

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 1486

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE REHDER.

3448H.01P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 579.040 and 579.076, RSMo, and to enact in lieu thereof two new sections relating to distributors of hypodermic needles, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 579.040 and 579.076, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 579.040 and 579.076, to read as follows:

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

2. **No entity shall be present within five hundred feet of any school building, unless such entity is in operation prior to the school building.**

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

579.076. 1. A person commits the offense of unlawful manufacture of drug
2 paraphernalia if he or she unlawfully manufactures with intent to deliver drug paraphernalia,
3 knowing, or under circumstances where one reasonably should know, that it will be used to plant,
4 propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare,
5 test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce
6 into the human body a controlled substance or an imitation controlled substance in violation of
7 this chapter or chapter 195. **Any entity registered with the department of health and senior**
8 **services that delivers or manufactures hypodermic needles or syringes for the purpose of**
9 **operating a syringe exchange program or otherwise mitigating health risks associated with**
10 **unsterile injection drug use shall be exempt from the provisions of this section.**

11 2. The offense of unlawful manufacture of drug paraphernalia is a class A misdemeanor,
12 unless done for commercial purposes, in which case it is a class E felony.

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