



Bill Number: S.B. 1402

Gowan Floor Amendment

Reference to: printed bill

Amendment drafted by: Leg Council

FLOOR AMENDMENT EXPLANATION

1. Requires the Department of Health Services (DHS) to issue a new nonprofit medical marijuana dispensary registration certificate if a final adjudication in a court of law:
 - a) finds that between January 1, 2017, and December 31, 2020, an applicant filed a complete and compliant application;
 - b) finds that the proposed medical marijuana dispensary would have been located either in a county with no registered medical dispensaries or in a location where there is no medical dispensary within 25 miles;
 - c) finds that DHS declined to process the application; and
 - d) requires DHS to issue the applicant a medical dispensary certificate.
2. Permits a licensee to apply for a nonprofit medical marijuana dispensary registration certificate or a recreational marijuana establishment license and requires approval by DHS of each qualified applicant on submittal of a completed application and fee.
3. Removes the exemption of recreational marijuana dispensaries that transition to a dual license from laws regulating the priority issuance of medical marijuana licenses by DHS.
4. Removes language asserting that medical marijuana dispensary registration certificates issued to a recreational marijuana dispensary under a dual license do not count toward the total number of authorized medical marijuana dispensaries in the state or in a geographic area.
5. Removes the authority of recreational marijuana licensee's that become dual licensees to sell medical marijuana on request to DHS.
6. Exempts DHS from statutory rulemaking requirements for one year for purposes of approving dual licensees.
7. Adds an emergency clause.

GOWAN FLOOR AMENDMENT
SENATE AMENDMENTS TO S.B. 1402
(Reference to printed bill)

1 Page 1, strike lines 44 and 45

2 Page 2, strike lines 1 and 2, insert:

3 "E. THE DEPARTMENT SHALL ISSUE A NEW NONPROFIT MEDICAL MARIJUANA
4 DISPENSARY REGISTRATION CERTIFICATE IF A FINAL ADJUDICATION IN A COURT OF
5 LAW DOES ALL OF THE FOLLOWING:

6 1. FINDS THAT DURING THE PERIOD OF JANUARY 1, 2017 THROUGH DECEMBER
7 31, 2020, AN APPLICANT FILED A COMPLETE AND COMPLIANT APPLICATION WITH THE
8 DEPARTMENT FOR A NONPROFIT MEDICAL MARIJUANA DISPENSARY REGISTRATION
9 CERTIFICATE.

10 2. FINDS THAT THE PROPOSED NONPROFIT MEDICAL MARIJUANA DISPENSARY
11 WOULD HAVE BEEN LOCATED EITHER:

12 (a) IN A COUNTY WHERE, AT THE TIME OF THE APPLICATION, THERE WAS NO
13 REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY.

14 (b) IN A LOCATION WHERE, AT THE TIME OF APPLICATION, THERE WAS NO
15 REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY WITHIN TWENTY-FIVE MILES.

16 3. FINDS THAT THE DEPARTMENT DECLINED TO PROCESS THE APPLICATION
17 NOTWITHSTANDING THE REQUIREMENTS OF SECTION 36-2804, SUBSECTION C.

18 4. REQUIRES THE DEPARTMENT TO ISSUE THE APPLICANT A NONPROFIT
19 MEDICAL MARIJUANA DISPENSARY REGISTRATION CERTIFICATE."

20 Line 35, after "LICENSEE" strike remainder of line

21 Strike lines 36 and 37

22 Line 38, strike "THE DEPARTMENT." insert "MAY APPLY FOR"

23 Line 39, after "CERTIFICATE" strike remainder of line

1 Page 2, strike lines 40 through 43, insert "OR A MARIJUANA ESTABLISHMENT
2 LICENSE. THE DEPARTMENT SHALL ISSUE A NONPROFIT MEDICAL MARIJUANA
3 DISPENSARY REGISTRATION CERTIFICATE OR A MARIJUANA ESTABLISHMENT LICENSE TO
4 EACH QUALIFIED APPLICANT ON SUBMITTAL OF A COMPLETE APPLICATION AND THE
5 APPLICATION FEE."

6 Page 8, between lines 10 and 11, insert:

7 "Sec. 3. Rulemaking exemption

8 Notwithstanding any other law, for the purposes of this act, the
9 department of health services is exempt from the rulemaking requirements of
10 title 41, chapter 6, Arizona Revised Statutes, for one year after the
11 effective date of this act."

12 Renumber to conform

13 After line 15, insert:

14 "Sec. 5. Emergency

15 This act is an emergency measure that is necessary to preserve the
16 public peace, health or safety and is operative immediately as provided by
17 law."

18 Amend title to conform

DAVID GOWAN

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11:52 AM
C: MH