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## S.F. No. 51 - Delete-Everything Amendment (SCS0051A-3)

**Author:** Senator Linda Berglin

**Prepared by:** Kenneth P. Backhus, Senate Counsel (651/296-4396) 

**Date:** February 15, 2005

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### Overview

The delete-everything amendment (SCS0051A-3) to S.F. No. 51 regulates the sale of methamphetamine precursor drugs (i.e., drugs or products containing ephedrine or pseudoephedrine as an active ingredient) by classifying them as Schedule V controlled substances, placing limits on the amounts of these drugs that may be sold, restricting who may sell them, and the manner in which they may be sold.

**Section 1** requires a written prescription from a veterinarian for drugs and products for any species of animal containing ephedrine or pseudoephedrine.

**Section 2** classifies compounds, mixtures, or preparations containing ephedrine or pseudoephedrine as their *sole* active ingredient or as *one* of their active ingredients as Schedule V controlled substances.

Also provides criminal penalties and requirements relating to the over-the-counter sales of methamphetamine precursor drugs. Places limitations on the way in which these drugs may be sold, and the amounts that may be sold in a single transaction or acquired within a 30-day period.

Requires stores that sell methamphetamine precursor drugs to:

- ▶ ensure that all packages of the drugs are displayed behind a checkout counter where the public is not permitted;
- ▶ offer them for sale only by a licensed pharmacist or licensed pharmacy technician (however, does not require that a buyer have a prescription); and
- ▶ ensure that the person making the sale requires the buyer to:
  - provide photographic identification showing the buyer's date of birth; and
  - sign a written document detailing the date of the sale, the name of the buyer, and the amount of the drug sold.

Requires pharmacies to maintain the written documents for audit or examination by law enforcement officials for a two-year period.

Provides that no more than two packages or a total of six grams of methamphetamine precursor drugs may be sold in a single over-the-counter sale and requires the drug or product to be in packages containing no more than three grams of ephedrine or pseudoephedrine base or in blister packs with each blister containing no more than two dosage units. Prohibits any person from acquiring more than six grams of methamphetamine precursor drugs within a 30-day period through over-the-counter sales. Prohibits sales to persons under the age of 18 years.

Provides that a person who knowingly violates this section is guilty of a misdemeanor. Provides an affirmative defense for sales to a person under the age of 18 if the defendant reasonably and in good faith relied on specified proof of age.

Exempts from the retail restrictions: pediatric products labeled pursuant to federal regulation primarily intended for administration to children under 12 years of age; drugs or products that are certified by the Board of Pharmacy as being manufactured in a manner that prevents it from being used to manufacture methamphetamine; drugs or products in gel capsule or liquid form; and compounds, mixtures, or preparations in powder form where pseudoephedrine constitutes less than one percent of the total weight and is not the sole active ingredient. Requires the Board of Pharmacy to publish an annual listing of drugs and products that are manufactured in a manner that prevents them from being used to manufacture methamphetamine. Defines key terms.

**Sections 3 and 4** amend the current criminal provisions relating to the sale and possession of Schedule V controlled substances to provide that these penalties do not apply to violations of **section 2**.

**Section 5** amends the current ephedrine statute to add a cross-reference to **section 2**.

KPB:ph

1 Senator ..... moves to amend S.F. No. 51 as follows:

2 Delete everything after the enacting clause and insert:

3 "Section 1. [35.051] [RESTRICTION ON SALE OF EPHEDRINE AND  
4 PSEUDOEPHEDRINE.]

5 Drugs and products for any species of animal that contain  
6 ephedrine or pseudoephedrine require a written prescription from  
7 a veterinarian to be sold or distributed for lay use.

8 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
9 and applies to crimes committed on or after that date.

10 Sec. 2. Minnesota Statutes 2004, section 152.02,  
11 subdivision 6, is amended to read:

12 Subd. 6. [SCHEDULE V; RESTRICTIONS ON METHAMPHETAMINE  
13 PRECURSOR DRUGS.] (a) As used in this subdivision, the following  
14 terms have the meanings given:

15 (1) "methamphetamine precursor drug" means any compound,  
16 mixture, or preparation intended for human consumption  
17 containing ephedrine or pseudoephedrine as its sole active  
18 ingredient or as one of its active ingredients; and

19 (2) "over-the-counter sale" means a retail sale of a drug  
20 or product but does not include the sale of a drug or product  
21 pursuant to the terms of a valid prescription.

22 (b) The following items are listed in Schedule V:

23 (1) any compound, mixture, or preparation containing any of  
24 the following limited quantities of narcotic drugs, which shall  
25 include one or more nonnarcotic active medicinal ingredients in  
26 sufficient proportion to confer upon the compound, mixture or  
27 preparation valuable medicinal qualities other than those  
28 possessed by the narcotic drug alone;

29 ~~{1}~~ (i) not more than 100 milligrams of dihydrocodeine per  
30 100 milliliters or per 100 grams;

31 ~~{2}~~ (ii) not more than 100 milligrams of ethylmorphine per  
32 100 milliliters or per 100 grams;

33 ~~{3}~~ (iii) not more than 2.5 milligrams of diphenoxylate and  
34 not less than 25 micrograms of atropine sulfate per dosage  
35 unit; or

36 ~~{4}~~ (iv) not more than 15 milligrams of anhydrous morphine

1 per 100 milliliters or per 100 grams; and

2 (2) any compound, mixture, or preparation containing  
3 ephedrine or pseudoephedrine as its sole active ingredient or as  
4 one of its active ingredients.

5 (c) No person may sell in a single over-the-counter sale  
6 more than two packages of a methamphetamine precursor drug or a  
7 combination of methamphetamine precursor drugs or any  
8 combination of packages exceeding a total weight of six grams.

9 (d) Over-the-counter sales of methamphetamine precursor  
10 drugs are limited to:

11 (1) packages containing not more than a total of three  
12 grams of one or more methamphetamine precursor drugs, calculated  
13 in terms of ephedrine base or pseudoephedrine base; or

14 (2) for nonliquid products, sales in blister packs, where  
15 each blister contains not more than two dosage units, or, if the  
16 use of blister packs is not technically feasible, sales in unit  
17 dose packets or pouches.

18 (e) A business establishment that offers for sale  
19 methamphetamine precursor drugs in an over-the-counter sale  
20 shall ensure that all packages of the drugs are displayed behind  
21 a checkout counter where the public is not permitted and are  
22 offered for sale only by a licensed pharmacist or a licensed  
23 pharmacy technician. The establishment shall ensure that the  
24 person making the sale requires the buyer:

25 (1) to provide photographic identification showing the  
26 buyer's date of birth; and

27 (2) to sign a written document detailing the date of the  
28 sale, the name of the buyer, and the amount of the drug sold.

29 The pharmacy shall maintain the written documents described in  
30 clause (2) for audit or examination by law enforcement officials  
31 for a period of two years from the date of the transaction and  
32 shall provide the documents upon request by a law enforcement  
33 official. Nothing in this paragraph requires the buyer to  
34 obtain a prescription for the drug's purchase.

35 (f) No person may acquire through over-the-counter sales  
36 more than six grams of methamphetamine precursor drugs within a

1 30-day period.

2 (g) No person may sell in an over-the-counter sale a  
3 methamphetamine precursor drug to a person under the age of 18  
4 years. It is an affirmative defense to a charge under this  
5 paragraph if the defendant proves by a preponderance of the  
6 evidence that the defendant reasonably and in good faith relied  
7 on proof of age as described in section 340A.503, subdivision 6.

8 (h) A person who knowingly violates paragraph (c), (d),  
9 (e), (f), or (g) is guilty of a misdemeanor and may be sentenced  
10 to imprisonment for not more than 90 days, or to payment of a  
11 fine of not more than \$1,000, or both.

12 (i) Paragraphs (c) to (h) do not apply to:

13 (1) pediatric products labeled pursuant to federal  
14 regulation primarily intended for administration to children  
15 under 12 years of age according to label instructions;

16 (2) methamphetamine precursor drugs that are certified by  
17 the Board of Pharmacy as being manufactured in a manner that  
18 prevents the drug from being used to manufacture  
19 methamphetamine;

20 (3) methamphetamine precursor drugs in gel capsule or  
21 liquid form; or

22 (4) compounds, mixtures, or preparations in powder form  
23 where pseudoephedrine constitutes less than one percent of its  
24 total weight and is not its sole active ingredient.

25 (j) The Board of Pharmacy shall certify methamphetamine  
26 precursor drugs that meet the requirements of paragraph (i),  
27 clause (2), and publish an annual listing of these drugs.

28 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
29 and applies to crimes committed on or after that date.

30 Sec. 3. Minnesota Statutes 2004, section 152.027,  
31 subdivision 1, is amended to read:

32 Subdivision 1. [SALE OF SCHEDULE V CONTROLLED SUBSTANCE.]  
33 Except as provided in section 152.02, subdivision 6, a person  
34 who unlawfully sells one or more mixtures containing a  
35 controlled substance classified in schedule V may be sentenced  
36 to imprisonment for not more than one year or to payment of a

1 fine of not more than \$3,000, or both.

2 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
3 and applies to crimes committed on or after that date.

4 Sec. 4. Minnesota Statutes 2004, section 152.027,  
5 subdivision 2, is amended to read:

6 Subd. 2. [POSSESSION OF SCHEDULE V CONTROLLED SUBSTANCE.]  
7 Except as provided in section 152.02, subdivision 6, a person  
8 who unlawfully possesses one or more mixtures containing a  
9 controlled substance classified in schedule V may be sentenced  
10 to imprisonment for not more than one year or to payment of a  
11 fine of not more than \$3,000, or both. The court may order that  
12 a person who is convicted under this subdivision and placed on  
13 probation be required to take part in a drug education program  
14 as specified by the court.

15 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
16 and applies to crimes committed on or after that date.

17 Sec. 5. Minnesota Statutes 2004, section 152.135,  
18 subdivision 2, is amended to read:

19 Subd. 2. [EXCEPTIONS.] (a) A drug product containing  
20 ephedrine, its salts, optical isomers, and salts of optical  
21 isomers is exempt from subdivision 1 if the drug product:

22 (1) may be lawfully sold over the counter without a  
23 prescription under the federal Food, Drug, and Cosmetic Act,  
24 United States Code, title 21, section 321, et seq.;

25 (2) is labeled and marketed in a manner consistent with the  
26 pertinent OTC Tentative Final or Final Monograph;

27 (3) is manufactured and distributed for legitimate  
28 medicinal use in a manner that reduces or eliminates the  
29 likelihood of abuse;

30 (4) is not marketed, advertised, or labeled for the  
31 indication of stimulation, mental alertness, weight loss, muscle  
32 enhancement, appetite control, or energy; and

33 (5) is in solid oral dosage forms, including soft gelatin  
34 caplets, that combine 400 milligrams of guaifenesin and 25  
35 milligrams of ephedrine per dose, according to label  
36 instructions; or is an anorectal preparation containing not more

1 than five percent ephedrine; and

2 (6) is sold in a manner that does not conflict with section  
3 152.02, subdivision 6.

4 (b) Subdivisions 1 and 3 shall not apply to products  
5 containing ephedra or ma huang and lawfully marketed as dietary  
6 supplements under federal law.

7 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
8 and applies to crimes committed on or after that date."

9 Delete the title and insert:

10 "A bill for an act relating to public safety; scheduling  
11 ephedrine and pseudoephedrine products as Schedule V controlled  
12 substances; regulating the sale of methamphetamine precursor  
13 drugs; requiring prescriptions from veterinarians for products  
14 for animals containing ephedrine or pseudoephedrine; providing  
15 criminal penalties; amending Minnesota Statutes 2004, sections  
16 152.02, subdivision 6; 152.027, subdivisions 1, 2; 152.135,  
17 subdivision 2; proposing coding for new law in Minnesota  
18 Statutes, chapters 35."

1 Senator ..... moves to amend the delete-everything  
2 amendment (SCS0051A-3) to S.F. No. 51 as follows:

3 Page 1, line 3, delete "RESTRICTION ON SALE OF"

4 Page 1, line 4, after "PSEUDOEPHEDRINE" insert "PRODUCTS"

5 Page 1, line 5, before "Drugs" insert "Subdivision 1.

6 [PRESCRIPTION REQUIRED.]"

7 Page 1, after line 7, insert:

8 "Subd. 2. [SALE AND PURCHASE RESTRICTIONS.] A drug or  
9 product for any species of animal containing ephedrine or  
10 pseudoephedrine may only be dispensed, sold, or distributed by a  
11 veterinarian or a veterinary assistant under the supervision or  
12 direction of a veterinarian. A person who is not a veterinarian  
13 may not purchase a drug or product for animal consumption  
14 containing ephedrine or pseudoephedrine without a prescription."

15 Page 2, line 22, delete "or a licensed" and insert ", a  
16 registered"

17 Page 2, line 23, after "technician" and insert ", or a  
18 pharmacy clerk"

19 Page 2, line 28, after "name" insert "and date of birth"

20 Page 3, line 25, after "Pharmacy" insert ", in consultation  
21 with the commissioner of public safety,"

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## S.F. No. 423 - Methamphetamine Provisions

**Author:** Senator Julie A. Rosen

**Prepared by:** Kenneth P. Backhus, Senate Counsel (651/296-4396)

**Date:** February 14, 2005

(KB)

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### Overview

S.F. No. 423 makes numerous changes to laws relating to methamphetamine including: regulating the sale of methamphetamine precursor drugs and classifying them as Schedule V controlled substances, increasing methamphetamine-related criminal penalties and creating new crimes, placing property restrictions on methamphetamine laboratory sites, and creating a methamphetamine laboratory cleanup revolving loan fund. In addition, it amends the definition of narcotic drug in the controlled substances chapter of law to include methamphetamine, requires that schools be notified when students have been taken into protective custody after being found at methamphetamine lab sites, and recodifies the possession of methamphetamine precursors with the intent to manufacture methamphetamine crime into a stand-alone section of law. Finally, it appropriates unspecified sums to the Commissioner of Corrections, the Board of Public Defense, the Commissioner of Human Services, the Commissioner of Employment and Economic Development, the Commissioner of Public Safety, the Commissioner of Health, and the Commissioner of Education for various methamphetamine-related initiatives.

### Article 1 Methamphetamine Provisions

**Section 1** amends the definition of "narcotic drug" in the controlled substance chapter of law to specifically include methamphetamine. Doing this ensures that

methamphetamine sales and possession crimes are treated the same as cocaine and heroin throughout the controlled substances laws. Currently, this occurs for the most part. However, because methamphetamine is not defined as a narcotic drug, the sale of a small amount of methamphetamine is a fourth-degree controlled substance crime. The sale of a small amount of a narcotic drug (including heroin or cocaine) is a third-degree controlled substance crime.

**Section 2** classifies compounds, mixtures, or preparations containing ephedrine or pseudoephedrine as their *sole* active ingredient or as *one* of their active ingredients as Schedule V controlled substances.

Also provides criminal penalties and requirements relating to the over-the-counter sales of methamphetamine precursor drugs (i.e., drugs or products containing ephedrine or pseudoephedrine as their *sole* active ingredient or as *one* of their active ingredients). Places limitations on the way in which these drugs may be sold, and the amounts that may be sold in a single transaction or acquired within a 30-day period.

Requires stores that sell methamphetamine precursor drugs to:

- ▶ ensure that all packages of the drugs are displayed behind a checkout counter where the public is not permitted;
- ▶ offer them for sale only by a licensed pharmacist or licensed pharmacy technician (however, does not require that a buyer have a prescription); and
- ▶ ensure that the person making the sale requires the buyer to:
  - provide photographic identification showing the buyer's date of birth; and
  - sign a written document detailing the date of the sale, the name of the buyer, and the amount of the drug sold.

Provides that no more than two packages or a total of six grams of methamphetamine precursor drugs may be sold in a single over-the-counter sale and requires the drug or product to be in packages containing no more than three grams of ephedrine or pseudoephedrine base or in blister packs with each blister containing no more than two dosage units. Prohibits any person from acquiring more than six grams of methamphetamine precursor drugs within a 30-day period through over-the-counter sales. Prohibits sales to persons under the age of 18 years.

Provides that a person who knowingly violates this section is guilty of a misdemeanor. Provides an affirmative defense for sales to a person under the age of 18 if the defendant reasonably and in good faith relied on specified proof of age. Provides exceptions to the criminal penalties for owners and supervisors of business establishments in certain cases.

Requires reporting of suspicious transactions relating to methamphetamine precursor drug sales by clerks to management and authorizes managers to make similar reports to law enforcement. Provides civil immunity for good-faith reporting.

Exempts from the retail restrictions: pediatric products labeled pursuant to federal regulation primarily intended for administration to children under 12 years of age; drugs or products that are certified by the Board of Pharmacy as being manufactured in a manner that prevents it from being used to manufacture methamphetamine; and drugs or products in gel capsule or liquid form. Requires the Board of Pharmacy to publish an annual listing of these drugs and products. Defines key terms.

**Section 3** amends the attempted manufacture of methamphetamine crime enacted in the 2003 First Special Session. Makes mostly technical changes to clarify that this crime is not an "attempt crime" as much as a "possession of certain substances with intent to manufacture methamphetamine crime." These changes are consistent with the intent of the 2003 legislation and essentially "clean up" some confusing language in the provision. Strikes the cross-referenced definition of "anhydrous ammonia." Provides that the list of chemical reagents and precursors is not exclusive.

**Section 4** increases the maximum criminal penalty for a violation of **article 1, section 3**, from a three-year/\$5,000 felony to a ten-year/\$20,000 felony and for a repeat offense from a four-year/\$5,000 felony to a 15-year/\$30,000 felony.

**Sections 5 and 6** amend the current criminal provisions relating to the sale and possession of Schedule V controlled substances to provide that these penalties do not apply to violations of **article 1, section 2**.

**Section 7** requires courts to order persons convicted of manufacturing/attempting to manufacture controlled substances or of illegal activities involving precursor substances where the response to the crime involved an emergency response to pay restitution to public entities that participated in the response. Also requires courts to order these persons to pay restitution to property owners who incurred removal or remediation costs because of the crime. Courts may reduce the amount of restitution if the convicted person is indigent or if payment would create undue hardship for the convicted person's immediate family.

Requires peace officers who arrest persons at clandestine lab sites to notify the appropriate county or local health department and other entities of the arrest and the location of the site. Requires county or local health departments or sheriffs to prohibit all property that has been found to be a methamphetamine-contaminated clandestine lab site from being occupied, rented, sold, or used until it has been assessed and remediated. Specifies the process for remediation, including the circumstances under which the applicable authority must vacate its property use restriction order.

Requires that if a motor vehicle has been contaminated by methamphetamine production, and if the applicable authority is able to obtain its certificate of title, the authority shall notify the registrar of motor vehicles of this fact and forward the certificate of title to the registrar, so that a notation can

be made on the title (see **article 1, section 11**). Requires that if the applicable authority has issued a property use restriction order, the authority shall record an affidavit containing a legal description of the property disclosing that it was the site of a clandestine lab and other specified information. Requires that if the applicable authority vacates its order, the authority must record an affidavit noting this. Provides that unless an affidavit has already been filed by the applicable authority, before any transfer of property ownership where the owner knew or should have known the property had been used as a clandestine lab site and contaminated by methamphetamine manufacturing, the owner shall record an affidavit noting this (failing to do so is a petty misdemeanor). Authorizes an interested party to record an affidavit indicating that proper removal and remediation has occurred. Requires the county recorder or registrar of titles to record any affidavits under this section in a manner that assures their disclosure in the ordinary course of a title search on the property.

Requires the Commissioner of Health to post on the Internet contact information for each local community health services administrator. Requires each of these administrators to maintain specified information related to property within the administrator's jurisdiction that is currently or was previously subject to a property use restriction order. Requires the administrator to make this information available to the public either upon request or by other means. Defines key terms.

**Section 8** amends the current ephedrine statute to add a cross-reference to **article 1, section 2**.

**Section 9** recodifies the prohibited fertilizer activities currently codified at sections 18C.201 and 18D.331. (These provisions are repealed in **article 1, section 16**.) In addition, adds two new crimes: stealing or unlawfully taking or carrying away any amount of anhydrous ammonia; and purchasing/possessing/transferring/distributing any amount of anhydrous ammonia, knowing or having reason to know that it will be used to unlawfully manufacture a controlled substance. Violation of either provision is a five-year/\$50,000 felony.

**Section 10** criminalizes various methamphetamine-related activities that may impact children or vulnerable adults. The prohibited activities include manufacturing or attempting to manufacture methamphetamine, storing chemical substances, storing methamphetamine waste products, and storing methamphetamine paraphernalia. A person may not engage in these activities in the presence of a child or vulnerable adult; in the residence of a child or vulnerable adult; in a building, structure, conveyance, or outdoor location where a child or vulnerable adult might reasonably be expected to be present; in a room offered to the public for overnight accommodation; or in any multiple unit residential building. Also prohibits persons from knowingly causing or permitting a child or vulnerable adult to inhale, be exposed to, have contact with, or ingest methamphetamine, a chemical substance, or methamphetamine paraphernalia. Violation of these provisions is a five-year/\$10,000 felony. Provides that a prosecution for or conviction under this section is not a bar to conviction or punishment for any other crime committed by the defendant as part of the same conduct. Authorizes peace officers to take into protective custody children present in areas where prohibited activities under this section are occurring. Provides for health screening both for children taken into protective custody and for those who were not but who are known to have been exposed to methamphetamine. Requires peace officers to make reports of suspected maltreatment of vulnerable adults in certain situations involving methamphetamine exposure. Defines key terms.

**Section 11** requires the Registrar of Motor Vehicles to include the term “hazardous waste contaminated vehicle” on a motor vehicle’s title if the Registrar has received the notice and the vehicle’s title as required in **article 1, section 7**.

**Section 12** requires that if a child who is enrolled in school is taken into protective custody after being found in an area where methamphetamine was being manufactured or where chemical substances, methamphetamine paraphernalia, or methamphetamine waste products were stored, the officer who took the child into custody must notify the chief administrative officer of the child’s school of this fact. Defines key terms.

**Section 13** requires the Public Facilities Authority to establish a methamphetamine laboratory cleanup revolving fund. The purpose of the fund is to provide low-interest loans to counties and cities to remediate clandestine lab sites. Specifies the criteria for awarding loans, the loan application process, the eligibility requirements for loans, the loan conditions and terms, etc. Defines key terms.

**Section 14** expands the definition of “violent crime” in the criminal code’s sentencing provision for certain dangerous and repeat felony offenders to include within it **article 1, section 10**.

**Section 15** directs the Revisor to recodify the possession of methamphetamine precursors with the intent to manufacture methamphetamine crime enacted in the 2003 First Special Session (as amended by **article 1, sections 3 and 4**) into a new stand-alone section of law.

**Section 16** repeals statutory provisions in chapters 18C and 18D, relating to anhydrous ammonia that are recodified by this bill in chapter 152 (see **article 1, section 9**).

## **Article 2 Methamphetamine Appropriations**

**Section 1** specifies the following regarding the article’s appropriations: the fiscal years that they are for, the fund from which they are made, and a summary of their amounts.

**Section 2** appropriates unspecified sums to the Commissioner of Corrections for the increased prison population caused by this act.

**Section 3** appropriates unspecified sums to the Board of Public Defense for a methamphetamine trial team.

**Section 4** appropriates unspecified sums to the Commissioner of Human Services to fund programs providing specialized chemical dependency treatment for pregnant women and women with children who are or may be abusing methamphetamine.

**Section 5** appropriates unspecified sums to the Commissioner of Employment and Economic Development for the methamphetamine laboratory cleanup revolving fund (see **article 1, section 13**).

**Section 6** appropriates unspecified sums to the Commissioner of Public Safety for ten new Bureau of Criminal Apprehension agents to be assigned exclusively to methamphetamine enforcement, including the investigation of manufacturing and distributing methamphetamine and related violence.

**Section 7** appropriates unspecified sums to the Commissioner of Health to provide technical assistance on methamphetamine lab remediation.

**Section 8** appropriates unspecified sums to the Commissioner of Education to develop and distribute to school districts materials addressing the dangers of methamphetamine.

KPB:ph

Senators Rosen, Foley, Ranum, Neuville and Kleis introduced--

S.F. No. 423: Referred to the Committee on Crime Prevention and Public Safety.

1

A bill for an act

2 relating to public safety; scheduling ephedrine and  
3 pseudoephedrine products as Schedule V controlled  
4 substances; regulating the sale of methamphetamine  
5 precursor drugs; authorizing reporting of suspicious  
6 transactions involving these drugs and providing civil  
7 immunity for so doing; further regulating while  
8 recodifying activities involving anhydrous ammonia;  
9 requiring courts to order restitution in certain  
10 situations involving controlled substances; imposing  
11 property restrictions in certain situations involving  
12 controlled substances; increasing the criminal  
13 penalties for possessing certain substances with the  
14 intent to manufacture methamphetamine and recodifying  
15 this crime; establishing new methamphetamine-related  
16 crimes; clarifying the definition of "narcotic drug";  
17 expanding the definition of "violent crime" for  
18 mandatory sentencing purposes; requiring that vehicles  
19 and other property used to manufacture methamphetamine  
20 indicate this in the title or by an affidavit;  
21 requiring notice to schools when children are taken  
22 into protective custody after being found at a  
23 methamphetamine laboratory; establishing a  
24 methamphetamine laboratory cleanup revolving fund and  
25 authorizing loans to assist counties and cities in  
26 conducting methamphetamine cleanup; imposing criminal  
27 penalties; providing for ten new Bureau of Criminal  
28 Apprehension agents dedicated to methamphetamine  
29 enforcement; appropriating money; amending Minnesota  
30 Statutes 2004, sections 152.01, subdivision 10;  
31 152.02, subdivision 6; 152.021, subdivisions 2a, 3;  
32 152.027, subdivisions 1, 2; 152.135, subdivision 2;  
33 168A.05, subdivision 3; 260B.171, by adding a  
34 subdivision; 609.1095, subdivision 1; proposing coding  
35 for new law in Minnesota Statutes, chapters 152; 446A;  
36 repealing Minnesota Statutes 2004, sections 18C.005,  
37 subdivisions 1a, 35a; 18C.201, subdivisions 6, 7;  
38 18D.331, subdivision 5.

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

40 ARTICLE 1

41 METHAMPHETAMINE PROVISIONS

42 Section 1. Minnesota Statutes 2004, section 152.01,

1 subdivision 10, is amended to read:

2 Subd. 10. [NARCOTIC DRUG.] "Narcotic drug" means any of  
3 the following, whether produced directly or indirectly by  
4 extraction from substances of vegetable origin, or independently  
5 by means of chemical synthesis, or by a combination of  
6 extraction and chemical synthesis:

7 (1) Opium, coca leaves, and opiates, and methamphetamine;

8 (2) A compound, manufacture, salt, derivative, or  
9 preparation of opium, coca leaves, or opiates, or  
10 methamphetamine;

11 (3) A substance, and any compound, manufacture, salt,  
12 derivative, or preparation thereof, which is chemically  
13 identical with any of the substances referred to in clauses (1)  
14 and (2), except that the words "narcotic drug" as used in this  
15 chapter shall not include decocainized coca leaves or extracts  
16 of coca leaves, which extracts do not contain cocaine or  
17 ecgonine.

18 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
19 and applies to crimes committed on or after that date.

20 Sec. 2. Minnesota Statutes 2004, section 152.02,  
21 subdivision 6, is amended to read:

22 Subd. 6. [SCHEDULE V; RESTRICTIONS ON METHAMPHETAMINE  
23 PRECURSOR DRUGS.] (a) As used in this subdivision, the following  
24 terms have the meanings given:

25 (1) "methamphetamine precursor drug" means any compound,  
26 mixture, or preparation containing ephedrine or pseudoephedrine  
27 as its sole active ingredient or as one of its active  
28 ingredients;

29 (2) "over-the-counter sale" means a retail sale of a drug  
30 or product but does not include the sale of a drug or product  
31 pursuant to the terms of a valid prescription or by a licensed  
32 veterinarian; and

33 (3) "suspicious transaction" means the sale, distribution,  
34 delivery, or other transfer of a substance under circumstances  
35 that would lead a reasonable person to believe that the  
36 substance is likely to be used to illegally manufacture a

1 controlled substance based on factors such as the amount of the  
2 substance involved in the transaction, the method of payment,  
3 the method of delivery, and any past dealings with any  
4 participant in the transaction.

5 (b) The following items are listed in Schedule V:

6 (1) any compound, mixture, or preparation containing any of  
7 the following limited quantities of narcotic drugs, which shall  
8 include one or more nonnarcotic active medicinal ingredients in  
9 sufficient proportion to confer upon the compound, mixture or  
10 preparation valuable medicinal qualities other than those  
11 possessed by the narcotic drug alone;

12 ~~{1}~~ (i) not more than 100 milligrams of dihydrocodeine per  
13 100 milliliters or per 100 grams;

14 ~~{2}~~ (ii) not more than 100 milligrams of ethylmorphine per  
15 100 milliliters or per 100 grams;

16 ~~{3}~~ (iii) not more than 2.5 milligrams of diphenoxylate and  
17 not less than 25 micrograms of atropine sulfate per dosage  
18 unit; or

19 ~~{4}~~ (iv) not more than 15 milligrams of anhydrous morphine  
20 per 100 milliliters or per 100 grams; and

21 (2) any compound, mixture, or preparation containing  
22 ephedrine or pseudoephedrine as its sole active ingredient or as  
23 one of its active ingredients.

24 (c) No person may sell in a single over-the-counter sale  
25 more than two packages of a methamphetamine precursor drug or a  
26 combination of methamphetamine precursor drugs or any  
27 combination of packages exceeding a total weight of six grams.

28 (d) Over-the-counter sales of methamphetamine precursor  
29 drugs are limited to:

30 (1) packages containing not more than a total of three  
31 grams of one or more methamphetamine precursor drugs, calculated  
32 in terms of ephedrine base or pseudoephedrine base; or

33 (2) for nonliquid products, sales in blister packs, where  
34 each blister contains not more than two dosage units, or, if the  
35 use of blister packs is not technically feasible, sales in unit  
36 dose packets or pouches.

1       (e) A business establishment that offers for sale  
2 methamphetamine precursor drugs in an over-the-counter sale  
3 shall ensure that all packages of the drugs are displayed behind  
4 a checkout counter where the public is not permitted and are  
5 offered for sale only by a licensed pharmacist or a licensed  
6 pharmacy technician. The establishment shall ensure that the  
7 person making the sale requires the buyer:

8       (1) to provide photographic identification showing the  
9 buyer's date of birth; and

10       (2) to sign a written document detailing the date of the  
11 sale, the name of the buyer, and the amount of the drug sold.  
12 Nothing in this paragraph requires the buyer to obtain a  
13 prescription for the drug's purchase.

14       (f) No person may acquire through over-the-counter sales  
15 more than six grams of methamphetamine precursor drugs within a  
16 30-day period.

17       (g) No person may sell in an over-the-counter sale a  
18 methamphetamine precursor drug to a person under the age of 18  
19 years. It is an affirmative defense to a charge under this  
20 paragraph if the defendant proves by a preponderance of the  
21 evidence that the defendant reasonably and in good faith relied  
22 on proof of age as described in section 340A.503, subdivision 6.

23       (h) A person who knowingly violates paragraph (c), (d),  
24 (e), (f), or (g) is guilty of a misdemeanor and may be sentenced  
25 to imprisonment for not more than 90 days, or to payment of a  
26 fine of not more than \$1,000, or both.

27       (i) An owner, operator, supervisor, or manager of a  
28 business establishment that offers for sale methamphetamine  
29 precursor drugs whose employee or agent is convicted of or  
30 charged with violating paragraph (c), (d), (e), (f), or (g) is  
31 not subject to the criminal penalties for violating any of those  
32 paragraphs if the person:

33       (1) did not have prior knowledge of, participate in, or  
34 direct the employee or agent to commit the violation; and

35       (2) documents that an employee training program was in  
36 place to provide the employee or agent with information on the

1 state and federal laws and regulations regarding methamphetamine  
2 precursor drugs.

3 (j) Any person employed by a business establishment that  
4 offers for sale methamphetamine precursor drugs who sells such a  
5 drug to any person in a suspicious transaction shall report the  
6 transaction to the owner, supervisor, or manager of the  
7 establishment. The owner, supervisor, or manager may report the  
8 transaction to local law enforcement. A person who reports  
9 information under this subdivision in good faith is immune from  
10 civil liability relating to the report.

11 (k) Paragraphs (c) to (j) do not apply to:

12 (1) pediatric products labeled pursuant to federal  
13 regulation primarily intended for administration to children  
14 under 12 years of age according to label instructions;

15 (2) methamphetamine precursor drugs that are certified by  
16 the Board of Pharmacy as being manufactured in a manner that  
17 prevents the drug from being used to manufacture  
18 methamphetamine; or

19 (3) methamphetamine precursor drugs in gel capsule or  
20 liquid form.

21 (1) The Board of Pharmacy shall certify methamphetamine  
22 precursor drugs that meet the requirements of paragraph (k),  
23 clause (2), and publish an annual listing of these drugs.

24 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
25 and applies to crimes committed on or after that date.

26 Sec. 3. Minnesota Statutes 2004, section 152.021,  
27 subdivision 2a, is amended to read:

28 Subd. 2a. [METHAMPHETAMINE MANUFACTURE CRIMES CRIME;  
29 POSSESSION OF SUBSTANCES WITH INTENT TO MANUFACTURE

30 METHAMPHETAMINE CRIME.] (a) Notwithstanding subdivision 1,  
31 sections 152.022, subdivision 1, 152.023, subdivision 1, and  
32 152.024, subdivision 1, a person is guilty of controlled  
33 substance crime in the first degree if the person manufactures  
34 any amount of methamphetamine.

35 (b) Notwithstanding-paragraph-(a)-and-section-609-17, A  
36 person is guilty of attempted-manufacture-of-methamphetamine a

1 crime if the person possesses any chemical reagents or  
 2 precursors with the intent to manufacture methamphetamine. As  
 3 used in this section, "chemical reagents or precursors" refers  
 4 to-one-or-more include, but are not limited to, any of the  
 5 following substances, or their salts, isomers, and salts of  
 6 isomers:

- 7 (1) ephedrine;
- 8 (2) pseudoephedrine;
- 9 (3) phenyl-2-propanone;
- 10 (4) phenylacetone;
- 11 (5) anhydrous ammonia~~7-as-defined-in-section-18C-0057~~  
 12 ~~subdivision-1a~~;
- 13 (6) organic solvents;
- 14 (7) hydrochloric acid;
- 15 (8) lithium metal;
- 16 (9) sodium metal;
- 17 (10) ether;
- 18 (11) sulfuric acid;
- 19 (12) red phosphorus;
- 20 (13) iodine;
- 21 (14) sodium hydroxide;
- 22 (15) benzaldehyde;
- 23 (16) benzyl methyl ketone;
- 24 (17) benzyl cyanide;
- 25 (18) nitroethane;
- 26 (19) methylamine;
- 27 (20) phenylacetic acid;
- 28 (21) hydriodic acid; or
- 29 (22) hydriotic acid.

30 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
 31 and applies to crimes committed on or after that date.

32 Sec. 4. Minnesota Statutes 2004, section 152.021,  
 33 subdivision 3, is amended to read:

34 Subd. 3. [PENALTY.] (a) A person convicted under  
 35 subdivisions 1 to 2a, paragraph (a), may be sentenced to  
 36 imprisonment for not more than 30 years or to payment of a fine

1 of not more than \$1,000,000, or both; a person convicted under  
2 subdivision 2a, paragraph (b), may be sentenced to imprisonment  
3 for not more than three ten years or to payment of a fine of not  
4 more than ~~\$5,000~~ \$20,000, or both.

5 (b) If the conviction is a subsequent controlled substance  
6 conviction, a person convicted under subdivisions 1 to 2a,  
7 paragraph (a), shall be committed to the commissioner of  
8 corrections for not less than four years nor more than 40 years  
9 and, in addition, may be sentenced to payment of a fine of not  
10 more than \$1,000,000; a person convicted under subdivision 2a,  
11 paragraph (b), may be sentenced to imprisonment for not more  
12 than ~~four~~ 15 years or to payment of a fine of not more than  
13 ~~\$5,000~~ \$30,000, or both.

14 (c) In a prosecution under subdivision 1 involving sales by  
15 the same person in two or more counties within a 90-day period,  
16 the person may be prosecuted for all of the sales in any county  
17 in which one of the sales occurred.

18 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
19 and applies to crimes committed on or after that date.

20 Sec. 5. Minnesota Statutes 2004, section 152.027,  
21 subdivision 1, is amended to read:

22 Subdivision 1. [SALE OF SCHEDULE V CONTROLLED SUBSTANCE.]  
23 Except as provided in section 152.02, subdivision 6, a person  
24 who unlawfully sells one or more mixtures containing a  
25 controlled substance classified in schedule V may be sentenced  
26 to imprisonment for not more than one year or to payment of a  
27 fine of not more than \$3,000, or both.

28 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
29 and applies to crimes committed on or after that date.

30 Sec. 6. Minnesota Statutes 2004, section 152.027,  
31 subdivision 2, is amended to read:

32 Subd. 2. [POSSESSION OF SCHEDULE V CONTROLLED SUBSTANCE.]  
33 Except as provided in section 152.02, subdivision 6, a person  
34 who unlawfully possesses one or more mixtures containing a  
35 controlled substance classified in schedule V may be sentenced  
36 to imprisonment for not more than one year or to payment of a

1 fine of not more than \$3,000, or both. The court may order that  
2 a person who is convicted under this subdivision and placed on  
3 probation be required to take part in a drug education program  
4 as specified by the court.

5 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
6 and applies to crimes committed on or after that date.

7 Sec. 7. [152.0275] [CERTAIN CONTROLLED SUBSTANCE OFFENSES;  
8 RESTITUTION; PROHIBITIONS ON PROPERTY USE; NOTICE PROVISIONS.]

9 Subdivision 1. [RESTITUTION.] (a) As used in this  
10 subdivision:

11 (1) "clandestine lab site" means any structure or  
12 conveyance or outdoor location occupied or affected by  
13 conditions or chemicals typically associated with the  
14 manufacturing of methamphetamine;

15 (2) "emergency response" includes, but is not limited to,  
16 removing and collecting evidence, securing the site, removal,  
17 remediation, and hazardous chemical assessment or inspection of  
18 the site where the relevant offense or offenses took place,  
19 regardless of whether these actions are performed by the public  
20 entities themselves or by private contractors paid by the public  
21 entities, or the property owner;

22 (3) "remediation" means proper cleanup, treatment, or  
23 containment of hazardous substances or methamphetamine at or in  
24 a clandestine lab site, and may include demolition or disposal  
25 of structures or other property when an assessment so indicates;  
26 and

27 (4) "removal" means the removal from the clandestine lab  
28 site of precursor or waste chemicals, chemical containers, or  
29 equipment associated with the manufacture, packaging, or storage  
30 of illegal drugs.

31 (b) A court shall require a person convicted of  
32 manufacturing or attempting to manufacture a controlled  
33 substance or of an illegal activity involving a precursor  
34 substance, where the response to the crime involved an emergency  
35 response, to pay restitution to all public entities that  
36 participated in the response. The restitution ordered must

1 cover the reasonable costs of their participation in the  
2 response.

3 (c) In addition to the restitution required in paragraph  
4 (b), a court shall require a person convicted of manufacturing  
5 or attempting to manufacture a controlled substance or of  
6 illegal activity involving a precursor substance to pay  
7 restitution to a property owner who incurred removal or  
8 remediation costs because of the crime.

9 (d) Notwithstanding paragraphs (b) and (c), if the court  
10 finds that the convicted person is indigent or that payment of  
11 the restitution would create undue hardship for the convicted  
12 person's immediate family, the court may reduce the amount of  
13 restitution to an appropriate level.

14 Subd. 2. [PROPERTY-RELATED PROHIBITIONS; NOTICE; WEB  
15 SITE.] (a) As used in this subdivision:

16 (1) "clandestine lab site" has the meaning given in  
17 subdivision 1, paragraph (a);

18 (2) "property" includes buildings and other structures, and  
19 motor vehicles as defined in section 609.487, subdivision 2a.  
20 Property also includes real property whether publicly or  
21 privately owned and public waters and rights-of-way;

22 (3) "remediation" has the meaning given in subdivision 1,  
23 paragraph (a); and

24 (4) "removal" has the meaning given in subdivision 1,  
25 paragraph (a).

26 (b) A peace officer who arrests a person at a clandestine  
27 lab site shall notify the appropriate county or local health  
28 department, state duty officer, and child protection services of  
29 the arrest and the location of the site.

30 (c) A county or local health department or sheriff shall  
31 order that all property that has been found to be a clandestine  
32 lab site and contaminated by substances, chemicals, or items of  
33 any kind used in the manufacture of methamphetamine or any part  
34 of the manufacturing process, or the by-products or degradates  
35 of manufacturing methamphetamine be prohibited from being  
36 occupied, rented, sold, or used until it has been assessed and

1 remediated as provided in the Department of Health's clandestine  
2 drug labs general cleanup guidelines.

3 (d) Unless clearly inapplicable, the procedures specified  
4 in chapter 145A and any related rules adopted under that chapter  
5 addressing the enforcement of public health laws, the removal  
6 and abatement of public health nuisances, and the remedies  
7 available to property owners or occupants apply to this  
8 subdivision.

9 (e) Upon the proper removal and remediation of any property  
10 used as a clandestine lab site, the contractor shall verify to  
11 the applicable authority that issued the order under paragraph  
12 (c) that the work was completed according to the Department of  
13 Health's clandestine drug labs general cleanup guidelines and  
14 best practices and that levels of contamination have been  
15 reduced to levels set forth in the guidelines. Following this,  
16 the applicable authority shall vacate its order.

17 (f) If the applicable authority determines under paragraph  
18 (c) that a motor vehicle has been contaminated by substances,  
19 chemicals, or items of any kind used in the manufacture of  
20 methamphetamine or any part of the manufacturing process, or the  
21 by-products or degradates of manufacturing methamphetamine and  
22 if the authority is able to obtain the certificate of title for  
23 the motor vehicle, the authority shall notify the registrar of  
24 motor vehicles of this fact and in addition, forward the  
25 certificate of title to the registrar. The authority shall also  
26 notify the registrar when it vacates its order under paragraph  
27 (e).

28 (g) The applicable authority issuing an order under  
29 paragraph (c) shall record with the county recorder or registrar  
30 of titles of the county where the clandestine lab is located an  
31 affidavit containing a legal description of the property where  
32 the clandestine lab was located that discloses to any potential  
33 transferee:

34 (1) that the land was the site of a clandestine lab;

35 (2) the location, condition, and circumstances of the  
36 clandestine lab, to the full extent known or reasonably

1 ascertainable; and

2 (3) that the use of the property or some portion of it may  
3 be restricted as provided by paragraph (c).

4 If the authority vacates its order under paragraph (e), the  
5 authority shall record an affidavit noting this fact.

6 (h) Unless an affidavit has already been filed under  
7 paragraph (g), before any transfer of ownership of any property  
8 that the owner knew or should have known had been used as a  
9 clandestine lab site and contaminated by substances, chemicals,  
10 or items of any kind used in the manufacture of methamphetamine  
11 or any part of the manufacturing process, or the by-products or  
12 degradates of manufacturing methamphetamine, regardless of when  
13 this occurred or whether an order under paragraph (c) had been  
14 issued, the owner shall record with the county recorder or  
15 registrar of titles of the county in which the property is  
16 located an affidavit containing the information required under  
17 paragraph (g), clauses (1) and (2). Any person who violates  
18 this paragraph is guilty of a petty misdemeanor.

19 (i) If proper removal and remediation has occurred on the  
20 property, an interested party may record an affidavit indicating  
21 that this has occurred. Failure to record such an affidavit  
22 does not affect or prevent any transfer of ownership of the  
23 property.

24 (j) The county recorder or registrar of titles must record  
25 all affidavits presented under paragraph (g), (h), or (i) in a  
26 manner that assures their disclosure in the ordinary course of a  
27 title search of the subject property.

28 (k) The commissioner of health shall post on the Internet  
29 contact information for each local community health services  
30 administrator.

31 (l) Each local community health services administrator  
32 shall maintain information related to property within the  
33 administrator's jurisdiction that is currently or was previously  
34 subject to an order issued under paragraph (c). The information  
35 maintained must include the location of the property, the extent  
36 of the contamination, the status of the removal and remediation

1 work on the property, and whether the order has been vacated.  
2 The administrator shall make this information available to the  
3 public either upon request or by other means.

4 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
5 and applies to crimes committed on or after that date.

6 Sec. 8. Minnesota Statutes 2004, section 152.135,  
7 subdivision 2, is amended to read:

8 Subd. 2. [EXCEPTIONS.] (a) A drug product containing  
9 ephedrine, its salts, optical isomers, and salts of optical  
10 isomers is exempt from subdivision 1 if the drug product:

11 (1) may be lawfully sold over the counter without a  
12 prescription under the federal Food, Drug, and Cosmetic Act,  
13 United States Code, title 21, section 321, et seq.;

14 (2) is labeled and marketed in a manner consistent with the  
15 pertinent OTC Tentative Final or Final Monograph;

16 (3) is manufactured and distributed for legitimate  
17 medicinal use in a manner that reduces or eliminates the  
18 likelihood of abuse;

19 (4) is not marketed, advertised, or labeled for the  
20 indication of stimulation, mental alertness, weight loss, muscle  
21 enhancement, appetite control, or energy; and

22 (5) is in solid oral dosage forms, including soft gelatin  
23 caplets, that combine 400 milligrams of guaifenesin and 25  
24 milligrams of ephedrine per dose, according to label  
25 instructions; or is an anorectal preparation containing not more  
26 than five percent ephedrine; and

27 (6) is sold in a manner that does not conflict with section  
28 152.02, subdivision 6.

29 (b) Subdivisions 1 and 3 shall not apply to products  
30 containing ephedra or ma huang and lawfully marketed as dietary  
31 supplements under federal law.

32 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
33 and applies to crimes committed on or after that date.

34 Sec. 9. [152.136] [ANHYDROUS AMMONIA; PROHIBITED CONDUCT;  
35 CRIMINAL PENALTIES; CIVIL LIABILITY.]

36 Subdivision 1. [DEFINITIONS.] As used in this section,

1 "tamper" means action taken by a person not authorized to take  
2 that action by law or by the owner or authorized custodian of an  
3 anhydrous ammonia container or of equipment where anhydrous  
4 ammonia is used, stored, distributed, or transported.

5 Subd. 2. [PROHIBITED CONDUCT.] (a) A person may not:

6 (1) steal or unlawfully take or carry away any amount of  
7 anhydrous ammonia;

8 (2) purchase, possess, transfer, or distribute any amount  
9 of anhydrous ammonia, knowing, or having reason to know, that it  
10 will be used to unlawfully manufacture a controlled substance;

11 (3) place, have placed, or possess anhydrous ammonia in a  
12 container that is not designed, constructed, maintained, and  
13 authorized to contain or transport anhydrous ammonia;

14 (4) transport anhydrous ammonia in a container that is not  
15 designed, constructed, maintained, and authorized to transport  
16 anhydrous ammonia;

17 (5) use, deliver, receive, sell, or transport a container  
18 designed and constructed to contain anhydrous ammonia without  
19 the express consent of the owner or authorized custodian of the  
20 container; or

21 (6) tamper with any equipment or facility used to contain,  
22 store, or transport anhydrous ammonia.

23 (b) For the purposes of this subdivision, containers  
24 designed and constructed for the storage and transport of  
25 anhydrous ammonia are described in rules adopted under section  
26 18C.121, subdivision 1, or in Code of Federal Regulations, title  
27 49.

28 Subd. 3. [NO CAUSE OF ACTION.] (a) Except as provided in  
29 paragraph (b), a person tampering with anhydrous ammonia  
30 containers or equipment under subdivision 2 shall have no cause  
31 of action for damages arising out of the tampering against:

32 (1) the owner or lawful custodian of the container or  
33 equipment;

34 (2) a person responsible for the installation or  
35 maintenance of the container or equipment; or

36 (3) a person lawfully selling or offering for sale the

1 anhydrous ammonia.

2 (b) Paragraph (a) does not apply to a cause of action  
3 against a person who unlawfully obtained the anhydrous ammonia  
4 or anhydrous ammonia container or who possesses the anhydrous  
5 ammonia or anhydrous ammonia container for any unlawful purpose.

6 Subd. 4. [CRIMINAL PENALTY.] A person who knowingly  
7 violates subdivision 2 is guilty of a felony and may be  
8 sentenced to imprisonment for not more than five years or to  
9 payment of a fine of not more than \$50,000, or both.

10 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
11 and applies to crimes committed on or after that date.

12 Sec. 10. [152.137] [METHAMPHETAMINE-RELATED CRIMES  
13 INVOLVING CHILDREN AND VULNERABLE ADULTS.]

14 Subdivision 1. [DEFINITIONS.] (a) As used in this section,  
15 the following terms have the meanings given.

16 (b) "Chemical substance" means a substance intended to be  
17 used as a precursor in the manufacture of methamphetamine or any  
18 other chemical intended to be used in the manufacture of  
19 methamphetamine.

20 (c) "Child" means any person under the age of 18 years.

21 (d) "Methamphetamine paraphernalia" means all equipment,  
22 products, and materials of any kind that are used, intended for  
23 use, or designed for use in manufacturing, injecting, ingesting,  
24 inhaling, or otherwise introducing methamphetamine into the  
25 human body.

26 (e) "Methamphetamine waste products" means substances,  
27 chemicals, or items of any kind used in the manufacture of  
28 methamphetamine or any part of the manufacturing process, or the  
29 by-products or degradates of manufacturing methamphetamine.

30 (f) "Vulnerable adult" has the meaning given in section  
31 609.232, subdivision 11.

32 Subd. 2. [PROHIBITED CONDUCT.] (a) No person may knowingly  
33 engage in any of the following activities in the presence of a  
34 child or vulnerable adult; in the residence of a child or a  
35 vulnerable adult; in a building, structure, conveyance, or  
36 outdoor location where a child or vulnerable adult might

1 reasonably be expected to be present; in a room offered to the  
2 public for overnight accommodation; or in any multiple unit  
3 residential building:

4 (1) manufacturing or attempting to manufacture  
5 methamphetamine;

6 (2) storing any chemical substance;

7 (3) storing any methamphetamine waste products; or

8 (4) storing any methamphetamine paraphernalia.

9 (b) No person may knowingly cause or permit a child or  
10 vulnerable adult to inhale, be exposed to, have contact with, or  
11 ingest methamphetamine, a chemical substance, or methamphetamine  
12 paraphernalia.

13 Subd. 3. [CRIMINAL PENALTY.] A person who violates  
14 subdivision 2 is guilty of a felony and may be sentenced to  
15 imprisonment for not more than five years or to payment of a  
16 fine of not more than \$10,000, or both.

17 Subd. 4. [MULTIPLE SENTENCES.] Notwithstanding sections  
18 609.035 and 609.04, a prosecution for or conviction under this  
19 section is not a bar to conviction of or punishment for any  
20 other crime committed by the defendant as part of the same  
21 conduct.

22 Subd. 5. [PROTECTIVE CUSTODY.] A peace officer may take  
23 any child present in an area where any of the activities  
24 described in subdivision 2, paragraph (a), clauses (1) to (4),  
25 are taking place into protective custody in accordance with  
26 section 260C.175, subdivision 1, paragraph (b), clause (2). A  
27 child taken into protective custody under this subdivision shall  
28 be provided health screening to assess potential health concerns  
29 related to methamphetamine as provided in section 260C.188. A  
30 child not taken into protective custody under this subdivision  
31 but who is known to have been exposed to methamphetamine shall  
32 be offered health screening for potential health concerns  
33 related to methamphetamine as provided in section 260C.188.

34 Subd. 6. [REPORTING MALTREATMENT OF VULNERABLE ADULT.] (a)  
35 A peace officer shall make a report of suspected maltreatment of  
36 a vulnerable adult if the vulnerable adult is present in an area

1 where any of the activities described in subdivision 2,  
 2 paragraph (a), clauses (1) to (4), are taking place, and the  
 3 peace officer has reason to believe the vulnerable adult  
 4 inhaled, was exposed to, had contact with, or ingested  
 5 methamphetamine, a chemical substance, or methamphetamine  
 6 paraphernalia. The peace officer shall immediately report to  
 7 the county common entry point as described in section 626.557,  
 8 subdivision 9b.

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

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

22 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
 23 and applies to crimes committed on or after that date.

24 Sec. 11. Minnesota Statutes 2004, section 168A.05,  
 25 subdivision 3, is amended to read:

26 Subd. 3. [CONTENT OF CERTIFICATE.] Each certificate of  
 27 title issued by the department shall contain:

28 (1) the date issued;

29 (2) the first, middle, and last names, the dates of birth,  
 30 and addresses of all owners who are natural persons, the full  
 31 names and addresses of all other owners;

32 (3) the names and addresses of any secured parties in the  
 33 order of priority as shown on the application, or if the  
 34 application is based on a certificate of title, as shown on the  
 35 certificate, or as otherwise determined by the department;

36 (4) any liens filed pursuant to a court order or by a

1 public agency responsible for child support enforcement against  
2 the owner;

3 (5) the title number assigned to the vehicle;

4 (6) a description of the vehicle including, so far as the  
5 following data exists, its make, model, year, identifying  
6 number, type of body, whether new or used, and if a new vehicle,  
7 the date of the first sale of the vehicle for use;

8 (7) with respect to motor vehicles subject to the  
9 provisions of section 325E.15, the true cumulative mileage  
10 registered on the odometer or that the actual mileage is unknown  
11 if the odometer reading is known by the owner to be different  
12 from the true mileage;

13 (8) with respect to vehicles subject to sections 325F.6641  
14 and 325F.6642, the appropriate term "flood damaged," "rebuilt,"  
15 "prior salvage," or "reconstructed"; and

16 (9) with respect to a vehicle contaminated by  
17 methamphetamine production, if the registrar has received the  
18 certificate of title and notice described in section 152.0275,  
19 subdivision 2, paragraph (f), the term "hazardous waste  
20 contaminated vehicle"; and

21 (10) any other data the department prescribes.

22 [EFFECTIVE DATE.] This section is effective August 1, 2005.

23 Sec. 12. Minnesota Statutes 2004, section 260B.171, is  
24 amended by adding a subdivision to read:

25 Subd. 9. [NOTICE TO SCHOOL.] (a) As used in this  
26 subdivision, the following terms have the meanings given.  
27 "Chemical substance," "methamphetamine paraphernalia," and  
28 "methamphetamine waste products" have the meanings given in  
29 section 152.137, subdivision 1. "School" means a charter school  
30 or a school as defined in section 120A.22, subdivision 4, except  
31 a home school.

32 (b) If a child has been taken into protective custody after  
33 being found in an area where methamphetamine was being  
34 manufactured or attempted to be manufactured or where any  
35 chemical substances, methamphetamine paraphernalia, or  
36 methamphetamine waste products were stored, and the child is

1 enrolled in school, the officer who took the child into custody  
2 shall notify the chief administrative officer of the child's  
3 school of this fact.

4 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
5 and applies to acts occurring on or after that date.

6 Sec. 13. [446A.083] [METHAMPHETAMINE LABORATORY CLEANUP  
7 REVOLVING FUND.]

8 Subdivision 1. [DEFINITIONS.] As used in this section:

9 (1) "clandestine lab site" has the meaning given in section  
10 152.0275, subdivision 1, paragraph (a);

11 (2) "property" has the meaning given in section 152.0275,  
12 subdivision 2, paragraph (a), but does not include motor  
13 vehicles; and

14 (3) "remediate" has the meaning given to remediation in  
15 section 152.0275, subdivision 1, paragraph (a).

16 Subd. 2. [FUND ESTABLISHED.] The authority shall establish  
17 a methamphetamine laboratory cleanup revolving fund to provide  
18 loans to counties and cities to remediate clandestine lab  
19 sites. The fund must be credited with repayments.

20 Subd. 3. [APPLICATIONS.] Applications by a county or city  
21 for a loan from the fund must be made to the authority on the  
22 forms prescribed by the authority. The application must  
23 include, but is not limited to:

24 (1) the amount of the loan requested and the proposed use  
25 of the loan proceeds;

26 (2) the source of revenues to repay the loan; and

27 (3) certification by the county or city that it meets the  
28 loan eligibility requirements of subdivision 4.

29 Subd. 4. [LOAN ELIGIBILITY.] A county or city is eligible  
30 for a loan under this section if the county or city:

31 (1) identifies a site or sites designated by a local public  
32 health department or law enforcement as a clandestine lab site;

33 (2) has required the site's property owner to remediate the  
34 site at cost, under chapter 145A or a local public health  
35 nuisance ordinance that addresses clandestine lab remediation;

36 (3) certifies that the property owner cannot pay for the

1 remediation immediately;

2 (4) certifies that the property owner has not properly  
3 remediated the site; and

4 (5) issues a revenue bond payable to the authority to  
5 secure the loan.

6 Subd. 5. [USE OF LOAN PROCEEDS; REIMBURSEMENT BY PROPERTY  
7 OWNER.] (a) A loan recipient shall use the loan to remediate the  
8 clandestine lab site or if this has already been done to  
9 reimburse the applicable county or city fund for costs paid by  
10 the recipient to remediate the clandestine lab site.

11 (b) A loan recipient shall seek reimbursement from the  
12 owner of the property containing the clandestine lab site for  
13 the costs of the remediation. In addition to other lawful means  
14 of seeking reimbursement, the loan recipient may recover its  
15 costs through a property tax assessment by following the  
16 procedures specified in section 145A.08, subdivision 2,  
17 paragraph (c).

18 Subd. 6. [AWARD AND DISBURSEMENT OF FUNDS.] The authority  
19 shall award loans to recipients on a first-come, first-served  
20 basis, provided that the recipient is able to comply with the  
21 terms and conditions of the authority loan, which must be in  
22 conformance with this section. The authority shall make a  
23 single disbursement of the loan upon receipt of a payment  
24 request that includes a list of remediation expenses and  
25 evidence that a second-party sampling was undertaken to ensure  
26 that the remediation work was successful or a guarantee that  
27 such a sampling will be undertaken.

28 Subd. 7. [LOAN CONDITIONS AND TERMS.] (a) When making  
29 loans from the revolving fund, the authority shall comply with  
30 the criteria in paragraphs (b) to (e).

31 (b) Loans must be made at a two percent per annum interest  
32 rate for terms not to exceed ten years unless the recipient  
33 requests a 20-year term due to financial hardship.

34 (c) The annual principal and interest payments must begin  
35 no later than one year after completion of the clean up. Loans  
36 must be amortized no later than 20 years after completion of the

1 clean up.

2 (d) A loan recipient must identify and establish a source  
3 of revenue for repayment of the loan and must undertake whatever  
4 steps are necessary to collect payments within one year of  
5 receipt of funds from the authority.

6 (e) The fund must be credited with all payments of  
7 principal and interest on all loans, except the costs as  
8 permitted under section 446A.04, subdivision 5, paragraph (a).

9 (f) Loans must be made only to recipients with clandestine  
10 lab ordinances that address remediation.

11 Subd. 8. [AUTHORITY TO INCUR DEBT.] Counties and cities  
12 may incur debt under this section by resolution of the board or  
13 council authorizing issuance of a revenue bond to the authority.

14 [EFFECTIVE DATE.] This section is effective July 1, 2005.

15 Sec. 14. Minnesota Statutes 2004, section 609.1095,  
16 subdivision 1, is amended to read:

17 Subdivision 1. [DEFINITIONS.] (a) As used in this section,  
18 the following terms have the meanings given.

19 (b) "Conviction" means any of the following accepted and  
20 recorded by the court: a plea of guilty, a verdict of guilty by  
21 a jury, or a finding of guilty by the court. The term includes  
22 a conviction by any court in Minnesota or another jurisdiction.

23 (c) "Prior conviction" means a conviction that occurred  
24 before the offender committed the next felony resulting in a  
25 conviction and before the offense for which the offender is  
26 being sentenced under this section.

27 (d) "Violent crime" means a violation of or an attempt or  
28 conspiracy to violate any of the following laws of this state or  
29 any similar laws of the United States or any other state:

30 ~~section~~ sections 152.137; 609.165; 609.185; 609.19; 609.195;  
31 609.20; 609.205; 609.21; 609.221; 609.222; 609.223; 609.228;  
32 609.235; 609.24; 609.245; 609.25; 609.255; 609.2661; 609.2662;  
33 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268;  
34 609.342; 609.343; 609.344; 609.345; 609.498, subdivision 1;  
35 609.561; 609.562; 609.582, subdivision 1; 609.66, subdivision  
36 1e; 609.687; and 609.855, subdivision 5; any provision of

1 sections 609.229; 609.377; 609.378; 609.749; and 624.713 that is  
2 punishable by a felony penalty; or any provision of chapter 152  
3 that is punishable by a maximum sentence of 15 years or more.

4 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
5 and applies to crimes committed on or after that date.

6 Sec. 15. [REVISOR'S INSTRUCTION.]

7 The revisor of statutes shall recodify the provisions of  
8 Minnesota Statutes, section 152.021, subdivision 2a, paragraph  
9 (b), and subdivision 3, as amended by this act, that relate to  
10 the possession of chemical reagents or precursors with the  
11 intent to manufacture methamphetamine and the penalties for  
12 doing this into a new section of law codified as Minnesota  
13 Statutes, section 152.0262. The revisor shall make any  
14 necessary technical changes, including, but not limited to,  
15 changes to statutory cross-references, to Minnesota Statutes,  
16 section 152.021, and any other statutory sections to accomplish  
17 this.

18 Sec. 16. [REPEALER.]

19 Minnesota Statutes 2004, sections 18C.005, subdivisions 1a  
20 and 35a; 18C.201, subdivisions 6 and 7; and 18D.331, subdivision  
21 5, are repealed.

22 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
23 and applies to crimes committed on or after that date.

24 ARTICLE 2

25 METHAMPHETAMINE APPROPRIATIONS

26 Section 1. [TOTAL APPROPRIATIONS.]

27 The dollar amounts in the columns under "APPROPRIATIONS"  
28 are appropriated to the specified agencies for the purposes  
29 specified. The appropriations are from the general fund and are  
30 available for the fiscal years indicated for each purpose. The  
31 figures "2006" and "2007" used in this article mean that the  
32 addition to or subtraction from the appropriations listed under  
33 the figure is for the fiscal years ending June 30, 2006, and  
34 June 30, 2007, respectively.

35 SUMMARY

36	2006	2007	TOTAL
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1	GENERAL	\$.....	\$.....	\$.....
2				APPROPRIATIONS
3				Available for the Year
4				Ending June 30
5				2006                      2007
6	Sec. 2. CORRECTIONS			
7	For the increased prison			
8	population based on this act.	\$	.....	\$ .....
9	Sec. 3. BOARD OF PUBLIC DEFENSE		.....	.....
10	For a methamphetamine trial team.			
11	Sec. 4. HUMAN SERVICES		.....	.....
12	To fund programs providing specialized			
13	chemical dependency treatment for			
14	pregnant women and women with children			
15	who are or may be abusing			
16	methamphetamine. The programs must			
17	provide or coordinate the provision of			
18	necessary prenatal care, child care,			
19	housing assistance, and other services			
20	needed to ensure treatment completion.			
21	Sec. 5. EMPLOYMENT AND			
22	ECONOMIC DEVELOPMENT		.....	.....
23	To carry out the public facilities			
24	authority's duties involving the			
25	methamphetamine laboratory cleanup			
26	revolving fund under Minnesota			
27	Statutes, section 446A.083.			
28	Sec. 6. PUBLIC SAFETY		.....	.....
29	For ten Bureau of Criminal Apprehension			
30	agents to be assigned exclusively to			
31	methamphetamine enforcement, including			
32	the investigation of manufacturing and			
33	distributing methamphetamine and			
34	related violence. These appropriations			
35	are intended to increase the current			
36	allocation of Bureau of Criminal			
37	Apprehension resources dedicated to			
38	methamphetamine enforcement. Positions			
39	funded by these appropriations may not			
40	supplant existing agent assignments or			
41	positions.			
42	Sec. 7. HEALTH		.....	.....
43	To provide technical assistance on			
44	methamphetamine lab remediation.			
45	Sec. 8. EDUCATION		.....	.....
46	To develop and distribute to school			
47	districts materials addressing the			
48	dangers of methamphetamine.			

Article 1 METHAMPHETAMINE PROVISIONS..... page 1  
Article 2 METHAMPHETAMINE APPROPRIATIONS..... page 21

APPENDIX  
Repealed Minnesota Statutes for 05-1374

**18C.005 DEFINITIONS.**

Subd. 1a. **Anhydrous ammonia.** "Anhydrous ammonia" means a compound formed by the chemical combination of the elements nitrogen and hydrogen in the molar proportion of one part nitrogen to three parts hydrogen. This relationship is shown by the chemical formula,  $NH_3$ . On a weight basis, the ratio is 14 parts nitrogen to three parts hydrogen or approximately 82 percent nitrogen to 18 percent hydrogen. Anhydrous ammonia may exist in either a gaseous or a liquid state.

Subd. 35a. **Tamper.** "Tamper" means action taken by a person not authorized to take that action by law or by the owner or authorized custodian of an anhydrous ammonia container or of equipment where anhydrous ammonia is used, stored, distributed, or transported.

**18C.201 PROHIBITED FERTILIZER ACTIVITIES.**

Subd. 6. **Anhydrous ammonia.** (a) A person may not:

(1) place, have placed, or possess anhydrous ammonia in a container that is not designed, constructed, maintained, and authorized to contain or transport anhydrous ammonia;

(2) transport anhydrous ammonia in a container that is not designed, constructed, maintained, and authorized to transport anhydrous ammonia;

(3) use, deliver, receive, sell, or transport a container designed and constructed to contain anhydrous ammonia without the express consent of the owner or authorized custodian of the container; or

(4) tamper with any equipment or facility used to contain, store, or transport anhydrous ammonia.

(b) For the purposes of this subdivision, containers designed and constructed for the storage and transport of anhydrous ammonia are described in rules adopted under section 18C.121, subdivision 1, or in Code of Federal Regulations, title 49.

Subd. 7. **No cause of action.** (a) Except as provided in paragraph (b), a person tampering with anhydrous ammonia containers or equipment under subdivision 6 shall have no cause of action for damages arising out of the tampering against (1) the owner or lawful custodian of the container or equipment; (2) a person responsible for the installation or maintenance of the container or equipment; or (3) a person lawfully selling or offering for sale the anhydrous ammonia.

(b) Paragraph (a) does not apply to a cause of action against a person who unlawfully obtained the anhydrous ammonia or anhydrous ammonia container or who possesses the anhydrous ammonia or anhydrous ammonia container for any unlawful purpose.

**18D.331 CRIMINAL PENALTIES.**

Subd. 5. **Anhydrous ammonia containment, tampering, theft, transport.** A person who knowingly violates section 18C.201, subdivision 6, is guilty of a felony and may be sentenced to imprisonment for not more than five years, or to payment of a fine of not more than \$50,000, or both.

1 Senator ..... moves to amend S.F. No. 423 as follows:  
2 Pages 2 to 5, delete section 2  
3 Page 6, line 4, delete the new language and insert  
4 "includes any"  
5 Page 6, line 5, after the first comma, insert "or any  
6 similar substances that can be used to manufacture  
7 methamphetamine," and strike "their" and inserts "the"  
8 Page 6, line 6, after "isomers" insert "of a listed or  
9 similar substance"  
10 Pages 7 and 8, delete sections 5 and 6  
11 Page 12, delete section 8  
12 Page 17, line 23, delete "260B.171" and insert "260C.171"  
13 Page 17, line 25, delete "9" and insert "6"  
14 Page 22, delete lines 12 to 20 and insert:  
15 "For grants to counties to fund three  
16 pilot projects addressing  
17 methamphetamine.  
18 A county seeking a grant under this  
19 section shall submit a detailed  
20 application to the commissioner that  
21 specifies how the money will be used.  
22 The application must demonstrate a  
23 comprehensive countywide plan to combat  
24 methamphetamine. At a minimum, this  
25 plan must address how the county will  
26 handle: (1) methamphetamine-related  
27 child endangerment cases; (2)  
28 methamphetamine-related cleanup and  
29 remediation; (3) enforcing  
30 methamphetamine-related criminal laws;  
31 and (4) methamphetamine-related  
32 treatment. To the extent possible, the  
33 commissioner shall ensure that one  
34 pilot project has an emphasis on  
35 adolescents and one has a  
36 maternal/early childhood emphasis."  
37 Renumber the sections in sequence and correct the internal  
38 references  
39 Amend the title accordingly

1 Senator ..... moves to amend S.F. No. 423 as follows:

2 Page 9, line 10, delete "the convicted person is indigent  
3 or that"

4 Page 9, line 13, after the period, insert "If the court  
5 finds that the convicted person is indigent, there is a  
6 presumption that restitution is waived."

**Overview of Methamphetamine Bills  
(policy provisions only)<sup>1</sup>**

<b>Methamphetamine Provisions passed by Senate in the 2004 Session (UEH2028-2, Art. 18)</b>	<b>S.F. No. 423 (Rosen), as introduced</b>	<b>S.F. No. 901 (Skoglund), as introduced</b>	<b>S.F. No. 51 (Berglin), as amended by SCS0051A-3</b>
<p><b>Section 1</b> adds a new provision to the controlled substances chapter of law stating that Gamma-butyrolactone (GBL) and 1,4-Butanediol (BDO) are not controlled substances and are exempted from regulation under the controlled substances chapter when intended for industrial use and not for human consumption or when occurring in a natural concentration and not the result of deliberate addition.</p>	No comparable provision.	No comparable provision.	No comparable provision.
<p><b>Section 2</b> requires courts to impose a \$50 surcharge on offenders convicted of violations of chapter 152 (controlled substances). Requires the money to be credited to the methamphetamine awareness and educational account (see <b>section 10</b>).</p>	No comparable provision.	No comparable provision.	No comparable provision.
<p><b>Section 3</b> amends the attempted manufacture of methamphetamine crime enacted in the 2003 First Special Session. Makes mostly technical changes to clarify that this crime is not an “attempt crime” as much as a “possession of certain substances with intent to manufacture methamphetamine crime.” These changes are consistent with the intent of the 2003 legislation and essentially “clean up” some confusing language in the provision. Strikes the cross-referenced definition of “anhydrous ammonia.”</p>	<p><b>Section 3</b> is identical, except provides that the list of chemical reagents and precursors is not exclusive.</p>	<p><b>Section 2</b> is identical, except provides that the list of chemical reagents and precursors is not exclusive but includes similar substances to those listed that can be used to manufacture methamphetamine.</p>	No comparable provision.
<p><b>Section 4</b> increases the maximum criminal penalty for a violation of <b>section 3</b> from a three-year/\$5,000 felony to a ten-year/\$20,000 felony and for a repeat offense from a four-year/\$5,000 felony to a 15-year/\$30,000 felony.</p>	<p><b>Section 4</b> is identical.</p>	<p><b>Section 3</b> is identical.</p>	No comparable provision.

<sup>1</sup>Unless otherwise noted, S.F. Nos. 423, 901, and 51 are compared to the 2004 Senate methamphetamine legislation.

Methamphetamine Provisions passed by Senate in the 2004 Session (UEH2028-2, Art. 18)	S.F. No. 423 (Rosen), as introduced	S.F. No. 901 (Skoglund), as introduced	S.F. No. 51 (Berglin), as amended by SCS0051A-3
<p>Section 5 requires courts to order persons convicted of manufacturing/attempting to manufacture controlled substances or of illegal activities involving precursor substances where the response to the crime involved an emergency response to pay restitution to public entities that participated in the response. Also requires courts to order these persons to pay restitution to property owners who incurred removal or remediation costs because of the crime. Courts may reduce the amount of restitution if the convicted person is indigent or if payment would create undue hardship for the convicted person's immediate family.</p> <p>Requires peace officers who arrest persons at clandestine lab sites to notify the appropriate county or local health department and other entities of the arrest and the location of the site. Requires county or local health departments or sheriffs to prohibit all property that has been found to be a methamphetamine-contaminated clandestine lab site from being occupied, rented, sold, or used until it has been assessed and remediated. Specifies the process for remediation, including the circumstances under which the applicable authority must vacate its property use restriction order. Requires that if a motor vehicle has been contaminated by methamphetamine production, and if the applicable authority is able to obtain its certificate of title, the authority shall notify the registrar of motor vehicles of this fact and forward the certificate of title to the registrar, so that a notation can be made on the title (see section 11).</p> <p>Requires the Department of Health to create and maintain an Internet Web site containing contact information for each local community health services administrator.</p>	<p>Section 7 is very similar.</p> <p>Requires that if the applicable authority has issued a property use restriction order, the authority shall record an affidavit containing a legal description of the property disclosing that it was the site of a clandestine lab and other specified information. Requires that if the applicable authority vacates its order, the authority must record an affidavit noting this. Provides that unless an affidavit has already been filed by the applicable authority, before any transfer of property ownership where the owner knew or should have known the property had been used as a clandestine lab site and contaminated by methamphetamine manufacturing, the owner shall record an affidavit noting this (failure to do so is a petty misdemeanor). Authorizes an interested party to record an affidavit indicating that proper removal and remediation has occurred. Requires the county recorder or registrar of titles to record any affidavits under this section in a manner that assures their disclosure in the ordinary course of a title search on the property.</p> <p>Requires the Commissioner of Health to <i>post on the Internet</i> the specified information (as opposed to <i>creating and maintaining</i> an Internet Web site).</p>	<p>Section 4 is very similar.</p> <p>Requires that if the applicable authority determines that property subject to a deed was contaminated, the authority must notify the party responsible for maintaining the information on the deed. That party must make a notation on the deed that the property is a hazardous waste contaminated site. Requires the authority to notify the party maintaining the information on the deed when it vacates its property use restriction order. When the party is notified of this, it must update the deed's notation to reflect the cleanup, remediation, and reduced levels of contamination.</p>	<p>No comparable provision.</p>

Methamphetamine Provisions passed by Senate in the 2004 Session (UEH2028-2, Art. 18)	S.F. No. 423 (Rosen), as introduced	S.F. No. 901 (Skoglund), as introduced	S.F. No. 51 (Berglin), as amended by SCS0051A-3
<p>Requires each of these administrators to maintain specified information related to property within the administrator's jurisdiction that is currently or was previously subject to an order. Requires the administrator to make this information available to the public either upon request or by other means.</p> <p>Defines key terms used in this section.</p>			
<p><b>Section 6</b> amends the current ephedrine statute to add a cross-reference to <b>section 7</b>.</p>	<p><b>Section 8</b> is identical, except the cross-referenced section is codified in a different statutory section.</p>	<p><b>Section 5</b> is identical.</p>	<p><b>Section 5</b> is identical, except the cross-referenced section is codified in a different statutory section.</p>
<p><b>Section 7</b> provides criminal penalties and requirements relating to over-the-counter sales of methamphetamine precursor drugs. Places limitations on the way in which these drugs may be sold and the amounts that may be sold in a single transaction.</p>	<p><b>Section 2</b> is similar.</p>	<p><b>Section 6</b> is similar. However, in general, it is structured and worded differently than the others (i.e., does not refer to methamphetamine precursor drugs, refers to dispensing, selling, and distributing rather than just to selling, etc.).</p>	<p><b>Section 2</b> is similar.</p>
<p>No comparable provision.</p>	<p>Classifies compounds, mixtures, or preparations containing ephedrine or pseudoephedrine as their sole active ingredient or as one of their active ingredients as Schedule V controlled substances.</p>	<p>No comparable provision.</p>	<p>Identical to S.F. No. 423.</p>

Methamphetamine Provisions passed by Senate in the 2004 Session (UEH2028-2, Art. 18)	S.F. No. 423 (Rosen), as introduced	S.F. No. 901 (Skoglund), as introduced	S.F. No. 51 (Berglin), as amended by SCS0051A-3
Requires that stores selling single-source methamphetamine precursor drugs do <u>one</u> of the following: ensure that the drugs are displayed and offered for sale only behind a checkout counter where the public is not permitted, inside a locked display case, or within ten feet of an unobstructed view of an attended checkout counter; utilize an electronic antitheft system; or prohibit sales of the drugs to persons under the age of 18 years.	<p>Does not offer stores options for retail restrictions as the 2004 Senate bill did. Instead, requires stores that sell methamphetamine precursor drugs to:</p> <ul style="list-style-type: none"> <li>▶ ensure that all packages of the drugs are displayed behind a checkout counter where the public is not permitted;</li> <li>▶ offer them for sale only by a licensed pharmacist or a licensed pharmacy technician; and</li> <li>▶ ensure that the person making the sale requires the buyer to: <ul style="list-style-type: none"> <li>• provide photographic identification showing the buyer's date of birth; and</li> <li>• sign a written document detailing the date of the sale, the name of the buyer, and the amount of the drug sold.</li> </ul> </li> </ul>	<p>Very similar to the restrictions imposed in S.F. No. 423. Authorizes sales by pharmacy clerks and requires the buyer to sign a certification that the buyer has not purchased more than nine grams of these products in the last 30 days.</p> <p>Requires the pharmacy to maintain records of the transactions for examination by law enforcement officials for a two-year period.</p>	Imposes identical restrictions as S.F. No. 423, except requires the pharmacy to maintain records of the transactions for examination by law enforcement officials for a two-year period.
Does not require this. However, gives retailers this option (see above).	Prohibits over-the-counter sales of methamphetamine precursor drugs to individuals under 18 years old.	No comparable provision.	Identical to S.F. No. 423.
Provides that no more than three packages or a total of nine grams of methamphetamine precursor drugs may be sold in a single over-the-counter sale and requires the drug or product to be in packages containing no more than three grams of ephedrine or pseudoephedrine base or in blister packs with each blister containing no more than two dosage units.	Identical, except limits the sales to no more than <i>two</i> packages and no more than <i>six</i> grams in total weight.	Substantively similar to the 2004 Senate bill.	Identical to S.F. No. 423.
No comparable provision.	Prohibits any person from acquiring more than six grams of methamphetamine precursor drugs within a 30-day period through over-the-counter sales.	Similar to S.F. No. 423, except the limit is nine grams rather than six grams.	Identical to S.F. No. 423.
Does not specifically address.	Does not specifically address.	Specifically addresses pseudoephedrine or ephedrine products intended for animal consumption. Places similar restrictions on these products as was placed on products for human consumption (see above).	Does not specifically address. (However, see <b>section 1</b> requiring a veterinarian's prescription for animal products.)

Methamphetamine Provisions passed by Senate in the 2004 Session (UEH2028-2, Art. 18)	S.F. No. 423 (Rosen), as introduced	S.F. No. 901 (Skoglund), as introduced	S.F. No. 51 (Berglin), as amended by SCS0051A-3
Provides exceptions to the criminal penalties for owners and supervisors of business establishments in certain cases.	Identical.	No comparable provision.	No comparable provision.
Specifies that the prohibited conduct and criminal penalty provisions do not apply to methamphetamine precursor drugs that are manufactured in a manner that prevents the drug from being used to manufacture methamphetamine. Specifies that this section does not apply to pediatric products labeled pursuant to federal regulation primarily intended for administration to children under 12 years of age.	Similar. Requires that methamphetamine precursor drugs that are manufactured in a manner preventing them from being used to manufacture methamphetamine, must be certified as such by the Board of Pharmacy to be exempted. Also, exempts drugs in gel capsule or liquid form.	Similar to S.F. No. 423, except exempts <i>single-source</i> methamphetamine precursor drugs in liquid capsule or liquid-filled capsule form and does not exempt pediatric products.	Identical to S.F. No. 423, except it also exempts certain multisource products in powdered form containing small amounts of pseudoephedrine.
Requires reporting of suspicious transactions relating to methamphetamine precursor drug sales by clerks to management and authorizes managers to make similar reports to law enforcement. Provides civil immunity for good faith reporting.	Identical.	No comparable provision.	No comparable provision.
Preempts all local ordinances or regulations governing the sale by retail distributors of over-the-counter products containing ephedrine or pseudoephedrine.	No comparable provision.	No comparable provision.	No comparable provision.
A knowing violation of this section is a misdemeanor.	Identical.	Identical.	Identical.
Distinguishes between single-source and multisource methamphetamine precursor drugs (i.e., applies some restrictions/regulations only to single-source methamphetamine precursor drugs and others to both single-source and multisource methamphetamine precursor drugs.	Applies all restrictions/regulations to single-source and multisource methamphetamine precursor drugs.	Applies all restrictions/regulations to single-source and multisource methamphetamine precursor drugs.	Applies all restrictions/regulations to single-source and multisource methamphetamine precursor drugs.
<b>Section 8</b> recodifies the prohibited fertilizer activities currently codified at sections 18C.201 and 18D.331. (These provisions are repealed in <b>section 15</b> .) In addition, adds two new crimes: stealing or unlawfully taking or carrying away any amount of anhydrous ammonia; and purchasing/possessing/transferring/distributing any amount of anhydrous ammonia, knowing or having reason to know that it will be used to unlawfully manufacture a controlled substance. Violation of either provision is a five-year/\$50,000 felony.	<b>Section 9</b> is identical.	<b>Section 7</b> is identical, except it also: (1) requires persons who own or operate containers in which anhydrous ammonia is stored to ensure that if the container is left unattended, it is equipped with a properly installed and functioning locking device approved by the Commissioner of Agriculture; and (2) requires the commissioner to publish a list of approved locking devices.	No comparable provision.

<b>Methamphetamine Provisions passed by Senate in the 2004 Session (UEH2028-2, Art. 18)</b>	<b>S.F. No. 423 (Rosen), as introduced</b>	<b>S.F. No. 901 (Skoglund), as introduced</b>	<b>S.F. No. 51 (Berglin), as amended by SCS0051A-3</b>
<p>Section 9 criminalizes various methamphetamine-related activities that may impact children or vulnerable adults. The prohibited activities include manufacturing or attempting to manufacture methamphetamine, storing chemical substances, storing methamphetamine waste products, and storing methamphetamine paraphernalia. A person may not engage in these activities in the presence of a child or vulnerable adult; in the residence of a child or vulnerable adult; in a building, structure, conveyance, or outdoor location where a child or vulnerable adult might reasonably be expected to be present; in a room offered to the public for overnight accommodation; or in any multiple unit residential building. Also prohibits persons from knowingly causing or permitting a child or vulnerable adult to inhale, be exposed to, have contact with, or ingest methamphetamine, a chemical substance, or methamphetamine paraphernalia. Violation of these provisions is a five-year/\$10,000 felony. Provides that a prosecution for or conviction under this section is not a bar to conviction or punishment for any other crime committed by the defendant as part of the same conduct. Authorizes peace officers to take into protective custody children present in areas where prohibited activities under this section are occurring. Provides for health screening both for children taken into protective custody and for those who were not but who are known to have been exposed to methamphetamine. Requires peace officers to make reports of suspected maltreatment of vulnerable adults in certain situations involving methamphetamine exposure. Defines key terms used in this section.</p>	<p>Section 10 is identical.</p>	<p>Section 8 is identical, except it also authorizes courts to impose a sentence for a violation of this section that runs consecutively to any sentence imposed for the intended criminal act. Such a sentence is not a departure from the Sentencing Guidelines.</p>	<p>No comparable provision.</p>

<b>Methamphetamine Provisions passed by Senate in the 2004 Session (UEH2028-2, Art. 18)</b>	<b>S.F. No. 423 (Rosen), as introduced</b>	<b>S.F. No. 901 (Skoglund), as introduced</b>	<b>S.F. No. 51 (Berglin), as amended by SCS0051A-3</b>
<p><b>Section 10</b> creates a methamphetamine awareness and educational account as a special revenue account in the State Treasury. Money collected from the \$50 surcharge established in <b>section 2</b> is to be deposited into this account. The state is authorized to accept contributions, gifts, grants, and bequests for deposit into the fund. Appropriates money in the account to the Commissioner of Public Safety to support projects related to educating retailers and the public on the dangers of methamphetamines and specifically requires an educational initiative entitled Minnesota meth watch. Caps the amount of money that may be deposited into this account from the surcharge established under <b>section 2</b> at \$40,000 per year. Any money collected from the surcharge in excess of \$40,000 must be deposited into the general fund.</p>	<p>No comparable provision.</p>	<p><b>Section 10</b> is identical, except that since S.F. No. 901 does not create the surcharge on controlled substance crimes, none of this money is deposited into this account.</p>	<p>No comparable provision.</p>
<p><b>Section 11</b> requires the Registrar of Motor Vehicles to include the term "hazardous waste contaminated vehicle" on a motor vehicle's title if the Registrar has received the notice and the vehicle's title as required in <b>section 5</b>.</p>	<p><b>Section 11</b> is identical.</p>	<p><b>Section 11</b> is identical.</p>	<p>No comparable provision.</p>
<p><b>Section 12</b> requires the Public Facilities Authority to establish a methamphetamine laboratory cleanup revolving fund. The purpose of the fund is to provide low-interest loans to counties and cities to remediate clandestine lab sites. Specifies the criteria for awarding loans, the loan application process, the eligibility requirements for loans, the loan conditions and terms, etc. Defines key terms used in this section.</p>	<p><b>Section 13</b> is identical.</p>	<p><b>Section 12</b> is identical.</p>	<p>No comparable provision.</p>
<p><b>Section 13</b> expands the definition of "violent crime" in the criminal code's sentencing provision for certain dangerous and repeat felony offenders to include within it <b>section 9</b>.</p>	<p><b>Section 14</b> is identical.</p>	<p><b>Section 13</b> is identical.</p>	<p>No comparable provision.</p>
<p><b>Section 14</b> requests the Legislative Audit Commission to direct the legislative auditor to conduct a study related to the efficacy of controlled substance treatment programs for criminal offenders. If the commission directs the auditor to conduct the study, requires a report to the Legislature by February 1, 2005.</p>	<p>No comparable provision.</p>	<p><b>Section 17</b> is identical (except for the updated due date for the report).</p>	<p>No comparable provision.</p>

Methamphetamine Provisions passed by Senate in the 2004 Session (UEH2028-2, Art. 18)	S.F. No. 423 (Rosen), as introduced	S.F. No. 901 (Skoglund), as introduced	S.F. No. 51 (Berglin), as amended by SCS0051A-3
Section 15 repeals statutory provisions in chapters 18C and 18D, relating to anhydrous ammonia that are recodified by this bill in chapter 152 (see section 8).	Section 16 is identical.	Section 20 is identical.	No comparable provision.
No comparable provision.	Section 1 amends the definition of "narcotic drug" in the controlled substances chapter of law to specifically include methamphetamine. Doing this ensures that sales and possession crimes involving methamphetamine are treated the same as those involving cocaine and heroin throughout the controlled substances laws. Currently, this occurs for the most part. However, because methamphetamine is not defined as a narcotic drug, the sale of a small amount of methamphetamine is a fourth-degree controlled substance crime. The sale of a small amount of a narcotic drug (including heroin or cocaine) is a third-degree controlled substance crime.	No comparable provision.	No comparable provision.
No comparable provisions.	Sections 5 and 6 amend the current criminal provisions relating to the sale and possession of Schedule V controlled substances to provide that these penalties do not apply to violations of section 2.	No comparable provisions.	Sections 3 and 4 are identical.
No comparable provision.	Section 12 requires that if a child who is enrolled in school is taken into protective custody after being found in an area where methamphetamine was being manufactured or where chemical substances, methamphetamine paraphernalia, or methamphetamine waste products were stored, the officer who took the child into custody must notify the chief administrative officer of the child's school of this fact. Defines key terms.	No comparable provision.	No comparable provision.

Methamphetamine Provisions passed by Senate in the 2004 Session (UEH2028-2, Art. 18)	S.F. No. 423 (Rosen), as introduced	S.F. No. 901 (Skoglund), as introduced	S.F. No. 51 (Berglin), as amended by SCS0051A-3
No comparable provision.	Section 15 directs the Revisor to recodify the possession of methamphetamine precursors with the intent to manufacture methamphetamine crime enacted in the 2003 First Special Session (as amended by sections 3 and 4) into a new stand-alone section of law.	No comparable provision.	No comparable provision.
No comparable provision.	No comparable provision.	Section 1 requires the Department of Health to maintain and publicize a toll-free telephone number to enable citizens to report suspected methamphetamine crimes.	No comparable provision.
No comparable provision.	No comparable provision.	Section 9 creates a new crime for disposing or abandoning methamphetamine waste products or chemical substances. A knowing violation is a five-year/\$50,000 felony, but if it places another person in imminent danger of death, great bodily harm, or substantial bodily harm, it is a ten-year/\$100,000 felony. Defines key terms.	No comparable provision.
No comparable provisions.	No comparable provisions.	Sections 14 to 16 amend the nuisance law to allow a public nuisance involving the manufacture of methamphetamine to be established upon a showing of a single methamphetamine manufacturing incident within the building in the previous 12 months. The nuisance law generally requires two incidents to have occurred in a 12-month period.	No comparable provisions.
No comparable provision.	No comparable provision.	Section 18 requires the Minnesota Board of Veterinary Medicine to study and issue a report to the Legislature by February 1, 2006, on animal products that may be used in the manufacture of methamphetamine.	No comparable provisions..
No comparable provision.	No comparable provision.	No comparable provision.	Section 1 requires a written prescription from a veterinarian for drugs and products for any species of animal containing ephedrine or pseudoephedrine.

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11/12/04

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Cost of a Meth Lab Case in Ramsey County				
Source	Description	Hours	Costs	Source
<b>Law Enforcement</b>				
	Investigation			
	Pre-search warrant	50 hours @\$25 per hour	\$1,250	Rich Clark-Ramsey
	Post-search warrant	8-10 staff	\$3,500	County Sheriff's Office
	Includes:uniformed officers, fire trucks and paramedics(hazmat team)			
	Total		\$4,750	
	Equipment			
	Nonreuseable equipment			Paul Stevens, BCA
		Boots	\$10-15	
		Tyvek suits	\$20-30	
		Gloves	\$10-15	
		Mask filters	\$30/set	
		Testing pump-\$70/10-use 4 tubes	\$28	
	Total non-reusable equipment		\$400	
	BCA testing & storage	1-3 days	\$2-3,000	
	Jail			
	Booking fee	2 adults (\$150 each)	\$300	
	Detox	2 adults (\$100 each)	\$200	
	Jail	(2 adults for 2-3 days *\$80/day)	\$320-480	Dori Martinez, Ramsey County Jail
	Total jail for 2 adults for 2-3 days		\$820-980	
	Total Law enforcement fees, equipment, testing and storage		\$7,970-9,130	
<b>Other fees</b>				
	City Inspectors post condemned signs			
			\$100	
<b>Social Services</b>				
	House Calls	4 hrs @\$25 X 2 children	\$200	Kay Wittenstein, House Calls
	Medical Exam	Exam-\$450 Urine Test-\$183 X 2 children	\$1,266	Jean Henry, Children's Hospital
	Shelter services	\$53 per day for 30 days X 2 children	\$3,180	Kurt Koehler, Ramsey Cty Social Serv
	Long Term foster care	\$1,000-\$1,200 per mo. - 3 months X 2 children	\$6,000-7,200	
	Personal items	\$600/child	\$1,200	
	Total	Two children	\$11,846-13,046	

<b>Public Defender</b>				
	CHIPS		\$1,839	
	Dispositional Workers		\$361	Jim Hanks, Ramsey County
	Attorneys	(13 hrs@\$100/hr	\$1,302	Public Defenders Office
	Investigator & dispositional worker		\$500-600	
Total for 2 adults 2 attorneys per adult			<b>\$4,002-4,102</b>	
<b>Prosecution</b>				
	2 hours/hearing for 2 hearings*2*\$100/hour		\$800	
	CHIPS	4-5 hours*2*\$100/hour	\$800-\$1,000	Kim Bingman, Ramsey County
	Followup	2hours*2*\$100/hour	\$400	Attorneys Office
Total 2 adults			<b>\$2,000-2,200</b>	
<b>Court</b>				
	Judge	\$56.58/hour*2*2 1/2hours	\$282.90	
	Judge law clerk	\$19.02/hour*2*2 1/2	\$95.10	Dan Lundstrom, Court Administrator
	Court Reporter	\$27.30/hour*2*2 1/2	\$136.50	
	Ramsey Co Law Clerk	\$17.87*2*2 1/2	\$89.35	
	Total court	\$120.77/hour*2*2 1/2	\$603.85	
	Bailiff	\$23.59/hour for 2 hours	\$47.18	
Total			<b>\$651.03</b>	
<b>Pre-sentence investigation</b>				
	\$320/adult	2 adults	<b>\$640</b>	Bob Steiner, Ramsey Cty Probation
<b>Treatment</b>				
	Assessment	2 adults (\$100 each)	\$200	
	Consolidated Chemical Dependency Treatment Fund-1 adult i(Out-patient)		\$2,600	
Total 1 adult out-patient treatment +2 adults assessment			<b>\$2,800</b>	Kurt Koehler, Ramsey Cty Social Serv
<b>Prison</b>				
	40.5 months served*	(61.4 ave sentence*2/3 @ 80.52/day*1 adult)	<b>\$97,831.80</b>	Deb Kirchner, Corrections
<b>Probation</b>				
	\$700/year for 2 adults for 5 years		<b>\$7,000</b>	Anne McDirmiad
<b>Cleanup Costs</b>				
	Decontamination		\$5,000-10,000	Bay West
	Testing fee		\$1,000-1,500	
Total Cleanup costs			<b>\$6,000-11,500</b>	
<b>Total Costs</b>		Two adults, 2 children	<b>\$140,840.83-\$149,000.83</b>	
*Jill Payne-Sentencing Guidelines				

## Costs of a Methamphetamine (Meth) Case in Ramsey County By Gail Carlson

### Case Scenario

The case scenario created for this exercise is a couple with two children, first time offenders in Ramsey County. The meth lab is a small “mom and pop” operation in St Paul. The couple rents the home and the arrest occurs at 6:00 p.m. The operating assumptions for this case are as follows:

- No weapons were found.
- The children do not have any permanent injury from the meth lab
- The woman regains custody of the children after treatment
- The county is paying the cleanup costs.
- The offenders plead guilty after the 2<sup>nd</sup> court hearing.
- The man is sentenced to 61.4 months, serving 40.5 months in prison plus 5 years probation, the average sentence for an offender convicted of manufacture of methamphetamine.<sup>1</sup> The woman is sentenced to 30 months in prison stayed, treatment and 5 years probation.

### Factors that may impact the cost of the case;

There are many factors that might increase the cost of the case. Some of these factors include:

- Law enforcement costs, if the investigation is extensive.
- Medical costs, if the children are impaired by the chemicals found in the home or if the woman is pregnant.
- Prosecution and public defender costs, if the case goes to trial.
- If child protection removes the children from the home permanently.
- Cleanup costs if a fire occurs and either destroys or severely damages the home or nearby homes.
- If a weapon is found, the sentence will be longer and the incarceration costs will be higher.
- The type and length of treatment and aftercare services.
- The woman may need public assistance upon release.

### Costs to the Public Based on Case Progression

#### Law enforcement:

- Investigation: We are assuming that the investigation before the search warrant involves 50 staff hours at \$25/hour for a total cost of \$1,250.<sup>2</sup>
- State Hazardous Materials Team: The initial response involves about 10 people (including uniformed officers, clan lab certified technicians, firefighters and

paramedics). The uniformed officers and technicians work about 8 hours (1/2 on overtime) - firefighters and paramedics standby for 1 ½ hours.<sup>3</sup> The technicians remove the hazardous materials from the house for testing and photographing. The total cost of the initial response would be \$3,500.

- Non-re-useable equipment costs about \$400.<sup>4</sup>  
Includes: Boots-\$10-15, gloves-\$10-15, mask filters-\$30, tyvek suits-\$20-30, testing pump tubes-\$30 and other costs<sup>5</sup>
- BCA Crime Lab. There is a fee of \$2-3,000 to test and store the materials.<sup>6</sup>
- Jail: The suspects are booked into the Ramsey County Jail.<sup>7</sup>
  - Booking fee \$150 per offender
  - Jail for about 2-3 days (\$80/day).
  - Drug test and medical screening at a cost of \$100.
  - Total jail costs for two adults range from \$520-680.<sup>8</sup>

Total law enforcement costs, including investigation, Hazmat team, testing, jail and equipment: **\$8,070-9,280.**

Other Expenses. City inspector's to post condemned property signs cost **\$100.**<sup>9</sup>

#### **Social Services:**

- House Calls transport the children to Children's Hospital for a shelter exam at a cost of \$100/each. Assuming that the children are healthy, House Calls transport the children to a shelter.<sup>10</sup>
- Shelter exam is \$450/child plus \$183 urine drug testing fee.<sup>11</sup>
- Temporary foster care. The children stay at the shelter for 30 days until more permanent foster care is found. The cost of shelter is \$53/day each for a total of \$3,180. Each child is given \$600 for personal items.
- Long term foster care is \$1,000-1,200/month plus \$600 each for personal items. The children are in foster care for 3 months. The total cost for long term shelter for two children is \$6,000-\$7,200.<sup>12</sup>

Total medical exam, health exam and shelter costs for two children range from **\$11,846-13,046**<sup>13</sup>

#### **Public Defenders:**

- CHIPS (Children in Protective Services) Costs: Attorney fees run about \$1,839 plus a dispositional worker to total \$2,200.
- Criminal Costs: (Costs to defend the client against felony drug charges)\$1,302 (13 hours total or \$651 each) + \$500 for investigator and dispositional worker.

Total public defender fees are **\$4,002-4,102.**<sup>14</sup>

**Prosecution:**

- The cost of attorneys, paralegals and support staff comes to about \$100/hour.
- We are assuming each hearing is 2 hours of attorney time 2 adults X 100/hour=\$800.<sup>15</sup>
- CHIPS case: the initial hearing is 4-5 hours for 2 children @\$100/hour=\$800-1,000
- Follow-up: 2 hours x 2 children x \$100/hour=\$400.

Total prosecution costs are \$2,000-2,200.

**Court:** Sentencing is done on the third court appearance.

- Judge is \$56.58/hour
- Judge's law clerk is \$19.02/hour,
- Court reporter is \$27.30/hour, and
- Ramsey county law clerk is \$17.87/hour for a total of \$120.77/hour for 2 individuals.
- Bailiff's costs \$23.59/hour for about 2 hours.
- Total court time would be about 2 ½ hours including time to review the pre-sentence investigation.

Total court costs total approximately \$651.03.<sup>16</sup>

**Pre-sentence investigation:**

- Costs at least \$320 each for a total of \$640<sup>17</sup>.

**Sentencing:**

- The woman is sentenced to 30 months in prison stayed, treatment and five years of probation.<sup>18</sup>
- The man is sentenced to 61.4 months in prison and 5 years probation.<sup>19</sup>  
(This is the average sentence for this offense-he will serve 40.5 months)

**Probation:**

- Costs \$700/year plus an initial supervision fee of \$200, which is paid by the offender.

Total probation costs for two adults for five years each are \$7,000.<sup>20</sup>

**Prison:**

- Costs \$80.52/day in 2003 for 40.5 months for one adult for a total of \$97,831.80.<sup>21</sup>

**Chemical Dependency Treatment:**

- Initial chemical assessment fee of \$100 each offender.<sup>22</sup>

- Average Ramsey County out-patient cost is \$2,600 for one adult. Total treatment cost is \$2,800

**Cleanup:** We are assuming that the county is paying for the cleanup costs.

- Contractor is called to decontaminate the property (\$5000-\$10,000).
- In addition, there is a testing fee of \$1,000-1,500.
- Total cleanup costs are \$6,000-11,500. Homeowner's property taxes are assessed the costs of cleanup, however if the landlord is unable to pay, the county would pick up the costs.<sup>23</sup>

Total costs range from \$140,840.83-149,000.83

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<sup>1</sup> Jill Payne, MN Sentencing Guidelines Commission  
<sup>2</sup> Rich Clark, Ramsey County Sheriffs Office.  
<sup>3</sup> Asst Fire Chief Dave Pleasant, St Paul Fire Department.  
<sup>4</sup> Paul Stevens, BCA  
<sup>5</sup> Rich Clark, Ramsey County Sheriff's Office  
<sup>6</sup> Paul Stevens BCA  
<sup>7</sup> Paul Stevens, BCA  
<sup>8</sup> Dori Martinez, Ramsey County Jail  
<sup>9</sup> Andy Dawkins, Housing Code Enforcement.  
<sup>10</sup> Kay Wittenstein, House Calls.  
<sup>11</sup> Jean Henry, St. Paul Children's Hospital  
<sup>12</sup> Kurt Koehler, Ramsey County Social Services  
<sup>13</sup> Ibid  
<sup>14</sup> Jim Hanks, State of MN Public Defenders Office.  
<sup>15</sup> Kim Bingham, Ramsey County Attorney's Office  
<sup>16</sup> Dan Lundstrom, Ramsey County Court Administrator  
<sup>17</sup> Bob Steiner, Ramsey County Probation.  
<sup>18</sup> Anne McDiarmid, Ramsey County Courts.  
<sup>19</sup> Jill Payne, MN Sentencing Guidelines Commission  
<sup>20</sup> Anne McDiarmid, Ramsey County Courts  
<sup>21</sup> Deb Kirchner, Dept of Corrections  
<sup>22</sup> Kurt Koehler, Ramsey County Social Services  
<sup>23</sup> Bay West

# Meth: Risk, Recognition, Response.



## Methamphetamine Facts:

Methamphetamine (meth) is a powerfully addictive central nervous system stimulant. The drug is made in makeshift "labs" from inexpensive, easy to obtain ingredients. Common names for the powdered form of meth are "speed," "chalk," and "crank." In its crystalline form, meth may be called, "ice," "crystal," or "glass." Meth can be smoked, injected, snorted or orally ingested.

## Common Ingredients Used to Manufacture Meth Include:

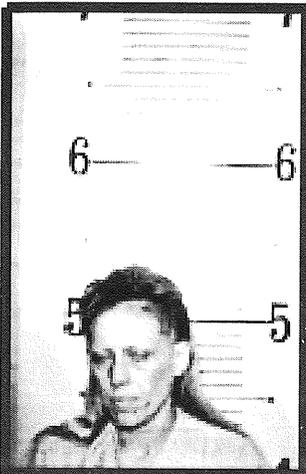
- Anhydrous Ammonia
- Acetone
- Toluene
- Iodine
- Lithium Battery Strips
- Alcohol
- Drain Cleaner
- Muriatic Acid
- Red Phosphorus
- Camping Stove Fuel
- Hydrochloric Acid
- Rock Salt

The **ONLY** consistent ingredient required to cook meth is pseudoephedrine, commonly obtained from over-the-counter cold and allergy medications.



## Meth Use and Addiction

In past years, most meth users in Minnesota were white, blue-collar people, ages 25 to 35. Now, people of all ages and backgrounds are using meth. It is being made and used in all of Minnesota's 87 counties.



Unlike the pattern seen with other drugs (typically 70 percent male to 30 percent female), 50 percent or more of meth users are women and girls. Some people use meth for the intense "rush" or high it provides. However, a growing group of users, many young, use meth to suppress appetite, boost energy or aid attention.

Many of these users skip the usual gateway drugs (tobacco, alcohol, marijuana) and progress rapidly to meth addiction when their "practical" use gets out of control.

# The Methamphetamine Crisis

## Meth Health Effects

Meth's stimulant effect causes feelings of euphoria and energy through the excess release of the neurotransmitter dopamine (a chemical in the brain that causes feelings of pleasure). High levels of dopamine initially cause feelings of intense pleasure but ultimately can cause aggressive, paranoid and violent behavior.

Users can be identified by agitation, excited speech, irritability, loss of appetite and increased physical activity. Other common symptoms include: dilated pupils, nausea and vomiting, skin infections, tooth and gum disease. Overdose may be signaled by spikes in blood pressure, heart or respiratory, or body temperature.

Abuse of methamphetamine is also linked to several serious medical complications such as heart damage, stroke and amphetamine psychosis. Brain imaging studies also reveal neurological damage in some chronic users similar to that from Alzheimers and Parkinsons Disease.



**"Crank Bugs"** - Unabsorbed toxins from taking high amounts of meth are often rejected by the user's body and emitted through the skin. Users pick and scratch at these "crank bugs," causing open sores and permanent scars.

## Treatment

Most of the effects on the brain from meth use are reversible. However, physical, cognitive and emotional recovery takes months, not days. In addition to cognitive and memory problems, withdrawal from methamphetamine is characterized by intense drug craving, depressed mood, disturbed sleep patterns, and increased appetite. **Experts tell us that the most important marker of successful meth recovery is length of treatment.**

People recovering from meth benefit from the same treatment strategies used for other addictions. For example, therapy designed to modify a patient's thinking and behaviors to increase coping skills is effective.

Matching an individual's symptoms to the appropriate treatment level, and retaining people in treatment and services for sufficient time are important for successful treatment. Some can successfully be treated on an outpatient basis. **The key to effective treatment is sufficient access to the right level of care at the right time for an appropriate amount of time.** In order to work, treatment must be personalized.

## Environment and Property Contamination

The environmental and public health risks associated with meth labs is a rapidly growing concern that is quickly becoming a financial drain on state and local resources.

# : Risks, Recognition, Response.



Cooking or smoking meth leaves high levels of the drug and chemical residues on walls, floors, clothes, furniture and heating systems. Children and subsequent residents are exposed to these residual drugs until the property is cleaned. In addition, meth cookers often dump chemical waste on the ground or into drain fields.

The property owner or local health department that decontaminates a meth lab property will spend \$3,000 to \$10,000 or more to return the property to a healthful living space. Recent experience shows that county ordinances on the handling of a meth lab are vital. These local laws clarify the terms and protocol for clean-up, child welfare and other meth related issues.

## Education and Awareness

A crucial aspect of prevention is educating children, school faculty and communities on the dangers of meth use. Involvement from all aspects of the community – from churches and civic clubs to law enforcement and health care workers – is vital to preventing, identifying and stopping the spread of the meth epidemic.

The attitude that "it doesn't happen in my neighborhood" is not only dangerous but false. Authorities have seen growing numbers of "mobile" meth labs in car trunks which threaten communities throughout the state.

## Risks to Non-Users

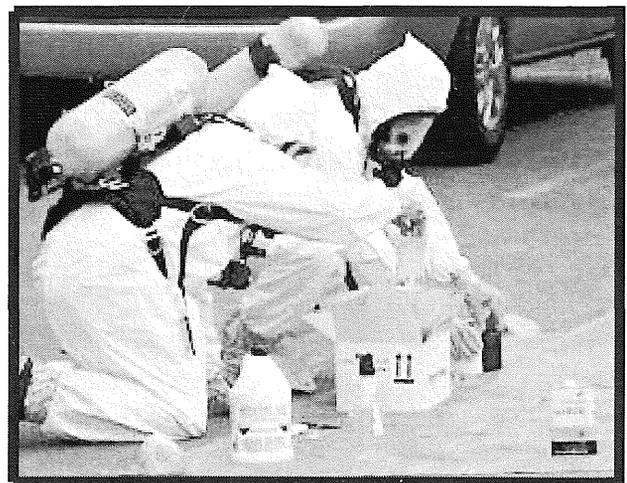
Meth has moved into all of our communities. Labs have been found in day care centers and motels, high-rises and single-family homes, in fields and barns and on boat ramps. An increasing number of mobile labs bring the dangers of meth making to our roads. Meth making touches all Minnesotans.

Personnel of many public and private agencies are particularly at risk. First responders – fire, law and EMTS – may face fire, explosion, chemical contamination and dangerous users when responding to meth lab seizures, domestic abuse calls or other meth-affected events. Health, corrections and human service staff are also at risk from meth hazards they encounter. **At greatest risk are children and vulnerable adults who live within the dangerous sphere of meth making and meth use.**

## Child Endangerment

### Meth Use During Pregnancy:

Maternal meth use during pregnancy can affect both mother and child. Effects may include increased maternal blood pressure and heart rate and increased risk of premature birth and spontaneous abortion.



Meth constricts blood flow in the placenta and passes through it easily. This may result in a reduction of oxygen and nutrients to the fetus or cause elevated fetal blood pressure, heart or organ damage or a variable heart rate resulting in slow fetal growth.

# Meth: Risks, Recognition, Recovery.



## **Meth Use During Pregnancy, continued:**

Cleft lip and palates and defects to major organ systems have been observed in babies exposed to meth in the womb. Newborns exposed to meth may be excessively sleepy or may have problems feeding. They are often irritable, jittery and may have tremors and increased muscle tone. They may be very sensitive to light, touch and sound, and may be unable to tolerate a noisy or chaotic environment.

## **Children in Meth-Using and Making Environments:**

Parents who use meth often exhibit extreme mood fluctuations, poor impulse control, poor hygiene and acute psychotic episodes. Meth making with flammable and toxic chemicals adds additional risks.

## **Potential risks to children include social hazards such as:**

- Abuse and neglect (*including increased risk for accident, drowning, ER visits and positional suffocation; poor nutrition, healthcare and hygiene*)
- Chaotic sleep, feeding and life patterns
- Shame, isolation, poor socialization and classroom behavior
- Exposure to violent events, poly substance abuse, pornography and inappropriate sexuality

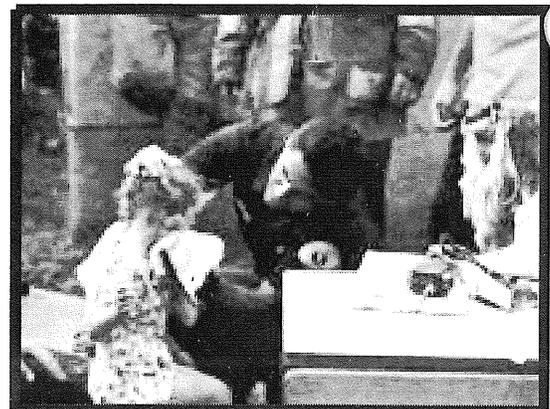
## **Chemical, physical and biological hazards such as:**

- Deliberate administration or accidental ingestion of drugs or chemicals
- Passive inhalation of methamphetamine while parents are using
- Risk of fire and explosion from mishandled chemicals
- Weapons, explosives and booby traps
- Filth, feces, rodents, pests and untrained often vicious animals
- Inadequate heating, electrical, plumbing and home maintenance
- Exposure to contaminated needles, sexually transmitted and blood borne diseases

Attachment disorders are an important concern for children removed from their parents' care. Research shows high numbers of children removed from meth homes are already unattached due to parental neglect or inability to focus on concerns other than their drug use. Children removed from these circumstances require immediate assessment and care as well as follow-up treatment and future assessment of their medical, social and psychological needs.

## **Health Costs**

Though some data exists on current medical and dental costs for directly affected adults and children, no projected costs have been estimated for the long-term care and treatment of users, children, agency staff and innocent bystanders of meth use, making and explosive events. These costs are estimated to be in the millions or billions of dollars.



**Cost of a Meth Lab Case in Ramsey County**

Source	Description	Hours	Costs	Source
<b>Law Enforcement</b>				
	Investigation			
	Pre-search warrant	50 hours @\$25 per hour	\$1,250	Rich Clark-Ramsey
	Post-search warrant	8-10 staff	\$3,500	County Sheriff's Office
	Includes:uniformed officers, fire trucks and paramedics(hazmat team)			
	Total		<b>\$4,750</b>	
	Equipment			
	Nonreuseable equipment			Paul Stevens, BCA
		Boots	\$10-15	
		Tyvek suits	\$20-30	
		Gloves	\$10-15	
		Mask filters	\$30/set	
		Testing pump-\$70/10-use 4 tubes	\$28	
	Total non-reusable equipment		<b>\$400</b>	
	BCA testing & storage	1-3 days	<b>\$2-3,000</b>	
	Jail			
	Booking fee	2 adults (\$150 each)	\$300	
	Detox	2 adults (\$100 each)	\$200	
	Jail	(2 adults for 2-3 days *\$80/day)	\$320-480	Dori Martinez, Ramsey County Jail
	Total jail for 2 adults for 2-3 days		<b>\$820-980</b>	
	Total Law enforcement fees, equipment, testing and storage		<b>\$7,970-9,130</b>	
<b>Other fees</b>				
	City Inspectors post condemned signs			
			<b>\$100</b>	
<b>Social Services</b>				
	House Calls	4 hrs @\$25 X 2 children	\$200	Kay Wittenstein, House Calls
	Medical Exam	Exam-\$450 Urine Test-\$183 X 2 children	\$1,266	Jean Henry, Children's Hospital
	Shelter services	\$53 per day for 30 days X 2 children	\$3,180	Kurt Koehler, Ramsey Cty Social Serv
	Long Term foster care	\$1,000-\$1,200 per mo. - 3 months X 2 children	\$6,000-7,200	
	Personal items	\$600/child	\$1,200	
	Total	Two children	<b>\$11,846-13,046</b>	

<b>Public Defender</b>					
		CHIPS		\$1,839	
		Dispositional Workers		\$361	Jim Hanks, Ramsey County
		Attorneys	(13 hrs@\$100/hr	\$1,302	Public Defenders Office
		Investigator & dispositional worker		\$500-600	
		Total for 2 adults 2 attorneys per adult		<b>\$4,002-4,102</b>	
<b>Prosecution</b>					
		2 hours/hearing for 2 hearings*2*\$100/hour		\$800	
		CHIPS	4-5 hours*2*\$100/hour	\$800-\$1,000	Kim Bingman, Ramsey County
		Followup	2hours*2*\$100/hour	\$400	Attorneys Office
		Total 2 adults		<b>\$2,000-2,200</b>	
<b>Court</b>					
		Judge	\$56.58/hour*2*2 1/2hours	\$282.90	
		Judge law clerk	\$19.02/hour*2*2 1/2	\$95.10	Dan Lundstrom, Court Administrator
		Court Reporter	\$27.30/hour*2*2 1/2	\$136.50	
		Ramsey Co Law Clerk	\$17.87*2*2 1/2	\$89.35	
		Total court	\$120.77/hour*2*2 1/2	\$603.85	
		Bailiff	\$23.59/hour for 2 hours	\$47.18	
		Total		<b>\$651.03</b>	
<b>Pre-sentence investigation</b>					
		\$320/adult	2 adults	<b>\$640</b>	Bob Steiner, Ramsey Cty Probation
<b>Treatment</b>					
		Assessment	2 adults (\$100 each)	\$200	
		Consolidated Chemical Dependency Treatment Fund-1 adult i(Out-patient)		\$2,600	
		Total 1 adult out-patient treatment +2 adults assessment		<b>\$2,800</b>	Kurt Koehler, Ramsey Cty Social Serv
<b>Prison</b>					
		40.5 months served*	(61.4 ave sentence*2/3 @ 80.52/day*1 adult)	<b>\$97,831.80</b>	Deb Kirchner, Corrections
<b>Probation</b>					
		\$700/year for 2 adults for 5 years		<b>\$7,000</b>	Anne McDirmiad
<b>Cleanup Costs</b>					
		Decontamination		\$5,000-10,000	Bay West
		Testing fee		\$1,000-1,500	
		Total Cleanup costs		<b>\$6,000-11,500</b>	
<b>Total Costs</b>		Two adults, 2 children		<b>\$140,840.83-\$149,000.83</b>	
*Jill Payne-Sentencing Guidelines					

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## S.F. No. 901 - Methamphetamine Provisions

**Author:** Senator Wes Skoglund

**Prepared by:** Kenneth P. Backhus, Senate Counsel (651/296-4396) KB

**Date:** February 14, 2005

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### Overview

**S.F. No. 901** makes numerous changes to laws relating to methamphetamine including: regulating the sale of methamphetamine precursor drugs, increasing methamphetamine-related criminal penalties and creating new crimes, placing property restrictions on methamphetamine laboratory sites, creating a methamphetamine laboratory cleanup revolving loan fund, and authorizing an educational program. In addition, it establishes a toll-free telephone number for citizen tips regarding suspected methamphetamine crimes, creates a crime for disposing or abandoning methamphetamine waste products, amends the nuisance law to make it easier to establish nuisances involving methamphetamine manufacturing, requests a report from the Legislative Auditor, and requires other reports. Finally, it appropriates unspecified sums to the Commissioner of Corrections, the Board of Public Defense, the State Court Administrator, the Commissioner of Human Services, and the Commissioner of Employment and Economic Development for various methamphetamine-related initiatives.

**Section 1** requires the Department of Health to maintain and publicize a toll-free telephone number to enable citizens to report suspected methamphetamine crimes.

**Section 2** amends the attempted manufacture of methamphetamine crime enacted in the 2003 First Special Session. Makes mostly technical changes to clarify that this crime is not an "attempt crime" as much as a "possession of certain substances with intent to manufacture methamphetamine crime." These changes are consistent with

the intent of the 2003 legislation and essentially “clean up” some confusing language in the provision. Strikes the cross-referenced definition of “anhydrous ammonia.” Provides that the list of chemical reagents and precursors is not exclusive.

**Section 3** increases the maximum criminal penalty for a violation of **section 2** from a three-year/\$5,000 felony to a ten-year/\$20,000 felony and for a repeat offense from a four-year/\$5,000 felony to a 15-year/\$30,000 felony.

**Section 4** requires courts to order persons convicted of manufacturing/attempting to manufacture controlled substances or of illegal activities involving precursor substances where the response to the crime involved an emergency response to pay restitution to public entities that participated in the response. Also requires courts to order these persons to pay restitution to property owners who incurred removal or remediation costs because of the crime. Courts may reduce the amount of restitution if the convicted person is indigent or if payment would create undue hardship for the convicted person’s immediate family.

Requires peace officers who arrest persons at clandestine lab sites to notify the appropriate county or local health department and other entities of the arrest and the location of the site. Requires county or local health departments or sheriffs to prohibit all property that has been found to be a methamphetamine-contaminated clandestine lab site from being occupied, rented, sold, or used until it has been assessed and remediated. Specifies the process for remediation, including the circumstances under which the applicable authority must vacate its property use restriction order.

Requires that if a motor vehicle has been contaminated by methamphetamine production, and if the applicable authority is able to obtain its certificate of title, the authority shall notify the registrar of motor vehicles of this fact and forward the certificate of title to the registrar, so that a notation can be made on the title (see **section 11**). Requires that if the applicable authority determines that property subject to a deed was contaminated, the authority must notify the party responsible for maintaining the information on the deed. That party must make a notation on the deed that the property is a hazardous waste contaminated site. Requires the authority to notify the party maintaining the information on the deed when it vacates its property use restriction order. When the party is notified of this, it must update the deed’s notation to reflect the cleanup, remediation, and reduced levels of contamination.

Requires the Department of Health to create and maintain an Internet Web site containing contact information for each local community health services administrator. Requires each of these administrators to maintain specified information related to property within the administrator’s jurisdiction that is currently or was previously subject to an order. Requires the administrator to make this information available to the public either upon request or by other means. Defines key terms used in this section.

**Section 5** amends the current ephedrine statute to add a cross-reference to **section 6**.

**Section 6, subdivision 1**, provides that any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine or ephedrine and intended for human consumption may only

be sold, dispensed, or distributed in a pharmacy by a pharmacist, a registered pharmacy technician, or a pharmacy clerk. Prohibits a person from selling in a single sale more than three packages of any of these products. Requires that these packages contain no more than a total of three grams of ephedrine or pseudoephedrine. Requires nonliquid products to be packaged in blister packs where each blister pack contains no more than two dosage units. If this is not technically feasible, it must be packaged in unit dose packets or pouches.

Requires any person purchasing, receiving, or otherwise acquiring any of these products to:

- ▶ produce a photographic identification showing the date of birth of the person;
- ▶ sign a written log or receipt showing:
  - the date of the transaction;
  - the name and date of birth of the person; and
  - the amount of the product received; and
- ▶ sign a certification that the person has not purchased more than nine grams of these products within the previous 30 days.

Requires the pharmacy to maintain records of the written log or receipts and certifications for examination by law enforcement officials for a two-year period.

Prohibits a person from purchasing, receiving, or otherwise acquiring (except through a prescription) more than nine grams of any of these products within a 30-day period. Requires these products to be displayed behind a checkout counter where the public is not permitted.

Provides that the restrictions in this section do not apply to products in liquid, liquid capsule, or liquid-filled gel capsule form if neither pseudoephedrine nor ephedrine is the only active ingredient.

Authorizes the Executive Director of the Minnesota Board of Pharmacy to exempt products from the restrictions of this subdivision if the director determines that the product is formulated in a way to effectively prevent its conversion into methamphetamine. Drug manufacturers may apply to the director for removal of drugs from the restrictions of this subdivision. Requires the executive director, at least annually, to publish a list of products exempted.

**Subdivision 2** provides that any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine or ephedrine and intended for animal consumption may only be dispensed, sold, or distributed by a veterinarian or a certified veterinary technician at the veterinarian's office or by a veterinarian on call at another location in accordance with the commercially marketed purpose of the drug. Requires that when these drugs are dispensed by a veterinarian or a certified veterinarian technician at the veterinarian's office, the products not be displayed within view of the general public. Provides the same requirements for persons purchasing

these drugs as provided in **subdivision 1** (i.e., producing photographic identification; signing written log or receipt, etc.). Similar to **subdivision 1**, authorizes the Minnesota Board of Veterinary Medicine to exempt products formulated in a way that effectively prevent their conversion to methamphetamine, authorizes manufacturers to apply to the Board's executive director for a drug's removal from the restrictions of this subdivision, and requires the executive director, at least annually, to publish a list of products exempted.

**Subdivision 3** provides that a knowing violation of this section is a misdemeanor.

**Section 7** recodifies the prohibited fertilizer activities currently codified at sections 18C.201 and 18D.331. (These provisions are repealed in **section 20**.) In addition, adds two new crimes: stealing or unlawfully taking or carrying away any amount of anhydrous ammonia; and purchasing/possessing/transferring/distributing any amount of anhydrous ammonia, knowing or having reason to know that it will be used to unlawfully manufacture a controlled substance. Violation of either provision is a five-year/\$50,000 felony. Requires persons who own or operate containers in which anhydrous ammonia is stored to ensure that if the container is left unattended, it is equipped with a properly installed and functioning locking device approved by the Commissioner of Agriculture. Requires the Commissioner of Agriculture to publish a list of approved locking devices.

**Section 8** criminalizes various methamphetamine-related activities that may impact children or vulnerable adults. The prohibited activities include manufacturing or attempting to manufacture methamphetamine, storing chemical substances, storing methamphetamine waste products, and storing methamphetamine paraphernalia. A person may not engage in these activities in the presence of a child or vulnerable adult; in the residence of a child or vulnerable adult; in a building, structure, conveyance, or outdoor location where a child or vulnerable adult might reasonably be expected to be present; in a room offered to the public for overnight accommodation; or in any multiple unit residential building. Also prohibits persons from knowingly causing or permitting a child or vulnerable adult to inhale, be exposed to, have contact with, or ingest methamphetamine, a chemical substance, or methamphetamine paraphernalia. Violation of these provisions is a five-year/\$10,000 felony. Provides that a prosecution for or conviction under this section is not a bar to conviction or punishment for any other crime committed by the defendant as part of the same conduct. Authorizes courts to impose a sentence for a violation of this section that runs consecutively to any sentence imposed for the intended criminal act. Such a sentence is not a departure from the Sentencing Guidelines. Authorizes peace officers to take into protective custody children present in areas where prohibited activities under this section are occurring. Provides for health screening both for children taken into protective custody and for those who were not but who are known to have been exposed to methamphetamine. Requires peace officers to make reports of suspected maltreatment of vulnerable adults in certain situations involving methamphetamine exposure. Defines key terms used in this section.

**Section 9** creates a new crime for disposing or abandoning methamphetamine waste products or chemical substances. A knowing violation is a five year/\$50,000 felony, but if it places another person in imminent danger of death, great bodily harm, or substantial bodily harm, it is a ten-year/\$100,000 felony. Defines key terms.

**Section 10** creates a methamphetamine awareness and educational account as a special revenue account in the State Treasury. The state is authorized to accept contributions, gifts, grants, and bequests for deposit into the fund. Appropriates money in the account to the Commissioner of Public Safety to support projects related to educating retailers and the public on the dangers of methamphetamine, including an educational initiative entitled Minnesota meth watch.

**Section 11** requires the Registrar of Motor Vehicles to include the term "hazardous waste contaminated vehicle" on a motor vehicle's title if the Registrar has received the notice and the vehicle's title as required in **section 4**.

**Section 12** requires the Public Facilities Authority to establish a methamphetamine laboratory cleanup revolving fund. The purpose of the fund is to provide low-interest loans to counties and cities to remediate clandestine lab sites. Specifies the criteria for awarding loans, the loan application process, the eligibility requirements for loans, the loan conditions and terms, etc. Defines key terms used in this section.

**Section 13** expands the definition of "violent crime" in the criminal code's sentencing provision for certain dangerous and repeat felony offenders to include within it **section 8**.

**Section 14** amends the nuisance law to allow a public nuisance involving the manufacture of methamphetamine to be established upon a showing of a single methamphetamine manufacturing incident within the building in the previous 12 months. The nuisance law generally requires two incidents to have occurred in a 12-month period.

**Sections 15 and 16** are technical changes related to **section 14**.

**Section 17** requests the Legislative Audit Commission to direct the legislative auditor to conduct a study related to the efficacy of controlled substance treatment programs for criminal offenders. If the commission directs the auditor to conduct the study, requires a report to the Legislature by February 1, 2006.

**Section 18** requires the Minnesota Board of Veterinary Medicine to study and issue a report to the Legislature by February 1, 2006, on animal products that may be used in the manufacture of methamphetamine.

**Section 19** makes unspecified appropriations from the general fund for each year of the next fiscal biennium for the following methamphetamine-related purposes:

- to the Commissioner of Corrections for increased costs associated with this act;
- to the Board of Public Defense for increased methamphetamine caseloads and for a methamphetamine trial team;
- to the State Court Administrator for increased costs associated with this act;

- to the Commissioner of Human Services for grants to counties or groups of counties to fund three pilot project methamphetamine treatment programs; and
- to the Commissioner of Employment and Economic Development for the methamphetamine laboratory cleanup revolving fund (see **section 12**).

Also requires reports to the Legislature from the Commissioner of Corrections on specified methamphetamine-related issues and the Commissioner of Human Services on the grants for methamphetamine treatment programs funded under this section.

**Section 20** repeals statutory provisions in chapters 18C and 18D, relating to anhydrous ammonia that are recodified by this bill in chapter 152 (see **section 7**).

KPB:vs

Senator Skoglund introduced--

S.F. No. 901: Referred to the Committee on Crime Prevention and Public Safety.

1 A bill for an act

2 relating to crimes; regulating the sale of  
3 methamphetamine precursor drugs containing ephedrine  
4 or pseudoephedrine; further regulating while  
5 recodifying activities involving anhydrous ammonia;  
6 requiring courts to order restitution in certain  
7 situations involving controlled substances; imposing  
8 property restrictions in certain situations involving  
9 controlled substances; increasing the criminal  
10 penalties for possessing certain substances with the  
11 intent to manufacture methamphetamine; establishing  
12 new methamphetamine-related crimes; expanding the  
13 definition of "violent crime" for mandatory sentencing  
14 purposes; requiring that property contaminated by  
15 methamphetamine manufacturing indicate this in the  
16 title or deed; establishing a methamphetamine  
17 laboratory cleanup revolving fund and authorizing  
18 loans to assist counties and cities in conducting  
19 methamphetamine cleanup; providing for the  
20 establishment of civil nuisances involving  
21 methamphetamine manufacture; requiring that anhydrous  
22 ammonia storage tanks be locked when unattended;  
23 requiring a toll-free number for citizen reports of  
24 methamphetamine laboratories; providing for reports;  
25 imposing criminal penalties; appropriating money;  
26 amending Minnesota Statutes 2004, sections 152.021,  
27 subdivisions 2a, 3; 152.135, subdivision 2; 168A.05,  
28 subdivision 3; 609.1095, subdivision 1; 617.81,  
29 subdivision 4, by adding a subdivision; 617.85;  
30 proposing coding for new law in Minnesota Statutes,  
31 chapters 144; 152; 446A; repealing Minnesota Statutes  
32 2004, sections 18C.005, subdivisions 1a, 35a; 18C.201,  
33 subdivisions 6, 7; 18D.331, subdivision 5.

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

35 Section 1. [144.4188] [CITIZEN REPORTS OF METHAMPHETAMINE  
36 VIOLATIONS.]

37 The Department of Health shall maintain and publicize a  
38 toll-free telephone number to enable citizens to report  
39 information about potential methamphetamine violations,

1 including, but not limited to, illicit methamphetamine  
 2 laboratories. The department shall take appropriate steps after  
 3 receiving a citizen report after considering the nature and  
 4 trustworthiness of the information reported, including, but not  
 5 limited to, contacting the appropriate law enforcement agency.

6 [EFFECTIVE DATE.] This section is effective July 1, 2005.

7 Sec. 2. Minnesota Statutes 2004, section 152.021,  
 8 subdivision 2a, is amended to read:

9 Subd. 2a. [METHAMPHETAMINE MANUFACTURE CRIMES CRIME;  
 10 POSSESSION OF SUBSTANCES WITH INTENT TO MANUFACTURE  
 11 METHAMPHETAMINE CRIME.] (a) Notwithstanding subdivision 1,  
 12 sections 152.022, subdivision 17; 152.023, subdivision 17; and  
 13 152.024, subdivision 1, a person is guilty of controlled  
 14 substance crime in the first degree if the person manufactures  
 15 any amount of methamphetamine.

16 (b) ~~Notwithstanding paragraph (a) and section 609.177~~ A  
 17 person is guilty of ~~attempted manufacture of methamphetamine a~~  
 18 crime if the person possesses any chemical reagents or  
 19 precursors with the intent to manufacture methamphetamine. As  
 20 used in this section, "chemical reagents or precursors" ~~refers~~  
 21 ~~to one or more~~ includes any of the following substances, or any  
 22 similar substances that can be used to manufacture  
 23 methamphetamine, or their the salts, isomers, and salts of  
 24 isomers of a listed or similar substance:

- 25 (1) ephedrine;  
 26 (2) pseudoephedrine;  
 27 (3) phenyl-2-propanone;  
 28 (4) phenylacetone;  
 29 (5) ~~anhydrous ammonia, as defined in section 18C.005,~~  
 30 ~~subdivision 1a;~~  
 31 (6) organic solvents;  
 32 (7) hydrochloric acid;  
 33 (8) lithium metal;  
 34 (9) sodium metal;  
 35 (10) ether;  
 36 (11) sulfuric acid;

- 1 (12) red phosphorus;  
2 (13) iodine;  
3 (14) sodium hydroxide;  
4 (15) benzaldehyde;  
5 (16) benzyl methyl ketone;  
6 (17) benzyl cyanide;  
7 (18) nitroethane;  
8 (19) methylamine;  
9 (20) phenylacetic acid;  
10 (21) hydriodic acid; or  
11 (22) hydriotic acid.

12 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
13 and applies to crimes committed on or after that date.

14 Sec. 3. Minnesota Statutes 2004, section 152.021,  
15 subdivision 3, is amended to read:

16 Subd. 3. [PENALTY.] (a) A person convicted under  
17 subdivisions 1 to 2a, paragraph (a), may be sentenced to  
18 imprisonment for not more than 30 years or to payment of a fine  
19 of not more than \$1,000,000, or both; a person convicted under  
20 subdivision 2a, paragraph (b), may be sentenced to imprisonment  
21 for not more than ~~three~~ ten years or to payment of a fine of not  
22 more than ~~\$5,000~~ \$20,000, or both.

23 (b) If the conviction is a subsequent controlled substance  
24 conviction, a person convicted under subdivisions 1 to 2a,  
25 paragraph (a), shall be committed to the commissioner of  
26 corrections for not less than four years nor more than 40 years  
27 and, in addition, may be sentenced to payment of a fine of not  
28 more than \$1,000,000; a person convicted under subdivision 2a,  
29 paragraph (b), may be sentenced to imprisonment for not more  
30 than ~~four~~ 15 years or to payment of a fine of not more than  
31 ~~\$5,000~~ \$30,000, or both.

32 (c) In a prosecution under subdivision 1 involving sales by  
33 the same person in two or more counties within a 90-day period,  
34 the person may be prosecuted for all of the sales in any county  
35 in which one of the sales occurred.

36 [EFFECTIVE DATE.] This section is effective August 1, 2005,

1 and applies to crimes committed on or after that date.

2       Sec. 4. [152.0275] [CERTAIN CONTROLLED SUBSTANCE OFFENSES;  
3 RESTITUTION; PROHIBITIONS ON PROPERTY USE.]

4       Subdivision 1. [RESTITUTION.] (a) As used in this  
5 subdivision:

6       (1) "clandestine lab site" means any structure or  
7 conveyance or outdoor location occupied or affected by  
8 conditions or chemicals, typically associated with the  
9 manufacture of methamphetamine;

10       (2) "emergency response" includes, but is not limited to,  
11 removing and collecting evidence, securing the site, removal,  
12 remediation, and hazardous chemical assessment or inspection of  
13 the site where the relevant offense or offenses took place,  
14 regardless of whether these actions are performed by the public  
15 entities themselves or by private contractors paid by the public  
16 entities, or the property owner;

17       (3) "remediation" means proper cleanup, treatment, or  
18 containment of hazardous substances or methamphetamine at or in  
19 a clandestine lab site, and may include demolition or disposal  
20 of structures or other property when an assessment so indicates;  
21 and

22       (4) "removal" means the removal from the clandestine lab  
23 site of precursor or waste chemicals, chemical containers, or  
24 equipment associated with the manufacture, packaging, or storage  
25 of illegal drugs.

26       (b) A court shall require a person convicted of  
27 manufacturing or attempting to manufacture a controlled  
28 substance or of an illegal activity involving a precursor  
29 substance, where the response to the crime involved an emergency  
30 response, to pay restitution to all public entities that  
31 participated in the response. The restitution ordered must  
32 cover the reasonable costs of their participation in the  
33 response.

34       (c) In addition to the restitution required in paragraph  
35 (b), a court shall require a person convicted of manufacturing  
36 or attempting to manufacture a controlled substance or of

1 illegal activity involving a precursor substance to pay  
2 restitution to a property owner who incurred removal or  
3 remediation costs because of the crime.

4 (d) Notwithstanding paragraphs (b) and (c), if the court  
5 finds that the convicted person is indigent or that payment of  
6 the restitution would create undue hardship for the convicted  
7 person's immediate family, the court may reduce the amount of  
8 restitution to an appropriate level.

9 Subd. 2. [PROPERTY-RELATED PROHIBITIONS; WEB SITE.] (a) As  
10 used in this subdivision:

11 (1) "clandestine lab site" has the meaning given in  
12 subdivision 1, paragraph (a);

13 (2) "property" includes buildings and other structures, and  
14 motor vehicles as defined in section 609.487, subdivision 2a.  
15 Property also includes real property, whether publicly or  
16 privately owned, and public waters and rights-of-way;

17 (3) "remediation" has the meaning given in subdivision 1,  
18 paragraph (a); and

19 (4) "removal" has the meaning given in subdivision 1,  
20 paragraph (a).

21 (b) A peace officer who responds to a clandestine lab site  
22 shall notify the appropriate county or local health department,  
23 state duty officer, and child protection services of the  
24 clandestine lab and the location of the site.

25 (c) A county or local health department or sheriff shall  
26 order that all property that has been found to be a clandestine  
27 lab site and contaminated by substances, chemicals, or items of  
28 any kind used in the manufacture or attempted manufacture of  
29 methamphetamine or any part of the manufacturing process, or by  
30 the by-products or degradates of manufacturing or attempting to  
31 manufacture methamphetamine be prohibited from being occupied,  
32 rented, sold, or used until it has been assessed and remediated  
33 as provided in the Department of Health's clandestine drug labs  
34 general cleanup guidelines.

35 (d) Unless clearly inapplicable, the procedures specified  
36 in chapter 145A and any related rules adopted under that chapter

1 addressing the enforcement of public health laws, the removal  
2 and abatement of public health nuisances, and the remedies  
3 available to property owners or occupants apply to this  
4 subdivision.

5 (e) Upon the proper removal and remediation of any property  
6 used as a clandestine lab site, the contractor shall verify to  
7 the applicable authority that issued the order under paragraph  
8 (c) that the work was completed according to the Department of  
9 Health's clandestine drug labs general cleanup guidelines and  
10 best practices and that levels of contamination have been  
11 reduced to levels set forth in the guidelines. Following this,  
12 the applicable authority shall vacate its order.

13 (f) If the applicable authority determines under paragraph  
14 (c) that a motor vehicle has been contaminated by substances,  
15 chemicals, or items of any kind used in the manufacture or  
16 attempted manufacture of methamphetamine or any part of the  
17 manufacturing process, or the by-products or degradates of  
18 manufacturing or attempting to manufacture methamphetamine, and  
19 if the authority is able to obtain the certificate of title for  
20 the motor vehicle, the authority shall notify the registrar of  
21 motor vehicles of this fact and forward the certificate of title  
22 to the registrar. The authority shall also notify the registrar  
23 when it vacates its order under paragraph (e).

24 (g) If the applicable authority determines under paragraph  
25 (c) that the property was contaminated by substances, chemicals,  
26 or items of any kind used in the manufacture or attempted  
27 manufacture of methamphetamine or any part of the manufacturing  
28 process, or the by-products or degradates of manufacturing or  
29 attempting to manufacture methamphetamine, and that the property  
30 is subject to a deed, the authority shall notify the party  
31 responsible for maintaining the information on the deed of this  
32 fact. That party shall make a notation on the deed that the  
33 property is a hazardous waste contaminated site. The authority  
34 shall also notify the party maintaining the information on the  
35 deed when it vacates its order under paragraph (e). When so  
36 notified, the party shall update the deed's notation to reflect

1 the cleanup, remediation, and reduced levels of contamination  
2 completed according to the cleaning guidelines.

3 (h) The commissioner of health shall create and maintain an  
4 Internet Web site and post on the Web site contact information  
5 for each local community health services administrator.

6 (i) Each local community health services administrator  
7 shall maintain information related to property within the  
8 administrator's jurisdiction that is currently or was previously  
9 subject to an order issued under paragraph (c). The information  
10 maintained must include the location of the property, the extent  
11 of the contamination, the status of the removal and remediation  
12 work on the property, and whether the order has been vacated.  
13 The administrator shall make this information available to the  
14 public upon request.

15 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
16 and applies to crimes committed on or after that date.

17 Sec. 5. Minnesota Statutes 2004, section 152.135,  
18 subdivision 2, is amended to read:

19 Subd. 2. [EXCEPTIONS.] (a) A drug product containing  
20 ephedrine, its salts, optical isomers, and salts of optical  
21 isomers is exempt from subdivision 1 if the drug product:

22 (1) may be lawfully sold over the counter without a  
23 prescription under the federal Food, Drug, and Cosmetic Act,  
24 United States Code, title 21, section 321, et seq.;

25 (2) is labeled and marketed in a manner consistent with the  
26 pertinent OTC Tentative Final or Final Monograph;

27 (3) is manufactured and distributed for legitimate  
28 medicinal use in a manner that reduces or eliminates the  
29 likelihood of abuse;

30 (4) is not marketed, advertised, or labeled for the  
31 indication of stimulation, mental alertness, weight loss, muscle  
32 enhancement, appetite control, or energy; and

33 (5) is in solid oral dosage forms, including soft gelatin  
34 caplets, that combine 400 milligrams of guaifenesin and 25  
35 milligrams of ephedrine per dose, according to label  
36 instructions; or is an anorectal preparation containing not more

1 than five percent ephedrine; and

2 (6) is sold in a manner that does not conflict with section  
3 152.136.

4 (b) Subdivisions 1 and 3 shall not apply to products  
5 containing ephedra or ma huang and lawfully marketed as dietary  
6 supplements under federal law.

7 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
8 and applies to crimes committed on or after that date.

9 Sec. 6. [152.136] [SALES OF METHAMPHETAMINE PRECURSOR  
10 DRUGS; CRIMINAL PENALTIES.]

11 Subdivision 1. [PSEUDOEPHEDRINE AND EPHEDRINE, HUMAN  
12 PRODUCTS.] (a) Any compound, mixture, or preparation containing  
13 any detectable quantity of pseudoephedrine, its salts or optical  
14 isomers, or salts of optical isomers, and intended for human  
15 consumption shall only be sold, dispensed, or distributed in a  
16 pharmacy by a pharmacist, a registered pharmacy technician, or a  
17 pharmacy clerk. Any compound, mixture, or preparation  
18 containing any detectable quantity of ephedrine, its salts or  
19 optical isomers, or salts of optical isomers, and intended for  
20 human consumption shall only be sold in a pharmacy and shall  
21 only be dispensed, sold, or distributed by a pharmacist, a  
22 registered pharmacy technician, or a pharmacy clerk.

23 (b) No person may sell in a single sale more than three  
24 packages of any compound, mixture, or preparation identified in  
25 this subdivision or any combination of such compounds, mixtures,  
26 or preparations identified in this subdivision. The packages  
27 shall contain no more than a total of three grams of ephedrine  
28 or pseudoephedrine, their salts or optical isomers, or their  
29 salts of optical isomers. Nonliquid products must be packaged  
30 in blister packs, where each blister pack contains not more than  
31 two dosage units. If packaging in blister packs is not  
32 technically feasible, packaging must be in unit dose packets or  
33 pouches.

34 (c) Any person purchasing, receiving, or otherwise  
35 acquiring any compound, mixture, or preparation identified in  
36 this subdivision shall:

1       (1) produce a photo identification showing the date of  
2 birth of the person;

3       (2) sign a written log or receipt showing:

4       (i) the date of the transaction;

5       (ii) the name and date of birth of the person; and

6       (iii) the amount of the compound, mixture, or preparation  
7 received; and

8       (3) sign a certification that the person has not purchased  
9 more than nine grams of any compound, mixture, or preparation  
10 identified in this subdivision or any combination of compounds,  
11 mixtures, or preparations identified in this subdivision within  
12 the 30-day period prior to the transaction.

13 The pharmacy shall maintain records of the written log or  
14 receipts, and certifications, for audit or examination by law  
15 enforcement officials for a period of two years from the date of  
16 the transaction and shall provide those records upon request by  
17 law enforcement.

18       (d) No person shall purchase, receive, or otherwise acquire  
19 more than nine grams of any compound, mixture, or preparation  
20 identified in this subdivision or any combination of compounds,  
21 mixtures, or preparations identified in this subdivision within  
22 any 30-day period. This limit shall not apply to any quantity  
23 of such compounds, mixtures, or preparations dispensed pursuant  
24 to a valid prescription.

25       (e) A compound, mixture, or preparation identified in this  
26 subdivision shall only be displayed behind a checkout counter  
27 where the public is not permitted.

28       (f) The restrictions identified in this subdivision shall  
29 not apply to any compounds, mixtures, or preparations which are  
30 in liquid, liquid capsule, or liquid-filled gel capsule form if  
31 neither pseudoephedrine nor ephedrine is the only active  
32 ingredient.

33       (g) The executive director of the Minnesota Board of  
34 Pharmacy may exempt other products from the restrictions  
35 identified in this subdivision if the executive director finds  
36 that the product is formulated in a way to effectively prevent

1 the conversion of the active ingredient into methamphetamine. A  
2 manufacturer of a drug product may apply to the executive  
3 director for removal of a product from the restrictions of this  
4 subdivision if the product is formulated in a way to effectively  
5 prevent the conversion of the active ingredient into  
6 methamphetamine. At least annually, the executive director  
7 shall publish a list of products exempted from the restrictions  
8 of this subdivision.

9 Subd. 2. [PSEUDOEPHEDRINE AND EPHEDRINE, ANIMAL  
10 PRODUCTS.] (a) Any compound, mixture, or preparation containing  
11 any detectable quantity of pseudoephedrine, its salts or optical  
12 isomers, or salts of optical isomers, and intended for animal  
13 consumption shall only be dispensed, sold, or distributed by a  
14 veterinarian or a certified veterinary technician at the  
15 veterinarian's office or by a veterinarian on call at another  
16 location in accordance with the commercially marketed purpose of  
17 the compound, mixture, or preparation. Any compound, mixture,  
18 or preparation containing any detectable quantity of ephedrine,  
19 its salts or optical isomers, or salts of optical isomers, and  
20 intended for animal consumption shall only be dispensed, sold,  
21 or distributed by a veterinarian or a certified veterinary  
22 technician at the veterinarian's office or by a veterinarian on  
23 call at another location in accordance with the commercially  
24 marketed purpose of the compound, mixture, or preparation. When  
25 dispensed, sold, or distributed by a veterinarian or a certified  
26 veterinary technician at the veterinarian's office, the product  
27 or products shall not be displayed within view of the general  
28 public.

29 (b) Any person purchasing, receiving, or otherwise  
30 acquiring any compound, mixture, or preparation identified in  
31 this subdivision shall:

32 (1) produce a photo identification showing the date of  
33 birth of the person;

34 (2) sign a written log or receipt showing:

35 (i) the date of the transaction;

36 (ii) the name and date of birth of the person; and

1 (iii) the amount of the compound, mixture, or preparation  
2 received; and

3 (3) sign a certification that the item will only be used as  
4 directed on the product packaging.

5 The veterinarian shall maintain records of the written log or  
6 receipts, and certifications, for audit or examination by law  
7 enforcement officials for a period of two years from the date of  
8 the transaction and shall provide those records upon request by  
9 law enforcement.

10 (c) The Minnesota Board of Veterinary Medicine may exempt  
11 other products from the restrictions identified in this  
12 subdivision if the executive director finds that the product is  
13 formulated in a way to effectively prevent the conversion of the  
14 active ingredient into methamphetamine. A manufacturer of the  
15 animal product may apply to the executive director for removal  
16 of a product from the restrictions of this subdivision if the  
17 product is formulated in a way to effectively prevent the  
18 conversion of the active ingredient into methamphetamine. At  
19 least annually, the executive director shall publish a list of  
20 products exempted from the restrictions of this subdivision.

21 Subd. 3. [CRIMINAL PENALTY.] A person who knowingly  
22 violates subdivision 1 or 2 is guilty of a misdemeanor.

23 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
24 and applies to crimes committed on or after that date.

25 Sec. 7. [152.137] [ANHYDROUS AMMONIA; PROHIBITED CONDUCT;  
26 CRIMINAL PENALTIES; CIVIL LIABILITY.]

27 Subdivision 1. [DEFINITIONS.] As used in this section,  
28 "tamper" means action taken by a person not authorized to take  
29 that action by law or by the owner or authorized custodian of an  
30 anhydrous ammonia container or of equipment where anhydrous  
31 ammonia is used, stored, distributed, or transported.

32 Subd. 2. [PROHIBITED CONDUCT.] (a) A person may not:

33 (1) steal or unlawfully take or carry away any amount of  
34 anhydrous ammonia;

35 (2) purchase, possess, transfer, or distribute any amount  
36 of anhydrous ammonia, knowing, or having reason to know, that it

1 will be used to unlawfully manufacture or attempt to manufacture  
2 a controlled substance;

3 (3) place, have placed, or possess anhydrous ammonia in a  
4 container that is not designed, constructed, maintained, or  
5 authorized to contain or transport anhydrous ammonia;

6 (4) transport anhydrous ammonia in a container that is not  
7 designed, constructed, maintained, or authorized to transport  
8 anhydrous ammonia;

9 (5) use, deliver, receive, sell, or transport a container  
10 designed and constructed to contain anhydrous ammonia without  
11 the express consent of the owner or authorized custodian of the  
12 container; or

13 (6) tamper with any equipment or facility used to contain,  
14 store, or transport anhydrous ammonia.

15 (b) For the purposes of this subdivision, containers  
16 designed and constructed for the storage and transport of  
17 anhydrous ammonia are described in rules adopted under section  
18 18C.121, subdivision 1, or Code of Federal Regulations, title 49.

19 Subd. 3. [NO CAUSE OF ACTION.] (a) Except as provided in  
20 paragraph (b), a person tampering with anhydrous ammonia  
21 containers or equipment under subdivision 2 shall have no cause  
22 of action for damages arising out of the tampering against:

23 (1) the owner or lawful custodian of the container or  
24 equipment;

25 (2) a person responsible for the installation or  
26 maintenance of the container or equipment; or

27 (3) a person lawfully selling or offering for sale the  
28 anhydrous ammonia.

29 (b) Paragraph (a) does not apply to a cause of action  
30 against a person who unlawfully obtained the anhydrous ammonia  
31 or anhydrous ammonia container or who possesses the anhydrous  
32 ammonia or anhydrous ammonia container for any unlawful purpose.

33 Subd. 4. [LOCKING DEVICE.] (a) A person who owns or  
34 operates a container in which anhydrous ammonia is stored shall  
35 ensure that whenever the container is left unattended, it is  
36 equipped with a functioning locking device approved by the

1 commissioner of agriculture that is properly installed to  
2 prevent any unauthorized access to the container.

3 (b) By August 1, 2005, the commissioner of agriculture  
4 shall publish a list of locking devices that may be used to  
5 comply with paragraph (a).

6 Subd. 5. [CRIMINAL PENALTY.] A person who violates  
7 subdivision 2 is guilty of a felony and may be sentenced to  
8 imprisonment for not more than five years or to payment of a  
9 fine of not more than \$50,000, or both.

10 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
11 and applies to crimes committed on or after that date.

12 Sec. 8. [152.138] [METHAMPHETAMINE-RELATED CRIMES  
13 INVOLVING CHILDREN AND VULNERABLE ADULTS.]

14 Subdivision 1. [DEFINITIONS.] (a) As used in this section,  
15 the following terms have the meanings given.

16 (b) "Chemical substance" means a substance intended to be  
17 used as a precursor in the manufacture of methamphetamine or any  
18 other chemical intended to be used in the manufacture of  
19 methamphetamine.

20 (c) "Child" means any person under the age of 18 years.

21 (d) "Methamphetamine paraphernalia" means all equipment,  
22 products, and materials of any kind that are used, intended for  
23 use, or designed for use in manufacturing, injecting, ingesting,  
24 inhaling, or otherwise introducing methamphetamine into the  
25 human body.

26 (e) "Methamphetamine waste products" means substances,  
27 chemicals, or items of any kind used in the manufacture or  
28 attempted manufacture of methamphetamine or any part of the  
29 manufacturing process, or the by-products or degradates of  
30 manufacturing or attempting to manufacture methamphetamine.

31 (f) "Vulnerable adult" has the meaning given in section  
32 609.232, subdivision 11.

33 Subd. 2. [PROHIBITED CONDUCT.] (a) No person may knowingly  
34 engage in any of the following activities in the presence of a  
35 child or vulnerable adult; in the residence of a child or a  
36 vulnerable adult; in a building, structure, conveyance, or

1 outdoor location where a child or vulnerable adult might  
2 reasonably be expected to be present; in a room offered to the  
3 public for overnight accommodation; or in any multiple unit  
4 residential building:

5 (1) manufacturing or attempting to manufacture  
6 methamphetamine;

7 (2) storing any chemical substance;

8 (3) storing any methamphetamine waste products; or

9 (4) storing any methamphetamine paraphernalia.

10 (b) No person may knowingly cause or permit a child or  
11 vulnerable adult to inhale, be exposed to, have contact with, or  
12 ingest methamphetamine, a chemical substance, or methamphetamine  
13 paraphernalia.

14 Subd. 3. [CRIMINAL PENALTY.] A person who violates  
15 subdivision 2 is guilty of a felony and may be sentenced to  
16 imprisonment for not more than five years or to payment of a  
17 fine of not more than \$10,000, or both.

18 Subd. 4. [MULTIPLE SENTENCES; CONSECUTIVE  
19 SENTENCES.] Notwithstanding sections 609.035 and 609.04, a  
20 prosecution for or conviction under this section is not a bar to  
21 conviction of or punishment for any other crime committed by the  
22 defendant as part of the same conduct. Notwithstanding any  
23 provision of the sentencing guidelines, the court may provide  
24 that a sentence imposed for a violation of this section shall  
25 run consecutively to any sentence imposed for the intended  
26 criminal act. A decision of the court to impose consecutive  
27 sentences under this subdivision is not a departure from the  
28 sentencing guidelines.

29 Subd. 5. [PROTECTIVE CUSTODY.] A peace officer may take  
30 any child present in an area where any of the activities  
31 described in subdivision 2, paragraph (a), clauses (1) to (4),  
32 are taking place into protective custody under section 260C.175,  
33 subdivision 1, paragraph (b), clause (2). A child taken into  
34 protective custody under this subdivision shall be provided  
35 health screening to assess potential health concerns related to  
36 methamphetamine, its manufacture, or its attempted manufacture

1 as provided in section 260C.188. A child not taken into  
2 protective custody under this subdivision, but who is known to  
3 have been exposed to methamphetamine, its manufacture, or its  
4 attempted manufacture, shall be offered health screening for  
5 potential health concerns related to methamphetamine, its  
6 manufacture, or its attempted manufacture as provided in section  
7 260C.188.

8 Subd. 6. [REPORTING MALTREATMENT OF VULNERABLE ADULTS.](a)  
9 A peace officer shall make a report of suspected maltreatment of  
10 a vulnerable adult if the vulnerable adult is present in an area  
11 where any of the activities described in subdivision 2,  
12 paragraph (a), clauses (1) to (4), are taking place, and the  
13 peace officer has reason to believe the vulnerable adult  
14 inhaled, was exposed to, had contact with, or ingested  
15 methamphetamine, a chemical substance, or methamphetamine  
16 paraphernalia. The peace officer shall immediately report to  
17 the county common entry point as described in section 626.557,  
18 subdivision 9b.

19 (b) As required in section 626.557, subdivision 9b, law  
20 enforcement is the primary agency to conduct investigations of  
21 any incident when there is reason to believe a crime has been  
22 committed. Law enforcement shall initiate a response  
23 immediately. If the common entry point notified a county agency  
24 for adult protective services, law enforcement shall cooperate  
25 with that county agency when both agencies are involved and  
26 shall exchange data to the extent authorized in section 626.557,  
27 subdivision 12b, paragraph (g). County adult protection shall  
28 initiate a response immediately.

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

32 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
33 and applies to crimes committed on or after that date.

34 Sec. 9. [152.139] [DISPOSING OF METHAMPHETAMINE WASTE  
35 PRODUCTS; CRIME.]

36 Subdivision 1. [DEFINITIONS.] As used in this section,

1 "methamphetamine waste product" and "chemical substance" have  
2 the meanings given in section 152.138, subdivision 1.

3 Subd. 2. [CRIMES DESCRIBED; PENALTIES.] (a) Except as  
4 provided in paragraph (b), a person who knowingly disposes of or  
5 abandons any methamphetamine waste product or chemical substance  
6 is guilty of a felony and may be sentenced to imprisonment for  
7 not more than five years or to payment of a fine of not more  
8 than \$50,000, or both.

9 (b) A person who knowingly disposes of or abandons any  
10 methamphetamine waste product or chemical substance in a manner  
11 that places another person in imminent danger of death, great  
12 bodily harm, or substantial bodily harm, is guilty of a felony  
13 and may be sentenced to imprisonment for not more than ten years  
14 or to payment of a fine of not more than \$100,000, or both.

15 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
16 and applies to crimes committed on or after that date.

17 Sec. 10. [152.185] [METHAMPHETAMINE AWARENESS AND  
18 EDUCATIONAL ACCOUNT; MINNESOTA METH WATCH.]

19 Subdivision 1. [ACCOUNT ESTABLISHED; EDUCATIONAL PROGRAM.]  
20 The methamphetamine awareness and educational account is a  
21 special revenue account in the state treasury. Money in the  
22 account is appropriated to the commissioner of public safety to  
23 be used to support projects relating to educating retailers and  
24 the public on the dangers of methamphetamine and methamphetamine  
25 precursor drugs and the laws and regulations governing their  
26 use, including an educational initiative entitled "Minnesota  
27 meth watch" addressing methamphetamine, its use and manufacture,  
28 and the impact of methamphetamine-related activities on  
29 children, the environment, and the state's quality of life.

30 Subd. 2. [CONTRIBUTIONS.] The state may accept  
31 contributions, gifts, grants, and bequests for deposit into the  
32 fund.

33 [EFFECTIVE DATE.] This section is effective July 1, 2005.

34 Sec. 11. Minnesota Statutes 2004, section 168A.05,  
35 subdivision 3, is amended to read:

36 Subd. 3. [CONTENT OF CERTIFICATE.] Each certificate of

1 title issued by the department shall contain:

2 (1) the date issued;

3 (2) the first, middle, and last names, the dates of birth,  
4 and addresses of all owners who are natural persons, the full  
5 names and addresses of all other owners;

6 (3) the names and addresses of any secured parties in the  
7 order of priority as shown on the application, or if the  
8 application is based on a certificate of title, as shown on the  
9 certificate, or as otherwise determined by the department;

10 (4) any liens filed pursuant to a court order or by a  
11 public agency responsible for child support enforcement against  
12 the owner;

3 (5) the title number assigned to the vehicle;

14 (6) a description of the vehicle including, so far as the  
15 following data exists, its make, model, year, identifying  
16 number, type of body, whether new or used, and if a new vehicle,  
17 the date of the first sale of the vehicle for use;

18 (7) with respect to motor vehicles subject to the  
19 provisions of section 325E.15, the true cumulative mileage  
20 registered on the odometer or that the actual mileage is unknown  
21 if the odometer reading is known by the owner to be different  
22 from the true mileage;

23 (8) with respect to vehicles subject to sections 325F.6641  
24 and 325F.6642, the appropriate term "flood damaged," "rebuilt,"  
25 "prior salvage," or "reconstructed"; and

26 (9) with respect to a vehicle contaminated by  
27 methamphetamine production or attempted methamphetamine  
28 production, if the registrar had received the certificate of  
29 title and notice described in section 152.0275, subdivision 2,  
30 paragraph (f), the term "hazardous waste contaminated vehicle";  
31 and

32 (10) any other data the department prescribes.

33 [EFFECTIVE DATE.] This section is effective July 1, 2005.

4 Sec. 12. [446A.083] [METHAMPHETAMINE LABORATORY CLEANUP  
35 REVOLVING FUND.]

36 Subdivision 1. [DEFINITIONS.] As used in this section:

1 (1) "clandestine lab site" has the meaning given in section  
2 152.0275, subdivision 1, paragraph (a);

3 (2) "property" has the meaning given in section 152.0275,  
4 subdivision 2, paragraph (a), but does not include motor  
5 vehicles; and

6 (3) "remediate" has the meaning given to remediation in  
7 section 152.0275, subdivision 1, paragraph (a).

8 Subd. 2. [FUND ESTABLISHED.] The authority shall establish  
9 a methamphetamine laboratory cleanup revolving fund to provide  
10 loans to counties and cities to remediate clandestine lab  
11 sites. The fund must be credited with repayments.

12 Subd. 3. [APPLICATIONS.] Applications by a county or city  
13 for a loan from the fund must be made to the authority on the  
14 forms prescribed by the authority. The application must  
15 include, but is not limited to:

16 (1) the amount of the loan requested and the proposed use  
17 of the loan proceeds;

18 (2) the source of revenues to repay the loan; and

19 (3) certifications by the county or city that it meets the  
20 loan eligibility requirements of subdivision 4.

21 Subd. 4. [LOAN ELIGIBILITY.] A county or city is eligible  
22 for a loan under this section if the county or city:

23 (1) identifies a site or sites designated by a local public  
24 health department or law enforcement as a clandestine lab site;

25 (2) has required the site's property owner to remediate the  
26 site at cost, under chapter 145A or a local public health

27 nuisance ordinance that addresses clandestine lab remediation;

28 (3) certifies that the property owner cannot pay for the  
29 remediation immediately;

30 (4) certifies that the property owner has not properly  
31 remediated the site; and

32 (5) issues a revenue bond payable to the authority to  
33 secure the loan.

34 Subd. 5. [USE OF LOAN PROCEEDS; REIMBURSEMENT BY PROPERTY  
35 OWNER.] (a) A loan recipient shall use the loan to remediate the  
36 clandestine lab site, or, if this has already been done, to

1 reimburse the applicable county or city fund for costs paid by  
2 the recipient to remediate the clandestine lab site.

3 (b) A loan recipient shall seek reimbursement from the  
4 owner of the property containing the clandestine lab site for  
5 the costs of the remediation. In addition to other lawful means  
6 of seeking reimbursement, the loan recipient may recover its  
7 costs through a property tax assessment by following the  
8 procedure specified in section 145A.08, subdivision 2, paragraph  
9 (c).

10 Subd. 6. [AWARD AND DISBURSEMENT OF FUNDS.] The authority  
11 shall award loans to recipients on a first-come, first-served  
12 basis, provided that the recipient is able to comply with the  
13 terms and conditions of the authority loan, which must be in  
14 conformance with this section. The authority shall make a  
15 single disbursement of the loan upon receipt of a payment  
16 request that includes a list of remediation expenses and  
17 evidence that a second-party sampling was undertaken to ensure  
18 that the remediation work was successful or a guarantee that  
19 such a sampling will be undertaken.

20 Subd. 7. [LOAN CONDITIONS AND TERMS.] (a) When making  
21 loans from the revolving fund, the authority shall comply with  
22 the criteria in paragraphs (b) to (e).

23 (b) Loans must be made at a two percent per annum interest  
24 rate for terms not to exceed ten years unless the recipient  
25 requests a 20-year term due to financial hardship.

26 (c) The annual principal and interest payments must begin  
27 no later than one year after completion of the cleanup. Loans  
28 must be amortized no later than 20 years after completion of the  
29 cleanup.

30 (d) The fund must be credited with all payments of  
31 principal and interest on all loans, except the costs as  
32 permitted under section 446A.04, subdivision 5, paragraph (a).

33 (e) Loans must be made only to recipients with clandestine  
34 lab ordinances that address remediation.

35 Subd. 8. [AUTHORITY TO INCUR DEBT.] Counties and cities  
36 may incur debt under this section by resolution of the board or

1 council authorizing issuance of a revenue bond to the authority.

2 [EFFECTIVE DATE.] This section is effective July 1, 2005.

3 Sec. 13. Minnesota Statutes 2004, section 609.1095,  
4 subdivision 1, is amended to read:

5 Subdivision 1. [DEFINITIONS.] (a) As used in this section,  
6 the following terms have the meanings given.

7 (b) "Conviction" means any of the following accepted and  
8 recorded by the court: a plea of guilty, a verdict of guilty by  
9 a jury, or a finding of guilty by the court. The term includes  
10 a conviction by any court in Minnesota or another jurisdiction.

11 (c) "Prior conviction" means a conviction that occurred  
12 before the offender committed the next felony resulting in a  
13 conviction and before the offense for which the offender is  
14 being sentenced under this section.

15 (d) "Violent crime" means a violation of or an attempt or  
16 conspiracy to violate any of the following laws of this state or  
17 any similar laws of the United States or any other state:

18 ~~section~~ sections 152.138; 609.165; 609.185; 609.19; 609.195;  
19 609.20; 609.205; 609.21; 609.221; 609.222; 609.223; 609.228;  
20 609.235; 609.24; 609.245; 609.25; 609.255; 609.2661; 609.2662;  
21 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268;  
22 609.342; 609.343; 609.344; 609.345; 609.498, subdivision 1;  
23 609.561; 609.562; 609.582, subdivision 1; 609.66, subdivision  
24 1e; 609.687; 609.855, subdivision 5; any provision of sections  
25 609.229; 609.377; 609.378; 609.749; and 624.713 that is  
26 punishable by a felony penalty; or any provision of chapter 152  
27 that is punishable by a maximum sentence of 15 years or more.

28 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
29 and applies to crimes committed on or after that date.

30 Sec. 14. Minnesota Statutes 2004, section 617.81, is  
31 amended by adding a subdivision to read:

32 Subd. 2b. [EXCEPTION; NUISANCES INVOLVING METHAMPHETAMINE  
33 MANUFACTURE.] Notwithstanding subdivision 2, for purposes of  
34 sections 617.80 to 617.87, a public nuisance exists upon proof  
35 of one or more behavioral incidents involving the manufacturing  
36 or attempted manufacture of methamphetamine in the previous 12

1 months within the building. The requirement of two or more  
2 behavioral incidents in subdivision 2, paragraph (b), does not  
3 apply to incidents involving the manufacturing or attempted  
4 manufacture of methamphetamine.

5 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
6 and applies to acts committed on or after that date.

7 Sec. 15. Minnesota Statutes 2004, section 617.81,  
8 subdivision 4, is amended to read:

9 Subd. 4. [NOTICE.] (a) If a prosecuting attorney has  
10 reason to believe that a nuisance is maintained or permitted in  
11 the jurisdiction the prosecuting attorney serves, and intends to  
12 seek abatement of the nuisance, the prosecuting attorney shall  
13 provide the written notice described in paragraph (b), by  
14 personal service or certified mail, return receipt requested, to  
15 the owner and all interested parties known to the prosecuting  
16 attorney.

17 (b) The written notice must:

18 (1) state that a nuisance as defined in subdivision 2 is  
19 maintained or permitted in the building and must specify the  
20 kind or kinds of nuisance being maintained or permitted;

21 (2) summarize the evidence that a nuisance is maintained or  
22 permitted in the building, including the date or dates on which  
23 nuisance-related activity or activities are alleged to have  
24 occurred;

25 (3) inform the recipient that failure to abate the conduct  
26 constituting the nuisance or to otherwise resolve the matter  
27 with the prosecuting attorney within 30 days of service of the  
28 notice may result in the filing of a complaint for relief in  
29 district court that could, among other remedies, result in  
30 enjoining the use of the building for any purpose for one year  
31 or, in the case of a tenant, could result in cancellation of the  
32 lease; and

33 (4) inform the owner of the options available under section  
34 617.85.

35 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
36 and applies to acts committed on or after that date.

1           Sec. 16. Minnesota Statutes 2004, section 617.85, is  
2 amended to read:

3           617.85 [NUISANCE; MOTION TO CANCEL LEASE.]

4           Where notice is provided under section 617.81, subdivision  
5 4, that an abatement of a nuisance is sought and the  
6 circumstances that are the basis for the requested abatement  
7 involved the acts of a commercial or residential tenant or  
8 lessee of part or all of a building, the owner of the building  
9 that is subject to the abatement proceeding may file before the  
10 court that has jurisdiction over the abatement proceeding a  
11 motion to cancel the lease or otherwise secure restitution of  
12 the premises from the tenant or lessee who has maintained or  
13 conducted the nuisance. The owner may assign to the prosecuting  
14 attorney the right to file this motion. In addition to the  
15 grounds provided in chapter 566, the maintaining or conducting  
16 of a nuisance as defined in section 617.81, subdivision 2, by a  
17 tenant or lessee, is an additional ground authorized by law for  
18 seeking the cancellation of a lease or the restitution of the  
19 premises. Service of motion brought under this section must be  
20 served in a manner that is sufficient under the Rules of Civil  
21 Procedure and chapter 566.

22           It is no defense to a motion under this section by the  
23 owner or the prosecuting attorney that the lease or other  
24 agreement controlling the tenancy or leasehold does not provide  
25 for eviction or cancellation of the lease upon the ground  
26 provided in this section.

27           Upon a finding by the court that the tenant or lessee has  
28 maintained or conducted a nuisance in any portion of the  
29 building, the court shall order cancellation of the lease or  
30 tenancy and grant restitution of the premises to the owner. The  
31 court must not order abatement of the premises if the court:

32           (a) cancels a lease or tenancy and grants restitution of  
33 that portion of the premises to the owner; and

34           (b) further finds that the act or acts constituting the  
35 nuisance as defined in section 617.81, subdivision 2, were  
36 committed by the tenant or lessee whose lease or tenancy has

1 been canceled pursuant to this section and the tenant or lessee  
2 was not committing the act or acts in conjunction with or under  
3 the control of the owner.

4 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
5 and applies to acts committed on or after that date.

6 Sec. 17. [REQUESTED LEGISLATIVE AUDITOR'S REPORT; DRUG  
7 TREATMENT.]

8 (a) The Legislative Audit Commission is requested to direct  
9 the legislative auditor to study and issue a report on the  
10 efficacy of controlled substance treatment programs for criminal  
11 offenders in Minnesota. The report must include programs  
12 offered in state and local correctional facilities and  
13 community-based programs. The auditor shall study the programs  
14 offered for each type of controlled substance addiction. The  
15 report must compare the costs of the programs and their success  
16 rates. The report must also address funding sources for these  
17 programs, including, but not limited to, rule 25 funding. To  
18 the degree feasible, the auditor shall investigate treatment  
19 programs offered in other states for controlled substance  
20 offenders and compare the breadth and comprehensiveness of the  
21 treatment options available in Minnesota, their costs, and their  
22 success rates to those in other states.

23 (b) If the Legislative Audit Commission directs the  
24 legislative auditor to conduct the study described in paragraph  
25 (a), the auditor shall report its findings to the legislature by  
26 February 1, 2006.

27 [EFFECTIVE DATE.] This section is effective July 1, 2005.

28 Sec. 18. [BOARD OF VETERINARY MEDICINE REPORT, PRECURSOR  
29 ANIMAL PRODUCTS.]

30 The Minnesota Board of Veterinary Medicine shall study and  
31 issue a report on animal products that may be used in the  
32 manufacture of methamphetamine. The report must include  
33 proposals for restricting access to such products only to  
34 legitimate users, specifically addressing the manufacturing,  
35 wholesaling, distributing, and retailing of precursor veterinary  
36 products. The board shall report its findings to the chairs and

1 ranking minority members of the senate and house committees  
2 having jurisdiction over criminal justice and veterinary policy  
3 by February 1, 2006.

4 [EFFECTIVE DATE.] This section is effective the day  
5 following final enactment.

6 Sec. 19. [APPROPRIATIONS.]

7 Subdivision 1. [CORRECTIONS.] (a) \$..... is appropriated  
8 from the general fund for the fiscal year ending June 30, 2006,  
9 and \$..... is appropriated from the general fund for the  
10 fiscal year ending June 30, 2007, to the commissioner of  
11 corrections. Of this amount, \$..... the first year is for the  
12 report described in paragraph (b), and \$..... the second year  
13 is for increased costs associated with this act.

14 (b) By March 15, 2006, the commissioner shall report to the  
15 chairs and ranking minority members of the senate and house  
16 committees or divisions having jurisdiction over criminal  
17 justice policy and funding on issues related to  
18 methamphetamine. The report must include, but is not limited  
19 to, an analysis of the current number of state correctional  
20 inmates incarcerated on a methamphetamine-related crime,  
21 information on how that number compares to that of recent years,  
22 a projection of the number of future state correctional inmates  
23 incarcerated on a methamphetamine-related charge, recidivism  
24 information for released methamphetamine offenders, the types of  
25 treatment offered to methamphetamine offenders in prison and the  
26 costs of this treatment, and to the degree possible, the same  
27 information described in this section for methamphetamine  
28 offenders at the local level.

29 Subd. 2. [PUBLIC DEFENSE.] \$..... is appropriated from  
30 the general fund for the fiscal year ending June 30, 2006, and  
31 \$..... is appropriated from the general fund for the fiscal  
32 year ending June 30, 2007, to the Board of Public Defense. Of  
33 this amount, \$..... the first year and \$..... the second  
34 year are for an increased methamphetamine caseload, and \$.....  
35 the first year and \$..... the second year are for a  
36 methamphetamine trial team.

1        Subd. 3. [COURTS.] \$..... is appropriated from the  
2 general fund for the fiscal year ending June 30, 2006, and  
3 \$..... is appropriated from the general fund for the fiscal  
4 year ending June 30, 2007, to the state court administrator for  
5 increased costs associated with this act.

6        Subd. 4. [HUMAN SERVICES.] (a) \$..... is appropriated  
7 from the general fund for the fiscal year ending June 30, 2006,  
8 and \$..... is appropriated from the general fund for the  
9 fiscal year ending June 30, 2007, to the commissioner of human  
10 services for grants to counties or groups of counties to fund  
11 three pilot project methamphetamine treatment programs for  
12 offenders convicted of methamphetamine-related crimes.

13        (b) The commissioner shall report items listed in clauses  
14 (1) and (2) relating to the grants described in paragraph (a) to  
15 the chairs and ranking minority members of the senate and house  
16 committees or divisions having jurisdiction over human services  
17 and criminal justice funding:

18        (1) by February 15, 2006, the commissioner shall report the  
19 amount of each grant, who the grant recipient was, and specific  
20 information about the treatment program funded, including, but  
21 not limited to, the nature of the treatment offered, the  
22 structure of the program, and initial information about the  
23 completion rate of offenders who entered the program; and

24        (2) by February 15, 2008, the commissioner shall report  
25 information on the success of the pilot programs funded,  
26 including recidivism data on offenders who entered the program.

27        Subd. 5. [EMPLOYMENT AND ECONOMIC DEVELOPMENT.] \$.....  
28 is appropriated from the general fund for the fiscal year ending  
29 June 30, 2006, and \$..... is appropriated from the general  
30 fund for the fiscal year ending June 30, 2007, to the  
31 commissioner of employment and economic development to carry out  
32 the Public Facilities Authority's duties involving the  
33 methamphetamine laboratory cleanup revolving fund under  
34 Minnesota Statutes, section 446A.083.

35        [EFFECTIVE DATE.] This section is effective July 1, 2005.

36        Sec. 20. [REPEALER.]

1 Minnesota Statutes 2004, sections 18C.005, subdivisions 1a  
2 and 35a; 18C.201, subdivisions 6 and 7; and 18D.331, subdivision  
3 5, are repealed.

4 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
5 and applies to crimes committed on or after that date.

APPENDIX  
Repealed Minnesota Statutes for 05-2438

**18C.005 DEFINITIONS.**

Subd. 1a. **Anhydrous ammonia.** "Anhydrous ammonia" means a compound formed by the chemical combination of the elements nitrogen and hydrogen in the molar proportion of one part nitrogen to three parts hydrogen. This relationship is shown by the chemical formula,  $NH_3$ . On a weight basis, the ratio is 14 parts nitrogen to three parts hydrogen or approximately 82 percent nitrogen to 18 percent hydrogen. Anhydrous ammonia may exist in either a gaseous or a liquid state.

Subd. 35a. **Tamper.** "Tamper" means action taken by a person not authorized to take that action by law or by the owner or authorized custodian of an anhydrous ammonia container or of equipment where anhydrous ammonia is used, stored, distributed, or transported.

**18C.201 PROHIBITED FERTILIZER ACTIVITIES.**

Subd. 6. **Anhydrous ammonia.** (a) A person may not:

- (1) place, have placed, or possess anhydrous ammonia in a container that is not designed, constructed, maintained, and authorized to contain or transport anhydrous ammonia;
- (2) transport anhydrous ammonia in a container that is not designed, constructed, maintained, and authorized to transport anhydrous ammonia;
- (3) use, deliver, receive, sell, or transport a container designed and constructed to contain anhydrous ammonia without the express consent of the owner or authorized custodian of the container; or
- (4) tamper with any equipment or facility used to contain, store, or transport anhydrous ammonia.

(b) For the purposes of this subdivision, containers designed and constructed for the storage and transport of anhydrous ammonia are described in rules adopted under section 18C.121, subdivision 1, or in Code of Federal Regulations, title 49.

Subd. 7. **No cause of action.** (a) Except as provided in paragraph (b), a person tampering with anhydrous ammonia containers or equipment under subdivision 6 shall have no cause of action for damages arising out of the tampering against (1) the owner or lawful custodian of the container or equipment; (2) a person responsible for the installation or maintenance of the container or equipment; or (3) a person lawfully selling or offering for sale the anhydrous ammonia.

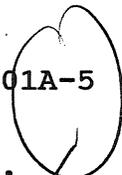
(b) Paragraph (a) does not apply to a cause of action against a person who unlawfully obtained the anhydrous ammonia or anhydrous ammonia container or who possesses the anhydrous ammonia or anhydrous ammonia container for any unlawful purpose.

**18D.331 CRIMINAL PENALTIES.**

Subd. 5. **Anhydrous ammonia containment, tampering, theft, transport.** A person who knowingly violates section 18C.201, subdivision 6, is guilty of a felony and may be sentenced to imprisonment for not more than five years, or to payment of a fine of not more than \$50,000, or both.

- 1 Senator ..... moves to amend S.F. No. 901 as follows:
- 2 Pages 2 to 15, delete sections 2 to 8
- 3 Pages 16 to 20, delete sections 11 to 13
- 4 Pages 24 to 26 delete sections 19 and 20
- 5 Renumber the sections in sequence and correct the internal
- 6 references
- 7 Amend the title accordingly

*Skoglund*



1 Senator ..... moves to amend S.F. No. 901 as follows:

2 Page 16, after line 14, insert:

3 "Subd. 3. [EXCEPTION.] This section does not apply to:

4 (1) a peace officer acting in the course of the officer's

5 employment; or

6 (2) a person who lawfully disposes of any product or

7 substance in a manner approved by the Pollution Control Agency."

*adopted*