



Sensible policies, safer communities.

Representative Carlos Mariani, Co-Chair
Conference Committee on S.F. 2673 (Judiciary and Public Safety Omnibus)
479 State Office Building
St. Paul, MN 55155

Senator Warren Limmer, Co-Chair
Conference Committee on S.F. 2673 (Judiciary and Public Safety Omnibus)
3221 Minnesota Senate Bldg.
St. Paul, MN 55155

Re: Senate File 2673
Judiciary and Public Safety Omnibus Bill

Dear Co-Chairs Mariani and Limmer, and members of the Judiciary and Public Safety Omnibus Bill Conference Committee,

I write today on behalf of Sensible Change Minnesota, in support of certain provisions included in the House version SF2673. Sensible Change Minnesota is a non-profit that believes our communities are safer when we create sensible drug policies. We are patient and consumer led and run and have spent much of the past several years improving Minnesota's medical cannabis program and advocating for harm reduction policies.

HF883 - Article 4, Section 6

Drug paraphernalia definition modification

House File 883 removes equipment, products, and materials that test the strength, effectiveness, or purity of a controlled substance from the definition of drug paraphernalia. Minnesota excepted fentanyl testing equipment from the definition, something we applaud, but it does not go far enough. Members of our team have been trained to provide other types of adulterant screening services, including those that use a "reagent kit," which is a set of chemicals that test a substance for the presence of various drugs, bath salts, research chemicals, opiates, and psychedelics. Typically, harm reduction organizations, such as Dance Safe, provide screening services at events, and use these kits as a tool to reduce accidental overdose or consumption of dangerous chemicals – something we cannot do in Minnesota without this legislative change.

An alternative to the House File 883 language that would be an acceptable interim step, is to alter Minn. Stat. sec. 152.01, subd. 18(b) to read:

(b) "Drug paraphernalia" does not include the possession, manufacture, delivery, or sale of: (1) hypodermic needles or syringes in accordance with section [151.40, subdivision 2](#); or (2) products that detect the presence of ~~fentanyl or a fentanyl analog~~ in a controlled substance.

This would except some adulterant screening tools from the definition of drug paraphernalia, including the reagent kits mentioned above. We do not believe this goes as far as is necessary but would be an acceptable interim step toward providing additional harm reduction services.

House File 1020 - Article 4, Section 15

Medical cannabis patient protections for probation, parole, and conditional release

This legislation allows registered medical cannabis patients use of their medical cannabis, regardless of correctional status.

Since the 2015 implementation of the medical cannabis program, the criminal justice system has been inconsistent in its treatment of medical cannabis patients. Patients have received disparate treatment depending on county, judge, or probation officer, based on their status as a medical cannabis patient or their use of medical cannabis when on pre-trial or pre-sentence release or probation. Patients face the choice of not using their medical cannabis to treat their illnesses or going to jail. HF1020 provides for consistency statewide in how the criminal justice system handles a patient's use of medical cannabis and any subsequent failed drug screen and is common sense legislation.

Judges and probation and parole officers will still have the authority to request verification of the patient's status (to be filed with the Court under seal), as well as proof that the patient has purchased medical cannabis under the program – to ensure they are using medical cannabis. We are hopeful that this provision will reduce recidivism by explicitly allowing patients, who have been certified as qualifying by their doctor, to use a medicine that works for them instead of being forced to less-effective medications or street drugs.

House File 1355 - Article 4, Sections 1-14, 16-21

Cannabis decriminalization measures

HF1355 is an important piece of legislation to update Minnesota's cannabis laws. With cannabis legalization happening throughout the country, and ongoing discussions about reforming laws, Minnesota is known as a state that has decriminalized cannabis – a fact that is only partially true. We have heard countless patients and consumers facing felony charges for possession of a cannabis "mixture" – something they can purchase easily in the illicit market or from another state, such as Illinois. Many don't even know that these "mixtures," or non-flower products, are a felony to possess, because we often talk about Minnesota being a decriminalized state.

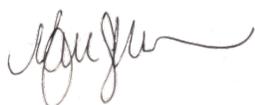
We highlight the following provisions, and ask the Conference Committee to prioritize their passage:

1. *Article 4, Section 16: Criminal Affirmative Defense.* This provision provides for an affirmative criminal defense for medical cannabis patients. While most of our medical cannabis advocacy has revolved around program modifications in the Health Committee jurisdiction, this particular provision falls under Public Safety. Patients currently face supply shortages, high prices, and numerous barriers to access for medical cannabis. In the early 1990's, the Minnesota Supreme Court ruled in *State v. Hanson* that a defendant cannot use a medical necessity defense for possession of cannabis. This section simply authorizes that defense for those in possession of cannabis, who are medical cannabis patients, in courts where they face criminal charges.
2. *Article 4, Section 5: Small Amount Definition Modification.* This rectifies a long-term limitation to cannabis decriminalization in Minnesota. Currently, we consider cannabis decriminalized in Minnesota, but that is only partly true – possession of any amount of non-cannabis flower is a felony charge. This amends the definition of small amount to include up to 8 grams of cannabis “mixtures,” a number that is calculated based on the currently decriminalized 42.5 grams of cannabis flower.

Of note, HF1355 has a laundry list of advocacy organizations supporting it including Minnesota NORML, Sensible Change Minnesota, Minneapolis Students for Sensible Drug Policy, Americans for Prosperity - Minnesota, Minnesotans for Responsible Marijuana Regulation, Minnesota Republican Liberty Caucus, Republicans Against Marijuana Prohibition, Minnesota Veterans for Cannabis, Law Enforcement Action Partnership, and The Reason Foundation.

We thank the Conference Committee for their attention to these provisions, and the opportunity to voice our support.

Respectfully,



Maren Schroeder
Policy Director, Sensible Change Minnesota