

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

As Engrossed: H2/26/25

A Bill

HOUSE BILL 1452

5 By: Representative Lundstrum
6 By: Senator Dees
7

For An Act To Be Entitled

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

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.
22

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 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.

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

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

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

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

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

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

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

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15 5-71-232. Possession of uncontained medical marijuana in a motor
16 vehicle.

17 (a) As used in this section:

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

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

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

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

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

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

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

34 /s/Lundstrum

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