



ARIZONA STATE SENATE
Fifty-First Legislature, First Regular Session

FACT SHEET FOR S.B. 1098

marijuana; cultivation; county zoning

Purpose

Establishes that counties have zoning authority over the cultivation of cannabis.

Background

Current law prohibits a county board of supervisors from regulating or restricting the use or occupation of land or improvements for railroad, mining, metallurgical, grazing or general agricultural purposes if the tract is five or more contiguous commercial acres (A.R.S. § 11-811).

The Arizona Medical Marijuana Act was passed by voters in November 2010, requiring the Arizona Department of Health Services (DHS) to create a medical marijuana program within 120 days from the official election results. Qualifying patients began applying for identification cards from DHS on April 14, 2011.

Cities, towns, and counties may currently set zoning regulations that limit the use of land for registered nonprofit medical marijuana dispensaries pursuant to Title 9, Chapter 4, Article 6.1, and Title 11, Chapter 6, Article 2 (A.R.S. § 36-2806.01).

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

Provisions

1. Stipulates that the cultivation of cannabis is not considered general agriculture for the purposes of county zoning.
2. Makes technical and conforming changes.
3. Becomes effective on the general effective date.

Prepared by Senate Research
January 25, 2013
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