

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

1 State of Arkansas As Engrossed: S3/16/17 S3/23/17

2 91st General Assembly

# A Bill

3 Regular Session, 2017

SENATE BILL 721

4

5 By: Senator Rapert

6

7

## 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 REQUIRE A DISPENSARY TO MAKE  
11 VAPORIZERS AVAILABLE FOR SALE TO QUALIFYING PATIENTS  
12 AND TO APPOINT A *PHARMACIST CONSULTANT*; FOR OTHER  
13 PURPOSES.

14

15

16

## Subtitle

17

*TO AMEND THE ARKANSAS MEDICAL MARIJUANA  
18 AMENDMENT OF 2016 TO REQUIRE A DISPENSARY  
19 TO MAKE VAPORIZERS AVAILABLE FOR SALE TO  
20 QUALIFYING PATIENTS AND TO APPOINT A  
21 PHARMACIST CONSULTANT.*

22

23

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

25

26

*SECTION 1. Pursuant to § 23 of Arkansas Constitution, Amendment 98,  
27 also known as the "Arkansas Medical Marijuana Amendment of 2016", Arkansas  
28 Constitution, Amendment 98, § 3, concerning protections for the medical use  
29 of marijuana, is amended to add an additional subsection to read as follows:*

30

*(m) A pharmacist shall not be subject to arrest, prosecution, or  
31 penalty in any manner or denied any right or privilege, including without  
32 limitation a civil penalty or disciplinary action by the Arkansas State Board  
33 of Pharmacy or by any other business, occupational, or professional licensing  
34 board or bureau, solely for performing his or her duties as a pharmacist  
35 consultant for a registered dispensary.*

36



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(m)(1), concerning the licensing of  
4 dispensaries and cultivation facilities, is amended to add an additional  
5 subsection to read as follows:

6           (m)(1)(A) A dispensary licensed under this section may acquire,  
7 possess, manufacture, process, prepare, deliver, transfer, transport, supply,  
8 and dispense marijuana, marijuana paraphernalia, and related supplies and  
9 educational materials to a qualifying patient or designated caregiver, but  
10 shall not supply, possess, manufacture, deliver, transfer, or sell marijuana  
11 paraphernalia that requires the combustion of marijuana to be properly  
12 utilized, including pipes, water pipers, bongs, chillums, rolling papers, and  
13 roach clips.

14                           (B) A dispensary licensed under this section shall:

15   (i) Make marijuana vaporizers available for sale to  
16 qualifying patients; and

17   (ii) Provide educational materials about medical  
18 marijuana methods of ingestion to qualifying patients and designated  
19 caregivers, including without limitation:

20   (a) Warnings on the potential health risks of  
21 smoking or combusting marijuana; and

22   (b) Information on potential health benefits  
23 of vaporizing marijuana compared to smoking or combusting.

24  
25           SECTION 3. Pursuant to § 23 of Arkansas Constitution, Amendment 98,  
26 also known as the "Arkansas Medical Marijuana Amendment of 2016", Arkansas  
27 Constitution, Amendment 98, § 8, is amended to add an additional subsection  
28 to read as follows:

29           

(p)(1) A dispensary shall appoint a pharmacist consultant who is a  
30 pharmacist licensed with the Arkansas State Board of Pharmacy.

31                           (2) A pharmacist consultant shall:

32   (A) Register as a dispensary agent under this amendment  
33 and follow all procedures;

34   (B) Develop and provide training to other dispensary  
35 agents at least one (1) time every twelve (12) months from the initial date  
36 of the opening of the dispensary on the following subjects:

1 (i) Guidelines for providing information to  
2 qualifying patients related to risks, benefits, and side effects associated  
3 with medical marijuana;

4 (ii) Recognizing the signs and symptoms of substance  
5 abuse; and

6 (iii) Guidelines for refusing to provide medical  
7 marijuana to an individual who appears to be impaired or abusing medical  
8 marijuana;

9 (C) Assist in the development and implementation of review  
10 and improvement processes for patient education and support provided by the  
11 dispensary;

12 (D) Provide oversight for the development and  
13 dissemination of:

14 (i) Education materials for qualifying patients and  
15 designated caregivers that include:

16 (a) Information about possible side effects  
17 and contraindications of medical marijuana;

18 (b) Guidelines for notifying the physician who  
19 provided the written certification for medical marijuana if side effects or  
20 contraindications occur;

21 (c) A description of the potential effects of  
22 differing strengths of medical marijuana strains and products;

23 (d) Information about potential drug-to-drug  
24 interactions, including interactions with alcohol, prescription drugs,  
25 nonprescription drugs, and supplements;

26 (e) Techniques for the use of medical  
27 marijuana and marijuana paraphernalia; and

28 (f) Information about different methods,  
29 forms, and routes of medical marijuana administration;

30 (ii) Systems for documentation by a qualifying  
31 patient or designated caregiver of the symptoms of a qualifying patient that  
32 includes a logbook, rating scale for pain and symptoms, and guidelines for a  
33 patient's self-assessment; and

34 (iii) Policies and procedures for refusing to  
35 provide medical marijuana to an individual who appears to be impaired or  
36 abusing medical marijuana; and

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

(E) Be accessible by the dispensary or dispensary agent

through:

(i) Telephonic means at all times during operating

hours; and

(ii) Telephone or video conference for a patient

consultation during operating hours.

/s/Rapert