

**ARKANSAS SENATE**  
92nd General Assembly - Regular Session, 2019  
**Amendment Form**

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**Subtitle of House Bill No. 1609**

TO AMEND THE LAW CONCERNING THE OFFENSE OF POSSESSION OF DRUG PARAPHERNALIA.

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**Amendment No. 1 to House Bill 1609**

Amend House Bill No. 1609 as originally introduced:

Delete everything after the enacting clause and substitute the following:

"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 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."



The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator J. Cooper

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Secretary