

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/Senate Bill No. 726, Page 1, Section 9.288, Line 9,

2 by inserting after all of said line the following:

3 "579.040. 1. A person commits the offense of unlawful
 4 distribution, delivery, or sale of drug paraphernalia if he
 5 or she unlawfully distributes, delivers, or sells, or
 6 possesses with intent to distribute, deliver, or sell drug
 7 paraphernalia knowing, or under circumstances in which one
 8 reasonably should know, that it will be used to plant,
 9 propogate, cultivate, grow, harvest, manufacture, compound,
 10 convert, produce, process, prepare, test, analyze, pack,
 11 repack, store, contain, conceal, inject, ingest, inhale, or
 12 otherwise introduce into the human body a controlled
 13 substance or an imitation controlled substance in violation
 14 of this chapter. Any entity registered with the department
 15 of health and senior services that possesses, distributes,
 16 or delivers hypodermic needles or syringes for the purpose
 17 of operating a syringe access program or otherwise
 18 mitigating health risks associated with unsterile injection
 19 drug use shall be exempt from the provisions of this section.

20 2. No entity shall be present within five hundred feet
 21 of any school building, unless such entity is in operation
 22 prior to the date the school building commenced operations.

23 3. The offense of unlawful delivery of drug
 24 paraphernalia is a class A misdemeanor, unless done for
 25 commercial purposes, in which case it is a class E felony.

26 579.076. 1. A person commits the offense of unlawful
27 manufacture of drug paraphernalia if he or she unlawfully
28 manufactures with intent to deliver drug paraphernalia,
29 knowing, or under circumstances where one reasonably should
30 know, that it will be used to plant, propagate, cultivate,
31 grow, harvest, manufacture, compound, convert, produce,
32 process, prepare, test, analyze, pack, repack, store,
33 contain, conceal, inject, ingest, inhale, or otherwise
34 introduce into the human body a controlled substance or an
35 imitation controlled substance in violation of this chapter
36 or chapter 195. Any entity registered with the department
37 of health and senior services that delivers or manufactures
38 hypodermic needles or syringes for the purpose of operating
39 a syringe access program or otherwise mitigating health
40 risks associated with unsterile injection drug use shall be
41 exempt from the provisions of this section.

42 2. The offense of unlawful manufacture of drug
43 paraphernalia is a class A misdemeanor, unless done for
44 commercial purposes, in which case it is a class E felony.";
45 and

46 Further amend the title and enacting clause accordingly.