

99.3

ARTICLE 4

99.4

CONTROLLED SUBSTANCE POLICY

99.5 Section 1. Minnesota Statutes 2020, section 152.01, subdivision 9a, is amended to read:

99.6 Subd. 9a. **Mixture.** "Mixture" means a preparation, compound, mixture, or substance
99.7 containing a controlled substance, regardless of purity except as provided in ~~subdivision~~
99.8 ~~16~~; sections 152.021, subdivision 2, paragraph (b); 152.022, subdivision 2, paragraph (b);
99.9 and 152.023, subdivision 2, paragraph (b).

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

99.12 Sec. 2. Minnesota Statutes 2020, section 152.01, is amended by adding a subdivision to
99.13 read:

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

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

99.17 Sec. 3. Minnesota Statutes 2020, section 152.01, is amended by adding a subdivision to
99.18 read:

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

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

99.22 Sec. 4. Minnesota Statutes 2020, section 152.01, subdivision 12a, is amended to read:

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

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

100.1 Sec. 5. Minnesota Statutes 2020, section 152.01, subdivision 16, is amended to read:

100.2 Subd. 16. **Small amount.** "Small amount" as applied to marijuana means: (1) 42.5 grams
100.3 or less. This provision shall not apply to the resinous form of marijuana flowers; or (2) eight
100.4 grams or less of any nonflower marijuana mixture. Nonflower marijuana mixtures weighing
100.5 eight grams or less may not be considered in determining the 42.5 gram limit in clause (1).
100.6 The weight of fluid used in a water pipe may not be considered in determining a small
100.7 amount ~~except in cases where the marijuana is mixed with four or more fluid ounces of~~
100.8 ~~fluid.~~

69.6

ARTICLE 4

69.7

FENTANYL-RELATED CHANGES

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

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

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

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

69.8 Section 1. Minnesota Statutes 2020, section 152.01, is amended by adding a subdivision
69.9 to read:

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

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

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

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

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

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

69.24 (ii) the offense involves two aggravating factors;

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

100.25 Sec. 7. Minnesota Statutes 2020, section 152.021, subdivision 2, is amended to read:

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

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

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

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

101.4 (ii) the offense involves two aggravating factors;

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

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

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

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

101.15 (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may
101.16 not be considered in measuring the weight of a marijuana mixture. For other mixtures, the

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

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

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

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

101.17 weight of fluid may not be considered except in cases where the mixture contains four or
101.18 more fluid ounces of fluid.

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

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

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

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

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

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

70.20 (ii) the offense involves two aggravating factors;

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

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

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

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

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

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

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

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

- 71.9 (1) on one or more occasions within a 90-day period the person unlawfully sells one or
71.10 more mixtures of a total weight of ten grams or more containing a narcotic drug other than
71.11 heroin or fentanyl;
- 71.12 (2) on one or more occasions within a 90-day period the person unlawfully sells one or
71.13 more mixtures of a total weight of three grams or more containing cocaine or
71.14 methamphetamine and:
- 71.15 (i) the person or an accomplice possesses on their person or within immediate reach, or
71.16 uses, whether by brandishing, displaying, threatening with, or otherwise employing, a
71.17 firearm; or
- 71.18 (ii) the offense involves three aggravating factors;
- 71.19 (3) on one or more occasions within a 90-day period the person unlawfully sells one or
71.20 more mixtures of a total weight of three grams or more containing heroin or fentanyl;
- 71.21 (4) on one or more occasions within a 90-day period the person unlawfully sells one or
71.22 more mixtures of a total weight of ten grams or more containing amphetamine, phencyclidine,
71.23 or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 50 or
71.24 more dosage units;
- 71.25 (5) on one or more occasions within a 90-day period the person unlawfully sells one or
71.26 more mixtures of a total weight of ten kilograms or more containing marijuana or
71.27 Tetrahydrocannabinols;
- 71.28 (6) the person unlawfully sells any amount of a Schedule I or II narcotic drug to a person
71.29 under the age of 18, or conspires with or employs a person under the age of 18 to unlawfully
71.30 sell the substance; or
- 71.31 (7) the person unlawfully sells any of the following in a school zone, a park zone, a
71.32 public housing zone, or a drug treatment facility:
- 72.1 (i) any amount of a Schedule I or II narcotic drug, lysergic acid diethylamide (LSD),
72.2 3,4-methylenedioxy amphetamine, or 3,4-methylenedioxymethamphetamine;
- 72.3 (ii) one or more mixtures containing methamphetamine or amphetamine; or
- 72.4 (iii) one or more mixtures of a total weight of five kilograms or more containing marijuana
72.5 or Tetrahydrocannabinols.
- 72.6 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
72.7 committed on or after that date.

101.21 Sec. 8. Minnesota Statutes 2020, section 152.022, subdivision 2, is amended to read:

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

101.23 second degree if:

- 101.24 (1) the person unlawfully possesses one or more mixtures of a total weight of 25 grams
101.25 or more containing cocaine or methamphetamine;
- 101.26 (2) the person unlawfully possesses one or more mixtures of a total weight of ten grams
101.27 or more containing cocaine or methamphetamine and:
- 101.28 (i) the person or an accomplice possesses on their person or within immediate reach, or
101.29 uses, whether by brandishing, displaying, threatening with, or otherwise employing, a
101.30 firearm; or
- 101.31 (ii) the offense involves three aggravating factors;
- 102.1 (3) the person unlawfully possesses one or more mixtures of a total weight of six grams
102.2 or more containing heroin;
- 102.3 (4) the person unlawfully possesses one or more mixtures of a total weight of 50 grams
102.4 or more containing a narcotic drug other than cocaine, heroin, or methamphetamine;
- 102.5 (5) the person unlawfully possesses one or more mixtures of a total weight of 50 grams
102.6 or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled
102.7 substance is packaged in dosage units, equaling 100 or more dosage units; or
- 102.8 (6) the person unlawfully possesses one or more mixtures of a total weight of 25
102.9 kilograms or more containing marijuana or Tetrahydrocannabinols, or possesses 100 or
102.10 more marijuana plants.
- 102.11 (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may
102.12 not be considered in measuring the weight of a marijuana mixture. For other mixtures, the
102.13 weight of fluid may not be considered except in cases where the mixture contains four or
102.14 more fluid ounces of fluid.
- 102.15 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
102.16 committed on or after that date.

72.8 Sec. 5. Minnesota Statutes 2020, section 152.022, subdivision 2, is amended to read:

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

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

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

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

102.17 Sec. 9. Minnesota Statutes 2020, section 152.023, subdivision 2, is amended to read:

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

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

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

102.25 (3) on one or more occasions within a 90-day period the person unlawfully possesses
102.26 one or more mixtures containing a narcotic drug, it is packaged in dosage units, and equals
102.27 50 or more dosage units;

102.28 (4) on one or more occasions within a 90-day period the person unlawfully possesses
102.29 any amount of a schedule I or II narcotic drug or five or more dosage units of lysergic acid
102.30 diethylamide (LSD), 3,4-methylenedioxy amphetamine, or
102.31 3,4-methylenedioxymethamphetamine in a school zone, a park zone, a public housing zone,
102.32 or a drug treatment facility;

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

72.18 (ii) the offense involves three aggravating factors;

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

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

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

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

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

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

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

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

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

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

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

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

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

73.11 (3) on one or more occasions within a 90-day period the person unlawfully possesses
73.12 one or more mixtures containing a narcotic drug, it is packaged in dosage units, and equals
73.13 50 or more dosage units;

73.14 (4) on one or more occasions within a 90-day period the person unlawfully possesses
73.15 any amount of a schedule I or II narcotic drug or five or more dosage units of lysergic acid
73.16 diethylamide (LSD), 3,4-methylenedioxy amphetamine, or
73.17 3,4-methylenedioxymethamphetamine in a school zone, a park zone, a public housing zone,
73.18 or a drug treatment facility;

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

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

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

103.13 Sec. 10. Minnesota Statutes 2020, section 152.025, subdivision 4, is amended to read:

103.14 Subd. 4. **Penalty.** (a) A person convicted under the provisions of subdivision 2, clause
103.15 (1), who has not been previously convicted of a violation of this chapter or a similar offense
103.16 in another jurisdiction, is guilty of a gross misdemeanor if:

103.17 (1) the amount of the controlled substance possessed, other than heroin or a small amount
103.18 of marijuana, is less than 0.25 grams or one dosage unit or less if the controlled substance
103.19 was possessed in dosage units; ~~or~~

103.20 (2) the controlled substance possessed is heroin and the amount possessed is less than
103.21 0.05 grams; or

103.22 (3) the controlled substance possessed is marijuana and the amount possessed is:

103.23 (i) more than 42.5 grams but not more than 85 grams of marijuana flowers; or

103.24 (ii) more than eight grams but not more than 16 grams of any nonflower marijuana
103.25 mixture.

103.26 (b) A person convicted under the provisions of subdivision 1; subdivision 2, clause (1),
103.27 unless the conduct is described in paragraph (a); or subdivision 2, clause (2), may be
103.28 sentenced to imprisonment for not more than five years or to payment of a fine of not more
103.29 than \$10,000, or both.

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

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

74.1 Sec. 7. Minnesota Statutes 2020, section 152.025, subdivision 4, is amended to read:

74.2 Subd. 4. **Penalty.** (a) A person convicted under the provisions of subdivision 2, clause
74.3 (1), who has not been previously convicted of a violation of this chapter or a similar offense
74.4 in another jurisdiction, is guilty of a gross misdemeanor if: (1) the amount of the controlled
74.5 substance possessed, other than heroin or fentanyl, is less than 0.25 grams or one dosage
74.6 unit or less if the controlled substance was possessed in dosage units; or (2) the controlled
74.7 substance possessed is heroin or fentanyl and the amount possessed is less than 0.05 grams.

74.8 (b) A person convicted under the provisions of subdivision 1; subdivision 2, clause (1),
74.9 unless the conduct is described in paragraph (a); or subdivision 2, clause (2), may be
74.10 sentenced to imprisonment for not more than five years or to payment of a fine of not more
74.11 than \$10,000, or both.

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

104.1 Sec. 11. Minnesota Statutes 2020, section 152.027, subdivision 4, is amended to read:

104.2 Subd. 4. **Possession or sale of small amounts of marijuana.** (a) A person who
104.3 unlawfully sells a small amount of marijuana for no remuneration, or who unlawfully
104.4 possesses a small amount of marijuana is guilty of a petty misdemeanor ~~and shall be required~~
104.5 ~~to participate in a drug education program unless the court enters a written finding that a~~
104.6 ~~drug education program is inappropriate. The program must be approved by an area mental~~
104.7 ~~health board with a curriculum approved by the state alcohol and drug abuse authority.~~

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

104.12 ~~(c) A person who is convicted of a petty misdemeanor under paragraph (a) who willfully~~
104.13 ~~and intentionally fails to comply with the sentence imposed, is guilty of a misdemeanor.~~
104.14 ~~Compliance with the terms of the sentence imposed before conviction under this paragraph~~
104.15 ~~is an absolute defense.~~

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

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

104.19 **152.0271 NOTICE OF DRUG CONVICTIONS; DRIVER'S LICENSE**
104.20 **REVOCAION.**

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

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

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

105.2 Subdivision 1. **Prohibited acts; penalties.** Any person who conspires to commit any
105.3 felony act prohibited by this chapter, except possession or distribution for no remuneration

105.4 of a small amount of marijuana as defined in section 152.01, subdivision 16, is guilty of a
105.5 felony and upon conviction may be imprisoned, fined, or both, up to the maximum amount
105.6 authorized by law for the act the person conspired to commit.

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

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

105.10 Subd. 3. **Expungement of certain marijuana offenses.** Any person who has been found
105.11 guilty of: (1) a violation of section 152.09 with respect to a small amount of marijuana
105.12 which violation occurred prior to April 11, 1976, and whose conviction would have been
105.13 a petty misdemeanor under the provisions of section 152.15, subdivision 2, clause (5) in
105.14 effect on April 11, 1978, but whose conviction was for an offense more serious than a petty
105.15 misdemeanor under laws in effect prior to April 11, 1976; or (2) a violation of section
105.16 152.025 that occurred before August 1, 2022, where the violation would have been a petty
105.17 misdemeanor under section 152.027, subdivision 4, in effect on August 1, 2022, may petition
105.18 the court in which the person was convicted to expunge from all official records, other than
105.19 the nonpublic record retained by the Department of Public Safety pursuant to section 152.15,
105.20 subdivision 2, clause (5), all recordation relating to the person's arrest, indictment or
105.21 information, trial and conviction of an offense more serious than a petty misdemeanor. The
105.22 court, upon being satisfied that a small amount was involved in the conviction, shall order
105.23 all the recordation expunged. This shall restore the person's ability to possess, receive, ship,
105.24 or transport firearms and handle firearms and ammunition. No person as to whom an order
105.25 has been entered pursuant to this subdivision shall be held thereafter under any provision
105.26 of any law to be guilty of perjury or otherwise giving a false statement by reason of the
105.27 person's failure to recite or acknowledge conviction of an offense greater than a petty
105.28 misdemeanor, unless possession of marijuana is material to a proceeding.

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

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

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

106.7 (b) The commissioner of corrections, probation agent, or parole officer shall not prohibit
106.8 a person from participating in the registry program under sections 152.22 to 152.37 as a
106.9 condition of parole, supervised release, or conditional release or revoke a patient's parole,

106.10 supervised release, or conditional release or otherwise sanction a patient on parole, supervised
106.11 release, or conditional release solely for participating in the registry program or for a positive
106.12 drug test for cannabis components or metabolites.

106.13 Sec. 16. **[152.325] CRIMINAL AFFIRMATIVE DEFENSE.**

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

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

106.21 (2) section 152.027, subdivision 3 or 4.

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

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

106.26 (1) counsel the child or the parents, guardian, or custodian;

106.27 (2) place the child under the supervision of a probation officer or other suitable person
106.28 in the child's own home under conditions prescribed by the court including reasonable rules
106.29 for the child's conduct and the conduct of the child's parents, guardian, or custodian, designed
106.30 for the physical, mental, and moral well-being and behavior of the child, or with the consent
106.31 of the commissioner of corrections, in a group foster care facility which is under the
106.32 management and supervision of said commissioner;

107.1 (3) if the court determines that the child is a danger to self or others, subject to the
107.2 supervision of the court, transfer legal custody of the child to one of the following:

107.3 (i) a child-placing agency;

107.4 (ii) the local social services agency;

107.5 (iii) a reputable individual of good moral character. No person may receive custody of
107.6 two or more unrelated children unless licensed as a residential facility pursuant to sections
107.7 245A.01 to 245A.16;

107.8 (iv) a county home school, if the county maintains a home school or enters into an
107.9 agreement with a county home school; or

107.10 (v) a county probation officer for placement in a group foster home established under
107.11 the direction of the juvenile court and licensed pursuant to section 241.021;

107.12 (4) transfer legal custody by commitment to the commissioner of corrections;

107.13 (5) if the child is found to have violated a state or local law or ordinance which has
107.14 resulted in damage to the person or property of another, the court may order the child to
107.15 make reasonable restitution for such damage;

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

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

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

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

108.4 (10) if the child is petitioned and found by the court to have committed a controlled
108.5 substance offense under sections 152.021 to 152.0262 or section 152.027, subdivision 1, 2,
108.6 3, 5, 6, or 7, the court shall determine whether the child unlawfully possessed or sold the
108.7 controlled substance while driving a motor vehicle. If so, the court shall notify the
108.8 commissioner of public safety of its determination and order the commissioner to revoke
108.9 the child's driver's license for the applicable time period specified in section 152.0271. If
108.10 the child does not have a driver's license or if the child's driver's license is suspended or
108.11 revoked at the time of the delinquency finding, the commissioner shall, upon the child's
108.12 application for driver's license issuance or reinstatement, delay the issuance or reinstatement
108.13 of the child's driver's license for the applicable time period specified in section 152.0271.
108.14 Upon receipt of the court's order, the commissioner is authorized to take the licensing action
108.15 without a hearing;

108.16 (11) if the child is petitioned and found by the court to have committed or attempted to
108.17 commit an act in violation of section 609.342; 609.343; 609.344; 609.345; 609.3451;
108.18 609.746, subdivision 1; 609.79; or 617.23, or another offense arising out of a delinquency
108.19 petition based on one or more of those sections, the court shall order an independent
108.20 professional assessment of the child's need for sex offender treatment. An assessor providing

108.21 an assessment for the court must be experienced in the evaluation and treatment of juvenile
108.22 sex offenders. If the assessment indicates that the child is in need of and amenable to sex
108.23 offender treatment, the court shall include in its disposition order a requirement that the
108.24 child undergo treatment. Notwithstanding section 13.384, 13.85, 144.291 to 144.298, or
108.25 260B.171, or chapter 260E, the assessor has access to the following private or confidential
108.26 data on the child if access is relevant and necessary for the assessment:

108.27 (i) medical data under section 13.384;

108.28 (ii) corrections and detention data under section 13.85;

108.29 (iii) health records under sections 144.291 to 144.298;

108.30 (iv) juvenile court records under section 260B.171; and

108.31 (v) local welfare agency records under chapter 260E.

108.32 Data disclosed under this clause may be used only for purposes of the assessment and
108.33 may not be further disclosed to any other person, except as authorized by law; or

109.1 (12) if the child is found delinquent due to the commission of an offense that would be
109.2 a felony if committed by an adult, the court shall make a specific finding on the record
109.3 regarding the juvenile's mental health and chemical dependency treatment needs.

109.4 (b) Any order for a disposition authorized under this section shall contain written findings
109.5 of fact to support the disposition ordered and shall also set forth in writing the following
109.6 information:

109.7 (1) why the best interests of the child are served by the disposition ordered; and

109.8 (2) what alternative dispositions were considered by the court and why such dispositions
109.9 were not appropriate in the instant case. Clause (1) does not apply to a disposition under
109.10 subdivision 1a.

109.11 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to findings
109.12 by the court made on or after that date.

109.13 Sec. 18. Minnesota Statutes 2020, section 609.165, subdivision 1a, is amended to read:

109.14 Subd. 1a. **Certain convicted felons ineligible to possess firearms or ammunition.** The
109.15 order of discharge must provide that a person who has been convicted of a crime of violence,
109.16 as defined in section 624.712, subdivision 5, is not entitled to ship, transport, possess, or
109.17 receive a firearm or ammunition for the remainder of the person's lifetime. Any person who
109.18 has received such a discharge and who thereafter has received a relief of disability under
109.19 United States Code, title 18, section 925, or whose ability to possess firearms and ammunition
109.20 has been restored under subdivision 1d or section 152.18, subdivision 3, shall not be subject
109.21 to the restrictions of this subdivision.

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

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

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

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

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

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

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

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

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

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

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

110.21 (b) A record sealed under paragraph (a) may be opened only as provided in section
110.22 609A.03, subdivision 7a.

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

110.24 Sec. 22. **TASK FORCE ON ABUSE OF CONTROLLED SUBSTANCES.**

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

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

110.31 (1) the commissioner of public safety;

111.1 (2) the commissioner of human services;

111.2 (3) the commissioner of corrections, or a designee;

111.3 (4) the commissioner of health, or a designee;

111.4 (5) the chief justice, or a designee;

111.5 (6) the state public defender, or a designee;

111.6 (7) a county attorney appointed by the Minnesota County Attorneys Association;

111.7 (8) a representative from Indian health services or a Tribal council appointed by the
111.8 Indian Affairs Council;

111.9 (9) a representative of the Community Corrections Act counties appointed by the
111.10 Minnesota Association of Community Corrections Act Counties;

111.11 (10) a peace officer, as defined in Minnesota Statutes, section 626.84, subdivision 1,
111.12 paragraph (c), who is a member of a multijurisdictional drug task force appointed by the
111.13 Minnesota Chiefs of Police Association;

111.14 (11) a peace officer, as defined in Minnesota Statutes, section 626.84, subdivision 1,
111.15 paragraph (c), appointed by the Minnesota Sheriffs' Association;

111.16 (12) a member of the Minnesota State Board of Pharmacy appointed by the board's
111.17 president;

111.18 (13) a member of the Opiate Epidemic Response Advisory Council appointed by the
111.19 council's chair;

111.20 (14) a representative from a community health board appointed by the commissioner of
111.21 health;

111.22 (15) a member representing sober living programs or substance use disorder programs
111.23 licensed under Minnesota Statutes, chapter 245G, appointed by the commissioner of human
111.24 services;

- 111.25 (16) a member of the Minnesota Association of County Social Service Administrators
111.26 appointed by the association's president;
- 111.27 (17) a member of the public with a substance use disorder who has experience in the
111.28 criminal justice system appointed by the governor; and
- 111.29 (18) a member of the public who has been the victim of a crime relating to substance
111.30 abuse appointed by the governor.
- 112.1 (b) Appointments must be made no later than August 30, 2022.
- 112.2 (c) Public members identified in paragraph (a), clauses (17) and (18), are eligible for
112.3 compensation and expense reimbursement consistent with Minnesota Statutes, section
112.4 15.059, subdivision 3. All other members shall serve without compensation.
- 112.5 (d) Members of the task force serve at the pleasure of the appointing authority or until
112.6 the task force expires. Vacancies shall be filled by the appointing authority consistent with
112.7 the qualifications of the vacating member required by this subdivision.
- 112.8 Subd. 3. **Officers; meetings.** (a) The commissioners of public safety and human services
112.9 shall cochair the task force. The task force may elect other officers as necessary.
- 112.10 (b) The commissioner of public safety shall convene the first meeting of the task force
112.11 no later than September 15, 2022, and shall provide meeting space and administrative
112.12 assistance through the Office of Justice Programs as necessary for the task force to conduct
112.13 its work.
- 112.14 (c) The task force shall meet at least monthly or upon the call of a cochair. The task
112.15 force shall meet sufficiently enough to accomplish the tasks identified in this section.
112.16 Meetings of the task force are subject to Minnesota Statutes, chapter 13D.
- 112.17 Subd. 4. **Duties.** (a) The task force shall, at a minimum:
- 112.18 (1) collect and analyze data on controlled substance offenses, deaths and hospitalizations
112.19 from controlled substance overdoses, and other societal impacts related to controlled
112.20 substance use disorders;
- 112.21 (2) analyze the law enforcement response to controlled substance abuse in Minnesota
112.22 and other jurisdictions;
- 112.23 (3) analyze the judicial system response to controlled substance abuse in Minnesota and
112.24 other jurisdictions, including a review of treatment courts and diversion programs;
- 112.25 (4) analyze the prosecutorial response to controlled substance abuse in Minnesota and
112.26 other jurisdictions, including charging decisions, plea bargains, and the use of pretrial and
112.27 precharge diversion programs;
- 112.28 (5) analyze the correctional response to controlled substance abuse in Minnesota and
112.29 other jurisdictions, including the use of mandatory drug testing, required participation in

- 112.30 substance abuse treatment programs as a condition of probation, the effectiveness of
112.31 substance abuse treatment programs offered to incarcerated individuals, and the effectiveness
112.32 of the challenge incarceration program;
- 113.1 (6) analyze the human services and health response to controlled substance abuse in
113.2 Minnesota and other jurisdictions, including the effectiveness of prevention programs,
113.3 availability of inpatient and outpatient treatment programs, funding for participation in those
113.4 programs, and the outcomes for participants in those programs;
- 113.5 (7) receive input from members of communities that have been affected by criminal
113.6 activity and other social costs associated with controlled substance abuse;
- 113.7 (8) receive input from members of communities that have been affected by the
113.8 criminalization of controlled substance abuse; and
- 113.9 (9) make recommendations for coordination of services, adoption of prevention models,
113.10 expansion of effective treatment services, levels of funding, statutory changes, and other
113.11 community and legislative action to address controlled substance abuse in Minnesota.
- 113.12 (b) At its discretion, the task force may examine other related issues consistent with this
113.13 section.
- 113.14 Subd. 5. **Reports.** (a) The task force shall submit annual reports to the chairs and ranking
113.15 minority members of the legislative committees and divisions with jurisdiction over public
113.16 safety finance and policy, human services finance and policy, health finance and policy,
113.17 and judiciary finance and policy.
- 113.18 (b) The task force shall submit a preliminary report on or before March 1, 2023.
- 113.19 (c) The task force shall submit a supplemental report on or before February 1, 2024.
- 113.20 (d) The task force shall submit a final report on or before January 15, 2025.
- 113.21 Subd. 6. **Expiration.** The task force expires the day after submitting its final report under
113.22 subdivision 5.