

SECOND REGULAR SESSION

# HOUSE BILL NO. 1844

## 101ST GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE STEVENS (46).

3613H.011

DANA RADEMAN MILLER, Chief Clerk

---

### 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Section A. Sections 579.040 and 579.076, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 579.040 and 579.076, to read as follows:

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

12 2. **No entity shall be present within five hundred feet of any school building,**  
13 **unless such entity is in operation prior to the school building.**

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

579.076. 1. A person commits the offense of unlawful manufacture of drug  
2 paraphernalia if he or she unlawfully manufactures with intent to deliver drug paraphernalia,

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

✓