State of Arkansas
76th General Assembly
Regular Session, 1987 HOUSE BILL 1094
By: Representative George

"AN ACT TO AMEND SECTION 4 OF ARTICLE 5 OF ACT 590 OF 1971 ARK. STAT. 82-2628] TO DESIGNATE THE STATE HEALTH DEPARTMENT AS THE PRIMARY STATE AGENCY FOR RECEIVING INFORMATION FROM THE FEDERAL DRUG ENFORCEMENT ADMINISTRATION; TO AMEND SECTION 8 OF ARTICLE 5 OF ACT 590 OF 1971 [ARK. STAT. 82-2632] TO REQUIRE EVERY PERSON WHO APPLIES TO THE FEDERAL DRUG ENFORCEMENT ADMINISTRATION FOR REGISTRATION TO CONDUCT RESEARCH WITH CONTROLLED SUBSTANCES TO ALSO NOTIFY THE STATE HEALTH COMMISSIONER; AND FOR OTHER PURPOSES."

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

SECTION 1. Section 4 of Article 5 of Act 590 of 1971, the same being Arkansas Statute 82-2628, is hereby amended to read as follows:

"Section 4. (a) The Commissioner shall cooperate with Federal and other State agencies in discharging its responsibilities concerning traffic in controlled substances and in suppressing the abuse of controlled substances. To this end, he may:

(1) arrange for the exchange of information among governmental officials concerning the use and abuse of controlled substances; and

(2) coordinate and cooperate in training programs concerning controlled substance law enforcement at local and State levels.

(b) The Arkansas Department of Health is hereby designated the primary agency of this State to enter into an agreement with the Bureau for the purpose of obtaining the necessary information to enforce the provisions of this Act. The Commissioner shall establish a centralized unit to accept, catalog, file, and collect statistics, including records of drug dependent persons and other controlled substance law offenders within the State, and make the information available for Federal, State and local law enforcement pur-

poses. He shall not furnish the name or identity of a patient or research subject whose identity could not be obtained under subsection (d).

(c) Results, information, and evidence received from the Bureau relating to the regulatory functions of this Act, including results of inspections conducted by it may be relied and acted upon by the Commissioner in the exercise of its regulatory functions under this Act.

(d) A practitioner engaged in medical practice or research is not required or compelled to furnish the name or identity of a patient or research subject to the Commissioner nor may he be compelled in any State or local civil, criminal, administrative, legislative or other proceedings to furnish the name or identity of an individual that the practitioner is obligated to keep confidential."

SECTION 2. Section 8 of Article 5 of Act 590 of 1971, as amended, the same being Arkansas Statute 82-2632, is hereby amended by adding thereto the following new subsections:

"(f) Every person who applies to the Federal Drug Enforcement Administration for registration to conduct research with controlled substances shall submit a protocol to the Commissioner in the following form and containing the following information where applicable:

(1) Researcher

(i) name, address, telephone number, and current D.E.A. registration number, if any;

(ii) institutional affiliation;

(iii) qualifications.

(2) Research Project.

(i) title of project;

(ii) statement of purpose;

(iii) name of controlled substance involved and the approximate amount of each needed;

(iv) description of research to be conducted;

(v) location where research will be conducted;

(vi) statement of the security and accountability provisions in order to prevent diversion;

(vii) statement of the sources of obtaining the controlled substances.

(3) Authority.

(i) institutional approval;

(ii) approval of a human research committee for human studies;

(iii) indication of an approved active Notice of Claimed Investigational Exemption for a New Drug (if applicable).

(g) The Commissioner shall inspect or cause to be inspected the establishment of the applicant and shall determine the merits of the protocol.

(h) The Commissioner or his delegated agent shall notify the Federal Drug Enforcement Administration and the applicant promptly regarding the submitted protocol."

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.