

Arkansas court says voters can decide medical marijuana plan

October 13 2016, by Andrew Demillo

Arkansas voters will have their say on at least one medical marijuana proposal this November, the state Supreme Court ruled Thursday.

Justices sided with supporters of a proposed constitutional amendment that would allow patients with certain medical conditions to purchase marijuana from dispensaries. A coalition of groups, including the state Chamber of Commerce and the Arkansas Farm Bureau, had asked the court to prevent officials from counting any votes for the measure.

"It is a flawed measure that hurts Arkansans," said Jerry Cox, executive director of the Family Council Action Committee, was among the groups challenging the measure and plans to still campaign against it.

There are two such proposals for the Nov. 8 ballot, though the second still faces a lawsuit challenging the submitted signatures needed to get on the ballot.

The proposal allowed to stand Thursday lets patients with certain conditions to buy the drug, but differs from the second proposal in their restrictions and regulations. For example, the competing proposal allows patients to grow their own marijuana if they don't live near a dispensary.

The head of Arkansans United for Medical Marijuana, the group behind the proposal upheld Thursday, said the group plans to move forward with TV and radio ads.

"Now that the last obstacle has been cleared and we know that people will be able to vote on Issue 6, we'll start our campaign," Little Rock attorney David Couch said.

The court ruled that the challenge largely asked the justices to interpret the content of the amendment, which is not within its purview. Associate Justice Courtney Hudson Goodson wrote that the language of the measure does not have to cover every detail of the amendment.

"We conclude that while inside the voting booth, the voters will be able to reach an intelligent and informed decision for or against The Arkansas Medical Marijuana Amendment of 2016," she wrote.

Arkansas voters narrowly rejected a medical marijuana proposal four years ago, despite big spending from pro-legalization national groups.

Meanwhile, national support for medical marijuana has grown, and half of the states and the District of Columbia have legalized the drug in some fashion. Arkansas is one of four states with medical marijuana proposals on this year's ballot, and Cox said he thinks the proposal eventually will lead to legalized recreational marijuana.

But the push faces more obstacles this year. Republican Gov. Asa Hutchinson, who headed the federal Drug Enforcement Administration, has spoken out against the measures. The state Democratic Party's platform includes general support for legalizing medical marijuana, but the platform is silent on the two ballot measures.

Arkansas Surgeon General Greg Bledsoe, spokesman for the coalition of groups that had tried to block the measure, said the ruling doesn't change its strategy and that the coalition hoped to air TV ads against the legalization proposals.

"The amount of time we're investing in this is only going to increase between now and the election," Bledsoe said.

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