

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

As Engrossed: S2/24/11 H3/9/11

## A Bill

SENATE BILL 423

5 By: Senators P. Malone, Irvin, G. Baker, Burnett, L. Chesterfield, Crumbly, Fletcher, S. Flowers,  
6 Holland, G. Jeffress, J. Jeffress, J. Key, M. Lamoureux, Laverty, Rapert, J. Taylor, R. Thompson,  
7 Whitaker

8 By: Representatives Vines, *D. Altes, Branscum, Cheatham, Eubanks, Ingram, Jean, Lindsey, J. Roebuck,*  
9 *G. Smith, Steel, Stewart, Westerman, B. Wilkins, Williams*

### For An Act To Be Entitled

12 AN ACT REGARDING SUBSTANCES IN SCHEDULE I AND  
13 SCHEDULE VI; TO DECLARE AN EMERGENCY; AND FOR OTHER  
14 PURPOSES.

### Subtitle

18 REGARDING SUBSTANCES IN SCHEDULE I AND  
19 SCHEDULE VI AND TO DECLARE AN EMERGENCY.

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

24 SECTION 1. Arkansas Code Title 5, Chapter 64, Subchapter 2 is amended  
25 to add a new section to read as follows:

26 5-64-204. Substances in Schedule I.

27 (a) In addition to any substance placed in Schedule I by the Director  
28 of the Department of Health under § 5-64-203, any material, compound,  
29 mixture, or preparation, whether produced directly or indirectly from a  
30 substance of vegetable origin or independently by means of chemical synthesis  
31 or by a combination of extraction and chemical synthesis, that contains any  
32 quantity of the following substances, or that contains any of the following  
33 substances' analogs, salts, isomers, and salts of isomers when the existence  
34 of the analogs, salts, isomers, and salts of isomers is possible within the  
35 specific chemical designation, with the following chemical structure is  
36 included in Schedule I:



1           (1) 4-Methylmethcathinone (Mephedrone);  
 2           (2) Methylenedioxypropylone (MDPV);  
 3           (3) 3,4-Methylenedioxy-N-methylcathinone (Methylone);  
 4           (4) 4-Methoxymethcathinone;  
 5           (5) 3-Fluoromethcathinone;  
 6           (6) 4-Fluoromethcathinone; or  
 7           (7) A compound, unless listed in another schedule or a legend  
 8 drug, that is structurally derived from 2-Amino-1-phenyl-1-propanone by  
 9 modification or by substitution:

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

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

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

17           (b) The Director of the Department of Health shall not delete a  
 18 controlled substance listed in this section from Schedule I.

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 20           SECTION 2. Arkansas Code § 5-64-215 is amended to read as follows:

21           5-64-215. Substances in Schedule VI.

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

31           (1) Marijuana;

32           (2) Tetrahydrocannabinols; ~~and~~

33           (3) A synthetic equivalent of ~~the substance;~~

34           (A) contained The substance contained in the Cannabis  
 35 plant; or

36           (B) The substance contained in the resinous extractives of

1 the genus Cannabis; ~~or~~

2 (4) A substance with the chemical structure of:

3 (A) 5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-  
4 hydroxycyclohexyl]-phenol or otherwise known by CP-47,497;

5 (B) 5-(1,1-Dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-  
6 phenol or otherwise known by either cannabicyclohexanol or CP-47,497 C8  
7 homologue;

8 (C) 1-Butyl-3-(1-naphthoyl)indole or otherwise known by  
9 JWH-073;

10 (D) 1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole or  
11 otherwise known by JWH-200;

12 (E) 1-Pentyl-3-(1-naphthoyl)indole or otherwise known by  
13 JWH-018 and AM678;

14 (F) (4-methoxy-1-naphthalenyl)(1-pentyl-1H-indol-3-yl)-  
15 methanone or otherwise known by JWH-081; or

16 (G) 1-(1-pentyl-1H-indol-3-yl)-2-(2-methoxyphenyl)-  
17 ethanone or otherwise known by JWH-250;

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

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

26 (A) ~~similar~~ Similar chemical structure to any substance  
27 described in subdivisions (a)(1)-(4) of this section; ~~and~~ or

28 (B) ~~pharmacological~~ Similar pharmacological activity to  
29 any substance described in subdivisions (a)(1)-(4) of this section such as  
30 the following:

31 (A)(i) [] 1 cis or trans tetrahydrocannabinol, and  
32 its optical isomers;

33 (B)(ii) [] 6 cis or trans tetrahydrocannabinol, and  
34 its optical isomers; and

35 (C)(iii) [] 3.4 cis or trans tetrahydrocannabinol,  
36 and its optical isomers.

1 (b) However, the Director of the Department of Health shall not delete  
2 a controlled substance listed in this section from Schedule VI.

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4 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
5 General Assembly of the State of Arkansas that new substances that need  
6 immediate scheduling are becoming more prevalent; and that this act is  
7 immediately necessary because these new substances pose a risk to the public.  
8 Therefore, an emergency is declared to exist and this act being immediately  
9 necessary for the preservation of the public peace, health, and safety shall  
10 become effective on:

11 (1) The date of its approval by the Governor;

12 (2) If the bill is neither approved nor vetoed by the Governor,  
13 the expiration of the period of time during which the Governor may veto the  
14 bill; or

15 (3) If the bill is vetoed by the Governor and the veto is  
16 overridden, the date the last house overrides the veto.

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18 /s/P. Malone  
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