



STATE OF ARIZONA

Application for Serial Number
Initiative Petition
A.R.S. § 19-111

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SECRETARY OF STATE

2019 JAN 14 PM 12:53

The undersigned intends to circulate and file an initiative petition and hereby makes application for the issuance of an official serial number to be printed in the lower right-hand corner of each side of each signature sheet of such petition. Attached hereto is the full title and text, in no less than eight point type, of the measure or constitutional amendment intended to be initiated at the next general election.

☒ **Statutory
Measure**

☐ **Constitutional
Amendment**

Date of Application

Jan 14, 2019

Signatures Required

237,645

Deadline for Filing

July 2, 2020

Serial Number Issued

I-08-2020

The AZ Justice League's Cannabis Justice Act: (1) Successfully removes criminal codes for the possession, consumption, cultivation and the sale of cannabis for adults at least 18 years of age in Arizona; (2) Decriminalizes all cannabis offenses; (3) Provides immediate release and post conviction relief for prior cannabis offenses and/or charges; (4) Prevents the state from conspiring with other governments to enforce cannabis laws; (5) Establishes a sale tax on retail cannabis sales from which revenue will be allocated to education and AHCCCS; (6) Places cannabis under The Department of Agriculture.

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AZ Justice League

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By submitting this Application for Serial Number and checking all boxes below, I acknowledge the following:



That I have read and understand the accompanying Instructions for Statewide Initiatives, including the Secretary of State's recommended best practices for printing copies of the Statewide Initiative Petition to be circulated.



That at the time of filing, I was provided instructions regarding accurate completion of the electronic Statewide Initiative Petition form.

Applicant Signature

1/14/2019

Date

AN INITIATIVE MEASURE

AMENDING TITLE 3, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 21; AMENDING SECTION 13-3401, ARIZONA REVISED STATUTES; REPEALING SECTION 13-3405, ARIZONA REVISED STATUTES; AMENDING SECTIONS 36-2501 AND 36-2512, ARIZONA REVISED STATUTES; AMENDING TITLE 42, CHAPTER 3, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 13; RELATING TO CANNABIS.

TEXT OF PROPOSED AMENDMENT

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

Sec. 1. Short Title

This act may be cited as the Arizona Cannabis Justice Act

Sec. 2. Findings

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

1. Marijuana and cannabis have been used safely for thousands of years for recreational, medical, religious and industrial purposes. Cannabis is one of the most efficacious plants known to man.
2. The states of Colorado, Washington, Oregon, California, Maine, Massachusetts, Nevada and Alaska and Washington D.C. have all legalized the adult use of marijuana and cannabis and have enjoyed a substantial increase in tax revenue as a result.
3. In states that have legalized or medicalized, there has been a decrease in teen use of marijuana and cannabis.
4. Industrial Hemp, was cultivated by several of our founding fathers, including George Washington, and was a staple of the American economy until the advent of prohibition. Industrial hemp is non-psychoactive, has many industrial applications, and is lawfully produced in several states in America and in many nations including China and Canada, to the great benefit of their farmers and economies.
5. In the largest meta-study to date, the National Highway Traffic Safety Administration concluded in 2015 that there is no correlation between cannabis use and automobile accidents. Moreover, unlike alcohol, multiple studies have also found that the level of THC in a person's system cannot be reliably used to establish whether or not a person is impaired.
6. The former Chief Administrative Law Judge of the United States Drug Enforcement Administration (DEA), Francis Young, determined correctly that, "... Marijuana, in its natural form, is one of the safest therapeutically active substances known to man..."
7. Monopolies and oligopolies of any industry in the State of Arizona are antithetical to the values of Arizonans, and the cannabis industry is no exception. Commerce should be left to the free market and its production and sale should be regulated only to the extent as the production and sale of any other fruit or vegetable such tomatoes or grapes.
8. In the interest of public health and safety, to protect and maintain individual rights and the personal freedom, and to better focus state and local law enforcement resources on crimes involving violence and personal property, marijuana and cannabis should be removed from the Arizona Uniform Controlled Substances Act and the possession, use, production, and sale of marijuana, and cannabis should be removed from Arizona's criminal code, decriminalized and legalized for adults who are at least eighteen years of age.
9. States are not required to enforce federal law or prosecute people for engaging in activities prohibited by federal law. Therefore, implementation of this Act is not preempted by federal law or causes the state of Arizona to violate federal law.
10. The purpose of this act is to decriminalize and legalize the use, production, manufacture and sale of marijuana and cannabis for persons who are at least eighteen years of age, to remove laws currently in existence that prohibit such activities, and to protect persons from arrest and prosecution, criminal and other penalties and property forfeiture if such persons engage in the possession, use, production or sale of marijuana and cannabis pursuant to this act.

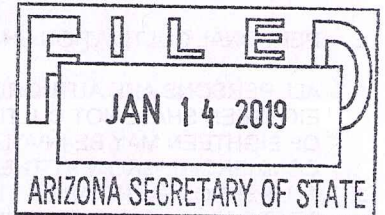
Sec. 3. Chapter 21

Title 3, Arizona Revised Statutes, is amended by adding chapter 21, to read:

CHAPTER 21

ARIZONA CANNABIS JUSTICE ACT

ARTICLE 1. GENERAL PROVISIONS



3-3701. Definitions

IN THIS CHAPTER, THE FOLLOWING DEFINITIONS SHALL APPLY:

1. "CANNABIS" SHALL BE DEFINED TO INCLUDE THE FOLLOWING:
 - A. ALL PLANTS OF THE GENUS CANNABIS AND ANY AND ALL PARTS OF SUCH PLANTS, WHETHER GROWING OR NOT;
 - B. ANY AND ALL PARTS OF THE PLANTS OF THE GENUS CANNABIS INCLUDING BUT NOT LIMITED TO THE FLOWER, LEAVES, STALK, STEMS, ROOTS, FIBER, AND SEEDS OF SUCH PLANT;
 - C. THE RESIN AND OIL EXTRACTED FROM ANY AND ALL PARTS OF THE PLANTS OF THE GENUS CANNABIS;
 - D. EVERY COMPOUND, SALT, DERIVATIVE, MIXTURE AND PREPARATION OF THE PLANTS OF THE GENUS CANNABIS;
 - E. ANY AND ALL SUBSTANCES RESULTING FROM THE MIXTURE, MANUFACTURE, AND PREPARATION OF THE RESIN EXTRACTED FROM ANY AND ALL PARTS OF PLANTS OF THE GENUS CANNABIS; AND
 - F. ANY AND ALL CANNABINOIDS DERIVED FROM ANY AND ALL PARTS OF PLANTS OF THE GENUS CANNABIS INCLUDING, BUT NOT LIMITED TO TETRAHYDROCANNABINOL (THC), CANNABIDIOL (CBD), AND CANNABIGEROL (CBG).
2. "CANNABIS ACCESSORIES" SHALL BE DEFINED AS EQUIPMENT, PRODUCTS AND MATERIALS OF ANY KIND THAT ARE USED, INTENDED FOR USE OR DESIGNED FOR USE IN PLANTING, PROPAGATING, CULTIVATING, GROWING, HARVESTING, MANUFACTURING, COMPOUNDING, CONVERTING, PRODUCING, PROCESSING, PREPARING, TESTING, WEIGHING, MEASURING, ANALYZING, PACKAGING, REPACKAGING, STORING, CONTAINING, CONCEALING, CONVERTING, INGESTING, INHALING, OR OTHERWISE INTRODUCING CANNABIS INTO THE HUMAN BODY OR ANIMAL BODY OR THE ISOMERIZATION OF CANNABIS.
3. "CANNABIS PRODUCT" SHALL BE DEFINED TO INCLUDE ANY PRODUCT CONTAINING CANNABIS THAT IS READY FOR USE OR THAT IS TO BE FURTHER PROCESSED AND MANUFACTURED FOR INDUSTRIAL, COMMERCIAL, OR ANY OTHER NON-FOOD PURPOSE. CANNABIS PRODUCTS SHALL INCLUDE, BUT NOT BE LIMITED TO, CLOTHING, BUILDING MATERIALS, PAPER, FIBER, FUEL, HEMP LIME BIO-COMPOSITE MATERIAL, LUBRICANTS, PLASTICS, PAINT, ANIMAL FEED, VETERINARY MEDICINE, OR ANY OTHER SUCH PRODUCT, AND THE USE OF SUCH PRODUCTS.
4. "COMMERCIAL GROW" SHALL BE DEFINED AS ANY LARGE SCALE FARMING CULTIVATION OF CANNABIS PLANTS FOR WHOLESALE TO ANOTHER BUSINESS THAT IS ENGAGED IN THE RETAIL SALE OF CANNABIS OR CANNABIS PRODUCTS. COMMERCIAL GROWS, EXCEPT FOR EXEMPTIONS OTHERWISE PROVIDED FOR IN THIS CHAPTER, ARE SUBJECT TO GENERALLY APPLICABLE ARIZONA AGRICULTURE LAWS AND REGULATIONS PERTAINING TO OTHER AGRICULTURAL COMMODITIES INCLUDING, BUT NOT LIMITED TO, TOMATOES, LETTUCE AND ANY OTHER COMMON PRODUCE.
5. "COMMERCIAL PRODUCTION" SHALL BE DEFINED AS THE MANUFACTURING OR PROCESSING OF CANNABIS AND CANNABIS PRODUCTS FOR WHOLESALE TO ANOTHER BUSINESS THAT IS AUTHORIZED TO SELL RETAIL ITEMS OF ANY KIND.
6. "FOOD PRODUCT" SHALL BE DEFINED AS EVERY CANNABIS PRODUCT IN ITS NATURAL OR MANUFACTURED STATE THAT IS INTENDED FOR HUMAN OR ANIMAL CONSUMPTION AND SHALL INCLUDE BUT NOT BE LIMITED TO THE DRIED

CANNABIS FLOWER, HASHISH OIL, OIL, CONCENTRATES, SEED, LIVE PLANTS, FOOD AND DRINK AND ALL CANNABIS WHETHER INTENDED FOR RECREATIONAL, SPIRITUAL, NUTRITIONAL OR ANY OTHER USE.

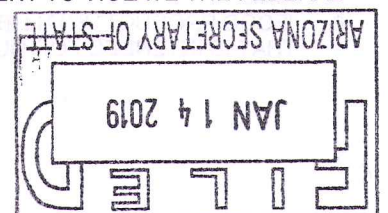
7. "SMALL FARM" SHALL BE DEFINED AS COMMERCIAL PRODUCTIONS ON PROPERTIES, FROM 1 ACRE TO 100 ACRES IN SIZE, THAT HAVE NO PLANT LIMIT, THAT ARE OPERATED BY PERSONS WHO ARE EIGHTEEN YEARS OF AGE OR OLDER, AND THAT ARE ENGAGED IN THE CULTIVATION OR MANUFACTURING OR ANY OTHER USE OF CANNABIS AND CANNABIS PRODUCTS FOR DISTRIBUTION THROUGH WHOLESALE AND/OR RETAIL SALE.
8. "MANUFACTURE" SHALL BE DEFINED TO INCLUDE THE COMPOUNDING, BLENDING, EXTRACTING, INFUSING, OR OTHERWISE TO MAKE OR PREPARE A CANNABIS PRODUCT.
9. "HOME GARDEN" SHALL BE DEFINED AS ANY CULTIVATION OF CANNABIS WITH NO PLANT LIMIT AT A PERSON'S PLACE OF RESIDENCE.
10. "PERSONAL USE" SHALL BE DEFINED AS, BUT IS NOT LIMITED TO, THE CONSUMPTION OR PROCESSING OF GENUS CANNABIS BY PERSONS WHO ARE AT LEAST EIGHTEEN YEARS OF AGE FOR RELAXATION, MEDITATIVE, RELIGIOUS, RECREATIONAL, MEDICAL OR ANY OTHER PURPOSES.
11. "PRODUCER" SHALL BE DEFINED AS OWNERS OR TENANTS OF AGRICULTURAL LANDS, ORCHARDS, FARMS, SMALL FARMS, HOME GARDENS AND COMMERCIAL GROWS ON WHICH FOOD PRODUCTS ARE GROWN, RAISED OR PREPARED FOR MARKET.

3-3702. Repeal of Cannabis Prohibition, Amendments and Legalization of Cannabis

- A. NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE GENUS CANNABIS PLANT, CANNABIS PRODUCTS, CANNABIS ACCESSORIES, AND THEIR USE AS DEFINED IN THIS ACT, ARE HEREBY DECRIMINALIZED AND LAWFUL.
- B. ARIZONA MEDICAL MARIJUANA ACT:
 1. IF ANY OF THE PROVISIONS OF THIS ACT ARE FOUND TO BE IN CONFLICT WITH ANY OF THE PROVISIONS OF THE ARIZONA INDUSTRIAL HEMP PROGRAM OR THE ARIZONA MEDICAL MARIJUANA ACT AND ASSOCIATED REGULATIONS, THE PROVISIONS IN THIS ACT SHALL PREVAIL IN FAVOR OF THE INDIVIDUAL PERSON OR PERSONS AND AGAINST THE GOVERNMENT OR OTHER ENTITY IN ANY CIVIL, CRIMINAL OR ADMINISTRATIVE ACTION.
- C. THE FOLLOWING ARIZONA REVISED STATUTE PROHIBITING MARIJUANA AND CANNABIS IS HEREBY REPEALED:
 1. SECTION 13-3405, ARIZONA REVISED STATUTES, IS REPEALED.
- D. THE FOLLOWING ARIZONA REVISED STATUTES RELATING TO MARIJUANA AND CANNABIS ARE HEREBY AMENDED AS PROVIDED IN THIS ACT:
 1. Section 13-3401(4), ARIZONA REVISED STATUTES, IS STRICKEN AND SHALL NOT BE REINTRODUCED INTO ARIZONA LAW, DIRECTLY OR INDIRECTLY, AT ANY TIME, NOW, OR IN THE FUTURE.
 2. Section 13-3401(19), ARIZONA REVISED STATUTES, IS STRICKEN AND SHALL NOT BE REINTRODUCED INTO ARIZONA LAW, DIRECTLY OR INDIRECTLY, AT ANY TIME, NOW, OR IN THE FUTURE.
 3. Section 13-3401(20)(w), ARIZONA REVISED STATUTES, IS STRICKEN AND SHALL NOT BE REINTRODUCED INTO ARIZONA LAW, DIRECTLY OR INDIRECTLY, AT ANY TIME, NOW, OR IN THE FUTURE.
 4. Section 13-3401(36)(h), ARIZONA REVISED STATUTES, IS STRICKEN AND SHALL NOT BE REINTRODUCED INTO ARIZONA LAW, DIRECTLY OR INDIRECTLY, AT ANY TIME, NOW, OR IN THE FUTURE.
 5. Section 36-2501(a)(2), ARIZONA REVISED STATUTES, IS STRICKEN AND SHALL NOT BE REINTRODUCED INTO ARIZONA LAW, DIRECTLY OR INDIRECTLY, AT ANY TIME, NOW, OR IN THE FUTURE.
 6. Section 36-2501(8)(e), ARIZONA REVISED STATUTES, IS STRICKEN AND SHALL NOT BE REINTRODUCED INTO ARIZONA LAW, DIRECTLY OR INDIRECTLY, AT ANY TIME, NOW, OR IN THE FUTURE.
 7. Section 36-2512(a)(3)(w), ARIZONA REVISED STATUTES, IS STRICKEN AND SHALL NOT BE REINTRODUCED INTO ARIZONA LAW, DIRECTLY OR INDIRECTLY, AT ANY TIME, NOW, OR IN THE FUTURE.
- E. PERSONAL CULTIVATION SHALL BE SUBJECT TO THE FOLLOWING:
 1. ALL PERSONS ARE AUTHORIZED TO CULTIVATE CANNABIS WITH 1.0% THC OR LESS BUT PERSONS UNDER THE AGE OF EIGHTEEN SHALL NOT CULTIVATE CANNABIS WITH MORE THAN 1.0% THC, HOWEVER SUCH PERSONS UNDER THE AGE OF EIGHTEEN MAY BE INVOLVED WITH THE CARE AND MAINTENANCE OF HOME GARDENS, SMALL FARMS, AND COMMERCIAL GROW AT THE DISCRETION OF THEIR PARENT OR LEGAL GUARDIAN OR EMPLOYER.
 2. ALL PERSONS WHO ARE AT LEAST EIGHTEEN YEARS OF AGE ARE AUTHORIZED TO CULTIVATE CANNABIS WITHOUT RESTRICTION ON PLANT COUNT OR THC % FOR PERSONAL OR COMMERCIAL USE. SMALL FARMS ARE NOT RESTRICTED TO A SPECIFIC NUMBER OF PLANTS.
 3. THERE SHALL BE NO LIMIT ON THE NUMBER OF CANNABIS PLANTS, CLONES, SEEDLINGS, AND SEED IN A HOME GARDEN, SMALL FARM, OR COMMERCIAL GROW.
 4. ALL PERSONS AT LEAST EIGHTEEN YEARS OF AGE ARE AUTHORIZED TO OWN AND MAINTAIN A HOME GARDEN COMPLETELY AT THE DISCRETION OF THE INDIVIDUAL.
 5. THE PERSON CULTIVATING THE CANNABIS PLANTS SHALL ALSO BE PERMITTED TO POSSESS, USE, SELL, MANUFACTURE AND TRANSPORT THE CANNABIS PRODUCED FROM SUCH CULTIVATION AND MAY ALSO TRANSFER SUCH CANNABIS TO OTHER PERSONS WHO ARE AT LEAST EIGHTEEN YEARS OF AGE.
 6. ALL PERSONS AT LEAST EIGHTEEN YEARS OF AGE WHO ARE OWNERS OF SMALL FARMS AND COMMERCIAL GROWS ARE AUTHORIZED AS PRODUCERS AND MAY OWN AND OPERATE SUCH SMALL FARMS AND COMMERCIAL GROWS PROVIDED THE PERSON OBTAINS A TRANSACTION PRIVILEGE TAX LICENSE AND ADHERES TO AGRICULTURAL REGULATIONS AS PROVIDED IN THIS CHAPTER.
- F. CANNABIS IS PLACED UNDER THE REGULATORY CONTROL OF THE DEPARTMENT OF AGRICULTURE AS PROVIDED IN THIS ACT.
- G. COMMERCIAL GROWS, SMALL FARMS, CHEMICAL EXTRACTION, AND CANNABIS SALES ARE NOT AUTHORIZED WITHIN 1,000 FEET OF A PUBLIC SCHOOL, HOWEVER SCHOOLS MAY OPERATE CANNABIS EDUCATION COURSES ACCORDING TO THEIR OWN POLICIES AND DISCRETION AND MAY USE PLANT MATERIAL AND LIVE PLANTS FOR DEMONSTRATION AND EDUCATIONAL PURPOSES.
- H. CULTIVATION OF CANNABIS FROM HOME GARDENS MAY NOT BE VISIBLE FROM A NON-RESIDENTIAL AREA FROM GROUND LEVEL WITHOUT THE USE OF BINOCULARS, INFRARED IMAGING, THERMAL IMAGING, OR ANY OTHER ARTIFICIAL SURVEILLANCE EQUIPMENT OR OTHER OPTICAL AIDS. COMMERCIAL FARMLANDS, AND HOME GARDENS IN RURAL AREAS ARE EXEMPT FROM THIS VISIBILITY REGULATION.

3-3703. Restrictions on Government Action

- A. EXCEPT AS PROVIDED IN THIS CHAPTER THE STATE OF ARIZONA IS PROHIBITED FROM TAXING OR REGULATING THE USE OF CANNABIS FOR ANY PURPOSE. FOR THE PURPOSES OF THIS SUBSECTION, USE IS DEFINED AS INCLUDING, BUT NOT LIMITED TO THE POSSESSION, CONSUMPTION, PURCHASE, CULTIVATION, PRODUCTION, MANUFACTURE, SALE, TRANSPORTATION, IMPORTATION, EXPORTATION, STORAGE AND ANY OTHER USE FOR RECREATIONAL, MEDICAL, SPIRITUAL, NUTRITIONAL, COMMERCIAL AND/OR INDUSTRIAL PURPOSES.
- B. THE STATE OF ARIZONA SHALL NOT PROHIBIT OR RESTRICT ATTORNEYS OR OTHER LICENSED PROFESSIONALS FROM ADVISING, COUNSELING, CARING FOR, OR REPRESENTING PERSONS OR ENTITIES IN THE CANNABIS INDUSTRY, EVEN WHERE SUCH ADVICE, COUNSEL, CARE AND REPRESENTATION MAY CAUSE THE CLIENT TO VIOLATE THE FEDERAL LAW.
- C. THE STATE OF ARIZONA IS PROHIBITED FROM THE FOLLOWING ACTIVITIES:



1. PARTNERING, CONSPIRING, ARRESTING, DETAINING, INFORMATION SHARING, OR PARTICIPATING WITH ANY OTHER GOVERNMENT ENTITIES, INCLUDING BUT NOT LIMITED TO THE FEDERAL GOVERNMENT, LOCAL GOVERNMENTS, INTERNATIONAL AGENCIES AND GOVERNING BODIES, NATIVE AMERICAN TRIBES, OTHER AMERICAN STATES, FOREIGN GOVERNMENTS, AND PRIVATE ENTITIES, FROM ADMINISTRATING, ENFORCING OR FACILITATING THE ENFORCING OF ANY LAW OR TREATY PERTAINING TO CANNABIS LAWS AND REGULATIONS THAT RESTRICT ANY ACTIVITY THAT IS AUTHORIZED IN THIS ACT.
2. USING STATE OR FEDERAL FUNDS OR MONIES TO ENFORCE ANY FEDERAL, LOCAL, INTERNATIONAL OR TRIBAL LAWS OR TREATIES PERTAINING TO CANNABIS LAWS AND REGULATIONS THAT ARE DIFFERENT FROM THE PROVISIONS PRESCRIBED IN THIS ACT.
3. DENYING ANY PRIVILEGE, LICENSE, REGISTRATION OR BENEFIT TO A PERSON BASED ON THAT PERSON'S USE OF CANNABIS PURSUANT TO THIS ACT.
4. ARIZONA COUNTY SHERIFF'S ARE OBLIGATED TO PROTECT AND ENFORCE CITIZENS INDIVIDUAL LIBERTY AND PROPERTY RIGHTS PERTAINING TO CANNABIS UNDER THIS ACT AND SHALL DETAIN AND/OR ARREST ANY FEDERAL, STATE, MUNICIPALITY, TRIBAL OR PRIVATE AGENT, FOREIGN OR DOMESTIC, THAT VIOLATES ANY PART OR PORTION OF THIS ACT. ANY GOVERNMENT AGENTS OR GOVERNMENT CONTRACTORS ACTING AS AN AGENTS OF THE GOVERNMENT OR AS A HIRED CONTRACTORS THAT VIOLATES ANY PORTION OF THIS ACT SHALL BE GUILTY OF A CLASS FIVE FELONY.

3-3704. Discrimination Prohibited

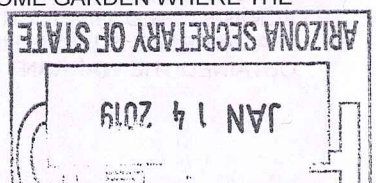
- A. FOR THE PURPOSES OF MEDICAL CARE, INCLUDING ORGAN TRANSPLANTS AND BLOOD TRANSFUSIONS, A PERSON'S USE OF CANNABIS SHALL NOT DISQUALIFY THE PERSON FROM MEDICAL CARE.
- B. NO PERSON MAY BE DENIED CUSTODY OF OR VISITATION OR PARENTING TIME WITH A MINOR, AND THERE IS NO PRESUMPTION OF NEGLECT OR CHILD ENDANGERMENT FOR CONDUCT ALLOWED UNDER THIS CHAPTER. CANNABIS SHALL NOT BE A REASON TO REMOVE A CHILD FROM A PARENTS OR LEGAL GUARDIANS CUSTODY. ALL CHILDREN REMOVED FROM HOMES OF PARENTS OR LEGAL GUARDIANS WHERE SUCH REMOVAL RESULTED FROM THE USE OF CANNABIS BY THE PARENT OR LEGAL GUARDIAN SHALL BE IMMEDIATELY RETURNED TO THEIR PARENTS OR LEGAL GUARDIANS.
- C. PARENTS AND LEGAL GUARDIANS SHALL BE PERMITTED TO ADMINISTER CANNABIS MEDICINALLY TO MINORS UNDER THEIR CARE IN A MANNER PROSCRIBED BY THE CLINICIAN MANAGING THEIR CHILD'S HEALTHCARE.

3-3705. Local Control

- A. LOCAL GOVERNMENTS SHALL NOT PROHIBIT THE OPERATION OF CANNABIS RELATED BUSINESSES WITHIN THEIR JURISDICTIONS. A CANNABIS RELATED BUSINESS SHALL ONLY BE ZONED ACCORDING TO EXISTING ZONING ORDINANCES PERTAINING TO THE TYPE OF COMMERCIAL ACTIVITY THAT THE BUSINESS IS ENGAGED IN, INCLUDING, BUT NOT LIMITED TO RETAIL, WHOLESALE, MANUFACTURING, PROCESSING, DISTRIBUTING AND STORAGE.
- B. EXCEPT AS PROVIDED FOR IN SUBSECTION (A), A LOCAL JURISDICTION SHALL NOT TAX, REGULATE, OR CONTROL THE USE, CONSUMPTION, TRANSDERMAL DELIVERY, SALE, TRANSFER, GROWTH, CULTIVATION, MANUFACTURE, PRODUCTION, STORAGE, POSSESSION, TRANSPORTATION, IMPORTATION OR EXPORTATION OF CANNABIS, CANNABIS FOOD PRODUCTS OR CANNABIS PRODUCTS.
- C. LOCAL GOVERNMENTS SHALL NOT ENACT ANY ZONING REQUIREMENT THAT IS DISCRIMINATORY, PROHIBITIVE OR EXCLUSIVE TO A CANNABIS RELATED BUSINESS. THERE SHALL BE NO RESTRICTIONS OF CANNABIS BUSINESS SIGNAGE OR PROMOTIONAL MARKETING OR ADVERTISMENT.
- D. LOCAL GOVERNMENTS SHALL NOT ENACT ANY LICENSING FEE OR TAX THAT IS NOT PROVIDED FOR IN THIS CHAPTER.
- E. LOCAL GOVERNMENTS SHALL NOT REQUIRE ANYTHING MORE FOR THE OPERATION OF A CANNABIS RELATED BUSINESS THAN A STANDARD TRANSACTION PRIVILEGE TAX LICENSE ISSUED BY THE ARIZONA DEPARTMENT OF REVENUE OR ANY BUSINESS, OCCUPATIONAL LICENSE, OR SALES TAX LICENSE ISSUED BY THE LOCALITY IN WHICH THE BUSINESS IS BASED AND/OR OPERATES IF APPLICABLE.
- F. A CANNABIS RELATED BUSINESS MAY BE REQUIRED TO UNDERGO ANY INSPECTIONS THAT ARE NORMALLY REQUIRED FOR NON-CANNABIS BUSINESSES OF A SIMILAR TYPE SUCH AS, RESTAURANTS, BAKERIES, MANUFACTURING FACILITIES, AND COMMERCIAL KITCHENS, UNLESS OTHERWISE EXEMPTED IN THIS CHAPTER.
- G. LOCAL BUSINESS LICENSE:
 1. THE DEPARTMENT OF REVENUE AND ALL LOCAL JURISDICTIONS SHALL ISSUE TRANSACTION PRIVILEGE TAX AND BUSINESS LICENSES, OR WHATEVER OTHER TYPE OF LICENSE THAT IS GENERALLY ISSUED OR ACCEPTED BY THE LOCAL JURISDICTION THAT AUTHORIZES THE TYPE OF COMMERCIAL ACTIVITY THAT THE BUSINESS IS ENGAGED IN, INCLUDING BUT NOT LIMITED TO RETAIL, WHOLESALE, AGRICULTURE, MANUFACTURING, PROCESSING, DISTRIBUTING, STORAGE AND ANY OTHER PERMITS NECESSARY TO OPERATE A CANNABIS RELATED BUSINESS.
 2. THE LOCAL BUSINESS LICENSE DESCRIBED IN SUBSECTION "1" SHALL BE ISSUED WITHIN TEN DAYS AFTER APPLICATION.
 3. NO CANNABIS-SPECIFIC LICENSES, PERMITS OR FEES SHALL BE MANDATED OR REQUIRED, NOR SHALL ANY LICENSE, BUSINESS LICENSE OR TRANSACTION PRIVILEGE TAX LICENSE BE DENIED TO ANY CANNABIS RELATED BUSINESS.
- J. LOCAL GOVERNMENTS SHALL NOT PROHIBIT HOME GARDENS OR ANY OTHER CULTIVATION OR COMMERCIAL, SPIRITUAL, OR PERSONAL USE OF CANNABIS.
- K. EXCEPT AS PROVIDED FOR IN THE SUBSECTIONS BELOW, LOCAL GOVERNMENTS MAY IMPOSE A RETAIL TAX ON THE SALE OF CANNABIS AND CANNABIS PRODUCTS THAT SHALL NOT EXCEED THE PREVAILING GENERAL RETAIL SALES TAX THAT IS PARTICULAR TO THEIR JURISDICTIONS AND APPLICABLE TO ALL OTHER NON-CANNABIS RETAIL CONSUMABLE OR NON-CONSUMABLE PRODUCTS.
 1. CANNABIS FOOD PRODUCTS SHALL NOT BE TAXED.
 2. THERE SHALL BE NO TAX LEVIED, IMPOSED OR COLLECTED ON CANNABIS OR CANNABIS PRODUCTS THAT ARE SOLD BY WHOLESALERS INCLUDING DISTRIBUTORS, PRODUCERS, SMALL FARMS, AND HOME GARDENS AND ANY OTHER PERSON SELLING FOR RESALE.
 3. NO CANNABIS SPECIFIC TAXES MAY BE LEVIED.
 4. NO CANNABIS SPECIFIC RESTRICTIONS MAY BE LEVIED, ENACTED, OR ENFORCED AGAINST SIGNAGE FOR ADVERTISMENT OF CANNABIS, CANNABIS PRODUCTS, CANNABIS FOOD PRODUCTS, OR RELIGIOUS MINISTRIES.

3-3706. Licensing

- A. NO PERMIT, LICENSE OR TAX SHALL BE REQUIRED FOR THE MANUFACTURE, CULTIVATION, TRANSPORTATION, OR CONSUMPTION OF CANNABIS FOR PERSONAL USE OR FOR THE TRANSFER OF CANNABIS TO OTHER PERSONS FOR PERSONAL USE WHO ARE AT LEAST EIGHTEEN YEARS OF AGE.
- B. A PERSON OR ENTITY OPERATING A BUSINESS FOR PROFIT FROM RETAIL SALES OF CANNABIS OR CANNABIS PRODUCTS SHALL OBTAIN A TRANSACTION PRIVILEGE TAX LICENSE, OR ANY STANDARD LOCAL TAX AND/OR BUSINESS LICENSE THAT IS GENERALLY APPLICABLE TO THE TYPE OF COMMERCIAL ACTIVITY THE BUSINESS IS ENGAGED IN AND SHALL BE SUBJECT TO GENERALLY APPLICABLE AGRICULTURAL LAWS AND REGULATIONS. NO CANNABIS-SPECIFIC LICENSES SHALL BE MANDATED, ENACTED OR REQUIRED, AND NO CANNABIS-SPECIFIC LICENSE FEES SHALL BE LEVIED, ENACTED, MANDATED, REQUIRED, OR COLLECTED. NO CANNABIS-SPECIFIC TAXES SHALL BE LEVIED, MANDATED, REQUIRED, OR COLLECTED.
- C. A PERSON WHO ENGAGES IN THE SALE OF CANNABIS LAWFULLY PRODUCED AT A HOME GARDEN SHALL NOT BE SUBJECT TO LICENSING OR TAXATION. NO LICENSE SHALL BE REQUIRED FOR THE HOME GARDEN WHERE THE CANNABIS WAS LAWFULLY PRODUCED.



- D. OWNERS, AND THEIR AGENTS, OF COMMERCIAL GROW'S, SMALL FARMS, AND HOME GARDENS SHALL NOT BE DENIED THE RIGHT TO SELL AND DISPOSE OF CANNABIS AT THEIR DISCRETION OR RESTRICTED IN ANY OTHER MANNER, EXCEPT IN THE MANNER AND TO THE EXTENT PROVIDED FOR IN THIS CHAPTER.
- E. A COMMERCIAL GROW MAY BE SUBJECT TO INSPECTION BY THE DEPARTMENT OF AGRICULTURE WHEN THE INSPECTION IS UNIFORM AS TO THE SAME PRODUCT AND WITHOUT COST TO THE PRODUCER.
- F. A PERSON WHO MAINTAINS A HOME GARDEN MAY NOT BE DENIED THE RIGHT TO SELL AND DISPOSE OF CANNABIS OR RESTRICTED IN ANY MANNER, EXCEPT IN THE MANNER AND TO THE EXTENT PROVIDED FOR IN THIS CHAPTER, AND PROVIDED THAT THE SALE TAKES PLACE AT A LOCATION ZONED FOR COMMERCIAL ACTIVITY.
- G. HOME GARDENS, AND SMALL FARMS SHALL NOT BE SUBJECT TO INSPECTION BY LAWFUL AUTHORITY. HOME GARDENS, AND SMALL FARMS SHALL BE EXEMPT FROM ALL INSPECTIONS.
- H. THE RIGHT TO SELL AND DISPOSE OF CANNABIS SHALL EXTEND TO THE PRODUCER'S EMPLOYEES AND AGENTS WHEN THE PRODUCTS ARE SOLD OR DISPOSED OF ON HIS BEHALF AND FOR HIS BENEFIT.
- I. ANY CANNABIS PRODUCTS PRODUCED BY A COMMERCIAL GROW, AND SMALL FARMS THAT ARE INTENDED FOR WHOLESALE OR RETAIL SALES SHALL, PRIOR TO SALE, BE CONTAINED OR PACKAGED AND LABELED OR HAVE SIGNAGE PLACED IN A CONSPICUOUS PLACE WITH THE FOLLOWING INFORMATION REGARDING THE PRODUCT:
 - 1. A SYMBOL OR OTHER MARK INDICATING THAT THE PACKAGE CONTAINS CANNABIS.
 - 2. INFORMATION INDICATING THE TETRAHYDROCANNABINOL, CANNABIDIOL POTENCY LEVELS.
 - 3. SPORE COUNT LEVEL OF ANY MOLD PRESENT.
 - 4. THE RESIDUAL SOLVENTS USED; INFORMATION REGARDING TRACE METALS; PESTICIDES; HERBICIDES; FUNGICIDES; AND WHETHER THE CANNABIS HAS BEEN GENETICALLY MODIFIED (GMO/GM), OR HAD ADDITIVES ADDED BEFORE THE POINT OF SALE.
 - 5. PRODUCT NAME, BATCH NUMBER, ORIGIN, AND WEIGHT OF THE CANNABIS.

3-3707. Exemptions

- A. COMMERCE IN CANNABIS THAT HAS MORE THAN 1.0% THC SHALL BE LIMITED TO ADULTS WHO ARE AT LEAST EIGHTEEN YEARS OF AGE.
- B. NO PERSON OR ENTITY SHALL KNOWINGLY SELL OR TRANSFER CANNABIS THAT HAS MORE THAN 1.0% THC TO A PERSON UNDER EIGHTEEN YEARS OF AGE WITH THE EXCEPTION OF A PARENT OR LEGAL GUARDIAN WHO TRANSFERS CANNABIS TO THEIR MINOR CHILD OUT OF MEDICAL NECESSITY. A PARENT OR LEGAL GUARDIAN MAY PROVIDE MEDICAL MARIJUANA TO A SCHOOL NURSE, OR COUNSELOR, FOR THE ADMINISTRATION OF SUCH CANNABIS OUT OF MEDICAL NECESSITY TO THEIR MINOR CHILD WHILE ATTENDING SCHOOL.
- C. NO PERSON UNDER THE AGE OF EIGHTEEN SHALL KNOWINGLY OR LAWFULLY PURCHASE, CULTIVATE, SELL, POSSESS, OR USE ANY CANNABIS THAT HAS MORE THAN 1.0% THC BUT THERE SHALL BE NO AGE RESTRICTION FOR THE POSSESSION OR USE OF CANNABIS WITH 1.0% THC OR LESS. RETAILERS WHO DO DUE DILLIGENCE TO DISCOVER THE APPROPRIATE AGE OF A PURCHASER SHALL NOT BE HELD LIABLE FOR SALES OR TRANSFERS TO MINORS WHERE FALSE IDENTIFICATION WAS PRODUCED BY UNDERAGE PERSONS.
- D. NOTHING IN THIS CHAPTER PREVENTS THE OWNER OR LESSOR OF PRIVATE PROPERTY TO PROHIBIT THE SMOKING OF CANNABIS ON THAT PRIVATE PROPERTY.
- E. RELIGIOUS MINISTRIES SHALL BE EXEMPT FROM ALL ARRESTS, DETENTIONS, INSPECTIONS, TAXES, FEES, AND LICENSING AS PERTAINS TO CANNABIS, CANNABIS PRODUCTS AND CANNABIS FOOD PRODUCTS AS DEFINED IN THIS ACT. NO INSPECTIONS, LICENSES OR TAXES SHALL BE REQUIRED OR LEVIED FOR THE SALE, PURCHASE, CULTIVATION, MANUFACTURING, PROCESSING, DISTRIBUTION OR TRANSPORTATION OF CANNABIS, CANNABIS FOOD PRODUCTS OR CANNABIS PRODUCTS. RELIGIOUS MINISTRIES MAY ALSO PREPARE CANNABIS INFUSED FOOD AND DRINK FOR CONSUMPTION OR SALE ACCORDING TO THEIR TRADITION, INCLUDING BUT NOT LIMITED TO KOSHER, HALAL, AND ANY OTHER METHOD. RELIGIOUS MINISTRIES SHALL NOT BE PENALIZED BY THE STATE OF ARIZONA FOR, NOR RESTRICTED OR PREVENTED FROM RECOMMENDING CANNABIS FOR SPIRITUAL CARE TO THEIR MEMBERS WHO SEEK SUCH HELP. MINISTRIES SHALL FUNCTION ACCORDING TO THEIR TRADITION AND SET THEIR OWN CANNABIS STANDARDS, POLICIES, AND PROCEDURES.

3-3708. Driving Under the Influence

- A. THIS CHAPTER DOES NOT PREVENT THE IMPOSITION OF ANY CIVIL, CRIMINAL, OR OTHER PENALTIES FOR OPERATING, NAVIGATING OR BEING IN ACTUAL PHYSICAL CONTROL OF ANY MOTOR VEHICLE, AIRCRAFT, OR MOTORBOAT WHILE UNDER THE INFLUENCE OF CANNABIS EXCEPT, NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO PERSON MAY BE ARRESTED, PROSECUTED, CONVICTED OR PENALIZED IN ANY MANNER, INCLUDING ANY CIVIL PENALTY OR DISCIPLINARY ACTION BY A COURT OR OCCUPATIONAL OR PROFESSIONAL LICENSING BOARD OR BUREAU OR BE DENIED ANY RIGHT OR PRIVILEGE, FOR HAVING CANNABIS OR ITS COMPONENTS AND METABOLITES IN THE PERSON'S BODY OR BREATH OR IN THE PERSON'S POSSESSION. THIS SECTION PROHIBITS, AMONG OTHER THINGS, ARREST, PROSECUTION, CONVICTION OR PENALTY FOR A DUI PER SE OFFENSE, WHICH IS CURRENTLY DEFINED BY A.R.S. 28-1381(A)(3);
- B. IN A PROSECUTION FOR DRIVING UNDER THE INFLUENCE, INCLUDING UNDER A.R.S. 28-1381(A)(1) AND A.R.S. 28-1381(A)(3), THE STATE SHALL NOT BE PERMITTED TO ENTER INTO EVIDENCE ANY TEST OR ANALYSIS OF A PERSON'S BODY, BREATH, HAIR, OR SKIN THAT INDICATES THE NANOGRAM LEVEL OF THC OR ACTIVE OR INACTIVE THC METABOLITES OR COMPONENTS IN OR ON THE PERSON'S BODY.
- C. A PERSON SHALL NOT BE SUBJECT TO A REVOCATION, SUSPENSION OR CANCELLATION OF A DRIVERS LICENSE BASED SOLELY ON THE PRESENCE OF CANNABIS OR ITS METABOLITES IN OR ON THE PERSON'S BODY.
- D. NO PERSON MAY BE REQUIRED TO INSTALL AN IGNITION INTERLOCK DEVICE OR ANY OTHER SIMILAR DEVICE IN THE PERSON'S VEHICLE, HOME, BODY OR OTHER PROPERTY BASED SOLELY ON A FINDING THAT THE PERSON WAS ACTUALLY IMPAIRED BY CANNABIS WHILE DRIVING. IT SHALL NOT BE REQUIRED BASED SOLELY ON A FINDING THAT THERE WAS CANNABIS OR ITS METABOLITES IN THE PERSON'S BODY OR BREATH OR IN THE PERSON'S POSSESSION WHILE DRIVING UNLESS ACTUAL IMPAIRMENT IS ALSO PROVEN.

3-3709. Gun Rights

- A. A PERSON'S RIGHT TO OWN, KEEP, AND BEAR ARMS SHALL NOT BE INFRINGED BY LAW ENFORCEMENT OR THE STATE OF ARIZONA BASED ON THE PERSON'S USE, CONSUMPTION, SALE, PROCESSING, MANUFACTURE, CULTIVATION, PRODUCTION, PURCHASE, POSSESSION OR TRANSPORTATION OF CANNABIS, CANNABIS PRODUCTS, CANNABIS ACCESSORIES, OR RELIGIOUS EXPRESSION.
- B. A PERSON'S POSSESSION OF A FIREARM SHALL NOT BE RECORDED IN ANY REPORT, WHETHER WRITTEN, ELECTRONIC, DIGITAL, PHOTOGRAPHIC OR OTHERWISE, BY LAW ENFORCEMENT OR ANY STATE GOVERNMENTAL AGENCY BASED ON THE FACT THAT THE PERSON POSSESSED THE FIREARM IN THE VICINITY OF A PERSON'S USE, CONSUMPTION, SALE, MANUFACTURE, CULTIVATION, PRODUCTION, PURCHASE, POSSESSION, EXTRACTION, TRANSPORTATION, MINISTRY, OR PROCESSING OF CANNABIS, CANNABIS PRODUCTS, CANNABIS FOOD PRODUCTS OR CANNABIS ACCESSORIES.

3-3710. Search and Seizure

- A. EXCEPT AS PROVIDED FOR IN THIS CHAPTER, NO SEARCH OR ARREST SHALL BE MADE, OR ANY PERSONAL OR REAL PROPERTY BE SEIZED OR FORFEITED, BASED UPON A FINDING THAT CANNABIS IS OR WAS IN THE PROCESS OF BEING POSSESSED, PURCHASED, USED, CULTIVATED, EXTRACTED, PRODUCED, TRANSPORTED, MANUFACTURED, ADMINISTERED, GIVEN OR SOLD OR ANY OTHER USE.
- B. IF A WARRANT IS ISSUED IN VIOLATION OF SUBSECTION (A) OF THIS SECTION, THE LAW ENFORCEMENT AGENCY THAT OBTAINED THE WARRANT SHALL BE SUBJECT TO A CIVIL PENALTY OF A MINIMUM OF \$50,000 PAYABLE TO THE PERSON

WHO WAS ARRESTED OR WHO OWNS THE PROPERTY THAT WAS SEARCHED OR SEIZED AND THE AGENTS CARRYING OUT THE ORDER SHALL BE GUILTY OF A CLASS FIVE FELONY. ALL SEIZED PROPERTY SHALL BE RETURNED TO THE OWNER FORTHWITH. A PRIVATE CAUSE OF ACTION FOR THE RECOVERY OF THIS PENALTY SHALL BE ACCEPTED BY THE SUPERIOR COURT HAVING GEOGRAPHIC JURISDICTION OVER THE PLACE WHERE THE VIOLATION OCCURRED. THE FILING FEE FOR SUCH AN ACTION SHALL NOT EXCEED \$10. THERE SHALL BE NO IMMUNITY FROM THIS PENALTY BY STATUTE OR OTHERWISE, INCLUDING BASED ON A CLAIM OF HAVING ACTED IN "GOOD FAITH".

- C. ANYTHING DISCOVERED DURING A SEARCH IN VIOLATION OF SUBSECTION (A) OF THIS SECTION SHALL NOT BE ADMISSIBLE AS EVIDENCE IN ANY CRIMINAL, CIVIL, ADMINISTRATIVE OR OCCUPATIONAL LICENSING ACTION OR PROCEEDING AGAINST ANY PERSON, REGARDLESS OF WHETHER THE PERSON HAD A PRIVACY INTEREST IN THE PROPERTY SEARCHED.

3-3711. Retroactive Application, and Post Conviction Relief, and Expungement

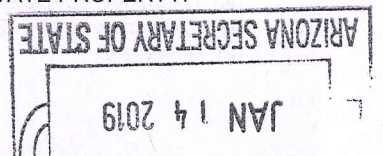
- A. ANY PERSON WHO IS ALLEGED TO HAVE COMMITTED AN OFFENSE PRIOR TO THE EFFECTIVE DATE OF THIS ACT THAT WAS DEFINED UNDER A.R.S. 13-3405 OR A.R.S. 13-3408 OR WHO IS ALLEGED TO HAVE COMMITTED ANY OTHER OFFENSE THAT IS PREDICATED, IN WHOLE OR IN PART, ON A VIOLATION OF A.R.S. 13-3405 OR A.R.S. 13-3408, SHALL BE SENTENCED TO THE PROVISIONS OF THIS ACT AND NOT UNDER THE SENTENCING PROVISIONS IN EFFECT AT THE TIME THAT THE OFFENSE WAS COMMITTED.
- B. ANY PERSON WHO WAS SENTENCED PRIOR TO THE EFFECTIVE DATE OF THIS ACT UNDER A.R.S. 13-3405(B) OR A.R.S. 13-3408(B) OR WHO WAS SENTENCED FOLLOWING A CONVICTION FOR THE COMMISSION OF ANY OTHER OFFENSE THAT IS PREDICATED, IN WHOLE OR IN PART, ON A VIOLATION OF A.R.S. 13-3405 OR A.R.S. 13-3408, SHALL HAVE THE RIGHT TO HAVE THE SENTENCE MODIFIED AS FOLLOWS:
1. ANY PERSON WHO WAS SENTENCED TO A TERM OF INCARCERATION OR PROBATION PRIOR TO THE EFFECTIVE DATE OF THIS ACT UNDER A.R.S. 13-3405(B) OR A.R.S. 13-3408(B) OR WHO WAS SENTENCED FOLLOWING A CONVICTION FOR THE COMMISSION OF ANY OTHER OFFENSE THAT IS PREDICATED, IN WHOLE OR IN PART, ON A VIOLATION OF A.R.S. 13-3405 OR A.R.S. 13-3408 MAY FILE A MOTION TO MODIFY SENTENCE WITH THE JUDGE, COMMISSIONER, JUSTICE OF THE PEACE OR MAGISTRATE WHO PRONOUNCED SENTENCE OR IMPOSED PROBATION OR SUCH JUDGE, COMMISSIONER, JUSTICE OF THE PEACE OR MAGISTRATE'S SUCCESSOR IN OFFICE.
 2. NO LATER THAN THIRTY (30) DAYS FROM THE FILING DATE OF THE MOTION TO MODIFY SENTENCE, THE COURT SHALL EITHER GRANT THE MOTION TO MODIFY SENTENCE OR, IF THE STATE OBJECTS, SCHEDULE A CONTESTED RESENTENCING HEARING.
 3. AT THE HEARING ON THE MOTION TO MODIFY SENTENCE, THE COURT SHALL DETERMINE THE FOLLOWING:
 - (A) IF CURRENTLY SERVING A TERM OF INCARCERATION OR PROBATION, WHETHER THE PERSON WOULD HAVE BEEN SENTENCED TO A SHORTER TERM OR NO TERM AT ALL OF INCARCERATION OR PROBATION UNDER THIS ACT.
 - (B) IF THE COURT DETERMINES THAT A SHORTER TERM OR NO TERM AT ALL WOULD HAVE BEEN IMPOSED UNDER THIS SECTION AS AMENDED, IT SHALL GRANT THE MOTION TO MODIFY SENTENCE AND ORDER A MODIFICATION OF SENTENCE THAT IS CONSISTENT WITH THE PENALTY PROVISIONS OF THIS ACT INSTEAD. UNDER NO CIRCUMSTANCES MAY A MODIFICATION OF SENTENCE UNDER THIS SECTION RESULT IN THE IMPOSITION OF ADDITIONAL PENALTIES.
 4. THE COURT SHALL GRANT THE MOTION TO MODIFY SENTENCE NO LATER THAN THIRTY (30) DAYS FROM THE DATE OF THE FILING OF THE MOTION TO MODIFY SENTENCE.
- C. AT ANY TIME AFTER THE COMPLETION OF A DEFENDANT'S SENTENCE IMPOSED PURSUANT TO THIS SECTION, OR IMPOSED PURSUANT TO A.R.S. 13-3405(B) OR A.R.S. 13-3408(B) OR PURSUANT TO A CONVICTION FOR THE COMMISSION OF ANY OTHER OFFENSE THAT IS PREDICATED, IN WHOLE OR IN PART, ON A VIOLATION OF A.R.S. 13-3405 OR A.R.S. 13-3408 THE DEFENDANT MAY FILE A PETITION TO EXPUNGE CONVICTION WITH THE JUDGE, JUSTICE OF THE PEACE OR MAGISTRATE WHO PRONOUNCED SENTENCE OR IMPOSED PROBATION OR SUCH JUDGE, JUSTICE OF THE PEACE OR MAGISTRATE'S SUCCESSOR IN OFFICE.
1. WITHIN THIRTY (30) DAYS OF THE FILING OF A PETITION TO EXPUNGE CONVICTION, IF THE COURT DETERMINES THAT THE DEFENDANT'S CONDUCT WOULD NOT HAVE RESULTED IN A CRIMINAL CONVICTION UNDER THIS ACT, THEN THE COURT SHALL ORDER AS FOLLOWS:
 - (A) ALL SUCH CONVICTIONS UNDER THAT CASE NUMBER BE EXPUNGED AND CLEARED FROM ALL COURT RECORDS, POLICE RECORDS AND ANY OTHER RECORDS OF ANY OTHER AGENCY RELATING TO SUCH CONVICTION AND SHALL CAUSE A COPY OF SUCH ORDER TO BE DELIVERED TO ALL LAW ENFORCEMENT AGENCIES AND COURTS.
 - (B) THE CONVICTION BE PERMANENTLY OBLITERATED FROM ALL RECORDS WHETHER ELECTRONIC, DIGITAL, WRITTEN OR OTHER AND SHALL ORDER THAT THE CONVICTION NOT BE USED AGAINST THE DEFENDANT FOR ANY PURPOSE, INCLUDING IN ANY CIVIL, CRIMINAL OR ADMINISTRATIVE PROCEEDING.

3-3712. Penalties

- A. ANY PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE AND IS IN POSSESSION OF CANNABIS CONTAINING MORE THAN 1.0% THC SHALL BE REMANDED FORTHWITH BY THE ARRESTING AGENCY TO THE AUTHORITY OF THE PERSON'S PARENT OR LEGAL GUARDIAN. IF THE PERSON IS AT LEAST EIGHTEEN YEARS OF AGE OR HAS A VALID ARIZONA MEDICAL MARIJUANA PATIENT REGISTRATION CARD, HE SHALL BE RELEASED FORTHWITH.
- B. ANY PERSON WHO IS AT LEAST EIGHTEEN YEARS OF AGE OR OLDER WHO SELLS OR TRANSFERS CANNABIS CONTAINING MORE THAN 1.0% THC TO ANOTHER PERSON WHO IS FIFTEEN, SIXTEEN OR SEVENTEEN YEARS OF AGE IS GUILTY OF A CLASS THREE MISDEMEANOR AND SHALL BE SUBJECT TO A CIVIL FINE NOT TO EXCEED \$750.
- C. ANY PERSON WHO IS AT LEAST EIGHTEEN YEARS OF AGE OR OLDER WHO SELLS OR TRANSFERS CANNABIS CONTAINING MORE THAN 1.0% THC TO ANOTHER PERSON WHO IS UNDER THE AGE OF FIFTEEN IS GUILTY OF A CLASS TWO MISDEMEANOR AND SHALL BE SUBJECT TO A CIVIL FINE OF \$1,000.
- D. UNLESS OTHERWISE PROVIDED IN THIS CHAPTER, ALL OTHER VIOLATIONS OF THIS CHAPTER ARE SUBJECT TO A CIVIL PENALTY AS FOLLOWS:
1. FOR THE FIRST VIOLATION, NOT TO EXCEED \$50.
 2. FOR THE SECOND VIOLATION, NOT TO EXCEED \$150.
 3. FOR THE THIRD AND SUBSEQUENT VIOLATIONS WITHIN ONE CALENDAR YEAR, NOT TO EXCEED \$200.
- H. NOTWITHSTANDING ANY OTHER LAW, NO SURCHARGES, FEES, OR OTHER MULTIPLIERS MAY INCREASE THE MAXIMUM CIVIL PENALTIES IN ANY AMOUNT BEYOND THOSE HERE LISTED.

3-3713. Public and Private Property and Business Owners Rights, and Protections

- A. THIS CHAPTER DOES NOT REQUIRE AN EMPLOYER TO ALLOW OR ACCOMMODATE THE POSSESSION OR CONSUMPTION OF CANNABIS OR CANNABIS PRODUCTS IN THE WORKPLACE AND DOES NOT AFFECT THE ABILITY OF EMPLOYERS TO ENACT AND ENFORCE WORKPLACE POLICIES RESTRICTING THE CONSUMPTION OF CANNABIS BY EMPLOYEES IN THE WORKPLACE.
- B. THIS CHAPTER DOES NOT PROHIBIT A PERSON WHO OWNS, MANAGES OR LEASES PRIVATE REAL OR PERSONAL PROPERTY FROM PROHIBITING OR OTHERWISE REGULATING THE, SMOKING, PRODUCTION, PROCESSING, MANUFACTURE OR SALE OF CANNABIS AND CANNABIS PRODUCTS ON OR IN THAT PRIVATE PROPERTY.



- C. IN ADDITION TO THE PRIVATE PROPERTY RIGHTS PROVIDED FOR ABOVE THE POSSESSION OF CANNABIS SHALL BE PROHIBITED IN THE FOLLOWING PLACES ONLY:
1. IN PUBLIC SCHOOL BUSES OR OTHER PUBLIC SCHOOL DISTRICT VEHICLES.
 2. ON THE GROUNDS OF ANY PUBLIC PRE-SCHOOL, PUBLIC PRIMARY OR SECONDARY SCHOOL, BUT SHALL NOT BE PROHIBITED ON THE GROUNDS OF ANY PUBLIC UNIVERSITY, COLLEGE, COMMUNITY COLLEGE OR POSTSECONDARY EDUCATIONAL INSTITUTION. PRIVATE SCHOOLS MAY SET THEIR OWN POLICIES AND PROCEDURES FOR CANNABIS EDUCATION AT THEIR INSTITUTIONS.
 3. GOVERNMENT BUILDINGS OR ANY CORRECTIONAL FACILITY EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER.
 - D. IN ADDITION TO THE PRIVATE PROPERTY RIGHTS PROVIDED FOR ABOVE, SMOKING CANNABIS IS PROHIBITED IN THE FOLLOWING PLACES ONLY:
 1. GOVERNMENT BUILDINGS OR ANY CORRECTIONAL FACILITY, HOWEVER CORRECTIONAL FACILITIES SHALL ALLOW FOR EDIBLE, OIL, ENCAPSULATED OR ANY OTHER NON-SMOKING METHOD OF DELIVERY OF MEDICAL MARIJUANA FOR PRISONERS AT CURRENT CIVILIAN MARKET PRICES WITHOUT ADDITIONAL FEES, TAXES, OR FINES OR ANY OTHER FINANCIAL MULTIPLIERS.
 2. ANY MEANS OF PUBLIC TRANSPORTATION SUCH AS PUBLIC TRAINS AND PUBLIC BUSES.

3-3714. Interpretation

IN ANY CRIMINAL, CIVIL OR ADMINISTRATIVE MATTER, IF A PROVISION OF THIS ACT OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS FOUND TO BE AMBIGUOUS OR UNCLEAR, THE COURT SHALL INTERPRET THE PROVISION AGAINST THE GOVERNMENT AND IN THE MANNER THAT IS MOST FAVORABLE TO THE INDIVIDUAL IN ANY CRIMINAL, CIVIL OR ADMINISTRATIVE PROCEEDING.

3-3715. Severability

IF ANY PROVISION OF THIS ACT, OR THE APPLICATION OF ANY SUCH PROVISION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID BY THE SUPREME COURT, THE REMAINDER OF THIS CHAPTER, TO THE EXTENT IT CAN BE GIVEN EFFECT, OR THE APPLICATION OF SUCH PROVISIONS TO PERSONS OR CIRCUMSTANCES OTHER THAN THOSE AS TO WHICH IT IS HELD INVALID, SHALL NOT BE AFFECTED THEREBY, AND TO THIS END THE PROVISIONS OF THIS ACT ARE SEVERABLE.

Sec. 4. Article 13

Title 42, Chapter 3, Arizona Revised Statutes, is amended by adding Article 13 to read:

ARTICLE 13.

CANNABIS AND CANNABIS PRODUCTS

42-3601. Levy and Rates of Tax

- EXCEPT AS PROVIDED FOR IN THE SUBSECTIONS BELOW, THERE IS LEVIED AND IMPOSED AND SHALL BE COLLECTED BY THE DEPARTMENT OF REVENUE A TAX ON ALL CANNABIS AND CANNABIS PRODUCTS SOLD RETAIL TO ANY PERSON THAT SHALL NOT EXCEED THE PREVAILING GENERAL RETAIL SALES TAX.
- TAXES SHALL NOT BE LEVIED ON CANNABIS FOOD PRODUCTS.
- THERE SHALL BE NO TAX LEVIED, IMPOSED OR COLLECTED ON CANNABIS, CANNABIS FOOD PRODUCTS, OR CANNABIS PRODUCTS THAT ARE SOLD BY WHOLESALERS INCLUDING DISTRIBUTORS, PRODUCERS, SMALL FARMS, AND HOME GARDENS.
- NO CANNABIS SPECIFIC TAXES MAY BE LEVIED.

42-3602. Disposition of Revenue

- EACH QUARTER THE DEPARTMENT OF REVENUE SHALL TRANSFER ALL MONIES EXCEEDING THE AMOUNT NEEDED TO IMPLEMENT AND ENFORCE TITLE 3 CHAPTER 21 IN ANY FISCAL YEAR. FORTY PERCENT OF THE TRANSFERRED MONIES SHALL BE DISTRIBUTED TO SCHOOL DISTRICTS AND CHARTER SCHOOLS IN PROPORTION TO EACH SCHOOL'S WEIGHTED STUDENT COUNT FOR THE FISCAL YEAR PURSUANT TO SECTION 15-943, PARAGRAPH 2, SUBDIVISION (A), FOR EDUCATION-RELATED EXPENSES, INCLUDING COMPENSATION OF TEACHERS, CLASSIFIED EMPLOYEES, ART, AND HUMANITIES PROGRAMS AND OPERATION COSTS OF KINDERGARTEN PROGRAMS AND GRADES ONE THROUGH TWELVE. SIXTY PERCENT OF TRANSFERRED MONIES SHALL BE DISTRIBUTED TO AHCCCS FOR EXPANDED HEALTH CARE-RELATED EXPENSES FOR QUALIFYING INDIVIDUALS AND FAMILIES FOR HEALTH CARE COSTS, FEES, PRESCRIPTION MEDICATION, FACILITIES AND CAREGIVER COMPENSATION.
- ALL TAXES COLLECTED PURSUANT TO THIS ARTICLE SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147 AND TRANSFERRED QUARTERLY TO THE STATE GENERAL FUND TO BE DISPERSED ONLY AS DESCRIBED IN THIS CHAPTER.
- ALL MONIES COLLECTED AS PENALTIES PURSUANT TO TITLE 3 CHAPTER 21 SHALL BE PLACED IN THE STATE GENERAL FUND TO BE USED BY THE ARIZONA DEPARTMENT OF EDUCATION SOLELY FOR THE ADDITIONAL FUNDING OF K-12 SPECIAL EDUCATION PROGRAMS AND EQUIPMENT.

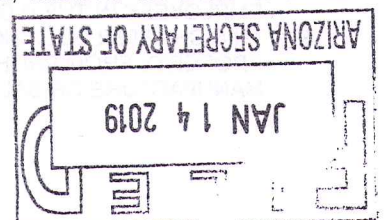
Sec. 5. Amendments. The following consists of actual Arizona Revised Statutes that the changes set forth in this Act amend, repeal or delete.

Section 13-3401, Arizona Revised Statutes is amended to read:

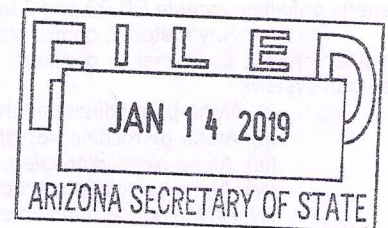
13-3401. Definitions

In this chapter, unless the context otherwise requires:

1. "Administer" means to apply, inject or facilitate the inhalation or ingestion of a substance to the body of a person.
2. "Amidone" means any substance identified chemically as (4□4□diphenyl□6□dimethylamine□heptanone□3), or any salt of such substance, by whatever trade name designated.
3. "Board" means the Arizona state board of pharmacy.
4. ~~"Cannabis" means the following substances under whatever names they may be designated:~~
 - ~~(a) The resin extracted from any part of a plant of the genus cannabis, and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or its resin. Cannabis does not include oil or cake made from the seeds of such plant, any fiber, compound, manufacture, salt, derivative, mixture or preparation of the mature stalks of such plant except the resin extracted from the stalks or any fiber, oil or cake or the sterilized seed of such plant which is incapable of germination.~~
 - ~~(b) Every compound, manufacture, salt, derivative, mixture or preparation of such resin or tetrahydrocannabinol.~~
5. 4. "Coca leaves" means cocaine, its optical isomers and any compound, manufacture, salt, derivative, mixture or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine, ecgonine or substances from which cocaine or ecgonine may be synthesized or made.
6. 5. "Dangerous drug" means the following by whatever official, common, usual, chemical or trade name designated:
 - (a) Any material, compound, mixture or preparation that contains any quantity of the following hallucinogenic substances and their salts, isomers, whether optical, positional or geometric, and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:
 - (i) Alpha-ethyltryptamine.
 - (ii) Alpha-methyltryptamine.
 - (iii) (2-aminopropyl) benzofuran (APB).
 - (iv) (2-aminopropyl)-2, 3-dihydrobenzofuran (APDB).
 - (v) Aminorex.



- (vi) 4-bromo-2, 5-dimethoxyphenethylamine.
- (vii) 4-bromo-2, 5-dimethoxyamphetamine.
- (viii) Bufotenine.
- (ix) [3-(3-carbamoylphenyl)phenyl]N-cyclohexyl carbamate (URB-597).
- (x) Diethyltryptamine.
- (xi) 2, 5-dimethoxyamphetamine.
- (xii) Dimethyltryptamine.
- (xiii) 5-methoxy-alpha-methyltryptamine.
- (xiv) 5-methoxy-3, 4-methylenedioxyamphetamine.
- (xv) 4-methyl-2, 5-dimethoxyamphetamine.
- (xvi) Ibogaine.
- (xvii) Lysergic acid amide.
- (xviii) Lysergic acid diethylamide.
- (xix) Mescaline.
- (xx) 4-methoxyamphetamine.
- (xxi) Methoxymethylenedioxyamphetamine (MMDA).
- (xxii) Methylenedioxyamphetamine (MDA).
- (xxiii) 3, 4-methylenedioxy-methamphetamine.
- (xxiv) 3, 4-methylenedioxy-N-ethylamphetamine.
- (xxv) N-ethyl-3-piperidyl benzilate (JB-318).
- (xxvi) N-hydroxy-3, 4-methylenedioxyamphetamine.
- (xxvii) N-methyl-3-piperidyl benzilate (JB-336).
- (xxviii) N-methyltryptamine mimetic substances that are any substances derived from N-methyltryptamine by any substitution at the nitrogen, any substitution at the indole ring, any substitution at the alpha carbon, any substitution at the beta carbon or any combination of the above. N-methyltryptamine mimetic substances do not include melatonin (5-methoxy-n-acetyltryptamine). Substances in the N-methyltryptamine generic definition include AcO-DMT, Baeocystine, Bromo-DALT, DiPT, DMT, DPT, HO-DET, HO-DiPT, HO-DMT, HO-DPT, HO-MET, MeO-DALT, MeO-DET, MeO-DiPT, MeO-DMT, MeO-DPT, MeO-NMT, MET, NMT and Norbufotenin.



(xxix) N-(1-phenylcyclohexyl) ethylamine (PCE).

(xxx) Nabilone.

(xxxi) 1-(1-phenylcyclohexyl) pyrrolidine (PHP).

(xxxii) 1-(1-(2-thienyl)-cyclohexyl) piperidine (TCP).

(xxxiii) 1-(1-(2-thienyl)-cyclohexyl) pyrrolidine.

(xxxiv) Para-methoxyamphetamine (PMA).

(xxxv) Psilacetin.

(xxxvi) Psilocybin.

(xxxvii) Psilocyn.

(xxxviii) Synhexyl.

(xxxix) Trifluoromethylphenylpiperazine (TFMPP).

- (xl) Trimethoxyamphetamine (TMA).
- (xli) 1-pentyl-3-(naphthoyl)indole (JWH-018 and isomers).
- (xlii) 1-butyl-3-(naphthoyl)indole (JWH-073 and isomers).
- (xliii) 1-hexyl-3-(naphthoyl)indole (JWH-019 and isomers).
- (xliv) 1-pentyl-3-(4-chloro naphthoyl)indole (JWH-398 and isomers).
- (xlv) 1-(2-(4-(morpholinyl)ethyl)-3-(naphthoyl)indole (JWH-200 and isomers).
- (xlvi) 1-pentyl-3-(methoxyphenylacetyl)indole (JWH-250 and isomers).
- (xlvii) (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone (JWH-015 and isomers).
- (xlviii) (6AR, 10AR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (HU-210).
- (xlix) 5-(1,1-dimethylheptyl)-2-(3-hydroxycyclohexyl)-phenol (CP 47,497 and isomers).
- (l) 5-(1,1-dimethyloctyl)-2-(3-hydroxycyclohexyl)-phenol (cannabicyclohexanol, CP-47,497 C8 homologue and isomers).
- (b) Any material, compound, mixture or preparation that contains any quantity of cannabimimetic substances and their salts, isomers, whether optical, positional or geometric, and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation. For the purposes of this subdivision, "cannabimimetic substances" means any substances within the following structural classes:
 - (i) 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent. Substances in the 2-(3-hydroxycyclohexyl)phenol generic definition include CP-47,497, CP-47,497 C8-Homolog, CP-55,940 and CP-56,667.
 - (ii) 3-(naphthoyl)indole or 3-(naphthylmethane)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent. Substances in the 3-(naphthoyl)indole generic definition include AM-678, AM-2201, JWH-004, JWH-007, JWH-009, JWH-015, JWH-016, JWH-018, JWH-019, JWH-020, JWH-046, JWH-047, JWH-048, JWH-049, JWH-050, JWH-070, JWH-071, JWH-072, JWH-073, JWH-076, JWH-079, JWH-080, JWH-081, JWH-082, JWH-094, JWH-096, JWH-098, JWH-116, JWH-120, JWH-122, JWH-148, JWH-149, JWH-175, JWH-180, JWH-181, JWH-182, JWH-184, JWH-185, JWH-189, JWH-192, JWH-193, JWH-194, JWH-195, JWH-196, JWH-197, JWH-199, JWH-200, JWH-210, JWH-211, JWH-212, JWH-213, JWH-234, JWH-235, JWH-236, JWH-239, JWH-240, JWH-241, JWH-242, JWH-262, JWH-386, JWH-387, JWH-394, JWH-395, JWH-397, JWH-398, JWH-399, JWH-400, JWH-412, JWH-413, JWH-414 and JWH-415.
 - (iii) 3-(naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent. Substances in the 3-(naphthoyl)pyrrole generic definition include JWH-030, JWH-145, JWH-146, JWH-147, JWH-150, JWH-156, JWH-243, JWH-244, JWH-245, JWH-246, JWH-292, JWH-293, JWH-307, JWH-308, JWH-346, JWH-348, JWH-363, JWH-364, JWH-365, JWH-367, JWH-368, JWH-369, JWH-370, JWH-371, JWH-373 and JWH-392.
 - (iv) 1-(naphthylmethylene)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent. Substances in the 1-(naphthylmethylene)indene generic definition include JWH-176.
 - (v) 3-(phenylacetyl)indole or 3-(benzoyl)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent. Substances in the 3-(phenylacetyl)indole generic definition include AM-694, AM-2233, JWH-167, JWH-201, JWH-202, JWH-203, JWH-204, JWH-205, JWH-206, JWH-207, JWH-208, JWH-209, JWH-237, JWH-248, JWH-250, JWH-251, JWH-253, JWH-302, JWH-303, JWH-304, JWH-305, JWH-306, JWH-311, JWH-312, JWH-313, JWH-314, JWH-315, JWH-316, RCS-4, RCS-8, SR-18 and SR-19.
 - (vi) 3-(cyclopropylmethanone) indole or 3-(cyclobutylmethanone) indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the cyclopropyl, cyclobutyl or cyclopentyl rings to any extent. Substances in the 3-(cyclopropylmethanone) indole generic definition include UR-144, fluoro-UR-144 and XLR-11.
 - (vii) 3-adamantylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent. Substances in the 3-adamantylindole generic definition include AB-001.
 - (viii) N-(adamantyl)-indole-3-carboxamide with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent. Substances in the N-(adamantyl)-indole-3-carboxamide generic definition include SDB-001.
 - (ix) Indazole-3-carboxamide with substitution at a nitrogen atom of the indazole ring, whether or not further substituted on the indazole ring to any extent, whether or not substituted on the nitrogen of the carboxamide to any extent. Substances in the indazole-3-carboxamide generic definition include AKB-48, fluoro-ARB-48, APINACA, AB-PINACA and AB-FUBINACA.

(x) 8-quinolinyl-indole-3-carboxylate by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the quinoline ring to any extent. Substances in the 8-quinolinyl-indole-3-carboxylate generic definition include PB-22 and fluoro-PB-22.

(c) Any material, compound, mixture or preparation that contains any quantity of the following substances and their salts, isomers, whether optical, positional or geometric, and salts of isomers having a potential for abuse associated with a stimulant effect on the central nervous system:

- (i) Alpha-pyrrolidinobutylphenone (Alpha-PBP).
- (ii) Alpha-pyrrolidinopropylphenone (Alpha-PPP).
- (iii) Alpha-pyrrolidinovalerophenone (Alpha-PVP).
- (iv) Alpha-pyrrolidinovalerophenone (Alpha-PVT).

(v) Aminoindane mimetic substances that are derived from aminoindane by any substitution at the indane ring, replacement of the amino group with another N group or any combination of the above. Substances in the aminoindane generic definition include MDAI, MMAI, IAI and AMMI.

- (vi) Amphetamine.
- (vii) Benzphetamine.
- (viii) Benzylpiperazine (BZP).
- (ix) Beta-keto-n-methylbenzodioxolylbutanamine (Butylone).
- (x) Beta-keto-n-methylbenzodioxolylpentanamine (Pentylone).
- (xi) Butorphanol.
- (xii) Cathine ((+)-norpseudoephedrine).
- (xiii) Cathinomimetic substances that are any substances derived from cathinone, (2-amino-1-phenyl-1-propanone) by any

substitution at the phenyl ring, any substitution at the 3 position, any substitution at the nitrogen atom or any combination of the above substitutions.

- (xiv) Cathinone.
- (xv) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).
- (xvi) Chlorphentermine.
- (xvii) Clortermine.
- (xviii) Diethylpropion.
- (xix) Dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (MDAI).
- (xx) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).
- (xxi) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).
- (xxii) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N).
- (xxiii) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).
- (xxiv) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).
- (xxv) Dimethylcathinone (Metamfepramone).
- (xxvi) Ethcathinone.
- (xxvii) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2).
- (xxviii) Fencamfamin.
- (xxix) Fenethylamine.
- (xxx) Fenproporex.
- (xxxi) Fluoroamphetamine.
- (xxxii) Fluoromethamphetamine.
- (xxxiii) Fluoromethcathinone.
- (xxxiv) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).
- (xxxv) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4).
- (xxxvi) Mazindol.
- (xxxvii) Mefenorex.
- (xxxviii) Methamphetamine.
- (xxxix) Methcathinone.

(xl) Methiopropamine.

(xli) Methoxy-alpha-pyrrolidinopropylphenone (MOPPP).

(xlii) Methoxymethcathinone (methedrone).

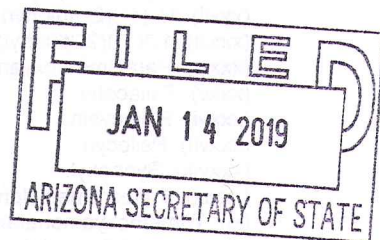
(xliii) Methoxyphenethylamine mimetic substances that are any substances derived from 2, 5-dimethoxy-phenethylamine by any substitution at the phenyl ring, any substitution at the nitrogen atom, any substitutions at the carbon atoms of the ethylamine, or any combination of the above substitutions.

- (xliv) 4-methylaminorex.
- (xlv) Methyl-a-pyrrolidinobutylphenone (MPBP).
- (xlvi) Methylendioxy-alpha-pyrrolidinopropylphenone (MDPPP).
- (xlvii) Methylendioxyethcathinone (Ethylone).
- (xlviii) Methylendioxymethcathinone (Methylone).
- (xlix) Methylendioxypropylvalerone (MDPV).
- (l) Methylmethcathinone (Mephedrone).
- (li) Methylphenidate.
- (lii) Modafinil.
- (liii) Naphthylpyrovalerone (Naphyrone).
- (liv) N-ethylamphetamine.
- (lv) N,N-dimethylamphetamine.
- (lvi) Pemoline.
- (lvii) Phendimetrazine.
- (lviii) Phenmetrazine.
- (lix) Phentermine.
- (lx) Pirradol.
- (lxi) Propylhexedrine.
- (lxii) Pyrovalerone.
- (lxiii) Sibutramine.
- (lxiv) Spa ((-)-1,2-dimethylamino-1,2-diphenylethane).

(d) Any material, compound, mixture or preparation that contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

(i) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, unless specifically excepted.

- (ii) Alprazolam.
- (iii) Bromazepam.
- (iv) Camazepam.
- (v) Carisoprodol.
- (vi) Chloral betaine.
- (vii) Chloral hydrate.
- (viii) Chlordiazepoxide.
- (ix) Chlorhexadol.
- (x) Clobazam.
- (xi) Clonazepam.
- (xii) Clorazepate.
- (xiii) Clotiazepam.
- (xiv) Cloxazolam.
- (xv) Delorazepam.
- (xvi) Diazepam.



- (xvii) Dichloralphenazone.
- (xviii) Estazolam.
- (xix) Ethchlorvynol.
- (xx) Ethinamate.
- (xxi) Ethyl loflazepate.
- (xxii) Fenfluramine.
- (xxiii) Fludiazepam.
- (xxiv) Flunitrazepam.
- (xxv) Flurazepam.
- (xxvi) Gamma hydroxy butyrate.
- (xxvii) Glutethimide.
- (xxviii) Halazepam.
- (xxix) Haloxazolam.
- (xxx) Hydroxyphenylcyclidine (HO-PCP).
- (xxxi) Ketamine.
- (xxxii) Ketazolam.
- (xxxiii) Loprazolam.
- (xxxiv) Lorazepam.
- (xxxv) Lormetazepam.
- (xxxvi) Lysergic acid.
- (xxxvii) Mebutamate.
- (xxxviii) Mecloqualone.
- (xxxix) Medazepam.
- (xl) Meprobamate.
- (xli) Methaqualone.
- (xlii) Methohexital.
- (xliii) 2-(methoxyphenyl)-2-(ethylamino)cyclohexanone(Methoxetamine).
- (xliv) 2-(methoxyphenyl)-2-(methylamino)cyclohexanone(Methoxyketamine).
- (xlv) Methoxyphenylcyclidine(MeO-PCP).
- (xlv) Methypylon.
- (xlvii) Midazolam.
- (xlviii) Nimetazepam.
- (xlix) Nitrazepam.
- (l) Nordiazepam.
- (li) Oxazepam.
- (lii) Oxazolam.
- (liii) Paraldehyde.
- (liv) Petrichloral.
- (lv) Phencyclidine (PCP).
- (lvi) Phencyclidine mimetic substances that are any substances derived from phenylcyclohexylpiperidine by any substitution at the

phenyl ring, any substitution at the piperidine ring, any substitution at the cyclohexyl ring, any replacement of the phenyl ring or any combination of the above. Substances in the phenylcyclohexylpiperidine generic definition include Amino□PCP, BCP, Bromo□PCP, BTCP, Chloro□PCP, Fluoro□PCP, HO□PCP, MeO□PCP, Methyl□PCP, Nitro□PCP, Oxo□PCP, PCE, PCM, PCPY, TCP and TCPY.

- (lvii) Pinazepam.
- (lviii) Prazepam.
- (lix) Scopolamine.
- (lx) Sulfondiethylmethane.
- (lxi) Sulfonethylmethane.
- (lxii) Sulfonmethane.
- (lxiii) Quazepam.
- (lxiv) Temazepam.
- (lxv) Tetrazepam.
- (lxvi) Tiletamine.
- (lxvii) Triazolam.
- (lxviii) Zaleplon.
- (lxix) Zolazepam.
- (lxx) Zolpidem.

(e) Any material, compound, mixture or preparation that contains any quantity of the following anabolic steroids and their salts, isomers or esters:

- (i) Boldenone.
- (ii) Clostebol (4□chlorotestosterone).
- (iii) Dehydrochloromethyltestosterone.
- (iv) Drostanolone.
- (v) Ethylestrenol.
- (vi) Fluoxymesterone.
- (vii) Formebolone (formebolone).
- (viii) Mesterolone.
- (ix) Methandriol.
- (x) Methandrostenolone (methandienone).
- (xi) Methenolone.
- (xii) Methyltestosterone.
- (xiii) Mibolerone.
- (xiv) Nandrolone.
- (xv) Norethandrolon.
- (xvi) Oxandrolone.
- (xvii) Oxymesterone.
- (xviii) Oxymetholone.
- (xix) Stanolone (4□dihydrotestosterone).
- (xx) Stanozolol.
- (xxi) Testolactone.
- (xxii) Testosterone.
- (xxiii) Trenbolone.

7. 6. "Deliver" means the actual, constructive or attempted exchange from one person to another, whether or not there is an agency relationship.

8. 7. "Director" means the director of the department of health services.

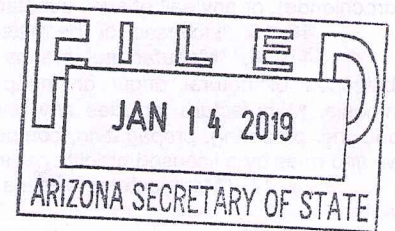
9. 8. "Dispense" means distribute, leave with, give away, dispose of or deliver.

10. 9. "Drug court program" means a program that is established pursuant to section 13□3422 by the presiding judge of the superior court in cooperation with the county attorney in a county for the purpose of prosecuting, adjudicating and treating drug dependent persons who meet the criteria and guidelines for entry into the program that are developed and agreed on by the presiding judge and the prosecutor.

11. 10. "Drug dependent person" means a person who is using a substance that is listed in paragraph 6, 19, 20, 21 or 28 5, 18, 19, OR 26 of this section and who is in a state of psychological or physical dependence, or both, arising from the use of that substance.

12. 11. "Federal act" has the same meaning prescribed in section 32□1901.

13. 12. "Isoamidone" means any substance identified chemically as (4□4□diphenyl□5-methyl□6-dimethylaminohexanone□3), or any salt of such substance, by whatever trade name designated.



44-13. "Isonipecaïne" means any substance identified chemically as (1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester), or any salt of such substance, by whatever trade name designated.

45-14. "Ketobemidone" means any substance identified chemically as (4-(3-hydroxyphenyl)-1-methyl-4-piperidylethyl ketone hydrochloride), or any salt of such substance, by whatever trade name designated.

46-15. "Licensed" or "permitted" means authorized by the laws of this state to do certain things.

47-16. "Manufacture" means produce, prepare, propagate, compound, mix or process, directly or indirectly, by extraction from substances of natural origin or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis. Manufacture includes any packaging or repackaging or labeling or relabeling of containers. Manufacture does not include any producing, preparing, propagating, compounding, mixing, processing, packaging or labeling done in conformity with applicable state and local laws and rules by a licensed practitioner incident to and in the course of his licensed practice.

48-17. "Manufacturer" means a person who manufactures a narcotic or dangerous drug or other substance controlled by this chapter.

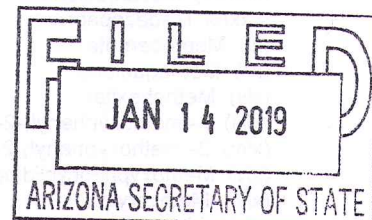
19. "Marijuana" means all parts of any plant of the genus cannabis, from which the resin has not been extracted, whether growing or not, and the seeds of such plant. Marijuana does not include the mature stalks of such plant or the sterilized seed of such plant which is incapable of germination.

20-18. "Narcotic drugs" means the following, whether of natural or synthetic origin and any substance neither chemically nor physically distinguishable from them:

- (a) Acetyl-alpha-methylfentanyl.
- (b) Acetylmethadol.
- (c) Alfentanil.
- (d) Allylprodine.
- (e) Alphacetylmethadol.
- (f) Alphameprodine.
- (g) Alphamethadol.
- (h) Alpha-methylfentanyl.
- (i) Alpha-methylthiofentanyl.
- (j) Alphaprodine.
- (k) Amidone (methadone).
- (l) Anileridine.
- (m) Benzethidine.
- (n) Benzylfentanyl.
- (o) Betacetylmethadol.
- (p) Beta-hydroxyfentanyl.
- (q) Beta-hydroxy-3-methylfentanyl.
- (r) Betameprodine.
- (s) Betamethadol.
- (t) Betaprodine.
- (u) Bezitramide.
- (v) Buprenorphine and its salts.
- ~~(w) Cannabis.~~
- ~~(x) (W) Carfentanil.~~
- (y) (X) Clonitazene.
- (z) (Y) Coca leaves.
- (aa) (Z) Dextromoramide.
- (bb) (AA) Dextropropoxyphene.
- (ee) (BB) Diampromide.
- (dd) (CC) Diethylthiambutene.
- (ee) (DD) Difenoxin.
- (ff) (EE) Dihydrocodeine.
- (gg) (FF) Dimenoxadol.
- (hh) (GG) Dimepheptanol.
- (ii) (HH) Dimethylthiambutene.
- (jj) (II) Dioxaphetyl butyrate.
- (kk) (JJ) Diphenoxylate.
- (ll) (KK) Dipipanone.
- (mm) (LL) Ethylmethylthiambutene.
- (nn) (MM) Etonitazene.
- (oo) (NN) Etoxadine.
- (pp) (OO) Fentanyl.
- (qq) (PP) Fentanyl mimetic substances that are any substances derived from fentanyl by any substitution in the phenethyl group,

any substitution in the piperidine ring, any substitution in the aniline ring, any replacement of the phenyl portion of the phenethyl group, any replacement of the N-propionyl group or any combination of the above.

- (rr) (QQ) Furethidine.
- (ss) (RR) Hydroxypethidine.
- (tt) (SS) Isoamidone (isomethadone).
- (uu) (TT) Pethidine (meperidine).
- (vv) (UU) Ketobemidone.
- (ww) (VV) Levomethorphan.
- (xx) (WW) Levomoramide.
- (yy) (XX) Levophenacymorphan.
- (zz) (YY) Levorphanol.
- (aaa) (ZZ) Metazocine.
- (bbb) (AAA) 3-methylfentanyl.
- (eee)(BBB) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP).
- (ddd) (CCC) 3-methylthiofentanyl.
- ~~(eee) (DDD) Morpheridine.~~
- (fff) (EEE) Noracymethadol.
- (ggg) (FFF) Norlevorphanol.
- (hhh) (GGG) Normethadone.
- (iii) (HHH) Norpipanone.
- (jjj) (III) Opium.
- (kkk) (JJJ) Para-fluorofentanyl.
- (lll) (KKK) Pentazocine.
- (mmm) (LLL) Phenadoxone.
- (nnn) (MMM) Phenampromide.
- (ooo) (NNN) Phenazocine.
- (ppp) (OOO) 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine (PEPAP).
- (qqq) (PPP) Phenomorphin.
- (rrr) (QQQ) Phenoperidine.
- (sss) (RRR) Piminodine.
- (ttt) (SSS) Piritramide.
- (uuu) (TTT) Proheptazine.
- (vvv) (UUU) Properidine.
- (www) (VVV) Propiram.
- (xxx) (WWW) Racemethorphan.



(yyy) (XXX) Racemoramide.
 (zzz) (YYY) Racemorphan.
 (aaa) (ZZZ) Remifentanil.
 (bbb) (AAA) Sufentanil.
 (eee) (BBB) Thenylfentanyl.
 (ddd) (CCC) Thiofentanyl.
 (eee) (DDD) Tilidine.
 (fff) (EEE) Trimeperidine.

24. 19. "Opium" means any compound, manufacture, salt, isomer, salt of isomer, derivative, mixture or preparation of the following, but does not include apomorphine or any of its salts:

- (a) Acetorphine.
- (b) Acetyldihydrocodeine.
- (c) Benzylmorphine.
- (d) Codeine.
- (e) Codeine methylbromide.
- (f) Codeine N-oxide.
- (g) Cyprenorphine.
- (h) Desomorphine.
- (i) Dihydromorphine.
- (j) Droterbanol.
- (k) Ethylmorphine.
- (l) Etorphine.
- (m) Heroin.
- (n) Hydrocodone.
- (o) Hydromorphanol.
- (p) Hydromorphone.
- (q) Levo-alphaacetylmethadol.
- (r) Methyldesorphine.
- (s) Methylhydromorphine.
- (t) Metopon.
- (u) Morphine.
- (v) Morphine methylbromide.
- (w) Morphine methylsulfonate.
- (x) Morphine N-oxide.
- (y) Myrophine.
- (z) Nalorphine.
- (aa) Nicocodeine.
- (bb) Nicomorphine.
- (cc) Normorphine.
- (dd) Oxycodone.
- (ee) Oxymorphine.
- (ff) Pholcodine.
- (gg) Thebacon.
- (hh) Thebaine.

22. 20. "Ordinary ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine product" means a product that contains ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine and that is all of the following:

- (a) Approved for sale under the federal act.
- (b) Labeled, advertised and marketed only for an indication that is approved by the federal food and drug administration.
- (c) Either:
 - (i) A nonliquid that is sold in package sizes of not more than three grams of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine and that is packaged in blister packs containing not more than two dosage units or, if the use of blister packs is technically infeasible, that is packaged in unit dose packets or pouches.
 - (ii) A liquid that is sold in package sizes of not more than three grams of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine.

23. 21. "Peyote" means any part of a plant of the genus lophophora, known as the mescal button.

24. 22. "Pharmacy" means a licensed business where drugs are compounded or dispensed by a licensed pharmacist.

25. 23. "Practitioner" means a person licensed to prescribe and administer drugs.

26. 24. "Precursor chemical I" means any material, compound, mixture or preparation which contains any quantity of the following substances and their salts, optical isomers or salts of optical isomers:

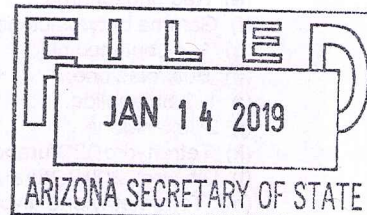
- (a) N-acetylanthranilic acid.
- (b) Anthranilic acid.
- (c) Ephedrine.
- (d) Ergotamine.
- (e) Isosafrole.
- (f) Lysergic acid.
- (g) Methylamine.
- (h) N-ethylephedrine.
- (i) N-ethylpseudoephedrine.
- (j) N-methylephedrine.
- (k) N-methylpseudoephedrine.
- (l) Norephedrine.
- (m) (-)-Norpseudoephedrine.
- (n) Phenylacetic acid.
- (o) Phenylpropanolamine.
- (p) Piperidine.
- (q) Pseudoephedrine.

27. 25. "Precursor chemical II" means any material, compound, mixture or preparation which contains any quantity of the following substances and their salts, optical isomers or salts of optical isomers:

- (a) 4-cyano-2-dimethylamino-4, 4-diphenyl butane.
- (b) 4-cyano-1-methyl-4-phenylpiperidine.
- (c) Chlorophedrine.
- (d) Chlorpseudoephedrine.
- (e) Ethyl-4-phenylpiperidine-4-carboxylate.
- (f) 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid.
- (g) 1-methyl-4-phenylpiperidine-4-carboxylic acid.
- (h) N-formyl amphetamine.
- (i) N-formyl methamphetamine.
- (j) Phenyl-2-propanone.
- (k) 1-piperidinocyclohexane carbonitrile.
- (l) 1-pyrrolidinocyclohexane carbonitrile.

28. 26. "Prescription only drug" does not include a dangerous drug or narcotic drug but means:

(a) Any drug which because of its toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use, is not generally recognized among experts, qualified by scientific training and experience to evaluate its safety and efficacy, as safe for use except by or under the supervision of a medical practitioner.



(b) Any drug that is limited by an approved new drug application under the federal act or section 32-1962 to use under the supervision of a medical practitioner.

(c) Every potentially harmful drug, the labeling of which does not bear or contain full and adequate directions for use by the consumer.

(d) Any drug required by the federal act to bear on its label the legend "Caution: Federal law prohibits dispensing without prescription" or "Rx only".

29- 27. "Produce" means grow, plant, cultivate, harvest, dry, process or prepare for sale.

30- 28. "Regulated chemical" means the following substances in bulk form that are not a useful part of an otherwise lawful product:

- (a) Acetic anhydride.
- (b) Hypophosphorous acid.
- (c) Iodine.
- (d) Sodium acetate.
- (e) Red phosphorus.
- (f) Gamma butyrolactone (GBL).
- (g) 1, 4-butanediol.
- (h) Butyrolactone.
- (i) 1, 2 butanolide.
- (j) 2-oxalalone.
- (k) Tetrahydro-2-furanone.
- (l) Dihydro-2(3H)-furanone.
- (m) Tetramethylene glycol.

31- 29. "Retailer" means either:

(a) A person other than a practitioner who sells any precursor chemical or regulated chemical to another person for purposes of consumption and not resale, whether or not the person possesses a permit issued pursuant to title 32, chapter 18.

(b) A person other than a manufacturer or wholesaler who purchases, receives or acquires more than twenty-four grams of a precursor chemical.

32- 30. "Sale" or "sell" means an exchange for anything of value or advantage, present or prospective.

33- 31. "Sale for personal use" means the retail sale for a legitimate medical use in a single transaction to an individual customer, to an employer for dispensing to employees from first aid kits or medicine chests or to a school for administration pursuant to section 15-344.

34- 32. "Scientific purpose" means research, teaching or chemical analysis.

35- 33. "Suspicious transaction" means a transaction to which any of the following applies:

(a) A report is required under the federal act.

(b) The circumstances would lead a reasonable person to believe that any person is attempting to possess a precursor chemical or regulated chemical for the purpose of unlawful manufacture of a dangerous drug or narcotic drug, based on such factors as the amount involved, the method of payment, the method of delivery and any past dealings with any participant.

(c) The transaction involves payment for precursor or regulated chemicals in cash or money orders in a total amount of more than two hundred dollars.

(d) The transaction involves a sale, a transfer or furnishing to a retailer for resale without a prescription of ephedrine, pseudoephedrine, (±)norpseudoephedrine or phenylpropanolamine that is not an ordinary ephedrine, pseudoephedrine, (-)norpseudoephedrine or phenylpropanolamine product.

36- 34. "Threshold amount" means a weight, market value or other form of measurement of an unlawful substance as follows:

- (a) One gram of heroin.
- (b) Nine grams of cocaine.
- (c) Seven hundred fifty milligrams of cocaine base or hydrolyzed cocaine.
- (d) Four grams or 50 milliliters of PCP.
- (e) Nine grams of methamphetamine, including methamphetamine in liquid suspension.
- (f) Nine grams of amphetamine, including amphetamine in liquid suspension.
- (g) One-half milliliter of lysergic acid diethylamide, or in the case of blotter dosage units fifty dosage units.
- ~~(h) Two pounds of marijuana.~~

~~(H)~~ (H) For any combination consisting solely of those unlawful substances listed in subdivisions (a) through (h) of this paragraph, an amount equal to or in excess of the threshold amount, as determined by the application of section 13-3420.

~~(I)~~ (I) For any unlawful substance not listed in subdivisions (a) through (h) of this paragraph or any combination involving any unlawful substance not listed in subdivisions (a) through (h) of this paragraph, a value of at least one thousand dollars.

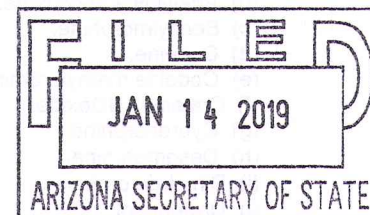
37- 35. "Transfer" means furnish, deliver or give away.

38- 36. "Vapor-releasing substance containing a toxic substance" means a material which releases vapors or fumes containing any of the following:

- (a) Ketones, including acetone, methyl ethyl ketone, mibk, miak, isophorone and mesityl oxide.
- (b) Hydrocarbons, including propane, butane, pentane, hexane, heptane and halogenated hydrocarbons.
- (c) Ethylene dichloride.
- (d) Pentachlorophenol.
- (e) Chloroform.
- (f) Methylene chloride.
- (g) Trichloroethylene.
- (h) Difluoroethane.
- (i) Tetrafluoroethane.
- (j) Aldehydes, including formaldehyde.
- (k) Acetates, including ethyl acetate and butyl acetate.
- (l) Aromatics, including benzene, toluene, xylene, ethylbenzene and cumene.
- (m) Alcohols, including methyl alcohol, ethyl alcohol, isopropyl alcohol, butyl alcohol and diacetone alcohol.
- (n) Ether, including Diethyl ether and petroleum ether.
- (o) Nitrous oxide.
- (p) Amyl nitrite.
- (q) Isobutyl nitrite.

39- 37. "Weight" unless otherwise specified includes the entire weight of any mixture or substance that contains a detectable amount of an unlawful substance. If a mixture or substance contains more than one unlawful substance, the weight of the entire mixture or substance is assigned to the unlawful substance that results in the greater offense. If a mixture or substance contains lysergic acid diethylamide, the offense that results from the unlawful substance shall be based on the greater offense as determined by the entire weight of the mixture or substance or the number of blotter dosage units. For the purposes of this paragraph, "mixture" means any combination of substances from which the unlawful substance cannot be removed without a chemical process.

40- 38. "Wholesaler" means a person who in the usual course of business lawfully supplies narcotic drugs, dangerous drugs, precursor chemicals or regulated chemicals that he himself has not produced or prepared, but not to a person for the purpose of consumption by the person, whether or not the wholesaler has a permit that is issued pursuant to title 32, chapter 18. Wholesaler includes a person who sells, delivers or dispenses a precursor chemical in an amount or under circumstances that would require registration as a distributor of precursor chemicals under the federal act.



Sec. 6. Section 36-2501, Arizona Revised Statutes is amended to read:

36-2501. Definitions

A. In this chapter, unless the context otherwise requires:

1. "Board" means the Arizona state board of pharmacy.

2. "Cannabis" means the following substances under whatever names they may be designated:

(a) Marijuana.

(b) (A) All parts of any plant of the genus cannabis, whether growing or not, its seeds, the resin extracted from any part of such plant, and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin, but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt,

derivative, mixture or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake or the sterilized seed of such plant which is incapable of germination.

(c) Every compound, manufacture, salt, derivative, mixture or preparation of such resin, tetrahydrocannabinol (T.H.C.), or of such plants from which the resin has not been extracted.

3. 2. "Controlled substance" means a drug, substance or immediate precursor in schedules I through V of article 2 of this chapter.

4. 3. "Department" means the department of public safety.

5. 4. "Drug dependent person" means a person who is using a controlled substance and who is in a state of psychic or physical dependence, or both, arising from the use of that substance on a continuous basis. Drug dependence is characterized by behavioral and other responses which include a strong compulsion to take the substance on a continuing basis in order to experience its psychic effects or to avoid the discomfort caused by its absence.

6. 5. "Drug enforcement administration" means the drug enforcement administration of the department of justice of the United States or its successor agency.

7. 6. "Immediate precursor" means a substance which the board has found to be and by rule designates as being the principal compound commonly used or produced primarily for use and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

8. 7. "Narcotic drug" means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:

(a) Opium and opiate and any salt, compound, derivation or preparation of opium or opiate.

(b) Any salt, compound, isomer, derivative or preparation which is chemically equivalent or identical with any of the substances referred to in subdivision (a) of this paragraph but not including the isoquinoline alkaloids of opium.

(c) Opium poppy and poppy straw.

(d) Coca leaves and any salt, compound, derivation or preparation of coca leaves including cocaine and its optical isomers and any salt, compound, isomer, derivation or preparation which is chemically equivalent or identical with any of these substances but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(e) Cannabis.

9. 8. "Opiate" means any substance having an addictionforming or addictionsustaining liability similar to morphine or being capable of conversion into a drug having addictionforming or addictionsustaining liability. It does not include the dextrorotatory isomer of 3methoxymethylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

10. 9. "Opium poppy" means the plant of the genus papaver, except its seeds.

11. 10. "Poppy straw" means all parts, except the seeds, of the opium poppy after mowing.

12. 11. "Production" means the manufacture, planting, cultivating, growing or harvesting of a controlled substance.

13. 12. "Registrant" means a person registered under the provisions of the federal controlled substances act (P.L. 91513; 84 Stat. 1242; 21 U.S.C. sec. 801 et seq.).

14. 13. "Schedule I controlled substances" means the controlled substances identified, defined or listed in section 362512.

15. 14. "Schedule II controlled substances" means the controlled substances identified, defined or listed in section 362513.

16. 15. "Schedule III controlled substances" means the controlled substances identified, defined or listed in section 362514.

17. 16. "Schedule IV controlled substances" means the controlled substances identified, defined or listed in section 362515.

18. 17. "Schedule V controlled substances" means the controlled substances identified, defined or listed in section 362516.

19. 18. "Scientific purpose" means research, teaching or chemical analysis.

20. 19. "State", when applied to a part of the United States, means any state, district, commonwealth, territory or insular possession of the United States and any area subject to the legal authority of the United States of America.

B. Words or phrases in this chapter, if not defined in subsection A of this section, have the definitions given them in title 32, chapter 18, article 1, unless the context otherwise requires.

Sec. 7. Section 36-2512, Arizona Revised Statutes is amended to read:
36-2512. Substances in schedule I

A. The following controlled substances, unless specifically excepted, are included in schedule I:

1. Any of the following, including opiates and their isomers, esters, ethers, salts and salts of isomers, esters and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

(a) Acetyl α -methylfentanyl.

(b) Acetylmethadol.

(c) Allylprodine.

(d) Alphacetylmethadol, except levo α -alphacetylmethadol or LAAM.

(e) Alphameprodine.

(f) Alphamethadol.

(g) Alpha α -methylfentanyl.

(h) Alpha α -methylthiofentanyl.

(i) Benzethidine.

(j) Betacetylmethadol.

(k) Beta α -hydroxyfentanyl.

(l) Beta α -hydroxy β -methylfentanyl.

(m) Betameprodine.

(n) Betamethadol.

(o) Betaprodine.

(p) Clonitazene.

(q) Dextromoramide.

(r) Diampromide.

(s) Diethylthiambutene.

(t) Difenoxin.

(u) Dimenoxadol.

(v) Dimepheptanol.

(w) Dimethylthiambutene.

(x) Dioxaphetyl butyrate.

(y) Dipipanone.

(z) Ethylmethylthiambutene.

(aa) Etonitazene.

(bb) Etoxadine.

(cc) Furethidine.

(dd) Hydroxypethidine.

(ee) Ketobemidone.

(ff) Levomoramide.

(gg) Levophenacymorphan.

(hh) 3 α -methylfentanyl.

(ii) 3 α -methylthiofentanyl.

(jj) Morpheridine.

(kk) MPPP(1 α -methyl β -phenyl β -propionoxypiperidine).

(ll) Noracymethadol.

(mm) Norlevorphanol.

(nn) Normethadone.

(oo) Norpipanone.

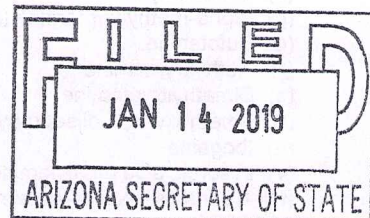
(pp) Para α -fluorofentanyl.

(qq) PEPAP (1 α -(2 β -phenethyl) β -phenyl β -acetoxypiperidine).

(rr) Phenadoxone.

(ss) Phenampromide.

(tt) Phenomorphan.



- (uu) Phenoperidine.
- (vv) Piritramide.
- (ww) Proheptazine.
- (xx) Properidine.
- (yy) Propiram.
- (zz) Racemoramide.
- (aaa) Thiofentanyl.
- (bbb) Tilidine.
- (ccc) Trimeperidine.

2. Any of the following opium derivatives and their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

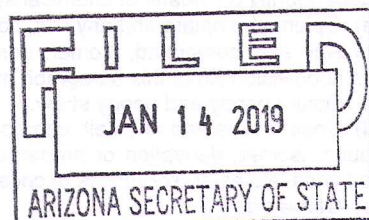
- (a) Acetorphine.
- (b) Acetyldihydrocodeine.
- (c) Benzylmorphine.
- (d) Codeine methylbromide.
- (e) Codeine \square n \square oxide.
- (f) Cyprenorphine.
- (g) Desomorphine.
- (h) Dihydromorphine.
- (i) Drotebanol.
- (j) Etorphine, except hydrochloride salt.
- (k) Heroin.
- (l) Hydromorphenol.
- (m) Methyl-desorphine.
- (n) Methyl-dihydromorphine.
- (o) Morphine methylbromide.
- (p) Morphine methylsulfonate.
- (q) Morphine \square n \square oxide.
- (r) Myrophine.
- (s) Nicocodeine.
- (t) Nicomorphine.
- (u) Normorphine.
- (v) Pholcodine.
- (w) Thebacon.

3. Any material, compound, mixture or preparation that contains any quantity of the following hallucinogenic substances and their salts, isomers and salts of isomers, unless specifically excepted or unless listed in another schedule, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation (for the purposes of this paragraph, "isomer" includes the optical, position and geometric isomers):

- (a) Alpha \square ethyltryptamine (AET).
- (b) 4 \square bromo \square 2, 5 \square dimethoxyamphetamine.
- (c) 4 \square bromo \square 2, 5 \square dimethoxyphenethylamine (2C \square B, Nexus).
- (d) 2, 5 \square dimethoxyamphetamine.
- (e) 2, 5-dimethoxy-4-ethylamphetamine (DOET).
- (f) 2, 5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7).
- (g) 4 \square methoxyamphetamine.
- (h) 5 \square methoxy \square 3, 4 \square methylenedioxyamphetamine.
- (i) 4 \square methyl \square 2, 5 \square dimethoxyamphetamine.
- (j) 3, 4-methylenedioxy amphetamine.
- (k) 3, 4 \square methylenedioxymethamphetamine (MDMA).
- (l) 3, 4 \square methylenedioxy \square N \square ethylamphetamine (N-ethyl MDA, MDE, MDEA).
- (m) N \square hydroxy \square 3, 4 \square methylenedioxyamphetamine (N-hydroxy MDA).
- (n) 3, 4, 5-trimethoxy amphetamine.
- (o) 5-methoxy-N, N, -dimethyltryptamine (5-MeO-DMT).
- (p) Alpha-methyltryptamine (AMT).
- (q) Bufotenine.
- (r) Diethyltryptamine.
- (s) Dimethyltryptamine.
- (t) 5-methoxy-N, N-diisopropyltryptamine (5-MeO-DIPT).
- (u) Ibogaine.
- (v) Lysergic acid diethylamide.
- (w) Cannabis, except the synthetic isomer of delta \square 9 \square tetrahydrocannabinol.
- (x) (W) Mescaline.
- (y) (X) Parahexyl.
- (z) (Y) Peyote.
- (aa) (Z) N \square ethyl \square 3 \square piperidyl benzilate.
- (bb) (AA) N \square methyl \square 3 \square piperidyl benzilate.
- (cc) (BB) Psilocybin.
- (dd) (CC) Psilocyn.
- (ee) (DD) Ethylamine analog of phencyclidine.
- (ff) (EE) Pyrrolidine analog of phencyclidine.
- (gg) (FF) 1 \square (1 \square (2 \square thienyl)cyclohexyl)pyrrolidine.
- (hh) (GG) Thiophene analog of phencyclidine.
- (ii) (HH) 4-methylmethcathinone (Mephedrone).
- (jj) (II) 3, 4-methylenedioxypropylvalerone (MDPV).
- (kk) (JJ) 2-(2, 5-dimethoxy-4-ethylphenyl)ethanamine (2C-E).
- (ll) (KK) 2-(2, 5-dimethoxy-4-methylphenyl)ethanamine (2C-D).
- (mm) (LL) 2-(4-chloro-2, 5-dimethoxyphenyl)ethanamine (2C-C).
- (nn) (MM) 2-(4-iodo-2, 5-dimethoxyphenyl)ethanamine (2C-I).
- (oo) (NN) 2-[4-(ethylthio)-2, 5-dimethoxyphenyl]ethanamine (2C-T-2).
- (pp) (OO) 2-[4-(isopropylthio)-2, 5-dimethoxyphenyl]ethanamine (2C-T-4).
- (qq) (PP) 2-(2, 5-dimethoxyphenyl)ethanamine (2C-H).
- (rr) (QQ) 2-(2, 5-dimethoxy-4-nitro-phenyl)ethanamine (2C-N).
- (ss) (RR) 2-(2, 5-dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).
- (tt) (SS) 3, 4-methylenedioxy-N-methylcathinone (Methylone).
- (uu) (TT) 2-(4-iodo-2, 5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25I-NBOMe, Cimbi-5).
- (vv) (UU) 2-(4-chloro-2, 5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe, Cimbi-82).
- (ww) (VV) 2 \square (4-bromo-2, 5-dimethoxyphenyl) \square N \square (2-methoxybenzyl)ethanamine (25B-NBOMe, Cimbi-36).

4. Any material, compound, mixture or preparation which contains any quantity of cannabimimetic substances and their salts, isomers, whether optical, positional or geometric, and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation. For the purposes of this subdivision, "cannabimimetic substances" means any substances within the following structural classes:

- (a) 2 \square (3-hydroxycyclohexyl)phenol with substitution at the 5 \square position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent. Substances in the 2 \square (3-hydroxycyclohexyl)phenol generic definition include CP \square 47,497, CP \square 47,497 C8 \square Homolog, CP \square 55,940 and CP \square 56,667.



(b) 3-(naphthoyl)indole or 3-(naphthylmethane)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent. Substances in the 3-(naphthoyl)indole generic definition include AM-678, AM-2201, JWH-004, JWH-007, JWH-009, JWH-015, JWH-016, JWH-018, JWH-019, JWH-020, JWH-046, JWH-047, JWH-048, JWH-049, JWH-050, JWH-070, JWH-071, JWH-072, JWH-073, JWH-076, JWH-079, JWH-080, JWH-081, JWH-082, JWH-094, JWH-096, JWH-098, JWH-116, JWH-120, JWH-122, JWH-148, JWH-149, JWH-175, JWH-180, JWH-181, JWH-182, JWH-184, JWH-185, JWH-189, JWH-192, JWH-193, JWH-194, JWH-195, JWH-196, JWH-197, JWH-199, JWH-200, JWH-210, JWH-211, JWH-212, JWH-213, JWH-234, JWH-235, JWH-236, JWH-239, JWH-240, JWH-241, JWH-242, JWH-262, JWH-386, JWH-387, JWH-394, JWH-395, JWH-397, JWH-398, JWH-399, JWH-400, JWH-412, JWH-413, JWH-414 and JWH-415.

(c) 3-(naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent. Substances in the 3-(naphthoyl)pyrrole generic definition include JWH-030, JWH-145, JWH-146, JWH-147, JWH-150, JWH-156, JWH-243, JWH-244, JWH-245, JWH-246, JWH-292, JWH-293, JWH-307, JWH-308, JWH-346, JWH-348, JWH-363, JWH-364, JWH-365, JWH-367, JWH-368, JWH-369, JWH-370, JWH-371, JWH-373 and JWH-392.

(d) 1-(naphthylmethylene)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent. Substances in the 1-(naphthylmethylene)indene generic definition include JWH-176.

(e) 3-(phenylacetyl)indole or 3-(benzoyl)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent. Substances in the 3-(phenylacetyl)indole generic definition include AM-694, AM-2233, JWH-167, JWH-201, JWH-202, JWH-203, JWH-204, JWH-205, JWH-206, JWH-207, JWH-208, JWH-209, JWH-237, JWH-248, JWH-250, JWH-251, JWH-253, JWH-302, JWH-303, JWH-304, JWH-305, JWH-306, JWH-311, JWH-312, JWH-313, JWH-314, JWH-315, JWH-316, RCS-4, RCS-8, SR-18 and SR-19.

(f) 3-(cyclopropylmethanone) indole or 3-(cyclobutylmethanone) indole or 3-(cyclopentylmethanone) indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the cyclopropyl, cyclobutyl or cyclopentyl rings to any extent. Substances in the 3-(cyclopropylmethanone) indole generic definition include UR-144, Fluoro-UR-144 and XLR-11.

(g) Other substances:

(i) (6a,10a)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (HU-210).

(ii) N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide (APINACA, AKB48).

(iii) Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate (PB-22).

(iv) Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (5F-PB-22).

(v) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (AB-FUBINACA).

(vi) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (ADB-PINACA).

5. Any of the following substances having a depressant effect on the central nervous system, including their salts, isomers and salts of isomers, unless specifically excepted or listed in another schedule, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(a) Mecloqualone.

(b) Methaqualone.

6. Gamma-hydroxybutyric acid, any salt, hydroxybutyric compound, derivative or preparation of gamma-hydroxybutyric acid, including any isomers, esters and ethers and salts of isomers, esters and ethers of gamma-hydroxybutyric acid, except gamma-butyrolactone if the existence of the isomers, esters and salts is possible within the specific chemical designation. Notwithstanding any other provision of the federal food, drug and cosmetic act, for purposes of security requirements imposed by law or regulation on registered distributors and registered manufacturers, this substance if manufactured, distributed or processed in accordance with an exemption approved under section 505 of the federal food, drug and cosmetic act is a controlled substance in schedule III pursuant to section 36-2514.

7. Any of the following stimulants including their salts, isomers and salts of isomers, unless specifically excepted or listed in another schedule, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(a) Alpha-methylaminovaleophenone (Pentedrone).

(b) Alpha-pyrrolidinobutiophenone (Alpha-PBP).

(c) Alpha-pyrrolidinopropiophenone (Alpha-PPP).

(d) Alpha-pyrrolidinovaleophenone (Alpha-PVP).

(e) Aminorex.

(f) N-benzylpiperazine (BZP).

(g) Beta-keto-N-methylbenzodioxolylbutanamine (Butylone).

(h) Beta-keto-N-methylbenzodioxolylpentanamine (Pentylone).

(i) Cathinomimetic substances which are any substances derived from cathinone, (2-amino-1-phenyl-1-propanone) by any substitution at the phenyl ring, any substitution at the 3 position, any substitution at the nitrogen atom or any combination of the above substitutions.

(j) (+)cis-4-methylaminorex((+)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine).

(k) Dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (MDAI).

(l) Dimethylcathinone (Metamfepramone).

(m) Ethcathinone.

(n) Fenethylamine.

(o) 3-fluoro-N-methylcathinone (3-FMC).

(p) 4-fluoro-N-methylcathinone (4-FMC, Flephedrone).

(q) Methcathinone.

(r) Methoxy-alpha-pyrrolidinopropiophenone (MOPPP).

(s) Methoxyphenethylamine mimetic substances which are any substances derived from 2, 5-dimethoxy-phenethylamine by any substitution at the phenyl ring, any substitution at the nitrogen atom or any combination of the above substitutions.

(t) Methyl-alpha-pyrrolidinobutiophenone (MPBP).

(u) 4-methyl-alpha-pyrrolidinopropiophenone (4-MePPP).

(v) 4-methyl-N-ethylcathinone (4-MEC).

(w) Methylenedioxy-alpha-pyrrolidinopropiophenone (MDPPP).

(x) Methylenedioxyethylcathinone (Ethylone).

(y) N-ethylamphetamine.

(z) Naphthylpyrovalerone (Naphyrone).

(aa) N,N-dimethylamphetamine.

B. The board may except by rule any compound, mixture or preparation containing any substance listed in this section from the application of all or any part of this chapter if the compound, mixture or preparation contains one or more active medicinal ingredients and if the admixtures are included therein in combinations, quantity, proportion or concentration that vitiates the potential for abuse.

Sec. 8. Effective Date

THIS ACT SHALL BE EFFECTIVE IMMEDIATELY UPON VOTER APPROVAL.

