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HOUSE BILL 812

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Patsy G. Trujillo

AN ACT

RELATING TO DRUGS; CHANGING A PROVISION OF THE CONTROLLED  
SUBSTANCES ACT TO PERMIT THE SALE OF HYPODERMIC SYRINGES BY  
LICENSED PHARMACISTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-31-25.1 NMSA 1978 (being Laws  
1981, Chapter 31, Section 2, as amended) is amended to read:

"30-31-25.1. POSSESSION, DELIVERY OR MANUFACTURE [~~OR~~  
~~DELIVERY TO A MINOR~~] OF DRUG PARAPHERNALIA PROHIBITED--  
EXCEPTIONS. --

A. It is unlawful for [~~any~~] a person to use or  
possess with intent to use drug paraphernalia to plant,  
propagate, 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  
in violation of the Controlled Substances Act. The provisions

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1 of this subsection do not apply to a person who is in  
2 possession of hypodermic syringes or needles at the time he is  
3 directly and immediately engaged in a harm reduction program,  
4 as provided in the Harm Reduction Act.

5 B. It is unlawful for ~~[any]~~ a person to deliver,  
6 possess with intent to deliver or manufacture with the intent  
7 to deliver drug paraphernalia with knowledge, or under  
8 circumstances where one reasonably should know, that it will  
9 be used to plant, propagate, cultivate, grow, harvest,  
10 manufacture, compound, convert, produce, process, prepare,  
11 test, analyze, pack, repack, store, contain, conceal, inject,  
12 ingest, inhale or otherwise introduce into the human body a  
13 controlled substance in violation of the Controlled Substances  
14 Act. The provisions of this subsection do not apply to:

15 (1) department of health employees or their  
16 designees while they are directly and immediately engaged in  
17 activities related to the harm reduction program authorized by  
18 the Harm Reduction Act; or

19 (2) the sale or distribution of hypodermic  
20 syringes and needles by pharmacists licensed pursuant to the  
21 Pharmacy Act.

22 C. ~~[Any]~~ A person who violates this section with  
23 respect to Subsection A of this section is guilty of a  
24 misdemeanor and upon conviction shall be punished by a fine of  
25 not less than fifty dollars (\$50.00) nor more than one hundred

underscored material = new  
[bracketed material] = delete

1 dollars (\$100) or by imprisonment for a definite term less  
2 than one year, or both. [~~Any~~] A person who violates this  
3 section with respect to Subsection B of this section is guilty  
4 of a misdemeanor.

5 D. [~~Any~~] A person eighteen years of age or over  
6 who violates the provisions of Subsection B of this section by  
7 delivering drug paraphernalia to a person under eighteen years  
8 of age and who is at least three years his junior is guilty of  
9 a fourth degree felony and shall be sentenced pursuant to the  
10 provisions of Section 31-18-15 NMSA 1978. "