

Department of Finance and Administration

Legislative Impact Statement

Bill: HB1400

Amendment Number: H1

Bill Subtitle: TO AMEND THE ARKANSAS MEDICAL MARIJUANA AMENDMENT OF 2016; AND TO PROHIBIT THE SMOKING OF MARIJUANA IN ANY LOCATION IN ARKANSAS.

Basic Change :

Sponsor: Representative Lundstrum

Engrossment 03/14/17 --- House Amendment 1 --- The bill would amend the Arkansas Medical Marijuana Amendment of 2016 to prohibit smoking of marijuana:

1. In a place where the smoking of tobacco is prohibited by law;
2. In the presence of a person who is under fourteen (14) years of age;
3. Inside a motor vehicle, aircraft, motorized watercraft, or any vehicle drawn by power other than muscle power;
4. Knowingly in the presence of a pregnant woman; or
5. In a place where the smoking of marijuana for medical use is likely to cause another person not authorized to use marijuana to be under the influence of marijuana.

The bill provides that smoking marijuana for medical use by a person under twenty-one (21) years of age is not authorized. The bill also would require a warning label to be placed on all marijuana that is processed or sold for smoking that communicates the health and safety risks associated with smoking and a list of places and conditions in which smoking marijuana for medical use is illegal in the State of Arkansas.

The bill would be effective 90 days after final adjournment of the 91st General Assembly.

Original Bill --- The bill would amend the Arkansas Medical Marijuana Amendment of 2016 to prohibit the smoking of marijuana at any location in Arkansas.

Revenue Impact :

None.

Taxpayer Impact :

None.

Resources Required :

None.

Time Required :

None.

Procedural Changes :

None.

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Other Comments :

None.

Legal Analysis :

HB1400-H1 removes the language banning all smoking of marijuana and replaces it with language banning smoking marijuana in some places and situations. This amendment mirrors language in the Clean Indoor Air Act. The bill now prevents qualifying patients from smoking marijuana anywhere that tobacco is prohibited, in the presence of anyone under age fourteen, in the presence of a pregnant woman or in such a manner in which another could be under the influence of marijuana without authorization. The bill also prevents qualifying patients under the age of twenty-one from smoking marijuana.

HB1400, as originally introduced, amends the Arkansas Medical Marijuana Amendment of 2016 ("Amendment") to prohibit the smoking of medical marijuana. The bill is a substantial modification to the Amendment, which clearly contemplated the smoking of medical marijuana. This may impact tax revenue collection, as smoking is one of the most popular delivery systems.