ARTICLE 4

CONTROLLED SUBSTANCE POLICY

Subd. 9a. Mixture. "Mixture" means a preparation, compound, mixture, or substance containing a controlled substance, regardless of purity except as provided in subdivision 16; sections 152.021, subdivision 2, paragraph (b); 152.022, subdivision 2, paragraph (b); and 152.023, subdivision 2, paragraph (b).

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.

Subd. 9b. Marijuana flower. "Marijuana flower" means the flower, leaves, stems, seeds, or plant form of marijuana.

EFFECTIVE DATE. This section is effective August 1, 2022.

Subd. 9c. Nonflower marijuana. "Nonflower marijuana" means the resinous form of marijuana.

EFFECTIVE DATE. This section is effective August 1, 2022.

Subd. 12a. Park zone. "Park zone" means an area designated as a public park by the federal government, the state, a local unit of government, a park district board, or a park and recreation board in a city of the first class or a federally recognized Indian Tribe. "Park zone" includes the area within 300 feet or one city block, whichever distance is greater, of the park boundary.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.

Small amount. "Small amount" as applied to marijuana means: (1) 42.5 grams or less. This provision shall not apply to the resinous form of marijuana flowers; or (2) eight grams or less of any nonflower marijuana mixture. Nonflower marijuana mixtures weighing eight grams or less may not be considered in determining the 42.5 gram limit in clause (1).

The weight of fluid used in a water pipe may not be considered in determining a small amount except in cases where the marijuana is mixed with four or more fluid ounces of that fluid.
EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.

Sec. 6. Minnesota Statutes 2021 Supplement, section 152.01, subdivision 18, is amended to read:

Subd. 18. Drug paraphernalia. (a) Except as otherwise provided in paragraph (b), "drug paraphernalia" means all equipment, products, and materials of any kind, except those items used in conjunction with permitted uses of controlled substances, including but not limited to the permitted uses of marijuana, under this chapter or the Uniform Controlled Substances Act, which are knowingly or intentionally used primarily in (1) manufacturing a controlled substance, (2) injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, (3) testing the strength, effectiveness, or purity of a controlled substance, or (4) enhancing the effect of a controlled substance.

(b) "Drug paraphernalia" does not include the possession, manufacture, delivery, or sale of: (1) hypodermic needles or syringes in accordance with section 151.40, subdivision 2; or (2) products that detect the presence of fentanyl or a fentanyl analog in a controlled substance.

Sec. 2. Minnesota Statutes 2020, section 152.021, subdivision 1, is amended to read:

Subdivision 1. Sale crimes. A person is guilty of controlled substance crime in the first degree if:

(1) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of 17 grams or more containing cocaine or methamphetamine; or

(2) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of ten grams or more containing heroin or fentanyl; or

(i) the person or an accomplice possesses on their person or within immediate reach, or uses, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm; or

(ii) the offense involves two aggravating factors;

(3) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of ten grams or more containing heroin or fentanyl;
Sec. 7. Minnesota Statutes 2020, section 152.021, subdivision 2, is amended to read:

Subd. 2. Possession crimes. (a) A person is guilty of a controlled substance crime in the first degree if:

(1) the person unlawfully possesses one or more mixtures of a total weight of 50 grams or more containing cocaine or methamphetamine;

(2) the person unlawfully possesses one or more mixtures of a total weight of 25 grams or more containing cocaine or methamphetamine and:

(i) the person or an accomplice possesses on their person or within immediate reach, or uses, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm; or

(ii) the offense involves two aggravating factors;

(3) the person unlawfully possesses one or more mixtures of a total weight of 25 grams or more containing heroin;

(4) the person unlawfully possesses one or more mixtures of a total weight of 500 grams or more containing a narcotic drug other than cocaine, heroin, fentanyl, or methamphetamine;

(5) the person unlawfully possesses one or more mixtures of a total weight of 500 grams or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 200 or more dosage units; or

(6) the person unlawfully possesses one or more mixtures of a total weight of 25 kilograms or more containing marijuana or Tetrahydrocannabinols.

(b) For the purposes of this subdivision, the weight of fluid used in a water pipe may not be considered in measuring the weight of a marijuana mixture. For other mixtures, the...
weight of fluid may not be considered except in cases where the mixture contains four or more fluid ounces of fluid.

**EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes committed on or after that date.

---

Sec. 3. Minnesota Statutes 2020, section 152.021, subdivision 2, is amended to read:

Subd. 2. Possession crimes. (a) A person is guilty of a controlled substance crime in the first degree if:

1. the person unlawfully possesses one or more mixtures of a total weight of 50 grams or more containing cocaine or methamphetamine;
2. the person unlawfully possesses one or more mixtures of a total weight of 25 grams or more containing cocaine or methamphetamine and:
   i. the person or an accomplice possesses on their person or within immediate reach, or uses, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm; or
   ii. the offense involves two aggravating factors;
3. the person unlawfully possesses one or more mixtures of a total weight of 25 grams or more containing heroin or fentanyl;
4. the person unlawfully possesses one or more mixtures of a total weight of 500 grams or more containing a narcotic drug other than cocaine, heroin, fentanyl, or methamphetamine;
5. the person unlawfully possesses one or more mixtures of a total weight of 500 grams or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 500 or more dosage units; or
6. the person unlawfully possesses one or more mixtures of a total weight of 50 kilograms or more containing marijuana or Tetrahydrocannabinols, or possesses 500 or more marijuana plants.

(b) For the purposes of this subdivision, the weight of fluid used in a water pipe may not be considered in measuring the weight of a mixture except in cases where the mixture contains four or more fluid ounces of fluid.

**EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes committed on or after that date.

Sec. 4. Minnesota Statutes 2020, section 152.022, subdivision 1, is amended to read:

Subdivision 1. Sale crimes. A person is guilty of controlled substance crime in the second degree if:
(1) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of ten grams or more containing a narcotic drug other than heroin or fentanyl;

(2) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of three grams or more containing cocaine or methamphetamine and:

(i) the person or an accomplice possesses on their person or within immediate reach, or uses, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm; or

(ii) the offense involves three aggravating factors;

(3) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of three grams or more containing heroin or fentanyl;

(4) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of ten grams or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 50 or more dosage units;

(5) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of ten kilograms or more containing marijuana or Tetrahydrocannabinols;

(6) the person unlawfully sells any amount of a Schedule I or II narcotic drug to a person under the age of 18, or conspires with or employs a person under the age of 18 to unlawfully sell the substance; or

(7) the person unlawfully sells any of the following in a school zone, a park zone, a public housing zone, or a drug treatment facility:

(i) any amount of a Schedule I or II narcotic drug, lysergic acid diethylamide (LSD), 3,4-methylenedioxyamphetamine, or 3,4-methylenedioxymethamphetamine;

(ii) one or more mixtures containing methamphetamine or amphetamine; or

(iii) one or more mixtures of a total weight of five kilograms or more containing marijuana or Tetrahydrocannabinols.

**EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes committed on or after that date.
(1) the person unlawfully possesses one or more mixtures of a total weight of 25 grams or more containing cocaine or methamphetamine;

(2) the person unlawfully possesses one or more mixtures of a total weight of ten grams or more containing cocaine or methamphetamine and:

(i) the person or an accomplice possesses on their person or within immediate reach, or uses, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm; or

(ii) the offense involves three aggravating factors;

(3) the person unlawfully possesses one or more mixtures of a total weight of six grams or more containing heroin;

(4) the person unlawfully possesses one or more mixtures of a total weight of 50 grams or more containing a narcotic drug other than cocaine, heroin, or methamphetamine;

(5) the person unlawfully possesses one or more mixtures of a total weight of 50 grams or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 100 or more dosage units; or

(6) the person unlawfully possesses one or more mixtures of a total weight of 25 kilograms or more containing marijuana or Tetrahydrocannabinols, or possesses 100 or more marijuana plants.

(b) For the purposes of this subdivision, the weight of fluid used in a water pipe may not be considered in measuring the weight of a marijuana mixture. For other mixtures, the weight of fluid may not be considered except in cases where the mixture contains four or more fluid ounces of fluid.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.
(ii) the offense involves three aggravating factors;

(3) the person unlawfully possesses one or more mixtures of a total weight of six grams or more containing heroin or fentanyl;

(4) the person unlawfully possesses one or more mixtures of a total weight of 50 grams or more containing a narcotic drug other than cocaine, heroin, fentanyl, or methamphetamine;

(5) the person unlawfully possesses one or more mixtures of a total weight of 50 grams or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 100 or more dosage units; or

(6) the person unlawfully possesses one or more mixtures of a total weight of 25 kilograms or more containing marijuana or Tetrahydrocannabinols, or possesses 100 or more marijuana plants.

(b) For the purposes of this subdivision, the weight of fluid used in a water pipe may not be considered in measuring the weight of a mixture except in cases where the mixture contains four or more fluid ounces of fluid.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.
(6) the person unlawfully possesses one or more mixtures containing methamphetamine or amphetamine in a school zone, a park zone, a public housing zone, or a drug treatment facility.

(b) For the purposes of this subdivision, the weight of fluid used in a water pipe may not be considered in measuring the weight of a marijuana mixture. For other mixtures, the weight of fluid may not be considered except in cases where the mixture contains four or more fluid ounces of fluid.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.

Sec. 6. Minnesota Statutes 2020, section 152.023, subdivision 2, is amended to read:

(a) A person is guilty of controlled substance crime in the third degree if:

(1) on one or more occasions within a 90-day period the person unlawfully possesses one or more mixtures of a total weight of ten grams or more containing a narcotic drug other than heroin or fentanyl;

(2) on one or more occasions within a 90-day period the person unlawfully possesses one or more mixtures of a total weight of three grams or more containing heroin or fentanyl;

(3) on one or more occasions within a 90-day period the person unlawfully possesses one or more mixtures containing a narcotic drug, it is packaged in dosage units, and equals 50 or more dosage units;

(4) on one or more occasions within a 90-day period the person unlawfully possesses any amount of a schedule I or II narcotic drug or five or more dosage units of lysergic acid diethylamide (LSD), 3,4-methylenedioxymethamphetamine, or 3,4-methylenedioxymethylamphetamine in a school zone, a park zone, a public housing zone, or a drug treatment facility;

(5) on one or more occasions within a 90-day period the person unlawfully possesses one or more mixtures of a total weight of ten kilograms or more containing marijuana or Tetrahydrocannabinols; or

(6) the person unlawfully possesses one or more mixtures containing methamphetamine or amphetamine in a school zone, a park zone, a public housing zone, or a drug treatment facility.

(b) For the purposes of this subdivision, the weight of fluid used in a water pipe may not be considered in measuring the weight of a mixture except in cases where the mixture contains four or more fluid ounces of fluid.
EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.
Sec. 11. Minnesota Statutes 2020, section 152.027, subdivision 4, is amended to read:

Possession or sale of small amounts of marijuana. (a) A person who
unlawfully sells a small amount of marijuana for no remuneration, or who unlawfully
possesses a small amount of marijuana is guilty of a petty misdemeanor
and shall be required
to participate in a drug education program unless the court enters a written finding that a
drug education program is inappropriate. The program must be approved by an area mental
health board with a curriculum approved by the state alcohol and drug abuse authority.

(b) A person convicted of an unlawful sale under paragraph (a) who is subsequently
convicted of an unlawful sale under paragraph (a) within two years is guilty of an misdemeanor
and shall be required to participate in a chemical dependency evaluation and treatment if
so indicated by the evaluation.

to conviction under this paragraph
is an absolute defense.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes
committed on or after that date.

Sec. 12. Minnesota Statutes 2020, section 152.0271, is amended to read:

NOTICE OF DRUG CONVICTIONS; DRIVER'S LICENSE

When a person is convicted of violating a provision of sections 152.021 to
152.0262 or
section 152.027 and 152.0262,
subsection 1, 2, 3, 5, 6, or 7, the sentencing court shall
determine whether the person unlawfully sold or possessed the controlled substance while
driving a motor vehicle. If so, the court shall notify the commissioner of public safety of
its determination and order the commissioner to revoke the person's driver's license for 30
days. If the person does not have a driver's license or if the person's driver's license is
suspended or revoked at the time of the conviction, the commissioner shall delay the issuance
or reinstatement of the person's driver's license for 30 days after the person applies for the
issuance or reinstatement of the license. Upon receipt of the court's order, the commissioner
is authorized to take the licensing action without a hearing.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to convictions
that take place on or after that date.

Sec. 13. Minnesota Statutes 2020, section 152.096, subdivision 1, is amended to read:

Prohibited acts; penalties. Any person who conspires to commit any
felony act prohibited by this chapter, except possession or distribution for no remuneration
of a small amount of marijuana as defined in section 152.01, subdivision 16, is guilty of a
felony and upon conviction may be imprisoned, fined, or both, up to the maximum amount
authorized by law for the act the person conspired to commit.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes
committed on or after that date.

Sec. 14. Minnesota Statutes 2020, section 152.18, subdivision 3, is amended to read:

Subd. 3. Expungement of certain marijuana offenses. Any person who has been found
guilty of: (1) a violation of section 152.09 with respect to a small amount of marijuana
which violation occurred prior to April 11, 1976, and whose conviction would have been
a petty misdemeanor under the provisions of section 152.15, subdivision 2, clause (5) in
effect on April 11, 1978, but whose conviction was for an offense more serious than a petty
misdemeanor under laws in effect prior to April 11, 1976; or (2) a violation of section
152.025 that occurred before August 1, 2022, where the violation would have been a petty
misdemeanor under section 152.027, subdivision 4, in effect on August 1, 2022, may petition
the court in which the person was convicted to expunge from all official records, other than
the nonpublic record retained by the Department of Public Safety pursuant to section 152.15,
subdivision 2, clause (5), all recordation relating to the person's arrest, indictment or
information, trial and conviction of an offense more serious than a petty misdemeanor.
The court, upon being satisfied that a small amount was involved in the conviction, shall order
all the recordation expunged. This shall restore the person's ability to possess, receive, ship,
transport firearms and handle firearms and ammunition. No person as to whom an order
has been entered pursuant to this subdivision shall be held thereafter under any provision
of any law to be guilty of perjury or otherwise giving a false statement by reason of the
person's failure to recite or acknowledge conviction of an offense greater than a petty
misdemeanor, unless possession of marijuana is material to a proceeding.

EFFECTIVE DATE. This section is effective August 1, 2022.

Sec. 15. Minnesota Statutes 2020, section 152.32, is amended by adding a subdivision to
read:

Subd. 4. Probation; supervised release. (a) A court shall not prohibit a person from
participating in the registry program under sections 152.22 to 152.37 as a condition of
probation, parole, pretrial conditional release, or supervised release or revoke a patient's
probation, parole, pretrial conditional release, or supervised release or otherwise sanction
a patient on probation, parole, pretrial conditional release, or supervised release, nor weigh
participation in the registry program, or positive drug test for cannabis components or
metabolites by registry participants, or both, as a factor when considering penalties for
violations of probation, parole, pretrial conditional release, or supervised release.

(b) The commissioner of corrections, probation agent, or parole officer shall not prohibit
a person from participating in the registry program under sections 152.22 to 152.37 as a
condition of parole, supervised release, or conditional release or revoke a patient's parole.
supervised release, or conditional release or otherwise sanction a patient on parole, supervised release, or conditional release solely for participating in the registry program or for a positive
drug test for cannabis components or metabolites.

Sec. 16. [152.325] CRIMINAL AFFIRMATIVE DEFENSE.

It is an affirmative defense to a charge of possession of marijuana that the defendant
was enrolled in the registry program under sections 152.22 to 152.37 and possessed the
marijuana for a qualifying medical condition or was a visiting patient and possessed
the marijuana for medical use as authorized under the laws or regulations of the visiting
patient's jurisdiction of residence. This affirmative defense applies to a charge of violating:

(1) section 152.025, subdivision 2, involving possession of the amount of marijuana
identified in section 152.025, subdivision 4, paragraph (a), clause (3); or
(2) section 152.027, subdivision 3 or 4.

Sec. 17. Minnesota Statutes 2020, section 260B.198, subdivision 1, is amended to read:

Subdivision 1. Court order, findings, remedies, treatment. (a) If the court finds that
the child is delinquent, it shall enter an order making any of the following dispositions of
the case which are deemed necessary to the rehabilitation of the child:

(1) counsel the child or the parents, guardian, or custodian;
(2) place the child under the supervision of a probation officer or other suitable person
in the child's own home under conditions prescribed by the court including reasonable rules
for the child's conduct and the conduct of the child's parents, guardian, or custodian, designed
for the physical, mental, and moral well-being and behavior of the child, or with the consent
of the commissioner of corrections, in a group foster care facility which is under the
management and supervision of said commissioner;
(3) if the court determines that the child is a danger to self or others, subject to the
supervision of the court, transfer legal custody of the child to one of the following:

(i) a child-placing agency;
(ii) the local social services agency;
(iii) a reputable individual of good moral character. No person may receive custody of
two or more unrelated children unless licensed as a residential facility pursuant to sections
245A.01 to 245A.16;
(iv) a county home school, if the county maintains a home school or enters into an
agreement with a county home school; or
(v) a county probation officer for placement in a group foster home established under
the direction of the juvenile court and licensed pursuant to section 241.021;
(4) transfer legal custody by commitment to the commissioner of corrections;
(5) if the child is found to have violated a state or local law or ordinance which has
resulted in damage to the person or property of another, the court may order the child to
make reasonable restitution for such damage;

(6) require the child to pay a fine of up to $1,000. The court shall order payment of the
fine in accordance with a time payment schedule which shall not impose an undue financial
hardship on the child;

(7) if the child is in need of special treatment and care for reasons of physical or mental
health, the court may order the child's parent, guardian, or custodian to provide it. If the
parent, guardian, or custodian fails to provide this treatment or care, the court may order it
provided;

(8) if the court believes that it is in the best interests of the child and of public safety
that the driver's license of the child be canceled until the child's 18th birthday, the court
may recommend to the commissioner of public safety the cancellation of the child's license
for any period up to the child's 18th birthday, and the commissioner is hereby authorized
to cancel such license without a hearing. At any time before the termination of the period
of cancellation, the court may, for good cause, recommend to the commissioner of public
safety that the child be authorized to apply for a new license, and the commissioner may so
authorize;

(9) if the court believes that it is in the best interest of the child and of public safety that
the child is enrolled in school, the court may require the child to remain enrolled in a public
school until the child reaches the age of 18 or completes all requirements needed to graduate
from high school. Any child enrolled in a public school under this clause is subject to the
provisions of the Pupil Fair Dismissal Act in chapter 127;

(10) if the child is petitioned and found by the court to have committed a controlled
substance offense under sections 152.021 to 152.0262 or section 152.027, subdivision 1, 2,
3, 5, 6, or 7, the court shall determine whether the child unlawfully possessed or sold the
controlled substance while driving a motor vehicle. If so, the court shall notify the
commissioner of public safety of its determination and order the commissioner to revoke
the child's driver's license for the applicable time period specified in section 152.0271. If
the child does not have a driver's license or if the child's driver's license is suspended or
revoked at the time of the delinquency finding, the commissioner shall, upon the child's
application for driver's license issuance or reinstatement, delay the issuance or reinstatement
of the child's driver's license for the applicable time period specified in section 152.0271. Upon
receipt of the court's order, the commissioner is authorized to take the licensing action
without a hearing;

(11) if the child is petitioned and found by the court to have committed or attempted to
commit an act in violation of section 609.342; 609.343; 609.344; 609.345; 609.3451;
609.746, subdivision 1; 609.79; or 617.23, or another offense arising out of a delinquency
petition based on one or more of those sections, the court shall order an independent
professional assessment of the child's need for sex offender treatment. An assessor providing
an assessment for the court must be experienced in the evaluation and treatment of juvenile
sex offenders. If the assessment indicates that the child is in need of and amenable to sex
offender treatment, the court shall include in its disposition order a requirement that the
child undergo treatment. Notwithstanding section 13.384, 13.85, 144.291 to 144.298, or
260B.171, or chapter 260E, the assessor has access to the following private or confidential
data on the child if access is relevant and necessary for the assessment:

(i) medical data under section 13.384;
(ii) corrections and detention data under section 13.85;
(iii) health records under sections 144.291 to 144.298;
(iv) juvenile court records under section 260B.171; and
(v) local welfare agency records under chapter 260E.

Data disclosed under this clause may be used only for purposes of the assessment and
may not be further disclosed to any other person, except as authorized by law; or
(12) if the child is found delinquent due to the commission of an offense that would be
a felony if committed by an adult, the court shall make a specific finding on the record
regarding the juvenile's mental health and chemical dependency treatment needs.
(b) Any order for a disposition authorized under this section shall contain written findings
of fact to support the disposition ordered and shall also set forth in writing the following
information:
(1) why the best interests of the child are served by the disposition ordered; and
(2) what alternative dispositions were considered by the court and why such dispositions
were not appropriate in the instant case. Clause (1) does not apply to a disposition under
subdivision 1a.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to findings
by the court made on or after that date.
Sec. 18. Minnesota Statutes 2020, section 609.165, subdivision 1a, is amended to read:
Subd. 1a. Certain convicted felons ineligible to possess firearms or ammunition. The
order of discharge must provide that a person who has been convicted of a crime of violence,
as defined in section 624.712, subdivision 5, is not entitled to ship, transport, possess, or
receive a firearm or ammunition for the remainder of the person's lifetime. Any person who
has received such a discharge and who thereafter has received a relief of disability under
United States Code, title 18, section 925, or whose ability to possess firearms and ammunition
has been restored under subdivision 1d or section 152.18, subdivision 2, shall not be subject
to the restrictions of this subdivision.
EFFECTIVE DATE. This section is effective August 1, 2022.

Sec. 19. Minnesota Statutes 2020, section 609.165, subdivision 1b, is amended to read:

Subd. 1b. Violation and penalty. (a) Any person who has been convicted of a crime of violence, as defined in section 624.712, subdivision 5, and who ships, transports, possesses, or receives a firearm or ammunition, commits a felony and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than $30,000, or both.

(b) A conviction and sentencing under this section shall be construed to bar a conviction and sentencing for a violation of section 624.713, subdivision 2.

(c) The criminal penalty in paragraph (a) does not apply to any person who has received a relief of disability under United States Code, title 18, section 925, or whose ability to possess firearms and ammunition has been restored under subdivision 1d or section 152.18, subdivision 3.

EFFECTIVE DATE. This section is effective August 1, 2022.

Sec. 20. Minnesota Statutes 2020, section 609A.02, is amended by adding a subdivision to read:

Subd. 1a. Certain petty misdemeanor controlled substance offenses. Records related to petty misdemeanor violations of section 152.027, subdivision 4, or 152.092 involving marijuana-related drug paraphernalia shall be sealed without the filing of a petition as provided in section 609A.027.

EFFECTIVE DATE. This section is effective August 1, 2022.

Sec. 21. [609A.027] NO PETITION REQUIRED FOR CERTAIN PETTY MISDEMEANOR CONTROLLED SUBSTANCE VIOLATIONS AFTER ONE-YEAR WAITING PERIOD.

(a) At the conclusion of one year following conviction for a petty misdemeanor violation of section 152.027, subdivision 4, or 152.092 involving marijuana-related drug paraphernalia and the payment of any fines, fees, and surcharges and, if applicable, the successful completion of any required drug education program, or following the dismissal of a petty misdemeanor charge for violating section 152.027, subdivision 4, or 152.092 involving marijuana-related drug paraphernalia, the court shall order, without the filing of a petition, the sealing of all records relating to the arrest, charge, trial, dismissal, and conviction.

(b) A record sealed under paragraph (a) may be opened only as provided in section 609A.03, subdivision 7a.

EFFECTIVE DATE. This section is effective August 1, 2022.
Sec. 22. TASK FORCE ON ABUSE OF CONTROLLED SUBSTANCES.

Subd. 1. Establishment. The Task Force on Abuse of Controlled Substances is established to review the ways in which the state's justice, social service, and health systems currently respond to individuals who abuse controlled substances or commit controlled substance offenses, to examine approaches taken in other jurisdictions, and to make policy and funding recommendations to the legislature.

Subd. 2. Membership. (a) The task force consists of the following members:

1. the commissioner of public safety;
2. the commissioner of human services;
3. the commissioner of corrections, or a designee;
4. the commissioner of health, or a designee;
5. the chief justice, or a designee;
6. the state public defender, or a designee;
7. a county attorney appointed by the Minnesota County Attorneys Association;
8. a representative from Indian health services or a Tribal council appointed by the Indian Affairs Council;
9. a representative of the Community Corrections Act counties appointed by the Minnesota Association of Community Corrections Act Counties;
10. a peace officer, as defined in Minnesota Statutes, section 626.84, subdivision 1, paragraph (c), who is a member of a multijurisdictional drug task force appointed by the Minnesota Chiefs of Police Association;
11. a peace officer, as defined in Minnesota Statutes, section 626.84, subdivision 1, paragraph (c), appointed by the Minnesota Sheriffs' Association;
12. a member of the Minnesota State Board of Pharmacy appointed by the board's president;
13. a member of the Opiate Epidemic Response Advisory Council appointed by the council's chair;
14. a representative from a community health board appointed by the commissioner of health;
15. a member representing sober living programs or substance use disorder programs licensed under Minnesota Statutes, chapter 245G, appointed by the commissioner of human services;
(16) a member of the Minnesota Association of County Social Service Administrators appointed by the association's president;
(17) a member of the public with a substance use disorder who has experience in the criminal justice system appointed by the governor; and
(18) a member of the public who has been the victim of a crime relating to substance abuse appointed by the governor.

(b) Appointments must be made no later than August 30, 2022.
(c) Public members identified in paragraph (a), clauses (17) and (18), are eligible for compensation and expense reimbursement consistent with Minnesota Statutes, section 15.059, subdivision 3. All other members shall serve without compensation.
(d) Members of the task force serve at the pleasure of the appointing authority or until the task force expires. Vacancies shall be filled by the appointing authority consistent with the qualifications of the vacating member required by this subdivision.

Subd. 3. Officers; meetings. (a) The commissioners of public safety and human services shall cochair the task force. The task force may elect other officers as necessary.
(b) The commissioner of public safety shall convene the first meeting of the task force no later than September 15, 2022, and shall provide meeting space and administrative assistance through the Office of Justice Programs as necessary for the task force to conduct its work.
(c) The task force shall meet at least monthly or upon the call of a cochair. The task force shall meet sufficiently enough to accomplish the tasks identified in this section. Meetings of the task force are subject to Minnesota Statutes, chapter 13D.

Subd. 4. Duties. (a) The task force shall, at a minimum:
(1) collect and analyze data on controlled substance offenses, deaths and hospitalizations from controlled substance overdoses, and other societal impacts related to controlled substance use disorders;
(2) analyze the law enforcement response to controlled substance abuse in Minnesota and other jurisdictions;
(3) analyze the judicial system response to controlled substance abuse in Minnesota and other jurisdictions, including a review of treatment courts and diversion programs;
(4) analyze the prosecutorial response to controlled substance abuse in Minnesota and other jurisdictions, including charging decisions, plea bargains, and the use of pretrial and precharge diversion programs;
(5) analyze the correctional response to controlled substance abuse in Minnesota and other jurisdictions, including the use of mandatory drug testing, required participation in...
substance abuse treatment programs as a condition of probation, the effectiveness of
substance abuse treatment programs offered to incarcerated individuals, and the effectiveness
of the challenge incarceration program;

(6) analyze the human services and health response to controlled substance abuse in
Minnesota and other jurisdictions, including the effectiveness of prevention programs,
availability of inpatient and outpatient treatment programs, funding for participation in those
programs, and the outcomes for participants in those programs;

(7) receive input from members of communities that have been affected by criminal
activity and other social costs associated with controlled substance abuse;

(8) receive input from members of communities that have been affected by the
criminalization of controlled substance abuse; and

(9) make recommendations for coordination of services, adoption of prevention models,
exansion of effective treatment services, levels of funding, statutory changes, and other
community and legislative action to address controlled substance abuse in Minnesota.

(b) At its discretion, the task force may examine other related issues consistent with this
section.

Subd. 5. Reports. (a) The task force shall submit annual reports to the chairs and ranking
minority members of the legislative committees and divisions with jurisdiction over public
safety finance and policy, human services finance and policy, health finance and policy,
and judiciary finance and policy.

(b) The task force shall submit a preliminary report on or before March 1, 2023.

(c) The task force shall submit a supplemental report on or before February 1, 2024.

(d) The task force shall submit a final report on or before January 15, 2025.

Subd. 6. Expiration. The task force expires the day after submitting its final report under
subdivision 5.