

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

As Engrossed: H4/14/21

A Bill

HOUSE BILL 1851

5 By: Representative Wing
6

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,



1 including proprietary, financial, or health-related records or documents;

2 (d) Working with ~~confidential information or~~
3 documents pertaining to criminal investigations; or

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

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

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12 /s/Wing
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