

Department of Finance and Administration

Legislative Impact Statement

Bill: SB721

As Engrossed: 3/16/2017

Bill Subtitle: 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.

Basic Change :

Sponsor: Senator Rapert

Engrossment 03/16/17 --- Senate Amendment 1 --- The bill would amend the Arkansas Medical Marijuana Act of 2016.

The bill provides that a licensed dispensary would not be authorized to supply, possess, manufacture, deliver, transfer, or sell marijuana paraphernalia that requires the combustion of marijuana to be properly utilized. The paraphernalia would include pipes, water pipes, bongs, chillums, rolling papers, and roach clips. A licensed dispensary would be required to make marijuana vaporizers available for sale to qualifying patients and provide educational materials about medical marijuana methods of ingestion to qualifying patients and designated caregivers.

The bill would also require a dispensary to appoint a pharmacist director who is a pharmacist licensed in Arkansas who would register as a dispensary agent under the Medical Marijuana Amendment and develop and provide annual training to dispensary agents. Training subject would include: (1) Guidelines for providing information to qualifying patients related to risks, benefits, and side effects associated with medical marijuana; (2) Recognizing the signs and symptoms of substance abuse; and (3) Guidelines for refusing to provide medical marijuana to an individual who appears to be impaired or abusing medical marijuana.

The pharmacist director would also assist in the development and implementation of review and improvement processes for patient education by the dispensary. The pharmacist director would provide oversight for the development and dissemination of education materials for qualifying patients and designated caregivers and provide oversight for systems for the 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. Additionally, the pharmacist director would assist in developing policies and procedures for refusing to provide medical marijuana to an individual who appears to be impaired or abusing medical marijuana. The pharmacist director would be required to be accessible through telephonic means at all times during operating hours and be onsite at the dispensary a minimum of twenty (20) hours per week. The bill would extend to pharmacists the protections against arrest or prosecution for performing duties as a pharmacist director for a registered dispensary.

The bill would direct the Medical Marijuana Commission to 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. The committee or grading consultants scoring the applicants would be composed of no less than five (5) individuals per application. After scoring the applicants, the commission would conduct in-person interviews and vote whether to issue a dispensary license to the applicant.

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

Department of Finance and Administration

Legislative Impact Statement

Bill: SB721

As Engrossed: 3/16/2017

Bill Subtitle: 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.

Revenue Impact :

None.

Taxpayer Impact :

None.

Resources Required :

None.

Time Required :

None.

Procedural Changes :

None.

Other Comments :

None.

Legal Analysis :

The content of SB721 is not fully reflected in the title of the bill. While the original title of the bill was sufficiently broad to avoid a potential constitutional challenge under Article 5, section 21 of the Arkansas Constitution, the current title fails to reflect the content of the legislation.

SB721, as engrossed March 16, 2017, makes several modifications to the Arkansas Medical Marijuana Amendment of 2016 ("Amendment"). As noted in the title, the bill requires that dispensaries sell medical marijuana vaporizers and provide information regarding health benefits of vaporizing marijuana as opposed to combusting. The bill also creates a framework for a mandatory pharmacy director to be retained at every dispensary. The bill provides language granting a pharmacist legal protection for acting as a pharmacist director at a dispensary. Additionally, the bill contains a list of requirements for the pharmacist director's participation in the dispensary.

Additional substantive provisions that are not reflected in the title of the bill are included, however: First, the bill provides that medical marijuana dispensaries may not sell any marijuana paraphernalia that requires the combustion of marijuana.

Additionally, the amendment mandates that the selection process for dispensary licenses be done by merit selection and that all application shall be processed through an independent grading committee

Department of Finance and Administration

Legislative Impact Statement

Bill: SB721

As Engrossed: 3/16/2017

Bill Subtitle: 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.

or independent grading consultants selected by the Arkansas Medical Marijuana Commission. The Medical Marijuana Commission's proposed rules provide for a blended method of selection that would require significant changes to allow the rules to be properly submitted for enforcement by the required May 8, 2017 deadline.