Arkansas Department of Health

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

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.

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

Section 3 Definitions
Page 1 added “Added Substance” definition created to clarify labeling language.
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.
Page 9 clarified renewal and revocation process, including mandatory revocation for unlawful transfers.

Section 5 Labeling
Page 11 revised rules for labeling requirements, discretionary inclusion of variance information for THC concentration, added Poison Control number.
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 and added Poison Control number.
Page 13 adjusted label requirements for specific items.
Page 14 added requirement to utilize ASTM D8441 standard symbol for cannabis products.
Page 15 added restrictions to labeling consistent with other states and recent legislation.
Page 16 clarified QR code may not replace the label.

Section 7 Testing Requirements for Concentrates, Extracts, Edibles, and Cannabinoid Products
Page 17-18 clarified testing requirements to apply to concentrates, extracts, edibles, and cannabinoid products.

Section 9 Sampling and Sample Size
Page 19 revised sampling requirements for cannabinoid concentrates, extracts and products.

Section 12 Standards for Testing Microbiological Contaminants
Page 20 increased microbial testing to include salmonella, mold and yeast.

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.

Section 28 Failed Test Samples
Page 24 clarified rules to state batches that fail heavy metal testing may not be remediated.

TABLE 2 List of solvents and their action levels
Page 34 revised solvents list for testing.