

Subd. 3. TERMINATION OF STAY. If the judgment debtor fails to pay any installment as specified by an order or agreement, then upon notice of default, the commissioner shall forthwith suspend the license, or nonresident's operating privilege, of the judgment debtor until the judgment is satisfied.

**Sec. 4. [171.185] COSTS PAID FROM TRUNK HIGHWAY FUND.**

All costs incurred by the commissioner in carrying out the provisions of sections 1 to 3 shall be paid from the trunk highway fund.

**Sec. 5. APPROPRIATION.**

There is appropriated from the trunk highway fund to the commissioner of public safety the sum of \$20,834 to carry out the purposes of sections 1 to 3, to be available until June 30, 1983.

**Sec. 6. EFFECTIVE DATE.**

This act is effective the day following final enactment.

Approved March 22, 1982

**CHAPTER 599 — H.F.No. 1573**

*An act relating to crimes; prohibiting the manufacture, sale, transfer and delivery of simulated controlled substances; prohibiting their manufacture, sale, transfer and delivery; providing penalties; amending Minnesota Statutes 1980, Sections 152.09, Subdivision 1; 152.15, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 152.*

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

**Section 1. [152.097] SIMULATED CONTROLLED SUBSTANCES.**

Subdivision 1. PROHIBITION. It is unlawful for any person knowingly to manufacture, sell, transfer or deliver or attempt to sell, transfer or deliver a noncontrolled substance upon:

(a) The express representation that the noncontrolled substance is a narcotic or non-narcotic controlled substance; or

(b) The express representation that the substance is of such nature or appearance that the recipient of the delivery will be able to sell, transfer or deliver the substance as a controlled substance; or

(c) Under circumstances which would lead a reasonable person to believe that the substance was a controlled substance. Any of the following factors shall constitute relevant evidence:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

(i) The noncontrolled substance was packaged in a manner normally used for the illegal delivery of controlled substances; or

(ii) The delivery or attempted delivery included an exchange of or demand for money or other valuable property as consideration for delivery of the noncontrolled substance, and the amount of the consideration was substantially in excess of the reasonable value of the noncontrolled substance; or

(iii) The physical appearance of the noncontrolled substance is substantially identical to a specified controlled substance.

Subd. 2. NO DEFENSE. In any prosecution under this section, it is no defense that the accused believed the noncontrolled substance to actually be a controlled substance.

Subd. 3. EXEMPTION. This section does not apply to the prescribing and dispensing of placebos by licensed practitioners and licensed pharmacists.

Sec. 2. Minnesota Statutes 1980, Section 152.09, Subdivision 1, is amended to read:

Subdivision 1. **UNLAWFUL ACTS.** Except as otherwise provided in this chapter, it shall be unlawful for any person, firm, or corporation to

(1) Manufacture, sell, give away, barter, deliver, exchange or distribute; or possess with intent to manufacture, sell, give away, barter, deliver, exchange or distribute, a controlled substance.

(2) Possess a controlled substance, except when such the possession is for his own use and is authorized by law.

(3) Manufacture, sell, transfer, or deliver or attempt to sell, transfer or deliver a noncontrolled substance in violation of section 1.

Sec. 3. Minnesota Statutes 1980, Section 152.15, is amended by adding a subdivision to read:

Subd. 2b. PENALTY. Any person who violates section 1 by manufacturing, transferring, selling, or delivering a noncontrolled substance may be imprisoned for not more than three years, fined not more than \$10,000, or both. Any person who violates section 1 by attempting to transfer, sell, or deliver a noncontrolled substance under circumstances set forth in section 1 shall be punishable as provided in section 609.17, subdivision 4.

#### Sec. 4. EFFECTIVE DATE.

Sections 1 to 3 are effective August 1, 1982 and apply to all offenses committed on or after that date.

Approved March 22, 1982

Changes or additions are indicated by underline, deletions by ~~strikeout~~.