

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

A Bill

HOUSE BILL 1058

5 By: Representative House
6 By: Senator Irvin
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE DEFINITION OF "WRITTEN
10 CERTIFICATION" WITHIN THE ARKANSAS MEDICAL MARIJUANA
11 AMENDMENT OF 2016; TO SPECIFY THAT AN APPLICATION FOR
12 A REGISTRY IDENTIFICATION CARD IS NOT A MEDICAL
13 RECORD; AND FOR OTHER PURPOSES.
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Subtitle

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17 TO AMEND THE DEFINITION OF "WRITTEN
18 CERTIFICATION" WITHIN THE ARKANSAS
19 MEDICAL MARIJUANA AMENDMENT OF 2016; AND
20 TO SPECIFY THAT AN APPLICATION FOR A
21 REGISTRY IDENTIFICATION CARD IS NOT A
22 MEDICAL RECORD.
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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 the Arkansas Medical Marijuana
28 Amendment of 2016, § 2(19) of the Arkansas Medical Marijuana Amendment of
29 2016, concerning the definition of "written certification", is amended to
30 read as follows:

31 (19)(A) "Written certification" means a document signed by a
32 physician stating that in the physician's professional opinion, after having
33 completed ~~a full~~ an assessment of the qualifying patient's medical history
34 and current medical condition made in the course of a physician-patient
35 relationship, the qualifying patient has a qualifying medical condition ~~and~~
36 ~~the potential benefits of the medical use of marijuana would likely outweigh~~



1 ~~the health risks for the qualifying patient.~~

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

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6 SECTION 2. Pursuant to § 23 of the Arkansas Medical Marijuana
7 Amendment of 2016, § 5(f)(1) of the Arkansas Medical Marijuana Amendment of
8 2016, concerning the registry identification card application records for a
9 qualifying patient or designated caregiver, is amended to read as follows:

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

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16 SECTION 3. Pursuant to § 23 of the Arkansas Medical Marijuana
17 Amendment of 2016, § 10(b)(9) of the Arkansas Medical Marijuana Amendment of
18 2016, concerning the dispensary and cultivation facility inspections and
19 requirements, is amended to read as follows:

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

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25 **APPROVED: 01/23/2017**
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