

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Teague**

A BILL ACT 569 OF 1991
HOUSE BILL 1673

For An Act To Be Entitled

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8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §20-56-202(16)
9 AND §20-56-205 TO MAKE THE FOOD, DRUG, AND COSMETIC ACT TO
10 DELETE REFERENCES TO ANABOLIC STEROIDS; AND FOR OTHER
11 PURPOSES."

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

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15 SECTION 1. Arkansas Code Annotated §20-56-202(16) is amended to read as
16 follows:

17 "(16) The term 'human growth hormone' means somatrem, somatropin or an
18 analogue of either of them."

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20 SECTION 2. Arkansas Code Annotated §20-56-205 is amended to read as
21 follows:

22 "20-56-205. Penalties - Exceptions.

23 (a) Any person who violates any of the provisions of this subchapter
24 shall be guilty of a misdemeanor and for such offense shall, upon conviction,
25 be fined an amount not to exceed five hundred dollars (\$500), or shall be
26 sentenced to not more than one (1) year's imprisonment, or both fine and
27 imprisonment, in the discretion of the court. For each subsequent offense and
28 conviction thereof, the person shall be fined not less than one thousand
29 dollars (\$1,000) or sentenced to one (1) year's imprisonment, or both fine and
30 imprisonment, in the discretion of the court.

31 (b) No person shall be subject to the penalties of subsection (a) of
32 this section for having violated 20-56-215(1) or (3) if he establishes a
33 guaranty or undertaking, signed by and containing the name and address of the
34 person residing in the State of Arkansas from whom he received in good faith
35 the article, to the effect that the article is not adulterated or misbranded
36 within the meaning of this subchapter and designating this subchapter.

1 (c) No publisher, radio broadcast licensee, or agency or medium for the
2 dissemination of an advertisement, but not including the manufacturer, packer,
3 distributor, or seller of the article to which a false advertisement relates,
4 shall be liable under this section by reason of the dissemination by him of
5 such false advertisement unless he has refused, on the request of the State
6 Board of Health, to furnish the State Board of Health the name and post office
7 address of the manufacturer, packer, distributor, seller, or advertising
8 agency residing in the State of Arkansas who caused him to disseminate the
9 advertisement.

10 (d)(1) Except as provided in subdivision (2) of this subsection, any
11 person who distributes or possesses with intent to distribute any human growth
12 hormone, or counterfeit substance purporting to be a human growth hormone for
13 any use in humans other than the treatment of disease pursuant to the order of
14 a physician shall be deemed guilty of a Class D felony.

15 (2) Any person who distributes or possesses with the intent to
16 distribute to an individual under eighteen (18) years of age, any human growth
17 hormone, or counterfeit substance purporting to be a human growth hormone for
18 any use in humans other than the treatment of disease pursuant to the order of
19 a physician shall be deemed guilty of a Class C felony.

20 (3) Possession by any person of more than two hundred (200)
21 capsules or tablets or more than sixteen cubic centimeters (16cc.) of human
22 growth hormones, or counterfeit substance purporting to be a human growth
23 hormones shall create a rebuttable presumption that the person possesses such
24 substances with the intent to deliver in violation of this subsection.
25 Provided, however, this presumption may be overcome by the submission of
26 evidence sufficient to create a reasonable doubt that the person charged
27 possessed the substance with intent to deliver."
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29 SECTION 3. All provisions of this act of a general and permanent nature
30 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
31 Revision Commission shall incorporate the same in the Code.
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33 SECTION 4. If any provision of this act or the application thereof to
34 any person or circumstance is held invalid, such invalidity shall not affect
35 other provisions or applications of the act which can be given effect without

1 the invalid provision or application, and to this end the provisions of this
2 act are declared to be severable.

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4 SECTION 5. All laws and parts of laws in conflict with this act are
5 hereby repealed.

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APPROVED: 3-15-91

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