

Department of Finance and Administration

Legislative Impact Statement

Bill: HB1392

Amendment Number: H1

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

Engrossment 03/07/17 --- House Amendment 1 --- Amends the bill to provide that a licensed healthcare provider would also be allowed to incorporate usable marijuana into food or drink to aid digestion while the patient is in a hospital.

Original Bill - 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-H1 adds licensed healthcare providers to the list of individuals who may incorporate usable marijuana into food or drink for qualifying patients. This amendment will create issues for individuals identified as "licensed healthcare providers," because they are allowed to incorporate marijuana into food and drink, but are not otherwise allowed by the amendment to legally possess medical marijuana.

This discrepancy may be cured by adding licensed healthcare providers to the list of those who may possess marijuana free from criminal sanctions. However, adding "licensed healthcare providers" to the list of those who may possess marijuana will probably also require that they go through licensure through the Department of Health, similar to qualified caregivers.