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SENATE BILL 320

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

INTRODUCED BY

Roman M. Maes III

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**

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underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 otherwise introduce into the human body a controlled substance
2 in violation of the Controlled Substances Act. The provisions
3 of this subsection do not apply to a person who is in
4 possession of hypodermic syringes or needles at the time he is
5 directly and immediately engaged in a harm reduction program,
6 as provided in the Harm Reduction Act.

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

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

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

24 C. ~~[Any]~~ A person who violates this section with
25 respect to Subsection A of this section is guilty of a

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