

Stricken language would be deleted from and underlined language would be added to present law.
Act 640 of the Regular Session

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: H1/30/17
A Bill

HOUSE BILL 1370

By: Representative House
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 AUTHORIZE REGULATION OF
ADVERTISING, MARKETING, PACKAGING, AND PROMOTION OF
DISPENSARIES AND CULTIVATION FACILITIES; AND FOR
OTHER PURPOSES.

Subtitle

TO AMEND THE ARKANSAS MEDICAL MARIJUANA
AMENDMENT OF 2016; AND TO AUTHORIZE
REGULATION OF ADVERTISING, MARKETING,
PACKAGING, AND PROMOTION OF DISPENSARIES
AND CULTIVATION FACILITIES.

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, § 8(e), concerning the licensure of dispensaries and cultivation facilities, as amended by Acts 2017, No. 4, is amended to read as follows:

(e) Not later than one hundred eighty (180) days after the effective date of this amendment, the division shall adopt rules governing:

(1) Oversight requirements for dispensaries and cultivation facilities;

(2) Recordkeeping requirements for dispensaries and cultivation



facilities;

(3) *Security requirements for dispensaries and cultivation facilities;*

(4) *Personnel requirements for dispensaries and cultivation facilities;*

(5) *The manufacture, processing, packaging, and dispensing of usable marijuana to qualifying patients and designated caregivers;*

(6) *Procedures for suspending or terminating the licenses of dispensaries and cultivation facilities that violate the provisions of this amendment or the rules adopted under this amendment, procedures for appealing penalties, and a schedule of penalties;*

(7) *Procedures for inspections and investigations of dispensaries and cultivation facilities;*

(8) *Advertising restrictions for dispensaries and cultivation facilities, including without limitation the advertising, marketing, packaging, and promotion of dispensaries and cultivation facilities with the purpose to avoid making the product of a dispensary or a cultivation facility appealing to children, including without limitation:*

(A) Artwork;

(B) Building signage;

(C) Product design, including without limitation shapes and flavors;

(D) Child-proof packaging that cannot be opened by a child or that prevents ready access to 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;

(E) Indoor displays that can be seen from outside the dispensary or cultivation facility; and

(F) Other forms of marketing related to medical marijuana;

(9) *Procedures for the disposal or other use of marijuana not dispensed to a qualifying patient; and*

(10) *Any other matters necessary to the division's fair, impartial, stringent, and comprehensive administration of its duties under this amendment.*

APPROVED: 03/24/2017