This publication provides accurate, up-to-date information about alcohol, tobacco and other drugs as well as the risks associated with their use. It is updated annually to reflect changes in State and Federal laws. For more information, contact the Minnesota Prevention Resource Center at 763-427-5310, 1-800-782-1878 or www.emprc.org.
### Alcohol

Alcohol is a drug. Alcohol acts as a central nervous system depressant. It is a colorless, flammable and intoxicating liquid absorbed into the bloodstream through the stomach and the small intestine. Alcohol is the psychoactive ingredient in wine, beer and distilled liquor. Several factors influence the effects of alcohol, including the amount of alcohol consumed, the rate at which it is consumed, the presence of food in the stomach during consumption, and the individual's sex, weight, mood, and previous experience with the drug. Alcohol can be very damaging when used in large amounts over a long period of time, or when drunk heavily in a short period of time (binge drinking). A child may be born with the effects of Fetal Alcohol Spectrum Disorder (FASD) which are the result of maternal alcohol consumption (at any level) during pregnancy. Each year as many as 40,000 babies are born with FASD, costing the nation about $4 billion.

### Tobacco

Tobacco is used in a variety of ways. It is smoked through pipes, cigars and cigarettes. Tobacco is also chewed and inhaled in the form of snuff. Nicotine is the active ingredient in all forms of tobacco. Nicotine stimulates the heart and central nervous system. Nicotine is just as addictive as heroin and cocaine. More than 4,000 chemicals have been identified in secondhand tobacco smoke. Of these, at least 43 cause cancer and 200 are known poisons. Secondhand smoke is a Class A carcinogen (a substance known to cause cancer) designation given by the U.S. Environmental Protection Agency. Economic losses in Minnesota each year from tobacco use total $2.64 billion.

### Caffeine

Caffeine is found in many sources, including coffee, tea, cola, energy drinks, chocolate, aspirin, nonprescription cough and cold remedies, diet pills, nonprescription stimulants that aid in alertness and some street drugs. Caffeine is the world's most popular legal drug. It is a white, bitter, crystal-like substance. Physical dependence may result from chronic consumption of moderately high daily doses of caffeine. Regular users of caffeine may find that an abrupt stop in use can cause withdrawal symptoms, including a severe headache, irritability, nervousness and restlessness. Caffeine is extracted from the leaves of the coca plant. Caffeine is a white powder that can be inhaled, injected or smoked (free based). Cocaine stimulates the central nervous system, increasing alertness and activity. In order to extend a seller's supply and profits, cocaine sold on the streets is often mixed with other substances such as sugar, salt, cornstarch or possibly other drugs. Its unknown purity content increases the danger of using cocaine. Cocaine is an addictive drug. Initially, users of cocaine experience a high. But when the high wears off, a devastating low follows. To avoid this low, users are often compelled to use more.

### Cocaine / Crack

Cocaine is extracted from the leaves of the coca plant. Cocaine is a white powder that can be inhaled, injected or smoked (free based). Cocaine stimulates the central nervous system, increasing alertness and activity. In order to extend a seller's supply and profits, cocaine sold on the streets is often mixed with other substances such as sugar, salt, cornstarch or possibly other drugs. Its unknown purity content increases the danger of using cocaine. Cocaine is an addictive drug. Initially, users of cocaine experience a high. But when the high wears off, a devastating low follows. To avoid this low, users are often compelled to use more.

### The Facts

- **Health and Legal Risks Associated with Use/Abuse**: Malnutrition; lowered resistance to disease; irreversible brain or nervous system damage; gastrointestinal irritation; damage to liver, heart and pancreas; addiction/alcoholism; coma, and death from overdose, injury or accident.
- **Possible Health Risks of Use/Abuse**: Malnutrition; respiratory problems; addiction; stroke; liver problems; seizures; heart and respiratory failure; psychosis; coma; convulsions; and sexual dysfunction.

### Possible Signs of Use/Abuse

- **Alcohol**: Flushing (skin appears to be reddish), dulling of senses, staggering, double vision, unconsciousness, diziness, sudden mood changes; slurred speech, impaired coordination, reflexes, memory, and judgment; clammy, cold skin; decreased body temperature; and impaired decision making.
- **Tobacco**: Flushing; nausea, gagging, vomiting; coughing; sweating; abdominal cramps; watering eyes, diziness, bad breath; increased heart rate and blood pressure; dilated pupils; increased salivation; and decreased appetite.
- **Caffeine**: Increased metabolism; alertness; headache; nausea, decreased appetite; increased body temperature and blood pressure; irritability; sleeplessness; nervousness; frequent urination; boredom; tremors; impaired coordination, and anxiety.
- **Cocaine / Crack**: Euphoria; dilated pupils; narrowing of blood vessels, increased blood pressure, heart rate, breathing rate and body temperature; decreased appetite; insomnia; runny nose; violent, erratic or paranoid behavior; sweating; anxiety; and tremors.
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<th><strong>Marijuana</strong></th>
<th><strong>Steroids</strong></th>
<th><strong>Inhalants</strong></th>
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<tr>
<td>Marijuana is the common name for the hemp plant, Cannabis sativa. A marijuana cigarette (joint) is composed of dried particles from the hemp plant. The psychoactive ingredient in marijuana is tetrahydrocannabinol (THC). The amount of THC in a joint is what affects the user. THC is used medically as an antinauseant for cancer patients receiving chemotherapy. Today’s marijuana is more potent than the pot of the 1960s. Hashish and hashish oil are derivatives from the Cannabis sativa plant and produce similar effects as marijuana.</td>
<td>Steroids may contribute to increases in body weight and muscular strength. The acceleration of physical development is what makes steroids appealing to some athletes and young adults. Anabolic-androgenic steroids are chemically related to the male sex hormone testosterone. Anabolic means to build up the muscles and other tissues of the body. Androgenic refers to the development of male sex characteristics. Steroids are injected directly into the muscle or taken orally. Steroids are illegal to possess without a prescription from a licensed physician. They are prescribed for specific medical conditions.</td>
<td>Many people classify inhalants as drugs. However, the inhalants most abused are TOXIC CHEMICALS found in common household and industrial products. Inhalants are sniffed or huffed (inhaling fumes through the mouth) in order to produce mood-altering effects. Solvents are the chemicals abused as inhalants. Inhalants slow down the functions of the body. The most frequently abused inhalants are toluene, acetone, methyl and ethyl ketones, benzene, xylene, hexane, trichloromethane, trichloroethylene, freons, nitrous oxide and volatile nitrates.</td>
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<td>Increased heart rate; bloodshot eyes; increased appetite; dry mouth and throat; hallucinations, paranoia or panic; impaired memory; altered sense of time; and decreased concentration, reaction time and coordination.</td>
<td>Sudden increase in muscle and weight; increase in aggression and competitiveness; violence; hallucinations; depression; jaundice; purple or red spots on body; inside mouth, or nose; swelling of feet or lower legs (edema); tremors; and bad breath. For women: breast reduction, enlarged clitoris, facial hair, baldness and deepened voice. For men: enlarged nipples and breasts, testicle reduction, enlarged prostate and baldness.</td>
<td>Lightheadedness; feelings of euphoria; excitability; loss of appetite; forgetfulness; weight loss; sneezing; coughing; headache; nausea and vomiting; bad breath, red eyes; sores on nose and mouth; delayed reflexes; decreased blood pressure; flushing; dizziness; and violence.</td>
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<td>Damage to heart, lungs, brain and nerve cells; lung cancer; memory disorders; interference with psychological maturation; temporary loss of fertility in both women and men; psychological dependence; and bronchitis, infections, colds and other viruses.</td>
<td>High blood pressure; liver and kidney damage; heart disease; increased risk of injury to ligaments and tendons; bowel and urinary problems; gallstones and kidney stones; and liver cancer. For men: impotence, sterility and prostate cancer. For women: menstrual problems and sterility. In both sexes, steroids can cause male-pattern baldness, cysts, acne and oily hair and skin. For users who share or use unsterile needles to inject steroids: hepatitis, tetanus, tuberculosis and HIV/AIDS.</td>
<td>Heart failure; respiratory arrest; liver and brain damage; suffocation; unconsciousness; seizures; and damage to the nervous system and body tissues. “Sudden Sniffing Death” may also result. This occurs because solvents cause abnormal pumping of the heart that can lead to heart failure.</td>
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### Health Risks by Drug Category

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<th>Depressants</th>
<th>Hallucinogens</th>
<th>Narcotics</th>
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<tr>
<td><strong>Possible Signs of Use/Abuse</strong></td>
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<td>Relaxation and drowsiness; lack of concentration; disorientation; loss of inhibition; lack of coordination; dilated pupils; slurred speech; weak and rapid pulse; distorted vision; low blood pressure; shallow breathing; staggering; clammy skin; fever; sweating; stomach cramps; hallucinations; tremors; and delirium.</td>
<td>Dilated pupils; increased body temperature, heart rate and blood pressure, sweating, loss of appetite, sleeplessness, dry mouth, tremors, hallucinations; disorientation; confusion; paranoia; violence; euphoria; anxiety; panic; and distorted perception of time, space and reality.</td>
<td>Euphoria; restlessness and lack of motivation; drowsiness; lethargy; decreased heart rate, constricted pupils, flushing; constipation, nausea and vomiting; needle marks on extremities; skin abscesses at injection sites; shallow breathing; watery eyes; and itching.</td>
<td>Increased alertness; excessive activity, agitation, euphoria; excitement/increased heart rate, blood pressure and body temperature; insomnia; loss of appetite; sweating; dry mouth and lips; bad breath; disorientation, apathy; hallucinations; irritability; and nervousness.</td>
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<td>Liver damage; convulsions; addiction with severe withdrawal symptoms; and coma.</td>
<td>Agitation; extreme hyperactivity; psychosis; convulsions; mental or emotional problems.</td>
<td>Pulmonary edema; respiratory arrest; convulsions; addiction; and coma.</td>
<td>Headaches; depression; malnutrition; hypertension; psychosis; cardiac arrest; damage to the brain and lungs; convulsions; and coma.</td>
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**The Facts**

Depressants include alcohol, barbiturates (downers), and benzodiazepines (e.g., Valium® and Rohypnol®). Depressants slow down the central nervous system by relaxing muscles, calming nerves and producing sleep. Depressants are composed of sedative-hypnotic and tranquilizer drugs. Depressants are addictive. Users of depressants develop a tolerance to the drugs (larger doses must be taken each time to produce the same effect). Flunitrazepam (commonly known by its trade name, Rohypnol®) is a benzodiazepine ten times stronger than Valium®. It is long-acting and produces marked memory loss.

Perhaps the best known hallucinogens are lysergic acid diethylamide (LSD), phen-cyclidine (PCP), psilocybin (mushrooms), and ecstasy, though there are many others. Hallucinogens are psychedelic, mind-altering drugs that affect a person’s perception, feelings, thinking, self-awareness and emotions. A “bad trip” may result in the user experiencing panic, confusion, paranoia, anxiety, unpleasant sensory images, feelings of helplessness and loss of control. A flashback is a recurrence of the original drug experience without taking the drug again.

Narcotics include Oxycontin®, Percocet®, Vicodin®, codeine, heroin and morphine. Narcotics are composed of opiates and synthetic drugs. Opiates are derived from the seed of the Asian poppy. Synthetic drugs called opioids are chemically developed to produce the effects of opiates. Initially, narcotics stimulate the higher centers of the brain, but then they slow down the activity of the central nervous system. Narcotics relieve pain and induce sleep. Some narcotics, such as heroin, are often diluted with other substances (e.g., water, sugar) and injected. Other narcotics are taken orally or inhaled. Narcotics are extremely addictive. Users of narcotics develop a tolerance to the drugs (larger doses must be taken each time to produce the same effect).

Stimulants include amphetamines, cocaine, methamphetamine, khat and ecstasy, to name just a few. Stimulants activate the central nervous system, increasing alertness and activity. Users of stimulants develop a tolerance (larger doses must be taken to produce the same effect). Stimulants are psychologically addictive.
A violation such as unlawful containment, tampering, or transport of anhydrous ammonia, an agricultural fertilizer that is often used in the manufacture of methamphetamine, is a felony. Such a violation may result in a maximum prison term of ten years and/or a fine of up to $20,000.

A person who manufactures or attempts to manufacture methamphetamine or stores any meth paraphernalia or waste products in the presence or residence of a child or vulnerable adult is guilty of a felony and may be sentenced to up to five years or payment of up to $10,000, or both.

Possession of 42.5 grams or less of marijuana, without remuneration, is a petty misdemeanor punishable by a fine of up to $200 and required attendance at an approved drug education program. Failure to comply with those sanctions or a second conviction within two years constitutes a misdemeanor. Possession of more than 1.4 grams of marijuana in an automobile continues to be a misdemeanor under Minnesota law.

In Minnesota, it is a petty misdemeanor for persons under the age of 18 to possess, use or purchase tobacco products. Local ordinances may increase these offenses to misdemeanors, with fines up to $1,000 and/or jail time up to 90 days. Purchasing tobacco by means of false identification is a crime. A person under the age of 18 who purchases or attempts to purchase tobacco using any type of false identification to misrepresent the person's age is guilty of a misdemeanor. Furnishing tobacco to a minor is also a misdemeanor. Individuals convicted of selling tobacco products to people under the age of 18 may be punished by up to 90 days in jail and/or a $1,000 fine. A subsequent violation within five years becomes a gross misdemeanor, punishable by up to one year in jail and a $3,000 fine. All Minnesota counties have licensing ordinances regulating tobacco sellers. Cities may adopt additional regulations on tobacco sellers. Under these ordinances, the vendor, the sales clerk and the purchaser may each face consequences for illegal sales to minors, independent of state criminal laws. Vendors who sell to minors also face possible sanctions under rules of the U.S. Food and Drug Administration.

Under Minnesota law, the definition of cocaine includes powdered cocaine and crack.

In Minnesota, unlawful possession or sale of any amount of anabolic steroids is a felony.

In addition to charging offenders with possession and sale crimes, Minnesota prosecutors can charge drug offenders with, depending on the circumstances: (1) failure to purchase drug tax stamps from the State Commissioner of Revenue; (2) money laundering, if the person conducted a financial transaction with money that he knew was the proceeds of a felony drug crime; (3) racketeering, under which a dealer can be fined up to three times his gross profits; and (4) importation.
## Under Minnesota Law

### Controlled Substances and Tobacco: Crimes and Penalties

<table>
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<th>Sale</th>
<th>Possession</th>
<th>Penalty</th>
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<tr>
<td><strong>First Degree</strong></td>
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<tr>
<td>10+ grams cocaine, heroin, or methamphetamine; 50+ grams of other narcotic drugs; 50+ grams or 200+ dosage units amphetamine, phencyclidine, or hallucinogens; 25+ kilos marijuana; 25+ kilos marijuana in a school zone, park zone, public housing zone, or drug treatment facility; the manufacture of any amount of methamphetamine.</td>
<td>25+ grams cocaine, heroin, or methamphetamine; 500+ grams of other narcotic drugs; 500+ grams or 500+ dosage units amphetamine, phencyclidine, or hallucinogens; 100+ kilos marijuana.</td>
<td>0–30 yrs and/or up to $1 million fine.</td>
<td>Imprisonment for 86-158 months; minimum $300,000 fine.</td>
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<td><strong>Second Degree</strong></td>
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<td>3+ grams cocaine, heroin, or methamphetamine; 10+ grams of other narcotic drugs; 10+ grams or 50+ dosage units amphetamine, phencyclidine, or hallucinogens; 25+ kilos marijuana, any amount of cocaine, heroin, or any other Schedule I or II narcotic drug, LSD, 3, 4-methylenedioxymethamphetamine (MDMA), amphetamine, or methamphetamine, or 5+ kilos marijuana, in a school zone, park zone, public housing zone, or drug treatment facility; any Schedule I or II narcotic drug to a person under 18 or employment of a person under 18 to sell the same.</td>
<td>6+ grams cocaine, heroin, or methamphetamine; 50+ grams of other narcotic drugs; 50+ grams or 100+ dosage units amphetamine, phencyclidine, or hallucinogens; 50+ kilos marijuana.</td>
<td>0–25 yrs and/or up to $500,000 fine.</td>
<td>Imprisonment for 48-108 months; minimum $150,000 fine.</td>
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<td><strong>Third Degree</strong></td>
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<td>Any amount of cocaine, heroin, or other narcotic drug; 10+ dosage units phencyclidine or hallucinogen; 5+ kilos marijuana, sale of any Schedule I, II, or III drug (except a Schedule I or II narcotic drug) to a person under 18 or employment of a person under 18 to sell the same.</td>
<td>3+ grams cocaine, heroin, or methamphetamine; 10+ grams or 50+ dosage units of other narcotic drugs, 10+ kilos marijuana, any amount of cocaine, heroin, or other Schedule I or II narcotic drug, methamphetamine, or amphetamine, or 5+ doses of LSD, 3, 4-methylenedioxymethamphetamine in a school zone, park zone, public housing zone, or drug treatment facility.</td>
<td>0-20 yrs and/or up to $250,000 fine.</td>
<td>Probation or imprisonment for 39-57 months; minimum $75,000 fine.</td>
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<td><strong>Fourth Degree</strong></td>
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<tr>
<td>Any amount of cocaine, heroin, methamphetamine, or other Schedule I, II, or III drug (except marijuana); any amount of marijuana in a school zone, park zone, public housing zone, or drug treatment facility; or any Schedule IV or V drug to a person under 18 or conspiracy with or employment of a person under 18 to sell the same.</td>
<td>10+ dosage units of phencyclidine or hallucinogen, or any Schedule I, II, or III drug (except marijuana) with intent to sell.</td>
<td>0-15 yrs and/or up to $100,000 fine.</td>
<td>Probation or imprisonment for 24-30 months; minimum $30,000 fine.</td>
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<td><strong>Fifth Degree</strong></td>
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<tr>
<td>Any amount of marijuana or any Schedule IV drug.</td>
<td>Any Schedule I, II, III, or IV drug (except 42.5 grams or less of marijuana); any prescription drug obtained through false pretenses or forgery.</td>
<td>0–5 yrs and/or up to $10,000 fine.</td>
<td>Probation or imprisonment for 21 months; minimum $3,000 fine.</td>
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MINNESOTA HAS MANY STATUTES which regulate and control the use and abuse of alcohol. In addition to Driving While Impaired (DWI) laws, Minnesota has laws regulating the sale, purchase, possession and consumption of alcohol.

I. DWI LAWS.
There are four DWI and Implied Consent packages that aim at preventing the operation of motor vehicles, boats, snowmobiles/all terrain vehicles and aircraft by persons under the influence of alcohol, controlled or hazardous substances or any combination thereof.

A. Elements of DWI Offense. Minnesota has one of the most comprehensive DWI statutes in the nation. The elements of the offense are outlined as follows: It is a crime for any person to drive, operate or be in physical control of a motor vehicle, on land or upon water, within this state or upon any boundary water of this state, while the person is under the influence of alcohol, a controlled or hazardous substance or a combination of the two, or the person has an “alcohol concentration” of 0.08 or more.

1. Driving, Operating and Physical Control. The statute not only prohibits “driving” while under the influence, but extends to “operating” and “physical control” of the motor vehicle. While “driving” normally includes steering a self-propelled vehicle, “operating” covers a broader range of conduct, which includes starting motors, steering towed vehicles, etc. “Physical control” is broader yet, and applies to any person who places himself or herself in a position to either restrain a vehicle from being moved or to direct its motion, including persons found alone, asleep, in a parked vehicle.

2. Motor Vehicle. The law applies to any kind of motor vehicle including farm tractors, bulldozers, front end loaders, mopeds, garden tractors and riding lawn mowers. The law also applies to snowmobiles, boats and all-terrain vehicles.

3. Driving While Impaired. “Driving While Impaired” is defined in terms of impaired ability to drive safely. It is not synonymous with an alcohol concentration of “0.08 or more.” On the contrary, an alcohol concentration of “0.04 or more” is relevant evidence of whether or not the person is under the influence of alcohol. In reality, most human beings are visibly impaired at alcohol concentrations below 0.08. Accordingly, it cannot be assumed that it is “legal” to drive so long as one remains below the 0.08 line.

“Driving While Impaired” also means the presence of any amount of certain controlled substances in the driver’s body.

B. Criminal Penalties. There are four degrees of DWI based on the presence of aggravating factors. The degree of DWI determines the potential sentence.

1. Aggravating Factors.
   a) Any qualified prior impaired driving incident(s) within 10 years immediately preceding the current offense;
   b) Having an alcohol concentration of 0.20 or more as measured at the time, or within two hours of the time, of the offense; or
   c) Having a child under the age of 16 in the vehicle at the time of the offense, if the child is more than 36 months younger than the offender.

2. Sentencing. First-degree DWI is driving while impaired within ten years of the first of three or more qualified prior impaired driving incidents, or after a prior felony DWI conviction. It is a felony with a maximum penalty of seven years in prison and a $14,000 fine. Second-degree DWI is driving while impaired where two or more aggravating factors are present. It is a gross misdemeanor with a maximum sentence of one year in jail and a fine of $3,000. If only one aggravating factor is present or a driver refuses to submit to testing for intoxication, it is third-degree DWI. Third-degree DWI is also a gross misdemeanor with a maximum penalty of one year in jail and a $3,000 fine. If there are no aggravating factors present, the charge is fourth-degree DWI. Fourth-degree DWI is a misdemeanor with a maximum penalty of 90 days in jail and a $1000 fine.

The statute also provides mandatory penalties for repeat offenders. Repeat offenders of first-degree felony DWI are not eligible for release until they have successfully completed a chemical dependency treatment program, and they are subject to a five-year conditional release following their prison term. Non-felony offenders are also subject to mandatory penalties for repeat offenses.
If a person commits a new offense within ten years of a prior impaired driving incident, the person will be sentenced to a minimum of 30 days of incarceration with at least 48 hours to be served consecutively in a local correctional facility, or eight hours of community work service for each day less than 30 days that the person is ordered to serve. If the current offense is the third within ten years, the person will be sentenced to a minimum of 90 days of incarceration with at least 30 days to be served in custody, or the person may be sentenced to a program of intensive supervision for repeat DWI offenders and must serve at least six days in jail prior to being placed on probation.

If this is the fourth offense within ten years, one of the following sentences will be ordered: a minimum of 180 days incarceration, at least 30 days of which must be served consecutively in a local facility; placement in the intensive probation supervision program; or participation in a program of staggered sentencing involving a minimum of 180 days incarceration, at least 30 days of which must be served consecutively in a local correctional facility.

If this is the fifth or subsequent offense, the person will be sentenced to a minimum of one year of incarceration with at least 60 days to be served consecutively in custody or the person will be placed in the intensive probation supervision program.

The remainder of the above sentences may be served in home detention. It is a separate misdemeanor crime to refuse to submit to an alcohol concentration test.

There are increased penalties for repeat DWI offenders. Judges are required to order those convicted of DWI and related crimes to serve their sentences consecutively instead of merging all sentences into one concurrent sentence. In some circumstances, the court is also required to order the person to submit to electronic alcohol monitoring, measured three times per day during the first one-third of the probationary term and paid out of pocket by offender; and to order the offender to refrain from the use of alcohol. Also, those who drink and drive in different types of vehicles—including cars, snowmobiles, boats and all-terrain vehicles—will find those violations “stacking” up against each other.

C. Driver License Revocations. Drunk drivers also lose their driver licenses for:

1. First offense, test of 0.08: not less than 30 days;
2. First offense, test refused: not less than 90 days;
3. Second offense in less than ten years, test over 0.08: not less than 180 days and until the court has certified that treatment or rehabilitation has been successfully completed where prescribed; and
4. Second offense in less than ten years, test refused: not less than one year and until the court has certified that treatment or rehabilitation has been successfully completed where prescribed.

Revocation periods are doubled for those drivers whose alcohol concentration level is 0.20 or more or when a child is a passenger (child endangerment).

In DWI offenses that result in personal injury or death, ninety days are added to license revocation periods. More than two offenses call for longer periods of revocations; and under certain circumstances the registration plates and registration certificates of all motor vehicles registered in the name of any person whose license is revoked may be impounded. The minimum period of plate impoundment is one year. Vehicles used in DWI offenses may be forfeited if the driver has two or three prior offenses, upon a second offense where the driver’s alcohol concentration is 0.08 or more, or where a child under the age of 16 is present in the vehicle. Prior juvenile adjudications as a DWI violator count as prior “convictions” for purposes of revocations. For drivers under age 21, revocation of the offender’s driver’s license or operation privileges is for a period of six months. A person whose driver’s license has been revoked for impaired driving or an implied consent violation shall pay a $250 fee plus a $430 surcharge before the driver’s license is reinstated.

D. Implied Consent. The Implied Consent statute provides that by driving a motor vehicle in this state, a person implicitly consents to submit to
testing for intoxication. If testing is refused, your right to drive will be revoked for a minimum period of one year. If a test is taken and the results indicate an alcohol concentration of 0.08 or more, your right to drive will be revoked for a minimum period of 90 days. Revocation periods are doubled for those drivers whose alcohol concentration is 0.20 or more. A person who refuses a DWI test and who has a child under the age of 16 in the vehicle or who has a prior DWI offense within the last 10 years is guilty of second degree DWI. Refusing to submit to a test when there is probable cause constitutes third-degree DWI. However, whether or not you take the test, you may still be subject to criminal prosecution for an alcohol or controlled substance-related driving offense which has its own license revocation provision.

II. LIQUOR CONTROL VIOLATIONS, PERSONS UNDER THE AGE OF 21 YEARS.

A. Consumption. It is a misdemeanor for any liquor licensee (such as a bar or restaurant) to permit any person under the age of 21 to consume alcoholic beverages on the premises. It is a misdemeanor for any person under the age of 21 years to consume any alcoholic beverages unless that person is in his parents'/guardians' home and with their permission. A minimum fine of $100 must be assessed against a person under the age of 21 years who consumes alcohol.

B. Purchasing.

1. It is a gross misdemeanor for any person to sell, barter, furnish, or give alcoholic beverages to a person under 21 years of age; except for the rights of parents/guardians as outlined under consumption.

2. It is a misdemeanor for any person under the age of 21 years to purchase or attempt to purchase any alcoholic beverage.

3. It is a gross misdemeanor for any person to induce a person under the age of 21 years to purchase or procure any alcoholic beverage, or to lend or permit the use of a driver's license, permit, Minnesota identification card or other form of identification, to a person under the age of 21 for the purpose of purchasing or attempting to purchase an alcoholic beverage.

C. Possession. It is a misdemeanor for any person under the age of 21 years to possess any alcoholic beverage with the intent to consume it at any place other than the household of person's parent or guardian. Mere possession at any place other than the home of the person's parent or guardian is prima facie evidence of an intent to consume at a place other than the household.

D. Entering Licensed Premises. It is a misdemeanor for any person under the age of 21 years to enter any licensed premises for the purpose of purchasing, being served or delivered any alcoholic beverage.

E. Misrepresenting Age. It is a misdemeanor for any person under the age of 21 years to claim to be 21 years old or older for the purpose of purchasing alcoholic beverages.

F. Proof of Age. Proof of age must be established by a valid driver's license or identification card issued by Minnesota, another state, or a province of Canada, military identification card or, in the case of a foreign national other than a Canadian, by a valid passport.

G. Driver License Suspensions for Illegal Purchase or Consumption of Alcohol - Not a Drop Law.
The Commissioner of Public Safety shall impose a 90-day suspension of driving privileges of any person (a) who is under the age of 21 years and is convicted of purchasing or attempting to purchase an alcoholic beverage if the person used a driver's license, permit, or Minnesota identification card in making the purchase or attempted purchase or (b) who lends a driver's license to someone under 21 to use to purchase alcoholic beverages.

The Commissioner of Public Safety also imposes a suspension of driving privileges on any person who is under the age of 21 years and is convicted of consuming any amount of alcohol while operating a motor vehicle. The suspension period is for 30 days for a first offense and 180 days for a second or subsequent offense. A minimum fine of $100 must be assessed against a person under the age of 21 years who consumes alcohol.

III. LAWS TO STOP ADULTS FROM PROVIDING ALCOHOL TO YOUTH.
The following three laws address illegal providers of alcohol to youth.

A. CRIMINAL - Kevin's Law. Increases criminal penalties on providers from a gross misdemeanor to a felony in cases that lead to death or great bodily harm as a result of the intoxication.
Selected Minnesota Laws

Alcohol Crimes and Penalties (cont’d)

B. CIVIL. - Cause of Action. Expands liability to include providers of alcohol to youth under 21. Allows injured parties the right to sue the provider who:

1. Had control over the premises and... knowingly or recklessly permitted that consumption and the consumption caused the intoxication of that person; or

2. Sold, bartered, furnished or gave to, or purchased for a person under 21, alcoholic beverages that caused intoxication.

C. Keg Registration. This law requires alcohol retailers to label and record all beer keg sales made in Minnesota. The registration of kegs allows law enforcement personnel who discover underage keg parties to determine, and hold responsible, the purchaser of the keg.

Misdemeanor violations:
• for a person required to record this information to knowingly make a false entry.
• for an unauthorized person to remove, intentionally deface or damage the keg label.

Freedom to Breathe Act

THIS LEGISLATION went into effect October 1, 2007, and covers all workplaces, with a few narrow exemptions. Key highlights of the Freedom to Breathe Act:

• All Minnesota workers are protected from secondhand smoke, including bar and restaurant workers.

• Smoking is prohibited in bars, restaurants, private clubs and other workplaces.

• Smoking is allowed on outdoor patios; local governments retain control to further regulate outdoor smoking.

• Other minor exemptions: indoor smoking is permitted for scientific studies, theatrical productions (by actors only) and traditional American Indian ceremonies; in hotel rooms, tobacco shops, disabled veterans rest camp in Washington County and locked psychiatric units; and on family farms.

Categories of Drugs

THE CONTROLLED SUBSTANCES ACT (CSA) places drugs in one or more of five categories (Schedules) based on eight criteria including the drug’s abuse potential and accepted medical use. Alcohol and tobacco are not included as CSA Schedule drugs. Schedule II, III, IV and V drugs have accepted medical uses in the United States while Schedule I drugs do not.

Schedule I and II drugs have the highest potential for abuse while Schedule III, IV and V drugs have less abuse potential. Schedule I drugs include heroin, LSD, mescaline, ecstasy, PCP and marijuana. Methamphetamine is a Schedule II drug.
**Under Federal Law**

**Controlled Substances and Tobacco: Crimes and Penalties**

**IN ADDITION** to the penalties for selected controlled substances crimes listed elsewhere on this page, Federal law provides for: (1) forfeiture of personal and real property used to possess, facilitate possession, manufacture, distribution and/or possession with intent to manufacture or distribute controlled substances if that offense is punishable by more than one year imprisonment; (2) forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance; (3) a civil fine up to $10,000 (for possession of a personal use amount); (4) denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to one year for first offense, up to five years for second and subsequent offenses; (5) ineligibility to receive or purchase a firearm; and (6) revocation of certain Federal licenses and benefits, such as pilot licenses, public housing tenancy, etc., as determined by individual Federal agencies.

Federal law provides for penalties of up to 20 years in prison for possession or distribution of selected chemical reagents and precursors with intent or reasonable cause to believe they will be used to make methamphetamine.

Federal penalties for controlled substances violations are also for the manufacture, distribution and possession with intent to manufacture or distribute, controlled substances.

### Possession

- **50 grams or more methamphetamine or**
- **500 grams or more methamphetamine mixture,**
- **1 kilogram or more heroin mixture,**
- **5 kilograms or more cocaine mixture,**
- **100 grams or more cocaine base (crack) mixture,**
- **100 grams or more PCP or**
- **1 kilogram or more PCP mixture,**
- **10 grams or more LSD mixture,**
- **400 grams or more fentanyl mixture,**
- **100 grams or more fentanyl analogue mixture,**
- **1000 kilograms or more marijuana mixture,**
- **1000 or more marijuana plants.**

### Penalty

- **First Offense:** 10 years to life, 10 year mandatory minimum; if death or serious injury, 20 year minimum; up to $4 million fine individual, $10 million other than individual.

- **Second Offense:** 20 years to life, 20 year mandatory minimum; if death or serious injury, not less than life; up to $8 million fine individual, $20 million other than individual.

- **5–49 grams methamphetamine or**
- **50–499 grams methamphetamine mixture,**
- **100–999 grams heroin mixture,**
- **500–4999 grams cocaine mixture,**
- **100–999 grams cocaine base (crack) mixture,**
- **10–9 grams PCP or**
- **100–999 grams PCP mixture,**
- **40–399 grams fentanyl mixture,**
- **10–99 grams fentanyl analogue mixture,**
- **100–999 kilograms marijuana mixture,**
- **100–999 marijuana plants.**

### Penalty

- **First Offense:** 5 years to 40 years, 5 year mandatory minimum; if death or serious injury, 20 year minimum; up to $2 million fine individual, $5 million other than individual.

- **Second Offense:** 10 years to life, 10 year mandatory minimum; if death or serious injury, not less than life; up to $4 million fine individual, $10 million other than individual.

### Any amount of other Schedule I or Schedule II Controlled Substances, 50—999 grams heroin mixture, 100—999 grams cocaine mixture, 5—49 grams cocaine base (crack) mixture, 10—99 grams PCP or 100—999 grams PCP mixture, 1—9 grams LSD mixture, 40—399 grams fentanyl mixture, 10—99 grams fentanyl analogue mixture, 100—999 kilograms marijuana mixture, 100—999 marijuana plants.

### Penalty

- **First Offense:** 0 to 20 years; if death or serious injury, 20 year mandatory minimum; not more than life; up to $1 million fine individual, $5 million other than individual.

- **Second Offense:** 0 to 10 years; if death or serious injury, not less than life; up to $2 million fine individual, $10 million other than individual.

### Any amount of Schedule III Controlled Substances, less than 50 kilograms marijuana mixture, 10 kilograms hashish or more, 1 kilogram hashish oil or more, or 30—999 milligrams flunitrazepam (Rohypnol®), Ketamine.

### Penalty

- **First Offense:** 0 to 3 years; up to $250,000 fine individual, $1 million other than individual.

- **Second Offense:** 0 to 10 years; up to $500,000 fine individual, $2 million other than individual.

### Any amount of Schedule IV Controlled Substances.

### Penalty

- **First Offense:** 0 to 5 years; up to $250,000 fine individual, $1 million other than individual.

- **Second Offense:** 0 to 6 years; up to $500,000 fine individual, $2 million other than individual.

### Any amount of Schedule V Controlled Substances.

### Penalty

- **First Offense:** 0 to 1 year; up to $100,000 fine individual, $250,000 other than individual.

- **Second Offense:** 0 to 2 years; up to $200,000 fine individual, $500,000 other than individual.
Other publications you may find helpful from MPRC:

- Alcohol Choices and Guidelines for College Students
- Alcohol Use by College Students: A Guide for Parents
- Because It Matters Media Campaign
- Choices and Influences Series:
  - Choosing Not to Use Alcohol: Benefits for Adolescents
  - Setting Guidelines for Choices About Alcohol
  - What to Do, What to Say
- Early and Often—How Social Marketing of Prevention Can Help Your Community
- Great Start
- Non-Alcoholic Party Drinks Recipe Book
- Prevention with Impact (Newsletter)
- Rape and Alcohol—The Connection
- See It Say It Video Series
  - Calm Down and Follow the Moves (for Parents)
  - What to Say: A Lesson (for School Staff)
  - What Would You Do? (for Youth)
  - Time to Talk (for College Students)
  - ¡Hablemos Ahora! Let’s Talk Now
  - Pom Ces Hais (for Parents)
  - Safe Schools, Healthy Schools—One Student at a Time
- Walking the Talk Parent Program
- Where do most Minnesota Teens get Alcohol? From Adults.

The above resource materials are available for free or at low cost to Minnesota residents although shipping charges do apply.

For more information on these or other resources, please contact:
Minnesota Prevention Resource Center
2720 Highway 10 NE
Mounds View, MN 55112
763-427-5310, 1-800-782-1878
mprc-order@miph.org
www.emprc.org