

SECOND REGULAR SESSION

HOUSE BILL NO. 2780

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE REHDER.

6461H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 195.235, 579.040, and 579.076, RSMo, and to enact in lieu thereof three new sections relating to distributors of hypodermic needles.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 195.235, 579.040, and 579.076, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 195.235, 579.040, and 579.076, to read as follows:

195.235. 1. It is unlawful for any person to deliver, possess with intent to deliver, or manufacture, with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or an imitation controlled substance in violation of sections 195.005 to 195.425. **Any entity licensed by the department of health and senior services that delivers, possesses, or manufactures hypodermic needles or syringes shall be exempt from the provisions of this section.**

2. Possession of more than twenty-four grams of any methamphetamine precursor drug or combination of methamphetamine precursor drugs shall be prima facie evidence of intent to violate this section. This subsection shall not apply to any practitioner or to any product possessed in the course of a legitimate business.

3. A person who violates this section is guilty of a class D felony.

579.040. 1. A person commits the offense of unlawful distribution, delivery, or sale of drug paraphernalia if he or she unlawfully distributes, delivers, or sells, or possesses with intent

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 to distribute, deliver, or sell drug paraphernalia knowing, or under circumstances in which one
4 reasonably should know, that it will be used to plant, propogate, cultivate, grow, harvest,
5 manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store,
6 contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled
7 substance or an imitation controlled substance in violation of this chapter. **Any entity licensed
8 by the department of health and senior services that possesses, distributes, delivers, or sells
9 hypodermic needles or syringes shall be exempt from the provisions of this section.**

10 2. The offense of unlawful delivery of drug paraphernalia is a class A misdemeanor,
11 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,
3 knowing, or under circumstances where one reasonably should know, that it will be used to plant,
4 propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare,
5 test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce
6 into the human body a controlled substance or an imitation controlled substance in violation of
7 this chapter or chapter 195. **Any entity licensed by the department of health and senior
8 services that delivers or manufactures hypodermic needles or syringes shall be exempt
9 from the provisions of this section.**

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

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