

By: Representative Bell (21st)

To: Judiciary B

HOUSE BILL NO. 535

1 AN ACT TO PROVIDE THAT IT IS UNLAWFUL TO SELL OR FURNISH A
2 HYPODERMIC SYRINGE OR HYPODERMIC NEEDLE TO ANY PERSON WHO IS A
3 DIRECT CONSUMER EXCEPT PURSUANT TO A WRITTEN PRESCRIPTION; TO
4 PROVIDE THAT IT IS UNLAWFUL FOR ANY PERSON TO PURCHASE, OBTAIN OR
5 POSSESS A HYPODERMIC SYRINGE OR HYPODERMIC NEEDLE AS A DIRECT
6 CONSUMER UNLESS THAT POSSESSION IS PURSUANT TO A WRITTEN
7 PRESCRIPTION; TO REQUIRE PERSONS SELLING OR FURNISHING HYPODERMIC
8 SYRINGES AND HYPODERMIC NEEDLES PURSUANT TO A PRESCRIPTION TO KEEP
9 CERTAIN RECORDS RELATING TO THE SALES; TO PROVIDE THAT IT IS
10 UNLAWFUL FOR ANY PERSON WHO PURCHASES OR OBTAINS A HYPODERMIC
11 SYRINGE OR HYPODERMIC NEEDLE PURSUANT TO A PRESCRIPTION TO SELL OR
12 FURNISH THE HYPODERMIC SYRINGE OR HYPODERMIC NEEDLE TO ANOTHER
13 PERSON; TO PROVIDE FOR CRIMINAL PENALTIES FOR VIOLATIONS OF THIS
14 SECTION; AND FOR RELATED PURPOSES.

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

16 **SECTION 1.** (1) It shall be unlawful for any person to sell
17 or furnish to any person who is a direct consumer, a hypodermic
18 syringe, hypodermic needle or any other instrument or implement
19 adapted for the administration of drugs by injection, except
20 pursuant to a written prescription of a practitioner as defined
21 under Section 73-21-73.

22 (2) It shall be unlawful for any person to purchase, obtain
23 or possess as a direct consumer, a hypodermic syringe, hypodermic
24 needle or any other instrument or implement adapted for the



25 administration of drugs by injection, unless that possession is
26 pursuant to a written prescription of a practitioner as defined
27 under Section 73-21-73.

28 (3) Any person selling or furnishing a hypodermic syringe,
29 hypodermic needle or any other instrument or implement adapted for
30 the administration of drugs by injection pursuant to a written
31 prescription shall record upon the prescription his or her
32 signature or electronic signature, and the date of the sale or
33 furnishing of the hypodermic syringe, hypodermic needle or other
34 instrument. The prescription shall be retained on file for a
35 period of five (5) years and be readily accessible for inspection
36 by any public officer or employee engaged in the enforcement of
37 this section. The prescription may be refilled not more than the
38 number of times specifically authorized by the prescribing
39 practitioner upon the prescription, provided that no such
40 authorization shall be effective for a period greater than one (1)
41 year from the date the prescription is signed.

42 (4) The sale or furnishing to direct consumers of hypodermic
43 syringes, hypodermic needles or any other instrument or implement
44 adapted for the administration of drugs by injection must be
45 accompanied by a safety insert. The safety insert shall be
46 developed or approved by the State Health Officer and shall
47 include, but not be limited to, (a) information on the proper use
48 of hypodermic syringes and hypodermic needles; (b) the risk of
49 blood borne diseases that may result from the use of hypodermic



50 syringes and hypodermic needles; (c) methods for preventing the
51 transmission or contraction of blood borne diseases; (d) proper
52 hypodermic syringe and hypodermic needle disposal practices,
53 including local disposal locations or a telephone number to call
54 for that information; (e) information on the dangers of injection
55 drug use, and how to access drug treatment; (f) a toll-free phone
56 number for information on the human immunodeficiency virus; and
57 (g) information on the safe disposal of hypodermic syringes and
58 hypodermic needles including the relevant provisions of
59 environmental protection laws relating to the unlawful release of
60 regulated medical waste. The safety insert shall be attached to
61 or included in the hypodermic syringe and hypodermic needle
62 packaging, or shall be given to the purchaser at the point of sale
63 or furnishing in brochure form.

64 (5) It shall be unlawful for any person who purchases or
65 obtains a hypodermic syringe, hypodermic needle or any other
66 instrument or implement adapted for the administration of drugs by
67 injection pursuant to a written prescription of a practitioner to
68 sell or furnish the hypodermic syringe, hypodermic needle or other
69 instrument to another person.

70 (6) A person who violates any provision of this section is
71 guilty of a misdemeanor, and upon conviction thereof, shall be
72 punished by a fine of not more than Ten Thousand Dollars
73 (\$10,000.00), or by imprisonment in the county jail for not more
74 than one (1) year, or both.



75 **SECTION 2.** This act shall take effect and be in force from
76 and after July 1, 2021.

