

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: S4/4/19

A Bill

HOUSE BILL 1609

5 By: Representative Gazaway
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE OFFENSE OF
9 POSSESSION OF DRUG PARAPHERNALIA; AND FOR OTHER
10 PURPOSES.
11

Subtitle

12
13
14 TO AMEND THE LAW CONCERNING THE OFFENSE
15 OF POSSESSION OF DRUG PARAPHERNALIA.
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

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

21 *5-64-443. Drug paraphernalia.*

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

26 *(1) A Class A misdemeanor; or*

27 *(2) A Class D felony if the controlled substance is*
28 *methamphetamine, heroin, fentanyl, or cocaine.*

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

34 *(c) A person who uses or possesses with the purpose to use drug*
35 *paraphernalia to store, contain, or conceal a controlled substance that is*
36 *methamphetamine, heroin, fentanyl, or cocaine upon conviction is guilty of a*



1 *Class D felony.*

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

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

11

12

13

/s/Gazaway

14

15

16

APPROVED: 4/15/19

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36