

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: H3/7/17
A Bill

HOUSE BILL 1391

By: Representatives Lundstrum, Dotson, Ballinger, Barker, Bentley, Brown, Drown, Fortner, Gates, Henderson, Hollowell, Lemons, Maddox, McCollum, McNair, Miller, Payton, Penzo, Pilkington, Richmond, Speaks, Warren, Watson
By: Senator Hester

For An Act To Be Entitled

AN ACT TO AMEND THE ARKANSAS MEDICAL MARIJUANA
AMENDMENT OF 2016 REGARDING LOCAL REGULATIONS; TO
DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE ARKANSAS MEDICAL MARIJUANA
AMENDMENT OF 2016 REGARDING LOCAL
REGULATIONS; AND TO DECLARE AN EMERGENCY.

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, § 14, is amended to read as follows:

§ 14. Local regulation.

(a) This amendment does not prohibit a city, incorporated town, or county of this state from enacting reasonable zoning regulations applicable to dispensaries, ~~or~~ cultivation facilities, or any other licensed marijuana facility provided that those zoning regulations are the same as those for a licensed retail pharmacy.

(b) This section ~~does not allow~~ allows a city, incorporated town, or county to:

(1) Regulate or prohibit the operation of any dispensaries, ~~or~~ cultivation facilities, or any other licensed marijuana facility in the city,



incorporated town, or county ~~unless such a prohibition is approved at~~ by an election under Article 5, § 1, of this constitution; or

(2) Regulate the operation of any dispensaries, cultivation facilities, or any other licensed marijuana facilities in the city, incorporated town, or county by a majority vote of a city council or county quorum court.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the Arkansas Medical Marijuana Amendment of 2016 became effective on November 9, 2016, and requires the Medical Marijuana Commission to begin issuing licenses for dispensaries and cultivation facilities on June 1, 2017; that § 23 of the Arkansas Medical Marijuana Amendment of 2016 allows the General Assembly to amend certain language within the amendment; that local zoning regulations permitting or prohibiting dispensaries and cultivation facilities in certain locations must take effect prior to the issuing of licenses for dispensaries and cultivation facilities under the Arkansas Medical Marijuana Amendment of 2016; and that this act is immediately necessary because cities, incorporated towns, and counties of this state need additional time to determine if a zoning regulation or a vote by a city council or county quorum court to prohibit dispensaries or cultivation facilities is needed. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/Lundstrum