

Laws Affecting People Who Use Drugs

Overview

In Minnesota, there are laws and services that provide some protections against criminal prosecution and reduce the harms of drug use in all communities.

Adult-Use Cannabis

In 2021, the Minnesota Legislature legalized the use and sale of low potency, hemp-derived THC edibles and drinks for adults aged 21 and older.

In 2023, legalization expanded to include the use of other cannabis products by adults aged 21 and older. Possession and home growing of cannabis is now legal with certain limitations. While some Tribal Nations have already opened retail stores for cannabis sales on tribal land, the Minnesota Office of Cannabis Management is expected to license retail stores on non-tribal lands sometime in 2024 or later.

Additionally, the 2023 legalization of adult-use cannabis included measures to expunge the criminal records of individuals who had previously been convicted for cannabis possession in Minnesota.

Visit the [About the Legislation \(https://cannabis.mn.gov/legislation.html\)](https://cannabis.mn.gov/legislation.html) page on the Minnesota Office of Cannabis Management's website for more information.

Drug Paraphernalia

In 2023, changes to state statutes have significantly changed the definition and legality of drug paraphernalia.

First, the possession of all drug paraphernalia is no longer a crime in Minnesota, even if that paraphernalia contains residual amounts of controlled substances. (Minn. Stat. § 152.025 subd. 2).

Second, syringes and any drug checking instruments used for “testing the strength, effectiveness, or purity of a controlled substance” are no longer considered drug paraphernalia. (Minn. Stat. § 152.01 subd. 18)

It is still unlawful for any person to manufacture paraphernalia for delivery. (Minn. Stat. § 152.093)

For more information, visit: [Sec. 152.025 MN Statutes \(https://www.revisor.mn.gov/statutes/cite/152.025\)](https://www.revisor.mn.gov/statutes/cite/152.025), [Sec. 152.01 MN Statutes \(https://www.revisor.mn.gov/statutes/cite/152.01\)](https://www.revisor.mn.gov/statutes/cite/152.01), [Sec. 152.093 MN Statutes \(https://www.revisor.mn.gov/statutes/cite/152.093\)](https://www.revisor.mn.gov/statutes/cite/152.093)

Syringe Access at Pharmacies

Minnesota statute § 151.40, subd. 2 increases access to sterile syringes by allowing pharmacists and pharmacy technicians (if they choose to participate) to sell syringes to someone without a prescription. In 2023, this statute was amended to allow pharmacists and technicians to sell an unlimited number of sterile syringes to any customer.

The Minnesota Department of Health maintains a list of pharmacies that participate in syringe access and disposal, found on the [List of Participating Pharmacies: Syringe Access Initiative \(https://www.health.state.mn.us/people/syringe/counties/index.html\)](https://www.health.state.mn.us/people/syringe/counties/index.html) page. Many large pharmacy chains such as Walgreens and CVS have opted to participate. However, individual pharmacists or pharmacy technicians may not be aware of the Syringe Access Initiative, may not have training around the initiative, or may not stock syringes and therefore do not participate. This variability can make accessing sterile syringes from pharmacies an unpredictable and frustrating experience for individuals.

For more information, visit: [Sec. 151.40 MN Statutes \(https://www.revisor.mn.gov/statutes/cite/151.40\)](https://www.revisor.mn.gov/statutes/cite/151.40)

Syringe Services Programs

In 2023, the staff, agents, and participants of syringe services programs (SSPs) were granted explicit legal protections regarding the possession, distribution, and exchange of syringes, both new and used. These activities are now legal under state syringe statutes.

According to Minn, stat, § 151.01, Subd. 43, Syringe Services Programs (SSP) are defined as: “a community-based public health program that offers cost-free comprehensive harm reduction services, which may include: providing sterile needles, syringes, and other injection equipment; making safe disposal containers for needles and syringes available; educating participants and others about overdose prevention, safer injection practices, and infectious disease prevention; providing blood-borne pathogen testing or referrals to blood-borne pathogen testing; offering referrals to substance use disorder treatment, including substance use disorder treatment with medications for opioid use disorder; and providing referrals to medical treatment and services, mental health programs and services, and other social services.”

Minnesota Statutes § 151.40, Subd. 1 (1)(xvii) and Subd. 1 (5) allows SSPs and their employees and agents and participants to engage in syringe exchange and other services provided at SSPs.

For more information, visit: [Sec. 151.01 MN Statutes \(https://www.revisor.mn.gov/statutes/cite/151.01\)](https://www.revisor.mn.gov/statutes/cite/151.01) and [Sec. 151.40 MN Statutes \(https://www.revisor.mn.gov/statutes/cite/151.40\)](https://www.revisor.mn.gov/statutes/cite/151.40)

Good Samaritan Law (Steve's Law)

Steve's Law, also known as the Good Samaritan law, passed in 2014 and provides limited protections to people who call 911 and/or administer naloxone in response to a suspected or known drug overdose.

Steve's Law states that any person calling 911 to report a suspected or known drug overdose is protected from prosecution for using or possessing drugs related to that overdose. However, this protection only applies to the person who called 911, as long as they provide their name and contact information and does not protect any other bystanders present who may also be using or possessing drugs.

Steve's Law also provides protections for the person experiencing the overdose from being charged or prosecuted for possessing or using drugs related to that overdose.

Furthermore, Steve's Law does not protect anyone from criminal charges or prosecution related to the buying or selling of drugs, including any person who may have called 911 or been involved in the reported overdose.

Additionally, Steve's Law does not protect anyone present for any other criminal activities, such as an outstanding warrant for an arrest. Law enforcement officers are not required to arrest the reporting individual for outstanding warrants, but they may choose to do so if they arrive to the scene.

The first responders at the scene of the overdose may suggest or require transportation to an emergency department for observation. This is **because the effects of naloxone last only 30-45 minutes**. Depending on the strength of the opioid that caused the overdose, the person may overdose again as the naloxone wears off.

To read Steve's Law in full, visit: [Sec. 604A.01 MN Statutes \(https://www.revisor.mn.gov/statutes/cite/604A.01\)](https://www.revisor.mn.gov/statutes/cite/604A.01)

Minnesota Department of Health
STD/HIV/TB Section
651-201-5414
www.health.state.mn.us/syringe

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To obtain this information in a different format, call: 651-201-5414.