

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

*As Engrossed: S2/24/11*  
**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: Representative Vines  
9

10 **For An Act To Be Entitled**

11 AN ACT REGARDING SUBSTANCES IN SCHEDULE I AND  
12 SCHEDULE VI; TO DECLARE AN EMERGENCY; AND FOR OTHER  
13 PURPOSES.  
14  
15

16 **Subtitle**

17 REGARDING SUBSTANCES IN SCHEDULE I AND  
18 SCHEDULE VI AND TO DECLARE AN EMERGENCY.  
19  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 SECTION 1. Arkansas Code Title 5, Chapter 64, Subchapter 2 is amended  
24 to add a new section to read as follows:

25 5-64-204. Substances in Schedule I.

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

36 (1) 4-Methylmethcathinone (Mephedrone);



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

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

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

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

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

18  
 19           SECTION 2. Arkansas Code § 5-64-215 is amended to read as follows:  
 20           5-64-215. Substances in Schedule VI.

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

30           (1) Marijuana;

31           (2) Tetrahydrocannabinols; ~~and~~

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

33           (A) ~~contained~~ The substance contained in the Cannabis  
 34 plant, ~~;~~ or

35           (B) The substance contained in the resinous extractives of  
 36 the genus Cannabis, ~~;~~ ~~or~~

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

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

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

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

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

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

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

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

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

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

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

27                   (B) ~~pharmacological~~ Similar pharmacological activity to  
28 any substance described in subdivisions (a)(1)-(4) of this section  
29 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.

(b) However, the Director of the Department of Health shall not delete

1 a controlled substance listed in this section from Schedule VI.

2  
3 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
4 General Assembly of the State of Arkansas that new substances that need  
5 immediate scheduling are becoming more prevalent; and that this act is  
6 immediately necessary because these new substances pose a risk to the public.  
7 Therefore, an emergency is declared to exist and this act being immediately  
8 necessary for the preservation of the public peace, health, and safety shall  
9 become effective on:

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

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

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

16  
17 /s/P. Malone  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36