

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: H3/14/17 S3/29/17

A Bill

HOUSE BILL 1935

By: Representative Lowery

By: Senator A. Clark

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 CLARIFY THE EFFECT ON ARKANSAS
PUBLIC SCHOOLS; TO DECLARE AN EMERGENCY; AND FOR
OTHER PURPOSES.

Subtitle

TO AMEND THE ARKANSAS MEDICAL MARIJUANA
AMENDMENT OF 2016; TO CLARIFY THE EFFECT
ON ARKANSAS PUBLIC SCHOOLS; AND TO
DECLARE AN EMERGENCY.

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, § 6(b), concerning the scope of the amendment, is amended to read as follows:

(b) This amendment does not require:

(1) A government medical assistance program or private health insurer to reimburse a person for costs associated with the medical use of marijuana unless federal law requires reimbursement;

(2) An employer to accommodate the ingestion of marijuana in a workplace or an employee working while under the influence of marijuana;

(3) An individual or establishment in lawful possession of property to allow a guest, client, customer, or other visitor to use



marijuana on or in that property;

(4) An individual or establishment in lawful possession of property to admit a guest, client, customer, or other visitor who is inebriated as a result of his or her medical use of marijuana; ~~or~~

(5) A landlord to permit a qualifying patient to smoke marijuana on or in leased property, except that a landlord may not prohibit the medical use of marijuana through means other than smoking on leased property by a qualifying patient; ~~or~~

(6) A public school to permit a qualifying patient who is a student to be present on school grounds, to attend a school event, or to participate in extracurricular activities in violation of the public school's student discipline policies when a school office has a good faith belief that the behavior of the qualifying patient is impaired.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that public schools need additional guidance and clarity concerning the effect of Arkansas Constitution, Amendment 98, also known as the "Arkansas Medical Marijuana Amendment of 2016"; that the Arkansas Medical Marijuana Amendment of 2016 became effective on and after November 9, 2016; and that this act is immediately necessary because the public schools of the State of Arkansas need certainty about the law and rules concerning the use of medical marijuana by public school students. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/Lowery

APPROVED: 04/07/2017