

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

As Engrossed: S2/24/97

A Bill

SENATE BILL 358

5 By: Senator Kennedy
6 By: Representative Lynn
7

For An Act To Be Entitled

9 "AN ACT TO MAKE IT UNLAWFUL TO POSSESS MORE THAN FIVE
10 GRAMS OF EPHEDRINE; AND FOR OTHER PURPOSES."

11

Subtitle

13 "TO MAKE IT UNLAWFUL TO POSSESS MORE
14 THAN FIVE GRAMS OF EPHEDRINE"
15

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
17

18 SECTION 1. (a) It shall be unlawful for any person to possess more than
19 five (5) grams of ephedrine, its salts, optical isomers and salts of optical
20 isomers, alone or in a mixture, except;

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

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

28 (3) Any physician, dentist, podiatrist, or veterinarian who
29 administers or furnishes ephedrine, its salts, optical isomers and salts of
30 optical isomers, to his or her patients; or

31 (4) Any manufacturer, wholesaler, or distributor licensed by the
32 State Board of Pharmacy who sells, transfers, or otherwise furnishes
33 ephedrine, its salts, optical isomers and salts of optical isomers, to a
34 licensed pharmacy, physician, dentist, podiatrist, veterinarian, or any person
35 who possesses a sales and use tax permit issued by the Arkansas Department of
36 Finance and Administration.

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

3

4 SECTION 2. It shall be unlawful for a person to possess ephedrine,
5 pseudoephedrine or phenylpropanolamine, or their salts, optical isomers or
6 salts of optical isomers with intent to manufacture methamphetamine. Any
7 person who violates the provisions of this section shall be guilty of a Class
8 D felony.

9

10 SECTION 3. All provisions of this act of a general and permanent nature
11 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
12 Revision Commission shall incorporate the same in the Code.

13

14 SECTION 4. If any provision of this act or the application thereof to
15 any person or circumstance is held invalid, such invalidity shall not affect
16 other provisions or applications of the act which can be given effect without
17 the invalid provision or application, and to this end the provisions of this
18 act are declared to be severable.

19

20 SECTION 5. All laws and parts of laws in conflict with this act are
21 hereby repealed.

22

/s/Kennedy et al

23

24

25

26

27

28

29

30

31

32

33

34

35