

A bill for an act

relating to controlled substances; adding to the list of Schedule I controlled substances; adding a definition of "analogue" in the controlled substances law; amending Minnesota Statutes 2010, sections 152.01, by adding a subdivision; 152.02, subdivision 2.

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

Section 1. Minnesota Statutes 2010, section 152.01, is amended by adding a subdivision to read:

Subd. 23. **Analogue.** (a) Except as provided in paragraph (b), "analogue" means a substance:

(1) the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II;

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

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

(b) "Analogue" does not include:

(1) a controlled substance;

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

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

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

Sec. 2. Minnesota Statutes 2010, section 152.02, subdivision 2, is amended to read:

Subd. 2. **Schedule I.** The following items are listed in Schedule I:

(1) Any of the following substances, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation:

Acetylmethadol; Allylprodine; Alphacetylmethadol; Alphameprodine; Alphamethadol; Benzethidine; Betacetylmethadol; Betameprodine; Betamethadol; Betaprodine; Clonitazene; Dextromoramide; Dextrorphan; Diampromide; Diethylambutene; Dimenoxadol; Dimepheptanol; Dimethylambutene; Dioxaphetyl butyrate; Dipipanone; Ethylmethylthiambutene; Etonitazene; Etoxeridine; Furethidine; Hydroxypethidine; Ketobemidone; Levomoramide; Levophenacilmorphan; Morpheridine; Noracymethadol; Norlevorphanol; Normethadone; Norpipanone; Phenadoxone; Phenampromide; Phenomorphan; Phenoperidine; Piritramide; Proheptazine; Properidine; Racemoramide; Trimeperidine.

(2) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation: Acetorphine; Acetyldihydrocodeine; Acetylcodone; Benzylmorphine; Codeine methylbromide; Codeine-N-Oxide; Cyprenorphine; Desomorphine; Dihydromorphine; Etorphine; Heroin; Hydromorphanol; Methyl-desorphine; Methylhydromorphine; Morphine methylbromide; Morphine methylsulfonate; Morphine-N-Oxide; Myrophine; Nicocodeine; Nicomorphine; Normorphine; Pholcodine; Thebacon.

(3) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their analogues (including homologues), salts, isomers (whether optical, positional, or geometric), and salts of isomers, unless specifically excepted or unless listed in another schedule, whenever the existence of such analogues, salts, isomers, and salts of isomers is possible ~~within the specific chemical designation:~~ 3,4-methylenedioxy amphetamine;

3,4-methylenedioxymethamphetamine; 4-bromo-2,5-dimethoxyamphetamine;
2,5-dimethoxyamphetamine; 4-methoxyamphetamine; 5-methoxy-3, 4-methylenedioxy
amphetamine; Bufotenine; Diethyltryptamine; Dimethyltryptamine; 3,4,5-trimethoxy
amphetamine; 4-methyl-2, 5-dimethoxyamphetamine; Ibogaine; Lysergic acid
diethylamide; marijuana; Mescaline; N-ethyl-3-piperidyl benzilate; N-methyl-3-piperidyl
benzilate; Psilocybin; Psilocyn; Tetrahydrocannabinols; 1-(1-(2-thienyl)
cyclohexyl) piperidine; n-ethyl-1-phenyl-cyclohexylamine; 1-(1-phenylcyclohexyl)
pyrrolidine; 2,5-dimethoxy-4-ethylphenethylamine, also known as 2C-E;
2,5-dimethoxy-4-iodophenethylamine, also known as 2C-I.

(4) Peyote, providing the listing of peyote as a controlled substance in Schedule I
does not apply to the nondrug use of peyote in bona fide religious ceremonies of the
American Indian Church, and members of the American Indian Church are exempt
from registration. Any person who manufactures peyote for or distributes peyote to the
American Indian Church, however, is required to obtain federal registration annually and
to comply with all other requirements of law.

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

Mecloqualone;

Flunitrazepam.

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

Cathinone;

Methcathinone.

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