

PROPOSED AMENDMENT
SENATE AMENDMENTS TO S.B. 1122
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Title 3, chapter 2, Arizona Revised Statutes, is amended
3 by adding article 4.1, to read:

4 ARTICLE 4.1. INDUSTRIAL HEMP

5 3-311. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "DIRECTOR" MEANS THE DIRECTOR OF THE ARIZONA DEPARTMENT OF
8 AGRICULTURE.

9 2. "INDUSTRIAL HEMP" MEANS THE PLANT CANNABIS SATIVA L. AND ANY PART
10 OF THE PLANT, WHETHER GROWING OR NOT, WITH A DELTA-9 TETRAHYDROCANNABINOL
11 CONCENTRATION OF NOT MORE THAN THREE-TENTHS PER CENT ON A DRY WEIGHT BASIS.

12 3-312. Industrial hemp registration

13 NOTWITHSTANDING ANY OTHER LAW, A PERSON WHO IS REGISTERED PURSUANT TO
14 THIS ARTICLE MAY PLANT, GROW, HARVEST, POSSESS, PROCESS, SELL AND BUY
15 INDUSTRIAL HEMP.

16 3-313. Powers and duties of the director; rules; civil penalty

17 A. THE DIRECTOR SHALL ADOPT RULES AS NECESSARY TO ADMINISTER AND
18 ENFORCE THIS ARTICLE, INCLUDING RULES TO ESTABLISH:

19 1. THE REGISTRATION AND REGISTRATION RENEWAL PROCESSES.

20 2. A REGISTRATION FEE.

21 3. MONITORING GUIDELINES FOR THE GROWTH AND HARVEST OF INDUSTRIAL
22 HEMP.

23 B. THE DIRECTOR MAY:

24 1. REVOKE THE REGISTRATION OF OR REFUSE TO REGISTER A PERSON UNDER
25 THIS ARTICLE IF THE PERSON HAS VIOLATED OR FAILED TO COMPLY WITH THIS ARTICLE
26 OR ANY RULES ADOPTED PURSUANT TO THIS ARTICLE.

27 2. ASSESS A CIVIL PENALTY OF NOT MORE THAN FIVE HUNDRED DOLLARS
28 AGAINST A PERSON WHO IS DETERMINED TO BE IN VIOLATION OF THIS ARTICLE OR
29 RULES ADOPTED PURSUANT TO THIS ARTICLE. CIVIL PENALTIES COLLECTED PURSUANT

1 TO THIS PARAGRAPH SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147,
2 IN THE INDUSTRIAL HEMP TRUST FUND ESTABLISHED BY SECTION 3-314.

3 3-314. Industrial hemp trust fund; exemption

4 A. THE INDUSTRIAL HEMP TRUST FUND IS ESTABLISHED FOR THE EXCLUSIVE
5 PURPOSE OF IMPLEMENTING, CONTINUING AND SUPPORTING INDUSTRIAL HEMP
6 REGISTRATION. THE TRUST FUND CONSISTS OF MONIES RECEIVED FROM FEES AND ALL
7 OTHER SOURCES UNDER THIS ARTICLE. THE MONIES COLLECTED CONSTITUTE A SEPARATE
8 AND PERMANENT FUND FOR USE BY DIRECTOR IN ADMINISTERING AND ENFORCING THIS
9 ARTICLE.

10 B. THE DIRECTOR SHALL ADMINISTER THE TRUST FUND AS TRUSTEE. THE STATE
11 TREASURER SHALL ACCEPT, SEPARATELY ACCOUNT FOR AND HOLD IN TRUST ANY MONIES
12 DEPOSITED IN THE STATE TREASURY, WHICH ARE CONSIDERED TO BE TRUST MONIES AS
13 DEFINED IN SECTION 35-310 AND MAY NOT BE COMMINGLED WITH ANY OTHER MONIES IN
14 THE STATE TREASURY EXCEPT FOR INVESTMENT PURPOSES. ON NOTICE FROM THE
15 DIRECTOR, THE STATE TREASURER SHALL INVEST AND DIVEST ANY TRUST FUND MONIES
16 DEPOSITED IN THE STATE TREASURY AS PROVIDED BY SECTIONS 35-313 AND 35-314.03,
17 AND MONIES EARNED FROM INVESTMENT SHALL BE CREDITED TO THE TRUST FUND.

18 C. THE BENEFICIARY OF THE TRUST IS THE INDUSTRIAL HEMP PROGRAM
19 ESTABLISHED BY THIS ARTICLE.

20 D. ANY MONIES REMAINING UNEXPENDED IN THE FUND ON JUNE 30 OF EACH YEAR
21 SHALL BE CARRIED FORWARD TO THE FOLLOWING YEAR AND DO NOT REVERT TO THE
22 GENERAL FUND.

23 Sec. 2. Section 13-3405, Arizona Revised Statutes, is amended to read:

24 13-3405. Possession, use, production, sale or transportation of
25 marijuana; classification; exception

26 A. A person shall not knowingly:

- 27 1. Possess or use marijuana.
- 28 2. Possess marijuana for sale.
- 29 3. Produce marijuana.

30 4. Transport for sale, import into this state or offer to transport
31 for sale or import into this state, sell, transfer or offer to sell or
32 transfer marijuana.

33 B. A person who violates:

34 1. Subsection A, paragraph 1 of this section involving an amount of
35 marijuana not possessed for sale having a weight of less than two pounds is
36 guilty of a class 6 felony.

1 2. Subsection A, paragraph 1 of this section involving an amount of
2 marijuana not possessed for sale having a weight of at least two pounds but
3 less than four pounds is guilty of a class 5 felony.

4 3. Subsection A, paragraph 1 of this section involving an amount of
5 marijuana not possessed for sale having a weight of four pounds or more is
6 guilty of a class 4 felony.

7 4. Subsection A, paragraph 2 of this section involving an amount of
8 marijuana having a weight of less than two pounds is guilty of a class 4
9 felony.

10 5. Subsection A, paragraph 2 of this section involving an amount of
11 marijuana having a weight of at least two pounds but not more than four
12 pounds is guilty of a class 3 felony.

13 6. Subsection A, paragraph 2 of this section involving an amount of
14 marijuana having a weight of more than four pounds is guilty of a class 2
15 felony.

16 7. Subsection A, paragraph 3 of this section involving an amount of
17 marijuana having a weight of less than two pounds is guilty of a class 5
18 felony.

19 8. Subsection A, paragraph 3 of this section involving an amount of
20 marijuana having a weight of at least two pounds but not more than four
21 pounds is guilty of a class 4 felony.

22 9. Subsection A, paragraph 3 of this section involving an amount of
23 marijuana having a weight of more than four pounds is guilty of a class 3
24 felony.

25 10. Subsection A, paragraph 4 of this section involving an amount of
26 marijuana having a weight of less than two pounds is guilty of a class 3
27 felony.

28 11. Subsection A, paragraph 4 of this section involving an amount of
29 marijuana having a weight of two pounds or more is guilty of a class 2
30 felony.

31 C. If the aggregate amount of marijuana involved in one offense or all
32 of the offenses that are consolidated for trial equals or exceeds the
33 statutory threshold amount, a person who is sentenced pursuant to subsection
34 B, paragraph 5, 6, 8, 9 or 11 of this section is not eligible for suspension
35 of sentence, probation, pardon or release from confinement on any basis until
36 the person has served the sentence imposed by the court, the person is

1 eligible for release pursuant to section 41-1604.07 or the sentence is
2 commuted.

3 D. In addition to any other penalty prescribed by this title, the
4 court shall order a person who is convicted of a violation of any provision
5 of this section to pay a fine of not less than seven hundred fifty dollars or
6 three times the value as determined by the court of the marijuana involved in
7 or giving rise to the charge, whichever is greater, and not more than the
8 maximum authorized by chapter 8 of this title. A judge shall not suspend any
9 part or all of the imposition of any fine required by this subsection.

10 E. A person who is convicted of a felony violation of any provision of
11 this section for which probation or release before the expiration of the
12 sentence imposed by the court is authorized is prohibited from using any
13 marijuana, dangerous drug or narcotic drug except as lawfully administered by
14 a practitioner and as a condition of any probation or release shall be
15 required to submit to drug testing administered under the supervision of the
16 probation department of the county or the state department of corrections as
17 appropriate during the duration of the term of probation or before the
18 expiration of the sentence imposed.

19 F. If the aggregate amount of marijuana involved in one offense or all
20 of the offenses that are consolidated for trial is less than the statutory
21 threshold amount, a person who is sentenced pursuant to subsection B,
22 paragraph 4, 7 or 10 and who is granted probation by the court shall be
23 ordered by the court that as a condition of probation the person perform not
24 less than two hundred forty hours of community restitution with an agency or
25 organization providing counseling, rehabilitation or treatment for alcohol or
26 drug abuse, an agency or organization that provides medical treatment to
27 persons who abuse controlled substances, an agency or organization that
28 serves persons who are victims of crime or any other appropriate agency or
29 organization.

30 G. If a person who is sentenced pursuant to subsection B, paragraph 1,
31 2 or 3 of this section is granted probation for a felony violation of this
32 section, the court shall order that as a condition of probation the person
33 perform not less than twenty-four hours of community restitution with an
34 agency or organization providing counseling, rehabilitation or treatment for
35 alcohol or drug abuse, an agency or organization that provides medical
36 treatment to persons who abuse controlled substances, an agency or

1 organization that serves persons who are victims of crime or any other
2 appropriate agency or organization.

3 H. If a person is granted probation for a misdemeanor violation of
4 this section, the court shall order as a condition of probation that the
5 person attend eight hours of instruction on the nature and harmful effects of
6 narcotic drugs, marijuana and other dangerous drugs on the human system, and
7 on the laws related to the control of these substances, or perform
8 twenty-four hours of community restitution.

9 I. THIS SECTION DOES NOT APPLY TO A PERSON WHO IS REGISTERED TO PLANT,
10 GROW, HARVEST, POSSESS, PROCESS, SELL AND BUY INDUSTRIAL HEMP PURSUANT TO
11 TITLE 3, CHAPTER 2, ARTICLE 4.1."

12 Amend title to conform

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