

ORDINANCE NO. 2010-

AN ORDINANCE OF THE PIMA COUNTY BOARD OF SUPERVISORS, RELATING TO PUBLIC HEALTH AND SAFETY; AMENDING THE PIMA COUNTY CODE BY ADDING CHAPTER 8.80 TO TITLE 8 OF THE PIMA COUNTY CODE RELATING TO THE REGISTRATION OF MEDICAL MARIJUANA DISPENSARIES, CARDHOLDERS, DESIGNATED CAREGIVERS, DISPENSARY AGENTS, QUALIFYING PATIENTS AND VISITING QUALIFYING PATIENTS

THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA FINDS THAT:

1. Among other things, proposed provisions of Proposition 203 in the November 2, 2010 election, the Arizona Medical Marijuana Act, A.R.S. §§36-2803, 36-2804.01, 36-2804.02, 36-2804.03, 36-2806, 36-2807, and 36-2808 vest jurisdiction and authority in the Arizona Department of Health Services (ADHS) to adopt rules relating to the application, registration, operation and inspection of medical marijuana dispensaries as well as the registration, verification and issuance of registry cards to dispensary agents, designated caregivers and qualifying patients.

2. If adopted, Proposition 203, the Arizona Medical Marijuana Act, may be preempted or limited by the federal Controlled Substances Act or preempted or limited by the Arizona Controlled Substances Act.

3. The Pima County Board of Health and Pima County Health Department possess the same authority as that possessed by ADHS to enact rules and ordinances to protect the public health and may enact rules and ordinances that do not conflict with state law and are equal to or more restrictive than the rules of ADHS.

4. The central objectives of the Controlled Substances Acts are to conquer drug abuse and to control the legitimate and illegitimate traffic in controlled substances.

5. The Pima County Board of Health determined that prevention of abuse and illegitimate traffic of marijuana intended for medical use is essential to protecting public health and is best achieved through application of the Arizona Controlled Substances Act.

6. Nothing in this ordinance is intended to permit or assist in the violation of either the federal Controlled Substances Act or the Arizona Controlled Substances Act.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY ARIZONA:

Section 1. Amend Pima County Code Title 8 to add Chapter 8.80 Medical Marijuana as follows:

8.80 Medical Marijuana

Sections:

8.80.01 – Purpose and Scope

8.80.02 – Definitions

8.80.03 – Registration Requirements

8.80.04 – Violation and Enforcement

8.80.05 - Applicability

8.80.01 Purpose and Scope

A. To protect the public health, to the extent practicable, through the discouragement and prevention of the abuse of marijuana and to control the legitimate and illegitimate traffic in medical marijuana.

8.80.02 Definitions

A. The terms, words, and phrases used in this ordinance have the same definitions given them in Title 36 Chapters 27 and 28.1.

8.80.03 Registration Requirements

A. Any cardholder, designated caregiver, nonprofit medical marijuana dispensary agent, nonprofit medical marijuana dispensary, qualifying patient or visiting qualifying patient who manufactures, distributes, dispenses or prescribes marijuana for medical use or who proposes to engage in the manufacture, distribution, prescribing or dispensing of marijuana for medical use must first comply with the registration requirements of A.R.S. §36-2522 and maintain, and provide upon request by authorized county personnel, evidence of continued compliance so long as engaged in the manufacture, distribution, prescribing or dispensing of medical marijuana.

8.80.04 Violation and Enforcement

A. Violation of this Chapter is a Class 1 misdemeanor and is subject to a fine or imprisonment, or both.

B. In addition to the remedies set forth in A the county may seek injunctive relief and take any actions otherwise provided by law.

8.80.05 Applicability

A. The provisions of this chapter apply to both the incorporated and unincorporated areas of the county.

Section 2. This ordinance is effective 31 days after its adoption by the Board if and only if Proposition 203 in the November 2, 2010 election is adopted and effective.

PASSED AND ADOPTED by the Board of Supervisors of Pima County, Arizona, this _____ day of _____, 2010.

ATTEST:

BOARD OF SUPERVISORS

Clerk, Board of Supervisors

Chairman, Board of Supervisors

APPROVED AS TO FORM:

APPROVED:

Deputy Pima County Attorney

Director Pima County Health Department