

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 1990

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 AMEND THE DEFINITION OF  
"DESIGNATED CAREGIVER" AND "QUALIFYING CONDITION"; TO  
BAN CULTIVATION OR GROWING OF MEDICAL MARIJUANA AT A  
DISPENSARY; AND FOR OTHER PURPOSES.

### Subtitle

TO AMEND THE ARKANSAS MEDICAL MARIJUANA  
AMENDMENT OF 2016; TO AMEND THE  
DEFINITION OF "DESIGNATED CAREGIVER" AND  
"QUALIFYING CONDITION"; AND TO BAN  
CULTIVATION OR GROWING OF MEDICAL  
MARIJUANA AT A DISPENSARY.

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, § 2(6), concerning the definition of "designated caregiver", is amended to read as follows:*

*(6)(A) "Designated caregiver" means a person who is at least twenty-one (21) years of age, has not been convicted of an excluded felony offense, has agreed to assist ~~a~~ no more than five (5) physically disabled qualifying ~~patient~~ patients with the medical use of marijuana, and who has registered with the Department of Health under § 5 of this amendment.*

*(B) "Designated caregiver" includes without limitation a*



parent:

(i) ~~Of a qualifying patient who is under the age of~~  
eighteen (18) years of age; and

(ii) Required to register as a designated caregiver  
under this amendment;

SECTION 2. Pursuant to § 23 of Arkansas Constitution, Amendment 98, also known as the "Arkansas Medical Marijuana Amendment of 2016", Arkansas Constitution, Amendment 98, § 2(13), concerning the definition of "qualified medical condition" within the Arkansas Medical Marijuana Amendment of 2016, is amended to read as follows:

(13) "Qualifying medical condition" means one (1) or more of the following:

(A) Cancer, glaucoma, positive status for human immunodeficiency virus/acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, Tourette's syndrome, Crohn's disease, ulcerative colitis, post-traumatic stress disorder, severe arthritis, fibromyalgia, Alzheimer's disease, or the treatment of these conditions; and

(B) A chronic or debilitating disease or medical condition or its treatment that produces one (1) or more of the following: cachexia or wasting syndrome; peripheral neuropathy; or intractable pain, which is pain that has not responded to ordinary medications, treatment, or surgical measures for more than six (6) months; severe nausea; seizures, including without limitation those characteristic of epilepsy; or severe and persistent muscle spasms, including without limitation those characteristic of multiple sclerosis; and

~~(C) Any other medical condition or its treatment approved by the Department of Health under § 4 of this amendment;~~

SECTION 3. Pursuant to § 23 of Arkansas Constitution, Amendment 98, also known as the "Arkansas Medical Marijuana Amendment of 2016", Arkansas Constitution, Amendment 98, § 4(d), as amended by Acts 2017, No. 4, § 3, concerning the administration and enforcement by the Department of Health, is repealed.

~~(d) The department shall adopt rules within one hundred eighty (180) days of the effective date of this amendment that govern the manner in which~~

~~a designated caregiver assists a physically disabled qualifying patient or a qualifying patient under the age of eighteen (18) with the medical use of marijuana.~~

SECTION 4. Pursuant to § 23 of Arkansas Constitution, Amendment 98, also known as the Arkansas Medical Marijuana Amendment of 2016, Arkansas Constitution, Amendment 98, § 8(m), concerning the licensing of dispensaries and cultivation facilities, is amended to read as follows:

(m)(1) A dispensary licensed under this section may acquire, possess, manufacture, process, prepare, deliver, transfer, transport, supply, and dispense marijuana, marijuana paraphernalia, and related supplies and educational materials to a qualifying patient or designated caregiver.

(2) A dispensary may receive compensation for providing the goods and services allowed by this section.

~~(3)(A) A dispensary may grow or possess:~~

~~(i) Fifty (50) mature marijuana plants at any one (1) time plus seedlings; and~~

~~(ii) All usable marijuana derived from the plants under subdivision (m)(3)(A)(i) of this section or predecessor plants.~~

~~(B) A dispensary may contract with a cultivation facility to cultivate one (1) or more mature marijuana plants the dispensary is permitted to grow.~~

~~(4)(A)(i) A cultivation facility may cultivate and possess usable marijuana in an amount reasonably necessary to meet the demand for the needs of qualifying patients as determined by the commission with the assistance of the Department of Health.~~

~~(ii) However, a cultivation facility shall not sell marijuana in any form except to a dispensary or other cultivation facility.~~

~~(B) A cultivation facility may also possess marijuana seeds.~~

~~(C) The commission with the assistance of the Department of Health shall promulgate rules determining the amount of marijuana reasonably necessary under subdivision ~~(m)(4)(A)~~ (m)(3)(A) of this section.~~

~~(5)(4) A cultivation facility may receive compensation for providing goods and services allowed by this section.~~

*/s/Lundstrum*