



Arkansas Department of Health

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Governor Asa Hutchinson

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PROPOSED REVISIONS TO RULES GOVERNING MEDICAL MARIJUANA REGISTRATION, LABELING, AND TESTING IN ARKANSAS

October 31, 2022

PURPOSE

The Arkansas Department of Health (Department) is seeking promulgation of proposed amendments to the Rules Governing Medical Marijuana Registration, Testing, and Labeling in Arkansas.

BACKGROUND

These Rules Governing Medical Marijuana Registration, Testing, and Labeling in Arkansas are duly adopted and promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by the Laws of the State of Arkansas including, without limitation, Amendment No. 98 of the Constitution of the State of Arkansas of 1874, The Medical Marijuana Amendment of 2016.

KEY POINTS

The proposed rule:

- Updates definitions.
- Makes Changes to comply with Act 1112 of 2021.
- Include testing requirements for processors.
- Updates list of solvents for testing.

DISCUSSION

These Rules govern the application for and renewal of registry identification cards for qualifying patients and designated caregivers. These Rules also establish labeling and testing standards for marijuana distributed under the Medical Marijuana Amendment, and how medical conditions may be added to the list of qualifying conditions.

The following changes are proposed:

Cover Page – Update ADH Logo



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Section 3 Definitions

Page 1 added “Added Substance” definition created to clarify labeling language.

Page 2 revised definition for “Batch” to increase limit to fifty (50) pounds.

Page 2 added “Cannabinoid Product” definition to clarify labeling language.

Page 4 added “Processor” definition and clarified process lot definition.

Page 5 clarified Registry Identification card includes electronic document.

Page 6 revised Written Certification to include telehealth in accordance with Act 1112 of 2021 and Arkansas Medical Board rules.

Section 4 Registry Identification Cards

Page 6-7 replaced DEA # requirement with AR Med licensee # for required content on Written Certification and clarified identification requirements.

Page 9 clarified renewal and revocation process.

Section 5 Labeling

Page 11 revised rules for labeling requirements, discretionary inclusion of variance information for THC concentration.

Page 12 clarified labeling requirements to apply to Concentrates, Extracts, Edibles, and Cannabinoid Products, and revised requirements regarding any added substances used to make cannabinoid products and allergy warnings for edible products.

Page 14 clarified QR code may not replace the label.

Section 6 Testing Standards for Usable Marijuana

Page 15 Revised transfer restrictions to allow transfers from cultivation facilities or dispensaries to processors or other cultivation facilities and dispensaries, so long as the receiving entity will complete all testing requirements.

Section 7 Testing Requirements for Concentrates, Extracts, Edibles, and Cannabinoid Products

Page 16-17 clarified testing requirements to apply to concentrates, extracts, edibles, and cannabinoid products, and revised transfer restrictions and testing requirements similar to changes to Section 6.

Section 8 Batch Requirements

Page 17 increased batch size from 10lbs to 50lbs.

Section 9 Sampling and Sample Size

Page 18 revised sampling minimums to confirm to new batch size limits.

Section 12 Standards for Testing Microbiological Contaminants

Page 20 increased microbial testing to include salmonella, mold and yeast.



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Section 21 Temporary Cultivation Facility or Dispensary Pesticide Testing Requirements

Page 23 corrected language from licensed lab to approved lab.

Section 23 Revocation of a Patient Registry Identification Card

Page 26 added provisions for administrative procedure and standard of proof requirements for revocation of a patient's registry identification card.

TABLE 2 List of solvents and their action levels

Page 33 revised solvents list for testing.

RECOMMENDATION

We recommend that the proposed amendments to the Rules Governing Medical Marijuana Registration, Testing, and Labeling in Arkansas be approved as proposed by the Department.