

A Bill

By: Representatives

For An Act To Be Entitled

ARKANSAS MEDICINAL CANNABIS ACT OF 2011.

TO ESTABLISH THE USE **CULTIVATION AND DISTRIBUTION** OF CANNABIS FOR MEDICINAL PURPOSES AS AUTHORIZED BY THE ARKANSAS CONSTITUTION AND FOR NO OTHER PURPOSES.

Subtitle

THE ARKANSAS MEDICINAL CANNABIS ACT OF 2011

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

SECTION 1: PURPOSE & INTENT

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

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

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

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

20 **MEDICINAL CANNABIS LICENSE:** Certificate issued to an Affected Person by the
21 Arkansas Department of Health which establishes the legal right of the Affected Person and his
22 or her Caregiver if any to cultivate and possess Cannabis for purposes of the medicinal therapy
23 of the Affected Person in accord of terms set forth in this legislation.

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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 **Order**.

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

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

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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 combined total of
16 no more than 12 ounces of harvested, dried, culled and screened Cannabis plant material, no
17 more than 6 maturing female Cannabis plants, an unlimited amount of Cannabis seed, **sprouts**,
18 **seedlings and/or baked-goods, tinctures, ointments, oils and other medicinal preparations of**
19 **Cannabis as per the Recommendation Order of the Affected Person's Health Care Practitioner** at
20 any given time and inclusive of all locations where such Cannabis plants and/or harvested
21 materials and/or seeds are normally cultivated, processed, packaged or stored by or on behalf of
22 the Affected Person.

1 Given compliance with the terms and conditions expressed in this legislation, each
2 Affected Person shall by virtue of said Medicinal Cannabis License be exempt from arrest,
3 prosecution, fine, penalty and/or administrative policy pertaining to the use of Cannabis.

4 Given compliance with the terms and conditions expressed in this legislation, each
5 Affected Person and his or her Caregiver if any shall by virtue of said Medicinal Cannabis
6 License be exempt from arrest or prosecution of criminal laws pertaining to the manufacture or
7 possession of Cannabis.

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

12 **The State of Arkansas shall extend reciprocity to each person who is a qualified recipient
13 of medicinal Cannabis in his or her respective state.**

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

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

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

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

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7 THEREFORE: BE IT SO ENACTED, ESTABLISHED AND IMPLEMENTED AS LAW BY

8 THE PEOPLE OF ARKANSAS, by, on or before July 4, 2011.

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10 *[NOTE: The foregoing includes refinements through June 6, 2010. Revisions and/or additions to*

11 *draft issued May 26, 2010 are highlighted in red. Public comment is encouraged and may be*

12 *posted to the Discussion board of the Arkansans for Medical Cannabis Facebook page, or by*

13 *emailing a4mc@gmx.com]*