

FOR PROPOSED INITIATIVE (OR REFERRED) ORDINANCE (OR AMENDMENT OR MEASURE)**Proposed Popular Name**

Arkansas Cannabis Restoration and Protection

Proposed Ballot Title

An amendment proposed by the people to the Arkansas constitution, effective January 31, 2021, that Cannabis (Cannabis Sativa, Cannabis Indica, Cannabis Ruderalis and all its variations and derivatives are removed from Arkansas' list of Controlled substances, no longer to be considered a drug by state definition and henceforth to be considered legal; a food and holistic medicine. Further, Arkansas will support its Cannabis industry in a manner no different than any of its other agricultural crops as dictated by this initiative.

Be it resolved by the people of the state of Arkansas that the Constitution be amended:

One new Article is to be adopted, **Article XXI (21)**, and to read as follows:

Section 1. Arkansas Cannabis Restoration and Protection**1. Clarification as a substance.**

Cannabis shall immediately be removed from the Arkansas Revised Statutes list of controlled substances and shall no longer be listed among Arkansas's drug schedules. Cannabis shall no longer be considered a controlled substance or a drug, hence forth by Arkansas law, by the passage of this initiative.

2. Definitions.

- (a) "Controlled Substance List", or "CSL" refers to Arkansas's list of controlled substances as pertains to Arkansas Statutes.
 (b) "Cannabis" and "Cannabis hemp" refer to the Cannabis, marihuana, marijuana, Cannabis sativa, Cannabis sativa L., Cannabis Americana, Cannabis Gigantea, Cannabis indica, Cannabis ruderalis, or any variety of Cannabis, including any derivative, concentrate, extract, flower, leaf, particle, preparation, resin, root, salt, seed, stalk, stem, or any product thereof.
 (c) "Medical Cannabis" refers to Cannabis used to prevent or to treat a medical condition.
 (d) "Personal use" refers to the personal use or consumption of Cannabis.
 (e) "Cannabis accessories" means any equipment, products, or materials of any kind that 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, storing, or containing Cannabis, or for ingesting, inhaling, vaporizing, smoking or otherwise introducing Cannabis into and/or onto the human body.
 (f) "Establishment" refers to a Cannabis cultivation facility, a Cannabis testing facility, a Cannabis product manufacturing facility, or a retail store, Cannabis store or other entity that cultivates, prepares, manufactures, packages, transports or sells Cannabis, Cannabis products and/or Cannabis accessories.

3. Personal and Commercial.

The following acts are not unlawful and shall not be an offense under Arkansas law:

- (a) Possession and/or consumption of Cannabis for personal or medical use.
 (b) Cultivating Cannabis for personal or medical use.
 (c) Cultivation, harvesting, processing, manufacturing, packaging, distributing, transferring, displaying or possessing Cannabis, Cannabis accessories, and Cannabis products for commercial purposes, provided the person has current applicable licensing to operate a commercial establishment. No special licensing will be required beyond that which is applicable for the cultivating, harvesting, processing, manufacturing, packaging, distribution, transferal, display or possession of any non-toxic food or food product.
 (d) Providing Cannabis, Cannabis accessories, and Cannabis products for sale to consumers.
 (e) Leasing or otherwise allowing the use of property owned, occupied or controlled by any person, corporation or other entity for any of the activities conducted lawfully in accordance with paragraphs (a) through (d) of this subsection.
 (f) No one shall be denied housing solely based on their use of Cannabis.
 (g) No one shall be denied employment solely based on their use of Cannabis.
 (h) The use and/or possession of Cannabis shall in no way impede one's legal right to possess a firearm.

4. Medical.

Medical Cannabis shall be available to patients without taxation who have a physician's recommendation for its use.

- (a) All patients engaged in Cannabis therapy shall be afforded the same rights and privileges afforded to any patient treated through conventional therapeutic means, whether or not under the care of a physician.
 (b) Licensed physicians shall not be penalized for, nor restricted from recommending and/or providing Cannabis for medical purposes to any person under their care.
 (c) Veterinarians shall not be penalized nor restricted from recommending and/or providing Cannabis for medical purposes for any creature under their care.
 (d) Any individual who is a Cannabis patient in another state shall be granted the same rights and privileges as a legal Arkansas Cannabis patient.
 (e) Medical care, including organ transplants, shall not be restricted in any way based on a person's use of Cannabis.

5. Zoning.

Cannabis farmers, manufacturers, processors, and distributors shall not be subject to any special zoning requirement, licensing fee that is excessive, discriminatory, prohibitive, or in any way contrary to that which is relative to any other commercial or agricultural farmer, manufacturer, processor or distributor.

6. Law Enforcement and the Courts.

Arkansas's law enforcement and its courts shall protect Cannabis users and their property without discrimination, and with every bit the effort afforded to every citizen of Arkansas and our nation.

- (a) The use and/or possession of Cannabis shall not be grounds for issuing a "Driving under the influence" (DUI) stop, charge, arrest or fine(s) when operating or a passenger of a motor vehicle. Stops, charges, fines and arrests shall be the product of visible and/or previously proven non-Cannabis infractions of Arkansas law.
 (b) No Arkansas law enforcement personnel or state funds shall be used to assist or aid in the enforcement of federal Cannabis laws involving acts which are no longer illegal in the State of Arkansas under this amendment.
 (c) Asset or Civil Forfeiture shall no longer be used in the state of Arkansas through association with Cannabis, Cannabis cultivation, it's use and/or possession, in any way.
 (d) Upon the passage of this Act, all persons incarcerated or under supervision of the Arkansas Board of Probation and Parole for non-violent, Cannabis-only offenses, which are no longer illegal in the State of Arkansas under this Act, shall be immediately released.

(e) Within 60 days of the passage of this Act, a legal document shall be developed and made available to the public ordering the immediate destruction of all Cannabis-related non-violent civil and criminal records in Arkansas and for any offense covered by this amendment which is no longer illegal in the State of Arkansas under this Act. This document shall be distributed to all pertinent parties throughout the state.

(f) Within 60 days, Arkansas's Courts shall order the immediate expungement of civil and criminal records pertaining to all non-violent Cannabis only offenses which are no longer illegal in the State of Arkansas under this Act.

7. Regarding Federal Law.

Pursuant to the Ninth and Tenth Amendments to the Constitution of the United States, the people of Arkansas hereby repudiate and challenge federal Cannabis prohibitions that conflict with this Act.

8. Existing Local, State and Federal Law.

All provisions of this section shall supersede conflicting city, county, state or federal statutory, local charter, ordinance, or resolution.

9. Implementation.

The dictates of this Initiative, unless otherwise indicated by this initiative, shall be implemented no later than **January 31st, 2021.**

CIRCULATOR'S AFFIDAVIT STATE OF _____, COUNTY OF _____

I, _____, being first duly sworn, say (print or type names of signers)

NAME (Signature)	Date Signed	REGISTERED VOTING ADDRESS (Street, No PO Boxes, City, Town or Village)	Zip Code	Cong. Dist.	NAME (Print or Typed)
1.					
2.					
3.					
4.					
5.					
6.					
7.					
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11.					
12.					
13.					
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15.					

signed this page of the foregoing petition, and each of them signed his or her name thereto in my presence; I believe that each has stated his or her name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Arkansas and _____ County.

FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT I AM EIGHTEEN (18) YEARS OF AGE AND THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT.

Signature of Affiant (Person obtaining signatures)

Address of Affiant

Printed Name of Affiant

City

Zip Code

Subscribed and sworn to before me, this ____ day of _____, A.D. _____ .

Signature of Notary

Address of Notary

Notary Public (Seal)

My commission expires