

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1784

By: Representative Pilkington

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING CONCEALED HANDGUNS; TO PROTECT THE RIGHTS OF MEDICAL MARIJUANA PATIENTS AND CAREGIVERS TO OBTAIN A LICENSE TO CARRY A CONCEALED HANDGUN; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING CONCEALED HANDGUNS; AND TO PROTECT THE RIGHTS OF MEDICAL MARIJUANA PATIENTS AND CAREGIVERS TO OBTAIN A LICENSE TO CARRY A CONCEALED HANDGUN.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 5-73-309(6) and (7), concerning requirements for obtaining a concealed carry license, are amended to read as follows:

(6)(A) Is not subject to any federal, state, or local law that makes it unlawful to receive, possess, or transport any firearm, and has had his or her background check successfully completed through the Division of Arkansas State Police and the Federal Bureau of Investigation's National Instant Criminal Background Check System;

(B) The director shall not consider a person's status as a qualifying patient or designated caregiver under the Arkansas Medical Marijuana Amendment of 2016, Arkansas Constitution, Amendment 98, § 2, in determining whether an applicant is eligible to be issued a license to carry a concealed handgun under this subchapter.



(7)(A) Does not chronically or habitually abuse a controlled substance to the extent that his or her normal faculties are impaired.

(B) It is presumed that an applicant chronically and habitually uses a controlled substance to the extent that his or her faculties are impaired if the applicant has been voluntarily or involuntarily committed to a treatment facility for the abuse of a controlled substance or has been found guilty of a crime under the provisions of the Uniform Controlled Substances Act, § 5-64-101 et seq., or a similar law of any other state or the United States relating to a controlled substance within the three-year period immediately preceding the date on which the application is submitted.

(C) An applicant shall not be considered to chronically or habitually abuse a controlled substance based solely on the applicant's status as a qualifying patient or designated caregiver under the Arkansas Medical Marijuana Amendment of 2016, Arkansas Constitution, Amendment 98.

SECTION 2. Arkansas Code Title 20, Chapter 56, Subchapter 3, is amended to add an additional section to read as follows:

20-56-308. Firearm rights protections.

(a) The General Assembly finds that under Arkansas Constitution, Amendment 98, § 5(f), a person's status as a qualifying patient or designated caregiver is confidential.

(b) The Department of Health shall not disclose the identity of a person who has been issued a registry identification card to the Division of the Arkansas State Police for the purpose of facilitating a criminal history record check or any other background check related to the issuance of a license to carry a concealed handgun under § 5-73-301 et seq.

(c) The Director of the Division of Arkansas State Police shall not consider a person's status as a qualifying patient or designated caregiver under the Arkansas Medical Marijuana Amendment of 2016, Arkansas Constitution, Amendment 98, § 2, in determining whether an applicant or licensee is eligible to be issued a license to carry a concealed handgun under § 5-73-301 et seq.