

House Engrossed

marijuana; advertising; restrictions

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HOUSE BILL 2451

AN ACT

AMENDING SECTION 36-2859, ARIZONA REVISED STATUTES; RELATING TO MARIJUANA.

(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, section 36-2859, Arizona Revised
4 Statutes, is amended to read:

5 36-2859. Advertising restrictions; enforcement; civil penalty

6 A. A marijuana establishment or nonprofit medical marijuana
7 dispensary may engage in advertising BUT MAY NOT DO ANY OF THE FOLLOWING:

8 1. ADVERTISE MARIJUANA OR MARIJUANA PRODUCTS TO INDIVIDUALS WHO ARE
9 UNDER TWENTY-ONE YEARS OF AGE, INCLUDING ADVERTISING:

10 (a) WITH NAMES THAT RESEMBLE OR IMITATE FOOD OR DRINK BRANDS
11 MARKETED TO CHILDREN.

12 (b) WITH IMAGES OR LIKENESSES OF TOYS OR CARTOONS, INCLUDING SANTA
13 CLAUS, THAT APPEAL TO INDIVIDUALS WHO ARE UNDER TWENTY-ONE YEARS OF AGE.

14 (c) IN A WAY THAT PRIMARILY APPEALS TO INDIVIDUALS WHO ARE UNDER
15 TWENTY-ONE YEARS OF AGE SUCH THAT THE ADVERTISING HAS A SPECIAL
16 ATTRACTIVENESS TO INDIVIDUALS WHO ARE UNDER TWENTY-ONE YEARS OF AGE BEYOND
17 GENERAL ATTRACTIVENESS FOR INDIVIDUALS WHO ARE TWENTY-ONE YEARS OF AGE OR
18 OLDER.

19 2. ADVERTISE AT OR ON PUBLIC TRANSPORTATION SHELTERS, PUBLIC BUSES
20 OR PUBLIC TRAINS.

21 3. ADVERTISE ELECTRONICALLY VIA SOCIAL MEDIA OR ON A WEBSITE
22 UNLESS AT LEAST 71.6 PERCENT OF THE AUDIENCE IS EXPECTED TO BE AT LEAST
23 TWENTY-ONE YEARS OF AGE.

24 B. ALL ADVERTISING SHALL CONTAIN THE FOLLOWING CONSPICUOUS AND
25 LEGIBLE WARNING: "DO NOT USE MARIJUANA IF YOU ARE UNDER TWENTY-ONE YEARS
26 OF AGE. KEEP MARIJUANA OUT OF REACH OF CHILDREN."

27 C. A BILLBOARD ADVERTISEMENT UNDER THIS SECTION IS PROHIBITED
28 WITHIN ONE THOUSAND RADIAL FEET OF ANY CHILD CARE CENTER, CHURCH,
29 SUBSTANCE ABUSE RECOVERY FACILITY, PUBLIC PARK, PUBLIC PLAYGROUND OR
30 PUBLIC OR PRIVATE SCHOOL THAT PROVIDES INSTRUCTION TO STUDENTS IN
31 PRESCHOOL OR KINDERGARTEN PROGRAMS OR ANY OF GRADES ONE THROUGH TWELVE. A
32 PERSON IN VIOLATION OF THIS SUBSECTION, ON NOTIFICATION BY THE ATTORNEY
33 GENERAL'S OFFICE, HAS THIRTY DAYS TO COMPLY WITH THESE REQUIREMENTS. FOR
34 CIRCUMSTANCES BEYOND THE CONTROL OF THE BILLBOARD OPERATOR THAT MAY
35 PREVENT THE REMOVAL WITHIN THE PRESCRIBED TIME FRAME, THE SIGN MUST BE
36 REMOVED AS SOON AS IT IS SAFELY AND LEGALLY POSSIBLE. A PERSON THAT DOES
37 NOT COMPLY WITH THIS SUBSECTION IS SUBJECT TO THE CIVIL PENALTIES AND
38 DISCIPLINARY ACTION PRESCRIBED IN THIS SECTION.

39 D. A BILLBOARD ADVERTISEMENT UNDER THIS SECTION IS PROHIBITED FROM
40 ADVERTISING STRAIN NAMES, POTENCY OR TETRAHYDROCANNABINOL LEVELS OF THE
41 MARIJUANA OR MARIJUANA PRODUCTS.

42 E. A BILLBOARD ADVERTISEMENT UNDER THIS SECTION MAY NOT USE ANY
43 IMAGE OR OTHER VISUAL REPRESENTATION OF AN INDIVIDUAL CONSUMING MARIJUANA
44 OR MARIJUANA PRODUCTS.

1 ~~F.~~ F. An advertising platform may host advertising only if ~~at~~
2 BOTH of the following apply:

3 1. The advertising is authorized by a marijuana establishment or
4 nonprofit medical marijuana dispensary.

5 2. The advertising accurately and legibly identifies the marijuana
6 establishment or nonprofit medical marijuana dispensary responsible for
7 the content of the advertising by name and license number or registration
8 number.

9 ~~G.~~ G. Any advertising under this chapter involving direct,
10 individualized communication or dialogue shall use a method of age
11 affirmation to verify that the recipient is twenty-one years of age or
12 older before engaging in that communication or dialogue. For the purposes
13 of this subsection, that method of age affirmation may include user
14 confirmation, birth date disclosure or other similar registration methods.

15 H. ONLY A MARIJUANA ESTABLISHMENT OR NONPROFIT MEDICAL MARIJUANA
16 DISPENSARY MAY AUTHORIZE ADVERTISING FOR MARIJUANA, PRODUCTS CONTAINING
17 TETRAHYDROCANNABINOL OR MARIJUANA PARAPHERNALIA IN ACCORDANCE WITH THE
18 RESTRICTIONS IMPOSED BY THIS CHAPTER.

19 ~~I.~~ I. It is unlawful for an individual or entity other than a
20 marijuana establishment or dual licensee to do any of the following in a
21 manner that is not authorized by this chapter or rules adopted by the
22 department pursuant to this chapter:

23 1. Facilitate the delivery of marijuana or marijuana products.

24 2. Solicit or accept orders for marijuana or marijuana products or
25 operate a platform that solicits or accepts orders for marijuana or
26 marijuana products.

27 3. Operate a listing service related to the sale or delivery of
28 marijuana or marijuana products.

29 ~~J.~~ J. A marijuana establishment that ~~violates~~ IS FOUND TO BE IN
30 VIOLATION OF this section BY THE ATTORNEY GENERAL is subject to
31 disciplinary action by the department pursuant to section 36-2854,
32 subsection B. A nonprofit medical marijuana dispensary that ~~violates~~ IS
33 FOUND TO BE IN VIOLATION OF this section BY THE ATTORNEY GENERAL is
34 subject to disciplinary action by the department pursuant to section
35 36-2816.

36 ~~F.~~ K. In addition to any other penalty imposed by law, an
37 individual or entity other than a marijuana establishment or nonprofit
38 medical marijuana dispensary that advertises marijuana or marijuana
39 products in violation of this section or otherwise violates this section
40 shall pay a civil penalty of \$20,000 per violation to the smart and safe
41 Arizona fund established by section 36-2856.

42 L. This ~~subsection may~~ SECTION SHALL be enforced by the attorney
43 general.

1 Sec. 2. Exemption from rulemaking

2 Notwithstanding any other law, for the purposes of this act, the
3 department of health services is exempt from the rulemaking requirements
4 of title 41, chapters 6 and 6.1, Arizona Revised Statutes, for twenty-four
5 months after the effective date of this act.

6 Sec. 3. Effective date

7 Section 36-2859, Arizona Revised Statutes, as amended by this act,
8 is effective from and after June 29, 2025.

9 Sec. 4. Requirements for enactment; three-fourths vote

10 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
11 section 36-2859, Arizona Revised Statutes, as amended by this act, is
12 effective only on the affirmative vote of at least three-fourths of the
13 members of each house of the legislature.