

Department of Finance and Administration

Legislative Impact Statement

Bill: HB1057

Amendment Number: H1

Bill Subtitle: TO AMEND THE ARKANSAS MEDICAL MARIJUANA AMENDMENT OF 2016; AND TO ADD CRIMINAL BACKGROUND CHECK PROCEDURES.

Basic Change :

Sponsor: Representative House

Engrossment 01/18/17 --- House Amendment 1 --- The amendment deletes the provisions of the original bill to amend the Arkansas Medical Marijuana Amendment of 2016 to establish a requirement for a criminal background check for marijuana program participants.

Each applicant for a designated caregiver registry identification card, applicants for dispensary licenses or cultivation facility licenses, and applicants for dispensary agent licenses or cultivation facility agent licenses must authorize the issuing agency for the license the authority to obtain state and national criminal background checks to be conducted by the Identification Bureau of the Department of Arkansas State Police and the Federal Bureau of Investigation. The criminal background checks would conform to the applicable federal standards and would include the taking of fingerprints. The applicant would be responsible for the payment of any fee associated with the criminal background check.

Revenue Impact :

None.

Taxpayer Impact :

For any license issued by the Arkansas Medical Marijuana Commission, the Arkansas Department of Health, or the Alcoholic Beverage Control Division, the applicant would be required to undergo a state and national criminal background check to determine eligibility for licensure.

Resources Required :

None.

Time Required :

Adequate time is available for implementation.

Procedural Changes :

None.

Other Comments :

None.

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Legal Analysis :

HB1057-H1 amends HB1057 as originally introduced. This amendment modifies language concerning background checks that can be performed for qualified caregivers, cultivation facility and dispensary licensees, and cultivation facility and dispensary workers under the Arkansas Medical Marijuana Amendment of 2016. The previous language in the Amendment and HB1057 was not sufficient to allow the Arkansas Department of Health, the Arkansas Medical Marijuana Commission, and the Department of Finance and Administration – Alcoholic Beverage Control Division to conduct these background checks on a federal level. This amendment fixes those issues such that the Commission and the agencies will be able to properly qualify affected parties for licensure through state and national criminal background checks.