

Act 249 of the 1989 Regular Session.

Act 249

HB1231

By: Representative Teague

"AN ACT TO AMEND THE FOOD, DRUG, AND COSMETIC ACT TO MAKE IT APPLICABLE TO ANABOLIC STERIODS AND COUNTERFEIT SUBSTANCES; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 20-56-202 is hereby amended by adding at the end thereof the following new subsections:

"(16) The Board may by rule adopted pursuant to the Arkansas Administrative Procedure Act, 25-15-201 et seq., add or delete substances to the following list of anabolic steroids. In adding or deleting such substances, the Board shall consider the use of the substance and potential for physiological harm due to the use or misuse of the substance. The term 'anabolic steroid' includes any of the following or any isomer, ester, salt, or derivative of the following that acts in the same manner on the human body:

- (a) clostebol
- (b) dehydrochlormethyltestosterone
- (c) ethylestrenol
- (d) fluoxymesterone
- (e) human growth hormones
- (f) mesterolone
- (g) methandienone
- (h) methandroslenolone
- (i) methenolone
- (j) methyltestosterone
- (k) nandrolone
- (l) norethandrolone
- (m) oxandrolone
- (n) oxymesterone
- (o) oxymetholone
- (p) stanozolol
- (q) testosterone.

(17) The term 'counterfeit substance' means a drug which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, or device, or any likeness thereof, of a drug manufacturer, processor, packer or distributor other than the person or persons who in fact manufactured, processed, packed or distributed the drug and which thereby falsely purports, or is represented to be the product of, or to have been packed or distributed by, another drug manufacturer, processor, packer or distributor.

(18) The term 'human growth hormone' includes both cadaver source and biosynthetic human growth hormones."

SECTION 2. Arkansas Code 20-56-205 is hereby amended by adding at the end thereof the following additional subsections:

"(d) (1) Except as provided in paragraph (2) of this subsection (d), any person who distributes or possesses with intent to distribute any anabolic steroid, human growth hormone, or counterfeit substance purporting to be an anabolic steroid or human growth hormone for any use in humans other

than the treatment of disease pursuant to the order of a physician shall be deemed guilty of a class D felony.

(2) Any person who distributes or possesses with the intent to distribute to an individual under 18 years of age, any anabolic steroid, human growth hormone or counterfeit substance purporting to be an anabolic steroid or human growth hormone for any use in humans other than the treatment of disease pursuant to the order of a physician shall be deemed guilty of a class C felony.

(e) Possession by any person of more than 200 capsules or tablets or more than 16cc. of anabolic steroids, human growth hormones, or counterfeit substances purporting to be an anabolic steroid or human growth hormone shall create a rebuttable presumption that the person possesses such substances with the intent to deliver in violation of subsection (d) of this section. Provided, however, this presumption may be overcome by the submission of evidence sufficient to create a reasonable doubt that the person charged possessed the substance with intent to deliver.

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

SECTION 4. All laws and parts of laws in conflict with this Act are hereby repealed.

APPROVED: February 24, 1989

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