

1 State of Arkansas *As Engrossed: H3/14/17 H3/23/17*

2 91st General Assembly

A Bill

3 Regular Session, 2017

HOUSE BILL 1991

4

5 By: Representative Lundstrum

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For An Act To Be Entitled

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AN ACT TO ENACT CERTAIN PROHIBITIONS REGARDING

9

MEDICAL MARIJUANA; TO AMEND ARKANSAS CONSTITUTION,

10

AMENDMENT 98, ALSO KNOWN AS THE "ARKANSAS MEDICAL

11

MARIJUANA AMENDMENT OF 2016" REGARDING THE RULES

12

INVOLVING PACKAGING, LABELING, AND DOSING OF USABLE

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MARIJUANA; AND FOR OTHER PURPOSES.

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16

Subtitle

17

TO ENACT CERTAIN PROHIBITIONS REGARDING

18

MEDICAL MARIJUANA; AND TO AMEND THE

19

ARKANSAS MEDICAL MARIJUANA AMENDMENT OF

20

2016 REGARDING THE RULES INVOLVING

21

PACKAGING, LABELING, AND DOSING OF USABLE

22

MARIJUANA.

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

26

27 *SECTION 1. Arkansas Code Title 20, Chapter 56, is amended to add an*
28 *additional subchapter to read as follows:*

29

Subchapter 3 – Medical Marijuana

30

31 *20-56-301. Prohibition on self-service machine.*

32

33 *A dispensary shall not use a self-service machine such as a vending*
34 *machine for the purchase and dispensing of medical marijuana.*

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36 *20-56-302. Prohibition on being intoxicated while at a dispensary or*



1 cultivation facility.

2 An individual shall not use marijuana or be intoxicated by marijuana
3 while at a dispensary or a cultivation facility.

4
5 20-56-303. Limitations on access to dispensary or cultivation
6 facility.

7 (a) Except as provided in subsection (b) of this section, a dispensary
8 and cultivation facility shall not allow access to the dispensary,
9 cultivation facility, or the property of a dispensary or cultivation facility
10 to individuals who:

11 (1) Do not possess a current registry identification card issued
12 by the Department of Health or the Alcoholic Beverage Control Division; or

13 (2) Are not authorized by law to be at the dispensary or
14 cultivation facility.

15 (b)(1) A parent with a registry identification card or a designated
16 caregiver registry identification card may bring his or her child or children
17 into a dispensary or cultivation facility for the purpose of purchasing
18 usable marijuana.

19 (2) A parent without a designated caregiver registry
20 identification card or registry identification card may accompany his or her
21 child who has a registry identification card into a dispensary or cultivation
22 facility for the purpose of purchasing usable marijuana for the child or
23 children.

24
25 20-56-304. Child-proof packaging.

26 (a) As used in this section, "child-proof packaging" means packaging
27 that cannot be opened by a child or that prevents ready access to a toxic or
28 harmful amount of the product, and that meets the testing requirements in
29 accordance with the method described in 16 C.F.R. § 1700.20, as existing on
30 January 1, 2017.

31 (b) A dispensary or cultivation facility shall ensure that all usable
32 marijuana under Arkansas Constitution, Amendment 98, or products containing
33 usable marijuana be packaged or provided in a child-proof packaging.

34 (c) A qualifying patient or designated caregiver under Arkansas
35 Constitution, Amendment 98, shall keep all usable marijuana, including
36 without limitation food or drink infused with usable marijuana, in a child-

1 proof packaging.

2
3 SECTION 2. Pursuant to § 23 of Arkansas Constitution, Amendment 98,
4 also known as the "Arkansas Medical Marijuana Amendment of 2016", Arkansas
5 Constitution, Amendment 98, § 4(b)(2), concerning the rules of the Department
6 of Health relating to qualifying patients, is amended to read as follows:

7 (2) Labeling and testing standards for marijuana distributed to
8 qualifying patients, including without limitation:

9 (A) Before sale, food or drink that has been combined with
10 usable marijuana shall not exceed ten milligrams (10 mg) of active
11 tetrahydrocannabinol per portion and shall be physically demarked; and

12 (B) If portions cannot be physically determined, the
13 entirety of the food or drink that has been combined with usable marijuana
14 shall not contain more than ten milligrams (10 mg) of active
15 tetrahydrocannabinol; and

16
17 SECTION 3. Pursuant to § 23 of Arkansas Constitution, Amendment 98,
18 also known as the "Arkansas Medical Marijuana Amendment of 2016", Arkansas
19 Constitution, Amendment 98, § 8(e)(5), concerning the rules of the Alcoholic
20 Beverage Control Division of the Department of Finance and Administration
21 relating to dispensaries and cultivation facilities, is amended to read as
22 follows:

23 (5) The manufacture, processing, packaging, labeling, and
24 dispensing of usable marijuana to qualifying patients and designated
25 caregivers, including without limitation:

26 (A) Before sale, food or drink that has been combined with
27 usable marijuana shall not exceed ten milligrams (10 mg) of active
28 tetrahydrocannabinol per portion and shall be physically demarked; and

29 (B) If portions cannot be physically determined, the
30 entirety of the food or drink that has been combined with usable marijuana
31 shall not contain more than ten milligrams (10 mg) of active
32 tetrahydrocannabinol;

33 /s/Lundstrum

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35 APPROVED: 04/06/2017