

Arkansas court rejects challenge to medical marijuana plan

September 22 2016, by Andrew Demillo

The Arkansas Supreme Court on Thursday rejected an attempt to block votes from being counted on an effort to legalize medical marijuana in the state, but two other challenges to the November ballot measures remain pending before the justices.

Justices denied the challenge from a coalition of groups opposed to the measures, which would allow patients with qualifying conditions to buy the drug from dispensaries. The coalition, which includes the state Chamber of Commerce and the Arkansas Farm Bureau, asked the court to prevent officials from counting any votes for the measure in the Nov. 8 election.

The coalition, Arkansans Against Legalized Marijuana, had called the proposal's wording misleading and said it failed to inform voters of the consequences of legalizing the drug for some patients. Justices rejected that argument.

"The ballot title is an impartial summary of the proposed measure that will give voters a fair understanding of the issues presented and of the scope and significance of the proposed changes in the law," Justice Josephine Linker Hart wrote in the court's ruling.

The court is still considering a separate suit challenging the proposal's wording and its signatures, along with another challenge from Arkansans Against Legalized Marijuana against a competing medical pot ballot measure.

"We're very glad the Supreme ruled in our favor and we're just praying the second one will come out with positive results also," said Melissa Fults, campaign director of Arkansans for Compassionate Care, the group behind the measure upheld Thursday.

The Family Council Action Committee, a social conservative group that is part of the coalition challenging the measures, criticized the court's ruling.

"The Arkansas Supreme Court has made a very poor decision," Jerry Cox, the committee's executive director, said in a statement. "This proposal brings recreational marijuana to Arkansas."

The lawsuit argued that the ballot title didn't inform voters the impact medical marijuana's legalization would have on employers, landlords, churches and schools. For example, under the measure landlords would not be able to refuse to lease to someone who uses medical marijuana and would only be able to prohibit smoking marijuana on their property. Justices said it's not necessary for the ballot title to include every possible consequence of a proposed measure.

Both measures on the ballot allow patients with certain conditions to buy the drug, but differed in their restrictions and regulations. The measure upheld Thursday includes a provision that would allow patients to grow their own medical marijuana if they don't live near a dispensary.

Arkansas voters narrowly rejected a medical marijuana proposal four years ago, despite national groups spending big in favor of legalization. National support for medical marijuana has grown since then, and half of the states and the District of Columbia have legalized the drug in some fashion.

Republican Gov. Asa Hutchinson, who headed the federal Drug

Enforcement Administration, has spoken out against the measures, arguing they don't lead to good medicine. He said Thursday's ruling doesn't change those concerns.

"This marijuana initiative is the wrong direction for Arkansas and I will continue to express my concerns between now and November," he said in a statement.

The state Democratic Party last month approved a platform that generally supported medical marijuana but stopped short of endorsing either measure.

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