

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

A Bill

SENATE BILL 561

5 By: Senator Hester
6 By: Representative Lundstrum
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE ARKANSAS MEDICAL MARIJUANA
10 AMENDMENT OF 2016 REGARDING LOCAL REGULATIONS; TO
11 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.
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Subtitle

15 TO AMEND THE ARKANSAS MEDICAL MARIJUANA
16 AMENDMENT OF 2016 REGARDING LOCAL
17 REGULATIONS; AND TO DECLARE AN EMERGENCY.
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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", § 14 is
24 amended to read as follows:

25 § 14. Local regulation.

26 (a) This amendment does not prohibit a city, incorporated town, or
27 county of this state from enacting reasonable zoning regulations applicable
28 to dispensaries or cultivation facilities, ~~provided that those zoning~~
29 ~~regulations are the same as those for a licensed retail pharmacy.~~

30 (b) This section does ~~not~~ allow a city, incorporated town, or county
31 to regulate or prohibit the operation of any dispensaries or cultivation
32 facilities in the city, incorporated town, or county ~~unless such a~~
33 ~~prohibition is approved at~~ by an election under Article 5, § 1, of this
34 constitution, by a majority vote of a city council or county quorum court, or
35 by a special election under § 7-11-201 et seq. referred to the voters by a
36 city council or quorum court.



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SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the Arkansas Medical Marijuana Amendment of 2016 became effective on November 9, 2016, and requires the Medical Marijuana Commission to begin issuing licenses for dispensaries and cultivation facilities on June 1, 2017; that § 23 of the Arkansas Medical Marijuana Amendment of 2016 allows the General Assembly to amend certain language within the amendment; that local zoning regulations permitting or prohibiting dispensaries and cultivation facilities in certain locations must take effect prior to the issuing of licenses for dispensaries and cultivation facilities under the Arkansas Medical Marijuana Amendment of 2016; and that this act is immediately necessary because cities, incorporated towns, and counties of this state need additional time to determine if a zoning regulation or a vote by a city council or county quorum court to prohibit dispensaries or cultivation facilities is needed. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

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

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

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