

A bill for an act

relating to public safety; establishing the crimes of sale or possession of synthetic cannabinoids; including a person under the influence of a synthetic cannabinoid for a driving while impaired crime; providing for a penalty; amending Minnesota Statutes 2010, sections 152.027, by adding a subdivision; 169A.20, subdivisions 1, 1a, 1b, 1c.

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

Section 1. Minnesota Statutes 2008, section 152.027, is amended by adding a subdivision to read:

Subd. 6. **Sale or possession of synthetic cannabinoids.** (a) A person who unlawfully sells any amount of a synthetic cannabinoid is guilty of a gross misdemeanor.

(b) A person who unlawfully possesses any amount of a synthetic cannabinoid is guilty of a misdemeanor.

(c) For purposes of this subdivision, "synthetic cannabinoid" includes, unless specifically excepted or unless listed in another schedule, any natural or synthetic material, compound, mixture, or preparation that contains any quantity of a substance that is a cannabinoid receptor agonist, including, but not limited to, the following substances and their analogs, including homologues; isomers, whether optical, positional, or geometric; esters; ethers; salts; and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, or salts is possible within the specific chemical designation:

1-pentyl-2-methyl-3-(1-naphthoyl)indole (JWH-007),
(2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone (JWH-015),
1-Pentyl-3-(1-naphthoyl)indole (JWH-018), 1-hexyl-3-(naphthalen-1-oyl)indole
(JWH-019), 1-Butyl-3-(1-naphthoyl)indole (JWH-073),
4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone (JWH-081),

2.1 4-methoxynaphthalen-1-yl-(1-pentyl-2-methylindol-3-yl)methanone
2.2 (JWH-098), (1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-ylmethanone
2.3 (JWH-200), 7-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone
2.4 (JWH-164), 2-(2-chlorophenyl)-1-(1-pentylindol-3-yl)ethanone (JWH-203),
2.5 4-ethylnaphthalen-1-yl-(1-pentylindol-3-yl)methanone (JWH-210),
2.6 2-(2-methoxyphenyl)-1-(1-pentylindol-3-yl)ethanone (JWH-250),
2.7 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398), (6aR,10aR)-
2.8 9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-
2.9 tetrahydrobenzo[c]chromen-1-ol (HU-210), (dexanabinol, (6aS,10aS)-9-
2.10 (hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-
2.11 tetrahydrobenzo[c]chromen-1-ol) (HU-211), (R)-(+)-[2,3-Dihydro-5-methyl-3-
2.12 (4-morpholinylmethyl)pyrrolo[1,2,3-de)-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone
2.13 (WIN-55/212-2), 2-[(1R,3S)-3-hydroxycyclohexyl]- 5-(2-methyloctan-2-yl)phenol
2.14 (CP47,497), dimethylheptylpyran.

2.15 **EFFECTIVE DATE.** This section is effective August 1, 2011, and applies to crimes
2.16 committed on or after that date.

2.17 Sec. 2. Minnesota Statutes 2010, section 169A.20, subdivision 1, is amended to read:

2.18 Subdivision 1. **Driving while impaired crime; motor vehicle.** It is a crime for
2.19 any person to drive, operate, or be in physical control of any motor vehicle, as defined
2.20 in section 169A.03, subdivision 15, except for motorboats in operation and off-road
2.21 recreational vehicles, within this state or on any boundary water of this state when:

2.22 (1) the person is under the influence of alcohol;

2.23 (2) the person is under the influence of a controlled substance or a substance listed in
2.24 section 152.027, subdivision 6;

2.25 (3) the person is knowingly under the influence of a hazardous substance that
2.26 affects the nervous system, brain, or muscles of the person so as to substantially impair
2.27 the person's ability to drive or operate the motor vehicle;

2.28 (4) the person is under the influence of a combination of any two or more of the
2.29 elements named in clauses (1) to (3);

2.30 (5) the person's alcohol concentration at the time, or as measured within two hours
2.31 of the time, of driving, operating, or being in physical control of the motor vehicle is
2.32 0.08 or more;

2.33 (6) the vehicle is a commercial motor vehicle and the person's alcohol concentration
2.34 at the time, or as measured within two hours of the time, of driving, operating, or being in
2.35 physical control of the commercial motor vehicle is 0.04 or more; or

(7) the person's body contains any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.

EFFECTIVE DATE. This section is effective August 1, 2011, and applies to crimes committed on or after that date.

Sec. 3. Minnesota Statutes 2010, section 169A.20, subdivision 1a, is amended to read:

Subd. 1a. **Driving while impaired crime; motorboat in operation.** It is a crime for any person to operate or be in physical control of a motorboat in operation on any waters or boundary water of this state when:

(1) the person is under the influence of alcohol;

(2) the person is under the influence of a controlled substance or a substance listed in section 152.027, subdivision 6;

(3) the person is knowingly under the influence of a hazardous substance that affects the nervous system, brain, or muscles of the person so as to substantially impair the person's ability to drive or operate the motorboat;

(4) the person is under the influence of a combination of any two or more of the elements named in clauses (1) to (3);

(5) the person's alcohol concentration at the time, or as measured within two hours of the time, of driving, operating, or being in physical control of the motorboat is 0.08 or more; or

(6) the person's body contains any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.

EFFECTIVE DATE. This section is effective August 1, 2011, and applies to crimes committed on or after that date.

Sec. 4. Minnesota Statutes 2010, section 169A.20, subdivision 1b, is amended to read:

Subd. 1b. **Driving while impaired crime; snowmobile and all-terrain vehicle.** It is a crime for any person to operate or be in physical control of a snowmobile as defined in section 84.81, subdivision 3, or all-terrain vehicle as defined in section 84.92, subdivision 8, anywhere in this state or on the ice of any boundary water of this state when:

(1) the person is under the influence of alcohol;

(2) the person is under the influence of a controlled substance or a substance listed in section 152.027, subdivision 6;

(3) the person is knowingly under the influence of a hazardous substance that affects the nervous system, brain, or muscles of the person so as to substantially impair the person's ability to drive or operate the snowmobile or all-terrain vehicle;

(4) the person is under the influence of a combination of any two or more of the elements named in clauses (1) to (3);

(5) the person's alcohol concentration at the time, or as measured within two hours of the time, of driving, operating, or being in physical control of the snowmobile or all-terrain vehicle is 0.08 or more; or

(6) the person's body contains any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.

EFFECTIVE DATE. This section is effective August 1, 2011, and applies to crimes committed on or after that date.

Sec. 5. Minnesota Statutes 2010, section 169A.20, subdivision 1c, is amended to read:

Subd. 1c. **Driving while impaired crime; off-highway motorcycle and off-road vehicle.** It is a crime for any person to operate or be in physical control of any off-highway motorcycle as defined in section 84.787, subdivision 7, or any off-road vehicle as defined in section 84.797, subdivision 7, anywhere in this state or on the ice of any boundary water of this state when:

(1) the person is under the influence of alcohol;

(2) the person is under the influence of a controlled substance or a substance listed in section 152.027, subdivision 6;

(3) the person is knowingly under the influence of a hazardous substance that affects the nervous system, brain, or muscles of the person so as to substantially impair the person's ability to drive or operate the off-highway motorcycle or off-road vehicle;

(4) the person is under the influence of a combination of any two or more of the elements named in clauses (1) to (3);

(5) the person's alcohol concentration at the time, or as measured within two hours of the time, of driving, operating, or being in physical control of the off-highway motorcycle or off-road vehicle is 0.08 or more; or

(6) the person's body contains any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.

EFFECTIVE DATE. This section is effective August 1, 2011, and applies to crimes committed on or after that date.