

ARKANSAS SENATE
91st General Assembly - Regular Session, 2017
Amendment Form

Subtitle of Senate Bill No. 721

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

Amendment No. 1 to Senate Bill No. 721

Amend Senate Bill No. 721 as originally introduced:

Page 1, delete line 10, and substitute the following:

"AMENDMENT OF 2016" TO REQUIRE A DISPENSARY TO MAKE VAPORIZERS AVAILABLE FOR
SALE TO QUALIFYING PATIENTS AND TO APPOINT A PHARMACIST DIRECTOR; FOR OTHER
PURPOSES."

AND

Delete the subtitle in its entirety and substitute:

"TO AMEND THE ARKANSAS MEDICAL MARIJUANA
AMENDMENT OF 2016 TO REQUIRE A
DISPENSARY TO MAKE VAPORIZERS AVAILABLE
FOR SALE TO QUALIFYING PATIENTS AND TO
APPOINT A PHARMACIST DIRECTOR."

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, § 3, concerning protections for the medical use
of marijuana, is amended to add an additional subsection to read as follows:

(m) A pharmacist shall not be subject to arrest, prosecution, or
penalty in any manner or denied any right or privilege, including without
limitation a civil penalty or disciplinary action by the Arkansas State Board
of Pharmacy or by any other business, occupational, or professional licensing
board or bureau, solely for performing his or her duties as a pharmacist
director for a registered dispensary.

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(m)(1), concerning the licensing of



dispensaries and cultivation facilities, is amended to add an additional subsection to read as follows:

(m)(1)(A) A dispensary licensed under this section may acquire, possess, manufacture, process, prepare, deliver, transfer, transport, supply, and dispense marijuana, marijuana paraphernalia, and related supplies and educational materials to a qualifying patient or designated caregiver, but shall not supply, possess, manufacture, deliver, transfer, or sell marijuana paraphernalia that requires the combustion of marijuana to be properly utilized, including pipes, water pipes, bongs, chillums, rolling papers, and roach clips.

(B) A dispensary licensed under this section shall:

(i) Make marijuana vaporizers available for sale to qualifying patients; and

(ii) Provide educational materials about medical marijuana methods of ingestion to qualifying patients and designated caregivers, including without limitation:

(a) Warnings on the potential health risks of smoking or combusting marijuana; and

(b) Information on potential health benefits of vaporizing marijuana compared to smoking or combusting.

SECTION 3. 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 additional subsections to read as follows:

(p)(1) A dispensary shall appoint a pharmacist director who is a pharmacist licensed with the Arkansas State Board of Pharmacy.

(2) A pharmacist director shall:

(A) Register as a dispensary agent under this amendment and follow all procedures;

(B) Develop and provide training to other dispensary agents at least one (1) time every twelve (12) months from the initial date of the opening of the dispensary on the following subjects:

(i) Guidelines for providing information to qualifying patients related to risks, benefits, and side effects associated with medical marijuana;

(ii) Recognizing the signs and symptoms of substance abuse; and

(iii) Guidelines for refusing to provide medical marijuana to an individual who appears to be impaired or abusing medical marijuana;

(C) Assist in the development and implementation of review and improvement processes for patient education and support provided by the dispensary;

(D) Provide oversight for the development and dissemination of:

(i) Education materials for qualifying patients and designated caregivers that include:

(a) Information about possible side effects and contraindications of medical marijuana;

(b) Guidelines for notifying the physician who provided the written certification for medical marijuana if side effects or

contraindications occur;

(c) A description of the potential effects of differing strengths of medical marijuana strains and products;

(d) Information about potential drug-to-drug interactions, including interactions with alcohol, prescription drugs, nonprescription drugs, and supplements;

(e) Techniques for the use of medical marijuana and marijuana paraphernalia; and

(f) Information about different methods, forms, and routes of medical marijuana administration;

(ii) Systems for documentation by a qualifying patient or designated caregiver of the symptoms of a qualifying patient that includes a logbook, rating scale for pain and symptoms, and guidelines for a patient's self-assessment; and

(iii) Policies and procedures for refusing to provide medical marijuana to an individual who appears to be impaired or abusing medical marijuana;

(E) Be accessible through telephonic means by the dispensary or a dispensary agent at all times during operating hours; and

(F) Be onsite a minimum of twenty (20) hours per week and when not physically onsite, accessible via telephone or videoconference for a patient consultation.

(q)(1) The commission shall use an independent grading committee or independent grading consultants selected by the commission to score all dispensary applications according to a grading rubric created by the commission.

(2) The independent grading committee or independent grading consultants shall consist of a group of no less than five (5) individuals per application.

(3) The high score and the low score for each application shall be eliminated and the remaining scores shall be averaged together to create the application's score.

(4) After all applications have been scored, a ranking of all of the scored applications shall be compiled from highest to lowest.

(5)(A) The commission shall then conduct in-person interviews of the applicants beginning with the highest scoring application.

(B) The commission may inquire about any information submitted in the application, including without limitation the specifics about the applicant's proposed operation and business plan.

(6)(A) After the applicant interview, the commission shall vote whether to issue a dispensary license to the applicant.

(B) A decision shall be made on each applicant before the commission may move to the next applicant.

(7)(A) The commission shall continue with the application procedure outlined in this subsection until all licenses have been issued.

(B) After the final license has been issued, the commission may discontinue any remaining in-person interviews."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Rapert
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Secretary