ARTICLE 4
CRIMINAL PENALTIES

ARTICLE 6, SECTION 10
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 152.01, subdivision 4;
(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 defined in 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.

ARTICLE 6, SECTION 11
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.
Sec. 6. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to read:

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

Subd. 30. **Synthetically derived cannabinoid.** "Synthetically derived cannabinoid" has the meaning given in section 342.01, subdivision 6.

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

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

subdivision 15.

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

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

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

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

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

Subd. 32. **Lower-potency hemp edible.** "Lower-potency hemp edible" has the meaning given in section 342.01, subdivision 48.
Sec. 9. Minnesota Statutes 2022, section 152.021, subdivision 1, is amended to read:

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

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

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

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

(ii) the offense involves two aggravating factors;

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

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

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

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

EFFECTIVE DATE. This section is effective January 1, 2024, and applies to crimes committed on or after that date.
(i) the person or an accomplice possesses on their person or within immediate reach, or uses, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm; or

(ii) the offense involves two aggravating factors;

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

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

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

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

(i) 50 kilograms or more of cannabis flower;

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

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

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

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

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

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

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

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

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

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

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

2. on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of three grams or more containing cocaine or methamphetamine and:
the person or an accomplice possesses on their person or within immediate reach, or
uses, whether by brandishing, displaying, threatening with, or otherwise employing, a
firearm; or
(ii) the offense involves three aggravating factors;
(3) on one or more occasions within a 90-day period the person unlawfully sells one or
more mixtures of a total weight of ten grams or more containing amphetamine, phencyclidine,
or hallucinogen or, if the controlled substance is packaged in dosage units, equating 50 or
more dosage units;
(4) on one or more occasions within a 90-day period the person unlawfully sells one or
more mixtures of a total weight of ten kilograms or more containing marijuana or
Tetrahydrocannabinols;
(5) on one or more occasions within a 90-day period the person unlawfully sells one or
more mixtures of a total weight of ten kilograms or more containing marijuana or
Tetrahydrocannabinols;
(6) the person unlawfully sells any of the following in a school zone, a park zone, a
public housing zone, or a drug treatment facility:
(i) any amount of a Schedule I or II narcotic drug, lysergic acid diethylamide (LSD),
3,4-methylenedioxyamphetamine, or 3,4-methylenedioxymethamphetamine; or
(ii) one or more mixtures containing methamphetamine or amphetamine; or
(iii) one or more mixtures of a total weight of five kilograms or more containing marijuana
or Tetrahydrocannabinols.

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

Sec. 12. Minnesota Statutes 2022, section 152.022, subdivision 2, is amended to read:
Subd. 2. Possession crimes. (a) A person is guilty of controlled substance crime in the
second degree if:
(1) the person unlawfully possesses one or more mixtures of a total weight of 25 grams
or containing cocaine or methamphetamine;
(2) the person unlawfully possesses one or more mixtures of a total weight of ten grams
or containing cocaine or methamphetamine and:
(i) the person or an accomplice possesses on their person or within immediate reach, or
uses, whether by brandishing, displaying, threatening with, or otherwise employing, a
firearm; or

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

Sec. 9. Minnesota Statutes 2022, section 152.022, subdivision 2, is amended to read:
Subd. 2. Possession crimes. (a) A person is guilty of controlled substance crime in the
second degree if:
(1) the person unlawfully possesses one or more mixtures of a total weight of 25 grams
or containing cocaine or methamphetamine;
(2) the person unlawfully possesses one or more mixtures of a total weight of ten grams
or containing cocaine or methamphetamine and:
(i) the person or an accomplice possesses on their person or within immediate reach, or
uses, whether by brandishing, displaying, threatening with, or otherwise employing, a
firearm; or

EFFECTIVE DATE. This section is effective January 1, 2024, and applies to crimes
committed on or after that date.
Sec. 10. Minnesota Statutes 2022, section 152.023, subdivision 1, is amended to read:

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

(1) the person unlawfully sells one or more mixtures containing a narcotic drug;
(2) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures containing phencyclidine or hallucinogen, it is packaged in dosage units, and equals ten or more dosage units;
(3) the person unlawfully sells one or more mixtures containing a controlled substance classified in Schedule I, II, or III, except a Schedule I or II narcotic drug, cannabis flower, or cannabinoid products to a person under the age of 18; or
(4) the person unlawfully possesses one or more mixtures of a total weight of 50 grams or more containing a narcotic drug other than cocaine, heroin, or methamphetamine; or
(5) the person unlawfully possesses one or more mixtures of a total weight of 50 grams or more containing methamphetamine, phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 100 or more dosage units; or
(6) the person unlawfully possesses one or more mixtures of a total weight of 25 kilograms or more containing marijuana or tetrahydrocannabinols, or possesses 100 or more marijuana plants.

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

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date.
(4) the person conspires with or employs a person under the age of 18 to unlawfully sell
one or more mixtures containing a controlled substance listed in Schedule I, II, or III, except
a Schedule I or II narcotic drug.

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

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

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

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

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

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

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

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

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

(i) more than ten kilograms of cannabis flower;

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

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

(6) the person unlawfully possesses one or more mixtures containing methamphetamine
or amphetamine in a school zone, a park zone, a public housing zone, or a drug treatment
facility.
For the purposes of this subdivision, the weight of fluid used in a water pipe may not be considered in measuring the weight of a mixture except in cases where the mixture contains four or more fluid ounces of fluid.

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

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

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

1. the person unlawfully sells one or more mixtures containing a controlled substance classified in Schedule I, II, or III, except marijuana or Tetrahydrocannabinols;
2. the person unlawfully sells one or more mixtures containing a controlled substance classified in Schedule IV or V to a person under the age of 18; or
3. the person conspires with or employs a person under the age of 18 to unlawfully sell a controlled substance classified in Schedule IV or V.
4. the person unlawfully sells any amount of marijuana or Terahydrocannabinols in a school zone, a park zone, a public housing zone, or a drug treatment facility, except a small amount of marijuana for no remuneration.

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

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

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

1. the person unlawfully sells one or more mixtures containing a controlled substance classified in Schedule I, II, III, or IV, except marijuana or Tetrahydrocannabinols;
2. the person unlawfully sells one or more mixtures containing a controlled substance classified in Schedule IV or V to a person under the age of 18; or
3. the person conspires with or employs a person under the age of 18 to unlawfully sell a controlled substance classified in Schedule IV or V.
4. the person unlawfully sells any amount of marijuana or Terahydrocannabinols in a school zone, a park zone, a public housing zone, or a drug treatment facility, except a small amount of marijuana for no remuneration.

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

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

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

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

1. the person unlawfully sells one or more mixtures containing a controlled substance classified in Schedule I, II, or III, except marijuana or Tetrahydrocannabinols;
2. the person unlawfully sells one or more mixtures containing a controlled substance classified in Schedule IV or V to a person under the age of 18; or
3. the person conspires with or employs a person under the age of 18 to unlawfully sell a controlled substance classified in Schedule IV or V.
4. the person unlawfully sells any amount of marijuana or Terahydrocannabinols in a school zone, a park zone, a public housing zone, or a drug treatment facility, except a small amount of marijuana for no remuneration.

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

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

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

1. the person unlawfully sells one or more mixtures containing a controlled substance classified in Schedule I, II, III, or IV, except marijuana or Tetrahydrocannabinols;
2. the person unlawfully sells one or more mixtures containing a controlled substance classified in Schedule IV or V to a person under the age of 18; or
3. the person conspires with or employs a person under the age of 18 to unlawfully sell a controlled substance classified in Schedule IV or V.
4. the person unlawfully sells any amount of marijuana or Terahydrocannabinols in a school zone, a park zone, a public housing zone, or a drug treatment facility, except a small amount of marijuana for no remuneration.

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

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

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

Sec. 17. Minnesota Statutes 2022, section 152.024, subdivision 1, is amended to read:

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

1. the person unlawfully possesses one or more mixtures containing a controlled substance classified in Schedule I, II, III, or IV, except a small amount of marijuana or cannabis products; or
2. the person possesses for no remuneration;
3. the person possesses unless it is not de minimis.

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

Sec. 18. Minnesota Statutes 2022, section 152.025, subdivision 2, is amended to read:

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

Sec. 19. Minnesota Statutes 2022, section 152.024, subdivision 1, is amended to read:

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

1. the person unlawfully possesses one or more mixtures containing a controlled substance classified in Schedule I, II, III, or IV, except a small amount of marijuana or cannabis products; or
2. the person possesses for no remuneration;
3. the person possesses.

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

Sec. 20. Minnesota Statutes 2022, section 152.025, subdivision 2, is amended to read:

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

Sec. 21. Minnesota Statutes 2022, section 152.024, subdivision 1, is amended to read:

Subd. 3. **Possession and other crimes.** A person is guilty of controlled substance crime in the fifth degree and upon conviction may be sentenced as provided in subdivision 4 if:

1. the person unlawfully possesses one or more mixtures containing a controlled substance classified in Schedule I, II, III, or IV, except a small amount of marijuana or cannabis products; or
2. the person possesses for no remuneration;
3. the person possesses.

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

Sec. 22. Minnesota Statutes 2022, section 152.025, subdivision 2, is amended to read:

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

Sec. 23. Minnesota Statutes 2022, section 152.024, subdivision 1, is amended to read:

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

1. the person unlawfully possesses one or more mixtures containing a controlled substance classified in Schedule I, II, III, or IV, except a small amount of marijuana or cannabis products; or
2. the person possesses for no remuneration;
3. the person possesses.

**EFFECTIVE DATE.** This section is effective January 1, 2024, and applies to crimes committed on or after that date.
flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products; or

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

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

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

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

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

Sec. 15. [152.0263] CANNABIS POSSESSION CRIMES.

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

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

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

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

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

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

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

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

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

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

Subd. 3. Possession of cannabis in the third degree. A person is guilty of cannabis possession in the third degree and may be sentenced to imprisonment of not more than one year or to payment of a fine of not more than $500, or both, if the person unlawfully possesses any of the following:

(1) more than one ounce but not more than one pound of cannabis flower or cannabis leaf in any place other than the person's residence;
Subd. 3. Possession of cannabis in the third degree. A person is guilty of cannabis possession in the third degree and may be sentenced to imprisonment of not more than 90 days or to payment of a fine of not more than $1,000, or both, if the person unlawfully possesses any of the following:

1. more than four ounces but not more than one pound of cannabis flower in any place other than the person’s residence;
2. more than 16 grams but not more than 80 grams of cannabis concentrate; or
3. edible cannabis products infused with more than eight grams but not more than 16 grams of tetrahydrocannabinol.

Subd. 4. Possession of cannabis in the fourth degree. A person is guilty of a petty misdemeanor if the person unlawfully possesses any of the following:

1. more than two ounces but not more than four ounces of cannabis flower in any place other than the person’s residence;
2. more than eight grams but not more than 16 grams of cannabis concentrate; or
3. edible cannabis products infused with more than 800 milligrams but not more than 1,600 milligrams of tetrahydrocannabinol.

Subd. 5. Use of cannabis in a motor vehicle. (a) A person is guilty of a crime and may be sentenced to imprisonment of not more than 90 days or to payment of a fine of not more than $1,000, or both, if the person unlawfully uses cannabis flower or cannabis products while driving, operating, or being in physical control of any motor vehicle, as defined in section 169A.03, subdivision 15. (b) The State Patrol must increase enforcement of this subdivision annually on April 20. Other law enforcement agencies are encouraged to increase enforcement of this subdivision annually on April 20.

Subd. 6. Use of cannabis in public. A local unit of government may adopt an ordinance establishing a petty misdemeanor offense for a person who unlawfully uses cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place provided that the definition of public place does not include the following:

1. a private residence, including the person’s curtilage or yard;
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(2) private property not generally accessible by the public, unless the person is explicitly
prohibited from consuming cannabis flower; cannabis products, lower-potency hemp edibles, or
hemp-derived consumer products on the property by the owner of the property; or

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

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

Sec. 19. [152.0264] CANNABIS SALE CRIMES.

Subdivision 1. Sale of cannabis in the first degree. A person is guilty of the sale of

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

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

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

Subd. 2. Sale of cannabis in the second degree. A person is guilty of sale of cannabis

in the second degree and may be sentenced to imprisonment of not more than five

years or to payment of a fine of not more than $10,000, or both, if the person unlawfully sells

more than two ounces of cannabis flower, more than eight grams of cannabis

concentrate, or edible cannabis products, lower-potency hemp edibles, or hemp-derived

consumer products infused with more than 800 milligrams of tetrahydrocannabinol:

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

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

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

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

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

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

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

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

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

Sec. 16. [152.0264] CANNABIS SALE CRIMES.

Subdivision 1. Sale of cannabis in the first degree. A person is guilty of the sale of

cannabis in the first degree and may be sentenced to imprisonment of not more than five

years or to payment of a fine of not more than $10,000, or both, if the person unlawfully sells

more than two ounces of cannabis flower, more than eight grams of cannabis

concentrate, or edible cannabis products infused with more than 800 milligrams of
tetrahydrocannabinol:

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

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

(3) within ten years of a conviction for the unlawful sale of more than two ounces of
cannabis flower, more than eight grams of cannabis concentrate, or edible cannabis products
infused with more than 800 milligrams of tetrahydrocannabinol:
Subd. 3. Sale of cannabis in the third degree. A person is guilty of sale of cannabis in the third degree and may be sentenced to imprisonment of not more than 90 days or to payment of a fine of not more than $1,000, or both, if the person unlawfully sells:

1. more than two ounces of cannabis flower;
2. more than eight grams of cannabis concentrate; or
3. edible cannabis products, lower-potency hemp edibles, or hemp-derived consumer products infused with more than 800 milligrams of tetrahydrocannabinol.

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

1. more than two ounces of cannabis flower;
2. more than eight grams of cannabis concentrate; or
3. edible cannabis products, lower-potency hemp edibles, or hemp-derived consumer products infused with more than 800 milligrams of tetrahydrocannabinol.

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

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

1. the minor unlawfully sells cannabis flower, cannabis concentrate, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products; and
2. the minor has not previously received a petty misdemeanor disposition or been adjudicated delinquent for committing an act in violation of this section.

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

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

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

Sec. 20. [152.0265] CANNABIS CULTIVATION CRIMES.

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

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

1. more than two ounces of cannabis flower;
2. more than eight grams of cannabis concentrate; or
3. edible cannabis products infused with more than 800 milligrams of tetrahydrocannabinol.

Subd. 4. Sale of cannabis by a minor. (a) A person is guilty of a petty misdemeanor if the person unlawfully sells:

1. more than two ounces of cannabis flower;
2. more than eight grams of cannabis concentrate; or
3. edible cannabis products infused with more than 800 milligrams of tetrahydrocannabinol.

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

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

1. the minor unlawfully sells cannabis flower, cannabis concentrate, or cannabis products; and
2. the minor has not previously received a petty misdemeanor disposition or been adjudicated delinquent for committing an act in violation of this section.

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

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

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

Sec. 17. [152.0265] CANNABIS CULTIVATION CRIMES.

Subdivision 1. Cultivation of cannabis in the first degree. A person is guilty of cultivation of cannabis in the first degree and may be sentenced to imprisonment of not more than five years or to payment of a fine of not more than $10,000, or both, if the person unlawfully cultivates more than 23 cannabis plants.
**Cannabis Article 4**

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

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

**Prescription requirements for Schedule III or IV controlled substances.**

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

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

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

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

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

Subd. 3c. **Cannabis product.** "Cannabis product" has the meaning given in section 342.01, subdivision 19.
Sec. 16. Minnesota Statutes 2022, section 169A.03, subdivision 6, is amended to read:

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

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

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

"Hemp-derived consumer product" has the meaning given in section 342.01, subdivision 35.

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

"Lower-potency hemp edible" has the meaning given in section 342.01, subdivision 48.

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

It is a crime for any person to drive, operate, or be in physical control of any motor vehicle, as defined in section 169A.03, subdivision 15, within this state or on any boundary water of this state when:

1. The person is under the influence of alcohol;
2. The person is under the influence of a controlled substance;
3. The person is under the influence of an intoxicating substance and the person knows or has reason to know that the substance has the capacity to cause impairment;
4. The person is under the influence of a combination of any two or more of the elements named in clauses (1) to (3) or (5);
5. The person's alcohol concentration at the time, or as measured within two hours of the time, of driving, operating, or being in physical control of the motor vehicle is 0.08 or more;
6. The vehicle is a commercial motor vehicle and the person's alcohol concentration at the time, or as measured within two hours of the time, of driving, operating, or being in physical control of the commercial motor vehicle is 0.04 or more;
7. The person's body contains any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana cannabis flower, a cannabis product, a...
lower-potency hemp edible, a hemp-derived consumer product, an artificially derived cannabinoid, or tetrahydrocannabinoids; or

(b) the person is under the influence of cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer product, an artificially derived cannabinoid, or tetrahydrocannabinoids.

Sec. 28. Minnesota Statutes 2022, section 169A.31, subdivision 1, is amended to read:

Subdivision 1. Crime described. It is a crime for any person to drive, operate, or be in physical control of any class of school bus or Head Start bus within this state when there is physical evidence present in the person's body of the consumption of any alcohol, cannabis flower, a cannabis product, an artificially derived cannabinoid, or tetrahydrocannabinoids.

Sec. 29. [169A.36] OPEN PACKAGE LAW.

Subdivision 1. Definitions. As used in this section:

(1) "synthetically derived cannabinoid" has the meaning given in section 342.01, subdivision 67;

(2) "cannabis product" has the meaning given in section 342.01, subdivision 2;

(3) "cannabis flower" has the meaning given in section 342.01, subdivision 16;

(4) "motor vehicle" does not include motorboats in operation or off-road recreational vehicles except while operated on a roadway or shoulder of a roadway that is not part of a grant-in-aid trail or trail designated for that vehicle by the commissioner of natural resources; and

(5) "possession" means either that the person had actual possession of the package or that the person consciously exercised dominion and control over the package.

Subd. 2. Use; crime described. It is a crime for a person to use cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer product, or any other product containing an artificially derived cannabinoid in a motor vehicle when the vehicle is on a street or highway.

Subd. 3. Possession; crime described. It is a crime for a person to have in possession, while in a private motor vehicle on a street or highway, any cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer product, or any other product containing an artificially derived cannabinoid that:

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

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

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

(4) "motor vehicle" does not include motorboats in operation or off-road recreational vehicles except while operated on a roadway or shoulder of a roadway that is not part of a grant-in-aid trail or trail designated for that vehicle by the commissioner of natural resources; and

(5) "possession" means either that the person had actual possession of the package or that the person consciously exercised dominion and control over the package.

Subd. 2. Use; crime described. It is a crime for a person to use cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer product, or any other product containing an artificially derived cannabinoid in a motor vehicle when the vehicle is on a street or highway.

Subd. 3. Possession; crime described. It is a crime for a person to have in possession, while in a private motor vehicle on a street or highway, any cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer product, or any other product containing an artificially derived cannabinoid that:

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

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

(3) is in packaging that has been opened or the seal has been broken; or
(4) is in packaging of which the contents have been partially removed.

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

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

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

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

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

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

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

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

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

(3) a vehicle providing limousine service as defined in section 221.84, subdivision 1, if the vehicle is equipped with a trunk; or (2) a package that is in another area of the vehicle not normally occupied by the driver and passengers if the vehicle is not equipped with a trunk. A utility compartment or glove compartment is deemed to be within the area occupied by the driver and passengers.

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

Subdivision 1. Implied consent; conditions; election of test. (a) Any person who drives, operates, or is in physical control of a motor vehicle within this state or on any boundary water of this state consents, subject to the provisions of sections 169A.50 to 169A.53 (implied consent law), and section 169A.20 (driving while impaired), to a chemical test of that...
person's blood, breath, or urine for the purpose of determining the presence of alcohol; a
controlled substance or its metabolite; cannabis flower, a cannabis product, a lower-potency
tetrahydrocannabinol; or an intoxicating substance. The test must be administered at the
direction of a peace officer.

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

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

2. The person has been involved in a motor vehicle accident or collision resulting in
property damage, personal injury, or death;

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

4. The screening test was administered and indicated an alcohol concentration of 0.08
or more;

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

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

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

1. There is impairment by a controlled substance or an intoxicating substance; or
   cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer
   product, artificially derived cannabinoids, or tetrahydrocannabinols that is not subject to
testing by a breath test;

2. A controlled substance listed in Schedule I or II or its metabolite, other than marihuana
cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer
product, artificially derived cannabinoids, or tetrahydrocannabinols, is present in the person's
body; or

3. The person is unconscious or incapacitated to the point that the peace officer providing
a breath test advisory, administering a breath test, or serving the search warrant has a
good-faith belief that the person is mentally or physically unable to comprehend the breath
test advisory or otherwise voluntarily submit to chemical tests;
Action may be taken against a person who refuses to take a blood test under this subdivision only if a urine test was offered and action may be taken against a person who refuses to take a urine test only if a blood test was offered. This limitation does not apply to an unconscious person under the circumstances described in clause (3).

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

169A.72 DRIVER EDUCATION PROGRAMS.

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

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

2. the hazards of driving while under the influence of alcohol, a controlled substance, or drugs an intoxicating substance; and

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

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

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

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

(c) The commissioner of corrections shall not prohibit an inmate placed on parole, supervised release, or conditional release from participating in the registry program as defined in section 342.01, subdivision 61, as a condition of release or revoke a patient's parole, supervised release, or conditional release or otherwise sanction a patient on parole.
supervised release, or conditional release solely for participating in the registry program or
for a positive drug test for cannabis components or metabolites.

**EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to supervised
release granted on or after that date.

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ARTICLE 6, SECTION 33

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

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

**DRIVING.**

Any person subject to this code who drives, operates or is in physical control of any
motor vehicle or aircraft while under the influence of an alcoholic beverage or controlled
substance as defined in section 169A.03, subdivision 6, or a combination thereof or whose
blood contains 0.08 percent or more by weight of alcohol or who operates said motor vehicle
or aircraft in a reckless or wanton manner, shall be punished as a court-martial may direct.

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

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

**Subdivision 1. Terms and conditions.** (a) Except when a sentence of life imprisonment
is required by law, or when a mandatory minimum sentence is required by section 609.11,
any court may stay imposition or execution of sentence and:

1. may order intermediate sanctions without placing the defendant on probation; or
2. may place the defendant on probation with or without supervision and on the terms
   the court prescribes, including intermediate sanctions when practicable. The court may order
   the supervision to be under the probation officer of the court, or, if there is none and the
   conviction is for a felony or gross misdemeanor, by the commissioner of corrections, or in
   any case by some other suitable and consenting person. Unless the court directs otherwise,
   state parole and probation agents and probation officers may impose community work
   service or probation violation sanctions, consistent with section 243.05, subdivision 1;
   sections 244.196 to 244.199; or 401.02, subdivision 5.

3. No intermediate sanction may be ordered performed at a location that fails to observe
   applicable requirements or standards of chapter 181A or 182, or any rule promulgated under
   them.

4. (b) For purposes of this subdivision, subdivision 6, and section 609.14, the term
   "intermediate sanctions" includes but is not limited to incarceration in a local jail or
   workhouse, home detention, electronic monitoring, intensive probation, sentencing to service,
   reporting to a day reporting center, chemical dependency or mental health treatment or
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
195.34 3. The assessment must be conducted by an assessor qualified under rules adopted by the
195.35 commissioner of human services under section 254A.03, subdivision 3. An assessor providing
195.36 a chemical use assessment may not have any direct or shared financial interest or referral
195.37 relationship resulting in shared financial gain with a treatment provider, except as authorized
195.38 under section 254A.19, subdivision 3. If an independent assessor is not available, the
195.39 probation officer may use the services of an assessor authorized to perform assessments for
195.40 the county social services agency under a variance granted under rules adopted by the
195.41 commissioner of human services under section 254A.03, subdivision 3.
195.42 (f) A court shall not impose an intermediate sanction that has the effect of prohibiting
195.43 a person from participating in the registry program as defined in section 342.01, subdivision
195.44 63.

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

ARTICLE 6, SECTION 45

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

609.2111 DEFINITIONS.

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

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

(c) "Controlled substance" has the meaning given in section 152.01, subdivision 6.

(d) "Intoxicating substance" has the meaning given in section 169A.03, subdivision 11a.
Sec. 34. Minnesota Statutes 2022, section 609.2112, subdivision 1, is amended to read:

Subdivision 1. Criminal vehicular homicide. (a) Except as provided in paragraph (b), a person is guilty of criminal vehicular homicide and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than $20,000, or both, if the person causes the death of a human being not constituting murder or manslaughter as a result of operating a motor vehicle:

(1) in a grossly negligent manner;
(2) in a negligent manner while under the influence of:
   (i) alcohol;
   (ii) a controlled substance; or
   (iii) cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer product, artificially derived cannabinoids, or tetrahydrocannabinols; or
   (iv) any combination of those elements;
(3) while having an alcohol concentration of 0.08 or more;
(4) while having an alcohol concentration of 0.08 or more, as measured within two hours of the time of driving;
(5) in a negligent manner while under the influence of an intoxicating substance and the person knows or has reason to know that the substance has the capacity to cause impairment;
(6) in a negligent manner while any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer product, artificially derived cannabinoids, or tetrahydrocannabinols, is present in the person's body.
(7) where the driver who causes the collision leaves the scene of the collision in violation of section 169.09, subdivision 1 or 6; or

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

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

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

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

(1) in a grossly negligent manner;

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

(i) alcohol;

(ii) a controlled substance;

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

(iii) any combination of those elements;

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

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

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

(6) in a negligent manner while any amount of a controlled substance listed in Schedule 1 or II, or its metabolite, other than marijuana cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer product, artificially derived cannabinoids, or tetrahydrocannabinols, is present in the person’s body;

(7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6; or
(8) where the driver had actual knowledge that a peace officer had previously issued a
citation or warning that the motor vehicle was defectively maintained, the driver had actual
knowledge that remedial action was not taken, the driver had reason to know that the defect
created a present danger to others, and the injury was caused by the defective maintenance;
Sec. 36. Minnesota Statutes 2022, section 609.2113, subdivision 2, is amended to read:

Subd. 2. Substantial bodily harm. A person is guilty of criminal vehicular operation
resulting in substantial bodily harm and may be sentenced to imprisonment for not more
than three years or to payment of a fine of not more than $10,000, or both, if the person
causes substantial bodily harm to another as a result of operating a motor vehicle:
(1) in a grossly negligent manner;
(2) in a negligent manner while under the influence of:
(a) alcohol;
(b) a controlled substance;
or
(c) cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived
consumer product, artificially derived cannabinoids, or tetrahydrocannabinols; or
(d) any combination of those elements;
(3) while having an alcohol concentration of 0.08 or more;
(4) while having an alcohol concentration of 0.08 or more, as measured within two hours
of the time of driving;
(5) in a negligent manner while under the influence of an intoxicating substance and the
person knows or has reason to know that the substance has the capacity to cause impairment;
(6) in a negligent manner while any amount of a controlled substance listed in Schedule
I or II, or its metabolite, other than marijuana cannabis flower, a cannabis product, a
lower-potency hemp edible, a hemp-derived consumer product, artificially derived
cannabinoids, or tetrahydrocannabinols, is present in the person's body;
(7) where the driver who causes the accident leaves the scene of the accident in violation
of section 169.09, subdivision 1 or 6; or
(8) where the driver had actual knowledge that a peace officer had previously issued a
citation or warning that the motor vehicle was defectively maintained, the driver had actual
knowledge that remedial action was not taken, the driver had reason to know that the defect
created a present danger to others, and the injury was caused by the defective maintenance;
Sec. 37. Minnesota Statutes 2022, section 609.2113, subdivision 3, is amended to read:

Subd. 3. Bodily harm. A person is guilty of criminal vehicular operation resulting in
bodily harm and may be sentenced to imprisonment for not more than one year or to payment
of a fine of not more than $3,000; or both, if the person causes bodily harm to another as a result of operating a motor vehicle:

197.5 (1) in a grossly negligent manner;
197.6 (2) in a negligent manner while under the influence of:
197.7 (i) alcohol;
197.8 (ii) a controlled substance; or
197.9 (iii) cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer product, artificially derived cannabinoids, or tetrahydrocannabinols; or
197.10 (iv) any combination of those elements;
197.11 (3) while having an alcohol concentration of 0.08 or more;
197.12 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours of the time of driving;
197.13 (5) in a negligent manner while under the influence of an intoxicating substance and the person knows or has reason to know that the substance has the capacity to cause impairment;
197.14 (6) in a negligent manner while any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer product, artificially derived cannabinoids, or tetrahydrocannabinols, is present in the person's body;
197.15 (7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6; or
197.16 (8) where the driver had actual knowledge that a peace officer had previously issued a citation or warning that the motor vehicle was defectively maintained, the driver had actual knowledge that remedial action was not taken, the driver had reason to know that the defect created a present danger to others, and the injury was caused by the defective maintenance.

Sec. 38. Minnesota Statutes 2022, section 609.2114, subdivision 1, is amended to read:

Subdivision 1. Death to an unborn child. (a) Except as provided in paragraph (b), a person is guilty of criminal vehicular operation resulting in death to an unborn child and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than $20,000, or both, if the person causes the death of an unborn child as a result of operating a motor vehicle:

198.1 (1) in a grossly negligent manner;
198.2 (2) in a negligent manner while under the influence of:
198.3 (i) alcohol;
198.4 (ii) a controlled substance; or
198.5 (iii) cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer product, artificially derived cannabinoids, or tetrahydrocannabinols; or
198.6 (iv) any combination of those elements;
198.7 (3) while having an alcohol concentration of 0.08 or more;
198.8 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours of the time of driving;
198.9 (5) in a negligent manner while under the influence of an intoxicating substance and the person knows or has reason to know that the substance has the capacity to cause impairment;
198.10 (6) in a negligent manner while any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer product, artificially derived cannabinoids, or tetrahydrocannabinols, is present in the person's body;
198.11 (7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6; or
198.12 (8) where the driver had actual knowledge that a peace officer had previously issued a citation or warning that the motor vehicle was defectively maintained, the driver had actual knowledge that remedial action was not taken, the driver had reason to know that the defect created a present danger to others, and the injury was caused by the defective maintenance.
(ii) a controlled substance; or

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

(iv) any combination of those elements;

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

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

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

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

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

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

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

Sec. 39. Minnesota Statutes 2022, section 609.2114, subdivision 2, is amended to read:

Subd. 2. Injury to an unborn child. A person is guilty of criminal vehicular operation resulting in injury to an unborn child and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both, if the person causes the great bodily harm to an unborn child subsequently born alive as a result of operating a motor vehicle:

(1) in a grossly negligent manner;

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

(i) alcohol;

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

(iii) any combination of those elements;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) all conveyance devices containing controlled substances with a retail value of $100 or more if there is probable cause to believe that the conveyance device was used in the transportation or exchange of a controlled substance intended for distribution or sale; and
(4) all firearms, ammunition, and firearm accessories found:

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

of a felony offense involving a controlled substance;

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

is seized; or

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

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

under chapter 152.

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

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

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

the appropriate agency if:

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

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

and

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

identification.

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

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

credit card; cryptocurrency; or a money order.

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

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

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

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

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

committed on or after that date.

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

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

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

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

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

are unknown, are contraband and must be summarily forfeited.

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

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

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

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

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

committed on or after that date.

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

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

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

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

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

are unknown, are contraband and must be summarily forfeited.

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 43. ORAL FLUID PRELIMINARY TESTING; PILOT PROJECT AUTHORIZED.

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

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

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

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

e) Following the screening test, additional tests may be required of the driver pursuant to Minnesota Statutes, section 169A.51 (chemical tests for intoxication).
199.4 EFFECTIVE DATE. This section is effective the day following final enactment.

202.1 EFFECTIVE DATE. This section is effective August 1, 2023, and expires July 31, 2025.

202.2 EFFECTIVE DATE. This section is effective August 1, 2023, and expires July 31, 2025.