

# HOUSE BILL NO. 1467

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE STEVENS (46).

4465H.011

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 three new sections relating to the distribution 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Section A. Sections 579.040 and 579.076, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 191.1010, 579.040, and 579.076, to read as follows:

**191.1010. 1. The department of health and senior services shall establish a sterile needle and syringe exchange pilot program. The pilot program shall consist of at least one exchange site in each of the state's eight congressional districts. The pilot program shall offer the free exchange of clean, unused hypodermic needles and syringes for used needles and syringes as a means to prevent the transmission of human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), viral hepatitis, and other blood-borne diseases among intravenous drug users. No state funds shall be used to implement the pilot program established under this section, but the department may accept federal funds, gifts, donations, grants, and any other funds to implement the pilot program.**

**2. The pilot program shall:**

**(1) Provide for maximum security of exchange sites and equipment, including an accounting of the number of needles and syringes in use, the number of needles and syringes in storage, safe disposal of returned needles, and any other measure that may be required to control the use and distribution of sterile needles and syringes;**

**(2) Operate a one-to-one exchange, whereby the participant shall receive one sterile needle and syringe unit in exchange for each used one; and**

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.

17           **(3) Make available educational materials; HIV and viral hepatitis counseling and**  
18 **testing; referral services to provide education regarding HIV, AIDS, and viral hepatitis**  
19 **transmission; and drug abuse prevention and treatment counseling and referral services.**

20           **3. The possession, distribution, or exchange of needles or syringes as part of the**  
21 **pilot program established under this section shall not constitute a violation of chapter 579**  
22 **nor any other provision of law. No pilot program staff member, volunteer, or participant**  
23 **shall be immune from criminal prosecution for the possession or redistribution of needles**  
24 **or syringes outside of the pilot program.**

25           **4. The pilot program shall collect data for annual and final reporting purposes,**  
26 **which shall include information on the number of participants served, the number of**  
27 **needles and syringes exchanged and distributed, the demographic profiles of the**  
28 **participants served, the number of participants entering drug counseling and treatment,**  
29 **the number of participants receiving HIV, AIDS, or viral hepatitis testing, and other data**  
30 **deemed necessary for the pilot program. Personal identifying information shall not be**  
31 **collected from a participant for any purpose.**

32           **5. The pilot program shall expire June 31, 2022. By January 1, 2022, the**  
33 **department shall submit a report to the general assembly that includes the data collection**  
34 **requirements of this section, the rates of HIV, AIDS, viral hepatitis, and other blood-borne**  
35 **diseases before the pilot program began and every subsequent year thereafter, and a**  
36 **recommendation on whether to continue the pilot program.**

37           **6. The department shall establish a registration process for entities desiring to serve**  
38 **as needle exchange sites outside of the pilot program whereby any entity that would like**  
39 **to serve as a needle exchange site shall be allowed to do so if they meet all department**  
40 **requirements.**

41           **7. Under section 23.253 of the Missouri sunset act:**

42           **(1) The provisions of the new program authorized under this section shall**  
43 **automatically sunset six years after the effective date of this section unless reauthorized by**  
44 **an act of the general assembly;**

45           **(2) If such program is reauthorized, the program authorized under this section**  
46 **shall automatically sunset twelve years after the effective date of the reauthorization of this**  
47 **section; and**

48           **(3) This section shall terminate on September first of the calendar year immediately**  
49 **following the calendar year in which the program authorized under this section is sunset.**

579.040. 1. A person commits the offense of unlawful distribution, delivery, or sale of  
2 drug paraphernalia if he or she unlawfully distributes, delivers, or sells, or possesses with intent  
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**  
8 **registered with the department of health and senior services that possesses, distributes,**  
9 **delivers, or sells hypodermic needles or syringes shall be exempt from the provisions of this**  
10 **section.**

11 2. The offense of unlawful delivery of drug paraphernalia is a class A misdemeanor,  
12 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 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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