

THE FRAMEWORK FOR MEDICAL MARIJUANA IN ARKANSAS

STATE REGULATION

ARKANSAS DEPARTMENT OF HEALTH

- ▶ Issues identification cards to qualifying patients and caregivers.
- ▶ Establishes an application and renewal fee.
- ▶ Assists the Medical Marijuana Commission to determine the amount of marijuana necessary to meet the needs of qualifying patients.
- ▶ Maintains a database that enables a dispensary to verify that the qualifying patient or designated caregiver does not receive marijuana in excess.
- ▶ Collects information from dispensaries regarding the marijuana dispensed.
- ▶ Establishes labeling and testing standards.
- ▶ Approves or denies a petition to add medical conditions or treatments.

ALCOHOLIC BEVERAGE CONTROL DIVISION, DFA

- ▶ Oversees medical marijuana cultivation facilities and dispensaries.
- ▶ Establishes record keeping, security, personnel requirements, manufacturing, processing, packaging, dispensing, disposing, advertising, and marketing requirements.
- ▶ Inspects and investigates cultivation facilities and dispensaries.
- ▶ Sanctions, suspends, and terminates cultivation facility and dispensary licenses for violations.



MEDICAL MARIJUANA COMMISSION, ARKANSAS DEPARTMENT OF FINANCE AND ADMINISTRATION (DFA)

- ▶ Issues and renews licenses for medical marijuana cultivation facilities and dispensaries.
- ▶ Selects methods and criteria to be used when considering licenses for medical marijuana cultivation facilities and dispensaries.
- ▶ Determines the amount of marijuana a cultivation facility may cultivate.

ARKANSAS INSURANCE DEPARTMENT

- ▶ Collects and integrates registry data into the state's All-Payer Claims Database.
- ▶ Authorizes data uses that are consistent with the Arkansas Healthcare Transparency Initiative, such as research on medical utilization among medical marijuana qualifying patients.

EMPLOYERS

- ▶ May establish and implement a substance abuse or drug-free workplace policy that may include a drug testing program.
- ▶ May take action against a qualifying patient who uses marijuana on the employer's premises, during the hours of employment, or is otherwise under the influence of medical marijuana.
- ▶ May exclude a qualifying patient from performing or being employed in a safety-sensitive position.

LAW ENFORCEMENT

- ▶ Arkansas State Police performs criminal background checks on potential qualifying patients.
- ▶ Enforces criminal laws such as illegal possession or impaired driving.

LOCAL GOVERNMENT

- ▶ Cities, towns, and counties have the authority to apply land-use regulations (e.g., zoning restrictions) or prohibit medical marijuana facilities through the initiative process.

LICENSING BOARDS

ARKANSAS STATE MEDICAL BOARD

- ▶ Sanctions physicians for improperly evaluating a patient's medical condition or violating the applicable physician-patient standard of care.

ARKANSAS STATE BOARD OF PHARMACY

- ▶ Oversees pharmacists, who may work as a dispensary agent to provide consultation to a registered dispensary.



FEDERAL LAW AND MEDICAL MARIJUANA IN ARKANSAS

MILITARY

- ▶ Members of the Arkansas National Guard or the United States military cannot be a qualifying patient or designated caregiver.

EMPLOYMENT

- ▶ The federal Americans with Disabilities Act (ADA) does not require employers to permit marijuana use to accommodate an individual with a disability.
- ▶ The federal Drug-Free Workplace Act (DFWA) prohibits the use of marijuana, which means recipients of federal grants or contracts must take measures to promote a drug-free workplace.
- ▶ Employers that fail to impose sanctions on employees in violation of the drug-free workplace policy may lose its federal grant or contract.
- ▶ Safety-sensitive positions (e.g., pilots, school bus drivers, truck drivers, train engineers) are prohibited from marijuana use and are required to take a drug test before and throughout employment.

BANKING

- ▶ Because federal law prohibits the sale and distribution of marijuana, financial transactions involving a marijuana-related business are comprised of funds derived from illegal activity.
- ▶ Some financial institutions have assumed the risk of doing business with the marijuana industry by following guidance issued by the U.S. Department of Justice and the U.S. Department of Treasury Financial Crimes Enforcement Network. However, the guidance doesn't offer clear legal protection and the federal government may shift from its hands-off approach and prosecute financial institutions in violation of the Controlled Substance Act, the Banking Secrecy Act, and Anti-Money Laundering laws.

HOUSING

- ▶ Marijuana use is still illegal under federal housing programs; therefore, it may result in eviction or termination of assistance.

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