

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 3823

(SENATE AUTHORS: ABELER and Marty)

DATE
03/26/2018

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OFFICIAL STATUS
Introduction and first reading
Referred to Health and Human Services Finance and Policy

1.1 A bill for an act
1.2 relating to health; clarifying the ability of registered designated caregivers to be
1.3 enrolled in the medical cannabis registry program as patients; amending Minnesota
1.4 Statutes 2016, section 152.27, subdivision 4.

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

1.6 Section 1. Minnesota Statutes 2016, section 152.27, subdivision 4, is amended to read:

1.7 Subd. 4. **Registered designated caregiver.** (a) The commissioner shall register a
1.8 designated caregiver for a patient if the patient's health care practitioner has certified that
1.9 the patient, in the health care practitioner's medical opinion, is developmentally or physically
1.10 disabled and, as a result of that disability, the patient is unable to self-administer medication
1.11 or acquire medical cannabis from a distribution facility and the caregiver has agreed, in
1.12 writing, to be the patient's designated caregiver. As a condition of registration as a designated
1.13 caregiver, the commissioner shall require the person to:

1.14 (1) be at least 21 years of age;

1.15 (2) agree to only possess ~~any~~ the patient's medical cannabis for purposes of assisting the
1.16 patient; and

1.17 (3) agree that if the application is approved, the person will not be a registered designated
1.18 caregiver for more than one patient, unless the patients reside in the same residence.

1.19 (b) The commissioner shall conduct a criminal background check on the designated
1.20 caregiver prior to registration to ensure that the person does not have a conviction for a
1.21 disqualifying felony offense. Any cost of the background check shall be paid by the person
1.22 seeking registration as a designated caregiver.

- 2.1 (c) Nothing in sections 152.22 to 152.37 shall be construed to prevent a person registered
2.2 as a designated caregiver from also being enrolled in the registry program as a patient and
2.3 possessing and using medical cannabis as a patient.