

This Document can be made available  
in alternative formats upon request

# State of Minnesota

## HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **2807**

04/03/2019 Authored by Gomez, Hornstein, Wolgamott, Lee, Cantrell and others  
The bill was read for the first time and referred to the Committee on Ways and Means

- 1.1 A bill for an act
- 1.2 relating to public safety; reclassifying marijuana and nonsynthetic THC from a
- 1.3 Schedule I to a Schedule II controlled substance; modifying the definition of a
- 1.4 small amount of marijuana; prohibiting the weight of fluids used in water pipes
- 1.5 from being used to determine the weight of marijuana mixtures; authorizing
- 1.6 expungement of records in certain instances; amending Minnesota Statutes 2018,
- 1.7 sections 152.01, subdivisions 9a, 16, 23; 152.02, subdivisions 2, 3; 152.021,
- 1.8 subdivision 2; 152.022, subdivision 2; 152.023, subdivision 2; 152.11, by adding
- 1.9 a subdivision; 152.12, by adding a subdivision; 152.125, subdivision 3; 152.126,
- 1.10 subdivision 1; 152.18, subdivision 3.
- 1.11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.12 Section 1. Minnesota Statutes 2018, section 152.01, subdivision 9a, is amended to read:
- 1.13 Subd. 9a. **Mixture.** "Mixture" means a preparation, compound, mixture, or substance
- 1.14 containing a controlled substance, regardless of purity except as provided in ~~subdivision~~
- 1.15 ~~16~~; sections 152.021, subdivision 2, paragraph (b); 152.022, subdivision 2, paragraph (b);
- 1.16 and 152.023, subdivision 2, paragraph (b).
- 1.17 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
- 1.18 committed on or after that date.
- 1.19 Sec. 2. Minnesota Statutes 2018, section 152.01, subdivision 16, is amended to read:
- 1.20 Subd. 16. **Small amount.** "Small amount" as applied to marijuana means: (1) 42.5 grams
- 1.21 or less of cannabis flowers; or (2) eight grams or less of any nonflower cannabis mixture.
- 1.22 ~~This provision shall not apply to the resinous form of marijuana~~ Nonflower cannabis mixtures
- 1.23 weighing eight grams or less may not be considered in determining the 42.5 gram limit in
- 1.24 clause (1). The weight of fluid used in a water pipe may not be considered in determining

2.1 a small amount ~~except in cases where the marijuana is mixed with four or more fluid ounces~~  
2.2 ~~of fluid.~~

2.3 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes  
2.4 committed on or after that date.

2.5 Sec. 3. Minnesota Statutes 2018, section 152.01, subdivision 23, is amended to read:

2.6 Subd. 23. **Analog.** (a) Except as provided in paragraph (b), "analog" means a substance,  
2.7 the chemical structure of which is substantially similar to the chemical structure of a  
2.8 controlled substance in Schedule I or II:

2.9 (1) that has a stimulant, depressant, or hallucinogenic effect on the central nervous system  
2.10 that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic  
2.11 effect on the central nervous system of a controlled substance in Schedule I or II; or

2.12 (2) with respect to a particular person, if the person represents or intends that the substance  
2.13 have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is  
2.14 substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect  
2.15 on the central nervous system of a controlled substance in Schedule I or II.

2.16 (b) "Analog" does not include:

2.17 (1) a controlled substance;

2.18 (2) any substance for which there is an approved new drug application under the Federal  
2.19 Food, Drug, and Cosmetic Act; ~~or~~

2.20 (3) with respect to a particular person, any substance, if an exemption is in effect for  
2.21 investigational use, for that person, as provided by United States Code, title 21, section 355,  
2.22 and the person is registered as a controlled substance researcher as required under section  
2.23 152.12, subdivision 3, to the extent conduct with respect to the substance is pursuant to the  
2.24 exemption and registration; or

2.25 (4) marijuana or tetrahydrocannabinols naturally contained in a plant of the genus  
2.26 cannabis or in the resinous extractives of the plant.

2.27 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes  
2.28 committed on or after that date.

2.29 Sec. 4. Minnesota Statutes 2018, section 152.02, subdivision 2, is amended to read:

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

3.1 (b) Opiates. Unless specifically excepted or unless listed in another schedule, any of the  
3.2 following substances, including their analogs, isomers, esters, ethers, salts, and salts of  
3.3 isomers, esters, and ethers, whenever the existence of the analogs, isomers, esters, ethers,  
3.4 and salts is possible:

3.5 (1) acetylmethadol;

3.6 (2) allylprodine;

3.7 (3) alphacetylmethadol (except levo-alphacetylmethadol, also known as levomethadyl  
3.8 acetate);

3.9 (4) alphameprodine;

3.10 (5) alphamethadol;

3.11 (6) alpha-methylfentanyl benzethidine;

3.12 (7) betacetylmethadol;

3.13 (8) betameprodine;

3.14 (9) betamethadol;

3.15 (10) betaprodine;

3.16 (11) clonitazene;

3.17 (12) dextromoramide;

3.18 (13) diampromide;

3.19 (14) diethylambutene;

3.20 (15) difenoxin;

3.21 (16) dimenoxadol;

3.22 (17) dimepheptanol;

3.23 (18) dimethylambutene;

3.24 (19) dioxaphetyl butyrate;

3.25 (20) dipipanone;

3.26 (21) ethylmethylthiambutene;

3.27 (22) etonitazene;

3.28 (23) etoxeridine;

- 4.1 (24) furethidine;
- 4.2 (25) hydroxypethidine;
- 4.3 (26) ketobemidone;
- 4.4 (27) levomoramide;
- 4.5 (28) levophenacylmorphane;
- 4.6 (29) 3-methylfentanyl;
- 4.7 (30) acetyl-alpha-methylfentanyl;
- 4.8 (31) alpha-methylthiofentanyl;
- 4.9 (32) benzylfentanyl beta-hydroxyfentanyl;
- 4.10 (33) beta-hydroxy-3-methylfentanyl;
- 4.11 (34) 3-methylthiofentanyl;
- 4.12 (35) thenylfentanyl;
- 4.13 (36) thiofentanyl;
- 4.14 (37) para-fluorofentanyl;
- 4.15 (38) morpheridine;
- 4.16 (39) 1-methyl-4-phenyl-4-propionoxypiperidine;
- 4.17 (40) noracymethadol;
- 4.18 (41) norlevorphanol;
- 4.19 (42) normethadone;
- 4.20 (43) norpipanone;
- 4.21 (44) 1-(2-phenylethyl)-4-phenyl-4-acetoxypiperidine (PEPAP);
- 4.22 (45) phenadoxone;
- 4.23 (46) phenampromide;
- 4.24 (47) phenomorphan;
- 4.25 (48) phenoperidine;
- 4.26 (49) piritramide;
- 4.27 (50) proheptazine;

- 5.1 (51) properidine;
- 5.2 (52) propiram;
- 5.3 (53) racemoramide;
- 5.4 (54) tilidine;
- 5.5 (55) trimeperidine;
- 5.6 (56) N-(1-Phenethylpiperidin-4-yl)-N-phenylacetamide (acetyl fentanyl);
- 5.7 (57) 3,4-dichloro-N-[(1R,2R)-2-(dimethylamino)cyclohexyl]-N-
- 5.8 methylbenzamide(U47700);
- 5.9 (58) N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]furan-2-carboxamide(furanylfentanyl);
- 5.10 and
- 5.11 (59) 4-(4-bromophenyl)-4-dimethylamino-1-phenethylcyclohexanol (bromadol).
- 5.12 (c) Opium derivatives. Any of the following substances, their analogs, salts, isomers,
- 5.13 and salts of isomers, unless specifically excepted or unless listed in another schedule,
- 5.14 whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:
- 5.15 (1) acetorphine;
- 5.16 (2) acetyldihydrocodeine;
- 5.17 (3) benzylmorphine;
- 5.18 (4) codeine methylbromide;
- 5.19 (5) codeine-n-oxide;
- 5.20 (6) cyprenorphine;
- 5.21 (7) desomorphine;
- 5.22 (8) dihydromorphine;
- 5.23 (9) drotebanol;
- 5.24 (10) etorphine;
- 5.25 (11) heroin;
- 5.26 (12) hydromorphenol;
- 5.27 (13) methyldesorphine;
- 5.28 (14) methyldihydromorphine;

- 6.1 (15) morphine methylbromide;
- 6.2 (16) morphine methylsulfonate;
- 6.3 (17) morphine-n-oxide;
- 6.4 (18) myrophine;
- 6.5 (19) nicocodeine;
- 6.6 (20) nicomorphine;
- 6.7 (21) normorphine;
- 6.8 (22) pholcodine; and
- 6.9 (23) thebacon.

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

- 6.15 (1) methylenedioxy amphetamine;
- 6.16 (2) methylenedioxymethamphetamine;
- 6.17 (3) methylenedioxy-N-ethylamphetamine (MDEA);
- 6.18 (4) n-hydroxy-methylenedioxyamphetamine;
- 6.19 (5) 4-bromo-2,5-dimethoxyamphetamine (DOB);
- 6.20 (6) 2,5-dimethoxyamphetamine (2,5-DMA);
- 6.21 (7) 4-methoxyamphetamine;
- 6.22 (8) 5-methoxy-3, 4-methylenedioxyamphetamine;
- 6.23 (9) alpha-ethyltryptamine;
- 6.24 (10) bufotenine;
- 6.25 (11) diethyltryptamine;
- 6.26 (12) dimethyltryptamine;
- 6.27 (13) 3,4,5-trimethoxyamphetamine;
- 6.28 (14) 4-methyl-2, 5-dimethoxyamphetamine (DOM);

- 7.1 (15) ibogaine;
- 7.2 (16) lysergic acid diethylamide (LSD);
- 7.3 (17) mescaline;
- 7.4 (18) parahexyl;
- 7.5 (19) N-ethyl-3-piperidyl benzilate;
- 7.6 (20) N-methyl-3-piperidyl benzilate;
- 7.7 (21) psilocybin;
- 7.8 (22) psilocyn;
- 7.9 (23) tenocyclidine (TPCP or TCP);
- 7.10 (24) N-ethyl-1-phenyl-cyclohexylamine (PCE);
- 7.11 (25) 1-(1-phenylcyclohexyl) pyrrolidine (PCPy);
- 7.12 (26) 1-[1-(2-thienyl)cyclohexyl]-pyrrolidine (TCPy);
- 7.13 (27) 4-chloro-2,5-dimethoxyamphetamine (DOC);
- 7.14 (28) 4-ethyl-2,5-dimethoxyamphetamine (DOET);
- 7.15 (29) 4-iodo-2,5-dimethoxyamphetamine (DOI);
- 7.16 (30) 4-bromo-2,5-dimethoxyphenethylamine (2C-B);
- 7.17 (31) 4-chloro-2,5-dimethoxyphenethylamine (2C-C);
- 7.18 (32) 4-methyl-2,5-dimethoxyphenethylamine (2C-D);
- 7.19 (33) 4-ethyl-2,5-dimethoxyphenethylamine (2C-E);
- 7.20 (34) 4-iodo-2,5-dimethoxyphenethylamine (2C-I);
- 7.21 (35) 4-propyl-2,5-dimethoxyphenethylamine (2C-P);
- 7.22 (36) 4-isopropylthio-2,5-dimethoxyphenethylamine (2C-T-4);
- 7.23 (37) 4-propylthio-2,5-dimethoxyphenethylamine (2C-T-7);
- 7.24 (38) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-yl)ethanamine
- 7.25 (2-CB-FLY);
- 7.26 (39) bromo-benzodifuranyl-isopropylamine (Bromo-DragonFLY);
- 7.27 (40) alpha-methyltryptamine (AMT);

- 8.1 (41) N,N-diisopropyltryptamine (DiPT);
- 8.2 (42) 4-acetoxy-N,N-dimethyltryptamine (4-AcO-DMT);
- 8.3 (43) 4-acetoxy-N,N-diethyltryptamine (4-AcO-DET);
- 8.4 (44) 4-hydroxy-N-methyl-N-propyltryptamine (4-HO-MPT);
- 8.5 (45) 4-hydroxy-N,N-dipropyltryptamine (4-HO-DPT);
- 8.6 (46) 4-hydroxy-N,N-diallyltryptamine (4-HO-DALT);
- 8.7 (47) 4-hydroxy-N,N-diisopropyltryptamine (4-HO-DiPT);
- 8.8 (48) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DiPT);
- 8.9 (49) 5-methoxy- $\alpha$ -methyltryptamine (5-MeO-AMT);
- 8.10 (50) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
- 8.11 (51) 5-methylthio-N,N-dimethyltryptamine (5-MeS-DMT);
- 8.12 (52) 5-methoxy-N-methyl-N-isopropyltryptamine (5-MeO-MiPT);
- 8.13 (53) 5-methoxy- $\alpha$ -ethyltryptamine (5-MeO-AET);
- 8.14 (54) 5-methoxy-N,N-dipropyltryptamine (5-MeO-DPT);
- 8.15 (55) 5-methoxy-N,N-diethyltryptamine (5-MeO-DET);
- 8.16 (56) 5-methoxy-N,N-diallyltryptamine (5-MeO-DALT);
- 8.17 (57) methoxetamine (MXE);
- 8.18 (58) 5-iodo-2-aminoindane (5-IAI);
- 8.19 (59) 5,6-methylenedioxy-2-aminoindane (MDAI);
- 8.20 (60) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe);
- 8.21 (61) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe);
- 8.22 (62) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25I-NBOMe);
- 8.23 (63) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);
- 8.24 (64) 2-(4-Ethylthio-2,5-dimethoxyphenyl)ethanamine (2C-T-2);
- 8.25 (65) N,N-Dipropyltryptamine (DPT);
- 8.26 (66) 3-[1-(Piperidin-1-yl)cyclohexyl]phenol (3-HO-PCP);
- 8.27 (67) N-ethyl-1-(3-methoxyphenyl)cyclohexanamine (3-MeO-PCE);



(68) 4-[1-(3-methoxyphenyl)cyclohexyl]morpholine (3-MeO-PCMo);

(69) 1-[1-(4-methoxyphenyl)cyclohexyl]-piperidine (methoxydine, 4-MeO-PCP);

(70) 2-(2-Chlorophenyl)-2-(ethylamino)cyclohexan-1-one (N-Ethylorketamine, ethketamine, NENK);

(71) methylenedioxy-N,N-dimethylamphetamine (MDDMA);

(72) 3-(2-Ethyl(methyl)aminoethyl)-1H-indol-4-yl (4-AcO-MET); and

(73) 2-Phenyl-2-(methylamino)cyclohexanone (deschloroketamine).

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

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

(1) mecloqualone;

(2) methaqualone;

(3) gamma-hydroxybutyric acid (GHB), including its esters and ethers;

(4) flunitrazepam; and

(5) 2-(2-Methoxyphenyl)-2-(methylamino)cyclohexanone (2-MeO-2-deschloroketamine, methoxyketamine).

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

(1) aminorex;

- 10.1 (2) cathinone;
- 10.2 (3) fenethylamine;
- 10.3 (4) methcathinone;
- 10.4 (5) methylaminorex;
- 10.5 (6) N,N-dimethylamphetamine;
- 10.6 (7) N-benzylpiperazine (BZP);
- 10.7 (8) methylmethcathinone (mephedrone);
- 10.8 (9) 3,4-methylenedioxy-N-methylcathinone (methydone);
- 10.9 (10) methoxymethcathinone (methedrone);
- 10.10 (11) methylenedioxypyrovalerone (MDPV);
- 10.11 (12) 3-fluoro-N-methylcathinone (3-FMC);
- 10.12 (13) methylethcathinone (MEC);
- 10.13 (14) 1-benzofuran-6-ylpropan-2-amine (6-APB);
- 10.14 (15) dimethylmethcathinone (DMMC);
- 10.15 (16) fluoroamphetamine;
- 10.16 (17) fluoromethamphetamine;
- 10.17 (18)  $\alpha$ -methylaminobutyrophenone (MABP or buphedrone);
- 10.18 (19) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one (butylone);
- 10.19 (20) 2-(methylamino)-1-(4-methylphenyl)butan-1-one (4-MEMABP or BZ-6378);
- 10.20 (21) 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl) pentan-1-one (naphthylpyrovalerone or
- 10.21 naphyrone);
- 10.22 (22) (alpha-pyrrolidinopentiophenone (alpha-PVP);
- 10.23 (23) (RS)-1-(4-methylphenyl)-2-(1-pyrrolidinyl)-1-hexanone (4-Me-PHP or MPHP);
- 10.24 (24) 2-(1-pyrrolidinyl)-hexanophenone (Alpha-PHP);
- 10.25 (25) 4-methyl-N-ethylcathinone (4-MEC);
- 10.26 (26) 4-methyl-alpha-pyrrolidinopropiophenone (4-MePPP);
- 10.27 (27) 2-(methylamino)-1-phenylpentan-1-one (pentedrone);

- 11.1 (28) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentylone);
- 11.2 (29) 4-fluoro-N-methylcathinone (4-FMC);
- 11.3 (30) 3,4-methylenedioxy-N-ethylcathinone (ethylone);
- 11.4 (31) alpha-pyrrolidinobutiophenone ( $\alpha$ -PBP);
- 11.5 (32) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran (5-APDB);
- 11.6 (33) 1-phenyl-2-(1-pyrrolidiny)-1-heptanone (PV8);
- 11.7 (34) 6-(2-Aminopropyl)-2,3-dihydrobenzofuran (6-APDB);
- 11.8 (35) 4-methyl-alpha-ethylaminopentiophenone (4-MEAPP);
- 11.9 (36) 4'-chloro-alpha-pyrrolidinopropiophenone (4'-chloro-PPP);
- 11.10 (37) 1-(1,3-Benzodioxol-5-yl)-2-(dimethylamino)butan-1-one (dibutylone, bk-DMBDB);
- 11.11 (38) 1-(3-chlorophenyl) piperazine (meta-chlorophenylpiperazine or mCPP); and
- 11.12 (39) any other substance, except bupropion or compounds listed under a different
- 11.13 schedule, that is structurally derived from 2-aminopropan-1-one by substitution at the
- 11.14 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the
- 11.15 compound is further modified in any of the following ways:
- 11.16 (i) by substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy,
- 11.17 haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring
- 11.18 system by one or more other univalent substituents;
- 11.19 (ii) by substitution at the 3-position with an acyclic alkyl substituent;
- 11.20 (iii) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or
- 11.21 methoxybenzyl groups; or
- 11.22 (iv) by inclusion of the 2-amino nitrogen atom in a cyclic structure.
- 11.23 (h) ~~Marijuana~~, Synthetic tetrahydrocannabinols, and Synthetic cannabinoids. Unless
- 11.24 specifically excepted or unless listed in another schedule, any ~~natural~~ or synthetic material,
- 11.25 compound, mixture, or preparation that contains any quantity of the following substances,
- 11.26 their analogs, isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever
- 11.27 the existence of the isomers, esters, ethers, or salts is possible:
- 11.28 (1) ~~marijuana~~;
- 11.29 ~~(2) synthetic~~ tetrahydrocannabinols ~~naturally contained in a plant of the genus Cannabis,~~
- 11.30 that are the synthetic equivalents of the substances contained in the cannabis plant or in the

12.1 resinous extractives of the plant, or synthetic substances with similar chemical structure  
12.2 and pharmacological activity to those substances contained in the plant or resinous extract,  
12.3 including, but not limited to, 1 cis or trans tetrahydrocannabinol, 6 cis or trans  
12.4 tetrahydrocannabinol, and 3,4 cis or trans tetrahydrocannabinol;

12.5 ~~(3)~~ (2) synthetic cannabinoids, including the following substances:

12.6 (i) Naphthoylindoles, which are any compounds containing a 3-(1-naphthoyl)indole  
12.7 structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,  
12.8 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or  
12.9 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any  
12.10 extent and whether or not substituted in the naphthyl ring to any extent. Examples of  
12.11 naphthoylindoles include, but are not limited to:

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

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

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

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

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

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

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

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

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

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

12.22 (ii) Naphthylmethylinindoles, which are any compounds containing a  
12.23 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the  
12.24 indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
12.25 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further  
12.26 substituted in the indole ring to any extent and whether or not substituted in the naphthyl  
12.27 ring to any extent. Examples of naphthylmethylinindoles include, but are not limited to:

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

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

12.30 (iii) Naphthoylpyrroles, which are any compounds containing a 3-(1-naphthoyl)pyrrole  
12.31 structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl,

13.1 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl or  
13.2 2-(4-morpholinyl)ethyl group whether or not further substituted in the pyrrole ring to any  
13.3 extent, whether or not substituted in the naphthyl ring to any extent. Examples of  
13.4 naphthoylpyrroles include, but are not limited to,  
13.5 (5-(2-fluorophenyl)-1-pentylpyrrol-3-yl)-naphthalen-1-ylmethanone (JWH-307).

13.6 (iv) Naphthylmethylinenes, which are any compounds containing a naphthylideneindene  
13.7 structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl,  
13.8 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl or  
13.9 2-(4-morpholinyl)ethyl group whether or not further substituted in the indene ring to any  
13.10 extent, whether or not substituted in the naphthyl ring to any extent. Examples of  
13.11 naphthylemethylinenes include, but are not limited to,  
13.12 E-1-[1-(1-naphthalenylmethylene)-1H-inden-3-yl]pentane (JWH-176).

13.13 (v) Phenylacetylindoles, which are any compounds containing a 3-phenylacetylindole  
13.14 structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,  
13.15 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl or  
13.16 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any  
13.17 extent, whether or not substituted in the phenyl ring to any extent. Examples of  
13.18 phenylacetylindoles include, but are not limited to:

13.19 (A) 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (RCS-8);

13.20 (B) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);

13.21 (C) 1-pentyl-3-(2-methylphenylacetyl)indole (JWH-251);

13.22 (D) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203).

13.23 (vi) Cyclohexylphenols, which are compounds containing a  
13.24 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic  
13.25 ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
13.26 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group whether or not substituted  
13.27 in the cyclohexyl ring to any extent. Examples of cyclohexylphenols include, but are not  
13.28 limited to:

13.29 (A) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP 47,497);

13.30 (B) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol  
13.31 (Cannabicyclohexanol or CP 47,497 C8 homologue);

13.32 (C) 5-(1,1-dimethylheptyl)-2-[(1R,2R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]  
13.33 -phenol (CP 55,940).

14.1 (vii) Benzoylindoles, which are any compounds containing a 3-(benzoyl)indole structure  
14.2 with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl,  
14.3 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl or  
14.4 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any  
14.5 extent and whether or not substituted in the phenyl ring to any extent. Examples of  
14.6 benzoylindoles include, but are not limited to:

14.7 (A) 1-Pentyl-3-(4-methoxybenzoyl)indole (RCS-4);

14.8 (B) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM-694);

14.9 (C) (4-methoxyphenyl-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (WIN  
14.10 48,098 or Pravadoline).

14.11 (viii) Others specifically named:

14.12 (A) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)  
14.13 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (HU-210);

14.14 (B) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)  
14.15 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (Dexanabinol or HU-211);

14.16 (C) 2,3-dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]  
14.17 -1,4-benzoxazin-6-yl-1-naphthalenylmethanone (WIN 55,212-2);

14.18 (D) (1-pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (UR-144);

14.19 (E) (1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone  
14.20 (XLR-11);

14.21 (F) 1-pentyl-N-tricyclo[3.3.1.1<sup>3,7</sup>]dec-1-yl-1H-indazole-3-carboxamide  
14.22 (AKB-48(APINACA));

14.23 (G) N-((3s,5s,7s)-adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide  
14.24 (5-Fluoro-AKB-48);

14.25 (H) 1-pentyl-8-quinolinyl ester-1H-indole-3-carboxylic acid (PB-22);

14.26 (I) 8-quinolinyl ester-1-(5-fluoropentyl)-1H-indole-3-carboxylic acid (5-Fluoro PB-22);

14.27 (J) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-pentyl-1H-indazole-3-carboxamide  
14.28 (AB-PINACA);

14.29 (K) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-[(4-fluorophenyl)methyl]-  
14.30 1H-indazole-3-carboxamide (AB-FUBINACA);

- 15.1 (L) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-(cyclohexylmethyl)-1H-  
 15.2 indazole-3-carboxamide(AB-CHMINACA);
- 15.3 (M) (S)-methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3- methylbutanoate  
 15.4 (5-fluoro-AMB);
- 15.5 (N) [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl) methanone (THJ-2201);
- 15.6 (O) (1-(5-fluoropentyl)-1H-benzo[d]imidazol-2-yl)(naphthalen-1-yl)methanone  
 15.7 (FUBIMINA);
- 15.8 (P) (7-methoxy-1-(2-morpholinoethyl)-N-((1S,2S,4R)-1,3,3-trimethylbicyclo  
 15.9 [2.2.1]heptan-2-yl)-1H-indole-3-carboxamide (MN-25 or UR-12);
- 15.10 (Q) (S)-N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)  
 15.11 -1H-indole-3-carboxamide (5-fluoro-ABICA);
- 15.12 (R) N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl)  
 15.13 -1H-indole-3-carboxamide;
- 15.14 (S) N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl)  
 15.15 -1H-indazole-3-carboxamide;
- 15.16 (T) methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido) -3,3-dimethylbutanoate;
- 15.17 (U) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1(cyclohexylmethyl)-1  
 15.18 H-indazole-3-carboxamide (MAB-CHMINACA);
- 15.19 (V) N-(1-Amino-3,3-dimethyl-1-oxo-2-butanyl)-1-pentyl-1H-indazole-3-carboxamide  
 15.20 (ADB-PINACA);
- 15.21 (W) methyl (1-(4-fluorobenzyl)-1H-indazole-3-carbonyl)-L-valinate (FUB-AMB);
- 15.22 (X) N-[(1S)-2-amino-2-oxo-1-(phenylmethyl)ethyl]-1-(cyclohexylmethyl)-1H-Indazole-  
 15.23 3-carboxamide. (APP-CHMINACA);
- 15.24 (Y) quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate (FUB-PB-22); and
- 15.25 (Z) methyl N-[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]valinate (MMB-CHMICA).
- 15.26 (i) A controlled substance analog, to the extent that it is implicitly or explicitly intended  
 15.27 for human consumption.
- 15.28 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes  
 15.29 committed on or after that date.

16.1 Sec. 5. Minnesota Statutes 2018, section 152.02, subdivision 3, is amended to read:

16.2 Subd. 3. **Schedule II.** (a) Schedule II consists of the substances listed in this subdivision.

16.3 (b) Unless specifically excepted or unless listed in another schedule, any of the following  
16.4 substances whether produced directly or indirectly by extraction from substances of vegetable  
16.5 origin or independently by means of chemical synthesis, or by a combination of extraction  
16.6 and chemical synthesis:

16.7 (1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or  
16.8 opiate.

16.9 (i) Excluding:

16.10 (A) apomorphine;

16.11 (B) thebaine-derived butorphanol;

16.12 (C) dextrophan;

16.13 (D) nalbuphine;

16.14 (E) nalmeffene;

16.15 (F) naloxegol;

16.16 (G) naloxone;

16.17 (H) naltrexone; and

16.18 (I) their respective salts;

16.19 (ii) but including the following:

16.20 (A) opium, in all forms and extracts;

16.21 (B) codeine;

16.22 (C) dihydroetorphine;

16.23 (D) ethylmorphine;

16.24 (E) etorphine hydrochloride;

16.25 (F) hydrocodone;

16.26 (G) hydromorphone;

16.27 (H) metopon;

16.28 (I) morphine;



- 17.1 (J) oxycodone;
- 17.2 (K) oxymorphone;
- 17.3 (L) thebaine;
- 17.4 (M) oripavine;
- 17.5 (2) any salt, compound, derivative, or preparation thereof which is chemically equivalent
- 17.6 or identical with any of the substances referred to in clause (1), except that these substances
- 17.7 shall not include the isoquinoline alkaloids of opium;
- 17.8 (3) opium poppy and poppy straw;
- 17.9 (4) coca leaves and any salt, cocaine compound, derivative, or preparation of coca leaves
- 17.10 (including cocaine and ecgonine and their salts, isomers, derivatives, and salts of isomers
- 17.11 and derivatives), and any salt, compound, derivative, or preparation thereof which is
- 17.12 chemically equivalent or identical with any of these substances, except that the substances
- 17.13 shall not include decocainized coca leaves or extraction of coca leaves, which extractions
- 17.14 do not contain cocaine or ecgonine;
- 17.15 (5) concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid,
- 17.16 or powder form which contains the phenanthrene alkaloids of the opium poppy).
- 17.17 (c) Any of the following opiates, including their isomers, esters, ethers, salts, and salts
- 17.18 of isomers, esters and ethers, unless specifically excepted, or unless listed in another schedule,
- 17.19 whenever the existence of such isomers, esters, ethers and salts is possible within the specific
- 17.20 chemical designation:
- 17.21 (1) alfentanil;
- 17.22 (2) alphaprodine;
- 17.23 (3) anileridine;
- 17.24 (4) bezitramide;
- 17.25 (5) bulk dextropropoxyphene (nondosage forms);
- 17.26 (6) carfentanil;
- 17.27 (7) dihydrocodeine;
- 17.28 (8) dihydromorphinone;
- 17.29 (9) diphenoxylate;
- 17.30 (10) fentanyl;

- 18.1 (11) isomethadone;
- 18.2 (12) levo-alpha-acetylmethadol (LAAM);
- 18.3 (13) levomethorphan;
- 18.4 (14) levorphanol;
- 18.5 (15) metazocine;
- 18.6 (16) methadone;
- 18.7 (17) methadone - intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;
- 18.8 (18) moramide - intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic
- 18.9 acid;
- 18.10 (19) pethidine;
- 18.11 (20) pethidine - intermediate - a, 4-cyano-1-methyl-4-phenylpiperidine;
- 18.12 (21) pethidine - intermediate - b, ethyl-4-phenylpiperidine-4-carboxylate;
- 18.13 (22) pethidine - intermediate - c, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- 18.14 (23) phenazocine;
- 18.15 (24) piminodine;
- 18.16 (25) racemethorphan;
- 18.17 (26) racemorphan;
- 18.18 (27) remifentanil;
- 18.19 (28) sufentanil;
- 18.20 (29) tapentadol;
- 18.21 (30) 4-Anilino-N-phenethyl-4-piperidine (ANPP).
- 18.22 (d) Unless specifically excepted or unless listed in another schedule, any material,
- 18.23 compound, mixture, or preparation which contains any quantity of the following substances
- 18.24 having a stimulant effect on the central nervous system:
  - 18.25 (1) amphetamine, its salts, optical isomers, and salts of its optical isomers;
  - 18.26 (2) methamphetamine, its salts, isomers, and salts of its isomers;
  - 18.27 (3) phenmetrazine and its salts;
  - 18.28 (4) methylphenidate;

19.1 (5) lisdexamfetamine.

19.2 (e) Unless specifically excepted or unless listed in another schedule, any material,  
19.3 compound, mixture, or preparation which contains any quantity of the following substances  
19.4 having a depressant effect on the central nervous system, including its salts, isomers, and  
19.5 salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible  
19.6 within the specific chemical designation:

19.7 (1) amobarbital;

19.8 (2) glutethimide;

19.9 (3) secobarbital;

19.10 (4) pentobarbital;

19.11 (5) phencyclidine;

19.12 (6) phencyclidine immediate precursors:

19.13 (i) 1-phenylcyclohexylamine;

19.14 (ii) 1-piperidinocyclohexanecarbonitrile;

19.15 (7) phenylacetone.

19.16 (f) ~~Hallucinogenic substances~~ Cannabis and cannabinoids:

19.17 (1) nabilone;

19.18 (2) unless specifically excepted or unless listed in another schedule, any natural material,  
19.19 compound, mixture, or preparation that contains any quantity of the following substances,  
19.20 their analogs, isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever  
19.21 the existence of the isomers, esters, ethers, or salts is possible:

19.22 (i) marijuana; and

19.23 (ii) tetrahydrocannabinols naturally contained in a plant of the genus cannabis or in the  
19.24 resinous extractives of the plant.

19.25 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes  
19.26 committed on or after that date.

19.27 Sec. 6. Minnesota Statutes 2018, section 152.021, subdivision 2, is amended to read:

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

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

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

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

20.8 (ii) the offense involves two aggravating factors;

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

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

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

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

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

20.23 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes  
20.24 committed on or after that date.

20.25 Sec. 7. Minnesota Statutes 2018, section 152.022, subdivision 2, is amended to read:

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

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

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

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

21.4 (ii) the offense involves three aggravating factors;

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

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

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

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

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

21.19 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes  
21.20 committed on or after that date.

21.21 Sec. 8. Minnesota Statutes 2018, section 152.023, subdivision 2, is amended to read:

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

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

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

21.29 (3) on one or more occasions within a 90-day period the person unlawfully possesses  
21.30 one or more mixtures containing a narcotic drug, it is packaged in dosage units, and equals  
21.31 50 or more dosage units;

22.1 (4) on one or more occasions within a 90-day period the person unlawfully possesses  
22.2 any amount of a schedule I or II narcotic drug or five or more dosage units of lysergic acid  
22.3 diethylamide (LSD), 3,4-methylenedioxy amphetamine, or  
22.4 3,4-methylenedioxymethamphetamine in a school zone, a park zone, a public housing zone,  
22.5 or a drug treatment facility;

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

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

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

22.16 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes  
22.17 committed on or after that date.

22.18 Sec. 9. Minnesota Statutes 2018, section 152.11, is amended by adding a subdivision to  
22.19 read:

22.20 Subd. 5. **Exception.** References in this section to Schedule II controlled substances do  
22.21 not extend to marijuana or tetrahydrocannabinols.

22.22 Sec. 10. Minnesota Statutes 2018, section 152.12, is amended by adding a subdivision to  
22.23 read:

22.24 Subd. 6. **Exception.** References in this section to Schedule II controlled substances do  
22.25 not extend to marijuana or tetrahydrocannabinols.

22.26 Sec. 11. Minnesota Statutes 2018, section 152.125, subdivision 3, is amended to read:

22.27 Subd. 3. **Limits on applicability.** This section does not apply to:

22.28 (1) a physician's treatment of an individual for chemical dependency resulting from the  
22.29 use of controlled substances in Schedules II to V of section 152.02;

23.1 (2) the prescription or administration of controlled substances in Schedules II to V of  
23.2 section 152.02 to an individual whom the physician knows to be using the controlled  
23.3 substances for nontherapeutic purposes;

23.4 (3) the prescription or administration of controlled substances in Schedules II to V of  
23.5 section 152.02 for the purpose of terminating the life of an individual having intractable  
23.6 pain; ~~or~~

23.7 (4) the prescription or administration of a controlled substance in Schedules II to V of  
23.8 section 152.02 that is not a controlled substance approved by the United States Food and  
23.9 Drug Administration for pain relief; or

23.10 (5) the administration of medical cannabis under sections 152.21 to 152.37.

23.11 Sec. 12. Minnesota Statutes 2018, section 152.126, subdivision 1, is amended to read:

23.12 Subdivision 1. **Definitions.** (a) For purposes of this section, the terms defined in this  
23.13 subdivision have the meanings given.

23.14 (b) "Board" means the Minnesota State Board of Pharmacy established under chapter  
23.15 151.

23.16 (c) "Controlled substances" means those substances listed in section 152.02, subdivisions  
23.17 3 to 6, and those substances defined by the board pursuant to section 152.02, subdivisions  
23.18 7, 8, and 12. For the purposes of this section, controlled substances includes butalbital and  
23.19 gabapentin but does not include medical cannabis under sections 152.21 to 152.37.

23.20 (d) "Dispense" or "dispensing" has the meaning given in section 151.01, subdivision  
23.21 30. Dispensing does not include the direct administering of a controlled substance to a  
23.22 patient by a licensed health care professional.

23.23 (e) "Dispenser" means a person authorized by law to dispense a controlled substance,  
23.24 pursuant to a valid prescription. For the purposes of this section, a dispenser does not include  
23.25 a licensed hospital pharmacy that distributes controlled substances for inpatient hospital  
23.26 care or a veterinarian who is dispensing prescriptions under section 156.18.

23.27 (f) "Prescriber" means a licensed health care professional who is authorized to prescribe  
23.28 a controlled substance under section 152.12, subdivision 1 or 2.

23.29 (g) "Prescription" has the meaning given in section 151.01, subdivision 16a.

24.1 Sec. 13. Minnesota Statutes 2018, section 152.18, subdivision 3, is amended to read:

24.2 Subd. 3. **Expungement of certain marijuana offenses.** Any person who has been found  
24.3 guilty of: (1) a violation of section 152.09 with respect to a small amount of marijuana  
24.4 which violation occurred prior to April 11, 1976, and whose conviction would have been  
24.5 a petty misdemeanor under the provisions of section 152.15, subdivision 2, clause (5) in  
24.6 effect on April 11, 1978, but whose conviction was for an offense more serious than a petty  
24.7 misdemeanor under laws in effect prior to April 11, 1976; or (2) a violation of section  
24.8 152.025 that occurred before August 1, 2019, where the violation would have been a petty  
24.9 misdemeanor under section 152.027, subdivision 4, in effect on August 1, 2019;

24.10 may petition the court in which the person was convicted to expunge from all official records,  
24.11 other than the nonpublic record retained by the Department of Public Safety pursuant to  
24.12 section 152.15, subdivision 2, clause (5), all recordation relating to the person's arrest,  
24.13 indictment or information, trial and conviction of an offense more serious than a petty  
24.14 misdemeanor. The court, upon being satisfied that a small amount was involved in the  
24.15 conviction, shall order all the recordation expunged. No person as to whom an order has  
24.16 been entered pursuant to this subdivision shall be held thereafter under any provision of  
24.17 any law to be guilty of perjury or otherwise giving a false statement by reason of the person's  
24.18 failure to recite or acknowledge conviction of an offense greater than a petty misdemeanor,  
24.19 unless possession of marijuana is material to a proceeding.