



# Care Over Criminalization Ordinance

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# Minnesota statute:

- In the interest of public safety, the Minnesota legislature repealed Minn. Stat. 152.092 on August 1st, 2023.

## **152.092 POSSESSION OF DRUG PARAPHERNALIA PROHIBITED.**

(a) It is unlawful for any person knowingly or intentionally to use or to possess drug paraphernalia. Any violation of this section is a petty misdemeanor.

(b) A person who violates paragraph (a) and has previously violated paragraph (a) on two or more occasions has committed a crime and may be sentenced to imprisonment for up to 90 days or to payment of a fine up to \$1,000, or both.





# What this ordinance does:

- Brings the Minneapolis Code of Ordinances into alignment with repeal of state criminalization statute
- Deletes four existing sections of the Code and partially deletes a fifth section
- Adds one word (“to”) to the existing Code





# Repealing 223.10. Possession of injection implements.

~~No person, except dealers in surgical instruments, apothecaries, physicians, dentists, veterinarians, nurses, attendants and interns of hospitals, sanatoriums or any other institution in which persons are treated for disability or disease, shall at any time have or possess any hypodermic syringe or needle or any instrument or implement adapted for subcutaneous injections, unless such possession is authorized by the certificate of a physician issued within a period of six (6) months prior to any time of such possession; provided, that such certificate shall not be required of any person under a physician's care for a diabetic condition~~





# Repealing 223.20. Possession of opium-smoking paraphernalia

~~No person shall use, possess or have under his control for use any stem, bowl, lamp, yen hock or other opium-smoking paraphernalia or accessories used for the smoking or inhalation of opium.~~





# Repealing 223.230. Possession of drug paraphernalia prohibited

~~It is unlawful for any person knowingly or intentionally to use or to possess drug paraphernalia. Any violation of this section is a petty misdemeanor.~~





# Repealing 223.235. Possession of drug paraphernalia in a public place prohibited

~~It is unlawful for any person knowingly or intentionally to use or to possess drug paraphernalia in a public place. As used in this section, "public place" shall include streets, alleys and sidewalks dedicated to public use, and shall also include such parts of buildings and other premises whether publicly or privately owned which are used by the general public or to which the general public is invited commercially, for a fee, or otherwise, or in or on which the general public is permitted without specific invitation. Any violation of this section is a misdemeanor.~~





# Amending 223.240. Manufacture or delivery of drug paraphernalia prohibited

It is unlawful for any person ~~knowingly or intentionally to deliver drug paraphernalia or~~ to knowingly or intentionally ~~to possess or~~ manufacture drug paraphernalia for delivery. Any violation of this section is a misdemeanor.





# Why this policy is important\*:

- Aligns with Minneapolis's values of equity, justice, and healthy communities
- This is a step toward treating drug use as a health issue, not a criminal one
- Fear of paraphernalia possession has been shown to increase sharing or reusing needles, increasing the risk of infection
- Fear of paraphernalia possession also increases the probability that needles are not disposed of properly

\*Information provided to the Minnesota legislature by Southside Harm Reduction Services





# Questions?