

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

*As Engrossed: H3/7/17*  
**A Bill**

HOUSE BILL 1392

5 By: Representatives Lundstrum, Ballinger, Bentley, Fortner, Gonzales, Miller, B. Smith  
6 By: Senator G. Stubblefield  
7

**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 BAN USE OF MEDICAL MARIJUANA IN  
12 FOOD AND DRINK UNLESS A QUALIFYING PATIENT OR  
13 DESIGNATED CAREGIVER INCORPORATES USABLE MARIJUANA  
14 INTO FOOD OR DRINK TO AID IN THE INGESTION OF MEDICAL  
15 MARIJUANA FOR A QUALIFYING PATIENT; AND FOR OTHER  
16 PURPOSES.  
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**Subtitle**

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20 TO AMEND ARKANSAS CONSTITUTION, AMENDMENT  
21 98; AND TO BAN USE OF MEDICAL MARIJUANA  
22 IN FOOD AND DRINK UNLESS IN CERTAIN  
23 CIRCUMSTANCES.  
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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28 SECTION 1. Pursuant to § 23 of Arkansas Constitution, Amendment 98,  
29 also known as the "Arkansas Medical Marijuana Amendment of 2016", Arkansas  
30 Constitution, Amendment 98, § 6(a), concerning the scope of the Arkansas  
31 Medical Marijuana Amendment of 2016, is amended to read as follows:

32 (a) This amendment does not permit a person to:

33 (1) Undertake any task under the influence of marijuana when  
34 doing so would constitute negligence or professional malpractice;

35 (2) Possess, smoke, or otherwise engage in the use of marijuana:

36 (A) On a school bus;



1 (B) On the grounds of a daycare center, preschool, primary  
2 or secondary school, college, or university;

3 (C) At a drug or alcohol treatment facility;

4 (D) At a community or recreation center;

5 (E) In a correctional facility;

6 (F) On any form of public transportation; or

7 (G) In a public place; ~~or~~

8 (3) Operate, navigate, or be in actual physical control of a  
9 motor vehicle, aircraft, motorized watercraft, or any other vehicle drawn by  
10 power other than muscle power while under the influence of marijuana; or

11 (4)(A) Except as provided in subdivision (a)(4)(B) of this  
12 section, manufacture, sell, offer for purchase, exchange for consideration,  
13 or consume food or drink that contains usable marijuana.

14 (B) A qualifying patient, designated caregiver, or  
15 licensed healthcare provider in a hospital may incorporate usable marijuana  
16 into food or drink to aid ingestion of the medical marijuana by a qualifying  
17 patient.

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19 /s/Lundstrum  
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