



**ARKANSAS DEPARTMENT OF THE MILITARY**  
**OFFICE OF THE ADJUTANT GENERAL**  
**CAMP JOSEPH T. ROBINSON**  
**NORTH LITTLE ROCK, ARKANSAS 72199-9600**



**SARAH HUCKABEE SANDERS**  
GOVERNOR

**JONATHAN M. STUBBS**  
MAJOR GENERAL  
THE ADJUTANT GENERAL

NGAR-JA

27 March 2024

MEMORANDUM Soldiers and Airmen of the Arkansas National Guard

SUBJECT: The Adjutant General's Policy 2024-10, Use and Possession of Medical Marijuana

1. References:

- a. The Federal Controlled Substances Act, 21 USC§ 801, et seq.;
- b. Department of Defense Instruction 1010.01, "Military Personnel Drug Abuse Testing Program" dated 14 February 2018;
- c. Amendment 98 of the Arkansas Constitution, also known as the "Arkansas Medical Marijuana Amendment of 2016;"
- d. Army Regulation 600-85, "Army Substance Abuse Program" dated 23 July 2020;
- e. Air Force Instruction 44-121, "Alcohol and Drug Abuse Prevention and Treatment (ADAPT) Program" dated 18 July 2018.

2. Purpose. This memorandum reiterates both federal and state law and establishes the Arkansas National Guard policy regarding use and possession of medical marijuana. As explained in this memo, regardless of what other states' laws may now allow, any use or possession of marijuana by members of the Arkansas National Guard, for recreational or medical use, is prohibited. Further, any possession of marijuana on Arkansas National Guard property is prohibited. This policy supersedes memorandum, the Adjutant General's Policy 2021-13, Use and Possession of Medical Marijuana, 19 May 2021, subject: same as above and is effective until superseded or revoked.

3. Definitions.

- a. "Arkansas National Guard Servicemembers" means all persons serving in the Arkansas National Guard under Title 32 of the United States Code or State Active Duty.
- b. "NG AR Personnel" means all employees and contractors of the Arkansas

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National Guard whose job performance is subject to federal regulation, including all Arkansas National Guard Servicemembers, all federal technicians, all persons performing federal contracts, and all federally-regulated employees of the Arkansas Department of Military.

c. "NGAR Property" means all property that is owned, occupied, or otherwise controlled by the Arkansas National Guard, including without limitation: Camp Joseph T. Robinson, Fort Chaffee Joint Maneuver Training Center, Ebbing Air National Guard base, the 189th Little Rock Air Force Base Campus, all Armed Forces Readiness Centers, and all National Guard Readiness Centers.

d. "Other federal or military personnel" means persons, other than NGAR Personnel, who perform duties on NGAR Property and whose job performance is subject to federal regulation.

e. "Property Custodian" means the person designated to supervise access to, and conduct in, some particular NGAR Property. In the absence of an appointment, the senior ranking person located on the property shall serve as the Property Custodian.

f. "Whose job performance is subject to federal regulation" refers to a person who is required to comply with one or more regulations promulgated by the federal government as a condition of employment.

4. Background. The voters of Arkansas approved Amendment 98 ("Arkansas Medical Marijuana Act") to the Arkansas Constitution which decriminalized the use of medical marijuana under certain circumstances. However, Amendment 98 directly contravenes the Federal Controlled Substances Act, 21 USC § 801, et seq., which prohibits the manufacture, distribution, dispensation, and possession of marijuana, even when authorized by state law. Subsequently, the Arkansas General Assembly prohibited Arkansas National Guard Servicemembers from obtaining a medical marijuana card as a patient or caregiver and prohibited possession of medical marijuana by anyone on any Arkansas National Guard property. The Arkansas Medical Marijuana Act did not impact AR 600-85. This regulation vests in the Adjutant General the power to promulgate substance abuse policies and states that Arkansas National Guard Members using marijuana: "may be processed under applicable code for disciplinary action in addition to separation and other administrative actions outlined under this regulation." See AR 600-85 para 15-10. Further, AFI 44-121 states "The Air Force does not tolerate the illegal or improper use of drugs by Air Force personnel. Such use. . . automatically places the member's continued service in jeopardy. . ." See AFI 44-121, para 3.2.

5. Policy. Illicit drug use is incompatible with military service, as well as good order and

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discipline on military property. The cornerstone of the National Guard mission is to respond at a moment's notice to local, state, and national emergencies. This mission is symbolized through the heritage of the vigilant Minuteman who kept his equipment within arms' reach. It is the duty of all Arkansas National Guard Servicemembers and those who support them to perpetuate this tradition of service by keeping physically fit and mentally alert, and being prepared to quickly respond to any emergency that may arise. Illicit drug use undermines the Arkansas National Guard, its mission, and its members. It can neither be condoned within the force, nor permitted on property, as stated below:

a. The use and/or possession of marijuana, including medical marijuana, by NG AR Personnel is prohibited. This policy is punitive in nature. Employees who violate this policy are subject to discipline under applicable federal regulations and/or Department of Military policies. Additionally, Arkansas National Guard Servicemembers who violate this policy may be prosecuted under the Military Code of Arkansas and processed for administrative separation from military service IAW TAG Policy and governing service regulations. Other federal or military personnel who are found to use and/or possess marijuana, including medical marijuana, will be reported to their appropriate federal or military supervisor.

b. The possession of marijuana, including medical marijuana, on NG AR Property is prohibited. Any person who locates marijuana on NG AR Property will immediately notify law enforcement authorities for removal or seizure, as appropriate. Further, any person who violates, or attempts to violate, this policy may be denied entry to NG AR Property, removed from NG AR Property, and/or denied reentry to NG AR Property, if the Property Custodian determines that such actions are necessary to preserve good order and discipline. Any possession or use of illicit drugs that is reasonably believed to violate Arkansas law will be reported to local authorities immediately.

6. A copy of this policy memorandum will be posted on all unit bulletin boards until further notice.

7. POC for this memorandum is the Arkansas National Guard Staff Judge Advocate at commercial (501) 212-5031 or DSN 962-5031.

  
JONATHAN M. STUBBS  
Major General  
The Adjutant General