

SECOND REGULAR SESSION

# HOUSE BILL NO. 1978

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE STINNETT.

4572H.011

DANA RADEMAN MILLER, 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 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Section A. Sections 579.040 and 579.076, RSMo, are repealed and three new sections  
2 enacted in lieu thereof, to be known as sections 191.1011, 579.040, and 579.076, to read as  
3 follows:

**191.1011. 1. The department of health and senior services shall establish a  
2 registration process for entities desiring to operate a syringe access program intended to  
3 mitigate the health risks associated with unsterile injection drug use whereby any entity  
4 that would like to operate such a program shall be allowed to do so if it meets  
5 requirements set by the department of health and senior services.**

**6 2. The department of health and senior services shall require, as a condition for  
7 registration under subsection 1 of this section, that the entity seeking registration has a  
8 collaborative agreement with an organization that provides access to mental health and  
9 substance use treatment options.**

**10 3. No entity registered with the department of health and senior services under  
11 subsection 1 of this section shall be present within five hundred feet of any school  
12 building unless the school building was constructed or established as a school after the  
13 entity was in operation.**

**14 4. The department of health and senior services shall promulgate rules to  
15 implement the provisions of this section. Any rule or portion of a rule, as that term is  
16 defined in section 536.010, that is created under the authority delegated in this section**

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 shall become effective only if it complies with and is subject to all of the provisions of  
18 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
19 nonseverable and if any of the powers vested with the general assembly pursuant to  
20 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are  
21 subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
22 proposed or adopted after August 28, 2024, shall be invalid and void.

579.040. 1. (1) A person commits the offense of unlawful distribution, delivery, or  
2 sale of drug paraphernalia if he or she unlawfully distributes, delivers, or sells, or possesses  
3 with intent to distribute, deliver, or sell drug paraphernalia knowing, or under circumstances  
4 in which one reasonably should know, that it will be used to plant, propagate, 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 (2) The following entities and persons shall be exempt from the provisions of this  
9 section:

10 (a) Any entity registered with the department of health and senior services  
11 under section 191.1011 that possesses, distributes, or delivers hypodermic needles or  
12 syringes for the purpose of operating a syringe access program described under section  
13 191.1011; and

14 (b) Any staff member, volunteer, or participant in a syringe access program  
15 operated by an entity described under paragraph (a) of this subdivision who possesses,  
16 distributes, or delivers hypodermic needles or syringes in connection with his or her  
17 duties or participation in the syringe access program.

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

579.076. 1. (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  
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.

8 (2) The following entities and persons shall be exempt from the provisions of this  
9 section:

10 (a) Any entity registered with the department of health and senior services  
11 under section 191.1011 that delivers or manufactures hypodermic needles or syringes

12 **for the purpose of operating a syringe access program described under section 191.1011;**  
13 **and**

14 **(b) Any staff member, volunteer, or participant in a syringe access program**  
15 **operated by an entity described under paragraph (a) of this subdivision who delivers or**  
16 **manufactures hypodermic needles or syringes in connection with his or her duties or**  
17 **participation in the syringe access program.**

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

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