

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 2805

(SENATE AUTHORS: LAINE and Dibble)

DATE
04/08/2019

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OFFICIAL STATUS
Introduction and first reading
Referred to Judiciary and Public Safety Finance and Policy

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

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

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

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

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

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

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

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

1.16 (1) the person unlawfully possesses one or more mixtures containing a controlled
1.17 substance classified in Schedule I, II, III, or IV, except ~~a small~~ any amount of marijuana;
1.18 or

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

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

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

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

2.6 Sec. 3. [152.0251] CONTROLLED SUBSTANCE CRIME; MARIJUANA.

2.7 Subdivision 1. Sale crimes. Except as provided in section 152.027, subdivision 4, a
2.8 person is guilty of a controlled substance crime if on one or more occasions within a 90-day
2.9 period the person unlawfully sells:

2.10 (1) one or more mixtures of a total weight of more than 42.5 grams containing marijuana;

2.11 (2) one or more mixtures of a total weight of more than ten grams but not more than
2.12 42.5 grams containing marijuana;

2.13 (3) one or more mixtures of a total weight of more than five grams but not more than
2.14 ten grams containing marijuana; or

2.15 (4) one or more mixtures of a total weight of five grams or less containing marijuana.

2.16 Subd. 2. Possession crimes. (a) A person is guilty of a controlled substance crime if the
2.17 person unlawfully possesses:

2.18 (1) one or more mixtures of a total weight of 250 grams or more containing marijuana;

2.19 (2) one or more mixtures of a total weight of more than 100 grams but not more than
2.20 250 grams containing marijuana;

2.21 (3) one or more mixtures of a total weight of more than 42.5 grams but not more than
2.22 100 grams containing marijuana; or

2.23 (4) one or more mixtures of a total weight of 42.5 grams or less.

2.24 Subd. 3. Penalty. (a) A person is guilty of a felony if convicted under subdivision 1,
2.25 clause (1), or subdivision 2, clause (1).

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

2.28 (c) A person is guilty of a misdemeanor if convicted under subdivision 1, clause (3), or
2.29 subdivision 2, clause (3).

- 3.1 (d) A person is guilty of a petty misdemeanor if convicted under subdivision 1, clause
- 3.2 (4), or subdivision 2, clause (4).