

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

As Engrossed: H3/7/17

A Bill

HOUSE BILL 1391

5 By: Representatives Lundstrum, Dotson, Ballinger, Barker, Bentley, Brown, Drown, Fortner, Gates,
6 Henderson, Hollowell, Lemons, Maddox, McCollum, McNair, Miller, Payton, Penzo, Pilkington,
7 Richmond, Speaks, Warren, Watson
8 By: Senator Hester
9

For An Act To Be Entitled

11 AN ACT TO AMEND THE ARKANSAS MEDICAL MARIJUANA
12 AMENDMENT OF 2016 REGARDING LOCAL REGULATIONS; TO
13 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.
14
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Subtitle

16 TO AMEND THE ARKANSAS MEDICAL MARIJUANA
17 AMENDMENT OF 2016 REGARDING LOCAL
18 REGULATIONS; AND TO DECLARE AN EMERGENCY.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 *SECTION 1. Pursuant to § 23 of Arkansas Constitution, Amendment 98,*
25 *also known as the "Arkansas Medical Marijuana Amendment of 2016", Arkansas*
26 *Constitution, Amendment 98, § 14, is amended to read as follows:*

27 *§ 14. Local regulation.*

28 *(a) This amendment does not prohibit a city, incorporated town, or*
29 *county of this state from enacting reasonable zoning regulations applicable*
30 *to dispensaries, ~~or~~ cultivation facilities, or any other licensed marijuana*
31 *facility provided that those zoning regulations are the same as those for a*
32 *licensed retail pharmacy.*

33 *(b) This section ~~does not allow~~ allows a city, incorporated town, or*
34 *county to:*

35 *(1) Regulate or prohibit the operation of any dispensaries, ~~or~~*
36 *cultivation facilities, or any other licensed marijuana facility in the city,*



1 ~~incorporated town, or county unless such a prohibition is approved at~~ by an
2 election under Article 5, § 1, of this constitution; or

3 (2) Regulate the operation of any dispensaries, cultivation
4 facilities, or any other licensed marijuana facilities in the city,
5 incorporated town, or county by a majority vote of a city council or county
6 quorum court.

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8 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
9 General Assembly of the State of Arkansas that the Arkansas Medical Marijuana
10 Amendment of 2016 became effective on November 9, 2016, and requires the
11 Medical Marijuana Commission to begin issuing licenses for dispensaries and
12 cultivation facilities on June 1, 2017; that § 23 of the Arkansas Medical
13 Marijuana Amendment of 2016 allows the General Assembly to amend certain
14 language within the amendment; that local zoning regulations permitting or
15 prohibiting dispensaries and cultivation facilities in certain locations must
16 take effect prior to the issuing of licenses for dispensaries and cultivation
17 facilities under the Arkansas Medical Marijuana Amendment of 2016; and that
18 this act is immediately necessary because cities, incorporated towns, and
19 counties of this state need additional time to determine if a zoning
20 regulation or a vote by a city council or county quorum court to prohibit
21 dispensaries or cultivation facilities is needed. Therefore, an emergency is
22 declared to exist, and this act being immediately necessary for the
23 preservation of the public peace, health, and safety shall become effective
24 on:

25 (1) The date of its approval by the Governor;

26 (2) If the bill is neither approved nor vetoed by the Governor,
27 the expiration of the period of time during which the Governor may veto the
28 bill; or

29 (3) If the bill is vetoed by the Governor and the veto is
30 overridden, the date the last house overrides the veto.

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32 /s/Lundstrum
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