

Department of Finance and Administration

Legislative Impact Statement

Bill: HB1935

Amendment Number: H1

Bill Subtitle: TO AMEND THE ARKANSAS MEDICAL MARIJUANA AMENDMENT OF 2016; TO CLARIFY THE EFFECT ON ARKANSAS PUBLIC SCHOOLS; AND TO DECLARE AN EMERGENCY.

Basic Change :

Sponsor: Representative Lowery

Engrossment 03/14/17 --- House Amendment 1 --- The bill would amend the Arkansas Medical Marijuana Amendment of 2016 to specifically provide that the Amendment does not require a public school to permit a qualifying patient who is a student to be present on school grounds, to attend a school event, or to participate in extracurricular activities in violation of the public school's student discipline policies when: (1) the qualifying patient has a positive test result for marijuana, or (2) a school official has a good faith belief that the behavior of the qualifying patient is impaired by the use of marijuana.

The bill adds an emergency clause with the Act being effective upon signature of the Governor.

Revenue Impact :

None.

Taxpayer Impact :

None.

Resources Required :

None.

Time Required :

None.

Procedural Changes :

None.

Other Comments :

None.

Legal Analysis :

HB1935-H1 modifies the Arkansas Medical Marijuana Amendment ("Amendment") by allowing a public school to refuse to permit a qualifying patient to attend school, school events or participation in extracurricular activities if the qualifying patient has a positive test result for marijuana or a school official has a good faith belief that the behavior of the qualifying patient is impaired by the use of

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marijuana.

There are due process concerns with this bill because the bill does not provide definitions or guidance for "positive test result," "good faith belief" or "impaired." A student who is a qualified patient that is excluded from school on the basis of a "good faith" belief that their behavior demonstrates "impairment" may not be provided with sufficient notice and schools opting to use this provision could reach inconsistent results based on subjective perceptions of student behavior heightening the potential constitutional concern.

This bill contains an emergency clause.