

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1057

By: Representative House
By: Senator Standridge

For An Act To Be Entitled

AN ACT TO AMEND THE ARKANSAS MEDICAL MARIJUANA
AMENDMENT OF 2016; TO ADD CRIMINAL BACKGROUND CHECK
PROCEDURES; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE ARKANSAS MEDICAL MARIJUANA
AMENDMENT OF 2016; AND TO ADD CRIMINAL
BACKGROUND CHECK PROCEDURES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Pursuant to § 23 of the Arkansas Medical Marijuana
Amendment of 2016, § 8(k) of the Arkansas Medical Marijuana Amendment of
2016, concerning a criminal background check for a dispensary and cultivation
facility, is amended to read as follows:

(k) The commission may conduct a criminal ~~records~~ background check as
described in § 24 of this amendment in order to carry out this section.

SECTION 2. Pursuant to § 23 of the Arkansas Medical Marijuana
Amendment of 2016, § 9(d) of the Arkansas Medical Marijuana Amendment of
2016, concerning a criminal background check for a dispensary agent and
cultivation facility agent, is amended to read as follows:

(d) The division may conduct criminal ~~records~~ background checks as
described in § 24 of this amendment in order to carry out this section.

SECTION 3. Pursuant to § 23 of the Arkansas Medical Marijuana



1 Amendment of 2016, § 9(e)(2) of the Arkansas Medical Marijuana Amendment of
2 2016, concerning a criminal background check for a dispensary agent and
3 cultivation facility agent, is amended to read as follows:

4 (2) The division may conduct a criminal background check as
5 described in § 24 of this amendment of each dispensary agent or cultivation
6 facility agent in order to carry out this provision.

7
8 SECTION 4. Pursuant to § 23 of the Arkansas Medical Marijuana
9 Amendment of 2016, the Arkansas Medical Marijuana Amendment of 2016 is
10 amended to add new sections to read as follows:

11 § 24. Criminal background check.

12 (a) The Department of Health, Medical Marijuana Commission, and
13 Alcoholic Beverage Control Division may require each applicant for a new or
14 reinstated license to apply for or authorize the department, commission, and
15 division to obtain state and national criminal background checks to be
16 conducted by the Identification Bureau of the Department of Arkansas State
17 Police and the Federal Bureau of Investigation.

18 (b) The criminal background checks shall conform to the applicable
19 federal standards and shall include the taking of fingerprints.

20 (c) The applicant shall authorize the release of the criminal
21 background checks to the department, commission, and division and shall be
22 responsible for the payment of any fee associated with the criminal
23 background checks.

24 (d) Upon completion of the criminal background checks, the
25 Identification Bureau of the Department of Arkansas State Police shall
26 forward to the department, commission, and division all information obtained
27 concerning the commission by the applicant of any offense falling under the
28 definition of excluded felony offense as defined by this amendment.

29 (e) A person convicted of a felony meeting the definition of excluded
30 felony offense as defined by this amendment in any state or federal court may
31 not receive or hold a license under this amendment.

32 (f)(1) The provisions of subsection (e) of this section may be waived
33 by the department, commission, and division upon the request of:

34 (A) An affected applicant for licensure or registration;
35 or

36 (B) The person holding a license or registration subject

1 to revocation.

2 (2) Circumstances for which a waiver may be granted shall
3 include, but not be limited to:

4 (A) The age at which the crime was committed;

5 (B) The circumstances surrounding the crime;

6 (C) The length of time since the crime;

7 (D) Subsequent work history;

8 (E) Employment references;

9 (F) Character references;

10 (G) A conviction or record that has been expunged; and

11 (H) Other evidence demonstrating that the applicant does
12 not pose a threat to the public health, safety, or welfare.

13 (g)(1) Any information received by the department, commission, and
14 division from the Identification Bureau of the Department of Arkansas State
15 Police under this section is not available for examination except by:

16 (A) The affected applicant or the applicant's authorized
17 representative; or

18 (B) The person whose license or registration is subject to
19 revocation or his or her authorized representative.

20 (2) A record, file, or document shall not be removed from the
21 custody of the Department of Arkansas State Police.

22 (3) Only information pertaining to the person making the request
23 may be made available to the affected applicant or the person whose license
24 or registration is subject to revocation.

25 (4) Rights of privilege and confidentiality established in this
26 section shall not extend to any document created for purposes other than the
27 criminal background checks.

28 (h) The department, commission, and division shall adopt rules to
29 implement the provisions of this section.