

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1763

By: Representative Della Rosa

By: Senator J. Hutchinson

For An Act To Be Entitled

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

Subtitle

CLARIFYING THE CRIMINAL OFFENSE OF
POSSESSION OF DRUG PARAPHERNALIA.

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

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 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, ~~store, contain, or conceal~~ a controlled substance that is methamphetamine 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 or cocaine upon conviction is guilty of a Class D felony.



~~(e)(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, ~~store, contain, or conceal~~ a controlled substance that is not methamphetamine 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 or cocaine upon conviction is guilty of a Class A misdemeanor.

APPROVED: 04/04/2017