

**Hall of the House of Representatives**  
83rd General Assembly - Regular Session, 2001  
**Amendment Form**

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**Subtitle of Senate Bill No. 66**

"TO MAKE IT UNLAWFUL TO POSSESS FIVE (5) GRAMS OR MORE OF  
PSEUDOEPHEDRINE OR PHENYLPROPANOLAMINE."

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**Amendment No. 2 to Senate Bill No. 66.**

Amend Senate Bill No. 66 as engrossed, H4/2/01:

Page 1, line 10, delete "FIVE (5)" and substitute "NINE (9)"

AND

Page 1, line 15, delete "FIVE (5)" and substitute "NINE (9)"

Delete Section 1 and substitute

"SECTION 1. Arkansas Code 5-64-1101 is amended to read as follows:  
5-64-1101. Possession - Penalty.

(a) It shall be unlawful for any person to possess more than five (5) grams of ephedrine, or nine (9) grams of pseudoephedrine or phenylpropanolamine, or their ~~its~~ salts, optical isomers and salts of optical isomers, alone or in a mixture, except:

(1) Any pharmacist or other authorized person who sells or furnishes ephedrine, pseudoephedrine or phenylpropanolamine, their ~~its~~ salts, optical isomers and salts of optical isomers, upon the prescription of a physician, dentist, podiatrist, or veterinarian; or

(2) Without a prescription, pursuant to the Federal Food, Drug, and Cosmetic Act or regulations adopted thereunder provided that the person possesses a sales and use tax permit issued by the Arkansas Department of Finance and Administration; or

(3) Any physician, dentist, podiatrist, or veterinarian who administers or furnishes ephedrine, pseudoephedrine or phenylpropanolamine, or their ~~its~~ salts, optical isomers and salts of optical isomers to his or her patients; or

(4) Any manufacturer, wholesaler, or distributor licensed by the State Board of Pharmacy who sells, transfers, or otherwise furnishes ephedrine, pseudoephedrine or phenylpropanolamine, or their ~~its~~ salts, optical isomers and salts of optical isomers, to a licensed pharmacy, physician, dentist, podiatrist, veterinarian, or any person who possesses a sales and use tax permit issued by the Arkansas Department of Finance and

Administration.

(b) Possession of more than five (5) grams of ephedrine or more than nine (9) grams of pseudoephedrine or phenylpropanolamine, or their salts, optical isomers and salts of optical isomers shall constitute prima facie evidence of the intent to manufacture methamphetamine or another controlled substance in violation of this subchapter, unless the person qualifies for an exemption listed in subsection (a) of this section.

~~(b)~~(c) Any person who violates the provisions of this section shall be guilty of a Class D felony. "

The Amendment was read \_\_\_\_\_  
By: Representative Trammell  
PPB/RTK - 040320011212  
RTK412 \_\_\_\_\_ Chief Clerk