

## INTERIM STUDY PROPOSAL 2021-108

1  
2  
3 REQUESTING THAT THE HOUSE COMMITTEE ON JUDICIARY STUDY THE  
4 QUESTION OF WHETHER A PROBATIONER MAY LAWFULLY POSSESS A MEDICAL  
5 MARIJUANA CARD AND USE MEDICAL MARIJUANA UNDER THE ARKANSAS  
6 MEDICAL MARIJUANA AMENDMENT OF 2016, ARKANSAS CONSTITUTION,  
7 AMENDMENT 98, WITHOUT BEING SUBJECT TO SANCTIONS BY THE  
8 PROBATIONER'S PROBATION OFFICER OR THE CIRCUIT COURT.  
9

10 WHEREAS, Amendment 98 to the Arkansas Constitution, known as the  
11 "Arkansas Medical Marijuana Amendment of 2016", offers constitutional  
12 protections from arrest, prosecution, "penalty in any manner", or denial of  
13 "any right or privilege" regarding medical marijuana; and  
14

15 WHEREAS, a person placed on supervised probation as a result of a  
16 felony conviction is generally prohibited from both ingesting any controlled  
17 substance and violating any federal law while on supervised probation; and  
18

19 WHEREAS, Arkansas Code § 5-4-303(b) states that "[t]he court shall  
20 provide as an express condition of every suspension or probation that the  
21 defendant not commit an offense punishable by imprisonment during the period  
22 of suspension or probation"; and  
23

24 WHEREAS, possession and use of marijuana is still a criminal offense  
25 under federal law even if a person is permitted under the Arkansas Medical  
26 Marijuana Amendment of 2016, Arkansas Constitution, Amendment 98, to lawfully  
27 use medical marijuana; and  
28

29 WHEREAS, the issue of whether a probationer may be sanctioned for  
30 possessing or using medical marijuana, which is a right for qualifying  
31 persons secured under the Arkansas Constitution, and violating federal law,  
32 has caused confusion,  
33

34 NOW THEREFORE,

35 BE IT PROPOSED BY THE HOUSE COMMITTEE ON JUDICIARY OF THE NINETY-THIRD  
36 GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

THAT the House Committee on Judiciary study the question of whether a probationer may lawfully possess a medical marijuana card and use medical marijuana under the Arkansas Medical Marijuana Amendment of 2016, Arkansas Constitution, Amendment 98, without being subject to sanctions by the probationer's probation officer or the circuit court.

Respectfully submitted,

Representative Cameron Cooper  
District 44  
Prepared by: BPG/BPG