

Stricken language would be deleted from and underlined language would be added to present law.  
Act 1024 of the Regular Session

State of Arkansas  
91st General Assembly  
Regular Session, 2017

As Engrossed: H3/17/17 H3/23/17  
**A Bill**

HOUSE BILL 2190

By: Representative Penzo

By: Senator Irvin

**For An Act To Be Entitled**

AN ACT TO AMEND ARKANSAS CONSTITUTION, AMENDMENT 98,  
ALSO KNOWN AS THE "ARKANSAS MEDICAL MARIJUANA  
AMENDMENT OF 2016" TO REQUIRE A DISPENSARY TO MAKE  
VAPORIZERS AVAILABLE FOR SALE TO QUALIFYING PATIENTS  
AND TO APPOINT A *PHARMACIST CONSULTANT*; AND FOR OTHER  
PURPOSES.

**Subtitle**

*TO AMEND THE ARKANSAS MEDICAL MARIJUANA  
AMENDMENT OF 2016 TO REQUIRE A DISPENSARY  
TO MAKE VAPORIZERS AVAILABLE FOR SALE TO  
QUALIFYING PATIENTS AND TO APPOINT A  
PHARMACIST CONSULTANT.*

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

SECTION 1. Pursuant to § 23 of Arkansas Constitution, Amendment 98, also known as the "Arkansas Medical Marijuana Amendment of 2016", Arkansas Constitution, Amendment 98, § 3, concerning protections for the medical use of marijuana, is amended to add an additional subsection to read as follows:

(m) A pharmacist shall not be subject to arrest, prosecution, or penalty in any manner or denied any right or privilege, including without limitation a civil penalty or disciplinary action by the Arkansas State Board of Pharmacy or by any other business, occupational, or professional licensing board or bureau, solely for performing his or her duties as a pharmacist consultant for a registered dispensary.



SECTION 2. Pursuant to § 23 of Arkansas Constitution, Amendment 98, also known as the "Arkansas Medical Marijuana Amendment of 2016", Arkansas Constitution, Amendment 98, § 8(m)(1), concerning the licensing of dispensaries and cultivation facilities, is amended to add an additional subsection to read as follows:

(m)(1)(A) A dispensary licensed under this section may acquire, possess, manufacture, process, prepare, deliver, transfer, transport, supply, and dispense marijuana, marijuana paraphernalia, and related supplies and educational materials to a qualifying patient or designated caregiver, but shall not supply, possess, manufacture, deliver, transfer, or sell marijuana paraphernalia that requires the combustion of marijuana to be properly utilized, including pipes, water pipers, bong, chillums, rolling papers, and roach clips.

(B) A dispensary licensed under this section shall:

(i) Make marijuana vaporizers available for sale to qualifying patients; and

(ii) Provide educational materials about medical marijuana methods of ingestion to qualifying patients and designated caregivers, including without limitation:

(a) Warnings on the potential health risks of smoking or combusting marijuana; and

(b) Information on potential health benefits of vaporizing marijuana compared to smoking or combusting.

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, is amended to add *an additional subsection* to read as follows:

(p)(1) A dispensary shall appoint a pharmacist *consultant* who is a pharmacist licensed with the Arkansas State Board of Pharmacy.

(2) A pharmacist *consultant* shall:

(A) Register as a dispensary agent under this amendment and follow all procedures;

(B) Develop and provide training to other dispensary agents at least one (1) time every twelve (12) months from the initial date

of the opening of the dispensary on the following subjects:

(i) Guidelines for providing information to qualifying patients related to risks, benefits, and side effects associated with medical marijuana;

(ii) Recognizing the signs and symptoms of substance abuse; and

(iii) Guidelines for refusing to provide medical marijuana to an individual who appears to be impaired or abusing medical marijuana;

(C) Assist in the development and implementation of review and improvement processes for patient education and support provided by the dispensary;

(D) Provide oversight for the development and dissemination of:

(i) Education materials for qualifying patients and designated caregivers that include:

(a) Information about possible side effects and contraindications of medical marijuana;

(b) Guidelines for notifying the physician who provided the written certification for medical marijuana if side effects or contraindications occur;

(c) A description of the potential effects of differing strengths of medical marijuana strains and products;

(d) Information about potential drug-to-drug interactions, including interactions with alcohol, prescription drugs, nonprescription drugs, and supplements;

(e) Techniques for the use of medical marijuana and marijuana paraphernalia; and

(f) Information about different methods, forms, and routes of medical marijuana administration;

(ii) Systems for documentation by a qualifying patient or designated caregiver of the symptoms of a qualifying patient that includes a logbook, rating scale for pain and symptoms, and guidelines for a patient's self-assessment; and

(iii) Policies and procedures for refusing to provide medical marijuana to an individual who appears to be impaired or

abusing medical marijuana; and

(E) Be accessible by the dispensary or dispensary agent through:

(i) Telephonic means at all times during operating hours; and

(ii) Telephone or video conference for a patient consultation during operating hours.

/s/Penzo

**APPROVED: 04/06/2017**