

Department of Finance and Administration

Legislative Impact Statement

Bill: HB1508

Bill Subtitle: TO ENACT CERTAIN PROHIBITIONS REGARDING ADVERTISING FOR MEDICAL MARIJUANA.

Basic Change :

Sponsor: Representative House

HB1508 amends Arkansas Code Title 20, Chapter 56 to add an additional subchapter titled "Medical Marijuana" to provide prohibitions relating to medical marijuana advertisement. The bill would prohibit individuals or entities to advertise, publicize, promote, or market medical marijuana or any product containing tetrahydrocannabinol, the use of medical marijuana, or services associated with medical marijuana. Services associated with medical marijuana that would be prohibited would include:

- Physician services;
- Designated caregiver services;
- Providing free samples of marijuana or marijuana-related products; and
- Providing coupons or other promotional flyers.

The bill would also prohibit the use of medical symbols with medical marijuana. A dispensary or cultivation facility could not use symbols commonly associated with the practice of medicine or the practice of pharmacy, including:

- A cross of any color;
- A caduceus; or
- Any other symbol that is commonly associated with the practice of medicine, the practice of pharmacy, or health care in general.

Individuals or entities violating this prohibition would also be subject to fine of one hundred dollars (\$100) per violation per day.

Revenue Impact :

None.

Taxpayer Impact :

None.

Resources Required :

None.

Time Required :

None.

Procedural Changes :

None.

Other Comments :

None.

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Legal Analysis :

Under the current version of the Arkansas Medical Marijuana Amendment, the Alcoholic Beverage Control Division has broad rulemaking authority to limit the nature and type of advertisement for dispensaries and cultivation facilities. The prohibitions in this bill may lead to confusion for example, it is unclear whether a physician could be fined for recommending medical marijuana to a patient. Additionally, it could be interpreted that dispensaries and medical marijuana facilities cannot place signs to identify the businesses which could prohibit a Qualifying Patient from identifying a dispensary.