



Recreational Marijuana

Smart and Safe Arizona Act





Objectives

- 1. Provide Overview of Smart and Safe Arizona Act**
 - a. History
 - b. Key Provisions
 - c. Enforcement Issues
- 2. Seek Direction Regarding Regulation of Recreational Marijuana in Flagstaff**

Team of presenters:

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- **Smart and Safe Arizona Act**
 - Certified as Proposition 207 (statewide voter initiative).
 - Passed by Arizona voters at Nov. 3, 2020 general election.
 - State: 60% Yes, 40% No
 - Coconino: 65% Yes, 35% No
 - Became effective on December 1, 2020.
 - The Act declared that “the responsible adult use of marijuana should be legal for persons twenty one years of age or older, subject to state regulation, taxation, and local ordinance.”



Key Provisions

Legalizes Sale, Use, and Possession of Recreational Marijuana

- Authorizes the sale to adults who are at least 21 years of age.
- Authorizes adults over age 21 to possess up to one ounce of marijuana for recreational use.
- Authorizes adults over age 21 to possess, transport, cultivate, and process up to six marijuana plants.
 - No more than twelve plants at a single residence.
 - Cultivation must be in an enclosed, secure area not visible from public view.



Key Provisions

The Act does not:

- allow individuals to “smoke marijuana in a public or open space.” A.R.S. 36-2851(8)(a).
- allow individuals to “consume marijuana or marijuana products” in a vehicle. A.R.S. 36-2851(8)(b).
- restrict the ability of any person or business from prohibiting or regulating marijuana or marijuana product consumption on their property. A.R.S. 36-2851(7).
- decriminalize driving while impaired by marijuana.



Key Provisions



The Act Authorizes Cities to:

- prohibit or limit the number of recreational marijuana retail establishments, with an exception for entities that hold a dual license to operate a nonprofit medical marijuana dispensary and a recreational marijuana retail establishment at a shared location.
- prohibit or limit the number of recreational marijuana testing facilities.
- prohibit marijuana possession, sale, and use on city property.



Key Provisions

The Act Authorizes Cities to:

- prohibit or restrict delivery of recreational marijuana.
- enact reasonable zoning regulations that limit the use of land for marijuana establishments and marijuana testing facilities to specified areas (zoning regulations for recreational marijuana cannot be more restrictive than zoning regulations for medical marijuana dispensaries).
- establish reasonable restrictions on public signage regarding marijuana, marijuana establishments, and marijuana testing facilities.



Enforcement Issues

- **Some acts that are not allowed under the Act did not carry over to the Act's violations section.**
 - Consumption in motor vehicle.
 - Cultivating or possessing more than 12 plants.
 - Recommend adding these as violations in City ordinance.
- **Penalties**
 - Recommend similar structure to Act:
 - Petty offenses for those over 21.
 - Progressive for those under 21.



Enforcement Issues



Penalties under the Acts:

<u>Prop 207</u>	Marijuana Drug Paraphernalia	Smoking* Marijuana in a Public Place or Open Space	Possession of Under 1 Oz of Marijuana or 5 Grams of Concentrate (or a combination of)	Possession of 1-2.5 Oz of Marijuana or 5-12.5 Grams of Concentrate (or a combination of)	Possession of Over 2.5 Oz of Marijuana or 12.5 Grams of Concentrate (or a combination of)
Medical Marijuana Card holder	No Charge	36-2853 (C) Petty offense	No Charge	No Charge	13-3405(A)(1) POM 13-3408(A)(1) POND
21 and Over	No Charge	36-2853 (C) Petty offense	No Charge	36-2853(A) Petty Offense	13-3405(A)(1) POM 13-3408(A)(1) POND
Under 21	36-2853 (B) 1 st Offense =Civil violation 100.00 2 nd Offense = Petty Offense 3 rd or more Offense = Class 1 Misdemeanor	36-2853 (C) Petty offense	36-2853 (B) 1 st Offense =Civil violation 100.00 2 nd Offense = Petty Offense 3 rd or more Offense = Class 1 Misdemeanor	36-2853(A) Petty Offense	13-3405(A)(1) POM 13-3408(A)(1) POND



Enforcement Issues



Additional Recommendations for City Ordinance

- Prohibit Delivery
- Prohibit consuming, growing, transferring, selling, etc. on City property.
- Prohibit use on private property if posted.



Actions By Other Cities

Sample Ordinance

- Limit recreational sales to dual licensees.
- Add violations that did not carry over in Act.
- Prohibit delivery.
- Prohibit on City and private property.
- Prohibit marijuana testing facilities.



Direction



Decision points:

1. Limit recreational sales to dual licensees?
2. Prohibit testing facilities?
3. Prohibit on City property?
4. Prohibit on public property when posted?
5. Prohibit delivery?
6. Add violations that did not carry over in Act?
7. Adopt penalties similar to those in Act?
8. Keep current zoning for medical and apply to recreational?



The End



Questions?