

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

HOUSE BILL 1763

5 By: Representative Della Rosa  
6 By: Senator J. Hutchinson  
7

## For An Act To Be Entitled

9 AN ACT CLARIFYING THE CRIMINAL OFFENSE OF POSSESSION  
10 OF DRUG PARAPHERNALIA; AND FOR OTHER PURPOSES.  
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### Subtitle

14 CLARIFYING THE CRIMINAL OFFENSE OF  
15 POSSESSION OF DRUG PARAPHERNALIA.  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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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 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 ~~store, contain, or conceal~~ a controlled substance that is methamphetamine or  
33 cocaine 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 or cocaine upon conviction is guilty of a Class D felony.



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

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

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