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

Act 1014 of the Regular Session

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE OFFENSE OF POSSESSION OF DRUG PARAPHERNALIA; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE 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, heroin, fentanyl, 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 a controlled substance that is methamphetamine, heroin, fentanyl, 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, heroin, fentanyl, or cocaine upon conviction is guilty of a

04-04-2019 15:57:23 BPG203
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 a controlled substance that is not methamphetamine, heroin, fentanyl, 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, heroin, fentanyl, or cocaine upon conviction is guilty of a Class A misdemeanor.

/s/Gazaway

APPROVED: 4/15/19