Hall of the House of Representatives

83rd General Assembly - Regular Session, 2001

Amendment Form

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Subtitle of House Bill No. 1155

"AN ACT TO MAKE GAMMA-HYDROXYBUTYRATE A SCHEDULE II DRUG."

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Amendment No. 1 to House Bill No. 1155.

Amend House Bill No. 1155 as originally introduced:

Delete the Title and substitute it with the following:
“AN ACT TO AMEND ARKANSAS CODE 5-64-201, 5-64-215, and 5-64-413(a)(1), TO ALLOW THE DIRECTOR OF THE DEPARTMENT OF HEALTH TO SCHEDULE GAMMA-HYDROXYBUTYRATE IN A MANNER CONSISTENT WITH THE FEDERAL DRUG ENFORCEMENT ADMINISTRATION'S CLASSIFICATION; TO AMEND THE DEFINITION PERTAINING TO CONTROLLED SUBSTANCE ANALOGS; AND FOR OTHER PURPOSES.”

Delete the Subtitle and substitute it with the following:
“AN ACT TO ALLOW THE DIRECTOR OF THE DEPARTMENT OF HEALTH TO SCHEDULE GAMMA-HYDROXYBUTYRATE IN A MANNER CONSISTENT WITH THE FEDERAL DRUG ENFORCEMENT AGENCY’S CLASSIFICATION.”

Delete everything after the Enacting clause and substitute the following:

"SECTION 1. Purpose.

(a) Gamma-hydroxybutyrate (“GHB”) was not scheduled as a controlled substance by the Federal Drug Enforcement Administration or by the Director of the Arkansas Department of Health prior to 1999. Concerned about the potential for the substance’s abuse, the Eighty-second General Assembly designated GHB as a Schedule VI controlled substance.

(b) Subsequently, the Drug Enforcement Administration classified GHB as a Schedule I. In addition, the final rule of the Drug Enforcement Administration places Food and Drug Administration approved products containing GHB into Schedule III, if or when they are approved.

(c) Since the legislature classified GHB as a schedule VI substance, the Director was precluded from scheduling GHB in a manner consistent with the scheduling designated by the Drug Enforcement Administration. As a result, criminal sanctions for the possession with the intent to deliver GHB are not as severe as other substances possessing similar harmful and abusive characteristics.

(d) It is the purpose of this act to allow the director to adopt the Drug Enforcement Administration’s scheduling of GHB pursuant to Arkansas Code 5-64-201.

SECTION 2. Arkansas Code 25-64-201 is amended by adding the following additional subsection:

(f) The director shall schedule gamma-hydroxybutyrate and its known precursors and analogs in a manner consistent with the procedures outlined in this section.

SECTION 3. Arkansas Code 5-64-215(b), (c) and (d), concerning Schedule VI controlled substances, are amended to read as follows:

~~(b) Gamma-hydroxybutyrate; also known as GHB, gamma-hydroxybutyric acid, sodium oxybate, sodium oxybutyrate, gamma-hydroxybutyrate sodium, gamma-OH, 4-hydroxybutyrate, gamma-hydrate, somatomax PM, somasnit, and gamma-hidroxibutirato; is hereby designated a Schedule VI drug. The Director of the Department of Health shall amend the Schedule VI list of controlled substances to include gamma-hydroxybutyrate as a Schedule VI drug, and it shall remain a Schedule VI drug.~~

~~(c)~~(b) Provided, that the director shall not delete the controlled substances listed in this section from Schedule VI.

~~(d) Nothing in this section shall prohibit a physician from prescribing the drug gamma-hydroxybutyrate, if the physician is authorized to prescribe gamma-hydroxybutyrate under specific Federal Drug Administration exemptions for investigational research protocols.~~

SECTION 3. Arkansas Code 5-64-413(a)(1) is amended to read as follows:

(a)(1) "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~~ or 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 Amendment was read _____

By: Representative Minton

MF/RCK

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Chief Clerk