

AN INITIATIVE MEASURE

AMENDING TITLE 3, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 21; AMENDING SECTION 13-3401, ARIZONA REVISED STATUTES; REPEALING SECTION 13-3405, ARIZONA REVISED STATUTES; AMENDING SECTIONS 36-2501 AND 36-2512, ARIZONA REVISED STATUTES; AMENDING TITLE 42, CHAPTER 3, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 13; RELATING TO CANNABIS.

TEXT OF PROPOSED AMENDMENT

Be it enacted by the People of the State of Arizona:

Sec. 1. Short title

This act may be cited as the "Safer Arizona Cannabis Legalization Act".

Sec. 2. Findings

The people of the State of Arizona find and declare the following:

1. Marijuana and cannabis have been used safely for thousands of years for recreational, medical, religious and industrial purposes.
2. The states of Colorado, Washington, Oregon, California, Maine, Massachusetts, Nevada and Alaska and Washington D.C. have all legalized the adult use of marijuana and cannabis and have enjoyed a substantial increase in tax revenue as a result.
3. In states that have legalized or medicalized, there has been a decrease in teen use of marijuana and cannabis.
4. Industrial Hemp, which is currently defined as cannabis containing .3% or less THC was cultivated by several of our founding fathers, including George Washington, and was a staple of the American economy until the advent of prohibition. Industrial hemp is non-psychoactive, has many industrial applications and is lawfully produced in many nations today, including Canada, and in several states in America to the great benefit of their farmers and economies.
5. In the largest meta-study to date, the National Highway Traffic Safety Administration concluded in 2015 that there is no correlation between cannabis use and automobile accidents. Moreover, unlike alcohol, multiple studies have also found that the level of THC in a persons system cannot be reliably used to establish whether or not a person is impaired.
6. The Chief Administrative Law Judge of the United States Drug Enforcement Administration (DEA), Francis Young, determined correctly that, "Marijuana, in its natural form, is one of the safest therapeutically active substances known to man".
7. Monopolies and oligopolies of any industry in the State of Arizona are antithetical to the values of Arizonans, and the cannabis industry is no exception. Commerce should be left to the free market and its production and sale should be regulated only to the extent as the production and sale of any other commodity.
8. In the interest of public health and safety, to protect and maintain individual rights and the personal freedom, and to better focus state and local law enforcement resources on crimes involving violence and personal property, marijuana and cannabis should be removed from the Arizona Uniform Controlled Substances Act and the possession, use, production and sale of marijuana and cannabis should be removed from Arizona's criminal code and legalized for adults who are at least twenty-one years of age.
9. States are not required to enforce federal law or prosecute people for engaging in activities prohibited by federal law. Therefore, implementation of this Act is not preempted by federal law or cause the state of Arizona to violate federal law.
10. The purpose of this act is to legalize the use, production, manufacture and sale of marijuana and cannabis for persons who are at least twenty-one years of age, to remove laws currently in existence that prohibit such activities, and to protect persons who are at least twenty-one years of age from arrest and prosecution, criminal and other penalties and property forfeiture if such persons engage in the possession, use, production or sale of marijuana and cannabis pursuant to this act.

Sec. 3. Chapter 21

Title 3, Arizona Revised Statutes, is amended by adding chapter 21, to read:

CHAPTER 21

SAFER ARIZONA CANNABIS LEGALIZATION ACT

ARTICLE 1. GENERAL PROVISIONS

3-3701. Definitions

IN THIS CHAPTER, THE FOLLOWING DEFINITIONS SHALL APPLY:

1. "CANNABIS" SHALL BE DEFINED TO INCLUDE THE FOLLOWING:
 - A. ALL PLANTS OF THE GENUS CANNABIS AND ANY AND ALL PARTS OF SUCH PLANTS, WHETHER GROWING OR NOT;
 - B. ANY AND ALL PARTS OF THE PLANTS OF THE GENUS CANNABIS INCLUDING BUT NOT LIMITED TO THE FLOWER, LEAVES, STALK, STEMS, ROOTS, FIBER, AND SEEDS OF SUCH PLANT;
 - C. THE RESIN AND OIL EXTRACTED FROM ANY AND ALL PARTS OF THE PLANTS OF THE GENUS CANNABIS;
 - D. EVERY COMPOUND, SALT, DERIVATIVE, MIXTURE AND PREPARATION OF THE PLANTS OF THE GENUS CANNABIS;
 - E. ANY AND ALL SUBSTANCES RESULTING FROM THE MIXTURE, MANUFACTURE, AND PREPARATION OF THE RESIN EXTRACTED FROM ANY AND ALL PARTS OF PLANTS OF THE GENUS CANNABIS; AND
 - F. ANY AND ALL CANNABINOIDS DERIVED FROM ANY AND ALL PARTS OF PLANTS OF THE GENUS CANNABIS INCLUDING, BUT NOT LIMITED TO TETRAHYDROCANNABINOL (THC), CANNABIDIOL (CBD), AND CANNABIGEROL (CBG).
2. "CANNABIS ACCESSORIES" SHALL BE DEFINED AS EQUIPMENT, PRODUCTS AND MATERIALS OF ANY KIND THAT ARE USED, INTENDED FOR USE OR DESIGNED FOR USE IN PLANTING, PROPAGATING, CULTIVATING, GROWING, HARVESTING, MANUFACTURING, COMPOUNDING, CONVERTING, PRODUCING, PROCESSING, PREPARING, TESTING, WEIGHING, MEASURING, ANALYZING, PACKAGING, REPACKAGING, STORING, CONTAINING, CONCEALING, CONVERTING, INGESTING, INHALING CANNABIS, OR OTHERWISE INTRODUCING CANNABIS INTO THE HUMAN BODY OR ANIMAL BODY OR THE ISOMERIZATION OR CANNABIS.
3. "CANNABIS PRODUCT" SHALL BE DEFINED TO INCLUDE CANNABIS THAT IS READY FOR USE OR THAT IS TO BE FURTHER PROCESSED FOR USE AND ANY PRODUCT CONTAINING CANNABIS WHETHER INTENDED FOR RECREATIONAL, MEDICAL, SPIRITUAL, NUTRITIONAL OR INDUSTRIAL USE OR FOR ANY OTHER PURPOSE. CANNABIS PRODUCTS SHALL INCLUDE, BUT NOT BE LIMITED TO, THE DRIED CANNABIS FLOWER, HASHISH OIL CONCENTRATES, FOOD AND DRINK, CLOTHING, BUILDING MATERIALS, PAPER, FIBER, FUEL, HEMP LIME BIO-COMPOSITE MATERIAL, LUBRICANTS, PLASTICS, PAINT, SEED FOR CULTIVATION, ANIMAL FEED, VETERINARY MEDICINE, OR ANY OTHER PRODUCT, AND THE USE OF SUCH PRODUCTS.
4. "PERSONAL USE" SHALL BE DEFINED AS, BUT IS NOT LIMITED TO, THE CONSUMPTION OF CANNABIS THAT HAS MORE THAN .3%THC BY PEOPLE WHO ARE AT LEAST TWENTY-ONE YEARS OF AGE FOR RELAXATION, MEDITATIVE, RELIGIOUS, RECREATIONAL, MEDICAL OR ANY OTHER PURPOSES.
5. "PERSONAL GROW" SHALL BE DEFINED AS ANY CULTIVATION OF CANNABIS AT A PERSONS PLACE OF RESIDENCE.

6. "HOME GARDENS" SHALL BE DEFINED AS COMMERCIAL PRODUCTIONS THAT HAVE NO PLANT LIMIT, THAT ARE OPERATED BY PERSONS WHO ARE TWENTY-ONE YEARS OF AGE OR OLDER, AND THAT ARE ENGAGED IN THE CULTIVATION, MANUFACTURING, OF CANNABIS AND CANNABIS PRODUCTS FOR DISTRIBUTION, RETAIL SALE OF CANNABIS OR CANNABIS PRODUCTS.
7. "COMMERCIAL GROW" SHALL BE DEFINED AS ANY CULTIVATION OF CANNABIS PLANTS FOR WHOLESALE TO ANOTHER BUSINESS THAT IS ENGAGED IN THE RETAIL ITEMS OF CANNABIS OR CANNABIS PRODUCTS. COMMERCIAL GROWS, EXCEPT FOR EXEMPTIONS OTHERWISE PROVIDED FOR IN THIS CHAPTER, ARE SUBJECT TO GENERALLY APPLICABLE ARIZONA AGRICULTURE LAWS AND REGULATIONS PERTAINING TO OTHER AGRICULTURAL COMMODITIES INCLUDING, BUT NOT LIMITED TO, TOMATOES, LETTUCE AND ANY OTHER COMMON PRODUCE.
8. "COMMERCIAL PRODUCTION" SHALL BE DEFINED AS THE MANUFACTURING OR PROCESSING OF CANNABIS PRODUCTS FOR WHOLESALE TO ANOTHER BUSINESS THAT IS AUTHORIZED TO SELL RETAIL ITEMS OF ANY KIND.
9. "MANUFACTURE" SHALL BE DEFINED TO INCLUDE THE COMPOUNDING, BLENDING, EXTRACTING, INFUSING, OR OTHERWISE TO MAKE OR PREPARE A CANNABIS PRODUCT.
10. "PRODUCER" SHALL BE DEFINED AS OWNERS OR TENANTS OF AGRICULTURAL LANDS, ORCHARDS, FARMS, HOME GARDENS AND COMMERCIAL GROWS ON WHICH FOOD PRODUCTS ARE GROWN, RAISED OR PREPARED FOR MARKET.
11. "FOOD PRODUCT" SHALL BE DEFINED AS EVERY CANNABIS PRODUCT IN ITS NATURAL OR MANUFACTURED STATE THAT IS INTENDED FOR HUMAN OR ANIMAL CONSUMPTION.

3-3702. Repeal of cannabis prohibition, amendments and legalization of cannabis

- A. NOTWITHSTANDING ANY LAW TO THE CONTRARY, CANNABIS, CANNABIS PRODUCTS, AND CANNABIS ACCESSORIES, AS DEFINED IN THIS ACT, ARE HEREBY LEGALIZED.
- B. THIS ACT SHALL NOT BE INTERPRETED TO AMEND OR EFFECT THE PROVISIONS CONTAINED IN THE ARIZONA MEDICAL MARIJUANA ACT IN ANY WAY.
- C. THE FOLLOWING ARIZONA REVISED STATUTE PROHIBITING MARIJUANA AND CANNABIS IS HEREBY REPEALED:
 1. Section 13-3405, Arizona revised statutes, is repealed.
- D. THE FOLLOWING ARIZONA REVISED STATUTES RELATING TO MARIJUANA AND CANNABIS ARE HEREBY AMENDED AS PROVIDED IN THIS ACT:
 1. Section 13-3401(4), Arizona revised statutes, is deleted and shall not be reintroduced into Arizona law, directly or indirectly, in the future.
 2. Section 13-3401(19), Arizona revised statutes, is deleted and shall not be reintroduced into Arizona law, directly or indirectly, in the future.
 3. Section 13-3401(20)(w), Arizona revised statutes, is deleted and shall not be reintroduced into Arizona law, directly or indirectly, in the future.
 4. Section 13-3401(36)(h), Arizona revised statutes, is deleted and shall not be reintroduced into Arizona law, directly or indirectly, in the future.
 5. Section 36-2501(a)(2), Arizona revised statutes, is deleted and shall not be reintroduced into Arizona law, directly or indirectly, in the future.
 6. Section 36-2512(a)(3)(w), Arizona revised statutes, is deleted and shall not be reintroduced into Arizona law, directly or indirectly, in the future.
- E. PERSONAL CULTIVATION SHALL BE SUBJECT TO THE FOLLOWING:
 1. ALL PERSONS ARE AUTHORIZED TO CULTIVATE CANNABIS WITH .3%THC OR LESS BUT PERSONS UNDER THE AGE OF TWENTY-ONE SHALL NOT CULTIVATE CANNABIS WITH MORE THAN .3% THC.
 2. ALL PERSONS WHO ARE AT LEAST TWENTY-ONE YEARS OF AGE ARE AUTHORIZED TO CULTIVATE CANNABIS WITH MORE THAN .3% THC FOR PERSONAL USE, PROVIDED THAT THE CULTIVATION DOES NOT EXCEED FORTY-EIGHT CANNABIS PLANTS IN A STATE OF EFFLORESCENCE/INFLORESCENCE.
 3. THERE SHALL BE NO LIMIT ON THE NUMBER OF CANNABIS PLANTS IN A PERSONAL GROW THAT ARE NOT YET IN A STATE OF EFFLORESCENCE/INFLORESCENCE.
 4. ALL PERSONS AT LEAST TWENTY-ONE YEARS OF AGE ARE AUTHORIZED TO MAINTAIN A HOME GARDEN PROVIDED THE PERSON OBTAINS A TRANSACTION PRIVILEGE TAX LICENSE.
 5. THE PERSON CULTIVATING THE CANNABIS PLANTS SHALL BE PERMITTED TO POSSESS, USE MANUFACTURE AND TRANSPORT THE CANNABIS PRODUCED FROM SUCH CULTIVATION AND MAY ALSO TRANSFER SUCH CANNABIS TO OTHER PERSONS WHO ARE AT LEAST TWENTY-ONE YEARS OF AGE PROVIDED THAT NOTHING OF VALUE IS TRANSFERRED IN RETURN.
 6. ALL PERSONS AT LEAST TWENTY-ONE YEARS OF AGE ARE AUTHORIZED COMMERCIAL GROWS PROVIDED THE PERSON OBTAINS A TRANSACTION PRIVILEGE TAX LICENSE AND ADHERES TO AGRICULTURAL REGULATIONS.
- F. CANNABIS, CANNABIS PRODUCTS, AND CANNABIS ACCESSORIES IS PLACED UNDER THE REGULATORY CONTROL OF THE DEPARTMENT OF AGRICULTURE AS PROVIDED IN THIS ACT.
- G. COMMERCIAL GROWS, HOME GARDENS AND CANNABIS SALES ARE NOT AUTHORIZED WITH IN 1,000 FEET OF A SCHOOL.
- H. CULTIVATION OF CANNABIS FROM PERSONAL GROWS, HOME GARDENS AND COMMERCIAL GROWS MAY NOT BE VISIBLE FROM A PUBLIC PLACE FROM GROUND LEVEL WITHOUT THE USE OF BINOCULARS, INFRARED IMAGING, THERMAL IMAGING, OR ANY OTHER ARTIFICIAL SURVEILLANCE EQUIPMENT OR OTHER OPTICAL AIDS.

3-3703. Restrictions on Government action

- A. EXCEPT AS PROVIDED IN THIS CHAPTER THE STATE OF ARIZONA IS PROHIBITED FROM TAXING OR REGULATING THE USE OF CANNABIS FOR ANY PURPOSE. FOR THE PURPOSES OF THIS SUBSECTION, USE IS DEFINED AS INCLUDING, BUT NOT LIMITED TO THE POSSESSION, CONSUMPTION, PURCHASE, CULTIVATION, PRODUCTION, MANUFACTURE, SALE, TRANSPORTATION, IMPORTATION, EXPORTATION, STORAGE AND ANY OTHER USE FOR RECREATIONAL, MEDICAL, SPIRITUAL, NUTRITIONAL, COMMERCIAL AND/OR INDUSTRIAL PURPOSES.
- B. THE STATE OF ARIZONA SHALL NOT PROHIBIT OR RESTRICT ATTORNEYS OR OTHER LICENSED PROFESSIONALS FROM ADVISING, COUNSELING, CARING FOR, OR REPRESENTING PERSONS OR ENTITIES IN THE CANNABIS INDUSTRY, EVEN WHERE SUCH ADVICE, COUNSEL, CARE AND REPRESENTATION MAY CAUSE THE CLIENT TO VIOLATE THE FEDERAL LAW.
- C. THE STATE OF ARIZONA IS PROHIBITED FROM THE FOLLOWING ACTIVITIES:
 1. PARTNERING, CONSPIRING, OR PARTICIPATING, WITH ANY OTHER GOVERNMENT ENTITIES, INCLUDING BUT NOT LIMITED TO THE FEDERAL GOVERNMENT, LOCAL GOVERNMENTS, INTERNATIONAL AGENCIES AND GOVERNING BODIES,

NATIVE AMERICAN TRIBES, OTHER STATES, FOREIGN GOVERNMENTS, AND PRIVATE ENTITIES, OR FROM ADMINISTRATING, ENFORCING OR FACILITATING THE ENFORCING OF ANY LAW OR TREATY PERTAINING TO CANNABIS LAWS AND REGULATIONS THAT RESTRICT ANY ACTIVITY THAT IS AUTHORIZED IN THIS CHAPTER.

2. USING STATE OR FEDERAL FUNDS OR MONIES TO ENFORCE ANY FEDERAL, LOCAL, INTERNATIONAL OR TRIBAL LAWS OR TREATIES PERTAINING TO CANNABIS LAWS AND REGULATIONS THAT ARE DIFFERENT FROM THE PROVISIONS PRESCRIBED IN THIS CHAPTER.
3. DENYING ANY PRIVILEGE, LICENSE, REGISTRATION OR BENEFIT TO A PERSON BASED ON THAT PERSON'S USE OF CANNABIS PURSUANT TO THIS CHAPTER;
4. DISCRIMINATING IN ANY WAY, WHETHER IN GOVERNMENT EMPLOYMENT OR OTHERWISE, AGAINST A PERSON BASED ON THAT PERSON'S USE OF CANNABIS PURSUANT TO THIS CHAPTER.

3-3704. Discrimination prohibited

- A. FOR THE PURPOSES OF MEDICAL CARE, INCLUDING ORGAN TRANSPLANTS, A PERSON'S USE OF CANNABIS SHALL NOT DISQUALIFY THE PERSON FROM MEDICAL CARE.
- B. NO PERSON MAY BE DENIED CUSTODY OF OR VISITATION OR PARENTING TIME WITH A MINOR, AND THERE IS NO PRESUMPTION OF NEGLECT OR CHILD ENDANGERMENT FOR CONDUCT ALLOWED UNDER THIS CHAPTER, UNLESS THE PERSON'S BEHAVIOR CREATES AN UNREASONABLE DANGER TO THE SAFETY OF THE MINOR AS ESTABLISHED BY PROOF BEYOND A REASONABLE DOUBT.
- C. NO PERSON MAY POSSESS OR USE CANNABIS ON SCHOOL GROUNDS, INSIDE SCHOOL BUILDINGS, IN SCHOOL PARKING LOTS OR PLAYING FIELDS, IN SCHOOL BUSES OR VEHICLES OR AT OFF-CAMPUS SCHOOL-SPONSORED EVENTS. FOR THE PURPOSES OF THIS PARAGRAPH, "SCHOOL" MEANS ANY PUBLIC, CHARTER OR PRIVATE SCHOOL WHERE CHILDREN ATTEND CLASSES IN PRESCHOOL PROGRAMS, KINDERGARTEN PROGRAMS OR GRADES ONE THROUGH TWELVE ONLY.

3-3705. Local control

- A. LOCAL GOVERNMENTS SHALL NOT PROHIBIT THE OPERATION OF CANNABIS RELATED BUSINESSES WITHIN THEIR JURISDICTIONS, EXCEPT THAT CITIES, TOWNS AND COUNTIES MAY ENACT REASONABLE ZONING REGULATIONS THAT LIMIT THE USE OF LAND FOR COMMERCIAL GROWS, HOME GARDENS AND BUSINESSES ENGAGED IN THE RETAIL SALE AND WHOLESALE OF CANNABIS TO SPECIFIED AREAS IN THE MANNER PROVIDED IN TITLE 9, CHAPTER 4, ARTICLE 6.1, AND TITLE 11, CHAPTER 6, ARTICLE 2.
- B. A CANNABIS RELATED BUSINESS SHALL ONLY BE ZONED ACCORDING TO EXISTING ZONING ORDINANCES PERTAINING TO THE TYPE OF COMMERCIAL ACTIVITY THAT THE BUSINESS IS ENGAGED IN, INCLUDING, BUT NOT LIMITED TO RETAIL, WHOLESALE, AGRICULTURE, MANUFACTURING, PROCESSING, DISTRIBUTING AND STORAGE.
- C. EXCEPT AS PROVIDED FOR IN SUBSECTION "A", A LOCAL JURISDICTION SHALL NOT TAX, REGULATE, OR CONTROL THE USE, CONSUMPTION, TRANSDERMAL DELIVERY, SALE, TRANSFER, GROWTH, CULTIVATION, MANUFACTURE, PRODUCTION, STORAGE, POSSESSION, TRANSPORTATION OR IMPORTATION OF CANNABIS
- D. LOCAL GOVERNMENTS SHALL NOT ENACT ANY ZONING REQUIREMENT THAT IS DISCRIMINATORY, PROHIBITIVE OR EXCLUSIVE TO A CANNABIS RELATED-BUSINESS.
- E. LOCAL GOVERNMENTS SHALL NOT ENACT ANY LICENSING FEE OR TAX THAT IS NOT PROVIDED FOR IN THIS CHAPTER.
- F. LOCAL GOVERNMENTS SHALL NOT REQUIRE ANYTHING MORE FOR THE OPERATION OF A CANNABIS RELATED BUSINESS THAN A STANDARD TRANSACTION PRIVILEGE TAX LICENSE ISSUED BY THE ARIZONA DEPARTMENT OF REVENUE AND ANY BUSINESS, OCCUPATIONAL LICENSE, OR SALES TAX LICENSE ISSUED BY THE LOCALITY IN WHICH THE BUSINESS IS BASED AND/OR OPERATES IF APPLICABLE.
- G. IT SHALL BE THE RESPONSIBILITY OF THE INDIVIDUAL ENGAGED IN A CANNABIS RELATED BUSINESS TO OBTAIN A FEDERAL EMPLOYEE IDENTIFICATION NUMBER FOR FEDERAL TAXES, IF APPLICABLE.
- H. A CANNABIS RELATED BUSINESS MAY BE REQUIRED TO UNDERGO ANY INSPECTIONS THAT ARE NORMALLY REQUIRED FOR NON-CANNABIS BUSINESSES OF A SIMILAR TYPE SUCH AS FARMS, NURSERIES, RESTAURANTS, BAKERIES, MANUFACTURING FACILITIES, AND COMMERCIAL KITCHENS, UNLESS OTHERWISE EXEMPTED IN THIS CHAPTER.
- I. LOCAL BUSINESS LICENSE.
 1. THE DEPARTMENT OF REVENUE AND ALL LOCAL JURISDICTIONS SHALL ISSUE TRANSACTION PRIVILEGE TAX AND, BUSINESS LICENSES, OR WHATEVER OTHER TYPE OF LICENSE IS GENERALLY ISSUED BY THE LOCAL JURISDICTION THAT AUTHORIZES THE TYPE OF COMMERCIAL ACTIVITY THAT THE BUSINESS IS ENGAGED IN, INCLUDING, BUT NOT LIMITED TO RETAIL, WHOLESALE, AGRICULTURE, MANUFACTURING, PROCESSING, DISTRIBUTING AND STORAGE AND ANY OTHER PERMITS NECESSARY TO OPERATE A CANNABIS RELATED BUSINESS.
 2. THE LOCAL BUSINESS LICENSE DESCRIBED IN SUBSECTION "1" SHALL BE ISSUED WITHIN THIRTY DAYS AFTER APPLICATION.
 3. NO CANNABIS-SPECIFIC LICENSES, PERMIT OR FEES SHALL BE MANDATED OR REQUIRED, NOR SHALL ANY LICENSE OR TRANSACTION PRIVILEGE TAX LICENSE BE DENIED TO ANY CANNABIS RELATED BUSINESS.
- J. LOCALITIES SHALL NOT PROHIBIT PERSONAL GROWS OR ANY OTHER CULTIVATION OF CANNABIS.

3-3707. Licensing

- A. NO PERMIT, LICENSE OR TAX SHALL BE REQUIRED FOR THE MANUFACTURE, CULTIVATION, TRANSPORTATION, OR CONSUMPTION OF CANNABIS FOR PERSONAL USE OR FOR THE TRANSFER OF CANNABIS TO OTHER PERSONS FOR PERSONAL USE WHO ARE AT LEAST TWENTY-ONE YEARS OF AGE PROVIDED THAT NOTHING OF VALUE IS TRANSFERRED IN RETURN.
- B. A PERSON OR ENTITY OPERATING A BUSINESS FOR INCOME FROM THE RESALE OF CANNABIS OR CANNABIS PRODUCTS SHALL OBTAIN A TRANSACTION PRIVILEGE TAX LICENSE AND ANY STANDARD LOCAL TAX, AND OR BUSINESS LICENSE THAT IS GENERALLY APPLICABLE TO THE TYPE OF COMMERCIAL ACTIVITY THE BUSINESS IS ENGAGED IN.
- C. A PERSON WHO ENGAGES IN THE SALE OF CANNABIS LAWFULLY PRODUCED AT A PERSONAL GROW SHALL OBTAIN A TRANSACTION PRIVILEGE TAX LICENSE BEFORE ENGAGING IN SUCH SALES. NO LICENSE SHALL BE REQUIRED, HOWEVER, FOR THE PERSONAL GROW WHERE THE CANNABIS WAS LAWFULLY PRODUCED.
- D. AND SHALL BE SUBJECT TO GENERALLY APPLICABLE AGRICULTURAL LAWS AND REGULATIONS. NO CANNABIS-SPECIFIC LICENSES SHALL BE MANDATED, ENACTED OR REQUIRED, AND NO CANNABIS-SPECIFIC LICENSE FEES SHALL BE LEVIED, ENACTED, MANDATED OR REQUIRED. NO CANNABIS-SPECIFIC TAXES SHALL BE LEVIED, MANDATED OR REQUIRED.
- E. A COMMERCIAL GROW SHALL NOT BE DENIED THE RIGHT TO SELL AND DISPOSE OF CANNABIS OR RESTRICTED IN ANY MANNER, EXCEPT IN THE MANNER AND TO THE EXTENT PROVIDED FOR IN THIS CHAPTER.
- F. A COMMERCIAL GROW MAY BE SUBJECT TO INSPECTION BY LAWFUL AUTHORITY WHEN THE INSPECTION IS UNIFORM AS TO THE SAME PRODUCT AND WITHOUT COST TO THE PRODUCER. HOME GARDENS, AND PERSONAL GROWS SHALL BE EXEMPT FROM INSPECTION.

- G. A PERSON WHO MAINTAINS A HOME GARDEN OR PERSONAL GROW MAY NOT BE DENIED THE RIGHT TO SELL AND DISPOSE OF CANNABIS OR RESTRICTED IN ANY MANNER, EXCEPT IN THE MANNER AND TO THE EXTENT PROVIDED FOR IN THIS CHAPTER, AND PROVIDED THAT THE SALE TAKES PLACE AT A LOCATION ZONED FOR SUCH COMMERCIAL ACTIVITY.
- H. HOME GARDENS AND PERSONAL GROWS SHALL NOT BE SUBJECT TO INSPECTION BY LAWFUL AUTHORITY WHEN THE INSPECTION IS UNIFORM AS TO THE SAME PRODUCT AND WITHOUT COST TO THE PRODUCER. HOME GARDENS, AND PERSONAL GROWS SHALL BE EXEMPT FROM INSPECTION.
- I. THE RIGHT TO SELL AND DISPOSE OF CANNABIS SHALL EXTEND TO THE PRODUCER'S EMPLOYEES AND AGENTS WHEN THE PRODUCTS ARE SOLD OR DISPOSED OF ON HIS BEHALF AND FOR HIS BENEFIT.
- J. ANY CANNABIS PRODUCTS PRODUCED BY A COMMERCIAL GROW THAT IS INTENDED FOR WHOLESALE OR RETAIL SALES SHALL, PRIOR TO SALE, BE CONTAINED OR PACKAGED AND LABELED OR HAVE SIGNAGE PLACED IN A CONSPICUOUS PLACE WITH THE FOLLOWING INFORMATION REGARDING THE PRODUCT:
 - 1. A SYMBOL OR OTHER MARK INDICATING THAT THE PACKAGE CONTAINS CANNABIS.
 - 2. INFORMATION INDICATING THE TETRAHYDROCANNABINOL, CANNABIDIOL AND CANNABIGEROL POTENCY LEVELS.
 - 3. SPORE COUNT LEVEL OF ANY MOLD PRESENT.
 - 4. THE RESIDUAL SOLVENTS USED; AND INFORMATION REGARDING ANY TERPENES; TRACE METALS; PESTICIDES; HERBICIDES; FUNGICIDES; AND WHETHER THE CANNABIS HAS BEEN GENETICALLY MODIFIED (GMO/GM), OR HAD ADDITIVES ADDED BEFORE THE POINT OF SALE.
 - 5. STRAIN NAME, BATCH NUMBER, ORIGIN, AND WEIGHT OF THE CANNABIS.
- K. RELIGIOUS MINISTRIES SHALL BE EXEMPT FROM INSPECTIONS, TAX AND LICENSING FROM THE SALE, CULTIVATION, MANUFACTURING, PROCESSING AND ANY OTHER REGULATIONS OF CANNABIS AND SHALL FUNCTION AS MEETS THEIR TRADITION. MINISTRIES MAY PREPARE FOOD AND DRINK ACCORDING TO THEIR TRADITION, INCLUDING BUT NOT LIMITED TO KOSHER, HALAL, AND ANY OTHER, AND SHALL NOT BE PENALIZED BY THE STATE OF ARIZONA FOR, NOR RESTRICTED FROM, RECOMMENDING CANNABIS FOR SPIRITUAL CARE TO ITS MEMBERS WHO SEEK SUCH HELP.

3-3708. Exemptions

- A. COMMERCE IN CANNABIS THAT HAS MORE THAN .3% THC SHALL BE LIMITED TO ADULTS WHO ARE AT LEAST TWENTY-ONE YEARS OF AGE.
- B. NO PERSON OR ENTITY SHALL KNOWINGLY SELL, OR TRANSFER CANNABIS THAT HAS MORE THAN .3% THC TO A PERSON UNDER TWENTY-ONE YEARS OF AGE.
- C. NO PERSON UNDER THE AGE OF TWENTY-ONE SHALL KNOWINGLY OR LAWFULLY PURCHASE, CULTIVATE, SELL, POSSESS, OR USE ANY CANNABIS THAT HAS MORE THAN .3% THC BUT THERE SHALL BE NO AGE RESTRICTION FOR THE POSSESSION OR USE OF CANNABIS WITH .3%THC OR LESS.
- D. NOTHING IN THIS CHAPTER PREVENTS THE OWNER OR LESSOR OF PRIVATE PROPERTY TO PROHIBIT THE USE OF CANNABIS ON THAT PRIVATE PROPERTY.

3-3709. Driving under the influence

- A. THIS CHAPTER DOES NOT PREVENT THE IMPOSITION OF ANY CIVIL, CRIMINAL, OR OTHER PENALTIES FOR OPERATING, NAVIGATING OR BEING IN ACTUAL PHYSICAL CONTROL OF ANY MOTOR VEHICLE, AIRCRAFT, OR MOTORBOAT WHILE UNDER THE INFLUENCE OF CANNABIS EXCEPT, NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO PERSON MAY BE ARRESTED, PROSECUTED, CONVICTED OR PENALIZED IN ANY MANNER, INCLUDING ANY CIVIL PENALTY OR DISCIPLINARY ACTION BY A COURT OR OCCUPATIONAL OR PROFESSIONAL LICENSING BOARD OR BUREAU OR BE DENIED ANY RIGHT OR PRIVILEGE, FOR HAVING CANNABIS OR ITS COMPONENTS AND METABOLITES IN THE PERSON'S BODY OR BREATH OR IN THE PERSON'S POSSESSION. THIS SECTION PROHIBITS, AMONG OTHER THINGS, ARREST, PROSECUTION, CONVICTION OR PENALTY FOR A DUI PER SE OFFENSE, WHICH IS CURRENTLY DEFINED BY A.R.S. 28-1381(A)(3);
- B. IN A PROSECUTION FOR DRIVING UNDER THE INFLUENCE, INCLUDING UNDER A.R.S. 28-1381(A)(1) AND A.R.S. 28-1381(A)(3), THE STATE SHALL NOT BE PERMITTED TO ENTER INTO EVIDENCE ANY TEST OR ANALYSIS OF A PERSON'S BODY, BREATH, HAIR, OR SKIN THAT INDICATES THE NANOGRAM LEVEL OF THC OR ACTIVE OR INACTIVE THC METABOLITES OR COMPONENTS IN THE PERSONS BODY. A TEST OR ANALYSIS SHALL ONLY BE ADMISSIBLE FOR THE PURPOSE OF PROVING THAT THE PERSON HAD THC OR ACTIVE OR INACTIVE THC METABOLITES OR COMPONENTS IN THE PERSONS BODY, BREATH, HAIR, OR SKIN.
- C. A PERSON SHALL NOT BE SUBJECT TO A REVOCATION, SUSPENSION OR CANCELLATION OF A DRIVERS LICENSE BASED SOLELY ON THE PRESENCE OF CANNABIS OR ITS METABOLITES IN THE PERSONS BODY.
- D. NO PERSON MAY BE REQUIRED TO INSTALL AN IGNITION INTERLOCK DEVICE OR ANY OTHER SIMILAR DEVICE IN THE PERSONS CAR, HOME, BODY OR OTHER PROPERTY BASED SOLELY ON A FINDING THAT THE PERSON WAS ACTUALLY IMPAIRED BY CANNABIS WHILE DRIVING. IT SHALL NOT BE REQUIRED BASED SOLELY ON A FINDING THAT THERE WAS CANNABIS OR ITS METABOLITES IN THE PERSON'S BODY OR BREATH OR IN THE PERSON'S POSSESSION WHILE DRIVING UNLESS ACTUAL IMPAIRMENT IS ALSO PROVEN.

3-3710. Gun rights

- A. A PERSON'S RIGHT TO OWN AND BEAR ARMS SHALL NOT BE INFRINGED BY LAW ENFORCEMENT OR THE STATE OF ARIZONA BASED ON THE PERSON'S USE, CONSUMPTION, SALE, MANUFACTURE, CULTIVATION, PRODUCTION, PURCHASE, POSSESSION OR TRANSPORTATION OF CANNABIS, CANNABIS PRODUCTS OR CANNABIS ACCESSORIES.
- B. A PERSONS POSSESSION OF A FIREARM SHALL NOT BE RECORDED IN ANY REPORT, WHETHER WRITTEN, ELECTRONIC, DIGITAL OR OTHERWISE, BY LAW ENFORCEMENT OR ANY GOVERNMENTAL AGENCY BASED ON THE FACT THAT THE PERSON POSSESSED THE FIREARM IN THE VICINITY OF A PERSON'S USE, CONSUMPTION, SALE, MANUFACTURE, CULTIVATION, PRODUCTION, PURCHASE, POSSESSION OR TRANSPORTATION OF CANNABIS, CANNABIS PRODUCTS OR CANNABIS ACCESSORIES.

3-3711. Search and seizure

- A. EXCEPT AS PROVIDED FOR IN THIS CHAPTER, NO SEARCH OR ARREST SHALL BE MADE, OR ANY PERSONAL OR REAL PROPERTY BE SEIZED OR FORFEITED, BASED UPON A FINDING THAT CANNABIS IS OR WAS IN THE PROCESS OF BEING POSSESSED, USED, CULTIVATED, EXTRACTED, PRODUCED, MANUFACTURED OR SOLD.
- B. IF A WARRANT IS ISSUED IN VIOLATION OF SUBSECTION A OF THIS SECTION, THE LAW ENFORCEMENT AGENCY THAT OBTAINED THE WARRANT SHALL BE SUBJECT TO A CIVIL PENALTY OF \$50,000 PAYABLE TO THE PERSON WHO WAS ARRESTED OR WHO OWNS THE PROPERTY THAT WAS SEARCHED OR SEIZED. A PRIVATE CAUSE OF ACTION FOR THE RECOVERY OF THIS PENALTY SHALL BE ACCEPTED BY THE SUPERIOR COURT HAVING GEOGRAPHIC JURISDICTION OVER THE PLACE WHERE THE VIOLATION OCCURRED. THE FILING FEE FOR SUCH AN ACTION SHALL NOT EXCEED

\$50. THERE SHALL BE NO IMMUNITY FROM THIS PENALTY BY STATUTE OR OTHERWISE, INCLUDING BASED ON A CLAIM OF HAVING ACTED IN "GOOD FAITH".

- C. ANYTHING DISCOVERED DURING A SEARCH IN VIOLATION OF SUBSECTION A OF THIS SECTION SHALL NOT BE ADMISSIBLE AS EVIDENCE IN ANY CRIMINAL, CIVIL, ADMINISTRATIVE OR OCCUPATIONAL LICENSING ACTION OR PROCEEDING AGAINST ANY PERSON, REGARDLESS OF WHETHER THE PERSON HAD A PRIVACY INTEREST IN THE PROPERTY SEARCHED.

3-3712. Post conviction relief

- A. ANY PERSON WHO WAS SENTENCED UNDER THIS SECTION PRIOR TO THE EFFECTIVE DATE OF THIS AMENDMENT, SHALL BE ELIGIBLE FOR RE-SENTENCING AS FOLLOWS.
 - 1. ANY PERSON WHO WAS SENTENCED TO INCARCERATION OR PROBATION PRIOR TO THE EFFECTIVE DATE OF THIS ACT, PURSUANT TO A.R.S. 13-3405(B) OR A.R.S. 13-3408(B) MAY FILE A MOTION TO MODIFY SENTENCE WITH THE JUDGE, COMMISSIONER, JUSTICE OF THE PEACE OR MAGISTRATE WHO PRONOUNCED SENTENCE OR IMPOSED PROBATION OR SUCH JUDGE, COMMISSIONER, JUSTICE OF THE PEACE OR MAGISTRATE'S SUCCESSOR IN OFFICE.
 - 2. NO LATER THAN THIRTY (30) DAYS FROM THE FILING DATE OF THE MOTION TO MODIFY SENTENCE, THE COURT SHALL EITHER GRANT THE MOTION TO MODIFY SENTENCE OR, IF THE STATE OBJECTS, SCHEDULE A CONTESTED RE-SENTENCING HEARING.
 - 3. AT THE RE-SENTENCING HEARING, THE COURT SHALL DETERMINE THE FOLLOWING:
 - (A) IF CURRENTLY SERVING A TERM OF INCARCERATION OR PROBATION, WHETHER THE PERSON WOULD HAVE BEEN SENTENCED TO A SHORTER TERM OR NO TERM AT ALL OF INCARCERATION OR PROBATION UNDER THIS ACT.
 - (B) IF THE COURT DETERMINES THAT A SHORTER TERM OR NO TERM AT ALL WOULD HAVE BEEN IMPOSED UNDER THIS SECTION AS AMENDED, IT SHALL GRANT THE MOTION TO MODIFY SENTENCE AND ORDER A MODIFICATION OF SENTENCE THAT IS CONSISTENT WITH THIS ACT. UNDER NO CIRCUMSTANCES MAY A RE-SENTENCING UNDER THIS SECTION RESULT IN THE IMPOSITION OF ADDITIONAL PENALTIES.
 - 4. THE COURT SHALL EITHER GRANT OR DENY THE MOTION TO MODIFY SENTENCE NO LATER THAN SIXTY (60) DAYS FROM THE DATE OF THE FILING OF THE MOTION TO MODIFY SENTENCE.
- B. UPON COMPLETION OF A DEFENDANT'S SENTENCE IMPOSED PURSUANT TO THIS SECTION, THE DEFENDANT MAY FILE A PETITION TO EXPUNGE CONVICTION WITH THE JUDGE, JUSTICE OF THE PEACE OR MAGISTRATE WHO PRONOUNCED SENTENCE OR IMPOSED PROBATION OR SUCH JUDGE, JUSTICE OF THE PEACE OR MAGISTRATE'S SUCCESSOR IN OFFICE.
 - 1. WITHIN SIXTY (60) DAYS OF THE FILING OF A PETITION TO EXPUNGE CONVICTION, IF THE COURT DETERMINES THAT THE DEFENDANT'S CONDUCT WOULD NOT HAVE BEEN A CRIMINAL OFFENSE UNDER THIS SECTION AS AMENDED, THEN THE COURT SHALL ORDER THAT ALL CONVICTIONS UNDER THAT CASE NUMBER WHICH WERE ENTERED PURSUANT THIS SECTION BE EXPUNGED AND CLEARED FROM ALL COURT RECORDS, POLICE RECORDS AND ANY OTHER RECORDS OF ANY OTHER AGENCY RELATING TO SUCH CONVICTION AND SHALL CAUSE A COPY OF SUCH ORDER TO BE DELIVERED TO ALL LAW ENFORCEMENT AGENCIES AND COURTS.
 - 2. THE COURT SHALL ORDER THAT THE CONVICTION BE PERMANENTLY OBLITERATED FROM ALL RECORDS WHETHER ELECTRONIC, DIGITAL, WRITTEN OR OTHER AND SHALL ORDER THAT THE CONVICTION NOT BE USED AGAINST THE DEFENDANT FOR ANY PURPOSE, INCLUDING IN ANY CIVIL, CRIMINAL OR ADMINISTRATIVE PROCEEDING.

3-3713. Penalties

- A. UNLESS A PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE HAS A VALID ARIZONA MEDICAL MARIJUANA PATIENT REGISTRATION CARD, THE PERSON SHALL BE REMANDED FORTHWITH BY THE ARRESTING AGENCY TO THE AUTHORITY OF THE PERSON'S PARENT OR LEGAL GUARDIAN. IF THE PERSON IS AT LEAST EIGHTEEN YEARS OF AGE, HE SHALL BE RELEASED FORTHWITH.
- B. ANY PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE AND WHO SELLS OR TRANSFERS CANNABIS CONTAINING MORE THAN .3% THC TO ANOTHER PERSON WHO IS EIGHTEEN, NINETEEN OR TWENTY YEARS OF AGE IS SUBJECT TO A CIVIL PENALTY NOT TO EXCEED \$500 PER VIOLATION.
- C. ANY PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE AND WHO SELLS OR TRANSFERS CANNABIS CONTAINING MORE THAN .3% THC TO ANOTHER PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE IS SUBJECT TO A CIVIL PENALTY NOT TO EXCEED \$1,000 PER VIOLATION.
- D. ANY PERSON WHO IS AT LEAST TWENTY-ONE YEARS OF AGE OR OLDER WHO SELLS OR TRANSFERS CANNABIS CONTAINING MORE THAN .3% THC TO ANOTHER PERSON WHO IS EIGHTEEN, NINETEEN OR TWENTY YEARS OF AGE SHALL BE SUBJECT TO CIVIL FINE NOT TO EXCEED \$2,500 PER VIOLATION.
- E. ANY PERSON WHO IS AT LEAST TWENTY-ONE YEARS OF AGE OR OLDER WHO SELLS OR TRANSFERS CANNABIS CONTAINING MORE THAN .3% THC TO ANOTHER PERSON WHO IS FIFTEEN, SIXTEEN OR SEVENTEEN IS GUILTY OF A CLASS THREE MISDEMEANOR AND SHALL BE SUBJECT TO A CIVIL FINE NOT TO EXCEED \$2,500.
- F. ANY PERSON WHO IS AT LEAST TWENTY-ONE YEARS OF AGE OR OLDER WHO SELLS OR TRANSFERS CANNABIS CONTAINING MORE THAN .3% THC TO ANOTHER PERSON WHO IS UNDER THE AGE OF FIFTEEN IS GUILTY OF A CLASS ONE MISDEMEANOR AND SHALL BE SUBJECT TO A CIVIL FINE OF \$2,500.
- G. UNLESS OTHERWISE PROVIDED IN THIS CHAPTER, ALL OTHER VIOLATIONS OF THIS CHAPTER ARE SUBJECT TO A CIVIL PENALTY AS FOLLOWS.
 - 1. FOR THE FIRST VIOLATION, NOT TO EXCEED \$50.
 - 2. FOR THE SECOND VIOLATION, NOT TO EXCEED \$150.
 - 3. FOR THE THIRD AND SUBSEQUENT VIOLATIONS, NOT TO EXCEED \$300.
- H. NOTWITHSTANDING ANY OTHER LAW, NO SURCHARGES, FEES, OR OTHER MULTIPLIERS MAY INCREASE THE MAXIMUM CIVIL PENALTIES IN ANY AMOUNT BEYOND THOSE HERE LISTED.

3-3714. Private property and business owners rights

- A. THIS CHAPTER DOES NOT REQUIRE AN EMPLOYER TO ALLOW OR ACCOMMODATE THE POSSESSION OR CONSUMPTION OF CANNABIS OR CANNABIS PRODUCTS IN THE WORKPLACE AND DOES NOT AFFECT THE ABILITY OF EMPLOYERS TO ENACT AND ENFORCE WORKPLACE POLICIES RESTRICTING THE CONSUMPTION OF CANNABIS BY EMPLOYEES.
- B. THIS CHAPTER DOES NOT PROHIBIT A PERSON WHO OWNS, MANAGES OR LEASES PRIVATE REAL OR PERSONAL PROPERTY FROM PROHIBITING OR OTHERWISE REGULATING THE POSSESSION, CONSUMPTION, PRODUCTION, PROCESSING, MANUFACTURE OR SALE OF CANNABIS AND CANNABIS PRODUCTS ON OR IN THAT PRIVATE PROPERTY.

C. THE POSSESSION OF CANNABIS IN OR ON THE FOLLOWING PLACES SHALL NOT BE PROHIBITED:

1. ON PUBLIC PROPERTY OTHER THAN IN OR ON A GOVERNMENT BUILDING OR ON A PUBLIC MEANS OF TRANSPORTATION, AND
2. ON THE PROPERTY OF ANY PUBLIC UNIVERSITY, COLLEGE, COMMUNITY COLLEGE OR POSTSECONDARY EDUCATIONAL INSTITUTION.

3-3715. Interpretation

IN ANY CRIMINAL, CIVIL OR ADMINISTRATIVE MATTER, IF A PROVISION OF THIS ACT OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS FOUND TO BE AMBIGUOUS OR UNCLEAR, THE COURT SHALL INTERPRET THE PROVISION AGAINST THE GOVERNMENT AND IN THE MANNER THAT IS MOST FAVORABLE TO THE INDIVIDUAL IN ANY CRIMINAL, CIVIL OR ADMINISTRATIVE PROCEEDING.

3-3716. Severability

IF ANY PROVISION OF THIS ACT, OR THE APPLICATION OF ANY SUCH PROVISION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID BY ANY COURT, THE REMAINDER OF THIS CHAPTER, TO THE EXTENT IT CAN BE GIVEN EFFECT, OR THE APPLICATION OF SUCH PROVISIONS TO PERSONS OR CIRCUMSTANCES OTHER THAN THOSE AS TO WHICH IT IS HELD INVALID, SHALL NOT BE AFFECTED THEREBY, AND TO THIS END THE PROVISIONS OF THIS ACT ARE SEVERABLE.

Sec. 4. Article 13

Title 42, Chapter 3, Arizona Revised Statutes, is amended by adding Article 13 to read:

ARTICLE 13.
CANNABIS AND CANNABIS PRODUCTS

42-3601. Levy and rates of tax

THERE IS LEVIED AND IMPOSED AND SHALL BE COLLECTED BY THE DEPARTMENT OF REVENUE A TAX ON ALL CANNABIS AND CANNABIS PRODUCTS SOLD TO ANY PERSON BY A RETAILER THAT SHALL NOT EXCEED THE PREVAILING GENERAL RETAIL GROCERY SALES TAX LEVIED ON FOOD. THERE SHALL BE NO TAX LEVIED, IMPOSED OR COLLECTED ON CANNABIS OR CANNABIS PRODUCTS THAT ARE SOLD BY WHOLESALEERS, DISTRIBUTORS, PRODUCERS, FARMERS, GROWERS, AND GARDENERS. NO CANNABIS SPECIFIC TAXES MAY BE LEVIED.

42-3602. Disposition of revenue

- A. EACH QUARTER THE DEPARTMENT OF REVENUE SHALL TRANSFER ALL MONIES EXCEEDING THE AMOUNT NEEDED TO IMPLEMENT AND ENFORCE TITLE 3 CHAPTER 21 IN ANY FISCAL YEAR. FORTY PERCENT OF THE MONIES SHALL BE DISTRIBUTED TO SCHOOL DISTRICTS AND CHARTER SCHOOLS IN PROPORTION TO EACH SCHOOL'S WEIGHTED STUDENT COUNT FOR THE FISCAL YEAR PURSUANT TO SECTION 15-943, PARAGRAPH 2, SUBDIVISION (A), FOR EDUCATION-RELATED EXPENSES, INCLUDING COMPENSATION OF TEACHERS, CLASSIFIED EMPLOYEES, ART PROGRAMS AND OPERATION COSTS OF KINDERGARTEN PROGRAMS AND GRADES ONE THROUGH TWELVE.
- B. ALL TAXES COLLECTED PURSUANT TO THIS ARTICLE SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147 AND TRANSFERRED QUARTERLY TO THE STATE GENERAL FUND TO BE DISPERSED ONLY FOR K-12 EDUCATION PURPOSES.
- C. ALL MONIES COLLECTED AS PENALTIES PURSUANT TO TITLE 3 CHAPTER 21 SHALL BE PLACED IN THE STATE GENERAL FUND TO BE USED BY THE ARIZONA DEPARTMENT OF EDUCATION SOLELY FOR THE FUNDING OF SPECIAL EDUCATION PROGRAMS.

Sec. 5. Amendments. The following consists of actual Arizona Revised Statutes that the changes set forth in this Act amend, repeal or delete.

Section 13-3401, Arizona Revised Statutes is amended to read:

13-3401. Definitions

In this chapter, unless the context otherwise requires:

1. "Administer" means to apply, inject or facilitate the inhalation or ingestion of a substance to the body of a person.
2. "Amidone" means any substance identified chemically as (4-4-diphenyl-6-dimethylamine-heptanone-3), or any salt of such substance, by whatever trade name designated.
3. "Board" means the Arizona state board of pharmacy.
4. ~~"Cannabis" means the following substances under whatever names they may be designated:
(a) The resin extracted from any part of a plant of the genus cannabis, and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or its resin. Cannabis does not include oil or cake made from the seeds of such plant, any fiber, compound, manufacture, salt, derivative, mixture or preparation of the mature stalks of such plant except the resin extracted from the stalks or any fiber, oil or cake or the sterilized seed of such plant which is incapable of germination.
(b) Every compound, manufacture, salt, derivative, mixture or preparation of such resin or tetrahydrocannabinol.~~
- 5-4. "Coca leaves" means cocaine, its optical isomers and any compound, manufacture, salt, derivative, mixture or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine, ecgonine or substances from which cocaine or ecgonine may be synthesized or made.
- 6-5. "Dangerous drug" means the following by whatever official, common, usual, chemical or trade name designated:
 - (a) Any material, compound, mixture or preparation that contains any quantity of the following hallucinogenic substances and their salts, isomers, whether optical, positional or geometric, and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:
 - (i) Alpha-ethyltryptamine.
 - (ii) Alpha-methyltryptamine.
 - (iii) (2-aminopropyl) benzofuran (APB).
 - (iv) (2-aminopropyl)-2, 3-dihydrobenzofuran (APDB).
 - (v) Aminorex.
 - (vi) 4-bromo-2, 5-dimethoxyphenethylamine.
 - (vii) 4-bromo-2, 5-dimethoxyamphetamine.
 - (viii) Bufotenine.
 - (ix) [3-(3-carbamoylphenyl)phenyl]N-cyclohexyl carbamate (URB-597).
 - (x) Diethyltryptamine.
 - (xi) 2, 5-dimethoxyamphetamine.
 - (xii) Dimethyltryptamine.
 - (xiii) 5-methoxy-alpha-methyltryptamine.
 - (xiv) 5-methoxy-3, 4-methylenedioxyamphetamine.
 - (xv) 4-methyl-2, 5-dimethoxyamphetamine.

- (xvi) Ibogaine.
- (xvii) Lysergic acid amide.
- (xviii) Lysergic acid diethylamide.
- (xix) Mescaline.
- (xx) 4-methoxyamphetamine.
- (xxi) Methoxymethylenedioxyamphetamine (MDMA).
- (xxii) Methylenedioxyamphetamine (MDA).
- (xxiii) 3, 4-methylenedioxyamphetamine.
- (xxiv) 3, 4-methylenedioxy-N-ethylamphetamine.
- (xxv) N-ethyl-3-piperidyl benzilate (JB-318).
- (xxvi) N-hydroxy-3, 4-methylenedioxyamphetamine.
- (xxvii) N-methyl-3-piperidyl benzilate (JB-336).
- (xxviii) N-methyltryptamine mimetic substances that are any substances derived from N-methyltryptamine by any substitution at the nitrogen, any substitution at the indole ring, any substitution at the alpha carbon, any substitution at the beta carbon or any combination of the above. N-methyltryptamine mimetic substances do not include melatonin (5-methoxy-n-acetyltryptamine). Substances in the N-methyltryptamine generic definition include AcO-DMT, Baeocystine, Bromo-DALT, DiPT, DMT, DPT, HO-DET, HO-DiPT, HO-DMT, HO-DPT, HO-MET, MeO-DALT, MeO-DET, MeO-DiPT, MeO-DMT, MeO-DPT, MeO-NMT, MET, NMT and Norbufotenin.
- (xxix) N-(1-phenylcyclohexyl) ethylamine (PCE).
- (xxx) Nabilone.
- (xxxi) 1-(1-phenylcyclohexyl) pyrrolidine (PHP).
- (xxxii) 1-(1-(2-thienyl)-cyclohexyl) piperidine (TCP).
- (xxxiii) 1-(1-(2-thienyl)-cyclohexyl) pyrrolidine.
- (xxxiv) Para-methoxyamphetamine (PMA).
- (xxxv) Psilacetin.
- (xxxvi) Psilocybin.
- (xxxvii) Psilocyn.
- (xxxviii) Synhexyl.
- (xxxix) Trifluoromethylphenylpiperazine (TFMPP).
- (xl) Trimethoxyamphetamine (TMA).
- (xli) 1-pentyl-3-(naphthoyl)indole (JWH-018 and isomers).
- (xlii) 1-butyl-3-(naphthoyl)indole (JWH-073 and isomers).
- (xliii) 1-hexyl-3-(naphthoyl)indole (JWH-019 and isomers).
- (xliv) 1-pentyl-3-(4-chloro naphthoyl)indole (JWH-398 and isomers).
- (xlv) 1-(2-(4-(morpholinyl)ethyl)-3-(naphthoyl)indole (JWH-200 and isomers).
- (xlvi) 1-pentyl-3-(methoxyphenylacetyl)indole (JWH-250 and isomers).
- (xlvii) (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone (JWH-015 and isomers).
- (xlviii) (6AR, 10AR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (HU-210).
- (xlix) 5-(1,1-dimethylheptyl)-2-(3-hydroxycyclohexyl)-phenol (CP 47,497 and isomers).
- (l) 5-(1,1-dimethyloctyl)-2-(3-hydroxycyclohexyl)-phenol (cannabicyclohexanol, CP-47,497 C8 homologue and isomers).
- (b) Any material, compound, mixture or preparation that contains any quantity of cannabimimetic substances and their salts, isomers, whether optical, positional or geometric, and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation. For the purposes of this subdivision, "cannabimimetic substances" means any substances within the following structural classes:
 - (i) 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent. Substances in the 2-(3-hydroxycyclohexyl)phenol generic definition include CP-47,497, CP-47,497 C8-Homolog, CP-55,940 and CP-56,667.
 - (ii) 3-(naphthoyl)indole or 3-(naphthylmethane)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent. Substances in the 3-(naphthoyl)indole generic definition include AM-678, AM-2201, JWH-004, JWH-007, JWH-009, JWH-015, JWH-016, JWH-018, JWH-019, JWH-020, JWH-046, JWH-047, JWH-048, JWH-049, JWH-050, JWH-070, JWH-071, JWH-072, JWH-073, JWH-076, JWH-079, JWH-080, JWH-081, JWH-082, JWH-094, JWH-096, JWH-098, JWH-116, JWH-120, JWH-122, JWH-148, JWH-149, JWH-175, JWH-180, JWH-181, JWH-182, JWH-184, JWH-185, JWH-189, JWH-192, JWH-193, JWH-194, JWH-195, JWH-196, JWH-197, JWH-199, JWH-200, JWH-210, JWH-211, JWH-212, JWH-213, JWH-234, JWH-235, JWH-236, JWH-239, JWH-240, JWH-241, JWH-242, JWH-262, JWH-386, JWH-387, JWH-394, JWH-395, JWH-397, JWH-398, JWH-399, JWH-400, JWH-412, JWH-413, JWH-414 and JWH-415.
 - (iii) 3-(naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent. Substances in the 3-(naphthoyl)pyrrole generic definition include JWH-030, JWH-145, JWH-146, JWH-147, JWH-150, JWH-156, JWH-243, JWH-244, JWH-245, JWH-246, JWH-292, JWH-293, JWH-307, JWH-308, JWH-346, JWH-348, JWH-363, JWH-364, JWH-365, JWH-367, JWH-368, JWH-369, JWH-370, JWH-371, JWH-373 and JWH-392.
 - (iv) 1-(naphthylmethylene)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent. Substances in the 1-(naphthylmethylene)indene generic definition include JWH-176.
 - (v) 3-(phenylacetyl)indole or 3-(benzoyl)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent. Substances in the 3-(phenylacetyl)indole generic definition include AM-694, AM-2233, JWH-167, JWH-201, JWH-202, JWH-203, JWH-204, JWH-205, JWH-206, JWH-207, JWH-208, JWH-209, JWH-237, JWH-248, JWH-250, JWH-251, JWH-253, JWH-302, JWH-303, JWH-304, JWH-305, JWH-306, JWH-311, JWH-312, JWH-313, JWH-314, JWH-315, JWH-316, RCS-4, RCS-8, SR-18 and SR-19.
 - (vi) 3-(cyclopropylmethanone) indole or 3-(cyclobutylmethanone) indole or 3-(cyclopentylmethanone) indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the cyclopropyl, cyclobutyl or cyclopentyl rings to any extent. Substances in the 3-(cyclopropylmethanone) indole generic definition include UR-144, fluoro-UR-144 and XLR-11.
 - (vii) 3-adamantoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent. Substances in the 3-adamantoylindole generic definition include AB-001.
 - (viii) N-(adamantyl)-indole-3-carboxamide with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent. Substances in the N-(adamantyl)-indole-3-carboxamide generic definition include SDB-001.
 - (ix) Indazole-3-carboxamide with substitution at a nitrogen atom of the indazole ring, whether or not further substituted on the indazole ring to any extent, whether or not substituted on the nitrogen of the carboxamide to any extent. Substances in the indazole-3-carboxamide generic definition include AKB-48, fluoro-AKB-48, APINACA, AB-PINACA and AB-FUBINACA.
 - (x) 8-quinolinyl-indole-3-carboxylate by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the quinoline ring to any extent. Substances in the 8-quinolinyl-indole-3-carboxylate generic definition include PB-22 and fluoro-PB-22.
- (c) Any material, compound, mixture or preparation that contains any quantity of the following substances and their salts, isomers, whether optical, positional or geometric, and salts of isomers having a potential for abuse associated with a stimulant effect on the central nervous system:
 - (i) Alpha-pyrrolidinobutiophenone (Alpha-PBP).
 - (ii) Alpha-pyrrolidinopropiophenone (Alpha-PPP).
 - (iii) Alpha-pyrrolidinovaleophenone (Alpha-PVP).
 - (iv) Alpha-pyrrolidinovaleothiophenone (Alpha-PVT).

(v) Aminoindane mimetic substances that are derived from aminoindane by any substitution at the indane ring, replacement of the amino group with another N group or any combination of the above. Substances in the aminoindane generic definition include MDAI, MMAI, IAI and AMMI.

- (vi) Amphetamine.
- (vii) Benzphetamine.
- (viii) Benzylpiperazine (BZP).
- (ix) Beta-keto-n-methylbenzodioxolylbutanamine (Butylone).
- (x) Beta-keto-n-methylbenzodioxolylpentanamine (Pentylone).
- (xi) Butorphanol.
- (xii) Cathine ((+)-norpseudoephedrine).

(xiii) Cathinomimetic substances that are any substances derived from cathinone, (2-amino-1-phenyl-1-propanone) by any substitution at the phenyl ring, any substitution at the 3 position, any substitution at the nitrogen atom or any combination of the above substitutions.

- (xiv) Cathinone.
- (xv) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).
- (xvi) Chlorphentermine.
- (xvii) Clortermine.
- (xviii) Diethylpropion.
- (xix) Dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (MDAI).
- (xx) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).
- (xxi) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).
- (xxii) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N).
- (xxiii) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).
- (xxiv) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).
- (xxv) Dimethylcathinone (Metamfepramone).
- (xxvi) Ethcathinone.
- (xxvii) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2).
- (xxviii) Fencamfamin.
- (xxix) Fenethylamine.
- (xxx) Fenproporex.
- (xxxi) Fluoroamphetamine.
- (xxxii) Fluoromethamphetamine.
- (xxxiii) Fluoromethcathinone.
- (xxxiv) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).
- (xxxv) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4).
- (xxxvi) Mazindol.
- (xxxvii) Mefenorex.
- (xxxviii) Methamphetamine.
- (xxxix) Methcathinone.
- (xl) Methiopropamine.
- (xli) Methoxy-alpha-pyrrolidinopropiophenone (MOPPP).
- (xlii) Methoxymethcathinone (methedrone).

(xliii) Methoxyphenethylamine mimetic substances that are any substances derived from 2, 5-dimethoxy-phenethylamine by any substitution at the phenyl ring, any substitution at the nitrogen atom, any substitutions at the carbon atoms of the ethylamine, or any combination of the above substitutions.

- (xliv) 4-methylaminorex.
- (xlv) Methyl-alpha-pyrrolidinobutiophenone (MPBP).
- (xlvi) Methylenedioxy-alpha-pyrrolidinopropiophenone (MDPPP).
- (xlvii) Methylenedioxyethylcathinone (Ethylone).
- (xlviii) Methylenedioxyethylcathinone (Methylone).
- (xlix) Methylenedioxypropylvalerone (MDPV).
- (l) Methylethylcathinone (Mephedrone).
- (li) Methylphenidate.
- (lii) Modafinil.
- (liii) Naphthylpyrovalerone (Naphyrone).
- (liv) N-ethylamphetamine.
- (lv) N,N-dimethylamphetamine.
- (lvi) Pemoline.
- (lvii) Phendimetrazine.
- (lviii) Phenmetrazine.
- (lix) Phentermine.
- (lx) Pipradol.
- (lxi) Propylhexedrine.
- (lxii) Pyrovalerone.
- (lxiii) Sibutramine.
- (lxiv) Spa ((-)-1-dimethylamino-1,2-diphenylethane).

(d) Any material, compound, mixture or preparation that contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

(i) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, unless specifically exempted.

- (ii) Alprazolam.
- (iii) Bromazepam.
- (iv) Camazepam.
- (v) Carisoprodol.
- (vi) Chloral betaine.
- (vii) Chloral hydrate.
- (viii) Chlordiazepoxide.
- (ix) Chlorhexadol.
- (x) Clobazam.
- (xi) Clonazepam.
- (xii) Clorazepate.
- (xiii) Clotiazepam.
- (xiv) Cloxazolam.
- (xv) Delorazepam.
- (xvi) Diazepam.
- (xvii) Dichloralphenazone.
- (xviii) Estazolam.
- (xix) Ethchlorvynol.
- (xx) Ethinamate.
- (xxi) Ethyl loflazepate.
- (xxii) Fenfluramine.
- (xxiii) Fludiazepam.
- (xxiv) Flunitrazepam.
- (xxv) Flurazepam.
- (xxvi) Gamma hydroxy butyrate.

- (xxvii) Glutethimide.
- (xxviii) Halazepam.
- (xxix) Haloxazolam.
- (xxx) Hydroxyphencyclidine (HO-PCP).
- (xxxi) Ketamine.
- (xxxii) Ketazolam.
- (xxxiii) Loprazolam.
- (xxxiv) Lorazepam.
- (xxxv) Lormetazepam.
- (xxxvi) Lysergic acid.
- (xxxvii) Mebutamate.
- (xxxviii) Mecloqualone.
- (xxxix) Medazepam.
- (xl) Meprobamate.
- (xli) Methaqualone.
- (xlii) Methohexital.
- (xliii) 2-(methoxyphenyl)-2-(ethylamino)cyclohexanone(Methoxetamine).
- (xliv) 2-(methoxyphenyl)-2-(methylamino)cyclohexanone(Methoxyketamine).
- (xlv) Methoxyphencyclidine(MeO-PCP).
- (xlv) Methyprylon.
- (xlvii) Midazolam.
- (xlviii) Nimetazepam.
- (xlix) Nitrazepam.
- (l) Nordiazepam.
- (li) Oxazepam.
- (lii) Oxazolam.
- (liii) Paraldehyde.
- (liv) Petrichloral.
- (lv) Phencyclidine (PCP).

(lvi) Phencyclidine mimetic substances that are any substances derived from phenylcyclohexylpiperidine by any substitution at the phenyl ring, any substitution at the piperidine ring, any substitution at the cyclohexyl ring, any replacement of the phenyl ring or any combination of the above. Substances in the phenylcyclohexylpiperidine generic definition include Amino-PCP, BCP, Bromo-PCP, BTCP, Chloro-PCP, Fluoro-PCP, HO-PCP, MeO-PCP, Methyl-PCP, Nitro-PCP, Oxo-PCP, PCE, PCM, PCPY, TCP and TCPY.

- (lvii) Pinazepam.
- (lviii) Prazepam.
- (lix) Scopolamine.
- (lx) Sulfondiethylmethane.
- (lxi) Sulfonethylmethane.
- (lxii) Sulfonmethane.
- (lxiii) Quazepam.
- (lxiv) Temazepam.
- (lxv) Tetrazepam.
- (lxvi) Tiletamine.
- (lxvii) Triazolam.
- (lxviii) Zaleplon.
- (lxix) Zolazepam.
- (lxx) Zolpidem.

(e) Any material, compound, mixture or preparation that contains any quantity of the following anabolic steroids and their salts, isomers or esters:

- (i) Boldenone.
- (ii) Clostebol (4-chlorotestosterone).
- (iii) Dehydrochloromethyltestosterone.
- (iv) Drostanolone.
- (v) Ethylestrenol.
- (vi) Fluoxymesterone.
- (vii) Formebolone (formebolone).
- (viii) Mesterolone.
- (ix) Methandriol.
- (x) Methandrostenolone (methandienone).
- (xi) Methenolone.
- (xii) Methyltestosterone.
- (xiii) Mibolerone.
- (xiv) Nandrolone.
- (xv) Norethandrolon.
- (xvi) Oxandrolone.
- (xvii) Oxymesterone.
- (xviii) Oxymetholone.
- (xix) Stanolone (4-dihydrotestosterone).
- (xx) Stanozolol.
- (xxi) Testolactone.
- (xxii) Testosterone.
- (xxiii) Trenbolone.

7- 6. "Deliver" means the actual, constructive or attempted exchange from one person to another, whether or not there is an agency relationship.

8- 7. "Director" means the director of the department of health services.

9- 8. "Dispense" means distribute, leave with, give away, dispose of or deliver.

40- 9. "Drug court program" means a program that is established pursuant to section 13-3422 by the presiding judge of the superior court in cooperation with the county attorney in a county for the purpose of prosecuting, adjudicating and treating drug dependent persons who meet the criteria and guidelines for entry into the program that are developed and agreed on by the presiding judge and the prosecutor.

44-10. "Drug dependent person" means a person who is using a substance that is listed in paragraph ~~6, 19, 20, 21 or 28~~ 5, 18, 19, OR 26 of this section and who is in a state of psychological or physical dependence, or both, arising from the use of that substance.

42-11. "Federal act" has the same meaning prescribed in section 32-1901.

43-12. "Isoamidone" means any substance identified chemically as (4-4-diphenyl-5-methyl-6-dimethylaminohexanone-3), or any salt of such substance, by whatever trade name designated.

44-13. "Isonipocaine" means any substance identified chemically as (1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester), or any salt of such substance, by whatever trade name designated.

45-14. "Ketobemidone" means any substance identified chemically as (4-(3-hydroxyphenyl)-1-methyl-4-piperidylethyl ketone hydrochloride), or any salt of such substance, by whatever trade name designated.

46- 15. "Licensed" or "permitted" means authorized by the laws of this state to do certain things.

47- 16. "Manufacture" means produce, prepare, propagate, compound, mix or process, directly or indirectly, by extraction from substances of natural origin or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis. Manufacture includes any packaging or repackaging or labeling or relabeling of containers. Manufacture does not include any producing, preparing, propagating, compounding, mixing, processing, packaging or labeling done in conformity with applicable state and local laws and rules by a licensed practitioner incident to and in the course of his licensed practice.

17. "Manufacturer" means a person who manufactures a narcotic or dangerous drug or other substance controlled by this chapter.

~~19. "Marijuana" means all parts of any plant of the genus cannabis, from which the resin has not been extracted, whether growing or not, and the seeds of such plant. Marijuana does not include the mature stalks of such plant or the sterilized seed of such plant which is incapable of germination.~~

18. "Narcotic drugs" means the following, whether of natural or synthetic origin and any substance neither chemically nor physically distinguishable from them:

- (a) Acetyl-alpha-methylfentanyl.
- (b) Acetylmethadol.
- (c) Alfentanil.
- (d) Allylprodine.
- (e) Alphacetylmethadol.
- (f) Alphameprodine.
- (g) Alphamethadol.
- (h) Alpha-methylfentanyl.
- (i) Alpha-methylthiofentanyl.
- (j) Alphaprodine.
- (k) Amidone (methadone).
- (l) Anileridine.
- (m) Benzethidine.
- (n) Benzylfentanyl.
- (o) Betacetylmethadol.
- (p) Beta-hydroxyfentanyl.
- (q) Beta-hydroxy-3-methylfentanyl.
- (r) Betameprodine.
- (s) Betamethadol.
- (t) Betaprodine.
- (u) Bezitramide.
- (v) Buprenorphine and its salts.
- ~~(w) Cannabis.~~
- ~~(x) (W) Carfentanil.~~
- ~~(y) (X) Clonitazene.~~
- ~~(z) (Y) Coca leaves.~~
- ~~(aa) (Z) Dextromoramide.~~
- ~~(bb) (AA) Dextropropoxyphene.~~
- ~~(cc) (BB) Diampromide.~~
- ~~(dd) (CC) Diethylthiambutene.~~
- ~~(ee) (DD) Difenoxin.~~
- ~~(ff) (EE) Dihydrocodeine.~~
- ~~(gg) (FF) Dimenoxadol.~~
- ~~(hh) (GG) Dimepheptanol.~~
- ~~(ii) (HH) Dimethylthiambutene.~~
- ~~(jj) (II) Dioxaphetyl butyrate.~~
- ~~(kk) (JJ) Diphenoxylate.~~
- ~~(ll) (KK) Dipipanone.~~
- ~~(mm) (LL) Ethylmethylthiambutene.~~
- ~~(nn) (MM) Etonitazene.~~
- ~~(oo) (NN) Etoxidine.~~
- ~~(pp) (OO) Fentanyl.~~
- ~~(qq) (PP) Fentanyl mimetic substances that are any substances derived from fentanyl by any substitution in the phenethyl group, any substitution in the piperidine ring, any substitution in the aniline ring, any replacement of the phenyl portion of the phenethyl group, any replacement of the N-propionyl group or any combination of the above.~~
- ~~(rr) (QQ) Furethidine.~~
- ~~(ss) (RR) Hydroxypethidine.~~
- ~~(tt) (SS) Isoamidone (isomethadone).~~
- ~~(uu) (TT) Pethidine (meperidine).~~
- ~~(vv) (UU) Ketobemidone.~~
- ~~(ww) (VV) Levomethorphan.~~
- ~~(xx) (WW) Levomoramide.~~
- ~~(yy) (XX) Levophenacymorphan.~~
- ~~(zz) (YY) Levorphanol.~~
- ~~(aaa) (ZZ) Metazocine.~~
- ~~(bbb) (AAA) 3-methylfentanyl.~~
- ~~(ccc)(BBB) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP).~~
- ~~(ddd) (CCC) 3-methylthiofentanyl.~~
- ~~(eee) (DDD) Morpheridine.~~
- ~~(fff) (EEE) Noracymethadol.~~
- ~~(ggg) (FFF) Norlevorphanol.~~
- ~~(hhh) (GGG) Normethadone.~~
- ~~(iii) (HHH) Norpipanone.~~
- ~~(jjj) (III) Opium.~~
- ~~(kkk) (JJJ) Para-fluorofentanyl.~~
- ~~(lll) (KKK) Pentazocine.~~
- ~~(mmm) (LLL) Phenadoxone.~~
- ~~(nnn) (MMM) Phenampromide.~~
- ~~(ooo) (NNN) Phenazocine.~~
- ~~(ppp) (OOO) 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine (PEPAP).~~
- ~~(qqq) (PPP) Phenomorphan.~~
- ~~(rrr) (QQQ) Phenoperidine.~~
- ~~(sss) (RRR) Piminodine.~~
- ~~(ttt) (SSS) Piritramide.~~
- ~~(uuu) (TTT) Proheptazine.~~
- ~~(vvv) (UUU) Properidine.~~
- ~~(www) (VVV) Propiram.~~
- ~~(xxx) (WWW) Racemethorphan.~~
- ~~(yyy) (XXX) Racemoramide.~~
- ~~(zzz) (YYY) Racemorphan.~~
- ~~(aaaa) (ZZZ) Remifentanil.~~
- ~~(bbbb) (AAAA) Sufentanil.~~
- ~~(eeee) (BBBB) Thenylfentanyl.~~
- ~~(ddd) (CCCC) Thiofentanyl.~~
- ~~(eeee) (DDDD) Tilidine.~~
- ~~(fff) (EEEE) Trimeperidine.~~

19. "Opium" means any compound, manufacture, salt, isomer, salt of isomer, derivative, mixture or preparation of the following, but does not include apomorphine or any of its salts:

- (a) Acetorphine.
- (b) Acetyldihydrocodeine.
- (c) Benzylmorphine.
- (d) Codeine.
- (e) Codeine methylbromide.
- (f) Codeine-N-oxide.
- (g) Cyprenorphine.
- (h) Desomorphine.
- (i) Dihydromorphine.
- (j) Drotebanol.
- (k) Ethylmorphine.
- (l) Etorphine.
- (m) Heroin.
- (n) Hydrocodone.
- (o) Hydromorphinol.
- (p) Hydromorphone.
- (q) Levo-alphaacetylmethadol.
- (r) Methyl-desorphine.
- (s) Methyl-dihydromorphine.
- (t) Metopon.
- (u) Morphine.
- (v) Morphine methylbromide.
- (w) Morphine methylsulfonate.
- (x) Morphine-N-oxide.
- (y) Myrophine.
- (z) Nalorphine.
- (aa) Nicocodeine.
- (bb) Nicomorphine.
- (cc) Normorphine.
- (dd) Oxycodone.
- (ee) Oxymorphone.
- (ff) Pholcodine.
- (gg) Thebacon.
- (hh) Thebaine.

~~22-~~ 20. "Ordinary ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine product" means a product that contains ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine and that is all of the following:

- (a) Approved for sale under the federal act.
- (b) Labeled, advertised and marketed only for an indication that is approved by the federal food and drug administration.
- (c) Either:
 - (i) A nonliquid that is sold in package sizes of not more than three grams of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine and that is packaged in blister packs containing not more than two dosage units or, if the use of blister packs is technically infeasible, that is packaged in unit dose packets or pouches.
 - (ii) A liquid that is sold in package sizes of not more than three grams of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine.

~~23-~~ 21. "Peyote" means any part of a plant of the genus *lophophora*, known as the mescal button.

~~24-~~ 22. "Pharmacy" means a licensed business where drugs are compounded or dispensed by a licensed pharmacist.

~~25-~~ 23. "Practitioner" means a person licensed to prescribe and administer drugs.

~~26-~~ 24. "Precursor chemical I" means any material, compound, mixture or preparation which contains any quantity of the following substances and their salts, optical isomers or salts of optical isomers:

- (a) N-acetylanthranilic acid.
- (b) Anthranilic acid.
- (c) Ephedrine.
- (d) Ergotamine.
- (e) Isosafrole.
- (f) Lysergic acid.
- (g) Methylamine.
- (h) N-ethylephedrine.
- (i) N-ethylpseudoephedrine.
- (j) N-methylephedrine.
- (k) N-methylpseudoephedrine.
- (l) Norephedrine.
- (m) (-)-Norpseudoephedrine.
- (n) Phenylacetic acid.
- (o) Phenylpropanolamine.
- (p) Piperidine.
- (q) Pseudoephedrine.

~~27-~~ 25. "Precursor chemical II" means any material, compound, mixture or preparation which contains any quantity of the following substances and their salts, optical isomers or salts of optical isomers:

- (a) 4-cyano-2-dimethylamino-4, 4-diphenyl butane.
- (b) 4-cyano-1-methyl-4-phenylpiperidine.
- (c) Chlorephedrine.
- (d) Chlorpseudoephedrine.
- (e) Ethyl-4-phenylpiperidine-4-carboxylate.
- (f) 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid.
- (g) 1-methyl-4-phenylpiperidine-4-carboxylic acid.
- (h) N-formyl amphetamine.
- (i) N-formyl methamphetamine.
- (j) Phenyl-2-propanone.
- (k) 1-piperidinocyclohexane carbonitrile.
- (l) 1-pyrrolidinocyclohexane carbonitrile.

~~29-~~ 26. "Prescription-only drug" does not include a dangerous drug or narcotic drug but means:

- (a) Any drug which because of its toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use, is not generally recognized among experts, qualified by scientific training and experience to evaluate its safety and efficacy, as safe for use except by or under the supervision of a medical practitioner.
- (b) Any drug that is limited by an approved new drug application under the federal act or section 32-1962 to use under the supervision of a medical practitioner.
- (c) Every potentially harmful drug, the labeling of which does not bear or contain full and adequate directions for use by the consumer.
- (d) Any drug required by the federal act to bear on its label the legend "Caution: Federal law prohibits dispensing without prescription" or "Rx only".

~~29-~~ 27. "Produce" means grow, plant, cultivate, harvest, dry, process or prepare for sale.

~~30-~~ 28. "Regulated chemical" means the following substances in bulk form that are not a useful part of an otherwise lawful product:

- (a) Acetic anhydride.
- (b) Hypophosphorous acid.

- (c) Iodine.
- (d) Sodium acetate.
- (e) Red phosphorus.
- (f) Gamma butyrolactone (GBL).
- (g) 1, 4-butanediol.
- (h) Butyrolactone.
- (i) 1, 2 butanolide.
- (j) 2-oxanalone.
- (k) Tetrahydro-2-furanone.
- (l) Dihydro-2(3H)-furanone.
- (m) Tetramethylene glycol.

~~34-~~ 29. "Retailer" means either:

(a) A person other than a practitioner who sells any precursor chemical or regulated chemical to another person for purposes of consumption and not resale, whether or not the person possesses a permit issued pursuant to title 32, chapter 18.

(b) A person other than a manufacturer or wholesaler who purchases, receives or acquires more than twenty-four grams of a precursor chemical.

~~32-~~ 30. "Sale" or "sell" means an exchange for anything of value or advantage, present or prospective.

~~33-~~ 31. "Sale for personal use" means the retail sale for a legitimate medical use in a single transaction to an individual customer, to an employer for dispensing to employees from first aid kits or medicine chests or to a school for administration pursuant to section 15-344.

~~34-~~ 32. "Scientific purpose" means research, teaching or chemical analysis.

~~35-~~ 33. "Suspicious transaction" means a transaction to which any of the following applies:

(a) A report is required under the federal act.

(b) The circumstances would lead a reasonable person to believe that any person is attempting to possess a precursor chemical or regulated chemical for the purpose of unlawful manufacture of a dangerous drug or narcotic drug, based on such factors as the amount involved, the method of payment, the method of delivery and any past dealings with any participant.

(c) The transaction involves payment for precursor or regulated chemicals in cash or money orders in a total amount of more than two hundred dollars.

(d) The transaction involves a sale, a transfer or furnishing to a retailer for resale without a prescription of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine that is not an ordinary ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine product.

~~36-~~ 34. "Threshold amount" means a weight, market value or other form of measurement of an unlawful substance as follows:

(a) One gram of heroin.

(b) Nine grams of cocaine.

(c) Seven hundred fifty milligrams of cocaine base or hydrolyzed cocaine.

(d) Four grams or 50 milliliters of PCP.

(e) Nine grams of methamphetamine, including methamphetamine in liquid suspension.

(f) Nine grams of amphetamine, including amphetamine in liquid suspension.

(g) One-half milliliter of lysergic acid diethylamide, or in the case of blotter dosage units fifty dosage units.

~~(h) Two pounds of marijuana.~~

~~(H)~~ (H) For any combination consisting solely of those unlawful substances listed in subdivisions (a) through (h) of this paragraph, an amount equal to or in excess of the threshold amount, as determined by the application of section 13-3420.

~~(I)~~ (I) For any unlawful substance not listed in subdivisions (a) through (h) of this paragraph or any combination involving any unlawful substance not listed in subdivisions (a) through (h) of this paragraph, a value of at least one thousand dollars.

~~37-~~ 35. "Transfer" means furnish, deliver or give away.

~~38-~~ 36. "Vapor-releasing substance containing a toxic substance" means a material which releases vapors or fumes containing any of the following:

(a) Ketones, including acetone, methyl ethyl ketone, mibk, miak, isophorone and mesityl oxide.

(b) Hydrocarbons, including propane, butane, pentane, hexane, heptane and halogenated hydrocarbons.

(c) Ethylene dichloride.

(d) Pentachlorophenol.

(e) Chloroform.

(f) Methylene chloride.

(g) Trichloroethylene.

(h) Difluoroethane.

(i) Tetrafluoroethane.

(j) Aldehydes, including formaldehyde.

(k) Acetates, including ethyl acetate and butyl acetate.

(l) Aromatics, including benzene, toluene, xylene, ethylbenzene and cumene.

(m) Alcohols, including methyl alcohol, ethyl alcohol, isopropyl alcohol, butyl alcohol and diacetone alcohol.

(n) Ether, including Diethyl ether and petroleum ether.

(o) Nitrous oxide.

(p) Amyl nitrite.

(q) Isobutyl nitrite.

~~39-~~ 37. "Weight" unless otherwise specified includes the entire weight of any mixture or substance that contains a detectable amount of an unlawful substance. If a mixture or substance contains more than one unlawful substance, the weight of the entire mixture or substance is assigned to the unlawful substance that results in the greater offense. If a mixture or substance contains lysergic acid diethylamide, the offense that results from the unlawful substance shall be based on the greater offense as determined by the entire weight of the mixture or substance or the number of blotter dosage units. For the purposes of this paragraph, "mixture" means any combination of substances from which the unlawful substance cannot be removed without a chemical process.

~~40-~~ 38. "Wholesaler" means a person who in the usual course of business lawfully supplies narcotic drugs, dangerous drugs, precursor chemicals or regulated chemicals that he himself has not produced or prepared, but not to a person for the purpose of consumption by the person, whether or not the wholesaler has a permit that is issued pursuant to title 32, chapter 18. Wholesaler includes a person who sells, delivers or dispenses a precursor chemical in an amount or under circumstances that would require registration as a distributor of precursor chemicals under the federal act.

Sec. 6. Section 36-2501, Arizona Revised Statutes is amended to read:

36-2501. Definitions

A. In this chapter, unless the context otherwise requires:

1. "Board" means the Arizona state board of pharmacy.

2. "Cannabis" means the following substances under whatever names they may be designated:

~~(a) Marijuana.~~

~~(A)~~ (A) All parts of any plant of the genus cannabis, whether growing or not, its seeds, the resin extracted from any part of such plant, and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin, but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake or the sterilized seed of such plant which is incapable of germination.

~~(B)~~ (B) Every compound, manufacture, salt, derivative, mixture or preparation of such resin, tetrahydrocannabinol (T.H.C.), or of such plants from which the resin has not been extracted.

3. "Controlled substance" means a drug, substance or immediate precursor in schedules I through V of article 2 of this chapter.

4. "Department" means the department of public safety.

5. "Drug dependent person" means a person who is using a controlled substance and who is in a state of psychic or physical dependence, or both, arising from the use of that substance on a continuous basis. Drug dependence is characterized by behavioral and other

responses which include a strong compulsion to take the substance on a continuing basis in order to experience its psychic effects or to avoid the discomfort caused by its absence.

6. "Drug enforcement administration" means the drug enforcement administration of the department of justice of the United States or its successor agency.

7. "Immediate precursor" means a substance which the board has found to be and by rule designates as being the principal compound commonly used or produced primarily for use and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

8. "Narcotic drug" means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:

(a) Opium and opiate and any salt, compound, derivation or preparation of opium or opiate.

(b) Any salt, compound, isomer, derivative or preparation which is chemically equivalent or identical with any of the substances referred to in subdivision (a) of this paragraph but not including the isoquinoline alkaloids of opium.

(c) Opium poppy and poppy straw.

(d) Coca leaves and any salt, compound, derivation or preparation of coca leaves including cocaine and its optical isomers and any salt, compound, isomer, derivation or preparation which is chemically equivalent or identical with any of these substances but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(e) Cannabis.

9. "Opiate" means any substance having an addictionforming or addictionsustaining liability similar to morphine or being capable of conversion into a drug having addictionforming or addictionsustaining liability. It does not include the dextrorotatory isomer of 3methoxymethylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

10. "Opium poppy" means the plant of the genus papaver, except its seeds.

11. "Poppy straw" means all parts, except the seeds, of the opium poppy after mowing.

12. "Production" means the manufacture, planting, cultivating, growing or harvesting of a controlled substance.

13. "Registrant" means a person registered under the provisions of the federal controlled substances act (P.L. 91513; 84 Stat. 1242; 21 U.S.C. sec. 801 et seq.).

14. "Schedule I controlled substances" means the controlled substances identified, defined or listed in section 362512.

15. "Schedule II controlled substances" means the controlled substances identified, defined or listed in section 362513.

16. "Schedule III controlled substances" means the controlled substances identified, defined or listed in section 362514.

17. "Schedule IV controlled substances" means the controlled substances identified, defined or listed in section 362515.

18. "Schedule V controlled substances" means the controlled substances identified, defined or listed in section 362516.

19. "Scientific purpose" means research, teaching or chemical analysis.

20. "State", when applied to a part of the United States, means any state, district, commonwealth, territory or insular possession of the United States and any area subject to the legal authority of the United States of America.

B. Words or phrases in this chapter, if not defined in subsection A of this section, have the definitions given them in title 32, chapter 18, article 1, unless the context otherwise requires.

Sec. 7. Section 36-2512, Arizona Revised Statutes is amended to read:

36-2512. Substances in schedule I

A. The following controlled substances, unless specifically excepted, are included in schedule I:

1. Any of the following, including opiates and their isomers, esters, ethers, salts and salts of isomers, esters and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

(a) Acetyl-alpha-methylfentanyl.

(b) Acetylmethadol.

(c) Allylprodine.

(d) Alphacetylmethadol, except levo-alpha-cetylmethadol or LAAM.

(e) Alphameprodine.

(f) Alphamethadol.

(g) Alpha-methylfentanyl.

(h) Alpha-methylthiofentanyl.

(i) Benzethidine.

(j) Betacetylmethadol.

(k) Beta-hydroxyfentanyl.

(l) Beta-hydroxy-3-methylfentanyl.

(m) Betameprodine.

(n) Betamethadol.

(o) Betaprodine.

(p) Clonitazene.

(q) Dextromoramide.

(r) Diampromide.

(s) Diethylthiambutene.

(t) Difenoxin.

(u) Dimenoxadol.

(v) Dimepheptanol.

(w) Dimethylthiambutene.

(x) Dioxaphetyl butyrate.

(y) Dipipanone.

(z) Ethylmethylthiambutene.

(aa) Etonitazene.

(bb) Etoxidine.

(cc) Furethidine.

(dd) Hydroxypethidine.

(ee) Ketobemidone.

(ff) Levomoramide.

(gg) Levophenacymorphan.

(hh) 3-methylfentanyl.

(ii) 3-methylthiofentanyl.

(jj) Morpheridine.

(kk) MPPP(1-methyl-4-phenyl-4-propionoxypiperidine).

(ll) Noracymethadol.

(mm) Norlevorphanol.

(nn) Normethadone.

(oo) Norpipanone.

(pp) Para-fluorofentanyl.

(qq) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine).

(rr) Phenadoxone.

(ss) Phenampromide.

(tt) Phenomorphan.

(uu) Phenoperidine.

(vv) Piritramide.

(ww) Proheptazine.

(xx) Properidine.

(yy) Propiram.

(zz) Racemoramide.

(aaa) Thiofentanyl.

(bbb) Tilidine.

(ccc) Trimeperidine.

2. Any of the following opium derivatives and their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(a) Acetorphine.

(b) Acetyldihydrocodeine.

(c) Benzylmorphine.

(d) Codeine methylbromide.

(e) Codeine-n-oxide.

(f) Cyprenorphine.

(g) Desomorphine.

(h) Dihydromorphine.

(i) Drotebanol.

(j) Etorphine, except hydrochloride salt.

(k) Heroin.

(l) Hydromorphanol.

(m) Methyldesorphine.

(n) Methyldihydromorphine.

(o) Morphine methylbromide.

(p) Morphine methylsulfonate.

(q) Morphine-n-oxide.

(r) Myrophine.

(s) Nicocodeine.

(t) Nicomorphine.

(u) Normorphine.

(v) Pholcodine.

(w) Thebacon.

3. Any material, compound, mixture or preparation that contains any quantity of the following hallucinogenic substances and their salts, isomers and salts of isomers, unless specifically excepted or unless listed in another schedule, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation (for the purposes of this paragraph, "isomer" includes the optical, position and geometric isomers):

(a) Alpha-ethyltryptamine (AET).

(b) 4-bromo-2, 5-dimethoxyamphetamine.

(c) 4-bromo-2,5-dimethoxyphenethylamine (2C-B, Nexus).

(d) 2, 5-dimethoxyamphetamine.

(e) 2,5-dimethoxy-4-ethylamphetamine (DOET).

(f) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7).

(g) 4-methoxyamphetamine.

(h) 5-methoxy-3, 4-methylenedioxyamphetamine.

(i) 4-methyl-2, 5-dimethoxyamphetamine.

(j) 3,4-methylenedioxy amphetamine.

(k) 3, 4-methylenedioxymethamphetamine (MDMA).

(l) 3, 4-methylenedioxy-N-ethylamphetamine (N-ethyl MDA, MDE, MDEA).

(m) N-hydroxy-3,4-methylenedioxyamphetamine (N-hydroxy MDA).

(n) 3, 4, 5-trimethoxy amphetamine.

(o) 5-methoxy-N,N,-dimethyltryptamine (5-MeO-DMT).

(p) Alpha-methyltryptamine (AMT).

(q) Bufotenine.

(r) Diethyltryptamine.

(s) Dimethyltryptamine.

(t) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT).

(u) Ibogaine.

(v) Lysergic acid diethylamide.

~~(w) Cannabis, except the synthetic isomer of delta-9-tetrahydrocannabinol.~~

~~(x) (W) Mescaline.~~

~~(y) (X) Parahexyl.~~

~~(z) (Y) Peyote.~~

~~(aa) (Z) N-ethyl-3-piperidyl benzilate.~~

~~(bb) (AA) N-methyl-3-piperidyl benzilate.~~

~~(cc) (BB) Psilocybin.~~

~~(dd) (CC) Psilocyn.~~

~~(ee) (DD) Ethylamine analog of phencyclidine.~~

~~(ff) (EE) Pyrrolidine analog of phencyclidine.~~

~~(gg) (FF) 1-(1-(2-thienyl)cyclohexyl)pyrrolidine.~~

~~(hh) (GG) Thiophene analog of phencyclidine.~~

~~(ii) (HH) 4-methylmethcathinone (Mephedrone).~~

~~(jj) (II) 3,4-methylenedioxypropylvalerone (MDPV).~~

~~(kk) (JJ) 2-(2,5-dimethoxy-4-ethylphenyl)ethanamine (2C-E).~~

~~(ll) (KK) 2-(2,5-dimethoxy-4-methylphenyl)ethanamine (2C-D).~~

~~(mm) (LL) 2-(4-chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).~~

~~(nn) (MM) 2-(4-iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).~~

~~(oo) (NN) 2-[4-(ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2).~~

~~(pp) (OO) 2-[4-(isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4).~~

~~(qq) (PP) 2-(2,5-dimethoxyphenyl)ethanamine (2C-H).~~

~~(rr) (QQ) 2-(2,5-dimethoxy-4-nitro-phenyl)ethanamine (2C-N).~~

~~(ss) (RR) 2-(2,5-dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).~~

~~(tt) (SS) 3,4,-methylenedioxy-N-methylcathinone (Methylone).~~

~~(uu) (TT) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25I-NBOMe, Cimbi-5).~~

~~(vv) (UU) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe, Cimbi-82).~~

~~(ww) (VV) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe, Cimbi-36).~~

4. Any material, compound, mixture or preparation which contains any quantity of cannabimimetic substances and their salts, isomers, whether optical, positional or geometric, and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation. For the purposes of this subdivision, "cannabimimetic substances" means any substances within the following structural classes:

(a) 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent. Substances in the 2-(3-hydroxycyclohexyl)phenol generic definition include CP-47,497, CP-47,497 C8-Homolog, CP-55,940 and CP-56,667.

(b) 3-(naphthoyl)indole or 3-(naphthylmethane)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent. Substances in the 3-(naphthoyl)indole generic definition include AM-678, AM-2201, JWH-004, JWH-007, JWH-009, JWH-015, JWH-016, JWH-018, JWH-019, JWH-020, JWH-046, JWH-047, JWH-048, JWH-049, JWH-050, JWH-070, JWH-071, JWH-072, JWH-073, JWH-076, JWH-079, JWH-080, JWH-081, JWH-082, JWH-094, JWH-096, JWH-098, JWH-116, JWH-120, JWH-122, JWH-148, JWH-149, JWH-175, JWH-180, JWH-181, JWH-182, JWH-184, JWH-185, JWH-189, JWH-192, JWH-193, JWH-194, JWH-195, JWH-196, JWH-197, JWH-199, JWH-200, JWH-210,

JWH-211, JWH-212, JWH-213, JWH-234, JWH-235, JWH-236, JWH-239, JWH-240, JWH-241, JWH-242, JWH-262, JWH-386, JWH-387, JWH-394, JWH-395, JWH-397, JWH-398, JWH-399, JWH-400, JWH-412, JWH-413, JWH-414 and JWH-415.

(c) 3-(naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent. Substances in the 3-(naphthoyl)pyrrole generic definition include JWH-030, JWH-145, JWH-146, JWH-147, JWH-150, JWH-156, JWH-243, JWH-244, JWH-245, JWH-246, JWH-292, JWH-293, JWH-307, JWH-308, JWH-346, JWH-348, JWH-363, JWH-364, JWH-365, JWH-367, JWH-368, JWH-369, JWH-370, JWH-371, JWH-373 and JWH-392.

(d) 1-(naphthylmethylene)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent. Substances in the 1-(naphthylmethylene)indene generic definition include JWH-176.

(e) 3-(phenylacetyl)indole or 3-(benzoyl)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent. Substances in the 3-(phenylacetyl)indole generic definition include AM-694, AM-2233, JWH-167, JWH-201, JWH-202, JWH-203, JWH-204, JWH-205, JWH-206, JWH-207, JWH-208, JWH-209, JWH-237, JWH-248, JWH-250, JWH-251, JWH-253, JWH-302, JWH-303, JWH-304, JWH-305, JWH-306, JWH-311, JWH-312, JWH-313, JWH-314, JWH-315, JWH-316, RCS-4, RCS-8, SR-18 and SR-19.

(f) 3-(cyclopropylmethanone) indole or 3-(cyclobutylmethanone) indole or 3-(cyclopentylmethanone) indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the cyclopropyl, cyclobutyl or cyclopentyl rings to any extent. Substances in the 3-(cyclopropylmethanone) indole generic definition include UR-144, Fluoro-UR-144 and XLR-11.

(g) Other substances:

(i) (6a,10a)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (HU-210).

(ii) N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide (APINACA, AKB48).

(iii) Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate (PB-22).

(iv) Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (5F-PB-22).

(v) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (AB-FUBINACA).

(vi) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (ADB-PINACA).

5. Any of the following substances having a depressant effect on the central nervous system, including their salts, isomers and salts of isomers, unless specifically excepted or listed in another schedule, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(a) Mecloqualone.

(b) Methaqualone.

6. Gamma-hydroxybutyric acid, any salt, hydroxybutyric compound, derivative or preparation of gamma-hydroxybutyric acid, including any isomers, esters and ethers and salts of isomers, esters and ethers of gamma-hydroxybutyric acid, except gamma-butyrolactone if the existence of the isomers, esters and salts is possible within the specific chemical designation. Notwithstanding any other provision of the federal food, drug and cosmetic act, for purposes of security requirements imposed by law or regulation on registered distributors and registered manufacturers, this substance if manufactured, distributed or processed in accordance with an exemption approved under section 505 of the federal food, drug and cosmetic act is a controlled substance in schedule III pursuant to section 36-2514.

7. Any of the following stimulants including their salts, isomers and salts of isomers, unless specifically excepted or listed in another schedule, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(a) Alpha-methylaminovaleterophenone (Pentedrone).

(b) Alpha-pyrrolidinobutiophenone (Alpha-PBP).

(c) Alpha-pyrrolidinopropiophenone (Alpha-PPP).

(d) Alpha-pyrrolidinovaleterophenone (Alpha-PVP).

(e) Aminorex.

(f) N-benzylpiperazine (BZP).

(g) Beta-keto-n-methylbenzodioxolylbutanamine (Butylone).

(h) Beta-keto-n-methylbenzodioxolylpentanamine (Pentylone).

(i) Cathinomimetic substances which are any substances derived from cathinone, (2-amino-1-phenyl-1-propanone) by any substitution at the phenyl ring, any substitution at the 3 position, any substitution at the nitrogen atom or any combination of the above substitutions.

(j) (+)cis-4-methylaminorex((+)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine).

(k) Dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (MDAI).

(l) Dimethylcathinone (Metamfepramone).

(m) Ethcathinone.

(n) Fenethylamine.

(o) 3-fluoro-N-methylcathinone (3-FMC).

(p) 4-fluoro-N-methylcathinone (4-FMC, Flephedrone).

(q) Methcathinone.

(r) Methoxy-alpha-pyrrolidinopropiophenone (MOPPP).

(s) Methoxyphenethylamine mimetic substances which are any substances derived from 2, 5-dimethoxy-phenethylamine by any substitution at the phenyl ring, any substitution at the nitrogen atom or any combination of the above substitutions.

(t) Methyl-alpha-pyrrolidinobutiophenone (MPBP).

(u) 4-methyl-alpha-pyrrolidinopropiophenone (4-MePPP).

(v) 4-methyl-N-ethylcathinone (4-MEC).

(w) Methylenedioxy-alpha-pyrrolidinopropiophenone (MDPPP).

(x) Methylenedioxyethylcathinone (Ethylone).

(y) N-ethylamphetamine.

(z) Naphthypyrovalerone (Naphyrone).

(aa) N,N-dimethylamphetamine.

B. The board may except by rule any compound, mixture or preparation containing any substance listed in this section from the application of all or any part of this chapter if the compound, mixture or preparation contains one or more active medicinal ingredients and if the admixtures are included therein in combinations, quantity, proportion or concentration that vitiates the potential for abuse.

Sec. 8. Effective Date

THIS ACT SHALL BE EFFECTIVE IMMEDIATELY UPON VOTER APPROVAL.