

Opinion No. 2010-064

June 14, 2010

The Honorable Robert Thompson
State Senator
414 West Court
Paragould, Arkansas 72450-4293

Dear Senator Thompson:

You have requested my opinion on the following question:

Under Arkansas law, can a city or county pass an ordinance prohibiting the possession or sale of a controlled substance, such as “spice” or “K2”, even though a detailed statutory scheme [the Uniform Controlled Substances Act] has been codified?

RESPONSE

Please note that I have enclosed a copy of Attorney General Opinion 2010-060, which was recently issued to Prosecuting Attorney Henry H. Boyce in response to this same question. I regret that for the reasons stated in Opinion 2010-060, I am unable to render an opinion on this issue. The matter must await judicial determination.

Sincerely,

DUSTIN McDANIEL
Attorney General

DM:cyh

Enclosure