

**Hall of the House of Representatives**  
94th General Assembly - Regular Session, 2023  
**Amendment Form**

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**Subtitle of Senate Bill No. 358**

TO PROHIBIT INDUSTRIAL HEMP THAT CONTAIN CERTAIN DELTA TETRAHYDROCANNABINOL  
SUBSTANCES; TO INCLUDE CERTAIN TETRAHYDROCANNABINOL IN THE LIST OF SCHEDULE VI  
CONTROLLED SUBSTANCES; AND TO DECLARE AN EMERGENCY.

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**Amendment No. 1 to Senate Bill 358**

Amend Senate Bill No. 358 as engrossed S3/13/23 (version: 3/13/2023 2:38:11 PM):

Page 2, line 8, delete "with a" and substitute "with a total delta-9"

AND

Page 2, line 10, delete "basis or in any finalized product" and substitute "basis, unless specifically controlled under the Uniform Controlled Substances Act, § 5-64-101 et seq."

AND

Page 2, delete line 23, and substitute the following:  
"negligent violation as defined by federal rule and in this subchapter.

SECTION 4. Arkansas Code § 5-64-101(16)(B)(vi), concerning the exclusion from the definition of "marijuana" within the Uniform Controlled Substances Act, is amended to read as follows:

(vi) Hemp-derived cannabidiol that:

(a) Contains not more than three-tenths of one percent (0.3%) of delta-9 tetrahydrocannabinol (THC) on a dry weight basis as verified by a nationally accredited laboratory for quality, purity, and accuracy standards; and

(b) Is not approved by the United States Food and Drug Administration for marketing as a medication;

SECTION 5. Arkansas Code § 5-64-215(a)(2)(B), concerning the substances in Schedule VI of the Uniform Controlled Substances Act, is amended to read as follows:

(B) Not more than three-tenths of one percent (0.3%) of delta-9 tetrahydrocannabinol in the hemp-derived cannabidiol on a dry weight



basis as verified by a nationally accredited laboratory for quality, purity, and accuracy standards; and"

AND

Page 2, line 25, delete "5-64-213(a)(5)(i)" and substitute "5-64-213(a)(5)(A)(i)"

AND

Page 2, line 36, delete "tetrahydrocannabinol," and substitute "tetrahydrocannabinol, otherwise known as a delta-9 cis or trans tetrahydrocannabinol,"

AND

Page 3, line 2, delete "tetrahydrocannabinol," and substitute "tetrahydrocannabinol, otherwise known as a delta-8 cis or trans tetrahydrocannabinol,"

AND

Page 3, line 4, delete "Delta-3.4" and substitute "~~Delta-3.4~~ Delta-3,4"

AND

Page 3, line 5, delete "tetrahydrocannabinol," and substitute "tetrahydrocannabinol, otherwise known as a delta-6a,10a cis or trans tetrahydrocannabinol,"

AND

Page 3, line 17, delete "chemical process" and substitute "synthetic chemical process"

AND

Page 3, delete lines 32 and 33, and substitute the following: "percent (0.3%) on a dry weight basis, produced in accordance with 7 U.S.C. § 1639o et seq."

AND

Page 5, line 17, delete "one-tenth" and substitute "three tenths"

AND

Page 5, line 18, delete "(0.1%)" and substitute "(0.3%)"

AND

Page 8, line 29, delete "A percentage of tetrahydrocannabinol" and substitute "Any amount of tetrahydrocannabinol"

AND

Page 16, line 28, delete "a total" and substitute "a total delta-9"

AND

Page 20, line 28, delete "a delta-9" and substitute "a total delta-9"

AND

Page 23, delete line 29, and substitute the following:  
"8 tetrahydrocannabinol and delta-10 tetrahydrocannabinol, but no earlier than August 1, 2023."

AND

Page 23, delete line 31, and substitute the following:  
"SECTION 18. DO NOT CODIFY. Effective date of prohibition.  
The prohibition of certain types of tetrahydrocannabinol under Section 4 which adds additional subdivisions to § 5-64-215(a)(5)(A)(i) shall be effective:  
(1) On the effective date of this act for persons who are under twenty-one (21) years of age or younger; and  
(2) On and after August 1, 2023, for persons who are over twenty-one (21) years of age or older.

SECTION 19. DO NOT CODIFY. SEVERABILITY CLAUSE. If any provision of this act or the application of this act to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end, the provisions of this act are declared severable.

SECTION 20. EMERGENCY CLAUSE. It is found and determined by the"

AND

Page 23, delete lines 33 and 34, and substitute the following:  
"properly regulate delta tetrahydrocannabinol substances addressed in this act; that the absence of proper regulation of"

AND

Page 23, delete line 35, and substitute "these delta tetrahydrocannabinol substances has allowed anyone of any age to access these delta tetrahydrocannabinol substances; that"

AND

Page 23, line 36, delete "the two chemicals" and substitute "these delta tetrahydrocannabinol substances"

AND

Appropriately renumber the sections of the bill

The Amendment was read \_\_\_\_\_

By: Representative Gazaway

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Chief Clerk