

Arizona

2016 GENERAL ELECTION PUBLICITY PAMPHLET

November 8, 2016



**WHAT'S
ON MY
BALLOT?**



TABLE OF CONTENTS

General Voting Information [Click any item to go to that page](#)

A Message to Voters from Secretary of State Michele Reagan..... 4

Voter Registration Information 5

Online Voter Services 5

Vote by Mail and In-Person Early Voting 6

Military and Overseas Voters 7

Voter Accessibility 7

Alternative Pamphlet Formats..... 8

Polling Place/Vote Center Information 8

ID at the Polls 9

Provisional Ballots 10

Become a Poll Worker 10

Arizona Citizens Clean Elections Commission Candidate Pamphlet..... 10

County Recorders..... 11

County Election Directors..... 12

Statewide Town Hall Information..... 13

Disclaimer 14

A Guide to Arizona Propositions..... 15

Ballot Propositions

PROPOSITION 205

Proposed Initiative Relating to the Regulation and Taxation of Marijuana 16

Legislative Council Analysis..... 31

Joint Legislative Budget Committee Fiscal Impact Statement 33

Arguments “For” Proposition 205 34

Arguments “Against” Proposition 205..... 38

Ballot Format for Proposition 205 57

PROPOSITION 206

Proposed Initiative Relating to Arizona’s Minimum Wage and Earned Paid Sick Time Benefits..... 58

Legislative Council Analysis..... 66

Joint Legislative Budget Committee Fiscal Impact Statement 66

Arguments “For” Proposition 206 67

Arguments “Against” Proposition 206..... 83

Ballot Format for Proposition 206 93

TABLE OF CONTENTS



Arizona Commission on Judicial Performance Review

Table of Contents	94
Who Judges the Judges	95
Judges Summary – Appellate Courts	96
Judges Details – Appellate Courts.....	97
Judges Summary – Pinal County Superior Court	99
Judges Details – Pinal County Superior Court.....	100
Judges Summary – Pima County Superior Court	102
Judges Details – Pima County Superior Court.....	103
Judges Summary – Maricopa County Superior Court	107
Judges Details – Maricopa County Superior Court.....	109
Voter Checklist.....	119

Ballot Proposition Voter’s Guide

Removable Voter’s Guide	123
-------------------------------	-----

Published by Secretary of State Michele Reagan
 Election Services Division
 1700 West Washington Street, 7th Floor
 Phoenix, Arizona 85007-2888

The Secretary of State is an equal opportunity employer.

ARGUMENT DISCLAIMER: State law requires the Office of the Secretary of State to publish every qualified argument filed for and against all propositions that will appear on the ballot at the November 8, 2016 General Election. The opinions are those of the filer alone, and the Secretary of State does not take a position in support of or opposition to any proposition.



A Message to Arizona Voters

Dear Arizona voter:

It is my hope you find this General Election Publicity Pamphlet to be a valuable educational voting tool. Key information in this pamphlet includes:

- General information about voting in Arizona elections.
- Propositions appearing on the ballot, along with analysis and citizen arguments “for” and “against” each proposition.
- Judicial performance information to evaluate judges appearing on the ballot for retention.

As we look forward to the General Election, please be mindful of some important dates:

October 10: Voter Registration Deadline

For more information about your voter registration status, please contact your County Recorder’s Office. Contact information for each County Recorder can be found on [page 11](#).

October 12: Early Voting Begins

Early ballots are mailed to registered voters who are on the Permanent Early Voting List and those who requested to vote by mail for this election. You may also vote in person at an early voting location. Please contact your County Recorder to request an early ballot or for early voting locations.

November 8: Election Day

Polling Places / Vote Centers are open from 6:00 a.m. – 7:00 p.m.

As a reminder, some local governments also will hold elections on November 8, so state and local elections may be combined on one ballot. Please contact your county election official listed on [page 12](#) if you have any questions.

Thank you for taking the time to be an informed voter and participate in this year’s General Election. Your vote matters!

Sincerely,

Michele Reagan
Secretary of State



Connect with the Arizona Secretary of State’s Office on Social Media:



Facebook.com/AZSecretaryOfState



@SecretaryReagan



www.youtube.com/user/AZSecState

Voter Registration Information

October 10
is the registration
deadline



DEADLINE: October 10 is the **registration deadline** for the 2016 General Election, if you are not already registered to vote.

REGISTER ONLINE: Register to vote online by using the EZ voter registration service at www.servicearizona.com. A valid Arizona driver's license or non-operating identification license is necessary.

PAPER REGISTRATION: Voter registration forms are available:

- From the Secretary of State's website (www.azsos.gov);
- By calling the Secretary of State's Office at 1-877-THE-VOTE (1-877-843-8683);
- By contacting your County Recorder's Office (listed on [page 11](#)); or
- At other government offices and public locations throughout the state.

**Paper forms must be received by your County Recorder or the Secretary of State's Office BEFORE 5:00 p.m., October 10, 2016. Please note, some County Recorder Offices may be closed on October 10 for Columbus Day; plan accordingly. Online registration is available through midnight on October 10.*

Online Voter Services

Please visit <https://voter.azsos.gov>
or <http://www.arizona.vote>

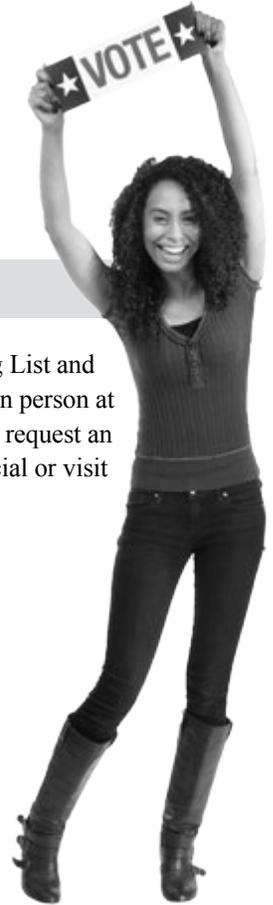
The Secretary of State provides additional online services to help Arizona residents when voting. These services allow Arizona voters to:

- Check their voter registration status.
- Check their polling location.
- Check their provisional ballot status.
- Check their early ballot status.





Vote by Mail and In-Person Early Voting



EARLY VOTING DATES TO REMEMBER



Beginning October 12: Early ballots are mailed to voters on the Permanent Early Voting List and registered voters who request one for this election. Registered voters may also vote early in person at designated early voting locations. To check if you are on the Permanent Early Voting List, request an early ballot or for information on early voting locations, contact your county election official or visit <https://voter.azsos.gov>.



October 28: Last day to request an early ballot from your County Recorder. Requests must be made **by 5:00 p.m.**



November 4: Presumptive last day to mail a voted early ballot back to the County Recorder.



November 8: Your voted early ballot must be received by either your County Recorder's Office or ANY polling place/vote center in your county **by 7:00 p.m.** on Election Day.

ANY REGISTERED VOTER IN ARIZONA MAY VOTE EARLY IN ONE OF TWO WAYS:

1. Permanent Early Voting List

If you are on the Permanent Early Voting List, an early ballot will automatically be sent to the address on file with your County Recorder.

Check to see if you are on the Permanent Early Voting List by visiting <https://voter.azsos.gov>.

If you are on the Permanent Early Voting List and wish to receive your early ballot at an address different than your regular mailing address, contact your County Recorder.

Election mail is non-forwardable.

If you are not on the Permanent Early Voting List, and would like to be, please contact your County Recorder.

2. One-Time Early Ballot Request

If you are **NOT** on the Permanent Early Voting List, and would like to request a one-time early ballot from your County Recorder, you may do so by telephone, mail, or fax. Online early ballot requests are also available in certain counties. When contacting your County Recorder to request an early ballot, make sure to include:

1. Your name and address used when registering to vote.
2. Date of birth and state or country of birth.
3. The election for which the ballot is requested.
4. Address where you are temporarily residing (if applicable).
5. Your signature (signatures are required for all early ballot requests except when requesting online).

Your County Recorder's contact information may be found on [Page 11](#).

Military and Overseas Voters

Military personnel and voters living overseas are able to conveniently participate in federal and Arizona elections. Military and overseas citizens can complete a Federal Postcard Application (FPCA) to register to vote and request a ballot.

A military or overseas voter may request a FPCA from his or her voting assistance officer, by visiting the Secretary of State online at www.azsos.gov/election/military.htm, or by contacting his or her County Recorder.

Once the FPCA has been completed, it may be faxed back to the appropriate County Recorder or to the Secretary of State's Office at (602) 364-2087. The Secretary of State's Office will forward the FPCA to the appropriate County Recorder.

A military or overseas voter may also submit a voted ballot using the Secretary of State's secure ballot upload system. In order to use this method, the voter must contact the appropriate County Recorder for instructions.

Ballots must be received by 7:00 p.m. ARIZONA time on Election Day.



Voter Accessibility

County election officials will accommodate special needs of voters who are physically unable to go to the polls or who need special access or assistance at the polling place. In addition, accessible voting devices will be available in every polling place/vote center. Persons who need additional assistance with voting should contact their county election department.

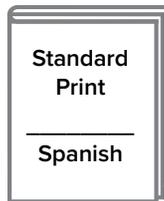




Alternative Pamphlet Formats

Persons who need information about the 2016 General Election Publicity Pamphlet in another format should contact the Election Services Division of the Secretary of State’s Office at (602) 542-8683, 1-877-THE-VOTE (1-877-843-8683), or TDD (602) 255-8683.

Alternative formats from the Secretary of State’s Office include:



See page 127



POLLING PLACE Vote Center



Information

- The polls are open from 6:00 a.m. – 7:00 p.m.
- Make sure to bring appropriate identification to the polls to avoid having to cast a provisional ballot.
- Ask for assistance if you are physically unable to mark your ballot or wish to use an accessible voting device at the polls. Two election officers from different political parties, or a person of your choice, may assist you in marking your ballot. Neither of the election officers who assist you in voting are allowed to influence your vote.
- If you spoil your ballot, conceal your vote and present it to the election judge to be re-issued a new ballot.
- Candidates whose names appear on the ballot (other than precinct committeemen) may not assist voters within the 75-foot limit around the polling place.
- A voter may be accompanied in the polling place by a person under the age of 18.
- Sample ballots and voter guides may be brought to the polling place and may be taken into the voting booth at the time of the election.
- Any voter who is in line to vote at 7:00 p.m. on Election Day will be allowed to vote.
- Early ballots may be dropped off at any polling location within your county on Election Day. You do not need to stand/wait in line to drop off your early ballot.

If you believe that a violation of the Help America Vote Act of 2002 has occurred during voting, you may contact:

Secretary of State Election Services Division
1700 West Washington Street, 7th Floor
Phoenix, Arizona 85007-2888
1-877-THE-VOTE
www.azsos.gov



ID at the Polls – Bring It!

Every voter is required to show proof of identity at the polling place before receiving a ballot. The following lists describe acceptable forms of identification at the polling place:

LIST 1	LIST 2	LIST 3
<p>One form of identification with photograph, name, and address of the voter, including:</p> <ul style="list-style-type: none"> • A valid Arizona driver’s license. • A valid Arizona non-operating identification license. • A tribal enrollment card or other form of tribal identification. • A valid United States federal, state, or local government-issued identification. <p>An identification is “valid” unless it can be determined on its face that it has expired.</p> <p style="text-align: center;">~ OR ~</p>	<p>Two forms of identification (without a photograph) that bear the name and address of the voter, including:</p> <ul style="list-style-type: none"> • A utility bill dated within 90 days of the date of the election. A utility bill may be for electric, gas, water, solid waste, sewer, telephone, cellular phone, or cable television. • A bank or credit union statement dated within 90 days of the date of the election. • A valid Arizona Vehicle Registration. • An Indian census card. • A property tax statement. • A tribal enrollment card or other form of tribal identification. • An Arizona vehicle insurance card. • A recorder’s certificate. • A valid United States federal, state, or local government-issued identification, including a voter registration card issued by the County Recorder. • Any mailing to the voter marked “Official Election Material.” <p>An identification is “valid” unless it can be determined on its face that it has expired. All items from List 2 may be presented to the poll workers in electronic format, including on a smart phone or tablet.</p> <p style="text-align: center;">~ OR ~</p>	<p>Two forms of identification: one identification with name and photo of the voter, and one non-photo identification with name and address, including:</p> <ul style="list-style-type: none"> • Any valid photo identification from List 1 in which the address does not match the precinct register at the polling place, and a non-photo identification from List 2 in which the address does match the precinct register. • A U.S. Passport without address and one valid item from List 2. • A U.S. Military identification without address and one valid item from List 2. <p>An identification is “valid” unless it can be determined on its face that it has expired.</p>



Provisional Ballots

Every person who timely arrives at a polling place has the right to cast a ballot and cannot be turned away. In certain situations, however, a voter may be required to vote a provisional ballot.

A provisional ballot is a ballot that will only be counted if the County Recorder can determine the voter’s eligibility. If you cast a provisional ballot, your ballot will be counted once it has been verified that you:

- Voted at the correct polling place;
- Provided the required identification documents;
- Are an eligible elector in the county in which you voted; and
- Did not vote an early ballot for the same election.

After the election, you can track the status of your provisional ballot by visiting <https://voter.azsos.gov>.

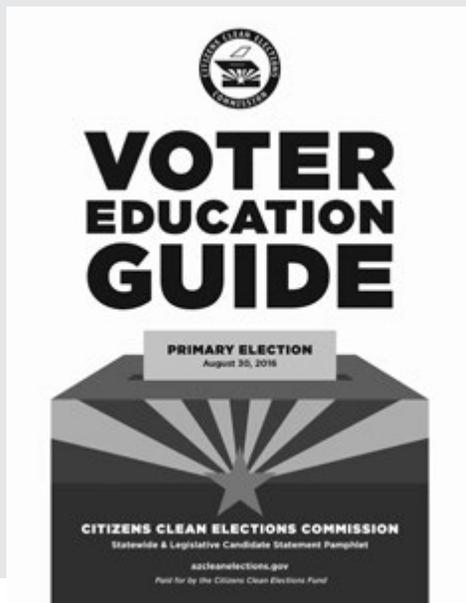


Become a Poll Worker

Poll workers are critical to a successful election. This important civic responsibility is open to all registered voters and students (16-17 years old). Bilingual poll workers are especially needed. Poll workers are paid for their time and effort.

If you are interested, please contact your local county elections office (see [page 12](#)).

Arizona Citizens Clean Elections Commission Candidate Pamphlet



The Citizens Clean Elections Commission mails a separate pamphlet with respect to state and legislative candidates to every household in Arizona that contains a registered voter. If you would like more information about that pamphlet, contact the Citizens Clean Elections Commission at: (602) 364-3477; Toll-free at 1-877-631-8891; www.azcleelections.gov; or visit the Commission’s Office at 1616 West Adams Street, Suite 110, Phoenix, Arizona 85007.

COUNTY RECORDERS

**LeNora Y. Fulton****Apache County Recorder**

Physical: 75 West Cleveland Street
 Mailing: PO Box 425
 St. Johns, Arizona 85936
 Phone 928/337-7516
 Fax 928/337-7676
 TDD 800/361-4402
 Email lfulton@co.apache.az.us

Christine Rhodes**Cochise County Recorder**

1415 Melody Lane, Building B
 Bisbee, Arizona 85603
 Phone 520/432-8358 or 888/457-4513
 Fax 520/432-8368
 TDD 520/432-8360
 Email voterreg@cochise.az.gov

Patty Hansen**Coconino County Recorder**

110 East Cherry Avenue
 Flagstaff, Arizona 86001
 Phone 928/679-7860 or 800/793-6181
 Fax 928/679-7851
 TDD 928/679-7131
 Email ccelections@coconino.az.gov

Sadie Jo Bingham**Gila County Recorder**

1400 East Ash Street
 Globe, Arizona 85501
 Phone 928/402-8740
 Fax 928/425-9270
 TDD 7-1-1
 Email sbingham@gilacountyaz.gov

Wendy John**Graham County Recorder**

Physical: 921 Thatcher Boulevard (zip: 85546)
 Mailing: PO Box 747
 Safford, Arizona 85548
 Phone 928/428-3560
 Fax 928/428-8828
 TDD 928/428-3562
 Email wjohn@graham.az.gov

Berta Manuz**Greenlee County Recorder**

Physical: 253 5th Street
 Mailing: PO Box 1625
 Clifton, Arizona 85533
 Phone 928/865-2632
 Fax 928/865-4417
 TDD 928/865-2632
 Email bmanuz@co.greenlee.az.us

Shelly Baker**La Paz County Recorder**

1112 Joshua Avenue, Suite 201
 Parker, Arizona 85344
 Phone 928/669-6136 or 888/526-8685
 Fax 928/669-5638
 TDD 928/669-8400
 Email recorder@co.la-paz.az.us

Helen Purcell**Maricopa County Recorder**

510 South 3rd Avenue
 Phoenix, Arizona 85003
 Phone 602/506-1511
 Fax 480/360-3628
 TDD 602/506-2348
 Email voterinfo@risc.maricopa.gov

Robert Ballard**Mohave County Recorder**

Physical: 700 West Beale Street (zip: 86401)
 Mailing: PO Box 7000
 Kingman, Arizona 86402
 Phone 928/753-0767 or 888/607-0733
 Fax 928/718-4917
 TDD 928/753-0701
 Email voterregistration@mohavecounty.us

Laura Sanchez**Navajo County Recorder**

Physical: 100 East Code Talkers Drive/
 South Highway 77
 Mailing: PO Box 668
 Holbrook, Arizona 86025
 Phone 928/524-4192
 Fax 928/524-4308
 TDD 928/524-4294
 Email laura.sanchez@navajocountyaz.gov

F. Ann Rodriguez**Pima County Recorder**

Physical: 240 North Stone Avenue (zip: 85701)
 Mailing: PO Box 3145
 Tucson, Arizona 85702
 Phone 520/724-4330
 Fax 520/623-1785
 TDD 520/724-4320
 Email voter@recorder.pima.gov

Virginia Ross**Pinal County Recorder**

31 North Pinal Street, Building E
 Florence, Arizona 85132
 Phone 520/866-6830
 Fax 520/866-6831
 TDD 520/866-6851
 Email virginia.ross@pinalcountyaz.gov

Suzanne "Suzie" Sainz**Santa Cruz County Recorder**

2150 North Congress Drive, Suite 101
 Nogales, Arizona 85621
 Phone 520/375-7990
 Fax 520/375-7996
 TDD 520/375-7934
 Email voter@santacruzcountyaz.gov

Leslie M. Hoffman**Yavapai County Recorder**

1015 Fair Street, Room # 228
 Prescott, Arizona 86305
 Phone 928/771-3248
 Fax 928/771-3446
 TDD 928/771-3530
 Email web.recorder@yavapai.us

Robyn S. Pouquette**Yuma County Recorder**

410 South Maiden Lane, Suite B
 Yuma, Arizona 85364
 Phone 928/373-6034
 Fax 928/373-6024
 TDD 928/373-6033
 Email robyn.pouquette@yumacountyaz.gov

COUNTY ELECTION DIRECTORS

Angela C. Romero, Director
Apache County Elections

Physical: 75 West Cleveland Street
 Mailing: PO Box 428
 St. Johns, Arizona 85936
 Phone 928/337-7537
 Fax 928/337-7538
 TDD 800/361-4402
 Email aromero@co.apache.az.us

Katie Howard, Director
Cochise County Elections

1415 Melody Lane, Building A
 Bisbee, Arizona 85603
 Phone 520/432-8975
 Fax 520/432-8995
 Email khoward@cochise.az.gov

Mark Mayrand,
Interim Elections Administrator
Coconino County Elections

110 East Cherry Avenue
 Flagstaff, Arizona 86001
 Phone 928/679-7860 or 800/793-6181
 Fax 928/679-7851
 TDD 928/679-7131
 Email ccelections@coconino.az.gov

Eric A. Mariscal, Director
Gila County Elections
 5515 South Apache Avenue, Suite 900
 Globe, Arizona 85501
 Phone 928/402-8709
 Fax 928/402-4319
 TDD 7-1-1
 Email emariscal@gilacountyaz.gov

Judy Dickerson, Director
Graham County Elections
 921 Thatcher Boulevard
 Safford, Arizona 85546
 Phone 928/792-5037
 Fax 928/428-5951
 TDD 928/428-3562
 Email jdickerson@graham.az.gov

Yvonne Pearson, Clerk/Director
Greenlee County Elections

Physical: 253 5th Street
 Mailing: PO Box 908
 Clifton, Arizona 85533
 Phone 928/865-2072
 Fax 928/865-9332
 TDD 928/865-2632
 Email ypearson@co.greenlee.az.us

Kevin Scholl, Director
La Paz County Elections

1108 Joshua Avenue
 Parker, Arizona 85344
 Phone 928/669-6149
 Fax 928/669-9709
 TDD 928/669-8400
 Email kscholl@co.la-paz.az.us

Karen Osborne, Director
Maricopa County Elections
 510 South 3rd Avenue
 Phoenix, Arizona 85003
 Phone 602/506-1511
 Fax 480/360-3628
 TDD 602/506-2348
 Email voterinfo@risc.maricopa.gov

Allen P. Tempert, Director
Mohave County Elections
 Physical: 700 West Beale Street (zip: 86401)
 Mailing: PO Box 7000
 Kingman, Arizona 86402
 Phone 928/753-0733 option 2
 Fax 928/718-4956
 Email allen.tempert@mohavecounty.us

Rayleen D. Richards, Director
Navajo County Elections
 Physical: 100 East Code Talkers Drive/
 South Highway 77
 Mailing: PO Box 668
 Holbrook, Arizona 86025
 Phone 928/524-4062
 Fax 928/524-4048
 Email rayleen.richards@navajocountyaz.gov

Brad R. Nelson, Director
Pima County Elections

6550 South Country Club Road
 Tucson, Arizona 85756
 Phone 520/724-6830
 Fax 520/724-6870
 TDD 520/724-6871
 Email elections@pima.gov

Michele Forney, Director
Pinal County Elections

Physical: 188 South Main Street
 Mailing: PO Box 460
 Coolidge, Arizona 85128
 Phone 520/866-7550
 Fax 520/866-7551
 TDD 520/866-6851
 Email PCElections_DL@pinalcountyaz.gov

Melinda Meek, Clerk/Director
Santa Cruz County
Board of Supervisors
 2150 North Congress Drive, Suite 119
 Nogales, Arizona 85621
 Phone 520/375-7808
 Fax 520/761-7843
 TDD 520/375-7934
 Email mmeek@santacruzcountyaz.gov

Lynn Constabile, Director
Yavapai County Elections
 1015 Fair Street
 Prescott, Arizona 86305
 Phone 928/771-3250
 Fax 928/771-3446
 TDD 928/771-3530
 Email web.elections@yavapai.us

Paul Melcher, Interim Election Director
Yuma County Elections
 198 South Main Street
 Yuma, Arizona 85364
 Phone 928/373-1014
 Fax 928/373-1154
 Email paul.melcher@yumacountyaz.gov

STATEWIDE TOWN HALL INFORMATION



Arizona Secretary of State Michele Reagan would like to extend an invitation to Arizona voters to attend a Town Hall meeting on the statewide ballot propositions. Pursuant to Arizona law, the Secretary of State's Office will conduct a series of Town Hall meetings around the state to educate the public about the General Election ballot propositions. The meetings are free and open to the public. If you want to learn more about the statewide ballot measures, please consider attending a Town Hall in your area.

For more information, please call (602) 542-8683 or toll free 1-877-843-8683,
or visit the Secretary of State's website,
<http://www.azsos.gov/elections/elections-calendar-upcoming-events>.





DISCLAIMER

Due to the possibility of legal challenges to one or more propositions published in this pamphlet, there may be changes in what actually appears on the ballot on November 8, 2016. Please review your ballot carefully before voting.

**FOR MORE INFORMATION,
VISIT THE SECRETARY OF STATE'S WEBSITE,
WWW.AZSOS.GOV, OR CALL 1-877-THE-VOTE
(1-877-843-8683) CLOSER TO ELECTION DAY.**

A GUIDE TO ARIZONA PROPOSITIONS

Initiative and Referendum Measures Explained

Arizona's Constitution puts legislative power not only in a House of Representatives and Senate, but in the people themselves.



NUMBERING OF BALLOT MEASURES

State law requires that ballot measures be numbered according to four criteria:

100

Constitutional amendments, whether initiated by the people or referred by the Legislature, are numbered in the 100s.

200

Citizen initiatives to create new or amend current statutes are numbered in the 200s.

300

Legislative referrals to create new or amend current statutes are numbered in the 300s.

400

Local matters are numbered in the 400s.

Initiative

Arizona voters have the ability to propose laws or constitutional amendments, or changes to laws or the Constitution, through the initiative process. To propose such changes, the proponents must file an application with the Secretary of State, including a summary of the measure and the complete text that will be submitted to a vote of the people. If sufficient signatures are gathered, the proposition will be placed on the General Election ballot.

Referendum

Not only do Arizona voters have the ability to propose laws, they may also veto laws passed by the Legislature by circulating a petition against a measure. As with initiative measures, the proponents must file an application with the Secretary of State, including a summary of the proposal and the text of the measure sought to be vetoed by a vote of the people. If sufficient signatures are gathered, the proposition will be placed on the General Election ballot.

PROPOSITION 205

OFFICIAL TITLE

AN INITIATIVE MEASURE

AMENDING TITLE 36, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 28.2;
AMENDING TITLE 42, CHAPTER 3, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 10;
AMENDING TITLE 43, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION
43-108; RELATING TO THE REGULATION AND TAXATION OF MARIJUANA.

TEXT OF PROPOSED AMENDMENT

Be it enacted by the People of the State of Arizona:

Section 1. Title.

This Act may be cited as the “Regulation and Taxation of Marijuana Act.”

Sec. 2. Findings.

A. The People of the State of Arizona find and declare that the distribution of marijuana should be removed from the illicit market and be controlled under a system that licenses, regulates and taxes the businesses involved and allocates the tax revenue to public education and public health.

B. The People of the State of Arizona proclaim that marijuana should be regulated in a manner similar to alcohol so that:

1. Marijuana may be purchased legally only from a business that is licensed and regulated.

2. Cultivating, manufacturing, testing, transporting and selling marijuana are controlled through licensing, regulation and enforcement.

3. Individuals are allowed to produce a limited amount of marijuana for personal use.

4. Selling or giving marijuana to persons under the legal age remains illegal.

5. Driving while impaired by marijuana remains illegal.

6. Marijuana sold in this state at licensed retail facilities is tested, labeled and packaged securely.

C. In the interest of the public health and public safety, to protect and maintain individual rights and the people’s freedom and to better focus state and local law enforcement resources on crimes involving violence and personal property, the people of the State of Arizona find and declare that the use of marijuana should be legal for persons who are at least twenty-one years of age.

D. In the interest of enacting rational policies for the treatment of all variations of the cannabis plant, the people of the State of Arizona further find and declare that hemp should be legal and should be regulated separately from the strains of cannabis with higher delta-9 tetrahydrocannabinol concentrations.

Sec. 3. Title 36, Arizona Revised Statutes, is amended by adding chapter 28.2, to read:

CHAPTER 28.2

REGULATION AND TAXATION OF MARIJUANA ACT

36-2851. Definitions

IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. “CONSUMER” MEANS A PERSON WHO IS AT LEAST TWENTY-ONE YEARS OF AGE AND WHO OBTAINS OR POSSESSES MARIJUANA OR MARIJUANA PRODUCTS FOR PERSONAL USE OR FOR USE BY PERSONS WHO ARE AT LEAST TWENTY-ONE YEARS OF AGE, BUT NOT FOR RESALE.

2. “CONTROLLING PERSON” MEANS A PRINCIPAL OFFICER, DIRECTOR, BOARD MEMBER, OR AN INDIVIDUAL WHO HAS A FINANCIAL OR VOTING INTEREST OF TEN PERCENT OR GREATER IN A MARIJUANA ESTABLISHMENT.

3. "DEPARTMENT" MEANS THE DEPARTMENT OF MARIJUANA LICENSES AND CONTROL.

4. “INDUSTRIAL HEMP” MEANS THE PLANT OF THE GENUS CANNABIS AND ANY PART OF THAT PLANT, WHETHER GROWING OR NOT, WITH A DELTA-9 TETRAHYDROCANNABINOL CONCENTRATION THAT DOES NOT EXCEED THREE-TENTHS PERCENT ON A DRY-WEIGHT BASIS OF ANY PART OF THE PLANT CANNABIS, OR PER VOLUME OR WEIGHT OF MARIJUANA PRODUCT, OR THE COMBINED PERCENTAGE OF DELTA-9

205

PROPOSITION 205

TETRAHYDROCANNABINOL AND TETRAHYDROCANNABINOLIC ACID IN ANY PART OF THE PLANT CANNABIS REGARDLESS OF MOISTURE CONTENT.

5. “LOCALITY” MEANS A CITY OR TOWN OR, IN REFERENCE TO A LOCATION OUTSIDE THE BOUNDARIES OF A CITY OR TOWN, A COUNTY.

6. “MANUFACTURE” MEANS TO COMPOUND, BLEND, EXTRACT, INFUSE OR OTHERWISE MAKE OR PREPARE A MARIJUANA PRODUCT.

7. “MARIJUANA”

(A) MEANS ALL PARTS OF ANY PLANT OF THE GENUS CANNABIS, WHETHER GROWING OR NOT, THE SEEDS THEREOF, THE RESIN EXTRACTED FROM ANY PART OF THE PLANT AND EVERY COMPOUND, MANUFACTURE, SALT, DERIVATIVE, MIXTURE OR PREPARATION OF THE PLANT OR ITS SEEDS OR RESIN.

(B) INCLUDES CANNABIS AS DEFINED IN SECTION 13-3401.

(C) DOES NOT INCLUDE:

(i) INDUSTRIAL HEMP.

(ii) THE MATURE STEMS AND ROOTS OF THE PLANT, FIBER PRODUCED FROM THE STEMS, OIL OR CAKE MADE FROM THE SEEDS OF THE PLANT, ANY OTHER COMPOUND, MANUFACTURE, SALT, DERIVATIVE, MIXTURE OR PREPARATION OF THE MATURE STEMS, EXCEPT THE RESIN AND POWDER EXTRACTED FROM THE MATURE STEMS, OR THE STERILIZED SEED OF THE PLANT THAT IS INCAPABLE OF GERMINATION.

(iii) THE WEIGHT OF ANY OTHER INGREDIENT COMBINED WITH MARIJUANA TO PREPARE TOPICAL OR ORAL ADMINISTRATIONS, FOOD, DRINK OR OTHER PRODUCTS.

8. “MARIJUANA ACCESSORIES” MEANS ANY EQUIPMENT, PRODUCT OR MATERIAL OF ANY KIND THAT IS USED, INTENDED FOR USE OR DESIGNED FOR USE IN PLANTING, PROPAGATING, CULTIVATING, GROWING, HARVESTING, MANUFACTURING, COMPOUNDING, CONVERTING, PRODUCING, PROCESSING, PREPARING, TESTING, ANALYZING, PACKAGING, REPACKAGING, STORING, TRANSPORTING OR CONTAINING MARIJUANA, OR FOR INGESTING, INHALING OR OTHERWISE INTRODUCING MARIJUANA INTO THE HUMAN BODY.

9. “MARIJUANA CULTIVATOR” MEANS AN ENTITY THAT IS LICENSED BY THE DEPARTMENT THAT MAY PRODUCE, PROCESS, TRANSPORT AND PACKAGE MARIJUANA, TO HAVE MARIJUANA TESTED BY A MARIJUANA TESTING FACILITY AND TO SELL MARIJUANA TO OTHER MARIJUANA ESTABLISHMENTS, BUT NOT TO CONSUMERS.

10. “MARIJUANA DISTRIBUTOR” MEANS AN ENTITY THAT IS LICENSED BY THE DEPARTMENT THAT MAY STORE MARIJUANA AND MARIJUANA PRODUCTS AT A LOCATION THAT IS NOT LICENSED FOR THE PRODUCTION, MANUFACTURE OR RETAIL SALE OF MARIJUANA AND MARIJUANA PRODUCTS AND TO TRANSPORT MARIJUANA AND MARIJUANA PRODUCTS FROM A MARIJUANA ESTABLISHMENT TO ANOTHER MARIJUANA ESTABLISHMENT, BUT NOT TO A CONSUMER.

11. “MARIJUANA ESTABLISHMENT” MEANS ANY ENTITY THAT IS A MARIJUANA CULTIVATOR, MARIJUANA DISTRIBUTOR, MARIJUANA TESTING FACILITY, MARIJUANA PRODUCT MANUFACTURER OR MARIJUANA RETAILER.

12. “MARIJUANA PRODUCT MANUFACTURER” MEANS AN ENTITY THAT IS LICENSED BY THE DEPARTMENT TO PURCHASE, MANUFACTURE, PROCESS, TRANSPORT AND PACKAGE MARIJUANA AND MARIJUANA PRODUCTS AND TO SELL MARIJUANA AND MARIJUANA PRODUCTS TO OTHER MARIJUANA ESTABLISHMENTS, BUT NOT TO CONSUMERS.

13. “MARIJUANA PRODUCTS” MEANS PRODUCTS THAT HAVE BEEN SUBJECT TO MANUFACTURE AND THAT CONTAIN MARIJUANA OR AN EXTRACT FROM MARIJUANA, INCLUDING PRODUCTS COMPRISING MARIJUANA AND OTHER INGREDIENTS THAT ARE INTENDED FOR HUMAN USE OR CONSUMPTION, AND INCLUDES EDIBLE PRODUCTS, OINTMENTS, CONCENTRATED MARIJUANA PRODUCTS AND TINCTURES.

14. “MARIJUANA RETAILER” MEANS AN ENTITY THAT IS LICENSED BY THE DEPARTMENT TO PURCHASE MARIJUANA AND MARIJUANA PRODUCTS FROM MARIJUANA ESTABLISHMENTS, TO TRANSPORT MARIJUANA AND MARIJUANA PRODUCTS TO OR FROM MARIJUANA ESTABLISHMENTS AND TO PACKAGE AND SELL MARIJUANA AND MARIJUANA PRODUCTS TO MARIJUANA ESTABLISHMENTS AND TO CONSUMERS.

15. “MARIJUANA TESTING FACILITY” MEANS AN ENTITY THAT IS LICENSED BY THE DEPARTMENT TO TEST AND TRANSPORT MARIJUANA AND MARIJUANA PRODUCTS, INCLUDING TESTING FOR POTENCY AND HARMFUL CONTAMINANTS.

16. “PROCESS” MEANS TO HARVEST, DRY, CURE, TRIM AND SEPARATE PARTS OF THE MARIJUANA PLANT BY MANUAL OR MECHANICAL MEANS, INCLUDING SIEVING OR ICE WATER SEPARATION, BUT EXCLUDING CHEMICAL EXTRACTION OR CHEMICAL SYNTHESIS.

17. “REORGANIZED MARIJUANA BUSINESS” MEANS AN ENTITY THAT IS ESTABLISHED TO OPERATE A MARIJUANA ESTABLISHMENT BY THE UNANIMOUS CONSENT OF ALL OF THE PRINCIPAL OFFICERS OF A

NONPROFIT MEDICAL MARIJUANA DISPENSARY THAT IS REGISTERED AND IN GOOD STANDING PURSUANT TO CHAPTER 28.1 OF THIS TITLE.

18. “UNREASONABLY IMPRACTICABLE” MEANS THAT THE MEASURES NECESSARY TO COMPLY WITH RULES OR ORDINANCES ADOPTED PURSUANT TO THIS CHAPTER SUBJECT LICENSEES TO UNREASONABLE FINANCIAL OR OTHER RISK OR REQUIRE SUCH A SIGNIFICANT INVESTMENT OF MONEY, TIME OR ANY OTHER RESOURCE OR ASSET THAT THE OPERATION OR ACQUISITION OF A MARIJUANA ESTABLISHMENT IS NOT WORTH BEING CARRIED OUT BY A REASONABLY PRUDENT BUSINESSPERSON.

36-2852. Applicability of chapter

A. THIS CHAPTER DOES NOT AUTHORIZE ANY PERSON TO ENGAGE IN AND DOES NOT PREVENT THE IMPOSITION OF ANY CIVIL, CRIMINAL OR OTHER PENALTY ON A PERSON FOR:

1. OPERATING, NAVIGATING OR BEING IN ACTUAL PHYSICAL CONTROL OF ANY MOTOR VEHICLE, TRAIN, AIRCRAFT, MOTORBOAT OR OTHER MOTORIZED FORM OF TRANSPORT OR MACHINERY WHILE IMPAIRED BY MARIJUANA OR A MARIJUANA PRODUCT.

2. INHALING OR CONSUMING MARIJUANA OR A MARIJUANA PRODUCT WHILE OPERATING A MOTOR VEHICLE, TRAIN, AIRCRAFT, MOTORBOAT OR OTHER MOTORIZED FORM OF TRANSPORT OR MACHINERY OR WHILE IN A PASSENGER COMPARTMENT THAT IS NOT ISOLATED FROM THE OPERATOR OF A MOTOR VEHICLE, TRAIN, AIRCRAFT, MOTORBOAT OR OTHER MOTORIZED FORM OF TRANSPORT OR MACHINERY.

3. KNOWINGLY DELIVERING, GIVING, SELLING, ADMINISTERING OR OFFERING TO SELL, ADMINISTER, GIVE OR DELIVER MARIJUANA OR A MARIJUANA PRODUCT TO A PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE.

4. BUYING FOR RESALE, SELLING OR DEALING IN MARIJUANA OR MARIJUANA PRODUCTS IN THIS STATE WITHOUT PROCURING THE APPROPRIATE LICENSE TO OPERATE A MARIJUANA ESTABLISHMENT.

5. POSSESSING OR USING MARIJUANA OR MARIJUANA ACCESSORIES ON THE GROUNDS OF OR WITHIN ANY CORRECTIONAL FACILITY.

6. POSSESSING OR USING MARIJUANA OR A MARIJUANA PRODUCT ON SCHOOL GROUNDS, INSIDE SCHOOL BUILDINGS, IN SCHOOL PARKING LOTS OR PLAYING FIELDS, IN SCHOOL BUSES OR VEHICLES OR AT OFF-CAMPUS SCHOOL-SPONSORED EVENTS. FOR THE PURPOSES OF THIS PARAGRAPH, “SCHOOL” MEANS ANY PUBLIC, CHARTER OR PRIVATE SCHOOL WHERE CHILDREN ATTEND CLASSES IN PRESCHOOL PROGRAMS, KINDERGARTEN PROGRAMS OR GRADES ONE THROUGH TWELVE.

7. PERFORMING ANY TASK WHILE IMPAIRED BY MARIJUANA OR A MARIJUANA PRODUCT THAT WOULD CONSTITUTE NEGLIGENCE OR PROFESSIONAL MALPRACTICE.

B. THIS CHAPTER DOES NOT REQUIRE AN EMPLOYER TO ALLOW OR ACCOMMODATE THE POSSESSION OR CONSUMPTION OF MARIJUANA OR MARIJUANA PRODUCTS IN THE WORKPLACE AND DOES NOT AFFECT THE ABILITY OF EMPLOYERS TO ENACT AND ENFORCE WORKPLACE POLICIES RESTRICTING THE CONSUMPTION OF MARIJUANA AND MARIJUANA PRODUCTS BY EMPLOYEES.

C. THIS CHAPTER DOES NOT PROHIBIT A PERSON WHO OWNS, MANAGES OR LEASES A PROPERTY FROM PROHIBITING OR OTHERWISE REGULATING THE SMOKING, PRODUCTION, PROCESSING, MANUFACTURE OR SALE OF MARIJUANA AND MARIJUANA PRODUCTS ON OR IN THAT PROPERTY.

D. THIS CHAPTER DOES NOT PROHIBIT A PERSON FROM PROHIBITING OR OTHERWISE REGULATING THE POSSESSION OR CONSUMPTION OF MARIJUANA AND MARIJUANA PRODUCTS ON OR IN PROPERTY THE PERSON OWNS, MANAGES OR LEASES IF EITHER:

1. THE PROPERTY IS A PUBLIC BUILDING THAT IS HELD OR OWNED BY THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE.

2. FAILING TO PROHIBIT THE POSSESSION OR CONSUMPTION OF MARIJUANA OR MARIJUANA PRODUCTS WOULD CAUSE THE PERSON WHO OWNS, MANAGES OR LEASES THE PROPERTY TO LOSE A MONETARY OR LICENSING-RELATED BENEFIT UNDER FEDERAL LAW OR REGULATIONS.

E. EXCEPT AS PROVIDED IN SECTION 36-2854, SUBSECTION C, SECTION 36-2862 AND IN SECTION 36-2868, SUBSECTION C, THIS CHAPTER DOES NOT AFFECT ANY PROVISIONS OF TITLE 36, CHAPTER 28.1 OF THIS TITLE RELATING TO THE USE OF MEDICAL MARIJUANA.

F. THIS CHAPTER DOES NOT PROHIBIT THE LEGISLATURE FROM PROVIDING FOR THE REGULATION OR TAXATION OF INDUSTRIAL HEMP.

36-2853. Department of marijuana licenses and control

A. THE DEPARTMENT OF MARIJUANA LICENSES AND CONTROL IS ESTABLISHED CONSISTING OF THE MARIJUANA COMMISSION AND THE OFFICE OF DIRECTOR OF THE DEPARTMENT.

B. THE GOVERNOR SHALL APPOINT A DIRECTOR OF THE DEPARTMENT PURSUANT TO SECTION 38-211 WHO IS QUALIFIED BY SUCCESSFUL EXPERIENCE IN BUSINESS ADMINISTRATION OR IN GOVERNMENT. THE GOVERNOR MAY REMOVE THE DIRECTOR FOR CAUSE. EXCEPT AS PROVIDED IN SUBSECTION D OF THIS SECTION, THE DIRECTOR SHALL ADMINISTER THIS CHAPTER. SUBJECT TO TITLE 41, CHAPTER 4, ARTICLE 4, THE DIRECTOR MAY EMPLOY, DETERMINE THE CONDITIONS OF EMPLOYMENT OF AND SPECIFY THE DUTIES OF EMPLOYEES AND CONTRACT TO HAVE THE SERVICES OF SUCH ADVISORS OR CONSULTANTS AS ARE REASONABLY NECESSARY TO ADEQUATELY PERFORM THE DEPARTMENT'S DUTIES. THE DIRECTOR MAY DELEGATE TO EMPLOYEES OF THE DEPARTMENT AUTHORITY TO EXERCISE POWERS OF THE DIRECTOR.

C. THE MARIJUANA COMMISSION CONSISTS OF SEVEN MEMBERS WHO ARE APPOINTED BY THE GOVERNOR PURSUANT TO SECTION 38-211, FOUR OF WHOM DO NOT HAVE ANY FINANCIAL INTEREST, DIRECTLY OR INDIRECTLY, IN ANY MARIJUANA ESTABLISHMENT AND THREE OF WHOM ARE AT ALL TIMES WHILE SERVING ON THE MARIJUANA COMMISSION AND FOR AT LEAST ONE YEAR BEFORE SERVING ON THE MARIJUANA COMMISSION, CONTROLLING PERSONS OF A MARIJUANA ESTABLISHMENT. NOT MORE THAN FOUR MEMBERS MAY BE OF THE SAME POLITICAL PARTY, NOT MORE THAN TWO OF THE MEMBERS WHO ARE NOT CONTROLLING PERSONS MAY BE OF THE SAME POLITICAL PARTY AND AT LEAST ONE MEMBER WHO IS NOT A CONTROLLING PERSON MUST BE FROM THE POLITICAL PARTY ASSOCIATED WITH THE GUBERNATORIAL CANDIDATE WHO RECEIVED THE SECOND LARGEST NUMBER OF VOTES AT THE LAST GUBERNATORIAL ELECTION. TO BE ELIGIBLE FOR APPOINTMENT A PERSON SHALL HAVE A CONTINUOUS RECORDED REGISTRATION PURSUANT TO TITLE 16, CHAPTER 1 WITH THE SAME POLITICAL PARTY OR AS AN INDEPENDENT FOR AT LEAST TWO YEARS IMMEDIATELY PRECEDING APPOINTMENT. NOT MORE THAN TWO MEMBERS MAY BE APPOINTED FROM THE SAME COUNTY. THE TERM OF APPOINTMENT IS THREE YEARS AND TERMS EXPIRE ON THE THIRD MONDAY IN JANUARY OF THE APPROPRIATE YEAR.

D. THE MARIJUANA COMMISSION SHALL:

1. ADOPT RULES FOR THE CONDUCT OF ITS MEETINGS.

2. ANNUALLY ELECT FROM ITS MEMBERSHIP A CHAIRPERSON AND MAY ELECT FROM ITS MEMBERSHIP OTHER OFFICERS FOR SUCH TERMS AS THE MEMBERS DEEM NECESSARY OR DESIRABLE.

3. KEEP RECORDS OF ALL OF ITS PROCEEDINGS.

4. APPROVE AND DENY APPLICATIONS FOR LICENSURE.

5. HOLD HEARINGS AS PROVIDED FOR BY LAW.

E. A MAJORITY OF THE MEMBERS OF THE MARIJUANA COMMISSION CONSTITUTE A QUORUM. THE CONCURRENCE OF A MAJORITY OF A QUORUM IS SUFFICIENT FOR TAKING ANY ACTION.

F. THE COMPENSATION OF THE DIRECTOR AND EMPLOYEES OF THE DEPARTMENT SHALL BE DETERMINED PURSUANT TO SECTION 38-611. NOTWITHSTANDING SECTION 38-611, SUBSECTION C, MEMBERS OF THE MARIJUANA COMMISSION ARE ENTITLED TO RECEIVE COMPENSATION AT THE RATE OF FIFTY DOLLARS PER DAY WHILE ENGAGED IN THE BUSINESS OF THE MARIJUANA COMMISSION.

G. EXCEPT FOR A MEMBER OF THE MARIJUANA COMMISSION WHO IS APPOINTED BY THE GOVERNOR IN THE CAPACITY OF A CONTROLLING PERSON, MEMBERS OF THE MARIJUANA COMMISSION, EMPLOYEES OF THE DEPARTMENT AND THE DIRECTOR MAY NOT HAVE ANY FINANCIAL INTEREST, DIRECT OR INDIRECT, IN ANY MARIJUANA ESTABLISHMENT. A VIOLATION OF THIS SUBSECTION BY ANY MEMBER OF THE MARIJUANA COMMISSION CONSTITUTES A RESIGNATION BY THAT PERSON, AND A VIOLATION BY ANY EMPLOYEE OF THE DEPARTMENT OR THE DIRECTOR SHALL RESULT IN IMMEDIATE DISMISSAL.

36-2854. Power and duties of the Department

A. THE DEPARTMENT SHALL ADOPT RULES PURSUANT TO TITLE 41, CHAPTER 6 THAT ARE NECESSARY OR CONVENIENT TO CARRY OUT THIS CHAPTER.

1. THE DEPARTMENT MAY ADOPT AND ENFORCE RULES TO REGULATE ANY PRODUCT SOLD BY A MARIJUANA RETAILER THAT WAS PRODUCED BY A MARIJUANA ESTABLISHMENT, INCLUDING PRODUCTS MADE FROM INDUSTRIAL HEMP.

2. UNTIL JANUARY 1, 2020, THE DEPARTMENT MAY NOT ADOPT ANY RULE THAT ALLOWS FOR THE DELIVERY OF MARIJUANA TO A CONSUMER BY A MARIJUANA RETAILER AT ANY LOCATION OUTSIDE OF THE MARIJUANA RETAILER'S LICENSED PREMISES.

3. UNTIL A MARIJUANA TESTING FACILITY HAS BEEN LICENSED BY THE DEPARTMENT FOR AT LEAST NINETY DAYS, THE DEPARTMENT MAY NOT ADOPT ANY RULE THAT REQUIRES THE TESTING OF MARIJUANA BY A MARIJUANA TESTING FACILITY.

4. UNTIL JANUARY 1, 2020, THE DEPARTMENT MAY NOT ADOPT ANY RULE THAT ALLOWS FOR THE CONSUMPTION OF MARIJUANA ON THE PREMISES WHERE SOLD. AFTER JANUARY 1, 2020, THE DEPARTMENT

MAY ADOPT AND ENFORCE RULES TO ALLOW FOR THE ISSUANCE OF LICENSES TO PERMIT THE CONSUMPTION OF MARIJUANA WITHIN A SPECIFIED AREA OF A MARIJUANA RETAILER, INCLUDING A MARIJUANA RETAILER LOCATED AT THE SAME LOCATION AS A NONPROFIT MEDICAL MARIJUANA DISPENSARY REGISTERED PURSUANT TO CHAPTER 28.1, OR THE ISSUANCE OF LICENSES TO PERMIT CONSUMPTION OF MARIJUANA WITHIN A SPECIFIED AREA OF THE LICENSEE, BUT NOT SALE OR TRANSFER FOR REMUNERATION OF ANY KIND.

5. RULES ADOPTED BY THE DEPARTMENT PURSUANT TO THIS CHAPTER AND PURSUANT TO CHAPTER 28.1 MAY PROVIDE FOR DIFFERENT REQUIREMENTS AND STANDARDS FOR MARIJUANA THAT IS INTENDED FOR MEDICAL USE. RULES ADOPTED OR ENFORCED BY THE DEPARTMENT MAY NOT CONFLICT IN A WAY THAT WOULD PREVENT A NONPROFIT MEDICAL MARIJUANA DISPENSARY REGISTERED PURSUANT TO CHAPTER 28.1 AND A REORGANIZED MARIJUANA BUSINESS FROM OPERATING COOPERATIVELY AT A SHARED LOCATION.

B. THE DEPARTMENT SHALL APPROVE OR DENY APPLICATIONS FOR LICENSES AND SHALL ISSUE AND RENEW LICENSES PURSUANT TO THIS CHAPTER, AS FOLLOWS:

1. THE DEPARTMENT SHALL BEGIN ACCEPTING AND PROCESSING APPLICATIONS FOR UP TO ONE OF EACH TYPE OF MARIJUANA ESTABLISHMENT FROM EACH REORGANIZED MARIJUANA BUSINESS ON OR BEFORE SEPTEMBER 1, 2017. THE DEPARTMENT SHALL ACCEPT AN APPLICATION FOR UP TO ONE OF EACH TYPE OF MARIJUANA ESTABLISHMENT FOR EACH DISPENSARY REGISTRATION CERTIFICATE HELD BY SUCH NONPROFIT MEDICAL MARIJUANA DISPENSARY. THE DEPARTMENT SHALL BEGIN ACCEPTING AND PROCESSING APPLICATIONS FOR MARIJUANA ESTABLISHMENTS FROM ALL OTHER APPLICANTS ON AND AFTER DECEMBER 1, 2017.

2. ON OR BEFORE DECEMBER 1, 2017, THE DEPARTMENT SHALL ISSUE LICENSES TO EACH QUALIFIED REORGANIZED MARIJUANA BUSINESS.

3. UNTIL SEPTEMBER 1, 2021, THE DEPARTMENT MAY NOT ISSUE MORE MARIJUANA RETAILER LICENSES THAN TEN PERCENT OF THE TOTAL NUMBER OF SERIES 9 LIQUOR LICENSES ISSUED BY THE ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL.

4. ON AND AFTER SEPTEMBER 1, 2021, THE DEPARTMENT MAY ISSUE ADDITIONAL MARIJUANA RETAILER LICENSES IF THE DEPARTMENT DETERMINES THAT ADDITIONAL LICENSES ARE DESIRABLE TO MINIMIZE THE ILLEGAL MARKET FOR MARIJUANA IN THIS STATE, TO EFFICIENTLY MEET THE DEMAND FOR MARIJUANA OR TO PROVIDE FOR REASONABLE ACCESS TO MARIJUANA RETAILERS IN RURAL AREAS.

C. NOTWITHSTANDING CHAPTER 28.1 OF THIS TITLE, BEGINNING SEPTEMBER 1, 2017, ALL AUTHORITY THE DEPARTMENT OF HEALTH SERVICES MAY HAVE TO ADMINISTER AND ENFORCE CHAPTER 28.1 OF THIS TITLE IS TRANSFERRED TO THE DEPARTMENT OF MARIJUANA LICENSES AND CONTROL. ALL RULES ADOPTED PURSUANT TO CHAPTER 28.1 OF THIS TITLE BY THE DEPARTMENT OF HEALTH SERVICES SHALL BE ENFORCED BY THE DEPARTMENT OF MARIJUANA LICENSES AND CONTROL UNTIL THEY ARE AMENDED BY THE DEPARTMENT OF MARIJUANA LICENSES AND CONTROL PURSUANT TO TITLE 41, CHAPTER 6. EACH REGISTRATION CERTIFICATE ISSUED BY THE DEPARTMENT OF HEALTH SERVICES PURSUANT TO CHAPTER 28.1 OF THIS TITLE BEFORE SEPTEMBER 1, 2017 SHALL REMAIN VALID AS PROVIDED IN CHAPTER 28.1 OF THIS TITLE UNTIL THE REGISTRATION CERTIFICATE EXPIRES. THE DEPARTMENT OF HEALTH SERVICES SHALL ADVISE, ASSIST AND COOPERATE WITH THE DEPARTMENT OF MARIJUANA LICENSES AND CONTROL TO ENSURE A SMOOTH TRANSFER OF AUTHORITY TO ADMINISTER AND ENFORCE CHAPTER 28.1 OF THIS TITLE.

D. THE DEPARTMENT SHALL CONDUCT HEARINGS PURSUANT TO TITLE 41, CHAPTER 6, ARTICLE 10 AS NECESSARY OR CONVENIENT TO LICENSE AND REGULATE MARIJUANA ESTABLISHMENTS AND MAY ACCEPT RELEVANT AND MATERIAL EVIDENCE AND TESTIMONY, ADMINISTER OATHS OR AFFIRMATIONS, ISSUE SUBPOENAS REQUIRING ATTENDANCE AND TESTIMONY OF WITNESSES, CAUSE DEPOSITIONS TO BE TAKEN AND REQUIRE BY SUBPOENA DUCES TECUM THE PRODUCTION OF BOOKS, PAPERS AND OTHER DOCUMENTS THAT ARE NECESSARY FOR THE ENFORCEMENT OF THIS CHAPTER.

E. THE DEPARTMENT SHALL ENFORCE THE LAWS AND RULES RELATING TO THE PRODUCTION, MANUFACTURE, TRANSPORTATION, SALE, STORAGE, DISTRIBUTION AND TESTING OF MARIJUANA AND MARIJUANA PRODUCTS AND SHALL CONDUCT INVESTIGATIONS OF COMPLIANCE WITH THIS CHAPTER, INCLUDING THE INSPECTION OF MARIJUANA ESTABLISHMENTS AND THE EXAMINATION OF BOOKS, RECORDS AND PAPERS OF ANY MARIJUANA ESTABLISHMENT AS NECESSARY TO ENFORCE THIS CHAPTER OR RULES ADOPTED PURSUANT TO THIS CHAPTER. ANY ENFORCEMENT OFFICER WITHIN THE DEPARTMENT WHO IS DESIGNATED BY THE DIRECTOR SHALL, FOR IDENTIFICATION PURPOSES, HAVE CREDENTIALS SIGNED BY THE DIRECTOR AND COUNTERSIGNED BY THE GOVERNOR AND, WHEN BEARING THESE CREDENTIALS, HAS THE POWER AND DUTIES OF A PEACE OFFICER. THE DEPARTMENT SHALL TAKE STEPS NECESSARY TO MAINTAIN EFFECTIVE LIAISON WITH THE DEPARTMENT OF PUBLIC SAFETY AND ALL LOCAL ENFORCEMENT AGENCIES IN THE ENFORCEMENT OF THIS CHAPTER.

F. THE DIRECTOR SHALL ESTABLISH WITHIN THE DEPARTMENT AN INVESTIGATIONS UNIT WHICH HAS AS ITS RESPONSIBILITY THE INVESTIGATION OF COMPLIANCE WITH THIS CHAPTER INCLUDING THE INVESTIGATION OF LICENSEES ALLEGED TO HAVE SOLD OR DISTRIBUTED MARIJUANA OR MARIJUANA PRODUCTS TO A PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE AND INVESTIGATIONS OF UNLICENSED PERSONS WHEN THERE IS PROBABLE CAUSE TO BELIEVE THAT THE PERSON SOLD OR OTHERWISE TRANSFERRED MARIJUANA OR MARIJUANA PRODUCTS IN EXCHANGE FOR ANYTHING OF VALUE, ADVERTISED OR PROMOTED THE SALE OR TRANSFER OF MARIJUANA OR MARIJUANA PRODUCTS OR SOLD OR OTHERWISE TRANSFERRED MARIJUANA OR MARIJUANA PRODUCTS WHERE THE TRANSACTION IS SUBJECT TO PUBLIC VIEW WITHOUT THE USE OF BINOCULARS, AIRCRAFT OR OTHER OPTICAL AIDS. INVESTIGATIONS CONDUCTED BY THIS UNIT MAY INCLUDE COVERT UNDERCOVER INVESTIGATIONS.

G. AFTER NOTICE AND A HEARING, THE DEPARTMENT MAY SUSPEND, REVOKE OR REFUSE TO RENEW ANY LICENSE ISSUED PURSUANT TO THIS CHAPTER AND IMPOSE A CIVIL PENALTY ON A LICENSEE FOR A VIOLATION OF THIS CHAPTER, ANY RULE ADOPTED PURSUANT TO THIS CHAPTER OR ANY CONDITION IMPOSED ON THE LICENSEE BY THE LICENSE. AN ACTION TAKEN BY THE DEPARTMENT PURSUANT TO THIS SUBSECTION IS A FINAL DECISION OF THE DEPARTMENT SUBJECT TO JUDICIAL REVIEW PURSUANT TO TITLE 12, CHAPTER 7, ARTICLE 6. JURISDICTION AND VENUE ARE VESTED IN THE SUPERIOR COURT.

H. AFTER NOTICE, THE DEPARTMENT MAY TEMPORARILY SUSPEND ANY LICENSE ISSUED PURSUANT TO THIS CHAPTER IF THERE IS CLEAR AND CONVINCING EVIDENCE THAT THE LICENSEE HAS COMMITTED A DELIBERATE AND WILLFUL VIOLATION OF ANY APPLICABLE LAW OR RULE OR THAT THE PUBLIC HEALTH, SAFETY OR WELFARE REQUIRES EMERGENCY ACTION. THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR A HEARING PURSUANT TO TITLE 41, CHAPTER 6, ARTICLE 10 WITHIN FOURTEEN CALENDAR DAYS AFTER A SUSPENSION PURSUANT TO THIS SUBSECTION.

I. THE DEPARTMENT SHALL KEEP RECORDS OF ALL OF ITS PROCEEDINGS.

36-2855. Rulemaking

A. ON OR BEFORE SEPTEMBER 1, 2017, THE DEPARTMENT SHALL ADOPT RULES PURSUANT TO TITLE 41, CHAPTER 6 THAT ARE NECESSARY OR CONVENIENT TO CARRY OUT THIS CHAPTER, INCLUDING:

1. PROCEDURES FOR THE ISSUANCE, RENEWAL, SUSPENSION, RELOCATION AND REVOCATION OF A LICENSE TO OPERATE A MARIJUANA ESTABLISHMENT.

2. QUALIFICATIONS FOR LICENSURE AND MINIMUM STANDARDS FOR EMPLOYMENT THAT ARE DIRECTLY AND DEMONSTRABLY RELATED TO A PERSON'S FITNESS TO OPERATE A MARIJUANA ESTABLISHMENT.

3. REQUIREMENTS FOR THE INDOOR AND OUTDOOR SECURITY OF MARIJUANA ESTABLISHMENTS, INCLUDING LIGHTING, PHYSICAL SECURITY AND VIDEO AND ALARM REQUIREMENTS AND REQUIREMENTS FOR THE SECURE TRANSPORTATION AND STORAGE OF MARIJUANA AND MARIJUANA PRODUCTS.

4. REQUIREMENTS TO PREVENT THE SALE OR DIVERSION OF MARIJUANA AND MARIJUANA PRODUCTS TO PERSONS WHO ARE UNDER TWENTY-ONE YEARS OF AGE, INCLUDING A SPECIFICATION OF THE ACCEPTABLE FORMS OF IDENTIFICATION THAT A MARIJUANA ESTABLISHMENT MAY ACCEPT WHEN VERIFYING THE AGE OF A CONSUMER THAT ARE SIMILAR TO REQUIREMENTS FOR VERIFYING THE AGE OF A PERSON WHO PURCHASES ALCOHOL.

5. TRACKING PROCEDURES TO ENSURE THAT MARIJUANA AND MARIJUANA PRODUCTS PRODUCED, PROCESSED, MANUFACTURED, TRANSPORTED AND SOLD BY ANY MARIJUANA ESTABLISHMENT ARE NOT SOLD OR OTHERWISE TRANSFERRED EXCEPT BY A MARIJUANA ESTABLISHMENT OR A NONPROFIT MEDICAL MARIJUANA DISPENSARY TO ANOTHER MARIJUANA ESTABLISHMENT OR BY A MARIJUANA RETAILER TO A CONSUMER AND TO ENSURE THAT ALL MARIJUANA AND MARIJUANA PRODUCTS THAT ARE SOLD BY A MARIJUANA RETAILER WERE PRODUCED BY A MARIJUANA ESTABLISHMENT OR A NONPROFIT MEDICAL MARIJUANA DISPENSARY.

6. HEALTH AND SAFETY STANDARDS FOR THE CULTIVATION, PROCESSING, MANUFACTURE AND DISTRIBUTION OF MARIJUANA AND MARIJUANA PRODUCTS, INCLUDING RULES REGARDING THE USE OF PESTICIDES AND RESTRICTIONS ON ADDITIVES TO MARIJUANA PRODUCTS THAT WOULD MAKE THE MARIJUANA PRODUCTS ADDICTIVE OR INJURIOUS TO HEALTH.

7. REQUIREMENTS FOR THE PACKAGING OF MARIJUANA AND MARIJUANA PRODUCTS, INCLUDING REQUIREMENTS FOR CHILD-RESISTANT PACKAGING SIMILAR TO THE POISON PREVENTION PACKAGING ACT OF 1970 (P.L. 91-601; 84 STAT. 1670; 15 UNITED STATES CODE SECTIONS 1471 THROUGH 1477) AND FOR DIVIDING OR SCORING A MARIJUANA PRODUCT INTO A STANDARDIZED SERVING SIZE.

8. REQUIREMENTS FOR THE LABELING OF MARIJUANA PRODUCTS SOLD BY MARIJUANA ESTABLISHMENTS, INCLUDING ALL OF THE FOLLOWING:

- (a) A SYMBOL OR OTHER MARK INDICATING THAT THE PACKAGE CONTAINS MARIJUANA.
- (b) THE AMOUNT OF TETRAHYDROCANNABINOL AND CANNABIDIOL IN THE PACKAGE AND IN EACH SERVING OF THE MARIJUANA PRODUCT.
- (c) THE NUMBER OF SERVINGS IN THE PACKAGE.
- (d) A LIST OF INGREDIENTS, ALLERGENS AND SOLVENTS USED IN THE MANUFACTURE OF THE MARIJUANA PRODUCT.

(e) WARNING LABELS.

9. REQUIREMENTS FOR THE TESTING OF MARIJUANA AND MARIJUANA PRODUCTS TO MEASURE POTENCY AND TO ENSURE THAT PRODUCTS SOLD FOR HUMAN CONSUMPTION DO NOT CONTAIN CONTAMINANTS THAT ARE INJURIOUS TO HEALTH.

10. REQUIREMENTS FOR THE MARKETING, DISPLAY AND ADVERTISING OF MARIJUANA, MARIJUANA PRODUCTS AND MARIJUANA ACCESSORIES, INCLUDING RESTRICTING MARKETING OR ADVERTISING THAT APPEALS TO CHILDREN.

12. PROCEDURES AND REQUIREMENTS TO ENABLE THE TRANSFER OR SALE OF A LICENSE FROM A MARIJUANA ESTABLISHMENT TO ANOTHER QUALIFIED PERSON OR GROUP OF PERSONS OR TO ANOTHER SUITABLE LOCATION.

13. A STATEWIDE TIERED SYSTEM FOR THE LICENSURE OF MARIJUANA CULTIVATORS THAT:

(a) ESTABLISH AT LEAST THREE DIFFERENT LICENSING CLASS TIERS.

(b) ESTABLISH A LIMIT ON THE AMOUNT OF MARIJUANA THAT A MARIJUANA CULTIVATOR WITHIN EACH LICENSING CLASS TIER MAY PRODUCE BASED ON THE SIZE OF THE CULTIVATION AREA, EXCEPT THAT THE HIGHEST TIER SHALL PERMIT THE PRODUCTION OF AN UNLIMITED AMOUNT OF MARIJUANA.

(c) UNLESS THE LICENSEE IS A REORGANIZED MARIJUANA BUSINESS, ISSUE ONLY THE SMALLEST LICENSING CLASS TIER MARIJUANA CULTIVATOR LICENSE TO A LICENSEE UNTIL THE LICENSEE DEMONSTRATES TO THE DEPARTMENT THAT THE LICENSEE HAS SOLD MORE THAN EIGHTY-FIVE PERCENT OF THE MARIJUANA THE LICENSEE HAS PRODUCED TO MARIJUANA ESTABLISHMENTS WITHOUT ENGAGING IN ANY TRANSACTION AT A PRICE WHICH IS LESS THAN THE MARIJUANA CULTIVATOR'S COST TO PRODUCE THE MARIJUANA SOLD IN THE TRANSACTION.

(d) PROVIDES FOR THE ISSUANCE OF THE HIGHEST TIER MARIJUANA CULTIVATOR LICENSE TO A REORGANIZED MARIJUANA BUSINESS.

14. PROCEDURES AND REQUIREMENTS TO ENABLE A NONPROFIT MEDICAL MARIJUANA DISPENSARY REGISTERED AND IN GOOD STANDING PURSUANT TO CHAPTER 28.1 OF THIS TITLE AND A REORGANIZED MARIJUANA BUSINESS LICENSED TO ENGAGE IN THE SAME TYPE OF CONDUCT AS THE NONPROFIT MEDICAL MARIJUANA DISPENSARY TO OPERATE AT THE SAME LOCATION.

15. PROCEDURES FOR ENFORCING THIS CHAPTER, INCLUDING PROCEDURES FOR IMPOSING CIVIL PENALTIES FOR THE FAILURE TO COMPLY WITH ANY RULE ADOPTED PURSUANT TO THIS CHAPTER OR FOR ANY VIOLATION OF SECTION 36-2859, PROCEDURES FOR COLLECTING FEES AND CIVIL PENALTIES IMPOSED BY THIS CHAPTER, PROCEDURES FOR SUSPENDING OR TERMINATING A LICENSE ISSUED UNDER THIS CHAPTER AND PROCEDURES PROVIDING FOR A HEARING FOR THE APPEAL OF PENALTIES AND LICENSING ACTIONS UNDER THIS CHAPTER.

B. THE DEPARTMENT MAY REQUIRE EACH CONTROLLING PERSON OF A MARIJUANA ESTABLISHMENT LICENSE APPLICANT TO FURNISH BACKGROUND INFORMATION AND TO SUBMIT A FULL SET OF FINGERPRINTS TO THE DEPARTMENT OF MARIJUANA LICENSES AND CONTROL FOR THE PURPOSE OF OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT TO SECTION 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY MAY EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF INVESTIGATION WITHOUT DISCLOSING THAT THE RECORDS CHECK IS RELATED TO THIS CHAPTER. THE DEPARTMENT SHALL DESTROY EACH SET OF FINGERPRINTS AFTER THE CRIMINAL RECORDS CHECK IS COMPLETE.

C. RULES ADOPTED BY THE DEPARTMENT MAY NOT PROHIBIT THE OPERATION OF MARIJUANA ESTABLISHMENTS, EITHER EXPRESSLY OR THROUGH REQUIREMENTS THAT MAKE THEIR OPERATION UNREASONABLY IMPRACTICABLE.

D. TO ENSURE THAT INDIVIDUAL PRIVACY IS PROTECTED:

1. THE DEPARTMENT MAY NOT REQUIRE A CONSUMER TO PROVIDE A MARIJUANA RETAILER WITH PERSONAL IDENTIFYING INFORMATION OTHER THAN IDENTIFICATION TO DETERMINE THE CONSUMER'S AGE.

2. A MARIJUANA RETAILER SHALL NOT BE REQUIRED TO ACQUIRE OR RECORD PERSONAL IDENTIFYING INFORMATION ABOUT A CONSUMER OTHER THAN INFORMATION TYPICALLY ACQUIRED IN A RETAIL TRANSACTION.

36-2856. Localities; Control of marijuana and marijuana products

A. THROUGH ENACTMENT OF A REFERENDUM OR INITIATIVE THAT IS CONDUCTED PURSUANT TO TITLE 19, CHAPTER 1, ARTICLE 4 AND THAT APPEARS ON A GENERAL ELECTION BALLOT, A LOCALITY MAY PROHIBIT THE OPERATION OF ONE OR MORE OF THE TYPES OF MARIJUANA ESTABLISHMENTS WITHIN THE LOCALITY, EXCEPT THAT IF A LOCALITY PROHIBITS THE OPERATION OF A MARIJUANA RETAILER, A MARIJUANA PRODUCT MANUFACTURER, OR A MARIJUANA CULTIVATOR, IT MAY NOT PROHIBIT A REORGANIZED MARIJUANA BUSINESS ESTABLISHED BY A NONPROFIT MEDICAL MARIJUANA DISPENSARY OPERATING WITHIN THE LOCALITY FROM OPERATING THE PROHIBITED TYPE OF MARIJUANA ESTABLISHMENT WITHIN THE LOCALITY IN ANY AREA THAT IS ZONED TO ALLOW THE OPERATION OF A NONPROFIT MEDICAL MARIJUANA DISPENSARY.

B. LOCALITIES MAY ENACT REASONABLE ORDINANCES OR RULES THAT ARE NOT IN CONFLICT WITH THIS ACT OR WITH RULES ENACTED PURSUANT TO THIS CHAPTER THAT:

1. GOVERN THE TIME, PLACE AND MANNER OF MARIJUANA ESTABLISHMENT OPERATIONS.

2. LIMIT THE NUMBER OF MARIJUANA ESTABLISHMENTS WITHIN THE LOCALITY, EXCEPT THAT THE LOCALITY MAY NOT LIMIT THE NUMBER OF MARIJUANA RETAILERS, MARIJUANA PRODUCT MANUFACTURERS, OR MARIJUANA CULTIVATORS TO A NUMBER THAT IS LESS THAN THE NUMBER OF LOCATIONS WHERE NONPROFIT MEDICAL MARIJUANA DISPENSARIES ARE ENGAGED IN THE SAME TYPE OF CONDUCT IN THE LOCALITY ON THE EFFECTIVE DATE OF THIS CHAPTER.

3. RESTRICT THE SMOKING, PRODUCTION, PROCESSING OR MANUFACTURE OF MARIJUANA AND MARIJUANA PRODUCTS WHEN IT IS INJURIOUS TO THE ENVIRONMENT OR OTHERWISE IS A NUISANCE TO A CONSIDERABLE NUMBER OF PERSONS.

4. LIMIT THE USE OF LAND FOR MARIJUANA ESTABLISHMENTS AND FOR BUSINESSES DEALING IN MARIJUANA ACCESSORIES TO SPECIFIED AREAS IN THE MANNER PROVIDED IN TITLE 9, CHAPTER 4, ARTICLE 6.1 AND TITLE 11, CHAPTER 6, ARTICLE 2, EXCEPT THAT ZONING MAY NOT PROHIBIT A MARIJUANA ESTABLISHMENT FROM OPERATING IN AN AREA THAT IS ZONED FOR THE OPERATION OF A NONPROFIT MEDICAL MARIJUANA DISPENSARY OR A MEDICAL MARIJUANA CULTIVATION FACILITY AND MAY NOT BE A BASIS FOR DENYING A LICENSE UNDER THIS CHAPTER.

5. ESTABLISH REASONABLE RESTRICTIONS ON PUBLIC SIGNAGE REGARDING MARIJUANA, MARIJUANA PRODUCTS, MARIJUANA ESTABLISHMENTS AND MARIJUANA ACCESSORIES.

6. ESTABLISH CIVIL PENALTIES FOR THE VIOLATION OF AN ORDINANCE OR RULE ADOPTED PURSUANT TO THIS SECTION.

C. IF THE DEPARTMENT DOES NOT ADOPT RULES IN ACCORDANCE WITH SECTION 36-2855 OR ACCEPT OR PROCESS APPLICATIONS IN ACCORDANCE WITH SECTION 36-2854, SUBSECTION B OR SECTION 36-2858 A LOCALITY MAY:

1. DESIGNATE A LOCAL REGULATORY AUTHORITY THAT IS RESPONSIBLE FOR PROCESSING APPLICATIONS SUBMITTED FOR A LICENSE TO OPERATE A MARIJUANA ESTABLISHMENT WITHIN THE LOCALITY.

2. ISSUE AN ANNUAL LICENSE TO OPERATE A MARIJUANA ESTABLISHMENT WITHIN THE LOCALITY, SUSPEND OR REVOKE A LICENSE IT HAS ISSUED FOR CAUSE AND ESTABLISH A SCHEDULE OF APPLICATION AND LICENSING FEES FOR MARIJUANA ESTABLISHMENTS LICENSED BY THE LOCAL REGULATORY AUTHORITY.

3. ADOPT REASONABLE ORDINANCES OR RULES NECESSARY OR CONVENIENT FOR THE LICENSING AND REGULATING OF MARIJUANA ESTABLISHMENTS.

36-2857. Disposition of fees and penalties

ALL APPLICATION, LICENSING AND OTHER FEES AND ALL FINES AND CIVIL PENALTIES COLLECTED PURSUANT TO THIS CHAPTER SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE MARIJUANA FUND ESTABLISHED BY SECTION 36-2867.

36-2858. Licensing of marijuana establishments

A. ON RECEIPT OF A COMPLETE MARIJUANA ESTABLISHMENT LICENSE APPLICATION, THE DEPARTMENT SHALL FORWARD A COPY OF THE APPLICATION TO THE LOCALITY IN WHICH THE PROPOSED LICENSED PREMISES WILL BE LOCATED.

B. ON RECEIPT OF A COMPLETE MARIJUANA ESTABLISHMENT LICENSE APPLICATION, THE DEPARTMENT, WITHIN SIXTY TO NINETY DAYS, MUST EITHER:

1. ISSUE THE APPROPRIATE LICENSE IF THE LICENSE APPLICATION IS APPROVED.

2. SEND A NOTICE OF DENIAL SETTING FORTH SPECIFIC REASONS WHY THE DEPARTMENT DID NOT APPROVE THE LICENSE APPLICATION.

C. THE DEPARTMENT SHALL APPROVE A LICENSE APPLICATION AND ISSUE OR RENEW A LICENSE UNLESS ANY OF THE FOLLOWING APPLIES:

1. THE APPLICANT FOR A MARIJUANA ESTABLISHMENT HAS NOT SUBMITTED AN APPLICATION IN COMPLIANCE WITH RULES ADOPTED BY THE DEPARTMENT, DOES NOT MEET THE REQUIREMENTS ESTABLISHED BY THE DEPARTMENT OR IS NOT IN COMPLIANCE WITH THIS CHAPTER OR RULES ADOPTED PURSUANT TO THIS CHAPTER.

2. THE LOCALITY IN WHICH THE PROPOSED MARIJUANA ESTABLISHMENT WILL BE LOCATED NOTIFIES THE DEPARTMENT THAT THE PROPOSED MARIJUANA ESTABLISHMENT IS NOT IN COMPLIANCE WITH ORDINANCES OR RULES THAT ARE ADOPTED BY THE LOCALITY PURSUANT TO SECTION 36-2856 AND IN EFFECT AT THE TIME OF APPLICATION.

3. THE PROPERTY, AT THE TIME THE LICENSE APPLICATION IS RECEIVED BY THE DEPARTMENT, IS LOCATED WITHIN FIVE HUNDRED HORIZONTAL FEET OF A BUILDING IN WHICH A PUBLIC OR PRIVATE SCHOOL OPERATES A KINDERGARTEN PROGRAM OR ANY OF GRADES ONE THROUGH TWELVE OR WITHIN FIVE HUNDRED HORIZONTAL FEET OF A FENCED RECREATIONAL AREA ADJACENT TO A PUBLIC OR PRIVATE SCHOOL BUILDING. THIS PARAGRAPH DOES NOT PROHIBIT THE RENEWAL OF A VALID LICENSE ISSUED PURSUANT TO THIS CHAPTER.

4. A CONTROLLING PERSON OF THE PROPOSED MARIJUANA ESTABLISHMENT HAS BEEN CONVICTED OF A FELONY OR CONVICTED OF AN OFFENSE IN ANOTHER STATE THAT WOULD BE A FELONY IN THIS STATE WITHIN FIVE YEARS BEFORE APPLICATION.

5. ISSUANCE OF THE LICENSE WOULD EXCEED A NUMERICAL LIMIT IMPOSED BY SECTION 36-2854, SUBSECTION B, OR ENACTED BY A LOCALITY PURSUANT TO SECTION 36-2856.

D. IF THE NUMBER OF APPLICATIONS TO OPERATE MARIJUANA ESTABLISHMENTS RECEIVED BY THE DEPARTMENT FROM QUALIFIED APPLICANTS IS GREATER THAN THAT ALLOWED UNDER THE LIMITS IMPOSED BY SECTION 36-2854, SUBSECTION B, OR ENACTED BY A LOCALITY PURSUANT TO SECTION 36-2856, THE DEPARTMENT SHALL:

1. SELECT THE APPLICATION OF A REORGANIZED MARIJUANA BUSINESS THAT HAS PRIOR EXPERIENCE PRODUCING OR DISTRIBUTING MARIJUANA PURSUANT TO CHAPTER 28.1 OF THIS TITLE IN THE LOCALITY IN WHICH THE APPLICANT SEEKS TO OPERATE A MARIJUANA ESTABLISHMENT AND THAT IS IN GOOD STANDING PURSUANT TO CHAPTER 28.1 OF THIS TITLE AND THE RULES ADOPTED PURSUANT TO CHAPTER 28.1 OF THIS TITLE OVER ANY COMPETING APPLICATION FROM AN APPLICANT WHO IS NOT A REORGANIZED MARIJUANA BUSINESS.

2. AWARD EACH LICENSE PURSUANT TO A COMPETITIVE PROCESS INTENDED TO SELECT APPLICANTS WHO ARE BEST SUITED TO MEET THE DEMAND FOR MARIJUANA AND MARIJUANA PRODUCTS IN THIS STATE, OPERATE IN COMPLIANCE WITH THIS CHAPTER AND THE RULES ADOPTED PURSUANT TO THIS CHAPTER AND MINIMIZE THE UNLAWFUL MARKET FOR MARIJUANA IN THIS STATE.

3. NOT GRANT A LICENSE FOR A MARIJUANA ESTABLISHMENT TO A LICENSEE WHO HAS ALREADY RECEIVED A LICENSE TO OPERATE THE SAME TYPE OF MARIJUANA ESTABLISHMENT IF DOING SO WOULD PREVENT ANOTHER QUALIFIED APPLICANT WHO HAS APPLIED FROM RECEIVING A LICENSE, EXCEPT THAT THIS PARAGRAPH SHALL NOT PREVENT EACH INDIVIDUAL NONPROFIT MEDICAL MARIJUANA DISPENSARY THAT IS REGISTERED PURSUANT TO CHAPTER 28.1 OF THIS TITLE FROM ESTABLISHING A REORGANIZED MARIJUANA BUSINESS TO OPERATE EACH TYPE OF MARIJUANA ESTABLISHMENT.

4. SOLICIT AND CONSIDER INPUT FROM THE LOCALITY AS TO THE APPLICANTS' COMPLIANCE WITH LOCAL ORDINANCES AND THE REASONS FOR THE LOCALITY'S PREFERENCE OR PREFERENCES FOR LICENSURE, IF ANY.

E. THE DENIAL OF A COMPLETE MARIJUANA ESTABLISHMENT APPLICATION PURSUANT TO SUBSECTION B OF THIS SECTION IS CONSIDERED A FINAL DECISION OF THE DEPARTMENT SUBJECT TO JUDICIAL REVIEW PURSUANT TO TITLE 12, CHAPTER 7, ARTICLE 6. JURISDICTION AND VENUE FOR JUDICIAL REVIEW ARE VESTED IN THE SUPERIOR COURT.

36-2858.01. Fee schedule

A. THE DEPARTMENT SHALL REQUIRE EACH APPLICANT FOR A MARIJUANA ESTABLISHMENT LICENSE TO PAY A ONE-TIME APPLICATION FEE OF \$5,000.

B. THE DEPARTMENT MAY REQUIRE PAYMENT OF AN ANNUAL LICENSING FEE OF NOT MORE THAN:
FOR THE INITIAL ISSUANCE OF A LICENSE FOR A MARIJUANA RETAILER \$20,000
FOR A RENEWAL LICENSE FOR A MARIJUANA RETAILER \$6,600
FOR THE INITIAL ISSUANCE OF A LICENSE FOR A MARIJUANA PRODUCT MANUFACTURER \$15,000
FOR A RENEWAL LICENSE FOR A MARIJUANA PRODUCT MANUFACTURER \$5,000
FOR THE INITIAL ISSUANCE OF A LICENSE FOR A MARIJUANA DISTRIBUTOR \$15,000

205

PROPOSITION 205

FOR A RENEWAL LICENSE FOR A MARIJUANA DISTRIBUTOR	\$5,000
FOR THE INITIAL ISSUANCE OF A LICENSE FOR A MARIJUANA TESTING FACILITY	\$10,000
FOR A RENEWAL LICENSE FOR A MARIJUANA TESTING FACILITY	\$3,300

C. THE DEPARTMENT SHALL ESTABLISH A TIERED SCHEDULE OF ANNUAL LICENSING FEES FOR MARIJUANA CULTIVATORS WITH FEE AMOUNTS RELATIVE TO THE SIZE OF THE LICENSED CULTIVATION AREA. THE DEPARTMENT MAY REQUIRE PAYMENT OF AN ANNUAL LICENSING FEE OF NOT MORE THAN \$30,000 FOR THE INITIAL ISSUANCE OF A LICENSE FOR A MARIJUANA CULTIVATOR OR \$10,000 FOR A RENEWAL LICENSE FOR A MARIJUANA CULTIVATOR. THE MAXIMUM FEE AMOUNT FOR THE LOWEST TIER SPECIFIED IN THE SCHEDULE MAY NOT BE MORE THAN ONE-QUARTER OF THE ANNUAL LICENSING FEE FOR THE HIGHEST TIER SPECIFIED IN THE SCHEDULE.

D. IF A LICENSE RENEWAL APPLICATION IS FILED LATER THAN THIRTY DAYS BEFORE THE EXPIRATION OF THE LICENSE, THE DEPARTMENT MAY REQUIRE THE PAYMENT OF A LATE APPLICATION FEE OF UP TO \$500.

E. TO ACCOUNT FOR INFLATION, THE DEPARTMENT SHALL ADJUST TO THE NEAREST DOLLAR THE AMOUNTS SPECIFIED IN THIS SECTION EVERY TWO YEARS BY THE PERCENTAGE CHANGE IN THE CONSUMER PRICE INDEX AND PUBLISH THE NEW AMOUNTS. FOR THE PURPOSES OF THIS SUBSECTION, "CONSUMER PRICE INDEX" MEANS THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS, UNITED STATES CITY AVERAGE, OR ITS SUCCESSOR INDEX AS PUBLISHED BY THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, OR ITS SUCCESSOR AGENCY.

36-2858.02. Licenses; expiration; renewal

A. ALL LICENSES ISSUED PURSUANT TO THIS CHAPTER EXPIRE ONE YEAR AFTER THE DATE OF ISSUANCE.

B. THE DEPARTMENT SHALL ISSUE A RENEWAL LICENSE WITHIN THIRTY DAYS AFTER RECEIPT OF A COMPLETE APPLICATION AND THE RENEWAL FEE FROM A MARIJUANA ESTABLISHMENT. THE DEPARTMENT MAY NOT RENEW ANY LICENSE ISSUED BY A LOCALITY.

C. A LICENSEE WHOSE LICENSE HAS NOT BEEN EXPIRED FOR MORE THAN SIXTY DAYS, WHOSE LICENSE HAS NOT BEEN SUSPENDED OR REVOKED AND WHO HAS FILED A RENEWAL APPLICATION AND PAID THE RENEWAL FEE AND ANY REQUIRED LATE FEE MAY CONTINUE TO OPERATE UNTIL THE DEPARTMENT TAKES FINAL ACTION TO APPROVE OR DENY THE RENEWAL APPLICATION.

36-2858.03. Licensing by a locality

A. IF THE DEPARTMENT DOES NOT TIMELY ADOPT RULES AS REQUIRED BY SECTION 36-2855 OR ACCEPT OR PROCESS APPLICATIONS IN ACCORDANCE WITH SECTION 36-2854, SUBSECTION B, AFTER MARCH 1, 2018, AN APPLICANT FOR A MARIJUANA ESTABLISHMENT WHO IS A REORGANIZED MARIJUANA BUSINESS MAY SUBMIT ITS APPLICATION DIRECTLY TO A LOCAL REGULATORY AUTHORITY DESIGNATED PURSUANT TO SECTION 36-2856 BY THE LOCALITY WHERE THE MARIJUANA ESTABLISHMENT WILL BE LOCATED.

B. IF A MARIJUANA ESTABLISHMENT SUBMITS AN APPLICATION TO A LOCAL REGULATORY AUTHORITY UNDER THIS SECTION:

1. ON REQUEST OF THE LOCALITY, THE DEPARTMENT SHALL FORWARD TO THE LOCALITY THE AMOUNT OF THE APPLICATION FEE, IF ANY, PAID BY THE APPLICANT TO THE DEPARTMENT.

2. THE LOCAL REGULATORY AUTHORITY SHALL ISSUE A LICENSE TO THE APPLICANT WITHIN NINETY DAYS AFTER RECEIPT OF THE APPLICATION UNLESS THE LOCALITY FINDS AND NOTIFIES THE APPLICANT THAT THE APPLICANT IS NOT IN COMPLIANCE WITH AN ORDINANCE OR RULE ADOPTED PURSUANT TO SECTION 36-2856 AND IN EFFECT AT THE TIME OF APPLICATION.

C. IF A LOCAL REGULATORY AUTHORITY ISSUES A LICENSE PURSUANT TO THIS SECTION:

1. THE LOCALITY SHALL NOTIFY THE DEPARTMENT THAT THE LICENSE HAS BEEN ISSUED.

2. THE LICENSE HAS THE SAME FORCE AND EFFECT AS A LICENSE ISSUED BY THE DEPARTMENT PURSUANT TO SECTION 36-2858.

3. THE HOLDER OF THE LICENSE IS NOT SUBJECT TO REGULATION OR ENFORCEMENT BY THE DEPARTMENT DURING THE LICENSE TERM BUT IS SUBJECT TO REGULATION BY THE LOCALITY.

36-2859. Marijuana establishments; operating requirements; security; inspection

A. IN ADDITION TO REQUIREMENTS ESTABLISHED BY RULE PURSUANT TO SECTION 36-2855, A MARIJUANA ESTABLISHMENT SHALL DO ALL OF THE FOLLOWING:

1. SECURE EVERY ENTRANCE TO AREAS CONTAINING MARIJUANA AND MARIJUANA PRODUCTS SO THAT ACCESS IS RESTRICTED TO PERSONS WHO ARE LEGALLY PERMITTED BY THE MARIJUANA ESTABLISHMENT

TO ACCESS THE AREA.

2. SECURE THE INVENTORY AND EQUIPMENT OF THE MARIJUANA ESTABLISHMENT DURING AND AFTER OPERATING HOURS TO DETER AND PREVENT THEFT OF MARIJUANA AND MARIJUANA PRODUCTS FROM THE PREMISES OR WHILE IN TRANSIT TO OR FROM THE PREMISES OF A MARIJUANA ESTABLISHMENT.

3. PREVENT ANY PERSON WHO IS NOT AT LEAST TWENTY-ONE YEARS OF AGE FROM WORKING OR VOLUNTEERING FOR THE MARIJUANA ESTABLISHMENT.

B. THE CULTIVATION, PROCESSING, TESTING, STORAGE, MANUFACTURE OR SALE OF MARIJUANA AND MARIJUANA PRODUCTS SHALL TAKE PLACE AT THE PHYSICAL ADDRESS APPROVED BY THE DEPARTMENT AND WITHIN AN AREA THAT IS ENCLOSED AND LOCKED IN A MANNER THAT RESTRICTS ACCESS ONLY TO PERSONS WHO ARE LEGALLY PERMITTED BY THE MARIJUANA ESTABLISHMENT TO ACCESS THE AREA. THE AREA MAY INCLUDE A GREENHOUSE AND MAY BE UNCOVERED ONLY IF THE AREA IS ENCLOSED WITH SECURITY FENCING THAT IS DESIGNED TO PREVENT UNAUTHORIZED ENTRY AND THAT IS AT LEAST EIGHT FEET HIGH.

C. THE CULTIVATION, PROCESSING, MANUFACTURE, SALE AND DISPLAY OF MARIJUANA AND MARIJUANA PRODUCTS MAY NOT BE VISIBLE FROM A PUBLIC PLACE WITHOUT THE USE OF BINOCULARS, AIRCRAFT OR OTHER OPTICAL AIDS.

D. A MARIJUANA ESTABLISHMENT IS SUBJECT TO REASONABLE INSPECTION BY THE DEPARTMENT.

E. A MARIJUANA DISTRIBUTOR LICENSE IS NOT REQUIRED FOR A MARIJUANA ESTABLISHMENT TO TRANSPORT MARIJUANA TO ANOTHER MARIJUANA ESTABLISHMENT.

F. A MARIJUANA RETAILER MAY NOT SELL OR OTHERWISE TRANSFER MARIJUANA TO A CONSUMER BEFORE MARCH 1, 2018.

36-2860. Possession, personal use and production of marijuana, marijuana products, marijuana accessories and industrial hemp; definition

A. NOTWITHSTANDING ANY OTHER LAW, EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER, IT IS LAWFUL IN THIS STATE AND MAY NOT BE USED AS THE BASIS FOR PROSECUTION, PENALTY OR SEIZURE OR FORFEITURE OF ASSETS FOR A PERSON WHO IS AT LEAST TWENTY-ONE YEARS OF AGE TO:

1. POSSESS, USE, PURCHASE, OBTAIN, PROCESS, MANUFACTURE OR TRANSPORT MARIJUANA ACCESSORIES OR ONE OUNCE OR LESS OF MARIJUANA, EXCEPT THAT NOT MORE THAN FIVE GRAMS OF MARIJUANA MAY BE IN THE FORM OF CONCENTRATED MARIJUANA.

2. POSSESS OR TRANSPORT NOT MORE THAN SIX MARIJUANA PLANTS AND POSSESS, PRODUCE OR PROCESS NOT MORE THAN SIX MARIJUANA PLANTS AT THE PERSON’S PLACE OF RESIDENCE FOR PERSONAL USE AND POSSESS THE MARIJUANA PRODUCED BY THE PLANTS ON THE PREMISES WHERE THE PLANTS WERE GROWN IF NO MORE THAN TWELVE PLANTS ARE PRODUCED ON THE PREMISES AT ONE TIME.

3. GIVE OR OTHERWISE TRANSFER WITHOUT REMUNERATION ONE OUNCE OR LESS OF MARIJUANA, EXCEPT THAT NOT MORE THAN FIVE GRAMS OF MARIJUANA MAY BE IN THE FORM OF CONCENTRATED MARIJUANA, TO A PERSON WHO IS AT LEAST TWENTY-ONE YEARS OF AGE IF THE TRANSFER IS NOT ADVERTISED OR PROMOTED TO THE PUBLIC.

4. ASSIST ANOTHER PERSON WHO IS AT LEAST TWENTY-ONE YEARS OF AGE IN ANY OF THE ACTS DESCRIBED IN THIS SECTION.

B. A PERSON MAY NOT BE PENALIZED BY THIS STATE FOR AN ACTION TAKEN WHILE UNDER THE INFLUENCE OF MARIJUANA OR A MARIJUANA PRODUCT SOLELY BECAUSE OF THE PRESENCE OF METABOLITES OR COMPONENTS OF MARIJUANA IN THE PERSON’S BODY OR IN THE URINE, BLOOD, SALIVA, HAIR OR OTHER TISSUE OR FLUID OF THE PERSON’S BODY.

C. NOTWITHSTANDING ANY OTHER LAW, IT IS LAWFUL IN THIS STATE AND MAY NOT BE USED AS THE BASIS FOR PROSECUTION, PENALTY OR SEIZURE OR FORFEITURE OF ASSETS FOR A PERSON TO POSSESS, PRODUCE, PROCESS, MANUFACTURE, PURCHASE, OBTAIN, SELL OR OTHERWISE TRANSFER OR TRANSPORT INDUSTRIAL HEMP.

D. A PERSON MAY NOT BE DENIED CUSTODY OF OR VISITATION OR PARENTING TIME WITH A MINOR AND MAY NOT BE PRESUMED GUILTY OF NEGLECT OR CHILD ENDANGERMENT SOLELY FOR CONDUCT THAT IS ALLOWED UNDER THIS CHAPTER, UNLESS THE PERSON’S BEHAVIOR IS CONTRARY TO THE BEST INTEREST OF THE CHILD AS SET OUT IN SECTION 25-403.

E. FOR THE PURPOSES OF THIS SECTION, “CONCENTRATED MARIJUANA” MEANS THE RESIN EXTRACTED FROM ANY PART OF A PLANT OF THE GENUS CANNABIS AND EVERY COMPOUND, MANUFACTURE, SALT, DERIVATIVE, MIXTURE OR PREPARATION OF THAT RESIN OR TETRAHYDROCANNABINOL. CONCENTRATED MARIJUANA DOES NOT INCLUDE THE WEIGHT OF ANY OTHER INGREDIENT COMBINED WITH CANNABIS TO PREPARE TOPICAL OR ORAL ADMINISTRATIONS, FOOD, DRINK OR OTHER PRODUCTS.

205

PROPOSITION 205

36-2861. Marijuana accessories authorized

A. NOTWITHSTANDING ANY OTHER LAW, EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER OR RULES ADOPTED PURSUANT TO THIS CHAPTER, A PERSON WHO IS AT LEAST TWENTY-ONE YEARS OF AGE IS AUTHORIZED AND IT IS LAWFUL IN THIS STATE AND MAY NOT BE USED AS THE BASIS FOR PROSECUTION, PENALTY OR SEIZURE OR FORFEITURE OF ASSETS, TO POSSESS, USE, TRANSPORT, DELIVER, MANUFACTURE OR PURCHASE MARIJUANA ACCESSORIES OR DISTRIBUTE OR SELL MARIJUANA ACCESSORIES TO A PERSON WHO IS AT LEAST TWENTY-ONE YEARS OF AGE.

B. NOTWITHSTANDING SECTION 13-3415, SUBSECTION C, AND SUBJECT TO ANY RULES ADOPTED BY THE DEPARTMENT PURSUANT TO SECTION 36-2855, IT IS NOT UNLAWFUL AND MAY NOT BE AN OFFENSE OR A BASIS FOR SEIZURE OR FORFEITURE OF ASSETS FOR A PERSON TO PLACE OR PUBLISH AN ADVERTISEMENT FOR MARIJUANA ACCESSORIES.

36-2862. Marijuana establishments; permissible activities

NOTWITHSTANDING ANY OTHER LAW, EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER OR RULES ADOPTED PURSUANT TO THIS CHAPTER, IT IS LAWFUL IN THIS STATE AND MAY NOT BE THE BASIS FOR PROSECUTION, PENALTY OR SEIZURE OR FORFEITURE OF ASSETS FOR:

1. A MARIJUANA RETAILER, OR AN AGENT ACTING ON BEHALF OF A MARIJUANA RETAILER, TO POSSESS, PURCHASE, SELL, PACKAGE OR TRANSPORT MARIJUANA AND MARIJUANA PRODUCTS TO OR FROM A MARIJUANA ESTABLISHMENT, OR SELL MARIJUANA AND MARIJUANA PRODUCTS TO CONSUMERS.

2. A MARIJUANA CULTIVATOR, OR AN AGENT ACTING ON BEHALF OF A MARIJUANA CULTIVATOR, TO PRODUCE, HARVEST, PROCESS OR PACKAGE MARIJUANA OR TO POSSESS, SELL, PURCHASE OR TRANSPORT MARIJUANA AND MARIJUANA PRODUCTS TO OR FROM A MARIJUANA ESTABLISHMENT.

3. A MARIJUANA PRODUCT MANUFACTURER, OR AN AGENT ACTING ON BEHALF OF A MARIJUANA PRODUCT MANUFACTURER, TO PACKAGE, PROCESS, MANUFACTURE, STORE, POSSESS, TRANSPORT, SELL AND PURCHASE MARIJUANA AND MARIJUANA PRODUCTS TO OR FROM A MARIJUANA ESTABLISHMENT.

4. A MARIJUANA DISTRIBUTOR, OR AN AGENT ACTING ON BEHALF OF A MARIJUANA DISTRIBUTOR, TO POSSESS, STORE, TRANSPORT, SELL OR PURCHASE MARIJUANA AND MARIJUANA PRODUCTS TO OR FROM A MARIJUANA ESTABLISHMENT.

5. A MARIJUANA TESTING FACILITY, OR AN AGENT ACTING ON BEHALF OF A MARIJUANA TESTING FACILITY, TO POSSESS, PROCESS, REPACKAGE, STORE, TRANSPORT OR TEST MARIJUANA AND MARIJUANA PRODUCTS.

6. A NONPROFIT MEDICAL MARIJUANA DISPENSARY THAT IS REGISTERED PURSUANT TO CHAPTER 28.1 OF THIS TITLE, OR AN AGENT ACTING ON BEHALF OF A NONPROFIT MEDICAL MARIJUANA DISPENSARY THAT IS REGISTERED PURSUANT TO CHAPTER 28.1 OF THIS TITLE, TO SELL OR OTHERWISE TRANSFER MARIJUANA OR MARIJUANA PRODUCTS TO A MARIJUANA ESTABLISHMENT OR FOR A MARIJUANA ESTABLISHMENT, OR AN AGENT ACTING ON BEHALF OF A MARIJUANA ESTABLISHMENT, TO SELL OR OTHERWISE TRANSFER MARIJUANA OR MARIJUANA PRODUCTS TO A NONPROFIT MEDICAL MARIJUANA DISPENSARY THAT IS REGISTERED PURSUANT TO CHAPTER 28.1 OF THIS TITLE.

7. ANY PERSON TO LEASE OR OTHERWISE ALLOW PROPERTY THAT IS OWNED, MANAGED OR CONTROLLED BY THE PERSON TO BE USED FOR ANY LAWFUL ACTIVITY PURSUANT TO THIS CHAPTER.

36-2863. Identification of underage persons

NOTWITHSTANDING ANY OTHER LAW, EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER OR RULES ADOPTED PURSUANT TO THIS CHAPTER, A PERSON ACTING IN THE PERSON'S CAPACITY AS AN AGENT OF A MARIJUANA ESTABLISHMENT WHO DELIVERS, GIVES, SELLS, ADMINISTERS, OR OFFERS TO SELL, ADMINISTER, GIVE OR DELIVER MARIJUANA OR A MARIJUANA PRODUCT TO A PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE, IS NOT SUBJECT TO PROSECUTION, PENALTY OR SEIZURE OR FORFEITURE OF ASSETS IF:

1. THE PERSON REQUESTED IDENTIFICATION FROM THE RECIPIENT, EXAMINED THE IDENTIFICATION TO DETERMINE THAT THE IDENTIFICATION REASONABLY APPEARED TO BE A VALID, UNALTERED IDENTIFICATION THAT HAD NOT BEEN DEFACED, EXAMINED THE PHOTOGRAPH IN THE IDENTIFICATION AND DETERMINED THAT THE RECIPIENT REASONABLY APPEARED TO BE THE SAME PERSON IN THE IDENTIFICATION AND DETERMINED THAT THE DATE OF BIRTH ON THE IDENTIFICATION INDICATED THAT RECIPIENT WAS NOT UNDER TWENTY-ONE YEARS OF AGE.

2. THE RECIPIENT IS PERMITTED TO POSSESS THE MARIJUANA PURSUANT TO CHAPTER 28.1 OF THIS TITLE.

36-2864. Contracts pertaining to marijuana enforceable

IT IS THE PUBLIC POLICY OF THE PEOPLE OF THIS STATE THAT CONTRACTS RELATED TO THE OPERATION OF MARIJUANA ESTABLISHMENTS UNDER THIS CHAPTER BE ENFORCEABLE, AND A CONTRACT ENTERED INTO BY A LICENSEE OR ITS AGENT AS ALLOWED PURSUANT TO A VALID LICENSE ISSUED BY THE DEPARTMENT OR BY A PERSON WHO ALLOWS PROPERTY TO BE USED BY A LICENSEE OR ITS AGENTS AS ALLOWED PURSUANT TO A VALID LICENSE ISSUED BY THE DEPARTMENT MAY NOT BE DEEMED UNENFORCEABLE ON THE BASIS THAT ANY ACTION OR CONDUCT ALLOWED PURSUANT TO THE LICENSE IS PROHIBITED BY FEDERAL LAW.

36-2865. Provision of professional services

A PERSON WHO IS LICENSED, CERTIFIED OR REGISTERED BY ANY DEPARTMENT, AGENCY OR REGULATORY BOARD OF THIS STATE IS NOT SUBJECT TO DISCIPLINARY ACTION BY THAT ENTITY FOR PROVIDING PROFESSIONAL ASSISTANCE TO A PROSPECTIVE OR LICENSED MARIJUANA ESTABLISHMENT OR OTHER PERSON FOR ANY LAWFUL ACTIVITY UNDER THIS CHAPTER.

36-2866. Violations; classification

A. A PERSON WHO SMOKES OR OTHERWISE USES MARIJUANA OR A MARIJUANA PRODUCT IN A PUBLIC PLACE IS GUILTY OF A PETTY OFFENSE PUNISHABLE BY A FINE OF NOT MORE THAN THREE HUNDRED DOLLARS.

B. A PERSON WHO MANUFACTURES MARIJUANA BY CHEMICAL EXTRACTION WITH A FLAMMABLE SOLVENT, UNLESS DONE PURSUANT TO A MARIJUANA PRODUCT MANUFACTURER LICENSE ISSUED BY THE DEPARTMENT, IS GUILTY OF A CLASS 6 FELONY.

C. A PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE AND WHO MISREPRESENTS THE PERSON'S AGE TO ANY OTHER PERSON BY MEANS OF A WRITTEN INSTRUMENT OF IDENTIFICATION OR WHO USES A FRAUDULENT OR FALSE WRITTEN INSTRUMENT OF IDENTIFICATION WITH THE INTENT TO INDUCE A PERSON TO SELL OR OTHERWISE TRANSFER MARIJUANA OR A MARIJUANA PRODUCT OR TO GAIN ACCESS TO A MARIJUANA ESTABLISHMENT IS GUILTY OF A PETTY OFFENSE PUNISHABLE BY A FINE OF NOT MORE THAN THREE HUNDRED DOLLARS AND PERFORMANCE OF UP TO TWENTY-FOUR HOURS OF COMMUNITY RESTITUTION.

D. A PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE AND WHO SOLICITS ANOTHER PERSON TO PURCHASE MARIJUANA OR A MARIJUANA PRODUCT IN VIOLATION OF THIS CHAPTER IS GUILTY OF A PETTY OFFENSE PUNISHABLE BY A FINE OF NOT MORE THAN THREE HUNDRED DOLLARS AND PERFORMANCE OF UP TO TWENTY-FOUR HOURS OF COMMUNITY RESTITUTION.

E. A PERSON ACTING IN THE PERSON'S CAPACITY AS AN AGENT OF A MARIJUANA ESTABLISHMENT WHO KNOWINGLY ALLOWS A PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE AND WHO IS NOT AUTHORIZED TO POSSESS MARIJUANA PURSUANT TO CHAPTER 28.1 OF THIS TITLE TO REMAIN IN A SECURED AREA ON THE LICENSED PREMISES WHERE MARIJUANA OR MARIJUANA PRODUCTS ARE PRODUCED, PROCESSED, MANUFACTURED, SOLD OR USED IS GUILTY OF A PETTY OFFENSE PUNISHABLE BY A FINE OF NOT MORE THAN THREE HUNDRED DOLLARS.

F. EXCEPT AS OTHERWISE PROVIDED IN CHAPTER 28.1 OF THIS TITLE, ANY UNLICENSED PERSON WHO PRODUCES MARIJUANA PLANTS PURSUANT TO SECTION 36-2860 WHERE THEY ARE SUBJECT TO PUBLIC VIEW WITHOUT THE USE OF BINOCULARS, AIRCRAFT OR OTHER OPTICAL AIDS, WHERE PRODUCTION IS PROHIBITED BY A PERSON WHO OWNS, MANAGES OR LEASES THE PROPERTY WHERE THE MARIJUANA IS PRODUCED, IN ANY OUTDOOR AREA OR OUTSIDE OF AN ENCLOSED AREA THAT IS EQUIPPED WITH A LOCK OR OTHER SECURITY DEVICE IS GUILTY OF:

1. FOR A FIRST VIOLATION, A PETTY OFFENSE PUNISHABLE BY A FINE OF NOT MORE THAN THREE HUNDRED DOLLARS.

2. FOR A SECOND OR SUBSEQUENT VIOLATION, A CLASS 3 MISDEMEANOR.

G. NOTWITHSTANDING SECTION 13-3405, A PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE AND WHO POSSESSES OR USES ONE OUNCE OR LESS OR WHO TRANSFERS MARIJUANA WITHOUT REMUNERATION FROM A PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE TO SOMEONE WHO IS WITHIN TWO YEARS OF THE AGE OF THE TRANSFEROR IS GUILTY OF A PETTY OFFENSE THAT IS PUNISHABLE BY A FINE OF NOT MORE THAN THREE HUNDRED DOLLARS, FORFEITURE OF THE MARIJUANA AND PERFORMANCE OF UP TO TWENTY-FOUR HOURS OF COMMUNITY RESTITUTION.

H. NOTWITHSTANDING SECTION 13-3405 AND EXCEPT AS PROVIDED IN SECTION 36-2860, A PERSON WHO IS AT LEAST TWENTY-ONE YEARS OF AGE AND WHO POSSESSES AN AMOUNT OF MARIJUANA HAVING A WEIGHT OF MORE THAN ONE OUNCE BUT NOT MORE THAN TWO AND ONE-HALF OUNCES IS GUILTY OF A PETTY OFFENSE PUNISHABLE BY A FINE OF NOT MORE THAN THREE HUNDRED DOLLARS.

I. THE LEGISLATURE MAY REDUCE OR ELIMINATE THE PENALTIES PROVIDED FOR IN THIS SECTION.

36-2867. Marijuana fund

A. THE MARIJUANA FUND IS ESTABLISHED CONSISTING OF ALL MONIES DEPOSITED PURSUANT TO SECTIONS 36-2857 AND 42-3384 AND INTEREST EARNED ON THOSE MONIES. THE STATE TREASURER SHALL DEPOSIT ALL MONIES RECEIVED UNDER SECTION 42-3384 INTO THIS FUND. THE DEPARTMENT SHALL ADMINISTER THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED. MONIES IN THE FUND MAY NOT BE TRANSFERRED TO ANY OTHER FUND EXCEPT AS PROVIDED IN THIS SECTION.

B. THE DEPARTMENT OF HEALTH SERVICES SHALL TRANSFER MONIES FROM THE MEDICAL MARIJUANA FUND ESTABLISHED BY SECTION 36-2817 WITHIN SIXTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION TO THE DEPARTMENT OF MARIJUANA LICENSES AND CONTROL TO BE DEPOSITED INTO THE MARIJUANA FUND AND EXPENDED TO PAY THE COSTS INCURRED BY THE DEPARTMENT OF MARIJUANA LICENSES AND CONTROL OR BY THE DEPARTMENT OF REVENUE BEFORE MONIES ARE DEPOSITED PURSUANT TO SECTIONS 36-2857 AND 42-3384. ANY MONIES TRANSFERRED BY THE DEPARTMENT OF HEALTH SERVICES TO THE MARIJUANA FUND SHALL BE REPAID TO THE MEDICAL MARIJUANA FUND AT SUCH TIME AS FUNDS ARE AVAILABLE FROM THE MARIJUANA FUND.

C. ALL MONIES IN THE MARIJUANA FUND MUST FIRST BE EXPENDED TO PAY THE COSTS INCURRED BY THE DEPARTMENT OF MARIJUANA LICENSES AND CONTROL IN CARRYING OUT THIS CHAPTER AND RULES ADOPTED PURSUANT TO THIS CHAPTER.

D. THE DEPARTMENT OF MARIJUANA LICENSES AND CONTROL SHALL TRANSFER MONIES FROM THE MARIJUANA FUND TO THE DEPARTMENT OF REVENUE FOR THE REASONABLE ADMINISTRATION AND ENFORCEMENT COSTS INCURRED BY THE DEPARTMENT OF REVENUE IN ADMINISTERING THE LEVY OF TAXES THAT ARE DEPOSITED IN THE FUND UNDER SECTION 42-3384.

E. THE DEPARTMENT OF MARIJUANA LICENSES AND CONTROL SHALL DISTRIBUTE EACH QUARTER ONE-HALF OF THE LICENSE FEES COLLECTED FROM MARIJUANA ESTABLISHMENTS IN A LOCALITY TO THE LOCALITY IN WHICH THE MARIJUANA ESTABLISHMENT IS LOCATED.

F. THE DEPARTMENT OF MARIJUANA LICENSES AND CONTROL SHALL TRANSFER EACH QUARTER ALL MONIES IN EXCESS OF THE AMOUNT NEEDED TO IMPLEMENT AND ENFORCE THIS CHAPTER IN ANY FISCAL YEAR AS FOLLOWS:

1. FORTY PERCENT TO SCHOOL DISTRICTS AND CHARTER SCHOOLS IN PROPORTION TO EACH SCHOOL'S WEIGHTED STUDENT COUNT FOR THE FISCAL YEAR PURSUANT TO SECTION 15-943, PARAGRAPH 2, SUBDIVISION A, FOR EDUCATION RELATED EXPENSES, INCLUDING COMPENSATION OF TEACHERS, CONSTRUCTION, MAINTENANCE AND OPERATION COSTS OF ANY KINDERGARTEN PROGRAM AND GRADES ONE THROUGH TWELVE.

2. FORTY PERCENT TO SCHOOL DISTRICTS AND CHARTER SCHOOLS THAT CERTIFY AT THE BEGINNING OF A FISCAL YEAR THAT FUNDS TRANSFERRED WILL BE USED TO PROVIDE FULL-DAY KINDERGARTEN INSTRUCTION. FUNDS DISTRIBUTED PURSUANT TO THIS PARAGRAPH SHALL BE ALLOCATED IN PROPORTION TO EACH SCHOOL'S WEIGHTED STUDENT COUNT FOR THE FISCAL YEAR PURSUANT TO SECTION 15-943, PARAGRAPH 2, SUBDIVISION A. ANY FUNDS TRANSFERRED PURSUANT TO THIS PARAGRAPH THAT ARE NOT USED BY THE END OF THE FISCAL YEAR TO PROVIDE FULL-DAY KINDERGARTEN INSTRUCTION SHALL BE RETURNED TO THE MARIJUANA FUND FOR REDISTRIBUTION PURSUANT TO THIS SUBSECTION F.

3. TWENTY PERCENT TO THE ARIZONA DEPARTMENT OF HEALTH SERVICES FOR THE PROGRAM ESTABLISHED BY TITLE 36, SECTION 1161, INCLUDING PUBLIC EDUCATION CAMPAIGNS REGARDING THE RELATIVE HARMS OF ALCOHOL, MARIJUANA AND OTHER SUBSTANCES.

4. THE MONIES TRANSFERRED PURSUANT TO THIS SUBSECTION ARE IN ADDITION TO ANY OTHER APPROPRIATION, TRANSFER OR OTHER ALLOCATION OF MONIES AND MAY NOT SUPPLANT, REPLACE OR CAUSE A REDUCTION IN OTHER FUNDING SOURCES.

G. MONIES IN THE FUND OR ITS ACCOUNTS MAY NOT REVERT TO THE STATE GENERAL FUND. MONIES IN THE FUND AND ITS ACCOUNTS ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

36-2868. Enforcement of this chapter; mandamus

A. IF THE DEPARTMENT FAILS TO ADOPT RULES NECESSARY FOR THE IMPLEMENTATION OF THIS CHAPTER ON OR BEFORE SEPTEMBER 1, 2017, OR IF THE DEPARTMENT FAILS TO BEGIN ACCEPTING APPLICATIONS AS PROVIDED IN SECTION 36-2854, ANY CITIZEN MAY COMMENCE A MANDAMUS ACTION IN SUPERIOR COURT TO COMPEL THE DEPARTMENT TO PERFORM THE ACTIONS MANDATED UNDER THIS CHAPTER.

B. IF THE DEPARTMENT FAILS TO ISSUE A LICENSE OR SEND A NOTICE OF DENIAL WITHIN NINETY DAYS AFTER RECEIVING OF A COMPLETE MARIJUANA ESTABLISHMENT APPLICATION PURSUANT TO SECTION

36-2858, THE APPLICANT MAY COMMENCE A MANDAMUS ACTION IN SUPERIOR COURT TO COMPEL THE DEPARTMENT TO PERFORM THE ACTIONS MANDATED UNDER THIS CHAPTER.

C. IF THE DEPARTMENT FAILS TO ADOPT RULES NECESSARY FOR THE IMPLEMENTATION OF THIS CHAPTER ON OR BEFORE SEPTEMBER 1, 2018, NOTWITHSTANDING CHAPTER 28.1 OF THIS TITLE, EACH NONPROFIT MEDICAL MARIJUANA DISPENSARY THAT IS REGISTERED AND IN GOOD STANDING PURSUANT TO CHAPTER 28.1 OF THIS TITLE MAY BEGIN TO PRODUCE, PROCESS, MANUFACTURE, TRANSPORT AND TEST MARIJUANA AND MARIJUANA PRODUCTS AND MAY SELL OR OTHERWISE TRANSFER MARIJUANA TO ANY PERSON WHO IS AT LEAST TWENTY-ONE YEARS OF AGE UNTIL THE DEPARTMENT ISSUES LICENSES TO OPERATE MARIJUANA ESTABLISHMENTS TO QUALIFYING REORGANIZED MARIJUANA BUSINESSES THAT HAVE APPLIED.

Sec. 4. Title 42, Chapter 3, Arizona Revised Statutes, is amended by adding Article 10 to read:

ARTICLE 10.
MARIJUANA AND MARIJUANA PRODUCTS

42-3381. Definitions

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES, “MARIJUANA”, “MARIJUANA ESTABLISHMENT”, “MARIJUANA PRODUCTS”, “MARIJUANA RETAILER” AND “UNREASONABLY IMPRACTICABLE” HAVE THE SAME MEANINGS PRESCRIBED IN SECTION 36-2851.

42-3382. Levy and rates of tax

A. IN ADDITION TO ALL OTHER TAXES, THERE IS LEVIED AND IMPOSED AND THERE SHALL BE COLLECTED BY THE DEPARTMENT A TAX ON ALL MARIJUANA AND MARIJUANA PRODUCTS SOLD TO ANY PERSON OTHER THAN A MARIJUANA ESTABLISHMENT BY A MARIJUANA RETAILER AT A RATE OF FIFTEEN PERCENT OF THE PRICE OF THE MARIJUANA OR MARIJUANA PRODUCT SOLD.

B. A PRODUCT SUBJECT TO THE TAX IMPOSED BY THIS SECTION MAY NOT BE BUNDLED WITH A PRODUCT OR SERVICE THAT IS NOT SUBJECT TO THE TAX IMPOSED BY THIS SECTION.

C. NOTWITHSTANDING SECTION 42-3102, THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, MONIES LEVIED AND COLLECTED PURSUANT TO THIS SECTION IN THE MARIJUANA FUND ESTABLISHED BY SECTION 36-2867.

42-3383. Return and payment by marijuana retailer; penalty; interest

A. EVERY MARIJUANA RETAILER IN THIS STATE SHALL PAY THE TAX DUE UNDER THIS ARTICLE TO THE DEPARTMENT MONTHLY AND SHALL PREPARE ON THE FORM PRESCRIBED BY THE DEPARTMENT A SWORN RETURN FOR EACH MONTH IN WHICH THE TAX ACCRUES.

B. A MARIJUANA RETAILER WHO FAILS TO PAY THE TAX PRESCRIBED BY THIS ARTICLE WITHIN TEN DAYS AFTER THE DATE UPON WHICH THE PAYMENT BECOMES DUE IS SUBJECT TO AND SHALL PAY A PENALTY DETERMINED UNDER SECTION 42-1125 PLUS INTEREST AT THE RATE DETERMINED PURSUANT TO SECTION 42-1123 FROM THE TIME THE TAX WAS DUE AND PAYABLE UNTIL PAID. THE DEPARTMENT MAY WAIVE ANY PENALTY OR INTEREST IF IT DETERMINES THAT THE MARIJUANA RETAILER HAS MADE A GOOD FAITH ATTEMPT TO COMPLY WITH THE REQUIREMENTS OF THIS ARTICLE.

42-3384. Disposition of revenue

ALL TAXES AND PENALTIES COLLECTED PURSUANT TO THIS ARTICLE SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE MARIJUANA FUND ESTABLISHED BY SECTION 36-2867.

42-3385. Rules

NOT LATER THAN SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ARTICLE, THE DEPARTMENT SHALL ADOPT RULES THAT ARE NOT IN CONFLICT WITH TITLE 36, CHAPTER 28.2 AND PURSUANT TO TITLE 41, CHAPTER 6 THAT ARE NECESSARY OR CONVENIENT FOR THE ENFORCEMENT OF THIS ARTICLE, INCLUDING THE ESTABLISHMENT OF A PROCESS FOR THE PAYMENT, COLLECTION, AND ENFORCEMENT OF THE TAX LEVIED UNDER THIS ARTICLE. THE RULES MAY NOT PROHIBIT THE OPERATION OF MARIJUANA ESTABLISHMENTS, EITHER EXPRESSLY OR THROUGH REQUIREMENTS THAT MAKE THEIR OPERATION UNREASONABLY IMPRACTICABLE.

Sec. 5. Title 43, Chapter 1, article 1, Arizona Revised Statutes, is amended by adding section 43-108, to read:

43-108. Subtraction from gross income for ordinary and necessary expenses of a marijuana establishment

NOTWITHSTANDING ANY LAW TO THE CONTRARY, IN COMPUTING ARIZONA ADJUSTED GROSS INCOME OR ARIZONA TAXABLE INCOME FOR A CORPORATION, ALL ORDINARY AND NECESSARY EXPENSES PAID OR INCURRED DURING THE TAXABLE YEAR IN CARRYING ON A TRADE OR BUSINESS AS A MARIJUANA ESTABLISHMENT SHALL BE SUBTRACTED FROM ARIZONA GROSS INCOME TO THE EXTENT NOT ALREADY EXCLUDED FROM ARIZONA GROSS INCOME.

Sec. 6. Initial terms of members of the Marijuana Commission

A. Notwithstanding section 36-2853, the initial terms of members of the Marijuana Commission are:

1. Two terms ending on the third Monday in January 2018.
2. Three terms ending on the third Monday in January 2019.
3. Two terms ending on the third Monday in January 2020.

B. Notwithstanding section 36-2853, subsection C, no member appointed to the Marijuana Commission before March 1, 2019 is required to be a controlling person of a marijuana establishment. Three members serving on the marijuana commission before March 1, 2019 shall, at the time of appointment, be principal officers of nonprofit medical marijuana dispensaries registered pursuant to chapter 28.1 of this title.

C. The governor shall make all subsequent appointments as prescribed by statute.

Sec. 7. Exemption from rulemaking

For the purposes of this Act, the department of revenue and the department of marijuana licenses and control are exempt from the rulemaking requirements of title 41, chapter 6, Arizona Revised Statutes, until January 1, 2018, except that each department shall provide the public with an opportunity to comment on proposed rules and shall publish otherwise exempted rules.

Sec. 8. Severability

If a provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

LEGISLATIVE COUNCIL ANALYSIS

Proposition 205 would:

1. Allow a person who is at least 21 years of age to lawfully possess and use 1 ounce or less of marijuana (including not more than 5 grams of hashish).
2. Create a Department of Marijuana Licenses and Control to regulate the production, distribution and sale of marijuana in this state. The director of the department and the 7 member Marijuana Commission would be appointed by the Governor. The Commission would consist of 4 members who have no financial interest in a marijuana establishment and 3 members who must be controlling members of a marijuana establishment.
3. Impose an additional 15% tax on the retail sale of marijuana and marijuana products.
4. Direct that monies from application, licensing and other administrative fees, fines, civil penalties and additional taxes related to marijuana production, distribution and sales be deposited in a Marijuana Fund. Monies in that fund would be used first to pay for the costs of the Department of Marijuana Licenses and Control and the Department of Revenue in regulating and enforcing marijuana production, distribution and sales laws. Then, 50% of the license fees collected from each marijuana-related business would be distributed quarterly to the city, town or county where the marijuana-related business is located. Finally, all of the remaining monies in the Marijuana Fund would be distributed quarterly as follows:
 - a. 40% to school districts and charter schools for education-related expenses.
 - b. 40% to school districts and charter schools for full-day kindergarten instruction.
 - c. 20% to the Arizona Department of Health Services for public education campaigns regarding the relative harms of alcohol, marijuana and other substances.

Possession and use

Under Proposition 205, a person who is at least 21 years of age could lawfully possess and use 1 ounce or less of marijuana and could possess up to 6 marijuana plants, the marijuana produced by those plants and marijuana accessories. Not more than 5 grams of marijuana could be in the form of concentrated marijuana (hashish). The person could also transfer 1 ounce or less to another person who is at least 21 years of age if the transfer is without remuneration. (The production, possession and use of marijuana are all illegal under existing federal law.)

By its terms, Proposition 205 would not authorize a person to:

1. Operate any motorized form of transport or machinery while impaired by marijuana.
2. Consume marijuana while operating any motorized form of transport or machinery.
3. Consume marijuana in a passenger compartment that is not isolated from the operator of any motorized form of transport or machinery.
4. Provide marijuana to a person who is under 21 years of age.
5. Possess or use marijuana on the grounds of a correctional facility.
6. Possess or use marijuana on the grounds of a public or private preschool or K-12 school, or on a school bus or vehicle for such a school.
7. Perform any task while impaired by marijuana that would constitute negligence or professional malpractice.

A person could not be denied custody, visitation or parenting time, and could not be presumed guilty of neglect or child endangerment, solely for conduct allowed by Proposition 205. A person could not be penalized for an action taken while under the influence of marijuana solely because of the presence of metabolites or components of marijuana in the person's body, urine, blood, saliva, hair or other tissue or fluid. (Under current state statute, a person violates the DUI statute when any drug or its metabolite is present in the person's body.)

An employer would not be required to allow the possession or consumption of marijuana in the workplace. (Under the current drug-free workplace laws, an employer may discipline or terminate an employee based on the employee's positive drug test for marijuana, even if the employee consumed the marijuana outside the workplace.) A person who owns, manages or leases a property could prohibit or regulate the smoking, production, processing, manufacture or sale of marijuana on the property and could prohibit or regulate possession or consumption on the property if the property is a public building or if the person would otherwise be subject to the loss of a monetary or licensing benefit under federal laws or regulations.

Regulation

Proposition 205 would create the Department of Marijuana Licenses and Control (DMLC) to regulate the production, distribution and sale of marijuana in this state. The Marijuana Commission would consist of 4 members who have no financial interest in a marijuana establishment and 3 members who must be controlling members of a marijuana establishment. Beginning September 1, 2017, the DMLC would also assume the responsibility currently held by the Department of Health Services to administer and enforce the existing Arizona Medical Marijuana Act.

By September 1, 2017, the DMLC would be required to accept applications for marijuana cultivator, product manufacturer, testing facility, distributor and retailer licenses from any existing nonprofit medical marijuana dispensary that forms a reorganized marijuana business by the unanimous consent of all of the dispensary's principal officers. By December 1, 2017, the DMLC would be required to issue licenses to each qualified reorganized marijuana business. Beginning December 1, 2017, the DMLC would be required to accept applications for licenses from all other applicants.

Proposition 205 would legalize the sale of marijuana by marijuana retailers beginning March 1, 2018. Until September 1, 2021, the number of marijuana retailer licenses would be capped at 1 marijuana retailer license for every 10 liquor store licenses issued by the Arizona Department of Liquor Licenses and Control. Beginning September 1, 2021, the DMLC could issue additional retailer licenses if the department determines that additional licenses are desirable to do any of the following:

1. Minimize the illegal market for marijuana.
2. Efficiently meet the demand for marijuana.
3. Provide for reasonable access to marijuana retailers in rural areas.

The DMLC would be required to adopt rules necessary to implement Proposition 205, including adopting procedures and qualifications for issuing, suspending and revoking licenses, establishing security requirements for marijuana establishments and enacting requirements for preventing sales to persons under 21 years of age, including acceptable forms of identification. A proposed marijuana establishment could not be located within 500 feet of a public or private K-12 school or fenced recreational area adjacent to the school at the time the initial license application is received by the DMLC. The rules allowing the marketing, display and advertising of marijuana must restrict marketing or advertising that appeals to children.

The DMLC would also be required to establish at least a 3-tier system for licensure of marijuana cultivators. Except for a reorganized marijuana business, a cultivator licensee would be limited to the smallest tier until the cultivator licensee demonstrates that it has sold more than 85% of the marijuana it produces to licensed marijuana establishments, without engaging in any transaction at a price less than the cultivator licensee's cost to produce the marijuana. A reorganized marijuana business would be entitled to receive the highest tier cultivator license, which would allow the business to produce an unlimited amount of marijuana.

The voters of a city, town or county could enact a measure at a November general election that prohibits one or more types of marijuana establishments in the locality, except that if the voters enact a measure to prohibit the operation of a marijuana retailer, product manufacturer or cultivator, a reorganized marijuana business could still operate that type of establishment in an area zoned to allow the operation of a nonprofit medical marijuana dispensary within that locality. The city, town or county could enact reasonable ordinances or rules that generally govern the time, place and manner of marijuana establishment operations, subject to

certain limitations, including:

1. The locality could not limit the number of marijuana retailers, product manufacturers or cultivators to a number fewer than the number of locations where nonprofit medical marijuana dispensaries are engaged in the same type of conduct in the locality.
2. Zoning could not prohibit a marijuana establishment from operating in an area within the locality zoned for the operation of a nonprofit medical marijuana dispensary or medical marijuana cultivation facility.

Violations

Proposition 205 would establish petty offenses punishable by a maximum fine of \$300 and community restitution, including:

1. Smoking or using marijuana in a public place.
2. Underage use.
3. Unauthorized production (including growing marijuana plants subject to public view without the use of optical aids).
4. Possession of more than 1 ounce but not more than 2.5 ounces of marijuana.

JOINT LEGISLATIVE BUDGET COMMITTEE FISCAL IMPACT STATEMENT

A.R.S. § 19-123D requires the JLBC Staff to prepare a summary of 300 words or less on the fiscal impact of voter-initiated ballot measures. Proposition 205 would legalize the sale of marijuana in Arizona to individuals age 21 and over beginning March 1, 2018. Retail sales would be subject to a 15% tax, and marijuana-related businesses would pay licensing fees. The taxes and licensing fees are projected to generate \$53.4 million in FY 2019 and \$82.0 million in FY 2020. These monies would be distributed as follows:

- \$8.6 million in both FY 2019 and FY 2020 to the Department of Marijuana Licenses and Control and the Department of Revenue for marijuana regulation and tax administration.
- \$6.8 million in FY 2019 and \$3.8 million in FY 2020 to local governments with marijuana-related businesses within their jurisdiction.
- \$15.2 million in FY 2019 and \$27.8 million in FY 2020 to K-12 schools for operating costs, including teacher compensation, construction, and maintenance.
- \$15.2 million in FY 2019 and \$27.8 million in FY 2020 to K-12 schools for full-day kindergarten.
- \$7.6 million in FY 2019 and \$13.9 million in FY 2020 to the Arizona Poison Control System for public education campaigns about marijuana, alcohol, and other substances.

Marijuana sales would be subject to regular state and local sales taxes, generating projected state and local government revenues of \$22.4 million in FY 2019 and \$41.8 million in FY 2020. These monies would be available for general use.

There could be fiscal costs from increased substance abuse treatment, emergency room visits, and adjudication of individuals charged with driving under the influence of marijuana, as well as savings from reduced arrests, prosecutions, and punishment of marijuana offenses. The magnitude of such costs or savings would depend on subsequent funding decisions made by the Arizona Legislature or the voters.

ARGUMENTS “FOR” PROPOSITION 205

Marijuana prohibition has failed and it is time for a new approach to marijuana. Our government took a substance less harmful than alcohol and made it completely illegal. This resulted in the growth of an underground market driven by drug cartels and criminals operating in our communities. We have forced law enforcement to focus on the sale and use of marijuana instead of on serious, violent, and unsolved crimes.

The “Regulation and Taxation of Marijuana Act” is a better way. It will eliminate the criminal market by shifting the production and sale of marijuana into the hands of tightly regulated Arizona businesses that will be required to comply with both state and local laws.

Marijuana businesses will be required to:

- * Test marijuana products to ensure that they are safe and properly labeled;
- * Sell marijuana products in child-resistant packaging; and
- * Check identification of customers to ensure marijuana is not sold to minors

The initiative provides for a 15% sales tax on marijuana. This will cover the cost of enforcing regulations and generate tens of millions of dollars annually for full-day kindergarten and Arizona schools. It will also fund marijuana-related public education campaigns.

To enhance public safety, the initiative:

- * Leaves in place Arizona’s laws against driving under the influence of marijuana;
- * Allows employers to have policies against the use of marijuana by employees;
- * Prohibits the use of marijuana in public; and
- * Maintains existing penalties for distribution of marijuana to minors.

It’s time to stop punishing adults who use marijuana responsibly. This initiative will accomplish that goal in a manner that protects consumers, enhances public safety, provides for local control, generates tax revenue, and creates thousands of new jobs in the state. Please vote in favor of Proposition 205, the Regulation and Taxation of Marijuana Act.

J.P. Holyoak, Campaign Chair, Paradise Valley and Carlos Alfaro, Campaign Treasurer, Scottsdale
Sponsored by “Campaign to Regulate Marijuana Like Alcohol, Sponsored by the Marijuana Policy Project”

MARIJUANA LEGALIZATION IS COMMON SENSE

The War on Drugs has not made our neighborhoods safe. It has not prevented anyone, not even children, from getting their hands on marijuana. It has succeeded only in destroying countless lives through incarceration and collateral consequences such as creating bars to college education and careers.

According to a recent Gallup poll, almost half of Americans admit to having tried marijuana. There has never been a recorded death caused by marijuana ingestion. Never. Cigarette and alcohol consumption result in countless thousands of deaths every year. Marijuana legalization will not result in any public health harm.

During Prohibition, alcohol was still consumed, but the market was controlled by people like Al Capone. Because marijuana is illegal, that market is similarly controlled by Mexican cartels run by people like El Chapo. As more states take the inevitable step toward legalization, marijuana will be operated by businesses that settle disputes in the courtroom instead of with machine guns and beheadings.

If Proposition 205 passes, driving under the influence of marijuana remains illegal. Do not believe anti-marijuana interest groups attempting to mislead voters into thinking that passing Proposition 205 will result in filling the roads with intoxicated drivers. Claims that children will have easier access to marijuana are unfounded.

Law enforcement has a financial incentive to oppose this initiative. They will no longer be able to take the property of private citizens who are suspected of involvement in marijuana use or sales – known as forfeiture. Passage of Proposition 205 will reduce “policing for profit” and shrink prosecutors’ slush funds and police access to fancy cars and other toys.

Let consenting adults use marijuana as they use alcohol, and expect and demand that adults act responsibly. Vote to legalize marijuana this November.

David Euchner, Tucson

Sponsored by “Arizona Attorneys for Criminal Justice”

It is time to end Arizona’s misguided War on Marijuana. By voting to Regulate Marijuana Like Alcohol, Arizonans have the opportunity to take marijuana production and sales out of the black market, create a much-needed revenue stream for our underfunded school system, and end felony prosecutions for possession of marijuana.

The scare tactics of this measure’s opposition do not change the facts.

Marijuana is safer than alcohol. Unlike alcohol, caffeine, and nicotine, marijuana use does not result in chemical dependence. It is impossible to overdose on marijuana. Marijuana legalization will not result in more traffic fatalities. Nor will legal marijuana result in more use by teens.

In fact, marijuana legalization will make our communities safer. Crime rates will fall. Consumers will buy from well-regulated business, not criminal cartels, lowering the chance that our children and communities will be exposed to more dangerous drugs. And marijuana legalization has been reported to reduce addiction rates for other drugs like heroin.

Tax revenue from legalized marijuana is projected to generate initially between \$40 and \$113 million annually. 40% of these funds will be spent on K-12 education. Another 40% will fund full-day kindergarten programs. The remaining 20% will be spent on drug- and alcohol-treatment programs and public-health education campaigns. Our elected officials will not be able to divert these funds for other uses.

A “Yes” vote will also end felony prosecutions for possession of one ounce or less of marijuana. Arizona voters have previously mandated that non-violent first-time drug offenders receive probation. However, marijuana possession remains a felony in Arizona. As a result, Arizona taxpayers spend too much money prosecuting and punishing people for possessing small amounts of marijuana.

A vote to Regulate Marijuana Like Alcohol is a vote to support individual privacy rights, sound public policy, and education funding.

Kevin Heade, Phoenix

Sponsored by “Arizona Attorneys for Criminal Justice”

By voting “Yes” to Regulate Marijuana Like Alcohol, Arizonans will improve the safety of their communities, reduce government spending and costs of our overburdened criminal-justice system, and provide much-needed revenue for public education and drug treatment.

Ending prohibition will put an end to the dangerous black market. With a system of licensed businesses, products will be tested, packaged, and labeled to ensure marijuana products are safe and not contaminated. Enabling the legal purchase of marijuana from licensed businesses will provide a safe environment in which adults can purchase marijuana while reducing exposure to other illicit drugs.

Regulating marijuana like alcohol and tobacco also will decrease the financial burden on the state and counties from the cost of enforcing anti-marijuana laws, and it will reduce other crimes. Colorado, for example, saw a reduction in traffic fatalities, violent crime, and property after legalizing recreational marijuana. According to data released by the city of Denver, violent crime in Denver went down by 2.2% in the first 11 months of 2014, compared with the first 11 months of 2013. In the same period, burglaries in Denver decreased by 9.5%, and overall property crime decreased by 8.9%.

Arizona also stands to generate much-needed revenues for public education without increasing property or income taxes. Best of all, our elected officials will not be able to divert these funds for other uses. By focusing on public health rather than criminalization, Arizona will be better positioned to address the potential harms of marijuana use, while diminishing many of the worst aspects of the war on drugs.

A “Yes” vote to Regulate Marijuana Like Alcohol is a vote to reduce crime, increase public health and welfare, and fund education. Simply put, a “Yes” vote is sound public policy.

Sarah Mayhew, Tucson

Sponsored by “Arizona Attorneys for Criminal Justice”

The Arizona Public Health Association, Arizona’s independent voice for public health for over 70 years, believes the Regulation and Taxation of Marijuana Act poses public health risks and benefits.

The public health benefits include decriminalization for possession of small amounts of marijuana. Possession of marijuana (even one marijuana cigarette) is currently a felony (excluding medical marijuana patients). Felony convictions result in a lifetime of lower earnings and poorer health outcomes for those convicted and their families. Regulating marijuana sales may also reduce violence within the current illegal marijuana trade.

Other benefits include providing an opportunity to monitor and regulate production, potency, testing and labeling of marijuana before sale. Tax revenue from the retail sale of marijuana distributed to schools (80%) and for substance abuse education (20%) may also have a positive public health impact.

Public health risks from the proposed Initiative include the potential for increased access to marijuana among adolescents, accidental marijuana ingestion among young children, increased potential for marijuana abuse among adults, and risks to the public from impaired driving and workplace accidents.

How well the Regulation and Taxation of Marijuana Act is implemented will affect the law’s net impact on public health. If the Act passes, Arizona residents, elected officials, and Arizona’s Executive Branch should ensure that the new state agency uses its full regulatory authority to strictly enforce the 21 year old purchasing age-limit, enforce robust product labeling, packaging, and potency standards, regulate advertising and place of use restrictions, engage employers to address workplace policies, and work with law enforcement regarding motor vehicle operation restrictions and penalties. The new state agency should also engage Arizona’s public Universities to better understand and measure public health outcomes related to marijuana use.

For additional information including a descriptive PowerPoint and data from Colorado visit www.azpha.org

Will Humble for the Arizona Public Health Association, Phoenix

Sponsored by “Arizona Public Health Association”

All doctors are familiar with the phrase, “First, do no harm.” When it comes to marijuana policy in Arizona, it is marijuana prohibition that is causing us harm. It not only steers marijuana users into a dangerous illegal market, but it forces them to buy marijuana that is untested and potentially impure.

The initiative to allow adults to use marijuana legally will improve public health by regulating the production and sale of marijuana, so that products are properly cultivated, tested, and packaged.

Since marijuana is less harmful than alcohol, regulating marijuana may even reduce the number of serious injuries we see in emergency rooms on a daily basis. We do not see countless cases of marijuana overdoses like we see with alcohol. And, unlike with alcohol, we do not see people who have been injured by acts of violence associated with marijuana.

In addition, teen use may actually decline with legalization. In Colorado, they have seen a small decrease in use among teens since voters allowed adults to purchase marijuana legally. Taking marijuana off of our streets and having in sold in stores that are required to check proof of age will make it harder for teens to get their hands on marijuana, which as doctors we applaud.

Thousands of Arizonans use medical marijuana to reduce pain and cope with serious illnesses. They have collectively reduced their reliance on opiates, instead using a natural alternative that does not cause serious side effects or terrible additions. But the list of approved illnesses remains small. More people with serious diseases or conditions should have access to marijuana to help them deal with their pain and suffering.

Please vote Yes on the Regulation and Taxation of Marijuana Act. It is long past time to have a sensible marijuana policy in this state.

Jeffrey A. Singer, MD, FACS General Surgeon, Phoenix and Alan Jay Citrin D.O., Anesthesiologist, Medical Director, Mesa

Sponsored by “Campaign to Regulate Marijuana Like Alcohol, Sponsored by the Marijuana Policy Project”

You might not expect two federal drug agents with more than 40 years experience combating marijuana proliferation in America to support an initiative to legalize the drug's sale in Arizona. But we do. And it is because of our experience.

Each of us put in 20 or more years in the Drug Enforcement Administration and other law enforcement entities. And both of us realize that marijuana prohibition is a failed drug policy that should end.

Prohibition doesn't keep marijuana off our streets or decrease use. And it certainly doesn't keep marijuana out of the hands of teens. But prohibition does result in billions of dollars in profits flowing to drug cartels. This drug money fuels lavish lifestyles among drug lords and deadly violence among rival cartels aiming to protect smuggling territory and street corners.

We have seen the consequences of America's marijuana prohibition policies. It is long past time to allow adults to legally buy marijuana. Taxation and strict regulation should be the mantra when it comes to marijuana. Now that we are retired from the DEA, we can speak out and say that marijuana should be taxed and regulated to keep profits from ruining our streets and causing mayhem south of the border.

In addition to money headed to drug cartels, police forces throughout Arizona and the nation spend billions to combat marijuana trade. It's all for naught. We were a part of that wasted effort. Playing cat and mouse games with cartels members in the U.S. and abroad proved to be a waste. Keeping a substance less harmful than alcohol out of the hands of adults continues to prove useless.

We support Proposition 205 because cartels should not continue to rake in our dollars and create havoc on our streets.

Michael Capasso, DEA Supervisory Special Agent (Ret), Phoenix and Finn Selander, DEA Agent Ret, Phoenix
Sponsored by "Campaign to Regulate Marijuana Like Alcohol, Sponsored by the Marijuana Policy Project"

As parents of children of all ages, we strongly support passage of the "Regulation and Taxation of Marijuana Act." Marijuana prohibition has been a failed policy in every way and that is especially true with respect to teen use. Keeping marijuana illegal has not only made it easy for teens to acquire marijuana, but also steers them toward acquiring it in the most dangerous manner.

We are unified in our desire to reduce teen marijuana use, but it is clear that marijuana prohibition is not the way to do that. For decades, the vast majority of teens have said in surveys that marijuana is "easy to get." At the same time, we have seen rates of teen alcohol and tobacco use steadily decline over the past two decades due to public education and enforcement of regulations related to selling to minors.

For those who may be concerned that regulating marijuana like alcohol will lead to an increase in teen use, there has been good news this year. In Colorado, the state with the most robust system of regulated distribution and sale of marijuana, a survey released in June showed that the rate of teen marijuana use in that state has not increased between 2011, just prior to marijuana becoming legal, and 2015.

Of course, there is still the rational concern that under legalization some teens may acquire marijuana from older siblings and friends, as they sometimes do in the case of alcohol. We all hope that this does not occur frequently. But we must acknowledge that this is better than having teens seeking marijuana from strangers in an underground market, where they may be exposed to other more dangerous drugs. This is what happens today.

Please join us in voting Yes on Proposition 205, the "Regulation and Taxation of Marijuana Act."

Kathy Inman, Gilbert; Dave Inman, Gilbert and Sonia Martinez, Mesa
Sponsored by "Campaign to Regulate Marijuana Like Alcohol, Sponsored by the Marijuana Policy Project"

ARGUMENTS “AGAINST” PROPOSITION 205

Upending decades of serious substance abuse policy by making today’s high potency marijuana more available would constitute a youth health policy disaster.

As more and more medical journals are finding, today’s high potency marijuana is a drug that specifically harms the teen and adolescent brain. In some cases, permanently. And there is no doubt that youth use will increase with legalization: In Colorado, youth use of marijuana is now 74 percent higher than the national average. Not only is marijuana much more potent than it was a generation ago, it is now sold as candy, lollipops, gummy bears, and brownies—everything attractive to a kid.

Because children cannot distinguish between marijuana candy and regular candy, emergency room visits and hospital admissions for marijuana exposure and ingestion by our youth are on the rise—thousands of children a year end up in hospitals because of these products.

The costs from more drug treatment, rehabilitation, counseling, traffic and workplace accidents, enforcement, criminal violations, dropouts, and education deficits will far outrun any potential tax revenue the state might take in—just like with tobacco or alcohol. If you want to make marijuana like alcohol, indeed, be prepared to see youth use of marijuana increase from where it is today, to the levels our youth use alcohol—which is far higher than marijuana. If you want to keep youth use of marijuana relatively low, where it is now, vote no.

This proposition enriches dispensary owners at a dramatic cost to the rest of the state. That price is just too high to pay—for our children, for our businesses, for our health services, for our education system, and truly, for everyone else. Arizona does not need more substance abuse problems—our hands are full enough with the legal and dangerous products already available.

Seth Leibsohn, Chairman: NotMYKid; Chairman: Arizonans for Responsible Drug Policy, Phoenix

Arizonans should vote no on this proposition. It is written by out-of-state lobbyists and in-state special interest groups to promote a for-profit commercial industry to sell – and advertise – an addictive product. It is 20 pages of new laws and more government, full of legalese that creates marijuana monopolies, guaranteeing that a few get rich while the rest of us pay the price.

This proposition will allow Big Marijuana companies to manufacture and sell marijuana-laced candies, cookies, drinks, and ice-cream. Colorado legalized recreational marijuana in 2012. Today, their industry pumps out marijuana edibles with potency levels as high as 60%. Compare that to the marijuana of the 1970s with potency levels of less than 1%.

The marijuana lobby wants voters to believe that our prisons are filled with nothing more than marijuana users. This is an absolute falsehood. Arizona has been a national leader for the last twenty years as a treatment - not incarceration – state for drug users. A person cannot be incarcerated for marijuana possession or use until a third conviction, with few exceptions. Instead, Arizona promotes treatment through our drug courts and diversion programs.

The marijuana lobby also promised Colorado that legalizing the drug would make the drug cartels go away. This too is false. Today, drug cartels in Colorado are flourishing, hiding in plain sight, in this drug-friendly state.

Marijuana is a mind-altering, addictive substance that is particularly harmful to the developing adolescent brain. Four years ago, the marijuana lobby promised Colorado they would regulate marijuana and keep it out of the hands of kids. The exact opposite happened. Teens in Colorado now use marijuana at the highest rate in the nation – 74% higher than the national average. The most effective way to keep marijuana out of the hands of our youth is to keep it illegal.

Sheila Polk, Yavapai County Attorney, Chair of MATFORCE & Vice-Chair of Arizonans for Responsible Drug Policy, Prescott Valley

Out of state and in state profiteers vested in selling more marijuana don’t care about the health, education, or the developing minds of Arizona children. Legalizing marijuana will ensure Arizona children will have easy access to a mind altering, pernicious drug. Serious, peer-reviewed research suggests a particularly harmful effect of marijuana on children including: altered brain development, reduced IQ, memory and motor impairment, reduced life satisfaction, addiction, and, in heavy dosages or long term use, symptoms of bronchitis, and psychosis/mental health issues.

As a teacher, and the House Education Chair, I can’t think of a more important vote than NO on legalizing marijuana. I cannot in good conscience, as a member of the State Legislature or school teacher, support this initiative in any way. This 21-page ballot

measure benefits a handful of interested parties determined to create a bigger market for Arizona drug use. But, the true cost of legalizing recreational marijuana and putting the rights of users before those of non-users in our state is completely unknown. The tax revenue pro-pot advocates claim will bolster our state budget is deceptive. Schools will only get leftovers after the new Department of Marijuana and the new Commission has been fully funded, that is, if there's anything left over. Nor do they take into account the cost of more school dropouts, reduced IQs, and the impact on the mental health system.

I implore voters to read the 21 pages of legalese that out of state special interests are trying to sneak on to the ballot and to vote NO on Proposition 205 November 8.

Representative Paul Boyer

Representative Paul Boyer, Phoenix

As former State Superintendents of Education, we take specific offense with the idea that legalizing marijuana will be good for our schools or our children. It will not; indeed, it will cause a great deal more harm and expense. Whether we are talking about college students or K-12 students, more marijuana in our schools and in our students' hands and brains is a terrible idea.

First: make no mistake: legalizing an intoxicating substance for adults will mean more youth consumption, just as it has in Colorado and Washington, and just as it has for alcohol in every state.

Second: every study on marijuana use and education shows students using marijuana are more likely to have lower education scores and outcomes, and far more likely to drop out. Teenagers who use marijuana are 60 percent less likely to finish high school while college students who use marijuana are at twice the risk of dropping out. Marijuana use by teens and college students affects "focus, working memory, decision-making and motivation," and has "structural effects in the brain," according to a recent study out of Northwestern University. None of this is good for students or better educational outcomes. As a Professor of Psychiatry at Northwestern, put it: "If I were to design a substance that is bad for college students, it would be marijuana."

Third: revenue to schools? The guesstimates are mere pittance, like picking loose change out of a sofa. Given the damage more marijuana will cause our students, any revenue will never make up for the costs--those true education deficits. We have dedicated our lives to improving educational outcomes for Arizona students, and marijuana use negatively affects every single one. Legal marijuana is a bad idea for Arizona and has no place in the conversation of positive education reform.

Lisa Keegan, Peoria and Jaime Molera, former AZ Superintendent of Public Instruction, Phoenix

Legalizing marijuana will greatly harm Arizona's children - our future. I strongly urge Arizona voters to protect the health and safety of our children and VOTE NO on Prop 205

We need only to look at states that have already legalized marijuana to confirm the increased harm this drug causes children. Colorado now leads the nation in youth use of marijuana and all illicit drugs. Legalized marijuana does four things that put our kids at risk. Legalization: 1) increases supply, 2) increases ease of access to the drug, 3) decreases perception of risk and 4) increases the acceptance of the drug. Legalizing marijuana in Arizona means kids will think it is okay to use. Legalization will only result in more and more Arizona youth using the drug.

In marijuana friendly states, accidental poisoning of children has increased 600%. Marijuana edible products, like candies in the form of gummy bears and suckers, are laced with high potency THC and are easily getting into the hands of children. The result is children are arriving in emergency rooms. Many of the people consuming this high potency THC are suffering from psychotic episodes. As Colorado has proven, legalization only opens the door for more marijuana use by youth.

Don't be misled just because the ballot initiative says that marijuana will be regulated like alcohol and only sold to adults. Far too many youth find a way around the alcohol laws already, alcohol is the number one drug that are Arizona youth are abusing.

So please ask yourself this question: Will legalizing a mind-altering drug that reduces a young person's chance for success make Arizona a better place to live? Do you want your child or grandchild to use this drug? Let's keep Arizona kids safe and healthy - vote NO on Prop 205

Merilee Fowler, Camp Verde

I'm a lifelong liberal, but after thirty years practicing psychiatry, much of it with children and adolescents, I'm totally against legalizing marijuana. And it's not just me. The American Academy of Child & Adolescent Psychiatry and American Academy of Pediatrics also staunchly oppose legalization. Why? Because just like Big Tobacco, a legal marijuana industry would target teenagers. With both tobacco and marijuana, 90% of adult users start as teens. All the profit in both industries depends on adolescent

use. Big Tobacco used Joe Camel to get teenagers started. Big Marijuana is even worse. In Colorado, they entice kids with marijuana candies, cookies and soda. Denver pot stores aren't filled with green leafy weed; they're filled with THC-infused gummy bear, lollipops, and sweetened products called Reefer's peanut butter cups, Hashey's chocolate and Pot-tarts. Google them. As a result, Colorado now has the country's highest rate of teenage marijuana use, and the number of dogs and toddlers overdosing on pot has skyrocketed. The pot industry is directly targeting kids, even though hundreds of scientific studies show that marijuana – especially today's high-potency weed – permanently damages the teenage brain. Teens who smoke pot regularly drop out at twice the rate of non-users, and as adults they earn less and have lower IQ. No parent wants this for their kids. But does the marijuana industry care? No more than Big Tobacco cares about cancer and heart disease; it's just part of doing business. Remember: this initiative wasn't written by hippies who want to get high; it was written by businessmen who want to make money getting your kids started on drugs. That's why doctors who work with children – pediatricians and child psychiatrists -- adamantly oppose this measure. As should we all.

Ed Gogek, M.D. Board-certified Psychiatrist, Prescott

As an Arizona Pediatrician in practice for over 27 years and as a father and grandfather I write in opposition to the legalization of marijuana for recreational use. The evidence from the Colorado and Washington experiment is now indisputable.

1. Children's use of marijuana skyrockets after it becomes legal for adults, not just because it's more available but because young people erroneously perceive that if adult voters approve it, then it must not be harmful.
2. The edible formulations of marijuana contain such high concentrations of THC that they can cause serious medical problems in young children. These products are marketed as candy which dramatically increases the risk of accidental ingestion and is responsible for a marked increase in Emergency Room visits.
3. The younger a person starts using marijuana, the more likely they will become addicted, not graduate from high school, induce psychiatric disorders, negatively transform the anatomy of the brain and actually lose up to 8 IQ points.
4. The American Academy of Pediatrics (AAP), in an official policy statement reaffirmed its opposition to the legalization of marijuana "citing the potential harms to children and adolescents". The AAP represents over 62,000 pediatricians nationwide.

To protect Arizona's children I implore you to vote against this initiative. Our children's health and future life fulfillment are too important to waste on this experiment.

Dale W Guthrie MD FAAP
Former President
Arizona Chapter, American Academy of Pediatrics

Dale W Guthrie MD FAAP, Mesa

I am an Arizona parent whose child died by suicide following his addiction to marijuana, Cannabis Use Disorder. He left a note saying "My soul is already dead. Marijuana killed my soul + ruined my brain." He was and is a beloved son, not a Zero as the marijuana lobby asserts with its myth that marijuana cannot lead to death. The substance is indeed very harmful and risky for many. Science affirms this. This initiative proposes an enormous burden on society with new government agencies to regulate and police yet another substance of impairment - for recreational use. The initiative includes wide distribution and lighter penalties than for alcohol. This is proposed during a mental health and drug abuse epidemic, when many are doing everything we can to curb substance abuse. This is proposed at a time when society would benefit from improvement in its education and attitudes toward harmful and risky substance use. This initiative normalizes drug use which leads to increased usage. Businesses always work to expand. More use = more risk = more use disorder and addiction = more devastated families. I urge all to work to Protect and Prevent, not Promote drug use.

Sally Schindel, Concerned Parent, Prescott

As a teacher and school board member, I can't urge Arizonans strongly enough to vote this initiative down. More marijuana—with retail stores only 500 feet from our schools—is the last thing our children need. Make no mistake, just as with alcohol, we will not be able to keep a more common and intoxicating substance out of the hands of our students. That's what Colorado is realizing, that's what Washington State is realizing, and that is why we do not need to jump on this grenade as they have. Arizona is doing everything it can to increase positive education outcomes for our youth. Increased marijuana use will lead us in the exact opposite and wrong direction. Colorado has seen increased youth use, suspensions, expulsions, and absenteeism because that state thought it could legalize marijuana exclusively for adults. It cannot. Marijuana, especially today's high potency marijuana, causes a great

Spelling, grammar and punctuation were reproduced as submitted in the "for" and "against" arguments.

205 ARGUMENTS "AGAINST" PROPOSITION 205

many problems for youth—it can alter their brains, lower scores, it can lead to addiction. The estimated revenue from this product will never make up for those costs. The estimated revenue from legalization won't build one school or increase a teacher's salary high enough to buy a tank of gas a week; it won't be enough to purchase a single text book for the population of Arizona K-12 students. But it will make teaching harder and it will negatively affect thousands of more students. I urge parents and teachers to read the science and medical journals on marijuana and what it can do to the developing brain. Let's all continue our efforts to curb substance abuse and not add another dangerous product to the field of options making all our lives more difficult.

--Moses Sanchez, Tempe Union High School District Governing Board

Moses Sanchez, Phoenix

I've been a Family Medicine doctor for 30 years. During that time, I've cared for patients of all ages, seen many things, and applied this experience to keep my patients healthy. Remember the saying, "An ounce of prevention is worth a pound of cure." Sadly, I have seen countless examples of the terrible consequences of recreational drug use. Whether the drug is marijuana, cocaine, methamphetamine, or ..., the theme is similar. What begins as just "try it once" to see what it's like, or an escape from stress, or whatever the reason, it commonly becomes something much different. The drug becomes an escape from reality, a departure from personal responsibility, a barrier to productive school or work, a replacement for meaningful relationships with family & friends, and the pathway to poor health. It frequently leads to addiction, and its adverse results.

Advocates of legalization try to mislead you and distinguish marijuana from "hard drugs." That might have been true decades ago, but it's not true today. The psychologically active ingredient of marijuana is THC. In the 1960's, marijuana contained about 1% THC. In 2016, marijuana edibles contain from 30% to 70% THC. What may not have been addictive then is certainly addictive now. What does today's marijuana do? Here's the (scientifically proven) list: memory problems, impaired judgment & problem solving, loss of motivation, loss of coordination, impaired brain maturation in adolescents & teens, poor school performance, lower IQ, chronic bronchitis and lung damage, and higher rates of schizophrenia.

Colorado legalized "recreational" marijuana in 2012. The price is now being paid, with higher rates of traffic death and more ER visits for the effects of marijuana use. STOP that mistake in Arizona. Consider facts, not hype. For our kids, for our health, for common sense, VOTE NO on Prop. 205!

Richard H. Rutkowski, MD, Fountain Hills

As a former teacher and professional in the substance abuse profession for several decades, I strongly oppose making an increasingly potent and addictive drug more available. Colorado tells the tale: Since legalization there, Colorado has become the number one state for youth marijuana use--74 percent higher than the rest of the nation.

This is why Coloradans are doing everything they can to backtrack: they are lowering the tax rate on marijuana because the black market still thrives there, they are banning gummy bears because they are too attractive to children, and they are now trying to limit THC levels in their products. This initiative will not allow us to do either of the last two—we'll be stuck with candies attractive to children as well as high potency marijuana. Adults need to know: today's marijuana is an entirely different drug from what it was in the 1970s and 1980s, at least five times more potent and in many cases far more so.

The data is clear: there is no better way to keep marijuana out of the hands and heads of our youth than by keeping it illegal. Marijuana use by our teens is fairly low in Arizona. Make marijuana like alcohol? That would mean increased use by our youth: Arizona youth use alcohol far more regularly than marijuana—almost double the rate. When we decide to try to legalize another intoxicant exclusively for adults, think about how that has worked with alcohol. But alcohol is not on the ballot here, marijuana is—we can try to contain the damage we already have or we can make things worse. Adults should not add to the problem. Finally, consider: this initiative allows marijuana stores 500 feet from our schools. Who can possibly think that's what Arizona needs right now?

Debbie Moak, Director: Governor's Office of Youth, Faith, & Family, Phoenix

The Bishops of the Arizona Catholic Conference oppose the campaign to legalize the recreational use of marijuana in Arizona because it is harmful to both children and families in Arizona.

Legalizing the recreational use of marijuana sends a message to children and young people that drug use is socially and morally acceptable. As people of faith, we must speak out against this effort and the damaging effects its passage would have on the children and families of Arizona.

Studies have shown that adolescents who use marijuana have significant differences in brain structure and cognitive functioning compared to those who do not use marijuana and experience up to an eight-point drop in IQ. Furthermore, based on what happened in just two years after Colorado legalized marijuana, it is estimated that if Arizona passes this measure, tens of thousands of additional 8th graders here will smoke marijuana for the first time.

Marijuana-related traffic accidents and other problems are also likely to dramatically increase if recreational marijuana use is legalized. In Colorado for example, marijuana-related traffic deaths dramatically increased after recreational marijuana was legalized. Additionally, Colorado witnessed similar dramatic increases in hospitalizations and emergency room visits related to marijuana usage after recreational use was legalized.

In states that have legalized marijuana, there has also been an increase in the use of harder drugs like cocaine and heroin since marijuana was legalized, which only further increased societal costs.

For the reasons mentioned above, and others, it is anticipated that legalizing the recreational use of marijuana in Arizona will lead to more abuse by teens, more emergency room visits, more traffic deaths, and more societal costs. Accordingly, due to the detrimental effect it would have on children, families, and all of society, we strongly oppose this dangerous proposal.

Sponsored by “The Bishops of the Arizona Catholic Conference”

NO on Proposition 205

The “Regulation and Taxation of Marijuana Act” will establish a regulatory board that will be made up of members of the growers and dispensers of Marijuana; this in affect will not only establish a monopoly for the current growers and dispensaries but also protect them from any liability in what will prove to be a multi-billion dollar business. This will be a classic example of a fox guarding the hen house. We should wait to see the lessons learned in Colorado where Marijuana was approved for recreational use in 2014. It is estimated that there are over 900 business licenses for Marijuana stores in Colorado. With these numbers, there are now more dispensaries in Colorado than there are Starbucks, McDonald’s and 7-Elevens combined -- and the numbers keep growing. The dispensaries are now concentrating the active ingredient THC in a liquid form to be sprayed on edible candy and other edibles to attract the attention of our youth in an ever increasing attempt to create more addicts to build their customer base for life. Fatalities and poisoning of children from edibles are now on the rise in Colorado. Science has proven that the minds of children are still forming in their teen years and are very susceptible to the life long damages that Marijuana will cause. In the end this issue should be all about the kids. Children of today face far more challenges than past generations ever had to endure. For us to approve this deceptive initiative will prove fatal to our youth and only put yet another road block between them and a happy and successful life. Please join me in voting NO on the “Regulation and Taxation of Marijuana Act”.

Paul B. Smith R.Ph., Prescott

The ‘Legalization and Regulation of Marijuana Act’ does more to legalize the drug than it does to regulate it.

The initiative regulates the big business of marijuana, but falls short in regulating important health and safety issues such as impairment, advertising, marketing practices and levels of the psychoactive ingredient THC.

There is no accurate blood level measurement for marijuana impairment, like there is for alcohol. And their impairment can vary depending on whether they have also consumed alcohol. Without being able to measure impairment, how would a police officer or employer be able to determine if a person who has consumed marijuana is safe to operate a vehicle or machinery?

The Marijuana Act does not include any regulations for how marijuana will be advertised and marketed. Without such regulation for marijuana, this leaves the door wide open for ads on TV, radio, billboards and more, with no regulation for content or imagery. Further, one can see serious safety concerns for children. The edibles are sold in colorful, appealing packages, such as chocolates, candies like gummy bears, and cookies, all containing varying amounts of THC.

The Marijuana Act does not regulate the amount of THC that can be infused into a product. The level of THC in the product, especially in edibles, can vary and can cause serious health issues. Overdose problems in Colorado are on the rise, greatly increasing the number of users ending up in the emergency room.

Marijuana is a potent and addictive drug. This act falls short in protecting the citizens of Arizona with needed safeguards. Vote NO on this ballot.

Patricia Moomey, Prescott

ARIZONA CHAMBER OF COMMERCE AND INDUSTRY: VOTE NO ON LEGALIZED MARIJUANA

The Arizona Chamber of Commerce and Industry strongly urges you to vote no on legalized marijuana. This proposition is part of a disturbing trend of out-of-state interests using Arizona as their personal laboratory for risky experiments.

Recreational marijuana exposes employers to increased workplace accidents, more workers' compensation claims and lower overall workplace productivity. Legalization sends the wrong message to the companies we want to grow and invest here.

On the public health side, Arizona faces increased rates of addiction and costs that come with drug treatment and rehabilitation. Research indicates that there has been a tripling of fatal car crashes involving marijuana, and that the number of drivers with marijuana in their system has seen a dramatic rise. The higher potency of today's drug and the spread of edibles like cookies and candy are especially harmful to children.

The claimed state revenue benefits don't add up. Establishing a new, big government bureaucracy to regulate pot isn't cheap. The law would establish a Department of Marijuana Licenses and Control and a Marijuana Commission. Combined with the costs of drug treatment programs, legalization is a risky and expensive proposition whose costs far outweigh any new revenues.

The proposition leads to a marijuana monopoly, giving a special advantage to firms already in the medical marijuana business.

The youth marijuana use rate in states where marijuana has been legalized has spiked by 20 percent, compared to a decline in use nationwide. Legalizing marijuana runs completely counter to our efforts to improve our K-12 education system and bolster our workforce pipeline.

There will always be individuals who want to get high. But Arizona should not calibrate a sweeping, untested public policy around them.

Glenn Hamer
President and CEO

Dennis Dahlen
Chairman

Glenn Hamer, Phoenix and Dennis Dahlen, Phoenix
Sponsored by "Arizona Chamber of Commerce and Industry"

There is only one word for Proposition 205 – Disaster

It's a Disaster because it allows for more pot shops than Starbucks and McDonald's combined in Arizona.

It's a Disaster because it allows for the sale of candy, cookies, gummy bears, brownies and sodas laced with high potent marijuana to be sold without any warning labels. Kids won't know the difference.

It's a Disaster because it protects stoned drivers. It's hard to believe, but it's true. This initiative PROHIBITS the state from EVER enacting a legal limit like there is for alcohol at .08.

It's a Disaster because changes cannot be made after it's passed. Everything in the initiative would be codified in state law, practically permanently due to voter protection –regardless of how many innocent people are killed in drugged driving accidents, how many babies are sent to the ER after ingesting edibles that look like candy, and regardless of how many kids are buying marijuana under the age of 21.

It's a Disaster because towns and cities cannot ban a marijuana retail business. In Colorado 70% of cities and towns opted out of retail stores. With this proposition, there will be pot shops everywhere.

It's a Disaster because it will allow the delivery of marijuana like pizzas.

It's a Disaster because Colorado is a disaster with Denver having the highest rate of youth marijuana use in the country.

Help Prevent a Disaster for Arizona – VOTE NO on PROP 205

Michelle Mowrey, Scottsdale

The Arizona Farm Bureau opposes Regulation and Taxation of Marijuana Act (I-08-2016) or “Proposition 205”

When you de-criminalize a behavior, in this case use of a substance, but still require sideboards to keep the use away from minors, structures and processes must be in place and insured to work. It is different from simply abandoning enforcement - it’s a paradigm change in enforcement and education. Arizona has medical marijuana. We believe insufficient time has elapsed to evaluate whether complete legalization is either wise or all of its consequences have been properly evaluated.

Kevin Rogers, Gilbert and James Klinker, Gilbert
Sponsored by “Arizona Farm Bureau”

THE TUCSON HISPANIC CHAMBER AND ITS AFFILIATE CHAMBERS IN SIERRA VISTA, NOGALES AND DOUGLAS VOTE NO!

This initiative would make Arizona workplaces less safe and put our growing prosperity in jeopardy. It includes provisions that hamper an employer’s ability to discipline or fire a worker who uses marijuana and employers could also be sued if they refuse to hire someone who tests positive for marijuana. This initiative is a confusing, tort-lawyer’s dream, all for the purpose of selling a harmful drug.

This initiative places the interests of the marijuana user over those of co-workers and employers. Meanwhile, studies have shown that workers who test positive for marijuana have 55 percent more industrial accidents and 85 percent more injuries as well as increased absenteeism rates. This is nothing Arizonans need.

Businesses face enough challenges without having greater liability foisted on them by a complexly written and misguided initiative. If this passes, businesses will be disincentivized to expand or move into Arizona. Or they may turn to Utah or New Mexico for workers. The cost to all of us is just too high.

This is not good for our members, for their employees, or for Arizona. Vote no.

Lea Marquez Peterson
President/CEO
Tucson Hispanic Chamber
Sierra Vista Hispanic Chamber
Douglas Hispanic Chamber
Ambos Nogales Hispanic Chamber

Laura Oldaker
Vice Chairwoman of the Board

Lea Marquez Peterson, Tucson and Laura Oldaker, Tucson
Sponsored by “Tucson Hispanic Chamber And Its Affiliate Chambers In Sierra Vista, Nogales And Douglas”

I’m not one to read government studies on marijuana’s harms. My experience is enough. Why is it we are moving towards legalization of powerful substances when our society has been rocked by the same? Men have exited families, leaving their children who are in desperate need of fathers. Mothers have neglected their children to the point where Arizona has one of the highest child removal rates nationally. Often these tragedies didn’t end with marijuana use but a vast majority started with it. One of these tragedies is my own. I have lost a relationship with one of my children and almost lost another. I went from being a nationally recognized All-State athlete and accomplished securities professional to being homeless.

Some use alcohol responsibly but many do not. Some do okay with marijuana but many do not. This is true with every drug. But alcohol is not on the ballot and marijuana is. The last twenty years my charge has been to help those who have “not done okay.” I deal with the wreckage of addiction daily and have lost count of the many young people who said, “I wish I had never smoked that first joint.”

I serve as an Advisory Board Member to The Salvation Army. In Denver, since marijuana was legalized, demand for The Salvation Army’s services has skyrocketed and the population is younger and younger. Colorado now imports homelessness at a rate unseen before legalization. I love the homeless and wish all could be saved, but creating more is not good policy. Overcoming addiction is the most difficult thing I’ve ever done. I’m one of the lucky ones; let’s not create inroads to increased addiction and stop throwing the dice on high risk public policy—not everyone is so lucky.

Jeff Taylor, The Salvation Army Phoenix Advisory Board, Phoenix

This Initiative will result in major increases in death and injury from marijuana DUI crashes. This is demonstrated vividly by the facts from Colorado and Washington, which have legal marijuana. In Colorado, marijuana related traffic deaths increased 92% from just after marijuana was commercialized there - a rate nearly 12 times higher than the increase in all traffic deaths. In Washington, fatalities among drivers using marijuana have doubled since legalization.

This Initiative protects marijuana impaired drivers from prosecution. The Initiative expressly prohibits the State from prosecuting marijuana impaired drivers based on a level like Arizona's .08 blood alcohol. Science will determine an impairing level for marijuana, but no level can be enacted into law because of this Initiative.

Marijuana is not safer than alcohol. Marijuana affects cognitive functions just as alcohol. It impairs drivers through distortion of time and distance, loss of coordination, increased reaction times and inability to maintain lateral travel. Also, people do not switch to alcohol because proponents erroneously claim it to be safer. In Colorado, alcohol related driving deaths remained relatively constant while marijuana related driving deaths rose 92%. Also, Colorado alcohol sales have gone up since legalization.

Entrepreneurs in marijuana-legalized states are now planning to sell alcohol infused with marijuana and this Initiative allows the same. This is particularly disturbing because the pairing of alcohol and marijuana results in driving impairment greater than the sum of each individually.

Statistics indicate only about 8% of Arizona's population regularly uses marijuana. Yet, that 8% wants to pass an Initiative with terrible impacts for all the citizens of Arizona, causing huge increases in DUI crashes and deaths. This Initiative does not regulate marijuana like alcohol, but instead, protects stoned drivers and badly undermines highway safety.

Todd A Griffith,
Retired Director, Dept. of Public Safety, Crime Laboratory System

Todd A. Griffith, Phoenix

Jessica Smith, Arizona SADD Director

Any Arizonan under the age of 21 cannot legally buy or possess alcohol, but that has not kept beer and liquor from being the substances most abused by minors, sometimes with deadly consequences.

This isn't surprising. Alcohol is widely available, so it is widely abused. If the Regulation and Taxation of Marijuana Act (RTMA) passes, marijuana will become just as available. The harm to our youth will be devastating.

Proponents like to trot out a survey showing marijuana use among American teens hasn't risen in the last few years. That's because marijuana remains illegal across most of the United States. In those states that have legalized recreational marijuana, teen usage rates have skyrocketed. In Colorado, teen use of marijuana is 74 percent higher than the national average.

This comes with a huge price.

The teen brain is still developing, so any intoxicating substance causes more damage than it does to an adult's brain. THC, the active ingredient in marijuana, causes impaired coordination, difficulty with thinking and problem solving and disrupted learning and memory.

After smoking marijuana, a teen's thinking abilities bounce back more slowly than an adult's. Regular use leads to a permanent decrease in learning capabilities, a shortened attention span and an impaired ability to effectively communicate. Researchers have also linked youth use of marijuana to mental illness and psychosis.

Our peer-to-peer approach to encourage young people to avoid destructive decisions is already stretched. Legal marijuana will only tempt more teens. In their inexperience, they will drive or take other foolish risks. Not looking beyond today, they will sacrifice their potential. And we all will lose.

Legalizing marijuana is a bad idea for adults. But the consequences for our youth will be worse. Please vote no and protect the future.

Jessica Smith, Glendale

This proposition is a massive, special-interest giveaway to a multi-million dollar industry.

The marijuana industry wrote this ballot measure to benefit themselves. It's 20 pages long and filled with loopholes and special treatment for companies already in the marijuana business, and it creates a new Commission and a new state Department. It's self-enrichment at its worst, and Arizonans will pay the price.

The impact in Colorado has been substantial: Colorado now leads the country in teenage marijuana use; fatal traffic accidents involving marijuana are rising; teachers and principals say the increase in students in class who are stoned has made their jobs much more difficult; and homeless shelters are struggling with increased rates of occupancy by marijuana users at lower and lower ages.

The claim that marijuana will bring dramatic new money to help pay for education has been exposed in the Arizona Republic as “bunk” and “a lie.” In fact the social, health, law enforcement, and other costs will far, far outweigh any tax revenue generated by pot sales. This is a money loser for Arizona, not a winner.

The worst part is Big Marijuana’s marketing to kids. Forty-five percent of pot sales in Colorado are edibles such as candy bars, lollipops, and cookies. Students suck on lollipops between classes, go into class stoned, learn nothing, and teachers are increasingly helpless. How is this supposed to be good for Arizona? Make no mistake about it –candy attractive to youth are part of their business plan to hook their next generation of customers. And unfortunately that’s our children they’re planning to target.

Please take time to do your own research and learn the facts about the impact broad marijuana use would have in Arizona. When you do, I believe you’ll be persuaded to vote “NO.”

Governor Doug Ducey, Paradise Valley
Sponsored by “Arizonans for Responsible Drug Policy”

The best government is a small government, just large enough to fulfill vital functions without infringing on freedom or picking winners and losers. This proposition goes in the opposite direction, making government larger and rewarding a favored few, creating monopolies while increasing costs to the state. It’s an abuse of the initiative process.

Rather than letting the experts in the state Department of Health oversee marijuana dispensaries, this initiative creates a whole new department, led by a whole new commission required to be staffed by marijuana industry insiders. The initiative gives current medical marijuana businesses a monopoly on retail dispensaries, blocking any competition and all in the service of selling an addictive and increasingly dangerous drug.

Bigger government. Less free enterprise. More addiction. This is anathema to every form of liberty I can conjure.

Beyond political philosophy, practical considerations also argue against approving this initiative. We need look only to Colorado and Washington to see the consequences of legalizing marijuana. Traffic fatalities involving stoned drivers spiked and emergency room visits, especially for children, skyrocketed as young children are accidentally consuming marijuana-infused candies. And, yes, businesses are having more trouble finding drug-free workers.

The proponents don’t want to talk about any of this. They want to tell us about the millions of dollars in new tax revenue marijuana will provide for education. Yet what about the costs associated with an increased need for substance abuse treatment? The price of fatal traffic accidents, workplace injuries and hospitalizations? The long term impacts of lower educational outcomes, suspensions and expulsions? These consequences will far outrun any revenue—and the revenue predicted is a true pittance, pocket change, especially given the additional costs put on the state.

The price of legalizing marijuana, larger government and social expenses, is too high. Vote no.

U.S. Representative Matt Salmon, Mesa
Sponsored by “Arizonans for Responsible Drug Policy”

The Greater Phoenix Chamber of Commerce stands in firm opposition to the Regulation and Taxation of Marijuana Act. This 21-page initiative authored by special interests places the right of an employee to use marijuana ahead of the duty of their employer to provide a safe, successful and welcoming workplace for all employees.

Evidence shows that employees under the influence are a legitimate problem for employers. Workers who test positive for marijuana have been shown to have 55 percent more industrial accidents and 85 percent more injuries.

Furthermore, recreational marijuana legalization – as proposed by this initiative – greatly diminishes our state’s ability to attract new businesses, foster innovation and create jobs. One has to look no further than Colorado’s failed legal-marijuana experiment, where both the governor and business owners are struggling with the negatives and telling other states to wait.

Additionally, if this initiative passes, employers may not be able to deny a job to someone who tests positive for marijuana and it would be difficult to take disciplinary action against an employee who fails a drug test. In sum, this initiative opens the door to a new field of broad and expensive, wrongful-termination lawsuits.

There is no scenario where legalizing recreational marijuana makes sense for Arizona's employers, businesses or economy.

To continue moving Arizona's economy forward we must remain an attractive location to businesses and a magnet for new innovation. This proposition acts in direct opposition to that goal. This proposal is bad for our business members, bad for employees and bad for the state.

We ask you to join employers in voting NO.

Daniel Froetscher
Chairman of the Board
Greater Phoenix Chamber of Commerce

Todd Sanders
President & CEO
Greater Phoenix Chamber of Commerce

Todd Sanders, Phoenix and Daniel Froetscher, Phoenix
Sponsored by "Greater Phoenix Chamber of Commerce"

The Arizona Public Health Association, Arizona's independent voice for public health for over 70 years, believes the Regulation and Taxation of Marijuana Act poses public health risks and benefits.

The public health benefits include decriminalization for possession of small amounts of marijuana. Possession of marijuana (even one marijuana cigarette) is currently a felony (excluding medical marijuana patients). Felony convictions result in a lifetime of lower earnings and poorer health outcomes for those convicted and their families. Regulating marijuana sales may also reduce violence within the current illegal marijuana trade.

Other benefits include providing an opportunity to monitor and regulate production, potency, testing and labeling of marijuana before sale. Tax revenue from the retail sale of marijuana distributed to schools (80%) and for substance abuse education (20%) may also have a positive public health impact.

Public health risks from the proposed Initiative include the potential for increased access to marijuana among adolescents, accidental marijuana ingestion among young children, increased potential for marijuana abuse among adults, and risks to the public from impaired driving and workplace accidents.

How well the Regulation and Taxation of Marijuana Act is implemented will affect the law's net impact on public health. If the Act passes, Arizona residents, elected officials, and Arizona's Executive Branch should ensure that the new state agency uses its full regulatory authority to strictly enforce the 21 year old purchasing age-limit, enforce robust product labeling, packaging, and potency standards, regulate advertising and place of use restrictions, engage employers to address workplace policies, and work with law enforcement regarding motor vehicle operation restrictions and penalties. The new state agency should also engage Arizona's public Universities to better understand and measure public health outcomes related to marijuana use.

For additional information including a descriptive PowerPoint and data from Colorado visit www.azpha.org

Will Humble for the Arizona Public Health Association, Phoenix
Sponsored by "Arizona Public Health Association"

Reasons to vote against the marijuana initiative:

- "Fatal crashes involving drivers who recently used marijuana doubled in Washington after the state legalized the drug, according to the latest research by the AAA Foundation for Traffic Safety." (newsroom.aaa.com/2016/05/fatal-road-crashes-involving-marijuana-double-state-legalized-drugs)
- The Governor of Colorado on March 8, 2016 suggested other states "think twice" before legalizing marijuana.
- "Marijuana-related calls to poison control centers in Washington and Colorado have spiked since the states began allowing legal sales last year, with an especially troubling increase in calls concerning young children." (AP)
- "The marijuana sold today is far more powerful than the marijuana used 30 years ago. Today's marijuana is estimated to be 244% higher in potency than marijuana seized in the 1980s." (www.PreventTeenDrugUse.org)
- The National Institute on Drug Abuse reports that marijuana use leads to lower life satisfaction, poorer mental health, poorer physical health, and more relationship problems.
- At least 1 in 11 young adults who begin smoking will develop an addiction to marijuana. (Dr. Sushrut Jungi October 8, 2015 article)

- Research by Jodi Gilman at Harvard Medical School showed that marijuana smokers had impaired working memory even when not acutely high
- “Smoking one joint is as harmful to lungs as having up to 5 tobacco cigarettes in succession.” (www.PreventTeenDrugUse.org)
- “Marijuana smokers face faster deterioration of lungs – 20 years ahead of tobacco smokers.” (www.PreventTeenDrugUse.org)
- “Marijuana use is associated with depression, suicidal thoughts, and suicide attempts.” (www.PreventTeenDrugUse.org)

For more information on the MANY hazards of legalizing marijuana see www.PreventTeenDrugUse.org, ardp.org, or drugabuse.gov/drugs-abuse/marijuana.

Florence Smith, Phoenix

Despite what we’ve been told, legal pot is not a tax bonanza for Colorado. In fact, it’s a net loss for state and local governments. As Colorado’s Governor Hickenlooper told CNN, “I tell other governors that we are not making any extra revenue from pot sales...” That’s because every tax dollar Colorado brings in goes to cleaning up the problems legal weed causes; the money goes to drug treatment, or to public health programs like the ones to prevent teenage use and drugged driving. Not only is there nothing left over, but there are even more costs. Law enforcement costs go up because police have to enforce drugged driving and underage possession, which both increase. In Colorado, fewer white kids are getting arrested for marijuana possession, but police are arresting more black and Latino teens. And there’s the police work done to stop black market sales, which are a big problem in Colorado. Any time you tax a product, someone will try to evade taxes. In Colorado, the joke is that only tourists buy the highly taxed weed sold in stores. You might have noticed that news reports about all the marijuana taxes Colorado is bringing in never mention all the expenses, but in the real world there are two sides to a balance sheet. Alcohol brings in tax dollars, but state and local governments spend six times what they reap in taxes to clean up the mess alcohol causes. Marijuana would be no different. Legal weed would be a drain on state budgets.

Roy Thomas, CEO, Cornerstone Recovery Center, Prescott

The marijuana industry is trying to sell us on legalization by telling us jails and prisons are full of innocent pot-smokers, but it’s not true. Here’s the data: Half of all U.S. prison inmates are there for violent crimes. The rest is mostly in for property crime like burglary and drunk or drugged driving. Only 15 – 20 percent are in for drug crimes, and almost all of those in prison for trafficking. Only about one percent are in solely for possession, and there’s always other circumstances; most of them pleaded down from a more serious charge or were caught with so much they were obviously selling it. And only about 5 percent of this already tiny number involve marijuana; the rest were possessing hard drugs. As the Los Angeles Times wrote last November, it’s “pure bunk” that “tax money, cop time and jail space are wasted corralling and incarcerating marijuana users. Maybe that was true decades ago. But today it’s a myth. No one gets busted and jailed for merely smoking a joint.” You shouldn’t believe anyone who tells you otherwise.

Paul Covelli, Executive Director, Bridges Network Recovery Center, Prescott

It is a myth that legalizing marijuana would get rid of drug cartels. This country has a huge black market in cigarettes because they are heavily taxed, and legal marijuana would be no different. The black market is thriving in Colorado because pot-smokers want to avoid paying marijuana taxes. However, there is a way to get rid of criminal drug cartels. There were no cartels in the 1940s because barely anyone in the U.S. used illegal drugs. We can do that again. Between 1978 and 1992, daily teenage marijuana use decrease by more than 80 percent because parent organizations pressured the news and entertainment media to stop glamorizing the drug. Sweden and Norway have the toughest marijuana laws in the western world, and their rate of teenage use is only a fifth of the rate in the U.S. and Canada, which are countries with some of the loosest marijuana laws. Strict marijuana laws and a news and entertainment media that tells us the downside of drug use rather than how wonderful it is will prevent most drug use, including most marijuana use. That, in turn, will starve the traffickers. So the best way to eliminate criminal drug cartels is to vote against this initiative and keep marijuana illegal.

Alan Brozik, Clinical Director, New Hope for Recovery, Prescott

As the Sheriff of Pima County, I strongly oppose The Regulation and Taxation of Marijuana Act (RTMA) on the ballot November 8, 2016. I implore all voters to vote “NO”, primarily for the protection and future success of our youth.

The RTMA is fraught with pitfalls and minefields for our Arizona youth including allowing pot shops within 501 feet of schools. With our education system facing so many challenges, the RTMA will compound the obstacles for our youth’s educational success in graduating high school and college.

Colorado after 4 years of legalization has experienced significant increases in marijuana-related ER visits, traffic fatalities, child exposures, school suspensions/expulsions and teens use of other illicit drugs than in any other state. THC, the active chemical in marijuana has a profound negative effect on the still developing brains of teens/young adults, including cognitive decline, poor attention/memory and decreased IQ. THC in marijuana is responsible for the psychological effects it poses including dependence, psychosis, other drug use, low educational/employment outcomes and welfare dependency.

The RTMA’s legislation includes the sale of high potency “edibles” containing marijuana such as high potency candies, brownies/cookies. Poison control facilities across the country reported staggering amounts of kids and teens exposed to marijuana and could accidentally ingest them.

The impact marijuana use makes on transportation safety is alarming. The drug impairs attentiveness, motor coordination, reaction time and impacts the perception of time and speed. National studies found that marijuana negatively impacts driving performance, and the risk of crashes and traffic fatalities.

Please do not fall prey to the propaganda by the RTMA supporters who do not reside in Arizona. As Pima County Sheriff, I urge you to VOTE NO to RTMA initiative this November it is a dangerous decision for our state and for our Arizona youth.

Chris Nanos, Pima County Sheriff, Tucson

Prop. 205 seeks to establish a protected recreational marijuana market for current marijuana dispensary owners making it nothing more than crony capitalism at the ballot box. Under the misleading claim of wanting to “legalize” marijuana and end government restrictions, dispensary owners and out of state special interests are seeking to create a whole new Department of Marijuana with a new Marijuana Commission. With three seats guaranteed for current dispensary owners, the Marijuana Commission will be empowered to write new rules and regulations on top of the 20 pages of new laws in the initiative to protect dispensary owners’ new recreational stores. To enforce all these new regulations, the Department of Marijuana is authorized to hire special agents tasked with enforcement and investigate anyone involved in any transfer of marijuana for value. Not even the Department of Liquor has that kind of authority. If creating bigger government is not enough, dispensary owners have refused to tell us how much we will pay in more people becoming addicted to new strains of super potency marijuana and the resulting costs of children being admitted to the ER for eating marijuana laced candies. Neither of these problems are hypothetical. We only have to look to Colorado to see the impacts to infants, small children, pets, students, and those injured and killed by marijuana impaired drivers to know the costs are greater than any taxes that might be raised. Colorado has already started taking steps to restrict the types of candy made with marijuana that can be sold and to try and limit the potency of marijuana that can be sold. But thanks to dispensary owners, the Arizona initiative will not allow for those kinds of changes and we will be stuck with another bad idea. Vote no on Prop. 205.

Bill Montgomery, Maricopa County Attorney, Chandler

The Risks to Public Health Are Too Great – Vote NO on Marijuana Legalization

The Arizona Hospital and Healthcare Association is committed to building better healthcare and health for the patients, people and communities of Arizona. Our goal is to help make Arizona the Healthiest State in the Nation. Unfortunately, the initiative to legalize marijuana for recreational use damages these critical public health efforts. Before Arizona voters cast their ballots, they should know this – states that have already legalized recreational marijuana have seen increased:

- Marijuana-related hospitalizations;
- Access to and usage of marijuana among teens;
- Accidental poisonings of children;
- Marijuana-related DUIs.

There is much more we don’t yet know concerning the negative societal and public health effects when marijuana is made a commercial product. Why should Arizona be the guinea pig for this kind of risky drug experiment? The safer course of action is to wait and watch. Before long, we will know the full range of impacts in states that have legalized recreational marijuana – and Arizona voters will have the ability to make a fully-informed decision.

In the meantime, Arizona already faces significant public health challenges. Too many families are struggling with substance abuse. Expanding access to recreational marijuana will only exacerbate these issues and put more Arizona teens and families at risk.

On behalf of the 71 hospitals and healthcare facilities we represent in communities across Arizona, and out of concern for the well-being of patients and families, the Arizona Hospital and Healthcare Association opposes the legalization of recreational marijuana and asks Arizonans to vote “no.”

Greg Vigdor, President/CEO, Arizona Hospital and Healthcare Association

Ron McArthur, Chairman of the Board of Directors, Arizona Hospital and Healthcare Association

Greg Vigdor, Phoenix and Ron McArthur, Show Low
Sponsored by “Arizona Hospital and Healthcare Association”

Because we stand for safe and healthy communities and expanded educational outcomes for our state’s children, we strongly oppose this initiative. If it passes, it will negatively affect everything from our communities’ health, education, welfare, and workforce, especially harming our most vulnerable populations.

After legalization in Colorado and Washington, the number of young children ingesting marijuana skyrocketed. Marijuana edibles – candy laced with pot – looks no different than ordinary candy. Legalizing marijuana also increases adolescent regular use; Colorado has now become the number one state for youth marijuana use.

That is not the only threat to children. The Arizona initiative will change custody law and instruct judges they will not be able to consider marijuana use in child custody decisions. Again, children are sacrificed for profits and more legalized drug use.

As for adults, marijuana-related driving deaths doubled since legalization in Washington State. Legalizing marijuana makes our streets and highways far more dangerous.

The proponents of legalization claim that legalization will free police to concentrate on more serious crimes. But, perversely, black markets have thrived in Colorado and Washington. Legalization does not correct injustice and it increases illegality at the same time.

Finally, as we all work to improve education conditions in Arizona, increased marijuana use sends us in the wrong direction. Study after study shows the adverse effects of marijuana – especially high potency marijuana – on education: lower graduation rates at the elementary, secondary, and collegiate levels; damaging changes in cognition and memory; higher propensities to drop out; and greater discipline challenges in our schools.

Legalizing marijuana does not improve the health, education, or safety conditions in Arizona. It just makes one more dangerous substance more easily available, bringing more harm to everything we care about.

We urge our brothers, sisters, and all citizens of Arizona to vote no.

Obed Escobar, member of Compañerismo Evangélico Pastoral, Phoenix
Sponsored by “Center for Arizona Policy”

Before I became a U.S. Congressman, I led the Governor’s Office for Children in the State Cabinet. What I learned there informs and fuels my opposition to legalizing marijuana for recreational use, especially as this initiative is written. Make no mistake: legalizing marijuana means more sales, more use, and worse, more use by children of this dangerous drug. I’ve seen this throughout my career. Today’s THC in marijuana is so much more powerful than decades past as it actually now alters developing brains as every credible medical and pediatric organization that has studied the drug tells us. Marijuana disrupts the ability to learn, impairs coordination, and causes difficulty with thinking and problem solving. Proponents say their initiative only legalizes marijuana for adults. Alcohol is legal only for adults, yet teens have no trouble getting it. Why would we expect legal marijuana to be different? Teen use of marijuana will skyrocket, just as it did in Colorado. Why would any sane state want more of that? Proponents want us to ignore the real facts here. I understand that they stand to make a great deal of money, but at all the expense of all us, especially our children. As an employer, I could always tell the difference between the impaired and the unimpaired. Marijuana smokers were less likely to show up or, if they did, to keep focused on their work. Today, an employer can fire or discipline such workers. If this initiative passes, the marijuana user is protected and the employer will have a much more difficult time disciplining or firing that employee. Colorado decided to experiment with legalizing recreational marijuana. The challenges that state faces continue to grow. Why would Arizona want to become the next guinea pig? Vote no.

U.S. Representative Trent Franks, Peoria
Sponsored by “Arizonans for Responsible Drug Policy”

What Scientific & Medical Experts Say:

Marijuana use creates neurocognitive impairments and intoxication in users.

Marijuana use is expected to increase if it is legal to use.

Marijuana is addictive and has adverse effects upon the teenage brain and is a risk for both cardio-respiratory disease and testicular cancer.

Marijuana use is associated with increased incidence and worsened course of psychotic, mood, anxiety, and substance use disorders across one's lifespan.

Marijuana use is associated with the onset of psychiatric disorders, particularly in teenagers.

Marijuana-related hospitalizations and Emergency Room visits have increased substantially in recent years, especially with toddlers consuming edibles.

Marijuana dependence is associated with greater harmful economic and social problems than alcohol dependence.

Marijuana exposure caused one in six infants and toddlers to be admitted to Colorado hospitals with coughing, wheezing and other symptoms of bronchiolitis.

Marijuana use during adolescence increases the risk of developing a psychiatric disorder in adulthood, including anxiety, depression, and schizophrenia.

Marijuana exposure during childhood to can lead to coma, decreased breathing, or seizures.

Marijuana use may cause enduring neuropsychological impairment while driving.

Marijuana changes the structure and function of the adolescent brain.

Marijuana exposure in adolescence is associated with a risk for later psychotic disorder in adulthood.

Marijuana may actually worsen Post Traumatic Stress Disorder (PTSD) symptoms or nullify the benefits of treatment.

Marijuana use in adolescence approximately doubles the risk of being diagnosed with schizophrenia or reporting psychotic symptoms in adulthood.

Marijuana is not benign and there is scientific evidence, compiled over nearly 30 years, to prove it poses serious risks, particularly for developing brains.

Andrea and Dwight Kadar

Andrea Kadar, Sedona and Dwight Kadar, Sedona

We want Arizona Voters to understand exactly why so many of Arizona's Marijuana Activists and Marijuana Consumers do NOT support Prop. 205!

- Prop. 205 has no meaningful Marijuana Decriminalization. (Most FELONY penalties remain in place.)
- Prop. 205 has the potential to DESTROY Arizona's MEDICAL Marijuana Program.
- Prop. 205 has the potential to DESTROY Arizona's Smoke Shops.
- Prop. 205 gives the Medical Marijuana Dispensaries an "Oligopoly" on the Arizona Marijuana Market
- Prop. 205 only includes "FAKE" Marijuana Cultivation Rights for Adults.
- Prop. 205 allows your EMPLOYER to FIRE YOU for using Marijuana, even if used legally at your home.
- Prop. 205 does next to nothing to take Marijuana out of the hands of Drug Dealers.
- Prop. 205 fails to adequately address DUI PROTECTIONS, PARENTAL PROTECTIONS, EMPLOYEE PROTECTIONS, RAID AND SEARCH PROTECTIONS, LOSS OF RIGHTS PROTECTIONS, POST CONVICTION RELIEF, etc.

Essentially, Prop. 205 fails to include ANY meaningful Marijuana Consumer protections.

Prop. 205 is so BAD that even the people who use Marijuana won't vote for it...

If you or someone you care about consumes Marijuana in Arizona, please "Vote NO" on Prop. 205!

Jason Medar, Phoenix

Sponsored by "Marijuana Consumers Against Fake Marijuana Legalization, NO on I-08-2016"

ARIZONA'S MEDICAL MARIJUANA PROGRAM IS UNDER ATTACK!

Prop. 205 has the potential to DESTROY Arizona's MEDICAL Marijuana Program!

Prop. 205 takes the Arizona Medical Marijuana Program away from AZDHS (Arizona Department of Health Services) and gives it to the new "Department of Marijuana Licenses and Control."

That new "Department of Marijuana Licenses and Control" would be run, in part, by the existing MEDICAL MARIJUANA DISPENSARY OWNERS!

Allowing the people who make the MONEY to also make the RULES is a serious CONFLICT OF INTEREST!

If the Arizona Medical Marijuana Dispensary Owners control the Arizona Medical Marijuana Program, it could result in Medical Marijuana Patient rights' being sacrificed in order to generate more profits for the Medical Marijuana Dispensary Owners.

While Arizona's Medical Marijuana Program is far from perfect, more than 90,000+ seriously ill Arizonans rely on the Medical Marijuana Program to keep them safe!

If Arizona's Medical Marijuana Program gets DESTROYED, we CANNOT undo that destruction in the future!

Please VOTE NO on Prop. 205 and keep Arizona's Medical Marijuana Program SAFE!!

Jason Medar, Phoenix

Sponsored by "Marijuana Consumers Against Fake Marijuana Legalization, NO on I-08-2016"

Prop. 205 DOES NOT INCLUDE MEANINGFUL MARIJUANA "DECRIMINALIZATION"

Prop. 205 does not remove Felony penalties for the vast majority of low-level Marijuana offenses.

Prop. 205 does not repeal the existing Marijuana Prohibition laws in Arizona.

In most cases, if you break the law in Prop. 205, it reverts back to the old Marijuana penalties which includes a life-altering FELONY. In some cases, that Marijuana FELONY includes a MANDATORY PRISON SENTENCE!

Is Marijuana somehow SAFE enough to sell to adults in a retail setting, but still DANGEROUS enough to send adults to PRISON for breaking the Marijuana laws?

We live in a world where people make mistakes. Should people be punished if they break the Marijuana law? YES! Should people be given a life-altering FELONY and possibly sent to PRISON for breaking the Marijuana law? NO!

We know based on Polling from across the entire United States that the vast majority of voters support Marijuana Decriminalization.

In other words, the statistics tell us that if you thought that people should be given a FELONY and sent to PRISON for using Marijuana, you probably wouldn't support ANY Marijuana Legalization and you wouldn't be voting for Prop. 205 in the first place.

The reality is, Prop. 205 does NOT include Marijuana DECRIMINALIZATION because Marijuana FELONIES keep the retail price of Marijuana higher and drive more customers to the Retail Dispensaries, which benefits the Arizona Medical Marijuana Dispensaries who are paying for Prop. 205.

To Legalize Marijuana, and at the same time ask Law Enforcement to focus their limited resources on FELONY MARIJUANA cases, is completely contradictory to the whole point of Legalizing Marijuana!

Jason Medar, Phoenix

Sponsored by "Marijuana Consumers Against Fake Marijuana Legalization, NO on I-08-2016"

Prop. 205 ALLOWS THE ARIZONA MEDICAL MARIJUANA DISPENSARIES TO HAVE A MONOPOLY ON THE ENTIRE ARIZONA MARIJUANA MARKET

Prop. 205 says that ONLY the existing Arizona MEDICAL Marijuana Dispensary Owners are guaranteed to receive any of the new Recreational Marijuana Dispensary Licenses, Recreational Marijuana Cultivation Licenses, and Recreational Marijuana Product Manufacturing Licenses.

Prop. 205 seeks to give the AZ Medical Marijuana Dispensaries a "Vertical Oligopoly" on the entire Arizona Recreational Marijuana Market.

If Prop. 205 ONLY allows the existing Arizona MEDICAL Marijuana Dispensary Owners to sell and grow Recreational Marijuana in Arizona, but those same Dispensaries are having to buy Marijuana illegally in order to keep up with the current demand of

90,000+ Medical Marijuana Patients, then obviously it stands to reason that those very same Dispensaries won't be able to supply the demand of an estimated 500,000 Marijuana consumers in Arizona.

Prop. 205 giving the Arizona MEDICAL Marijuana Dispensaries the "Oligopoly" on the entire Arizona Marijuana Market will ultimately cause the Black Market to thrive!

In Prop. 205, any Black Market Marijuana activity is punishable by a FELONY, often times with a "Mandatory Minimum PRISON Sentence." So in the end, Prop. 205 would likely result in MORE people being arrested and charged with Marijuana FELONIES than ever before.

Hence why Arizona's Marijuana Activists call Prop. 205 the "Jail Bait Initiative" and the "Free Cheese in the mousetrap."

The Arizona Medical Marijuana Dispensaries are paying MILLIONS of dollars to get Prop. 205 passed in 2016 because it gives them an OLIGOPOLY on the Arizona Marijuana Market.

Please VOTE NO on Prop. 205 and stop the MARIJUANA MONOPOLY!

Jason Medar, Phoenix

Sponsored by "Marijuana Consumers Against Fake Marijuana Legalization, NO on I-08-2016"

Regardless of your thoughts on marijuana usage, please join the Arizona Manufacturers Council in opposing this ill-conceived proposition.

The proposition enshrines rights for recreational marijuana users beyond those any other state provides, requiring new rights for a special class of recreational marijuana users, even if these new rights conflict with other local, state or federal laws. It contains no opt-out provision for manufacturers that have federal contracts or are subject to federal workplace drug-free laws. This creates a legal impossibility for such manufacturers to comply with federal and state laws and will incentivize manufacturers to leave Arizona.

This proposition also handcuffs manufacturers' ability to provide safe workplaces while hamstringing employers with additional expenses and unreasonable liabilities. The stakes are high in manufacturing, which often involves heavy machinery, scorching temperatures and metal cutting. A study published by the American Medical Association noted that workers who test positive for marijuana use have 55% more industrial accidents and 85% more injuries.

Moreover, this proposition forces the employer to prove liability against itself before the employer may take any adverse action against an impaired employee to protect its workforce. Employers will only be able to take adverse action against a marijuana-using employee if the employee is impaired on the job and takes an action that would "constitute negligence or professional malpractice." Impairment alone would be hard for an employer to prove given the lack of accepted standards and tests available to determine marijuana impairment. Making an employer prove that its employee was negligent before it may take any adverse action against the employee robs the employer of its ability to prevent workplace injuries and ensures its liability for damages once the injury occurs—a win-win for trial attorneys, and a lose-lose for Arizona.

Dawn Grove
Chairman
Arizona Manufacturers Council

Steve Macias
Immediate Past Chairman

Dawn Grove, Phoenix and Steve Macias, Phoenix

Sponsored by "Arizona Manufacturers Council"

"FAKE" PERSONAL MARIJUANA CULTIVATION RIGHTS

Prop. 205 initially "appears" to say that adults over the age of 21 can legally grow 6 Marijuana Plants at their residence.

UNFORTUNATELY, THAT'S NOT THE ENTIRE STORY.

Prop. 205 does say that adults over the age of 21 can legally grow 6 Marijuana Plants at their residence...

HOWEVER...

Prop. 205 also says that any CITY or COUNTY can choose to BAN Personal Marijuana Growing in their jurisdiction if the local City Council or County Council decides that Marijuana growing is a "Nuisance" to a "considerable number of people."

Spelling, grammar and punctuation were reproduced as submitted in the "for" and "against" arguments.

What exactly is a “Nuisance” and what exactly is a “considerable number of people”? The answers to both of those questions will be determined by a handful of City Council-members who most likely HATE MARIJUANA.

After the Arizona Medical Marijuana Act was implemented in 2011, we quickly learned that the most Arizona City Councils HATE Marijuana and Marijuana Cultivation.

Many of the Arizona Cities and Counties have already crafted a long list of reasons why they consider Personal Marijuana growing to be a "Nuisance."

Unfortunately, City Councils would not actually be required to prove that Marijuana growing ACTUALLY causes a real “Nuisance” in order for them to BAN Marijuana Growing.

We fully expect that virtually every single City and County in Arizona will choose to exercise their authority to BAN MARIJUANA GROWING under Prop. 205.

We call it “FAKE MARIJUANA GROW RIGHTS.”

Jason Medar, Phoenix

Sponsored by “Marijuana Consumers Against Fake Marijuana Legalization, NO on I-08-2016”

ARIZONA SMOKE SHOPS COULD SOON BE DESTROYED!

Prop. 205 has the potential to DESTROY Arizona’s Smoke Shops!

Prop. 205 is paid for by a group of Arizona Medical Marijuana Dispensary owners who want to have a Monopoly on the “Marijuana Accessories” Market!

Prop. 205 creates a new “Department of Marijuana Licenses and Control.” That Marijuana Department would be run in part by the Arizona Medical Marijuana Dispensary owners.

Prop. 205 says that this new “Department of Marijuana Licenses and Control” must enact regulations for ANY businesses that THEY BELIEVE are selling “Marijuana Accessories.” (The “Marijuana Department” decides whether you’re selling “Marijuana Accessories” or not!)

Arizona’s Smoke Shops are worried that the “Department of Marijuana Licenses and Control” will say that ONLY “Licensed Marijuana Retail Dispensaries” can legally sell “Marijuana Accessories” to adults.

If that happens and a Smoke Shop doesn’t have a “Marijuana Retail Dispensary License”, the Smoke Shop would be shut down by the “Marijuana Department” for selling “Marijuana Accessories” without a license. (ONLY the existing Arizona Medical Marijuana Dispensaries are guaranteed to get any of the new “Marijuana Retail Dispensary Licenses”)

Prop. 205 says “Marijuana Accessories” are: “ANY PRODUCT THAT IS USED, INTENDED FOR USE OR DESIGNED FOR USE FOR INGESTING, INHALING OR OTHERWISE INTRODUCING MARIJUANA INTO THE HUMAN BODY.” (Pipes, bongs, vaporizers, etc. will all be considered “Marijuana Accessories.”)

As a business who will likely be accused of selling “Marijuana Accessories”, Smoke Shops have good reason to be concerned!

Allowing Arizona’s SMOKE SHOPS to be DESTROYED is bad for Businesses and Marijuana Consumers alike!

VOTE NO on Prop. 205 and keep Arizona’s Smoke Shops safe!

Jason Medar, Phoenix

Sponsored by “Marijuana Consumers Against Fake Marijuana Legalization, NO on I-08-2016”

YOUR EMPLOYER CAN FIRE YOU FOR USING MARIJUANA LEGALLY AT YOUR OWN HOME!

Prop. 205 says that an adult over the age of 21 can purchase, possess, and use 1 Ounce of Marijuana legally.

However, Prop. 205 also says that your EMPLOYER can choose to FIRE YOU if you test positive for Marijuana, even if you used the Marijuana legally when you were NOT at work!

It would be irresponsible to allow an adult to consume Marijuana legally at their home on Saturday and then FIRE THEM from their job for testing positive for Marijuana on Monday morning. (Marijuana metabolites can remain in the bloodstream for 30 days or more!)

Most of us would probably agree that an Employee should NOT be allowed to consume Marijuana or be under the influence of

Marijuana while they are AT WORK, even if Marijuana is made legal in Arizona.

Most of us would also agree that an Employee should NOT be FIRED simply for using Marijuana legally in the privacy of their own home if Marijuana is made legal in Arizona.

Making Marijuana “legal”, but allowing your Employer to FIRE YOU for using it legally in your own home, is completely contradictory to the whole purpose of making Marijuana legal.

Jason Medar, Phoenix

Sponsored by “Marijuana Consumers Against Fake Marijuana Legalization, NO on I-08-2016”

Prop. 205 DOES NOT PUT AN END TO BLACK MARKET MARIJUANA SALES

Prop. 205 ONLY guarantees that the existing Medical Marijuana Dispensaries will receive any of the new Recreational Marijuana Business Licenses.

So long as "John Doe" wants to sell Marijuana in Arizona, but he’s unable to get a Recreational Marijuana Dispensary License under Prop. 205 because he doesn’t already own a Medical Marijuana Dispensary, it stands to reason that Black Market Marijuana dealers will continue to exist in Arizona.

The sponsors of Prop. 205 want Arizona Voters to believe that their Marijuana Regulation Initiative benefits Arizona because it will take Marijuana out of the hands of DRUG DEALERS.

However, Prop. 205 actually does NOTHING to take Marijuana out of the hands of DRUG DEALERS!

Under Prop. 205, Drug Dealers will continue to have a serious financial incentive to sell Marijuana illegally on the Black Market because the Street Value and the Retail Value of Marijuana will remain artificially high.

Marijuana currently sells for \$400+/Ounce because the Drug Dealer who is selling the Marijuana faces a FELONY penalty (with PRISON TIME) for selling it. That high amount of RISK equates to a high profit margin for the Drug Dealer.

Since Prop. 205 keeps FELONY Penalties in place for anyone who is accused of selling Marijuana illegally, the street value and the retail value of Marijuana will remain artificially high. This creates a serious financial incentive for DRUG DEALERS to continue selling Marijuana illegally in Arizona.

Sadly, Prop. 205 does NOT eliminate Black Market Marijuana Sales or take Marijuana out of the hands of Drug Dealers.

Jason Medar, Phoenix

Sponsored by “Marijuana Consumers Against Fake Marijuana Legalization, NO on I-08-2016”

Pull back the curtain a bit before assuming legalizing marijuana is just embracing Woodstock. First, it’s nowhere near the drug they smoked at Woodstock. Today’s joints can be 12 times more potent. Most of the marijuana consumed in Colorado is in the form of candy. The pot-laced gummy bears and lollipops are at least three times more potent than what is smoked today, or 30 times more potent than the joints of the 60s.

Children are being rushed to the ER after accidentally ingesting potent marijuana candy. In Colorado, kids ages 12-17 use this new drug at a rate 74% higher than the national average. If not marketed to kids, why put it in candy?

Colorado legislators scrambled to right this wrong by recently banning marijuana-laced gummy bears. We wouldn’t have that luxury in Arizona because the law would be voter-protected, unable to be modified by the legislature. Twenty pages of legal jargon protecting Big Marijuana would be permanent law.

This measure actually creates a legal right to use marijuana. Creating a legal right to use high-potency pot ties the hands of business owners and landlords, as well as the police. They can’t punish impaired drivers who have a "right" to use a drug.

The measure also creates a marijuana monopoly. The main sponsors and financial backers of this measure are marijuana dispensaries here in Arizona that are initially guaranteed exclusive rights to profit off this initiative.

Any "regulations" are laughable. The regulating commission is largely made up of those in the industry, so the industry will be "regulating" itself!

Don’t fall for this dangerous law that creates a marijuana monopoly at the expense of society and our children.

Say No to Proposition 205. For more information, visit azvoterguide.com.

Cathi Herrod, Esq., President, Center for Arizona Policy, Phoenix and Josh Kredit, Esq., General Counsel & VP Policy, Center for Arizona Policy, Phoenix

Sponsored by “Center for Arizona Policy”

ARIZONA SMALL BUSINESS ASSOCIATION (ASBA)
STRONGLY OPPOSES
LEGALIZATION OF RECREATIONAL MARIJUANA

On behalf of the small business community in Arizona, ASBA strongly urges a NO vote on November ballot initiative calling for legalization of recreational marijuana. Small businesses are the life blood of Arizona business, and every day the nearly 500,000 Arizona small businesses struggle to provide goods/services, pay employees, provide benefits, and make a profit. We don't need any additional rules and regulations foisted upon us making it more difficult.

This measure would dramatically increase small business worker's compensation and liability insurance costs. Legal costs defending employment claims would disproportionately impact and harm small businesses that don't have the financial resources others have to fight/litigate them, which could possibly lead to small businesses closing.

The Regulation and Taxation of Marijuana Act proposes to send additional funds to education---the wrong message for children---but before education is funded, the proponents forgot to tell us that the act creates a brand new bureaucracy, which we don't need! Totally misleading and a complete lack of transparency.

Don't be fooled by the campaign slogan, "Regulate Marijuana Like Alcohol". There are unwarranted and unfair job protections for employees who use marijuana compared to those using alcohol, and marijuana businesses get unfair tax breaks at the expense of other small businesses. But don't take our word for it---read it! The lie is it's not regulated like alcohol.

If passed this poorly written initiative is subject to Arizona's Prop 108, so the Legislature can't change it unless it make it better---whatever that means.

ASBA's thorough review finds nothing positive in this proposal! It truly hurts small business! Please VOTE NO!

Nick Petra, Board Chair

Jack W. Lunsford, Interim President/CEO

Jack W Lunsford, Interim President/CEO, Phoenix and Nick Petra, Board Chair, Phoenix
Sponsored by "Arizona Small Business Association"

205

ARGUMENTS "AGAINST"
PROPOSITION 205

PROPOSITION 205 BALLOT FORMAT

PROPOSITION 205

PROPOSED BY INITIATIVE PETITION

OFFICIAL TITLE

AMENDING TITLE 36, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 28.2; AMENDING TITLE 42, CHAPTER 3, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 10; AMENDING TITLE 43, CHAPTER 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 43-108; RELATING TO THE REGULATION AND TAXATION OF MARIJUANA.

DESCRIPTIVE TITLE

ALLOWS INDIVIDUALS TO POSSESS, GROW AND PURCHASE MARIJUANA FROM STATE-LICENSED FACILITIES FOR PERSONAL USE.

<p>A “yes” vote shall have the effect of permitting individuals 21 years and older to privately use, possess, manufacture, give away, or transport up to 1 ounce of marijuana and grow up to 6 marijuana plants at the individual’s residence; generally declaring violations of the Act (including public use) a petty offense punishable by no more than a \$300 fine; creating the Department of Marijuana Licenses and Control, which includes a 7-member Marijuana Commission appointed by the Governor, to regulate and license entities involved in cultivating, manufacturing, distributing, selling, and testing marijuana products; granting local jurisdictions limited authority to enact ordinances and rules to regulate marijuana and marijuana products; establishing licensing fees for marijuana establishments and levying a 15% tax on all marijuana and marijuana products; and declaring all marijuana establishment contracts enforceable notwithstanding any conflict with federal law.</p>	<p>YES <input type="checkbox"/></p>
<p>A “no” vote shall have the effect of retaining existing law, which prohibits individuals from using, possessing, growing or purchasing marijuana unless the individual is authorized by and doing so in compliance with the Arizona Medical Marijuana Act.</p>	<p>NO <input type="checkbox"/></p>

205

**BALLOT FORMAT FOR
PROPOSITION 205**

PROPOSITION 206

OFFICIAL TITLE

AN INITIATIVE MEASURE

AMENDING TITLE 23, CHAPTER 2, ARTICLE 8, ARIZONA REVISED STATUTES, BY AMENDING SECTIONS 23-363 and 23-364; AMENDING TITLE 23, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 8.1; RELATING TO ARIZONA’S MINIMUM WAGE AND EARNED PAID SICK TIME BENEFITS.

TEXT OF PROPOSED AMENDMENT

Be it enacted by the People of the State of Arizona:

Section 1. Short Title

This act may be cited as the “The Fair Wages and Healthy Families Act”

Sec. 2. Heading change

The article heading of title 23, chapter 2, article 8, Arizona Revised Statutes, is changed from “MINIMUM WAGE” to “MINIMUM WAGE AND EMPLOYEE BENEFITS”.

Sec 3. Section 23-363, Arizona Revised Statutes, is amended to read:

23-363. Minimum wage

A. Employers shall pay employees no less than the minimum wage, which shall be ~~six dollars and seventy-five cents (\$6.75) an hour beginning on January 1, 2007~~. NOT LESS THAN:

1. \$10 ON AND AFTER JANUARY 1, 2017.
2. \$10.50 ON AND AFTER JANUARY 1, 2018.
3. \$11 ON AND AFTER JANUARY 1, 2019.
4. \$12 ON AND AFTER JANUARY 1, 2020.

B. The minimum wage shall be increased on January 1, 2008²¹ and on January 1 of successive years, by the increase in the cost of living. The increase in the cost of living shall be measured by the percentage increase as of August of the immediately preceding year over the level as of August of the previous year of the consumer price index (all urban consumers, U.S. city average for all items) or its successor index as published by the U.S. department of labor or its successor agency, with the amount of the minimum wage increase rounded to the nearest multiple of five cents.

C. For any employee who customarily and regularly receives tips or gratuities from patrons or others, the employer may pay a wage up to \$3.00 per hour less than the minimum wage if the employer can establish by its records of charged tips or by the employee’s declaration for federal insurance contributions act (FICA) purposes that for each week, when adding tips received to wages paid, the employee received not less than the minimum wage for all hours worked. Compliance with this provision will be determined by averaging tips received by the employee over the course of the employer’s payroll period or any other period selected by the employer that complies with regulations adopted by the commission.

Sec. 4. Section 23-364, Arizona Revised Statutes, is amended to read:

23-364. Enforcement

A. The commission is authorized to enforce and implement this article and may promulgate regulations consistent with this article to do so. FOR PURPOSES OF THIS SECTION: (1) “ARTICLE” SHALL MEAN BOTH ARTICLE 8 AND ARTICLE 8.1 OF THIS CHAPTER; (2) “EARNED PAID SICK TIME” IS AS DEFINED IN SECTION 23-371, ARIZONA REVISED STATUTES; (3) “EMPLOYER” SHALL REFER TO THE DEFINITION OF EMPLOYER IN SECTION 23-362, ARIZONA REVISED STATUTES, FOR PURPOSES OF MINIMUM WAGE ENFORCEMENT AND SHALL REFER TO THE DEFINITION OF EMPLOYER IN SECTION 23-371, ARIZONA REVISED STATUTES, FOR PURPOSES OF EARNED PAID SICK TIME ENFORCEMENT; AND (4) “RETALIATION” SHALL MEAN DENIAL OF ANY RIGHT GUARANTEED UNDER ARTICLE

8 AND ARTICLE 8.1 OF THIS CHAPTER AND ANY THREAT, DISCHARGE, SUSPENSION, DEMOTION, REDUCTION OF HOURS, OR ANY OTHER ADVERSE ACTION AGAINST AN EMPLOYEE FOR THE EXERCISE OF ANY RIGHT GUARANTEED HEREIN INCLUDING ANY SANCTIONS AGAINST AN EMPLOYEE WHO IS THE RECIPIENT OF PUBLIC BENEFITS FOR RIGHTS GUARANTEED HEREIN. RETALIATION SHALL ALSO INCLUDE INTERFERENCE WITH OR PUNISHMENT FOR IN ANY MANNER PARTICIPATING IN OR ASSISTING AN INVESTIGATION, PROCEEDING OR HEARING UNDER THIS ARTICLE.

B. No employer or other person shall DISCRIMINATE OR SUBJECT ANY PERSON TO RETALIATION ~~discharge or take any other adverse action against any person in retaliation~~ for asserting any claim or right under this article, for assisting any other person in doing so, or for informing any person about their rights. Taking adverse action against a person within ninety days of a person's engaging in the foregoing activities shall raise a presumption that such action was retaliation, which may be rebutted by clear and convincing evidence that such action was taken for other permissible reasons.

C. Any person or organization may file an administrative complaint with the commission charging that an employer has violated this article as to any employee or other person. When the commission receives a complaint, the commission may review records regarding all employees at the employer's worksite in order to protect the identity of any employee identified in the complaint and to determine whether a pattern of violations has occurred. The name of any employee identified in a complaint to the commission shall be kept confidential as long as possible. Where the commission determines that an employee's name must be disclosed in order to investigate a complaint further, it may so do only with the employee's consent.

D. Employers shall post notices in the workplace, in such format specified by the commission, notifying employees of their rights under this article. Employers shall provide their business name, address, and telephone number in writing to employees upon hire. Employers shall maintain payroll records showing the hours worked for each day worked, and the wages AND EARNED PAID SICK TIME paid to all employees for a period of four years. Failure to do so shall raise a rebuttable presumption that the employer did not pay the required minimum wage rate OR EARNED PAID SICK TIME. The commission may by regulation reduce or waive the recordkeeping and posting requirements herein for any categories of small employers whom it finds would be unreasonably burdened by such requirements. Employers shall permit the commission or a law enforcement officer to inspect and copy payroll or other business records, shall permit them to interview employees away from the worksite, and shall not hinder any investigation. Such information provided shall keep confidential except as is required to prosecute violations of this article. Employers shall permit an employee or his or her designated representative to inspect and copy payroll records pertaining to that employee.

E. A civil action to enforce this article may be maintained in a court of competent jurisdiction by a law enforcement officer or by any private party injured by a violation of this article.

F. Any employer who violates recordkeeping, posting, or other requirements that the commission may establish under this article shall be subject to a civil penalty of at least \$250 dollars for a first violation, and at least \$1000 dollars for each subsequent or willful violation and may, if the commission or court determines appropriate, be subject to special monitoring and inspections.

G. Any employer who fails to pay the wages OR EARNED PAID SICK TIME required under this article shall be required to pay the employee the balance of the wages OR EARNED PAID SICK TIME owed, including interest thereon, and an additional amount equal to twice the underpaid wages OR EARNED PAID SICK TIME. Any employer who retaliates against an employee or other person in violation of this article shall be required to pay the employee an amount set by the commission or a court sufficient to compensate the employee and deter future violations, but not less than one hundred fifty dollars for each day that the violation continued or until legal judgment is final. The commission and the courts shall have the authority to order payment of such unpaid wages, UNPAID EARNED SICK TIME, other amounts, and civil penalties and to order any other appropriate legal or equitable relief for violations of this article. Civil penalties shall be retained by the agency that recovered them and used to finance activities to enforce this article. A prevailing plaintiff shall be entitled to reasonable attorney's fees and costs of suit.

H. A civil action to enforce this article may be commenced no later than two years after a violation last occurs, or three years in the case of a willful violation, and may encompass all violations that occurred as part of a continuing course of employer conduct regardless of their date. The statute of limitations shall be tolled during any investigation of an employer by the commission or other law enforcement officer, but such investigation shall not bar a person from bringing a civil action under this article. No verbal or written agreement or employment contract may waive any rights under this article.

I. The legislature may by statute raise the minimum wage established under this article, extend coverage, or increase penalties. A county, city, or town may by ordinance regulate minimum wages and benefits within its geographic boundaries but may not provide for a minimum wage lower than that prescribed in this article. State agencies, counties, cities, towns and other political subdivisions of the state may consider violations of this article in determining whether employers may receive or renew public

contracts, financial assistance or licenses. This article shall be liberally construed in favor of its purposes and shall not limit the authority of the legislature or any other body to adopt any law or policy that requires payment of higher or supplemental wages or benefits, or that extends such protections to employers or employees not covered by this article.

Sec. 5. Title 23, chapter 2, Arizona Revised Statutes, is amended by adding article 8.1, to read:

ARTICLE 8.1. EARNED PAID SICK TIME

23-371. Definitions

FOR PURPOSES OF THIS ARTICLE:

- A. “ABUSE” MEANS AN OFFENSE PRESCRIBED IN SECTION 13-3623, ARIZONA REVISED STATUTES.
- B. “COMMISSION” IS AS DEFINED IN SECTION 23-362, ARIZONA REVISED STATUTES.
- C. “DOMESTIC VIOLENCE” IS AS DEFINED IN SECTION 13-3601, ARIZONA REVISED STATUTES.

D. “EARNED PAID SICK TIME” MEANS TIME THAT IS COMPENSATED AT THE SAME HOURLY RATE AND WITH THE SAME BENEFITS, INCLUDING HEALTH CARE BENEFITS, AS THE EMPLOYEE NORMALLY EARNS DURING HOURS WORKED AND IS PROVIDED BY AN EMPLOYER TO AN EMPLOYEE FOR THE PURPOSES DESCRIBED IN SECTION 23-373 OF THIS ARTICLE, BUT IN NO CASE SHALL THIS HOURLY AMOUNT BE LESS THAN THAT PROVIDED UNDER THE FAIR LABOR STANDARDS ACT OF 1938 (29 UNITED STATES CODE SECTION 206(A)(1)) OR SECTION 23-363, ARIZONA REVISED STATUTES.

E. “EMPLOY” IS AS DEFINED IN SECTION 23-362, ARIZONA REVISED STATUTES.

F. “EMPLOYEE” IS AS DEFINED IN SECTION 23-362, ARIZONA REVISED STATUTES. EMPLOYEE INCLUDES RECIPIENTS OF PUBLIC BENEFITS WHO ARE ENGAGED IN WORK ACTIVITY AS A CONDITION OF RECEIVING PUBLIC ASSISTANCE.

G. “EMPLOYER” INCLUDES ANY CORPORATION, PROPRIETORSHIP, PARTNERSHIP, JOINT VENTURE, LIMITED LIABILITY COMPANY, TRUST, ASSOCIATION, POLITICAL SUBDIVISION OF THE STATE, INDIVIDUAL OR OTHER ENTITY ACTING DIRECTLY OR INDIRECTLY IN THE INTEREST OF AN EMPLOYER IN RELATION TO AN EMPLOYEE, BUT DOES NOT INCLUDE THE STATE OF ARIZONA OR THE UNITED STATES.

H. “FAMILY MEMBER” MEANS:

1. REGARDLESS OF AGE, A BIOLOGICAL, ADOPTED OR FOSTER CHILD, STEPCHILD OR LEGAL WARD, A CHILD OF A DOMESTIC PARTNER, A CHILD TO WHOM THE EMPLOYEE STANDS *IN LOCO PARENTIS*, OR AN INDIVIDUAL TO WHOM THE EMPLOYEE STOOD *IN LOCO PARENTIS* WHEN THE INDIVIDUAL WAS A MINOR;

2. A BIOLOGICAL, FOSTER, STEPPARENT OR ADOPTIVE PARENT OR LEGAL GUARDIAN OF AN EMPLOYEE OR AN EMPLOYEE’S SPOUSE OR DOMESTIC PARTNER OR A PERSON WHO STOOD *IN LOCO PARENTIS* WHEN THE EMPLOYEE OR EMPLOYEE’S SPOUSE OR DOMESTIC PARTNER WAS A MINOR CHILD;

3. A PERSON TO WHOM THE EMPLOYEE IS LEGALLY MARRIED UNDER THE LAWS OF ANY STATE, OR A DOMESTIC PARTNER OF AN EMPLOYEE AS REGISTERED UNDER THE LAWS OF ANY STATE OR POLITICAL SUBDIVISION;

4. A GRANDPARENT, GRANDCHILD OR SIBLING (WHETHER OF A BIOLOGICAL, FOSTER, ADOPTIVE OR STEP RELATIONSHIP) OF THE EMPLOYEE OR THE EMPLOYEE’S SPOUSE OR DOMESTIC PARTNER; OR

5. ANY OTHER INDIVIDUAL RELATED BY BLOOD OR AFFINITY WHOSE CLOSE ASSOCIATION WITH THE EMPLOYEE IS THE EQUIVALENT OF A FAMILY RELATIONSHIP.

I. “RETALIATION” IS AS DEFINED IN SECTION 23-364, ARIZONA REVISED STATUTES.

J. “SEXUAL VIOLENCE” MEANS AN OFFENSE PRESCRIBED IN: (A) TITLE 13, CHAPTER 14, ARIZONA REVISED STATUTES, EXCEPT FOR SECTIONS 13-1408 AND 13-1422; OR (B) SECTIONS 13-1304(A)(3), 13-1307, 13-3019, 13-3206, 13-3212, 13-3552, 13-3553, 13-3554, OR 13-3560, ARIZONA REVISED STATUTES.

K. “STALKING” MEANS AN OFFENSE PRESCRIBED IN SECTION 13-2923, ARIZONA REVISED STATUTES.

L. “YEAR” MEANS A REGULAR AND CONSECUTIVE 12-MONTH PERIOD AS DETERMINED BY THE EMPLOYER.

23-372. Accrual of Earned Paid Sick Time

A. EMPLOYEES OF AN EMPLOYER WITH 15 OR MORE EMPLOYEES SHALL ACCRUE A MINIMUM OF ONE HOUR OF EARNED PAID SICK TIME FOR EVERY 30 HOURS WORKED, BUT EMPLOYEES SHALL NOT BE ENTITLED TO ACCRUE OR USE MORE THAN 40 HOURS OF EARNED PAID SICK TIME PER YEAR, UNLESS THE EMPLOYER SELECTS A HIGHER LIMIT.

B. EMPLOYEES OF AN EMPLOYER WITH FEWER THAN 15 EMPLOYEES SHALL ACCRUE A MINIMUM OF ONE HOUR OF EARNED PAID SICK TIME FOR EVERY 30 HOURS WORKED, BUT EMPLOYEES SHALL NOT BE ENTITLED TO ACCRUE OR USE MORE THAN 24 HOURS OF EARNED PAID SICK TIME PER YEAR, UNLESS THE EMPLOYER SELECTS A HIGHER LIMIT.

C. IN DETERMINING THE NUMBER OF EMPLOYEES PERFORMING WORK FOR AN EMPLOYER FOR COMPENSATION DURING A GIVEN WEEK, ALL EMPLOYEES PERFORMING WORK FOR COMPENSATION ON A FULL-TIME, PART-TIME OR TEMPORARY BASIS SHALL BE COUNTED. IN SITUATIONS IN WHICH THE NUMBER OF EMPLOYEES WHO WORK FOR AN EMPLOYER FOR COMPENSATION PER WEEK FLUCTUATES ABOVE AND BELOW 15 EMPLOYEES PER WEEK OVER THE COURSE OF THE YEAR, AN EMPLOYER IS REQUIRED TO PROVIDE EARNED PAID SICK TIME PURSUANT TO SUBSECTION A OF THIS SECTION IF IT MAINTAINED 15 OR MORE EMPLOYEES ON THE PAYROLL FOR SOME PORTION OF A DAY IN EACH OF 20 DIFFERENT CALENDAR WEEKS, WHETHER OR NOT THE WEEKS WERE CONSECUTIVE, IN EITHER THE CURRENT OR THE PRECEDING YEAR (IRRESPECTIVE OF WHETHER THE SAME INDIVIDUALS WERE IN EMPLOYMENT IN EACH DAY).

D. ALL EMPLOYEES SHALL ACCRUE EARNED PAID SICK TIME AS FOLLOWS:

1. EARNED PAID SICK TIME AS PROVIDED IN THIS SECTION SHALL BEGIN TO ACCRUE AT THE COMMENCEMENT OF EMPLOYMENT OR ON JULY 1, 2017, WHICHEVER IS LATER. AN EMPLOYER MAY PROVIDE ALL EARNED PAID SICK TIME THAT AN EMPLOYEE IS EXPECTED TO ACCRUE IN A YEAR AT THE BEGINNING OF THE YEAR.

2. AN EMPLOYEE MAY USE EARNED PAID SICK TIME AS IT IS ACCRUED, EXCEPT THAT AN EMPLOYER MAY REQUIRE AN EMPLOYEE HIRED AFTER JULY 1, 2017, TO WAIT UNTIL THE NINETIETH CALENDAR DAY AFTER COMMENCING EMPLOYMENT BEFORE USING ACCRUED EARNED PAID SICK TIME, UNLESS OTHERWISE PERMITTED BY THE EMPLOYER.

3. EMPLOYEES WHO ARE EXEMPT FROM OVERTIME REQUIREMENTS UNDER THE FAIR LABOR STANDARDS ACT OF 1938 (29 UNITED STATES CODE SECTION 213(A)(1)) WILL BE ASSUMED TO WORK 40 HOURS IN EACH WORK WEEK FOR PURPOSES OF EARNED PAID SICK TIME ACCRUAL UNLESS THEIR NORMAL WORK WEEK IS LESS THAN 40 HOURS, IN WHICH CASE EARNED PAID SICK TIME ACCRUES BASED UPON THAT NORMAL WORK WEEK.

4. EARNED PAID SICK TIME SHALL BE CARRIED OVER TO THE FOLLOWING YEAR, SUBJECT TO THE LIMITATIONS ON USAGE IN SUBSECTIONS A AND B. ALTERNATIVELY, IN LIEU OF CARRYOVER OF UNUSED EARNED PAID SICK TIME FROM ONE YEAR TO THE NEXT, AN EMPLOYER MAY PAY AN EMPLOYEE FOR UNUSED EARNED PAID SICK TIME AT THE END OF A YEAR AND PROVIDE THE EMPLOYEE WITH AN AMOUNT OF EARNED PAID SICK TIME THAT MEETS OR EXCEEDS THE REQUIREMENTS OF THIS ARTICLE THAT IS AVAILABLE FOR THE EMPLOYEE’S IMMEDIATE USE AT THE BEGINNING OF THE SUBSEQUENT YEAR.

5. IF AN EMPLOYEE IS TRANSFERRED TO A SEPARATE DIVISION, ENTITY OR LOCATION, BUT REMAINS EMPLOYED BY THE SAME EMPLOYER, THE EMPLOYEE IS ENTITLED TO ALL EARNED PAID SICK TIME ACCRUED AT THE PRIOR DIVISION, ENTITY OR LOCATION AND IS ENTITLED TO USE ALL EARNED PAID SICK TIME AS PROVIDED IN THIS SECTION. WHEN THERE IS A SEPARATION FROM EMPLOYMENT AND THE EMPLOYEE IS REHIRED WITHIN NINE MONTHS OF SEPARATION BY THE SAME EMPLOYER, PREVIOUSLY ACCRUED EARNED PAID SICK TIME THAT HAD NOT BEEN USED SHALL BE REINSTATED. FURTHER, THE EMPLOYEE SHALL BE ENTITLED TO USE ACCRUED EARNED PAID SICK TIME AND ACCRUE ADDITIONAL EARNED PAID SICK TIME AT THE RE-COMMENCEMENT OF EMPLOYMENT.

6. WHEN A DIFFERENT EMPLOYER SUCCEEDS OR TAKES THE PLACE OF AN EXISTING EMPLOYER, ALL EMPLOYEES OF THE ORIGINAL EMPLOYER WHO REMAIN EMPLOYED BY THE SUCCESSOR EMPLOYER ARE ENTITLED TO ALL EARNED PAID SICK TIME THEY ACCRUED WHEN EMPLOYED BY THE ORIGINAL EMPLOYER,

AND ARE ENTITLED TO USE EARNED PAID SICK TIME PREVIOUSLY ACCRUED.

7. AT ITS DISCRETION, AN EMPLOYER MAY LOAN EARNED PAID SICK TIME TO AN EMPLOYEE IN ADVANCE OF ACCRUAL BY SUCH EMPLOYEE.

E. ANY EMPLOYER WITH A PAID LEAVE POLICY, SUCH AS A PAID TIME OFF POLICY, WHO MAKES AVAILABLE AN AMOUNT OF PAID LEAVE SUFFICIENT TO MEET THE ACCRUAL REQUIREMENTS OF THIS SECTION THAT MAY BE USED FOR THE SAME PURPOSES AND UNDER THE SAME CONDITIONS AS EARNED PAID SICK TIME UNDER THIS ARTICLE IS NOT REQUIRED TO PROVIDE ADDITIONAL PAID SICK TIME.

F. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS REQUIRING FINANCIAL OR OTHER REIMBURSEMENT TO AN EMPLOYEE FROM AN EMPLOYER UPON THE EMPLOYEE'S TERMINATION, RESIGNATION, RETIREMENT OR OTHER SEPARATION FROM EMPLOYMENT FOR ACCRUED EARNED PAID SICK TIME THAT HAS NOT BEEN USED.

23-373. Use of Earned Paid Sick Time

A. EARNED PAID SICK TIME SHALL BE PROVIDED TO AN EMPLOYEE BY AN EMPLOYER FOR:

1. AN EMPLOYEE'S MENTAL OR PHYSICAL ILLNESS, INJURY OR HEALTH CONDITION; AN EMPLOYEE'S NEED FOR MEDICAL DIAGNOSIS, CARE, OR TREATMENT OF A MENTAL OR PHYSICAL ILLNESS, INJURY OR HEALTH CONDITION; AN EMPLOYEE'S NEED FOR PREVENTIVE MEDICAL CARE;

2. CARE OF A FAMILY MEMBER WITH A MENTAL OR PHYSICAL ILLNESS, INJURY OR HEALTH CONDITION; CARE OF A FAMILY MEMBER WHO NEEDS MEDICAL DIAGNOSIS, CARE, OR TREATMENT OF A MENTAL OR PHYSICAL ILLNESS, INJURY OR HEALTH CONDITION; CARE OF A FAMILY MEMBER WHO NEEDS PREVENTIVE MEDICAL CARE;

3. CLOSURE OF THE EMPLOYEE'S PLACE OF BUSINESS BY ORDER OF A PUBLIC OFFICIAL DUE TO A PUBLIC HEALTH EMERGENCY OR AN EMPLOYEE'S NEED TO CARE FOR A CHILD WHOSE SCHOOL OR PLACE OF CARE HAS BEEN CLOSED BY ORDER OF A PUBLIC OFFICIAL DUE TO A PUBLIC HEALTH EMERGENCY, OR CARE FOR ONESELF OR A FAMILY MEMBER WHEN IT HAS BEEN DETERMINED BY THE HEALTH AUTHORITIES HAVING JURISDICTION OR BY A HEALTH CARE PROVIDER THAT THE EMPLOYEE'S OR FAMILY MEMBER'S PRESENCE IN THE COMMUNITY MAY JEOPARDIZE THE HEALTH OF OTHERS BECAUSE OF HIS OR HER EXPOSURE TO A COMMUNICABLE DISEASE, WHETHER OR NOT THE EMPLOYEE OR FAMILY MEMBER HAS ACTUALLY CONTRACTED THE COMMUNICABLE DISEASE; OR

4. NOTWITHSTANDING SECTION 13-4439, ARIZONA REVISED STATUTES, ABSENCE NECESSARY DUE TO DOMESTIC VIOLENCE, SEXUAL VIOLENCE, ABUSE OR STALKING, PROVIDED THE LEAVE IS TO ALLOW THE EMPLOYEE TO OBTAIN FOR THE EMPLOYEE OR THE EMPLOYEE'S FAMILY MEMBER:

- (a) MEDICAL ATTENTION NEEDED TO RECOVER FROM PHYSICAL OR PSYCHOLOGICAL INJURY OR DISABILITY CAUSED BY DOMESTIC VIOLENCE, SEXUAL VIOLENCE, ABUSE OR STALKING;
- (b) SERVICES FROM A DOMESTIC VIOLENCE OR SEXUAL VIOLENCE PROGRAM OR VICTIM SERVICES ORGANIZATION;
- (c) PSYCHOLOGICAL OR OTHER COUNSELING;
- (d) RELOCATION OR TAKING STEPS TO SECURE AN EXISTING HOME DUE TO THE DOMESTIC VIOLENCE, SEXUAL VIOLENCE, ABUSE OR STALKING; OR
- (e) LEGAL SERVICES, INCLUDING BUT NOT LIMITED TO PREPARING FOR OR PARTICIPATING IN ANY CIVIL OR CRIMINAL LEGAL PROCEEDING RELATED TO OR RESULTING FROM THE DOMESTIC VIOLENCE, SEXUAL VIOLENCE, ABUSE OR STALKING.

B. EARNED PAID SICK TIME SHALL BE PROVIDED UPON THE REQUEST OF AN EMPLOYEE. SUCH REQUEST MAY BE MADE ORALLY, IN WRITING, BY ELECTRONIC MEANS OR BY ANY OTHER MEANS ACCEPTABLE TO THE EMPLOYER. WHEN POSSIBLE, THE REQUEST SHALL INCLUDE THE EXPECTED DURATION OF THE ABSENCE.

C. WHEN THE USE OF EARNED PAID SICK TIME IS FORESEEABLE, THE EMPLOYEE SHALL MAKE A GOOD

FAITH EFFORT TO PROVIDE NOTICE OF THE NEED FOR SUCH TIME TO THE EMPLOYER IN ADVANCE OF THE USE OF THE EARNED PAID SICK TIME AND SHALL MAKE A REASONABLE EFFORT TO SCHEDULE THE USE OF EARNED PAID SICK TIME IN A MANNER THAT DOES NOT UNDULY DISRUPT THE OPERATIONS OF THE EMPLOYER.

D. AN EMPLOYER THAT REQUIRES NOTICE OF THE NEED TO USE EARNED PAID SICK TIME WHERE THE NEED IS NOT FORESEEABLE SHALL PROVIDE A WRITTEN POLICY THAT CONTAINS PROCEDURES FOR THE EMPLOYEE TO PROVIDE NOTICE. AN EMPLOYER THAT HAS NOT PROVIDED TO THE EMPLOYEE A COPY OF ITS WRITTEN POLICY FOR PROVIDING SUCH NOTICE SHALL NOT DENY EARNED PAID SICK TIME TO THE EMPLOYEE BASED ON NON-COMPLIANCE WITH SUCH A POLICY.

E. AN EMPLOYER MAY NOT REQUIRE, AS A CONDITION OF AN EMPLOYEE'S TAKING EARNED PAID SICK TIME, THAT THE EMPLOYEE SEARCH FOR OR FIND A REPLACEMENT WORKER TO COVER THE HOURS DURING WHICH THE EMPLOYEE IS USING EARNED PAID SICK TIME.

F. EARNED PAID SICK TIME MAY BE USED IN THE SMALLER OF HOURLY INCREMENTS OR THE SMALLEST INCREMENT THAT THE EMPLOYER'S PAYROLL SYSTEM USES TO ACCOUNT FOR ABSENCES OR USE OF OTHER TIME.

G. FOR EARNED PAID SICK TIME OF THREE OR MORE CONSECUTIVE WORK DAYS, AN EMPLOYER MAY REQUIRE REASONABLE DOCUMENTATION THAT THE EARNED PAID SICK TIME HAS BEEN USED FOR A PURPOSE COVERED BY SUBSECTION A. DOCUMENTATION SIGNED BY A HEALTH CARE PROFESSIONAL INDICATING THAT EARNED PAID SICK TIME IS NECESSARY SHALL BE CONSIDERED REASONABLE DOCUMENTATION FOR PURPOSES OF THIS SECTION. IN CASES OF DOMESTIC VIOLENCE, SEXUAL VIOLENCE, ABUSE OR STALKING, ONE OF THE FOLLOWING TYPES OF DOCUMENTATION SELECTED BY THE EMPLOYEE SHALL BE CONSIDERED REASONABLE DOCUMENTATION:

1. A POLICE REPORT INDICATING THAT THE EMPLOYEE OR THE EMPLOYEE'S FAMILY MEMBER WAS A VICTIM OF DOMESTIC VIOLENCE, SEXUAL VIOLENCE, ABUSE OR STALKING;

2. A PROTECTIVE ORDER; INJUNCTION AGAINST HARASSMENT; A GENERAL COURT ORDER; OR OTHER EVIDENCE FROM A COURT OR PROSECUTING ATTORNEY THAT THE EMPLOYEE OR EMPLOYEE'S FAMILY MEMBER APPEARED, OR IS SCHEDULED TO APPEAR, IN COURT IN CONNECTION WITH AN INCIDENT OF DOMESTIC VIOLENCE, SEXUAL VIOLENCE, ABUSE, OR STALKING;

3. A SIGNED STATEMENT FROM A DOMESTIC VIOLENCE OR SEXUAL VIOLENCE PROGRAM OR VICTIM SERVICES ORGANIZATION AFFIRMING THAT THE EMPLOYEE OR EMPLOYEE'S FAMILY MEMBER IS RECEIVING SERVICES RELATED TO DOMESTIC VIOLENCE, SEXUAL VIOLENCE, ABUSE, OR STALKING;

4. A SIGNED STATEMENT FROM A WITNESS ADVOCATE AFFIRMING THAT THE EMPLOYEE OR EMPLOYEE'S FAMILY MEMBER IS RECEIVING SERVICES FROM A VICTIM SERVICES ORGANIZATION;

5. A SIGNED STATEMENT FROM AN ATTORNEY, MEMBER OF THE CLERGY, OR A MEDICAL OR OTHER PROFESSIONAL AFFIRMING THAT THE EMPLOYEE OR EMPLOYEE'S FAMILY MEMBER IS A VICTIM OF DOMESTIC VIOLENCE, SEXUAL VIOLENCE, ABUSE, OR STALKING; OR

6. AN EMPLOYEE'S WRITTEN STATEMENT AFFIRMING THAT THE EMPLOYEE OR THE EMPLOYEE'S FAMILY MEMBER IS A VICTIM OF DOMESTIC VIOLENCE, SEXUAL VIOLENCE, ABUSE, OR STALKING, AND THAT THE LEAVE WAS TAKEN FOR ONE OF THE PURPOSES OF SUBSECTION A, PARAGRAPH 4 OF THIS SECTION. THE EMPLOYEE'S WRITTEN STATEMENT, BY ITSELF, IS REASONABLE DOCUMENTATION FOR ABSENCES UNDER THIS PARAGRAPH. THE WRITTEN STATEMENT DOES NOT NEED TO BE IN AN AFFIDAVIT FORMAT OR NOTARIZED, BUT SHALL BE LEGIBLE IF HANDWRITTEN AND SHALL REASONABLY MAKE CLEAR THE EMPLOYEE'S IDENTITY, AND IF APPLICABLE, THE EMPLOYEE'S RELATIONSHIP TO THE FAMILY MEMBER.

H. THE PROVISION OF DOCUMENTATION UNDER SUBSECTION G DOES NOT WAIVE OR DIMINISH ANY CONFIDENTIAL OR PRIVILEGED COMMUNICATIONS BETWEEN A VICTIM OF DOMESTIC VIOLENCE, SEXUAL VIOLENCE, ABUSE, OR STALKING WITH ONE OR MORE OF THE INDIVIDUALS NAMED IN SUBSECTION G.

I. AN EMPLOYER MAY NOT REQUIRE THAT DOCUMENTATION UNDER SUBSECTION G EXPLAIN THE NATURE OF THE HEALTH CONDITION OR THE DETAILS OF THE DOMESTIC VIOLENCE, SEXUAL VIOLENCE, ABUSE OR STALKING.

23-374. Exercise of Rights Protected; Retaliation Prohibited

A. IT SHALL BE UNLAWFUL FOR AN EMPLOYER OR ANY OTHER PERSON TO INTERFERE WITH, RESTRAIN, OR DENY THE EXERCISE OF, OR THE ATTEMPT TO EXERCISE, ANY RIGHT PROTECTED UNDER THIS ARTICLE.

B. AN EMPLOYER SHALL NOT ENGAGE IN RETALIATION OR DISCRIMINATE AGAINST AN EMPLOYEE OR FORMER EMPLOYEE BECAUSE THE PERSON HAS EXERCISED RIGHTS PROTECTED UNDER THIS ARTICLE. SUCH RIGHTS INCLUDE BUT ARE NOT LIMITED TO THE RIGHT TO REQUEST OR USE EARNED PAID SICK TIME PURSUANT TO THIS ARTICLE; THE RIGHT TO FILE A COMPLAINT WITH THE COMMISSION OR COURTS OR INFORM ANY PERSON ABOUT ANY EMPLOYER'S ALLEGED VIOLATION OF THIS ARTICLE; THE RIGHT TO PARTICIPATE IN AN INVESTIGATION, HEARING OR PROCEEDING OR COOPERATE WITH OR ASSIST THE COMMISSION IN ITS INVESTIGATIONS OF ALLEGED VIOLATIONS OF THIS ARTICLE; AND THE RIGHT TO INFORM ANY PERSON OF HIS OR HER POTENTIAL RIGHTS UNDER THIS ARTICLE.

C. IT SHALL BE UNLAWFUL FOR AN EMPLOYER'S ABSENCE CONTROL POLICY TO COUNT EARNED PAID SICK TIME TAKEN UNDER THIS ARTICLE AS AN ABSENCE THAT MAY LEAD TO OR RESULT IN DISCIPLINE, DISCHARGE, DEMOTION, SUSPENSION, OR ANY OTHER ADVERSE ACTION.

D. PROTECTIONS OF THIS SECTION SHALL APPLY TO ANY PERSON WHO MISTAKENLY BUT IN GOOD FAITH ALLEGES VIOLATIONS OF THIS ARTICLE.

23-375. Notice

A. EMPLOYERS SHALL GIVE EMPLOYEES WRITTEN NOTICE OF THE FOLLOWING AT THE COMMENCEMENT OF EMPLOYMENT OR BY JULY 1, 2017, WHICHEVER IS LATER: EMPLOYEES ARE ENTITLED TO EARNED PAID SICK TIME AND THE AMOUNT OF EARNED PAID SICK TIME, THE TERMS OF ITS USE GUARANTEED UNDER THIS ARTICLE, THAT RETALIATION AGAINST EMPLOYEES WHO REQUEST OR USE EARNED PAID SICK TIME IS PROHIBITED, THAT EACH EMPLOYEE HAS THE RIGHT TO FILE A COMPLAINT IF EARNED PAID SICK TIME AS REQUIRED BY THIS ARTICLE IS DENIED BY THE EMPLOYER OR THE EMPLOYEE IS SUBJECT TO RETALIATION FOR REQUESTING OR TAKING EARNED PAID SICK TIME, AND THE CONTACT INFORMATION FOR THE COMMISSION WHERE QUESTIONS ABOUT RIGHTS AND RESPONSIBILITIES UNDER THIS ARTICLE CAN BE ANSWERED.

B. THE NOTICE REQUIRED IN SUBSECTION A SHALL BE IN ENGLISH, SPANISH, AND ANY LANGUAGE THAT IS DEEMED APPROPRIATE BY THE COMMISSION.

C. THE AMOUNT OF EARNED PAID SICK TIME AVAILABLE TO THE EMPLOYEE, THE AMOUNT OF EARNED PAID SICK TIME TAKEN BY THE EMPLOYEE TO DATE IN THE YEAR AND THE AMOUNT OF PAY THE EMPLOYEE HAS RECEIVED AS EARNED PAID SICK TIME SHALL BE RECORDED IN, OR ON AN ATTACHMENT TO, THE EMPLOYEE'S REGULAR PAYCHECK.

D. THE COMMISSION SHALL CREATE AND MAKE AVAILABLE TO EMPLOYERS, IN ENGLISH, SPANISH, AND ANY LANGUAGE DEEMED APPROPRIATE BY THE COMMISSION, MODEL NOTICES THAT CONTAIN THE INFORMATION REQUIRED UNDER SUBSECTION A FOR EMPLOYERS' USE IN COMPLYING WITH SUBSECTION A.

E. AN EMPLOYER WHO VIOLATES THE NOTICE REQUIREMENTS OF THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY ACCORDING TO SECTION 23-364(F), ARIZONA REVISED STATUTES.

23-376. Regulations

THE COMMISSION SHALL BE AUTHORIZED TO COORDINATE IMPLEMENTATION AND ENFORCEMENT OF THIS ARTICLE AND SHALL PROMULGATE APPROPRIATE GUIDELINES OR REGULATIONS FOR SUCH PURPOSES.

23-377. Confidentiality and Nondisclosure

AN EMPLOYER MAY NOT REQUIRE DISCLOSURE OF DETAILS RELATING TO DOMESTIC VIOLENCE, SEXUAL VIOLENCE, ABUSE OR STALKING OR THE DETAILS OF AN EMPLOYEE'S OR AN EMPLOYEE'S FAMILY MEMBER'S HEALTH INFORMATION AS A CONDITION OF PROVIDING EARNED PAID SICK TIME UNDER THIS ARTICLE. IF AN EMPLOYER POSSESSES HEALTH INFORMATION OR INFORMATION PERTAINING TO DOMESTIC VIOLENCE, SEXUAL VIOLENCE, ABUSE OR STALKING ABOUT AN EMPLOYEE OR EMPLOYEE'S FAMILY MEMBER, SUCH INFORMATION SHALL BE TREATED AS CONFIDENTIAL AND NOT DISCLOSED EXCEPT TO THE AFFECTED EMPLOYEE OR WITH THE PERMISSION OF THE AFFECTED EMPLOYEE.

23-378. Encouragement of More Generous Earned Paid Sick Time Policies; No Effect on More Generous Policies or Laws

A. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO DISCOURAGE OR PROHIBIT AN EMPLOYER FROM THE ADOPTION OR RETENTION OF AN EARNED PAID SICK TIME POLICY MORE GENEROUS THAN THE ONE REQUIRED HEREIN.

B. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS DIMINISHING THE OBLIGATION OF AN EMPLOYER TO COMPLY WITH ANY CONTRACT, COLLECTIVE BARGAINING AGREEMENT, EMPLOYMENT BENEFIT PLAN OR OTHER AGREEMENT PROVIDING MORE GENEROUS PAID SICK TIME TO AN EMPLOYEE THAN REQUIRED HEREIN. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS DIMINISHING THE RIGHTS OF PUBLIC EMPLOYEES REGARDING PAID SICK TIME OR USE OF PAID SICK TIME.

C. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO SUPERSEDE ANY PROVISION OF ANY LOCAL LAW THAT PROVIDES GREATER RIGHTS TO PAID SICK TIME THAN THE RIGHTS ESTABLISHED UNDER THIS ARTICLE.

23-379. Other Legal Requirements

A. NOTHING IN THIS ARTICLE SHALL BE INTERPRETED OR APPLIED SO AS TO CREATE A CONFLICT WITH FEDERAL LAW.

B. THIS ARTICLE PROVIDES MINIMUM REQUIREMENTS PERTAINING TO EARNED PAID SICK TIME AND SHALL NOT BE CONSTRUED TO PREEMPT, LIMIT, OR OTHERWISE AFFECT THE APPLICABILITY OF ANY OTHER LAW, REGULATION, REQUIREMENT, POLICY, OR STANDARD THAT PROVIDES FOR GREATER ACCRUAL OR USE BY EMPLOYEES OF EARNED PAID SICK TIME OR THAT EXTENDS OTHER PROTECTIONS TO EMPLOYEES.

23-380. Public Education and Outreach

THE COMMISSION MAY DEVELOP AND IMPLEMENT A MULTILINGUAL OUTREACH PROGRAM TO INFORM EMPLOYEES, PARENTS AND PERSONS WHO ARE UNDER THE CARE OF A HEALTH CARE PROVIDER ABOUT THE AVAILABILITY OF EARNED PAID SICK TIME UNDER THIS ARTICLE. THIS PROGRAM MAY INCLUDE THE DISTRIBUTION OF NOTICES AND OTHER WRITTEN MATERIALS IN ENGLISH, SPANISH, AND ANY LANGUAGE DEEMED APPROPRIATE BY THE COMMISSION TO ALL CHILD CARE AND ELDER CARE PROVIDERS, DOMESTIC VIOLENCE SHELTERS, SCHOOLS, HOSPITALS, COMMUNITY HEALTH CENTERS AND OTHER HEALTH CARE PROVIDERS.

23-381. Collective Bargaining Agreements

ALL OR ANY PORTION OF THE EARNED PAID SICK TIME REQUIREMENTS OF THIS ARTICLE SHALL NOT APPLY TO EMPLOYEES COVERED BY A VALID COLLECTIVE BARGAINING AGREEMENT, TO THE EXTENT THAT SUCH REQUIREMENTS ARE EXPRESSLY WAIVED IN THE COLLECTIVE BARGAINING AGREEMENT IN CLEAR AND UNAMBIGUOUS TERMS. NO PROVISIONS OF ARTICLE 8.1 SHALL APPLY TO EMPLOYEES COVERED BY A COLLECTIVE BARGAINING AGREEMENT IN EFFECT ON THE EFFECTIVE DATE OF THIS ACT UNTIL THE STATED EXPIRATION DATE IN THE COLLECTIVE BARGAINING AGREEMENT.

Sec. 6. Saving Clause

This act does not affect rights and duties that matured, penalties that were incurred and proceedings that were begun before the effective date of this act.

Sec. 7. Severability

If a provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

LEGISLATIVE COUNCIL ANALYSIS

Currently, the state minimum wage is \$8.05 per hour. Proposition 206 would establish a new state minimum wage of \$10.00 in 2017, \$10.50 in 2018, \$11.00 in 2019 and \$12.00 in 2020. Beginning in 2021, the state minimum wage would increase each year by the cost of living. (Employers would still be permitted to pay employees who receive tips up to \$3.00 per hour less than the minimum wage, as is currently the law.)

Proposition 206 would also require employers to provide employees with "earned paid sick time" (sick time) for an employee's medical care or mental or physical illness, injury or condition, an employee's need to care for a family member with a mental or physical illness, injury or condition or a family member who needs medical care, a public health emergency or an absence due to abuse of a child or vulnerable adult, domestic violence, sexual violence or stalking. A small business currently exempt under the state minimum wage law would be covered as an employer for the purposes of the sick time requirements. A person receiving public benefits who is engaged in work activity as a condition of receiving public assistance would be covered as an employee for purposes of the sick time requirements. (A person who is employed by a parent or a sibling or who is employed performing babysitting services in the employer's home on a casual basis would not be covered as an employee.)

Beginning July 1, 2017, employees would earn at least 1 hour of sick time for each 30 hours worked; employees in companies with fewer than 15 employees would not be entitled to accrue or use more than 24 hours of sick time each year and employees in companies with 15 or more employees would not be entitled to accrue or use more than 40 hours of sick time each year. An employer may select higher limits for accruing or using sick time. An employee may use sick time as it accrues, except that an employer may require an employee hired after July 1, 2017 to initially wait 90 days before using accrued sick time. Unused sick time would carry forward to the following year. The employer could elect to pay the employee for the unused sick time at the end of the year and provide the employee with the required amount of sick time for use in the following year. An employee would not be entitled to payment for unused sick time upon leaving employment.

The employee could not be required to find a replacement worker to cover the hours for which sick time is taken. The employer could require reasonable documentation for 3 or more consecutive days of sick time.

An employer would not be allowed to interfere with, restrain or deny any rights protected under Proposition 206, nor could an employer retaliate or discriminate against an employee because the employee exercised those rights.

Proposition 206 also contains additional employer notice and recordkeeping requirements and enforcement and civil penalty provisions. The employer would be required to treat information regarding health, domestic violence, sexual violence, abuse and stalking as confidential. The Industrial Commission of Arizona would enforce and implement the sick time statutes. A local government would not be prohibited from enacting a law providing for greater paid sick time rights than established by Proposition 206. An employer could adopt a more generous sick time policy than established by Proposition 206. The sick time requirements would not apply to employees covered by a current collective bargaining agreement or to a valid collective bargaining agreement if the requirements are expressly waived in the agreement.

JOINT LEGISLATIVE BUDGET COMMITTEE FISCAL IMPACT STATEMENT

A.R.S. § 19-123D requires the JLBC Staff to prepare a summary of 300 words or less on the fiscal impact of voter-initiated ballot measures. Proposition 206 would increase the state's current hourly minimum wage of \$8.05 in 4 steps to \$12.00 in 2020. The rate would thereafter increase in each subsequent year by the cost of living. Under current law, the state's minimum wage also increases annually by the cost of living. Beginning July 1, 2017, the proposition also requires employers to provide employees a minimum of 1 hour of paid sick leave per 30 hours worked. Under the initiative, the State of Arizona and certain small businesses would continue to be exempt from paying the minimum wage. The State of Arizona would also be exempt from paid sick leave provisions of the measure.

The initiative's provisions may have an economic impact on state and local revenue collections and state spending. By increasing wages and business costs, the proposition may affect individual income tax, corporate income tax and sales tax collections. In addition, the initiative's provisions may affect participation in, and the cost of, public assistance programs. It is difficult to determine the impacts of the proposition on either state revenues or spending in advance.

The state may currently levy civil penalties against violators of the minimum wage laws. The initiative expands these penalties to violators of the paid sick leave requirements. These additional penalties would be retained by the state Industrial Commission to finance enforcement of the proposition.

The state Industrial Commission may incur costs to implement a public education program under the initiative to inform individuals about paid sick leave requirements.

206

PROPOSITION 206

ARGUMENTS “FOR” PROPOSITION 206

Prop. 206 is the Foundation of the American Dream

To make the stronger Arizona we all want, we need strong families with a real opportunity to get ahead. That’s the very foundation of the American Dream.

The Healthy Working Families Initiative puts us on the right track. It gradually raises the minimum wage to \$12 by 2020 and will create the opportunity for many workers to earn paid sick leave that is not available today.

Here’s why that matters. Today’s minimum wage of \$8.05 an hour – or less than \$17,000 a year for 40 hours a week, 52 weeks a year – simply isn’t enough for a family to get by. Too many families in our state are often faced with the tragic choice of feeding their children or paying the bills. Setting a fair minimum wage – and making paid sick leave more widely available – can be a game-changer for Arizona workers and families.

It’s also good for our economy. Fairer wages will save many businesses time and money through better employee performance and retention. It also expands businesses’ customer base because when employees have more disposable income, they invest those dollars back into our economy. It’s no wonder that a growing coalition of Arizona businesses supports this initiative because they see the value for their workers and for their bottom lines.

Please join me and vote YES for the Arizona Healthy Working Families Initiative. It helps create the strong families and strong future Arizona deserves.

Greg Stanton
Mayor, City of Phoenix

Arizonans for Fair Wages and Healthy Families and Mayor Greg Stanton, Phoenix
Sponsored by “Arizonans for Fair Wages and Healthy Families”

In 2007, struck with an entrepreneurial bug and passion for coffee, I became the owner of Fair Trade Cafe, which now has two locations in downtown Phoenix. That’s when I saw that the American dream is out of reach for many others here in Arizona – in part, because of the policies that make it harder for families to stay afloat, let alone get ahead.

This November, we’ll have an opportunity to turn this around. I’m proud to support this initiative that will provide families in our state with two commonsense policies – a gradual increase in the minimum wage and a standard paid sick days policy. Paired together, these policies will ensure that more families can meet their basic needs and lead healthier lives.

Here in Arizona, a person paid the minimum wage will make only \$17,000 a year. That’s simply not enough to get by in 2016.

Worst yet, almost half of Arizonans can’t earn paid sick days to care for themselves or an ill family member. Families are left with impossible choices – go to work sick and potentially infect others, or risk a portion of a much-needed paycheck.

As a mother of three, I know what it’s like to wake up in the morning to a coughing, sneezing, aching child. Life happens! And when it does, parents need to be able to care for their sick child without fear of losing their job.

I’m proud to pay all my employees a living wage, and I know many of my fellow small business owners in Arizona feel the same way. However, this should be the rule and not the exception. A statewide policy will ensure that our neighbors, our friends, and our children can provide for themselves and their family.

Stephanie Vasquez
Owner, Fair Trade Cafe

Stephanie Vasquez, Phoenix
Sponsored by “Arizonans for Fair Wages and Healthy Families”

206

ARGUMENTS “FOR”
PROPOSITION 206

Healthy Working Families Initiative Will Strengthen Local Small Businesses

The Healthy Working Families Initiative strengthens families, builds local businesses, and bolsters our communities and our state. I am proud to support this essential campaign.

Since becoming involved in championing earned sick days, I have seen the benefits that these workforce protections afford Arizona families and business owners. These protections raise the quality of life in our community and make it a more desirable place to live, work, and run a business.

Changing Hands is a local Tempe business that best illustrates this story. A popular locally owned bookstore, Changing Hands competes against the online retailer giant Amazon. The bookstore provides earned sick days for its team members and pays hourly rates above minimum wage—because they know that paying a fair wage and offering workers time off when sick or in need to care for a family member actually help their business. Consequently, their staff is happy, healthy, and productive.

This booming local business attributes their success—and their ability to compete with Amazon—to attracting and retaining a top-notch team. Changing Hands’ staff turnover is low and retention is high, reducing costs related to hiring and training new employees.

Small, locally owned businesses are the backbone of Arizona’s economy. The Healthy Working Families Initiative will help local businesses and the people that work for them. You can only say YES to that, as so many businesses have.

Please stand with me and vote YES on the Arizona Healthy Working Families Initiative.

Lauren Kuby
Councilmember, City of Tempe

Lauren Kuby, Tempe
Sponsored by “Arizonans for Fair Wages and Healthy Families”

Help Working Moms Pay Bills AND Put Food on the Table

As any mom knows, having a family comes with lots of decisions. Decisions about child care, which school to attend, what to make for dinner. It’s endless. One decision no parent should have to make is whether to put food on the dinner table or pay the mortgage and utility bill.

Startlingly, this is exactly the decision many hard working Arizonans have to make on a daily basis. The current minimum wage in Arizona is \$8.05, which puts a family of four living barely above the poverty level. This is not good enough.

The Healthy Working Families Initiative provides a reasonable, gradual increase to Arizona’s minimum wage as well as providing earned sick days for workers.

This will impact over a million hard working people in our state. It will lift up hardworking Arizonans, building happy, healthy and strong families. And that’s good for our state.

Join me in supporting the Arizona Healthy Working Families Initiative on November 8th.

Katie Hobbs, Social Worker
Arizona Senate Minority Leader

Katie Hobbs, Phoenix
Sponsored by “Arizonans for Fair Wages and Healthy Families”

Healthy Families Initiative Will Carry on the Legacy of Cesar Chavez and Helen Chavez

For years my grandparents, Cesar Chavez and the late Helen Chavez, proudly fought for treating America’s farm workers with dignity and respect. With her working the fields and taking care of the children and home, my grandfather fought passionately for a respectful and equitable society. The message resonated with thousands of workers and millions of Americans who eventually all came together, standing up for respectable working standards and a fair wage.

Today, half a century later, we continue to face the same issue of earning a fair wage. Families across the state are struggling to earn the bare minimum that is required for a healthy community. In addition, the lack of paid sick days forces desperate workers to work while ill, causing a great concern for public health, putting our children and elderly at risk.

The Arizona Healthy Working Families Initiative will increase our minimum wage to \$10/hour in 2017 then gradually to \$12 by 2020. The initiative will allow workers to earn up to five days of sick pay every year that can be used for their own health needs or to care for a sick child or family member.

I urge you to vote yes on the Healthy Families Initiative to create an economically strong state and create a sustainable Arizona where every worker and family can rise above a bare minimum.

Alejandro Chavez
Phoenix, AZ

Alejandro Chavez, Phoenix

Sponsored by “Arizonans for Fair Wages and Healthy Families”

Flagstaff families will benefit from Healthy Families Initiative

In Arizona, we understand that a strong community starts with a healthy family that provides the economic stability for children to grow and become contributing members of society.

But today, too many hard working families simply can’t get ahead. They juggle multiple jobs while often earning less than \$17,000 a year—an amount that a full time job pays at the current minimum wage rate. This is a starvation wage not only in Flagstaff where the cost of living is already sky-high but also in communities across the state. And many employees can’t get paid time off if they are sick or have to take care of a sick child. In fact, 45 percent of Arizonans—more than 934,000 people—don’t have access to earned paid sick days.

Earned sick days are a public health issue. People who work hard preparing and serving food or taking care of the elderly or children should be able to stay home when they are sick. When parents can’t afford to take time off to care for their sick children, children go to school, which makes it harder to learn, and easier to spread illness. Lack of access to paid sick leave drives our state’s productivity and economic output down and nobody benefits.

The Healthy Working Families Initiative will help a million hard working Arizonans by giving a reasonable, gradual increase to the minimum wage and providing 3-5 earned sick days a year. That’s good for Flagstaff and good for Arizona.

Join me in supporting our hard working Arizona families by voting for this vital Initiative. You’ll help our families and the entire state. Vote Yes on November 8th.

Eva Putzova, Flagstaff City Councilmember, Flagstaff

Home Care CEO Touts Healthy Wages for Healthy Workers

I am the founder, owner and CEO of Catalina In-Home Services and I support the Healthy Families Initiative because it’s good for business.

Having run my business for more than 35 years, I know how expensive and time-consuming it is to replace employees and train new ones. The Healthy Families Initiative will help businesses like mine to save time and money by improving staff retention and job performance.

From Day One in my business, I’ve paid above minimum wage to the entry-level direct care workers I employ. One of my longest-term goals has been to set professional standards for this work – and one cannot generate a professional approach to the work when paying workers the current minimum wage allowed by law. Daily, I see the impact low wages have on my employees’ lives when they work two or three jobs, struggling with the stress that comes with putting food on the table, raising children, and paying the rent.

When employees come to work rested and less stressed, they deliver better care, better customer service, and increased loyalty, which allows our company to grow. For dedicating their time, energy, empathy, and compassion to our clients, employees deserve higher wages, and the opportunity to be paid for sick days.

This initiative empowers my employees with the fairness of their compensation, and their increased capacity to raise healthy families. It also helps to level the playing field for all businesses like mine.

I support the Healthy Families Initiative. It assures that thousands of other businesses provide their employees what they deserve to earn. Hardworking women and men deserve no less than a living wage in the U.S.A.

Judy Clinco
Founder and CEO of Catalina In-Home Services, Inc.,
Tucson

Judy Clinco, Tucson

Sponsored by “Arizonans for Fair Wages and Healthy Families”

Spelling, grammar and punctuation were reproduced as submitted in the “for” and “against” arguments.

Working Women Will Benefit Greatly From Prop. 206

The Arizona Healthy Working Families Initiative is vital in uplifting Arizona’s hard working families so that they may become economically stable, while not having to sacrifice their health. Families and individuals should not be forced to choose between going to work sick or missing out on a day’s worth of pay. Prop. 206 will gradually raise the minimum wage to \$12 an hour while providing employees up to 3 or 5 days of earned sick leave.

The initiative will directly benefit over a million Arizonans, while also helping boost our economy. Among those most deeply affected by the Healthy Working Families Initiative are women, making up 70% of those who directly benefit from the initiative. Passing Prop. 206 will be one of many steps in establishing economic equality and stability for women across the state.

Prop. 206 goes beyond helping families succeed, but also empowers small businesses by helping them grow their customer base. As those million-plus Arizonans gain access to higher wages, they will in turn spend those dollars across the state economy driving up demand and customers for small businesses. Businesses will not lose money, but instead witness higher earnings and demand for their goods and services.

Please join me in voting yes on Prop. 206.

Steve Gallardo
Maricopa County Supervisor, District 5

Steve Gallardo, Phoenix
Sponsored by “Arizonans for Fair Wages and Healthy Families”

Student Rallies for Wage Increase, Sick Day Relief

Growing up with parents who struggled to provide for our family has motivated me to work hard and build a better life for myself through education. I am looking forward to one day completing my college degree, becoming a productive member of society and helping others achieve their goals. But getting there has not been easy. As a full-time student living on my own, I have to find ways to pay for food and rent in between classes while carrying the worries of paying off my student loan debt into the future.

The truth of the matter is that the current minimum wage just isn’t enough to meet basic standards of living for Arizonans like me. Not having the option to earn sick days as I work and go to school also makes life challenging knowing that an emergency or health setback could suddenly diminish my ability to support myself on any given day. It could mean the loss of much-needed funds to pay for food, school, and bills; or even worse – losing my job altogether.

This is why I’m supporting the Healthy Families initiative to raise the minimum wage in Arizona to \$12 by 2020 and guarantee earned sick days to all workers across the state. It will make a real difference to me and others who are working hard to improve our standard of living and lead healthy lives.

James Myers
College Student
Avondale, AZ

James Myers, Avondale
Sponsored by “Arizonans for Fair Wages and Healthy Families”

Healthy Working Families Initiative is Good for My Small Business

As the founder and owner of Nunez and Associates, I know the value that employees bring to my business, and the importance of having a healthy economy. By paying fair wages and providing good benefits, I spend less time and resources filling vacancies and training new employees, and my current staff members are more willing to commit to the quality of my business.

By implementing a gradual increase to the minimum wage of \$12 by 2020, the Healthy Working Families Initiative puts more money into people’s pockets allowing for them to spend those dollars back into our economy. With over a million Arizonans benefiting from Prop. 206, businesses will experience an increase in their customer base. People will be more likely to walk through the doors of local and small businesses willing and able to purchase their goods and services.

I urge you to join me and vote yes on Prop. 206, because it's good for business.

Josh Nunez
Owner, Nunez and Associates
Phoenix

Josh Nunez, Phoenix

Sponsored by "Arizonans for Fair Wages and Healthy Families"

Prop. 206 Will Help Working Families and Bring Economic Justice

I have spent my adult life working for economic justice for working families, as part of America's labor movement and currently as executive director of Central Arizonans for a Sustainable Economy.

Central Arizonans for a Sustainable Economy is a movement of young people and working families committed to achieving economic, social and immigrants' justice in Arizona. In our work we see too many families unable to make ends meet because of low wage levels and lack of basic benefits like earned sick leave. In fact, 45% of Arizonans do not have the ability to earn sick days that they can use to care for a sick child or family member.

The Healthy Working Families Initiative will allow employees to earn up to five days of sick pay each year, keeping sick children out of school and protecting public health. The initiative will also gradually increase the minimum wage to \$12 by 2020, putting more dollars in the pockets of working families and circulating those dollars through our local economy.

While our Arizona economy has finally recovered from the bottom of the Great Recession, we still see that most of those benefits have gone to the top 1% and too little has gone to ordinary working families. Prop. 206 is a first step to rectify that imbalance and make sure regular working Arizonans are benefiting from our state's growing economy. Please vote YES.

Brendan Walsh, Executive Director
Central Arizonans for a Sustainable Economy
Phoenix

Brendan Walsh, Phoenix

Sponsored by "Arizonans for Fair Wages and Healthy Families"

PAFCO Urges YES Vote For Healthy Working Families Initiative

At Protecting Arizona's Family Coalition (PAFCO) we spend every day working toward a just and thriving Arizona where all people are valued equally and living to their potential. We believe that raising the state minimum wage and ensuring that all workers have the ability to earn time off brings us closer to realizing that vision.

A majority of minimum wage workers have families - and more and more of those families are struggling to put food on their tables and make ends meet. Furthermore, very few minimum wage positions offer the opportunity to earn time off. These circumstances make it almost impossible for many parents to stay home with a sick child or another family member.

Proposition 206 directly addresses these concerns by guaranteeing the opportunity to earn up to 5 sick days per year and raising the minimum wage to \$10 per hour in 2017 and gradually to \$12 by 2020.

This measure will strengthen families, restore the dignity of work and fuel growth for employers by increasing retention and reducing turnover.

For stronger communities and healthier families, vote "Yes" on Proposition 206.

Samuel Richard, Executive Director
Protecting Arizona's Families Coalition

Samuel Richard, Phoenix

Sponsored by "Protecting Arizona's Families Coalition"

Protecting Working Families

Representing some of Arizona’s hardest working families as a Tucson City Council member, I am entrusted to make thoughtful policy choices that best represent the values and ideals of our residents. Prop. 206 fits that bill.

Join me in supporting the Arizona Healthy Working Families initiative to raise the minimum wage across the state and provide Arizona workers with the opportunity to earn sick day relief. This important initiative is vital in helping hardworking Arizonans build stronger foundations for their families and communities and in boosting our local economy as workers earn more dollars to spend.

More than one million Arizonans will be affected by this initiative – 70 percent of them women. No one should have to choose between a paycheck and their health, and working moms should feel secure staying at home caring for a sick child or parent without worrying about losing their job or sacrificing their rent.

Guaranteeing Arizona residents a modest number of earned sick days and incrementally raising the minimum wage to \$12 an hour by 2020 are reasonable steps to keep Arizonans on pace with the changing economic times.

Working families across our state deserve to be protected as much as the businesses they help to grow. Let’s grow Arizona together by voting yes on Prop. 206.

Regina Romero
Tucson City Council Member, Ward 1

Regina Romero, Tucson
Sponsored by “Arizonans for Fair Wages and Healthy Families”

Our High School Students Will Benefit From Healthy Working Families Initiative

As a high school governing board member, securing the education and well-being of our students is my highest priority. Often times, situations at home interfere with our students’ ability to learn and make the best of their education. Too often our students become ill, thus forcing siblings to stay home to care for their brothers and sisters. Even more troubling are the students coming to school hungry because their families cannot make ends meet; even when their parents are working two or three jobs.

The Healthy Working Families initiative will strengthen families and our youth by gradually increasing the minimum wage to \$12 by 2020 and allowing employees to earn 3-5 sick days per year. Our students won’t be forced to attend school sick, or miss school days to attend to their siblings, as their parents will be allowed to take the day off from work without setting them back financially.

Students will be better prepared and teachers able to focus on education, rather than worrying about sick or absent students. Voting YES on Prop. 206 is a vote for our students, families, and economy.

Ian Danley, Governing Board Member
Phoenix Union High School District

Ian Danley, Phoenix
Sponsored by “Arizonans for Fair Wages and Healthy Families”

Keep Our Children Healthy by Supporting Prop. 206

Arizona has always been my home and my first love. I grew up here and was educated through its public school system, graduated from the University of Arizona and received my masters from Arizona State University, taught and served in its school system, raised a family, and now proudly serve as a state representative and President of the Phoenix Union High School Board. In all those roles, I have always supported families earning the opportunity to get an education so that they can achieve more.

Raising the minimum wage to \$12/hour by 2020 and providing earned paid sick days will strengthen our families by allowing them to pursue and advance in strong educational opportunities without having to worry about whether or not they will have food on the table. Mothers will be able to buy their kindergartener a new backpack and will also have more money saved for her college fund. This, in turn, will create a new generation of educated, capable workers for businesses within our state which will foster more economic growth. In addition, when we allow breadwinners to earn up to five paid sick days they are able to stay home with their sick child or relative, strengthening our public health.

I hope you will join me in supporting the Arizona Healthy Working Families Initiative to help improve our educational opportunities and to create a safe, healthy Arizona.

Lela Alston
State Representative and School Board President
1700 W Washington Phoenix, AZ 85007

Lela Alston, Phoenix

Sponsored by “Arizonans for Fair Wages and Healthy Families”

Restaurant Worker Serves Up Support for Wage Raise

As the sole breadwinner for my family, my part-time job at a fast-food restaurant just barely covers the basics – even when I pick up extra shifts.

An increase in the minimum wage to \$12 dollars an hour and having access to earned sick days would be a tremendous help to me and my family. I would be able to take care of myself when I get sick and have at least one day to go to the doctor without worrying about losing a paycheck if I miss a day.

Often times I have to choose between buying groceries and sending my daughter to school on the bus. Having my daughter in school is very important to me. I don’t want her to have to end up working a minimum wage job like I am.

I feel badly that I don’t make enough money to be able to take care of my family and sometimes it seems like there are not enough hours in the day to even work.

This is why I am urging others to join me in voting yes on the Healthy Working Families Initiative – to help other families like mine build stronger foundations and move farther away from the poverty line.

Kathy Ortega,
Fast Food Crew Trainer
Tucson

Kathy Ortega, Tucson

Sponsored by “Arizonans for Fair Wages and Healthy Families”

All, Not Just Some, Retail Workers Deserve Better Wages and Ability to Earn Sick Days

The United Food and Commercial Workers Local 99 represents thousands of retail employees throughout Arizona, working with company owners to increase productivity through better working conditions and training.

One thing we all agree on is that good wages and basic benefits like earned sick days reduce employee turnover, increase employee commitment, and make for a healthier workplace.

The companies we work with understand this, paying a living wage and providing benefits like earned sick days. But many other companies, including convenience store chains and mini-marts, take a different tack, paying employees at or just above the minimum wage and docking paychecks if employees are sick or need to care for an ill family member.

The Healthy Working Families Initiative will help level the playing field by gradually raising the minimum wage to \$12 an hour by 2020 and allowing employees to earn up to five days of sick time a year to care for ill family members.

Give Arizona’s economy a boost by voting YES on Prop. 206. It will create healthier, happier employees and put millions of dollars into our local economy.

Martín Hernandez
United Food and Commercial Workers Local 99
2401 N. Central Avenue
Phoenix, AZ 85004

Martín Hernandez, Phoenix

Sponsored by “Arizonans for Fair Wages and Healthy Families”

Help Families Achieve the American Dream

My family story begins with my mother coming to the United States as a refugee in order to create a safer life for my siblings and me. She would quickly discover just how difficult that can be not only for immigrants, but for almost everyone not making a living wage. My mom is proud to be working at multiple minimum-wage jobs to provide for our family. But she and many other hard working families struggle to achieve their American Dream because they are always falling behind.

The Healthy Working Families Initiative allows for my family and thousands of others here in Arizona to actually have a platform for which to start off on. By gradually increasing the minimum wage to \$12 by 2020, and providing earned sick days to employees, families can catch up on their bills, not have to make the difficult decision of buying groceries for the week, or paying rent.

I urge you to give our families the opportunity to attain their American Dream, and vote yes on Prop. 206.

Deqa Mohamed
Phoenix Student

Deqa Mohamed, Phoenix

Sponsored by “Arizonans for Fair Wages and Healthy Families”

Arizona’s economy has not rebounded fully from the 2008 recession and there is no better stimulus to get us back on track than a healthy increase in the minimum wage.

The Fair Wages and Healthy Families Act will raise the minimum wage in Arizona to \$10 an hour in 2017 and in steps to \$12 an hour in 2020. This will lift current minimum wage earners out of the rut they now are in, earning a paltry \$8.05 an hour.

At the higher, fairer wage levels working families can better afford to pay rents, buy groceries and clothes, and take care of their basic health needs. By so doing, they will be pumping additional money into our struggling economy, and we all will benefit.

The Fair Wages and Healthy Families Act also require employers to provide their workers with a reasonable amount of paid sick leave each year. Those toiling in medium and large businesses and industries will receive 40 hours of paid sick leave per year while workers in small operations will have 24 hours of paid sick leave each year.

The paid sick leave provisions are important for workers’ families to survive bouts of illness or debilitating injuries without suffering additional financial consequences. It also will encourage workers who are ill to stay at home and not jeopardize the health of others in their workplaces.

The Fair Wages and Healthy Families Act is an excellent economic stimulus for all Arizonans and lifts the hard-working folks at the bottom of our economy up to where they can provide for their families’ needs with less reliance on public assistance.

I’m voting YES for the Fair Wages and Healthy Families Act and I urge all my fellow Arizonans to do the same.

Richard Elías
Pima County District 5 Supervisor

Richard Elías, Tucson

Sponsored by “Elías For Supervisor”

All Mother Deserve to Provide for their Children

As a single mother of two children, our economic security relies solely on me. Being a minimum wage worker earning \$8.05 an hour is not enough to provide for my children, even for myself. I work hard to provide for my family, and when unexpected expenditures occur, I am forced to make the difficult decisions that can set my us back.

Being a mother of 2 young children comes with its own demands and responsibilities. A sick child could become a severe situation for our household as I am forced to decide whether to send my sick child to school or call in from work, losing on a day’s worth of pay.

Families like mine deserve the opportunity to become economically stable. A gradual raise to the minimum wage of \$12 by 2020 and providing employees with 3 to 5 earned sick days will be that opportunity Arizona’s families need.

The Healthy Working Families Initiative allows for families to attend to their sick loved ones and provide for them financially. Our families deserve to be healthier and have the opportunity to contribute to the state's economy.

I look forward in providing for my family and giving my children the opportunity that they deserve. I urge you to vote Yes on Prop. 206.

Carmen Morales, Phoenix and Tomas Robles, Phoenix

Sponsored by "Arizonans for Fair Wages and Healthy Families"

Earned Sick Leave Will Help 45 Percent of Arizona Families - Vote Yes!

As the U.S. Representative for Arizona's Third Congressional District, I serve constituents all the way from Yuma to Tucson to the west side of Phoenix. I am fully aware of the economic struggles our Arizona families face every day.

As the son of a migrant farmworker, my family and I experienced economic hardships brought about by him working low-wage physically demanding jobs with few benefits. If he got sick or injured and couldn't work, he didn't get paid. That reality still exists for 45 percent of Arizona workers today who don't have the ability to earn paid sick days.

It saddens me that today, we continue to see this occur to families across the state and that is why I strongly support a gradual increase in our state's minimum wage, and the provision of earned sick days so breadwinners can take a few days off to care for ill children or family members. Families deserve to earn a living wage while not having to sacrifice their health in the process. A gradual increase of the minimum wage to \$12 by 2020 and providing 3 to 5 earned sick days is what our families need – and deserve.

Prop. 206 won't only benefit our low-wage laborers, but it will help local small businesses as well, who will see more dollars circulating in our communities. I am proud to support the Healthy Working Families Initiative because it's good for business and the families of Arizona.

U.S. Rep. Raul Grijalva
AZ District 3
Tucson

Raul Grijalva, Tucson

Sponsored by "Arizonans for Fair Wages and Healthy Families"

Planned Parenthood Arizona Supports Healthy Working Families Initiative

For nearly a century, Planned Parenthood Arizona has stood for strong, healthy families and the empowerment of women. Our clinics support women, men and young people with sexual and reproductive health care, medically accurate education and prevention of sexually transmitted infections and diseases. Planned Parenthood recognizes that women won't have full economic equality and empowerment until reproductive justice is a reality for all people.

Increasing Arizona's minimum wage to \$12/hour by 2020 and providing earned paid sick leave is a positive benefit to public health. Paid sick leave will also allow for parents to stay home with their children or family members when they're sick, without having to worry about losing their job or walking away with a low paycheck. Without paid sick leave, workers are more likely to show up to work ill, contributing to 20% of all food related illnesses.

The Arizona Healthy Working Families Initiative will give minimum wage earners, most of whom are women, a much needed boost in incomes and health care options. Creating a healthy state will create a stable, reliable work force – good for both businesses and workers.

We hope you will join us in supporting Prop. 206, the Fair Wages & Healthy Families Act, to create a strong, robust Arizona in which all families can get ahead.

Kelley Dupps
Planned Parenthood Arizona

Kelley Dupps, Phoenix

Sponsored by "Arizonans for Fair Wages and Healthy Families"

Healthy Working Families Initiative Is Supported by Small Businesses in West Phoenix

As your Arizona State Senator, and lifelong resident of the west valley, I work closely with our local small business community to strengthen the Arizona economy. What I hear from many local small business owners who want to pay a living wage and provide benefits to their employees is that they can't compete with national chain businesses that are barely paying minimum wage and providing few, if any, benefits.

My community deserves better and the Healthy Working Families Initiative will level the playing field, gradually raising the minimum wage to \$12 an hour by 2020 and allowing employees to earn 3-5 days of sick pay per year. Business owners I talk to say raising wages across the board and providing earned sick days will reduce employee turnover, create a more stable workforce, and put more money into the pockets of consumers who will spend those dollars locally and allow those small businesses to thrive.

Of course, the initiative will also be a great help to working families and individuals who experience economic struggles on an everyday basis. Hard-working families who put in an honest day's work deserve a living wage that is enough to put food on the table for their families and the opportunity to earn paid sick days so they don't have to choose between the health of their family and their job.

Join west Phoenix community leaders and small businesses in supporting Prop. 206 to help our economy and strengthen Arizona families.

Senator Martín J. Quezada
Legislative District #29
Maryvale, Glendale

Martín Quezada, Phoenix
Sponsored by "Arizonans for Fair Wages and Healthy Families"

Healthy Families Initiative Supported by U.S. Marine Corps Combat Veteran

As a U.S. Marine Corps combat veteran, I have proudly served my country through three deployments to Iraq, defending and promoting the American way of life. Like many veterans, I found myself in perhaps the fiercest battle at home, where finding a job and integrating to civilian life once again was a struggle. I managed to find work, often low wage jobs or positions that I was overqualified for. I was fortunate enough to eventually be employed where my skills and education compensated me well. Unfortunately, many of my fellow veterans are stuck in a cycle of low paying jobs, fighting PTSD, homelessness, and tragically, suicide.

Veterans face the same struggles that other low-wage families face everyday. Having to work multiple jobs, getting fired or docked for missing work due to illness, unable to seek the treatment they need for fear of losing their job, being unable to stay home to care for a sick child or loved one. Gradually increasing the state's minimum wage to \$12 by 2020 and providing 3-5 earned sick days would have a wonderfully positive impact in the lives of many Arizona veterans.

Help us give over a million Arizonans the ability to pursue their American dream that I fought to defend and give our veterans the ability to make the best of the American Dream that they fought for. Vote YES on Prop 206.

Luis G Cardenas Camacho
US Marine Corps Combat Veteran
Goodyear

Luis Cardenas, Goodyear
Sponsored by "Arizonans for Fair Wages and Healthy Families"

The Construction Industry Benefits From Prop. 206

As the proud owner of Moe's Concrete Construction, I strongly support the Healthy Working Families Initiative. I know just how important a healthy economy is for the construction industry. The economic recession that followed 2008 demonstrated this as our industry took a massive hit. Construction companies across the state shut their doors as home owners, entrepreneurs, and businesses stopped seeking the construction of new homes, retail, and office space.

In an economy where no one is willing to spend money, small business and their employees all struggle. The gradual increase to the minimum wage of \$12 by 2020 and providing full time employees with 3 to 5 earned sick days is exactly what our employees and our small businesses need.

Prop. 206 encourages, and allows our workforce to spend their earned dollars right back into our economy facilitating business growth across the state. As businesses grow and our younger workforce seek to purchase their first home, the construction industry and my company flourish.

The Healthy Working Families Initiative is what our economy needs. I urge you to vote YES on Prop. 206.

Moe Romero
Owner, Moe's Concrete Construction
Phoenix

Moe Romero, Phoenix

Sponsored by "Arizonans for Fair Wages and Healthy Families"

Student Support for Higher Minimum Wage

As a university student, I have been very fortunate to receive support from my family while taking on jobs as a lifeguard and a part time server. But I have also witnessed countless peers and co-workers who have not been so fortunate. The experience of working as and with low wage workers has allowed me to truly see the many faces and lives that will be fundamentally changed by having both a minimum wage increase to \$12 by 2020 and earned paid sick time.

The current minimum wage of \$8.05 an hour is one that has forced my less fortunate peers and co-workers to choose between investing in an education with the promise of crushing debt, or working a full time low wage job to provide for themselves and their families with little hope of building a savings. Without the guarantee of earned paid sick time, some of my past co-workers have had choose between missing a paycheck and caring for themselves or a loved one.

For me, passing this proposition would mean knowing my friends, peers, neighbors and co-workers all have the means to begin to better themselves and their families. It's knowing that nobody, regardless of their background, will have to choose between eating and taking sick time. This proposition is good for Arizona not only because it will improve the quality of life for over 1 million Arizonans but also because it demonstrates that we as a state are willing to set a higher standard and declare that everyone deserves to live with dignity.

Simon Brick
University Student
Tucson

Simon Brick, Tucson

Sponsored by "Arizonans for Fair Wages and Healthy Families"

Healthy Families Initiative is Next Step in Improving Lives of AZ Children

I've been a pediatrician in Tucson for over 30 years, specializing in working with adolescents and children with chronic illnesses. I've also been a strong advocate for Arizona children, working to improve the state's health care system by expanding AHCCCS and reinstating KidsCare and on efforts to reduce smoking, particularly among teens.

Today many people would say chronic poverty among low-wage workers may be our biggest threat to public health. Single moms work 2 or 3 minimum wage jobs in order to make ends meet. Children go to school sick because their parents or caretakers don't have paid sick days and can't afford to miss a day of work.

This year, we can change that picture. Gradually raising the minimum wage to \$12/hour will create more opportunities for nearly 800,000 Arizonans. Because most of these workers are primary breadwinners, these families, many of whom include children, will get a major boost. And earned sick days mean public health gets protected because parents can stay home to care for sick children or other relatives.

The state gains because low-wage workers will have more money to spend, increasing economic activity and the overall number of jobs. Increasing the minimum wage will also save taxpayer dollars, as fewer families need to rely on public assistance programs.

It's been 10 years since we've had a significant increase in the minimum wage. Since then we've seen the top 1% do very well, while the middle class has languished. Now it's time for common-sense increases in wage levels and benefits. It's good for our children, good for our economy, and will help to correct our growing income inequality.

Dr. Eve Shapiro, Pediatrician
Tucson

Eve Shapiro, Tucson

Sponsored by "Arizonans for Fair Wages and Healthy Families"

Arizona's Working Families Will Benefit From Healthy Families Initiative

I began my career as an educator and am now privileged to serve as a state legislator in the South Mountain and Laveen areas of Phoenix. I see too many families struggling every day with poverty, working two or three minimum wage jobs just to make ends meet. That leads to cascading crises, where parents have to choose between sending sick children to school, asking older children to stay home to care for their ill siblings, or missing work which leads to smaller paychecks or getting fired.

Almost half of all Arizonans currently in the workforce do NOT have the opportunity to earn sick days they can use to care for a sick child or other family member. Almost one million Arizonans earn at or just barely above the current minimum wage of \$8.05/hour and would be the first to benefit from an increase to \$10 next year.

Prop. 206 can make all the difference in the world to those hundreds of thousands of Arizonans living on the edge of poverty despite working at one, two or even three jobs. It's what our children and families need. We want our families to be able to provide for their children, so that they can attain a high quality education. This is bigger than raising the minimum wage and providing earned sick days, it is an investment in working families, our children and our future.

State Rep. Reginald Bolding Jr.
South Phoenix and Laveen
Laveen, AZ 85339

Reginald Bolding Jr., Phoenix

Sponsored by "Arizonans for Fair Wages and Healthy Families"

Arizona Advocacy Network Supports Healthy Working Family Initiative

If you believe that anyone who works hard full-time should not have to live in poverty, then you should vote "YES" on Proposition 206. Did you know that right now many Arizonans working for minimum wage make less than \$330 a week (that's less than \$17,000 a year)? Minimum wage workers cannot easily support a family or live independently on this kind of income. Furthermore, many Arizonans receive zero earned sick days. When workers are forced to go to work sick or send their kids to school sick, because they could lose their jobs for staying home, it puts us all at risk.

This November, voters have the opportunity to improve the lives of over one million Arizonans by voting "YES" on Proposition 206. Proposition 206 gradually raises the minimum wage over the next few years and allows workers to earn paid sick days. Proposition 206 is a critical step in empowering Arizona's families to lead more financially stable and enriched lives.

Proposition 206 has far-reaching benefits. Research shows that raising the minimum wage gradually is good for the economy. When low-wage earners have more income, they spend it, which boosts the economy. Proposition 206 will increase economic activity and grow the middle class.

At Arizona Advocacy Network we work hard to promote and protect the political rights of all Arizonans. Civic engagement requires the capacity to be involved, and that is why we are proud to support Proposition 206. This citizen-led initiative reflects American values that benefit all of us and our economy. Please use your political power as an Arizona voter to invigorate our communities by voting "YES" on Prop. 206.

Samantha Pstross
Executive Director of the Arizona Advocacy Network

Samantha Pstross, Tempe

Sponsored by "Arizona Advocacy Network"

Healthy Working Families Initiative Strengthens Our Economy

I have run International Printing, a small local family owned print shop in downtown Phoenix, for 19 years. As any small business has, we have experienced highs and lows and ups and downs. The recession was hard for everybody, and our rapidly changing technological world makes it hard for small businesses to stay ahead of the curve to ensure they remain competitive for their customers.

Through all of this, what has kept us alive and thriving is knowing that people are our most important resource. We rely on our passionate and committed team to come to work every day wanting to deliver excellence for our customers, and so we invest in them.

The Healthy Working Families Initiative would increase minimum wages and provide earned sick days for workers. I can tell you personally that workers making a living wage with the flexibility to care for themselves or their family when they need to make stronger businesses. This is not only the right thing to do for Arizona families, but it's good for business too.

Small businesses are the backbone of our economy, and so I support anything that makes things better for them. This is why I am supporting the Healthy Working Families Initiative. I hope you will join me.

Chad Weeks

General Partner, International Printing Company

Chad Weeks, Phoenix and Tomas Robles, Phoenix

Sponsored by "Arizonans for Fair Wages and Healthy Families"

Prop. 206 Makes Sense for Working Women

During my first term on the Phoenix City Council, I've made it a special point to focus on issues that affect women, particularly that of pay equity.

We've all heard the statistic that women earn about 78% of men, on average. We also know that in Arizona, a majority of those working at minimum wage or barely above are women. While some stereotype low-wage workers as teenagers on summer vacation, the reality is that many low-wage workers are women with children, and their minimum wage salary is what puts food on the table for their families.

We could also go a long way in making other workplace policies more family friendly. 45 percent of all Arizonans don't have access to earned sick days. When a child is sick, or an elderly relative needs to get to a doctor's appointment, it's often working women who must take a day off without pay to care for her relatives.

We can begin to change this on November 8 by voting YES on Prop 206. Prop 206 will allow employees to earn 3-5 sick days per year, so working moms don't have to choose between caring for a sick child or losing a day's pay.

The initiative also allows those earned sick days to be used by survivors of domestic violence for activities related to their abuse, for example attending a court hearing, meeting a counselor, or filling out police reports.

For years we've talked about making the workplace fair for working women, but we haven't done a lot about it. We have a chance to do something on November 8: Vote YES on Prop 206.

Kate Gallego

Phoenix Vice Mayor

Kate Gallego, Phoenix

Sponsored by "Arizonans for Fair Wages and Healthy Families"

Congressman Gallego Says “Vote Yes” on Healthy Families Initiative

Many of my constituents in Arizona’s Seventh Congressional District continue to struggle with chronic poverty due to the simple fact that many of them cannot make ends meet. Family breadwinners are stuck in low-wage jobs with minimal benefits, and they are forced to take unpaid time off when their children get sick or they fall ill themselves.

The Healthy Working Families Initiative will gradually raise the state’s minimum wage to \$12/hour by 2020 and allow employees to earn 3-5 days of sick pay per year. This will directly benefit families who often face economic hardships working low wage jobs and being forced to chose between going into work sick or missing out on a day’s worth of pay. Families will be able to rise above the bare minimum and get ahead while businesses will have a healthier and more committed workforce.

I hope you join me in voting Yes for the Healthy Families Initiative in order to strengthen our communities and encourage a prosperous economy.

Rep. Ruben Gallego
Congressman, AZ District 7

Congressman Ruben Gallego, Phoenix
Sponsored by “Arizonans for Fair Wages and Healthy Families”

Middle Class Will Benefit From Higher Wages and Earned Sick Pay

Bringing additional jobs into Arizona is something that everyone can agree is vital to our economy. But if we are creating jobs that do not provide sustainable means to live and provide for one’s family, then these jobs are useless. The American Federation of State, County and Municipal Employees is made up of middle-class Arizonans who understand that we can’t grow our economy on the basis of minimum wage jobs.

Under the current minimum wage of \$8.05 an hour, a single parent working 40 hours a week will only earn \$17,000 a year to support their family. These meager earnings barely allow citizens to pay their bills, let alone put food on the table. We have almost 800,000 Arizonans earning at or barely above the current minimum wage. That is not a path to the middle class.

And almost 45 percent of Arizonans are unable to earn paid sick days to care for an ill child or family member! That means a huge chunk of the middle class has to choose between missing a paycheck or protecting their own health or the health of their family if they get sick.

The Arizona Healthy Working Families Initiative will make a real, sustainable difference in the lives of our middle-class Arizona families and our communities. With a gradual increase in the minimum wage to \$12/hour by 2020, our hard working individuals and families will earn the living wages they desperately deserve.

And with more money to spend, more money will be circulated in our state economy, allowing not only our families - but our entire state - to thrive. Join us as we vote yes on Prop 206 to support our middle-class Arizona families, and allow our state economy to thrive.

Marshall Pimentel
AFSCME Local 2384
Phoenix

Marshall Pimentel, Phoenix
Sponsored by “Arizonans for Fair Wages and Healthy Families”

Wage Increase helps our Children

I started my career working with at-risk youth at South Mountain Community College, and now serve on the Phoenix City Council and the Phoenix Union High School District Board. I understand that our children are a product of our overall economic environment. If we want our students to succeed, we must focus on strengthening our economy to create that environment for success.

Unfortunately, parents who earn the current minimum wage barely make enough to provide nutritious food to their family, leaving many children to go to school hungry and without the fuel that they need to learn and grow. Often times, parents can't even afford to take time off of work to care for a sick child, instead sending them to school unwell - which poses a health risk to everyone else.

Developing a sustainable solution to improve the health and well-being of our community is vital. That is why the Healthy Working Families Initiative has my full support. More than 1 million working individuals in Arizona will reap the benefits of earned sick days and an increase in minimum wage, allowing them to care for what matters most: Their individual health and the well-being of their family. As our Arizona families thrive, our communities and economy will too.

Vote for a sustainable solution to allow our state, employees and children to thrive and vote YES on the Arizona Healthy Families Initiative.

Laura Pastor
Phoenix Councilwoman, District 4

Laura Pastor, Phoenix

Sponsored by "Arizonans for Fair Wages and Healthy Families"

Faith Across Arizona Come Together to Support Prop. 206

Arizona Faith Network is an interfaith organization made up of partners from Christian Denominations, Jewish, Muslim, Unitarian universalist and other faith traditions and organizations. We devote our mission to bringing together people of faith, under the inspiration of God, as a bridge to understanding and action. Many faith traditions lift up the inherent worth of all God's people. Work contributes to the dignity and worth of a person. Furthermore, workers rely on the fruits of their labor to provide the materials needed for daily life. It is well known that the current minimum wage leaves many families in poverty and hardworking people in our synagogues, mosques and churches are struggling to survive. We support the Arizonans for Fair Wages and Healthy Families Initiative because as people of different faiths, we believe that it is our moral obligation to ensure all individuals who work to support their families are guaranteed wages that allow them to put healthy food on the table, a roof over their heads and prepare for their children's future. When millions of workers labor day-in and day-out and still can't afford basic necessities, it is our obligation as people of faith to purpose change that allows all families to thrive. No matter what job is held, all jobs should provide the means for a decent living. We believe that this initiative will help ensure that workers will be paid fairly and that their dignity is upheld while creating sustainable jobs that will help all to live healthy lives.

Rev. Erin Tamayo
Executive Director, Arizona Faith Network

Erin Tamayo, Phoenix

Sponsored by "Arizonans for Fair Wages and Healthy Families"

Employees will be Healthier, Happier and Financially Stable

I support the Healthy Working Families initiative because it is what I believe is right and just for not only my employees, but all low wage workers. As owner of La 15 Y Salsa's, I have demonstrated that by paying my workers a justifiable wage above the minimum wage and/or provide earned sick days, my employees are healthier, happier and are able to become financially stable.

I have been in business for 3 years and have experience first-hand that by paying my employees a living wage, the costs of turnover and training new employees significantly dropped. My employees are highly motivated and enjoy working for my business.

I can vouch for the initiative in that it does not harm small businesses, but increases their customer base by allowing for more people to have the ability to spend more dollars into the economy. My employees have been empowered by the wages and sick days we offer. They are able to go out and spend enjoy dinner nights at restaurants, shop at boutiques, and catch a movie far more often than workers who

Elizabeth Hernandez
Owner of La 15 y Salsas

Elizabeth Hernandez, Phoenix
Sponsored by "Arizonans for Fair Wages and Healthy Families"

Healthy Working Families Initiative is Good For Small Business

I support the Healthy Working Families Initiative because I believe it is right and just for our communities. I believe that increasing the minimum wage will have a positive internal impact for working families and their children and an external impact to those communities in which these families reside.

As the owner of JJ Group Enterprise, I would also see a direct impact on my small business customers by the fact that the families will have more disposable income to purchase from their businesses. I have also seen first hand the positive impact of paying my employees livable wages in my business.

Jorge Garcia
Owner of JJ Group Enterprise

Jorge Garcia, Phoenix
Sponsored by "Arizonans for Fair Wages and Healthy Families"

Prop. 206 Empowers Our Families in Need of Support

Our families need support. As a representative I understand that many of our communities are often faced with difficult decisions regarding the health and welfare of their families. I see hard working Arizonans face the difficulty of balancing both as a result of their inability to concentrate on issues that do not involve their place of employment or their obligations to their job. These workers will experience a sick child, personal illness or other family emergencies that require their attention but cannot leave work out of the fear of being terminated. I see the worker, who works tirelessly in an effort to provide a living for both themselves and their families. Though an Arizonan works full-time, they still do not have the means to at times, afford even the most basic of needs

This is why I fully support the Arizona Fair Wages and Healthy Families campaign to raise the minimum wage and provide earned sick days for every worker in the state of Arizona. I feel it is time to support our working families and publicly endorse this campaign as a way to do just that. I submit to you my letter endorsing the Arizona Healthy Families campaign, as we strive to provide a better Arizona for all our residents.

Diego Espinoza
Arizona State Representative, LD 19

Diego Espinoza, Phoenix
Sponsored by "Arizonans for Fair Wages and Healthy Families"

ARGUMENTS “AGAINST” PROPOSITION 206

VOTE NO ON NEW JOB CREATOR MANDATES

The Arizona Chamber of Commerce and Industry urges you to vote no on new mandates on job creators. If passed, the very people the proposition’s out-of-state labor union supporters claim to want to help will be the most harmed. The poor, young people and those with few skills who would benefit most from an entry-level job will find themselves shut out of the job market as employers will have fewer dollars to devote to new hires.

This proposition would dramatically raise the minimum wage by nearly 50 percent, impose new mandates on employers for employee leave, and would allow cities to form their own wage ordinances.

Business faced with the extreme hike in costs and new workplace mandates will be left with bad options. Employers could cut lay off employees, raise prices, institute hiring freezes, invest in automation that will make employees unnecessary, or even close up shop. These new costs will particularly difficult for small businesses to absorb.

For those on the outside of the job market looking in, like teenagers, the news is even worse. Each 10 percent hike in the minimum wage causes a 1-2 percent drop in youth employment. Proving that the minimum wage destroys opportunity, teenage unemployment is a whopping 16 percent right now. Higher minimum wages make teens’ ability to break into the job market even more difficult.

Arizona already has a minimum wage higher than the federal mandate that is adjusted annually for the cost of living. This proposed dramatic mandated wage spike would only worsen our rotten labor participation rate that currently sits at a level not seen since the 1970s.

This proposition is bad for job creators and job seekers. We urge you to vote no.

Glenn Hamer
President and CEO

Dennis Dahlen
Chairman

Glenn Hamer, Phoenix and Dennis Dahlen, Phoenix
Sponsored by “Arizona Chamber of Commerce and Industry”

The Arizona Farm Bureau opposes The Fair Wages and Healthy Families Act (I-24-2016)

Economists have legitimate disagreements as to both the positive and negative impacts of minimum wage increases. Predicting outcomes on any new proposal is just that - a guessing game. Where does it wash between those who are better off with more income and those with job losses because of the increase? Anyone who says they know, in advance, don’t know. There are simply too many variables and too many unknowns. It is clear from economic literature that small and measured minimum wage increases tied to inflation, more correctly move with market principles and cause less economic distortions. Arizona has in place a system indexed to inflation. Combining this approach with earned tax credits for those struggling to earn a living wage, in a studied manner seems more reasonable - not perfect, but more reasonable. An initiative that simply throws numbers against the wall is not a studied approach. Perhaps the greater good is a cost that should be shifted to the public, rather than simply piling upon the employers.

Kevin Rogers, Gilbert and James Klinker, Gilbert
Sponsored by “Arizona Farm Bureau”

206

ARGUMENTS “AGAINST”
PROPOSITION 206

The Greater Phoenix Chamber of Commerce opposes the Fair Wages and Healthy Families Act.

The proposal mandates a \$12 per hour minimum wage in Arizona by 2020. Furthermore, the proposition increases burdens on employers by requiring mandatory paid sick time for all employees.

Arizona’s minimum wage law already allows for annual hourly wage increases that are far above the federal minimum wage. If this proposition passes, the minimum wage in our state will increase by nearly 50 percent in just four years.

It is understood that minimum wage laws have negative economic consequences and often hurt those most that they are intended to help. Minimum wage hikes typically have no net effect on low-income families and do little, if anything, to reduce poverty rates. Our chamber, through Phoenix Forward, our economic development platform, is working to create job opportunities - not establish an arbitrary wage floor.

Artificially inflating labor costs forces business owners to lay off workers, reduce hours or increases prices. Often, the only solution that remains is a combination of all three of those job-killing options. In addition, this proposition places Arizona at a competitive disadvantage against other states in attracting businesses here that are looking to expand operations.

This proposition places undue regulatory and bureaucratic burdens on employers because it empowers local governments to raise the minimum wage and paid sick time levels above the state minimum. This can create a patchwork of employment laws across our state that would be almost impossible for business to navigate successfully.

This proposal is bad for businesses, bad for employees it is designed to help and bad for the state.

We urge you to join business in voting NO.

Daniel Froetscher
Chairman of the Board
Greater Phoenix Chamber of Commerce

Todd Sanders
President & CEO
Greater Phoenix Chamber of Commerce

Todd Sanders, Phoenix and Daniel Froetscher, Phoenix
Sponsored by “Greater Phoenix Chamber of Commerce”

The Arizona chapter of Americans for Prosperity is strongly against this proposition, which would kill job opportunities for workers in Arizona, especially for young people and low-skilled workers who are trying to climb onto the bottom rungs of the career ladder.

Contrary to what the advocates of this proposal claim, this initiative would substantially harm Arizonans by:

- Increasing the prices of your goods and services;
- Decreasing number of hours worked for hourly employees;
- Eliminating jobs and freezing new employee hires;
- Possibly leading to more automation, especially in the restaurant industry.

This is basic economics. Two years ago, 500 economists from across the political spectrum sent a letter to President Obama saying his wage increase to \$10.10 would result in higher unemployment. Additionally, an analysis of wage increases since 1990 found that 85% of the economic studies had convincing evidence of job losses for low-skilled workers.

Raising the minimum wage also increases the cost of labor for businesses. Small businesses in particular would have to find ways to continue serving their customers with ever-increasing financial burdens put upon them by the government.

One of the hypocrisies of this measure is that the minimum wage and paid sick time requirements would not apply to workers in unions. So if you’re not a union member, tough luck! And if you’re a union boss, what a deal!

More government is not the solution to income inequality. Please VOTE NO on this hypocritical ballot measure that will hurt those it intends to help.

AFP-Arizona exists to improve the well-being of all Arizonans by informing citizens about economic policy matters and pushing for meaningful anti-poverty reforms. To learn more the minimum wage and other important issues, contact us at infoAZ@afphq.org. And please visit our website at www.afpaz.com

Tom Jenney
Boaz Witbeck
Americans for Prosperity

Tom Jenney, Phoenix and Boaz Witbeck, Phoenix
Sponsored by “Americans for Prosperity”

Like so many things you're seeing on the ballot this year, Proposition 206 looks much better than it really is.

The official name of the proposition suggests that it would give us "fair wages" and "healthy families." The reality is exactly the opposite.

Two years ago, 500 economists wrote a letter to President Obama, saying his proposal to increase the federal minimum wage to \$10.10 an hour would result in HIGHER UNEMPLOYMENT. Think of what a \$12 minimum wage would do! An increased minimum wage would destroy jobs for Arizona workers, and especially for young people who are trying hard to get into the work world and build skills to compete in an increasingly globalized economy. Arizona would be pulling up the bottom rung of the economic ladder for the very people who most need opportunities to work.

The reason is simple. If Arizona's struggling small businesses have to pay higher wages for low-skilled workers, they will have to cut back on the number of workers and the number of hours they pay the workers they have.

There is nothing fair about getting thrown out of work. There is nothing fair about getting a wage of ZERO. There is nothing fair about a law that makes your employer cut back on hours. And it's hard for young people and low-skilled workers to support healthy families if they don't have jobs or if employers have to cut them back to part-time work and take away their health insurance.

A lot of people are worried these days about how automation (using more machines to replace workers) is going to throw low-skilled workers out of jobs. This misguided proposition would accelerate that process.

Please vote AGAINST Proposition 206!

Roy Miller, Phoenix

ARGUMENT AGAINST PROPOSITION 206

In high school I worked at a car wash, a gas station, a Dairy Queen and a tool warehouse. While in college I worked at a home improvement center and a car dealership. Upon college graduation, which occurred during a recession, I worked a minimum wage job at a mall clothing store until a better career opportunity opened up.

Basically, I survived high school, college and immediately after college on jobs that paid at or close to minimum wage. Those jobs not only put bread on my table: they taught me how to work hard, deal with customers, and understand how tough it is for businesses to survive and thrive.

That's why I am very strongly against Proposition 206 and its efforts to use government to force employers to pay workers a \$12 minimum wage. By raising the wage above what employers can pay, this proposition will throw young people and other low-skilled workers out of work. Many of them will be replaced by machines.

It's not fair for those of us who have climbed up the work ladder into successful careers to pull up the ladder behind us. Because of the terrible recession we have just gone through, too many young people are already sitting on couches in their parents' living rooms, instead of getting on-the-job training and moving ahead in life.

Proposition 206 is also unfair in another way. The proposition was put on the ballot by the union bosses. The union bosses created a special carve-out for themselves: the new law will not require paid sick time or mandate a minimum wage for union workers. So, while low-skilled workers and young people are thrown out of work, the union bosses will be collecting bigger dues from their members.

Marcus Huey
Phoenix, AZ

Marcus Huey, Phoenix

206

**ARGUMENTS "AGAINST"
PROPOSITION 206**

ARGUMENT AGAINST PROPOSITION 206

WARNING: UNIONS EXEMPT THEMSELVES TO LINE THEIR POCKETS

Proposition 206 calls itself the "Fair Wages and Healthy Families Act." It's false advertising.

FOLLOW THE MONEY. You'll see the proposition has been funded by Big Labor organizations and their union bosses.

You will also notice that the minimum wage and paid sick time requirements in the proposition **WOULD NOT APPLY TO UNION WORKERS!**

That's interesting, isn't it? Why would the union bosses exclude union workers from the requirements?

The answer is simple economics. By using the government to force employers to raise wages at the bottom end, the higher minimum wage would cause struggling small businesses to lay off workers. The people who would get hurt worst by the lay-offs would be low-skilled workers, especially young people who are trying to build job skills.

That's bad news for low-skilled workers. (What's "fair" about losing your job?)

But it's great for labor bosses looking to swell their membership rolls. Currently there is little to no benefit for private sector workers to join unions, which is why union membership is at an all-time low. So the new tactic being deployed under Proposition 206 is to force companies to become union shops.

How? Under Proposition 206, if a business agrees to be unionized, it would not have to pay the minimum wage or comply with the paid sick time requirements. They will be exempt, just like the unions. That may not be good for the actual worker. But guess who will collect more union dues out of union worker paychecks? You guessed it: the union bosses!

Please read the fine print. And please vote NO on Proposition 206!

Becky Fenger, Phoenix

ARGUMENT AGAINST PROPOSITION 206

As a general surgeon working here in Phoenix since 1976, the professional motto I live by in trying to solve medical problems and help people live better lives is the Hippocratic Oath: "First, do no harm."

When it comes to public policy, we must use the basic principles of economics to avoid doing harm as we try to solve social problems such as poverty. Unfortunately, the efforts of Proposition 206 to establish "fair wages" go against the basic principles of economics, and will do more harm than good.

Basic microeconomic theory and decades of empirical economic research show that a government-imposed minimum wage above market wages will cause people to become unemployed. Further, the people who get hurt most by minimum wage increases are working-class individuals, minorities, and young people without college degrees. There's nothing "fair" about a government policy that will make more people unemployed.

In addition to unemployment, an artificially high minimum wage established by government will cause consumers (like you and me) to pay more for goods and services. Likewise, businesses will have to find ways to bear the higher costs caused by government-enforced wage restrictions that distort the market. In cities that have already implemented higher minimum wage laws, we are seeing many businesses laying off employees and replacing their labor with technology. For example, instead of placing restaurant orders with human beings, customers will end up placing their orders via an automated system (such as a tableside computer tablet).

The negative economic effects of a minimum wage increase would be too high for Arizonans. We should not harm people while pretending to help them. Please vote NO on this ballot measure and avoid harming low-skilled workers, consumers and small businesses in Arizona.

Jeffrey Singer, Phoenix

ARGUMENT AGAINST PROPOSITION 206

Before retiring, I worked for decades as an investment manager with various pension funds, and dealt first hand with policy issues involving pensions, wages and benefit packages.

This experience leads me to urge everyone to vote against Proposition 206.

Many workplace regulations look good from afar, but don't work out in the real world. Why not force employers to pay all workers a minimum wage of \$12 an hour, plus mandatory sick leave benefits? One answer is that the Law of Unintended Consequences always seems to intervene. Ham-handed government actions have a way of creating newer and bigger problems.

Small businesses create the most jobs. Most small businesses operate on tight margins and many are struggling to meet payroll and cover other costs, like rent, insurance, taxes, etc. If a struggling business has 10 employees, and pays each of them \$11 an hour, that's \$110 an hour. At 40 hours a week, that's \$4,400 for the weekly payroll. If the government forces the business to pay \$12 an hour, that's \$120 an hour, or \$4,800 for the weekly payroll. That equals \$400 per week, and \$20,800 per year in added costs.

What if a business cannot afford this extra expense? The easiest solution may be to fire one of the employees. That employee will now get \$0 an hour, and will lose his or her private health insurance plan. Or, the business may decide to cut several employees' hours to part-time, which may cause them to lose their private health insurance.

Raising the minimum wage is a classic case of the road to Hell being paved with good intentions. Please vote No on Proposition 206.

William O. Sumner
Phoenix, AZ

William O. Sumner, Phoenix

Beware of Unintended Consequences

Since 2009, the Arizona Association of Providers for People with Disabilities (AAPPD) has been advocating for the restoration of state funding that was previously cut by the Arizona Legislature. Without an increase in state funding, care providers are not in a financial position to pay our direct care employees more for the work that they do.

Caring for individuals with developmental and intellectual disabilities is not for everyone - it is demanding and often heart wrenching. Our direct care staff have amazing hearts, but care providers are unable to pay them a livable wage for their great work.

With turnover rates as high as 80%, direct care workers' pay is often below what fast food chains can offer their employees, making it difficult to retain existing staff and recruit replacements.

While increasing the minimum wage may sound like a simple solution to this problem, it will actually make the situation worse.

Absent appropriate increases in state funding, care providers will be unable to absorb the cost of increased wages. Under the best case, care providers will remain open, but offer limited services with reduced staffs that will be unable to safely provide critical care to our most vulnerable populations.

The more likely scenario, however, is that many care providers will have to close their doors, unable to afford the higher employment costs, leaving many of the 30,000 individuals with disabilities with no place in Arizona to receive care.

Care providers want and need to increase the wages of our direct care workers. But, unless the Legislature increases funding for the care of those with disabilities, this measure is jeopardizing the health and safety of Arizona's most vulnerable residents. It is with a heavy heart that we encourage Arizona to vote no.

Ann Monahan
AAPPD

David Schwartz

Ann Monahan, Phoenix and David Schwartz, Phoenix

Sponsored by "Arizona Association of Providers for People with Disabilities"

206

ARGUMENTS "AGAINST"
PROPOSITION 206

Vote NO on minimum wage increase and mandatory paid sick leave

The Tucson Metro Chamber opposes the Fair Wages and Healthy Families Act.

The proposal mandates a \$12 per hour minimum wage in Arizona by 2020. Furthermore, the proposition increases burdens on employers by requiring mandatory paid sick time for ALL employees.

Arizona's minimum wage law already allows for annual hourly wage increases that significantly outpace the federal minimum wage. If this proposition passes, the minimum wage in our state will increase by nearly 50 percent in just four short years.

Artificially inflating labor costs forces business owners to lay off workers, reduce hours or increase prices. Often, the only solution that remains is a combination of all three of those job-killing options. In addition, this proposition places Arizona at a competitive disadvantage against other states in attracting businesses here that are looking to expand operations.

To continue moving Arizona's economy forward, we must remain an attractive location for business expansion and a magnet for ongoing innovation. This proposition acts in direct opposition to that goal. This proposal is bad for our state, bad for businesses and above all bad for the employees it is designed to help.

If passed, the very people the proposition's supporters claim to want to help will be the most harmed. The poor, young people and those with few skills who would benefit most from an entry-level job will find themselves shut out of the job market as employers will have fewer dollars to devote to new hires.

This proposition does not represent Arizona and we urge you to join business in voting NO.

Thomas McGovern
Immediate Past Chairman of the Board
Tucson Metro Chamber

Michael V. Varney
President & CEO
Tucson Metro Chamber

Michael V. Varney, Tucson and Thomas McGovern, Tucson
Sponsored by "Tucson Metro Chamber"

Fair? How is this Proposition fair? If we raise the minimum wage, who is going to pay for it? There is no such thing as a free lunch... or in this case, a 'free' wage increase. Someone has to pay for it, and it likely will be you.

The problem with minimum wage policies is the lack of a basic understanding in economics and that Government should not medal in the Free Market. Citizen's Initiatives puts another irreversible 'law' on the books. The consequences of policy measures don't always match the intent, "Be careful what you wish for"! What should we then expect for this Proposition?

Unlike what this measure claims to do, this initiative would harm citizens like YOU by raising the prices of everything you buy. For every action, there is a reaction! If prices go up it hurts those on fixed income like the poor and retirees! This is neither fair nor healthy.

Also, if our government forces business to raise wages, both actual and potential jobs in Arizona will go away, especially opportunities for low-skilled workers and young people just starting out. These low level jobs were never intended to be the basis for a family's sole income...that was reserved for career positions which, alas, require education. Instead of treating these part time positions incorrectly, let us spend our energy on promoting educational opportunities which will not require legislative action to set compensation.

Raising the minimum wage increase the cost of labor for small businesses. How will our local restaurants and shops bear the ever-increasing financial burdens put upon them by Government? The profit margins for a lot of these businesses are already small. We can't let our mom and pop shops suffer and potentially die!

Please mark NO on your ballot!

Wesley W. Harris, Phoenix

Vote NO on Proposition 206

This initiative is laced with hypocrisy. Although voters will think they are voting for an increase in the minimum wage and mandatory sick leave policies, the devil is in the details. In fact, the key provision proponents of this initiative really care about is an EXEMPTION from the minimum wage and sick leave requirements for anyone that enters into collective bargaining agreements--i.e. unions.

Why would out of state unions, the major funder of Proposition 206, exempt themselves from their own initiative? The reason is simple: excluding businesses that collectively bargain from paying higher wages and benefits will drive more employers to unionize their work force. That means more union dues and more sweeteners for Big Union Bosses.

There is only one winner if this initiative passes. It isn't Arizona employers who will be forced to eliminate jobs and downsize to manage costs. And it won't be workers who will have fewer opportunities to make a living and climb the economic ladder. The only winner is big labor, who will make big money forcing business owners and workers into collective bargaining agreements.

If there is any doubt that this is a ploy to unionize Arizona's workforce, consider that Proposition 206 allows cities and towns to unilaterally adopt their own minimum wage and paid leave policies. The result of this provision is that Arizona will have a confusing patchwork of employment laws--making payroll management and accounting for businesses operating in more than one city nearly impossible. In order to avoid this nightmare, business owners will have no other choice but to unionize in order to maintain continuity, simplicity and reduce compliance costs associated with Proposition 206.

Vote NO on this initiative, and say NO to the HYPOCRISY.

Scot Mussi, Phoenix

Sponsored by "Arizona Free Enterprise Club"

The proposed initiative increasing the minimum wage in Arizona fails to consider the unintended consequences to Arizona's most vulnerable populations, including those with developmental and intellectual disabilities.

Because of State budget cuts incurred during the Great Recession, the organizations entrusted with the care of these vulnerable individuals are in serious and indisputable financial trouble. These providers are already struggling to compete with other employers that can afford higher paying jobs that are less stressful than taking care of individuals with developmental or intellectual disabilities.

The proposed initiative, which has no funding source other than the private businesses it wants to control, will be far worse for those organizations caring for the disabled. These organizations do not have the financial wherewithal to pay their employees more. Continued work is underway to restore funding, but it will take time and resources not now available.

These providers will not survive a minimum wage increase mandate. When they cease operations and close their doors the ongoing care for and the safety of 30,000 individuals with developmental and intellectual disabilities will be seriously compromised.

The initiative makes no allowances for individuals with developmental and intellectual disabilities who can hold down entry level positions. This community, more than any other, fiercely desires dignity, respect and independence, and employment for those who can work is an important part of self-determination. These organizations have worked with local businesses to create jobs for the disabled. If this initiative passes, many of these entry jobs will end.

The unintended consequences to vulnerable Arizonans are inexcusable. Please join me in protecting our most vulnerable populations by voting NO on this initiative.

Kate Brophy McGee, Arizona State Representative, Phoenix

206

ARGUMENTS "AGAINST"
PROPOSITION 206

Dear voters,

I oppose Prop. 206

I opposed the idea of workers, putting ballot measures up to give themselves a raise. I work based on my performance, and I should be rated and paid based on my hard work, intelligence and enthusiasm.

We need to vote this measure down, and support a broad based employer / employee compensation negotiations between private employers and private employees.

The fight for \$15 Min Wage includes massive benefit packages that will disrupt the food and farming industries that will drive food and milk production overseas. We cannot push our food security to Mexico because of a utopian dream of livable wages not withstanding performance.

I work hard, put myself though graduate school and have lifelong learning efforts.

Please turn this measure down and get kids into school to learn something.

Respectfully,

Mark Lewis, Director

Water Resource Institute

www.WaterResources.org

Mark Lewis, Phoenix

Sponsored by "Water Resource Institute"

ARGUMENT AGAINST PROPOSITION 206

PROPOSITION 206 HURTS THE WORKING POOR

I grew up in a poor immigrant family. My parents worked hard -- my father as a steel worker and my mother as a seamstress. The minimum-wage jobs I had as a young man allowed me to buy my own car and pay my way through college.

As a Phoenix City Councilman, I talk every day with small business owners -- people pursuing the American Dream but struggling to find the revenue (or take out loans) to make their next payroll. Being forced by the government to pay employees \$12 an hour could easily bankrupt many of them, causing them to board up their shops.

But as bad as this proposition would be for small businesses, the worst impact of raising the minimum wage would be on workers. There are tens of thousands of low-skilled workers in Arizona, especially young men and women, people like me when I first got into the work force, who would get a pink slip and be tossed out onto the street.

People thrown out of work by a minimum wage hike would lose a lot. Obviously, they would lose income. It won't matter if you can make \$12 an hour if they are no available jobs. They would lose the opportunity to develop the skills needed to move up in the workforce. They would also lose some of their dignity -- just talk to any of the thousands of people in Arizona who have suffered from long-term unemployment since the last recession. For me, I would have lost the opportunity to work, attend school and become the person I am today.

Hon. Sal DiCiccio

Councilman, District 6

City of Phoenix

200 West Washington Street,

Phoenix, AZ 85003

(602) 262-7491

Sal DiCiccio, Phoenix

Agricultural producers are price takers, not price makers, meaning the market, not the farmer, sets commodity prices. When I produce barley, my price is determined by supply and demand, because I operate under the constraints of perfect competition. A price maker has more freedom to price its products because of differentiation, advertising, and other market factors. For instance, if the cost of McDonalds' labor increases to \$12 dollars per hour, the price of a Big Mac will increase by the per unit increase in cost – and if you want a Big Mac you'll pay the higher price. However, a farmer cannot raise the price of barley when costs increase because each farm supplies just a small share of total barley supply, so a single farmer's costs have no impact on price—again, farmers are price takers. If the price of my labor rises to \$12 dollars per hour, I can no longer compete. My production costs are now higher, but I can't raise the price. I am not only pushed out of the market, but my \$12 dollar per hour employee loses his job. A minimum wage increase of this magnitude will not only have devastating effects on Arizona agriculture, but small business as well, and small businesses as a group employ the largest number of people. When making decisions regarding wages, we have to consider the unintended consequences. We don't want to hurt the economy—and workers—more than we help.

Michael Francis, Phoenix

Sponsored by "Michael Francis for CAWCD"

THE RESTAURANT AND HOSPITALITY INDUSTRY IS THE LADDER OF OPPORTUNITY, PROVIDING TEN PERCENT OF ARIZONANS INCOME AND MILLIONS OF PEOPLE AN ATMOSPHERE TO EAT AND ENTERTAIN. THE RESTAURANT INDUSTRY IS A PLACE WHERE SOMEONE WITHOUT A COLLEGE OR HIGH SCHOOL DEGREE CAN WORK HARD, AND LEARN TO MOVE UPWARD FOR MORE PAY. MINIMUM WAGE JOBS COME WITH WORKFORCE TRAINING; CUSTOMER SERVICE SKILLS AND THE ABILITY TO ONE DAY MANAGE OR OWN A RESTAURANT.

INCREASING AND MANDATING WAGE AND PAID BENEFITS ON AN EMPLOYER IS AN ARTIFICIAL WAY TO INFLATE PRICES AND COST OF GOODS. RAISING MINIMUM WAGE FOR SMALL OR MEDIUM SIZE EMPLOYERS WILL RESULT IN FEWER JOBS REPLACED WITH TECHNOLOGY AND KIOSKS OR LESS WORKING HOURS FOR THOSE ABLE TO STAY EMPLOYED. MANDATING BENEFIT PACKAGES INFRINGES ON THE COMPETITIVENESS, FLEXIBILITY AND GROWTH THAT THE NATURE OF A FREE MARKET PROVIDES. A SMALL OR MEDIUM SIZED RESTAURANT, REGARDLESS OF THE FRANCHISE OR LOGO OUTSIDE THEIR BUILDING, OFTEN OPERATES ON A PROFIT MARGIN OF 2-4 PERCENT. WHEN LABOR COSTS INCREASE, THOSE COSTS MUST BE ABSORBED ELSEWHERE. AN INFLATED WAGE FLOOR WILL RESULT IN HIGHER MENU PRICES AND LESS HOURS FOR EMPLOYEES TO WORK – WHICH ACTUALLY NEGATIVELY IMPACT THOSE WITH A LOWER INCOME.

VOTING AN INCREASE ON MINIMUM WAGE TO \$12/HOUR IS TOO HIGH FOR ARIZONA'S COST OF LIVING BASE WAGE. WAGE COMPRESSION FOR EMPLOYEES THAT HAVE BEEN WORKING LONGER OR IN MANAGEMENT ROLES WILL RESULT IN LOSS OF HOURS, JOBS, OR MORAL. FURTHER, THIS PROPOSAL ALLOWS INDIVIDUAL CITIES TO SET AND REGULATE THEIR OWN MINIMUM WAGE WELL ABOVE THE STATEWIDE LEVEL, CAUSING INCONSISTENCY AND CONFUSION IN OUR STATE FOR EMPLOYERS.

IT IS CRUCIAL FOR ARIZONA RESIDENTS TO OPPOSE AN INCREASE FOR MINIMUM WAGE, ESPECIALLY ONE THAT MANDATES PAID BENEFITS FOR ANY SIZE EMPLOYER.

STEVE CHUCRI

ARIZONA RESTAURANT ASSOCIATION, PRESIDENT & CEO

Steve Chucri, Scottsdale

Sponsored by "Arizona Restaurant Association"

ARIZONA SMALL BUSINESS ASSOCIATION (ASBA)
OPPOSES
THE FAIR WAGES AND HEALTHY FAMILIES ACT

On behalf of the small business community in Arizona ASBA strongly urges a NO vote on the November ballot initiative calling for an increase in the state’s minimum wage and mandated paid sick leave. Small businesses are the life blood of Arizona business. Every day nearly 500,000 Arizona small businesses struggle to provide goods/services, pay employees, provide benefits, and make a profit. Additional rules/regulations foisted upon us make it more difficult to do business/provide much needed jobs.

This measure would not only increase the minimum wage, it would mandate paid sick leave for employees working in businesses with more than fifteen employees.

Minimum wage increases:

- Impact small businesses far greater than large businesses, large businesses can more easily absorb costs;
- Would quickly be passed on to consumers leading to higher prices;
- Could reduce employee hours if the wage increases have to be absorbed by businesses;
- Make it more difficult for associations like ASBA to manage stretched business expenses.

Mandated sick leave:

- Should not be a paid, accrued benefit;
- Will further increase costs to small businesses, then to consumers;
- Could add burdensome costs to small businesses trying to sell because new owner(s) would be liable for accrued sick leave benefits owed employees;
- Could force small businesses to lay-off employees or close because of added costs for paid sick leave the business couldn’t absorb or pass on to consumers.

The last thing small businesses need is more mandates. The market can’t absorb the dramatic increased business/consumer costs resulting from the combination of these two mandates.

ASBA’s thorough review finds nothing beneficial for Arizona small businesses in this proposal, Please VOTE NO!

Nick Petra, Board Chair

Jack W. Lunsford, Interim President/CEO

Jack W Lunsford, Interim President/CEO, Phoenix and Nick Petra, Board Chair, Phoenix
Sponsored by “Arizona Small Business Association”

SMALL BUSINESS OWNERS: “VOTE NO ON PROPOSITION 206”

The 6,000-plus small business members of the National Federation of Independent Business in Arizona heartily believe the greatest anti-poverty program ever devised is a job.

We understand how devastating passage of Proposition 206 will be for our fellow Arizonans and we urge you to vote “NO” on Proposition 206.

No honest economic analysis disputes that the policy mandates in Proposition 206 will shrink employment opportunities for our least employable and make it harder for Main Street businesses to be our economy’s engine of job creation.

Mom-and-Pop small business owners know better than anyone the critical importance of a person’s first job. We suspect that a small business owner almost certainly gave you your first opportunity to earn a wage. It’s these first-time job-seekers who will be crushed by Proposition 206.

Put yourself in the place of your neighbor or your neighbor’s recently-graduated son or daughter thrust into the stark reality of the unforgiving job market. Proposition 206 will inflate the price of their under-developed and unproven labor by more 49 percent — so high that they may never be given a chance to get their first entry-level job.

Let’s do whatever we can to preserve that person’s best chance to better their lives through honest hard work and not relegate so many to dependency and despair.

NFIB urges Arizona voters to resist the easy and seductive temptation to support Proposition 206 and instead support our neighbor’s chance to earn their success through honest hard work.

Farrell Quinlan, Phoenix and Mark Giebelhaus, Phoenix
Sponsored by “National Federation of Independent Business in Arizona”

PROPOSITION 206 BALLOT FORMAT

PROPOSITION 206

PROPOSED BY INITIATIVE PETITION

OFFICIAL TITLE

AMENDING TITLE 23, CHAPTER 2, ARTICLE 8, ARIZONA REVISED STATUTES, BY AMENDING SECTIONS 23-363 AND 23-364; AMENDING TITLE 23, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 8.1; RELATING TO ARIZONA’S MINIMUM WAGE AND EARNED PAID SICK TIME BENEFITS.

DESCRIPTIVE TITLE

INCREASES THE MINIMUM WAGE FROM \$8.05 PER HOUR IN 2016 TO \$12.00 PER HOUR BY 2020 AND ESTABLISHES THE RIGHT TO EARN PAID SICK TIME AWAY FROM EMPLOYMENT.

<p>A “yes” vote shall have the effect of increasing the minimum wage from \$8.05 per hour in 2016 to \$10.00 per hour in 2017, and then incrementally increasing the minimum wage to \$12.00 per hour by the year 2020; entitles employees to earn 1 hour of paid sick time for every 30 hours worked with limits based upon the size of the employer; broadly defining the conditions under which paid sick time may be taken, including mental or physical illness, care of a family member, a public health emergency, or absence due to domestic violence, sexual violence, abuse or stalking; prohibiting various forms of retaliation against employees for exercising any rights under the law; and requiring employers to provide various notices to employees about the law.</p>	<p>YES <input type="checkbox"/></p>
<p>A “no” vote shall have the effect of retaining the existing minimum wage (along with the existing method for annually increasing the minimum wage for inflation) and retaining employers’ existing ability to determine their own earned paid sick leave policy.</p>	<p>NO <input type="checkbox"/></p>

206
BALLOT FORMAT FOR
PROPOSITION 206

ARIZONA COMMISSION ON
JPR
JUDICIAL PERFORMANCE REVIEW

JUDGES TABLE OF CONTENTS

Who Judges the Judges PAGE 95

Statewide Arizona Supreme Court and Courts of Appeal

Judges Summary – Appellate Courts PAGE 96

Judges Details – Appellate Courts PAGE 97

Trial Courts by County

Judges Summary – Pinal County Superior Court PAGE 99

Judges Details – Pinal County Superior Court PAGE 100

Judges Summary – Pima County Superior Court PAGE 102

Judges Details – Pima County Superior Court PAGE 103

Judges Summary – Maricopa County Superior Court PAGE 107

Judges Details – Maricopa County Superior Court PAGE 109

Voter Checklist PAGE 119

For More Information Visit: www.azjudges.info



WHO JUDGES THE JUDGES? YOU DO! WE CAN HELP.

Voters! Finish the Ballot!

Use the following summary and report by the Commission on Judicial Performance Review (JPR) to Finish the Ballot! The JPR Commission was established by voters to evaluate judges' performance during retention elections. While judges initially are appointed, this report can help you decide whether these judges meet judicial performance standards and should be retained. Which judges appear on your ballot depends on your county and the court on which the judge serves. By using this report to finish your ballot, you will help ensure Arizona's strong and impartial judiciary!

Some Arizona judges are appointed through Merit Selection and rated by the JPR Commission.

Merit Selection and Retention

In 1974, Arizona voters decided that for Arizona's Supreme Court, Courts of Appeal, and Superior Courts in counties with populations over 250,000 (currently Maricopa, Pima, and Pinal) judges would be appointed by the Governor from a list of qualified candidates. The Arizona Constitution directs commissions to nominate candidates based primarily on their merit, with consideration given to the diversity of Arizona's population. Arizona voters then periodically vote whether to retain these judges as their terms expire. This system is known as Merit Selection and Retention.

JPR Commission Evaluations & Report

Created by a constitutional amendment, the 32-member JPR Commission conducts standards-based performance evaluations of judges. Most of the JPR Commissioners are public members, not lawyers or judges. JPR reports its results to the public. This report provides JPR Commission findings, survey results, and states whether each judge in a retention election "meets" or "fails to meet" judicial performance standards.

Judicial Performance Standards

The JPR Commission evaluates each judge up for retention election to assess the judge's:

- Legal Ability: Decides cases based on applicable law, demonstrating competent legal analysis.
- Integrity: Free from personal bias. Administers justice fairly, ethically, and uniformly.
- Communication Skills: Issues prompt and understandable rulings and directions.
- Judicial Temperament: Dignified, courteous, and patient.
- Administrative Performance: Manages courtroom and office effectively. Issues rulings promptly and efficiently.

Public Input Throughout the Process

This year, as every election year, the JPR Commission sought public input from citizens who have had direct experience with judges and made its decisions using that input. In 2015, 64,000 surveys on judges were distributed to attorneys, jurors, litigants and witnesses. The JPR Commission held public hearings open to anyone wishing to speak about the judges up for retention this year. The JPR Commission accepts signed, written comments about merit-appointed judges at any time.

Use JPR Results and Checklist

Every voter can take an active role in this judicial review process. Use this JPR summary and report to guide your votes for judges up for retention. After reviewing a judge's information, mark "Yes" or "No" next to the judge's name on the Judge Checklist tear-off sheet in this pamphlet. Refer to your checklist to **Finish Your Ballot!**

Visit www.AZJudges.info for more information.

Contact the Commission on Judicial Performance Review: (602) 452-3311

or email jpr@courts.az.gov



For More Information Visit: www.azjudges.info

Reading This Data

Judicial Performance Commission results indicate how JPR Commissioners voted, whether a judge “MEETS” Judicial Performance Standards based on survey information as well as all other information submitted by the public or the judge. Judicial Performance Surveys percentages show results of surveys completed by respondents based on the averaged results of the survey respondents who rated the judge “satisfactory” or better in combined Judicial Performance Standards categories.

Judicial Performance Standards include:

- Legal Ability: Decides cases based on applicable law, demonstrating competent legal analysis.
- Integrity: Free from personal bias. Administers justice fairly, ethically, and uniformly.
- Communication Skills: Issues prompt and understandable rulings and directions.
- Judicial Temperament: Dignified, courteous, and patient.
- Administrative Performance: Manages courtroom and office effectively. Issues rulings promptly and efficiently.

RESULTS OF THE COMMISSION’S VOTE ON THE APPELLATE COURT JUSTICES AND JUDGES

The following judges DO NOT MEET Judicial Performance Standards

NONE

The following judges MEET Judicial Performance Standards

ARIZONA SUPREME COURT:

Ann A. Scott Timmer

COURT OF APPEALS DIVISION ONE:

Michael J. Brown

Kent E. Cattani

Kenton D. Jones

Jon W. Thompson

Lawrence F. Winthrop

COURT OF APPEALS DIVISION TWO:

Michael O. Miller

JUDGE	JPR Votes “Meets” Judicial Standards	JPR Votes “Does Not Meet” Judicial Standards	Did Not Vote	JPR Commission Member Did Not Vote on Self	Details Page
Ann A. Scott Timmer	32	0	0	0	97
Michael J. Brown	32	0	0	0	97
Kent E. Cattani	32	0	0	0	97
Kenton D. Jones	32	0	0	0	97
Jon W. Thompson	32	0	0	0	98
Lawrence F. Winthrop	32	0	0	0	98
Michael O. Miller	32	0	0	0	98



For More Information Visit: www.azjudges.info

Reading This Data

Judicial Performance Commission results indicate how JPR Commissioners voted, whether a judge “MEETS” Judicial Performance Standards based on survey information as well as all other information submitted by the public or the judge. Judicial Performance Surveys percentages show results of surveys completed by respondents based on the averaged results of the survey respondents who rated the judge “satisfactory” or better in combined Judicial Performance Standards categories.

<p><u>TIMMER, ANNA A. SCOTT</u> Appointed to Supreme Court: 2012</p>	<p>JUDICIAL PERFORMANCE COMMISSION RESULTS 32 Commissioners Voted “Meets” Judicial Standards 0 Commissioners Voted “Does Not Meet” Judicial Standards</p>		
	Judicial Performance Surveys	Attorney Responses	Superior Court Judge Responses
	Legal Ability	88%	92%
	Integrity	97%	100%
	Communication Skills	97%	N/A
	Judicial Temperament	96%	N/A
Administrative Performance	94%	67%	

<p><u>BROWN, MICHAEL J.</u> Appointed to Court of Appeals Division I: 2007</p>	<p>JUDICIAL PERFORMANCE COMMISSION RESULTS 32 Commissioners Voted “Meets” Judicial Standards 0 Commissioners Voted “Does Not Meet” Judicial Standards</p>		
	Judicial Performance Surveys	Attorney Responses	Superior Court Judge Responses
	Legal Ability	87%	97%
	Integrity	99%	94%
	Communication Skills	100%	N/A
	Judicial Temperament	100%	N/A
Administrative Performance	86%	98%	

<p><u>CATTANI, KENT E.</u> Appointed to Court of Appeals Division I: 2013</p>	<p>JUDICIAL PERFORMANCE COMMISSION RESULTS 32 Commissioners Voted “Meets” Judicial Standards 0 Commissioners Voted “Does Not Meet” Judicial Standards</p>		
	Judicial Performance Surveys	Attorney Responses	Superior Court Judge Responses
	Legal Ability	85%	99%
	Integrity	93%	100%
	Communication Skills	100%	N/A
	Judicial Temperament	100%	N/A
Administrative Performance	93%	97%	

<p><u>JONES, KENTON D.</u> Appointed to Court of Appeals Division I: 2013</p>	<p>JUDICIAL PERFORMANCE COMMISSION RESULTS 32 Commissioners Voted “Meets” Judicial Standards 0 Commissioners Voted “Does Not Meet” Judicial Standards</p>		
	Judicial Performance Surveys	Attorney Responses	Superior Court Judge Responses
	Legal Ability	86%	100%
	Integrity	95%	100%
	Communication Skills	97%	N/A
	Judicial Temperament	97%	N/A
Administrative Performance	93%	96%	



For More Information Visit: www.azjudges.info

Reading This Data

Judicial Performance Commission results indicate how JPR Commissioners voted, whether a judge “MEETS” Judicial Performance Standards based on survey information as well as all other information submitted by the public or the judge. Judicial Performance Surveys percentages show results of surveys completed by respondents based on the averaged results of the survey respondents who rated the judge “satisfactory” or better in combined Judicial Performance Standards categories.

<p><u>THOMPSON, JON W.</u> Appointed to Court of Appeals Division I: 1995</p>	<p>JUDICIAL PERFORMANCE COMMISSION RESULTS 32 Commissioners Voted “Meets” Judicial Standards 0 Commissioners Voted “Does Not Meet” Judicial Standards</p>		
	Judicial Performance Surveys	Attorney Responses	Superior Court Judge Responses
	Legal Ability	80%	92%
	Integrity	97%	100%
	Communication Skills	95%	N/A
	Judicial Temperament	98%	N/A
Administrative Performance	92%	100%	

<p><u>WINTHROP, LAWRENCE F.</u> Appointed to Court of Appeals Division I: 2002</p>	<p>JUDICIAL PERFORMANCE COMMISSION RESULTS 32 Commissioners Voted “Meets” Judicial Standards 0 Commissioners Voted “Does Not Meet” Judicial Standards</p>		
	Judicial Performance Surveys	Attorney Responses	Superior Court Judge Responses
	Legal Ability	91%	100%
	Integrity	99%	100%
	Communication Skills	100%	N/A
	Judicial Temperament	100%	N/A
Administrative Performance	100%	100%	

<p><u>MILLER, MICHAEL O.</u> Appointed to Court of Appeals Division II: 2013</p>	<p>JUDICIAL PERFORMANCE COMMISSION RESULTS 32 Commissioners Voted “Meets” Judicial Standards 0 Commissioners Voted “Does Not Meet” Judicial Standards</p>		
	Judicial Performance Surveys	Attorney Responses	Superior Court Judge Responses
	Legal Ability	87%	94%
	Integrity	99%	100%
	Communication Skills	98%	N/A
	Judicial Temperament	100%	N/A
Administrative Performance	98%	98%	



For More Information Visit: www.azjudges.info

Reading This Data

Judicial Performance Commission results indicate how JPR Commissioners voted, whether a judge “MEETS” Judicial Performance Standards based on survey information as well as all other information submitted by the public or the judge. Judicial Performance Surveys percentages show results of surveys completed by respondents based on the averaged results of the survey respondents who rated the judge “satisfactory” or better in combined Judicial Performance Standards categories.

Judicial Performance Standards include:

- Legal Ability: Decides cases based on applicable law, demonstrating competent legal analysis.
- Integrity: Free from personal bias. Administers justice fairly, ethically, and uniformly.
- Communication Skills: Issues prompt and understandable rulings and directions.
- Judicial Temperament: Dignified, courteous, and patient.
- Administrative Performance: Manages courtroom and office effectively. Issues rulings promptly and efficiently.

RESULTS OF THE COMMISSION’S VOTE ON THE PINAL COUNTY SUPERIOR COURT JUDGES	
The following judges DO NOT MEET Judicial Performance Standards	
NONE	
The following judges MEET Judicial Performance Standards	
Karl C. Eppich	Jason Holmberg
Joseph R. Georgini	Stephen F. McCarville
Henry G. Gooday, Jr.	

JUDGE	JPR Votes “Meets” Judicial Standards	JPR Votes “Does Not Meet” Judicial Standards	Did Not Vote	JPR Commission Member Did Not Vote on Self	Details Page
Karl C. Eppich	32	0	0	0	100
Joseph R. Georgini	32	0	0	0	100
Henry G. Gooday, Jr.	32	0	0	0	100
Jason Holmberg	32	0	0	0	100
Stephen F. McCarville	31	0	0	1	101

For More Information Visit: www.azjudges.info

Reading This Data

Judicial Performance Commission results indicate how JPR Commissioners voted, whether a judge “MEETS” Judicial Performance Standards based on survey information as well as all other information submitted by the public or the judge. Judicial Performance Surveys percentages show results of surveys completed by respondents based on the averaged results of the survey respondents who rated the judge “satisfactory” or better in combined Judicial Performance Standards categories.

<p><u>EPPICH, KARL C.</u> Appointed to Pinal County Superior Court: 2014</p>	JUDICIAL PERFORMANCE COMMISSION RESULTS		
	32 Commissioners Voted “Meets” Judicial Standards		
	0 Commissioners Voted “Does Not Meet” Judicial Standards		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	91%	N/A
	Integrity	94%	98%
Communication Skills	88%	92%	
Judicial Temperament	92%	92%	
Administrative Performance	96%	90%	

<p><u>GEORGINI, JOSEPH R.</u> Elected to Pinal County Superior Court: 2006</p>	JUDICIAL PERFORMANCE COMMISSION RESULTS		
	32 Commissioners Voted “Meets” Judicial Standards		
	0 Commissioners Voted “Does Not Meet” Judicial Standards		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	97%	N/A
	Integrity	98%	100%
Communication Skills	96%	100%	
Judicial Temperament	94%	100%	
Administrative Performance	91%	96%	

<p><u>GOODAY, HENRY G., JR.</u> Appointed to Pinal County Superior Court: 2013</p>	JUDICIAL PERFORMANCE COMMISSION RESULTS		
	32 Commissioners Voted “Meets” Judicial Standards		
	0 Commissioners Voted “Does Not Meet” Judicial Standards		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	100%	N/A
	Integrity	98%	100%
Communication Skills	92%	97%	
Judicial Temperament	88%	93%	
Administrative Performance	99%	100%	

<p><u>HOLMBERG, JASON</u> Appointed to Pinal County Superior Court: 2013</p>	JUDICIAL PERFORMANCE COMMISSION RESULTS		
	32 Commissioners Voted “Meets” Judicial Standards		
	0 Commissioners Voted “Does Not Meet” Judicial Standards		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	100%	N/A
	Integrity	97%	89%
Communication Skills	100%	91%	
Judicial Temperament	99%	92%	
Administrative Performance	100%	92%	

JUDICIAL PERFORMANCE REVIEW



For More Information Visit: www.azjudges.info

Reading This Data

Judicial Performance Commission results indicate how JPR Commissioners voted, whether a judge “MEETS” Judicial Performance Standards based on survey information as well as all other information submitted by the public or the judge. Judicial Performance Surveys percentages show results of surveys completed by respondents based on the averaged results of the survey respondents who rated the judge “satisfactory” or better in combined Judicial Performance Standards categories.

<p><u>MCCARVILLE, STEPHEN F.</u> Elected to Pinal County Superior Court: 2001</p>	<p>JUDICIAL PERFORMANCE COMMISSION RESULTS 31 Commissioners Voted “Meets” Judicial Standards 0 Commissioners Voted “Does Not Meet” Judicial Standards 1 JPR Commission Member - Did Not Vote on Self</p>		
	<p>Judicial Performance Surveys</p>	<p>Attorney Responses</p>	<p>Litigant/Witness Responses</p>
<p>Legal Ability</p>	<p>95%</p>	<p>N/A</p>	
<p>Integrity</p>	<p>99%</p>	<p>100%</p>	
<p>Communication Skills</p>	<p>96%</p>	<p>100%</p>	
<p>Judicial Temperament</p>	<p>99%</p>	<p>100%</p>	
<p>Administrative Performance</p>	<p>93%</p>	<p>100%</p>	



For More Information Visit: www.azjudges.info

Reading This Data

Judicial Performance Commission results indicate how JPR Commissioners voted, whether a judge “MEETS” Judicial Performance Standards based on survey information as well as all other information submitted by the public or the judge. Judicial Performance Surveys percentages show results of surveys completed by respondents based on the averaged results of the survey respondents who rated the judge “satisfactory” or better in combined Judicial Performance Standards categories.

Judicial Performance Standards include:

- Legal Ability: Decides cases based on applicable law, demonstrating competent legal analysis.
- Integrity: Free from personal bias. Administers justice fairly, ethically, and uniformly.
- Communication Skills: Issues prompt and understandable rulings and directions.
- Judicial Temperament: Dignified, courteous, and patient.
- Administrative Performance: Manages courtroom and office effectively. Issues rulings promptly and efficiently.

RESULTS OF THE COMMISSION’S VOTE ON THE PIMA COUNTY SUPERIOR COURT JUDGES

The following judges DO NOT MEET Judicial Performance Standards

NONE

The following judges MEET Judicial Performance Standards

Gus Aragón, Jr.	Richard S. Fields	Scott H. Rash
Deborah Bernini	Richard E. Gordon	Sarah R. Simmons
Sean E. Brearcliffe	Brenden J. Griffin	Paul E. Tang
Kyle A. Bryson	Kenneth Lee	Joan L. Wagener
Michael J. Butler	D. Douglas Metcalf	
Jane L. Eikleberry	Leslie B. Miller	

JUDGE	JPR Votes “Meets” Judicial Standards	JPR Votes “Does Not Meet” Judicial Standards	Did Not Vote	JPR Commission Member Did Not Vote on Self	Details Page
Gus Aragón, Jr.	32	0	0	0	103
Deborah Bernini	31	1	0	0	103
Sean E. Brearcliffe	32	0	0	0	103
Kyle A. Bryson	32	0	0	0	103
Michael J. Butler	32	0	0	0	104
Jane L. Eikleberry	32	0	0	0	104
Richard S. Fields	31	1	0	0	104
Richard E. Gordon	31	0	1	0	104
Brenden J. Griffin	32	0	0	0	105
Kenneth Lee	32	0	0	0	105
D. Douglas Metcalf	31	1	0	0	105
Leslie B. Miller	30	1	1	0	105
Scott H. Rash	32	0	0	0	106
Sarah R. Simmons	32	0	0	0	106
Paul E. Tang	32	0	0	0	106
Joan L. Wagener	26	6	0	0	106

JUDICIAL PERFORMANCE REVIEW



For More Information Visit: www.azjudges.info

Reading This Data

Judicial Performance Commission results indicate how JPR Commissioners voted, whether a judge “MEETS” Judicial Performance Standards based on survey information as well as all other information submitted by the public or the judge. Judicial Performance Surveys percentages show results of surveys completed by respondents based on the averaged results of the survey respondents who rated the judge “satisfactory” or better in combined Judicial Performance Standards categories.

<p><u>ARAGÓN, GUS, JR.</u> Appointed to Pima County Superior Court: 2006</p>	JUDICIAL PERFORMANCE COMMISSION RESULTS		
	32 Commissioners Voted “Meets” Judicial Standards		
	0 Commissioners Voted “Does Not Meet” Judicial Standards		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	92%	N/A
	Integrity	98%	76%
Communication Skills	93%	83%	
Judicial Temperament	98%	82%	
Administrative Performance	98%	82%	

<p><u>BERNINI, DEBORAH</u> Appointed to Pima County Superior Court: 1997</p>	JUDICIAL PERFORMANCE COMMISSION RESULTS		
	31 Commissioners Voted “Meets” Judicial Standards		
	1 Commissioner Voted “Does Not Meet” Judicial Standards		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	94%	N/A
	Integrity	96%	96%
Communication Skills	97%	100%	
Judicial Temperament	92%	100%	
Administrative Performance	98%	100%	

<p><u>BREARCLIFFE, SEAN E.</u> Appointed to Pima County Superior Court: 2013</p>	JUDICIAL PERFORMANCE COMMISSION RESULTS		
	32 Commissioners Voted “Meets” Judicial Standards		
	0 Commissioners Voted “Does Not Meet” Judicial Standards		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	96%	N/A
	Integrity	94%	85%
Communication Skills	96%	75%	
Judicial Temperament	95%	76%	
Administrative Performance	99%	82%	

<p><u>BRYSON, KYLE A.</u> Appointed to Pima County Superior Court: 2010</p> <p><i>Judge Bryson is the Pima County Presiding Judge.</i></p>	JUDICIAL PERFORMANCE COMMISSION RESULTS		
	32 Commissioners Voted “Meets” Judicial Standards		
	0 Commissioners Voted “Does Not Meet” Judicial Standards		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	100%	N/A
	Integrity	100%	N/A
Communication Skills	100%	N/A	
Judicial Temperament	100%	N/A	
Administrative Performance	100%	N/A	



For More Information Visit: www.azjudges.info

Reading This Data

Judicial Performance Commission results indicate how JPR Commissioners voted, whether a judge “MEETS” Judicial Performance Standards based on survey information as well as all other information submitted by the public or the judge. Judicial Performance Surveys percentages show results of surveys completed by respondents based on the averaged results of the survey respondents who rated the judge “satisfactory” or better in combined Judicial Performance Standards categories.

<p><u>BUTLER, MICHAEL J.</u> Appointed to Pima County Superior Court: 2013</p>	<p>JUDICIAL PERFORMANCE COMMISSION RESULTS 32 Commissioners Voted “Meets” Judicial Standards 0 Commissioners Voted “Does Not Meet” Judicial Standards</p>		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	100%	N/A
	Integrity	99%	100%
	Communication Skills	99%	98%
	Judicial Temperament	97%	99%
Administrative Performance	100%	98%	

<p><u>EIKLEBERRY, JANE L.</u> Appointed to Pima County Superior Court: 2001</p>	<p>JUDICIAL PERFORMANCE COMMISSION RESULTS 32 Commissioners Voted “Meets” Judicial Standards 0 Commissioners Voted “Does Not Meet” Judicial Standards</p>		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	85%	N/A
	Integrity	96%	100%
	Communication Skills	92%	100%
	Judicial Temperament	88%	99%
Administrative Performance	98%	100%	

<p><u>FIELDS, RICHARD S.</u> Appointed to Pima County Superior Court: 1997</p>	<p>JUDICIAL PERFORMANCE COMMISSION RESULTS 31 Commissioners Voted “Meets” Judicial Standards 1 Commissioner Voted “Does Not Meet” Judicial Standards</p>		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	94%	N/A
	Integrity	98%	100%
	Communication Skills	94%	100%
	Judicial Temperament	98%	99%
Administrative Performance	99%	99%	

<p><u>GORDON, RICHARD E.</u> Appointed to Pima County Superior Court: 2009</p>	<p>JUDICIAL PERFORMANCE COMMISSION RESULTS 31 Commissioners Voted “Meets” Judicial Standards 0 Commissioners Voted “Does Not Meet” Judicial Standards 1 Commissioner Did Not Vote</p>		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	87%	N/A
	Integrity	92%	98%
	Communication Skills	89%	95%
	Judicial Temperament	93%	98%
Administrative Performance	83%	94%	

JUDICIAL PERFORMANCE REVIEW



For More Information Visit: www.azjudges.info

Reading This Data

Judicial Performance Commission results indicate how JPR Commissioners voted, whether a judge “MEETS” Judicial Performance Standards based on survey information as well as all other information submitted by the public or the judge. Judicial Performance Surveys percentages show results of surveys completed by respondents based on the averaged results of the survey respondents who rated the judge “satisfactory” or better in combined Judicial Performance Standards categories.

<p><u>GRIFFIN, BRENDEN J.</u> Appointed to Pima County Superior Court: 2013</p>	<p>JUDICIAL PERFORMANCE COMMISSION RESULTS 32 Commissioners Voted “Meets” Judicial Standards 0 Commissioners Voted “Does Not Meet” Judicial Standards</p>		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	98%	N/A
	Integrity	99%	99%
	Communication Skills	95%	98%
	Judicial Temperament	92%	98%
Administrative Performance	98%	99%	

<p><u>LEE, KENNETH</u> Appointed to Pima County Superior Court: 1997</p>	<p>JUDICIAL PERFORMANCE COMMISSION RESULTS 32 Commissioners Voted “Meets” Judicial Standards 0 Commissioners Voted “Does Not Meet” Judicial Standards</p>		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	96%	N/A
	Integrity	97%	100%
	Communication Skills	98%	98%
	Judicial Temperament	95%	99%
Administrative Performance	99%	99%	

<p><u>METCALF, D. DOUGLAS</u> Appointed to Pima County Superior Court: 2013</p>	<p>JUDICIAL PERFORMANCE COMMISSION RESULTS 31 Commissioners Voted “Meets” Judicial Standards 1 Commissioner Voted “Does Not Meet” Judicial Standards</p>		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	90%	N/A
	Integrity	94%	100%
	Communication Skills	96%	94%
	Judicial Temperament	97%	99%
Administrative Performance	97%	96%	

<p><u>MILLER, LESLIE B.</u> Appointed to Pima County Superior Court: 1985</p>	<p>JUDICIAL PERFORMANCE COMMISSION RESULTS 30 Commissioners Voted “Meets” Judicial Standards 1 Commissioner Voted “Does Not Meet” Judicial Standards 1 Commissioner Did Not Vote</p>		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	93%	N/A
	Integrity	99%	97%
	Communication Skills	92%	84%
	Judicial Temperament	95%	90%
Administrative Performance	96%	90%	



For More Information Visit: www.azjudges.info

Reading This Data

Judicial Performance Commission results indicate how JPR Commissioners voted, whether a judge “MEETS” Judicial Performance Standards based on survey information as well as all other information submitted by the public or the judge. Judicial Performance Surveys percentages show results of surveys completed by respondents based on the averaged results of the survey respondents who rated the judge “satisfactory” or better in combined Judicial Performance Standards categories.

<p><u>RASH, SCOTT H.</u> Appointed to Pima County Superior Court: 2010</p>	JUDICIAL PERFORMANCE COMMISSION RESULTS		
	32 Commissioners Voted “Meets” Judicial Standards		
	0 Commissioners Voted “Does Not Meet” Judicial Standards		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	85%	N/A
	Integrity	95%	100%
Communication Skills	88%	100%	
Judicial Temperament	92%	100%	
Administrative Performance	97%	99%	

<p><u>SIMMONS, SARAH R.</u> Appointed to Pima County Superior Court: 2006</p>	JUDICIAL PERFORMANCE COMMISSION RESULTS		
	32 Commissioners Voted “Meets” Judicial Standards		
	0 Commissioners Voted “Does Not Meet” Judicial Standards		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	92%	N/A
	Integrity	97%	84%
Communication Skills	94%	91%	
Judicial Temperament	96%	91%	
Administrative Performance	96%	95%	

<p><u>TANG, PAUL E.</u> Appointed to Pima County Superior Court: 2001</p>	JUDICIAL PERFORMANCE COMMISSION RESULTS		
	32 Commissioners Voted “Meets” Judicial Standards		
	0 Commissioners Voted “Does Not Meet” Judicial Standards		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	86%	N/A
	Integrity	96%	99%
Communication Skills	83%	97%	
Judicial Temperament	80%	92%	
Administrative Performance	96%	98%	

<p><u>WAGENER, JOAN L.</u> Appointed to Pima County Superior Court: 2014</p>	JUDICIAL PERFORMANCE COMMISSION RESULTS		
	26 Commissioners Voted “Meets” Judicial Standards		
	6 Commissioners Voted “Does Not Meet” Judicial Standards		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	95%	N/A
	Integrity	98%	95%
Communication Skills	83%	96%	
Judicial Temperament	79%	94%	
Administrative Performance	91%	97%	

JUDICIAL PERFORMANCE REVIEW



For More Information Visit: www.azjudges.info**Reading This Data**

Judicial Performance Commission results indicate how JPR Commissioners voted, whether a judge “MEETS” Judicial Performance Standards based on survey information as well as all other information submitted by the public or the judge. Judicial Performance Surveys percentages show results of surveys completed by respondents based on the averaged results of the survey respondents who rated the judge “satisfactory” or better in combined Judicial Performance Standards categories.

Judicial Performance Standards include:

- Legal Ability: Decides cases based on applicable law, demonstrating competent legal analysis.
- Integrity: Free from personal bias. Administers justice fairly, ethically, and uniformly.
- Communication Skills: Issues prompt and understandable rulings and directions.
- Judicial Temperament: Dignified, courteous, and patient.
- Administrative Performance: Manages courtroom and office effectively. Issues rulings promptly and efficiently.

RESULTS OF THE COMMISSION’S VOTE ON THE MARICOPA COUNTY SUPERIOR COURT JUDGES

The following judge DOES NOT MEET Judicial Performance Standards

Jo Lynn Gentry

The following judges MEET Judicial Performance Standards

Jay A. Adleman	Andrew G. Klein
James P. Beene	Margaret R. Mahoney
Susan M. Brnovich	M. Scott McCoy
Lori H. Bustamante	Paul J. McMurdie
Rodrick J. Coffey	Colleen A. McNally
Bruce R. Cohen	Kathleen H. Mead
Suzanne E. Cohen	Joseph P. Mikitish
Connie C. Contes	Karen A. Mullins
Christopher A. Coury	Robert H. Oberbillig
John R. Ditsworth	Jose S. Padilla
Lisa D. Flores	David J. Palmer
Jeanne M. Garcia	Timothy J. Ryan
David B. Gass	Teresa A. Sanders
Pamela S. Gates	Patricia Starr
Douglas Gerlach	Sherry K. Stephens
Michael D. Gordon	Timothy J. Thomason
John R. Hannah, Jr.	Peter A. Thompson
Cari A. Harrison	David K. Udall
Michael W. Kemp	Christopher T. Whitten
Daniel J. Kiley	



For More Information Visit: www.azjudges.info

JUDGE	JPR Votes “Meets” Judicial Standards	JPR Votes “Does Not Meet” Judicial Standards	Did Not Vote	JPR Commission Member Did Not Vote on Self	Details Page
Jay A. Adleman	32	0	0	0	109
James P. Beene	32	0	0	0	109
Susan M. Brnovich	32	0	0	0	109
Lori H. Bustamante	32	0	0	0	109
Rodrick J. Coffey	32	0	0	0	110
Bruce R. Cohen	32	0	0	0	110
Suzanne E. Cohen	32	0	0	0	110
Connie C. Contes	32	0	0	0	110
Christopher A. Coury	32	0	0	0	111
John R. Ditsworth	32	0	0	0	111
Lisa D. Flores	32	0	0	0	111
Jeanne M. Garcia	31	1	0	0	111
David B. Gass	32	0	0	0	112
Pamela S. Gates	32	0	0	0	112
Jo Lynn Gentry	14	17	1	0	112
Douglas Gerlach	31	0	0	1	112
Michael D. Gordon	32	0	0	0	113
John R. Hannah, Jr.	32	0	0	0	113
Cari A. Harrison	32	0	0	0	113
Michael W. Kemp	32	0	0	0	113
Daniel J. Kiley	32	0	0	0	114
Andrew G. Klein	32	0	0	0	114
Margaret R. Mahoney	32	0	0	0	114
M. Scott McCoy	32	0	0	0	114
Paul J. McMurdie	32	0	0	0	115
Colleen A. McNally	32	0	0	0	115
Kathleen H. Mead	32	0	0	0	115
Joseph P. Mikitish	32	0	0	0	115
Karen A. Mullins	32	0	0	0	116
Robert H. Oberbillig	32	0	0	0	116
Jose S. Padilla	32	0	0	0	116
David J. Palmer	32	0	0	0	116
Timothy J. Ryan	32	0	0	0	117
Teresa A. Sanders	32	0	0	0	117
Patricia Starr	32	0	0	0	117
Sherry K. Stephens	32	0	0	0	117
Timothy J. Thomason	32	0	0	0	118
Peter A. Thompson	32	0	0	0	118
David K. Udall	32	0	0	0	118
Christopher T. Whitten	32	0	0	0	118



For More Information Visit: www.azjudges.info

Reading This Data

Judicial Performance Commission results indicate how JPR Commissioners voted, whether a judge “MEETS” Judicial Performance Standards based on survey information as well as all other information submitted by the public or the judge. Judicial Performance Surveys percentages show results of surveys completed by respondents based on the averaged results of the survey respondents who rated the judge “satisfactory” or better in combined Judicial Performance Standards categories.

<p><u>ADLEMAN, JAY A.</u> Appointed to Maricopa County Superior Court: 2013</p>	<p>JUDICIAL PERFORMANCE COMMISSION RESULTS 32 Commissioners Voted “Meets” Judicial Standards 0 Commissioners Voted “Does Not Meet” Judicial Standards</p>		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	100%	N/A
	Integrity	100%	100%
	Communication Skills	100%	100%
	Judicial Temperament	100%	100%
Administrative Performance	100%	100%	

<p><u>BEENE, JAMES P.</u> Appointed to Maricopa County Superior Court: 2009</p>	<p>JUDICIAL PERFORMANCE COMMISSION RESULTS 32 Commissioners Voted “Meets” Judicial Standards 0 Commissioners Voted “Does Not Meet” Judicial Standards</p>		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	100%	N/A
	Integrity	100%	100%
	Communication Skills	100%	88%
	Judicial Temperament	100%	100%
Administrative Performance	100%	98%	

<p><u>BRNOVICH, SUSAN M.</u> Appointed to Maricopa County Superior Court: 2009</p>	<p>JUDICIAL PERFORMANCE COMMISSION RESULTS 32 Commissioners Voted “Meets” Judicial Standards 0 Commissioners Voted “Does Not Meet” Judicial Standards</p>		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	95%	N/A
	Integrity	100%	99%
	Communication Skills	96%	97%
	Judicial Temperament	99%	97%
Administrative Performance	99%	100%	

<p><u>BUSTAMANTE, LORI H.</u> Appointed to Maricopa County Superior Court: 2014</p>	<p>JUDICIAL PERFORMANCE COMMISSION RESULTS 32 Commissioners Voted “Meets” Judicial Standards 0 Commissioners Voted “Does Not Meet” Judicial Standards</p>		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	88%	N/A
	Integrity	99%	99%
	Communication Skills	92%	100%
	Judicial Temperament	99%	100%
Administrative Performance	97%	100%	



Reading This Data

Judicial Performance Commission results indicate how JPR Commissioners voted, whether a judge “MEETS” Judicial Performance Standards based on survey information as well as all other information submitted by the public or the judge. Judicial Performance Surveys percentages show results of surveys completed by respondents based on the averaged results of the survey respondents who rated the judge “satisfactory” or better in combined Judicial Performance Standards categories.

<p><u>COFFEY, RODRICK J.</u> Appointed to Maricopa County Superior Court: 2013</p>	JUDICIAL PERFORMANCE COMMISSION RESULTS		
	32 Commissioners Voted “Meets” Judicial Standards		
	0 Commissioners Voted “Does Not Meet” Judicial Standards		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	99%	N/A
	Integrity	100%	92%
Communication Skills	100%	97%	
Judicial Temperament	100%	88%	
Administrative Performance	99%	90%	

<p><u>COHEN, BRUCE R.</u> Appointed to Maricopa County Superior Court: 2005</p>	JUDICIAL PERFORMANCE COMMISSION RESULTS		
	32 Commissioners Voted “Meets” Judicial Standards		
	0 Commissioners Voted “Does Not Meet” Judicial Standards		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	99%	N/A
	Integrity	100%	100%
Communication Skills	100%	100%	
Judicial Temperament	100%	100%	
Administrative Performance	93%	99%	

<p><u>COHEN, SUZANNE E.</u> Appointed to Maricopa County Superior Court: 2013</p>	JUDICIAL PERFORMANCE COMMISSION RESULTS		
	32 Commissioners Voted “Meets” Judicial Standards		
	0 Commissioners Voted “Does Not Meet” Judicial Standards		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	100%	N/A
	Integrity	99%	94%
Communication Skills	98%	82%	
Judicial Temperament	99%	87%	
Administrative Performance	99%	95%	

<p><u>CONTES, CONNIE C.</u> Appointed to Maricopa County Superior Court: 2002</p>	JUDICIAL PERFORMANCE COMMISSION RESULTS		
	32 Commissioners Voted “Meets” Judicial Standards		
	0 Commissioners Voted “Does Not Meet” Judicial Standards		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	97%	N/A
	Integrity	98%	100%
Communication Skills	99%	100%	
Judicial Temperament	99%	100%	
Administrative Performance	77%	100%	



For More Information Visit: www.azjudges.info

Reading This Data

Judicial Performance Commission results indicate how JPR Commissioners voted, whether a judge “MEETS” Judicial Performance Standards based on survey information as well as all other information submitted by the public or the judge. Judicial Performance Surveys percentages show results of surveys completed by respondents based on the averaged results of the survey respondents who rated the judge “satisfactory” or better in combined Judicial Performance Standards categories.

<p><u>COURY, CHRISTOPHER A.</u> Appointed to Maricopa County Superior Court: 2010</p>	<p>JUDICIAL PERFORMANCE COMMISSION RESULTS 32 Commissioners Voted “Meets” Judicial Standards 0 Commissioners Voted “Does Not Meet” Judicial Standards</p>		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	96%	N/A
	Integrity	98%	100%
	Communication Skills	100%	100%
	Judicial Temperament	91%	100%
Administrative Performance	98%	100%	

<p><u>DITSWORTH, JOHN R.</u> Appointed to Maricopa County Superior Court: 2001</p>	<p>JUDICIAL PERFORMANCE COMMISSION RESULTS 32 Commissioners Voted “Meets” Judicial Standards 0 Commissioners Voted “Does Not Meet” Judicial Standards</p>		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	97%	N/A
	Integrity	100%	98%
	Communication Skills	95%	95%
	Judicial Temperament	100%	98%
Administrative Performance	96%	94%	

<p><u>FLORES, LISA D.</u> Appointed to Maricopa County Superior Court: 2006</p>	<p>JUDICIAL PERFORMANCE COMMISSION RESULTS 32 Commissioners Voted “Meets” Judicial Standards 0 Commissioners Voted “Does Not Meet” Judicial Standards</p>		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	93%	N/A
	Integrity	94%	88%
	Communication Skills	94%	80%
	Judicial Temperament	82%	71%
Administrative Performance	99%	88%	

<p><u>GARCIA, JEANNE M.</u> Appointed to Maricopa County Superior Court: 2005</p>	<p>JUDICIAL PERFORMANCE COMMISSION RESULTS 31 Commissioners Voted “Meets” Judicial Standards 1 Commissioner Voted “Does Not Meet” Judicial Standards</p>		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	91%	N/A
	Integrity	98%	87%
	Communication Skills	85%	81%
	Judicial Temperament	96%	85%
Administrative Performance	75%	84%	



Reading This Data

Judicial Performance Commission results indicate how JPR Commissioners voted, whether a judge “MEETS” Judicial Performance Standards based on survey information as well as all other information submitted by the public or the judge. Judicial Performance Surveys percentages show results of surveys completed by respondents based on the averaged results of the survey respondents who rated the judge “satisfactory” or better in combined Judicial Performance Standards categories.

<p><u>GASS, DAVID B.</u> Appointed to Maricopa County Superior Court: 2009</p>	<p>JUDICIAL PERFORMANCE COMMISSION RESULTS 32 Commissioners Voted “Meets” Judicial Standards 0 Commissioners Voted “Does Not Meet” Judicial Standards</p>		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	99%	N/A
	Integrity	100%	100%
	Communication Skills	99%	100%
Judicial Temperament	99%	100%	
Administrative Performance	100%	100%	
<p><u>GATES, PAMELA S.</u> Appointed to Maricopa County Superior Court: 2009</p>	<p>JUDICIAL PERFORMANCE COMMISSION RESULTS 32 Commissioners Voted “Meets” Judicial Standards 0 Commissioners Voted “Does Not Meet” Judicial Standards</p>		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	98%	N/A
	Integrity	99%	100%
	Communication Skills	99%	100%
Judicial Temperament	97%	100%	
Administrative Performance	98%	100%	
<p><u>GENTRY, JO LYNN</u> Appointed to Maricopa County Superior Court: 2005</p>	<p>JUDICIAL PERFORMANCE COMMISSION RESULTS 14 Commissioners Voted “Meets” Judicial Standards 17 Commissioners Voted “Does Not Meet” Judicial Standards 1 Commissioner Did Not Vote</p>		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	81%	N/A
	Integrity	82%	0%
	Communication Skills	75%	0%
Judicial Temperament	88%	0%	
Administrative Performance	88%	0%	
<p><u>GERLACH, DOUGLAS</u> Appointed to Maricopa County Superior Court: 2010</p>	<p>JUDICIAL PERFORMANCE COMMISSION RESULTS 31 Commissioners Voted “Meets” Judicial Standards 0 Commissioners Voted “Does Not Meet” Judicial Standards 1 JPR Commission Member - Did Not Vote on Self</p>		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	93%	N/A
	Integrity	95%	100%
	Communication Skills	90%	100%
Judicial Temperament	93%	100%	
Administrative Performance	98%	100%	



For More Information Visit: www.azjudges.info

Reading This Data

Judicial Performance Commission results indicate how JPR Commissioners voted, whether a judge “MEETS” Judicial Performance Standards based on survey information as well as all other information submitted by the public or the judge. Judicial Performance Surveys percentages show results of surveys completed by respondents based on the averaged results of the survey respondents who rated the judge “satisfactory” or better in combined Judicial Performance Standards categories.

<p><u>GORDON, MICHAEL D.</u> Appointed to Maricopa County Superior Court: 2005</p>	<p>JUDICIAL PERFORMANCE COMMISSION RESULTS 32 Commissioners Voted “Meets” Judicial Standards 0 Commissioners Voted “Does Not Meet” Judicial Standards</p>		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	90%	N/A
	Integrity	99%	100%
	Communication Skills	93%	100%
	Judicial Temperament	96%	100%
Administrative Performance	96%	98%	

<p><u>HANNAH, JR., JOHN R.</u> Appointed to Maricopa County Superior Court: 2005</p>	<p>JUDICIAL PERFORMANCE COMMISSION RESULTS 32 Commissioners Voted “Meets” Judicial Standards 0 Commissioners Voted “Does Not Meet” Judicial Standards</p>		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	92%	N/A
	Integrity	96%	94%
	Communication Skills	89%	93%
	Judicial Temperament	93%	95%
Administrative Performance	97%	96%	

<p><u>HARRISON, CARIA.</u> Appointed to Maricopa County Superior Court: 2001</p>	<p>JUDICIAL PERFORMANCE COMMISSION RESULTS 32 Commissioners Voted “Meets” Judicial Standards 0 Commissioners Voted “Does Not Meet” Judicial Standards</p>		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	100%	N/A
	Integrity	99%	100%
	Communication Skills	98%	100%
	Judicial Temperament	99%	100%
Administrative Performance	96%	100%	

<p><u>KEMP, MICHAEL W.</u> Appointed to Maricopa County Superior Court: 2005</p>	<p>JUDICIAL PERFORMANCE COMMISSION RESULTS 32 Commissioners Voted “Meets” Judicial Standards 0 Commissioners Voted “Does Not Meet” Judicial Standards</p>		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	97%	N/A
	Integrity	96%	100%
	Communication Skills	98%	100%
	Judicial Temperament	94%	100%
Administrative Performance	99%	100%	



For More Information Visit: www.azjudges.info

Reading This Data

Judicial Performance Commission results indicate how JPR Commissioners voted, whether a judge “MEETS” Judicial Performance Standards based on survey information as well as all other information submitted by the public or the judge. Judicial Performance Surveys percentages show results of surveys completed by respondents based on the averaged results of the survey respondents who rated the judge “satisfactory” or better in combined Judicial Performance Standards categories.

<p><u>KILEY, DANIEL J.</u> Appointed to Maricopa County Superior Court: 2010</p>	JUDICIAL PERFORMANCE COMMISSION RESULTS		
	32 Commissioners Voted “Meets” Judicial Standards		
	0 Commissioners Voted “Does Not Meet” Judicial Standards		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	95%	N/A
	Integrity	98%	100%
Communication Skills	97%	100%	
Judicial Temperament	92%	100%	
Administrative Performance	98%	100%	

<p><u>KLEIN, ANDREW G.</u> Appointed to Maricopa County Superior Court: 2001</p>	JUDICIAL PERFORMANCE COMMISSION RESULTS		
	32 Commissioners Voted “Meets” Judicial Standards		
	0 Commissioners Voted “Does Not Meet” Judicial Standards		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	100%	N/A
	Integrity	100%	100%
Communication Skills	100%	100%	
Judicial Temperament	100%	100%	
Administrative Performance	100%	100%	

<p><u>MAHONEY, MARGARET R.</u> Appointed to Maricopa County Superior Court: 2002</p>	JUDICIAL PERFORMANCE COMMISSION RESULTS		
	32 Commissioners Voted “Meets” Judicial Standards		
	0 Commissioners Voted “Does Not Meet” Judicial Standards		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	94%	N/A
	Integrity	99%	100%
Communication Skills	95%	100%	
Judicial Temperament	95%	100%	
Administrative Performance	89%	100%	

<p><u>MCCOY, M. SCOTT</u> Appointed to Maricopa County Superior Court: 2009</p>	JUDICIAL PERFORMANCE COMMISSION RESULTS		
	32 Commissioners Voted “Meets” Judicial Standards		
	0 Commissioners Voted “Does Not Meet” Judicial Standards		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	98%	N/A
	Integrity	100%	100%
Communication Skills	98%	100%	
Judicial Temperament	98%	100%	
Administrative Performance	98%	100%	

JUDICIAL PERFORMANCE REVIEW



For More Information Visit: www.azjudges.info

Reading This Data

Judicial Performance Commission results indicate how JPR Commissioners voted, whether a judge “MEETS” Judicial Performance Standards based on survey information as well as all other information submitted by the public or the judge. Judicial Performance Surveys percentages show results of surveys completed by respondents based on the averaged results of the survey respondents who rated the judge “satisfactory” or better in combined Judicial Performance Standards categories.

<p><u>MCMURDIE, PAUL J.</u> Appointed to Maricopa County Superior Court: 2005</p>	<p>JUDICIAL PERFORMANCE COMMISSION RESULTS 32 Commissioners Voted “Meets” Judicial Standards 0 Commissioners Voted “Does Not Meet” Judicial Standards</p>		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	100%	N/A
	Integrity	99%	92%
	Communication Skills	90%	91%
	Judicial Temperament	92%	92%
Administrative Performance	100%	92%	

<p><u>MCNALLY, COLLEEN A.</u> Appointed to Maricopa County Superior Court: 2001</p>	<p>JUDICIAL PERFORMANCE COMMISSION RESULTS 32 Commissioners Voted “Meets” Judicial Standards 0 Commissioners Voted “Does Not Meet” Judicial Standards</p>		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	100%	N/A
	Integrity	100%	100%
	Communication Skills	100%	100%
	Judicial Temperament	100%	100%
Administrative Performance	100%	100%	

<p><u>MEAD, KATHLEEN H.</u> Appointed to Maricopa County Superior Court: 2013</p>	<p>JUDICIAL PERFORMANCE COMMISSION RESULTS 32 Commissioners Voted “Meets” Judicial Standards 0 Commissioners Voted “Does Not Meet” Judicial Standards</p>		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	95%	N/A
	Integrity	99%	91%
	Communication Skills	93%	85%
	Judicial Temperament	91%	77%
Administrative Performance	100%	90%	

<p><u>MIKITISH, JOSEPH P.</u> Appointed to Maricopa County Superior Court: 2013</p>	<p>JUDICIAL PERFORMANCE COMMISSION RESULTS 32 Commissioners Voted “Meets” Judicial Standards 0 Commissioners Voted “Does Not Meet” Judicial Standards</p>		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	97%	N/A
	Integrity	98%	100%
	Communication Skills	95%	100%
	Judicial Temperament	97%	100%
Administrative Performance	86%	100%	



For More Information Visit: www.azjudges.info

Reading This Data

Judicial Performance Commission results indicate how JPR Commissioners voted, whether a judge “MEETS” Judicial Performance Standards based on survey information as well as all other information submitted by the public or the judge. Judicial Performance Surveys percentages show results of surveys completed by respondents based on the averaged results of the survey respondents who rated the judge “satisfactory” or better in combined Judicial Performance Standards categories.

<p><u>MULLINS, KARENA A.</u> Appointed to Maricopa County Superior Court: 2006</p>	JUDICIAL PERFORMANCE COMMISSION RESULTS		
	32 Commissioners Voted “Meets” Judicial Standards		
	0 Commissioners Voted “Does Not Meet” Judicial Standards		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	95%	N/A
Integrity	100%	100%	
Communication Skills	96%	100%	
Judicial Temperament	99%	100%	
Administrative Performance	99%	100%	

<p><u>OBEBILLIG, ROBERT H.</u> Appointed to Maricopa County Superior Court: 1998</p>	JUDICIAL PERFORMANCE COMMISSION RESULTS		
	32 Commissioners Voted “Meets” Judicial Standards		
	0 Commissioners Voted “Does Not Meet” Judicial Standards		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	97%	N/A
Integrity	100%	100%	
Communication Skills	92%	100%	
Judicial Temperament	95%	100%	
Administrative Performance	96%	100%	

<p><u>PADILLA, JOSE S.</u> Appointed to Maricopa County Superior Court: 2006</p>	JUDICIAL PERFORMANCE COMMISSION RESULTS		
	32 Commissioners Voted “Meets” Judicial Standards		
	0 Commissioners Voted “Does Not Meet” Judicial Standards		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	89%	N/A
Integrity	99%	88%	
Communication Skills	100%	83%	
Judicial Temperament	90%	67%	
Administrative Performance	90%	89%	

<p><u>PALMER, DAVID J.</u> Appointed to Maricopa County Superior Court: 2009</p>	JUDICIAL PERFORMANCE COMMISSION RESULTS		
	32 Commissioners Voted “Meets” Judicial Standards		
	0 Commissioners Voted “Does Not Meet” Judicial Standards		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	98%	N/A
Integrity	99%	97%	
Communication Skills	100%	89%	
Judicial Temperament	99%	94%	
Administrative Performance	100%	95%	

JUDICIAL PERFORMANCE REVIEW



For More Information Visit: www.azjudges.info

Reading This Data

Judicial Performance Commission results indicate how JPR Commissioners voted, whether a judge “MEETS” Judicial Performance Standards based on survey information as well as all other information submitted by the public or the judge. Judicial Performance Surveys percentages show results of surveys completed by respondents based on the averaged results of the survey respondents who rated the judge “satisfactory” or better in combined Judicial Performance Standards categories.

<p><u>RYAN, TIMOTHY J.</u> Appointed to Maricopa County Superior Court: 2005</p>	<p>JUDICIAL PERFORMANCE COMMISSION RESULTS 32 Commissioners Voted “Meets” Judicial Standards 0 Commissioners Voted “Does Not Meet” Judicial Standards</p>		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	98%	N/A
	Integrity	100%	100%
	Communication Skills	99%	95%
	Judicial Temperament	100%	100%
Administrative Performance	99%	100%	

<p><u>SANDERS, TERESA A.</u> Appointed to Maricopa County Superior Court: 2001</p>	<p>JUDICIAL PERFORMANCE COMMISSION RESULTS 32 Commissioners Voted “Meets” Judicial Standards 0 Commissioners Voted “Does Not Meet” Judicial Standards</p>		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	100%	N/A
	Integrity	100%	94%
	Communication Skills	99%	100%
	Judicial Temperament	100%	91%
Administrative Performance	99%	100%	

<p><u>STARR, PATRICIA</u> Appointed to Maricopa County Superior Court: 2014</p>	<p>JUDICIAL PERFORMANCE COMMISSION RESULTS 32 Commissioners Voted “Meets” Judicial Standards 0 Commissioners Voted “Does Not Meet” Judicial Standards</p>		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	93%	N/A
	Integrity	98%	100%
	Communication Skills	94%	100%
	Judicial Temperament	96%	100%
Administrative Performance	97%	100%	

<p><u>STEPHENS, SHERRY K.</u> Appointed to Maricopa County Superior Court: 2001</p>	<p>JUDICIAL PERFORMANCE COMMISSION RESULTS 32 Commissioners Voted “Meets” Judicial Standards 0 Commissioners Voted “Does Not Meet” Judicial Standards</p>		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	97%	N/A
	Integrity	99%	0%
	Communication Skills	100%	0%
	Judicial Temperament	100%	0%
Administrative Performance	99%	0%	



For More Information Visit: www.azjudges.info

Reading This Data

Judicial Performance Commission results indicate how JPR Commissioners voted, whether a judge “MEETS” Judicial Performance Standards based on survey information as well as all other information submitted by the public or the judge. Judicial Performance Surveys percentages show results of surveys completed by respondents based on the averaged results of the survey respondents who rated the judge “satisfactory” or better in combined Judicial Performance Standards categories.

<p><u>THOMASON, TIMOTHY J.</u> Appointed to Maricopa County Superior Court: 2014</p>	JUDICIAL PERFORMANCE COMMISSION RESULTS		
	32 Commissioners Voted “Meets” Judicial Standards		
	0 Commissioners Voted “Does Not Meet” Judicial Standards		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	96%	N/A
	Integrity	99%	86%
Communication Skills	96%	68%	
Judicial Temperament	100%	78%	
Administrative Performance	99%	82%	

<p><u>THOMPSON, PETER A.</u> Appointed to Maricopa County Superior Court: 2010</p>	JUDICIAL PERFORMANCE COMMISSION RESULTS		
	32 Commissioners Voted “Meets” Judicial Standards		
	0 Commissioners Voted “Does Not Meet” Judicial Standards		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	100%	N/A
	Integrity	99%	95%
Communication Skills	97%	92%	
Judicial Temperament	97%	92%	
Administrative Performance	99%	99%	

<p><u>UDALL, DAVID K.</u> Appointed to Maricopa County Superior Court: 2001</p>	JUDICIAL PERFORMANCE COMMISSION RESULTS		
	32 Commissioners Voted “Meets” Judicial Standards		
	0 Commissioners Voted “Does Not Meet” Judicial Standards		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	90%	N/A
	Integrity	99%	100%
Communication Skills	93%	100%	
Judicial Temperament	95%	100%	
Administrative Performance	98%	100%	

<p><u>WHITTEN, CHRISTOPHER T.</u> Appointed to Maricopa County Superior Court: 2006</p>	JUDICIAL PERFORMANCE COMMISSION RESULTS		
	32 Commissioners Voted “Meets” Judicial Standards		
	0 Commissioners Voted “Does Not Meet” Judicial Standards		
	Judicial Performance Surveys	Attorney Responses	Litigant/Witness Responses
	Legal Ability	92%	N/A
	Integrity	99%	100%
Communication Skills	94%	100%	
Judicial Temperament	97%	100%	
Administrative Performance	95%	100%	

JUDICIAL PERFORMANCE REVIEW



For More Information Visit: www.azjudges.info

ARIZONA COMMISSION ON
JPR
 JUDICIAL PERFORMANCE REVIEW

These pages are provided to assist you when voting on the judges and justices standing for retention. Remove the sheets from your pamphlet, mark your vote on the checklist, and take the checklist with you when voting.

Arizona Supreme Court (All Voters)	Pima County Superior Court (Pima County Voters)
Timmer, Ann A. Scott Yes ___ No ___	Aragón, Jr., Gus Yes ___ No ___
Court of Appeals Division I (Maricopa County Voters)	Bernini, Deborah Yes ___ No ___
Cattani, Kent E. Yes ___ No ___	Brearcliffe, Sean E. Yes ___ No ___
Winthrop, Lawrence F. Yes ___ No ___	Bryson, Kyle A. Yes ___ No ___
Court of Appeals Division I (Apache/Coconino/La Paz/Mohave/Navajo/ Yavapai/Yuma County Voters)	Butler, Michael J. Yes ___ No ___
Brown, Michael J. Yes ___ No ___	Eikleberry, Jane L. Yes ___ No ___
Jones, Kenton D. Yes ___ No ___	Fields, Richard S. Yes ___ No ___
Thompson, Jon W. Yes ___ No ___	Gordon, Richard E. Yes ___ No ___
Court of Appeals Division II (Pima County Voters)	Griffin, Brenden J. Yes ___ No ___
Miller, Michael O. Yes ___ No ___	Lee, Kenneth Yes ___ No ___
Pinal County Superior Court (Pinal County Voters)	Metcalf, D. Douglas Yes ___ No ___
Eppich, Karl C. Yes ___ No ___	Miller, Leslie B. Yes ___ No ___
Georgini, Joseph R. Yes ___ No ___	Rash, Scott H. Yes ___ No ___
Gooday, Jr., Henry G. Yes ___ No ___	Simmons, Sarah R. Yes ___ No ___
Holmberg, Jason Yes ___ No ___	Tang, Paul E. Yes ___ No ___
McCarville, Stephen F. Yes ___ No ___	Wagener, Joan L. Yes ___ No ___

REMOVABLE VOTER CHECKLIST #1

For More Information Visit: www.azjudges.info



These pages are provided to assist you when voting on the judges and justices standing for retention. Remove the sheets from your pamphlet, mark your vote on the checklist, and take the checklist with you when voting.

Maricopa County Superior Court
(Maricopa County Voters)

REMOVABLE VOTER CHECKLIST #1

Adleman, Jay A.	Yes ___ No ___	Kiley, Daniel J.	Yes ___ No ___
Beene, James P.	Yes ___ No ___	Klein, Andrew G.	Yes ___ No ___
Brnovich, Susan M.	Yes ___ No ___	Mahoney, Margaret R.	Yes ___ No ___
Bustamante, Lori H.	Yes ___ No ___	McCoy, M. Scott	Yes ___ No ___
Coffey, Rodrick J.	Yes ___ No ___	McMurdie, Paul J.	Yes ___ No ___
Cohen, Bruce R.	Yes ___ No ___	McNally, Colleen A.	Yes ___ No ___
Cohen, Suzanne E.	Yes ___ No ___	Mead, Kathleen H.	Yes ___ No ___
Contes, Connie C.	Yes ___ No ___	Mikitish, Joseph P.	Yes ___ No ___
Coury, Christopher A.	Yes ___ No ___	Mullins, Karen A.	Yes ___ No ___
Ditsworth, John R.	Yes ___ No ___	Oberbillig, Robert H.	Yes ___ No ___
Flores, Lisa D.	Yes ___ No ___	Padilla, Jose S.	Yes ___ No ___
Garcia, Jeanne M.	Yes ___ No ___	Palmer, David J.	Yes ___ No ___
Gass, David B.	Yes ___ No ___	Ryan, Timothy J.	Yes ___ No ___
Gates, Pamela S.	Yes ___ No ___	Sanders, Teresa A.	Yes ___ No ___
Gentry, Jo Lynn	Yes ___ No ___	Starr, Patricia	Yes ___ No ___
Gerlach, Douglas	Yes ___ No ___	Stephens, Sherry K.	Yes ___ No ___
Gordon, Michael D.	Yes ___ No ___	Thomason, Timothy J.	Yes ___ No ___
Hannah, Jr., John R.	Yes ___ No ___	Thompson, Peter A.	Yes ___ No ___
Harrison, Cari A.	Yes ___ No ___	Udall, David K.	Yes ___ No ___
Kemp, Michael W.	Yes ___ No ___	Whitten, Christopher T.	Yes ___ No ___

For More Information Visit: www.azjudges.info

ARIZONA COMMISSION ON
JPR
 JUDICIAL PERFORMANCE REVIEW

These pages are provided to assist you when voting on the judges and justices standing for retention. Remove the sheets from your pamphlet, mark your vote on the checklist, and take the checklist with you when voting.

Arizona Supreme Court (All Voters)	Pima County Superior Court (Pima County Voters)
Timmer, Ann A. Scott Yes ___ No ___	Aragón, Jr., Gus Yes ___ No ___
Court of Appeals Division I (Maricopa County Voters)	Bernini, Deborah Yes ___ No ___
Cattani, Kent E. Yes ___ No ___	Brearcliffe, Sean E. Yes ___ No ___
Winthrop, Lawrence F. Yes ___ No ___	Bryson, Kyle A. Yes ___ No ___
Court of Appeals Division I (Apache/Coconino/La Paz/Mohave/Navajo/ Yavapai/Yuma County Voters)	Butler, Michael J. Yes ___ No ___
Brown, Michael J. Yes ___ No ___	Eikleberry, Jane L. Yes ___ No ___
Jones, Kenton D. Yes ___ No ___	Fields, Richard S. Yes ___ No ___
Thompson, Jon W. Yes ___ No ___	Gordon, Richard E. Yes ___ No ___
Court of Appeals Division II (Pima County Voters)	Griffin, Brenden J. Yes ___ No ___
Miller, Michael O. Yes ___ No ___	Lee, Kenneth Yes ___ No ___
Pinal County Superior Court (Pinal County Voters)	Metcalf, D. Douglas Yes ___ No ___
Eppich, Karl C. Yes ___ No ___	Miller, Leslie B. Yes ___ No ___
Georgini, Joseph R. Yes ___ No ___	Rash, Scott H. Yes ___ No ___
Gooday, Jr., Henry G. Yes ___ No ___	Simmons, Sarah R. Yes ___ No ___
Holmberg, Jason Yes ___ No ___	Tang, Paul E. Yes ___ No ___
McCarville, Stephen F. Yes ___ No ___	Wagener, Joan L. Yes ___ No ___

REMOVABLE VOTER CHECKLIST #2

For More Information Visit: www.azjudges.info



These pages are provided to assist you when voting on the judges and justices standing for retention. Remove the sheets from your pamphlet, mark your vote on the checklist, and take the checklist with you when voting.

Maricopa County Superior Court
(Maricopa County Voters)

REMOVABLE VOTER CHECKLIST #2

Adleman, Jay A.	Yes ___ No ___	Kiley, Daniel J.	Yes ___ No ___
Beene, James P.	Yes ___ No ___	Klein, Andrew G.	Yes ___ No ___
Brnovich, Susan M.	Yes ___ No ___	Mahoney, Margaret R.	Yes ___ No ___
Bustamante, Lori H.	Yes ___ No ___	McCoy, M. Scott	Yes ___ No ___
Coffey, Rodrick J.	Yes ___ No ___	McMurdie, Paul J.	Yes ___ No ___
Cohen, Bruce R.	Yes ___ No ___	McNally, Colleen A.	Yes ___ No ___
Cohen, Suzanne E.	Yes ___ No ___	Mead, Kathleen H.	Yes ___ No ___
Contes, Connie C.	Yes ___ No ___	Mikitish, Joseph P.	Yes ___ No ___
Coury, Christopher A.	Yes ___ No ___	Mullins, Karen A.	Yes ___ No ___
Ditsworth, John R.	Yes ___ No ___	Oberbillig, Robert H.	Yes ___ No ___
Flores, Lisa D.	Yes ___ No ___	Padilla, Jose S.	Yes ___ No ___
Garcia, Jeanne M.	Yes ___ No ___	Palmer, David J.	Yes ___ No ___
Gass, David B.	Yes ___ No ___	Ryan, Timothy J.	Yes ___ No ___
Gates, Pamela S.	Yes ___ No ___	Sanders, Teresa A.	Yes ___ No ___
Gentry, Jo Lynn	Yes ___ No ___	Starr, Patricia	Yes ___ No ___
Gerlach, Douglas	Yes ___ No ___	Stephens, Sherry K.	Yes ___ No ___
Gordon, Michael D.	Yes ___ No ___	Thomason, Timothy J.	Yes ___ No ___
Hannah, Jr., John R.	Yes ___ No ___	Thompson, Peter A.	Yes ___ No ___
Harrison, Cari A.	Yes ___ No ___	Udall, David K.	Yes ___ No ___
Kemp, Michael W.	Yes ___ No ___	Whitten, Christopher T.	Yes ___ No ___

BALLOT PROPOSITION VOTER'S GUIDE

This page is provided for your convenience to mark your choice after studying each proposition. It may be detached from this booklet and taken to the polling place/vote center on **Election Day, November 8, 2016**, to assist you in voting your ballot.

PROPOSITION 205		
Proposed initiative relating to the regulation and taxation of marijuana.	YES <input type="checkbox"/>	NO <input type="checkbox"/>
PROPOSITION 206		
Proposed initiative relating to Arizona's minimum wage and earned paid sick time benefits.	YES <input type="checkbox"/>	NO <input type="checkbox"/>

Date of General Election: November 8, 2016

The polls will be open from 6:00 a.m. - 7:00 p.m. on Election Day

Election Results are available online - www.azsos.gov - starting at 8:00 p.m.

For questions, contact the Arizona Secretary of State Election Services Division

Telephone: 1-877-THE-VOTE (1-877-843-8683) or (602) 542-8683

THIS PAGE INTENTIONALLY LEFT BLANK.

BALLOT PROPOSITION VOTER'S GUIDE

This page is provided for your convenience to mark your choice after studying each proposition. It may be detached from this booklet and taken to the polling place/vote center on **Election Day, November 8, 2016**, to assist you in voting your ballot.

PROPOSITION 205		
Proposed initiative relating to the regulation and taxation of marijuana.	YES <input type="checkbox"/>	NO <input type="checkbox"/>
PROPOSITION 206		
Proposed initiative relating to Arizona's minimum wage and earned paid sick time benefits.	YES <input type="checkbox"/>	NO <input type="checkbox"/>

Date of General Election: November 8, 2016

The polls will be open from 6:00 a.m. - 7:00 p.m. on Election Day

Election Results are available online - www.azsos.gov - starting at 8:00 p.m.

For questions, contact the Arizona Secretary of State Election Services Division

Telephone: 1-877-THE-VOTE (1-877-843-8683) or (602) 542-8683



Looking for your polling place?

Just visit <https://voter.azsos.gov> or <http://www.arizona.vote>

Be ready to enter your name, date of birth, voter registration and/or driver's license number.

See you on November 8!

Is this pamphlet difficult to read because of vision or other disability? Let Sun Sounds of Arizona read this pamphlet to you!



Call 1-877-361-8821

Sun Sounds of Arizona is a not-for-profit organization that assists people who cannot read print due to disability. If you or someone you know has difficulty using this pamphlet, please contact Sun Sounds of Arizona for assistance at no cost to you.

CALL 1-877-361-8821

TO HEAR THE CONTENT OF THIS

VOTER INFORMATION

READ ALOUD OVER THE TELEPHONE.

Audio software may be required in order to present the information in English or Spanish.

To learn about reading services year-round, call 480-774-8300 or email info@sunsounds.org.



Arizona Secretary of State Michele Reagan
 Election Services Division
 1700 West Washington Street, 7th Floor
 Phoenix, Arizona 85007-2808

ARIZONA'S GENERAL ELECTION
NOVEMBER 8, 2016
PUBLICITY PAMPHLET

NON PROFIT ORG
 U.S. POSTAGE
 PAID
 AZ SECRETARY
 OF STATE

OFFICIAL ELECTION MATERIALS

NOTICE: Every qualified voter is required to show proof of identity at the polling place before receiving a ballot.

MATERIALES OFICIALES PARA LA ELECCIÓN
AVISO: Se requiere que todo votante calificado muestre comprobante de identidad en el lugar de votación antes de recibir una boleta electoral.

Only one informational pamphlet has been mailed to each household containing a registered voter. Please make it available to all registered voters in the household.

Sólo se ha enviado por correo un folleto informativo a cada hogar conteniendo a un elector registrado. Por favor póngalo a la disposición de todos los electores registrados en el hogar.



To registered voters at:



STATE OF ARIZONA
PUBLICITY PAMPHLET

INSIDE:

- General Voting Information
- Ballot Propositions
- Ballot Proposition Pro/Con Arguments
- Judicial Performance Review

**FOR A SPANISH OR LARGE PRINT VERSION OF THIS PUBLICITY PAMPHLET
 CALL TOLL-FREE 1-877-THE-VOTE (1-877-843-8683).**

**PARA UNA VERSIÓN EN ESPAÑOL Ó EN LETRA GRANDE DE ESTE FOLLETO
 PUBLICITARIO LLAME AL NÚMERO DE LARGA DISTANCIA GRATUITA 1-877-843-8683.**



ARIZONA SECRETARY OF STATE MICHELE REAGAN