

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

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1816

By: Representative Blake

For An Act To Be Entitled

AN ACT TO AMEND THE ARKANSAS MEDICAL MARIJUANA
AMENDMENT OF 2016; TO REQUIRE DIVERSITY WHEN ISSUING
LICENSES FOR DISPENSARIES AND CULTIVATION FACILITIES
AND WHEN APPOINTING INDIVIDUALS TO THE MEDICAL
MARIJUANA COMMISSION; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE ARKANSAS MEDICAL MARIJUANA
AMENDMENT OF 2016; AND TO REQUIRE
DIVERSITY WHEN ISSUING LICENSES FOR
DISPENSARIES AND CULTIVATION FACILITIES
AND WHEN APPOINTING INDIVIDUALS TO THE
MEDICAL MARIJUANA COMMISSION.

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

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

(a) The General Assembly finds that it is the policy of the State of Arkansas to support equal opportunity as well as economic development in every sector.

(b) It is the intent of the General Assembly to encourage a more diverse and inclusive opportunity for minority-owned businesses and female-owned business.

(c) The purpose of this act is to support to the fullest all possible participation of firms owned and controlled by minorities and females in the development of medical marijuana within the State of Arkansas.



SECTION 2. Pursuant to § 23 of Arkansas Constitution, Amendment 98, also known as the "Arkansas Medical Marijuana Amendment of 2016", Arkansas Constitution, Amendment 98, § 8 is amended to add a new subdivision to read as follows:

(p) When issuing a license for a dispensary or cultivation facility, the commission shall consider racial and gender diversity in ownership of an applicant dispensary or cultivation facility.

SECTION 3. Pursuant to § 23 of Arkansas Constitution, Amendment 98, also known as the "Arkansas Medical Marijuana Amendment of 2016", Arkansas Constitution, Amendment 98, § 19 is amended to read as follows:

§ 19. Medical Marijuana Commission – Creation.

(a)(1) There is created a Medical Marijuana Commission to determine the qualifications for receiving a license to operate a dispensary or a license to operate a cultivation facility and the awarding of licenses.

(2) Each member of the commission shall serve a term of four (4) years.

(3) The commission shall consist of five (5) member as follows:

(A) Two (2) members appointed by the President Pro Tempore of the Senate;

(B) Two (2) members appointed by the Speaker of the House of Representatives; and

(C) One (1) member appointed by the Governor.

(4) Vacancies on the commission shall be filled in the manner of the original appointment.

(5) The commission shall select one (1) of its members as chair.

(6) An affirmative vote of a majority of a quorum present shall be necessary to transact business.

(7) The President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Governor shall consider diversity when appointing individuals to the commission.

(b)(1)(A) One (1) of the initial members appointed by the President Pro Tempore of the Senate shall serve a term of two (2) years and one (1) of the initial members appointed by the President Pro Tempore of the Senate shall serve a term of four (4) years.

(B) The initial members appointed by the President Pro

Tempore of the Senate shall draw lots to determine which member shall serve a term of two (2) years.

(2)(A) One (1) of the initial members appointed by the Speaker of the House of Representatives shall serve a term of two (2) years and one (1) of the initial members appointed by the Speaker of the House of Representatives shall serve a term of four (4) years.

(B) The initial members appointed by the Speaker of the House of Representatives shall draw lots to determine which member shall serve a term of two (2) years.

(3) The initial member appointed by the Governor shall serve a term of four (4) years.

(4) All subsequent persons appointed to the commission shall serve a term of four (4) years.

(c) A member of the commission shall be:

(1) Be:

(A) A citizen of the United States;

~~(2)~~(B) A resident of the State of Arkansas for at least ten (10) years preceding his or her appointment;

~~(3)~~(C) A qualified elector; and

~~(4)~~(D) At least twenty-five (25) years of age; and

~~(5)~~(2) Have no economic interest in a dispensary or cultivation facility.

(d)(1) The commission, by a majority vote of the total membership of the commission cast during its first regularly scheduled meeting of each calendar year, may authorize payment to its members of a stipend not to exceed eighty-five dollars (\$85.00) per day for each meeting attended or for any day while performing any proper business of the commission.

(2) Members of the commission shall receive no other compensation, expense reimbursement, or in-lieu-of payments.

(e)(1) The commission may employ staff necessary to assist in the performance of its duties under this amendment.

(2) The Alcoholic Beverage Control Division shall provide staff for the commission if the commission does not have employees available for that purpose.

(f)(1) Initial members of the commission shall be appointed within thirty (30) days of the effective date of this section.

(2) The President Pro Tempore of the Senate shall call the first meeting of the commission, which shall occur within forty-five (45) days of the effective date of this section.

(g) The commission shall comply with all laws otherwise applicable to other state commissions, including without limitation the Minority Business Economic Development Act, § 15-4-301 et seq., and the Arkansas Procurement Law, § 19-11-201 et seq.