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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. **2508**

02/27/2012 Authored by Barrett, Abeler, Lohmer, Greiling, Cornish and others  
The bill was read for the first time and referred to the Committee on Public Safety and Crime Prevention Policy and Finance  
03/05/2012 Adoption of Report: Pass and re-referred to the Committee on Government Operations and Elections  
03/20/2012 Adoption of Report: Pass and Read Second Time  
03/28/2012 Calendar for the Day  
Read Third Time  
Passed by the House and transmitted to the Senate  
04/20/2012 Read Third Time as Amended by Conference and repassed by the House  
04/23/2012 Read Third Time as Amended by Conference and repassed by the Senate

1.1 A bill for an act  
1.2 relating to public safety; aligning state-controlled substance schedules with  
1.3 federal controlled substance schedules; modifying the authority of the Board of  
1.4 Pharmacy to regulate controlled substances; providing for penalties; amending  
1.5 Minnesota Statutes 2010, sections 152.02, as amended; 152.18, subdivision 1;  
1.6 Minnesota Statutes 2011 Supplement, section 152.027, subdivision 6.

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

1.8 Section 1. Minnesota Statutes 2010, section 152.02, as amended by Laws 2011, chapter  
1.9 53, sections 4 and 5, is amended to read:

1.10 **152.02 SCHEDULES OF CONTROLLED SUBSTANCES;**

1.11 **ADMINISTRATION OF CHAPTER.**

1.12 Subdivision 1. **Five schedules.** There are established five schedules of controlled  
1.13 substances, to be known as Schedules I, II, III, IV, and V. ~~Such~~ The schedules ~~shall~~  
1.14 ~~initially~~ consist of the substances listed in this section by whatever official name, common  
1.15 or usual name, chemical name, or trade name designated.

1.16 Subd. 2. **Schedule I.** ~~The following items are listed in Schedule I:~~ (a) Schedule I  
1.17 consists of the substances listed in this subdivision.

1.18 ~~(b) Opiates.~~ (b) Opiates. Unless specifically excepted or unless listed in another schedule,  
1.19 any of the following substances, including their analogs, isomers, esters, ethers, salts, and  
1.20 salts of isomers, esters, and ethers, ~~unless specifically excepted,~~ whenever the existence  
1.21 of the analogs, isomers, esters, ethers and salts is possible ~~within the specific chemical~~  
1.22 designation:

1.23 (1) acetylmethadol;

1.24 (2) allylprodine;

- 2.1 (3) alphacetylmethadol (except levo-alphacetylmethadol, also known as  
2.2 levomethadyl acetate);
- 2.3 (4) alphameprodine;
- 2.4 (5) alphamethadol;
- 2.5 (6) alpha-methylfentanyl benzethidine;
- 2.6 (7) betacetylmethadol;
- 2.7 (8) betameprodine;
- 2.8 (9) betamethadol;
- 2.9 (10) betaprodine;
- 2.10 (11) clonitazene;
- 2.11 (12) dextromoramide; ~~dextrorphan;~~
- 2.12 (13) diampromide;
- 2.13 (14) diethylambutene;
- 2.14 (15) difenoxin;
- 2.15 (16) dimenoxadol;
- 2.16 (17) dimepheptanol;
- 2.17 (18) dimethylambutene;
- 2.18 (19) dioxaphetyl butyrate;
- 2.19 (20) dipipanone;
- 2.20 (21) ethylmethylthiambutene;
- 2.21 (22) etonitazene;
- 2.22 (23) etoxeridine;
- 2.23 (24) furethidine;
- 2.24 (25) hydroxypethidine;
- 2.25 (26) ketobemidone;
- 2.26 (27) levomoramide;
- 2.27 (28) levophenacylmorphan;
- 2.28 (29) 3-methylfentanyl;
- 2.29 (30) acetyl-alpha-methylfentanyl;
- 2.30 (31) alpha-methylthiofentanyl;
- 2.31 (32) benzylfentanyl beta-hydroxyfentanyl;
- 2.32 (33) beta-hydroxy-3-methylfentanyl;
- 2.33 (34) 3-methylthiofentanyl;
- 2.34 (35) thenylfentanyl;
- 2.35 (36) thiofentanyl;
- 2.36 (37) para-fluorofentanyl;

- 3.1 (38) morpheridine;
- 3.2 (39) 1-methyl-4-phenyl-4-propionoxypiperidine;
- 3.3 (40) noracymethadol;
- 3.4 (41) norlevorphanol;
- 3.5 (42) normethadone;
- 3.6 (43) norpipanone;
- 3.7 (44) 1-(2-phenylethyl)-4-phenyl-4-acetoxypiperidine (PEPAP);
- 3.8 (45) phenadoxone;
- 3.9 (46) phenampromide;
- 3.10 (47) phenomorphan;
- 3.11 (48) phenoperidine;
- 3.12 (49) piritramide;
- 3.13 (50) proheptazine;
- 3.14 (51) properidine;
- 3.15 (52) propiram;
- 3.16 (53) racemoramide;
- 3.17 (54) tilidine;
- 3.18 (55) trimeperidine.
- 3.19 ~~(2)~~ (c) Opium derivatives. Any of the following ~~opium derivatives~~ substances,
- 3.20 their analogs, salts, isomers, and salts of isomers, unless specifically excepted or unless
- 3.21 listed in another schedule, whenever the existence of the analogs, salts, isomers and salts
- 3.22 of isomers is possible ~~within the specific chemical designation:~~
- 3.23 (1) acetorphine;
- 3.24 (2) acetyldihydrocodeine; ~~acetylcodeine;~~
- 3.25 (3) benzylmorphine;
- 3.26 (4) codeine methylbromide;
- 3.27 (5) codeine-n-oxide;
- 3.28 (6) cyprenorphine;
- 3.29 (7) desomorphine;
- 3.30 (8) dihydromorphine;
- 3.31 (9) drotebanol;
- 3.32 (10) etorphine;
- 3.33 (11) heroin;
- 3.34 (12) hydromorphanol;
- 3.35 (13) methyl-desorphine; ~~methylhydromorphine~~
- 3.36 (14) methyldihydromorphine;

4.1 (15) morphine methylbromide;

4.2 (16) morphine methylsulfonate;

4.3 (17) morphine-n-oxide;

4.4 (18) myrophine;

4.5 (19) nicocodeine;

4.6 (20) nicomorphine;

4.7 (21) normorphine;

4.8 (22) pholcodine;

4.9 (23) thebacon.

4.10 ~~(c)~~ (d) Hallucinogens. Any material, compound, mixture or preparation which  
 4.11 contains any quantity of the following ~~hallucinogenic~~ substances, their analogs, salts,  
 4.12 isomers (whether optical, positional, or geometric), and salts of isomers, unless specifically  
 4.13 excepted or unless listed in another schedule, whenever the existence of the analogs, salts,  
 4.14 isomers, and salts of isomers is possible:

4.15 ~~3,4-methylenedioxy amphetamine~~ (1) methylenedioxy amphetamine;

4.16 ~~3,4-methylenedioxymethamphetamine~~ (2) methylenedioxymethamphetamine;

4.17 (3) methylenedioxy-N-ethylamphetamine (MDEA);

4.18 (4) n-hydroxy-methylenedioxyamphetamine;

4.19 (5) 4-bromo-2,5-dimethoxyamphetamine (DOB);

4.20 (6) 2,5-dimethoxyamphetamine (2,5-DMA);

4.21 (7) 4-methoxyamphetamine;

4.22 (8) 5-methoxy-3, 4-methylenedioxy amphetamine;

4.23 (9) alpha-ethyltryptamine;

4.24 (10) bufotenine;

4.25 (11) diethyltryptamine;

4.26 (12) dimethyltryptamine;

4.27 (13) 3,4,5-trimethoxy amphetamine;

4.28 (14) 4-methyl-2, 5-dimethoxyamphetamine (DOM);

4.29 (15) ibogaine;

4.30 (16) lysergic acid diethylamide (LSD); ~~marijuana;~~

4.31 (17) mescaline;

4.32 (18) parahexyl;

4.33 (19) N-ethyl-3-piperidyl benzilate;

4.34 (20) N-methyl-3-piperidyl benzilate;

4.35 (21) psilocybin;

4.36 (22) psilocyn;

- 5.1 ~~Tetrahydrocannabinols; 1-(1-(2-thienyl)cyclohexyl)piperidine (23) tenocyclidine~~  
5.2 (TPCP or TCP);
- 5.3 (24) N-ethyl-1-phenyl-cyclohexylamine (PCE);  
5.4 (25) 1-(1-phenylcyclohexyl) pyrrolidine (PCPy);  
5.5 (26) 1-[1-(2-thienyl)cyclohexyl]-pyrrolidine (TCPy);  
5.6 (27) 4-chloro-2,5-dimethoxyamphetamine (DOC);  
5.7 (28) 4-ethyl-2,5-dimethoxyamphetamine (DOET);  
5.8 (29) 4-iodo-2,5-dimethoxyamphetamine (DOI);  
5.9 (30) 4-bromo-2,5-dimethoxyphenethylamine (2C-B);  
5.10 (31) 4-chloro-2,5-dimethoxyphenethylamine (2C-C);  
5.11 (32) 4-methyl-2,5-dimethoxyphenethylamine (2-CD);  
5.12 ~~2,5-dimethoxy-4-ethylphenethylamine, also known as (33)~~  
5.13 4-ethyl-2,5-dimethoxyphenethylamine (2C-E);  
5.14 ~~2,5-dimethoxy-4-iodophenethylamine, also known as (34)~~  
5.15 4-iodo-2,5-dimethoxyphenethylamine (2C-I);  
5.16 (35) 4-propyl-2,5-dimethoxyphenethylamine (2C-P);  
5.17 (36) 4-isopropylthio-2,5-dimethoxyphenethylamine (2C-T-4);  
5.18 (37) 4-propylthio-2,5-dimethoxyphenethylamine (2C-T-7);  
5.19 (38) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-yl)ethanamine  
5.20 (2-CB-FLY);
- 5.21 (39) bromo-benzodifuranyl-isopropylamine (Bromo-DragonFLY);  
5.22 (40) alpha-methyltryptamine (AMT);  
5.23 (41) N,N-diisopropyltryptamine (DiPT);  
5.24 (42) 4-acetoxy-N,N-dimethyltryptamine (4-AcO-DMT);  
5.25 (43) 4-acetoxy-N,N-diethyltryptamine (4-AcO-DET);  
5.26 (44) 4-hydroxy-N-methyl-N-propyltryptamine (4-HO-MPT);  
5.27 (45) 4-hydroxy-N,N-dipropyltryptamine (4-HO-DPT);  
5.28 (46) 4-hydroxy-N,N-diallyltryptamine (4-HO-DALT);  
5.29 (47) 4-hydroxy-N,N-diisopropyltryptamine (4-HO-DiPT);  
5.30 (48) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DiPT);  
5.31 (49) 5-methoxy- $\alpha$ -methyltryptamine (5-MeO-AMT);  
5.32 (50) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);  
5.33 (51) 5-methylthio-N,N-dimethyltryptamine (5-MeS-DMT);  
5.34 (52) 5-methoxy-N-methyl-N-propyltryptamine (5-MeO-MiPT);  
5.35 (53) 5-methoxy- $\alpha$ -ethyltryptamine (5-MeO-AET);  
5.36 (54) 5-methoxy-N,N-dipropyltryptamine (5-MeO-DPT);

6.1 (55) 5-methoxy-N,N-diethyltryptamine (5-MeO-DET);

6.2 (56) 5-methoxy-N,N-diallyltryptamine (5-MeO-DALT);

6.3 (57) methoxetamine (MXE);

6.4 (58) 5-iodo-2-aminoindane (5-IAI);

6.5 (59) 5,6-methylenedioxy-2-aminoindane (MDAI).

6.6 ~~(4) (e) Peyote, providing.~~ All parts of the plant presently classified botanically as  
6.7 Lophophora williamsii Lemaire, whether growing or not, the seeds thereof, any extract  
6.8 from any part of the plant, and every compound, manufacture, salts, derivative, mixture,  
6.9 or preparation of the plant, its seeds or extracts. The listing of peyote as a controlled  
6.10 substance in Schedule I does not apply to the nondrug use of peyote in bona fide religious  
6.11 ceremonies of the American Indian Church, and members of the American Indian Church  
6.12 are exempt from registration. Any person who manufactures peyote for or distributes  
6.13 peyote to the American Indian Church, however, is required to obtain federal registration  
6.14 annually and to comply with all other requirements of law.

6.15 ~~(5) (f) Central nervous system depressants.~~ Unless specifically excepted or unless  
6.16 listed in another schedule, any material compound, mixture, or preparation which contains  
6.17 any quantity of the following substances ~~having a depressant effect on the central nervous~~  
6.18 ~~system, including its,~~ their analogs, salts, isomers, and salts of isomers whenever the  
6.19 existence of the analogs, salts, isomers, and salts of isomers is possible ~~within the specific~~  
6.20 ~~chemical designation:~~

6.21 (1) mecloqualone;

6.22 (2) methaqualone;

6.23 (3) gamma-hydroxybutyric acid (GHB), including its esters and ethers;

6.24 (4) flunitrazepam.

6.25 ~~(6) (g) Stimulants.~~ Unless specifically excepted or unless listed in another schedule,  
6.26 any material compound, mixture, or preparation which contains any quantity of the  
6.27 following substances ~~having a stimulant effect on the central nervous system, including its,~~  
6.28 their analogs, salts, isomers, and salts of isomers whenever the existence of the analogs,  
6.29 salts, isomers, and salts of isomers is possible ~~within the specific chemical designation:~~

6.30 (1) aminorex;

6.31 (2) cathinone;

6.32 (3) fenethylamine;

6.33 (4) methcathinone;

6.34 (5) methylaminorex;

6.35 (6) N,N-dimethylamphetamine;

6.36 (7) N-benzylpiperazine (BZP);

- 7.1 ~~4-methylmethcathinone~~ (8) methylmethcathinone (mephedrone);
- 7.2 (9) 3,4-methylenedioxy-N-methylcathinone (methylone);
- 7.3 ~~4-methoxymethcathinone~~ (10) methoxymethcathinone (methedrone);
- 7.4 ~~3,4-methylenedioxypropylpyrovalerone~~ (11) methylenedioxypropylpyrovalerone (MDPV);
- 7.5 (12) fluoromethcathinone;
- 7.6 (13) methylethcathinone (MEC);
- 7.7 (14) 1-benzofuran-6-ylpropan-2-amine (6-APB);
- 7.8 (15) dimethylmethcathinone (DMMC);
- 7.9 (16) fluoroamphetamine;
- 7.10 (17) fluoromethamphetamine;
- 7.11 (18)  $\alpha$ -methylaminobutyrophenone (MABP or buphedrone);
- 7.12 (19)  $\beta$ -keto-N-methylbenzodioxolylpropylamine (bk-MBDB or butylone);
- 7.13 (20) 2-(methylamino)-1-(4-methylphenyl)butan-1-one (4-MEMABP or BZ-6378);
- 7.14 (21) naphthylpyrovalerone (naphyrone);
- 7.15 (22) and any other substance, except bupropion or compounds listed under a
- 7.16 different schedule, that is structurally derived from 2-aminopropan-1-one by substitution
- 7.17 at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not
- 7.18 the compound is further modified in any of the following ways:
- 7.19 (i) by substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy,
- 7.20 haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring
- 7.21 system by one or more other univalent substituents;
- 7.22 (ii) by substitution at the 3-position with an acyclic alkyl substituent;
- 7.23 (iii) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or
- 7.24 methoxybenzyl groups; or
- 7.25 (iv) by inclusion of the 2-amino nitrogen atom in a cyclic structure.
- 7.26 ~~(7)~~ (h) Marijuana, tetrahydrocannabinols, and synthetic cannabinoids. Unless
- 7.27 specifically excepted or unless listed in another schedule, any natural or synthetic material,
- 7.28 compound, mixture, or preparation that contains any quantity of ~~a substance that is a~~
- 7.29 ~~cannabinoid receptor agonist, including, but not limited to,~~ the following substances ~~and,~~
- 7.30 their analogs, ~~including isomers, whether optical, positional, or geometric;~~ esters,<sub>2</sub> ethers,<sub>2</sub>
- 7.31 salts,<sub>2</sub> and salts of isomers, esters, and ethers, whenever the existence of the isomers,
- 7.32 esters, ethers, or salts is possible ~~within the specific chemical designation:~~
- 7.33 ~~1-pentyl-2-methyl-3-(1-naphthoyl)indole (JWH-007);~~
- 7.34 ~~(2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone (JWH-015);~~
- 7.35 ~~1-Pentyl-3-(1-naphthoyl)indole (JWH-018), 1-hexyl-3-(naphthalen-1-oyl)indole~~
- 7.36 ~~(JWH-019), 1-Butyl-3-(1-naphthoyl)indole (JWH-073);~~

8.1 ~~4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone (JWH-081),~~  
8.2 ~~4-methoxynaphthalen-1-yl-(1-pentyl-2-methylindol-3-yl)methanone~~  
8.3 ~~(JWH-098), (1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-ylmethanone~~  
8.4 ~~(JWH-200), 7-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone~~  
8.5 ~~(JWH-164), 2-(2-chlorophenyl)-1-(1-pentylindol-3-yl)ethanone (JWH-203),~~  
8.6 ~~4-ethylnaphthalen-1-yl-(1-pentylindol-3-yl)methanone (JWH-210),~~  
8.7 ~~2-(2-methoxyphenyl)-1-(1-pentylindol-3-yl)ethanone (JWH-250),~~  
8.8 ~~1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398), (6aR,10aR)-~~  
8.9 ~~9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-~~  
8.10 ~~tetrahydrobenzo[e]chromen-1-ol (HU-210), (R)-(+)-[2,3-Dihydro-5-methyl-3-~~  
8.11 ~~(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone~~  
8.12 ~~(WIN-55,212-2), 2-[3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol (CP47,497),~~  
8.13 ~~dimethylheptylpyran:~~

8.14 (1) marijuana;

8.15 (2) tetrahydrocannabinols naturally contained in a plant of the genus Cannabis,  
8.16 synthetic equivalents of the substances contained in the cannabis plant or in the  
8.17 resinous extractives of the plant, or synthetic substances with similar chemical structure  
8.18 and pharmacological activity to those substances contained in the plant or resinous  
8.19 extract, including, but not limited to, 1 cis or trans tetrahydrocannabinol, 6 cis or trans  
8.20 tetrahydrocannabinol, and 3,4 cis or trans tetrahydrocannabinol;

8.21 (3) synthetic cannabinoids, including the following substances:

8.22 (i) Naphthoylindoles, which are any compounds containing a 3-(1-naphthoyl)indole  
8.23 structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,  
8.24 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl or  
8.25 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any  
8.26 extent and whether or not substituted in the naphthyl ring to any extent. Examples of  
8.27 naphthoylindoles include, but are not limited to:

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

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

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

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

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

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

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

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

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



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

9.2 (ii) Naphthylmethyloindoles, which are any compounds containing a  
9.3 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom  
9.4 of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
9.5 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further  
9.6 substituted in the indole ring to any extent and whether or not substituted in the naphthyl  
9.7 ring to any extent. Examples of naphthylmethyloindoles include, but are not limited to:

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

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

9.10 (iii) Naphthoylpyrroles, which are any compounds containing a  
9.11 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the  
9.12 pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
9.13 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not  
9.14 further substituted in the pyrrole ring to any extent, whether or not substituted in the  
9.15 naphthyl ring to any extent. Examples of naphthoylpyrroles include, but are not limited to,  
9.16 (5-(2-fluorophenyl)-1-pentylpyrrol-3-yl)-naphthalen-1-ylmethanone (JWH-307).

9.17 (iv) Naphthylmethyloindenes, which are any compounds containing a  
9.18 naphthylideneindene structure with substitution at the 3-position of the indene  
9.19 ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
9.20 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further  
9.21 substituted in the indene ring to any extent, whether or not substituted in the naphthyl  
9.22 ring to any extent. Examples of naphthylemethyloindenes include, but are not limited to,  
9.23 E-1-[1-(1-naphthalenylmethylene)-1H-inden-3-yl]pentane (JWH-176).

9.24 (v) Phenylacetyloindoles, which are any compounds containing a 3-phenylacetyloindole  
9.25 structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,  
9.26 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or  
9.27 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to  
9.28 any extent, whether or not substituted in the phenyl ring to any extent. Examples of  
9.29 phenylacetyloindoles include, but are not limited to:

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

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

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

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

9.34 (vi) Cyclohexylphenols, which are compounds containing a  
9.35 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position  
9.36 of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,

10.1 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not  
 10.2 substituted in the cyclohexyl ring to any extent. Examples of cyclohexylphenols include,  
 10.3 but are not limited to:

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

10.5 (B) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol

10.6 (Cannabicyclohexanol or CP 47,497 C8 homologue);

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

10.9 (vii) Benzoylindoles, which are any compounds containing a 3-(benzoyl)indole  
 10.10 structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,  
 10.11 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or  
 10.12 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to  
 10.13 any extent and whether or not substituted in the phenyl ring to any extent. Examples of  
 10.14 benzoylindoles include, but are not limited to:

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

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

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

10.19 (viii) Others specifically named:

10.20 (A) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)  
 10.21 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (HU-210);

10.22 (B) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)  
 10.23 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (Dexanabinol or HU-211);

10.24 (C) 2,3-dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]  
 10.25 -1,4-benzoxazin-6-yl-1-naphthalenylmethanone (WIN 55,212-2).

10.26 ~~(8)~~ (i) A controlled substance analog, to the extent that it is implicitly or explicitly  
 10.27 intended for human consumption.

10.28 Subd. 3. **Schedule II.** ~~The following items are listed in (a) Schedule II:~~ consists of  
 10.29 the substances listed in this subdivision.

10.30 ~~(+)~~ (b) Unless specifically excepted or unless listed in another schedule, any of  
 10.31 the following substances whether produced directly or indirectly by extraction from  
 10.32 substances of vegetable origin or independently by means of chemical synthesis, or by a  
 10.33 combination of extraction and chemical synthesis:

10.34 ~~(a)~~ (1) Opium and opiate, and any salt, compound, derivative, or preparation  
 10.35 of opium or opiate, ~~including the following: raw opium, opium extracts, opium~~  
 10.36 ~~fluid extracts, powdered opium, granulated opium, tincture of opium, apomorphine,~~

11.1 ~~codeine, ethylmorphine, hydrocodone, hydromorphone, metopon, morphine, oxycodone,~~  
 11.2 ~~oxymorphone, thebaine.~~

11.3 (i) Excluding:

11.4 (A) apomorphine;

11.5 (B) thebaine-derived butorphanol;

11.6 (C) dextrophan;

11.7 (D) nalbuphine;

11.8 (E) nalmefene;

11.9 (F) naloxone;

11.10 (G) naltrexone;

11.11 (H) and their respective salts;

11.12 (ii) but including the following:

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

11.14 (B) codeine;

11.15 (C) dihydroetorphine;

11.16 (D) ethylmorphine;

11.17 (E) etorphine hydrochloride;

11.18 (F) hydrocodone;

11.19 (G) hydromorphone;

11.20 (H) metopon;

11.21 (I) morphine;

11.22 (J) oxycodone;

11.23 (K) oxymorphone;

11.24 (L) thebaine;

11.25 (M) oripavine;

11.26 ~~(b)~~ (2) any salt, compound, derivative, or preparation thereof which is chemically  
 11.27 equivalent or identical with any of the substances referred to in clause ~~(a)~~ (1), except that  
 11.28 these substances shall not include the isoquinoline alkaloids of opium;

11.29 ~~(c)~~ (3) opium poppy and poppy straw;

11.30 ~~(d)~~ (4) coca leaves and any salt, cocaine compound, derivative, or preparation  
 11.31 of coca leaves, ~~including cocaine and ecgonine, the salts and isomers of cocaine and~~  
 11.32 ~~ecgonine, and the salts of their isomers. (including cocaine and ecgonine and their salts,~~  
 11.33 ~~isomers, derivatives, and salts of isomers and derivatives), and any salt, compound,~~  
 11.34 ~~derivative, or preparation thereof which is chemically equivalent or identical with any of~~  
 11.35 ~~these substances, except that the substances shall not include decocainized coca leaves or~~  
 11.36 ~~extraction of coca leaves, which extractions do not contain cocaine or ecgonine;~~

12.1 ~~(e) Any salt, compound, derivative, or preparation thereof which is chemically~~  
 12.2 ~~equivalent or identical with any of the substances referred to in clause (d), except that~~  
 12.3 ~~the substances shall not include decocainized coca leaves or extraction of coca leaves,~~  
 12.4 ~~which extractions do not contain cocaine or eegonine. (5) concentrate of poppy straw (the~~  
 12.5 ~~crude extract of poppy straw in either liquid, solid, or powder form which contains the~~  
 12.6 ~~phenanthrene alkaloids of the opium poppy).~~

12.7 ~~(2)~~ (c) Any of the following opiates, including their isomers, esters, ethers, salts, and  
 12.8 salts of isomers, esters and ethers, unless specifically excepted, or unless listed in another  
 12.9 schedule, whenever the existence of such isomers, esters, ethers and salts is possible  
 12.10 within the specific chemical designation:

- 12.11 (1) alfentanil;  
 12.12 (2) alphaprodine;  
 12.13 (3) anileridine;  
 12.14 (4) bezitramide;  
 12.15 (5) bulk dextropropoxyphene (nondosage forms);  
 12.16 (6) carfentanil;  
 12.17 (7) dihydrocodeine;  
 12.18 (8) dihydromorphinone;  
 12.19 (9) diphenoxylate;  
 12.20 (10) fentanyl;  
 12.21 (11) isomethadone;  
 12.22 (12) levo-alpha-acetylmethadol (LAAM) levomethorphan;  
 12.23 (13) levorphanol;  
 12.24 (14) metazocine;  
 12.25 (15) methadone;  
 12.26 (16) methadone - intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;  
 12.27 (17) moramide - intermediate, 2-methyl-3-morpholino-1,  
 12.28 1-diphenyl-propane-carboxylic acid;  
 12.29 (18) pethidine;  
 12.30 (19) pethidine - intermediate - a, 4-cyano-1-methyl-4-phenylpiperidine;  
 12.31 (20) pethidine - intermediate - b, ethyl-4-phenylpiperidine-4-carboxylate;  
 12.32 (21) pethidine - intermediate - c, 1-methyl-4-phenylpiperidine-4-carboxylic acid;  
 12.33 (22) phenazocine;  
 12.34 (23) piminodine;  
 12.35 (24) racemethorphan;  
 12.36 (25) racemorphan;

13.1 (26) remifentanyl;

13.2 (27) sufentanyl;

13.3 (28) tapentadol.

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

13.7 ~~(a)~~ (1) amphetamine, its salts, optical isomers, and salts of its optical isomers;

13.8 ~~(b)~~ (2) methamphetamine, its salts, isomers, and salts of its isomers;

13.9 ~~(c)~~ (3) phenmetrazine and its salts;

13.10 ~~(d)~~ (4) methylphenidate;

13.11 (5) lisdexamfetamine.

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

13.17 ~~(a)~~ methaqualone

13.18 ~~(b)~~ (1) amobarbital;

13.19 (2) glutethimide;

13.20 ~~(c)~~ (3) secobarbital;

13.21 ~~(d)~~ (4) pentobarbital;

13.22 ~~(e)~~ (5) phencyclidine;

13.23 ~~(f)~~ (6) phencyclidine immediate precursors:

13.24 (i) 1-phenylcyclohexylamine;

13.25 (ii) 1-piperidinocyclohexanecarbonitrile;

13.26 (7) phenylacetone.

13.27 (f) Hallucinogenic substances: nabilone.

13.28 Subd. 4. **Schedule III.** ~~The following items are listed in (a) Schedule III:~~ consists of  
13.29 the substances listed in this subdivision.

13.30 ~~(1) Any material, compound, mixture, or preparation which contains any quantity of~~  
13.31 ~~Amphetamine, its salts, optical isomers, and salts of its optical isomers; Phenmetrazine~~  
13.32 ~~and its salts; Methamphetamine, its salts, isomers, and salts of isomers; Methylphenidate;~~  
13.33 ~~and which is required by federal law to be labeled with the symbol prescribed by 21 Code~~  
13.34 ~~of Federal Regulations Section 1302.03 and in effect on February 1, 1976 designating that~~  
13.35 ~~the drug is listed as a Schedule III controlled substance under federal law. (b) Stimulants.~~  
13.36 Unless specifically excepted or unless listed in another schedule, any material, compound,

14.1 mixture, or preparation which contains any quantity of the following substances having  
14.2 a potential for abuse associated with a stimulant effect on the central nervous system,  
14.3 including its salts, isomers, and salts of such isomers whenever the existence of such salts,  
14.4 isomers, and salts of isomers is possible within the specific chemical designation:

14.5 (1) benzphetamine;

14.6 (2) chlorphentermine;

14.7 (3) clortermine;

14.8 (4) phendimetrazine.

14.9 ~~(2)~~ (c) Depressants. Unless specifically excepted or unless listed in another schedule,  
14.10 any material, compound, mixture, or preparation which contains any quantity of the  
14.11 following substances having a potential for abuse associated with a depressant effect on  
14.12 the central nervous system:

14.13 ~~(a)~~ (1) any compound, mixture, or preparation containing amobarbital, secobarbital,  
14.14 pentobarbital or any salt thereof and one or more other active medicinal ingredients which  
14.15 are not listed in any schedule;

14.16 ~~(b)~~ (2) any suppository dosage form containing amobarbital, secobarbital,  
14.17 pentobarbital, or any salt of any of these drugs and approved by the food and drug  
14.18 administration for marketing only as a suppository;

14.19 ~~(c)~~ (3) any substance which contains any quantity of a derivative of barbituric acid,  
14.20 or any salt of a derivative of barbituric acid, except those substances which are specifically  
14.21 listed in other schedules: ~~Chlorhexadol; Glutethimide; Lysergic acid; Lysergic acid amide;~~  
14.22 ~~Methyprylon; Sulfondiethylmethane; Sulfonethylmethane; Sulfonmethane;~~

14.23 ~~(d)~~ Gamma hydroxybutyrate, any salt, compound, derivative, or preparation of  
14.24 gamma hydroxybutyrate, including any isomers, esters, and ethers and salts of isomers,  
14.25 esters, and ethers of gamma hydroxybutyrate whenever the existence of such isomers,  
14.26 esters, and salts is possible within the specific chemical designation. (4) any drug product  
14.27 containing gamma hydroxybutyric acid, including its salts, isomers, and salts of isomers,  
14.28 for which an application is approved under section 505 of the federal Food, Drug, and  
14.29 Cosmetic Act;

14.30 (5) any of the following substances:

14.31 (i) chlorhexadol;

14.32 (ii) ketamine, its salts, isomers and salts of isomers;

14.33 (iii) lysergic acid;

14.34 (iv) lysergic acid amide;

14.35 (v) methyprylon;

14.36 (vi) sulfondiethylmethane;

15.1 (vii) sulfonethylmethane;

15.2 (viii) sulfonmethane;

15.3 (ix) tiletamine and zolazepam and any salt thereof;

15.4 (x) embutramide.

15.5 ~~(3) Any material, compound, mixture, or preparation which contains any quantity of~~  
 15.6 ~~the following substances having a potential for abuse associated with a stimulant effect on~~  
 15.7 ~~the central nervous system:~~

15.8 ~~(a) Benzphetamine~~

15.9 ~~(b) Chlorphentermine~~

15.10 ~~(c) Clortermine~~

15.11 ~~(d) Mazindol~~

15.12 ~~(e) Phendimetrazine.~~

15.13 ~~(4) (d) Nalorphine.~~

15.14 ~~(5) Any material, compound, mixture, or preparation containing limited quantities~~  
 15.15 ~~of any of the following narcotic drugs, or any salts thereof (e) Narcotic drugs. Unless~~  
 15.16 ~~specifically excepted or unless listed in another schedule, any material, compound,~~  
 15.17 ~~mixture, or preparation containing any of the following narcotic drugs, or their salts~~  
 15.18 ~~calculated as the free anhydrous base or alkaloid, in limited quantities as follows:~~

15.19 ~~(a) (1) not more than 1.80 grams of codeine per 100 milliliters or not more than 90~~  
 15.20 ~~milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid~~  
 15.21 ~~of opium;~~

15.22 ~~(b) (2) not more than 1.80 grams of codeine per 100 milliliters or not more than 90~~  
 15.23 ~~milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized~~  
 15.24 ~~therapeutic amounts;~~

15.25 ~~(c) (3) not more than 300 milligrams of dihydrocodeinone per 100 milliliters or~~  
 15.26 ~~not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an~~  
 15.27 ~~isoquinoline alkaloid of opium;~~

15.28 ~~(d) (4) not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not~~  
 15.29 ~~more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients~~  
 15.30 ~~in recognized therapeutic amounts;~~

15.31 ~~(e) (5) not more than 1.80 grams of dihydrocodeine per 100 milliliters or not more~~  
 15.32 ~~than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in~~  
 15.33 ~~recognized therapeutic amounts;~~

15.34 ~~(f) (6) not more than 300 milligrams of ethylmorphine per 100 milliliters or not more~~  
 15.35 ~~than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in~~  
 15.36 ~~recognized therapeutic amounts;~~

16.1 ~~(g)~~ (7) not more than 500 milligrams of opium per 100 milliliters or per 100 grams,  
 16.2 or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic  
 16.3 ingredients in recognized therapeutic amounts;

16.4 ~~(h)~~ (8) not more than 50 milligrams of morphine per 100 milliliters or per 100 grams  
 16.5 with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

16.6 ~~(6)~~ (f) Anabolic steroids, which and human growth hormone.

16.7 (1) Anabolic steroids, for purposes of this subdivision, means any drug or  
 16.8 hormonal substance, chemically and pharmacologically related to testosterone, other  
 16.9 than estrogens, progestins, corticosteroids, and dehydroepiandrosterone, and includes:  
 16.10 ~~androstanediol; androstanedione; androstenediol; androstenedione; bolasterone;~~  
 16.11 ~~boldenone; calusterone; chlorotestosterone; chorionic gonadotropin; clostebol;~~  
 16.12 ~~dehydrochloromethyltestosterone; (triangle)1-dihydrotestosterone; 4-dihydrotestosterone;~~  
 16.13 ~~drostanolone; ethylestrenol; fluoxymesterone; formebolone; furazabol; human~~  
 16.14 ~~growth hormones; 13b-ethyl-17a-hydroxygon-4-en-3-one; 4-hydroxytestosterone;~~  
 16.15 ~~4-hydroxy-19-nortestosterone; mestanolone; mesterolone; methandienone;~~  
 16.16 ~~methandranone; methandriol; methandrostenolone; methenolone; 17a-methyl-3b,~~  
 16.17 ~~17b-dihydroxy-5a-androstane; 17a-methyl-3a, 17b-dihydroxy-5a-androstane;~~  
 16.18 ~~17a-methyl-3b, 17b-dihydroxyandrost-4-ene; 17a-methyl-4-hydroxynandrolone;~~  
 16.19 ~~methyldienolone; methyltrienolone; methyltestosterone; mibolerone;~~  
 16.20 ~~17a-methyl-(triangle)1-dihydrotestosterone; nandrolone; nandrolone phenpropionate;~~  
 16.21 ~~norandrostenediol; norandrostenedione; norbolethone; norclostebol; norethandrolone;~~  
 16.22 ~~normethandrolone; oxandrolone; oxymesterone; oxymetholone; stanolone; stanozolol;~~  
 16.23 ~~stenbolone; testolactone; testosterone; testosterone propionate; tetrahydrogestrinone;~~  
 16.24 ~~trenbolone; and any salt, ester, or ether of a drug or substance described in this paragraph.~~

16.25 (i) 3[beta],17[beta]-dihydroxy-5[alpha]-androstane;

16.26 (ii) 3[alpha],17[beta]-dihydroxy-5[alpha]-androstane;

16.27 (iii) androstanedione (5[alpha]-androstan-3,17-dione);

16.28 (iv) 1-androstenediol (3[beta],17[beta]-dihydroxy-5[alpha]-androst-1-ene;

16.29 (v) 3[alpha],17[beta]-dihydroxy-5[alpha]-androst-1-ene);

16.30 (vi) 4-androstenediol (3[beta],17[beta]-dihydroxy-androst-4-ene);

16.31 (vii) 5-androstenediol (3[beta],17[beta]-dihydroxy-androst-5-ene);

16.32 (viii) 1-androstenedione (5[alpha]-androst-1-en-3,17-dione);

16.33 (ix) 4-androstenedione (androst-4-en-3,17-dione);

16.34 (x) 5-androstenedione (androst-5-en-3,17-dione);

16.35 (xi) bolasterone (7[alpha],17[alpha]-dimethyl-17[beta]-hydroxyandrost-4-en-3-one);

16.36 (xii) boldenone (17[beta]-hydroxyandrost-1,4-diene-3-one);



- 17.1 (xiii) boldione (androsta-1,4-diene-3,17-dione);
- 17.2 (xiv) calusterone (7[beta],17[alpha]-dimethyl-17[beta]-hydroxyandrost-4-en-3-one);
- 17.3 (xv) clostebol (4-chloro-17[beta]-hydroxyandrost-4-en-3-one);
- 17.4 (xvi) dehydrochloromethyltestosterone
- 17.5 (4-chloro-17[beta]-hydroxy-17[alpha]-methylandrost-1,4-dien-3-one);
- 17.6 (xvii) desoxymethyltestosterone
- 17.7 (17[alpha]-methyl-5[alpha]-androst-2-en-17[beta]-ol);
- 17.8 (xviii) [delta]1-dihydrotestosterone-
- 17.9 (17[beta]-hydroxy-5[alpha]-androst-1-en-3-one);
- 17.10 (xix) 4-dihydrotestosterone (17[beta]-hydroxy-androstan-3-one);
- 17.11 (xx) drostanolone (17[beta]hydroxy-2[alpha]-methyl-5[alpha]-androstan-3-one);
- 17.12 (xxi) ethylestrenol (17[alpha]-ethyl-17[beta]-hydroxyestr-4-ene);
- 17.13 (xxii) fluoxymesterone
- 17.14 (9-fluoro-17[alpha]-methyl-11[beta],17[beta]-dihydroxyandrost-4-en-3-one);
- 17.15 (xxiii) formebolone
- 17.16 (2-formyl-17[alpha]-methyl-11[alpha],17[beta]-dihydroxyandrost-1,4-dien-3-one);
- 17.17 (xxiv) furazabol
- 17.18 (17[alpha]-methyl-17[beta]-hydroxyandrostano[2,3-c]-furazan)13[beta]-ethyl-17[beta]
- 17.19 -hydroxygon-4-en-3-one;
- 17.20 (xxv) 4-hydroxytestosterone (4,17[beta]-dihydroxyandrost-4-en-3-one);
- 17.21 (xxvi) 4-hydroxy-19-nortestosterone (4,17[beta]-dihydroxyestr-4-en-3-one);
- 17.22 (xxvii) mestanolone (17[alpha]-methyl-17[beta]-hydroxy-5[alpha]-androstan-3-one);
- 17.23 (xxviii) mesterolone (1[alpha]-methyl-17[beta]-hydroxy-5[alpha]-androstan-3-one);
- 17.24 (xxix) methandienone (17[alpha]-methyl-17[beta]-hydroxyandrost-1,4-dien-3-one);
- 17.25 (xxx) methandriol (17[alpha]-methyl-3[beta],17[beta]-dihydroxyandrost-5-ene);
- 17.26 (xxxi) methenolone (1-methyl-17[beta]-hydroxy-5[alpha]-androst-1-en-3-one);
- 17.27 (xxxii) 17[alpha]-methyl-3[beta],17[beta]-dihydroxy-5[alpha]-androstane;
- 17.28 (xxxiii) 17[alpha]-methyl-3[alpha],17[beta]-dihydroxy-5[alpha]-androstane;
- 17.29 (xxxiv) 17[alpha]-methyl-3[beta],17[beta]-dihydroxyandrost-4-ene;
- 17.30 (xxxv) 17[alpha]-methyl-4-hydroxynandrolone
- 17.31 (17[alpha]-methyl-4-hydroxy-17[beta]-hydroxyestr-4-en-3-one);
- 17.32 (xxxvi) methyldienolone
- 17.33 (17[alpha]-methyl-17[beta]-hydroxyestra-4,9(10)-dien-3-one);
- 17.34 (xxxvii) methyltrienolone
- 17.35 (17[alpha]-methyl-17[beta]-hydroxyestra-4,9-11-trien-3-one);

- 18.1 (xxxviii) methyltestosterone
- 18.2 (17[alpha]-methyl-17[beta]-hydroxyandrost-4-en-3-one);
- 18.3 (xxxix) mibolerone (7[alpha],17[alpha]-dimethyl-17[beta]-hydroxyestr-4-en-3-one);
- 18.4 (xl) 17[alpha]-methyl-[delta]1-dihydrotestosterone
- 18.5 (17[beta]-hydroxy-17[alpha]-methyl-5[alpha]-androst-1-en-3-one);
- 18.6 (xli) nandrolone (17[beta]-hydroxyestr-4-en-3-one);
- 18.7 (xlii) 19-nor-4-androstenediol (3[beta],17[beta]-dihydroxyestr-4-ene;
- 18.8 (xliii) 3[alpha],17[beta]-dihydroxyestr-4-ene); 19-nor-5-androstenediol
- 18.9 (3[beta],17[beta]-dihydroxyestr-5-ene;
- 18.10 (xliv) 3[alpha],17[beta]-dihydroxyestr-5-ene);
- 18.11 (xlv) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione);
- 18.12 (xlvi) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
- 18.13 (xlvii) norbolethone (13[beta],17[alpha]-diethyl-17[beta]-hydroxygon-4-en-3-one);
- 18.14 (xlviii) norclostebol (4-chloro-17[beta]-hydroxyestr-4-en-3-one);
- 18.15 (xlix) norethandrolone (17[alpha]-ethyl-17[beta]-hydroxyestr-4-en-3-one);
- 18.16 (l) normethandrolone (17[alpha]-methyl-17[beta]-hydroxyestr-4-en-3-one);
- 18.17 (li) oxandrolone
- 18.18 (17[alpha]-methyl-17[beta]-hydroxy-2-oxa-5[alpha]-androstan-3-one);
- 18.19 (lii) oxymesterone (17[alpha]-methyl-4,17[beta]-dihydroxyandrost-4-en-3-one);
- 18.20 (liii) oxymetholone
- 18.21 (17[alpha]-methyl-2-hydroxymethylene-17[beta]-hydroxy-5[alpha]-androstan-3-one);
- 18.22 (liv) stanozolol
- 18.23 (17[alpha]-methyl-17[beta]-hydroxy-5[alpha]-androst-2-eno[3,2-c]-pyrazole);
- 18.24 (lv) stenbolone (17[beta]-hydroxy-2-methyl-5[alpha]-androst-1-en-3-one);
- 18.25 (lvi) testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid
- 18.26 lactone);
- 18.27 (lvii) testosterone (17[beta]-hydroxyandrost-4-en-3-one);
- 18.28 (lviii) tetrahydrogestrinone
- 18.29 (13[beta],17[alpha]-diethyl-17[beta]-hydroxygon-4,9,11-trien-3-one);
- 18.30 (lix) trenbolone (17[beta]-hydroxyestr-4,9,11-trien-3-one);
- 18.31 (lx) any salt, ester, or ether of a drug or substance described in this paragraph.
- 18.32 Anabolic steroids are not included if they are: ~~(i)~~ (A) expressly intended for administration
- 18.33 through implants to cattle or other nonhuman species; and ~~(ii)~~ (B) approved by the United
- 18.34 States Food and Drug Administration for that use;
- 18.35 (2) Human growth hormones.

19.1 (g) Hallucinogenic substances. Dronabinol (synthetic) in sesame oil and  
 19.2 encapsulated in a soft gelatin capsule in a United States Food and Drug Administration  
 19.3 approved product.

19.4 (h) Any material, compound, mixture, or preparation containing the following  
 19.5 narcotic drug or its salt: buprenorphine.

19.6 ~~Subd. 5. **Schedule IV.** The following items are listed in Schedule IV: Barbital;~~  
 19.7 ~~Butorphanol; Chloral betaine; Chloral hydrate; Chlordiazepoxide; Clonazepam;~~  
 19.8 ~~Clorazepate; Diazepam; Diethylpropion; Ethchlorvynol; Ethinamate; Fenfluramine;~~  
 19.9 ~~Flurazepam; Mebutamate; Methohexital; Meprobamate except when in combination with~~  
 19.10 ~~the following drugs in the following or lower concentrations: conjugated estrogens, 0.4~~  
 19.11 ~~mg; tridihexethyl chloride, 25mg; pentaerythritol tetranitrate, 20 mg; Methylphenobarbital;~~  
 19.12 ~~Oxazepam; Paraldehyde; Pemoline; Petrichloral; Phenobarbital; and Phentermine (a)~~  
 19.13 Schedule IV consists of the substances listed in this subdivision.

19.14 (b) Narcotic drugs. Unless specifically excepted or unless listed in another schedule,  
 19.15 any material, compound, mixture, or preparation containing any of the following narcotic  
 19.16 drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities  
 19.17 as follows:

19.18 (1) not more than one milligram of difenoxin and not less than 25 micrograms of  
 19.19 atropine sulfate per dosage unit;

19.20 (2) dextropropoxyphene (Darvon and Darvocet).

19.21 (c) Depressants. Unless specifically excepted or unless listed in another schedule,  
 19.22 any material, compound, mixture, or preparation containing any quantity of the following  
 19.23 substances, including its salts, isomers, and salts of isomers whenever the existence of the  
 19.24 salts, isomers, and salts of isomers is possible:

19.25 (1) alprazolam;

19.26 (2) barbital;

19.27 (3) bromazepam;

19.28 (4) camazepam;

19.29 (5) carisoprodol;

19.30 (6) chloral betaine;

19.31 (7) chloral hydrate;

19.32 (8) chlordiazepoxide;

19.33 (9) clobazam;

19.34 (10) clonazepam;

19.35 (11) clorazepate;

19.36 (12) clotiazepam;

- 20.1 (13) cloxazolam;
- 20.2 (14) delorazepam;
- 20.3 (15) diazepam;
- 20.4 (16) dichloralphenazone;
- 20.5 (17) estazolam;
- 20.6 (18) ethchlorvynol;
- 20.7 (19) ethinamate;
- 20.8 (20) ethyl loflazepate;
- 20.9 (21) fludiazepam;
- 20.10 (22) flurazepam;
- 20.11 (23) halazepam;
- 20.12 (24) haloxazolam;
- 20.13 (25) ketazolam;
- 20.14 (26) loprozolam;
- 20.15 (27) lorazepam;
- 20.16 (28) lormetazepam mebutamate;
- 20.17 (29) medazepam;
- 20.18 (30) meprobamate;
- 20.19 (31) methohexital;
- 20.20 (32) methylphenobarbital;
- 20.21 (33) midazolam;
- 20.22 (34) nimetazepam;
- 20.23 (35) nitrazepamnordiazepam;
- 20.24 (36) oxazepam;
- 20.25 (37) oxazolam;
- 20.26 (38) paraldehydepentrichloral;
- 20.27 (39) phenobarbital;
- 20.28 (40) pinazepam;
- 20.29 (41) prazepam;
- 20.30 (42) quazepam;
- 20.31 (43) temazepam;
- 20.32 (44) tetrazepam;
- 20.33 (45) triazolam;
- 20.34 (46) zaleplon;
- 20.35 (47) zolpidem;
- 20.36 (48) zopiclone.

21.1 (d) Any material, compound, mixture, or preparation which contains any quantity of  
21.2 the following substance including its salts, isomers, and salts of such isomers, whenever  
21.3 the existence of such salts, isomers, and salts of isomers is possible: fenfluramine.

21.4 (e) Stimulants. Unless specifically excepted or unless listed in another schedule,  
21.5 any material, compound, mixture, or preparation which contains any quantity of the  
21.6 following substances having a stimulant effect on the central nervous system, including its  
21.7 salts, isomers, and salts of isomers:

21.8 (1) cathine (norpseudoephedrine);

21.9 (2) diethylpropion;

21.10 (3) fencamfamine;

21.11 (4) fenproporex;

21.12 (5) mazindol;

21.13 (6) mefenorex;

21.14 (7) modafinil;

21.15 (8) pemoline (including organometallic complexes and chelates thereof);

21.16 (9) phentermine;

21.17 (10) pipradol;

21.18 (11) sibutramine;

21.19 (12) SPA (1-dimethylamino-1,2-diphenylethane).

21.20 **Subd. 6. Schedule V; restrictions on methamphetamine precursor drugs.** (a) As  
21.21 used in this subdivision, the following terms have the meanings given:

21.22 (1) "methamphetamine precursor drug" means any compound, mixture, or  
21.23 preparation intended for human consumption containing ephedrine or pseudoephedrine as  
21.24 its sole active ingredient or as one of its active ingredients; and

21.25 (2) "over-the-counter sale" means a retail sale of a drug or product but does not  
21.26 include the sale of a drug or product pursuant to the terms of a valid prescription.

21.27 (b) The following items are listed in Schedule V:

21.28 (1) any compound, mixture, or preparation containing any of the following limited  
21.29 quantities of narcotic drugs, which shall include one or more nonnarcotic active medicinal  
21.30 ingredients in sufficient proportion to confer upon the compound, mixture or preparation  
21.31 valuable medicinal qualities other than those possessed by the narcotic drug alone:

21.32 (i) not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100  
21.33 grams;

21.34 (ii) not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100  
21.35 grams;

22.1 (iii) not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms  
22.2 of atropine sulfate per dosage unit; ~~or~~

22.3 (iv) not more than ~~15 milligrams of anhydrous morphine per 100 milliliters or per~~  
22.4 ~~100 grams; and 100 milligrams of opium per 100 milliliters or per 100 grams; or~~

22.5 (v) not more than 0.5 milligrams of difenoxin and not less than 25 micrograms of  
22.6 atropine sulfate per dosage unit.

22.7 (2) Stimulants. Unless specifically exempted or excluded or unless listed in another  
22.8 schedule, any material, compound, mixture, or preparation that contains any quantity of  
22.9 the following substance having a stimulant effect on the central nervous system, including  
22.10 its salts, isomers, and salts of isomers: pyrovalerone.

22.11 (3) Depressants. Unless specifically exempted or excluded or unless listed in another  
22.12 schedule, any material, compound, mixture, or preparation that contains any quantity  
22.13 of the following substance having a depressant effect on the central nervous system,  
22.14 including its salts, isomers, and salts of isomers:

22.15 (i) pregabalin;

22.16 (ii) lacosamide.

22.17 ~~(2)~~ (4) Any compound, mixture, or preparation containing ephedrine or  
22.18 pseudoephedrine as its sole active ingredient or as one of its active ingredients.

22.19 (c) No person may sell in a single over-the-counter sale more than two packages  
22.20 of a methamphetamine precursor drug or a combination of methamphetamine precursor  
22.21 drugs or any combination of packages exceeding a total weight of six grams, calculated as  
22.22 the base.

22.23 (d) Over-the-counter sales of methamphetamine precursor drugs are limited to:

22.24 (1) packages containing not more than a total of three grams of one or  
22.25 more methamphetamine precursor drugs, calculated in terms of ephedrine base or  
22.26 pseudoephedrine base; or

22.27 (2) for nonliquid products, sales in blister packs, where each blister contains not  
22.28 more than two dosage units, or, if the use of blister packs is not technically feasible, sales  
22.29 in unit dose packets or pouches.

22.30 (e) A business establishment that offers for sale methamphetamine precursor drugs  
22.31 in an over-the-counter sale shall ensure that all packages of the drugs are displayed  
22.32 behind a checkout counter where the public is not permitted and are offered for sale only  
22.33 by a licensed pharmacist, a registered pharmacy technician, or a pharmacy clerk. The  
22.34 establishment shall ensure that the person making the sale requires the buyer:

22.35 (1) to provide photographic identification showing the buyer's date of birth; and

23.1 (2) to sign a written or electronic document detailing the date of the sale, the name  
23.2 of the buyer, and the amount of the drug sold.

23.3 A document described under clause (2) must be retained by the establishment for  
23.4 at least three years and must at all reasonable times be open to the inspection of any  
23.5 law enforcement agency.

23.6 Nothing in this paragraph requires the buyer to obtain a prescription for the drug's  
23.7 purchase.

23.8 (f) No person may acquire through over-the-counter sales more than six grams of  
23.9 methamphetamine precursor drugs, calculated as the base, within a 30-day period.

23.10 (g) No person may sell in an over-the-counter sale a methamphetamine precursor  
23.11 drug to a person under the age of 18 years. It is an affirmative defense to a charge under  
23.12 this paragraph if the defendant proves by a preponderance of the evidence that the  
23.13 defendant reasonably and in good faith relied on proof of age as described in section  
23.14 340A.503, subdivision 6.

23.15 (h) A person who knowingly violates paragraph (c), (d), (e), (f), or (g) is guilty of  
23.16 a misdemeanor and may be sentenced to imprisonment for not more than 90 days, or to  
23.17 payment of a fine of not more than \$1,000, or both.

23.18 (i) An owner, operator, supervisor, or manager of a business establishment that  
23.19 offers for sale methamphetamine precursor drugs whose employee or agent is convicted of  
23.20 or charged with violating paragraph (c), (d), (e), (f), or (g) is not subject to the criminal  
23.21 penalties for violating any of those paragraphs if the person:

23.22 (1) did not have prior knowledge of, participate in, or direct the employee or agent to  
23.23 commit the violation; and

23.24 (2) documents that an employee training program was in place to provide the  
23.25 employee or agent with information on the state and federal laws and regulations regarding  
23.26 methamphetamine precursor drugs.

23.27 (j) Any person employed by a business establishment that offers for sale  
23.28 methamphetamine precursor drugs who sells such a drug to any person in a suspicious  
23.29 transaction shall report the transaction to the owner, supervisor, or manager of the  
23.30 establishment. The owner, supervisor, or manager may report the transaction to local law  
23.31 enforcement. A person who reports information under this subdivision in good faith is  
23.32 immune from civil liability relating to the report.

23.33 (k) Paragraphs (b) to (j) do not apply to:

23.34 (1) pediatric products labeled pursuant to federal regulation primarily intended for  
23.35 administration to children under 12 years of age according to label instructions;

24.1 (2) methamphetamine precursor drugs that are certified by the Board of Pharmacy as  
24.2 being manufactured in a manner that prevents the drug from being used to manufacture  
24.3 methamphetamine;

24.4 (3) methamphetamine precursor drugs in gel capsule or liquid form; or

24.5 (4) compounds, mixtures, or preparations in powder form where pseudoephedrine  
24.6 constitutes less than one percent of its total weight and is not its sole active ingredient.

24.7 (l) The Board of Pharmacy, in consultation with the Department of Public Safety,  
24.8 shall certify methamphetamine precursor drugs that meet the requirements of paragraph  
24.9 (k), clause (2), and publish an annual listing of these drugs.

24.10 (m) Wholesale drug distributors licensed and regulated by the Board of Pharmacy  
24.11 pursuant to sections 151.42 to 151.51 and registered with and regulated by the United  
24.12 States Drug Enforcement Administration are exempt from the methamphetamine precursor  
24.13 drug storage requirements of this section.

24.14 (n) This section preempts all local ordinances or regulations governing the sale  
24.15 by a business establishment of over-the-counter products containing ephedrine or  
24.16 pseudoephedrine. All ordinances enacted prior to the effective date of this act are void.

24.17 **Subd. 7. Board of Pharmacy; regulation of substances.** The Board of Pharmacy  
24.18 is authorized to regulate and define additional substances which contain quantities of a  
24.19 substance possessing abuse potential in accordance with the following criteria:

24.20 (1) The Board of Pharmacy shall place a substance in Schedule I if it finds that the  
24.21 substance has: A high potential for abuse, no currently accepted medical use in the United  
24.22 States, and a lack of accepted safety for use under medical supervision.

24.23 (2) The Board of Pharmacy shall place a substance in Schedule II if it finds that the  
24.24 substance has: A high potential for abuse, currently accepted medical use in the United  
24.25 States, or currently accepted medical use with severe restrictions, and that abuse may lead  
24.26 to severe psychological or physical dependence.

24.27 (3) The Board of Pharmacy shall place a substance in Schedule III if it finds that the  
24.28 substance has: A potential for abuse less than the substances listed in Schedules I and II,  
24.29 currently accepted medical use in treatment in the United States, and that abuse may lead  
24.30 to moderate or low physical dependence or high psychological dependence.

24.31 (4) The Board of Pharmacy shall place a substance in Schedule IV if it finds that  
24.32 the substance has: A low potential for abuse relative to the substances in Schedule III,  
24.33 currently accepted medical use in treatment in the United States, and that abuse may lead  
24.34 to limited physical dependence or psychological dependence relative to the substances in  
24.35 Schedule III.



25.1 (5) The Board of Pharmacy shall place a substance in Schedule V if it finds that the  
25.2 substance has: A low potential for abuse relative to the substances listed in Schedule IV,  
25.3 currently accepted medical use in treatment in the United States, and limited physical  
25.4 dependence and/or psychological dependence liability relative to the substances listed  
25.5 in Schedule IV.

25.6 Subd. 8. **Add, delete, or reschedule substances.** The state Board of Pharmacy may,  
25.7 by rule, add substances to or delete or reschedule substances listed in this section. The  
25.8 Board of Pharmacy may not delete or reschedule a drug that is in Schedule I, except as  
25.9 provided in subdivision 12.

25.10 In making a determination regarding a substance, the Board of Pharmacy shall  
25.11 consider the following: The actual or relative potential for abuse, the scientific evidence  
25.12 of its pharmacological effect, if known, the state of current scientific knowledge  
25.13 regarding the substance, the history and current pattern of abuse, the scope, duration,  
25.14 and significance of abuse, the risk to public health, the potential of the substance to  
25.15 produce psychic or physiological dependence liability, and whether the substance is an  
25.16 immediate precursor of a substance already controlled under this section. The state Board  
25.17 of Pharmacy may include any nonnarcotic drug authorized by federal law for medicinal  
25.18 use in a schedule only if such drug must, under either federal or state law or rule, be  
25.19 sold only on prescription.

25.20 ~~Subd. 8a. **Methamphetamine precursors.** The State Board of Pharmacy may,  
25.21 by order, require that nonprescription ephedrine or pseudophedrine products sold in  
25.22 gel capsule or liquid form be subject to the sale restrictions established in subdivision  
25.23 6 for methamphetamine precursor drugs, if the board concludes that ephedrine or  
25.24 pseudophedrine products in gel capsule or liquid form can be used to manufacture  
25.25 methamphetamine. In assessing the need for an order under this subdivision, the board  
25.26 shall consult at least annually with the advisory council on controlled substances, the  
25.27 commissioner of public safety, and the commissioner of health.~~

25.28 Subd. 8b. **Board of Pharmacy; expedited scheduling of additional substances.**  
25.29 (a) The state Board of Pharmacy may, by rule, add a substance to Schedule I provided that  
25.30 it finds that the substance has a high potential for abuse, has no currently accepted medical  
25.31 use in the United States, has a lack of accepted safety for use under medical supervision,  
25.32 has known adverse health effects, and is currently available for use within the state. For  
25.33 the purposes of this subdivision only, the board may use the expedited rulemaking process  
25.34 under section 14.389. The scheduling of a substance under this subdivision expires the  
25.35 day after the adjournment of the legislative session immediately following the substance's  
25.36 scheduling unless the legislature by law ratifies the action.

26.1 (b) If the board schedules a substance under this subdivision, the board shall notify  
26.2 in a timely manner the chairs and ranking minority members of the senate and house of  
26.3 representatives committees having jurisdiction over criminal justice and health policy  
26.4 and finance of the action and the reasons for it. The notice must include a copy of the  
26.5 administrative law judge's decision on the matter.

26.6 (c) This subdivision expires August 1, 2014.

26.7 Subd. 9. **Except substances by rule.** The state Board of Pharmacy may by rule  
26.8 except any compound, mixture, or preparation containing any stimulant or depressant  
26.9 substance listed in subdivision 4, ~~clauses (1) and (2)~~ paragraphs (b) and (c), or in  
26.10 subdivisions 5 and 6 from the application of all or any part of this chapter, if the  
26.11 compound, mixture, or preparation contains one or more active medicinal ingredients not  
26.12 having a stimulant or depressant effect on the central nervous system; provided, that  
26.13 such admixtures shall be included therein in such combinations, quantity, proportion,  
26.14 or concentration as to vitiate the potential for abuse of the substances which do have a  
26.15 stimulant or depressant effect on the central nervous system.

26.16 Subd. 10. **Dextromethorphan.** Dextromethorphan shall not be deemed to be  
26.17 included in any schedule by reason of the enactment of Laws 1971, chapter 937, unless  
26.18 controlled pursuant to the foregoing provisions of this section.

26.19 Subd. 12. **Coordination of controlled substance regulation with federal law and**  
26.20 **state statute.** If any substance is designated, rescheduled, or deleted as a controlled  
26.21 substance under federal law and notice thereof is given to the state Board of Pharmacy, the  
26.22 state Board of Pharmacy shall similarly control the substance under this chapter, after the  
26.23 expiration of 30 days from publication in the Federal Register of a final order designating  
26.24 a substance as a controlled substance or rescheduling or deleting a substance. Such order  
26.25 shall be filed with the secretary of state. If within that 30-day period, the state Board of  
26.26 Pharmacy objects to inclusion, rescheduling, or deletion, it shall publish the reasons for  
26.27 objection and afford all interested parties an opportunity to be heard. At the conclusion of  
26.28 the hearing, the state Board of Pharmacy shall publish its decision, which shall be subject  
26.29 to the provisions of chapter 14.

26.30 In exercising the authority granted by this chapter, the state Board of Pharmacy shall  
26.31 be subject to the provisions of chapter 14. ~~The state Board of Pharmacy shall provide~~  
26.32 ~~copies of any proposed rule under this chapter to the advisory council on controlled~~  
26.33 ~~substances at least 30 days prior to any hearing required by section 14.14, subdivision 1.~~  
26.34 ~~The state Board of Pharmacy shall consider the recommendations of the advisory council~~  
26.35 ~~on controlled substances, which may be made prior to or at the hearing.~~

27.1 The state Board of Pharmacy shall annually submit a report to the legislature on or  
 27.2 before December 1 that specifies what changes the board made to the controlled substance  
 27.3 schedules maintained by the board in Minnesota Rules, parts 6800.4210 to 6800.4250, in  
 27.4 the preceding 12 months. The report must include specific recommendations for amending  
 27.5 the controlled substance schedules contained in subdivisions 2 to 6, so that they conform  
 27.6 with the controlled substance schedules maintained by the board in Minnesota Rules,  
 27.7 parts 6800.4210 to 6800.4250.

27.8 ~~Subd. 13. **Implementation study.** Annually, the state Board of Pharmacy shall study~~  
 27.9 ~~the implementation of this chapter in relation to the problems of drug abuse in Minnesota.~~

27.10 **EFFECTIVE DATE.** This section is effective August 1, 2012, and applies to crimes  
 27.11 committed on or after that date.

27.12 Sec. 2. Minnesota Statutes 2011 Supplement, section 152.027, subdivision 6, is  
 27.13 amended to read:

27.14 Subd. 6. **Sale or possession of synthetic cannabinoids.** (a) As used in this  
 27.15 subdivision, "synthetic cannabinoid" includes any substance included in section 152.02,  
 27.16 subdivision 2, paragraph (h), clause (7) (3).

27.17 (b) A person who unlawfully sells a synthetic cannabinoid for no remuneration is  
 27.18 guilty of a gross misdemeanor.

27.19 (c) A person who unlawfully sells any amount of a synthetic cannabinoid is guilty of  
 27.20 a gross misdemeanor felony and if convicted may be sentenced to imprisonment for not  
 27.21 more than five years or to payment of a fine of not more than \$10,000, or both.

27.22 ~~(e)~~ (d) A person who unlawfully possesses any amount of a synthetic cannabinoid is  
 27.23 guilty of a misdemeanor.

27.24 ~~(d)~~ (e) Notwithstanding any contrary provision in sections 152.021 to 152.025, this  
 27.25 subdivision describes the exclusive penalties for the sale and possession of synthetic  
 27.26 cannabinoid.

27.27 **EFFECTIVE DATE.** This section is effective August 1, 2012, and applies to crimes  
 27.28 committed on or after that date.

27.29 Sec. 3. Minnesota Statutes 2010, section 152.18, subdivision 1, is amended to read:

27.30 Subdivision 1. **Deferring prosecution for certain first time drug offenders.** If  
 27.31 any person who has not previously participated in or completed a diversion program  
 27.32 authorized under section 401.065 or who has not previously been placed on probation  
 27.33 without a judgment of guilty and thereafter been discharged from probation under

28.1 this section is found guilty of a violation of section 152.024, subdivision 2, 152.025,  
28.2 subdivision 2, or 152.027, subdivision 2, 3, ~~or 4~~, or 6, paragraph (d), for possession of a  
28.3 controlled substance, after trial or upon a plea of guilty, and the court determines that the  
28.4 violation does not qualify as a subsequent controlled substance conviction under section  
28.5 152.01, subdivision 16a, the court may, without entering a judgment of guilty and with the  
28.6 consent of the person, defer further proceedings and place the person on probation upon  
28.7 such reasonable conditions as it may require and for a period, not to exceed the maximum  
28.8 sentence provided for the violation. The court may give the person the opportunity to  
28.9 attend and participate in an appropriate program of education regarding the nature and  
28.10 effects of alcohol and drug abuse as a stipulation of probation. Upon violation of a  
28.11 condition of the probation, the court may enter an adjudication of guilt and proceed as  
28.12 otherwise provided. The court may, in its discretion, dismiss the proceedings against the  
28.13 person and discharge the person from probation before the expiration of the maximum  
28.14 period prescribed for the person's probation. If during the period of probation the person  
28.15 does not violate any of the conditions of the probation, then upon expiration of the period  
28.16 the court shall discharge the person and dismiss the proceedings against that person.  
28.17 Discharge and dismissal under this subdivision shall be without court adjudication of guilt,  
28.18 but a not public record of it shall be retained by the Bureau of Criminal Apprehension  
28.19 for the purpose of use by the courts in determining the merits of subsequent proceedings  
28.20 against the person. The not public record may also be opened only upon court order for  
28.21 purposes of a criminal investigation, prosecution, or sentencing. Upon request by law  
28.22 enforcement, prosecution, or corrections authorities, the bureau shall notify the requesting  
28.23 party of the existence of the not public record and the right to seek a court order to open it  
28.24 pursuant to this section. The court shall forward a record of any discharge and dismissal  
28.25 under this subdivision to the bureau which shall make and maintain the not public record  
28.26 of it as provided under this subdivision. The discharge or dismissal shall not be deemed a  
28.27 conviction for purposes of disqualifications or disabilities imposed by law upon conviction  
28.28 of a crime or for any other purpose.

28.29 For purposes of this subdivision, "not public" has the meaning given in section  
28.30 13.02, subdivision 8a.

28.31 **EFFECTIVE DATE.** This section is effective August 1, 2012, and applies to crimes  
28.32 committed on or after that date.