

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H1/30/17

A Bill

HOUSE BILL 1370

5 By: Representative House
6 By: Senator Irvin
7

For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CONSTITUTION, AMENDMENT 98,
10 ALSO KNOWN AS THE "ARKANSAS MEDICAL MARIJUANA
11 AMENDMENT OF 2016"; TO AUTHORIZE REGULATION OF
12 ADVERTISING, MARKETING, PACKAGING, AND PROMOTION OF
13 DISPENSARIES AND CULTIVATION FACILITIES; AND FOR
14 OTHER PURPOSES.

Subtitle

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18 TO AMEND THE ARKANSAS MEDICAL MARIJUANA
19 AMENDMENT OF 2016; AND TO AUTHORIZE
20 REGULATION OF ADVERTISING, MARKETING,
21 PACKAGING, AND PROMOTION OF DISPENSARIES
22 AND CULTIVATION FACILITIES.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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27 SECTION 1. Pursuant to § 23 of Arkansas Constitution, Amendment 98,
28 also known as the "Arkansas Medical Marijuana Amendment of 2016", Arkansas
29 Constitution, Amendment 98, § 8(e), concerning the licensure of dispensaries
30 and cultivation facilities, as amended by Acts 2017, No. 4, is amended to
31 read as follows:

32 (e) Not later than one hundred eighty (180) days after the effective
33 date of this amendment, the division shall adopt rules governing:

34 (1) Oversight requirements for dispensaries and cultivation
35 facilities;

36 (2) Recordkeeping requirements for dispensaries and cultivation



1 facilities;

2 (3) Security requirements for dispensaries and cultivation

3 facilities;

4 (4) Personnel requirements for dispensaries and cultivation

5 facilities;

6 (5) The manufacture, processing, packaging, and dispensing of
7 usable marijuana to qualifying patients and designated caregivers;

8 (6) Procedures for suspending or terminating the licenses of
9 dispensaries and cultivation facilities that violate the provisions of this
10 amendment or the rules adopted under this amendment, procedures for appealing
11 penalties, and a schedule of penalties;

12 (7) Procedures for inspections and investigations of
13 dispensaries and cultivation facilities;

14 (8) Advertising restrictions for dispensaries and cultivation
15 facilities, including without limitation the advertising, marketing,
16 packaging, and promotion of dispensaries and cultivation facilities with the
17 purpose to avoid making the product of a dispensary or a cultivation facility
18 appealing to children, including without limitation:

19 (A) Artwork;

20 (B) Building signage;

21 (C) Product design, including without limitation shapes
22 and flavors;

23 (D) Child-proof packaging that cannot be opened by a child
24 or that prevents ready access to toxic or harmful amount of the product, and
25 that meets the testing requirements in accordance with the method described
26 in 16 C.F.R. § 1700.20, as existing on January 1, 2017;

27 (E) Indoor displays that can be seen from outside the
28 dispensary or cultivation facility; and

29 (F) Other forms of marketing related to medical marijuana;

30 (9) Procedures for the disposal or other use of marijuana not
31 dispensed to a qualifying patient; and

32 (10) Any other matters necessary to the division's fair,
33 impartial, stringent, and comprehensive administration of its duties under
34 this amendment.

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APPROVED: 03/24/2017

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