



Regulation of Marijuana

*Proposed City Code Amendments &
Summary of HR Policy Changes*

Regulation of Marijuana



PRESENTATION SUMMARY

- Overview of Smart and Safe Arizona Act (Prop 207)
- Proposed Code Amendments
- Human Resources Policy Changes
- Questions

Arizona Prop 207



SMART AND SAFE ARIZONA ACT

- Approved by Arizona voters on November 3, 2020
- Legalized the sale, possession and use of non-medicinal marijuana
- Set forth legally permissible amounts for possession
- Established age requirements for purchase, use, and possession

Arizona Prop 207



SMART AND SAFE ARIZONA ACT

- Authorized AZ Department of Health Services to issue licenses and establish rules for marijuana establishments
- Established Time Frames
 - Establishing Rules
 - Issuing License
 - Delivery

Proposed Code Amendments

Proposed Code Amendments



GENERAL CONCERNS AND GOALS

- Resolve any conflicts between Prop 207 and current city code provisions
- Provide clarification concerning definitions and prohibitions to ensure compliance within Goodyear city limits

Proposed Code Amendments



CHAPTER 11 SECTION AMENDMENTS

ADDS section 11-1-38 which would:

- Add definitions related to marijuana, marijuana related products
- Prohibit smoking marijuana where smoking tobacco is prohibited within the city (definitions of smoke and smoking)

Proposed Code Amendments



CHAPTER 11 SECTION AMENDMENTS

ADDS section 11-1-38 which would:

- SMOKE OR SMOKING means the act of inhaling, exhaling, burning, vaping, or carrying, or possessing any lighted, heated, or ignited cigar, cigarette, cigarillo, pipe, hookah, water pipe, Smoking Device, or any other device that delivers Marijuana or a Marijuana Product to a person, whether natural or synthetic.
- SMOKING DEVICE means any device that delivers or is capable of delivering Marijuana or a Marijuana Product to the person inhaling from the device, including, but not limited to, an electronic cigarette, electronic cigar, electronic pipe, electronic hookah, e-cigarette, vape-pen, or any other device that delivers Marijuana or a Marijuana Product to a person. Notwithstanding any provision of this section to the contrary, "Smoking Device" includes any component, part, or accessory intended or reasonably expected to be used with a Marijuana or a Marijuana Product, whether or not sold separately.

Proposed Code Amendments



CHAPTER 11 SECTION AMENDMENTS

ADDS section 11-1-38 which would:

- Prohibit marijuana use or possession on city property, in public places and opens spaces (11-1-38(C)&(E))
- Prohibit marijuana use and possession at city parks and on city trails (11-1-38(D))

Proposed Code Amendments



CHAPTER 11 SECTION AMENDMENTS

ADDS section 11-1-38 which would also:

- Prohibit non-licensed persons and entities from engaging in the retail sale of marijuana (11-1-38(F))
- Prohibit the delivery of marijuana within Goodyear city limits (11-1-38(H))
 - Prop 207 allows cities to regulate delivery within its jurisdiction
 - Delivery is not allowed until January 2023 at the earliest
- Prohibits the advertisement of the “transfer” of marijuana (11-1-38(I))

Proposed Code Amendments



CHAPTER 11 SECTION AMENDMENTS

ADDS section 11-1-38 which would also:

- Regulate personal use of marijuana at the personal residence
 - Limits the cultivation, extraction, manufacture, and processing of marijuana for personal use to an enclosed area within the primary residence or an accessory building on the property with a lock or other security device that prevents access by minors and should not be visible to the public
 - Prohibits chemical extraction or chemical synthesis, excluding manual or mechanical means
 - A landlord should not allow chemical extraction or chemical synthesis of marijuana concentrate to be processed or manufactured on the premises unless otherwise permissible by applicable law
 - Prohibits a person from disposing of marijuana and marijuana product waste in an unsecured waste receptacle not in possession and control of the person

Proposed Code Amendments



CHAPTER 11 SECTION AMENDMENTS

ADDS section 11-1-38 which would also:

Includes penalty provisions consistent with Prop 207 and similar to prior penalty provisions approved by Council

- City owned property violations = Class 1 misdemeanor
- All other violations = Petty Offense

Proposed Code Amendments



CHAPTER 10 SECTION AMENDMENTS

AMENDS EXISTING section 10-1-1 (Definitions) to define all marijuana as a hazardous waste to ensure proper disposal.

- Consistent with prior disposal for medical marijuana by product

Human Resources Policy



Prop 207 – Employer Rights

DRUG FREE WORKPLACE

Proposition 207

- Allows employers to maintain a drug free workplace
- Allows employers to have workplace policies restricting the use of marijuana
- Does not require employers to accommodate consumption, possession, transfer, display, transportation, sale or cultivation of marijuana in a place of employment

Prop 207 – HR Policy Changes



DRUG FREE WORKPLACE

Comparable to the use of alcohol

- Legally permissible use but an employee is prohibited under any circumstances
 - to be under its influence marijuana while at work
 - from using marijuana at the workplace (including while on stand-by)

Prop 207 – HR Policy Changes



DRUG FREE WORKPLACE

Policy Changes to address Prop 207

- Policy 10 **Definitions** (include applicable definitions)
- Policy 310 **Recruitment Policy** (certain safety-sensitive position recruitment will include pre-employment)
- Policy 350 **Background Checks** (safety-sensitive positions will be subject to pre-employment testing)
- Policy 820 **Employee Disciplinary Guidelines** (disciplinary action for use, possession or impairment while on duty)
- Policy 1020 **Alcohol and Controlled Substance Use & Testing** (policy protocol for employee drug testing)

Prop 207 – HR Policy Changes



DRUG FREE WORKPLACE

Safety Sensitive Positions – Marijuana cannot be in the employee's system

- Commercial Drivers' License (CDL)
- Sworn officers, Firefighters, Telecommunication positions
- Aquatic and recreation positions, and volunteers that may be working closely with children on a regular basis.

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DISCUSSION

Questions?