

Department of Finance and Administration

Legislative Impact Statement

Bill: HB1991

Amendment Number: H1

Bill Subtitle: TO ENACT CERTAIN PROHIBITIONS REGARDING MEDICAL MARIJUANA.

Basic Change :

Sponsor: Representative Lundstrum

Engrossment 03/14/17 --- House Amendment 1 --- The bill would amend Chapter 56 of Title 20 of the Arkansas Code, the current code provisions referencing Food, Drugs, And Cosmetics by adding a new Subchapter 3 referencing Medical Marijuana. Subchapter 3 would contain the following provisions:

- § 20-56-301 Prohibition on extraction --- Provides that a person is not authorized to manufacture, compound, convert, produce, derive, process, or prepare marijuana directly or indirectly by chemical extraction or independently by means of chemical synthesis. Excluded from this provision are licensed entities that are legally authorized to manufacture marijuana products or their licensed agents.
- § 20-56-302 Prohibition on self-service machine --- A dispensary would not be allowed to use a self-service machine such as a vending machine for the purchase and dispensing of medical marijuana.
- § 20-56-303 Prohibition on being under the influence while at a dispensary or cultivation facility --- A person would not be authorized to use marijuana or be under the influence of marijuana while at a dispensary or a cultivation facility.
- § 20-56-304 Limitations on access to dispensary or cultivation facility --- A dispensary or cultivation facility could not allow access to the dispensary, cultivation facility, or the property of a dispensary or cultivation facility to an individual unless that person: (1) possesses a current registry identification card issued by the Department of Health or the Alcoholic Beverage Control Division; or (2) the person is the owner, an employee or agent of the dispensary or cultivation facility, or (3) an individual who is required by law to inspect or visit the dispensary or cultivation facility. Parents with a registry identification cards or a designated caregiver registry identification cards may bring their children into a dispensary or cultivation facility when purchasing usable marijuana. Parents without a designated caregiver registry identification card or registry identification card would be allowed to accompany their child who has a registry identification card.
- § 20-56-305 Prohibition on medical marijuana advertisement --- Advertising, publicizing, promoting, or marketing through broadcasting, online services, print services, or billboards regarding medical marijuana would not be allowed. How to use medical marijuana or services associated with medical marijuana including physician services; designated caregiver services; providing free samples of marijuana or marijuana-related products; and providing coupons or other promotional flyers are not authorized.
- § 20-56-306 Prohibition on use of medical symbols with medical marijuana --- Dispensaries and cultivation facilities are not allowed to use symbols commonly associated with the practice of medicine or the practice of pharmacy.
- § 20-56-307 Child-resistant packaging --- Dispensaries and cultivation facilities would be required to use child-resistant packaging for all marijuana packaging. Qualifying patients and designated

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caregivers would also be required to keep all usable marijuana, including food or drink infused with usable marijuana, in a child-resistant packaging.

The Act would be effective 90 days after final adjournment of the 91st General Assembly.

Revenue Impact :

None.

Taxpayer Impact :

None.

Resources Required :

None.

Time Required :

None.

Procedural Changes :

None.

Other Comments :

None.

Legal Analysis :

HB1991-H1 makes several substantive changes to the Arkansas Medical Marijuana Amendment ("Amendment"). First, the bill prohibits individuals from chemically manufacturing or processing marijuana. This prohibition does not apply to entities specifically licensed to conduct these activities. Second, the bill prevents the sale of medical marijuana by self-service vending machine. Third, the bill prohibits individuals from using or being under the influence of medical marijuana while at a dispensary or cultivation facility. Fourth, the bill requires restriction of access to a dispensary or cultivation facility, unless the individual is an owner, employee or agent of the dispensary or cultivation facility, an individual licensed by the Arkansas Department of Health or the Alcoholic Beverage Control Division, an individual authorized by law to inspect the premises, or a parent of a qualified patient. Fifth, the bill limits the advertisement, publication or promotion of medical marijuana. Sixth, the bill prohibits the use of medical or pharmaceutical symbols by any dispensary or cultivation facility. Finally, the bill mandates that child resistant packaging be used by all dispensaries and cultivation facilities. This provision may conflict with existing rules currently being considered for public comment by the Alcoholic Beverage Control Division which require child-proof packaging (a more difficult standard).