



**ARKANSAS**

2024 Voter Guide

# Arkansas Ballot Issues

General Election | Nov. 5, 2024

**UofA** DIVISION OF AGRICULTURE  
RESEARCH & EXTENSION  
*University of Arkansas System*

**PUBLIC POLICY CENTER**



This unbiased, research-based guide to the 2024 Arkansas Ballot Issues was produced by the Public Policy Center at the University of Arkansas System Division of Agriculture.

For the latest ballot information visit [www.uaex.uada.edu/ballot](http://www.uaex.uada.edu/ballot)

# Get the Facts ✓

The Public Policy Center at the University of Arkansas System Division of Agriculture has published neutral, research-based fact sheets on statewide ballot measures since 2004 to provide voters a better understanding of what is being asked of them.

**The information contained in this publication goes through a vetting process to ensure its accuracy and neutrality, which includes reviews by:**

- **Legal and subject matter experts**
- **Issue supporters**
- **Issue opponents**

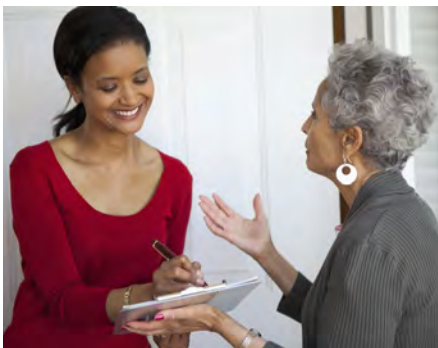


## How does an issue get on the ballot?

In Arkansas, there are two ways for an issue to appear on the ballot:

- **Legislators vote to put issue on the ballot.**
- **Citizens collect enough voter signatures from across the state.**

Putting a constitutional amendment or law on the ballot is not an easy task. Legislators whittle down dozens of proposals in committee meetings to arrive at the issues they refer to voters.



For 2024, citizen ballot issue groups need at least 90,704 voter signatures statewide, with a certain percentage coming from at least 50 counties. This is equal to 10% of the number of people who voted in the last governor's election. A recent state law increased the number of counties where signatures must be collected, from 15 counties to 50 counties.

**Go to [www.uaex.uada.edu/ballot](http://www.uaex.uada.edu/ballot) for up-to-date information on the legal status of the ballot issues.**



# 2024 Voter Guide Arkansas Ballot Issues

On Election Day, you'll decide more than just your community leaders. Legislators and citizen groups have proposed changes to the state constitution. You will vote whether to approve or reject the measures. The Public Policy Center provides research-based information on the issues to help voters better understand what is being asked of them.

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\* Under review by the Arkansas Supreme Court

# Arkansas State Ballot Issues Worksheet

The Public Policy Center seeks to provide Arkansans with research-based information on ballot issues before voters go to the polls. Read through the fact sheets in this voter guide to find out what supporters and opponents are saying, and get answers to questions about terminology or the implications of proposed amendments. Once you have all the facts, determine for yourself which vote to cast. Use the worksheet below to keep track of your decisions.

I plan to vote...	
<input type="radio"/> FOR <input type="radio"/> AGAINST	<p><b>ISSUE NUMBER 1</b></p> <p>A constitutional amendment to provide that lottery proceeds may be used to fund or provide scholarships and grants to Arkansas citizens enrolled in vocational-technical schools and technical institutes</p> <p>Notes: _____ _____ _____</p>
<input type="radio"/> FOR <input type="radio"/> AGAINST	<p><b>ISSUE NUMBER 2</b></p> <p>An amendment requiring local voter approval in a countywide special election for certain new casino licenses and repealing authority to issue a casino license in Pope County, Arkansas</p> <p>Notes: _____ _____ _____</p>
<input type="radio"/> FOR <input type="radio"/> AGAINST	<p><b>ISSUE NUMBER 3</b></p> <p>The Arkansas Medical Marijuana Amendment of 2024</p> <p>Notes: _____ _____ _____</p>





## ISSUE NUMBER 1

(Referred to the people by the Arkansas General Assembly)

# Allowing state lottery proceeds to fund scholarships at private and public vocational-technical schools and technical institutes

**POPULAR NAME:** A constitutional amendment to provide that lottery proceeds may be used to fund or provide scholarships and grants to Arkansas citizens enrolled in vocational-technical schools and technical institutes.

**BALLOT TITLE:** An amendment to the Arkansas Constitution to provide that lottery proceeds may be used to fund or provide scholarships and grants to Arkansas citizens enrolled in vocational-technical schools and technical institutes

### What is being proposed?

Arkansas legislators are asking voters to expand the types of educational institutions that qualify for state lottery scholarships. Currently, lottery scholarships can be used at private and public non-profit two and four-year colleges and universities in the state. Issue 1 would also allow students to use lottery scholarships at private and public vocational-technical schools and technical institutes.

### How did this issue get on the ballot?

The Arkansas Constitution grants the legislature the right to include up to three constitutional amendments on the general election

(continued on page 4)

## QUICK LOOK: What does your vote mean?

**FOR:** A FOR vote means you are in favor of changing the state constitution to allow proceeds from lottery ticket sales to also fund scholarships and grants to vocational-technical schools and technical institutes.

**AGAINST:** An AGAINST vote means you are not in favor of changing the state constitution to allow proceeds to fund scholarships and grants to vocational-technical schools and technical institutes.

### Where can I find more information?

The complete wording of this amendment can be found at [uaex.uada.edu/issue1](http://uaex.uada.edu/issue1)

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ballot. The Arkansas Senate and House of Representatives voted to place Issue 1 on the 2024 General Election Ballot.

Constitutional amendments require the approval of a majority of voters in a statewide election. Election Day is Nov. 5, 2024.

### **Who were the main sponsors of this amendment?**

Rep. Robin Lundstrum of Elm Springs and Sen. Jane English of North Little Rock

### **When was the last time Arkansas voted on this issue?**

In 2008, Arkansas voters approved a constitutional amendment to allow the state to establish, operate and regulate state lotteries to fund scholarships and grants for Arkansas citizens enrolled in private and public non-profit two-year and four-year colleges and

The following statements are examples of what supporters and opponents have made public either in media statements, campaign literature, on websites, or in interviews with Public Policy Center staff. The University of Arkansas System Division of Agriculture does not endorse or validate these statements.

### **What do supporters say?**

- I think it's time we opened up lottery scholarship to its original intent to also include vocational education.
- This is the cornerstone of equity and opportunity.

### **What do opponents say?**

There has been no organized or publicized opposition to this amendment.

- In general, someone may be opposed to lotteries or to expanding scholarships beyond private and public colleges and universities.

universities in the state. Voters approved what is known as Amendment 87 by a vote of 648,122 in favor and 383,467 against.

### **What scholarships and grants does the lottery fund?**

Sales of lottery tickets in Arkansas raised \$114.7 million for college scholarships during the state's 2023 Fiscal Year of July 1, 2022-June 30, 2023. Current lottery-funded scholarships include:

- **The Arkansas Academic Challenge Program** – This college scholarship started in 1991 and since 2009 has been funded by Arkansas lottery proceeds as well as \$20 million from state general revenue funds allocated by the legislature. In Fiscal Year 2023, lottery proceeds paid for \$54,318,269 in Academic Challenge scholarships for 26,109 students, according to the Arkansas Division of Higher Education.
- **Arkansas Workforce Challenge Scholarship** – This program assists students pursuing certificate programs rather than a college degree in certain technical fields primarily at two-year public colleges in Arkansas. In Fiscal Year 2023, lottery proceeds paid for \$581,161 in Workforce Challenge scholarships for 701 students. According to the Arkansas Division of Higher Education, all 22 two-year public



colleges in Arkansas have received funding under this scholarship. A small number of students enrolled in certificate programs at four-year colleges have also received funds.

- **Arkansas Concurrent Challenge Scholarship** – This scholarship helps fund college credits for high school students who are also taking college classes. In Fiscal Year 2023, lottery proceeds paid \$2,596,826 in Concurrent Challenge scholarships for 13,982 students.

### **What are vocational-technical schools and technical institutes?**

Vocational-technical schools and technical institutes are not defined in the proposed amendment. However, the Arkansas Division of Higher Education considers vocational-technical and technical institutes to be privately funded schools that offer certificates and diplomas. These institutions are not required to be accredited.

The Arkansas Division of Higher Education this year proposed several policy changes to scholarships that included public or private vocational-technical schools or technical institutes in their definition of “approved institution of higher education” as of Jan. 1, 2025. The proposed policies, which must be approved by legislators, said the vocational-technical schools and technical institutes would be approved institutions of higher education only if their primary headquarters are located in Arkansas and they are eligible to receive Title IV federal student aid funds.

Examples of instruction that might be offered by these school include welding, certified nursing assistant skills, commercial truck driving, and medical assisting, among other vocational studies.

State officials said they expect additional legislation would be introduced in future sessions of the General Assembly if Issue 1 passes to create a scholarship specifically for vocational-technical schools and technical institutes. State legislators have the authority under Amendment 87 to determine who is eligible to receive scholarships paid for by lottery revenues.



*Instruction offered by vocational-technical schools and technical institutes include welding, certified nursing assistant skills, commercial truck driving, and medical assisting, among other vocational studies.*

From the 1960s through the 1990s, there was a system of publicly-funded vocational schools in Arkansas that focused on teaching trades and specific skills through the Arkansas Board of Vocational Education, the predecessor of what is now called the Arkansas Workforce Development Board. Many of these vocational schools were later converted or merged by order of state law into community colleges, which currently qualify for lottery scholarships as two-year public colleges in the state.

### **If passed, when would the changes proposed by Issue 1 take effect?**

If approved, the changes listed in this proposal would take effect Jan. 1, 2025.

The following is the proposed constitutional amendment name and title as they will appear on the state's November General Election ballot.

**CONSTITUTIONAL AMENDMENT REFERRED TO THE PEOPLE BY THE GENERAL ASSEMBLY**

**Issue No. 1  
(Popular Name)**

A Constitutional Amendment to Provide that Lottery Proceeds May Be Used to Fund or Provide Scholarships and Grants to Arkansas Citizens Enrolled in Vocational-Technical Schools and Technical Institutes

**(Ballot Title)**

AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO PROVIDE THAT LOTTERY PROCEEDS MAY BE USED TO FUND OR PROVIDE SCHOLARSHIPS AND GRANTS TO ARKANSAS CITIZENS ENROLLED IN VOCATIONAL-TECHNICAL SCHOOLS AND TECHNICAL INSTITUTES

FOR ISSUE NO. 1

AGAINST ISSUE NO. 1





\*Under review by the Arkansas Supreme Court

## ISSUE NUMBER 2

(Proposed by Petition of the People)

# Repealing Pope County Casino License and Requiring Local Elections

**POPULAR NAME:** An amendment requiring local voter approval in a countywide special election for certain new casino licenses and repealing authority to issue a casino license in Pope County, Arkansas.

**BALLOT TITLE:** An amendment to the Arkansas Constitution, Amendment 100, § 4, subsection (i), to reduce the number of casino licenses that the Arkansas Racing Commission is required to issue from four to three; amending Amendment 100, § 4, subsections (k) through (n), to repeal authorization for a casino in Pope County, Arkansas and to repeal the authority of the Arkansas Racing Commission to issue a casino license for Pope County, Arkansas; amending Amendment 100 § 4, to add subsection (s), providing that if the Arkansas Racing Commission, or other governing body, issues a casino license for a casino in Pope County, Arkansas prior to the effective date of this Amendment, then said license is revoked on the effective date of this Amendment; amending Amendment 100 § 4, to add subsection (t), providing that if a future constitutional amendment authorizes the issuance of a casino license in any county other than those issued now or hereafter for Crittenden County (to Southland Racing Corporation), Garland County (to Oaklawn Jockey Club,

(continued on page 8)

## QUICK LOOK: What does your vote mean?

**FOR:** A FOR vote means you are in favor of changing the state constitution to remove the Pope County casino gaming license from the Arkansas Constitution and, should any future amendments authorizing additional casino licenses be approved by a statewide vote, requiring a special election and approval of voters in the county where that casino would be located to approve it.

**AGAINST:** An AGAINST vote means you are not in favor of changing the state constitution. The Pope County casino gaming license would remain in the Arkansas Constitution and, should any future casino licenses be approved by a statewide vote, a special election and approval of voters in the county where that casino would be located would not be required.

## Where can I find more information?

The complete wording of this amendment can be found at [uaex.uada.edu/issue2](http://uaex.uada.edu/issue2)

The following statements are examples of what supporters and opponents have made public either in media statements, campaign literature, on websites, or in interviews with Public Policy Center staff. The University of Arkansas System Division of Agriculture does not endorse or validate these statements.

## What do supporters say?

- One thing we should all agree on is that casinos should not be forced into communities that don't want them – Issue 2 protects ALL Arkansas communities from having that happen to them.
- Some communities might want a casino, and others do not, but we trust local voters to decide what's best for their communities, and that's all Issue 2 does – puts local voters in charge.
- One county (Pope County) authorized for a casino license by Amendment 100, voted against Amendment 100. But Amendment 100 would force a casino there, despite local voter opposition. Issue 2 ensures that NO county will be forced to have a casino without local voter approval.
- Our opponents want to deprive local voters of having the final say on this issue. If our opponents are confident in the benefits of their casinos and local support for them, why do they oppose giving local voters the final say?

## What do opponents say?

- Don't be fooled by this out-of-state ploy to repeal the casino measure. This group claims its effort is about local choice, but in reality, their proposal would only eliminate the casino license in Pope County, going against the will of what Arkansans voted for in 2018.
- It would also require a future constitutional amendment – and another statewide vote – before any local election to allow a casino could take place. This attempt to repeal the Pope County casino license is being driven by the Choctaw Nation of Oklahoma, which controls a competing casino just across the state line near Fort Smith. Their mission is to keep Arkansas tourism and tax dollars flowing across state lines and into their pockets.
- With this amendment, we lose thousands of jobs for Arkansans and \$5 billion in economic impact that includes improvements to roads, education, health care and more.
- It would also cost Pope County over \$40 million by nullifying Pope County's economic development agreement with Cherokee Nation Entertainment.

(continued from page 7)

Inc.) and Jefferson County (to Downstream Development Authority of the Quapaw Tribe of Oklahoma and later transferred to Saracen Development, LLC), then the quorum court of each county where a casino is to be located shall call a special election by ordinance to submit the question of whether to approve of a casino in the county; amending Amendment 100 § 4, to add subsection (t)(1)-(3), setting the date for the special election and requiring the ordinance calling the special election to state the election date and to specify the format of the question on the ballot as “FOR a casino in [ ] County” and “AGAINST a casino in [ ] County,” and, “The question presented to voters must include whether or not a casino may be located in the county”—“A casino is defined as a facility where casino gaming is conducted”; amending Amendment 100 § 4, to add subsection (t)(4), requiring the county board of election commissioners to publish the ordinance calling the special election as soon as practicable in a newspaper of general circulation in the county in which the special election is held; amending Amendment 100 § 4, to add subsection (t)(5), requiring a majority of those in the county who vote at the election in certain counties where a future casino is proposed to be located to approve of the casino at the special election before the Arkansas Racing Commission, or other governing body, may accept any applications for a casino license in that county; making this Amendment effective on and after November 13, 2024; providing that the provisions of this Amendment are severable in that if any provision or section of this Amendment or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application that can be given effect without the invalid provision or application; and repealing all laws or parts of laws in conflict with this Amendment.

## What is being proposed?

Sponsors propose removing a fourth casino license authorized by the Arkansas Constitution, specifically, a license meant to develop a casino in Pope County within two

miles of the county seat of Russellville. They also propose that the establishment of future casinos anywhere in Arkansas require approval by voters in the county where the casino would be located.

Specifically, Issue 2 would:

1. Remove every reference to Pope County from Amendment 100, which originally authorized the casino location.
2. Revoke any casino gaming license issued for Pope County prior to this amendment taking effect.
3. \*Require the quorum court where any future casino license is proposed to call for a countywide vote in a special election.
4. \*Establish ballot issue language to be used for any future countywide votes on casino licenses.
5. \*Require voter approval at the county level before the Arkansas Racing Commission could issue a casino license in the future.

If passed, this proposal would eliminate from Amendment 100 a casino gaming license for Pope County. Because voters statewide approved establishing the Pope County casino license in 2018 as part of Amendment 100, the only way to stop it from moving forward is to have voters statewide approve a new constitutional amendment to remove it.

*\*Sections 3-5 would only apply if voters in a future statewide election amend the state constitution to add additional licenses and counties where a casino could be authorized.*

### **How did this issue get on the ballot?**

Issue 2 is a citizen-initiated ballot measure. Citizen-initiative ballot groups must collect a certain percentage of signatures from at least 50 counties. Issue 2's sponsors collected signatures from at least 90,704 Arkansas voters, equal to 10% of the people who voted for governor in the last election, to qualify Issue 2 for the statewide General Election ballot.

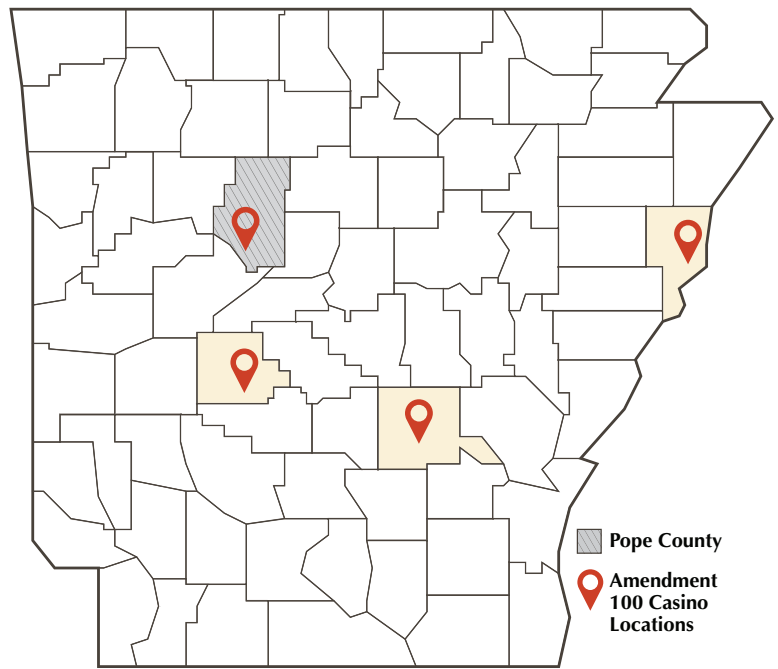
Constitutional amendments require the approval of a majority of voters in a statewide election. Election Day is Nov. 5, 2024.

### **Who is the amendment's sponsor?**

Local Voters in Charge, which is a ballot question committee registered with the Arkansas Ethics Commission, formed to support this ballot measure.

You can find information on the Arkansas Ethics Commission website, [www.arkansasethics.com](http://www.arkansasethics.com), about who contributed to supporter or opposition campaigns related to Issue 2.

## **Issue 2 would only affect the Pope County casino**



### **When was the last time Arkansas voted on this issue?**

Arkansas voters approved a constitutional amendment, which is now Amendment 100, in 2018, by a statewide vote of 470,954 in favor (54.1%) to 399,530 against (45.9%).

Amendment 100 authorized four casino locations: one in West Memphis to Southland Racing, one in Hot Springs to Oaklawn Jockey Club, one in Jefferson County and one in Pope County.

A majority of voters in three of the four counties for which Amendment 100 authorized a license voted in favor of the amendment. Voters in Pope County voted 61% against Amendment 100.

Ballot issue groups formed in 2020 and 2022 proposed to remove the Pope County casino gaming license from the constitution but did not collect enough voter signatures during the petition process to qualify for the state ballot.

### **What is the current status of the Pope County casino license?**

Amendment 100 provided specifications for applicants for the Pope and Jefferson County licenses, requiring that they demonstrate experience in conducting casino gaming, pay an application fee of no more than \$250,000, and submit a letter of support from the county judge or quorum court. If located within city limits, the applicant would also have to submit a letter of support from the city's mayor.



Amendment 100 gave the Arkansas Racing Commission authority to adopt other rules necessary to carry out the amendment, including the application process. The commission was required to begin accepting applications no later than June 1, 2019.

Prior to 2024, the Arkansas Racing Commission took applications and issued the Pope County license, once to Gulfside Casino Partnership and once to Cherokee Nation Businesses/Legends Resort & Casino.

Both times, the Arkansas Supreme Court voided the licenses after finding the groups ineligible. Gulfside lost the license because the company submitted a letter of support from the outgoing Pope County judge, who was not the active county judge during the application period (see CV-21-289). The state then awarded the license for Legends to be built but Gulfside successfully challenged this decision. The Arkansas Supreme Court agreed with a lower court ruling that Legends as a standalone entity didn't qualify for the license despite it being run by Cherokee Nation Businesses, and that two names couldn't be on the license (see CV-23-50).

The Arkansas Racing Commission opened the most recent application period in June 2024. Three companies submitted letters of interest, including Gulfside and Cherokee Nation Entertainment. Cherokee Nation Entertainment was the only entity that satisfied Amendment 100's local support requirement, commission officials said at meetings where the applications were considered. Cherokee Nation Entertainment submitted a letter of support from the current Pope County judge and a resolution of support from the quorum court. The

commission unanimously approved issuing the license to Cherokee Nation Entertainment for its proposed Legends Resort & Casino.

According to a company website about the casino development, Legends Resort & Casino would be built on 325 acres purchased northeast of Russellville on land north of Interstate 40, between the Weir Road and Bradley Cove Road exits. Current plans include a 50,000-square-foot casino gaming area, 200-room hotel, 15,000-square-foot event space, and an outdoor entertainment venue with a capacity of 5,000 people. Cherokee Nation Businesses estimates construction of the casino and resort would take 18 months.

Gulfside Casino Partnership filed a lawsuit in July 2024 seeking to void the state's most recent casino license decision. The lawsuit names the Arkansas Racing Commission, the county judge and individual quorum court members, as well as Cherokee Nation Businesses and Cherokee Nation Entertainment. Gulfside Casino Partnership says the economic development agreement Pope County officials signed in 2019 with Cherokee Nation Entertainment prevented other companies from competing for their support because it said the county would be in default if it endorsed any other casino license applicant. The agreement promised to pay various governmental entities and institutions in the county a combined \$38.8 million.

This lawsuit, which Cherokee Nation Entertainment has asked a judge to dismiss, would be moot if voters approved Issue 2.

### **Could another county obtain Pope County's license under this proposal?**

No. The fourth location authorized in Amendment 100 would be eliminated if voters approve this ballot measure.

### **Would this proposal change the status of the other three casino locations?**

No. Issue 2 would not affect licenses for the existing casinos in Crittenden, Garland or Jefferson counties.

### **What happens if voters reject Issue 2?**

Amendment 100 as currently written in the state constitution would remain, including provisions regarding a casino in Pope County.

### **If passed, when would the changes in Issue 2 take effect?**

If approved, the changes listed in this proposal would take effect Nov. 13, 2024.

The following is the proposed constitutional amendment name and title as they will appear on the state's November General Election ballot.

**Issue No. 2**  
**(Popular Name)**

An amendment requiring local voter approval in a countywide special election for certain new casino licenses and repealing authority to issue a casino license in Pope County, Arkansas.

**(Ballot Title)**

AN AMENDMENT TO THE ARKANSAS CONSTITUTION, AMENDMENT 100, § 4, SUBSECTION (I), TO REDUCE THE NUMBER OF CASINO LICENSES THAT THE ARKANSAS RACING COMMISSION IS REQUIRED TO ISSUE FROM FOUR TO THREE; AMENDING AMENDMENT 100, § 4, SUBSECTIONS (K) THROUGH (N), TO REPEAL AUTHORIZATION FOR A CASINO IN POPE COUNTY, ARKANSAS AND TO REPEAL THE AUTHORITY OF THE ARKANSAS RACING COMMISSION TO ISSUE A CASINO LICENSE FOR POPE COUNTY, ARKANSAS; AMENDING AMENDMENT 100 § 4, TO ADD SUBSECTION (S), PROVIDING THAT IF THE ARKANSAS RACING COMMISSION, OR OTHER GOVERNING BODY, ISSUES A CASINO LICENSE FOR A CASINO IN POPE COUNTY, ARKANSAS PRIOR TO THE EFFECTIVE DATE OF THIS AMENDMENT, THEN SAID LICENSE IS REVOKED ON THE EFFECTIVE DATE OF THIS AMENDMENT; AMENDING AMENDMENT 100 § 4, TO ADD SUBSECTION (T), PROVIDING THAT IF A FUTURE CONSTITUTIONAL AMENDMENT AUTHORIZES THE ISSUANCE OF A CASINO LICENSE IN ANY COUNTY OTHER THAN THOSE ISSUED NOW OR HEREAFTER FOR CRITTENDEN COUNTY (TO SOUTHLAND RACING CORPORATION), GARLAND COUNTY (TO OAKLAWN JOCKEY CLUB, INC.) AND JEFFERSON COUNTY (TO DOWNSTREAM DEVELOPMENT AUTHORITY OF THE QUAPAW TRIBE OF OKLAHOMA AND LATER TRANSFERRED TO SARACEN DEVELOPMENT, LLC), THEN THE QUORUM COURT OF EACH COUNTY WHERE A CASINO IS TO BE LOCATED SHALL CALL A SPECIAL ELECTION BY ORDINANCE TO SUBMIT THE QUESTION OF WHETHER TO APPROVE OF A CASINO IN THE COUNTY; AMENDING AMENDMENT 100 § 4, TO ADD SUBSECTION

(T)(1)-(3), SETTING THE DATE FOR THE SPECIAL ELECTION AND REQUIRING THE ORDINANCE CALLING THE SPECIAL ELECTION TO STATE THE ELECTION DATE AND TO SPECIFY THE FORMAT OF THE QUESTION ON THE BALLOT AS “FOR A CASINO IN [ ] COUNTY” AND “AGAINST A CASINO IN [ ] COUNTY,” AND, “THE QUESTION PRESENTED TO VOTERS MUST INCLUDE WHETHER OR NOT A CASINO MAY BE LOCATED IN THE COUNTY”— “A CASINO IS DEFINED AS A FACILITY WHERE CASINO GAMING IS CONDUCTED”; AMENDING AMENDMENT 100 § 4, TO ADD SUBSECTION (T)(4), REQUIRING THE COUNTY BOARD OF ELECTION COMMISSIONERS TO PUBLISH THE ORDINANCE CALLING THE SPECIAL ELECTION AS SOON AS PRACTICABLE IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY IN WHICH THE SPECIAL ELECTION IS HELD; AMENDING AMENDMENT 100 § 4, TO ADD SUBSECTION (T)(5), REQUIRING A MAJORITY OF THOSE IN THE COUNTY WHO VOTE AT THE ELECTION IN CERTAIN COUNTIES WHERE A FUTURE CASINO IS PROPOSED TO BE LOCATED TO APPROVE OF THE CASINO AT THE SPECIAL ELECTION BEFORE THE ARKANSAS RACING COMMISSION, OR OTHER GOVERNING BODY, MAY ACCEPT ANY APPLICATIONS FOR A CASINO LICENSE IN THAT COUNTY; MAKING THIS AMENDMENT EFFECTIVE ON AND AFTER NOVEMBER 13, 2024; PROVIDING THAT THE PROVISIONS OF THIS AMENDMENT ARE SEVERABLE IN THAT IF ANY PROVISION OR SECTION OF THIS AMENDMENT OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, SUCH INVALIDITY SHALL NOT AFFECT ANY OTHER PROVISION OR APPLICATION THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION; AND REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT WITH THIS AMENDMENT.

- FOR ISSUE NO. 2
- AGAINST ISSUE NO. 2



\*The status of this ballot issue is under review. Visit our website for the latest information.

## ISSUE NUMBER 3

(Proposed by Petition of the People)

# Expanding the Arkansas Medical Marijuana Program

**POPULAR NAME:** The Arkansas Medical Marijuana Amendment of 2024

**BALLOT TITLE:** This amendment to the Arkansas Constitution expands access to medical marijuana by qualified patients under the Arkansas Medical Marijuana Amendment of 2016, Amendment 98 and ratifies and affirms that amendment as originally adopted and amended by any legislative act, except one specifically amending Amendment 98, § 2(4)(i) to refine “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)(l), 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 add language to the definition of “qualifying medical condition” to include any condition not otherwise specified in Amendment 98 that a health care practitioner considers debilitating to a patient that might be alleviated by the use of usable marijuana; amending Amendment 98, § 2(14)(A) to allow non-Arkansas residents

(continued on page 13)

## QUICK LOOK: What does your vote mean?

**FOR:** A FOR vote means you are in favor of changing the Arkansas Constitution to prohibit legislators from changing or repealing any constitutional amendment without another vote of the people, and you are in favor of expanding the state’s existing medical marijuana program with regards to who can qualify for the program, the types of health care professionals who can certify patients for the program, and to allow patients to grow marijuana at home, among other changes.

**AGAINST:** An AGAINST vote means you are not in favor of changing the Arkansas Constitution to prohibit legislators from being able to change any constitutional amendments without another vote of the people, and you are against expanding the state’s existing medical marijuana program with regards to who can qualify for the program, the types of health care providers who can certify patients for the program, and allowing patients to grow marijuana at home, among other changes.

## Where can I find more information?

The complete wording of this amendment can be found at [uaex.uada.edu/issue3](http://uaex.uada.edu/issue3)

**REMOVED FROM BALLOT**

(continued from page 12)

to apply for and receive registry identification cards in the same way as Arkansas residents; amending Amendment 98, § 2(17) to define “usable marijuana” as cannabis and other substances including all parts of the plant *Cannabis sativa*, whether growing or not, 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 or entity 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(1) 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 minors who are qualifying patients applying to serve as designated caregivers for those minors; amending Amendment 98, § 5(a)(2) to remove language requiring reasonable registry identification card application fees or renewal fees; 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 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 require the Alcoholic Beverage Control to make rules that require packaging that cannot be opened by a child or that prevents ready access to toxic or harmful amounts of the product; amending Amendment 98, § 8(m)(l)(A) to remove prohibitions

on dispensary-provided paraphernalia requiring combustion of marijuana; 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; repealing Amendment 98, §§ 23 and 26 in their entirety; amending Amendment 98 to allow qualifying patients or caregivers at least 21 years old and in possession of a valid registry identification card to possess, plant, dry, and process marijuana plants in limited quantities and sizes at their domicile solely for the personal use of the qualifying patient, to prohibit sale, bartering, and trade of such marijuana plants, and to provide for regulation of such activities by the Alcoholic Beverage Control Division; amending Amendment 98 to allow possession by adults of up to one ounce of usable marijuana, to allow sale of marijuana by licensed cultivation facilities and dispensaries for adult use if current federal law prohibiting such activities changes, and to provide for the regulation of the wholesale and retail of marijuana by licensed cultivation facilities and dispensaries by the Alcoholic Beverage Control Division; amending Arkansas Constitution, Article 5, § 1, to provide that unless provided in such constitutional amendment, no constitutional amendment shall be amended or repealed unless

(continued on page 14)



The following statements are examples of what supporters and opponents have made public either in media statements, campaign literature, on websites or in interviews with Public Policy Center staff. The University of Arkansas System Division of Agriculture does not endorse or validate these statements.

## What do supporters say?

- Medical cannabis cards will be valid for three years, reducing renewal burdens for patients and caregivers. Visitors who have a medical card from their state may use Arkansas dispensaries without the need of a temporary card.
- Healthcare practitioners have increased discretion to determine if medical cannabis is appropriate for their patients, making it easier for those in need to receive treatment. The expanded definition of “healthcare practitioner” broadens the range of qualified professionals who can provide written certifications. Pharmacists, nurse practitioners, and physician’s assistants will now qualify.
- Patients and their caregivers have the right to grow their own cannabis at home, promoting both affordability and accessibility, particularly for rural cardholders. Patients will be able to grow up to 14 plants, only half of which may be mature. The amendment stipulates that home cultivation must comply with state regulations, which include security measures to ensure that the plants are not accessible to unauthorized individuals, including children.

## What do opponents say?

- Since the amendment allows marijuana to be home grown and processed at any residence, the law will shield foreign drug cartels who move into Arkansas communities and neighborhoods to grow and process marijuana so it can be illegally shipped across the nation as they are currently doing in Oklahoma.
- Passage of the amendment will hurt children because it removes Arkansas’ restrictions on marijuana advertising, making it possible for children to see marijuana ads on TV, online, and on cell phones. It creates further danger to children by removing child-proof packaging requirements and allowing harmful levels of THC to be infused into candy that is appealing to children.
- Providing taxpayer-funded marijuana cards to out-of-state people free of charge will draw illegal immigrants and the homeless to Arkansas communities as has occurred in California.

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approved by the people under the Constitution; 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.

## What is being proposed?

Issue 3 proposes changing two existing Arkansas laws:

- (1) Article 5, Section 1 of the Arkansas Constitution, titled “Initiative and Referendum,” and
- (2) Amendment 98, known as the Arkansas Medical Marijuana Amendment of 2016.

Currently, Article 5, Section 1 of the Arkansas Constitution, “Initiative and Referendum,” allows constitutional amendments to be amended or repealed if approved by two-thirds of all members of the House of Representatives and the Senate.

Issue 3 proposes adding a new subsection to Article 5, Section 1 that would prohibit legislators from changing or repealing constitutional amendments without approval from voters unless the amendment expressly allows them to do so.

Issue 3 also proposes adding and removing sections of Amendment 98 – The Arkansas Medical Marijuana Amendment of 2016.

*Note: Issue 3 and this fact sheet use cannabis and marijuana interchangeably. The fact sheet also uses the phrases “registry identification card” and “medical marijuana card” interchangeably throughout.*

## Regarding the legislature, state agencies, and state government, Amendment 98 would be changed to:

- Repeal permission previously given to legislators in Amendment 98 to make changes to Amendment 98.



- Put the Alcoholic Beverage Control Commission in charge of rules for cardholders growing cannabis at home.
- Establish that the state could be sued for not establishing or enforcing parts of Amendment 98.

**Regarding health care professionals, Amendment 98 would be changed to:**

- Expand who can certify a patient for a medical marijuana card from physicians to health care practitioners, which are defined as doctors of medicine or osteopathic medicine, nurse practitioners, physician’s assistants and pharmacists who hold a valid, unrestricted license to practice in the state of Arkansas.
- Eliminate a requirement for physicians to have a controlled substance license on file with the U.S. Drug Enforcement Agency to be eligible to certify.
- Eliminate a requirement that physicians have a “physician-patient relationship” with people seeking medical marijuana cards. Such a relationship typically involves a physician performing an exam on the patient and being informed of their medical history.
- Expand the use of telemedicine (a written certification to patients assessed over video) by allowing it for people seeking medical marijuana card certification for the first time. Currently, telemedicine is only allowed for renewals of cards for existing medical marijuana cardholders.
- Remove a section of Amendment 98 that says nothing in the law prevents a professional licensing board from sanctioning a physician for failing to properly evaluate a patient’s medical care or for violating the physician-patient standard of care.
- Specifically prohibit health care providers from accepting, soliciting or offering money from or to a dispensary or cultivation facility in exchange for providing written certification for patients.

**Regarding qualifying conditions, Amendment 98 would be changed to:**

- Expand qualifying medical conditions to include any debilitating condition a patient has that a health care practitioner concludes might be alleviated by the use of marijuana.

**Regarding patients and their caregivers, Amendment 98 would be changed to:**

- Allow people who live outside of Arkansas to apply for and receive registry identification cards in the same

way as Arkansas residents. Individuals from out of state with the equivalent of a registry identification card from elsewhere in the United States would also be allowed to enter and purchase medical marijuana in an Arkansas dispensary subject to Arkansas law.

- Exempt parents or guardians of children who have a medical marijuana card for their own qualifying condition from having to undergo criminal background checks as part of being certified to purchase marijuana as a caregiver for their children.
- Prohibit the state from charging an application fee to receive a medical marijuana card. There is currently a \$50 application fee.
- Extend the expiration date of medical marijuana cards from one year to three years.
- Extend the expiration date of all existing patients’ cards by two years automatically. It would also remove language allowing a physician to issue a written certification for less than one year if he or she believes the qualifying patient would benefit from the medical use of marijuana only until a specified earlier date.



**Regarding growing marijuana for personal use, Amendment 98 would be changed to:**

- Remove a prohibition on growing marijuana at home. Cardholders 21 years and older would be allowed to grow and process for their own use no more than 14 cannabis plants at one time. They would be limited in terms of size to seven large cannabis plants (14 or more inches tall) and seven smaller cannabis plants. No more than 14 plants could be grown at a single home, even if there are multiple medical marijuana cardholders living there. The Arkansas Beverage Control Commission would be tasked with creating

any additional rules related to growing marijuana at home. Qualifying patients growing or processing marijuana for personal use would be prohibited from selling or trading that marijuana for anything of value.

- Allow cardholders or their designated caregivers to buy seeds or plants from dispensaries.



### **Regarding advertising and packaging restrictions, Amendment 98 would be changed to:**

- Place advertising restrictions on processors; current restrictions only apply to dispensaries and cultivation facilities.
- Remove “marketing” and “promotion” from restrictions regarding advertising appealing to children; these conditions would still apply to “advertising” and “packaging.”
- Remove current restrictions related to appealing to children in medical marijuana advertising and marketing so that such restrictions no longer extend to artwork, building signage, product design, indoor displays and other forms of marketing.
- Remove a requirement that product packaging meet federal consumer safety regulations for poison prevention.
- State that the Alcoholic Beverage Control Division’s rules would require packaging that either (1) cannot be opened by a child or (2) prevents ready access to toxic or harmful amounts of the product.

### **Regarding cultivation facilities, Amendment 98 would be changed to:**

- Allow cultivation facilities to sell marijuana to a processor. Current law only allows them to sell to dispensaries or other cultivation facilities.

### **Regarding dispensaries, Amendment 98 would be changed to:**

- Allow dispensaries to sell cannabis seeds, seedlings, and plants to cardholders or their designated caregiver to grow at home.
- Remove existing restrictions on dispensaries that say they can’t supply, possess, manufacture, deliver, transfer or sell paraphernalia that requires the burning of marijuana, including various styles of pipes, bongs, rolling papers and roach clips.

### **Regarding federal law or decriminalization, Amendment 98 would be changed to:**

- Allow adults to possess up to one ounce of marijuana for personal use if the federal government ever decriminalizes cannabis or removes it from its list of controlled substances.
- Allow licensed cultivators and dispensaries to sell marijuana at the wholesale and retail level if the federal government ever decriminalizes cannabis or removes it from its list of controlled substances.

### **How did this issue get on the ballot?**

Issue 3 is a citizen-initiated ballot measure. Citizen-initiative ballot groups must collect a certain percentage of signatures from at least 50 counties. Issue 3’s sponsors collected signatures from at least 90,704 Arkansas voters, equal to 10% of the people who voted for governor in the last election, to qualify Issue 3 for the statewide General Election ballot.

Constitutional amendments require the approval of a majority of voters in a statewide election. Election Day is Nov. 5, 2024.

### **Who is the amendment’s sponsor?**

Arkansans for Patient Access, which is a ballot question committee registered with the Arkansas Ethics Commission, formed to support this ballot measure.

You can find information on the Arkansas Ethics Commission website, [www.arkansasethics.com](http://www.arkansasethics.com), about who contributed to supporter or opposition campaigns related to Issue 3.

### When was the last time Arkansas voted on this issue?

Voters approved Amendment 98, known as the Arkansas Medical Marijuana Amendment of 2016, by a statewide vote of 585,030 (53%) in favor to 516,525 (47%) against. In doing so, Arkansas voters approved creating a state medical marijuana program. The first medical marijuana was sold in Arkansas in 2019.

In 2022, Arkansas voters rejected a proposed constitutional amendment to allow and regulate adult use of marijuana for non-medical purposes in Arkansas and make changes to Amendment 98. That proposal would have effectively ended the need for a medical marijuana law.

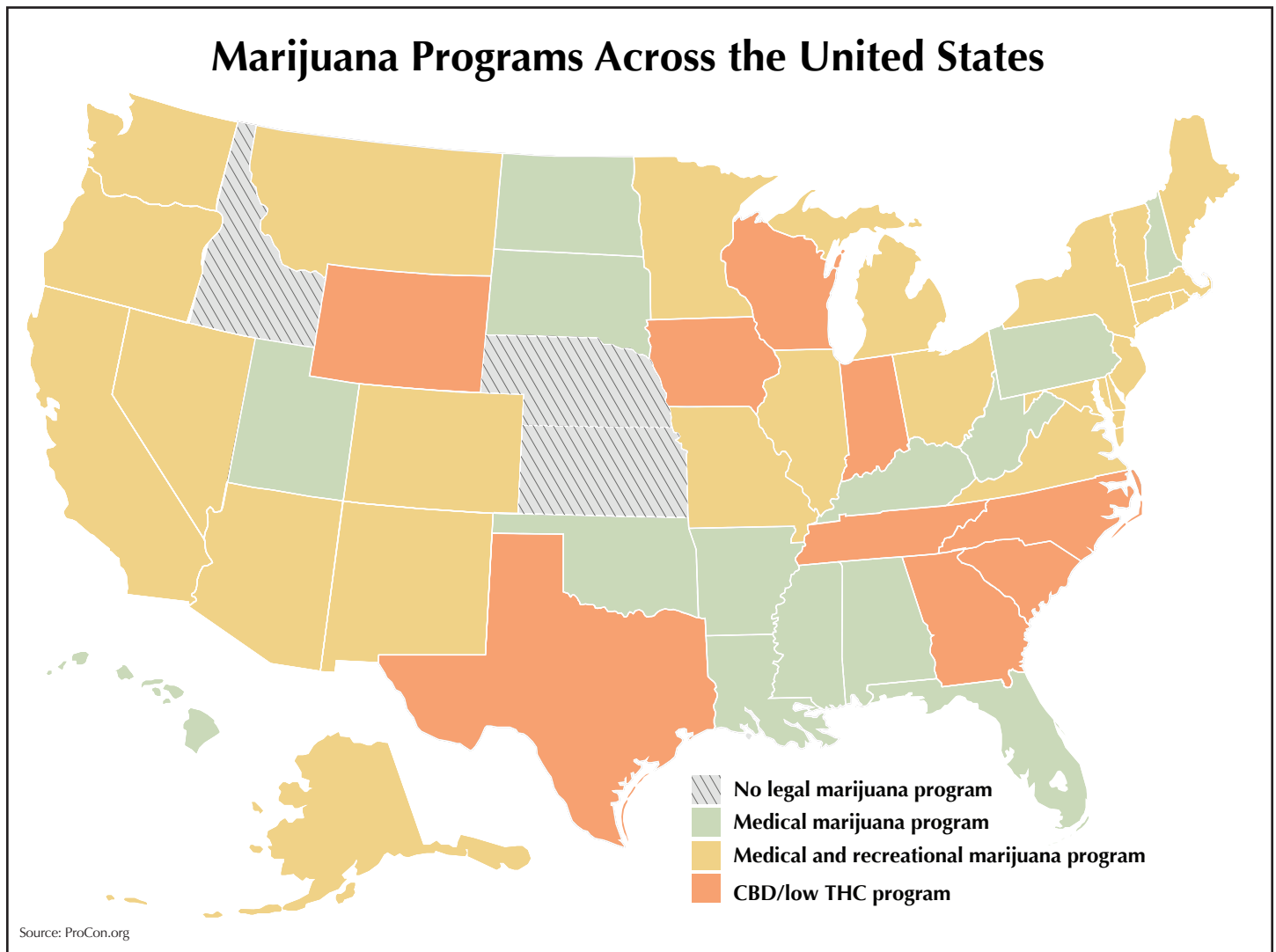
### What is the current status of medical marijuana in Arkansas?

As of July 2024, the Arkansas Department of Health reported 105,039 active medical marijuana cards authorized under Amendment 98.

There are 37 dispensaries in operation across the state, according to the Arkansas Medical Marijuana Commission. Between January 1-June 30, 2024, dispensaries sold 36,135 pounds of marijuana resulting in \$135.5 million in purchases. Since medical marijuana sales first started in 2019, the state has collected \$136 million in tax revenue from those sales.

### What is the status of marijuana sales across the United States?

Regulations vary greatly by state. As of April 2023, Arkansas was one of 38 states that allowed for the use of medical marijuana according to the National Conference of State Legislatures. Another nine states allowed the use of “low THC, high cannabidiol (CBD)” products for medical reasons or as a legal defense. As of February 2024, 24 states plus Washington D.C., had enacted laws allowing recreational marijuana use. Three states – Kansas, Nebraska and Idaho – have no marijuana program.



Marijuana remains illegal at the federal level. The Controlled Substances Act approved in 1970 included marijuana as a Class I substance. According to the federal Drug Enforcement Agency, a Schedule I substance under the Controlled Substances Act has a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. Other examples of Schedule I drugs include heroin, LSD and ecstasy.

However, marijuana's federal classification may be changing. In May 2024, the U.S. Attorney General announced he would seek to move marijuana from a Schedule I drug to a Schedule III drug through the federal rulemaking process. The proposal, according to the U.S. Department of Justice, is "consistent with the view of the Department of Health and Human Services ("HHS") that marijuana has a currently accepted medical use as well as HHS's views about marijuana's abuse potential and level of physical or psychological dependence."

Schedule III substances are defined as drugs with a moderate to low potential for physical and psychological dependence. Some examples of Schedule III drugs include Tylenol with codeine, ketamine, anabolic steroids and testosterone.

Public comment on the proposed rule change closed July 22. The effect on state programs is unknown at this time.

### **How does this proposal impact hemp?**

Issue 3 changes Amendment 98's definition of "usable marijuana" in a way that excludes hemp from the definition.



The proposed definition of usable marijuana is "cannabis and other substances including any parts of the plant *Cannabis sativa*, whether growing or not, its seeds and the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, isomer or preparation of the plant, including tetrahydrocannabinol and all other cannabinol derivatives, whether produced directly or indirectly by extraction except that usable marijuana shall not include hemp with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis. Usable cannabis does not include the weight of any other ingredient that may be combined with cannabis."

### **Would this proposal allow military members in Arkansas to qualify for medical marijuana?**

No. Amendment 98 would continue to prohibit members of the Arkansas National Guard and the United States military from obtaining a medical marijuana card as a qualifying patient or designated caregiver.

### **Does this proposal change the number of licensed dispensaries in the state?**

No. Amendment 98 would continue to allow for only 40 dispensary licenses to be issued in Arkansas.

### **Does this proposal change the number of licensed cultivators or growers in the state that can sell marijuana to dispensaries?**

No. Amendment 98 would continue to allow for no more than 8 cultivation facility licenses to be issued in Arkansas.

### **Does this proposal change the amount of medical marijuana a person can purchase from a dispensary?**

No. Cardholders would continue to be able to purchase up to 2.5 ounces from a dispensary in a 14-day period.

### **Does this proposal affect the tax rate on medical marijuana or distribution of tax revenue?**

No. The tax rate and distribution of medical marijuana tax revenue will remain the same as governed by Amendment 98 and other Arkansas state laws.

The sale of usable marijuana is subject to all state and local sales taxes. Currently, Arkansas has a 6.5% sales tax with 0.5% allocated to state's four-lane highway system, county roads, and city streets under Amendment 91 and 0.8% going towards the Arkansas Game and Fish Commission, the Department of Parks and Tourism, the Department of Heritage, Parks and Tourism and Keep



Arkansas Beautiful under Amendment 75.

All remaining state sales tax collected on medical marijuana sales goes to the Arkansas Medical Marijuana Implementation and Operations (AMMIO) Fund. These funds are used to offset expenses incurred

by state departments that oversee and administer the medical marijuana program, including the Alcoholic Beverage Control Division of the Department of Finance and Administration, Arkansas Department of Health, Medical Marijuana Commission and any other state agency that incurs implementation, administration, or enforcement expenses related to Amendment 98. Any tax revenue remaining after paying costs associated with the medical marijuana program are distributed to the state's General Revenue Fund.

Usable marijuana is also subject to the Arkansas Medical Marijuana Special Privilege Tax. Proceeds from this 4% tax on medical marijuana sales to dispensaries and to consumers goes into the AMMIO fund and are used in the same way as state sales tax revenues from medical marijuana sales. Everything beyond operating expenses is directed to the University of Arkansas for Medical Science for its National Cancer Institute Designation Trust Fund. The Arkansas Medical Marijuana Special Privilege Tax is set to expire on July 1, 2025 unless extended by the General Assembly.

### **What is the impact of removing the \$50 license fee?**

During the state's 2023 fiscal year, patients and caregivers combined paid \$5.27 million in application fees. In Fiscal Year 2024, which ended in July, patients and caregivers paid a combined \$5.7 million in application fees.

Application fees are deposited into the state's AMMIO fund.

### **How does this proposal for qualifying conditions compare to surrounding states?**

Nearby states of Louisiana, Mississippi and Oklahoma have medical marijuana programs similar to Arkansas.

- Similar to Issue 3, Louisiana's law has a list of qualifying conditions and specifically allows doctors to recommend medical marijuana for any condition they consider debilitating to the patient.
- Mississippi's law also has a list of qualifying conditions but does not give doctors broader authority to recommend marijuana for more medical issues. The list is similar to Arkansas's under the current Amendment 98, but specifically mentions Parkinson's disease, Huntington's disease, spastic quadriplegia, sickle-cell anemia, agitation of dementia, autism, pain refractory to appropriate opioid management, diabetic neuropathy, and spinal cord disease or severe injury.
- Oklahoma's law does not list specific qualifying medical conditions for medical marijuana. Doctors are able to recommend people based on their individual medical situations.

### **If passed, when would the changes in Issue 3 take effect??**

If approved, the changes in this proposal would take effect Nov. 15, 2024.



# At A Glance: Current Law Versus Issue 3

	<b>CURRENT LAW</b>	<b>PROPOSED AMENDMENT</b>
<p><b>Qualifying Medical Conditions</b></p>	<ul style="list-style-type: none"> <li>• Cancer</li> <li>• Glaucoma</li> <li>• HIV/AIDS</li> <li>• Hepatitis C</li> <li>• Amyotrophic lateral sclerosis (ALS)</li> <li>• Tourette’s syndrome</li> <li>• Crohn’s disease</li> <li>• Ulcerative colitis</li> <li>• Post-traumatic stress disorder (PTSD)</li> <li>• Severe arthritis</li> <li>• Fibromyalgia</li> <li>• Alzheimer’s disease</li> <li>• Cachexia or wasting syndrome</li> <li>• Peripheral neuropathy</li> <li>• Intractable pain which is pain that has not responded to ordinary medications, treatment, or surgical measures for more than six (6) months</li> <li>• Severe nausea</li> <li>• Seizures including without limitation those characteristic of epilepsy</li> <li>• Severe and persistent muscle spasms including without limitation those characteristic of multiple sclerosis</li> <li>• Any other medical condition or its treatment approved by the Department of Health. (The Department of Health has not added any other condition to this list.)</li> </ul>	<ul style="list-style-type: none"> <li>• Cancer</li> <li>• Glaucoma</li> <li>• HIV/AIDS</li> <li>• Hepatitis C</li> <li>• Amyotrophic lateral sclerosis (ALS)</li> <li>• Tourette’s syndrome</li> <li>• Crohn’s disease</li> <li>• Ulcerative colitis</li> <li>• Post-traumatic stress disorder (PTSD)</li> <li>• Severe arthritis</li> <li>• Fibromyalgia</li> <li>• Alzheimer’s disease</li> <li>• Cachexia or wasting syndrome</li> <li>• Peripheral neuropathy</li> <li>• Intractable pain which is pain that has not responded to ordinary medications, treatment, or surgical measures for more than six (6) months</li> <li>• Severe nausea</li> <li>• Seizures including without limitation those characteristic of epilepsy</li> <li>• Severe and persistent muscle spasms including without limitation those characteristic of multiple sclerosis</li> <li>• Any other medical condition or its treatment approved by the Department of Health</li> <li>• Any other condition not otherwise specified that a health care practitioner considers debilitating to the patient and which may be alleviated by the use of usable marijuana</li> </ul>

# At A Glance: Current Law Versus Issue 3

	<b>CURRENT LAW</b>	<b>PROPOSED AMENDMENT</b>
<b>Health care provider who can issue written</b>	<ul style="list-style-type: none"> <li>• Doctor of medicine or osteopathy licensed in the state of Arkansas.</li> <li>• Has a controlled substances license on file with the United States Drug Enforcement Administration (DEA).</li> <li>• Has a bona fide physician-patient relationship with the patient they are certifying for medical cannabis.</li> </ul>	<ul style="list-style-type: none"> <li>• Doctor of medicine or osteopathy, nurse practitioner, physician's assistant or pharmacist who holds a valid, unrestricted license to practice in the state of Arkansas.</li> </ul>
<b>State Application Fee Application Fee</b>	\$50	\$0
<b>Expiration Date</b>	Card must be renewed every year.	Card must be renewed every 3 years.
<b>Growing Marijuana</b>	<ul style="list-style-type: none"> <li>• Dispensaries</li> <li>• Cultivators</li> </ul>	<ul style="list-style-type: none"> <li>• Dispensaries</li> <li>• Cultivators</li> <li>• Patients and Caregivers</li> </ul>
<b>Visiting Patients</b>	Must obtain Arkansas card, which would be valid for 90 days.	Could use card issued by their state
<b>Legislators Ability to Change Constitutional Amendments</b>	Legislators can change Amendment 98 and other amendments.	Legislators could not change Amendment 98 or other constitutional amendments on their own; a vote of the people is necessary.

The following is the proposed constitutional amendment name and title as they will appear on the state's November General Election ballot.

**Issue No. 3**

**(Popular Name)** The Arkansas Medical Marijuana Amendment of 2024.

**(Ballot Title)**

THIS AMENDMENT TO THE ARKANSAS CONSTITUTION EXPANDS ACCESS TO MEDICAL MARIJUANA 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)(L), 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 ADD LANGUAGE TO THE DEFINITION OF "QUALIFYING MEDICAL CONDITION" TO INCLUDE ANY CONDITION NOT OTHERWISE SPECIFIED IN AMENDMENT 98 THAT A HEALTH CARE PRACTITIONER CONSIDERS DEBILITATING TO A PATIENT THAT MIGHT BE ALLEVIATED BY THE USE OF USABLE MARIJUANA; AMENDING AMENDMENT 98, § 2(14)(A) TO ALLOW NON-ARKANSAS RESIDENTS TO APPLY FOR AND RECEIVE REGISTRY IDENTIFICATION CARDS IN THE SAME WAY AS ARKANSAS RESIDENTS; AMENDING AMENDMENT 98, § 2(17) TO DEFINE "USABLE MARIJUANA" AS CANNABIS AND OTHER SUBSTANCES INCLUDING ALL PARTS OF THE PLANT CANNABIS SATIVA, WHETHER GROWING OR NOT, 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 OR ENTITY 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(1) 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 MINORS WHO ARE QUALIFYING PATIENTS APPLYING TO SERVE AS DESIGNATED CAREGIVERS FOR THOSE MINORS; AMENDING AMENDMENT 98, § 5(A)(2) TO REMOVE LANGUAGE REQUIRING REASONABLE REGISTRY IDENTIFICATION CARD APPLICATION FEES OR RENEWAL FEES; 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 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 REQUIRE THE ALCOHOLIC BEVERAGE CONTROL TO MAKE RULES THAT REQUIRE PACKAGING THAT CANNOT BE OPENED BY A CHILD OR THAT PREVENTS READY ACCESS TO TOXIC OR HARMFUL AMOUNTS OF THE PRODUCT; AMENDING AMENDMENT 98, § 8(M)(L)(A) TO REMOVE PROHIBITIONS ON DISPENSARY-PROVIDED PARAPHERNALIA REQUIRING COMBUSTION OF MARIJUANA; 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; REPEALING AMENDMENT 98, §§ 23 AND 26 IN THEIR ENTIRETY; AMENDING AMENDMENT 98 TO ALLOW QUALIFYING PATIENTS OR CAREGIVERS AT LEAST 21 YEARS OLD AND IN POSSESSION OF A VALID REGISTRY IDENTIFICATION CARD TO POSSESS, PLANT, DRY, AND PROCESS MARIJUANA PLANTS IN LIMITED QUANTITIES AND SIZES AT THEIR DOMICILE SOLELY FOR THE PERSONAL USE OF THE QUALIFYING PATIENT, TO PROHIBIT SALE, BARTERING, AND TRADE OF SUCH MARIJUANA PLANTS, AND TO PROVIDE FOR REGULATION OF SUCH ACTIVITIES BY THE ALCOHOLIC BEVERAGE CONTROL DIVISION; AMENDING AMENDMENT 98 TO ALLOW POSSESSION BY ADULTS OF UP TO ONE OUNCE OF USABLE MARIJUANA, TO ALLOW SALE OF MARIJUANA BY LICENSED CULTIVATION FACILITIES AND DISPENSARIES FOR ADULT USE IF CURRENT FEDERAL LAW PROHIBITING SUCH ACTIVITIES CHANGES, AND TO PROVIDE FOR THE REGULATION OF THE WHOLESALE AND RETAIL OF MARIJUANA BY LICENSED CULTIVATION FACILITIES AND DISPENSARIES BY THE ALCOHOLIC BEVERAGE CONTROL DIVISION; AMENDING ARKANSAS CONSTITUTION, ARTICLE 5, § 1, TO PROVIDE THAT UNLESS PROVIDED IN SUCH CONSTITUTIONAL AMENDMENT, NO CONSTITUTIONAL AMENDMENT SHALL BE AMENDED OR REPEALED UNLESS APPROVED BY THE PEOPLE UNDER THE CONSTITUTION; 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.

FOR ISSUE NO. 3

AGAINST ISSUE NO. 3

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**Did you read the voter guide? Tell us how we did in this short survey: [Scan the QR code or go to \[tinyurl.com/ARvoterguide\]\(https://tinyurl.com/ARvoterguide\)](#)**

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## Important Dates

- Oct. 7, 2024** Last day to register to vote for the General Election
- Oct. 21, 2024** Early voting starts for the General Election
- Nov. 5, 2024** Election Day



## Your Voting Privilege

We live in a democratic society where voting is a privilege of citizenship. Democracy works best when informed citizens exercise their voting privilege. **Be a part of Arkansas – Vote.**

**How Do I Check my Voter Registration Status?** Verify that your voter registration status is current by going to [www.voterview.ar-nova.org](http://www.voterview.ar-nova.org).

**How Do I Register to Vote?** Fill out a paper application, which can be found at county clerk offices, state revenue offices, public libraries, public assistance agencies, disability agencies, and military recruitment offices.

**Where Do I Vote?** If you need help finding your voting location or aren't sure whether you are registered to vote, contact your local county clerk. You can also contact the Arkansas Secretary of State's Office by calling 1-800-482-1127 or find more information at [www.sos.arkansas.gov](http://www.sos.arkansas.gov). You can also find your specific voting location at [www.voterview.ar-nova.org](http://www.voterview.ar-nova.org).

**Where Can I Find A Sample Ballot?** Most counties participate in the Secretary of State's "Voter View" website, [www.voterview.ar-nova.org](http://www.voterview.ar-nova.org), where they may have uploaded a copy of what your ballot will look like. Some county clerks also post sample ballots for their local elections on their websites.

**Absentee Voting Information:** Unable to vote in person during early voting or on Nov. 5? Contact your county clerk's office to apply to receive an absentee ballot. Absentee ballots can be mailed to you or picked up in person. Find a link to county clerk contact information at [www.uaex.uada.edu/voter-resources](http://www.uaex.uada.edu/voter-resources).

**Voting locations are open on Election Day, Nov. 5, 2024, from 7:30 a.m. to 7:30 p.m.**



This unbiased, research-based guide to the 2024 Arkansas Ballot Issues was produced by the Public Policy Center at the University of Arkansas System Division of Agriculture.

**For the latest information on ballot issues visit [www.uaex.uada.edu/ballot](http://www.uaex.uada.edu/ballot)**