

Department of Finance and Administration

Legislative Impact Statement

Bill: HB1989

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 twenty-one (21) 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;
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;
6. Smoke marijuana for medical use if the person is under twenty-one (21) years of age; or
7. Smoke marijuana for medical use in the presence of a person who is under eighteen (18) years of age.

Smoking marijuana for medical use in the presence of a minor would be grounds for a child abuse investigation under existing state law.

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.

Revenue Impact :

None.

Taxpayer Impact :

None.

Resources Required :

None.

Time Required :

None.

Procedural Changes :

None.

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Other Comments :

None.

Legal Analysis :

HB1989-H1 modifies the Arkansas Medical Marijuana Amendment ("Amendment") by prohibiting the smoking of medical marijuana in certain 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, smoking in the presence of individuals of a certain age, in a motor vehicle, plane or boat, in the presence of a pregnant woman or in such a manner in which would cause another to be under the influence of marijuana without authorization. The bill prevents qualifying patients under the age of twenty-one from smoking marijuana. The bill also provides that smoking marijuana in the presence of a minor would constitute grounds for a child abuse investigation - a provision that was amended out of a similar bill previously presented in House Rules. Finally, the bill requires the inclusion of warning labels regarding the dangers of smoking on all marijuana sold for the purpose of smoking.

The bill contains a conflicting provision regarding smoking in the presence of another. Under §6(a)(4)(B), a qualifying patient cannot smoke marijuana in the presence of an individual under the age of twenty-one. However, under §6(a)(6)(A) disallows a qualifying patient from smoking marijuana in the presence of a minor, which is defined as under eighteen years of age. This bill contains similar provisions to HB1400.