

1.1 CONFERENCE COMMITTEE REPORT ON S.F. No. 2578

1.2 A bill for an act

1.3 relating to public safety; modifying the schedules of controlled substances;
 1.4 criminalizing certain acts involving kratom; modifying the DWI law by including
 1.5 other types of intoxicating substances and striking references to hazardous
 1.6 substances; amending Minnesota Statutes 2016, sections 97B.065, subdivision 1;
 1.7 152.02, subdivision 5; 152.027, by adding a subdivision; 169A.03, by adding a
 1.8 subdivision; 169A.20, subdivisions 1, 1a, 1b, 1c; 169A.45, subdivision 1; 169A.51,
 1.9 subdivisions 1, 7; 169A.52, subdivision 2; 169A.63, by adding a subdivision;
 1.10 169A.76; 360.0752, subdivisions 1, 2, 5, 7; 360.0753, subdivision 6; 609.2111;
 1.11 609.2112, subdivision 1; 609.2113, subdivisions 1, 2, 3; 609.2114, subdivisions
 1.12 1, 2; 624.7142, subdivision 1; Minnesota Statutes 2017 Supplement, sections
 1.13 152.02, subdivision 2; 169A.51, subdivision 4; 169A.55, subdivision 2; 171.29,
 1.14 subdivision 1; 360.0753, subdivisions 2, 3; repealing Minnesota Statutes 2016,
 1.15 section 169A.03, subdivision 9.

1.16 May 18, 2018

1.17 The Honorable Michelle L. Fischbach

1.18 President of the Senate

1.19 The Honorable Kurt L. Daudt

1.20 Speaker of the House of Representatives

1.21 We, the undersigned conferees for S.F. No. 2578 report that we have agreed upon the
 1.22 items in dispute and recommend as follows:

1.23 That the House recede from its amendment and that S.F. No. 2578 be further amended
 1.24 as follows:

1.25 Delete everything after the enacting clause and insert:

1.26 **"ARTICLE 1**

1.27 **CONTROLLED SUBSTANCE-RELATED CHANGES**

1.28 Section 1. Minnesota Statutes 2017 Supplement, section 152.02, subdivision 2, is amended
 1.29 to read:

1.30 Subd. 2. **Schedule I.** (a) Schedule I consists of the substances listed in this subdivision.

2.1 (b) Opiates. Unless specifically excepted or unless listed in another schedule, any of the
2.2 following substances, including their analogs, isomers, esters, ethers, salts, and salts of
2.3 isomers, esters, and ethers, whenever the existence of the analogs, isomers, esters, ethers,
2.4 and salts is possible:

2.5 (1) acetylmethadol;

2.6 (2) allylprodine;

2.7 (3) alphacetylmethadol (except levo-alphacetylmethadol, also known as levomethadyl
2.8 acetate);

2.9 (4) alphameprodine;

2.10 (5) alphamethadol;

2.11 (6) alpha-methylfentanyl benzethidine;

2.12 (7) betacetylmethadol;

2.13 (8) betameprodine;

2.14 (9) betamethadol;

2.15 (10) betaprodine;

2.16 (11) clonitazene;

2.17 (12) dextromoramide;

2.18 (13) diampromide;

2.19 (14) diethylambutene;

2.20 (15) difenoxin;

2.21 (16) dimenoxadol;

2.22 (17) dimepheptanol;

2.23 (18) dimethylambutene;

2.24 (19) dioxaphetyl butyrate;

2.25 (20) dipipanone;

2.26 (21) ethylmethylthiambutene;

2.27 (22) etonitazene;

2.28 (23) etoxeridine;

- 3.1 (24) furethidine;
- 3.2 (25) hydroxypethidine;
- 3.3 (26) ketobemidone;
- 3.4 (27) levomoramide;
- 3.5 (28) levophenacylmorphane;
- 3.6 (29) 3-methylfentanyl;
- 3.7 (30) acetyl-alpha-methylfentanyl;
- 3.8 (31) alpha-methylthiofentanyl;
- 3.9 (32) benzylfentanyl beta-hydroxyfentanyl;
- 3.10 (33) beta-hydroxy-3-methylfentanyl;
- 3.11 (34) 3-methylthiofentanyl;
- 3.12 (35) thenylfentanyl;
- 3.13 (36) thiofentanyl;
- 3.14 (37) para-fluorofentanyl;
- 3.15 (38) morpheridine;
- 3.16 (39) 1-methyl-4-phenyl-4-propionoxypiperidine;
- 3.17 (40) noracymethadol;
- 3.18 (41) norlevorphanol;
- 3.19 (42) normethadone;
- 3.20 (43) norpipanone;
- 3.21 (44) 1-(2-phenylethyl)-4-phenyl-4-acetoxypiperidine (PEPAP);
- 3.22 (45) phenadoxone;
- 3.23 (46) phenampromide;
- 3.24 (47) phenomorphan;
- 3.25 (48) phenoperidine;
- 3.26 (49) piritramide;
- 3.27 (50) proheptazine;

- 4.1 (51) properidine;
- 4.2 (52) propiram;
- 4.3 (53) racemoramide;
- 4.4 (54) tilidine;
- 4.5 (55) trimeperidine;
- 4.6 (56) N-(1-Phenethylpiperidin-4-yl)-N-phenylacetamide (acetyl fentanyl);
- 4.7 (57)
- 4.8 3,4-dichloro-N-[(1R,2R)-2-(dimethylamino)cyclohexyl]-N-methylbenzamide(U47700);
- 4.9 ~~and~~
- 4.10 (58) N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]furan-2-carboxamide(furanylfentanyl)₂;
- 4.11 and
- 4.12 (59) 4-(4-bromophenyl)-4-dimethylamino-1-phenethylcyclohexanol (bromadol).
- 4.13 (c) Opium derivatives. Any of the following substances, their analogs, salts, isomers,
- 4.14 and salts of isomers, unless specifically excepted or unless listed in another schedule,
- 4.15 whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:
- 4.16 (1) acetorphine;
- 4.17 (2) acetyldihydrocodeine;
- 4.18 (3) benzylmorphine;
- 4.19 (4) codeine methylbromide;
- 4.20 (5) codeine-n-oxide;
- 4.21 (6) cyprenorphine;
- 4.22 (7) desomorphine;
- 4.23 (8) dihydromorphine;
- 4.24 (9) drotebanol;
- 4.25 (10) etorphine;
- 4.26 (11) heroin;
- 4.27 (12) hydromorphenol;
- 4.28 (13) methyl-desorphine;

- 5.1 (14) methyldihydromorphine;
- 5.2 (15) morphine methylbromide;
- 5.3 (16) morphine methylsulfonate;
- 5.4 (17) morphine-n-oxide;
- 5.5 (18) myrophine;
- 5.6 (19) nicocodeine;
- 5.7 (20) nicomorphine;
- 5.8 (21) normorphine;
- 5.9 (22) pholcodine; and
- 5.10 (23) thebacon.

5.11 (d) Hallucinogens. Any material, compound, mixture or preparation which contains any
5.12 quantity of the following substances, their analogs, salts, isomers (whether optical, positional,
5.13 or geometric), and salts of isomers, unless specifically excepted or unless listed in another
5.14 schedule, whenever the existence of the analogs, salts, isomers, and salts of isomers is
5.15 possible:

- 5.16 (1) methylenedioxy amphetamine;
- 5.17 (2) methylenedioxymethamphetamine;
- 5.18 (3) methylenedioxy-N-ethylamphetamine (MDEA);
- 5.19 (4) n-hydroxy-methylenedioxyamphetamine;
- 5.20 (5) 4-bromo-2,5-dimethoxyamphetamine (DOB);
- 5.21 (6) 2,5-dimethoxyamphetamine (2,5-DMA);
- 5.22 (7) 4-methoxyamphetamine;
- 5.23 (8) 5-methoxy-3, 4-methylenedioxyamphetamine;
- 5.24 (9) alpha-ethyltryptamine;
- 5.25 (10) bufotenine;
- 5.26 (11) diethyltryptamine;
- 5.27 (12) dimethyltryptamine;
- 5.28 (13) 3,4,5-trimethoxyamphetamine;

- 6.1 (14) 4-methyl-2, 5-dimethoxyamphetamine (DOM);
- 6.2 (15) ibogaine;
- 6.3 (16) lysergic acid diethylamide (LSD);
- 6.4 (17) mescaline;
- 6.5 (18) parahexyl;
- 6.6 (19) N-ethyl-3-piperidyl benzilate;
- 6.7 (20) N-methyl-3-piperidyl benzilate;
- 6.8 (21) psilocybin;
- 6.9 (22) psilocyn;
- 6.10 (23) tenocyclidine (TPCP or TCP);
- 6.11 (24) N-ethyl-1-phenyl-cyclohexylamine (PCE);
- 6.12 (25) 1-(1-phenylcyclohexyl) pyrrolidine (PCPy);
- 6.13 (26) 1-[1-(2-thienyl)cyclohexyl]-pyrrolidine (TCPy);
- 6.14 (27) 4-chloro-2,5-dimethoxyamphetamine (DOC);
- 6.15 (28) 4-ethyl-2,5-dimethoxyamphetamine (DOET);
- 6.16 (29) 4-iodo-2,5-dimethoxyamphetamine (DOI);
- 6.17 (30) 4-bromo-2,5-dimethoxyphenethylamine (2C-B);
- 6.18 (31) 4-chloro-2,5-dimethoxyphenethylamine (2C-C);
- 6.19 (32) 4-methyl-2,5-dimethoxyphenethylamine (2C-D);
- 6.20 (33) 4-ethyl-2,5-dimethoxyphenethylamine (2C-E);
- 6.21 (34) 4-iodo-2,5-dimethoxyphenethylamine (2C-I);
- 6.22 (35) 4-propyl-2,5-dimethoxyphenethylamine (2C-P);
- 6.23 (36) 4-isopropylthio-2,5-dimethoxyphenethylamine (2C-T-4);
- 6.24 (37) 4-propylthio-2,5-dimethoxyphenethylamine (2C-T-7);
- 6.25 (38) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-yl)ethanamine
- 6.26 (2-CB-FLY);
- 6.27 (39) bromo-benzodifuranyl-isopropylamine (Bromo-DragonFLY);

- 7.1 (40) alpha-methyltryptamine (AMT);
- 7.2 (41) N,N-diisopropyltryptamine (DiPT);
- 7.3 (42) 4-acetoxy-N,N-dimethyltryptamine (4-AcO-DMT);
- 7.4 (43) 4-acetoxy-N,N-diethyltryptamine (4-AcO-DET);
- 7.5 (44) 4-hydroxy-N-methyl-N-propyltryptamine (4-HO-MPT);
- 7.6 (45) 4-hydroxy-N,N-dipropyltryptamine (4-HO-DPT);
- 7.7 (46) 4-hydroxy-N,N-diallyltryptamine (4-HO-DALT);
- 7.8 (47) 4-hydroxy-N,N-diisopropyltryptamine (4-HO-DiPT);
- 7.9 (48) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DiPT);
- 7.10 (49) 5-methoxy- α -methyltryptamine (5-MeO-AMT);
- 7.11 (50) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
- 7.12 (51) 5-methylthio-N,N-dimethyltryptamine (5-MeS-DMT);
- 7.13 (52) 5-methoxy-N-methyl-N-isopropyltryptamine (5-MeO-MiPT);
- 7.14 (53) 5-methoxy- α -ethyltryptamine (5-MeO-AET);
- 7.15 (54) 5-methoxy-N,N-dipropyltryptamine (5-MeO-DPT);
- 7.16 (55) 5-methoxy-N,N-diethyltryptamine (5-MeO-DET);
- 7.17 (56) 5-methoxy-N,N-diallyltryptamine (5-MeO-DALT);
- 7.18 (57) methoxetamine (MXE);
- 7.19 (58) 5-iodo-2-aminoindane (5-IAI);
- 7.20 (59) 5,6-methylenedioxy-2-aminoindane (MDAI);
- 7.21 (60) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe);
- 7.22 (61) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe);
- 7.23 (62) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25I-NBOMe);
- 7.24 (63) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);
- 7.25 (64) 2-(4-Ethylthio-2,5-dimethoxyphenyl)ethanamine (2C-T-2);
- 7.26 (65) N,N-Dipropyltryptamine (DPT);
- 7.27 (66) 3-[1-(Piperidin-1-yl)cyclohexyl]phenol (3-HO-PCP);

- 8.1 (67) N-ethyl-1-(3-methoxyphenyl)cyclohexanamine (3-MeO-PCE);
- 8.2 (68) 4-[1-(3-methoxyphenyl)cyclohexyl]morpholine (3-MeO-PCMo);
- 8.3 (69) 1-[1-(4-methoxyphenyl)cyclohexyl]-piperidine (methoxydine, 4-MeO-PCP);
- 8.4 (70) 2-(2-Chlorophenyl)-2-(ethylamino)cyclohexan-1-one (N-Ethylorketamine,
8.5 ethketamine, NENK);
- 8.6 (71) methylenedioxy-N,N-dimethylamphetamine (MDDMA);
- 8.7 (72) 3-(2-Ethyl(methyl)aminoethyl)-1H-indol-4-yl (4-AcO-MET); and
- 8.8 (73) 2-Phenyl-2-(methylamino)cyclohexanone (deschloroketamine).

8.9 (e) Peyote. All parts of the plant presently classified botanically as *Lophophora williamsii*
8.10 Lemaire, whether growing or not, the seeds thereof, any extract from any part of the plant,
8.11 and every compound, manufacture, salts, derivative, mixture, or preparation of the plant,
8.12 its seeds or extracts. The listing of peyote as a controlled substance in Schedule I does not
8.13 apply to the nondrug use of peyote in bona fide religious ceremonies of the American Indian
8.14 Church, and members of the American Indian Church are exempt from registration. Any
8.15 person who manufactures peyote for or distributes peyote to the American Indian Church,
8.16 however, is required to obtain federal registration annually and to comply with all other
8.17 requirements of law.

8.18 (f) Central nervous system depressants. Unless specifically excepted or unless listed in
8.19 another schedule, any material compound, mixture, or preparation which contains any
8.20 quantity of the following substances, their analogs, salts, isomers, and salts of isomers
8.21 whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:

- 8.22 (1) mecloqualone;
- 8.23 (2) methaqualone;
- 8.24 (3) gamma-hydroxybutyric acid (GHB), including its esters and ethers;
- 8.25 (4) flunitrazepam; and
- 8.26 (5) 2-(2-Methoxyphenyl)-2-(methylamino)cyclohexanone (2-MeO-2-deschloroketamine,
8.27 methoxyketamine).

8.28 (g) Stimulants. Unless specifically excepted or unless listed in another schedule, any
8.29 material compound, mixture, or preparation which contains any quantity of the following
8.30 substances, their analogs, salts, isomers, and salts of isomers whenever the existence of the
8.31 analogs, salts, isomers, and salts of isomers is possible:

- 9.1 (1) aminorex;
- 9.2 (2) cathinone;
- 9.3 (3) fenethylamine;
- 9.4 (4) methcathinone;
- 9.5 (5) methylaminorex;
- 9.6 (6) N,N-dimethylamphetamine;
- 9.7 (7) N-benzylpiperazine (BZP);
- 9.8 (8) methylmethcathinone (mephedrone);
- 9.9 (9) 3,4-methylenedioxy-N-methylcathinone (methydone);
- 9.10 (10) methoxymethcathinone (methedrone);
- 9.11 (11) methylenedioxypropylamphetamine (MDPV);
- 9.12 (12) 3-fluoro-N-methylcathinone (3-FMC);
- 9.13 (13) methylethcathinone (MEC);
- 9.14 (14) 1-benzofuran-6-ylpropan-2-amine (6-APB);
- 9.15 (15) dimethylmethcathinone (DMMC);
- 9.16 (16) fluoroamphetamine;
- 9.17 (17) fluoromethamphetamine;
- 9.18 (18) α -methylaminobutyrophenone (MABP or buphedrone);
- 9.19 (19) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one (butylone);
- 9.20 (20) 2-(methylamino)-1-(4-methylphenyl)butan-1-one (4-MEMABP or BZ-6378);
- 9.21 (21) 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl) pentan-1-one (naphthylpyrovalerone or
- 9.22 naphyrone);
- 9.23 (22) (alpha-pyrrolidinopropiophenone (alpha-PVP);
- 9.24 (23) (RS)-1-(4-methylphenyl)-2-(1-pyrrolidinyl)-1-hexanone (4-Me-PHP or MPHP);
- 9.25 (24) 2-(1-pyrrolidinyl)-hexanophenone (Alpha-PHP);
- 9.26 (25) 4-methyl-N-ethylcathinone (4-MEC);
- 9.27 (26) 4-methyl-alpha-pyrrolidinopropiophenone (4-MePPP);

- 10.1 (27) 2-(methylamino)-1-phenylpentan-1-one (pentedrone);
- 10.2 (28) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentylone);
- 10.3 (29) 4-fluoro-N-methylcathinone (4-FMC);
- 10.4 (30) 3,4-methylenedioxy-N-ethylcathinone (ethylone);
- 10.5 (31) alpha-pyrrolidinobutiophenone (α -PBP);
- 10.6 (32) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran (5-APDB);
- 10.7 (33) 1-phenyl-2-(1-pyrrolidiny1)-1-heptanone (PV8);
- 10.8 (34) 6-(2-Aminopropyl)-2,3-dihydrobenzofuran (6-APDB);
- 10.9 (35) 4-methyl-alpha-ethylaminopentiophenone (4-MEAPP);
- 10.10 (36) 4'-chloro-alpha-pyrrolidinopropiophenone (4'-chloro-PPP);
- 10.11 (37) 1-(1,3-Benzodioxol-5-yl)-2-(dimethylamino)butan-1-one (dibutylone, bk-DMBDB);
- 10.12 **and**
- 10.13 (38) 1-(3-chlorophenyl) piperazine (meta-chlorophenylpiperazine or mCPP); and
- 10.14 ~~(38)~~ (39) any other substance, except bupropion or compounds listed under a different
- 10.15 schedule, that is structurally derived from 2-aminopropan-1-one by substitution at the
- 10.16 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the
- 10.17 compound is further modified in any of the following ways:
- 10.18 (i) by substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy,
- 10.19 haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring
- 10.20 system by one or more other univalent substituents;
- 10.21 (ii) by substitution at the 3-position with an acyclic alkyl substituent;
- 10.22 (iii) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or
- 10.23 methoxybenzyl groups; or
- 10.24 (iv) by inclusion of the 2-amino nitrogen atom in a cyclic structure.
- 10.25 (h) Marijuana, tetrahydrocannabinols, and synthetic cannabinoids. Unless specifically
- 10.26 excepted or unless listed in another schedule, any natural or synthetic material, compound,
- 10.27 mixture, or preparation that contains any quantity of the following substances, their analogs,
- 10.28 isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence
- 10.29 of the isomers, esters, ethers, or salts is possible:
- 10.30 (1) marijuana;

11.1 (2) tetrahydrocannabinols naturally contained in a plant of the genus Cannabis, synthetic
11.2 equivalents of the substances contained in the cannabis plant or in the resinous extractives
11.3 of the plant, or synthetic substances with similar chemical structure and pharmacological
11.4 activity to those substances contained in the plant or resinous extract, including, but not
11.5 limited to, 1 cis or trans tetrahydrocannabinol, 6 cis or trans tetrahydrocannabinol, and 3,4
11.6 cis or trans tetrahydrocannabinol;

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

11.8 (i) Naphthoylindoles, which are any compounds containing a 3-(1-naphthoyl)indole
11.9 structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,
11.10 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
11.11 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any
11.12 extent and whether or not substituted in the naphthyl ring to any extent. Examples of
11.13 naphthoylindoles include, but are not limited to:

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

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

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

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

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

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

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

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

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

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

11.24 (ii) Naphthylmethylindoles, which are any compounds containing a
11.25 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the
11.26 indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
11.27 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further
11.28 substituted in the indole ring to any extent and whether or not substituted in the naphthyl
11.29 ring to any extent. Examples of naphthylmethylindoles include, but are not limited to:

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

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

12.1 (iii) Naphthoypyrroles, which are any compounds containing a 3-(1-naphthoyl)pyrrole
12.2 structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl,
12.3 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
12.4 2-(4-morpholinyl)ethyl group whether or not further substituted in the pyrrole ring to any
12.5 extent, whether or not substituted in the naphthyl ring to any extent. Examples of
12.6 naphthoypyrroles include, but are not limited to,
12.7 (5-(2-fluorophenyl)-1-pentylpyrrol-3-yl)-naphthalen-1-ylmethanone (JWH-307).

12.8 (iv) Naphthylmethylindenes, which are any compounds containing a naphthylideneindene
12.9 structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl,
12.10 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
12.11 2-(4-morpholinyl)ethyl group whether or not further substituted in the indene ring to any
12.12 extent, whether or not substituted in the naphthyl ring to any extent. Examples of
12.13 naphthylmethylindenes include, but are not limited to,
12.14 E-1-[1-(1-naphthalenylmethylene)-1H-inden-3-yl]pentane (JWH-176).

12.15 (v) Phenylacetylindoles, which are any compounds containing a 3-phenylacetylindole
12.16 structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,
12.17 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
12.18 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any
12.19 extent, whether or not substituted in the phenyl ring to any extent. Examples of
12.20 phenylacetylindoles include, but are not limited to:

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

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

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

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

12.25 (vi) Cyclohexylphenols, which are compounds containing a
12.26 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic
12.27 ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
12.28 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not substituted
12.29 in the cyclohexyl ring to any extent. Examples of cyclohexylphenols include, but are not
12.30 limited to:

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

12.32 (B) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol
12.33 (Cannabicyclohexanol or CP 47,497 C8 homologue);

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

13.3 (vii) Benzoylindoles, which are any compounds containing a 3-(benzoyl)indole structure
13.4 with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl,
13.5 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
13.6 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any
13.7 extent and whether or not substituted in the phenyl ring to any extent. Examples of
13.8 benzoylindoles include, but are not limited to:

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

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

13.11 (C) (4-methoxyphenyl-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (WIN
13.12 48,098 or Pravadoline).

13.13 (viii) Others specifically named:

13.14 (A) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)
13.15 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (HU-210);

13.16 (B) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)
13.17 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (Dexanabinol or HU-211);

13.18 (C) 2,3-dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]
13.19 -1,4-benzoxazin-6-yl-1-naphthalenylmethanone (WIN 55,212-2);

13.20 (D) (1-pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (UR-144);

13.21 (E) (1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone
13.22 (XLR-11);

13.23 (F) 1-pentyl-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-indazole-3-carboxamide
13.24 (AKB-48(APINACA));

13.25 (G) N-((3s,5s,7s)-adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide
13.26 (5-Fluoro-AKB-48);

13.27 (H) 1-pentyl-8-quinolinyl ester-1H-indole-3-carboxylic acid (PB-22);

13.28 (I) 8-quinolinyl ester-1-(5-fluoropentyl)-1H-indole-3-carboxylic acid (5-Fluoro PB-22);

13.29 (J) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-pentyl-1H-indazole-3-carboxamide
13.30 (AB-PINACA);

- 14.1 (K) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-[(4-fluorophenyl)methyl]-
14.2 1H-indazole-3-carboxamide (AB-FUBINACA);
- 14.3 (L) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-(cyclohexylmethyl)-1H-
14.4 indazole-3-carboxamide(AB-CHMINACA);
- 14.5 (M) (S)-methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3- methylbutanoate
14.6 (5-fluoro-AMB);
- 14.7 (N) [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl) methanone (THJ-2201);
- 14.8 (O) (1-(5-fluoropentyl)-1H-benzo[d]imidazol-2-yl)(naphthalen-1-yl)methanone
14.9 (FUBIMINA);
- 14.10 (P) (7-methoxy-1-(2-morpholinoethyl)-N-((1S,2S,4R)-1,3,3-trimethylbicyclo
14.11 [2.2.1]heptan-2-yl)-1H-indole-3-carboxamide (MN-25 or UR-12);
- 14.12 (Q) (S)-N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)
14.13 -1H-indole-3-carboxamide (5-fluoro-ABICA);
- 14.14 (R) N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl)
14.15 -1H-indole-3-carboxamide;
- 14.16 (S) N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl)
14.17 -1H-indazole-3-carboxamide;
- 14.18 (T) methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido) -3,3-dimethylbutanoate;
- 14.19 (U) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1(cyclohexylmethyl)-1
14.20 H-indazole-3-carboxamide (MAB-CHMINACA);
- 14.21 (V) N-(1-Amino-3,3-dimethyl-1-oxo-2-butanyl)-1-pentyl-1H-indazole-3-carboxamide
14.22 (ADB-PINACA);
- 14.23 (W) methyl (1-(4-fluorobenzyl)-1H-indazole-3-carbonyl)-L-valinate (FUB-AMB);
- 14.24 (X)
14.25 N-[(1S)-2-amino-2-oxo-1-(phenylmethyl)ethyl]-1-(cyclohexylmethyl)-1H-Indazole-3-carboxamide.
14.26 (APP-CHMINACA);
- 14.27 (Y) quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate (FUB-PB-22); and
- 14.28 (Z) methyl N-[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]valinate (MMB-CHMICA).
- 14.29 (i) A controlled substance analog, to the extent that it is implicitly or explicitly intended
14.30 for human consumption.

15.1 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
15.2 committed on or after that date.

15.3 Sec. 2. Minnesota Statutes 2016, section 152.02, subdivision 5, is amended to read:

15.4 Subd. 5. **Schedule IV.** (a) Schedule IV consists of the substances listed in this subdivision.

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

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

15.11 (2) dextropropoxyphene (Darvon and Darvocet);

15.12 (3) 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and
15.13 geometric isomers, and salts of these isomers (including tramadol); ~~and~~

15.14 (4) eluxadoline;

15.15 (5) pentazocine; and

15.16 (6) butorphanol (including its optical isomers).

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

15.21 (1) alfaxalone (5 α -pregnan-3 α -ol-11,20-dione);

15.22 (2) alprazolam;

15.23 (3) barbital;

15.24 (4) bromazepam;

15.25 (5) camazepam;

15.26 (6) carisoprodol;

15.27 (7) chloral betaine;

15.28 (8) chloral hydrate;

15.29 (9) chlordiazepoxide;

- 16.1 (10) clobazam;
- 16.2 (11) clonazepam;
- 16.3 (12) clorazepate;
- 16.4 (13) clotiazepam;
- 16.5 (14) cloxazolam;
- 16.6 (15) delorazepam;
- 16.7 (16) diazepam;
- 16.8 (17) dichloralphenazone;
- 16.9 (18) estazolam;
- 16.10 (19) ethchlorvynol;
- 16.11 (20) ethinamate;
- 16.12 (21) ethyl loflazepate;
- 16.13 (22) fludiazepam;
- 16.14 (23) flurazepam;
- 16.15 (24) fospropofol;
- 16.16 (25) halazepam;
- 16.17 (26) haloxazolam;
- 16.18 (27) ketazolam;
- 16.19 (28) lorazepam;
- 16.20 (29) lorazepam;
- 16.21 (30) lormetazepam mebutamate;
- 16.22 (31) medazepam;
- 16.23 (32) meprobamate;
- 16.24 (33) methohexital;
- 16.25 (34) methylphenobarbital;
- 16.26 (35) midazolam;
- 16.27 (36) nimetazepam;

- 17.1 (37) nitrazepam;
- 17.2 (38) nordiazepam;
- 17.3 (39) oxazepam;
- 17.4 (40) oxazolam;
- 17.5 (41) paraldehyde;
- 17.6 (42) petrichloral;
- 17.7 (43) phenobarbital;
- 17.8 (44) pinazepam;
- 17.9 (45) prazepam;
- 17.10 (46) quazepam;
- 17.11 (47) suvorexant;
- 17.12 (48) temazepam;
- 17.13 (49) tetrazepam;
- 17.14 (50) triazolam;
- 17.15 (51) zaleplon;
- 17.16 (52) zolpidem;
- 17.17 (53) zopiclone.
- 17.18 (d) Any material, compound, mixture, or preparation which contains any quantity of the
- 17.19 following substance including its salts, isomers, and salts of such isomers, whenever the
- 17.20 existence of such salts, isomers, and salts of isomers is possible: fenfluramine.
- 17.21 (e) Stimulants. Unless specifically excepted or unless listed in another schedule, any
- 17.22 material, compound, mixture, or preparation which contains any quantity of the following
- 17.23 substances having a stimulant effect on the central nervous system, including its salts,
- 17.24 isomers, and salts of isomers:
- 17.25 (1) cathine (norpseudoephedrine);
- 17.26 (2) diethylpropion;
- 17.27 (3) fencamfamine;
- 17.28 (4) fenproporex;

- 18.1 (5) mazindol;
- 18.2 (6) mefenorex;
- 18.3 (7) modafinil;
- 18.4 (8) pemoline (including organometallic complexes and chelates thereof);
- 18.5 (9) phentermine;
- 18.6 (10) pipradol;
- 18.7 (11) sibutramine;
- 18.8 (12) SPA (1-dimethylamino-1,2-diphenylethane).
- 18.9 (f) lorcaserin.

18.10 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
 18.11 committed on or after that date.

18.12 Sec. 3. Minnesota Statutes 2016, section 152.027, is amended by adding a subdivision to
 18.13 read:

18.14 **Subd. 7. Sale or possession of kratom.** (a) A person who unlawfully sells any amount
 18.15 of kratom or a substance that contains mitragynine or 7-hydroxymitragynine to a person
 18.16 under the age of 18 is guilty of a gross misdemeanor.

18.17 (b) A person under the age of 18 who unlawfully possesses any amount of kratom or a
 18.18 substance that contains mitragynine or 7-hydroxymitragynine is guilty of a misdemeanor.

18.19 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
 18.20 committed on or after that date.

18.21 **ARTICLE 2**

18.22 **SUBSTANTIVE CHANGE TO DWI LAW; INTOXICATING SUBSTANCES**

18.23 Section 1. Minnesota Statutes 2016, section 169A.03, is amended by adding a subdivision
 18.24 to read:

18.25 **Subd. 11a. Intoxicating substance.** "Intoxicating substance" means a drug or chemical,
 18.26 as those terms are defined in section 151.01, that when introduced into the human body
 18.27 impairs the central nervous system or impairs the human audio, visual, or mental processes.
 18.28 The term does not include alcohol or controlled substances.

19.1 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
 19.2 committed on or after that date.

19.3 Sec. 2. Minnesota Statutes 2016, section 169A.20, subdivision 1, is amended to read:

19.4 Subdivision 1. **Driving while impaired crime; motor vehicle.** It is a crime for any
 19.5 person to drive, operate, or be in physical control of any motor vehicle, as defined in section
 19.6 169A.03, subdivision 15, except for motorboats in operation and off-road recreational
 19.7 vehicles, within this state or on any boundary water of this state when:

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

19.9 (2) the person is under the influence of a controlled substance;

19.10 (3) the person is ~~knowingly~~ under the influence of a ~~hazardous~~ an intoxicating substance
 19.11 ~~that affects the nervous system, brain, or muscles of the person so as to substantially impair~~
 19.12 ~~the person's ability to drive or operate the motor vehicle~~ and the person knows or has reason
 19.13 to know that the substance has the capacity to cause impairment;

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

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

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

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

19.24 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
 19.25 committed on or after that date.

19.26 Sec. 3. **REPEALER.**

19.27 Minnesota Statutes 2016, section 169A.03, subdivision 9, is repealed.

19.28 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
 19.29 committed on or after that date.

20.1 **ARTICLE 3**

20.2 **CONFORMING CHANGES TO DWI-RELATED LAWS**

20.3 Section 1. Minnesota Statutes 2016, section 97B.065, subdivision 1, is amended to read:

20.4 Subdivision 1. **Acts prohibited.** (a) A person may not take wild animals with a firearm
20.5 or by archery:

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

20.7 (2) when the person is under the influence of a controlled substance, as defined in section
20.8 152.01, subdivision 4;

20.9 (3) when the person is under the influence of a combination of any two or more of the
20.10 elements in clauses (1) and (2);

20.11 (4) when the person's alcohol concentration is 0.08 or more;

20.12 (5) when the person's alcohol concentration as measured within two hours of the time
20.13 of taking is 0.08 or more; or

20.14 (6) when the person is ~~knowingly~~ under the influence of ~~any chemical compound or~~
20.15 ~~combination of chemical compounds that is listed as a hazardous~~ an intoxicating substance
20.16 ~~in rules adopted under section 182.655 and that affects the nervous system, brain, or muscles~~
20.17 ~~of the person so as to substantially impair the person's ability to operate a firearm or bow~~
20.18 ~~and arrow~~ as defined in section 169A.03, subdivision 11a, and the person knows or has
20.19 reason to know that the substance has the capacity to cause impairment.

20.20 (b) An owner or other person having charge or control of a firearm or bow may not
20.21 authorize or permit an individual the person knows or has reason to believe is under the
20.22 influence of alcohol or a controlled substance, as provided under paragraph (a), to possess
20.23 the firearm or bow in this state or on a boundary water of this state.

20.24 (c) A person may not possess a loaded or uncased firearm or an uncased bow afield
20.25 under any of the conditions in paragraph (a).

20.26 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
20.27 committed on or after that date.

20.28 Sec. 2. Minnesota Statutes 2016, section 169A.20, subdivision 1a, is amended to read:

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

- 21.1 (1) the person is under the influence of alcohol;
- 21.2 (2) the person is under the influence of a controlled substance;
- 21.3 (3) the person is ~~knowingly~~ under the influence of a ~~hazardous~~ an intoxicating substance
- 21.4 ~~that affects the nervous system, brain, or muscles of the person so as to substantially impair~~
- 21.5 ~~the person's ability to drive or operate the motorboat~~ and the person knows or has reason
- 21.6 to know that the substance has the capacity to cause impairment;
- 21.7 (4) the person is under the influence of a combination of any two or more of the elements
- 21.8 named in clauses (1) to (3);
- 21.9 (5) the person's alcohol concentration at the time, or as measured within two hours of
- 21.10 the time, of driving, operating, or being in physical control of the motorboat is 0.08 or more;
- 21.11 or
- 21.12 (6) the person's body contains any amount of a controlled substance listed in Schedule
- 21.13 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.
- 21.14 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
- 21.15 committed on or after that date.

21.16 Sec. 3. Minnesota Statutes 2016, section 169A.20, subdivision 1b, is amended to read:

21.17 Subd. 1b. **Driving while impaired crime; snowmobile and all-terrain vehicle.** It is a

21.18 crime for any person to operate or be in physical control of a snowmobile as defined in

21.19 section 84.81, subdivision 3, or all-terrain vehicle as defined in section 84.92, subdivision

21.20 8, anywhere in this state or on the ice of any boundary water of this state when:

- 21.21 (1) the person is under the influence of alcohol;
- 21.22 (2) the person is under the influence of a controlled substance;
- 21.23 (3) the person is ~~knowingly~~ under the influence of a ~~hazardous~~ an intoxicating substance
- 21.24 ~~that affects the nervous system, brain, or muscles of the person so as to substantially impair~~
- 21.25 ~~the person's ability to drive or operate the snowmobile or all-terrain vehicle~~ and the person
- 21.26 knows or has reason to know that the substance has the capacity to cause impairment;
- 21.27 (4) the person is under the influence of a combination of any two or more of the elements
- 21.28 named in clauses (1) to (3);
- 21.29 (5) the person's alcohol concentration at the time, or as measured within two hours of
- 21.30 the time, of driving, operating, or being in physical control of the snowmobile or all-terrain
- 21.31 vehicle is 0.08 or more; or

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

22.3 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
22.4 committed on or after that date.

22.5 Sec. 4. Minnesota Statutes 2016, section 169A.20, subdivision 1c, is amended to read:

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

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

22.12 (2) the person is under the influence of a controlled substance;

22.13 (3) the person is ~~knowingly~~ under the influence of a ~~hazardous~~ an intoxicating substance
22.14 ~~that affects the nervous system, brain, or muscles of the person so as to substantially impair~~
22.15 ~~the person's ability to drive or operate the off-highway motorcycle or off-road vehicle and~~ and
22.16 the person knows or has reason to know that the substance has the capacity to cause
22.17 impairment;

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

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

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

22.25 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
22.26 committed on or after that date.

22.27 Sec. 5. Minnesota Statutes 2016, section 169A.45, subdivision 1, is amended to read:

22.28 Subdivision 1. **Alcohol concentration evidence.** Upon the trial of any prosecution
22.29 arising out of acts alleged to have been committed by any person arrested for violating
22.30 section 169A.20 (driving while impaired) or 169A.31 (alcohol-related school bus or Head
22.31 Start bus driving), the court may admit evidence of the presence or amount of alcohol in

23.1 the person's blood, breath, or urine as shown by an analysis of those items. In addition, in
 23.2 a prosecution for a violation of section 169A.20, the court may admit evidence of the
 23.3 presence or amount in the person's blood, breath, or urine, as shown by an analysis of those
 23.4 items, of:

23.5 (1) a controlled substance or its metabolite; or

23.6 (2) ~~a hazardous~~ an intoxicating substance.

23.7 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
 23.8 committed on or after that date.

23.9 Sec. 6. Minnesota Statutes 2016, section 169A.51, subdivision 1, is amended to read:

23.10 Subdivision 1. **Implied consent; conditions; election of test.** (a) Any person who drives,
 23.11 operates, or is in physical control of a motor vehicle within this state or on any boundary
 23.12 water of this state consents, subject to the provisions of sections 169A.50 to 169A.53 (implied
 23.13 consent law), and section 169A.20 (driving while impaired), to a chemical test of that
 23.14 person's blood, breath, or urine for the purpose of determining the presence of alcohol, a
 23.15 controlled substance or its metabolite, or ~~a hazardous~~ an intoxicating substance. The test
 23.16 must be administered at the direction of a peace officer.

23.17 (b) The test may be required of a person when an officer has probable cause to believe
 23.18 the person was driving, operating, or in physical control of a motor vehicle in violation of
 23.19 section 169A.20 (driving while impaired), and one of the following conditions exist:

23.20 (1) the person has been lawfully placed under arrest for violation of section 169A.20 or
 23.21 an ordinance in conformity with it;

23.22 (2) the person has been involved in a motor vehicle accident or collision resulting in
 23.23 property damage, personal injury, or death;

23.24 (3) the person has refused to take the screening test provided for by section 169A.41
 23.25 (preliminary screening test); or

23.26 (4) the screening test was administered and indicated an alcohol concentration of 0.08
 23.27 or more.

23.28 (c) The test may also be required of a person when an officer has probable cause to
 23.29 believe the person was driving, operating, or in physical control of a commercial motor
 23.30 vehicle with the presence of any alcohol.

23.31 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
 23.32 committed on or after that date.

24.1 Sec. 7. Minnesota Statutes 2017 Supplement, section 169A.51, subdivision 4, is amended
24.2 to read:

24.3 Subd. 4. **Requirement of urine or blood test.** A blood or urine test may be required
24.4 pursuant to a search warrant under sections 626.04 to 626.18 even after a breath test has
24.5 been administered if there is probable cause to believe that:

24.6 (1) there is impairment by a controlled substance or a ~~hazardous~~ an intoxicating substance
24.7 that is not subject to testing by a breath test;

24.8 (2) a controlled substance listed in Schedule I or II or its metabolite, other than marijuana
24.9 or tetrahydrocannabinols, is present in the person's body; or

24.10 (3) the person is unconscious or incapacitated to the point that the peace officer providing
24.11 a breath test advisory, administering a breath test, or serving the search warrant has a
24.12 good-faith belief that the person is mentally or physically unable to comprehend the breath
24.13 test advisory or otherwise voluntarily submit to chemical tests.

24.14 Action may be taken against a person who refuses to take a blood test under this
24.15 subdivision only if a urine test was offered and action may be taken against a person who
24.16 refuses to take a urine test only if a blood test was offered. This limitation does not apply
24.17 to an unconscious person under the circumstances described in clause (3).

24.18 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
24.19 committed on or after that date.

24.20 Sec. 8. Minnesota Statutes 2016, section 169A.51, subdivision 7, is amended to read:

24.21 Subd. 7. **Requirements for conducting tests; liability.** (a) Only a physician, medical
24.22 technician, emergency medical technician-paramedic, registered nurse, medical technologist,
24.23 medical laboratory technician, phlebotomist, laboratory assistant, or other qualified person
24.24 acting at the request of a peace officer may withdraw blood for the purpose of determining
24.25 the presence of alcohol, a controlled substance or its metabolite, or a ~~hazardous~~ an
24.26 intoxicating substance. This limitation does not apply to the taking of a breath or urine
24.27 sample.

24.28 (b) The person tested has the right to have someone of the person's own choosing
24.29 administer a chemical test or tests in addition to any administered at the direction of a peace
24.30 officer; provided, that the additional test sample on behalf of the person is obtained at the
24.31 place where the person is in custody, after the test administered at the direction of a peace
24.32 officer, and at no expense to the state. The failure or inability to obtain an additional test or

25.1 tests by a person does not preclude the admission in evidence of the test taken at the direction
25.2 of a peace officer unless the additional test was prevented or denied by the peace officer.

25.3 (c) The physician, medical technician, emergency medical technician-paramedic, medical
25.4 technologist, medical laboratory technician, laboratory assistant, phlebotomist, registered
25.5 nurse, or other qualified person drawing blood at the request of a peace officer for the
25.6 purpose of determining the concentration of alcohol, a controlled substance or its metabolite,
25.7 or a ~~hazardous~~ an intoxicating substance is in no manner liable in any civil or criminal action
25.8 except for negligence in drawing the blood. The person administering a breath test must be
25.9 fully trained in the administration of breath tests pursuant to training given by the
25.10 commissioner of public safety.

25.11 (d) For purposes of this subdivision, "qualified person" means medical personnel trained
25.12 in a licensed hospital or educational institution to withdraw blood.

25.13 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
25.14 committed on or after that date.

25.15 Sec. 9. Minnesota Statutes 2016, section 169A.52, subdivision 2, is amended to read:

25.16 Subd. 2. **Reporting test failure.** (a) If a person submits to a test, the results of that test
25.17 must be reported to the commissioner and to the authority having responsibility for
25.18 prosecution of impaired driving offenses for the jurisdiction in which the acts occurred, if
25.19 the test results indicate:

25.20 (1) an alcohol concentration of 0.08 or more;

25.21 (2) an alcohol concentration of 0.04 or more, if the person was driving, operating, or in
25.22 physical control of a commercial motor vehicle at the time of the violation; or

25.23 (3) the presence of a controlled substance listed in Schedule I or II or its metabolite,
25.24 other than marijuana or tetrahydrocannabinols.

25.25 (b) If a person submits to a test and the test results indicate the presence of a ~~hazardous~~
25.26 an intoxicating substance, the results of that test must be reported to the authority having
25.27 responsibility for prosecution of impaired driving offenses for the jurisdiction in which the
25.28 acts occurred.

25.29 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
25.30 committed on or after that date.

26.1 Sec. 10. Minnesota Statutes 2016, section 169A.76, is amended to read:

26.2 **169A.76 CIVIL ACTION; PUNITIVE DAMAGES.**

26.3 (a) In a civil action involving a motor vehicle accident, it is sufficient for the trier of fact
26.4 to consider an award of punitive damages if there is evidence that the accident was caused
26.5 by a driver:

26.6 (1) with an alcohol concentration of 0.08 or more;

26.7 (2) who was under the influence of a controlled substance;

26.8 (3) who was under the influence of alcohol and refused to take a test required under
26.9 section 169A.51 (chemical tests for intoxication); or

26.10 (4) who was ~~knowingly~~ under the influence of a ~~hazardous~~ intoxicating substance
26.11 ~~that substantially affects the person's nervous system, brain, or muscles so as to impair the~~
26.12 ~~person's ability to drive or operate a motor vehicle~~ and the person knows or has reason to
26.13 know that the substance has the capacity to cause impairment.

26.14 (b) A criminal charge or conviction is not a prerequisite to consideration of punitive
26.15 damages under this section. At the trial in an action where the trier of fact will consider an
26.16 award of punitive damages, evidence that the driver has been convicted of violating section
26.17 169A.20 (driving while impaired), 609.2112, 609.2113, or 609.2114 (criminal vehicular
26.18 homicide or injury) is admissible into evidence.

26.19 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to acts
26.20 committed on or after that date.

26.21 Sec. 11. Minnesota Statutes 2016, section 360.0752, subdivision 1, is amended to read:

26.22 Subdivision 1. **Definitions.** As used in this section and section 360.0753:

26.23 (1) "operate" includes the acts of all crew members with responsibility to operate the
26.24 aircraft;

26.25 (2) "controlled substance" has the meaning given in section 152.01, subdivision 4; and

26.26 (3) ~~"hazardous substance" means any chemical or chemical compound that is listed as~~
26.27 ~~a hazardous substance in rules adopted under chapter 182~~ "intoxicating substance" has the
26.28 meaning given in section 169A.03, subdivision 11a.

26.29 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
26.30 committed on or after that date.

27.1 Sec. 12. Minnesota Statutes 2016, section 360.0752, subdivision 2, is amended to read:

27.2 Subd. 2. **Crime; acts prohibited.** (a) It is a crime for any person to operate or attempt
27.3 to operate an aircraft on or over land or water within this state or over any boundary water
27.4 of this state under any of the following conditions:

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

27.6 (2) when the person is under the influence of a controlled substance;

27.7 (3) when the person is under the influence of a combination of any two or more of the
27.8 elements named in clauses (1), (2), and (6);

27.9 (4) when the person's alcohol concentration is 0.04 or more;

27.10 (5) when the person's alcohol concentration as measured within two hours of the time
27.11 of operation or attempted operation is 0.04 or more;

27.12 (6) when the person is ~~knowingly~~ under the influence of a ~~hazardous~~ an intoxicating
27.13 ~~substance that affects the nervous system, brain, or muscles of the person so as to~~
27.14 ~~substantially impair the person's ability to operate the aircraft and the person knows or has~~
27.15 reason to know that the substance has the capacity to cause impairment;

27.16 (7) when the person's body contains any amount of a controlled substance listed in
27.17 Schedule I or II, other than marijuana or tetrahydrocannabinols; or

27.18 (8) within eight hours of having consumed any alcoholic beverage or used any controlled
27.19 substance.

27.20 (b) If proven by a preponderance of the evidence, it shall be an affirmative defense to a
27.21 violation of paragraph (a), clause (7), that the defendant used the controlled substance
27.22 according to the terms of a prescription issued for the defendant in accordance with sections
27.23 152.11 and 152.12.

27.24 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
27.25 committed on or after that date.

27.26 Sec. 13. Minnesota Statutes 2016, section 360.0752, subdivision 5, is amended to read:

27.27 Subd. 5. **Evidence.** Upon the trial of any prosecution arising out of acts alleged to have
27.28 been committed by any person arrested for operating or attempting to operate an aircraft in
27.29 violation of subdivision 2, the court may admit evidence of the presence or amount of
27.30 alcohol, controlled substances, or ~~hazardous~~ intoxicating substances in the person's blood,
27.31 breath, or urine as shown by an analysis of those items.

28.1 Evidence of the refusal to take a test is admissible into evidence in a prosecution under
28.2 this section.

28.3 If proven by a preponderance of the evidence, it shall be an affirmative defense to a
28.4 violation of subdivision 2, clause (5), that the defendant consumed a sufficient quantity of
28.5 alcohol after the time of the violation and before the administration of the evidentiary test
28.6 to cause the defendant's alcohol concentration to exceed 0.04; provided, that this evidence
28.7 may not be admitted unless notice is given to the prosecution prior to the omnibus or pretrial
28.8 hearing in the matter.

28.9 The foregoing provisions do not limit the introduction of any other competent evidence
28.10 bearing upon the question whether or not the person violated this section, including tests
28.11 obtained more than two hours after the alleged violation and results obtained from partial
28.12 tests on an infrared breath-testing instrument. A result from a partial test is the measurement
28.13 obtained by analyzing one adequate breath sample, as defined in section 360.0753,
28.14 subdivision 4, paragraph (b).

28.15 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
28.16 committed on or after that date.

28.17 Sec. 14. Minnesota Statutes 2016, section 360.0752, subdivision 7, is amended to read:

28.18 Subd. 7. **Preliminary screening test.** When a peace officer has reason to believe that a
28.19 person may be violating or has violated subdivision 2, the officer may require the person
28.20 to provide a sample of the person's breath for a preliminary screening test using a device
28.21 approved by the commissioner of public safety or the commissioner of transportation for
28.22 this purpose. The results of this preliminary screening test shall be used for the purpose of
28.23 deciding whether to require the tests authorized in section 360.0753, but shall not be used
28.24 in any court action except to prove that a test was properly required of a person pursuant to
28.25 section 360.0753. Following the screening test, additional tests may be required of the
28.26 person pursuant to the provisions of section 360.0753.

28.27 A person who refuses to furnish a sample of the person's breath is subject to the provisions
28.28 of section 360.0753 unless, in compliance with section 360.0753, the person submits to a
28.29 blood, breath, or urine test to determine the presence or amount of alcohol, controlled
28.30 substances, or ~~hazardous~~ intoxicating substances.

28.31 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
28.32 committed on or after that date.

29.1 Sec. 15. Minnesota Statutes 2017 Supplement, section 360.0753, subdivision 2, is amended
29.2 to read:

29.3 Subd. 2. **Implied consent; conditions; election of test.** (a) Any person who operates
29.4 or attempts to operate an aircraft in or over this state or over any boundary water of this
29.5 state consents, subject to the provisions of this section and section 360.0752, to a chemical
29.6 test of that person's blood, breath, or urine for the purpose of determining the presence or
29.7 amount of alcohol, controlled substances, or ~~hazardous~~ intoxicating substances. The test
29.8 shall be administered at the direction of a peace officer.

29.9 (b) A test of the person's breath may be required when an officer has probable cause to
29.10 believe the person was operating or attempting to operate an aircraft in violation of section
29.11 360.0752 and one of the following conditions exists:

29.12 (1) the person has been lawfully placed under arrest for violation of section 360.0752;

29.13 (2) the person has been involved in an aircraft accident or collision resulting in property
29.14 damage, personal injury, or death;

29.15 (3) the person has refused to take the screening test provided for by section 360.0752;

29.16 (4) the screening test was administered and recorded an alcohol concentration of 0.04
29.17 or more or the presence of a controlled substance listed in Schedule I or II other than
29.18 marijuana or tetrahydrocannabinols; or

29.19 (5) the officer had probable cause to believe that the person was operating or attempting
29.20 to operate an aircraft with any amount of alcohol present in the person's body.

29.21 (c) A test of the person's blood or urine may be required by an officer under the conditions
29.22 described in paragraph (b) if the officer is acting pursuant to a search warrant under sections
29.23 626.04 to 626.18.

29.24 (d) At the time a test is requested, the person shall be informed:

29.25 (1) that Minnesota law requires the person to take a test to determine the presence or
29.26 amount of alcohol or a controlled substance listed in Schedule I or II other than marijuana
29.27 or tetrahydrocannabinols, or to determine if the person is under the influence of alcohol,
29.28 controlled substances, or ~~hazardous~~ intoxicating substances;

29.29 (2) that whether a test is taken or refused, the person may be subject to criminal
29.30 prosecution for an alcohol, controlled substance, or ~~hazardous~~ intoxicating substance-related
29.31 offense relating to the operation of an aircraft;

30.1 (3) that if testing is refused, the person may be subject to criminal prosecution because
30.2 the person refused testing and the person will be disqualified from operating an aircraft for
30.3 a minimum period of one year;

30.4 (4) if the peace officer has probable cause to believe the person has violated the criminal
30.5 vehicular homicide and injury laws, that pursuant to a search warrant a test will be taken
30.6 with or without the person's consent; and

30.7 (5) that, in the case of a breath test, the person has the right to consult with an attorney,
30.8 but that this right is limited to the extent that it cannot unreasonably delay administration
30.9 of the test.

30.10 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
30.11 committed on or after that date.

30.12 Sec. 16. Minnesota Statutes 2017 Supplement, section 360.0753, subdivision 3, is amended
30.13 to read:

30.14 Subd. 3. **Type of test.** (a) A peace officer who directs a test pursuant to this section may
30.15 direct a breath test.

30.16 (b) A peace officer, acting pursuant to a search warrant, may direct a blood or urine test
30.17 as provided in the warrant. If the warrant authorizes either a blood or urine test, the officer
30.18 may direct whether the test is of blood or urine. If the person to whom the test is directed
30.19 objects to the test, the officer shall offer the person an alternative test of either blood or
30.20 urine.

30.21 (c) A blood or urine test may be required pursuant to a search warrant even after a breath
30.22 test has been administered if there is probable cause to believe that: (1) there is impairment
30.23 by a controlled substance or ~~hazardous~~ an intoxicating substance that is not subject to testing
30.24 by a breath test; or (2) a controlled substance listed in Schedule I or II, other than marijuana
30.25 or tetrahydrocannabinols, is present in the person's body.

30.26 (d) Action under this section may be taken against a person who refuses to take a blood
30.27 test only if an alternative test was offered and action may be taken against a person who
30.28 refuses to take a urine test only if an alternative test was offered.

30.29 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
30.30 committed on or after that date.

31.1 Sec. 17. Minnesota Statutes 2016, section 360.0753, subdivision 6, is amended to read:

31.2 Subd. 6. **Manner of making test; additional test.** (a) Only a physician, medical
31.3 technician, physician's trained mobile intensive care paramedic, registered nurse, medical
31.4 technologist, or laboratory assistant acting at the request of a peace officer may withdraw
31.5 blood for the purpose of determining the presence or amount of alcohol, controlled
31.6 substances, or ~~hazardous~~ intoxicating substances. This limitation does not apply to the taking
31.7 of a breath or urine sample. The person tested has the right to have someone of the person's
31.8 own choosing administer a chemical test or tests in addition to any administered at the
31.9 direction of a peace officer; provided, that the additional test sample on behalf of the person
31.10 is obtained at the place where the person is in custody, after the test administered at the
31.11 direction of a peace officer, and at no expense to the state.

31.12 (b) The failure or inability to obtain an additional test or tests by a person shall not
31.13 preclude the admission in evidence of the test taken at the direction of a peace officer unless
31.14 the additional test was prevented or denied by the peace officer.

31.15 (c) The physician, medical technician, physician's trained mobile intensive care
31.16 paramedic, medical technologist, laboratory assistant, or registered nurse drawing blood at
31.17 the request of a peace officer for the purpose of determining the presence or concentration
31.18 of alcohol, controlled substances, or ~~hazardous~~ intoxicating substances shall in no manner
31.19 be liable in any civil or criminal action except for negligence in drawing the blood. The
31.20 person administering a breath test shall be fully trained in the administration of breath tests
31.21 pursuant to training given by the commissioner of public safety or the commissioner of
31.22 transportation.

31.23 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to acts
31.24 committed on or after that date.

31.25 Sec. 18. Minnesota Statutes 2016, section 609.2111, is amended to read:

31.26 **609.2111 DEFINITIONS.**

31.27 (a) For purposes of sections 609.2111 to 609.2114, the terms defined in this subdivision
31.28 have the meanings given them.

31.29 (b) "Motor vehicle" has the meaning given in section 609.52, subdivision 1, and includes
31.30 attached trailers.

31.31 (c) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

32.1 (d) ~~"Hazardous substance" means any chemical or chemical compound that is listed as~~
 32.2 ~~a hazardous substance in rules adopted under chapter 182~~ "Intoxicating substance" has the
 32.3 meaning given in section 169A.03, subdivision 11a.

32.4 (e) "Qualified prior driving offense" includes a prior conviction:

32.5 (1) for a violation of section 169A.20 under the circumstances described in section
 32.6 169A.24 or 169A.25;

32.7 (2) under section 609.2112, subdivision 1, clauses (2) to (6); 609.2113, subdivision 1,
 32.8 clauses (2) to (6); 2, clauses (2) to (6); or 3, clauses (2) to (6); or 609.2114, subdivision 1,
 32.9 clauses (2) to (6); or 2, clauses (2) to (6);

32.10 (3) under Minnesota Statutes 2012, section 609.21, subdivision 1, clauses (2) to (6); or

32.11 (4) under Minnesota Statutes 2006, section 609.21, subdivision 1, clauses (2) to (6); 2,
 32.12 clauses (2) to (6); 2a, clauses (2) to (6); 2b, clauses (2) to (6); 3, clauses (2) to (6); or 4,
 32.13 clauses (2) to (6).

32.14 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
 32.15 committed on or after that date.

32.16 Sec. 19. Minnesota Statutes 2016, section 609.2112, subdivision 1, is amended to read:

32.17 Subdivision 1. **Criminal vehicular homicide.** (a) Except as provided in paragraph (b),
 32.18 a person is guilty of criminal vehicular homicide and may be sentenced to imprisonment
 32.19 for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the
 32.20 person causes the death of a human being not constituting murder or manslaughter as a
 32.21 result of operating a motor vehicle:

32.22 (1) in a grossly negligent manner;

32.23 (2) in a negligent manner while under the influence of:

32.24 (i) alcohol;

32.25 (ii) a controlled substance; or

32.26 (iii) any combination of those elements;

32.27 (3) while having an alcohol concentration of 0.08 or more;

32.28 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
 32.29 of the time of driving;

33.1 (5) in a negligent manner while ~~knowingly~~ under the influence of a ~~hazardous~~ an
 33.2 intoxicating substance and the person knows or has reason to know that the substance has
 33.3 the capacity to cause impairment;

33.4 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
 33.5 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the
 33.6 person's body;

33.7 (7) where the driver who causes the collision leaves the scene of the collision in violation
 33.8 of section 169.09, subdivision 1 or 6; or

33.9 (8) where the driver had actual knowledge that a peace officer had previously issued a
 33.10 citation or warning that the motor vehicle was defectively maintained, the driver had actual
 33.11 knowledge that remedial action was not taken, the driver had reason to know that the defect
 33.12 created a present danger to others, and the death was caused by the defective maintenance.

33.13 (b) If a person is sentenced under paragraph (a) for a violation under paragraph (a),
 33.14 clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory
 33.15 maximum sentence of imprisonment is 15 years.

33.16 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
 33.17 committed on or after that date.

33.18 Sec. 20. Minnesota Statutes 2016, section 609.2113, subdivision 1, is amended to read:

33.19 Subdivision 1. **Great bodily harm.** A person is guilty of criminal vehicular operation
 33.20 resulting in great bodily harm and may be sentenced to imprisonment for not more than five
 33.21 years or to payment of a fine of not more than \$10,000, or both, if the person causes great
 33.22 bodily harm to another not constituting attempted murder or assault as a result of operating
 33.23 a motor vehicle:

33.24 (1) in a grossly negligent manner;

33.25 (2) in a negligent manner while under the influence of:

33.26 (i) alcohol;

33.27 (ii) a controlled substance; or

33.28 (iii) any combination of those elements;

33.29 (3) while having an alcohol concentration of 0.08 or more;

33.30 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
 33.31 of the time of driving;

34.1 (5) in a negligent manner while ~~knowingly~~ under the influence of a ~~hazardous~~ an
 34.2 intoxicating substance and the person knows or has reason to know that the substance has
 34.3 the capacity to cause impairment;

34.4 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
 34.5 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the
 34.6 person's body;

34.7 (7) where the driver who causes the accident leaves the scene of the accident in violation
 34.8 of section 169.09, subdivision 1 or 6; or

34.9 (8) where the driver had actual knowledge that a peace officer had previously issued a
 34.10 citation or warning that the motor vehicle was defectively maintained, the driver had actual
 34.11 knowledge that remedial action was not taken, the driver had reason to know that the defect
 34.12 created a present danger to others, and the injury was caused by the defective maintenance.

34.13 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
 34.14 committed on or after that date.

34.15 Sec. 21. Minnesota Statutes 2016, section 609.2113, subdivision 2, is amended to read:

34.16 Subd. 2. **Substantial bodily harm.** A person is guilty of criminal vehicular operation
 34.17 resulting in substantial bodily harm and may be sentenced to imprisonment for not more
 34.18 than three years or to payment of a fine of not more than \$10,000, or both, if the person
 34.19 causes substantial bodily harm to another as a result of operating a motor vehicle:

34.20 (1) in a grossly negligent manner;

34.21 (2) in a negligent manner while under the influence of:

34.22 (i) alcohol;

34.23 (ii) a controlled substance; or

34.24 (iii) any combination of those elements;

34.25 (3) while having an alcohol concentration of 0.08 or more;

34.26 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
 34.27 of the time of driving;

34.28 (5) in a negligent manner while ~~knowingly~~ under the influence of a ~~hazardous~~ an
 34.29 intoxicating substance and the person knows or has reason to know that the substance has
 34.30 the capacity to cause impairment;

35.1 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
 35.2 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the
 35.3 person's body;

35.4 (7) where the driver who causes the accident leaves the scene of the accident in violation
 35.5 of section 169.09, subdivision 1 or 6; or

35.6 (8) where the driver had actual knowledge that a peace officer had previously issued a
 35.7 citation or warning that the motor vehicle was defectively maintained, the driver had actual
 35.8 knowledge that remedial action was not taken, the driver had reason to know that the defect
 35.9 created a present danger to others, and the injury was caused by the defective maintenance.

35.10 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
 35.11 committed on or after that date.

35.12 Sec. 22. Minnesota Statutes 2016, section 609.2113, subdivision 3, is amended to read:

35.13 Subd. 3. **Bodily harm.** A person is guilty of criminal vehicular operation resulting in
 35.14 bodily harm and may be sentenced to imprisonment for not more than one year or to payment
 35.15 of a fine of not more than \$3,000, or both, if the person causes bodily harm to another as a
 35.16 result of operating a motor vehicle:

35.17 (1) in a grossly negligent manner;

35.18 (2) in a negligent manner while under the influence of:

35.19 (i) alcohol;

35.20 (ii) a controlled substance; or

35.21 (iii) any combination of those elements;

35.22 (3) while having an alcohol concentration of 0.08 or more;

35.23 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
 35.24 of the time of driving;

35.25 (5) in a negligent manner while ~~knowingly~~ under the influence of a ~~hazardous~~ an
 35.26 intoxicating substance and the person knows or has reason to know that the substance has
 35.27 the capacity to cause impairment;

35.28 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
 35.29 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the
 35.30 person's body;

36.1 (7) where the driver who causes the accident leaves the scene of the accident in violation
36.2 of section 169.09, subdivision 1 or 6; or

36.3 (8) where the driver had actual knowledge that a peace officer had previously issued a
36.4 citation or warning that the motor vehicle was defectively maintained, the driver had actual
36.5 knowledge that remedial action was not taken, the driver had reason to know that the defect
36.6 created a present danger to others, and the injury was caused by the defective maintenance.

36.7 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
36.8 committed on or after that date.

36.9 Sec. 23. Minnesota Statutes 2016, section 609.2114, subdivision 1, is amended to read:

36.10 Subdivision 1. **Death to an unborn child.** (a) Except as provided in paragraph (b), a
36.11 person is guilty of criminal vehicular operation resulting in death to an unborn child and
36.12 may be sentenced to imprisonment for not more than ten years or to payment of a fine of
36.13 not more than \$20,000, or both, if the person causes the death of an unborn child as a result
36.14 of operating a motor vehicle:

36.15 (1) in a grossly negligent manner;

36.16 (2) in a negligent manner while under the influence of:

36.17 (i) alcohol;

36.18 (ii) a controlled substance; or

36.19 (iii) any combination of those elements;

36.20 (3) while having an alcohol concentration of 0.08 or more;

36.21 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
36.22 of the time of driving;

36.23 (5) in a negligent manner while ~~knowingly~~ under the influence of ~~a hazardous~~ an
36.24 intoxicating substance and the person knows or has reason to know that the substance has
36.25 the capacity to cause impairment;

36.26 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
36.27 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the
36.28 person's body;

36.29 (7) where the driver who causes the accident leaves the scene of the accident in violation
36.30 of section 169.09, subdivision 1 or 6; or

37.1 (8) where the driver had actual knowledge that a peace officer had previously issued a
 37.2 citation or warning that the motor vehicle was defectively maintained, the driver had actual
 37.3 knowledge that remedial action was not taken, the driver had reason to know that the defect
 37.4 created a present danger to others, and the injury was caused by the defective maintenance.

37.5 (b) If a person is sentenced under paragraph (a) for a violation under paragraph (a),
 37.6 clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory
 37.7 maximum sentence of imprisonment is 15 years.

37.8 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
 37.9 committed on or after that date.

37.10 Sec. 24. Minnesota Statutes 2016, section 609.2114, subdivision 2, is amended to read:

37.11 Subd. 2. **Injury to an unborn child.** A person is guilty of criminal vehicular operation
 37.12 resulting in injury to an unborn child and may be sentenced to imprisonment for not more
 37.13 than five years or to payment of a fine of not more than \$10,000, or both, if the person
 37.14 causes the great bodily harm to an unborn child subsequently born alive as a result of
 37.15 operating a motor vehicle:

37.16 (1) in a grossly negligent manner;

37.17 (2) in a negligent manner while under the influence of:

37.18 (i) alcohol;

37.19 (ii) a controlled substance; or

37.20 (iii) any combination of those elements;

37.21 (3) while having an alcohol concentration of 0.08 or more;

37.22 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
 37.23 of the time of driving;

37.24 (5) in a negligent manner while ~~knowingly~~ under the influence of a ~~hazardous~~ an
 37.25 intoxicating substance and the person knows or has reason to know that the substance has
 37.26 the capacity to cause impairment;

37.27 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
 37.28 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the
 37.29 person's body;

37.30 (7) where the driver who causes the accident leaves the scene of the accident in violation
 37.31 of section 169.09, subdivision 1 or 6; or

38.1 (8) where the driver had actual knowledge that a peace officer had previously issued a
 38.2 citation or warning that the motor vehicle was defectively maintained, the driver had actual
 38.3 knowledge that remedial action was not taken, the driver had reason to know that the defect
 38.4 created a present danger to others, and the injury was caused by the defective maintenance.

38.5 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
 38.6 committed on or after that date.

38.7 Sec. 25. Minnesota Statutes 2016, section 624.7142, subdivision 1, is amended to read:

38.8 Subdivision 1. **Acts prohibited.** A person may not carry a pistol on or about the person's
 38.9 clothes or person in a public place:

38.10 (1) when the person is under the influence of a controlled substance, as defined in section
 38.11 152.01, subdivision 4;

38.12 (2) when the person is under the influence of a combination of any two or more of the
 38.13 elements named in clauses (1) and (4);

38.14 (3) when the person is ~~knowingly~~ under the influence of ~~any chemical compound or~~
 38.15 ~~combination of chemical compounds that is listed as a hazardous substance in rules adopted~~
 38.16 ~~under section 182.655 and that affects the nervous system, brain, or muscles of the person~~
 38.17 ~~so as to impair the person's clearness of intellect or physical control~~ an intoxicating substance
 38.18 as defined in section 169A.03, subdivision 11a, and the person knows or has reason to know
 38.19 that the substance has the capacity to cause impairment;

38.20 (4) when the person is under the influence of alcohol;

38.21 (5) when the person's alcohol concentration is 0.10 or more; or

38.22 (6) when the person's alcohol concentration is less than 0.10, but more than 0.04.

38.23 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
 38.24 committed on or after that date."

38.25 Delete the title and insert:

38.26 "A bill for an act

38.27 relating to public safety; modifying the schedules of controlled substances;
 38.28 providing penalties for sale or possession of kratom; modifying DWI law by
 38.29 including other types of intoxicating substances and striking references to hazardous
 38.30 substances; amending Minnesota Statutes 2016, sections 97B.065, subdivision 1;
 38.31 152.02, subdivision 5; 152.027, by adding a subdivision; 169A.03, by adding a
 38.32 subdivision; 169A.20, subdivisions 1, 1a, 1b, 1c; 169A.45, subdivision 1; 169A.51,
 38.33 subdivisions 1, 7; 169A.52, subdivision 2; 169A.76; 360.0752, subdivisions 1, 2,
 38.34 5, 7; 360.0753, subdivision 6; 609.2111; 609.2112, subdivision 1; 609.2113,
 38.35 subdivisions 1, 2, 3; 609.2114, subdivisions 1, 2; 624.7142, subdivision 1;

39.1 Minnesota Statutes 2017 Supplement, sections 152.02, subdivision 2; 169A.51,
39.2 subdivision 4; 360.0753, subdivisions 2, 3; repealing Minnesota Statutes 2016,
39.3 section 169A.03, subdivision 9."

40.1 We request the adoption of this report and repassage of the bill.

40.2 Senate Conferees:

40.3

40.4 Paul Anderson Warren Limmer

40.5

40.6 Ron Latz

40.7 House Conferees:

40.8

40.9 Keith Franke Anna Wills

40.10

40.11 Debra Hilstrom