

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: S1/25/99

A Bill

Act 326 of 1999
SENATE BILL 65

5 By: Senator Walters
6
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For An Act To Be Entitled

9 "AN ACT TO PRESCRIBE THE PENALTIES FOR POSSESSING DRUG
10 PARAPHERNALIA IN THE COURSE OF AND IN FURTHERANCE OF A
11 FELONY VIOLATION OF THE UNIFORM CONTROLLED SUBSTANCES
12 ACT; AND FOR OTHER PURPOSES."
13

Subtitle

14 "AN ACT TO PRESCRIBE THE PENALTIES FOR
15 POSSESSING DRUG PARAPHERNALIA IN THE
16 COURSE OF AND IN FURTHERANCE OF A FELONY
17 VIOLATION OF THE UNIFORM CONTROLLED
18 SUBSTANCES ACT; AND FOR OTHER PURPOSES."
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code 5-64-403(c) is amended to read as follows:

25 '(c)(1) It is unlawful for any person to use, or to possess with intent
26 to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest,
27 manufacture, compound, convert, produce, process, prepare, test, analyze,
28 pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise
29 introduce into the human body a controlled substance in violation of
30 subchapters 1-6 of this chapter. Any person who violates this section in the
31 course of and in furtherance of a felony violation of the Uniform Controlled
32 Substances Act is guilty of a Class C felony.

33 (2) It is unlawful for any person to deliver, possess with intent
34 to deliver, or manufacture with intent to deliver, drug paraphernalia,
35 knowing, or under circumstances where one reasonably should know, that it will
36 be used to plant, propagate, cultivate, grow, harvest, manufacture, compound,

1 convert, produce, process, prepare, test, analyze, pack, repack, store,
 2 contain, conceal, inject, ingest, inhale, or otherwise introduce into the
 3 human body a controlled substance in violation of subchapters 1-6 of this
 4 chapter. Any person who violates this section in the course of and in
 5 furtherance of a felony violation of the Uniform Controlled Substance Act is
 6 guilty of a Class C felony.

7 (3) Any person eighteen (18) years of age or over who violates
 8 subdivision (c)(2) of this section immediately preceding by delivering drug
 9 paraphernalia in the course of and in furtherance of a felony violation of the
 10 Uniform Controlled Substances Act to a person under eighteen (18) years of age
 11 who is at least three (3) years his junior is guilty of a Class B felony.

12 (4) It is unlawful for any person to place in any newspaper,
 13 magazine, handbill, or other publication any advertisement knowing, or under
 14 circumstances where one reasonably should know, that the purpose of the
 15 advertisement, in whole or in part, is to promote the sale of counterfeit
 16 substances or of objects designed or intended for use as drug paraphernalia.
 17 Any person who violates this section is guilty of a Class C felony.'

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19 SECTION 2. All provisions of this Act of a general and permanent nature
 20 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
 21 Revision Commission shall incorporate the same in the Code.

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23 SECTION 3. If any provision of this Act or the application thereof to
 24 any person or circumstance is held invalid, such invalidity shall not affect
 25 other provisions or applications of the Act which can be given effect without
 26 the invalid provision or application, and to this end the provisions of this
 27 Act are declared to be severable.

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29 SECTION 3. All laws and parts of laws in conflict with this Act are
 30 hereby repealed.

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/s/ Walter

APPROVED: 2/26/1999s