

Arkansas Constitution of 1874 Amendment 98, § 2. Definitions

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(2) "Assist" or "assisting" means helping a qualifying patient make medical use of marijuana by enabling the medical use by any means authorized under this amendment;

(3) "Cardholder" means a qualifying patient, a dispensary agent, a cultivation facility agent, or a designated caregiver;

(4) "Cultivation facility" means an entity that:

- (A) Has been licensed by the Medical Marijuana Commission under § 8 of this amendment; and
(B) Cultivates, prepares, manufactures, processes, packages, sells to and delivers usable marijuana to a dispensary;

(5) "Cultivation facility agent" means an employee, supervisor, or agent of a cultivation facility who:

- (A) Is twenty-one (21) years of age or older;
(B) Works at the cultivation facility; and
(C) Has registered with the Alcoholic Beverage Control Division under § 9 of this amendment;

(6)(A) "Designated caregiver" means a person who is at least twenty-one (21) years of age, has not been convicted of an excluded felony offense, has agreed to assist a physically disabled qualifying patient with the medical use of marijuana, and who has registered with the Department of Health under § 5 of this amendment.

(B) "Designated caregiver" includes without limitation a parent:

- (i) Of a qualifying patient who is under the age of eighteen (18); and
(ii) Required to register as a designated caregiver under this amendment;

(7) "Dispensary" means an entity that has been licensed by the Medical Marijuana Commission under § 8 of this amendment;

(8) "Dispensary agent" means:

- (A) An employee, supervisor, volunteer, or agent of a dispensary who:
(i) Is twenty-one (21) years of age or older;
(ii) Works at the dispensary; and
(iii) Has registered with the division under § 9 of this amendment; and
(B) An owner, officer, or board member of a dispensary who has registered with the division under § 8 of this amendment;

(9) "Enclosed, locked facility" means a room, greenhouse, or other enclosed area equipped with locks or other security devices that permit access only by an authorized individual;

(10) "Excluded felony offense" means:

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(A)(i) A felony involving violence.

(ii) However, an offense that has been sealed by a court or for which a pardon has been granted is not considered an excluded felony offense; or

(B) A violation of a state or federal controlled-substance law that was classified as a felony in the jurisdiction where the person was convicted, but not including:

(i) An offense for which the sentence, including any term of probation, incarceration, or supervised release, was completed ten (10) or more years earlier; or

(ii) An offense that has been sealed by a court or for which a pardon has been granted;

(11) "Medical use" means the acquisition, possession, use, delivery, transfer, or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a qualifying patient's qualifying medical condition or symptoms associated with the qualifying patient's qualifying medical condition;

(12) "Physician" means a doctor of medicine or doctor of osteopathic medicine who holds a valid, unrestricted, and existing license to practice in the state of Arkansas and has been issued a registration from the United States Drug Enforcement Administration to prescribe controlled substances;

(13) "Qualifying medical condition" means one (1) or more of the following:

(A) Cancer, glaucoma, positive status for human immunodeficiency virus/acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, Tourette's syndrome, Crohn's disease, ulcerative colitis, post-traumatic stress disorder, severe arthritis, fibromyalgia, Alzheimer's disease, or the treatment of these conditions;

(B) A chronic or debilitating disease or medical condition or its treatment that produces one (1) or more of the following: cachexia or wasting syndrome; peripheral neuropathy; intractable pain, which is pain that has not responded to ordinary medications, treatment, or surgical measures for more than six (6) months; severe nausea; seizures, including without limitation those characteristic of epilepsy; or severe and persistent muscle spasms, including without limitation those characteristic of multiple sclerosis; and

(C) Any other medical condition or its treatment approved by the Department of Health under § 4 of this amendment;

(14) "Qualifying patient" means a person who has been diagnosed by a physician as having a qualifying medical condition and who has registered with the department under § 5 of this amendment;

(15) "Registry identification card" means a document issued by the department or the division that identifies a person as a qualifying patient, a dispensary agent, a cultivation facility agent, or a designated caregiver;

(16) "Sealed" means to expunge, remove, sequester, and treat as confidential the record or records of a felony offense;

(17)(A) "Usable marijuana" means the stalks, seeds, roots, dried leaves, flowers, oils, vapors, waxes, and other portions of the marijuana plant and any mixture or preparation thereof.

(B) "Usable marijuana" does not include the weight of any ingredients other than marijuana that are combined with marijuana and prepared for consumption as food or drink;

(18) "Visiting qualifying patient" means a patient with a qualifying medical condition who is not a resident of Arkansas or who has been a resident of Arkansas for less than thirty (30) days and who is in actual possession of a registry identification card or its equivalent that is issued under the laws of another state, district, territory, commonwealth, or insular possession of the United States and pertains to a qualifying medical condition under this section; and

(19)(A) "Written certification" means a document signed by a physician stating that in the physician's professional opinion, after having completed a full assessment of the qualifying patient's medical history and current medical condition made in the course of a physician-patient relationship, the qualifying patient has a qualifying medical condition and the potential benefits of the medical use of marijuana would likely outweigh the health risks for the qualifying patient.

(B) A written certification shall specify the qualifying patient's qualifying medical condition, which also shall be noted in the qualifying patient's medical records.

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