

FIRST REGULAR SESSION

# HOUSE BILL NO. 88

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE REHDER.

0162H.021

D. ADAM CRUMBLISS, Chief Clerk

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### 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.

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*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Section A. Sections 579.040 and 579.076, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 579.040 and 579.076, to read as follows: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 of drug paraphernalia if he or she unlawfully distributes, delivers, or sells, or possesses with intent to distribute, deliver, or sell drug paraphernalia knowing, or under circumstances in which one reasonably should know, that it will be used to plant, propogate, 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 this chapter. **Any entity registered with the department of health and senior services that possesses, distributes, delivers, or sells hypodermic needles or syringes shall be exempt from the provisions of this section.**

2. The offense of unlawful delivery of drug paraphernalia is a class A misdemeanor, 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 paraphernalia if he or she unlawfully manufactures 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

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.

6 into the human body a controlled substance or an imitation controlled substance in violation of  
7 this chapter or chapter 195. **Any entity registered with 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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