

"AN ACT TO AMEND SECTION 2 OF ARTICLE 4 OF ACT 590 OF 1971, AS AMENDED [ARK. STAT. 82-2618], TO CLARIFY PENALTIES FOR VIOLATIONS OF THE CONTROLLED SUBSTANCES ACT; AND FOR OTHER PURPOSES."

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

SECTION 1. Section 2 of Article 4 of Act 590 of 1971, as amended, the same being Arkansas Statutes 82-2618, is hereby amended to read as follows:

"Section 2. Distribution-Criminal penalties. (a) It is unlawful for any person:

(1) to refuse or fail to make, keep or furnish any record, notification, order form, statement, invoice or information required under this Act;

(2) to refuse an entry into any premises for any inspection authorized by this Act; or

(3) knowingly to keep or maintain any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place, which is resorted to by persons using controlled substances in violation of this Act for the purpose of using these substances, or which is used for keeping them in violation of this Act.

(b) Any person who violates this Section is guilty of a class D felony."

SECTION 2. All laws or parts of laws in conflict with this Act are hereby repealed.

SECTION 3. EMERGENCY. It is hereby found and determined by the General Assembly that because of the case Ricarte v. State, CR 86-31, a question has arisen over the validity of Act 1225 of the Extended Session of 1976; that this Act is a reenactment of the former law; and that the immediate passage of this Act is necessary to clarify the state of the law on this issue. Therefore, an emergency is hereby declared to exist, and this Act being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

APPROVED: April 14, 1987

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