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State of Minnesota  
HOUSE OF REPRESENTATIVES  
NINETIETH SESSION

H. F. No. 2766

02/20/2018 Authored by Wills, Whelan and Scott  
The bill was read for the first time and referred to the Committee on Public Safety and Security Policy and Finance

1.1 A bill for an act  
1.2 relating to public safety; modifying the DWI law by including other types of  
1.3 intoxicating substances and striking references to hazardous substances; amending  
1.4 Minnesota Statutes 2016, sections 169A.03, by adding a subdivision; 169A.20,  
1.5 subdivision 1; repealing Minnesota Statutes 2016, section 169A.03, subdivision  
1.6 9.

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

1.8 Section 1. Minnesota Statutes 2016, section 169A.03, is amended by adding a subdivision  
1.9 to read:

1.10 Subd. 11a. **Intoxicating substance.** "Intoxicating substance" means a drug or chemical,  
1.11 as those terms are defined in section 151.01, that when introduced into the human body  
1.12 impairs the central nervous system or impairs the human audio, visual, or mental processes.  
1.13 The term does not include alcohol or controlled substances.

1.14 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes  
1.15 committed on or after that date.

1.16 Sec. 2. Minnesota Statutes 2016, section 169A.20, subdivision 1, is amended to read:

1.17 Subdivision 1. **Driving while impaired crime; motor vehicle.** It is a crime for any  
1.18 person to drive, operate, or be in physical control of any motor vehicle, as defined in section  
1.19 169A.03, subdivision 15, except for motorboats in operation and off-road recreational  
1.20 vehicles, within this state or on any boundary water of this state when:

- 1.21 (1) the person is under the influence of alcohol;
- 1.22 (2) the person is under the influence of a controlled substance;

2.1 (3) the person is knowingly under the influence of a ~~hazardous~~ an intoxicating substance  
2.2 ~~that affects the nervous system, brain, or muscles of the person so as to substantially impair~~  
2.3 ~~the person's ability to drive or operate the motor vehicle;~~

2.4 (4) the person is under the influence of a combination of any two or more of the elements  
2.5 named in clauses (1) to (3);

2.6 (5) the person's alcohol concentration at the time, or as measured within two hours of  
2.7 the time, of driving, operating, or being in physical control of the motor vehicle is 0.08 or  
2.8 more;

2.9 (6) the vehicle is a commercial motor vehicle and the person's alcohol concentration at  
2.10 the time, or as measured within two hours of the time, of driving, operating, or being in  
2.11 physical control of the commercial motor vehicle is 0.04 or more; or

2.12 (7) the person's body contains any amount of a controlled substance listed in Schedule  
2.13 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.

2.14 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes  
2.15 committed on or after that date.

2.16 Sec. 3. **REPEALER.**

2.17 Minnesota Statutes 2016, section 169A.03, subdivision 9, is repealed.

2.18 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes  
2.19 committed on or after that date.

APPENDIX  
Repealed Minnesota Statutes: HF2766-0

**169A.03 DEFINITIONS.**

Subd. 9. **Hazardous substance.** "Hazardous substance" means any chemical or chemical compound that is listed as a hazardous substance in rules adopted under chapter 182 (occupational safety and health).