

FIRST REGULAR SESSION

SENATE BILL NO. 64

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR REHDER.

0506S.01I

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2 repealed and two new sections enacted in lieu thereof, to be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 exchange 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.**

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 exchange 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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