

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE

S.F. No. 1092

(SENATE AUTHORS: HALL, Limmer and Nelson)

DATE	D-PG	OFFICIAL STATUS
04/04/2011	1157	Introduction and first reading Referred to Judiciary and Public Safety

1.1 A bill for an act
1.2 relating to controlled substances; adding to the list of Schedule I controlled
1.3 substances; adding a definition of "analogue" in the controlled substances law;
1.4 amending Minnesota Statutes 2010, sections 152.01, by adding a subdivision;
1.5 152.02, subdivision 2.

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

1.7 Section 1. Minnesota Statutes 2010, section 152.01, is amended by adding a
1.8 subdivision to read:

1.9 Subd. 23. **Analogue.** (a) Except as provided in paragraph (b), "analogue" means a
1.10 substance:

1.11 (1) the chemical structure of which is substantially similar to the chemical structure
1.12 of a controlled substance in Schedule I or II;

1.13 (2) that has a stimulant, depressant, or hallucinogenic effect on the central nervous
1.14 system that is substantially similar to or greater than the stimulant, depressant, or
1.15 hallucinogenic effect on the central nervous system of a controlled substance in Schedule
1.16 I or II; or

1.17 (3) with respect to a particular person, which such person represents or intends to
1.18 have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is
1.19 substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect
1.20 on the central nervous system of a controlled substance in Schedule I or II.

1.21 (b) "Analogue" does not include:

1.22 (1) a controlled substance;

1.23 (2) any substance for which there is an approved new drug application under the
1.24 Federal Food, Drug, and Cosmetic Act; or

2.1 (3) with respect to a particular person, any substance, if an exemption is in effect for
2.2 investigational use, for that person, as provided by United States Code, title 21, section
2.3 355, and the person is registered as a controlled substance researcher as required under
2.4 section 152.12, subdivision 3, to the extent conduct with respect to such substance is
2.5 pursuant to such exemption and registration.

2.6 **EFFECTIVE DATE.** This section is effective August 1, 2011, and applies to crimes
2.7 committed on or after that date.

2.8 Sec. 2. Minnesota Statutes 2010, section 152.02, subdivision 2, is amended to read:

2.9 Subd. 2. **Schedule I.** The following items are listed in Schedule I:

2.10 (1) Any of the following substances, including their isomers, esters, ethers, salts, and
2.11 salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of
2.12 such isomers, esters, ethers and salts is possible within the specific chemical designation:

2.13 Acetylmethadol; Allylprodine; Alphacetylmethadol; Alphameprodine; Alphamethadol;
2.14 Benzethidine; Betacetylmethadol; Betameprodine; Betamethadol; Betaprodine;
2.15 Clonitazene; Dextromoramide; Dextrorphan; Diampromide; Diethylambutene;
2.16 Dimenoxadol; Dimepheptanol; Dimethylambutene; Dioxaphetyl butyrate; Dipipanone;
2.17 Ethylmethylthiambutene; Etonitazene; Etoxeridine; Furethidine; Hydroxypethidine;
2.18 Ketobemidone; Levomoramide; Levophenacymorphan; Morpheridine; Noracymethadol;
2.19 Norlevorphanol; Normethadone; Norpipanone; Phenadoxone; Phenampromide;
2.20 Phenomorphan; Phenoperidine; Piritramide; Proheptazine; Properidine; Racemoramide;
2.21 Trimeperidine.

2.22 (2) Any of the following opium derivatives, their salts, isomers and salts of
2.23 isomers, unless specifically excepted, whenever the existence of such salts, isomers
2.24 and salts of isomers is possible within the specific chemical designation: Acetorphine;
2.25 Acetyldihydrocodeine; Acetylcodone; Benzylmorphine; Codeine methylbromide;
2.26 Codeine-N-Oxide; Cyprenorphine; Desomorphine; Dihydromorphine; Etorphine; Heroin;
2.27 Hydromorphanol; Methyl-desorphine; Methylhydromorphine; Morphine methylbromide;
2.28 Morphine methylsulfonate; Morphine-N-Oxide; Myrophine; Nicocodeine; Nicomorphine;
2.29 Normorphine; Pholcodine; Thebacon.

2.30 (3) Any material, compound, mixture or preparation which contains any
2.31 quantity of the following hallucinogenic substances, their analogues (including
2.32 homologues), salts, isomers (whether optical, positional, or geometric), and salts of
2.33 isomers, unless specifically excepted or unless listed in another schedule, whenever
2.34 the existence of such analogues, salts, isomers, and salts of isomers is possible
2.35 ~~within the specific chemical designation:~~ 3,4-methylenedioxy amphetamine;

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3.1 3,4-methylenedioxyamphetamine; 4-bromo-2,5-dimethoxyamphetamine;
3.2 2,5-dimethoxyamphetamine; 4-methoxyamphetamine; 5-methoxy-3, 4-methylenedioxy
3.3 amphetamine; Bufotenine; Diethyltryptamine; Dimethyltryptamine; 3,4,5-trimethoxy
3.4 amphetamine; 4-methyl-2, 5-dimethoxyamphetamine; Ibogaine; Lysergic acid
3.5 diethylamide; marijuana; Mescaline; N-ethyl-3-piperidyl benzilate; N-methyl-3-piperidyl
3.6 benzilate; Psilocybin; Psilocyn; Tetrahydrocannabinols; 1-(1-(2-thienyl)
3.7 cyclohexyl) piperidine; n-ethyl-1-phenyl-cyclohexylamine; 1-(1-phenylcyclohexyl)
3.8 pyrrolidine; 2,5-dimethoxy-4-ethylphenethylamine, also known as 2C-E;
3.9 2,5-dimethoxy-4-iodophenethylamine, also known as 2C-I.

3.10 (4) Peyote, providing the listing of peyote as a controlled substance in Schedule I
3.11 does not apply to the nondrug use of peyote in bona fide religious ceremonies of the
3.12 American Indian Church, and members of the American Indian Church are exempt
3.13 from registration. Any person who manufactures peyote for or distributes peyote to the
3.14 American Indian Church, however, is required to obtain federal registration annually and
3.15 to comply with all other requirements of law.

3.16 (5) Unless specifically excepted or unless listed in another schedule, any material
3.17 compound, mixture, or preparation which contains any quantity of the following
3.18 substances having a depressant effect on the central nervous system, including its salts,
3.19 isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of
3.20 isomers is possible within the specific chemical designation:

3.21 Mecloqualone;
3.22 Flunitrazepam.

3.23 (6) Unless specifically excepted or unless listed in another schedule, any material
3.24 compound, mixture, or preparation which contains any quantity of the following
3.25 substances having a stimulant effect on the central nervous system, including its salts,
3.26 isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of
3.27 isomers is possible within the specific chemical designation:

3.28 Cathinone;
3.29 Methcathinone.

3.30 **EFFECTIVE DATE.** This section is effective August 1, 2011, and applies to crimes
3.31 committed on or after that date.