

1 **A Bill**

2 By: Representatives
3 _____
4

5 For An Act To Be Entitled
6 **ARKANSAS MEDICINAL CANNABIS ACT OF 2011.**

7 *TO ESTABLISH THE USE, CULTIVATION AND DISTRIBUTION OF CANNABIS FOR*
8 *MEDICINAL PURPOSES AS AUTHROIZED BY THE ARKANSAS CONSTITUTION AND FOR*
9 *NO OTHER PURPOSES.*

10 Subtitle

11 **THE ARKANSAS MEDICINAL CANNABIS ACT OF 2011**

12 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:**

13
14 **SECTION 1: PURPOSE & INTENT**

15 Use of Cannabis has been found to provide important therapeutic and palliative benefits
16 to many who suffer from conditions, diseases and/or the medical treatment of these conditions
17 and diseases.

18 This Act establishes the use of Cannabis as an appropriate medicinal palliative therapy by
19 enabling those who seek therapeutic benefit from the medicinal use of Cannabis to grow, possess
20 and utilize Cannabis for medicinal purposes as they would utilize any other medically
21 therapeutic preparation without civil or criminal penalties pertaining to the production,
22 transportation and/or delivery of Cannabis for medicinal purposes.

23 Enactment of this Act is *not* intended to change current laws governing duty of care owed
24 to others, such as laws pertaining to the responsibilities of safely operating a motor vehicle.
25

1 **SECTION 2: DEFINITIONS**

2 **CANNABIS:** Any plant material containing delta-9 tetrahydrocannabinol (THC).

3 **AFFECTED PERSON:** Any person who suffers from a disease, condition or medical treatment
4 who may benefit from therapeutic use of Cannabis.

5 **HEALTH CARE PRACTITIONER:** Any person authorized under ACA 17-95-201-208 as
6 able to diagnose, treat, prescribe for, palliate or prevent any human disease, ailment, injury,
7 deformity, or physical or mental condition, whether by the use of drugs, surgery, manipulation,
8 electricity or any physical, mechanical, or other means whatsoever.

9 **CAREGIVER:** Any person who has attained the age of eighteen (18) years who is designated as
10 the Personal Caregiver of an Affected Person by the Affected Person's Health Care Practitioner
11 for the purpose of cultivating, processing and/or transporting Cannabis for that Affected Person.

12 **PARAPHERNALIA:** Any an all equipment, products, or materials of any kind used or intended
13 for planting, propagating, cultivating, growing, harvesting, manufacturing, compounding,
14 converting, producing, processing, preparing, testing, analyzing, packaging, repackaging,
15 storing, containing, ingesting, inhaling or otherwise conveying Cannabis for consumption by the
16 Affected Person.

17 **RECOMMENDATION:** Written notice provided by a Health Care Practitioner recommending
18 Cannabis as a medicinal therapy for an Affected Person and including the name of the Affected
19 Person's designated Caregiver, if any.

20 **MEDICINAL CANNABIS LICENSE:** Photo-ID-type certificate (*similar to a driver's license*)
21 issued to an Affected Person by the Arkansas Department of Health which affirms the legal right
22 of the Affected Person to cultivate and possess Cannabis for purposes of medicinal therapy in
23 accord of terms set forth in this legislation.

1 **SECTION 3: PROCEDURE**

2 The determination as to whether a person is medically qualified to hold a Medicinal
3 Cannabis License shall be made by the Health Care Practitioner of the Affected Person in the
4 form of a written Recommendation.

5 Said Recommendation shall include the name, address and contact information for the
6 Health Care Practitioner, the Affected Person and the designated Caregiver, if any.

7 The Affected Person shall present said Recommendation to the Arkansas Department of
8 Health whereupon the Arkansas Department of Health shall create and issue to the Affected
9 Person a Medicinal Cannabis License which shall be valid for a period of not less than three
10 years and subject to an issuance or renewal fee no greater than \$30.

11 **SECTION 4: PROTECTIONS**

12 The privacy of each Affected Person and his or her Caregiver if any shall be protected by
13 all HIPAA safeguards.

14 Each Affected Person and his or her Caregiver if any shall by virtue of said Medicinal
15 Cannabis License be authorized to cultivate and/or possess and/or transport a total of no more
16 than 12 ounces of harvested, dried, culled and screened Cannabis plant material, no more than 6
17 maturing female Cannabis plants, and an unlimited amount of Cannabis seed at any given time
18 and inclusive of all locations where such Cannabis plants and/or harvested materials and/or seeds
19 are normally cultivated, processed, packaged or stored by or on behalf of the Affected Person.

20 Given compliance with the terms and conditions expressed in this legislation, each
21 Affected Person shall by virtue of said Medicinal Cannabis License be exempt from arrest or
22 prosecution of criminal laws pertaining to his or her personal use of Cannabis.

23 Given compliance with the terms and conditions expressed in this legislation, each
24 Affected Person and his or her Caregiver if any shall by virtue of said Medicinal Cannabis
25

1 License be exempt from arrest or prosecution of criminal laws pertaining to the manufacture or
2 possession of Cannabis.

3 Given compliance with the terms and conditions expressed in this legislation, each
4 Affected Person and his or her Caregiver if any shall by virtue of said Medicinal Cannabis
5 License be exempt from seizure or forfeiture of property including but not limited to Cannabis
6 plant material and/or Paraphernalia related thereto.

7 No person including the Affected Person or Caregiver shall be entitled to the protection
8 of this legislation for his or her acquisition, possession, manufacturer, production, use, sale,
9 distribution, dispensing or transportation of Cannabis for any use other than as a medicinal
10 therapy as authorized by this legislation.

11 For all intents and purposes, the consumption of Cannabis as a medicinal therapy shall be
12 subject to the same rights, privileges, protections and prohibitions as are applicable to the use of
13 any other therapy or medication recommended or prescribed by a Health Care Practitioner.

14 Any Health Care Practitioner making a Recommendation of Cannabis for an Affected
15 Person shall be considered to be in compliance with all laws regulating the authority of any
16 Health Care Practitioner to recommend or prescribe any legal therapy or medication.

17 Those found by judicial due process to be in violation of laws governing the lawful
18 dispensing of medications and/or the trafficking of illicit drugs and/or the duty of care owed to
19 others such as laws pertaining to the responsibilities of safely operating a motor vehicle or
20 industrial equipment shall be fully subjected to the legal, criminal and civil consequences
21 thereof.

22
23 **THEREFORE: BE IT SO ENACTED, ESTABLISHED AND IMPLEMENTED AS LAW**
24 **BY THE PEOPLE OF ARKANSAS, by, on or before July 4, 2011.**