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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 928

02/10/2021

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The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy

1.1 A bill for an act

1.2 relating to public safety; authorizing syringe services providers to possess,
1.3 distribute, and dispose of syringes; authorizing the possession of hypodermic
1.4 syringes; amending Minnesota Statutes 2020, sections 151.01, by adding a
1.5 subdivision; 151.40, subdivision 1; 152.01, subdivision 18.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2020, section 151.01, is amended by adding a subdivision
1.8 to read:

1.9 Subd. 43. Syringe services provider. "Syringe services provider" means a
1.10 community-based public health program that offers cost-free comprehensive harm reduction
1.11 services including: providing sterile needles, syringes, and other injection equipment; making
1.12 safe disposal containers for needles and syringes available; educating participants and others
1.13 about overdose prevention, safer injection practices, and infectious disease prevention;
1.14 providing blood-borne pathogen testing or referrals to that testing; offering referrals to
1.15 substance use disorder treatment, including medication-assisted treatment; and providing
1.16 referrals to medical treatment and services, mental health programs and services, and other
1.17 social services.

1.18 Sec. 2. Minnesota Statutes 2020, section 151.40, subdivision 1, is amended to read:

1.19 Subdivision 1. **Generally.** It is unlawful for any person to ~~possess, control,~~ manufacture,
1.20 sell, furnish, dispense, or otherwise dispose of hypodermic syringes or needles or any
1.21 instrument or implement which can be adapted for subcutaneous injections, except for:

1.22 (1) the following persons when acting in the course of their practice or employment:

- 2.1 (i) licensed practitioners and their employees, agents, or delegates;
- 2.2 (ii) licensed pharmacies and their employees or agents;
- 2.3 (iii) licensed pharmacists;
- 2.4 (iv) registered nurses and licensed practical nurses;
- 2.5 (v) registered medical technologists;
- 2.6 (vi) medical interns and residents;
- 2.7 (vii) licensed drug wholesalers and their employees or agents;
- 2.8 (viii) licensed hospitals;
- 2.9 (ix) bona fide hospitals in which animals are treated;
- 2.10 (x) licensed nursing homes;
- 2.11 (xi) licensed morticians;
- 2.12 (xii) syringe and needle manufacturers and their dealers and agents;
- 2.13 (xiii) persons engaged in animal husbandry;
- 2.14 (xiv) clinical laboratories and their employees;
- 2.15 (xv) persons engaged in bona fide research or education or industrial use of hypodermic
2.16 syringes and needles provided such persons cannot use hypodermic syringes and needles
2.17 for the administration of drugs to human beings unless such drugs are prescribed, dispensed,
2.18 and administered by a person lawfully authorized to do so; ~~and~~
- 2.19 (xvi) persons who administer drugs pursuant to an order or direction of a licensed
2.20 practitioner; and
- 2.21 (xvii) syringe services providers and their employees or agents;
- 2.22 (2) a person who self-administers drugs pursuant to either the prescription or the direction
2.23 of a practitioner, or a family member, caregiver, or other individual who is designated by
2.24 such person to assist the person in obtaining and using needles and syringes for the
2.25 administration of such drugs;
- 2.26 (3) a person who is disposing of hypodermic syringes and needles through an activity
2.27 or program developed under section 325F.785; or
- 2.28 (4) a person who sells, ~~possesses~~, or handles hypodermic syringes and needles pursuant
2.29 to subdivision 2.

3.1 **EFFECTIVE DATE.** This section is effective August 1, 2021.

3.2 Sec. 3. Minnesota Statutes 2020, section 152.01, subdivision 18, is amended to read:

3.3 Subd. 18. **Drug paraphernalia.** (a) Except as otherwise provided in paragraph (b), "drug
3.4 paraphernalia" means all equipment, products, and materials of any kind, except those items
3.5 used in conjunction with permitted uses of controlled substances under this chapter or the
3.6 Uniform Controlled Substances Act, which are knowingly or intentionally used primarily
3.7 in (1) manufacturing a controlled substance, (2) injecting, ingesting, inhaling, or otherwise
3.8 introducing into the human body a controlled substance, (3) testing the strength, effectiveness,
3.9 or purity of a controlled substance, or (4) enhancing the effect of a controlled substance.

3.10 (b) "Drug paraphernalia" does not include fentanyl test strips; the possession;
3.11 manufacture, delivery, or sale of hypodermic needles or syringes in accordance with section
3.12 151.40, subdivision 2; or the possession of hypodermic syringes or needles or any instrument
3.13 or implement which can be adapted for subcutaneous injections.

3.14 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
3.15 committed on or after that date.