Syringe Possession Laws

Prepared by the Policy Surveillance Program Staff

SUMMARY
This map details the variation in state laws addressing drug paraphernalia, syringe prescriptions, and controlled substance bans between July 1, 2012 and July 1, 2017.

ABOUT SYRINGE POSSESSION LAWS & THE DATA
When injection drug users (IDUs) can be criminally charged for possessing syringes, they are more likely to share or reuse syringes. Sharing syringes is a leading cause of the spread of infectious blood-borne diseases like HIV/AIDS.

Historically, drug paraphernalia laws criminalized the distribution and possession of syringes and decreased access to sterile syringes. Over time, some states have decriminalized possession of syringes by removing the mention of syringes or explicitly excluding syringes from their criminal drug paraphernalia laws, relaxing rules requiring a prescription to possess syringes, or allowing the possession of very small amounts of controlled substances, which can include residue on syringes possessed by IDUs.

This map identifies how states have chosen different ways to regulate syringe possession. By noting variations in the laws, strengths and gaps in the legislation can be analyzed.

The data available here is updated through July 1, 2017.

Some findings from the dataset include:

- While it is illegal to possess controlled substances in the United States, 8 states and the District of Columbia have laws that make exceptions for trace amounts.
- Four states require a prescription for an adult to legally possess syringes.
- Ten states and the District of Columbia have removed references to syringes from their definition of drug paraphernalia.

NAVIGATING THE DATA
There are two ways to explore the data for each topic on this data page — selecting criteria by answering a series of questions using the Filter tab, or question by question using the Explore tab (these options can be selected along the left side of your screen, beginning at the middle of each data page). For each option, the data can be displayed in a map and table format or in jurisdiction profiles.
Question Selection
Policy surveillance uses a question and answer format to identify characteristics of laws and policies. LawAtlas.org offers two question-and-answer-based ways of exploring the law: Filter and Explore.

Filter
LawAtlas.org will default to the Filter tab. Here users may answer a series of questions to select any number of criteria to learn more about the characteristics of the laws. Answering more than one question will show all the jurisdictions that meet the combined criteria. Criteria selected will be listed above the questions, and can be removed by clicking the white X or by clicking “Reset” above the questions. The criteria selected will also be cleared when switching between the Filter and Explore tabs.

Explore
While LawAtlas.org data pages default to the Filter tab, users can access Explore by clicking the Explore tab in the bar above the questions.

Using Explore, users may see all possible responses to one question in all jurisdictions at once — enabling the user to compare jurisdictions directly across the full landscape. For questions where responses are binary (i.e., yes or no) and categorical, mutually exclusive questions (i.e., the answer to the question is either one option or another), instead of choosing an answer, all possible answers to the question will be displayed automatically, color-coded in the results display. For categorical, “check-all-that-apply” questions, users can select one of the answers and all jurisdictions that meet that criteria will be shown.

The primary questions in this dataset are:
1. Does state law prohibit possession of drug paraphernalia?
2. Does state law require a prescription for adult possession of a syringe?
3. Does state law ban possession of controlled substances?

Displaying Results
There are two display modes once criteria have been selected (using either the Filter or Explore tab): Map display mode and Profiles display mode.

Map Display
LawAtlas.org data pages default to the map display mode. When querying the data using the Filter tab, all jurisdictions that meet the criteria selected will display in one tone of yellow. Those jurisdictions that do not meet the criteria selected will be colored gray. When querying the data using the Explore tab, the map will illuminate with colors from yellow to red that are associated with the various answer choices (the color-coding is defined by the key to the left of the map).

Below the map, a table will appear. Using the Filter or Explore tab to navigate the questions will change the display:

- Using the Filter tab, the table will only display the jurisdictions that meet the criteria selected, and columns for each question answered will be added to the right in the table showing the answers to those questions based on the laws.
- Using the Explore tab, the table will display all jurisdictions included in the dataset for the question selected.
Profiles Display
The Profiles display presents the results of the criteria selected in a text-based format, jurisdiction by jurisdiction. Using the Filter tab, only jurisdiction profiles that meet the criteria selected will display, as well as the responses to the criteria selected.

Using the Explore tab, all jurisdiction profiles will display, and only the question selected and relevant answers will display within the profile.

If no criteria are selected, the full profiles for each state will appear under both Filter and Explore.

Within each Profile box, above the questions and answers, there are additional options and information useful in exploring the law:

<table>
<thead>
<tr>
<th></th>
<th><strong>Toggle Legal Text</strong> – Selecting this option will show all the legal text used to answer questions for this jurisdiction.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Toggle Full Place Profile</strong> – Selecting this option will show all questions and answers for this jurisdiction, regardless of what was selected using the Filter or Explore tabs.</td>
</tr>
<tr>
<td></td>
<td><strong>Toggle Size</strong> – Selecting this option will make the profile larger, but will not change the information displayed.</td>
</tr>
</tbody>
</table>

Legal Text History – This interactive timeline shows when changes in the law have occurred. Using the arrows to the left or right, users may explore how the law has changed over time as new iterations of the law have been enacted. The timeline will change from gray to a shade of yellow when the jurisdiction passed its first law, each change in the law after that is marked by a break in the timeline.

Legend
There are a few symbols to be aware of in both Map and Profiles display modes:

<table>
<thead>
<tr>
<th></th>
<th><strong>Section Symbol</strong> – Clicking this symbol will open a small window that displays excerpts from the law that answer the question selected.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Caution Note</strong> – Clicking on this symbol will open a small window that displays text that describes important divergences or greater detail about the characteristics of the law.</td>
</tr>
</tbody>
</table>

DATASET RESOURCES
Each dataset includes the following resources available for download (found in the upper right-hand corner of the LawAtlas.org data page):

- **Data:** Note that the Data file contains two tabs. The “Statistical Data” tab contains only the legal variables coded in this dataset, following the values as described in the codebook. The “Summary Data” tab contains the legal variables coded in this dataset in text form, as well as any accompanying citations and caution notes.

- **Codebook:** The Codebook describes the variables coded in this dataset and should be used in conjunction with the statistical data extract.

- **Research Protocol:** The Research Protocol is a comprehensive document that outlines the specific methods used to collect and code this data, as well as the quality control process.

- **Summary Report:** The Summary Report page provides a snapshot of important findings from this dataset.

**ADDITIONAL INFORMATION**

- For more information about syringe possession and related laws, please see the associated LawAtlas legal dataset, *Syringe Distribution Laws*.

- To learn about related research funded by PHLR, please visit *Barriers to Reason: Laws Impacting HIV Prevention Efforts among Injecting Drug Users in the United States*.

- To learn about related research funded by the Robert Wood Johnson Foundation (RWJF), please visit *Syringe Access Interventions*.

This collection of laws does not provide legal advice nor does it address enforcement of laws, administrative policies, case law, or any other sources of law. Should you have a specific question about these laws in your state, please contact an attorney in your jurisdiction.