

Arkansas court clears way for medical pot program's launch

June 21 2018, by Andrew Demillo

The Arkansas Supreme Court on Thursday cleared the way for the state to launch its medical marijuana program, reversing and dismissing a judge's ruling that prevented officials from issuing the first licenses for businesses to grow the drug.

Pulaski County Judge Wendell Griffen ruled in March that the state's process for awarding medical marijuana cultivation licenses was unconstitutional. He said the process violated the 2016 voter-approved constitutional amendment that legalized marijuana for patients with certain conditions in Arkansas.

Griffen's order prevented the state's Medical Marijuana Commission from awarding cultivation licenses to five businesses it had identified as the top scoring firms among 95 applicants that sought the permits.

The Supreme Court ruled Thursday that Griffen did not have jurisdiction to halt the licenses, noting the commission had not yet taken final action or issued denial letters to the unsuccessful firms. In the ruling, the court said the Arkansas Constitution prevents one branch of government from exercising another branch's power.

"The judicial branch must not abdicate this by reviewing the day-to-day actions of the executive branch," Justice Rhonda Wood wrote.

Scott Hardin, a spokesman for the Department of Finance and Administration, said the commission appreciated the ruling but won't

take immediate action because the [court ruling](#) won't formally take effect for two weeks.

The ruling stemmed from a lawsuit filed by an unsuccessful applicant that argued the process for awarding the licenses was flawed. The company, Naturalis Health, cited two potential conflicts of interest by members of the commission.

The company also claimed officials did not verify applicants' assertions that their facilities would be the required distance from churches, schools and day cares. Naturalis ranked 38th out of the 95 applications submitted, officials have said.

However, attorneys for the state and the companies set to receive the licenses argued that Griffen's court didn't have jurisdiction to hear Naturalis' complaint.

Keith Billingsley, an attorney for Naturalis, said he was talking with the company about what steps they wanted to take in response to Thursday's ruling.

"We believe there was ample evidence as set forth in our briefs and as discussed with Judge Griffen to determine that the court has jurisdiction to do what it did," Billingsley said.

Griffen's ruling effectively halted the launch of Arkansas' medical marijuana program. State officials in April announced the commission would stop reviewing applications for dispensaries to sell medical [marijuana](#) in response to Griffen's ruling. Arkansas has approved more than 5,400 applications for patients to use [medical marijuana](#) and will issue registry cards about a month before the drug is expected to be legally available.

The court's ruling did not mention a letter the attorney general's office filed with the [court](#) detailing a commissioner's claim that he was offered a bribe by another unsuccessful applicant but did not accept it. The letter, which was unsealed hours after justices heard the case over the halted licenses, said the bribery allegation remained unsubstantiated and was being investigated by law enforcement.

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