

Stricken language would be deleted from and underlined language would be added to present law.

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

As Engrossed: H3/14/17

# A Bill

HOUSE BILL 1990

5 By: Representative Lundstrum  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND ARKANSAS CONSTITUTION, AMENDMENT 98,  
9 ALSO KNOWN AS THE "ARKANSAS MEDICAL MARIJUANA  
10 AMENDMENT OF 2016"; TO AMEND THE DEFINITION OF  
11 "DESIGNATED CAREGIVER" AND "QUALIFYING CONDITION"; TO  
12 BAN CULTIVATION OR GROWING OF MEDICAL MARIJUANA AT A  
13 DISPENSARY; AND FOR OTHER PURPOSES.  
14

## Subtitle

15  
16  
17 TO AMEND THE ARKANSAS MEDICAL MARIJUANA  
18 AMENDMENT OF 2016; TO AMEND THE  
19 DEFINITION OF "DESIGNATED CAREGIVER" AND  
20 "QUALIFYING CONDITION"; AND TO BAN  
21 CULTIVATION OR GROWING OF MEDICAL  
22 MARIJUANA AT A DISPENSARY.  
23

24  
25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
26

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, § 2(6), concerning the definition of "designated  
30 caregiver", is amended to read as follows:

31 (6)(A) "Designated caregiver" means a person who is at least  
32 twenty-one (21) years of age, has not been convicted of an excluded felony  
33 offense, has agreed to assist ~~a~~ no more than five (5) physically disabled  
34 qualifying ~~patient~~ patients with the medical use of marijuana, and who has  
35 registered with the Department of Health under § 5 of this amendment.

36 (B) "Designated caregiver" includes without limitation a



1 parent:

2 (i) Of a qualifying patient who is under ~~the age of~~  
3 eighteen (18) years of age; and

4 (ii) Required to register as a designated caregiver  
5 under this amendment;

6  
7 SECTION 2. Pursuant to § 23 of Arkansas Constitution, Amendment 98,  
8 also known as the "Arkansas Medical Marijuana Amendment of 2016", Arkansas  
9 Constitution, Amendment 98, § 2(13), concerning the definition of "qualified  
10 medical condition" within the Arkansas Medical Marijuana Amendment of 2016,  
11 is amended to read as follows:

12 (13) "Qualifying medical condition" means one (1) or more of the  
13 following:

14 (A) Cancer, glaucoma, positive status for human  
15 immunodeficiency virus/acquired immune deficiency syndrome, hepatitis C,  
16 amyotrophic lateral sclerosis, Tourette's syndrome, Crohn's disease,  
17 ulcerative colitis, post-traumatic stress disorder, severe arthritis,  
18 fibromyalgia, Alzheimer's disease, or the treatment of these conditions; and

19 (B) A chronic or debilitating disease or medical condition  
20 or its treatment that produces one (1) or more of the following: cachexia or  
21 wasting syndrome; peripheral neuropathy; or intractable pain, which is pain  
22 that has not responded to ordinary medications, treatment, or surgical  
23 measures for more than six (6) months; severe nausea; seizures, including  
24 without limitation those characteristic of epilepsy; or severe and persistent  
25 muscle spasms, including without limitation those characteristic of multiple  
26 sclerosis; and

27 ~~(C) Any other medical condition or its treatment approved~~  
28 ~~by the Department of Health under § 4 of this amendment;~~

29  
30 SECTION 3. Pursuant to § 23 of Arkansas Constitution, Amendment 98,  
31 also known as the "Arkansas Medical Marijuana Amendment of 2016", Arkansas  
32 Constitution, Amendment 98, § 4(d), as amended by Acts 2017, No. 4, § 3,  
33 concerning the administration and enforcement by the Department of Health, is  
34 repealed.

35 ~~(d) The department shall adopt rules within one hundred eighty (180)~~  
36 ~~days of the effective date of this amendment that govern the manner in which~~

1 ~~a designated caregiver assists a physically disabled qualifying patient or a~~  
2 ~~qualifying patient under the age of eighteen (18) with the medical use of~~  
3 ~~marijuana.~~

4  
5 SECTION 4. Pursuant to § 23 of Arkansas Constitution, Amendment 98,  
6 also known as the Arkansas Medical Marijuana Amendment of 2016, Arkansas  
7 Constitution, Amendment 98, § 8(m), concerning the licensing of dispensaries  
8 and cultivation facilities, is amended to read as follows:

9 (m)(1) A dispensary licensed under this section may acquire, possess,  
10 manufacture, process, prepare, deliver, transfer, transport, supply, and  
11 dispense marijuana, marijuana paraphernalia, and related supplies and  
12 educational materials to a qualifying patient or designated caregiver.

13 (2) A dispensary may receive compensation for providing the  
14 goods and services allowed by this section.

15 ~~(3)(A) A dispensary may grow or possess:~~

16 ~~(i) Fifty (50) mature marijuana plants at any one~~  
17 ~~(1) time plus seedlings; and~~

18 ~~(ii) All usable marijuana derived from the plants~~  
19 ~~under subdivision (m)(3)(A)(i) of this section or predecessor plants.~~

20 ~~(B) A dispensary may contract with a cultivation facility~~  
21 ~~to cultivate one (1) or more mature marijuana plants the dispensary is~~  
22 ~~permitted to grow.~~

23 ~~(4)(A)(i) A cultivation facility may cultivate and possess~~  
24 ~~usable marijuana in an amount reasonably necessary to meet the demand for the~~  
25 ~~needs of qualifying patients as determined by the commission with the~~  
26 ~~assistance of the Department of Health.~~

27 ~~(ii) However, a cultivation facility shall not sell~~  
28 ~~marijuana in any form except to a dispensary or other cultivation facility.~~

29 ~~(B) A cultivation facility may also possess marijuana~~  
30 ~~seeds.~~

31 ~~(C) The commission with the assistance of the Department~~  
32 ~~of Health shall promulgate rules determining the amount of marijuana~~  
33 ~~reasonably necessary under subdivision ~~(m)(4)(A)~~ (m)(3)(A) of this section.~~

34 ~~(5)(4) A cultivation facility may receive compensation for~~  
35 ~~providing goods and services allowed by this section.~~

36

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

*/s/Lundstrum*