

Act 83 of the Third Special Session of 1989.

Act 83

HB1054

By: Representatives Ramsey, Hutchinson, Fuller,
Newman, Glover, Forgey, Arrington

For An Act To Be Entitled
"AN ACT TO AMEND THE UNIFORM CONTROLLED SUBSTANCES ACT TO
PROVIDE CRIMINAL PENALTIES FOR THE POSSESSION AND
MANUFACTURING OF DESIGNER DRUGS; AND FOR OTHER PURPOSES."

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

SECTION 1. Subchapter 4 of Chapter 64 of Title 5 of the Arkansas Code is hereby amended by adding a new section at the end thereof to read as follows:

"5-64-410. (a) Definition. 'Controlled substance analog' means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and which has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II; or with respect to a particular individual, which the individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II. The term does not include: a controlled substance; a substance for which there is an approved new drug application; a substance with respect to which an exemption is in effect for investigational use by a particular person under Section 505 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 355) to the extent conduct with respect to the substance is pursuant to the exemption; or any substance to the extent not intended for human consumption before an exemption takes effect with respect to the substance.

(b) A controlled substance analog, to the extent intended for human consumption, shall be treated, for the purposes of subchapters 1-6 of this chapter, as a substance included in Schedule I. Within ten (10) days after the initiation of prosecution with respect to a controlled substance analog by indictment or information, the prosecuting attorney shall notify the Director of the Health Department of information relevant to emergency scheduling as provided for in Arkansas Code 5-64-201(d) or 25-64-204. After final determination that the controlled substance analog should not be scheduled, no prosecution relating to that substance as a controlled substance analog may continue or take place."

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

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

APPROVED: November 17, 1989
