THE ARKANSAS RECREATIONAL MARIJUANA AMENDMENT OF 2020

INITIATIVE PETITION: To the Honorable John Thurston, Secretary of State, of the State of Arkansas: We, the undersigned legal registered voters of the State of Arkansas, respectfully propose the following amendment to the State Constitution, to wit: The Arkansas Recreational Marijuana Amendment of 2020 and our petition, order that the same be submitted to the people of said state, to the end that the same may be adopted, enacted, or rejected by a vote of the people, at the regular general election to be held on the 3rd day of November 2020, and each of us for him/herself says: I have signed this petition, I am a legal registered voter of the State of Arkansas, and my printed name, date of birth, residence, city or town of residence, and date of signing this petition are correctly written after my signature.

VOTERS REGISTERED IN __________________________ COUNTY

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(FOR CANVASSER ONLY)
Indicate one: (__)Paid Canvasser or (__)Volunteer/Unpaid Canvasser

I, ________________________________ being first duly sworn, state that the foregoing persons signed this petition, and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name, date of birth, residence or town of residence correctly. I believe that each signer is a registered voter of the State of Arkansas. A complete copy of the Popular Name, Ballot Title, and Text of the Measure was attached to this signature sheet at all times during its circulation.

Signature: __________________________
Residence: __________________________

(FOR NOTARY ONLY)
State of Arkansas, County of: __________________________

On this day of __________, 20 __, came, well known to me,(or satisfactorily proven by identification documents provided) to be the person described in the foregoing Canvasser Affidavit and acknowledged that s/he executed the same in the capacity of a Canvasser for the purpose of fulfilling legal requirements of a Canvasser in the State of Arkansas; and that I personally witnessed the signature of the Canvasser.

Signature of Notary: __________________________
My Commission Expires: __________________________
Residence County of Notary: __________________________
Section 1. Short Title.

This is an amendment to the Arkansas Constitution that may be cited as “The Arkansas Recreational Marijuana Amendment of 2020”.

Section 2. Effective Date.

This Amendment shall be Effective on and after November 04, 2020.

Section 3. Definitions.

The following terms are defined for the purposes of this amendment:

(a) “Adult” means a person who is twenty-one (21) years of age or older.
(b) “Business” or “business entity” means a person or group of persons, who are twenty-one (21) years of age or older, performing or engaging in any activity, enterprise, profession, or occupation for gain, benefit, advantage, or livelihood, whether for profit or not for profit.
(c) “Driving under the influence of marijuana” means operating a motorized vehicle on any public road, highway, or street when the Delta-9-tetrahydrocannabinol (Δ9THC) content of the operator’s blood exceeds fourteen nanograms per milliliter (14ng/mL).
(d) “Marijuana” means any part of the cannabis plant (genus Cannabis), living or not, and when harvested in its mature plant stage contains greater than three tenths of one percent (0.3%), by dry weight, delta-9-tetrahydrocannabinol (Δ9THC).
(e) “Marijuana paraphernalia” means any equipment, utensils, products, and materials which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, containing, or concealing recreational marijuana, or for ingesting, inhaling or otherwise introducing recreational marijuana into the human body.
(f) “Marijuana related offense(s)” means a violation of the Uniformed Controlled Substances Act that occurred prior to the effective date of this amendment for one or more of the following:
   1) Possession of marijuana;
   2) Possession with the intent to manufacture and deliver marijuana;
   3) Manufacturing, distributing, and delivering marijuana;
   4) Distributing or delivering marijuana in proximity of certain facilities;
   5) The unlawful use of a communication device as it pertains to the distribution of marijuana;
   6) Possession of marijuana paraphernalia.
(g) “Minor” means a person who is under the age of twenty-one (21) years of age.
(h) “Non Resident Adult” means a person who is twenty-one (21) years of age or older who presents an out of state identification.
(i) “Products produced from recreational marijuana”, “products produced therefrom”, or “products therefrom” means items and substances manufactured from recreational marijuana, containing more than three tenths of one percent (0.3%) delta-9-tetrahydrocannabinol (Δ9THC) and is used as an intoxicant for recreational purposes, that is consumed into the human body in the form of food, drink, vapor, or smoke.
(j) “Recreational Marijuana” means any part of the cannabis plant, living or not, that is cultivated or produced to be used as an intoxicant for the purpose of adult enjoyment or pleasure.
(k) “Recreational marijuana excise tax” means a tax that is imposed upon the purchase of recreational marijuana plants, seeds, and products produced therefrom.
(l) “Recreational marijuana license” means a registration card issued by the Arkansas Agricultural Department to an adult or business entity, such cards shall be available in two class types A or B. Each card will supply the name, date of birth, address, and a license account number of the holder.
(m) “Recreational marijuana plant” means a cannabis plant that is being cultivated to be used as an intoxicant for recreational purposes.
(n) “Recreational marijuana plant tag” or “plant tag” means a label issued by the Arkansas Agricultural Department that the cultivator attaches to the base or branch of a recreational marijuana plant, and is used for tracking the plants origin from cultivation to sale. Such a label may be bar-coded or be embedded with a radio frequency identification (RFID) smart chip. Each tag shall display the marijuana license account number and an expiration date that corresponds with the cultivators marijuana license.
(o) “Remuneration” means an act in which money is being paid to purchase recreational marijuana and or products produced therefrom for recreational purposes.
(p) “Resident Adult” or “Adult Resident” means a person who is twenty-one (21) years of age or older who lives in Arkansas and presents an official valid Arkansas Identification or Arkansas Drivers license.
(a) Right to Culture, Language, Parentage, and Transport Recreational Matrimonial

H. An unlawful act of sexual activity with a minor under the age of 16, by any adult male.

I. A minor child who is under the age of 16 and is pregnant.

J. A minor child who is under the age of 16 and is involved in any form of sexual activity.

K. A minor child who is under the age of 16 and is involved in any form of child labor.

L. A minor child who is under the age of 16 and is involved in any form of child abuse.

M. A minor child who is under the age of 16 and is involved in any form of child neglect.

N. A minor child who is under the age of 16 and is involved in any form of child exploitation.

O. A minor child who is under the age of 16 and is involved in any form of child trafficking.

(a) Right to Culture, Language, Parentage, and Transport Recreational Matrimonial

The following exceptions apply:

1. In cases where the parents are involved in any form of sexual activity.

2. In cases where the parents are involved in any form of child labor.

3. In cases where the parents are involved in any form of child abuse.

4. In cases where the parents are involved in any form of child neglect.

5. In cases where the parents are involved in any form of child exploitation.

6. In cases where the parents are involved in any form of child trafficking.

The following provisions apply:

1. The parents shall not be held legally responsible for any form of sexual activity.

2. The parents shall not be held legally responsible for any form of child labor.

3. The parents shall not be held legally responsible for any form of child abuse.

4. The parents shall not be held legally responsible for any form of child neglect.

5. The parents shall not be held legally responsible for any form of child exploitation.

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6. The parents shall not be held legally responsible for any form of child trafficking.
III. He or she may possess and transport any quantity of products produced from recreational marijuana out of public view.
IV. He or she may purchase and possess any quantity of recreational marijuana plant seeds.
V. He or she may purchase from a class B license holder any quantity of food or drink products produced from recreational marijuana.
VI. He or she may manufacture products produced from recreational marijuana plants.
VII. He or she may distribute without remuneration recreational marijuana plants and products produced therefrom to any resident adult.

2. The following acts by any non resident adult shall not be an offense under Arkansas law:
   I. He or she may purchase and possess not more than one ounce (1 oz.) of smokable or vaporizable recreational marijuana a day from a Class B recreational marijuana license holder.
   II. He or she may purchase and possess not more than Seventy-two ounces (72 oz.) of food or drink products produced from recreational marijuana a day from a Class B recreational marijuana license holder.

(c) Recreational marijuana product design, packaging and labeling.
   1. All food and drink products produced from recreational marijuana that is sold in this state by a Class B recreational marijuana license holder;
      I. Shall not be designed to be appealing to children or easily confused with commercially sold candy or foods that do not contain marijuana.
      II. Shall be produced and sold with a standardized dosage not to exceed ten (10) milligrams of delta-9-tetrahydrocannabinol (Δ^9THC) per serving.
      III. Shall be delineated or scored into standardized serving sizes if the product contains more than one serving and is in solid form.
      IV. Shall be homogenized to ensure uniform disbursement of delta-9-tetrahydrocannabinol (Δ^9THC) throughout the product.
      V. Shall provide information on the packaging or labeling to enable the informed consumption of such products, including the potential effects of the product, and directions as to how to consume the product.

2. All smokable and vaporizable products produced from recreational marijuana that is sold by a Class B recreational marijuana license holder;
   I. Shall provide information on the packaging or labeling to enable the informed consumption of such products, including the delta-9-tetrahydrocannabinol (Δ^9THC) content, potential effects of the product, and directions as to how to consume the product.

3. All products produced from recreational marijuana that is distributed by any adult or business entity without remuneration to any adult or business entity shall be exempt from the design, packaging, and labeling requirements of this section.

Section 5. Administration, Rules, and Recreational Marijuana Licensing
(a)1. Adults and Businesses shall be licensed by the Arkansas Agriculture Department (referred hereafter as the Department).
   2. The Department shall administer and regulate the licensing of Adults and Businesses.
   3. The Alcoholic Beverage Control Division (referred hereafter as the Division) shall administer and enforce the provisions of this amendment concerning the production and sale of recreational marijuana plants and products produced therefrom
(b)1. The Department and Division shall each adopt rules necessary to:
      I. Carry out the purposes of this amendment; and
      II. Perform its duties under this amendment.
   2. Rules adopted under this section are rules as defined in the Arkansas Administrative Procedure Act,§ 25-15-201 et seq.
(c) Not later than ninety (90) days after the effective date of this amendment, the Department shall adopt rules governing:
   1. The manner in which the Department considers applications and renewals for recreational marijuana licenses, and plant tags;
Section 6. Marijuana paraphernalia

Any adult or business entity may manufacture, possess, and purchase marijuana paraphernalia, or may sell marijuana paraphernalia to another adult or business entity, providing that such paraphernalia sold that contains no more than 30% of marijuana as defined in this Act.

Section 7. Employees, driving, and minors

(a) Nothing in this Amendment shall affect the ability of employers to have policies restricting the use of recreational marijuana by employees.

(b) Nothing in this Amendment permits driving under the influence of marijuana.

(c) Nothing in this Amendment affects the ability of employers to have policies regarding the use of marijuana by employees.

(d) Nothing in this Amendment permits the cultivation, production, distribution, or sale of any other substance that is controlled or prohibited by the state pursuant to the Arkansas Uniform Controlled Substances Act.
(b) The distribution of tax revenues received by the Department of Finance and Administration from the sale of recreational marijuana under this amendment may be determined by the general assembly with priority given to any cost to the state for the implementation of the provisions provided in this Amendment.

Section 10. Conflicting Laws.
(a) The provisions of this Amendment are hereby declared to be severable, and except where otherwise indicated in this Amendment, shall supersede all conflicting state and local laws, charters, regulations, and any and all other provisions in conflict with this Amendment. If any provision of this Amendment, or the application of such provision to any person or circumstance, is declared invalid by any court for any reason, such declaration shall not affect the validity of the remaining portions of this Amendment.

(b) This amendment does not suppress any privileges or rights of a qualifying patient or licensed entity in regards to medical marijuana; Marijuana that is cultivated, distributed, and sold for medical purposes will remain under the same regulatory scheme pursuant to the Arkansas Medical Marijuana Amendment of 2016. Marijuana that is cultivated, distributed, and sold for adult recreational purposes will be regulated pursuant to this amendment.
Instructions to Canvassers and Signers

Arkansas Attorney General

Elect Kuhfeld

Arkansas Attorney General

Arkansas Attorney General's Orbital at the point of Franklin Avenue is clearly identified by the sponsor before filing.

3. If the petition is sponsored as a part of a petition with the official designating with the Arkansas Attorney General, the petition must be at least one (1) page in length and the petition contains one (1) page or more.

4. If the petition is sponsored at the point of Franklin Avenue, the petition must be at least one (1) page in length.

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