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State of Minnesota  
**HOUSE OF REPRESENTATIVES**  
*First Division Engrossment*

NINETY-FIRST SESSION

**H. F. No. 2013**

03/04/2019 Authored by Dehn  
The bill was read for the first time and referred to the Committee on Ways and Means

**Division Action**

02/13/2020 *Referred by Chair to the Public Safety and Criminal Justice Reform Finance and Policy Division  
Division action, to adopt as amended and return to the Committee on Ways and Means*

1.1 A bill for an act  
1.2 relating to crime; adjusting thresholds for certain marijuana offenses; providing  
1.3 for penalties; amending Minnesota Statutes 2018, section 152.025, subdivisions  
1.4 1, 2, 4; proposing coding for new law in Minnesota Statutes, chapter 152; repealing  
1.5 Minnesota Statutes 2018, section 152.027, subdivisions 3, 4.

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

1.7 Section 1. Minnesota Statutes 2018, section 152.025, subdivision 1, is amended to read:

1.8 Subdivision 1. **Sale crimes.** A person is guilty of a controlled substance crime in the  
1.9 fifth degree and upon conviction may be sentenced as provided in subdivision 4 if:

1.10 (1) the person unlawfully sells one or more mixtures containing marijuana or  
1.11 tetrahydrocannabinols, except a small amount of marijuana ~~for no remuneration~~; or

1.12 (2) the person unlawfully sells one or more mixtures containing a controlled substance  
1.13 classified in Schedule IV.

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

1.16 Sec. 2. Minnesota Statutes 2018, section 152.025, subdivision 2, is amended to read:

1.17 Subd. 2. **Possession and other crimes.** A person is guilty of controlled substance crime  
1.18 in the fifth degree and upon conviction may be sentenced as provided in subdivision 4 if:

1.19 (1) the person unlawfully possesses one or more mixtures containing a controlled  
1.20 substance classified in Schedule I, II, III, or IV, except a ~~small amount~~ the nonresinous form  
1.21 of marijuana; ~~or~~

2.1 (2) the person procures, attempts to procure, possesses, or has control over a controlled  
2.2 substance by any of the following means:

2.3 (i) fraud, deceit, misrepresentation, or subterfuge;

2.4 (ii) using a false name or giving false credit; or

2.5 (iii) falsely assuming the title of, or falsely representing any person to be, a manufacturer,  
2.6 wholesaler, pharmacist, physician, doctor of osteopathic medicine licensed to practice  
2.7 medicine, dentist, podiatrist, veterinarian, or other authorized person for the purpose of  
2.8 obtaining a controlled substance; or

2.9 (3) the person unlawfully possesses a total weight of more than 250 grams of the  
2.10 nonresinous form of marijuana.

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

2.13 Sec. 3. Minnesota Statutes 2018, section 152.025, subdivision 4, is amended to read:

2.14 Subd. 4. **Penalty.** (a) A person convicted under the provisions of subdivision 2, clause  
2.15 (1), who has not been previously convicted of a violation of this chapter or a similar offense  
2.16 in another jurisdiction, is guilty of a gross misdemeanor if: (1) the amount of the controlled  
2.17 substance possessed, other than heroin, is less than 0.25 grams or one dosage unit or less if  
2.18 the controlled substance was possessed in dosage units; or (2) the controlled substance  
2.19 possessed is heroin and the amount possessed is less than 0.05 grams.

2.20 (b) A person convicted under the provisions of subdivision 1; subdivision 2, clause (1),  
2.21 unless the conduct is described in paragraph (a); or subdivision 2, clause (2) or (3), may be  
2.22 sentenced to imprisonment for not more than five years or to payment of a fine of not more  
2.23 than \$10,000, or both.

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

2.26 Sec. 4. **[152.0251] NONFELONY CONTROLLED SUBSTANCE OFFENSES;**  
2.27 **MARIJUANA.**

2.28 Subdivision 1. **Sale crimes.** Except as provided in subdivision 5, a person is guilty of a  
2.29 crime if on one or more occasions within a 90-day period the person unlawfully sells:

2.30 (1) a total weight of more than ten grams but not more than 42.5 grams of the nonresinous  
2.31 form of marijuana; or

3.1 (2) a total weight of ten grams or less of the nonresinous form of marijuana, except a  
3.2 small amount of marijuana for no remuneration.

3.3 Subd. 2. **Possession crimes.** A person is guilty of a crime if the person unlawfully  
3.4 possesses:

3.5 (1) a total weight of more than 100 grams but not more than 250 grams of the nonresinous  
3.6 form of marijuana; or

3.7 (2) a total weight of more than 42.5 grams but not more than 100 grams of the nonresinous  
3.8 form of marijuana.

3.9 Subd. 3. **Penalty.** (a) A person is guilty of a gross misdemeanor if convicted under  
3.10 subdivision 1, clause (1), or 2, clause (1).

3.11 (b) A person is guilty of a misdemeanor if convicted under subdivision 1, clause (2), or  
3.12 2, clause (2).

3.13 Subd. 4. **Possession of marijuana in a motor vehicle.** A person is guilty of a  
3.14 misdemeanor if the person is the owner of a private motor vehicle, or is the driver of the  
3.15 motor vehicle if the owner is not present, and possesses on the person or knowingly keeps  
3.16 or allows to be kept within the area of the vehicle normally occupied by the driver or  
3.17 passengers, more than five grams of marijuana. This area of the vehicle does not include  
3.18 the trunk of the motor vehicle if the vehicle is equipped with a trunk or another area of the  
3.19 vehicle not normally occupied by the driver or passengers if the vehicle is not equipped  
3.20 with a trunk. A utility or glove compartment is deemed to be within the area occupied by  
3.21 the driver and passengers.

3.22 Subd. 5. **Petty misdemeanors.** A person who does any of the following is guilty of a  
3.23 petty misdemeanor:

3.24 (1) unlawfully sells a small amount of marijuana for no remuneration; or

3.25 (2) unlawfully possesses a small amount of marijuana.

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

3.28 Sec. 5. **REPEALER.**

3.29 Minnesota Statutes 2018, section 152.027, subdivisions 3 and 4, are repealed.

3.30 **EFFECTIVE DATE.** This section is effective August 1, 2020.

**152.027 OTHER CONTROLLED SUBSTANCE OFFENSES.**

Subd. 3. **Possession of marijuana in a motor vehicle.** A person is guilty of a misdemeanor if the person is the owner of a private motor vehicle, or is the driver of the motor vehicle if the owner is not present, and possesses on the person, or knowingly keeps or allows to be kept within the area of the vehicle normally occupied by the driver or passengers, more than 1.4 grams of marijuana. This area of the vehicle does not include the trunk of the motor vehicle if the vehicle is equipped with a trunk, or another area of the vehicle not normally occupied by the driver or passengers if the vehicle is not equipped with a trunk. A utility or glove compartment is deemed to be within the area occupied by the driver and passengers.

Subd. 4. **Possession or sale of small amounts of marijuana.** (a) A person who unlawfully sells a small amount of marijuana for no remuneration, or who unlawfully possesses a small amount of marijuana is guilty of a petty misdemeanor and shall be required to participate in a drug education program unless the court enters a written finding that a drug education program is inappropriate. The program must be approved by an area mental health board with a curriculum approved by the state alcohol and drug abuse authority.

(b) A person convicted of an unlawful sale under paragraph (a) who is subsequently convicted of an unlawful sale under paragraph (a) within two years is guilty of a misdemeanor and shall be required to participate in a chemical dependency evaluation and treatment if so indicated by the evaluation.

(c) A person who is convicted of a petty misdemeanor under paragraph (a) who willfully and intentionally fails to comply with the sentence imposed, is guilty of a misdemeanor. Compliance with the terms of the sentence imposed before conviction under this paragraph is an absolute defense.