

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  
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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

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, 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.*

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*/s/Gazaway*

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