

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

SENATE BILL 440

5 By: Senators Bledsoe, J. Cooper, B. Davis, J. English, Flippo, Irvin, Hester, Rapert, G. Stubblefield
6 By: Representatives Lundstrum, Bentley, Petty
7

For An Act To Be Entitled

8
9 AN ACT TO AMEND ARKANSAS CONSTITUTION, AMENDMENT 98,
10 ALSO KNOWN AS THE "ARKANSAS MEDICAL MARIJUANA
11 AMENDMENT OF 2016"; TO BAN USE OF MEDICAL MARIJUANA
12 IN FOOD AND DRINK EXCEPT IN CERTAIN CIRCUMSTANCES;
13 AND FOR OTHER PURPOSES.
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Subtitle

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17 TO AMEND ARKANSAS CONSTITUTION, AMENDMENT
18 98; AND TO BAN USE OF MEDICAL MARIJUANA
19 IN FOOD AND DRINK EXCEPT IN CERTAIN
20 CIRCUMSTANCES.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Pursuant to § 23 of Arkansas Constitution, Amendment 98,
26 also known as the "Arkansas Medical Marijuana Amendment of 2016", Arkansas
27 Constitution, Amendment 98, § 6(a), concerning the scope of the Arkansas
28 Medical Marijuana Amendment of 2016, is amended to read as follows:

29 (a) This amendment does not permit a person to:

30 (1) Undertake any task under the influence of marijuana when
31 doing so would constitute negligence or professional malpractice;

32 (2) Possess, smoke, or otherwise engage in the medical use of
33 marijuana:

34 (A) On a school bus;

35 (B) On the grounds of a daycare center, preschool, primary
36 or secondary school, college, or university;



- 1 (C) At a drug or alcohol treatment facility;
- 2 (D) At a community or recreation center;
- 3 (E) In a correctional facility;
- 4 (F) On any form of public transportation;
- 5 (G) In a public place; or
- 6 (H) On any property that is under control of the Arkansas
- 7 National Guard or the United States military;

8 (3) Operate, navigate, or be in actual physical control of a
 9 motor vehicle, aircraft, motorized watercraft, or any other vehicle drawn by
 10 power other than muscle power while under the influence of marijuana;

11 (4) Smoke marijuana:

- 12 (A) In a place where the smoking of tobacco is prohibited
- 13 by law;
- 14 (B) In the presence of a person who is under fourteen (14)
- 15 years of age;

16 (C) Inside a motor vehicle, aircraft, motorized
 17 watercraft, or any vehicle drawn by power other than muscle power;

18 (D) Knowingly in the presence of a pregnant woman; or

19 (E) In a place where the smoking of marijuana for medical
 20 use is likely to cause another person not authorized to use marijuana to be
 21 under the influence of marijuana; ~~or~~

22 (5) Smoke marijuana for medical use if the person is under
 23 twenty-one (21) years of age; or

24 (6)(A) Except as provided in subdivision (a)(6)(B) of this
 25 section, manufacture, sell, offer for purchase, exchange for consideration,
 26 or consume food or drink that contains usable marijuana.

27 (B) A qualifying patient, designated caregiver, or
 28 licensed healthcare provider in a hospital may incorporate usable marijuana
 29 into food or drink to aid ingestion of the medical marijuana by a qualifying
 30 patient.

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