

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative M. Wilson**

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO PROVIDE THAT CREATING, DELIVERING, OR
9 POSSESSING A SCHEDULE VI COUNTERFEIT SUBSTANCE WITH INTENT
10 TO DELIVER IS A PUNISHABLE OFFENSE; AND FOR OTHER
11 PURPOSES."

Subtitle

14 "TO PROVIDE THAT CREATING, DELIVERING, OR POSSESSING A
15 SCHEDULE VI COUNTERFEIT SUBSTANCE WITH INTENT TO DELIVER
16 IS PUNISHABLE OFFENSE."

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

20 SECTION 1. Ark. Code Ann. § 5-64-401(b) is amended to read as follows:

21 "(b) Except as authorized by subchapters 1-6 of this chapter, it is
22 unlawful for any person to create, deliver, or possess with intent to deliver,
23 a counterfeit substance. For purposes of this subsection, possession of one
24 hundred (100) dosage units of any one (1) counterfeit substance or possession
25 of two hundred (200) dosage units of counterfeit substances regardless of the
26 type shall create a rebuttable presumption that such person possesses such
27 counterfeit substance with intent to deliver in violation of subsections (a)
28 and (b) of this section.

29 (1) Any person who violates this subsection with respect to:

30 (i) A counterfeit substance purporting to be a controlled
31 substance classified in Schedule I or II, which is a narcotic drug, is guilty
32 of a Class B felony;

33 (ii) Any other counterfeit substance purporting to be a controlled
34 substance classified in Schedules I, II, or III, is guilty of a Class C
35 felony;

1 (iii) A counterfeit substance purporting to be a controlled
2 substance classified in Schedule IV, is guilty of a Class C felony;

3 (iv) A counterfeit substance purporting to be a controlled
4 substance classified in Schedule V, is guilty of a Class C felony;

5 (v) A counterfeit substance purporting to be a controlled
6 substance classified in Schedule VI, is guilty of a Class C felony;

7 (vi) A counterfeit substance purporting to be a controlled
8 substance which is not classified as a scheduled controlled substance, is
9 guilty of a Class D felony."
10

11 SECTION 2. All provisions of this act of a general and permanent nature
12 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
13 Revision Commission shall incorporate the same in the Code.
14

15 SECTION 3. If any provision of this act or the application thereof to
16 any person or circumstance is held invalid, such invalidity shall not affect
17 other provisions or applications of the act which can be given effect without
18 the invalid provision or application, and to this end the provisions of this
19 act are declared to be severable.
20

21 SECTION 4. All laws and parts of laws in conflict with this act are
22 hereby repealed.
23
24
25
26
27
28
29
30
31
32
33
34
35

