## SENATE AMENDMENT NO.

Offered by \_\_\_\_\_ Of \_\_\_\_\_

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

by inserting after all of said line the following: 2 "579.040. 1. A person commits the offense of unlawful 3 distribution, delivery, or sale of drug paraphernalia if he 4 or she unlawfully distributes, delivers, or sells, or 5 possesses with intent to distribute, deliver, or sell drug 6 7 paraphernalia knowing, or under circumstances in which one reasonably should know, that it will be used to plant, 8 9 propogate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, 10 repack, store, contain, conceal, inject, ingest, inhale, or 11 12 otherwise introduce into the human body a controlled substance or an imitation controlled substance in violation 13 of this chapter. Any entity registered with the department 14 15 of health and senior services that possesses, distributes, or delivers hypodermic needles or syringes for the purpose 16 of operating a syringe access program or otherwise 17 mitigating health risks associated with unsterile injection 18 drug use shall be exempt from the provisions of this section. 19 20 2. No entity shall be present within five hundred feet of any school building, unless such entity is in operation 21 22 prior to the date the school building commenced operations. 23 3. The offense of unlawful delivery of drug paraphernalia is a class A misdemeanor, unless done for 24 25 commercial purposes, in which case it is a class E felony.

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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, knowing, or under circumstances where one reasonably should 29 know, that it will be used to plant, propagate, cultivate, 30 31 grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, 32 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 or chapter 195. Any entity registered with the department 36 of health and senior services that delivers or manufactures 37 38 hypodermic needles or syringes for the purpose of operating a syringe access program or otherwise mitigating health 39 risks associated with unsterile injection drug use shall be 40 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

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Further amend the title and enacting clause accordingly.

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