

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 2654

(SENATE AUTHORS: HAYDEN, Hall, Dziedzic, Latz and Franzen)

DATE
03/25/2019

D-PG
1259

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;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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