

FIRST REGULAR SESSION

HOUSE BILL NO. 76

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TATE.

0367H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 579.040, RSMo, and to enact in lieu thereof one new section relating to certain criminal offenses, with penalty provisions.

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

Section A. Section 579.040, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 579.040, to read as follows:

579.040. 1. **For purposes of this section, the following terms mean:**

(1) **"Drug masking product", synthetic urine, human urine, any substance designated to be added to human urine, or any substance designated to be added to human hair for the purpose of defrauding an alcohol or a drug or urine screening test;**

(2) **"Synthetic urine", any substance that is designated to simulate the composition, chemical properties, physical appearance, or physical properties of human urine.**

2. 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.

3. **A person commits the offense of unlawful distribution, delivery, or sale of a drug masking product if he or she unlawfully distributes, delivers, or sells, or possesses with intent to distribute, deliver, or sell a drug masking product.**

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 ~~[2.]~~ 4. The offense of unlawful delivery of drug paraphernalia **or a drug masking**
18 **product** is a class A misdemeanor, unless done for commercial purposes, in which case it is a
19 class E felony.

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