

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: H3/14/17

A Bill

HOUSE BILL 1989

By: Representative Lundstrum

For An Act To Be Entitled

AN ACT TO AMEND ARKANSAS CONSTITUTION, AMENDMENT 98, ALSO KNOWN AS 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 the 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 twenty-one (21) 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;*

(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;*

(5) *Smoke marijuana for medical use if the person is under twenty-one (21) years of age; or*

(6)(A) *Smoke marijuana for medical use in the presence of a minor.*

(B) *As used in this section, "minor" means a person who is under eighteen (18) years of age.*

(C) *Smoking marijuana for medical use in the presence of a minor is grounds for a child abuse investigation under existing state law.*

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

/s/Lundstrum