

REDFIELD

On this 7th day of November 2019, Ordinance 2019-07 posted at these locations by
Recorder/Treasurer Dane Fults

<u>Location</u>	<u>Witness</u>
ShopWise	**
Redfield PD	<u>Alta Day</u>
Redfield Library	***
Redfield Post Office	<u>D. D. D.</u>
Redfield City Hall	<u>Jeanne Cooper</u>
Redfieldar.com	<u>Perry Veasey</u>

** Shopwise was sold and new owner does not have a posting site.
*** Redfield Library is temporarily closed for construction.

ORDINANCE NO. 2019- 07

AN ORDINANCE REGULATING THE POSSESSION, PACKAGING, USE AND INGESTION OF MEDICAL MARIJUANA BY PERSONS POSSESSING A MEDICAL MARIJUANA CARD WITHIN THE CITY OF REDFIELD, ARKANSAS; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES

WHEREAS, the voters of the State of Arkansas passed by majority vote Amendment 98, amending the Constitution of the State of Arkansas to allow for the manufacture and distribution of medical marijuana throughout the State of Arkansas at authorized locations; and

WHEREAS, the legal possession and/or use of medical marijuana is further limited to those approved and authorized by the state law as evidenced by proper credentials to possess and/or use same; and

WHEREAS, due to a lack of specific legislation by the State of Arkansas governing the packaging, storage, use and ingestion of medical marijuana, and subject to state law, each political subdivision of the State of Arkansas by way of county and municipality is presently authorized to legislate and regulate the possession, packaging, use and ingestion of medical marijuana within its jurisdiction; and

WHEREAS, the City of Redfield, Arkansas desires to both acknowledge and balance the rights of patients and care-givers as for provided by the passage of Amendment 98, with those residents of the City of Redfield, Arkansas who could potentially be negatively affected by the unregulated storage, use, ingestion and exposure to medical marijuana;

NOW, BE IT THEREFORE ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF REDFIELD, ARKANSAS, that:

SECTION 1: Unlawful Acts and Penalties.

(a)(1) It shall be unlawful to undertake any task under the influence of marijuana when doing so would constitute negligence or professional malpractice.

(2) It shall be unlawful to operate, navigate, or be in actual physical control of a motor vehicle, aircraft or motorized watercraft, or any other vehicle drawn by power other than human exertion while under the influence of marijuana.

(3) Any violation of Section (a)(1) or (2) above shall be deemed a Class A misdemeanor and punishable by a fine of no less than Five Hundred Dollars (\$500.00) not to exceed One Thousand Five Hundred Dollars (\$1,500.00) and may be imprisoned for no more than one (1) year.

(b)(1) It shall be unlawful to smoke medical marijuana:

(A) In a place where the smoking of tobacco is prohibited by law;

(B) In the presence of a person who is under (18) years of age;

(C) Inside a motor vehicle, aircraft, motorized watercraft, or any vehicle drawn by power other than human exertion;

(D) Knowingly in the presence of a pregnant woman; or

(E) In a place where the smoking of marijuana for medical use is likely to cause another person not authorized to use marijuana to be under the influence of marijuana.

(2) Any violation of Section (b)(1) above shall be deemed a Class B misdemeanor and punishable by a fine of no less than Five Hundred Dollars (\$500.00) not to exceed One Thousand Dollars (\$1,000.00) and may be imprisoned for no more than ninety (90) days.

(c)(1) It shall be unlawful to smoke marijuana for medical use if the person is under the age of (21) years of age.

(2) It shall be unlawful to possess, smoke, ingest, consume or otherwise engage in the medical use of medical marijuana:

(A) On a school bus;

(B) On the grounds of a daycare center, preschool, primary school or secondary school, college or university;

(C) At a drug or alcohol treatment facility;

(D) At a community, recreation or senior center;

(E) In a correctional facility, jail or detention center;

(F) On any form of public transportation;

(G) In a public place;

(H) Outdoors within public view.

(3) Any violation of Section (c)(1) or (2) above shall be deemed a Class C misdemeanor and punishable by a fine of no less than Two Hundred Fifty Dollars (\$250.00) not to exceed Five Hundred Dollars (\$500.00) and may be imprisoned for no more than thirty (30) days.

SECTION 2: Packaging.

(a) The purpose of this section is to set the minimum standards for the packaging of usable marijuana while in the possession of a qualifying patient or designated caregiver.

(b) For the purpose of this section, "packaging" is defined as a physical object or combination of objects that encloses the medical marijuana in some form of container in order to achieve one (1) or more purposes, including, but not limited to: containment, protection, identification, communication and ease of handling or use.

(c) For purposes of this section, "child-resistant container" is defined as a container that is used to reduce the risk of poisoning in children via the ingestion of potentially hazardous

items, including, but not limited to: certain prescriptions and over-the-counter (OTC) medications, pesticides, and household chemicals.

(d) Usable marijuana in the possession of a qualifying patient or designated caregiver must meet the packaging requirements as set forth in this section, to wit:

(1) No medical marijuana may be packaged in such a way to be attractive to minors;

(2) All medical marijuana must be packaged in a "child-resistant container".

(3) Any violation of Section (d)(1) or (2) above shall be deemed a Class A misdemeanor and punishable by a fine of no less than Five Hundred Dollars (\$500.00) not to exceed One Thousand Five Hundred Dollars (\$1,500.00) and may be imprisoned for no more than one (1) year.

SECTION 3: Possession Amounts/Weights.

(a) The purpose of this section is to set the limitations concerning the total amount/weight of medical marijuana a qualifying patient or designated caregiver may possess at one time.

(1) No qualifying patient may have in his possession more than two and one-half (2 ½) ounces of medical marijuana at one time.

(2) No designated caregiver may have in his possession more than two and one-half (2 ½) ounces of medical marijuana per qualifying patient with whom he or she is documented as providing care.

(3) The total aggregate weight of any medical marijuana that exceeds two and one-half (2 ½) ounces will be calculated, and as such, that total aggregate weight will be subject to current, applicable state laws regarding the possession of marijuana.

(b) Any violation of Section (a)(1-3) above shall be deemed a Class A misdemeanor and punishable by a fine of no less than Five Hundred Dollars (\$500.00) not to exceed One Thousand Five Hundred Dollars (\$1,500.00) and may be imprisoned for no more than one (1) year.

SECTION 4: Prohibited Possession.

(a)(1) It shall be unlawful for any person to be in possession of medical marijuana while not simultaneously being in possession of a medical marijuana qualifying patient or caregiver card issued by the Arkansas Department of Health or other state recognized as a reciprocating state by the State of Arkansas and/or Arkansas Department of Health.

(2) It shall be unlawful for a qualifying patient or caregiver medical marijuana card to be in possession of medical marijuana purchased from other than a dispensary registered through the Arkansas Alcohol and Beverage Control Board and/or Arkansas Department of Health.

(b) Any violation of Section (a)(1) or (2) above shall be deemed a Class A misdemeanor and punishable by a fine of no less than Five Hundred Dollars (\$500.00) not to exceed One Thousand Five Hundred Dollars (\$1,500.00) and may be imprisoned for no more than one (1) year.

SECTION 5: Severability.

Should any portion of this Ordinance be determined to be unconstitutional or invalid and so declared by a Court of competent jurisdiction, the remaining parts and provisions of this Ordinance shall remain in place.

SECTION 6: Emergency Declared to Exist.

The enactment of this Ordinance would insure the protection of the health, safety and welfare of the public in the City of Redfield, Arkansas in that the sale and distribution of medical marijuana has begun, so that an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage.

PASSED this 5th day of November, 2019.

Mayor: _____

Attest: _____