

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

As Engrossed: H3/16/17

A Bill

HOUSE BILL 2011

5 By: Representative M. Gray
6

For An Act To Be Entitled

8 AN ACT TO AMEND ARKANSAS CONSTITUTION, AMENDMENT 98,
9 ALSO KNOWN AS THE "ARKANSAS MEDICAL MARIJUANA
10 AMENDMENT OF 2016"; TO ESTABLISH CERTAIN SECURITY AND
11 SAFETY REQUIREMENTS FOR CULTIVATION FACILITIES
12 LICENSED IN THIS STATE; AND FOR OTHER PURPOSES.
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Subtitle

15 TO AMEND THE ARKANSAS MEDICAL MARIJUANA
16 AMENDMENT OF 2016; AND TO ESTABLISH
17 CERTAIN SECURITY AND SAFETY REQUIREMENTS
18 FOR CULTIVATION FACILITIES LICENSED IN
19 THIS STATE.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Pursuant to § 23 of Arkansas Constitution, Amendment 98,
26 also known as the "Arkansas Medical Marijuana Amendment of 2016", Arkansas
27 Constitution, Amendment 98, § 8(g)(2)(C), concerning the licensing of
28 dispensaries and cultivation facilities, is amended to read as follows:

29 (C) The physical address of the:

30 (i) Dispensary, ~~which location~~ the location of which
31 may not be within one thousand five hundred feet (1,500') of a public or
32 private school, church, or daycare center existing before the date of the
33 dispensary application, which shall be calculated from the primary entrance
34 of the dispensary to the nearest property boundary of a public or private
35 school, church, or daycare center; or

36 (ii) Cultivation facility, ~~which location~~ the



1 location of which may not be within three thousand feet (3,000') of a public
2 or private school, church, or daycare center existing before the date of the
3 cultivation facility application, which shall be calculated from the primary
4 entrance of the cultivation facility to the nearest property boundary of a
5 public or private school, church, or daycare center;

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7 SECTION 2. Pursuant to § 23 of Arkansas Constitution, Amendment 98,
8 also known as the "Arkansas Medical Marijuana Amendment of 2016", Arkansas
9 Constitution, Amendment 98, § 8, is amended to add an additional subsection
10 to read as follows:

11 (p)(1) A cultivation facility shall meet the following security
12 requirements:

13 (A)(i) The physical security controls set forth in 21
14 C.F.R. § 1301.72 – 1301.74, as existing on January 1, 2017.

15 (ii) The Alcoholic Beverage Control Division of the
16 Department of Finance and Administration shall adopt rules to implement
17 subdivision (p)(1)(A)(i) of this section;

18 (B) All cultivation of marijuana occurs within a building,
19 greenhouse, or other structure that:

20 (i) Has a complete roof enclosure supported by
21 connecting walls that are constructed of solid material extending from the
22 ground to the roof;

23 (ii) Is secure against unauthorized entry;

24 (iii) Has a foundation, slab, or equivalent base to
25 which the floor is securely attached;

26 (iv) Meets performance standards ensuring that
27 cultivation and processing activities cannot be and are not perceptible from
28 the structure in terms of:

29 (a) Common visual observation;

30 (b) Odors, smell, fragrances, or other
31 olfactory stimulus;

32 (c) Light pollution, glare, or brightness;

33 (d) Adequate ventilation to prevent mold; and

34 (e) Noise;

35 (v) Provides complete visual screening; and

36 (vi) Is accessible only through one (1) or more

1 lockable doors;

2 (C) Current detailed plans and elevation drawings of all
3 operational areas involved with the production of medical marijuana are
4 maintained on the premises of the cultivation facility, including:

5 (i) All storage areas, ventilation systems, and
6 equipment used for production;

7 (ii) All entrances and exits to the cultivation
8 facility;

9 (iii) All windows, skylights, and retractable
10 mechanisms built into the roof;

11 (iv) The location of all required security cameras;

12 (v) The location of all alarm inputs, detectors, and
13 sirens;

14 (vi) All video and alarm system surveillance areas;

15 (vii) All production areas labeled according to the
16 specific activity occurring within the area;

17 (viii) All restricted and limited access areas
18 identified; and

19 (ix) All nonproduction areas labeled according to
20 purpose;

21 (D) Access to areas where marijuana is grown, harvested,
22 processed, and stored is limited to authorized personnel and:

23 (i) Designated by clearly marked signage; and

24 (ii) Locked and accessible only by authorized
25 personnel on a current roster of authorized personnel;

26 (E)(i) Written policies regarding any nonregistered agent
27 who may visit the premises and a log of all visitors to the premises are
28 developed and maintained.

29 (ii) The log shall consist of the visitor's name,
30 purpose of visit, time of arrival, and time of departure.

31 (iii) Visitors to a cultivation facility shall be:

32 (a) Issued a visitor identification tag
33 containing the visitor's name that shall be worn for the duration of the
34 visit on the premises; and

35 (b) Escorted by a cultivation facility agent
36 at all times while present on the premises.

1 (iv)(a) However, contractors conducting repairs,
2 maintenance, or other specific duties may be escorted to their work site and
3 left unaccompanied while completing a job.

4 (b) Cultivation facility agents shall ensure
5 that the contractor and area under repair are under video surveillance for
6 the duration of the time spent on the premises by the contractor; and

7 (F)(i) An alarm system is equipped that upon attempted
8 unauthorized entry, transmits a signal directly to a central protection
9 company for a local or state police agency and a designated cultivation
10 facility agent.

11 (ii) The alarm system shall:

12 (a) Provide coverage for all points of ingress
13 and egress to the cultivation facility, including without limitation
14 doorways, windows, loading bays, skylights, and retractable roof mechanisms;

15 (b) Provide coverage of any room with an
16 exterior wall, any room containing a safe, and any room used to grow or store
17 medical marijuana;

18 (c) Be equipped with a panic drive that upon
19 activation will not only sound any audible alarm components but will also
20 notify law enforcement;

21 (d) Have duress and hold up features to enable
22 a cultivation facility agent to activate a silent alarm notifying law
23 enforcement of an emergency;

24 (e) Be equipped with failure notification
25 systems to notify cultivation facilities and law enforcement of any failure
26 in the alarm system; and

27 (f) Have the ability to remain operational
28 during a power outage.

29 (2) A cultivation facility shall maintain compliance with
30 applicable city or county building or structure rules, regulations, or
31 ordinances and any other applicable state laws or rules regarding buildings
32 or structures.

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34 /s/M. Gray

35 **APPROVED: 04/07/2017**