

1.1 **ARTICLE 16**1.2 **CONTROLLED SUBSTANCES POLICY**

1.3 Section 1. Minnesota Statutes 2022, section 121A.28, is amended to read:

1.4 **121A.28 LAW ENFORCEMENT RECORDS.**

1.5 A law enforcement agency shall provide notice of any drug incident occurring within
1.6 the agency's jurisdiction, in which the agency has probable cause to believe a student violated
1.7 section 152.021, 152.022, 152.023, 152.024, 152.025, 152.0262, 152.027, ~~152.092~~, 152.097,
1.8 or 340A.503, subdivision 1, 2, or 3. The notice shall be in writing and shall be provided,
1.9 within two weeks after an incident occurs, to the chemical abuse preassessment team in the
1.10 school where the student is enrolled.

1.11 **EFFECTIVE DATE.** This section is effective August 1, 2023.

1.12 Sec. 2. Minnesota Statutes 2022, section 151.01, is amended by adding a subdivision to
1.13 read:

1.14 Subd. 43. **Syringe services provider.** "Syringe services provider" means a
1.15 community-based public health program that offers cost-free comprehensive harm reduction
1.16 services, which may include: providing sterile needles, syringes, and other injection
1.17 equipment; making safe disposal containers for needles and syringes available; educating
1.18 participants and others about overdose prevention, safer injection practices, and infectious
1.19 disease prevention; providing blood-borne pathogen testing or referrals to blood-borne
1.20 pathogen testing; offering referrals to substance use disorder treatment, including substance
1.21 use disorder treatment with medications for opioid use disorder; and providing referrals to
1.22 medical treatment and services, mental health programs and services, and other social
1.23 services.

1.24 **EFFECTIVE DATE.** This section is effective August 1, 2023.

1.25 Sec. 3. Minnesota Statutes 2022, section 151.40, subdivision 1, is amended to read:

1.26 Subdivision 1. **Generally.** It is unlawful for any person to ~~possess, control, manufacture,~~
1.27 ~~or sell, furnish, dispense, or otherwise dispose of~~ hypodermic syringes or needles or any
1.28 instrument or implement which can be adapted for subcutaneous injections, except for:

1.29 (1) the following persons when acting in the course of their practice or employment:

1.30 (i) licensed practitioners and their employees, agents, or delegates;

1.31 (ii) licensed pharmacies and their employees or agents;

- 2.1 (iii) licensed pharmacists;
- 2.2 (iv) registered nurses and licensed practical nurses;
- 2.3 (v) registered medical technologists;
- 2.4 (vi) medical interns and residents;
- 2.5 (vii) licensed drug wholesalers and their employees or agents;
- 2.6 (viii) licensed hospitals;
- 2.7 (ix) bona fide hospitals in which animals are treated;
- 2.8 (x) licensed nursing homes;
- 2.9 (xi) licensed morticians;
- 2.10 (xii) syringe and needle manufacturers and their dealers and agents;
- 2.11 (xiii) persons engaged in animal husbandry;
- 2.12 (xiv) clinical laboratories and their employees;
- 2.13 (xv) persons engaged in bona fide research or education or industrial use of hypodermic
 2.14 syringes and needles provided such persons cannot use hypodermic syringes and needles
 2.15 for the administration of drugs to human beings unless such drugs are prescribed, dispensed,
 2.16 and administered by a person lawfully authorized to do so; ~~and~~
- 2.17 (xvi) persons who administer drugs pursuant to an order or direction of a licensed
 2.18 practitioner; and
- 2.19 (xvii) syringe services providers and their employees and agents;
- 2.20 (2) a person who self-administers drugs pursuant to either the prescription or the direction
 2.21 of a practitioner, or a family member, caregiver, or other individual who is designated by
 2.22 such person to assist the person in obtaining and using needles and syringes for the
 2.23 administration of such drugs;
- 2.24 (3) a person who is disposing of hypodermic syringes and needles through an activity
 2.25 or program developed under section 325F.785; ~~or~~
- 2.26 (4) a person who sells, ~~possesses,~~ or handles hypodermic syringes and needles pursuant
 2.27 to subdivision 2.; or
- 2.28 (5) a participant receiving services from a syringe services provider, who accesses or
 2.29 receives new syringes or needles from a syringe services provider or returns used syringes
 2.30 or needles to a syringe services provider.

3.1 **EFFECTIVE DATE.** This section is effective August 1, 2023.

3.2 Sec. 4. Minnesota Statutes 2022, section 151.40, subdivision 2, is amended to read:

3.3 Subd. 2. **Sales of limited quantities of clean needles and syringes.** (a) A registered
3.4 pharmacy or a licensed pharmacist may sell, without the prescription or direction of a
3.5 practitioner, unused hypodermic needles and syringes ~~in quantities of ten or fewer,~~ provided
3.6 the pharmacy or pharmacist complies with all of the requirements of this subdivision.

3.7 (b) At any location where hypodermic needles and syringes are kept for retail sale under
3.8 this subdivision, the needles and syringes shall be stored in a manner that makes them
3.9 available only to authorized personnel and not openly available to customers.

3.10 (c) A registered pharmacy or licensed pharmacist that sells hypodermic needles or
3.11 syringes under this subdivision may give the purchaser the materials developed by the
3.12 commissioner of health under section 325F.785.

3.13 (d) A registered pharmacy or licensed pharmacist that sells hypodermic needles or
3.14 syringes under this subdivision must certify to the commissioner of health participation in
3.15 an activity, including but not limited to those developed under section 325F.785, that supports
3.16 proper disposal of used hypodermic needles or syringes.

3.17 Sec. 5. Minnesota Statutes 2022, section 152.01, subdivision 12a, is amended to read:

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

3.23 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
3.24 committed on or after that date.

3.25 Sec. 6. Minnesota Statutes 2022, section 152.01, subdivision 18, is amended to read:

3.26 Subd. 18. **Drug paraphernalia.** (a) Except as otherwise provided in paragraph (b), "drug
3.27 paraphernalia" means all equipment, products, and materials of any kind, except those items
3.28 used in conjunction with permitted uses of controlled substances under this chapter or the
3.29 Uniform Controlled Substances Act, which are knowingly or intentionally used primarily
3.30 in (1) manufacturing a controlled substance, (2) injecting, ingesting, inhaling, or otherwise
3.31 introducing into the human body a controlled substance, or (3) ~~testing the strength,~~

4.1 ~~effectiveness, or purity of a controlled substance, or (4) enhancing the effect of a controlled~~
4.2 ~~substance.~~

4.3 (b) "Drug paraphernalia" does not include the possession, manufacture, delivery, or sale
4.4 of: (1) ~~hypodermic needles or syringes in accordance with section 151.40, subdivision 2~~
4.5 hypodermic syringes or needles or any instrument or implement which can be adapted for
4.6 subcutaneous injections; or (2) products that detect the presence of fentanyl or a fentanyl
4.7 analog in a controlled substance.

4.8 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
4.9 committed on or after that date.

4.10 Sec. 7. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to
4.11 read:

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

4.15 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
4.16 committed on or after that date.

4.17 Sec. 8. Minnesota Statutes 2022, section 152.021, subdivision 1, is amended to read:

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

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

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

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

4.28 (ii) the offense involves two aggravating factors;

4.29 (3) on one or more occasions within a 90-day period the person unlawfully sells one or
4.30 more mixtures of a total weight of ten grams or more, or 40 dosage units or more, containing
4.31 heroin or fentanyl;

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

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

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

5.11 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
5.12 committed on or after that date.

5.13 Sec. 9. Minnesota Statutes 2022, section 152.021, subdivision 2, is amended to read:

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

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

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

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

5.23 (ii) the offense involves two aggravating factors;

5.24 (3) the person unlawfully possesses one or more mixtures of a total weight of 25 grams
5.25 or more, or 100 dosage units or more, containing heroin or fentanyl;

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

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

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

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

6.7 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
6.8 committed on or after that date.

6.9 Sec. 10. Minnesota Statutes 2022, section 152.022, subdivision 1, is amended to read:

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

6.12 (1) on one or more occasions within a 90-day period the person unlawfully sells one or
6.13 more mixtures of a total weight of ten grams or more containing a narcotic drug other than
6.14 heroin or fentanyl;

6.15 (2) on one or more occasions within a 90-day period the person unlawfully sells one or
6.16 more mixtures of a total weight of three grams or more containing cocaine or
6.17 methamphetamine and:

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

6.21 (ii) the offense involves three aggravating factors;

6.22 (3) on one or more occasions within a 90-day period the person unlawfully sells one or
6.23 more mixtures of a total weight of three grams or more, or 12 dosage units or more,
6.24 containing heroin or fentanyl;

6.25 (4) on one or more occasions within a 90-day period the person unlawfully sells one or
6.26 more mixtures of a total weight of ten grams or more containing amphetamine, phencyclidine,
6.27 or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 50 or
6.28 more dosage units;

6.29 (5) on one or more occasions within a 90-day period the person unlawfully sells one or
6.30 more mixtures of a total weight of ten kilograms or more containing marijuana or
6.31 Tetrahydrocannabinols;

7.1 (6) the person unlawfully sells any amount of a Schedule I or II narcotic drug to a person
7.2 under the age of 18, or conspires with or employs a person under the age of 18 to unlawfully
7.3 sell the substance; or

7.4 (7) the person unlawfully sells any of the following in a school zone, a park zone, a
7.5 public housing zone, or a drug treatment facility:

7.6 (i) any amount of a Schedule I or II narcotic drug, lysergic acid diethylamide (LSD),
7.7 3,4-methylenedioxy amphetamine, or 3,4-methylenedioxymethamphetamine;

7.8 (ii) one or more mixtures containing methamphetamine or amphetamine; or

7.9 (iii) one or more mixtures of a total weight of five kilograms or more containing marijuana
7.10 or Tetrahydrocannabinols.

7.11 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
7.12 committed on or after that date.

7.13 Sec. 11. Minnesota Statutes 2022, section 152.022, subdivision 2, is amended to read:

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

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

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

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

7.23 (ii) the offense involves three aggravating factors;

7.24 (3) the person unlawfully possesses one or more mixtures of a total weight of six grams
7.25 or more, or 50 dosage units or more, containing heroin or fentanyl;

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

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

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

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

8.7 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
8.8 committed on or after that date.

8.9 Sec. 12. Minnesota Statutes 2022, section 152.023, subdivision 2, is amended to read:

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

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

8.15 (2) on one or more occasions within a 90-day period the person unlawfully possesses
8.16 one or more mixtures of: (i) a total weight of three grams or more containing heroin; or (ii)
8.17 a total weight of five grams or more, or 25 dosage units or more, containing fentanyl;

8.18 (3) on one or more occasions within a 90-day period the person unlawfully possesses
8.19 one or more mixtures containing a narcotic drug other than heroin or fentanyl, it is packaged
8.20 in dosage units, and equals 50 or more dosage units;

8.21 (4) on one or more occasions within a 90-day period the person unlawfully possesses
8.22 any amount of a schedule I or II narcotic drug or five or more dosage units of lysergic acid
8.23 diethylamide (LSD), 3,4-methylenedioxy amphetamine, or
8.24 3,4-methylenedioxymethamphetamine in a school zone, a park zone, a public housing zone,
8.25 or a drug treatment facility;

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

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

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

9.4 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
9.5 committed on or after that date.

9.6 Sec. 13. Minnesota Statutes 2022, section 152.025, subdivision 2, is amended to read:

9.7 Subd. 2. **Possession and other crimes.** A person is guilty of controlled substance crime
9.8 in the fifth degree and upon conviction may be sentenced as provided in subdivision 4 if:

9.9 (1) the person unlawfully possesses one or more mixtures containing a controlled
9.10 substance classified in Schedule I, II, III, or IV, except a small amount of marijuana or a
9.11 residual amount of one or more mixtures of controlled substances contained in drug
9.12 paraphernalia; or

9.13 (2) the person procures, attempts to procure, possesses, or has control over a controlled
9.14 substance by any of the following means:

9.15 (i) fraud, deceit, misrepresentation, or subterfuge;

9.16 (ii) using a false name or giving false credit; or

9.17 (iii) falsely assuming the title of, or falsely representing any person to be, a manufacturer,
9.18 wholesaler, pharmacist, physician, doctor of osteopathic medicine licensed to practice
9.19 medicine, dentist, podiatrist, veterinarian, or other authorized person for the purpose of
9.20 obtaining a controlled substance.

9.21 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
9.22 committed on or after that date.

9.23 Sec. 14. Minnesota Statutes 2022, section 152.093, is amended to read:

9.24 **152.093 MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA**
9.25 **PROHIBITED.**

9.26 It is unlawful for any person ~~knowingly or intentionally to deliver drug paraphernalia~~
9.27 ~~or knowingly or~~ to intentionally to possess or manufacture drug paraphernalia for delivery.
9.28 Any violation of this section is a misdemeanor.

9.29 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
9.30 committed on or after that date.

10.1 Sec. 15. Minnesota Statutes 2022, section 152.205, is amended to read:

10.2 **152.205 LOCAL REGULATIONS.**

10.3 Sections 152.01, subdivision 18, and ~~152.092~~ 152.093 to 152.095 do not preempt
10.4 enforcement or preclude adoption of municipal or county ordinances prohibiting or otherwise
10.5 regulating the manufacture, delivery, possession, or advertisement of drug paraphernalia.

10.6 **EFFECTIVE DATE.** This section is effective August 1, 2023.

10.7 Sec. 16. **[626.8443] OPIATE ANTAGONISTS; TRAINING; CARRYING; USE.**

10.8 **Subdivision 1. Training.** A chief law enforcement officer must provide basic training
10.9 to peace officers employed by the chief's agency on:

10.10 (1) identifying persons who are suffering from narcotics overdoses; and

10.11 (2) the proper use of opiate antagonists to treat a narcotics overdose.

10.12 **Subd. 2. Mandatory supply.** A chief law enforcement officer must maintain a sufficient
10.13 supply of opiate antagonists to ensure that officers employed by the chief's agency can
10.14 satisfy the requirements of subdivision 3.

10.15 **Subd. 3. Mandatory carrying.** Each on-duty peace officer who is assigned to respond
10.16 to emergency calls must have at least two unexpired opiate antagonist doses readily available
10.17 when the officer's shift begins. An officer who depletes their supply of opiate antagonists
10.18 during the officer's shift shall replace the expended doses from the officer's agency's supply
10.19 so long as replacing the doses will not compromise public safety.

10.20 **Subd. 4. Authorization of use.** (a) A chief law enforcement officer must authorize peace
10.21 officers employed by the chief's agency to perform administration of an opiate antagonist
10.22 when an officer believes a person is suffering a narcotics overdose.

10.23 (b) In order to administer opiate antagonists, a peace officer must comply with section
10.24 151.37, subdivision 12, paragraph (b), clause (1).

10.25 Sec. 17. **REPEALER.**

10.26 Minnesota Statutes 2022, section 152.092, is repealed.

10.27 **EFFECTIVE DATE.** This section is effective August 1, 2023.