

**ARKANSAS DEPARTMENT OF HEALTH**

**RULES AND REGULATIONS PERTAINING**

**TO**

**DRUG PRECURSORS**

**MAY 1992**

SEVERABILITY


If any provision of these Rules and Regulations or Amendments 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 Amendments which can be given effect without the invalid provision or application and to this end the provisions of these Rules and Regulations and Amendments are declared to be severable.

REPEAL


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

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, Arkansas on the 23rd day of April, 1992 and after a Public Hearing on the 2nd Day of March, 1992 held in Little Rock, Arkansas at the State Health Building.

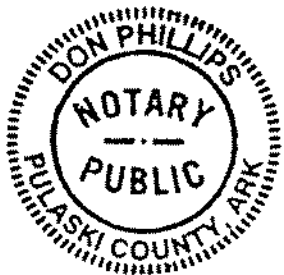
  
Secretary  
Arkansas Board of Health

The foregoing Amendments having been filed in my office are hereby adopted on this first Day of May , 1992.

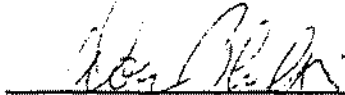
  
Bill Clinton  
Governor

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 MARCH 1<sup>st</sup> 1995



County of Pulaski, State of Arkansas

  
Notary Public

My commission expires August 24, 1995.

**RULES AND REGULATION PERTAINING  
TO DRUG PRECURSORS**

**SECTION I AUTHORITY**

The following list of Drug Precursors are proposed pursuant to Act 954 of 1991.

**SECTION II PURPOSE**

Due consideration has been given applicable federal regulation regarding the list of Drug Precursors.

**SECTION III GENERAL REQUIREMENTS**

(See attached)

**SECTION IV REPEAL**

All rules and regulations and parts thereof in conflict herewith are hereby repealed.

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

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May 1992

SECTION I. LIST OF DRUG PRECURSORS (Adopted May 1992)

1. Anthranilic acid and its salts.
2. Benzyl cyanide.
3. Ephedrine, its salts, optical isomers and salts of optical isomers.
4. Ergonovine and its salts.
5. Ergotamine and its salts.
6. N-Acetylanthranilic acid and its salts.
7. Norpseudoephedrine, its salts, optical isomers, and salts of optical isomers.
8. Phenylacetic acid and its salts.
9. Phenylpropanolamine, its salts, optical isomers and salts of optical isomers.
10. Piperidine and its salts.
11. Pseudoephedrine, its salts, optical isomers and salts of optical isomers.
12. 3,4-Methylenedioxyphenyl-2-propanone
13. Methylamine and its salts.
14. Ethylamine and its salts.
15. D-Lysergic acid, its salts, optical isomers, and salts of optical isomers.
16. Propionic anhydride.
17. Isosafrole (Isosafrole).
18. Safrole.
19. Piperonal.
20. N-Methylephedrine, its salts, optical isomers and salts of optical isomers (N-Methylephedrine).
21. N-Ethylephedrine, its salts, optical isomers, and salts of optical isomers
22. N-Methylpseudoephedrine, its salts, optical isomers, and salts of optical isomers.
23. N-Ethylpseudoephedrine, its salts, optical isomers, and salts of optical isomers.
24. Hydriotic acid (Hydriodic Acid).

SECTION II. LICENSE REQUIRED

Every person who manufacturers, possesses, transfers, or transport any drug precursor as defined by these regulations or who proposes to engage in the manufacturer, 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.

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 license and the court may order the license 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 manufacturer, 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.