

Hall of the House of Representatives
91st General Assembly - Regular Session, 2017
Amendment Form

Subtitle of House Bill No. 2011

TO AMEND ARKANSAS CONSTITUTION, AMENDMENT 98, ALSO KNOWN AS THE "ARKANSAS
MEDICAL MARIJUANA AMENDMENT OF 2016".

Amendment No. 1 to House Bill No. 2011

Amend House Bill No. 2011 as originally introduced:

Delete Representative M.J. Gray as a cosponsor of the bill

AND

Add Representative M. Gray as a cosponsor of the bill

AND

Page 1, delete line 10, and substitute the following:
"AMENDMENT OF 2016"; TO ESTABLISH CERTAIN SECURITY AND SAFETY REQUIREMENTS
FOR CULTIVATION FACILITIES LICENSED IN THIS STATE; AND FOR OTHER PURPOSES."

AND

Delete the subtitle in its entirety and substitute:

"TO AMEND THE ARKANSAS MEDICAL MARIJUANA
AMENDMENT OF 2016; AND TO ESTABLISH
CERTAIN SECURITY AND SAFETY REQUIREMENTS
FOR CULTIVATION FACILITIES LICENSED IN
THIS STATE."

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Pursuant to § 23 of Arkansas Constitution, Amendment 98,
also known as the "Arkansas Medical Marijuana Amendment of 2016", Arkansas
Constitution, Amendment 98, § 8(g)(2)(C), concerning the licensing of
dispensaries and cultivation facilities, is amended to read as follows:

(C) The physical address of the:

(i) Dispensary, ~~which location~~ the location of which
may not be within one thousand five hundred feet (1,500') of a public or



private school, church, or daycare center existing before the date of the dispensary application, which shall be calculated from the primary entrance of the dispensary to the nearest property boundary of a public or private school, church, or daycare center; or

(ii) Cultivation facility, ~~which location the~~ location of which may not be within three thousand feet (3,000') of a public or private school, church, or daycare center existing before the date of the cultivation facility application, which shall be calculated from the primary entrance of the cultivation facility to the nearest property boundary of a public or private school, church, or daycare center;

SECTION 2. Pursuant to § 23 of Arkansas Constitution, Amendment 98, also known as the "Arkansas Medical Marijuana Amendment of 2016", Arkansas Constitution, Amendment 98, § 8, is amended to add an additional subsection to read as follows:

(p)(1) A cultivation facility shall meet the following security requirements:

(A)(i) The physical security controls set forth in 21 C.F.R. § 1301.72 – 1301.74, as existing on January 1, 2017.

(ii) The Alcoholic Beverage Control Division of the Department of Finance and Administration shall adopt rules to implement subdivision (p)(1)(A)(i) of this section;

(B) All cultivation of marijuana occurs within a building, greenhouse, or other structure that:

(i) Has a complete roof enclosure supported by connecting walls that are constructed of solid material extending from the ground to the roof;

(ii) Is secure against unauthorized entry;

(iii) Has a foundation, slab, or equivalent base to which the floor is securely attached;

(iv) Meets performance standards ensuring that cultivation and processing activities cannot be and are not perceptible from the structure in terms of:

(a) Common visual observation;

(b) Odors, smell, fragrances, or other olfactory stimulus;

(c) Light pollution, glare, or brightness;

(d) Adequate ventilation to prevent mold; and

(e) Noise;

(v) Provides complete visual screening; and

(vi) Is accessible only through one (1) or more lockable doors;

(C) Current detailed plans and elevation drawings of all operational areas involved with the production of medical marijuana are maintained on the premises of the cultivation facility, including:

(i) All storage areas, ventilation systems, and equipment used for production;

(ii) All entrances and exits to the cultivation facility;

(iii) All windows, skylights, and retractable mechanisms built into the roof;

(iv) The location of all required security cameras;

sirens;

(v) The location of all alarm inputs, detectors, and

(vi) All video and alarm system surveillance areas;
(vii) All production areas labeled according to the
specific activity occurring within the area;

(viii) All restricted and limited access areas
identified; and

(ix) All nonproduction areas labeled according to
purpose;

(D) Access to areas where marijuana is grown, harvested,
processed, and stored is limited to authorized personnel and:

(i) Designated by clearly marked signage; and
(ii) Locked and accessible only by authorized
personnel on a current roster of authorized personnel;

(E)(i) Written policies regarding any nonregistered agent
who may visit the premises and a log of all visitors to the premises are
developed and maintained.

(ii) The log shall consist of the visitor's name,
purpose of visit, time of arrival, and time of departure.

(iii) Visitors to a cultivation facility shall be:
(a) Issued a visitor identification tag
containing the visitor's name that shall be worn for the duration of the
visit on the premises; and

(b) Escorted by a cultivation facility agent
at all times while present on the premises.

(iv)(a) However, contractors conducting repairs,
maintenance, or other specific duties may be escorted to their work site and
left unaccompanied while completing a job.

(b) Cultivation facility agents shall ensure
that the contractor and area under repair are under video surveillance for
the duration of the time spent on the premises by the contractor; and

(F)(i) An alarm system is equipped that upon attempted
unauthorized entry, transmits a signal directly to a central protection
company for a local or state police agency and a designated cultivation
facility agent.

(ii) The alarm system shall:

(a) Provide coverage for all points of ingress
and egress to the cultivation facility, including without limitation
doorways, windows, loading bays, skylights, and retractable roof mechanisms;

(b) Provide coverage of any room with an
exterior wall, any room containing a safe, and any room used to grow or store
medical marijuana;

(c) Be equipped with a panic drive that upon
activation will not only sound any audible alarm components but will also
notify law enforcement;

(d) Have duress and hold up features to enable
a cultivation facility agent to activate a silent alarm notifying law
enforcement of an emergency;

(e) Be equipped with failure notification
systems to notify cultivation facilities and law enforcement of any failure
in the alarm system; and

(f) Have the ability to remain operational

during a power outage.

(2) A cultivation facility shall maintain compliance with applicable city or county building or structure rules, regulations, or ordinances and any other applicable state laws or rules regarding buildings or structures."

The Amendment was read _____

By: Representative M.J. Gray
JMB/JMB - 03-14-2017 18:44:26
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Chief Clerk