

Sec. 13. Minnesota Statutes 1969, Section 126.04, is amended to read:

126.04 INSTRUCTION IN DRUG ABUSE. Instruction in the use and misuse of drugs, alcohol, tobacco, and other chemicals shall be required of every school pupil. The state department is authorized and directed to prepare a course of instruction instructional resources beginning at the elementary level relating to the effects of alcohol upon the human system, upon character, and upon society. Such course of instruction shall be used in all public schools of the state use and misuse of drugs, alcohol, tobacco, and other chemicals. Such instructional resources shall be made available to all schools of the state. Schools shall either implement this curriculum or demonstrate that they have provided an alternative curriculum or one which will accomplish similar objectives. This section shall take effect on July 1, 1974.

Sec. 14. [145.699] POLICY. It is the purpose of this act to provide adequate funding, personnel and facilities through the expedient of the state planning agency and the governor of the state as the state's planning officer to meet the critical needs of the state in the areas of drug abuse and alcohol problems. Section 7 of this act expires on January 1, 1974 by which time it is intended that permanent provision will have been made within the framework of state government for the planning and administration of the state's policy in the fields of alcohol problems and drug abuse.

Approved June 7, 1971.

CHAPTER 893—H.F.No.851

An act relating to highway traffic regulation; screening of drivers for driving while under the influence of alcohol and drivers license violations; providing penalties; amending Minnesota Statutes 1969, Section 169.121, Subdivisions 1 and 2 and Section 169.123, Subdivision 2.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1969, Section 169.121, Subdivision 1, is amended to read:

**169.121 HIGHWAY TRAFFIC REGULATIONS;
INTOXICATION; PRELIMINARY SCREENING TEST.** Subdivi-

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sion 1. It shall be unlawful and punishable as provided in this section for any of the following persons to drive, operate or be in actual physical control of any vehicle within this state:

(a) A person who is under the influence of an alcoholic beverage or narcotic drug;

(b) A person who is an habitual user of narcotic drugs;

(c) A person who is under the influence of a combination of any two or more of the elements named in subsections (a) and (b) hereof;

(d) A person whose blood contains 0.10 percent or more by weight of alcohol.

When a police officer has reason to believe from the manner in which a driver is driving, operating, or actually controlling, or has driven, operated, or actually controlled, a vehicle that such driver may be violating this subdivision he may require the driver to provide a sample of his breath for an immediate preliminary screening test or analysis before an arrest is made, using a device approved by the commissioner for this purpose. The results of such a preliminary screening test or analysis shall be used only for the purpose of guiding the officer in deciding whether an arrest should be made, and shall not be used as evidence in any court action.

The driver of any motor vehicle shall furnish such a sample of his breath when required to do so. The provisions of Minnesota Statutes, Section 169.123, shall apply to any driver who refuses to furnish a sample of his breath; provided that the license or permit of a driver shall not be revoked pursuant to Minnesota Statutes, Section 169.123, Subdivision 4, for refusal to provide a sample of his breath for preliminary screening purposes, if he submits to a blood, breath or urine test to determine the alcoholic content of his blood pursuant to Minnesota Statutes, Section 169.123, Subdivision 2. Another test may be required of the driver following the screening test pursuant to the provisions of this chapter, which shall be admissible evidence in accordance therewith.

Nothing in this subdivision authorizing such preliminary screening test or analysis shall be construed as changing, limiting, or otherwise modifying the procedures, safeguards, and other provisions of sections 169.121 to 169.123 or ordinances in conformity therewith.

The provisions of this subdivision apply, but are not limited in application, to any person who drives, operates, or who is in actual physical control of any vehicle in the manner prohibited by this subdivision upon the ice of any lake, stream, or river, including but not limited to the ice of any boundary water.

Sec. 2. Minnesota Statutes 1969, Section 169.121, Subdivision 2, is amended to read:

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Subd. 2. Upon the trial of any prosecution arising out of acts alleged to have been committed by any person arrested for driving, operating, or in actual physical control of a motor vehicle ~~while under the influence of an alcohol beverage in violation of subparagraphs a, c, or d of section 1 hereof~~, the court may admit evidence of the amount of alcohol in the person's blood ~~taken voluntarily or pursuant to section 169.123, breath, or urine as shown by a medical or chemical analysis of his blood, or of his breath or urine if the person arrested elected to take such test in lieu thereof~~; if said test is taken voluntarily or pursuant to section 169.123.

For the purposes of this subdivision:

(a) evidence that there was at the time 0.05 percent or less by weight of alcohol in the person's blood is prima facie evidence that such person was not under the influence of an alcoholic beverage;

(b) evidence that there was at the time more than 0.05 percent and less than 0.10 percent by weight of alcohol in the person's blood is relevant evidence but it is not to be given prima facie effect in indicating whether or not the person was under the influence of an alcoholic beverage;

~~(c) evidence that there was at the time 0.10 percent or more by weight of alcohol in the person's blood may be admitted as prima facie evidence that the person was under the influence of an alcoholic beverage.~~

The foregoing provisions shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not such person was under the influence of an alcoholic beverage, ~~but the refusal to permit the taking of specimens for such chemical analysis shall not be admissible in evidence. In the event of a breath or urine test, the percentages above shall be increased by 10 percent.~~

For the purposes of this section, an "alcoholic beverage" means any liquid containing more than one-half of one percent of alcohol by volume.

For the purposes of this section "percent by weight of alcohol" shall be defined as the number of grams of alcohol per 100 milliliters of blood.

Sec. 3. Minnesota Statutes 1969, Section 169.123, Subdivision 2, is amended to read:

Subd. 2. **IMPLIED CONSENT; CONDITIONS; ELECTION AS TO TYPE OF TEST.** Any person who drives or operates a motor vehicle upon the public highways of this state shall be deemed to have given consent subject to the provisions of Laws 1961, Chapter 454, to

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a chemical test of his blood, breath, or urine for the purpose of determining the alcoholic content of his blood. The test shall be administered at the direction of a peace officer. The test may be administered when—(1) the officer has reasonable and probable grounds to believe that a person was driving or operating a motor vehicle while said person was under the influence of an alcoholic beverage, and—(2) one of the following conditions exist: (1) the said person has been lawfully placed under arrest for alleged commission of the said described offense in violation of Minnesota Statutes, Section 169.121, or an ordinance in conformity therewith ; or, (2) the person has been involved in a motor vehicle collision resulting in property damage, personal injury, or death. The test may also be administered when the officer has reason to believe that a person was driving or operating a motor vehicle in violation of Minnesota Statutes, Section 169.121 or an ordinance in conformity therewith and the person has either refused to take the preliminary screening test provided for by Minnesota Statutes, Section 161.121, Subdivision 1, or such preliminary screening test was administered and recorded a blood alcohol level of .10 percent or more by weight of alcohol . No action shall be taken hereunder against the said person unless the first two enumerated conditions existed at the time the officer requested the chemical test specimen. Any person may decline to take a direct blood test and elect to take either a breath, or urine test, whichever is available, in lieu thereof, and either a breath or urine test shall be made available to the arrested person who makes such an election. No action shall be taken against the person for declining to take a direct blood test unless either a breath, or urine test was available. At the time the peace officer requests such chemical test specimen, he shall inform the arrested person that his right to drive may be revoked or denied if he refuses to permit the test and that he has the right to have additional tests made by a person of his own choosing.

Approved June 7, 1971.

CHAPTER 894—H.F.No.920

[Coded]

An act relating to cemeteries; permanent care and improvement funds; reports; penalties.

Be it enacted by the Legislature of the State of Minnesota:

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