

1.1 Senator ..... moves to amend the delete-everything amendment (SCS1098A-1)  
1.2 to S.F. No. 1098 as follows:

1.3 Page 1, after line 4, insert:

1.4 "Section 1. Minnesota Statutes 2024, section 152.021, subdivision 2, is amended to read:

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

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

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

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

1.14 (ii) the offense involves two aggravating factors;

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

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

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

1.22 (6) the person unlawfully possesses:

1.23 (i) 50 kilograms or more of cannabis flower;

1.24 (ii) ten kilograms or more of cannabis concentrate; or

1.25 (iii) edible cannabis products, lower-potency hemp edibles, hemp-derived consumer  
1.26 products, or any combination of those infused with more than one kilogram of  
1.27 tetrahydrocannabinols.

1.28 (b) For the purposes of this subdivision, ~~the weight of fluid used in a water pipe may~~  
1.29 ~~not be considered in measuring the weight of a mixture except in cases where the mixture~~  
1.30 ~~contains four or more fluid ounces of fluid~~ a mixture does not include the fluid used in a  
1.31 water pipe or any amount of a controlled substance that is dissolved in the pipe's fluid.

2.1 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
2.2 applies retroactively to August 1, 2023.

2.3 Sec. 2. Minnesota Statutes 2024, section 152.022, subdivision 2, is amended to read:

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

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

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

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

2.13 (ii) the offense involves three aggravating factors;

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

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

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

2.21 (6) the person unlawfully possesses:

2.22 (i) 25 kilograms or more of cannabis flower;

2.23 (ii) five kilograms or more of cannabis concentrate; or

2.24 (iii) edible cannabis products, lower-potency hemp edibles, hemp-derived consumer  
2.25 products, or any combination of those infused with more than 500 grams of  
2.26 tetrahydrocannabinols.

2.27 (b) For the purposes of this subdivision, ~~the weight of fluid used in a water pipe may~~  
2.28 ~~not be considered in measuring the weight of a mixture except in cases where the mixture~~  
2.29 ~~contains four or more fluid ounces of fluid~~ a mixture does not include the fluid used in a  
2.30 water pipe or any amount of a controlled substance that is dissolved in the pipe's fluid.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies retroactively to August 1, 2023.

Sec. 3. Minnesota Statutes 2024, section 152.023, subdivision 2, is amended to read:

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

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

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

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

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

(5) on one or more occasions within a 90-day period the person unlawfully possesses:

(i) more than ten kilograms of cannabis flower;

(ii) more than two kilograms of cannabis concentrate; or

(iii) edible cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or any combination of those infused with more than 200 grams of tetrahydrocannabinol; or

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

(b) For the purposes of this subdivision, ~~the weight of fluid used in a water pipe may not be considered in measuring the weight of a mixture except in cases where the mixture contains four or more fluid ounces of fluid~~ a mixture does not include the fluid used in a water pipe or any amount of a controlled substance that is dissolved in the pipe's fluid.

4.1 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
4.2 applies retroactively to August 1, 2023.

4.3 Sec. 4. Minnesota Statutes 2024, section 152.025, subdivision 2, is amended to read:

4.4 Subd. 2. **Possession and other crimes.** (a) A person is guilty of controlled substance  
4.5 crime in the fifth degree and upon conviction may be sentenced as provided in subdivision  
4.6 4 if:

4.7 (1) the person unlawfully possesses one or more mixtures containing a controlled  
4.8 substance classified in Schedule I, II, III, or IV, except cannabis flower, cannabis products,  
4.9 lower-potency hemp edibles, or hemp-derived consumer products or a residual amount of  
4.10 one or more mixtures of controlled substances contained in drug paraphernalia; or

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

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

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

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

4.19 (b) For the purposes of this subdivision, a mixture does not include the fluid used in a  
4.20 water pipe or any amount of a controlled substance that is dissolved in the pipe's fluid.

4.21 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
4.22 applies retroactively to August 1, 2023."

4.23 Renumber the sections in sequence and correct the internal references