

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

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H3/17/17

A Bill

HOUSE BILL 2190

5 By: Representative Penzo
6 By: Senator Irvin
7

For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CONSTITUTION, AMENDMENT 98,
10 ALSO KNOWN AS THE "ARKANSAS MEDICAL MARIJUANA
11 AMENDMENT OF 2016" TO REQUIRE A DISPENSARY TO MAKE
12 VAPORIZERS AVAILABLE FOR SALE TO QUALIFYING PATIENTS
13 AND TO APPOINT A PHARMACIST DIRECTOR; AND FOR OTHER
14 PURPOSES.
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Subtitle

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18 TO AMEND THE ARKANSAS MEDICAL MARIJUANA
19 AMENDMENT OF 2016 TO REQUIRE A DISPENSARY
20 TO MAKE VAPORIZERS AVAILABLE FOR SALE TO
21 QUALIFYING PATIENTS AND TO APPOINT A
22 PHARMACIST DIRECTOR.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Pursuant to § 23 of Arkansas Constitution, Amendment 98,
28 also known as the "Arkansas Medical Marijuana Amendment of 2016", Arkansas
29 Constitution, Amendment 98, § 3, concerning protections for the medical use
30 of marijuana, is amended to add an additional subsection to read as follows:

31 (m) A pharmacist shall not be subject to arrest, prosecution, or
32 penalty in any manner or denied any right or privilege, including without
33 limitation a civil penalty or disciplinary action by the Arkansas State Board
34 of Pharmacy or by any other business, occupational, or professional licensing
35 board or bureau, solely for performing his or her duties as a pharmacist
36 director for a registered dispensary.



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2 SECTION 2. Pursuant to § 23 of Arkansas Constitution, Amendment 98,
3 also known as the "Arkansas Medical Marijuana Amendment of 2016", Arkansas
4 Constitution, Amendment 98, § 8(m)(1), concerning the licensing of
5 dispensaries and cultivation facilities, is amended to add an additional
6 subsection to read as follows:

7 (m)(1)(A) A dispensary licensed under this section may acquire,
8 possess, manufacture, process, prepare, deliver, transfer, transport, supply,
9 and dispense marijuana, marijuana paraphernalia, and related supplies and
10 educational materials to a qualifying patient or designated caregiver, but
11 shall not supply, possess, manufacture, deliver, transfer, or sell marijuana
12 paraphernalia that requires the combustion of marijuana to be properly
13 utilized, including pipes, water pipers, bongs, chillums, rolling papers, and
14 roach clips.

15 (B) A dispensary licensed under this section shall:

16 (i) Make marijuana vaporizers available for sale to
17 qualifying patients; and

18 (ii) Provide educational materials about medical
19 marijuana methods of ingestion to qualifying patients and designated
20 caregivers, including without limitation:

21 (a) Warnings on the potential health risks of
22 smoking or combusting marijuana; and

23 (b) Information on potential health benefits
24 of vaporizing marijuana compared to smoking or combusting.

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26 SECTION 3. Pursuant to § 23 of Arkansas Constitution, Amendment 98,
27 also known as the "Arkansas Medical Marijuana Amendment of 2016", Arkansas
28 Constitution, Amendment 98, § 8, is amended to add *additional subsections* to
29 read as follows:

30 (p)(1) A dispensary shall appoint a pharmacist director who is a
31 pharmacist licensed with the Arkansas State Board of Pharmacy.

32 (2) A pharmacist director shall:

33 (A) Register as a dispensary agent under this amendment
34 and follow all procedures;

35 (B) Develop and provide training to other dispensary
36 agents at least one (1) time every twelve (12) months from the initial date

1 of the opening of the dispensary on the following subjects:

2 (i) Guidelines for providing information to
3 qualifying patients related to risks, benefits, and side effects associated
4 with medical marijuana;

5 (ii) Recognizing the signs and symptoms of substance
6 abuse; and

7 (iii) Guidelines for refusing to provide medical
8 marijuana to an individual who appears to be impaired or abusing medical
9 marijuana;

10 (C) Assist in the development and implementation of review
11 and improvement processes for patient education and support provided by the
12 dispensary;

13 (D) Provide oversight for the development and
14 dissemination of:

15 (i) Education materials for qualifying patients and
16 designated caregivers that include:

17 (a) Information about possible side effects
18 and contraindications of medical marijuana;

19 (b) Guidelines for notifying the physician who
20 provided the written certification for medical marijuana if side effects or
21 contraindications occur;

22 (c) A description of the potential effects of
23 differing strengths of medical marijuana strains and products;

24 (d) Information about potential drug-to-drug
25 interactions, including interactions with alcohol, prescription drugs,
26 nonprescription drugs, and supplements;

27 (e) Techniques for the use of medical
28 marijuana and marijuana paraphernalia; and

29 (f) Information about different methods,
30 forms, and routes of medical marijuana administration;

31 (ii) Systems for documentation by a qualifying
32 patient or designated caregiver of the symptoms of a qualifying patient that
33 includes a logbook, rating scale for pain and symptoms, and guidelines for a
34 patient's self-assessment; and

35 (iii) Policies and procedures for refusing to
36 provide medical marijuana to an individual who appears to be impaired or

1 abusing medical marijuana;

2 (E) Be accessible through telephonic means by the
3 dispensary or a dispensary agent at all times during operating hours; and

4 (F) Be onsite a minimum of twenty (20) hours per week and
5 when not physically onsite, accessible via telephone or videoconference for a
6 patient consultation.

7 (q)(1) The commission shall use an independent grading committee or
8 independent grading consultants selected by the commission to score all
9 dispensary applications according to a grading rubric created by the
10 commission.

11 (2) The independent grading committee or independent grading
12 consultants shall consist of a group of no less than five (5) individuals per
13 application.

14 (3) The high score and the low score for each application shall
15 be eliminated and the remaining scores shall be averaged together to create
16 the application's score.

17 (4) After all applications have been scored, a ranking of all of
18 the scored applications shall be compiled from highest to lowest.

19 (5)(A) The commission shall then conduct in-person interviews of
20 the applicants beginning with the highest scoring application.

21 (B) The commission may inquire about any information
22 submitted in the application, including without limitation the specifics
23 about the applicant's proposed operation and business plan.

24 (6)(A) After the applicant interview, the commission shall vote
25 whether to issue a dispensary license to the applicant.

26 (B) A decision shall be made on each applicant before the
27 commission may move to the next applicant.

28 (7)(A) The commission shall continue with the application
29 procedure outlined in this subsection until all licenses have been issued.

30 (B) After the final license has been issued, the
31 commission may discontinue any remaining in-person interviews.

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33 /s/Penzo
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