

FIRST REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

# SENATE BILL NO. 64

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR REHDER.

0506S.02P

ADRIANE D. CROUSE, Secretary

## 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  
2 repealed and two new sections enacted in lieu thereof, to be  
3 known as sections 579.040 and 579.076, to read as follows:

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

16 **mitigating health risks associated with unsterile injection**  
17 **drug use shall be exempt from the provisions of this section.**

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

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

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

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

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