

1 State of Arkansas As Engrossed: H3/14/17 H3/23/17

2 91st General Assembly

# A Bill

3 Regular Session, 2017

HOUSE BILL 1991

4

5 By: Representative Lundstrum

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## For An Act To Be Entitled

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AN ACT TO ENACT CERTAIN PROHIBITIONS REGARDING

9

*MEDICAL MARIJUANA; TO AMEND ARKANSAS CONSTITUTION,*

10

*AMENDMENT 98, ALSO KNOWN AS THE "ARKANSAS MEDICAL*

11

*MARIJUANA AMENDMENT OF 2016" REGARDING THE RULES*

12

*INVOLVING PACKAGING, LABELING, AND DOSING OF USABLE*

13

*MARIJUANA; AND FOR OTHER PURPOSES.*

14

15

16

## Subtitle

17

*TO ENACT CERTAIN PROHIBITIONS REGARDING*

18

*MEDICAL MARIJUANA; AND TO AMEND THE*

19

*ARKANSAS MEDICAL MARIJUANA AMENDMENT OF*

20

*2016 REGARDING THE RULES INVOLVING*

21

*PACKAGING, LABELING, AND DOSING OF USABLE*

22

*MARIJUANA.*

23

24

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

26

27 *SECTION 1. Arkansas Code Title 20, Chapter 56, is amended to add an*  
28 *additional subchapter to read as follows:*

29

### *Subchapter 3 – Medical Marijuana*

30

31 *20-56-301. Prohibition on self-service machine.*

32

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

35

36 *20-56-302. Prohibition on being intoxicated while at a dispensary or*



1 cultivation facility.

2 An individual shall not use marijuana or be intoxicated by marijuana  
3 while at a dispensary or a cultivation facility.

4  
5 20-56-303. Limitations on access to dispensary or cultivation  
6 facility.

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

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

13 (2) Are not authorized by law to be at the dispensary or  
14 cultivation facility.

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

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

24  
25 20-56-304. Child-proof packaging.

26 (a) As used in this section, "child-proof packaging" means packaging  
27 that cannot be opened by a child or that prevents ready access to a toxic or  
28 harmful amount of the product, and that meets the testing requirements in  
29 accordance with the method described in 16 C.F.R. § 1700.20, as existing on  
30 January 1, 2017.

31 (b) A dispensary or cultivation facility shall ensure that all usable  
32 marijuana under Arkansas Constitution, Amendment 98, or products containing  
33 usable marijuana be packaged or provided in a child-proof packaging.

34 (c) A qualifying patient or designated caregiver under Arkansas  
35 Constitution, Amendment 98, shall keep all usable marijuana, including  
36 without limitation food or drink infused with usable marijuana, in a child-

1 proof packaging.

2  
3 SECTION 2. Pursuant to § 23 of Arkansas Constitution, Amendment 98,  
4 also known as the "Arkansas Medical Marijuana Amendment of 2016", Arkansas  
5 Constitution, Amendment 98, § 4(b)(2), concerning the rules of the Department  
6 of Health relating to qualifying patients, is amended to read as follows:

7 (2) Labeling and testing standards for marijuana distributed to  
8 qualifying patients, including without limitation:

9 (A) Before sale, food or drink that has been combined with  
10 usable marijuana shall not exceed ten milligrams (10 mg) of active  
11 tetrahydrocannabinol per portion and shall be physically demarked; and

12 (B) If portions cannot be physically determined, the  
13 entirety of the food or drink that has been combined with usable marijuana  
14 shall not contain more than ten milligrams (10 mg) of active  
15 tetrahydrocannabinol; and

16  
17 SECTION 3. Pursuant to § 23 of Arkansas Constitution, Amendment 98,  
18 also known as the "Arkansas Medical Marijuana Amendment of 2016", Arkansas  
19 Constitution, Amendment 98, § 8(e)(5), concerning the rules of the Alcoholic  
20 Beverage Control Division of the Department of Finance and Administration  
21 relating to dispensaries and cultivation facilities, is amended to read as  
22 follows:

23 (5) The manufacture, processing, packaging, labeling, and  
24 dispensing of usable marijuana to qualifying patients and designated  
25 caregivers, including without limitation:

26 (A) Before sale, food or drink that has been combined with  
27 usable marijuana shall not exceed ten milligrams (10 mg) of active  
28 tetrahydrocannabinol per portion and shall be physically demarked; and

29 (B) If portions cannot be physically determined, the  
30 entirety of the food or drink that has been combined with usable marijuana  
31 shall not contain more than ten milligrams (10 mg) of active  
32 tetrahydrocannabinol;

33 /s/Lundstrum