

# Department of Finance and Administration

## Legislative Impact Statement

**Bill: HB1392**

**Bill Subtitle: TO AMEND ARKANSAS CONSTITUTION, AMENDMENT 98; AND TO BAN USE OF MEDICAL MARIJUANA IN FOOD AND DRINK UNLESS IN CERTAIN CIRCUMSTANCES.**

---

### **Basic Change :**

**Sponsor: Representative Lundstrum**

HB1392 would amend the Arkansas Medical Marijuana Amendment of 2016 to provide that persons may not manufacture, sell, offer for purchase, exchange for consideration, or consume food or drink that contains usable marijuana. A qualifying patient or designated caregiver would be allowed to incorporate usable marijuana into food or drink to aid ingestion of the medical marijuana by the patient.

### **Revenue Impact :**

None.

### **Taxpayer Impact :**

None.

### **Resources Required :**

None.

### **Time Required :**

None.

### **Procedural Changes :**

None.

### **Other Comments :**

None.

### **Legal Analysis :**

HB1392 amends the Arkansas Medical Marijuana Amendment of 2016 ("Amendment") to prohibit persons from producing, manufacturing, selling, or consuming medical marijuana products that have been infused into food or drink. It includes an exception for qualifying patients and designated caregivers to incorporate usable marijuana into food or drink in order to aid ingestion of the medical marijuana. If this bill passes, only qualified patients and designated caregivers will be allowed to manufacture and produce edible or drinkable medical marijuana products. Though caregivers will be administered by the Arkansas Department of Health, they will not be under the same packaging rules issued by the Alcoholic Beverage Control Division (which currently only governs dispensaries and cultivation facilities). Accordingly, caregivers that produce food or drink items containing medical marijuana will not have the same oversight as dispensaries and cultivation facilities, which could lead to uneven application of rules regarding enforcement.