

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

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: H4/14/21
A Bill

HOUSE BILL 1851

By: Representative Wing

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
"SAFETY SENSITIVE POSITION"; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND ARKANSAS CONSTITUTION, AMENDMENT
98, ALSO KNOWN AS THE "ARKANSAS MEDICAL
MARIJUANA AMENDMENT OF 2016"; AND TO
AMEND THE DEFINITION OF "SAFETY SENSITIVE
POSITION".

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(25)(B), concerning the definition of "safety
sensitive position", is amended to read as follows:

(B) "Safety sensitive position" also means any position
designated in writing by an employer as a safety sensitive position in which
a person performing the position while under the influence of marijuana may
constitute a threat to health or safety, including without limitation a
position:

- (i) That requires any of the following activities:
 - (a) Carrying a firearm;
 - (b) Performing life-threatening procedures;
 - (c) Working with confidential information,



including proprietary, financial, or health-related records or documents;

(d) Working with ~~confidential information or~~
documents pertaining to criminal investigations; or

~~(d)~~(e) Working with hazardous or flammable
materials, controlled substances, food, or medicine; or

(ii) In which a lapse of attention could result in
injury, illness, or death, including without limitation a position that
includes the operating, repairing, maintaining, or monitoring of heavy
equipment, machinery, aircraft, motorized watercraft, or motor vehicles as
part of the job duties; and

/s/Wing