



Prop 207

February 16, 2021



What is Prop 207

- Legalizes the adult recreational use of Marijuana by adults 21 and older.
- Can possess up to one ounce (no more than 5 grams of concentrate.)
- An adult can grow up to 6 plants securely in their own home (Max. 12 if 2 adults)
- Retail sales to begin by June 1, 2021
- Sales subject to state and local taxes

What is still Illegal

- Use of Marijuana in public/open space
- Use of Marijuana by those under age 21
- Possession of more than 1 Ounce
- Driving under Influence, “Impairment in the Slightest Degree.”
- Still a violation of Federal Law, schedule I

How Does it Effect our City

- Creates the possibility of Marijuana Dispensaries, Testing Facilities and Grow Facilities within City Limits
- Zoning Amendments for 207?
- Personnel Policies of City Employees
- Impact to Public Safety

Local Authority to Regulate 36-2857

- Prop 207 does not prohibit local government from prohibiting or regulating conduct otherwise allowed under prop 207
- A locality may enact the following:
- Reasonable Zoning Regulations to limit the use of land to specific areas
- Limit the # of MJ establishments or MJ testing facilities or both

Local Authority to Regulate

- Can prohibit MJ establishments or MJ testing facilities or both
- Can regulate time, place and manner of MJ establishments & testing facilities
- Can reasonably restrict signage
- Can prohibit or restrict delivery
- Cannot create more restrictive rules that apply to nonprofit medical MJ dispensaries

Dispensaries and Testing Facilities

- 207 allows a process through ADHS for an expedited application process for an existing dispensary to dispense adult use Marijuana.
- Maricopa currently does not have any dispensaries.
- Testing facilities licensed by ADHS to test and analyze the potency of Marijuana.

Dual Licenses

- An entity that holds both a nonprofit medical marijuana dispensary registration and a marijuana establishment license.
- Local entities cannot interfere with the ability of a dual licensee to operate a nonprofit dispensary and a MJ establishment cooperatively at shared locations.

Cultivation Facilities

- Zoning concerns
- Building requirements
- Security concerns
- Environmental requirements

Contiguous County Facilities

- Facilities that may be approved on County land near city limits.
- Are these facilities on land that may be annexed at a later date?

Personnel Concerns

- AZ maintains Drug Free Workplace Laws
- Employees can still be disciplined for failed workplace drug tests
- Review of current policies regarding random or with cause drug testing of City Employees
- Drug History disclosures in background investigations

Impact to Law Enforcement

- Anticipated increase of DUI related incidents
- Training officers in new law, including probably cause changes regarding arrest search and seizure
- Impact to K9 Program
- Required equipment to enforce 207

Existing City Code

- 18.120.160 Medical Marijuana Uses
- Ordinance 20-19 and Resolution 20-51