



STEVE CLARK
ATTORNEY GENERAL

STATE OF ARKANSAS
OFFICE OF THE ATTORNEY GENERAL
JUSTICE BUILDING, LITTLE ROCK 72201

(501) 371-2007

OPINION NO. 86-44

February 25, 1986

Ben N. Saltzman, M. D., Director
Arkansas Department of Health
4815 West Markham Street
Little Rock, AR 72201

Dear Dr. Saltzman:

This is in response to your letter wherein you requested an opinion concerning the following question.

May Dronabinol (Delta-9 Tetrahydrocannabinol, THC) be deleted from Schedule VI and added to Schedule II without the approval of the Legislature, by following the Administrative Procedure Act (§§ 5-701 - 5-714)?

Ark. Stat. Ann. §82-2614 et seq establishes Schedule VI and includes therein controlled substances containing marijuana or tetrahydrocannabinol. Section 82-2614.2 in part provides that "the commissioner shall not delete the controlled substances listed in this section from Schedule VI." It would therefore not appear that the Commissioner (Director, Arkansas Department of Health) would be entitled to administratively place tetrahydrocannabinol in a schedule other than Schedule VI.

The foregoing opinion, which I hereby approve, was prepared by Special Assistant Attorney General George A. Harper.

Sincerely,

A handwritten signature in dark ink, appearing to read "Steve Clark", written over the typed name.

STEVE CLARK
Attorney General

JSC:GAH:jkc