

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 1991

5 By: Representative Lundstrum
6

For An Act To Be Entitled

8 AN ACT TO ENACT CERTAIN PROHIBITIONS REGARDING
9 MEDICAL MARIJUANA; AND FOR OTHER PURPOSES.

Subtitle

12 TO ENACT CERTAIN PROHIBITIONS REGARDING
13 MEDICAL MARIJUANA.
14

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16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 *SECTION 1. Arkansas Code Title 20, Chapter 56, is amended to add an*
20 *additional subchapter to read as follows:*

Subchapter 3 – Medical Marijuana

20-56-301. Prohibition on extraction.

23 (a) An individual shall not manufacture, compound, convert, produce,
24 derive, process, or prepare, either directly or indirectly by chemical
25 extraction or independently by means of chemical synthesis, marijuana.

26 (b) An individual described under subsection (a) of this section does
27 not include a licensed entity that is legally authorized to manufacture
28 marijuana products or the licensed agents of the licensed entity.
29

20-56-302. Prohibition on self-service machine.

31 A dispensary shall not use a self-service machine such as a vending
32 machine for the purchase and dispensing of medical marijuana.
33

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35 20-56-303. Prohibition on being under the influence while at a
36 dispensary or cultivation facility.



1 An individual shall not use marijuana or be under the influence of
2 marijuana while at a dispensary or a cultivation facility.

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4 20-56-304. Limitations on access to dispensary or cultivation
5 facility.

6 (a) Except as provided in subsection (b) of this section, a dispensary
7 and cultivation facility shall not allow access to the dispensary,
8 cultivation facility, or the property of a dispensary or cultivation facility
9 to individuals who:

10 (1) Do not possess a current registry identification card issued
11 by the Department of Health or the Alcoholic Beverage Control Division; or

12 (2) Are not authorized by law to be at the dispensary or
13 cultivation facility, including without limitation:

14 (A) An owner;

15 (B) An employee or agent of the dispensary or cultivation
16 facility; and

17 (C) An individual who is required by law to inspect or
18 visit the dispensary or cultivation facility.

19 (b)(1) A parent with a registry identification card or a designated
20 caregiver registry identification card may bring his or her child or children
21 into a dispensary or cultivation facility for the purpose of purchasing
22 usable marijuana.

23 (2) A parent without a designated caregiver registry
24 identification card or registry identification card may accompany his or her
25 child who has a registry identification card into a dispensary or cultivation
26 facility for the purpose of purchasing usable marijuana for the child or
27 children.

28
29 20-56-305. Prohibition on medical marijuana advertisement.

30 An individual or entity shall not advertise, publicize, promote, or
31 market through broadcasting, online services, print services, or billboards
32 medical marijuana, the use of medical marijuana, or services associated with
33 medical marijuana, including without limitation:

34 (1) Physician services;

35 (2) Designated caregiver services;

36 (3) Providing free samples of marijuana or marijuana-related

1 products; and

2 (4) Providing coupons or other promotional flyers.

3
4 20-56-306. Prohibition on use of medical symbols with medical
5 marijuana.

6 A dispensary or cultivation facility shall not use symbols commonly
7 associated with the practice of medicine or the practice of pharmacy,
8 including without limitation:

9 (1) A cross of any color;

10 (2) A caduceus; or

11 (3) Any other symbol that is commonly associated with the
12 practice of medicine, the practice of pharmacy, or health care in general

13
14 20-56-307. Child -resistant packaging.

15 (a)(1) As used in this section, "child-resistant packaging" means a
16 container or packaging that is designed or constructed to be:

17 (A) Significantly difficult for children under five (5)
18 years of age to:

19 (i) Open; or

20 (ii) Obtain a toxic or harmful amount of the
21 substance contained therein within a reasonable time; and

22 (B) Not difficult for an average adult to use properly.

23 (2) "Child-resistant packaging" does not mean packaging that
24 children cannot open or obtain a toxic or harmful amount within a reasonable
25 time when tested in accordance with the method described in 16 C.F.R. §
26 1700.20, as it existed on January 1, 2017.

27 (b) A dispensary or cultivation facility shall ensure that all usable
28 marijuana under Arkansas Constitution, Amendment 98, or products containing
29 usable marijuana be packaged or provided in a child-resistant packaging.

30 (c) A qualifying patient or designated caregiver under Arkansas
31 Constitution, Amendment 98, shall keep all usable marijuana, including
32 without limitation food or drink infused with usable marijuana, in a child-
33 resistant packaging.

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36 /s/Lundstrum