

HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **HB 2179**

Bliss Floor Amendment

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1. Clarifies that the marijuana advertising restrictions do not apply to industrial hemp.
 2. Allows an individual or entity that sells marijuana paraphernalia to advertise or authorize advertising for marijuana paraphernalia in accordance with the marijuana advertising restrictions.
 3. Applies the marijuana advertising restrictions to individuals or entities that sell marijuana paraphernalia.
 4. Specifies that only a marijuana establishment or nonprofit medical marijuana dispensary may advertise or authorize advertising for marijuana, products containing tetrahydrocannabinol or intoxicating cannabinoids in accordance with the marijuana advertising restrictions.
 5. Prohibits a marijuana establishment, a nonprofit medical marijuana dispensary or an individual or entity that sells marijuana paraphernalia from sponsoring any sporting event unless:
 - a) at least 73.6% of the audience is expected to be at least 21 years of age; or
 - b) the sponsored organization provides written approval in accordance with the marijuana advertising restrictions.
 6. Requires billboard advertising warnings to be in a type size that is at least 10% of the largest type used in the advertisement.
 7. States that a marijuana establishment, a nonprofit medical marijuana dispensary or an individual or entity that sells marijuana paraphernalia that violates the advertising restrictions has fourteen days to comply, upon notification by the Attorney General.
 8. Subjects an individual or entity other than a marijuana establishment or nonprofit medical marijuana dispensary that advertises marijuana or marijuana products, including marijuana paraphernalia, to a civil penalty of \$20,000 per violation to the Smart and Safe Arizona Fund.

Amendment explanation prepared by B. Gartner

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2/7/2025

9. Clarifies that advertising does not include a communication of a marijuana establishment or nonprofit medical marijuana dispensary that is targeted only to the established customer base or that is requested by a customer or potential customer pursuant to an opt-in with an age affirmation.
10. Makes technical and conforming changes.

BLISS FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2179
(Reference to printed bill)

Amendment instruction key:
[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.
[Green underlining in brackets] indicates text added to new session law or text restoring existing law.
[GREEN STRIKEOUT IN BRACKETS] indicates new text removed from statute or previously enacted session law.
[Green strikeout in brackets] indicates text removed from existing statute, previously enacted session law or new session law.
<<Green carets>> indicate a section added to the bill.
<<Green strikeout in carets>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

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
6 penalty; exception

7 A. [EXCEPT AS PROVIDED IN SUBSECTION M OF THIS SECTION.] ONLY A
8 MARIJUANA ESTABLISHMENT OR NONPROFIT MEDICAL MARIJUANA DISPENSARY MAY
9 [MARKET, PROMOTE, SPONSOR,] ADVERTISE OR AUTHORIZE ADVERTISING FOR
10 MARIJUANA, PRODUCTS CONTAINING TETRAHYDROCANNABINOL[,—][OR] INTOXICATING
11 CANNABINOIDS [OR MARIJUANA PARAPHERNALIA] IN ACCORDANCE WITH RESTRICTIONS
12 IMPOSED BY THIS [CHAPTER][SECTION].

13 [B. AN INDIVIDUAL OR ENTITY THAT SELLS MARIJUANA PARAPHERNALIA MAY
14 ADVERTISE OR AUTHORIZE ADVERTISING FOR MARIJUANA PARAPHERNALIA IN
15 ACCORDANCE WITH RESTRICTIONS IMPOSED BY THIS SECTION.]

16 ~~A.~~ [B.][C.] A marijuana establishment~~[.]~~ ~~[or]~~ [A] nonprofit
17 medical marijuana dispensary [OR AN INDIVIDUAL OR ENTITY THAT SELLS
18 MARIJUANA PARAPHERNALIA] may engage in advertising BUT MAY NOT DO ANY OF
19 THE FOLLOWING:

20 1. ADVERTISE MARIJUANA OR MARIJUANA PRODUCTS [., INCLUDING MARIJUANA
21 PARAPHERNALIA.] TO INDIVIDUALS WHO ARE UNDER TWENTY-ONE YEARS OF AGE,
22 INCLUDING ADVERTISING:

23 (a) WITH NAMES THAT RESEMBLE OR IMITATE FOOD OR DRINK BRANDS THAT
24 ARE MARKETED TO CHILDREN.

25 (b) WITH IMAGES OR LIKENESSES OF TOYS, CARTOONS OR ANIMATED OR
26 FICTIONAL CHARACTERS, INCLUDING SANTA CLAUS, THAT ARE DESIGNED TO APPEAL
27 TO OR ENCOURAGE INDIVIDUALS WHO ARE UNDER TWENTY-ONE YEARS OF AGE TO
28 CONSUME MARIJUANA OR MARIJUANA PRODUCTS.

1 (c) WITH IMAGES OR VISUAL REPRESENTATIONS OF THE CONSUMPTION OF
2 MARIJUANA OR MARIJUANA PRODUCTS.

3 (d) WITH THE POTENCY OR TETRAHYDROCANNABINOL LEVELS OF THE
4 MARIJUANA OR MARIJUANA PRODUCT.

5 (e) IN A ~~[WAY]~~[MEDIUM] THAT ~~[PRIMARILY]~~[SPECIFICALLY] APPEALS TO
6 INDIVIDUALS WHO ARE UNDER TWENTY-ONE YEARS OF AGE SUCH THAT THE
7 ADVERTISING HAS A SPECIAL ATTRACTIVENESS TO INDIVIDUALS WHO ARE UNDER
8 TWENTY-ONE YEARS OF AGE BEYOND GENERAL ATTRACTIVENESS FOR INDIVIDUALS WHO
9 ARE AT LEAST TWENTY-ONE YEARS OF AGE.

10 2. ADVERTISE AT, ON OR WITHIN AIRPORTS, PUBLIC TRANSPORTATION
11 SHELTERS, PUBLIC BUSES, PUBLIC TRAINS, PUBLIC SHUTTLES OR PUBLIC TRAMS.

12 3. ADVERTISE ELECTRONICALLY, VIA SOCIAL MEDIA OR ON A WEBSITE,
13 UNLESS AT LEAST 73.6 PERCENT OF THE AUDIENCE IS EXPECTED TO BE AT LEAST
14 TWENTY-ONE YEARS OF AGE.

15 4. ADVERTISE ANY HEALTH-RELATED STATEMENT OR STATEMENT REGARDING
16 THE EFFECTS OF MARIJUANA CONSUMPTION ON HEALTH THAT IS KNOWN TO BE UNTRUE.

17 5. [SPONSOR ANY SPORTING EVENT] UNLESS AT LEAST 73.6 PERCENT OF THE
18 AUDIENCE IS EXPECTED TO BE AT LEAST TWENTY-ONE YEARS OF AGE ~~[, SPONSOR ANY~~
19 ~~SPORTING EVENT WITH ACKNOWLEDGMENT THAT INCLUDES IMAGES OF, VISUAL~~
20 ~~DEPICTIONS OF OR REFERENCES TO:~~

21 ~~(a) MARIJUANA, INCLUDING THE LEAF OR BUD OF THE MARIJUANA PLANT;~~

22 ~~(b) ANY MARIJUANA PRODUCT]~~[OR THE SPONSORED ORGANIZATION PROVIDES
23 WRITTEN APPROVAL. ANY SPONSORSHIP ACKNOWLEDGEMENT SHALL BE IN ACCORDANCE
24 WITH RESTRICTIONS IMPOSED BY THIS SECTION].

25 ~~[C.][D.]~~ ALL ADVERTISING MUST CONTAIN THE FOLLOWING CONSPICUOUS AND
26 LEGIBLE WARNING: "DO NOT USE MARIJUANA IF YOU ARE UNDER TWENTY-ONE YEARS
27 OF AGE OR PREGNANT. KEEP MARIJUANA OUT OF REACH OF CHILDREN." ALL
28 PRINTED WARNINGS MUST OCCUPY AT LEAST TEN PERCENT OF THE ADVERTISING AREA
29 AND MUST BE IN BLACK FONT ON A WHITE BACKGROUND~~[, EXCEPT THAT BILLBOARD~~
30 ~~ADVERTISEMENT WARNINGS SHALL BE IN A TYPE SIZE THAT IS AT LEAST TEN~~
31 ~~PERCENT OF THE LARGEST TYPE USED IN THE ADVERTISEMENT].~~

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

44 ~~B. [F.][E.]~~ An advertising platform may host advertising only if
45 all of the following apply:

46 1. The advertising is authorized by a marijuana establishment or
47 nonprofit medical marijuana dispensary.

1 2. The advertising accurately and legibly identifies the marijuana
2 establishment or nonprofit medical marijuana dispensary responsible for
3 the content of the advertising by name and license number or registration
4 number.

5 3. THE ADVERTISING CONTAINS A PRINTED WARNING THAT COMPLIES WITH
6 SUBSECTION ~~[E.]~~[D] OF THIS SECTION.

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

14 ~~D.~~ ~~[G.]~~[H.] It is unlawful for an individual or entity other than
15 a marijuana establishment or dual licensee to do any of the following in a
16 manner that is not authorized by this chapter or rules adopted by the
17 department pursuant to this chapter:

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

19 2. Solicit or accept orders for marijuana or marijuana products or
20 operate a platform that solicits or accepts orders for marijuana or
21 marijuana products.

22 3. Operate a listing service related to the sale or delivery of
23 marijuana or marijuana products.

24 ~~[H.]~~[I.] A MARIJUANA ESTABLISHMENT~~[.]~~ ~~[OR]~~ A NONPROFIT MEDICAL
25 MARIJUANA DISPENSARY ~~[OR AN INDIVIDUAL OR ENTITY THAT SELLS MARIJUANA~~
26 ~~PARAPHERNALIA]~~ THAT VIOLATES THIS SECTION, ON NOTIFICATION BY THE
27 DEPARTMENT OR ATTORNEY GENERAL'S OFFICE, HAS ~~[SEVEN]~~[FOURTEEN] DAYS TO
28 COMPLY WITH THE REQUIREMENTS OF THIS SECTION.

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

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

43 ~~[K.]~~[L.] This ~~subsection may~~ SECTION SHALL be enforced by the
44 attorney general.

45 ~~[M.] THIS SECTION DOES NOT APPLY TO INDUSTRIAL HEMP AS DEFINED IN~~
46 ~~SECTION 3-311.]~~

1 ~~[t.]~~[N.] FOR THE PURPOSES OF THIS SECTION, ADVERTISING DOES NOT
2 INCLUDE A COMMUNICATION ~~[THAT IS TARGETED ONLY TO THE ESTABLISHED CUSTOMER~~
3 ~~BASE]~~ OF A MARIJUANA ESTABLISHMENT OR NONPROFIT MEDICAL MARIJUANA
4 DISPENSARY ~~[THAT IS TARGETED ONLY TO THE ESTABLISHED CUSTOMER BASE OR THAT~~
5 ~~IS REQUESTED BY A CUSTOMER OR POTENTIAL CUSTOMER PURSUANT TO AN OPT-IN~~
6 ~~WITH AN AGE AFFIRMATION]~~.

7 Sec. 2. Effective date

8 Section 36-2859, Arizona Revised Statutes, as amended by this act,
9 is effective from and after June 30, 2026.

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

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

15 Enroll and engross to conform

16 Amend title to conform

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