

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 2578

(SENATE AUTHORS: ANDERSON, P., Limmer, Johnson, Draheim and Clausen)

DATE	D-PG	OFFICIAL STATUS
02/22/2018	6161	Introduction and first reading Referred to Judiciary and Public Safety Finance and Policy
03/08/2018	6287a 6348	Comm report: To pass as amended Second reading
03/14/2018	6498	Author added Clausen
05/02/2018	8528a 8531	Special Order: Amended Third reading Passed
05/14/2018	8843 8844	Returned from House with amendment Senate not concur, conference committee of 3 requested
05/15/2018	8985	Senate conferees Anderson, P.; Limmer; Latz
05/16/2018	8990	House conferees Franke; Wills; Hilstrom
05/18/2018	9331c 9365	Conference committee report, delete everything Motion to reject CC report, did not prevail Senate adopted CC report and repassed bill
05/19/2018	9366	Third reading House adopted SCC report and repassed bill

1.1 A bill for an act

1.2 relating to public safety; modifying the schedules of controlled substances;

1.3 criminalizing certain acts involving kratom; modifying the DWI law by including

1.4 other types of intoxicating substances and striking references to hazardous

1.5 substances; amending Minnesota Statutes 2016, sections 97B.065, subdivision 1;

1.6 152.02, subdivision 5; 152.027, by adding a subdivision; 169A.03, by adding a

1.7 subdivision; 169A.20, subdivisions 1, 1a, 1b, 1c; 169A.45, subdivision 1; 169A.51,

1.8 subdivisions 1, 7; 169A.52, subdivision 2; 169A.63, by adding a subdivision;

1.9 169A.76; 360.0752, subdivisions 1, 2, 5, 7; 360.0753, subdivision 6; 609.2111;

1.10 609.2112, subdivision 1; 609.2113, subdivisions 1, 2, 3; 609.2114, subdivisions

1.11 1, 2; 624.7142, subdivision 1; Minnesota Statutes 2017 Supplement, sections

1.12 152.02, subdivision 2; 169A.51, subdivision 4; 169A.55, subdivision 2; 171.29,

1.13 subdivision 1; 360.0753, subdivisions 2, 3; repealing Minnesota Statutes 2016,

1.14 section 169A.03, subdivision 9.

1.15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.16 **ARTICLE 1**

1.17 **CONTROLLED SUBSTANCE-RELATED CHANGES**

1.18 Section 1. Minnesota Statutes 2017 Supplement, section 152.02, subdivision 2, is amended

1.19 to read:

1.20 Subd. 2. **Schedule I.** (a) Schedule I consists of the substances listed in this subdivision.

1.21 (b) Opiates. Unless specifically excepted or unless listed in another schedule, any of the

1.22 following substances, including their analogs, isomers, esters, ethers, salts, and salts of

1.23 isomers, esters, and ethers, whenever the existence of the analogs, isomers, esters, ethers,

1.24 and salts is possible:

1.25 (1) acetylmethadol;

1.26 (2) allylprodine;

- 2.1 (3) alphacetylmethadol (except levo-alphacetylmethadol, also known as levomethadyl
- 2.2 acetate);
- 2.3 (4) alphameprodine;
- 2.4 (5) alphamethadol;
- 2.5 (6) alpha-methylfentanyl benzethidine;
- 2.6 (7) betacetylmethadol;
- 2.7 (8) betameprodine;
- 2.8 (9) betamethadol;
- 2.9 (10) betaprodine;
- 2.10 (11) clonitazene;
- 2.11 (12) dextromoramide;
- 2.12 (13) diampromide;
- 2.13 (14) diethylambutene;
- 2.14 (15) difenoxin;
- 2.15 (16) dimenoxadol;
- 2.16 (17) dimepheptanol;
- 2.17 (18) dimethylambutene;
- 2.18 (19) dioxaphetyl butyrate;
- 2.19 (20) dipipanone;
- 2.20 (21) ethylmethylthiambutene;
- 2.21 (22) etonitazene;
- 2.22 (23) etoxeridine;
- 2.23 (24) furethidine;
- 2.24 (25) hydroxypethidine;
- 2.25 (26) ketobemidone;
- 2.26 (27) levomoramide;
- 2.27 (28) levophenacilmorphan;

- 3.1 (29) 3-methylfentanyl;
- 3.2 (30) acetyl-alpha-methylfentanyl;
- 3.3 (31) alpha-methylthiofentanyl;
- 3.4 (32) benzylfentanyl beta-hydroxyfentanyl;
- 3.5 (33) beta-hydroxy-3-methylfentanyl;
- 3.6 (34) 3-methylthiofentanyl;
- 3.7 (35) thenylfentanyl;
- 3.8 (36) thiofentanyl;
- 3.9 (37) para-fluorofentanyl;
- 3.10 (38) morpheridine;
- 3.11 (39) 1-methyl-4-phenyl-4-propionoxypiperidine;
- 3.12 (40) noracymethadol;
- 3.13 (41) norlevorphanol;
- 3.14 (42) normethadone;
- 3.15 (43) norpipanone;
- 3.16 (44) 1-(2-phenylethyl)-4-phenyl-4-acetoxypiperidine (PEPAP);
- 3.17 (45) phenadoxone;
- 3.18 (46) phenampromide;
- 3.19 (47) phenomorphan;
- 3.20 (48) phenoperidine;
- 3.21 (49) piritramide;
- 3.22 (50) proheptazine;
- 3.23 (51) properidine;
- 3.24 (52) propiram;
- 3.25 (53) racemoramide;
- 3.26 (54) tilidine;
- 3.27 (55) trimeperidine;

4.1 (56) N-(1-Phenethylpiperidin-4-yl)-N-phenylacetamide (acetyl fentanyl);

4.2 (57)

4.3 3,4-dichloro-N-[(1R,2R)-2-(dimethylamino)cyclohexyl]-N-methylbenzamide(U47700);

4.4 ~~and~~

4.5 (58) N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]furan-2-carboxamide(furanylfentanyl)₂;

4.6 and

4.7 (59) 4-(4-bromophenyl)-4-dimethylamino-1-phenethylcyclohexanol (bromadol).

4.8 (c) Opium derivatives. Any of the following substances, their analogs, salts, isomers,
4.9 and salts of isomers, unless specifically excepted or unless listed in another schedule,
4.10 whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:

4.11 (1) acetorphine;

4.12 (2) acetyldihydrocodeine;

4.13 (3) benzylmorphine;

4.14 (4) codeine methylbromide;

4.15 (5) codeine-n-oxide;

4.16 (6) cyprenorphine;

4.17 (7) desomorphine;

4.18 (8) dihydromorphine;

4.19 (9) drotebanol;

4.20 (10) etorphine;

4.21 (11) heroin;

4.22 (12) hydromorphanol;

4.23 (13) methyl-desorphine;

4.24 (14) methyl-dihydromorphine;

4.25 (15) morphine methylbromide;

4.26 (16) morphine methylsulfonate;

4.27 (17) morphine-n-oxide;

4.28 (18) myrophine;

- 5.1 (19) nicocodeine;
- 5.2 (20) nicomorphine;
- 5.3 (21) normorphine;
- 5.4 (22) pholcodine; and
- 5.5 (23) thebacon.

5.6 (d) Hallucinogens. Any material, compound, mixture or preparation which contains any
5.7 quantity of the following substances, their analogs, salts, isomers (whether optical, positional,
5.8 or geometric), and salts of isomers, unless specifically excepted or unless listed in another
5.9 schedule, whenever the existence of the analogs, salts, isomers, and salts of isomers is
5.10 possible:

- 5.11 (1) methylenedioxy amphetamine;
- 5.12 (2) methylenedioxymethamphetamine;
- 5.13 (3) methylenedioxy-N-ethylamphetamine (MDEA);
- 5.14 (4) n-hydroxy-methylenedioxyamphetamine;
- 5.15 (5) 4-bromo-2,5-dimethoxyamphetamine (DOB);
- 5.16 (6) 2,5-dimethoxyamphetamine (2,5-DMA);
- 5.17 (7) 4-methoxyamphetamine;
- 5.18 (8) 5-methoxy-3, 4-methylenedioxyamphetamine;
- 5.19 (9) alpha-ethyltryptamine;
- 5.20 (10) bufotenine;
- 5.21 (11) diethyltryptamine;
- 5.22 (12) dimethyltryptamine;
- 5.23 (13) 3,4,5-trimethoxyamphetamine;
- 5.24 (14) 4-methyl-2, 5-dimethoxyamphetamine (DOM);
- 5.25 (15) ibogaine;
- 5.26 (16) lysergic acid diethylamide (LSD);
- 5.27 (17) mescaline;
- 5.28 (18) parahexyl;

- 6.1 (19) N-ethyl-3-piperidyl benzilate;
- 6.2 (20) N-methyl-3-piperidyl benzilate;
- 6.3 (21) psilocybin;
- 6.4 (22) psilocyn;
- 6.5 (23) tenocyclidine (TPCP or TCP);
- 6.6 (24) N-ethyl-1-phenyl-cyclohexylamine (PCE);
- 6.7 (25) 1-(1-phenylcyclohexyl) pyrrolidine (PCPy);
- 6.8 (26) 1-[1-(2-thienyl)cyclohexyl]-pyrrolidine (TCPy);
- 6.9 (27) 4-chloro-2,5-dimethoxyamphetamine (DOC);
- 6.10 (28) 4-ethyl-2,5-dimethoxyamphetamine (DOET);
- 6.11 (29) 4-iodo-2,5-dimethoxyamphetamine (DOI);
- 6.12 (30) 4-bromo-2,5-dimethoxyphenethylamine (2C-B);
- 6.13 (31) 4-chloro-2,5-dimethoxyphenethylamine (2C-C);
- 6.14 (32) 4-methyl-2,5-dimethoxyphenethylamine (2C-D);
- 6.15 (33) 4-ethyl-2,5-dimethoxyphenethylamine (2C-E);
- 6.16 (34) 4-iodo-2,5-dimethoxyphenethylamine (2C-I);
- 6.17 (35) 4-propyl-2,5-dimethoxyphenethylamine (2C-P);
- 6.18 (36) 4-isopropylthio-2,5-dimethoxyphenethylamine (2C-T-4);
- 6.19 (37) 4-propylthio-2,5-dimethoxyphenethylamine (2C-T-7);
- 6.20 (38) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-yl)ethanamine
- 6.21 (2-CB-FLY);
- 6.22 (39) bromo-benzodifuranyl-isopropylamine (Bromo-DragonFLY);
- 6.23 (40) alpha-methyltryptamine (AMT);
- 6.24 (41) N,N-diisopropyltryptamine (DiPT);
- 6.25 (42) 4-acetoxy-N,N-dimethyltryptamine (4-AcO-DMT);
- 6.26 (43) 4-acetoxy-N,N-diethyltryptamine (4-AcO-DET);
- 6.27 (44) 4-hydroxy-N-methyl-N-propyltryptamine (4-HO-MPT);

- 7.1 (45) 4-hydroxy-N,N-dipropyltryptamine (4-HO-DPT);
- 7.2 (46) 4-hydroxy-N,N-diallyltryptamine (4-HO-DALT);
- 7.3 (47) 4-hydroxy-N,N-diisopropyltryptamine (4-HO-DiPT);
- 7.4 (48) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DiPT);
- 7.5 (49) 5-methoxy- α -methyltryptamine (5-MeO-AMT);
- 7.6 (50) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
- 7.7 (51) 5-methylthio-N,N-dimethyltryptamine (5-MeS-DMT);
- 7.8 (52) 5-methoxy-N-methyl-N-isopropyltryptamine (5-MeO-MiPT);
- 7.9 (53) 5-methoxy- α -ethyltryptamine (5-MeO-AET);
- 7.10 (54) 5-methoxy-N,N-dipropyltryptamine (5-MeO-DPT);
- 7.11 (55) 5-methoxy-N,N-diethyltryptamine (5-MeO-DET);
- 7.12 (56) 5-methoxy-N,N-diallyltryptamine (5-MeO-DALT);
- 7.13 (57) methoxetamine (MXE);
- 7.14 (58) 5-iodo-2-aminoindane (5-IAI);
- 7.15 (59) 5,6-methylenedioxy-2-aminoindane (MDAI);
- 7.16 (60) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe);
- 7.17 (61) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe);
- 7.18 (62) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25I-NBOMe);
- 7.19 (63) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);
- 7.20 (64) 2-(4-Ethylthio-2,5-dimethoxyphenyl)ethanamine (2C-T-2);
- 7.21 (65) N,N-Dipropyltryptamine (DPT);
- 7.22 (66) 3-[1-(Piperidin-1-yl)cyclohexyl]phenol (3-HO-PCP);
- 7.23 (67) N-ethyl-1-(3-methoxyphenyl)cyclohexanamine (3-MeO-PCE);
- 7.24 (68) 4-[1-(3-methoxyphenyl)cyclohexyl]morpholine (3-MeO-PCMo);
- 7.25 (69) 1-[1-(4-methoxyphenyl)cyclohexyl]-piperidine (methoxydine, 4-MeO-PCP);
- 7.26 (70) 2-(2-Chlorophenyl)-2-(ethylamino)cyclohexan-1-one (N-Ethylnorketamine,
7.27 ethketamine, NENK);

- 8.1 (71) methylenedioxy-N,N-dimethylamphetamine (MDDMA);
8.2 (72) 3-(2-Ethyl(methyl)aminoethyl)-1H-indol-4-yl (4-AcO-MET); and
8.3 (73) 2-Phenyl-2-(methylamino)cyclohexanone (deschloroketamine).

8.4 (e) Peyote. All parts of the plant presently classified botanically as *Lophophora williamsii*
8.5 Lemaire, whether growing or not, the seeds thereof, any extract from any part of the plant,
8.6 and every compound, manufacture, salts, derivative, mixture, or preparation of the plant,
8.7 its seeds or extracts. The listing of peyote as a controlled substance in Schedule I does not
8.8 apply to the nondrug use of peyote in bona fide religious ceremonies of the American Indian
8.9 Church, and members of the American Indian Church are exempt from registration. Any
8.10 person who manufactures peyote for or distributes peyote to the American Indian Church,
8.11 however, is required to obtain federal registration annually and to comply with all other
8.12 requirements of law.

8.13 (f) Central nervous system depressants. Unless specifically excepted or unless listed in
8.14 another schedule, any material compound, mixture, or preparation which contains any
8.15 quantity of the following substances, their analogs, salts, isomers, and salts of isomers
8.16 whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:

- 8.17 (1) mecloqualone;
8.18 (2) methaqualone;
8.19 (3) gamma-hydroxybutyric acid (GHB), including its esters and ethers;
8.20 (4) flunitrazepam; and
8.21 (5) 2-(2-Methoxyphenyl)-2-(methylamino)cyclohexanone (2-MeO-2-deschloroketamine,
8.22 methoxyketamine).

8.23 (g) Stimulants. Unless specifically excepted or unless listed in another schedule, any
8.24 material compound, mixture, or preparation which contains any quantity of the following
8.25 substances, their analogs, salts, isomers, and salts of isomers whenever the existence of the
8.26 analogs, salts, isomers, and salts of isomers is possible:

- 8.27 (1) aminorex;
8.28 (2) cathinone;
8.29 (3) fenethylamine;
8.30 (4) methcathinone;
8.31 (5) methylaminorex;

- 9.1 (6) N,N-dimethylamphetamine;
- 9.2 (7) N-benzylpiperazine (BZP);
- 9.3 (8) methylmethcathinone (mephedrone);
- 9.4 (9) 3,4-methylenedioxy-N-methylcathinone (methydone);
- 9.5 (10) methoxymethcathinone (methedrone);
- 9.6 (11) methylenedioxypropylone (MDPV);
- 9.7 (12) 3-fluoro-N-methylcathinone (3-FMC);
- 9.8 (13) methylethcathinone (MEC);
- 9.9 (14) 1-benzofuran-6-ylpropan-2-amine (6-APB);
- 9.10 (15) dimethylmethcathinone (DMMC);
- 9.11 (16) fluoroamphetamine;
- 9.12 (17) fluoromethamphetamine;
- 9.13 (18) α -methylaminobutyrophenone (MABP or buphedrone);
- 9.14 (19) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one (butylone);
- 9.15 (20) 2-(methylamino)-1-(4-methylphenyl)butan-1-one (4-MEMABP or BZ-6378);
- 9.16 (21) 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl) pentan-1-one (naphthylpyrovalerone or
9.17 naphyrone);
- 9.18 (22) (alpha-pyrrolidinopentiophenone (alpha-PVP);
- 9.19 (23) (RS)-1-(4-methylphenyl)-2-(1-pyrrolidinyl)-1-hexanone (4-Me-PHP or MPHP);
- 9.20 (24) 2-(1-pyrrolidinyl)-hexanophenone (Alpha-PHP);
- 9.21 (25) 4-methyl-N-ethylcathinone (4-MEC);
- 9.22 (26) 4-methyl-alpha-pyrrolidinopropiophenone (4-MePPP);
- 9.23 (27) 2-(methylamino)-1-phenylpentan-1-one (pentedrone);
- 9.24 (28) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentydone);
- 9.25 (29) 4-fluoro-N-methylcathinone (4-FMC);
- 9.26 (30) 3,4-methylenedioxy-N-ethylcathinone (ethylone);
- 9.27 (31) alpha-pyrrolidinobutiophenone (α -PBP);

- 10.1 (32) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran (5-APDB);
- 10.2 (33) 1-phenyl-2-(1-pyrrolidiny)-1-heptanone (PV8);
- 10.3 (34) 6-(2-Aminopropyl)-2,3-dihydrobenzofuran (6-APDB);
- 10.4 (35) 4-methyl-alpha-ethylaminopentiophenone (4-MEAPP);
- 10.5 (36) 4'-chloro-alpha-pyrrolidinopropiophenone (4'-chloro-PPP);
- 10.6 (37) 1-(1,3-Benzodioxol-5-yl)-2-(dimethylamino)butan-1-one (dibutylone, bk-DMBDB);
- 10.7 ~~and~~
- 10.8 (38) 1-(3-chlorophenyl) piperazine (meta-chlorophenylpiperazine or mCPP); and
- 10.9 ~~(38)~~ (39) any other substance, except bupropion or compounds listed under a different
- 10.10 schedule, that is structurally derived from 2-aminopropan-1-one by substitution at the
- 10.11 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the
- 10.12 compound is further modified in any of the following ways:
- 10.13 (i) by substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy,
- 10.14 haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring
- 10.15 system by one or more other univalent substituents;
- 10.16 (ii) by substitution at the 3-position with an acyclic alkyl substituent;
- 10.17 (iii) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or
- 10.18 methoxybenzyl groups; or
- 10.19 (iv) by inclusion of the 2-amino nitrogen atom in a cyclic structure.
- 10.20 (h) Marijuana, tetrahydrocannabinols, and synthetic cannabinoids. Unless specifically
- 10.21 excepted or unless listed in another schedule, any natural or synthetic material, compound,
- 10.22 mixture, or preparation that contains any quantity of the following substances, their analogs,
- 10.23 isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence
- 10.24 of the isomers, esters, ethers, or salts is possible:
- 10.25 (1) marijuana;
- 10.26 (2) tetrahydrocannabinols naturally contained in a plant of the genus Cannabis, synthetic
- 10.27 equivalents of the substances contained in the cannabis plant or in the resinous extractives
- 10.28 of the plant, or synthetic substances with similar chemical structure and pharmacological
- 10.29 activity to those substances contained in the plant or resinous extract, including, but not
- 10.30 limited to, 1 cis or trans tetrahydrocannabinol, 6 cis or trans tetrahydrocannabinol, and 3,4
- 10.31 cis or trans tetrahydrocannabinol;

11.1 (3) synthetic cannabinoids, including the following substances:

11.2 (i) Naphthoylindoles, which are any compounds containing a 3-(1-naphthoyl)indole
11.3 structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,
11.4 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
11.5 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any
11.6 extent and whether or not substituted in the naphthyl ring to any extent. Examples of
11.7 naphthoylindoles include, but are not limited to:

11.8 (A) 1-Pentyl-3-(1-naphthoyl)indole (JWH-018 and AM-678);

11.9 (B) 1-Butyl-3-(1-naphthoyl)indole (JWH-073);

11.10 (C) 1-Pentyl-3-(4-methoxy-1-naphthoyl)indole (JWH-081);

11.11 (D) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);

11.12 (E) 1-Propyl-2-methyl-3-(1-naphthoyl)indole (JWH-015);

11.13 (F) 1-Hexyl-3-(1-naphthoyl)indole (JWH-019);

11.14 (G) 1-Pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);

11.15 (H) 1-Pentyl-3-(4-ethyl-1-naphthoyl)indole (JWH-210);

11.16 (I) 1-Pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398);

11.17 (J) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM-2201).

11.18 (ii) Naphthylmethylindoles, which are any compounds containing a
11.19 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the
11.20 indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
11.21 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further
11.22 substituted in the indole ring to any extent and whether or not substituted in the naphthyl
11.23 ring to any extent. Examples of naphthylmethylindoles include, but are not limited to:

11.24 (A) 1-Pentyl-1H-indol-3-yl-(1-naphthyl)methane (JWH-175);

11.25 (B) 1-Pentyl-1H-indol-3-yl-(4-methyl-1-naphthyl)methane (JWH-184).

11.26 (iii) Naphthoylpyrroles, which are any compounds containing a 3-(1-naphthoyl)pyrrole
11.27 structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl,
11.28 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
11.29 2-(4-morpholinyl)ethyl group whether or not further substituted in the pyrrole ring to any
11.30 extent, whether or not substituted in the naphthyl ring to any extent. Examples of

- 12.1 naphthoylpyrroles include, but are not limited to,
12.2 (5-(2-fluorophenyl)-1-pentylpyrrol-3-yl)-naphthalen-1-ylmethanone (JWH-307).
- 12.3 (iv) Naphthylmethylindenes, which are any compounds containing a naphthylideneindene
12.4 structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl,
12.5 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
12.6 2-(4-morpholinyl)ethyl group whether or not further substituted in the indene ring to any
12.7 extent, whether or not substituted in the naphthyl ring to any extent. Examples of
12.8 naphthylmethylindenes include, but are not limited to,
12.9 E-1-[1-(1-naphthalenylmethylene)-1H-inden-3-yl]pentane (JWH-176).
- 12.10 (v) Phenylacetylindoles, which are any compounds containing a 3-phenylacetylindole
12.11 structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,
12.12 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
12.13 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any
12.14 extent, whether or not substituted in the phenyl ring to any extent. Examples of
12.15 phenylacetylindoles include, but are not limited to:
- 12.16 (A) 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (RCS-8);
12.17 (B) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);
12.18 (C) 1-pentyl-3-(2-methylphenylacetyl)indole (JWH-251);
12.19 (D) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203).
- 12.20 (vi) Cyclohexylphenols, which are compounds containing a
12.21 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic
12.22 ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
12.23 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not substituted
12.24 in the cyclohexyl ring to any extent. Examples of cyclohexylphenols include, but are not
12.25 limited to:
- 12.26 (A) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP 47,497);
12.27 (B) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol
12.28 (Cannabicyclohexanol or CP 47,497 C8 homologue);
12.29 (C) 5-(1,1-dimethylheptyl)-2-[(1R,2R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]
12.30 -phenol (CP 55,940).
- 12.31 (vii) Benzoylindoles, which are any compounds containing a 3-(benzoyl)indole structure
12.32 with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl,

- 13.1 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
13.2 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any
13.3 extent and whether or not substituted in the phenyl ring to any extent. Examples of
13.4 benzoylindoles include, but are not limited to:
- 13.5 (A) 1-Pentyl-3-(4-methoxybenzoyl)indole (RCS-4);
- 13.6 (B) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM-694);
- 13.7 (C) (4-methoxyphenyl-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (WIN
13.8 48,098 or Pravadoline).
- 13.9 (viii) Others specifically named:
- 13.10 (A) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)
13.11 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (HU-210);
- 13.12 (B) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)
13.13 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (Dexanabinol or HU-211);
- 13.14 (C) 2,3-dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]
13.15 -1,4-benzoxazin-6-yl-1-naphthalenylmethanone (WIN 55,212-2);
- 13.16 (D) (1-pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (UR-144);
- 13.17 (E) (1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone
13.18 (XLR-11);
- 13.19 (F) 1-pentyl-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-indazole-3-carboxamide
13.20 (AKB-48(APINACA));
- 13.21 (G) N-((3s,5s,7s)-adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide
13.22 (5-Fluoro-AKB-48);
- 13.23 (H) 1-pentyl-8-quinolinyl ester-1H-indole-3-carboxylic acid (PB-22);
- 13.24 (I) 8-quinolinyl ester-1-(5-fluoropentyl)-1H-indole-3-carboxylic acid (5-Fluoro PB-22);
- 13.25 (J) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-pentyl-1H-indazole-3-carboxamide
13.26 (AB-PINACA);
- 13.27 (K) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-[(4-fluorophenyl)methyl]-
13.28 1H-indazole-3-carboxamide (AB-FUBINACA);
- 13.29 (L) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-(cyclohexylmethyl)-1H-
13.30 indazole-3-carboxamide(AB-CHMINACA);

- 14.1 (M) (S)-methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate
 14.2 (5-fluoro-AMB);
- 14.3 (N) [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl) methanone (THJ-2201);
- 14.4 (O) (1-(5-fluoropentyl)-1H-benzo[d]imidazol-2-yl)(naphthalen-1-yl)methanone
 14.5 (FUBIMINA);
- 14.6 (P) (7-methoxy-1-(2-morpholinoethyl)-N-((1S,2S,4R)-1,3,3-trimethylbicyclo
 14.7 [2.2.1]heptan-2-yl)-1H-indole-3-carboxamide (MN-25 or UR-12);
- 14.8 (Q) (S)-N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)
 14.9 -1H-indole-3-carboxamide (5-fluoro-ABICA);
- 14.10 (R) N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl)
 14.11 -1H-indole-3-carboxamide;
- 14.12 (S) N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl)
 14.13 -1H-indazole-3-carboxamide;
- 14.14 (T) methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate;
- 14.15 (U) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1
 14.16 H-indazole-3-carboxamide (MAB-CHMINACA);
- 14.17 (V) N-(1-Amino-3,3-dimethyl-1-oxo-2-butanyl)-1-pentyl-1H-indazole-3-carboxamide
 14.18 (ADB-PINACA);
- 14.19 (W) methyl (1-(4-fluorobenzyl)-1H-indazole-3-carbonyl)-L-valinate (FUB-AMB);
- 14.20 (X)
 14.21 N-[(1S)-2-amino-2-oxo-1-(phenylmethyl)ethyl]-1-(cyclohexylmethyl)-1H-Indazole-3-carboxamide.
 14.22 (APP-CHMINACA);
- 14.23 (Y) quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate (FUB-PB-22); and
- 14.24 (Z) methyl N-[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]valinate (MMB-CHMICA).
- 14.25 (i) A controlled substance analog, to the extent that it is implicitly or explicitly intended
 14.26 for human consumption.
- 14.27 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
 14.28 **committed on or after that date.**
- 14.29 Sec. 2. Minnesota Statutes 2016, section 152.02, subdivision 5, is amended to read:
- 14.30 Subd. 5. **Schedule IV.** (a) Schedule IV consists of the substances listed in this subdivision.

15.1 (b) Narcotic drugs. Unless specifically excepted or unless listed in another schedule,
15.2 any material, compound, mixture, or preparation containing any of the following narcotic
15.3 drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities
15.4 as follows:

15.5 (1) not more than one milligram of difenoxin and not less than 25 micrograms of atropine
15.6 sulfate per dosage unit;

15.7 (2) dextropropoxyphene (Darvon and Darvocet);

15.8 (3) 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and
15.9 geometric isomers, and salts of these isomers (including tramadol); ~~and~~

15.10 (4) eluxadoline;

15.11 (5) pentazocine; and

15.12 (6) butorphanol (including its optical isomers).

15.13 (c) Depressants. Unless specifically excepted or unless listed in another schedule, any
15.14 material, compound, mixture, or preparation containing any quantity of the following
15.15 substances, including its salts, isomers, and salts of isomers whenever the existence of the
15.16 salts, isomers, and salts of isomers is possible:

15.17 (1) alfaxalone (5 α -pregnan-3 α -ol-11,20-dione);

15.18 (2) alprazolam;

15.19 (3) barbital;

15.20 (4) bromazepam;

15.21 (5) camazepam;

15.22 (6) carisoprodol;

15.23 (7) chloral betaine;

15.24 (8) chloral hydrate;

15.25 (9) chlordiazepoxide;

15.26 (10) clobazam;

15.27 (11) clonazepam;

15.28 (12) clorazepate;

15.29 (13) clotiazepam;

- 16.1 (14) cloxazolam;
- 16.2 (15) delorazepam;
- 16.3 (16) diazepam;
- 16.4 (17) dichloralphenazone;
- 16.5 (18) estazolam;
- 16.6 (19) ethchlorvynol;
- 16.7 (20) ethinamate;
- 16.8 (21) ethyl loflazepate;
- 16.9 (22) fludiazepam;
- 16.10 (23) flurazepam;
- 16.11 (24) fospropofol;
- 16.12 (25) halazepam;
- 16.13 (26) haloxazolam;
- 16.14 (27) ketazolam;
- 16.15 (28) loprozolam;
- 16.16 (29) lorazepam;
- 16.17 (30) lormetazepam mebutamate;
- 16.18 (31) medazepam;
- 16.19 (32) meprobamate;
- 16.20 (33) methohexital;
- 16.21 (34) methylphenobarbital;
- 16.22 (35) midazolam;
- 16.23 (36) nimetazepam;
- 16.24 (37) nitrazepam;
- 16.25 (38) nordiazepam;
- 16.26 (39) oxazepam;
- 16.27 (40) oxazolam;

- 17.1 (41) paraldehyde;
- 17.2 (42) petrichloral;
- 17.3 (43) phenobarbital;
- 17.4 (44) pinazepam;
- 17.5 (45) prazepam;
- 17.6 (46) quazepam;
- 17.7 (47) suvorexant;
- 17.8 (48) temazepam;
- 17.9 (49) tetrazepam;
- 17.10 (50) triazolam;
- 17.11 (51) zaleplon;
- 17.12 (52) zolpidem;
- 17.13 (53) zopiclone.
- 17.14 (d) Any material, compound, mixture, or preparation which contains any quantity of the
- 17.15 following substance including its salts, isomers, and salts of such isomers, whenever the
- 17.16 existence of such salts, isomers, and salts of isomers is possible: fenfluramine.
- 17.17 (e) Stimulants. Unless specifically excepted or unless listed in another schedule, any
- 17.18 material, compound, mixture, or preparation which contains any quantity of the following
- 17.19 substances having a stimulant effect on the central nervous system, including its salts,
- 17.20 isomers, and salts of isomers:
- 17.21 (1) cathine (norpseudoephedrine);
- 17.22 (2) diethylpropion;
- 17.23 (3) fencamfamine;
- 17.24 (4) fenproporex;
- 17.25 (5) mazindol;
- 17.26 (6) mefenorex;
- 17.27 (7) modafinil;
- 17.28 (8) pemoline (including organometallic complexes and chelates thereof);

18.1 (9) phentermine;

18.2 (10) pipradol;

18.3 (11) sibutramine;

18.4 (12) SPA (1-dimethylamino-1,2-diphenylethane).

18.5 (f) lorcaserin.

18.6 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
 18.7 committed on or after that date.

18.8 Sec. 3. Minnesota Statutes 2016, section 152.027, is amended by adding a subdivision to
 18.9 read:

18.10 Subd. 7. **Sale or possession of kratom.** (a) A person who unlawfully sells any amount
 18.11 of kratom or a substance that contains mitragynine or 7-hydroxymitragynine to a person
 18.12 under the age of 18 is guilty of a gross misdemeanor.

18.13 (b) A person under the age of 18 who unlawfully possesses any amount of kratom or a
 18.14 substance that contains mitragynine or 7-hydroxymitragynine is guilty of a misdemeanor.

18.15 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
 18.16 committed on or after that date.

18.17 **ARTICLE 2**

18.18 **SUBSTANTIVE CHANGE TO DWI LAW; INTOXICATING SUBSTANCES**

18.19 Section 1. Minnesota Statutes 2016, section 169A.03, is amended by adding a subdivision
 18.20 to read:

18.21 Subd. 11a. **Intoxicating substance.** "Intoxicating substance" means a drug or chemical,
 18.22 as those terms are defined in section 151.01, that when introduced into the human body
 18.23 impairs the central nervous system or impairs the human audio, visual, or mental processes.
 18.24 The term does not include alcohol or controlled substances.

18.25 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
 18.26 committed on or after that date.

18.27 Sec. 2. Minnesota Statutes 2016, section 169A.20, subdivision 1, is amended to read:

18.28 Subdivision 1. **Driving while impaired crime; motor vehicle.** It is a crime for any
 18.29 person to drive, operate, or be in physical control of any motor vehicle, as defined in section

19.1 169A.03, subdivision 15, except for motorboats in operation and off-road recreational
19.2 vehicles, within this state or on any boundary water of this state when:

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

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

19.5 (3) the person is knowingly under the influence of a ~~hazardous~~ intoxicating substance
19.6 ~~that affects the nervous system, brain, or muscles of the person so as to substantially impair~~
19.7 ~~the person's ability to drive or operate the motor vehicle;~~

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

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

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

19.16 (7) the person's body contains any amount of a controlled substance listed in Schedule
19.17 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.

19.18 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
19.19 committed on or after that date.

19.20 Sec. 3. Minnesota Statutes 2017 Supplement, section 169A.55, subdivision 2, is amended
19.21 to read:

19.22 Subd. 2. **Reinstatement of driving privileges; notice.** Upon expiration of a period of
19.23 revocation under section 169A.52 (license revocation for test failure or refusal), 169A.54
19.24 (impaired driving convictions and adjudications; administrative penalties), or 171.177
19.25 (revocation; search warrant), the commissioner shall notify the person of the terms upon
19.26 which driving privileges can be reinstated, and new registration plates issued, which terms
19.27 are: (1) ~~successful completion of an examination and~~ proof of compliance with any terms
19.28 of alcohol treatment or counseling previously prescribed, if any; and (2) any other
19.29 requirements imposed by the commissioner and applicable to that particular case. The
19.30 commissioner shall notify the owner of a motor vehicle subject to an impoundment order
19.31 under section 169A.60 (administrative impoundment of plates) as a result of the violation
19.32 of the procedures for obtaining new registration plates, if the owner is not the violator. The

20.1 commissioner shall also notify the person that if driving is resumed without reinstatement
20.2 of driving privileges or without valid registration plates and registration certificate, the
20.3 person will be subject to criminal penalties.

20.4 Sec. 4. Minnesota Statutes 2016, section 169A.63, is amended by adding a subdivision to
20.5 read:

20.6 Subd. 13. **Exception.** (a) This section does not apply if the driver who committed the
20.7 designated offense or whose conduct resulted in the designated license revocation becomes
20.8 a program participant in the ignition interlock program under section 171.306 within 60
20.9 days following service of the Notice of Seizure and Intent to Forfeit under this section.

20.10 (b) Notwithstanding paragraph (a), if the program participant described in paragraph (a)
20.11 subsequently operates the motor vehicle to commit a designated offense or in a manner that
20.12 results in a designated license revocation, the vehicle must be seized and summarily forfeited.

20.13 (c) Paragraph (b) applies only if the described subsequent vehicle operation occurs before
20.14 the participant has been restored to full driving privileges or within three years of the original
20.15 designated offense or designated license revocation, whichever occurs latest.

20.16 (d) The driver who becomes a participant in the ignition interlock device program may
20.17 only utilize the process in this subdivision if the device is installed at the site of storage of
20.18 the vehicle or another site approved by the appropriate agency. The appropriate agency or
20.19 other party controlling access to the storage location of a motor vehicle subject to forfeiture
20.20 under this section shall allow an ignition interlock provider access to the vehicle to install
20.21 an ignition interlock device upon satisfactory evidence that the driver seeks return of the
20.22 vehicle under the provisions of this subdivision and section 171.306, and agrees to comply
20.23 with these provisions. The provider must certify to the appropriate agency that the device
20.24 has been successfully installed.

20.25 (e) Nothing in this subdivision precludes the appropriate agency or an impound lot from
20.26 requiring the person seeking release of a motor vehicle under this subdivision to pay the
20.27 costs of the vehicle's seizure, tow, and storage costs before release.

20.28 **EFFECTIVE DATE.** This section is effective August 1, 2018.

20.29 Sec. 5. Minnesota Statutes 2017 Supplement, section 171.29, subdivision 1, is amended
20.30 to read:

20.31 Subdivision 1. **Examination required.** (a) No person whose driver's license has been
20.32 revoked by reason of conviction, plea of guilty, or forfeiture of bail not vacated, under

21.1 section 169.791, 169.797, 171.17, or 171.172, or revoked under section 169.792, ~~169A.52,~~
 21.2 or 171.177 shall be issued another license unless and until that person shall have successfully
 21.3 passed an examination as required by the commissioner of public safety. This subdivision
 21.4 does not apply to an applicant for early reinstatement under section 169.792, subdivision
 21.5 7a.

21.6 (b) The requirement to successfully pass the examination described in paragraph (a)
 21.7 does not apply to a person whose driver's license has been revoked because of an impaired
 21.8 driving offense.

21.9 Sec. 6. **REPEALER.**

21.10 Minnesota Statutes 2016, section 169A.03, subdivision 9, is repealed.

21.11 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
 21.12 committed on or after that date.

21.13 ARTICLE 3

21.14 CONFORMING CHANGES TO DWI-RELATED LAWS

21.15 Section 1. Minnesota Statutes 2016, section 97B.065, subdivision 1, is amended to read:

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

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

21.19 (2) when the person is under the influence of a controlled substance, as defined in section
 21.20 152.01, subdivision 4;

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

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

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

21.26 (6) when the person is knowingly under the influence of ~~any chemical compound or~~
 21.27 ~~combination of chemical compounds that is listed as a hazardous~~ an intoxicating substance
 21.28 ~~in rules adopted under section 182.655 and that affects the nervous system, brain, or muscles~~
 21.29 ~~of the person so as to substantially impair the person's ability to operate a firearm or bow~~
 21.30 ~~and arrow~~ as defined in section 169A.03, subdivision 11a.

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

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

22.7 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
 22.8 committed on or after that date.

22.9 Sec. 2. Minnesota Statutes 2016, section 169A.20, subdivision 1a, is amended to read:

22.10 Subd. 1a. **Driving while impaired crime; motorboat in operation.** It is a crime for
 22.11 any person to operate or be in physical control of a motorboat in operation on any waters
 22.12 or boundary water of this state when:

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

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

22.15 (3) the person is knowingly under the influence of ~~a hazardous~~ an intoxicating substance
 22.16 ~~that affects the nervous system, brain, or muscles of the person so as to substantially impair~~
 22.17 ~~the person's ability to drive or operate the motorboat;~~

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

22.20 (5) the person's alcohol concentration at the time, or as measured within two hours of
 22.21 the time, of driving, operating, or being in physical control of the motorboat is 0.08 or more;
 22.22 or

22.23 (6) the person's body contains any amount of a controlled substance listed in Schedule
 22.24 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.

22.25 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
 22.26 committed on or after that date.

22.27 Sec. 3. Minnesota Statutes 2016, section 169A.20, subdivision 1b, is amended to read:

22.28 Subd. 1b. **Driving while impaired crime; snowmobile and all-terrain vehicle.** It is a
 22.29 crime for any person to operate or be in physical control of a snowmobile as defined in
 22.30 section 84.81, subdivision 3, or all-terrain vehicle as defined in section 84.92, subdivision
 22.31 8, anywhere in this state or on the ice of any boundary water of this state when:

- 23.1 (1) the person is under the influence of alcohol;
- 23.2 (2) the person is under the influence of a controlled substance;
- 23.3 (3) the person is knowingly under the influence of a ~~hazardous~~ an intoxicating substance
- 23.4 ~~that affects the nervous system, brain, or muscles of the person so as to substantially impair~~
- 23.5 ~~the person's ability to drive or operate the snowmobile or all-terrain vehicle;~~
- 23.6 (4) the person is under the influence of a combination of any two or more of the elements
- 23.7 named in clauses (1) to (3);
- 23.8 (5) the person's alcohol concentration at the time, or as measured within two hours of
- 23.9 the time, of driving, operating, or being in physical control of the snowmobile or all-terrain
- 23.10 vehicle is 0.08 or more; or
- 23.11 (6) the person's body contains any amount of a controlled substance listed in Schedule
- 23.12 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.

23.13 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes

23.14 committed on or after that date.

23.15 Sec. 4. Minnesota Statutes 2016, section 169A.20, subdivision 1c, is amended to read:

23.16 Subd. 1c. **Driving while impaired crime; off-highway motorcycle and off-road**

23.17 **vehicle.** It is a crime for any person to operate or be in physical control of any off-highway

23.18 motorcycle as defined in section 84.787, subdivision 7, or any off-road vehicle as defined

23.19 in section 84.797, subdivision 7, anywhere in this state or on the ice of any boundary water

23.20 of this state when:

- 23.21 (1) the person is under the influence of alcohol;
- 23.22 (2) the person is under the influence of a controlled substance;
- 23.23 (3) the person is knowingly under the influence of a ~~hazardous~~ an intoxicating substance
- 23.24 ~~that affects the nervous system, brain, or muscles of the person so as to substantially impair~~
- 23.25 ~~the person's ability to drive or operate the off-highway motorcycle or off-road vehicle;~~
- 23.26 (4) the person is under the influence of a combination of any two or more of the elements
- 23.27 named in clauses (1) to (3);
- 23.28 (5) the person's alcohol concentration at the time, or as measured within two hours of
- 23.29 the time, of driving, operating, or being in physical control of the off-highway motorcycle
- 23.30 or off-road vehicle is 0.08 or more; or

24.1 (6) the person's body contains any amount of a controlled substance listed in Schedule
24.2 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.

24.3 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
24.4 committed on or after that date.

24.5 Sec. 5. Minnesota Statutes 2016, section 169A.45, subdivision 1, is amended to read:

24.6 Subdivision 1. **Alcohol concentration evidence.** Upon the trial of any prosecution
24.7 arising out of acts alleged to have been committed by any person arrested for violating
24.8 section 169A.20 (driving while impaired) or 169A.31 (alcohol-related school bus or Head
24.9 Start bus driving), the court may admit evidence of the presence or amount of alcohol in
24.10 the person's blood, breath, or urine as shown by an analysis of those items. In addition, in
24.11 a prosecution for a violation of section 169A.20, the court may admit evidence of the
24.12 presence or amount in the person's blood, breath, or urine, as shown by an analysis of those
24.13 items, of:

24.14 (1) a controlled substance or its metabolite; or

24.15 (2) ~~a hazardous~~ an intoxicating substance.

24.16 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
24.17 committed on or after that date.

24.18 Sec. 6. Minnesota Statutes 2016, section 169A.51, subdivision 1, is amended to read:

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

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

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

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

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

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

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

25.10 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
 25.11 committed on or after that date.

25.12 Sec. 7. Minnesota Statutes 2017 Supplement, section 169A.51, subdivision 4, is amended
 25.13 to read:

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

25.17 (1) there is impairment by a controlled substance or a ~~hazardous~~ an intoxicating substance
 25.18 that is not subject to testing by a breath test;

25.19 (2) a controlled substance listed in Schedule I or II or its metabolite, other than marijuana
 25.20 or tetrahydrocannabinols, is present in the person's body; or

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

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

25.29 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
 25.30 committed on or after that date.

26.1 Sec. 8. Minnesota Statutes 2016, section 169A.51, subdivision 7, is amended to read:

26.2 Subd. 7. **Requirements for conducting tests; liability.** (a) Only a physician, medical
26.3 technician, emergency medical technician-paramedic, registered nurse, medical technologist,
26.4 medical laboratory technician, phlebotomist, laboratory assistant, or other qualified person
26.5 acting at the request of a peace officer may withdraw blood for the purpose of determining
26.6 the presence of alcohol, a controlled substance or its metabolite, or ~~a hazardous~~ an
26.7 intoxicating substance. This limitation does not apply to the taking of a breath or urine
26.8 sample.

26.9 (b) The person tested has the right to have someone of the person's own choosing
26.10 administer a chemical test or tests in addition to any administered at the direction of a peace
26.11 officer; provided, that the additional test sample on behalf of the person is obtained at the
26.12 place where the person is in custody, after the test administered at the direction of a peace
26.13 officer, and at no expense to the state. The failure or inability to obtain an additional test or
26.14 tests by a person does not preclude the admission in evidence of the test taken at the direction
26.15 of a peace officer unless the additional test was prevented or denied by the peace officer.

26.16 (c) The physician, medical technician, emergency medical technician-paramedic, medical
26.17 technologist, medical laboratory technician, laboratory assistant, phlebotomist, registered
26.18 nurse, or other qualified person drawing blood at the request of a peace officer for the
26.19 purpose of determining the concentration of alcohol, a controlled substance or its metabolite,
26.20 or ~~a hazardous~~ an intoxicating substance is in no manner liable in any civil or criminal action
26.21 except for negligence in drawing the blood. The person administering a breath test must be
26.22 fully trained in the administration of breath tests pursuant to training given by the
26.23 commissioner of public safety.

26.24 (d) For purposes of this subdivision, "qualified person" means medical personnel trained
26.25 in a licensed hospital or educational institution to withdraw blood.

26.26 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
26.27 committed on or after that date.

26.28 Sec. 9. Minnesota Statutes 2016, section 169A.52, subdivision 2, is amended to read:

26.29 Subd. 2. **Reporting test failure.** (a) If a person submits to a test, the results of that test
26.30 must be reported to the commissioner and to the authority having responsibility for
26.31 prosecution of impaired driving offenses for the jurisdiction in which the acts occurred, if
26.32 the test results indicate:

26.33 (1) an alcohol concentration of 0.08 or more;

27.1 (2) an alcohol concentration of 0.04 or more, if the person was driving, operating, or in
27.2 physical control of a commercial motor vehicle at the time of the violation; or

27.3 (3) the presence of a controlled substance listed in Schedule I or II or its metabolite,
27.4 other than marijuana or tetrahydrocannabinols.

27.5 (b) If a person submits to a test and the test results indicate the presence of ~~a hazardous~~
27.6 an intoxicating substance, the results of that test must be reported to the authority having
27.7 responsibility for prosecution of impaired driving offenses for the jurisdiction in which the
27.8 acts occurred.

27.9 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
27.10 committed on or after that date.

27.11 Sec. 10. Minnesota Statutes 2016, section 169A.76, is amended to read:

27.12 **169A.76 CIVIL ACTION; PUNITIVE DAMAGES.**

27.13 (a) In a civil action involving a motor vehicle accident, it is sufficient for the trier of fact
27.14 to consider an award of punitive damages if there is evidence that the accident was caused
27.15 by a driver:

27.16 (1) with an alcohol concentration of 0.08 or more;

27.17 (2) who was under the influence of a controlled substance;

27.18 (3) who was under the influence of alcohol and refused to take a test required under
27.19 section 169A.51 (chemical tests for intoxication); or

27.20 (4) who was knowingly under the influence of ~~a hazardous~~ an intoxicating substance
27.21 ~~that substantially affects the person's nervous system, brain, or muscles so as to impair the~~
27.22 ~~person's ability to drive or operate a motor vehicle.~~

27.23 (b) A criminal charge or conviction is not a prerequisite to consideration of punitive
27.24 damages under this section. At the trial in an action where the trier of fact will consider an
27.25 award of punitive damages, evidence that the driver has been convicted of violating section
27.26 169A.20 (driving while impaired), 609.2112, 609.2113, or 609.2114 (criminal vehicular
27.27 homicide or injury) is admissible into evidence.

27.28 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to acts
27.29 committed on or after that date.

28.1 Sec. 11. Minnesota Statutes 2016, section 360.0752, subdivision 1, is amended to read:

28.2 Subdivision 1. **Definitions.** As used in this section and section 360.0753:

28.3 (1) "operate" includes the acts of all crew members with responsibility to operate the
28.4 aircraft;

28.5 (2) "controlled substance" has the meaning given in section 152.01, subdivision 4; and

28.6 (3) ~~"hazardous substance" means any chemical or chemical compound that is listed as~~
28.7 ~~a hazardous substance in rules adopted under chapter 182~~ "intoxicating substance" has the
28.8 meaning given in section 169A.03, subdivision 11a.

28.9 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
28.10 committed on or after that date.

28.11 Sec. 12. Minnesota Statutes 2016, section 360.0752, subdivision 2, is amended to read:

28.12 Subd. 2. **Crime; acts prohibited.** (a) It is a crime for any person to operate or attempt
28.13 to operate an aircraft on or over land or water within this state or over any boundary water
28.14 of this state under any of the following conditions:

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

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

28.17 (3) when the person is under the influence of a combination of any two or more of the
28.18 elements named in clauses (1), (2), and (6);

28.19 (4) when the person's alcohol concentration is 0.04 or more;

28.20 (5) when the person's alcohol concentration as measured within two hours of the time
28.21 of operation or attempted operation is 0.04 or more;

28.22 (6) when the person is knowingly under the influence of ~~a hazardous~~ an intoxicating
28.23 ~~substance that affects the nervous system, brain, or muscles of the person so as to~~
28.24 ~~substantially impair the person's ability to operate the aircraft;~~

28.25 (7) when the person's body contains any amount of a controlled substance listed in
28.26 Schedule I or II, other than marijuana or tetrahydrocannabinols; or

28.27 (8) within eight hours of having consumed any alcoholic beverage or used any controlled
28.28 substance.

28.29 (b) If proven by a preponderance of the evidence, it shall be an affirmative defense to a
28.30 violation of paragraph (a), clause (7), that the defendant used the controlled substance

29.1 according to the terms of a prescription issued for the defendant in accordance with sections
29.2 152.11 and 152.12.

29.3 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
29.4 committed on or after that date.

29.5 Sec. 13. Minnesota Statutes 2016, section 360.0752, subdivision 5, is amended to read:

29.6 Subd. 5. **Evidence.** Upon the trial of any prosecution arising out of acts alleged to have
29.7 been committed by any person arrested for operating or attempting to operate an aircraft in
29.8 violation of subdivision 2, the court may admit evidence of the presence or amount of
29.9 alcohol, controlled substances, or ~~hazardous~~ intoxicating substances in the person's blood,
29.10 breath, or urine as shown by an analysis of those items.

29.11 Evidence of the refusal to take a test is admissible into evidence in a prosecution under
29.12 this section.

29.13 If proven by a preponderance of the evidence, it shall be an affirmative defense to a
29.14 violation of subdivision 2, clause (5), that the defendant consumed a sufficient quantity of
29.15 alcohol after the time of the violation and before the administration of the evidentiary test
29.16 to cause the defendant's alcohol concentration to exceed 0.04; provided, that this evidence
29.17 may not be admitted unless notice is given to the prosecution prior to the omnibus or pretrial
29.18 hearing in the matter.

29.19 The foregoing provisions do not limit the introduction of any other competent evidence
29.20 bearing upon the question whether or not the person violated this section, including tests
29.21 obtained more than two hours after the alleged violation and results obtained from partial
29.22 tests on an infrared breath-testing instrument. A result from a partial test is the measurement
29.23 obtained by analyzing one adequate breath sample, as defined in section 360.0753,
29.24 subdivision 4, paragraph (b).

29.25 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
29.26 committed on or after that date.

29.27 Sec. 14. Minnesota Statutes 2016, section 360.0752, subdivision 7, is amended to read:

29.28 Subd. 7. **Preliminary screening test.** When a peace officer has reason to believe that a
29.29 person may be violating or has violated subdivision 2, the officer may require the person
29.30 to provide a sample of the person's breath for a preliminary screening test using a device
29.31 approved by the commissioner of public safety or the commissioner of transportation for
29.32 this purpose. The results of this preliminary screening test shall be used for the purpose of

30.1 deciding whether to require the tests authorized in section 360.0753, but shall not be used
30.2 in any court action except to prove that a test was properly required of a person pursuant to
30.3 section 360.0753. Following the screening test, additional tests may be required of the
30.4 person pursuant to the provisions of section 360.0753.

30.5 A person who refuses to furnish a sample of the person's breath is subject to the provisions
30.6 of section 360.0753 unless, in compliance with section 360.0753, the person submits to a
30.7 blood, breath, or urine test to determine the presence or amount of alcohol, controlled
30.8 substances, or ~~hazardous~~ intoxicating substances.

30.9 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
30.10 committed on or after that date.

30.11 Sec. 15. Minnesota Statutes 2017 Supplement, section 360.0753, subdivision 2, is amended
30.12 to read:

30.13 Subd. 2. **Implied consent; conditions; election of test.** (a) Any person who operates
30.14 or attempts to operate an aircraft in or over this state or over any boundary water of this
30.15 state consents, subject to the provisions of this section and section 360.0752, to a chemical
30.16 test of that person's blood, breath, or urine for the purpose of determining the presence or
30.17 amount of alcohol, controlled substances, or ~~hazardous~~ intoxicating substances. The test
30.18 shall be administered at the direction of a peace officer.

30.19 (b) A test of the person's breath may be required when an officer has probable cause to
30.20 believe the person was operating or attempting to operate an aircraft in violation of section
30.21 360.0752 and one of the following conditions exists:

30.22 (1) the person has been lawfully placed under arrest for violation of section 360.0752;

30.23 (2) the person has been involved in an aircraft accident or collision resulting in property
30.24 damage, personal injury, or death;

30.25 (3) the person has refused to take the screening test provided for by section 360.0752;

30.26 (4) the screening test was administered and recorded an alcohol concentration of 0.04
30.27 or more or the presence of a controlled substance listed in Schedule I or II other than
30.28 marijuana or tetrahydrocannabinols; or

30.29 (5) the officer had probable cause to believe that the person was operating or attempting
30.30 to operate an aircraft with any amount of alcohol present in the person's body.

31.1 (c) A test of the person's blood or urine may be required by an officer under the conditions
31.2 described in paragraph (b) if the officer is acting pursuant to a search warrant under sections
31.3 626.04 to 626.18.

31.4 (d) At the time a test is requested, the person shall be informed:

31.5 (1) that Minnesota law requires the person to take a test to determine the presence or
31.6 amount of alcohol or a controlled substance listed in Schedule I or II other than marijuana
31.7 or tetrahydrocannabinols, or to determine if the person is under the influence of alcohol,
31.8 controlled substances, or ~~hazardous~~ intoxicating substances;

31.9 (2) that whether a test is taken or refused, the person may be subject to criminal
31.10 prosecution for an alcohol, controlled substance, or ~~hazardous~~ intoxicating substance-related
31.11 offense relating to the operation of an aircraft;

31.12 (3) that if testing is refused, the person may be subject to criminal prosecution because
31.13 the person refused testing and the person will be disqualified from operating an aircraft for
31.14 a minimum period of one year;

31.15 (4) if the peace officer has probable cause to believe the person has violated the criminal
31.16 vehicular homicide and injury laws, that pursuant to a search warrant a test will be taken
31.17 with or without the person's consent; and

31.18 (5) that, in the case of a breath test, the person has the right to consult with an attorney,
31.19 but that this right is limited to the extent that it cannot unreasonably delay administration
31.20 of the test.

31.21 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
31.22 committed on or after that date.

31.23 Sec. 16. Minnesota Statutes 2017 Supplement, section 360.0753, subdivision 3, is amended
31.24 to read:

31.25 Subd. 3. **Type of test.** (a) A peace officer who directs a test pursuant to this section may
31.26 direct a breath test.

31.27 (b) A peace officer, acting pursuant to a search warrant, may direct a blood or urine test
31.28 as provided in the warrant. If the warrant authorizes either a blood or urine test, the officer
31.29 may direct whether the test is of blood or urine. If the person to whom the test is directed
31.30 objects to the test, the officer shall offer the person an alternative test of either blood or
31.31 urine.

32.1 (c) A blood or urine test may be required pursuant to a search warrant even after a breath
 32.2 test has been administered if there is probable cause to believe that: (1) there is impairment
 32.3 by a controlled substance or ~~hazardous~~ an intoxicating substance that is not subject to testing
 32.4 by a breath test; or (2) a controlled substance listed in Schedule I or II, other than marijuana
 32.5 or tetrahydrocannabinols, is present in the person's body.

32.6 (d) Action under this section may be taken against a person who refuses to take a blood
 32.7 test only if an alternative test was offered and action may be taken against a person who
 32.8 refuses to take a urine test only if an alternative test was offered.

32.9 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
 32.10 committed on or after that date.

32.11 Sec. 17. Minnesota Statutes 2016, section 360.0753, subdivision 6, is amended to read:

32.12 Subd. 6. **Manner of making test; additional test.** (a) Only a physician, medical
 32.13 technician, physician's trained mobile intensive care paramedic, registered nurse, medical
 32.14 technologist, or laboratory assistant acting at the request of a peace officer may withdraw
 32.15 blood for the purpose of determining the presence or amount of alcohol, controlled
 32.16 substances, or ~~hazardous~~ intoxicating substances. This limitation does not apply to the taking
 32.17 of a breath or urine sample. The person tested has the right to have someone of the person's
 32.18 own choosing administer a chemical test or tests in addition to any administered at the
 32.19 direction of a peace officer; provided, that the additional test sample on behalf of the person
 32.20 is obtained at the place where the person is in custody, after the test administered at the
 32.21 direction of a peace officer, and at no expense to the state.

32.22 (b) The failure or inability to obtain an additional test or tests by a person shall not
 32.23 preclude the admission in evidence of the test taken at the direction of a peace officer unless
 32.24 the additional test was prevented or denied by the peace officer.

32.25 (c) The physician, medical technician, physician's trained mobile intensive care
 32.26 paramedic, medical technologist, laboratory assistant, or registered nurse drawing blood at
 32.27 the request of a peace officer for the purpose of determining the presence or concentration
 32.28 of alcohol, controlled substances, or ~~hazardous~~ intoxicating substances shall in no manner
 32.29 be liable in any civil or criminal action except for negligence in drawing the blood. The
 32.30 person administering a breath test shall be fully trained in the administration of breath tests
 32.31 pursuant to training given by the commissioner of public safety or the commissioner of
 32.32 transportation.

33.1 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to acts
 33.2 committed on or after that date.

33.3 Sec. 18. Minnesota Statutes 2016, section 609.2111, is amended to read:

33.4 **609.2111 DEFINITIONS.**

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

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

33.9 (c) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

33.10 (d) ~~"Hazardous substance" means any chemical or chemical compound that is listed as~~
 33.11 ~~a hazardous substance in rules adopted under chapter 182~~ "Intoxicating substance" has the
 33.12 meaning given in section 169A.03, subdivision 11a.

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

33.14 (1) for a violation of section 169A.20 under the circumstances described in section
 33.15 169A.24 or 169A.25;

33.16 (2) under section 609.2112, subdivision 1, clauses (2) to (6); 609.2113, subdivision 1,
 33.17 clauses (2) to (6); 2, clauses (2) to (6); or 3, clauses (2) to (6); or 609.2114, subdivision 1,
 33.18 clauses (2) to (6); or 2, clauses (2) to (6);

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

33.20 (4) under Minnesota Statutes 2006, section 609.21, subdivision 1, clauses (2) to (6); 2,
 33.21 clauses (2) to (6); 2a, clauses (2) to (6); 2b, clauses (2) to (6); 3, clauses (2) to (6); or 4,
 33.22 clauses (2) to (6).

33.23 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
 33.24 committed on or after that date.

33.25 Sec. 19. Minnesota Statutes 2016, section 609.2112, subdivision 1, is amended to read:

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

- 34.1 (1) in a grossly negligent manner;
- 34.2 (2) in a negligent manner while under the influence of:
- 34.3 (i) alcohol;
- 34.4 (ii) a controlled substance; or
- 34.5 (iii) any combination of those elements;
- 34.6 (3) while having an alcohol concentration of 0.08 or more;
- 34.7 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
- 34.8 of the time of driving;
- 34.9 (5) in a negligent manner while knowingly under the influence of a ~~hazardous~~ an
- 34.10 intoxicating substance;
- 34.11 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
- 34.12 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the
- 34.13 person's body;
- 34.14 (7) where the driver who causes the collision leaves the scene of the collision in violation
- 34.15 of section 169.09, subdivision 1 or 6; or
- 34.16 (8) where the driver had actual knowledge that a peace officer had previously issued a
- 34.17 citation or warning that the motor vehicle was defectively maintained, the driver had actual
- 34.18 knowledge that remedial action was not taken, the driver had reason to know that the defect
- 34.19 created a present danger to others, and the death was caused by the defective maintenance.
- 34.20 (b) If a person is sentenced under paragraph (a) for a violation under paragraph (a),
- 34.21 clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory
- 34.22 maximum sentence of imprisonment is 15 years.

34.23 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes

34.24 committed on or after that date.

34.25 Sec. 20. Minnesota Statutes 2016, section 609.2113, subdivision 1, is amended to read:

34.26 Subdivision 1. **Great bodily harm.** A person is guilty of criminal vehicular operation

34.27 resulting in great bodily harm and may be sentenced to imprisonment for not more than five

34.28 years or to payment of a fine of not more than \$10,000, or both, if the person causes great

34.29 bodily harm to another not constituting attempted murder or assault as a result of operating

34.30 a motor vehicle:

- 34.31 (1) in a grossly negligent manner;

- 35.1 (2) in a negligent manner while under the influence of:
- 35.2 (i) alcohol;
- 35.3 (ii) a controlled substance; or
- 35.4 (iii) any combination of those elements;
- 35.5 (3) while having an alcohol concentration of 0.08 or more;
- 35.6 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
- 35.7 of the time of driving;
- 35.8 (5) in a negligent manner while knowingly under the influence of a ~~hazardous~~ an
- 35.9 intoxicating substance;
- 35.10 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
- 35.11 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the
- 35.12 person's body;
- 35.13 (7) where the driver who causes the accident leaves the scene of the accident in violation
- 35.14 of section 169.09, subdivision 1 or 6; or
- 35.15 (8) where the driver had actual knowledge that a peace officer had previously issued a
- 35.16 citation or warning that the motor vehicle was defectively maintained, the driver had actual
- 35.17 knowledge that remedial action was not taken, the driver had reason to know that the defect
- 35.18 created a present danger to others, and the injury was caused by the defective maintenance.
- 35.19 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
- 35.20 committed on or after that date.

35.21 Sec. 21. Minnesota Statutes 2016, section 609.2113, subdivision 2, is amended to read:

35.22 Subd. 2. **Substantial bodily harm.** A person is guilty of criminal vehicular operation

35.23 resulting in substantial bodily harm and may be sentenced to imprisonment for not more

35.24 than three years or to payment of a fine of not more than \$10,000, or both, if the person

35.25 causes substantial bodily harm to another as a result of operating a motor vehicle:

- 35.26 (1) in a grossly negligent manner;
- 35.27 (2) in a negligent manner while under the influence of:
- 35.28 (i) alcohol;
- 35.29 (ii) a controlled substance; or
- 35.30 (iii) any combination of those elements;

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

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

36.4 (5) in a negligent manner while knowingly under the influence of a ~~hazardous~~ an
36.5 intoxicating substance;

36.6 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
36.7 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the
36.8 person's body;

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

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

36.15 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
36.16 committed on or after that date.

36.17 Sec. 22. Minnesota Statutes 2016, section 609.2113, subdivision 3, is amended to read:

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

36.22 (1) in a grossly negligent manner;

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

36.24 (i) alcohol;

36.25 (ii) a controlled substance; or

36.26 (iii) any combination of those elements;

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

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

37.1 (5) in a negligent manner while knowingly under the influence of a ~~hazardous~~ an
 37.2 intoxicating substance;

37.3 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
 37.4 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the
 37.5 person's body;

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

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

37.12 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
 37.13 committed on or after that date.

37.14 Sec. 23. Minnesota Statutes 2016, section 609.2114, subdivision 1, is amended to read:

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

37.20 (1) in a grossly negligent manner;

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

37.22 (i) alcohol;

37.23 (ii) a controlled substance; or

37.24 (iii) any combination of those elements;

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

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

37.28 (5) in a negligent manner while knowingly under the influence of a ~~hazardous~~ an
 37.29 intoxicating substance;

38.1 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
 38.2 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the
 38.3 person's body;

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

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

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

38.13 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
 38.14 committed on or after that date.

38.15 Sec. 24. Minnesota Statutes 2016, section 609.2114, subdivision 2, is amended to read:

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

38.21 (1) in a grossly negligent manner;

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

38.23 (i) alcohol;

38.24 (ii) a controlled substance; or

38.25 (iii) any combination of those elements;

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

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

38.29 (5) in a negligent manner while knowingly under the influence of a ~~hazardous~~ an
 38.30 intoxicating substance;

39.1 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
39.2 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the
39.3 person's body;

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

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

39.10 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
39.11 committed on or after that date.

39.12 Sec. 25. Minnesota Statutes 2016, section 624.7142, subdivision 1, is amended to read:

39.13 Subdivision 1. **Acts prohibited.** A person may not carry a pistol on or about the person's
39.14 clothes or person in a public place:

39.15 (1) when the person is under the influence of a controlled substance, as defined in section
39.16 152.01, subdivision 4;

39.17 (2) when the person is under the influence of a combination of any two or more of the
39.18 elements named in clauses (1) and (4);

39.19 (3) when the person is knowingly under the influence of ~~any chemical compound or~~
39.20 ~~combination of chemical compounds that is listed as a hazardous substance in rules adopted~~
39.21 ~~under section 182.655 and that affects the nervous system, brain, or muscles of the person~~
39.22 ~~so as to impair the person's clearness of intellect or physical control~~ an intoxicating substance
39.23 as defined in section 169A.03, subdivision 11a;

39.24 (4) when the person is under the influence of alcohol;

39.25 (5) when the person's alcohol concentration is 0.10 or more; or

39.26 (6) when the person's alcohol concentration is less than 0.10, but more than 0.04.

39.27 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
39.28 committed on or after that date.

APPENDIX
Article locations in SF2578-2

ARTICLE 1	CONTROLLED SUBSTANCE-RELATED CHANGES.....	Page.Ln 1.16
ARTICLE 2	SUBSTANTIVE CHANGE TO DWI LAW; INTOXICATING SUBSTANCES.....	Page.Ln 18.17
ARTICLE 3	CONFORMING CHANGES TO DWI-RELATED LAWS.....	Page.Ln 21.13

169A.03 DEFINITIONS.

Subd. 9. **Hazardous substance.** "Hazardous substance" means any chemical or chemical compound that is listed as a hazardous substance in rules adopted under chapter 182 (occupational safety and health).