

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

2 91st General Assembly

# A Bill

3 Regular Session, 2017

HOUSE BILL 2190

4

5 By: Representative Penzo

6 By: Senator Irvin

7

8

## 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 CONSULTANT*; AND FOR OTHER  
14 PURPOSES.

15

16

17

## Subtitle

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 CONSULTANT.*

23

24

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

26

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

32

33

34

35

36

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



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

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

(m)(1)(A) 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, but shall not supply, possess, manufacture, deliver, transfer, or sell marijuana paraphernalia that requires the combustion of marijuana to be properly utilized, including pipes, water pipers, bongs, chillums, rolling papers, and roach clips.

(B) A dispensary licensed under this section shall:

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

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

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

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

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

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

(2) A pharmacist *consultant* shall:

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

(B) Develop and provide training to other dispensary 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; and

2 (E) Be accessible by the dispensary or dispensary agent

3 through:

4 (i) Telephonic means at all times during operating

5 hours; and

6 (ii) Telephone or video conference for a patient

7 consultation during operating hours.

8

9

10 /s/Penzo

11

12

13 **APPROVED: 04/06/2017**

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36