



# GILA RIVER INDIAN COMMUNITY Department of Land Use Planning & Zoning

**Main Location:**

P.O. Box E  
291 W. Casa Blanca Rd.  
Sacaton, AZ 85147  
Phone: (520) 562-6003  
Fax: (520) 562-6040

**Realty Services:**

64 E. Pima Street  
Sacaton, AZ 85147  
Phone: (520) 562-5060  
Fax: (520) 562-5064

**Administration**

**Flood Control  
Engineering**

**Geographic Information  
Systems**

**Land Surveying**

**Livestock/Ordinance**

**Planning Development**

**Realty Services**

**Subdivision  
Administration**

# Adult Use Marijuana Cultivation Permit Application Packet



# Department of Land Use Planning and Zoning

P.O. Box E-291 W. Casa Blanca Rd. Sacaton, AZ 85147

Phone: (520) 562-6003 Fax: (520) 562-6040

## Application for Adult Use Marijuana Cultivation Permit

### General Information

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone Number: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Gila River Indian Community Enrollment Number: \_\_\_\_\_

District: \_\_\_\_\_

Email address: : \_\_\_\_\_

### Grower Location:

Type and Style of Grow Area: \_\_\_\_\_

How many plants? \_\_\_\_\_ x \$50

Total amount due: \$ \_\_\_\_\_

### LUPZ USE ONLY:

District: \_\_\_\_\_ Subdivision Name: \_\_\_\_\_ Lot #: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_ Section: \_\_\_\_\_

Administration:

Approve: \_\_

Decline: \_\_

Verify: \_\_

Pending: \_\_

Assignee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

MCP Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Accepted By: \_\_\_\_\_ Date: \_\_\_\_\_

LUPZ Subdivision Assistant



# GILA RIVER INDIAN COMMUNITY

## Department of Land Use Planning & Zoning

### Main Location:

P.O. Box E  
291 W. Casa Blanca Rd.  
Sacaton, AZ 85147  
Phone: (520) 562-6003  
Fax: (520) 562-6040

### Realty Services:

64 E. Pima Street  
Sacaton, AZ 85147  
Phone: (520) 562-5060  
Fax: (520) 562-5064

### Administration

### Flood Control Engineering

### Geographic Information Systems

### Land Surveying

### Livestock/Ordinance

### Planning Development

### Realty Services

### Subdivision Administration

## *Adult Use Marijuana Cultivation Permit Application Checklist*

***\*Special Note: This process does not apply to sites on Allotted Lands or in structures at locations on Tribal Lands where such activity is prohibited by Federal Law or Regulations.***

- A copy of the GRIC Cashier's Office Receipt for payment of the fee of \$50.00 per plant being registered for under the associated GRIC Adult Use Marijuana Cultivation Permit.
- An Adult Use Marijuana Cultivation Permit Registration Form.
- A Homesite Assignment Verification Form/Document from the administering party.
- A properly filled out consent form from Assignee
- Current CDIB
- Driver's license or State issued ID
- Certification of Attendance at a GRIC Adult Use Marijuana Cultivation Class



# GILA RIVER INDIAN COMMUNITY

## Department of Land Use Planning & Zoning

### *Adult Use Marijuana Cultivation Permit Application Guidelines*

**Main Location:**  
P.O. Box E  
291 W. Casa Blanca Rd.  
Sacaton, AZ 85147  
Phone: (520) 562-6003  
Fax: (520) 562-6040

**Realty Services:**  
64 E. Pima Street  
Sacaton, AZ 85147  
Phone: (520) 562-5060  
Fax: (520) 562-5064

**Administration**

**Flood Control  
Engineering**

**Geographic Information  
Systems**

**Land Surveying**

**Livestock/Ordinance**

**Planning Development**

**Realty Services**

**Subdivision  
Administration**

### **Section 1: Introduction**

1. A Gila River Indian Community (GRIC) Adult Use Marijuana Cultivation Permit is required for **All Lawful** Marijuana Cultivation within the exterior boundaries of the GRIC on Tribal Lands. All Applications for an Adult Use Marijuana Cultivation Permit on Tribal Lands are **reviewed** and a **decision rendered** by the Department of Land Use Planning and Zoning (LUPZ) Director **when submitted with all required supporting documents**. GRIC Ordinance GR-003-22 applies to all Community Lands; **Community Lands include both Tribal and Allotted Lands. The former statement notwithstanding, these administrative procedures apply to Tribal Lands Only! To apply for sites on Allotted Lands, the Applicant must go to the Bureau of Indian Affairs – Pima Agency and utilize their administrative processes for the lawful cultivation of marijuana.**
2. The GRIC Department of Land Use Planning and Zoning (LUPZ) – Ordinance Team and Subdivision Administration Team are available to assist and answer questions pertaining to Ordinance GR-003-22 and these administrative processes. You may also use the same contact information below to request an Application Packet:

Ordinance Team and Subdivision Administration Team  
Department of Land Use Planning and Zoning  
291 W. Casa Blanca Rd, Building.#2 (Physical Address)  
P.O. Box E (Mailing Address)  
Sacaton, Arizona 85147  
E-Mail: [LUPZSupportGroup@gric.nsn.us](mailto:LUPZSupportGroup@gric.nsn.us)  
Please copy: [OrdinanceTeam@gric.nsn.us](mailto:OrdinanceTeam@gric.nsn.us) and  
[SubdivisionAdministrationTeam@gric.nsn.us](mailto:SubdivisionAdministrationTeam@gric.nsn.us)  
Office: 520-562-6003

### **Section 2: Eligibility, Term and Applicability**

1. The location being applied for an MCP Permit must be on Tribal Lands and in a structure where the cultivation and use of marijuana is not prohibited in order to be eligible to apply for an MCP permit.
2. An approved MCP permit and the corresponding tags issued are valid beginning the day the MCP permit and tags are approved by the LUPZ Director through a term of one calendar year (365 days).
3. The tags issued are each for one individual plant only; they do not apply to clones of a mother plant!
4. The tags issued apply to the plant or plants (a maximum of six) at the location identified in the application documents. If there is a need to move the plants, the applicant must apply for tags for the new location being moved to prior to the movement occurring.

### **Section 3: Fee Process**

1. There is a fee associated with an application for a Gila River Indian Community (GRIC or Community) MCP Permit prior to the lawful cultivating of marijuana on the Community.
2. A fee of **\$50.00 for each marijuana plant being applied for a GRIC Adult Use Marijuana Cultivation Permit is due with the application packet** to initiate processing and the required administrative reviews for a Gila River Indian Community Adult Use Marijuana Cultivation Permit.
3. The Adult Use Marijuana Cultivation Permit fee is to be paid at the cashier's window at the Gila River Indian Community Governance Center (Governance Center) at 525 W Gu U Ki Road, Sacaton, AZ.
4. Applicants shall inform the cashier's office staff they are paying the fee for a GRIC Adult Use Marijuana Cultivation Permit to assist the Cashier's Office Staff with the payment process. The application is for Adult Use Marijuana Cultivation Permit will be provided for a total amount of fee due.
5. **It is the applicant's responsibility to obtain a copy of the cashier's receipt for the applicable fee for inclusion in the initial permit application packet before submitting it to LUPZ.**

### **Section 4: Application Process**

1. The Applicant must completely fill out and sign an Adult Use Marijuana Cultivation form that will serve as the initial formal request to initiate established receiving, review and approval processes. All documents required for the permit application process accompany this form.
2. Please use the Adult Use Marijuana Cultivation Permit Application Checklist to help with ensuring all documents necessary for consideration of your application packet are included with your submittal.
3. Once the MCP Application is received, the MCP Applicant will be scheduled to attend the next Mandatory GRIC Adult Use Marijuana Cultivation Class.

### **Section 5: Administrative Process**

1. The properly filled-out LUPZ Subdivision Request Form and all the properly filled out, signed, certified and copied forms and ID's will be logged in by the Support Group and an LUPZ Number will be assigned to this matter. Subdivision Administration Team will verify all information.
2. Subdivision Administration Team will complete an LUPZ Ordinance/Livestock form with accompanying documents on behalf of the applicant.
3. The Ordinance Team is informed of an application packet, or corrected application forms are ready for pick up. The first available Team Member will pick up the documents and commence to scan, download and make entries and copies to establish digital and hard copy folders for Ordinance files.
4. A Team Member will review the application packet for meeting all required application criteria (those contents listed on the checklist). The Team Member will follow up as listed below based upon that review;

- a. The application packet contains all the required documents which are all properly formatted and signed. A formal approval letter, the MCP permit, form and the plant tags will be prepared and delivered to the LUPZ Support Group for logging into the Director's Log for review and signature by the Director or her designate. All documents are signed and returned to the Ordinance Team to copy to ordinance files. The documents are returned to the LUPZ Support Group for final processing and released to the applicant according to the means of delivery or pick up coordinated between the applicant and the LUPZ Support Group. The Ordinance Team will provide a copy of the MCP permit form, the approval letter and the plant tags coinciding with this MCP permit to the Gila River Indian Community's Chief of Police and/or any other Tribal Representative i.e.; GRPD, DHD, OGC, etc. The appropriate Ordinance File and Spreadsheet will be updated accordingly.
- b. The application packet does not contain all the required forms and/or all required forms are not filled out properly and completely filled out. The Ordinance Team Member will contact the Applicant via the information provided in the application documents to clarify any ambiguities and/or correct any deficiencies found. The Applicant, upon accomplishing that task or those tasks, shall re-submit the corrected forms to the LUPZ Support Group. The Adult Use Marijuana Cultivation Permit may be denied for the following reasons:
  - i. The contact information is not valid and the Applicant could not be contacted.
  - ii. The site where the cultivation is to occur is prohibited for such use by a Federal Statute, Regulation, Policy or Procedure.
  - iii. All requirements of 5.1213 & 5.1215 of the Gila River Indian Community's Law and Order Code could not be satisfied.
  - iv. Making false or misleading statements in order to obtain a permit.
  - v. Negative experiences on prior application attempts
  - vi. All requirements of these administrative procedures and any other Tribal or Federal Laws, Statutes or administrative procedures could not be satisfied after re-submitting an application packet.
  - vii. This list is not all inclusive.
- c. A formal letter stating the application is not approved to include the reason or reasons why as conveyed by the Director or her designate will be prepared by the Ordinance Team and forwarded to the LUPZ Support Group for entry into the Director's Log not approving the application packet will be returned to the Ordinance Team for entry into Ordinance Files and forwarded to the LUPZ Support Group for final processing and mail out to the Applicant.
- d. The Applicant will not be eligible to submit another application packet for a six-month period commencing on the date on the notification letter to the Applicant explaining why their application packet is not being approved.

### **Section 6: Request to reconsider a decision to not approve a application packet**

1. An Applicant may request a meeting to reconsider a decision by the Director of LUPZ to not approve their application documents. The request for reconsideration must be in writing and directed to the LUPZ Support Group.
2. The action to request a reconsideration is an opportunity to advocate on their behalf the merits of their submitted application packet.
3. The Ordinance Team will log in the request and coordinate a meeting date, time, place and/or platform.
4. The meeting will occur as designated attended by the Assignee, the Applicant, Director Antone or her designate and any LUPZ Team member and/or any other Tribal Representative i.e.; GRPD, DHD, OGC, etc.

5. The decision rendered based on the statements presented will be put in writing and sent to the Assignee and Applicant.
6. This will exhaust all remedies for this matter until the Assignee and Applicant is eligible to re-apply.

### **Section 7: Termination of an Approved GRIC Marijuana Cultivation Permit**

1. Any GRIC Marijuana Cultivation Permit, which has been issued, can be terminated or revoked without prior notice due to unforeseen emergencies and/or disasters, for any violations of the terms contained in the Adult Use Marijuana Cultivation permit, non-compliance with standing policies and procedures of Stakeholder Departments and/or entities and/or violations of the provisions of Title 5, Chapter 12 listed in GR-003-22 as amended.
2. The applicant will be notified in writing of an approved GRIC Marijuana Cultivation Permit is terminated or revoked and the reasons for that action.

### **Section 8: Withdrawn or Not Approved Applications**

1. If the application is withdrawn or denied the applicant may apply for reimbursement of all fees paid.

**Gila River Indian Community**  
 Department of Land Use Planning & Zoning

P.O. Box E  
 291 W. Casa Blanca Rd.  
 Sacaton, Arizona 85147



Phone: (520) 562-6003  
 Casa Grande Line: (520) 836-7291  
 Phoenix Line: (480) 899-0056  
 Fax: (520) 562-6040

**LUPZ REQUEST FORM**  
**SUBDIVISION**

NAME: \_\_\_\_\_ DATE: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_ PHONE NO. \_\_\_\_\_  
 EMAIL: \_\_\_\_\_ FAX NO. \_\_\_\_\_

**TYPE OF USE**

Tribal Department Use Only - Dept: \_\_\_\_\_  Bureau of Indian Affairs Use Only - Dept: \_\_\_\_\_  
 Community Member Use Only - GRIC Enrollment No.: \_\_\_\_\_  Other: \_\_\_\_\_

**TYPE OF REQUEST**

Appraisal Request:

Right of Way Number (if applicable) \_\_\_\_\_  Other \_\_\_\_\_

Subdivision:

Copy of Home Site Lease  Drop off Documents  Lease Fee Receipt  Home Site Ordinance  Copy of Updated Beneficiary Form  
 Land Acquisition Type \_\_\_\_\_  Other \_\_\_\_\_

Location: District: \_\_\_\_\_ Subdivision Name: \_\_\_\_\_  
 Lot #: \_\_\_\_\_ Allot #: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_ Section: \_\_\_\_\_

**BRIEF EXPLANATION OF REQUEST**

Number of copies being requested: \_\_\_\_\_

\_\_\_\_\_  
 Signature of Requestor

\_\_\_\_\_  
 Printed Name of Requestor

**EVERY ATTEMPT WILL BE MADE TO PROCESS THE REQUEST IN A TIMELY MANNER. DELAYS MAY ARISE IN RETRIEVING INFORMATION AND APPROVAL MAY BE REQUIRED FROM ADMINISTRATION.**  
**SUBMIT FORM TO LUPZ FRONT DESK OR EMAIL [LUPZSUPPORTGROUP@GRIC.NSN.US](mailto:LUPZSUPPORTGROUP@GRIC.NSN.US)**

LUPZ OFFICE USE ONLY			
Date Received Stamp	Administration	Closed / Completed By	Delivered Via:
Doc ID# _____	<input type="checkbox"/> Approve _____	Project Name: _____ (Address/File Name)	<input type="checkbox"/> Mailed
	<input type="checkbox"/> Decline _____	Posted/Completed: _____	<input type="checkbox"/> E-mailed
	<input type="checkbox"/> Verify _____	Initials: _____	<input type="checkbox"/> FTP Site
	<input type="checkbox"/> Pending _____		<input type="checkbox"/> Inter-Office Mail
			<input type="checkbox"/> Hand Delivered

LUPZ Staff Releasing Document: \_\_\_\_\_ Date: \_\_\_\_\_

Requested Items Released to (sign name): \_\_\_\_\_ Date: \_\_\_\_\_

Requested Items Released to (print name): \_\_\_\_\_ Date: \_\_\_\_\_



**Gila River Indian Community**  
 Department of Land Use Planning & Zoning

P.O. Box E  
 291 W. Casa Blanca Rd.  
 Sacaton, Arizona 85147



Phone: (520) 562-6003  
 Casa Grande Line: (520) 836-7291  
 Phoenix Line: (480) 899-0056  
 Fax: (520) 562-6040

**LUPZ REQUEST FORM**  
**ORDINANCE / LIVESTOCK**

NAME: \_\_\_\_\_ DATE: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_ PHONE NO. \_\_\_\_\_  
 EMAIL: \_\_\_\_\_ FAX NO. \_\_\_\_\_

**TYPE OF USE**

Tribal Department Use Only - Dept: \_\_\_\_\_  Bureau of Indian Affairs Use Only - Dept: \_\_\_\_\_  
 Community Member Use Only - GRIC Enrollment No.: \_\_\_\_\_  Other: \_\_\_\_\_

**TYPE OF REQUEST**

Sign Permit:

Political  Billboard  Permanent  Temporary

Native Plant:

Native Plant Review  Native Plant Permit  Native Plant Survey

Right of Entry:

Internment Camp  Other \_\_\_\_\_

Livestock:

Inspection  Other \_\_\_\_\_

Copy of Ordinance Type: \_\_\_\_\_

Location: District: \_\_\_\_\_ Subdivision Name: \_\_\_\_\_  
 Lot #: \_\_\_\_\_ Allot #: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_ Section: \_\_\_\_\_

**BRIEF EXPLANATION OF REQUEST**

Number of copies being requested: \_\_\_\_\_

\_\_\_\_\_  
 Signature of Requestor

\_\_\_\_\_  
 Printed Name of Requestor

**EVERY ATTEMPT WILL BE MADE TO PROCESS THE REQUEST IN A TIMELY MANNER. DELAYS MAY ARISE IN RETRIEVING INFORMATION AND APPROVAL MAY BE REQUIRED FROM ADMINISTRATION.**  
**SUBMIT FORM TO LUPZ FRONT DESK OR EMAIL [LUPZSUPPORTGROUP@GRIC.NSN.US](mailto:LUPZSUPPORTGROUP@GRIC.NSN.US)**

LUPZ OFFICE USE ONLY			
Date Received Stamp	Administration	Closed / Completed By	Delivered Via:
Doc ID# _____	<input type="checkbox"/> Approve _____	Project Name: (Address/File Name) _____	<input type="checkbox"/> Mailed
	<input type="checkbox"/> Decline _____	Posted/Completed: _____	<input type="checkbox"/> E-mailed
	<input type="checkbox"/> Verify _____	Initials: _____	<input type="checkbox"/> FTP Site
	<input type="checkbox"/> Pending _____		<input type="checkbox"/> Inter-Office Mail
			<input type="checkbox"/> Hand Delivered

LUPZ Staff Releasing Document: \_\_\_\_\_ Date: \_\_\_\_\_

Requested Items Released to (sign name): \_\_\_\_\_ Date: \_\_\_\_\_

Requested Items Released to (print name): \_\_\_\_\_ Date: \_\_\_\_\_



# GILA RIVER INDIAN COMMUNITY Department of Land Use Planning & Zoning

## *Adult Use Marijuana Cultivation Permit* *Permit Number MCP-01-23* *LUPZ Number 23-32xxx*

**Main Location:**  
P.O. Box E  
291 W. Casa Blanca Rd.  
Sacaton, AZ 85147  
Phone: (520) 562-6003  
Fax: (520) 562-6040

**Realty Services:**  
64 E. Pima Street  
Sacaton, AZ 85147  
Phone: (520) 562-5060  
Fax: (520) 562-5064

**Administration**

**Flood Control  
Engineering**

**Geographic Information  
Systems**

**Land Surveying**

**Livestock/Ordinance**

**Planning Development**

**Realty Services**

**Subdivision  
Administration**

**THIS PERMIT** is hereby granted to:

**Applicant**  
8644 W. ABC Road  
Sacaton, AZ 85147

**Contact Person:** Mr. X at 520-562-xxxx

This Adult Use Marijuana Cultivation (MCP) Permit entitles the recipient to plant and cultivate a maximum of six marijuana (the genus "cannabis") plants as specifically described and located at the address above and listed below and the forms required by the application process for this permit subject to the terms of 5.1213. of the Gila River Indian Community's Law and Order Code and any other applicable Tribal or Federal Regulations. Any changes to any terms and conditions upon which this permit was registered for and approved without prior arrangements being coordinated through the Department of Land Use Planning and Zoning is a violation and this permit may be revoked.

THIS MCP PERMIT has been granted to Mr. X at 8644 W. ABC Road, Sacaton, AZ 85147 pursuant to 5.1213. of the Gila River Indian Community's Law and Order Code, its corresponding administrative processes and any applicable Tribal policies and/or procedures.

THIS MCP PERMIT is for the planting and cultivation of \_ marijuana plants at the location listed above and identified on the forms required by the registration processes for this permit.

THE TAG NUMBERS (#'S) AUTHORIZED BY THIS MCP PERMIT ARE: #, #, #, etc.

THIS MCP PERMIT will commence upon the signature date on this permit and completion of any other Tribal and/or Federal Regulations and is valid for a period of one year (365 days).

THIS MCP PERMIT'S fee of \$50.00 per registered plant is applicable and has been paid to the Gila River Indian Community's Cashier's Office and confirmed with receipt # \_\_\_\_\_.


THIS MCP PERMIT is approved by Department of Land Use Planning and Zoning Director Kimberly Antone.

\_\_\_\_\_  
Director, Department of Land Use Planning and Zoning

\_\_\_\_\_  
Date

cc: Gila River Police Department  
Office of General Counsel  
Department of Housing Development  
LUPZ General/Ordinance/Subdivision Files

NP No \_\_\_\_\_ Plant ID \_\_\_\_\_  
 Doc# \_\_\_\_\_



**LAND USE PLANNING & ZONING**  
 PO. Box E/ 291 W. Casa Blanca Rd.  
 Sacaton, AZ 85147  
 Phone: (520)562-6003  
**NATIVE PLANT TAG**

Date issued \_\_\_\_\_  
 Permittee \_\_\_\_\_  
 Location of Collection Site \_\_\_\_\_

IT IS UNLAWFUL to transport plants without this tag properly affixed or to remove tag from plant until planted in final location.

\* Tear off stub and give to Ordinance Officer

---

NP No \_\_\_\_\_ Doc# \_\_\_\_\_ Date \_\_\_\_\_  
 Permittee \_\_\_\_\_  
 Project \_\_\_\_\_  
 Plant ID \_\_\_\_\_

Marijuana Cultivation Number -MC No.

Plant Number \_\_\_of \_\_\_

Marijuana Cultivation Tag

Home Site

IT IS UNLAWFUL to Cultivate Marijuana without this tag properly affixed or to remove tag from plant until grow cycle is complete.

MC No.

Home Site

Plant Number \_\_\_of \_\_\_

## 5.1213. Adult Use Marijuana

A. Except as specifically and expressly provided in subsection C and notwithstanding any other law, the following acts by a person who is at least 21 years of age are lawful, are not an offense under the laws of the Community, may not constitute the basis for detention, search or arrest, and cannot serve as the sole basis for seizure or forfeiture of assets, for imposing penalties of any kind under the laws of the Community or for abrogating or limiting any right or privilege conferred or protected by the laws of the Community:

1. Possessing, consuming, purchasing, processing, transporting, or manufacturing by manual or mechanical means, including sieving or ice water separation but excluding chemical extraction or chemical synthesis one (1) ounce or less of marijuana, except that not more than five (5) grams of marijuana may be in the form of marijuana concentrate.

2. Possessing, transporting, cultivating or processing not more than six (6) marijuana plants for personal use at the person's homesite, and possessing, processing and manufacturing by manual or mechanical means, including sieving or ice water separation but excluding chemical extraction or chemical synthesis, the marijuana

produced by the plants on the premises where the marijuana plants were grown if all of the following apply:

a. Not more than six (6) plants are produced at a homesite where at least one person is at least 21 years of age.

b. Cultivation takes place within a closet, room, greenhouse or other enclosed area on the grounds of the homesite equipped with a lock or other security device that prevents access by persons under 21 years of age.

c. Cultivation takes place in an area where the marijuana plants are not visible from public view without using binoculars, aircraft or other optical aids.

d. The person cultivating the plants has registered with the Department of Land Use Planning and Zoning in accordance with the policies and procedures the Department of Land Use Planning and Zoning adopts to implement and enforce this subsection.

3. Acquiring, possessing, manufacturing, using, purchasing, selling or transporting paraphernalia relating to the cultivation, manufacture, processing or consumption of marijuana or marijuana products.

4. Assisting another person who is at least 21 years of age in any of the acts described in this subsection.

5. Notwithstanding any other law, a person with metabolites or components of marijuana in the person's body is not guilty of violating Title 6, Chapter 6 unless the person is also impaired to the slightest degree.

B. Notwithstanding any other law, the odor of marijuana or burnt marijuana does not by itself constitute reasonable articulable suspicion of a crime. This subsection does not apply when a law enforcement officer is investigating whether a person has violated Title 6, Chapter 6.

C. This chapter does not:

degree by marijuana or prevent the Community from enacting and imposing penalties for driving, flying or boating while impaired to even the slightest degree by marijuana.

2. Allow a person who is under 21 years of age to purchase, possess, transport or consume marijuana or marijuana products.
3. Allow the sale, transfer or provision of marijuana or marijuana products to a person who is under 21 years of age.
4. Allow any person to:
  - a. Consume or smoke marijuana within 100 feet of a public place or open space.
  - b. Consume marijuana or marijuana products while driving, operating or riding in the passenger seat or compartment of an operating motor vehicle, boat, vessel, aircraft or another vehicle used for transportation.
  - c. Possess, consume or smoke marijuana on the grounds of any preschool, primary school, or secondary school, on a school bus, or in any correction facility.
5. Restrict the rights of the Community and its entities to maintain a drug- and- alcohol-free workplace or affect the ability of the Community to have workplace policies restricting the use of marijuana by employees or prospective employees.
6. Require the Community to allow or accommodate the use, consumption, possession, transfer, display, transportation, sale or cultivation of marijuana in a place of employment.
7. Prohibit the Community or any of its entities, enterprises, affiliates or subdivisions from prohibiting or regulating conduct otherwise allowed by this chapter when such conduct occurs on or in property that is occupied, owned, controlled or operated by the Community or any or any of its entities, enterprises, affiliates or subdivisions.
8. Restrict the rights of the Community, its entities, schools, day care centers, adult day care facilities, health care facilities or corrections facilities to prohibit or regulate conduct otherwise allowed by this chapter when such conduct occurs on or in their properties.
9. Restrict the ability of a person, partnership, limited liability company, private corporation, private entity or private organization of any character that occupies,  
  
owns or controls property on the Gila River Indian Reservation to prohibit or regulate conduct otherwise allowed by this chapter on or in such property.
9. Require a person to violate federal law or to implement or fail to implement a restriction on the possession, consumption, display, transfer, processing, manufacturing or cultivation of marijuana if by so doing the person will lose a monetary or licensing-related benefit under federal law.

except as specifically set forth in this chapter.

11. Limit any privilege or right of a qualifying patient or designated caregiver under section 5.1214 of this chapter.

---

*HISTORY:* New Section  
Ariz. Rev. Stat. Ann. § 36-2851 *et seq.*

**5.1214. Medical Marijuana.**

A. There is a presumption that a qualifying patient or designated caregiver is engaged in the medical use of marijuana if the qualifying patient or designated caregiver possesses:

1. A Registry Identification Card issued in his or her name by the Arizona Department of Health Services pursuant to Arizona Revised Statutes § 36-2804.02, as the same may be amended from time to time; and
2. An amount of marijuana that does not exceed the allowable amount of marijuana permitted pursuant to Arizona Revised Statutes § 36-2801(1)(a)(i), as the same may be amended from time to time.

B. The presumption may be rebutted by evidence that the qualifying patient's conduct or the designated caregiver's conduct related to marijuana was not for the purpose of treating or alleviating the qualifying patient's debilitating medical condition or symptoms associated with the qualifying patient's debilitating medical condition pursuant to the Arizona Administrative Code § R9-17-201, as the same may be amended from time to time.

C. A registered qualifying patient or designated caregiver is not subject to arrest, prosecution or penalty in any manner, or denial of any right or privilege, including any civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau:

1. For the registered qualifying patient's medical use of marijuana pursuant to this chapter, if the registered qualifying patient does not possess more than the

allowable amount of marijuana permitted pursuant to Arizona Revised Statutes § 36-2801(1)(a)(i), as the same may be amended from time to time.

2. For the registered designated caregiver assisting a registered qualifying patient to whom he or she is connected through the Arizona Department of Health Services registration process with the registered qualifying patient's medical use of marijuana pursuant to this chapter if the registered designated caregiver does not possess more than the allowable amount of marijuana permitted pursuant to Arizona Revised Statutes § 36-2801(1)(a)(i), as the same may be amended from time to time.

D. No person may be subject to arrest, prosecution or penalty in any manner, or denied any right or privilege, including any civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau, for:

1. Providing a registered qualifying patient or a registered designated caregiver with drug paraphernalia for purposes of a qualifying patient's medical use of marijuana.

authorized under this chapter.

3. Assisting a registered qualifying patient with administering marijuana as authorized by this chapter.

E. A qualifying patient or a designated caregiver may possess, transport, cultivate, and process not more than six (6) marijuana plants at the qualified patient's homesite. The marijuana plants shall be contained within a closet, room, greenhouse or other enclosed area on the grounds of the homesite equipped with a lock or other security device that prevents access by persons under 21 years of age. Cultivation shall take place in an area where the marijuana plants are not visible from public view without using binoculars, aircraft or other optical aids. The qualifying patient or the designated caregiver must register with the Department of Land Use Planning and Zoning in accordance with the policies and procedures the Department of Land Use Planning and Zoning adopts to implement and enforce this subsection.

F. This chapter does not authorize any person to engage in, and does not prevent the imposition of any civil, criminal or other penalties for engaging in, the following conduct:

1. Undertaking any task under the influence of marijuana that would constitute negligence or professional malpractice.
2. Possessing or engaging in the medical use of marijuana:
  - a. On a school bus.
  - b. On the grounds of any preschool or primary or secondary school.
  - c. In any correctional facility.
  - d. On any form of public transportation.
  - e. In any public place, including the casinos.
3. Operating, navigating or being in actual physical control of any motor vehicle, aircraft or motorboat while under the influence of marijuana, except that a registered qualifying patient shall not be considered to be under the influence of marijuana solely because of the presence of metabolites or components of marijuana that appear in insufficient concentration to cause impairment.
4. Using marijuana except as authorized under this chapter.

---

*HISTORY:* New Section  
Ariz. Rev. Stat. Ann. § 36-2801 *et seq.*

#### **5.1215. Definitions as Used in this Chapter.**

A. *Administer* means to apply, inject or facilitate the inhalation or ingestion of a substance to the body of a person.

B. *Allowable amount of marijuana* means:

1. With respect to a qualifying patient:

a. The amount of marijuana permitted pursuant to Arizona Revised Statutes §

b. If the qualifying patient's registry identification card states that the qualifying patient is authorized to cultivate marijuana, six (6) marijuana plants kept pursuant to this chapter.

2. With respect to a designated caregiver, for each patient assisted by the designated caregiver under this chapter:

a. The amount of marijuana permitted pursuant to Arizona Revised Statutes § 36-2801(1)(b)(i), as the same may be amended from time to time..

b. If the designated caregiver's registry identification card provides that the designated caregiver is authorized to cultivate marijuana, six (6) marijuana plants kept pursuant to this chapter.

3. Does not include marijuana that is incidental to medical use, but is not usable marijuana.

C. *Controlled substance analogue* means, except as provided in subsection (c), a substance: (i) the chemical structure of which is substantially similar to the chemical structure of a controlled substance in schedule I or II; (ii) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II; or (iii) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II.

1. Controlled substance analogue does not include:

a. A controlled substance;

b. Any substance for which there is an approved new drug application; or

c. Any substance to the extent not intended for human consumption before such an exemption takes effect with respect to that substance.

D. *Controlled substance* means any drug or other substance, or immediate precursor, included in Schedules I, II, III, IV, or V, of 21 U.S.C. § 812, including any future amendments to Schedules I through V, as may be enacted by Congress, or is listed in current or future schedules issued pursuant to authority vested in the Attorney General of the United States pursuant to 21 U.S.C. § 811. Controlled substance does not include distilled spirits, wine, malt beverages or tobacco. The term does not include marijuana, marijuana concentrate or any vapor-releasing substance that contains a toxic substance.

E. *Counterfeit substance* means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number, or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person or persons who in fact manufactured, distributed, or dispensed such substance and which thereby falsely purports or is represented to be the product of, or to have been distributed by, such other manufacturer, distributor, or dispenser.

F. *Crime of violence* means an offense that has an element the use, attempted use or threatened use of physical force against the person or property of another; or any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.



G. *Debilitating medical condition* means one or more of the following:

1. Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, crohn's disease, agitation of alzheimer's disease or the treatment of these conditions.
2. A chronic or debilitating disease or medical condition or its treatment that produces one or more of the following: cachexia or wasting syndrome; severe and chronic pain; severe nausea; seizures, including those characteristic of epilepsy; or severe and persistent muscle spasms, including those characteristic of multiple sclerosis.
3. Any other medical condition or its treatment added by the Arizona Department of Health Services pursuant to Arizona Revised Statutes § 36-2801.01.

H. *Designated caregiver* means a person who is authorized by the Arizona Department of Health Services pursuant to Arizona Revised Statutes § 36-2804.02 to assist a qualifying patient with medical use of marijuana.

I. *Manufacture* means the production, preparation, propagation, compounding, or processing of a drug or other substance, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of such substance or labeling or relabeling of its container; except that such term does not include the preparation, compounding packaging, or labeling of a drug or other substance in conformity with applicable Community, Federal or state law by a physician, dentist, veterinarian, scientific investigator, pharmacy, hospital, or other person licensed, registered, or otherwise permitted by the United States or the Community in which he practices or does research, to distribute, dispense, conduct research with respect to, administer, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

J. *Marijuana* means all parts of the plant of the genus cannabis, whether growing or not, as well as the seeds from the plant, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds or resin. Marijuana does not include industrial hemp, the fiber produced from the stalks of the plant of the genus cannabis, oil or cake made from the seeds of the plant, sterilized seeds of the plant that are incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

K. *Marijuana concentrate* means resin extracted from any part of a plant of the genus cannabis and every compound, manufacture, salt, derivative, mixture or preparation of that resin or tetrahydrocannabinol.

L. *Open Space* means a public park, public sidewalk, public walkway or public pedestrian thoroughfare.

M. *Public place* means any enclosed area to which the public is invited or in which the public is permitted, including bars, casinos, common areas of multifamily housing facilities, educational facilities, entertainment facilities or venues, health care facilities, hotels and motels, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports facilities, theaters, and waiting rooms.

N. *Qualifying patient* means a person who has been diagnosed by a physician as having a debilitating medical condition.

