

CIRCULAR



DISTRICT OF COLUMBIA

Title	Opioid Overdose Treatment and Prevention Omnibus Amendment Act of 2020
Number	CIR-21-05
Effective Date	April 12, 2021
Expiration Date	April 12, 2023
Related to:	GO-SPT-302.01 (Calls for Police Services) GO-OPS-307.01 (Handling Drug Complaints and Investigations)

The purpose of this circular is to inform members of the “Opioid Overdose Treatment and Prevention Omnibus Amendment Act of 2020” that became effective on March 16, 2021.

New or revised regulations are outlined below.

I. REPEALED - POSSESSION OF INJECTION-RELATED DRUG PARAPHERNALIA (DC Official Code § 48-904.10)

The repeal of this section decriminalizes possession of certain drug paraphernalia, to include hypodermic needles, hypodermic syringes, or other instruments that have on or in them any quantity of a controlled substance with the intent to use them for administration of a controlled substance.

Repealed Law
<p>“Whoever, except for a physician, dentist, chiropractist, or veterinarian licensed in the District of Columbia or a state, registered nurse, registered embalmer, manufacturer or dealer in embalming supplies, wholesale druggist, industrial user, official of any government having possession of the proscribed articles by reason of his or her official duties, nurse or medical laboratory technician acting under the direction of a physician or dentist, employees of a hospital or medical facility acting under the direction of its superintendent or officer in immediate charge, person engaged in chemical, clinical, pharmaceutical or other scientific research, acting in the course of their professional duties, has in his or her possession a hypodermic needle, hypodermic syringe, or other instrument that has on or in it any quantity (including a trace) of a controlled substance with intent to use it for administration of a controlled substance by subcutaneous injection in a human being shall be fined not more than the amount set forth in § 22-3571.01 or imprisoned for not more than 180 days, or both.”</p> <p>NEED TO KNOW: DC Official Code § 48-904.10 has been repealed as referenced above.</p>

II. NEW – DECRIMINALIZES DRUG PARAPHERNALIA FOR PERSONAL USE (DC OFFICIAL CODE § 48-1103)**New Law**

Allows a person to use, or possess with the intent to use, drug paraphernalia for the personal use of a controlled substance.

NEED TO KNOW:

"Personal use" means the use or possession in circumstances where there is insufficient evidence of intent to distribute or manufacture a controlled substance (See DC Official Code § 48-1101(4)).

III. NEW – COMMUNITY BASED ORGANIZATIONS AND DRUG PARAPHERNALIA (DC OFFICIAL CODE § 48-1103)**Amended Law****NEED TO KNOW:**

Allows community-based organizations to deliver, sell, or possess with intent to deliver or sell drug paraphernalia for the personal use of a controlled substance.

DEFINITION:

"Community-based organization" means an organization that provides services, including medical care, counseling, homeless services, or drug treatment, to individuals and communities impacted by drug use. The term "community-based organization" includes all organizations currently participating in the Needle Exchange Program with the Department of Human Services under § 48-1103.01. (See DC Official Code 7-404(a)(1))

While this circular will expire on April 12, 2023, changes made as described in this circular will be permanent until such time as amended.



Robert J. Contee III
Acting Chief of Police

RJC:KDO:MOC:BK:KWC