

SECOND REGULAR SESSION

HOUSE BILL NO. 1403

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BILLINGTON.

3039H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 579.020, RSMo, and to enact in lieu thereof one new section relating to the offense of delivery of a controlled substance, with penalty provisions.

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

Section A. Section 579.020, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 579.020, to read as follows:

579.020. 1. A person commits the offense of delivery of a controlled substance if, except as authorized in this chapter or chapter 195, he or she:

- (1) Knowingly distributes or delivers a controlled substance;
- (2) Attempts to distribute or deliver a controlled substance;
- (3) Knowingly possesses a controlled substance with the intent to distribute or deliver any amount of a controlled substance; or
- (4) Knowingly permits a minor to purchase or transport illegally obtained controlled substances.

2. Except when the controlled substance is thirty-five grams or less of marijuana or synthetic cannabinoid or as otherwise provided under subsection 5 of this section, the offense of delivery of a controlled substance is a class C felony.

3. Except as otherwise provided under subsection 4 of this section, the offense of delivery of thirty-five grams or less of marijuana or synthetic cannabinoid is a class E felony.

4. The offense of delivery of thirty-five grams or less of marijuana or synthetic cannabinoid to a person less than seventeen years of age who is at least two years younger than the defendant is a class C felony.

5. The offense of delivery of a controlled substance is a class B felony if:

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.

18 (1) The delivery or distribution is any amount of a controlled substance except thirty-
19 five grams or less of marijuana or synthetic cannabinoid, to a person less than seventeen years
20 of age who is at least two years younger than the defendant; or

21 (2) The person knowingly permits a minor to purchase or transport illegally obtained
22 controlled substances.

23 **6. The offense of delivery of a controlled substance is a class A felony if the**
24 **controlled substance being delivered or distributed is marketed to minors and:**

25 **(1) Combined with a beverage or candy product;**

26 **(2) Marketed or packaged to appear similar to a beverage or candy product; or**

27 **(3) Modified by flavor or coloring.**

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