

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

As Engrossed: S3/14/19 H4/1/19

# A Bill

SENATE BILL 440

5 By: Senators Bledsoe, J. Cooper, J. English, Flippo, Irvin, Hester, Rapert, G. Stubblefield  
6 By: Representatives Lundstrum, Bentley, Petty  
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## For An Act To Be Entitled

9 AN ACT TO BAN USE OF MEDICAL MARIJUANA IN FOOD AND  
10 DRINK EXCEPT IN CERTAIN CIRCUMSTANCES; AND FOR OTHER  
11 PURPOSES.  
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### Subtitle

15 TO BAN USE OF MEDICAL MARIJUANA IN FOOD  
16 AND DRINK EXCEPT IN CERTAIN  
17 CIRCUMSTANCES.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. DO NOT CODIFY. Legislative findings and intent.

23 (a) The General Assembly finds that:

24 (1) Arkansas Constitution, Amendment 98, also known as the  
25 "Arkansas Medical Marijuana Amendment of 2019", creates a medical marijuana  
26 program and authorizes the use of medical marijuana for certain medical  
27 conditions;

28 (2) As with other medications, proper care and safety  
29 precautions are necessary to protect children and adults;

30 (3) The Arkansas Code does not specify the regulation of the  
31 manufacturing and processing of medical marijuana; and

32 (4) It is necessary to protect the public health, safety, and  
33 welfare of the citizens of Arkansas to specify the regulation of the  
34 manufacturing and processing of medical marijuana.

35 (b) It is the intent of this act to prohibit certain manufacturing and  
36 processing of medical marijuana.



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2 SECTION 2. Arkansas Code Title 20, Chapter 56, Subchapter 3, is  
3 amended to add an additional section to read as follows:

4 20-56-305. Prohibitions on manufacturing and processing medical  
5 marijuana.

6 (a) As used in this section, "commercially available" means any candy,  
7 food, or beverage product that is produced or sold by a third party.

8 (b) A cultivation facility, dispensary, or processor shall not process  
9 or manufacture a medical marijuana product in a non-childproof package or  
10 container for consumption that:

11 (1) Is likely to appeal to minors due to shape, color, taste, or  
12 design, including without limitation:

13 (A) Products that are modeled after noncannabis products  
14 primarily consumed by and marketed to children;

15 (B) Products in the shape of an animal, vehicle, person,  
16 or character; and

17 (C) Products that contain cannabinoid concentrates or  
18 extracts that, as determined by the Alcoholic Beverage Control Division,  
19 closely resemble foods or beverages that are attractive to minors and that  
20 are commonly sold in retail establishments in individually packaged portions  
21 or in multiple packs of individually packaged portions, regardless of whether  
22 the foods or beverages are generic, trademarked, or branded products,  
23 including without limitation candy, cookies, cakes, pastries, chewing gum,  
24 and brownies; or

25 (2) Is manufactured by applying cannabinoid concentrates or  
26 extracts to trademarked or branded food, candy, or beverages that are  
27 commercially available without cannabinoid concentrates or extracts and are  
28 commonly sold at retail establishments in individual portions or in multiple  
29 packs of individually packaged portions.

30 (c)(1) The division shall promulgate rules to implement this section.

31 (2)(A) When adopting the initial rules to implement this  
32 section, the final rules shall be filed with the Secretary of State for  
33 adoption under § 25-15-204(f):

34 (i) On or before January 1, 2020; or

35 (ii) If approval under § 10-3-309 has not occurred  
36 by January 1, 2020, as soon as practicable after approval under § 10-3-309.

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(B) The division shall file the proposed rules with the Legislative Council under § 10-3-309(c) sufficiently in advance of January 1, 2020, so that the Legislative Council may consider the rule for approval before January 1, 2020.

/s/Bledsoe