

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

# A Bill

HOUSE BILL 1816

5 By: Representative Blake  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND THE ARKANSAS MEDICAL MARIJUANA  
9 AMENDMENT OF 2016; TO REQUIRE DIVERSITY WHEN ISSUING  
10 LICENSES FOR DISPENSARIES AND CULTIVATION FACILITIES  
11 AND WHEN APPOINTING INDIVIDUALS TO THE MEDICAL  
12 MARIJUANA COMMISSION; AND FOR OTHER PURPOSES.  
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## Subtitle

15 TO AMEND THE ARKANSAS MEDICAL MARIJUANA  
16 AMENDMENT OF 2016; AND TO REQUIRE  
17 DIVERSITY WHEN ISSUING LICENSES FOR  
18 DISPENSARIES AND CULTIVATION FACILITIES  
19 AND WHEN APPOINTING INDIVIDUALS TO THE  
20 MEDICAL MARIJUANA COMMISSION.  
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. DO NOT CODIFY. Legislative findings, intent, and purpose.

27 (a) The General Assembly finds that it is the policy of the State of  
28 Arkansas to support equal opportunity as well as economic development in  
29 every sector.

30 (b) It is the intent of the General Assembly to encourage a more  
31 diverse and inclusive opportunity for minority-owned businesses and female-  
32 owned business.

33 (c) The purpose of this act is to support to the fullest all possible  
34 participation of firms owned and controlled by minorities and females in the  
35 development of medical marijuana within the State of Arkansas.  
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1 SECTION 2. Pursuant to § 23 of Arkansas Constitution, Amendment 98,  
 2 also known as the "Arkansas Medical Marijuana Amendment of 2016", Arkansas  
 3 Constitution, Amendment 98, § 8 is amended to add a new subdivision to read  
 4 as follows:

5 (p) When issuing a license for a dispensary or cultivation facility,  
 6 the commission shall consider racial and gender diversity in ownership of an  
 7 applicant dispensary or cultivation facility.

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 9 SECTION 3. Pursuant to § 23 of Arkansas Constitution, Amendment 98,  
 10 also known as the "Arkansas Medical Marijuana Amendment of 2016", Arkansas  
 11 Constitution, Amendment 98, § 19 is amended to read as follows:

12 § 19. Medical Marijuana Commission – Creation.

13 (a)(1) There is created a Medical Marijuana Commission to determine  
 14 the qualifications for receiving a license to operate a dispensary or a  
 15 license to operate a cultivation facility and the awarding of licenses.

16 (2) Each member of the commission shall serve a term of four (4)  
 17 years.

18 (3) The commission shall consist of five (5) member as follows:

19 (A) Two (2) members appointed by the President Pro Tempore  
 20 of the Senate;

21 (B) Two (2) members appointed by the Speaker of the House  
 22 of Representatives; and

23 (C) One (1) member appointed by the Governor.

24 (4) Vacancies on the commission shall be filled in the manner of  
 25 the original appointment.

26 (5) The commission shall select one (1) of its members as chair.

27 (6) An affirmative vote of a majority of a quorum present shall  
 28 be necessary to transact business.

29 (7) The President Pro Tempore of the Senate, the Speaker of the  
 30 House of Representatives, and the Governor shall consider diversity when  
 31 appointing individuals to the commission.

32 (b)(1)(A) One (1) of the initial members appointed by the President  
 33 Pro Tempore of the Senate shall serve a term of two (2) years and one (1) of  
 34 the initial members appointed by the President Pro Tempore of the Senate  
 35 shall serve a term of four (4) years.

36 (B) The initial members appointed by the President Pro

1 Tempore of the Senate shall draw lots to determine which member shall serve a  
2 term of two (2) years.

3 (2)(A) One (1) of the initial members appointed by the Speaker  
4 of the House of Representatives shall serve a term of two (2) years and one  
5 (1) of the initial members appointed by the Speaker of the House of  
6 Representatives shall serve a term of four (4) years.

7 (B) The initial members appointed by the Speaker of the  
8 House of Representatives shall draw lots to determine which member shall  
9 serve a term of two (2) years.

10 (3) The initial member appointed by the Governor shall serve a  
11 term of four (4) years.

12 (4) All subsequent persons appointed to the commission shall  
13 serve a term of four (4) years.

14 (c) A member of the commission shall be:

15 (1) Be:

16 (A) A citizen of the United States;

17 ~~(2)(B)~~ A resident of the State of Arkansas for at least ten (10)  
18 years preceding his or her appointment;

19 ~~(3)(C)~~ A qualified elector; and

20 ~~(4)(D)~~ At least twenty-five (25) years of age; and

21 ~~(5)(2)~~ Have no economic interest in a dispensary or cultivation  
22 facility.

23 (d)(1) The commission, by a majority vote of the total membership of  
24 the commission cast during its first regularly scheduled meeting of each  
25 calendar year, may authorize payment to its members of a stipend not to  
26 exceed eighty-five dollars (\$85.00) per day for each meeting attended or for  
27 any day while performing any proper business of the commission.

28 (2) Members of the commission shall receive no other  
29 compensation, expense reimbursement, or in-lieu-of payments.

30 (e)(1) The commission may employ staff necessary to assist in the  
31 performance of its duties under this amendment.

32 (2) The Alcoholic Beverage Control Division shall provide staff  
33 for the commission if the commission does not have employees available for  
34 that purpose.

35 (f)(1) Initial members of the commission shall be appointed within  
36 thirty (30) days of the effective date of this section.

1           (2) The President Pro Tempore of the Senate shall call the first  
2 meeting of the commission, which shall occur within forty-five (45) days of  
3 the effective date of this section.

4           (g) The commission shall comply with all laws otherwise applicable to  
5 other state commissions, including without limitation the Minority Business  
6 Economic Development Act, § 15-4-301 et seq., and the Arkansas Procurement  
7 Law, § 19-11-201 et seq.

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