

# HF883

## Drug paraphernalia definition modification

*Produced by Sensible Change Minnesota*

### What does this bill do?

This bill amends the definition of “drug paraphernalia” under Minn. Stat. 152.01, subd. 18(a)(3) to remove equipment, products, and materials used for testing the strength, effectiveness, or purity of a controlled substance from the definition. In 2021, the Minnesota Legislature amended this statute to except supplies that test for the presence of fentanyl and fentanyl analogs but did not go so far as to exclude all types of adulterant screening tools from the definition of drug paraphernalia.

This bill would build on the allowance for fentanyl testing and allow for tools such as reagent chemicals for use by outreach workers and persons with substance abuse disorders to test drugs for other adulterants like bath salts and research chemicals, which are known to cause accidental overdoses.

### Why do we need to amend the definition?

Currently, these life savings tools are illegal in Minnesota and subject to seizure by law enforcement. Further, those in possession, including harm reduction workers, are violating Minn. Stat. § 152.092, Possession of Drug Paraphernalia Prohibited, and are subject to a petty misdemeanor for first and second offense, and a misdemeanor for third and subsequent offenses. The only exception to this is for fentanyl and fentanyl analog testing tools.

### What is Adulterant Screening?

Adulterant Screening (also known as pill testing or drug checking) allows people who use illicit substances to help identify the substance they intend on taking, therefore reducing the harms associated with consuming an unknown or adulterated substance. Identification methods, such as fentanyl strips and reagents, can help prevent drug related injury and accidental overdose.

### Why do Minnesotans Need Adulterant Screening?

Drug sellers sometimes adulterate or entirely misrepresent their products with potentially harmful “research chemicals” that are cheap and easy to obtain on the internet, posing the most harm to young and inexperienced users. This legislation permits services that can prevent hospitalizations and deaths, like that of a 17-year-old honor student from Woodbury, MN who died in 2014 after consuming 25i-NBOMe, sold to her as LSD<sup>1</sup>.

### Other Resources

[Drug Checking Programs in the United States and Internationally: Environmental Scan Summary](#)

[Drug Checking – Drug Policy Alliance](#)

[Drug Checking – Dance Safe](#)

[Drug Checking Works – Transform Drug Policy Foundation](#)

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<sup>1</sup> [Star Tribune, After friend's OD death, teens get a reprieve](#)