

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL 863

6 By: Allen

7 COMMITTEE SUBSTITUTE

8 An Act relating to industrial hemp; creating the  
9 Industrial Hemp Production Act; providing short  
10 title; defining terms; requiring the Oklahoma  
11 Department of Agriculture, Food, and Forestry to  
12 develop a plan to regulate and license industrial  
13 hemp production; requiring the Department to consult  
14 with state agencies; requiring the Department to  
15 submit a plan before a certain date; requiring  
16 resubmission of a plan under certain circumstances;  
17 setting limits of THC concentrations; requiring the  
18 Department to promulgate rules and establish a fee;  
19 creating revolving fund; authorizing expenditures of  
20 funds under certain conditions; amending 63 O.S.  
21 2011, Section 2-101, as last amended by Section 11,  
22 Chapter 64, O.S.L. 2018 (63 O.S. Supp. 2018, Section  
23 2-101), which relates to definitions; modifying  
24 definition; providing for codification; and declaring  
an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 3-420 of Title 2, unless there  
is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Industrial Hemp  
Production Act".

1 SECTION 2. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 3-421 of Title 2, unless there  
3 is created a duplication in numbering, reads as follows:

4 As used in this act:

5 1. "Department" means the Oklahoma Department of Agriculture,  
6 Food, and Forestry; and

7 2. "Industrial Hemp Production License" or "License" means  
8 authorization by the Department to grow and cultivate industrial  
9 hemp.

10 SECTION 3. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 3-422 of Title 2, unless there  
12 is created a duplication in numbering, reads as follows:

13 A. The Oklahoma Department of Agriculture, Food, and Forestry  
14 shall develop a plan to license and regulate industrial hemp  
15 production.

16 B. The Department shall consult with the Office of the Attorney  
17 General and the Office of the Governor regarding the development of  
18 the plan.

19 C. The Department shall submit the plan to the United States  
20 Secretary of Agriculture for approval. Submission of the plan shall  
21 occur no later than January 1, 2020.

22 D. If the United States Secretary of Agriculture disapproves of  
23 the plan, the Department shall consult with the Office of the  
24 Attorney General and the Office of the Governor and submit a revised

1 plan. The revised plan shall be submitted within ninety (90) days  
2 of receipt of the notice of disapproval.

3 SECTION 4. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 3-423 of Title 2, unless there  
5 is created a duplication in numbering, reads as follows:

6 Concentrations of industrial hemp shall not exceed three-tenths  
7 of one percent (0.3%) on a dry weight basis before or during harvest  
8 and five-tenths of one percent (0.5%) after harvest.

9 SECTION 5. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 3-424 of Title 2, unless there  
11 is created a duplication in numbering, reads as follows:

12 Upon the receipt of approval from the United States Secretary of  
13 Agriculture for the plan to license and regulate industrial hemp  
14 production, the Oklahoma Department of Agriculture, Food, and  
15 Forestry shall promulgate rules to implement the plan and issue  
16 licenses.

17 SECTION 6. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 3-425 of Title 2, unless there  
19 is created a duplication in numbering, reads as follows:

20 There is hereby created in the State Treasury a revolving fund  
21 for the State Board of Agriculture to be designated the "Industrial  
22 Hemp Production Fund". The fund shall be a continuing fund, not  
23 subject to fiscal year limitations and shall consist of all monies  
24 received by the State Board of Agriculture from fees received and

1 collected pursuant to the Industrial Hemp Production Act, donations,  
2 grants, contributions and gifts from any public or private source.  
3 The Board may expend funds for the purposes set forth in the  
4 Industrial Hemp Production Act. Expenditures from the fund shall be  
5 made upon warrants issued by the State Treasurer against claims  
6 filed as prescribed by law with the Director of the Office of  
7 Management and Enterprise Services for approval and payment.

8 SECTION 7. AMENDATORY 63 O.S. 2011, Section 2-101, as  
9 last amended by Section 11, Chapter 64, O.S.L. 2018 (63 O.S. Supp.  
10 2018, Section 2-101), is amended to read as follows:

11 Section 2-101. As used in the Uniform Controlled Dangerous  
12 Substances Act:

13 1. "Administer" means the direct application of a controlled  
14 dangerous substance, whether by injection, inhalation, ingestion or  
15 any other means, to the body of a patient, animal or research  
16 subject by:

17 a. a practitioner (or, in the presence of the  
18 practitioner, by the authorized agent of the  
19 practitioner), or

20 b. the patient or research subject at the direction and  
21 in the presence of the practitioner;

22 2. "Agent" means a peace officer appointed by and who acts on  
23 behalf of the Director of the Oklahoma State Bureau of Narcotics and  
24 Dangerous Drugs Control or an authorized person who acts on behalf

1 of or at the direction of a person who manufactures, distributes,  
2 dispenses, prescribes, administers or uses for scientific purposes  
3 controlled dangerous substances but does not include a common or  
4 contract carrier, public warehouse or employee thereof, or a person  
5 required to register under the Uniform Controlled Dangerous  
6 Substances Act;

7 3. "Board" means the Advisory Board to the Director of the  
8 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

9 4. "Bureau" means the Oklahoma State Bureau of Narcotics and  
10 Dangerous Drugs Control;

11 5. "Coca leaves" includes cocaine and any compound,  
12 manufacture, salt, derivative, mixture or preparation of coca  
13 leaves, except derivatives of coca leaves which do not contain  
14 cocaine or ecgonine;

15 6. "Commissioner" or "Director" means the Director of the  
16 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

17 7. "Control" means to add, remove or change the placement of a  
18 drug, substance or immediate precursor under the Uniform Controlled  
19 Dangerous Substances Act;

20 8. "Controlled dangerous substance" means a drug, substance or  
21 immediate precursor in Schedules I through V of the Uniform  
22 Controlled Dangerous Substances Act or any drug, substance or  
23 immediate precursor listed either temporarily or permanently as a  
24 federally controlled substance. Any conflict between state and

1 federal law with regard to the particular schedule in which a  
2 substance is listed shall be resolved in favor of state law;

3 9. "Counterfeit substance" means a controlled substance which,  
4 or the container or labeling of which without authorization, bears  
5 the trademark, trade name or other identifying marks, imprint,  
6 number or device or any likeness thereof of a manufacturer,  
7 distributor or dispenser other than the person who in fact  
8 manufactured, distributed or dispensed the substance;

9 10. "Deliver" or "delivery" means the actual, constructive or  
10 attempted transfer from one person to another of a controlled  
11 dangerous substance or drug paraphernalia, whether or not there is  
12 an agency relationship;

13 11. "Dispense" means to deliver a controlled dangerous  
14 substance to an ultimate user or human research subject by or  
15 pursuant to the lawful order of a practitioner, including the  
16 prescribing, administering, packaging, labeling or compounding  
17 necessary to prepare the substance for such distribution.

18 "Dispenser" is a practitioner who delivers a controlled dangerous  
19 substance to an ultimate user or human research subject;

20 12. "Distribute" means to deliver other than by administering  
21 or dispensing a controlled dangerous substance;

22 13. "Distributor" means a commercial entity engaged in the  
23 distribution or reverse distribution of narcotics and dangerous  
24 drugs and who complies with all regulations promulgated by the

1 federal Drug Enforcement Administration and the Oklahoma State  
2 Bureau of Narcotics and Dangerous Drugs Control;

3 14. "Drug" means articles:

4 a. recognized in the official United States

5 Pharmacopoeia, official Homeopathic Pharmacopoeia of  
6 the United States, or official National Formulary, or  
7 any supplement to any of them,

8 b. intended for use in the diagnosis, cure, mitigation,  
9 treatment or prevention of disease in man or other  
10 animals,

11 c. other than food, intended to affect the structure or  
12 any function of the body of man or other animals, and

13 d. intended for use as a component of any article  
14 specified in this paragraph;

15 provided, however, the term "drug" does not include devices or their  
16 components, parts or accessories;

17 15. "Drug-dependent person" means a person who is using a  
18 controlled dangerous substance and who is in a state of psychic or  
19 physical dependence, or both, arising from administration of that  
20 controlled dangerous substance on a continuous basis. Drug  
21 dependence is characterized by behavioral and other responses which  
22 include a strong compulsion to take the substance on a continuous  
23 basis in order to experience its psychic effects, or to avoid the  
24 discomfort of its absence;

1       16. "Home care agency" means any sole proprietorship,  
2 partnership, association, corporation, or other organization which  
3 administers, offers, or provides home care services, for a fee or  
4 pursuant to a contract for such services, to clients in their place  
5 of residence;

6       17. "Home care services" means skilled or personal care  
7 services provided to clients in their place of residence for a fee;

8       18. "Hospice" means a centrally administered, nonprofit or  
9 profit, medically directed, nurse-coordinated program which provides  
10 a continuum of home and inpatient care for the terminally ill  
11 patient and the patient's family. Such term shall also include a  
12 centrally administered, nonprofit or profit, medically directed,  
13 nurse-coordinated program if such program is licensed pursuant to  
14 the provisions of this act. A hospice program offers palliative and  
15 supportive care to meet the special needs arising out of the  
16 physical, emotional and spiritual stresses which are experienced  
17 during the final stages of illness and during dying and bereavement.  
18 This care is available twenty-four (24) hours a day, seven (7) days  
19 a week, and is provided on the basis of need, regardless of ability  
20 to pay. "Class A" Hospice refers to Medicare certified hospices.  
21 "Class B" refers to all other providers of hospice services;

22       19. "Imitation controlled substance" means a substance that is  
23 not a controlled dangerous substance, which by dosage unit  
24 appearance, color, shape, size, markings or by representations made,



1 would lead a reasonable person to believe that the substance is a  
2 controlled dangerous substance. In the event the appearance of the  
3 dosage unit is not reasonably sufficient to establish that the  
4 substance is an "imitation controlled substance", the court or  
5 authority concerned should consider, in addition to all other  
6 factors, the following factors as related to "representations made"  
7 in determining whether the substance is an "imitation controlled  
8 substance":

- 9 a. statements made by an owner or by any other person in  
10 control of the substance concerning the nature of the  
11 substance, or its use or effect,
- 12 b. statements made to the recipient that the substance  
13 may be resold for inordinate profit,
- 14 c. whether the substance is packaged in a manner normally  
15 used for illicit controlled substances,
- 16 d. evasive tactics or actions utilized by the owner or  
17 person in control of the substance to avoid detection  
18 by law enforcement authorities,
- 19 e. prior convictions, if any, of an owner, or any other  
20 person in control of the object, under state or  
21 federal law related to controlled substances or fraud,  
22 and
- 23 f. the proximity of the substances to controlled  
24 dangerous substances;

1        20. "Immediate precursor" means a substance which the Director  
2 has found to be and by regulation designates as being the principal  
3 compound commonly used or produced primarily for use, and which is  
4 an immediate chemical intermediary used, or likely to be used, in  
5 the manufacture of a controlled dangerous substance, the control of  
6 which is necessary to prevent, curtail or limit such manufacture;

7        21. "Laboratory" means a laboratory approved by the Director as  
8 proper to be entrusted with the custody of controlled dangerous  
9 substances and the use of controlled dangerous substances for  
10 scientific and medical purposes and for purposes of instruction;

11        22. "Manufacture" means the production, preparation,  
12 propagation, compounding or processing of a controlled dangerous  
13 substance, either directly or indirectly by extraction from  
14 substances of natural or synthetic origin, or independently by means  
15 of chemical synthesis or by a combination of extraction and chemical  
16 synthesis. "Manufacturer" includes any person who packages,  
17 repackages or labels any container of any controlled dangerous  
18 substance, except practitioners who dispense or compound  
19 prescription orders for delivery to the ultimate consumer;

20        23. "Marijuana" means all parts of the plant Cannabis sativa  
21 L., whether growing or not; the seeds thereof; the resin extracted  
22 from any part of such plant; and every compound, manufacture, salt,  
23 derivative, mixture or preparation of such plant, its seeds or  
24 resin, but shall not include:

- 1 a. the mature stalks of such plant or fiber produced from  
2 such stalks,
- 3 b. oil or cake made from the seeds of such plant,  
4 including cannabidiol derived from the seeds of the  
5 marijuana plant,
- 6 c. any other compound, manufacture, salt, derivative,  
7 mixture or preparation of such mature stalks (except  
8 the resin extracted therefrom), including cannabidiol  
9 derived from mature stalks, fiber, oil or cake,
- 10 d. the sterilized seed of such plant which is incapable  
11 of germination,
- 12 e. for any person participating in a clinical trial to  
13 administer cannabidiol for the treatment of severe  
14 forms of epilepsy pursuant to Section 2-802 of this  
15 title, a drug or substance approved by the federal  
16 Food and Drug Administration for use by those  
17 participants,
- 18 f. for any person or the parents, legal guardians or  
19 caretakers of the person who have received a written  
20 certification from a physician licensed in this state  
21 that the person has been diagnosed by a physician as  
22 having Lennox-Gastaut Syndrome, Dravet Syndrome, also  
23 known as Severe Myoclonic Epilepsy of Infancy, or any  
24 other severe form of epilepsy that is not adequately

1 treated by traditional medical therapies, spasticity  
2 due to multiple sclerosis or due to paraplegia,  
3 intractable nausea and vomiting, appetite stimulation  
4 with chronic wasting diseases, the substance  
5 cannabidiol, a nonpsychoactive cannabinoid, found in  
6 the plant Cannabis sativa L. or any other preparation  
7 thereof, that has a tetrahydrocannabinol concentration  
8 of not more than three-tenths of one percent (0.3%)  
9 and that is delivered to the patient in the form of a  
10 liquid,

11 g. any federal Food and Drug Administration-approved  
12 cannabidiol drug or substance, or

13 h. industrial hemp, from the plant Cannabis sativa L. and  
14 any part of such plant, whether growing or not, with a  
15 delta-9 tetrahydrocannabinol concentration of not more  
16 than three-tenths of one percent (0.3%) on a dry  
17 weight basis ~~which shall only be grown pursuant to the~~  
18 ~~Oklahoma Industrial Hemp Agricultural Pilot Program~~  
19 ~~and may be shipped to Oklahoma pursuant to the~~  
20 ~~provisions of subparagraph e or f of this paragraph;~~

21 24. "Medical purpose" means an intention to utilize a  
22 controlled dangerous substance for physical or mental treatment, for  
23 diagnosis, or for the prevention of a disease condition not in  
24

1 violation of any state or federal law and not for the purpose of  
2 satisfying physiological or psychological dependence or other abuse;

3 25. "Mid-level practitioner" means an advanced practice nurse  
4 as defined and within parameters specified in Section 567.3a of  
5 Title 59 of the Oklahoma Statutes, or a certified animal euthanasia  
6 technician as defined in Section 698.2 of Title 59 of the Oklahoma  
7 Statutes, or an animal control officer registered by the Oklahoma  
8 State Bureau of Narcotics and Dangerous Drugs Control under  
9 subsection B of Section 2-301 of this title within the parameters of  
10 such officer's duty under Sections 501 through 508 of Title 4 of the  
11 Oklahoma Statutes;

12 26. "Narcotic drug" means any of the following, whether  
13 produced directly or indirectly by extraction from substances of  
14 vegetable origin, or independently by means of chemical synthesis,  
15 or by a combination of extraction and chemical synthesis:

- 16 a. opium, coca leaves and opiates,
- 17 b. a compound, manufacture, salt, derivative or  
18 preparation of opium, coca leaves or opiates,
- 19 c. cocaine, its salts, optical and geometric isomers, and  
20 salts of isomers,
- 21 d. ecgonine, its derivatives, their salts, isomers and  
22 salts of isomers, and
- 23 e. a substance, and any compound, manufacture, salt,  
24 derivative or preparation thereof, which is chemically

1 identical with any of the substances referred to in  
2 subparagraphs a through d of this paragraph, except  
3 that the words "narcotic drug" as used in Section 2-  
4 101 et seq. of this title shall not include  
5 decocainized coca leaves or extracts of coca leaves,  
6 which extracts do not contain cocaine or ecgonine;

7 27. "Opiate" means any substance having an addiction-forming or  
8 addiction-sustaining liability similar to morphine or being capable  
9 of conversion into a drug having such addiction-forming or  
10 addiction-sustaining liability. It does not include, unless  
11 specifically designated as controlled under the Uniform Controlled  
12 Dangerous Substances Act, the dextrorotatory isomer of 3-methoxy-n-  
13 methyl-morphinan and its salts (dextromethorphan). It does include  
14 its racemic and levorotatory forms;

15 28. "Opium poppy" means the plant of the species *Papaver*  
16 *somniferum* L., except the seeds thereof;

17 29. "Peace officer" means a police officer, sheriff, deputy  
18 sheriff, district attorney's investigator, investigator from the  
19 Office of the Attorney General, or any other person elected or  
20 appointed by law to enforce any of the criminal laws of this state  
21 or of the United States;

22 30. "Person" means an individual, corporation, government or  
23 governmental subdivision or agency, business trust, estate, trust,  
24 partnership or association, or any other legal entity;

1 31. "Poppy straw" means all parts, except the seeds, of the  
2 opium poppy, after mowing;

3 32. "Practitioner" means:

4 a. (1) a medical doctor or osteopathic physician,

5 (2) a dentist,

6 (3) a podiatrist,

7 (4) an optometrist,

8 (5) a veterinarian,

9 (6) a physician assistant under the supervision of a  
10 licensed medical doctor or osteopathic physician,

11 (7) a scientific investigator, or

12 (8) any other person,

13 licensed, registered or otherwise permitted to  
14 prescribe, distribute, dispense, conduct research with  
15 respect to, use for scientific purposes or administer  
16 a controlled dangerous substance in the course of  
17 professional practice or research in this state, or

18 b. a pharmacy, hospital, laboratory or other institution  
19 licensed, registered or otherwise permitted to  
20 distribute, dispense, conduct research with respect  
21 to, use for scientific purposes or administer a  
22 controlled dangerous substance in the course of  
23 professional practice or research in this state;

24

1       33. "Production" includes the manufacture, planting,  
2 cultivation, growing or harvesting of a controlled dangerous  
3 substance;

4       34. "State" means the State of Oklahoma or any other state of  
5 the United States;

6       35. "Ultimate user" means a person who lawfully possesses a  
7 controlled dangerous substance for the person's own use or for the  
8 use of a member of the person's household or for administration to  
9 an animal owned by the person or by a member of the person's  
10 household;

11       36. "Drug paraphernalia" means all equipment, products and  
12 materials of any kind which are used, intended for use, or fashioned  
13 specifically for use in planting, propagating, cultivating, growing,  
14 harvesting, manufacturing, compounding, converting, producing,  
15 processing, preparing, testing, analyzing, packaging, repackaging,  
16 storing, containing, concealing, injecting, ingesting, inhaling or  
17 otherwise introducing into the human body, a controlled dangerous  
18 substance in violation of the Uniform Controlled Dangerous  
19 Substances Act including, but not limited to:

20           a. kits used, intended for use, or fashioned specifically  
21               for use in planting, propagating, cultivating, growing  
22               or harvesting of any species of plant which is a  
23               controlled dangerous substance or from which a  
24               controlled dangerous substance can be derived,



- 1           b.   kits used, intended for use, or fashioned specifically  
2           for use in manufacturing, compounding, converting,  
3           producing, processing or preparing controlled  
4           dangerous substances,
- 5           c.   isomerization devices used, intended for use, or  
6           fashioned specifically for use in increasing the  
7           potency of any species of plant which is a controlled  
8           dangerous substance,
- 9           d.   testing equipment used, intended for use, or fashioned  
10           specifically for use in identifying, or in analyzing  
11           the strength, effectiveness or purity of controlled  
12           dangerous substances,
- 13           e.   scales and balances used, intended for use, or  
14           fashioned specifically for use in weighing or  
15           measuring controlled dangerous substances,
- 16           f.   diluents and adulterants, such as quinine  
17           hydrochloride, mannitol, mannite, dextrose and  
18           lactose, used, intended for use, or fashioned  
19           specifically for use in cutting controlled dangerous  
20           substances,
- 21           g.   separation gins and sifters used, intended for use, or  
22           fashioned specifically for use in removing twigs and  
23           seeds from, or in otherwise cleaning or refining,  
24           marijuana,

- 1 h. blenders, bowls, containers, spoons and mixing devices  
2 used, intended for use, or fashioned specifically for  
3 use in compounding controlled dangerous substances,
- 4 i. capsules, balloons, envelopes and other containers  
5 used, intended for use, or fashioned specifically for  
6 use in packaging small quantities of controlled  
7 dangerous substances,
- 8 j. containers and other objects used, intended for use,  
9 or fashioned specifically for use in parenterally  
10 injecting controlled dangerous substances into the  
11 human body,
- 12 k. hypodermic syringes, needles and other objects used,  
13 intended for use, or fashioned specifically for use in  
14 parenterally injecting controlled dangerous substances  
15 into the human body,
- 16 l. objects used, intended for use, or fashioned  
17 specifically for use in ingesting, inhaling or  
18 otherwise introducing marijuana, cocaine, hashish or  
19 hashish oil into the human body, such as:
- 20 (1) metal, wooden, acrylic, glass, stone, plastic or  
21 ceramic pipes with or without screens, permanent  
22 screens, hashish heads or punctured metal bowls,
- 23 (2) water pipes,
- 24 (3) carburetion tubes and devices,

- 1 (4) smoking and carburetion masks,  
2 (5) roach clips, meaning objects used to hold burning  
3 material, such as a marijuana cigarette, that has  
4 become too small or too short to be held in the  
5 hand,  
6 (6) miniature cocaine spoons and cocaine vials,  
7 (7) chamber pipes,  
8 (8) carburetor pipes,  
9 (9) electric pipes,  
10 (10) air-driven pipes,  
11 (11) chillums,  
12 (12) bonges, or  
13 (13) ice pipes or chillers,  
14 m. all hidden or novelty pipes, and  
15 n. any pipe that has a tobacco bowl or chamber of less  
16 than one-half (1/2) inch in diameter in which there is  
17 any detectable residue of any controlled dangerous  
18 substance as defined in this section or any other  
19 substances not legal for possession or use;  
20 provided, however, the term "drug paraphernalia" shall not include  
21 separation gins intended for use in preparing tea or spice, clamps  
22 used for constructing electrical equipment, water pipes designed for  
23 ornamentation in which no detectable amount of an illegal substance  
24 is found or pipes designed and used solely for smoking tobacco,

1 traditional pipes of an American Indian tribal religious ceremony,  
2 or antique pipes that are thirty (30) years of age or older;

3 37. a. "Synthetic controlled substance" means a substance:

4 (1) the chemical structure of which is substantially  
5 similar to the chemical structure of a controlled  
6 dangerous substance in Schedule I or II,

7 (2) which has a stimulant, depressant, or  
8 hallucinogenic effect on the central nervous  
9 system that is substantially similar to or  
10 greater than the stimulant, depressant or  
11 hallucinogenic effect on the central nervous  
12 system of a controlled dangerous substance in  
13 Schedule I or II, or

14 (3) with respect to a particular person, which such  
15 person represents or intends to have a stimulant,  
16 depressant, or hallucinogenic effect on the  
17 central nervous system that is substantially  
18 similar to or greater than the stimulant,  
19 depressant, or hallucinogenic effect on the  
20 central nervous system of a controlled dangerous  
21 substance in Schedule I or II.

22 b. The designation of gamma butyrolactone or any other  
23 chemical as a precursor, pursuant to Section 2-322 of  
24 this title, does not preclude a finding pursuant to

1           subparagraph a of this paragraph that the chemical is  
2           a synthetic controlled substance.

3           c. "Synthetic controlled substance" does not include:

4           (1) a controlled dangerous substance,

5           (2) any substance for which there is an approved new  
6           drug application,

7           (3) with respect to a particular person any  
8           substance, if an exemption is in effect for  
9           investigational use, for that person under the  
10          provisions of Section 505 of the Federal Food,  
11          Drug and Cosmetic Act, Title 21 of the United  
12          States Code, Section 355, to the extent conduct  
13          with respect to such substance is pursuant to  
14          such exemption, or

15          (4) any substance to the extent not intended for  
16          human consumption before such an exemption takes  
17          effect with respect to that substance.

18          d. Prima facie evidence that a substance containing  
19          salvia divinorum has been enhanced, concentrated or  
20          chemically or physically altered shall give rise to a  
21          rebuttable presumption that the substance is a  
22          synthetic controlled substance;

1 38. "Tetrahydrocannabinols" means all substances that have been  
2 chemically synthesized to emulate the tetrahydrocannabinols of  
3 marijuana;

4 39. "Isomer" means the optical isomer, except as used in  
5 subsections C and F of Section 2-204 of this title and paragraph 4  
6 of subsection A of Section 2-206 of this title. As used in  
7 subsections C and F of Section 2-204 of this title, "isomer" means  
8 the optical, positional or geometric isomer. As used in paragraph 4  
9 of subsection A of Section 2-206 of this title, the term "isomer"  
10 means the optical or geometric isomer;

11 40. "Hazardous materials" means materials, whether solid,  
12 liquid or gas, which are toxic to human, animal, aquatic or plant  
13 life, and the disposal of which materials is controlled by state or  
14 federal guidelines; and

15 41. "Anhydrous ammonia" means any substance that exhibits  
16 cryogenic evaporative behavior and tests positive for ammonia.

17 SECTION 8. It being immediately necessary for the preservation  
18 of the public peace, health or safety, an emergency is hereby  
19 declared to exist, by reason whereof this act shall take effect and  
20 be in full force from and after its passage and approval.

21

22 57-1-1981 QD 2/25/2019 10:28:34 AM

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