

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 57 **DATE:** May 19, 2011
Version: Conference Committee Report
Authors: Kriesel
Subject: Controlled Substances
Analyst: Jeff Diebel

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd.

Overview

This bill contains a variety of policy changes related to controlled substances including creating criminal penalties for the sale and possession of synthetic marijuana and other synthetic substances. This bill also amends first- through third-degree controlled substance *possession* offenses and the offense of possession of a small amount of marijuana so that law enforcement/prosecutors may not charge an offense based on the weight of water used in a bong or water pipe.

- 1** **Mixture.** Amends the definition of "mixture" in the controlled substances chapter of law (Minn. Stat. ch. 152) to reflect the changes made below in sections 2, 6, 7, and 8. Under current law, prosecutors may make charging decisions based on the entire weight of a mixture that contains a controlled substance even if the drug is only a small fraction of the mixture. Sections 2, 6, 7, and 8 would change this policy as it relates to first- through third-degree controlled substance *possession* offenses and the offense of possession of a small amount of marijuana. (Of note, these sections (**sections 1, 2, 6, 7, and 8**) have immediate effective dates.)
- 2** **Small amount.** Amends the definition of "small amount," which relates to the offense of possession of a small amount of marijuana so that the weight of bong water may not be used to determine what constitutes a "small amount" when the bong water measures less than four fluid ounces.
- 3** **Analog.** Adds a definition of "analog" to the controlled substances chapter of law. The definition is patterned after Federal law.
- 4** **Schedule I.** Adds the substances known as 2C-E and 2C-I, plant food, bath salts, and synthetic cannabinoids to the list of Schedule I drugs in the controlled substances chapter of law. Provides that an analog of a Schedule I or II controlled substance is considered a Schedule I controlled substance.
- 5** **Modifying the controlled substance schedules.** Eliminates the Board of Pharmacy's obligation to undertake an annual review of the controlled substance schedules. Prohibits the board from deleting or rescheduling a drug that is in Schedule I except as otherwise provided in law.
- 6** **1st Degree Possession.** Amends the offense of first-degree controlled substance possession so that the weight of bong water may not be used to determine the level of offense in cases where a person is

accused of possessing a "mixture" that contains less than four fluid ounces of bong water.

- 7 **2nd Degree Possession.** Amends the offense of second-degree controlled substance possession so that the weight of bong water may not be used to determine the level of offense in cases where a person is accused of possessing a "mixture" that contains less than four fluid ounces of bong water.
- 8 **3rd Degree Possession.** Amends the offense of third-degree controlled substance possession so that the weight of bong water may not be used to determine the level of offense in cases where a person is accused of possessing a "mixture" that contains less than four fluid ounces of bong water.
- 9 **Sale or possession of synthetic cannabinoids.** Provides that anyone who unlawfully sells any amount of a synthetic cannabinoid is guilty of a gross misdemeanor and that anyone who unlawfully possesses any amount of a synthetic cannabinoid is guilty of a misdemeanor. Defines "synthetic cannabinoid." Clarifies that the penalties provided in the first- to fifth-degree controlled substances crimes do not apply here.