

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

As Engrossed: H1/25/01 H1/31/01

# A Bill

Act 320 of 2001  
HOUSE BILL 1155

5 By: Representative Minton  
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7

## For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE 5-64-201, 5-64-215, and  
10 5-64-413(a)(1), TO ALLOW THE DIRECTOR OF THE  
11 DEPARTMENT OF HEALTH TO SCHEDULE GAMMA-HYDROXYBUTYRATE  
12 IN A MANNER CONSISTENT WITH THE FEDERAL DRUG  
13 ENFORCEMENT ADMINISTRATION'S CLASSIFICATION; TO AMEND  
14 THE DEFINITION PERTAINING TO CONTROLLED SUBSTANCE  
15 ANALOGS; AND FOR OTHER PURPOSES.

## Subtitle

18 AN ACT TO ALLOW THE DIRECTOR OF THE  
19 DEPARTMENT OF HEALTH TO SCHEDULE GAMMA-  
20 HYDROXYBUTYRATE IN A MANNER CONSISTENT  
21 WITH THE FEDERAL DRUG ENFORCEMENT  
22 AGENCY'S CLASSIFICATION.

23  
24  
25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

### SECTION 1. Purpose.

28 (a) Gamma-hydroxybutyrate ("GHB") was not scheduled as a controlled  
29 substance by the Federal Drug Enforcement Administration or by the Director of  
30 the Arkansas Department of Health prior to 1999. Concerned about the  
31 potential for the substance's abuse, the Eighty-second General Assembly  
32 designated GHB as a Schedule VI controlled substance.

33 (b) Subsequently, the Drug Enforcement Administration classified GHB as  
34 a Schedule I. In addition, the final rule of the Drug Enforcement  
35 Administration places Food and Drug Administration approved products  
36 containing GHB into Schedule III, if or when they are approved.

1 (c) Since the legislature classified GHB as a schedule VI substance,  
 2 the Director was precluded from scheduling GHB in a manner consistent with the  
 3 scheduling designated by the Drug Enforcement Administration. As a result,  
 4 criminal sanctions for the possession with the intent to deliver GHB are not  
 5 as severe as other substances possessing similar harmful and abusive  
 6 characteristics.

7 (d) It is the purpose of this act to allow the director to adopt the  
 8 Drug Enforcement Administration's scheduling of GHB pursuant to Arkansas Code  
 9 5-64-201.

10  
 11 SECTION 2. Arkansas Code 5-64-201 is amended by adding the following  
 12 additional subsection:

13 (f) The director shall schedule gamma-hydroxybutyrate and its known  
 14 precursors and analogs in a manner consistent with the procedures outlined in  
 15 this section.

16  
 17 SECTION 3. Arkansas Code 5-64-215(b), (c) and (d), concerning Schedule  
 18 VI controlled substances, are amended to read as follows:

19 ~~(b) Gamma hydroxybutyrate; also known as GHB, gamma hydroxybutyric~~  
 20 ~~acid, sodium oxybate, sodium oxybutyrate, gamma hydroxybutyrate sodium, gamma-~~  
 21 ~~OH, 4 hydroxybutyrate, gamma hydrate, somatomax PM, somasnit, and gamma-~~  
 22 ~~hidroxibutirato; is hereby designated a Schedule VI drug. The Director of the~~  
 23 ~~Department of Health shall amend the Schedule VI list of controlled substances~~  
 24 ~~to include gamma hydroxybutyrate as a Schedule VI drug, and it shall remain a~~  
 25 ~~Schedule VI drug.~~

26 ~~(c)(b) Provided, that the director shall not delete the controlled~~  
 27 ~~substances listed in this section from Schedule VI.~~

28 ~~(d) Nothing in this section shall prohibit a physician from prescribing~~  
 29 ~~the drug gamma hydroxybutyrate, if the physician is authorized to prescribe~~  
 30 ~~gamma hydroxybutyrate under specific Federal Drug Administration exemptions~~  
 31 ~~for investigational research protocols.~~

32  
 33 SECTION 3. Arkansas Code 5-64-413(a)(1) is amended to read as follows:

34 (a)(1) "Controlled substance analog" means a substance the chemical  
 35 structure of which is substantially similar to the chemical structure of a  
 36 controlled substance in Schedule I or II ~~and~~ or which has a stimulant,

1 *depressant, or hallucinogenic effect on the central nervous system*  
2 *substantially similar to the stimulant, depressant, or hallucinogenic effect*  
3 *on the central nervous system of a controlled substance included in Schedule I*  
4 *or II; or with respect to a particular individual, which the individual*  
5 *represents or intends to have a stimulant, depressant, or hallucinogenic*  
6 *effect on the central nervous system substantially similar to the stimulant,*  
7 *depressant, or hallucinogenic effect on the central nervous system of a*  
8 *controlled substance included in Schedule I or II.*

9 */s/ Minton*

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APPROVED: 2/20/2001