

**SENATE  
STATE OF MINNESOTA  
NINETY-THIRD SESSION**

**S.F. No. 4265**

(SENATE AUTHORS: WESENBERG, Howe and Limmer)

DATE  
02/26/2024

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Introduction and first reading  
Referred to Judiciary and Public Safety

OFFICIAL STATUS

1.1 A bill for an act  
1.2 relating to public safety; making a conforming change to penalize fentanyl offenses  
1.3 at the same level as heroin offenses; amending Minnesota Statutes 2022, section  
1.4 152.025, subdivision 4.

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

1.6 Section 1. Minnesota Statutes 2022, section 152.025, subdivision 4, is amended to read:

1.7 Subd. 4. **Penalty.** (a) A person convicted under the provisions of subdivision 2, clause  
1.8 (1), who has not been previously convicted of a violation of this chapter or a similar offense  
1.9 in another jurisdiction, is guilty of a gross misdemeanor if: (1) the amount of the controlled  
1.10 substance possessed, other than heroin or fentanyl, is less than 0.25 grams or one dosage  
1.11 unit or less if the controlled substance was possessed in dosage units; or (2) the controlled  
1.12 substance possessed is heroin or fentanyl and the amount possessed is less than 0.05 grams.

1.13 (b) A person convicted under the provisions of subdivision 1; subdivision 2, clause (1),  
1.14 unless the conduct is described in paragraph (a); or subdivision 2, clause (2), may be  
1.15 sentenced to imprisonment for not more than five years or to payment of a fine of not more  
1.16 than \$10,000, or both.