



ARIZONA STATE SENATE
Fifty-Sixth Legislature, Second Regular Session

FACT SHEET FOR S.B. 1076

marijuana funds; uses; enforcement.

Purpose

Allows monies in the Medical Marijuana Fund and the Smart and Safe Arizona Fund to be used interchangeably to implement and enforce statutory requirements relating to medical or recreational marijuana. Allows outlined entities to receive grants or additional monies from the Smart and Safe Arizona Fund for public health, safety and law enforcement. Contains requirements for enactment for initiatives and referendums (Proposition 105).

Background

In 2010, Arizona voters approved the Arizona Medical Marijuana Act to establish a regulatory system, overseen by the Department of Health Services (DHS), that allows a dispensary to dispense a permissible amount of medical marijuana to a qualifying patient or the qualifying patient's designated caregiver with a medical marijuana registry identification card. DHS is required to adopt rules and regulations relating to the sale and dispensing of medical marijuana. Monies collected from the sale of medical marijuana are deposited in the Medical Marijuana Fund before being allocated to outlined entities, including but not limited to the Arizona Teachers Academy, DHS, the Governor's Office of Highway Safety, the Arizona Health Care Cost Containment System and county health departments ([A.R.S. Title 36, Chapter 28.1](#)).

In 2020, Arizona voters approved the Smart and Safe Arizona Act which legalized the sale and use of recreational marijuana to Arizonans who are at least 21 years of age, to be regulated and overseen by DHS. Monies collected from the sale of recreational marijuana are deposited in the Smart and Safe Arizona Fund and then allocated to outlined entities, including DHS, the Department of Revenue, the Supreme Court, the Department of Public Safety, community college districts, municipal fire and police departments and county sheriffs' departments, the Highway User Revenue Fund, the Justice Reinvestment Fund and the Attorney General (AG) ([A.R.S. Title 36, Chapter 28.2](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Allows monies in the Medical Marijuana Fund and the Smart and Safe Arizona Fund to be used interchangeably to implement and enforce statutory requirements relating to medical or recreational marijuana.
2. Allows DHS to award grants, from its allocation of the Smart and Safe Arizona Fund, to any of the following:
 - a) the Arizona Poison Control System for purposes of operations, supporting health care providers and providing public health and safety education for concerns related to illicit marijuana and intoxicating cannabinoids;

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- b) the AG to investigate and take enforcement action relating to the illicit sale of marijuana and intoxicating cannabinoids; and
 - c) municipal police departments, county sheriffs' departments and tribal police agencies to investigate and take enforcement action relating to the illicit sale of marijuana and intoxicating cannabinoids.
3. Allows a portion of monies received through the AG's Smart and Safe Arizona Fund allocation to be used to investigate and take enforcement action relating to the illicit sale, marketing and distribution of marijuana and intoxicating cannabinoids.
 4. Requires for enactment the affirmative vote of at least three-fourths of the members of each house of the Legislature (Proposition 105).
 5. Becomes effective on the general effective date.

Prepared by Senate Research

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MM/slp