

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

HOUSE BILL 1452

5 By: Representative Lundstrum
6 By: Senator Dees
7

For An Act To Be Entitled

8
9 AN ACT CLARIFYING THE LAW ON THE USE OF MEDICAL
10 MARIJUANA IN CERTAIN PLACES; TO PROHIBIT THE
11 POSSESSION OF AN UNSEALED CONTAINER OF CERTAIN FORMS
12 OF MEDICAL MARIJUANA IN A MOTOR VEHICLE; AND FOR
13 OTHER PURPOSES.
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Subtitle

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17 CLARIFYING THE LAW ON THE USE OF MEDICAL
18 MARIJUANA IN CERTAIN PLACES; AND TO
19 PROHIBIT THE POSSESSION OF AN UNSEALED
20 CONTAINER OF CERTAIN FORMS OF MEDICAL
21 MARIJUANA IN A MOTOR VEHICLE.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 5-71-219 is amended to read as follows:
26 5-71-219. Unlawful ~~use and~~ transport of medical marijuana.

27 (a) As used in this section:

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

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

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

35 (4) "Medical use" means the same as defined in the Arkansas
36 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 an additional sections to read as follows:

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

(a) As used in this section, “medical marijuana” means marijuana lawfully possessed, transported, or used for medical use under state law.

(b)(1) It is unlawful for a person to knowingly use medical marijuana through 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; 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)

1 years of age;

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

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

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

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

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10 5-71-232. Possession of unsealed container containing medical
 11 marijuana in a motor vehicle – Definition.

12 (a) As used in this section, “medical marijuana” means marijuana
 13 lawfully possessed, transported, or used for medical use under state law.

14 (b) It is unlawful for a person to possess an unsealed container
 15 containing medical marijuana in a vehicle that is located on a public highway
 16 or the right-of-way of a public highway if:

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

19 (2) The medical marijuana is within an area of the motor vehicle
 20 that is:

21 (A) Designated to seat the driver or a passenger; or

22 (B) Readily accessible to the driver or a passenger in the
 23 motor vehicle in a seated position.

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

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