



Summary of Arizona 2020 adult-use initiative

Smart and Safe Arizona, the campaign supporting an adult-use legalization ballot initiative in 2020, recently released their petition language. Below is a summary. Full text of the initiative can be found [here](#).

Possession, home cultivation, and legal protections

- Adults 21 and older could possess up to one ounce of marijuana with no more than five grams of marijuana concentrate.
 - Adults could cultivate up to six plants at their homes, with no more than 12 in homes with multiple adults. Plants must be in a locked, secure location and not in public view.
 - The smell of marijuana odor would not constitute a basis for a reasonable suspicion of a crime.
 - The initiative specifies violations for people caught with more than an ounce but less than 2.5 ounces (petty offense) and minors caught with less than an ounce (\$100 fine on first offense and drug counseling).
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Regulations and licensing

- The Department of Health Services, which regulates the state's existing medical marijuana program, would have to establish rules allowing for stores to sell marijuana by June 1, 2021.
- The department may not issue more than one marijuana establishment license for every 10 pharmacies in the state.
- Marijuana establishments would be vertically integrated and authorized to cultivate, process, and sell.
- Marijuana testing facilities are the only other kind of facility license available.

- The department may issue a marijuana establishment license to no more than two marijuana establishments per county that contains no registered nonprofit medical marijuana dispensaries, or one marijuana establishment license per county that contains one registered nonprofit medical marijuana dispensary.
 - “Early applicants,” which are either existing medical marijuana establishments in good standing or applicants seeking to locate a business in a county with fewer than two existing medical marijuana establishments, will be licensed first.
 - Subsequent licenses will be distributed randomly to qualified applicants.
 - Existing medical marijuana dispensaries that win a retail license would be forced to locate the recreational shop alongside the medical dispensary. This provision seeks to ensure the total number of marijuana shops in the state would not grow much beyond the medical sites operating today.
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Taxation

- Marijuana would be subject to the normal sales tax rate of 5.6% in addition to a 16% excise tax.
 - Money from the excise tax would fund state agencies such as the Department of Health Services and the Department of Public Safety for expenses related to implementing the law.
 - The remaining funds would be split between community college districts, police and fire departments, the Highway User Fund, and a Justice Investment Fund.
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Employers

- The act "does not require an employer to permit or accommodate the use" of marijuana on the job.
 - It does not restrict the rights of employers to maintain drug-free workplaces or to have policies restricting the use of the drug by workers or job applicants.
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Expungement and social equity

- Beginning in July 2021, people previously convicted of possessing up to two and a half ounces of marijuana or six or fewer plants or paraphernalia can petition to have that record expunged. The act requires those petitions be granted unless law enforcement provides clear and convincing evidence the person is not eligible for such treatment.
 - Twenty-six marijuana establishment licenses will be designated for qualified social equity applicants controlled by people from communities that have been disproportionately harmed by marijuana prohibition.
 - The law would establish a “Justice Reinvestment Fund” with 7% of the revenue raised from the marijuana excise tax. The program would support grants and programs related to public health, technology to identify those eligible for expungement, nonprofit services, and expanding participation in the industry for those from communities disproportionately harmed by prohibition.
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Miscellaneous provisions

- Directs the department to adopt rules for home delivery starting by 2025.
- The act does not allow marijuana use in public places like restaurants or open spaces like city parks.
- No marijuana product could be sold that resembles a human, animal, insect, fruit, toy, or cartoon, meaning gummy bears and gummy worms would be prohibited.
- Individual edible marijuana products may not contain more than 10 mg of THC, and each package of edibles is limited to 100 mg in total.
- The department is not explicitly authorized to issue licenses other than those for marijuana establishments (vertically integrated cultivation and retail operations) or marijuana testing facilities. On-site consumption facilities, for example, would not be allowed.
- The proposal "does not allow driving, flying or boating while impaired to even the slightest degree by marijuana."