

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4150

By Delegate Horst

[Introduced January 14, 2026; referred to the

Committee on the Judiciary]

1 A BILL amend and reenact §61-7-7 of the Code of West Virginia, 1931, as amended, relating to the
2 right of lawful medical cannabis card holders and their caregivers to own, purchase, and
3 possess firearms.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. DANGEROUS WEAPONS.

**§61-7-7. Persons prohibited from possessing firearms; classifications; right of
nonprohibited persons over twenty-one years of age to carry concealed deadly
weapons; offenses and penalties; reinstatement of rights to possess; offenses;
penalties.**

1 (a) Except as provided in this section, no person shall possess a firearm, as such is defined
2 in section two of this article, who:

3 (1) Has been convicted in any court of a crime punishable by imprisonment for a term
4 exceeding one year;

5 (2) Is habitually addicted to alcohol;

6 (3) Is an unlawful user of or habitually addicted to any controlled substance, with the
7 exception of lawful medical cannabis card holders, unless the current or aftereffects of such
8 consumption affects mental, emotional or physical processes to a degree that would result in
9 abnormal behavior, a medical marijuana card holder or caregiver shall not be denied the right to
10 own, purchase or possess a firearm, ammunition, or firearm accessories based solely on his or her
11 status as a medical marijuana patient or caregiver for said medical cannabis card holder. No state
12 or local agency, municipal, or county governing authority shall restrict, revoke, suspend, or
13 otherwise infringe upon the right of a person to own, purchase, or possess a firearm, ammunition,
14 or firearm accessories, or any related firearms license or certification based solely on their status
15 as a medical cannabis card holder or caregiver;

16 (4) Has been adjudicated to be mentally incompetent or who has been involuntarily
17 committed to a mental institution pursuant to the provisions of chapter twenty-seven of this code or

18 in similar law of another jurisdiction: *Provided*, That once an individual has been adjudicated as a
19 mental defective or involuntarily committed to a mental institution, he or she shall be duly notified
20 that they are to immediately surrender any firearms in their ownership or possession: *Provided*,
21 *however*, That the mental hygiene commissioner or circuit judge shall first make a determination of
22 the appropriate public or private individual or entity to act as conservator for the surrendered
23 property;

24 (5) Is an alien illegally or unlawfully in the United States;

25 (6) Has been discharged from the armed forces under dishonorable conditions;

26 (7) Is subject to a domestic violence protective order that:

27 (A) Was issued after a hearing of which such person received actual notice and at which
28 such person had an opportunity to participate;

29 (B) Restrains such person from harassing, stalking or threatening an intimate partner of
30 such person or child of such intimate partner or person, or engaging in other conduct that would
31 place an intimate partner in reasonable fear of bodily injury to the partner or child; and

32 (C)(i) Includes a finding that such person represents a credible threat to the physical safety
33 of such intimate partner or child; or

34 (ii) By its terms explicitly prohibits the use, attempted use or threatened use of physical
35 force against such intimate partner or child that would reasonably be expected to cause bodily
36 injury; or

37 (8) Has been convicted of a misdemeanor offense of assault or battery either under the
38 provisions of section twenty-eight, article two of this chapter or the provisions of subsection (b) or
39 (c), section nine of said article or a federal or state statute with the same essential elements in
40 which the victim was a current or former spouse, current or former sexual or intimate partner,
41 person with whom the defendant has a child in common, person with whom the defendant
42 cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the
43 defendant's household at the time of the offense or has been convicted in any court of any

44 jurisdiction of a comparable misdemeanor crime of domestic violence.

45 Any person who violates the provisions of this subsection shall be guilty of a misdemeanor
46 and, upon conviction thereof, shall be fined not less than \$100 nor more than \$1,000 or confined in
47 the county jail for not less than ninety days nor more than one year, or both.

48 (b) Notwithstanding the provisions of subsection (a) of this section, any person:

49 (1) Who has been convicted in this state or any other jurisdiction of a felony crime of
50 violence against the person of another or of a felony sexual offense; or

51 (2) Who has been convicted in this state or any other jurisdiction of a felony controlled
52 substance offense involving a Schedule I controlled substance other than marijuana, a Schedule II
53 or a Schedule III controlled substance as such are defined in sections two hundred four, two
54 hundred five and two hundred six, article two, chapter sixty-a of this code and who possesses a
55 firearm as such is defined in section two of this article shall be guilty of a felony and, upon
56 conviction thereof, shall be confined in a state correctional facility for not more than five years or
57 fined not more than \$5,000, or both. The provisions of subsection (f) of this section shall not apply
58 to persons convicted of offenses referred to in this subsection or to persons convicted of a violation
59 of this subsection.

60 (c) Any person may carry a concealed deadly weapon without a license therefor who is:

61 (1) At least twenty-one years of age;

62 (2) A United States citizen or legal resident thereof;

63 (3) Not prohibited from possessing a firearm under the provisions of this section; and

64 (4) Not prohibited from possessing a firearm under the provisions of 18 U. S. C. §922(g) or
65 (n).

66 (d) As a separate and additional offense to the offense provided for in subsection (a) of this
67 section, and in addition to any other offenses outlined in this code, and except as provided by
68 subsection (e) of this section, any person prohibited by subsection (a) of this section from
69 possessing a firearm who carries a concealed firearm is guilty of a felony and, upon conviction

70 thereof, shall be confined in a state correctional facility for not more than three years or fined not
71 more than \$5,000, or both.

72 (e) As a separate and additional offense to the offense described in subsection (b) of this
73 section, and in addition to any other offenses outlined in this code, any person prohibited by
74 subsection (b) of this section from possessing a firearm who carries a concealed firearm is guilty of
75 a felony and, upon conviction thereof, shall be confined in a state correctional facility for not more
76 than ten years or fined not more than \$10,000, or both.

77 (f) Any person prohibited from possessing a firearm by the provisions of subsection (a) of
78 this section may petition the circuit court of the county in which he or she resides to regain the
79 ability to possess a firearm and if the court finds by clear and convincing evidence that the person
80 is competent and capable of exercising the responsibility concomitant with the possession of a
81 firearm, the court may enter an order allowing the person to possess a firearm if such possession
82 would not violate any federal law: *Provided*, That a person prohibited from possessing a firearm by
83 the provisions of subdivision (4), subsection (a) of this section may petition to regain the ability to
84 possess a firearm in accordance with the provisions of section five, article seven-a of this chapter.

85 (g) Any person who has been convicted of an offense which disqualifies him or her from
86 possessing a firearm by virtue of a criminal conviction whose conviction was expunged or set
87 aside or who subsequent thereto receives an unconditional pardon for said offense shall not be
88 prohibited from possessing a firearm by the provisions of the section.

NOTE: The purpose of this bill is to clarify that lawful medical cannabis card holders and their caregiver have a right to own, purchase, and possess firearms.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.