

518.17

ARTICLE 13

518.18

MISCELLANEOUS

UES2995-2 ARTICLE 13, SECTIONS 1 AND 2 WERE REMOVED TO MATCH WITH S2995-3 ARTICLE 2, SECTIONS 6 AND 7.

UES2995-2 ARTICLE 13, SECTION 3 WAS REMOVED TO MATCH WITH S2995-3 ARTICLE 2, SECTION 30.

UES2995-2 ARTICLE 13, SECTIONS 4 AND 5 WERE REMOVED TO MATCH WITH S2995-3 ARTICLE 2.

522.5 Sec. 6. Minnesota Statutes 2022, section 121A.28, is amended to read:

121A.28 LAW ENFORCEMENT RECORDS.

522.7 A law enforcement agency shall provide notice of any drug incident occurring within
522.8 the agency's jurisdiction, in which the agency has probable cause to believe a student violated
522.9 section 152.021, 152.022, 152.023, 152.024, 152.025, 152.0262, 152.027, ~~152.092~~, 152.097,
522.10 or 340A.503, subdivision 1, 2, or 3. The notice shall be in writing and shall be provided,
522.11 within two weeks after an incident occurs, to the chemical abuse preassessment team in the
522.12 school where the student is enrolled.

522.13 Sec. 7. Minnesota Statutes 2022, section 151.01, is amended by adding a subdivision to
522.14 read:

522.15 Subd. 43. Syringe services provider. "Syringe services provider" means a
522.16 community-based public health program that offers cost-free comprehensive harm reduction
522.17 services which may include: providing sterile needles, syringes, and other injection
522.18 equipment; making safe disposal containers for needles and syringes available; educating
522.19 participants and others about overdose prevention, safer injection practices, and infectious
522.20 disease prevention; providing blood-borne pathogen testing or referrals to blood-borne
522.21 pathogen testing; offering referrals to substance use disorder treatment, including substance
522.22 use disorder treatment with medications for opioid use disorder; and providing referrals to
522.23 medical treatment and services, mental health programs and services, and other social
522.24 services.

522.25 Sec. 8. Minnesota Statutes 2022, subdivision 1, is amended to read:

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

522.29 (1) the following persons when acting in the course of their practice or employment:
522.30 (i) licensed practitioners and their employees, agents, or delegates;
522.31 (ii) licensed pharmacies and their employees or agents;

- 523.1 (iii) licensed pharmacists;
- 523.2 (iv) registered nurses and licensed practical nurses;
- 523.3 (v) registered medical technologists;
- 523.4 (vi) medical interns and residents;
- 523.5 (vii) licensed drug wholesalers and their employees or agents;
- 523.6 (viii) licensed hospitals;
- 523.7 (ix) bona fide hospitals in which animals are treated;
- 523.8 (x) licensed nursing homes;
- 523.9 (xi) licensed morticians;
- 523.10 (xii) syringe and needle manufacturers and their dealers and agents;
- 523.11 (xiii) persons engaged in animal husbandry;
- 523.12 (xiv) clinical laboratories and their employees;
- 523.13 (xv) persons engaged in bona fide research or education or industrial use of hypodermic syringes and needles provided such persons cannot use hypodermic syringes and needles for the administration of drugs to human beings unless such drugs are prescribed, dispensed, and administered by a person lawfully authorized to do so; ~~and~~
- 523.14 (xvi) persons who administer drugs pursuant to an order or direction of a licensed practitioner; and
- 523.15 (xvii) syringe services providers and their employees and agents;
- 523.16 (2) a person who self-administers drugs pursuant to either the prescription or the direction of a practitioner, or a family member, caregiver, or other individual who is designated by such person to assist the person in obtaining and using needles and syringes for the administration of such drugs;
- 523.17 (3) a person who is disposing of hypodermic syringes and needles through an activity or program developed under section 325F.785; ~~or~~
- 523.18 (4) a person who sells, ~~possesses~~, or handles hypodermic syringes and needles pursuant to subdivision 2; or
- 523.19 (5) a participant receiving services from a syringe services provider who accesses or receives new syringes or needles from a syringe services provider or returns used syringes or needles to a syringe services provider.

524.1 **EFFECTIVE DATE.** This section is effective August 1, 2023.

524.2 Sec. 9. Minnesota Statutes 2022, section 151.40, subdivision 2, is amended to read:

524.3 Subd. 2. **Sales of limited quantities of clean needles and syringes.** (a) A registered
524.4 pharmacy or a licensed pharmacist may sell, without the prescription or direction of a
524.5 practitioner, unused hypodermic needles and syringes ~~in quantities of ten or fewer~~; provided
524.6 the pharmacy or pharmacist complies with all of the requirements of this subdivision.

524.7 (b) At any location where hypodermic needles and syringes are kept for retail sale under
524.8 this subdivision, the needles and syringes shall be stored in a manner that makes them
524.9 available only to authorized personnel and not openly available to customers.

524.10 (c) A registered pharmacy or licensed pharmacist that sells hypodermic needles or
524.11 syringes under this subdivision may give the purchaser the materials developed by the
524.12 commissioner of health under section 325F.785.

524.13 (d) A registered pharmacy or licensed pharmacist that sells hypodermic needles or
524.14 syringes under this subdivision must certify to the commissioner of health participation in
524.15 an activity, including but not limited to those developed under section 325F.785, that supports
524.16 proper disposal of used hypodermic needles or syringes.

UES2995-2 ARTICLE 13, SECTIONS 10 AND 11 WERE REMOVED TO MATCH
WITH S2995-3 ARTICLE 6, SECTIONS 18 AND 19.

527.1 Sec. 12. Minnesota Statutes 2022, section 152.01, subdivision 18, is amended to read:

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

527.10 (b) "Drug paraphernalia" does not include the possession, manufacture, delivery, or sale
527.11 of: (1) ~~hypodermic needles or syringes in accordance with section 151.40, subdivision 2,~~
527.12 ~~hypodermic syringes or needles or any instrument or implement that can be adapted for~~
527.13 ~~subcutaneous injections;~~ or (2) products that detect the presence of fentanyl or a fentanyl
527.14 analog in a controlled substance.

527.15 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
527.16 committed on or after that date.

527.17 Sec. 13. Minnesota Statutes 2022, section 152.205, is amended to read:

527.18 **152.205 LOCAL REGULATIONS.**

527.19 Sections 152.01, subdivision 18, and ~~152.092~~ 152.093 to 152.095 do not preempt
527.20 enforcement or preclude adoption of municipal or county ordinances prohibiting or otherwise
527.21 regulating the manufacture, delivery, possession, or advertisement of drug paraphernalia.

UES2995-2 ARTICLE 13, SECTION 14 WAS REMOVED TO MATCH WITH
S2995-3 ARTICLE 2.

UES2995-2 ARTICLE 13, SECTIONS 15 AND 16 WERE REMOVED TO MATCH
WITH S2995-3 ARTICLE 1, SECTION 38.

UES2995-2 ARTICLE 13, SECTION 17 WAS REMOVED TO MATCH WITH
S2995-3 ARTICLE 2.

534.1 Sec. 18. **REPEALER.**

534.2 Minnesota Statutes 2022, section 152.092, is repealed.