

SECOND REGULAR SESSION

# HOUSE BILL NO. 2700

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE COPELAND.

5629H.011

DANA RADEMAN MILLER, Chief Clerk

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## 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.

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*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Section A. Section 579.020, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 579.020, to read as follows: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 distributes or delivers a schedule I or schedule II controlled substance and great bodily harm or death results from the use of such controlled substance;**

(4) Knowingly possesses a controlled substance with the intent to distribute or deliver any amount of a controlled substance; or

~~(4)~~ (5) 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 **or** 6 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.

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

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

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

24           (2) The person knowingly permits a minor to purchase or transport illegally obtained  
25 controlled substances; **or**

26           (3) **The delivery or distribution of a schedule I or II controlled substance results**  
27 **in great bodily harm from the use of such controlled substance.**

28           **6. The offense of delivery of a controlled substance in which a death results from**  
29 **the use of a schedule I or II controlled substance is a class A felony.**

30           **7. It shall not be a defense under subdivision (3) of subsection 1 of this section**  
31 **that the user contributed to the user's own great bodily harm or death by using the**  
32 **controlled substance or consenting to the administration of the controlled substance by**  
33 **another.**

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