

**Medical Marijuana Proposal:  
Clarifying that medical marijuana use inconsistent with the AMMA is subject to  
prosecution as any marijuana use:**

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

A. A person shall not knowingly:

1. Possess or use marijuana.
2. Possess marijuana for sale.
3. Produce marijuana.
4. PRODUCE, POSSESS OR USE MARIJUANA FOR MEDICAL USE AS DEFINED BY §36-2801(9), EXCEPT AS AUTHORIZED BY THE ARIZONA MEDICAL MARIJUANA ACT, TITLE 36, CHAPTER 28.1.
45. Transport for sale, import into this state or offer to transport for sale or import into this state, sell, transfer or offer to sell or transfer marijuana.
6. SMOKE MARIJUANA FOR MEDICAL USE AS DEFINED BY §36-2801(9) IN A PUBLIC PLACE OR IN THE PRESENCE OF CHILDREN UNDER THE AGE OF 18 YEARS, REGARDLESS OF THEIR STATUS AS A CARDHOLDER PURSUANT TO THE ARIZONA MEDICAL MARIJUANA ACT, TITLE 36, CHAPTER 28.1.

B. A person who violates:

1. Subsection A, paragraphs 1 OR 4 of this section involving an amount of marijuana not possessed for sale having a weight of less than two pounds is guilty of a class 6 felony.
2. Subsection A, paragraphs 1 OR 4 of this section involving an amount of marijuana not possessed for sale having a weight of at least two pounds but less than four pounds is guilty of a class 5 felony.
3. Subsection A, paragraphs 1 OR 4 of this section involving an amount of marijuana not possessed for sale having a weight of four pounds or more is guilty of a class 4 felony.
4. Subsection A, paragraph 2 OR 4 of this section involving an amount of marijuana having a weight of less than two pounds is guilty of a class 4 felony.
5. Subsection A, paragraphs 2 OR 4 of this section involving an amount of marijuana having a weight of at least two pounds but not more than four pounds is guilty of a class 3 felony.
6. Subsection A, paragraphs 2 OR 4 of this section involving an amount of marijuana having a weight of more than four pounds is guilty of a class 2 felony.
7. Subsection A, paragraphs 3 OR 4 of this section involving an amount of marijuana having a weight of less than two pounds is guilty of a class 5 felony.
8. Subsection A, paragraphs 3 OR 4 of this section involving an amount of marijuana having a weight of at least two pounds but not more than four pounds is guilty of a class 4 felony.
9. Subsection A, paragraphs 3 OR 4 of this section involving an amount of marijuana having a weight of more than four pounds is guilty of a class 3 felony.
10. Subsection A, paragraph 4 5 of this section involving an amount of marijuana having a weight of less than two pounds is guilty of a class 3 felony.
11. Subsection A, paragraph 45 of this section involving an amount of marijuana having a weight of two pounds or more is guilty of a class 2 felony.
12. SUBSECTION A, PARAGRAPH 6 OF THIS SECTION IS GUILTY OF A CLASS 6 FELONY.

C. If the aggregate amount of marijuana involved in one offense or all of the offenses that are consolidated for trial equals or exceeds the statutory threshold amount, a person who is sentenced pursuant to subsection B, paragraph 5, 6, 8, 9 or 11 of this section is not

eligible for suspension of sentence, probation, pardon or release from confinement on any basis until the person has served the sentence imposed by the court, the person is eligible for release pursuant to section 41-1604.07 or the sentence is commuted.

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

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

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

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

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