

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Substitute for Senate Committee Substitute for Senate Bill No. 43, Pages 2, Section
2 376.1228, Line 18, by deleting the word "six" and inserting in lieu thereof the word "twelve"; and

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4 Further amend said bill, page, and section, Line 20, by inserting after all of said line the following:
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6 "4. Any additional costs to the state created under the provisions of this section shall be
7 subject to appropriation. If any agency of the federal government determines that this section
8 violates 42 U.S.C. Section 18116 relating to nondiscrimination, the provisions of this section shall
9 be null and void.

10 579.040. 1. A person commits the offense of unlawful distribution, delivery, or sale of drug
11 paraphernalia if he or she unlawfully distributes, delivers, or sells, or possesses with intent to
12 distribute, deliver, or sell drug paraphernalia knowing, or under circumstances in which one
13 reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest,
14 manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store,
15 contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled
16 substance or an imitation controlled substance in violation of this chapter. Any entity registered
17 with the department of health and senior services that possesses, distributes, or delivers hypodermic
18 needles or syringes for the purpose of operating a syringe access program or otherwise mitigating
19 health risks associated with unsterile injection drug use shall be exempt from the provisions of this
20 section.

21 2. No entity shall be present within five hundred feet of any school building, unless such
22 entity is in operation prior to the school building commencing operations.

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

25 579.076. 1. A person commits the offense of unlawful manufacture of drug paraphernalia if
26 he or she unlawfully manufactures with intent to deliver drug paraphernalia, knowing, or under
27 circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate,
28 grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack,
29 repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a
30 controlled substance or an imitation controlled substance in violation of this chapter or chapter 195.
31 Any entity registered with the department of health and senior services that delivers or manufactures
32 hypodermic needles or syringes for the purpose of operating a syringe access program or otherwise
33 mitigating health risks associated with unsterile injection drug use shall be exempt from the
34 provisions of this section.

35 2. The offense of unlawful manufacture of drug paraphernalia is a class A misdemeanor,
36 unless done for commercial purposes, in which case it is a class E felony."; and

Action Taken _____ Date _____

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- 2 Further amend said bill by amending the title, enacting clause, and intersectional references
- 3 accordingly.