

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

As Engrossed: H3/14/17

A Bill

HOUSE BILL 1935

5 By: Representative Lowery
6 By: Senator A. Clark
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 CLARIFY THE EFFECT ON ARKANSAS
12 PUBLIC SCHOOLS; TO DECLARE AN EMERGENCY; AND FOR
13 OTHER PURPOSES.
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Subtitle

16 TO AMEND THE ARKANSAS MEDICAL MARIJUANA
17 AMENDMENT OF 2016; TO CLARIFY THE EFFECT
18 ON ARKANSAS PUBLIC SCHOOLS; AND TO
19 DECLARE AN EMERGENCY.
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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, § 6(b), concerning the scope of the amendment, is*
28 *amended to read as follows:*

29 *(b) This amendment does not require:*

30 *(1) A government medical assistance program or private health*
31 *insurer to reimburse a person for costs associated with the medical use of*
32 *marijuana unless federal law requires reimbursement;*

33 *(2) An employer to accommodate the ingestion of marijuana in a*
34 *workplace or an employee working while under the influence of marijuana;*

35 *(3) An individual or establishment in lawful possession of*
36 *property to allow a guest, client, customer, or other visitor to use*



1 marijuana on or in that property;

2 (4) An individual or establishment in lawful possession of
3 property to admit a guest, client, customer, or other visitor who is
4 inebriated as a result of his or her medical use of marijuana; ~~or~~

5 (5) A landlord to permit a qualifying patient to smoke marijuana
6 on or in leased property, except that a landlord may not prohibit the medical
7 use of marijuana through means other than smoking on leased property by a
8 qualifying patient; ~~or~~

9 (6) A public school to permit a qualifying patient who is a
10 student to be present on school grounds, to attend a school event, or to
11 participate in extracurricular activities in violation of the public school's
12 student discipline policies when:

13 (A) The qualifying patient has a positive test result for
14 marijuana; or

15 (B) A school official has a good faith belief that the
16 behavior of the qualifying patient is impaired by the use of marijuana.

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18 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
19 General Assembly of the State of Arkansas that public schools need additional
20 guidance and clarity concerning the effect of Arkansas Constitution,
21 Amendment 98, also known as the "Arkansas Medical Marijuana Amendment of
22 2016"; that the Arkansas Medical Marijuana Amendment of 2016 became effective
23 on and after November 9, 2016; and that this act is immediately necessary
24 because the public schools of the State of Arkansas need certainty about the
25 law and rules concerning the use of medical marijuana by public school
26 students. Therefore, an emergency is declared to exist, and this act being
27 immediately necessary for the preservation of the public peace, health, and
28 safety shall become effective on:

29 (1) The date of its approval by the Governor;

30 (2) If the bill is neither approved nor vetoed by the Governor,
31 the expiration of the period of time during which the Governor may veto the
32 bill; or

33 (3) If the bill is vetoed by the Governor and the veto is
34 overridden, the date the last house overrides the veto.

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36 /s/Lowery