

State of Arkansas
92nd General Assembly
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As Engrossed: S3/14/19 H4/1/19

A Bill

SENATE BILL 440

By: Senators Bledsoe, J. Cooper, J. English, Flippo, Irvin, Hester, Rapert, G. Stubblefield

By: Representatives Lundstrum, Bentley, Petty

For An Act To Be Entitled

AN ACT TO BAN USE OF MEDICAL MARIJUANA IN FOOD AND
DRINK EXCEPT IN CERTAIN CIRCUMSTANCES; AND FOR OTHER
PURPOSES.

Subtitle

TO BAN USE OF MEDICAL MARIJUANA IN FOOD
AND DRINK EXCEPT IN CERTAIN
CIRCUMSTANCES.

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

SECTION 1. DO NOT CODIFY. Legislative findings and intent.

(a) The General Assembly finds that:

(1) Arkansas Constitution, Amendment 98, also known as the "Arkansas Medical Marijuana Amendment of 2019", creates a medical marijuana program and authorizes the use of medical marijuana for certain medical conditions;

(2) As with other medications, proper care and safety precautions are necessary to protect children and adults;

(3) The Arkansas Code does not specify the regulation of the manufacturing and processing of medical marijuana; and

(4) It is necessary to protect the public health, safety, and welfare of the citizens of Arkansas to specify the regulation of the manufacturing and processing of medical marijuana.

(b) It is the intent of this act to prohibit certain manufacturing and processing of medical marijuana.



SECTION 2. Arkansas Code Title 20, Chapter 56, Subchapter 3, is amended to add an additional section to read as follows:

20-56-305. Prohibitions on manufacturing and processing medical marijuana.

(a) As used in this section, "commercially available" means any candy, food, or beverage product that is produced or sold by a third party.

(b) A cultivation facility, dispensary, or processor shall not process or manufacture a medical marijuana product in a non-childproof package or container for consumption that:

(1) Is likely to appeal to minors due to shape, color, taste, or design, including without limitation:

(A) Products that are modeled after noncannabis products primarily consumed by and marketed to children;

(B) Products in the shape of an animal, vehicle, person, or character; and

(C) Products that contain cannabinoid concentrates or extracts that, as determined by the Alcoholic Beverage Control Division, closely resemble foods or beverages that are attractive to minors and that are commonly sold in retail establishments in individually packaged portions or in multiple packs of individually packaged portions, regardless of whether the foods or beverages are generic, trademarked, or branded products, including without limitation candy, cookies, cakes, pastries, chewing gum, and brownies; or

(2) Is manufactured by applying cannabinoid concentrates or extracts to trademarked or branded food, candy, or beverages that are commercially available without cannabinoid concentrates or extracts and are commonly sold at retail establishments in individual portions or in multiple packs of individually packaged portions.

(c)(1) The division shall promulgate rules to implement this section.

(2)(A) When adopting the initial rules to implement this section, the final rules shall be filed with the Secretary of State for adoption under § 25-15-204(f):

(i) On or before January 1, 2020; or

(ii) If approval under § 10-3-309 has not occurred by January 1, 2020, as soon as practicable after approval under § 10-3-309.

(B) The division shall file the proposed rules with the Legislative Council under § 10-3-309(c) sufficiently in advance of January 1, 2020, so that the Legislative Council may consider the rule for approval before January 1, 2020.

/s/Bledsoe

APPROVED: 4/15/19