

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H1/30/17

A Bill

HOUSE BILL 1370

5 By: Representative House
6 By: Senator Irvin
7

For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CONSTITUTION, AMENDMENT 98,
10 ALSO KNOWN AS THE "ARKANSAS MEDICAL MARIJUANA
11 *AMENDMENT OF 2016*"; TO AUTHORIZE REGULATION OF
12 *ADVERTISING, MARKETING, PACKAGING, AND* PROMOTION OF
13 DISPENSARIES AND CULTIVATION FACILITIES; AND FOR
14 OTHER PURPOSES.

Subtitle

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18 *TO AMEND THE ARKANSAS MEDICAL MARIJUANA*
19 *AMENDMENT OF 2016; AND TO AUTHORIZE*
20 *REGULATION OF ADVERTISING, MARKETING,*
21 *PACKAGING, AND PROMOTION OF DISPENSARIES*
22 *AND CULTIVATION FACILITIES.*
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 *SECTION 1. Pursuant to § 23 of Arkansas Constitution, Amendment 98,*
28 *also known as the "Arkansas Medical Marijuana Amendment of 2016", Arkansas*
29 *Constitution, Amendment 98, § 8(e), concerning the licensure of dispensaries*
30 *and cultivation facilities, as amended by Acts 2017, No. 4, is amended to*
31 *read as follows:*

32 *(e) Not later than one hundred eighty (180) days after the effective*
33 *date of this amendment, the division shall adopt rules governing:*

34 *(1) Oversight requirements for dispensaries and cultivation*
35 *facilities;*

36 *(2) Recordkeeping requirements for dispensaries and cultivation*



1 *facilities;*

2 (3) *Security requirements for dispensaries and cultivation*
3 *facilities;*

4 (4) *Personnel requirements for dispensaries and cultivation*
5 *facilities;*

6 (5) *The manufacture, processing, packaging, and dispensing of*
7 *usable marijuana to qualifying patients and designated caregivers;*

8 (6) *Procedures for suspending or terminating the licenses of*
9 *dispensaries and cultivation facilities that violate the provisions of this*
10 *amendment or the rules adopted under this amendment, procedures for appealing*
11 *penalties, and a schedule of penalties;*

12 (7) *Procedures for inspections and investigations of*
13 *dispensaries and cultivation facilities;*

14 (8) *Advertising restrictions for dispensaries and cultivation*
15 *facilities, including without limitation the advertising, marketing,*
16 *packaging, and promotion of dispensaries and cultivation facilities with the*
17 *purpose to avoid making the product of a dispensary or a cultivation facility*
18 *appealing to children, including without limitation:*

19 (A) *Artwork;*

20 (B) *Building signage;*

21 (C) *Product design, including without limitation shapes*
22 *and flavors;*

23 (D) *Child-proof packaging that cannot be opened by a child*
24 *or that prevents ready access to toxic or harmful amount of the product, and*
25 *that meets the testing requirements in accordance with the method described*
26 *in 16 C.F.R. § 1700.20, as existing on January 1, 2017;*

27 (E) *Indoor displays that can be seen from outside the*
28 *dispensary or cultivation facility; and*

29 (F) *Other forms of marketing related to medical marijuana;*

30 (9) *Procedures for the disposal or other use of marijuana not*
31 *dispensed to a qualifying patient; and*

32 (10) *Any other matters necessary to the division's fair,*
33 *impartial, stringent, and comprehensive administration of its duties under*
34 *this amendment.*

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36 /s/House