

S.F. No. 2578 and H.F. No. 3479, which had been referred to the Chief Clerk for comparison, were examined and found to be not identical.

The following document shows the differences between S.F. No. 2578, the second engrossment, and H.F. No. 3479, the first engrossment.

May 3, 2018

Patrick D. Murphy
Chief Clerk, House of Representatives

Explanation of Comparison Reports

When a Senate File is received from the Senate, it is given its first reading and must be referred to the appropriate standing committee or division under Rule 1.11.

But if the House File companion of that Senate File has already been reported out of Committee and given its second reading and is on the General Register, the Senate File must be referred to the Chief Clerk for comparison pursuant to Rule 1.15.

The Chief Clerk reports whether the bills were found to be identical or not identical. Once the bills have been compared and the differences have been reported, the Senate File is given its second reading and is substituted for the House File. The House File is then considered withdrawn.

Pursuant to rule 3.33, if the bills are not identical and the chief author of the bill wishes to use the House language, the chief author must give notice of their intent to substitute the House language when the bill is placed on the Calendar for the Day or the Fiscal Calendar. If the chief author of the bill wishes to keep the Senate language, no action is required.

1.1 A bill for an act
 1.2 relating to public safety; modifying the schedules of controlled substances;
 1.3 providing penalties for sale or possession of kratom; modifying DWI law by
 1.4 including 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.76; 360.0752, subdivisions 1, 2,
 1.9 5, 7; 360.0753, subdivision 6; 609.2111; 609.2112, subdivision 1; 609.2113,
 1.10 subdivisions 1, 2, 3; 609.2114, subdivisions 1, 2; 624.7142, subdivision 1;
 1.11 Minnesota Statutes 2017 Supplement, sections 152.02, subdivision 2; 169A.51,
 1.12 subdivision 4; 360.0753, subdivisions 2, 3; repealing Minnesota Statutes 2016,
 1.13 section 169A.03, subdivision 9.

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

1.15 **ARTICLE 1**

1.16 **CONTROLLED-SUBSTANCE RELATED CHANGES**

1.17 Section 1. Minnesota Statutes 2017 Supplement, section 152.02, subdivision 2, is amended
 1.18 to read:

- 1.19 Subd. 2. **Schedule I.** (a) Schedule I consists of the substances listed in this subdivision.
- 1.20 (b) Opiates. Unless specifically excepted or unless listed in another schedule, any of the
- 1.21 following substances, including their analogs, isomers, esters, ethers, salts, and salts of
- 1.22 isomers, esters, and ethers, whenever the existence of the analogs, isomers, esters, ethers,
- 1.23 and salts is possible:
- 1.24 (1) acetylmethadol;
- 1.25 (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;

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) levophenacylmorphan;
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;

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) levophenacylmorphan;
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);
- 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;

- 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);
- 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) hydromorphinol;
- 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;

- 4.18 (8) dihydromorphine;
- 4.19 (9) drotebanol;
- 4.20 (10) etorphine;
- 4.21 (11) heroin;
- 4.22 (12) hydromorphinol;
- 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);

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,

- 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 (methylone);
- 9.5 (10) methoxymethcathinone (methedrone);
- 9.6 (11) methylenedioxypropylamphetamine (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);

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 (methylone);
- 9.5 (10) methoxymethcathinone (methedrone);
- 9.6 (11) methylenedioxypropylamphetamine (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 (pentylone);
- 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-pyrrolidinyl)-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, alkylenedioxy, 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;

- 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 (pentylone);
- 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-pyrrolidinyl)-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, alkylenedioxy, 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

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).

- 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);

- 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 Sec. 2. Minnesota Statutes 2016, section 152.02, subdivision 5, is amended to read:
- 14.28 Subd. 5. **Schedule IV.** (a) Schedule IV consists of the substances listed in this subdivision.
- 14.29 (b) Narcotic drugs. Unless specifically excepted or unless listed in another schedule,
- 14.30 any material, compound, mixture, or preparation containing any of the following narcotic
- 15.1 drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities
- 15.2 as follows:
- 15.3 (1) not more than one milligram of difenoxin and not less than 25 micrograms of atropine
- 15.4 sulfate per dosage unit;
- 15.5 (2) dextropropoxyphene (Darvon and Darvocet);
- 15.6 (3) 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and
- 15.7 geometric isomers, and salts of these isomers (including tramadol); ~~and~~

- 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;

15.8 (4) eluxadoline;

15.9 (5) pentazocine; and

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

15.11 (c) Depressants. Unless specifically excepted or unless listed in another schedule, any

15.12 material, compound, mixture, or preparation containing any quantity of the following

15.13 substances, including its salts, isomers, and salts of isomers whenever the existence of the

15.14 salts, isomers, and salts of isomers is possible:

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

15.16 (2) alprazolam;

15.17 (3) barbital;

15.18 (4) bromazepam;

15.19 (5) camazepam;

15.20 (6) carisoprodol;

15.21 (7) chloral betaine;

15.22 (8) chloral hydrate;

15.23 (9) chlordiazepoxide;

15.24 (10) clobazam;

15.25 (11) clonazepam;

15.26 (12) clorazepate;

15.27 (13) clotiazepam;

15.28 (14) cloxazolam;

15.29 (15) delorazepam;

16.1 (16) diazepam;

16.2 (17) dichloralphenazone;

16.3 (18) estazolam;

16.4 (19) ethchlorvynol;

16.5 (20) ethinamate;

16.6 (21) ethyl loflazepate;

16.7 (22) fludiazepam;

16.8 (23) flurazepam;

16.9 (24) fospropofol;

16.10 (25) halazepam;

16.11 (26) haloxazolam;

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;

16.12 (27) ketazolam;
 16.13 (28) lorazepam;
 16.14 (29) lorazepam;
 16.15 (30) lormetazepam mebutamate;
 16.16 (31) medazepam;
 16.17 (32) meprobamate;
 16.18 (33) methohexital;
 16.19 (34) methylphenobarbital;
 16.20 (35) midazolam;
 16.21 (36) nimetazepam;
 16.22 (37) nitrazepam;
 16.23 (38) nordiazepam;
 16.24 (39) oxazepam;
 16.25 (40) oxazolam;
 16.26 (41) paraldehyde;
 16.27 (42) petrichloral;
 17.1 (43) phenobarbital;
 17.2 (44) pinazepam;
 17.3 (45) prazepam;
 17.4 (46) quazepam;
 17.5 (47) suvorexant;
 17.6 (48) temazepam;
 17.7 (49) tetrazepam;
 17.8 (50) triazolam;
 17.9 (51) zaleplon;
 17.10 (52) zolpidem;
 17.11 (53) zopiclone.
 17.12 (d) Any material, compound, mixture, or preparation which contains any quantity of the
 17.13 following substance including its salts, isomers, and salts of such isomers, whenever the
 17.14 existence of such salts, isomers, and salts of isomers is possible: fenfluramine.
 17.15 (e) Stimulants. Unless specifically excepted or unless listed in another schedule, any
 17.16 material, compound, mixture, or preparation which contains any quantity of the following

16.15 (28) lorazepam;
 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

17.17 substances having a stimulant effect on the central nervous system, including its salts,
17.18 isomers, and salts of isomers:

17.19 (1) cathine (norpseudoephedrine);

17.20 (2) diethylpropion;

17.21 (3) fencamfamine;

17.22 (4) fenproporex;

17.23 (5) mazindol;

17.24 (6) mefenorex;

17.25 (7) modafinil;

17.26 (8) pemoline (including organometallic complexes and chelates thereof);

17.27 (9) phentermine;

17.28 (10) pipradol;

18.1 (11) sibutramine;

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

18.3 (f) lorcaserin.

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

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

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

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

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.

18.13

ARTICLE 2

18.14

SUBSTANTIVE CHANGES TO DWI LAW; INTOXICATING SUBSTANCES

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

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

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

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

18.24 Subdivision 1. **Driving while impaired crime; motor vehicle.** It is a crime for any
18.25 person to drive, operate, or be in physical control of any motor vehicle, as defined in section
18.26 169A.03, subdivision 15, except for motorboats in operation and off-road recreational
18.27 vehicles, within this state or on any boundary water of this state when:

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

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

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

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

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

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

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

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

19.16 Sec. 3. **REPEALER.**
 19.17 Minnesota Statutes 2016, section 169A.03, subdivision 9, is repealed.
 19.18 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
 19.19 committed on or after that date.

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.

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

19.20

ARTICLE 3

19.21

CONFORMING CHANGES TO DWI-RELATED LAWS

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

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

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

19.26 (2) when the person is under the influence of a controlled substance, as defined in section
19.27 152.01, subdivision 4;

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

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

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

20.3 (6) when the person is knowingly under the influence of any chemical compound or
20.4 combination of chemical compounds that is listed as a hazardous an intoxicating substance
20.5 in rules adopted under section 182.655 and that affects the nervous system, brain, or muscles

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.

21.13

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

20.6 of the person so as to substantially impair the person's ability to operate a firearm or bow
20.7 and arrow as defined in section 169A.03, subdivision 11a.

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

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

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

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

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

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

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

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

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

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

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

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

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

21.4 Subd. 1b. **Driving while impaired crime; snowmobile and all-terrain vehicle.** It is a
21.5 crime for any person to operate or be in physical control of a snowmobile as defined in
21.6 section 84.81, subdivision 3, or all-terrain vehicle as defined in section 84.92, subdivision
21.7 8, anywhere in this state or on the ice of any boundary water of this state when:

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

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

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;

21.10 (3) the person is knowingly under the influence of a hazardous an intoxicating substance
21.11 that affects the nervous system, brain, or muscles of the person so as to substantially impair
21.12 the person's ability to drive or operate the snowmobile or all-terrain vehicle;

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

21.15 (5) the person's alcohol concentration at the time, or as measured within two hours of
21.16 the time, of driving, operating, or being in physical control of the snowmobile or all-terrain
21.17 vehicle is 0.08 or more; or

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

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

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

21.23 Subd. 1c. **Driving while impaired crime; off-highway motorcycle and off-road**
21.24 **vehicle.** It is a crime for any person to operate or be in physical control of any off-highway
21.25 motorcycle as defined in section 84.787, subdivision 7, or any off-road vehicle as defined
21.26 in section 84.797, subdivision 7, anywhere in this state or on the ice of any boundary water
21.27 of this state when:

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

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

22.1 (3) the person is knowingly under the influence of a hazardous an intoxicating substance
22.2 that affects the nervous system, brain, or muscles of the person so as to substantially impair
22.3 the person's ability to drive or operate the off-highway motorcycle or off-road vehicle;

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

22.6 (5) the person's alcohol concentration at the time, or as measured within two hours of
22.7 the time, of driving, operating, or being in physical control of the off-highway motorcycle
22.8 or off-road vehicle is 0.08 or more; or

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

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

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

22.14 Subdivision 1. **Alcohol concentration evidence.** Upon the trial of any prosecution
22.15 arising out of acts alleged to have been committed by any person arrested for violating
22.16 section 169A.20 (driving while impaired) or 169A.31 (alcohol-related school bus or Head

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

22.17 Start bus driving), the court may admit evidence of the presence or amount of alcohol in
22.18 the person's blood, breath, or urine as shown by an analysis of those items. In addition, in
22.19 a prosecution for a violation of section 169A.20, the court may admit evidence of the
22.20 presence or amount in the person's blood, breath, or urine, as shown by an analysis of those
22.21 items, of:

- 22.22 (1) a controlled substance or its metabolite; or
- 22.23 (2) ~~a hazardous~~ an intoxicating substance.

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

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

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

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

- 23.6 (1) the person has been lawfully placed under arrest for violation of section 169A.20 or
23.7 an ordinance in conformity with it;
- 23.8 (2) the person has been involved in a motor vehicle accident or collision resulting in
23.9 property damage, personal injury, or death;
- 23.10 (3) the person has refused to take the screening test provided for by section 169A.41
23.11 (preliminary screening test); or
- 23.12 (4) the screening test was administered and indicated an alcohol concentration of 0.08
23.13 or more.

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

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

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.

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

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

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

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

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

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

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

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

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

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

24.22 (c) The physician, medical technician, emergency medical technician-paramedic, medical
24.23 technologist, medical laboratory technician, laboratory assistant, phlebotomist, registered
24.24 nurse, or other qualified person drawing blood at the request of a peace officer for the
24.25 purpose of determining the concentration of alcohol, a controlled substance or its metabolite,
24.26 or ~~a hazardous~~ an intoxicating substance is in no manner liable in any civil or criminal action

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

24.27 except for negligence in drawing the blood. The person administering a breath test must be
24.28 fully trained in the administration of breath tests pursuant to training given by the
24.29 commissioner of public safety.

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

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

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

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

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

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

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

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

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

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

25.18 **169A.76 CIVIL ACTION; PUNITIVE DAMAGES.**

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

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

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

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

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

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.

25.29 (b) A criminal charge or conviction is not a prerequisite to consideration of punitive
25.30 damages under this section. At the trial in an action where the trier of fact will consider an
25.31 award of punitive damages, evidence that the driver has been convicted of violating section
26.1 169A.20 (driving while impaired), 609.2112, 609.2113, or 609.2114 (criminal vehicular
26.2 homicide or injury) is admissible into evidence.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

27.3 (b) If proven by a preponderance of the evidence, it shall be an affirmative defense to a
27.4 violation of paragraph (a), clause (7), that the defendant used the controlled substance
27.5 according to the terms of a prescription issued for the defendant in accordance with sections
27.6 152.11 and 152.12.

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

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

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

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

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

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

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

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

28.2 Subd. 7. **Preliminary screening test.** When a peace officer has reason to believe that a
28.3 person may be violating or has violated subdivision 2, the officer may require the person
28.4 to provide a sample of the person's breath for a preliminary screening test using a device
28.5 approved by the commissioner of public safety or the commissioner of transportation for
28.6 this purpose. The results of this preliminary screening test shall be used for the purpose of
28.7 deciding whether to require the tests authorized in section 360.0753, but shall not be used
28.8 in any court action except to prove that a test was properly required of a person pursuant to
28.9 section 360.0753. Following the screening test, additional tests may be required of the
28.10 person pursuant to the provisions of section 360.0753.

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.

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

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

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

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

28.25 (b) A test of the person's breath may be required when an officer has probable cause to
 28.26 believe the person was operating or attempting to operate an aircraft in violation of section
 28.27 360.0752 and one of the following conditions exists:

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

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

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

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

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

29.6 (c) A test of the person's blood or urine may be required by an officer under the conditions
 29.7 described in paragraph (b) if the officer is acting pursuant to a search warrant under sections
 29.8 626.04 to 626.18.

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

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

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

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;

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

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

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

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

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

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

30.1 (b) A peace officer, acting pursuant to a search warrant, may direct a blood or urine test
30.2 as provided in the warrant. If the warrant authorizes either a blood or urine test, the officer
30.3 may direct whether the test is of blood or urine. If the person to whom the test is directed
30.4 objects to the test, the officer shall offer the person an alternative test of either blood or
30.5 urine.

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

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

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

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

30.17 Subd. 6. **Manner of making test; additional test.** (a) Only a physician, medical
30.18 technician, physician's trained mobile intensive care paramedic, registered nurse, medical
30.19 technologist, or laboratory assistant acting at the request of a peace officer may withdraw
30.20 blood for the purpose of determining the presence or amount of alcohol, controlled
30.21 substances, or ~~hazardous~~ intoxicating substances. This limitation does not apply to the taking
30.22 of a breath or urine sample. The person tested has the right to have someone of the person's
30.23 own choosing administer a chemical test or tests in addition to any administered at the

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

30.24 direction of a peace officer; provided, that the additional test sample on behalf of the person
 30.25 is obtained at the place where the person is in custody, after the test administered at the
 30.26 direction of a peace officer, and at no expense to the state.

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

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

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

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

31.8 **609.2111 DEFINITIONS.**

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

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

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

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

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

31.18 (1) for a violation of section 169A.20 under the circumstances described in section
 31.19 169A.24 or 169A.25;

31.20 (2) under section 609.2112, subdivision 1, clauses (2) to (6); 609.2113, subdivision 1,
 31.21 clauses (2) to (6); 2, clauses (2) to (6); or 3, clauses (2) to (6); or 609.2114, subdivision 1,
 31.22 clauses (2) to (6); or 2, clauses (2) to (6);

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

31.24 (4) under Minnesota Statutes 2006, section 609.21, subdivision 1, clauses (2) to (6); 2,
 31.25 clauses (2) to (6); 2a, clauses (2) to (6); 2b, clauses (2) to (6); 3, clauses (2) to (6); or 4,
 31.26 clauses (2) to (6).

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).

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

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

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

32.7 (1) in a grossly negligent manner;

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

32.9 (i) alcohol;

32.10 (ii) a controlled substance; or

32.11 (iii) any combination of those elements;

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

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

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

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

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

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

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

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

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

33.2 Subdivision 1. **Great bodily harm.** A person is guilty of criminal vehicular operation
33.3 resulting in great bodily harm and may be sentenced to imprisonment for not more than five
33.4 years or to payment of a fine of not more than \$10,000, or both, if the person causes great

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

33.5 bodily harm to another not constituting attempted murder or assault as a result of operating
 33.6 a motor vehicle:

33.7 (1) in a grossly negligent manner;

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

33.9 (i) alcohol;

33.10 (ii) a controlled substance; or

33.11 (iii) any combination of those elements;

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

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

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

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

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

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

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

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

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

34.3 (1) in a grossly negligent manner;

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

34.5 (i) alcohol;

34.6 (ii) a controlled substance; or

34.7 (iii) any combination of those elements;

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

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;

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

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

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

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

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

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

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

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

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

34.29 (1) in a grossly negligent manner;

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

35.1 (i) alcohol;

35.2 (ii) a controlled substance; or

35.3 (iii) any combination of those elements;

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

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

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

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

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

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

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

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

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

35.21 Subdivision 1. **Death to an unborn child.** (a) Except as provided in paragraph (b), a
35.22 person is guilty of criminal vehicular operation resulting in death to an unborn child and
35.23 may be sentenced to imprisonment for not more than ten years or to payment of a fine of
35.24 not more than \$20,000, or both, if the person causes the death of an unborn child as a result
35.25 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 (b) If a person is sentenced under paragraph (a) for a violation under paragraph (a),
36.16 clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory
36.17 maximum sentence of imprisonment is 15 years.

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

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.

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

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

36.26 (1) in a grossly negligent manner;

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

36.28 (i) alcohol;

36.29 (ii) a controlled substance; or

36.30 (iii) any combination of those elements;

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

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

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

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

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

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

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

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

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

37.19 (1) when the person is under the influence of a controlled substance, as defined in section
37.20 152.01, subdivision 4;

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

37.23 (3) when the person is ~~knowingly~~ under the influence of ~~any chemical compound or~~
37.24 ~~combination of chemical compounds that is listed as a hazardous substance in rules adopted~~

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~~

37.25 ~~under section 182.655 and that affects the nervous system, brain, or muscles of the person~~
37.26 ~~so as to impair the person's clearness of intellect or physical control~~ an intoxicating substance
37.27 as defined in section 169A.03, subdivision 11a;

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

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

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

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

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.