

State of Arkansas
95th General Assembly

A Bill

JMB/JMB
SENATE BILL

By: Senator B. King

Filed with: Senate Committee on State Agencies and Governmental Affairs
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO REMOVE THE PROHIBITIONS ON ADVERTISING AND
USE OF CERTAIN SYMBOLS BY A DISPENSARY OR CULTIVATION
FACILITY; TO AUTHORIZE THE MEDICAL MARIJUANA
COMMISSION TO ESTABLISH RULES GOVERNING ADVERTISING,
MARKETING, AND USE OF SYMBOLS BY A DISPENSARY AND
CULTIVATION FACILITY; AND FOR OTHER PURPOSES.

Subtitle

TO REMOVE THE PROHIBITIONS ON
ADVERTISING AND USE OF CERTAIN SYMBOLS
RELATED TO MEDICAL MARIJUANA; AND TO
AUTHORIZE THE MEDICAL MARIJUANA
COMMISSION TO ESTABLISH RULES GOVERNING
ADVERTISING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 20-56-305 is amended to read as follows:
20-56-305. ~~Prohibitions~~ Rules on advertising and use of ~~certain~~
symbols.

The Medical Marijuana Commission shall establish rules governing
advertising, marketing, and the use of symbols by a dispensary and a
cultivation facility, regardless of whether the dispensary or cultivation

1 facility is in this state or out of state.

2 ~~(a)(1) A cultivation facility shall not advertise through any public~~
 3 ~~medium or means designed to market products to the public.~~

4 ~~(2) A cultivation facility may market products directly to a~~
 5 ~~dispensary by any means directed solely to the dispensary and not available~~
 6 ~~to the public.~~

7 ~~(b)(1) Advertising for medical marijuana by a dispensary shall not:~~

8 ~~(A) Contain a statement that is deceptive, false, or~~
 9 ~~misleading;~~

10 ~~(B) Contain any content that can reasonably be considered~~
 11 ~~to target children, including without limitation:~~

12 ~~(i) A cartoon character;~~

13 ~~(ii) A toy; or~~

14 ~~(iii) Any other similar item or image typically~~
 15 ~~marketed to children;~~

16 ~~(C) Encourage the transportation of medical marijuana~~
 17 ~~across state lines;~~

18 ~~(D) Display consumption of marijuana;~~

19 ~~(E) Contain material that encourages or promotes marijuana~~
 20 ~~for use as an intoxicant; or~~

21 ~~(F) Contain material that encourages excessive or rapid~~
 22 ~~use or consumption of medical marijuana.~~

23 ~~(2) Advertising and marketing for medical marijuana shall~~
 24 ~~include at least one (1) of the following statements:~~

25 ~~(A) "Marijuana is for use by qualified patients only. Keep~~
 26 ~~out of reach of children.";~~

27 ~~(B) "Marijuana use during pregnancy or breastfeeding poses~~
 28 ~~potential harms to an unborn child or child.";~~

29 ~~(C) "Marijuana is not approved by the United States Food~~
 30 ~~and Drug Administration to treat, cure, or prevent any disease."; or~~

31 ~~(D) "Do not operate a vehicle or machinery under the~~
 32 ~~influence of marijuana."~~

33 ~~(3) A dispensary shall not make any deceptive, false, or~~
 34 ~~misleading assertion or statement on any informational material, any sign, or~~
 35 ~~any document provided to a consumer.~~

36 ~~(4) A dispensary shall not place or maintain, or cause to be~~

~~placed or maintained, any advertisement or marketing material for medical marijuana in the following locations:~~

~~(A) Within one thousand feet (1,000') of the perimeter of a public or private school or daycare center;~~

~~(B) On or in a public transit vehicle or public transit shelter; or~~

~~(C) On or in a publicly owned or operated property.~~

~~(5)(A) A dispensary shall not utilize television, radio, print media, or the internet to advertise and market medical marijuana, unless the dispensary has reliable evidence that no more than thirty percent (30%) of the audience for the program, publication, or website in or on which the advertisement is to air or appear is reasonably expected to be under eighteen (18) years of age.~~

~~(B) Upon request by the Alcoholic Beverage Control Division, a dispensary shall provide the evidence relied upon to make the determination that no more than thirty percent (30%) of the audience for the program, publication, or website in or on which the advertisement is to air or appear is reasonably expected to be under eighteen (18) years of age.~~

~~(6) A cultivation facility or dispensary shall not offer any coupons, rebates, or promotions for medical marijuana purchases, unless offered as part of a compassionate care plan presented to the Medical Marijuana Commission as part of the application for licensure.~~

~~(7) A cultivation facility or dispensary, or both, shall not use any of the following images within an advertisement:~~

~~(A) A cross of any color;~~

~~(B) A caduceus; or~~

~~(C) Any other symbol that is commonly associated with the practice of medicine or the practice of pharmacy.~~

~~(c)(1) A cultivation facility or dispensary shall have no more than three (3) signs visible to the general public from the public right-of-way that identify the cultivation facility or dispensary by the business name of the cultivation facility or dispensary.~~

~~(2) A sign shall not exceed thirty-six square feet (36 sq. ft.) in length or width.~~

~~(3) A sign shall be placed inside the window of the cultivation facility or dispensary or attached to the outside of the building of the~~

~~cultivation facility or dispensary.~~

~~(4) A sign shall not display any content or symbol that:~~

~~(A) Can reasonably be considered to target children,
including without limitation:~~

~~(i) A cartoon character;~~

~~(ii) A toy; or~~

~~(iii) A similar image or item typically marketed to
children; or~~

~~(B) Is commonly associated with the practice of medicine
or the practice of pharmacy, including without limitation:~~

~~(i) A cross of any color;~~

~~(ii) A caduceus; or~~

~~(iii) Any other symbol that is commonly associated
with the practice of medicine, the practice of pharmacy, or health care in
general.~~

Referred by Senator B. King

Prepared by: JMB/JMB