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List Of Controlled Substances

For the State Of Arkansas

Pursuant to the provisions of Arkansas Code Annotated § 5-64-201 and § 5-64-216 of the laws of the State of Arkansas, the Secretary of the Arkansas Department of Health or duly authorized agent, as specified by law, is giving public notice of the publication of the List of Controlled Substances for the State of Arkansas.

Due consideration has been given applicable federal regulations, current scientific knowledge regarding the listed substances, the evidence of actual or relative potential for abuse, the history and current patterns of abuse, the risk to the public health, and potential to produce psychic or psychological dependence liability.

Based on these considerations the attached listing of the Schedule of Controlled Substances and the corresponding drugs that are included in each schedule is hereby promulgated by the Secretary of the Arkansas Department of Health as the List of Controlled Substances for the State of Arkansas.

Each controlled substance or basic class thereof has been assigned an "Administration Controlled Substance Code Number" for purposes of identification. These numbers are for internal management and are used as a means to identify substances with complex and cumbersome chemical names.

Next to the code number is the date the substance was placed in schedule by the Secretary of the Arkansas Department of Health. A "*" denotes the substance was scheduled prior to April, 1979.

I, Nick Shull, Section Chief, Pharmacy Services and Drug Control, for the Arkansas Department of Health, do hereby certify that the documents attached hereto are true and correct copies of the current List of Controlled Substances adopted by the Arkansas State Board of Health in accordance with Arkansas state law.

_____

Nick Shull

STATE OF ARKANSAS)
)
COUNTY OF SALINE)

I, Jessica Upchurch, do hereby certify that Nick Shull, well known to me, appeared before me and signed the above referenced document.

Sworn and subscribed to before me this ~~20th~~ _____ day of ~~June~~ _____, 2025.

_____

Notary Public

_____

My commission expires

ARKANSAS DEPARTMENT OF HEALTH

LIST OF CONTROLLED SUBSTANCES

SECTION I AUTHORITY

The following scheduling of these controlled substances has been hereby promulgated pursuant to Arkansas Code Annotated §5-64-201 and §5-64-216.

SECTION II PURPOSE

Due consideration has been given applicable Federal regulations, current scientific knowledge regarding the listed substances, the evidence of actual or relative potential for abuse, the history and current patterns of abuse, the risk to the public health, and potential to produce psychic or psychological dependence liability.

SECTION III GENERAL REQUIREMENTS

(Attached copy of the listing of scheduling of controlled substances)

SECTION IV REPEAL

All lists of schedules of controlled substances in conflict herewith are hereby repealed.

CERTIFICATION

This will certify the following list of scheduling of controlled substances was adopted by the Arkansas State Board of Health at a session of the Board held in Little Rock, Arkansas on the ~~24th~~ _____day of ~~October~~_____, ~~2024~~_____, and after a Public Hearing on the ~~7th~~ _____of ~~January~~_____, ~~2025~~_____, held in Little Rock, Arkansas, at the State Department of Health Building.

_____
Jennifer Dillaha, MD
Secretary of Arkansas State Board of Health
Director of the Arkansas Department of Health

ARTICLE II

SCHEDULE I

(a) Schedule I shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the DEA Controlled Substances Code Number set forth opposite it.

(b) **Opiates: (Narcotic Drugs)** Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, salts is possible within the specific chemical designation (for purposes of 3-methylthiofentanyl only, the term isomer includes the optical and geometric isomers):

(1) Acetylmethadol ---------- 9601*
(2) Allylprodine ---------- 9602*
(3) Alphacetylmethadol (except Levo-alphacetylmethadol (LAAM) ---------- 9603*
(4) Alphameprodine ---------- 9604*
(5) Alphamethadol ---------- 9605*
(6) Benzethidine ---------- 9606*
(7) Betacetylmethadol ---------- 9607*
(8) Betameprodine ---------- 9608*
(9) Betamethadol ---------- 9609*
(10) Betaprodine ---------- 9611*
(11) Dextromoramide ---------- 9613*
(12) Diampromide ---------- 9615*
(13) Diethylthiambutene ---------- 9616*
(14) Difenoxin ---------- 9168*
(15) Dimenoxadol ---------- 9617*
(16) Dimepheptanol ---------- 9618*
(17) Dimethylthiambutene ---------- 9619*
(18) Dioxaphetyl butyrate ---------- 9621*
(19) Dipipanone ---------- 9622*
(20) Ethylmethylthiambutene ---------- 9623*
(21) Etoxeridine ---------- 9625*
(22) Furethidine ---------- 9626*
(23) Hydroxypethidine ---------- 9627*

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(24) Ketobemidone ---------- 9628*

(25) Levomoramide ---------- 9629*

(26) Levophenacylmorphan ---------- 9631*

(27) Morpheridine ---------- 9632*

(28) MPPP [other name(s): (1-methyl-4-phenyl-4-propionoxypiperidine)] ---------- 9661-(10-1985)

(29) Noracymethadol ---------- 9633*

(30) Norlevorphanol ---------- 9634*

(31) Normethadone ---------- 9635*

(32) Norpipanone ---------- 9636*

(33) PEPAP [other name(s): 1-(2-phenylethyl)-4-phenyl-4 acetyloxypiper-idine] - 9663-(10-1985)

(34) Phenadoxone ---------- 9637*

(35) Phenampromide ---------- 9638*

(36) Phenomorphan ---------- 9647*

(37) Phenoperidine ---------- 9641*

(38) Piritramide ---------- 9642*

(39) Proheptazine ---------- 9643*

(40) Properidine ---------- 9644*

(41) Propiram ---------- 9649*

(42) Racemoramide ---------- 9645*

(43) Tilidine ---------- 9750-(9-1981)

(44) Trimeperidine ---------- 9646*

(45) Acetyl norfentanyl [other name(s): N-phenyl-N-4-piperidinyl-acetamide]----------(4-2017)

(46) AH-7921 [other name(s): 3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide]----------9551-(4-2017)

(47) W-18 [other name(s): 1-(4-nitrophenylethyl)piperidylidene-2-(4-chlorophenyl)sulfonamide]----------(4-2017)

(48) W-15 [other name(s): 1-phenylethylpiperidylidene-2-(4-chlorophenyl)Sulfonamide] ----------(4-2017)

(49) MT-45 [other name(s): 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine] ---------- 9560-(4-2017)

(50) U-47700 [other name(s): trans-3,4-dichloro-N-(2-(dimethylamino)cyclohexyl)-N-methylbenzamide] ---------- 9547-(4-2017)

(51) Fentanyl-related substances, their isomers, esters, ethers, salts and salts of isomers, esters and ethers. Fentanyl-related substance means any substance not otherwise listed, and for which no exemption or approval is in effect under section

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505 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 355], that is structurally related to fentanyl by one or more of the following modifications: ----------(4-2021)

(i) Replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle;

(ii) Substitution in or on the phenethyl group with alkyl, alkenyl, alkoxyl, hydroxyl, halo, haloalkyl, amino or nitro groups;

(iii) Substitution in or on the piperidine ring with alkyl, alkenyl, alkoxyl, ester, ether, hydroxyl, halo, haloalkyl, amino or nitro groups;

(iv) Replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle; or

(v) Replacement of the N-propionyl group by another acyl group.

(vi) Fentanyl-related substances shall include, but are not limited to:

(A) Acetyl-alpha-methylfentanyl [other name(s): (N-[1-[1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide)] ----------9815-(2-1986)

(B) Alpha-methylfentanyl [other name(s): (N-[1-(alpha-methyl-beta-phenyl) ethyl-4-piperidyl] propronanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido)piperidine)] ---------- 9814-(6-1982)

(C) Alpha-methylthiofentanyl [other name(s): N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide] ---------- 9832-(2-1986)

(D) Beta-hydroxyfentanyl [other name(s): (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide)] ---------- 9830-(2-1986)

(E) Beta-hydroxy-3-methylfentanyl [other name(s): N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropamamide] ---------- 9831-(2-1986)

(F) 3-Methylfentanyl [other name(s): (N-[3-Methyl-1-(2-phenylethyl)-4-piperidyl]-N-Phenylpropanamide)] ---------- 9813-(10-1985)

(G) 3-methylthiofentanyl [other name(s): N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide] ---------- 9833-(2-1986)

(H) Para-fluorofentanyl [other name(s): (N-[4-fluorophenyl)-N-[1-(2-phenenthyl)-4-piperindinyl]propananmide] ---------- 9812-(11-1986)

(I) Thiofentanyl [other name(s): (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide] ----------9835-(2-1986)

(J) Acetyl fentanyl [other name(s): N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide] ----------9821-(4-2017)

(K) Butyryl fentanyl [other name(s): N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide]----------9822-(4-2017)

(L) Beta-hydroxythiofentanyl [other name(s): N-{1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl}-N-phenylpropionamide]----------9836-(4-2017)

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(M) Acetyl fentanyl 4-methylphenethyl analog [other name(s): N-{1-[2-(4-methylphenyl)ethyl]-4-piperidinyl}-N-phenyl-acetamide] ----------(4-2017)

(N) Valeryl fentanyl [other name(s): N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-pentanamide]----------9840-(4-2017)

(O) Furanyl fentanyl [other name(s): N-(1-(2-phenylethyl)-4-piperidinyl)-N-phenylfuran-2-carboxamide]----------9834-(4-2017)

(P) Isobutyryl fentanyl [other name(s): 2-methyl-N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide]----------9827-(4-2017)

(Q) Ocfentanil [other name(s): N-(2-fluorophenyl)-2-methoxy-N-[1-(2-phenylethyl)piperidin-4-yl]acetamide] ----------9838-(4-2017)

(R) 4-methoxy butyryl fentanyl [other name(s): N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide] ----------(4-2017)

(S) Para-fluorobutyryl fentanyl [other name(s): N-(4-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide] ----------9823-(4-2017)

(T) Acryl fentanyl [other name(s): N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide] ---------- 9811-(6-2020)

(U) 4-Fluoroisobutyryl fentanyl [other name(s): N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide]---------- 9824-(6-2020)

(V) Tetrahydrofuranyl fentanyl [other name(s): N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide] ---------- 9843-(6-2020)

(W) Cyclopropyl fentanyl [other name(s): N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide] ---------- 9845-(4-2021)

(X) Methoxyacetyl fentanyl [other name(s): 2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide] ---------- 9825-(4-2021)

(Y) Ortho-fluorofentanyl [other name(s): N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide] ---------- 9816-(4-2021)

(Z) Crotonyl fentanyl [other name(s): (E)-N-(1-phenethylpiperidin-4-yl)-N-phenylbut-2-enamide] ---------- 9844-(5-2022)

(AA) Cyclopentyl fentanyl [other name(s): N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide] ---------- 9847-(5-2022)

(BB) Para-chloroisobutyryl fentanyl [other name(s): N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide] ---------- 9826-(5-2022)

(CC) Para-methoxybutyryl fentanyl [other name(s): N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide] ---------- 9837-(5-2022)

(DD) Beta-methyl fentanyl [other name(s): N-phenyl-N-(1-(2-phenylpropyl) piperidin-4-yl)propionamide] ---------- 9856-(5-2022)

(EE) Beta'-phenyl fentanyl [other name: N-(1-phenethylpiperidin-4-yl)-N,3-diphenylpropanamide] ---------- 9842-(5-2022)

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(FF) 2'-Fluoro ortho-fluorofentanyl [other name(s): N-(1-(2-fluorophenethyl)piperidin-4-yl)-N-(2-fluorophenyl)propionamide] -------- 9855-(5-2022)

(GG) 4'-Methyl acetyl fentanyl [other name(s): N-(1-(4-methylphenethyl) piperidin-4-yl)-N-phenylacetamide] ---------- 9819-(5-2022)

(HH) Ortho-fluorobutyryl fentanyl [other name(s): N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide] ---------- 9846-(5-2022)

(II) Ortho-methyl acetylfentanyl [other name(s): N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide] ----------9848-(5-2022)

(JJ) Ortho-methyl methoxyacetyl fentanyl [other name(s): 2-methoxy-N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide] ---------- 9820-(5-2022)

(KK) Para-methylfentanyl [other name(s): N-(4-methylphenyl)-N-(1-phenethylpiperidin-4-yl)propionamide] ---------- 9817-(5-2022)

(LL) Phenyl fentanyl [other name(s): N-(1-phenethylpiperidin-4-yl)-N-phenylbenzamide] ---------- 9841-(5-2022)

(MM) Thiofuranyl fentanyl [other name(s): N-(1-phenethylpiperidin-4-yl)-N-phenylthiophene-2-carboxamide] ---------- 9839-(5-2022)

(NN) Fentanyl carbamate [other name(s): ethyl(1-phenethylpiperidin-4-yl)(phenyl)carbamate] ---------- 9851-(5-2022)

(OO) Ortho-fluoroacryl fentanyl [other name(s): N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)acrylamide] ---------- 9852-(5-2022)

(PP) Ortho-fluoroisobutyryl fentanyl [other name(s): N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide] ---------- 9853-(5-2022)

(QQ) Para-fluoro furanyl fentanyl [other name(s): N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide] ---------- 9854-(5-2022)

(RR) Meta-fluorofentanyl [other name(s): N-(3-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide] ---------- 9857-(6-2025)

(SS) Meta-fluoroisobutyryl fentanyl [other name(s): N-(3-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide---------- 9858-(6-2025)

(TT) Para-methoxyfuranyl fentanyl [other name(s): N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide] ---------- 9859-(6-2025)

(UU) Para-methylcyclopropyl fentanyl [other name(s): N-(4-methylphenyl)-N-(1-phenethylpiperidin-4-yl)cyclopropanecarboxamide] - 9865-(6-2025)

(VV) 3-furanyl fentanyl [other name(s): N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-3-carboxamide]---------- 9860-(6-2025)

(WW) 2′,5′-dimethoxyfentanyl [other name(s): N-(1-(2,5-dimethoxyphenethyl)piperidin-4-yl)-N-phenylpropionamide]---------- 9861-(6-2025)

(XX) Isovaleryl fentanyl [other name(s): 3-methyl-N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide] ---------- 9862-(6-2025)

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(YY) Ortho-fluorofuranyl fentanyl [other name(s): N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide] ---------- 9863-(6-2025)

(ZZ) Alpha′-methyl butyryl fentanyl [other name(s): 2-methyl-N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide] ---------- 9864-(6-2025)

(52) Zipeprol ---------- 9873-(11-2023)

(53) Brorphine ---------- 9098-(4-2024)

(54) Benzimidazole-opioid substances, their isomers, esters, ethers, salts and salts of isomers, esters and ethers. Benzimidazole-opioid substances includes any substance, not otherwise listed or excepted, and for which no exemption or approval is in effect under Section 505 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 355], that structurally has benzimidazole ring with an ethylamine at its 1-position and benzyl group at its 2-position: ---------- (4-2024)

(i) With or without substitution on the benzimidazole;

(ii) With or without substitution at the ethylamine;

(iii) With or without inclusion of the ethylamine in a cyclic structure;

(iv) With or without substitution on the benzyl ring; or

(v) With or without replacement of the benzyl ring with an aromatic ring.

(vi) Benzimidazole-opioid substances shall include but are not limited to:

(A) 4'-Hydroxy Nitazene; ---------- (4-2024)

(B) 5-Aminoisotonitazene; ---------- (4-2024)

(C) Butonitazene; ---------- 9751-(4-2024)

(D) Clonitazene; ---------- 9612 *

(E) Etodesnitazene, [other name(s): Etazene]; ---------- 9765-(4-2024)

(F) Etonitazene ; ---------- 9624*

(G) Flunitazene; ---------- 9756-(4-2024)

(H) Isotonitazene; ---------- 9614-(11-2023)

(I) Isotodesnitazene; ---------- (4-2024)

(J) Metodesnitazene; ---------- 9764-(4-2024)

(K) Metonitazene; ---------- 9757-(4-2024)

(L) N-Desethyl Etonitazene; ---------- (4-2024)

(M) N-Desethyl Isotonitazene ; ---------- (4-2024)

(N) N-Piperidinyl Etonitazene [other name(s): Etonitazepipne]; ---------- (4-2024)

(O) N-Pyrrolidino Etonitazene [other name(s): Etonitazepyne]; ---------- 9758-(4-2024)

(P) N-Pyrrolidino Protonitazene; and ---------- (4-2024)

(Q) Protonitazene ---------- 9759-(4-2024)

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(55) 2-Methyl AP–237 [other name(s): 1-(2-methyl-4-(3-phenylprop-2-en-1-yl)piperazin-1-yl)butan-1-one] ---------- 9664-(6-2025)

(c) **Opium derivatives: (Narcotic Drugs)** Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Acetorphine ---------- 9319*

(2) Acetyldihydrocodeine ---------- 9051*

(3) Benzylmorphine ---------- 9052*

(4) Codeine methylbromide ---------- 9070*

(5) Codeine-N-Oxide ---------- 9053*

(6) Cyprenorphine ---------- 9054*

(7) Desomorphine ---------- 9055*

(8) Dihydromorphine ---------- 9145*

(9) Drotebanol ---------- 9335*

(10) Etorphine (except hydrochloride salt) ---------- 9056*

(11) Heroin ---------- 9200*

(12) Hydromorphinol ---------- 9301*

(13) Methyldesorphine ---------- 9302*

(14) Methyldihydromorphine ---------- 9304*

(15) Morphine methylbromide ---------- 9305*

(16) Morphine methylsulfonate ---------- 9306*

(17) Morphine-N-Oxide ---------- 9307*

(18) Myrophine ---------- 9308*

(19) Nicocodeine ---------- 9309*

(20) Nicomorphine ---------- 9312*

(21) Normorphine ---------- 9313*

(22) Pholcodine ---------- 9314*

(23) Thebacon ---------- 9315*

(24) Mitragynine ---------- (11-2015)

(25) 7-Hydroxymitragynine---- ---------- ----------(11-2015)

(d) **Hallucinogenic substances:** Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following

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hallucinogenic substance, or which contains any of its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this paragraph only, the term "isomer" includes the optical, position and geometric isomers):

(1) alpha-ethyltryptamine ---------- 7249-(12-1993)

Some trade or other names: etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl)indole; alpha-ET; and AET.

(2) 4-bromo-2,5-dimethoxy-amphetamine ---------- 7391*

Some trade or other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA.

(3) 4-bromo-2,5-dimethoxyphenethylamine ---------- 7392-(8-1995)

Some trade or other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1 aminoethane; alpha-desmethyl DOB; 2C-B, Nexus.

(4) 2,5-dimethoxyamphetamine ---------- 7396*

Some trade or other names: 2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA.

(5) 2,5-dimethoxy-4-ethylamphetamine ---------- 7399-(3-1988)

Some trade or other names: DOET.

(6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine ---------- 7348-(1-2005)

Some trade or other names: 2C-T-7.

(7) 4-methoxyamphetamine ---------- 7411*

Some trade or other names: 4-methoxy-alpha- methylphenethylamine; paramethoxyamphetamine; PMA.

(8) 5-methoxy-3,4-methylenedioxy-amphetamine ---------- 7401*

(9) 4-methyl-2,5-dimethoxyamphetamine ---------- 7395*

Some trade and other names: 4-methyl-2,5-dimethoxy-alphamethylphenethylamine; "DOM"; and "STP".

(10) 3,4-methylenedioxy amphetamine ---------- 7400*

(11) 3,4-methylenedioxymethamphetamine ---------- 7405-(10-1985)

Some trade or other names: MDMA)

(12) 3,4-methylenedioxy-N-ethylamphetamine ---------- 7404-(6-1990)

Some trade or other names: N- ethy-alpha-methyl-3,4 (methylenedioxy) phenethylamine, N-ethyl MDA; MDE; MDEA.

(13) N-hydroxy-3,4-methylenedioxyamphetamine ---------- 7402-(6-1990)

Some trade or other names: N-hydroxy-alpha-methyl-3,4(methylenedioxy) phenethylamine; N-hydroxy MDA

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(14) 3,4,5-trimethoxy amphetamine ---------- 7390*

(15) 5-methoxy-n,n-dimethyltryptamine 5-MeO-DMT ---------- 7431*(1-2011)

(16) alpha-methyltryptamine ---------- 7432-(7-2005)

Some trade or other names: AMT

(17) Bufotenine ---------- 7433*

Some trade and other names: 3-(beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N,N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine.

(18) Diethyltryptamine ---------- 7434*

Some trade or other names: N,N-Diethyltryptamine;DET.

(19) Dimethyltryptamine ---------- 7435*

Some trade or other names: DMT

(20) 5-methoxy-N,N-diisopropyltryptamine ---------- 7439-(7-2005)

Some trade or other names: 5-MeO-DIPT.

(21) Ibogaine ---------- 7260*

Some trade and other names: 7-Ethyl-6,6 beta; 7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido [1',2': 1,2] azepino [5,4-b] indole; Tabernanthe iboga.

(22) Lysergic acid diethylamide ---------- 7315*

(23) Mescaline ---------- 7381*

(24) Parahexyl ---------- 7374-(7-1983)

Some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo [b,d] pyran; Synhexyl.

(25) Peyote ---------- 7415*

Meaning all parts of the plant presently classified botanically as Lophophora williamsii Lemaire, whether growing or not; the seeds thereof; any extract from any part of such plant; and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts. (Interprets 21 USC 812 (c), Schedule I (c) (12)).

(26) N-ethyl-3-piperidyl benzilate ---------- 7482*

(27) N-methyl-3-piperidyl benzilate ---------- 7484*

(28) Psilocybin ---------- 7437*

(29) Psilocyn ---------- 7438*

(30) Ethylamine Analog of phencyclidine ---------- 7455*

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Some trade or other names: N-ethyl-1-phenylcyclohexylamine, (phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE.

(31) Pyrrolidine Analog of phencyclidine ---------- 7458*

Some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine; PCPy; PHP

(32) Thiophene Analog of phencyclidine ---------- 7470*

Some trade or other names: 1-[1-(2-thienyl) cyclohexyl] Piperidine; 2-Thienyl analog of phencyclidine; TPCP; TCP.

(33) 1-[1-(2-Thienyl)cylcohexyl]pyrrolidine ---------- 7473-(9-1989)

Some other trade or other names: TCPy.

(34) N,N-Diallyl-5-Methoxytryptamine; ----------(6-2012)

Some trade or other names: 5-MeO DALT; 5-Methoxy-DALT

(35) 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine; 25C-NBOMe ----------(5-2013)

(36) 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl) methyl]ethanamine; 25I-NBOMe ----------(8-2013)

(37) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine; 2C-E---------- 7509-(11-2013)

(38) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine; 2C-D ---------- 7508-(11-2013)

(39) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine; 2C-C---------- 7519-(11-2013)

(40) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine; 2C-I---------- 7518-(11-2013)

(41) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine; 2C-T-2 ---------- 7385-(11-2013)

(42) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine; 2C-T-4 ---------- 7532-(11-2013)

(43) 2-(2,5-Dimethoxyphenyl)ethanamine; 2C-H---------- 7517-(11-2013)

(44) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine; 2C-N---------- 7521-(11-2013)

(45) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine; 2C-P ---------- 7524-(11-2013)

(46) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine; 25B-NBOMe ----------(9-2018)

(47) 2-[[[2-(4-bromo-2,5-dimethoxyphenyl)ethyl]amino]methyl]-phenol; 25B-NBOH ---------- (11-2018)

(48) 2-[[[2-(4-iodo-2,5-dimethoxyphenyl)ethyl]amino]methyl]-phenol; 25I-NBOH------- (11-2018)

(49) 2-(4-ethyl-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl) methyl]ethanamine; 25E-NBOMe ----------(7-2019)

(50) 2-(2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl) methyl]ethanamine; 25H-NBOMe ----------(7-2019)

(51) 2-[[[2-(4-chloro-2,5-dimethoxyphenyl)ethyl]amino]methyl]- phenol; 25C-NBOH ----------(7-2019)

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(52) 2-[[[2-(2,5-dimethoxyphenyl)ethyl]amino]methyl]-phenol; 25H-NBOH----------(7-2019)

(53) 1-(4-methoxyphenyl)-N-methylpropan-2-amine ---------- 1245-(5-2022)

Some trade or other names: Para-methoxymethamphetamine; PMMA

(54) 2-(ethylamino)-2-(3-methoxyphenyl)cyclohexan-1-one ---------- 7286-(11-2023)

Some trade or other names: Methoxetamine; MXE

(e) **Depressants**: Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) gamma-hydroxybutyric acid [other name(s): GHB; gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxydutanoic acid; sodium oxybate; sodium oxybutyrate], and its known precursors and analogs. Precursors include but are not limited to: gamma-butyrolactone ----------2010-(2-2001)

(2) Mecloqualone ---------- 2572*

(3) Methaqualone ---------- 2565*

(4) Benzodiazepine substances, their isomers, esters, ethers, salts and salts of isomers, esters and ethers. Benzodiazepine substances includes any substance, not otherwise listed or excepted, and for which no exemption or approval is in effect under section 505 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 355], that structurally has a fused 1,4-diazepine and benzene ring structure with a phenyl connected to the diazepine ring, with any substitution(s) or replacement(s) on the 1,4-diazepine or benzene ring, any substitution(s) on the phenyl ring, or any combination thereof. Benzodiazepine substances shall include but are not limited to: ----------(4-2024)

(i) Bromazolam; ----------(4-2024)

(ii) Clonazolam; ----------(4-2021)

(iii)Diclazepam;

(iv)Flualprazolam;----------(4-2021)

(v) Flubromazepam;----------(4-2021)

(vi)Flubromazolam; ----------(4-2021)

(vii) Phenazepam;----------(6-2012)

(viii) Phenazolam [other name(s): Clobromazolam] ---------- (4-2024).

(5) Thienodiazepine substances, their isomers, esters, ethers, salts and salts of isomers, esters and ethers. Thienodiazepine substances includes any substance, not otherwise listed or excepted, and for which no exemption or approval is in effect under section 505 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 355], that structurally has a fused 1,4-diazepine and thiophene ring structure with a

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phenyl connected to the 1,4-diazepine ring, with any substitution(s) or replacement(s) on the 1,4-diazepine or thiophene ring, any substitution(s) on the phenyl ring, or any combination thereof. Thienodiazepine substances shall include but are not limited to: ---------- (4-2024)

(i) Etizolam ---------- (12-2014)

(f) **Stimulants**:

(1) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

(i) Cathinone ---------- 1235-(3-1988)

(ii) (±) CIS-4-Methylaminorex [(±)CIS-4,5-dihydro-4- methyl-5-phenyl-2-oxazolamine] ---------- 1590-(6-1990)

(iii)Fenethylline ---------- 1503-(9-1981)

(iv)N-Benzylpiperazine [other name(s): BZP, 1-Benzylpiperazine] ---------- 7493-(1-2005)

(v) N-ethylamphetamine ---------- 1475-(6-1982)

(vi)N-[1-(1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts and salts of isomers ---------- 9818-(2-1986)

(vii) N-[1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropan-mide (thenylfentanyl), its optical isomers, salts and salts of isomers ---------- 9834-(2-1986)

(viii) N,N-Dimethylamphetamine [other name(s): N,N,Alpha-trimethylbenzeneethanamine; N,N,Alpha-trimethylphenethylamine], its salts, optical isomers, and salts of optical isomers ---------- 1480-(2-1989)

(ix)Methcathinone [other name(s):2-Methylamine-Proprophenone, alpha (methylamino)- Proprophenone, 2 (methylamino)-1-phenylpropan-1-one, alpha-N-Methylaminopropiophenone, monomethylpropion, ephedrone, N-methylcathinone, methycathinone, AL-464, AL-422, AL-463 and UR-1431], its salts, optical isomers and salts of optical isomers ---------- 1237-(12-1993)

(x) Aminorex [other name(s): aminoraphen, 2-amino-5 phenyl-2-oxazoline, or 4,5 dihyrdo-5-phenyl-2-oxazolamine], its salts, optical isomers, and salts of optical isomers ---------- 1585-(12-1993)

(xi)4,4′-Dimethylaminorex [other name(s): 4,4′-DMAR, 4,5-dihydro-4-methyl-5-(4-methylphenyl)-2-oxazolamine, or 4-methyl-5-(4-methylphenyl)-4,5-dihydro-1,3-oxazol-2-amine] ---------- 1595-(5-2022)

(xii) Amineptine ---------- 1219-(11-2023)

(xiii) Mesocarb ---------- 1227-(11-2023)

(xiv) Methyl-N-ethylcathinone (MEC) ---------- (6-2014)

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(xv) Methiopropamine. [other name(s): N-methyl-1-(thiophen-2-yl)propan-2-amine]----------1478-(4-2024)

(xvi) Ethylphenidate [other name(s): ethyl 2-phenyl-2-(piperidin-2-yl)acetate] ---------- 1727

(2) Any material, compound, mixture, or preparation, whether produced directly or indirectly from a substance of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis, that contains any quantity of the following substances, or that contains any of the following substances' analogs, salts, isomers, and salts of isomers when the existence of the analogs, salts, isomers, and salts of isomers is possible within the specific chemical designation, with the following chemical structure is included in Schedule I:

(i) 4-Methylmethcathinone (Mephedrone) ---------- 1248-(3-2011)

(ii) Methylenedioxypyrovalerone (MDPV) ---------- (3-2011)

(iii)3,4-Methylenedioxy-N-methylcathinone (Methylone) ---------- 7540-(3-2011)

(iv)4-Methoxymethcathinone ----------(3-2011)

(v) 3-Fluoromethcathinone ---------- (3-2011)

(vi)4-Fluoromethcathinone----------(3-2011)

(vii) 1-(1,3-benzodioxol-5-yl)-2-methylamino)butan-1-one-(Butylone) ---------- 7541-(11-2014)

(viii) Alpha-Pyrrolidinopentiophenone (Alpha-PVP) ---------- 7545-(11-2015)

(ix)4-methyl-N-ethylcathinone (4-MEC) ----------1249-(9-2018)

(x) 4-methyl-alpha-pyrrolidinopropiophenone (4-MePPP)----------7498-(9-2018)

(xi)2-(methylamino)-1-phenylpentan-1-one (Pentedrone)----------1246-(9-2018)

(xii) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (Pentylone; bk-MBDP)----------7542-(9-2018)

(xiii) 4-fluoro-N-methylcathinone (4-FMC, Flephedrone) ----------1238-(9-2018)

(xiv) 3-fluoro-N-methylcathinone (3-FMC)----------1233-(9-2018)

(xv) 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one (Naphyrone) ----------1258-(9-2018)

(xvi) Alpha-pyrrolidinobutiophenone ([Alpha]-PBP) ----------7546-(9-2018)

(xvii)3-methylmethcathinone (3–MMC) ----------1259-(6-2025)

(xviii) A compound, unless listed in another schedule or a legend drug, that is structurally derived from 2-Amino-phenyl-1-propanone by modification or by substitution: ----------(3-2012)

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

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

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

(xix) 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)pentan-1-one (N-Ethylpentylone) --7543-(7-2019)

(xx) 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)propan-1-one (Ethylone)----------7547-(4-2021)

(xxi) 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-butanone (Eutylone) ----------7549-(4-2021)

(xxii)2-(ethylamino)-1-phenylhexan-1-one [other name(s): (N-Ethylhexedrone ; Alpha-Ethylaminohexanophenone)]---------- 7246-(11-2023)

(xxiii) 1-phenyl-2-(pyrrolidin-1-yl)hexan-1-one [other name(s): (Alpha-Pyrrolidinohexanophenone ; Alpha-PHP)] ---------- 7544-(11-2023)

(xxiv) 2-(ethylamino)-1-(4-methylphenyl)pentan-1-one [other name(s): (4-Methyl-alpha-ethylaminopentiophenone ; 4-MEAP)] ---------- 7245-(11-2023)

(xxv) 1-(4-methylphenyl)-2-(pyrrolidin-1-yl)hexan-1-one [other name(s): (4′-Methyl-alpha-pyrrolidinohexiophenone ; MPHP)] ---------- 7446-(11-2023)

(xxvi) 1-phenyl-2-(pyrrolidin-1-yl)heptan-1-one [other name(s): (Alpha-Pyrrolidinoheptaphenone ; PV8)]---------- 7548-(11-2023)

(xxvii) 1-(4-chlorophenyl)-2-(pyrrolidin-1-yl)pentan-1-one [other name(s): (4′-Chloro-alpha-pyrrolidinovalerophenone ; 4-chloro-alpha-PVP)] ---------- 7443-(11-2023)

(xxviii) 4-methyl-1-phenyl-2-(pyrrolidin-1-yl)pentan-1-one [other name(s): alpha-PiHP, Alpha-Pyrrolidinoisohexanophenone] ---------- 7551-(6-2025)

(xxix) 1-(1,3-benzodioxol-5-yl)-2-(dimethylamino)pentan-1-one [other name(s): dipentylone, N,N-dimethylpentylone] ---------- 7552

SCHEDULE II

(a) Schedule II shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the Controlled Substances Code Number set forth opposite it.

(b) **Narcotic Drugs:** Substances, vegetable origin or chemical synthesis. Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate excluding apomorphine, thebaine-derived butorphanol, dextrorphan, nalbuphine, naldemedine, nalmefene, naloxegol, naloxone, 6β-naltrexol, naltrexone and samidorphan, and their respective salts, but including the following:

(i) Raw opium ---------- 9600*

(ii) Opium extracts ---------- 9610*

(iii)Opium fluid extracts ---------- 9620*

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(iv) Powdered opium ---------- 9639*

(v) Granulated opium ---------- 9640*

(vi) Tincture of opium ---------- 9630*

(vii) Codeine ---------- 9050*

(viii) Dihydroetorphine ---------- 9334*

(ix) Ethylmorphine ---------- 9190*

(x) Etorphine hydrochloride ---------- 9059*

(xi) Hydrocodone ---------- 9193*

(xii) Hydromorphone ---------- 9150*

(xiii) Metopon ---------- 9260*

(xiv) Morphine ---------- 9300*

(xv) Oripavine ---------- 9330*(9-2007)

(xvi) Oxycodone ---------- 9143*

(xvii) Oxymorphone ---------- 9652*

(xviii) Thebaine ---------- 9333*

(xix) Tapentadol ---------- 9780-(5-2009)

(xx) Noroxymorphone ---------- 9668-(4-2021)

(2) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (b) (1) of this section, except that these substances shall not include the isoquinoline alkaloids of opium.*

(3) Opium poppy and poppy straw.*

(4) Coca leaves (9040) and any salt, compound, derivative, or preparation of coca leaves, (including cocaine (9041) and ecgonine (9180) and their salts, isomers, derivatives and salts of isomers and derivatives), and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include: ---------- *

(i) Decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine ; ---------- *

(ii) [^{123}I]ioflupane; or ---------- (11-2023)

(iii)[^{18}F]FP–CIT ---------- (11-2023)

(5) Concentrate or poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrene alkaloids of the opium poppy), ---------- 9670.*

(c) **Opiates: (Narcotic Drugs)** Unless specifically excepted or unless in another schedule, any of the following opiates, including its isomers, esters, ethers, salts, and salts of isomers, esters and ethers

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whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designations:

(1) Alfentanil ---------- 9737-(2-1987)
(2) Alphaprodine ---------- 9010*
(3) Anileridine ---------- 9020*
(4) Bezitramide ---------- 9800*
(5) Bulk Dextropropoxyphene (non-dosage forms) ---------- 9273-(9-1981)
(6) Carfentanil ---------- 9743-(9-1988)
(7) Dihydrocodeine ---------- 9120*
(8) Diphenoxylate ---------- 9170*
(9) Fentanyl ---------- 9801*
(10) Isomethadone ---------- 9226*
(11) Levo-alphacetylmethadol (LAAM) ---------- 9648-(12-1993)
(12) Levomethorphan ---------- 9210*
(13) Levorphanol ---------- 9220*
(14) Metazocine ---------- 9240*
(15) Methadone ---------- 9250*
(16) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane ---------- 9254*
(17) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid ---------- 9802*
(18) Pethidine (Meperidine) ---------- 9230*
(19) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine ---------- 9232*
(20) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate ---------- 9233*
(21) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid ---------- 9234*
(22) Phenazocine ---------- 9715*
(23) Piminodine ---------- 9730*
(24) Racemethorphan ---------- 9732*
(25) Racemorphan ---------- 9733*
(26) Remifentanil ---------- 9739-(11-1996)
(27) Sufentanil ---------- 9740-(9-1981)
(28) Thiafentanil ---------- 9729-(4-2021)
(29) Oliceridine ---------- 9245-(5-2022)
(30) Tianeptine ---------- (5-2022)

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(d) **Stimulants:** Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers ---------- 1100*

(2) Methamphetamine, its salts, isomers, and salts of its isomers ---------- 1105*

(3) Lisdexamfetamine ---------- 1205*(7-2007)

(4) Phenmetrazine and its salts ---------- 1631*

(5) Methylphenidate ---------- 1724*

(e) **Depressants**: Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Amobarbital ---------- 2125*

(2) Glutethimide ---------- 2550-(2-1991)

(3) Pentobarbital ---------- 2270*

(4) Phencyclidine ---------- 7471*

(5) Secobarbital ---------- 2315*

(f) **Hallucinogenic Substances:**

(1) Nabilone ---------- 7379-(11-1987)

[Other name(s) for nabilone: (±)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one].

(2) Dronabinol in an oral solution in a drug product approved for marketing by the U.S. Food and Drug Administration; [(-)-delta-9-trans-tetrahydrocannabinol(delta-9-THC)]. ---------- 7365-(7-2019)

(g) **Immediate Precursor**: Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) Immediate precursor to Amphetamine and Methamphetamine:

(i) Phenylacetone ---------- 8501-(3-1980)

Some trade or other names: phenyl-2-propanone; P2P; benzyl methyl Ketone; methyl benzyl Ketone.

(2) Immediate precursor to Phencyclidine (PCP):

(i) 1-phenylcyclohexylamine ---------- 7460*

(ii) 1-piperidinocyclohexanecarbonitrile (PCC) ---------- 8603*

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(3) Immediate precursor to Fentanyl:

(i) 4-anilino-N-phenethylpiperidine (ANPP) ---------- 8333*(8-2010)

(ii) N-phenyl-N-(piperidin-4-yl)propionamide (norfentanyl) ---------- 8366-(4-2021)

SCHEDULE III

(a) Schedule III shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the DEA Controlled Substances Code Number set forth opposite it.

(b) **Stimulants:** Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in Schedule II which compounds, mixtures, or preparations were listed on August 25, 1971, as excepted compounds under Section 308.32, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances ---------- 1405*

(2) Benzphetamine ---------- 1228*

(3) Chlorphentermine ---------- 1645*

(4) Clortermine ---------- 1647*

(5) Phendimetrazine ---------- 1615*

(c) **Depressants**: Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Any compound, mixture, or preparation containing:

(i) Amobarbital ---------- 2126*

(ii) Secobarbital ---------- 2316*

(iii)Pentobarbital ---------- 2271*

(iv)Embutramide ---------- 2020*(9-2006)

or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule.

(2) Any suppository dosage form containing:

(i) Amobarbital ---------- 2126*

(ii) Secobarbital ---------- 2316*

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(iii)Pentobarbital ---------- 2271*

or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository.

(3) Any substance which contains any quantity of a derivative of barbituric acid or any salt thereof ---------- 2100*

(4) Chlorhexadol ---------- 2510*

(5) Any drug product containing gamma hydroxybutyric acid, including its salts, isomers, and salts of isomers, for which an application is approved under section 505 of the Federal Food, Drug, and Cosmetic Act---------- 2012-(2-2001)

(6) Ketamine. its salts, isomers, and salts of isomers ---------- 7285-(7-1999)

Some other names for Ketamine: (+-)-2-(2-Chlorophenyl)-2-(Methylamino)-Cyclohexanone.

(7) Lysergic acid ---------- 7300*

(8) Lysergic acid amide ---------- 7310*

(9) Methyprylon ---------- 2575*

(10) Sulfondiethylmethane ----------2600*

(11) Sulfonethylmethane ---------- 2605*

(12) Sulfonmethane ---------- 2610*

(13) Tiletamine and zolazepam or any salt thereof ---------- 7295-(3-1988)

Some trade or other name for a tiletamine- zolazepam combination product: Telazol.

Some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone.

Some trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethyl-pyrazolo[3,4-e][1,4]diazepin-7(1H)-one; flupyrazapon.

(14) Perampanel ---------- 2261-(11-2013)

(15) Xylazine and any material, compound, mixture, or preparation which contains any quantity of xylazine, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, except in the following uses:---------- (6-2025)

(i) Dispensing, prescribing, or administering, to an animal, a drug containing xylazine that has been approved by the United States Secretary of Health and Human Services under section 512 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. § 360b);

(ii) Dispensing, prescribing, or administering xylazine to an animal that is permissible under section 512 (a)(4) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. § 360b(a)(4));

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(iii) Possessing a drug containing xylazine, as described in this section (15), for animal use :

(A) By a licensed pharmacist or licensed veterinarian ; or

(B) Pursuant to a valid prescription from a licensed veterinarian ;

(iv) Possessing, manufacturing, distributing, or using xylazine as an active pharmaceutical ingredient for manufacturing an animal drug either:

(A) Approved under section 512 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. § 360b); or

(B) Issued an investigation use exemption under section 512 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. § 360b(j));

(v) Manufacturing, distributing, or using a xylazine bulk chemical for pharmaceutical compounding by a licensed pharmacist or veterinarian; or

(vi) Another use approved or permissible under the Federal Food, Drug and Cosmetic Act (21 U.S.C. § 301, et seq.) or under 21 CFR Part 530, Subpart B.

(d) Nalorphine ---------- 9400*

(e) **Narcotic drugs:** Unless specifically excepted or unless listed in another schedule:

(1) Any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(i) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium ---------- 9803*

(ii) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts ---------- 9804*

(iii) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts ---------- 9807*

(iv) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts ---------- 9808*

(v) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than 25 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts ---------- 9809*

(vi) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts ---------- 9810*

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(2) Any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts, as set forth below:

(i) Buprenorphine ---------- 9064-(6-1985) (10-02 Transfer)

(ii) Reserved

(f) Anabolic Steroids: Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts of isomers is possible within the specific chemical designation: ---------- 4000

(1) Boldenone;----------(9-1991)

(2) Boldione;----------(1-2010)

(3) Chlorotestosterone (4-chlortestosterone); ----------(9-1991)

(4) Clostebol; ----------(9-1991)

(5) Dehydrochlormethyltestosterone; ----------(9-1991)

(6) Desoxymethyltestosterone----------(1-2010)

(7) Dihydrotestosterone (4-dihydrotestosterone); ----------(9-1991)

(8) Drostanolone;----------(9-1991)

(9) Ethylestrenol;----------(9-1991)

(10) Fluoxymesterone; ----------(9-1991)

(11) Formebulone (formebolone); ----------(9-1991)

(12) Mesterolone; ----------(9-1991)

(13) Methandienone, also known as Methandrostenolone; ----------(9-1991)

(14) Methandranone;----------(9-1991)

(15) Methandriol;----------(9-1991)

(16) Methenolone;----------(9-1991)

(17) Methyltestosterone; ----------(9-1991)

(18) Mibolerone; ----------(9-1991)

(19) Nandrolone; ----------(9-1991)

(20) 19-Nor-4,9(10)-Androstadienedione ----------(1-2010)

(21) Norethandrolone; ----------(9-1991)

(22) Oxandrolone;----------(9-1991)

(23) Oxymesterone; ----------(9-1991)

(24) Oxymetholone;----------(9-1991)

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(25) Stanolone; ----------(9-1991)

(26) Stanozolol;----------(9-1991)

(27) Testolactone; ----------(9-1991)

(28) Testosterone; ----------(9-1991)

(29) Trenbolone ----------(9-1991)

(30) Prostanozol ----------(8-2012)

(31) Methasterone ----------(8-2012); and

(32) Any salt, ester, or isomer of a drug or substance described or list in this paragraph, if that salt, ester, or isomer promotes muscle growth. ----------(9-1991)

(g) Exempt anabolic steroid products: Compounds, mixtures, or preparations that contain an anabolic steroid that have been exempted by the Secretary:

NDC Number

(1) Andro-Estro 90-4 ---------- 0536-1605

(2) Androgyn L.A ---------- 0456-1005

(3) Component E-H in Process Pellets---------- Ivy Labs Inc.

(4) Component E-H in Process Granulation ---------- Ivy Labs Inc

(5) Component TE-S in process Granulation ---------- Ivy Labs Inc

(6) Component TE-S in process Pellets---------- Ivy Labs Inc

(7) depANDROGYN ---------- 0456-1020

(8) Depo-Testadiol ---------- 0009-0253

(9) DEPO-T.E ---------- 52765-257

(10) depTESTROGEN ---------- 51698-257

(11) Duomone ---------- 52047-360

(12) DUO-SPAN II ---------- 0684-0102

(13) DURATESTRIN ---------- 43797-016

(14) Essian ---------- Pharmaceutics

(15) Essian H.S ---------- Pharmaceutics

(16) Esterified Estrogens & Methyltestosterone, USP (0.625 mg/1.25mg) ---------- Interpharm

(17) Esterified Estrogens & Methyltestosterone, USP (1.25mg/2.5mg) ---------- Interpharm

(18) Esterified Estrogens & Methyltestosterone (0.625mg/1.25mg) Tablet---------- ANDAPharm

(19) Esterified Estrogens & Methyltestosterone (1.25mg/2.5mg) Tablet---------- ANDAPharm

(20) Estratest ---------- 0032-1026

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(21) Estratest HS ---------- 0032-1023
(22) Menogen ---------- 59243-570
(23) Menogen HS ---------- 59243-560
(24) Methyltestosterone & Esterified Estrogens (2.5mg/1.25Mg) ---------- Lannett Co
(25) Methyltestosterone & Esterified Estrogens (Half Strength) (1.25mg/0.625mg) ----- Lannett Co
(26) PAN ESTRA TEST ---------- 0525-0175
(27) Premarin with Methyltestosterone ---------- 0046-0879
(28) Premarin with Methyltestosterone ---------- 0046-0878
(29) Syntest D.S ---------- 66576-231
(30) Stntest H.S ---------- 66576-230
(31) Synovex H in process bulk pellets ---------- Syntex Animal
(32) Synovex H in process granulation ---------- Syntex Animal
(33) Synovex Plus in process granulation ---------- Fort Dodge
(34) Synovex Plus in process bulk pellets ---------- Fort Dodge
(35) TEST-ESTRO Cypionates ---------- 0536-9470
(36) Testoderm with Adhesive 4mg/d ---------- Alza Corp
(37) Testoderm 4mg/d ---------- 17314-4608
(38) Testoderm 6mg/d ---------- 17314-4609
(39) Testoderm with Adhesive 6mg/d ---------- 17314-2836
(40) Testoderm in process film ---------- Alza Corp
(41) Testoderm with Adhesive in process film ---------- Alza Corp
(42) Testosterone Cypionate/Estradiol Cypionate injection ---------- 54274-530
(43) Testosterone Cypionate/Estradiol Cypionate injection ---------- 0182-3069
(44) Testosterone Cyp 50 Estradiol Cyp 2 ---------- 0814-7737
(45) Testosterone Cypionate/Estradiol Cypionate injection ---------- 0364-6611
(46) Testosterone Cypionate/Estradiol Cypionate injection ---------- 0402-0257
(47) Testosterone Enanthate/Estradiol Valerate injection ---------- 0182-3073
(48) Testosterone Enanthate/Estradiol Valerate injection ---------- 0364-6618
(49) Testosterone Enanthate/Estradiol Valerate injection ---------- 0402-0360
(50) Testosterone Ophthalmic Solution ---------- Allergan
(51) Tilapia Sex Reversal Feed (investigational) ---------- Ranger, Inc

(h) Veterinary Anabolic Steroid Implant Products: Anabolic steroid products expressly intended for administration through implants in cattle or other nonhuman species exempted by the Secretary.

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NDC/DIN

(1) Component E-H ---------- 021641-002
(2) Component E-H ---------- 01968327
(3) Component TE-S ---------- 021641-004
(4) Component T-H ---------- 0211641-006
(5) Component T-S ---------- 0211641-005
(6) F-TO ---------- 00093351
(7) Finaplix-H ---------- 12799-807-10
(8) Finaplix-S ---------- 12799-807-07
(9) Heifer-old ---------- Boehringer
(10) Heifer-old ---------- Ingelheim
(11) Heifer-old ---------- Ivy Lab.
(12) Implus-H ---------- 0009-0434-01
(13) Implus-H ---------- 06-0434-01
01968327
(14) Masculinizing Feed for Fish (Invesitigational) ---------- Rangen,Inc.
(15) Revalor-G ---------- 12799-811
(16) Revalor-H ---------- 12799-810
(17) Revalor-S ---------- 12799-809
(18) Synovex H ---------- 0856-3901
(19) Synovex H ---------- Syntex
(20) Synovex Plus ---------- 0856-3904
(21) Tilapia Sex Reversal Feed (investigational) ---------- Zeigier Bros.

If veterinary products that are granted exempted status are subsequently distributed with the intent that they be used in humans, the distribution would be subject to the criminal sanctions of the CSA despite the drugs' exempted status.

(i) **Hallucinogenic substances**:

(1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U.S. Food and Drug Administration approved drug product ---------- 7369-(11-1987)

[Some other names for dronabinol: (6a R-trans)-6a,7,8, 10a-tetrahydro-6, 6, 9-trimethyl-3-pentyl-6H-dibenzo [b,d] phyran-1-ol, or (-)-delta 9-(trans)-tetrahydrocannabinol]

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SCHEDULE IV

(a) Schedule IV shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name or brand name designated, listed in this section. Each drug or substance has been assigned the DEA Controlled Substances Code Number set forth opposite it.

(b) **Narcotic drugs**: Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(1) Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit ---------- 9167*

(2) Dextro propoxyphene (alpha-(+)-4-dimethylamino- 1,2-diphenyl-3-methyl-2-propionoxybutane) ---------- 9278-(11-1987)

(c) **Depressants**: Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Alprazolam ---------- 2882-(6-1982)

(2) Barbital ---------- 2145*

(3) Bromazepam ---------- 2748-(1-1985)

(4) Camazepam ---------- 2749-(1-1985)

(5) Chloral betaine ---------- 2460*

(6) Chloral hydrate ---------- 2465*

(7) Chlordiazepoxide ---------- 2744*

(8) Clobazam ---------- 2751-(1-1985)

(9) Clonazepam ---------- 2737*

(10) Clorazepate ---------- 2768*

(11) Clotiazepam ---------- 2752-(1-1985)

(12) Cloxazolam ---------- 2753-(1-1985)

(13) Delorazepam ---------- 2754-(1-1985)

(14) Diazepam ---------- 2765*

(15) Dichloralphenazone ---------- 2467-(10-2002)

(16) Estazolam ---------- 2756-(1-1985)

(17) Ethchlorvynol ---------- 2540*

(18) Ethinamate ---------- 2545*

(19) Ethyl loflazepate ---------- 2758-(1-1985)

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(20) Fludiazepam ---------- 2759-(1-1985)
(21) Flunitrazepam ---------- 2763-(1-1985)
(22) Flurazepam ---------- 2767*
(23) Fospropofol---------- 2138-(11-2009)
(24) Halazepam ---------- 2762-(6-1982)
(25) Haloxazolam ---------- 2771-(1-1985)
(26) Ketazolam ---------- 2772-(1-1985)
(27) Loprazolam ---------- 2773-(1-1985)
(28) Lorazepam ---------- 2885*
(29) Lormetazepam ---------- 2774-(1-1985)
(30) Mebutamate ---------- 2800*
(31) Medazepam ---------- 2836-(1-1985)
(32) Meprobamate ---------- 2820*
(33) Methohexital ---------- 2264*
(34) Methylphenobarbital (mephorbarbital) ---------- 2250*
(35) Midazolam ---------- 2884-(1-1985)
(36) Nimetazepam ---------- 2837-(1-1985)
(37) Nitrazepam ---------- 2834-(1-1985)
(38) Nordiazepam ---------- 2838-(1-1985)
(39) Oxazepam ---------- 2835*
(40) Oxazolam ---------- 2839*
(41) Paraldehyde ---------- 2585*
(42) Petrichloral ---------- 2591*
(43) Phenobarbital ---------- 2285*
(44) Pinazepam ---------- 2883-(1-1985)
(45) Prazepam ---------- 2764*
(46) Quazepam ---------- 2881-(11-1986)
(47) Temazepam ---------- 2925-(9-1981)
(48) Tetrazepam ---------- 2886-(1-1985)
(49) Triazolam ---------- 2887-(7-1983)
(50) Zaleplon ---------- 2781-(9-1999)
(51) Zolpidem ---------- 2783-(12-1993)
(52) Zopiclone ---------- 2784-(1-2006)

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(53) Alfaxalone ---------- 2731-(2-2014)
(54) Carisoprodol ---------- 8192-(4-1997)
(55) Tramadol ---------- 9752-(8-2007)
(56) Suvorexant ---------- 2223-(8-2014)
(57) Brexanolone ---------- 2400-(4-2021)
(58) Lemborexant ---------- 2245-(4-2021)
(59) Remimazolam ---------- 2846-(5-2022)
(60) Daridorexant ---------- 2410-(11-2023)
(61) Zuranolone ---------- 2420-(6-2025)

(d) **Stimulants**: Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Cathine ((+)-Norpseudoephedrine)---------- 1230-(3-1988)
(2) Diethylpropion ---------- 1610*
(3) Fencamfamin ---------- 1760-(3-1988)
(4) Fenproporex ---------- 1575-(3-1988)
(5) Lorcaserin ---------- 1625-(6-2013)
(6) Mazindol ---------- 1605-(6-1982)
(7) Mefenorex ---------- 1580-(3-1988)
(8) Modafinil---------- 1680-(1-1999)
(9) Pemoline (including organometallic complexes and chelates thereof) ---------- 1530*
(10) Phentermine ---------- 1640*
(11) Pipradrol ---------- 1750-(9-1981)
(12) Serdexmethylphenidate ---------- 1729-(11-2023)
(13) Sibutramine ---------- 1675-(2-1998)
(14) Solriamfetol ---------- 1650-(4-2021)
(15) SPA ((-)-1-dimethylamino-1,2,diphenylethane) ---------- 1635-(9-1981)

(e) **Other substances**: Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts; isomers whether optical, position, or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible:

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(1) Pentazocine ---------- 9709-(4-1979)

(2) Butorphanol ---------- 9720-(4-1997)

(3) Nalbuphine ---------- (4-1997)

(4) Eluxadoline ---------- 9725-(4-2017)

SCHEDULE V

(a) Schedule V shall consist of the drugs and other substances by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

(b) **Narcotic Drugs:** Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any of the following narcotic drugs and their salts, as set forth below.

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(c) **Narcotic drugs containing nonnarcotic active medicinal ingredients.** Any compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs or salts thereof, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams. ---------- *

(2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams. ---------- *

(3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams. ---------- *

(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit. ---------- *

(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams. ---------- *

(6) Not more than 0.5 milligrams of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit. ---------- *

(d) **Stimulants**: unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

(1) Pyrovalerone ---------- 1485-(3-1988)

(2) Ephedrine:a -{-(Methylamino)ethyl}benzene-methanol; ---------- (10-1995)

a-{-(methylamino) ethyl}benzyl alcohol; 2-methylamino-1-phenyl-1-propanol; 1-phenyl-1-hydroxy-2-methylaminopropane; 1-phenyl-2-methylaminopropanol; a - hydroxy-b-methylaminopropylbenzene; a product which occurs in the

Chinese herb Ma Huang (Ephedra vulgaris, Ephedra sinica Stapf., Ephedra equisetina Bunge, Gnetaceae) in several other Ephedra spp.

(3) Phenylpropanolamine ----------(7-2005)

(4) Pseudoephedrine ---------- (7-2005)

Pursuant to Ark. Code Ann. § 5-64-212 as amended in 2005, this Schedule V classification shall NOT apply to any ephedrine, phenylpropanolamine, or pseudoephedrine in liquid, liquid capsule, or liquid gel capsule form. However, sales limits mandated by statute shall apply to all products with ephedrine, phenylpropanolamine, or pseudoephedrine as a listed ingredient regardless of the dosage form.

(e) **Depressants:** Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers:

(1) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid ---------- 2782-(1-2006)

(2) Lacosamide ---------- 2746-(5-2009)

(3) Brivaracetam ---------- 2710-(4-2017)

(4) Lasmiditan ---------- 2790-(4-2021)

(5) Cenobamate ---------- 2720-(4-2021)

(6) Ganaxolone ---------- 2401-(11-2023)

(f) **Other substances**:

(1) None.

SCHEDULE VI ****

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

(1) Marijuana ---------- **

(2) Tetrahydrocannabinols, unless the tetrahydrocannabinol is: ---------- **

(i) Contained in hemp-derived cannabidiol; ----------(6-2020)

(ii) Not more than the lesser of ~~three-tenths of one percent (0.3%) of~~ delta-9 tetrahydrocannabinol ~~in the hemp-derived cannabidiol~~ concentration of no more than three tenths of one percent (0.3%) on a dry weight basis for hemp or

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as otherwise defined by 7 U.S.C. § 1639o, as existing on January 1, 2025, as verified by a nationally accredited laboratory for quality, purity and accuracy standards; and----------(6-2020) ***/****

(iii) Not approved by the United States Food and Drug Administration for marketing as a medication;----------(6-2020)

(3) A synthetic equivalent of:

(i) The substance contained in the Cannabis plant; or---------- **

(ii) The substance contained in the resinous extractives of the genus Cannabis; ---------- **

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

(5) Synthetic substances, derivatives, or their isomers in the chemical structural classes described below in subdivisions (a)(5)(i)-(a)(5)(x) of this section and also specific unclassified substances in subdivision (a)(5)(xi)~~(a)(5)(xi)~~ of this section. Compounds of the structures described in this subdivision (a)(5)~~(a)(5)~~, regardless of numerical designation of atomic positions, are included in this subdivision (a)(5). The synthetic substances, derivatives, or their isomers included in this subdivision (a)(5) are:

(i) Tetrahydrocannabinols:

(A) Tetrahydrocannabinols, including without limitation the following: ---------- **

a) Delta-1 cis or trans tetrahydrocannabinol [other name(s): Delta-9 cis or trans tetrahydrocannabinol], and its optical isomers; ---------- **

b) Delta-6 cis or trans tetrahydrocannabinol [other name(s): Delta-8 cis or trans tetrahydrocannabinol], and its optical isomers; ---------- **

c) Delta- 3,4 cis or trans tetrahydrocannabinol [other name(s): Delta-6a,10a cis or trans tetrahydrocannabinol], and its optical isomers; ---------- **

d) Delta-10 cis or trans tetrahydrocannabinol, and its optical isomers ;----------***

e) Delta-7 cis or trans tetrahydrocannabinol and its optical isomers; ---------- ****

f) Ester forms of tetrahydrocannabinol, including:

1) Delta-8 tetrahydrocannabinol acetate ester [other names: Delta-8 tetrahydrocannabinol-O-acetate; Delta-8 tetrahydrocannabinol acetate]; ----------***

2) Delta-9 tetrahydrocannabinol acetate ester [other names: Delta-9 tetrahydrocannabinol-O-acetate; Delta-8 tetrahydrocannabinol acetate]; ----------***

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3) Delta-6a,10a~~,~~ tetrahydrocannabinol acetate ester [other name(s): Delta-6a, 10a tetrahydrocannabinol-O-acetate; Delta-6a, 10a tetrahydrocannabinol acetate]; ---------- ***

4) Delta-10 tetrahydrocannabinol acetate ester [other names: Delta-10 tetrahydrocannabinol-O-acetate; Delta-10 tetrahydrocannabinol acetate]. ~~and,~~ ---------- ***

g) Hexahydrocannabinol acetate ester [other name(s) Hexahydrocannabinol-O-acetate; Hexahydrocannabinol acetate]; ---------- ****

h) Exo-tetrahydrocannabinol; ---------- ****

i) Metabolites of tetrahydrocannabinol, including 11-hydroxy-tetrahydrocannabinol; ---------- ****

j) Tetrahydrocannabinolic acid; ---------- ****

k) Hydrogenated forms of tetrahydrocannabinol, including: Hexahydrocannabinol; ---------- ****

l) Hexahydrocannabiphorol; ---------- ****

m) Hexahydrocannabihexol; ---------- ****

n) Synthetic forms of tetrahydrocannabinol, including dronabinol unless specifically excepted or listed in another schedule, ---------- ****

o) Ether forms of tetrahydrocannabinol, including:

1) Delta-9 tetrahydrocannabinol methyl ether; and ---------- ****

2) Delta-8 tetrahydrocannabinol methyl ether ---------- ****

p) Ether forms of hexahydrocannabinol;

q) Tetrahydrocannabivarins, including Delta-8 tetrahydrocannabivarin but excluding Delta-9 tetrahydrocannabivarin ---------- ****

r) Delta-8 isotetrahydrocannabinol; ---------- ****

s) Delta-4(8) isotetrahydrocannabinol; ---------- ****

t) Iso-hexahydrocannabinol ---------- ****

u) Analogs of tetrahydrocannabinols with an alkyl chain of four (4) or more carbon atoms, including:

1) Tetrahydrocannabiphorols; ---------- ****

2) Tetrahydrocannabioctyls; ---------- ****

3) Tetrahydocannabihexols; or ---------- ****

4) Tetrahydrocannabutols ---------- ****

v) Any combination of the compounds listed in this Section (a)(5(i)(A), including:

1) Hexahydrocannabiphorol acetate: ---------- ****

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2) Delta-8 tetrahydrocannabiphorol acetate, or ---------- ****

3) Delta-9 tetrahydrocannabiphorol acetate; ---------- ****

w) A product derived from industrial hemp that was produced as a result of a ~~synthetic~~ chemical process that converted the industrial hemp or a substance contained in industrial hemp into Delta-8, Delta-9, Delta 6a,10a, or Delta-10 tetrahydrocannabinol including their respective acetate esters and other intoxicating hemp products as defined in Arkansas Code § 20-56-501 et seq.; and ---------- ***/****

x) An intoxicating hemp product as defined under Arkansas Code § 20-56-501, et seq. ---------- ****

(B) Dronabinol in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the United States Food and Drug Administration is not a tetrahydrocannabinol under this subdivision (a)(5)(i); ---------- **

(ii) Naphthoylindoles, or any compound structurally derived from 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent, including without limitation the following: ---------- **

(A) JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole; ---------- **

(B) JWH-015, or 1-Propyl-2-methyl-3-(1-naphthoyl)indole; ---------- **

(C) JWH-018, or 1-Propyl-3-(1-naphthoyl)indole; ----------

(D) JWH-019, or 1-Hexyl-3-(1-naphthoyl)indole; ---------- **

(E) JWH-073, or 1-Butyl-3-(1-naphthoyl)indole; ---------- **

(F) JWH-081, or 1-Pentyl-3-(4-methoxy-1-naphthoyl)indole; ---------- **

(G) JWH-098, or 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole; ---------- **

(H) JWH-122, or 1-Pentyl-3-(4-methyl-1-naphthoyl)indole; ---------- **

(I) JWH-164, or 1-pentyl-3-(7-methoxy-1-naphthoyl)indole; ---------- **

(J) JWH-200, or 1-[2-(4-morpholiny)ethyl]-3-(1-naphthoyl) indole; ---------- **

(K) JWH-210, or 1-Pentyl-3-(4-ethyl-1-naphthoyl)indole; ---------- **

(L) JWH-398, or 1-Pentyl-3-(4-chloro-1-naphthoyl)indole; ---------- **

(M) AM-2201, or 1-(5-fluoropentyl)-3-(1-naphthoyl)indole; ---------- **

(N) MAM2201, or (1-(5-fluoropentyl)-1H-indol-3-yl)(4-methyl-1-naphthalenyl)-methanone; ---------- **

(O) EAM2201, or (1-(5-fluoropentyl)-1H-indol-3-yl)(4-ethyl-1-naphthalenyl)-methanone; and ---------- **

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(P) THJ-2201, or [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone; ---------- 7024-(7-2019)

(iii) Naphthylmethylindoles, or any compound structurally derived from an H-indol-3-yl-(1-naphthyl) methane by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent, including without limitation the following: ---------- **

(A) JWH-175, or 1-Pentyl-1H-indol-3-yl-(1-naphthyl)methane; and ---------- **

(B) JWH-184, or 1-Pentyl-1H-3-yl-(4-methyl-1-naphthyl)methane; ---------- **

(iv) Naphthoylpyrroles, or any compound structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent, including without limitation JWH-307, or (5-(2-fluorophenyl)-1-pentylpyrrol-3-yl)-naphthalen-1-ylmethanone; ---------- **

(v) Naphthylmethylindenes, or any compound structurally derived from 1-(1-napthylmethyl)indene with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent, including without limitation JWH-176, or E-1-[1-(1-Naphthalenylmethylene)-1H-inden-3-yl]pentane; ---------- **

(vi) Phenylacetylindoles, or any compound structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, alkenyl, cycloalkylmethyl,cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent, including without limitation the following: ---------- **

(A) JWH-201, or 2-(4-methoxyphenyl)-1-(1-pentylindol-3-yl)ethanone; ---------- **

(B) JWH-203, or 1-Pentyl-3-(2-chlorophenylacetyl)indole; ---------- **

(C) JWH-250, or 1-Pentyl-3-(2-methoxyphenylacetyl)indole; ---------- **

(D) JWH-251, or 1-Pentyl-3-(2-methylphenylacetyl)indole; and ---------- **

(E) RCS-8, or 1-(2-cyclohexylethyl)-3-(2- methoxyphenylacetyl)indole; ---------- **

(vii) Cyclohexylphenols, or any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not substituted

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in the cyclohexyl ring to any extent, including without limitation the following: **

(A) CP 47,497 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol; ---------- **

(B) Cannabicyclohexanol or CP 47,497 C8 homologue, or 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol; and---------- **

(C) CP 55,940, or 5-(1,1-dimethylheptyl)-2-[(1R,2R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]-phenol; ---------- **

(viii) Benzoylindoles, or any compound structurally derived from a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent, including without limitation the following: ---------- **

(A) AM-694, or 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole; ---------- **

(B) RCS-4, or 1-Pentyl-3-(4-methoxybenzoyl)indole; ---------- **

(C) WIN-48,098 or Pravadoline, or (4-Methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-y]methanone; ---------- **

(D) AM-2233, or 1-[(N-methylpiperidin-2-yl)methyl]-3-(2-iodobenzoyl)indole; and **

(E) RCS-4 (C4 homologue) or (4-methoxyphenyl)(1-butyl-1H-indol-3-yl)-methanone; ---------- **

(ix) Adamantoylindoles, or Adamantoylindazoles, including Adamantyl Carboxamide Indoles and Adamantyl Carboxamide Indazoles, or any compound structurally derived from 3-(1-adamantoyl) indole, 3-(1-adamantoyl) indazole, or 3-(2-adamantoyl)indole by substitution at a nitrogen atom of the indole or indazole ring with alkyl, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl,cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole or indazole ring to any extent and whether or not substituted in the adamantly ring to any extent, including without limitation the following: ---------- **

(A) AM-1248, or 1-adamantyl-[1-[(1-methylpiperidin-2-yl)methyl]indol-3-yl]methanone; ---------- **

(B) AB-001, or 1-adamantyl-(1-pentylindol-3-yl)methanone; ---------- **

(C) JWH-018 adamantyl carboxamide, or 1-pentyl-N-tricyclo[3.3.1.13,7]dec-1-yl-1H-indole-3-carboxamide [other name(s): 2NE1, moved in Schedule VI in 2020] ---------- **

(D) AKB-48, or N-(1-adamantyl)-pentyl-1H-indazole-3-carboxamide; ---------- **

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(E) 5F-AKB-48, or N-((3s,5s,7s)-adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide ---------- 7049**

(F) STS-135, or N-(1-adamantyl)-1-(5-fluoropentyl)indole-3-carboxamide; ---------- **

(x) Tetramethylcyclopropylcarbonylindoles or any compound structurally derived from 3-(2,2,3,3-tetramethylcyclopropylcarbonyl) indole by substitution at the nitrogen atom of the indole ring with alkyl,haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)methyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent, including without limitation the following: ---------- **

(A) UR-144, or (1-pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone; ---------- **

(B) XLR-11, or [1-(5-fluoropentyl)-1H-indol-3-yl]-(2,2,3,3-tetramethylcyclopropyl)methanone; ---------- **

(C) A-796,260, or [1-(2-morpholin-4-yl-ethyl)-1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone; ---------- **

(D) 5-Chloro-UR-144, or ([-(5-chloropentyl)-1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone; ---------- **

(E) 5-Bromo-UR-144, or [1-(5-bromopentyl)-1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone; and ---------- **

(F) A-834,735, or 1-(tetrahydropyran-4-ylmethyl)-1H-indol-3-yl]-(2,2,3,3-tetramethylcyclopropyl)methanone; ---------- **

(xi) Unclassified Synthetic Cannabinoids, including without limitation the following: ---------- **

(A) CP 50556-1 hydrochloride, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] Acetate; ---------- **

(B) HU-210, or (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol; ---------- **

(C) HU-211, or Dexanabinol,(6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol; ---------- **

(D) Dimethylheptylpyran or DMHP; ---------- **

(E) WIN55,212-2, or 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl-1-naphthalenylmethanone; ---------- **

(F) URB597, or [3-(3-carbamoylphenyl)phenyl] N-Cyclohexylcarbamate; ---------- **

(G) URB754, or 6-methyl-2-[(4-methylphenyl)amino]-1-benzoxazin-4-one; ---------- **

(H) CB-13, or 1-naphthalenyl[4-(pentyloxy)-1 naphthalenyl]-methanone; ---------- **

(I) URB602, or cyclohexyl N-(3-phenylphenyl)carbamate;---------- **

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(J) PB-22, or quinolin-8-yl 1-(5-pentyl)-1H-indole-3-carboxylate; ---------- **

(K) 5F-PB-22, or quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate; ---------- **

(L) BB-22, or quinolin-8-yl 1-(cyclohexylmethyl)-1H-indole-3-carboxylate; ---------- **

(M) NNEI (MN-24), or N-1-naphthalenyl-1-pentyl-1H-indole-3-carboxamide; ---------- **

(N) 5F-NNEI, or 1-(5-fluoropentyl)-N-(naphthalene-1-yl)-1H-indole-3-carboxamide; ---------- **

(O) 5-Fluoro-AMB, or n-[[1-(5-fluoropentyl)-1H-indazol-3-yl]carbonyl]-L-valine methyl ester ---------- 7033-(9-2018)

(P) MMB-CHMICA,or methyl-(1-cyclohexylmethyl)-1H-indole-3-carbonyl)-L-valinate ---------- 7044-(9-2018)

(Q) 5-Fluoro-ADB, or methyl 2-(1-(5-fluoropentyl)-1H- indazole-3-carboxamido)-3,3-dimethylbutanoate; ---------- 7034-(11-2018)

(R) 5-Fluoro-MDMB-PICA, or methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate ---------- 7041-(11-2018)

(S) MDMB-CHMICA, or methyl 2-(1-(cyclohexylmethyl)-1H- indole-3-carboxamido)-3,3-dimethylbutanoate; ---------- 7042-(11-2018)

(T) FUB-AMB, or methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate; ---------- 7021-(11-2018)

(U) MDMB-FUBINACA, or methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate; ---------- 7020-(11-2018)

(V) AB-PINACA, or N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-caroboxamide; ----------7023-(7-2019)

(W) AB-CHMINACA, or N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide; ----------7031-(7-2019)

(X) MAB-CHMINACA, or N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide;- ---------- (11-2014)

(Y) AB-FUBINACA, or N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide;- ----------(9-2018)

(Z) ADB-PINACA, or N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide;----------(9-2018)

(AA) 5F-CUMYL-PINACA, or 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide ----------7083-(6-2020)

(BB) ADB-FUBINACA, or N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide---------- 7010-(4-2021)

(CC) 4-Fluoro-MDMB-BUTINACA, or methyl(S)-2-(1-(4-fluorobutyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate; ---------- 7043-(4-2021)

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(DD) 5F-AB-PINACA, or N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide ---------- 7025-(5-2022)

(EE) 4-CN-CUMYL-BUTINACA, or 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide ---------- 7089 –(5-2022)

(FF) 5F-CUMYL-P7AICA, or 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-pyrrolo[2,3-b]pyridine-3-carboxamide ---------- 7085-(5-2022)

(GG) NM2201, or Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate ---------- 7221-(5-2022)

(HH) 5F-EDMB-PINACA, or Ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate ---------- 7036-(11-2023)

(II) FUB-144, or (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl) methanone; ---------- 7014-(11-2023)

(JJ) FUB-AKB48, or N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide; ---------- 7047-(11-2023)

(KK) MDMB-4en-PINACA, or Methyl 3,3-dimethyl-2-(1-(pent-4-en-1-yl)-1H-indazole-3-carboxamido)butanoate; ---------- (4-2024)

(LL) CH-PIATA, or N-cyclohexyl-2-(1-pentylindol-3-yl)acetamide; ---------- (4-2024)

(MM) ADB-BUTINACA, or N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-butyl-1H-indazole-3-carboxamide ---------- 7027-(6-2025)

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

(i) Similar chemical structure to any substance described in subdivisions (a)(1)-(a)(5) of this section; or ---------- **

(ii) Similar pharmacological effects to any substance described in subdivisions (a)(1)-(a)(5) of this section. ---------- **

(b) However, except as provided under subsection (c) of this section, the Secretary shall not delete a controlled substance listed in this section from Schedule VI.

(c) A prescription drug approved by the United States Food and Drug Administration under 21 U.S.C. § 355 is excluded from Schedule VI unless the secretary objects under § 5-64-201.

*-Scheduled before April, 1979.

**-Schedule VI is revised to conform to Act 329 of 2013.

*** - Schedule VI is revised further to conform to Act 629 of 2023. Each substance added to the Controlled Substances List pursuant to Act 629 of 2023 shall have the following effective dates:

(a) For persons who are under twenty-one (21) years of age, the effective date shall be the effective date of Act 629 of 2023; and,

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(b) For persons who are twenty-one (21) years of age or older, the effective date shall be August 1, 2023.

~~**** Pursuant to ongoing litigation, and a preliminary injunction against enforcing Act 629 of 2023, the changes made to the List of Controlled Substances pursuant to Act 629 of 2023 are not enforceable until a final order issued in the matter, Bio Gen, LLC, et al. v. Sarah Huckabee Sanders, et al., Case No. 4:23-CV-00718-BRW, Central Division, Eastern District of Arkansas, United States District Court.~~

**** Schedule VI is revised further to conform to Act 629 of 2023. Each substance added to the Controlled Substances List pursuant to Act 934 of 2025 shall have the following effective date of August 5, 2025.

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State of Arkansas *As Engrossed: S4/2/25 H4/8/25*
95th General Assembly **A Bill**
Regular Session, 2025 SENATE BILL 533

By: Senator Dees
By: Representative Gazaway

For An Act To Be Entitled

AN ACT TO PROVIDE FOR THE REGULATION OF CONSUMABLE HEMP PRODUCTS BY THE ARKANSAS TOBACCO CONTROL BOARD; TO AMEND THE ARKANSAS LAW TO ALLOW THE REGULATION AND PURCHASE OF CONSUMABLE HEMP PRODUCTS; TO ESTABLISH A DIRECTORY FOR CONSUMABLE HEMP MANUFACTURERS; AND FOR OTHER PURPOSES.

Subtitle

TO PROVIDE FOR THE REGULATION OF CONSUMABLE HEMP PRODUCTS BY THE ARKANSAS TOBACCO CONTROL BOARD; AND TO AMEND THE ARKANSAS LAW TO ALLOW REGULATION AND PURCHASE OF CONSUMABLE HEMP PRODUCTS.

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

SECTION 1. Arkansas Code § 2-15-503(5), concerning the definition of "industrial hemp" within the Arkansas Industrial Hemp Production Act, is amended to read as follows:

(5) "Industrial hemp" means the plant Cannabis sativa and any part of the plant, including the seeds of the plant and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with ~~a total~~ the lesser of a delta-9 tetrahydrocannabinol concentration of no more than three-tenths of one percent (0.3%) ~~of the hemp-derived cannabadiol~~ on a dry weight basis~~, unless specifically controlled under the Uniform Controlled Substances Act, § 5-64-101 et seq.~~ for hemp or as otherwise defined by 7 U.S.C. § 1639o, as existing on January 1, 2025;

SECTION 2. Arkansas Code § 5-64-101(16)(B), concerning the exclusion from the definition of "marijuana" within the Uniform Controlled Substances Act, is amended to add an additional subdivision to read as follows:

(vii) Consumable hemp product as defined under § 20-56-501 et seq.;

SECTION 3. Arkansas Code § 5-64-215(a)(2), concerning the substances in Schedule VI of the Uniform Controlled Substances Act, is amended to read as follows:

(2) Tetrahydrocannabinols, unless the tetrahydrocannabinol is:

(A) Contained in hemp-derived cannabidiol;

(B) Not more than the lesser of ~~three-tenths of one percent (0.3%) of~~ delta-9 tetrahydrocannabinol ~~in the hemp-derived cannabidiol~~ concentration of more than three tenths of one percent (0.3%) on a dry weight basis for hemp or as otherwise defined by 7 U.S.C. § 1639o, as existing on January 1, 2025, as verified by a nationally accredited laboratory for quality, purity, and accuracy standards; and

(C) Not approved by the United States Food and Drug Administration for marketing as a medication;

SECTION 4. Arkansas Code § 5-64-215(a)(5)(A)(i)(i), concerning the substances in Schedule VI of the Uniform Controlled Substances Act, is amended to read as follows:

(i) A product derived from industrial hemp that was produced as a result of a ~~synthetic~~ chemical process that converted the industrial hemp or a substance contained in the industrial hemp into delta-8, delta-9, delta-6a,10a, or delta-10 tetrahydrocannabinol including their respective acetate esters and other intoxicating hemp products as defined in § 20-56-501 et seq.; and

SECTION 5. Arkansas Code § 5-64-215(a)(5)(A)(i), concerning the substances in Schedule VI of the Uniform Controlled Substances Act, is amended to add an additional subdivision to read as follows:

(k) An intoxicating hemp product as defined under § 20-56-501 et seq.;

SECTION *6*. Arkansas Code § 5-64-215(d), concerning the substances in Schedule VI of the Uniform Controlled Substances Act, is amended to read as follows:

(d) This section does not prohibit the ~~continuous~~ interstate transportation or shipment through Arkansas of the plant Cannabis sativa L., and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with the lesser of a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent (0.3%) on a dry weight basis~~, produced in accordance with~~ or as otherwise defined in 7 U.S.C. § 1639o et seq., as existing on January 1, 2025.

SECTION *7*. Arkansas Code § 19-6-301(254), concerning the enumerated special revenues in this state, is amended to read as follows:

(254) All permit and license fees received by Arkansas Tobacco Control under the Arkansas Tobacco Products Tax Act of 1977, § 26-57-201 et seq., and § 20-56-501 et seq.;

SECTION *8*. Arkansas Code § 19-6-831, effective until the contingency in Acts 2023, No. 629, § 17, is met, is amended to read as follows:

19-6-831. Arkansas Tobacco Control Revenue Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of ~~the~~ State, and the Chief Fiscal Officer of the State a special revenue fund to be known as the "Arkansas Tobacco Control Revenue Fund".

(b)(1) All permit and license fees received by Arkansas Tobacco Control under the Arkansas Tobacco Products Tax Act of 1977, § 26-57-201 et seq., and § 20-56-501 et seq. shall be deposited into the State Treasury as special revenues to the credit of the fund.

(2) The fund also shall consist of any other revenues authorized by law.

(c)(1) The fund shall be used for expenses incurred by Arkansas Tobacco Control in the organization, maintenance, operation, and merchant education and training with regard to enforcement of § 5-27-227, the Arkansas Tobacco Products Tax Act of 1977, § 26-57-201 et seq., § 20-56-501 et seq., and the Unfair Cigarette Sales Act, § 4-75-701 et seq.

(2) Expenditures of moneys in the fund are subject to the General Accounting and Budgetary Procedures Law, § 19-4-101 et seq., the Arkansas Procurement Law, § 19-11-201 et seq., and other applicable fiscal laws.

(3) The receipts and disbursements of Arkansas Tobacco Control shall be audited annually by Arkansas Legislative Audit.

SECTION *9*. Arkansas Code § 19-6-831, effective if the contingency in Acts 2023, No. 629, § 17, is met, is repealed.

~~19-6-831. Arkansas Tobacco Control Revenue Fund.~~

~~(a) There is created on the books of the Treasurer of State, the Auditor of the State, and the Chief Fiscal Officer of the State a special revenue fund to be known as the "Arkansas Tobacco Control Revenue Fund".~~

~~(b)(1) All permit and license fees received by Arkansas Tobacco Control under the Arkansas Tobacco Products Tax Act of 1977, § 26-57-201 et seq., and § 20-56-401 et seq., shall be deposited into the State Treasury as special revenues to the credit of the fund.~~

~~(2) The fund also shall consist of any other revenues authorized by law.~~

~~(c)(1) The fund shall be used for expenses incurred by Arkansas Tobacco Control in the organization, maintenance, operation, and merchant education and training with regard to enforcement of § 5-27-227, the Arkansas Tobacco Products Tax Act of 1977, § 26-57-201 et seq., § 20-56-401 et seq., and the Unfair Cigarette Sales Act, § 4-75-701 et seq.~~

~~(2) Expenditures of moneys in the fund are subject to the General Accounting and Budgetary Procedures Law, § 19-4-101 et seq., the Arkansas Procurement Law, § 19-11-201 et seq., and other applicable fiscal laws.~~

~~(3) The receipts and disbursements of Arkansas Tobacco Control shall be audited annually by Arkansas Legislative Audit.~~

SECTION *10*. Arkansas Code Title 20, Chapter 56, is amended to add an additional subchapter to read as follows:

Subchapter 5 — Consumable Hemp Products

20-56-501. Legislative intent.

It is the intent of the General Assembly that this subchapter shall:

(1) Regulate the manufacture, production, distribution, and sale of consumable hemp products;

(2) Prevent the manufacturing, production, distribution, marketing, sale, and use of intoxicating hemp products within Arkansas; and

(3) Protect and promote the public health and welfare of the residents of this state.

20-56-502. Definitions.

As used in this subchapter:

(1) “Annual” or “annually” means the fiscal year from July 1 through the next June 30;

(2) “Approved laboratory” means a laboratory that is accredited by the National Institute on Drug Abuse, the National Environmental Laboratory Accreditation Conference, the International Organization for Standardization, or similar accrediting entity as determined by Arkansas Tobacco Control and that has been approved by the Director of Arkansas Tobacco Control specifically for the testing of consumable hemp product;

(3)(A) “Cannabis” means all parts of the plant of the genus cannabis, the flower, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, and its seeds or its resin, including whole plant extracts.

(B) "Cannabis" does not include cannabis-derived drug products approved by the United States Food and Drug Administration under Section 505 of the Federal Food, Drug, and Cosmetic Act, as existing on January 1, 2025;

(4) “Consumable hemp product” means a finished product that includes part of the hemp plant, including naturally derived cannabinoids, compounds, concentrates, extracts, isolates, or derivatives that is intended for human consumption and not marketed for intoxicating effect and is:

(A) A cosmetic as defined by 21 U.S.C. § 321, as existing on January 1, 2025, that meets the federally defined tetrahydrocannabinol level;

(B) Any product generally recognized as safe by the United States Food and Drug Administration under the Federal Food, Drug, and

Cosmetic Act, 21 U.S.C. § 301 et seq., and the intended mode of consumption comports with generally recognized as safe recognition; or

(C) A product that has no more than one milligram (1 mg) of total tetrahydrocannabinol per container and minimum ratio of cannabidiol to tetrahydrocannabinol of greater than fifteen to one (15:1) and is:

(i) A full spectrum hemp extract or cannabinoid hemp product containing multiple hemp-derived cannabinoids, terpenes, and other naturally occurring compounds, processed without the intentional complete removal of any compound and without the addition of isolated cannabinoids; or

(ii) A product primarily containing and marketed as cannabidiol, cannabichromene, cannabinol, cannabigerol, cannabicycol, cannabidivarin, cannabielsoin, cannabicitran, cannabicycol, cannabielsoin, or tetrahydrocannabivarin;

(5) "Consumable hemp distributor" means a person that receives raw hemp, hemp floral material, extracts, distillates, isolates, or any extracted form of hemp as long as the extracted form of hemp is extracted from hemp for the manufacturing, distribution, or processing of any consumable hemp product including without limitation edibles, tinctures, lubricants, salves, lotions, hemp floral material, concentrates, distillates, or liquids;

(6)(A) "Consumable hemp manufacturer" means a person that manufacturers, fabricates, assembles, or processes a hemp-derived product, including without limitation federally licensed importers and federally licensed distributors that deal in consumable hemp products.

(B) "Consumable hemp manufacturer" includes:

(i) A sales entity affiliate of the manufacturer or any other entity representing the manufacturer with regard to the sale of consumable hemp products produced by the manufacturer or wholesalers or permitted retailers; and

(ii) A person that mixes, compounds, extracts, infuses, blends, processes, repackages, or resizes consumable hemp products including the extraction of cannabinoids from hemp biomass.

(C) "Consumable hemp manufacturer" does not include a person who engages in the agricultural production of hemp, such as growing, planting, and harvesting of raw hemp biomass regulated by the State Plant Board;

(7) "Consumable hemp retailer" means a dealer licensed by the Arkansas Tobacco Control Board, other than a consumable hemp wholesaler, whose principal place of business is that of selling merchandise at retail, including online sales, and who sells consumable hemp products;

(8) "Consumable hemp wholesaler" means a dealer licensed by the Arkansas Tobacco Control Board whose principal place of business is that of a wholesaler dealer, and who is known to the trade as such, that sells any consumable hemp products to licensed consumable hemp retailers only for the purpose of resale to consumers;

(9) "Consumer" means a member of the public at large;

(10) "Consumption" means any method of ingestion of or application to the body, including eating, drinking, inhaling, absorbing, or injecting, through which a product is metabolized or is otherwise subject to a biotransformative process when introduced into the human body;

(11)(A) "Container" means any final packaged product that is offered, intended for sale, or sold to a consumer in the form of an external package, can, bottle, bag, or other receptacle that can hold hemp or consumable hemp products.

(B) "Container" does not include:

(i) Exit packaging, a shipping container, or an outer wrapping used solely for the transport of products in bulk quantity; or

(ii) Any package, can, bottle, bag, or other receptacle that may house the products individually inside the external container;

(12) "Days" means calendar days unless otherwise specified;

(13) "Delta-9 tetrahydrocannabinol" means the sum of the percentage by weight of tetrahydrocannabinol acid multiplied by eight hundred seventy-seven thousandths (0.877) plus the percentage by weight of delta-9 tetrahydrocannabinol;

(14) "Federally defined tetrahydrocannabinol level" means the lesser of a delta-9 tetrahydrocannabinol concentration of not more than three tenths of one percent (0.3%) on a dry weight basis for hemp or as otherwise defined in 7 U.S.C. § 1639o, as existing on January 1, 2025;

(15) "Finished product" means a product intended for consumer use to be sold at retail;

(16) "Hemp" means the plant Cannabis sativa and any part of the

plant, including the seeds of the plant, that contains a delta-9 tetrahydrocannabinol concentration of three-tenths of one percent (0.3%) or less on a dry-weight basis, and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not;

(17)(A) "Intoxicating hemp product" means a finished product intended for human consumption that is derived from or contains hemp or hemp extract and contains a total tetrahydrocannabinol concentration that exceeds zero percent (0%) when tested in its finished form.

(B) "Intoxicating hemp product" may contain derivatives, *extracts, cannabinoids, isomers, esters, ethers, acids, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation including without limitation:*

(i) Delta-10 cis or trans tetrahydrocannabinol and its optical isomers;

(ii) Delta-9 cis or trans tetrahydrocannabinol and its optical isomers;

(iii) Delta-8 cis or trans tetrahydrocannabinol and its optical isomers;

(iv) Delta-7 cis or trans tetrahydrocannabinol and its optical isomers;

(v) Delta-6a, 10a cis or trans tetrahydrocannabinol and its optical isomers;

(vi) Exo-tetrahydrocannabinol;

(vii) Metabolites of tetrahydrocannabinol, including 11-hydroxy-tetrahydrocannabinol, 3-27 hydroxy-tetrahydrocannabinol, and 7- 12 hydroxy-tetrahydrocannabinol;

(viii) Tetrahydrocannabinolic acid;

(ix) Hydrogenated forms of tetrahydrocannabinol, including hexahydrocannabinol, hexaydrocannabiphrol, and hexahydrocannabihexol;

(x) Synthetic forms of tetrahydrocannabinol, including dronabinol;

(xi) Ester forms of tetrahydrocannabinol, including delta-8 tetrahydrocannabinol, tetrahydrocannabinol-O-acetate, delta-9 tetrahydrocannabinol-O-acetate, delta-10 tetrahydrocannabinol-O-acetate,

delta-6a,10a tetrahydrocannabinol-O-acetate and hexahydrocannabinol-O-6 acetate;

(xii) Ether forms of tetrahydrocannabinol and hexahydrocannabinol including delta-9 tetrahydrocannabinol methyl ether and delta-8 tetrahydrocannabinol methyl ether;

(xiii) Tetrahydrocannabivarins, including delta-8 tetrahydrocannabivarin but excluding delta-9 tetrahydrocannabivarin;

(xiv) Analogues or tetrahydrocannabinols with an alkyl chain of four (4) or more carbon atoms, including tetrahydrocannabiphorols, tetrahydrocannabioctyls, tetrahydocannabihexols, or tetrahydrocannabutols;

(xv) Delta-8 isotetrahydrocannabinol, delta4(8)-isotetrahydrocannabinol and isohexahydrocannabinol;

(xvi) Any combination of the compounds, including hexahydrocannabiphorol-o-ester and delta-8 tetrahydrocannabiphorol acetate, delta-9 tetrahydorcannabiphorol acetate; and

(xvii)(a) Any other cannabinoid classified as an intoxicant by rule of the Arkansas Tobacco Control Board.

(b) The Arkansas Tobacco Control Board shall notify the Department of Health when and if additional cannabinoids are classified as an intoxicant by the Arkansas Tobacco Control Board.

(C) "Intoxicating hemp product" does not include a consumable hemp product or medical marijuana regulated under the Arkansas Medical Marijuana Amendment of 2016, Arkansas Constitution, Amendment 98;

(18) "Minor" means a person who is under twenty-one (21) years of age;

(19) "Person" means an individual, retailer, wholesaler, manufacturer, firm, association, company, partnership, limited liability company, corporation, joint-stock company, club, agency, syndicate, county, municipal corporation or other political subdivision of the state, receiver, trustee, fiduciary, or trade association;

(20) "Principal place of business" means the physical location:

(A) Where orders for consumable hemp products are taken or received or where consumable hemp products are sold; and

(B) That is on file with the Arkansas Tobacco Control Board;

(21) “Produce” means to grow industrial hemp for market or for cultivation for market;

(22)(A) “Sale” or “sell” means a transfer, exchange, or barter in any manner or by any means for any consideration, including distributing or shipping consumable hemp products in connection with a sale.

(B) A sale “in” or “into” a state refers to the state in which the destination point of the consumable hemp product is located in the sale without regard to where title was transferred.

(C) A sale “from” a state refers to the sale of a consumable hemp product that is located in that state to the destination in question without regard to where title was transferred;

(23) “Tetrahydrocannabinol” means a compound that is the natural, primary active cannabinoid substance or its equivalent contained in the plant of the genus Cannabis or in the resinous extracts of the plant, including derivatives or isomers derived from such cannabinoids;

(24) "Total tetrahydrocannabinol" means the total concentration of all tetrahydrocannabinols, including delta-8 tetrahydrocannabinol, delta-9 tetrahydrocannabinol, delta-10 tetrahydrocannabinol, tetrahydrocannabinolic acid or its decarboxylated equivalent, and any other chemically similar compound, substance, derivative, or isomer of tetrahydrocannabinol, and any other cannabinoid identified by the Arkansas Tobacco Control Board; and

(25) “Warehouse” means a place where consumable hemp products are stored for another person and to or from which place the consumable hemp products are shipped or delivered upon order by the owner of the consumable hemp, to the warehouse.

20-56-503. Construction.

(a) A consumable hemp product shall not be delivered, sold, bought, or used in this state except in conformity with applicable laws and rules, including this subchapter and rules promulgated under this subchapter.

(b) A person shall not manufacture, process, distribute, or sell a consumable hemp product without being permitted by the Arkansas Tobacco Control Board.

(c) A product intended for human consumption or inhalation that is derived from hemp and contains tetrahydrocannabinol shall not be permitted or allowed under the laws of this state, other than consumable hemp products if

otherwise legal under state law.

(d)(1) A consumable hemp product shall not be combined with or contain any of the following:

(A) Ethanol;

(B) Nicotine or tobacco;

(C) Intoxicating hemp product; or

(D) Any amount of tetrahydrocannabinol as to create a danger of misuse, overdose, accidental overconsumption, inaccurate dosage, or other risk to the public.

(2) A medical device, prescription drug, or drug otherwise approved by the United States Food and Drug Administration is not a consumable hemp product.

(e) The business of handling, receiving, possessing, storing, distributing, taking orders for, soliciting orders of, selling, offering for sale, and dealing in, through sale, barter, or exchange, consumable hemp products is declared to be a privilege under the laws of this state.

20-56-504. Permits.

(a)(1) Each person listed in this section, before commencing business or if already in business, before continuing business, shall pay an annual privilege fee and secure a permit from the Director of Arkansas Tobacco Control.

(2) A person purchasing an existing permitted retail location may, with the permission of the seller and the Arkansas Tobacco Control Board, operate under the selling owner's permit for no more than thirty (30) days from the date of the sale.

(b)(1) In addition to securing a permit under subsection (a) of this section, a consumable hemp manufacturer whose products are sold in this state shall register with the Secretary of the Department of Finance and Administration.

(2) A consumable hemp wholesaler shall secure the proper wholesale permit.

(3) Every consumable hemp retailer that operates a place of business shall secure the proper retail permit.

(c)(1) Permits shall be issued as follows:

(A) A permit for a sole proprietorship is issued in the

owner's name and in the fictitious business name, if any;

(B)(i) A permit for a partnership or limited liability company is issued in the name of:

(a) The managing partner or managing member; and

(b) The partnership or limited liability company.

(ii) If the managing partner or managing member of a limited liability company is a partnership, limited liability company, or corporation, then the permit shall be issued in the name of:

(a) The president or chief executive officer; and

(b) The partnership or limited liability company; and

(C) A permit for a publicly traded or nonpublicly traded corporation shall be issued in the name of the president or chief executive officer of the corporation and in the name of the corporation.

(2) It is a violation for a permitted entity not to provide written notification to the director within thirty (30) days of a change in the following:

(A) The managing partner of a partnership, managing member of a limited liability company, or president or chief executive officer of a corporation, partnership, or limited liability company; or

(B) The stockholders effecting twenty-five percent (25%) or more of the total voting shares of a nonpublicly traded corporation.

(d)(1) When an entity transfers a business permitted under this subchapter, the entity to which the business is transferred:

(A) Shall apply for a new permit under this subchapter;

(B) May be issued a new permit under this subchapter; and

(C) May operate under the selling entity's permit for no more than thirty (30) days from the date of the sale.

(2) When a partnership or limited liability company permitted under this subchapter changes, removes, or replaces the managing partner, managing member, president, or chief executive officer:

(A) The existing permit issued under this subchapter is void; and

(B) The partnership or limited liability company:

(i) Shall apply for a new permit under this subchapter;

(ii) May be issued a new permit under this subchapter; and

(iii) May operate under the voided permit for no more than thirty (30) days from the date of the change, removal, or replacement of the managing partner, managing member, president, or chief executive officer.

(3) When a nonpublicly traded corporation permitted under this subchapter changes, removes, or replaces the president or chief executive officer named on the permit or changes, removes, or replaces a stockholder who owns fifty percent (50%) or more of the total voting shares of the nonpublicly traded corporation's stock:

(A) The permit issued under this subchapter is void; and

(B) The nonpublicly traded corporation:

(i) Shall apply for a new permit under this subchapter;

(ii) May be issued a new permit under this subchapter; and

(iii) May operate under the voided permit for no more than thirty (30) days from the date of the change, removal, or replacement of the president, chief executive officer, or stockholder.

(4) When a publicly traded corporation permitted under this subchapter changes, removes, or replaces the president or chief executive officer named on the permit or changes, removes, or replaces a stockholder who owns fifty percent (50%) or more of the total voting shares of the publicly traded corporation's stock:

(A) The permit issued under this subchapter is void; and

(B) The publicly traded corporation:

(i) Shall apply for a new permit under this subchapter;

(ii) May be issued a new permit under this subchapter; and

(iii) May operate under the voided permit for no more than thirty (30) days from the date of the change, removal, or

replacement of the president, chief executive officer, or stockholder.

(e) An entity may apply for and be issued a permit under this subchapter in advance of the effective date of the permit to facilitate continuity of business operations.

20-56-505. Permits — Location — Background check required.

(a) A consumable hemp retailer permit, consumable hemp wholesaler permit, or consumable hemp manufacturer permit shall not be issued to a residential address, a mobile structure, vehicle, or for an address not zoned appropriately for the business seeking to secure the permit.

(b) A permit shall not be issued to:

(1) A person who has pleaded guilty or nolo contendere to or been found guilty of a felony; or

(2) A business owned or operated, in whole or in part, by a person who has pleaded guilty or nolo contendere to or been found guilty of a felony.

(c) The Arkansas Tobacco Control Board shall conduct a criminal background check on each permit applicant and application, using the Arkansas Crime Information Center.

20-56-506. Permits — Annual privilege fees.

(a) The annual privilege fee for each permit authorized by this subchapter is established as follows:

(1) Consumable hemp wholesaler permit	$5,000
(2) Consumable hemp retailer permit	$5,000
(3) Consumable hemp manufacturer permit	$5,000

(b)(1) All permits issued under this subchapter shall expire on June 30 following the effective date of issuance.

(2)(A) Upon the failure to timely renew a permit issued under this subchapter, a late fee of two (2) times the amount of the appropriate permit fee shall be owed in addition to the annual privilege fee for the permit.

(B) An expired permit that is not renewed before September 1 following the expiration of the permit shall not be renewed, and the holder of the expired permit shall submit an application for a new permit.

(3) A permit shall not be issued to the applicant until the late

fee and the permit fee have been paid.

(c) A permit issued under this subchapter shall not be renewed for a permit holder who is delinquent more than ninety (90) days on a privilege fee, tax relating to the sale or dispensing of a consumable hemp product, or any other state and local tax due the Secretary of the Department of Finance and Administration.

(d) A person who is delinquent more than ninety (90) days on a state or local tax may not renew or obtain a permit issued under this subchapter except upon certification that the permit holder has entered into a repayment agreement with the Department of Finance and Administration and is current on the payments.

(e) A permit holder who has unpaid fees, civil penalties, or an unserved permit suspension may not transfer, sell, or give consumable hemp product inventory of the business associated with the permit to a third party until all fees and civil penalties are paid in full and all suspensions are completed successfully, nor shall any third party be issued a new permit for the business location.

(f) Each consumable hemp manufacturer, consumable hemp wholesaler, and consumable hemp retailer shall retain copies of all invoices for the purchase or sale of any consumable hemp product for a period of at least ten (10) years subject to examination by the secretary and the Director of Arkansas Tobacco Control or their authorized agents upon demand at any time during regular business hours.

(g) A consumable hemp retailer shall:

(1) Maintain copies of at least the last three hundred sixty-five (365) days of consumable hemp product invoices, which the retailer shall provide immediately upon demand;

(2)(A) Make the invoices that are older than three hundred sixty-five (365) days available upon demand at any time during normal business hours in the retail store.

(B) Except as provided in subdivision (g)(2)(C) of this section, an agent of the Arkansas Tobacco Control Board may determine a reasonable time frame for which invoices are to be provided under subdivision (g)(2)(A) of this section.

(C) An invoice that is provided seventy-two (72) hours more after the demand shall not be considered for purposes of determining

violation of this subsection;

(3) Retain invoices for all consumable hemp products in the retail store even if the invoice for the consumable hemp product is older than three (3) years;

(4) Maintain a copy of the signed server awareness forms for each employee of the retailer who engages in the sale of consumable hemp products, which the retailer shall provide immediately upon demand;

(5)(A) Maintain a copy of any complete transfer forms showing:

(i) The consumable hemp products that were transferred;

(ii) The permitted location from which the consumable hemp products were transferred; and

(iii) When the transfer occurred.

(B) A transfer form shall be completed contemporaneously with the transfer and shall be provided immediately by the retailer upon demand; and

(6) If any inventory was submitted with a permit application, maintain a copy of the submitted inventory form, which the retailer shall provide immediately upon demand.

(h) A consumable hemp wholesaler and consumable hemp manufacturer shall:

(1) Maintain ten (10) years of consumable hemp product invoices that are available upon demand during normal business hours in the permitted location; and

(2) Permit the board and authorized personnel of the board to enter into and inspect stock of consumable hemp products, and any documents and records relating to receipts and disbursements of consumable hemp products.

(i) An invoice from a consumable hemp wholesaler to a consumable hemp retailer shall contain the name or other identifying information of the consumable hemp wholesaler and the consumable hemp retailer.

(j)(1) A nonresident consumable hemp wholesaler shall also keep a record of all consumable hemp products purchased for distribution within this state.

(2) All books, records, and memoranda pertaining to the purchase and sale of the consumable hemp products under subdivision (j)(1) of this

section shall be subject to inspection by the board.

(k) Authorized personnel of the board shall not release to the board or to the public any information identifying customers of the consumable hemp manufacturer, consumable hemp wholesaler, or warehouse except when necessary to notify the board of alleged violations of this subchapter.

20-56-507. Permits — Not transferable — Duplicates.

(a) A permit under this subchapter is not transferable to a:

(1) Subsequent owner or operator; or

(2) Different physical location unless the permit holder obtains permission from the Director of Arkansas Tobacco Control.

(b) A person purchasing an existing permitted retail location may operate under the selling owner's permit for no more than thirty (30) days from the date of the sale.

(c) When a permit is lost by a permit holder, a duplicate permit may be issued upon application and for a fee of five dollars ($5.00) when sufficient proof has been given to the director.

20-56-508. Permits — Suspension or revocation.

(a) All permits issued under this subchapter shall be suspended or revoked by the Director of Arkansas Tobacco Control for any violation of this subchapter or the rules pertaining to this subchapter, subject to a hearing before the Arkansas Tobacco Control Board at the next regularly scheduled board meeting.

(b) The director may revoke all permits to deal in consumable hemp products associated with any person who is convicted of or pleads guilty or nolo contendere to a criminal violation of this subchapter, subject to a hearing before the board at the next regularly scheduled board meeting.

20-56-509. Advertising prohibitions and packaging requirements.

(a) A consumable hemp product distributed or offered for sale in this state shall include the following information on the product label or product packaging:

(1) The name of the consumable hemp product distributor or consumable hemp product manufacturer, whether in-state or out-of-state;

(2) Product labeling clearly showing that the product contains

material derived from hemp and not marijuana or medical marijuana; and

(3) Any other marking, words, statement, or symbol as required by the Arkansas Tobacco Control Board through rules.

(b) A person shall not advertise, market, or offer for sale in this state any consumable hemp product by using, in the labeling or design of the product, its packaging, or in its advertising or marketing materials, trade dress, trademarks, branding, or other related imagery that:

(1) Imitates or replicates those of food brands or other related products that are marketed to or are commonly associated with children or minors, including without limitation breakfast cereal, cookies, juice drinks, soft drinks, frozen drinks, ice creams, sorbets, sherbets, and frozen pops;

(2) Depicts or signifies characters or symbols that are known to a reasonable person to appeal primarily to or are commonly associated with children or minors, including without limitation superheroes, cartoons or cartoon characters, including anime characters, comic book characters, video game characters, television show characters, movie characters, mythical creatures, unicorns, or that otherwise incorporates related imagery or scenery; or

(3) Uses the terms “candy”, “candies”, “cake”, “cakes”, “pies”, or “cupcakes” or any variant of these terms, or any other term referencing a type or brand of candy, cakes, pastries, or pies, including types or brands of candy, cakes, pastries, or pies that do not include the words “candy”, “candies”, “cake”, “cakes”, "pastries", “pies”, or “cupcakes” in their names, labels, or slogans.

20-56-510. Testing.

(a) All consumable hemp sold in this state shall be tested by an approved laboratory.

(b) An approved laboratory shall be an independent third-party laboratory.

(c) A consumable hemp product sold in this state shall be tested for the following and marked as to the consumable hemp product chemical makeup before being sold to consumers:

(1) Cannabinoid profile;

(2) Solvents;

(3) Pesticides;

(4) Microbials;

(5) Heavy metals; and

(6) Any non-hemp-based substance.

(d) A consumable hemp product shall not be distributed or sold in this state without a certificate of analysis from an approved laboratory that confirms:

(1) The consumable hemp product was tested by an approved laboratory;

(2) A tested representative sample of the consumable hemp product contained a total delta-9 tetrahydrocannabinol concentration that did not exceed three-tenths of one percent (0.3%) under this subchapter; and

(3) A detailed analysis and list of the chemical makeup of the tested consumable hemp product under subsection (c) of this section.

(e) The Arkansas Tobacco Control Board may periodically sample, analyze, and test any consumable hemp product located in this state.

(f) The Director of Arkansas Tobacco Control shall:

(1) Investigate and issue subpoenas to any permittee or approved laboratory used by a permittee that the director has reasonable suspicion of intentionally producing falsified test results on consumable hemp; and

(2) Promulgate rules for the enforcement of this section and set penalties for any violation of the rules.

20-56-511. Providing minors with consumable hemp products — Purchase, use, or possession prohibited.

(a)(1) It is unlawful for any person to give, barter, or sell to a minor a consumable hemp product.

(2) Except as provided in subdivision (a)(3) of this section, a person who pleads guilty or nolo contendere to or is found guilty of violating subdivision (a)(1) of this section is guilty of a Class A misdemeanor.

(3) An employee or owner of a retail location permitted under this subchapter who violates subdivision (a)(1) of this section while inside the retail location upon conviction is subject to a fine not to exceed one hundred dollars ($100) per violation.

(b)(1) It is unlawful for a minor to:

(A) Use or possess or to purchase or attempt to purchase a

consumable hemp product; or

(B) For the purpose of obtaining or attempting to obtain a consumable hemp product, falsely represent himself or herself not to be a minor by displaying proof of age that is false, fraudulent, or not actually proof of the minor's age.

(2) Any consumable hemp product found in the possession of a minor may be confiscated and destroyed by a law enforcement officer.

(c)(1) It is not an offense under subsection (b) of this section if:

(A) The minor was acting at the direction of an authorized agent of the Arkansas Tobacco Control Board to enforce or ensure compliance with laws relating to the prohibition of the sale of consumable hemp product to minors;

(B) The minor was acting at the direction of an authorized agent of the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services to compile statistical data relating to the sale of consumable hemp products to minors;

(C) The minor was acting at the request of a permit holder to assist the permit holder by performing a check on the permit holder's own retail business to see if the permit holder's employees would sell consumable hemp products to the minor; or

(D) The minor was acting as an agent of a retail permit holder within the scope of employment.

(2) A minor performing activities under subdivision (c)(1) of this section shall:

(A) Display the appearance of a minor;

(B) Have the written consent of the minor's parent or guardian to perform the activity on file with the agency utilizing the minor; and

(C)(i) Present a true and correct identification if asked.

(ii) Any failure on the part of a minor to provide true and correct identification upon request is a defense to any action under this section or a civil action under § 26-57-256.

(d) Any person who sells consumable hemp products has the right to deny the sale of any consumable hemp product to any person.

(e) It is unlawful for any person who has been issued a permit or a license under this subchapter to fail to display in a conspicuous place a

sign indicating that the sale of consumable hemp products to or purchase or possession of consumable hemp products by a minor is prohibited by law.

(f) It is unlawful for any manufacturer whose consumable hemp product is distributed in this state and any person who has been issued a permit or license under this subchapter to distribute a free sample of any consumable hemp product or any component of a consumable hemp product or coupon that entitles the holder of the coupon to any free sample of any consumable hemp product or any component of a consumable hemp product:

(1) In or on any public street or sidewalk within five hundred feet (500') of any playground, public school, or other facility when the playground, public school, or other facility is being used primarily by minors for recreational, educational, or other purposes; or

(2) To any minor.

(g) It is unlawful for any person that has been issued a permit or license under this subchapter to:

(1) Sell or distribute a consumable hemp product through a self-service display, a vending machine, or an order executed solely over the internet or similar means; or

(2) Advertise or promote consumable hemp in a manner that is intended to appeal to minors.

(h) Any retail permit holder or license holder who violates any provision in this section is deemed guilty of a violation and subject to penalties under § 26-57-256.

(i)(1) A notice of an alleged violation of this section shall be given to the holder of a retail permit or license or an agent of the holder within ten (10) days of the alleged violation.

(2) The notice under subdivision (i)(1) of this section shall:

(A) Contain the date and time of the alleged violation; and

(B)(i) Include either the name of the person making the alleged sale or information reasonably necessary to determine the location in the store that allegedly made the sale.

(ii) When appropriate, information under subdivision (i)(2)(B)(i) of this section shall include without limitation:

(a) The cash register number of the sale in the store;

(b) The physical location of the sale in the store; and

(c) If possible, the lane or aisle number of the sale in the store.

(j) Notwithstanding the provisions of subsection (h) of this section, the court shall consider the following factors when reviewing a possible violation:

(1) The business has adopted and enforced a written policy against selling consumable hemp products to minors;

(2) The business has informed its employees of the applicable laws regarding the sale of consumable hemp product to minors;

(3) The business has required employees to verify the age of a customer attempting to purchase a consumable hemp product by way of photographic identification;

(4) The business has established and imposed disciplinary sanctions for noncompliance; and

(5) The appearance of the purchaser of the consumable hemp product was such that an ordinary prudent person would believe him or her to be of legal age to make the purchase.

(k) A person convicted of violating any provision of this section whose permit or license to distribute or sell a consumable hemp product is suspended or revoked upon conviction shall surrender to the court any permit or license to distribute or sell a consumable hemp product, and the court shall transmit the permit or license to distribute or sell a consumable hemp product to the Director of Arkansas Tobacco Control:

(1) To suspend or revoke the person's permit or license to distribute or sell a consumable hemp product and to not renew the permit or license; and

(2) Not to issue any new permit or license to that person for the period of time determined by the court in accordance with this section.

20-56-512. Enforcement — Penalties.

(a) It is the duty of all state, county, and city officials to assist the Arkansas Tobacco Control Board in enforcing this subchapter.

(b) A person within the jurisdiction of this state who is not permitted to sell consumable hemp products to retailers or consumers and who

sells, takes orders from, delivers, or causes to be delivered immediately or in the future any consumable hemp to retailers or consumers in this state upon conviction is guilty of a Class A misdemeanor.

(c) A person engaged in buying or selling consumable hemp products in this state without first obtaining the proper permit upon conviction is guilty of a Class A misdemeanor.

(d) This subchapter does not prohibit the interstate transportation or shipment through this state of the plant Cannabis sativa L., and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a total delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent (0.3%) on a dry-weight basis, from one licensed hemp producer in another state to a licensed hemp handler in another state.

20-56-513. Prohibitions.

(a) It shall be unlawful for any person to:

(1) Violate this subchapter or any rules promulgated under this subchapter;

(2) Manufacture, produce, or market any product derived from cannabis for sale within this state, except as authorized under this subchapter and the Arkansas Medical Marijuana Amendment of 2016, Arkansas Constitution, Amendment 98;

(3) Sell or distribute any product derived from cannabis within this state or to consumers of this state, except as authorized under this subchapter and the Arkansas Medical Marijuana Amendment of 2016, Arkansas Constitution, Amendment 98;

(4) Manufacture, distribute, sell, or market a consumable hemp product that is not reported to the Arkansas Tobacco Control Board as required by this subchapter;

(5) Manufacture, produce, market, or sell any intoxicating hemp product;

(6) Sell any consumable hemp product to a minor; or

(7) Market or promote a consumable hemp product or other hemp product:

(A) For an intoxicating effect;

(B) As containing tetrahydrocannabinol; or

(C) With unlawful drug or health claims.

(b) Any person that purposely, knowingly, or recklessly violates this subchapter relating to hemp production, manufacture, sale, distribution, marketing, or processing shall be guilty of a misdemeanor and, upon conviction of the violation, shall be fined in an amount not to exceed five thousand dollars ($5,000), or sentenced to imprisonment in the county jail for not more than one (1) year, or both.

(c) Notwithstanding subsection (b) of this section, any person that purposefully, recklessly, or knowingly manufactures, markets, or sells an intoxicating hemp product shall be guilty of a felony.

(d) Any violation of this subchapter is a deceptive and unconscionable trade practice under the Deceptive Trade Practices Act, § 4-88-101 et seq., and all remedies, penalties, and authority granted to the Attorney General under the Deceptive Trade Practices Act, § 4-88-101 et seq., shall be available to the Attorney General for the enforcement of this subchapter.

(e) The prosecuting attorney in the county where the alleged crime was committed shall also have full authority to enforce this subchapter.

(f) This subchapter does not prohibit the bringing of a civil action against a violator of this subchapter by an individual harmed by the violator's acts or omissions.

20-56-514. Consumable hemp product directory.

(a) By December 1, 2025, and annually thereafter, every licensed consumable hemp manufacturer of a consumable hemp product that is sold for retail sale in this state, whether the consumable hemp product manufacturer is located in or outside this state, shall execute and deliver to the Arkansas Tobacco Control Board a certification, under penalty of perjury, on a form and in a manner prescribed by the board, that the manufacturer is compliant with this subchapter.

(b) The certification form shall separately list each brand name, category, product name, and flavor for each consumable hemp product that is sold in this state.

(c)(1) On and after December 1, 2025, the board shall maintain and make publicly available on its official website a directory that lists all consumable hemp product manufacturers, brand names, categories, product names, and flavors for which certification forms have been submitted and

approved by the board and shall update the directory at least monthly to ensure accuracy.

(2) The board shall establish a process to provide licensed consumable hemp retailers, consumable hemp distributors, and consumable hemp wholesalers notice of the initial publication of the directory and changes made to the directory in the prior month.

(d) After ninety (90) calendar days following publication of the directory, consumable hemp products not listed in the directory and intended for retail sale in this state are subject to seizure, forfeiture, and destruction, and shall not be purchased or sold for retail sale in this state.

(e) Any person who sells or offers for sale a consumable hemp product for retail sale in this state that is not included in the directory shall be subject to a civil penalty of up to five hundred dollars ($500) for each individual consumable hemp product offered for sale in violation of this section until the offending consumable hemp product is removed from the market or until the offending consumable hemp product is properly listed on the directory.

(f) The civil penalty collected under this section shall be deposited into the State Treasury as special revenues to the credit of the Arkansas Tobacco Control Revenue Fund.

20-56-515. Notice required at point of sale — Penalties.

(a) A person shall not sell or offer for sale a consumable hemp product in this state unless a clearly visible notice is posted at the location where the consumable hemp product is available for purchase.

(b) The notice described under subsection (a) of this section shall state that:

(1) A consumable hemp product contains tetrahydrocannabinol;

(2) Women who are pregnant or breastfeeding should not use products that contain tetrahydrocannabinol due to the risk of birth defects and other developmental defects; and

(3) A minor shall not purchase a consumable hemp product.

(c)(1) In addition to the penalties under this subchapter and the Arkansas Industrial Hemp Production Act, § 2-15-501 et seq., any person who sells or offers for sale a consumable hemp product without a notice as

described in this section shall be fined not less than five hundred dollars ($500) for the first offense and not more than one thousand dollars ($1,000) for each subsequent offense.

(2) Each violation, and every day in which a violation occurs, constitutes a separate violation.

(d) Fines collected under this section shall be deposited into the State Treasury as special revenues to the credit of the Arkansas Tobacco Control Revenue Fund.

20-56-516. Rules.

The Director of Arkansas Tobacco Control may promulgate rules for the proper enforcement of his or her powers and duties under this subchapter, including without limitation the regulation of processing, transportation, delivery, sale, and purchase of consumable hemp products in accordance with this subchapter and the power to levy penalties for violations of this subchapter.

SECTION *11*. Arkansas Code Title 20, Chapter 56, Subchapter 4, as amended by Acts 2025, No. 176, § 2, effective if the contingency in Acts 2023, No. 629, § 17, is met, is repealed.

~~Subchapter 4 — Hemp-Derived Products~~

~~20-56-401. Purpose.~~

~~It is the intent of this subchapter to provide regulation of certain hemp-derived products to:~~

~~(1) Prevent the sale and use of illicit hemp-based products within Arkansas; and~~

~~(2) Protect and promote the public health and welfare of the residents of this state.~~

~~20-56-402. Definitions.~~

~~As used in this subchapter:~~

~~(1) "Annual" or "annually" means the fiscal year from July 1 through the next June 30;~~

~~(2) "Approved laboratory" means a laboratory that is accredited by the National Institute on Drug Abuse, the National Environmental~~

~~Laboratory Accreditation Conference, the International Organization for Standardization, or a similar accrediting entity as determined by Arkansas Tobacco Control and that has been approved by the Director of Arkansas Tobacco Control specifically for the testing of hemp-derived product;~~

~~(3) "Consumer" means a member of the public at large;~~

~~(4) "Days" means calendar days unless otherwise specified;~~

~~(5) "Finished product" means a product intended for consumer use to be sold at retail;~~

~~(6) "Hemp" means the plant Cannabis sativa and any part of the plant, including the seeds of the plant, that contains a delta-9 tetrahydrocannabinol concentration of three-tenths of one percent (0.3%) or less on a dry-weight basis, and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not;~~

~~(7) "Hemp-derived e-liquid product" means a liquid hemp-derived product that contains hemp that is inhaled when using a vapor product, and that may or may not include without limitation propylene glycol, vegetable glycerin, and flavorings;~~

~~(8)(A) "Hemp-derived product" means a product intended for any form of human consumption, including consumption by vapor inhalation, or a component of a product, that is derived from hemp, including all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, and any product made from such derivatives, and that contains greater than three-tenths of one percent (0.3%) tetrahydrocannabinol.~~

~~(B) "Hemp-derived product" includes a hemp-derived e-liquid product and a vapor product.~~

~~(C) "Hemp-derived product" does not include:~~

~~(i) A product intended for animal consumption or use;~~

~~(ii) A cosmetic as defined by § 20-56-202;~~

~~(iii) Any marijuana, medical marijuana, or other cannabis product containing delta-9 tetrahydrocannabinol greater than three-tenths of one percent (0.3%) on a dry-weight basis as administered, licensed, and otherwise regulated by the Alcoholic Beverage Control Division, the Medical Marijuana Commission, and the Department of Health under the Arkansas Medical Marijuana Amendment of 2016, Arkansas Constitution, Amendment 98;~~

~~(iv) A raw hemp product, including any intact plant,~~

~~flower, buds, leaves, or stems;~~

~~(v) A drug in the form for which an application filed in accordance with 21 U.S.C. § 355 is approved by the United States Food and Drug Administration;~~

~~(vi) A dietary supplement as defined by the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 301 et seq.; or~~

~~(vii) A fabric, textile, cordage, fiber, fuel, paper, construction material, plastic, seed, seed meal, and seed oil;~~

~~(9)(A) "Manufacturer" means a person that manufactures, fabricates, assembles, or processes a hemp-derived product, including without limitation federally licensed importers and federally licensed distributors that deal in hemp-derived products.~~

~~(B) "Manufacturer" includes:~~

~~(i) A sales entity affiliate of the manufacturer or any other entity representing the manufacturer with regard to the sale of hemp-derived products produced by the manufacturer to wholesalers or permitted retailers; and~~

~~(ii) A person that mixes, compounds, extracts, infuses, blends, processes, repackages, or resizes hemp-derived products including the extraction of cannabinoids from hemp biomass.~~

~~(C) "Manufacturer" does not include a person who engages in the agricultural production of hemp, such as growing, planting, and harvesting of raw hemp biomass regulated by the State Plant Board;~~

~~(10) "Minor" means a person who is under twenty-one (21) years of age;~~

~~(11) "Person" means an individual, retailer, wholesaler, manufacturer, firm, association, company, partnership, limited liability company, corporation, joint-stock company, club, agency, syndicate, the State of Arkansas, county, municipal corporation or other political subdivision of the state, receiver, trustee, fiduciary, or trade association;~~

~~(12) "Place of business" means the physical location:~~

~~(A) Where orders for hemp-derived products are taken or received or where hemp-derived products are sold; and~~

~~(B) That is on file with Arkansas Tobacco Control;~~

~~(13) "Retailer" means a person that purchases hemp-derived products from permitted wholesalers for the purpose of selling the hemp-~~

~~derived products in person and over the counter at retail to consumers;~~

~~(14)(A) "Sale" or "sell" means a transfer, exchange, or barter in any manner or by any means for any consideration, including distributing or shipping hemp-derived product in connection with a sale.~~

~~(B) A sale "in" or "into" a state refers to the state in which the destination point of the hemp-derived product is located in the sale without regard to where title was transferred.~~

~~(C) A sale "from" a state refers to the sale of a hemp-derived product that is located in that state to the destination in question without regard to where title was transferred;~~

~~(15) "Self-service display" means a display:~~

~~(A) That contains a hemp-derived product, or any component of a hemp-derived product;~~

~~(B) That is located in an area where customers are permitted; and~~

~~(C) In which the hemp-derived product, or any component of a hemp-derived product, is readily accessible to a customer without the assistance of a salesperson;~~

~~(16) "Tetrahydrocannabinol" means a compound that is the natural, primary active cannabinoid substance or its equivalent contained in the plant of the genus cannabis or in the resinous extracts of the plant, including derivatives or isomers derived from such cannabinoids;~~

~~(17) "Vapor product" means hemp-derived product that is an electronic oral device of any size or shape that contains a vapor of hemp or hemp-derived e-liquid product that when used or inhaled simulates smoking, regardless of whether a visible vapor is produced, including without limitation a device that:~~

~~(A) Is composed of a heating element, battery, electronic circuit, chemical process, mechanical device, or a combination of heating element, battery, electronic circuit, chemical process, or mechanical device;~~

~~(B) Works in combination with a cartridge, other container, or liquid delivery device containing hemp or hemp-derived e-liquid product and manufactured for use with vapor products;~~

~~(C) Is manufactured, distributed, marketed, or sold as any type or derivation of a vapor product, e-cigarette, e-cigar, e-pipe, or any other produced name or descriptor; and~~

~~(D) Does not include a product regulated as a drug or device by the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 301 et seq., as it existed on January 1, 2015;~~

~~(18) "Warehouse" means a place where hemp-derived products are stored for another person and to or from which place the hemp-derived products are shipped or delivered upon order by the owner of the hemp-derived products, to the warehouse; and~~

~~(19) "Wholesaler" means a person other than a manufacturer or a person owned or operated by a manufacturer that:~~

~~(A) Does business within the state;~~

~~(B) Purchases hemp-derived products from any source;~~

~~(C) Distributes or sells the hemp-derived products to other wholesalers, or retailers; and~~

~~(D) Does not distribute or sell the hemp-derived products at retail to consumers.~~

~~20-56-403. Construction.~~

~~(a) A hemp-derived product shall not be delivered, sold, bought, or used in this state except in conformity with all applicable laws and regulations, including this subchapter and any rules promulgated under this subchapter.~~

~~(b) A person shall not sell a hemp-derived product without being permitted by Arkansas Tobacco Control.~~

~~(c) A product intended for human consumption or inhalation that is derived from hemp and contains tetrahydrocannabinol shall not be permitted or allowed under the laws of this state, other than hemp-derived products if otherwise legal under state law.~~

~~(d)(1) A hemp-derived product shall not be combined with or contain any of the following:~~

~~(A) Any liquid, hydrocolloid, animal-based substance, thickener, sweetener, flavoring, synthetic product, propylene glycol, vegetable glycerin, or other non-hemp-derived substance;~~

~~(B) Nicotine or tobacco; or~~

~~(C) Any amount of tetrahydrocannabinol as to create a danger of misuse, overdose, accidental overconsumption, inaccurate dosage, or other risk to the public.~~

~~(2) Medical devices, prescription drugs, or drugs otherwise approved by the United States Food and Drug Administration shall not be considered hemp-derived products.~~

~~(c) The business of handling, receiving, possessing, storing, distributing, taking orders for, soliciting orders of, selling, offering for sale, and dealing in, through sale, barter, or exchange, hemp-derived products is declared to be a privilege under the Arkansas Constitution and laws of the State of Arkansas.~~

~~20-56-404. Permits.~~

~~(a)(1) Each person listed in this section, before commencing business, or if already in business, before continuing business, shall pay an annual privilege fee and secure a permit from the Director of Arkansas Tobacco Control.~~

~~(2) A person purchasing an existing permitted retail location may, with the permission of the seller and Arkansas Tobacco Control, operate under the selling owner's permit for no more than thirty (30) days from the date of the sale.~~

~~(b)(1) In addition to securing a permit under subsection (a) of this section, a manufacturer whose products are sold in this state shall register with the Secretary of the Department of Finance and Administration.~~

~~(2) A wholesaler of hemp-derived products shall secure the proper wholesale permit.~~

~~(3) Every retailer of hemp-derived products that operates a place of business shall secure the proper retail permit.~~

~~(c)(1) Permits shall be issued as follows:~~

~~(A) A permit for a sole proprietorship is issued in the owner's name and in the fictitious business name, if any;~~

~~(B)(i) A permit for a partnership or limited liability company is issued in the name of:~~

~~(a) The managing partner or managing member; and~~

~~(b) The partnership or limited liability company.~~

~~(ii) If the managing partner or managing member of a limited liability company is a partnership, limited liability company, or~~

~~corporation, then the permit shall be issued in the name of:~~

~~(a) The president or chief executive officer; and~~

~~(b) The partnership or limited liability company; and~~

~~(C) A permit for a publicly traded or nonpublicly traded corporation is issued in the name of the president or chief executive officer of the corporation and in the name of the corporation.~~

~~(2) It is a violation for a permitted entity not to provide written notification to the director within thirty (30) days of a change in the following:~~

~~(A) The managing partner, limited liability company managing member, or president or chief executive officer of a corporation, partnership, or limited liability company; or~~

~~(B) The stockholders effecting twenty-five percent (25%) or more of the total voting shares of a nonpublicly traded corporation.~~

~~(d)(1) When an entity transfers a business permitted under this subchapter, the entity to which the business is transferred:~~

~~(A) Shall apply for a new permit under this subchapter;~~

~~(B) May be issued a new permit under this subchapter; and~~

~~(C) May operate under the selling entity's permit for no more than thirty (30) days from the date of the sale.~~

~~(2) When a partnership or limited liability company permitted under this subchapter changes, removes, or replaces the managing partner, managing member, president, or chief executive officer:~~

~~(A) The existing permit issued under this subchapter is void; and~~

~~(B) The partnership or limited liability company:~~

~~(i) Shall apply for a new permit under this subchapter;~~

~~(ii) May be issued a new permit under this subchapter; and~~

~~(iii) May operate under the voided permit for no more than thirty (30) days from the date of the change, removal, or replacement of the managing partner, managing member, president, or chief executive officer.~~

~~(3) When a nonpublicly traded corporation permitted under this~~

~~subchapter changes, removes, or replaces the president or chief executive officer named on the permit or changes, removes, or replaces a stockholder who owns fifty percent (50%) or more of the total voting shares of the nonpublicly traded corporation's stock:~~

~~(A) The permit issued under this subchapter is void; and~~

~~(B) The nonpublicly traded corporation:~~

~~(i) Shall apply for a new permit under this subchapter;~~

~~(ii) May be issued a new permit under this subchapter; and~~

~~(iii) May operate under the voided permit for no more than thirty (30) days from the date of the change, removal, or replacement of the president, chief executive officer, or stockholder.~~

~~(4) When a publicly traded corporation permitted under this subchapter changes, removes, or replaces the president or chief executive officer named on the permit or changes, removes, or replaces a stockholder who owns fifty percent (50%) or more of the total voting shares of the publicly traded corporation's stock:~~

~~(A) The permit issued under this subchapter is void; and~~

~~(B) The publicly traded corporation:~~

~~(i) Shall apply for a new permit under this subchapter;~~

~~(ii) May be issued a new permit under this subchapter; and~~

~~(iii) May operate under the voided permit for no more than thirty (30) days from the date of the change, removal, or replacement of the president, chief executive officer, or stockholder.~~

~~(c) An entity may apply for and be issued a permit under this subchapter in advance of the effective date of the permit to facilitate continuity of business operations.~~

~~20-56-405. Permits -- Location -- Background check required.~~

~~(a) A retail, wholesale, or manufacturer permit shall not be issued to a residential address, a mobile structure or vehicle, or for an address not zoned appropriately for the business seeking to secure the permit.~~

~~(b) A permit shall not be issued to:~~

~~(1) A person who has pleaded guilty or nolo contendere to or been found guilty of a felony; or~~

~~(2) A business owned or operated, in whole or in part, by a person who has pleaded guilty or nolo contendere to or been found guilty of a felony.~~

~~(c) Arkansas Tobacco Control shall conduct a criminal background check on each permit applicant and application, utilizing its Arkansas Crime Information Center access as a law enforcement agency, in accordance with §§ 12-12-1008 — 12-12-1011.~~

~~20-56-406. Permits — Annual privilege fees.~~

~~(a) The annual privilege fee for each permit authorized by this subchapter is established as follows:~~

~~(1) Wholesale Hemp-derived Products Permit.....$5,000~~

~~(2) Retail Hemp-derived Products Permit.....$5,000~~

~~(3) Manufacturer Hemp-derived Products Permit.....$5,000~~

~~(b)(1) All permits issued under this subchapter shall expire on June 30 following the effective date of issuance.~~

~~(2)(A) Upon the failure to timely renew a permit issued under this subchapter, a late fee of two (2) times the amount of the appropriate permit fee shall be owed in addition to the annual privilege fee for the permit.~~

~~(B) An expired permit that is not renewed before September 1 following the expiration of the permit shall not be renewed, and the holder of the expired permit shall submit an application for a new permit.~~

~~(3) A permit shall not be issued to the applicant until the late fee and the permit fee have been paid.~~

~~(c) A permit issued under this subchapter shall not be renewed for a permit holder who is delinquent more than ninety (90) days on a privilege fee, tax relating to the sale or dispensing of hemp-derived products, or any other state and local tax due to the Secretary of the Department of Finance and Administration.~~

~~(d) A person who is delinquent more than ninety (90) days on a state or local tax may not renew or obtain a permit issued under this subchapter except upon certification that the permit holder has entered into a repayment agreement with the Department of Finance and Administration and is current on~~

~~the payments.~~

~~(e) A permit holder who has unpaid fees, civil penalties, or an unserved permit suspension may not transfer, sell, or give hemp-derived product inventory of the business associated with the permit to a third party until all fees and civil penalties are paid in full and all suspensions are completed successfully, nor shall any third party be issued a new permit for the business location.~~

~~(f) Each manufacturer, wholesaler, and retailer shall retain copies of all invoices for the purchase or sale of any hemp-derived products for a period of at least ten (10) years subject to examination by the Secretary of the Department of Finance and Administration and the Director of Arkansas Tobacco Control or their authorized agents upon demand at any time during regular business hours.~~

~~(g) A retailer shall:~~

~~(1) Maintain copies of at least the last three hundred sixty-five (365) days of hemp-derived product invoices, which the retailer shall provide immediately upon demand;~~

~~(2)(A) Make the invoices that are older than three hundred sixty-five (365) days available upon demand at any time during normal business hours in the retail store.~~

~~(B) Except as provided in subdivision (g)(2)(C) of this section, an agent of Arkansas Tobacco Control may determine a reasonable time frame for which invoices are to be provided under subdivision (g)(2)(A) of this section.~~

~~(C) An invoice that is provided seventy-two (72) hours or more after the demand shall not be considered for purposes of determining a violation of this subsection;~~

~~(3) Retain invoices for all hemp-derived products in the retail store even if the invoice for the hemp-derived products is older than three (3) years;~~

~~(4) Maintain a copy of the signed server awareness forms for each employee of the retailer who engages in the sale of hemp-derived products, which the retailer shall provide immediately upon demand;~~

~~(5)(A) Maintain a copy of any complete transfer forms showing:~~

~~(i) The hemp-derived products that were transferred;~~

~~(ii) The permitted location from which the hemp-~~

~~derived products were transferred; and~~

~~(iii) When the transfer occurred.~~

~~(B) A transfer form shall be completed contemporaneously with the transfer and shall be provided immediately by the retailer upon demand; and~~

~~(6) If any inventory was submitted with a permit application, maintain a copy of the submitted inventory form, which the retailer shall provide immediately upon demand.~~

~~(h) A wholesaler and manufacturer shall:~~

~~(1) Maintain ten (10) years of hemp-derived product invoices that are available upon demand during normal business hours in the permitted location; and~~

~~(2) Permit Arkansas Tobacco Control and authorized personnel of Arkansas Tobacco Control to enter into and inspect stock of hemp-derived products, and any documents and records relating to receipts and disbursements of hemp-derived products.~~

~~(i) An invoice from a wholesaler to a retailer shall contain the name or other identifying information of the wholesaler and the retailer.~~

~~(j)(1) A nonresident wholesaler shall also keep a record of all hemp-derived products purchased for distribution within this state.~~

~~(2) All books, records, and memoranda pertaining to the purchase and sale of the hemp-derived products under subdivision (j)(1) of this section shall be subject to inspection by Arkansas Tobacco Control.~~

~~(k) Authorized personnel of Arkansas Tobacco Control shall not release to the Arkansas Tobacco Control Board or to the public any information identifying customers of the manufacturer, wholesaler, or warehouse except when necessary to notify the board of alleged violations of this subchapter.~~

~~20-56-407. Permits — Not transferable — Duplicates.~~

~~(a) A permit under this subchapter is not:~~

~~(1) Transferable to a subsequent owner or operator; or~~

~~(2) Transferable to a different physical location unless the permit holder obtains permission from the Director of Arkansas Tobacco Control.~~

~~(b) A person purchasing an existing permitted retail location may operate under the selling owner's permit for no more than thirty (30) days~~

~~from the date of the sale.~~

~~(c) When a permit is lost by a permit holder, a duplicate permit may be issued upon application and for a fee of five dollars ($5.00) when sufficient proof has been given to the Director of Arkansas Tobacco Control.~~

~~20-56-408. Permits — Suspension or revocation.~~

~~(a) All permits issued under this subchapter shall be suspended or revoked by the Director of Arkansas Tobacco Control for any violation of this subchapter or the rules pertaining to this subchapter, subject to a hearing before the Arkansas Tobacco Control Board at the next regularly scheduled board meeting.~~

~~(b) The director may revoke all permits to deal in hemp-derived products associated with any person who is convicted of or pleads guilty or nolo contendere to criminally violating this subchapter, subject to a hearing before the board at the next regularly scheduled board meeting.~~

~~20-56-409. Advertising prohibitions and packaging requirements.~~

~~(a) A hemp-derived product distributed or offered for sale in this state shall include the following information on the product label or product packaging:~~

~~(1) The name of the hemp-derived product manufacturer, whether in-state or out-of-state, and distributor, whether in-state or out-of-state;~~

~~(2) Product labeling clearly showing that the product contains material derived from hemp and not marijuana or medical marijuana; and~~

~~(3) Any other marking, words, statement, or symbol as required by Arkansas Tobacco Control through rules.~~

~~(b) A person shall not advertise, market, or offer for sale in this state any hemp-derived product by using, in the labeling or design of the product, its packaging, or in its advertising or marketing materials, trade dress, trademarks, branding, or other related imagery that:~~

~~(1) Imitates or replicates those of food brands or other related products that are marketed to or are commonly associated with children or minors, including without limitation breakfast cereal, cookies, juice drinks, soft drinks, frozen drinks, ice creams, sorbets, sherbets, and frozen pops;~~

~~(2) Depicts or signifies characters or symbols that are known to a reasonable person to appeal primarily to or are commonly associated with~~

~~children or minors, including without limitation superheroes, cartoons or cartoon characters, including anime characters, comic book characters, video game characters, television show characters, movie characters, mythical creatures, unicorns, or that otherwise incorporates related imagery or scenery; or~~

~~(3) Uses the terms "candy", "candies", "cake", "cakes", "pies", or "cupcakes" or any variant of these terms, or any other term referencing a type or brand of candy, cakes, pastries, or pies, including types or brands of candy, cakes, pastries, or pies that do not include the words "candy", "candies", "cake", "cakes", "pies", or "cupcakes" in their names, labels, or slogans.~~

~~20-56-410. Testing.~~

~~(a) All hemp-derived products sold in this state shall be tested by an approved laboratory.~~

~~(b) An approved laboratory shall be an independent third-party laboratory.~~

~~(c) A hemp-derived product sold in this state shall be tested for the following and marked as to the hemp-derived product chemical makeup before being sold to consumers:~~

~~(1) Cannabinoid profile;~~

~~(2) Solvents;~~

~~(3) Pesticides;~~

~~(4) Microbials;~~

~~(5) Heavy metals; and~~

~~(6) Any non-hemp-based substance.~~

~~(d) A hemp-derived product shall not be distributed or sold in this state without a certificate of analysis from an approved laboratory that confirms:~~

~~(1) The hemp-derived product was tested by an approved laboratory;~~

~~(2) A tested representative sample of the hemp-derived product contained a total delta-9 tetrahydrocannabinol concentration that did not exceed three-tenths of one percent (0.3%) under this subchapter; and~~

~~(3) A detailed analysis and list of chemical makeup of the tested hemp-derived product under subsection (c) of this section.~~

~~(c) Arkansas Tobacco Control may periodically sample, analyze, and test any hemp-derived product located in this state.~~

~~(f) The Director of Arkansas Tobacco Control shall:~~

~~(1) Investigate and issue subpoenas to any permittee or approved laboratory used by a permittee that the director has reasonable suspicion of intentionally producing falsified test results on hemp-derived products; and~~

~~(2) Promulgate rules for the enforcement of this section and set penalties for any violation of the rules.~~

~~20-56-411. Providing minors with hemp-derived products -- Purchase, use, or possession prohibited.~~

~~(a)(1) It is unlawful for any person to give, barter, or sell to a minor a hemp-derived product.~~

~~(2) Except as provided in subdivision (a)(3) of this section, a person who pleads guilty or nolo contendere to or is found guilty of violating subdivision (a)(1) of this section is guilty of a Class A misdemeanor.~~

~~(3) An employee or owner of a retail location permitted under this subchapter who violates subdivision (a)(1) of this section while inside the retail location upon conviction is subject to a fine not to exceed one hundred dollars ($100) per violation.~~

~~(b)(1) It is unlawful for a minor to:~~

~~(A) Use or possess or to purchase or attempt to purchase a hemp-derived product; or~~

~~(B) For the purpose of obtaining or attempting to obtain a hemp-derived product, falsely represent himself or herself not to be a minor by displaying proof of age that is false, fraudulent, or not actually proof of the minor's age.~~

~~(2) Any hemp-derived product found in the possession of a minor may be confiscated and destroyed by a law enforcement officer.~~

~~(c)(1) It is not an offense under subsection (b) of this section if:~~

~~(A) The minor was acting at the direction of an authorized agent of Arkansas Tobacco Control to enforce or ensure compliance with laws relating to the prohibition of the sale of hemp-derived product to minors;~~

~~(B) The minor was acting at the direction of an authorized agent of the Division of Aging, Adult, and Behavioral Health Services of the~~

~~Department of Human Services to compile statistical data relating to the sale of hemp-derived products to minors;~~

~~(C) The minor was acting at the request of a permit holder to assist the permit holder by performing a check on the permit holder's own retail business to see if the permit holder's employees would sell hemp-derived products to the minor; or~~

~~(D) The minor was acting as an agent of a retail permit holder within the scope of employment.~~

~~(2) A minor performing activities under subdivision (c)(1) of this section shall:~~

~~(A) Display the appearance of a minor;~~

~~(B) Have the written consent of the minor's parent or guardian to perform the activity on file with the agency utilizing the minor; and~~

~~(C)(i) Present a true and correct identification if asked.~~

~~(ii) Any failure on the part of a minor to provide true and correct identification upon request is a defense to any action under this section or a civil action under § 26-57-256.~~

~~(d) Any person who sells hemp-derived products has the right to deny the sale of any hemp-derived product to any person.~~

~~(e) It is unlawful for any person who has been issued a permit or a license under this subchapter to fail to display in a conspicuous place a sign indicating that the sale of hemp-derived products to or purchase or possession of hemp-derived products by a minor is prohibited by law.~~

~~(f) It is unlawful for any manufacturer whose hemp-derived product is distributed in this state and any person who has been issued a permit or license under this subchapter to distribute a free sample of any hemp-derived product, or any component of a hemp-derived product or coupon that entitles the holder of the coupon to any free sample of any hemp-derived product, or any component of a hemp-derived product:~~

~~(1) In or on any public street or sidewalk within five hundred feet (500') of any playground, public school, or other facility when the playground, public school, or other facility is being used primarily by minors for recreational, educational, or other purposes; or~~

~~(2) To any minor.~~

~~(g) It is unlawful for any person that has been issued a permit or~~

~~license under this subchapter to:~~

~~(1) Sell or distribute a hemp-derived product through a self-service display, a vending machine, or an order executed solely over the internet or similar means; or~~

~~(2) Advertise or promote hemp-derived products in a manner that is intended to appeal to children.~~

~~(h) Any retail permit holder or license holder who violates any provision in this section is deemed guilty of a violation and subject to penalties under § 26-57-256.~~

~~(i)(1) A notice of an alleged violation of this section shall be given to the holder of a retail permit or license or an agent of the holder within ten (10) days of the alleged violation.~~

~~(2)(A) The notice under subdivision (i)(1) of this section shall contain the date and time of the alleged violation.~~

~~(B)(i) The notice under subdivision (i)(1) of this section shall also include either the name of the person making the alleged sale or information reasonably necessary to determine the location in the store that allegedly made the sale.~~

~~(ii) When appropriate, information under subdivision (i)(2)(B)(i) of this section should include, but not be limited to, the:~~

~~(a) Cash register number of the sale in the store;~~

~~(b) Physical location of the sale in the store; and~~

~~(c) If possible, the lane or aisle number of the sale in the store.~~

~~(j) Notwithstanding the provisions of subsection (h) of this section, the court shall consider the following factors when reviewing a possible violation:~~

~~(1) The business has adopted and enforced a written policy against selling hemp-derived products to minors;~~

~~(2) The business has informed its employees of the applicable laws regarding the sale of hemp-derived products to minors;~~

~~(3) The business has required employees to verify the age of a customer attempting to purchase a hemp-derived product by way of photographic identification;~~

~~(4) The business has established and imposed disciplinary sanctions for noncompliance; and~~

~~(5) That the appearance of the purchaser of the hemp-derived product was such that an ordinary prudent person would believe him or her to be of legal age to make the purchase.~~

~~(k) A person convicted of violating any provision of this section whose permit or license to distribute or sell a hemp-derived product is suspended or revoked upon conviction shall surrender to the court any permit or license to distribute or sell a hemp-derived product, and the court shall transmit the permit or license to distribute or sell a hemp-derived product to the Director of Arkansas Tobacco Control:~~

~~(1) To suspend or revoke the person's permit or license to distribute or sell a hemp-derived product and to not renew the permit or license; and~~

~~(2) Not to issue any new permit or license to that person for the period of time determined by the court in accordance with this section.~~

~~20-56-412. Enforcement — Penalties.~~

~~(a) It is the duty of all state, county, and city officers to assist Arkansas Tobacco Control in enforcing this subchapter.~~

~~(b) A person within the jurisdiction of this state who is not permitted to sell hemp-derived products to retailers or consumers and who sells, takes orders from, delivers, or causes to be delivered immediately or in the future any hemp-derived products to retailers or consumers in the State of Arkansas is guilty of a Class A misdemeanor.~~

~~(c) A person engaged in buying or selling hemp-derived products in this state without first obtaining the proper permit upon conviction is guilty of a Class A misdemeanor.~~

~~(d) This subchapter does not prohibit in any form the continuous transportation through Arkansas of the plant Cannabis sativa L., and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a total delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent (0.3%) on a dry weight basis, from one licensed hemp producer in another state to a licensed hemp handler in another state.~~

~~20-56-413. Rules.~~

~~The Director of Arkansas Tobacco Control and Arkansas Tobacco Control may promulgate rules for the proper enforcement of their powers and duties under this subchapter, including without limitation the regulation of processing, transportation, delivery, sale, and purchase of hemp-derived products in accordance with this subchapter and the power to levy penalties for violations of this subchapter.~~

SECTION *12*. Arkansas Code § 26-57-247(b), effective until the contingency in Acts 2023, No. 629, § 17, is met, concerning those unstamped and untaxed items that may be seized by the Director of Arkansas Tobacco Control, is amended to read as follows:

(b) The Director of Arkansas Tobacco Control may seize and hold for disposition of the courts or the Arkansas Tobacco Control Board all tobacco products, vapor products, alternative nicotine products, ~~or~~ e-liquid products, consumable hemp products, or intoxicating hemp products found in the possession of a person dealing in, or a consumer of, tobacco products, vapor products, alternative nicotine products, ~~or~~ e-liquid products, consumable hemp products, or intoxicating hemp products if:

(1) Prima facie evidence exists that the full amount of excise tax due on the tobacco products has not been paid to the Secretary of the Department of Finance and Administration;

(2) Tobacco products, vapor products, alternative nicotine products, or e-liquid products are in the possession of a wholesaler who does not possess a current Arkansas wholesale permit;

(3) A retail establishment does not possess a current Arkansas retail permit;

(4) The tobacco products, vapor products, alternative nicotine products, or e-liquid products have been offered for sale to the public at another location without a current Arkansas retail permit~~.~~; or

(5) Consumable hemp products or intoxicating hemp products are possessed, sold, or offered for sale in violation of § 20-56-501 et seq.

SECTION *13*. Arkansas Code § 26-57-247, effective if the contingency in Acts 2023, No. 629, § 17, is met, is repealed.

~~26-57-247. Seizure, forfeiture, and disposition of tobacco products~~

~~and other property.~~

~~(a) Cigarettes to which stamps have not been affixed as provided by law are subject to seizure and shall be held as evidence for prosecution.~~

~~(b) The Director of Arkansas Tobacco Control may seize and hold for disposition of the courts or the Arkansas Tobacco Control Board all tobacco products, vapor products, alternative nicotine products, e-liquid products, or hemp-derived products found in the possession of a person dealing in, or a consumer of, tobacco products, vapor products, alternative nicotine products, e-liquid products, or hemp-derived products if:~~

~~(1) Prima facie evidence exists that the full amount of excise tax due on the tobacco products has not been paid to the Secretary of the Department of Finance and Administration;~~

~~(2) Tobacco products, vapor products, alternative nicotine products, or e-liquid products are in the possession of a wholesaler who does not possess a current Arkansas wholesale permit;~~

~~(3) A retail establishment does not possess a current Arkansas retail permit;~~

~~(4) The tobacco products, vapor products, alternative nicotine products, or e-liquid products have been offered for sale to the public at another location without a current Arkansas retail permit; or~~

~~(5) Hemp-derived products are possessed, sold, or offered for sale in violation of § 20-56-401 et seq.~~

~~(c) Property, including money, used to facilitate a violation of this subchapter or the Unfair Cigarette Sales Act, § 4-75-701 et seq., may be seized and forfeited to the state.~~

~~(d)(1) A prosecuting attorney may institute a civil action against a person who is convicted of a criminal violation under this subchapter or the Unfair Cigarette Sales Act, § 4-75-701 et seq., to obtain a judgment for:~~

~~(A) Damages in an amount equal to the value of the property, funds, or a monetary instrument involved in the violation;~~

~~(B) The proceeds acquired by a person involved in the enterprise or by reason of conduct in furtherance of the violation; and~~

~~(C) Costs incurred by Arkansas Tobacco Control in the investigation, prosecution, and adjudication of criminal, civil, and administrative proceedings.~~

~~(2) The standard of proof in an action brought under subdivision~~

~~(d)(1) of this section is preponderance of the evidence.~~

~~(e) The following are subject to forfeiture under this section upon order by a circuit court:~~

~~(1) Tobacco products, vapor products, alternative nicotine products, or e-liquid products distributed, dispensed, or acquired in violation of this subchapter;~~

~~(2) Raw materials, products, or equipment used or intended for use in manufacturing, compounding, processing, delivering, importing, or exporting a tobacco product, vapor product, alternative nicotine product, or e-liquid product in violation of this subchapter;~~

~~(3) Property that is used or intended for use as a container for property described in subdivision (e)(1) or subdivision (e)(2) of this section;~~

~~(4)(A) Except as provided in subdivision (e)(4)(B) of this section, a conveyance, including an aircraft, vehicle, or vessel, that is used or intended to be used to transport or in any manner to facilitate the transportation for the purpose of sale or receipt of property described in subdivision (e)(1) or subdivision (e)(2) of this section.~~

~~(B)(i) A conveyance used by a person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this subchapter.~~

~~(ii) A conveyance is not subject to forfeiture under this section by reason of an act or omission established by the owner of the conveyance to have been committed or omitted without his or her knowledge or consent.~~

~~(C) Upon a showing described in subdivision (e)(4)(B)(i) of this section by the owner or interest holder of a conveyance, the conveyance may nevertheless be forfeited if the prosecuting attorney establishes that the owner or interest holder either knew or should reasonably have known that the conveyance would be used to transport or in any manner to facilitate the transportation for the purpose of sale or receipt of property described in subdivision (e)(1) or subdivision (e)(2) of this section.~~

~~(D) A conveyance encumbered by a bona fide security~~

~~interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to an act or omission in violation of this subchapter;~~

~~(5) A book, record, or research product or material, including a formula, microfilm, tape, or data that is used or intended for use in violation of this subchapter;~~

~~(6)(A) Except as provided in subdivision (e)(6)(B) of this section, a thing of value, including:~~

~~(i) Firearms purchased from the proceeds of the sale of untaxed tobacco products, vapor products, alternative nicotine products, or e-liquid products in violation of this subchapter or used in furtherance of a criminal offense as described in § 26-57-245;~~

~~(ii) Proceeds or profits traceable to an exchange described in subdivision (e)(6)(A)(i) of this section; and~~

~~(iii) Money, negotiable instruments, or security used or intended to be used to facilitate a violation of this subchapter.~~

~~(B) Property shall not be forfeited under subdivision (e)(6)(A) of this section to the extent of the interest of an owner by reason of an act or omission established by him or her by a preponderance of the evidence to have been committed or omitted without his or her knowledge or consent;~~

~~(7)(A) Money, coins, or currency found in close proximity to a forfeitable tobacco product, vapor product, alternative nicotine product, or e-liquid product or a forfeitable record of an importation of a tobacco product, vapor product, alternative nicotine product, or e-liquid product is presumed to be forfeitable under this section.~~

~~(B) The burden of proof is upon a claimant of the money, coins, or currency to rebut the presumption in subdivision (e)(7)(A) of this section by a preponderance of the evidence; and~~

~~(8)(A) Except as provided in subdivision (e)(8)(B) of this section, real property if it substantially assisted in, facilitated in any manner, or was used or intended for use in the commission of any act prohibited by this subchapter.~~

~~(B)(i) Real property is not subject to forfeiture under this section by reason of an act or omission established by the owner of the real property by a preponderance of the evidence to have been committed or~~

~~omitted without his or her knowledge or consent.~~

~~(ii) A forfeiture of real property encumbered by a mortgage or other lien is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to an act or omission in violation of this subchapter.~~

~~(iii) If the circuit court finds by a preponderance of the evidence that grounds for a forfeiture exist under this section, the court shall enter an order requiring the forfeiture of the real property.~~

~~(C) Upon an order of forfeiture of real property, the order shall be filed on the day issued and shall have prospective effect.~~

~~(D) A forfeiture of real property does not affect the title of a bona fide purchaser who purchased the real property before the issuance of the order, and the order has no force or effect on the title of the bona fide purchaser.~~

~~(E) A lis pendens filed in connection with an action pending under this section that may result in the forfeiture of real property is effective only from the time filed and has no retroactive effect.~~

~~(f) A tobacco product, vapor product, alternative nicotine product, or e-liquid product that is possessed, transferred, sold, or offered for sale in violation of this subchapter may be seized and immediately forfeited to the state.~~

~~(g)(1) Property subject to forfeiture under this subchapter may be seized by a law enforcement agent upon process issued by a circuit court having jurisdiction over the property on petition filed by the prosecuting attorney of the judicial circuit.~~

~~(2) Seizure without process may be made if:~~

~~(A) The seizure is incident to an arrest or a search under a search warrant or an inspection under the regulatory authority of Arkansas Tobacco Control;~~

~~(B) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this subchapter;~~

~~(C) The seizing law enforcement agency has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or~~

~~(D) The seizing law enforcement agency has probable cause~~

~~to believe that the property was used or is intended to be used in violation of this subchapter.~~

~~(h)(1) A state or local law enforcement agency shall not transfer property seized by the state or local agency under this section to a federal entity for forfeiture under federal law unless the circuit court having jurisdiction over the property enters an order, upon petition by the prosecuting attorney, authorizing the property to be transferred to the federal entity.~~

~~(2) The transfer shall not be approved unless it reasonably appears that the activity giving rise to the investigation or seizure involves more than one (1) state or the nature of the investigation or seizure would be better pursued under federal law.~~

~~(i)(1) Property seized for forfeiture under this section is not subject to replevin but is deemed to be in the custody of the seizing law enforcement agency subject only to an order or decree of the circuit court having jurisdiction over the property seized.~~

~~(2) Subject to a need to retain the property as evidence, when property is seized under this subchapter, the seizing law enforcement agency may:~~

~~(A) Remove the property to a place designated by the circuit court;~~

~~(B) Place the property under constructive seizure, posting notice of pending forfeiture on it by:~~

~~(i) Giving notice of pending forfeiture to its owners and interest holders; or~~

~~(ii) Filing notice of pending forfeiture in an appropriate public record relating to the property;~~

~~(C) Remove the property to a storage area for safekeeping or, if the property is a negotiable instrument or money or is not needed for evidentiary purposes, deposit it into an interest-bearing account; or~~

~~(D) Provide for another agency or custodian, including an owner, secured party, mortgagee, or lienholder, to take custody of the property and service, maintain, and operate it as reasonably necessary to maintain its value in an appropriate location within the jurisdiction of the court.~~

~~(3)(A) In case of transfer of property, a transfer receipt shall~~

~~be prepared by the transferring agency.~~

~~(B) The transfer receipt shall:~~

~~(i) List a detailed and complete description of the property being transferred;~~

~~(ii) State to whom the property is being transferred and the source or authorization for the transfer; and~~

~~(iii) Be signed by both the transferor and the transferee.~~

~~(C) Both transferor and transferee shall maintain a copy of the transfer receipt.~~

~~(4) A person who acts as custodian of property under this section is not liable to any person on account of an act done in a reasonable manner in compliance with an order under this subchapter.~~

~~(j)(1) Property seized by a state or local law enforcement officer under this section who is detached to, deputized or commissioned by, or working in conjunction with a federal agency remains subject to this section.~~

~~(2)(A) If property is seized for forfeiture by a law enforcement agency under this section, the seizing law enforcement officer shall prepare and sign a confiscation report.~~

~~(B)(i) The party from whom the property is seized shall also sign the confiscation report if present and shall immediately receive a copy of the confiscation report.~~

~~(ii) If the party refuses to sign the confiscation report, the confiscation report shall be signed by one (1) additional law enforcement officer, stating that the party refused to sign the confiscation report.~~

~~(C) The original confiscation report shall be:~~

~~(i) Filed with the seizing law enforcement agency within forty-eight (48) hours after the seizure; and~~

~~(ii) Maintained in a separate file.~~

~~(D) One (1) copy of the confiscation report shall be retained by the seizing law enforcement officer.~~

~~(3) The confiscation report shall contain the following information:~~

~~(A) A detailed description of the property seized including serial or model numbers and odometer or hour reading of vehicles or~~

~~equipment;~~

~~(B) The date of seizure;~~

~~(C) The name and address of the party from whom the property was seized;~~

~~(D) The reason for the seizure;~~

~~(E) The location where the property will be held;~~

~~(F) The seizing law enforcement officer's name; and~~

~~(G) A signed statement by the seizing law enforcement officer stating that the confiscation report is true and complete.~~

~~(4) Within three (3) business days after receiving the confiscation report, the seizing law enforcement agency shall forward a copy of the confiscation report to the prosecuting attorney for the district where the property was seized and to the director.~~

~~(5)(A) Arkansas Legislative Audit shall notify the director and a circuit court in the county of a law enforcement agency, prosecuting attorney, or other public entity that the law enforcement agency, prosecuting attorney, or public entity is ineligible to receive forfeited funds, forfeited property, or grants from the council, if Arkansas Legislative Audit determines by its own investigation or upon written notice from the director that:~~

~~(i) The law enforcement agency failed to complete and file the confiscation reports as required by this section;~~

~~(ii) The law enforcement agency, prosecuting attorney, or public entity has not properly accounted for the seized property; or~~

~~(iii) The prosecuting attorney has failed to comply with the notification requirement set forth in subdivision (m)(2) of this section.~~

~~(B) After the notice, the circuit court shall not issue an order distributing seized property to that law enforcement agency, prosecuting attorney, or public entity, nor shall a grant be awarded by the council to that law enforcement agency, prosecuting attorney, or public entity until:~~

~~(i) The appropriate officials of the law enforcement agency, prosecuting attorney, or public entity have appeared before the Legislative Joint Auditing Committee; and~~

~~(ii) The Legislative Joint Auditing Committee has adopted a motion authorizing subsequent transfers of forfeited property to the law enforcement agency, prosecuting attorney, or public entity.~~

~~(C)(i) If a law enforcement agency, prosecuting attorney, or other public entity is ineligible to receive forfeited property, the circuit court shall order money that would have been distributed to that law enforcement agency, prosecuting attorney, or public entity to be transmitted to the Treasurer of State for deposit into the Special State Assets Forfeiture Fund.~~

~~(ii) If the property is not cash, the circuit court shall order the property converted to cash under this section and the proceeds transmitted to the Treasurer of State for deposit into the Special State Assets Forfeiture Fund.~~

~~(D) Moneys deposited into the Special State Assets Forfeiture Fund are not subject to recovery or retrieval by an ineligible law enforcement agency, prosecuting attorney, or other public entity.~~

~~(6) The director shall establish by rule a standardized confiscation report form to be used by all law enforcement agencies, with specific instructions and guidelines concerning the nature and dollar value of all property, including firearms, to be included in the confiscation report and forwarded to the office of the local prosecuting attorney and the director under this subsection.~~

~~(k)(1)(A) The prosecuting attorney shall initiate forfeiture proceedings by filing a complaint with the circuit clerk of the county where the property was seized and by serving the complaint on all known owners and interest holders of the seized property in accordance with the Arkansas Rules of Civil Procedure.~~

~~(B) The complaint may be based on in rem or in personam jurisdiction but shall not be filed to avoid the distribution requirements set forth in subdivision (l)(1) of this section.~~

~~(C) The prosecuting attorney shall mail a copy of the complaint to the director within five (5) calendar days after filing the complaint.~~

~~(2)(A) The complaint shall include a copy of the confiscation report and shall be filed within sixty (60) days after receiving a copy of the confiscation report from the seizing law enforcement agency.~~

~~(B) In a case involving real property, the complaint shall be filed within sixty (60) days of the defendant's conviction on the charge giving rise to the forfeiture.~~

~~(3)(A) The prosecuting attorney may file the complaint after the expiration of the time only if the complaint is accompanied by a statement of good cause for the late filing.~~

~~(B) However, the complaint shall not be filed more than one hundred twenty (120) days after either the date of the seizure or, in a case involving real property, the date of the defendant's conviction.~~

~~(C)(i) If the circuit court determines that good cause has not been established, the circuit court shall order that the seized property be returned to the owner or interest holder.~~

~~(ii) In addition, items seized but not subject to forfeiture under this section or subject to disposition under law or the Arkansas Rules of Criminal Procedure may be ordered returned to the owner or interest holder.~~

~~(iii) If the owner or interest holder cannot be determined, the court may order disposition of the property.~~

~~(4) Within the time set forth in the Arkansas Rules of Civil Procedure, the owner or interest holder of the seized property shall file with the circuit clerk a verified answer to the complaint that shall include:~~

~~(A) A statement describing the seized property and the owner's interest or interest holder's interest in the seized property with supporting documents to establish the owner's interest or interest holder's interest;~~

~~(B) A certification by the owner or interest holder stating that he or she has read the document and that it has not been filed for an improper purpose;~~

~~(C) A statement setting forth any defense to forfeiture; and~~

~~(D) The address at which the owner or interest holder will accept mail.~~

~~(5)(A) If the owner or interest holder fails to file an answer, the prosecuting attorney may move for default judgment under the Arkansas Rules of Civil Procedure.~~

~~(B)(i) If a timely answer has been filed, the prosecuting~~

~~attorney has the burden of proving by a preponderance of the evidence that the seized property should be forfeited.~~

~~(ii) After the prosecuting attorney has presented proof, an owner or interest holder of the property seized is allowed to present evidence showing why the seized property should not be forfeited.~~

~~(iii) If the circuit court determines that grounds for forfeiting the seized property exist and that a defense to forfeiture has not been established by the owner or interest holder, the circuit court shall enter an order under this section. However, if the circuit court determines either that the prosecuting attorney has failed to establish that grounds for forfeiting the seized property exist or that the owner or interest holder has established a defense to forfeiture, the court shall order that the seized property be immediately returned to the owner or interest holder.~~

~~(l)(l) If the circuit court having jurisdiction over the seized property finds upon a hearing by a preponderance of the evidence that grounds for a forfeiture exist under this subchapter, the circuit court shall enter an order:~~

~~(A) To permit the law enforcement agency or prosecuting attorney to retain the seized property for law enforcement or prosecutorial purposes, subject to the following provisions:~~

~~(i)(a) Seized property may not be retained for official use for more than three (3) years, unless the circuit court finds that the seized property has been used for law enforcement or prosecutorial purposes and authorizes continued use for those purposes on an annual basis.~~

~~(b) At the end of the retention period, the seized property shall be sold and eighty percent (80%) of the proceeds shall be deposited into the tobacco control fund of the retaining law enforcement agency or prosecuting attorney, and twenty percent (20%) of the proceeds shall be deposited into the State Treasury as special revenues to be credited to the Special State Assets Forfeiture Fund.~~

~~(c) The retaining law enforcement agency or prosecuting attorney may sell the retained seized property during the time allowed for retention. However, the proceeds of the sale shall be distributed as set forth in subdivision (l)(l)(A)(i)(b) of this section;~~

~~(ii) If the circuit court determines that retained seized property has been used for personal use or by non-law enforcement~~

~~personnel for non-law enforcement purposes, the circuit court shall order the seized property to be sold under § 5-5-101(e) and (f), and the proceeds shall be deposited into the State Treasury as special revenues to be credited to the Special State Assets Forfeiture Fund;~~

~~(iii)(a) A law enforcement agency may use forfeited property or money if the circuit court's order specifies that the forfeited property or money is forfeited to the prosecuting attorney, sheriff, chief of police, Division of Arkansas State Police, director, or Arkansas Highway Police Division of the Arkansas Department of Transportation.~~

~~(b) After the order, the prosecuting attorney, sheriff, chief of police, Division of Arkansas State Police, director, or Arkansas Highway Police Division of the Arkansas Department of Transportation shall maintain an inventory of the forfeited property or money, be accountable for the forfeited property or money, and be subject to subdivision (j)(5) of this section with respect to the forfeited property or money;~~

~~(iv)(a) An aircraft is forfeited to the office of the director and may be used only for tobacco, vapor product, alternative nicotine product, or e-liquid product smuggling interdiction efforts within the discretion of the director.~~

~~(b) However, if the director determines that the aircraft should be sold, the proceeds of the sale shall be distributed as set forth in subdivision (l)(1)(A)(i)(b) of this section;~~

~~(v) A firearm not retained for official use shall be disposed of in accordance with state and federal law; and~~

~~(vi) A tobacco product, vapor product, alternative nicotine product, or e-liquid product shall be destroyed pursuant to a court order;~~

~~(B)(i) To sell seized property that is not required by law to be destroyed and that is not harmful to the public.~~

~~(ii) Seized property described in subdivision (l)(1)(B)(i) of this section shall be sold at a public sale by the retaining law enforcement agency or prosecuting attorney under § 5-5-101(e) and (f); or~~

~~(C) To transfer a motor vehicle to a school district for use in a driver education course.~~

~~(2) Disposition of forfeited property under this subsection is~~

~~subject to the need to retain the forfeited property as evidence in any related proceeding.~~

~~(3) Within three (3) business days after the entry of the order, the circuit clerk shall forward to the director copies of the confiscation report, the circuit court's order, and other documentation detailing the disposition of the seized property.~~

~~(m)(l)(A) Subject to subdivision (j)(5) of this section, the proceeds of sales conducted under this section and moneys forfeited or obtained by judgment or settlement under this subchapter shall be deposited and distributed in the manner provided in this subsection.~~

~~(B) Moneys received from a federal forfeiture for a violation of this subchapter shall be deposited and distributed under this section.~~

~~(2)(A) The proceeds of a sale and moneys forfeited or obtained by judgment or settlement under this subchapter shall be deposited into the asset forfeiture fund of the prosecuting attorney and is subject to the following provisions:~~

~~(i) If, during a calendar year, the aggregate amount of moneys deposited into the asset forfeiture fund exceeds twenty thousand dollars ($20,000) per county, the prosecuting attorney, within fourteen (14) days after that time, shall notify the circuit judges in the judicial district and the director;~~

~~(ii) Subsequent to the notification set forth in this section, twenty percent (20%) of the proceeds of an additional sale and additional moneys forfeited or obtained by judgment or settlement under this subchapter in the same calendar year shall be deposited into the State Treasury as special revenues to be credited to the Special State Assets Forfeiture Fund, and the remainder shall be deposited into the asset forfeiture fund of the prosecuting attorney;~~

~~(iii) Failure by the prosecuting attorney to comply with the notification requirement set forth in this section renders the prosecuting attorney and an entity eligible to receive forfeited moneys or property from the prosecuting attorney ineligible to receive forfeited moneys or property, except as provided in this section; and~~

~~(iv) Twenty percent (20%) of moneys in excess of twenty thousand dollars ($20,000) that have been retained but not reported as~~

~~required by this section are subject to recovery for deposit into the Special State Assets Forfeiture Fund.~~

~~(B) The prosecuting attorney shall administer expenditures from the asset forfeiture fund, which is subject to audit by Arkansas Legislative Audit. Moneys distributed from the asset forfeiture fund shall be used only for law enforcement and prosecutorial purposes. Moneys in the asset forfeiture fund shall be distributed in the following order:~~

~~(i) For the satisfaction of a bona fide security interest or lien;~~

~~(ii) For payment of a proper expense of the proceeding for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, and court costs;~~

~~(iii) Any balance under three hundred fifty thousand dollars ($350,000) shall be distributed proportionally so as to reflect generally the contribution of the appropriate local or state law enforcement or prosecutorial agency's participation in any activity that led to the seizure or forfeiture of the property or deposit of moneys under this subchapter; and~~

~~(iv) Any balance over three hundred fifty thousand dollars ($350,000) shall be forwarded to the director to be transferred to the State Treasury for deposit into the Special State Assets Forfeiture Fund for distribution under this section.~~

~~(C)(i) For a forfeiture in an amount greater than three hundred fifty thousand dollars ($350,000) from which expenses are paid for a proceeding for forfeiture and sale under this section, an itemized accounting of the expenses shall be delivered to the director within ten (10) calendar days after the distribution of the funds.~~

~~(ii) The itemized accounting shall include the expenses paid, to whom paid, and for what purposes the expenses were paid.~~

~~(3)(A) Moneys received by a prosecuting attorney or law enforcement agency from a federal forfeiture for a violation of this subchapter shall be deposited and maintained in a separate account.~~

~~(B) However, a balance over three hundred fifty thousand dollars ($350,000) shall be distributed as required under this section.~~

~~(4) Other moneys shall not be maintained in the account except for interest income generated by the account.~~

~~(5) Moneys in the account shall only be used for law enforcement and prosecutorial purposes consistent with governing federal law.~~

~~(6) The account is subject to audit by Arkansas Legislative Audit.~~

~~(7) A balance over three hundred fifty thousand dollars ($350,000) shall be transferred to the State Treasury for deposit into the Special State Assets Forfeiture Fund in which it shall be maintained separately and distributed consistently with governing federal law and upon the advice of the director.~~

~~(n) In personam jurisdiction may be based on a person's presence in the state or on his or her conduct in the state, as set out in § 16-4-101(C), and is subject to the following additional provisions:~~

~~(1) A temporary restraining order under this section may be entered ex parte on application of the state upon a showing that:~~

~~(A) There is probable cause to believe that the property with respect to which the order is sought is subject to forfeiture under this section; and~~

~~(B) Notice of the action would jeopardize the availability of the property for forfeiture;~~

~~(2)(A) Notice of the entry of a temporary restraining order and an opportunity for hearing shall be afforded to a person known to have an interest in the property.~~

~~(B) The hearing shall be held at the earliest possible date consistent with Rule 65 of the Arkansas Rules of Civil Procedure and is limited to the issues of whether:~~

~~(i) There is a probability that the state will prevail on the issue of forfeiture and that failure to enter the temporary restraining order will result in the property's being destroyed, conveyed, alienated, encumbered, disposed of, received, removed from the jurisdiction of the circuit court, concealed, or otherwise made unavailable for forfeiture; and~~

~~(ii) The need to preserve the availability of property through the entry of the requested temporary restraining order outweighs the hardship on an owner or interest holder against whom the temporary restraining order is to be entered;~~

~~(3) The state has the burden of proof by a preponderance of the~~

~~evidence to show that the defendant's property is subject to forfeiture;~~

~~(4)(A) On a determination of liability of a person for conduct giving rise to forfeiture under this section, the circuit court shall enter a judgment of forfeiture of the property subject to forfeiture as alleged in the complaint and may authorize the prosecuting attorney or a law enforcement officer to seize property subject to forfeiture under this section not previously seized or not then under seizure.~~

~~(B) The order of forfeiture shall be consistent with subsection (l) of this section.~~

~~(C) In connection with the judgment, on application of the state, the circuit court may enter an appropriate order to protect the interest of the state in property ordered forfeited; and~~

~~(5) Subsequent to the finding of liability and order of forfeiture, the following procedures apply:~~

~~(A) The attorney for the state shall give notice of pending forfeiture in the manner provided in Rule 4 of the Arkansas Rules of Civil Procedure to an owner or interest holder who has not previously been given notice;~~

~~(B) An owner of or interest holder in property that has been ordered forfeited and whose claim is not precluded may file a claim within thirty (30) days after initial notice of pending forfeiture or after notice under Rule 4 of the Arkansas Rules of Civil Procedure, whichever is earlier; and~~

~~(C) The circuit court may amend the in personam order of forfeiture if the circuit court determines that a claimant has established that he or she has an interest in the property and that the interest is exempt under this section.~~

~~(o) The circuit court shall order the forfeiture of other property of a claimant or defendant up to the value of the claimant's or defendant's property found by the circuit court to be subject to forfeiture under this section if any of the forfeitable property had remained under the control or custody of the claimant or defendant and:~~

~~(1) Cannot be located;~~

~~(2) Was transferred or conveyed to, sold to, or deposited with a third party;~~

~~(3) Is beyond the jurisdiction of the circuit court;~~

~~(4) Was substantially diminished in value while not in the actual physical custody of the seizing law enforcement agency;~~

~~(5) Was commingled with other property that cannot be divided without difficulty; or~~

~~(6) Is subject to interest exempted from forfeiture under this subchapter.~~

~~(p)(1) There is created on the books of law enforcement agencies and prosecuting attorneys a tobacco control fund.~~

~~(2) The fund shall consist of moneys obtained under this section and other revenue as may be provided by law or ordinance.~~

~~(3) Moneys in the tobacco control fund shall be appropriated on a continuing basis and are not subject to the Revenue Stabilization Law, § 19-5-101 et seq.~~

~~(4)(A) The fund shall be used for law enforcement and prosecutorial purposes.~~

~~(B) Each prosecuting attorney shall submit to the Director of Arkansas Tobacco Control on or before June 30 of each year a report detailing moneys received and expenditures made from the tobacco control fund during the preceding twelve-month period.~~

~~(5) The law enforcement agencies and prosecuting attorneys shall submit to the director on or before June 30 of each year a report detailing any moneys received and expenditures made from the tobacco control fund during the preceding twelve-month period.~~

~~(6) Moneys from the tobacco control fund may not supplant other local, state, or federal funds.~~

~~(7) The tobacco control fund is subject to audit by Arkansas Legislative Audit.~~

SECTION *14*. Arkansas Code § 26-57-249(b), effective until the contingency in Acts 2023, No. 629, § 17, is met, concerning the procedure for destruction of products upon conviction, is amended to read as follows:

(b) Upon an administrative finding of guilty of any person charged with a violation of a state tobacco product, vapor product, alternative nicotine product, ~~or~~ e-liquid product, or consumable hemp product law or rule in a proceeding before the Arkansas Tobacco Control Board where the investigation resulted in the seizure of tobacco products, vapor products,

alternative nicotine products, ~~or~~ e-liquid products, or consumable hemp products, the board shall issue an order to destroy the tobacco products, vapor products, alternative nicotine products, ~~or~~ e-liquid products, or consumable hemp products confiscated by Arkansas Tobacco Control or by any state, county, or municipal officer in this state.

SECTION *15*. Arkansas Code § 26-57-249, effective if the contingency in Acts 2023, No. 629, § 17, is met, is repealed.

~~26-57-249. Destruction of products upon conviction – Procedure.~~

~~(a) Upon a criminal conviction of a person charged with a violation of a tobacco product, vapor product, alternative nicotine product, or e-liquid product law or rule where the investigation resulted in the seizure of tobacco products, vapor products, alternative nicotine products, or e-liquid products, the court shall issue an order to destroy the tobacco products, vapor products, alternative nicotine products, or e-liquid products confiscated by Arkansas Tobacco Control or by any state, county, or municipal officer in this state.~~

~~(b) Upon an administrative finding of guilty of any person charged with a violation of a state tobacco product, vapor product, alternative nicotine product, e-liquid product, or hemp-derived product law or rule in a proceeding before the Arkansas Tobacco Control Board where the investigation resulted in the seizure of tobacco products, vapor products, alternative nicotine products, e-liquid products, or hemp-derived products, the board shall issue an order to destroy the tobacco products, vapor products, alternative nicotine products, e-liquid products, or hemp-derived products confiscated by Arkansas Tobacco Control or by any state, county, or municipal officer in this state.~~

~~(c) Every court of record in this state shall notify the Director of Arkansas Tobacco Control of the disposition made of each case in the court as to whether the defendant was convicted or acquitted.~~

~~(d) Upon application of the director, the board or the court issuing a destruction order may instead release the tobacco products, vapor products, alternative nicotine products, or e-liquid products to the use and benefit of Arkansas Tobacco Control for suitable law enforcement or training purposes.~~

~~(e)(1) If a court or the board issues a destruction order, the person charged with the violation is responsible for any destruction fees incurred~~

~~by Arkansas Tobacco Control.~~

~~(2) Destruction fees may vary but shall be determined by the current industry standard for the destruction of tobacco products, vapor products, alternative nicotine products, and e-liquid products.~~

SECTION *16*. Arkansas Code § 26-57-255(g)(3), effective until the contingency in Acts 2023, No. 629, § 17, is met, concerning the powers and duties of the Arkansas Tobacco Control Board, is amended to read as follows:

(3)(A) Conduct public hearings when appropriate regarding a permit authorized under this subchapter or in violation of this subchapter, the Unfair Cigarette Sales Act, § 4-75-701 et seq., § 5-27-227, § 20-56-501 et seq., ~~or~~ any other federal, state, or local statute, ordinance, rule, or regulation concerning the sale of tobacco products, vapor products, alternative nicotine products, ~~or~~ e-liquid products, or consumable hemp products to minors, or the rules promulgated by Arkansas Tobacco Control.

(B) After notice and hearing held in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq., if the board finds a violation of this subchapter, the Unfair Cigarette Sales Act, § 4-75-701 et seq., § 20-56-501 et seq., or the rules promulgated by Arkansas Tobacco Control, the board may suspend or revoke any or all permits issued by the director to any person.

(C) The board may levy a civil penalty in an amount not to exceed five thousand dollars ($5,000) for each violation against a person found to be in violation of this subchapter, the Unfair Cigarette Sales Act, § 4-75-701 et seq., § 20-56-501 et seq., or the rules promulgated by Arkansas Tobacco Control.

(D) Each day of a violation is a separate violation.

(E) A civil penalty under subdivision (g)(3)(C) of this section is in addition to any penalties levied by the board under § 26-57-248.

(F) In conducting a hearing under this subdivision (g)(3), the board may examine or cause to be examined under oath any witness and the books and records of a permitted person or other person;

SECTION *17*. Arkansas Code § 26-57-255, effective if the contingency in Acts 2023, No. 629, § 17, is met, is repealed.

~~26-57-255. Arkansas Tobacco Control Board — Creation — Definition.~~

~~(a) There is created the Arkansas Tobacco Control Board to consist of the following eight (8) members appointed by the Governor:~~

~~(1) Two (2) members of the board shall be wholesalers of tobacco products, vapor products, alternative nicotine products, or e-liquid products;~~

~~(2) Two (2) members of the board shall be retailers of tobacco products, vapor products, alternative nicotine products, or e-liquid products; and~~

~~(3) Four (4) members of the board shall be members of the public at large who are not public employees or officials, at least one (1) of whom shall be an African-American, and two (2) of whom shall be appointed by the Governor after consulting the Arkansas Medical Society, Inc. and subject to confirmation by the Senate.~~

~~(b) The Governor shall designate which member of the board shall act as chair and that person shall serve as chair for two (2) years unless his or her membership on the board ceases prior to the end of the two-year period.~~

~~(c)(1) All members of the board shall be residents of the State of Arkansas and confirmed by the Senate.~~

~~(2) The term of office shall be five (5) years.~~

~~(d)(1) A minimum of five (5) members is required for a quorum.~~

~~(2)(A) All action by the board shall be by a majority vote of the board members present at the regular or special meeting, and the board may take no official action in connection with a matter except at a regular or special meeting.~~

~~(B) In the event of a tie vote of the members of the board, the Director of Arkansas Tobacco Control may cast the deciding vote.~~

~~(e) A person who is not a citizen of the United States and who has not resided in the State of Arkansas for at least two (2) consecutive years immediately preceding the date of appointment shall not be appointed to the board.~~

~~(f) Each member of the board and the director shall take and subscribe to an oath that he or she will support and enforce this subchapter, the tobacco control laws of this state, the Arkansas Constitution, and the United States Constitution.~~

~~(g) The board shall:~~

~~(1) Act as the adjudicatory body for Arkansas Tobacco Control;~~

~~(2) Have responsibility for approving the issuance, suspension, and revocation of the permits enumerated in § 26-57-219;~~

~~(3)(A) Conduct public hearings when appropriate regarding a permit authorized under this subchapter or in violation of this subchapter, the Unfair Cigarette Sales Act, § 4-75-701 et seq., § 5-27-227, § 20-56-401 et seq., or any other federal, state, or local statute, ordinance, rule, or regulation concerning the sale of tobacco products, vapor products, alternative nicotine products, e-liquid products, or hemp-derived products to minors or the rules promulgated by Arkansas Tobacco Control.~~

~~(B) After notice and hearing held in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq., if the board finds a violation of this subchapter, the Unfair Cigarette Sales Act, § 4-75-701 et seq., § 20-56-401 et seq., or the rules promulgated by Arkansas Tobacco Control, the board may suspend or revoke any or all permits issued by the director to any person.~~

~~(C) The board may levy a civil penalty in an amount not to exceed five thousand dollars ($5,000) for each violation against a person found to be in violation of this subchapter, the Unfair Cigarette Sales Act, § 4-75-701 et seq., § 20-56-401 et seq., or the rules promulgated by Arkansas Tobacco Control.~~

~~(D) Each day of a violation is a separate violation.~~

~~(E) A civil penalty under subdivision (g)(3)(C) of this section is in addition to any penalties levied by the board under § 26-57-248.~~

~~(F) In conducting a hearing under this subdivision (g)(3), the board may examine or cause to be examined under oath any witness and the books and records of a permitted person or other person;~~

~~(4) When requested by the written petition of at least three (3) interested parties, conduct public hearings to receive testimony regarding the facts relevant to the issuance of a permit under this subchapter; and~~

~~(5)(A) Not have authority in criminal prosecutions or the assessment or collection of any taxes.~~

~~(B) However, the board shall refuse to approve the issuance or renewal of a permit issued by the director for the failure to pay taxes or fees imposed on tobacco products or any permit fees imposed under~~

~~this subchapter or any other state or local taxes.~~

~~(h)(1) The board may assess penalties for a violation of § 5-27-227 according to the following schedule:~~

~~(A) For a first violation within a forty-eight-month period, a civil penalty not to exceed two hundred fifty dollars ($250);~~

~~(B) For a second violation within a forty-eight-month period, a civil penalty not to exceed five hundred dollars ($500) and suspension of the permit enumerated in § 26-57-219 for a period not to exceed two (2) days;~~

~~(C) For a third violation within a forty-eight-month period, a civil penalty not to exceed one thousand dollars ($1,000) and suspension of the permit enumerated in § 26-57-219 for a period not to exceed seven (7) days;~~

~~(D) For a fourth or subsequent violation within a forty-eight-month period, a civil penalty not to exceed two thousand dollars ($2,000) and suspension of the permit enumerated in § 26-57-219 for a period not to exceed fourteen (14) days; and~~

~~(E) For a fifth or subsequent violation within a forty-eight-month period, in addition to the other penalties provided under this subsection, the permit enumerated in § 26-57-219 may be revoked.~~

~~(2)(A) A penalty under this subsection shall not be imposed on a retailer or an agent or employee of a retailer who can establish an affirmative defense that before the date of the violation the retailer or agent or employee of the retailer furnishing the tobacco products, vapor products, alternative nicotine products, e-liquid products, or cigarette papers reasonably relied on proof of age that identified the person receiving the tobacco products, vapor products, alternative nicotine products, e-liquid products, or cigarette papers as not being a minor.~~

~~(B) As used in this subsection, "proof of age" means valid documentation issued by a governmental agency containing the person's photograph, date of birth, and an expiration date.~~

~~(3)(A) For a corporation or business with more than one (1) retail location, to determine the number of accumulated violations for purposes of the penalty schedule stated in this subsection, violations of § 5-27-227 by one (1) retail location shall not be accumulated against other retail locations of that same corporation or business.~~

~~(B) For a retail location, for purposes of the penalty schedule stated in this subsection, violations accumulated and assessed against a prior owner of the retail location shall not be accumulated against a new owner of the same retail location unless approved by the board.~~

SECTION *18.* Arkansas Code § 26-57-256(a)(2) and (3), effective until the contingency in Acts 2023, No. 629, § 17, is met, concerning the powers of Arkansas Tobacco Control, are amended to read as follows:

(2)(A) Receive applications for and issue, refuse, suspend, and revoke permits listed in § 26-57-219 and § 20-56-501 et seq.

(B) Arkansas Tobacco Control shall refuse to issue or renew any permits issued by the Director of Arkansas Tobacco Control for the failure to pay:

(i) Any applicable taxes or fees imposed on tobacco products~~,~~;

(ii) Permit ~~permit~~ fees imposed under this subchapter and § 20-56-501 et seq.;~~,~~ or

(iii) Any ~~any~~ other state or local taxes;

(3) Prescribe forms of applications for permits under this subchapter and § 20-56-501 et seq.;

SECTION *19.* Arkansas Code § 26-57-256(b), effective until the contingency in Acts 2023, No. 629, § 17, is met, concerning the powers of Arkansas Tobacco Control, is amended to read as follows:

(b) Any tobacco products, vapor products, alternative nicotine products, e-liquid products, consumable hemp products, or cigarette papers found in the possession of a minor may be confiscated and destroyed.

SECTION *20.* Arkansas Code § 26-57-256, effective if the contingency in Acts 2023, No. 629, § 17, is met, is repealed.

~~26-57-256. Arkansas Tobacco Control -- Powers.~~

~~(a) Arkansas Tobacco Control shall:~~

~~(1) Promulgate rules for the proper enforcement and implementation of this subchapter and the Unfair Cigarette Sales Act, § 4-75-701 et seq.;~~

~~(2)(A) Receive applications for and issue, refuse, suspend, and~~

~~revoke permits listed in § 26-57-219 and § 20-56-401 et seq.~~

~~(B) Arkansas Tobacco Control shall refuse to issue or renew any permits issued by the Director of Arkansas Tobacco Control for the failure to pay:~~

~~(i) Any applicable taxes or fees imposed on tobacco products;~~

~~(ii) Permit fees imposed under this subchapter or on hemp-derived products under § 20-56-401 et seq.; or~~

~~(iii) Other state or local taxes;~~

~~(3) Prescribe forms of applications for permits under this subchapter and § 20-56-401 et seq.;~~

~~(4)(A) Cooperate with the Revenue Division of the Department of Finance and Administration in the enforcement of the tax laws affecting the sale of tobacco products in this state and in the enforcement of all other state and local tax laws.~~

~~(B) To facilitate efforts to cooperate with the division concerning the enforcement of all other state and local tax laws, Arkansas Tobacco Control shall immediately require that the following additional information be provided by all applicants for permit issuance or renewal:~~

~~(i) Federal tax identification numbers issued by the Internal Revenue Service;~~

~~(ii) Social Security numbers; and~~

~~(iii) State sales tax account numbers assigned by the Department of Finance and Administration, if applicable.~~

~~(C)(i) Each year Arkansas Tobacco Control shall provide a list of all applicants for the issuance or renewal of all tobacco products, vapor product, alternative nicotine product, or e-liquid product permits to the Secretary of the Department of Finance and Administration.~~

~~(ii) This list shall contain the identifying information required by subdivision (a)(4)(B) of this section as well as the name of the permittee and the permittee's current business address;~~

~~(5)(A) Collect civil penalties assessed by the Arkansas Tobacco Control Board under § 26-57-255.~~

~~(B) Unless the civil penalty is paid within fifteen (15) days following the date for an appeal from the order, the director shall have the power to institute a civil action in the Pulaski County Circuit Court to~~

~~recover the civil penalties assessed; and~~

~~(6)(A) Provide notice to the retail location of an alleged violation of § 5-27-227 within ten (10) days of the alleged violation.~~

~~(B) The notice required under subdivision (a)(6)(A) of this section shall contain the date and time of the alleged violation.~~

~~(b) Any tobacco products, vapor products, alternative nicotine products, e-liquid products, hemp-derived products as defined in § 20-56-402, or cigarette papers found in the possession of a minor may be confiscated and destroyed.~~

~~(c) Except as otherwise provided by law, the penalties collected under this section shall be deposited into the State Treasury.~~

SECTION *21.* Uncodified Section 17 of Acts 2023, No. 629, which reflects changes to the references to "Sections 6-14", and "Sections 2-5" in Acts 2023, No. 629, §§ 16 and 17 made by the Arkansas Code Revision Commission, is repealed.

~~SECTION 17. Contingent effective date.~~

~~Sections 6-14 [8-16] of this act shall become effective only upon the certification of the Arkansas Attorney General that the State of Arkansas is currently enjoined from enforcing Sections 2-5 [2-7] of this act relating to delta-8 tetrahydrocannabinol and delta-10 tetrahyrdocannabinol, but no earlier than August 1, 2023.~~

SECTION *22.* 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 23. CONTINGENT EFFECTIVE DATE.

(a) This act shall be effective on and after the certification of the Attorney General that:

(1) A final judgement in the case of Bio Gen LLC, et al v. Sanders, et al, 4:23-cv-00718-BRW, and any subsequent appeals upholds the legality of Acts 2023, No.629;

(2) The United States Congress explicitly delegates the authority to the states to more stringently regulate or ban hemp-derived products;

(3) The United States Congress amends the Agricultural Marketing Act of 1946 to exclude from the definition of hemp any intoxicating cannabinoids or otherwise disallows intoxicating hemp-derived products; or

(4) The United States Congress amends the Agriculture Improvement Act of 2018 or passes a new Agriculture Improvement Act that excludes from the definition of hemp any intoxicating cannabinoids or otherwise disallows intoxicating hemp-derived substances.

(b) The Attorney General shall notify the Director of the Bureau of Legislative Research and the Arkansas Code Revision Commission if he or she makes a certification under subsection (a) of this section.

/s/Dees

APPROVED: 4/21/25