

REFERENCE TITLE: marijuana; advertising; restrictions

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

HB 2451

Introduced by
Representative Montenegro

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 MARIJUANA OR
10 MARIJUANA PRODUCTS WITH NAMES THAT RESEMBLE OR IMITATE FOOD OR DRINK
11 BRANDS MARKETED TO CHILDREN, OR OTHERWISE ADVERTISE MARIJUANA OR MARIJUANA
12 PRODUCTS TO CHILDREN.

13 2. ADVERTISE AT OR ON PUBLIC TRANSPORTATION SHELTERS, PUBLIC BUSES
14 OR PUBLIC TRAINS.

15 3. ADVERTISE ELECTRONICALLY VIA SOCIAL MEDIA OR ON A WEBSITE
16 UNLESS THE ADVERTISER HAS RELIABLE EVIDENCE THAT AT LEAST 71.6 PERCENT OF
17 THE AUDIENCE IS EXPECTED TO BE AT LEAST TWENTY-ONE YEARS OF AGE.

18 B. ALL ADVERTISING SHALL CONTAIN THE FOLLOWING WARNING: "MARIJUANA
19 IS ONLY FOR ADULTS WHO ARE TWENTY-ONE YEARS OF AGE OR OLDER. KEEP OUT OF
20 REACH OF CHILDREN."

21 C. A BILLBOARD ADVERTISEMENT UNDER THIS SECTION IS PROHIBITED
22 WITHIN ONE THOUSAND FEET, IF IN THE LINE OF SIGHT, OF ANY CHILD CARE
23 CENTER, CHURCH, PUBLIC PARK, PUBLIC PLAYGROUND OR PUBLIC OR PRIVATE SCHOOL
24 THAT PROVIDES INSTRUCTION TO STUDENTS IN PRESCHOOL OR KINDERGARTEN
25 PROGRAMS OR ANY OF GRADES ONE THROUGH TWELVE. A PERSON IN VIOLATION OF
26 THIS SUBSECTION HAS THIRTY DAYS TO COMPLY WITH THESE REQUIREMENTS.

27 D. A BILLBOARD ADVERTISEMENT UNDER THIS SECTION IS PROHIBITED FROM
28 ADVERTISING POTENCY OR TETRAHYDROCANNABINOL LEVELS OF THE MARIJUANA OR
29 MARIJUANA PRODUCTS.

30 ~~B.~~ E. An advertising platform may host advertising only if ~~all~~
31 BOTH of the following apply:

32 1. The advertising is authorized by a marijuana establishment or
33 nonprofit medical marijuana dispensary.

34 2. The advertising accurately and legibly identifies the marijuana
35 establishment or nonprofit medical marijuana dispensary responsible for
36 the content of the advertising by name and license number or registration
37 number.

38 ~~C.~~ F. Any advertising under this chapter involving direct,
39 individualized communication or dialogue shall use a method of age
40 affirmation to verify that the recipient is twenty-one years of age or
41 older before engaging in that communication or dialogue. For the purposes
42 of this subsection, that method of age affirmation may include user
43 confirmation, birth date disclosure or other similar registration methods.

44 G. ONLY A MARIJUANA ESTABLISHMENT OR NONPROFIT MEDICAL MARIJUANA
45 DISPENSARY MAY ADVERTISE MARIJUANA, PRODUCTS CONTAINING

1 TETRAHYDROCANNABINOL OR MARIJUANA PARAPHERNALIA IN ACCORDANCE WITH THE
2 RESTRICTIONS IMPOSED BY THIS CHAPTER.

3 ~~D.~~ H. It is unlawful for an individual or entity other than a
4 marijuana establishment or dual licensee to do any of the following in a
5 manner that is not authorized by this chapter or rules adopted by the
6 department pursuant to this chapter:

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

8 2. Solicit or accept orders for marijuana or marijuana products or
9 operate a platform that solicits or accepts orders for marijuana or
10 marijuana products.

11 3. Operate a listing service related to the sale or delivery of
12 marijuana or marijuana products.

13 ~~F.~~ I. A marijuana establishment that violates this section is
14 subject to disciplinary action by the department pursuant to section
15 36-2854, subsection B. A nonprofit medical marijuana dispensary that
16 violates this section is subject to disciplinary action by the department
17 pursuant to section 36-2816.

18 ~~F.~~ J. In addition to any other penalty imposed by law, an
19 individual or entity other than a marijuana establishment or nonprofit
20 medical marijuana dispensary that advertises marijuana or marijuana
21 products in violation of this section or otherwise violates this section
22 shall pay a civil penalty of \$20,000 per violation to the smart and safe
23 Arizona fund established by section 36-2856. This subsection may be
24 enforced by the attorney general.

25 Sec. 2. Requirements for enactment; three-fourths vote

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