
First, an anecdote:

I pick up litter around Martin anywhere from once every three months to four or five times every week. I've been doing this for about two years.

In the past year alone, while out picking litter, I've found syringes littered on the ground around Martin five times. All of them were found within a *quarter-mile* of my residence.

What's up with littering syringes? At least three of the five times I crossed paths with these littered syringes, I was positive they had been used to inject drugs. What would possess someone to litter *dirty syringes* in *my* neighborhood?

Let's think like an IDU

I've been an intravenous heroin user — an injection drug user (IDU), in other words — for about three years.

There is nowhere in Northwest Tennessee (NWTN) to throw away used syringes without risking criminal charges. No matter how you throw away your syringes as an injection drug user here in rural NWTN, it's illegal (violates T.C.A. 39-17-425, Possession of Drug Paraphernalia, a Class A misdemeanor). Never in my three years of distributing harm reduction supplies to local drug users have I seen someone use a sharps container. Not once!

Even as a certified litter freak myself, I've felt the need to ditch used syringes *out of the car window* due to a fear of criminal charges.

Full definition of T.C.A. 40-7-124:

(a) Before searching a person, a person's premises, or a person's vehicle, a law enforcement officer may ask the person whether the person is in possession of a hypodermic needle or other sharp object that may cut or puncture the officer, or whether a hypodermic needle or other sharp object is on the premises or in the vehicle to be searched. If there is a hypodermic needle or other sharp object on the person, on the person's premises, or in the person's vehicle, and the person alerts the law enforcement officer of such before the search, the person shall not be charged with or prosecuted for possession of drug paraphernalia for the hypodermic needle or other sharp object.

(b) Subsection (a) does not apply to any other drug paraphernalia that may be present and found during the search.

About T.C.A. 40-7-124

T.C.A. 40-7-124 has been part of the Volunteer State's criminal code — called Tennessee Code Annotated — since at least 2015.

The purpose of the law is to protect law enforcement from needlestick injuries by encouraging injection drug users like me to be honest and forthcoming to members of law enforcement.

Why am I telling you about this law?

Unfortunately, many police officers, deputies, and other members of law enforcement are unaware of T.C.A. 40-7-124.

In September 2019, despite acting in accordance with T.C.A. 40-7-124, I was charged with Possession of Drug Paraphernalia (T.C.A. 39-17-425) for possessing syringes.

I was on probation at the time of arrest. Like many probationers, I was scheduled to check in with my probation officer on a monthly basis. It just so happened that I was due to visit my P.O. one week after my arrest. In court, I was told it'd likely take at least two weeks to be appointed an attorney.

Although I knew I could beat the charge, I felt forced to plead guilty upon arraignment — waiting for that attorney would have caused me to violate probation.

Probation or not, many drug users — who are disproportionately low-income as compared to the non-drug-using population — similarly feel forced to plead guilty. Not being able to afford representation or bond is a major reason why.

As such, avoiding charges in the first place is essential for my fellow drug users.

The purpose of this brochure is to ultimately improve the treatment of drug users in Tennessee.

LEOs are at risk of needlestick injuries

As many as 30% of law enforcement officers (LEOs) report suffering at least one needlestick injury during their careers (1).

Even though many long-term drug users here in rural Tennessee may dislike law enforcement, I don't think any of us want LEOs to suffer needlestick injuries.

However, do you really *blame* injection drug users for not being honest about possessing syringes? It's easy to understand why we wouldn't disclose this information if we were pulled over or otherwise stopped by law enforcement.

T.C.A. 40-7-124 reduces needlestick injuries

In 2015, the Tennessee General Assembly wrote T.C.A. 40-7-124 into law. Here's how it works.

Assume Joe gets pulled over by Officer Barbrady. Joe, an IDU, is in possession of used syringes. Before a search is executed, Joe tells Officer Barbrady that he's in possession of syringes.

T.C.A. 40-7-124 prevents Joe from being charged with or prosecuted for Possession of Drug Paraphernalia, a violation of T.C.A. 39-17-425.

Joe can still be charged with violating T.C.A. 39-17-425 for drug paraphernalia *other than* those syringes or for drug possession.

Evidence for harm reduction

1. Occupational needlestick injuries in a metropolitan police force, <https://www.ncbi.nlm.nih.gov/pubmed/10698245>

Who am I?

I'm Daniel Garrett, a 24-year-old resident of Martin who works as a self-employed writer. I've used drugs on a near-daily basis for over nine years.

I've considered myself a practicing *harm reductionist* for about three years now, which includes things like:

- Distributing free, clean syringes to IDUs.
- Distributing naloxone, the opioid overdose antidote, to drug users and laypeople alike.
- Attending drug-related conferences to represent Northwest Tennessee (NWTN) and my fellow drug users, ultimately bringing more resources to the area.
- Educating people about drugs and drug-related issues — including law enforcement about T.C.A. 40-7-124.
- Writing drug-related articles online to bring attention to NWTN and my fellow drug users.

Here's how you can contact me:

- Find me on Twitter at [@DanielGarrettHR](https://twitter.com/DanielGarrettHR).
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Sticks, Pricks, and Pokes: a Law That Protects LEO From Needlestick Injuries

The Importance of
T.C.A. 40-7-124