

REFERENCE TITLE: **hemp-derived impairing cannabinoids; regulation**

State of Arizona  
Senate  
Fifty-sixth Legislature  
First Regular Session  
2023

## **SB 1453**

Introduced by  
Senator Shope

AN ACT

AMENDING TITLE 36, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 28.3;  
RELATING TO HEMP-DERIVED MANUFACTURED IMPAIRING CANNABINOIDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Subject to the requirements of article IV, part 1,  
3 section 1, Constitution of Arizona, title 36, Arizona Revised Statutes, is  
4 amended by adding chapter 28.3, to read:

5 CHAPTER 28.3

6 HEMP-DERIVED MANUFACTURED IMPAIRING CANNABINOIDS

7 ARTICLE 1. GENERAL PROVISIONS

8 36-2881. Definitions

9 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

10 1. "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH SERVICES.

11 2. "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT.

12 3. "HEMP-DERIVED MANUFACTURED IMPAIRING CANNABINOIDS:

13 (a) MEANS ANY CANNABINOID THAT IS DERIVED FROM THE PLANT OF THE  
14 GENUS CANNABIS OR ANY PART OF THE PLANT AND THAT IS ALTERED BY A CHEMICAL  
15 REACTION THAT CHANGES THE MOLECULAR STRUCTURE OF ANY NATURAL CANNABINOID  
16 DERIVED FROM HEMP TO ANOTHER CANNABINOID WITH IMPAIRING PROPERTIES THAT IS  
17 FOUND NATURALLY IN HEMP.

18 (b) INCLUDES ALL OF THE FOLLOWING:

19 (i) DELTA-8 TETRAHYDROCANNABINOL.

20 (ii) DELTA-9 TETRAHYDROCANNABINOL OVER 0.3% ON A DRY-WEIGHT BASIS,  
21 INCLUDING ANY PRODUCT MADE TO BE INGESTED.

22 (iii) DELTA-10 TETRAHYDROCANNABINOL.

23 (iv) HEXAHYDROCANNABINOL.

24 (v) TETRAHYDROCANNABIPHOROL.

25 (vi) TETRAHYDROCANNABINOL ACETATE ESTER.

26 (vii) TETRAHYDROCANNABIOCTYL.

27 (viii) TETRAHYDROCANNABIHEXOL.

28 (ix) TETRAHYDROCANNABINOLIC ACID.

29 (x) TETRAHYDROCANNABUTOL.

30 (xi) CANNABINOID THAT IS DERIVED FROM HEMP AND ALTERED BY A  
31 CHEMICAL REACTION THAT CHANGES THE MOLECULAR STRUCTURE OF ANY NATURAL  
32 CANNABINOID DERIVED FROM HEMP TO ANOTHER CANNABINOID WITH IMPAIRING  
33 PROPERTIES WITH A SUBSTANTIALLY SIMILAR MOLECULAR STRUCTURE TO ANY  
34 CANNABINOID THAT IS FOUND NATURALLY IN HEMP.

35 (c) DOES NOT INCLUDE ANY CANNABINOID DERIVED FROM HEMP THAT IS  
36 PRODUCED BY DECARBOXYLATION FROM NATURALLY OCCURRING CANNABINOID WITHOUT  
37 THE USE OF A CHEMICAL CATALYST OR NONINTOXICATING CANNABINOIDS DERIVED  
38 FROM HEMP, INCLUDING CANNABIDIOL, CANNABINOL, CANNABIGEROL,  
39 CANNABICHROMENE, CANNABICYCLOL, CANNABIDIVARIN, CANNABIVARIN AND  
40 TETRAHYDROCANNABIVARIN.

41 4. "MARIJUANA ESTABLISHMENT" HAS THE SAME MEANING PRESCRIBED IN  
42 SECTION 36-2850.

43 5. "NONPROFIT MEDICAL MARIJUANA DISPENSARY" HAS THE SAME MEANING  
44 PRESCRIBED IN SECTION 36-2801.

45 6. "SALE" INCLUDES IN-PERSON SALES OR ONLINE SALES TO PERSONS IN  
46 THIS STATE.

1           36-2882. Hemp-derived manufactured impairing cannabinoids;  
2                                   prohibition; regulation; rules

3           A. A PERSON MAY NOT PROCESS, PREPARE, PRODUCE, MANUFACTURE,  
4           DISTRIBUTE, SELL OR EXPOSE FOR SALE IN THIS STATE HEMP-DERIVED  
5           MANUFACTURED IMPAIRING CANNABINOIDS WITHOUT A NONPROFIT MEDICAL MARIJUANA  
6           DISPENSARY REGISTRATION CERTIFICATE ISSUED PURSUANT TO CHAPTER 28.1 OF  
7           THIS TITLE OR A MARIJUANA ESTABLISHMENT LICENSE ISSUED PURSUANT TO CHAPTER  
8           28.2 OF THIS TITLE AND WITHOUT APPROVAL BY THE DEPARTMENT TO CONVERT  
9           CANNABIDIOL TO TETRAHYDROCANNABINOL OR AN ISOMER WITH A SUBSTANTIALLY  
10          SIMILAR MOLECULAR STRUCTURE WITH THE USE OF A CHEMICAL CATALYST.

11          B. HEMP-DERIVED MANUFACTURED IMPAIRING CANNABINOIDS THAT ARE  
12          PROCESSED, PREPARED, PRODUCED OR MANUFACTURED BY EITHER A NONPROFIT  
13          MEDICAL MARIJUANA DISPENSARY OR MARIJUANA ESTABLISHMENT WITH THE  
14          DEPARTMENT'S APPROVAL IN THIS STATE MAY NOT BE DISTRIBUTED, SOLD OR  
15          EXPOSED TO BE SOLD OUTSIDE OF THIS STATE.

16          C. A HEMP PROCESSOR THAT IS LICENSED PURSUANT TO TITLE 3, CHAPTER  
17          2, ARTICLE 4.1 MAY NOT POSSESS, PROCESS, PRODUCE OR MANUFACTURE  
18          HEMP-DERIVED MANUFACTURED IMPAIRING CANNABINOIDS.

19          D. A NONPROFIT MEDICAL MARIJUANA DISPENSARY OR A MARIJUANA  
20          ESTABLISHMENT MAY NOT ACQUIRE, CULTIVATE, POSSESS, MANUFACTURE, DELIVER,  
21          PROCESS, TRANSFER, TRANSPORT, SUPPLY, USE, SELL OR DISPENSE HEMP-DERIVED  
22          MANUFACTURED IMPAIRING CANNABINOIDS WITHOUT THE DEPARTMENT'S APPROVAL.

23          E. A NONPROFIT MEDICAL MARIJUANA DISPENSARY OR A MARIJUANA  
24          ESTABLISHMENT MAY NOT ADVERTISE OR REPRESENT HEMP-DERIVED MANUFACTURED  
25          IMPAIRING CANNABINOID PRODUCTS, DIRECTLY OR INDIRECTLY, AS A MARIJUANA  
26          PRODUCT.

27          F. THE DEPARTMENT SHALL REGULATE HEMP-DERIVED MANUFACTURED  
28          IMPAIRING CANNABINOIDS IN THE INTEREST OF PUBLIC HEALTH AND SAFETY. THE  
29          DEPARTMENT SHALL ADOPT RULES FOR NONPROFIT MEDICAL MARIJUANA DISPENSARIES  
30          AND MARIJUANA ESTABLISHMENTS GOVERNING THE PROCESSING, MANUFACTURING AND  
31          SALE OF HEMP-DERIVED MANUFACTURED IMPAIRING CANNABINOIDS THAT INCLUDE, AT  
32          A MINIMUM, ALL OF THE FOLLOWING:

33                 1. APPROVING NONPROFIT MEDICAL MARIJUANA DISPENSARIES AND MARIJUANA  
34                 ESTABLISHMENTS TO CONVERT CANNABIDIOL TO ANY TETRAHYDROCANNABINOL OR AN  
35                 ISOMER WITH A SUBSTANTIALLY SIMILAR MOLECULAR STRUCTURE WITH THE USE OF A  
36                 CHEMICAL CATALYST.

37                 2. SPECIFYING THE AUTHORIZED METHODS OF PROCESSING HEMP-DERIVED  
38                 MANUFACTURED IMPAIRING CANNABINOIDS BY CONVERTING CANNABIDIOL TO ANY  
39                 TETRAHYDROCANNABINOL OR AN ISOMER WITH A SUBSTANTIALLY SIMILAR MOLECULAR  
40                 STRUCTURE WITH THE USE OF A CHEMICAL CATALYST.

41                 3. LABELING REQUIREMENTS FOR A HEMP-DERIVED PRODUCT TO INFORM AND  
42                 PROTECT CONSUMERS, WHICH AT MINIMUM SHALL INCLUDE THE FOLLOWING LANGUAGE:  
43                 "THIS PRODUCT IS NOT MARIJUANA. THIS PRODUCT WAS DERIVED FROM LOW-THC  
44                 HEMP AND CONTAINS MANUFACTURED IMPAIRING CANNABINOIDS. THE THC IN THIS  
45                 PRODUCT WAS CONVERTED FROM CANNABIDIOL WITH THE USE OF A CHEMICAL  
46                 CATALYST."

1 4. WARNING REQUIREMENTS REGARDING HEALTH RISKS, INCLUDING  
2 CONSPICUOUS NOTICES IN NONPROFIT MEDICAL MARIJUANA DISPENSARIES AND  
3 MARIJUANA ESTABLISHMENTS THAT PROCESS OR SELL HEMP-DERIVED MANUFACTURED  
4 IMPAIRING CANNABINOIDS.

5 5. ADDITIONAL TESTING REQUIREMENTS FOR HEMP-DERIVED MANUFACTURED  
6 IMPAIRING CANNABINOIDS FOR POTENTIAL ANALYTES AND OTHER CONTAMINANTS  
7 RESULTING FROM THE CONVERSION OF CANNABIDIOL TO TETRAHYDROCANNABINOL OR AN  
8 ISOMER WITH A SUBSTANTIALLY SIMILAR MOLECULAR STRUCTURE WITH THE USE OF A  
9 CHEMICAL CATALYST THAT ACCOUNT FOR THE PROCESSING METHOD.

10 36-2883. Violations; classification

11 A. A PERSON THAT VIOLATES THIS ARTICLE IS GUILTY OF A CLASS 2  
12 MISDEMEANOR.

13 B. IN ADDITION TO AND DISTINCT FROM ANY OTHER REMEDY AT LAW OR  
14 EQUITY, A PERSON AGGRIEVED BY A VIOLATION OF THIS ARTICLE MAY BRING A  
15 PRIVATE CAUSE OF ACTION IN A COURT OF COMPETENT JURISDICTION FOR DAMAGES  
16 RESULTING FROM THAT VIOLATION, INCLUDING ECONOMIC, NONECONOMIC OR  
17 CONSEQUENTIAL DAMAGES.

18 36-2884. Medical marijuana fund; smart and safe Arizona fund;  
19 use

20 A. THE DEPARTMENT MAY USE MONIES IN THE MEDICAL MARIJUANA FUND  
21 ESTABLISHED BY SECTION 36-2817 AND THE SMART AND SAFE ARIZONA FUND  
22 ESTABLISHED BY SECTION 36-2856 TO IMPLEMENT AND REGULATE HEMP-DERIVED  
23 MANUFACTURED IMPAIRING CANNABINOIDS.

24 B. THE DEPARTMENT SHALL ALLOCATE MONIES THAT THE DEPARTMENT  
25 RECEIVES PURSUANT TO SECTION 36-2856, SUBSECTION B, PARAGRAPH 2 TO THE  
26 POISON AND DRUG INFORMATION CENTER FOR THE PURPOSE OF SUPPORTING HEALTH  
27 CARE PROVIDERS AND PROVIDING HEALTH AND SAFETY EDUCATION RELATING TO  
28 HEMP-DERIVED MANUFACTURED IMPAIRING CANNABINOIDS AND MARIJUANA.

29 C. THE ATTORNEY GENERAL MAY USE MONIES TRANSFERRED FROM THE SMART  
30 AND SAFE ARIZONA FUND PURSUANT TO SECTION 36-2856, SUBSECTION D, PARAGRAPH  
31 5 TO INVESTIGATE AND TAKE ACTION AS PRESCRIBED IN THIS ARTICLE OR TITLE  
32 44, CHAPTER 10, ARTICLE 7 RELATING TO THE SALE, MARKETING AND DISTRIBUTION  
33 OF HEMP-DERIVED MANUFACTURED IMPAIRING CANNABINOIDS.

34 Sec. 2. Exemption from rulemaking

35 Notwithstanding any other law, for the purposes of this act, the  
36 department of health services is exempt from the rulemaking requirements  
37 of title 41, chapters 6 and 6.1, Arizona Revised Statutes, for thirty-six  
38 months after the effective date of this act.

39 Sec. 3. Requirements for enactment; three-fourths vote

40 Pursuant to article IV, part 1, section 1, Constitution of Arizona,  
41 title 36, chapter 28.3, Arizona Revised Statutes, as added by this act, is  
42 effective only on the affirmative vote of at least three-fourths of the  
43 members of each house of the legislature.