

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: S2/24/11 H3/9/11

A Bill

SENATE BILL 423

5 By: Senators P. Malone, Irvin, G. Baker, Burnett, L. Chesterfield, Crumbly, Fletcher, S. Flowers,
6 Holland, G. Jeffress, J. Jeffress, J. Key, M. Lamoureux, Laverty, Rapert, J. Taylor, R. Thompson,
7 Whitaker

8 By: Representatives Vines, *D. Altes, Branscum, Cheatham, Eubanks, Ingram, Jean, Lindsey, J. Roebuck,*
9 *G. Smith, Steel, Stewart, Westerman, B. Wilkins, Williams*

For An Act To Be Entitled

10
11 AN ACT REGARDING SUBSTANCES IN SCHEDULE I AND
12 SCHEDULE VI; TO DECLARE AN EMERGENCY; AND FOR OTHER
13 PURPOSES.
14

Subtitle

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17 REGARDING SUBSTANCES IN SCHEDULE I AND
18 SCHEDULE VI AND TO DECLARE AN EMERGENCY.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code Title 5, Chapter 64, Subchapter 2 is amended
25 to add a new section to read as follows:

26 5-64-204. Substances in Schedule I.

27 (a) In addition to any substance placed in Schedule I by the Director
28 of the Department of Health under § 5-64-203, any material, compound,
29 mixture, or preparation, whether produced directly or indirectly from a
30 substance of vegetable origin or independently by means of chemical synthesis
31 or by a combination of extraction and chemical synthesis, that contains any
32 quantity of the following substances, or that contains any of the following
33 substances' analogs, salts, isomers, and salts of isomers when the existence
34 of the analogs, salts, isomers, and salts of isomers is possible within the
35 specific chemical designation, with the following chemical structure is
36 included in Schedule I:



1 (1) 4-Methylmethcathinone (Mephedrone);
2 (2) Methylenedioxypropylone (MDPV);
3 (3) 3,4-Methylenedioxy-N-methylcathinone (Methylone);
4 (4) 4-Methoxymethcathinone;
5 (5) 3-Fluoromethcathinone;
6 (6) 4-Fluoromethcathinone; or
7 (7) A compound, unless listed in another schedule or a legend
8 drug, that is structurally derived from 2-Amino-1-phenyl-1-propanone by
9 modification or by substitution:

10 (A) In the phenyl ring to any extent with alkyl, alkoxy,
11 alkylenedioxy, haloalkyl or halide substituents, whether or not further
12 substituted in the phenyl ring by one (1) or more other univalent
13 substituents;

14 (B) At the 3-position with an alkyl substituent; or

15 (C) At the nitrogen atom with alkyl or dialkyl groups, or
16 by inclusion of the nitrogen atom in a cyclic structure.

17 (b) The Director of the Department of Health shall not delete a
18 controlled substance listed in this section from Schedule I.

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20 SECTION 2. Arkansas Code § 5-64-215 is amended to read as follows:

21 5-64-215. Substances in Schedule VI.

22 (a) ~~Any~~ In addition to any substance placed in Schedule VI by the
23 Director of the Department of Health under § 5-64-214, any material,
24 compound, mixture, or preparation, whether produced directly or indirectly
25 from a substance of vegetable origin, or independently by means of chemical
26 synthesis, or by a combination of extraction and chemical synthesis, that
27 contains any quantity of the following substances, or that contains any of
28 their salts, isomers, and salts of isomers when the existence of the salts,
29 isomers, and salts of isomers is possible within the specific chemical
30 designation, ~~are~~ is included in Schedule VI:

31 (1) Marijuana;

32 (2) Tetrahydrocannabinols; ~~and~~

33 (3) A synthetic equivalent of ~~the substance;~~

34 (A) contained The substance contained in the Cannabis
35 plant; or

36 (B) The substance contained in the resinous extractives of

1 the genus Cannabis; ~~or~~

2 (4) A substance with the chemical structure of:

3 (A) 5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-
4 hydroxycyclohexyl]-phenol or otherwise known by CP-47,497;

5 (B) 5-(1,1-Dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-
6 phenol or otherwise known by either cannabicyclohexanol or CP-47,497 C8
7 homologue;

8 (C) 1-Butyl-3-(1-naphthoyl)indole or otherwise known by
9 JWH-073;

10 (D) 1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole or
11 otherwise known by JWH-200;

12 (E) 1-Pentyl-3-(1-naphthoyl)indole or otherwise known by
13 JWH-018 and AM678;

14 (F) (4-methoxy-1-naphthalenyl)(1-pentyl-1H-indol-3-yl)-
15 methanone or otherwise known by JWH-081; or

16 (G) 1-(1-pentyl-1H-indol-3-yl)-2-(2-methoxyphenyl)-
17 ethanone or otherwise known by JWH-250;

18 (5) Salvia divinorum or Salvinorin A, which includes all parts
19 of the plant presently classified botanically as Salvia divinorum, whether
20 growing or not, the seeds of the plant, any extract from any part of the
21 plant, and every compound, manufacture, derivative, mixture, or preparation
22 of the plant, its seeds, or its extracts, including salts, isomers, and salts
23 of isomers when the existence of the salts, isomers, and salts of isomers is
24 possible within the specific chemical designation; or

25 (6) a synthetic substance, derivative, or its isomers with:

26 (A) ~~similar~~ Similar chemical structure to any substance
27 described in subdivisions (a)(1)-(4) of this section; ~~and~~ or

28 (B) ~~pharmacological~~ Similar pharmacological activity to
29 any substance described in subdivisions (a)(1)-(4) of this section such as
30 the following:

31 (A)(i) [] 1 cis or trans tetrahydrocannabinol, and
32 its optical isomers;

33 (B)(ii) [] 6 cis or trans tetrahydrocannabinol, and
34 its optical isomers; and

35 (C)(iii) [] 3.4 cis or trans tetrahydrocannabinol,
36 and its optical isomers.

1 (b) However, the Director of the Department of Health shall not delete
2 a controlled substance listed in this section from Schedule VI.

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4 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
5 General Assembly of the State of Arkansas that new substances that need
6 immediate scheduling are becoming more prevalent; and that this act is
7 immediately necessary because these new substances pose a risk to the public.
8 Therefore, an emergency is declared to exist and this act being immediately
9 necessary for the preservation of the public peace, health, and safety shall
10 become effective on:

11 (1) The date of its approval by the Governor;

12 (2) If the bill is neither approved nor vetoed by the Governor,
13 the expiration of the period of time during which the Governor may veto the
14 bill; or

15 (3) If the bill is vetoed by the Governor and the veto is
16 overridden, the date the last house overrides the veto.

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18 */s/P. Malone*

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21 **APPROVED: 03/28/2011**
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