

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

SENATE BILL 358

5 By: Senators Dees, J. Boyd, J. Dismang, J. Petty, D. Sullivan, B. Davis  
6 By: Representative Gazaway  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING CERTAIN DELTA  
10 TETRAHYDROCANNABINOL SUBSTANCES; TO PROHIBIT THE  
11 GROWTH, PROCESSING, SALE, TRANSFER, OR POSSESSION OF  
12 INDUSTRIAL HEMP THAT CONTAINS CERTAIN DELTA  
13 TETRAHYDROCANNABINOL SUBSTANCES; TO INCLUDE DELTA-8,  
14 DELTA-9, AND DELTA-10 TETRAHYDROCANNABINOL IN THE  
15 LIST OF SCHEDULE VI CONTROLLED SUBSTANCES; AND FOR  
16 OTHER PURPOSES.  
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## Subtitle

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20 TO PROHIBIT INDUSTRIAL HEMP THAT CONTAIN  
21 CERTAIN DELTA TETRAHYDROCANNABINOL  
22 SUBSTANCES; AND TO INCLUDE DELTA-8,  
23 DELTA-9, AND DELTA-10  
24 TETRAHYDROCANNABINOL IN THE LIST OF  
25 SCHEDULE VI CONTROLLED SUBSTANCES.  
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28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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30 SECTION 1. Arkansas Code § 2-15-503(5), concerning definitions that  
31 apply under the Arkansas Industrial Hemp Production Act, is amended to read  
32 as follows:

33 (5) "Industrial hemp" means the plant *Cannabis sativa* and any  
34 part of the plant, including the seeds of the plant and all derivatives,  
35 extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether  
36 growing or not, ~~that contains a~~ with a delta-9 tetrahydrocannabinol



1 concentration of no more than three-tenths percent (0.3%) on a dry weight  
2 basis or in any finalized product that adopted by federal law under the  
3 ~~Agricultural Marketing Act, 7 U.S.C. § 1639o, as it existed on January 1,~~  
4 ~~2021;~~

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6 SECTION 2. Arkansas Code § 2-15-515(a), concerning violations of the  
7 Arkansas Industrial Hemp Production Act, is amended to read as follows:

8 (a) A grower has committed a negligent violation of this subchapter if  
9 the grower negligently:

10 (1) Fails to provide a legal description of land on which the  
11 grower produces industrial hemp;

12 (2) Fails to obtain a license from the State Plant Board; or

13 (3) Produces Cannabis sativa with a tetrahydrocannabinol  
14 concentration exceeding the tetrahydrocannabinol level threshold of a  
15 negligent violation as defined by federal rule and in this subchapter.

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17 SECTION 3. Arkansas Code § 5-64-215(a)(5), concerning controlled  
18 substances that are listed in Schedule VI, is amended to read as follows:

19 (5) Synthetic substances, derivatives, or their isomers in the  
20 chemical structural classes described below in subdivisions (a)(5)(A)-(J) of  
21 this section and also specific unclassified substances in subdivision  
22 (a)(5)(K) of this section. Compounds of the structures described in this  
23 subdivision (a)(5), regardless of numerical designation of atomic positions,  
24 are included in this subdivision (a)(5). The synthetic substances,  
25 derivatives, or their isomers included in this subdivision (a)(5) are:

26 (A)(i) Tetrahydrocannabinols, including without limitation  
27 the following:

28 (a) Delta-1 cis or trans tetrahydrocannabinol,  
29 and its optical isomers;

30 (b) Delta-6 cis or trans tetrahydrocannabinol,  
31 and its optical isomers; ~~and~~

32 (c) Delta-3.4 cis or trans  
33 tetrahydrocannabinol, and its optical isomers+;

34 (d) Delta-8 tetrahydrocannabinol acetate  
35 ester;

36 (e) Delta-9 tetrahydrocannabinol acetate

1 ester; and

2 (f) A product derived from industrial hemp  
3 that was produced as a result of a chemical process that converted the  
4 industrial hemp or a substance contained in the industrial hemp into delta-8,  
5 delta-9, or delta-10 tetrahydrocannabinol.

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