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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4023

02/19/2024 Authored by Novotny, Engen and Zeleznikar
The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; proposing increased penalties for certain controlled
1.3 substance offenses involving fentanyl; amending Minnesota Statutes 2023
1.4 Supplement, section 152.021, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2023 Supplement, section 152.021, subdivision 1, is amended
1.7 to read:

1.8 Subdivision 1. Sale crimes. A person is guilty of controlled substance crime in the first
1.9 degree if:

1.10 (1) on one or more occasions within a 90-day period the person unlawfully sells one or
1.11 more mixtures of a total weight of 17 grams or more containing cocaine or methamphetamine;

1.12 (2) on one or more occasions within a 90-day period the person unlawfully sells one or
1.13 more mixtures of a total weight of either ten grams or more containing cocaine or
1.14 methamphetamine or three grams or more, or 12 dosage units or more, containing heroin
1.15 or fentanyl and:

1.16 (i) the person or an accomplice possesses on their person or within immediate reach, or
1.17 uses, whether by brandishing, displaying, threatening with, or otherwise employing, a
1.18 firearm; or

1.19 (ii) the offense involves two aggravating factors;

1.20 (3) on one or more occasions within a 90-day period the person unlawfully sells one or
1.21 more mixtures of a total weight of ten grams or more, or 40 dosage units or more, containing
1.22 heroin or fentanyl;

2.1 (4) on one or more occasions within a 90-day period the person unlawfully sells one or
2.2 more mixtures of a total weight of 50 grams or more containing a narcotic drug other than
2.3 cocaine, heroin, fentanyl, or methamphetamine; or

2.4 (5) on one or more occasions within a 90-day period the person unlawfully sells one or
2.5 more mixtures of a total weight of 50 grams or more containing amphetamine, phencyclidine,
2.6 or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 200 or
2.7 more dosage units.

2.8 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to crimes
2.9 committed on or after that date.