

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

*As Engrossed: H3/15/01*

# A Bill

Act 1451 of 2001  
HOUSE BILL 2313

5 By: Representatives Childers, Carson  
6 By: Senator Everett  
7

## For An Act To Be Entitled

10 AN ACT TO PRESCRIBE MISDEMEANOR PENALTIES FOR  
11 DRUG PARAPHERNALIA VIOLATIONS; AND FOR OTHER  
12 PURPOSES.  
13

### Subtitle

14 TO PRESCRIBE MISDEMEANOR PENALTIES FOR  
15 DRUG PARAPHERNALIA VIOLATIONS.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code 5-64-403(c)(1) through (3), concerning  
22 criminal penalties for drug paraphernalia, is amended to read as follows:

23 (c)(1)(A)(i) It is unlawful for any person to use, or to possess with  
24 intent to use, drug paraphernalia to plant, propagate, cultivate, grow,  
25 harvest, manufacture, compound, convert, produce, process, prepare, test,  
26 analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or  
27 otherwise introduce into the human body a controlled substance in violation  
28 of subchapter 1-6 of this chapter.

29 (ii) A violation of this subdivision (c)(1)(A)(i) is  
30 a Class A misdemeanor.

31 (B) Any person who violates this section in the course of  
32 and in furtherance of a felony violation of subchapters 1-6 of this chapter  
33 is guilty of a Class C felony.

34 (2)(A) It is unlawful for any person to deliver, possess with  
35 intent to deliver, or manufacture with intent to deliver, drug paraphernalia,  
36 knowing, or under circumstances where one reasonably should know, that it

1 will be used to plant, propagate, cultivate, grow, harvest, manufacture,  
 2 compound, convert, produce, process, prepare, test, analyze, pack, repack,  
 3 store, contain, conceal, inject, ingest, inhale, or otherwise introduce into  
 4 the human body a controlled substance in violation of subchapters 1-6 of this  
 5 chapter. Any person who violates this subdivision (c)(2)(A) is guilty of a  
 6 Class A misdemeanor.

7 (B) Any person who violates ~~this section~~ subdivision  
 8 (c)(2)(A) in the course of and in furtherance of a felony violation of  
 9 subchapters 1-6 of this chapter is guilty of a Class C felony.

10 (3)(A) Any person eighteen (18) years of age or over who  
 11 violates subdivision (c)(2) of this section immediately preceding by  
 12 delivering drug paraphernalia in the course of and in furtherance of a felony  
 13 violation of subchapters 1-6 of this chapter to a person under eighteen (18)  
 14 years of age who is at least three (3) years his junior is guilty of a Class  
 15 B felony.

16 (B) Delivering drug paraphernalia to a person under  
 17 eighteen (18) years of age who is at least three (3) years his junior is a  
 18 Class A misdemeanor.

19 /s/ Childers, et al.

22 APPROVED: 4/10/2001

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