



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature  
First Regular Session

House: HHS DP 8-0-0-1

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**HB 2809: marijuana; advertising; labeling; signage; sale**  
**Sponsor: Representative Osborne, LD 13**  
**Caucus & Cow**

### **Overview**

Outlines labeling and advertising requirements for marijuana establishments and nonprofit medical marijuana dispensaries.

### **History**

Statute allows a marijuana establishment and a nonprofit medical marijuana dispensary (dispensary) to engage in advertising. Advertising platforms may host advertising only if the advertising is: 1) authorized by a marijuana establishment or dispensary; and 2) accurately and legibly identifies the establishment and dispensary responsible for content of advertising by name and license number or registration number. If advertisement engages in direct, individualized communication or dialogue, the age of the recipient must be verified as twenty-one years of age or older. ([A.R.S. § 36-2859](#))

Marijuana establishments are restricted from: 1) packaging or labelling marijuana or marijuana products in a false or misleading manner; 2) manufacturing or selling marijuana or marijuana products that resemble the form of a human, animal, insect, fruit, toy or cartoon; and 3) selling or advertising marijuana or marijuana products with names that resemble food or drinks brands marketed to children. ([A.R.S. § 36-2860](#))

### **Provisions**

1. Instructs DHS to adopt rules requiring marijuana establishments to display a sign in a conspicuous location that warns pregnant women of:
  - a) The potential dangers to fetuses caused by smoking or ingesting marijuana while pregnant or to infants while breastfeeding; and
  - b) The risk of being reported to the Arizona Department of Child Safety (DCS) during pregnancy or at the birth of the child. (Sec. 1).
2. Stipulates that DHS rules must include the specific warning language that must be included on the sign. (Sec. 1)
3. States that the cost and display of the sign be borne by the marijuana establishment. (Sec. 1)
4. Directs DHS to adopt rules prohibiting a marijuana establishment retail site from providing samples of marijuana products for on-site use and at no cost to a consumer. (Sec. 1)
5. Prohibits marijuana establishments from selling marijuana or marijuana products to people who are obviously intoxicated. (Sec. 2)
6. Restricts a marijuana establishment or dispensary from:
  - a) Using graphics designed to attract individuals who are under the age of twenty-one;

<input checked="" type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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- b) Advertising within one mile of any public or private school providing instruction to students in any combination of grades K-12;
  - c) Sponsoring any athletic, musical, artistic or other social or cultural event or any entry fee or team in any event. (Sec. 3)
7. Instructs marijuana establishments to label all marijuana and marijuana products at a retail site with a warning that reads *should not be used by women who are pregnant or breastfeeding*. (Sec. 4)
  8. Defines *obviously intoxicated*. (Sec. 2)
  9. Makes technical and conforming changes. (Sec. 1, 2, 3 and 4)
  10. Contains a Proposition 105 clause. (Sec. 5)