTH DEPARTMENT FOR TRANSMITTAL TO THE DEPARTMENT. A COUNTY HEALTH DEPARTMENT THAT RECEIVES

THE INFORMATION PURSUANT TO THIS SUBSECTION SHALL TRANSMIT THE INFORMATION TO THE DEPARTMENT WITHIN FIVE DAYS OF RECEIPT OF THE INFORMATION. INFORMATION RECEIVED BY A COUNTY HEALTH DEPARTMENT PURSUANT TO THIS SUBSECTION SHALL BE CONFIDENTIAL AND SHALL NOT SUBJECT TO DISCLOSURE, EXCEPT AS REQUIRED TO TRANSMIT THE INFORMATION TO THE DEPARTMENT.

E. THE DEPARTMENT SHALL VERIFY THE INFORMATION CONTAINED IN AN APPLICATION SUBMITTED PURSUANT TO THIS SECTION AND SHALL APPROVE OR DENY AN APPLICATION WITHIN THIRTY DAYS OF RECEIPT OF THE APPLICATION.

F. THE DEPARTMENT MAY DENY AN APPLICATION ONLY FOR THE FOLLOWING REASONS:

(1) THE APPLICANT DOES NOT PROVIDE THE INFORMATION REQUIRED PURSUANT TO THIS SECTION TO ESTABLISH HIS OR HER DEBILITATING MEDICAL CONDITION AND TO DOCUMENT HIS OR HER CONSULTATION WITH AN ATTENDING PHYSICIAN REGARDING THE MEDICAL USE OF MARIJUANA IN CONNECTION WITH SUCH CONDITION, AS PROVIDED IN SUBSECTIONS B OR C OF THIS SECTION; OR

(2) THE DEPARTMENT DETERMINES IN GOOD FAITH AND BASED ON EVIDENCE ADMISSIBLE IN COURT UNDER THE ARIZONA RULES OF EVIDENCE THAT THE INFORMATION PROVIDED WAS FALSE.

G. DENIAL OF A REGISTRY IDENTIFICATION CARD SHALL BE CONSIDERED A FINAL AGENCY ACTION, SUBJECT TO JUDICIAL REVIEW. ONLY THE PERSON WHOSE APPLICATION HAS BEEN DENIED OR THE PARENT OR LEGAL GUARDIAN OF A PERSON UNDER EIGHTEEN YEARS OF AGE WHOSE APPLICATION HAS BEEN DENIED SHALL HAVE STANDING TO CONTEST THE DEPARTMENT'S ACTION.

H. ANY PERSON WHOSE APPLICATION HAS BEEN DENIED MAY NOT REAPPLY FOR SIX MONTHS FROM THE DATE OF THE DENIAL, UNLESS AUTHORIZED TO DO SO BY THE DEPARTMENT OR A COURT OF COMPETENT JURISDICTION.

I. IF THE DEPARTMENT HAS VERIFIED THE INFORMATION SUBMITTED PURSUANT TO SUBSECTIONS B OR C OF THIS SECTION AND NONE OF THE REASONS FOR DENIAL LISTED IN SUBSECTION F OF THIS SECTION IS APPLICABLE, THE DEPARTMENT SHALL ISSUE A SERIALY NUMBERED REGISTRY IDENTIFICATION CARD WITHIN FIVE DAYS OF VERIFICATION OF THE INFORMATION. THE REGISTRY IDENTIFICATION CARD SHALL STATE ALL OF THE FOLLOWING:

(1) THE CARDHOLDER'S NAME, ADDRESS AND DATE OF BIRTH;

(2) THE DATE OF ISSUANCE AND EXPIRATION DATE OF THE REGISTRY IDENTIFICATION CARD;

(3) THE NAME AND ADDRESS OF THE PERSON'S DESIGNATED PRIMARY CAREGIVER, IF ANY; AND

(4) SUCH OTHER INFORMATION AS THE DEPARTMENT MAY SPECIFY BY RULE.

J. WHEN A PERSON TO WHOM THE DEPARTMENT HAS ISSUED A REGISTRY IDENTIFICATION CARD PURSUANT TO THIS SECTION HAS SPECIFIED A DESIGNATED PRIMARY CAREGIVER WHO MEETS ALL OF THE CRITERIA TO BE A DESIGNATED PRIMARY CAREGIVER PURSUANT TO THIS CHAPTER, THE DEPARTMENT SHALL ISSUE A REGISTRY IDENTIFICATION CARD TO THE DESIGNATED PRIMARY CAREGIVER. THE PRIMARY CAREGIVER'S REGISTRY IDENTIFICATION CARD SHALL CONTAIN ALL OF THE FOLLOWING:

(1) THE CARDHOLDER'S NAME, ADDRESS AND DATE OF BIRTH;

(2) THE DATE OF ISSUANCE AND EXPIRATION DATE OF THE REGISTRY IDENTIFICATION CARD;

(3) THE NAME AND ADDRESS OF THE PERSON'S FOR WHOM THE DESIGNATED PRIMARY CAREGIVER WILL BE ACTING IN THE CAPACITY OF A DESIGNATED PRIMARY CAREGIVER; AND

(4) SUCH OTHER INFORMATION AS THE DEPARTMENT MAY SPECIFY BY RULE.

K. PERSON WHO POSSESSES A REGISTRY IDENTIFICATION CARD SHALL:

(1) NOTIFY THE DEPARTMENT OF ANY CHANGE IN THE PERSON'S NAME, ADDRESS, ATTENDING PHYSICIAN OR DESIGNATED PRIMARY CAREGIVER; AND

(2) ANNUALLY SUBMIT TO THE DEPARTMENT:

(a) UPDATED WRITTEN DOCUMENTATION OF THE PERSON'S DEBILITATING MEDICAL CONDITION; AND

(b) THE NAME OF THE PERSON'S DESIGNATED PRIMARY CAREGIVER OR THE NAME OF A NEW DESIGNATED PRIMARY CAREGIVER WHO MEETS ALL THE CRITERIA TO BE A DESIGNATED PRIMARY CAREGIVER IF A PRIMARY CAREGIVER HAS BEEN DESIGNATED FOR THE UPCOMING YEAR.

L. IF A PERSON WHO POSSESSES A REGISTRY IDENTIFICATION CARD DOES NOT COMPLY WITH THIS SECTION, THE CARD SHALL BE DEEMED EXPIRED. IF A REGISTRY IDENTIFICATION CARD EXPIRES, THE IDENTIFICATION CARD OF ANY DESIGNATED PRIMARY CAREGIVER OF THE CARDHOLDER SHALL ALSO EXPIRE.

M. A PERSON WHO POSSESSES A REGISTRY IDENTIFICATION CARD PURSUANT TO THIS SECTION AND WHO HAS BEEN DIAGNOSED BY THE PERSON'S ATTENDING PHYSICIAN AS NO LONGER HAVING A DEBILITATING MEDICAL CONDITION SHALL RETURN THE REGISTRY IDENTIFICATION CARD TO THE DEPARTMENT WITHIN SEVEN CALENDAR DAYS OF NOTIFICATION OF THE DIAGNOSIS. ANY DESIGNATED PRIMARY CAREGIVER SHALL RETURN HIS OR HER IDENTIFICATION CARD WITHIN THE SAME PERIOD OF TIME.

N. A PERSON WHO POSSESSES A REGISTRY IDENTIFICATION CARD OR ACTS AS A DESIGNATED PRIMARY CAREGIVER PURSUANT TO THIS SECTION AND WHO IS NO LONGER A RESIDENT OF THE STATE SHALL RETURN HIS OR HER REGISTRY IDENTIFICATION CARD TO THE DEPARTMENT WITHIN SEVEN CALENDAR DAYS OF THAT PERSON'S CHANGE IN RESIDENCY.

O. A PERSON WHO HAS APPLIED FOR A REGISTRY IDENTIFICATION CARD PURSUANT TO THIS SECTION BUT WHOSE APPLICATION HAS NOT YET BEEN APPROVED OR DENIED AND WHO IS CONTACTED BY ANY LAW ENFORCEMENT OFFICER IN CONNECTION WITH HIS OR HER USE, POSSESSION, DELIVERY OR PRODUCTION OF MARIJUANA FOR MEDICAL USE MAY PROVIDE TO THE LAW ENFORCEMENT OFFICER A COPY OF THE WRITTEN DOCUMENTATION SUBMITTED TO THE DEPARTMENT PURSUANT TO SUBSECTIONS B OR C OF THIS SECTION AND PROOF OF THE DATE OF MAILING OR OTHER TRANSMISSION OF THE DOCUMENTATION TO THE DEPARTMENT. THIS DOCUMENTATION SHALL HAVE THE SAME LEGAL EFFECT AS A REGISTRY IDENTIFICATION CARD UNTIL SUCH TIME AS THE PERSON RECEIVES NOTIFICATION THAT THE APPLICATION HAS BEEN APPROVED OR DENIED.

P. ANY PERSON WHO INTENTIONALLY PROVIDES FALSE INFORMATION TO THE DEPARTMENT FOR PURPOSES OF OBTAINING A REGISTRY IDENTIFICATION CARD PURSUANT TO THIS SECTION IS GUILTY OF A CLASS 4 FELONY.

§ 36-2604. DESIGNATED PRIMARY CAREGIVER.

A. IF A PERSON WHO POSSESSES A REGISTRY IDENTIFICATION CARD ISSUED PURSUANT TO § 36-2603, OTHER THAN A DESIGNATED PRIMARY CAREGIVER, CHOOSES TO

HAVE A DESIGNATED PRIMARY CAREGIVER, THE PERSON MUST DESIGNATE THE PRIMARY CAREGIVER BY INCLUDING THE DESIGNATED PRIMARY CAREGIVER'S NAME AND ADDRESS ON ANY OF THE FOLLOWING:

(1) ON THE PERSON'S APPLICATION FOR A REGISTRY IDENTIFICATION CARD;

(2) IN THE ANNUAL UPDATED INFORMATION REQUIRED UNDER § 36-2603(I); OR

(3) IN A WRITTEN, SIGNED STATEMENT SUBMITTED TO THE DEPARTMENT.

(B) NO PERSON POSSESSING A REGISTRY IDENTIFICATION CARD ISSUED PURSUANT TO § 36-2603 SHALL HAVE MORE THAN ONE DESIGNATED PRIMARY CAREGIVER AT ANY GIVEN TIME.

(C) A DESIGNATED PRIMARY CAREGIVER SHALL NOT ACT AS A DESIGNATED PRIMARY CAREGIVER FOR MORE THAN TWO PERSONS WHO HOLD A VALID REGISTRY IDENTIFICATION CARD ISSUED PURSUANT TO § 36-2603.

§ 36-2605. LIMITATIONS ON CARDHOLDER'S IMMUNITY FROM CRIMINAL LAWS INVOLVING MARIJUANA.

A. NOTWITHSTANDING ANY LAW TO THE CONTRARY, NO PERSON AUTHORIZED TO POSSESS, USE, DELIVER OR PRODUCE MARIJUANA FOR MEDICAL USE PURSUANT TO THIS CHAPTER SHALL BE EXCEPTED FROM THE CRIMINAL LAWS OF THIS STATE OR SHALL BE DEEMED TO HAVE ESTABLISHED AN AFFIRMATIVE DEFENSE TO CRIMINAL CHARGES OF WHICH POSSESSION, USAGE, DELIVERY OR PRODUCTION OF MARIJUANA IS AN ELEMENT IF THE PERSON:

(1) IS CHARGED WITH DRIVING UNDER THE INFLUENCE OF MARIJUANA AS PROVIDED IN § 28-1381, § 28-1383 AND § 28-1386;

(2) ENGAGES IN THE MEDICAL USE OF MARIJUANA IN A PUBLIC PLACE OR ON THE GROUNDS OF A CORRECTIONAL FACILITY AS DEFINED IN § 13-2501 OR A JUVENILE SECURE CARE FACILITY AS DEFINED IN § 41-2801;

(3) DELIVERS MARIJUANA TO ANY INDIVIDUAL WHO THE PERSON KNOWS IS NOT IN POSSESSION OF A REGISTRY IDENTIFICATION CARD;

(4) SELLS OR ATTEMPTS TO SELL MARIJUANA; OR

(5) DELIVERS OR TRANSPORTS OR ATTEMPTS TO DELIVER OR TRANSPORT MARIJUANA OUTSIDE THE BORDERS OF THE STATE.

B. NOTWITHSTANDING ANY LAW TO THE CONTRARY, NO PERSON AUTHORIZED TO POSSESS, USE, DELIVER OR PRODUCE MARIJUANA FOR MEDICAL USE PURSUANT TO THIS CHAPTER SHALL BE EXCEPTED FROM THE CRIMINAL LAWS OF THIS STATE OR ANY OTHER JURISDICTION FOR THE POSSESSION, USAGE, DELIVERY, PRODUCTION OR TRANSPORTATION OF MARIJUANA OUTSIDE THE BORDERS OF THE STATE.

C. IN ADDITION TO ANY OTHER PENALTY ALLOWED BY LAW, THE DEPARTMENT MAY PROHIBIT A PERSON FROM OBTAINING OR USING A REGISTRY IDENTIFICATION CARD FOR THE MEDICAL USE OF MARIJUANA OF A PERSON WHO WILLFULLY VIOLATES THE PROVISIONS OF THIS CHAPTER OR RULES ADOPTED BY THE DEPARTMENT FOR CARRYING OUT THE PURPOSES OF THIS CHAPTER.

§ 36-2606. AFFIRMATIVE DEFENSE TO CERTAIN CRIMINAL LAWS INVOLVING MARIJUANA AVAILABLE TO CARDHOLDER.

A. EXCEPT AS PROVIDED IN § 36-2605 AND 36-2614, IT IS AN AFFIRMATIVE DEFENSE TO A CRIMINAL CHARGE OF POSSESSION, USAGE OR PRODUCTION OF MARIJUANA, OR ANY OTHER CRIMINAL OFFENSE IN WHICH POSSESSION, USAGE OR PRODUCTION OF MARIJUANA IS AN ELEMENT, THAT THE PERSON CHARGED WITH THE OFFENSE IS A PERSON WHO:

(1) HAS BEEN DIAGNOSED WITH A DEBILITATING MEDICAL CONDITION AND BEEN ADVISED BY HIS OR HER ATTENDING PHYSICIAN THAT THE MEDICAL USE OF MARIJUANA MAY MITIGATE THE SYMPTOMS OR EFFECTS OF THAT DEBILITATING MEDICAL CONDITION;

(2) IS ENGAGED IN THE MEDICAL USE OF MARIJUANA PURSUANT TO THIS CHAPTER; AND

(3) POSSESSES OR PRODUCES MARIJUANA ONLY IN THE AMOUNTS ALLOWED IN § 36-2602, OR IN EXCESS OF THOSE AMOUNTS IF THE PERSON PROVES BY A PREPONDERANCE OF THE EVIDENCE THAT THE GREATER AMOUNT IS MEDICALLY NECESSARY AS DETERMINED BY THE PERSON'S ATTENDING PHYSICIAN TO MITIGATE THE SYMPTOMS OR EFFECTS OF THE PERSON'S DEBILITATING MEDICAL CONDITION.

B. IT IS NOT NECESSARY FOR A PERSON ASSERTING AN AFFIRMATIVE DEFENSE PURSUANT TO THIS SECTION TO HAVE RECEIVED A REGISTRY IDENTIFICATION CARD IN ORDER TO ASSERT THE AFFIRMATIVE DEFENSE ESTABLISHED IN THIS SECTION.

C. NO PERSON ENGAGED IN THE MEDICAL USE OF MARIJUANA WHO CLAIMS THAT MARIJUANA PROVIDES MEDICALLY NECESSARY BENEFITS AND WHO IS CHARGED WITH A CRIME PERTAINING TO SUCH USE OF MARIJUANA SHALL BE PRECLUDED FROM PRESENTING EVIDENCE SUPPORTING THE NECESSITY OF MARIJUANA FOR TREATMENT OF A SPECIFIC DISEASE OR MEDICAL CONDITION, PROVIDED THAT THE AMOUNT OF MARIJUANA AT ISSUE IS NO GREATER THAN PERMITTED IN § 36-2602 AND THE PATIENT HAS TAKEN SUBSTANTIAL STEPS TO COMPLY WITH THE PROVISIONS OF THIS CHAPTER.

§ 36-2607. EFFECT OF POSSESSION OF REGISTRY IDENTIFICATION CARD OR DESIGNATED PRIMARY CAREGIVER CARD ON SEARCH AND SEIZURE RIGHTS.

A. POSSESSION OF A REGISTRY IDENTIFICATION CARD OR DESIGNATED PRIMARY CAREGIVER IDENTIFICATION CARD PURSUANT TO § 36-2603 SHALL NOT ALONE CONSTITUTE PROBABLE CAUSE TO SEARCH THE PERSON OR PROPERTY OF THE CARDHOLDER OR OTHERWISE SUBJECT THE PERSON OR PROPERTY OF THE CARDHOLDER TO INSPECTION BY ANY GOVERNMENTAL AGENCY.

B. NO PROPERTY INTEREST POSSESSED, OWNED OR USED IN CONNECTION WITH THE MEDICAL USE OF MARIJUANA OR ACTS INCIDENTAL TO THE MEDICAL USE OF MARIJUANA THAT HAS BEEN SEIZED BY STATE OR LOCAL LAW ENFORCEMENT OFFICERS SHALL BE HARMED, NEGLECTED, INJURED OR DESTROYED WHILE IN THE POSSESSION OF ANY LAW ENFORCEMENT AGENCY. A LAW ENFORCEMENT AGENCY HAS NO RESPONSIBILITY TO MAINTAIN LIVE MARIJUANA PLANTS LAWFULLY SEIZED. MARIJUANA AND MARIJUANA DRUG PARAPHERNALIA USED TO ADMINISTER MARIJUANA THAT WERE SEIZED BY ANY LAW ENFORCEMENT AGENCY SHALL BE RETURNED IMMEDIATELY UPON A DETERMINATION BY THE COUNTY ATTORNEY IN WHOSE COUNTY THE PROPERTY WAS SEIZED, OR HIS OR HER DESIGNEE, THAT THE PERSON FROM WHOM THE MARIJUANA OR MARIJUANA DRUG PARAPHERNALIA USED TO ADMINISTER MARIJUANA WAS SEIZED IS ENTITLED TO THE PROTECTIONS CONTAINED IN THIS CHAPTER. SUCH A DETERMINATION MAY BE EVIDENCED, FOR EXAMPLE, BY A DECISION NOT TO PROSECUTE, THE DISMISSAL OF CHARGES, OR AN ACQUITTAL.

§ 36-2608. ATTENDING PHYSICIAN: LIMITATION ON CIVIL LIABILITY AND PROFESSIONAL DISCIPLINE.

A. NOTWITHSTANDING ANY LAW TO THE CONTRARY, AN ATTENDING PHYSICIAN SHALL NOT BE SUBJECT TO CIVIL PENALTY OR DISCIPLINE FOR EITHER OF THE FOLLOWING:

(1) ADVISING A PERSON WHOM THE ATTENDING PHYSICIAN HAS DIAGNOSED AS HAVING A DEBILITATING MEDICAL CONDITION OR A PERSON WHO THE ATTENDING PHYSICIAN KNOWS HAS BEEN SO DIAGNOSED BY ANOTHER ATTENDING PHYSICIAN ABOUT THE RISKS AND BENEFITS OF MEDICAL USE OF MARIJUANA OR THAT THE MEDICAL USE OF MARIJUANA MAY MITIGATE THE SYMPTOMS OR EFFECTS OF THE PERSON'S DEBILITATING MEDICAL CONDITION, PROVIDED THE ADVICE IS BASED ON THE ATTENDING PHYSICIAN'S PERSONAL ASSESSMENT OF THE PERSON'S MEDICAL HISTORY AND CURRENT MEDICAL CONDITION; OR

(2) PROVIDING THE WRITTEN DOCUMENTATION NECESSARY FOR ISSUANCE OF A REGISTRY IDENTIFICATION CARD UNDER § 36-2603, IF THE DOCUMENTATION IS BASED ON THE ATTENDING PHYSICIAN'S PERSONAL ASSESSMENT OF THE APPLICANT'S MEDICAL HISTORY AND CURRENT MEDICAL CONDITION AND THE PHYSICIAN HAS DISCUSSED THE POTENTIAL MEDICAL RISKS AND BENEFITS OF THE MEDICAL USE OF MARIJUANA WITH THE APPLICANT.

§ 36-2609. LIMITS ON PROFESSIONAL LICENSING BOARD'S AUTHORITY TO SANCTION LICENSEE FOR MEDICAL USE OF MARIJUANA.

NOTWITHSTANDING ANY LAW TO THE CONTRARY, NO PROFESSIONAL LICENSING BOARD MAY IMPOSE A CIVIL PENALTY OR TAKE OTHER DISCIPLINARY ACTION AGAINST A LICENSEE BASED ON THE LICENSEE'S MEDICAL USE OF MARIJUANA IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER OR ACTIONS TAKEN BY THE LICENSEE THAT ARE NECESSARY TO CARRY OUT THE LICENSEE'S ROLE AS A DESIGNATED PRIMARY CAREGIVER TO A PERSON WHO POSSESSES A LAWFUL REGISTRY IDENTIFICATION CARD ISSUED PURSUANT TO § 36-2603.

§ 36-2610. INFORMATION AND LIST OF PERSONS ISSUED REGISTRY IDENTIFICATION CARDS AND DESIGNATED PRIMARY CAREGIVERS: DISCLOSURE.

A. THE DEPARTMENT SHALL CREATE AND MAINTAIN A LIST OF THE PERSONS TO WHOM THE DEPARTMENT HAS ISSUED REGISTRY IDENTIFICATION CARDS PURSUANT TO § 36-2603 AND THE NAMES OF ANY DESIGNATED PRIMARY CAREGIVERS. NOTWITHSTANDING ANY LAW TO THE CONTRARY AND EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION, THE LIST AND ALL OTHER INFORMATION PROVIDED TO THE DEPARTMENT PURSUANT TO THIS CHAPTER SHALL BE CONFIDENTIAL AND NOT SUBJECT TO PUBLIC DISCLOSURE.

B. NAMES AND OTHER IDENTIFYING INFORMATION FROM THE LIST ESTABLISHED PURSUANT TO SUBSECTION A OF THIS SECTION MAY BE RELEASED TO:

(1) AUTHORIZED EMPLOYEES OF THE DEPARTMENT AS NECESSARY TO PERFORM OFFICIAL DUTIES OF THE DEPARTMENT; AND

(2) AUTHORIZED EMPLOYEES OF STATE OR LOCAL LAW ENFORCEMENT AGENCIES, ONLY AS NECESSARY TO VERIFY THAT A PERSON IS A LAWFUL POSSESSOR OF A REGISTRY IDENTIFICATION CARD OR THAT A PERSON IS THE DESIGNATED PRIMARY CAREGIVER OF SUCH A PERSON.

§ 36-2611. ADDING DISEASES OR CONDITIONS THAT QUALIFY AS DEBILITATING MEDICAL CONDITIONS.

ANY PERSON MAY SUBMIT A PETITION TO THE DEPARTMENT REQUESTING THAT A PARTICULAR DISEASE OR CONDITION BE INCLUDED AMONG THE DISEASES AND CONDITIONS THAT QUALIFY AS DEBILITATING MEDICAL CONDITIONS AS DEFINED IN § 36-2601, PARAGRAPH 2. THE DEPARTMENT SHALL ADOPT RULES ESTABLISHING THE

MANNER IN WHICH THE DEPARTMENT WILL EVALUATE PETITIONS SUBMITTED UNDER THIS SECTION. ANY RULES ADOPTED PURSUANT TO THIS SECTION SHALL REQUIRE THE DEPARTMENT TO APPROVE OR DENY A PETITION WITHIN 180 DAYS OF RECEIPT OF THE PETITION BY THE DEPARTMENT. DENIAL OF A PETITION SHALL BE CONSIDERED A FINAL AGENCY ACTION SUBJECT TO JUDICIAL REVIEW.

§ 36-2612. RULEMAKING: EXEPTION

THE DEPARTMENT MAY ADOPT RULES TO CARRY OUT THE PURPOSES AND PROVISIONS OF THIS CHAPTER. FOR THE PURPOSES OF THIS CHAPTER, THE DEPARTMENT IS EXEMPT FROM THE RULEMAKING PROVISIONS OF TITLE 41, ARTICLE 3, CHAPTER 6, EXCEPT THAT THE DEPARTMENT SHALL SUBMIT THE RULES FOR PUBLICATION AND THE SECRETARY OF STATE SHALL PUBLISH THE RULES IN THE ARIZONA ADMINISTRATIVE REGISTER. THE DEPARTMENT SHALL PROPOSE AND ADOPT RULES IN ONE OR MORE PUBLIC MEETINGS, WITH AT LEAST SIXTY DAYS ALLOWED FOR INTERESTED PARTIES TO COMMENT AFTER THE RULES ARE PROPOSED.

§ 36-2613. LIMITATIONS ON REIMBURSEMENT OF COSTS AND EMPLOYER ACCOMMODATION.

NOTHING IN THIS CHAPTER SHALL BE CONSTRUED TO REQUIRE EITHER OF THE FOLLOWING:

- (1) A GOVERNMENT MEDICAL ASSISTANCE PROGRAM OR PRIVATE HEALTH INSURER TO REIMBURSE A PERSON FOR COSTS ASSOCIATED WITH THE MEDICAL USE OF MARIJUANA; OR
- (2) AN EMPLOYER TO ACCOMMODATE THE MEDICAL USES OF MARIJUANA IN ANY WORKPLACE.

§ 36-2614. LIMITATION ON PROTECTION FROM CRIMINAL LIABILITY.

NOTHING IN THIS CHAPTER SHALL PROTECT A PERSON FROM A CRIMINAL PROSECUTION BASED ON POSSESSION, USE, PRODUCTION, OR DELIVERY OF MARIJUANA THAT IS NOT AUTHORIZED PURSUANT TO THIS CHAPTER.

Section 13. Title 41, Chapter 11, Article 1, Arizona Revised Statutes, is amended by adding § 41-1604.18 to read:

§ 41-1604.18. PAROLE OR COMMUNITY SUPERVISION ELIGIBILITY FOR PERSONS PREVIOUSLY CONVICTED OF POSSESSION OR USE OF A CONTROLLED SUBSTANCE.

A. NOTWITHSTANDING ANY LAW TO THE CONTRARY AND EXCEPT AS PROVIDED IN SUBSECTIONS B AND C OF THIS SECTION, IF A PERSON HAS BEEN CONVICTED OF PERSONAL POSSESSION OR USE OF A CONTROLLED SUBSTANCE AS DEFINED IN § 36-2501 AND THE PERSON IS NOT CONCURRENTLY SERVING ANOTHER SENTENCE, THE PERSON SHALL BE ELIGIBLE FOR PAROLE OR IF THE OFFENSE FOR WHICH THE PERSON WAS INCARCERATED WAS COMMITTED ON OR AFTER JANUARY 1, 1996, THE PERSON SHALL BE ELIGIBLE FOR COMMUNITY SUPERVISION.

B. ANY PERSON WHO PREVIOUSLY HAS BEEN CONVICTED OF A VIOLENT CRIME AS DEFINED IN § 13-604.04 SHALL NOT BE ELIGIBLE FOR PAROLE OR COMMUNITY SUPERVISION PURSUANT TO THE PROVISIONS OF THIS SECTION.

C. PERSONAL POSSESSION OR USE OF A CONTROLLED SUBSTANCE AS DEFINED IN § 36-2501 SHALL NOT INCLUDE POSSESSION FOR SALE, PRODUCTION, MANUFACTURE OR TRANSPORTATION FOR SALE OF ANY CONTROLLED SUBSTANCE.

D. WITHIN FORTY-FIVE DAYS OF THE EFFECTIVE DATE OF THIS ACT, THE DIRECTOR OF THE STATE DEPARTMENT OF CORRECTIONS SHALL PREPARE A LIST THAT IDENTIFIES EACH PERSON WHO IS ELIGIBLE FOR PAROLE OR COMMUNITY SUPERVISION PURSUANT TO THIS SECTION AND SHALL DELIVER THE LIST TO THE BOARD OF EXECUTIVE CLEMENCY.

Section 14. Severability.

IF ANY PROVISION OF THIS ACT, OR PART THEREOF, IS FOR ANY REASON HELD TO BE INVALID OR UNCONSTITUTIONAL, THE REMAINING PROVISIONS SHALL NOT BE AFFECTED, BUT SHALL REMAIN IN FULL FORCE AND EFFECT, AND TO THIS END THE PROVISIONS OF THE ACT ARE SEVERABLE.

ANALYSIS BY LEGISLATIVE COUNCIL

In 1996, the voters passed the Drug Medicalization, Prevention and Control Act of 1996. The Act allowed medical doctors to prescribe certain controlled substances to treat diseases or to relieve the symptoms of seriously ill or terminally ill patients. Along with other provisions, the Act modified probation, sentencing and treatment laws for drug offenders.

Proposition 203 would decriminalize the possession of two ounces or less of marijuana, marijuana drug paraphernalia or two or fewer marijuana plants if the possession is for personal use only but would subject the possessor to a civil fine of \$250 for a first or second offense or \$750 for a third or subsequent offense within a two year period. A judge could waive the civil fine if the person completes a court approved drug education program.

Proposition 203 requires the Department of Public Safety to provide not more than two ounces of marijuana free of charge to each person who is qualified to use marijuana for medical purposes.

This proposition would require any law enforcement agency that seizes marijuana that was grown, cultivated or produced in Arizona to retain the marijuana and forward it to the Arizona Department of Public Safety. It also would require the Director of the Department of Public Safety to request from the National Institute on Drug Abuse and the University of Mississippi quarterly shipments of marijuana grown at the University of Mississippi for distribution free of charge by the Department to all persons qualified to use marijuana for medical purposes.

The Department of Public Safety would be required to maintain marijuana that is seized and that is grown, cultivated or produced in Arizona in secure locations within public buildings located in at least the three most populous counties, and the Department would be required to disclose the location of these public buildings. The distribution to qualified persons would be limited to not more than two ounces of marijuana within a thirty day period. In addition, the proposition would establish criminal penalties for any person who uses or attempts to use false identification and for any person who possesses, uses, sells, delivers or transports marijuana outside Arizona or delivers the marijuana to another person who intends to possess, sell, deliver or transport the marijuana outside Arizona.

Proposition 203 also would require the Arizona Department of Health Services to establish and maintain a program for the issuance of registry identification cards to any Arizona resident who is at least eighteen years of age, who pays a fee of \$50 and who provides written documentation from the person's attending physician that the person has been diagnosed with a debilitating medical condition and that the medical use of marijuana may mitigate the symptoms or effects of the person's condition. If the person designates a primary caregiver and the caregiver meets certain requirements, the caregiver also would be eligible to receive a registry identification card. A cardholder would be entitled to possess, use or produce two ounces of marijuana and two marijuana plants, and the cardholder's designated primary caregiver would be entitled to possess or produce two ounces of marijuana and two marijuana plants. The registry identification card program also includes the following provisions:

Under certain conditions, the Department of Health Services would be allowed to issue a registry identification card to a person who is less than eighteen years of age if the person's custodial parent or legal guardian consents to the medical use of marijuana by that person.

The Department also would be allowed to deny an application for a registry identification card if the applicant fails to provide the necessary information or the Department determines that the information provided is false.

Intentionally providing false information to the Department for purposes of obtaining a registry identification card would be punishable as a class 4 felony.

A cardholder and the cardholder's designated primary caregiver would be required to return their registry identification cards to the Department if the cardholder's attending physician determines that the cardholder no longer has a debilitating medical condition or if the cardholder no longer resides in Arizona.

Any person who possesses a registry identification card would have to notify the Department of any change in the person's name, address, attending physician or designated primary caregiver and annually submit to the Department updated written documentation of the person's debilitating medical condition and name of the person's designated primary caregiver for the upcoming year.

Proposition 203 defines "debilitating medical condition" to mean cancer, glaucoma, positive status for human immunodeficiency virus or acquired immune deficiency syndrome, or treatment for these conditions; a medical condition or treatment for a medical condition that produces, for a specific patient, one or more of the following: (i) cachexia; (ii) severe pain; (iii) severe nausea; (iv) seizures, including but not limited to seizures caused by epilepsy; or (v) persistent muscle spasms, including but not limited to spasms caused by multiple sclerosis; or any other medical condition or treatment for a medical condition adopted by the Department by rule or approved by the Department pursuant to a petition submitted pursuant to Arizona Revised Statute section 36-2611.

Proposition 203 would increase the maximum sentence by fifty percent for any person who is convicted of intentionally and knowingly committing a violent crime while under the influence of a controlled substance and would abolish the minimum mandatory sentence or fine for any conviction of certain drug offenses.

Proposition 203 would require probation on conviction of a first or second offense involving the personal possession or use of paraphernalia associated with possession or use of a controlled substance and prohibit the court from imposing a term of incarceration in prison or jail as a condition of probation. It would subject to incarceration persons who are convicted of three or more offenses involving personal possession or use of a controlled substance or paraphernalia associated with possession or use of a controlled substance. For purposes of determining whether or not a person is eligible for probation or incarceration, a court could not consider a prior conviction for personal possession or use of a controlled substance or personal possession or use of drug paraphernalia associated with possession or use of a controlled substance if the person has completed a court ordered drug treatment or education program for that prior conviction. Proposition 203 also specifies that any drug treatment for a person with a history of opiod use must include an assessment by a professional who is qualified in the use of narcotic replacement treatment and, if medically necessary, must include use of narcotic replacement therapy, such as methadone maintenance.

Proposition 203 provides that even if a person does not possess a registry identification card, the person would have an affirmative defense to a criminal charge of possession, usage or production of marijuana if the person charged has been diagnosed with a debilitating medical condition, has been advised by an attending physician that the medical use of marijuana may mitigate the symptoms or effects, is engaged in the medical use of marijuana and possesses or produces not more than two ounces of marijuana and two marijuana plants. If the person possesses or produces more than these amounts, the person could also assert the affirmative defense but would have to prove that the greater amount is medically necessary as determined by the person's attending physician.

Proposition 203 would also require parole or community supervision for prisoners who have been convicted of personal possession or use of a controlled substance and who are not concurrently serving another sentence, unless the Board of Executive Clemency determines that a prisoner would be a danger to the public. These prisoners would be required to participate in and, to the extent they are able, pay for a drug treatment or education program as a condition of parole or community supervision.

Proposition 203 specifies that property seized in relation to a drug offense may not be forfeited unless the owner of the property is convicted of the drug offense and the court finds by clear and convincing evidence that either the property was instrumental in committing or facilitating the offense or was the proceeds of the offense.

Fiscal Impact Summary

Proposition 203 is projected to reduce state prison costs. These savings could be partially offset by increased costs for probation and the medical marijuana registry and distribution system. A precise fiscal estimate of this proposition, however, cannot be determined.

The proposition requires the parole of certain prison inmates currently serving a sentence for personal possession or use of a controlled substance, eliminates the mandatory minimum sentence for certain drug offenses and increases the maximum sentence by 50% for violent crimes committed while under the influence of drugs. Overall, these provisions are projected to reduce the state prison population and result in savings.

The proposition would also result in some increased probation costs, as the elimination of mandatory minimum sentences would result in some drug offenders sentenced to supervised probation. This cost could be partially offset by a provision which would reduce current probation expenses by changing possession of 2 ounces or less of marijuana from a criminal violation to a civil violation. It is projected that any increased cost for probation would be less than the prison savings as probation is less costly than prison.

The state would also have the cost of establishing and operating a patient registry and a system for the legal distribution of medical marijuana to qualified patients. The cost of the patient registry is estimated to be \$165,000. Revenues collected from fees to offset the costs of the patient registry are estimated to be \$55,000. The cost of the distribution system cannot be estimated as more information is needed to determine how the system will be structured and the testing costs related to distributing confiscated marijuana.

ARGUMENTS "FOR" PROPOSITION 203

Yes on 203

I served in the Reagan Administration when the Drug War was just gaining steam. I remember then how Republicans and Democrats hopped on the bandwagon so quickly despite the problems with the policy. At the time I thought that drug abuse is a disease like cancer. You need to fight it the way you fight other diseases — through medical treatment, not guns and prisons. Now, I am even more certain of that.

In 1996, myself and the late Barry Goldwater were part of a citizens committee to find alternatives to our failing War on Drugs. The final product of this group was Proposition 200 which was approved by Arizona Voters 65% to 35%.

Spelling, grammar, and punctuation were reproduced as submitted in the "for" and "against" arguments.

Unfortunately, no sooner had the ink dried on the governor's signature making this law in 1996, than the Arizona politicians sought to repeal the will of the voters. We had to take them to the ballot again in 1998 which we won and the last step to ensure that the people have spoken is Proposition 203. I urge you to vote Yes on Proposition 203 which will expand the voter mandated drug treatment programs and remedy a broken medical marijuana law.

Drug treatment is saving the state \$5 million a year and placing thousands of drug users in useful programs rather than jail. The medical marijuana program contained in Proposition 203 will be overseen by the state thus ensuring a safe and effective program for medical marijuana.

Our War on Drugs is failing. However, that doesn't mean we should give up on the fight against addiction. Vote yes on Proposition 203 to move this fight to the proper battle ground.

John Norton, Former Deputy Secretary of Agriculture, Chairman, The People Have Spoken, Phoenix

Paid for by "The People Have Spoken"

Drugs/Alcohol & irrational religion (ill-Logos) may be your Gods (opium to kill the pain of life-living): Jail is not the solution. **Vote YES on 203!**

Bruce A. Friedemann, Candidate, State Representative, District 28, Tucson

Paid for by "Friedemann2002"

Yes on 203

In 1996, Arizonans overwhelmingly approved an initiative to provide medical marijuana to seriously ill patients and drug treatment to medically dependent offenders. I urge you to vote Yes on Prop. 203 to make this program a full political reality.

Despite medical marijuana being approved twice in Arizona, we still do not have a functional program because the politicians are failing to comply with the will of Arizona voters. Prop. 203 forces the state to implement a program through the State which will provide necessary safe guards to patients, doctors, and to the general public.

Prop. 203 also expands on the drug treatment programs established in 1996. Thousands of drug users have completed treatment successfully under this program and saved the state millions of dollars in prison costs since treatment costs a fraction of prison.

Another key component of Prop. 203 which I support is reform of our asset forfeiture laws as it relates to drug cases. Currently, a person can lose their assets even before they are proven guilty of crimes. Prop. 203 requires that a person must be first proven guilty.

As the former Attorney General I can assure that Prop. 203 is a safe and effective complement to our drug policies. I urge you to vote Yes on 203.

Grant Woods, Arizona Attorney General 1991-98, Phoenix

Paid for by "The People Have Spoken"

ARIZONANS SHOULD VOTE "YES" ON PROPOSITION 203

In 1996, Arizona voters overwhelmingly approved a ballot initiative reforming our drug laws. They realized that drug use and abuse was primarily a medical problem, not a criminal problem. Thus, Arizonans voted to allow for medicinal use of marijuana. They also required treatment, rather than prison, for first and second-time non-violent drug offenders. Doctors were among the strongest supporters of this new approach.

The politicians and bureaucrats tried to thwart the will of the voters, but the voters reaffirmed their intentions, in a resounding way, once again in 1998.

A 2001 Arizona Supreme Court report showed that referral to treatment rather than incarceration was yielding positive results: of the more than 5,000 non-violent drug offenders referred to treatment, almost two-thirds successfully completed the program, with an annual savings to Arizona's treasury of at least \$6.7 million.

Unfortunately, however, politicians and bureaucrats have prevented implementation of the voters' decision to permit terminally-ill and debilitated patients to use marijuana for medicinal purposes. Even though the Federal government's own studies acknowledge marijuana's medicinal value, and even though nine states have currently passed "medical marijuana" laws, the will and intent of the voters remain unfulfilled.

As doctors, we strongly support Proposition 203, because it enforces Arizona's "medical marijuana" laws by removing any ambiguities in the original act that allowed opponents to block its implementation. It does this by creating a state-supervised system. We also support Proposition 203 because it vastly expands existing drug treatment programs-programs that have been proven to work.

As doctors, we urge you to vote "Yes" on Proposition 203, the Drug Medicalization, Prevention, and Control Act.

Jeffrey A. Singer, MD, FACS, Phoenix

Jeffrey D. Steier, MD, Scottsdale

Steven J. Lipsky, MD, FACEP, Paradise Valley

Steven A Yee, MD, Scottsdale

Greg S. Morris, MD, Scottsdale

Abraham J. Sayegh, MD, Phoenix

Joel E. Colley, MD, Scottsdale

Paid for by Jeffrey A. Singer

Yes on 203

I am a cancer survivor. I was diagnosed in 1995 with head cancer. All of my doctors said this was 95% fatal. I went through numerous surgeries and severe radiation therapies over 6 years. Through a combination of God's grace, luck, and medical marijuana I am still alive. Medical marijuana enabled me during these trying times to maintain my appetite and weight. Without a vigorous physical state that medical marijuana allowed me to maintain, I would never had made it.

In 1996, Arizona voters approved medical marijuana 65% to 35% and again in 1998, but the politicians still fail to honor the will of the voters. Proposition 203 will end the nonsense once and for all. It mandates a statewide medical marijuana program which will be overseen by the state.

It is impossible to imagine how we can deprive terminally and seriously ill patients in my position from the medicine they need to

reduce, if not eliminate, the symptoms of their disease. You voted for medical marijuana already, do it this time for once and for all. Vote Yes on 203.

Josh Burner, Mesa

Paid for by "The People Have Spoken"

Yes on 203

I served on the Arizona Appellate Court for 12 years and the Superior Court for another 10 years. As a judge on the front line of our criminal justice system, I saw how futile our War on Drugs had become. I supported the first drug reform measure in 1996 to develop a new strategy of fighting drug abuse. Proposition 203 expands upon the drug treatment programs we approved. Proposition 203 also finally fixes the broken medical marijuana program approved by voters in 1996 and 1998 - which has still yet to be realized because of political obstacles.

According to the Arizona Supreme Court, drug treatment is a huge success. Roughly, two-thirds of those participating successfully comply with treatment, over 5,000 drug users receive treatment, and the state saves over \$5 million a year as a result of placing drug users in treatment instead of prisons. Proposition 203 will increase access to these programs for more Arizonans in need of help and provide additional cost savings to the state.

In terms of medical marijuana, Proposition 203 mandates that the state implement a full medical marijuana program. State oversight will ensure greater protection for patients, doctors, and the public.

Proposition 203 also gives greater discretion to judges in the area of drug sentencing and would prevent marijuana users from being incarcerated for small amounts of marijuana. We need that prison space for more dangerous offenders.

I urge you to vote yes on Proposition 203.

Judge Rudolph Gerber, (ret.), Phoenix

Paid for by "The People Have Spoken"

Yes on 203

I served as Arizona's Secretary of State from 1990-94. As such, I ran elections in this state. Voters in 1996 and 1998 approved medical marijuana, but the politicians still have not allowed this program to happen. Now, through, Proposition 203 we have an opportunity to end this shell game. I urge you to vote Yes on 203 as it will create a statewide medical marijuana program through the state that the politicians cannot screw up. This program will ensure the maximum amount safety for everyone involved - patients, doctors, and the public.

Proposition 203 will also expand on the successful drug treatment programs approved by voters. These programs are helping thousand of drug users in recovery and saving the states millions of dollars. The measure will also ensure that low level marijuana users cannot be incarcerated.

I urge you to vote Yes on 203.

Richard Mahoney, Arizona Secretary of State 1990-1994, Independent Candidate for Governor, Phoenix

Paid for by "The People Have Spoken"

Yes on 203

I am supporting Proposition 203 because I believe we need alternatives to prison in fighting drug abuse. Drug abuse is primarily a disease and must also be fought through medical treatment. The Drug War had good intentions, but it has unnecessarily incarcerated many victims whose only crime is addiction. Many of these unintended casualties of the War on Drugs are poor. People who don't have the money to pay for expensive attorneys to get them into treatment.

Proposition 203 expands on voter ballot measures approved in 1996 and 1998. According to the Supreme Court, some 5,000 drug users are receiving treatment, 25 percent of these are Latino, two-thirds are successfully complying with treatment. Meanwhile, the state is saving millions of dollars in the costs of prisons. Let's keep a good thing going and reach out to more of our people so that they can benefit from drug treatment.

Proposition 203 also fixes Arizona's broken medical marijuana system. Arizonans voted twice for medical marijuana, but political obstacles stopped it from becoming a reality. Proposition 203 will create a program overseen by the state which protects patients, doctors, and the public.

I urge you to vote Yes on 203.

Alfredo Gutierrez, Democratic Candidate for Governor, Phoenix

Paid for by "The People Have Spoken"

Yes on 203

A recent national poll showed that 76% of Americans think the War on Drugs has failed and they are right. That 76% also think that non-violent drug users should be sent to treatment, **not to prison!** In 1996 Arizonans led the nation in reforming our stupid drug laws by voting for treatment over prison. The Arizona legislators, in their wisdom, said the voters were duped and voided the new law. In 1998, Arizonans passed the same measure proving that it was the legislators who were duped — **duped by their own arrogance.**

By approving Proposition 203, voters will reaffirm their decisions in 1996 and 1998 to provide treatment for non-violent drug users rather than sending them to prison. In addition, Proposition 203 mandates once and for all that sick people who need medical marijuana will be able to obtain it through a state supervised system. This system will protect patients, doctors, and the general public from any abuse.

According to a recent report by the Supreme Court, last year almost two thirds of 5,385 non-violent drug users successfully completed treatment programs at a savings of \$5,000,000, compared to what it would have cost had those same 5,385 drug users been sent to prison. In prison they would have had easy access to drugs and they would have been released from prison more addicted than when they went in.

As an educator and a businessman, I am supporting 203 because it provides an alternative strategy to the continuing stupidities of the War on Drugs.

Say no to drug abuse the sensible way, say Yes on 203.

*Dr. John Sperling, Chairman of the Apollo Group and Founder,
University of Phoenix, Phoenix*

Paid for by "The People Have Spoken"

ARGUMENTS "AGAINST" PROPOSITION 203

Among its many detrimental consequences, Proposition 203 would allow many guilty drug dealers and those who help them to keep their drug money. It exempts drug money from forfeiture unless the owner is convicted of the drug crime that generated the money. However, there are many reasons that guilty owners of drug money are not convicted:

- Many major drug dealers in Arizona avoid conviction simply by becoming fugitives. Mexico doesn't generally extradite its citizens to the United States, so fugitives can stay in Mexico forever.
- Many drug money owners are never identified, such as when drug proceeds are found in luggage at an airport but nobody claims the baggage after police examine it. Unidentified owners cannot be convicted.
- Some drug money owners avoid conviction or plead guilty to non-drug offenses in exchange for their testimony.
- Some die before their conviction, or while it is on appeal, so the case is expunged.

This would exonerate the wealth of notorious drug cartel leaders like Pablo Escobar and Amado Carillo-Fuentes, who imported tons of cocaine into Arizona.

Arizona's forfeiture statutes are the most imitated forfeiture statutes in the nation. Arizona passed a Forfeiture Reform Act in 1994, and similar reforms have just now been made federally. Arizona's statutes are the model for half a dozen states and for two national model statutes. The most important reason for this is that these statutes were written by people who knew what they were doing, not by people hacking away without any idea of the consequences.

If a person makes money from drug dealing or helping drug dealers, that person should not get to keep that money, period. This proposal goes way too far by allowing guilty drug dealers and their associates to keep their drug money. Vote "NO" on Proposition 203.

Tom Rankin, Tucson

Drug abuse kills 19,000 Americans annually. Drug abuse incites property and violent crime. It costs taxpayers \$70 billion dollars a year, and costs employers millions in costly mistakes, accidents and absenteeism. Yet Proposition 203 seeks to make marijuana more widely available and more easily obtained.

Teen drug use has risen steadily in the past five years. More than 1 out of 3 high school seniors use marijuana. Marijuana use in middle school has tripled since 1996. Yet Proposition 203 seeks to decriminalize up to 2 ounces of marijuana, regardless of where the offense occurred, such as drug free school zones.

Proposition 203 establishes a taxpayer funded system run by the Department of Public Safety to provide for the distribution of marijuana to "eligible persons" possessing a doctor's "recommendation." "Eligible persons" are exempt from all criminal sanctions. Parents can consent to their minor children receiving "recommendations" and becoming "eligible" for taxpayer provided marijuana. If this proposition passes, a cottage business providing "marijuana recommendations" will spring up overnight.

The initiative prohibits jail or prison for anyone convicted of their first or second drug possession offense, even if they violate their conditions of probation, regardless of the seriousness of the violation. This hampers drug courts from imposing any sanctions against those in treatment who fail to abide by their conditions of probation. It gives permission for chronic, repetitive drug offenders to violate probation repeatedly without fear of going to jail.

Increased acceptance of drugs leads to increased levels of drug use. Increased drug use and increased drug availability worsens our crime problems. It puts public safety severely at risk. A permissive drug policy tells our youth that drugs are tolerated by society. Proposition 203 is very bad public policy. I strongly oppose it and urge you to vote "NO."

Barbara LaWall, Pima County Attorney, Tucson

I was outraged when our Legislature and Governor enacted the infamous alternative fuels program without recognizing its multi-million dollar expense to you and me, the taxpayers. Proposition 203 is another well-intentioned program that risks multi-million dollar expense to the taxpayers.

I'm talking about the hundreds of millions of dollars in civil judgments against the state (which you and I, the taxpayers, will pay) that will result from requiring the state to distribute marijuana. That's right, this Proposition REQUIRES the state to hand out marijuana! If this Proposition passes, the same lawyers who sue the state on behalf of clients injured in traffic accidents will sue the state, alleging that the accident (or even the crime) was caused by marijuana supplied by the state. Under Arizona law, a bar is liable for serving liquor. If this Proposition passes, you can bet that the state will be held liable for serving marijuana. On top of that, the long term effects of marijuana smoking and secondary marijuana smoke will be the subject of multimillion dollar lawsuits (and million dollar legal fees) against the state in years to come, just like the lawsuits against the tobacco industry. And, it will cost more money to transport, house, guard (the location of the marijuana must be publically announced) and distribute all this marijuana for "free."

No credible authority has even considered the fiscal impact of Proposition 203. No reputable business would start distributing marijuana without completing a thorough review of the business and liability risks, and obtaining massive insurance coverage. This Proposition would force the state to distribute marijuana, regardless of its fiscal impact. A business can go bankrupt and avoid judgment, but a state can only raise taxes. Vote "no" or accept the consequences in your future tax bills.

Charles Johnson, Scottsdale

VOTE NO ON PROPOSITION 203

Hello, I'm Rick Romley, the Maricopa County Attorney. In 1996, supported by millions of dollars provided by drug legalization advocates, a proposition was passed which permitted medical marijuana. At the time, I said that the sponsors of this proposition were merely using the "smoke screen" of medical marijuana to hide their true intention of paving the way for drug legalization. They of course denied this motive, claiming their only interest was helping the ill. Time has shown how wrong they were; and, unfortunately, how right I was.

Not satisfied with their victory in 1996, they came back with a new proposition. This time trying to gain immunity from criminal prosecution.

tion for drug dealers, even to those selling drugs to kids. Fortunately, this effort failed and for the first time their true motivation behind these propositions was disclosed -- **Legalization**.

Now, in 2002, they are back again. This time using their millions to advance Proposition 203. Again they are purposely mischaracterizing their proposition as "medical" marijuana. Again, they are not telling the truth. Medical marijuana is already on the books. Rather, Proposition 203 advances their legalization objectives. To highlight what Proposition 203 does: (1) It decriminalizes marijuana; (2) It takes away the need for a doctor to prescribe marijuana for an illness; and, (3) Finally, and perhaps the most **BIZARRE**, it will require the Department of Public Safety to give (yes – for **FREE**) marijuana to anyone claiming a medical need.

All of us know how drugs have torn apart our families. All of us know that "Drugs Destroy Dreams". I urge you to vote **NO** on **Proposition 203**.

Richard M. Romley, Maricopa County Attorney, Phoenix

Vote NO on Prop 203

If you read the terms of Prop 203, you will find that the Department of Public Safety must:

1. Secure marijuana supplies in public buildings located in at least three counties
2. Purchase marijuana from the University of Mississippi
3. Ensure the safety of the shipment from Mississippi
4. Use confiscated drugs for distribution (which will obviously have to be tested for "quality" in crime labs)
5. Provide marijuana with only a written statement from a doctor. There is no requirement for a medical prescription; and the marijuana can be provided to a "caregiver" and not the actual "patient."
6. Issue "Registry Identification Cards"

All of these stipulations cost the Department of Public Safety time, manpower and money. **Shouldn't public safety officials be fighting crime instead of playing pharmacist with illicit drugs?**

And where will the money for this "marijuana legalization" plan come from? **Our tax dollars!!**

Prop 203 also takes away the courts rights to confiscate property of a drug abuser. What is interesting about this stipulation is that no mention is made of those using drugs for "medicinal purposes". It only talks about drug violations by the general public. This fact alone should make any intelligent person question how much Prop 203 really has to do with "medicinal" needs.

This is a blatant attempt to legalize Schedule 1 drugs such as marijuana, cocaine, PCP and heroin. Is this really what we want for the future of our state? Is this really what we want for the future of our children?

The potential for fraud with this ridiculous plan is frightening and overwhelming! VOTE NO ON PROP 203!

Phil Gordon, Phoenix City Councilman, Phoenix

Questions and Answers Against Prop 203

If you have even the slightest inclination to vote for Prop 203, you may want to consider the answers to these following questions:

1. Did you know that this initiative calls for the release of convicted drug abusers - into our neighborhoods?
2. Do you really want our public officials dispensing illegal drugs? Wouldn't you rather they were spending their time fighting crime and protecting our families?
3. Did you know that this initiative undermines the authority of the court system in sentencing drug abusers?
4. Do you really want your hard earned tax dollars used for the cultivation and purchase of illicit drugs?
5. Are you aware that the same three men who have introduced this initiative also attempted to launch another initiative that proposed granting immunity to drug dealers?
6. Do you see the potential for legal drug abuse?
7. Do we really want Arizona to become a safe haven for the illicit drug culture?

Think about the answers to these questions very carefully - and then VOTE NO on Prop 203.

Michael J. Minnaugh, Phoenix

"Just Say No" to Prop 203

We see public announcement messages every day that encourage our children to "just say no" to drugs and that educate our children on the negative repercussions of drug abuse.

As parents, we are now faced with the misleading and deceptive message of Prop 203. This proposition has little to do with medicinal drug use. Prop 203 is laying the groundwork for eventual efforts to legalize drugs.

Let's learn the same lesson we hope our children have learned... "Just Say No" to Prop 203.

Tom Reithmann, SADD Director, Teacher, Brophy College Preparatory, Phoenix

This proposition suffers from the same deceptive drafting that caused years of taxpayers' expense and legal confusion over Proposition 200. For example, the forfeiture provision requires that no owner's or interest holder's interest in property could ever be forfeited for a violation of any drug offense unless and until the owner or interest holder is "convicted of an offense listed in title 13, chapter 34, and the court finds that the property facilitated or was the proceeds of "that crime."

This is a massive loophole. The largest kingpin methamphetamine and cocaine dealers are charged with offenses that are not in title 13, chapter 34. These include Conducting a Criminal Enterprise, Participating in a Criminal Syndicate, Money Laundering, Conspiracy, Attempt, Solicitation, and Facilitation. When the dealer is convicted of these drug related offenses, but not a chapter 34 drug crime, his ill-gotten property is exempted forever if this proposition becomes law.

Under Proposition 203, the illicit property must be tied to the very crime the person is convicted of. So if a dealer has been dealing drugs for years but is caught in only a recent deal, he keeps all drug money not tied to that last transaction. This is because the offenses that would allow aggregation of profits over a long time, such as Conducting a Criminal Enterprise and Conspiracy, are not in chapter 34.

The proposal also exempts all drug profits of drug dealers convicted in federal or other states' courts, because no other jurisdiction can convict under Arizona's "title 13, chapter 34." This is another huge loophole.

Proposition 203 would let large, long-time, convicted drug dealers keep drug money. If Prop 293 is really about medical marijuana why

Spelling, grammar, and punctuation were reproduced as submitted in the "for" and "against" arguments.

GENERAL ELECTION NOVEMBER 5, 2002

does it contain so many hidden clauses that help methamphetamine and cocaine dealers? Vote “NO” on Prop 203.

Thomas Stoxen, Prescott Valley

Prop 203 is not just about “medical” marijuana. Hidden in the many pages of legal jargon are early Christmas presents for drug cartels, dope dealers and other criminals involved in methamphetamine, cocaine, heroine and other hard drugs.

If Prop 203 were just about “medical” marijuana, why does it hamper a prosecutor from letting a judge know about a defendant’s prior convictions for possession of methamphetamine, cocaine and other hard drugs? Why does Prop 203 practically abolish the State’s ability to shut down methamphetamine labs, cocaine and drug traffickers through forfeiture of assets and drug profits? Why does Prop 203 lower criminal sentences for possession of paraphernalia associated with methamphetamine, heroine and cocaine? And why does Prop 203 weaken consequences for those using marijuana without a “medical condition?”

If Prop 203 were truly about a health issue, why doesn’t it warn of the medical side effects of marijuana such as addiction, cancer, schizophrenia, etc., while apparently allowing it to be prescribed for medical conditions such as the pain of a sprained ankle, nausea of pregnancy or even gauntness resulting from excessive methamphetamine use? The number of “medical conditions” which can be imagined is unlimited and sure to be litigated at taxpayer expense. For example, Prop 203 allows a person who illegally possesses marijuana without a “medical condition” to escape prosecution if he is able to present evidence of a “medical condition” after his arrest. This will no doubt require taxpayers to pay the fees of at least one and sometimes two expert witness physicians.

The devil is in the details. It seems the wealthy out-of-state backers of Prop 203 have given Arizona voters a Trojan horse filled with social experiments they don’t want you to know about. Vote “NO” on Proposition 203.

Sheila S. Polk, Yavapai County Attorney, Prescott

As a mother of four, concerned about our increasingly permissive attitude and downward slide into drug abuse, I urge you to vote NO on this initiative. If you want to encourage your children to use drugs you will vote for it.

I have read all 13 pages of this initiative which “acknowledges that there is a legitimate medical use for marijuana.” Who acknowledged? Was it a group of cancer experts? It does not say. I called the American Cancer Society, 1-800-ACS-2345, and they said, “The American Cancer Society does not advocate the use of inhaled marijuana for medical use. And the ACS does not support the legalization of marijuana.”

Dr. Philip Kanof, director of the substance-abuse program at the VA Hospital in Tucson, has said that tolerating marijuana for medical use allows it to escape the rigorous scrutiny applied to prescription drugs. Dr. Kanof has seen the dangers of smoking marijuana, what seems to be an innocent recreation, lead to more ominous drug use, especially among young people. Marijuana is a gateway drug among adolescents who go on to use harder drugs, to drug-addiction careers. (Interview 1-7-99 AZ Republic.)

We have already legalized two drugs, tobacco and alcohol, which cost us so much in ruined lives, ruined health, more deaths than wars, and billions of dollars. Why in the world would we want to legalize another drug when substance abuse is already our nation’s number one health problem. Get informed, start with www.health.org.

Let’s stand together and help each other keep our homes, schools, and workplaces clean and drug-free. Thank you for voting NO.

Carolina C. Butler, Scottsdale

Proposition 203 would enrich drug dealers by making most forfeitures of drug proceeds impossible. It creates a forfeiture exemption unless the “owner” of property is convicted of the very drug offense that caused particular drug proceeds; if not, those drug proceeds are absolutely exempted.

A drug dealer could “give” his property to a friend, relative, or other “strawman” owner, who is then the person the state must convict to obtain the forfeiture. The drug dealer would naturally select an “owner” uninvolved in his drug dealing. Anyone could keep any amount of drug money, even though convicted, just by “giving” property to strawmen.

If a drug dealer’s hidden millions are found after his sentencing, they could never be forfeited. A criminal punishment and a civil sanction cannot be assessed for the same conduct if the civil sanction is “punishment,” because this is constitutionally “double jeopardy.” A forfeiture contingent upon a criminal conviction is “punishment,” so once a person is sentenced in a criminal case, there could never be a forfeiture later.

A convicted drug dealer would get to keep everything he made before he got caught. Drug dealers don’t get convicted of the very crimes that made them rich. The successful deals happened before they got caught. Under Proposition 203, forfeiture would require conviction of the earlier crimes, exempting earlier profits.

Drug proceeds taken from money couriers would rarely be forfeited. The courier (the “owner”) can claim he didn’t know about the money at all, or was doing a favor for someone by carrying the luggage, driving the car, etc. Overwhelming proof that someone got the money from drug dealing does not prove that this “owner,” the courier, did, so the drug money must be returned.

This proposition exempts drug money from forfeiture in almost all cases.

Cameron Holmes, Phoenix

NO ON PROPOSITION 203

Proposition 203 would make it child’s play for a convicted drug dealer to keep any amount of drug money. He would have many easy choices. He could “give” his proceeds or criminal property to a relative, a friend, or a corporation, or get a “loan” from them. These new “owners/interest holders” would, of course, be selected because they are not involved in any drug crime, so they could not be convicted. The property would be forever exempted from forfeiture. Here are a few examples of the unfairness this proposition would create:

Drug dealer “**Smith**” makes \$1 million dealing cocaine. He purchases an office building and deeds it to a family member. Police convict “**Smith**” and prove he bought the building with drug money. The building is exempt because the family member is the owner and the family member and cannot be convicted.

“**Smith**” uses a warehouse to store cocaine. He deeds it to a friend. When “**Smith**” is caught with a ton of cocaine in the warehouse, there’s no forfeiture because the friend cannot be convicted.

“**Smith**” “borrows” money from a family member, friend, or professional money launderer, in a fake transaction in which “**Smith**” actually provides the money for the loan to himself out of his drug money. The fake “lender” files a deed of trust security interest in **Smith’s** vaca-

tion home. Suppose **Smith's** guilt and his purchase with drug money are both proven beyond any doubt. Under Proposition 203, this fake lender is the person, the "interest holder," that the state must convict, even though no real loan occurred, so no forfeiture is possible.

Proposition 203 would attract more major drug importers to Arizona, where their drug profits would be safe.

Laura Reckart, Laveen

Whatever benefits other parts of this initiative may claim, its section 10 change in state forfeiture law scuttles this proposition. We are a border state with a monstrous drug trafficking industry. Murderous organized drug gangs flush with cash use our state as a big factory and loading platform to tranship dope across North America. They're in it for the money, make it like a mint and use it to buy people and property ... weapons, vehicles, airplanes, the best technology, front businesses, securities, jewelry, real property, homes and buildings of all kinds. This flood of illegal dope and drug money contaminates and corrupts where we live and work. The Sammy Gravano ecstasy drug gang reached into Chandler high schools. Even the chief drug prosecutor at our Attorney General's office was targeted this year by an assassination attempt at her home.

Drug trafficking gangs use drug money to acquire property in the names of others ... front individuals and dummy companies. Forfeiture is how law enforcement takes it away from them, even when concealed behind strawmen. Under current law, such property can be forfeited in a non-criminal civil case. But section 10 helps the gangs keep their property from forfeiture so long as the titleholder is not prosecuted and convicted of a drug crime. Since that titleholder "owns" in name only for a drug trafficker, the property becomes shielded from forfeiture so long as its titleholder avoids prosecution for drug crimes. The gangsters thus keep the property gained from drug trafficking and this proposition strengthens their incentive to grow their drug empires.

Proposition section 10 is a "sleeper" chokehold on forfeiture that goes way beyond offenders possessing marijuana for personal use. It benefits all offenders, especially the dangerous wholesale traffickers accumulating substantial property from their crime.

Mark Knops, Tempe

Proposition 203 is not about relieving pain for sick people. It's about allowing drug traffickers to keep their ill gotten gains. Currently, people suffering from serious or terminal illnesses can legally obtain marijuana to help relieve their pain. We don't need Proposition 203 to do this.

Proposition 203 allows drug dealers to keep their ill gotten gains by requiring a drug conviction, not of the drug dealer, but of the owner of the property, before forfeiture is possible. This robs the people of the State of Arizona of forfeited property, which is used to protect the people of this state through funding drug treatment, education and prevention programs; investigations and prosecutions.

Drug dealers hide their interests in property by placing the property in the names of others, such as family members, corporations, friends, or other persons not involved in drugs. By doing this, the drug dealer protects his drug money from forfeiture because, under Proposition 203, it's not the drug dealer's conviction that is required for forfeiture, it is the conviction of the owner of the property.

In addition, under Proposition 203 any drug trafficker could keep all his drug money, even if he is the owner of the property, if the drug dealer cannot be located or identified; dies before conviction; or pleads to a non-drug offense. This is true whether the quantity sold was two ounces or two tons.

Money is power. Your vote on Proposition 203 is a vote on who should control the power of drug money: drug dealers or the honest people of the State of Arizona.

Vote NO on Proposition 203 if you want to deprive drug dealers of this money and keep that power in the hands of honest people.

Sandra Janzen, Sedona

Vote NO on 203 because, as a conscientious voter, when you read the fine print, you will find out that this initiative does not do what its flowery title implies.

Its supporters call it the "Drug Medicalization, Prevention, and Control Act." Sounds nice, but it does not reflect the law that you will be enacting if you vote yes.

In these extremely difficult budget times, when we are short of child care workers, police officers, nurses, and teachers, this proposition plans to use our scarce taxpayer money to require the state to provide free marijuana to certain citizens. It would also make your Department of Public Safety one of the largest drug suppliers in the state.

Inside their complex, lengthy verbiage, there are provisions that:

- Will allow all drug abusers, including those on heroin, cocaine and PCP, not just marijuana, to avoid any jail time no matter how many times they violate probation and no matter how many times they fail their treatment programs.
- Will allow children under 18 years of age to use "medical marijuana."
- May prohibit regulatory agencies from disciplining licensees who acted improperly while taking "medical marijuana".
- Will have your Department of Public Safety collect, package and distribute marijuana for free and may hold DPS liable if the quality is poor.

As the criminal justice advisor to Governor Hull, I have real problems, as you should, with taking valuable resources that the DPS currently uses to keep our streets and neighborhoods safe, fight gangs, and investigate terrorism, and shifting them to establish a state-run drug distribution center.

Please, please, please read all the sections of this proposition. Remember, if you vote yes, you vote for all of these provisions, including the outrageous ones above. Vote "NO."

George Weisz, Office of the Governor, Scottsdale

I hope voters in Arizona will take the time to think whether we want marijuana legalized in any way. Do we want airline pilots, school bus driver's, doctors, nurses, teachers, and school age children able to use marijuana legally?

With all the legal drugs and advanced science we have today, why would you want to add the unproven long term health effects of marijuana to a list of drugs with questionable value.

With all the rehabilitation program going now why would you want to allow early release of drug offenders onto our streets?

If medical use of marijuana is a good plan doctors, lawyers, and scientists should debate it during a legislative hearings. We could get the facts and make an honest assessment of this plan. However this plan has had no debate or assessment by scientists, criminal justice

experts, law enforcement or my fellow Arizonan's.

Until I have more facts, I cannot support this proposition. Please vote NO on PROP 203. See more at www.MarilynJarrett.com or email me at mjarrett3@cox.net

Senator Marilyn Jarrett, District 19, Mesa

Here we go again; those that would legalize drugs under the banner of Medical purposes are at it again. There is **no** evidence that Marijuana has any medical or social benefit. However, there is evidence that drugs, including Marijuana do much damage to our communities and certainly destroys lives. There are drugs already on the market that are safe and do exactly what they are trying to convince you Marijuana will do. What we don't need is wider use of Drugs of any kind.

- Most domestic violence acts are linked to drugs and alcohol.
- Most serious juvenile problems are linked to drugs and alcohol.
- Look at the highway carnage due to drugs and alcohol.
- Most of the serious problems we have in society today are linked to drugs and alcohol.

We spend millions and millions of dollars on drug treatment. We spend millions and millions of dollars on the social ills that are drug caused. What we don't need is the increased use and abuse of drugs, especially among our youth.

I have spent over 30 years in the criminal justice system and have seen the terrifying effects of drugs on families, our communities and the destruction of lives. One of the greatest threats of this plague is the destruction to our families, our community, and our safety created by the use and abuse of drugs. This needs honest debate and should be carefully reviewed at the legislature where the debate can take place with good and accurate information.

Representative Russell K. Pearce, District 18, Mesa

Paid for by "Pearce Campaign 2002"

As parents, citizens and commissioners, we are concerned this proposition encourages and makes it easier for children to acquire and use dangerous and currently illegal drugs, while reducing critically needed funding for law enforcement and crime prevention. This proposition is confusing, deceptive and misleading in name/title and content. We cannot support a proposition that does the following:

- Removes critically needed funding from law enforcement, crime victims and community-run crime prevention programs;
- Exploits the emotional "medical marijuana" issue in order to provide legal access to marijuana for persons without any serious or terminal illness or disease;
- Requires Arizona Department of Public Safety to supply marijuana at taxpayers expense;
- Repeals minimum mandatory sentences for drug dealers;
- Severely hampers innovative programs like Drug Court which uses jail time to required repeat drug offenders undergo drug rehabilitation and counseling;
- Paroles drug dealers who plea bargained to possession charges;
- Decriminalizes possession of small but saleable amounts of marijuana.

Statistics show that increased acceptance of drugs leads to increased levels of drug use, and increased drug use and drug availability worsens our crime problems and puts public safety at risk. Legalization of marijuana sends a harmful and very wrong message to the youth of our state.

We the undersigned members of the Pima County Crime and Public Safety Commission strongly oppose Proposition 203. We urge its defeat.

Rabbi Joseph Weizenbaum, Chair, Tucson

William Wilkinson, Former Tucson Police Chief, Tucson

Reverend Ron Hart, First Southern Baptist Church, Tucson

James H. Click, Jr., President, Jim Click Automotive, Tucson

Anna Jolivet, Ed. D., Retired Assistant Superintendent, TUSD, Tucson

Dorothy Finley, President, Finley Distributing, Tucson

Honorable Lew Murphy, Former Mayor, City of Tucson, Tucson

Katie Dusenbery, Horizon Moving and Storage, Tucson

Joel D. Valdez, Former City Manager, City of Tucson, Tucson

Bishop Manuel Moreno, Diocese of Tucson, Tucson

Paid for by Dorothy H. Finley

Prop 203 will hurt neighborhoods – Vote NO

Proponents of Prop 203 would have you believe that legalizing marijuana will somehow magically eliminate crime and make our neighborhoods safer. Nothing could be further from the truth. As a 20-year resident of central Phoenix who has been at the frontlines of the neighborhood revitalization effort, I've seen the devastation that hard drugs can bring to a neighborhood. There's no reason to think that making marijuana more accessible will do anything to help.

For years, proponents of drug legalization have pointed to Amsterdam as the model that other cities should emulate. Unfortunately, after 30 years of de facto marijuana legalization, Amsterdam has the worst problem with hard drugs of any European city. Instead of finding a bunch of happy pot smokers, tourists are literally stumbling over stoned heroin addicts on the city's sidewalks.

Do we want Arizona to be the magnet for every drug user in America, with government-provided pot for anyone who has an "in" with a doctor? I hope not. Please vote NO on Prop 203.

Bill Scheel, Neighborhood activist and former school board member, Phoenix

BALLOT FORMAT

PROPOSITION 203

PROPOSED BY INITIATIVE PETITION

OFFICIAL TITLE

AN ACT AMENDING TITLE 13, CHAPTER 6 BY ADDING SECTION 13-610, ARIZONA REVISED STATUTES; AMENDING SECTION 13-901.01, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 34, BY AMENDING SECTION 13-3413 AND ADDING SECTIONS 13-3405.01, 13-3413.01 AND 13-3423, ARIZONA REVISED STATUTES; AMENDING SECTION 13-4304, ARIZONA REVISED STATUTES; AMENDING TITLE 31, CHAPTER 3, ARTICLE 2 BY ADDING SECTION 31-411.02, ARIZONA REVISED STATUTES; AMENDING TITLE 36, BY ADDING CHAPTER 27.1, SECTIONS 36-2601, 36-2602, 36-2603, 36-2604, 36-2605, 36-2606, 36-2607, 36-2608, 36-2609, 36-2610, 36-2611, 36-2612, 36-2613 AND 36-2614 ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 11, ARTICLE 1 BY ADDING SECTION 41-1604.18, ARIZONA REVISED STATUTES; RELATING TO DRUGS.

DESCRIPTIVE TITLE

DECRIMINALIZES MARIJUANA POSSESSION FOR PERSONAL USE; \$250 CIVIL FINE; REQUIRES STATE TO DISTRIBUTE MARIJUANA FREE OF CHARGE UPON PHYSICIAN'S WRITTEN DOCUMENTATION; INCREASES MAXIMUM PENALTY FOR VIOLENT CRIMES COMMITTED UNDER INFLUENCE OF DRUGS; ELIMINATES MANDATORY MINIMUM SENTENCES; REQUIRES PAROLE IF CONVICTED OF PERSONAL POSSESSION OF CONTROLLED SUBSTANCE UNLESS DANGER TO PUBLIC.

PROPOSITION 203

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| <p>A "yes" vote shall have the effect of decriminalizing marijuana possession for personal use, providing for a \$250 civil fine, requiring distribution of marijuana free of charge by the Department of Public Safety if a person's physician provides written documentation, increases the maximum sentence for violent crimes while committed under the influence of drugs, eliminates mandatory minimum sentences, requires parole for persons convicted of personal possession of a controlled substance unless they are a danger to the public.</p> | <p>YES <input type="checkbox"/></p> |
| <p>A "no" vote shall have the effect of retaining the current criminal penalties for possession of marijuana and other controlled substances.</p> | <p>NO <input type="checkbox"/></p> |