

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1058

By: Representative House
By: Senator Irvin

For An Act To Be Entitled

AN ACT TO AMEND THE DEFINITION OF "WRITTEN CERTIFICATION" WITHIN THE ARKANSAS MEDICAL MARIJUANA AMENDMENT OF 2016; TO SPECIFY THAT AN APPLICATION FOR A REGISTRY IDENTIFICATION CARD IS NOT A MEDICAL RECORD; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE DEFINITION OF "WRITTEN CERTIFICATION" WITHIN THE ARKANSAS MEDICAL MARIJUANA AMENDMENT OF 2016; AND TO SPECIFY THAT AN APPLICATION FOR A REGISTRY IDENTIFICATION CARD IS NOT A MEDICAL RECORD.

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

SECTION 1. Pursuant to § 23 of the Arkansas Medical Marijuana Amendment of 2016, § 2(19) of the Arkansas Medical Marijuana Amendment of 2016, concerning the definition of "written certification", is amended to read as follows:

(19)(A) "Written certification" means a document signed by a physician stating that in the physician's professional opinion, after having completed ~~a full~~ an assessment of the qualifying patient's medical history and current medical condition made in the course of a physician-patient relationship, the qualifying patient has a qualifying medical condition ~~and the potential benefits of the medical use of marijuana would likely outweigh~~



~~the health risks for the qualifying patient.~~

(B) A written certification shall specify the qualifying patient's qualifying medical condition, which also shall be noted in the ~~qualifying patient's medical~~ physician's records.

SECTION 2. Pursuant to § 23 of the Arkansas Medical Marijuana Amendment of 2016, § 5(f)(1) of the Arkansas Medical Marijuana Amendment of 2016, concerning the registry identification card application records for a qualifying patient or designated caregiver, is amended to read as follows:

(f)(1) An application or renewal and supporting information submitted by a qualifying patient or designated caregiver under this amendment, including without limitation information regarding the qualifying patient's physician, are considered confidential ~~medical~~ records that are exempt from the Freedom of Information Act of 1967, § 25-19-101 et seq.

SECTION 3. Pursuant to § 23 of the Arkansas Medical Marijuana Amendment of 2016, § 10(b)(9) of the Arkansas Medical Marijuana Amendment of 2016, concerning the dispensary and cultivation facility inspections and requirements, is amended to read as follows:

(9) The dispensary records with patient information shall be treated as confidential ~~medical~~ records that are exempt from the Freedom of Information Act of 1967, § 25-19-101 et seq.

APPROVED: 01/23/2017