

253.25 **ARTICLE 16**

253.26 **CONTROLLED SUBSTANCES POLICY**

253.27 Section 1. Minnesota Statutes 2022, section 121A.28, is amended to read:

253.28 **121A.28 LAW ENFORCEMENT RECORDS.**

253.29 A law enforcement agency shall provide notice of any drug incident occurring within

253.30 the agency's jurisdiction, in which the agency has probable cause to believe a student violated

254.1 section 152.021, 152.022, 152.023, 152.024, 152.025, 152.0262, 152.027, ~~152.092~~, 152.097,

254.2 or 340A.503, subdivision 1, 2, or 3. The notice shall be in writing and shall be provided,

254.3 within two weeks after an incident occurs, to the chemical abuse preassessment team in the

254.4 school where the student is enrolled.

254.5 **EFFECTIVE DATE.** This section is effective August 1, 2023.

254.6 Sec. 2. Minnesota Statutes 2022, section 151.01, is amended by adding a subdivision to

254.7 read:

254.8 Subd. 43. **Syringe services provider.** "Syringe services provider" means a

254.9 community-based public health program that offers cost-free comprehensive harm reduction

254.10 services, which may include: providing sterile needles, syringes, and other injection

254.11 equipment; making safe disposal containers for needles and syringes available; educating

254.12 participants and others about overdose prevention, safer injection practices, and infectious

254.13 disease prevention; providing blood-borne pathogen testing or referrals to blood-borne

254.14 pathogen testing; offering referrals to substance use disorder treatment, including substance

254.15 use disorder treatment with medications for opioid use disorder; and providing referrals to

254.16 medical treatment and services, mental health programs and services, and other social

254.17 services.

254.18 **EFFECTIVE DATE.** This section is effective August 1, 2023.

254.19 Sec. 3. Minnesota Statutes 2022, section 151.40, subdivision 1, is amended to read:

254.20 Subdivision 1. **Generally.** It is unlawful for any person to ~~possess, control, manufacture,~~

254.21 ~~or sell, furnish, dispense, or otherwise dispose of~~ hypodermic syringes or needles or any

254.22 instrument or implement which can be adapted for subcutaneous injections, except for:

254.23 (1) the following persons when acting in the course of their practice or employment:

254.24 (i) licensed practitioners and their employees, agents, or delegates;

254.25 (ii) licensed pharmacies and their employees or agents;

254.26 (iii) licensed pharmacists;

254.27 (iv) registered nurses and licensed practical nurses;

254.28 (v) registered medical technologists;

41.6 **ARTICLE 3**

41.7 **PUBLIC SAFETY**

254.29 (vi) medical interns and residents;

254.30 (vii) licensed drug wholesalers and their employees or agents;

255.1 (viii) licensed hospitals;

255.2 (ix) bona fide hospitals in which animals are treated;

255.3 (x) licensed nursing homes;

255.4 (xi) licensed morticians;

255.5 (xii) syringe and needle manufacturers and their dealers and agents;

255.6 (xiii) persons engaged in animal husbandry;

255.7 (xiv) clinical laboratories and their employees;

255.8 (xv) persons engaged in bona fide research or education or industrial use of hypodermic

255.9 syringes and needles provided such persons cannot use hypodermic syringes and needles

255.10 for the administration of drugs to human beings unless such drugs are prescribed, dispensed,

255.11 and administered by a person lawfully authorized to do so; ~~and~~

255.12 (xvi) persons who administer drugs pursuant to an order or direction of a licensed

255.13 practitioner; and

255.14 (xvii) syringe services providers and their employees and agents;

255.15 (2) a person who self-administers drugs pursuant to either the prescription or the direction

255.16 of a practitioner, or a family member, caregiver, or other individual who is designated by

255.17 such person to assist the person in obtaining and using needles and syringes for the

255.18 administration of such drugs;

255.19 (3) a person who is disposing of hypodermic syringes and needles through an activity

255.20 or program developed under section 325F.785; ~~or~~

255.21 (4) a person who sells, ~~possesses~~, or handles hypodermic syringes and needles pursuant

255.22 to subdivision 2; or

255.23 (5) a participant receiving services from a syringe services provider, who accesses or

255.24 receives new syringes or needles from a syringe services provider or returns used syringes

255.25 or needles to a syringe services provider.

255.26 **EFFECTIVE DATE.** This section is effective August 1, 2023.

255.27 Sec. 4. Minnesota Statutes 2022, section 151.40, subdivision 2, is amended to read:

255.28 Subd. 2. **Sales of limited quantities of clean needles and syringes.** (a) A registered

255.29 pharmacy or a licensed pharmacist may sell, without the prescription or direction of a

256.1 practitioner, unused hypodermic needles and syringes in quantities of ten or fewer, provided

256.2 the pharmacy or pharmacist complies with all of the requirements of this subdivision.

256.3 (b) At any location where hypodermic needles and syringes are kept for retail sale under
256.4 this subdivision, the needles and syringes shall be stored in a manner that makes them
256.5 available only to authorized personnel and not openly available to customers.

256.6 (c) A registered pharmacy or licensed pharmacist that sells hypodermic needles or
256.7 syringes under this subdivision may give the purchaser the materials developed by the
256.8 commissioner of health under section 325F.785.

256.9 (d) A registered pharmacy or licensed pharmacist that sells hypodermic needles or
256.10 syringes under this subdivision must certify to the commissioner of health participation in
256.11 an activity, including but not limited to those developed under section 325F.785, that supports
256.12 proper disposal of used hypodermic needles or syringes.

256.13 Sec. 5. Minnesota Statutes 2022, section 152.01, subdivision 12a, is amended to read:

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

256.19 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
256.20 committed on or after that date.

256.21 Sec. 6. Minnesota Statutes 2022, section 152.01, subdivision 18, is amended to read:

256.22 Subd. 18. **Drug paraphernalia.** (a) Except as otherwise provided in paragraph (b), "drug
256.23 paraphernalia" means all equipment, products, and materials of any kind, except those items
256.24 used in conjunction with permitted uses of controlled substances under this chapter or the
256.25 Uniform Controlled Substances Act, which are knowingly or intentionally used primarily
256.26 in (1) manufacturing a controlled substance, (2) injecting, ingesting, inhaling, or otherwise
256.27 introducing into the human body a controlled substance, ~~or (3) testing the strength,~~
256.28 ~~effectiveness, or purity of a controlled substance, or (4) enhancing the effect of a controlled~~
256.29 ~~substance.~~

256.30 (b) "Drug paraphernalia" does not include the possession, manufacture, delivery, or sale
256.31 of: (1) ~~hypodermic needles or syringes in accordance with section 151.40, subdivision 2~~
256.32 ~~hypodermic syringes or needles or any instrument or implement which can be adapted for~~
257.1 ~~subcutaneous injections; or (2) products that detect the presence of fentanyl or a fentanyl~~
257.2 ~~analog in a controlled substance.~~

257.3 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
257.4 committed on or after that date.

257.5 Sec. 7. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to
257.6 read:

257.7 Subd. 25. **Fentanyl.** As used in sections 152.021 to 152.025, "fentanyl" includes fentanyl,
257.8 carfentanil, and any fentanyl analogs and fentanyl-related substances listed in section 152.02,
257.9 subdivisions 2 and 3.

257.10 **EFFECTIVE DATE.** This section is effective the day following final enactment.

257.11 Sec. 8. Minnesota Statutes 2022, section 152.021, subdivision 1, is amended to read:

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

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

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

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

257.22 (ii) the offense involves two aggravating factors;

257.23 (3) on one or more occasions within a 90-day period the person unlawfully sells one or
257.24 more mixtures of a total weight of ten grams or more, or 40 dosage units or more, containing
257.25 heroin or fentanyl;

257.26 (4) on one or more occasions within a 90-day period the person unlawfully sells one or
257.27 more mixtures of a total weight of 50 grams or more containing a narcotic drug other than
257.28 cocaine, heroin, fentanyl, or methamphetamine;

257.29 (5) on one or more occasions within a 90-day period the person unlawfully sells one or
257.30 more mixtures of a total weight of 50 grams or more containing amphetamine, phencyclidine,
258.1 or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 200 or
258.2 more dosage units; or

258.3 (6) on one or more occasions within a 90-day period the person unlawfully sells one or
258.4 more mixtures of a total weight of 25 kilograms or more containing marijuana or
258.5 Tetrahydrocannabinols.

258.6 **EFFECTIVE DATE.** This section is effective the day following final enactment and
258.7 applies to crimes committed on or after that date.

44.10 Sec. 6. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to
44.11 read:

44.12 Subd. 25. **Fentanyl.** As used in sections 152.021 to 152.025, "fentanyl" includes fentanyl,
44.13 carfentanil, and any fentanyl analogs and fentanyl-related substances listed in section 152.02,
44.14 subdivisions 2 and 3.

44.15 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
44.16 committed on or after that date.

44.17 Sec. 7. Minnesota Statutes 2022, section 152.021, subdivision 1, is amended to read:

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

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

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

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

44.28 (ii) the offense involves two aggravating factors;

44.29 (3) on one or more occasions within a 90-day period the person unlawfully sells one or
44.30 more mixtures of a total weight of ten grams or more, or 40 dosage units or more, containing
44.31 heroin or fentanyl;

45.1 (4) on one or more occasions within a 90-day period the person unlawfully sells one or
45.2 more mixtures of a total weight of 50 grams or more containing a narcotic drug other than
45.3 cocaine, heroin, fentanyl, or methamphetamine;

45.4 (5) on one or more occasions within a 90-day period the person unlawfully sells one or
45.5 more mixtures of a total weight of 50 grams or more containing amphetamine, phencyclidine,
45.6 or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 200 or
45.7 more dosage units; or

45.8 (6) on one or more occasions within a 90-day period the person unlawfully sells one or
45.9 more mixtures of a total weight of 25 kilograms or more containing marijuana or
45.10 Tetrahydrocannabinols.

45.11 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
45.12 committed on or after that date.

258.8 Sec. 9. Minnesota Statutes 2022, section 152.021, subdivision 2, is amended to read:

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

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

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

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

258.18 (ii) the offense involves two aggravating factors;

258.19 (3) the person unlawfully possesses one or more mixtures of a total weight of 25 grams
258.20 or more, or 100 dosage units or more, containing heroin or fentanyl;

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

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

258.26 (6) the person unlawfully possesses one or more mixtures of a total weight of 50
258.27 kilograms or more containing marijuana or Tetrahydrocannabinols, or possesses 500 or
258.28 more marijuana plants.

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

259.1 **EFFECTIVE DATE.** This section is effective the day following final enactment and
259.2 applies to crimes committed on or after that date.

259.3 Sec. 10. Minnesota Statutes 2022, section 152.022, subdivision 1, is amended to read:

259.4 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in the
259.5 second degree if:

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

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

45.13 Sec. 8. Minnesota Statutes 2022, section 152.021, subdivision 2, is amended to read:

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

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

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

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

45.23 (ii) the offense involves two aggravating factors;

45.24 (3) the person unlawfully possesses one or more mixtures of a total weight of 25 grams
45.25 or more, or 100 dosage units or more, containing heroin or fentanyl;

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

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

46.1 (6) the person unlawfully possesses one or more mixtures of a total weight of 50
46.2 kilograms or more containing marijuana or Tetrahydrocannabinols, or possesses 500 or
46.3 more marijuana plants.

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

46.7 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
46.8 committed on or after that date.

46.9 Sec. 9. Minnesota Statutes 2022, section 152.022, subdivision 1, is amended to read:

46.10 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in the
46.11 second degree if:

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

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

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

259.15 (ii) the offense involves three aggravating factors;

259.16 (3) on one or more occasions within a 90-day period the person unlawfully sells one or
259.17 more mixtures of a total weight of three grams or more, or 12 dosage units or more,
259.18 containing heroin or fentanyl;

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

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

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

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

259.31 (i) any amount of a Schedule I or II narcotic drug, lysergic acid diethylamide (LSD),
259.32 3,4-methylenedioxy amphetamine, or 3,4-methylenedioxymethamphetamine;

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

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

260.4 **EFFECTIVE DATE.** This section is effective the day following final enactment and
260.5 applies to crimes committed on or after that date.

260.6 Sec. 11. Minnesota Statutes 2022, section 152.022, subdivision 2, is amended to read:

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

260.9 (1) the person unlawfully possesses one or more mixtures of a total weight of 25 grams
260.10 or more containing cocaine or methamphetamine;

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

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

46.21 (ii) the offense involves three aggravating factors;

46.22 (3) on one or more occasions within a 90-day period the person unlawfully sells one or
46.23 more mixtures of a total weight of three grams or more, or 12 dosage units or more,
46.24 containing heroin or fentanyl;

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

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

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

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

47.6 (i) any amount of a Schedule I or II narcotic drug, lysergic acid diethylamide (LSD),
47.7 3,4-methylenedioxy amphetamine, or 3,4-methylenedioxymethamphetamine;

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

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

47.11 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
47.12 committed on or after that date.

47.13 Sec. 10. Minnesota Statutes 2022, section 152.022, subdivision 2, is amended to read:

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

47.16 (1) the person unlawfully possesses one or more mixtures of a total weight of 25 grams
47.17 or more containing cocaine or methamphetamine;

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

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

260.16 (ii) the offense involves three aggravating factors;

260.17 (3) the person unlawfully possesses one or more mixtures of a total weight of six grams
260.18 or more, or 50 dosage units or more, containing heroin or fentanyl;

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

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

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

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

260.30 **EFFECTIVE DATE.** This section is effective the day following final enactment and
260.31 applies to crimes committed on or after that date.

261.1 Sec. 12. Minnesota Statutes 2022, section 152.023, subdivision 2, is amended to read:

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

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

261.7 (2) on one or more occasions within a 90-day period the person unlawfully possesses
261.8 one or more mixtures of: (i) a total weight of three grams or more containing heroin; or (ii)
261.9 a total weight of five grams or more, or 25 dosage units or more, containing fentanyl;

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

261.13 (4) on one or more occasions within a 90-day period the person unlawfully possesses
261.14 any amount of a schedule I or II narcotic drug or five or more dosage units of lysergic acid
261.15 diethylamide (LSD), 3,4-methylenedioxy amphetamine, or
261.16 3,4-methylenedioxyamphetamine in a school zone, a park zone, a public housing zone,
261.17 or a drug treatment facility;

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

47.23 (ii) the offense involves three aggravating factors;

47.24 (3) the person unlawfully possesses one or more mixtures of a total weight of six grams
47.25 or more, or 50 dosage units or more, containing heroin or fentanyl;

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

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

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

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

48.7 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
48.8 committed on or after that date.

48.9 Sec. 11. Minnesota Statutes 2022, section 152.023, subdivision 2, is amended to read:

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

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

48.15 (2) on one or more occasions within a 90-day period the person unlawfully possesses
48.16 one or more mixtures of: (i) a total weight of three grams or more containing heroin; or (ii)
48.17 a total weight of five grams or more, or 25 dosage units or more, containing fentanyl;

48.18 (3) on one or more occasions within a 90-day period the person unlawfully possesses
48.19 one or more mixtures containing a narcotic drug, it is packaged in dosage units, and equals
48.20 50 or more dosage units;

48.21 (4) on one or more occasions within a 90-day period the person unlawfully possesses
48.22 any amount of a schedule I or II narcotic drug or five or more dosage units of lysergic acid
48.23 diethylamide (LSD), 3,4-methylenedioxy amphetamine, or
48.24 3,4-methylenedioxyamphetamine in a school zone, a park zone, a public housing zone,
48.25 or a drug treatment facility;

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

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

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

261.27 **EFFECTIVE DATE.** This section is effective the day following final enactment and
261.28 applies to crimes committed on or after that date.

261.29 Sec. 13. Minnesota Statutes 2022, section 152.025, subdivision 2, is amended to read:

261.30 Subd. 2. **Possession and other crimes.** A person is guilty of controlled substance crime
261.31 in the fifth degree and upon conviction may be sentenced as provided in subdivision 4 if:

262.1 (1) the person unlawfully possesses one or more mixtures containing a controlled
262.2 substance classified in Schedule I, II, III, or IV, except a small amount of marijuana or a
262.3 residual amount of one or more mixtures of controlled substances contained in drug
262.4 paraphernalia; or

262.5 (2) the person procures, attempts to procure, possesses, or has control over a controlled
262.6 substance by any of the following means:

262.7 (i) fraud, deceit, misrepresentation, or subterfuge;

262.8 (ii) using a false name or giving false credit; or

262.9 (iii) falsely assuming the title of, or falsely representing any person to be, a manufacturer,
262.10 wholesaler, pharmacist, physician, doctor of osteopathic medicine licensed to practice
262.11 medicine, dentist, podiatrist, veterinarian, or other authorized person for the purpose of
262.12 obtaining a controlled substance.

262.13 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
262.14 committed on or after that date.

262.15 Sec. 14. Minnesota Statutes 2022, section 152.093, is amended to read:

262.16 **152.093 MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA**
262.17 **PROHIBITED.**

262.18 It is unlawful for any person knowingly or intentionally to deliver drug paraphernalia
262.19 or knowingly or to intentionally to possess or manufacture drug paraphernalia for delivery.
262.20 Any violation of this section is a misdemeanor.

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

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

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

49.4 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
49.5 committed on or after that date.

262.21 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
262.22 committed on or after that date.

262.23 Sec. 15. Minnesota Statutes 2022, section 152.205, is amended to read:

262.24 **152.205 LOCAL REGULATIONS.**

262.25 Sections 152.01, subdivision 18, and ~~152.092~~ 152.093 to 152.095 do not preempt
262.26 enforcement or preclude adoption of municipal or county ordinances prohibiting or otherwise
262.27 regulating the manufacture, delivery, possession, or advertisement of drug paraphernalia.

262.28 **EFFECTIVE DATE.** This section is effective August 1, 2023.

263.1 Sec. 16. **[626.8443] OPIATE ANTAGONISTS; TRAINING; CARRYING; USE.**

263.2 Subdivision 1. **Training.** A chief law enforcement officer must provide basic training
263.3 to peace officers employed by the chief's agency on:

263.4 (1) identifying persons who are suffering from narcotics overdoses; and

263.5 (2) the proper use of opiate antagonists to treat a narcotics overdose.

263.6 Subd. 2. **Mandatory supply.** A chief law enforcement officer must maintain a sufficient
263.7 supply of opiate antagonists to ensure that officers employed by the chief's agency can
263.8 satisfy the requirements of subdivision 3.

263.9 Subd. 3. **Mandatory carrying.** Each on-duty peace officer who is assigned to respond
263.10 to emergency calls must have at least two unexpired opiate antagonist doses readily available
263.11 when the officer's shift begins. An officer who depletes their supply of opiate antagonists
263.12 during the officer's shift shall replace the expended doses from the officer's agency's supply
263.13 so long as replacing the doses will not compromise public safety.

263.14 Subd. 4. **Authorization of use.** (a) A chief law enforcement officer must authorize peace
263.15 officers employed by the chief's agency to perform administration of an opiate antagonist
263.16 when an officer believes a person is suffering a narcotics overdose.

263.17 (b) In order to administer opiate antagonists, a peace officer must comply with section
263.18 151.37, subdivision 12, paragraph (b), clause (1).

263.19 Sec. 17. **REPEALER.**

263.20 Minnesota Statutes 2022, section 152.092, is repealed.

263.21 **EFFECTIVE DATE.** This section is effective August 1, 2023.

89.1 Sec. 55. **[626.8443] OPIATE ANTAGONISTS; TRAINING; CARRYING; USE.**

89.2 Subdivision 1. **Training.** A chief law enforcement officer must provide basic training
89.3 to peace officers employed by the chief's agency on:

89.4 (1) identifying persons who are suffering from narcotics overdoses; and

89.5 (2) the proper use of opiate antagonists to treat a narcotics overdose.

89.6 Subd. 2. **Mandatory supply.** A chief law enforcement officer must maintain a sufficient
89.7 supply of opiate antagonists to ensure that officers employed by the chief's agency can
89.8 satisfy the requirements of subdivision 3.

89.9 Subd. 3. **Mandatory carrying.** Each on-duty peace officer who is assigned to respond
89.10 to emergency calls must have at least two unexpired opiate antagonist doses readily available
89.11 when the officer's shift begins. An officer who depletes their supply of opiate antagonists
89.12 during the officer's shift shall replace the expended doses from the officer's agency's supply
89.13 so long as replacing the doses will not compromise public safety.

89.14 Subd. 4. **Authorization of use.** (a) A chief law enforcement officer must authorize peace
89.15 officers employed by the chief's agency to perform administration of an opiate antagonist
89.16 when an officer believes a person is suffering a narcotics overdose.

89.17 (b) In order to administer opiate antagonists, a peace officer must comply with section
89.18 151.37, subdivision 12, paragraph (b), clause (1).