

1.1 Senator moves to amend S.F. No. 73 as follows:

1.2 Page 26, line 25, after "products" insert "or while any amount of marijuana or
1.3 tetrahydrocannabinols or their metabolites are in the individual's body"

1.4 Page 184, after line 34, insert:

1.5 "Sec. 9. Minnesota Statutes 2022, section 169A.20, subdivision 1, is amended to read:

1.6 Subdivision 1. **Driving while impaired crime; motor vehicle.** It is a crime for any
1.7 person to drive, operate, or be in physical control of any motor vehicle, as defined in section
1.8 169A.03, subdivision 15, within this state or on any boundary water of this state when:

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

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

1.11 (3) the person is under the influence of an intoxicating substance and the person knows
1.12 or has reason to know that the substance has the capacity to cause impairment;

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

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

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

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

1.23 (8) the person's body contains any amount of marijuana or tetrahydrocannabinols or
1.24 their metabolites.

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

1.27 Page 202, after line 18, insert:

2.1 "Sec. 33. Minnesota Statutes 2022, section 360.0752, subdivision 2, is amended to read:

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

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

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

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

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

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

2.12 (6) when the person is under the influence of an intoxicating substance and the person
2.13 knows or has reason to know that the substance has the capacity to cause impairment;

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

2.16 (8) within eight hours of having consumed any alcoholic beverage or used any controlled
2.17 substance; or

2.18 (9) when the person's body contains any amount of marijuana or tetrahydrocannabinols
2.19 or their metabolites.

2.20 (b) If proven by a preponderance of the evidence, it shall be an affirmative defense to a
2.21 violation of paragraph (a), clause (7), that the defendant used the controlled substance
2.22 according to the terms of a prescription issued for the defendant in accordance with sections
2.23 152.11 and 152.12.

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

2.26 Sec. 34. Minnesota Statutes 2022, section 609.2112, subdivision 1, is amended to read:

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

- (1) in a grossly negligent manner;
- (2) in a negligent manner while under the influence of:
- (i) alcohol;
- (ii) a controlled substance; or
- (iii) any combination of those elements;
- (3) while having an alcohol concentration of 0.08 or more;
- (4) while having an alcohol concentration of 0.08 or more, as measured within two hours of the time of driving;
- (5) in a negligent manner while under the influence of an intoxicating substance and the person knows or has reason to know that the substance has the capacity to cause impairment;
- (6) in a negligent manner while any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the person's body;
- (7) where the driver who causes the collision leaves the scene of the collision in violation of section 169.09, subdivision 1 or 6; ~~or~~
- (8) where the driver had actual knowledge that a peace officer had previously issued a citation or warning that the motor vehicle was defectively maintained, the driver had actual knowledge that remedial action was not taken, the driver had reason to know that the defect created a present danger to others, and the death was caused by the defective maintenance; or
- (9) in a negligent manner when the person's body contains any amount of marijuana or tetrahydrocannabinols or their metabolites.
- (b) If a person is sentenced under paragraph (a) for a violation under paragraph (a), clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory maximum sentence of imprisonment is 15 years.
- EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes committed on or after that date.

Sec. 35. Minnesota Statutes 2022, section 609.2113, subdivision 1, is amended to read:

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

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

4.3 (1) in a grossly negligent manner;

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

4.5 (i) alcohol;

4.6 (ii) a controlled substance; or

4.7 (iii) any combination of those elements;

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

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

4.11 (5) in a negligent manner while under the influence of an intoxicating substance and the
4.12 person knows or has reason to know that the substance has the capacity to cause impairment;

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

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

4.18 (8) where the driver had actual knowledge that a peace officer had previously issued a
4.19 citation or warning that the motor vehicle was defectively maintained, the driver had actual
4.20 knowledge that remedial action was not taken, the driver had reason to know that the defect
4.21 created a present danger to others, and the injury was caused by the defective maintenance;
4.22 or

4.23 (9) in a negligent manner when the person's body contains any amount of marijuana or
4.24 tetrahydrocannabinols or their metabolites.

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

4.27 Sec. 36. Minnesota Statutes 2022, section 609.2114, subdivision 1, is amended to read:

4.28 Subdivision 1. **Death to an unborn child.** (a) Except as provided in paragraph (b), a
4.29 person is guilty of criminal vehicular operation resulting in death to an unborn child and
4.30 may be sentenced to imprisonment for not more than ten years or to payment of a fine of

5.1 not more than \$20,000, or both, if the person causes the death of an unborn child as a result
5.2 of operating a motor vehicle:

5.3 (1) in a grossly negligent manner;

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

5.5 (i) alcohol;

5.6 (ii) a controlled substance; or

5.7 (iii) any combination of those elements;

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

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

5.11 (5) in a negligent manner while under the influence of an intoxicating substance and the
5.12 person knows or has reason to know that the substance has the capacity to cause impairment;

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

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

5.18 (8) where the driver had actual knowledge that a peace officer had previously issued a
5.19 citation or warning that the motor vehicle was defectively maintained, the driver had actual
5.20 knowledge that remedial action was not taken, the driver had reason to know that the defect
5.21 created a present danger to others, and the injury was caused by the defective maintenance;
5.22 or

5.23 (9) in a negligent manner when the person's body contains any amount of marijuana or
5.24 tetrahydrocannabinols or their metabolites.

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

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

5.30 Page 209, line 13, delete "or"

5.31 Page 209, line 17, delete the period and insert "; or"

6.1 Page 209, after line 17, insert:

6.2 "(8) when the person's body contains any amount of marijuana or tetrahydrocannabinols
6.3 or their metabolites.

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

6.6 Page 210, after line 26, insert:

6.7 "Sec. 51. **REVISOR INSTRUCTION.**

6.8 The revisor of statutes shall make any conforming changes to statute necessitated by the
6.9 changes made in sections 9, 33 to 36, and 48."

6.10 Renumber the sections in sequence and correct the internal references

6.11 Amend the title accordingly