

# Department of Finance and Administration

## Legislative Impact Statement

**Bill: HB1990**

**Amendment Number: H1**

**Bill Subtitle: TO AMEND ARKANSAS CONSTITUTION, AMENDMENT 98, ALSO KNOWN AS THE "ARKANSAS MEDICAL MARIJUANA AMENDMENT OF 2016".**

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### **Basic Change :**

**Sponsor: Representative Lundstrum**

Engrossment 03/14/17 --- House Amendment 1 --- The bill would amend the Arkansas Medical Marijuana Amendment of 2016 to amend the definition of "designated caregiver" and "qualifying condition". The bill also bans the cultivation or growing of medical marijuana at a dispensary.

The bill would authorize a "designated caregiver" to provide care to no more than five (5) physically disabled qualifying patients with the medical use of marijuana. Qualified medical conditions for use of medical marijuana would be amended to delete authorization for use in treating "intractable pain" which is pain that does not respond to ordinary medications, treatment, or surgical measures; severe nausea; and severe or persistent muscle spasms including those characteristic of multiple sclerosis. The bill also deletes the authority for the Department of Health to approve other medical conditions for use of medical marijuana.

The Act would be effective 90 days after final adjournment of the 91<sup>st</sup> General Assembly.

### **Revenue Impact :**

None.

### **Taxpayer Impact :**

None.

### **Resources Required :**

None.

### **Time Required :**

None.

### **Procedural Changes :**

None.

### **Other Comments :**

None.

### **Legal Analysis :**

HB1990-H1 modifies the Arkansas Medical Marijuana Amendment ("Amendment") by making several

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changes to the designated caregiver and qualifying patient designations. The bill limits the number of qualifying patients a designated caregiver can care for to five patients. The bill eliminates intractable pain, severe nausea, and severe muscle spasms from the list of qualifying medical conditions. The bill eliminates the ability for ADH to determine how to add additional qualified medical conditions to the qualifying conditions list. The bill also revokes rulemaking authority from the Department of Health on rules governing the manner in which a qualified caregiver assists a qualifying patient under eighteen but does not prohibit qualified caregivers from assisting a qualified patient that is a minor. The bill removes the dispensaries' ability to possess up to fifty mature medical marijuana plants.