

This amendment to the Arkansas Constitution expands access to medical cannabis by qualified patients under the Arkansas Medical Marijuana Amendment of 2016, Amendment 98 and ratifies and affirms that amendment as originally adopted and as amended by any legislative act, except as specified; amending Amendment 98, §2(4)(B) to define “cultivation facility” as including sale and delivery of usable marijuana to a processor; amending Amendment 98, §2(12) to replace the definition of “physician” with “health care practitioner,” which includes medical and osteopathic doctors, nurse practitioners, physicians’ assistants, and pharmacists and to remove requirements for federal controlled-substances registration; amending Amendment 98, §§4(f), 5(a)(1)-(2), 5(f)(1), 5(h); and 15 to replace references to physicians with references to health care practitioners; amending Amendment 98, §2(13)(C) to remove requirements for a “qualifying medical condition” and to add language defining such a condition as including any condition not otherwise specified in Amendment 98 that a health care practitioner considers debilitating to a patient that might be alleviated by medical marijuana; amending Amendment 98, §2(14)(A) to allow non-Arkansas residents to obtain registry identification cards in the same way as Arkansas residents; amending Amendment 98, §2(17) to define “usable marijuana” as including all parts of the plant *Cannabis sativa*, including any seeds, resin, compound, manufacture, salt, derivative, mixture, isomer or preparation of the plant, including tetrahydrocannabinol and all other cannabinol derivatives, and to exclude hemp with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis; amending Amendment 98, §2(19) to remove language requiring a physician-patient relationship from the definition of “written certification” and to allow assessments in person or by telemedicine; amending Amendment 98, §3(e) to allow licensed dispensaries to receive, transfer, or sell marijuana seedlings, plants, or usable marijuana to and from Arkansas-licensed cultivation facilities, processors, or other dispensaries, to accept marijuana seeds, seedlings, or clones from any individual authorized by law to possess them, and to sell usable marijuana, marijuana seedlings, plants or seeds to qualifying patients and designated caregivers; amending Amendment 98, §3(h) to remove language allowing professional licensing boards to sanction a physician for improper evaluation of a patient’s medical condition or for violating the standard of care; amending Amendment 98, §3(l) to remove authorization for Department of Health rules concerning visiting qualifying patients obtaining marijuana from a dispensary; amending Amendment 98, §4(a)(4)(A) to require criminal background checks for all applicants seeking to serve as designated caregivers, with the exception of parents or guardians of minor qualifying patients applying to serve as designated caregivers for those minors; amending Amendment 98, §5(d) to extend the expiration date of registry identification cards from one to three years and to add two additional years to the expiration of date of existing cards; amending Amendment 98, §8(e)(8) to remove and replace advertising restrictions with restrictions for dispensaries, processors, and cultivation facilities narrowly tailored to prevent advertising and packaging from appealing to children and to modify child-proof packaging

requirements to reflect 16 C.F.R. § 1700.20, as of January 1, 2023; amending Amendment 98, §8(m)(1)(A) to remove prohibitions on dispensary-provided paraphernalia requiring combustion of marijuana, requirements relating to vaporizers, and requirements for warnings and educational materials regarding methods of ingestion; amending Amendment 98, §8(m)(4)(A)(ii) to allow cultivation facilities to sell marijuana in any form to dispensaries, processors, or other cultivation facilities; amending Amendment 98, §16 to replace its current language with a waiver of state sovereign immunity so that a licensed person or entity may seek injunctive relief in the event the state fails to follow Amendment 98; amending Amendment 98, §21 to remove a prohibition on the growing of marijuana by qualifying patients and designated caregivers and to allow such growing under Amendment 98; amending Amendment 98, §23 to replace its current provisions with a prohibition on legislation amending, altering, or repealing Amendment 98 absent a vote of the people; repealing Amendment 98, §26 in its entirety; amending Amendment 98 to allow qualifying patients or caregivers at least 21 years old to keep and to plant marijuana plants in limited quantities and sizes at their domicile solely for the personal use of a qualifying patient, to prohibit sale, bartering, and trade of such marijuana plants, and to provide for regulation of such activities by the Alcohol Beverage Control Division; amending Amendment 98 to allow possession by adults of up to one ounce of usable marijuana and to allow sale of marijuana by licensed cultivators and dispensaries for adult use if current federal law prohibiting such activities changes; providing that this amendment's provisions are severable, nullifying any provision of state law in conflict with this amendment; and providing that the amendment is self-executing.