

176.3

176.4

ARTICLE 4

CRIMINAL PENALTIES

182.21

182.22

ARTICLE 4

CRIMINAL PENALTIES

ARTICLE 6, SECTION 10

216.20

216.21

216.22

216.23

216.24

216.25

216.26

216.27

216.28

216.29

216.30

217.1

217.2

217.3

217.4

217.5

217.6

217.7

217.8

217.9

217.10

217.11

ARTICLE 6, SECTION 11

217.12

217.13

217.14

217.15

217.16

217.17

Sec. 10. Minnesota Statutes 2022, section 97B.065, subdivision 1, is amended to read:

Subdivision 1. **Acts prohibited.** (a) A person may not take wild animals with a firearm or by archery:

(1) when the person is under the influence of alcohol;

(2) when the person is under the influence of a controlled substance, as defined in section 169A.03, subdivision 4 6;

(3) when the person is under the influence of a combination of any two or more of the elements in clauses (1) and (2);

(4) when the person's alcohol concentration is 0.08 or more;

(5) when the person's alcohol concentration as measured within two hours of the time of taking is 0.08 or more; or

(6) when the person is under the influence of an intoxicating substance as defined in section 169A.03, subdivision 11a, and the person knows or has reason to know that the substance has the capacity to cause impairment.

(b) An owner or other person having charge or control of a firearm or bow may not authorize or permit an individual the person knows or has reason to believe is under the influence of alcohol or a controlled substance, as provided under paragraph (a), to possess the firearm or bow in this state or on a boundary water of this state.

(c) A person may not possess a loaded or uncased firearm or an uncased bow afield under any of the conditions in paragraph (a).

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

Sec. 11. Minnesota Statutes 2022, section 97B.066, is amended by adding a subdivision to read:

Subd. 12. **Definition.** As used in this section, "controlled substance" has the meaning given in section 169A.03, subdivision 6.

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

176.5 Section 1. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision
176.6 to read:

176.7 Subd. 25. **Artificially derived cannabinoid.** "Artificially derived cannabinoid" has the
176.8 meaning given in section 342.01, subdivision 6.

176.9 Sec. 2. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to
176.10 read:

176.11 Subd. 26. **Cannabis concentrate.** "Cannabis concentrate" has the meaning given in
176.12 section 342.01, subdivision 14.

176.13 Sec. 3. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to
176.14 read:

176.15 Subd. 27. **Cannabis flower.** "Cannabis flower" has the meaning given in section 342.01,
176.16 subdivision 15.

176.17 Sec. 4. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to
176.18 read:

176.19 Subd. 28. **Cannabis plant.** "Cannabis plant" has the meaning given in section 342.01,
176.20 subdivision 18.

176.21 Sec. 5. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to
176.22 read:

176.23 Subd. 29. **Cannabis product.** "Cannabis product" has the meaning given in section
176.24 342.01, subdivision 19.

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

176.27 Subd. 30. **Edible cannabis product.** "Edible cannabis product" has the meaning given
176.28 in section 342.01, subdivision 29.

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

177.3 Subd. 31. **Hemp-derived consumer product.** "Hemp-derived consumer product" has
177.4 the meaning given in section 342.01, subdivision 35.

177.5 Sec. 8. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to
177.6 read:

177.7 Subd. 32. **Lower-potency hemp edible.** "Lower-potency hemp edible" has the meaning
177.8 given in section 342.01, subdivision 48.

May 05, 2023 11:23 AM Senate Language UEH0100-2

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

183.15 Subd. 30. **Synthetically derived cannabinoid.** "Synthetically derived cannabinoid" has
183.16 the meaning given in section 342.01, subdivision 67.

182.27 Sec. 2. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to
182.28 read:

182.29 Subd. 26. **Cannabis concentrate.** "Cannabis concentrate" has the meaning given in
182.30 section 342.01, subdivision 14.

183.1 Sec. 3. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to
183.2 read:

183.3 Subd. 27. **Cannabis flower.** "Cannabis flower" has the meaning given in section 342.01,
183.4 subdivision 15.

183.9 Sec. 5. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to
183.10 read:

183.11 Subd. 29. **Cannabis plant.** "Cannabis plant" has the meaning given in section 342.01,
183.12 subdivision 18.

182.23 Section 1. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision
182.24 to read:

182.25 Subd. 25. **Cannabis product.** "Cannabis product" has the meaning given in section
182.26 342.01, subdivision 19.

183.5 Sec. 4. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to
183.6 read:

183.7 Subd. 28. **Edible cannabis product.** "Edible cannabis product" has the meaning given
183.8 in section 342.01, subdivision 29.

177.9 Sec. 9. Minnesota Statutes 2022, section 152.021, subdivision 1, is amended to read:

177.10 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in the first

177.11 ~~degree if:~~

177.12 (1) on one or more occasions within a 90-day period the person unlawfully sells one or

177.13 ~~more mixtures of a total weight of 17 grams or more containing cocaine or methamphetamine;~~

177.14 (2) on one or more occasions within a 90-day period the person unlawfully sells one or

177.15 ~~more mixtures of a total weight of ten grams or more containing cocaine or methamphetamine~~

177.16 ~~and:~~

177.17 (i) the person or an accomplice possesses on their person or within immediate reach, or

177.18 ~~uses, whether by brandishing, displaying, threatening with, or otherwise employing, a~~

177.19 ~~firearm; or~~

177.20 (ii) the offense involves two aggravating factors;

177.21 (3) on one or more occasions within a 90-day period the person unlawfully sells one or

177.22 ~~more mixtures of a total weight of ten grams or more containing heroin;~~

177.23 (4) on one or more occasions within a 90-day period the person unlawfully sells one or

177.24 ~~more mixtures of a total weight of 50 grams or more containing a narcotic drug other than~~

177.25 ~~cocaine, heroin, or methamphetamine; or~~

177.26 (5) on one or more occasions within a 90-day period the person unlawfully sells one or

177.27 ~~more mixtures of a total weight of 50 grams or more containing amphetamine, phencyclidine,~~

177.28 ~~or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 200 or~~

177.29 ~~more dosage units; or.~~

178.1 ~~(6) on one or more occasions within a 90-day period the person unlawfully sells one or~~

178.2 ~~more mixtures of a total weight of 25 kilograms or more containing marijuana or~~

178.3 ~~Tetrahydrocannabinols.~~

178.4 **EFFECTIVE DATE.** This section is effective January 1, 2024, and applies to crimes

178.5 ~~committed on or after that date.~~

178.6 Sec. 10. Minnesota Statutes 2022, section 152.021, subdivision 2, is amended to read:

178.7 Subd. 2. **Possession crimes.** (a) A person is guilty of a controlled substance crime in

178.8 the first degree if:

178.9 (1) the person unlawfully possesses one or more mixtures of a total weight of 50 grams

178.10 or more containing cocaine or methamphetamine;

178.11 (2) the person unlawfully possesses one or more mixtures of a total weight of 25 grams

178.12 or more containing cocaine or methamphetamine and:

183.17 Sec. 7. Minnesota Statutes 2022, section 152.021, subdivision 2, is amended to read:

183.18 Subd. 2. **Possession crimes.** (a) A person is guilty of a controlled substance crime in

183.19 the first degree if:

183.20 (1) the person unlawfully possesses one or more mixtures of a total weight of 50 grams

183.21 or more containing cocaine or methamphetamine;

183.22 (2) the person unlawfully possesses one or more mixtures of a total weight of 25 grams

183.23 or more containing cocaine or methamphetamine and:

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

178.16 (ii) the offense involves two aggravating factors;

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

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

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

178.24 (6) the person unlawfully possesses ~~one or more mixtures of a total weight of 50~~
 178.25 ~~kilograms or more containing marijuana or Tetrahydrocannabinols, or possesses 500 or~~
 178.26 ~~more marijuana plants.~~

178.27 (i) ~~50 kilograms or more of cannabis flower;~~

178.28 (ii) ~~ten kilograms or more of cannabis concentrate; or~~

178.29 (iii) ~~edible cannabis products, lower-potency hemp edibles, hemp-derived consumer~~
 178.30 ~~products, or any combination of those infused with more than one kilogram of~~
 178.31 ~~tetrahydrocannabinols.~~

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

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

179.6 Sec. 11. Minnesota Statutes 2022, section 152.022, subdivision 1, is amended to read:

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

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

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

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

183.27 (ii) the offense involves two aggravating factors;

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

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

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

184.6 (6) the person unlawfully possesses ~~one or more mixtures of a total weight of 50~~
 184.7 ~~kilograms or more containing marijuana or Tetrahydrocannabinols, or possesses 500 or~~
 184.8 ~~more marijuana plants.~~

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

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

184.14 Sec. 8. Minnesota Statutes 2022, section 152.022, subdivision 1, is amended to read:

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

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

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

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

179.18 (ii) the offense involves three aggravating factors;

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

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

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

179.28 ~~(6)~~ (5) the person unlawfully sells any amount of a Schedule I or II narcotic drug to a
 179.29 person under the age of 18, or conspires with or employs a person under the age of 18 to
 179.30 unlawfully sell the substance; or

179.31 ~~(7)~~ (6) the person unlawfully sells any of the following in a school zone, a park zone, a
 179.32 public housing zone, or a drug treatment facility:

180.1 (i) any amount of a Schedule I or II narcotic drug, lysergic acid diethylamide (LSD),
 180.2 3,4-methylenedioxy amphetamine, or 3,4-methylenedioxymethamphetamine; or

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

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

180.6 **EFFECTIVE DATE.** This section is effective January 1, 2024, and applies to crimes
 180.7 committed on or after that date.

180.8 Sec. 12. Minnesota Statutes 2022, section 152.022, subdivision 2, is amended to read:

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

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

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

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

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

184.26 (ii) the offense involves three aggravating factors;

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

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

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

185.4 ~~(6)~~ (5) the person unlawfully sells any amount of a Schedule I or II narcotic drug to a
 185.5 person under the age of 18, or conspires with or employs a person under the age of 18 to
 185.6 unlawfully sell the substance; or

185.7 ~~(7)~~ (6) the person unlawfully sells any of the following in a school zone, a park zone, a
 185.8 public housing zone, or a drug treatment facility:

185.9 (i) any amount of a Schedule I or II narcotic drug, lysergic acid diethylamide (LSD),
 185.10 3,4-methylenedioxy amphetamine, or 3,4-methylenedioxymethamphetamine; or

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

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

185.14 **EFFECTIVE DATE.** This section is effective January 1, 2024, and applies to crimes
 185.15 committed on or after that date.

185.16 Sec. 9. Minnesota Statutes 2022, section 152.022, subdivision 2, is amended to read:

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

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

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

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

180.18 (ii) the offense involves three aggravating factors;

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

180.20 or more containing heroin;

180.21 (4) the person unlawfully possesses one or more mixtures of a total weight of 50 grams

180.22 or more containing a narcotic drug other than cocaine, heroin, or methamphetamine;

180.23 (5) the person unlawfully possesses one or more mixtures of a total weight of 50 grams

180.24 or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled

180.25 substance is packaged in dosage units, equaling 100 or more dosage units; or

180.26 (6) the person unlawfully possesses ~~one or more mixtures of a total weight of 25~~

180.27 ~~kilograms or more containing marijuana or Tetrahydrocannabinols, or possesses 100 or~~

180.28 ~~more marijuana plants.~~

180.29 (i) 25 kilograms or more of cannabis flower;

180.30 (ii) five kilograms or more of cannabis concentrate; or

181.1 (iii) edible cannabis products, lower-potency hemp edibles, hemp-derived consumer

181.2 products, or any combination of those infused with more than 500 grams of

181.3 tetrahydrocannabinols.

181.4 (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may

181.5 not be considered in measuring the weight of a mixture except in cases where the mixture

181.6 contains four or more fluid ounces of fluid.

181.7 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes

181.8 committed on or after that date.

181.9 Sec. 13. Minnesota Statutes 2022, section 152.023, subdivision 1, is amended to read:

181.10 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in the third

181.11 degree if:

181.12 (1) the person unlawfully sells one or more mixtures containing a narcotic drug;

181.13 (2) on one or more occasions within a 90-day period the person unlawfully sells one or

181.14 more mixtures containing phencyclidine or hallucinogen, it is packaged in dosage units,

181.15 and equals ten or more dosage units;

181.16 (3) the person unlawfully sells one or more mixtures containing a controlled substance

181.17 classified in Schedule I, II, or III, except a Schedule I or II narcotic drug, cannabis flower,

181.18 or cannabinoid products to a person under the age of 18; or

185.26 (ii) the offense involves three aggravating factors;

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

185.28 or more containing heroin;

185.29 (4) the person unlawfully possesses one or more mixtures of a total weight of 50 grams

185.30 or more containing a narcotic drug other than cocaine, heroin, or methamphetamine;

186.1 (5) the person unlawfully possesses one or more mixtures of a total weight of 50 grams

186.2 or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled

186.3 substance is packaged in dosage units, equaling 100 or more dosage units; or

186.4 (6) the person unlawfully possesses one or more mixtures of a total weight of 25

186.5 kilograms or more containing marijuana or Tetrahydrocannabinols, or possesses 100 or

186.6 more marijuana plants.

186.7 (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may

186.8 not be considered in measuring the weight of a mixture except in cases where the mixture

186.9 contains four or more fluid ounces of fluid.

186.10 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes

186.11 committed on or after that date.

186.12 Sec. 10. Minnesota Statutes 2022, section 152.023, subdivision 1, is amended to read:

186.13 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in the third

186.14 degree if:

186.15 (1) the person unlawfully sells one or more mixtures containing a narcotic drug;

186.16 (2) on one or more occasions within a 90-day period the person unlawfully sells one or

186.17 more mixtures containing phencyclidine or hallucinogen, it is packaged in dosage units,

186.18 and equals ten or more dosage units;

186.19 (3) the person unlawfully sells one or more mixtures containing a controlled substance

186.20 classified in Schedule I, II, or III, except a Schedule I or II narcotic drug, cannabis flower,

186.21 or cannabis products to a person under the age of 18; or

181.19 (4) the person conspires with or employs a person under the age of 18 to unlawfully sell
181.20 one or more mixtures containing a controlled substance listed in Schedule I, II, or III, except
181.21 a Schedule I or II narcotic drug ~~or,~~

181.22 ~~(5) on one or more occasions within a 90-day period the person unlawfully sells one or~~
181.23 ~~more mixtures of a total weight of five kilograms or more containing marijuana or~~
181.24 ~~Tetrahydrocannabinols.~~

181.25 **EFFECTIVE DATE.** This section is effective January 1, 2024, and applies to crimes
181.26 committed on or after that date.

181.27 Sec. 14. Minnesota Statutes 2022, section 152.023, subdivision 2, is amended to read:

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

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

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

182.6 (3) on one or more occasions within a 90-day period the person unlawfully possesses
182.7 one or more mixtures containing a narcotic drug, it is packaged in dosage units, and equals
182.8 50 or more dosage units;

182.9 (4) on one or more occasions within a 90-day period the person unlawfully possesses
182.10 any amount of a schedule I or II narcotic drug or five or more dosage units of lysergic acid
182.11 diethylamide (LSD), 3,4-methylenedioxy amphetamine, or
182.12 3,4-methylenedioxymethamphetamine in a school zone, a park zone, a public housing zone,
182.13 or a drug treatment facility;

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

182.17 (i) more than ten kilograms of cannabis flower;

182.18 (ii) more than two kilograms of cannabis concentrate; or

182.19 (iii) edible cannabis products, lower-potency hemp edibles, hemp-derived consumer
182.20 products, or any combination of those infused with more than 200 grams of
182.21 tetrahydrocannabinol; or

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

186.22 (4) the person conspires with or employs a person under the age of 18 to unlawfully sell
186.23 one or more mixtures containing a controlled substance listed in Schedule I, II, or III, except
186.24 a Schedule I or II narcotic drug ~~or,~~ cannabis flower, or cannabis products.

186.25 ~~(5) on one or more occasions within a 90-day period the person unlawfully sells one or~~
186.26 ~~more mixtures of a total weight of five kilograms or more containing marijuana or~~
186.27 ~~Tetrahydrocannabinols.~~

186.28 **EFFECTIVE DATE.** This section is effective January 1, 2024, and applies to crimes
186.29 committed on or after that date.

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

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

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

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

187.9 (3) on one or more occasions within a 90-day period the person unlawfully possesses
187.10 one or more mixtures containing a narcotic drug, it is packaged in dosage units, and equals
187.11 50 or more dosage units;

187.12 (4) on one or more occasions within a 90-day period the person unlawfully possesses
187.13 any amount of a schedule I or II narcotic drug or five or more dosage units of lysergic acid
187.14 diethylamide (LSD), 3,4-methylenedioxy amphetamine, or
187.15 3,4-methylenedioxymethamphetamine in a school zone, a park zone, a public housing zone,
187.16 or a drug treatment facility;

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

187.20 (i) more than ten kilograms of cannabis flower;

187.21 (ii) more than two kilograms of cannabis concentrate; or

187.22 (iii) edible cannabis products infused with more than 200 grams of tetrahydrocannabinol;
187.23 or

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

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

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

182.30 Sec. 15. Minnesota Statutes 2022, section 152.024, subdivision 1, is amended to read:

182.31 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in the fourth
182.32 degree if:

183.1 (1) the person unlawfully sells one or more mixtures containing a controlled substance
183.2 classified in Schedule I, II, or III, except marijuana or Tetrahydrocannabinols;

183.3 (2) the person unlawfully sells one or more mixtures containing a controlled substance
183.4 classified in Schedule IV or V to a person under the age of 18; or

183.5 (3) the person conspires with or employs a person under the age of 18 to unlawfully sell
183.6 a controlled substance classified in Schedule IV or V; ~~or.~~

183.7 ~~(4) the person unlawfully sells any amount of marijuana or Tetrahydrocannabinols in a~~
183.8 ~~school zone, a park zone, a public housing zone, or a drug treatment facility, except a small~~
183.9 ~~amount for no remuneration.~~

183.10 **EFFECTIVE DATE.** This section is effective January 1, 2024, and applies to crimes
183.11 committed on or after that date.

183.12 Sec. 16. Minnesota Statutes 2022, section 152.025, subdivision 1, is amended to read:

183.13 Subdivision 1. **Sale crimes.** A person is guilty of a controlled substance crime in the
183.14 fifth degree and upon conviction may be sentenced as provided in subdivision 4 if:

183.15 ~~(1) the person unlawfully sells one or more mixtures containing marijuana or~~
183.16 ~~tetrahydrocannabinols, except a small amount of marijuana for no remuneration; or~~

183.17 ~~(2)~~ (2) the person unlawfully sells one or more mixtures containing a controlled substance
183.18 classified in Schedule IV.

183.19 **EFFECTIVE DATE.** This section is effective January 1, 2024, and applies to crimes
183.20 committed on or after that date.

183.21 Sec. 17. Minnesota Statutes 2022, section 152.025, subdivision 2, is amended to read:

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

183.24 (1) the person unlawfully possesses one or more mixtures containing a controlled
183.25 substance classified in Schedule I, II, III, or IV, except a small amount of marijuana cannabis

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

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

188.1 Sec. 12. Minnesota Statutes 2022, section 152.024, subdivision 1, is amended to read:

188.2 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in the fourth
188.3 degree if:

188.4 (1) the person unlawfully sells one or more mixtures containing a controlled substance
188.5 classified in Schedule I, II, or III, except marijuana or Tetrahydrocannabinols;

188.6 (2) the person unlawfully sells one or more mixtures containing a controlled substance
188.7 classified in Schedule IV or V to a person under the age of 18; or

188.8 (3) the person conspires with or employs a person under the age of 18 to unlawfully sell
188.9 a controlled substance classified in Schedule IV or V; ~~or.~~

188.10 ~~(4) the person unlawfully sells any amount of marijuana or Tetrahydrocannabinols in a~~
188.11 ~~school zone, a park zone, a public housing zone, or a drug treatment facility, except a small~~
188.12 ~~amount for no remuneration.~~

188.13 **EFFECTIVE DATE.** This section is effective January 1, 2024, and applies to crimes
188.14 committed on or after that date.

188.15 Sec. 13. Minnesota Statutes 2022, section 152.025, subdivision 1, is amended to read:

188.16 Subdivision 1. **Sale crimes.** A person is guilty of a controlled substance crime in the
188.17 fifth degree and upon conviction may be sentenced as provided in subdivision 4 if:

188.18 ~~(1) the person unlawfully sells one or more mixtures containing marijuana or~~
188.19 ~~tetrahydrocannabinols, except a small amount of marijuana for no remuneration; or~~

188.20 ~~(2)~~ (2) the person unlawfully sells one or more mixtures containing a controlled substance
188.21 classified in Schedule IV.

188.22 **EFFECTIVE DATE.** This section is effective January 1, 2024, and applies to crimes
188.23 committed on or after that date.

188.24 Sec. 14. Minnesota Statutes 2022, section 152.025, subdivision 2, is amended to read:

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

188.27 (1) the person unlawfully possesses one or more mixtures containing a controlled
188.28 substance classified in Schedule I, II, III, or IV, except a small amount of marijuana cannabis
188.29 flower or cannabis products; or

183.26 flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products;
183.27 or

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

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

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

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

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

184.8 Sec. 18. **[152.0263] CANNABIS POSSESSION CRIMES.**

184.9 Subdivision 1. Possession of cannabis in the first degree. A person is guilty of cannabis
184.10 possession in the first degree and may be sentenced to imprisonment of not more than five
184.11 years or to payment of a fine of not more than \$10,000, or both, if the person unlawfully
184.12 possesses any of the following:

184.13 (1) more than 1.5 pounds but not more than ten kilograms of cannabis flower;

184.14 (2) more than 160 grams but not more than two kilograms of cannabis concentrate; or

184.15 (3) edible cannabis products, lower-potency hemp edibles, or hemp-derived consumer
184.16 products infused with more than 16 grams but not more than 200 grams of
184.17 tetrahydrocannabinol.

184.18 Subd. 2. Possession of cannabis in the second degree. A person is guilty of cannabis
184.19 possession in the second degree and may be sentenced to imprisonment of not more than
184.20 one year or to payment of a fine of not more than \$3,000, or both, if the person unlawfully
184.21 possesses any of the following:

184.22 (1) more than one pound but not more than 1.5 pounds of cannabis flower in any place
184.23 other than the person's residence;

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

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

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

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

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

189.11 Sec. 15. **[152.0263] CANNABIS POSSESSION CRIMES.**

189.12 Subdivision 1. Possession of cannabis in the first degree. A person is guilty of cannabis
189.13 possession in the first degree and may be sentenced to imprisonment of not more than five
189.14 years or to payment of a fine of not more than \$10,000, or both, if the person unlawfully
189.15 possesses any of the following:

189.16 (1) more than two pounds but not more than ten kilograms of cannabis flower in any
189.17 place other than the person's residence;

189.18 (2) more than two pounds but not more than ten kilograms of cannabis flower derived
189.19 from sources other than the home cultivation of cannabis plants authorized in section 342.09,
189.20 subdivision 2, in the person's residence;

189.21 (3) more than five pounds but not more than ten kilograms of cannabis flower, regardless
189.22 of the cannabis' source, in the person's residence;

189.23 (4) more than 160 grams but not more than two kilograms of cannabis concentrate; or

189.24 (5) edible cannabis products infused with more than 16 grams but not more than 200
189.25 grams of tetrahydrocannabinol.

189.26 Subd. 2. Possession of cannabis in the second degree. A person is guilty of cannabis
189.27 possession in the second degree and may be sentenced to imprisonment of not more than
189.28 one year or to payment of a fine of not more than \$3,000, or both, if the person unlawfully
189.29 possesses any of the following:

189.30 (1) more than one pound but not more than two pounds of cannabis flower in any place
189.31 other than the person's residence;

184.24 (2) more than 80 grams but not more than 160 grams of cannabis concentrate; or

184.25 (3) edible cannabis products, lower-potency hemp edibles, or hemp-derived consumer

184.26 products infused with more than eight grams but not more than 16 grams of

184.27 tetrahydrocannabinol.

184.28 Subd. 3. **Possession of cannabis in the third degree.** A person is guilty of cannabis

184.29 possession in the third degree and may be sentenced to imprisonment of not more than 90

184.30 days or to payment of a fine of not more than \$1,000, or both, if the person unlawfully

184.31 possesses any of the following:

185.1 (1) more than four ounces but not more than one pound of cannabis flower in any place

185.2 other than the person's residence;

185.3 (2) more than 16 grams but not more than 80 grams of cannabis concentrate; or

185.4 (3) edible cannabis products, lower-potency hemp edibles, or hemp-derived consumer

185.5 products infused with more than 1,600 milligrams but not more than eight grams of

185.6 tetrahydrocannabinol.

185.7 Subd. 4. **Possession of cannabis in the fourth degree.** A person is guilty of a petty

185.8 misdemeanor if the person unlawfully possesses any of the following:

185.9 (1) more than two ounces but not more than four ounces of cannabis flower in any place

185.10 other than the person's residence;

185.11 (2) more than eight grams but not more than 16 grams of cannabis concentrate; or

185.12 (3) edible cannabinoid products infused with more than 800 milligrams but not more

185.13 than 1,600 milligrams of tetrahydrocannabinol.

185.14 Subd. 5. **Use of cannabis in public.** A local unit of government may adopt an ordinance

185.15 establishing a petty misdemeanor offense for a person who unlawfully uses cannabis flower,

185.16 cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a

185.17 public place provided that the definition of public place does not include the following:

185.18 (1) a private residence, including the person's curtilage or yard;

190.1 (2) more than 80 grams but not more than 160 grams of cannabis concentrate; or

190.2 (3) edible cannabis products infused with more than eight grams but not more than 16

190.3 grams of tetrahydrocannabinol.

190.4 Subd. 3. **Possession of cannabis in the third degree.** A person is guilty of cannabis

190.5 possession in the third degree and may be sentenced to imprisonment of not more than 90

190.6 days or to payment of a fine of not more than \$1,000, or both, if the person unlawfully

190.7 possesses any of the following:

190.8 (1) more than four ounces but not more than one pound of cannabis flower in any place

190.9 other than the person's residence;

190.10 (2) more than 16 grams but not more than 80 grams of cannabis concentrate; or

190.11 (3) edible cannabis products infused with more than 1,600 milligrams but not more than

190.12 eight grams of tetrahydrocannabinol.

190.13 Subd. 4. **Possession of cannabis in the fourth degree.** A person is guilty of a petty

190.14 misdemeanor if the person unlawfully possesses any of the following:

190.15 (1) more than two ounces but not more than four ounces of cannabis flower in any place

190.16 other than the person's residence;

190.17 (2) more than eight grams but not more than 16 grams of cannabis concentrate; or

190.18 (3) edible cannabis products infused with more than 800 milligrams but not more than

190.19 1,600 milligrams of tetrahydrocannabinol.

190.20 Subd. 5. **Use of cannabis in a motor vehicle.** (a) A person is guilty of a crime and may

190.21 be sentenced to imprisonment of not more than 90 days or to payment of a fine of not more

190.22 than \$1,000, or both, if the person unlawfully uses cannabis flower or cannabis products

190.23 while driving, operating, or being in physical control of any motor vehicle, as defined in

190.24 section 169A.03, subdivision 15.

190.25 (b) The State Patrol must increase enforcement of this subdivision annually on April

190.26 20. Other law enforcement agencies are encouraged to increase enforcement of this

190.27 subdivision annually on April 20.

190.28 Subd. 6. **Use of cannabis in public.** A local unit of government may adopt an ordinance

190.29 establishing a petty misdemeanor offense for a person who unlawfully uses cannabis flower

190.30 or cannabis products in a public place provided that the definition of public place does not

190.31 include the following:

190.32 (1) a private residence, including the person's curtilage or yard;

185.19 (2) private property not generally accessible by the public, unless the person is explicitly
185.20 prohibited from consuming cannabis flower, cannabis products, lower-potency hemp edibles,
185.21 or hemp-derived consumer products on the property by the owner of the property; or

185.22 (3) the premises of an establishment or event licensed to permit on-site consumption.

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

185.25 Sec. 19. **[152.0264] CANNABIS SALE CRIMES.**

185.26 Subdivision 1. **Sale of cannabis in the first degree.** A person is guilty of the sale of
185.27 cannabis in the first degree and may be sentenced to imprisonment of not more than five
185.28 years or to payment of a fine of not more than \$10,000, or both, if the person unlawfully
185.29 sells more than two ounces of cannabis flower; more than eight grams of cannabis
185.30 concentrate; or edible cannabis products, lower-potency hemp edibles, or hemp-derived
185.31 consumer products infused with more than 800 milligrams of tetrahydrocannabinol:

186.1 (1) to a minor and the defendant is an adult who is more than 36 months older than the
186.2 minor;

186.3 (2) within ten years of two or more convictions under subdivision 2 or 3; or

186.4 (3) within ten years of a conviction under this subdivision.

186.5 Subd. 2. **Sale of cannabis in the second degree.** A person is guilty of sale of cannabis
186.6 in the second degree and may be sentenced to imprisonment of not more than one year or
186.7 to payment of a fine of not more than \$3,000, or both, if the person unlawfully sells:

186.8 (1) more than two ounces of cannabis flower; more than eight grams of cannabis
186.9 concentrate; or edible cannabis products, lower-potency hemp edibles, or hemp-derived
186.10 consumer products infused with more than 800 milligrams of tetrahydrocannabinol:

186.11 (i) to a minor and the defendant is an adult who is not more than 36 months older than
186.12 the minor;

186.13 (ii) in a school zone, a park zone, a public housing zone, or a drug treatment facility; or

186.14 (iii) within ten years of a conviction under subdivision 1, 2, or 3; or

186.15 (2) up to two ounces of cannabis flower; up to eight grams of cannabis concentrate;
186.16 edible cannabis products, lower-potency hemp edibles, or hemp-derived consumer products
186.17 infused with up to 800 milligrams of tetrahydrocannabinol to a minor.

191.1 (2) private property not generally accessible by the public, unless the person is explicitly
191.2 prohibited from consuming cannabis flower or cannabis products on the property by the
191.3 owner of the property; or

191.4 (3) the premises of an establishment or event licensed to permit on-site consumption.

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

191.7 Sec. 16. **[152.0264] CANNABIS SALE CRIMES.**

191.8 Subdivision 1. **Sale of cannabis in the first degree.** A person is guilty of the sale of
191.9 cannabis in the first degree and may be sentenced to imprisonment of not more than five
191.10 years or to payment of a fine of not more than \$10,000, or both, if the person unlawfully
191.11 sells more than two ounces of cannabis flower; more than eight grams of cannabis
191.12 concentrate; or edible cannabis products infused with more than 800 milligrams of
191.13 tetrahydrocannabinol:

191.14 (1) to a minor and the defendant is an adult who is more than 36 months older than the
191.15 minor;

191.16 (2) within ten years of two or more convictions for the unlawful sale of more than two
191.17 ounces of cannabis flower, more than eight grams of cannabis concentrate, or edible cannabis
191.18 products infused with more than 800 milligrams of tetrahydrocannabinol; or

191.19 (3) within ten years of a conviction under this subdivision.

191.20 Subd. 2. **Sale of cannabis in the second degree.** A person is guilty of sale of cannabis
191.21 in the second degree and may be sentenced to imprisonment of not more than one year or
191.22 to payment of a fine of not more than \$3,000, or both, if the person unlawfully sells more
191.23 than two ounces of cannabis flower; more than eight grams of cannabis concentrate; or
191.24 edible cannabis products infused with more than 800 milligrams of tetrahydrocannabinol:

191.25 (1) to a minor and the defendant is an adult who is not more than 36 months older than
191.26 the minor;

191.27 (2) in a school zone, a park zone, a public housing zone, or a drug treatment facility; or

191.28 (3) within ten years of a conviction for the unlawful sale of more than two ounces of
191.29 cannabis flower, more than eight grams of cannabis concentrate, or edible cannabis products
191.30 infused with more than 800 milligrams of tetrahydrocannabinol.

186.18 Subd. 3. **Sale of cannabis in the third degree.** A person is guilty of sale of cannabis in
 186.19 the third degree and may be sentenced to imprisonment of not more than 90 days or to
 186.20 payment of a fine of not more than \$1,000, or both, if the person unlawfully sells:

186.21 (1) more than two ounces of cannabis flower;

186.22 (2) more than eight grams of cannabis concentrate; or

186.23 (3) edible cannabis products, lower-potency hemp edibles, or hemp-derived consumer
 186.24 products infused with more than 800 milligrams of tetrahydrocannabinol.

186.25 Subd. 4. **Sale of cannabis in the fourth degree.** (a) A person is guilty of a petty
 186.26 misdemeanor if the person unlawfully sells:

186.27 (1) not more than two ounces of cannabis flower;

186.28 (2) not more than eight grams of cannabis concentrate; or

186.29 (3) edible cannabis products, lower-potency hemp edibles, or hemp-derived consumer
 186.30 products infused with not more than 800 milligrams of tetrahydrocannabinol.

187.1 (b) A sale for no remuneration by an individual over the age of 21 to another individual
 187.2 over the age of 21 is not an unlawful sale under this subdivision.

187.3 Subd. 5. **Sale of cannabis by a minor.** (a) A minor is guilty of a petty misdemeanor if:

187.4 (1) the minor unlawfully sells cannabis flower, cannabis concentrate, cannabis products,
 187.5 lower-potency hemp edibles, or hemp-derived consumer products; and

187.6 (2) the minor has not previously received a petty misdemeanor disposition or been
 187.7 adjudicated delinquent for committing an act in violation of this section.

187.8 (b) A minor sentenced under this subdivision is required to participate in a drug education
 187.9 program unless the court enters a written finding that a drug education program is
 187.10 inappropriate. The program must be approved by an area mental health board with a
 187.11 curriculum approved by the state alcohol and drug abuse authority.

187.12 (c) A minor who receives a disposition pursuant to this subdivision is required to perform
 187.13 community service.

187.14 **EFFECTIVE DATE.** This section is effective January 1, 2024, and applies to crimes
 187.15 committed on or after that date.

187.16 Sec. 20. **[152.0265] CANNABIS CULTIVATION CRIMES.**

187.17 Subdivision 1. **Cultivation of cannabis in the first degree.** A person is guilty of
 187.18 cultivation of cannabis in the first degree and may be sentenced to imprisonment of not
 187.19 more than five years or to payment of a fine of not more than \$10,000, or both, if the person
 187.20 unlawfully cultivates more than 23 cannabis plants.

192.1 Subd. 3. **Sale of cannabis in the third degree.** A person is guilty of sale of cannabis in
 192.2 the third degree and may be sentenced to imprisonment of not more than 90 days or to
 192.3 payment of a fine of not more than \$1,000, or both, if the person unlawfully sells:

192.4 (1) more than two ounces of cannabis flower;

192.5 (2) more than eight grams of cannabis concentrate; or

192.6 (3) edible cannabis products infused with more than 800 milligrams of
 192.7 tetrahydrocannabinol.

192.8 Subd. 4. **Sale of cannabis in the fourth degree.** (a) A person is guilty of a petty
 192.9 misdemeanor if the person unlawfully sells:

192.10 (1) not more than two ounces of cannabis flower;

192.11 (2) not more than eight grams of cannabis concentrate; or

192.12 (3) edible cannabis products infused with not more than 800 milligrams of
 192.13 tetrahydrocannabinol.

192.14 (b) A sale for no remuneration by an individual over the age of 21 to another individual
 192.15 over the age of 21 is not an unlawful sale under this subdivision.

192.16 Subd. 5. **Sale of cannabis by a minor.** (a) A minor is guilty of a petty misdemeanor if:

192.17 (1) the minor unlawfully sells cannabis flower, cannabis concentrate, or cannabis
 192.18 products; and

192.19 (2) the minor has not previously received a petty misdemeanor disposition or been
 192.20 adjudicated delinquent for committing an act in violation of this section.

192.21 (b) A minor sentenced under this subdivision is required to participate in a drug education
 192.22 program unless the court enters a written finding that a drug education program is
 192.23 inappropriate. The program must be approved by an area mental health board with a
 192.24 curriculum approved by the state alcohol and drug abuse authority.

192.25 (c) A minor who receives a disposition pursuant to this subdivision is required to perform
 192.26 community service.

192.27 **EFFECTIVE DATE.** This section is effective January 1, 2024, and applies to crimes
 192.28 committed on or after that date.

193.1 Sec. 17. **[152.0265] CANNABIS CULTIVATION CRIMES.**

193.2 Subdivision 1. **Cultivation of cannabis in the first degree.** A person is guilty of
 193.3 cultivation of cannabis in the first degree and may be sentenced to imprisonment of not
 193.4 more than five years or to payment of a fine of not more than \$10,000, or both, if the person
 193.5 unlawfully cultivates more than 23 cannabis plants.

187.21 Subd. 2. **Cultivation of cannabis in the second degree.** A person is guilty of cultivation
187.22 of cannabis in the second degree and may be sentenced to imprisonment of not more than
187.23 one year or to payment of a fine of not more than \$3,000, or both, if the person unlawfully
187.24 cultivates more than 16 cannabis plants but not more than 23 cannabis plants.

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

187.27 Sec. 21. Minnesota Statutes 2022, section 152.11, subdivision 2, is amended to read:

187.28 Subd. 2. **Prescription requirements for Schedule III or IV controlled substances.** (a)
187.29 Except as provided in paragraph (b), no person may dispense a controlled substance included
187.30 in Schedule III or IV of section 152.02 without a prescription issued, as permitted under
187.31 subdivision 1, by a doctor of medicine, a doctor of osteopathic medicine licensed to practice
188.1 medicine, a doctor of dental surgery, a doctor of dental medicine, a doctor of podiatry, a
188.2 doctor of optometry limited to Schedule IV, or a doctor of veterinary medicine, lawfully
188.3 licensed to prescribe in this state or from a practitioner licensed to prescribe controlled
188.4 substances by the state in which the prescription is issued, and having a current federal drug
188.5 enforcement administration registration number. Such prescription may not be dispensed
188.6 or refilled except with the documented consent of the prescriber, and in no event more than
188.7 six months after the date on which such prescription was issued and no such prescription
188.8 may be refilled more than five times.

188.9 (b) This subdivision does not apply to cannabis plants, cannabis flower, cannabis products,
188.10 or hemp-derived consumer products sold or transferred in compliance with chapter 342.

188.11 Sec. 22. Minnesota Statutes 2022, section 169A.03, is amended by adding a subdivision
188.12 to read:

188.13 Subd. 3a. **Artificially derived cannabinoid.** "Artificially derived cannabinoid" has the
188.14 meaning given in section 342.01, subdivision 6.

188.15 Sec. 23. Minnesota Statutes 2022, section 169A.03, is amended by adding a subdivision
188.16 to read:

188.17 Subd. 3b. **Cannabis flower.** "Cannabis flower" has the meaning given in section 342.01,
188.18 subdivision 15.

188.19 Sec. 24. Minnesota Statutes 2022, section 169A.03, is amended by adding a subdivision
188.20 to read:

188.21 Subd. 3c. **Cannabis product.** "Cannabis product" has the meaning given in section
188.22 342.01, subdivision 19.

193.6 Subd. 2. **Cultivation of cannabis in the second degree.** A person is guilty of cultivation
193.7 of cannabis in the second degree and may be sentenced to imprisonment of not more than
193.8 one year or to payment of a fine of not more than \$3,000, or both, if the person unlawfully
193.9 cultivates more than 16 cannabis plants but not more than 23 cannabis plants.

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

188.23 Sec. 25. Minnesota Statutes 2022, section 169A.03, is amended by adding a subdivision
188.24 to read:

188.25 Subd. 10a. **Hemp-derived consumer product.** "Hemp-derived consumer product" has
188.26 the meaning given in section 342.01, subdivision 35.

188.27 Sec. 26. Minnesota Statutes 2022, section 169A.03, is amended by adding a subdivision
188.28 to read:

188.29 Subd. 11b. **Lower-potency hemp edible.** "Lower-potency hemp edible" has the meaning
188.30 given in section 342.01, subdivision 48.

189.1 Sec. 27. Minnesota Statutes 2022, section 169A.20, subdivision 1, is amended to read:

189.2 Subdivision 1. **Driving while impaired crime; motor vehicle.** It is a crime for any
189.3 person to drive, operate, or be in physical control of any motor vehicle, as defined in section
189.4 169A.03, subdivision 15, within this state or on any boundary water of this state when:

189.5 (1) the person is under the influence of alcohol;

189.6 (2) the person is under the influence of a controlled substance;

189.7 (3) the person is under the influence of an intoxicating substance and the person knows
189.8 or has reason to know that the substance has the capacity to cause impairment;

189.9 (4) the person is under the influence of a combination of any two or more of the elements
189.10 named in clauses (1) to (3) or (8);

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

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

189.17 (7) the person's body contains any amount of a controlled substance listed in Schedule
189.18 I or II, or its metabolite, other than ~~marijuana~~ cannabis flower, a cannabis product, a

ARTICLE 6, SECTION 16

221.1 Sec. 16. Minnesota Statutes 2022, section 169A.03, subdivision 6, is amended to read:

221.2 Subd. 6. **Controlled substance.** "Controlled substance" has the meaning given in section
221.3 152.01, subdivision 4. The term also includes hemp as defined in section 152.22, subdivision
221.4 5a.

221.5 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
221.6 committed on or after that date. This section expires January 1, 2024.

House Language H0100-11	CANNABIS-ARTICLE 4	May 05, 2023 11:23 AM	Senate Language UEH0100-2
189.19 <u>lower-potency hemp edible, a hemp-derived consumer product, an artificially derived</u> 189.20 <u>cannabinoid, or tetrahydrocannabinols; or</u>			
189.21 <u>(8) the person is under the influence of cannabis flower, a cannabis product, a</u> 189.22 <u>lower-potency hemp edible, a hemp-derived consumer product, an artificially derived</u> 189.23 <u>cannabinoid, or tetrahydrocannabinols.</u>			
189.24 Sec. 28. <u>Minnesota Statutes 2022, section 169A.31, subdivision 1, is amended to read:</u>			
189.25 Subdivision 1. Crime described. <u>It is a crime for any person to drive, operate, or be in</u> 189.26 <u>physical control of any class of school bus or Head Start bus within this state when there is</u> 189.27 <u>physical evidence present in the person's body of the consumption of any alcohol, cannabis</u> 189.28 <u>flower, a cannabis product, an artificially derived cannabinoid, or tetrahydrocannabinols.</u>			
189.29 Sec. 29. [169A.36] OPEN PACKAGE LAW.			193.12 Sec. 18. [169A.36] OPEN PACKAGE LAW.
189.30 Subdivision 1. Definitions. <u>As used in this section:</u>			193.13 Subdivision 1. Definitions. <u>As used in this section:</u>
			193.14 <u>(1) "synthetically derived cannabinoid" has the meaning given in section 342.01,</u> 193.15 <u>subdivision 67;</u>
			193.16 <u>(2) "cannabis product" has the meaning given in section 342.01, subdivision 2;</u>
			193.17 <u>(3) "cannabis flower" has the meaning given in section 342.01, subdivision 16;</u>
190.1 <u>(1) "motor vehicle" does not include motorboats in operation or off-road recreational</u> 190.2 <u>vehicles except while operated on a roadway or shoulder of a roadway that is not part of a</u> 190.3 <u>grant-in-aid trail or trail designated for that vehicle by the commissioner of natural resources;</u> 190.4 <u>and</u>			193.18 <u>(4) "motor vehicle" does not include motorboats in operation or off-road recreational</u> 193.19 <u>vehicles except while operated on a roadway or shoulder of a roadway that is not part of a</u> 193.20 <u>grant-in-aid trail or trail designated for that vehicle by the commissioner of natural resources;</u> 193.21 <u>and</u>
190.5 <u>(2) "possession" means either that the person had actual possession of the package or</u> 190.6 <u>that the person consciously exercised dominion and control over the package.</u>			193.22 <u>(5) "possession" means either that the person had actual possession of the package or</u> 193.23 <u>that the person consciously exercised dominion and control over the package.</u>
190.7 Subd. 2. Use; crime described. <u>It is a crime for a person to use cannabis flower, a</u> 190.8 <u>cannabis product, a lower-potency hemp edible, a hemp-derived consumer product, or any</u> 190.9 <u>other product containing an artificially derived cannabinoid in a motor vehicle when the</u> 190.10 <u>vehicle is on a street or highway.</u>			193.24 Subd. 2. Use; crime described. <u>It is a crime for a person to use cannabis flower, a</u> 193.25 <u>cannabis product, or any product containing a synthetically derived cannabinoid in a motor</u> 193.26 <u>vehicle when the vehicle is on a street or highway.</u>
190.11 Subd. 3. Possession; crime described. <u>It is a crime for a person to have in possession,</u> 190.12 <u>while in a private motor vehicle on a street or highway, any cannabis flower, a cannabis</u> 190.13 <u>product, a lower-potency hemp edible, a hemp-derived consumer product, or any other</u> 190.14 <u>product containing an artificially derived cannabinoid that:</u>			193.27 Subd. 3. Possession; crime described. <u>It is a crime for a person to have in possession,</u> 193.28 <u>while in a private motor vehicle on a street or highway, any cannabis flower, a cannabis</u> 193.29 <u>product, or any product containing a synthetically derived cannabinoid that:</u>
190.15 <u>(1) is in packaging or another container that does not comply with the relevant packaging</u> 190.16 <u>requirements in chapter 152 or 342;</u>			193.30 <u>(1) is in packaging or another container that does not comply with the relevant packaging</u> 193.31 <u>requirements in chapter 152 or 342;</u>
190.17 <u>(2) has been removed from the packaging in which it was sold;</u>			194.1 <u>(2) has been removed from the packaging in which it was sold;</u>
190.18 <u>(3) is in packaging that has been opened or the seal has been broken; or</u>			194.2 <u>(3) is in packaging that has been opened or the seal has been broken; or</u>

190.19 (4) is in packaging of which the contents have been partially removed.

190.20 Subd. 4. **Liability of nonpresent owner; crime described.** It is a crime for the owner
190.21 of any private motor vehicle or the driver, if the owner is not present in the motor vehicle,
190.22 to keep or allow to be kept in a motor vehicle when the vehicle is on a street or highway
190.23 any cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived
190.24 consumer product, or any other product containing an artificially derived cannabinoid that:

190.25 (1) is in packaging or another container that does not comply with the relevant packaging
190.26 requirements in chapter 152 or 342;

190.27 (2) has been removed from the packaging in which it was sold;

190.28 (3) is in packaging that has been opened or the seal has been broken; or

190.29 (4) is in packaging of which the contents have been partially removed.

190.30 Subd. 5. **Criminal penalty.** A person who violates subdivision 2, 3, or 4 is guilty of a
190.31 misdemeanor.

191.1 Subd. 6. **Exceptions.** (a) This section does not prohibit the possession or consumption
191.2 of cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived
191.3 consumer product, or any other product containing an artificially derived cannabinoid by
191.4 passengers in:

191.5 (1) a bus that is operated by a motor carrier of passengers as defined in section 221.012,
191.6 subdivision 26;

191.7 (2) a vehicle that is operated for commercial purposes in a manner similar to a bicycle
191.8 as defined in section 169.011, subdivision 4, with five or more passengers who provide
191.9 pedal power to the drive train of the vehicle; or

191.10 (3) a vehicle providing limousine service as defined in section 221.84, subdivision 1.

191.11 (b) Subdivisions 3 and 4 do not apply to: (1) a package that is in the trunk of the vehicle
191.12 if the vehicle is equipped with a trunk; or (2) a package that is in another area of the vehicle
191.13 not normally occupied by the driver and passengers if the vehicle is not equipped with a
191.14 trunk. A utility compartment or glove compartment is deemed to be within the area occupied
191.15 by the driver and passengers.

191.16 Sec. 30. Minnesota Statutes 2022, section 169A.51, subdivision 1, is amended to read:

191.17 Subdivision 1. **Implied consent; conditions; election of test.** (a) Any person who drives,
191.18 operates, or is in physical control of a motor vehicle within this state or on any boundary
191.19 water of this state consents, subject to the provisions of sections 169A.50 to 169A.53 (implied
191.20 consent law), and section 169A.20 (driving while impaired), to a chemical test of that

194.3 (4) is in packaging of which the contents have been partially removed.

194.4 Subd. 4. **Liability of nonpresent owner; crime described.** It is a crime for the owner
194.5 of any private motor vehicle or the driver, if the owner is not present in the motor vehicle,
194.6 to keep or allow to be kept in a motor vehicle when the vehicle is on a street or highway
194.7 cannabis flower, a cannabis product, or any product containing a synthetically derived
194.8 cannabinoid that:

194.9 (1) is in packaging or another container that does not comply with the relevant packaging
194.10 requirements in chapter 152 or 342;

194.11 (2) has been removed from the packaging in which it was sold;

194.12 (3) is in packaging that has been opened or the seal has been broken; or

194.13 (4) is in packaging of which the contents have been partially removed.

194.14 Subd. 5. **Criminal penalty.** A person who violates subdivision 2, 3, or 4 is guilty of a
194.15 misdemeanor.

194.16 Subd. 6. **Exceptions.** (a) This section does not prohibit the possession or consumption
194.17 of cannabis flower, a cannabis product, or any other product containing a synthetically
194.18 derived cannabinoid by passengers in:

194.19 (1) a bus that is operated by a motor carrier of passengers as defined in section 221.012,
194.20 subdivision 26;

194.21 (2) a vehicle that is operated for commercial purposes in a manner similar to a bicycle
194.22 as defined in section 169.011, subdivision 4, with five or more passengers who provide
194.23 pedal power to the drive train of the vehicle; or

194.24 (3) a vehicle providing limousine service as defined in section 221.84, subdivision 1.

194.25 (b) Subdivisions 3 and 4 do not apply to: (1) a package that is in the trunk of the vehicle
194.26 if the vehicle is equipped with a trunk; or (2) a package that is in another area of the vehicle
194.27 not normally occupied by the driver and passengers if the vehicle is not equipped with a
194.28 trunk. A utility compartment or glove compartment is deemed to be within the area occupied
194.29 by the driver and passengers.

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

191.21 person's blood, breath, or urine for the purpose of determining the presence of alcohol; a
191.22 controlled substance or its metabolite; cannabis flower, a cannabis product, a lower-potency
191.23 hemp edible, a hemp-derived consumer product, artificially derived cannabinoids, or
191.24 tetrahydrocannabinols; or an intoxicating substance. The test must be administered at the
191.25 direction of a peace officer.

191.26 (b) The test may be required of a person when an officer has probable cause to believe
191.27 the person was driving, operating, or in physical control of a motor vehicle in violation of
191.28 section 169A.20 (driving while impaired), and one of the following conditions exist:

191.29 (1) the person has been lawfully placed under arrest for violation of section 169A.20 or
191.30 an ordinance in conformity with it;

191.31 (2) the person has been involved in a motor vehicle accident or collision resulting in
191.32 property damage, personal injury, or death;

192.1 (3) the person has refused to take the screening test provided for by section 169A.41
192.2 (preliminary screening test); or

192.3 (4) the screening test was administered and indicated an alcohol concentration of 0.08
192.4 or more.

192.5 (c) The test may also be required of a person when an officer has probable cause to
192.6 believe the person was driving, operating, or in physical control of a commercial motor
192.7 vehicle with the presence of any alcohol.

192.8 Sec. 31. Minnesota Statutes 2022, section 169A.51, subdivision 4, is amended to read:

192.9 Subd. 4. **Requirement of urine or blood test.** A blood or urine test may be required
192.10 pursuant to a search warrant under sections 626.04 to 626.18 even after a breath test has
192.11 been administered if there is probable cause to believe that:

192.12 (1) there is impairment by a controlled substance ~~or~~; an intoxicating substance; or
192.13 cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer
192.14 product, artificially derived cannabinoids, or tetrahydrocannabinols that is not subject to
192.15 testing by a breath test;

192.16 (2) a controlled substance listed in Schedule I or II or its metabolite, other than ~~marijuana~~
192.17 cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer
192.18 product, artificially derived cannabinoids, or tetrahydrocannabinols, is present in the person's
192.19 body; or

192.20 (3) the person is unconscious or incapacitated to the point that the peace officer providing
192.21 a breath test advisory, administering a breath test, or serving the search warrant has a
192.22 good-faith belief that the person is mentally or physically unable to comprehend the breath
192.23 test advisory or otherwise voluntarily submit to chemical tests.

192.24 Action may be taken against a person who refuses to take a blood test under this
192.25 subdivision only if a urine test was offered and action may be taken against a person who
192.26 refuses to take a urine test only if a blood test was offered. This limitation does not apply
192.27 to an unconscious person under the circumstances described in clause (3).

193.1 Sec. 32. Minnesota Statutes 2022, section 169A.72, is amended to read:

193.2 **169A.72 DRIVER EDUCATION PROGRAMS.**

193.3 Driver training courses offered through the public schools and driver training courses
193.4 offered by private or commercial schools or institutes shall include instruction which must
193.5 encompass at least:

193.6 (1) information on the effects of consumption of beverage alcohol products and the use
193.7 of illegal drugs, cannabis flower, cannabis products, lower-potency hemp edibles,
193.8 hemp-derived consumer products, artificially derived cannabinoids, tetrahydrocannabinol
193.9 derived from any source, prescription drugs, and nonprescription drugs on the ability of a
193.10 person to operate a motor vehicle;

193.11 (2) the hazards of driving while under the influence of alcohol, a controlled substance,
193.12 or ~~drugs~~ an intoxicating substance; and

193.13 (3) the legal penalties and financial consequences resulting from violations of laws
193.14 prohibiting the operation of a motor vehicle while under the influence of alcohol, a controlled
193.15 substance, or ~~drugs~~ an intoxicating substance.

193.16 Sec. 33. Minnesota Statutes 2022, section 244.05, subdivision 2, is amended to read:

193.17 Subd. 2. **Rules.** (a) The commissioner of corrections shall adopt by rule standards and
193.18 procedures for the establishment of conditions of release and the revocation of supervised
193.19 or conditional release, and shall specify the period of revocation for each violation of release.
193.20 Procedures for the revocation of release shall provide due process of law for the inmate.

193.21 (b) The commissioner may prohibit an inmate placed on parole, supervised release, or
193.22 conditional release from using adult-use cannabis flower as defined in section 342.01,
193.23 subdivision 3, or adult-use cannabis products as defined in section 342.01, subdivision 3,
193.24 hemp-derived consumer products as defined in section 342.01, subdivision 35, or
193.25 lower-potency hemp edibles as defined in section 342.01, subdivision 48, if the inmate
193.26 undergoes a chemical use assessment and abstinence is consistent with a recommended
193.27 level of care for the defendant in accordance with the criteria in rules adopted by the
193.28 commissioner of human services under section 254A.03, subdivision 3.

193.29 (c) The commissioner of corrections shall not prohibit an inmate placed on parole,
193.30 supervised release, or conditional release from participating in the registry program as
193.31 defined in section 342.01, subdivision 61, as a condition of release or revoke a patient's
193.32 parole, supervised release, or conditional release or otherwise sanction a patient on parole.

House Language H0100-11

CANNABIS-ARTICLE 4

May 05, 2023 11:23 AM

Senate Language UEH0100-2

ly for participating in the registry program or
ts or metabolites.

ective August 1, 2023, and applies to supervised

ARTICLE 6, SECTION 33

231.16 Sec. 33. Minnesota Statutes 2022, section 192A.555, is amended to read:

231.17 **192A.555 DRIVING WHILE UNDER THE INFLUENCE OR RECKLESS**

231.18 **DRIVING.**

231.19 Any person subject to this code who drives, operates or is in physical control of any

231.20 motor vehicle or aircraft while under the influence of an alcoholic beverage or controlled

231.21 substance as defined in section 169A.03, subdivision 6, or a combination thereof or whose

231.22 blood contains 0.08 percent or more by weight of alcohol or who operates said motor vehicle

231.23 or aircraft in a reckless or wanton manner, shall be punished as a court-martial may direct.

231.24 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes

231.25 committed on or after that date.

195.1 Sec. 19. Minnesota Statutes 2022, section 609.135, subdivision 1, is amended to read:

195.2 Subdivision 1. **Terms and conditions.** (a) Except when a sentence of life imprisonment

195.3 is required by law, or when a mandatory minimum sentence is required by section 609.11,

195.4 any court may stay imposition or execution of sentence and:

195.5 (1) may order intermediate sanctions without placing the defendant on probation; or

195.6 (2) may place the defendant on probation with or without supervision and on the terms

195.7 the court prescribes, including intermediate sanctions when practicable. The court may order

195.8 the supervision to be under the probation officer of the court, or, if there is none and the

195.9 conviction is for a felony or gross misdemeanor, by the commissioner of corrections, or in

195.10 any case by some other suitable and consenting person. Unless the court directs otherwise,

195.11 state parole and probation agents and probation officers may impose community work

195.12 service or probation violation sanctions, consistent with section 243.05, subdivision 1;

195.13 sections 244.196 to 244.199; or 401.02, subdivision 5.

195.14 No intermediate sanction may be ordered performed at a location that fails to observe

195.15 applicable requirements or standards of chapter 181A or 182, or any rule promulgated under

195.16 them.

195.17 (b) For purposes of this subdivision, subdivision 6, and section 609.14, the term

195.18 "intermediate sanctions" includes but is not limited to incarceration in a local jail or

195.19 workhouse, home detention, electronic monitoring, intensive probation, sentencing to service,

195.20 reporting to a day reporting center, chemical dependency or mental health treatment or

PAGE R19

REVISOR FULL-TEXT SIDE-BY-SIDE

195.21 counseling, restitution, fines, day-fines, community work service, work service in a restorative
195.22 justice program, work in lieu of or to work off fines and, with the victim's consent, work in
195.23 lieu of or to work off restitution.

195.24 (c) A court may not stay the revocation of the driver's license of a person convicted of
195.25 violating the provisions of section 169A.20.

195.26 (d) If the court orders a fine, day-fine, or restitution as an intermediate sanction, payment
195.27 is due on the date imposed unless the court otherwise establishes a due date or a payment
195.28 plan.

195.29 (e) The court may prohibit a defendant from using adult-use cannabis flower as defined
195.30 in section 342.01, subdivision 4, or adult-use cannabis products as defined in section 342.01,
195.31 subdivision 2, if the defendant undergoes a chemical use assessment and abstinence is
195.32 consistent with a recommended level of care for the defendant in accordance with the criteria
195.33 in rules adopted by the commissioner of human services under section 254A.03, subdivision
196.1 3. The assessment must be conducted by an assessor qualified under rules adopted by the
196.2 commissioner of human services under section 254A.03, subdivision 3. An assessor providing
196.3 a chemical use assessment may not have any direct or shared financial interest or referral
196.4 relationship resulting in shared financial gain with a treatment provider, except as authorized
196.5 under section 254A.19, subdivision 3. If an independent assessor is not available, the
196.6 probation officer may use the services of an assessor authorized to perform assessments for
196.7 the county social services agency under a variance granted under rules adopted by the
196.8 commissioner of human services under section 254A.03, subdivision 3.

196.9 (f) A court shall not impose an intermediate sanction that has the effect of prohibiting
196.10 a person from participating in the registry program as defined in section 342.01, subdivision
196.11 63.

196.12 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to sentences
196.13 ordered on or after that date.

ARTICLE 6, SECTION 45

241.7 Sec. 45. Minnesota Statutes 2022, section 609.2111, is amended to read:

241.8 **609.2111 DEFINITIONS.**

241.9 (a) For purposes of sections 609.2111 to 609.2114, the terms defined in this subdivision
241.10 have the meanings given them.

241.11 (b) "Motor vehicle" has the meaning given in section 609.52, subdivision 1, and includes
241.12 attached trailers.

241.13 (c) "Controlled substance" has the meaning given in section ~~152.01~~ 169A.03, subdivision
241.14 ~~4~~ 6.

241.15 (d) "Intoxicating substance" has the meaning given in section 169A.03, subdivision 11a.

194.5 Sec. 34. Minnesota Statutes 2022, section 609.2112, subdivision 1, is amended to read:

194.6 Subdivision 1. **Criminal vehicular homicide.** (a) Except as provided in paragraph (b),

194.7 a person is guilty of criminal vehicular homicide and may be sentenced to imprisonment

194.8 for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the

194.9 person causes the death of a human being not constituting murder or manslaughter as a

194.10 result of operating a motor vehicle:

194.11 (1) in a grossly negligent manner;

194.12 (2) in a negligent manner while under the influence of:

194.13 (i) alcohol;

194.14 (ii) a controlled substance; ~~or~~

194.15 (iii) cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived

194.16 consumer product, artificially derived cannabinoids, or tetrahydrocannabinols; or

194.17 ~~(iii)~~ (iv) any combination of those elements;

194.18 (3) while having an alcohol concentration of 0.08 or more;

194.19 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours

194.20 of the time of driving;

194.21 (5) in a negligent manner while under the influence of an intoxicating substance and the

194.22 person knows or has reason to know that the substance has the capacity to cause impairment;

194.23 (6) in a negligent manner while any amount of a controlled substance listed in Schedule

194.24 I or II, or its metabolite, other than ~~marijuana~~ cannabis flower, a cannabis product, a

194.25 lower-potency hemp edible, a hemp-derived consumer product, artificially derived

194.26 cannabinoids, or tetrahydrocannabinols, is present in the person's body;

241.16 (e) "Qualified prior driving offense" includes a prior conviction:

241.17 (1) for a violation of section 169A.20 under the circumstances described in section

241.18 169A.24 or 169A.25;

241.19 (2) under section 609.2112, subdivision 1, paragraph (a), clauses (2) to (6); 609.2113,

241.20 subdivision 1, clauses (2) to (6); 2, clauses (2) to (6); or 3, clauses (2) to (6); or 609.2114,

241.21 subdivision 1, paragraph (a), clauses (2) to (6); or 2, clauses (2) to (6);

241.22 (3) under Minnesota Statutes 2012, section 609.21, subdivision 1, clauses (2) to (6); or

241.23 (4) under Minnesota Statutes 2006, section 609.21, subdivision 1, clauses (2) to (6); 2,

241.24 clauses (2) to (6); 2a, clauses (2) to (6); 2b, clauses (2) to (6); 3, clauses (2) to (6); or 4,

241.25 clauses (2) to (6).

241.26 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes

241.27 committed on or after that date.

194.27 (7) where the driver who causes the collision leaves the scene of the collision in violation
194.28 of section 169.09, subdivision 1 or 6; or

194.29 (8) where the driver had actual knowledge that a peace officer had previously issued a
194.30 citation or warning that the motor vehicle was defectively maintained, the driver had actual
195.1 knowledge that remedial action was not taken, the driver had reason to know that the defect
195.2 created a present danger to others, and the death was caused by the defective maintenance.

195.3 (b) If a person is sentenced under paragraph (a) for a violation under paragraph (a),
195.4 clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory
195.5 maximum sentence of imprisonment is 15 years.

195.6 Sec. 35. Minnesota Statutes 2022, section 609.2113, subdivision 1, is amended to read:

195.7 Subdivision 1. **Great bodily harm.** A person is guilty of criminal vehicular operation
195.8 resulting in great bodily harm and may be sentenced to imprisonment for not more than five
195.9 years or to payment of a fine of not more than \$10,000, or both, if the person causes great
195.10 bodily harm to another not constituting attempted murder or assault as a result of operating
195.11 a motor vehicle:

195.12 (1) in a grossly negligent manner;

195.13 (2) in a negligent manner while under the influence of:

195.14 (i) alcohol;

195.15 (ii) a controlled substance; ~~or~~

195.16 (iii) cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived
195.17 consumer product, artificially derived cannabinoids, or tetrahydrocannabinols; or

195.18 ~~(iii)~~ (iv) any combination of those elements;

195.19 (3) while having an alcohol concentration of 0.08 or more;

195.20 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
195.21 of the time of driving;

195.22 (5) in a negligent manner while under the influence of an intoxicating substance and the
195.23 person knows or has reason to know that the substance has the capacity to cause impairment;

195.24 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
195.25 I or II, or its metabolite, other than ~~marijuana~~ cannabis flower, a cannabis product, a
195.26 lower-potency hemp edible, a hemp-derived consumer product, artificially derived
195.27 cannabinoids, or tetrahydrocannabinols, is present in the person's body;

195.28 (7) where the driver who causes the accident leaves the scene of the accident in violation
195.29 of section 169.09, subdivision 1 or 6; or

195.30 (8) where the driver had actual knowledge that a peace officer had previously issued a
195.31 citation or warning that the motor vehicle was defectively maintained, the driver had actual
196.1 knowledge that remedial action was not taken, the driver had reason to know that the defect
196.2 created a present danger to others, and the injury was caused by the defective maintenance.

196.3 Sec. 36. Minnesota Statutes 2022, section 609.2113, subdivision 2, is amended to read:

196.4 Subd. 2. **Substantial bodily harm.** A person is guilty of criminal vehicular operation
196.5 resulting in substantial bodily harm and may be sentenced to imprisonment for not more
196.6 than three years or to payment of a fine of not more than \$10,000, or both, if the person
196.7 causes substantial bodily harm to another as a result of operating a motor vehicle:

196.8 (1) in a grossly negligent manner;

196.9 (2) in a negligent manner while under the influence of:

196.10 (i) alcohol;

196.11 (ii) a controlled substance; ~~or~~

196.12 (iii) cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived
196.13 consumer product, artificially derived cannabinoids, or tetrahydrocannabinols; or

196.14 ~~(iii)~~ (iv) any combination of those elements;

196.15 (3) while having an alcohol concentration of 0.08 or more;

196.16 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
196.17 of the time of driving;

196.18 (5) in a negligent manner while under the influence of an intoxicating substance and the
196.19 person knows or has reason to know that the substance has the capacity to cause impairment;

196.20 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
196.21 I or II, or its metabolite, other than ~~marijuana~~ cannabis flower, a cannabis product, a
196.22 lower-potency hemp edible, a hemp-derived consumer product, artificially derived
196.23 cannabinoids, or tetrahydrocannabinols, is present in the person's body;

196.24 (7) where the driver who causes the accident leaves the scene of the accident in violation
196.25 of section 169.09, subdivision 1 or 6; or

196.26 (8) where the driver had actual knowledge that a peace officer had previously issued a
196.27 citation or warning that the motor vehicle was defectively maintained, the driver had actual
196.28 knowledge that remedial action was not taken, the driver had reason to know that the defect
196.29 created a present danger to others, and the injury was caused by the defective maintenance.

197.1 Sec. 37. Minnesota Statutes 2022, section 609.2113, subdivision 3, is amended to read:

197.2 Subd. 3. **Bodily harm.** A person is guilty of criminal vehicular operation resulting in
197.3 bodily harm and may be sentenced to imprisonment for not more than one year or to payment

- 197.4 of a fine of not more than \$3,000, or both, if the person causes bodily harm to another as a
197.5 result of operating a motor vehicle:
- 197.6 (1) in a grossly negligent manner;
- 197.7 (2) in a negligent manner while under the influence of:
- 197.8 (i) alcohol;
- 197.9 (ii) a controlled substance; ~~or~~
- 197.10 (iii) cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived
197.11 consumer product, artificially derived cannabinoids, or tetrahydrocannabinols; or
- 197.12 ~~(iii)~~ (iv) any combination of those elements;
- 197.13 (3) while having an alcohol concentration of 0.08 or more;
- 197.14 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
197.15 of the time of driving;
- 197.16 (5) in a negligent manner while under the influence of an intoxicating substance and the
197.17 person knows or has reason to know that the substance has the capacity to cause impairment;
- 197.18 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
197.19 I or II, or its metabolite, other than ~~marijuana~~ cannabis flower, a cannabis product, a
197.20 lower-potency hemp edible, a hemp-derived consumer product, artificially derived
197.21 cannabinoids, or tetrahydrocannabinols, is present in the person's body;
- 197.22 (7) where the driver who causes the accident leaves the scene of the accident in violation
197.23 of section 169.09, subdivision 1 or 6; or
- 197.24 (8) where the driver had actual knowledge that a peace officer had previously issued a
197.25 citation or warning that the motor vehicle was defectively maintained, the driver had actual
197.26 knowledge that remedial action was not taken, the driver had reason to know that the defect
197.27 created a present danger to others, and the injury was caused by the defective maintenance.
- 197.28 Sec. 38. Minnesota Statutes 2022, section 609.2114, subdivision 1, is amended to read:
- 197.29 Subdivision 1. **Death to an unborn child.** (a) Except as provided in paragraph (b), a
197.30 person is guilty of criminal vehicular operation resulting in death to an unborn child and
197.31 may be sentenced to imprisonment for not more than ten years or to payment of a fine of
198.1 not more than \$20,000, or both, if the person causes the death of an unborn child as a result
198.2 of operating a motor vehicle:
- 198.3 (1) in a grossly negligent manner;
- 198.4 (2) in a negligent manner while under the influence of:
- 198.5 (i) alcohol;

- 198.6 (ii) a controlled substance; ~~or~~
- 198.7 (iii) cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived
- 198.8 consumer product, artificially derived cannabinoids, or tetrahydrocannabinols; or
- 198.9 ~~(iii)~~ (iv) any combination of those elements;
- 198.10 (3) while having an alcohol concentration of 0.08 or more;
- 198.11 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
- 198.12 of the time of driving;
- 198.13 (5) in a negligent manner while under the influence of an intoxicating substance and the
- 198.14 person knows or has reason to know that the substance has the capacity to cause impairment;
- 198.15 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
- 198.16 I or II, or its metabolite, other than ~~marijuana~~ cannabis flower, a cannabis product, a
- 198.17 lower-potency hemp edible, a hemp-derived consumer product, artificially derived
- 198.18 cannabinoids, or tetrahydrocannabinols, is present in the person's body;
- 198.19 (7) where the driver who causes the accident leaves the scene of the accident in violation
- 198.20 of section 169.09, subdivision 1 or 6; or
- 198.21 (8) where the driver had actual knowledge that a peace officer had previously issued a
- 198.22 citation or warning that the motor vehicle was defectively maintained, the driver had actual
- 198.23 knowledge that remedial action was not taken, the driver had reason to know that the defect
- 198.24 created a present danger to others, and the injury was caused by the defective maintenance.
- 198.25 (b) If a person is sentenced under paragraph (a) for a violation under paragraph (a),
- 198.26 clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory
- 198.27 maximum sentence of imprisonment is 15 years.
- 198.28 Sec. 39. Minnesota Statutes 2022, section 609.2114, subdivision 2, is amended to read:
- 198.29 Subd. 2. **Injury to an unborn child.** A person is guilty of criminal vehicular operation
- 198.30 resulting in injury to an unborn child and may be sentenced to imprisonment for not more
- 198.31 than five years or to payment of a fine of not more than \$10,000, or both, if the person
- 199.1 causes the great bodily harm to an unborn child subsequently born alive as a result of
- 199.2 operating a motor vehicle:
- 199.3 (1) in a grossly negligent manner;
- 199.4 (2) in a negligent manner while under the influence of:
- 199.5 (i) alcohol;
- 199.6 (ii) a controlled substance; ~~or~~

199.7 (iii) cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived
199.8 consumer product, artificially derived cannabinoids, or tetrahydrocannabinols; or

199.9 ~~(iii)~~ (iv) any combination of those elements;

199.10 (3) while having an alcohol concentration of 0.08 or more;

199.11 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
199.12 of the time of driving;

199.13 (5) in a negligent manner while under the influence of an intoxicating substance and the
199.14 person knows or has reason to know that the substance has the capacity to cause impairment;

199.15 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
199.16 I or II, or its metabolite, other than ~~marijuana~~ cannabis flower, a cannabis product, a
199.17 lower-potency hemp edible, a hemp-derived consumer product, artificially derived
199.18 cannabinoids, or tetrahydrocannabinols, is present in the person's body;

199.19 (7) where the driver who causes the accident leaves the scene of the accident in violation
199.20 of section 169.09, subdivision 1 or 6; or

199.21 (8) where the driver had actual knowledge that a peace officer had previously issued a
199.22 citation or warning that the motor vehicle was defectively maintained, the driver had actual
199.23 knowledge that remedial action was not taken, the driver had reason to know that the defect
199.24 created a present danger to others, and the injury was caused by the defective maintenance.

199.25 Sec. 40. Minnesota Statutes 2022, section 609.5311, subdivision 1, is amended to read:

199.26 Subdivision 1. **Controlled substances.** All controlled substances that were manufactured,
199.27 distributed, dispensed, or acquired in violation of chapter 152 or 342 are subject to forfeiture
199.28 under this section, except as provided in subdivision 3 and section 609.5316.

199.29 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to violations
199.30 committed on or after that date.

200.1 Sec. 41. Minnesota Statutes 2022, section 609.5314, subdivision 1, is amended to read:

200.2 Subdivision 1. **Property subject to administrative forfeiture.** (a) The following are
200.3 subject to administrative forfeiture under this section:

200.4 (1) all money totaling \$1,500 or more, precious metals, and precious stones that there
200.5 is probable cause to believe represent the proceeds of a controlled substance offense;

200.6 (2) all money found in proximity to controlled substances when there is probable cause
200.7 to believe that the money was exchanged for the purchase of a controlled substance;

200.8 (3) all conveyance devices containing controlled substances with a retail value of \$100
200.9 or more if there is probable cause to believe that the conveyance device was used in the
200.10 transportation or exchange of a controlled substance intended for distribution or sale; and

196.14 Sec. 20. Minnesota Statutes 2022, section 609.5311, subdivision 1, is amended to read:

196.15 Subdivision 1. **Controlled substances.** All controlled substances that were manufactured,
196.16 distributed, dispensed, or acquired in violation of chapter 152 or 342 are subject to forfeiture
196.17 under this section, except as provided in subdivision 3 and section 609.5316.

196.18 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to violations
196.19 committed on or after that date.

196.20 Sec. 21. Minnesota Statutes 2022, section 609.5314, subdivision 1, is amended to read:

196.21 Subdivision 1. **Property subject to administrative forfeiture.** (a) The following are
196.22 subject to administrative forfeiture under this section:

196.23 (1) all money totaling \$1,500 or more, precious metals, and precious stones that there
196.24 is probable cause to believe represent the proceeds of a controlled substance offense;

196.25 (2) all money found in proximity to controlled substances when there is probable cause
196.26 to believe that the money was exchanged for the purchase of a controlled substance;

196.27 (3) all conveyance devices containing controlled substances with a retail value of \$100
196.28 or more if there is probable cause to believe that the conveyance device was used in the
196.29 transportation or exchange of a controlled substance intended for distribution or sale; and

200.11 (4) all firearms, ammunition, and firearm accessories found:

200.12 (i) in a conveyance device used or intended for use to commit or facilitate the commission

200.13 of a felony offense involving a controlled substance;

200.14 (ii) on or in proximity to a person from whom a felony amount of controlled substance

200.15 is seized; or

200.16 (iii) on the premises where a controlled substance is seized and in proximity to the

200.17 controlled substance, if possession or sale of the controlled substance would be a felony

200.18 under chapter 152.

200.19 (b) The Department of Corrections Fugitive Apprehension Unit shall not seize items

200.20 listed in paragraph (a), clauses (3) and (4), for the purposes of forfeiture.

200.21 (c) Money is the property of an appropriate agency and may be seized and recovered by

200.22 the appropriate agency if:

200.23 (1) the money is used by an appropriate agency, or furnished to a person operating on

200.24 behalf of an appropriate agency, to purchase or attempt to purchase a controlled substance;

200.25 and

200.26 (2) the appropriate agency records the serial number or otherwise marks the money for

200.27 identification.

200.28 (d) As used in this section, "money" means United States currency and coin; the currency

200.29 and coin of a foreign country; a bank check, cashier's check, or traveler's check; a prepaid

200.30 credit card; cryptocurrency; or a money order.

201.1 (e) As used in this section, "controlled substance" does not include cannabis flower as

201.2 defined in section 342.01, subdivision 15, cannabis products as defined in section 342.01,

201.3 subdivision 19, hemp-derived consumer products as defined in section 342.01, subdivision

201.4 35, or lower-potency hemp edibles as defined in section 342.01, subdivision 48.

201.5 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes

201.6 committed on or after that date.

201.7 Sec. 42. Minnesota Statutes 2022, section 609.5316, subdivision 2, is amended to read:

201.8 Subd. 2. **Controlled substances.** (a) Controlled substances listed in Schedule I that are

201.9 possessed, transferred, sold, or offered for sale in violation of chapter 152 or 342, are

201.10 contraband and must be seized and summarily forfeited. Controlled substances listed in

201.11 Schedule I that are seized or come into the possession of peace officers, the owners of which

201.12 are unknown, are contraband and must be summarily forfeited.

201.13 (b) Species of plants from which controlled substances in Schedules I and II may be

201.14 derived that have been planted or cultivated in violation of chapter 152 or of which the

201.15 owners or cultivators are unknown, or that are wild growths, may be seized and summarily

201.16 forfeited to the state. The appropriate agency or its authorized agent may seize the plants if

196.30 (4) all firearms, ammunition, and firearm accessories found:

197.1 (i) in a conveyance device used or intended for use to commit or facilitate the commission

197.2 of a felony offense involving a controlled substance;

197.3 (ii) on or in proximity to a person from whom a felony amount of controlled substance

197.4 is seized; or

197.5 (iii) on the premises where a controlled substance is seized and in proximity to the

197.6 controlled substance, if possession or sale of the controlled substance would be a felony

197.7 under chapter 152.

197.8 (b) The Department of Corrections Fugitive Apprehension Unit shall not seize items

197.9 listed in paragraph (a), clauses (3) and (4), for the purposes of forfeiture.

197.10 (c) Money is the property of an appropriate agency and may be seized and recovered by

197.11 the appropriate agency if:

197.12 (1) the money is used by an appropriate agency, or furnished to a person operating on

197.13 behalf of an appropriate agency, to purchase or attempt to purchase a controlled substance;

197.14 and

197.15 (2) the appropriate agency records the serial number or otherwise marks the money for

197.16 identification.

197.17 (d) As used in this section, "money" means United States currency and coin; the currency

197.18 and coin of a foreign country; a bank check, cashier's check, or traveler's check; a prepaid

197.19 credit card; cryptocurrency; or a money order.

197.20 (e) As used in this section, "controlled substance" does not include cannabis flower as

197.21 defined in section 342.01, subdivision 16, or cannabis product as defined in section 342.01,

197.22 subdivision 2.

197.23 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes

197.24 committed on or after that date.

197.25 Sec. 22. Minnesota Statutes 2022, section 609.5316, subdivision 2, is amended to read:

197.26 Subd. 2. **Controlled substances.** (a) Controlled substances listed in Schedule I that are

197.27 possessed, transferred, sold, or offered for sale in violation of chapter 152 or 342, are

197.28 contraband and must be seized and summarily forfeited. Controlled substances listed in

197.29 Schedule I that are seized or come into the possession of peace officers, the owners of which

197.30 are unknown, are contraband and must be summarily forfeited.

197.31 (b) Species of plants from which controlled substances in Schedules I and II may be

197.32 derived that have been planted or cultivated in violation of chapter 152 or of which the

198.1 owners or cultivators are unknown, or that are wild growths, may be seized and summarily

198.2 forfeited to the state. The appropriate agency or its authorized agent may seize the plants if

201.17 the person in occupancy or in control of land or premises where the plants are growing or
 201.18 being stored fails to produce an appropriate registration or proof that the person is the holder
 201.19 of appropriate registration.

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

201.22 Sec. 43. **ORAL FLUID PRELIMINARY TESTING; PILOT PROJECT**
 201.23 **AUTHORIZED.**

201.24 (a) The commissioner of public safety is authorized to design, plan, and implement a
 201.25 pilot project intended to determine the efficacy of oral fluid roadside testing to determine
 201.26 the presence of a controlled substance or intoxicating substance by trained law enforcement
 201.27 personnel. The project is further intended to gain a better assessment of the prevalence of
 201.28 drug-impaired drivers on Minnesota roads and to evaluate and validate the appropriate
 201.29 device that could be authorized for use.

201.30 (b) The results of this preliminary oral fluid test must not be used in any court action.

201.31 (c) Following the screening test, additional tests may be required of the driver pursuant
 201.32 to Minnesota Statutes, section 169A.51 (chemical tests for intoxication).

198.3 the person in occupancy or in control of land or premises where the plants are growing or
 198.4 being stored fails to produce an appropriate registration or proof that the person is the holder
 198.5 of appropriate registration.

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

198.8 Sec. 23. **DWI CONTROLLED SUBSTANCE ROADSIDE TESTING INSTRUMENT**
 198.9 **PILOT PROJECT; REPORT REQUIRED.**

198.10 (a) The commissioner of public safety must design, plan, and implement a pilot project
 198.11 to study oral fluid roadside testing instruments to determine the presence of a controlled
 198.12 substance or intoxicating substance in individuals stopped or arrested for driving while
 198.13 impaired offenses. The pilot project must determine the practicality, accuracy, and efficacy
 198.14 of these testing instruments and determine and make recommendations on the best instrument
 198.15 or instruments to pursue in the future.

198.16 (b) The pilot project must begin on September 1, 2023, and continue until August 31,
 198.17 2024.

198.18 (c) The commissioner must consult with law enforcement officials, prosecutors, criminal
 198.19 defense attorneys, and other interested and knowledgeable parties when designing,
 198.20 implementing, and evaluating the pilot project.

198.21 (d) All oral fluid samples obtained for the purpose of this pilot project must be obtained
 198.22 by a certified drug recognition evaluator and may only be collected with the express voluntary
 198.23 consent of the person stopped or arrested for suspicion of driving while impaired. Results
 198.24 of tests conducted under the pilot project are to be used for the purpose of analyzing the
 198.25 practicality, accuracy, and efficacy of the instrument. Results may not be used to decide
 198.26 whether an arrest should be made and are not admissible in any legal proceeding.

198.27 (e) By February 1, 2025, the commissioner must report to the chairs and ranking minority
 198.28 members of the legislative committees with jurisdiction over public safety on the results of
 198.29 the pilot project. At a minimum, the report must include information on how accurate the
 198.30 instruments were when tested against laboratory results, how often participants were found
 198.31 to have controlled substances or intoxicating substances in their systems, how often there
 198.32 was commingling of controlled substances or intoxicating substances with alcohol, the types
 198.33 of controlled substances or intoxicating substances found in participants' systems and which
 199.1 types were most common, and the number of participants in the project. In addition, the
 199.2 report must assess the practicality and reliability of using the instruments in the field and
 199.3 make recommendations on continuing the project permanently.

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