

# POLICY BRIEF

## The Arkansas Medical Marijuana Amendment of 2024

**Background:** Medical marijuana became legal in Arkansas in 2016. Today, thirty-eight medical marijuana dispensaries and eight marijuana farms provide medical marijuana to 97,300 Arkansas medical marijuana card holders. In 2022, Arkansas voters rejected an amendment to the Arkansas Constitution backed by the marijuana industry to expand marijuana in Arkansas. The same marijuana industry has returned with another harmful amendment.

**Summary:** Supporters of the Arkansas Medical Marijuana Amendment have until July 5, 2024 to gather at least 90,704 petition signatures to place this proposed state constitutional amendment on the ballot in November 2024. This proposed amendment would make Arkansas' current medical marijuana program open to all types of recreational marijuana users, those without a particular illness, and even those who don't live in Arkansas. It would allow people to grow their own marijuana at home without safety regulations. This amendment makes 33 changes to Amendment 98, Arkansas' current medical marijuana amendment, and it adds more language to the Arkansas Constitution. It removes all legislative authority to set tax rates or regulate medical or recreational marijuana. The marijuana industry crafted this amendment and they are financing the campaign to pass it. If passed, Arkansas current marijuana growers and sellers will have a permanent monopoly over all marijuana growing and sales statewide.

### ABOUT THE ARKANSAS MARIJUANA AMENDMENT OF 2024

- **Free Marijuana Cards for Everyone:** This amendment provides free marijuana cards. In addition, this amendment lets adults from out of state come to Arkansas and get free marijuana cards. This amendment is so broadly written that if it passes Arkansas it will give free marijuana cards to the homeless and illegal immigrants to move to our communities. These cards will be good for three years instead of just one year under the current law.
- **Taxpayers Will Foot the Bill:** This amendment does away with the \$50 per year fee for a medical marijuana card. It makes them all free, even for people from out-of-state or out of the country. Arkansas taxpayers will have to subsidize the use of marijuana to the tune of about \$5 million every year from now on.
- **Creates a Marijuana Monopoly:** The amendment gives Arkansas' current marijuana growers and sellers a monopoly. It expressly prohibits the Arkansas Legislature, cities, or counties from passing any laws, including zoning and taxes, to regulate marijuana. If the federal government ever deregulates marijuana, the amendment guarantees current marijuana sellers and growers a monopoly over marijuana and all marijuana products in the future.

- **Allows Growing and Processing of Marijuana At Home:** This amendment allows any adult to grow and process unregulated marijuana at home. It allows any adult to grow and process up to 14 plants at home. It allows up to 28 plants at each residence without having to be in an enclosed facility or behind a locked gate. Butane hash oil will be legal and people can make it at home.
- **Opens the Door to More Black Market Marijuana.** How will law enforcement be able to tell the difference between marijuana grown legally and illegal marijuana produced by drug cartels? In addition, there won't be enough oversight to prevent untested unregulated marijuana grown and processed at home from being packaged and sold over the counter in dispensaries.
- **Allows Marijuana Advertising Everywhere:** This amendment allows marijuana to be advertised on TV, online, and everywhere else. Imagine seeing as many ads for marijuana as we see for alcohol, the lottery, and casinos.
- **Dangerous Drug Legalization:** It legalizes much more than the cannabis plant. It legalizes refined tetrahydrocannabinol (THC), a powerful addictive drug extracted from the cannabis plant, sometimes using an environmentally dangerous process. More people will get marijuana-infused candy, soft drinks, and pure THC extracts.
- **Unsafe for Children:** This amendment removes the child safety standards from medical marijuana and it fails to set packaging, labeling, and marketing standards that protect children. Dangerous amounts of tetrahydrocannabinol (THC) will be infused into candy and soft drinks that appeal to children.
- **A Drug House In Every Neighborhood:** This amendment allows people to grow and process marijuana at home. Currently, an average of one out of twelve Arkansas homes has someone living there who has a medical marijuana card. If just half of those decide to grow their own at home, marijuana will be grown and processed on every street and highway in Arkansas.
- **Marijuana Will be Legal in 29 Dry Counties:** Arkansas has 29 counties where the retail sale of alcohol is illegal. This amendment would make it legal to grow, process, and sell marijuana in counties where the sale of beer and wine is illegal.
- **Harm to Communities:** Marijuana dispensaries and processing facilities can be located next to drug rehab facilities, homeless shelters, parks, playgrounds, picnic areas, libraries, and other places frequented by children and other vulnerable people. It is apparent what marijuana legalization has done to places like Denver and Los Angeles. Drug addicts and criminals have flooded these cities. Free marijuana cards will attract people who will make our communities more dangerous, hurt tourism, and cause people to leave our state.
- **Marijuana Will Lower Property Values:** Having a neighbor growing marijuana just over the fence won't improve property values. This amendment prohibits cities or towns from zoning it out of residential neighborhoods.
- **Renters Will Be Able to Grow and Process Marijuana:** If this amendment passes, landlords and other tenants will not be able to stop other residents from growing and processing marijuana in an apartment or rental property. This amendment allows two adults living in a rental property to grow and process up to 28 marijuana plants. Tenants can consume as much marijuana as they choose. Landlords can prohibit smoking marijuana, but the amendment provides little to no enforcement mechanism.

# HOW THIS AMENDMENT MAKES RECREATIONAL MARIJUANA LEGAL IN ARKANSAS



**Summary:** Medical marijuana is already legal in Arkansas. The marijuana industry is trying to make recreational marijuana legal without telling voters. Under this amendment, people don't have to suffer from an illness to use marijuana. Under their amendment, marijuana users will never have to see a doctor. Once certified, they can use it for three years. They can grow and process it at home. The slight difference between this proposed amendment and recreational marijuana is that users have to get a free health department card using a certificate from a pharmacist, nurse practitioner, or physician's assistant once every three years.

**Crafters of this amendment call it a “medical” marijuana amendment.**  
*Here is why this is inaccurate.*

**Free Marijuana cards for everyone.** Arkansas legalized medical marijuana in 2016 and almost 100,000 patients are using medical marijuana across Arkansas. Medical marijuana is legal, so this amendment must be for some other purpose.

**You don't need a “qualifying medical condition” or illness to use marijuana.** Under current law, people have to suffer from at least one of 18 qualifying medical conditions. If this amendment passes, anyone with a “condition” can possess and use marijuana. In this case, everyone, even children, qualifies for marijuana.

**You don't have to see a doctor.** Marijuana is listed as a controlled substance. Nationwide, prescriptions for controlled substances always involve a doctor, and they are for no more than 6 months. Current law requires medical marijuana patients to see their doctor once a year, but if this amendment passes, a patient will never have to see a doctor. Under this amendment, a pharmacist, nurse practitioner, or physician's assistant can certify a person to use marijuana without a medical examination and without a doctor ever being involved. The certification is good for three years.

**Medicine is not grown and manufactured at home.** Under current law, people cannot grow and process their own medical marijuana at home. If this amendment passes, people can grow and process their own marijuana at home without the oversight of a doctor or any healthcare professional. It is universally recognized that allowing people to make their own medicine is dangerous. This is why the FDA regulates it, and why you need a prescription from a doctor through a pharmacy.





# SCIENCE ON THE HARM CAUSED BY MARIJUANA



**More Potent:** Today marijuana is much more potent than in the past—with pot edibles, candies, cookies, ice cream, and waxes having as much as 99% THC. Compared to 5% in the 1960s. Today, marijuana that is smoked can be up to ten times stronger than it was 50 years ago.

**Addictive:** According to the National Institute of Health, Mayo Clinic, the Cleveland Clinic, and World Health Organization, marijuana is addictive and can produce withdrawal and dependence.

**Brain Changes:** The National Institute of Health states that regular marijuana use can reduce IQ by 8 points and may be irreversible. It also impairs memory and learning.

**A Gateway Drug:** Four out of every ten-lifetime marijuana users will go on to use other drugs.

**More Drug Addicts:** Approximately one in ten people who use marijuana will become addicted to it. Three out of ten people who use marijuana will develop a marijuana use disorder in which they will try and fail to stop using marijuana even when it causes them health and social problems.

**Harm to Mothers and Children:** Using marijuana during pregnancy causes complications and can affect the child later in life causing problems with attention, memory, problem-solving skills, and behavior. Children and infants who are exposed to secondhand marijuana smoke can experience the same issues as the smoker.

**Marijuana Poisoning:** Food or drink products infused with marijuana, which can take up to two hours to take effect, have a greater risk of poisoning. Adults who consume food or drinks laced with high concentrations of tetrahydrocannabinol (THC) can experience marijuana poisoning. Children can be poisoned by accidentally consuming marijuana candy, cookies, soft drinks, or other marijuana edibles. Marijuana poisoning can cause breathing trouble and necessitate a visit to the emergency room or being hospitalized. People have died of marijuana poisoning.

**Won't Help the Opioid Epidemic:** Using marijuana increases the risk of opioid misuse. Marijuana legalization has not resulted in a decrease in opioid overdose deaths in places where it is legal.

**Hurts Brain Development:** People who use marijuana are more likely to develop temporary psychosis causing them to not know what is real, hallucinate, and become paranoid. Long-term effects include schizophrenia.

**Causes Death and Injury:** Second only to alcohol, marijuana impairs drivers by slowing reaction time and the ability to make decisions, impairing coordination, and distorting perception.



## IMPORTANT QUESTIONS



**Alcohol is legal, so why not legalize marijuana?** The terrible toll of alcoholism is well documented as well as the scourge of opioid addiction. With millions spent trying to mitigate the destruction wrought by alcohol and opioids, it makes no sense to legalize another drug backed by an industry whose only way of making a profit is to create more drug addicts.

**When it comes to using marijuana, what about personal freedom?** Why not let people do what they want to do? A person's choice to use marijuana never impacts them alone. Sooner or later, a marijuana user will hurt innocent people. Marijuana users cause the deaths of innocent people on our highways. Toddlers neglected by marijuana users can be hurt or killed. Drug-addicted parents are the number one reason children are placed in foster care. One sure way to grow government and taxes is to give people more ways to harm themselves and their families because it is the government that will be called upon to clean up their mess. Marijuana that is intended for adults will find its way into the hands of kids. Our schools have plenty of issues without adding more marijuana to the list of problems. Even now, it's hard for employers to find people who can pass a drug test. More marijuana makes this problem worse.

**Since people are going to use marijuana, why not make it legal and tax it?** The marijuana industry wrote the Arkansas Medical Marijuana Amendment of 2024. They want people to use more marijuana. When governments become dependent on a marijuana tax, they end up joining the marijuana industry in wanting more people to use marijuana. So-called sin taxes on alcohol, tobacco, gambling, and marijuana all require people to harm themselves and others in order for the government to take in more money.

**Shouldn't we legalize it and eliminate the illegal marijuana drug trade?** The legalization of marijuana in other states has led to greater black market activity. Legalizing marijuana has hindered efforts by law enforcement to curtail illicit drug trafficking. If this amendment passes, imagine how confusing it will be for law enforcement to figure out which marijuana was grown legally at home and which marijuana is illegal. Since it allows people to grow marijuana at home, the drug cartels will find it easier to grow marijuana in homes in residential neighborhoods.



## CONSIDERATIONS FOR PEOPLE OF FAITH



**God made us for a higher purpose than getting high.** The whole point of consuming “recreational” marijuana is to get high. The Bible has numerous warnings against drunkenness. Being filled with the Spirit leads to more self-control, but using marijuana leads to less self-control and a loss of inhibitions. See: Galatians 5:22-23, Isaiah 5:22

**Christ-followers are commanded to stay awake.** They need to be alert to the privilege and responsibility of living out their citizenship of the gospel always, everywhere, and before everyone. Marijuana clouds our ability to perceive the world clearly and it dulls our sense of urgency about what disciples of Christ should be doing. It clouds a person’s senses and makes it more difficult for them to see their need for Christ. See: Mark 13:33-37, Luke 21:34-36

**God Prohibits Drunkenness.** See Proverbs 23:29-35, 1 Corinthians 5:11, Ephesians 5:18, and 1 Peter 4:3

**Avoid the Induced “Buzz.”** Paul writes, “Do not get drunk on wine, which leads to debauchery. Instead, be filled with the Spirit.” People should stay away from substances that confuse thought, weaken inhibitions, and make them more vulnerable to sin. See Ephesians 5:18

**Our Bodies are the Temple of the Holy Spirit.** We belong to God and He lives inside all Christians. It is not our right to destroy His Temple even if it is in the name of pleasure. See 1 Corinthians 6:19

**Drug Use takes People Where They Never Intended to Go.** Sin that is pleasurable for a time always leaves us broken and separated from God. The damage of drug addiction is real and sometimes irreparable. The Bible says the wages of sin is death. See Romans 6:23, Isaiah 5:11-12

**Our Minds are to be Controlled by God.** God cares what we think about. There is a war for control of our minds. Christians are instructed to be in control of their decision-making and not enslaved to anything that erodes that ability.

**Drugs prevent us from taking every thought captive as the Bible directs.** See. 2 Corinthians 10: 3-5, Titus 2:3-4

**A Stumbling Block.** Marijuana is a stumbling block—a trap that will hurt our friends, family, and neighbors. If Christians stand by and look the other way in silence, they are not following the biblical mandates to love our neighbors and to do unto others as we would have them do unto us. No loving person wants to see their neighbor’s life ruined by marijuana. None of us would want our neighbors to stand by in silence if we were the ones headed down the path of destruction. Allowing marijuana to be legalized is not how we love our neighbors as ourselves. See Mark 12:30-31

**What about the Christian’s “Free Will?”** Some who take a more libertarian view may believe, in the name of freedom, that we should remain silent while people make choices that will bring harm to themselves and those around them. This attitude is out of step with the biblical command to love our neighbors as ourselves. Everyone knows that writing marijuana into the Arkansas Constitution will lead to harm. It creates another way for people to hurt themselves and everyone around them. There is nothing “loving” about standing by while this happens. “Silence in the face of evil is itself evil: God will not hold us guiltless. Not to speak is to speak. Not to act is to act.” Dietrich Bonhoeffer.