

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

As Engrossed: H1/18/17

A Bill

HOUSE BILL 1057

5 By: Representative House
6 By: Senator Standridge
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE ARKANSAS MEDICAL MARIJUANA
10 AMENDMENT OF 2016; TO ADD CRIMINAL BACKGROUND CHECK
11 PROCEDURES; AND FOR OTHER PURPOSES.
12
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Subtitle

15 TO AMEND THE ARKANSAS MEDICAL MARIJUANA
16 AMENDMENT OF 2016; AND TO ADD CRIMINAL
17 BACKGROUND CHECK PROCEDURES.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Pursuant to § 23 of Arkansas Constitution, Amendment 98,
23 also known as the Arkansas Medical Marijuana Amendment of 2016, § 4(a),
24 concerning the administration and enforcement of qualifying patients and
25 designated caregivers, is amended to add a new subdivision to read as
26 follows:

27 (4)(A) The Department of Health shall require each applicant for
28 a designated caregiver registry identification card to apply for or authorize
29 the Department of Health to obtain state and national criminal background
30 checks to be conducted by the Identification Bureau of the Department of
31 Arkansas State Police and the Federal Bureau of Investigation.

32 (B) The criminal background checks shall conform to the
33 applicable federal standards and shall include the taking of fingerprints.

34 (C) The applicant shall authorize the release of the
35 criminal background checks to the Department of Health and shall be
36 responsible for the payment of any fee associated with the criminal



1 background checks.

2 (D) Upon completion of the criminal background checks, the
3 Identification Bureau of the Department of Arkansas State Police shall
4 forward to the Department of Health all information obtained concerning the
5 applicant.

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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, § 8(k),
9 concerning a criminal background check for a dispensary and cultivation
10 facility, is amended to read as follows:

11 (k)(1) The commission ~~may~~ shall conduct a criminal ~~records~~ background
12 check in order to carry out this section.

13 (2) The commission shall require each applicant for a dispensary
14 license or cultivation facility license to apply for or authorize the
15 commission to obtain state and national criminal background checks to be
16 conducted by the Identification Bureau of the Department of Arkansas State
17 Police and the Federal Bureau of Investigation.

18 (3) The criminal background checks shall conform to the
19 applicable federal standards and shall include the taking of fingerprints.

20 (4) The applicant shall authorize the release of the criminal
21 background checks to the commission and shall be responsible for the payment
22 of any fee associated with the criminal background checks.

23 (5) Upon completion of the criminal background checks, the
24 Identification Bureau of the Department of Arkansas State Police shall
25 forward to the commission all information obtained concerning the applicant.

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27 SECTION 3. Pursuant to § 23 of Arkansas Constitution, Amendment 98,
28 also known as the Arkansas Medical Marijuana Amendment of 2016, § 9(d),
29 concerning a criminal background check for a dispensary agent and cultivation
30 facility agent, is amended to read as follows:

31 (d)(1) The division ~~may~~ shall conduct criminal ~~records~~ background
32 checks in order to carry out this section.

33 (2) The division shall require each applicant for a dispensary
34 agent license or cultivation facility agent license to apply for or authorize
35 the division to obtain state and national criminal background checks to be
36 conducted by the Identification Bureau of the Department of Arkansas State

1 Police and the Federal Bureau of Investigation.

2 (3) The criminal background checks shall conform to the
3 applicable federal standards and shall include the taking of fingerprints.

4 (4) The applicant shall authorize the release of the criminal
5 background checks to the division and shall be responsible for the payment of
6 any fee associated with the criminal background checks.

7 (5) Upon completion of the criminal background checks, the
8 Identification Bureau of the Department of Arkansas State Police shall
9 forward to the division all information obtained concerning the applicant.

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11 SECTION 4. Pursuant to § 23 of Arkansas Constitution, Amendment 98,
12 also known as the Arkansas Medical Marijuana Amendment of 2016, § 9(f)(2),
13 concerning a criminal background check for a dispensary agent or cultivation
14 facility agent, is amended to read as follows:

15 (2) The division ~~may~~ shall conduct a criminal background check
16 as described in subsection (d) of this section of each dispensary agent or
17 cultivation facility agent in order to carry out this provision.

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19 /s/House

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22 **APPROVED: 03/21/2017**