

# ARKANSAS REGISTER



## Transmittal Sheet

W.J. "Bill" McCuen  
Secretary of State  
State Capitol  
Little Rock, Arkansas 72201-1094

For Office  
Use Only:

Effective Date 9/3/91 Code Number 007. 07.91-004

Name of Agency ARKANSAS DEPARTMENT OF HEALTH

Department Division of Pharmacy Services & Drug Control

Contact Person Don Phillips, P.D. Telephone 661-2325

Statutory Authority for Promulgating Rules Act 954 of 1991

Intended  
Effective Date

Date

☐ Emergency

Legal Notice Published

June 9, 1991

☒ 20 Days

Final Date for Public Comment

July 24, 1991

After Filing

Filed With Legislative Council

May 22, 1991

☐ Other

Reviewed by Legislative Council

June 26, 1991

Adopted by State Agency

July 25, 1991

### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance With Act 434 of 1967 As Amended.

*Don Phillips P.D.*

SIGNATURE

Director, Division of Pharmacy Services & Drug Control

TITLE

8-12-91

DATE

FILED  
AR. REGISTER DIV.  
91 AUG 13 AM 8:29  
W.J. "BILL" MCCUEN  
SECRETARY OF STATE  
LITTLE ROCK, ARKANSAS  
BY

SEVERABILITY

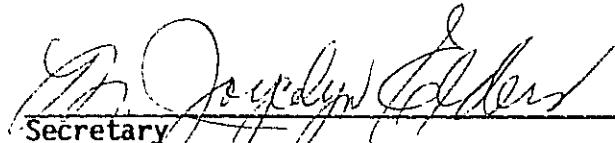
If any provision of these Rules and Regulations or Admendments or the ~~application thereof to any person or circumstances is held invalid~~, such invalidity shall not affect other provisions or applications of the Rules and Regulations or Admendments which can be given effect without the invalid provision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

REPEAL

All Regulations and parts of Regulations in conflict herewith are hereby repealed.

CERTIFICATION

This will certify the foregoing Rules and Regulations pertaining to Drug Precursors were adopted by the Arkansas State Board of Health at a regular session of the Board of held in Little Rock, AR on the 25th Day of July, 1991 and after a Public Hearing on the 24th Day of July, 1991 held in Little Rock, Arkansas at the State Health Building.

  
Secretary  
Arkansas Board of Health

The foregoing Amendments having been filed in my office are hereby adopted on this 12th Day of August, 1991.

  
Bill Clinton  
Governor

I do hereby certify that this is a true copy of the Rules and Regulations adopted by the Arkansas Department of Health.

Acknowledged before me this day of \_\_\_\_\_ 1991.

County of Pulaski, State of Arkansas

\_\_\_\_\_  
Notary Public

My commission expires August 24, 1995.

RULES AND REGULATIONS PERTAINING  
TO "DRUG PRECURSORS" BY  
AUTHORITY OF ACT 954 OF 1991

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**SECTION I. LIST OF DRUG PRECURSORS**

The following shall be deemed to be Drug Precursors:

1. D-Lysergic acid.
2. Ergotamine and its salts.
3. Egonovine and its salts.
4. Methylamine.
5. Ethylamine.
6. Phenyl-2-Propanone.
7. Phenylacetic acid and its salts.
8. Ephedrine, its salts, optical isomers and salts of optical isomers.
9. Norpseudoephedrine, its salts, optical isomers, and salts of optical isomers.
10. Phenylpropanolamine, its salts, optical isomers and salts of optical isomers.
11. Benzyl cyanide.
12. N-methylephedrine, its salts, optical isomers and salts of optical isomers.
13. Pseudoephedrine, its salts, optical isomers and salts of optical isomers.
14. Chloroephedrine, its salts, optical isomers and salts of optical isomers.
15. Piperidine and its salts.
16. Pyrrolidine and its salts.
17. Propionic anhydride.
18. Isosafrole.
19. Safrols.
20. Piperonal.

**SECTION II. LICENSE REQUIRED**

Every person who manufactures, possesses, transfers, or transport any drug precursor as defined by these regulations or who proposes to engage in the manufacture, possession, transfer, or transportation of any drug precursor as defined by these regulations must obtain annually, a license issued by the department, unless exempted by law, or regulation of the Department.

PHARMACY SERVICES AND DRUG CONTROL SLOT 25  
ARKANSAS DEPARTMENT OF HEALTH  
4815 WEST MARKHAM  
LITTLE ROCK, AR 72205-3867

**SECTION III. RECORDS TO BE KEPT-ORDER FORMS**

A manufacturer, wholesaler, retailer, or other persons who is licensed by the Department to sell, transfer, or otherwise furnish any drug precursor to a person shall make an accurate and legible record of the transaction and maintain the record for a period of at least two (2) years after the date of the transaction.

Except as otherwise provided in the regulation, each licensee shall submit to the Department, at least twenty-one (21) days before the delivery of the drug precursor, a report of the transaction on form (DC 954 R) provided by the Department.

Any difference between the quantity of any drug precursor received and the quantity shipped shall be reported to the department within three (3) days after the receipt of actual knowledge of the discrepancy. When applicable, any report made pursuant to the law shall also include the name of any common carrier or person who transported the substance and the date of shipment of the substance.

Each licensee who receives from a source outside of this state any drug precursor listed in these regulations shall submit a report of such transaction to the department on form (DC 954 R).

The Department may authorize the licensee to submit a comprehensive monthly report instead of the report of each shipment twenty-one (21) days before delivery if there has been determined by the Director that:

- (A) There is a pattern of regular supply and purchase of the drug precursor between the furnisher and the recipient or:
- (B) The recipient has established a record of utilization of the drug precursor solely for lawful purpose.

All records kept by licensee pursuant to these regulations shall be open to inspection by authorized investigators of the Department and the Arkansas State Police during normal business hours and at all other reasonable times.

**SECTION IV. REPORTS OF LOSS**

The theft or loss of any drug precursor discovered by any person licensed by this regulation shall be reported to the Department and the Arkansas State Police within three (3) days after such discovery.

**SECTION V. EXEMPTIONS FROM LICENSE REQUIREMENTS**

The following persons are not required to be licensed under these regulations and may lawfully possess drug precursors:

- (A) ~~Physicians, dentists, pharmacists, veterinarians, and podiatrists;~~
- (B) An agent of any manufacturer, or wholesaler of any drug precursor if he is acting in the usual course of his principals business or employment.
- (C) An employee of a licensed common or contract carrier or licensed warehouseman whose possession of any drug precursor is in the usual course of the licensed common or contract carrier or licensed warehouseman's business:
- (D) A student enrolled in a college chemistry class for credit if the student's use of the drug precursor is for a bonafied educational purpose and the educational institution otherwise possess all the necessary licenses required by the department.
- (E) Officers or employees of appropriate agencies of federal, state, or local government and law enforcement agencies acting pursuant to their official duties:
- (F) Every researcher, including analytical laboratories, experimenting with, studying, or testing any drug analog who is licensed by the Department.
- (G) The Department may waive the requirement for licensing of certain manufacturers upon application for exemption if it is consistant with the public health and safety.

#### SECTION VI. FEES

The Department shall charge a fee of twenty-five dollars (\$25.00) annually to license persons to manufacture, possess, transfer or transport any drug precursor.

When the Department suspends or revokes a license and the revocation order becomes final, all expenses of disposing of the forfeited drug precursors shall be borne by the licensee and the court may order the licensee to pay a reasonable sum of money to the Department to cover the expenses of disposition, and the Department is authorized to seek enforcement of the order of payment or reimbursement for any expenses through all lawful means.

#### SECTION VII. DENIAL, REVOCATION, OR SUSPENSION OF LICENSE

The Department may deny, revoke, or suspend a license issued pursuant to these regulations for any of the following reasons:

- (A) If a licensee is convicted of, or has accepted by a court a plea of guilty or nolo contendere to a felony under any state or federal law relating to a controlled substance or a drug precursor, or
- (B) If a licensee has his federal registration to manufacture, conduct research on, distribute, or dispense a controlled substance or a drug precursor suspended or revoked. The Department may limit revocation or suspension of a license to the particular controlled substance or drug precursor which was the basis for revocation or suspension or
- (C) If a licensee commits an unlawful act as enumerated in subsection (9) of Act 954 of 1991.