



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



3 SL FAMILY, LLC v. STATE OF ARIZONA, et al.
CV-24-0273-PR
258 Ariz. 523 (App. 2024)

PARTIES:

Petitioner: 3SL Family, LLC (“3SL”)

Respondents: State of Arizona, Arizona Department of Health Services (“the Department”), and Jennie Cunico in her official capacity as Director of the Arizona Department of Health Services

FACTS:

In 2016, the Department granted an application that proposed to place a medical marijuana dispensary within 500 feet of two different preschools. 3SL – a competing applicant for the dispensary registration certificate – filed a statutory special action arguing that a proposed dispensary cannot be located “within five hundred feet of a public or private school existing before the date of” the application. The superior court granted summary judgment in 3SL’s favor, finding that the preschools met Title 15’s definition of “private school,” and that the Department should not have approved the application.

On appeal, the court of appeals reversed the superior court’s grant of summary judgment in favor of 3SL. The majority determined that the phrase “a public or private school” in § 36-2804(B)(1)(b)(ii) and the phrase “any preschool or primary or secondary school” in § 36-2802(B)(2) have different meanings. Accordingly, it concluded that the law did not prohibit the approval of a dispensary within five hundred feet of a preschool. The dissent disagreed, concluding that preschools are “schools” under the plain language of the Act.

ISSUE:

Under the Arizona Medical Marijuana Act, does the word “school” include preschools?

STATUTES:

§ 36-2801. Arizona Medical Marijuana Act; limitations

This chapter does not authorize any person to engage in, and does not prevent the imposition of any civil, criminal or other penalties for engaging in, the following conduct:

B. Possessing or engaging in the medical use of marijuana:

2. On the grounds of any preschool or primary or secondary school.

§ 36-2804. Registration and certification of nonprofit medical marijuana dispensaries

A. Nonprofit medical marijuana dispensaries shall register with the department.

B. Not later than ninety days after receiving an application for a nonprofit medical marijuana dispensary, the department shall register the nonprofit medical marijuana dispensary and issue a registration certificate and a random 20-digit alphanumeric identification number if:

1. The prospective nonprofit medical marijuana dispensary has submitted the following:

(b) An application, including:

(i) The legal name of the nonprofit medical marijuana dispensary.

(ii) The physical address of the nonprofit medical marijuana dispensary and the physical address of one additional location, if any, where marijuana will be cultivated, neither of which may be within five hundred feet of a public or private school existing before the date of the nonprofit medical marijuana dispensary application.

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