

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

State of Arkansas
95th General Assembly
Regular Session, 2025

As Engrossed: H2/26/25

A Bill

HOUSE BILL 1452

By: Representative Lundstrum

By: Senator Dees

For An Act To Be Entitled

AN ACT CLARIFYING THE LAW ON THE USE OF MEDICAL MARIJUANA IN CERTAIN PLACES; TO PROHIBIT THE POSSESSION OF AN UNSEALED CONTAINER OF CERTAIN FORMS OF MEDICAL MARIJUANA IN A MOTOR VEHICLE; AND FOR OTHER PURPOSES.

Subtitle

CLARIFYING THE LAW ON THE USE OF MEDICAL MARIJUANA IN CERTAIN PLACES; AND TO PROHIBIT THE POSSESSION OF AN UNSEALED CONTAINER OF CERTAIN FORMS OF MEDICAL MARIJUANA IN A MOTOR VEHICLE.

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

SECTION 1. Arkansas Code § 5-71-219 is amended to read as follows:

5-71-219. Unlawful ~~use and~~ transport of medical marijuana.

(a) As used in this section:

(1) "Cultivation facility" means the same as defined in the Arkansas Medical Marijuana Amendment of 2016, Arkansas Constitution, Amendment 98;

(2) "Dispensary" means the same as defined in the Arkansas Medical Marijuana Amendment of 2016, Arkansas Constitution, Amendment 98;

(3) "Medical marijuana" means marijuana lawfully possessed, transported, or used for a medical use under state law; and

(4) "Medical use" means the same as defined in the Arkansas Medical Marijuana Amendment of 2016, Arkansas Constitution, Amendment 98.



(b) It is unlawful for a person to knowingly:

~~(1) Use medical marijuana through inhalation in a place prohibited under the Arkansas Medical Marijuana Amendment of 2016, Arkansas Constitution, Amendment 98;~~

~~(2)(1) Transport medical marijuana in an amount greater than five ounces (5 oz.) unless the person is a licensed transporter, is employed by a cultivation facility or dispensary licensed by the Medical Marijuana Commission, and is in possession of a valid registration identification card issued by the Alcoholic Beverage Control Division; or~~

~~(3)(2) Transport medical marijuana from another state into Arkansas.~~

(c) A violation of this section is a Class C misdemeanor.

SECTION 2. Arkansas Code Title 5, Chapter 71, Subchapter 2, is amended to add additional sections to read as follows:

5-71-231. Unlawful use of medical marijuana.

(a) As used in this section:

(1) "Medical marijuana" means marijuana lawfully possessed, transported, or used for medical use under state law;

(2) "Smoke" means to inhale, exhale, or burn lighted combustible plant material; and

(3) "Vapor inhalation" means breathing in the vapor of medical marijuana created by an e-cigarette, as defined in § 6-60-803(2).

(b)(1) It is unlawful for a person to knowingly use medical marijuana through vapor inhalation in a place prohibited under the Arkansas Medical Marijuana Amendment of 2016, Arkansas Constitution, Amendment 98, including:

(A) On a school bus;

(B) On the grounds of a daycare center, preschool, primary or secondary school, college, or university;

(C) At a drug or alcohol treatment facility;

(D) At a community or recreation center;

(E) In a correctional facility;

(F) On any form of public transportation;

(G) In a public place as defined in § 20-27-1803(11); or

(H) On any property that is under control of the Arkansas National Guard or the United States military.

(2) It is unlawful for a person to knowingly smoke medical marijuana in a place prohibited under the Arkansas Medical Marijuana Amendment of 2016, Arkansas Constitution, Amendment 98, including:

(A) In a place where smoking tobacco is prohibited by law;

(B) In the presence of a person who is under fourteen (14) years of age;

(C) Inside a motor vehicle, aircraft, motorized watercraft, or any vehicle drawn by power other than muscle power;

(D) Knowingly in the presence of a pregnant woman; or

(E) In a place where the smoking of marijuana for medical use is likely to cause another person not authorized to use marijuana to be under the influence of marijuana.

(c) Unlawful use of medical marijuana is a Class C misdemeanor.

5-71-232. Possession of uncontained medical marijuana in a motor vehicle.

(a) As used in this section:

(1) "Medical marijuana" means marijuana lawfully possessed, transported, or used for medical use under state law;

(2) "Smoking" means inhaling, exhaling, or burning lighted combustible plant material; and

(3) "Uncontained" means not contained in a jar, bag, wrapping or other container obtained from a dispensary licensed under the Arkansas Medical Marijuana Amendment of 2016, Arkansas Constitution, Amendment 98.

(b) It is unlawful for a person to possess uncontained medical marijuana in a motor vehicle that is located on a public highway or the right-of-way of a public highway if:

(1) The medical marijuana is in a form that can be readily used through smoking; and

(2) The medical marijuana is within an area of the motor vehicle that is readily accessible to the driver in a seated position.

(c) Possession of uncontained medical marijuana in a motor vehicle is a Class C misdemeanor.

/s/Lundstrum