

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

As Engrossed: H3/14/17

# A Bill

HOUSE BILL 1400

5 By: Representatives Lundstrum, Dotson, Ballinger, Bentley, C. Fite, Hammer, K. Hendren, McNair,  
6 Payton, Richmond, B. Smith  
7 By: Senators Rapert, Hester, G. Stubblefield  
8

## For An Act To Be Entitled

9  
10 AN ACT TO AMEND THE ARKANSAS MEDICAL MARIJUANA  
11 AMENDMENT OF 2016; TO PROHIBIT THE SMOKING OF  
12 MARIJUANA IN ANY LOCATION IN ARKANSAS; AND FOR OTHER  
13 PURPOSES.  
14

### Subtitle

15  
16 TO AMEND THE ARKANSAS MEDICAL MARIJUANA  
17 AMENDMENT OF 2016; AND TO PROHIBIT THE  
18 SMOKING OF MARIJUANA IN ANY LOCATION IN  
19 ARKANSAS.  
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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 scope of the Arkansas Medical*  
28 *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; or
- 5 (G) In a public place; ~~or~~
- 6 (3) Operate, navigate, or be in actual physical control of a
- 7 motor vehicle, aircraft, motorized watercraft, or any other vehicle drawn by
- 8 power other than muscle power while under the influence of marijuana;
- 9 (4) Smoke marijuana:
- 10 (A) In a place where the smoking of tobacco is prohibited
- 11 by law;
- 12 (B) In the presence of a person who is under fourteen (14)
- 13 years of age;
- 14 (C) Inside a motor vehicle, aircraft, motorized
- 15 watercraft, or any vehicle drawn by power other than muscle power;
- 16 (D) Knowingly in the presence of a pregnant woman; or
- 17 (E) In a place where the smoking of marijuana for medical
- 18 use is likely to cause another person not authorized to use marijuana to be
- 19 under the influence of marijuana; or
- 20 (5) Smoke marijuana for medical use if the person is under
- 21 twenty-one (21) years of age.

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23 SECTION 2. Pursuant to § 23 of Arkansas Constitution, Amendment 98,  
 24 also known as the "Arkansas Medical Marijuana Amendment of 2016", Arkansas  
 25 Constitution, Amendment 98, § 4(b)(2), concerning the rules regarding medical  
 26 marijuana issued by the Department of Health, is amended to read as follows:

27 (2) Labeling and testing standards for marijuana distributed to  
 28 qualifying patients, including a warning label on all marijuana for medical  
 29 use that is processed or sold for smoking that communicates the health and  
 30 safety risks associated with smoking and a list of places and conditions in  
 31 which smoking marijuana for medical use is illegal in the State of Arkansas;  
 32 and

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34 APPROVED: 03/29/2017

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36 /s/Lundstrum