

Stricken language would be deleted from and underlined language would be added to present law.
Act 1023 of the Regular Session

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: H3/14/17 H3/23/17

A Bill

HOUSE BILL 1991

By: Representative Lundstrum

For An Act To Be Entitled

AN ACT TO ENACT CERTAIN PROHIBITIONS REGARDING
*MEDICAL MARIJUANA; TO AMEND ARKANSAS CONSTITUTION,
AMENDMENT 98, ALSO KNOWN AS THE "ARKANSAS MEDICAL
MARIJUANA AMENDMENT OF 2016" REGARDING THE RULES
INVOLVING PACKAGING, LABELING, AND DOSING OF USABLE
MARIJUANA; AND FOR OTHER PURPOSES.*

Subtitle

*TO ENACT CERTAIN PROHIBITIONS REGARDING
MEDICAL MARIJUANA; AND TO AMEND THE
ARKANSAS MEDICAL MARIJUANA AMENDMENT OF
2016 REGARDING THE RULES INVOLVING
PACKAGING, LABELING, AND DOSING OF USABLE
MARIJUANA.*

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

*SECTION 1. Arkansas Code Title 20, Chapter 56, is amended to add an
additional subchapter to read as follows:*

Subchapter 3 – Medical Marijuana

20-56-301. Prohibition on self-service machine.

*A dispensary shall not use a self-service machine such as a vending
machine for the purchase and dispensing of medical marijuana.*

20-56-302. Prohibition on being intoxicated while at a dispensary or



cultivation facility.

An individual shall not use marijuana or be intoxicated by marijuana while at a dispensary or a cultivation facility.

20-56-303. Limitations on access to dispensary or cultivation facility.

(a) Except as provided in subsection (b) of this section, a dispensary and cultivation facility shall not allow access to the dispensary, cultivation facility, or the property of a dispensary or cultivation facility to individuals who:

(1) Do not possess a current registry identification card issued by the Department of Health or the Alcoholic Beverage Control Division; or

(2) Are not authorized by law to be at the dispensary or cultivation facility.

(b)(1) A parent with a registry identification card or a designated caregiver registry identification card may bring his or her child or children into a dispensary or cultivation facility for the purpose of purchasing usable marijuana.

(2) A parent without a designated caregiver registry identification card or registry identification card may accompany his or her child who has a registry identification card into a dispensary or cultivation facility for the purpose of purchasing usable marijuana for the child or children.

20-56-304. Child-proof packaging.

(a) As used in this section, "child-proof packaging" means packaging that cannot be opened by a child or that prevents ready access to a toxic or harmful amount of the product, and that meets the testing requirements in accordance with the method described in 16 C.F.R. § 1700.20, as existing on January 1, 2017.

(b) A dispensary or cultivation facility shall ensure that all usable marijuana under Arkansas Constitution, Amendment 98, or products containing usable marijuana be packaged or provided in a child-proof packaging.

(c) A qualifying patient or designated caregiver under Arkansas Constitution, Amendment 98, shall keep all usable marijuana, including without limitation food or drink infused with usable marijuana, in a child-

proof packaging.

SECTION 2. Pursuant to § 23 of Arkansas Constitution, Amendment 98, also known as the "Arkansas Medical Marijuana Amendment of 2016", Arkansas Constitution, Amendment 98, § 4(b)(2), concerning the rules of the Department of Health relating to qualifying patients, is amended to read as follows:

(2) Labeling and testing standards for marijuana distributed to qualifying patients, including without limitation:

(A) Before sale, food or drink that has been combined with usable marijuana shall not exceed ten milligrams (10 mg) of active tetrahydrocannabinol per portion and shall be physically demarked; and

(B) If portions cannot be physically determined, the entirety of the food or drink that has been combined with usable marijuana shall not contain more than ten milligrams (10 mg) of active tetrahydrocannabinol; and

SECTION 3. Pursuant to § 23 of Arkansas Constitution, Amendment 98, also known as the "Arkansas Medical Marijuana Amendment of 2016", Arkansas Constitution, Amendment 98, § 8(e)(5), concerning the rules of the Alcoholic Beverage Control Division of the Department of Finance and Administration relating to dispensaries and cultivation facilities, is amended to read as follows:

(5) The manufacture, processing, packaging, labeling, and dispensing of usable marijuana to qualifying patients and designated caregivers, including without limitation:

(A) Before sale, food or drink that has been combined with usable marijuana shall not exceed ten milligrams (10 mg) of active tetrahydrocannabinol per portion and shall be physically demarked; and

(B) If portions cannot be physically determined, the entirety of the food or drink that has been combined with usable marijuana shall not contain more than ten milligrams (10 mg) of active tetrahydrocannabinol;

/s/Lundstrum

APPROVED: 04/06/2017