

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

A Bill

HOUSE BILL 2222

5 By: Representative Lundstrum
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For An Act To Be Entitled

8 AN ACT TO AMEND ARKANSAS CONSTITUTION, AMENDMENT 98,
9 ALSO KNOWN AS THE "ARKANSAS MEDICAL MARIJUANA
10 AMENDMENT OF 2016"; TO ESTABLISH CERTAIN SECURITY AND
11 SAFETY REQUIREMENTS FOR CULTIVATION FACILITIES; AND
12 FOR OTHER PURPOSES.
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Subtitle

15 TO AMEND THE ARKANSAS MEDICAL MARIJUANA
16 AMENDMENT OF 2016; AND TO ESTABLISH
17 CERTAIN SECURITY AND SAFETY REQUIREMENTS
18 FOR CULTIVATION FACILITIES.
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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", Arkansas
26 Constitution, Amendment 98, § 8(g)(2)(C), concerning the licensing of
27 dispensaries and cultivation facilities, is amended to read as follows:

28 (C) The physical address of the:

29 (i) Dispensary, ~~which location~~ the location of which
30 may not be within one thousand five hundred feet (1,500') of a public or
31 private school, church, or daycare center existing before the date of the
32 dispensary application, which shall be calculated from the primary entrance
33 of the dispensary to the nearest property boundary of a public or private
34 school, church, or daycare center; or

35 (ii) Cultivation facility, ~~which location~~ the
36 location of which may not be within three thousand feet (3,000') of a public



1 or private school, church, or daycare center existing before the date of the
2 cultivation facility application, which shall be calculated from the primary
3 entrance of the cultivation facility to the nearest property boundary of a
4 public or private school, church, or daycare center;

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6 SECTION 2. Pursuant to § 23 of Arkansas Constitution, Amendment 98,
7 also known as the "Arkansas Medical Marijuana Amendment of 2016", Arkansas
8 Constitution, Amendment 98, § 8, is amended to add an additional subsection
9 to read as follows:

10 (p)(1) A cultivation facility shall meet the following security
11 requirements:

12 (A) Appropriate security measures have been implemented to
13 deter and prevent unauthorized entrances into areas containing marijuana and
14 the theft and diversion of marijuana;

15 (B) All cultivation of marijuana occurs within a building,
16 greenhouse, or other structure that:

17 (i) Has a complete roof enclosure supported by
18 connecting walls that are constructed of solid material extending from the
19 ground to the roof;

20 (ii) Is secure against unauthorized entry;

21 (iii) Has a foundation, slab, or equivalent base to
22 which the floor is securely attached;

23 (iv) Meets performance standards ensuring that
24 cultivation and processing activities cannot be and are not perceptible from
25 the structure in terms of:

26 (a) Common visual observation;

27 (b) Odors, smell, fragrances, or other
28 olfactory stimulus;

29 (c) Light pollution, glare, or brightness;

30 (d) Adequate ventilation to prevent mold; and

31 (e) Noise;

32 (v) Provides complete visual screening; and

33 (vi) Is accessible only through one (1) or more
34 lockable doors;

35 (C) Current detailed plans and elevation drawings of all
36 operational areas involved with the production of medical marijuana are

1 maintained on the premises of the cultivation facility, including:

2 (i) All storage areas, ventilation systems, and
3 equipment used for production;

4 (ii) All entrances and exits to the cultivation
5 facility;

6 (iii) All windows, skylights, and retractable
7 mechanisms built into the roof;

8 (iv) The location of all required security cameras;

9 (v) The location of all alarm inputs, detectors, and
10 sirens;

11 (vi) All video and alarm system surveillance areas;

12 (vii) All production areas labeled according to the
13 specific activity occurring within the area;

14 (viii) All restricted and limited access areas
15 identified; and

16 (ix) All nonproduction areas labeled according to
17 purpose;

18 (D) Access to areas where marijuana is grown, harvested,
19 processed, and stored is limited to authorized personnel and:

20 (i) Designated by clearly marked signage; and

21 (ii) Locked and accessible only by authorized
22 personnel on a current roster of authorized personnel;

23 (E)(i) Written policies regarding any nonregistered agent
24 who may visit the premises and a log of all visitors to the premises are
25 developed and maintained.

26 (ii) The log shall consist of the visitor's name,
27 purpose of visit, time of arrival, and time of departure.

28 (iii) Visitors to a cultivation facility shall be:

29 (a) Issued a visitor identification tag
30 containing the visitor's name that shall be worn for the duration of the
31 visit on the premises; and

32 (b) Escorted by a cultivation facility agent
33 at all times while present on the premises.

34 (iv)(a) However, contractors conducting repairs,
35 maintenance, or other specific duties may be escorted to their work site and
36 left unaccompanied while completing a job.

1 (b) Cultivation facility agents shall ensure
2 that the contractor and area under repair are under video surveillance for
3 the duration of the time spent on the premises by the contractor; and

4 (F)(i) An alarm system is equipped that upon attempted
5 unauthorized entry, transmits a signal directly to a central protection
6 company for a local or state police agency and a designated cultivation
7 facility agent.

8 (ii) The alarm system shall:

9 (a) Provide coverage for all points of ingress
10 and egress to the cultivation facility, including without limitation
11 doorways, windows, loading bays, skylights, and retractable roof mechanisms;

12 (b) Provide coverage of any room with an
13 exterior wall, any room containing a safe, and any room used to grow or store
14 medical marijuana;

15 (c) Be equipped with a panic drive that upon
16 activation will not only sound any audible alarm components but will also
17 notify law enforcement;

18 (d) Have duress and hold up features to enable
19 a cultivation facility agent to activate a silent alarm notifying law
20 enforcement of an emergency;

21 (e) Be equipped with failure notification
22 systems to notify cultivation facilities and law enforcement of any failure
23 in the alarm system; and

24 (f) Have the ability to remain operational
25 during a power outage.

26 (2) A cultivation facility shall maintain compliance with
27 applicable city or county building or structure rules, regulations, or
28 ordinances and any other applicable state laws or rules regarding buildings
29 or structures.

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