

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: H4/2/01 H4/6/01

A Bill

Act 1782 of 2001
SENATE BILL 66

5 By: Senator Critcher
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE 5-64-1101 TO MAKE
10 IT UNLAWFUL TO POSSESS *NINE* (9) GRAMS OR MORE OF
11 PSEUDOEPHEDRINE OR PHENYLPROPANOLAMINE; AND FOR
12 OTHER PURPOSES.
13

Subtitle

14 TO MAKE IT UNLAWFUL TO POSSESS *NINE* (9)
15 GRAMS OR MORE OF PSEUDOEPHEDRINE OR
16 PHENYLPROPANOLAMINE.
17
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 *SECTION 1. Arkansas Code 5-64-1101 is amended to read as follows:*

23 *5-64-1101. Possession - Penalty.*

24 *(a) It shall be unlawful for any person to possess more than five (5)*
25 *grams of ephedrine, or nine (9) grams of pseudoephedrine or*
26 *phenylpropanolamine, or their ~~its~~ salts, optical isomers and salts of optical*
27 *isomers, alone or in a mixture, except:*

28 *(1) Any pharmacist or other authorized person who sells or*
29 *furnishes ephedrine, pseudoephedrine or phenylpropanolamine, their ~~its~~ salts,*
30 *optical isomers and salts of optical isomers, upon the prescription of a*
31 *physician, dentist, podiatrist, or veterinarian; or*

32 *(2) Without a prescription, pursuant to the Federal Food, Drug,*
33 *and Cosmetic Act or regulations adopted thereunder provided that the person*
34 *possesses a sales and use tax permit issued by the Arkansas Department of*
35 *Finance and Administration; or*

36 *(3) Any physician, dentist, podiatrist, or veterinarian who*

1 administers or furnishes ephedrine, pseudoephedrine or phenylpropanolamine, or
2 their ~~its~~ salts, optical isomers and salts of optical isomers to his or her
3 patients; or

4 (4) Any manufacturer, wholesaler, or distributor licensed by the
5 State Board of Pharmacy who sells, transfers, or otherwise furnishes
6 ephedrine, pseudoephedrine or phenylpropanolamine, or their ~~its~~ salts, optical
7 isomers and salts of optical isomers, to a licensed pharmacy, physician,
8 dentist, podiatrist, veterinarian, or any person who possesses a sales and use
9 tax permit issued by the Arkansas Department of Finance and Administration.

10 (b) Possession of more than five (5) grams of ephedrine or more than
11 nine (9) grams of pseudoephedrine or phenylpropanolamine, or their salts,
12 optical isomers and salts of optical isomers shall constitute prima facie
13 evidence of the intent to manufacture methamphetamine or another controlled
14 substance in violation of this subchapter, unless the person qualifies for an
15 exemption listed in subsection (a) of this section.

16 ~~(b)(c)~~ Any person who violates the provisions of this section shall be
17 guilty of a Class D felony.

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19 SECTION 2. Arkansas Code 29-30-162 is repealed.

20 ~~29-30-162. Amendment of expiration date Acts 1997, No. 1135, §2.~~

21 ~~Subsection (b) of Section 2 of Act 1135 of 1997 is amended to read as~~
22 ~~follows:~~

23 ~~(b) The provisions of this section shall expire on April 30, 2002.~~

24
25 SECTION 3. Arkansas Code 29-30-163 is repealed.

26 ~~29-30-163. Expiration date of Acts 1999, No. 1268.~~

27 ~~The provisions of this act shall expire on April 30, 2002.~~

28 /s/ Critcher

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31 APPROVED: 4/19/2001