

Stricken language would be deleted from and underlined language would be added to present law.
Act 740 of the Regular Session

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: H3/14/17
A Bill

HOUSE BILL 1400

By: Representatives Lundstrum, Dotson, Ballinger, Bentley, C. Fite, Hammer, K. Hendren, McNair,
Payton, Richmond, B. Smith

By: Senators Rapert, Hester, G. Stubblefield

For An Act To Be Entitled

AN ACT TO AMEND THE ARKANSAS MEDICAL MARIJUANA
AMENDMENT OF 2016; TO PROHIBIT THE SMOKING OF
MARIJUANA IN ANY LOCATION IN ARKANSAS; AND FOR OTHER
PURPOSES.

Subtitle

TO AMEND THE ARKANSAS MEDICAL MARIJUANA
AMENDMENT OF 2016; AND TO PROHIBIT THE
SMOKING OF MARIJUANA IN ANY LOCATION IN
ARKANSAS.

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(a), concerning scope of the Arkansas Medical Marijuana Amendment of 2016, is amended to read as follows:

(a) This amendment does not permit a person to:

(1) Undertake any task under the influence of marijuana when doing so would constitute negligence or professional malpractice;

(2) Possess, smoke, or otherwise engage in the medical use of marijuana:

(A) On a school bus;

(B) On the grounds of a daycare center, preschool, primary or secondary school, college, or university;



- (C) At a drug or alcohol treatment facility;*
- (D) At a community or recreation center;*
- (E) In a correctional facility;*
- (F) On any form of public transportation; or*
- (G) In a public place; ~~or~~*

(3) Operate, navigate, or be in actual physical control of a motor vehicle, aircraft, motorized watercraft, or any other vehicle drawn by power other than muscle power while under the influence of marijuana;

(4) Smoke marijuana:

- (A) In a place where the smoking of tobacco is prohibited by law;*
 - (B) In the presence of a person who is under fourteen (14) years of age;*
 - (C) Inside a motor vehicle, aircraft, motorized watercraft, or any vehicle drawn by power other than muscle power;*
 - (D) Knowingly in the presence of a pregnant woman; or*
 - (E) In a place where the smoking of marijuana for medical use is likely to cause another person not authorized to use marijuana to be under the influence of marijuana; or*
- (5) Smoke marijuana for medical use if the person is under twenty-one (21) years of age.*

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 regarding medical marijuana issued by the Department of Health, is amended to read as follows:

(2) Labeling and testing standards for marijuana distributed to qualifying patients, including a warning label on all marijuana for medical use that is processed or sold for smoking that communicates the health and safety risks associated with smoking and a list of places and conditions in which smoking marijuana for medical use is illegal in the State of Arkansas; and

APPROVED: 03/29/2017

/s/Lundstrum