

Care Over Criminalization ordinance – Frequently Asked Questions

What does this ordinance do?

In the interest of public safety, the Minnesota legislature repealed in 2023 the statute that criminalized the possession of drug paraphernalia. This ordinance brings the Minneapolis Code of Ordinances into alignment with that legislative action. In addition to decriminalizing the possession of drug paraphernalia, the Care Over Criminalization ordinance also clarifies that it is unlawful for any person 18 years of age or older to deliver drug paraphernalia to a minor who is at least three years younger.

Does this ordinance legalize the use of drugs?

No, the Care Over Criminalization ordinance does not legalize drug use.

Does this ordinance legalize the possession of drugs?

No, the Care Over Criminalization ordinance does not legalize drug possession. In fact, under this ordinance if a person has any amount, even a residual amount, of drugs in paraphernalia in their possession, it remains a criminal offense under the Minneapolis Code of Ordinances.

What is harm reduction?

According to the American Addiction Centers, harm reduction is an umbrella of policies, programs, and practices intended to reduce the negative impacts on drug and alcohol abuse. The purpose of harm reduction methods is not to eliminate the use of drugs or alcohol; rather, it is to mitigate the damage done by these substances.

Why is this ordinance necessary?

Decriminalizing paraphernalia is an approach to harm reduction focused on helping to minimize the health, social, and economic impacts of drug use. The stigma-free aim of harm reduction approaches towards people who use drugs places an emphasis on humility and compassion. Under the current Minneapolis ordinance, whereby the possession of drug paraphernalia is a criminal offense, the approach towards people who use drugs is one of criminalization and punishment. The Care Over Criminalization ordinance would follow the former approach, focusing on humility and compassion.

Care Over Criminalization, in addition to aligning with state law, aligns with Minneapolis's values of equity, justice, and healthy communities. Passage of this ordinance is a step toward treating drug use as a health issue, not a criminal one. Keeping a charge like possession of paraphernalia off of one's record can keep people in their jobs, homes, and in school, and it can help prevent families from being separated, among many other collateral consequences.

Both data and anecdotal evidence show that the fear of paraphernalia possession has been shown to increase sharing or reusing needles, which increases the risk of infection. The fear of paraphernalia possession has also been shown to increase the possibility that needles are not disposed of properly.

Don't we need to criminalize drug paraphernalia to keep people safe and healthy?

According to the Minnesota Medical Association, there is medical and public health consensus showing that criminalizing addiction leads to negative outcomes for patients. Punitive measures have long been unsuccessful in deterring drug use, while the overdose rate has increased and criminal penalties have created barriers to job access, public benefits, and a place to live.

A National Institutes of Health study concludes that “full and immediate repeal” of paraphernalia laws at the state and local levels “is both warranted and needed to reduce opioid overdose death and related harms.” The study continues that repeal of paraphernalia laws “would improve the health of people who inject drugs and those with whom they interact, reducing the spread of blood-borne disease and fatal overdose associated with infiltration of illicitly manufactured fentanyl into the illicit drug supply. It would also free up scarce public resources that could be redirected toward evidence-based approaches to reducing drug-related harm.”