

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

# A Bill

HOUSE BILL 1851

5 By: Representative Wing  
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## 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 AMEND THE DEFINITION OF  
11 "SAFETY SENSITIVE POSITION"; AND FOR OTHER PURPOSES.  
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## Subtitle

14 TO AMEND ARKANSAS CONSTITUTION, AMENDMENT  
15 98, ALSO KNOWN AS THE "ARKANSAS MEDICAL  
16 MARIJUANA AMENDMENT OF 2016"; AND TO  
17 AMEND THE DEFINITION OF "SAFETY SENSITIVE  
18 POSITION".  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Pursuant to § 23 of Arkansas Constitution, Amendment 98,  
25 also known as the "Arkansas Medical Marijuana Amendment of 2016", Arkansas  
26 Constitution, Amendment 98, § 2(25)(B), concerning the definition of "safety  
27 sensitive position", is amended to read as follows:

28 (B) "Safety sensitive position" also means any position  
29 designated in writing by an employer as a safety sensitive position in which  
30 a person performing the position while under the influence of marijuana may  
31 constitute a threat to health or safety, including without limitation a  
32 position:

33 (i) That requires any of the following activities:

- 34 (a) Carrying a firearm;
- 35 (b) Performing life-threatening procedures;
- 36 (c) Working with confidential information of



1 an employer or an employer's clients, customers, or others, including without  
 2 limitation information pertaining to employment or medical records, financial  
 3 information, or any other information, records, or documents that derive  
 4 actual or potential economic value from not being generally known to and not  
 5 readily ascertainable by proper means by other persons who can obtain  
 6 economic value from the disclosure or use of the information, records, or  
 7 documents or for which the inadvertent disclosure of the information,  
 8 records, or documents would result in penalties, costs, fines, or other  
 9 liability to the employer;

10 (d) Working with confidential information or  
 11 documents pertaining to criminal investigations; or

12 ~~(d)~~(e) Working with hazardous or flammable  
 13 materials, controlled substances, food, or medicine; or

14 (ii) In which a lapse of attention could result in  
 15 injury, illness, or death, including without limitation a position that  
 16 includes the operating, repairing, maintaining, or monitoring of heavy  
 17 equipment, machinery, aircraft, motorized watercraft, or motor vehicles as  
 18 part of the job duties; and

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