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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3639

02/20/2020 Authored by Munson, Gomez, Cantrell and Jordan
The bill was read for the first time and referred to the Committee on Health and Human Services Policy

1.1 A bill for an act
1.2 relating to health; requiring the commissioner of health to apply for a federal
1.3 Schedule I exemption for the medical use of cannabis; reclassifying marijuana and
1.4 nonsynthetic THC from a Schedule I to a Schedule II controlled substance;
1.5 amending Minnesota Statutes 2018, sections 152.01, subdivision 23; 152.02,
1.6 subdivisions 2, 3; 152.11, by adding a subdivision; 152.12, by adding a subdivision;
1.7 152.125, subdivision 3; 152.126, subdivision 1.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. Minnesota Statutes 2018, section 152.01, subdivision 23, is amended to read:

1.10 Subd. 23. Analog. (a) Except as provided in paragraph (b), "analog" means a substance,
1.11 the chemical structure of which is substantially similar to the chemical structure of a
1.12 controlled substance in Schedule I or II:

1.13 (1) that has a stimulant, depressant, or hallucinogenic effect on the central nervous system
1.14 that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic
1.15 effect on the central nervous system of a controlled substance in Schedule I or II; or

1.16 (2) with respect to a particular person, if the person represents or intends that the substance
1.17 have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is
1.18 substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect
1.19 on the central nervous system of a controlled substance in Schedule I or II.

1.20 (b) "Analog" does not include:

1.21 (1) a controlled substance;

1.22 (2) any substance for which there is an approved new drug application under the Federal
1.23 Food, Drug, and Cosmetic Act; or

2.1 (3) with respect to a particular person, any substance, if an exemption is in effect for
2.2 investigational use, for that person, as provided by United States Code, title 21, section 355,
2.3 and the person is registered as a controlled substance researcher as required under section
2.4 152.12, subdivision 3, to the extent conduct with respect to the substance is pursuant to the
2.5 exemption and registration; or

2.6 (4) marijuana or tetrahydrocannabinols naturally contained in a plant of the genus
2.7 cannabis or in the resinous extractives of the plant.

2.8 **EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to crimes
2.9 committed on or after that date.

2.10 Sec. 2. Minnesota Statutes 2018, section 152.02, subdivision 2, is amended to read:

2.11 Subd. 2. **Schedule I.** (a) Schedule I consists of the substances listed in this subdivision.

2.12 (b) Opiates. Unless specifically excepted or unless listed in another schedule, any of the
2.13 following substances, including their analogs, isomers, esters, ethers, salts, and salts of
2.14 isomers, esters, and ethers, whenever the existence of the analogs, isomers, esters, ethers,
2.15 and salts is possible:

2.16 (1) acetylmethadol;

2.17 (2) allylprodine;

2.18 (3) alphacetylmethadol (except levo-alphacetylmethadol, also known as levomethadyl
2.19 acetate);

2.20 (4) alphameprodine;

2.21 (5) alphamethadol;

2.22 (6) alpha-methylfentanyl benzethidine;

2.23 (7) betacetylmethadol;

2.24 (8) betameprodine;

2.25 (9) betamethadol;

2.26 (10) betaprodine;

2.27 (11) clonitazene;

2.28 (12) dextromoramide;

2.29 (13) diampromide;

- 3.1 (14) diethylambutene;
- 3.2 (15) difenoxin;
- 3.3 (16) dimenoxadol;
- 3.4 (17) dimepheptanol;
- 3.5 (18) dimethylambutene;
- 3.6 (19) dioxaphetyl butyrate;
- 3.7 (20) dipipanone;
- 3.8 (21) ethylmethylthiambutene;
- 3.9 (22) etonitazene;
- 3.10 (23) etoxeridine;
- 3.11 (24) furethidine;
- 3.12 (25) hydroxypethidine;
- 3.13 (26) ketobemidone;
- 3.14 (27) levomoramide;
- 3.15 (28) levophenacylmorphane;
- 3.16 (29) 3-methylfentanyl;
- 3.17 (30) acetyl-alpha-methylfentanyl;
- 3.18 (31) alpha-methylthiofentanyl;
- 3.19 (32) benzylfentanyl beta-hydroxyfentanyl;
- 3.20 (33) beta-hydroxy-3-methylfentanyl;
- 3.21 (34) 3-methylthiofentanyl;
- 3.22 (35) thenylfentanyl;
- 3.23 (36) thiofentanyl;
- 3.24 (37) para-fluorofentanyl;
- 3.25 (38) morpheridine;
- 3.26 (39) 1-methyl-4-phenyl-4-propionoxypiperidine;
- 3.27 (40) noracymethadol;

- 4.1 (41) norlevorphanol;
- 4.2 (42) normethadone;
- 4.3 (43) norpipanone;
- 4.4 (44) 1-(2-phenylethyl)-4-phenyl-4-acetoxypiperidine (PEPAP);
- 4.5 (45) phenadoxone;
- 4.6 (46) phenampromide;
- 4.7 (47) phenomorphan;
- 4.8 (48) phenoperidine;
- 4.9 (49) piritramide;
- 4.10 (50) proheptazine;
- 4.11 (51) properidine;
- 4.12 (52) propiram;
- 4.13 (53) racemoramide;
- 4.14 (54) tilidine;
- 4.15 (55) trimeperidine;
- 4.16 (56) N-(1-Phenethylpiperidin-4-yl)-N-phenylacetamide (acetyl fentanyl);
- 4.17 (57) 3,4-dichloro-N-[(1R,2R)-2-(dimethylamino)cyclohexyl]-N-
- 4.18 methylbenzamide(U47700);
- 4.19 (58) N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]furan-2-carboxamide(furanylfentanyl);
- 4.20 and
- 4.21 (59) 4-(4-bromophenyl)-4-dimethylamino-1-phenethylcyclohexanol (bromadol).
- 4.22 (c) Opium derivatives. Any of the following substances, their analogs, salts, isomers,
- 4.23 and salts of isomers, unless specifically excepted or unless listed in another schedule,
- 4.24 whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:
- 4.25 (1) acetorphine;
- 4.26 (2) acetyldihydrocodeine;
- 4.27 (3) benzylmorphine;
- 4.28 (4) codeine methylbromide;

- 5.1 (5) codeine-n-oxide;
- 5.2 (6) cyprenorphine;
- 5.3 (7) desomorphine;
- 5.4 (8) dihydromorphine;
- 5.5 (9) drotebanol;
- 5.6 (10) etorphine;
- 5.7 (11) heroin;
- 5.8 (12) hydromorphanol;
- 5.9 (13) methyl-desorphine;
- 5.10 (14) methyldihydromorphine;
- 5.11 (15) morphine methylbromide;
- 5.12 (16) morphine methylsulfonate;
- 5.13 (17) morphine-n-oxide;
- 5.14 (18) myrophine;
- 5.15 (19) nicocodeine;
- 5.16 (20) nicomorphine;
- 5.17 (21) normorphine;
- 5.18 (22) pholcodine; and
- 5.19 (23) thebacon.

5.20 (d) Hallucinogens. Any material, compound, mixture or preparation which contains any
5.21 quantity of the following substances, their analogs, salts, isomers (whether optical, positional,
5.22 or geometric), and salts of isomers, unless specifically excepted or unless listed in another
5.23 schedule, whenever the existence of the analogs, salts, isomers, and salts of isomers is
5.24 possible:

- 5.25 (1) methylenedioxy amphetamine;
- 5.26 (2) methylenedioxymethamphetamine;
- 5.27 (3) methylenedioxy-N-ethylamphetamine (MDEA);
- 5.28 (4) n-hydroxy-methylenedioxyamphetamine;

- 6.1 (5) 4-bromo-2,5-dimethoxyamphetamine (DOB);
- 6.2 (6) 2,5-dimethoxyamphetamine (2,5-DMA);
- 6.3 (7) 4-methoxyamphetamine;
- 6.4 (8) 5-methoxy-3, 4-methylenedioxyamphetamine;
- 6.5 (9) alpha-ethyltryptamine;
- 6.6 (10) bufotenine;
- 6.7 (11) diethyltryptamine;
- 6.8 (12) dimethyltryptamine;
- 6.9 (13) 3,4,5-trimethoxyamphetamine;
- 6.10 (14) 4-methyl-2, 5-dimethoxyamphetamine (DOM);
- 6.11 (15) ibogaine;
- 6.12 (16) lysergic acid diethylamide (LSD);
- 6.13 (17) mescaline;
- 6.14 (18) parahexyl;
- 6.15 (19) N-ethyl-3-piperidyl benzilate;
- 6.16 (20) N-methyl-3-piperidyl benzilate;
- 6.17 (21) psilocybin;
- 6.18 (22) psilocyn;
- 6.19 (23) tenocyclidine (TCP or TCP);
- 6.20 (24) N-ethyl-1-phenyl-cyclohexylamine (PCE);
- 6.21 (25) 1-(1-phenylcyclohexyl) pyrrolidine (PCPy);
- 6.22 (26) 1-[1-(2-thienyl)cyclohexyl]-pyrrolidine (TCPy);
- 6.23 (27) 4-chloro-2,5-dimethoxyamphetamine (DOC);
- 6.24 (28) 4-ethyl-2,5-dimethoxyamphetamine (DOET);
- 6.25 (29) 4-iodo-2,5-dimethoxyamphetamine (DOI);
- 6.26 (30) 4-bromo-2,5-dimethoxyphenethylamine (2C-B);
- 6.27 (31) 4-chloro-2,5-dimethoxyphenethylamine (2C-C);

- 7.1 (32) 4-methyl-2,5-dimethoxyphenethylamine (2C-D);
- 7.2 (33) 4-ethyl-2,5-dimethoxyphenethylamine (2C-E);
- 7.3 (34) 4-iodo-2,5-dimethoxyphenethylamine (2C-I);
- 7.4 (35) 4-propyl-2,5-dimethoxyphenethylamine (2C-P);
- 7.5 (36) 4-isopropylthio-2,5-dimethoxyphenethylamine (2C-T-4);
- 7.6 (37) 4-propylthio-2,5-dimethoxyphenethylamine (2C-T-7);
- 7.7 (38) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-yl)ethanamine
- 7.8 (2-CB-FLY);
- 7.9 (39) bromo-benzodifuranyl-isopropylamine (Bromo-DragonFLY);
- 7.10 (40) alpha-methyltryptamine (AMT);
- 7.11 (41) N,N-diisopropyltryptamine (DiPT);
- 7.12 (42) 4-acetoxy-N,N-dimethyltryptamine (4-AcO-DMT);
- 7.13 (43) 4-acetoxy-N,N-diethyltryptamine (4-AcO-DET);
- 7.14 (44) 4-hydroxy-N-methyl-N-propyltryptamine (4-HO-MPT);
- 7.15 (45) 4-hydroxy-N,N-dipropyltryptamine (4-HO-DPT);
- 7.16 (46) 4-hydroxy-N,N-diallyltryptamine (4-HO-DALT);
- 7.17 (47) 4-hydroxy-N,N-diisopropyltryptamine (4-HO-DiPT);
- 7.18 (48) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DiPT);
- 7.19 (49) 5-methoxy- α -methyltryptamine (5-MeO-AMT);
- 7.20 (50) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
- 7.21 (51) 5-methylthio-N,N-dimethyltryptamine (5-MeS-DMT);
- 7.22 (52) 5-methoxy-N-methyl-N-isopropyltryptamine (5-MeO-MiPT);
- 7.23 (53) 5-methoxy- α -ethyltryptamine (5-MeO-AET);
- 7.24 (54) 5-methoxy-N,N-dipropyltryptamine (5-MeO-DPT);
- 7.25 (55) 5-methoxy-N,N-diethyltryptamine (5-MeO-DET);
- 7.26 (56) 5-methoxy-N,N-diallyltryptamine (5-MeO-DALT);
- 7.27 (57) methoxetamine (MXE);

- 8.1 (58) 5-iodo-2-aminoindane (5-IAI);
- 8.2 (59) 5,6-methylenedioxy-2-aminoindane (MDAI);
- 8.3 (60) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe);
- 8.4 (61) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe);
- 8.5 (62) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25I-NBOMe);
- 8.6 (63) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);
- 8.7 (64) 2-(4-Ethylthio-2,5-dimethoxyphenyl)ethanamine (2C-T-2);
- 8.8 (65) N,N-Dipropyltryptamine (DPT);
- 8.9 (66) 3-[1-(Piperidin-1-yl)cyclohexyl]phenol (3-HO-PCP);
- 8.10 (67) N-ethyl-1-(3-methoxyphenyl)cyclohexanamine (3-MeO-PCE);
- 8.11 (68) 4-[1-(3-methoxyphenyl)cyclohexyl]morpholine (3-MeO-PCMo);
- 8.12 (69) 1-[1-(4-methoxyphenyl)cyclohexyl]-piperidine (methoxydine, 4-MeO-PCP);
- 8.13 (70) 2-(2-Chlorophenyl)-2-(ethylamino)cyclohexan-1-one (N-Ethylorketamine,
8.14 ethketamine, NENK);
- 8.15 (71) methylenedioxy-N,N-dimethylamphetamine (MDDMA);
- 8.16 (72) 3-(2-Ethyl(methyl)aminoethyl)-1H-indol-4-yl (4-AcO-MET); and
- 8.17 (73) 2-Phenyl-2-(methylamino)cyclohexanone (deschloroketamine).

8.18 (e) Peyote. All parts of the plant presently classified botanically as *Lophophora williamsii*
8.19 Lemaire, whether growing or not, the seeds thereof, any extract from any part of the plant,
8.20 and every compound, manufacture, salts, derivative, mixture, or preparation of the plant,
8.21 its seeds or extracts. The listing of peyote as a controlled substance in Schedule I does not
8.22 apply to the nondrug use of peyote in bona fide religious ceremonies of the American Indian
8.23 Church, and members of the American Indian Church are exempt from registration. Any
8.24 person who manufactures peyote for or distributes peyote to the American Indian Church,
8.25 however, is required to obtain federal registration annually and to comply with all other
8.26 requirements of law.

8.27 (f) Central nervous system depressants. Unless specifically excepted or unless listed in
8.28 another schedule, any material compound, mixture, or preparation which contains any
8.29 quantity of the following substances, their analogs, salts, isomers, and salts of isomers
8.30 whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:

- 9.1 (1) mecloqualone;
- 9.2 (2) methaqualone;
- 9.3 (3) gamma-hydroxybutyric acid (GHB), including its esters and ethers;
- 9.4 (4) flunitrazepam; and
- 9.5 (5) 2-(2-Methoxyphenyl)-2-(methylamino)cyclohexanone (2-MeO-2-deschloroketamine,
9.6 methoxyketamine).
- 9.7 (g) Stimulants. Unless specifically excepted or unless listed in another schedule, any
9.8 material compound, mixture, or preparation which contains any quantity of the following
9.9 substances, their analogs, salts, isomers, and salts of isomers whenever the existence of the
9.10 analogs, salts, isomers, and salts of isomers is possible:
- 9.11 (1) aminorex;
- 9.12 (2) cathinone;
- 9.13 (3) fenethylamine;
- 9.14 (4) methcathinone;
- 9.15 (5) methylaminorex;
- 9.16 (6) N,N-dimethylamphetamine;
- 9.17 (7) N-benzylpiperazine (BZP);
- 9.18 (8) methylmethcathinone (mephedrone);
- 9.19 (9) 3,4-methylenedioxy-N-methylcathinone (methydone);
- 9.20 (10) methoxymethcathinone (methedrone);
- 9.21 (11) methylenedioxypyrovalerone (MDPV);
- 9.22 (12) 3-fluoro-N-methylcathinone (3-FMC);
- 9.23 (13) methylethcathinone (MEC);
- 9.24 (14) 1-benzofuran-6-ylpropan-2-amine (6-APB);
- 9.25 (15) dimethylmethcathinone (DMMC);
- 9.26 (16) fluoroamphetamine;
- 9.27 (17) fluoromethamphetamine;
- 9.28 (18) α -methylaminobutyrophenone (MABP or buphedrone);

- 10.1 (19) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one (butylone);
- 10.2 (20) 2-(methylamino)-1-(4-methylphenyl)butan-1-one (4-MEMABP or BZ-6378);
- 10.3 (21) 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl) pentan-1-one (naphthylpyrovalerone or
- 10.4 naphyrone);
- 10.5 (22) (alpha-pyrrolidinopentiophenone (alpha-PVP);
- 10.6 (23) (RS)-1-(4-methylphenyl)-2-(1-pyrrolidinyl)-1-hexanone (4-Me-PHP or MPHP);
- 10.7 (24) 2-(1-pyrrolidinyl)-hexanophenone (Alpha-PHP);
- 10.8 (25) 4-methyl-N-ethylcathinone (4-MEC);
- 10.9 (26) 4-methyl-alpha-pyrrolidinopropiophenone (4-MePPP);
- 10.10 (27) 2-(methylamino)-1-phenylpentan-1-one (pentedrone);
- 10.11 (28) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentylone);
- 10.12 (29) 4-fluoro-N-methylcathinone (4-FMC);
- 10.13 (30) 3,4-methylenedioxy-N-ethylcathinone (ethylone);
- 10.14 (31) alpha-pyrrolidinobutiophenone (α -PBP);
- 10.15 (32) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran (5-APDB);
- 10.16 (33) 1-phenyl-2-(1-pyrrolidinyl)-1-heptanone (PV8);
- 10.17 (34) 6-(2-Aminopropyl)-2,3-dihydrobenzofuran (6-APDB);
- 10.18 (35) 4-methyl-alpha-ethylaminopentiophenone (4-MEAPP);
- 10.19 (36) 4'-chloro-alpha-pyrrolidinopropiophenone (4'-chloro-PPP);
- 10.20 (37) 1-(1,3-Benzodioxol-5-yl)-2-(dimethylamino)butan-1-one (dibutylone, bk-DMBDB);
- 10.21 (38) 1-(3-chlorophenyl) piperazine (meta-chlorophenylpiperazine or mCPP); and
- 10.22 (39) any other substance, except bupropion or compounds listed under a different
- 10.23 schedule, that is structurally derived from 2-aminopropan-1-one by substitution at the
- 10.24 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the
- 10.25 compound is further modified in any of the following ways:
- 10.26 (i) by substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy,
- 10.27 haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring
- 10.28 system by one or more other univalent substituents;
- 10.29 (ii) by substitution at the 3-position with an acyclic alkyl substituent;

11.1 (iii) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or
11.2 methoxybenzyl groups; or

11.3 (iv) by inclusion of the 2-amino nitrogen atom in a cyclic structure.

11.4 (h) ~~Marijuana~~, Synthetic tetrahydrocannabinols, and synthetic cannabinoids. Unless
11.5 specifically excepted or unless listed in another schedule, any ~~natural~~ or synthetic material,
11.6 compound, mixture, or preparation that contains any quantity of the following substances,
11.7 their analogs, isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever
11.8 the existence of the isomers, esters, ethers, or salts is possible:

11.9 (1) ~~marijuana~~;

11.10 ~~(2) synthetic tetrahydrocannabinols naturally contained in a plant of the genus Cannabis,~~
11.11 that are the synthetic equivalents of the substances contained in the cannabis plant or in the
11.12 resinous extractives of the plant, or synthetic substances with similar chemical structure
11.13 and pharmacological activity to those substances contained in the plant or resinous extract,
11.14 including, but not limited to, 1 cis or trans tetrahydrocannabinol, 6 cis or trans
11.15 tetrahydrocannabinol, and 3,4 cis or trans tetrahydrocannabinol;

11.16 ~~(3)~~ (2) synthetic cannabinoids, including the following substances:

11.17 (i) Naphthoylindoles, which are any compounds containing a 3-(1-naphthoyl)indole
11.18 structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,
11.19 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
11.20 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any
11.21 extent and whether or not substituted in the naphthyl ring to any extent. Examples of
11.22 naphthoylindoles include, but are not limited to:

11.23 (A) 1-Pentyl-3-(1-naphthoyl)indole (JWH-018 and AM-678);

11.24 (B) 1-Butyl-3-(1-naphthoyl)indole (JWH-073);

11.25 (C) 1-Pentyl-3-(4-methoxy-1-naphthoyl)indole (JWH-081);

11.26 (D) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);

11.27 (E) 1-Propyl-2-methyl-3-(1-naphthoyl)indole (JWH-015);

11.28 (F) 1-Hexyl-3-(1-naphthoyl)indole (JWH-019);

11.29 (G) 1-Pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);

11.30 (H) 1-Pentyl-3-(4-ethyl-1-naphthoyl)indole (JWH-210);

11.31 (I) 1-Pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398);

12.1 (J) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM-2201).

12.2 (ii) Naphthylmethyloindoles, which are any compounds containing a
12.3 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the
12.4 indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
12.5 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further
12.6 substituted in the indole ring to any extent and whether or not substituted in the naphthyl
12.7 ring to any extent. Examples of naphthylmethyloindoles include, but are not limited to:

12.8 (A) 1-Pentyl-1H-indol-3-yl-(1-naphthyl)methane (JWH-175);

12.9 (B) 1-Pentyl-1H-indol-3-yl-(4-methyl-1-naphthyl)methane (JWH-184).

12.10 (iii) Naphthoylpyrroles, which are any compounds containing a 3-(1-naphthoyl)pyrrole
12.11 structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl,
12.12 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
12.13 2-(4-morpholinyl)ethyl group whether or not further substituted in the pyrrole ring to any
12.14 extent, whether or not substituted in the naphthyl ring to any extent. Examples of
12.15 naphthoylpyrroles include, but are not limited to,
12.16 (5-(2-fluorophenyl)-1-pentylpyrrol-3-yl)-naphthalen-1-ylmethanone (JWH-307).

12.17 (iv) Naphthylmethyloindenes, which are any compounds containing a naphthylideneindene
12.18 structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl,
12.19 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
12.20 2-(4-morpholinyl)ethyl group whether or not further substituted in the indene ring to any
12.21 extent, whether or not substituted in the naphthyl ring to any extent. Examples of
12.22 naphthylmethyloindenes include, but are not limited to,
12.23 E-1-[1-(1-naphthalenylmethylene)-1H-inden-3-yl]pentane (JWH-176).

12.24 (v) Phenylacetyloindoles, which are any compounds containing a 3-phenylacetyloindole
12.25 structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,
12.26 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
12.27 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any
12.28 extent, whether or not substituted in the phenyl ring to any extent. Examples of
12.29 phenylacetyloindoles include, but are not limited to:

12.30 (A) 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (RCS-8);

12.31 (B) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);

12.32 (C) 1-pentyl-3-(2-methylphenylacetyl)indole (JWH-251);

12.33 (D) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203).

13.1 (vi) Cyclohexylphenols, which are compounds containing a
13.2 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic
13.3 ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
13.4 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group whether or not substituted
13.5 in the cyclohexyl ring to any extent. Examples of cyclohexylphenols include, but are not
13.6 limited to:

13.7 (A) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP 47,497);

13.8 (B) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol
13.9 (Cannabicyclohexanol or CP 47,497 C8 homologue);

13.10 (C) 5-(1,1-dimethylheptyl)-2-[(1R,2R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]
13.11 -phenol (CP 55,940).

13.12 (vii) Benzoylindoles, which are any compounds containing a 3-(benzoyl)indole structure
13.13 with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl,
13.14 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl or
13.15 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any
13.16 extent and whether or not substituted in the phenyl ring to any extent. Examples of
13.17 benzoylindoles include, but are not limited to:

13.18 (A) 1-Pentyl-3-(4-methoxybenzoyl)indole (RCS-4);

13.19 (B) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM-694);

13.20 (C) (4-methoxyphenyl-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (WIN
13.21 48,098 or Pravadoline).

13.22 (viii) Others specifically named:

13.23 (A) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)
13.24 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (HU-210);

13.25 (B) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)
13.26 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (Dexanabinol or HU-211);

13.27 (C) 2,3-dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]
13.28 -1,4-benzoxazin-6-yl-1-naphthalenylmethanone (WIN 55,212-2);

13.29 (D) (1-pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (UR-144);

13.30 (E) (1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone
13.31 (XLR-11);

- 14.1 (F) 1-pentyl-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-indazole-3-carboxamide
14.2 (AKB-48(APINACA));
- 14.3 (G) N-((3s,5s,7s)-adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide
14.4 (5-Fluoro-AKB-48);
- 14.5 (H) 1-pentyl-8-quinolinyl ester-1H-indole-3-carboxylic acid (PB-22);
- 14.6 (I) 8-quinolinyl ester-1-(5-fluoropentyl)-1H-indole-3-carboxylic acid (5-Fluoro PB-22);
- 14.7 (J) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-pentyl-1H-indazole-3-carboxamide
14.8 (AB-PINACA);
- 14.9 (K) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-[(4-fluorophenyl)methyl]-
14.10 1H-indazole-3-carboxamide (AB-FUBINACA);
- 14.11 (L) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-(cyclohexylmethyl)-1H-
14.12 indazole-3-carboxamide(AB-CHMINACA);
- 14.13 (M) (S)-methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate
14.14 (5-fluoro-AMB);
- 14.15 (N) [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl) methanone (THJ-2201);
- 14.16 (O) (1-(5-fluoropentyl)-1H-benzo[d]imidazol-2-yl)(naphthalen-1-yl)methanone
14.17 (FUBIMINA);
- 14.18 (P) (7-methoxy-1-(2-morpholinoethyl)-N-((1S,2S,4R)-1,3,3-trimethylbicyclo
14.19 [2.2.1]heptan-2-yl)-1H-indole-3-carboxamide (MN-25 or UR-12);
- 14.20 (Q) (S)-N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)
14.21 -1H-indole-3-carboxamide (5-fluoro-ABICA);
- 14.22 (R) N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl)
14.23 -1H-indole-3-carboxamide;
- 14.24 (S) N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl)
14.25 -1H-indazole-3-carboxamide;
- 14.26 (T) methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate;
- 14.27 (U) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1(cyclohexylmethyl)-1
14.28 H-indazole-3-carboxamide (MAB-CHMINACA);
- 14.29 (V) N-(1-Amino-3,3-dimethyl-1-oxo-2-butanyl)-1-pentyl-1H-indazole-3-carboxamide
14.30 (ADB-PINACA);

15.1 (W) methyl (1-(4-fluorobenzyl)-1H-indazole-3-carbonyl)-L-valinate (FUB-AMB);

15.2 (X) N-[(1S)-2-amino-2-oxo-1-(phenylmethyl)ethyl]-1-(cyclohexylmethyl)-1H-Indazole-
15.3 3-carboxamide. (APP-CHMINACA);

15.4 (Y) quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate (FUB-PB-22); and

15.5 (Z) methyl N-[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]valinate (MMB-CHMICA).

15.6 (i) A controlled substance analog, to the extent that it is implicitly or explicitly intended
15.7 for human consumption.

15.8 **EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to crimes
15.9 committed on or after that date.

15.10 Sec. 3. Minnesota Statutes 2018, section 152.02, subdivision 3, is amended to read:

15.11 Subd. 3. **Schedule II.** (a) Schedule II consists of the substances listed in this subdivision.

15.12 (b) Unless specifically excepted or unless listed in another schedule, any of the following
15.13 substances whether produced directly or indirectly by extraction from substances of vegetable
15.14 origin or independently by means of chemical synthesis, or by a combination of extraction
15.15 and chemical synthesis:

15.16 (1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or
15.17 opiate.

15.18 (i) Excluding:

15.19 (A) apomorphine;

15.20 (B) thebaine-derived butorphanol;

15.21 (C) dextrophan;

15.22 (D) nalbuphine;

15.23 (E) nalmefene;

15.24 (F) naloxegol;

15.25 (G) naloxone;

15.26 (H) naltrexone; and

15.27 (I) their respective salts;

15.28 (ii) but including the following:

15.29 (A) opium, in all forms and extracts;

- 16.1 (B) codeine;
- 16.2 (C) dihydroetorphine;
- 16.3 (D) ethylmorphine;
- 16.4 (E) etorphine hydrochloride;
- 16.5 (F) hydrocodone;
- 16.6 (G) hydromorphone;
- 16.7 (H) metopon;
- 16.8 (I) morphine;
- 16.9 (J) oxycodone;
- 16.10 (K) oxymorphone;
- 16.11 (L) thebaine;
- 16.12 (M) oripavine;
- 16.13 (2) any salt, compound, derivative, or preparation thereof which is chemically equivalent
- 16.14 or identical with any of the substances referred to in clause (1), except that these substances
- 16.15 shall not include the isoquinoline alkaloids of opium;
- 16.16 (3) opium poppy and poppy straw;
- 16.17 (4) coca leaves and any salt, cocaine compound, derivative, or preparation of coca leaves
- 16.18 (including cocaine and ecgonine and their salts, isomers, derivatives, and salts of isomers
- 16.19 and derivatives), and any salt, compound, derivative, or preparation thereof which is
- 16.20 chemically equivalent or identical with any of these substances, except that the substances
- 16.21 shall not include decocainized coca leaves or extraction of coca leaves, which extractions
- 16.22 do not contain cocaine or ecgonine;
- 16.23 (5) concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid,
- 16.24 or powder form which contains the phenanthrene alkaloids of the opium poppy).
- 16.25 (c) Any of the following opiates, including their isomers, esters, ethers, salts, and salts
- 16.26 of isomers, esters and ethers, unless specifically excepted, or unless listed in another schedule,
- 16.27 whenever the existence of such isomers, esters, ethers and salts is possible within the specific
- 16.28 chemical designation:
- 16.29 (1) alfentanil;
- 16.30 (2) alphaprodine;

- 17.1 (3) anileridine;
- 17.2 (4) bezitramide;
- 17.3 (5) bulk dextropropoxyphene (nondosage forms);
- 17.4 (6) carfentanil;
- 17.5 (7) dihydrocodeine;
- 17.6 (8) dihydromorphinone;
- 17.7 (9) diphenoxylate;
- 17.8 (10) fentanyl;
- 17.9 (11) isomethadone;
- 17.10 (12) levo-alpha-acetylmethadol (LAAM);
- 17.11 (13) levomethorphan;
- 17.12 (14) levorphanol;
- 17.13 (15) metazocine;
- 17.14 (16) methadone;
- 17.15 (17) methadone - intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;
- 17.16 (18) moramide - intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic
- 17.17 acid;
- 17.18 (19) pethidine;
- 17.19 (20) pethidine - intermediate - a, 4-cyano-1-methyl-4-phenylpiperidine;
- 17.20 (21) pethidine - intermediate - b, ethyl-4-phenylpiperidine-4-carboxylate;
- 17.21 (22) pethidine - intermediate - c, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- 17.22 (23) phenazocine;
- 17.23 (24) piminodine;
- 17.24 (25) racemethorphan;
- 17.25 (26) racemorphan;
- 17.26 (27) remifentanil;
- 17.27 (28) sufentanil;

18.1 (29) tapentadol;

18.2 (30) 4-Anilino-N-phenethyl-4-piperidine (ANPP).

18.3 (d) Unless specifically excepted or unless listed in another schedule, any material,
18.4 compound, mixture, or preparation which contains any quantity of the following substances
18.5 having a stimulant effect on the central nervous system:

18.6 (1) amphetamine, its salts, optical isomers, and salts of its optical isomers;

18.7 (2) methamphetamine, its salts, isomers, and salts of its isomers;

18.8 (3) phenmetrazine and its salts;

18.9 (4) methylphenidate;

18.10 (5) lisdexamfetamine.

18.11 (e) Unless specifically excepted or unless listed in another schedule, any material,
18.12 compound, mixture, or preparation which contains any quantity of the following substances
18.13 having a depressant effect on the central nervous system, including its salts, isomers, and
18.14 salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible
18.15 within the specific chemical designation:

18.16 (1) amobarbital;

18.17 (2) glutethimide;

18.18 (3) secobarbital;

18.19 (4) pentobarbital;

18.20 (5) phencyclidine;

18.21 (6) phencyclidine immediate precursors:

18.22 (i) 1-phenylcyclohexylamine;

18.23 (ii) 1-piperidinocyclohexanecarbonitrile;

18.24 (7) phenylacetone.

18.25 (f) ~~Hallucinogenic substances~~ Cannabis and cannabinoids:

18.26 (1) nabilone;

18.27 (2) unless specifically excepted or unless listed in another schedule, any natural material,
18.28 compound, mixture, or preparation that contains any quantity of the following substances,

19.1 their analogs, isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever
 19.2 the existence of the isomers, esters, ethers, or salts is possible:

19.3 (i) marijuana; and

19.4 (ii) tetrahydrocannabinols naturally contained in a plant of the genus cannabis or in the
 19.5 resinous extractives of the plant.

19.6 **EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to crimes
 19.7 committed on or after that date.

19.8 Sec. 4. Minnesota Statutes 2018, section 152.11, is amended by adding a subdivision to
 19.9 read:

19.10 Subd. 5. **Exception.** References in this section to Schedule II controlled substances do
 19.11 not extend to marijuana or tetrahydrocannabinols.

19.12 Sec. 5. Minnesota Statutes 2018, section 152.12, is amended by adding a subdivision to
 19.13 read:

19.14 Subd. 6. **Exception.** References in this section to Schedule II controlled substances do
 19.15 not extend to marijuana or tetrahydrocannabinols.

19.16 Sec. 6. Minnesota Statutes 2018, section 152.125, subdivision 3, is amended to read:

19.17 Subd. 3. **Limits on applicability.** This section does not apply to:

19.18 (1) a physician's treatment of an individual for chemical dependency resulting from the
 19.19 use of controlled substances in Schedules II to V of section 152.02;

19.20 (2) the prescription or administration of controlled substances in Schedules II to V of
 19.21 section 152.02 to an individual whom the physician knows to be using the controlled
 19.22 substances for nontherapeutic purposes;

19.23 (3) the prescription or administration of controlled substances in Schedules II to V of
 19.24 section 152.02 for the purpose of terminating the life of an individual having intractable
 19.25 pain; ~~or~~

19.26 (4) the prescription or administration of a controlled substance in Schedules II to V of
 19.27 section 152.02 that is not a controlled substance approved by the United States Food and
 19.28 Drug Administration for pain relief; or

19.29 (5) the administration of medical cannabis under sections 152.21 to 152.37.

20.1 Sec. 7. Minnesota Statutes 2018, section 152.126, subdivision 1, is amended to read:

20.2 Subdivision 1. **Definitions.** (a) For purposes of this section, the terms defined in this
20.3 subdivision have the meanings given.

20.4 (b) "Board" means the Minnesota State Board of Pharmacy established under chapter
20.5 151.

20.6 (c) "Controlled substances" means those substances listed in section 152.02, subdivisions
20.7 3 to 6, and those substances defined by the board pursuant to section 152.02, subdivisions
20.8 7, 8, and 12. For the purposes of this section, controlled substances includes butalbital and
20.9 gabapentin but does not include medical cannabis under sections 152.21 to 152.37.

20.10 (d) "Dispense" or "dispensing" has the meaning given in section 151.01, subdivision
20.11 30. Dispensing does not include the direct administering of a controlled substance to a
20.12 patient by a licensed health care professional.

20.13 (e) "Dispenser" means a person authorized by law to dispense a controlled substance,
20.14 pursuant to a valid prescription. For the purposes of this section, a dispenser does not include
20.15 a licensed hospital pharmacy that distributes controlled substances for inpatient hospital
20.16 care or a veterinarian who is dispensing prescriptions under section 156.18.

20.17 (f) "Prescriber" means a licensed health care professional who is authorized to prescribe
20.18 a controlled substance under section 152.12, subdivision 1 or 2.

20.19 (g) "Prescription" has the meaning given in section 151.01, subdivision 16a.

20.20 **Sec. 8. FEDERAL SCHEDULE I EXEMPTION APPLICATION FOR THE**
20.21 **MEDICAL USE OF CANNABIS.**

20.22 By September 1, 2020, the commissioner of health shall inform the Drug Enforcement
20.23 Administration's Office of Diversion Control that Minnesota Statutes, sections 152.22 to
20.24 152.37, do not create any positive conflict with state or federal drug laws or regulations and
20.25 are consistent with United States Code, title 21, section 903. The commissioner shall apply
20.26 for an exception under Code of Federal Regulations, title 21, section 1307.03, and request
20.27 formal written acknowledgment that the listing of marijuana as a controlled substance in
20.28 federal Schedule I does not apply to the nonprescription use of cannabis pursuant to the
20.29 medical cannabis program established under Minnesota Statutes, sections 152.22 to 152.37.