

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

# A Bill

HOUSE BILL 1391

5 By: Representatives Lundstrum, Dotson, Ballinger, Barker, Bentley, Brown, Drown, Fortner, Gates,  
6 Henderson, Hollowell, Lemons, Maddox, McCollum, McNair, Miller, Payton, Penzo, Pilkington,  
7 Richmond, Speaks, Warren, Watson  
8 By: Senator Hester  
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## For An Act To Be Entitled

11 AN ACT TO AMEND THE ARKANSAS MEDICAL MARIJUANA  
12 AMENDMENT OF 2016 REGARDING LOCAL REGULATIONS; TO  
13 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.  
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## Subtitle

16 TO AMEND THE ARKANSAS MEDICAL MARIJUANA  
17 AMENDMENT OF 2016 REGARDING LOCAL  
18 REGULATIONS; AND TO DECLARE AN EMERGENCY.  
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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", § 14, is  
26 amended to read as follows:

27 § 14. Local regulation.

28 (a) This amendment does not prohibit a city, incorporated town, or  
29 county of this state from enacting reasonable zoning regulations applicable  
30 to dispensaries or cultivation facilities, ~~provided that those zoning~~  
31 ~~regulations are the same as those for a licensed retail pharmacy.~~

32 (b) This section does ~~not~~ allow a city, incorporated town, or county  
33 to regulate or prohibit the operation of any dispensaries or cultivation  
34 facilities in the city, incorporated town, or county ~~unless such a~~  
35 ~~prohibition is approved at~~ by an election under Article 5, § 1, of this  
36 constitution or by a majority vote of a city council or county quorum court.



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2           SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
3 General Assembly of the State of Arkansas that the Arkansas Medical Marijuana  
4 Amendment of 2016 became effective on November 9, 2016, and requires the  
5 Medical Marijuana Commission to begin issuing licenses for dispensaries and  
6 cultivation facilities on June 1, 2017; that § 23 of the Arkansas Medical  
7 Marijuana Amendment of 2016 allows the General Assembly to amend certain  
8 language within the amendment; that local zoning regulations permitting or  
9 prohibiting dispensaries and cultivation facilities in certain locations must  
10 take effect prior to the issuing of licenses for dispensaries and cultivation  
11 facilities under the Arkansas Medical Marijuana Amendment of 2016; and that  
12 this act is immediately necessary because cities, incorporated towns, and  
13 counties of this state need additional time to determine if a zoning  
14 regulation or a vote by a city council or county quorum court to prohibit  
15 dispensaries or cultivation facilities is needed. Therefore, an emergency is  
16 declared to exist, and this act being immediately necessary for the  
17 preservation of the public peace, health, and safety shall become effective  
18 on:

19           (1) The date of its approval by the Governor;

20           (2) If the bill is neither approved nor vetoed by the Governor,  
21 the expiration of the period of time during which the Governor may veto the  
22 bill; or

23           (3) If the bill is vetoed by the Governor and the veto is  
24 overridden, the date the last house overrides the veto.

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