

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

A Bill

HOUSE BILL 1609

5 By: Representative Gazaway
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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.
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Subtitle

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14 TO AMEND THE LAW CONCERNING THE OFFENSE
15 OF 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~~ a Schedule I or Schedule II controlled substance.

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 or cocaine~~ a Schedule I or
33 Schedule II controlled substance upon conviction is guilty of a Class B
34 felony.

35 (c) A person who uses or possesses with the purpose to use drug
36 paraphernalia to store, contain, or conceal a controlled substance that is



1 ~~methamphetamine or cocaine~~ a Schedule I or Schedule II controlled substance
2 upon conviction is guilty of a Class D felony.

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

9 (e) A person who uses or possesses with the purpose to use drug
10 paraphernalia to store, contain, or conceal a controlled substance that is
11 not ~~methamphetamine or cocaine~~ a Schedule I or Schedule II controlled
12 substance upon conviction is guilty of a Class A misdemeanor.

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