

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1784

5 By: Representative Pilkington
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For An Act To Be Entitled

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

14 TO AMEND THE LAW CONCERNING CONCEALED
15 HANDGUNS; AND TO PROTECT THE RIGHTS OF
16 MEDICAL MARIJUANA PATIENTS AND CAREGIVERS
17 TO OBTAIN A LICENSE TO CARRY A CONCEALED
18 HANDGUN.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 5-73-309(6) and (7), concerning
25 requirements for obtaining a concealed carry license, are amended to read as
26 follows:

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

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



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

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

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

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

20 20-56-308. Firearm rights protections.

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

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

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

35 **APPROVED: 4/12/23**