

SECOND REGULAR SESSION

SENATE BILL NO. 764

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BLAND.

Pre-filed December 1, 2001, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

2873S.011

AN ACT

To amend chapter 191, RSMo, by adding thereto one new section relating to the establishment of a needle exchange program.

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

Section A. Chapter 191, RSMo, is amended by adding thereto one new section, to be known as section 191.1004, to read as follows:

191.1004. 1. There shall be established within the department of health a "Needle Exchange Program" which has the following goals:

(1) To reduce human immunodeficiency virus (HIV) transmission associated with drug injection by providing sterile hypodermic needles or syringes in exchange for used, potentially HIV contaminated hypodermic needles or syringes; and

(2) To encourage those persons participating in the needle exchange program to seek substance abuse counseling and treatment.

2. Notwithstanding any provision of law to the contrary, hypodermic needles or syringes may be distributed or possessed as a part of a needle exchange program approved by the department of health. Any distribution or exchange of hypodermic needles or syringes as a part of such a program shall not be a crime.

3. To protect the public health, all personally identifying records relating to this section shall be closed.

4. The director shall promulgate rules and regulations to implement and administer the needle exchange program. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the

provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

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