Stricken language would be deleted from and underlined language would be added to the Code of Arkansas Rules.

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Proposed Rulemaking

~~Title~~Rules Pertaining to Synthetic Marijuana Products

Promulgated by:
Department of Health

~~**Title 20. Public Health and Welfare**~~

~~**Chapter I. Generally, Department of Health**~~

~~**Subchapter H. Drugs**~~

~~**Part 204. Rules Pertaining to Synthetic Marijuana Products**~~

~~**Subpart 1. Generally**~~

~~**20 CAR § 204-101. Purpose.**~~

~~(a)(1) Synthetic marijuana products marketed under names such as K2, Spice, Genie, Blaze, Red X Dawn, and Zohia commonly contain the substances JWH-018 and JWH-073.~~

~~(2) These substances:~~

~~(A) Are believed to be manufactured in China; and~~

~~(B) Were invented to study the effects of cannabinoids on the brains of mice.~~

~~(3) They have not been tested or approved for use by humans in the United States, and the United States Drug Enforcement Administration has listed these substances as "drugs and chemicals of concern."~~

~~(b) The purpose of this part is to prohibit the sale and distribution of synthetic marijuana products in Arkansas.~~

~~**20 CAR § 204-102. Definitions.**~~

~~As used in this part:~~

~~(1) "Distributor" means any person offering for sale, exchange, or barter any synthetic marijuana products destined for sale in Arkansas;~~

~~(2) "Participate in the synthetic marijuana products market" means to distribute, possess with an intent to distribute, commit an act intended to facilitate the marketing or distribution of, or agree to distribute, possess with an intent to distribute, or commit an act intended to facilitate the marketing and distribution of any synthetic marijuana product;~~

~~(3) "Person" means:~~

~~(A) An individual;~~

~~(B) A partnership;~~

~~(C) A corporation; or~~

~~(D) An association;~~

~~(4) "Retailer" means any person offering for sale synthetic marijuana products to individual consumers; and~~

~~(5) "Synthetic marijuana products" means a synthetic equivalent of the substance contained in the *Cannabis* plant, or in the resinous extractives of the genus *Cannabis*, or a synthetic substance, derivative, or its isomers with similar chemical structure or pharmacological activity such as the following:~~

~~(A) 1-Pentyl-3-(1-naphthoyl) indole; some trade or other names: JWH-018; and~~

~~(B) 1-Butyl-3-(1-naphthoyl) indole; some trade or other names: JWH-073.~~

~~20 CAR § 204-103. General requirements.~~

~~(a) It shall be unlawful for any person, retailer, or distributor to participate in the synthetic marijuana products market.~~

~~(b) Any product found to contain a synthetic marijuana product shall not be distributed, sold, or moved until the Department of Health allows such activity.~~

~~20 CAR § 204-104. Violations and penalties.~~

~~(a)(1) Every firm, person, or corporation violating any of the provisions of this part shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500) or by imprisonment not exceeding one (1) month, or both.~~

~~(2) Each day of violation shall constitute a separate offense.~~

~~(b)(1) Every firm, person, or corporation who violates this part may be assessed a civil penalty by the State Board of Health.~~

~~(2) The penalty shall not exceed one thousand dollars ($1,000) for each violation.~~

~~(3) Each day of a continuing violation may be deemed a separate violation for purposes of penalty assessments.~~

~~20 CAR § 204-105. Severability.~~

~~If any provision of this part, or the application thereof, to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this part which can give effect without the invalid provisions or applications, and to this end the provisions hereto are declared to be severable.~~

~~20 CAR § 204-106. Repeal.~~

~~All rules and parts of the rules in conflict herewith are hereby repealed.~~