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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4635

03/07/2024

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The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act  
1.2 relating to public safety; clarifying the criminal penalty for use and possession of  
1.3 cannabis by persons under 21 years of age; amending Minnesota Statutes 2022,  
1.4 section 260B.007, subdivisions 16, 18; Minnesota Statutes 2023 Supplement,  
1.5 section 152.0263, by adding subdivisions.

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

1.7 Section 1. Minnesota Statutes 2023 Supplement, section 152.0263, is amended by adding  
1.8 a subdivision to read:

1.9 Subd. 6. Use of cannabis by a person under 21 years of age. (a) It is a misdemeanor  
1.10 for a person under 21 years of age to unlawfully use cannabis flower, cannabis products,  
1.11 lower-potency hemp edibles, or hemp-derived consumer products.

1.12 (b) An offense under paragraph (a) may be prosecuted either in the jurisdiction where  
1.13 the use occurs or the jurisdiction where evidence of the use is observed.

1.14 (c) As used in this subdivision, "use" includes the ingestion of a prohibited item and the  
1.15 physical condition of having ingested a prohibited item.

1.16 EFFECTIVE DATE. This section is effective August 1, 2024, and applies to acts  
1.17 committed on or after that date.

1.18 Sec. 2. Minnesota Statutes 2023 Supplement, section 152.0263, is amended by adding a  
1.19 subdivision to read:

1.20 Subd. 7. Possession of cannabis by a person under 21 years of age. It is a misdemeanor  
1.21 for a person under 21 years of age to unlawfully possess any of the following:

2.1 (1) any amount up to four ounces of cannabis flower in any place other than the person's  
 2.2 residence;

2.3 (2) any amount up to two pounds of cannabis flower in the person's residence;

2.4 (3) any amount up to 16 grams of cannabis concentrate; or

2.5 (4) edible cannabis products, lower-potency hemp edibles, or hemp-derived consumer  
 2.6 products infused with any amount up to 1,600 milligrams of tetrahydrocannabinol.

2.7 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to acts  
 2.8 committed on or after that date.

2.9 Sec. 3. Minnesota Statutes 2022, section 260B.007, subdivision 16, is amended to read:

2.10 Subd. 16. **Juvenile petty offender; juvenile petty offense.** (a) "Juvenile petty offense"  
 2.11 includes a juvenile alcohol offense, a juvenile controlled substance offense, ~~a violation of~~  
 2.12 ~~section 609.685,~~ or a violation of a local ordinance, which by its terms prohibits conduct  
 2.13 by a child under the age of 18 years which would be lawful conduct if committed by an  
 2.14 adult.

2.15 (b) Except as otherwise provided in paragraph (c), "juvenile petty offense" also includes  
 2.16 an offense that would be a petty misdemeanor or misdemeanor if committed by an adult.

2.17 (c) "Juvenile petty offense" does not include any of the following:

2.18 (1) a misdemeanor-level violation of section 518B.01, 588.20, 609.224, 609.2242,  
 2.19 609.324, subdivision 2 or 3, 609.5632, 609.576, 609.66, 609.746, 609.748, 609.79, or  
 2.20 617.23;

2.21 (2) a major traffic offense or an adult court traffic offense, as described in section  
 2.22 260B.225;

2.23 (3) a misdemeanor-level offense committed by a child whom the juvenile court previously  
 2.24 has found to have committed a misdemeanor, gross misdemeanor, or felony offense; or

2.25 (4) a misdemeanor-level offense committed by a child whom the juvenile court has  
 2.26 found to have committed a misdemeanor-level juvenile petty offense on two or more prior  
 2.27 occasions, unless the county attorney designates the child on the petition as a juvenile petty  
 2.28 offender notwithstanding this prior record. As used in this clause, "misdemeanor-level  
 2.29 juvenile petty offense" includes a misdemeanor-level offense that would have been a juvenile  
 2.30 petty offense if it had been committed on or after July 1, 1995.

3.1 (d) A child who commits a juvenile petty offense is a "juvenile petty offender." The  
3.2 term juvenile petty offender does not include a child alleged to have violated any law relating  
3.3 to being hired, offering to be hired, or agreeing to be hired by another individual to engage  
3.4 in sexual penetration or sexual conduct which, if committed by an adult, would be a  
3.5 misdemeanor.

3.6 EFFECTIVE DATE. This section is effective August 1, 2024, and applies to acts  
3.7 committed on or after that date.

3.8 Sec. 4. Minnesota Statutes 2022, section 260B.007, subdivision 18, is amended to read:

3.9 Subd. 18. **Juvenile controlled substance offense.** "Juvenile controlled substance offense"  
3.10 means a violation by a child of section ~~152.027, subdivision 4, with respect to a small amount~~  
3.11 ~~of marijuana~~ 152.0263, subdivision 6 or 7, or an equivalent local ordinance.

3.12 EFFECTIVE DATE. This section is effective August 1, 2024, and applies to acts  
3.13 committed on or after that date.