



City of Maricopa

Legislation Text

File #: RES 21-05, **Version:** 1

A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, declaring as a public record that certain document filed with the city clerk and entitled "Chapter 8.40, Recreational Marijuana," establishing a purpose; setting forth definitions; prohibiting marijuana on public property; prohibiting marijuana establishments and marijuana testing facilities; establishing regulations for personal use at an individual's primary residence; setting forth violations; providing for enforcement and penalties; and amending the Maricopa city code by adding Chapter 8.40 and declaring an emergency.

On November 3, 2020 the statewide ballot measure known as "Smart and Safe Arizona Act" was approved and contains provisions authorizing the possession, consumption, purchase, processing, manufacturing or transporting of marijuana by an individual who is at least twenty-one (21) years of age; authorizing possession, transport, cultivation or processing of marijuana plants in a primary residence by adults over 21 years or older; allowing a nonprofit medical marijuana dispensary or other non-dispensary applicant to apply to the Department of Health Services to become a licensed marijuana establishment authorized to engage in the retail sale, cultivation and manufacturing of marijuana; and allowing the Department, or another entity designated by the Department, to become a marijuana testing facility to test the potency of marijuana and detect any harmful contaminants. The "Smart and Safe Arizona Act" authorizes marijuana establishments to use chemical extraction or chemical synthesis, including butane and other flammable gases, to extract marijuana concentrate, which poses a threat to the health, safety and security of the community and increases the responsibilities of law enforcement and other City departments to respond to violations of state and local laws, including building, electrical and fire codes.

Further, the "Smart and Safe Arizona Act" permits regulation of marijuana establishments and the City seeks to protect the public health, safety, and welfare by prohibiting marijuana establishments and marijuana testing facilities in the City.

Staff recommends approval.