

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 3739

(SENATE AUTHORS: UTKE)

DATE
02/15/2024

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Introduction and first reading
Referred to Judiciary and Public Safety

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to public safety; criminalizing the fentanyl-related endangerment of a child
1.3 or vulnerable adult; addressing the taking of a child into protective custody or the
1.4 reporting of vulnerable adult abuse in these circumstances; providing criminal
1.5 penalties; proposing coding for new law in Minnesota Statutes, chapter 152.

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

1.7 Section 1. [152.0251] FENTANYL-RELATED ENDANGERMENT OF CHILDREN
1.8 AND VULNERABLE ADULTS.

1.9 Subdivision 1. Definitions. (a) As used in this section, the following terms have the
1.10 meanings given.

1.11 (b) "Child" means any person under the age of 18 years.

1.12 (c) "Fentanyl" has the meaning given in section 152.01, subdivision 25.

1.13 (d) "Vulnerable adult" has the meaning given in section 609.232, subdivision 11.

1.14 Subd. 2. Prohibited conduct. (a) No person may knowingly engage in any of the
1.15 following activities in the presence of a child or vulnerable adult, in the residence of a child
1.16 or vulnerable adult, or in a building, structure, conveyance, or outdoor location where a
1.17 child or vulnerable adult might reasonably be expected to be present:

1.18 (1) manufacturing or attempting to manufacture fentanyl; or

1.19 (2) possessing, consuming, or storing fentanyl.

1.20 (b) No person may knowingly cause or permit a child or vulnerable adult to inhale, be
1.21 exposed to, have contact with, or ingest fentanyl.

2.1 Subd. 3. **Criminal penalty.** A person who violates subdivision 2 is guilty of a felony
2.2 and may be sentenced to imprisonment for not more than five years or to payment of a fine
2.3 of not more than \$10,000, or both.

2.4 Subd. 4. **Multiple sentences.** Notwithstanding sections 609.035 and 609.04, a prosecution
2.5 for or conviction under this section is not a bar to conviction of or punishment for any other
2.6 crime committed by the defendant as part of the same conduct.

2.7 Subd. 5. **Protective custody.** A peace officer may take any child present in an area
2.8 where any of the activities described in subdivision 2 are taking place into protective custody
2.9 in accordance with section 260C.175, subdivision 1, clause (2), item (ii). A child taken into
2.10 protective custody under this subdivision shall be provided health screening to assess
2.11 potential health concerns related to fentanyl as provided in section 260C.188. A child not
2.12 taken into protective custody under this subdivision but who is known to have been exposed
2.13 to fentanyl shall be offered health screening for potential health concerns related to fentanyl
2.14 as provided in section 260C.188.

2.15 Subd. 6. **Reporting maltreatment of a vulnerable adult.** (a) A peace officer shall make
2.16 a report of suspected maltreatment of a vulnerable adult if the vulnerable adult is present
2.17 in an area where any of the activities described in subdivision 2 are taking place, and the
2.18 peace officer has reason to believe the vulnerable adult inhaled, was exposed to, had contact
2.19 with, or ingested fentanyl. The peace officer shall immediately report to the county common
2.20 entry point as described in section 626.557, subdivision 9b.

2.21 (b) As required in section 626.557, subdivision 9b, law enforcement is the primary
2.22 agency to conduct investigations of any incident when there is reason to believe a crime
2.23 has been committed. Law enforcement shall initiate a response immediately. If the common
2.24 entry point notified a county agency for adult protective services, law enforcement shall
2.25 cooperate with that county agency when both agencies are involved and shall exchange data
2.26 to the extent authorized in section 626.557, subdivision 12b, paragraph (g). County adult
2.27 protection shall initiate a response immediately.

2.28 (c) The county social services agency shall immediately respond as required in section
2.29 626.557, subdivision 10, upon receipt of a report from the common entry point staff.

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