Stricken language would be deleted from and underlined language would be added to present law.

Act 888 of the Regular Session

A Bill

HOUSE BILL 1763

State of Arkansas
91st General Assembly
Regular Session, 2017

By: Representative Della Rosa
By: Senator J. Hutchinson

For An Act To Be Entitled
AN ACT CLARIFYING THE CRIMINAL OFFENSE OF POSSESSION
OF DRUG PARAPHERNALIA; AND FOR OTHER PURPOSES.

Subtitle
CLARIFYING THE CRIMINAL OFFENSE OF
POSSESSION OF DRUG PARAPHERNALIA.

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

SECTION 1. Arkansas Code § 5-64-443 is amended to read as follows:

5-64-443. Drug paraphernalia.

(a) A person who possesses drug paraphernalia with the purpose to use
the drug paraphernalia to inject, ingest, inhale, or otherwise introduce into
the human body a controlled substance in violation of this chapter upon
conviction is guilty of:

(1) A Class A misdemeanor; or

(2) A Class D felony if the controlled substance is
methamphetamine or cocaine.

(b) A person who uses or possesses with the purpose to use drug
paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture,
compound, convert, produce, process, prepare, test, analyze, pack, or repack,
store, contain, or conceal a controlled substance that is methamphetamine or
cocaine upon conviction is guilty of a Class B felony.

(c) A person who uses or possesses with the purpose to use drug
paraphernalia to store, contain, or conceal a controlled substance that is
methamphetamine or cocaine upon conviction is guilty of a Class D felony.
(d) A person who uses or possesses with the purpose to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, or repack, store, contain, or conceal a controlled substance that is not methamphetamine or cocaine upon conviction is guilty of a Class D felony.

(e) A person who uses or possesses with the purpose to use drug paraphernalia to store, contain, or conceal a controlled substance that is not methamphetamine or cocaine upon conviction is guilty of a Class A misdemeanor.