

# SENATE BILL NO. 997

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR MCCREERY.

3134S.01I

KRISTINA MARTIN, 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 existing 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2 repealed and two new sections enacted in lieu thereof, to be  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  
18 section. No such entity shall be present within five**

19 **hundred feet of any school building, unless such entity is**  
20 **in operation prior to the school building commencing**  
21 **operations.**

22         2. The offense of unlawful delivery of drug  
23 paraphernalia is a class A misdemeanor, unless done for  
24 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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