

"AN ACT TO AMEND SECTION 1 OF ACT 344 OF 1937, AS AMENDED [ARK. STAT. 82-1001], AND SECTION 1 OF ARTICLE 1 OF ACT 590 OF 1971, AS AMENDED [ARK. STAT. 82-2601], TO REDEFINE THE TERM NARCOTIC DRUG; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Subsections (11) through (14) of Section 1 of Act 344 of 1937, as amended, the same being Arkansas Statutes 82-1001(11) through (14), are hereby amended by striking their present language and combining them into one subsection to read as follows:

"(11) The term 'narcotic drug' means any drug which is defined as a narcotic drug by order of the Director of the Department of Health. In the formulation of definitions of narcotic drugs, the Director of the Department of Health is directed to include all drugs which he finds are narcotic in character and by reason thereof are dangerous to the public health or are promotive of addiction-forming or addiction-sustaining results upon the user which threaten harm to the public health, safety or morals. In formulating these definitions, the Director of the Department of Health shall take into consideration the provisions of the federal narcotic laws as they exist from time to time, and shall amend the definitions so as to keep them in harmony with the definitions prescribed by the federal narcotic laws, so far as is possible under the standards established herein and under the policy of this Act. Furthermore, the term 'narcotic' drug also means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:

(a) Opium, opiates, derivatives of opium and opiates, including their isomers, esters and ethers whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation. Such term does not include the isoquinoline alkaloids of opium.

(b) Poppy straw and concentrate of poppy straw.

(c) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine and derivatives of ecgonine or their salts have been removed.

(d) Cocaine, its salts, optical and geometric isomers and salts of isomers.

(e) Ecgonine, its derivatives, their salts, isomers and salts of isomers.

(f) Any compound, mixture or preparation which contains any quantity of any of the substances referred to in subparagraphs (a) through (e)."

SECTION 2. Subsections (o), (p), (q) and (s) of Section 1 of Article 1 of Act 590 of 1971, as amended, the same being Arkansas Statutes 82-2601(o), (p), (q) and (s) are hereby amended by striking their present language and combining them into one subsection to read as follows:

"(o) The term 'narcotic drug' means any drug which is defined as a narcotic drug by order of the Director of the Department of Health. In the formulation of definitions of narcotic drugs, the Director of the Department of Health is directed to include all drugs which he finds are narcotic in character and by reason thereof are dangerous to the public health or are promotive of addiction-forming or addiction-sustaining results upon the user which threaten harm to the public health, safety or morals. In formulating these definitions, the Director of the Department of Health shall take

into consideration the provisions of the federal narcotic laws as they exist from time to time, and shall amend the definitions so as to keep them in harmony with the definitions prescribed by the federal narcotic laws, so far as is possible under the standards established herein and under the policy of this Act. Furthermore, the term 'narcotic drug' also means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:

(1) Opium, opiates, derivatives of opium and opiates, including their isomers, esters and ethers whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation. Such term does not include the isoquinoline alkaloids of opium.

(2) Poppy straw and concentrate of poppy straw.

(3) Coca leaves, except coca leaves and extracts of coca leaves from which cocaines, ecgonine and derivatives of ecgonine or their salts have been removed.

(4) Cocaine, its salts, optical and geometric isomers and salts of isomers.

(5) Ecgonine, its derivatives, their salts, isomers and salts of isomers

(6) Any compound, mixture or preparation which contains any quantity of any of the substances referred to in subparagraphs (1) through (5)."

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.

APPROVED: February 16, 1987

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