

# Hall of the House of Representatives

91st General Assembly - Regular Session, 2017

## Amendment Form

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### Subtitle of House Bill No. 1991

TO ENACT CERTAIN PROHIBITIONS REGARDING MEDICAL MARIJUANA.

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### Amendment No. 1 to House Bill No. 1991

Amend House Bill No. 1991 as originally introduced:

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code Title 20, Chapter 56, is amended to add an additional subchapter to read as follows:

Subchapter 3 – Medical Marijuana

20-56-301. Prohibition on extraction.

(a) An individual shall not manufacture, compound, convert, produce, derive, process, or prepare, either directly or indirectly by chemical extraction or independently by means of chemical synthesis, marijuana.

(b) An individual described under subsection (a) of this section does not include a licensed entity that is legally authorized to manufacture marijuana products or the licensed agents of the licensed entity.

20-56-302. Prohibition on self-service machine.

A dispensary shall not use a self-service machine such as a vending machine for the purchase and dispensing of medical marijuana.

20-56-303. Prohibition on being under the influence while at a dispensary or cultivation facility.

An individual shall not use marijuana or be under the influence of marijuana while at a dispensary or a cultivation facility.

20-56-304. Limitations on access to dispensary or cultivation facility.

(a) Except as provided in subsection (b) of this section, a dispensary and cultivation facility shall not allow access to the dispensary, cultivation facility, or the property of a dispensary or cultivation facility to individuals who:

(1) Do not possess a current registry identification card issued by the Department of Health or the Alcoholic Beverage Control Division; or

(2) Are not authorized by law to be at the dispensary or cultivation facility, including without limitation:

(A) An owner;



(B) An employee or agent of the dispensary or cultivation facility; and

(C) An individual who is required by law to inspect or visit the dispensary or cultivation facility.

(b)(1) A parent with a registry identification card or a designated caregiver registry identification card may bring his or her child or children into a dispensary or cultivation facility for the purpose of purchasing usable marijuana.

(2) A parent without a designated caregiver registry identification card or registry identification card may accompany his or her child who has a registry identification card into a dispensary or cultivation facility for the purpose of purchasing usable marijuana for the child or children.

20-56-305. Prohibition on medical marijuana advertisement.

An individual or entity shall not advertise, publicize, promote, or market through broadcasting, online services, print services, or billboards medical marijuana, the use of medical marijuana, or services associated with medical marijuana, including without limitation:

- (1) Physician services;
- (2) Designated caregiver services;
- (3) Providing free samples of marijuana or marijuana-related products; and
- (4) Providing coupons or other promotional flyers.

20-56-306. Prohibition on use of medical symbols with medical marijuana.

A dispensary or cultivation facility shall not use symbols commonly associated with the practice of medicine or the practice of pharmacy, including without limitation:

- (1) A cross of any color;
- (2) A caduceus; or
- (3) Any other symbol that is commonly associated with the practice of medicine, the practice of pharmacy, or health care in general

20-56-307. Child -resistant packaging.

(a)(1) As used in this section, "child-resistant packaging" means a container or packaging that is designed or constructed to be:

(A) Significantly difficult for children under five (5) years of age to:

- (i) Open; or
- (ii) Obtain a toxic or harmful amount of the substance contained therein within a reasonable time; and

(B) Not difficult for an average adult to use properly.

(2) "Child-resistant packaging" does not mean packaging that children cannot open or obtain a toxic or harmful amount within a reasonable time when tested in accordance with the method described in 16 C.F.R. § 1700.20, as it existed on January 1, 2017.

(b) A dispensary or cultivation facility shall ensure that all usable marijuana under Arkansas Constitution, Amendment 98, or products containing usable marijuana be packaged or provided in a child-resistant packaging.

(c) A qualifying patient or designated caregiver under Arkansas

Constitution, Amendment 98, shall keep all usable marijuana, including without limitation food or drink infused with usable marijuana, in a child-resistant packaging."

The Amendment was read \_\_\_\_\_  
By: Representative Lundstrum  
JMB/JMB - 03-10-2017 16:54:05  
JMB459 \_\_\_\_\_ Chief Clerk