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**ATTENTION: AGENCY TAC/POC**

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REVIEW AND DISTRIBUTE THIS NOTICE ACCORDINGLY



## Revised Federal Prohibitor 18 U.S.C. § 922 (g) (3) For Firearm Returns and Concealed Handgun Permits

Previously, firearm denials could be based on **single incidents** of unlawful use under **18 U.S.C. § 922(g)(3)**, unlawful user of or addicted to any controlled substance. The revision of this Federal Prohibitor establishes a **more general standard** requiring a **pattern of regular and current use**, rather than isolated events. Importantly, the rule is **effective immediately**.

### Pertinent Info:

As of **Thursday, January 22, 2026**, the Bureau of Alcohol, Tobacco, Firearms and Explosives (**BATFE/ATF**) published a **final rule** revising the definition of “unlawful user of or addicted to any controlled substance” under **18 U.S.C. § 922(g)(3)**.

The new definition requires evidence of regular, ongoing unlawful use over an extended period continuing into the present. Single or sporadic use is no longer sufficient for a denial, now evidence of regular, ongoing unlawful use (pattern and recency) must be established. All prior inference examples (e.g., one failed drug test, single admission of use, one conviction within the past year) have been removed. This change eliminates the old “1-in-the-past-year and others-in-the-last-5” standard and clarifies that drug tests from the past year alone no longer apply. Under the new definition, use is **not substance-specific**, and indicators such as a medical marijuana card are no longer an automatic basis for denial—though further investigation may be warranted if regular use is suspected.

**NICS has cancelled any denials currently entered under PCA C.** New NICS Indices entries under that category have been suspended but are expected to be reactivated under the revised criteria on Monday, January 26, 2026. Agencies must review their denied records entered under PCA C and can resubmit the records if the new standards are met. NICS will be sending the list of the records removed to each CSO for review.

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North Carolina State Bureau of Investigation

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Please do not rely solely on this document as an all-inclusive resource.

If you are uncertain about any issue, please seek out guidance from your agency legal counsel or contact the SBI for direction to an appropriate guiding authority.

*In Review:*

- Effective Thursday, January 22, 2026
  - ATF revised Federal Prohibitor 922 (g) (3), establishing a more general standard of “unlawful user of or addicted to any controlled substance”.
  - All NICS entries under PCA C have been removed and can be re-entered as of Monday, January 26, 2026 if record meets new standard.
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