State of Arkansas  
91st General Assembly  
Regular Session, 2017  

A Bill  

HOUSE BILL 1058  

By: Representative House  
By: Senator Irvin  

For An Act To Be Entitled  
AN ACT TO AMEND THE DEFINITION OF "WRITTEN CERTIFICATION" WITHIN THE ARKANSAS MEDICAL MARIJUANA AMENDMENT OF 2016; TO SPECIFY THAT AN APPLICATION FOR A REGISTRY IDENTIFICATION CARD IS NOT A MEDICAL RECORD; AND FOR OTHER PURPOSES.  

Subtitle  
TO AMEND THE DEFINITION OF "WRITTEN CERTIFICATION" WITHIN THE ARKANSAS MEDICAL MARIJUANA AMENDMENT OF 2016; AND TO SPECIFY THAT AN APPLICATION FOR A REGISTRY IDENTIFICATION CARD IS NOT A MEDICAL RECORD.  

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

SECTION 1. Pursuant to § 23 of the Arkansas Medical Marijuana Amendment of 2016, § 2(19) of the Arkansas Medical Marijuana Amendment of 2016, concerning the definition of "written certification", is amended to read as follows:  

(19)(A) "Written certification" means a document signed by a physician stating that in the physician’s professional opinion, after having completed a full assessment of the qualifying patient’s medical history and current medical condition made in the course of a physician-patient relationship, the qualifying patient has a qualifying medical condition and the potential benefits of the medical use of marijuana would likely outweigh
the health risks for the qualifying patient.

(B) A written certification shall specify the qualifying patient's qualifying medical condition, which also shall be noted in the qualifying patient's medical physician's records.

SECTION 2. Pursuant to § 23 of the Arkansas Medical Marijuana Amendment of 2016, § 5(f)(1) of the Arkansas Medical Marijuana Amendment of 2016, concerning the registry identification card application records for a qualifying patient or designated caregiver, is amended to read as follows:

(f)(1) An application or renewal and supporting information submitted by a qualifying patient or designated caregiver under this amendment, including without limitation information regarding the qualifying patient's physician, are considered confidential medical records that are exempt from the Freedom of Information Act of 1967, § 25-19-101 et seq.

SECTION 3. Pursuant to § 23 of the Arkansas Medical Marijuana Amendment of 2016, § 10(b)(9) of the Arkansas Medical Marijuana Amendment of 2016, concerning the dispensary and cultivation facility inspections and requirements, is amended to read as follows:

(9) The dispensary records with patient information shall be treated as confidential medical records that are exempt from the Freedom of Information Act of 1967, § 25-19-101 et seq.

APPROVED: 01/23/2017