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## A bill for an act

relating to cannabis; establishing the Office of Cannabis Management; establishing 12 the Cannabis Advisory Council; requiring reports relating to cannabis use and 1.3 sales; legalizing and limiting the possession and use of cannabis by adults; providing 1.4 for the licensing, inspection, and regulation of cannabis businesses and hemp 1.5 businesses; requiring testing of cannabis flower, cannabis products, and hemp 1.6 products; requiring labeling of cannabis flower, cannabis products, and hemp 1.7 products; limiting the advertisement of cannabis flower, cannabis products, hemp 1.8 products, hemp businesses products, and cannabis businesses; providing for the 1.9 cultivation of cannabis in private residences; transferring regulatory authority for 1.10 the medical cannabis program; allowing Tribal medical cannabis program 1.11 manufacturers to distribute medical cannabis to Tribal medical cannabis program 1.12 patients; providing for transportation of medical cannabis by Tribal medical 1.13 cannabis manufacturers; taxing the sale of adult-use cannabis; establishing grant 1.14 and loan programs; amending criminal penalties; prohibiting the use or possession 1.15 of cannabis flower and cannabis products on a street or highway; establishing 1.16 1.17 expungement procedures for certain individuals; establishing labor standards for the use of cannabis and hemp products by employees and testing of employees; 1.18 providing for the temporary regulation of certain edible cannabinoid products; 1.19 providing for professional licensing protections; amending the scheduling of 1.20 marijuana and tetrahydrocannabinols; classifying data; making miscellaneous 1.21 cannabis-related and hemp-related changes and additions; making clarifying and 1.22 technical changes; appropriating money; amending Minnesota Statutes 2022, 1.23 sections 13.411, by adding a subdivision; 13.871, by adding a subdivision; 1.24 16B.2975, subdivision 8; 18K.02, subdivisions 3, 5; 18K.03, subdivision 2; 34A.01, 1.25 subdivision 4, by adding a subdivision; 97B.065, subdivision 1; 97B.066, by adding 1.26 a subdivision; 151.72; 152.01, subdivision 9, by adding subdivisions; 152.02, 1.27 1.28 subdivisions 2, 4; 152.021, subdivision 2; 152.022, subdivisions 1, 2; 152.023, subdivisions 1, 2; 152.024, subdivision 1; 152.025, subdivisions 1, 2; 152.18, 1.29 subdivision 1; 152.22, by adding subdivisions; 152.29, subdivision 4, by adding 1.30 a subdivision; 152.30; 152.32; 152.33, subdivision 1; 169A.03, subdivision 6; 1.31 175.45, subdivision 1; 181.938, subdivision 2; 181.950, subdivisions 2, 4, 5, 8, 1.32 13, by adding a subdivision; 181.951, subdivision 4, by adding subdivisions; 1.33 181.952, by adding a subdivision; 181.953; 181.954; 181.955; 181.957, subdivision 1.34 1; 192A.555; 245C.08, subdivision 1; 256.01, subdivision 18c; 256B.0625, 1.35 subdivision 13d; 256D.024, subdivisions 1, 3; 256J.26, subdivisions 1, 3; 270B.12, 1.36 by adding a subdivision; 273.13, subdivision 24; 275.025, subdivision 2; 290.0132, 1.37 subdivision 29; 290.0134, subdivision 19; 297A.61, subdivision 3; 297A.67, 1.38

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2.1 2.2 2.3 2.4 2.5 2.6 2.7 2.8 2.9 2.10 2.11 2.12 2.13 2.14 2.15 2.16 2.17 2.18 2.19 2.20 2.21 2.22	subdivisions 2, 7; 297A.70, subdivisions 2, 4, 18; 297A.85; 297D.01; 297D.04; 297D.06; 297D.07; 297D.08; 297D.08; 297D.09, subdivision 1a; 297D.10; 297D.11; 340A.402, subdivision 1; 340A.412, subdivision 14; 461.12, by adding a subdivision; 609.135, subdivision 1; 609.5311, subdivision 1; 609.5316, subdivision 2; 609A.01; 609A.03, subdivisions 5, 9; 609B.425, subdivision 2; 609B.435, subdivision 2; 624.712, by adding subdivisions; 624.713, subdivision 1; 624.714, subdivision 6; 624.7142, subdivision 1; 624.7143, by adding a subdivision; 624.7151; proposing coding for new law in Minnesota Statutes, chapters 3; 116J; 116L; 120B; 144; 152; 169A; 270C; 289A; 295; 340A; 477A; 609A; 624; proposing coding for new law as Minnesota Statutes, chapter 342; repealing Minnesota Statutes 2022, sections 18K.08; 34A.01, subdivision 4; 151.72; 152.027, subdivisions 3, 4; 152.21; 152.22, subdivisions 1, 2, 3, 4, 5, 5a, 5b, 6, 7, 8, 9, 10, 11, 12, 13, 14; 152.23; 152.24; 152.25, subdivisions 1, 1a, 1b, 1c, 2, 3, 4; 152.26; 152.261; 152.27, subdivisions 1, 2, 3, 4, 5, 6, 7; 152.28, subdivisions 1, 2, 3; 152.39, subdivisions 1, 2, 3, 3a, 4; 152.30; 152.31; 152.32, subdivisions 1, 2, 3; 152.33, subdivisions 1, 1a, 2, 3, 4, 5, 6; 152.34; 152.35; 152.36, subdivisions 1, 1a, 2, 3, 4, 5; 152.37; Minnesota Rules, parts 4770.0100; 4770.0200; 4770.0300; 4770.0400; 4770.0500; 4770.0600; 4770.0800; 4770.0900; 4770.1000; 4770.1100; 4770.1200; 4770.1300; 4770.1400; 4770.1400; 4770.1200; 4770.2000; 4770.2
2.23	4770.4014; 4770.4015; 4770.4016; 4770.4017; 4770.4018; 4770.4030.
2.24	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
2.25	ARTICLE 1
2.26	<b>REGULATION OF ADULT-USE CANNABIS</b>
2.27	Section 1. [342.01] DEFINITIONS.
2.28	Subdivision 1. Terms. For the purposes of this chapter, the following terms have the
2.29	meanings given them.
2.29 2.30	<u>meanings given them.</u> Subd. 2. Adult-use cannabis concentrate. "Adult-use cannabis concentrate" means
2.30	Subd. 2. Adult-use cannabis concentrate. "Adult-use cannabis concentrate" means
2.30 2.31	Subd. 2. Adult-use cannabis concentrate. "Adult-use cannabis concentrate" means cannabis concentrate that is approved for sale by the office or is substantially similar to a
<ol> <li>2.30</li> <li>2.31</li> <li>2.32</li> <li>2.33</li> </ol>	Subd. 2. Adult-use cannabis concentrate. "Adult-use cannabis concentrate" means cannabis concentrate that is approved for sale by the office or is substantially similar to a product approved by the office. Adult-use cannabis concentrate does not include synthetically derived cannabinoids.
<ul><li>2.30</li><li>2.31</li><li>2.32</li><li>2.33</li><li>2.34</li></ul>	<u>Subd. 2.</u> <u>Adult-use cannabis concentrate.</u> "Adult-use cannabis concentrate" means cannabis concentrate that is approved for sale by the office or is substantially similar to a product approved by the office. Adult-use cannabis concentrate does not include synthetically derived cannabinoids. <u>Subd. 3.</u> <u>Adult-use cannabis flower.</u> "Adult-use cannabis flower" means cannabis
<ul> <li>2.30</li> <li>2.31</li> <li>2.32</li> <li>2.33</li> <li>2.34</li> <li>2.35</li> </ul>	<u>Subd. 2.</u> Adult-use cannabis concentrate. "Adult-use cannabis concentrate" means cannabis concentrate that is approved for sale by the office or is substantially similar to a product approved by the office. Adult-use cannabis concentrate does not include synthetically derived cannabinoids. <u>Subd. 3.</u> Adult-use cannabis flower. "Adult-use cannabis flower" means cannabis flower that is approved for sale by the office or is substantially similar to a product approved
<ul><li>2.30</li><li>2.31</li><li>2.32</li><li>2.33</li><li>2.34</li></ul>	Subd. 2. Adult-use cannabis concentrate. "Adult-use cannabis concentrate" means cannabis concentrate that is approved for sale by the office or is substantially similar to a product approved by the office. Adult-use cannabis concentrate does not include synthetically derived cannabinoids. Subd. 3. Adult-use cannabis flower. "Adult-use cannabis flower" means cannabis flower that is approved for sale by the office or is substantially similar to a product approved by the office. Adult-use cannabis flower does not include medical cannabis flower, hemp
<ul> <li>2.30</li> <li>2.31</li> <li>2.32</li> <li>2.33</li> <li>2.34</li> <li>2.35</li> </ul>	<u>Subd. 2.</u> Adult-use cannabis concentrate. "Adult-use cannabis concentrate" means cannabis concentrate that is approved for sale by the office or is substantially similar to a product approved by the office. Adult-use cannabis concentrate does not include synthetically derived cannabinoids. <u>Subd. 3.</u> Adult-use cannabis flower. "Adult-use cannabis flower" means cannabis flower that is approved for sale by the office or is substantially similar to a product approved
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<ul> <li>2.30</li> <li>2.31</li> <li>2.32</li> <li>2.33</li> <li>2.34</li> <li>2.35</li> <li>2.36</li> <li>2.37</li> <li>2.38</li> </ul>	Subd. 2. Adult-use cannabis concentrate. "Adult-use cannabis concentrate" means         cannabis concentrate that is approved for sale by the office or is substantially similar to a         product approved by the office. Adult-use cannabis concentrate does not include synthetically         derived cannabinoids.         Subd. 3. Adult-use cannabis flower. "Adult-use cannabis flower" means cannabis         flower that is approved for sale by the office or is substantially similar to a product approved         by the office. Adult-use cannabis flower or is substantially similar to a product approved         by the office. Adult-use cannabis flower does not include medical cannabis flower, hemp         plant parts, or hemp-derived consumer products.         Subd. 4. Adult-use cannabis product. "Adult-use cannabis product" means a cannabinoid

3.1	Subd. 5. Advertisement. "Advertisement" means any written or oral statement,
3.2	illustration, or depiction that is intended to promote sales of cannabis flower, cannabis
3.3	products, lower-potency hemp edibles, hemp-derived consumer products, or sales at a
3.4	specific cannabis business or hemp business and includes any newspaper, radio, internet
3.5	and electronic media, or television promotion; the distribution of fliers and circulars; and
3.6	the display of window and interior signs in a cannabis business. Advertisement does not
3.7	include a fixed outdoor sign that meets the requirements in section 342.63, subdivision 2,
3.8	paragraph (b).
3.9	Subd. 6. Artificial cannabinoid. "Artificial cannabinoid" means a substance with a
3.10	similar chemical structure and pharmacological activity to a cannabinoid but that is not
3.11	extracted or derived from cannabis plants, cannabis flower, hemp plants, or hemp plant
3.12	parts and is instead created or produced by chemical or biochemical synthesis.
3.13	Subd. 7. Batch. "Batch" means:
3.14	(1) a specific quantity of cannabis plants that are cultivated from the same seed or plant
3.15	stock, are cultivated together, are intended to be harvested together, and receive an identical
3.16	propagation and cultivation treatment;
3.17	(2) a specific quantity of cannabis flower that is harvested together; is uniform and
3.18	intended to meet specifications for identity, strength, purity, and composition; and receives
3.19	identical sorting, drying, curing, and storage treatment; or
3.20	(3) a specific quantity of a specific cannabis product, lower-potency hemp edible,
3.21	synthetically derived cannabinoid, hemp-derived consumer product, or hemp-derived topical
3.22	product that is manufactured at the same time and using the same methods, equipment, and
3.23	ingredients that are uniform and intended to meet specifications for identity, strength, purity,
3.24	and composition and that is manufactured, packaged, and labeled according to a single batch
3.25	production record executed and documented during the same cycle of manufacture and
3.26	produced by a continuous process.
3.27	Subd. 8. Batch number. "Batch number" means a unique numeric or alphanumeric
3.28	identifier assigned to a batch of cannabis flower or a batch of cannabis plants, cannabis
3.29	products, lower-potency hemp edibles, synthetically derived cannabinoid, hemp-derived
3.30	consumer products, or hemp-derived topical products.
3.31	Subd. 9. Bona fide labor organization. "Bona fide labor organization" means a labor
3.32	union that represents or is actively seeking to represent cannabis workers.

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4.1	Subd. 10. Cannabinoid. "Cannabinoid" means any of the chemical constituents of hemp
4.2	plants or cannabis plants that are naturally occurring, biologically active, and act on the
4.3	cannabinoid receptors of the brain. Cannabinoid includes but is not limited to
4.4	tetrahydrocannabinol and cannabidiol.
4.5	Subd. 11. Cannabinoid extraction. "Cannabinoid extraction" means the process of
4.6	extracting cannabis concentrate from cannabis plants or cannabis flower using water, lipids,
4.7	gases, solvents, or other chemicals or chemical processes, but does not include the process
4.8	of extracting concentrate from hemp plants or hemp plant parts or the process of creating
4.9	synthetically derived cannabinoids.
4.10	Subd. 12. Cannabinoid profile. "Cannabinoid profile" means the amounts of each
4.11	cannabinoid that the office requires to be identified in testing and labeling, including but
4.12	not limited to delta-9 tetrahydrocannabinol, tetrahydrocannabinolic acid, cannabidiol,
4.13	cannabidiolic acid in cannabis flower, a cannabinoid product, a batch of synthetically derived
4.14	cannabinoid, or a hemp-derived consumer product, expressed as percentages measured by
4.15	weight and, in the case of cannabinoid products and hemp-derived consumer products,
4.16	expressed as milligrams in each serving and package.
4.17	Subd. 13. Cannabis business. "Cannabis business" means any of the following licensed
4.18	under this chapter:
4.19	(1) cannabis microbusiness;
4.20	(2) cannabis mezzobusiness;
4.21	(3) cannabis cultivator;
4.22	(4) cannabis manufacturer;
4.23	(5) cannabis retailer;
4.24	(6) cannabis wholesaler;
4.25	(7) cannabis transporter;
4.26	(8) cannabis testing facility;
4.27	(9) cannabis event organizer;
4.28	(10) cannabis delivery service;
4.29	(11) medical cannabis cultivator;
4.30	(12) medical cannabis processor; and
4.31	(13) medical cannabis retailer.

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5.1	Subd. 14. Cannabis concent	<b>rate.</b> (a) "Cannabis conce	entrate" means	<u>.</u>
5.2	(1) the extracts and resins of $\frac{1}{2}$	a cannabis plant or canna	ıbis flower;	
5.3	(2) the extracts or resins of a calculated at $(2)$	annabis plant or cannabis	flower that are	refined to increase
5.4	the presence of targeted cannabin	noids; or		
5.5	(3) a product that is produced by	by refining extracts or resi	ins of a cannabi	s plant or cannabis
5.6	flower and is intended to be cons	sumed by combustion or	vaporization of	f the product and
5.7	inhalation of smoke, aerosol, or	vapor from the product.		
5.8	(b) Cannabis concentrate doe	s not include industrial h	emp, synthetic	ally derived
5.9	cannabinoids, or hemp-derived c	onsumer products.		
5.10	Subd. 15. Cannabis flower. "	'Cannabis flower'' means	the harvested fl	ower, bud, leaves,
5.11	and stems of a cannabis plant. Ca	annabis flower includes a	dult-use canna	bis flower and
5.12	medical cannabis flower. Cannab	is flower does not include	e cannabis seed	, hemp plant parts,
5.13	or hemp-derived consumer produ	ucts.		
5.14	Subd. 16. Cannabis industry	y. "Cannabis industry" me	eans every item	n, product, person,
5.15	process, action, business, or othe	er thing related to cannabi	is flower and ca	annabis products
5.16	and subject to regulation under the	his chapter.		
5.17	Subd. 17. Cannabis parapho	e <b>rnalia.</b> "Cannabis parap	hernalia" mean	s all equipment,
5.18	products, and materials of any ki	nd that are knowingly or	intentionally u	sed primarily in:
5.19	(1) manufacturing cannabino	id products;		
5.20	(2) ingesting, inhaling, or oth	erwise introducing canna	abis flower or c	annabis products
5.21	into the human body; and			
5.22	(3) testing the strength, effect	tiveness, or purity of can	nabis flower, ca	annabis products,
5.23	lower-potency hemp edibles, or l	hemp-derived consumer	products.	
5.24	Subd. 18. Cannabis plant. "(	Cannabis plant" means al	l parts of the p	lant of the genus
5.25	Cannabis that is growing or has n	not been harvested and ha	as a delta-9 tetr	ahydrocannabinol
5.26	concentration of more than 0.3 p	ercent on a dry weight ba	asis.	
5.27	Subd. 19. Cannabis product	. (a) "Cannabis product"	means any of t	he following:
5.28	(1) cannabis concentrate;			
5.29	(2) a product infused with canr	nabinoids, including but no	ot limited to tetra	ahydrocannabinol.
5.30	extracted or derived from cannab			
5.31	(3) any other product that cor	ntains cannabis concentra	ite.	

6.1	(b) Cannabis product includes adult-use cannabis products and medical cannabinoid
6.2	products. Cannabis product does not include cannabis flower, synthetically derived
6.3	cannabinoids, lower-potency hemp edibles, hemp-derived consumer products, or
6.4	hemp-derived topical products.
6.5	Subd. 20. Cannabis prohibition. "Cannabis prohibition" means the system of state and
6.6	federal laws that prevented establishment of a legal market and instead established petty
6.7	offenses and criminal offenses punishable by fines, imprisonment, or both for the cultivation,
6.8	possession, and sale of all parts of the plant of any species of the genus Cannabis, including
6.9	all agronomical varieties, whether growing or not; the seeds thereof; the resin extracted
6.10	from any part of such plant; and every compound, manufacture, salt, derivative, mixture,
6.11	or preparation of such plant, its seeds, or resin.
6.12	Subd. 21. Cannabis seed. "Cannabis seed" means the viable seed of the plant of the
6.13	genus Cannabis that is reasonably expected to grow into a cannabis plant. Cannabis seed
6.14	does not include hemp seed.
6.15	Subd. 22. Cannabis worker. "Cannabis worker" means any individual employed by a
6.16	cannabis business and any individual who is a contractor of a cannabis business whose
6.17	scope of work involves the handling of cannabis plants, cannabis flower, synthetically
6.18	derived cannabinoids, or cannabis products.
6.19	Subd. 23. Child-resistant. "Child-resistant" means packaging that meets the poison
6.20	prevention packaging standards in Code of Federal Regulations, title 16, section 1700.15.
6.21	Subd. 24. Cooperative. "Cooperative" means an association conducting business on a
6.22	cooperative plan that is organized or is subject to chapter 308A or 308B.
6.23	Subd. 25. Council. "Council" means the Cannabis Advisory Council.
6.24	Subd. 26. Cultivation. "Cultivation" means any activity involving the planting, growing,
6.25	harvesting, drying, curing, grading, or trimming of cannabis plants, cannabis flower, hemp
6.26	plants, or hemp plant parts.
6.27	Subd. 27. Division of Medical Cannabis. "Division of Medical Cannabis" means a
6.28	division housed in the Office of Cannabis Management that operates the medical cannabis
6.29	program.
6.30	Subd. 28. Division of Social Equity "Division of Social Equity" means a division housed
6.31	in the Office of Cannabis Management that promotes development, stability, and safety in
6.32	communities that have experienced a disproportionate, negative impact from cannabis
6.33	prohibition and usage.

7.1	Subd. 29. Edible cannabis product. "Edible cannabis product" means any product that
7.2	is intended to be eaten or consumed as a beverage by humans; contains a cannabinoid,
7.3	including a synthetically derived cannabinoid, in combination with food ingredients; is not
7.4	a drug; and is a type of product approved for sale by the office, or is substantially similar
7.5	to a product approved by the office including but not limited to products that resemble
7.6	nonalcoholic beverages, candy, and baked goods. Edible cannabis product does not include
7.7	lower-potency hemp edibles.
7.8	Subd. 30. Health care practitioner. "Health care practitioner" means a
7.9	Minnesota-licensed doctor of medicine, a Minnesota-licensed physician assistant acting
7.10	within the scope of authorized practice, or a Minnesota-licensed advanced practice registered
7.11	nurse who has the primary responsibility for the care and treatment of the qualifying medical
7.12	condition of an individual diagnosed with a qualifying medical condition.
7.13	Subd. 31. Health record. "Health record" has the meaning given in section 144.291,
7.14	subdivision 2.
7.15	Subd. 32. Hemp business. (a) "Hemp business" means either of the following licensed
7.16	under this chapter:
7.17	(1) lower-potency hemp edible manufacturer; or
7.18	(2) lower-potency hemp edible retailer.
7.19	(b) Hemp business does not include a person or entity licensed under chapter 18K to
7.20	grow industrial hemp for commercial or research purposes or to process industrial hemp
7.21	for commercial purposes.
7.22	Subd. 33. Hemp concentrate. (a) "Hemp concentrate" means:
7.23	(1) the extracts and resins of a hemp plant or hemp plant parts;
7.24	(2) the extracts or resins of a hemp plant or hemp plant parts that are refined to increase
7.25	the presence of targeted cannabinoids; or
7.26	(3) a product that is produced by refining extracts or resins of a hemp plant or hemp
7.27	plant parts and is intended to be consumed by combustion or vaporization of the product
7.28	and inhalation of smoke, aerosol, or vapor from the product.
7.29	(b) Hemp concentrate does not include synthetically derived cannabinoids, lower-potency
7.30	hemp edibles, hemp-derived consumer products, or hemp-derived topical products.
7.31	Subd. 34. Hemp consumer industry. "Hemp consumer industry" means every item,
7.32	product, person, process, action, business, or other thing related to synthetically derived

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cannabinoids, lower-potency hem	p edibles, and hemp-de	rived consumer	products subject
to regulation under this chapter.			
Subd. 35. Hemp-derived cons	sumer product. (a) "He	emp-derived con	nsumer product"
means a product intended for hum	an or animal consumpt	ion that does not	contain cannabis
flower or cannabis concentrate, ar	nd:		
(1) contains or consists of hem	p plant parts; or		
(2) contains hemp concentrate	or synthetically derive	d cannabinoids i	in combination
with other ingredients.			
(b) Hemp-derived consumer pro-	oduct does not include s	ynthetically deri	ved cannabinoids,
ower-potency hemp edibles, hem	p-derived topical produ	cts, hemp fiber p	products, or hemp
grain.			
Subd. 36. Hemp-derived topi	cal product. "Hemp-de	erived topical pr	oduct" means a
product intended for human or an	imal consumption that	contains hemp c	oncentrate, is
intended for application externally	to a part of the body of	f a human or ani	mal, and does not
contain cannabis flower or cannab	bis concentrate.		
Subd. 37. Hemp fiber product	t. "Hemp fiber product"	means an interm	nediate or finished
product made from the fiber of he	mp plant parts that is n	ot intended for h	uman or animal
consumption. Hemp fiber product	includes but is not limit	ed to cordage, pa	aper, fuel, textiles,
bedding, insulation, construction i	materials, compost mat	erials, and indus	strial materials.
Subd. 38. Hemp grain. "Hem	p grain" means the harv	vested seeds of t	he hemp plant
intended for consumption as a foc	d or part of a food proc	luct. Hemp grain	n includes oils
pressed or extracted from harveste	ed hemp seeds.		
Subd. 39. Hemp plant. "Hemp	plant" means all parts	of the plant of th	e genus Cannabis
that is growing or has not been ha	rvested and has a delta-	-9 tetrahydrocan	nabinol
concentration of no more than 0.3	percent on a dry weigh	nt basis.	
Subd. 40. Hemp plant parts.	'Hemp plant parts" mea	ins any part of th	e harvested hemp
plant, including the flower, bud, lo	eaves, stems, and stalk,	but does not inc	lude derivatives,
extracts, cannabinoids, isomers, a	cids, salts, and salts of	isomers that are	separated from
the plant. Hemp plant parts does r	ot include hemp fiber j	products, hemp	grain, or hemp
seed.			
Subd. 41. Hemp seed. "Hemp	seed" means the viable	e seed of the plan	nt of the genus
Cannabis that is intended to be pla	anted and is reasonably	expected to gro	w into a hemp
plant. Hemp seed does not include	e cannabis seed or hem	o grain.	

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9.1	Subd. 42. Hemp worker. "Hemp worker" means any individual employed by a hemp
9.2	business and any individual who is a contractor of a hemp business whose scope of work
9.3	involves the handling of synthetically derived cannabinoids, hemp concentrate, lower-potency
9.4	hemp edibles, or hemp-derived consumer products.
9.5	Subd. 43. Indian lands. "Indian lands" means all lands within the limits of any Indian
9.6	reservation within the boundaries of Minnesota and any lands within the boundaries of
9.7	Minnesota title to which are either held in trust by the United States or over which an Indian
9.8	Tribe exercises governmental power.
9.9	Subd. 44. Industrial hemp. "Industrial hemp" has the meaning given in section 18K.02,
9.10	subdivision 3.
9.11	Subd. 45. Intoxicating cannabinoid. "Intoxicating cannabinoid" means a cannabinoid,
9.12	including a synthetically derived cannabinoid, that when introduced into the human body
9.13	impairs the central nervous system or impairs the human audio, visual, or mental processes.
9.14	Intoxicating cannabinoid includes but is not limited to any tetrahydrocannabinol.
9.15	Subd. 46. Labor peace agreement. "Labor peace agreement" means an agreement
9.16	between a cannabis business and a bona fide labor organization that protects the state's
9.17	interests by, at minimum, prohibiting the labor organization from engaging in picketing,
9.18	work stoppages, or boycotts against the cannabis business. This type of agreement shall not
9.19	mandate a particular method of election or certification of the bona fide labor organization.
9.20	Subd. 47. License holder. "License holder" means a person, cooperative, or business
9.21	that holds any of the following licenses:
9.22	(1) cannabis microbusiness;
9.23	(2) cannabis mezzobusiness;
9.24	(3) cannabis cultivator;
9.25	(4) cannabis manufacturer;
9.26	(5) cannabis retailer;
9.27	(6) cannabis wholesaler;
9.28	(7) cannabis transporter;
9.29	(8) cannabis testing facility;
9.30	(9) cannabis event organizer;
9.31	(10) cannabis delivery service;

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10.1	(11) lower-potency hemp edible ma	anufacturer;		
10.2	(12) lower-potency hemp edible ret	tailer;		
10.3	(13) medical cannabis cultivator;			
10.4	(14) medical cannabis processor; or	<u>r</u>		
10.5	(15) medical cannabis retailer.			
10.6	Subd. 48. Local unit of governme	<b>nt.</b> <u>"Local unit of</u>	government" mean	ns a home rule
10.7	charter or statutory city, county, town,	or other political	subdivision.	
10.8	Subd. 49. Lower-potency hemp ed	dible. "Lower-pot	ency hemp edible"	means any
10.9	product that:			
10.10	(1) is intended to be eaten or consu	med as a beverage	e by humans;	
10.11	(2) contains hemp concentrate or a	synthetically deri	ved cannabinoid, in	n combination
10.12	with food ingredients;			
10.13	(3) is not a drug;			
10.14	(4) consists of servings that contain	n no more than fiv	e milligrams of de	lta-9
10.15	tetrahydrocannabinol, 25 milligrams of	f cannabidiol, 25 1	milligrams of canna	abigerol, or any
10.16	combination of those cannabinoids that	t does not exceed	the identified amo	unts;
10.17	(5) does not contain more than a co	ombined total of 0	.5 milligrams of all	l other
10.18	cannabinoids per serving;			
10.19	(6) does not contain a cannabinoid c	lerived from cann	abis plants or canna	abis flower; and
10.20	(7) is a type of product approved for	or sale by the offic	e or is substantiall	y similar to a
10.21	product approved by the office, includi	ing but not limited	d to products that re	esemble
10.22	nonalcoholic beverages, candy, and ba	ked goods.		
10.23	Subd. 50. Matrix barcode. "Matrix	x barcode" means	a code that stores	data in a
10.24	two-dimensional array of geometrically	y shaped dark and	l light cells capable	e of being read
10.25	by the camera on a smartphone or othe	er mobile device.		
10.26	Subd. 51. Medical cannabinoid pr	r <mark>oduct.</mark> (a) "Medi	cal cannabinoid pr	oduct" means a
10.27	product that:			
10.28	(1) consists of or contains cannabis	concentrate or he	emp concentrate or	is infused with
10.29	cannabinoids, including but not limited	l to synthetically	derived cannabinoi	ds; and

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11.1	(2) is provided to a patient enro	olled in the registry pro	gram; a registere	d designated
11.2	caregiver; or a parent, legal guardia	an, or spouse of an enro	lled patient, by a	cannabis retailer
11.3	or medical cannabis retailer to trea	at or alleviate the symp	toms of a qualify	ing medical
11.4	condition.			
11.5	(b) A medical cannabinoid pro	duct must be in the for	<u>m of:</u>	
11.6	(1) liquid, including but not lin	nited to oil;		
11.7	<u>(2) pill;</u>			
11.8	(3) liquid or oil for use with a v	vaporized delivery met	hod;	
11.9	(4) water-soluble cannabinoid m	nultiparticulate, includin	g granules, powd	er, and sprinkles;
11.10	(5) orally dissolvable product,	including lozenges, gu	m, mints, buccal	tablets, and
11.11	sublingual tablets;			
11.12	(6) edible products in the form	of gummies and chews	<u>;</u>	
11.13	(7) topical formulation; or			
11.14	(8) any allowable form or delive	very method approved l	by the office.	
11.15	(c) Medical cannabinoid produ	et does not include adu	Ilt-use cannabis p	roducts.
11.16	Subd. 52. Medical cannabis b	usiness. "Medical canr	abis business" m	eans an entity
11.17	licensed under this chapter to enga	age in one or more of th	e following:	
11.18	(1) the cultivation of cannabis	plants for medical canr	abis flower;	
11.19	(2) the manufacture of medical	cannabinoid products;	and	
11.20	(3) the retail sale of medical ca	nnabis flower and med	ical cannabinoid	products.
11.21	Subd. 53. Medical cannabis fl	ower. "Medical cannab	is flower" means	cannabis flower
11.22	provided to a patient enrolled in th	e registry program; a re	gistered designat	ted caregiver; or
11.23	a parent, legal guardian, or spouse	of an enrolled patient	by a cannabis reta	ailer or medical
11.24	cannabis business to treat or allevi	ate the symptoms of a	qualifying medic	al condition.
11.25	Medical cannabis flower does not	include adult-use canna	abis flower or her	mp-derived
11.26	consumer products.			
11.27	Subd. 54. Medical cannabis p	araphernalia. "Medica	al cannabis parap	hernalia" means
11.28	a delivery device, related supply, o	or educational material	used by a patient	enrolled in the
11.29	registry program to administer me	dical cannabis and med	lical cannabinoid	products.

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12.1	Subd. 55. Nonintoxicating cannabinoid. "Nonintoxicating cannabinoid" means a
12.2	cannabinoid that when introduced into the human body does not impair the central nervous
12.3	system and does not impair the human audio, visual, or mental processes. Nonintoxicating
12.4	cannabinoid includes but is not limited to cannabidiol and cannabigerol but does not include
12.5	any synthetically derived cannabinoid.
12.6	Subd. 56. Office. "Office" means the Office of Cannabis Management.
12.7	Subd. 57. Outdoor advertisement. "Outdoor advertisement" means an advertisement
12.8	that is located outdoors or can be seen or heard by an individual who is outdoors and includes
12.9	billboards; advertisements on benches; advertisements at transit stations or transit shelters;
12.10	advertisements on the exterior or interior of buses, taxis, light rail transit, or business vehicles;
12.11	and print signs that do not meet the requirements in section 342.63, subdivision 2, paragraph
12.12	(b), but that are placed or located on the exterior property of a cannabis business or hemp
12.13	business.
12.14	Subd. 58. Patient. "Patient" means a Minnesota resident who has been diagnosed with
12.15	a qualifying medical condition by a health care practitioner and who has met all other
12.16	requirements for patients under this chapter to participate in the registry program.
12.17	Subd. 59. Patient registry number. "Patient registry number" means a unique
12.18	identification number assigned by the Division of Medical Cannabis to a patient enrolled
12.19	in the registry program.
12.20	Subd. 60. Plant canopy. "Plant canopy" means the total surface area within a licensed
12.21	cultivation facility that is used at any time to cultivate mature, flowering cannabis plants.
12.22	Calculation of the area of the plant canopy does not include the surface area within the
12.23	licensed cultivation facility that is used to cultivate immature cannabis plants and seedlings.
12.24	Subd. 60a. Propagule. "Propagule" means seeds, clones, transplants, and any other
12.25	propagative industrial hemp material.
12.26	Subd. 61. Qualifying medical condition. "Qualifying medical condition" means a
12.27	diagnosis of any of the following conditions:
12.28	(1) Alzheimer's disease;
12.29	(2) autism spectrum disorder that meets the requirements of the fifth edition of the
12.30	Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric
12.31	Association;
12.32	<u>(3) cancer;</u>

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13.1	(4) chronic motor or vocal tic disorder;
13.2	(5) chronic pain;
13.3	(6) glaucoma;
13.4	(7) human immunodeficiency virus or acquired immune deficiency syndrome;
13.5	(8) intractable pain as defined in section 152.125, subdivision 1, paragraph (c);
13.6	(9) obstructive sleep apnea;
13.7	(10) post-traumatic stress disorder;
13.8	(11) Tourette's syndrome;
13.9	(12) amyotrophic lateral sclerosis;
13.10	(13) seizures, including those characteristic of epilepsy;
13.11	(14) severe and persistent muscle spasms, including those characteristic of multiple
13.12	sclerosis;
13.13	(15) inflammatory bowel disease, including Crohn's disease;
13.14	(16) irritable bowel syndrome;
13.15	(17) obsessive-compulsive disorder;
13.16	(18) sickle cell disease;
13.17	(19) terminal illness; or
13.18	(20) any other medical condition or its treatment approved by the office.
13.19	Subd. 62. Registered designated caregiver. "Registered designated caregiver" means
13.20	an individual who:
13.21	(1) is at least 18 years old;
13.22	(2) is not disqualified for a criminal offense according to section 342.19, subdivision 2;
13.23	(3) has been approved by the Division of Medical Cannabis to assist a patient with
13.24	obtaining medical cannabis flower and medical cannabinoid products from a cannabis
13.25	retailer or medical cannabis retailer and with administering medical cannabis flower and
13.26	medical cannabinoid products; and
13.27	(4) is authorized by the Division of Medical Cannabis to assist a patient with the use of
13.28	medical cannabis flower and medical cannabinoid products.

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14.1	Subd. 63. Registry or registry program. "Registry" or "registry program" means the
14.2	patient registry established under this chapter listing patients authorized to obtain medical
14.3	cannabis flower, medical cannabinoid products, and medical cannabis paraphernalia from
14.4	cannabis retailers and medical cannabis retailers and administer medical cannabis flower
14.5	and medical cannabinoid products.
14.6	Subd. 64. Registry verification. "Registry verification" means the verification provided
14.7	by the Division of Medical Cannabis that a patient is enrolled in the registry program and
14.8	that includes the patient's name, patient registry number, and, if applicable, the name of the
14.9	patient's registered designated caregiver or parent, legal guardian, or spouse.
14.10	Subd. 65. Restricted area. "Restricted area" means an area where cannabis flower or
14.11	cannabis products are cultivated, manufactured, or stored by a cannabis business.
14.12	Subd. 66. Statewide monitoring system. "Statewide monitoring system" means the
14.13	system for integrated cannabis tracking, inventory, and verification established or adopted
14.14	by the office.
14.15	Subd. 67. Synthetically derived cannabinoid. "Synthetically derived cannabinoid"
14.16	means a cannabinoid extracted from a cannabis plant, cannabis flower, hemp plant, or hemp
14.17	plant parts with a chemical makeup that is changed after extraction to create a different
14.18	cannabinoid or other chemical compound by applying a catalyst other than heat or light.
14.19	Synthetically derived cannabinoid includes but is not limited to any tetrahydrocannabinol
14.20	created from cannabidiol but does not include cannabis concentrate, cannabinoid products,
14.21	or hemp-derived consumer products.
14.22	Subd. 68. Tribal medical cannabis board. "Tribal medical cannabis board" means an
14.23	agency established by each federally recognized Tribal government and duly authorized by
14.24	that Tribe's governing body to perform regulatory oversight and monitor compliance with
14.25	a Tribal medical cannabis program and applicable regulations.
14.26	Subd. 69. Tribal medical cannabis program. "Tribal medical cannabis program" means
14.27	a program established by a federally recognized Tribal government within the boundaries
14.28	of Minnesota regarding the commercial production, processing, sale or distribution, and
14.29	possession of medical cannabis and medical cannabis products.
14.30	Subd. 70. Tribal medical cannabis program manufacturer. "Tribal medical cannabis
14.31	program manufacturer" means an entity designated by a Tribal medical cannabis board
14.32	within the boundaries of Minnesota or a federally recognized Tribal government within the
14.33	boundaries of Minnesota to engage in production, processing, and sale or distribution of

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15.1	medical cannabis and medical cannabis products under that Tribe's Tribal medical cannabis
15.2	program.
15.3	Subd. 71. Tribal medical cannabis program patient. "Tribal medical cannabis program
15.4	patient" means a person who possesses a valid registration verification card or equivalent
15.5	document that is issued under the laws or regulations of a Tribal nation within the boundaries
15.6	of Minnesota and that verifies that the person is enrolled in or authorized to participate in
15.7	that Tribal nation's Tribal medical cannabis program.
15.8	Subd. 72. Veteran. "Veteran" means an individual who satisfies the requirements in
15.9	section 197.447.
15.10	Subd. 73. Visiting designated caregiver. "Visiting designated caregiver" means an
15.11	individual who is authorized under a visiting patient's jurisdiction of residence to assist the
15.12	visiting patient with the use of medical cannabis flower and medical cannabinoid products.
15.13	To be considered a visiting designated caregiver, the individual must possess a valid
15.14	verification card or its equivalent that is issued by the visiting patient's jurisdiction of
15.15	residence and that verifies that the individual is authorized to assist the visiting patient with
15.16	the administration of medical cannabis flower and medical cannabinoid products under the
15.17	laws or regulations of the visiting patient's jurisdiction of residence.
15.18	Subd. 74. Visiting patient. "Visiting patient" means an individual who is not a Minnesota
15.19	resident and who possesses a valid registration verification card or its equivalent that is
15.20	issued under the laws or regulations of another state, district, commonwealth, or territory
15.21	of the United States verifying that the individual is enrolled in or authorized to participate
15.22	in that jurisdiction's medical cannabis or medical marijuana program.
15.23	Subd. 75. Volatile solvent. "Volatile solvent" means any solvent that is or produces a
15.24	flammable gas or vapor that, when present in the air in sufficient quantities, will create
15.25	explosive or ignitable mixtures. Volatile solvent includes but is not limited to butane, hexane,
15.26	and propane.
15.27	Sec. 2. [342.02] OFFICE OF CANNABIS MANAGEMENT.
15.28	Subdivision 1. Establishment. The Office of Cannabis Management is created with the
15.29	powers and duties established by law. In making rules, establishing policy, and exercising

15.30 <u>its regulatory authority over the cannabis industry and hemp consumer industry, the office</u>
15.31 <u>must:</u>

- 15.32 (1) promote the public health and welfare;
- 15.33 (2) protect public safety;

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16.1	(3) eliminate the illicit market for cannabis flower and cannabis products;				
16.2	(4) meet the market demand for cannabis flower and cannabis products;				
16.3	(5) promote a craft industry f	or cannabis flower and ca	annabis products	s; and	
16.4	(6) prioritize growth and reco	very in communities that	t have experienc	ed a	
16.5	disproportionate, negative impac	t from cannabis prohibiti	on.		
16.6	Subd. 2. Powers and duties.	The office has the follow	ving powers and	duties:	
16.7	(1) to develop, maintain, and $($	enforce an organized syst	em of regulation	for the cannabis	
16.8	industry and hemp consumer ind	ustry;			
16.9	(2) to establish programming,	services, and notification	to protect, maint	ain, and improve	
16.10	the health of citizens;				
16.11	(3) to prevent unauthorized a	ccess to adult-use cannab	ois flower, adult-	use cannabis	
16.12	products, lower-potency hemp ed	ibles, and hemp-derived o	consumer produc	ts by individuals	
16.13	under 21 years of age;				
16.14	(4) to establish and regularly u	pdate standards for produc	et testing, packag	ing, and labeling,	
16.15	including requirements for an expiration, sell-by, or best-used-by date;				
16.16	(5) to promote economic grow	wth with an emphasis on	growth in areas	that experienced	
16.17	a disproportionate, negative impa	act from cannabis prohib	ition;		
16.18	(6) to issue and renew license	<u>es;</u>			
16.19	(7) to require fingerprints from	m individuals determined	l to be subject to	fingerprinting,	
16.20	including the submission of finge	erprints to the Federal Bu	reau of Investig	ation where	
16.21	required by law and to obtain cri	minal conviction data for	individuals see	king a license	
16.22	from the office on the individual	s behalf or as a cooperati	ve member or di	irector, manager,	
16.23	or general partner of a business e	entity;			
16.24	(8) to receive reports required	l by this chapter and insp	ect the premises	, records, books,	
16.25	and other documents of license h	olders to ensure complia	nce with all app	licable laws and	
16.26	rules;				
16.27	(9) to authorize the use of unm	narked motor vehicles to c	conduct seizures	or investigations	
16.28	pursuant to the office's authority;				
16.29	(10) to impose and collect civ	il and administrative pen	alties as provide	d in this chapter;	

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17.1	(11) to publish such information	on as may be deemed nec	essary for the we	lfare of cannabis
17.2	businesses, cannabis workers, her	np businesses, and hemp	workers and the	health and safety
17.3	of citizens;			
17.4	(12) to make loans and grants	in aid to the extent that a	appropriations ar	e made available
17.5	for that purpose;			
17.6	(13) to authorize research and	studies on cannabis flowe	er, cannabis produ	icts, synthetically
17.7	derived cannabinoids, lower-pote	ency hemp edibles, hemp	o-derived consur	ner products, the
17.8	cannabis industry, and the hemp	consumer industry;		
17.9	(14) to provide reports as req	uired by law;		
17.10	(15) to develop a warning lab	el regarding the effects of	of the use of can	nabis flower and
17.11	cannabis products by persons 25	years of age or younger;	2	
17.12	(16) to establish limits on the p	ootency of adult-use canna	abis flower and a	dult-use cannabis
17.13	products that can be sold to custo	omers by licensed cannal	ois retailers, licer	nsed cannabis
17.14	microbusinesses, and licensed ca	nnabis mezzobusinesses	with an endorse	ment to sell
17.15	adult-use cannabis flower and ad	ult-use cannabis product	ts to customers;	
17.16	(17) to permit, upon applicati	on to the office in the for	rm prescribed by	the director of
17.17	the office, a licensee under this c	hapter to perform any ac	tivity if such per	mission is
17.18	substantially necessary for the lice	censee to perform any of	her activity perm	nitted by the
17.19	applicant's license and is not othe	erwise prohibited by law	• <u>•</u>	
17.20	(18) to remove, upon applicat	tion to the office in the fo	orm prescribed b	y the director of
17.21	the office, any obligation of a lic	ensee under this chapter	if such removal	is substantially
17.22	necessary for the licensee to perf	form any activity permitt	ed by the application	ant's license and
17.23	is not otherwise prohibited by lav	w; and		
17.24	(19) to exercise other powers	and authority and perfor	rm other duties r	equired by law.
17.25	Subd. 3. Medical cannabis p	orogram. (a) The powers	and duties of th	e Department of
17.26	Health with respect to the medical	cannabis program under	Minnesota Statut	tes 2022, sections
17.27	152.22 to 152.37, are transferred	to the Office of Cannab	is Management u	under section
17.28	<u>15.039.</u>			
17.29	(b) State employees shall not	be displaced by the trans	fer of duties fron	n the Department
17.30	of Health medical cannabis prog	ram to the Office of Can	nabis Manageme	ent under this
17.31	subdivision. Any employees tran	sferred under this section	n to the Office o	f Cannabis
17.32	Management shall retain their cu	rrent seniority and benef	fit accrual rates.	

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18.1	Subd. 4. Interagency agreements. (a) The office and the commissioner of agriculture
18.2	shall enter into interagency agreements to ensure that edible cannabis products and
18.3	lower-potency hemp edibles are handled, manufactured, and inspected in a manner that is
18.4	consistent with the relevant food safety requirements in chapters 28A, 31, and 34A and
18.5	associated rules.
18.6	(b) The office may cooperate and enter into other agreements with the commissioner of
18.7	agriculture and may cooperate and enter into agreements with the commissioners and
18.8	directors of other state agencies and departments to promote the beneficial interests of the
18.9	state.
18.10	Subd. 5. Rulemaking. The office may adopt rules to implement any provisions in this
18.11	chapter. Rules for which notice is published in the State Register before July 1, 2025, may
18.12	be adopted using the expedited rulemaking process in section 14.389.
18.13	Subd. 6. Director. (a) The governor shall appoint a director of the office with the advice
18.14	and consent of the senate. The director must be in the unclassified service and must serve
18.15	at the pleasure of the governor.
18.16	(b) The salary of the director must not exceed the salary limit established under section
18.17	15A.0815, subdivision 3.
18.18	(c) While serving as the director and within two years after terminating service, the
18.19	director is prohibited from having a direct or an indirect financial interest in a cannabis
18.20	business or hemp business licensed under this chapter.
18.21	(d) A person who has served in the legislature or in statewide office is not eligible to be
18.22	appointed to the position of director until five years after the end of the person's term in the
18.23	legislature or statewide office.
18.24	Subd. 7. Employees. (a) The office may employ other personnel in the classified service
18.25	necessary to carry out the duties in this chapter.
18.26	(b) A prospective employee of the office must submit a completed criminal history
18.27	records check consent form, a full set of classifiable fingerprints, and the required fees to
18.28	the office. Upon receipt of this information, the office must submit the completed criminal
18.29	history records check consent form, full set of classifiable fingerprints, and required fees
18.30	to the Bureau of Criminal Apprehension. After receiving this information, the bureau must
18.31	conduct a Minnesota criminal history records check of the prospective employee. The bureau
18.32	may exchange a prospective employee's fingerprints with the Federal Bureau of Investigation
18.33	to obtain the prospective employee's national criminal history record information. The

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19.1	bureau must return the results of t	he Minnesota and federa	l criminal histor	ry records checks
19.2	to the director to determine if the p	prospective employee is c	lisqualified unde	er section 342.19.
19.3	(c) While employed by the off	fice and within two years	s after terminati	ng employment,
19.4	an employee may not have a direc	ct or an indirect financia	l interest in a ca	nnabis business
19.5	licensed under this chapter or a re	ecipient of a grant under	this chapter.	
19.6	Subd. 8. Division of Social Eq	uity. The office must est	ablish a Division	n of Social Equity.
19.7	At a minimum, the division must	<u>-</u>		
19.8	(1) administer grants to commu	unities that experienced a	disproportionate	e, negative impact
19.9	from cannabis prohibition and usa	age in order to promote	economic devel	opment, provide
19.10	services to prevent violence, supp	port early intervention pr	ograms for you	th and families,
19.11	and promote community stability	and safety;		
19.12	(2) act as an ombudsperson for	r the office to provide inf	formation, inves	tigate complaints
19.13	under this chapter, and provide or	facilitate dispute resolu	tions; and	
19.14	(3) report to the office on the s	status of complaints and	social equity in	the cannabis
19.15	industry.			
19.16	Subd. 9. Compliance with fe	<b>deral law.</b> Nothing in th	is chapter shall	be construed to
19.17	allow cannabis to be transported of	outside of the state unles	s explicitly auth	orized by federal
19.18	<u>law.</u>			
19.19	EFFECTIVE DATE. This se	ection is effective July 1,	2023, except fo	or subdivision 3,
19.20	which is effective January 1, 2024	<u>4.</u>		
19.21	Sec. 3. [342.03] CANNABIS A	DVISORY COUNCIL	<u>.</u>	
19.22	Subdivision 1. Membership.	(a) The Cannabis Advise	ory Council is c	reated consisting
19.23	of the following members:			
19.24	(1) the director of the Office of	of Cannabis Managemen	t or a designee;	
19.25	(2) the commissioner of emplo	oyment and economic de	evelopment or a	designee;
19.26	(3) the commissioner of reven	ue or a designee;		
19.27	(4) the commissioner of health	h or a designee;		
19.28	(5) the commissioner of huma	n services or a designee	·	
19.29	(6) the commissioner of public	c safety or a designee;		
19.30	(7) the commissioner of huma	n rights or a designee;		

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20.1	(8) the commissioner of labor or	a designee;		
20.2	(9) the commissioner of agricult	ure or a designee;		
20.3	(10) the commissioner of the Po	llution Control Agenc	y or a designee;	
20.4	(11) the superintendent of the Bu	ureau of Criminal App	rehension or a des	signee;
20.5	(12) the colonel of the State Patr	ol or a designee;		
20.6	(13) the director of the Office of	Traffic Safety in the I	Department of Pub	olic Safety or a
20.7	designee;			
20.8	(14) a representative from the La	eague of Minnesota Ci	ties appointed by	the league;
20.9	(15) a representative from the A	ssociation of Minneso	ta Counties appoir	nted by the
20.10	association;			
20.11	(16) an expert in minority busine	ess development appoi	nted by the gover	nor;
20.12	(17) an expert in economic deve	lopment strategies for	under-resourced c	communities
20.13	appointed by the governor;			
20.14	(18) an expert in farming or repr	esenting the interests	of farmers appoint	ted by the
20.15	governor;			
20.16	(19) an expert representing the in	nterests of cannabis wo	rkers appointed by	the governor;
20.17	(20) an expert representing the in	nterests of employers a	appointed by the g	governor;
20.18	(21) an expert in municipal law	enforcement with adva	anced training in i	mpairment
20.19	detection and evaluation appointed	by the governor;		
20.20	(22) an expert in social welfare of	or social justice appoir	nted by the govern	or;
20.21	(23) an expert in criminal justice	reform to mitigate the	disproportionate	impact of drug
20.22	prosecutions on communities of col	or appointed by the go	overnor;	
20.23	(24) an expert in prevention, trea	atment, and recovery r	elated to substance	e use disorders
20.24	appointed by the governor;			
20.25	(25) an expert in minority busine	ess ownership appoint	ed by the governo	r <u>;</u>
20.26	(26) an expert in women-owned	businesses appointed	by the governor;	
20.27	(27) an expert in cannabis retaili	ng appointed by the g	overnor;	
20.28	(28) an expert in cannabis produ	ct manufacturing appo	pinted by the gove	rnor;
20.29	(29) an expert in laboratory scient	nces and toxicology ap	pointed by the go	vernor;

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21.1	(30) an expert in providing legal services to cannabis businesses appointed by the	2
21.2	governor;	
21.3	(31) an expert in cannabis cultivation appointed by the governor;	
21.4	(32) an expert in toxicology appointed by the governor;	
21.5	(33) an expert in pediatric medicine appointed by the governor;	
21.6	(34) an expert in adult medicine appointed by the governor;	
21.7	(35) two patient advocates, one who is a patient enrolled in the medical cannabis pro-	ogram
21.8	and one who is a parent or caregiver of a patient in the medical cannabis program;	
21.9	(36) two licensed mental health professionals appointed by the governor;	
21.10	(37) a veteran appointed by the governor;	
21.11	(38) one member of each of the following federally recognized Tribes, designated	1 by
21.12	the elected Tribal president or chairperson of the governing bodies of:	
21.13	(i) the Fond du Lac Band;	
21.14	(ii) the Grand Portage Band;	
21.15	(iii) the Mille Lacs Band;	
21.16	(iv) the White Earth Band;	
21.17	(v) the Bois Forte Band;	
21.18	(vi) the Leech Lake Band;	
21.19	(vii) the Red Lake Nation;	
21.20	(viii) the Upper Sioux Community;	
21.21	(ix) the Lower Sioux Indian Community;	
21.22	(x) the Shakopee Mdewakanton Sioux Community; and	
21.23	(xi) the Prairie Island Indian Community; and	
21.24	(39) a representative from the Local Public Health Association of Minnesota appo	ointed
21.25	by the association.	
21.26	(b) While serving on the Cannabis Advisory Council and within two years after	
21.27	terminating service, a council member shall not serve as a lobbyist, as defined under se	ction
21.28	10A.01, subdivision 21.	

BD

- 22.1 Subd. 2. Terms; compensation; removal; vacancy; expiration. The membership terms,
- 22.2 compensation, removal of members appointed by the governor, and filling of vacancies of
- 22.3 members are provided in section 15.059.
- 22.4 Subd. 3. Officers; meetings. (a) The director of the Office of Cannabis Management
- 22.5 or the director's designee must chair the Cannabis Advisory Council. The advisory council
- 22.6 <u>must elect a vice-chair and may elect other officers as necessary.</u>
- 22.7 (b) The advisory council shall meet quarterly or upon the call of the chair.
- 22.8 (c) Meetings of the advisory council are subject to chapter 13D.
- 22.9 Subd. 4. Duties. (a) The duties of the advisory council shall include:
- 22.10 (1) reviewing national cannabis policy;
- 22.11 (2) examining the effectiveness of state cannabis policy;
- 22.12 (3) reviewing developments in the cannabis industry and hemp consumer industry;
- 22.13 (4) reviewing developments in the study of cannabis flower, cannabis products,
- 22.14 synthetically derived cannabinoids, lower-potency hemp edibles, and hemp-derived consumer
- 22.15 products;
- 22.16 (5) taking public testimony; and
- 22.17 (6) making recommendations to the Office of Cannabis Management.
- 22.18 (b) At its discretion, the advisory council may examine other related issues consistent
  22.19 with this section.
- 22.20 Sec. 4. [342.04] STUDIES; REPORTS.
- 22.21 (a) The office shall conduct a study to determine the expected size and growth of the
- 22.22 regulated cannabis industry and hemp consumer industry, including an estimate of the

22.23 demand for cannabis flower and cannabis products, the number and geographic distribution

22.24 of cannabis businesses needed to meet that demand, and the anticipated business from

- 22.25 residents of other states.
- 22.26 (b) The office shall conduct a study to determine the size of the illicit cannabis market,

22.27 the sources of illicit cannabis flower and illicit cannabis products in the state, the locations

- 22.28 of citations issued and arrests made for cannabis offenses, and the subareas, such as census
- 22.29 tracts or neighborhoods, that experience a disproportionately large amount of cannabis
- 22.30 <u>enforcement.</u>
- 22.31 (c) The office shall conduct a study on impaired driving to determine:

11(1) the number of accidents involving one or more drivers who admitted to using cannabis123flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products,123or who tested positive for cannabis or tetrahydrocannabinol;123(2) the number of arrests of individuals for impaired driving in which the individual123tested positive for cannabis or tetrahydrocannabinol; and123(3) the number of convictions for driving under the influence of cannabis flower, cannabis123tested positive for cannabis or tetrahydrocannabinol; and123(d) The office shall provide preliminary reports on the studies conducted pursuant to1231paragraphs (a) to (c) to the legislature by January 15, 2024, and shall provide final reports1231to the legislature by January 15, 2025. The reports may be consolidated into a single report1231by the office.1233(c) The office shall collect existing data from the Department of Human Services,1234Department of Health, Minesota state courts, and hospitals licensed under chapter 144 on1335the utilization of mental health and substance use disorder services, provided or any increase in the1346first episode psychosis programs on the number of persons served by the programs and1357paragraph shall be included in the report required under paragraph (f).1358first pisode psychosis programs on the number of persons served by the office under this1359paragraph shall be included in the report shall include but not be limited to the following:1350(1) the status of the regulated cannabis industry: <th></th> <th>HF100 FIRST UNOFFICIAL ENGROSSMENT</th> <th>REVISOR</th> <th>BD</th> <th>UEH0100-1</th>		HF100 FIRST UNOFFICIAL ENGROSSMENT	REVISOR	BD	UEH0100-1
23.3or who tested positive for eannabis or tetrahydroeannabinol;23.4(2) the number of arrests of individuals for impaired driving in which the individual23.5tested positive for cannabis or tetrahydroeannabinol; and23.6(3) the number of convictions for driving under the influence of cannabis flower, cannabis23.7products, lower-potency hemp edibles, hemp-derived consumer products, or23.8tetrahydroeannabinol.23.9(d) The office shall provide preliminary reports on the studies conducted pursuant to23.10paragraphs (a) to (c) to the legislature by January 15, 2024, and shall provide final reports23.11to the legislature by January 15, 2025. The reports may be consolidated into a single report23.12by the office.23.13(c) The office shall collect existing data from the Department of Human Services,23.14bepartment of Health, Minnesota state courts, and hospitals licensed under chapter 144 on23.15the utilization of mental health and substance use disorder services, emergency room visits,23.16and commitments to identify any increase in the services provided or any increase in the23.17number of visits or commitments. The office shall also obtain summary data from existing23.18first episode psychosis programs on the number of persons served by the programs and23.19(f) The office shall submit an annual report to the legislature by January 15, 2024, and23.20(f) The office shall substance transhi includes but not be limited to the following:23.21(f) the status of the regulated cannabis industry;23.22(2	23.1	(1) the number of accidents involvi	ng one or more drive	ers who admitted to u	sing cannabis
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<ul> <li>first episode psychosis programs on the number of persons served by the programs and number of persons on the waiting list. All information collected by the office under this paragraph shall be included in the report required under paragraph (f).</li> <li>(f) The office shall submit an annual report to the legislature by January 15, 2024, and each January 15 thereafter. The annual report shall include but not be limited to the following:</li> <li>(1) the status of the regulated cannabis industry;</li> <li>(2) the status of the illicit cannabis market and hemp consumer industry;</li> <li>(3) the number of accidents, arrests, and convictions involving drivers who admitted to using cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products or who tested positive for cannabis or tetrahydrocannabinol;</li> <li>(4) the change in potency, if any, of cannabis flower and cannabis products available through the regulated market;</li> <li>(5) progress on providing opportunities to individuals and communities that experienced a disproportionate, negative impact from cannabis prohibition, including but not limited to</li> </ul>	23.16	and commitments to identify any increase in the services provided or any increase in the			
<ul> <li>number of persons on the waiting list. All information collected by the office under this</li> <li>paragraph shall be included in the report required under paragraph (f).</li> <li>(f) The office shall submit an annual report to the legislature by January 15, 2024, and</li> <li>each January 15 thereafter. The annual report shall include but not be limited to the following:</li> <li>(1) the status of the regulated cannabis industry;</li> <li>(2) the status of the illicit cannabis market and hemp consumer industry;</li> <li>(3) the number of accidents, arrests, and convictions involving drivers who admitted to</li> <li>using cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived</li> <li>consumer products or who tested positive for cannabis or tetrahydrocannabinol;</li> <li>(4) the change in potency, if any, of cannabis flower and cannabis products available</li> <li>through the regulated market;</li> <li>(5) progress on providing opportunities to individuals and communities that experienced</li> <li>a disproportionate, negative impact from cannabis prohibition, including but not limited to</li> </ul>	23.17	number of visits or commitments. Th	e office shall also of	otain summary data	from existing
<ul> <li>paragraph shall be included in the report required under paragraph (f).</li> <li>(f) The office shall submit an annual report to the legislature by January 15, 2024, and</li> <li>each January 15 thereafter. The annual report shall include but not be limited to the following:</li> <li>(1) the status of the regulated cannabis industry;</li> <li>(2) the status of the illicit cannabis market and hemp consumer industry;</li> <li>(3) the number of accidents, arrests, and convictions involving drivers who admitted to</li> <li>using cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived</li> <li>consumer products or who tested positive for cannabis or tetrahydrocannabinol;</li> <li>(4) the change in potency, if any, of cannabis flower and cannabis products available</li> <li>through the regulated market;</li> <li>(5) progress on providing opportunities to individuals and communities that experienced</li> <li>a disproportionate, negative impact from cannabis prohibition, including but not limited to</li> </ul>	23.18	first episode psychosis programs on t	he number of perso	ns served by the pro	grams and
<ul> <li>(f) The office shall submit an annual report to the legislature by January 15, 2024, and</li> <li>each January 15 thereafter. The annual report shall include but not be limited to the following:</li> <li>(1) the status of the regulated cannabis industry;</li> <li>(2) the status of the illicit cannabis market and hemp consumer industry;</li> <li>(3) the number of accidents, arrests, and convictions involving drivers who admitted to</li> <li>using cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived</li> <li>consumer products or who tested positive for cannabis or tetrahydrocannabinol;</li> <li>(4) the change in potency, if any, of cannabis flower and cannabis products available</li> <li>through the regulated market;</li> <li>(5) progress on providing opportunities to individuals and communities that experienced</li> <li>a disproportionate, negative impact from cannabis prohibition, including but not limited to</li> </ul>	23.19	number of persons on the waiting list	. All information co	llected by the office	under this
<ul> <li>each January 15 thereafter. The annual report shall include but not be limited to the following:</li> <li>(1) the status of the regulated cannabis industry;</li> <li>(2) the status of the illicit cannabis market and hemp consumer industry;</li> <li>(3) the number of accidents, arrests, and convictions involving drivers who admitted to</li> <li>using cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived</li> <li>consumer products or who tested positive for cannabis or tetrahydrocannabinol;</li> <li>(4) the change in potency, if any, of cannabis flower and cannabis products available</li> <li>through the regulated market;</li> <li>(5) progress on providing opportunities to individuals and communities that experienced</li> <li>a disproportionate, negative impact from cannabis prohibition, including but not limited to</li> </ul>	23.20	paragraph shall be included in the rep	port required under	oaragraph (f).	
<ul> <li>(1) the status of the regulated cannabis industry;</li> <li>(2) the status of the illicit cannabis market and hemp consumer industry;</li> <li>(3) the number of accidents, arrests, and convictions involving drivers who admitted to</li> <li>using cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived</li> <li>consumer products or who tested positive for cannabis or tetrahydrocannabinol;</li> <li>(4) the change in potency, if any, of cannabis flower and cannabis products available</li> <li>through the regulated market;</li> <li>(5) progress on providing opportunities to individuals and communities that experienced</li> <li>a disproportionate, negative impact from cannabis prohibition, including but not limited to</li> </ul>	23.21	(f) The office shall submit an annu	ual report to the leg	slature by January 1	5, 2024, and
<ul> <li>(2) the status of the illicit cannabis market and hemp consumer industry;</li> <li>(3) the number of accidents, arrests, and convictions involving drivers who admitted to</li> <li>using cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived</li> <li>consumer products or who tested positive for cannabis or tetrahydrocannabinol;</li> <li>(4) the change in potency, if any, of cannabis flower and cannabis products available</li> <li>through the regulated market;</li> <li>(5) progress on providing opportunities to individuals and communities that experienced</li> <li>a disproportionate, negative impact from cannabis prohibition, including but not limited to</li> </ul>	23.22	each January 15 thereafter. The annual	report shall include	but not be limited to	the following:
<ul> <li>(3) the number of accidents, arrests, and convictions involving drivers who admitted to</li> <li>using cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived</li> <li>consumer products or who tested positive for cannabis or tetrahydrocannabinol;</li> <li>(4) the change in potency, if any, of cannabis flower and cannabis products available</li> <li>through the regulated market;</li> <li>(5) progress on providing opportunities to individuals and communities that experienced</li> <li>a disproportionate, negative impact from cannabis prohibition, including but not limited to</li> </ul>	23.23	(1) the status of the regulated can	nabis industry;		
<ul> <li>23.26 <u>using cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived</u></li> <li>23.27 <u>consumer products or who tested positive for cannabis or tetrahydrocannabinol;</u></li> <li>23.28 (4) the change in potency, if any, of cannabis flower and cannabis products available</li> <li>23.29 <u>through the regulated market;</u></li> <li>23.30 (5) progress on providing opportunities to individuals and communities that experienced</li> <li>23.31 <u>a disproportionate, negative impact from cannabis prohibition, including but not limited to</u></li> </ul>	23.24	(2) the status of the illicit cannabi	s market and hemp	consumer industry;	
<ul> <li>23.27 consumer products or who tested positive for cannabis or tetrahydrocannabinol;</li> <li>23.28 (4) the change in potency, if any, of cannabis flower and cannabis products available</li> <li>23.29 through the regulated market;</li> <li>23.30 (5) progress on providing opportunities to individuals and communities that experienced</li> <li>23.31 a disproportionate, negative impact from cannabis prohibition, including but not limited to</li> </ul>	23.25	(3) the number of accidents, arrest	ts, and convictions i	nvolving drivers wh	o admitted to
<ul> <li>23.28 (4) the change in potency, if any, of cannabis flower and cannabis products available</li> <li>23.29 through the regulated market;</li> <li>23.30 (5) progress on providing opportunities to individuals and communities that experienced</li> <li>23.31 a disproportionate, negative impact from cannabis prohibition, including but not limited to</li> </ul>	23.26	using cannabis flower, cannabis prod	ucts, lower-potency	hemp edibles, or he	mp-derived
<ul> <li>23.29 <u>through the regulated market;</u></li> <li>23.30 (5) progress on providing opportunities to individuals and communities that experienced</li> <li>23.31 <u>a disproportionate, negative impact from cannabis prohibition, including but not limited to</u></li> </ul>	23.27	consumer products or who tested pos	itive for cannabis or	tetrahydrocannabir	<u>iol;</u>
<ul> <li>23.30 (5) progress on providing opportunities to individuals and communities that experienced</li> <li>23.31 a disproportionate, negative impact from cannabis prohibition, including but not limited to</li> </ul>	23.28	(4) the change in potency, if any,	of cannabis flower a	and cannabis produc	ts available
23.31 <u>a disproportionate, negative impact from cannabis prohibition, including but not limited to</u>	23.29	through the regulated market;			
23.31 <u>a disproportionate, negative impact from cannabis prohibition, including but not limited to</u>	23.30	(5) progress on providing opportu	nities to individuals	and communities tha	t experienced
23.32 providing relief from criminal convictions and increasing economic opportunities;	23.31				
	23.32	providing relief from criminal convic	tions and increasing	g economic opportur	nities;

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24.1	(6) the status of racial and ge	ographic diversity in the	cannabis indust	<u>try;</u>
24.2	(7) proposed legislative chan	ges, including but not lim	nited to recomm	nendations to
24.3	streamline licensing systems and	l related administrative p	rocesses;	
24.4	(8) information on the advers	e effects of second-hand s	smoke from any	v cannabis flower,
24.5	cannabis products, and hemp-de	rived consumer products t	hat are consum	ed by combustion
24.6	or vaporization of the product an	nd inhalation of smoke, ae	rosol, or vapor	from the product;
24.7	and			
24.8	(9) recommendations for lev	els of funding for:		
24.9	(i) a coordinated education pr	rogram to address and rais	se public awaren	ness about the top
24.10	three adverse health effects, as d	letermined by the commis	sioner of health	1, associated with
24.11	the use of cannabis flower, canna	bis products, lower-potence	ey hemp edibles	, or hemp-derived
24.12	consumer products by individua	ls under 21 years of age;		
24.13	(ii) a coordinated education	program to educate pregna	ant individuals,	breastfeeding
24.14	individuals, and individuals who	may become pregnant of	n the adverse he	ealth effects of
24.15	cannabis flower, cannabis product	ts, lower-potency hemp edi	ibles, and hemp-	derived consumer
24.16	products;			
24.17	(iii) training, technical assista	nce, and educational mate	erials for home v	visiting programs,
24.18	Tribal home visiting programs, a	and child welfare workers	regarding safe	and unsafe use of
24.19	cannabis flower, cannabis product	ts, lower-potency hemp edi	ibles, and hemp-	derived consumer
24.20	products in homes with infants a	and young children;		
24.21	(iv) model programs to educe	ate middle school and hig	h school studer	nts on the health
24.22	effects on children and adolesce	nts of the use of cannabis	flower, cannab	is products,
24.23	lower-potency hemp edibles and	l hemp-derived consumer	products and o	ther intoxicating
24.24	or controlled substances;			
24.25	(v) grants issued through the	CanTrain, CanNavigate,	CanStartup, and	d CanGrow
24.26	programs;			
24.27	(vi) grants to organizations for	or community developme	nt in social equ	ity communities
24.28	through the CanRenew program	2		
24.29	(vii) training of peace officers	and law enforcement agen	icies on changes	to laws involving
24.30	cannabis flower, cannabis product	ts, lower-potency hemp edi	ibles, and hemp-	derived consumer
24.31	products and the law's impact or	n searches and seizures;		
24.32	(viii) training of peace office	rs to increase the number	of drug recogn	ition experts;

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25.1	(ix) training of peace officers	on the cultural uses of sa	age and distingui	shing use of sage
25.2	from the use of cannabis flower, i	ncluding whether the B	oard of Peace O	fficer Standards
25.3	and Training should approve or d	evelop training material	ls;	
25.4	(x) the retirement and replace	ment of drug detection of	logs; and	
25.5	(xi) the Department of Humar	Services and county so	ocial service age	ncies to address
25.6	any increase in demand for service	es.		
25.7	(g) In developing the recomme	ended funding levels und	ler paragraph (f)	, clause (9), items
25.8	(vii) to (xi), the office shall consu	lt with local law enforc	ement agencies,	the Minnesota
25.9	Chiefs of Police Association, the I	Minnesota Sheriff's Asso	ociation, the Lea	gue of Minnesota
25.10	Cities, the Association of Minnes	ota Counties, and count	y social services	agencies.
25.11	Sec. 5. [342.05] STATEWIDE	MONITORING SYST	ГЕМ.	
25.12	Subdivision 1. Statewide mo	nitoring. The office mu	st contract with a	an outside vendor
25.13	to establish a statewide monitorin	g system for integrated	cannabis trackin	g, inventory, and
25.14	verification to track all cannabis plants, cannabis flower, cannabis products, and synthetically		and synthetically	
25.15	derived cannabinoids from seed, immature plant, or creation until disposal or sale to a patient			
25.16	or customer.			
25.17	Subd. 2. Data submission rec	<b>quirements.</b> The monito	oring system mu	st allow cannabis
25.18	businesses and Tribal medical car	nabis program manufa	cturers to submit	t monitoring data
25.19	to the office through the use of m	onitoring system softwa	are commonly us	sed within the
25.20	cannabis industry and may also p	ermit cannabis business	es and Tribal me	edical cannabis
25.21	program manufacturers to submit	monitoring data through	n manual data en	try with approval
25.22	from the office.			
25.23	Sec. 6. [342.06] APPROVAL (	DF ADULT-USE CAN	NABIS FLOW	ER AND
25.24	ADULT-USE CANNABIS PRO	DUCTS.		
25.25	Subdivision 1. Definitions. For	or the purposes of this se	ection, "type" me	ans an individual
25.26	product in a product line that may	be sold in different sizes	s, distinct packag	ging, or at various
25.27	prices but is still created using the	e same manufacturing or	r agricultural pro	ocesses. A new or
25.28	additional stock keeping unit (SK	U) or Universal Produc	t Code (UPC) sł	all not prevent a
25.29	product from being considered th	e same type as another	unit. All other te	rms have the
25.30	meanings provided in section 342	2.01.		
25.31	Subd. 2. Approval of product	t <b>s.</b> (a) The office shall ap	prove types of a	dult-use cannabis
25.32	flower, adult-use cannabis produc	ets, lower-potency hemp	edibles, and he	mp-derived

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26.1	consumer products other than hemp	o-derived topical produ	ects for retail sale	e. The office shall
26.2	not require reapproval of a product	type if the manufactur	ring or agricultu	ral processes and
26.3	final product unit remain substanti	ally similar to a previo	usly approved ty	pe of adult-use
26.4	cannabis flower, adult-use cannabi	s product, lower-poten	cy hemp edible,	or hemp-derived
26.5	consumer product.			
26.6	(b) The office shall not approve	e any adult-use cannab	is product, lowe	r-potency hemp
26.7	edible, or hemp-derived consumer	product that:		
26.8	(1) is or appears to be a lollipop	o or ice cream;		
26.9	(2) bears the likeness or contain	ns characteristics of a r	eal or fictional p	erson, animal, or
26.10	<u>fruit;</u>			
26.11	(3) is modeled after a type or by $(3)$	rand of products prima	rily consumed b	y or marketed to
26.12	children;			
26.13	(4) is substantively similar to a	meat food product; po	ultry food produ	ict as defined in
26.14	section 31A.02, subdivision 10; or a	a dairy product as defin	ed in section 32I	D.01, subdivision
26.15	<u>7;</u>			
26.16	(5) contains an artificial cannab	pinoid;		
26.17	(6) is made by applying a cannal	pinoid, including but no	t limited to a syn	thetically derived
26.18	cannabinoid, to a finished food pro	duct that does not con	tain cannabinoid	ls and is sold to
26.19	consumers, including but not limit	ed to a candy or snack	food; or	
26.20	(7) if the product is an edible ca	annabis product or low	er-potency hemp	o edible, contains
26.21	an ingredient, other than a cannabi	noid, that is not approv	ed by the United	l States Food and
26.22	Drug Administration for use in foc	od.		
26.23	(c) The office must not approve	e any adult-use cannab	is flower, adult-1	use cannabis
26.24	product, or hemp-derived consume	er product that:		
26.25	(1) is intended to be consumed	by combustion or vapo	orization of the p	product and
26.26	inhalation of smoke, aerosol, or va	por from the product; a	and	
26.27	(2) imparts a taste or odor, othe	r than the taste or odor	of cannabis flor	wer, that is
26.28	distinguishable by an ordinary pers	son before or during co	nsumption of th	e product.
26.29	(d) The office may adopt rules t	o limit or prohibit ingre	dients in or addi	tives to adult-use
26.30	cannabis flower, adult-use cannabis	products, or hemp-der	ived consumer p	products to ensure
26.31	compliance with the limitations in	paragraph (c).		

27.1	Sec. 7. [342.07] AGRICULTURAL AND FOOD SAFETY PRACTICES;
27.2	RULEMAKING.
27.3	Subdivision 1. Plant propagation standards. In consultation with the commissioner
27.4	of agriculture, the office by rule must establish certification, testing, and labeling
27.5	requirements for the methods used to grow new cannabis plants or hemp plants, including
27.6	but not limited to growth from seed, clone, cutting, or tissue culture.
27.7	Subd. 2. Agricultural best practices. In consultation with the commissioner of
27.8	agriculture and representatives from the University of Minnesota Extension Service, the
27.9	office shall establish best practices for:
27.10	(1) the cultivation and preparation of cannabis plants; and
27.11	(2) the use of pesticides, fertilizers, soil amendments, and plant amendments in relation
27.12	to growing cannabis plants.
27.13	Subd. 3. Edible cannabis product handler endorsement. (a) Any person seeking to
27.14	manufacture, process, sell, handle, or store an edible cannabis product or lower-potency
27.15	hemp edible, other than an edible cannabis product or lower-potency hemp edible that has
27.16	been placed in its final packaging, must first obtain an edible cannabis product handler
27.17	endorsement.
27.18	(b) In consultation with the commissioner of agriculture, the office shall establish an
27.19	edible cannabis product handler endorsement.
27.20	(c) The office must regulate edible cannabis product handlers and assess penalties in the
27.21	same manner provided for food handlers under chapters 28A, 31, and 34A and associated
27.22	rules, with the following exceptions:
27.23	(1) the office must issue an edible cannabis product handler endorsement, rather than a
27.24	license;
27.25	(2) eligibility for an edible cannabis product handler endorsement is limited to persons
27.26	who possess a valid license issued by the office;
27.27	(3) the office may not charge a fee for issuing or renewing the endorsement;
27.28	(4) the office must align the term and renewal period for edible cannabis product handler
27.29	endorsements with the term and renewal period of the license issued by the office; and
27.30	(5) an edible cannabis product or lower-potency hemp edible must not be considered
27.31	adulterated solely because the product contains tetrahydrocannabinol, cannabis concentrate,

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28.1	hemp concentrate, synthetically	derived cannabinoids, or	any other mate	rial extracted or
28.2	derived from a cannabis plant, ca	annabis flower, hemp pla	nt, or hemp pla	nt parts.
28.3	(d) The edible cannabis prod	uct handler endorsement	must prohibit th	ne manufacture of
28.4	edible cannabis products at the s	ame premises where food	d is manufacture	ed, except for the
28.5	limited production of edible prod	ducts produced solely for	product develo	pment, samplin <u>g,</u>
28.6	or testing. This limitation does no	ot apply to the manufactur	e of lower-poter	ncy hemp edibles.
28.7	Sec. 8. [342.08] ESTABLISH	MENT OF ENVIRONN	MENTAL STAT	NDARDS.
28.8	Subdivision 1. Water standa	rds. In consultation with	the commission	er of the Pollution
28.9	Control Agency, the office by ru	le must establish appropr	iate water stand	lards for cannabis
28.10	businesses.			
28.11	Subd. 2. Energy use. In cons	sultation with the commis	ssioner of comn	nerce, the office
28.12	by rule must establish appropriat	te energy standards for ca	annabis busines	ses.
28.13	Subd. 3. Solid waste. In cons	sultation with the commis	ssioner of the Po	ollution Control
28.14	Agency, the office by rule must e	establish appropriate solic	l waste standard	ls for the disposal
28.15	<u>of:</u>			
28.16	(1) cannabis flower and cann	abis products;		
28.17	(2) packaging;			
28.18	(3) recyclable materials, include	uding minimum requirem	ents for the use	of recyclable
28.19	materials; and			
28.20	(4) other solid waste.			
28.21	Subd. 4. Odor. The office by	rule must establish appro	priate standards	and requirements
28.22	to limit odors produced by canna	abis businesses.		
28.23	Subd. 5. Applicability; feder	al, state, and local laws.	A cannabis busi	ness must comply
28.24	with all applicable federal, state,	and local laws related to	the subjects of	subdivisions 1 to
28.25	<u>4.</u>			
28.26	Subd. 6. <b>Rulemaking.</b> (a) Th	e office may only adopt a	rule under this	section if the rule
28.27	is consistent with and at least as	stringent as applicable sta	ate and federal l	aws related to the
28.28	subjects of subdivisions 1 to 4.			
28.29	(b) The office must coordinate	te and consult with a depa	artment or agen	cy of the state
28.30	regarding the development and in	nplementation of a rule up	nder this section	if the department
28.31	or agency has expertise or a regu	latory interest in the sub	ject matter of th	e rule.

29.1	Sec. 9. [342.09] PERSONAL ADULT USE OF CANNABIS.
29.2	Subdivision 1. Personal adult use, possession, and transportation of adult-use
29.3	cannabis flower and adult-use cannabis products. (a) An individual 21 years of age or
29.4	older may:
29.5	(1) use, possess, or transport cannabis paraphernalia;
29.6	(2) possess or transport two ounces or less of adult-use cannabis flower in a public place;
29.7	(3) possess two pounds or less of adult-use cannabis flower derived from sources other
29.8	than the home cultivation of cannabis plants authorized in subdivision 2 in the individual's
29.9	private residence;
29.10 29.11	(4) possess five pounds or less of adult-use cannabis flower derived from the home cultivation of cannabis plants authorized in subdivision 2 in the individual's private residence;
29.12	(5) possess or transport eight grams or less of adult-use cannabis concentrate;
29.13	(6) possess or transport edible cannabis products or lower-potency hemp edibles infused
29.14	with a combined total of 800 milligrams or less of tetrahydrocannabinol;
29.15	(7) give for no remuneration to an individual who is at least 21 years of age:
29.16	(i) two ounces or less of adult-use cannabis flower;
29.17	(ii) eight grams or less of adult-use cannabis concentrate; or
29.18	(iii) an edible cannabis product or lower-potency hemp edible infused with 800 milligrams
29.19	or less of tetrahydrocannabinol; and
29.20	(8) use adult-use cannabis flower and adult-use cannabis products in the following
29.21	locations:
29.22	(i) a private residence, including the individual's curtilage or yard;
29.23	(ii) on private property, not generally accessible by the public, unless the individual is
29.24	explicitly prohibited from consuming adult-use cannabis flower, adult-use cannabis products,
29.25	lower-potency hemp edibles, or hemp-derived consumer products on the property by the
29.26	owner of the property; or
29.27	(iii) on the premises of an establishment or event licensed to permit on-site consumption.
29.28	Notwithstanding clauses (3) and (4), no individual may possess a total of more than five
29.29	pounds of adult-use cannabis flower in the individual's private residence regardless of the
29.30	cannabis's source.

30.1	(b) Except as provided in paragraph (c), an individual may not:
30.2	(1) use, possess, or transport cannabis flower, cannabis products, lower-potency hemp
30.3	edibles, or hemp-derived consumer products if the individual is under 21 years of age;
30.4	(2) use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived
30.5	consumer products in a motor vehicle as defined in section 169A.03, subdivision 15;
30.6	(3) use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived
30.7	consumer products at any location where smoking is prohibited under section 144.414;
30.8	(4) use or possess cannabis flower, cannabis products, lower-potency hemp edibles, or
30.9	hemp-derived consumer products in a public school, as defined in section 120A.05,
30.10	subdivisions 9, 11, and 13, or in a charter school governed by chapter 124E, including all
30.11	facilities, whether owned, rented, or leased, and all vehicles that a school district owns,
30.12	leases, rents, contracts for, or controls;
30.13	(5) use or possess cannabis flower, cannabis products, lower-potency hemp edibles, or
30.14	hemp-derived consumer products in a state correctional facility;
30.15	(6) operate a motor vehicle while under the influence of cannabis flower, cannabis
30.16	products, lower-potency hemp edibles, or hemp-derived consumer products;
30.17	(7) give for no remuneration cannabis flower, cannabis products, lower-potency hemp
30.18	edibles, or hemp-derived consumer products to an individual under 21 years of age;
30.19	(8) give for no remuneration cannabis flower or cannabis products as a sample or
30.20	promotional gift if the giver is in the business of selling goods or services; or
30.21	(9) vaporize or smoke cannabis flower, cannabis products, synthetically derived
30.22	cannabinoids, or hemp-derived consumer products in any location where the smoke, aerosol,
30.23	or vapor would be inhaled by a minor.
30.24	(c) The prohibitions under paragraph (b), clauses (1) to (4), do not apply to use other
30.25	than by smoking or by a vaporized delivery method, possession, or transportation of medical
30.26	cannabis flower or medical cannabinoid products by a patient; a registered designated
30.27	caregiver; or a parent, legal guardian, or spouse of a patient.
30.28	(d) A proprietor of a family or group family day care program must disclose to parents
30.29	or guardians of children cared for on the premises of the family or group family day care
30.30	program, if the proprietor permits the smoking or use of cannabis flower or cannabis products
30.31	on the premises outside of its hours of operation. Disclosure must include posting on the
30.32	premises a conspicuous written notice and orally informing parents or guardians. Cannabis

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31.1	flower or cannabis products mus	st be inaccessible to childr	en and stored away	y from food
31.2	products.			
31.3	Subd. 2. Home cultivation of	of cannabis for personal	adult use. Up to e	ight cannabis
31.4	plants, with no more than four b			
31.5	residence, including the curtilag	e or yard, without a licens	e to cultivate cann	abis issued
31.6	under this chapter provided that	cultivation takes place at	the primary reside	nce of an
31.7	individual 21 years of age or olde	er and in an enclosed, locke	ed space that is not	open to public
31.8	view.			
31.9	Subd. 3. Home extraction o	f cannabis concentrate b	y use of volatile s	olvent
31.10	prohibited. No person may use a	a volatile solvent to separat	te or extract cannab	ois concentrate
31.11	or hemp concentrate without a c	annabis microbusiness, ca	nnabis mezzobusii	ness, cannabis
31.12	manufacturer, medical cannabis	processor, or lower-poten	cy hemp edible ma	anufacturer
31.13	license issued under this chapter	<u>.</u>		
31.14	Subd. 4. Sale of cannabis flo	ower and cannabis produ	ucts prohibited. <u>N</u>	o person may
31.15	sell cannabis flower, cannabis pr	roducts, lower-potency he	mp edibles, or hem	np-derived
31.16	consumer products without a lic	ense issued under this cha	pter that authorize	s the sale.
31.17	Subd. 5. Importation of hem	<b>p-derived products.</b> <u>No p</u>	person may import l	lower-potency
31.18	hemp edibles or hemp-derived co	nsumer products, other tha	in hemp-derived top	oical products,
31.19	that are manufactured outside th	e boundaries of the state of	of Minnesota with	the intent to
31.20	sell the products to consumers w	ithin the state or to any othe	er person or busine	ss that intends
31.21	to sell the products to consumers	within the state without a	license issued und	er this chapter
31.22	that authorizes the importation of	f such products. This subdi	vision does not app	bly to products
31.23	lawfully purchased for personal	use.		
31.24	Subd. 6. Violations; penalti	es. (a) In addition to penal	ties listed in this s	ubdivision, a
31.25	person who violates the provision	ons of this chapter is subje	ct to any applicabl	e criminal
31.26	penalty.			
31.27	(b) The office may assess the	e following civil penalties	on a person who s	ells cannabis
31.28	flower without a license issued u	under this chapter that aut	horizes the sale:	
31.29	(1) if the person sells more the	nan two ounces but not mo	ore than eight ounce	es of cannabis
31.30	flower, up to \$1,000;			
31.31	(2) if the person sells more the the person sells more the person sells more the person sells more the person sells are the person s	nan eight ounces but not n	nore than one pour	nd of cannabis
31.32	flower, up to \$5,000;			

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32.1	(3) if the person sells more the	han one pound but not mo	ore than five pou	unds of cannabis
32.2	flower, up to \$25,000;			
32.3	(4) if the person sells more the	han five pounds but not m	ore than 25 pou	Inds of cannabis
32.4	flower, up to \$100,000;			
32.5	(5) if the person sells more the theorem $(5)$ if the person sells more the person sells more the person of the p	han 25 pounds but not mo	re than 50 poun	ds of cannabis
32.6	flower, up to \$250,000; and			
32.7	(6) if the person sells more the theorem $(6)$ if the person sells more the person of	han 50 pounds of cannabi	s flower, up to §	51,000,000.
32.8	(c) The office may assess the	e following civil penalties	on a person wh	o sells cannabis
32.9	concentrate without a license iss	sued under this chapter that	at authorizes the	sale:
32.10	(1) if the person sells more the theorem $(1)$ if the person sells more the person of	nan eight grams but not m	ore than 40 gram	ms of cannabis
32.11	concentrate, up to \$1,000;			
32.12	(2) if the person sells more the	han 40 grams but not mor	e than 80 grams	of cannabis
32.13	concentrate, up to \$5,000;			
32.14	(3) if the person sells more the theorem $(3)$ if the person sells more the person sells more the person of the person sells more t	han 80 grams but not mor	e than 400 gram	is of cannabis
32.15	concentrate, up to \$25,000;			
32.16	(4) if the person sells more the	an 400 grams but not mor	e than two kilog	rams of cannabis
32.17	concentrate, up to \$100,000;			
32.18	(5) if the person sells more the theorem $(5)$ if the person sells more the person sells more the person of the p	han two kilograms but not	t more than four	kilograms of
32.19	cannabis concentrate, up to \$250	0,000; and		
32.20	(6) if the person sells more that	an four kilograms of canna	bis concentrate,	up to \$1,000,000.
32.21	(d) The office may assess the	e following civil penalties	on a person who	o imports or sells
32.22	products infused with tetrahydro	cannabinol without a licer	nse issued under	r this chapter that
32.23	authorizes the importation or sal	<u>e:</u>		
32.24	(1) if the person imports or set	lls products infused with a	total of more that	an 800 milligrams
32.25	but not more than four grams of	tetrahydrocannabinol, up	to \$1,000;	
32.26	(2) if the person imports or s	ells products infused with	a total of more	than four grams
32.27	but not more than eight grams of	f tetrahydrocannabinol, up	p to \$5,000;	
32.28	(3) if the person imports or set $(3)$	ells products infused with	a total of more	than eight grams
32.29	but not more than 40 grams of te	etrahydrocannabinol, up to	o \$25,000;	
32.30	(4) if the person imports or s	ells products infused with	a total of more	than 40 grams
32.31	but not more than 200 grams of	tetrahydrocannabinol, up	to \$100,000;	

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33.1	(5) if the person imports or sel	ls products infused with	n a total of more	than 200 grams
33.2	but not more than 400 grams of te	trahydrocannabinol, up	to \$250,000; and	<u>d</u>
33.3	(6) if the person imports or sel	ls products infused with	n a total of more	than 400 grams
33.4	of tetrahydrocannabinol, up to \$1,	,000,000.		
33.5	(e) The office may assess a civ	vil penalty of up to \$500	) for each plant g	grown in excess
33.6	of the limit on a person who grows	more than eight cannabi	is plants or more	than four mature,
33.7	flowering plants, without a license	e to cultivate cannabis is	ssued under this	chapter.
33.8	Sec. 10. [342.10] LICENSES; 7	ΓYPES.		
33.9	The office shall issue the follo	wing types of license:		
33.10	(1) cannabis microbusiness;			
33.11	(2) cannabis mezzobusiness;			
33.12	(3) cannabis cultivator;			
33.13	(4) cannabis manufacturer;			
33.14	(5) cannabis retailer;			
33.15	(6) cannabis wholesaler;			
33.16	(7) cannabis transporter;			
33.17	(8) cannabis testing facility;			
33.18	(9) cannabis event organizer;			
33.19	(10) cannabis delivery service	<u>2</u>		
33.20	(11) lower-potency hemp edib	le manufacturer;		
33.21	(12) lower-potency hemp edib	le retailer;		
33.22	(13) medical cannabis cultivat	or;		
33.23	(14) medical cannabis process	or; or		
33.24	(15) medical cannabis retailer.			
33.25	Sec. 11. [342.11] LICENSES; 1	FEES.		
33.26	(a) The office shall require the			
33.27	renewal licensing fees as provided			
33.28	fee for initial issuance of the licen	se and the first annual r	enewal. The rene	ewal fee shall be

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34.1		newal and each subs	equent annual rene	ewal thereafter
34.2	charged at the time of the second renewal and each subsequent annual renewal thereafter. Nothing in this section prohibits a local unit of government from charging the retailer			
34.3	registration fee established in section 342.22. Application fees, initial licensing fees, and			
34.4	renewal licensing fees are nonrefund	lable.		
34.5	(b) Application and licensing fee	s shall be as follows	<u>::</u>	
34.6	(1) for a cannabis microbusiness:	<u>.</u>		
34.7	(i) an application fee of \$500;			
34.8	(ii) an initial license fee of \$0; an	<u>ud</u>		
34.9	(iii) a renewal license fee of \$2,0	00;		
34.10	(2) for a cannabis mezzobusiness	<u>::</u>		
34.11	(i) an application fee of \$5,000;			
34.12	(ii) an initial license fee of \$5,00	0; and		
34.13	(iii) a renewal license fee of \$10,	<u>000;</u>		
34.14	(3) for a cannabis cultivator:			
34.15	(i) an application fee of \$10,000;			
34.16	(ii) an initial license fee of \$20,0	00; and		
34.17	(iii) a renewal license fee of \$30,	<u>000;</u>		
34.18	(4) for a cannabis manufacturer:			
34.19	(i) an application fee of \$10,000;			
34.20	(ii) an initial license fee of \$10,0	00; and		
34.21	(iii) a renewal license fee of \$20,	<u>000;</u>		
34.22	(5) for a cannabis retailer:			
34.23	(i) an application fee of \$2,500;			
34.24	(ii) an initial license fee of \$2,50	0; and		
34.25	(iii) a renewal license fee of \$5,0	00;		
34.26	(6) for a cannabis wholesaler:			
34.27	(i) an application fee of \$5,000;			
24.29	(ii) on initial license for of \$5.00	0. and		

34.28 (ii) an initial license fee of \$5,000; and

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- 35.1 (iii) a renewal license fee of \$10,000;
- 35.2 (7) for a cannabis transporter:
- 35.3 (i) an application fee of \$250;
- 35.4 (ii) an initial license fee of \$500; and
- 35.5 (iii) a renewal license fee of \$1,000;
- 35.6 (8) for a cannabis testing facility:
- 35.7 (i) an application fee of \$10,000;
- 35.8 (ii) an initial license fee of \$10,000; and
- 35.9 (iii) a renewal license fee of \$20,000;
- 35.10 (9) for a cannabis delivery service:
- 35.11 (i) an application fee of \$250;
- 35.12 (ii) an initial license fee of \$500; and
- 35.13 (iii) a renewal license fee of \$1,000;
- 35.14 (10) for a cannabis event organizer:
- 35.15 (i) an application fee of \$750; and
- 35.16 (ii) an initial license fee of \$750;
- 35.17 (11) for a lower-potency hemp edible manufacturer:
- 35.18 (i) an application fee of \$250;
- 35.19 (ii) an initial license fee of \$1,000; and
- 35.20 (iii) a renewal license fee of \$1,000;
- 35.21 (12) for a lower-potency hemp edible retailer:
- 35.22 (i) an application fee of \$250 per retail location;
- 35.23 (ii) an initial license fee of \$250 per retail location; and
- 35.24 (iii) a renewal license fee of \$250 per retail location;
- 35.25 (13) for a medical cannabis cultivator:
- 35.26 (i) an application fee of \$250;
- 35.27 (ii) an initial license fee of \$0; and

- 36.1 (iii) a renewal license fee of \$0;
- 36.2 (14) for a medical cannabis processor:
- 36.3 (i) an application fee of \$250;
- 36.4 (ii) an initial license fee of \$0; and
- 36.5 (iii) a renewal license fee of \$0; and
- 36.6 (15) for a medical cannabis retailer:
- 36.7 (i) an application fee of \$250;
- 36.8 (ii) an initial license fee of \$0; and
- 36.9 (iii) a renewal license fee of \$0.

## 36.10 Sec. 12. [342.12] LICENSES; TRANSFERS; ADJUSTMENTS.

36.11 (a) Licenses issued under this chapter may be freely transferred subject to the prior

36.12 written approval of the office, which approval may be given or withheld in the office's sole

36.13 discretion, provided that a social equity applicant may only transfer the applicant's license

36.14 to another social equity applicant. A new license must be obtained when:

- 36.15 (1) the form of the licensee's legal business structure converts or changes to a different
- 36.16 type of legal business structure; or
- 36.17 (2) the licensee dissolves; reorganizes; undergoes bankruptcy, insolvency, or receivership
- 36.18 proceedings; or assigns all or substantially all of its assets for the benefit of creditors.
- 36.19 (b) Licenses must be renewed annually.
- 36.20 (c) License holders may petition the office to adjust the tier of a license issued within a
- 36.21 <u>license category provided that the license holder meets all applicable requirements.</u>
- 36.22 (d) The office by rule may permit relocation of a licensed cannabis business, adopt
- 36.23 requirements for the submission of a license relocation application, establish standards for
- 36.24 the approval of a relocation application, and charge a fee not to exceed \$250 for reviewing
- 36.25 and processing applications. Relocation of a licensed premises pursuant to this paragraph
- 36.26 does not extend or otherwise modify the license term of the license subject to relocation.

37.1	Sec. 13. [342.13] LOCAL CONTROL.
37.2	(a) A local unit of government may not prohibit the possession, transportation, or use
37.3	of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived
37.4	consumer products authorized under this chapter.
37.5	(b) A local unit of government may not prohibit the establishment or operation of a
37.6	cannabis business licensed under this chapter.
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37.7	(c) A local unit of government may adopt reasonable restrictions on the time, place, and
37.8	manner of the operation of a cannabis business provided that such restrictions do not prohibit
37.9	the establishment or operation of cannabis businesses. A local unit of government may
37.10	prohibit the operation of a cannabis business within 500 feet of a school, day care, or park.
37.11	(d) The office shall work with local units of government to develop model ordinances
37.12	for reasonable restrictions on the time, place, and manner of the operation of a cannabis
37.13	business.
37.14	(e) If a local unit of government is conducting studies or has authorized a study to be
37.15	conducted or has held or has scheduled a hearing for the purpose of considering adoption
37.16	or amendment of reasonable restrictions on the time, place, and manner of the operation of
37.17	a cannabis business, the governing body of the local unit of government may adopt an
37.18	interim ordinance applicable to all or part of its jurisdiction for the purpose of protecting
37.19	the planning process and the health, safety, and welfare of its citizens. Before adopting the
37.20	interim ordinance, the governing body must hold a public hearing. The interim ordinance
37.21	may regulate, restrict, or prohibit the operation of a cannabis business within the jurisdiction
37.22	or a portion thereof until January 1, 2025.
37.23	(f) Within 30 days of receiving a copy of an application for a cannabis business license
37.24	from the office, a local unit of government shall certify on a form provided by the office
37.25	whether a proposed cannabis business complies with local zoning ordinances and, if
37.26	applicable, whether the proposed business complies with the state fire code and building
37.27	<u>code.</u>
37.28	(g) Upon receipt of an application for a license issued under this chapter, the office shall
37.29	contact the local unit of government in which the business would be located and provide
37.30	the local unit of government with 30 days in which to provide input on the application. The
37.31	local unit of government may provide the office with any additional information it believes
37.32	is relevant to the office's decision on whether to issue a license, including but not limited
37.33	to identifying concerns about the proposed location of a cannabis business or sharing public
37.34	information about an applicant.

38.1	(h) The office by rule shall establish an expedited complaint process to receive, review,
38.2	and respond to complaints made by a local unit of government about a cannabis business.
38.3	Complaints may include alleged violations of local ordinances or other alleged violations.
38.4	At a minimum, the expedited complaint process shall require the office to provide an initial
38.5	response to the complaint within seven days and perform any necessary inspections within
38.6	30 days. Nothing in this paragraph prohibits a local unit of government from enforcing a
38.7	local ordinance.
38.8	Sec. 14. [342.135] LOCAL RESTRICTION ON NUMBER OF CANNABIS
38.9	RETAILERS.
50.9	
38.10	(a) A local government unit that issues cannabis retailer registration under section 342.22
38.11	may, by ordinance, limit the number of licensed cannabis retailers consistent with the
38.12	following limits:
38.13	(1) in cities of the first class and counties, one license for every 10,000 population;
38.14	(2) in cities of the second class, at least four licenses plus one for every 5,000 over 45,000
38.15	population;
38.16	(3) in cities of the third class, at least two licenses;
38.17	(4) in cities of 5,000 to 10,000 population, at least one license; and
38.18	(5) in cities under 5,000 population, at least one license.
38.19	(b) Nothing in this subdivision shall prohibit a local government from allowing licensed
38.20	cannabis retailers in excess of the minimums set in paragraph (a).
38.21	Sec. 15. [342.14] LICENSE APPLICATION AND RENEWAL; FEES.
38.22	Subdivision 1. Application; contents. (a) The office by rule shall establish forms and
38.23	procedures for the processing of licenses issued under this chapter. At a minimum, any
38.24	application to obtain or renew a license shall include the following information, if applicable:
38.25	(1) the name, address, and date of birth of the applicant;
38.26	(2) the disclosure of ownership and control required under paragraph (b);
38.27	(3) the disclosure of whether the applicant or, if the applicant is a business, any officer,
38.28	director, manager, and general partner of the business has ever filed for bankruptcy;
38.29	(4) the address and legal property description of the business;

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39.1	(5) a general description of th	e location or locations th	he applicant pla	ns to operate,
39.2	including the planned square feet of	of planned space for culti	vation, wholesa	ling, and retailing,
39.3	as applicable;			
39.4	(6) a diversity plan that establ	ishes a goal of diversity	in ownership, r	nanagement,
39.5	employment, and contracting;			
39.6	(7) a copy of the security plan	<u>;</u>		
39.7	(8) proof of trade name regist	ration;		
39.8	(9) a copy of the applicant's b	usiness plan showing th	e expected size	of the business;
39.9	anticipated growth; the methods of	of record keeping; the ki	nowledge and e	xperience of the
39.10	applicant and any officer, director	r, manager, and general	partner of the b	usiness; the
39.11	environmental plan; and other rel	evant financial and oper	rational compor	ients;
39.12	(10) an attestation signed by a	bona fide labor organiza	ation stating that	t the applicant has
39.13	entered into a labor peace agreem	nent;		
39.14	(11) certification that the appl	icant will comply with t	he requirements	s of this chapter
39.15	relating to the ownership and ope	ration of a cannabis bus	iness;	
39.16	(12) a land use compatibility s	statement from the local	unit of governm	<u>nent;</u>
39.17	(13) identification of one or me	ore controlling persons o	or managerial en	ployees as agents
39.18	who shall be responsible for deal	ing with the office on al	l matters; and	
39.19	(14) a statement that the applic	cant agrees to respond to	the office's supp	elemental requests
39.20	for information.			
39.21	(b) An applicant must file and	update as necessary a dis	sclosure of owne	ership and control.
39.22	The office by rule shall establish	the contents and form o	f the disclosure.	At a minimum,
39.23	the disclosure shall include the fo	ollowing:		
39.24	(1) the management structure,	ownership, and control	of the applicant	or license holder,
39.25	including the name of each coope	rative member, officer, o	director, manage	er, general partner
39.26	or business entity; the office or pe	osition held by each per	son; each person	n's percentage
39.27	ownership interest, if any; and, if	the business has a paren	nt company, the	name of each
39.28	owner, board member, and officer	r of the parent company	and the owner's	, board member's,
39.29	or officer's percentage ownership	interest in the parent con	mpany and the c	annabis business;
39.30	(2) a statement from the applied	cant and, if the applicant	t is a business, fi	rom every officer,
39.31	director, manager, and general pa	rtner of the business, inc	dicating whethe	r that person has

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40.1	previously held, or currently hold	ls, an ownership interest in	a cannabis busin	ess in Minnesota,
40.2	any other state or territory of the	e United States, or any oth	er country;	
40.3	(3) if the applicant is a corpo	pration, copies of its article	es of incorporati	on and bylaws
40.4	and any amendments to its artic	les of incorporation or byl	aws;	
40.5	(4) copies of any partnership	agreement, operating agree	ement, or shareh	older agreement;
40.6	(5) copies of any promissory	notes, security instrumen	ts, or other simi	lar agreements;
40.7	(6) explanation detailing the	funding sources used to f	inance the busin	less;
40.8	(7) a list of operating and inv	estment accounts for the b	usiness, includir	ng any applicable
40.9	financial institution and account	t number; and		
40.10	(8) a list of each outstanding l	oan and financial obligatio	n obtained for us	se in the business,
40.11	including the loan amount, loan	terms, and name and add	ress of the credi	tor.
40.12	(c) An application may inclu	ıde:		
40.13	(1) proof that the applicant i	s a social equity applicant	• <u>•</u>	
40.14	(2) a description of the train	ing and education that will	l be provided to	any employee;
40.15	or			
40.16	(3) a copy of business polici	es governing operations to	ensure complia	ance with this
40.17	chapter.			
40.18	(d) Commitments made by a	n applicant in its applicati	on, including b	ut not limited to
40.19	the maintenance of a labor peac	e agreement, shall be an o	ngoing material	condition of
40.20	maintaining and renewing the li	cense.		
40.21	(e) An application on behalf	of a corporation or associ	ation shall be si	gned by at least
40.22	two officers or managing agents	s of that entity.		
40.23	Subd. 2. Application; proce	ess. (a) An applicant must	submit all requi	red information
40.24	to the office on the forms and in	the manner prescribed by	the office.	
40.25	(b) If the office receives an a	application that fails to pro	ovide the require	ed information,
40.26	the office shall issue a deficience	y notice to the applicant.	The applicant sh	all have ten
40.27	business days from the date of t	he deficiency notice to sul	omit the require	d information.
40.28	(c) Failure by an applicant to	submit all required inform	ation will result	in the application
40.29	being rejected.			
40.30	(d) Upon receipt of a comple	eted application and fee, o	r a site permit a	pplication, the
40.31	office shall forward a copy of the	ne application to the local	unit of governm	ent in which the

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- 41.1 business operates or intends to operate with a form for certification as to whether a proposed
- 41.2 <u>cannabis business complies with local zoning ordinances and, if applicable, whether the</u>
- 41.3 proposed business complies with the state fire code and building code.
- 41.4 (e) Within 90 days of receiving a completed application, the office shall issue the
- 41.5 <u>appropriate license or send the applicant a notice of rejection setting forth specific reasons</u>
- 41.6 <u>that the office did not approve the application.</u>
- 41.7 Subd. 3. Criminal history check. A license applicant or, in the case of a business entity,
- 41.8 every cooperative member or director, manager, and general partner of the business entity,
- 41.9 <u>must submit a completed criminal history records check consent form, a full set of classifiable</u>
- 41.10 fingerprints, and the required fees to the office. Upon receipt of this information, the office
- 41.11 must submit the completed criminal history records check consent form, full set of classifiable
- 41.12 fingerprints, and required fees to the Bureau of Criminal Apprehension. After receiving this
- 41.13 <u>information, the bureau must conduct a Minnesota criminal history records check of the</u>
- 41.14 person. The bureau may exchange the person's fingerprints with the Federal Bureau of
- 41.15 Investigation to obtain the person's national criminal history record information. The bureau
- 41.16 must return the results of the Minnesota and federal criminal history records checks to the
- 41.17 director to determine if the person is disqualified under section 342.19.

# 41.18 Sec. 16. [342.15] SOCIAL EQUITY APPLICANTS.

- 41.19 An individual qualifies as a social equity applicant if the individual is:
- 41.20 (1) a military veteran who lost honorable status due to a cannabis-related offense;
- 41.21 (2) a resident for the last five years of one or more subareas, such as census tracts or
- 41.22 <u>neighborhoods</u>, that experienced a disproportionately large amount of cannabis enforcement
- 41.23 as determined by the study conducted by the office pursuant to section 342.04, paragraph
- 41.24 (b), and reported in the preliminary report, final report, or both; or
- 41.25 (3) a resident for the last five years of one or more census tracts where, as reported in
- 41.26 the most recently completed decennial census published by the United States Bureau of the
- 41.27 Census, either:
- 41.28 (i) the poverty rate was 20 percent or more; or
- 41.29 (ii) the median family income did not exceed 80 percent of statewide median family
- 41.30 income or, if in a metropolitan area, did not exceed the greater of 80 percent of the statewide
- 41.31 median family income or 80 percent of the median family income for that metropolitan
- 41.32 <u>area.</u>

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#### Sec. 17. [342.16] LICENSE SELECTION CRITERIA. 42.1 Subdivision 1. Market stability. The office shall issue the necessary number of licenses 42.2 42.3 in order to ensure the sufficient supply of cannabis flower and cannabis products to meet demand, provide market stability, ensure a competitive market, and limit the sale of 42.4 unregulated cannabis flower and cannabis products. The office shall annually complete a 42.5 market analysis to determine whether it is fulfilling the four requirements listed in this 42.6 subdivision. The office shall hold public hearings as part of the market analysis to hear from 42.7 consumers, market stakeholders, and potential new applicants. 42.8 Subd. 2. Vertical integration prohibited; exceptions. (a) Except as otherwise provided 42.9 42.10 in this subdivision, the office shall not issue licenses to a single applicant that would result in the applicant being vertically integrated in violation of the provisions of this chapter. 42.11 (b) Nothing in this section prohibits or limits the issuance of microbusiness licenses or 42.12 mezzobusiness licenses or the issuance of both lower-potency hemp edible manufacturer 42.13 and lower-potency hemp edible retailer licenses to the same person or entity. 42.14 (c) Nothing in this section prohibits or limits the two medical cannabis licensees licensed 42.15 as of January 1, 2023, from being vertically integrated through its existing cultivation, 42.16 processing, and dispensaries. 42.17 Subd. 3. Application score; license priority. (a) The office shall award points to each 42.18 completed application for a license to operate a cannabis business in the following categories: 42.19 (1) status as a social equity applicant or as an applicant who is substantially similar to 42.20 a social equity applicant as described in paragraph (c); 42.21 (2) status as a veteran applicant; 42.22 (3) security and record keeping; 42.23 (4) employee training plan; 42.24 (5) business plan and financial situation; 42.25 42.26 (6) diversity plan; (7) labor and employment practices; 42.27 (8) knowledge and experience; and 42.28 (9) environmental plan. 42.29

43.1	(b) The office may award additional points to an application if the license holder would
43.2	expand service to an underrepresented market including but not limited to participation in
43.3	the medical cannabis program.
43.4	(c) The office shall establish application materials permitting individual applicants to
43.5	demonstrate the impact that cannabis prohibition has had on that applicant including but
43.6	not limited to the arrest or imprisonment of the applicant or a member of the applicant's
43.7	immediate family, and the office may award points to such applicants in the same manner
43.8	as points are awarded to social equity applicants.
43.9	(d) The office shall establish policies and guidelines, which shall be made available to
43.10	the public, regarding the number of points available in each category and the basis for
43.11	awarding those points. Status as a social equity applicant must account for at least 20 percent
43.12	of the total available points. In determining the number of points to award to a cooperative
43.13	or business applying as a social equity applicant, the office shall consider the number or
43.14	ownership percentage of cooperative members, officers, directors, managers, and general
43.15	partners who qualify as social equity applicants.
43.16	(e) Consistent with the goals identified in subdivision 1, the office shall issue licenses
43.17	in each license category, giving priority to applicants who receive the highest score under
43.18	paragraphs (a) and (b). If there are insufficient licenses available for entities that receive
43.19	identical scores, the office shall utilize a lottery to randomly select license recipients from
43.20	among those entities.
43.21	Subd. 4. Local land use compatibility statement. (a) Prior to the issuance of a license,
43.22	the office shall request a land use compatibility statement from the city, town, or county
43.23	that authorizes the land use. The land use compatibility statement must demonstrate that
43.24	the requested license is for a land use that is allowable within the given zoning designation
43.25	where the land is located. The office may not issue a license if the land use compatibility
43.26	statement shows that the proposed land use is prohibited in the applicable zone or if the
43.27	applicant has failed to meet the land use requirements of the jurisdiction.
43.28	(b) A city, town, or county that receives a request from the office for a land use
43.29	compatibility statement under this section must act on that request within 21 days of receipt
43.30	of the request if the land use is allowable and the applicant has applied for and received all
43.31	necessary land use approvals.
43.32	(c) The office shall not issue a license to an applicant who has failed to receive a local
43.33	land use compatibility statement approval from a local unit of government or to an applicant
43.34	whose local approvals have been suspended or revoked.

44.1	Sec. 18. [342.17] INSPECTION; LICENSE VIOLATIONS; PENALTIES.
44.2	Subdivision 1. Authority to inspect. (a) In order to carry out the purposes of this chapter,
44.3	the office, upon presenting appropriate credentials to the owner, operator, or agent in charge,
44.4	is authorized to:
44.5	(1) enter any cannabis business or hemp business without delay and at reasonable times;
44.6	(2) inspect and investigate during regular working hours and at other reasonable times,
44.7	within reasonable limits and in a reasonable manner, any cannabis business or hemp business
44.8	and all relevant conditions, equipment, records, and materials therein; and
44.9	(3) question privately any employer, owner, operator, agent, or employee of a cannabis
44.10	business or hemp business.
44.11	(b) An employer, owner, operator, agent, or employee must not refuse the office entry
44.12	or otherwise deter or prohibit the office from taking action under paragraph (a).
44.13	Subd. 2. Powers of office. (a) In making inspections and investigations under this chapter,
44.14	the office shall have the power to administer oaths, certify as to official acts, take and cause
44.15	to be taken depositions of witnesses, issue subpoenas, and compel the attendance of witnesses
44.16	and production of papers, books, documents, records, and testimony. In case of failure of
44.17	any person to comply with any subpoena lawfully issued, or on the refusal of any witness
44.18	to produce evidence or to testify to any matter regarding which the person may be lawfully
44.19	interrogated, the district court shall, upon application of the office, compel obedience
44.20	proceedings for contempt, as in the case of disobedience of the requirements of a subpoena
44.21	issued by the court or a refusal to testify therein.
44.22	(b) If the office finds probable cause to believe that any cannabis plant, cannabis flower,
44.23	cannabis product, synthetically derived cannabinoid, lower-potency hemp edible, or
44.24	hemp-derived consumer product is being distributed in violation of this chapter or rules
44.25	adopted under this chapter, the office shall affix to the item a tag, withdrawal from
44.26	distribution order, or other appropriate marking providing notice that the cannabis plant,
44.27	cannabis flower, cannabis product, synthetically derived cannabinoid, lower-potency hemp
44.28	edible, or hemp-derived consumer product is, or is suspected of being, distributed in violation
44.29	of this chapter and has been detained or embargoed, and warning all persons not to remove
44.30	or dispose of the item by sale or otherwise until permission for removal or disposal is given
44.31	by the office or the court. It is unlawful for a person to remove or dispose of detained or
44.32	embargoed cannabis plant, cannabis flower, cannabis product, synthetically derived
44.33	cannabinoid, lower-potency hemp edible, or hemp-derived consumer product by sale or

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45.1	otherwise without the office's or	a court's permission and	each transactio	n is a separate
45.2	violation of this section.			
45.3	(c) Notwithstanding subdivis	ion 5, if any cannabis pl	ant, cannabis flo	ower, cannabis
45.4	product, synthetically derived ca	nnabinoid, lower-potenc	y hemp edible,	or hemp-derived
45.5	consumer product has been foun	d by the office to be in v	violation of this of	chapter, the office
45.6	shall petition the district court in	the county in which the	item is detained	or embargoed for
45.7	an order and decree for the conde	emnation of the item. Th	e office shall rel	lease the cannabis
45.8	plant, cannabis flower, cannabis	product, synthetically de	rived cannabino	id, lower-potency
45.9	hemp edible, or hemp-derived co	nsumer product when the	is chapter and ru	les adopted under
45.10	this chapter have been complied	with or the item is found	d not to be in vio	olation of this
45.11	chapter or rules adopted under th	nis chapter.		
45.12	(d) If the court finds that deta	nined or embargoed cann	abis plant, cann	abis flower,
45.13	synthetically derived cannabinoi	d, cannabis product, low	ver-potency hem	p edible, or
45.14	hemp-derived consumer product	is in violation of this ch	apter or rules ac	lopted under this
45.15	chapter, the following remedies	are available:		
45.16	(1) after entering a decree, th	e cannabis plant, cannab	is flower, canna	bis product,
45.17	synthetically derived cannabinoi	d, lower-potency hemp e	dible, or hemp-	derived consumer
45.18	product may be destroyed at the e	expense of the claimant u	inder the supervi	ision of the office,
45.19	and all court costs, fees, storage,	and other proper expense	ses must be asse	ssed against the
45.20	claimant of the cannabis plant, c	annabis flower, cannabis	s product, synthe	etically derived
45.21	cannabinoid, lower-potency hemp	edible, or hemp-derived	consumer produ	ct or the claimant's
45.22	agent; and			
45.23	(2) if the violation can be con	rected by proper labeling	g or processing	of the cannabis
45.24	plant, cannabis flower, cannabis	product, synthetically de	rived cannabino	id, lower-potency
45.25	hemp edible, or hemp-derived co	onsumer product, the cou	art, after entry of	f the decree and
45.26	after costs, fees, and expenses ha	ave been paid, and a goo	d and sufficient	bond conditioned
45.27	that the cannabis plant, cannabis	flower, synthetically de	rived cannabino	id, lower-potency
45.28	hemp edible, or hemp-derived co	onsumer product must be	properly labeled	d or processed has
45.29	been executed, may by order direct	et that the cannabis plant,	cannabis flower,	cannabis product,
45.30	synthetically derived cannabinoi	d, lower-potency hemp e	dible, or hemp-	derived consumer
45.31	product be delivered to the claim	ant for proper labeling or	processing und	er the supervision
45.32	of the office. The office's supervi	ision expenses must be p	aid by the claim	ant. The cannabis
45.33	plant, cannabis flower, cannabis	product, synthetically de	rived cannabino	id, lower-potency
45.34	hemp edible, or hemp-derived co	onsumer product must be	e returned to the	claimant and the
45.35	bond must be discharged on repr	esentation to the court by	the office that t	he cannabis plant,

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cannabis flower, cannabis product, synthetically derived cannabinoid, lower-potency hemp 46.1 edible, or hemp-derived consumer product is no longer in violation and that the office's 46.2 46.3 supervision expenses have been paid. (e) If the office finds in any room, building, piece of equipment, vehicle of transportation, 46.4 46.5 or other structure any cannabis plant, cannabis flower, cannabis product, synthetically derived cannabinoid, lower-potency hemp edible, or hemp-derived consumer product that 46.6 is unsound or contains any filthy, decomposed, or putrid substance, or that may be poisonous 46.7 or deleterious to health or otherwise unsafe, the office shall condemn or destroy the item 46.8 or in any other manner render the item as unsalable, and no one has any cause of action 46.9 against the office on account of the office's action. 46.10 (f) The office may enter into an agreement with the commissioner of agriculture to 46.11 analyze and examine samples or other articles furnished by the office for the purpose of 46.12 determining whether the sample or article violates this chapter or rules adopted under this 46.13 chapter. A copy of the examination or analysis report for any such article, duly authenticated 46.14 under oath by the laboratory analyst making the determination or examination, shall be 46.15 prima facie evidence in all courts of the matters and facts contained in the report. 46.16 Subd. 3. Aiding of inspection. Subject to rules issued by the office, a representative of 46.17 a cannabis business or hemp business shall be given an opportunity to accompany the office 46.18 during the physical inspection of any cannabis business or hemp business for the purpose 46.19 46.20 of aiding such inspection. Subd. 4. Complaints and reports; priority of inspection. (a) The office may conduct 46.21 inspections of any licensed cannabis business or hemp business at any time to ensure 46.22 compliance with the ownership and operation requirements of this chapter. 46.23 (b) Any person may report a suspected violation of a safety or health standard. If upon 46.24 receipt of such notification the office determines that there are reasonable grounds to believe 46.25 that such violation or danger exists, the office shall make a special inspection as soon as 46.26 practicable to determine if such danger or violation exists. 46.27 46.28 (c) The office shall prioritize inspections of cannabis businesses or hemp businesses where there are reasonable grounds to believe that a violation poses imminent danger to the 46.29 public or customers. 46.30 (d) The office shall promptly inspect cannabis businesses or hemp businesses that are 46.31 the subject of complaint by a local unit of government. 46.32

47.1	Subd. 5. Violations; administrative orders and penalties. (a) The office may issue an
47.2	administrative order to any licensed cannabis business or hemp business that the office
47.3	determines has committed a violation of this chapter or rules adopted pursuant to this chapter.
47.4	The administrative order may require the business to correct the violation or to cease and
47.5	desist from committing the violation. The order must state the deficiencies that constitute
47.6	the violation and the time by which the violation must be corrected. If the business believes
47.7	that the information in the administrative order is in error, the business may ask the office
47.8	to consider the parts of the order that are alleged to be in error. The request must be in
47.9	writing, delivered to the office by certified mail within seven days after receipt of the order,
47.10	and provide documentation to support the allegation of error. The office must respond to a
47.11	request for reconsideration within 15 days after receiving the request. A request for
47.12	reconsideration does not stay the correction order unless the office issues a supplemental
47.13	order granting additional time. The office's disposition of a request for reconsideration is
47.14	<u>final.</u>
47.15	(b) For each violation of this chapter or rules adopted pursuant to this chapter, the office
47.16	may issue to each business a monetary penalty of up to \$10,000, an amount that deprives
47.17	the business of any economic advantage gained by the violation, or both.
47.18	(c) An administrative penalty may be recovered in a civil action in the name of the state
47.18	brought in the district court of the county where the violation is alleged to have occurred
47.20	or the district court where the office is housed.
47.20	
47.21	(d) In addition to penalties listed in this subdivision, a person or business who violates
47.22	the provisions of this chapter is subject to any applicable criminal penalty.
47.23	Sec. 19. [342.18] LICENSE SUSPENSION OR REVOCATION; HEARING.
47.24	Subdivision 1. License revocation and nonrenewal. The office may revoke or not
47.25	renew a license when the office has cause to believe that a cannabis business has violated
47.26	an ownership or operational requirement in this chapter or rules adopted pursuant to this
47.27	chapter. The office must notify the license holder in writing, specifying the grounds for
47.28	revocation or nonrenewal and fixing a time of at least 20 days thereafter for a hearing on
47.29	the matter.
47.30	Subd. 2. Hearing; written findings. (a) Before the office revokes or does not renew a
47.31	license, the office must provide the license holder with a statement of the complaints made
47.32	against the license holder, and the office must hold a hearing to determine whether the office
47.33	should revoke the license or deny renewal of the license. The license holder shall receive
47.34	notice at least 20 days before the date of the hearing and notice may be served either by
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- 48.1 certified mail addressed to the address of the license holder as shown in the license
- 48.2 application or in the manner provided by law for the service of a summons. At the time and
- 48.3 place fixed for the hearing, the office, or any office employee or agent authorized by the
- 48.4 office to conduct the hearing, shall receive evidence, administer oaths, and examine witnesses.
- (b) After the hearing held pursuant to paragraph (a), or upon the failure of the license
- 48.6 holder to appear at the hearing, the office must take action as is deemed advisable and issue
- 48.7 written findings that the office must mail to the license holder. An action of the office under
- 48.8 this paragraph is subject to judicial review pursuant to chapter 14.
- 48.9 Subd. 3. Temporary suspension. The office may temporarily, without hearing, suspend
  48.10 the license and operating privilege of any business licensed under this chapter for up to 90
  48.11 days if continuing the operation of the business would threaten the health or safety of any
  48.12 person. The office may extend the period for an additional 90 days if the office notified the
  48.13 business that the office intends to revoke or not renew a license and the hearing required
- 48.14 <u>under subdivision 2 has not taken place.</u>

#### 48.15 Sec. 20. [342.185] DATA PRACTICES; APPLICANTS; LICENSE HOLDERS.

- 48.16 Subdivision 1. Not public data. The following data collected, created, or maintained
- 48.17 by the office are classified as nonpublic data, as defined by section 13.02, subdivision 9, or
- 48.18 as private data on individuals, as defined by section 13.02, subdivision 12:
- 48.19 (1) application data submitted by an applicant for a cannabis business license, other than
  48.20 the data listed in subdivision 2;
- 48.21 (2) the identity of a complainant who has made a report concerning a license holder or
- 48.22 <u>applicant that appears in inactive complaint data unless the complainant consents to the</u>
- 48.23 disclosure;
- 48.24 (3) the nature or content of unsubstantiated complaints when the information is not
  48.25 maintained in anticipation of legal action;
- 48.26 (4) the record of any disciplinary proceeding except as limited by subdivision 4;
- 48.27 (5) data identifying retail or wholesale customers of a cannabis business; and
- 48.28 (6) data identifying cannabis workers.
- 48.29 Subd. 2. Public data on license applicants. (a) The following application data submitted
- 48.30 by an applicant for a cannabis business license are public data:
- 48.31 (1) the applicant's name and designated address;

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49.1	(2) data disclosing the owner	ship and control of the ap	oplicant;	
49.2	(3) proof of trade name regist	tration;		
49.3	(4) data showing the legal po	ssession of the premises	where the busin	ess will operate;
49.4	(5) data describing whether v	olatile chemicals will be u	used in any metl	nods of extraction
49.5	or concentration;			
49.6	(6) environmental plans;			
49.7	(7) the type and number of ot	ther cannabis business lic	enses held by tl	he applicant; and
49.8	(8) the name, address, location	on, dates, and hours of wh	ere any propose	ed cannabis event
49.9	will take place.			
49.10	(b) Scoring and other data ge	nerated by the office in it	ts review of an a	applicant for a
49.11	cannabis business license are pul	blic data.		
49.12	Subd. 3. Public application	data on license holders.	Once an application	ant for a cannabis
49.13	business license becomes a licen	se holder, all of the applic	cation data that	the license holder
49.14	had previously submitted to the c	office are public data exce	pt that the follo	wing data remain
49.15	classified as nonpublic data or pr	rivate data on individuals	<u>:</u>	
49.16	(1) data identifying retail or v	wholesale customers of a	cannabis busin	ess;
49.17	(2) data identifying cannabis	workers;		
49.18	(3) tax returns, bank account	statements, and other fin	ancial account i	information;
49.19	(4) business plans; and			
49.20	(5) security information and	trade secret information,	as defined by se	ection 13.37.
49.21	Subd. 4. Public disciplinary	data. Minutes, orders fo	r hearings, find	ings of fact,
49.22	conclusions of law, and specifica	tion of the final disciplina	ary action conta	ined in the record
49.23	of the disciplinary action are clas	sified as public data. If the	ere is a public he	earing concerning
49.24	the disciplinary action, the entire	e record concerning the di	isciplinary actic	on is public data.
49.25	If the license holder and the offic	ce agree to resolve a com	plaint without a	hearing, the
49.26	agreement and the specific reaso	ns for the agreement are	public data.	
49.27	Subd. 5. Data practices admi	inistration. (a) The office	must establish v	written procedures
49.28	to ensure that only individuals aut	horized by law may enter,	update, or acces	ss data maintained
49.29	by the office and classified as no	onpublic or private data of	n individuals. A	In authorized
49.30	individual's ability to enter, upda	te, or access not public da	ta must corresp	ond to the official
49.31	duties or training level of the ind	lividual and to the statuto	ry authorization	n granting access

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- 50.1 for that purpose. All queries and responses, and all actions in which not public data are
- 50.2 entered, updated, accessed, shared, or disseminated, must be recorded in a data audit trail.
- 50.3 Data contained in the audit trail have the same classification as the underlying data tracked
- 50.4 by the audit trail.

50.5 (b) The office must not share data classified as nonpublic or private data on individuals 50.6 under this section or other data identifying an individual applicant or license holder with 50.7 any federal agency, federal department, or federal entity unless specifically ordered to do

- 50.8 so by a state or federal court.
- 50.9 (c) The office must arrange for an independent audit to verify compliance with this
- 50.10 section. The audit must be completed annually for the first two years following establishment
- 50.11 of the office and biennially thereafter. The results of the audit are public. No later than 30
- 50.12 <u>days following completion of the audit, the office must provide a report summarizing the</u>
- 50.13 audit results to the chairs and ranking minority members of the committees of the house of
- 50.14 representatives and the senate with jurisdiction over commerce and data practices, and the
- 50.15 Legislative Commission on Data Practices and Personal Data Privacy. The report must be
- 50.16 submitted as required under section 3.195, except that printed copies are not required.

# 50.17 Sec. 21. [342.19] CANNABIS BUSINESS; GENERAL OWNERSHIP

### 50.18 **DISQUALIFICATIONS AND REQUIREMENTS.**

Subdivision 1. Criminal history check. Every license applicant and prospective cannabis 50.19 worker must submit a completed criminal history records check consent form, a full set of 50.20 classifiable fingerprints, and the required fees to the office. Upon receipt of this information, 50.21 the office must submit the completed criminal history records check consent form, full set 50.22 of classifiable fingerprints, and required fees to the Bureau of Criminal Apprehension. After 50.23 receiving this information, the bureau must conduct a Minnesota criminal history records 50.24 check of the person. The bureau may exchange the person's fingerprints with the Federal 50.25 Bureau of Investigation to obtain the person's national criminal history record information. 50.26 The bureau must return the results of the Minnesota and federal criminal history records 50.27 50.28 checks to the director to determine if the person is disqualified under this section.

# 50.29 Subd. 2. Criminal offenses; disqualifications. (a) No person may hold or receive a 50.30 license issued under this chapter or work for a cannabis business if the person has been

- 50.31 convicted of, or received a stay of adjudication for, a violation of a state or federal controlled
- 50.32 substance law that is a felony under Minnesota law or would be a felony if committed in
- 50.33 Minnesota, regardless of the sentence imposed, unless the office determines that the person's
- 50.34 <u>conviction was for the possession or sale of cannabis.</u>

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51.1	(b) A person who has been convicted of, or received a stay of adjudication for, a violation
51.2	of Minnesota Statutes 2022, section 152.023, subdivision 1, clause (3), or a state or federal
51.3	law in conformity with that provision, for the sale of cannabis to a person under the age of
51.4	18 may hold or receive a license issued under this chapter, or work for a cannabis business,
51.5	if 20 years have passed since the date the person was convicted or adjudication was stayed.
51.6	(c) Except as provided in paragraph (a), (b), or (d), a person who has been convicted of,
51.7	or received a stay of adjudication for, a violation of a state or federal law that is a felony
51.8	under Minnesota law or would be a felony if committed in Minnesota, regardless of the
51.9	sentence imposed, may hold or receive a license issued under this chapter, or work for a
51.10	cannabis business, if five years have passed since the discharge of the sentence.
51.11	(d) No license holder or applicant may hold or receive a license issued under this chapter,
51.12	or work for a cannabis business, if the person has been convicted of a sale of cannabis in
51.13	the first degree under section 152.0264, subdivision 1.
51.14	(e) A person who has been convicted of sale of cannabis in the second degree under
51.15	section 152.0264, subdivision 2, may hold or receive a license issued under this chapter or
51.16	work for a cannabis business if ten years have passed since the discharge of the sentence.
51.17	(f) A person who has been convicted of sale of cannabis in the third degree under section
51.18	152.0264, subdivision 3, may hold or receive a license issued under this chapter or work
51.19	for a cannabis business if five years have passed since the discharge of the sentence.
51.20	(g) A person who has been convicted of sale of cannabis in the fourth degree under
51.21	section 152.0264, subdivision 4, may hold or receive a license issued under this chapter or
51.22	work for a cannabis business if one year has passed since the discharge of the sentence.
51.23	(h) If the license holder or applicant is a business entity, the disqualifications under this
51.24	subdivision apply to every cooperative member or every director, manager, and general
51.25	partner of the business entity.
51.26	Subd. 3. Risk of harm; set aside. The office may set aside a disqualification under
51.27	subdivision 2 if the office finds that the person has submitted sufficient information to
51.28	demonstrate that the person does not pose a risk of harm to any person served by the
51.29	applicant, license holder, or other entities as provided in this chapter.
51.30	Subd. 4. General requirements. (a) A license holder or applicant must meet each of
51.31	the following requirements, if applicable, to hold or receive a license issued under this
51.32	chapter:
51.33	(1) be at least 21 years of age;

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52.1	(2) have completed an applic	ation for licensure or app	lication for ren	ewal;
52.2	(3) have paid the applicable a	application fee;		
52.3	(4) if the applicant or license	holder is a business entit	y, be incorporat	ted in the state or
52.4	otherwise formed or organized u	nder the laws of the state	2	
52.5	(5) not be employed by the o	ffice or any state agency	with regulatory	authority under
52.6	this chapter or the rules adopted	pursuant to this chapter;		
52.7	(6) not be a licensed peace off	icer, as defined in section	626.84, subdiv	ision 1, paragraph
52.8	<u>(c);</u>			
52.9	(7) never have had a license	previously issued under th	nis chapter revo	oked;
52.10	(8) have filed any previously	required tax returns for a	cannabis busir	ness;
52.11	(9) have paid and remitted an	y business taxes, gross rec	ceipts taxes, int	erest, or penalties
52.12	due relating to the operation of a	cannabis business;		
52.13	(10) have fully and truthfully	complied with all informa	tion requests of	the office relating
52.14	to license application and renews	al;		
52.15	(11) not be disqualified unde	r subdivision 2;		
52.16	(12) not employ an individua	l who is disqualified from	working for a c	cannabis business
52.17	under this chapter; and			
52.18	(13) meet the ownership and	operational requirements	for the type of	license and, if
52.19	applicable, endorsement sought	or held.		
52.20	(b) If the license holder or app	plicant is a business entity,	, every officer, c	director, manager,
52.21	and general partner of the busines	ss entity must meet each o	f the requirement	nts of this section.
52.22	Sec. 22. [342.20] CANNABIS	BUSINESSES: GENEI	RAL OPERAT	IONAL
52.23	REQUIREMENTS AND PRO	· · · · · ·		
52.24	Subdivision 1. Individuals u	inder 21 years of age. (a)	) A cannabis bu	siness may not
52.25	employ an individual under 21 y	ears of age and may not c	contract with an	individual under
52.26	21 years of age if the individual'	s scope of work involves	the handling of	cannabis plants,
52.27	cannabis flower, synthetically de	erived cannabinoids, or ca	nnabis product	<u>s.</u>
52.28	(b) A cannabis business may	not permit an individual u	under 21 years	of age to enter the
52.29	business premises other than ent	ry by a patient enrolled in	the registry pr	ogram.

53.1	(c) A cannabis business may not sell or give cannabis flower, cannabis products,
53.2	lower-potency hemp edibles, or hemp-derived consumer products to an individual under
53.3	21 years of age unless the individual is a patient; registered designated caregiver; or parent,
53.4	legal guardian, or spouse of a patient who is authorized to use, possess, or transport medical
53.5	cannabis flower or medical cannabinoid products.
53.6	Subd. 2. Use of cannabis flower and cannabis products within a licensed cannabis
53.7	business. (a) A cannabis business may not permit an individual who is not an employee to
53.8	consume cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived
53.9	consumer products within its licensed premises unless the business is licensed to permit
53.10	on-site consumption or the business has an on-site endorsement to a license authorizing the
53.11	sale of lower-potency hemp edibles.
53.12	(b) Except as otherwise provided in this subdivision, a cannabis business may not permit
53.13	an employee to consume cannabis flower, cannabis products, lower-potency hemp edibles,
53.14	or hemp-derived consumer products within its licensed premises or while the employee is
53.15	otherwise engaged in activities within the course and scope of employment.
53.16	(c) A cannabis business may permit an employee to use medical cannabis flower and
53.17	medical cannabinoid products if that individual is a patient.
53.18	(d) For quality control, employees of a licensed cannabis business may sample cannabis
53.19	flower or cannabis products. Employees may not interact directly with customers for at least
53.20	three hours after sampling a product. Employees may not consume more than three samples
53.21	in a single 24-hour period. All samples must be recorded in the statewide monitoring system.
53.22	Subd. 3. Restricted access. (a) Except as otherwise provided in this subdivision, a
53.23	cannabis business may not permit any individual to enter a restricted area unless the cannabis
53.24	business records the individual's name, time of entry, time of exit, and authorization to enter
53.25	the restricted area through use of an electronic or manual entry log and the individual:
53.26	(1) is a cannabis worker employed by or contracted with the cannabis business;
53.27	(2) is an employee of the office or another enforcement agency;
53.28	(3) is a contractor of the cannabis business, including but not limited to an electrician,
53.29	a plumber, an engineer, or an alarm technician, whose scope of work will not involve the
53.30	handling of cannabis flower, cannabis products, lower-potency hemp edibles, or
53.31	hemp-derived consumer products and, if the individual is working in an area with immediate
53.32	access to cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived

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54.1	consumer products, the individual is supervised at all times by a cannabis worker employed
54.2	by or contracted with the cannabis business; or
54.3	(4) has explicit authorization from the office to enter a restricted area and, if the individual
54.4	is in an area with immediate access to cannabis flower or cannabis products, the individual
54.5	is supervised at all times by a cannabis worker employed by or contracted with the cannabis
54.6	business.
54.7	(b) A cannabis business shall ensure that all areas of entry to restricted areas within its
54.8	licensed premises are conspicuously marked and cannot be entered without recording the
54.9	individual's name, time of entry, time of exit, and authorization to enter the restricted area.
54.10	Subd. 4. Ventilation and filtration. A cannabis business must maintain a ventilation
54.11	and filtration system sufficient to meet the requirements for odor control established by the
54.12	office.
54.13	Subd. 5. Records. (a) A cannabis business must retain financial records for the current
54.14	and previous tax year at the primary business location and must make those records available
54.15	for inspection by the office at any time during regular business hours.
54.16	(b) When applicable, a cannabis business must maintain financial records for the previous
54.17	ten tax years and must make those records available for inspection within one business day
54.18	of receiving a request for inspection by the office.
54.19	(c) The office may require a cannabis business to submit to an audit of its business
54.20	records. The office may select or approve the auditor and the cannabis business must provide
54.21	the auditor with access to all business records. The cost of the audit must be paid by the
54.22	cannabis business.
54.23	Subd. 6. Diversity report. A cannabis business shall provide an annual report on the
54.24	status of diversity in the business ownership, management, and employment and in services
54.25	for which the business contracts.
54.26	Subd. 7. Use of statewide monitoring system. (a) A cannabis business must use the
54.27	statewide monitoring system for integrated cannabis tracking, inventory, and verification
54.28	to track all cannabis plants, cannabis flower, cannabis products, lower-potency hemp edibles,
54.29	and hemp-derived consumer products the cannabis business has in its possession to the
54.30	point of disposal, transfer, or sale.
54.31	(b) For the purposes of this subdivision, a cannabis business possesses the cannabis
54.32	plants and cannabis flower that the business cultivates from seed or immature plant, if

HF100 FIRST UNOFFICIAL REVISOR BD UEH0100-1 ENGROSSMENT lower-potency hemp edibles, and hemp-derived consumer products that the business 55.1 manufactures or receives from another cannabis business. 55.2 55.3 (c) Sale and transfer of cannabis plants, cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products must be recorded in the 55.4 55.5 statewide monitoring system within the time established by rule. Subd. 8. Disposal; loss documentation. (a) A cannabis business must dispose of cannabis 55.6 plants, cannabis flower, cannabis products, lower-potency hemp edibles, hemp-derived 55.7 consumer products, and synthetically derived cannabinoids that are damaged, have a broken 55.8 seal, have been contaminated, or have not been sold by the expiration date on the label. 55.9 (b) Disposal must be conducted in a manner approved by the office. 55.10 (c) Disposed products must be documented in the statewide monitoring system. 55.11 (d) Any lost or stolen products must be reported to local law enforcement and a cannabis 55.12 business must log any lost or stolen products in the statewide monitoring system as soon 55.13 as the loss is discovered. 55.14 Subd. 9. Sale of approved products. A cannabis business may only sell cannabis plants, 55.15 cannabis flower, cannabis products, and synthetically derived cannabinoids that are approved 55.16 by the office and that comply with this chapter and rules adopted pursuant to this chapter 55.17 regarding the testing, packaging, and labeling of cannabis plants, cannabis flower, cannabis 55.18 products, and synthetically derived cannabinoids. 55.19 Subd. 10. Security. A cannabis business must maintain and follow a security plan to 55.20 deter and prevent the theft or diversion of cannabis plants, cannabis flower, cannabis products, 55.21 or hemp-derived consumer products; unauthorized entry into the cannabis business; and the 55.22 55.23 theft of currency. Subd. 11. Financial relationship. (a) Except for the lawful sale of cannabis plants, 55.24 cannabis flower, cannabis products, and synthetically derived cannabinoids in the ordinary 55.25 course of business and as otherwise provided in this subdivision, no cannabis business may 55.26 offer, give, accept, receive, or borrow money or anything else of value or accept or receive 55.27 credit from any other cannabis business. This prohibition applies to offering or receiving a 55.28 benefit in exchange for preferential placement by a cannabis retailer, including preferential 55.29 placement on the cannabis retailer's shelves, display cases, or website. This prohibition 55.30 applies to every cooperative member or every director, manager, and general partner of a 55.31

55.32 cannabis business.

56.1	(b) This prohibition does not apply to merchandising credit in the ordinary course of
56.2	business for a period not to exceed 30 days or for marketing or consumer education materials
56.3	made available in a retail location.
56.4	(c) This prohibition does not apply to free samples of useable cannabis flower or cannabis
56.5	products packaged in a sample jar protected by a plastic or metal mesh screen to allow
56.6	customers to smell the cannabis flower or cannabis product before purchase. A sample jar
56.7	may not contain more than eight grams of useable cannabis flower, eight grams of a cannabis
56.8	concentrate, or an edible cannabis product infused with 100 milligrams of
56.9	tetrahydrocannabinol.
56.10	(d) This prohibition does not apply to free samples of cannabis flower or cannabis
56.11	products provided to a cannabis retailer or cannabis wholesaler for the purposes of quality
56.12	control and to allow cannabis retailers to determine whether to offer a product for sale. A
56.13	sample provided for these purposes may not contain more than eight grams of useable
56.14	cannabis flower, eight grams of a cannabis concentrate, or an edible cannabis product infused
56.15	with 100 milligrams of tetrahydrocannabinol.
56.16	(e) This prohibition does not apply to any fee charged by a licensed cannabis event
56.17	organizer to a cannabis business for participation in a cannabis event.
56.18	Subd. 12. Exclusive contracts. A cannabis business may not directly or indirectly make
56.18 56.19	Subd. 12. Exclusive contracts. A cannabis business may not directly or indirectly make an agreement with a cannabis retailer that binds the cannabis retailer to purchase the products
	<u> </u>
56.19	an agreement with a cannabis retailer that binds the cannabis retailer to purchase the products
56.19 56.20	an agreement with a cannabis retailer that binds the cannabis retailer to purchase the products of one cannabis cultivator or cannabis manufacturer to the exclusion of the products of other
56.19 56.20 56.21	an agreement with a cannabis retailer that binds the cannabis retailer to purchase the products of one cannabis cultivator or cannabis manufacturer to the exclusion of the products of other cannabis cultivators or cannabis manufacturers. A cannabis retailer who is a party to a
<ul><li>56.19</li><li>56.20</li><li>56.21</li><li>56.22</li></ul>	an agreement with a cannabis retailer that binds the cannabis retailer to purchase the products of one cannabis cultivator or cannabis manufacturer to the exclusion of the products of other cannabis cultivators or cannabis manufacturers. A cannabis retailer who is a party to a violation of this section or who receives the benefits of a violation is equally guilty of a
<ul> <li>56.19</li> <li>56.20</li> <li>56.21</li> <li>56.22</li> <li>56.23</li> </ul>	an agreement with a cannabis retailer that binds the cannabis retailer to purchase the products of one cannabis cultivator or cannabis manufacturer to the exclusion of the products of other cannabis cultivators or cannabis manufacturers. A cannabis retailer who is a party to a violation of this section or who receives the benefits of a violation is equally guilty of a violation.
<ul> <li>56.19</li> <li>56.20</li> <li>56.21</li> <li>56.22</li> <li>56.23</li> <li>56.24</li> </ul>	an agreement with a cannabis retailer that binds the cannabis retailer to purchase the products of one cannabis cultivator or cannabis manufacturer to the exclusion of the products of other cannabis cultivators or cannabis manufacturers. A cannabis retailer who is a party to a violation of this section or who receives the benefits of a violation is equally guilty of a violation. Subd. 13. Customer privacy. A cannabis business must not share data on retail or
<ul> <li>56.19</li> <li>56.20</li> <li>56.21</li> <li>56.22</li> <li>56.23</li> <li>56.24</li> <li>56.25</li> <li>56.26</li> </ul>	an agreement with a cannabis retailer that binds the cannabis retailer to purchase the products of one cannabis cultivator or cannabis manufacturer to the exclusion of the products of other cannabis cultivators or cannabis manufacturers. A cannabis retailer who is a party to a violation of this section or who receives the benefits of a violation is equally guilty of a violation. Subd. 13. Customer privacy. A cannabis business must not share data on retail or wholesale customers with any federal agency, federal department, or federal entity unless specifically ordered by a state or federal court.
<ul> <li>56.19</li> <li>56.20</li> <li>56.21</li> <li>56.22</li> <li>56.23</li> <li>56.24</li> <li>56.25</li> </ul>	an agreement with a cannabis retailer that binds the cannabis retailer to purchase the products of one cannabis cultivator or cannabis manufacturer to the exclusion of the products of other cannabis cultivators or cannabis manufacturers. A cannabis retailer who is a party to a violation of this section or who receives the benefits of a violation is equally guilty of a violation. Subd. 13. Customer privacy. A cannabis business must not share data on retail or wholesale customers with any federal agency, federal department, or federal entity unless
<ul> <li>56.19</li> <li>56.20</li> <li>56.21</li> <li>56.22</li> <li>56.23</li> <li>56.24</li> <li>56.25</li> <li>56.26</li> </ul>	an agreement with a cannabis retailer that binds the cannabis retailer to purchase the products of one cannabis cultivator or cannabis manufacturer to the exclusion of the products of other cannabis cultivators or cannabis manufacturers. A cannabis retailer who is a party to a violation of this section or who receives the benefits of a violation is equally guilty of a violation. Subd. 13. Customer privacy. A cannabis business must not share data on retail or wholesale customers with any federal agency, federal department, or federal entity unless specifically ordered by a state or federal court. Sec. 23. [342.21] CANNABIS CULTIVATOR LICENSING AND OPERATIONS. Subdivision 1. Authorized actions. A cannabis cultivator license entitles the license
<ul> <li>56.19</li> <li>56.20</li> <li>56.21</li> <li>56.22</li> <li>56.23</li> <li>56.24</li> <li>56.25</li> <li>56.26</li> <li>56.26</li> </ul>	an agreement with a cannabis retailer that binds the cannabis retailer to purchase the products of one cannabis cultivator or cannabis manufacturer to the exclusion of the products of other cannabis cultivators or cannabis manufacturers. A cannabis retailer who is a party to a violation of this section or who receives the benefits of a violation is equally guilty of a violation. Subd. 13. Customer privacy. A cannabis business must not share data on retail or wholesale customers with any federal agency, federal department, or federal entity unless specifically ordered by a state or federal court. Sec. 23. [342.21] CANNABIS CULTIVATOR LICENSING AND OPERATIONS.
<ul> <li>56.19</li> <li>56.20</li> <li>56.21</li> <li>56.22</li> <li>56.23</li> <li>56.24</li> <li>56.25</li> <li>56.26</li> <li>56.26</li> <li>56.27</li> <li>56.28</li> </ul>	an agreement with a cannabis retailer that binds the cannabis retailer to purchase the products of one cannabis cultivator or cannabis manufacturer to the exclusion of the products of other cannabis cultivators or cannabis manufacturers. A cannabis retailer who is a party to a violation of this section or who receives the benefits of a violation is equally guilty of a violation. Subd. 13. Customer privacy. A cannabis business must not share data on retail or wholesale customers with any federal agency, federal department, or federal entity unless specifically ordered by a state or federal court. Sec. 23. [342.21] CANNABIS CULTIVATOR LICENSING AND OPERATIONS. Subdivision 1. Authorized actions. A cannabis cultivator license entitles the license
<ul> <li>56.19</li> <li>56.20</li> <li>56.21</li> <li>56.22</li> <li>56.23</li> <li>56.24</li> <li>56.25</li> <li>56.26</li> <li>56.27</li> <li>56.28</li> <li>56.29</li> </ul>	an agreement with a cannabis retailer that binds the cannabis retailer to purchase the products of one cannabis cultivator or cannabis manufacturer to the exclusion of the products of other cannabis cultivators or cannabis manufacturers. A cannabis retailer who is a party to a violation of this section or who receives the benefits of a violation is equally guilty of a violation. Subd. 13. Customer privacy. A cannabis business must not share data on retail or wholesale customers with any federal agency, federal department, or federal entity unless specifically ordered by a state or federal court. Sec. 23. [342.21] CANNABIS CULTIVATOR LICENSING AND OPERATIONS. Subdivision 1. Authorized actions. A cannabis cultivator license entitles the license holder to grow cannabis plants within the approved amount of space from seed or immature
<ul> <li>56.19</li> <li>56.20</li> <li>56.21</li> <li>56.22</li> <li>56.23</li> <li>56.24</li> <li>56.25</li> <li>56.26</li> <li>56.27</li> <li>56.28</li> <li>56.29</li> <li>56.30</li> </ul>	an agreement with a cannabis retailer that binds the cannabis retailer to purchase the products of one cannabis cultivator or cannabis manufacturer to the exclusion of the products of other cannabis cultivators or cannabis manufacturers. A cannabis retailer who is a party to a violation of this section or who receives the benefits of a violation is equally guilty of a violation. Subd. 13. Customer privacy. A cannabis business must not share data on retail or wholesale customers with any federal agency, federal department, or federal entity unless specifically ordered by a state or federal court. Sec. 23. [342.21] CANNABIS CULTIVATOR LICENSING AND OPERATIONS. Subdivision 1. Authorized actions. A cannabis cultivator license entitles the license holder to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant, harvest cannabis flower from a mature plant, package and label

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57.1	Subd. 2. Size limitations. A cannabis cultivator may cultivate up to 15,000 square feet
57.2	of plant canopy unless the office, by rule, increases that limit. The office may, by rule,
57.3	increase the limit on plant canopy to no more than 30,000 cubic feet if the office determines
57.4	that expansion is consistent with the goals identified in section 342.02, subdivision 1. A
57.5	cannabis cultivator may not operate multiple tiers of cultivation unless authorized by the
57.6	office.
57.7	Subd. 3. Additional information required. In addition to the information required to
57.8	be submitted under section 342.14, subdivision 1, and rules adopted pursuant to that section,
57.9	a person, cooperative, or business seeking a cannabis cultivator license must submit the
57.10	following information in a form approved by the office:
57.11	(1) an operating plan demonstrating the proposed size and layout of the cultivation
57.12	facility; plans for wastewater and waste disposal for the cultivation facility; plans for
57.13	providing electricity, water, and other utilities necessary for the normal operation of the
57.14	cultivation facility; and plans for compliance with the applicable building code and federal
57.15	and state environmental and workplace safety requirements;
57.16	(2) a cultivation plan demonstrating the proposed size and layout of the cultivation
57.17	facility that will be used exclusively for cultivation including the total amount of plant
57.18	canopy; and
57.19	(3) evidence that the business will comply with the applicable operation requirements
57.20	for the license being sought.
57.21	Subd. 4. Multiple licenses; limits. (a) A person, cooperative, or business holding a
57.22	cannabis cultivator license may also hold a cannabis manufacturing license, medical cannabis
57.23	cultivator license, medical cannabis producer license, license to grow industrial hemp, and
57.24	cannabis event organizer license.
57.25	(b) Except as provided in paragraph (a), no person, cooperative, or business holding a
57.26	cannabis cultivator license may own or operate any other cannabis business or hemp business.
57.27	This prohibition does not prevent the transportation of cannabis flower from a cannabis
57.28	cultivator to a cannabis manufacturer licensed to the same person, cooperative, or business
57.29	and located on the same premises.
57.30	(c) The office by rule may limit the number of cannabis cultivator licenses a person,
57.31	cooperative, or business may hold.

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58.1	(d) For purposes of this subdiv	vision, a restriction on th	he number or typ	be of license a
58.2	business may hold applies to ever	y cooperative member of	or every director	, manager, and
58.3	general partner of a cannabis busin	ness.		
58.4	Subd. 5. Cultivation operatio	ns. <u>A cannabis cultivat</u>	or must comply	with the
58.5	requirements in section 342.25.			
58.6	Subd. 6. Limitations on healt	<u>h care practitioners.</u> <u>A</u>	A health care pra	ctitioner who
58.7	certifies qualifying medical condition	tions for patients is prol	hibited from:	
58.8	(1) holding a direct or indirect	economic interest in a	cannabis cultiva	<u>tor;</u>
58.9	(2) serving as a cooperative me	ember, director, manage	er, general partn	er, or employee
58.10	of a cannabis cultivator; or			
58.11	(3) advertising with a cannabis	s cultivator in any way.		
58.12	Subd. 7. Remuneration. A can	nnabis cultivator is prol	hibited from:	
58.13	(1) accepting or soliciting any f	form of remuneration fr	om a health care	practitioner who
58.14	certifies qualifying medical condition	tions for patients; or		
58.15	(2) offering any form of remune	eration to a health care pr	cactitioner who c	ertifies qualifying
58.16	medical conditions for patients.			
58.17	Sec. 24. [342.22] RETAILERS;	LOCAL REGISTRA	TION AND EN	FORCEMENT.
58.18	Subdivision 1. Registration rec	<b>quired.</b> Before making r	etail sales to cust	omers or patients,
58.19	a cannabis microbusiness with a re	etail operations endorse	ement, cannabis	mezzobusiness
58.20	with a retail operations endorseme	ent, cannabis retailer, m	edical cannabis	retailer, or
58.21	lower-potency hemp edible retaile	er must register with the	e city, town, or c	ounty in which
58.22	the retail establishment is located.	A county may issue a r	registration in ca	uses where a city
58.23	or town has provided consent for t	the county to issue the r	registration for t	he jurisdiction.
58.24	Subd. 2. Registration fee. (a)	A local unit of governm	nent may impose	e an initial retail
58.25	registration fee of up to half the ar	nount of the applicable	initial license fe	e under section
58.26	342.11. The local unit of governm	ent may also impose a	renewal retail re	gistration fee of
58.27	up to half the amount of the applic	able renewal license fee	e under section 3	42.11. The initial
58.28	license fee shall include the fee fo	r initial registration and	l the first annual	renewal. Any
58.29	renewal fee imposed by the local u	unit of government shal	ll be charged at t	the time of the
58.30	second renewal and each subseque	ent annual renewal ther	eafter.	
58.31	(b) The local unit of governme	ent may not charge an a	pplication fee.	

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59.1	(c) A cannabis business with	a cannabis retailer licens	e and a medical	cannabis retailer		
59.2	license for the same location may only be charged a single registration fee.					
59.3	(d) Registration fees are nonr	efundable.				
59.4	Subd. 3. Issuance of registra	ntion. (a) A local unit of g	government sha	ll issue a retail		
59.5	registration to a cannabis microb	usiness with a retail oper	ations endorsen	nent, cannabis		
59.6	mezzobusiness with a retail oper	ations endorsement, canr	nabis retailer, m	edical cannabis		
59.7	retailer, or lower-potency hemp	edible retailer that:				
59.8	(1) has a valid license issued	by the office;				
59.9	(2) has paid the registration for	ee or renewal fee pursuar	nt to subdivisior	<u>n 2;</u>		
59.10	(3) is found to be in complian	ce with the requirements	of this chapter a	t any preliminary		
59.11	compliance check that the local u	unit of government perfor	rms; and			
59.12	(4) if applicable, is current or	all property taxes and as	ssessments at th	e location where		
59.13	the retail establishment is located	<u>1.</u>				
59.14	(b) Before issuing a retail reg	istration, the local unit of	f government m	ay conduct a		
59.15	preliminary compliance check to ensure that the cannabis business or hemp business is in					
59.16	compliance with the applicable operation requirements and the limits on the types of cannabis					
59.17	flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products					
59.18	that may be sold.					
59.19	(c) A local unit of governmer	nt shall renew the retail re	gistration of a c	cannabis business		
59.20	or hemp business when the office	e renews the license of th	e cannabis busi	ness or hemp		
59.21	business.					
59.22	(d) A retail registration issued	d under this section may	not be transferre	ed.		
59.23	Subd. 4. Compliance checks	(a) A local unit of gover	rnment shall cor	nduct compliance		
59.24	checks of every cannabis busines	ss and hemp business wit	h a retail registr	ration issued by		
59.25	the local unit of government. The	e checks shall assess com	pliance with ag	e verification		
59.26	requirements, the applicable oper	ration requirements, and	the applicable li	mits on the types		
59.27	of cannabis flower, cannabis pro-	ducts, lower-potency hen	np edibles, and	hemp-derived		
59.28	consumer products being sold.					
59.29	(b) The local unit of governme	ent must conduct unannou	nced age verific	cation compliance		
59.30	checks at least once each calenda	ar year. Age verification of	compliance che	cks must involve		
59.31	persons at least 17 years of age, b	out under the age of 21, w	ho, with the pric	or written consent		
59.32	of a parent or guardian if the per-	son is under the age of 18	3, attempt to put	rchase adult-use		

HF100 FIRST UNOFFICIAL REVISOR BD UEH0100-1 ENGROSSMENT cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived 60.1 consumer products under the direct supervision of a law enforcement officer or an employee 60.2 60.3 of the local unit of government. (c) Checks to ensure compliance with the applicable operation requirements and the 60.4 60.5 limits on the types of cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products that may be sold must be performed at least once each 60.6 calendar year and may be performed by a law enforcement officer or an employee of the 60.7 local unit of government. 60.8 Subd. 5. Registration suspension and cancellation; notice to office; penalties. (a) If 60.9 a local unit of government determines that a cannabis business or hemp business with a 60.10 retail registration issued by the local unit of government is not operating in compliance with 60.11 the requirements of this chapter or that the operation of the business poses an immediate 60.12 threat to the health or safety of the public, the local unit of government may suspend the 60.13 retail registration of the cannabis business or hemp business. The local unit of government 60.14 must immediately notify the office of the suspension and shall include a description of the 60.15 grounds for the suspension. 60.16 (b) The office shall review the retail registration suspension and may order reinstatement 60.17 of the retail registration or take any action described in section 342.17 or 342.18. 60.18 60.19 (c) The retail registration suspension must be for up to 30 days unless the office suspends the license and operating privilege of the cannabis business or hemp business for a longer 60.20 period or revokes the license. 60.21 (d) The local unit of government may reinstate the retail registration if the local unit of 60.22 government determines that any violation has been cured. The local unit of government 60.23 must reinstate the retail registration if the office orders reinstatement. 60.24 (e) No cannabis microbusiness with a retail operations endorsement, cannabis 60.25 mezzobusiness with a retail operations endorsement, cannabis retailer, medical cannabis 60.26 retailer, or lower-potency hemp edible retailer may make any sale to a customer or patient 60.27 without a valid retail registration. A local unit of government may impose a civil penalty 60.28 of up to \$2,000 for each violation of this paragraph. 60.29 Sec. 25. [342.23] CANNABIS BUSINESSES AND HEMP BUSINESSES; GENERAL 60.30 **OPERATIONAL REQUIREMENTS.** 60.31

60.32 <u>Subdivision 1. Records. (a) Cannabis businesses and hemp businesses must retain</u>
60.33 financial records for the current and previous tax year at the primary business location and

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61.1	must make those records availa	ble for inspection by the of	ffice at any time	e during regular
61.2	business hours.			
61.3	(b) When applicable, a cann	abis business or hemp busi	iness must mair	ntain financial
61.4	records for the previous ten tax	years and must make those	records availat	ole for inspection
61.5	within one business day of rece	iving a request for inspecti	on by the office	2.
61.6	(c) The office may require a	cannabis business or hemp	p business to su	bmit to an audit
61.7	of its business records. The office	e may select or approve the	auditor and the c	cannabis business
61.8	or hemp business must provide	the auditor with access to a	all business reco	ords. The cost of
61.9	the audit must be paid by the ca	nnabis business or hemp b	usiness.	
61.10	Subd. 2. Diversity report.	Cannabis businesses and he	emp businesses	shall provide an
61.11	annual report on the status of di	versity in the business own	nership, manage	ement, and
61.12	employment and in services for	which the business contra	<u>cts.</u>	
61.13	Subd. 3. Disposal; loss doc	umentation. (a) Cannabis	businesses and	hemp businesses
61.14	must dispose of cannabis plants	, cannabis flower, cannabis	s products, synt	hetically derived
61.15	cannabinoids, lower-potency he	emp edibles, and hemp-der	ived consumer	products that are
61.16	damaged, have a broken seal, hav	ve been contaminated, or ha	ve not been sold	by the expiration
61.17	date on the label.			
61.18	(b) Disposal must be conduc	cted in a manner approved	by the office.	
61.19	(c) Disposal of any cannabis	s plants, cannabis flower, c	annabis product	ts, synthetically
61.20	derived cannabinoids, and hemp	o-derived consumer produc	ts that are requi	red to be entered
61.21	into the statewide monitoring sy	ystem must be documented	l in the statewid	e monitoring
61.22	system.			
61.23	(d) Loss or theft of any canna	bis plants, cannabis flower,	, cannabis produ	icts, synthetically
61.24	derived cannabinoids, lower-po	tency hemp edibles, or her	np-derived cons	sumer products
61.25	that are required to be entered in	nto the statewide monitoring	ng system must	be reported to
61.26	local law enforcement and a bu	siness must log any such lo	oss or theft in th	e statewide
61.27	monitoring system as soon as th	ne loss or theft is discovere	<u>d.</u>	
61.28	Subd. 4. Sale of approved [	oroducts. Cannabis busine	sses and hemp	businesses may
61.29	only sell cannabis plants, canna	bis flower, cannabis produ	cts, syntheticall	y derived
61.30	cannabinoids, lower-potency he	emp edibles, and hemp-der	ived consumer	products that are
61.31	a type approved by the office ar	nd that comply with this cha	apter and rules a	adopted pursuant
61.32	to this chapter regarding the tes	ting, packaging, and labeli	ng of cannabis	plants, cannabis

BD flower, cannabis products, synthetically derived cannabinoids, lower-potency hemp edibles, 62.1 and hemp-derived consumer products. 62.2 62.3 Subd. 5. Financial relationship. (a) Except for the lawful sale of cannabis plants, cannabis flower, cannabis products, synthetically derived cannabinoids, lower-potency 62.4 62.5 hemp edibles, and hemp-derived consumer products in the ordinary course of business and as otherwise provided in this subdivision, no cannabis business or hemp business may offer, 62.6 give, accept, receive, or borrow money or anything else of value or accept or receive credit 62.7 62.8 from any other cannabis business. This prohibition applies to offering or receiving a benefit in exchange for preferential placement by a retailer, including preferential placement on 62.9 the retailer's shelves, display cases, or website. This prohibition applies to every cooperative 62.10 member or every director, manager, and general partner of a cannabis business or hemp 62.11 business. 62.12 (b) This prohibition does not apply to merchandising credit in the ordinary course of 62.13 business for a period not to exceed 30 days. 62.14 (c) This prohibition does not apply to free samples of useable cannabis flower, cannabis 62.15 products, lower-potency hemp edibles, or hemp-derived consumer products packaged in a 62.16 sample jar protected by a plastic or metal mesh screen to allow customers to smell the 62.17 cannabis flower, cannabis product, lower-potency hemp edible, or hemp-derived consumer 62.18 product before purchase. A sample jar may not contain more than eight grams of useable 62.19 cannabis flower, eight grams of a cannabis concentrate, an edible cannabis product infused 62.20 62.21 with 100 milligrams of tetrahydrocannabinol, a lower-potency hemp edible infused with 50 milligrams of tetrahydrocannabinol, or a hemp-derived consumer product with a total 62.22 weight of more than eight grams. 62.23 (d) This prohibition does not apply to free samples of cannabis flower, cannabis products, 62.24 62.25 lower-potency hemp edibles, or hemp-derived consumer products provided to a retailer or 62.26 cannabis wholesaler for the purposes of quality control and to allow retailers to determine whether to offer a product for sale. A sample provided for these purposes may not contain 62.27 more than eight grams of useable cannabis flower, eight grams of a cannabis concentrate, 62.28 an edible cannabis product infused with 100 milligrams of tetrahydrocannabinol, a 62.29 lower-potency hemp edible infused with 50 milligrams of tetrahydrocannabinol, or a 62.30 hemp-derived consumer product with a total weight of more than eight grams. 62.31 (e) This prohibition does not apply to any fee charged by a licensed cannabis event 62.32 organizer to a cannabis business or hemp business for participation in a cannabis event. 62.33

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63.1	Subd. 6. Customer privacy.	Cannabis businesses and	l hemp businesses	must not share
63.2	data on retail or wholesale custon	ners with any federal age	ncy, federal departr	nent, or federal
63.3	entity unless specifically ordered	l by a state or federal cou	urt.	
63.4	Sec. 26. [342.24] CANNABIS	MANUFACTURER LIC	CENSING AND O	PERATIONS.
63.5	Subdivision 1. Authorized a	ctions. A cannabis manu	ıfacturer license, c	onsistent with
63.6	the specific license endorsement			
(2.7				
63.7	(1) purchase cannabis flower	• •		• · · · · ·
63.8 63.9	and synthetically derived cannab mezzobusiness, a cannabis cultiv		,	
63.10	wholesaler;			annaois
05.10				
63.11	(2) purchase hemp plant parts	s and propagules from ar	n industrial hemp g	rower licensed
63.12	under chapter 18K;			
63.13	(3) purchase hemp concentrat	e from an industrial hem	p processor license	d under chapter
63.14	<u>18K;</u>			
63.15	(4) accept cannabis flower from the former from the former from the former from the former former from the former former former for the former former former former for the former former former for the former former former for the former former former for the former fo	om unlicensed persons w	who are at least 21	years of age
63.16	provided that the cannabis manu	facturer does not accept	more than two our	nces from an
63.17	individual on a single occasion;			
63.18	(5) make cannabis concentrat	te;		
63.19	(6) make hemp concentrate, i	ncluding hemp concentr	rate with a delta-9	
63.20	tetrahydrocannabinol concentrat	ion of more than 0.3 per	cent as measured b	y weight;
63.21	(7) manufacture synthetically	v derived cannabinoids;		
63.22	(8) manufacture adult-use can	nnabis products, lower-p	otency hemp edibl	es, and
63.23	hemp-derived consumer product	s for public consumption	<u>1;</u>	
63.24	(9) package and label adult-u	se cannabis products, lo	wer-potency hemp	edibles, and
63.25	hemp-derived consumer product	s for customers;		
63.26	(10) sell cannabis concentrate	e, hemp concentrate, syn	thetically derived	cannabinoids,
63.27	adult-use cannabis products, low	er-potency hemp edibles	s, and hemp-derive	ed consumer
63.28	products to other cannabis busin	esses; and		
63.29	(11) perform other actions ap	proved by the office.		
63.30	Subd. 2. Size limitations. The	e office shall, by rule, esta	ablish a limit on the	manufacturing
63.31	of adult-use cannabis products, l	ower-potency hemp edib	oles, or hemp-deriv	ed consumer

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64.1	products a cannabis manufacturer may perform. The limit must be equivalent to the amount
64.2	of cannabis flower that can be harvested from a facility with a plant canopy of 15,000 square
64.3	feet in a year, but may be increased to the amount that can be harvested from a facility with
64.4	up to 30,000 cubic feet of plant canopy if the office expands the allowable area of cultivation
64.5	under section 342.21, subdivision 2.
64.6	Subd. 3. Additional information required. In addition to the information required to
64.7	be submitted under section 342.14, subdivision 1, and rules adopted pursuant to that section,
64.8	a person, cooperative, or business seeking a cannabis manufacturer license must submit the
64.9	following information in a form approved by the office:
64.10	(1) an operating plan demonstrating the proposed layout of the facility, including a
64.11	diagram of ventilation and filtration systems; plans for wastewater and waste disposal for
64.12	the manufacturing facility; plans for providing electricity, water, and other utilities necessary
64.13	for the normal operation of the manufacturing facility; and plans for compliance with
64.14	applicable building code and federal and state environmental and workplace safety
64.15	requirements; and
64.16	(2) evidence that the business will comply with the applicable operation requirements
64.17	for the endorsement being sought.
64.18	Subd. 4. Multiple licenses; limits. (a) A person, cooperative, or business holding a
64.19	cannabis manufacturer license may also hold a cannabis cultivator license, a medical cannabis
64.20	cultivator license, a medical cannabis processor license, and a cannabis event organizer
64.21	license.
64.22	(b) Except as provided in paragraph (a), no person, cooperative, or business holding a
64.23	cannabis manufacturer license may own or operate any other cannabis business or hemp
64.24	business. This prohibition does not prevent transportation of cannabis flower from a cannabis
64.25	cultivator to a cannabis manufacturer licensed to the same person, cooperative, or business
64.26	and located on the same premises.
64.27	(c) The office by rule may limit the number of cannabis manufacturer licenses that a
64.28	person or business may hold.
64.29	(d) For purposes of this subdivision, a restriction on the number or type of license that
64.30	a business may hold applies to every cooperative member or every director, manager, and
64.31	general partner of a cannabis business.
64.32	Subd. 5. Limitations on health care practitioners. A health care practitioner who
64.33	certifies qualifying medical conditions for patients is prohibited from:

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65.1	(1) holding a direct or indirect	et economic interest in a c	cannabis manufa	acturer;
65.2	(2) serving as a cooperative r	nember, director, manage	er, general partn	er, or employee
65.3	of a cannabis manufacturer; or			
65.4	(3) advertising with a cannab	is manufacturer in any w	ay.	
65.5	Subd. 6. <b>Remuneration.</b> A c	annabis manufacturer is	prohibited from	<u>:</u>
65.6	(1) accepting or soliciting any	y form of remuneration from	om a health care	practitioner who
65.7	certifies qualifying medical conc	litions for patients; or		
65.8	(2) offering any form of remu	neration to a health care pr	actitioner who c	ertifies qualifying
65.9	medical conditions for patients.			
65.10	Subd. 7. Cultivation operation	i <b>ons.</b> A cannabis manufac	cturer must com	ply with the
65.11	requirements in section 342.25.			
65.12	Sec. 27. [342.25] CULTIVAT	ION OF CANNABIS; G	ENERAL RE	<u>QUIREMENTS.</u>
65.13	Subdivision 1. Applicability	Every cannabis business	s with a license	or endorsement
65.14	authorizing the cultivation of car	nnabis must comply with	the requiremen	ts of this section.
65.15	Subd. 2. Cultivation records	s. A business licensed or	authorized to cu	ultivate cannabis
65.16	must prepare a cultivation record	d for each batch of cannal	ois plants and ca	annabis flower in
65.17	the form required by the office a	nd must maintain each re	cord for at least	t five years. The
65.18	cultivation record must include the	ne quantity and timing, wh	nere applicable,	of each pesticide,
65.19	fertilizer, soil amendment, or pla	int amendment used to cu	ltivate the batch	n, as well as any
65.20	other information required by th	e office in rule. The cann	abis business m	ust present
65.21	cultivation records to the office,	the commissioner of agri	culture, or the c	commissioner of
65.22	health upon request.			
65.23	Subd. 3. Agricultural chemi	icals and other inputs. A	business licent	sed or authorized
65.24	to cultivate cannabis is subject to	o rules promulgated by th	e office in cons	ultation with the
65.25	commissioner of agriculture, sub	oject to subdivision 5, gov	verning the use	of pesticides,
65.26	fertilizers, soil amendments, plan	nt amendments, and other	r inputs to cultiv	vate cannabis.
65.27	Subd. 4. Cultivation plan. A	business licensed or auth	orized to cultiva	ate cannabis must
65.28	prepare, maintain, and execute a	n operating plan and a cu	ltivation plan as	s directed by the
65.29	office in rule, which must includ	e but is not limited to:		
65.30	(1) water usage;			
65.31	(2) recycling;			

66.1	(3) solid waste disposal; and
66.2	(4) a pest management protocol that incorporates integrated pest management principles
66.3	to control or prevent the introduction of pests to the cultivation site.
66.4	Subd. 5. Agricultural chemicals and other inputs; pollinator protection. (a) A business
66.5	licensed or authorized to cultivate cannabis must comply with chapters 18B, 18C, 18D, and
66.6	any other pesticide, fertilizer, soil amendment, and plant amendment laws and rules enforced
66.7	by the commissioner of agriculture.
66.8	(b) A business licensed or authorized to cultivate cannabis must not apply pesticides
66.9	when pollinators are present or allow pesticides to drift to flowering plants that are attractive
66.10	to pollinators.
66.11	Subd. 6. Adulteration prohibited. A business licensed or authorized to cultivate cannabis
66.12	must not treat or otherwise adulterate cannabis plants or cannabis flower with any substance
66.13	or compound that has the effect or intent of altering the color, appearance, weight, potency,
66.14	or odor of the cannabis.
66.15	Subd. 7. Indoor or outdoor cultivation authorized; security. A business licensed or
66.16	authorized to cultivate cannabis may cultivate cannabis plants indoors or outdoors, subject
66.17	to the security, fencing, lighting, and any other requirements imposed by the office in rule.
66.18	Subd. 8. Genetically engineered organism release permit. The commissioner of
66.19	agriculture may issue a genetically engineered agriculturally related organism permit under
66.20	chapter 18F for cannabis seed or cannabis plants.
66.21	Subd. 9. Exception. Nothing in this section applies to the cultivation of hemp plants.
66.22	Sec. 28. [342.26] MANUFACTURE OF CANNABIS PRODUCTS; GENERAL
66.23	REQUIREMENTS.
66.24	Subdivision 1. Applicability. Every cannabis business with a license or endorsement
66.25	authorizing the creation of cannabis concentrate and manufacture of cannabis products and
66.26	hemp-derived consumer products for public consumption must comply with the requirements
66.27	of this section.
66.28	Subd. 2. All manufacturer operations. (a) Cannabis manufacturing must take place in
66.29	an enclosed, locked facility that is used exclusively for the manufacture of cannabis products,
66.30	creation of hemp concentrate, creation of synthetically derived cannabinoids, creation of
66.31	lower-potency hemp edibles, or creation of hemp-derived consumer products except that a

67.1	business that also holds a cannabis cultivator license may operate in a facility that shares
67.2	general office space, bathrooms, entryways, and walkways.
67.3	(b) Cannabis manufacturing must take place on equipment that is used exclusively for
67.4	the manufacture of cannabis products, creation of hemp concentrate, creation of synthetically
67.5	derived cannabinoids, creation of lower-potency hemp edibles, or creation of hemp-derived
67.6	consumer products.
67.7	(c) A business licensed or authorized to manufacture cannabis products must comply
67.8	with all applicable packaging, labeling, and health and safety requirements.
67.9	Subd. 3. Extraction and concentration. (a) A business licensed or authorized to
67.10	manufacture cannabis products that creates cannabis concentrate, hemp concentrate, or
67.11	synthetically derived cannabinoids must obtain an endorsement from the office.
67.12	(b) A business licensed or authorized to manufacture cannabis products must inform the
67.13	office of all methods of extraction and concentration that the manufacturer intends to use
67.14	and identify the volatile chemicals, if any, that will be involved in the creation of cannabis
67.15	concentrate or hemp concentrate. A cannabis manufacturer may not use a method of
67.16	extraction and concentration or a volatile chemical without approval by the office.
67.17	(c) A business licensed or authorized to manufacture cannabis products must inform the
67.18	office of all methods of conversion that the manufacturer will use, including any specific
67.19	catalysts that the manufacturer will employ, to create synthetically derived cannabinoids
67.20	and the molecular nomenclature of all cannabinoids or other chemical compounds that the
67.21	manufacturer will create. A business licensed or authorized to manufacture cannabis products
67.22	may not use a method of conversion or a catalyst without approval by the office.
67.23	(d) A business licensed or authorized to manufacture cannabis products must obtain a
67.24	certification from an independent third-party industrial hygienist or professional engineer
67.25	approving:
67.26	(1) all electrical, gas, fire suppression, and exhaust systems; and
67.27	(2) the plan for safe storage and disposal of hazardous substances, including but not
67.28	limited to any volatile chemicals.
67.29	(e) A business licensed or authorized to manufacture cannabis products that manufactures
67.30	cannabis concentrate from cannabis flower received from an unlicensed person who is at
67.31	least 21 years of age must comply with all health and safety requirements established by
67.32	the office. At a minimum, the office shall require the manufacturer to:

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68.1	(1) store the cannabis flower in an $(1)$	area that is segregate	ed from cannabis flo	wer and hemp
68.2	plant parts received from a licensed c	annabis business;		
68.3	(2) perform the extraction and cor	ncentration on equip	ment that is used ex	xclusively for
68.4	extraction or concentration of cannab	is flower received f	rom unlicensed indi	ividuals;
68.5	(3) store any cannabis concentrate	in an area that is segr	regated from cannab	is concentrate,
68.6	hemp concentrate, or synthetically derived cannabinoids derived or manufactured from			
68.7	cannabis flower or hemp plant parts r	received from a licer	nsed cannabis busin	less; and
68.8	(4) provide any cannabis concentr	rate only to the perso	on who provided th	e cannabis
68.9	flower.			
68.10	(f) Upon the sale of cannabis cond	centrate, hemp conc	entrate, or synthetic	ally derived
68.11	cannabinoids to any person, cooperat	ive, or business, a b	usiness licensed or	authorized to
68.12	manufacture cannabis products must	provide a statement	to the buyer that di	scloses the
68.13	method of extraction and concentration	on or conversion us	ed and any solvents	, gases, or
68.14	catalysts, including but not limited to	any volatile chemic	cals, involved in that	t method.
68.15	Subd. 4. Production of consume	<b>r products.</b> (a) A bi	usiness licensed or a	authorized to
68.16	manufacture cannabis products that p	roduces edible cann	abis products or lov	wer-potency
68.17	hemp edibles must obtain an edible cannabinoid product handler endorsement from the			nt from the
68.18	office.			
68.19	(b) A business licensed or authori	zed to manufacture	cannabis products r	nust obtain an
68.20	endorsement from the office to produ	ice:		
68.21	(1) cannabis products other than e	dible cannabis prod	ucts; or	
68.22	(2) hemp-derived consumer produ	acts other than lower	r-potency hemp edi	bles.
68.23	(c) All areas within the licensed p	remises of a busines	ss licensed or autho	rized to
68.24	manufacture cannabis products produ	cing cannabis produ	icts, lower-potency	hemp edibles,
68.25	or hemp-derived consumer products	must meet the sanita	ary standards specif	ied in rules
68.26	adopted by the office.			
68.27	(d) A business licensed or authori	zed to manufacture	cannabis products r	nay only add
68.28	chemicals or compounds approved by	the office to cannab	ois concentrate, hem	p concentrate,
68.29	or synthetically derived cannabinoids	<u>.</u>		
68.30	(e) Upon the sale of any cannabis	product, lower-poter	ncy hemp edible, or	hemp-derived
68.31	consumer product to a cannabis busine	ess or hemp business	, a business licensed	l or authorized
68.32	to manufacture cannabis products mu	ist provide a stateme	ent to the buyer that	discloses the

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69.1	product's ingredients, including b	out not limited to any che	emicals or comp	oounds and any
69.2	major food allergens declared by	name.		
69.3	(f) A business licensed or aut	horized to manufacture c	annabis produc	ts shall not add
69.4	any cannabis flower, cannabis co	ncentrate, synthetically o	lerived cannabi	noid, hemp plant
69.5	part, or hemp concentrate to a pro-	oduct where the manufac	turer of the pro	duct holds a
69.6	trademark to the product's name, e	except that a business licer	nsed or authoriz	ed to manufacture
69.7	cannabis products may use a trade	emarked food product if t	he manufacture	er uses the product
69.8	as a component or as part of a rec	cipe and where the busin	ess licensed or	authorized to
69.9	manufacture cannabis products d	oes not state or advertise	to the custome	er that the final
69.10	retail cannabis product, lower-po	tency hemp edible, or he	mp-derived con	nsumer product
69.11	contains a trademarked food proc	luct.		
69.12	Subd. 5. Exception. Nothing	in this section applies to t	the operations o	falower-potency
69.13	hemp edible manufacturer.			
69.14	Sec. 29. [342.27] ADULT-USE	E CANNABIS RETAIL	ER LICENSIN	NG AND
69.15	<b>OPERATIONS.</b>			
69.16	Subdivision 1. Authorized ad	c <b>tions.</b> <u>An adult-use can</u>	nabis retailer lic	cense entitles the
69.17	license holder to:			
69.18	(1) purchase immature cannab	is plants and seedlings, ad	lult-use cannabis	s flower, adult-use
69.19	cannabis products, lower-potency	hemp edibles, and hemp	-derived consur	ner products from
69.20	cannabis microbusinesses, canna	bis mezzobusinesses, car	nnabis cultivato	ors, cannabis
69.21	manufacturers, and cannabis who	olesalers;		
69.22	(2) purchase lower-potency h	emp edibles from a licen	used lower-poter	ncy hemp edible
69.23	manufacturer;	•	<b>`</b>	
69.24	(3) sell immature cannabis pla	ants and seedlings, adult	-use cannabis fl	ower, adult-use
69.25	cannabis products, lower-potency			
69.26	other products authorized by law			• · · · ·
69.27	(4) perform other actions app	roved by the office.		
			~	
69.28	Subd. 2. Size limitations. A c	cannabis retailer may ope	erate up to five	retail locations.
69.29	Subd. 3. Additional informa	tion required. In additic	on to the inform	ation required to
69.30	be submitted under section 342.14	4, subdivision 1, and rules	s adopted pursua	ant to that section,
69.31	a person, cooperative, or business	seeking a cannabis retail	license must sub	omit the following
69.32	information in a form approved b	by the office:		

70.1	(1) a list of every retail license held by the applicant and, if the applicant is a business,
70.2	every retail license held, either as an individual or as part of another business, by each
70.3	officer, director, manager, and general partner of the cannabis business;
70.4	(2) an operating plan demonstrating the proposed layout of the facility, including a
70.5	diagram of ventilation and filtration systems; policies to avoid sales to individuals who are
70.6	under 21 years of age; identification of a restricted area for storage; and plans to prevent
70.7	the visibility of cannabis flower, cannabis products, lower-potency hemp edibles, and
70.8	hemp-derived consumer products to individuals outside the retail location; and
70.9	(3) evidence that the business will comply with the applicable operation requirements
70.10	for the license being sought.
70.11	Subd. 4. Multiple licenses; limits. (a) A person, cooperative, or business holding a
70.12	cannabis retailer license may also hold a cannabis delivery service license, a medical cannabis
70.13	retailer license, and a cannabis event organizer license.
70.14	(b) Except as provided in paragraph (a), no person, cooperative, or business holding a
70.15	cannabis retailer license may own or operate any other cannabis business or hemp business.
70.16	(c) No person, cooperative, or business may hold a license to own or operate more than
70.17	one cannabis retail business in one city and three retail businesses in one county.
70.18	(d) The office by rule may limit the number of cannabis retailer licenses a person,
70.19	cooperative, or business may hold.
70.20	(e) For purposes of this subdivision, a restriction on the number or type of license a
70.21	business may hold applies to every cooperative member or every director, manager, and
70.22	general partner of a cannabis business.
70.23	Subd. 5. Municipal or county cannabis store. A city or county may establish, own,
70.24	and operate a municipal cannabis store subject to the restrictions in this chapter.
70.25	Subd. 6. Limitations on health care practitioners. A health care practitioner who
70.26	certifies qualifying medical conditions for patients is prohibited from:
70.27	(1) holding a direct or indirect economic interest in a cannabis retailer;
70.28	(2) serving as a cooperative member, director, manager, general partner, or employee
70.29	of a cannabis retailer; or
70.30	(3) advertising with a cannabis retailer in any way.
70.31	Subd. 7. Remuneration. A cannabis retailer is prohibited from:

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71.1	(1) accepting or soliciting any	form of remuneration fr	om a health care	practitioner who
71.2	certifies qualifying medical cond	itions for patients; or		
71.3	(2) offering any form of remun	eration to a health care p	ractitioner who ce	ertifies qualifying
71.4	medical conditions for patients.			
71.5	Sec. 30. [342.28] RETAIL SAI	LE OF CANNABIS FI	LOWER AND P	RODUCTS;
71.6	GENERAL REQUIREMENTS	5 <u>.</u>		
71.7	Subdivision 1. Applicability.	Every cannabis busines	s with a license	or endorsement
71.8	authorizing the retail sale of cann	abis flower or cannabis	products must c	omply with the
71.9	requirements of this section.			
71.10	Subd. 2. Sale of cannabis flow	ver and cannabis prod	ucts. (a) A canna	bis business with
71.11	a license or endorsement authoriz	ing the retail sale of can	nabis flower or c	annabis products
71.12	may only sell immature cannabis	plants and seedlings, ad	ult-use cannabis	flower, adult-use
71.13	cannabis products, lower-potency	hemp edibles, and hem	p-derived consu	mer products to
71.14	individuals who are at least 21 ye	ears of age.		
71.15	(b) A cannabis business with	a license or endorsemen	t authorizing the	retail sale of
71.16	adult-use cannabis flower or adult	-use cannabis products r	nay sell immatur	e cannabis plants
71.17	and seedlings, adult-use cannabis	flower, adult-use cannal	bis products, low	er-potency hemp
71.18	edibles, and hemp-derived consume	mer products that:		
71.19	(1) are obtained from a busine	ess licensed under this c	hapter; and	
71.20	(2) meet all applicable packag	ing and labeling require	ements.	
71.21	(c) A cannabis business with a	a license or endorsemen	t authorizing the	retail sale of
71.22	cannabis flower or cannabis produ	icts may sell up to two ou	inces of adult-use	e cannabis flower
71.23	or hemp-derived consumer produ	cts consisting primarily	of hemp plant p	arts, eight grams
71.24	of adult-use cannabis concentrate	or hemp-derived consu	mer products con	sisting primarily
71.25	of hemp concentrate or synthetica	ally derived cannabinoid	ls, and edible car	nabis products
71.26	and lower-potency hemp edibles in	nfused with 800 milligram	ms of tetrahydroc	annabinol during
71.27	a single transaction to a customer	<u>.</u>		
71.28	(d) Edible cannabis products a	nd hemp-derived consu	mer products inte	ended to be eaten
71.29	may not include more than 20 mi	lligrams of tetrahydroca	nnabinol per ser	ving and a single
71.30	package may not include more th	an a total of 200 milligr	ams of tetrahydr	ocannabinol. A
71.31	package may contain multiple ser	vings of 20 milligrams	of tetrahydrocan	nabinol provided
71.32	that each serving is indicated by s	scoring, wrapping, or ot	her indicators de	signating the
71.33	individual serving size.			

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72.1	(e) Edible cannabis products and hemp-derived consumer products intended to be
72.2	consumed as beverages may not include more than 20 milligrams of tetrahydrocannabinol
72.3	per serving. A single beverage container may not contain more than two servings.
72.4	Subd. 3. Sale of other products. (a) A cannabis business with a license or endorsement
72.5	authorizing the retail sale of cannabis flower or cannabis products may sell cannabis
72.6	paraphernalia, including but not limited to childproof packaging containers and other devices
72.7	designed to ensure the safe storage and monitoring of cannabis flower, cannabis products,
72.8	lower-potency hemp edibles, and hemp-derived consumer products in the home to prevent
72.9	access by individuals under 21 years of age.
72.10	(b) A cannabis business with a license or endorsement authorizing the retail sale of
72.11	cannabis flower or cannabis products may sell hemp-derived topical products.
72.12	(c) A cannabis business with a license or endorsement authorizing the retail sale of
72.13	cannabis flower or cannabis products may sell the following products that do not contain
72.14	cannabis flower, cannabis concentrate, hemp concentrate, synthetically derived cannabinoids,
72.15	or tetrahydrocannabinol:
72.16	(1) drinks that do not contain alcohol and are packaged in sealed containers labeled for
72.17	retail sale;
72.18	(2) books and videos on the cultivation and use of cannabis flower and products that
72.19	contain cannabinoids;
72.20	(3) magazines and other publications published primarily for information and education
72.21	on cannabis plants, cannabis flower, and products that contain cannabinoids;
72.22	(4) multiple-use bags designed to carry purchased items;
72.23	(5) clothing marked with the specific name, brand, or identifying logo of the retailer;
72.24	and
72.25	(6) hemp fiber products and products that contain hemp grain.
72.26	Subd. 4. Age verification. (a) Prior to initiating a sale, an employee of a cannabis
72.27	business with a license or endorsement authorizing the retail sale of cannabis flower or
72.28	cannabis products must verify that the customer is at least 21 years of age.
72.29	(b) Proof of age may be established only by one of the following:
72.30	(1) a valid driver's license or identification card issued by Minnesota, another state, a
72.31	United States territory, or a province of Canada and including the photograph and date of
72.32	birth of the licensed person;

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73.1	(2) a valid Tribal identificati	on card as defined in sect	ion 171.072, pa	aragraph (b);
73.2	(3) a valid passport issued b	y the United States;		
73.3	(4) a valid instructional perm	nit issued under section 17	71.05 to a perso	on of legal age to
73.4	purchase adult-use cannabis flo	wer or adult-use cannabis	products, whic	h includes a
73.5	photograph and the date of birth	n of the person issued the p	permit; or	
73.6	(5) in the case of a foreign n	ational, a valid passport.		
73.7	(c) A retailer may seize a form	m of identification listed up	nder paragraph	(b) if the cannabis
73.8	retailer has reasonable grounds	to believe that the form of	identification h	as been altered or
73.9	falsified or is being used to viol	ate any law. A retailer tha	t seizes a form	of identification
73.10	as authorized under this paragra	ph must deliver it to a law	v enforcement a	agency within 24
73.11	hours of seizing it.			
73.12	Subd. 5. Display of cannab	is flower and products. (	a) A cannabis l	ousiness with a
73.13	license or endorsement authoriz	ting the retail sale of canna	abis flower or c	cannabis products
73.14	must designate a retail area whe	re customers are permitted	l. The retail are	a shall include the
73.15	portion of the premises where sa	amples of cannabis flower	and cannabis	products available
73.16	for sale are displayed. All other	cannabis flower and cann	abis products r	nust be stored in
73.17	the secure storage area.			
73.18	(b) A cannabis business with	n a license or endorsement	t authorizing th	e retail sale of
73.19	cannabis flower or cannabis pro	oducts may display one sar	mple of each ty	pe of cannabis
73.20	flower or cannabis product avai	lable for sale. Samples of	cannabis flowe	er and cannabis
73.21	products must be stored in a sar	nple jar or display case an	d be accompan	ied by a label or
73.22	notice containing the information	on required to be affixed to	o the packaging	g or container
73.23	containing cannabis flower and	cannabis products sold to	customers. A s	sample may not
73.24	consist of more than eight gram	s of adult-use cannabis flo	ower or adult-u	se cannabis
73.25	concentrate or an edible cannab	is product infused with me	ore than 100 m	illigrams of
73.26	tetrahydrocannabinol. A cannab	is retailer may allow custo	mers to smell th	ne cannabis flower
73.27	or cannabis product before purc	hase.		
73.28	(c) A cannabis business with	n a license or endorsement	authorizing th	e retail sale of
73.29	cannabis flower or cannabis pro	oducts may not sell cannab	ois flower or ca	nnabis products
73.30	used as a sample for display. If	the retailer uses display sa	mples of lower	r-potency hemp
73.31	edibles or hemp-derived consum	ner products, the retailer n	nay not sell the	product used as a
73.32	sample for display.			

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74.1	Subd. 6. Posting of notices. A	cannabis business with	a license or end	orsement
74.2	authorizing the retail sale of canna	bis flower or cannabis	products must p	ost all notices as
74.3	required by the office, including b	ut not limited to:		
74.4	(1) information about any proc	luct recall;		
74.5	(2) a statement that operating a	n motor vehicle under th	ne influence of in	ntoxicating
74.6	cannabinoids is illegal; and			
74.7	(3) a statement that cannabis fl	ower, cannabis product	s, lower-potency	hemp edibles,
74.8	and hemp-derived consumer produced	ucts are only intended for	or consumption	by individuals
74.9	who are at least 21 years of age.			
74.10	Subd. 7. Hours of operation. (	a) Except as provided by	/ paragraph (b), a	cannabis retailer
74.11	may not sell cannabis flower, cann	abis products, lower-po	otency hemp edi	bles, or
74.12	hemp-derived consumer products:			
74.13	(1) on Sundays, except betwee	n the hours of 11:00 a.r	n. and 6:00 p.m.	• <u>•</u>
74.14	(2) before 8:00 a.m. or after 10	:00 p.m. on Monday th	rough Saturday;	
74.15	(3) on Thanksgiving Day;			
74.16	(4) on Christmas Day, Decemb	<u>er 25; or</u>		
74.17	(5) after 8:00 p.m. on Christma	as Eve, December 24.		
74.18	(b) A city or county may adopt	an ordinance to permit	t sales between 1	0:00 p.m. and
74.19	8:00 a.m. on the days of Monday	hrough Saturday or Su	nday before 11:0	0 a.m. or after
74.20	<u>6:00 p.m.</u>			
74.21	(c) A cannabis business with a	license or endorsement	t authorizing the	retail sale of
74.22	cannabis flower or cannabis produc	ets may not be open to th	e public or sell a	ny other products
74.23	at times when it is prohibited from	selling cannabis flower,	cannabis product	ts, lower-potency
74.24	hemp edibles, and hemp-derived c	onsumer products.		
74.25	Subd. 8. Building conditions.	(a) A cannabis business	s with a license of	or endorsement
74.26	authorizing the retail sale of cannal	ois flower or cannabis pr	oducts shall main	ntain compliance
74.27	with state and local building, fire,	and zoning requiremen	ts or regulations	<u>.</u>
74.28	(b) A cannabis business with a	license or endorsement	t authorizing the	retail sale of
74.29	cannabis flower or cannabis produ	ects shall ensure that the	e licensed premis	ses is maintained
74.30	in a clean and sanitary condition,	free from infestation by	insects, rodents	, or other pests.

75.1	Subd. 9. Security. A cannabis business with a license or endorsement authorizing the
75.2	retail sale of cannabis flower or cannabis products shall maintain compliance with security
75.3	requirements established by the office, including but not limited to requirements for
75.4	maintaining video surveillance records, use of specific locking mechanisms, establishment
75.5	of secure entries, and the number of employees working at all times.
75.6	Subd. 10. Lighting. A cannabis business with a license or endorsement authorizing the
75.7	retail sale of cannabis flower or cannabis products must keep all lighting outside and inside
75.8	the dispensary in good working order and wattage sufficient for security cameras.
75.9	Subd. 11. Deliveries. A cannabis business with a license or endorsement authorizing
75.10	the retail sale of cannabis flower or cannabis products may only accept deliveries of cannabis
75.11	flower, cannabis products, and hemp-derived consumer products into a limited access area.
75.12	Deliveries may not be accepted through the public access areas unless otherwise approved
75.13	by the office.
75.14	Subd. 12. Prohibitions. A cannabis business with a license or endorsement authorizing
75.15	the retail sale of cannabis flower or cannabis products shall not:
75.16	(1) sell cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived
75.17	consumer products to a person who is visibly intoxicated;
75.18	(2) knowingly sell more cannabis flower, cannabis products, lower-potency hemp edibles,
75.19	or hemp-derived consumer products than a customer is legally permitted to possess;
75.20	(3) give away immature cannabis plants or seedlings, cannabis flower, cannabis products,
75.21	lower-potency hemp edibles, or hemp-derived consumer products;
75.22	(4) operate a drive-through window;
75.23	(5) allow for the dispensing of cannabis plants, cannabis flower, cannabis products,
75.24	lower-potency hemp edibles, or hemp-derived consumer products in vending machines; or
75.25	(6) sell cannabis plants, cannabis flower, or cannabis products if the cannabis retailer
75.26	knows that any required security or statewide monitoring systems are not operational.
75.27	Subd. 13. Adult-use and medical cannabis; co-location. (a) A cannabis business with
75.28	a license or endorsement authorizing the retail sale of adult-use cannabis flower or adult-use
75.29	cannabis products that is also a licensed medical cannabis retailer may sell medical cannabis
75.30	flower and medical cannabinoid products on a portion of its premises.
75.31	(b) The portion of the premises in which medical cannabis flower and medical
75.32	cannabinoid products are sold must be definite and distinct from all other areas of the

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76.1	cannabis retailer and must provid	e an appropriate space fo	or a pharmacist	employee of the
76.2	medical cannabis retailer to consu	ult with a patient to deter	rmine the prope	r type of medical
76.3	cannabis flower and medical can	nabinoid products and pr	oper dosage for	the patient.
76.4	Subd. 14. Exception. Nothing	in this section applies to	the operations o	f a lower-potency
76.5	hemp edible retailer.			
76.6	Sec. 31. <b>[342.29] CANNABIS N</b>	AICROBUSINESS LIC	ENSING AND	OPERATIONS.
76.7	Subdivision 1. Authorized ac	<b>etions.</b> A cannabis micro	business licens	e, consistent with
76.8	the specific license endorsement of	or endorsements, entitles	the license hold	er to perform any
76.9	or all of the following within the	limits established by this	s section:	
76.10	(1) grow cannabis plants from	seed or immature plant	to mature plant	and harvest
76.11	cannabis flower from mature plan	nts;		
76.12	(2) make cannabis concentrate	<del>e;</del>		
76.13	(3) make hemp concentrate, in	ncluding hemp concentra	ate with a delta-	9
76.14	tetrahydrocannabinol concentration	on of more than 0.3 perc	ent as measured	l by weight;
76.15	(4) manufacture synthetically	derived cannabinoids;		
76.16	(5) manufacture adult-use can	nabis products, lower-po	otency hemp ed	ibles, and
76.17	hemp-derived consumer products	for public consumption	• <u>•</u>	
76.18	(6) purchase immature cannab	ois plants and seedlings a	nd cannabis flo	wer from another
76.19	cannabis microbusiness, a cannab	is mezzobusiness, a canı	nabis manufactu	rer, or a cannabis
76.20	wholesaler;			
76.21	(7) purchase hemp plant parts	and propagules from an	industrial hemp	grower licensed
76.22	under chapter 18K;			
76.23	(8) purchase hemp concentrate	e from an industrial hemp	processor licen	sed under chapter
76.24	<u>18K;</u>			
76.25	(9) purchase cannabis concent	trate, hemp concentrate,	and synthetical	ly derived
76.26	cannabinoids from another canna	bis microbusiness, a can	nabis mezzobus	siness, a cannabis
76.27	manufacturer, or a cannabis whole	saler for use in manufactu	uring adult-use c	annabis products,
76.28	lower-potency hemp edibles, or h	emp-derived consumer	products;	
76.29	(10) package and label adult-u	use cannabis flower, adu	lt-use cannabis	products,
76.30	lower-potency hemp edibles, and	hemp-derived consume	r products for sa	ale to customers:

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77.1	(11) sell immature cannabis p	plants and seedlings, adu	lt-use cannabis	flower, adult-use	
77.2	cannabis products, lower-potency hemp edibles, hemp-derived consumer products, and				
77.3	other products authorized by law	to other cannabis busine	esses and to cus	tomers;	
77.4	(12) operate an establishment	t that permits on-site con	sumption of edi	ible cannabis	
77.5	products and lower-potency hem	p edibles; and			
77.6	(13) perform other actions ap	proved by the office.			
77.7	Subd. 2. Size limitations. (a)	A cannabis microbusine	ess that cultivate	es cannabis may	
77.8	cultivate up to 2,000 square feet	of plant canopy unless th	ne office, by rul	e, increases that	
77.9	limit. The office may, by rule, in	crease the limit on plant	canopy to no m	ore than 5,000	
77.10	square feet if the office determin	es that expansion is cons	sistent with the g	goals identified in	
77.11	section 342.02, subdivision 1. A	cannabis microbusiness	may not operate	e multiple tiers of	
77.12	cultivation.				
77.13	(b) The office shall, by rule, e	stablish a limit on the ma	nufacturing of c	annabis products,	
77.14	lower-potency hemp edibles, or	hemp-derived consumer	products that a	cannabis	
77.15	microbusiness manufacturing su	ch products may perform	n. The limit mus	st be equivalent to	
77.16	the amount of cannabis flower th	at can be harvested from	n a facility with	a plant canopy of	
77.17	2,000 square feet in a year, but m	nay be increased to the an	mount that can l	be harvested from	
77.18	a facility with up to 5,000 square	e feet of plant canopy if t	he office expan	ds the allowable	
77.19	area of cultivation under paragra	ph (a).			
77.20	(c) A cannabis microbusiness	s with the appropriate end	dorsement may	operate one retail	
77.21	location.				
77.22	Subd. 3. Additional informa	ition required. In addition	on to the inform	nation required to	
77.23	be submitted under section 342.14	4, subdivision 1, and rule	s adopted pursu	ant to that section,	
77.24	a person, cooperative, or busines	s seeking a cannabis mic	crobusiness lice	nse must submit	
77.25	the following information in a fo	orm approved by the offic	ce:		
77.26	(1) an operating plan demons	trating the proposed layo	out of the facilit	y, including a	
77.27	diagram of ventilation and filtrat	ion systems; plans for w	astewater and w	vaste disposal for	
77.28	any cultivation or manufacturing	activities; plans for prov	viding electricity	y, water, and other	
77.29	utilities necessary for the normal	operation of any cultiva	tion or manufac	cturing activities;	
77.30	plans for compliance with applic	able building codes and	federal and stat	e environmental	
77.31	and workplace safety requirement	nts and policies; and plan	ns to avoid sales	to unlicensed	
77.32	cannabis businesses and individu	als under 21 years of ag	<u>e;</u>		

78.1	(2) if the applicant is seeking an endorsement to cultivate cannabis plants and harvest
78.2	cannabis flower, a cultivation plan demonstrating the proposed size and layout of the
78.3	cultivation facility that will be used exclusively for cultivation including the total amount
78.4	of plant canopy;
78.5	(3) if the applicant is seeking an endorsement to create cannabis concentrate, hemp
78.6	concentrate, or synthetically derived cannabinoids, information identifying all methods of
78.7	extraction, concentration, or conversion that the applicant intends to use and the volatile
78.8	chemicals and catalysts, if any, that will be involved in extraction, concentration, or creation;
78.9	and
78.10	(4) evidence that the applicant will comply with the applicable operation requirements
78.11	for the license being sought.
78.12	Subd. 4. Multiple licenses; limits. (a) A person, cooperative, or business holding a
78.13	cannabis microbusiness license may also hold a cannabis event organizer license.
78.14	(b) Except as provided in paragraph (a), no person, cooperative, or business holding a
78.15	cannabis microbusiness license may own or operate any other cannabis business or hemp
78.16	business or hold more than one cannabis microbusiness license.
78.17	(c) For purposes of this subdivision, a restriction on the number or type of license that
78.18	a business may hold applies to every cooperative member or every director, manager, and
78.19	general partner of a cannabis business.
78.20	Subd. 5. Cultivation endorsement. A cannabis microbusiness that cultivates cannabis
78.21	plants and harvests cannabis flower must comply with the requirements in section 342.25.
78.22	Subd. 6. Extraction and concentration endorsement. A cannabis microbusiness that
78.23	creates cannabis concentrate must comply with the requirements in section 342.26,
78.24	subdivisions 2 and 3.
78.25	Subd. 7. Production of customer products endorsement. A cannabis microbusiness
78.26	that manufacturers edible cannabis products, lower-potency hemp products, or hemp-derived
78.27	consumer products must comply with the requirements in section 342.26, subdivisions 2
78.28	<u>and 4.</u>
78.29	Subd. 8. Retail operations endorsement. A cannabis microbusiness that operates a
78.30	retail location must comply with the requirements in section 342.27.
78.31	Subd. 9. On-site consumption endorsement. (a) A cannabis microbusiness may permit
78.32	on-site consumption of edible cannabis products and lower-potency hemp edibles on a
78.33	portion of its premises.

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79.1	(b) The portion of the premise	es in which on-site consu	mption is permi	tted must be	
79.2	definite and distinct from all other areas of the microbusiness and must be accessed through				
79.3	a distinct entrance.				
79.4	(c) Edible cannabis products a	and lower-potency hemp	edibles sold for	on-site	
79.5	consumption must comply with t	his chapter and rules ado	pted pursuant to	this chapter	
79.6	regarding the testing, packaging,	and labeling of cannabis	products.		
79.7	(d) Edible cannabinoid produc	cts and lower-potency he	emp edibles sold	for on-site	
79.8	consumption must be served in the	ne required packaging, but	ut may be remov	ved from the	
79.9	products' packaging by customer	s and consumed on site.			
79.10	(e) Food and beverages not of	herwise prohibited by th	is subdivision m	ay be prepared	
79.11	and sold on site provided that the	cannabis microbusiness	complies with a	ll relevant state	
79.12	and local laws, ordinances, licens	sing requirements, and zo	oning requirement	nts.	
79.13	(f) A cannabis microbusiness s	shall ensure that the displa	ay and consumpt	ion of any edible	
79.14	cannabis product or lower-potency hemp edible is not visible from outside of the licensed				
79.15	premises of the business.				
79.16	(g) A cannabis microbusiness	may offer recorded or li	ve entertainmen	t provided that	
79.17	the cannabis microbusiness comp	lies with all relevant sta	te and local laws	s, ordinances,	
79.18	licensing requirements, and zonin	ng requirements.			
79.19	(h) A cannabis microbusiness	may not:			
79.20	(1) sell an edible cannabis pro	duct or a lower-potency l	nemp edible to a	n individual who	
79.21	is under 21 years of age;				
79.22	(2) permit an individual who	is under 21 years of age	to enter the pren	nises;	
79.23	(3) sell more than one single s	serving of an edible cann	abis product or	a lower-potency	
79.24	hemp edible to a customer;				
79.25	(4) sell an edible cannabis pro	duct or a lower-potency	hemp edible to	a person who is	
79.26	visibly intoxicated;				
79.27	(5) sell or allow the sale or co	nsumption of alcohol or	tobacco on the p	oremises;	
79.28	(6) sell products that are intend	led to be eaten or consum	ed as a drink, oth	er than packaged	
79.29	and labeled edible cannabis produ	ucts and lower-potency h	emp edibles, an	d that contain	
79.30	cannabis flower or hemp plant pa	rts or are infused with ca	annabis concenti	rate, hemp	
79.31	concentrate, or synthetically deriv	ved cannabinoids;			

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80.1	(7) permit edible cannabis pr	roducts or lower-potency	hemp edibles s	old in the portion
80.2	of the area designated for on-site consumption to be removed from that area;			
80.3	(8) permit adult-use cannabis	flower, adult-use cannabis	products, hemp	-derived consumer
80.4	products, or tobacco to be consu	med through smoking or	a vaporized de	livery method on
80.5	the premises; or			
80.6	(9) distribute or allow free same	mples of cannabis flower, o	cannabis produ	cts, lower-potency
80.7	hemp edibles, or hemp-derived	consumer products.		
80.8	Sec. 32. [342.30] CANNABIS	S WHOLESALER LICE	ENSING.	
	· · · ·			<i></i>
80.9	Subdivision 1. Authorized a	actions. A cannabis whole	esaler license ei	ntitles the license
80.10	holder to:			
80.11	(1) purchase immature canna	bis plants and seedlings, ca	nnabis flower,	cannabis products,
80.12	lower-potency hemp edibles, an	d hemp-derived consumer	r products from	n cannabis
80.13	microbusinesses, cannabis mezz	obusinesses, cannabis cul	tivators, cannal	bis manufacturers,
80.14	and cannabis microbusinesses;			
80.15	(2) purchase hemp plant part	ts and propagules from inc	dustrial hemp g	growers licensed
80.16	under chapter 18K;			
80.17	(3) purchase hemp concentra	te from an industrial hemp	processor licer	nsed under chapter
80.18	<u>18K;</u>			
80.19	(4) sell immature cannabis p	lants and seedlings, canna	abis flower, car	nabis products,
80.20	lower-potency hemp edibles, an	d hemp-derived consumer	r products to ca	annabis
80.21	microbusinesses, cannabis mezze	obusinesses, cannabis man	ufacturers, and	cannabis retailers;
80.22	(5) sell lower-potency hemp	edibles to lower-potency	hemp edible re	etailers;
80.23	(6) import hemp-derived cons	sumer products and lower-	potency hemp e	edibles that contain
80.24	hemp concentrate or synthetical	ly derived cannabinoids th	hat are derived	from hemp plants
80.25	or hemp plant parts; and			
80.26	(7) perform other actions ap	proved by the office.		
80.27	Subd. 2. Additional inform	ation required. In addition	on to the inform	nation required to
80.28	be submitted under section 342.1	4, subdivision 1, and rules	s adopted pursu	ant to that section,
80.29	a person, cooperative, or busine	ss seeking a cannabis who	olesaler license	must submit the
80.30	following information in a form	approved by the office:		

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81.1	(1) an operating plan demons	strating the proposed layo	out of the facility	v including a
81.2	diagram of ventilation and filtrat	tion systems and policies	to avoid sales to	unlicensed
81.3	cannabis businesses; and			
81.4	(2) evidence that the business	s will comply with the ap	plicable operation	on requirements
81.5	for the license being sought.			
81.6	Subd. 3. Multiple licenses; l	<b>imits.</b> (a) A person, coop	erative, or busin	less holding a
81.7	cannabis wholesaler license may	also hold a cannabis transj	porter license, a c	cannabis delivery
81.8	service license, and a cannabis e	vent organizer license.		
81.9	(b) Except as provided in par	agraph (a), no person, co	operative, or bu	siness holding a
81.10	cannabis wholesaler license may	own or operate any othe	r cannabis busin	less or hemp
81.11	business.			
81.12	(c) The office by rule may lin	nit the number of cannabi	is wholesaler lice	enses a person or
81.13	business may hold.			
81.14	(d) For purposes of this subd	ivision, a restriction on th	ne number or typ	e of license a
81.15	business may hold applies to eve	ery cooperative member c	or every director	, manager, and
81.16	general partner of a cannabis bus	siness.		
81.17	Sec. 33. [342.31] CANNABIS	MEZZOBUSINESS LIC	ENSING AND	OPERATIONS.
81.18	Subdivision 1. Authorized a	ctions. A cannabis mezzo	obusiness license	e, consistent with
81.19	the specific license endorsement	or endorsements, entitles	the license hold	er to perform any
81.20	or all of the following within the	limits established by this	s section:	
81.21	(1) grow cannabis plants from	n seed or immature plant	to mature plant	and harvest
81.22	cannabis flower from mature pla	<u>nts;</u>		
81.23	(2) make cannabis concentration	te;		
81.24	(3) make hemp concentrate,	ncluding hemp concentra	ate with a delta-9	<u>)</u>
81.25	tetrahydrocannabinol concentrat	ion of more than 0.3 perc	ent as measured	by weight;
81.26	(4) manufacture synthetically	v derived cannabinoids;		
81.27	(5) manufacture adult-use can	nnabis products, lower-po	otency hemp edi	bles, and
81.28	hemp-derived consumer product	s for public consumption	· · · · · · · · · · · · · · · · · · ·	
81.29	(6) purchase immature cannab	is plants and seedlings and	d cannabis flowe	r from a cannabis
81.30	microbusiness, another cannabis	mezzobusiness, a cannal	ois manufacturer	; or a cannabis
81.31	wholesaler;			

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82.1	(7) purchase cannabis concentrate, hemp concentrate, and synthetically derived
82.2	cannabinoids from a cannabis microbusiness, another cannabis mezzobusiness, a cannabis
82.3	manufacturer, or a cannabis wholesaler for use in manufacturing adult-use cannabis products,
82.4	lower-potency hemp edibles, or hemp-derived consumer products;
82.5	(8) purchase hemp plant parts and propagules from a licensed hemp grower licensed
82.6	under chapter 18K;
82.7	(9) purchase hemp concentrate from an industrial hemp processor licensed under chapter
82.8	<u>18K;</u>
82.9	(10) package and label adult-use cannabis flower, adult-use cannabis products,
82.10	lower-potency hemp edibles, and hemp-derived consumer products for sale to customers;
82.11	(11) sell immature cannabis plants and seedlings, adult-use cannabis flower, adult-use
82.12	cannabis products, lower-potency hemp edibles, hemp-derived consumer products, and
82.13	other products authorized by law to other cannabis businesses and to customers; and
82.14	(12) perform other actions approved by the office.
82.15	Subd. 2. Size limitations. (a) A cannabis mezzobusiness that cultivates cannabis may
82.16	cultivate up to 5,000 square feet of plant canopy unless the office, by rule, increases that
82.17	limit. The office may, by rule, increase the limit on plant canopy to no more than 15,000
82.18	cubic feet if the office determines that expansion is consistent with the goals identified in
82.19	section 342.02, subdivision 1. A cannabis mezzobusiness may not operate multiple tiers of
82.20	cultivation unless authorized by the office.
82.21	(b) The office shall, by rule, establish a limit on the manufacturing of cannabis products,
82.22	lower-potency hemp edibles, or hemp-derived consumer products a cannabis mezzobusiness
82.23	that manufactures such products may perform. The limit must be equivalent to the amount
82.24	of cannabis flower that can be harvested from a facility with a plant canopy of 5,000 square
82.25	feet in a year, but may be increased to the amount that can be harvested from a facility with
82.26	up to 15,000 cubic feet of plant canopy if the office expands the allowable area of cultivation
82.27	under paragraph (a).
82.28	(c) A cannabis mezzobusiness with the appropriate endorsement may operate up to three
82.29	retail locations.
82.30	Subd. 3. Additional information required. In addition to the information required to
82.31	be submitted under section 342.14, subdivision 1, and rules adopted pursuant to that section,
82.32	a person, cooperative, or business seeking a cannabis mezzobusiness license must submit
82.33	the following information in a form approved by the office:

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83.1	(1) an operating plan demonstrating the proposed layout of the facility, including a
83.2	diagram of ventilation and filtration systems; plans for wastewater and waste disposal for
83.3	any cultivation or manufacturing activities; plans for providing electricity, water, and other
83.4	utilities necessary for the normal operation of any cultivation or manufacturing activities;
83.5	plans for compliance with applicable building codes and federal and state environmental
83.6	and workplace safety requirements and policies; and plans to avoid sales to unlicensed
83.7	cannabis businesses and individuals under 21 years of age;
83.8	(2) if the applicant is seeking an endorsement to cultivate cannabis plants and harvest
83.9	cannabis flower, a cultivation plan demonstrating the proposed size and layout of the
83.10	cultivation facility that will be used exclusively for cultivation including the total amount
83.11	of plant canopy;
83.12	(3) if the applicant is seeking an endorsement to create cannabis concentrate, hemp
83.13	concentrate, or synthetically derived cannabinoids, information identifying all methods of
83.14	extraction, concentration, or conversion that the applicant intends to use and the volatile
83.15	chemicals and catalysts, if any, that will be involved in extraction, concentration, or creation;
83.16	and
83.17	(4) evidence that the applicant will comply with the applicable operation requirements
83.18	for the license being sought.
83.19	Subd. 4. Multiple licenses; limits. (a) A person, cooperative, or business holding a
83.20	cannabis mezzobusiness license may also hold a cannabis event organizer license.
83.21	(b) Except as provided in paragraph (a), no person, cooperative, or business holding a
83.22	cannabis mezzobusiness license may own or operate any other cannabis business or hemp
83.23	business or hold more than one cannabis mezzobusiness license.
83.24	(c) For purposes of this subdivision, a restriction on the number or type of license that
83.25	a business may hold applies to every cooperative member or every director, manager, and
83.26	general partner of a cannabis business.
83.27	Subd. 5. Cultivation endorsement. A cannabis mezzobusiness that cultivates cannabis
83.28	plants and harvests cannabis flower must comply with the requirements in section 342.25.
83.29	Subd. 6. Extraction and concentration endorsement. A cannabis mezzobusiness that
83.30	creates cannabis concentrate must comply with the requirements in section 342.26,
83.31	subdivisions 2 and 3.
83.32	Subd. 7. Production of customer products endorsement. A cannabis mezzobusiness
83.33	that manufacturers edible cannabis products, lower-potency hemp products, or hemp-derived

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84.1	consumer products must comply	with the requirements in	section 342.26	, subdivisions 2	
84.2	and 4.				
84.3	Subd. 8. Retail operations en	ndorsement. A cannabis	mezzobusiness	that operates a	
84.4	retail location must comply with	the requirements in section	on 342.27.		
84.5	Subd. 9. Co-location. (a) A c	annabis mezzobusiness t	hat is also a lice	ensed medical	
84.6	cannabis retailer may sell medica	ll cannabis flower and me	edical cannabin	oid products on a	
84.7	portion of its premises.				
84.8	(b) The portion of the premise	es in which medical cann	abis flower and	medical	
84.9	cannabinoid products are sold mu	ust be definite and distinc	et from all other	areas of the	
84.10	cannabis mezzobusiness and mus	st provide an appropriate	space for a phar	macist employee	
84.11	of a medical cannabis retailer to o	consult with the patient to	o determine the	proper type of	
84.12	medical cannabis flower and medi	cal cannabinoid products	and proper dosa	ge for the patient.	
84.13	Sec. 34. [342.32] CANNABIS	WHOLESALER OPEI	RATIONS.		
84.14	Subdivision 1. Separation of	products. <u>A cannabis who</u>	olesaler must en	sure that cannabis	
84.15	plants, cannabis flower, and cann	abis products are physica	ally separated fr	com all other	
84.16	products, including but not limite	ed to lower-potency hemp	p edibles and he	emp-derived	
84.17	consumer products, in a manner that prevents any cross-contamination.				
84.18	Subd. 2. Records and labels.	A cannabis wholesaler r	<u>nust maintain a</u>	ccurate records	
84.19	and ensure that appropriate labels	s remain affixed to canna	bis plants, cann	abis flower,	
84.20	cannabis products, lower-potency	y hemp edibles, and hemp	p-derived consu	mer products.	
84.21	Subd. 3. Building conditions	. (a) A cannabis wholesa	ler shall mainta	in compliance	
84.22	with state and local building, fire	e, and zoning requirement	ts or regulations	<u>.</u>	
84.23	(b) A cannabis wholesaler sha	all ensure that the license	d premises is m	aintained in a	
84.24	clean and sanitary condition, free	e from infestation by inse	cts, rodents, or	other pests.	
84.25	Subd. 4. Sale of other produ	<b>cts.</b> A cannabis wholesal	er may purchas	e and sell other	
84.26	products or items for which the c	annabis wholesaler has a	license or auth	orization or that	
84.27	do not require a license or author	ization. Products for whi	ch no license oi	r authorization is	
84.28	required include but are not limite	ed to industrial hemp proc	lucts, products t	hat contain hemp	
84.29	grain, hemp-derived topical produ	ucts, and cannabis paraph	ernalia, includii	ng but not limited	
84.30	to childproof packaging containe	rs and other devices desi	gned to ensure t	the safe storage	
84.31	and monitoring of cannabis flowe	er and cannabis products	in the home to p	prevent access by	
84.32	individuals under 21 years of age	<u>&gt;.</u>			

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85.1	Subd. 5. Importation of hemp-derived products. (a) A cannabis wholesaler that imports
85.2	lower-potency hemp edibles or hemp-derived consumer products, other than hemp-derived
85.3	topical products, that are manufactured outside the boundaries of the state of Minnesota
85.4	with the intent to sell the products to a cannabis microbusiness, cannabis mezzobusiness,
85.5	cannabis retailer, or lower-potency hemp edible retailer must obtain a hemp-derived product
85.6	importer endorsement from the office.
85.7	(b) A cannabis wholesaler with a hemp-derived product importer endorsement may sell
85.8	products manufactured outside the boundaries of the state of Minnesota if:
85.9	(1) the manufacturer is licensed in another jurisdiction and subject to regulations designed
85.10	to protect the health and safety of consumers that the office determines are substantially
85.11	similar to the regulations in this state; or
85.12	(2) the cannabis wholesaler establishes, to the satisfaction of the office, that the
85.13	manufacturer engages in practices that are substantially similar to the practices required for
85.14	licensure of manufacturers in this state.
85.15	(c) The cannabis wholesaler must enter all relevant information regarding an imported
85.16	hemp-derived consumer product into the statewide monitoring system before the product
85.17	may be distributed. Relevant information includes information regarding the cultivation,
85.18	processing, and testing of the industrial hemp used in the manufacture of the product and
85.19	information regarding the testing of the hemp-derived consumer product. If information
85.20	regarding the industrial hemp or hemp-derived consumer product was submitted to a
85.21	statewide monitoring system used in another state, the office may require submission of
85.22	any information provided to that statewide monitoring system and shall assist in the transfer
85.23	of data from another state as needed and in compliance with any data classification
85.24	established by either state.
85.25	(d) The office may suspend, revoke, or cancel the endorsement of a distributor who is
85.26	prohibited from distributing products containing cannabinoids in any other jurisdiction,
85.27	convicted of an offense involving the distribution of products containing cannabinoids in
85.28	any other jurisdiction, or found liable for distributing any product that injured customers in
85.29	any other jurisdiction. A cannabis wholesaler shall disclose all relevant information related
85.30	to actions in another jurisdiction. Failure to disclose relevant information may result in
85.31	disciplinary action by the office, including the suspension, revocation, or cancellation of
85.32	an endorsement or license.

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86.1	(e) Notwithstanding any law	to the contrary, it shall no	ot be a defense in	n any civil or	
86.2	criminal action that a licensed wholesaler relied on information on a product label or				
86.3	otherwise provided by a manufacturer who is not licensed in this state.				
86.4	Sec. 35. [342.33] CANNABIS TRANSPORTER LICENSING.				
86.5	Subdivision 1. Authorized a	<b>ctions.</b> <u>A</u> cannabis transp	oorter license ent	titles the license	
86.6	holder to transport immature can	nabis plants and seedling	gs, cannabis flow	ver, cannabis	
86.7	products, synthetically derived c	annabinoids, hemp plant	parts, hemp con	centrate,	
86.8	lower-potency hemp edibles, and	l hemp-derived consumer	r products from	cannabis	
86.9	microbusinesses, cannabis mezzo	businesses, cannabis cul	tivators, cannabi	s manufacturers,	
86.10	cannabis wholesalers, lower-pote	ncy hemp edible manufac	turers, medical c	annabis retailers,	
86.11	medical cannabis processors, and	l industrial hemp grower	s to cannabis mi	crobusinesses,	
86.12	cannabis mezzobusinesses, canna	abis manufacturers, cann	abis testing facil	ities, cannabis	
86.13	wholesalers, cannabis retailers, le	ower-potency hemp edib	le product retaile	ers, medical	
86.14	cannabis processors, and medical	l cannabis retailers and pe	erform other acti	ons approved by	
86.15	the office.				
86.16	Subd. 2. Additional informa	tion required. In additic	on to the informa	tion required to	
				ut to that anotion	
86.17	be submitted under section 342.14	4, subdivision 1, and rules	s adopted pursua	nt to that section,	
86.17 86.18	be submitted under section 342.14 a person, cooperative, or busines	· · · · · ·	* *		
		s seeking a cannabis tran	* *		
86.18	a person, cooperative, or busines	s seeking a cannabis tran approved by the office:	sporter license r	nust submit the	
86.18 86.19	a person, cooperative, or busines following information in a form	s seeking a cannabis tran approved by the office: d, certificate of insurance	sporter license r	nust submit the	
86.18 86.19 86.20	a person, cooperative, or busines following information in a form (1) an appropriate surety bon	s seeking a cannabis tran approved by the office: d, certificate of insurance	sporter license r	nust submit the	
<ul><li>86.18</li><li>86.19</li><li>86.20</li><li>86.21</li></ul>	a person, cooperative, or busines following information in a form (1) an appropriate surety bond or other securities or agreements	s seeking a cannabis tran approved by the office: d, certificate of insurance , in the amount of not les	sporter license r	nust submit the as a self-insurer, , for loss of or	
<ul><li>86.18</li><li>86.19</li><li>86.20</li><li>86.21</li><li>86.22</li></ul>	a person, cooperative, or busines following information in a form (1) an appropriate surety bond or other securities or agreements damage to cargo;	s seeking a cannabis tran approved by the office: d, certificate of insurance , in the amount of not les d, certificate of insurance	sporter license r e, qualifications s than \$300,000 e, qualifications	nust submit the as a self-insurer, , for loss of or as a self-insurer,	
<ul> <li>86.18</li> <li>86.19</li> <li>86.20</li> <li>86.21</li> <li>86.22</li> <li>86.23</li> </ul>	a person, cooperative, or busines following information in a form (1) an appropriate surety bond or other securities or agreements damage to cargo; (2) an appropriate surety bond	s seeking a cannabis tran approved by the office: d, certificate of insurance , in the amount of not les d, certificate of insurance , in the amount of not les	sporter license r e, qualifications s than \$300,000 e, qualifications s than \$1,000,00	nust submit the as a self-insurer, , for loss of or as a self-insurer, 00, for injury to	
<ul> <li>86.18</li> <li>86.19</li> <li>86.20</li> <li>86.21</li> <li>86.22</li> <li>86.23</li> <li>86.24</li> </ul>	a person, cooperative, or busines <u>following information in a form</u> <u>(1) an appropriate surety bond</u> <u>or other securities or agreements</u> <u>damage to cargo;</u> <u>(2) an appropriate surety bond</u> <u>or other securities or agreements</u>	s seeking a cannabis tran approved by the office: d, certificate of insurance , in the amount of not les d, certificate of insurance , in the amount of not les accident and, if an accide	sporter license r e, qualifications s than \$300,000 e, qualifications s than \$1,000,00 nt has resulted in	nust submit the as a self-insurer, , for loss of or as a self-insurer, 00, for injury to n injury to or	
<ul> <li>86.18</li> <li>86.19</li> <li>86.20</li> <li>86.21</li> <li>86.22</li> <li>86.23</li> <li>86.24</li> <li>86.25</li> </ul>	a person, cooperative, or busines following information in a form (1) an appropriate surety bond or other securities or agreements damage to cargo; (2) an appropriate surety bond or other securities or agreements one or more persons in any one a	s seeking a cannabis tran approved by the office: d, certificate of insurance , in the amount of not les d, certificate of insurance , in the amount of not les ccident and, if an accide ss than \$100,000 because	sporter license r e, qualifications s than \$300,000 e, qualifications s than \$1,000,00 nt has resulted in	nust submit the as a self-insurer, , for loss of or as a self-insurer, 00, for injury to n injury to or	
<ul> <li>86.18</li> <li>86.19</li> <li>86.20</li> <li>86.21</li> <li>86.22</li> <li>86.23</li> <li>86.24</li> <li>86.25</li> <li>86.26</li> </ul>	a person, cooperative, or busines following information in a form (1) an appropriate surety bond or other securities or agreements damage to cargo; (2) an appropriate surety bond or other securities or agreements one or more persons in any one a destruction of property, of not less	s seeking a cannabis tran approved by the office: d, certificate of insurance , in the amount of not les d, certificate of insurance , in the amount of not les accident and, if an accide ss than \$100,000 because accident;	sporter license r e, qualifications s than \$300,000 e, qualifications s than \$1,000,00 nt has resulted in e of such injury t	nust submit the as a self-insurer, , for loss of or as a self-insurer, 00, for injury to n injury to or o or destruction	
<ul> <li>86.18</li> <li>86.19</li> <li>86.20</li> <li>86.21</li> <li>86.22</li> <li>86.23</li> <li>86.24</li> <li>86.25</li> <li>86.26</li> <li>86.26</li> <li>86.27</li> </ul>	a person, cooperative, or busines following information in a form (1) an appropriate surety bond or other securities or agreements damage to cargo; (2) an appropriate surety bond or other securities or agreements one or more persons in any one a destruction of property, of not less of property of others in any one a	s seeking a cannabis tran approved by the office: d, certificate of insurance , in the amount of not les d, certificate of insurance , in the amount of not les accident and, if an accide ss than \$100,000 because accident; ipment the business will u	sporter license r e, qualifications s than \$300,000 e, qualifications s than \$1,000,00 nt has resulted in e of such injury t	nust submit the as a self-insurer, , for loss of or as a self-insurer, 00, for injury to n injury to or o or destruction	
<ul> <li>86.18</li> <li>86.19</li> <li>86.20</li> <li>86.21</li> <li>86.22</li> <li>86.23</li> <li>86.24</li> <li>86.25</li> <li>86.26</li> <li>86.27</li> <li>86.28</li> </ul>	a person, cooperative, or business following information in a form (1) an appropriate surety bond or other securities or agreementss damage to cargo; (2) an appropriate surety bond or other securities or agreementss one or more persons in any one a destruction of property, of not less of property of others in any one a (3) the number and type of equ	s seeking a cannabis tran approved by the office: d, certificate of insurance , in the amount of not les d, certificate of insurance d, certificate of insurance , in the amount of not les accident and, if an accide ss than \$100,000 because accident; ipment the business will u wer, cannabis products, sy	sporter license r e, qualifications s than \$300,000 e, qualifications s than \$1,000,00 nt has resulted in of such injury t use to transport in nthetically deriv	nust submit the as a self-insurer, , for loss of or as a self-insurer, 00, for injury to n injury to or o or destruction	
<ul> <li>86.18</li> <li>86.19</li> <li>86.20</li> <li>86.21</li> <li>86.22</li> <li>86.23</li> <li>86.23</li> <li>86.24</li> <li>86.25</li> <li>86.26</li> <li>86.27</li> <li>86.28</li> <li>86.29</li> </ul>	a person, cooperative, or business following information in a form (1) an appropriate surety bond or other securities or agreementss damage to cargo; (2) an appropriate surety bond or other securities or agreementss one or more persons in any one a destruction of property, of not less of property of others in any one a (3) the number and type of equi- plants and seedlings, cannabis flow	s seeking a cannabis tran approved by the office: d, certificate of insurance , in the amount of not les d, certificate of insurance d, certificate of insurance , in the amount of not les accident and, if an accide ss than \$100,000 because accident; ipment the business will u wer, cannabis products, sy	sporter license r e, qualifications s than \$300,000 e, qualifications s than \$1,000,00 nt has resulted in of such injury t use to transport in nthetically deriv	nust submit the as a self-insurer, , for loss of or as a self-insurer, 00, for injury to n injury to or o or destruction	

86.32 (4) a loading, transporting, and unloading plan;

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87.1	(5) a description of the applic	ant's experience in the d	istribution or se	curity business;
87.2	and			
87.3	(6) evidence that the business	will comply with the ap	plicable operati	on requirements
87.4	for the license being sought.			
87.5	Subd. 3. Multiple licenses; li	mits. (a) A person, coop	erative, or busin	ness holding a
87.6	cannabis transporter license may a	also hold a cannabis whol	esaler license, a	cannabis delivery
87.7	service license, and a cannabis ev	vent organizer license.		
87.8	(b) Except as provided in para	agraph (a), no person, co	operative, or bu	siness holding a
87.9	cannabis transporter license may	own or operate any othe	er cannabis busi	ness.
87.10	(c) The office by rule may lim	nit the number of cannabi	is transporter lic	enses a person or
87.11	business may hold.			
87.12	(d) For purposes of this subdi	vision, restrictions on th	e number or typ	e of license a
87.13	business may hold apply to every	cooperative member or	every director,	manager, and
87.14	general partner of a cannabis bus	iness.		
87.15	Sec. 36. [342.34] CANNABIS	TRANSPORTER OPP	PATIONS	
87.16	Subdivision 1. Manifest requ			•
87.17	seedlings, cannabis flower, canna			
87.18	plant parts, hemp concentrate, lo		-	
87.19	products, a cannabis transporter s			
87.20	the office. The manifest must be			ne cannabis
87.21	transporter must maintain a copy	of the manifest in its rec	cords.	
87.22	Subd. 2. Records of transpo	rtation. Records of trans	sportation must	be kept for a
87.23	minimum of three years at the ca	nnabis transporter's plac	e of business an	d are subject to
87.24	inspection upon request by the of	fice or law enforcement a	agency. Records	of transportation
87.25	include the following:			
87.26	(1) copies of transportation m	anifests for all deliveries	<u>s;</u>	
87.27	(2) a transportation log docum	nenting the chain of cust	ody for each de	livery, including
87.28	every employee and vehicle used	l during transportation; a	nd	
87.29	(3) financial records showing	payment for transportation	ion services.	
87.30	Subd. 3. Storage compartme	e <b>nt.</b> Immature cannabis p	plants and seedl	ings, cannabis
87.31	flower, cannabis products, synthe	etically derived cannabin	oids, hemp plar	nt parts, hemp
87.32	concentrate, lower-potency hemp	edibles, and hemp-deriv	ved consumer p	roducts must be

88.1	transported in a locked, safe, and secure storage compartment that is part of the motor vehicle
88.2	or in a locked storage container that has a separate key or combination pad. Items being
88.3	transported may not be visible from outside the motor vehicle.
88.4	Subd. 4. Identifying logos or business names prohibited. No vehicle or trailer may
88.5	contain an image depicting the types of items being transported, including but not limited
88.6	to an image depicting a cannabis or hemp leaf, or a name suggesting that the vehicle is used
88.7	in transporting immature cannabis plants and seedlings, cannabis flower, cannabis products,
88.8	synthetically derived cannabinoids, hemp plant parts, hemp concentrate, lower-potency
88.9	hemp edibles, or hemp-derived consumer products.
88.10	Subd. 5. Randomized deliveries. A cannabis transporter shall ensure that all delivery
88.11	times and routes are randomized.
88.12	Subd. 6. Multiple employees. All cannabis transporter vehicles transporting immature
88.13	cannabis plants and seedlings, cannabis flower, cannabis products, synthetically derived
88.14	cannabinoids, hemp plant parts, hemp concentrate, lower-potency hemp edibles, or
88.15	hemp-derived consumer products must be staffed with a minimum of two employees. At
88.16	least one delivery team member shall remain with the motor vehicle at all times that the
88.17	motor vehicle contains cannabis plants and seedlings, cannabis flower, cannabis products,
88.18	synthetically derived cannabinoids, hemp plant parts, hemp concentrate, lower-potency
88.19	hemp edibles, or hemp-derived consumer products.
88.20	Subd. 7. Nonemployee passengers prohibited. Only a cannabis worker employed by
88.21	or contracted with the cannabis transporter and who is at least 21 years of age may transport
88.22	immature cannabis plants and seedlings, cannabis flower, cannabis products, synthetically
88.23	derived cannabinoids, hemp plant parts, hemp concentrate, lower-potency hemp edibles, or
88.24	hemp-derived consumer products. All passengers in a vehicle must be cannabis workers
88.25	employed by or contracted with the cannabis transporter.
88.26	Subd. 8. Drivers license required. All drivers must carry a valid driver's license with
88.27	the proper endorsements when operating a vehicle transporting immature cannabis plants
88.28	and seedlings, cannabis flower, cannabis products, synthetically derived cannabinoids, hemp
88.29	plant parts, hemp concentrate, lower-potency hemp edibles, or hemp-derived consumer
88.30	products.
88.31	Subd. 9. Vehicles subject to inspection. Any vehicle assigned for the purposes of
88.32	transporting immature cannabis plants and seedlings, cannabis flower, cannabis products,
88.33	synthetically derived cannabinoids, hemp plant parts, hemp concentrate, lower-potency

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89.1	hemp edibles, or hemp-derived c	onsumer products is subj	ject to inspectior	and may be
89.2	stopped or inspected at any license	ed cannabis business or wh	nile en route durir	ng transportation.
89.3	Sec. 37. [342.35] CANNABIS	TESTING FACILITY	LICENSING.	
89.4	Subdivision 1. Authorized ac	tions. A cannabis testing	facility license en	ntitles the license
89.5	holder to obtain and test immatur	e cannabis plants and see	dlings, cannabis	flower, cannabis
89.6	products, hemp plant parts, hemp	o concentrate, synthetical	ly derived canna	ıbinoids,
89.7	lower-potency hemp edibles, and	l hemp-derived consumer	r products from	cannabis
89.8	microbusinesses, cannabis mezzo	businesses, cannabis cul	tivators, cannabi	s manufacturers,
89.9	cannabis wholesalers, lower-pote	ency hemp edible manufa	acturers, medical	cannabis
89.10	cultivators, medical cannabis pro	cessors, and industrial he	emp growers.	
89.11	Subd. 2. Additional informa	tion required. In additic	on to the information	tion required to
89.12	be submitted under section 342.14	4, subdivision 1, and rules	s adopted pursua	nt to that section,
89.13	a person, cooperative, or busines	s seeking a cannabis testi	ing facility licen	se must submit
89.14	the following information in a fo	rm approved by the offic	e:	
89.15	(1) an operating plan demons	trating the proposed layo	out of the facility	, including a
89.16	diagram of ventilation and filtrat	ion systems and policies	to avoid sales to	unlicensed
89.17	businesses;			
89.18	(2) proof of accreditation by a	laboratory accrediting or	ganization appro	ved by the office
89.19	that, at a minimum, requires a lab	poratory to operate forma	l management sy	ystems under the
89.20	International Organization for St	andardization; and		
89.21	(3) evidence that the business	will comply with the ap	plicable operatic	on requirements
89.22	for the license being sought.			
89.23	Subd. 3. Multiple licenses; li	<b>mits.</b> (a) A person, coop	erative, or busin	ess holding a
89.24	cannabis testing facility license r	nay not own or operate, o	or be employed b	by, any other
89.25	cannabis business or hemp busin	ess.		
89.26	(b) The office by rule may lim	it the number of cannabis	s testing facility	licenses a person
89.27	or business may hold.			
89.28	(c) For purposes of this subdi	vision, a restriction on th	e number of lice	enses a business
89.29	may hold applies to every cooper	rative member or every d	lirector, manager	; and general
89.30	partner of a cannabis business.			

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90.1	Sec. 38. [342.36] CANNABIS TESTING FACILITY OPERATIONS.
90.2	Subdivision 1. Testing services. A cannabis testing facility shall provide some or all
90.3	testing services required under section 342.60 and rules adopted pursuant to that section.
90.4	Subd. 2. Testing protocols. A cannabis testing facility shall follow all testing protocols,
90.5	standards, and criteria adopted by rule by the office for the testing of different forms of
90.6	cannabis plants and seedlings, cannabis flower, cannabis products, lower-potency hemp
90.7	edibles, hemp-derived consumer products, hemp plant parts, hemp concentrate, and
90.8	synthetically derived cannabinoids; determining batch size; sampling; testing validity; and
90.9	the approval and disapproval of tested items.
90.10	Subd. 3. Records. Records of all business transactions and testing results; records
90.11	required to be maintained pursuant to any applicable standards for accreditation; and records
90.12	relevant to testing protocols, standards, and criteria adopted by the office must be kept for
90.13	a minimum of three years at the cannabis testing facility's place of business and are subject
90.14	to inspection upon request by the office or law enforcement agency.
90.15	Subd. 4. Disposal of cannabis flower and cannabinoid products. A testing facility
90.16	shall dispose of or destroy used, unused, and waste cannabis plants and seedlings, cannabis
90.17	flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products,
90.18	hemp plant parts, hemp concentrate, and synthetically derived cannabinoids, pursuant to
90.19	rules adopted by the office.
90.20	Sec. 39. [342.37] CANNABIS EVENT ORGANIZER LICENSING.
90.21	Subdivision 1. Authorized actions. A cannabis event organizer license entitles the
90.22	license holder to organize a temporary cannabis event lasting no more than four days.
90.23	Subd. 2. Additional information required. (a) In addition to the information required
90.24	to be submitted under section 342.14, subdivision 1, and rules adopted pursuant to that
90.25	section, a person, cooperative, or business seeking a cannabis event organizer license must
90.26	submit the following information in a form approved by the office:
90.27	(1) the type and number of any other cannabis business license held by the applicant;
90.28	(2) the address and location where the temporary cannabis event will take place;
90.29	(3) the name of the temporary cannabis event;
90.30	(4) a diagram of the physical layout of the temporary cannabis event showing where the
90.31	event will take place on the grounds; all entrances and exits that will be used by participants
90.32	during the event; all cannabis consumption areas; all cannabis retail areas where cannabis

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91.1	flower, cannabis products, lower-	potency hemp edibles, and	hemp-derived c	onsumer products
91.2	will be sold; the location where	cannabis waste will be sto	ored; and any lo	cation where
91.3	cannabis flower, cannabis produc	ts, lower-potency hemp edi	bles, and hemp-	derived consumer
91.4	products will be stored;			
91.5	(5) a list of the name, numbe	er, and type of cannabis bu	isinesses and he	mp businesses
91.6	that will sell cannabis plants, ad	ult-use cannabis flower, a	dult-use cannab	is products, and
91.7	hemp-derived consumer produc	ts at the event, which may	be supplement	ed or amended
91.8	within 72 hours of the time at w	hich the cannabis event be	egins;	
91.9	(6) the dates and hours durin	g which the cannabis even	nt will take plac	<u>e;</u>
91.10	(7) proof of local approval for	or the cannabis event; and		
91.11	(8) evidence that the busines	s will comply with the ap	plicable operation	on requirements
91.12	for the license being sought.			
91.13	(b) A person, cooperative, or	business seeking a canna	bis event organ	izer license may
91.14	also disclose whether the person	n or any officer, director, n	nanager, and ge	neral partner of a
91.15	cannabis business is serving or l	nas previously served in th	ne military.	
91.16	Subd. 3. Multiple licenses;	limits. (a) A person, coop	erative, or busir	ness holding a
91.17	cannabis event organizer license	e may not hold a cannabis	testing facility	license, a
91.18	lower-potency hemp edible man	ufacturer license, or a low	ver-potency hen	np edible retailer
91.19	license.			
91.20	(b) The office by rule may li	mit the number of cannab	is event licenses	s that a person or
91.21	business may hold.			
91.22	(c) For purposes of this subd	ivision, restrictions on the	e number or type	e of license that a
91.23	business may hold apply to ever	ry cooperative member or	every director,	manager, and
91.24	general partner of a cannabis bu	siness.		
91.25	Sec. 40. [342.38] CANNABIS	S EVENT ORGANIZER	OPERATION	<u> S.</u>
91.26	Subdivision 1. Local approv	v <b>al.</b> A cannabis event organ	nizer must receiv	ve local approval,
91.27	including obtaining any necessar	ry permits or licenses issu	ed by a local un	it of government,
91.28	before holding a cannabis event	<u>-</u>		
91.29	Subd. 2. Charging fees. (a)	A cannabis event organize	er may charge a	n entrance fee to
91.30	a cannabis event.			
91.31	(b) A cannabis event organize	er may charge a fee to a car	nnabis business	or hemp business
91.32	in exchange for space to display a	and sell cannabis plants, ad	ult-use cannabis	flower, adult-use

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cannabis products, lower-potency hemp edibles, and hemp-derived consumer products. Any 92.1 fee paid for participation in a cannabis event shall not be based on or tied to the sale of 92.2 92.3 cannabis plants, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products. 92.4 92.5 Subd. 3. Security. A cannabis event organizer must hire or contract for licensed security 92.6 personnel to provide security services at the cannabis event. All security personnel hired or 92.7 contracted for shall be at least 21 years of age and present on the licensed event premises 92.8 at all times that cannabis plants, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products are available for sale or 92.9 consumption of adult-use cannabis flower, adult-use cannabis products, lower-potency hemp 92.10 edibles, or hemp-derived consumer products is allowed. The security personnel shall not 92.11 consume cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived 92.12 consumer products for at least 24 hours before the event or during the event. 92.13 Subd. 4. Limited access to event. A cannabis event organizer shall ensure that access 92.14 to an event is limited to individuals who are at least 21 years of age. At or near each public 92.15 entrance to any area where the sale or consumption of adult-use cannabis flower, adult-use 92.16 cannabis products, lower-potency hemp edibles, or hemp-derived consumer products is 92.17 allowed, a cannabis event organizer shall maintain a clearly visible and legible sign consisting 92.18 of the following statement: "No persons under 21 allowed." The lettering of the sign shall 92.19 be not less than one inch in height. 92.20 92.21 Subd. 5. Cannabis waste. A cannabis event organizer shall ensure that all used, unused, and waste cannabis plants, adult-use cannabis flower, adult-use cannabis products, 92.22 lower-potency hemp edibles, and hemp-derived consumer products that are not removed 92.23 by a customer, cannabis business, or hemp business are disposed of in a manner approved 92.24 by the office. 92.25 92.26 Subd. 6. Transportation of cannabis plants, flower, and products. All transportation of cannabis plants, adult-use cannabis flower, adult-use cannabis products, lower-potency 92.27 hemp edibles, and hemp-derived consumer products intended for display or sale and all 92.28 such items used for display or not sold during the cannabis event must be transported to 92.29 and from the cannabis event by a licensed cannabis transporter. 92.30

92.31 Subd. 7. Cannabis event sales. (a) Cannabis microbusinesses with a retail endorsement,

92.32 cannabis mezzobusinesses with a retail endorsement, cannabis retailers, and lower-potency

92.33 <u>hemp edible retailers, including the cannabis event organizer, may be authorized to sell</u>

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- 93.1 cannabis plants, adult-use cannabis flower, adult-use cannabis products, lower-potency
- 93.2 <u>hemp edibles</u>, and hemp-derived consumer products to customers at a cannabis event.
- 93.3 (b) All sales of cannabis plants, adult-use cannabis flower, adult-use cannabis products,
- 93.4 lower-potency hemp edibles, and hemp-derived consumer products at a cannabis event must

93.5 <u>take place in a retail area as designated in the premises diagram.</u>

- 93.6 (c) Authorized retailers may only conduct sales within their specifically assigned area.
- 93.7 (d) Authorized retailers must verify the age of all customers pursuant to section 342.28,
- 93.8 subdivision 4, before completing a sale and may not sell cannabis plants, adult-use cannabis
- 93.9 <u>flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer</u>
  93.10 products to an individual under 21 years of age.
- 93.11 (e) Authorized retailers may display one sample of each type of cannabis plant, adult-use
- 93.12 cannabis flower, adult-use cannabis product, lower-potency hemp edible, and hemp-derived
- 93.13 consumer product available for sale. Samples of adult-use cannabis flower and adult-use
- 93.14 cannabis products must be stored in a sample jar or display case and be accompanied by a
- 93.15 label or notice containing the information required to be affixed to the packaging or container
- 93.16 containing adult-use cannabis flower and adult-use cannabis products sold to customers. A
- 93.17 sample may not consist of more than eight grams of adult-use cannabis flower or adult-use
- 93.18 cannabis concentrate, or an edible cannabis product infused with more than 100 milligrams
- 93.19 of tetrahydrocannabinol. A cannabis retailer may allow customers to smell the adult-use
- 93.20 <u>cannabis flower or adult-use cannabis product before purchase.</u>
- 93.21 (f) The notice requirements under section 342.28, subdivision 6, apply to authorized
- 93.22 cannabis retailers and licensed cannabis microbusinesses offering cannabis plants, adult-use
- 93.23 cannabis flower, adult-use cannabinoid products, and hemp-derived consumer products for
- 93.24 sale at a cannabis event.
- 93.25 (g) Authorized retailers may not:
- 93.26 (1) sell adult-use cannabis flower, adult-use cannabis products, lower-potency hemp
- 93.27 edibles, or hemp-derived consumer products to a person who is visibly intoxicated;
- 93.28 (2) knowingly sell more cannabis plants, adult-use cannabis flower, adult-use cannabis
- 93.29 products, lower-potency hemp edibles, or hemp-derived consumer products than a customer
- 93.30 is legally permitted to possess;
- 93.31 (3) sell medical cannabis flower or medical cannabinoid products;
- 93.32 (4) give away cannabis plants, cannabis flower, cannabis products, lower-potency hemp
  93.33 edibles, or hemp-derived consumer products; or

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94.1	(5) allow for the dispensing of cannabis plants, cannabis flower, cannabis products,
94.2	lower-potency hemp edibles, or hemp-derived consumer products in vending machines.
94.3	(h) Except for samples of a cannabis plant, adult-use cannabis flower, adult-use cannabis
94.4	product, lower-potency hemp edible, and hemp-derived consumer product, all cannabis
94.5	plants, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles,
94.6	and hemp-derived consumer products for sale at a cannabis event must be stored in a secure,
94.7	locked container that is not accessible to the public. Such items being stored at a cannabis
94.8	event shall not be left unattended.
94.9	(i) All cannabis plants, adult-use cannabis flower, adult-use cannabis products,
94.10	lower-potency hemp edibles, or hemp-derived consumer products for sale at a cannabis
94.11	event must comply with this chapter and rules adopted pursuant to this chapter regarding
94.12	the testing, packaging, and labeling of those items.
94.13	(j) All cannabis plants, adult-use cannabis flower, and adult-use cannabis products sold,
94.14	damaged, or destroyed at a cannabis event must be recorded in the statewide monitoring
94.15	system.
94.16	Subd. 8. Cannabis event on-site consumption. (a) If approved by the local unit of
94.17	government, a cannabis event may designate an area for consumption of adult-use cannabis
94.18	flower, adult-use cannabis products, lower-potency hemp edibles, hemp-derived consumer
94.19	products, or any combination of those items.
94.20	(b) Access to areas where consumption of adult-use cannabis flower, adult-use cannabis
94.21	products, lower-potency hemp edibles, or hemp-derived consumer products is allowed shall
94.22	be restricted to individuals who are at least 21 years of age.
94.23	(c) The cannabis event organizer shall ensure that consumption of adult-use cannabis
94.24	flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer
94.25	products within a designated consumption area is not visible from any public place.
94.26	(d) The cannabis event organizer shall not permit consumption of alcohol or tobacco.
94.27	(e) The cannabis event organizer shall not permit smoking, according to section 144.413,
94.28	of adult-use cannabis flower or cannabis products at any location where smoking is not
94.29	permitted under sections 144.413 to 144.417. Nothing in this section prohibits a statutory
94.30	or home rule charter city or county from enacting and enforcing more stringent measures
94.31	
	to protect individuals from secondhand smoke or involuntary exposure to aerosol or vapor

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95.1	Sec. 41. [342.39] CANNABIS DELIVERY SERVICE LICENSING.
95.2	Subdivision 1. Authorized actions. A cannabis delivery service license entitles the
95.3	license holder to purchase cannabis flower, cannabis products, lower-potency hemp edibles,
95.4	and hemp-derived consumer products from licensed cannabis retailers, licensed cannabis
95.5	microbusinesses with a retail endorsement, cannabis mezzobusinesses with a retail
95.6	endorsement, cannabis retailers, and medical cannabis retailers; transport and deliver cannabis
95.7	flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumable
95.8	products to customers; and perform other actions approved by the office.
95.9	Subd. 2. Additional information required. In addition to the information required to
95.10	be submitted under section 342.14, subdivision 1, and rules adopted pursuant to that section,
95.11	a person, cooperative, or business seeking a cannabis delivery service license must submit
95.12	the following information in a form approved by the office:
95.13	(1) a list of all vehicles to be used in the delivery of cannabis flower, cannabis products,
95.14	lower-potency hemp edibles, and hemp-derived consumer products including:
95.15	(i) the vehicle make, model, and color;
95.16	(ii) the vehicle identification number; and
95.17	(iii) the license plate number;
95.18	(2) proof of insurance for each vehicle;
95.19	(3) a business plan demonstrating policies to avoid sales of cannabis flower, cannabis
95.20	products, lower-potency hemp edibles, and hemp-derived consumer products to individuals
95.21	who are under 21 years of age and plans to prevent the visibility of cannabis flower, cannabis
95.22	products, lower-potency hemp edibles, and hemp-derived consumer products to individuals
95.23	outside the delivery vehicle; and
95.24	(4) evidence that the business will comply with the applicable operation requirements
95.25	for the license being sought.
95.26	Subd. 3. Multiple licenses; limits. (a) A person, cooperative, or business holding a
95.27	cannabis delivery service license may also hold a cannabis retailer license, a cannabis
95.28	wholesaler license, a cannabis transporter license, a cannabis event organizer license, and
95.29	a medical cannabis retailer license subject to the ownership limitations that apply to those

95.30 <u>licenses.</u>

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96.1	(b) Except as provided in pa	ragraph (a), no person, co	operative, or bu	siness holding a
96.2	cannabis delivery service license	e may own or operate any	other cannabis l	ousiness or hemp
96.3	business.			
96.4	(c) The office by rule may li	mit the number of cannab	is delivery servi	ce licenses that a
96.5	person or business may hold.			
96.6	(d) For purposes of this subc	livision, a restriction on th	ne number or typ	be of license that
96.7	a business may hold applies to e	every cooperative member	or every direct	or, manager, and
96.8	general partner of a cannabis bu	siness.		
96.9	Sec. 42. [342.40] CANNABIS	S DELIVERV SERVICE	T OPERATION	(S
<i>J</i> 0. <i>J</i>	· · · ·			
96.10	Subdivision 1. Age or regist			-
96.11	delivery service shall verify that		• •	
96.12	registry program. Section 342.2			
96.13	age. Registry verification issued			y be considered
96.14	evidence that the person is enrol	lled in the registry program	<u>m.</u>	
96.15	Subd. 2. Records. The office	e by rule shall establish re	cord-keeping re	quirements for a
96.16	cannabis delivery service, inclue	ling but not limited to pro	of of delivery to	individuals who
96.17	are at least 21 years of age or en	rolled in the registry prog	gram.	
96.18	Subd. 3. Amount to be tran	sported. The office by ru	le shall establis	n limits on the
96.19	amount of cannabis flower, cann	nabis products, lower-pote	ency hemp edibl	es, and
96.20	hemp-derived consumer produc	ts that a cannabis delivery	v service may tra	insport.
96.21	Subd. 4. Statewide monitori	ng system. Receipt of cann	abis flower and	cannabis products
96.22	by the cannabis delivery service	and a delivery to a custor	mer must be rec	orded in the
96.23	statewide monitoring system wi	thin the time established b	by rule.	
96.24	Subd. 5. Storage compartm	<b>tent.</b> Cannabis flower, car	mabis products,	lower-potency
96.25	hemp edibles, and hemp-derived	d consumer products must	t be transported	in a locked, safe,
96.26	and secure storage compartment	t that is part of the cannab	is delivery servi	ce vehicle or in a
96.27	locked storage container that ha	s a separate key or combin	nation pad. Can	nabis flower,
96.28	cannabis products, lower-potenc	y hemp edibles, and hemp	-derived consum	ner products may
96.29	not be visible from outside the c	annabis delivery service	vehicle.	
96.30	Subd. 6. Identifying logos of	r business names prohibi	ted. <u>No cannabi</u>	s delivery service
96.31	vehicle or trailer may contain an	n image depicting the type	es of items being	; transported,
96.32	including but not limited to an im	age depicting a cannabis o	or hemp leaf, or a	name suggesting

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97.1	that the cannabis delivery service	vehicle is used for trans	sporting cannabis	flower, cannabis
97.2	products, lower-potency hemp ec	libles, or hemp-derived	consumer produc	<u>ets.</u>
97.3	Subd. 7. Nonemployee passe	engers prohibited. Only	y a cannabis work	ter employed by
97.4	or contracted with the cannabis d	lelivery service and who	o is at least 21 yea	ars of age may
97.5	transport cannabis flower, cannab	is products, lower-poter	ncy hemp edibles,	or hemp-derived
97.6	consumer products. All passenge	rs in a cannabis delivery	y service vehicle 1	nust be cannabis
97.7	workers employed by or contract	ed with the cannabis de	livery service.	
97.8	Subd. 8. Vehicles subject to in	nspection. Any cannabia	s delivery service	vehicle is subject
97.9	to inspection and may be stopped	l or inspected at any lice	ensed cannabis bu	usiness or while
97.10	en route during transportation.			
97.11	Sec. 43. [342.41] LOWER-PC	DTENCY HEMP EDIE	BLE RETAILER	) <u>Le</u>
97.12	Subdivision 1. Sale of lower-	potency hemp edibles.	(a) A lower-pote	ncy hemp edible
97.13	retailer may only sell lower-poter	ncy hemp edibles to ind	ividuals who are	at least 21 years
97.14	of age.			
97.15	(b) A lower-potency hemp ed	ible retailer may sell lov	wer-potency hem	p edibles that:
97.16	(1) are obtained from a licens	ed Minnesota cannabis	microbusiness, ca	annabis
97.17	mezzobusiness, cannabis manufa	cturer, cannabis wholesa	aler, or lower-pote	ency hemp edible
97.18	manufacturer; and			
97.19	(2) meet all applicable package	ging and labeling requir	ements.	
97.20	Subd. 2. Sale of other produ	cts. A lower-potency he	emp edible retaile	er may sell other
97.21	products or items for which the le	ower-potency hemp edi	ble retailer has a	license or
97.22	authorization or that do not requi	re a license or authoriza	ation.	
97.23	Subd. 3. Age verification. Pr	ior to initiating a sale, a	n employee of the	e lower-potency
97.24	hemp edible retailer must verify the	hat the customer is at lea	st 21 years of age	. Section 342.28,
97.25	subdivision 4, applies to the veri	fication of a customer's	age.	
97.26	Subd. 4. Compliant product	s. (a) A lower-potency l	hemp edible retai	ler shall ensure
97.27	that all lower-potency hemp edib	les offered for sale com	ply with the limit	s on the amounts
97.28	and types of cannabinoids that a	lower-potency hemp edi	ible can contain, i	including but not
97.29	limited to the requirement that lo	wer-potency hemp edib	les:	
97.30	(1) consist of servings that co	ntain no more than five	milligrams of de	lta-9
97.31	tetrahydrocannabinol, 25 milligra	ams of cannabidiol, 25 1	nilligrams of can	nabigerol per

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98.1	serving, or any combination of	those cannabinoids that do	es not exceed t	he identified
98.2	amounts;			
98.3	(2) do not contain more than	a combined total of 0.5 mill	ligrams of all ot	her cannabinoids;
98.4	and			
98.5	(3) do not contain a synthet	ically derived cannabinoid	other than delta	a-9
98.6	tetrahydrocannabinol.			
98.7	(b) If a lower-potency hemp	edible is packaged in a m	anner that inclu	ides more than a
98.8	single serving, the lower-poten	cy hemp edible must indica	ate each serving	g by scoring,
98.9	wrapping, or other indicators th	at appear on the lower-pote	ency hemp edib	le designating the
98.10	individual serving size. If it is r	not possible to indicate a sin	ngle serving by	scoring or use of
98.11	another indicator that appears of	on the product, the lower-po	otency hemp ed	lible may not be
98.12	packaged in a manner that inclu	udes more than a single ser	ving in each co	ntainer. If the
98.13	lower-potency hemp edible is n	neant to be consumed as a l	peverage, the be	everage container
98.14	may not contain more than two	servings per container.		
98.15	(c) A single package contair	ning multiple servings of a	lower-potency	hemp edible must
98.16	contain no more than 50 millig	rams of delta-9 tetrahydroc	annabinol, 250	milligrams of
98.17	cannabidiol, 250 milligrams of	cannabigerol, or any combi	nation of those	cannabinoids that
98.18	does not exceed the identified a	amounts.		
98.19	Subd. 5. Prohibitions. A lo	wer-potency hemp edible r	etailer may not	<u>:</u>
98.20	(1) sell lower-potency hemp	edibles to an individual w	ho is under 21	years of age;
98.21	(2) sell a lower-potency her	np edible to a person who i	s visibly intoxi	cated;
98.22	(3) sell cannabis flower, car	nabis products, or hemp-d	erived consume	er products;
98.23	(4) allow for the dispensing	of lower-potency hemp ed	libles in vendin	g machines; or
98.24	(5) distribute or allow free s	amples of lower-potency h	emp edibles ex	cept when the
98.25	business is licensed to permit o	n-site consumption and sar	nples are consu	med within its
98.26	licensed premises.			
98.27	Subd. 6. On-site consumpt	ion. (a) A lower-potency h	emp edible reta	ailer may permit
98.28	on-site consumption of lower-p	otency hemp edibles on a p	portion of its pro	emises if it has an
98.29	on-site consumption endorseme	ent.		
98.30	(b) The office shall issue an	on-site consumption endo	rsement to any	lower-potency
98.31	hemp edible retailer that also he	olds an on-sale license issu	ed under chapt	er 340A.

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99.1	(c) Lower-potency hemp edibles sold for on-site consumption must comply with this
99.2	chapter and rules adopted pursuant to this chapter regarding testing.
99.3	(d) Lower-potency hemp edibles sold for on-site consumption, other than lower-potency
99.4	hemp edibles that are intended to be consumed as a beverage, must be served in the required
99.5	packaging, but may be removed from the product's packaging by customers and consumed
99.6	on site.
99.7	(e) Lower-potency hemp edibles that are intended to be consumed as a beverage may
99.8	be served outside of their packaging provided the information that is required to be contained
99.9	on the label of a lower-potency hemp edible is posted or otherwise displayed by the
99.10	lower-potency hemp edible retailer. Hemp workers who serve beverages under this paragraph
99.11	are not required to obtain an edible cannabis product handler endorsement under section
99.12	342.07, subdivision 3.
99.13	(f) Food and beverages not otherwise prohibited by this subdivision may be prepared
99.14	and sold on site provided that the lower-potency hemp edible retailer complies with all
99.15	relevant state and local laws, ordinances, licensing requirements, and zoning requirements.
99.16	(g) A lower-potency hemp edible retailer may offer recorded or live entertainment
99.17	provided that the lower-potency hemp edible retailer complies with all relevant state and
99.18	local laws, ordinances, licensing requirements, and zoning requirements.
99.19	(h) In addition to the prohibitions under this section, a lower-potency hemp edible retailer
99.20	with an on-site consumption endorsement may not:
99.21	(1) sell lower-potency hemp edibles to a customer who the lower-potency hemp edible
99.22	retailer knows or reasonably should know is intoxicated;
99.23	(2) sell lower-potency hemp edibles that are designed or reasonably expected to be mixed
99.24	with an alcoholic beverage; or
99.25	(3) permit lower-potency hemp edibles that have been removed from the product's
99.26	packaging to be removed from the premises of the lower-potency hemp edible retailer.
99.27	Subd. 7. Importation of lower-potency hemp edibles. (a) A lower-potency hemp edible
99.28	retailer may import lower-potency hemp edibles that are manufactured outside the boundaries
99.29	of the state of Minnesota if the retailer has a lower-potency hemp edible importer
99.30	endorsement from the office.
99.31	(b) A lower-potency hemp edible retailer may sell products manufactured outside the
99.32	boundaries of the state of Minnesota if:

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(1) the manufacturer is licensed in another jurisdiction and subject to regulations designed
 to protect the health and safety of consumers that the office determines are substantially
 similar to the regulations in this state; or
 (2) the lower-potency hemp retailer establishes, to the satisfaction of the office, that the
 manufacturer engages in practices that are substantially similar to the practices required for

100.6 licensure of manufacturers in this state.

100.7 (c) A lower-potency hemp retailer must enter all relevant information regarding an

100.8 imported lower-potency hemp edible into the statewide monitoring system before the product

100.9 <u>may be distributed. Relevant information includes information regarding the cultivation</u>,

100.10 processing, and testing of the industrial hemp used in the manufacture of the lower-potency

100.11 hemp edible. If information regarding the industrial hemp or lower-potency hemp edible

100.12 was submitted to a statewide monitoring system used in another state, the office may require

100.13 submission of any information provided to that statewide monitoring system and shall assist

100.14 in the transfer of data from another state as needed and in compliance with any data

100.15 <u>classification established by either state.</u>

100.16 (d) The office may suspend, revoke, or cancel the endorsement of a distributor that is

100.17 prohibited from distributing products containing cannabinoids in any other jurisdiction,

100.18 convicted of an offense involving the distribution of products containing cannabinoids in

any other jurisdiction, or found liable for distributing any product that injured customers in

any other jurisdiction. A lower-potency hemp edible retailer shall disclose all relevant

100.21 information related to the retailer's actions in another jurisdiction. Failure to disclose relevant

100.22 information may result in disciplinary action by the office, including the suspension,

100.23 revocation, or cancellation of an endorsement or license.

100.24 (e) Notwithstanding any law to the contrary, it shall not be a defense in any civil or

100.25 criminal action that a licensed lower-potency hemp edible retailer relied on information on

a product label or otherwise provided by a manufacturer who is not licensed in this state.

100.27Subd. 8. Posting of notices. A lower-potency hemp edible retailer must post all notices100.28as provided in section 342.28, subdivision 6.

Subd. 9. Building conditions. (a) A lower-potency hemp edible retailer shall maintain
 compliance with state and local building, fire, and zoning requirements or regulations.

100.31 (b) A lower-potency hemp edible retailer shall ensure that the licensed premises is

100.32 maintained in a clean and sanitary condition, free from infestation by insects, rodents, or

100.33 other pests.

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101.1	Subd. 10. Enforcement. The	e office shall inspect low	er-potency hemp	edible retailers
101.2	and take enforcement action as	provided in sections 342.	17 and 342.18.	
101.3	Sec. 44. [342.42] MEDICAL	CANNABIS BUSINES	<u>S LICENSES.</u>	
101.4	Subdivision 1. License type	<b>s.</b> (a) The office shall issu	ue the following	types of medical
101.5	cannabis business licenses:			
101.6	(1) medical cannabis cultiva	tor;		
101.7	(2) medical cannabis process	sor; and		
101.8	(3) medical cannabis retailer	<u>.</u>		
101.9	(b) The Division of Medical	Cannabis may oversee th	ne licensing and 1	regulation of
101.10	medical cannabis businesses.			
101.11	Subd. 2. Multiple licenses;	limits. (a) A person, coop	perative, or busin	iess holding:
101.12	(1) a medical cannabis cultiv	vator license may also ho	ld a medical can	nabis processor
101.13	license, a cannabis cultivator lice	ense, a cannabis manufact	turer license, and	a cannabis event
101.14	organizer license subject to the	ownership limitations tha	t apply to those l	licenses;
101.15	(2) a medical cannabis proce	essor license may also ho	ld a medical canr	nabis cultivator
101.16	license, a cannabis cultivator lice	ense, a cannabis manufact	turer license, and	a cannabis event
101.17	organizer license subject to the	ownership limitations that	t apply to those l	licenses; or
101.18	(3) a medical cannabis retaile	r license may also hold a c	annabis retailer li	cense, a cannabis
101.19	delivery service license, and a c	annabis event organizer l	icense subject to	the ownership
101.20	limitations that apply to those li	censes.		
101.21	(b) Except as provided in pa	ragraph (a), no person, co	poperative, or bu	siness holding a
101.22	medical cannabis license may o	wn or operate any other c	cannabis business	<u>s.</u>
101.23	(c) The office by rule may li	mit the number of medica	al cannabis busin	ness licenses that
101.24	a person or business may hold.			
101.25	(d) For purposes of this subc	livision, a restriction on t	he number of lic	enses or type of
101.26	license that a business may hold	l applies to every coopera	ative member or o	every director,
101.27	manager, and general partner of	a medical cannabis busin	ness.	
101.28	Subd. 3. Limitations on hea	alth care practitioners. A	A health care pra	ctitioner who
101.29	certifies qualifying medical con	ditions for patients is pro	hibited from:	
101.30	(1) holding a direct or indire	ct economic interest in a	medical cannabi	s business;

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102.1	(2) serving on a board of dir	ectors or as an employee of	of a medical can	nabis business;
102.2	or			
102.3	(3) advertising with a medic	al cannabis business in an	y way.	
102.4	Subd. 4. Remuneration. A	medical cannabis business	s is prohibited fr	<u>rom:</u>
102.5	(1) accepting or soliciting an	y form of remuneration fro	om a health care	practitioner who
102.6	certifies qualifying medical con	ditions for patients; or		
102.7	(2) offering any form of remu	neration to a health care pr	actitioner who co	ertifies qualifying
102.8	medical conditions for patients.			
102.9	EFFECTIVE DATE. This	section is effective Januar	y 1, 2024.	
102.10	Sec. 45. [342.43] HEMP BUS	SINESS LICENSE TYPI	ES; MULTIPL	E LICENSES.
102.11	Subdivision 1. License types	s. The office shall issue the	following types	of hemp business
102.12	licenses:			
102.13	(1) lower-potency hemp edit	ble manufacturer; and		
102.14	(2) lower-potency hemp edit	ble retailer.		
102.15	Subd. 2. Multiple licenses;	limits. (a) A person, coope	rative, or busine	ess may hold both
102.16	a lower-potency hemp edible ma	anufacturer and lower-pote	ency hemp edibl	e retailer license.
102.17	(b) Nothing in this section p	rohibits a person, coopera	tive, or business	s from holding a
102.18	lower-potency hemp edible man	nufacturer license or a low	er-potency hem	p edible retailer
102.19	license, or both, and also holdin	ng a license to cultivate inc	lustrial hemp is	sued pursuant to
102.20	chapter 18K.			
102.21	(c) Nothing in this section p	rohibits a person, cooperat	tive, or business	from holding a
102.22	lower-potency hemp edible man	nufacturer license or a low	er-potency hem	<u>p edible retailer</u>
102.23	license, or both, and also holdin	ng any other license, includ	ling but not lim	ited to a license
102.24	to prepare or sell food; sell tobac	cco, tobacco-related device	s, and electronic	delivery devices
102.25	as defined in section 609.685, s	ubdivision 1; nicotine and	lobelia delivery	y products as
102.26	described in section 609.6855; d	or manufacture or sell alco	holic beverages	s as defined in
102.27	section 340A.101, subdivision 2	2.		
102.28	(d) A person, cooperative, or	business holding a lower-p	otency hemp ed	ible manufacturer
102.29	license or a lower-potency hem	p edible retailer license, or	r both, may not	hold a cannabis
102.30	business license.			

103.1	Sec. 46. [342.44] MEDICAL CANNABIS BUSINESS APPLICATIONS.
103.2	Subdivision 1. Information required. In addition to information required to be submitted
103.3	under section 342.14, subdivision 1, and rules adopted pursuant to that section, a person,
103.4	cooperative, or business seeking a medical cannabis business license must submit the
103.5	following information in a form approved by the office:
103.6	(1) for medical cannabis cultivator license applicants:
103.7	(i) an operating plan demonstrating the proposed size and layout of the cultivation facility;
103.8	plans for wastewater and waste disposal for the cultivation facility; plans for providing
103.9	electricity, water, and other utilities necessary for the normal operation of the cultivation
103.10	facility; and plans for compliance with applicable building code and federal and state
103.11	environmental and workplace safety requirements;
103.12	(ii) a cultivation plan demonstrating the proposed size and layout of the cultivation
103.13	facility that will be used exclusively for cultivation for medical cannabis, including the total
103.14	amount of plant canopy; and
103.15	(iii) evidence that the business will comply with the applicable operation requirements
103.16	for the license being sought;
103.17	(2) for medical cannabis processor license applicants:
103.18	(i) an operating plan demonstrating the proposed layout of the facility, including a
103.19	diagram of ventilation and filtration systems; plans for wastewater and waste disposal for
103.20	the manufacturing facility; plans for providing electricity, water, and other utilities necessary
103.21	for the normal operation of the manufacturing facility; and plans for compliance with
103.22	applicable building code and federal and state environmental and workplace safety
103.23	requirements;
103.24	(ii) all methods of extraction and concentration that the applicant intends to use and the
103.25	volatile chemicals, if any, that are involved in extraction or concentration;
103.26	(iii) if the applicant is seeking an endorsement to manufacture products infused with
103.27	cannabinoids for consumption by patients enrolled in the registry program, proof of an
103.28	edible cannabis product handler endorsement from the office; and
103.29	(iv) evidence that the applicant will comply with the applicable operation requirements
103.30	for the license being sought; or
103.31	(3) for medical cannabis retailer license applicants:

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104.1	(i) a list of every retail license held by the applicant and, if the applicant is a business,
104.2	every retail license held, either as an individual or as part of another business, by each
104.3	officer, director, manager, and general partner of the cannabis business;
104.4	(ii) an operating plan demonstrating the proposed layout of the facility including a
104.5	diagram of ventilation and filtration systems, policies to avoid sales to individuals who are
104.6	not authorized to receive the distribution of medical cannabis flower or medical cannabinoid
104.7	products, identification of a restricted area for storage, and plans to prevent the visibility of
104.8	cannabis flower and cannabis products;
104.9	(iii) if the applicant holds or is applying for a cannabis retailer license, a diagram showing
104.10	the portion of the premises in which medical cannabis flower and medical cannabinoid
104.11	products will be sold and distributed and identifying an area that is definite and distinct
104.12	from all other areas of the cannabis retailer, accessed through a distinct entrance, and contains
104.13	an appropriate space for a pharmacist employee of the medical cannabis retailer to consult
104.14	with the patient to determine the proper type of medical cannabis flower and medical
104.15	cannabinoid products and proper dosage for the patient; and
104.16	(iv) evidence that the applicant will comply with the applicable operation requirements
104.17	for the license being sought.
104.18	Subd. 2. Segregation of medical cannabis. A person, cooperative, or business seeking
104.19	a medical cannabis cultivator license or a medical cannabis processor license and any other
104.20	type of cannabis business license, other than a cannabis event organizer license, must identify
104.21	the methods that will be used to segregate medical cannabis flower and medical cannabinoid
104.22	products from other cannabis flower and cannabis products to avoid cross-contamination.
104.23	<b>EFFECTIVE DATE.</b> This section is effective January 1, 2024.
104.24	Sec. 47. [342.45] HEMP BUSINESS LICENSES; APPLICATIONS AND ISSUANCE.
104.25	Subdivision 1. Application; contents. (a) Except as otherwise provided in this
104.26	subdivision, the provisions of this chapter relating to license applications, license selection
104.27	criteria, general ownership disqualifications and requirements, and general operational
104.28	requirements do not apply to hemp businesses.
104.29	(b) The office by rule shall establish forms and procedures for the processing of hemp
104.30	licenses issued under this chapter. At a minimum, any application to obtain or renew a hemp
104.31	license shall include the following information, if applicable:

104.32 (1) the name, address, and date of birth of the applicant;

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105.1	(2) the address and legal prop	perty description of the bu	usiness;	
105.2	(3) proof of trade name regis	tration;		
105.3	(4) certification that the appl	icant will comply with the	e requirements	of this chapter
105.4	relating to the ownership and op	eration of a hemp busines	<u>ss;</u>	
105.5	(5) identification of one or m	ore controlling persons or	managerial em	ployees as agents
105.6	who shall be responsible for dea	ling with the office on all	matters; and	
105.7	(6) a statement that the applic	cant agrees to respond to t	he office's supp	lemental requests
105.8	for information.			
105.9	(c) An application on behalf	of a corporation or associ	ation shall be s	igned by at least
105.10	two officers or managing agents	of that entity.		
105.11	Subd. 2. Issuance; eligibility	; prohibition on transfer	: (a) The office	may issue a hemp
105.12	license to an applicant who:			
105.13	(1) is at least 21 years of age	<u>2</u>		
105.14	(2) has completed an applica	tion for licensure or appli	cation for renew	wal and has fully
105.15	and truthfully complied with all	information requests rela	ting to license a	application and
105.16	renewal;			
105.17	(3) has paid the applicable ap	pplication and license fees	s pursuant to se	ction 342.11;
105.18	(4) is not employed by the of	fice or any state agency w	vith regulatory a	uthority over this
105.19	chapter; and			
105.20	(5) does not hold any cannab	is business license.		
105.21	(b) Licenses must be renewe	d annually.		
105.22	(c) Licenses may not be trans	sferred.		
105.23	Sec. 48. [342.46] LOWER-PO	DTENCY HEMP EDIB	LE MANUFA(	CTURER.
105.24	Subdivision 1. Authorized a	ctions. A lower-potency h	nemp edible mar	nufacturer license
105.25	entitles the license holder to:			
105.26	(1) purchase hemp plant parts	, hemp concentrate, and sy	nthetically deri	ived cannabinoids
105.27	from cannabis microbusinesses, c	annabis mezzobusinesses,	cannabis manuf	facturers, cannabis
105.28	wholesalers, and lower-potency	hemp edible manufacture	ers;	
105.29	(2) purchase hemp plant part	s and propagules from inc	dustrial hemp g	rowers licensed
105.30	under chapter 18K;			

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106.1	(3) purchase hemp concentrate	from an industrial hemp	processor licen	sed under chapter

106.2 **18K**;

106.3 (4) make hemp concentrate;

106.4 (5) manufacture synthetically derived cannabinoids;

106.5 (6) manufacture lower-potency hemp edibles for public consumption;

106.6 (7) package and label lower-potency hemp edibles for sale to customers;

106.7 (8) sell hemp concentrate, synthetically derived cannabinoids, and lower-potency hemp

106.8 edibles to other cannabis businesses and hemp businesses; and

106.9 (9) perform other actions approved by the office.

106.10 Subd. 2. All manufacturer operations. (a) All hemp manufacturing must take place in

106.11 <u>a facility and on equipment that meets the applicable health and safety requirements</u>

106.12 established by the office, including requirements for cleaning and testing machinery between

106.13 production of different products.

106.14 (b) A lower-potency hemp edible manufacturer must comply with all applicable

106.15 packaging, labeling, and testing requirements.

106.16 Subd. 3. Extraction and concentration. (a) A lower-potency hemp edible manufacturer

106.17 that creates hemp concentrate or synthetically derived cannabinoids must obtain an

106.18 endorsement from the office.

106.19 (b) A lower-potency hemp edible manufacturer seeking an endorsement to create hemp

106.20 concentrate must inform the office of all methods of extraction and concentration that the

106.21 manufacturer intends to use and identify the volatile chemicals, if any, that will be involved

106.22 in the creation of hemp concentrate. A lower-potency hemp edible manufacturer may not

106.23 use a method of extraction and concentration of a volatile chemical without approval by

106.24 <u>the office.</u>

106.25 (c) A lower-potency hemp edible manufacturer seeking an endorsement to create

106.26 synthetically derived cannabinoids must inform the office of all methods of conversion that

106.27 the manufacturer will use, including any specific catalysts that the manufacturer will employ,

106.28 to create synthetically derived cannabinoids and the molecular nomenclature of all

106.29 cannabinoids or other chemical compound that the manufacturer will create. A business

106.30 licensed or authorized to manufacture lower-potency hemp edibles may not use a method

106.31 of conversion or a catalyst without approval by the office.

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107.1	(d) A lower-potency hemp ec	lible manufacturer must o	btain a certific	ation from an
107.2	independent third-party industria	l hygienist or professiona	al engineer app	roving:
107.3	(1) all electrical, gas, fire sup	pression, and exhaust sys	tems; and	
107.4	(2) the plan for safe storage a	nd disposal of hazardous	substances, ind	cluding but not
107.5	limited to any volatile chemicals	<u>.</u>		
107.6	(e) Upon the sale of hemp co	ncentrate or synthetically	derived canna	binoids to any
107.7	person, cooperative, or business,	a lower-potency hemp ed	dible manufact	urer must provide
107.8	a statement to the buyer that disc	loses the method of extra	ction and conc	entration or
107.9	conversion used and any solvents	, gases, or catalysts, includ	ling but not limi	ted to any volatile
107.10	chemicals, involved in that meth	od.		
107.11	Subd. 4. Production of cons	umer products. (a) A lov	wer-potency he	mp edible
107.12	manufacturer that produces lowe	r-potency hemp edibles r	nust obtain an	edible cannabis
107.13	product handler endorsement fro	m the office.		
107.14	(b) All areas within the premi	ses of a lower-potency he	mp edible man	ufacturer used for
107.15	producing lower-potency hemp e	edibles must meet the san	itary standards	specified in rules
107.16	adopted by the office.			
107.17	(c) A lower-potency hemp ed	ible manufacturer may or	nly add chemic	als or compounds
107.18	approved by the office to hemp of	concentrate or synthetical	ly derived canr	abinoids.
107.19	(d) Upon the sale of any lowe	er-potency hemp edible to	a cannabis bu	siness or hemp
107.20	business, a lower-potency hemp	edible manufacturer must	provide a state	ement to the buyer
107.21	that discloses the product's ingre	dients, including but not	limited to any o	chemicals or
107.22	compounds and any major food a	allergens declared by nan	ne.	
107.23	(e) A lower-potency hemp ed	lible manufacturer shall n	ot add any syn	thetically derived
107.24	cannabinoid, hemp plant part, or	hemp concentrate to a pro-	oduct where th	e manufacturer of
107.25	the product holds a trademark to	the product's name, exce	pt that a lower-	potency hemp
107.26	edible manufacturer may use a tr	ademarked food product	if the manufac	turer uses the
107.27	product as a component or as par	rt of a recipe and where th	ne lower-poten	cy hemp edible
107.28	manufacturer does not state or ac	lvertise to the customer th	nat the final ret	ail lower-potency
107.29	hemp edible contains a trademar	ked food product.		
107.30	(f) A lower-potency hemp ed	ible manufacturer shall n	ot add any cani	nabis flower,
107.31	cannabis concentrate, or any can	nabinoid derived from ca	nnabis flower o	or cannabis
107.32	concentrate to a product.			

108.1	Sec. 49. [342.47] MEDICAL CANNABIS CULTIVATORS.
108.2	(a) A medical cannabis cultivator license entitles the license holder to grow cannabis
108.3	plants within the approved amount of space up to 60,000 square feet of plant canopy from
108.4	seed or immature plant to mature plant, harvest cannabis flower from a mature plant, package
108.5	and label cannabis flower as medical cannabis flower, sell medical cannabis flower to
108.6	medical cannabis processors and medical cannabis retailers, transport medical cannabis
108.7	flower to a medical cannabis processor located on the same premises, and perform other
108.8	actions approved by the office.
108.9	(b) A medical cannabis cultivator license holder must comply with all requirements of
108.10	section 342.25.
108.11	(c) A medical cannabis cultivator license holder must verify that every batch of medical
108.12	cannabis flower has passed safety, potency, and consistency testing at a cannabis testing
108.13	facility approved by the office for the testing of medical cannabis flower before the medical
108.14	cannabis cultivator may package, label, or sell the medical cannabis flower to any other
108.15	entity.
108.16	(d) A medical cannabis cultivator may exceed the limit of 60,000 square feet of plant
108.17	canopy if it was legally cultivating medical cannabis with a greater plant canopy as of April
108.18	<u>1, 2023.</u>
108.19	EFFECTIVE DATE. This section is effective January 1, 2024.
108.20	Sec. 50. [342.48] MEDICAL CANNABIS PROCESSORS.
108.21	(a) A medical cannabis processor license, consistent with the specific license endorsement
108.22	or endorsements, entitles the license holder to:
108.23	(1) purchase medical cannabis flower, medical cannabinoid products, hemp plant parts,
108.24	and hemp concentrate from medical cannabis cultivators and other medical cannabis
108.25	processors;
108.26	(2) purchase hemp plant parts from industrial hemp growers;
108.27	(3) make cannabis concentrate from medical cannabis flower;
108.28	(4) make hemp concentrate, including hemp concentrate with a delta-9
108.29	tetrahydrocannabinol concentration of more than 0.3 percent as measured by weight;
108.30	(5) manufacture medical cannabinoid products;

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- (6) package and label medical cannabinoid products for sale to other medical cannabis
   processors and to medical cannabis retailers; and
- 109.3 (7) perform other actions approved by the office.
- (b) A medical cannabis processor license holder must comply with all requirements of

109.5 section 342.26, including requirements to obtain specific license endorsements.

- 109.6 (c) A medical cannabis processor license holder must verify that every batch of medical
- 109.7 cannabinoid product has passed safety, potency, and consistency testing at a cannabis testing
- 109.8 <u>facility approved by the office for the testing of medical cannabinoid products before the</u>
- 109.9 medical cannabis processor may package, label, or sell the medical cannabinoid product to
  109.10 any other entity.
- 109.11 **EFFECTIVE DATE.** This section is effective January 1, 2024.

#### 109.12 Sec. 51. [342.49] MEDICAL CANNABIS RETAILERS.

109.13 Subdivision 1. Authorized actions. (a) A medical cannabis retailer license entitles the

109.14 license holder to purchase medical cannabis flower and medical cannabinoid products from

109.15 medical cannabis cultivators and medical cannabis processors and sell or distribute medical

109.16 cannabis flower and medical cannabinoid products to any person authorized to receive

109.17 medical cannabis flower or medical cannabinoid products.

109.18 (b) A medical cannabis retailer license holder must verify that all medical cannabis

109.19 flower and medical cannabinoid products have passed safety, potency, and consistency

109.20 testing at a cannabis testing facility approved by the office for the testing of medical cannabis

109.21 flower and medical cannabinoid products before the medical cannabis retailer may distribute

109.22 the medical cannabis flower or medical cannabinoid product to any person authorized to

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109.23 receive medical cannabis flower or medical cannabinoid products.
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109.24 <u>Subd. 2.</u> Distribution requirements. (a) Prior to distribution of medical cannabis flower
 109.25 or medical cannabinoid products, a medical cannabis retailer licensee must:

- 109.26 (1) review and confirm the patient's registry verification;
- 109.27 (2) verify that the person requesting the distribution of medical cannabis flower or
- 109.28 medical cannabinoid products is the patient, the patient's registered designated caregiver,
- 109.29 or the patient's parent, legal guardian, or spouse using the procedures specified in section
- 109.30 <u>152.11</u>, subdivision 2d;
- 109.31 (3) ensure that a pharmacist employee of the medical cannabis retailer has consulted
- 109.32 with the patient if required according to subdivision 3; and

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110.1	(4) apply a patient-specific label on the medical cannabis flower or medical cannabinoid
110.2	product that includes recommended dosage requirements and other information as required
110.3	by rules adopted by the office.
110.4	(b) A medical cannabis retailer may not deliver medical cannabis flower or medical
110.5	cannabinoid products unless the medical cannabis retailer also holds a cannabis delivery
110.6	service license. Delivery of medical cannabis flower and medical cannabinoid products are
110.7	subject to the provisions of section 342.40.
110.8	Subd. 3. Final approval for distribution of medical cannabis flower and medical
110.9	cannabinoid products. (a) A cannabis worker who is employed by a medical cannabis
110.10	retailer and who is licensed as a pharmacist pursuant to chapter 151 shall be the only person
110.11	who may give final approval for the distribution of medical cannabis flower and medical
110.12	cannabinoid products. Prior to the distribution of medical cannabis flower or medical
110.13	cannabinoid products, a pharmacist employed by the medical cannabis retailer must consult
110.14	with the patient to determine the proper type of medical cannabis flower, medical cannabinoid
110.15	product, or medical cannabis paraphernalia and proper dosage for the patient after reviewing
110.16	the range of chemical compositions of medical cannabis flower or medical cannabinoid
110.17	product. For purposes of this subdivision, a consultation may be conducted remotely by
110.18	secure videoconference, telephone, or other remote means, as long as:
110.19	(1) the pharmacist engaging in the consultation is able to confirm the identity of the
110.20	patient; and
110.21	(2) the consultation adheres to patient privacy requirements that apply to health care
110.22	services delivered through telemedicine.
110.23	(b) Notwithstanding paragraph (a), a pharmacist consultation is not required prior to the
110.24	distribution of medical cannabis flower or medical cannabinoid products when a medical
110.25	cannabis retailer is distributing medical cannabis flower or medical cannabinoid products
110.26	to a patient according to a patient-specific dosage plan established with that medical cannabis
110.27	retailer and is not modifying the dosage or product being distributed under that plan. Medical
110.28	cannabis flower or medical cannabinoid products distributed under this paragraph must be
110.29	distributed by a pharmacy technician employed by the medical cannabis retailer.
110.30	Subd. 4. 90-day supply. A medical cannabis retailer shall not distribute more than a
110.31	90-day supply of medical cannabis flower or medical cannabinoid products to a patient,
110.32	registered designated caregiver, or parent, legal guardian, or spouse of a patient according
110.33	to the dosages established for the individual patient.

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111.1	Subd. 5. Distribution to recipient in a motor vehicle. A medical cannabis retailer may
111.2	distribute medical cannabis flower and medical cannabinoid products to a patient, registered
111.3	designated caregiver, or parent, legal guardian, or spouse of a patient who is at a dispensary
111.4	location but remains in a motor vehicle, provided that:
111.5	(1) staff receive payment and distribute medical cannabis flower and medical cannabinoid
111.6	products in a designated zone that is as close as feasible to the front door of the facility;
111.7	(2) the medical cannabis retailer ensures that the receipt of payment and distribution of
111.8	medical cannabis flower and medical cannabinoid products are visually recorded by a
111.9	closed-circuit television surveillance camera and provides any other necessary security
111.10	safeguards;
111.11	(3) the medical cannabis retailer does not store medical cannabis flower or medical
111.12	cannabinoid products outside a restricted access area and staff transport medical cannabis
111.13	flower and medical cannabinoid products from a restricted access area to the designated
111.14	zone for distribution only after confirming that the patient, designated caregiver, or parent,
111.15	guardian, or spouse has arrived in the designated zone;
111.16	(4) the payment and distribution of medical cannabis flower and medical cannabinoid
111.17	products take place only after a pharmacist consultation takes place, if required under
111.18	subdivision 3;
111.19	(5) immediately following distribution of medical cannabis flower or medical cannabinoid
111.20	products, staff enter the transaction in the statewide monitoring system; and
111.21	(6) immediately following distribution of medical cannabis flower and medical
111.22	cannabinoid products, staff take the payment received into the facility.
111.23	Subd. 6. Physical separation required. A medical cannabis retailer that is also a cannabis
111.24	retailer must distribute medical cannabis flower and medical cannabinoid products provided
111.25	that the portion of the premises in which medical cannabis flower and medical cannabinoid
111.26	products are sold is definite and distinct from all other areas of the cannabis retailer, is
111.27	accessed through a distinct entrance, and provides an appropriate space for a pharmacist
111.28	employee of the medical cannabis retailer to consult with the patient to determine the proper
111.29	type of medical cannabis flower and medical cannabinoid products and proper dosage for
111.30	the patient.

111.31 **EFFECTIVE DATE.** This section is effective January 1, 2024.

112.1	Sec. 52. [342.50] TRIBAL MEDICAL CANNABIS PROGRAM.
112.2	Subdivision 1. Tribal medical cannabis program manufacturer transportation. (a)
112.3	A Tribal medical cannabis program manufacturer may transport medical cannabis to testing
112.4	laboratories in the state and to other Indian lands.
112.5	(b) A Tribal medical cannabis program manufacturer must staff a motor vehicle used to
112.6	transport medical cannabis with at least two employees of the manufacturer. Each employee
112.7	in the transport vehicle must carry identification specifying that the employee is an employee
112.8	of the manufacturer, and one employee in the transport vehicle must carry a detailed
112.9	transportation manifest that includes the place and time of departure, the address of the
112.10	destination, and a description and count of the medical cannabis being transported.
112.11	Subd. 2. Distribution to Tribal medical cannabis program patient. (a) A Tribal
112.12	medical cannabis manufacturer may distribute medical cannabis in accordance with section
112.13	342.49 to a Tribal medical cannabis program patient.
112.14	(b) Prior to distribution, the Tribal medical cannabis program patient must provide to
112.15	the Tribal medical cannabis manufacturer:
112.16	(1) a valid medical cannabis registration verification card or equivalent document issued
112.17	by a Tribal medical cannabis program that indicates that the Tribal medical cannabis program
112.18	patient is authorized to use medical cannabis on Indian lands over which the Tribe has
112.19	jurisdiction; and
112.20	(2) a valid photographic identification card issued by the Tribal medical cannabis
112.21	program, a valid driver's license, or a valid state identification card.
112.22	(c) A manufacturer shall distribute medical cannabis to a Tribal medical cannabis program
112.23	patient only in a form allowed under section 342.51, subdivision 8.
112.24	Subd. 3. Use of statewide monitoring system. A Tribal medical cannabis manufacturer
112.25	must use the statewide monitoring system for the tracking of the sale or distribution of
112.26	medical cannabis to Tribal medical cannabis program patients. Sale or distribution of medical
112.27	cannabis by a Tribal medical cannabis manufacturer must be recorded in the statewide
112.28	monitoring system within the time established by rule.
112.29	Subd. 4. Limitations. All the limitations under section 342.55 apply to Tribal medical
112.30	cannabis program patients.
112.31	Subd. 5. Protections for Tribal medical cannabis program participants. All the
112.32	protections under section 342.56 apply to Tribal medical cannabis program patients.

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113.1 **EFFECTIVE DATE.** This section is effective January 1, 2024.

#### 113.2 Sec. 53. **[342.51] PATIENT REGISTRY PROGRAM.**

- 113.3 Subdivision 1. Administration. The Division of Medical Cannabis must administer the
- 113.4 medical cannabis registry program.
- 113.5 Subd. 2. Application procedure for patients. (a) A patient seeking to enroll in the
- 113.6 registry program must submit to the Division of Medical Cannabis an application established
- 113.7 by the Division of Medical Cannabis and a copy of the certification specified in paragraph
- 113.8 (b) or, if the patient is a veteran who receives care from the United States Department of
- 113.9 Veterans Affairs, the information required pursuant to subdivision 3. The patient must
- 113.10 provide at least the following information in the application:
- 113.11 (1) the patient's name, mailing address, and date of birth;
- 113.12 (2) the name, mailing address, and telephone number of the patient's health care
- 113.13 practitioner;
- (3) the name, mailing address, and date of birth of the patient's registered designated
- 113.15 caregiver, if any, or the patient's parent, legal guardian, or spouse if the parent, legal guardian,
- 113.16 or spouse will be acting as the patient's caregiver;
- 113.17 (4) a disclosure signed by the patient that includes:
- (i) a statement that, notwithstanding any law to the contrary, the Office of Cannabis
- 113.19 Management, the Division of Medical Cannabis, or an employee of the Office of Cannabis
- 113.20 Management or Division of Medical Cannabis may not be held civilly or criminally liable
- 113.21 for any injury, loss of property, personal injury, or death caused by an act or omission while
- 113.22 acting within the employee's scope of office or employment under this section; and
- (ii) the patient's acknowledgment that enrollment in the registry program is conditional
- 113.24 on the patient's agreement to meet all other requirements of this section; and
- 113.25 (5) all other information required by the Division of Medical Cannabis.
- (b) As part of the application under this subdivision, a patient must submit a copy of a
- 113.27 certification from the patient's health care practitioner that is dated within 90 days prior to
- 113.28 the submission of the application and that certifies that the patient has been diagnosed with
- 113.29 a qualifying medical condition.
- 113.30 (c) A patient's health care practitioner may submit a statement to the Division of Medical
- 113.31 Cannabis declaring that the patient is no longer diagnosed with a qualifying medical
- 113.32 condition. Within 30 days after receipt of a statement from a patient's health care practitioner,

- 114.1 the Division of Medical Cannabis must provide written notice to a patient stating that the
- 114.2 patient's enrollment in the registry program will be revoked in 30 days unless the patient
- 114.3 submits a certification from a health care practitioner that the patient is currently diagnosed
- 114.4 with a qualifying medical condition or, if the patient is a veteran, the patient submits
- 114.5 confirmation that the patient is currently diagnosed with a qualifying medical condition in
- a form and manner consistent with the information required for an application made pursuant
- 114.7 to subdivision 3. If the Division of Medical Cannabis revokes a patient's enrollment in the
- 114.8 registry program pursuant to this paragraph, the division must provide notice to the patient
- 114.9 and to the patient's health care practitioner.
- 114.10 Subd. 3. Application procedure for veterans. (a) The Division of Medical Cannabis
- 114.11 shall establish an alternative certification procedure for veterans who receive care from the
- 114.12 United States Department of Veterans Affairs to confirm that the veteran has been diagnosed
- 114.13 with a qualifying medical condition.
- 114.14 (b) A patient who is also a veteran and is seeking to enroll in the registry program must
- 114.15 submit to the Division of Medical Cannabis an application established by the Division of
- 114.16 Medical Cannabis that includes the information identified in subdivision 2, paragraph (a),
- 114.17 and the additional information required by the Division of Medical Cannabis to certify that
- 114.18 the patient has been diagnosed with a qualifying medical condition.
- 114.19 Subd. 4. Enrollment; denial of enrollment; revocation. (a) Within 30 days after the
- 114.20 receipt of an application and certification or other documentation of a diagnosis with a
- 114.21 <u>qualifying medical condition, the Division of Medical Cannabis must approve or deny a</u>
- 114.22 patient's enrollment in the registry program. If the Division of Medical Cannabis approves
- 114.23 <u>a patient's enrollment in the registry program, the office must provide notice to the patient</u>
- 114.24 and to the patient's health care practitioner.
- (b) A patient's enrollment in the registry program must only be denied if the patient:
- 114.26 (1) does not submit a certification from a health care practitioner or, if the patient is a
- 114.27 veteran, the documentation required under subdivision 3 that the patient has been diagnosed
- 114.28 with a qualifying medical condition;
- 114.29 (2) has not signed the disclosure required in subdivision 2;
- 114.30 (3) does not provide the information required by the Division of Medical Cannabis;
- 114.31 (4) provided false information on the application; or
- (5) at the time of application, is also enrolled in a federally approved clinical trial for
- 114.33 the treatment of a qualifying medical condition with medical cannabis.

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115.1	(c) If the Division of Medical Ca	annabis denies a patio	ent's enrollment in th	e registry
115.2	program, the Division of Medical C	annabis must provide	e written notice to a	patient of all
115.3	reasons for denying enrollment. Der	nial of enrollment in t	he registry program	is considered
115.4	a final decision of the office and is s	subject to judicial rev	iew under chapter 14	4.
115.5	(d) A patient's enrollment in the	registry program ma	y be revoked only:	
115.6	(1) pursuant to subdivision 2, pa	aragraph (c);		
115.7	(2) upon the death of the patient			
115.8	(3) if the patient's certifying heat	lth care practitioner h	as filed a declaration	1 under
115.9	subdivision 2, paragraph (c), that the	e patient's qualifying	diagnosis no longer o	exists and the
115.10	patient does not submit another cert	ification within 30 da	ays;	
115.11	(4) if the patient does not compl	y with subdivision 6;	or	
115.12	(5) if the patient intentionally se	lls or diverts medical	cannabis flower or 1	nedical
115.13	cannabinoid products in violation of	f this chapter.		
115.14	If a patient's enrollment in the regist	try program has been	revoked due to a vio	olation of
115.15	subdivision 6, the patient may apply	y for enrollment 12 m	onths after the date of	on which the
115.16	patient's enrollment was revoked. Th	ne office must process	such an application i	n accordance
115.17	with this subdivision.			
115.18	Subd. 5. Registry verification.	When a patient is enr	colled in the registry	program, the
115.19	Division of Medical Cannabis must	assign the patient a p	patient registry numb	er and must
115.20	issue the patient and the patient's reg	gistered designated ca	aregiver, parent, lega	l guardian, or

115.21 spouse, if applicable, a registry verification. The Division of Medical Cannabis must also

115.22 make the registry verification available to medical cannabis retailers. The registry verification

- 115.23 <u>must include:</u>
- 115.24 (1) the patient's name and date of birth;
- 115.25 (2) the patient registry number assigned to the patient; and

(3) the name and date of birth of the patient's registered designated caregiver, if any, or

115.27 the name of the patient's parent, legal guardian, or spouse if the parent, legal guardian, or

115.28 spouse will act as a caregiver.

<sup>115.29</sup> Subd. 6. Conditions of continued enrollment. As conditions of continued enrollment,
115.30 a patient must:

 <sup>(1)</sup> continue to receive regularly scheduled treatment for the patient's qualifying medical
 condition from the patient's health care practitioner; and

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116.1	(2) report changes in the patier	nt's qualifying medical	l condition to the p	vatient's health
116.2	care practitioner.			
116.3	Subd. 7. Enrollment period. I	Enrollment in the regis	stry program is per	rmanent.
116.4	Subd. 8. Medical cannabis flo	ower and medical car	nabinoid produc	ts; allowable
116.5	delivery methods. Medical canna	bis flower and medica	al cannabinoid pro	ducts may be
116.6	delivered in the form of:			
116.7	(1) a liquid, including but not l	imited to oil;		
116.8	<u>(2) a pill;</u>			
116.9	(3) a vaporized delivery metho	od with the use of liqui	id or oil;	
116.10	(4) a water-soluble cannabinoi	d multiparticulate, inc	luding granules, p	owder, and
116.11	sprinkles;			
116.12	(5) an orally dissolvable produ	ct, including lozenges	, gum, mints, buc	cal tablets, and
116.13	sublingual tablets;			
116.14	(6) edible products in the form	of gummies and chev	vs;	
116.15	(7) a topical formulation;			
116.16	(8) combustion with the use of	Edried raw cannabis; c	<u>or</u>	
116.17	(9) any other method approved	l by the office.		
116.18	Subd. 9. Registered designate	ed caregiver. (a) The I	Division of Medica	l Cannabis must
116.19	register a designated caregiver for	a patient if the patient 1	equires assistance	in administering
116.20	medical cannabis flower or medica	al cannabinoid produc	ts or in obtaining n	nedical cannabis
116.21	flower, medical cannabinoid produ	ucts, or medical canna	bis paraphernalia	from a medical
116.22	cannabis retailer.			
116.23	(b) In order to serve as a desig	nated caregiver, a pers	son must:	
116.24	(1) be at least 18 years of age;			
116.25	(2) agree to only possess the pa	tient's medical cannab	is flower and med	ical cannabinoid
116.26	products for purposes of assisting	the patient; and		
116.27	(3) agree that if the application	is approved, the pers	on will not serve a	s a registered
116.28	designated caregiver for more than	n six registered patien	ts at one time. Pati	ents who reside
116.29	in the same residence count as one	e patient.		

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117.1	(c) The office shall conduct a criminal background check on the designated caregiver
117.2	prior to registration to ensure that the person does not have a conviction for a disqualifying
117.3	felony offense. Any cost of the background check shall be paid by the person seeking
117.4	registration as a designated caregiver. A designated caregiver must have the criminal
117.5	background check renewed every two years.
117.6	(d) Nothing in this section shall be construed to prevent a registered designated caregiver
117.7	from being enrolled in the registry program as a patient and possessing and administering
117.8	medical cannabis as a patient.
117.9	Subd. 10. Parents, legal guardians, spouses. A parent, legal guardian, or spouse of a
117.10	patient may act as the caregiver for a patient. The parent, legal guardian, or spouse who is
117.11	acting as a caregiver must follow all requirements for parents, legal guardians, and spouses
117.12	under this chapter. Nothing in this section limits any legal authority that a parent, legal
117.13	guardian, or spouse may have for the patient under any other law.
117.14	Subd. 11. Enrollment fee. (a) The Division of Cannabis Management must collect an
117.15	enrollment fee of \$40 from a patient enrolled under this section.
117.16	(b) Revenue collected under this subdivision shall deposit to a dedicated account in the
117.17	special revenue fund. The balance of the account shall be appropriated annually to the
117.18	administrator of the office for program operations.
117.19	Subd. 12. Notice of change of name or address. Patients and registered designated
117.20	caregivers must notify the Division of Medical Cannabis of any address or name change
117.21	within 30 days of the change having occurred. A patient or registered designated caregiver
117.22	is subject to a \$100 fine for failure to notify the office of the change.
117.23	<b>EFFECTIVE DATE.</b> This section is effective January 1, 2024.
117.24	Sec. 54. [342.52] DUTIES OF OFFICE OF CANNABIS MANAGEMENT;

## 117.25 **REGISTRY PROGRAM.**

- 117.26The office may add an allowable form of medical cannabinoid product, and may add or117.27modify a qualifying medical condition upon its own initiative, upon a petition from a member117.28of the public or from the Cannabis Advisory Council or as directed by law. The office must117.29evaluate all petitions and must make the addition or modification if the office determines117.30that the addition or modification is warranted by the best available evidence and research.
- 117.31 If the office wishes to add an allowable form or add or modify a qualifying medical condition,
- 117.32 the office must notify the chairs and ranking minority members of the legislative committees
- 117.33 and divisions with jurisdiction over health finance and policy by January 15 of the year in

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- 118.1 which the change becomes effective. In this notification, the office must specify the proposed
- addition or modification, the reasons for the addition or modification, any written comments
- 118.3 received by the office from the public about the addition or modification, and any guidance
- 118.4 received from the Cannabis Advisory Council. An addition or modification by the office
- 118.5 <u>under this subdivision becomes effective on August 1 of that year unless the legislature by</u>
- 118.6 law provides otherwise.
- 118.7 **EFFECTIVE DATE.** This section is effective January 1, 2024.

# 118.8 Sec. 55. [342.53] DUTIES OF DIVISION OF MEDICAL CANNABIS; REGISTRY 118.9 PROGRAM.

# 118.10 Subdivision 1. Duties related to health care practitioners. The Division of Medical

- 118.11 <u>Cannabis must:</u>
- 118.12 (1) provide notice of the registry program to health care practitioners in the state;
- 118.13 (2) allow health care practitioners to participate in the registry program if they request
- 118.14 to participate and meet the program's requirements;
- 118.15 (3) provide explanatory information and assistance to health care practitioners to
- 118.16 <u>understand the nature of the therapeutic use of medical cannabis within program</u>
- 118.17 requirements;
- 118.18 (4) make available to participating health care practitioners a certification form in which
- 118.19 a health care practitioner certifies that a patient has a qualifying medical condition; and
- 118.20 (5) supervise the participation of health care practitioners in the registry reporting system
- 118.21 in which health care practitioners report patient treatment and health records information
- 118.22 to the office in a manner that ensures stringent security and record keeping requirements
- and that prevents the unauthorized release of private data on individuals as defined in section
  118.24 13.02.

# 118.25 Subd. 2. Duties related to the registry program. The Division of Medical Cannabis 118.26 must:

- 118.27 (1) administer the registry program according to section 342.51;
- 118.28 (2) provide information to patients enrolled in the registry program on the existence of
- 118.29 federally approved clinical trials for the treatment of the patient's qualifying medical condition
- 118.30 with medical cannabis flower or medical cannabinoid products as an alternative to enrollment
- 118.31 <u>in the registry program;</u>

119.1	(3) maintain safety criteria with which patients must comply as a condition of participation
119.2	in the registry program to prevent patients from undertaking any task under the influence
119.3	of medical cannabis flower or medical cannabinoid products that would constitute negligence
119.4	or professional malpractice;
119.5	(4) review and publicly report on existing medical and scientific literature regarding the
119.6	range of recommended dosages for each qualifying medical condition, the range of chemical
119.7	compositions of medical cannabis flower and medical cannabinoid products that will likely
119.8	be medically beneficial for each qualifying medical condition, and any risks of noncannabis
119.9	drug interactions. This information must be updated by December 1 of each year. The office
119.10	may consult with an independent laboratory under contract with the office or other experts
119.11	in reporting and updating this information; and
119.12	(5) annually consult with cannabis businesses about medical cannabis that the businesses
119.13	cultivate, manufacture, and offer for sale and post on the Division of Medical Cannabis
119.14	website a list of the medical cannabis flower and medical cannabinoid products offered for
119.15	sale by each medical cannabis retailer.
119.16	Subd. 3. Research. (a) The Division of Medical Cannabis must conduct or contract with
119.17	a third party to conduct research and studies using data from health records submitted to
119.18	the registry program under section 342.54, subdivision 2, and data submitted to the registry
119.19	program under section 342.51, subdivisions 2 and 3. If the division contracts with a third
119.20	party for research and studies, the third party must provide the division with access to all
119.21	research and study results. The division must submit reports on intermediate or final research
119.22	results to the legislature and major scientific journals. All data used by the division or a
119.23	third party under this subdivision must be used or reported in an aggregated nonidentifiable
119.24	form as part of a scientific peer-reviewed publication of research or in the creation of
119.25	summary data, as defined in section 13.02, subdivision 19.
119.26	(b) The Division of Medical Cannabis may submit medical research based on the data
119.27	collected under sections 342.54, subdivision 2, and data collected through the statewide
119.28	monitoring system to any federal agency with regulatory or enforcement authority over
119.29	medical cannabis to demonstrate the effectiveness of medical cannabis flower or medical
119.30	cannabinoid products for treating or alleviating the symptoms of a qualifying medical
119.31	condition.
119.32	<b>EFFECTIVE DATE.</b> This section is effective January 1, 2024.

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120.1	Sec. 56. [342.54] DUTIES O	F HEALTH CARE PRA	CTITIONERS	; REGISTRY
120.2	PROGRAM.			
120.3	Subdivision 1. Health care	practitioner duties befor	e patient enrol	lment. Before a
120.4	patient's enrollment in the regis	try program, a health care	practitioner mu	ist:
120.5	(1) determine, in the health	care practitioner's medical	judgment, whe	ther a patient has
120.6	a qualifying medical condition a			
120.7	of that diagnosis;		•	
120.8	(2) advise patients, registere	d designated caregivers a	nd narents lega	al quardians and
120.0	spouses acting as caregivers of		•	
	· · · · · · · · · · · · · · · · · · ·		~ .	
120.10	(3) provide to patients explain	-		
120.11	including information about the	<b>A</b>	•	
120.12	cannabis flower and medical ca			
120.13	effects of the proposed treatmen	nt; and the application and	other materials	from the office;
120.14	(4) provide to patients a Tenr	nessen warning as required	under section 1	3.04, subdivision
120.15	2; and			
120.16	(5) agree to continue treatme	nt of the patient's qualifyin	ng medical condi	ition and to report
120.17	findings to the Division of Med	ical Cannabis.		
120.18	Subd. 2. Duties upon patie	nt's enrollment in registr	<b>y program.</b> Up	oon receiving
120.19	notification from the Division of	f Medical Cannabis of the p	patient's enrollm	ent in the registry
120.20	program, a health care practition	ner must:		
120.21	(1) participate in the patient r	egistry reporting system u	nder the guidanc	e and supervision
120.22	of the Division of Medical Can		<u></u>	<u> </u>
			hoolth records	throughout the
120.23	(2) report to the Division of			
120.24 120.25	patient's ongoing treatment in a subdivision 4;	manner determined by m		
120.23				
120.26	(3) determine on a yearly ba	sis if the patient continues	s to have a quali	fying medical
120.27	condition and, if so, issue the pa	atient a new certification of	of that diagnosis	. The patient
120.28	assessment conducted under thi	s clause may be conducted	d via telehealth,	as defined in
120.29	section 62A.673, subdivision 2;	and		
120.30	(4) otherwise comply with r	equirements established b	y the Office of (	Cannabis
120.31	Management and the Division of	of Medical Cannabis.		

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Subd. 3. Participation not required. Nothing in this section requires a health care 121.1 practitioner to participate in the registry program. 121.2 121.3 Subd. 4. Data. Data on patients collected by a health care practitioner and reported to the registry program, including data on patients who are veterans who receive care from 121.4 121.5 the United States Department of Veterans Affairs, are health records under section 144.291 and are private data on individuals under section 13.02 but may be used or reported in an 121.6 aggregated nonidentifiable form as part of a scientific peer-reviewed publication of research 121.7 121.8 conducted under section 342.53 or in the creation of summary data, as defined in section 13.02, subdivision 19. 121.9 121.10 Subd. 5. Exception. The requirements of this section do not apply to a patient who is a veteran who receives care from the United States Department of Veterans Affairs or a health 121.11 care practitioner employed by the United States Department of Veterans Affairs. Such a 121.12 patient must meet the certification requirements developed pursuant to section 342.51, 121.13 subdivision 3, before the patient's enrollment in the registry program. The Division of 121.14 Medical Cannabis may establish policies and procedures to obtain medical records and other 121.15 relevant data from a health care practitioner employed by the United States Department of 121.16 Veterans Affairs, provided that those policies and procedures are consistent with this section. 121.17 **EFFECTIVE DATE.** This section is effective January 1, 2024. 121.18 Sec. 57. [342.55] LIMITATIONS. 121.19 Subdivision 1. Limitations on consumption; locations of consumption. Nothing in 121.20 sections 342.47 to 342.59 permits any person to engage in, and does not prevent the 121.21 imposition of any civil, criminal, or other penalties for: 121.22 (1) undertaking a task under the influence of medical cannabis that would constitute 121.23 negligence or professional malpractice; 121.24 (2) possessing or consuming medical cannabis: 121.25 121.26 (i) on a school bus or van; or (ii) in a correctional facility; 121.27 (3) vaporizing or smoking medical cannabis: 121.28 121.29 (i) on any form of public transportation; (ii) where the vapor would be inhaled by a nonpatient minor or where the smoke would 121.30 be inhaled by a minor; or 121.31

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(iii) in any public place, including any indoor or outdoor area used by or open to the 122.1 general public or a place of employment, as defined in section 144.413, subdivision 1b; and 122.2 122.3 (4) operating, navigating, or being in actual physical control of a motor vehicle, aircraft, train, or motorboat or working on transportation property, equipment, or facilities while 122.4 122.5 under the influence of medical cannabis or a medical cannabis product. Subd. 2. Health care facilities. (a) Health care facilities licensed under chapter 144A; 122.6 hospice providers licensed under chapter 144A; boarding care homes or supervised living 122.7 facilities licensed under section 144.50; assisted living facilities under chapter 144G; facilities 122.8 owned, controlled, managed, or under common control with hospitals licensed under chapter 122.9 122.10 144; and other health care facilities licensed by the commissioner of health or the commissioner of human services may adopt reasonable restrictions on the use of medical 122.11 cannabis flower or medical cannabinoid products by a patient enrolled in the registry program 122.12 who resides at or is actively receiving treatment or care at the facility. The restrictions may 122.13 include a provision that the facility must not store or maintain a patient's supply of medical 122.14 cannabis flower or medical cannabinoid products on behalf of the patient; that a patient 122.15 store the patient's supply of medical cannabis flower or medicinal cannabinoid products in 122.16 a locked container accessible only to the patient, the patient's designated caregiver, or the 122.17 patient's parent, legal guardian, or spouse; that the facility is not responsible for providing 122.18 medical cannabis for patients; and that medical cannabis flower or medical cannabinoid 122.19 products are used only in a location specified by the facility or provider. Nothing in this 122.20 subdivision requires facilities and providers listed in this subdivision to adopt such 122.21 122.22 restrictions. (b) No facility or provider listed in this subdivision may unreasonably limit a patient's 122.23 access to or use of medical cannabis flower or medical cannabinoid products to the extent 122.24 that such use is authorized under sections 342.47 to 342.59. No facility or provider listed 122.25 in this subdivision may prohibit a patient access to or use of medical cannabis flower or 122.26 medical cannabinoid products due solely to the fact that cannabis is a Schedule I drug 122.27 pursuant to the federal Uniform Controlled Substances Act. If a federal regulatory agency, 122.28 the United States Department of Justice, or the federal Centers for Medicare and Medicaid 122.29 Services takes one of the following actions, a facility or provider may suspend compliance 122.30 with this paragraph until the regulatory agency, the United States Department of Justice, or 122.31 the federal Centers for Medicare and Medicaid Services notifies the facility or provider that 122.32 it may resume permitting the use of medical cannabis flower or medical cannabinoid products 122.33

122.34 within the facility or in the provider's service setting:

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123.1	(1) a federal regulatory agency or the United States Department of Justice initiates
123.2	enforcement action against a facility or provider related to the facility's compliance with
123.3	the medical cannabis program; or
123.4	(2) a federal regulatory agency, the United States Department of Justice, or the federal
123.5	Centers for Medicare and Medicaid Services issues a rule or otherwise provides notification
123.6	to the facility or provider that expressly prohibits the use of medical cannabis in health care
123.7	facilities or otherwise prohibits compliance with the medical cannabis program.
123.8	(c) An employee or agent of a facility or provider listed in this subdivision or a person
123.9	licensed under chapter 144E is not violating this chapter or chapter 152 for the possession
123.10	of medical cannabis flower or medical cannabinoid products while carrying out employment
123.11	duties, including providing or supervising care to a patient enrolled in the registry program,
123.12	or distribution of medical cannabis flower or medical cannabinoid products to a patient
123.13	enrolled in the registry program who resides at or is actively receiving treatment or care at
123.14	the facility or from the provider with which the employee or agent is affiliated.
123.15	Subd. 3. Child care facilities. A proprietor of a family or group family day care program
123.16	must disclose to parents or guardians of children cared for on the premises of the family or
123.17	group family day care program, if the proprietor permits the smoking or use of medical
123.18	cannabis on the premises, outside of its hours of operation. Disclosure must include posting

- 123.19 on the premises a conspicuous written notice and orally informing parents or guardians.
- 123.20 **EFFECTIVE DATE.** This section is effective January 1, 2024.

## 123.21 Sec. 58. [342.56] PROTECTIONS FOR REGISTRY PROGRAM PARTICIPANTS.

## 123.22 Subdivision 1. Presumption. There is a presumption that a patient enrolled in the registry

123.23 program is engaged in the authorized use of medical cannabis flower and medical cannabinoid

123.24 products. This presumption may be rebutted by evidence that the patient's use of medical

123.25 cannabis flower or medical cannabinoid products was not for the purpose of treating or

123.26 alleviating the patient's qualifying medical condition or symptoms associated with the

123.27 patient's qualifying medical condition.

123.30 (1) use or possession of medical cannabis flower, medical cannabinoid products, or

123.31 medical cannabis paraphernalia by a patient enrolled in the registry program or by a visiting

123.32 patient to whom medical cannabis is distributed under section 342.49, subdivision 5;

 <sup>123.28</sup> Subd. 2. Criminal and civil protections. (a) Subject to section 342.55, the following
 123.29 are not violations of this chapter or chapter 152:

124.1	(2) possession of medical cannabis flower, medical cannabinoid products, or medical
124.2	cannabis paraphernalia by a registered designated caregiver or a parent, legal guardian, or
124.3	spouse of a patient enrolled in the registry program; or
124.4	(3) possession of medical cannabis flower, medical cannabinoid products, or medical
124.5	cannabis paraphernalia by any person while carrying out duties required under sections
124.6	<u>342.47 to 342.59.</u>
124.7	(b) The Office of Cannabis Management, members of the Cannabis Advisory Council,
124.8	Office of Cannabis Management employees, agents or contractors of the Office of Cannabis
124.9	Management, and health care practitioners participating in the registry program are not
124.10	subject to any civil penalties or disciplinary action by the Board of Medical Practice, the
124.11	Board of Nursing, or any business, occupational, or professional licensing board or entity
124.12	solely for participating in the registry program either in a professional capacity or as a
124.13	patient. A pharmacist licensed under chapter 151 is not subject to any civil penalties or
124.14	disciplinary action by the Board of Pharmacy when acting in accordance with sections
124.15	342.47 to 342.59 either in a professional capacity or as a patient. Nothing in this section
124.16	prohibits a professional licensing board from taking action in response to a violation of law.
124.17	(c) Notwithstanding any law to the contrary, a Cannabis Advisory Council member, the
124.18	governor, or an employee of a state agency must not be held civilly or criminally liable for
124.19	any injury, loss of property, personal injury, or death caused by any act or omission while
124.20	acting within the scope of office or employment under sections 342.47 to 342.59.
124.21	(d) Federal, state, and local law enforcement authorities are prohibited from accessing
124.22	the registry except when acting pursuant to a valid search warrant. Notwithstanding section
124.23	13.09, a violation of this paragraph is a gross misdemeanor.
124.24	(e) Notwithstanding any law to the contrary, the office and employees of the office must
124.25	not release data or information about an individual contained in any report or document or
124.26	in the registry and must not release data or information obtained about a patient enrolled in
124.27	the registry program, except as provided in sections 342.47 to 342.59. Notwithstanding
124.28	section 13.09, a violation of this paragraph is a gross misdemeanor.
124.29	(f) No information contained in a report or document, contained in the registry, or
124.30	obtained from a patient under sections 342.47 to 342.59 may be admitted as evidence in a
124.31	criminal proceeding, unless:
124.32	(1) the information is independently obtained; or

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125.1	(2) admission of the information	on is sought in a crimina	l proceeding inv	olving a criminal
125.2	violation of sections 342.47 to 342	2.59.		
125.3	(g) Possession of a registry ver	rification or an applicat	ion for enrollme	nt in the registry
125.4	program:			
125.5	(1) does not constitute probabl	e cause or reasonable s	uspicion;	
125.6	(2) must not be used to support	t a search of the person	or property of th	ne person with a
125.7	registry verification or application	to enroll in the registr	y program; and	
125.8	(3) must not subject the person	n or the property of the	person to inspec	tion by any
125.9	government agency.			
125.10	Subd. 3. School enrollment; r	<mark>ental property.</mark> (a) No	school may refu	use to enroll a
125.11	patient as a pupil or otherwise per	alize a patient solely b	ecause the patier	nt is enrolled in
125.12	the registry program, unless failin	g to do so would violat	e federal law or	regulations or
125.13	cause the school to lose a monetan	y or licensing-related b	enefit under fed	eral law or
125.14	regulations.			
125.15	(b) No landlord may refuse to	lease to a patient or oth	erwise penalize	a patient solely
125.16	because the patient is enrolled in the	he registry program, un	less failing to do	so would violate
125.17	federal law or regulations or cause	e the landlord to lose a	monetary or lice	nsing-related
125.18	benefit under federal law or regula	ations.		
125.19	Subd. 4. Medical care. For pu	rposes of medical care,	including organ	transplants, a
125.20	patient's use of medical cannabis a	according to sections 34	42.47 to 342.59 i	s considered the
125.21	equivalent of the authorized use o	f a medication used at t	the discretion of	a health care
125.22	practitioner and does not disqualit	Ty a patient from needed	d medical care.	
125.23	Subd. 5. Employment. (a) Un	less a failure to do so w	vould violate fed	eral or state law
125.24	or regulations or cause an employ	er to lose a monetary of	r licensing-relate	d benefit under
125.25	federal law or regulations, an emp	loyer may not discrimi	nate against a pe	rson in hiring,
125.26	termination, or any term or condit	ion of employment, or o	otherwise penaliz	ze a person, if the
125.27	discrimination is based on:			
125.28	(1) the person's status as a pati	ent enrolled in the regis	stry program; or	
125.29	(2) a patient's positive drug tes	t for cannabis compone	ents or metabolit	es, unless the
125.30	patient used, possessed, sold, tran	sported, or was impaire	ed by medical car	nnabis flower or
125.31	a medical cannabinoid product on	work premises, during	working hours, o	r while operating
125.32	an employer's machinery, vehicle,	or equipment.		

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126.1	(b) An employee who is a patient and whose employer requires the employee to undergo
126.2	drug testing according to section 181.953 may present the employee's registry verification
126.3	as part of the employee's explanation under section 181.953, subdivision 6.
126.4	Subd. 6. Custody; visitation; parenting time. A person must not be denied custody of
126.5	a minor child or visitation rights or parenting time with a minor child based solely on the
126.6	person's status as a patient enrolled in the registry program. There must be no presumption
126.7	of neglect or child endangerment for conduct allowed under sections 342.47 to 342.59,
126.8	unless the person's behavior creates an unreasonable danger to the safety of the minor as
126.9	established by clear and convincing evidence.
126.10	Subd. 7. Action for damages. In addition to any other remedy provided by law, a patient
126.11	may bring an action for damages against any person who violates subdivision 3, 4, or 5. A
126.12	person who violates subdivision 3, 4, or 5 is liable to a patient injured by the violation for
126.13	the greater of the person's actual damages or a civil penalty of \$100 and reasonable attorney
126.14	fees.
126.15	Subd. 8. Sanctions restricted for those on parole, supervised release, or conditional
126.16	release. (a) This subdivision applies to an individual placed on parole, supervised release,
126.17	or conditional release.
126.18	(b) The commissioner of corrections may not:
126.19	(1) prohibit an individual from participating in the registry program as a condition of
126.20	release; or
126.21	(2) revoke an individual's parole, supervised release, or conditional release or otherwise
126.22	sanction an individual solely:
126.23	(i) for participating in the registry program; or
126.24	(ii) for a positive drug test for cannabis components or metabolites.
126.25	EFFECTIVE DATE. This section is effective January 1, 2024.
126.26	Sec. 59. [342.57] VIOLATION BY HEALTH CARE PRACTITIONER; CRIMINAL
126.27	PENALTY.
126.28	A health care practitioner who knowingly refers patients to a medical cannabis business
126.29	or to a designated caregiver, who advertises as a retailer or producer of medical cannabis
126.30	flower or medical cannabinoid products, or who issues certifications while holding a financial

126.31 interest in a cannabis retailer or medical cannabis business is guilty of a misdemeanor and

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- 127.1 may be sentenced to imprisonment for not more than 90 days or to payment of not more
- 127.2 than \$1,000, or both.
- 127.3 **EFFECTIVE DATE.** This section is effective January 1, 2024.

#### 127.4 Sec. 60. [342.58] DATA PRACTICES.

- 127.5 Subdivision 1. Data classification. Patient health records maintained by the Office of
- 127.6 Cannabis Management or the Division of Medical Cannabis and government data in patient
- 127.7 <u>health records maintained by a health care practitioner are classified as private data on</u>
- 127.8 individuals, as defined in section 13.02, subdivision 12, or nonpublic data, as defined in
- 127.9 section 13.02, subdivision 9.
- 127.10 Subd. 2. Allowable use; prohibited use. Data specified in subdivision 1 may be used
- 127.11 to comply with chapter 13, to comply with a request from the legislative auditor or the state
- 127.12 auditor in the performance of official duties, and for purposes specified in sections 342.47
- 127.13 to 342.59. Data specified in subdivision 1 and maintained by the Office of Cannabis
- 127.14 Management or Division of Medical Cannabis must not be used for any purpose not specified
- 127.15 in sections 342.47 to 342.59 and must not be combined or linked in any manner with any
- 127.16 other list, dataset, or database. Data specified in subdivision 1 must not be shared with any
- 127.17 federal agency, federal department, or federal entity unless specifically ordered to do so by
- 127.18 <u>a state or federal court.</u>
- 127.19 **EFFECTIVE DATE.** This section is effective January 1, 2024.

#### 127.20 Sec. 61. [342.59] CLINICAL TRIALS.

- 127.21 The Division of Medical Cannabis may conduct or award grants to health care providers
- 127.22 or research organizations to conduct clinical trials on the safety and efficacy of using medical
- 127.23 cannabis flower or medical cannabinoid products to treat a specific health condition. A
- 127.24 <u>health care provider or research organization receiving a grant under this section must</u>
- 127.25 provide the office with access to all data collected in a clinical trial funded under this section.
- 127.26 The office may use data from clinical trials conducted or funded under this section as
- 127.27 evidence to approve additional qualifying medical conditions or additional allowable forms
- 127.28 of medical cannabis.
- 127.29 **EFFECTIVE DATE.** This section is effective January 1, 2024.

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128.1	Sec. 62. [342.60] TESTING.
128.2	Subdivision 1. Testing required. Cannabis businesses and hemp businesses shall not
128.3	sell or offer for sale cannabis flower, cannabis products, synthetically derived cannabinoids,
128.4	lower-potency hemp edibles, or hemp-derived consumer products to another cannabis
128.5	business, hemp business, or to a customer or patient or otherwise transfer cannabis flower,
128.6	cannabis products, synthetically derived cannabinoids, lower-potency hemp edibles, or
128.7	hemp-derived consumer products to another cannabis business, unless:
128.8	(1) a representative sample of the batch of cannabis flower, cannabis product, synthetically
128.9	derived cannabinoid, lower-potency hemp edible, or hemp-derived consumer product has
128.10	been tested according to this section and rules adopted under this chapter;
128.11	(2) the testing was completed by a cannabis testing facility licensed under this chapter;
128.12	and
128.13	(3) the tested sample of cannabis flower, cannabis product, synthetically derived
128.14	cannabinoid, lower-potency hemp edible, or hemp-derived consumer product was found to
128.15	meet testing standards established by the office.
128.16	Subd. 2. Procedures and standards established by office. (a) The office shall by rule
128.17	establish procedures governing:
128.18	(1) the sampling, handling, testing, storage, and transportation of cannabis flower,
128.19	cannabis products, synthetically derived cannabinoids, lower-potency hemp edibles, and
128.20	hemp-derived consumer products tested under this section;
128.21	(2) the contaminants for which cannabis flower, cannabis products, synthetically derived
128.22	cannabinoids, lower-potency hemp edibles, and hemp-derived consumer products must be
128.23	tested;
128.24	(3) standards for potency and homogeneity testing; and
128.25	(4) procedures applicable to cannabis businesses, hemp businesses, and cannabis testing
128.26	facilities regarding cannabis flower, cannabis products, synthetically derived cannabinoids,
128.27	lower-potency hemp edibles, and hemp-derived consumer products that fail to meet the
128.28	standards for allowable levels of contaminants established by the office, that fail to meet
128.29	the potency limits in this chapter or that do not conform with the content of the cannabinoid
128.30	profile listed on the label.
128.31	(b) All testing required under this section must be performed in a manner that is consistent

128.32 with general requirements for testing and calibration activities.

129.1	Subd. 3. Standards established by Office of Cannabis Management. The office shall
129.2	by rule establish standards for allowable levels of contaminants in cannabis flower, cannabis
129.3	products, synthetically derived cannabinoids, lower-potency hemp edibles, hemp-derived
129.4	consumer products, and growing media. Contaminants for which the office must establish
129.5	allowable levels must include but are not limited to residual solvents, foreign material,
129.6	microbiological contaminants, heavy metals, pesticide residue, and mycotoxins.
129.7	Subd. 4. Testing of samples; disclosures. (a) On a schedule determined by the office,
129.8	every cannabis microbusiness, cannabis mezzobusiness, cannabis cultivator, cannabis
129.9	manufacturer, cannabis wholesaler with an endorsement to import products, lower-potency
129.10	hemp edible manufacturer, medical cannabis cultivator, or medical cannabis processor shall
129.11	make each batch of cannabis flower, cannabis products, synthetically derived cannabinoids,
129.12	lower-potency hemp edibles, or hemp-derived consumer products grown, manufactured, or
129.13	imported by the cannabis business or hemp business available to a cannabis testing facility.
129.14	(b) A cannabis microbusiness, cannabis mezzobusiness, cannabis cultivator, cannabis
129.15	manufacturer, cannabis wholesaler with an endorsement to import products, lower-potency
129.16	hemp edible manufacturer, medical cannabis cultivator, or medical cannabis processor must
129.17	disclose all known information regarding pesticides, fertilizers, solvents, or other foreign
129.18	materials, including but not limited to catalysts used in creating synthetically derived
129.19	cannabinoids, applied or added to the batch of cannabis flower, cannabis products,
129.20	synthetically derived cannabinoids, lower-potency hemp edible, or hemp-derived consumer
129.21	products subject to testing. Disclosure must be made to the cannabis testing facility and
129.22	must include information about all applications by any person, whether intentional or
129.23	accidental.
129.24	(c) The cannabis testing facility shall select one or more representative samples from
129.25	each batch, test the samples for the presence of contaminants, and test the samples for
129.26	potency and homogeneity and to allow the cannabis flower, cannabis product, synthetically
129.27	derived cannabinoid, lower-potency hemp edible, or hemp-derived consumer product to be
129.28	accurately labeled with its cannabinoid profile. Testing for contaminants must include testing
129.29	for residual solvents, foreign material, microbiological contaminants, heavy metals, pesticide
129.30	residue, mycotoxins, and any items identified pursuant to paragraph (b), and may include
129.31	testing for other contaminants. A cannabis testing facility must destroy or return to the
129.32	cannabis business or hemp business any part of the sample that remains after testing.
129.33	Subd. 5. Test results. (a) If a sample meets the applicable testing standards, a cannabis

- 129.34 testing facility shall issue a certification to a cannabis microbusiness, cannabis
- 129.35 mezzobusiness, cannabis cultivator, cannabis manufacturer, cannabis wholesaler with an

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endorsement to import products, lower-potency hemp edible manufacturer, medical cannabis 130.1 cultivator, or medical cannabis processor, and the cannabis business or hemp business may 130.2 130.3 then sell or transfer the batch of cannabis flower, cannabis products, synthetically derived cannabinoids, lower-potency hemp edibles, or hemp-derived consumer products from which 130.4 the sample was taken to another cannabis business or hemp business, or offer the cannabis 130.5 flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products 130.6 for sale to customers or patients. If a sample does not meet the applicable testing standards 130.7 130.8 or if the testing facility is unable to test for a substance identified pursuant to subdivision 4, paragraph (b), the batch from which the sample was taken shall be subject to procedures 130.9 established by the office for such batches, including destruction, remediation, or retesting. 130.10 (b) A cannabis microbusiness, cannabis mezzobusiness, cannabis cultivator, cannabis 130.11 130.12 manufacturer, cannabis wholesaler with an endorsement to import products, lower-potency hemp edible manufacturer, medical cannabis cultivator, or medical cannabis processor must 130.13 maintain the test results for cannabis flower, cannabis products, synthetically derived 130.14 cannabinoids, lower-potency hemp edibles, or hemp-derived consumer products grown, 130.15 manufactured, or imported by that cannabis business or hemp business for at least five years 130.16 130.17 after the date of testing. (c) A cannabis microbusiness, cannabis mezzobusiness, cannabis cultivator, cannabis 130.18 manufacturer, cannabis wholesaler with an endorsement to import products, lower-potency 130.19 hemp edible manufacturer, medical cannabis cultivator, or medical cannabis processor shall 130.20 make test results maintained by that cannabis business or hemp business available for review 130.21

by any member of the public upon request. Test results made available to the public mustbe in plain language.

130.24 Sec. 63. [342.61] PACKAGING.

Subdivision 1. General. All cannabis flower, cannabis products, lower-potency hemp
 edibles, and hemp-derived consumer products sold to customers or patients must be packaged
 as required by this section and rules adopted under this chapter.

<u>Subd. 2.</u> Packaging requirements. (a) Except as provided in paragraph (b), all cannabis
 flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products
 sold to customers or patients must be:

(1) prepackaged in packaging or a container that is child-resistant, tamper-evident, and
 <u>opaque; or</u>

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131.1	(2) placed in packaging or a c	container that is plain, chi	ild-resistant, tar	per-evident, and
131.2	opaque at the final point of sale t	to a customer.		
131.3	(b) The requirement that pack	caging be child-resistant	does not apply t	<u>o:</u>
131.4	(1) a hemp-derived topical pr	oduct; or		
131.5	(2) a lower-potency hemp ed	ible that:		
131.6	(i) contains nonintoxicating c	annabinoids;		
131.7	(ii) does not contain more that	in a combined total of 0.2	25 milligrams of	intoxicating
131.8	cannabinoids; and			
131.9	(iii) does not contain a synthe	etically derived cannabine	oid.	
131.10	(c) If a cannabis product, low	ver-potency hemp edible,	or a hemp-deriv	ved consumer
131.11	product is packaged in a manner	that includes more than a	single serving, e	each serving must
131.12	be indicated by scoring, wrappin	g, or other indicators des	ignating the ind	ividual serving
131.13	size. If the item is a lower-potency	y hemp edible, any indicat	or other than ind	ividual wrapping
131.14	that designates the individual ser	ving size must appear on	the lower-poter	ncy hemp edible.
131.15	(d) An edible cannabis produ	ct or lower-potency hem	p edible contain	ing more than a
131.16	single serving must be prepackag	ged or placed at the final	point of sale in j	packaging or a
131.17	container that is resealable.			
131.18	Subd. 3. Packaging prohibiti	ons. (a) Cannabis flower,	cannabis produc	ts, lower-potency
131.19	hemp edibles, or hemp-derived c	consumer products sold to	o customers or p	atients must not
131.20	be packaged in a manner that:			
131.21	(1) bears a reasonable resemb	lance to any commercial	ly available proc	luct that does not
131.22	contain cannabinoids, whether th	e manufacturer of the pro	duct holds a regi	stered trademark
131.23	or has registered the trade dress;	or		
131.24	(2) is designed to appeal to p	ersons under 21 years of	age.	
131.25	(b) Packaging for cannabis flo	ower, cannabis products,	lower-potency h	emp edibles, and
131.26	hemp-derived consumer product	s must not contain or be	coated with any	perfluoroalkyl
131.27	substance.			
131.28	(c) Edible cannabis products	and lower-potency hemp	edibles must no	ot be packaged in
131.29	a material that is not approved by	y the United States Food	and Drug Admi	nistration for use
131.30	in packaging food.			

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Sec. 64. [342.62] LABELING. 132.1 Subdivision 1. General. All cannabis flower, cannabis products, lower-potency hemp 132.2 132.3 edibles, and hemp-derived consumer products sold to customers or patients must be labeled as required by this section and rules adopted under this chapter. 132.4 132.5 Subd. 2. Content of label; cannabis. All cannabis flower and hemp-derived consumer products that consist of hemp plant parts sold to customers or patients must have affixed 132.6 on the packaging or container of the cannabis flower or hemp-derived consumer product a 132.7 label that contains at least the following information: 132.8 (1) the name and license number of the cannabis microbusiness, cannabis mezzobusiness, 132.9 cannabis cultivator, medical cannabis cultivator, or industrial hemp grower where the 132.10 cannabis flower or hemp plant part was cultivated; 132.11 (2) the net weight or volume of cannabis flower or hemp plant parts in the package or 132.12 132.13 container; (3) the batch number; 132.14 132.15 (4) the cannabinoid profile; (5) a universal symbol established by the office indicating that the package or container 132.16 contains cannabis flower, a cannabis product, a lower-potency hemp edible, or a 132.17 hemp-derived consumer product; 132.18 (6) verification that the cannabis flower or hemp plant part was tested according to 132.19 section 342.60 and that the cannabis flower or hemp plant part complies with the applicable 132.20 standards; 132.21 132.22 (7) the maximum dose, quantity, or consumption that may be considered medically safe within a 24-hour period; 132.23 132.24 (8) the following statement: "Keep this product out of reach of children."; and (9) any other statements or information required by the office. 132.25 Subd. 3. Content of label; cannabis products. (a) All cannabis products, lower-potency 132.26 hemp edibles, hemp-derived consumer products other than products subject to the 132.27 requirements under subdivision 2, medical cannabinoid products, and hemp-derived topical 132.28 products sold to customers or patients must have affixed to the packaging or container of 132.29 the cannabis product a label that contains at least the following information: 132.30 (1) the name and license number of the cannabis microbusiness, cannabis mezzobusiness, 132.31

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132.32

cannabis cultivator, medical cannabis cultivator, or industrial hemp grower that cultivated

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133.1	the cannabis flower or hemp plant	parts used in the canna	abis product, low	er-potency hemp
133.2	edible, hemp-derived consumer pro-	oduct, or medical can	nabinoid product;	
133.3	(2) the name and license number	of the cannabis micro	business, cannabi	s mezzobusiness,
133.4	cannabis manufacturer, lower-pote	ncy hemp edible man	ufacturer, medica	l cannabis
133.5	processor, or industrial hemp grow	er that manufactured	the cannabis conc	entrate or
133.6	synthetically derived cannabinoid	and if different, the na	me and license n	umber of the
133.7	cannabis microbusiness, cannabis	mezzobusiness, canna	bis manufacturer,	lower-potency
133.8	hemp edible manufacturer, or medic	cal cannabis processor	that manufactured	l the cannabinoid
133.9	product;			
133.10	(3) the net weight or volume of $(3)$	the cannabis product.	, lower-potency h	emp edible, or
133.11	hemp-derived consumer product in	the package or conta	iner;	
133.12	(4) the type of cannabis product	, lower-potency hemp	edible, or hemp-d	erived consumer
133.13	product;			
133.14	(5) the batch number;			
133.15	(6) the serving size;			
133.16	(7) the cannabinoid profile per	serving and in total;		
133.17	(8) a list of ingredients;			
133.18	(9) a universal symbol establish	ed by the office indicated	ating that the pack	tage or container
133.19	contains cannabis flower, a cannab	is product, a lower-po	otency hemp edibl	le, or a
133.20	hemp-derived consumer product;			
133.21	(10) a warning symbol develop	ed by the office in con	nsultation with the	e commissioner
133.22	of health and the Minnesota Poison	n Control System that:	<u>.</u>	
133.23	(i) is at least three-quarters of a	n inch tall and six-ten	ths of an inch wic	<u>le;</u>
133.24	(ii) is in a highly visible color;			
133.25	(iii) includes a visual element t	hat is commonly unde	rstood to mean a	person should
133.26	stop;			
133.27	(iv) indicates that the product is	s not for children; and		
133.28	(v) includes the phone number	of the Minnesota Pois	on Control System	<u>m;</u>
133.29	(11) verification that the cannal	ois product, lower-pot	ency hemp edible	e, hemp-derived
133.30	consumer product, or medical can	nabinoid product was	tested according t	o section 342.60

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134.1	and that the cannabis product, lo	wer-potency hemp edible,	hemp-derived o	consumer product,
134.2	or medical cannabinoid product	t complies with the application	able standards;	
134.3	(12) the maximum dose, qua	antity, or consumption tha	t may be consid	lered medically
134.4	safe within a 24-hour period;			
134.5	(13) the following statement	t: "Keep this product out o	of reach of child	lren."; and
134.6	(14) any other statements or	information required by t	he office.	
134.7	(b) The office may by rule es	stablish alternative labeling	g requirements	for lower-potency
134.8	hemp edibles that are imported	into the state provided that	t those requirer	ments provide
134.9	consumers with information that	at is substantially similar t	o the information	on described in
134.10	paragraph (a).			
134.11	Subd. 4. Additional conten	t of label; medical canna	bis flower and	medical
134.12	cannabinoid products. In addi	tion to the applicable requ	irements for la	beling under
134.13	subdivision 2 or 3, all medical of	cannabis flower and medic	cal cannabinoid	products must
134.14	include at least the following in	formation on the label affi	xed to the packa	aging or container
134.15	of the medical cannabis flower	or medical cannabinoid p	roduct:	
134.16	(1) the patient's name and data	ate of birth;		
134.17	(2) the name and date of birt	h of the patient's registered	d designated car	regiver or, if listed
134.18	on the registry verification, the	name of the patient's pare	nt, legal guardi	an, or spouse, if
134.19	applicable; and			
134.20	(3) the patient's registry iden	ntification number.		
134.21	Subd. 5. Content of label; he	emp-derived topical prod	ucts. (a) All her	np-derived topical
134.22	products sold to customers mus	t have affixed to the packa	aging or contain	ner of the product
134.23	a label that contains at least the	following information:		
134.24	(1) the manufacturer name,	location, phone number, a	nd website;	
134.25	(2) the name and address of	the independent, accredite	ed laboratory us	sed by the
134.26	manufacturer to test the product	<u>t;</u>		
134.27	(3) the net weight or volume	e of the product in the pac	kage or contain	er;
134.28	(4) the type of topical produ	<u>ct;</u>		
134.29	(5) the amount or percentage	e of cannabidiol, cannabig	gerol, or any oth	ner cannabinoid,
134.30	derivative, or extract of hemp, p	per serving and in total;		
134.31	(6) a list of ingredients;			

135.1	(7) a statement that the product does not claim to diagnose, treat, cure, or prevent any
135.2	disease and that the product has not been evaluated or approved by the United States Food
135.3	and Drug Administration, unless the product has been so approved; and
135.4	(8) any other statements or information required by the office.
135.5	(b) The information required in paragraph (a), clauses (1), (2), and (5), may be provided
135.6	through the use of a scannable barcode or matrix barcode that links to a page on a website
135.7	maintained by the manufacturer or distributor if that page contains all of the information
135.8	required by this subdivision.
135.9	Subd. 6. Additional information. A cannabis microbusiness, cannabis mezzobusiness,
135.10	cannabis retailer, or medical cannabis retailer must provide customers and patients with the
135.11	following information by including the information on the label affixed to the packaging
135.12	or container of cannabis flower, a cannabis product, or a hemp-derived consumer product;
135.13	by posting the information in the premises of the cannabis microbusiness, cannabis
135.14	mezzobusiness, cannabis retailer, or medical cannabis retailer; by providing the information
135.15	on a separate document or pamphlet provided to customers or patients when the customer
135.16	purchases cannabis flower, a cannabis product, a lower-potency hemp edible, or a
135.17	hemp-derived consumer product:
135.18	(1) factual information about impairment effects and the expected timing of impairment
135.19	effects, side effects, adverse effects, and health risks of cannabis flower, cannabis products,
135.20	lower-potency hemp edibles, and hemp-derived consumer products;
135.21	(2) a statement that customers and patients must not operate a motor vehicle or heavy
135.22	machinery while under the influence of cannabis flower, cannabis products, lower-potency
135.23	hemp edibles, or hemp-derived consumer products;
135.24	(3) resources customers and patients may consult to answer questions about cannabis
135.25	flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer
135.26	products, and any side effects and adverse effects;
135.27	(4) contact information for the poison control center and a safety hotline or website for
135.28	customers to report and obtain advice about side effects and adverse effects of cannabis
135.29	flower and cannabis products;
135.30	(5) substance abuse disorder treatment options; and
135.31	(6) any other information specified by the office.
135.32	All labels affixed to the packaging of cannabis flower, cannabis products, lower-potency
135.33	hemp edibles, and hemp-derived consumer products sold to customers or patients must

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136.1	include the following warning: "C	Cannabis can harm your	health, and your	baby's health if
136.2	you are pregnant."			

#### 136.3 Sec. 65. [342.63] ADVERTISEMENT.

136.4 Subdivision 1. Limitations applicable to all advertisements. No cannabis business,

136.5 hemp business, or other person shall publish or cause to be published an advertisement for

136.6 cannabis flower, a cannabis business, a hemp business, a cannabis product, a lower-potency

136.7 hemp edible, or a hemp-derived consumer product in a manner that:

- 136.8 (1) contains false or misleading statements;
- 136.9 (2) contains unverified claims about the health or therapeutic benefits or effects of
- 136.10 consuming cannabis or a cannabis product;

136.11 (3) promotes the overconsumption of cannabis flower, cannabis products, or hemp-derived

- 136.12 consumer products;
- 136.13 (4) depicts a person under 21 years of age consuming cannabis flower, a cannabis product,

136.14 <u>a lower-potency hemp edible, or a hemp-derived consumer product;</u>

136.15 (5) includes an image designed or likely to appeal to individuals under 21 years of age,

136.16 including cartoons, toys, animals, or children, or any other likeness to images, characters,

136.17 or phrases that is designed to be appealing to individuals under 21 years of age or encourage

136.18 consumption by individuals under 21 years of age; or

136.19 (6) does not contain a warning as specified by the office regarding impairment and health

136.20 risks, including driving while impaired, side effects, adverse reactions, and pregnancy

136.21 complications.

136.22 Subd. 2. Outdoor advertisements; cannabis business signs. (a) A cannabis business

136.23 or hemp business may erect or utilize an outdoor advertisement of a cannabis business, a

136.24 hemp business, cannabis flower, a cannabis product, a lower-potency hemp edible, or a

- 136.25 hemp-derived consumer product.
- 136.26 (b) A cannabis business may erect up to two fixed outdoor signs on the exterior of the
- 136.27 <u>building or property of the cannabis business or hemp business.</u> A fixed outdoor sign:
- 136.28 (1) may contain the name of the cannabis business or hemp business and the address

136.29 and nature of the cannabis business or hemp business; and

136.30 (2) shall not include a logo or an image of any kind.

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(c) All outdoor advertisements on land adjacent to an interstate or trunk highway must 137.1 comply with the requirements of chapter 173. 137.2 137.3 Subd. 3. Audience under 21 years of age. Except as provided in subdivision 2, a cannabis business, hemp business, or other person shall not publish or cause to be published 137.4 137.5 an advertisement for a cannabis business, a hemp business, cannabis flower, a cannabis product, a lower-potency hemp edible, or a hemp-derived consumer product in any print 137.6 publication or on radio, television, or any other medium if 30 percent or more of the audience 137.7 137.8 of that medium is reasonably expected to be individuals who are under 21 years of age, as determined by reliable, current audience composition data. 137.9 137.10 Subd. 4. Certain unsolicited advertising. A cannabis business, hemp business, or another person shall not utilize unsolicited pop-up advertisements on the internet to advertise 137.11 a cannabis business, a hemp business, cannabis flower, a cannabis product, a lower-potency 137.12 hemp edible, or a hemp-derived consumer product. 137.13 Subd. 5. Advertising using direct, individualized communication or dialogue. Before 137.14 a cannabis business, hemp business, or another person may advertise a cannabis business, 137.15 a hemp business, cannabis flower, a cannabis product, a lower-potency hemp edible, or a 137.16 hemp-derived consumer product through direct, individualized communication or dialogue 137.17 controlled by the cannabis business, hemp business, or other person, the cannabis business, 137.18 hemp business, or other person must use a method of age affirmation to verify that the 137.19 recipient of the direct, individualized communication or dialogue is 21 years of age or older. 137.20 For purposes of this subdivision, the method of age affirmation may include user 137.21 confirmation, birth date disclosure, or another similar registration method. 137.22 Subd. 6. Advertising using location-based devices. A cannabis business, hemp business, 137.23 or another person shall not advertise a cannabis business, a hemp business, cannabis flower, 137.24 a cannabis product, a lower-potency hemp edible, or a hemp-derived consumer product 137.25 137.26 with advertising directed toward location-based devices, including but not limited to cellular telephones, unless the owner of the device is 21 years of age or older. 137.27 137.28 Subd. 7. Advertising restrictions for health care practitioners under the medical cannabis program. (a) A health care practitioner shall not publish or cause to be published 137.29 an advertisement that: 137.30 (1) contains false or misleading statements about the registry program; 137.31 (2) uses colloquial terms to refer to medical cannabis flower or medical cannabinoid 137.32 products, such as pot, weed, or grass; 137.33

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138.1	(3) states or implies that the health care practitioner is endorsed by	y the office, the Division
138.2	.2 of Medical Cannabis, or the registry program;	
138.3	.3 (4) includes images of cannabis flower, hemp plant parts, or im	ages of paraphernalia
138.4	.4 commonly used to smoke cannabis flower;	
138.5	.5 (5) contains medical symbols that could reasonably be confuse	d with symbols of
138.6	.6 established medical associations or groups; or	
138.7	.7 (6) does not contain a warning as specified by the office regardin	g impairment and health
138.8	.8 risks, including driving while impaired, side effects, adverse reaction	ons, and pregnancy
138.9	.9 <u>complications</u> .	
138.10	(b) A health care practitioner found by the office to have violat	ed this subdivision is
138.11	prohibited from certifying that patients have a qualifying medical	condition for purposes
138.12	.12 of patient participation in the registry program. A decision by the o	office that a health care
138.13	.13 practitioner has violated this subdivision is a final decision and is no	t subject to the contested
138.14	.14 case procedures in chapter 14.	
138.15	15 Sec. 66. [342.64] INDUSTRIAL HEMP.	
138.16	.16 Nothing in this chapter shall limit the ability of a person license	ed under chapter 18K to
138.17	.17 grow industrial hemp for commercial or research purposes, proces	s industrial hemp for
138.18	.18 commercial purposes, sell hemp fiber products and hemp grain, ma	nufacture hemp-derived
138.19	19 topical products, or perform any other actions authorized by the com	missioner of agriculture.
138.20	.20 For purposes of this section, "processing" has the meaning given in	n section 18K.02,
138.21	.21 subdivision 5, and does not include the process of creating synthetical	ly derived cannabinoids.
138.22	.22 Sec. 67. [342.65] LEGAL ASSISTANCE TO CANNABIS BU	<u>SINESSES.</u>
138.23	An attorney must not be subject to disciplinary action by the Mi	nnesota Supreme Court
138.24	.24 or professional responsibility board for providing legal assistance to	prospective or licensed
138.25	.25 cannabis businesses, hemp businesses, or others for activities that de	o not violate this chapter
138.26	.26 <u>or chapter 152.</u>	
138.27	.27 Sec. 68. [342.66] HEMP-DERIVED TOPICAL PRODUCTS.	
138.28	.28 <u>Subdivision 1.</u> <u>Scope.</u> <u>This section applies to the manufacture,</u>	marketing, distribution,
138.29	and sale of hemp-derived topical products.	
138.30	.30 Subd. 2. Approved cannabinoids. (a) Products manufactured,	marketed, distributed,
138.31	.31 and sold under this section may contain cannabidiol or cannabiger	ol. Except as provided

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139.1	in paragraph (c), products may no	ot contain any other canr	nabinoid unless	approved by the
139.2	office.			
139.3	(b) The office may approve an	ny cannabinoid, other tha	an any tetrahydi	cocannabinol, and
139.4	authorize its use in manufacturing	g, marketing, distribution	n, and sales und	er this section if
139.5	the office determines that the can	nabinoid is a nonintoxic	ating cannabine	oid.
139.6	(c) A product manufactured, r	narketed, distributed, an	d sold under thi	is section may
139.7	contain cannabinoids other than can	nnabidiol, cannabigerol, c	or any other can	nabinoid approved
139.8	by the office provided that the can	mabinoids are naturally o	occurring in her	np plants or hemp
139.9	plant parts and the total of all other	er cannabinoids present	in a product do	es not exceed one
139.10	milligram per package.			
139.11	Subd. 3. Approved products.	Products sold to consum	mers under this	section may only
139.12	be manufactured, marketed, distri	ibuted, intended, or gene	erally expected	to be used by
139.13	applying the product externally to	o a part of the body of a	human or anima	al.
139.14	Subd. 4. Labeling. Hemp-der	ived topical products mu	st meet the labe	ling requirements
139.15	in section 342.62, subdivision 5.			
139.16	Subd. 5. <b>Prohibitions.</b> (a) A p	product sold to consume	rs under this see	ction must not be
139.17	manufactured, marketed, distribut	ted, or intended:		
139.18	(1) for external or internal use $\frac{1}{2}$	in the diagnosis, cure, mi	itigation, treatm	ent, or prevention
139.19	of disease in humans or other anim	mals;		
139.20	(2) to affect the structure or an	ny function of the bodies	s of humans or o	other animals;
139.21	(3) to be consumed by combu	stion or vaporization of	the product and	inhalation of
139.22	smoke, aerosol, or vapor from the	e product;		
139.23	(4) to be consumed through cl	hewing; or		
139.24	(5) to be consumed through in	jection or application to	a mucous memb	orane or nonintact
139.25	skin.			
139.26	(b) A product manufactured, r	narketed, distributed, or	sold to consum	ers under this
139.27	section must not:			
139.28	(1) consist, in whole or in part	t, of any filthy, putrid, or	decomposed s	ubstance;
139.29	(2) have been produced, prepa	ared, packed, or held und	ler unsanitary c	onditions where
139.30	the product may have been render	red injurious to health, o	or where the pro	duct may have
139.31	been contaminated with filth;			

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140.1	(3) be packaged in a contained	er that is composed, in w	hole or in part, o	of any poisonous
140.2	or deleterious substance that may	y render the contents inju	rious to health;	
140.3	(4) contain any additives or e	excipients that have been	found by the U	nited States Food
140.4	and Drug Administration to be unsafe for human or animal consumption;			
140.5	(5) contain a cannabinoid or	an amount or percentage	of cannabinoid	s that is different
140.6	than the information stated on th	le label;		
140.7	(6) contain a cannabinoid, ot	her than cannabidiol, can	nabigerol, or a	cannabinoid
140.8	approved by the office, in an am	ount that exceeds the sta	ndard establishe	d in subdivision
140.9	2, paragraph (c); or			
140.10	(7) contain any contaminants	for which testing is requ	ired by the offic	e in amounts that
140.11	exceed the acceptable minimum	standards established by	the office.	
140.12	(c) No product containing an	y cannabinoid may be so	ld to any individ	dual who is under
140.13	21 years of age.			
140.14	Subd. 6. Enforcement. The c	office may enforce this sec	ction under the re	elevant provisions
140.15	of section 342.17.			
140.16	Sec. 69. [342.67] CANNABIS	INDUSTRY COMMU	NITY RENEW	AL GRANTS.
140.17	Subdivision 1. Establishmer	nt. The Office of Cannab	is Management	shall establish
140.18	CanRenew, a program to award	grants to eligible organiz	ations for inves	tments in
140.19	communities where long-term re	esidents are eligible to be	social equity ar	oplicants.
140.20	Subd. 2. Definitions. (a) For	the purposes of this sect	ion, the followin	ng terms have the
140.21	meanings given.			
140.22	(b) "Community investment"	means a project or prog	ram designed to	improve
140.23	community-wide outcomes or ex	xperiences and may inclu	de efforts target	ting economic
140.24	development, violence preventio	on, youth development, o	<u>r civil legal aid,</u>	among others.
140.25	(c) "Eligible community" me	ans a community where	long-term reside	ents are eligible to
140.26	be social equity applicants.			
140.27	(d) "Eligible organization" m	eans any organization ab	ele to make an ir	vestment in a
140.28	community where long-term res	idents are eligible to be s	ocial equity app	olicants and may
140.29	include educational institutions,	nonprofit organizations,	private business	ses, community
140.30	groups, units of local governmen	t, or partnerships betwee	n different types	of organizations.
140.31	(e) "Program" means the Car	nRenew grant program.		

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141.1	(f) "Social equity applicant" means a person who meets the qualification requirements					
141.2	in section 342.15.					
141.3	Subd. 3. Grants to organizat	ions. (a) The office mus	st award grants to	o eligible		
141.4	organizations through a competiti	organizations through a competitive grant process.				
141.5	(b) To receive grant money, an	(b) To receive grant money, an eligible organization must submit a written application				
141.6	to the office, using a form develop	ped by the office, expla	ining the commu	nity investment		
141.7	the organization wants to make in	the organization wants to make in an eligible community.				
141.8	(c) An eligible organization's grant application must also include:					
141.9	(1) an analysis of the community's need for the proposed investment;					
141.10	(2) a description of the positiv	e impact that the propo	sed investment is	s expected to		
141.11	generate for that community;					
141.12	(3) any evidence of the organiz	ation's ability to success	fully achieve that	t positive impact;		
141.13	(4) any evidence of the organization's past success in making similar community					
141.14	investments;					
141.15	(5) an estimate of the cost o	he proposed investment	t;			
141.16	(6) the sources and amounts of any nonstate funds or in-kind contributions that will					
141.17	supplement grant money; and					
141.18	(7) any additional information	requested by the office	<u></u>			
141.19	(d) In awarding grants under th	is subdivision, the offic	e shall give weigl	ht to applications		
141.20	from organizations that demonstrate a history of successful community investments,					
141.21	particularly in geographic areas that are now eligible communities. The office shall also					
141.22	give weight to applications where there is demonstrated community support for the proposed					
141.23	investment. The office shall fund i	investments in eligible of	communities thro	ughout the state.		
141.24	Subd. 4. Program outreach.	The office shall make e	xtensive efforts to	o publicize these		
141.25	grants, including through partners	ships with community o	rganizations, par	ticularly those		
141.26	located in eligible communities.					
141.27	Subd. 5. Reports to the legisla	ture. By January 15, 20	24, and each Janu	ary 15 thereafter,		
141.28	the office must submit a report to the	ne chairs and ranking mi	nority members c	of the committees		
141.29	of the house of representatives an	d the senate having juri	sdiction over cor	nmunity		
141.30	development that details awards given through the CanRenew program and the use of grant					
141.31	money, including any measures of	f successful community	impact from the	grants.		

HF100 FIRST UNOFFICIAL REVISOR BD UEH0100-1 ENGROSSMENT Sec. 70. [342.68] SUBSTANCE USE TREATMENT, RECOVERY, AND 142.1 142.2 **PREVENTION GRANTS.** 142.3 Subdivision 1. Account established; appropriation. A substance use treatment, recovery, and prevention grant account is created in the special revenue fund. Money in the account, 142.4 142.5 including interest earned, is appropriated to the office for the purposes specified in this 142.6 section. Subd. 2. Acceptance of gifts and grants. Notwithstanding sections 16A.013 to 16A.016, 142.7 the office may accept money contributed by individuals and may apply for grants from 142.8 charitable foundations to be used for the purposes identified in this section. The money 142.9 accepted under this section must be deposited in the substance use treatment, recovery, and 142.10 prevention grant account created under subdivision 1. 142.11 142.12 Subd. 3. Disposition of money; grants. (a) Money in the substance use treatment, recovery, and prevention grant account must be distributed as follows: 142.13 (1) at least 75 percent of the money is for grants for substance use disorder and mental 142.14 health recovery and prevention programs. Funds must be used for recovery and prevention 142.15 activities and supplies that assist individuals and families to initiate, stabilize, and maintain 142.16 long-term recovery from substance use disorders and co-occurring mental health conditions. 142.17 Recovery and prevention activities may include prevention education, school-linked 142.18 behavioral health, school-based peer programs, peer supports, self-care and wellness, 142.19 culturally specific healing, community public awareness, mutual aid networks, telephone 142.20 recovery checkups, mental health warmlines, harm reduction, recovery community 142.21 organization development, first episode psychosis programs, and recovery housing; and 142.22 (2) up to 25 percent of the money is for substance use disorder treatment programs as 142.23 defined in chapter 245G and may be used to implement, strengthen, or expand supportive 142.24 services and activities that are not covered by medical assistance under chapter 256B, 142.25 MinnesotaCare under chapter 256L, or the behavioral health fund under chapter 254B. 142.26 Services and activities may include adoption or expansion of evidence-based practices; 142.27 142.28 competency-based training; continuing education; culturally specific and culturally responsive services; sober recreational activities; developing referral relationships; family preservation 142.29 and healing; and start-up or capacity funding for programs that specialize in adolescent, 142.30 culturally specific, culturally responsive, disability-specific, co-occurring disorder, or family 142.31 treatment services. 142.32 (b) The office shall consult with the Governor's Advisory Council on Opioids, Substance 142.33 Use, and Addiction; the commissioner of human services; and the commissioner of health 142.34

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143.1	to develop an appropriate applicati	on process, establish g	rant requirements	, determine what	
143.2	organizations are eligible to receiv	e grants, and establish	reporting require	ements for grant	
143.3	recipients.				
143.4	Subd. 4. Reports to the legislat	t <b>ure.</b> By January 15, 20	24, and each Janu	ary 15 thereafter,	
143.5	the office must submit a report to th	e chairs and ranking mi	nority members o	of the committees	
143.6	of the house of representatives and	the senate having juri	sdiction over hea	lth and human	
143.7	services policy and finance that details grants awarded from the substance use treatment,				
143.8	recovery, and prevention grant acc	count, including the tot	al amount awarde	ed, total number	
143.9	of recipients, and geographic distr	ibution of those recipie	ents.		
143.10	Sec. 71. [342.69] CANNABIS (	GROWER GRANTS.			
143.11	Subdivision 1. Establishment.	The office, in consult	ation with the cor	nmissioner of	
143.12	agriculture, shall establish CanGro	w, a program to award	grants to (1) eligit	ole organizations	
143.13	to help farmers navigate the regulatory structure of the legal cannabis industry, and (2)				
143.14	nonprofit corporations to fund loans	s to farmers for expansi	on into the legal c	annabis industry.	
143.15	Subd. 2. Definitions. (a) For th	ne purposes of this sect	tion, the following	g terms have the	
143.16	meanings given.				
143.17	(b) "Eligible organization" mea	ns any organization ca	pable of helping	farmers navigate	
143.18	the regulatory structure of the legal	cannabis industry, part	icularly individua	ls facing barriers	
143.19	to education or employment, and r	nay include education	al institutions, no:	nprofit	
143.20	organizations, private businesses, community groups, units of local government, or				
143.21	partnerships between different typ	es of organizations.			
143.22	(c) "Industry" means the legal	cannabis industry in th	e state of Minnes	ota.	
143.23	(d) "Program" means the CanC	brow grant program.			
143.24	(e) "Social equity applicant" m	eans a person who me	ets the qualificati	on requirements	
143.25	in section 342.15.				
143.26	Subd. 3. Technical assistance g	<b>grants.</b> (a) Grant mone	y awarded to eligi	ble organizations	
143.27	may be used for both developing t	echnical assistance res	ources relevant to	the regulatory	
143.28	structure of the legal cannabis indu	ustry and for providing	such technical a	ssistance or	
143.29	navigation services to farmers.				
143.30	(b) The office must award gran	ts to eligible organizat	tions through a co	ompetitive grant	
143.31	process.				

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(c) To receive grant money, an eligible organization must submit a written application 144.1 to the office, using a form developed by the office, explaining the organization's ability to 144.2 144.3 assist farmers in navigating the regulatory structure of the legal cannabis industry, particularly farmers facing barriers to education or employment. 144.4 144.5 (d) An eligible organization's grant application must also include: (1) a description of the proposed technical assistance or navigation services, including 144.6 the types of farmers targeted for assistance; 144.7 (2) any evidence of the organization's past success in providing technical assistance or 144.8 navigation services to farmers, particularly farmers who live in areas where long-term 144.9 residents are eligible to be social equity applicants; 144.10 (3) an estimate of the cost of providing the technical assistance; 144.11 (4) the sources and amounts of any nonstate funds or in-kind contributions that will 144.12 supplement grant money, including any amounts that farmers will be charged to receive 144.13 assistance; and 144.14 144.15 (5) any additional information requested by the office. (e) In awarding grants under this subdivision, the office shall give weight to applications 144.16 144.17 from organizations that demonstrate a history of successful technical assistance or navigation services, particularly for farmers facing barriers to education or employment. The office 144.18 144.19 shall also give weight to applications where the proposed technical assistance will serve areas where long-term residents are eligible to be social equity applicants. The office shall 144.20 fund technical assistance to farmers throughout the state. 144.21 Subd. 4. Loan financing grants. (a) The office shall establish a revolving loan account 144.22 to make loan financing grants under the CanGrow program. 144.23 (b) The office must award grants to nonprofit corporations through a competitive grant 144.24 process. 144.25 (c) To receive grant money, a nonprofit corporation must submit a written application 144.26 to the office using a form developed by the office. 144.27 (d) In awarding grants under this subdivision, the office shall give weight to whether 144.28 the nonprofit corporation: 144.29 (1) has a board of directors that includes individuals experienced in agricultural business 144.30 development; 144.31 (2) has the technical skills to analyze projects; 144.32

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145.1	(3) is familiar with other ava	ailable public and private	funding sources	and economic
145.2	development programs;			
145.3	(4) can initiate and impleme	nt economic development	projects;	
145.4	(5) can establish and admini	ster a revolving loan acco	unt; and	
145.5	(6) has established relationsh	ips with communities whe	re long-term res	idents are eligible
145.6	to be social equity applicants.			
145.7	The office shall make grants that	at will help farmers enter t	he legal cannab	is industry
145.8	throughout the state.			
145.9	(e) A nonprofit corporation	that receives grants under	the program mu	ıst:
145.10	(1) establish an office-certifi	ed revolving loan account	for the purpose c	f making eligible
145.11	loans; and			
145.12	(2) enter into an agreement	with the office that the off	ice shall fund lo	ans that the
145.13	nonprofit corporation makes to	farmers entering the legal c	annabis industry	y. The office shall
145.14	review existing agreements with	n nonprofit corporations ev	very five years a	nd may renew or
145.15	terminate an agreement based or	that review. In making thi	s review, the off	ce shall consider,
145.16	among other criteria, the criteria	a in paragraph (d).		
145.17	Subd. 5. Loans to farmers.	(a) The criteria in this sub	odivision apply t	to loans made by
145.18	nonprofit corporations under th	e program.		
145.19	(b) A loan must be used to s	upport a farmer in enterin	g the legal cann	abis industry.
145.20	Priority must be given to loans t	o businesses owned by far	mers who are eli	gible to be social
145.21	equity applicants and businesse	s located in communities	where long-term	residents are
145.22	eligible to be social equity appl	icants.		
145.23	(c) Loans must be made to b	ousinesses that are not like	ly to undertake	the project for
145.24	which loans are sought without	assistance from the progra	am.	
145.25	(d) The minimum state cont	ribution to a loan is \$2,50	0 and the maxin	um is either:
145.26	(1) \$50,000; or			
145.27	(2) \$150,000, if state contrib	outions are matched by an	equal or greater	amount of new
145.28	private investment.			
145.29	(e) Loan applications given	preliminary approval by t	he nonprofit cor	poration must be
145.30	forwarded to the office for appro-	oval. The office must give	final approval fo	r each loan made
145.31	by the nonprofit corporation un	der the program.		

146.1	(f) If the borrower has met lender criteria, including being current with all payments for
146.2	a minimum of three years, the office may approve either full or partial forgiveness of interest
146.3	or principal amounts.
146.4	Subd. 6. Revolving loan account administration. (a) The office shall establish a
146.5	minimum interest rate for loans or guarantees to ensure that necessary loan administration
146.6	costs are covered. The interest rate charged by a nonprofit corporation for a loan under this
146.7	section must not exceed the Wall Street Journal prime rate. For a loan under this section,
146.8	the nonprofit corporation may charge a loan origination fee equal to or less than one percent
146.9	of the loan value. The nonprofit corporation may retain the amount of the origination fee.
146.10	(b) Loan repayment of principal must be paid to the office for deposit in the revolving
146.11	loan account. Loan interest payments must be deposited in a revolving loan account created
146.12	by the nonprofit corporation originating the loan being repaid for further distribution or use,
146.13	consistent with the criteria of this section.
146.14	(c) Administrative expenses of the nonprofit corporations with whom the office enters
146.15	into agreements, including expenses incurred by a nonprofit corporation in providing
146.16	financial, technical, managerial, and marketing assistance to a business receiving a loan
146.17	under this section, are eligible program expenses that the office may agree to pay under the
146.18	grant agreement.
146.19	Subd. 7. Program outreach. The office shall make extensive efforts to publicize these
146.20	grants, including through partnerships with community organizations, particularly those
146.21	located in areas where long-term residents are eligible to be social equity applicants.
146.22	Subd. 8. Reporting requirements. (a) A nonprofit corporation that receives a grant
146.23	under subdivision 4 shall:
146.24	(1) submit an annual report to the office by January 15 of each year that the nonprofit
146.25	corporation participates in the program that includes a description of agricultural businesses
146.26	supported by the grant program, an account of loans made during the calendar year, the
146.27	program's impact on farmers' ability to expand into the legal cannabis industry, the source
146.28	and amount of money collected and distributed by the program, the program's assets and
146.29	liabilities, and an explanation of administrative expenses; and
146.30	(2) provide for an independent annual audit to be performed in accordance with generally
146.31	accepted accounting practices and auditing standards and submit a copy of each annual
146.32	audit report to the office.

147.1 (b) By February 15, 2024, and each February 15 thereafter, the office must submit a report to the chairs and ranking minority members of the committees of the house of 147.2 147.3 representatives and the senate having jurisdiction over agriculture that details awards given through the CanGrow program and the use of grant money, including any measures of 147.4 success toward helping farmers enter the legal cannabis industry. The report must include 147.5 geographic information regarding the issuance of grants and loans under this section, the 147.6 repayment rate of loans issued under subdivision 5, and a summary of the amount of loans 147.7 147.8 forgiven.

- 147.9 Sec. 72. [342.70] LAWFUL ACTIVITIES.
- 147.10 (a) Notwithstanding any law to the contrary, the cultivation, manufacturing, possessing,

147.11 and selling of cannabis flower, cannabis products, synthetically derived cannabinoids,

147.12 lower-potency hemp edibles, and hemp-derived consumer products by a licensed cannabis

147.13 business in conformity with the rights granted by a cannabis business license is lawful and

147.14 may not be the grounds for the seizure or forfeiture of property, arrest or prosecution, or

147.15 search or inspections except as provided by this chapter.

147.16 (b) A person acting as an agent of a licensed cannabis retailer, licensed cannabis

147.17 microbusiness, licensed cannabis mezzobusiness, or licensed lower-potency hemp edible

147.18 retailer who sells or otherwise transfers cannabis flower, cannabis products, lower-potency

147.19 hemp edibles, or hemp-derived consumer products to a person under 21 years of age is not

147.20 subject to arrest, prosecution, or forfeiture of property if the person complied with section

147.21 342.28, subdivision 4, and any rules promulgated pursuant to this chapter.

147.22 Sec. 73. [342.71] CIVIL ACTIONS.

### 147.23 Subdivision 1. Right of action. A spouse, child, parent, guardian, employer, or other

147.24 person injured in person, property, or means of support or who incurs other pecuniary loss

147.25 by an intoxicated person or by the intoxication of another person, has a right of action in

147.26 the person's own name for all damages sustained against a person who caused the intoxication

- 147.27 of that person by illegally selling cannabis flower, cannabis products, synthetically derived
- 147.28 cannabinoids, lower-potency hemp edibles, and hemp-derived consumer products. All
- 147.29 damages recovered by a minor under this section must be paid either to the minor or to the
- 147.30 minor's parent, guardian, or next friend as the court directs.
- 147.31 Subd. 2. Actions. All suits for damages under this section must be by civil action in a
  147.32 court of this state having jurisdiction.

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148.1	Subd. 3. Comparative negliger	nce. Actions under this	s section are gov	verned by section
148.2	<u>604.01.</u>			
148.3	Subd. 4. Defense. It is a defense	e for the defendant to	prove by a prepo	onderance of the
148.4	evidence that the defendant reasona	ably and in good faith	relied upon repr	resentations of
148.5	proof of age in selling, bartering, fu	arnishing, or giving the	e cannabis, cann	abis product,
148.6	synthetically derived cannabinoids, l	ower-potency hemp ed	ibles, and hemp-	derived consumer
148.7	products.			
148.8	Subd. 5. Common law claims. N	Nothing in this chapter	precludes comm	on law tort claims
148.9	against any person 21 years old or o	older who knowingly	provides or furn	ishes cannabis
148.10	flower, cannabis products, synthetic	ally derived cannabing	oids, lower-poter	ncy hemp edibles,
148.11	and hemp-derived consumer produce	cts to a person under t	he age of 21 yea	urs.
148.12	EFFECTIVE DATE. This sect	tion is effective March	1, 2024.	
148.13	Sec. 74. [342.73] NUISANCE; A	ACTION.		
148.14	Subdivision 1. Nuisance. Any u	use of adult-use cannal	bis flower which	1 is injurious to
148.15	health, indecent or offensive to the	senses, or an obstructi	on to the free us	se of property so
148.16	as to interfere with the comfortable	enjoyment of life or p	property is a nuis	sance.
148.17	Subd. 2. Actions; landlord; ass	sociation. (a) A person	n who is injuriou	usly affected or
148.18	whose personal enjoyment is lesser	ned by a nuisance unde	er subdivision 1	may bring an
148.19	action for injunctive relief and the g	greater of the person's	actual damages	or a civil penalty
148.20	<u>of \$250.</u>			
148.21	(b) If a landlord, as defined in s	ection 504B.001, subd	livision 7, or an	association, as
148.22	defined in section 515B.1-103, clau	use (4), fails to enforce	e the terms of a l	ease, governing
148.23	document, or policy related to the u	use of adult-use cannal	ois flower on the	e premises or
148.24	property, a person who is injuriousl	y affected or whose p	ersonal enjoyme	ent is lessened by
148.25	a nuisance under subdivision 1 as a	result of the failure to	enforce the terr	ms may bring an
148.26	action against the landlord or assoc	iation seeking injuncti	ve relief and the	e greater of the
148.27	person's actual damages or a civil p	enalty of \$500.		
148.28	EFFECTIVE DATE. This sect	tion is effective July 1	, 2023, and appl	ies to causes of
148.29	actions accruing on or after that dat	te.		

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### 149.1 Sec. 75. **REPORT; TRAFFIC AND TRANSPORTATION ISSUES.**

By January 31, 2024, the Office of Cannabis Management must submit a report to the

149.3 chairs and ranking minority members of the legislative committees with jurisdiction over

149.4 transportation policy and finance. At a minimum, the report must include:

- 149.5 (1) a description of all rules adopted that relate to traffic and transportation laws and
- 149.6 cannabis transporter licensing and operations;
- 149.7 (2) recommendations on changes to statutes that would codify the rules; and

#### 149.8 (3) recommendations on how to improve any aspects of this act. The recommendations

149.9 must be developed in consultation with the commissioner of transportation, the commissioner

149.10 of public safety, the colonel of the State Patrol, and the director of the Office of Traffic

149.11 Safety in the Department of Public Safety.

### 149.12Sec. 76. TRANSPORTER LICENSE ESTABLISHMENT.

149.13 When establishing the process for issuing transporter licenses and the requirements for

149.14 obtaining a transporter license, the Office of Cannabis Management must consult with the

149.15 Commissioner of Transportation about best practices for issuing licenses.

### 149.16 Sec. 77. <u>INITIAL APPOINTMENTS; FIRST TERMS; FIRST MEETING FOR THE</u> 149.17 CANNABIS ADVISORY COUNCIL.

149.18 Subdivision 1. Appointments; first terms. Appointing authorities must make the first

149.19 appointments to the Cannabis Advisory Council under Minnesota Statutes, section 342.03,

149.20 by August 1, 2023. The members appointed under Minnesota Statutes, section 342.03,

- 149.21 subdivision 1, paragraph (a), clauses (14) to (26) and (38), items (i) to (vi), shall serve terms
- 149.22 coterminous with the governor. The members appointed under Minnesota Statutes, section
- 149.23 <u>342.03</u>, subdivision 1, paragraph (a), clauses (27) to (37) and (38), items (vii) to (xi), shall

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149.24 serve terms that conclude the year after the end of a governor's term.
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### 149.25 Subd. 2. First meeting. The director of the Office of Cannabis Management shall convene 149.26 the first meeting of the Cannabis Advisory Council by September 15, 2023.

### 149.27 Sec. 78. **EFFECTIVE DATE.**

149.28 Except as otherwise provided, each section of this article is effective July 1, 2023.

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150.1		ARTICLE 2			
150.2		TAXES			
150.3	Section 1. Minnesota Statutes 202	22. section 270B.12. is	amended by add	ing a subdivision	
150.4	to read:	,,,,,,,,,			
10011					
150.5	Subd. 4a. Office of Cannabis				
150.6	information to the Office of Canna		e purpose of and	1 to the extent	
150.7	necessary to administer section 27	<u>0C.726.</u>			
150.8	EFFECTIVE DATE. This sec	tion is effective June 3	0, 2023.		
150.9	Sec. 2. [270C.726] POSTING C	OF TAX DELINQUEN	NCY; SALE OI	CANNABIS.	
150.10	Subdivision 1. Posting; notice	(a) Pursuant to the aut	thority to disclos	se under section	
150.11	270B.12, subdivision 4a, the comm	nissioner shall, by the 1	5th of each mor	nth, submit to the	
150.12	Office of Cannabis Management a	list of all taxpayers sub	ject to the tax im	posed by section	
150.13	295.81 that are required to pay, withhold, or collect the tax imposed by sections 290.02,				
150.14	290.0922, 290.92, 290.9727, 290.9	9728, 290.9729, 295.81	, or 297A.62 or	local sales and	
150.15	use tax payable to the commission	er, or a local option sal	es and use tax a	dministered and	
150.16	collected by the commissioner, and	l who are ten days or n	nore delinquent	in either filing a	
150.17	tax return or paying the tax.				
150.18	(b) The commissioner is under r	no obligation to list a tax	xpayer whose bu	siness is inactive.	
150.19	At least ten days before notifying t	he Office of Cannabis	Management, th	e commissioner	
150.20	shall notify the taxpayer of the inte	ended action.			
150.21	(c) The Office of Cannabis Ma	nagement shall post the	e list required by	this section on	
150.22	the Office of Cannabis Manageme	nt website. The list mu	st prominently s	how the date of	
150.23	posting. If a taxpayer previously li	sted files all returns and	d pays all taxes	specified in this	
150.24	subdivision then due, the commiss	ioner shall notify the C	Office of Cannab	is Management	
150.25	within two business days.				
150.26	Subd. 2. Sales prohibited. Beg	ginning the third busine	ess day after the	list is posted, no	
150.27	cannabis cultivator, cannabis manuf	acturer, cannabis microl	ousiness, cannabi	is mezzobusiness,	
150.28	cannabis wholesaler, or industrial h	emp grower as defined	in chapter 342 n	nay sell or deliver	
150.29	any product to a taxpayer included	on the posted list.			
150.30	Subd. 3. Penalty. A cannabis cu	lltivator, cannabis manu	ıfacturer, cannab	is microbusiness,	
150.31	cannabis mezzobusiness, cannabis	wholesaler, or industri	al hemp grower	as defined in	

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151.1 chapter 342 who violates subdivision 2 is subject to the penalties provided in sections 342.19

151.2 and 342.21.

#### 151.3 **EFFECTIVE DATE.** This section is effective June 30, 2023.

151.4 Sec. 3. Minnesota Statutes 2022, section 273.13, subdivision 24, is amended to read:

Subd. 24. Class 3. Commercial and industrial property and utility real and personal
property is class 3a.

(1) Except as otherwise provided, each parcel of commercial, industrial, or utility real 151.7 property has a classification rate of 1.5 percent of the first tier of market value, and 2.0 151.8 percent of the remaining market value. In the case of contiguous parcels of property owned 151.9 by the same person or entity, only the value equal to the first-tier value of the contiguous 151.10 parcels qualifies for the reduced classification rate, except that contiguous parcels owned 151.11 by the same person or entity shall be eligible for the first-tier value classification rate on 151.12 each separate business operated by the owner of the property, provided the business is 151.13 housed in a separate structure. For the purposes of this subdivision, the first tier means the 151.14 first \$150,000 of market value. Real property owned in fee by a utility for transmission line 151.15 151.16 right-of-way shall be classified at the classification rate for the higher tier.

For purposes of this subdivision, parcels are considered to be contiguous even if they are separated from each other by a road, street, waterway, or other similar intervening type of property. Connections between parcels that consist of power lines or pipelines do not cause the parcels to be contiguous. Property owners who have contiguous parcels of property that constitute separate businesses that may qualify for the first-tier classification rate shall notify the assessor by July 1, for treatment beginning in the following taxes payable year.

(2) All personal property that is: (i) part of an electric generation, transmission, or
distribution system; or (ii) part of a pipeline system transporting or distributing water, gas,
crude oil, or petroleum products; and (iii) not described in clause (3), and all railroad
operating property has a classification rate as provided under clause (1) for the first tier of
market value and the remaining market value. In the case of multiple parcels in one county
that are owned by one person or entity, only one first tier amount is eligible for the reduced
rate.

(3) The entire market value of personal property that is: (i) tools, implements, and
machinery of an electric generation, transmission, or distribution system; (ii) tools,
implements, and machinery of a pipeline system transporting or distributing water, gas,
crude oil, or petroleum products; or (iii) the mains and pipes used in the distribution of

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steam or hot or chilled water for heating or cooling buildings, has a classification rate as 152.1 provided under clause (1) for the remaining market value in excess of the first tier. 152.2 (4) Real property used for raising, cultivating, processing, or storing cannabis plants, 152.3 cannabis flower, or cannabis products for sale has a classification rate as provided under 152.4 clause (1) for the first tier of market value and the remaining market value. As used in this 152.5 paragraph, "cannabis plant" has the meaning given in section 342.01, subdivision 18, 152.6 "cannabis flower" has the meaning given in section 342.01, subdivision 15, and "cannabis 152.7 product" has the meaning given in section 342.01, subdivision 19. 152.8 **EFFECTIVE DATE.** This section is effective beginning with assessment year 2024 152.9 152.10 and thereafter. Sec. 4. Minnesota Statutes 2022, section 275.025, subdivision 2, is amended to read: 152.11 Subd. 2. Commercial-industrial tax capacity. For the purposes of this section, 152.12 "commercial-industrial tax capacity" means the tax capacity of all taxable property classified 152.13 as class 3 or class 5(1) under section 273.13, excluding: 152.14 (1) the tax capacity attributable to the first \$150,000 of market value of each parcel of 152.15 commercial-industrial property as defined under section 273.13, subdivision 24, clauses (1) 152.16 and, (2), and (4); 152.17 152.18 (2) electric generation attached machinery under class 3; and (3) property described in section 473.625. 152.19

County commercial-industrial tax capacity amounts are not adjusted for the captured 152.20 net tax capacity of a tax increment financing district under section 469.177, subdivision 2, 152.21 the net tax capacity of transmission lines deducted from a local government's total net tax 152.22 capacity under section 273.425, or fiscal disparities contribution and distribution net tax 152.23 capacities under chapter 276A or 473F. For purposes of this subdivision, the procedures 152.24 for determining eligibility for tier 1 under section 273.13, subdivision 24, clauses (1) and 152.25 (2), shall apply in determining the portion of a property eligible to be considered within the 152.26 first \$150,000 of market value. 152.27

# 152.28 EFFECTIVE DATE. This section is effective beginning with assessment year 2024 152.29 and thereafter.

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153.1	Sec. 5. [289A.33] FILING REQUIREMENTS AND DUE DATES; SPECIAL RULES.
153.2	(a) Upon the request of any cannabis business as defined by section 342.01, subdivision
153.3	13, required to collect and remit taxes imposed under section 295.81, chapter 290, or chapter
153.4	297A, the commissioner shall waive the requirement that payment of tax must be made
153.5	electronically if the failure to pay electronically is because the cannabis business is unable
153.6	to secure banking services and the inability to secure the services is due to its engagement
153.7	in cannabis-related business allowed under Minnesota law.
153.8	(b) If, in consultation with the commissioner of commerce, the commissioner determines
153.9	that the inability to find banking services is widespread and enforcement of the electronic
153.10	payment requirement will significantly impede the ability of cannabis businesses to timely
153.11	pay taxes imposed under section 295.81, chapter 290, or chapter 297A, the commissioner
153.12	may publish notice on the department website that waives the requirement to pay the tax
153.13	electronically. If such notice is published, a cannabis business must file returns and pay
153.14	taxes lawfully due in the form and manner prescribed by the commissioner.
153.15	(c) Nothing in this section relieves a cannabis business from timely filing and paying
153.16	taxes.
153.17	<b>EFFECTIVE DATE.</b> This section is effective the day following final enactment.
153.18	Sec. 6. Minnesota Statutes 2022, section 290.0132, subdivision 29, is amended to read:
153.19	Subd. 29. Disallowed section 280E expenses; medical cannabis manufacturers
153.20	licensees. The amount of expenses of a medical cannabis manufacturer business, as defined
153.21	under section 152.22, subdivision 7 342.01, subdivision 52, related to the business of medical
153.22	cannabis under sections 152.21 to 152.37 342.47 to 342.59, or a license holder under chapter
153.23	342, related to the business of nonmedical cannabis under that chapter, and not allowed for
153.24	federal income tax purposes under section 280E of the Internal Revenue Code is a subtraction.
153.25	<b>EFFECTIVE DATE.</b> This section is effective for taxable years beginning after December
153.26	<u>31, 2022.</u>
1.52.05	See 7 Minuteste Statistica 2022 and in 200 0124 and finitian 10 in such 1 days to
153.27	Sec. 7. Minnesota Statutes 2022, section 290.0134, subdivision 19, is amended to read:
153.28	Subd. 19. Disallowed section 280E expenses; medical cannabis manufacturers

153.29 **licensees.** The amount of expenses of a medical cannabis manufacturer business, as defined

153.30 under section 152.22, subdivision 7 342.01, subdivision 52, related to the business of medical

153.31 cannabis under sections 152.21 to 152.37 342.47 to 342.59, or a license holder under chapter

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154.1	342, related to the business of nonmedical cannabis under that chapter, and not allowed for
154.2	federal income tax purposes under section 280E of the Internal Revenue Code is a subtraction.
154.3	EFFECTIVE DATE. This section is effective for taxable years beginning after December
154.4	<u>31, 2022.</u>
154.5	Sec. 8. [295.81] CANNABIS GROSS RECEIPTS TAX.
154.6	Subdivision 1. Definitions. (a) For purposes of this section, the following terms have
154.7	the meanings given.
154.8	(b) "Bundled transaction" means the retail sale of two or more products when the products
154.9	are otherwise distinct and identifiable, and the products are sold for one nonitemized price.
154.10	(c) "Cannabis flower" has the meaning given in section 342.01, subdivision 15.
154.11	(d) "Cannabis product" has the meaning given in section 342.01, subdivision 19.
154.12	(e) "Cannabis solution product" means any cartridge, bottle, or other package that contains
154.13	a taxable cannabis product in a solution that is consumed or meant to be consumed through
154.14	the use of a heating element, power source, electronic circuit, or other electronic, chemical,
154.15	or mechanical means that produces vapor or aerosol. A cannabis solution product includes
154.16	any electronic delivery system, electronic vaping device, electronic vape pen, electronic
154.17	oral device, electronic delivery device, or similar product or device, and any batteries,
154.18	heating elements, or other components, parts, or accessories sold with and meant to be used
154.19	in the consumption of a solution containing a taxable cannabis product.
154.20	(f) "Cannabis mezzobusiness" means a cannabis business licensed under section 342.31.
154.21	(g) "Cannabis microbusiness" means a cannabis business licensed under section 342.29.
154.22	(h) "Cannabis retailer" means a cannabis business licensed under section 342.27.
154.23	(i) "Commissioner" means the commissioner of revenue.
154.24	(j) "Gross receipts" means the total amount received, in money or by barter or exchange,
154.25	for all taxable cannabis product sales at retail as measured by the sales price. Gross receipts
154.26	include but are not limited to delivery charges and packaging costs. Gross receipts do not
154.27	include:
154.28	(1) any taxes imposed directly on the customer that are separately stated on the invoice,
154.29	bill of sale, or similar document given to the purchaser; and
154.30	(2) discounts, including cash, terms, or coupons, that are not reimbursed by a third party
154.31	and that are allowed by the seller and taken by a purchaser on a sale.

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155.1	(k) "Hemp-derived consumer	product" has the meaning	ng given in secti	on 342.01,
155.2	subdivision 35.			
155.3	(1) "Lower-potency hemp edil	ole" has the meaning giv	ven in section 34	2.01, subdivision
155.4	<u>49.</u>			
155.5	(m) "Lower-potency hemp ed	ible retailer" means a ca	annabis business	licensed under
155.6	section 342.41, subdivision 1, par	ragraph (b), clause (1).		
155.7	(n) "Medical cannabis flower"	has the meaning given	in section 342.0	1, subdivision 53.
155.8	(o) "Medical cannabinoid proc	luct" has the meaning gi	ven in section 34	2.01, subdivision
155.9	<u>51.</u>			
155.10	(p) "Medical cannabis paraph	ernalia" has the meaning	g given in sectio	n 342.01,
155.11	subdivision 54.			
155.12	(q) "Retail sale" has the mean	ing given in section 297	A.61, subdivisio	on 4.
155.13	(r) "Taxable cannabis product	" means cannabis flowe	r, cannabis prod	uct, cannabis
155.14	solution product, hemp-derived c	onsumer product, lower	-potency hemp	edible, and any
155.15	substantially similar product.			
155.16	(s) "Taxable cannabis product	retailer" means a retail	er that sells any	taxable cannabis
155.17	product and includes a cannabis r	etailer, cannabis microb	usiness, cannabi	s mezzobusiness,
155.18	and lower-potency hemp edible r	etailer. Taxable cannabi	s product retaile	r includes but is
155.19	not limited to a:			
155.20	(1) retailer maintaining a plac	e of business in this stat	te;	
155.21	(2) marketplace provider main	ntaining a place of busir	ness in this state,	, as defined in
155.22	section 297A.66, subdivision 1, p	paragraph (a);		
155.23	(3) retailer not maintaining a	place of business in this	state; and	
155.24	(4) marketplace provider not	maintaining a place of b	ousiness in this s	tate, as defined in
155.25	section 297A.66, subdivision 1, p	paragraph (b).		
155.26	Subd. 2. Gross receipts tax in	mposed. (a) A tax equa	l to ten percent o	of gross receipts
155.27	from retail sales in Minnesota of	taxable cannabis produc	ets is imposed of	n any taxable
155.28	cannabis product retailer that sells	s these products to custo	omers. A taxable	cannabis product
155.29	retailer may but is not required to	collect the tax imposed	by this section fi	om the purchaser
155.30	as long as the tax is separately stat	ed on the receipt, invoic	e, bill of sale, or	similar document
155.31	given to the purchaser.			

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156.1	(b) If a product subject to	the tax imposed by this secti	ion is included	in a bundled
156.2	transaction, the entire sales pr	ice of the bundled transaction	on is subject to	the tax imposed
156.3	by this section.			
156.4	(c) The tax imposed under	this section is in addition to	any other tax	imposed on the
156.5	sale or use of taxable cannabi	s products.		
156.6	Subd. 3. Use tax imposed	; credit for taxes paid. (a) A	A person that r	eceives taxable
156.7	cannabis products for use or sto	orage in Minnesota, other that	n from a taxable	e cannabis product
156.8	retailer that paid the tax under	subdivision 2, is subject to	tax at the rate	imposed under
156.9	subdivision 2. Liability for the	tax is incurred when the per	son has possess	sion of the taxable
156.10	cannabis product in Minnesot	a. The tax must be remitted	to the commiss	sioner in the same
156.11	manner prescribed for taxes in	nposed under chapter 297A	<u>.</u>	
156.12	(b) A person that has naid	taxes to another state or any	subdivision th	ereof on the same
156.12	transaction and is subject to ta	· · · · · · · · · · · · · · · · · · ·		
156.14	due and paid to another state of			<u> </u>
156.15	actually paid to the other state			
156.16	Minnesota on the transaction		•	
150.10	whilesota on the transaction	subject to tax in the other su		
156.17	Subd. 4. Exemptions. (a)	The use tax imposed under s	ubdivision 3, p	aragraph (a), does
156.18	not apply to the possession, us	se, or storage of taxable can	nabis products	if $(1)$ the taxable
156.19	cannabis products have an ag	gregate cost in any calendar	month to the c	ustomer of \$100
156.20	or less and (2) the taxable can	nabis products were carried	into this state l	by the customer.
156.21	(b) The tax imposed under	this section does not apply to	sales of medica	al items purchased
156.22	by or for the patients enrolled	in the registry program, inc	luding medical	cannabis flower,
156.23	medical cannabinoid products	, and medical cannabis para	phernalia.	
156.24	(c) Unless otherwise specif	ied in this section, the exemp	tions applicable	e to taxes imposed
156.25	under chapter 297A are not ap	oplicable to the taxes impose	ed under this se	ection.
156.26	Subd. 5. Tax collection re	quired. A taxable cannabis	product retaile	r with nexus in
156.27	Minnesota, who is not subject	to tax under subdivision 2,	is required to c	collect the tax
156.28	imposed under subdivision 3	from the purchaser of the tax	xable cannabis	product and give
156.29	the purchaser a receipt for the	tax paid. The tax collected	must be remitte	ed to the
156.30	commissioner in the same ma	nner prescribed for the taxes	s imposed unde	er chapter 297A.
156.31	Subd. 6. Taxes paid to an	other state or any subdivis	ion thereof; c	redit. A taxable
156.32	cannabis product retailer that	has paid taxes to another sta	te or any subdi	vision thereof
156.33	measured by gross receipts and	d is subject to tax under this s	section on the sa	ame gross receipts

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- 157.1 is entitled to a credit for the tax legally due and paid to another state or any subdivision
- 157.2 thereof to the extent of the lesser of (1) the tax actually paid to the other state or any
- subdivision thereof, or (2) the amount of tax imposed by Minnesota on the gross receipts
- 157.4 subject to tax in the other taxing state or any subdivision thereof.
- 157.5 Subd. 7. Sourcing of sales. Section 297A.668 applies to the taxes imposed by this
- 157.6 <u>section.</u>
- 157.7 Subd. 8. Administration. Unless specifically provided otherwise, the audit, assessment,
- 157.8 refund, penalty, interest, enforcement, collection remedies, appeal, and administrative
- 157.9 provisions of chapters 270C and 289A that are applicable to taxes imposed under chapter
- 157.10 297A, except the requirement to file returns and remit taxes due electronically if the
- 157.11 commissioner waives the requirement pursuant to section 289A.33, apply to the tax imposed
- 157.12 <u>under this section.</u>

157.13 Subd. 9. Returns; payment of tax. (a) A taxable cannabis product retailer must report

- 157.14 the tax on a return prescribed by the commissioner and must remit the tax in a form and
- 157.15 manner prescribed by the commissioner. The return and the tax must be filed and paid using
- 157.16 the filing cycle and due dates provided for taxes imposed under section 289A.20, subdivision
- 157.17 <u>4, and chapter 297A.</u>
- 157.18 (b) Interest must be paid on an overpayment refunded or credited to the taxpayer from
- 157.19 the date of payment of the tax until the date the refund is paid or credited. For purposes of
- 157.20 this subdivision, the date of payment is the due date of the return or the date of actual
- 157.21 payment of the tax, whichever is later.

Subd. 10. Deposit of revenues; account established. (a) The commissioner must deposit
 the revenues, including penalties and interest, derived from the tax imposed by this section
 as follows:

- 157.25 (1) 75 percent to the general fund; and
- 157.26 (2) 25 percent to the local government cannabis aid account in the special revenue fund.
- 157.27 (b) The local government cannabis aid account is established in the special revenue fund.
- 157.28 Subd. 11. **Personal debt.** The tax imposed by this section, and interest and penalties
- 157.29 imposed with respect to it, are a personal debt of the person required to file a return from
- 157.30 the time that the liability for it arises, irrespective of when the time for payment of the
- 157.31 liability occurs. The debt must, in the case of the executor or administrator of the estate of
- 157.32 <u>a decedent and in the case of a fiduciary, be that of the person in the person's official or</u>
- 157.33 fiduciary capacity only, unless the person has voluntarily distributed the assets held in that

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158.1	capacity without reserving sufficient	ient assets to pay the tax	, interest, and p	enalties, in which
158.2	event the person is personally lia	ble for any deficiency.		

#### EFFECTIVE DATE. This section is effective for gross receipts received after June 30, 158.3 2023. 158.4

#### Sec. 9. [295.82] CANNABIS LOCAL TAX PROHIBITED. 158.5

A political subdivision of this state is prohibited from imposing a tax under this section 158.6 solely on the sale of taxable cannabis products as defined under section 295.81, subdivision 158.7 1, paragraph (q). 158.8

**EFFECTIVE DATE.** This section is effective the day following final enactment. 158.9

Sec. 10. Minnesota Statutes 2022, section 297A.61, subdivision 3, is amended to read: 158 10

Subd. 3. Sale and purchase. (a) "Sale" and "purchase" include, but are not limited to, 158.11 each of the transactions listed in this subdivision. In applying the provisions of this chapter, 158.12 the terms "tangible personal property" and "retail sale" include the taxable services listed 158.13 in paragraph (g), clause (6), items (i) to (vi) and (viii), and the provision of these taxable 158.14 services, unless specifically provided otherwise. Services performed by an employee for 158.15 an employer are not taxable. Services performed by a partnership or association for another 158.16 partnership or association are not taxable if one of the entities owns or controls more than 158.17 80 percent of the voting power of the equity interest in the other entity. Services performed 158.18 between members of an affiliated group of corporations are not taxable. For purposes of 158.19 the preceding sentence, "affiliated group of corporations" means those entities that would 158.20 be classified as members of an affiliated group as defined under United States Code, title 158.21 26, section 1504, disregarding the exclusions in section 1504(b). 158.22

158.23 (b) Sale and purchase include:

(1) any transfer of title or possession, or both, of tangible personal property, whether 158.24 absolutely or conditionally, for a consideration in money or by exchange or barter; and 158.25

158.26 (2) the leasing of or the granting of a license to use or consume, for a consideration in money or by exchange or barter, tangible personal property, other than a manufactured 158.27 home used for residential purposes for a continuous period of 30 days or more. 158.28

(c) Sale and purchase include the production, fabrication, printing, or processing of 158.29 tangible personal property for a consideration for consumers who furnish either directly or 158.30 indirectly the materials used in the production, fabrication, printing, or processing. 158.31

159.1 (d) Sale and purchase include the preparing for a consideration of food. Notwithstanding

159.2 section 297A.67, subdivision 2, taxable food includes, but is not limited to, the following:

159.3 (1) prepared food sold by the retailer;

159.4 (2) soft drinks;

159.5 (3) candy; and

159.6 (4) dietary supplements.

(e) A sale and a purchase includes the furnishing for a consideration of electricity, gas,
water, or steam for use or consumption within this state.

(f) A sale and a purchase includes the transfer for a consideration of prewritten computersoftware whether delivered electronically, by load and leave, or otherwise.

(g) A sale and a purchase includes the furnishing for a consideration of the followingservices:

(1) the privilege of admission to places of amusement, recreational areas, or athletic
events, and the making available of amusement devices, tanning facilities, reducing salons,
steam baths, health clubs, and spas or athletic facilities;

(2) lodging and related services by a hotel, rooming house, resort, campground, motel, or trailer camp, including furnishing the guest of the facility with access to telecommunication services, and the granting of any similar license to use real property in a specific facility, other than the renting or leasing of it for a continuous period of 30 days or more under an enforceable written agreement that may not be terminated without prior notice and including accommodations intermediary services provided in connection with other services provided under this clause;

(3) nonresidential parking services, whether on a contractual, hourly, or other periodicbasis, except for parking at a meter;

159.25 (4) the granting of membership in a club, association, or other organization if:

(i) the club, association, or other organization makes available for the use of its members
sports and athletic facilities, without regard to whether a separate charge is assessed for use
of the facilities; and

(ii) use of the sports and athletic facility is not made available to the general public onthe same basis as it is made available to members.

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Granting of membership means both onetime initiation fees and periodic membership dues.
Sports and athletic facilities include golf courses; tennis, racquetball, handball, and squash
courts; basketball and volleyball facilities; running tracks; exercise equipment; swimming
pools; and other similar athletic or sports facilities;

(5) delivery of aggregate materials by a third party, excluding delivery of aggregate
material used in road construction; and delivery of concrete block by a third party if the
delivery would be subject to the sales tax if provided by the seller of the concrete block.
For purposes of this clause, "road construction" means construction of:

- 160.9 (i) public roads;
- 160.10 (ii) cartways; and

(iii) private roads in townships located outside of the seven-county metropolitan areaup to the point of the emergency response location sign; and

160.13 (6) services as provided in this clause:

(i) laundry and dry cleaning services including cleaning, pressing, repairing, altering,
and storing clothes, linen services and supply, cleaning and blocking hats, and carpet,
drapery, upholstery, and industrial cleaning. Laundry and dry cleaning services do not
include services provided by coin operated facilities operated by the customer;

(ii) motor vehicle washing, waxing, and cleaning services, including services provided
 by coin operated facilities operated by the customer, and rustproofing, undercoating, and
 towing of motor vehicles;

(iii) building and residential cleaning, maintenance, and disinfecting services and pestcontrol and exterminating services;

(iv) detective, security, burglar, fire alarm, and armored car services; but not including
services performed within the jurisdiction they serve by off-duty licensed peace officers as
defined in section 626.84, subdivision 1, or services provided by a nonprofit organization
or any organization at the direction of a county for monitoring and electronic surveillance
of persons placed on in-home detention pursuant to court order or under the direction of the
Minnesota Department of Corrections;

160.29 (v) pet grooming services;

(vi) lawn care, fertilizing, mowing, spraying and sprigging services; garden planting
and maintenance; tree, bush, and shrub pruning, bracing, spraying, and surgery; indoor plant
care; tree, bush, shrub, and stump removal, except when performed as part of a land clearing

161.1 contract as defined in section 297A.68, subdivision 40; and tree trimming for public utility

161.2 lines. Services performed under a construction contract for the installation of shrubbery,

161.3 plants, sod, trees, bushes, and similar items are not taxable;

(vii) massages, except when provided by a licensed health care facility or professional
or upon written referral from a licensed health care facility or professional for treatment of
illness, injury, or disease; and

(viii) the furnishing of lodging, board, and care services for animals in kennels and other
 similar arrangements, but excluding veterinary and horse boarding services.

(h) A sale and a purchase includes the furnishing for a consideration of tangible personal
property or taxable services by the United States or any of its agencies or instrumentalities,
or the state of Minnesota, its agencies, instrumentalities, or political subdivisions.

161.12 (i) A sale and a purchase includes the furnishing for a consideration of

161.13 telecommunications services, ancillary services associated with telecommunication services,

and pay television services. Telecommunication services include, but are not limited to, the

161.15 following services, as defined in section 297A.669: air-to-ground radiotelephone service,

161.16 mobile telecommunication service, postpaid calling service, prepaid calling service, prepaid

wireless calling service, and private communication services. The services in this paragraphare taxed to the extent allowed under federal law.

(j) A sale and a purchase includes the furnishing for a consideration of installation if the
installation charges would be subject to the sales tax if the installation were provided by
the seller of the item being installed.

(k) A sale and a purchase includes the rental of a vehicle by a motor vehicle dealer to a
customer when (1) the vehicle is rented by the customer for a consideration, or (2) the motor
vehicle dealer is reimbursed pursuant to a service contract as defined in section 59B.02,
subdivision 11.

(1) A sale and a purchase includes furnishing for a consideration of specified digital products or other digital products or granting the right for a consideration to use specified digital products or other digital products on a temporary or permanent basis and regardless of whether the purchaser is required to make continued payments for such right. Wherever the term "tangible personal property" is used in this chapter, other than in subdivisions 10 and 38, the provisions also apply to specified digital products, or other digital products, unless specifically provided otherwise or the context indicates otherwise.

(m) The sale of the privilege of admission under section 297A.61, subdivision 3,
paragraph (g), clause (1), to a place of amusement, recreational area, or athletic event
includes all charges included in the privilege of admission's sales price, without deduction
for amenities that may be provided, unless the amenities are separately stated and the
purchaser of the privilege of admission is entitled to add or decline the amenities, and the
amenities are not otherwise taxable.

162.7 (n) A sale and purchase includes the transfer for consideration of a taxable cannabis
 162.8 product as defined in section 295.81, subdivision 1, paragraph (q).

162.9 EFFECTIVE DATE. This section is effective for sales and purchases made after June
 162.10 <u>30, 2023.</u>

162.11 Sec. 11. Minnesota Statutes 2022, section 297A.67, subdivision 2, is amended to read:

Subd. 2. Food and food ingredients. Except as otherwise provided in this subdivision, 162.12 food and food ingredients are exempt. For purposes of this subdivision, "food" and "food 162.13 ingredients" mean substances, whether in liquid, concentrated, solid, frozen, dried, or 162.14 dehydrated form, that are sold for ingestion or chewing by humans and are consumed for 162.15 162.16 their taste or nutritional value. Food and food ingredients exempt under this subdivision do not include candy, soft drinks, dietary supplements, and prepared foods. Food and food 162.17 ingredients do not include alcoholic beverages and, tobacco, taxable cannabis products, 162.18 medical cannabis flower, and medical cannabinoid products. For purposes of this subdivision, 162.19 "alcoholic beverages" means beverages that are suitable for human consumption and contain 162.20 one-half of one percent or more of alcohol by volume. For purposes of this subdivision, 162.21 "tobacco" means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains 162.22 tobacco. For purposes of this subdivision, "taxable cannabis product" has the meaning given 162.23 in section 295.81, subdivision 1, paragraph (q), "medical cannabis flower" has the meaning 162.24 given in section 342.01, subdivision 53, and "medical cannabinoid product" has the meaning 162.25 given in section 342.01, subdivision 51. For purposes of this subdivision, "dietary 162.26 supplements" means any product, other than tobacco, intended to supplement the diet that: 162.27 (1) contains one or more of the following dietary ingredients: 162.28 (i) a vitamin; 162.29 (ii) a mineral; 162.30

- 162.31 (iii) an herb or other botanical;
- 162.32 (iv) an amino acid;

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(v) a dietary substance for use by humans to supplement the diet by increasing the totaldietary intake; and

(vi) a concentrate, metabolite, constituent, extract, or combination of any ingredient
described in items (i) to (v);

(2) is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form,
or if not intended for ingestion in such form, is not represented as conventional food and is
not represented for use as a sole item of a meal or of the diet; and

(3) is required to be labeled as a dietary supplement, identifiable by the supplement facts
box found on the label and as required pursuant to Code of Federal Regulations, title 21,
section 101.36.

## 163.11 EFFECTIVE DATE. This section is effective for sales and purchases made after June 163.12 <u>30, 2023.</u>

163.13 Sec. 12. Minnesota Statutes 2022, section 297A.67, subdivision 7, is amended to read:

163.14 Subd. 7. Drugs; medical devices. (a) Sales of the following drugs and medical devices163.15 for human use are exempt:

163.16 (1) drugs, including over-the-counter drugs;

163.17 (2) single-use finger-pricking devices for the extraction of blood and other single-use
 163.18 devices and single-use diagnostic agents used in diagnosing, monitoring, or treating diabetes;

(3) insulin and medical oxygen for human use, regardless of whether prescribed or soldover the counter;

163.21 (4) prosthetic devices;

163.22 (5) durable medical equipment for home use only;

163.23 (6) mobility enhancing equipment;

- 163.24 (7) prescription corrective eyeglasses; and
- 163.25 (8) kidney dialysis equipment, including repair and replacement parts.
- 163.26 (b) Items purchased in transactions covered by:

163.27 (1) Medicare as defined under title XVIII of the Social Security Act, United States Code,

163.28 title 42, section 1395, et seq.; or

163.29 (2) Medicaid as defined under title XIX of the Social Security Act, United States Code,

163.30 title 42, section 1396, et seq.

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164.1 (c) For purposes of this subdivision:

(1) "Drug" means a compound, substance, or preparation, and any component of a
compound, substance, or preparation, other than food and food ingredients, dietary
supplements, taxable cannabis products as defined under section 295.81, subdivision 1,
paragraph (q), or alcoholic beverages that is:

(i) recognized in the official United States Pharmacopoeia, official Homeopathic
Pharmacopoeia of the United States, or official National Formulary, and supplement to any
of them;

(ii) intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease;or

164.11 (iii) intended to affect the structure or any function of the body.

(2) "Durable medical equipment" means equipment, including repair and replacement
parts, including single-patient use items, but not including mobility enhancing equipment,
that:

164.15 (i) can withstand repeated use;

164.16 (ii) is primarily and customarily used to serve a medical purpose;

164.17 (iii) generally is not useful to a person in the absence of illness or injury; and

164.18 (iv) is not worn in or on the body.

For purposes of this clause, "repair and replacement parts" includes all components or attachments used in conjunction with the durable medical equipment, including repair and replacement parts which are for single patient use only.

(3) "Mobility enhancing equipment" means equipment, including repair and replacementparts, but not including durable medical equipment, that:

(i) is primarily and customarily used to provide or increase the ability to move from one
place to another and that is appropriate for use either in a home or a motor vehicle;

164.26 (ii) is not generally used by persons with normal mobility; and

(iii) does not include any motor vehicle or equipment on a motor vehicle normallyprovided by a motor vehicle manufacturer.

(4) "Over-the-counter drug" means a drug that contains a label that identifies the product
as a drug as required by Code of Federal Regulations, title 21, section 201.66. The label
must include a "drug facts" panel or a statement of the active ingredients with a list of those

ingredients contained in the compound, substance, or preparation. Over-the-counter drugs

165.2 do not include grooming and hygiene products, regardless of whether they otherwise meet

165.3 the definition. "Grooming and hygiene products" are soaps, cleaning solutions, shampoo,

165.4 toothpaste, mouthwash, antiperspirants, and suntan lotions and sunscreens.

(5) "Prescribed" and "prescription" means a direction in the form of an order, formula,
or recipe issued in any form of oral, written, electronic, or other means of transmission by
a duly licensed health care professional.

(6) "Prosthetic device" means a replacement, corrective, or supportive device, includingrepair and replacement parts, worn on or in the body to:

165.10 (i) artificially replace a missing portion of the body;

165.11 (ii) prevent or correct physical deformity or malfunction; or

165.12 (iii) support a weak or deformed portion of the body.

165.13 Prosthetic device does not include corrective eyeglasses.

165.14 (7) "Kidney dialysis equipment" means equipment that:

(i) is used to remove waste products that build up in the blood when the kidneys are notable to do so on their own; and

(ii) can withstand repeated use, including multiple use by a single patient, notwithstandingthe provisions of clause (2).

(8) A transaction is covered by Medicare or Medicaid if any portion of the cost of the 165.19 item purchased in the transaction is paid for or reimbursed by the federal government or 165.20 the state of Minnesota pursuant to the Medicare or Medicaid program, by a private insurance 165.21 company administering the Medicare or Medicaid program on behalf of the federal 165.22 government or the state of Minnesota, or by a managed care organization for the benefit of 165.23 165.24 a patient enrolled in a prepaid program that furnishes medical services in lieu of conventional Medicare or Medicaid coverage pursuant to agreement with the federal government or the 165.25 state of Minnesota. 165.26

### 165.27 EFFECTIVE DATE. This section is effective for sales and purchases made after June 165.28 <u>30</u>, 2023.

166.1 Sec. 13. Minnesota Statutes 2022, section 297A.70, subdivision 2, is amended to read:

Subd. 2. Sales to government. (a) All sales, except those listed in paragraph (b), to the following governments and political subdivisions, or to the listed agencies or instrumentalities of governments and political subdivisions, are exempt:

166.5 (1) the United States and its agencies and instrumentalities;

(2) school districts, local governments, the University of Minnesota, state universities,
community colleges, technical colleges, state academies, the Perpich Minnesota Center for
Arts Education, and an instrumentality of a political subdivision that is accredited as an
optional/special function school by the North Central Association of Colleges and Schools;

(3) hospitals and nursing homes owned and operated by political subdivisions of the
state of tangible personal property and taxable services used at or by hospitals and nursing
homes;

(4) notwithstanding paragraph (d), the sales and purchases by the Metropolitan Council
of vehicles and repair parts to equip operations provided for in section 473.4051 are exempt
through December 31, 2016;

(5) other states or political subdivisions of other states, if the sale would be exempt from
taxation if it occurred in that state; and

(6) public libraries, public library systems, multicounty, multitype library systems as
defined in section 134.001, county law libraries under chapter 134A, state agency libraries,
the state library under section 480.09, and the Legislative Reference Library.

166.21 (b) This exemption does not apply to the sales of the following products and services:

(1) building, construction, or reconstruction materials purchased by a contractor or a
subcontractor as a part of a lump-sum contract or similar type of contract with a guaranteed
maximum price covering both labor and materials for use in the construction, alteration, or
repair of a building or facility;

(2) construction materials purchased by tax exempt entities or their contractors to be
used in constructing buildings or facilities which will not be used principally by the tax
exempt entities;

(3) the leasing of a motor vehicle as defined in section 297B.01, subdivision 11, except
for leases entered into by the United States or its agencies or instrumentalities;

(4) lodging as defined under section 297A.61, subdivision 3, paragraph (g), clause (2),
 and prepared food, candy, soft drinks, and alcoholic beverages as defined in section 297A.67,

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167.1 subdivision 2, and taxable cannabis products as defined under section 295.81, subdivision

167.2 1, paragraph (q), except for lodging, prepared food, candy, soft drinks, <del>and</del> alcoholic

167.3 beverages, and taxable cannabis products purchased directly by the United States or its

167.4 agencies or instrumentalities; or

(5) goods or services purchased by a local government as inputs to a liquor store, gas
 or electric utility, solid waste hauling service, solid waste recycling service, landfill, golf
 course, marina, campground, cafe, or laundromat.

(c) As used in this subdivision, "school districts" means public school entities and districts
of every kind and nature organized under the laws of the state of Minnesota, and any
instrumentality of a school district, as defined in section 471.59.

167.11 (d) For purposes of the exemption granted under this subdivision, "local governments"167.12 has the following meaning:

(1) for the period prior to January 1, 2017, local governments means statutory or home
 rule charter cities, counties, and townships; and

167.15 (2) beginning January 1, 2017, local governments means statutory or home rule charter 167.16 cities, counties, and townships; special districts as defined under section 6.465; any

167.17 instrumentality of a statutory or home rule charter city, county, or township as defined in

167.18 section 471.59; and any joint powers board or organization created under section 471.59.

167.19 EFFECTIVE DATE. This section is effective for sales and purchases made after June
167.20 30, 2023.

167.21 Sec. 14. Minnesota Statutes 2022, section 297A.70, subdivision 4, is amended to read:

Subd. 4. Sales to nonprofit groups. (a) All sales, except those listed in paragraph (b),
to the following "nonprofit organizations" are exempt:

(1) a corporation, society, association, foundation, or institution organized and operated
 exclusively for charitable, religious, or educational purposes if the item purchased is used
 in the performance of charitable, religious, or educational functions;

167.27 (2) any senior citizen group or association of groups that:

(i) in general limits membership to persons who are either age 55 or older, or personswith a physical disability;

(ii) is organized and operated exclusively for pleasure, recreation, and other nonprofit
purposes, not including housing, no part of the net earnings of which inures to the benefit
of any private shareholders; and

168.1 (iii) is an exempt organization under section 501(c) of the Internal Revenue Code; and

168.2 (3) an organization that qualifies for an exemption for memberships under subdivision

168.3 12 if the item is purchased and used in the performance of the organization's mission.

For purposes of this subdivision, charitable purpose includes the maintenance of a cemeteryowned by a religious organization.

168.6 (b) This exemption does not apply to the following sales:

(1) building, construction, or reconstruction materials purchased by a contractor or a
 subcontractor as a part of a lump-sum contract or similar type of contract with a guaranteed
 maximum price covering both labor and materials for use in the construction, alteration, or
 repair of a building or facility;

(2) construction materials purchased by tax-exempt entities or their contractors to be
 used in constructing buildings or facilities that will not be used principally by the tax-exempt
 entities;

(3) lodging as defined under section 297A.61, subdivision 3, paragraph (g), clause (2),
and prepared food, candy, soft drinks, <u>taxable cannabis product as defined under section</u>
<u>295.81, subdivision 1, paragraph (q),</u> and alcoholic beverages as defined in section 297A.67,
subdivision 2, except wine purchased by an established religious organization for sacramental
purposes or as allowed under subdivision 9a; and

(c) This exemption applies to the leasing of a motor vehicle as defined in section 297B.01,
subdivision 11, only if the vehicle is:

(1) a truck, as defined in section 168.002, a bus, as defined in section 168.002, or a
passenger automobile, as defined in section 168.002, if the automobile is designed and used
for carrying more than nine persons including the driver; and

(2) intended to be used primarily to transport tangible personal property or individuals,
 other than employees, to whom the organization provides service in performing its charitable,
 religious, or educational purpose.

(d) A limited liability company also qualifies for exemption under this subdivision if
(1) it consists of a sole member that would qualify for the exemption, and (2) the items
purchased qualify for the exemption.

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<sup>(4)</sup> leasing of a motor vehicle as defined in section 297B.01, subdivision 11, except asprovided in paragraph (c).

### 169.1 EFFECTIVE DATE. This section is effective for sales and purchases made after June 169.2 <u>30</u>, 2023.

169.3 Sec. 15. Minnesota Statutes 2022, section 297A.70, subdivision 18, is amended to read:

Subd. 18. Nursing homes and boarding care homes. (a) All sales, except those listed in paragraph (b), to a nursing home licensed under section 144A.02 or a boarding care home certified as a nursing facility under title 19 of the Social Security Act are exempt if the facility:

(1) is exempt from federal income taxation pursuant to section 501(c)(3) of the InternalRevenue Code; and

(2) is certified to participate in the medical assistance program under title 19 of the Social
Security Act, or certifies to the commissioner that it does not discharge residents due to the
inability to pay.

(b) This exemption does not apply to the following sales:

(1) building, construction, or reconstruction materials purchased by a contractor or a
subcontractor as a part of a lump-sum contract or similar type of contract with a guaranteed
maximum price covering both labor and materials for use in the construction, alteration, or
repair of a building or facility;

(2) construction materials purchased by tax-exempt entities or their contractors to be
 used in constructing buildings or facilities that will not be used principally by the tax-exempt
 entities;

(3) lodging as defined under section 297A.61, subdivision 3, paragraph (g), clause (2),
and prepared food, candy, soft drinks, and alcoholic beverages as defined in section 297A.67,
subdivision 2, and taxable cannabis products as defined under section 295.81, subdivision
<u>1</u>, paragraph (q); and

(4) leasing of a motor vehicle as defined in section 297B.01, subdivision 11, except asprovided in paragraph (c).

(c) This exemption applies to the leasing of a motor vehicle as defined in section 297B.01,
subdivision 11, only if the vehicle is:

(1) a truck, as defined in section 168.002; a bus, as defined in section 168.002; or a
passenger automobile, as defined in section 168.002, if the automobile is designed and used
for carrying more than nine persons including the driver; and

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- 170.1 (2) intended to be used primarily to transport tangible personal property or residents of
- 170.2 the nursing home or boarding care home.

### EFFECTIVE DATE. This section is effective for sales and purchases made after June 30, 2023.

170.5 Sec. 16. Minnesota Statutes 2022, section 297A.85, is amended to read:

170.6 **297A.85 CANCELLATION OF PERMITS.** 

170.7 The commissioner may cancel a permit if one of the following conditions occurs:

170.8 (1) the permit holder has not filed a sales or use tax return for at least one year;

170.9 (2) the permit holder has not reported any sales or use tax liability on the permit holder's

170.10 returns for at least two years;

170.11 (3) the permit holder requests cancellation of the permit;

(4) the permit is subject to cancellation under section 270C.722, subdivision 2, paragraph
(a); or

170.14 (5) the permit is subject to cancellation under section 297A.84-; or

170.15 (6) the permit holder is a taxable cannabis product retailer as defined in section 295.81,

170.16 subdivision 1, paragraph (r), other than a lower-potency hemp edible retailer as licensed

170.17 under section 342.43, subdivision 1, and its license to sell a taxable cannabis product as

170.18 defined in section 295.81, subdivision 1, paragraph (q), has been revoked by the Office of

- 170.19 Cannabis Management.
- 170.20 **EFFECTIVE DATE.** This section is effective June 30, 2023.

170.21 Sec. 17. Minnesota Statutes 2022, section 297D.01, is amended to read:

### 170.22 **297D.01 DEFINITIONS.**

170.23 Subdivision 1. Marijuana Illegal cannabis. "Marijuana" "Illegal cannabis" means any

170.24 marijuana taxable cannabis product as defined in section 295.81, subdivision 1, paragraph

170.25 (q), whether real or counterfeit, as defined in section 152.01, subdivision 9, that is held,

170.26 possessed, transported, transferred, sold, or offered to be sold in violation of <u>chapter 342</u>

170.27 or Minnesota criminal laws.

Subd. 2. Controlled substance. "Controlled substance" means any drug or substance,
whether real or counterfeit, as defined in section 152.01, subdivision 4, that is held, possessed,

- transported, transferred, sold, or offered to be sold in violation of Minnesota laws. "Controlled
  substance" does not include marijuana illegal cannabis.
- 171.3 Subd. 3. **Tax obligor or obligor.** "Tax obligor" or "obligor" means a person who in
- violation of Minnesota law manufactures, produces, ships, transports, or imports into
- 171.5 Minnesota or in any manner acquires or possesses more than 42-1/2 grams of marijuana
- <sup>171.6</sup> illegal cannabis, or seven or more grams of any controlled substance, or ten or more dosage
- 171.7 units of any controlled substance which is not sold by weight. A quantity of marijuana illegal
- 171.8 cannabis or other controlled substance is measured by the weight of the substance whether
- 171.9 pure or impure or dilute, or by dosage units when the substance is not sold by weight, in
- 171.10 the tax obligor's possession. A quantity of a controlled substance is dilute if it consists of a
- 171.11 detectable quantity of pure controlled substance and any excipients or fillers.
- 171.12 Subd. 4. Commissioner. "Commissioner" means the commissioner of revenue.
- 171.13 **EFFECTIVE DATE.** This section is effective June 30, 2023.
- 171.14 Sec. 18. Minnesota Statutes 2022, section 297D.04, is amended to read:

#### 171.15 **297D.04 TAX PAYMENT REQUIRED FOR POSSESSION.**

171.16 No tax obligor may possess any marijuana illegal cannabis or controlled substance upon

- which a tax is imposed by section 297D.08 unless the tax has been paid on the marijuana
  illegal cannabis or other a controlled substance as evidenced by a stamp or other official
- 171.19 indicia.

### 171.20 **EFFECTIVE DATE.** This section is effective June 30, 2023.

171.21 Sec. 19. Minnesota Statutes 2022, section 297D.06, is amended to read:

### 171.22 **297D.06 PHARMACEUTICALS.**

171.23 Nothing in this chapter requires persons registered under chapter 151 or otherwise

171.24 lawfully in possession of marijuana illegal cannabis or a controlled substance to pay the tax

171.25 required under this chapter.

### 171.26 **EFFECTIVE DATE.** This section is effective June 30, 2023.

171.27 Sec. 20. Minnesota Statutes 2022, section 297D.07, is amended to read:

#### 171.28 **297D.07 MEASUREMENT.**

For the purpose of calculating the tax under section 297D.08, a quantity of marijuana

171.30 <u>illegal cannabis</u> or other a controlled substance is measured by the weight of the substance

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whether pure or impure or dilute, or by dosage units when the substance is not sold by

172.2 weight, in the tax obligor's possession. A quantity of a controlled substance is dilute if it

172.3 consists of a detectable quantity of pure controlled substance and any excipients or fillers.

#### 172.4 **EFFECTIVE DATE.** This section is effective June 30, 2023.

172.5 Sec. 21. Minnesota Statutes 2022, section 297D.08, is amended to read:

#### 172.6 **297D.08 TAX RATE.**

172.7 A tax is imposed on marijuana illegal cannabis and controlled substances as defined in 172.8 section 297D.01 at the following rates:

172.9 (1) on each gram of marijuana illegal cannabis, or each portion of a gram, \$3.50; and

172.10 (2) on each gram of controlled substance, or portion of a gram, \$200; or

(3) on each ten dosage units of a controlled substance that is not sold by weight, orportion thereof, \$400.

#### 172.13 **EFFECTIVE DATE.** This section is effective June 30, 2023.

172.14 Sec. 22. Minnesota Statutes 2022, section 297D.085, is amended to read:

#### 172.15 **297D.085 CREDIT FOR PREVIOUSLY PAID TAXES.**

If another state or local unit of government has previously assessed an excise tax on the marijuana illegal cannabis or controlled substances, the taxpayer must pay the difference between the tax due under section 297D.08 and the tax previously paid. If the tax previously paid to the other state or local unit of government was equal to or greater than the tax due under section 297D.08, no tax is due. The burden is on the taxpayer to show that an excise tax on the marijuana illegal cannabis or controlled substances has been paid to another state or local unit of government.

### 172.23 **EFFECTIVE DATE.** This section is effective June 30, 2023.

172.24 Sec. 23. Minnesota Statutes 2022, section 297D.09, subdivision 1a, is amended to read:

Subd. 1a. **Criminal penalty; sale without affixed stamps.** In addition to the tax penalty imposed, a tax obligor distributing or possessing marijuana <u>illegal cannabis</u> or controlled substances without affixing the appropriate stamps, labels, or other indicia is guilty of a crime and, upon conviction, may be sentenced to imprisonment for not more than seven years or to payment of a fine of not more than \$14,000, or both.

### 172.30 **EFFECTIVE DATE.** This section is effective June 30, 2023.

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173.1 Sec. 24. Minnesota Statutes 2022, section 297D.10, is amended to read:

#### 173.2 **297D.10 STAMP PRICE.**

173.3 Official stamps, labels, or other indicia to be affixed to all marijuana illegal cannabis or

173.4 controlled substances shall be purchased from the commissioner. The purchaser shall pay

173.5 100 percent of face value for each stamp, label, or other indicia at the time of the purchase.

- 173.6 **EFFECTIVE DATE.** This section is effective June 30, 2023.
- 173.7 Sec. 25. Minnesota Statutes 2022, section 297D.11, is amended to read:

#### 173.8 **297D.11 PAYMENT DUE.**

Subdivision 1. Stamps affixed. When a tax obligor purchases, acquires, transports, or imports into this state marijuana illegal cannabis or controlled substances on which a tax is imposed by section 297D.08, and if the indicia evidencing the payment of the tax have not already been affixed, the tax obligor shall have them permanently affixed on the marijuana illegal cannabis or controlled substance immediately after receiving the substance. Each stamp or other official indicia may be used only once.

- Subd. 2. Payable on possession. Taxes imposed upon marijuana illegal cannabis or
  controlled substances by this chapter are due and payable immediately upon acquisition or
  possession in this state by a tax obligor.
- 173.18 **EFFECTIVE DATE.** This section is effective June 30, 2023.

#### 173.19 Sec. 26. [477A.31] LOCAL GOVERNMENT CANNABIS AID.

#### 173.20 Subdivision 1. Certification to commissioner of revenue. (a) By July 15, 2024, and

173.21 annually thereafter, the commissioner of management and budget must certify to the

173.22 commissioner of revenue the balance of the local government cannabis aid account in the

- 173.23 special revenue fund at the close of the previous fiscal year.
- (b) By June 1, 2024, and annually thereafter, the director of the office of cannabis

173.25 management under section 342.02 must certify to the commissioner of revenue the number

- 173.26 of cannabis businesses, as defined under section 342.01, subdivision 13, licensed under
- 173.27 chapter 342 as of the previous January 1, disaggregated by county and city.
- 173.28 Subd. 2. Aid to counties. (a) Beginning for aid payable in 2024, the amount available

173.29 for aid to counties under this subdivision equals 50 percent of the amount certified in that

173.30 year to the commissioner under subdivision 1, paragraph (a).

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174.1	(b) Twenty percent of the amo	ount under paragraph (a)	must be distribu	ted equally among
174.2	all counties.			
174.3	(c) Eighty percent of the amo	unt under paragraph (a)	must be distribu	ted proportionally
174.4	to each county according to the r	number of cannabis busi	nesses located in	n the county as
174.5	compared to the number of cann	abis businesses in all co	unties as of the	most recent
174.6	certification under subdivision 1	, paragraph (b).		
174.7	Subd. 3. Aid to cities. (a) Be	ginning for aid payable	in 2024, the am	ount available for
174.8	aid to cities under this subdivision	on equals 50 percent of t	he amount certit	fied in that year to
174.9	the commissioner under subdivis	sion 1, paragraph (a).		
174.10	(b) The amount under paragr	aph (a) must be distribu	ted proportional	ly to each city
174.11	according to the number of canna	bis businesses located in	the city as compa	ared to the number
174.12	of cannabis businesses in all citie	es as of the most recent	certification und	ler subdivision 1,
174.13	paragraph (b).			
174.14	Subd. 4. Payment. The com	missioner of revenue mu	ist compute the	amount of aid
174.15	payable to each county and city	under this section. On or	· before August	1 of each year, the
174.16	commissioner must certify the an	mount to be paid to each	county and city	in that year. The
174.17	commissioner must pay the full	amount of the aid on De	cember 26 annu	ally.
174.18	Subd. 5. Appropriation. Beg	ginning in fiscal year 20	25 and annually	thereafter, the
174.19	amount in the local government c	cannabis aid account in th	ne special revenu	e fund is annually
174.20	appropriated to the commissione	er of revenue to make the	e aid payments r	equired under this
174.21	section.			
174.22	EFFECTIVE DATE. This s	ection is effective July 1	, 2023.	
174.23		ARTICLE 3		
174.24	BU	SINESS DEVELOPM	ENT	
174.25	Section 1. [116J.659] CANNA	ABIS INDUSTRY STAL	RTUP FINANC	CING GRANTS.
174.26	Subdivision 1. Establishmer	nt. The commissioner of	employment an	d economic
174.27	development shall establish CanS	Startup, a program to awa	ard grants to non	profit corporations
174.28	to fund loans to new businesses	in the legal cannabis ind	ustry and to sup	port job creation
174.29	in communities where long-term	residents are eligible to	be social equity	v applicants.
174.30	Subd. 2. Definitions. (a) For	the purposes of this sec	tion, the followi	ng terms have the
174.31	meanings given.			
174.32	(b) "Commissioner" means the	e commissioner of emplo	yment and econd	omic development.

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175.1	(c) "Industry" means the lega	al cannabis industry in the	e state of Minne	sota.
175.2	(d) "New business" means a	legal cannabis business th	at has been in e	xistence for three
175.3	years or less.			
175.4	(e) "Program" means the Car	nStartup grant program.		
175.5	(f) "Social equity applicant"	means a person who mee	ts the qualificat	ion requirements
175.6	in section 342.15.			
175.7	Subd. 3. Grants. (a) The con	nmissioner shall establish	a revolving loar	n account to make
175.8	grants under the CanStartup prog	gram.		
175.9	(b) The commissioner must a	ward grants to nonprofit co	orporations thro	ugh a competitive
175.10	grant process.			
175.11	(c) To receive grant money, a	a nonprofit corporation m	ust submit a wr	itten application
175.12	to the commissioner using a form	n developed by the comm	nissioner.	
175.13	(d) In awarding grants under	this subdivision, the com	missioner shall	give weight to
175.14	whether the nonprofit corporation	on:		
175.15	(1) has a board of directors the	at includes citizens experi	enced in busines	ss and community
175.16	development, new business ente	rprises, and creating jobs	for people facin	ng barriers to
175.17	education or employment;			
175.18	(2) has the technical skills to	analyze projects;		
175.19	(3) is familiar with other ava	ilable public and private	funding sources	and economic
175.20	development programs;			
175.21	(4) can initiate and implement	nt economic development	projects;	
175.22	(5) can establish and adminis	ster a revolving loan acco	unt;	
175.23	(6) can work with job referra	l networks that assist peo	ple facing barri	ers to education
175.24	or employment; and			
175.25	(7) has established relationshi	ps with communities whe	re long-term res	idents are eligible
175.26	to be social equity applicants.			
175.27	The commissioner shall make gr	ants that will assist a broa	d range of busir	nesses in the legal
175.28	cannabis industry, including the	processing and retail sect	tors.	
175.29	(e) A nonprofit corporation t	hat receives a grant under	the program m	ust:

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176.1	(1) establish a commissioner-	certified revolving loan a	ccount for the p	urpose of making
176.2	eligible loans; and			
176.3	(2) enter into an agreement w	ith the commissioner that	t the commissic	oner shall fund
176.4	loans that the nonprofit corporati	on makes to new business	ses in the legal c	annabis industry.
176.5	The commissioner shall review e	xisting agreements with	nonprofit corpoi	rations every five
176.6	years and may renew or terminate	e an agreement based on t	hat review. In ma	aking this review,
176.7	the commissioner shall consider,	among other criteria, the	e criteria in para	graph (d).
176.8	Subd. 4. Loans to businesses	s. (a) The criteria in this s	subdivision appl	ly to loans made
176.9	by nonprofit corporations under	the program.		
176.10	(b) Loans must be used to sup	port a new business in the	e legal cannabis	industry. Priority
176.11	must be given to loans to busines	sses owned by individual	s who are eligib	ble to be social
176.12	equity applicants and businesses	located in communities	where long-term	n residents are
176.13	eligible to be social equity applic	cants.		
176.14	(c) Loans must be made to bu	sinesses that are not like	ly to undertake	the project for
176.15	which loans are sought without a	ssistance from the progra	am.	
176.16	(d) The minimum state contri	bution to a loan is \$2,50	0 and the maxim	num is either:
176.17	<u>(1) \$50,000; or</u>			
176.18	(2) \$150,000, if state contribu	ations are matched by an	equal or greater	r amount of new
176.19	private investment.			
176.20	(e) Loan applications given p	reliminary approval by th	ne nonprofit cor	poration must be
176.21	forwarded to the commissioner f	or approval. The commis	ssioner must giv	e final approval
176.22	for each loan made by the nonpre-	ofit corporation under the	e program.	
176.23	(f) A business that receives a	loan may apply to renew	the loan. Rener	wal applications
176.24	must be made on an annual basis	and a business may recei	ve loans for up t	to six consecutive
176.25	years. A nonprofit corporation m	ay renew a loan to a bus	iness that is no l	longer a new
176.26	business provided the business w	ould otherwise qualify for	or an initial loar	n and is in good
176.27	standing with the nonprofit corpo	ration and the commissio	ner. A nonprofit	t corporation may
176.28	adjust the amount of a renewed l	oan, or not renew a loan,	if the nonprofit	corporation
176.29	determines that the business is fi	nancially stable and is su	bstantially likel	y to continue the
176.30	project for which the loan renew	al is sought.		
176.31	(g) If a borrower has met lend	der criteria, including bei	ng current with	all payments for
176.32	a minimum of three years, the co	mmissioner may approve	e either full or p	artial forgiveness
176.33	of interest or principal amounts.			

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177.1	Subd. 5. Revolving loan account administration. (a) The commissioner shall establish
177.2	a minimum interest rate for loans or guarantees to ensure that necessary loan administration
177.3	costs are covered. The interest rate charged by a nonprofit corporation for a loan under this
177.4	section must not exceed the Wall Street Journal prime rate. For a loan under this section,
177.5	the nonprofit corporation may charge a loan origination fee equal to or less than one percent
177.6	of the loan value. The nonprofit corporation may retain the amount of the origination fee.
177.7	(b) Loan repayment of principal must be paid to the commissioner for deposit in the
177.8	revolving loan account. Loan interest payments must be deposited in a revolving loan
177.9	account created by the nonprofit corporation originating the loan being repaid for further
177.10	distribution or use, consistent with the criteria of this section.
177.11	(c) Administrative expenses of the nonprofit corporations with whom the commissioner
177.12	enters into agreements, including expenses incurred by a nonprofit corporation in providing
177.13	financial, technical, managerial, and marketing assistance to a business receiving a loan
177.14	under this section, are eligible program expenses the commissioner may agree to pay under
177.15	the grant agreement.
177.16	Subd. 6. Program outreach. The commissioner shall make extensive efforts to publicize
177.17	this program, including through partnerships with community organizations, particularly
177.18	those organizations located in areas where long-term residents are eligible to be social equity
177.19	applicants.
177.20	Subd. 7. Reporting requirements. (a) A nonprofit corporation that receives a grant
177.21	shall:
177.22	(1) submit an annual report to the commissioner by February 1 of each year that the
177.23	nonprofit corporation participates in the program that includes a description of businesses
177.24	supported by the grant program, an account of loans made during the calendar year, the
177.25	program's impact on business creation and job creation, particularly in communities where
177.26	long-term residents are eligible to be social equity applicants, the source and amount of
177.27	money collected and distributed by the program, the program's assets and liabilities, and an
177.28	explanation of administrative expenses; and
177.29	(2) provide for an independent annual audit to be performed in accordance with generally
177.30	accepted accounting practices and auditing standards and submit a copy of each annual
177.31	audit report to the commissioner.
177.32	(b) By March 1, 2024, and each March 1 thereafter, the commissioner must submit a
177.33	report to the chairs and ranking minority members of the committees of the house of
177.34	representatives and the senate having jurisdiction over economic development that details

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178.1	awards given through the CanSta	rtup program and the us	e of grant money	, including any
178.2	measures of success toward finan	cing new businesses in	the legal cannabi	s industry and
178.3	creating jobs in communities whe	ere long-term residents a	re eligible to be	social equity
178.4	applicants.			
178.5	Sec. 2. [116J.6595] CANNABI	S INDUSTRY NAVIG	ATION GRAN	<u>ГS.</u>
178.6	Subdivision 1. Establishmen	t. The commissioner of	employment and	economic
178.7	development shall establish CanNa	avigate, a program to awa	ard grants to eligi	ole organizations
178.8	to help individuals navigate the re-	egulatory structure of the	e legal cannabis	ndustry.
178.9	Subd. 2. Definitions. (a) For t	he purposes of this section	ion, the following	g terms have the
178.10	meanings given.			
178.11	(b) "Commissioner" means the	commissioner of employ	ment and econon	nic development.
178.12	(c) "Eligible organization" mea	ns any organization capa	ble of helping ind	ividuals navigate
178.13	the regulatory structure of the lega	l cannabis industry, parti	cularly individua	ls facing barriers
178.14	to education or employment, and	may include educationa	l institutions, noi	nprofit
178.15	organizations, private businesses,	community groups, uni	ts of local govern	nment, or
178.16	partnerships between different typ	pes of organizations.		
178.17	(d) "Industry" means the legal	cannabis industry in the	e state of Minnes	ota.
178.18	(e) "Program" means the Canl	Navigate grant program.		
178.19	(f) "Social equity applicant" n	neans a person who mee	ts the qualification	on requirements
178.20	in section 342.15.			
178.21	Subd. 3. Grants to organizat	<b>ions.</b> (a) Grant money a	warded to eligibl	e organizations
178.22	may be used for both developing	technical assistance reso	ources relevant to	the regulatory
178.23	structure of the legal cannabis ind	ustry and for providing	technical assistan	ce or navigation
178.24	services to individuals.			
178.25	(b) The commissioner must aw	vard grants to eligible org	ganizations throu	gh a competitive
178.26	grant process.			
178.27	(c) To receive grant money, an	n eligible organization m	nust submit a wri	tten application
178.28	to the commissioner, using a form	n developed by the com	nissioner, explai	ning the
178.29	organization's ability to assist ind	ividuals in navigating th	e regulatory struc	ture of the legal
178.30	cannabis industry, particularly inc	lividuals facing barriers	to education or e	mployment.
178.31	(d) An eligible organization's	grant application must a	lso include:	

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179.1	(1) a description of the prop	osed technical assistance	or navigation se	rvices, including
179.2	the types of individuals targeted	d for assistance;		
179.3	(2) any evidence of the orga	nization's past success in	providing techn	ical assistance or
179.4	navigation services to individua	ls, particularly individuals	who live in areas	s where long-term
179.5	residents are eligible to be socia	al equity applicants;		
179.6	(3) an estimate of the cost o	f providing the technical a	assistance;	
179.7	(4) the sources and amounts	s of any nonstate money of	r in-kind contrib	outions that will
179.8	supplement grant money, includ	ling any amounts that indi	viduals will be c	harged to receive
179.9	assistance; and			
179.10	(5) any additional informati	on requested by the comm	nissioner.	
179.11	(e) In awarding grants unde	r this subdivision, the com	missioner shall	give weight to
179.12	applications from organizations	that demonstrate a history	of successful tee	chnical assistance
179.13	or navigation services, particular	ly for individuals facing ba	rriers to education	on or employment.
179.14	The commissioner shall also gi	ve weight to applications	where the propo	sed technical
179.15	assistance will serve areas when	re long-term residents are	eligible to be so	cial equity
179.16	applicants. To the extent practic	cable, the commissioner sl	nall fund technic	cal assistance for
179.17	a variety of sectors in the legal	cannabis industry, includi	ng both process	ing and retail
179.18	sectors.			
179.19	Subd. 4. Program outreach	. The commissioner shall r	nake extensive e	fforts to publicize
179.20	these grants, including through	partnerships with commu	nity organizatio	ns, particularly
179.21	those organizations located in an	eas where long-term reside	ents are eligible t	to be social equity
179.22	applicants.			
179.23	Subd. 5. Reports to the legi	slature. By January 15, 202	24, and each Janu	uary 15 thereafter,
179.24	the commissioner must submit	a report to the chairs and i	ranking minority	y members of the
179.25	committees of the house of repre-	esentatives and the senate l	naving jurisdiction	on over economic
179.26	development that details award	s given through the CanN	avigate program	and the use of
179.27	grant money, including any me	asures of success toward h	nelping individu	als navigate the
179.28	regulatory structure of the legal	cannabis industry.		
179.29	Sec. 3. [116L.90] CANNABI	S INDUSTRY TRAININ	NG GRANTS.	
179.30	Subdivision 1. Establishme	ent. The commissioner of	employment and	d economic
170.21	development shell establish Con	Tuein a nue anome to arread	ananta ta (1) alia	ille anonimations

179.31 development shall establish CanTrain, a program to award grants to (1) eligible organizations

179.32 to train people for work in the legal cannabis industry, and (2) eligible individuals to acquire

179.33 such training.

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180.1	Subd. 2. Definitions. (a) For	the purposes of this secti	on, the followi	ng terms have the
180.2	meanings given.			
180.3	(b) "Commissioner" means the	e commissioner of employ	ment and econo	omic development.
180.4	(c) "Eligible organization" me	ans any organization capa	able of providin	g training relevant
180.5	to the legal cannabis industry, pa	rticularly for individuals	facing barriers	to education or
180.6	employment, and may include ec	lucational institutions, no	onprofit organiz	zations, private
180.7	businesses, community groups, u	nits of local government,	or partnerships	between different
180.8	types of organizations.			
180.9	(d) "Eligible individual" mea	ns a Minnesota resident y	who is 21 years	old or older.
180.10	(e) "Industry" means the lega	l cannabis industry in M	innesota.	
180.11	(f) "Program" means the Can	Train grant program.		
180.12	(g) "Social equity applicant"	means a person who mee	ets the qualifica	tion requirements
180.13	in section 342.15.			
180.14	Subd. 3. Grants to organiza	tions. (a) Grant money a	warded to eligi	ble organizations
180.15	may be used for both developing	a training program relev	ant to the legal	cannabis industry
180.16	and for providing such training to	o individuals.		
180.17	(b) The commissioner must av	ward grants to eligible org	ganizations thro	ough a competitive
180.18	grant process.			
180.19	(c) To receive grant money, a	n eligible organization m	ust submit a w	ritten application
180.20	to the commissioner, using a form	n developed by the com	nissioner, expla	aining the
180.21	organization's ability to train indiv	viduals for successful care	eers in the legal	cannabis industry,
180.22	particularly individuals facing ba	urriers to education or em	ployment.	
180.23	(d) An eligible organization's	grant application must a	lso include:	
180.24	(1) a description of the propo	sed training;		
180.25	(2) an analysis of the degree of	f demand in the legal can	nabis industry fo	or the skills gained
180.26	through the proposed training;			
180.27	(3) any evidence of the organ	zation's past success in t	raining individu	uals for successful
180.28	careers, particularly in new or en	nerging industries;		
180.29	(4) an estimate of the cost of $(4)$	providing the proposed t	raining;	

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181.1	(5) the sources and amounts of	f any nonstate funds or i	in-kind contribu	tions that will
181.2	supplement grant money, includin	g any amounts that indi	viduals will be	charged to
181.3	participate in the training; and			
181.4	(6) any additional information	requested by the comm	issioner.	
181.5	(e) In awarding grants under the	nis subdivision, the com	missioner shall	give weight to
181.6	applications from organizations th	at demonstrate a history	y of successful c	eareer training,
181.7	particularly for individuals facing	barriers to education or	employment. T	he commissioner
181.8	shall also give weight to application	ons where the proposed	training will:	
181.9	(1) result in an industry-releva	nt credential; or		
181.10	(2) include opportunities for h	ands-on or on-site expen	rience in the ind	ustry.
181.11	The commissioner shall fund train	ning for a broad range of	f careers in the l	egal cannabis
181.12	industry, including both potential	business owners and em	ployees and for	work in the
181.13	growing, processing, and retail see	ctors of the legal cannab	ois industry.	
181.14	Subd. 4. Grants to individual	<b>s.</b> (a) The commissione	r shall award gr	ants of up to
181.15	\$20,000 to eligible individuals to p	oursue a training program	m relevant to a c	career in the legal
181.16	cannabis industry.			
181.17	(b) To receive grant money, an	eligible individual mus	st submit a writt	en application to
181.18	the commissioner, using a form de	eveloped by the commis	ssioner, identify	ing a training
181.19	program relevant to the legal cann	abis industry and the es	stimated cost of	completing that
181.20	training. The application must also	o indicate whether:		
181.21	(1) the applicant is eligible to l	be a social equity applic	ant;	
181.22	(2) the proposed training progr	ram results in an industr	y-relevant crede	ential; and
181.23	(3) the proposed training progr	ram includes opportunit	ies for hands-on	or on-site
181.24	experience in the industry.			
181.25	The commissioner shall attempt to	o make the application p	process simple f	or individuals to
181.26	complete, such as by publishing li	sts of industry-relevant	training prograr	ns along with the
181.27	training program's estimated cost	of completing the traini	ng programs and	d whether the
181.28	training programs will result in an	industry-relevant crede	ential or include	opportunities for
181.29	hands-on or on-site experience in	the legal cannabis indus	stry.	
181.30	(c) The commissioner must awa	ard grants to eligible indi	ividuals through	a lottery process.
181.31	Applicants who have filed comple	ete applications by the d	eadline set by th	ne commissioner
181.32	shall receive one entry in the lotte	ry, plus one additional e	entry for each of	the following:

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182.1	(1) being eligible to be a soc	cial equity applicant;		
182.2	(2) seeking to enroll in a trai	ning program that results ir	n an industry-re	elevant credential;
182.3	and			
182.4	(3) seeking to enroll in a tra	ining program that include	s opportunities	s for hands-on or
182.5	on-site experience in the indust	<u>ry.</u>		
182.6	(d) Grant money awarded to	eligible individuals shall be	used to pay the	e costs of enrolling
182.7	in a training program relevant t	o the legal cannabis indust	ry, including tu	uition, fees, and
182.8	materials costs. Grant money ma	ay also be used to remove e	xternal barriers	s to attending such
182.9	a training program, such as the c	cost of child care, transporta	tion, or other e	xpenses approved
182.10	by the commissioner.			
182.11	Subd. 5. Program outreach	. The commissioner shall m	ake extensive of	efforts to publicize
182.12	these grants, including through	partnerships with commun	ity organizatio	ons, particularly
182.13	those organizations located in ar	eas where long-term resider	nts are eligible	to be social equity
182.14	applicants.			
182.15	Subd. 6. Reports to the legis	slature. By January 15, 202	4, and each Jan	uary 15 thereafter,
182.16	the commissioner must submit	a report to the chairs and ra	anking minorit	y members of the
182.17	committees of the house of repre-	esentatives and the senate ha	aving jurisdiction	on over workforce
182.18	development that describes awa	ards given through the Can	Train program	and the use of
182.19	grant money, including any mea	asures of success toward tr	aining people	for successful
182.20	careers in the legal cannabis inc	lustry.		
182.21		ARTICLE 4		
182.22		CRIMINAL PENALTIES	8	
182.23	Section 1. Minnesota Statutes	2022, section 152.01, is an	mended by add	ling a subdivision
182.24	to read:			
182.25	Subd. 25. Cannabis produc	ct. "Cannabis product" has	the meaning g	iven in section
182.26	342.01, subdivision 19.			
102.27	See 2 Minnesote Statutes 20	22 section 152.01 is amor	dad by adding	a subdivision to
182.27 182.28	Sec. 2. Minnesota Statutes 20 read:	22, section 152.01, is anici		
102.28				
182.29	Subd. 26. Cannabis concen		ate" has the me	eaning given in
182.30	section 342.01, subdivision 14.			

183.1 Sec. 3. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to183.2 read:

183.3 Subd. 27. Cannabis flower. "Cannabis flower" has the meaning given in section 342.01,
183.4 subdivision 15.

183.5 Sec. 4. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to183.6 read:

183.7 Subd. 28. Edible cannabis product. "Edible cannabis product" has the meaning given
183.8 in section 342.01, subdivision 29.

183.9 Sec. 5. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to183.10 read:

183.11 Subd. 29. Cannabis plant. "Cannabis plant" has the meaning given in section 342.01,
183.12 subdivision 18.

183.13 Sec. 6. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to183.14 read:

183.15 Subd. 30. Synthetically derived cannabinoid. "Synthetically derived cannabinoid" has
183.16 the meaning given in section 342.01, subdivision 67.

183.17 Sec. 7. Minnesota Statutes 2022, section 152.021, subdivision 2, is amended to read:

183.18 Subd. 2. Possession crimes. (a) A person is guilty of a controlled substance crime in183.19 the first degree if:

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

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

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

183.27 (ii) the offense involves two aggravating factors;

(3) the person unlawfully possesses one or more mixtures of a total weight of 25 gramsor more containing heroin;

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

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

(6) the person unlawfully possesses one or more mixtures of a total weight of 50
kilograms or more containing marijuana or Tetrahydrocannabinols, or possesses 500 or
more marijuana plants.

(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.

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

184.14 Sec. 8. Minnesota Statutes 2022, section 152.022, subdivision 1, is amended to read:

Subdivision 1. Sale crimes. A person is guilty of controlled substance crime in thesecond degree if:

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

(2) on one or more occasions within a 90-day period the person unlawfully sells one or
more mixtures of a total weight of three grams or more containing cocaine or
methamphetamine and:

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

184.26 (ii) the offense involves three aggravating factors;

(3) on one or more occasions within a 90-day period the person unlawfully sells one or
more mixtures of a total weight of three grams or more containing heroin;

(4) on one or more occasions within a 90-day period the person unlawfully sells one or
more mixtures of a total weight of ten grams or more containing amphetamine, phencyclidine,
or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 50 or
more dosage units;

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185.1	(5) on one or more occasions within	n a 90-day period	the person unlaw	fully sells one or
185.2	more mixtures of a total weight of ten	<del>kilograms or mor</del>	e containing mari	<del>juana or</del>
185.3	Tetrahydrocannabinols;			
185.4	(6) (5) the person unlawfully sells a	any amount of a S	Schedule I or II na	rcotic drug to a
185.5	person under the age of 18, or conspire	es with or employ	rs a person under t	he age of 18 to
185.6	unlawfully sell the substance; or			
185.7	(7)(6) the person unlawfully sells a	any of the followi	ng in a school zor	ne, a park zone, a
185.8	public housing zone, or a drug treatment	nt facility:		
185.9	(i) any amount of a Schedule I or II	narcotic drug, ly	sergic acid diethy	lamide (LSD),
185.10	3,4-methylenedioxy amphetamine, or 3	3,4-methylenedio	xymethamphetam	ine <u>; or</u>
185.11	(ii) one or more mixtures containing	g methamphetam	ine or amphetami	ne <del>; or</del> .
185.12	(iii) one or more mixtures of a total w	veight of five kilog	grams or more con	taining marijuana
185.13	or Tetrahydrocannabinols.			
185.14	<b>EFFECTIVE DATE.</b> This section	is effective Janua	ary 1, 2024, and a	pplies to crimes
185.15	committed on or after that date.			
185.16	Sec. 9. Minnesota Statutes 2022, sect	tion 152.022, sub	division 2, is ame	nded to read:
185.17	Subd. 2. <b>Possession crimes.</b> (a) A p	person is guilty o	f controlled substa	ance crime in the
185.18	second degree if:			
185.19	(1) the person unlawfully possesses	one or more mix	tures of a total we	eight of 25 grams
185.20	or more containing cocaine or metham	phetamine;		
185.21	(2) the person unlawfully possesses	one or more mix	tures of a total we	ight of ten grams
185.22	or more containing cocaine or metham	phetamine and:		
185.23	(i) the person or an accomplice pos	sesses on their pe	rson or within im	nediate reach, or
185.24	uses, whether by brandishing, displaying	ng, threatening w	ith, or otherwise e	employing, a
185.25	firearm; or			
185.26	(ii) the offense involves three aggra	wating factors;		

(3) the person unlawfully possesses one or more mixtures of a total weight of six gramsor more containing heroin;

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

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

(6) the person unlawfully possesses one or more mixtures of a total weight of 25
kilograms or more containing marijuana or Tetrahydrocannabinols<del>, or possesses 100 or</del>
more marijuana plants.

(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.

### 186.10 EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes 186.11 committed on or after that date.

186.12 Sec. 10. Minnesota Statutes 2022, section 152.023, subdivision 1, is amended to read:

186.13 Subdivision 1. Sale crimes. A person is guilty of controlled substance crime in the third186.14 degree if:

186.15 (1) the person unlawfully sells one or more mixtures containing a narcotic drug;

(2) on one or more occasions within a 90-day period the person unlawfully sells one or
more mixtures containing phencyclidine or hallucinogen, it is packaged in dosage units,
and equals ten or more dosage units;

(3) the person unlawfully sells one or more mixtures containing a controlled substance
classified in Schedule I, II, or III, except a Schedule I or II narcotic drug, <u>cannabis flower</u>,
<u>or cannabis products to a person under the age of 18; or</u>

(4) the person conspires with or employs a person under the age of 18 to unlawfully sell
one or more mixtures containing a controlled substance listed in Schedule I, II, or III, except
a Schedule I or II narcotic drug<del>; or</del>, cannabis flower, or cannabis products.

(5) on one or more occasions within a 90-day period the person unlawfully sells one or
 more mixtures of a total weight of five kilograms or more containing marijuana or

186.27 Tetrahydrocannabinols.

186.28 EFFECTIVE DATE. This section is effective January 1, 2024, and applies to crimes
 186.29 committed on or after that date.

187.1 Sec. 11. Minnesota Statutes 2022, section 152.023, subdivision 2, is amended to read:

187.2 Subd. 2. Possession crimes. (a) A person is guilty of controlled substance crime in the187.3 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;

(2) on one or more occasions within a 90-day period the person unlawfully possesses
one or more mixtures of a total weight of three grams or more containing heroin;

(3) on one or more occasions within a 90-day period the person unlawfully possesses
one or more mixtures containing a narcotic drug, 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

187.15 3,4-methylenedioxymethamphetamine in a school zone, a park zone, a public housing zone,187.16 or a drug treatment facility;

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

187.18 one or more mixtures of a total weight of ten kilograms or more containing marijuana or
187.19 Tetrahydrocannabinols:

187.20 (i) more than ten kilograms of cannabis flower;

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

187.22 (iii) edible cannabis products infused with more than 200 grams of tetrahydrocannabinol;
 187.23 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.

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

188.1 Sec. 12. Minnesota Statutes 2022, section 152.024, subdivision 1, is amended to read:

Subdivision 1. Sale crimes. A person is guilty of controlled substance crime in the fourthdegree if:

(1) the person unlawfully sells one or more mixtures containing a controlled substance
 classified in Schedule I, II, or III, except marijuana or Tetrahydrocannabinols;

- (2) the person unlawfully sells one or more mixtures containing a controlled substance
  classified in Schedule IV or V to a person under the age of 18; or
- (3) the person conspires with or employs a person under the age of 18 to unlawfully sell
  a controlled substance classified in Schedule IV or V; or.

(4) the person unlawfully sells any amount of marijuana or Tetrahydrocannabinols in a
 school zone, a park zone, a public housing zone, or a drug treatment facility, except a small
 amount for no remuneration.

- 188.13 EFFECTIVE DATE. This section is effective January 1, 2024, and applies to crimes
   188.14 committed on or after that date.
- 188.15 Sec. 13. Minnesota Statutes 2022, section 152.025, subdivision 1, is amended to read:

188.16 Subdivision 1. Sale crimes. A person is guilty of a controlled substance crime in the

188.17 fifth degree and upon conviction may be sentenced as provided in subdivision 4 if:

188.18 (1) the person unlawfully sells one or more mixtures containing marijuana or

- 188.19 tetrahydrocannabinols, except a small amount of marijuana for no remuneration; or
- (2) the person unlawfully sells one or more mixtures containing a controlled substance
   classified in Schedule IV.

### 188.22 EFFECTIVE DATE. This section is effective January 1, 2024, and applies to crimes 188.23 committed on or after that date.

188.24 Sec. 14. Minnesota Statutes 2022, section 152.025, subdivision 2, is amended to read:

188.25 Subd. 2. **Possession and other crimes.** A person is guilty of controlled substance crime 188.26 in the fifth degree and upon conviction may be sentenced as provided in subdivision 4 if:

(1) the person unlawfully possesses one or more mixtures containing a controlled
substance classified in Schedule I, II, III, or IV, except a small amount of marijuana cannabis
flower or cannabis products; or

- (2) the person procures, attempts to procure, possesses, or has control over a controlledsubstance by any of the following means:
- 189.3 (i) fraud, deceit, misrepresentation, or subterfuge;

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

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

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

#### 189.11 Sec. 15. [152.0263] CANNABIS POSSESSION CRIMES.

189.12 Subdivision 1. Possession of cannabis in the first degree. A person is guilty of cannabis

189.13 possession in the first degree and may be sentenced to imprisonment of not more than five

189.14 years or to payment of a fine of not more than \$10,000, or both, if the person unlawfully

- 189.15 possesses any of the following:
- 189.16 (1) more than two pounds but not more than ten kilograms of cannabis flower in any
- 189.17 place other than the person's residence;
- 189.18 (2) more than two pounds but not more than ten kilograms of cannabis flower derived

189.19 from sources other than the home cultivation of cannabis plants authorized in section 342.09,

- 189.20 <u>subdivision 2</u>, in the person's residence;
- (3) more than five pounds but not more than ten kilograms of cannabis flower, regardless
  of the cannabis' source, in the person's residence;
- 189.23 (4) more than 160 grams but not more than two kilograms of cannabis concentrate; or
- 189.24 (5) edible cannabis products infused with more than 16 grams but not more than 200
- 189.25 grams of tetrahydrocannabinol.
- 189.26 Subd. 2. **Possession of cannabis in the second degree.** A person is guilty of cannabis
- 189.27 possession in the second degree and may be sentenced to imprisonment of not more than
- 189.28 one year or to payment of a fine of not more than \$3,000, or both, if the person unlawfully
- 189.29 possesses any of the following:
- 189.30 (1) more than one pound but not more than two pounds of cannabis flower in any place
- 189.31 other than the person's residence;

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190.1	(2) more than 80 grams but not	more than 160 grams	of cannabis conc	entrate; or
190.2	(3) edible cannabis products info	used with more than	eight grams but no	ot more than 16
190.3	grams of tetrahydrocannabinol.			
190.4	Subd. 3. Possession of cannabi	s in the third degree	• A person is guil	ty of cannabis
190.5	possession in the third degree and n	nay be sentenced to in	mprisonment of n	ot more than 90
190.6	days or to payment of a fine of not	more than \$1,000, or	both, if the perso	n unlawfully
190.7	possesses any of the following:			
190.8	(1) more than four ounces but no	ot more than one pour	nd of cannabis flo	wer in any place
190.9	other than the person's residence;			
190.10	(2) more than 16 grams but not	more than 80 grams of	of cannabis conce	ntrate; or
190.11	(3) edible cannabis products infu	used with more than 1	,600 milligrams b	ut not more than
190.12	eight grams of tetrahydrocannabino	<u>l.</u>		
190.13	Subd. 4. Possession of cannabi	s in the fourth degre	ee. A person is gu	ilty of a petty
190.14	misdemeanor if the person unlawfu	lly possesses any of t	he following:	
190.15	(1) more than two ounces but no	t more than four ounc	es of cannabis flo	wer in any place
190.16	other than the person's residence;			
190.17	(2) more than eight grams but no	ot more than 16 gram	s of cannabis con	centrate; or
190.18	(3) edible cannabis products info	used with more than	800 milligrams bu	it not more than
190.19	1,600 milligrams of tetrahydrocann	abinol.		
190.20	Subd. 5. Use of cannabis in a m	notor vehicle. (a) A p	erson is guilty of	a crime and may
190.21	be sentenced to imprisonment of no	t more than 90 days o	or to payment of a	fine of not more
190.22	than \$1,000, or both, if the person u	Inlawfully uses canna	bis flower or can	nabis products
190.23	while driving, operating, or being in	n physical control of a	any motor vehicle	, as defined in
190.24	section 169A.03, subdivision 15.			
190.25	(b) The State Patrol must increa	se enforcement of thi	s subdivision ann	ually on April
190.26	20. Other law enforcement agencies	s are encouraged to ir	crease enforceme	ent of this
190.27	subdivision annually on April 20.			
190.28	Subd. 6. Use of cannabis in pub	olic. A local unit of go	vernment may ad	opt an ordinance
190.29	establishing a petty misdemeanor of	fense for a person wh	o unlawfully uses	cannabis flower
190.30	or cannabis products in a public pla	ce provided that the c	lefinition of publi	c place does not
190.31	include the following:			
190.32	(1) a private residence, including	g the person's curtilag	ge or yard;	

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191.1 (2) private property not generally accessible by the public, unless the person is explicitly

191.2 prohibited from consuming cannabis flower or cannabis products on the property by the

191.3 <u>owner of the property; or</u>

191.4 (3) the premises of an establishment or event licensed to permit on-site consumption.

### 191.5 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes

191.6 <u>committed on or after that date.</u>

#### 191.7 Sec. 16. [152.0264] CANNABIS SALE CRIMES.

191.8 <u>Subdivision 1.</u> Sale of cannabis in the first degree. A person is guilty of the sale of

191.9 cannabis in the first degree and may be sentenced to imprisonment of not more than five

191.10 years or to payment of a fine of not more than \$10,000, or both, if the person unlawfully

191.11 sells more than two ounces of cannabis flower, more than eight grams of cannabis

191.12 concentrate, or edible cannabis products infused with more than 800 milligrams of

- 191.13 tetrahydrocannabinol:
- 191.14 (1) to a minor and the defendant is an adult who is more than 36 months older than the
   191.15 minor;
- 191.16 (2) within ten years of two or more convictions for the unlawful sale of more than two
- 191.17 ounces of cannabis flower, more than eight grams of cannabis concentrate, or edible cannabis

191.18 products infused with more than 800 milligrams of tetrahydrocannabinol; or

- 191.19 (3) within ten years of a conviction under this subdivision.
- 191.20 <u>Subd. 2.</u> Sale of cannabis in the second degree. A person is guilty of sale of cannabis

191.21 in the second degree and may be sentenced to imprisonment of not more than one year or

191.22 to payment of a fine of not more than \$3,000, or both, if the person unlawfully sells more

191.23 than two ounces of cannabis flower, more than eight grams of cannabis concentrate, or

191.24 edible cannabis products infused with more than 800 milligrams of tetrahydrocannabinol:

- 191.28 (3) within ten years of a conviction for the unlawful sale of more than two ounces of
- 191.29 cannabis flower, more than eight grams of cannabis concentrate, or edible cannabis products
- 191.30 infused with more than 800 milligrams of tetrahydrocannabinol.

<sup>191.25 (1)</sup> to a minor and the defendant is an adult who is not more than 36 months older than
191.26 the minor;

<sup>191.27 (2)</sup> in a school zone, a park zone, a public housing zone, or a drug treatment facility; or

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192.1	Subd. 3. Sale of cannabis in the t	hird degree. A pers	son is guilty of sale of	of cannabis in
192.2	the third degree and may be sentenced	d to imprisonment o	of not more than 90	days or to
192.3	payment of a fine of not more than \$1	,000, or both, if the	person unlawfully	sells:
192.4	(1) more than two ounces of canna	abis flower;		
192.5	(2) more than eight grams of cann	abis concentrate; or		
192.6	(3) edible cannabis products infus	ed with more than 8	300 milligrams of	
192.7	tetrahydrocannabinol.			
192.8	Subd. 4. Sale of cannabis in the f	fourth degree. (a) A	A person is guilty of	a petty
192.9	misdemeanor if the person unlawfully	v sells:		
192.10	(1) not more than two ounces of $c$	annabis flower;		
192.11	(2) not more than eight grams of c	annabis concentrate	e; or	
192.12	(3) edible cannabis products infus	ed with not more th	an 800 milligrams c	<u>of</u>
192.13	tetrahydrocannabinol.			
192.14	(b) A sale for no remuneration by	an individual over t	he age of 21 to anoth	ner individual
192.15	over the age of 21 is not an unlawful	sale under this subd	ivision.	
192.16	Subd. 5. Sale of cannabis by a m	<b>inor.</b> (a) A minor is	guilty of a petty mis	sdemeanor if:
192.17	(1) the minor unlawfully sells can	nabis flower, cannal	bis concentrate, or c	annabis
192.18	products; and			
192.19	(2) the minor has not previously re	eceived a petty misc	lemeanor disposition	n or been
192.20	adjudicated delinquent for committing	g an act in violation	of this section.	
192.21	(b) A minor sentenced under this su	bdivision is required	d to participate in a d	rug education
192.22	program unless the court enters a writ	tten finding that a di	rug education progra	am is
192.23	inappropriate. The program must be a	pproved by an area	mental health board	1 with a
192.24	curriculum approved by the state alco	hol and drug abuse	authority.	
192.25	(c) A minor who receives a disposit	tion pursuant to this	subdivision is requir	ed to perform
192.26	community service.			
192.27	EFFECTIVE DATE. This section	n is effective Januar	ry 1, 2024, and appl	ies to crimes
192.28	committed on or after that date.			

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193.1	Sec. 17. [152.0265] CANNABIS CULTIVATION CRIMES.
193.2	Subdivision 1. Cultivation of cannabis in the first degree. A person is guilty of
193.3	cultivation of cannabis in the first degree and may be sentenced to imprisonment of not
193.4	more than five years or to payment of a fine of not more than \$10,000, or both, if the person
193.5	unlawfully cultivates more than 23 cannabis plants.
193.6	Subd. 2. Cultivation of cannabis in the second degree. A person is guilty of cultivation
193.7	of cannabis in the second degree and may be sentenced to imprisonment of not more than
193.8	one year or to payment of a fine of not more than \$3,000, or both, if the person unlawfully
193.9	cultivates more than 16 cannabis plants but not more than 23 cannabis plants.
193.10	<b>EFFECTIVE DATE.</b> This section is effective August 1, 2023, and applies to crimes
193.11	committed on or after that date.
193.12	Sec. 18. [169A.36] OPEN PACKAGE LAW.
193.13	Subdivision 1. Definitions. As used in this section:
193.14	(1) "synthetically derived cannabinoid" has the meaning given in section 342.01,
193.15	subdivision 67;
193.16	(2) "cannabis product" has the meaning given in section 342.01, subdivision 2;
193.17	(3) "cannabis flower" has the meaning given in section 342.01, subdivision 16;
193.18	(4) "motor vehicle" does not include motorboats in operation or off-road recreational
193.19	vehicles except while operated on a roadway or shoulder of a roadway that is not part of a
193.20	grant-in-aid trail or trail designated for that vehicle by the commissioner of natural resources;
193.21	and
193.22	(5) "possession" means either that the person had actual possession of the package or
193.23	that the person consciously exercised dominion and control over the package.
193.24	Subd. 2. Use; crime described. It is a crime for a person to use cannabis flower, a
193.25	cannabis product, or any product containing a synthetically derived cannabinoid in a motor
193.26	vehicle when the vehicle is on a street or highway.
193.27	Subd. 3. Possession; crime described. It is a crime for a person to have in possession,
193.28	while in a private motor vehicle on a street or highway, any cannabis flower, a cannabis
193.29	product, or any product containing a synthetically derived cannabinoid that:
193.30	(1) is in packaging or another container that does not comply with the relevant packaging
193.31	requirements in chapter 152 or 342;

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194.1	(2) has been removed from t	he packaging in which it v	vas sold;	
194.2	(3) is in packaging that has b	been opened or the seal has	s been broken;	or
194.3	(4) is in packaging of which	the contents have been par	rtially removed	l <u>.</u>
194.4	Subd. 4. Liability of nonpro	esent owner; crime descr	ibed. It is a crin	me for the owner
194.5	of any private motor vehicle or	the driver, if the owner is r	not present in th	ne motor vehicle,
194.6	to keep or allow to be kept in a	motor vehicle when the ve	hicle is on a str	eet or highway
194.7	cannabis flower, a cannabis pro-	duct, or any product contai	ining a syntheti	cally derived
194.8	cannabinoid that:			
194.9	(1) is in packaging or another	container that does not cor	nply with the re	elevant packaging
194.10	requirements in chapter 152 or 3	342;		
194.11	(2) has been removed from t	he packaging in which it v	vas sold;	
194.12	(3) is in packaging that has b	been opened or the seal has	s been broken;	or
194.13	(4) is in packaging of which	the contents have been par	rtially removed	<u>I.</u>
194.14	Subd. 5. Criminal penalty.	A person who violates sub	odivision 2, 3, o	or 4 is guilty of a
194.15	misdemeanor.			
194.16	Subd. 6. Exceptions. (a) The	is section does not prohibit	t the possessior	or consumption
194.17	of cannabis flower, a cannabis p	product, or any other produ	ct containing a	synthetically
194.18	derived cannabinoid by passeng	gers in:		
194.19	(1) a bus that is operated by a	a motor carrier of passenge	ers as defined in	section 221.012,
194.20	subdivision 26;			
194.21	(2) a vehicle that is operated	for commercial purposes	in a manner sir	nilar to a bicycle
194.22	as defined in section 169.011, su	ubdivision 4, with five or r	nore passenger	s who provide
194.23	pedal power to the drive train of	f the vehicle; or		
194.24	(3) a vehicle providing limo	usine service as defined in	section 221.84	, subdivision 1.
194.25	(b) Subdivisions 3 and 4 do r	not apply to: (1) a package	that is in the tru	ink of the vehicle
194.26	if the vehicle is equipped with a	trunk; or (2) a package tha	t is in another a	rea of the vehicle
194.27	not normally occupied by the dr	river and passengers if the	vehicle is not e	quipped with a
194.28	trunk. A utility compartment or g	glove compartment is deem	ed to be within	the area occupied
194.29	by the driver and passengers.			
194.30	<b>EFFECTIVE DATE.</b> This	section is effective August	1, 2023, and a	pplies to crimes
194.31	committed on or after that date.			

195.1 Sec. 19. Minnesota Statutes 2022, section 609.135, subdivision 1, is amended to read:

Subdivision 1. Terms and conditions. (a) Except when a sentence of life imprisonment
is required by law, or when a mandatory minimum sentence is required by section 609.11,
any court may stay imposition or execution of sentence and:

195.5 (1) may order intermediate sanctions without placing the defendant on probation; or

(2) may place the defendant on probation with or without supervision and on the terms 195.6 195.7 the court prescribes, including intermediate sanctions when practicable. The court may order the supervision to be under the probation officer of the court, or, if there is none and the 195.8 conviction is for a felony or gross misdemeanor, by the commissioner of corrections, or in 195.9 any case by some other suitable and consenting person. Unless the court directs otherwise, 195.10 state parole and probation agents and probation officers may impose community work 195.11 service or probation violation sanctions, consistent with section 243.05, subdivision 1; 195.12 sections 244.196 to 244.199; or 401.02, subdivision 5. 195.13

No intermediate sanction may be ordered performed at a location that fails to observe
applicable requirements or standards of chapter 181A or 182, or any rule promulgated under
them.

(b) For purposes of this subdivision, subdivision 6, and section 609.14, the term
"intermediate sanctions" includes but is not limited to incarceration in a local jail or
workhouse, home detention, electronic monitoring, intensive probation, sentencing to service,
reporting to a day reporting center, chemical dependency or mental health treatment or
counseling, restitution, fines, day-fines, community work service, work service in a restorative
justice program, work in lieu of or to work off fines and, with the victim's consent, work in
lieu of or to work off restitution.

(c) A court may not stay the revocation of the driver's license of a person convicted ofviolating the provisions of section 169A.20.

(d) If the court orders a fine, day-fine, or restitution as an intermediate sanction, payment
is due on the date imposed unless the court otherwise establishes a due date or a payment
plan.

(e) The court may prohibit a defendant from using adult-use cannabis flower as defined
 in section 342.01, subdivision 4, or adult-use cannabis products as defined in section 342.01,

195.31 subdivision 2, if the defendant undergoes a chemical use assessment and abstinence is

195.32 consistent with a recommended level of care for the defendant in accordance with the criteria

<sup>195.33</sup> in rules adopted by the commissioner of human services under section 254A.03, subdivision

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196.1 <u>3. The assessment must be conducted by an assessor qualified under rules adopted by the</u>

196.2 commissioner of human services under section 254A.03, subdivision 3. An assessor providing

196.3 <u>a chemical use assessment may not have any direct or shared financial interest or referral</u>

196.4 relationship resulting in shared financial gain with a treatment provider, except as authorized

196.5 <u>under section 254A.19</u>, subdivision 3. If an independent assessor is not available, the

196.6 probation officer may use the services of an assessor authorized to perform assessments for

196.7 the county social services agency under a variance granted under rules adopted by the

196.8 <u>commissioner of human services under section 254A.03</u>, subdivision 3.

196.9 (f) A court shall not impose an intermediate sanction that has the effect of prohibiting

a person from participating in the registry program as defined in section 342.01, subdivision
63.

# 196.12 EFFECTIVE DATE. This section is effective August 1, 2023, and applies to sentences 196.13 ordered on or after that date.

196.14 Sec. 20. Minnesota Statutes 2022, section 609.5311, subdivision 1, is amended to read:

Subdivision 1. Controlled substances. All controlled substances that were manufactured,
distributed, dispensed, or acquired in violation of chapter 152 or 342 are subject to forfeiture
under this section, except as provided in subdivision 3 and section 609.5316.

196.18 EFFECTIVE DATE. This section is effective August 1, 2023, and applies to violations
 196.19 committed on or after that date.

196.20 Sec. 21. Minnesota Statutes 2022, section 609.5314, subdivision 1, is amended to read:

Subdivision 1. Property subject to administrative forfeiture. (a) The following aresubject to administrative forfeiture under this section:

(1) all money totaling \$1,500 or more, precious metals, and precious stones that thereis probable cause to believe represent the proceeds of a controlled substance offense;

(2) all money found in proximity to controlled substances when there is probable causeto believe that the money was exchanged for the purchase of a controlled substance;

(3) all conveyance devices containing controlled substances with a retail value of \$100
or more if there is probable cause to believe that the conveyance device was used in the
transportation or exchange of a controlled substance intended for distribution or sale; and

196.30 (4) all firearms, ammunition, and firearm accessories found:

197.1 (i) in a conveyance device used or intended for use to commit or facilitate the commission197.2 of a felony offense involving a controlled substance;

(ii) on or in proximity to a person from whom a felony amount of controlled substanceis seized; or

(iii) on the premises where a controlled substance is seized and in proximity to the
controlled substance, if possession or sale of the controlled substance would be a felony
under chapter 152.

(b) The Department of Corrections Fugitive Apprehension Unit shall not seize items
listed in paragraph (a), clauses (3) and (4), for the purposes of forfeiture.

(c) Money is the property of an appropriate agency and may be seized and recovered bythe appropriate agency if:

(1) the money is used by an appropriate agency, or furnished to a person operating on
behalf of an appropriate agency, to purchase or attempt to purchase a controlled substance;
and

(2) the appropriate agency records the serial number or otherwise marks the money foridentification.

(d) As used in this section, "money" means United States currency and coin; the currency
and coin of a foreign country; a bank check, cashier's check, or traveler's check; a prepaid
credit card; cryptocurrency; or a money order.

(e) As used in this section, "controlled substance" does not include cannabis flower as
 defined in section 342.01, subdivision 16, or cannabis product as defined in section 342.01,
 subdivision 2.

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

197.25 Sec. 22. Minnesota Statutes 2022, section 609.5316, subdivision 2, is amended to read:

Subd. 2. Controlled substances. (a) Controlled substances listed in Schedule I that are
possessed, transferred, sold, or offered for sale in violation of chapter 152 or 342, are
contraband and must be seized and summarily forfeited. Controlled substances listed in
Schedule I that are seized or come into the possession of peace officers, the owners of which
are unknown, are contraband and must be summarily forfeited.

(b) Species of plants from which controlled substances in Schedules I and II may bederived that have been planted or cultivated in violation of chapter 152 or of which the

owners or cultivators are unknown, or that are wild growths, may be seized and summarily

<sup>198.2</sup> forfeited to the state. The appropriate agency or its authorized agent may seize the plants if

198.3 the person in occupancy or in control of land or premises where the plants are growing or

being stored fails to produce an appropriate registration or proof that the person is the holder

198.5 of appropriate registration.

#### 198.6 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes

198.7 <u>committed on or after that date.</u>

## 198.8 Sec. 23. <u>DWI CONTROLLED SUBSTANCE ROADSIDE TESTING INSTRUMENT</u> 198.9 PILOT PROJECT; REPORT REQUIRED.

#### 198.10 (a) The commissioner of public safety must design, plan, and implement a pilot project

198.11 to study oral fluid roadside testing instruments to determine the presence of a controlled

198.12 substance or intoxicating substance in individuals stopped or arrested for driving while

198.13 impaired offenses. The pilot project must determine the practicality, accuracy, and efficacy

198.14 of these testing instruments and determine and make recommendations on the best instrument

- 198.15 or instruments to pursue in the future.
- (b) The pilot project must begin on September 1, 2023, and continue until August 31,
  2024.

(c) The commissioner must consult with law enforcement officials, prosecutors, criminal
 defense attorneys, and other interested and knowledgeable parties when designing,

198.20 implementing, and evaluating the pilot project.

(d) All oral fluid samples obtained for the purpose of this pilot project must be obtained 198.21 by a certified drug recognition evaluator and may only be collected with the express voluntary 198.22 consent of the person stopped or arrested for suspicion of driving while impaired. Results 198.23 of tests conducted under the pilot project are to be used for the purpose of analyzing the 198.24 practicality, accuracy, and efficacy of the instrument. Results may not be used to decide 198.25 whether an arrest should be made and are not admissible in any legal proceeding. 198.26 198.27 (e) By February 1, 2025, the commissioner must report to the chairs and ranking minority members of the legislative committees with jurisdiction over public safety on the results of 198.28

198.29 the pilot project. At a minimum, the report must include information on how accurate the

198.30 instruments were when tested against laboratory results, how often participants were found

- 198.31 to have controlled substances or intoxicating substances in their systems, how often there
- 198.32 was commingling of controlled substances or intoxicating substances with alcohol, the types
- 198.33 of controlled substances or intoxicating substances found in participants' systems and which

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199.1	types were most common, and the	e number of participants	in the project.	In addition, the
199.2	report must assess the practicality	and reliability of using	the instruments	in the field and
199.3	make recommendations on contin	uing the project permar	nently.	
199.4	EFFECTIVE DATE. This se	ction is effective the day	y following fina	l enactment.
199.5		ARTICLE 5		
199.6		EXPUNGEMENT		
199.7	Section 1. Minnesota Statutes 20	022, section 152.18, sub	odivision 1, is ar	nended to read:
199.8	Subdivision 1. Deferring pros	secution for certain fir	st time drug of	fenders. (a) A
199.9	court may defer prosecution as pro-	ovided in paragraph (c)	for any person f	ound guilty, after
199.10	trial or upon a plea of guilty, of a	violation of section 152	.023, subdivisio	on 2, 152.024,
199.11	subdivision 2, 152.025, subdivisio	on 2, or 152.027, subdiv	vision 2, 3, 4, or	6, paragraph (d),
199.12	for possession of a controlled sub	stance, who:		
199.13	(1) has not previously participa	ited in or completed a div	version program	authorized under
199.14	section 401.065;			
199.15	(2) has not previously been pla	aced on probation with	out a judgment o	of guilty and
	thereafter been discharged from p	-		0,
199.17	(3) has not been convicted of a	felony violation of this	chanter includi	ing a felony-level
199.18	attempt or conspiracy, or been con	-	-	
199.19	offense that would have been a fel	-		
199.20	ten years have elapsed since disch			
		-	ana ananta (a) fan	f f
199.21	(b) The court must defer prose			any person tound
199.22	guilty of a violation of section 152	2.025, Subdivision 2, wi	110.	
199.23	(1) meets the criteria listed in	paragraph (a), clauses (	1) to (3); and	
199.24	(2) has not previously been co	nvicted of a felony offer	nse under any st	ate or federal law
199.25	or of a gross misdemeanor under	section 152.025.		
199.26	(c) In granting relief under this	s section, the court shall	l, without enteri	ng a judgment of
199.27	guilty and with the consent of the	person, defer further pr	oceedings and p	place the person
199.28	on probation upon such reasonabl	e conditions as it may r	equire and for a	period, not to
199.29	exceed the maximum sentence pro-	ovided for the violation.	. The court may	give the person
199.30	the opportunity to attend and part	icipate in an appropriate	e program of edu	ucation regarding
199.31	the nature and effects of alcohol ar	nd drug abuse as a stipula	ation of probatio	n. Upon violation
199.32	of a condition of the probation, th	e court may enter an adj	judication of gu	ilt and proceed as

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otherwise provided. The court may, in its discretion, dismiss the proceedings against the 200.1 person and discharge the person from probation before the expiration of the maximum 200.2 period prescribed for the person's probation. If during the period of probation the person 200.3 does not violate any of the conditions of the probation, then upon expiration of the period 200.4 the court shall discharge the person and dismiss the proceedings against that person. 200.5 Discharge and dismissal under this subdivision shall be without court adjudication of guilt, 200.6 but a not public record of it shall be retained by the Bureau of Criminal Apprehension for 200.7 200.8 the purpose of use by the courts in determining the merits of subsequent proceedings against the person. The not public record may also be opened only upon court order for purposes 200.9 of a criminal investigation, prosecution, or sentencing. Upon receiving notice that the 200.10 proceedings were dismissed, the Bureau of Criminal Apprehension shall notify the arresting 200.11 or citing law enforcement agency and direct that agency to seal the agency's records related 200.12 to the dismissed charge. Upon request by law enforcement, prosecution, or corrections 200.13 authorities, the bureau shall notify the requesting party of the existence of the not public 200.14 record and the right to seek a court order to open it pursuant to this section. The court shall 200.15 forward a record of any discharge and dismissal under this subdivision to the bureau which 200.16 shall make and maintain the not public record of it as provided under this subdivision. The 200.17 discharge or dismissal shall not be deemed a conviction for purposes of disqualifications 200.18 or disabilities imposed by law upon conviction of a crime or for any other purpose. 200.19

For purposes of this subdivision, "not public" has the meaning given in section 13.02,
subdivision 8a.

200.22 Sec. 2. Minnesota Statutes 2022, section 609A.01, is amended to read:

#### 200.23 **609A.01 EXPUNGEMENT OF CRIMINAL RECORDS.**

This chapter provides the grounds and procedures for expungement of criminal records 200.24 under section 13.82; 152.18, subdivision 1; 299C.11, where a petition is authorized under 200.25 section 609A.02, subdivision 3; expungement is automatic under section 609A.05; 200.26 expungement is considered by a panel under section 609A.06; or other applicable law. The 200.27 remedy available is limited to a court order sealing the records and prohibiting the disclosure 200.28 of their existence or their opening except under court order or statutory authority. Nothing 200.29 in this chapter authorizes the destruction of records or their return to the subject of the 200.30 records. 200.31

#### 200.32 **EFFECTIVE DATE.** This section is effective January 1, 2025.

201.1 Sec. 3. Minnesota Statutes 2022, section 609A.03, subdivision 5, is amended to read:

Subd. 5. **Nature of remedy; standard.** (a) Except as otherwise provided by paragraph (b), expungement of a criminal record <u>under this section</u> is an extraordinary remedy to be granted only upon clear and convincing evidence that it would yield a benefit to the petitioner commensurate with the disadvantages to the public and public safety of:

201.6 (1) sealing the record; and

201.7 (2) burdening the court and public authorities to issue, enforce, and monitor an201.8 expungement order.

(b) Except as otherwise provided by this paragraph, if the petitioner is petitioning for the sealing of a criminal record under section 609A.02, subdivision 3, paragraph (a), clause (1) or (2), the court shall grant the petition to seal the record unless the agency or jurisdiction whose records would be affected establishes by clear and convincing evidence that the interests of the public and public safety outweigh the disadvantages to the petitioner of not sealing the record.

201.15 (c) In making a determination under this subdivision, the court shall consider:

201.16 (1) the nature and severity of the underlying crime, the record of which would be sealed;

201.17 (2) the risk, if any, the petitioner poses to individuals or society;

201.18 (3) the length of time since the crime occurred;

201.19 (4) the steps taken by the petitioner toward rehabilitation following the crime;

201.20 (5) aggravating or mitigating factors relating to the underlying crime, including the

201.21 petitioner's level of participation and context and circumstances of the underlying crime;

201.22 (6) the reasons for the expungement, including the petitioner's attempts to obtain 201.23 employment, housing, or other necessities;

201.24 (7) the petitioner's criminal record;

201.25 (8) the petitioner's record of employment and community involvement;

201.26 (9) the recommendations of interested law enforcement, prosecutorial, and corrections 201.27 officials;

201.28 (10) the recommendations of victims or whether victims of the underlying crime were 201.29 minors;

(11) the amount, if any, of restitution outstanding, past efforts made by the petitioner
toward payment, and the measures in place to help ensure completion of restitution payment
after expungement of the record if granted; and

202.4 (12) other factors deemed relevant by the court.

(d) Notwithstanding section 13.82, 13.87, or any other law to the contrary, if the court
issues an expungement order it may require that the criminal record be sealed, the existence
of the record not be revealed, and the record not be opened except as required under
subdivision 7. Records must not be destroyed or returned to the subject of the record.

(e) Information relating to a criminal history record of an employee, former employee,
or tenant that has been expunged before the occurrence of the act giving rise to the civil
action may not be introduced as evidence in a civil action against a private employer or
landlord or its employees or agents that is based on the conduct of the employee, former
employee, or tenant.

### 202.14 **EFFECTIVE DATE.** This section is effective January 1, 2025, and applies to crimes 202.15 committed on or after that date.

202.16 Sec. 4. Minnesota Statutes 2022, section 609A.03, subdivision 9, is amended to read:

Subd. 9. Stay of order; appeal. An expungement order <u>issued under this section</u> shall be stayed automatically for 60 days after the order is filed and, if the order is appealed, during the appeal period. A person or an agency or jurisdiction whose records would be affected by the order may appeal the order within 60 days of service of notice of filing of the order. An agency or jurisdiction or its officials or employees need not file a cost bond or supersedeas bond in order to further stay the proceedings or file an appeal.

202.23 **EFFECTIVE DATE.** This section is effective January 1, 2025.

## 202.24 Sec. 5. [609A.05] AUTOMATIC EXPUNGEMENT OF CERTAIN CANNABIS 202.25 OFFENSES.

## 202.26 <u>Subdivision 1.</u> Eligibility; dismissal, exoneration, or conviction of nonfelony cannabis 202.27 offenses. (a) A person is eligible for expungement:

202.28 (1) upon the dismissal and discharge of proceedings against a person under section

202.29 152.18, subdivision 1, for violation of section 152.024, 152.025, or 152.027 for possession

202.30 of marijuana or tetrahydrocannabinols;

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203.1	(2) if the person was convicte	ed of or received a stayed s	sentence for a v	iolation of section
203.2	152.027, subdivision 3 or 4;			
203.3	(3) if the person was arrested	for possession of marijua	ana or tetrahydı	rocannabinols and
203.4	all charges were dismissed after a	a case was filed, unless the	dismissal was	based on a finding
203.5	that the defendant was incompet	ent to proceed; or		
203.6	(4) if all pending actions or p	proceedings involving the	possession of	marijuana or
203.7	tetrahydrocannabinols were reso	lved in favor of the perso	on.	
203.8	(b) For purposes of this section	on:		
203.9	(1) a verdict of not guilty by	reason of mental illness i	s not a resoluti	on in favor of the
203.10	person; and			
203.11	(2) an action or proceeding is	s resolved in favor of the	person if the pe	erson received an
203.12	order under section 590.11 deter	mining that the person is	eligible for cor	mpensation based
203.13	on exoneration.			
203.14	Subd. 2. Bureau of Crimina	l Apprehension to ident	tify eligible ind	lividuals. (a) The
203.15	Bureau of Criminal Apprehension	n shall identify bureau reco	ords that qualify	y for expungement
203.16	pursuant to subdivision 1.			
203.17	(b) The Bureau of Criminal A	Apprehension shall notify	the judicial braining	anch of:
203.18	(1) the name and date of birth $(1)$	h of each person whose ca	ase is eligible f	or an order of
203.19	expungement; and			
203.20	(2) the court file number of the table $(2)$	he eligible case.		
203.21	Subd. 3. Expungement relie	f; notification requirem	ents. (a) The B	ureau of Criminal
203.22	Apprehension shall grant expung	gement relief to each quali	fying person an	d seal the bureau's
203.23	records without requiring an app	lication, petition, or moti	on. The bureau	shall seal records
203.24	related to an expungement within	n 60 days after the bureau	u sent notice of	the expungement
203.25	to the judicial branch pursuant to	subdivision 2, paragraph	(b), unless an or	rder of the judicial
203.26	branch prohibits sealing the reco	ords or additional informa	tion establishes	s that the records
203.27	are not eligible for expungement	<u>t.</u>		
203.28	(b) Nonpublic criminal recor	ds maintained by the bure	eau and subject	to a grant of
203.29	expungement relief must display	a notation stating "exput	ngement relief	granted pursuant
203.30	to section 609A.05."			
203.31	(c) The bureau shall inform the	ne judicial branch of all ca	ses that are gran	nted expungement
203.32	relief pursuant to this section. The	he bureau may notify the	judicial branch	using electronic

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means and may notify the judicial branch immediately or in a monthly report. Upon receiving 204.1 notice of an expungement, the judicial branch shall seal all related records, including records 204.2 204.3 of the person's arrest, indictment, trial, verdict, and dismissal or discharge of the case. Upon receiving notice of an expungement, the judicial branch shall issue any order necessary to 204.4 seal related records. 204.5 204.6 (d) The bureau shall inform each arresting or citing law enforcement agency or prosecutorial office with records affected by the grant of expungement relief issued pursuant 204.7 204.8 to paragraph (a) that expungement has been granted. The bureau shall notify each agency or office of an expungement within 60 days after the bureau sent notice of the expungement 204.9 to the judicial branch. The bureau may notify each agency or office using electronic means. 204.10 Upon receiving notification of an expungement, an agency or office shall seal all records 204.11 related to the expungement, including the records of the person's arrest, indictment, trial, 204.12 verdict, and dismissal or discharge of the case. Notice must also clearly state that persons 204.13 who are noncitizens may need copies of these records for immigration purposes, explain 204.14 how they can obtain these copies after expungement or other granted relief, and state that 204.15 a noncitizen should consult with an immigration attorney. 204.16 (e) Data on a person whose offense has been expunged under this subdivision, including 204.17

204.18 any notice sent pursuant to paragraph (d), are private data on individuals as defined in section
204.19 13.02, subdivision 12.

204.20 (f) In any subsequent prosecution of a person with a prior expunged criminal record, a

204.21 prosecutor may include the person's expunged criminal record in a complaint or other

204.22 charging document if permitted by applicable law and the rules of criminal procedure.

204.23 (g) The subject whose record qualifies for expungement shall be given access to copies

- 204.24 of the records of arrest, conviction, or incarceration for any purposes, including immigration
  204.25 purposes.
- 204.26 (h) Relief granted under this subdivision shall not impact the ability of a petitioner to
   204.27 file for relief under section 590.01.
- 204.28 **EFFECTIVE DATE.** This section is effective January 1, 2025.

## 204.29 Sec. 6. [609A.06] EXPUNGEMENT AND RESENTENCING OF FELONY 204.30 CANNABIS OFFENSES.

### 204.31 <u>Subdivision 1. Cannabis Expungement Board.</u> (a) The Cannabis Expungement Board 204.32 is created with the powers and duties established by law.

204.33 (b) The Cannabis Expungement Board is composed of the following members:

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205.1	(1) the chief justice of the supreme	court or a designed	ee;	
205.2	(2) the attorney general or a designed	ee;		
205.3	(3) one public defender, appointed	by the governor u	pon recommendat	ion of the state
205.4	public defender;			
205.5	(4) the commissioner of one depart	ment of the state	government as def	ined in section
205.6	15.01, appointed by the governor; and			
205.7	(5) one public member with experie	ence as an advoca	te for victim's righ	ts, appointed by
205.8	the governor.			
205.9	(c) The Cannabis Expungement Bo	ard shall have the	following powers	and duties:
205.10	(1) to obtain and review the records	s, including but no	ot limited to all ma	atters, files,
205.11	documents, and papers incident to the a	arrest, indictment	, information, trial	, appeal, or
205.12	dismissal and discharge, which relate to	o a charge for pos	ssession of a control	olled substance;
205.13	(2) to determine whether a person co	ommitted an act in	volving the posses	sion of cannabis
205.14	flower or cannabis products that would	l either be a lesser	offense or no lon	ger be a crime
205.15	after August 1, 2023;			
205.16	(3) to determine whether a person's	conviction shoul	d be vacated, char	ges should be
205.17	dismissed, and records should be exput	nged, or whether	the person should	be resentenced
205.18	to a lesser offense; and			
205.19	(4) to notify the judicial branch of ind	dividuals eligible f	or an expungemen	t or resentencing
205.20	to a lesser offense.			
205.21	(d) The Cannabis Expungement Boa	urd shall complete	the board's work b	y June 30, 2028.
205.22	Subd. 2. Eligibility; possession of c	annabis. (a) A pe	rson is eligible for	an expungement
205.23	or resentencing to a lesser offense if:			
205.24	(1) the person was convicted of, or a	adjudication was	stayed for, a violat	ion of any of the
205.25	following involving the possession of r	narijuana or tetra	hydrocannabinols	• •
205.26	(i) section 152.021, subdivision 2, c	clause (6);		
205.27	(ii) section 152.022, subdivision 2,	clause (6);		
205.28	(iii) section 152.023, subdivision 2,	clause (5); or		
205.29	(iv) section 152.025, subdivision 2,	clause (1).		

HF100 FIRST UNOFFICIAL REVISOR BD UEH0100-1 ENGROSSMENT (2) the offense did not involve a dangerous weapon, the intentional infliction of bodily 206.1 harm on another, an attempt to inflict bodily harm on another, or an act committed with the 206.2 206.3 intent to cause fear in another of immediate bodily harm or death; (3) the act on which the charge was based would either be a lesser offense or no longer 206.4 206.5 be a crime after August 1, 2023; and (4) the person did not appeal the sentence, any appeal was denied, or the deadline to file 206.6 206.7 an appeal has expired. (b) For purposes of this subdivision, a "lesser offense" means a nonfelony offense if the 206.8 person was charged with a felony. 206.9 Subd. 3. Bureau of Criminal Apprehension to identify eligible records. (a) The 206.10 Bureau of Criminal Apprehension shall identify convictions and sentences where adjudication 206.11 was stayed that qualify for review under subdivision 2, paragraph (a), clause (1). 206.12 (b) The Bureau of Criminal Apprehension shall notify the Cannabis Expungement Board 206.13 of: 206.14 206.15 (1) the name and date of birth of a person whose record is eligible for review; and (2) the court file number of the eligible conviction or stay of adjudication. 206.16 Subd. 4. Access to records. The Cannabis Expungement Board shall have free access 206.17 to records, including but not limited to all matters, files, documents, and papers incident to 206.18 the arrest, indictment, information, trial, appeal, or dismissal and discharge that relate to a 206.19 charge and conviction or stay of adjudication for possession of a controlled substance held 206.20 by law enforcement agencies, prosecuting authorities, and court administrators. The Cannabis 206.21 Expungement Board may issue subpoenas for and compel the production of books, records, 206.22 accounts, documents, and papers. If any person fails or refuses to produce any books, records, 206.23 accounts, documents, or papers material in the matter under consideration after having been 206.24 lawfully required by order or subpoena, any judge of the district court in any county of the 206.25 state where the order or subpoena was made returnable, on application of the commissioner 206.26 206.27 of management and budget or commissioner of administration, as the case may be, shall compel obedience or punish disobedience as for contempt, as in the case of disobedience 206.28 of a similar order or subpoena issued by such court. 206.29 Subd. 5. Meetings; anonymous identifier. (a) The Cannabis Expungement Board shall 206.30 hold meetings at least monthly and shall hold a meeting whenever the board takes formal 206.31

206.32 action on a review of a conviction or stay of adjudication for an offense involving the

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207.1	possession of marijuana or tetrahydrocannabinols. All board meetings shall be open to the
207.2	public and subject to chapter 13D.
207.3	(b) Any victim of a crime being reviewed and any law enforcement agency may submit
207.4	an oral or written statement at the meeting, giving a recommendation on whether a person's
207.5	record should be expunged or the person should be resentenced to a lesser offense. The
207.6	board must consider the victim's and the law enforcement agency's statement when making
207.7	the board's decision.
207.8	(c) Section 13D.05 governs the board's treatment of not public data, as defined by section
207.9	13.02, subdivision 8a, discussed at open meetings of the board. Notwithstanding section
207.10	13.03, subdivision 11, the board shall assign an anonymous, unique identifier to each victim
207.11	of a crime and person whose conviction or stay of adjudication the board reviews. The
207.12	identifier shall be used in any discussion in a meeting open to the public and on any records
207.13	available to the public to protect the identity of the person whose records are being
207.14	considered.
207.15	Subd. 6. Review and determination. (a) The Cannabis Expungement Board shall review
207.16	all available records to determine whether the conviction or stay of adjudication is eligible
207.17	for an expungement or resentencing to a lesser offense. An expungement under this section
207.18	is presumed to be in the public interest unless there is clear and convincing evidence that
207.19	an expungement or resentencing to a lesser offense would create a risk to public safety.
207.20	(b) If the Cannabis Expungement Board determines that an expungement is in the public
207.21	interest, the board shall determine whether a person's conviction should be vacated and
207.22	charges should be dismissed.
207.23	(c) If the Cannabis Expungement Board determines that an expungement is in the public
207.24	interest, the board shall determine whether the limitations under section 609A.03, subdivision
207.25	<u>5a, apply.</u>
207.26	(d) If the Cannabis Expungement Board determines that an expungement is in the public
207.27	interest, the board shall determine whether the limitations under section 609A.03, subdivision
207.28	7a, paragraph (b), clause (4) or (5), apply.
207.29	(e) If the Cannabis Expungement Board determines that an expungement is not in the
207.30	public interest, the board shall determine whether the person is eligible for resentencing to
207.31	a lesser offense.
207.32	(f) In making a determination under this subdivision, the Cannabis Expungement Board
207.33	shall consider:

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208.1	(1) the nature and severity of the underlying crime, including but not limited to the total
208.2	amount of marijuana or tetrahydrocannabinols possessed by the person and whether the
208.3	offense involved a dangerous weapon, the intentional infliction of bodily harm on another,
208.4	an attempt to inflict bodily harm on another, or an act committed with the intent to cause
208.5	fear in another of immediate bodily harm or death;
208.6	(2) whether an expungement or resentencing the person a lesser offense would increase
208.7	the risk, if any, the person poses to other individuals or society;
208.8	(3) if the person is under sentence, whether an expungement or resentencing to a lesser
208.9	offense would result in the release of the person and whether release earlier than the date
208.10	that the person would be released under the sentence currently being served would present
208.11	a danger to the public or would be compatible with the welfare of society;
208.12	(4) aggravating or mitigating factors relating to the underlying crime, including the
208.13	person's level of participation and the context and circumstances of the underlying crime;
208.14	(5) statements from victims and law enforcement, if any;
208.15	(6) if an expungement or resentencing the person to a lesser offense is considered,
208.16	whether there is good cause to restore the person's right to possess firearms and ammunition;
208.17	(7) if an expungement is considered, whether an expunged record of a conviction or stay
208.18	of adjudication may be opened for purposes of a background study under section 245C.08;
208.19	(8) if an expungement is considered, whether an expunged record of a conviction or stay
208.20	of adjudication may be opened for purposes of a background check required under section
208.21	122A.18, subdivision 8; and
208.22	(9) other factors deemed relevant by the Cannabis Expungement Board.
208.23	(g) The affirmative vote of three members is required for action taken at any meeting.
208.24	Subd. 7. Notice to judicial branch and offenders. (a) The Cannabis Expungement
208.25	Board shall identify any conviction or stay of adjudication that qualifies for an order of
208.26	expungement or resentencing to a lesser offense and notify the judicial branch of:
208.27	(1) the name and date of birth of a person whose conviction or stay of adjudication is
208.28	eligible for an order of expungement or resentencing to a lesser offense;
208.29	(2) the case number of the eligible conviction or stay of adjudication;
208.30	(3) whether the person is eligible for an expungement;

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209.1	(4) if the person is eligible for	an expungement, wheth	er the person's c	conviction should
209.2	be vacated and charges should be	dismissed;		

209.3 (5) if the person is eligible for an expungement, whether the limitations under section

209.4 <u>609A.03</u>, subdivision 7a, clause (4) or (5), apply; and

- 209.5 (6) if the person is eligible for resentencing to a lesser offense, the lesser sentence to be
   209.6 imposed.
- 209.7 (b) The Cannabis Expungement Board shall make a reasonable and good faith effort to
- 209.8 notify any person whose conviction or stay of adjudication qualifies for an order of

209.9 expungement that the offense qualifies and notice is being sent to the judicial branch. Notice

209.10 sent pursuant to this paragraph shall inform the person that, following the order of

209.11 expungement, any records of an arrest, conviction, or incarceration should not appear on

209.12 any background check or study.

209.13 Subd. 8. Data classification. All data collected, created, received, maintained, or

209.14 disseminated by the Cannabis Expungement Board in which each victim of a crime and

209.15 person whose conviction or stay of adjudication that the Cannabis Expungement Board

209.16 reviews is or can be identified as the subject of the data is classified as private data on

209.17 individuals, as defined by section 13.02, subdivision 12.

209.18 Subd. 9. Order of expungement. (a) Upon receiving notice that an offense qualifies

209.19 for expungement, the court shall issue an order sealing all records relating to an arrest,

209.20 indictment or information, trial, verdict, or dismissal and discharge for an offense described

209.21 in subdivision 1. If the Cannabis Expungement Board determined that the person's conviction
 209.22 should be vacated and charges should be dismissed, the order shall vacate and dismiss the
 209.23 charges.

(b) If the Cannabis Expungement Board determined that there is good cause to restore
 the person's right to possess firearms and ammunition, the court shall issue an order pursuant
 to section 609.165, subdivision 1d.

- 209.27 (c) If the Cannabis Expungement Board determined that an expunged record of a
   209.28 conviction or stay of adjudication may not be opened for purposes of a background study
   209.29 under section 245C.08, the court shall direct the order specifically to the commissioner of
   209.30 <u>human services.</u>
- 209.31(d) If the Cannabis Expungement Board determined that an expunged record of a209.32conviction or stay of adjudication may not be opened for purposes of a background check

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210.1	required under section 122A.18, subdivision 8, the court shall direct the order specifically
210.2	to the Professional Educator Licensing and Standards Board.
210.3	(e) The court administrator shall send a copy of an expungement order issued under this
210.4	section to each agency and jurisdiction whose records are affected by the terms of the order
210.5	and send a letter to the last known address of the person whose offense has been expunged
210.6	identifying each agency to which the order was sent.
210.7	(f) Data on the person whose offense has been expunged in a letter sent under this
210.8	subdivision are private data on individuals as defined in section 13.02.
210.9	Subd. 10. Resentencing. (a) If the Cannabis Expungement Board determined that a
210.10	person is eligible for resentencing to a lesser offense and the person is currently under
210.11	sentence, the court shall proceed as if the appellate court directed a reduction of the conviction
210.12	to an offense of lesser degree pursuant to rule 28.02, subdivision 12 of the Rules of Criminal
210.13	Procedure.
210.14	(b) If the Cannabis Expungement Board determined that a person is eligible for
210.15	resentencing to a lesser offense and the person completed or has been discharged from the
210.16	sentence, the court may issue an order amending the conviction to an offense of lesser degree
210.17	without holding a hearing.
210.18	EFFECTIVE DATE. This section is effective January 1, 2025.
210.19	Sec. 7. [609A.07] RESTORATION OF FIREARMS RIGHTS.
210.20	Any person who is prohibited from possessing a firearm or ammunition based on a prior
210.21	adjudication or conviction for a cannabis-related offense who receives an expungement or
210.22	other relief under section 609A.05 or 609A.06 shall have their right to possess firearms and
210.23	ammunition restored if the person is otherwise eligible to possess the item.
210.24	ARTICLE 6
210.25	<b>MISCELLANEOUS PROVISIONS</b>
210.26	Section 1. [3.9224] MEDICAL CANNABIS; COMPACTS TO BE NEGOTIATED.
210.27	Subdivision 1. Definitions. (a) As used in this section, the following terms have the
210.28	meanings given.
210.29	(b) "Indian Tribe" means a Tribe, band, nation, or other federally recognized group or
210.30	community of Indians located within the geographical boundaries of the state of Minnesota.

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211.1	(c) "Medical cannabinoid prod	duct" has the meaning giv	ven in section 34	2.01, subdivision
211.2	<u>51.</u>			
211.3	(d) "Medical cannabis flower"	" has the meaning given i	n section 342.0	1, subdivision 53.
211.4	Subd. 2. Negotiations author	rized. Following a public	e hearing, the go	overnor or the
211.5	governor's designated representa	tives are authorized to ne	egotiate in good	faith a compact
211.6	with an Indian Tribe regulating m	edical cannabis flower an	nd medical cann	abinoid products.
211.7	The attorney general is the legal	counsel for the governor	or the governor	's representatives
211.8	in regard to negotiating a compac	et under this section. If th	e governor app	oints designees to
211.9	negotiate under this subdivision,	the designees must inclu	de at least two	members of the
211.10	senate and two members of the h	ouse of representatives,	two of whom m	ust be the chairs
211.11	of the senate and house of represe	entatives standing commi	ttees with jurisd	iction over health
211.12	policy.			
211.13	Subd. 3. Terms of compact;	rights of parties. (a) A o	compact agreed	to under this
211.14	section may address any issues re	lated to medical cannabis	s flower and me	dical cannabinoid
211.15	products that affect the interests	of both the state and Indi	an Tribe or othe	erwise have an
211.16	impact on Tribal-state relations.	At a minimum, a compac	et agreed to on b	behalf of the state
211.17	under this section must address:			
211.18	(1) the enforcement of crimin	al and civil laws;		
211.19	(2) the regulation of the commute	nercial production, proce	essing, sale or d	istribution, and
211.20	possession of medical cannabis f	lower and medical canna	binoid products	<u>s;</u>
211.21	(3) medical and pharmaceutic	al research involving med	lical cannabis fl	ower and medical
211.22	cannabinoid products;			
211.23	(4) the taxation of medical car	nabis flower and medica	l cannabinoid pi	roducts, including
211.24	establishing an appropriate amou	int and method of revenu	e sharing;	
211.25	(5) the immunities of an Indian	n Tribe or preemption of s	tate law regardi	ng the production,
211.26	processing, or sale or distribution	n of medical cannabis flo	wer and medica	al cannabinoid
211.27	products; and			
211.28	(6) the method of resolution f	for disputes involving the	e compact, inclu	iding the use of
211.29	mediation or other alternative dis	spute resolution processe	s and procedure	es.
211.30	(b) In addressing the issues ide	entified under paragraph (	(a), the governor	r or the governor's
211.31	designated representatives shall of	only enter into agreemen	ts that:	
211.32	(1) provide for the preservation	on of public health and sa	afety;	

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212.1	(2) ensure the security of prod	uction, processing, retai	l, and research f	acilities on Tribal
212.2	land; and			
212.3	(3) establish provisions regula	ting business involving	medical cannab	ois flower and
212.3	medical cannabinoid products that			
	^	•		
212.5	Subd. 4. Assessments and ch		-	
212.6	compact agreed to under this sect		· · ·	
212.7	charges related to the production,	<u>_</u>	bution, and poss	ession of medical
212.8	cannabis flower and medical cann	habinoid products.		
212.9	Subd. 5. Civil and criminal in	mmunities. The followi	ing acts, when p	erformed by a
212.10	validly licensed medical cannabis	retailer or an employee	of a medical ca	nnabis retailer
212.11	operated by an Indian Tribe pursu	ant to a compact entere	d into under this	s section, do not
212.12	constitute a criminal or civil offer	nse under state law:		
212.13	(1) the cultivation of cannabis	flower, as defined in se	ction 342.01, su	ıbdivision 15;
212.14	(2) the possession, purchase, a	and receipt of medical ca	annabis flower a	and medical
212.15	cannabinoid products that are prop	perly packaged and label	ed as authorized	l under a compact
212.16	entered into pursuant to this section	on; and		
212.17	(3) the delivery, distribution, and	d sale of medical cannab	is flower and me	dical cannabinoid
212.18	products as authorized under a co	mpact entered into purs	uant to this sect	ion and that takes
212.19	place on the premises of a medical cannabis retailer on Tribal land to any person 21 years			
212.20	of age or older.			
212.21	Subd. 6. Publication; report.	(a) The governor shall	post any compa	ct entered into
212.22	under this section on a publicly a	ccessible website.		
212.23	(b) The governor, the attorney	general, and the govern	or's designated	representatives
212.24	shall report to the legislative com			
212.25	commerce annually. This report s	hall contain information	on compacts n	egotiated and an
212.26	outline of prospective negotiation			<u> </u>
	<u> </u>			
212.27	Sec. 2. [3.9228] ADULT-USE	CANNABIS; COMPA	CTS TO BE N	EGOTIATED.
212.28	Subdivision 1. Definitions. (a	) As used in this section	, the following	terms have the
212.29	meanings given.			
212.30	(b) "Indian Tribe" means a Tri	ibe, band, nation, or othe	er federally reco	ognized group or

212.31 community of Indians located within the geographical boundaries of the state of Minnesota.

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213.1	(c) "Adult-use cannabis produc	ct" has the meaning give	en in section 342	2.01, subdivision
213.2	<u>4.</u>			
213.3	(d) "Adult-use cannabis flower	" has the meaning give	n in section 342.	.01, subdivision
213.4	3.			,
213.5	— Subd. 2. Negotiations authori	zed Following a public	hearing the go	vernor or the
213.5	governor's designated representati			
213.7	with an Indian Tribe regulating ad		<b>-</b>	•
213.8	The attorney general is the legal co			•
213.9	in regard to negotiating a compact			•
213.10	negotiate under this subdivision, the			
213.11	senate and two members of the ho	use of representatives,	two of whom mu	ust be the chairs
213.12	of the senate and house of represen	tatives standing commi	ttees with jurisdi	ction over health
213.13	policy.			
213.14	Subd. 3. Terms of compact; r	ights of parties. (a) A o	compact agreed	to under this
213.15	section may address any issues rela	ated to adult-use cannal	ois flower and ac	lult-use cannabis
213.16	products that affect the interests of both the state and Indian Tribe or otherwise have an			
213.17	impact on Tribal-state relations. A	t a minimum, a compac	t agreed to on b	ehalf of the state
213.18	under this section must address:			
213.19	(1) the enforcement of crimina	l and civil laws;		
213.20	(2) the regulation of the comm	ercial production, proce	essing, sale or di	stribution, and
213.21	possession of adult-use cannabis f	lower and adult-use car	nabis products;	
213.22	(3) medical and pharmaceutica	l research involving ad	ult-use cannabis	flower and
213.23	adult-use cannabis products;			
213.24	(4) the taxation of adult-use can	nnabis flower and adult-	use cannabis pro	oducts, including
213.25	establishing an appropriate amoun	t and method of revenu	e sharing;	
213.26	(5) the immunities of an Indian	Tribe or preemption of s	tate law regardin	g the production,
213.27	processing, or sale or distribution	of adult-use cannabis fl	ower and adult-	use cannabis
213.28	products; and			
213.29	(6) the method of resolution for $(6)$	r disputes involving the	e compact, inclue	ding the use of
213.30	mediation or other alternative disp	ute resolution processe	s and procedures	<u>s.</u>
213.31	(b) In addressing the issues ider	ntified under paragraph (	(a), the governor	or the governor's
213.32	designee shall only enter into agre	ements that:		

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214.1	(1) provide for the preservation of public health and safety;				
214.2	(2) ensure the security of production, processing, retail, and research facilities on Tribal				
214.3	land; and				
214.4	(3) establish provisions regu	lating business involving	adult-use canna	abis flower and	
214.5	adult-use cannabis products that	t pass between Tribal land	and non-Tribal	l land in the state.	
214.6	Subd. 4. Assessments and c	harges. Notwithstanding	any law to the	contrary, any	
214.7	compact agreed to under this se	ction shall establish all tax	xes, fees, assess	ments, and other	
214.8	charges related to the production	, processing, sale or distrib	ution, and posse	ession of adult-use	
214.9	cannabis flower and adult-use c	annabis products.			
214.10	Subd. 5. Civil and criminal	<b>immunities.</b> The followi	ng acts, when p	performed by a	
214.11	validly licensed cannabis retailer	r or an employee of a canna	abis retailer ope	rated by an Indian	
214.12	Tribe pursuant to a compact ent	ered into under this sectio	n, do not consti	itute a criminal or	
214.13	civil offense under state law:				
214.14	(1) the cultivation of cannab	is flower, as defined in sec	ction 342.01, su	ubdivision 15;	
214.15	(2) the possession, purchase	, and receipt of adult-use of	cannabis flower	and adult-use	
214.16	cannabis products that are prope	erly packaged and labeled	as authorized u	inder a compact	
214.17	entered into pursuant to this sec	tion; and			
214.18	(3) the delivery, distribution,	and sale of adult-use canna	bis flower and a	adult-use cannabis	
214.19	products as authorized under a c	compact entered into pursu	uant to this sect	ion and that takes	
214.20	place on the premises of a medi	cal cannabis retailer on Tr	ribal land to any	person 21 years	
214.21	of age or older.				
214.22	Subd. 6. Publication; repor	<b>·t.</b> (a) The governor shall p	oost any compa	ct entered into	
214.23	under this section on a publicly	accessible website.			
214.24	(b) The governor, the attorned	ey general, and the govern	or's designee sl	hall report to the	
214.25	legislative committees having ju	urisdiction over health, tax	tation, and com	merce annually.	
214.26	This report shall contain inform	ation on compacts negotia	ted and an outli	ine of prospective	
214.27	negotiations.				
214.28	Sec. 3. Minnesota Statutes 202	22, section 13.411, is ame	nded by adding	a subdivision to	
214.29	read:				
214.30	Subd. 12. Cannabis busines	sses. Data submitted to the	Office of Cann	abis Management	
214.31	for a cannabis business license ar	nd data relating to investigat	tions and discipl	linary proceedings	

215.1 involving cannabis businesses licensed by the Office of Cannabis Management are classified
215.2 under section 342.17, subdivision 6.

Sec. 4. Minnesota Statutes 2022, section 13.871, is amended by adding a subdivision to
read:

Subd. 15. Cannabis Expungement Board records. Data collected, created, received,
 maintained, or disseminated by the Cannabis Expungement Board are classified under
 section 609A.06, subdivision 8.

Sec. 5. Minnesota Statutes 2022, section 16B.2975, subdivision 8, is amended to read:

Subd. 8. **Canine management.** (a) The commissioner may give and convey to a canine's handler the state's entirety of the right, title, interest, and estate in and to a canine who is retired from service, with whom the handler trained and worked while the canine was in service to the state. The handler is solely responsible for all future expenses related to the retired canine. <u>The commissioner must allow the handler an opportunity to accept the canine</u> before any other placement options are considered.

215.15 (b) If the canine's handler does not accept the canine, the agency with ownership of the

215.16 canine must determine a home where the canine will be safe and well cared for and inform

215.17 the commissioner. The commissioner may give and convey the state's entirety of the right,

215.18 title, interest, and estate in and to a canine who is retired from service to the new owner.

215.19 The new owner is solely responsible for all future expenses related to the retired canine.

215.20 Sec. 6. Minnesota Statutes 2022, section 18K.02, subdivision 3, is amended to read:

Subd. 3. Industrial hemp. "Industrial hemp" means the plant Cannabis sativa L. and any part of the plant, whether growing or not, including the plant's seeds, and all the plant's derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis. Industrial hemp is not <u>a cannabis plant as defined in section</u> 342.01, subdivision 18, or marijuana as defined in section 152.01, subdivision 9.

215.27 **EFFECTIVE DATE.** This section is effective July 1, 2024.

215.28 Sec. 7. Minnesota Statutes 2022, section 18K.02, subdivision 5, is amended to read:

Subd. 5. **Processing.** "Processing" means rendering by refinement hemp plants or hemp

215.30 plant parts from their natural or original state after harvest. Processing includes but is not

215.31 limited to decortication, devitalization, chopping, crushing, extraction, and packaging.

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216.1 Processing does not include typical farm operations such as sorting, grading, baling, and

216.2 harvesting. Processing does not include the production of synthetically derived cannabinoids

as defined in section 342.01, subdivision 67.

216.4 **EFFECTIVE DATE.** This section is effective July 1, 2024.

216.5 Sec. 8. Minnesota Statutes 2022, section 18K.03, subdivision 2, is amended to read:

216.6 Subd. 2. Sale to medical cannabis manufacturers businesses and hemp businesses. A

216.7 licensee under this chapter may sell hemp products derived from industrial hemp grown in

this state to medical cannabis manufacturers as authorized under sections 152.22 to 152.37

216.9 <u>a cannabis business or hemp business licensed under chapter 342</u>.

216.10 **EFFECTIVE DATE.** This section is effective July 1, 2024.

216.11 Sec. 9. Minnesota Statutes 2022, section 34A.01, is amended by adding a subdivision to 216.12 read:

216.13 Subd. 4a. Food. "Food" means every ingredient used for, entering into the consumption

216.14 of, or used or intended for use in the preparation of food, drink, confectionery, or condiment

216.15 for humans or other animals, whether simple, mixed, or compound; and articles used as

216.16 components of these ingredients, except that edible cannabis products, as defined in section

216.17 342.01, subdivision 29, and lower-potency hemp edibles, as defined in section 342.01,

216.18 subdivision 49, are not food.

216.19 **EFFECTIVE DATE.** This section is effective July 1, 2024.

216.20 Sec. 10. Minnesota Statutes 2022, section 97B.065, subdivision 1, is amended to read:

216.21 Subdivision 1. Acts prohibited. (a) A person may not take wild animals with a firearm 216.22 or by archery:

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

(2) when the person is under the influence of a controlled substance, as defined in section
152.01 169A.03, subdivision 4 6;

(3) when the person is under the influence of a combination of any two or more of theelements in clauses (1) and (2);

(4) when the person's alcohol concentration is 0.08 or more;

(5) when the person's alcohol concentration as measured within two hours of the timeof taking is 0.08 or more; or

(6) when the person is under the influence of an intoxicating substance as defined in
section 169A.03, subdivision 11a, and the person knows or has reason to know that the
substance has the capacity to cause impairment.

(b) An owner or other person having charge or control of a firearm or bow may not authorize or permit an individual the person knows or has reason to believe is under the influence of alcohol or a controlled substance, as provided under paragraph (a), to possess the firearm or bow in this state or on a boundary water of this state.

(c) A person may not possess a loaded or uncased firearm or an uncased bow afieldunder any of the conditions in paragraph (a).

# 217.10 EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes 217.11 committed on or after that date.

Sec. 11. Minnesota Statutes 2022, section 97B.066, is amended by adding a subdivisionto read:

217.14 Subd. 12. Definition. As used in this section, "controlled substance" has the meaning
217.15 given in section 169A.03, subdivision 6.

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

### 217.18 Sec. 12. [120B.215] EDUCATION ON CANNABIS USE AND SUBSTANCE USE.

Subdivision 1. Model program. The commissioner of education, in consultation with 217.19 the commissioners of health and human services, local district and school health education 217.20 specialists, and other qualified experts, shall identify one or more model programs that may 217.21 be used to educate middle school and high school students on the health effects on children 217.22 and adolescents of cannabis use and substance use consistent with local standards as required 217.23 in section 120B.021, subdivision 1, paragraph (a), clause (6), for elementary and secondary 217.24 school students. The commissioner must publish a list of model programs that include 217.25 217.26 written materials, curriculum resources, and training for instructors by June 1, 2025. A model program identified by the commissioner must be medically accurate, age and 217.27

- 217.28 developmentally appropriate, culturally inclusive, and grounded in science, and must address:
- 217.29 (1) the physical and mental health effects of cannabis use and substance use by children,
- 217.30 adolescents, and persons under 25 years of age, including effects on the developing brains
- 217.31 of children, adolescents, and persons under 25 years of age;

### 217.32 (2) unsafe or unhealthy behaviors associated with cannabis use and substance use;

218.1	(3) signs of substance use disorders;
218.2	(4) treatment options; and
218.3	(5) healthy coping strategies for children and adolescents.
218.4	Subd. 2. School programs. (a) Starting in the 2026-2027 school year, a school district
218.5	or charter school must implement a comprehensive education program on cannabis use and
218.6	substance use for students in middle school and high school. The program must include
218.7	instruction on the topics listed in subdivision 1 and must:
218.8	(1) respect community values and encourage students to communicate with parents,
218.9	guardians, and other trusted adults about cannabis use and substance use; and
218.10	(2) refer students to local resources where students may obtain medically accurate
218.11	information about cannabis use and substance use, and treatment for a substance use disorder.
218.12	(b) District efforts to develop, implement, or improve instruction or curriculum as a
218.13	result of the provisions of this section must be consistent with sections 120B.10 and 120B.11.
218.14	Subd. 3. Parental review. Notwithstanding any law to the contrary, each school district
218.15	shall have a procedure for a parent, a guardian, or an adult student 18 years of age or older
218.16	to review the content of the instructional materials to be provided to a minor child or to an
218.17	adult student pursuant to this section. The district or charter school must allow a parent or
218.18	adult student to opt out of instruction under this section with no academic or other penalty
218.19	for the student and must inform parents and adult students of this right to opt out.
218.20	Subd. 4. Youth council. A school district or charter school may establish one or more
218.21	youth councils in which student members of the council receive education and training on
218.22	cannabis use and substance use and provide peer-to-peer education on these topics.
218.23	Sec. 13. [144.196] CANNABIS DATA COLLECTION AND BIENNIAL REPORTS.
218.24	Subdivision 1. General. The commissioner of health shall engage in research and data
218.25	collection activities to measure the prevalence of cannabis flower and cannabis product use
218.26	in the state by persons under 21 years of age and by persons 21 years of age or older, and
218.27	the trends in hospital-treated cannabis poisoning and adverse events. In order to collect data,
218.28	the commissioner may modify existing data collection tools used by the department or other
218.29	state agencies or may establish one or more new data collection tools.
218.30	Subd. 2. Statewide assessment; baseline data; updates. (a) The commissioner shall

218.31 <u>conduct a statewide assessment to establish a baseline for the prevalence of cannabis flower</u>

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- and cannabis product use in the state, and the trends in hospital-treated cannabis poisoning
- and adverse events broken out by:
- 219.3 (1) the current age of the customer;
- (2) the age at which the customer began consuming cannabis flower or cannabis products;
- 219.5 (3) whether the customer consumes cannabis flower or cannabis products, and by type
- 219.6 of cannabis product that the customer consumes, if applicable;
- 219.7 (4) the amount of cannabis flower or cannabis product typically consumed at one time;
- 219.8 (5) the typical frequency of consumption; and
- 219.9 (6) other criteria specified by the commissioner.
- (b) The initial assessment must be completed by July 1, 2024. The commissioner shall
- 219.11 <u>collect updated data under this subdivision at least every two years thereafter.</u>
- 219.12 Subd. 3. Reports. Beginning January 1, 2025, and every two years thereafter, the
- 219.13 commissioner shall issue a public report on the prevalence of cannabis flower use and the
- <sup>219.14</sup> use of cannabis products in the state by persons under age 21 and by persons age 21 or
- 219.15 older, and the trends in hospital-treated cannabis poisoning and adverse events. The report
- 219.16 may include recommendations from the commissioner for changes to this chapter that would
- 219.17 discourage or prevent personal use of cannabis flower or cannabis products by persons
- 219.18 under age 21, that would discourage personal use of cannabis flower or cannabis products
- 219.19 by pregnant or breastfeeding individuals, that would prevent access to cannabis flower or
- 219.20 cannabis products by young children, or that would otherwise promote public health.

### 219.21 Sec. 14. [144.197] CANNABIS EDUCATION PROGRAMS.

Subdivision 1. Youth education. The commissioner of health, in collaboration with
local health departments, shall conduct a long-term, coordinated education program to raise
public awareness about and address the top three adverse health effects, as determined by
the commissioner, associated with the use of cannabis flower or cannabis products by persons
under age 25. In conducting this education program, the commissioner shall engage and
consult with youth around the state on program content and on methods to effectively
disseminate program information to youth around the state.

### 219.29 Subd. 2. Education for pregnant and breastfeeding individuals; individuals who

219.30 **may become pregnant.** The commissioner of health, in consultation with the commissioners

- 219.31 of human services and education, shall conduct a long-term, coordinated program to educate
- 219.32 pregnant individuals, breastfeeding individuals, and individuals who may become pregnant

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on the adverse health effects of prenatal exposure to cannabis flower or cannabis products 220.1

220.3 cannabis flower or cannabis products in breast milk, from secondhand smoke, or by ingesting

and on the adverse health effects experienced by infants and children who are exposed to

cannabis products. This education program must also educate individuals on what constitutes

a substance use disorder, signs of a substance use disorder, and treatment options for persons 220.5

with a substance use disorder. 220.6

Subd. 3. Home visiting programs. The commissioner of health shall provide training, 220.7 technical assistance, and education materials to local public health home visiting programs, 220.8 Tribal home visiting programs, and child welfare workers regarding the safe and unsafe use 220.9 of cannabis flower or cannabis products in homes with infants and young children. Training, 220.10 technical assistance, and education materials shall address substance use, the signs of a 220.11 substance use disorder, treatment options for persons with a substance use disorder, the 220.12 dangers of driving under the influence of cannabis flower or cannabis products, how to 220.13

safely consume cannabis flower or cannabis products in homes with infants and young 220.14

children, and how to prevent infants and young children from being exposed to cannabis 220.15

flower or cannabis products by ingesting cannabis products or through secondhand smoke. 220.16

Subd. 4. Local and Tribal health departments. The commissioner of health shall 220.17

distribute grants to local health departments and Tribal health departments for these 220.18

departments to create and disseminate educational materials on cannabis flower and cannabis 220.19

products and to provide safe use and prevention training, education, technical assistance, 220.20

and community engagement regarding cannabis flower and cannabis products. 220.21

Sec. 15. Minnesota Statutes 2022, section 152.01, subdivision 9, is amended to read: 220.22

Subd. 9. Marijuana. "Marijuana" means all parts of the plant of any species of the genus 220.23 Cannabis, including all agronomical varieties, whether growing or not; the seeds thereof; 220.24 the resin extracted from any part of such plant; and every compound, manufacture, salt, 220.25 derivative, mixture, or preparation of such plant, its seeds or resin, but shall not include the 220.26 mature stalks of such plant, fiber from such stalks, oil or cake made from the seeds of such 220.27 plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such 220.28 mature stalks, except the resin extracted therefrom, fiber, oil, or cake, or the sterilized seed 220.29 of such plant which is incapable of germination. Marijuana does not include hemp as defined 220.30 in section <del>152.22, subdivision 5a</del> 18K.02, subdivision 3. 220.31

221.1 Sec. 16. Minnesota Statutes 2022, section 169A.03, subdivision 6, is amended to read:

221.2 Subd. 6. **Controlled substance.** "Controlled substance" has the meaning given in section

152.01, subdivision 4. <u>The term also includes hemp as defined in section 152.22</u>, subdivision
<u>5a.</u>

## 221.5 EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes 221.6 committed on or after that date. This section expires January 1, 2024.

221.7 Sec. 17. Minnesota Statutes 2022, section 175.45, subdivision 1, is amended to read:

Subdivision 1. **Duties; goal.** The commissioner of labor and industry shall convene industry representatives, identify occupational competency standards, and provide technical assistance to develop dual-training programs. The competency standards shall be identified for employment in occupations in advanced manufacturing, health care services, information technology, <del>and</del> agriculture, and the legal cannabis industry. Competency standards are not rules and are exempt from the rulemaking provisions of chapter 14, and the provisions in section 14.386 concerning exempt rules do not apply.

221.15 Sec. 18. Minnesota Statutes 2022, section 181.938, subdivision 2, is amended to read:

Subd. 2. Prohibited practice. (a) An employer may not refuse to hire a job applicant 221.16 or discipline or discharge an employee because the applicant or employee engages in or has 221.17 engaged in the use or enjoyment of lawful consumable products, if the use or enjoyment 221.18 takes place off the premises of the employer during nonworking hours. For purposes of this 221.19 section, "lawful consumable products" means products whose use or enjoyment is lawful 221.20 and which are consumed during use or enjoyment, and includes food, alcoholic or 221.21 nonalcoholic beverages, and tobacco, cannabis flower, as defined in section 342.01, 221.22 subdivision 15, and cannabis products, as defined in section 342.01, subdivision 19. 221.23

221.24 (b) Cannabis flower and cannabis products are lawful consumable products for the purpose of Minnesota law, regardless of whether federal or other state law considers cannabis 221.25 use, possession, impairment, sale, or transfer to be unlawful. Nothing in this section shall 221.26 be construed to limit an employer's ability to discipline or discharge an employee for cannabis 221.27 flower or cannabis product use, possession, impairment, sale, or transfer during working 221.28 hours, on work premises, or while operating an employer's vehicle, machinery, or equipment, 221.29 or if a failure to do so would violate federal or state law or regulations or cause an employer 221.30 to lose a monetary or licensing-related benefit under federal law or regulations. 221.31

Sec. 19. Minnesota Statutes 2022, section 181.950, subdivision 2, is amended to read:

Subd. 2. **Confirmatory test; confirmatory retest.** "Confirmatory test" and "confirmatory retest" mean a drug or alcohol test <u>or cannabis test</u> that uses a method of analysis allowed under one of the programs listed in section 181.953, subdivision 1.

Sec. 20. Minnesota Statutes 2022, section 181.950, subdivision 4, is amended to read:

Subd. 4. **Drug.** "Drug" means a controlled substance as defined in section 152.01,

subdivision 4, but does not include marijuana, tetrahydrocannabinols, cannabis flower as

defined in section 342.01, subdivision 15, or cannabis products as defined in section 342.01,
subdivision 19.

222.10 Sec. 21. Minnesota Statutes 2022, section 181.950, subdivision 5, is amended to read:

Subd. 5. **Drug and alcohol testing.** "Drug and alcohol testing," "drug or alcohol testing," and "drug or alcohol test" mean analysis of a body component sample according to the standards established under one of the programs listed in section 181.953, subdivision 1, for the purpose of measuring the presence or absence of drugs, alcohol, or their metabolites in the sample tested. "Drug and alcohol testing," "drug or alcohol testing," and "drug or

222.16 <u>alcohol test" do not include cannabis or cannabis testing, unless stated otherwise.</u>

Sec. 22. Minnesota Statutes 2022, section 181.950, is amended by adding a subdivisionto read:

Subd. 5a. Cannabis testing. "Cannabis testing" means the analysis of a body component
sample according to the standards established under one of the programs listed in section
181.953, subdivision 1, for the purpose of measuring the presence or absence of cannabis
flower, as defined in section 342.01, subdivision 15, cannabis products, as defined in section
342.01, subdivision 19, or cannabis metabolites in the sample tested. The definitions in this
section apply to cannabis testing unless stated otherwise.

Sec. 23. Minnesota Statutes 2022, section 181.950, subdivision 8, is amended to read:

Subd. 8. Initial screening test. "Initial screening test" means a drug or alcohol test or
<u>cannabis test</u> which uses a method of analysis under one of the programs listed in section
181.953, subdivision 1.

223.1 Sec. 24. Minnesota Statutes 2022, section 181.950, subdivision 13, is amended to read:

Subd. 13. Safety-sensitive position. "Safety-sensitive position" means a job, including
any supervisory or management position, in which an impairment caused by drug or, alcohol,
<u>or cannabis</u> usage would threaten the health or safety of any person.

223.5 Sec. 25. Minnesota Statutes 2022, section 181.951, subdivision 4, is amended to read:

223.6 Subd. 4. Random testing. An employer may request or require employees to undergo

223.7 cannabis testing or drug and alcohol testing on a random selection basis only if (1) they are

223.8 employed in safety-sensitive positions, or (2) they are employed as professional athletes if

223.9 the professional athlete is subject to a collective bargaining agreement permitting random

223.10 testing but only to the extent consistent with the collective bargaining agreement.

Sec. 26. Minnesota Statutes 2022, section 181.951, is amended by adding a subdivisionto read:

Subd. 8. Limitations on cannabis testing. (a) An employer must not request or require
a job applicant to undergo cannabis testing solely for the purpose of determining the presence
or absence of cannabis as a condition of employment unless otherwise required by state or
federal law.

(b) Unless otherwise required by state or federal law, an employer must not refuse to hire a job applicant solely because the job applicant submits to a cannabis test authorized

223.19 by this section and the results of the test indicate the presence of cannabis.

(c) An employer must not request or require an employee or job applicant to undergo
 cannabis testing on an arbitrary or capricious basis.

223.22 (d) An employer may request or require an employee to undergo cannabis testing

223.23 conducted by a testing laboratory that participates in one of the programs listed in section

223.24 <u>181.953</u>, subdivision 1, if the employer has a reasonable suspicion that while the employee

223.25 is working or while the employee is on the employer's premises or operating the employer's

- 223.26 vehicle, machinery, or equipment, the employee:
- (1) as the result of consuming cannabis flower or a cannabis product, does not possess
- 223.28 that clearness of intellect and control of self that the employee otherwise would have;
- 223.29 (2) has violated the employer's written work rules prohibiting cannabis use, possession,

223.30 impairment, sale, or transfer, provided that the work rules for cannabis and cannabis testing

223.31 are in writing and in a written policy that contains the minimum information required in

223.32 section 181.952; or

Article 6 Sec. 26.

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224.1	(3) has sustained a personal	injury or has a caused a v	vork-related acc	ident as provided
224.2	in subdivision 5, clauses (3) and	<u>l (4).</u>		
224.3	(e) Cannabis testing authoriz	ed under paragraph (d) n	nust comply wit	h the safeguards
224.4	for testing employees provided	in sections 181.953 and 1	81.954.	
224.5	Sec. 27. Minnesota Statutes 20	022, section 181.951, is a	mended by addi	ng a subdivision
224.6	to read:			
224.7	Subd. 9. Cannabis testing e	<b>xceptions.</b> For the follow	ving positions, c	annabis and its
224.8	metabolites are considered a dru	ig and subject to the drug	and alcohol tes	ting provisions in
224.9	sections 181.950 to 181.957:			
224.10	(1) a safety-sensitive position	n, as defined in section 1	81.950, subdivis	sion 13;
224.11	(2) a peace officer position, a	as defined in section 626.	.84, subdivision	1;
224.12	(3) a firefighter position, as o	defined in section 299N.(	)1, subdivision 3	<u>};</u>
224.13	(4) a position requiring face-	to-face care, training, ed	ucation, supervi	sion, counseling,
224.14	consultation, or medical assistar	nce to:		
224.15	(i) children;			
224.16	(ii) vulnerable adults, as defi	ned in section 626.5572,	subdivision 21;	or
224.17	(iii) patients who receive hea	alth care services from a j	provider for the	treatment,
224.18	examination, or emergency care	of a medical, psychiatric	e, or mental cond	dition;
224.19	(5) a position requiring a com	mercial driver's license of	r requiring an en	ployee to operate
224.20	a motor vehicle for which state	or federal law requires dr	rug or alcohol te	sting of a job
224.21	applicant or an employee;			
224.22	(6) a position of employmen	t funded by a federal gran	nt; or	
224.23	(7) any other position for wh	ich state or federal law re	equires testing o	of a job applicant
224.24	or an employee for cannabis.			
224.25	Sec. 28. Minnesota Statutes 20	122, section 181.952, is a	mended by addi	ng a subdivision
224.26	to read:			
224.27	Subd. 3. Cannabis policy. (a	a) Unless otherwise provi	ided by state or i	federal law, an
224.28	employer is not required to perm	nit or accommodate cann	abis flower or ca	annabis product
224.29	use, possession, impairment, sal	e, or transfer while an en	nployee is worki	ing or while an

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225.1 employee is on the employer's premises or operating the employer's vehicle, machinery, or
225.2 equipment.

(b) An employer may only enact and enforce written work rules prohibiting cannabis
flower and cannabis product use, possession, impairment, sale, or transfer while an employee
is working or while an employee is on the employer's premises or operating the employer's
vehicle, machinery, or equipment in a written policy that contains the minimum information
required by this section.

- 225.8 Sec. 29. Minnesota Statutes 2022, section 181.953, is amended to read:

#### 225.9 **181.953 RELIABILITY AND FAIRNESS SAFEGUARDS.**

Subdivision 1. Use of licensed, accredited, or certified laboratory required. (a) An employer who requests or requires an employee or job applicant to undergo drug or alcohol testing or cannabis testing shall use the services of a testing laboratory that meets one of

225.13 the following criteria for drug testing:

(1) is certified by the National Institute on Drug Abuse as meeting the mandatory
guidelines published at 53 Federal Register 11970 to 11989, April 11, 1988;

(2) is accredited by the College of American Pathologists, 325 Waukegan Road,

Northfield, Illinois, 60093-2750, under the forensic urine drug testing laboratory program;or

(3) is licensed to test for drugs by the state of New York, Department of Health, underPublic Health Law, article 5, title V, and rules adopted under that law.

(b) For alcohol testing, the laboratory must either be:

(1) licensed to test for drugs and alcohol by the state of New York, Department of Health,
under Public Health Law, article 5, title V, and the rules adopted under that law; or

(2) accredited by the College of American Pathologists, 325 Waukegan Road, Northfield,
Illinois, 60093-2750, in the laboratory accreditation program.

Subd. 3. Laboratory testing, reporting, and sample retention requirements. A testing laboratory that is not certified by the National Institute on Drug Abuse according to subdivision 1 shall follow the chain-of-custody procedures prescribed for employers in subdivision 5. A testing laboratory shall conduct a confirmatory test on all samples that produced a positive test result on an initial screening test. A laboratory shall disclose to the employer a written test result report for each sample tested within three working days after a negative test result on an initial screening test or, when the initial screening test produced

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a positive test result, within three working days after a confirmatory test. A test report must

226.2 indicate the drugs, alcohol, <del>or</del> drug or alcohol metabolites, or cannabis or cannabis

226.3 <u>metabolites</u> tested for and whether the test produced negative or positive test results. A

laboratory shall retain and properly store for at least six months all samples that produceda positive test result.

Subd. 4. **Prohibitions on employers.** An employer may not conduct drug or alcohol testing <u>or cannabis testing</u> of its own employees and job applicants using a testing laboratory owned and operated by the employer; except that, one agency of the state may test the employees of another agency of the state. Except as provided in subdivision 9, an employer may not request or require an employee or job applicant to contribute to, or pay the cost of, drug or alcohol testing or cannabis testing under sections 181.950 to 181.954.

Subd. 5. Employer chain-of-custody procedures. An employer shall establish its own reliable chain-of-custody procedures to ensure proper record keeping, handling, labeling, and identification of the samples to be tested. The procedures must require the following:

(1) possession of a sample must be traceable to the employee from whom the sample is
collected, from the time the sample is collected through the time the sample is delivered to
the laboratory;

(2) the sample must always be in the possession of, must always be in view of, or mustbe placed in a secured area by a person authorized to handle the sample;

(3) a sample must be accompanied by a written chain-of-custody record; and

(4) individuals relinquishing or accepting possession of the sample must record the time
the possession of the sample was transferred and must sign and date the chain-of-custody
record at the time of transfer.

Subd. 6. **Rights of employees and job applicants.** (a) Before requesting an employee or job applicant to undergo drug or alcohol testing <u>or requesting cannabis testing</u>, an employer shall provide the employee or job applicant with a form, developed by the employer, on which to acknowledge that the employee or job applicant has seen the employer's drug and alcohol testing <u>or cannabis testing policy</u>.

(b) If an employee or job applicant tests positive for drug use, the employee must be given written notice of the right to explain the positive test and the employer may request that the employee or job applicant indicate any over-the-counter or prescription medication that the individual is currently taking or has recently taken and any other information relevant to the reliability of, or explanation for, a positive test result.

(c) Within three working days after notice of a positive test result on a confirmatory test,
the employee or job applicant may submit information to the employer, in addition to any
information already submitted under paragraph (b), to explain that result, or may request a
confirmatory retest of the original sample at the employee's or job applicant's own expense
as provided under subdivision 9.

Subd. 7. Notice of test results. Within three working days after receipt of a test result 227.6 report from the testing laboratory, an employer shall inform in writing an employee or job 227.7 applicant who has undergone drug or alcohol testing or cannabis testing of (1) a negative 227.8 test result on an initial screening test or of a negative or positive test result on a confirmatory 227.9 test and (2) the right provided in subdivision 8. In the case of a positive test result on a 227.10 confirmatory test, the employer shall also, at the time of this notice, inform the employee 227.11 or job applicant in writing of the rights provided in subdivisions 6, paragraph (b), 9, and 227.12 either subdivision 10 or 11, whichever applies. 227.13

Subd. 8. **Right to test result report.** An employee or job applicant has the right to request and receive from the employer a copy of the test result report on any drug or alcohol test or cannabis test.

Subd. 9. Confirmatory retests. An employee or job applicant may request a confirmatory 227.17 retest of the original sample at the employee's or job applicant's own expense after notice 227.18 of a positive test result on a confirmatory test. Within five working days after notice of the 227.19 confirmatory test result, the employee or job applicant shall notify the employer in writing 227.20 of the employee's or job applicant's intention to obtain a confirmatory retest. Within three 227.21 working days after receipt of the notice, the employer shall notify the original testing 227.22 laboratory that the employee or job applicant has requested the laboratory to conduct the 227.23 confirmatory retest or transfer the sample to another laboratory licensed under subdivision 227.24 1 to conduct the confirmatory retest. The original testing laboratory shall ensure that the 227.25 chain-of-custody procedures in subdivision 3 are followed during transfer of the sample to 227.26 the other laboratory. The confirmatory retest must use the same drug or, alcohol, or cannabis 227.27 threshold detection levels as used in the original confirmatory test. If the confirmatory retest 227.28 does not confirm the original positive test result, no adverse personnel action based on the 227.29 original confirmatory test may be taken against the employee or job applicant. 227.30

Subd. 10. Limitations on employee discharge, discipline, or discrimination. (a) An
employer may not discharge, discipline, discriminate against, or request or require
rehabilitation of an employee on the basis of a positive test result from an initial screening
test that has not been verified by a confirmatory test.

(b) In addition to the limitation under paragraph (a), an employer may not discharge an employee for whom a positive test result on a confirmatory test was the first such result for the employee on a drug or alcohol test <u>or cannabis test</u> requested by the employer unless the following conditions have been met:

(1) the employer has first given the employee an opportunity to participate in, at the
employee's own expense or pursuant to coverage under an employee benefit plan, either a
drug <del>or</del>, alcohol, or cannabis counseling or rehabilitation program, whichever is more
appropriate, as determined by the employer after consultation with a certified chemical use
counselor or a physician trained in the diagnosis and treatment of substance use disorder;
and

(2) the employee has either refused to participate in the counseling or rehabilitation
program or has failed to successfully complete the program, as evidenced by withdrawal
from the program before its completion or by a positive test result on a confirmatory test
after completion of the program.

(c) Notwithstanding paragraph (a), an employer may temporarily suspend the tested employee or transfer that employee to another position at the same rate of pay pending the outcome of the confirmatory test and, if requested, the confirmatory retest, provided the employer believes that it is reasonably necessary to protect the health or safety of the employee, coemployees, or the public. An employee who has been suspended without pay must be reinstated with back pay if the outcome of the confirmatory test or requested confirmatory retest is negative.

(d) An employer may not discharge, discipline, discriminate against, or request or require rehabilitation of an employee on the basis of medical history information revealed to the employer pursuant to subdivision 6 unless the employee was under an affirmative duty to provide the information before, upon, or after hire.

(e) An employee must be given access to information in the employee's personnel file relating to positive test result reports and other information acquired in the drug and alcohol testing process <u>or cannabis testing process</u> and conclusions drawn from and actions taken based on the reports or other acquired information.

228.30 Subd. 10a. Additional limitations for cannabis. An employer may discipline, discharge,
 228.31 or take other adverse personnel action against an employee for cannabis flower or cannabis

228.32 product use, possession, impairment, sale, or transfer while an employee is working, on the

- 228.33 employer's premises, or operating the employer's vehicle, machinery, or equipment as
- 228.34 **follows:**

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229.1	(1) if, as the result of consumi	ng cannabis flower or a	cannabis produc	et, the employee
229.2	does not possess that clearness of	intellect and control of	self that the emp	oloyee otherwise
229.3	would have;			
229.4	(2) if cannabis testing that the e	mployer requested or req	uired pursuant to	section 181.951,
229.5	subdivision 8, paragraphs (d) and	(e), verifies the presence	e of cannabis fo	llowing a
229.6	confirmatory test;			
229.7	(3) as provided in the employe	er's written work rules fo	or cannabis and	cannabis testing,

229.8 provided that the rules are in writing and in a written policy that contains the minimum

229.9 information required by section 181.952; or

229.10 (4) as otherwise authorized under state or federal law.

Subd. 11. Limitation on withdrawal of job offer. If a job applicant has received a job offer made contingent on the applicant passing drug and alcohol testing, the employer may not withdraw the offer based on a positive test result from an initial screening test that has not been verified by a confirmatory test.

229.15 Sec. 30. Minnesota Statutes 2022, section 181.954, is amended to read:

### 229.16 **181.954 PRIVACY, CONFIDENTIALITY, AND PRIVILEGE SAFEGUARDS.**

Subdivision 1. **Privacy limitations.** A laboratory may only disclose to the employer test result data regarding the presence or absence of drugs, alcohol, or their metabolites in a sample tested.

Subd. 2. **Confidentiality limitations.** Test result reports and other information acquired in the drug or alcohol testing <u>or cannabis testing</u> process are, with respect to private sector employees and job applicants, private and confidential information, and, with respect to public sector employees and job applicants, private data on individuals as that phrase is defined in chapter 13, and may not be disclosed by an employer or laboratory to another employer or to a third-party individual, governmental agency, or private organization without the written consent of the employee or job applicant tested.

229.27

.27 Subd. 3. Exceptions to privacy and confidentiality disclosure

229.28 limitations. Notwithstanding subdivisions 1 and 2, evidence of a positive test result on a 229.29 confirmatory test may be: (1) used in an arbitration proceeding pursuant to a collective bargaining agreement, an administrative hearing under chapter 43A or other applicable state or local law, or a judicial proceeding, provided that information is relevant to the hearing or proceeding; (2) disclosed to any federal agency or other unit of the United States government as required under federal law, regulation, or order, or in accordance with

compliance requirements of a federal government contract; and (3) disclosed to a substance
abuse treatment facility for the purpose of evaluation or treatment of the employee.

Subd. 4. Privilege. Positive test results from an employer drug or alcohol testing <u>or</u>
 <u>cannabis testing</u> program may not be used as evidence in a criminal action against the
 employee or job applicant tested.

230.6 Sec. 31. Minnesota Statutes 2022, section 181.955, is amended to read:

230.7 **181.955 CONSTRUCTION.** 

Subdivision 1. Freedom to collectively bargain. Sections 181.950 to 181.954 shall not be construed to limit the parties to a collective bargaining agreement from bargaining and agreeing with respect to a drug and alcohol testing <u>or a cannabis testing</u> policy that meets or exceeds, and does not otherwise conflict with, the minimum standards and requirements for employee protection provided in those sections.

230.13 Subd. 2. Employee protections under existing collective bargaining

agreements. Sections 181.950 to 181.954 shall not be construed to interfere with or diminish
any employee protections relating to drug and alcohol testing <u>or cannabis testing</u> already
provided under collective bargaining agreements in effect on the effective date of those
sections that exceed the minimum standards and requirements for employee protection
provided in those sections.

230.19 Subd. 3. **Professional athletes.** Sections 181.950 to 181.954 shall not be construed to 230.20 interfere with the operation of a drug and alcohol testing <u>or cannabis testing program if</u>:

(1) the drug and alcohol testing program is permitted under a contract between theemployer and employees; and

230.23 (2) the covered employees are employed as professional athletes.

Upon request of the commissioner of labor and industry, the exclusive representative of the employees and the employer shall certify to the commissioner of labor and industry that the drug and alcohol testing <u>or cannabis testing</u> program permitted under the contract should operate without interference from the sections specified in this subdivision. This subdivision must not be construed to create an exemption from controlled substance crimes in chapter 152.

Sec. 32. Minnesota Statutes 2022, section 181.957, subdivision 1, is amended to read: Subdivision 1. Excluded employees and job applicants. Except as provided under subdivision 2, the employee and job applicant protections provided under sections 181.950 to 181.956 do not apply to employees and job applicants where the specific work performed requires those employees and job applicants to be subject to drug and alcohol testing <u>or</u> <u>cannabis testing</u> pursuant to:

(1) federal regulations that specifically preempt state regulation of drug and alcohol
testing or cannabis testing with respect to those employees and job applicants;

231.9 (2) federal regulations or requirements necessary to operate federally regulated facilities;

(3) federal contracts where the drug and alcohol testing <u>or cannabis testing</u> is conducted
for security, safety, or protection of sensitive or proprietary data; or

231.12 (4) state agency rules that adopt federal regulations applicable to the interstate component

231.13 of a federally regulated industry, and the adoption of those rules is for the purpose of

conforming the nonfederally regulated intrastate component of the industry to identicalregulation.

231.16 Sec. 33. Minnesota Statutes 2022, section 192A.555, is amended to read:

# 231.17 192A.555 DRIVING WHILE UNDER THE INFLUENCE OR RECKLESS 231.18 DRIVING.

Any person subject to this code who drives, operates or is in physical control of any motor vehicle or aircraft while under the influence of an alcoholic beverage or controlled substance <u>as defined in section 169A.03</u>, <u>subdivision 6</u>, or a combination thereof or whose blood contains 0.08 percent or more by weight of alcohol or who operates said motor vehicle or aircraft in a reckless or wanton manner, shall be punished as a court-martial may direct.

# 231.24 EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes 231.25 committed on or after that date.

Sec. 34. Minnesota Statutes 2022, section 245C.08, subdivision 1, is amended to read:
Subdivision 1. Background studies conducted by Department of Human Services. (a)
For a background study conducted by the Department of Human Services, the commissioner
shall review:

(1) information related to names of substantiated perpetrators of maltreatment of
vulnerable adults that has been received by the commissioner as required under section
626.557, subdivision 9c, paragraph (j);

(2) the commissioner's records relating to the maltreatment of minors in licensed
programs, and from findings of maltreatment of minors as indicated through the social
service information system;

(3) information from juvenile courts as required in subdivision 4 for individuals listed
in section 245C.03, subdivision 1, paragraph (a), when there is reasonable cause;

(4) information from the Bureau of Criminal Apprehension, including information
regarding a background study subject's registration in Minnesota as a predatory offender
under section 243.166;

(5) except as provided in clause (6), information received as a result of submission of
fingerprints for a national criminal history record check, as defined in section 245C.02,
subdivision 13c, when the commissioner has reasonable cause for a national criminal history
record check as defined under section 245C.02, subdivision 15a, or as required under section
144.057, subdivision 1, clause (2);

(6) for a background study related to a child foster family setting application for licensure,
foster residence settings, children's residential facilities, a transfer of permanent legal and
physical custody of a child under sections 260C.503 to 260C.515, or adoptions, and for a
background study required for family child care, certified license-exempt child care, child
care centers, and legal nonlicensed child care authorized under chapter 119B, the
commissioner shall also review:

(i) information from the child abuse and neglect registry for any state in which thebackground study subject has resided for the past five years;

(ii) when the background study subject is 18 years of age or older, or a minor under
section 245C.05, subdivision 5a, paragraph (c), information received following submission
of fingerprints for a national criminal history record check; and

(iii) when the background study subject is 18 years of age or older or a minor under
section 245C.05, subdivision 5a, paragraph (d), for licensed family child care, certified
license-exempt child care, licensed child care centers, and legal nonlicensed child care
authorized under chapter 119B, information obtained using non-fingerprint-based data
including information from the criminal and sex offender registries for any state in which

the background study subject resided for the past five years and information from the nationalcrime information database and the national sex offender registry; and

(7) for a background study required for family child care, certified license-exempt child
care centers, licensed child care centers, and legal nonlicensed child care authorized under
chapter 119B, the background study shall also include, to the extent practicable, a name
and date-of-birth search of the National Sex Offender Public website.

233.7 (b) Except as otherwise provided in this paragraph, notwithstanding expungement by a

233.8 court, the commissioner may consider information obtained under paragraph (a), clauses

233.9 (3) and (4), unless the commissioner received notice of the petition for expungement and

233.10 the court order for expungement is directed specifically to the commissioner. The

233.11 commissioner may not consider information obtained under paragraph (a), clauses (3) and

233.12 (4), or from any other source that identifies a violation of chapter 152 without determining

233.13 if the offense involved the possession of marijuana or tetrahydrocannabinol and, if so,

233.14 whether the person received a grant of expungement or order of expungement, or the person

233.15 was resentenced to a lesser offense. If the person received a grant of expungement or order

233.16 of expungement, the commissioner may not consider information related to that violation

233.17 but may consider any other relevant information arising out of the same incident.

(c) The commissioner shall also review criminal case information received according
to section 245C.04, subdivision 4a, from the Minnesota court information system that relates
to individuals who have already been studied under this chapter and who remain affiliated
with the agency that initiated the background study.

(d) When the commissioner has reasonable cause to believe that the identity of a
background study subject is uncertain, the commissioner may require the subject to provide
a set of classifiable fingerprints for purposes of completing a fingerprint-based record check
with the Bureau of Criminal Apprehension. Fingerprints collected under this paragraph
shall not be saved by the commissioner after they have been used to verify the identity of
the background study subject against the particular criminal record in question.

(e) The commissioner may inform the entity that initiated a background study underNETStudy 2.0 of the status of processing of the subject's fingerprints.

233.30 Sec. 35. Minnesota Statutes 2022, section 256.01, subdivision 18c, is amended to read:

Subd. 18c. Drug convictions. (a) The state court administrator shall provide a report
every six months by electronic means to the commissioner of human services, including
the name, address, date of birth, and, if available, driver's license or state identification card

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number, date of the sentence, effective date of the sentence, and county in which the conviction occurred, of each person convicted of a felony under chapter 152, except for

234.3 convictions under section 152.0263 or 152.0264, during the previous six months.

(b) The commissioner shall determine whether the individuals who are the subject of the data reported under paragraph (a) are receiving public assistance under chapter 256D or 256J, and if the <u>an</u> individual is receiving assistance under chapter 256D or 256J, the commissioner shall instruct the county to proceed under section 256D.024 or 256J.26, whichever is applicable, for this individual.

(c) The commissioner shall not retain any data received under paragraph (a) or (d) that
does not relate to an individual receiving publicly funded assistance under chapter 256D or
234.11 256J.

234.12 (d) In addition to the routine data transfer under paragraph (a), the state court

234.13 administrator shall provide a onetime report of the data fields under paragraph (a) for

234.14 individuals with a felony drug conviction under chapter 152 dated from July 1, 1997, until

234.15 the date of the data transfer. The commissioner shall perform the tasks identified under

234.16 paragraph (b) related to this data and shall retain the data according to paragraph (c).

234.17 Sec. 36. Minnesota Statutes 2022, section 256B.0625, subdivision 13d, is amended to 234.18 read:

Subd. 13d. **Drug formulary.** (a) The commissioner shall establish a drug formulary. Its establishment and publication shall not be subject to the requirements of the Administrative Procedure Act, but the Formulary Committee shall review and comment on the formulary contents.

234.23 (b) The formulary shall not include:

(1) drugs, active pharmaceutical ingredients, or products for which there is no federalfunding;

234.26 (2) over-the-counter drugs, except as provided in subdivision 13;

(3) drugs or active pharmaceutical ingredients when used for the treatment of impotenceor erectile dysfunction;

(4) drugs or active pharmaceutical ingredients for which medical value has not beenestablished;

(5) drugs from manufacturers who have not signed a rebate agreement with the
Department of Health and Human Services pursuant to section 1927 of title XIX of the
Social Security Act; and

(6) medical cannabis <u>flower</u> as defined in section <u>152.22</u>, <u>subdivision 6</u> <u>342.01</u>,
<u>subdivision 53</u>, or medical cannabinoid products as defined in section 342.01, <u>subdivision</u>
<u>51</u>.

(c) If a single-source drug used by at least two percent of the fee-for-service medical
assistance recipients is removed from the formulary due to the failure of the manufacturer
to sign a rebate agreement with the Department of Health and Human Services, the
commissioner shall notify prescribing practitioners within 30 days of receiving notification
from the Centers for Medicare and Medicaid Services (CMS) that a rebate agreement was
not signed.

235.13 Sec. 37. Minnesota Statutes 2022, section 256D.024, subdivision 1, is amended to read:

Subdivision 1. Person convicted of drug offenses. (a) If an applicant or recipient has 235.14 been convicted of a drug offense after July 1, 1997, except for convictions related to cannabis, 235.15 marijuana, or tetrahydrocannabinols, the assistance unit is ineligible for benefits under this 235.16 chapter until five years after the applicant has completed terms of the court-ordered sentence, 235.17 unless the person is participating in a drug treatment program, has successfully completed 235.18 a drug treatment program, or has been assessed by the county and determined not to be in 235.19 need of a drug treatment program. Persons subject to the limitations of this subdivision who 235.20 become eligible for assistance under this chapter shall be subject to random drug testing as 235.21 a condition of continued eligibility and shall lose eligibility for benefits for five years 235.22 beginning the month following: 235.23

(1) any positive test result for an illegal controlled substance <u>under chapter 152</u>; or

235.25 (2) discharge of sentence after conviction for another drug felony.

(b) For the purposes of this subdivision, "drug offense" means a conviction that occurred
after July 1, 1997, of sections 152.021 to 152.025, 152.0261, 152.0262, or 152.096. Drug
offense also means a conviction in another jurisdiction of the possession, use, or distribution
of a controlled substance, or conspiracy to commit any of these offenses, if the offense
occurred after July 1, 1997, and the conviction is a felony offense in that jurisdiction, or in
the case of New Jersey, a high misdemeanor for a crime that would be a felony if committed
in Minnesota.

236.1 Sec. 38. Minnesota Statutes 2022, section 256D.024, subdivision 3, is amended to read:

Subd. 3. Fleeing felons. An individual who is fleeing to avoid prosecution, or custody, or confinement after conviction for a crime that is a felony under the laws of the jurisdiction from which the individual flees, or in the case of New Jersey, is a high misdemeanor, would be a felony if committed in Minnesota, is ineligible to receive benefits under this chapter.

236.6 Sec. 39. Minnesota Statutes 2022, section 256J.26, subdivision 1, is amended to read:

Subdivision 1. **Person convicted of drug offenses.** (a) An individual who has been convicted of a felony level drug offense committed during the previous ten years from the date of application or recertification, except for convictions related to cannabis, marijuana, or tetrahydrocannabinols, is subject to the following:

(1) Benefits for the entire assistance unit must be paid in vendor form for shelter andutilities during any time the applicant is part of the assistance unit.

(2) The convicted applicant or participant shall be subject to random drug testing as a
 condition of continued eligibility and following any positive test for an illegal controlled
 substance under chapter 152 is subject to the following sanctions:

(i) for failing a drug test the first time, the residual amount of the participant's grant after 236.16 making vendor payments for shelter and utility costs, if any, must be reduced by an amount 236.17 equal to 30 percent of the MFIP standard of need for an assistance unit of the same size. 236.18 When a sanction under this subdivision is in effect, the job counselor must attempt to meet 236.19 with the person face-to-face. During the face-to-face meeting, the job counselor must explain 236.20 the consequences of a subsequent drug test failure and inform the participant of the right to 236.21 appeal the sanction under section 256J.40. If a face-to-face meeting is not possible, the 236.22 county agency must send the participant a notice of adverse action as provided in section 236.23 256J.31, subdivisions 4 and 5, and must include the information required in the face-to-face 236.24 meeting; or 236.25

(ii) for failing a drug test two times, the participant is permanently disqualified from 236.26 receiving MFIP assistance, both the cash and food portions. The assistance unit's MFIP 236.27 grant must be reduced by the amount which would have otherwise been made available to 236.28 the disqualified participant. Disqualification under this item does not make a participant 236.29 ineligible for the Supplemental Nutrition Assistance Program (SNAP). Before a 236.30 disqualification under this provision is imposed, the job counselor must attempt to meet 236.31 with the participant face-to-face. During the face-to-face meeting, the job counselor must 236.32 identify other resources that may be available to the participant to meet the needs of the 236.33

family and inform the participant of the right to appeal the disqualification under section
237.2 256J.40. If a face-to-face meeting is not possible, the county agency must send the participant
a notice of adverse action as provided in section 256J.31, subdivisions 4 and 5, and must

237.4 include the information required in the face-to-face meeting.

(3) A participant who fails a drug test the first time and is under a sanction due to other
MFIP program requirements is considered to have more than one occurrence of
noncompliance and is subject to the applicable level of sanction as specified under section
237.8 256J.46, subdivision 1, paragraph (d).

(b) Applicants requesting only SNAP benefits or participants receiving only SNAP
benefits, who have been convicted of a drug offense that occurred after July 1, 1997, except
for convictions related to cannabis, marijuana, or tetrahydrocannabinols, may, if otherwise
eligible, receive SNAP benefits if the convicted applicant or participant is subject to random
drug testing as a condition of continued eligibility. Following a positive test for an illegal
controlled substance <u>under chapter 152</u>, the applicant is subject to the following sanctions:

(1) for failing a drug test the first time, SNAP benefits shall be reduced by an amount 237.15 equal to 30 percent of the applicable SNAP benefit allotment. When a sanction under this 237.16 clause is in effect, a job counselor must attempt to meet with the person face-to-face. During 237.17 the face-to-face meeting, a job counselor must explain the consequences of a subsequent 237.18 drug test failure and inform the participant of the right to appeal the sanction under section 237.19 256J.40. If a face-to-face meeting is not possible, a county agency must send the participant 237.20 a notice of adverse action as provided in section 256J.31, subdivisions 4 and 5, and must 237.21 include the information required in the face-to-face meeting; and 237.22

(2) for failing a drug test two times, the participant is permanently disqualified from 237.23 receiving SNAP benefits. Before a disqualification under this provision is imposed, a job 237.24 counselor must attempt to meet with the participant face-to-face. During the face-to-face 237.25 meeting, the job counselor must identify other resources that may be available to the 237.26 participant to meet the needs of the family and inform the participant of the right to appeal 237.27 the disqualification under section 256J.40. If a face-to-face meeting is not possible, a county 237.28 agency must send the participant a notice of adverse action as provided in section 256J.31, 237.29 subdivisions 4 and 5, and must include the information required in the face-to-face meeting. 237.30

(c) For the purposes of this subdivision, "drug offense" means an offense that occurred
during the previous ten years from the date of application or recertification of sections
152.021 to 152.025, 152.0261, 152.0262, 152.096, or 152.137. Drug offense also means a
conviction in another jurisdiction of the possession, use, or distribution of a controlled

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- substance, or conspiracy to commit any of these offenses, if the offense occurred during
- the previous ten years from the date of application or recertification and the conviction is
- 238.3 a felony offense in that jurisdiction, or in the case of New Jersey, a high misdemeanor for
- a crime that would be a felony if committed in Minnesota.
- 238.5 Sec. 40. Minnesota Statutes 2022, section 256J.26, subdivision 3, is amended to read:
- 238.6 Subd. 3. Fleeing felons. An individual who is fleeing to avoid prosecution, or custody,
- 238.7 or confinement after conviction for a crime that is a felony under the laws of the jurisdiction
- 238.8 from which the individual flees, or in the case of New Jersey, is a high misdemeanor, would
- 238.9 be a felony if committed in Minnesota, is disqualified from receiving MFIP.
- 238.10 Sec. 41. Minnesota Statutes 2022, section 340A.402, subdivision 1, is amended to read:
- 238.11 Subdivision 1. **Disqualifiers.** No retail license may be issued to:
- 238.12 (1) a person under 21 years of age;
- (2) a person who has had an intoxicating liquor or 3.2 percent malt liquor license revoked
  within five years of the license application, or to any person who at the time of the violation
  owns any interest, whether as a holder of more than five percent of the capital stock of a
  corporation licensee, as a partner or otherwise, in the premises or in the business conducted
  thereon, or to a corporation, partnership, association, enterprise, business, or firm in which
  any such person is in any manner interested;
- 238.19 (3) a person not of good moral character and repute; <del>or</del>
- 238.20 (4) a person who:
- 238.21 (i) has had a license or registration issued pursuant to chapter 342 or section 151.72,
  238.22 subdivision 5b, revoked;
- 238.23 (ii) has been convicted of an offense under section 151.72, subdivision 7; or
- (iii) has been convicted under any other statute for the illegal sale of marijuana, cannabis
- 238.25 flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products,
- 238.26 or edible cannabinoid products and the sale took place on the premises of a business that
- 238.27 sells intoxicating liquor or 3.2 percent malt liquor to customers; or
- 238.28 (4)(5) a person who has a direct or indirect interest in a manufacturer, brewer, or 238.29 wholesaler.
- In addition, no new retail license may be issued to, and the governing body of a municipality may refuse to renew the license of, a person who, within five years of the

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license application, has been convicted of a felony or a willful violation of a federal or state
law or local ordinance governing the manufacture, sale, distribution, or possession for sale
or distribution of an alcoholic beverage. The Alcohol and Gambling Enforcement Division
or licensing authority may require that fingerprints be taken and forwarded to the Federal
Bureau of Investigation for purposes of a criminal history check.

### 239.6 Sec. 42. [340A.4022] RETAIL LICENSE NOT PROHIBITED; LOWER-POTENCY 239.7 HEMP EDIBLE RETAILER.

239.8 (a) Nothing in this chapter:

#### (1) prohibits the issuance of a retail license or permit to a person also holding a

- 239.10 lower-potency hemp edible retailer license;
- 239.11 (2) allows any agreement between a licensing authority and retail license or permit holder

239.12 that prohibits the license or permit holder from also holding a lower-potency hemp edible

- 239.13 retailer license; or
- 239.14 (3) allows the revocation or suspension of a retail license or permit, or the imposition
- 239.15 of a penalty on a retail license or permit holder, due to the retail license or permit holder
- 239.16 <u>also holding a lower-potency hemp edible retailer license.</u>
- (b) For purposes of this section, "lower-potency hemp edible retailer license" means a
  license issued by the Office of Cannabis Management under section 342.41.
- 239.19 Sec. 43. Minnesota Statutes 2022, section 340A.412, subdivision 14, is amended to read:
- Subd. 14. Exclusive liquor stores. (a) Except as otherwise provided in this subdivision,
  an exclusive liquor store may sell only the following items:
- 239.22 (1) alcoholic beverages;
- 239.23 (2) tobacco products;
- 239.24 (3) ice;

(4) beverages, either liquid or powder, specifically designated for mixing with intoxicatingliquor;

- 239.27 (5) soft drinks;
- 239.28 (6) liqueur-filled candies;
- 239.29 (7) food products that contain more than one-half of one percent alcohol by volume;
- 239.30 (8) cork extraction devices;

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240.1	(9) books and videos on the u	se of alcoholic beverages	5;	
240.2	(10) magazines and other publ	ications published primar	ily for informati	ion and education
240.3	on alcoholic beverages;			
240.4	(11) multiple-use bags design	ed to carry purchased ite	ms;	
240.5	(12) devices designed to ensu	re safe storage and moni	toring of alcoho	l in the home, to
240.6	prevent access by underage drink	ters;		
240.7	(13) home brewing equipmen	ıt;		
240.8	(14) clothing marked with the	specific name, brand, or	identifying logo	o of the exclusive
240.9	liquor store, and bearing no other	r name, brand, or identify	ving logo;	
240.10	(15) citrus fruit; and			
240.11	(16) glassware-; and			
240.12	(17) lower-potency hemp edit	bles as defined in section	342.01, subdiv	ision 49.
240.13	(b) An exclusive liquor store	that has an on-sale, or co	mbination on-sa	ale and off-sale
240.14	license may sell food for on-pren	nise consumption when a	uthorized by th	e municipality
240.15	issuing the license.			
240.16	(c) An exclusive liquor store	may offer live or recorde	d entertainment	•
240.17	<b>EFFECTIVE DATE.</b> This so	ection is effective July 1,	2024.	
240.18	Sec. 44. Minnesota Statutes 202	22, section 461.12, is am	ended by adding	g a subdivision to
240.19	read:			
240.20	Subd. 2a. Penalties for sales	of certain products; lice	e <b>nsees.</b> (a) A lic	ensee's authority
240.21	to sell tobacco, tobacco-related d	evices, electronic deliver	y devices, or ni	cotine or lobelia
240.22	delivery products at that location	must be suspended for n	ot less than sev	en days and may
240.23	be revoked if the licensee:			
240.24	(1) holds a license or registrat	tion issued pursuant to ch	apter 342 or sec	ction 151.72,
240.25	subdivision 5b, and the license of	r registration is revoked;		
240.26	(2) is convicted of an offense	under section 151.72, su	bdivision 7; or	
240.27	(3) has been convicted under a	any other statute for the il	legal sale of ma	rijuana, cannabis
240.28	flower, cannabis products, lower-	potency hemp edibles, h	emp-derived con	nsumer products,
240.29	or edible cannabinoid products a	nd the sale took place on	the premises of	a business that

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241.1	sells tobacco, tobacco-related dev	vices, electronic delivery	devices, or nic	cotine or lobelia
241.2	delivery products.			
241.3	(b) No suspension, revocation	, or other penalty may ta	ake effect until	the licensee has
241.4	received notice, served personally	or by mail, of the alleg	ged violation an	d an opportunity
241.5	for a hearing before a person auth	orized by the licensing	authority to con	nduct the hearing.
241.6	A decision that a violation has oc	curred must be in writin	<u>g.</u>	
241.7	Sec. 45. Minnesota Statutes 202	22, section 609.2111, is a	amended to rea	d:
241.8	609.2111 DEFINITIONS.			
241.9	(a) For purposes of sections 60	09.2111 to 609.2114, the	terms defined	in this subdivision
241.10	have the meanings given them.			
241.11	(b) "Motor vehicle" has the me	aning given in section 60	09.52, subdivisi	on 1, and includes
241.12	attached trailers.			
241.13	(c) "Controlled substance" has	the meaning given in sec	ction <del>152.01</del> 169	0A.03, subdivision
241.14	4 <u>6</u> .			
241.15	(d) "Intoxicating substance" ha	as the meaning given in s	section 169A.03	3, subdivision 11a.
241.16	(e) "Qualified prior driving of	fense" includes a prior c	conviction:	
241.17	(1) for a violation of section 1	69A.20 under the circur	nstances descri	bed in section
241.18	169A.24 or 169A.25;			
241.19	(2) under section 609.2112, su	bdivision 1, paragraph	(a), clauses (2)	to (6); 609.2113,
241.20	subdivision 1, clauses (2) to (6); 2	2, clauses (2) to (6); or 3	, clauses (2) to	(6); or 609.2114,
241.21	subdivision 1, paragraph (a), clau	ses (2) to (6); or 2, claus	ses (2) to (6);	
241.22	(3) under Minnesota Statutes	2012, section 609.21, su	bdivision 1, cla	nuses (2) to (6); or
241.23	(4) under Minnesota Statutes	2006, section 609.21, su	bdivision 1, cla	nuses (2) to (6); 2,
241.24	clauses (2) to (6); 2a, clauses (2)	to (6); 2b, clauses (2) to	(6); 3, clauses	(2) to (6); or 4,
241.25	clauses (2) to (6).			
241.26	EFFECTIVE DATE. This se	ection is effective Augus	t 1, 2023, and a	applies to crimes
241.27	committed on or after that date.			

242.1 Sec. 46. Minnesota Statutes 2022, section 609B.425, subdivision 2, is amended to read:

Subd. 2. Benefit eligibility. (a) A person convicted of a drug offense after July 1, 1997,

242.3 except for convictions related to cannabis, marijuana, or tetrahydrocannabinols, is ineligible

<sup>242.4</sup> for general assistance benefits and Supplemental Security Income under chapter 256D until:

242.5 (1) five years after completing the terms of a court-ordered sentence; or

(2) unless the person is participating in a drug treatment program, has successfully
completed a program, or has been determined not to be in need of a drug treatment program.

(b) A person who becomes eligible for assistance under chapter 256D is subject to
random drug testing and shall lose eligibility for benefits for five years beginning the month
following:

242.11 (1) any positive test for an illegal controlled substance <u>under chapter 152</u>; or

242.12 (2) discharge of sentence for conviction of another drug felony.

(c) Parole violators and fleeing felons are ineligible for benefits and persons fraudulently
misrepresenting eligibility are also ineligible to receive benefits for ten years.

242.15 Sec. 47. Minnesota Statutes 2022, section 609B.435, subdivision 2, is amended to read:

Subd. 2. **Drug offenders; random testing; sanctions.** A person who is an applicant for benefits from the Minnesota family investment program or MFIP, the vehicle for temporary assistance for needy families or TANF, and who has been convicted of a drug offense, <u>except for convictions related to cannabis, marijuana, or tetrahydrocannabinols, shall be</u> subject to certain conditions, including random drug testing, in order to receive MFIP benefits. Following any positive test for a controlled substance <u>under chapter 152</u>, the convicted applicant or participant is subject to the following sanctions:

(1) a first time drug test failure results in a reduction of benefits in an amount equal to30 percent of the MFIP standard of need; and

(2) a second time drug test failure results in permanent disqualification from receivingMFIP assistance.

A similar disqualification sequence occurs if the applicant is receiving Supplemental Nutrition
Assistance Program (SNAP) benefits.

Sec. 48. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision
to read:

243.3 Subd. 13. Adult-use cannabis flower. "Adult-use cannabis flower" has the meaning
243.4 given in section 342.01, subdivision 4.

Sec. 49. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision
to read:

243.7 Subd. 14. Adult-use cannabis product. "Adult-use cannabis product" has the meaning
243.8 given in section 342.01, subdivision 2.

Sec. 50. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivisionto read:

243.11 Subd. 15. Medical cannabis flower. "Medical cannabis flower" has the meaning given
243.12 in section 342.01, subdivision 53.

Sec. 51. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivisionto read:

243.15 <u>Subd. 16.</u> <u>Medical cannabinoid product.</u> "Medical cannabinoid product" has the
243.16 <u>meaning given in section 342.01, subdivision 51.</u>

243.17 Sec. 52. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision243.18 to read:

243.19 Subd. 17. Patient. "Patient" has the meaning given in section 342.01, subdivision 58.

243.20 Sec. 53. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision 243.21 to read:

243.22 Subd. 18. Qualifying medical condition. "Qualifying medical condition" has the meaning
243.23 given in section 342.01, subdivision 61.

243.24 Sec. 54. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision 243.25 to read:

243.26Subd. 19. Registry or registry program. "Registry" or "registry program" has the243.27meaning given in section 342.01, subdivision 63.

244.1 Sec. 55. Minnesota Statutes 2022, section 624.713, subdivision 1, is amended to read:

Subdivision 1. **Ineligible persons.** The following persons shall not be entitled to possess ammunition or a pistol or semiautomatic military-style assault weapon or, except for clause (1), any other firearm:

244.5 (1) a person under the age of 18 years except that a person under 18 may possess ammunition designed for use in a firearm that the person may lawfully possess and may 244.6 carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual 244.7 presence or under the direct supervision of the person's parent or guardian, (ii) for the 244.8 purpose of military drill under the auspices of a legally recognized military organization 244.9 and under competent supervision, (iii) for the purpose of instruction, competition, or target 244.10 practice on a firing range approved by the chief of police or county sheriff in whose 244.11 jurisdiction the range is located and under direct supervision; or (iv) if the person has 244.12 successfully completed a course designed to teach marksmanship and safety with a pistol 244.13 or semiautomatic military-style assault weapon and approved by the commissioner of natural 244.14 resources; 244.15

(2) except as otherwise provided in clause (9), a person who has been convicted of, or adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in this state or elsewhere, a crime of violence. For purposes of this section, crime of violence includes crimes in other states or jurisdictions which would have been crimes of violence as herein defined if they had been committed in this state;

(3) a person who is or has ever been committed in Minnesota or elsewhere by a judicial
determination that the person is mentally ill, developmentally disabled, or mentally ill and
dangerous to the public, as defined in section 253B.02, to a treatment facility, or who has
ever been found incompetent to stand trial or not guilty by reason of mental illness, unless
the person's ability to possess a firearm and ammunition has been restored under subdivision
244.26 4;

(4) a person who has been convicted in Minnesota or elsewhere of a misdemeanor or
gross misdemeanor violation of chapter 152, unless three years have elapsed since the date
of conviction and, during that time, the person has not been convicted of any other such
violation of chapter 152 or a similar law of another state; or a person who is or has ever
been committed by a judicial determination for treatment for the habitual use of a controlled
substance or marijuana, as defined in sections 152.01 and 152.02, unless the person's ability
to possess a firearm and ammunition has been restored under subdivision 4;

(5) a person who has been committed to a treatment facility in Minnesota or elsewhere
by a judicial determination that the person is chemically dependent as defined in section
253B.02, unless the person has completed treatment or the person's ability to possess a
firearm and ammunition has been restored under subdivision 4. Property rights may not be
abated but access may be restricted by the courts;

(6) a peace officer who is informally admitted to a treatment facility pursuant to section
245.7 253B.04 for chemical dependency, unless the officer possesses a certificate from the head
of the treatment facility discharging or provisionally discharging the officer from the
treatment facility. Property rights may not be abated but access may be restricted by the
courts;

(7) a person, including a person under the jurisdiction of the juvenile court, who has
been charged with committing a crime of violence and has been placed in a pretrial diversion
program by the court before disposition, until the person has completed the diversion program
and the charge of committing the crime of violence has been dismissed;

(8) except as otherwise provided in clause (9), a person who has been convicted in
another state of committing an offense similar to the offense described in section 609.224,
subdivision 3, against a family or household member or section 609.2242, subdivision 3,
unless three years have elapsed since the date of conviction and, during that time, the person
has not been convicted of any other violation of section 609.224, subdivision 3, or 609.2242,
subdivision 3, or a similar law of another state;

(9) a person who has been convicted in this state or elsewhere of assaulting a family or
household member and who was found by the court to have used a firearm in any way
during commission of the assault is prohibited from possessing any type of firearm or
ammunition for the period determined by the sentencing court;

245.25 (10) a person who:

(i) has been convicted in any court of a crime punishable by imprisonment for a termexceeding one year;

(ii) is a fugitive from justice as a result of having fled from any state to avoid prosecutionfor a crime or to avoid giving testimony in any criminal proceeding;

(iii) is an unlawful user of any controlled substance as defined in chapter 152. The use
of medical cannabis flower or medical cannabinoid products by a patient enrolled in the

245.32 registry program or the use of adult-use cannabis flower or adult-use cannabis products by

246.1 <u>a person 21 years of age or older does not constitute the unlawful use of a controlled</u>
246.2 substance under this item;

(iv) has been judicially committed to a treatment facility in Minnesota or elsewhere as
a person who is mentally ill, developmentally disabled, or mentally ill and dangerous to the
public, as defined in section 253B.02;

246.6 (v) is an alien who is illegally or unlawfully in the United States;

(vi) has been discharged from the armed forces of the United States under dishonorableconditions;

(vii) has renounced the person's citizenship having been a citizen of the United States;
or

(viii) is disqualified from possessing a firearm under United States Code, title 18, section
922(g)(8) or (9), as amended through March 1, 2014;

(11) a person who has been convicted of the following offenses at the gross misdemeanor 246.13 level, unless three years have elapsed since the date of conviction and, during that time, the 246.14 person has not been convicted of any other violation of these sections: section 609.229 246.15 (crimes committed for the benefit of a gang); 609.2231, subdivision 4 (assaults motivated 246.16 by bias); 609.255 (false imprisonment); 609.378 (neglect or endangerment of a child); 246.17 609.582, subdivision 4 (burglary in the fourth degree); 609.665 (setting a spring gun); 609.71 246.18 (riot); or 609.749 (harassment or stalking). For purposes of this paragraph, the specified 246.19 gross misdemeanor convictions include crimes committed in other states or jurisdictions 246.20 which would have been gross misdemeanors if conviction occurred in this state; 246.21

(12) a person who has been convicted of a violation of section 609.224 if the court
determined that the assault was against a family or household member in accordance with
section 609.2242, subdivision 3 (domestic assault), unless three years have elapsed since
the date of conviction and, during that time, the person has not been convicted of another
violation of section 609.224 or a violation of a section listed in clause (11); or

(13) a person who is subject to an order for protection as described in section 260C.201,
subdivision 3, paragraph (d), or 518B.01, subdivision 6, paragraph (g).

A person who issues a certificate pursuant to this section in good faith is not liable for damages resulting or arising from the actions or misconduct with a firearm or ammunition committed by the individual who is the subject of the certificate.

The prohibition in this subdivision relating to the possession of firearms other than pistols and semiautomatic military-style assault weapons does not apply retroactively to

persons who are prohibited from possessing a pistol or semiautomatic military-style assault
weapon under this subdivision before August 1, 1994.

The lifetime prohibition on possessing, receiving, shipping, or transporting firearms and ammunition for persons convicted or adjudicated delinquent of a crime of violence in clause (2), applies only to offenders who are discharged from sentence or court supervision for a crime of violence on or after August 1, 1993.

247.7 Participation as a patient in the registry program or use of adult-use cannabis flower or
 247.8 adult-use cannabinoid products by a person 21 years of age or older does not disqualify the
 247.9 person from possessing firearms and ammunition under this section.

For purposes of this section, "judicial determination" means a court proceeding pursuant to sections 253B.07 to 253B.09 or a comparable law from another state.

247.12 Sec. 56. Minnesota Statutes 2022, section 624.714, subdivision 6, is amended to read:

247.13 Subd. 6. **Granting and denial of permits.** (a) The sheriff must, within 30 days after the 247.14 date of receipt of the application packet described in subdivision 3:

247.15 (1) issue the permit to carry;

(2) deny the application for a permit to carry solely on the grounds that the applicantfailed to qualify under the criteria described in subdivision 2, paragraph (b); or

(3) deny the application on the grounds that there exists a substantial likelihood that theapplicant is a danger to self or the public if authorized to carry a pistol under a permit.

(b) Failure of the sheriff to notify the applicant of the denial of the application within 247.20 30 days after the date of receipt of the application packet constitutes issuance of the permit 247.21 to carry and the sheriff must promptly fulfill the requirements under paragraph (c). To deny 247.22 the application, the sheriff must provide the applicant with written notification and the 247.23 specific factual basis justifying the denial under paragraph (a), clause (2) or (3), including 247.24 the source of the factual basis. The sheriff must inform the applicant of the applicant's right 247.25 to submit, within 20 business days, any additional documentation relating to the propriety 247.26 of the denial. Upon receiving any additional documentation, the sheriff must reconsider the 247.27 denial and inform the applicant within 15 business days of the result of the reconsideration. 247.28 247.29 Any denial after reconsideration must be in the same form and substance as the original denial and must specifically address any continued deficiencies in light of the additional 247.30 documentation submitted by the applicant. The applicant must be informed of the right to 247.31 seek de novo review of the denial as provided in subdivision 12. 247.32

(c) Upon issuing a permit to carry, the sheriff must provide a laminated permit card to the applicant by first class mail unless personal delivery has been made. Within five business days, the sheriff must submit the information specified in subdivision 7, paragraph (a), to the commissioner for inclusion solely in the database required under subdivision 15, paragraph (a). The sheriff must transmit the information in a manner and format prescribed

248.6 by the commissioner.

(d) Within five business days of learning that a permit to carry has been suspended or
revoked, the sheriff must submit information to the commissioner regarding the suspension
or revocation for inclusion solely in the databases required or permitted under subdivision
15.

(e) Notwithstanding paragraphs (a) and (b), the sheriff may suspend the application
process if a charge is pending against the applicant that, if resulting in conviction, will
prohibit the applicant from possessing a firearm.

248.14 (f) A sheriff shall not deny an application for a permit to carry solely because the applicant

248.15 is a patient enrolled in the registry program and uses medical cannabis flower or medical

248.16 cannabinoid products for a qualifying medical condition or because the person is 21 years

248.17 of age or older and uses adult-use cannabis flower or adult-use cannabis products.

248.18 Sec. 57. Minnesota Statutes 2022, section 624.7142, subdivision 1, is amended to read:

Subdivision 1. Acts prohibited. A person may not carry a pistol on or about the person's
clothes or person in a public place:

(1) when the person is under the influence of a controlled substance, as defined in section
 152.01 169A.03, subdivision 4 6;

248.23 (2) when the person is under the influence of a combination of any two or more of the 248.24 elements named in clauses (1) and (4);

(3) when the person is under the influence of an intoxicating substance as defined in
section 169A.03, subdivision 11a, and the person knows or has reason to know that the
substance has the capacity to cause impairment;

248.28 (4) when the person is under the influence of alcohol;

248.29 (5) when the person's alcohol concentration is 0.10 or more; or

248.30 (6) when the person's alcohol concentration is less than 0.10, but more than 0.04-; or

248.31 (7) when the person is enrolled as a patient in the registry program, uses medical cannabis

248.32 flower or medical cannabinoid products, and knows or has reason to know that the medical

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249.1 cannabis flower or medical cannabinoid products used by the person has the capacity to

249.2 <u>cause impairment.</u>

Sec. 58. Minnesota Statutes 2022, section 624.7143, is amended by adding a subdivision
to read:

249.5 <u>Subd. 6. Definition.</u> As used in this section, "controlled substance" has the meaning
249.6 given in section 169A.03, subdivision 6.

# 249.7 EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes 249.8 committed on or after that date.

249.9 Sec. 59. Minnesota Statutes 2022, section 624.7151, is amended to read:

### 249.10 **624.7151 STANDARDIZED FORMS.**

By December 1, 1992, the commissioner shall adopt statewide standards governing the form and contents, as required by sections 624.7131 to 624.714, of every application for a pistol transferee permit, pistol transferee permit, report of transfer of a pistol, application for a permit to carry a pistol, and permit to carry a pistol that is granted or renewed on or after January 1, 1993.

249.16 Every application for a pistol transferee permit, pistol transferee permit, report of transfer of a pistol, application for a permit to carry a pistol, and permit to carry a pistol that is 249.17 received, granted, or renewed by a police chief or county sheriff on or after January 1, 1993, 249.18 must meet the statewide standards adopted by the commissioner. Notwithstanding the 249.19 previous sentence, neither failure of the Department of Public Safety to adopt standards nor 249.20 failure of the police chief or county sheriff to meet them shall delay the timely processing 249.21 of applications nor invalidate permits issued on other forms meeting the requirements of 249.22 sections 624.7131 to 624.714. 249.23

Any form used for the purpose of approving or disapproving a person from purchasing, owning, possessing, or carrying a firearm that inquires about the applicant's use of controlled substances shall specifically authorize a patient in the registry program to refrain from reporting the use of medical cannabis flower and medical cannabinoid products and shall specifically authorize a person 21 years of age or older from refraining from reporting the use of adult-use cannabis flower or adult-use cannabis products.

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250.1	Sec. 60. [624.7152] LAWFUL CANNABIS USERS.
250.2	(a) A person may not be denied the right to purchase, own, possess, or carry a firearm
250.3	solely on the basis that the person is a patient in the registry program.
250.4	(b) A person may not be denied the right to purchase, own, possess, or carry a firearm
250.5	solely on the basis that the person is 21 years of age or older and uses adult-use cannabis
250.6	flower or adult-use cannabis products.
250.7	(c) A state or local agency may not access a database containing the identities of patients
250.8	in the registry program to obtain information for the purpose of approving or disapproving
250.9	a person from purchasing, owning, possessing, or carrying a firearm.
250.10	(d) A state or local agency may not use information gathered from a database containing
250.11	the identities of patients in the registry program to obtain information for the purpose of
250.12	approving or disapproving a person from purchasing, owning, possessing, or carrying a
250.13	firearm.
250.14	(e) A state or local agency may not inquire about a person's status as a patient in the
250.15	registry program for the purpose of approving or disapproving the person from purchasing,
250.16	owning, possessing, or carrying a firearm.
250.17	(f) A state or local agency may not inquire about the use of adult-use cannabis flower
250.18	or adult-use cannabis products by a person 21 years of age or older for the purpose of
250.19	approving or disapproving the person from purchasing, owning, possessing, or carrying a
250.20	firearm.
250.21	Sec. 61. HIGH INTENSITY DRUG TRAFFICKING AREA REPORT.
250.22	The commissioner of public safety, working in conjunction with Hennepin County, must
250.23	produce a statewide baseline high intensity drug trafficking area report on marijuana. The
250.24	report must include information on past and present marijuana use in Minnesota; potency
250.25	of marijuana; impacts of marijuana use on public health, emergency room admissions, traffic
250.26	accidents, impaired driving citations, workforce, and schools; marijuana crimes and the
250.27	juvenile justice system; marijuana's influence on the opioid epidemic; and the illicit market
250.28	for marijuana. The report must be submitted to the chairs and ranking minority members
250.29	of the house of representatives and senate committees with jurisdiction over public safety,
250.30	health, education policy, labor, and transportation by February 1, 2024.

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251.1	Sec. 62. REPEALER	

- 251.2 (a) Minnesota Rules, parts 4770.0100; 4770.0200; 4770.0300; 4770.0400; 4770.0500;
- 251.3 <u>4770.0600; 4770.0800; 4770.0900; 4770.1000; 4770.1100; 4770.1200; 4770.1300;</u>
- 251.4 <u>4770.1400; 4770.1460; 4770.1500; 4770.1600; 4770.1700; 4770.1800; 4770.1900;</u>
- 251.5 <u>4770.2000; 4770.2100; 4770.2200; 4770.2300; 4770.2400; 4770.2700; 4770.2800;</u>
- 251.6 <u>4770.4000; 4770.4002; 4770.4003; 4770.4004; 4770.4005; 4770.4007; 4770.4008;</u>
- 251.7 <u>4770.4009; 4770.4010; 4770.4012; 4770.4013; 4770.4014; 4770.4015; 4770.4016;</u>
- 251.8 <u>4770.4017; 4770.4018; and 4770.4030, are repealed.</u>
- (b) Minnesota Statutes 2022, sections 152.22, subdivisions 1, 2, 3, 4, 5, 5a, 5b, 6, 7, 8,
- 251.10 9, 10, 11, 12, 13, and 14; 152.23; 152.24; 152.25, subdivisions 1, 1a, 1b, 1c, 2, 3, and 4;
- 251.11 <u>152.26</u>; 152.261; 152.27, subdivisions 1, 2, 3, 4, 5, 6, and 7; 152.28, subdivisions 1, 2, and
- 251.12 <u>3</u>; 152.29, subdivisions 1, 2, 3, 3a, and 4; 152.30; 152.31; 152.32, subdivisions 1, 2, and 3;
- 251.13 <u>152.33</u>, subdivisions 1, 1a, 2, 3, 4, 5, and 6; 152.34; 152.35; 152.36, subdivisions 1, 1a, 2,
- 251.14 <u>3, 4, and 5; and 152.37, are repealed.</u>
- 251.15 (c) Minnesota Statutes 2022, section 152.027, subdivisions 3 and 4, are repealed.
- 251.16 (d) Minnesota Statutes 2022, section 152.21, is repealed.
- 251.17 (e) Minnesota Statutes 2022, sections 18K.08; 34A.01, subdivision 4; and 151.72, are
- 251.18 repealed.

251.19 EFFECTIVE DATE. Paragraphs (a) and (b) are effective January 1, 2024. Paragraph
251.20 (c) is effective August 1, 2023. Paragraph (d) is effective July 1, 2023. Paragraph (e) is

- 251.21 effective March 1, 2024.
- 251.22

### **ARTICLE 7**

### 251.23 **TEMPORARY REGULATION OF CERTAIN PRODUCTS**

251.24 Section 1. Minnesota Statutes 2022, section 34A.01, subdivision 4, is amended to read:

Subd. 4. **Food.** "Food" means every ingredient used for, entering into the consumption of, or used or intended for use in the preparation of food, drink, confectionery, or condiment for humans or other animals, whether simple, mixed, or compound; and articles used as components of these ingredients, except that edible cannabinoid products, as defined in section 151.72, subdivision 1, paragraph (c) (f), are not food.

- HF100 FIRST UNOFFICIAL REVISOR BD ENGROSSMENT Sec. 2. Minnesota Statutes 2022, section 151.72, is amended to read: 252.1 151.72 SALE OF CERTAIN CANNABINOID PRODUCTS. 252.2 Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have 252.3 the meanings given. 252.4 (a) "Synthetically derived cannabinoid" means a cannabinoid extracted from a hemp 252.5 plant or hemp plant parts whose chemical makeup is changed after extraction to create a 252.6 different cannabinoid or other chemical compound by applying a catalyst other than heat 252.7 or light. Synthetically derived cannabinoid includes but is not limited to any 252.8 tetrahydrocannabinol created from cannabidiol. 252.9 (b) "Batch" means a specific quantity of a specific product containing cannabinoids 252.10 derived from hemp, including an edible cannabinoid product, that is manufactured at the 252.11 same time and using the same methods, equipment, and ingredients that is uniform and 252.12 intended to meet specifications for identity, strength, purity, and composition, and that is 252.13 manufactured, packaged, and labeled according to a single batch production record executed 252.14 252.15 and documented during the same cycle of manufacture and produced by a continuous 252.16 process. (b) (c) "Certified hemp" means hemp plants that have been tested and found to meet the 252.17 requirements of chapter 18K and the rules adopted thereunder. 252.18 252.19 (d) "Commissioner" means the commissioner of health. (e) "Distributor" means a person who sells, arranges a sale, or delivers a product 252.20 containing cannabinoids derived from hemp, including an edible cannabinoid product, that 252.21 the person did not manufacture to a retail establishment for sale to consumers. Distributor 252.22 does not include a common carrier used only to complete delivery to a retailer. 252.23
- (c) (f) "Edible cannabinoid product" means any product that is intended to be eaten or 252.24 consumed as a beverage by humans, contains a cannabinoid in combination with food 252.25 252.26 ingredients, and is not a drug.
- (d) (g) "Hemp" has the meaning given to "industrial hemp" in section 18K.02, subdivision 252.27 252.28 3.
- (e) (h) "Label" has the meaning given in section 151.01, subdivision 18. 252.29

(f) (i) "Labeling" means all labels and other written, printed, or graphic matter that are: 252.30

(1) affixed to the immediate container in which a product regulated under this section 252.31 252.32 is sold;

(2) provided, in any manner, with the immediate container, including but not limited toouter containers, wrappers, package inserts, brochures, or pamphlets; or

(3) provided on that portion of a manufacturer's website that is linked by a scannablebarcode or matrix barcode.

253.5  $(\underline{g})(\underline{j})$  "Matrix barcode" means a code that stores data in a two-dimensional array of 253.6 geometrically shaped dark and light cells capable of being read by the camera on a 253.7 smartphone or other mobile device.

253.8 (h)(k) "Nonintoxicating cannabinoid" means substances extracted from certified hemp 253.9 plants that do not produce intoxicating effects when consumed by any route of administration.

253.10 (1) "Artificial cannabinoid" means a substance with a similar chemical structure and

253.11 pharmacological activity to a cannabinoid, but which is not extracted or derived from hemp

253.12 plants, or hemp plant parts and is instead created or produced by chemical or biochemical
253.13 synthesis.

253.14 Subd. 2. **Scope.** (a) This section applies to the sale of any product that contains

cannabinoids extracted from hemp and that is an edible cannabinoid product or is intendedfor human or animal consumption by any route of administration.

(b) This section does not apply to any product dispensed by a registered medical cannabismanufacturer pursuant to sections 152.22 to 152.37.

(c) The <u>board commissioner</u> must have no authority over food products, as defined in
section 34A.01, subdivision 4, that do not contain cannabinoids extracted or derived from
hemp.

Subd. 3. Sale of cannabinoids derived from hemp. (a) Notwithstanding any other section of this chapter, a product containing nonintoxicating cannabinoids, including an edible cannabinoid product, may be sold for human or animal consumption only if all of the requirements of this section are met, provided that a product sold for human or animal consumption does not contain more than 0.3 percent of any tetrahydrocannabinol and an edible cannabinoid product does not contain an amount of any tetrahydrocannabinol that exceeds the limits established in subdivision 5a, paragraph (f).

(b) No other substance extracted or otherwise derived from hemp may be sold for humanconsumption if the substance is intended:

(1) for external or internal use in the diagnosis, cure, mitigation, treatment, or prevention
of disease in humans or other animals; or

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254.1	(2) to affect the structure or a	ny function of the bodies	s of humans or c	other animals <del>.</del> ;
254.2	(3) to be consumed by combined by $(3)$	ustion or vaporization of	the product and	inhalation of
254.3	smoke, aerosol, or vapor from th	e product; or		
254.4	(4) to be consumed through in	njection or application to	a mucous memb	orane or nonintact
254.5	<u>skin.</u>			
254.6	(c) No product containing any	cannabinoid or tetrahydro	ocannabinol extra	acted or otherwise
254.7	derived from hemp may be sold	to any individual who is	under the age of	f 21.
254.8	(d) Products that meet the red	quirements of this section	are not control	led substances
254.9	under section 152.02.			
254.10	(e) Products may be sold for	on-site consumption prov	vided that all of	the following
254.11	conditions are met:			
254.12	(1) the retailer must also hold	l an on-sale license issue	d under chapter	<u>340A;</u>
254.13	(2) products must be served in	original packaging, but n	nay be removed	from the products'
254.14	packaging by customers and con	sumed on site;		
254.15	(3) products must not be sold	to a customer who the ret	ailer knows or r	easonably should
254.16	know is intoxicated;			
254.17	(4) products must not be perr	nitted to be mixed with a	n alcoholic bev	erage; and
254.18	(5) products that have been re-	emoved from packaging	must not be rem	noved from the
254.19	premises.			
254.20	Subd. 4. Testing requirement	<b>its.</b> (a) A manufacturer o	f a product regu	lated under this
254.21	section must submit representativ	ve samples <u>of each batch</u>	of the product to	o an independent,
254.22	accredited laboratory in order to o	certify that the product con	mplies with the s	standards adopted
254.23	by the board on or before July 1,	2023, or the standards a	dopted by the co	ommissioner.
254.24	Testing must be consistent with ge	enerally accepted industry	standards for he	rbal and botanical
254.25	substances, and, at a minimum, t	he testing must confirm	that the product	:
254.26	(1) contains the amount or pe	ercentage of cannabinoids	s that is stated o	n the label of the
254.27	product;			
254.28	(2) does not contain more that	in trace amounts of any n	nold, residual sc	olvents or other
254.29	catalysts, pesticides, fertilizers, o	or heavy metals; and		
254.30	(3) does not contain more that	in 0.3 percent of any tetra	ahydrocannabin	ol.

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(b) A manufacturer of a product regulated under this section must disclose all known 255.1 information regarding pesticides, fertilizers, solvents, or other foreign materials applied to 255.2 industrial hemp or added to industrial hemp during any production or processing stages of 255.3 any batch from which a representative sample has been sent for testing, including any 255.4 catalysts used to create synthetically derived cannabinoids. Disclosure must be made to the 255.5 laboratory performing testing or sampling and, upon request, to the commissioner. Disclosure 255.6 must include all information known to the licensee regardless of whether the application or 255.7 addition was made intentionally or accidentally, or by the manufacturer or any other person. 255.8 (b) (c) Upon the request of the board commissioner, the manufacturer of the product 255.9 must provide the board commissioner with the results of the testing required in this section. 255.10 (d) The commissioner may determine that any testing laboratory that does not operate 255.11 formal management systems under the International Organization for Standardization is not 255.12 an accredited laboratory and require that a representative sample of a batch of the product 255.13 be retested by a testing laboratory that meets this requirement. 255.14 (e) Testing of the hemp from which the nonintoxicating cannabinoid was derived, 255.15 or possession of a certificate of analysis for such hemp, does not meet the testing requirements 255.16 of this section. 255.17 Subd. 5. Labeling requirements. (a) A product regulated under this section must bear 255.18 a label that contains, at a minimum: 255.19 (1) the name, location, contact phone number, and website of the manufacturer of the 255.20 product; 255.21 (2) the name and address of the independent, accredited laboratory used by the 255.22 manufacturer to test the product; and 255.23 (3) the batch number; and 255.24 (3) (4) an accurate statement of the amount or percentage of cannabinoids found in each 255.25 unit of the product meant to be consumed. 255.26 255.27 (b) The information in paragraph (a) may be provided on an outer package if the immediate container that holds the product is too small to contain all of the information. 255.28 (c) The information required in paragraph (a) may be provided through the use of a 255.29 scannable barcode or matrix barcode that links to a page on the manufacturer's website if 255.30 that page contains all of the information required by this subdivision. 255.31

1 (d) The label must also include a statement stating that the product does not claim to

diagnose, treat, cure, or prevent any disease and has not been evaluated or approved by theUnited States Food and Drug Administration (FDA) unless the product has been so approved.

(e) The information required by this subdivision must be prominently and conspicuously
placed on the label or displayed on the website in terms that can be easily read and understood
by the consumer.

(f) The labeling must not contain any claim that the product may be used or is effective
for the prevention, treatment, or cure of a disease or that it may be used to alter the structure
or function of human or animal bodies, unless the claim has been approved by the FDA.

Subd. 5a. Additional requirements for edible cannabinoid products. (a) In addition to the testing and labeling requirements under subdivisions 4 and 5, an edible cannabinoid must meet the requirements of this subdivision.

256.13 (b) An edible cannabinoid product must not:

(1) bear the likeness or contain cartoon-like characteristics of a real or fictional person,animal, or fruit that appeals to children;

256.16 (2) be modeled after a brand of products primarily consumed by or marketed to children;

(3) be made by applying an extracted or concentrated hemp-derived cannabinoid to acommercially available candy or snack food item;

(4) be substantively similar to a meat food product; poultry food product as defined in
 section 31A.02, subdivision 10; or a dairy product as defined in section 32D.01, subdivision
 256.21 7;

(4)(5) contain an ingredient, other than a hemp-derived cannabinoid, that is not approved by the United States Food and Drug Administration for use in food;

(5) (6) be packaged in a way that resembles the trademarked, characteristic, or product-specialized packaging of any commercially available food product; or

(6)(7) be packaged in a container that includes a statement, artwork, or design that could reasonably mislead any person to believe that the package contains anything other than an edible cannabinoid product.

(c) An edible cannabinoid product must be prepackaged in packaging or a container that is child-resistant, tamper-evident, and opaque or placed in packaging or a container that is child-resistant, tamper-evident, and opaque at the final point of sale to a customer. The requirement that packaging be child-resistant does not apply to an edible cannabinoid product

ENGROSSMENT that is intended to be consumed as a beverage and which contains no more than a trace 257.1 amount of any tetrahydrocannabinol total of 0.25 milligrams of all tetrahydrocannabinols. 257.2 (d) If an edible cannabinoid product is intended for more than a single use or contains 257.3 multiple servings, each serving must be indicated by scoring, wrapping, or other indicators 257.4 257.5 designating the individual serving size that appear on the edible cannabinoid product. If the edible cannabinoid product is meant to be consumed as a beverage, the beverage container 257.6 may not contain more than two servings per container. 257.7 (e) A label containing at least the following information must be affixed to the packaging 257.8 or container of all edible cannabinoid products sold to consumers: 257.9 (1) the serving size; 257.10 (2) the cannabinoid profile per serving and in total; 257.11 (3) a list of ingredients, including identification of any major food allergens declared 257.12 257.13 by name; and 257.14 (4) the following statement: "Keep this product out of reach of children." (f) An edible cannabinoid product must not contain more than five milligrams of any 257.15 tetrahydrocannabinol in a single serving, or more than a total of 50 milligrams of any 257.16 tetrahydrocannabinol per package. 257.17 (g) An edible cannabinoid product may contain delta-8 tetrahydrocannabinol or delta-9 257.18 tetrahydrocannabinol that is extracted from hemp plants or hemp plant parts or is a 257.19 synthetically derived cannabinoid. Edible cannabinoid products are prohibited from 257.20 containing any other synthetically derived cannabinoid, including but not limited to THC-P, 257.21 THC-O, and HHC, unless the commissioner authorizes use of the synthetically derived 257.22 cannabinoid in edible cannabinoid products. Edible cannabinoid products are prohibited 257.23 from containing artificial cannabinoids. 257.24 Subd. 5b. Registration; prohibitions. (a) On or before October 1, 2023, every person 257.25 selling edible cannabinoid products to consumers must register with the commissioner in 257.26 a form and manner established by the commissioner. After October 1, 2023, the sale of 257.27 edible cannabinoid products by a person that is not registered is prohibited. 257.28 (b) The registration form must include an attestation of compliance attesting to the 257.29 registrant's compliance with all applicable state and local requirements. 257.30 (c) The commissioner shall not charge a fee for registration under this subdivision. 257.31

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258.1	Subd. 5c. Age verification.	(a) Prior to	initiating a sale or	providing a free sa	mple of
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- 258.2 an edible cannabinoid product, an employee of a retailer must verify that the customer is at
- 258.3 least 21 years of age.
- (b) Proof of age may be established only by one of the following:
- 258.5 (1) a valid driver's license or identification card issued by Minnesota, another state, a
- 258.6 United States territory, or a province of Canada and including the photograph and date of
- 258.7 <u>birth of the licensed person;</u>
- 258.8 (2) a valid Tribal identification card as defined in section 171.072, paragraph (b);
- 258.9 (3) a valid passport issued by the United States;
- 258.10 (4) a valid instructional permit issued under section 171.05 to a person of legal age to
- 258.11 purchase edible cannabinoid products, which includes a photograph and the date of birth
- 258.12 of the person issued the permit; or
- 258.13 (5) in the case of a foreign national, by a valid passport.
- 258.14 (c) A registered retailer may seize a form of identification listed under paragraph (b) if
- 258.15 the registered retailer has reasonable grounds to believe that the form of identification has
- 258.16 been altered or falsified or is being used to violate any law. A registered retailer that seizes
- 258.17 <u>a form of identification as authorized under this paragraph must deliver it to a law</u>
- 258.18 enforcement agency within 24 hours of seizing it.
- 258.19 Subd. 6. <u>Noncompliant products;</u> enforcement. (a) A product regulated under this
- 258.20 section, including an edible cannabinoid product, shall be considered an adulterated drug
- 258.21 <u>a noncompliant product if the product is offered for sale in this state or if the product is</u>
- 258.22 manufactured, imported, distributed, or stored with the intent to be offered for sale in this
- 258.23 state in violation of any provision of this section, including but not limited to if:
- 258.24 (1) it consists, in whole or in part, of any filthy, putrid, or decomposed substance;
- (2) it has been produced, prepared, packed, or held under unsanitary conditions where
  it may have been rendered injurious to health, or where it may have been contaminated with
  filth;
- (3) its container is composed, in whole or in part, of any poisonous or deleterioussubstance that may render the contents injurious to health;
- (4) it contains any food additives, color additives, or excipients that have been found bythe FDA to be unsafe for human or animal consumption;

(5) it contains an amount or percentage of nonintoxicating cannabinoids that is differentthan the amount or percentage stated on the label;

(6) it contains more than 0.3 percent of any tetrahydrocannabinol or, if the product is
an edible cannabinoid product, an amount of tetrahydrocannabinol that exceeds the limits
established in subdivision 5a, paragraph (f); or

(7) it contains more than trace amounts of mold, residual solvents, pesticides, fertilizers,
or heavy metals.

(b) A product regulated under this section shall be considered a misbranded drug
 noncompliant product if the product's labeling is false or misleading in any manner or in
 violation of the requirements of this section.

259.11 (c) The board's authority to issue cease and desist orders under section 151.06; to embargo

259.12 adulterated and misbranded drugs under section 151.38; and to seek injunctive relief under

259.13 section 214.11, extends to any commissioner may assume that any product regulated under

259.14 this section that is present in the state, other than a product lawfully possessed for personal

259.15 use, has been manufactured, imported, distributed, or stored with the intent to be offered

259.16 for sale in this state if a product of the same type and brand was sold in the state on or after

259.17 July 1, 2023, or if the product is in the possession of a person who has sold any product in
259.18 violation of this section.

259.19 (d) The commissioner may enforce this section, including enforcement against a

259.20 manufacturer or distributor of a product regulated under this section, under sections 144.989
259.21 to 144.993.

259.22 (e) The commissioner may enter into an interagency agreement with the Department of

259.23 <u>Agriculture and the Office of Cannabis Management to perform inspections and take other</u>
259.24 enforcement actions on behalf of the commissioner.

259.25 Subd. 7. Violations; criminal penalties. (a) Notwithstanding section 144.99, subdivision

259.26 11, a person who does any of the following regarding a product regulated under this section

259.27 is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than

259.28 one year or to payment of a fine of not more than \$3,000, or both:

259.29 (1) knowingly alters or otherwise falsifies testing results;

259.30 (2) intentionally alters or falsifies any information required to be included on the label

259.31 of an edible cannabinoid product; or

259.32 (3) intentionally makes a false material statement to the commissioner.

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260.1	(b) Notwithstanding section 144.99, subdivision 11, a person who does any of the
260.2	following on the premises of a registered retailer or another business that sells retail goods
260.3	to customers is guilty of a gross misdemeanor and may be sentenced to imprisonment for
260.4	not more than one year or to payment of a fine of not more than \$3,000, or both:
260.5	(1) sells an edible cannabinoid product knowing that the product does not comply with
260.6	the limits on the amount or types of cannabinoids that a product may contain;
260.7	(2) sells an edible cannabinoid product knowing that the product does not comply with
260.8	the applicable testing, packaging, or labeling requirements; or
260.9	(3) sells an edible cannabinoid product to a person under the age of 21, except that it is
260.10	an affirmative defense to a charge under this clause if the defendant proves by a
260.11	preponderance of the evidence that the defendant reasonably and in good faith relied on
260.12	proof of age as described in subdivision 5c.
260.13	Subd. 8. Civil actions. (a) A spouse, child, parent, guardian, employer, or other person
260.14	injured in person, property, or means of support or who incurs other pecuniary loss by an
260.15	intoxicated person or by the intoxication of another person has a right of action in the person's
260.16	own name for all damages sustained against a person who caused the intoxication of that
260.17	person by illegally selling any product governed by section 151.72. All damages recovered
260.18	by a minor under this section must be paid either to the minor or to the minor's parent,
260.19	guardian, or next friend as the court directs.
260.20	(b) All suits for damages under this section must be by a civil action in a court of this
260.21	state having jurisdiction.
260.22	(c) Actions under this subdivision are governed by section 604.01.
260.23	(d) It is a defense for the defendant to prove by a preponderance of the evidence that the
260.24	defendant reasonably and in good faith relied upon representations of proof of age in selling,
260.25	bartering, furnishing, or giving the product governed by section 151.72.
260.26	(e) Nothing in this section precludes common law tort claims against any person 21
260.27	years of age or older who knowingly provides or furnishes any product governed by section
260.28	151.72 to a person under the age of 21 years.
260.29	Sec. 3. Minnesota Statutes 2022, section 152.22, is amended by adding a subdivision to
260.30	read:

260.31Subd. 5d. Indian lands. (a) "Indian lands" means all lands within the limits of any Indian260.32reservation within the boundaries of Minnesota and any lands within the boundaries of

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261.1 Minnesota, title to which are either held in trust by the United States or over which an Indian

261.2 <u>Tribe exercises governmental power.</u>

261.3 (b) This subdivision expires January 1, 2024.

- 261.4 Sec. 4. Minnesota Statutes 2022, section 152.22, is amended by adding a subdivision to 261.5 read:
- 261.6 Subd. 15. Tribal medical cannabis board. (a) "Tribal medical cannabis board" means

261.7 an agency established by each federally recognized Tribal government and duly authorized

261.8 by that Tribe's governing body to perform regulatory oversight and monitor compliance

261.9 with a Tribal medical cannabis program and applicable regulations.

261.10 (b) This subdivision expires January 1, 2024.

261.11 Sec. 5. Minnesota Statutes 2022, section 152.22, is amended by adding a subdivision to 261.12 read:

261.13 Subd. 16. Tribal medical cannabis program. (a) "Tribal medical cannabis program"

261.14 means a program established by a federally recognized Tribal government within the

261.15 boundaries of Minnesota regarding the commercial production, processing, sale or

261.16 distribution, and possession of medical cannabis and medical cannabis products.

261.17 (b) This subdivision expires January 1, 2024.

261.18 Sec. 6. Minnesota Statutes 2022, section 152.22, is amended by adding a subdivision to 261.19 read:

261.20 Subd. 17. Tribal medical cannabis program manufacturer. (a) "Tribal medical

261.21 cannabis program manufacturer" means an entity designated by a Tribal medical cannabis

261.22 <u>board within the boundaries of Minnesota or a federally recognized Tribal government</u>

261.23 within the boundaries of Minnesota to engage in production, processing, and sale or

261.24 distribution of medical cannabis and medical cannabis products under that Tribe's Tribal

261.25 medical cannabis program.

261.26 (b) This subdivision expires January 1, 2024.

261.27 Sec. 7. Minnesota Statutes 2022, section 152.22, is amended by adding a subdivision to 261.28 read:

261.29 <u>Subd. 18.</u> Tribal medical cannabis program patient. (a) "Tribal medical cannabis 261.30 program patient" means a person who possesses a valid registration verification card or

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- 262.1 equivalent document that is issued under the laws or regulations of a Tribal nation within
- 262.2 the boundaries of Minnesota and that verifies that the person is enrolled in or authorized to
- 262.3 participate in that Tribal nation's Tribal medical cannabis program.
- (b) This subdivision expires January 1, 2024.
- 262.5 Sec. 8. Minnesota Statutes 2022, section 152.29, subdivision 4, is amended to read:
- 262.6 Subd. 4. Report. (a) Each manufacturer shall report to the commissioner on a monthly
- 262.7 basis the following information on each individual patient for the month prior to the report:
- 262.8 (1) the amount and dosages of medical cannabis distributed;
- 262.9 (2) the chemical composition of the medical cannabis; and
- 262.10 (3) the tracking number assigned to any medical cannabis distributed.
- 262.11 (b) For transactions involving Tribal medical cannabis program patients, each

262.12 manufacturer shall report to the commissioner on a weekly basis the following information

262.13 on each individual Tribal medical cannabis program patient for the week prior to the report:

- 262.14 (1) the name of the Tribal medical cannabis program in which the Tribal medical cannabis
- 262.15 program patient is enrolled;
- 262.16 (2) the amount and dosages of medical cannabis distributed;
- 262.17 (3) the chemical composition of the medical cannabis distributed; and
- 262.18 (4) the tracking number assigned to the medical cannabis distributed.
- 262.19 Sec. 9. Minnesota Statutes 2022, section 152.29, is amended by adding a subdivision to 262.20 read:
- 262.21 <u>Subd. 5.</u> Distribution to Tribal medical cannabis program patient. (a) A manufacturer 262.22 may distribute medical cannabis in accordance with subdivisions 1 to 4 to a Tribal medical 262.23 cannabis program patient.
- 262.24 (b) Prior to distribution, the Tribal medical cannabis program patient must provide to 262.25 the manufacturer:
- 262.26 (1) a valid medical cannabis registration verification card or equivalent document issued
- 262.27 by a Tribal medical cannabis program that indicates that the Tribal medical cannabis program
- 262.28 patient is authorized to use medical cannabis on Indian lands over which the Tribe has
- 262.29 jurisdiction; and

- 263.1 (2) a valid photographic identification card issued by the Tribal medical cannabis
- 263.2 program, a valid driver's license, or a valid state identification card.
- 263.3 (c) A manufacturer shall distribute medical cannabis to a Tribal medical cannabis program
   263.4 patient only in a form allowed under section 152.22, subdivision 6.
- 263.5 (d) This subdivision expires January 1, 2024.

# 263.6 Sec. 10. [152.291] TRIBAL MEDICAL CANNABIS PROGRAM MANUFACTURER 263.7 TRANSPORTATION.

- 263.8 (a) A Tribal medical cannabis program manufacturer may transport medical cannabis
- 263.9 to testing laboratories in the state and to other Indian lands.
- 263.10 (b) A Tribal medical cannabis program manufacturer must staff a motor vehicle used to
- 263.11 transport medical cannabis with at least two employees of the manufacturer. Each employee
- 263.12 in the transport vehicle must carry identification specifying that the employee is an employee
- 263.13 of the manufacturer, and one employee in the transport vehicle must carry a detailed
- 263.14 transportation manifest that includes the place and time of departure, the address of the
- 263.15 destination, and a description and count of the medical cannabis being transported.
- 263.16 (c) This section expires January 1, 2024.

263.17 Sec. 11. Minnesota Statutes 2022, section 152.30, is amended to read:

#### 263.18 **152.30 PATIENT DUTIES.**

(a) A patient shall apply to the commissioner for enrollment in the registry program by
submitting an application as required in section 152.27 and an annual registration fee as
determined under section 152.35.

263.22 (b) As a condition of continued enrollment, patients shall agree to:

263.23 (1) continue to receive regularly scheduled treatment for their qualifying medical

- 263.24 condition from their health care practitioner; and
- 263.25 (2) report changes in their qualifying medical condition to their health care practitioner.
- 263.26 (c) A patient shall only receive medical cannabis from a registered manufacturer or
- 263.27 <u>Tribal medical cannabis program but is not required to receive medical cannabis products</u>
- 263.28 from only a registered manufacturer or Tribal medical cannabis program.

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264.1 Sec. 12. Minnesota Statutes 2022, section 152.32, is amended to read:

## 264.2 152.32 PROTECTIONS FOR REGISTRY PROGRAM OR TRIBAL MEDICAL 264.3 CANNABIS PROGRAM PARTICIPATION.

- Subdivision 1. **Presumption.** (a) There is a presumption that a patient enrolled in the registry program under sections 152.22 to 152.37 <u>or a Tribal medical cannabis program</u> patient is engaged in the authorized use of medical cannabis.
- 264.7 (b) The presumption may be rebutted by evidence that:
- 264.8 (1) a patient's conduct related to use of medical cannabis was not for the purpose of 264.9 treating or alleviating the patient's qualifying medical condition or symptoms associated 264.10 with the patient's qualifying medical condition<del>.;</del> or
- 264.11 (2) a Tribal medical cannabis program patient's use of medical cannabis was not for a
   264.12 purpose authorized by the Tribal medical cannabis program.

264.13 Subd. 2. **Criminal and civil protections.** (a) Subject to section 152.23, the following 264.14 are not violations under this chapter:

- (1) use or possession of medical cannabis or medical cannabis products by a patient
  enrolled in the registry program, or; possession by a registered designated caregiver or the
  parent, legal guardian, or spouse of a patient if the parent, legal guardian, or spouse is listed
  on the registry verification; or use or possession of medical cannabis or medical cannabis
  products by a Tribal medical cannabis program patient;
- 264.20 (2) possession, dosage determination, or sale of medical cannabis or medical cannabis
- 264.21 products by a medical cannabis manufacturer, employees of a manufacturer, <u>a Tribal medical</u>
- 264.22 cannabis program manufacturer, employees of a Tribal medical cannabis program
- 264.23 <u>manufacturer</u>, a laboratory conducting testing on medical cannabis, or employees of the
  264.24 laboratory; and
- (3) possession of medical cannabis or medical cannabis products by any person while
  carrying out the duties required under sections 152.22 to 152.37.
- (b) Medical cannabis obtained and distributed pursuant to sections 152.22 to 152.37 and
  associated property is not subject to forfeiture under sections 609.531 to 609.5316.
- 264.29 (c) The commissioner, <u>members of a Tribal medical cannabis board</u>, the commissioner's
- 264.30 or Tribal medical cannabis board's staff, the commissioner's or Tribal medical cannabis
- 264.31 <u>board's</u> agents or contractors, and any health care practitioner are not subject to any civil or
- 264.32 disciplinary penalties by the Board of Medical Practice, the Board of Nursing, or by any

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business, occupational, or professional licensing board or entity, solely for the participation
in the registry program under sections 152.22 to 152.37 or in a Tribal medical cannabis
program. A pharmacist licensed under chapter 151 is not subject to any civil or disciplinary
penalties by the Board of Pharmacy when acting in accordance with the provisions of
sections 152.22 to 152.37. Nothing in this section affects a professional licensing board
from taking action in response to violations of any other section of law.

(d) Notwithstanding any law to the contrary, the commissioner, the governor of
Minnesota, or an employee of any state agency may not be held civilly or criminally liable
for any injury, loss of property, personal injury, or death caused by any act or omission
while acting within the scope of office or employment under sections 152.22 to 152.37.

(e) Federal, state, and local law enforcement authorities are prohibited from accessing
the patient registry under sections 152.22 to 152.37 except when acting pursuant to a valid
search warrant.

(f) Notwithstanding any law to the contrary, neither the commissioner nor a public
employee may release data or information about an individual contained in any report,
document, or registry created under sections 152.22 to 152.37 or any information obtained
about a patient participating in the program, except as provided in sections 152.22 to 152.37.

(g) No information contained in a report, document, or registry or obtained from a patient
under sections 152.22 to 152.37 or from a Tribal medical cannabis program patient may be
admitted as evidence in a criminal proceeding unless independently obtained or in connection
with a proceeding involving a violation of sections 152.22 to 152.37.

(h) Notwithstanding section 13.09, any person who violates paragraph (e) or (f) is guiltyof a gross misdemeanor.

(i) An attorney may not be subject to disciplinary action by the Minnesota Supreme
Court, a Tribal court, or the professional responsibility board for providing legal assistance
to prospective or registered manufacturers or others related to activity that is no longer
subject to criminal penalties under state law pursuant to sections 152.22 to 152.37, or for
providing legal assistance to a Tribal medical cannabis program or a Tribal medical cannabis
program manufacturer.

(j) Possession of a registry verification or application for enrollment in the program by
a person entitled to possess or apply for enrollment in the registry program does <u>The</u>
following do not constitute probable cause or reasonable suspicion, <del>nor</del> and shall <del>it</del> not be
used to support a search of the person or property of the person possessing or applying for

the registry verification or equivalent, or otherwise subject the person or property of the person to inspection by any governmental agency-:

266.3 (1) possession of a registry verification or application for enrollment in the registry
 266.4 program by a person entitled to possess a registry verification or apply for enrollment in
 266.5 the registry program; or

266.6 (2) possession of a verification or equivalent issued by a Tribal medical cannabis program
 266.7 or application for enrollment in a Tribal medical cannabis program by a person entitled to
 266.8 possess such a verification or application.

Subd. 3. **Discrimination prohibited.** (a) No school or landlord may refuse to enroll or lease to and may not otherwise penalize a person solely for the person's status as a patient enrolled in the registry program under sections 152.22 to 152.37 or for the person's status as a Tribal medical cannabis program patient, unless failing to do so would violate federal law or regulations or cause the school or landlord to lose a monetary or licensing-related benefit under federal law or regulations.

(b) For the purposes of medical care, including organ transplants, a registry program
enrollee's use of medical cannabis under sections 152.22 to 152.37, or a Tribal medical
<u>cannabis program patient's use of medical cannabis as authorized by the Tribal medical</u>
<u>cannabis program,</u> is considered the equivalent of the authorized use of any other medication
used at the discretion of a physician, advanced practice registered nurse, or physician assistant
and does not constitute the use of an illicit substance or otherwise disqualify a patient from
needed medical care.

(c) Unless a failure to do so would violate federal law or regulations or cause an employer
to lose a monetary or licensing-related benefit under federal law or regulations, an employer
may not discriminate against a person in hiring, termination, or any term or condition of
employment, or otherwise penalize a person, if the discrimination is based upon either any
of the following:

(1) the person's status as a patient enrolled in the registry program under sections 152.22
to 152.37; or

266.29 (2) the person's status as a Tribal medical cannabis program patient; or

 $\frac{(2)(3)}{(2)(3)}$  a patient's positive drug test for cannabis components or metabolites, unless the patient used, possessed, or was impaired by medical cannabis on the premises of the place of employment or during the hours of employment.

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(d) An employee who is required to undergo employer drug testing pursuant to section
 181.953 may present verification of enrollment in the patient registry or of enrollment in a
 <u>Tribal medical cannabis program as part of the employee's explanation under section 181.953</u>,
 subdivision 6.

(e) A person shall not be denied custody of a minor child or visitation rights or parenting
time with a minor child solely based on the person's status as a patient enrolled in the registry
program under sections 152.22 to 152.37, or on the person's status as a Tribal medical
cannabis program patient. There shall be no presumption of neglect or child endangerment
for conduct allowed under sections 152.22 to 152.37 or under a Tribal medical cannabis
program, unless the person's behavior is such that it creates an unreasonable danger to the
safety of the minor as established by clear and convincing evidence.

267.12 Sec. 13. Minnesota Statutes 2022, section 152.33, subdivision 1, is amended to read:

Subdivision 1. Intentional diversion; criminal penalty. In addition to any other 267.13 applicable penalty in law, a manufacturer or an agent of a manufacturer who intentionally 267.14 transfers medical cannabis to a person other than another registered manufacturer, a patient, 267.15 267.16 a Tribal medical cannabis program patient, a registered designated caregiver or, if listed on the registry verification, a parent, legal guardian, or spouse of a patient is guilty of a felony 267.17 267.18 punishable by imprisonment for not more than two years or by payment of a fine of not more than \$3,000, or both. A person convicted under this subdivision may not continue to 267.19 be affiliated with the manufacturer and is disqualified from further participation under 267.20 sections 152.22 to 152.37. 267.21

267.22 Sec. 14. Minnesota Statutes 2022, section 340A.412, subdivision 14, is amended to read:

267.23 Subd. 14. **Exclusive liquor stores.** (a) Except as otherwise provided in this subdivision, 267.24 an exclusive liquor store may sell only the following items:

- 267.25 (1) alcoholic beverages;
- 267.26 (2) tobacco products;
- 267.27 (3) ice;

267.28 (4) beverages, either liquid or powder, specifically designated for mixing with intoxicating267.29 liquor;

267.30 (5) soft drinks;

267.31 (6) liqueur-filled candies;

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268.1	(7) food products that contain a	nore than one-half of c	one percent alcol	ol by volume;
268.2	(8) cork extraction devices;			
268.3	(9) books and videos on the use	e of alcoholic beverage	es;	
268.4	(10) magazines and other public	ations published prima	rily for informati	on and education
268.5	on alcoholic beverages;			
268.6	(11) multiple-use bags designed	d to carry purchased ite	ems;	
268.7	(12) devices designed to ensure	e safe storage and mon	itoring of alcoho	I in the home, to
268.8	prevent access by underage drinke	rs;		
268.9	(13) home brewing equipment;			
268.10	(14) clothing marked with the s	pecific name, brand, or	r identifying logo	o of the exclusive
268.11	liquor store, and bearing no other	name, brand, or identif	ying logo;	
268.12	(15) citrus fruit; and			
268.13	(16) glassware- <u>; and</u>			
268.14	(17) edible cannabinoid produc	ts as defined in section	151.72, subdivis	sion 1, paragraph
268.15	(f). This clause expires July 1, 202	4.		
268.16	(b) An exclusive liquor store th	at has an on-sale, or co	ombination on-sa	ale and off-sale
268.17	license may sell food for on-premi	se consumption when	authorized by the	e municipality
268.18	issuing the license.			
268.19	(c) An exclusive liquor store m	ay offer live or recorde	ed entertainment	•
268.20	Sec. 15. EDIBLE CANNABIN	OID PRODUCTS; EN	NFORCEMENT	<u>ſ.</u>
268.21	(a) The Department of Health sl	nall enforce the provision	ons of Minnesota	statutes, section
268.22	151.72, and all rules, orders, stipul	ation agreements, settl	ements, complia	nce agreements,
268.23	and registrations related to that sec	tion adopted or issued b	by the Office of N	/ledical Cannabis
268.24	or the Department of Health pursua	ant to the Health Enforce	ement Consolida	ation Act of 1993
268.25	contained in Minnesota Statutes, se	ections 144.989 to 144.	.993. The commi	issioner of health
268.26	may assign enforcement responsib	ilities to the Office of	Medical Cannab	is.
268.27	(b) The enforcement authority u	nder paragraph (a) shal	l transfer to the O	office of Cannabis
268.28	Management at any such time that	the powers and duties	of the Departmer	nt of Health, with

268.29 respect to the medical cannabis program under Minnesota Statutes 2022, sections 152.22

268.30 to 152.37, are transferred to the Office of Cannabis Management. The director of the Office

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- 269.1 of Cannabis Management may assign enforcement responsibilities to the Division of Medical
- 269.2 <u>Cannabis.</u>

269.3 (c) This section shall expire on July 1, 2024.

#### 269.4 Sec. 16. OFFICE OF CANNABIS MANAGEMENT IMPLEMENTATION.

269.5 (a) The commissioner of agriculture may exercise all authorities and responsibilities

269.6 granted to the Office of Cannabis Management under Minnesota Statutes, chapter 342, that

are necessary to establish the Office of Cannabis Management and transition programs,

269.8 <u>authorities, and responsibilities to it.</u>

(b) On or after January 1, 2024, and at such time that the office is able to fulfill the

269.10 powers and duties enumerated in Minnesota Statutes, section 342.02, subdivision 2, the

269.11 commissioner of agriculture may transfer all or some chapter 342 programs, authorities,

269.12 and responsibilities to the Office of Cannabis Management. Upon such transfer, existing

269.13 contracts, obligations, and funds managed by the commissioner of agriculture that are

269.14 necessary to administer the transferred programs, authorities, or responsibilities shall be

- 269.15 transferred to the Office of Cannabis Management.
- 269.16 (c) To the extent necessary to establish the Office of Cannabis Management and fulfill

269.17 the powers and duties enumerated in Minnesota Statutes, section 342.02, the commissioner

269.18 of agriculture and the Office of Cannabis Management are exempt from the requirements

- 269.19 of Minnesota Statutes, section 16A.15, subdivision 3, until July 1, 2025.
- 269.20 Sec. 17. **EFFECTIVE DATE.**
- 269.21 This article is effective the day following final enactment.

269.22

269.23

#### **ARTICLE 8**

### SCHEDULING OF MARIJUANA

269.24 Section 1. Minnesota Statutes 2022, section 152.02, subdivision 2, is amended to read:

269.25 Subd. 2. Schedule I. (a) Schedule I consists of the substances listed in this subdivision.

269.26 (b) Opiates. Unless specifically excepted or unless listed in another schedule, any of the

269.27 following substances, including their analogs, isomers, esters, ethers, salts, and salts of

269.28 isomers, esters, and ethers, whenever the existence of the analogs, isomers, esters, ethers,

269.29 and salts is possible:

269.30 (1) acetylmethadol;

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270.1	(2) allylprodine;			
270.2	(3) alphacetylmethadol (except	t levo-alphacetylmethad	dol, also known	as levomethadyl
270.3	acetate);			
270.4	(4) alphameprodine;			
270.5	(5) alphamethadol;			
270.6	(6) alpha-methylfentanyl benze	ethidine;		
270.7	(7) betacetylmethadol;			
270.8	(8) betameprodine;			
270.9	(9) betamethadol;			
270.10	(10) betaprodine;			
270.11	(11) clonitazene;			
270.12	(12) dextromoramide;			
270.13	(13) diampromide;			
270.14	(14) diethyliambutene;			
270.15	(15) difenoxin;			
270.16	(16) dimenoxadol;			
270.17	(17) dimepheptanol;			
270.18	(18) dimethyliambutene;			
270.19	(19) dioxaphetyl butyrate;			
270.20	(20) dipipanone;			
270.21	(21) ethylmethylthiambutene;			
270.22	(22) etonitazene;			
270.23	(23) etoxeridine;			
270.24	(24) furethidine;			
270.25	(25) hydroxypethidine;			
270.26	(26) ketobemidone;			
270.27	(27) levomoramide;			

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271.1	(28) levophenacylmorphan;	
271.2	(29) 3-methylfentanyl;	
271.3	(30) acetyl-alpha-methylfentanyl;	
271.4	(31) alpha-methylthiofentanyl;	
271.5	(32) benzylfentanyl beta-hydroxyfentanyl;	
271.6	(33) beta-hydroxy-3-methylfentanyl;	
271.7	(34) 3-methylthiofentanyl;	
271.8	(35) thenylfentanyl;	
271.9	(36) thiofentanyl;	
271.10	(37) para-fluorofentanyl;	
271.11	(38) morpheridine;	
271.12	(39) 1-methyl-4-phenyl-4-propionoxypiperidine;	
271.13	(40) noracymethadol;	
271.14	(41) norlevorphanol;	
271.15	(42) normethadone;	
271.16	(43) norpipanone;	
271.17	(44) 1-(2-phenylethyl)-4-phenyl-4-acetoxypiperidine (PEPAP);	
271.18	(45) phenadoxone;	
271.19	(46) phenampromide;	
271.20	(47) phenomorphan;	
271.21	(48) phenoperidine;	
271.22	(49) piritramide;	
271.23	(50) proheptazine;	
271.24	(51) properidine:	

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- 271.24 **(51)** properidine;
- 271.25 **(52)** propiram;
- 271.26 **(53)** racemoramide;
- 271.27 **(54) tilidine;**

- 272.1 (55) trimeperidine;
- 272.2 (56) N-(1-Phenethylpiperidin-4-yl)-N-phenylacetamide (acetyl fentanyl);
- 272.3 (57) 3,4-dichloro-N-[(1R,2R)-2-(dimethylamino)cyclohexyl]-N-
- 272.4 methylbenzamide(U47700);
- 272.5 (58) N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]furan-2-carboxamide(furanylfentanyl);
- 272.6 (59) 4-(4-bromophenyl)-4-dimethylamino-1-phenethylcyclohexanol (bromadol);
- 272.7 (60) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (Cyclopropryl
  272.8 fentanyl);
- 272.9 (61) N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide) (butyryl fentanyl);
- 272.10 (62) 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine) (MT-45);
- 272.11 (63) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide (cyclopentyl
  272.12 fentanyl);
- 272.13 (64) N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide (isobutyryl fentanyl);
- 272.14 (65) N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide (valeryl fentanyl);
- 272.15 (66) N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide
- 272.16 (para-chloroisobutyryl fentanyl);
- 272.17 (67) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide (para-fluorobutyryl
  272.18 fentanyl);
- 272.19 (68) N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide
- 272.20 (para-methoxybutyryl fentanyl);
- 272.21 (69) N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide (ocfentanil);
- 272.22 (70) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide (4-fluoroisobutyryl
  272.23 fentanyl or para-fluoroisobutyryl fentanyl);
- 272.24 (71) N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide (acryl fentanyl or
  272.25 acryloylfentanyl);
- 272.26 (72) 2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (methoxyacetyl
  272.27 fentanyl);
- (73) N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide (ortho-fluorofentanyl
  or 2-fluorofentanyl);

273.1 (74) N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide

273.2 (tetrahydrofuranyl fentanyl); and

(75) Fentanyl-related substances, their isomers, esters, ethers, salts and salts of isomers,
esters and ethers, meaning any substance not otherwise listed under another federal

273.5 Administration Controlled Substance Code Number or not otherwise listed in this section,

and for which no exemption or approval is in effect under section 505 of the Federal Food,

273.7 Drug, and Cosmetic Act, United States Code, title 21, section 355, that is structurally related

273.8 to fentanyl by one or more of the following modifications:

(i) replacement of the phenyl portion of the phenethyl group by any monocycle, whetheror not further substituted in or on the monocycle;

(ii) substitution in or on the phenethyl group with alkyl, alkenyl, alkoxyl, hydroxyl, halo,
haloalkyl, amino, or nitro groups;

(iii) substitution in or on the piperidine ring with alkyl, alkenyl, alkoxyl, ester, ether,
hydroxyl, halo, haloalkyl, amino, or nitro groups;

(iv) replacement of the aniline ring with any aromatic monocycle whether or not furthersubstituted in or on the aromatic monocycle; or

273.17 (v) replacement of the N-propionyl group by another acyl group.

(c) Opium derivatives. Any of the following substances, their analogs, salts, isomers,
and salts of isomers, unless specifically excepted or unless listed in another schedule,
whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:

- 273.21 (1) acetorphine;
- 273.22 (2) acetyldihydrocodeine;
- 273.23 (3) benzylmorphine;
- 273.24 (4) codeine methylbromide;
- 273.25 (5) codeine-n-oxide;
- 273.26 (6) cyprenorphine;
- 273.27 (7) desomorphine;
- 273.28 (8) dihydromorphine;
- 273.29 **(9)** drotebanol;
- 273.30 (10) etorphine;

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274.1	(11) heroin;			
274.2	(12) hydromorphinol;			
274.3	(13) methyldesorphine;			
274.4	(14) methyldihydromorphine;			
274.5	(15) morphine methylbromide;			
274.6	(16) morphine methylsulfonate;			
274.7	(17) morphine-n-oxide;			
274.8	(18) myrophine;			
274.9	(19) nicocodeine;			
274.10	(20) nicomorphine;			

- 274.11 (21) normorphine;
- 274.12 (22) pholcodine; and
- 274.13 (23) thebacon.

(d) Hallucinogens. Any material, compound, mixture or preparation which contains any
quantity of the following substances, their analogs, salts, isomers (whether optical, positional,
or geometric), and salts of isomers, unless specifically excepted or unless listed in another
schedule, whenever the existence of the analogs, salts, isomers, and salts of isomers is
possible:

- 274.19 (1) methylenedioxy amphetamine;
- 274.20 (2) methylenedioxymethamphetamine;
- 274.21 (3) methylenedioxy-N-ethylamphetamine (MDEA);
- 274.22 (4) n-hydroxy-methylenedioxyamphetamine;
- 274.23 (5) 4-bromo-2,5-dimethoxyamphetamine (DOB);
- 274.24 (6) 2,5-dimethoxyamphetamine (2,5-DMA);
- 274.25 (7) 4-methoxyamphetamine;
- 274.26 (8) 5-methoxy-3, 4-methylenedioxyamphetamine;
- 274.27 (9) alpha-ethyltryptamine;
- 274.28 (10) bufotenine;

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275.1	(11) diethyltryptamine;
275.2	(12) dimethyltryptamine;
275.3	(13) 3,4,5-trimethoxyamphetamine;
275.4	(14) 4-methyl-2, 5-dimethoxyamphetamine (DOM);
275.5	(15) ibogaine;
275.6	(16) lysergic acid diethylamide (LSD);
275.7	(17) mescaline;
275.8	(18) parahexyl;
275.9	(19) N-ethyl-3-piperidyl benzilate;
275.10	(20) N-methyl-3-piperidyl benzilate;
275.11	(21) psilocybin;
275.12	(22) psilocyn;
275.13	(23) tenocyclidine (TPCP or TCP);
275.14	(24) N-ethyl-1-phenyl-cyclohexylamine (PCE);
275.15	(25) 1-(1-phenylcyclohexyl) pyrrolidine (PCPy);
275.16	(26) 1-[1-(2-thienyl)cyclohexyl]-pyrrolidine (TCPy);
275.17	(27) 4-chloro-2,5-dimethoxyamphetamine (DOC);
275.18	(28) 4-ethyl-2,5-dimethoxyamphetamine (DOET);
275.19	(29) 4-iodo-2,5-dimethoxyamphetamine (DOI);
275.20	(30) 4-bromo-2,5-dimethoxyphenethylamine (2C-B);
275.21	(31) 4-chloro-2,5-dimethoxyphenethylamine (2C-C);
275.22	(32) 4-methyl-2,5-dimethoxyphenethylamine (2C-D);
275.23	(33) 4-ethyl-2,5-dimethoxyphenethylamine (2C-E);
275.24	(34) 4-iodo-2,5-dimethoxyphenethylamine (2C-I);
275.25	(35) 4-propyl-2,5-dimethoxyphenethylamine (2C-P);
275.26	(36) 4-isopropylthio-2,5-dimethoxyphenethylamine (2C-T-4);
275.27	(37) 4-propylthio-2,5-dimethoxyphenethylamine (2C-T-7);

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- 276.1 (38) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-yl)ethanamine
- 276.2 (2-CB-FLY);
- 276.3 (39) bromo-benzodifuranyl-isopropylamine (Bromo-DragonFLY);
- 276.4 (40) alpha-methyltryptamine (AMT);
- 276.5 (41) N,N-diisopropyltryptamine (DiPT);
- 276.6 (42) 4-acetoxy-N,N-dimethyltryptamine (4-AcO-DMT);
- 276.7 (43) 4-acetoxy-N,N-diethyltryptamine (4-AcO-DET);
- 276.8 (44) 4-hydroxy-N-methyl-N-propyltryptamine (4-HO-MPT);
- 276.9 (45) 4-hydroxy-N,N-dipropyltryptamine (4-HO-DPT);
- 276.10 (46) 4-hydroxy-N,N-diallyltryptamine (4-HO-DALT);
- 276.11 (47) 4-hydroxy-N,N-diisopropyltryptamine (4-HO-DiPT);
- 276.12 (48) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DiPT);
- 276.13 (49) 5-methoxy-α-methyltryptamine (5-MeO-AMT);
- 276.14 (50) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
- 276.15 (51) 5-methylthio-N,N-dimethyltryptamine (5-MeS-DMT);
- 276.16 (52) 5-methoxy-N-methyl-N-isopropyltryptamine (5-MeO-MiPT);
- 276.17 (53) 5-methoxy-α-ethyltryptamine (5-MeO-AET);
- 276.18 (54) 5-methoxy-N,N-dipropyltryptamine (5-MeO-DPT);
- 276.19 (55) 5-methoxy-N,N-diethyltryptamine (5-MeO-DET);
- 276.20 (56) 5-methoxy-N,N-diallyltryptamine (5-MeO-DALT);
- 276.21 (57) methoxetamine (MXE);
- 276.22 (58) 5-iodo-2-aminoindane (5-IAI);
- 276.23 (59) 5,6-methylenedioxy-2-aminoindane (MDAI);
- 276.24 (60) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe);
- 276.25 (61) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe);
- 276.26 (62) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25I-NBOMe);
- 276.27 (63) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);

- 277.1 (64) 2-(4-Ethylthio-2,5-dimethoxyphenyl)ethanamine (2C-T-2);
- 277.2 (65) N,N-Dipropyltryptamine (DPT);
- 277.3 (66) 3-[1-(Piperidin-1-yl)cyclohexyl]phenol (3-HO-PCP);
- 277.4 (67) N-ethyl-1-(3-methoxyphenyl)cyclohexanamine (3-MeO-PCE);
- 277.5 (68) 4-[1-(3-methoxyphenyl)cyclohexyl]morpholine (3-MeO-PCMo);
- 277.6 (69) 1-[1-(4-methoxyphenyl)cyclohexyl]-piperidine (methoxydine, 4-MeO-PCP);
- 277.7 (70) 2-(2-Chlorophenyl)-2-(ethylamino)cyclohexan-1-one (N-Ethylnorketamine,
- 277.8 ethketamine, NENK);
- 277.9 (71) methylenedioxy-N,N-dimethylamphetamine (MDDMA);
- 277.10 (72) 3-(2-Ethyl(methyl)aminoethyl)-1H-indol-4-yl (4-AcO-MET); and
- 277.11 (73) 2-Phenyl-2-(methylamino)cyclohexanone (deschloroketamine).

(e) Peyote. All parts of the plant presently classified botanically as Lophophora williamsii 277.12 Lemaire, whether growing or not, the seeds thereof, any extract from any part of the plant, 277.13 and every compound, manufacture, salts, derivative, mixture, or preparation of the plant, 277.14 its seeds or extracts. The listing of peyote as a controlled substance in Schedule I does not 277.15 apply to the nondrug use of peyote in bona fide religious ceremonies of the American Indian 277.16 Church, and members of the American Indian Church are exempt from registration. Any 277.17 person who manufactures peyote for or distributes peyote to the American Indian Church, 277.18 however, is required to obtain federal registration annually and to comply with all other 277.19 requirements of law. 277.20

(f) Central nervous system depressants. Unless specifically excepted or unless listed in
another schedule, any material compound, mixture, or preparation which contains any
quantity of the following substances, their analogs, salts, isomers, and salts of isomers
whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:

- 277.25 (1) mecloqualone;
- 277.26 (2) methaqualone;

277.27 (3) gamma-hydroxybutyric acid (GHB), including its esters and ethers;

277.28 (4) flunitrazepam;

277.29 (5) 2-(2-Methoxyphenyl)-2-(methylamino)cyclohexanone (2-MeO-2-deschloroketamine,
277.30 methoxyketamine);

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- 278.1 (6) tianeptine;
- 278.2 **(7)** clonazolam;
- 278.3 (8) etizolam;
- 278.4 (9) flubromazolam; and
- 278.5 (10) flubromazepam.

(g) Stimulants. Unless specifically excepted or unless listed in another schedule, any
material compound, mixture, or preparation which contains any quantity of the following
substances, their analogs, salts, isomers, and salts of isomers whenever the existence of the
analogs, salts, isomers, and salts of isomers is possible:

- 278.10 (1) aminorex;
- 278.11 (2) cathinone;
- 278.12 (3) fenethylline;
- 278.13 (4) methcathinone;
- 278.14 (5) methylaminorex;
- 278.15 (6) N,N-dimethylamphetamine;
- 278.16 (7) N-benzylpiperazine (BZP);
- 278.17 (8) methylmethcathinone (mephedrone);
- 278.18 (9) 3,4-methylenedioxy-N-methylcathinone (methylone);
- 278.19 (10) methoxymethcathinone (methedrone);
- 278.20 (11) methylenedioxypyrovalerone (MDPV);
- 278.21 (12) 3-fluoro-N-methylcathinone (3-FMC);
- 278.22 (13) methylethcathinone (MEC);
- 278.23 (14) 1-benzofuran-6-ylpropan-2-amine (6-APB);
- 278.24 (15) dimethylmethcathinone (DMMC);
- 278.25 (16) fluoroamphetamine;
- 278.26 (17) fluoromethamphetamine;
- 278.27 (18) α-methylaminobutyrophenone (MABP or buphedrone);
- 278.28 (19) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one (butylone);

- 279.1 (20) 2-(methylamino)-1-(4-methylphenyl)butan-1-one (4-MEMABP or BZ-6378);
- 279.2 (21) 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl) pentan-1-one (naphthylpyrovalerone or
  279.3 naphyrone);
- 279.4 (22) (alpha-pyrrolidinopentiophenone (alpha-PVP);
- 279.5 (23) (RS)-1-(4-methylphenyl)-2-(1-pyrrolidinyl)-1-hexanone (4-Me-PHP or MPHP);
- 279.6 (24) 2-(1-pyrrolidinyl)-hexanophenone (Alpha-PHP);
- 279.7 (25) 4-methyl-N-ethylcathinone (4-MEC);
- 279.8 (26) 4-methyl-alpha-pyrrolidinopropiophenone (4-MePPP);
- 279.9 (27) 2-(methylamino)-1-phenylpentan-1-one (pentedrone);
- 279.10 (28) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentylone);
- 279.11 (29) 4-fluoro-N-methylcathinone (4-FMC);
- 279.12 (30) 3,4-methylenedioxy-N-ethylcathinone (ethylone);
- 279.13 (31) alpha-pyrrolidinobutiophenone ( $\alpha$ -PBP);
- 279.14 (32) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran (5-APDB);
- 279.15 (33) 1-phenyl-2-(1-pyrrolidinyl)-1-heptanone (PV8);
- 279.16 (34) 6-(2-Aminopropyl)-2,3-dihydrobenzofuran (6-APDB);
- 279.17 (35) 4-methyl-alpha-ethylaminopentiophenone (4-MEAPP);
- 279.18 (36) 4'-chloro-alpha-pyrrolidinopropiophenone (4'-chloro-PPP);
- 279.19 (37) 1-(1,3-Benzodioxol-5-yl)-2-(dimethylamino)butan-1-one (dibutylone, bk-DMBDB);
- 279.20 (38) 1-(3-chlorophenyl) piperazine (meta-chlorophenylpiperazine or mCPP);
- 279.21 (39) 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one (N-ethylpentylone, ephylone);
  and
- (40) any other substance, except bupropion or compounds listed under a different
  schedule, that is structurally derived from 2-aminopropan-1-one by substitution at the
  1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the
  compound is further modified in any of the following ways:
- (i) by substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy,
  haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring
  system by one or more other univalent substituents;

280.1 (ii) by substitution at the 3-position with an acyclic alkyl substituent;

(iii) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, ormethoxybenzyl groups; or

(iv) by inclusion of the 2-amino nitrogen atom in a cyclic structure.

(h) Marijuana, tetrahydrocannabinols, and synthetic cannabinoids. Unless specifically
excepted or unless listed in another schedule, any natural or synthetic material, compound,
mixture, or preparation that contains any quantity of the following substances, their analogs,
isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence
of the isomers, esters, ethers, or salts is possible:

280.10 (1) marijuana;

(2) tetrahydrocannabinols naturally contained in a plant of the genus Cannabis, except 280.11 that tetrahydrocannabinols do not include any material, compound, mixture, or preparation 280.12 that qualifies as industrial hemp as defined in section 18K.02, subdivision 3; synthetic 280.13 equivalents of the substances contained in the cannabis plant or in the resinous extractives 280.14 of the plant; or synthetic substances with similar chemical structure and pharmacological 280.15 activity to those substances contained in the plant or resinous extract, including, but not 280.16 limited to, 1 cis or trans tetrahydrocannabinol, 6 cis or trans tetrahydrocannabinol, and 3,4 280.17 cis or trans tetrahydrocannabinol; 280.18

280.19 (3) (h) Synthetic Artificial cannabinoids, including the following substances:

(i) (1) Naphthoylindoles, which are any compounds containing a 3-(1-napthoyl)indole
structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,
alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any
extent and whether or not substituted in the naphthyl ring to any extent. Examples of
naphthoylindoles include, but are not limited to:

280.26 (A) (i) 1-Pentyl-3-(1-naphthoyl)indole (JWH-018 and AM-678);

280.27 (B) (ii) 1-Butyl-3-(1-naphthoyl)indole (JWH-073);

(C) (iii) 1-Pentyl-3-(4-methoxy-1-naphthoyl)indole (JWH-081);

280.29 (D) (iv) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);

- 280.30  $(\underline{E})(\underline{v})$  1-Propyl-2-methyl-3-(1-naphthoyl)indole (JWH-015);
- 280.31 (F) (vi) 1-Hexyl-3-(1-naphthoyl)indole (JWH-019);

- 281.1 (G) (vii) 1-Pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);
- 281.2 (H) (viii) 1-Pentyl-3-(4-ethyl-1-naphthoyl)indole (JWH-210);
- 281.3 (H) (ix) 1-Pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398);
- 281.4 (J) (x) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM-2201).
- 281.5 (ii) (2) Napthylmethylindoles, which are any compounds containing a
- 281.6 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the
- indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
- 281.8 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further
- substituted in the indole ring to any extent and whether or not substituted in the naphthyl
- <sup>281.10</sup> ring to any extent. Examples of naphthylmethylindoles include, but are not limited to:
- 281.11 (A) (i) 1-Pentyl-1H-indol-3-yl-(1-naphthyl)methane (JWH-175);
- 281.12 (B) (ii) 1-Pentyl-1H-indol-3-yl-(4-methyl-1-naphthyl)methane (JWH-184).
- 281.13 (iii) (3) Naphthoylpyrroles, which are any compounds containing a 3-(1-naphthoyl)pyrrole
- 281.14 structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl,
- 281.15 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
- 281.16 2-(4-morpholinyl)ethyl group whether or not further substituted in the pyrrole ring to any
- 281.17 extent, whether or not substituted in the naphthyl ring to any extent. Examples of
- 281.18 naphthoylpyrroles include, but are not limited to,
- 281.19 (5-(2-fluorophenyl)-1-pentylpyrrol-3-yl)-naphthalen-1-ylmethanone (JWH-307).
- 281.20 (iv) (4) Naphthylmethylindenes, which are any compounds containing a
- naphthylideneindene structure with substitution at the 3-position of the indene ring by analkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
- 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further
  substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring
- 281.25 to any extent. Examples of naphthylemethylindenes include, but are not limited to,
- 281.26 E-1-[1-(1-naphthalenylmethylene)-1H-inden-3-yl]pentane (JWH-176).
- 281.27 (v) (5) Phenylacetylindoles, which are any compounds containing a 3-phenylacetylindole
- structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,
- 281.29 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
- 281.30 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any
- 281.31 extent, whether or not substituted in the phenyl ring to any extent. Examples of
- 281.32 phenylacetylindoles include, but are not limited to:
- 281.33 (A) (i) 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (RCS-8);

- 282.1 (B) (ii) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);
- 282.2 (C) (iii) 1-pentyl-3-(2-methylphenylacetyl)indole (JWH-251);
- 282.3 (D) (iv) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203).
- 282.4 (vi) (6) Cyclohexylphenols, which are compounds containing a
- 282.5 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic
  282.6 ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
- <sup>282.7</sup> 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not substituted
- in the cyclohexyl ring to any extent. Examples of cyclohexylphenols include, but are notlimited to:
- 282.10 (A) (i) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP 47,497);

282.11  $(\underline{B})$  (ii) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol

- 282.12 (Cannabicyclohexanol or CP 47,497 C8 homologue);
- 282.13 (C) (iii) 5-(1,1-dimethylheptyl)-2-[(1R,2R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]
   282.14 -phenol (CP 55,940).
- 282.15 (vii) (7) Benzoylindoles, which are any compounds containing a 3-(benzoyl)indole
- structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,
- 282.17 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
- 282.18 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any
- extent and whether or not substituted in the phenyl ring to any extent. Examples ofbenzoylindoles include, but are not limited to:
- 282.21 (A) (i) 1-Pentyl-3-(4-methoxybenzoyl)indole (RCS-4);
- 282.22 (B) (ii) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM-694);

282.23 (C) (iii) (4-methoxyphenyl-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone 282.24 (WIN 48,098 or Pravadoline).

- 282.25 (viii) (8) Others specifically named:
- 282.26 (A) (i) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)
- 282.27 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (HU-210);
- 282.28 (B) (ii) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)
- 282.29 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (Dexanabinol or HU-211);
- 282.30 (C) (iii) 2,3-dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]
- 282.31 -1,4-benzoxazin-6-yl-1-naphthalenylmethanone (WIN 55,212-2);

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283.1	( <del>D) (iv)</del> (1-pentylindol-3-yl)	-(2,2,3,3-tetramethylcyclo	propyl)methano	one (UR-144);
283.2	(E) (v) (1-(5-fluoropentyl)-1	H-indol-3-yl)(2,2,3,3-tetra	amethylcyclopro	opyl)methanone
283.3	(XLR-11);			
283.4	(F) (vi) 1-pentyl-N-tricyclo[	3.3.1.13,7]dec-1-yl-1H-ind	dazole-3-carbox	kamide
283.5	(AKB-48(APINACA));			
283.6	<del>(G) (vii)</del> N-((3s,5s,7s)-adama	antan-1-yl)-1-(5-fluoropen	tyl)-1H-indazol	e-3-carboxamide
283.7	(5-Fluoro-AKB-48);			
283.8	(H) (viii) 1-pentyl-8-quinoli	nyl ester-1H-indole-3-carb	oxylic acid (PE	<b>B-22</b> );
283.9	( <u>I) (ix)</u> 8-quinolinyl ester-1-	(5-fluoropentyl)-1H-indol	e-3-carboxylic a	acid (5-Fluoro
283.10	PB-22);			
283.11	( <del>J)(x)</del> N-[(1S)-1-(aminocarbo	onyl)-2-methylpropyl]-1-pe	ntyl-1H-indazol	e- 3-carboxamide
283.12	(AB-PINACA);			
283.13	( <u>K) (xi)</u> N-[(1S)-1-(aminoca	rbonyl)-2-methylpropyl]-1	l-[(4-fluorophe	nyl)methyl]-
283.14	1H-indazole-3-carboxamide (A	B-FUBINACA);		
283.15	( <u>L) (xii)</u> N-[(1S)-1-(aminoca	arbonyl)-2-methylpropyl]-	1-(cyclohexylm	ethyl)-1H-
283.16	indazole-3-carboxamide(AB-CI	HMINACA);		
283.17	(M) (xiii) (S)-methyl 2-(1-(5	5-fluoropentyl)-1H-indazo	le-3-carboxami	do)-3-
283.18	methylbutanoate (5-fluoro-AMI	B);		
283.19	(N) (xiv) [1-(5-fluoropentyl)	-1H-indazol-3-yl](naphthal	len-1-yl) methar	none (THJ-2201);
283.20	(O) (xv) (1-(5-fluoropentyl)	-1H-benzo[d]imidazol-2-y	'l)(naphthalen-1	-yl)methanone)
283.21	(FUBIMINA);			
283.22	(P) (xvi) (7-methoxy-1-(2-m	orpholinoethyl)-N-((1S,2	5,4R)-1,3,3-trin	nethylbicyclo
283.23	[2.2.1]heptan-2-yl)-1H-indole-3	8-carboxamide (MN-25 or	UR-12);	
283.24	(Q) (xvii) (S)-N-(1-amino-3-	-methyl-1-oxobutan-2-yl)-	-1-(5-fluoropent	tyl)
283.25	-1H-indole-3-carboxamide (5-fl	uoro-ABICA);		
283.26	( <del>R) (xviii)</del> N-(1-amino-3-ph	enyl-1-oxopropan-2-yl)-1-	-(5-fluoropentyl	)
283.27	-1H-indole-3-carboxamide;			
283.28	( <u>S) (xix)</u> N-(1-amino-3-pher	nyl-1-oxopropan-2-yl)-1-(5	5-fluoropentyl)	
283.29	-1H-indazole-3-carboxamide;			
283.30	(T) (xx) methyl 2-(1-(cyclob	nexylmethyl)-1H-indole-3-	-carboxamido)	
283.31	-3,3-dimethylbutanoate;			

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- 284.1 (U) (xxi) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1(cyclohexylmethyl)-1
- 284.2 H-indazole-3-carboxamide (MAB-CHMINACA);
- 284.3 (<del>V)</del>(xxii)
- 284.4 N-(1-Amino-3,3-dimethyl-1-oxo-2-butanyl)-1-pentyl-1H-indazole-3-carboxamide
- 284.5 (ADB-PINACA);
- 284.6 (W) (xxiii) methyl (1-(4-fluorobenzyl)-1H-indazole-3-carbonyl)-L-valinate (FUB-AMB);
- $284.7 \qquad (X) (xxiv)$
- 284.8 N-[(1S)-2-amino-2-oxo-1-(phenylmethyl)ethyl]-1-(cyclohexylmethyl)-1H-Indazole-
- 284.9 3-carboxamide. (APP-CHMINACA);
- 284.10  $(\underline{Y})(\underline{xxv})$  quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate (FUB-PB-22); and
- 284.11 (Z) (xxvi) methyl N-[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]valinate
- 284.12 (MMB-CHMICA).
- 284.13 (ix) (9) Additional substances specifically named:
- 284.14 (A) (i) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1
- 284.15 H-pyrrolo[2,3-B]pyridine-3-carboxamide (5F-CUMYL-P7AICA);
- 284.16 (B) (ii) 1-(4-cyanobutyl)-N-(2- phenylpropan-2-yl)-1 H-indazole-3-carboxamide
- 284.17 (4-CN-Cumyl-Butinaca);
- 284.18 (C) (iii) naphthalen-1-yl-1-(5-fluoropentyl)-1-H-indole-3-carboxylate (NM2201; 284.10 CDI 2201):
- 284.19 CBL2201);
- 284.20  $(\underline{D})$  (iv) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1
- 284.21 H-indazole-3-carboxamide (5F-ABPINACA);
- 284.22  $(\underline{E})(\underline{v})$  methyl-2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate 284.23 (MDMB CHMICA);
- 284.24 (F) (vi) methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate
- 284.25 (5F-ADB; 5F-MDMB-PINACA); and
- 284.26 (G) (vii) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)
- 284.27 1H-indazole-3-carboxamide (ADB-FUBINACA).
- (i) A controlled substance analog, to the extent that it is implicitly or explicitly intended
- 284.29 for human consumption.
- 284.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.

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285.1 Sec. 2. Minnesota Statutes 2022, section 152.02, subdivision 4, is amended to read:

285.2 Subd. 4. Schedule III. (a) Schedule III consists of the substances listed in this subdivision.

(b) Stimulants. Unless specifically excepted or unless listed in another schedule, any
material, compound, mixture, or preparation which contains any quantity of the following
substances having a potential for abuse associated with a stimulant effect on the central
nervous system, including its salts, isomers, and salts of such isomers whenever the existence
of such salts, isomers, and salts of isomers is possible within the specific chemical
designation:

285.9 (1) benzphetamine;

285.10 (2) chlorphentermine;

285.11 (3) clortermine;

285.12 (4) phendimetrazine.

(c) Depressants. Unless specifically excepted or unless listed in another schedule, any
material, compound, mixture, or preparation which contains any quantity of the following
substances having a potential for abuse associated with a depressant effect on the central
nervous system:

(1) any compound, mixture, or preparation containing amobarbital, secobarbital,
pentobarbital or any salt thereof and one or more other active medicinal ingredients which
are not listed in any schedule;

(2) any suppository dosage form containing amobarbital, secobarbital, pentobarbital, or
any salt of any of these drugs and approved by the food and drug administration for marketing
only as a suppository;

(3) any substance which contains any quantity of a derivative of barbituric acid, or any
salt of a derivative of barbituric acid, except those substances which are specifically listed
in other schedules;

(4) any drug product containing gamma hydroxybutyric acid, including its salts, isomers,
and salts of isomers, for which an application is approved under section 505 of the federal
Food, Drug, and Cosmetic Act;

285.29 (5) any of the following substances:

285.30 (i) chlorhexadol;

285.31 (ii) ketamine, its salts, isomers and salts of isomers;

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286.1	(iii) lysergic acid;					
286.2	(iv) lysergic acid amide;					
286.3	(v) methyprylon;					
286.4	(vi) sulfondiethylmethane;					
286.5	(vii) sulfonenthylmethane;					
286.6	(viii) sulfonmethane;					
286.7	(ix) tiletamine and zolazepam	and any salt thereof;				
286.8	(x) embutramide;					
286.9	(xi) Perampanel [2-(2-oxo-1-p	henyl-5-pyridin-2-yl-1,2	2-Dihydropyridi	in-3-yl)		
286.10 benzonitrile].						
286.11	(d) Nalorphine.					

(e) Narcotic drugs. Unless specifically excepted or unless listed in another schedule,
any material, compound, mixture, or preparation containing any of the following narcotic
drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities
as follows:

(1) not more than 1.80 grams of codeine per 100 milliliters or not more than 90 milligrams
 per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(2) not more than 1.80 grams of codeine per 100 milliliters or not more than 90 milligrams
per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic
amounts;

(3) not more than 1.80 grams of dihydrocodeine per 100 milliliters or not more than 90
milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized
therapeutic amounts;

(4) not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than
15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized
therapeutic amounts;

(5) not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not
more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients
in recognized therapeutic amounts;

(6) not more than 50 milligrams of morphine per 100 milliliters or per 100 grams withone or more active, nonnarcotic ingredients in recognized therapeutic amounts.

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- 287.1 (f) Anabolic steroids, human growth hormone, and chorionic gonadotropin.
- 287.2 (1) Anabolic steroids, for purposes of this subdivision, means any drug or hormonal
- substance, chemically and pharmacologically related to testosterone, other than estrogens,

287.4 progestins, corticosteroids, and dehydroepiandrosterone, and includes:

- 287.5 (i) 3[beta],17[beta]-dihydroxy-5[alpha]-androstane;
- 287.6 (ii) 3[alpha],17[beta]-dihydroxy-5[alpha]-androstane;
- 287.7 (iii) androstanedione (5[alpha]-androstan-3,17-dione);
- 287.8 (iv) 1-androstenediol (3[beta],17[beta]-dihydroxy-5[alpha]-androst-l-ene;
- 287.9 (v) 3[alpha],17[beta]-dihydroxy-5[alpha]-androst-1-ene);
- 287.10 (vi) 4-androstenediol (3[beta],17[beta]-dihydroxy-androst-4-ene);
- 287.11 (vii) 5-androstenediol (3[beta],17[beta]-dihydroxy-androst-5-ene);
- 287.12 (viii) 1-androstenedione (5[alpha]-androst-1-en-3,17-dione);
- 287.13 (ix) 4-androstenedione (androst-4-en-3,17-dione);
- 287.14 (x) 5-androstenedione (androst-5-en-3,17-dione);
- 287.15 (xi) bolasterone (7[alpha],17[alpha]-dimethyl-17[beta]-hydroxyandrost-4-en-3-one);
- 287.16 (xii) boldenone (17[beta]-hydroxyandrost-1,4-diene-3-one);
- 287.17 (xiii) boldione (androsta-1,4-diene-3,17-dione);
- 287.18 (xiv) calusterone (7[beta],17[alpha]-dimethyl-17[beta]-hydroxyandrost-4-en-3-one);
- 287.19 (xv) clostebol (4-chloro-17[beta]-hydroxyandrost-4-en-3-one);
- 287.20 (xvi) dehydrochloromethyltestosterone
- 287.21 (4-chloro-17[beta]-hydroxy-17[alpha]-methylandrost-1,4-dien-3-one);
- 287.22 (xvii) desoxymethyltestosterone (17[alpha]-methyl-5[alpha]-androst-2-en-17[beta]-ol);
- 287.23 (xviii) [delta]1-dihydrotestosterone- (17[beta]-hydroxy-5[alpha]-androst-1-en-3-one);
- 287.24 (xix) 4-dihydrotestosterone (17[beta]-hydroxy-androstan-3-one);
- 287.25 (xx) drostanolone (17[beta]hydroxy-2[alpha]-methyl-5[alpha]-androstan-3-one);
- 287.26 (xxi) ethylestrenol (17[alpha]-ethyl-17[beta]-hydroxyestr-4-ene);
- 287.27 (xxii) fluoxymesterone
- 287.28 (9-fluoro-17[alpha]-methyl-11[beta],17[beta]-dihydroxyandrost-4-en-3-one);

- 288.1 (xxiii) formebolone
- 288.2 (2-formyl-17[alpha]-methyl-11[alpha],17[beta]-dihydroxyandrost-1,4-dien-3-one);
- 288.3 (xxiv) furazabol
- 288.4 (17[alpha]-methyl-17[beta]-hydroxyandrostano[2,3-c]-furazan)13[beta]-ethyl-17[beta]
  288.5 -hydroxygon-4-en-3-one;
- 288.6 (xxv) 4-hydroxytestosterone (4,17[beta]-dihydroxyandrost-4-en-3-one);
- 288.7 (xxvi) 4-hydroxy-19-nortestosterone (4,17[beta]-dihydroxyestr-4-en-3-one);
- 288.8 (xxvii) mestanolone (17[alpha]-methyl-17[beta]-hydroxy-5[alpha]-androstan-3-one);
- 288.9 (xxviii) mesterolone (1[alpha]-methyl-17[beta]-hydroxy-5[alpha]-androstan-3-one);
- 288.10 (xxix) methandienone (17[alpha]-methyl-17[beta]-hydroxyandrost-1,4-dien-3-one);
- 288.11 (xxx) methandriol (17[alpha]-methyl-3[beta],17[beta]-dihydroxyandrost-5-ene);
- 288.12 (xxxi) methasterone (2 alpha-17 alpha-dimethyl-5 alpha-androstan-17beta-ol-3-one);
- 288.13 (xxxii) methenolone (1-methyl-17[beta]-hydroxy-5[alpha]-androst-1-en-3-one);
- 288.14 (xxxiii) 17[alpha]-methyl-3[beta],17[beta]-dihydroxy-5[alpha]-androstane;
- 288.15 (xxxiv) 17[alpha]-methyl-3[alpha],17[beta]-dihydroxy-5[alpha]-androstane;
- 288.16 (xxxv) 17[alpha]-methyl-3[beta],17[beta]-dihydroxyandrost-4-ene;
- 288.17 (xxxvi) 17[alpha]-methyl-4-hydroxynandrolone
- 288.18 (17[alpha]-methyl-4-hydroxy-17[beta]-hydroxyestr-4-en-3-one);
- 288.19 (xxxvii) methyldienolone (17[alpha]-methyl-17[beta]-hydroxyestra-4,9(10)-dien-3-one);
- 288.20 (xxxviii) methyltrienolone (17[alpha]-methyl-17[beta]-hydroxyestra-4,9-11-trien-3-one);
- 288.21 (xxxix) methyltestosterone (17[alpha]-methyl-17[beta]-hydroxyandrost-4-en-3-one);
- 288.22 (xl) mibolerone (7[alpha],17[alpha]-dimethyl-17[beta]-hydroxyestr-4-en-3-one);
- 288.23 (xli) 17[alpha]-methyl-[delta]1-dihydrotestosterone
- 288.24 (17[beta]-hydroxy-17[alpha]-methyl-5[alpha]-androst-1-en-3-one);
- 288.25 (xlii) nandrolone (17[beta]-hydroxyestr-4-en-3-one);
- 288.26 (xliii) 19-nor-4-androstenediol (3[beta],17[beta]-dihydroxyestr-4-ene;
- 288.27 (xliv) 3[alpha],17[beta]-dihydroxyestr-4-ene); 19-nor-5-androstenediol
- 288.28 (3[beta],17[beta]-dihydroxyestr-5-ene;
- 288.29 (xlv) 3[alpha],17[beta]-dihydroxyestr-5-ene);

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- 289.1 (xlvi) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione);
- 289.2 (xlvii) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
- 289.3 (xlviii) norbolethone (13[beta],17[alpha]-diethyl-17[beta]-hydroxygon-4-en-3-one);
- 289.4 (xlix) norclostebol (4-chloro-17[beta]-hydroxyestr-4-en-3-one);
- 289.5 (l) norethandrolone (17[alpha]-ethyl-17[beta]-hydroxyestr-4-en-3-one);
- 289.6 (li) normethandrolone (17[alpha]-methyl-17[beta]-hydroxyestr-4-en-3-one);
- 289.7 (lii) oxandrolone (17[alpha]-methyl-17[beta]-hydroxy-2-oxa-5[alpha]-androstan-3-one);
- 289.8 (liii) oxymesterone (17[alpha]-methyl-4,17[beta]-dihydroxyandrost-4-en-3-one);
- 289.9 (liv) oxymetholone
- 289.10 (17[alpha]-methyl-2-hydroxymethylene-17[beta]-hydroxy-5[alpha]-androstan-3-one);
- 289.11 (lv) prostanozol (17 beta-hydroxy-5 alpha-androstano[3,2-C]pryazole;
- 289.12 (lvi) stanozolol
- 289.13 (17[alpha]-methyl-17[beta]-hydroxy-5[alpha]-androst-2-eno[3,2-c]-pyrazole);
- 289.14 (lvii) stenbolone (17[beta]-hydroxy-2-methyl-5[alpha]-androst-1-en-3-one);
- 289.15 (lviii) testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);
- 289.16 (lix) testosterone (17[beta]-hydroxyandrost-4-en-3-one);
- 289.17 (lx) tetrahydrogestrinone
- 289.18 (13[beta],17[alpha]-diethyl-17[beta]-hydroxygon-4,9,11-trien-3-one);
- 289.19 (lxi) trenbolone (17[beta]-hydroxyestr-4,9,11-trien-3-one);
- 289.20 (lxii) any salt, ester, or ether of a drug or substance described in this paragraph.
- 289.21 Anabolic steroids are not included if they are: (A) expressly intended for administration
- 289.22 through implants to cattle or other nonhuman species; and (B) approved by the United States
- 289.23 Food and Drug Administration for that use;
- 289.24 (2) Human growth hormones.
- (3) Chorionic gonadotropin, except that a product containing chorionic gonadotropin isnot included if it is:
- (i) expressly intended for administration to cattle or other nonhuman species; and
- 289.28 (ii) approved by the United States Food and Drug Administration for that use.

290.1

(g) Hallucinogenic substances. Dronabinol (synthetic artificial) in sesame oil and

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- encapsulated in a soft gelatin capsule in a United States Food and Drug Administration 290.2 290.3 approved product. (h) Any material, compound, mixture, or preparation containing the following narcotic 290.4 290.5 drug or its salt: buprenorphine. (i) Marijuana, tetrahydrocannabinols, and artificial cannabinoids. Unless specifically 290.6 excepted or unless listed in another schedule, any natural or artificial material, compound, 290.7 mixture, or preparation that contains any quantity of the following substances, their analogs, 290.8 isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence 290.9 of the isomers, esters, ethers, or salts is possible: 290.10 (1) marijuana; 290.11 (2) tetrahydrocannabinols naturally contained in a plant of the genus Cannabis, except 290.12 that tetrahydrocannabinols do not include any material, compound, mixture, or preparation 290.13 that qualifies as industrial hemp as defined in section 18K.02, subdivision 3; artificial 290.14 equivalents of the substances contained in the cannabis plant or in the resinous extractives 290.15 of the plant; or artificial substances with similar chemical structure and pharmacological 290.16 activity to those substances contained in the plant or resinous extract, including but not 290.17 limited to 1 cis or trans tetrahydrocannabinol, 6 cis or trans tetrahydrocannabinol, and 3,4 290.18 cis or trans tetrahydrocannabinol. 290.19 **EFFECTIVE DATE.** This section is effective the day following final enactment. 290.20 **ARTICLE 9** 290.21 **APPROPRIATIONS** 290.22 Section 1. APPROPRIATIONS. 290.23 The sums shown in the columns marked "Appropriations" are appropriated to the agencies 290.24 and for the purposes of this act. The appropriations are from the general fund, or another 290.25 named fund, and are available for the fiscal years indicated for each purpose. The figures 290.26 "2024" and "2025" used in this article mean that the appropriations listed under them are 290.27 available for the fiscal year ending June 30, 2024, or June 30, 2025, respectively. "The first 290.28 290.29 year" is fiscal year 2024. "The second year" is fiscal year 2025. "The biennium" is fiscal years 2024 and 2025. 290.30 290.31 APPROPRIATIONS
- 290.32

Available for the Year

	HF100 FIRST UNOFFICIAL ENGROSSMENT	REVISOR	BD	UEH0100-1
291.1			<b>Ending Jun</b>	ie 30
291.2			2024	2025
291.3	Sec. 2. AGRICULTURE	<u>\$</u>	<u>411,000 §</u>	411,000
291.4	The base for this appropriation is \$338,00	<u>00 in</u>		
291.5	fiscal year 2026 and each fiscal year therea	after.		
291.6	Sec. 3. ATTORNEY GENERAL	<u>\$</u>	<u>-0-</u> <u>\$</u>	<u>358,000</u>
291.7	The base for this appropriation is \$0 in f	iscal		
291.8	year 2029.			
291.9	Sec. 4. CANNABIS EXPUNGEMENT	BOARD §	<u>-0-</u> <u>\$</u>	<u>3,508,000</u>
291.10	The base for this appropriation is \$6,206	,000		
291.11	in fiscal year 2026, \$6,195,000 in fiscal y	/ears		
291.12	2027 and 2028, and \$0 in fiscal year 2029	and		
291.13	each fiscal year thereafter.			
291.14 291.15	Sec. 5. <u>OFFICE OF CANNABIS</u> MANAGEMENT	<u>\$</u>	<u>19,814,000 §</u>	19,160,000
291.16	The base for this appropriation is \$22,587	<i>.</i> 000		
291.17	in fiscal year 2026 and \$25,144,000 in fi			
291.18	year 2027.			
291.19	\$1,000,000 each year is for cannabis indu	ustrv		
291.20	community renewal grants under Minnes	<u>v</u>		
291.21	Statutes, section 342.67. Of these amount			
291.22	to three percent may be used for administr	<u> </u>		
291.23	expenses. The base for these appropriation			
291.24	is \$2,000,000 in fiscal year 2026 and eac			
291.25	fiscal year thereafter.			
291.26	\$1,000,000 each year is for grants issued u	inder_		
291.27	Minnesota Statutes, section 342.69, to elig	gible		
291.28	organizations to help farmers navigate th	ne		
291.29	regulatory structure of the legal cannabis	5		
291.30	industry and to nonprofit corporations to	<u>)</u>		
291.31	provide loans to farmers for expansion in	nto		
291.32	the legal cannabis industry. Of these amo	unts,		

	HF100 FIRST UNOFFICIAL ENGROSSMENT	REVISOR	BD	UEH0100-1
292.1	up to three percent may be used for			
292.2	administrative expenses.			
292.3	Sec. 6. <u>COMMERCE</u>	<u>\$</u>	<u>527,000</u> <u>\$</u>	<u>1,093,000</u>
292.4	The base for this appropriation is \$1,341,	,000		
292.5	in fiscal year 2026 and \$1,520,000 in fisc	cal		
292.6	year 2027.			
292.7	\$82,000 each year is to establish appropr	iate		
292.8	energy standards.			
292.9	\$445,000 the first year and \$1,011,000 th	le		
292.10	second year are for scale and packaging			
292.11	inspections. The base for this appropriation	on is		
292.12	\$1,259,000 in fiscal year 2026 and \$1,438	,000		
292.13	in fiscal year 2027.			
292.14	Sec. 7. DISTRICT COURT	<u>\$</u>	<u>\$250,000</u> <u>\$</u>	<u>\$250,000</u>
292.15	For treatment courts.			
292.16	Sec. 8. EDUCATION	<u>\$</u>	<u>2,180,000</u> <u>\$</u>	2,120,000
292.17	\$2,000,000 each year is for grants to scho	bol		
292.18	districts, charter schools, and nonprofit			
292.19	organizations for peer-to-peer education.			
292.20 292.21	Sec. 9. <u>EMPLOYMENT AND ECONC</u> <u>DEVELOPMENT</u>	<u>DMIC</u> <u>\$</u>	<u>6,000,000 §</u>	<u>6,000,000</u>
292.22	(a) For the CanStartup, CanNavigate, and	1		
292.23	CanTrain programs. Any unencumbered			
292.24	balances remaining in the first year do no	<u>ot</u>		
292.25	cancel but are available for the second ye	ear.		
292.26	(b) \$2,000,000 each year is for the CanSta	rtup		
292.27	program established under Minnesota Statu	utes,		
292.28	section 116J.659.			
292.29	(c) \$1,000,000 each year is for the			
292.30	CanNavigate program established under			
292.31	Minnesota Statutes, section 116J.6595.			

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293.1	(d) \$3,000,000 each year is for the CanTra	ain			
293.2	program established under Minnesota Statutes,				
293.3	section 116L.90.				
293.4	(e) Of these amounts, up to four percent n	nay			
293.5	be used for administrative expenses.				
293.6	Sec. 10. HEALTH				
293.7	Subdivision 1. Total Appropriation	<u>\$</u>	<u>18,556,000</u> §	17,420,000	
293.8	The amounts that may be spent for each				
293.9	purpose are specified in the following				
293.10	subdivisions.				
293.11 293.12	Subd. 2. Education Grants for Pregnant Breastfeeding Individuals	t or	<u>2,000,000</u>	2,000,000	
293.13	For grants under Minnesota Statutes, secti	on			
293.14	144.197.				
293.15	Subd. 3. Youth Education		4,503,000	4,503,000	
293.16	For grants under Minnesota Statutes, secti	on			
293.17	144.197.				
293.18	Subd. 4. Local and Tribal Health Depar	<u>tments</u>	9,543,000	9,543,000	
293.19	For grants under Minnesota Statutes, secti	ion			
293.20	<u>144.197.</u>				
293.21 293.22	Subd. 5. Cannabis Data Collection and H Reports	<u> Biennial</u>	493,000	493,000	
293.23	For reports under Minnesota Statutes, sect	ion			
293.24	<u>144.196.</u>				
293.25 293.26	Subd. 6. Administration for Expungeme Orders	ent	<u>-0-</u>	71,000	
293.27	For administration related to orders issued	hv			
293.27	the Cannabis Expungement Board. The ba				
293.29	for this appropriation is \$71,000 in fiscal y				
293.30	2026, \$71,000 in fiscal year 2027, \$71,000				
293.31	fiscal year 2028, \$71,000 in fiscal year 20				
293.32	and \$0 in fiscal year 2030.	<u> </u>			

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294.1 294.2	Subd. 7. Grants to the Minnesota Poison Contro System	<u>ol</u>	<u>910,000</u>	<u>810,000</u>	
294.3	For grants under Minnesota Statutes, section				
294.4	<u>145.93.</u>				
294.5 294.6	Subd. 8. Temporary Regulation of Edible Products Extracted from Hemp		1,107,000	<u>-0-</u>	
294.7	For temporary regulation under the health				
294.8	enforcement consolidation act of edible				
294.9	products extracted from hemp. This is a				
294.10	onetime appropriation.				
294.11	Sec. 11. OFFICE OF HIGHER EDUCATION	<u>\$</u>	<u>104,000</u>	<u>\$ 9,000</u>	
294.12	The base for this appropriation is \$59,000 in				
294.13	fiscal years 2026 and 2027 and \$0 in fiscal				
294.14	year 2028 and each fiscal year thereafter.				
294.15	Sec. 12. HUMAN SERVICES	<u>\$</u>	5,326,000	<u>\$ 5,936,000</u>	
294.16	<b>Central Office Administration</b>				
294.17	For the Office of Inspector General to process				
294.18	additional background studies and for the				
294.19	behavioral health, deaf and hard-of-hearing,				
294.20					
294.21	under Minnesota Statutes, section 342.04, and				
294.22	the consultation requirements under Minnesota				
294.23	Statutes, section 342.68. The base for this				
294.24	appropriation is \$5,936,000 in fiscal year				
294.25	2026, \$5,936,000 in fiscal year 2027,				
294.26	\$5,936,000 in fiscal year 2028, and \$1,838,000				
294.27	in fiscal year 2029 and thereafter.				
294.28	Sec. 13. LABOR AND INDUSTRY	<u>\$</u>	<u>116,000</u>	<u>\$</u> <u>123,000</u>	
294.29	Sec. 14. NATURAL RESOURCES	<u>\$</u>	338,000	<u>\$</u> <u>-0-</u>	
294.30	Sec. 15. POLLUTION CONTROL AGENCY	<u>\$</u>	<u>140,000</u>	<u>\$</u> <u>70,000</u>	
294.31	Sec. 16. PUBLIC SAFETY				
294.32	Subdivision 1. Total Appropriation	<u>\$</u>	<u>13,987,000</u>	<u>\$ 5,654,000</u>	

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295.1	The amounts that may be spent for each				
295.2	purpose are specified in the following				
295.3	subdivisions.				
295.4	Subd. 2. Bureau of Criminal Apprehen	ision	6,325,000	3,426,000	
295.5	Subd. 3. Office of Traffic Safety		1,485,000	10,000	
295.6	These are onetime appropriations.				
295.7	Subd. 4. Office of Justice Programs		20,000	<u>-0-</u>	
295.8	For a grant to Hennepin County to produ	ice			
295.9	the High Intensity Drug Trafficking Area				
295.10	report in article 6, section 61.	_			
295.11	Subd. 5. State Patrol		6,157,000	2,218,000	
295.12	This appropriation is from the trunk high	way			
295.13	fund.				
295.14	Sec. 17. <u><b>REVENUE</b></u>	<u>\$</u>	<u>3,825,000</u> <u>\$</u>	3,237,000	
295.15	The base for this appropriation is \$3,204	,000			
295.16	in fiscal year 2026 and \$3,203,000 in fisc	cal			
295.17	year 2027.				
295.18	Sec. 18. SUPREME COURT	<u>\$</u>	<u>545,000</u> <u>\$</u>	545,000	
295.19	These are onetime appropriations.				
295.20	Sec. 19. UNIVERSITY OF MINNESO	<u>• • • • • • • • • • • • • • • • • • • </u>	<u>2,500,000 §</u>	2,500,000	
295.21	To establish a Center for Cannabis Resea	arch			
295.22	within the School of Public Health. The ce	enter			
295.23	must investigate the effects of cannabis u	ise			
295.24	on health and research other topics relate	ed to			
295.25	cannabis, including but not limited to				
295.26	prevention and treatment of substance us	se			
295.27	disorders, equity issues, education, and				
295.28	decriminalization.				
295.29	Sec. 20. APPROPRIATION AND BA	ASE REDUC	CTIONS.		

# 295.29 Sec. 20. APPROPRIATION AND BASE REDUCTIONS.

295.30 (a) The commissioner of management and budget must reduce general fund appropriations

295.31 to the commissioner of corrections by \$165,000 in fiscal year 2024 and \$368,000 in fiscal

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296.1	year 2025. The commissioner m	nust reduce the base for ge	eneral fund appro	opriations to the	
296.2	commissioner of corrections by	\$460,000 in fiscal year 20	026 and \$503,00	0 in fiscal year	
296.3	<u>2027.</u>				
296.4	(b) The commissioner of man	agement and budget must r	educe general fu	nd appropriations	
296.5	to the commissioner of health by	y \$394,000 in fiscal year 2	2024 and \$781,0	000 in fiscal year	
296.6	2025 for the administration of the	ne medical cannabis progr	<u>am.</u>		
296.7	(c) The commissioner of man	nagement and budget must	t reduce state go	vernment special	
296.8	revenue fund appropriations to t	the commissioner of healt	h by \$1,712,000	in fiscal year	
296.9	2024 and \$3,424,000 in fiscal ye	ar 2025 for administration	of the medical ca	annabis program.	
296.10	Sec. 21. TRANSFERS.				
296.11	(a) \$1,000,000 in fiscal year	2024 and \$1,000,000 in f	iscal year 2025	are transferred	
296.12	from the general fund to the dua	ll training account in the s	pecial revenue f	und under	
296.13	Minnesota Statutes, section 136A.246, subdivision 10, for grants to employers in the legal				
296.14	cannabis industry. These are onetime transfers. The commissioner shall give priority to				
296.15	applications from employers who are, or who are training employees who are, eligible to				
296.16	be social equity applicants under Minnesota Statutes, section 342.16. After June 30, 2025,				
296.17	any unencumbered balance from	this transfer may be used f	for grants to any o	eligible employer	
296.18	under Minnesota Statutes, section 136A.246.				
296.19	(b) \$4,000,000 in fiscal year	2024 and \$4,000,000 in f	fiscal year 2025	are transferred	
296.20	from the general fund to the subs	tance use treatment, recov	ery, and prevent	ion grant account	
296.21	established under Minnesota Sta	atutes, section 342.68.			
296.22	Sec. 22. APPROPRIATION;	DEPARTMENT OF A	GRICULTURE	<u>•</u>	
296.23	\$3,000,000 in fiscal year 202	3 is appropriated from the	general fund to t	he commissioner	
296.24	of agriculture for the planning, 1	research, analysis, and oth	er efforts neede	d to establish the	
296.25	Office of Cannabis Managemen	t and transition programs,	, authorities, and	responsibilities	
296.26	contained in Minnesota Statutes	, chapter 342, and implem	nentation activiti	es authorized	
296.27	under article 7, section 16. This	is a onetime appropriation	n and is availabl	e until June 30,	
296.28	<u>2025.</u>				
296.29	<b>EFFECTIVE DATE.</b> This s	section is effective the day	y following final	enactment.	

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29	97.1	ARTICLE 10
29	97.2	GRANTS MANAGEMENT
29	97.3	Section 1. FINANCIAL REVIEW OF GRANT AND BUSINESS SUBSIDY
29	97.4	RECIPIENTS.
20	97.5	Subdivision 1. Definitions. (a) As used in this section, the following terms have the
	97.6	meanings given.
29	97.7	(b) "Grant" means a grant or business subsidy funded by an appropriation in this act.
29	97.8	(c) "Grantee" means a business entity as defined in Minnesota Statutes, section 5.001.
29	97.9	Subd. 2. Financial information required; determination of ability to perform. Before
29	97.10	an agency awards a competitive, legislatively named, single-source, or sole-source grant,
29	97.11	the agency must assess the risk that a grantee cannot or would not perform the required
29	97.12	duties. In making this assessment, the agency must review the following information:
29	97.13	(1) the grantee's history of performing duties similar to those required by the grant,
29	97.14	whether the size of the grant requires the grantee to perform services at a significantly
29	97.15	increased scale, and whether the size of the grant will require significant changes to the
29	97.16	operation of the grantee's organization;
29	97.17	(2) for a grantee that is a nonprofit organization, the grantee's Form 990 or Form 990-EZ
29	97.18	filed with the Internal Revenue Service in each of the prior three years. If the grantee has
29	97.19	not been in existence long enough or is not required to file Form 990 or Form 990-EZ, the
29	97.20	grantee must demonstrate to the grantor's satisfaction that the grantee is exempt and must
29	97.21	instead submit the grantee's most recent board-reviewed financial statements and
29	97.22	documentation of internal controls;
29	97.23	(3) for a for-profit business, three years of federal and state tax returns, current financial
29	97.24	statements, certification that the business is not under bankruptcy proceedings, and disclosure
29	97.25	of any liens on its assets. If a business has not been in existence long enough to have three
29	97.26	years of tax returns, the grantee must demonstrate to the grantor's satisfaction that the grantee
29	97.27	has appropriate internal financial controls;
29	97.28	(4) evidence of registration and good standing with the secretary of state under Minnesota
29	97.29	Statutes, chapter 317A, or other applicable law;
29	97.30	(5) if the grantee's total annual revenue exceeds \$750,000, the grantee's most recent
	97.31	financial audit performed by an independent third party in accordance with generally accepted
29	97.32	accounting principles; and

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298.1 (6) certification, provided by the grantee, that none of its principals have been convicted
 298.2 of a financial crime.

Subd. 3. Additional measures for some grantees. The agency may require additional
 information and must provide enhanced oversight for grantees that have not previously
 received state or federal grants for similar amounts or similar duties and so have not yet
 demonstrated the ability to perform the duties required under the grant on the scale required.

298.7 Subd. 4. Assistance from administration. An agency without adequate resources or
 298.8 experience to perform obligations under this section may contract with the commissioner
 298.9 of administration to perform the agency's duties under this section.

298.10 <u>Subd. 5.</u> Agency authority to not award grant. If an agency determines that there is 298.11 an appreciable risk that a grantee receiving a competitive, single-source, or sole-source

298.12 grant cannot or would not perform the required duties under the grant agreement, the agency

298.13 must notify the grantee and the commissioner of administration and give the grantee an

298.14 opportunity to respond to the agency's concerns. If the grantee does not satisfy the agency's

298.15 concerns within 45 days, the agency must not award the grant.

298.16 Subd. 6. Legislatively named grantees. If an agency determines that there is an

298.17 appreciable risk that a grantee receiving a legislatively named grant cannot or would not

298.18 perform the required duties under the grant agreement, the agency must notify the grantee,

298.19 the commissioner of administration, and the chairs and ranking minority members of the

298.20 Ways and Means Committee in the house of representatives, the chairs and ranking minority

298.21 members of the Finance Committee in the senate, and the chairs and ranking minority

298.22 members of the committees in the house of representatives and the senate with primary

298.23 jurisdiction over the bill in which the money for the grant was appropriated. The agency

298.24 <u>must give the grantee an opportunity to respond to the agency's concerns. If the grantee</u>

does not satisfy the agency's concerns within 45 days, the agency must delay award of the

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298.26 grant until adjournment of the next regular or special legislative session.
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298.27 Subd. 7. Subgrants. If a grantee will disburse the money received from the grant to

298.28 other organizations to perform duties required under the grant agreement, the agency must

298.29 be a party to agreements between the grantee and a subgrantee. Before entering agreements

298.30 for subgrants, the agency must perform the financial review required under this section with

298.31 respect to the subgrantees.

Subd. 8. Effect. The requirements of this section are in addition to other requirements
 imposed by law, the commissioner of administration under Minnesota Statutes, sections
 16B.97 to 16B.98, or agency grant policy.

# **18K.08 DEFENSE FOR POSSESSION OF MARIJUANA.**

It is an affirmative defense to a prosecution for the possession of marijuana under chapter 152 if:

(1) the defendant possesses industrial hemp grown pursuant to this chapter; or

(2) the defendant has a valid controlled substance registration from the United States Department of Justice, Drug Enforcement Administration, if required under federal law.

# **34A.01 DEFINITIONS.**

Subd. 4. **Food.** "Food" means every ingredient used for, entering into the consumption of, or used or intended for use in the preparation of food, drink, confectionery, or condiment for humans or other animals, whether simple, mixed, or compound; and articles used as components of these ingredients, except that edible cannabinoid products, as defined in section 151.72, subdivision 1, paragraph (c), are not food.

# 151.72 SALE OF CERTAIN CANNABINOID PRODUCTS.

Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have the meanings given.

(b) "Certified hemp" means hemp plants that have been tested and found to meet the requirements of chapter 18K and the rules adopted thereunder.

(c) "Edible cannabinoid product" means any product that is intended to be eaten or consumed as a beverage by humans, contains a cannabinoid in combination with food ingredients, and is not a drug.

(d) "Hemp" has the meaning given to "industrial hemp" in section 18K.02, subdivision 3.

- (e) "Label" has the meaning given in section 151.01, subdivision 18.
- (f) "Labeling" means all labels and other written, printed, or graphic matter that are:
- (1) affixed to the immediate container in which a product regulated under this section is sold;

(2) provided, in any manner, with the immediate container, including but not limited to outer containers, wrappers, package inserts, brochures, or pamphlets; or

(3) provided on that portion of a manufacturer's website that is linked by a scannable barcode or matrix barcode.

(g) "Matrix barcode" means a code that stores data in a two-dimensional array of geometrically shaped dark and light cells capable of being read by the camera on a smartphone or other mobile device.

(h) "Nonintoxicating cannabinoid" means substances extracted from certified hemp plants that do not produce intoxicating effects when consumed by any route of administration.

Subd. 2. **Scope.** (a) This section applies to the sale of any product that contains cannabinoids extracted from hemp and that is an edible cannabinoid product or is intended for human or animal consumption by any route of administration.

(b) This section does not apply to any product dispensed by a registered medical cannabis manufacturer pursuant to sections 152.22 to 152.37.

(c) The board must have no authority over food products, as defined in section 34A.01, subdivision 4, that do not contain cannabinoids extracted or derived from hemp.

Subd. 3. **Sale of cannabinoids derived from hemp.** (a) Notwithstanding any other section of this chapter, a product containing nonintoxicating cannabinoids, including an edible cannabinoid product, may be sold for human or animal consumption only if all of the requirements of this section are met, provided that a product sold for human or animal consumption does not contain more than 0.3 percent of any tetrahydrocannabinol and an edible cannabinoid product does not contain an amount of any tetrahydrocannabinol that exceeds the limits established in subdivision 5a, paragraph (f).

(b) No other substance extracted or otherwise derived from hemp may be sold for human consumption if the substance is intended:

(1) for external or internal use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals; or

(2) to affect the structure or any function of the bodies of humans or other animals.

(c) No product containing any cannabinoid or tetrahydrocannabinol extracted or otherwise derived from hemp may be sold to any individual who is under the age of 21.

(d) Products that meet the requirements of this section are not controlled substances under section 152.02.

Subd. 4. **Testing requirements.** (a) A manufacturer of a product regulated under this section must submit representative samples of the product to an independent, accredited laboratory in order to certify that the product complies with the standards adopted by the board. Testing must be consistent with generally accepted industry standards for herbal and botanical substances, and, at a minimum, the testing must confirm that the product:

(1) contains the amount or percentage of cannabinoids that is stated on the label of the product;

(2) does not contain more than trace amounts of any mold, residual solvents, pesticides, fertilizers, or heavy metals; and

(3) does not contain more than 0.3 percent of any tetrahydrocannabinol.

(b) Upon the request of the board, the manufacturer of the product must provide the board with the results of the testing required in this section.

(c) Testing of the hemp from which the nonintoxicating cannabinoid was derived, or possession of a certificate of analysis for such hemp, does not meet the testing requirements of this section.

Subd. 5. Labeling requirements. (a) A product regulated under this section must bear a label that contains, at a minimum:

(1) the name, location, contact phone number, and website of the manufacturer of the product;

(2) the name and address of the independent, accredited laboratory used by the manufacturer to test the product; and

(3) an accurate statement of the amount or percentage of cannabinoids found in each unit of the product meant to be consumed.

(b) The information in paragraph (a) may be provided on an outer package if the immediate container that holds the product is too small to contain all of the information.

(c) The information required in paragraph (a) may be provided through the use of a scannable barcode or matrix barcode that links to a page on the manufacturer's website if that page contains all of the information required by this subdivision.

(d) The label must also include a statement stating that the product does not claim to diagnose, treat, cure, or prevent any disease and has not been evaluated or approved by the United States Food and Drug Administration (FDA) unless the product has been so approved.

(e) The information required by this subdivision must be prominently and conspicuously placed on the label or displayed on the website in terms that can be easily read and understood by the consumer.

(f) The labeling must not contain any claim that the product may be used or is effective for the prevention, treatment, or cure of a disease or that it may be used to alter the structure or function of human or animal bodies, unless the claim has been approved by the FDA.

Subd. 5a. Additional requirements for edible cannabinoid products. (a) In addition to the testing and labeling requirements under subdivisions 4 and 5, an edible cannabinoid must meet the requirements of this subdivision.

(b) An edible cannabinoid product must not:

(1) bear the likeness or contain cartoon-like characteristics of a real or fictional person, animal, or fruit that appeals to children;

(2) be modeled after a brand of products primarily consumed by or marketed to children;

(3) be made by applying an extracted or concentrated hemp-derived cannabinoid to a commercially available candy or snack food item;

(4) contain an ingredient, other than a hemp-derived cannabinoid, that is not approved by the United States Food and Drug Administration for use in food;

(5) be packaged in a way that resembles the trademarked, characteristic, or product-specialized packaging of any commercially available food product; or

(6) be packaged in a container that includes a statement, artwork, or design that could reasonably mislead any person to believe that the package contains anything other than an edible cannabinoid product.

(c) An edible cannabinoid product must be prepackaged in packaging or a container that is child-resistant, tamper-evident, and opaque or placed in packaging or a container that is child-resistant, tamper-evident, and opaque at the final point of sale to a customer. The requirement that packaging be child-resistant does not apply to an edible cannabinoid product that is intended to be consumed as a beverage and which contains no more than a trace amount of any tetrahydrocannabinol.

(d) If an edible cannabinoid product is intended for more than a single use or contains multiple servings, each serving must be indicated by scoring, wrapping, or other indicators designating the individual serving size.

(e) A label containing at least the following information must be affixed to the packaging or container of all edible cannabinoid products sold to consumers:

(1) the serving size;

(2) the cannabinoid profile per serving and in total;

(3) a list of ingredients, including identification of any major food allergens declared by name; and

(4) the following statement: "Keep this product out of reach of children."

(f) An edible cannabinoid product must not contain more than five milligrams of any tetrahydrocannabinol in a single serving, or more than a total of 50 milligrams of any tetrahydrocannabinol per package.

Subd. 6. **Enforcement.** (a) A product regulated under this section, including an edible cannabinoid product, shall be considered an adulterated drug if:

(1) it consists, in whole or in part, of any filthy, putrid, or decomposed substance;

(2) it has been produced, prepared, packed, or held under unsanitary conditions where it may have been rendered injurious to health, or where it may have been contaminated with filth;

(3) its container is composed, in whole or in part, of any poisonous or deleterious substance that may render the contents injurious to health;

(4) it contains any food additives, color additives, or excipients that have been found by the FDA to be unsafe for human or animal consumption;

(5) it contains an amount or percentage of nonintoxicating cannabinoids that is different than the amount or percentage stated on the label;

(6) it contains more than 0.3 percent of any tetrahydrocannabinol or, if the product is an edible cannabinoid product, an amount of tetrahydrocannabinol that exceeds the limits established in subdivision 5a, paragraph (f); or

(7) it contains more than trace amounts of mold, residual solvents, pesticides, fertilizers, or heavy metals.

(b) A product regulated under this section shall be considered a misbranded drug if the product's labeling is false or misleading in any manner or in violation of the requirements of this section.

(c) The board's authority to issue cease and desist orders under section 151.06; to embargo adulterated and misbranded drugs under section 151.38; and to seek injunctive relief under section 214.11, extends to any violation of this section.

# **152.027 OTHER CONTROLLED SUBSTANCE OFFENSES.**

Subd. 3. **Possession of marijuana in a motor vehicle.** A person is guilty of a misdemeanor if the person is the owner of a private motor vehicle, or is the driver of the motor vehicle if the owner

is not present, and possesses on the person, or knowingly keeps or allows to be kept within the area of the vehicle normally occupied by the driver or passengers, more than 1.4 grams of marijuana. This area of the vehicle does not include the trunk of the motor vehicle if the vehicle is equipped with a trunk, or another area of the vehicle not normally occupied by the driver or passengers if the vehicle is not equipped with a trunk. A utility or glove compartment is deemed to be within the area occupied by the driver and passengers.

Subd. 4. **Possession or sale of small amounts of marijuana.** (a) A person who unlawfully sells a small amount of marijuana for no remuneration, or who unlawfully possesses a small amount of marijuana is guilty of a petty misdemeanor and shall be required to participate in a drug education program unless the court enters a written finding that a drug education program is inappropriate. The program must be approved by an area mental health board with a curriculum approved by the state alcohol and drug abuse authority.

(b) A person convicted of an unlawful sale under paragraph (a) who is subsequently convicted of an unlawful sale under paragraph (a) within two years is guilty of a misdemeanor and shall be required to participate in a chemical dependency evaluation and treatment if so indicated by the evaluation.

(c) A person who is convicted of a petty misdemeanor under paragraph (a) who willfully and intentionally fails to comply with the sentence imposed, is guilty of a misdemeanor. Compliance with the terms of the sentence imposed before conviction under this paragraph is an absolute defense.

## **152.21 THC THERAPEUTIC RESEARCH ACT.**

Subdivision 1. **Findings and purpose.** The legislature finds that scientific literature indicates promise for delta-9-tetrahydro-cannabinol (THC), the active component of marijuana, in alleviating certain side effects of cancer chemotherapy under strictly controlled medical circumstances.

The legislature also finds that further research and strictly controlled experimentation regarding the therapeutic use of THC is necessary and desirable. The intent of this section is to establish an extensive research program to investigate and report on the therapeutic effects of THC under strictly controlled circumstances in compliance with all federal laws and regulations promulgated by the federal Food and Drug Administration, the National Institute on Drug Abuse and the Drug Enforcement Administration. The intent of the legislature is to allow this research program the greatest possible access to qualified cancer patients residing in Minnesota who meet protocol requirements. The establishment of this research program is not intended in any manner whatsoever to condone or promote the illicit recreational use of marijuana.

Subd. 2. **Definitions.** For purposes of this section, the following terms shall have the meanings given.

(a) "Commissioner" means the commissioner of health.

(b) "Marijuana" means marijuana as defined in section 152.01, subdivision 9, and delta-9-tetrahydro-cannabinol (THC), tetrahydrocannabinols or a chemical derivative of tetrahydrocannabinols, and all species of the genus Cannabis.

(c) "Principal investigator" means the individual responsible for the medical and scientific aspects of the research, development of protocol, and contacting and qualifying the clinical investigators in the state.

(d) "Clinical investigators" means those individuals who conduct the clinical trials.

(e) "Sponsor" means that individual or organization who, acting on behalf of the state, has the total responsibility for the state program.

Subd. 3. **Research grant.** The commissioner of health shall grant funds to the principal investigator selected by the commissioner pursuant to subdivision 4 for the purpose of conducting a research program under a protocol approved by the FDA regarding the therapeutic use of oral THC and other dosage forms, if available, according to the guidelines and requirements of the federal Food and Drug Administration, the Drug Enforcement Administration and the National Institute on Drug Abuse. The commissioner shall ensure that the research principal investigator complies with the requirements of subdivision 5. The commissioner may designate the principal investigator as the sponsor.

Subd. 4. **Principal investigator.** Within three months of April 25, 1980, the commissioner shall, in consultation with a representative chosen by the state Board of Pharmacy and a representative

chosen by the state Board of Medical Examiners, select a person or research organization to be the principal investigator of the research program.

Subd. 5. Duties. The principal investigator shall:

(1) apply to the Food and Drug Administration for a notice of "Claimed Investigational Exemption for a New Drug (IND)" pursuant to the Federal Food, Drug and Cosmetic Act, United States Code, title 21, section 301, et seq., and shall comply with all applicable laws and regulations of the federal Food and Drug Administration, the Drug Enforcement Administration, and the National Institute on Drug Abuse in establishing the program;

(2) notify every oncologist in the state of the program, explain the purposes and requirements of the program to them, provide on request each of them with a copy of the approved protocol which shall include summaries of current papers in medical journals reporting on research concerning the safety, efficacy and appropriate use of THC in alleviating the nausea and emetic effects of cancer chemotherapy, and provide on request each of them with a bibliography of other articles published in medical journals;

(3) allow each oncologist (clinical investigator) in the state who meets or agrees to meet all applicable federal requirements for investigational new drug research and who so requests to be included in the research program as a clinical investigator to conduct the clinical trials;

(4) provide explanatory information and assistance to each clinical investigator in understanding the nature of therapeutic use of THC within program requirements, including the informed consent document contained in the protocol, informing and counseling patients involved in the program regarding the appropriate use and the effects of therapeutic use of THC;

(5) apply to contract with the National Institute on Drug Abuse for receipt of dosage forms of THC, fully characterized as to contents and delivery to the human system, pursuant to regulations promulgated by the National Institute on Drug Abuse, and the federal Food and Drug Administration. The principal investigator shall ensure delivery of the THC dosages to clinical investigators as needed for participation in the program;

(6) conduct the research program in compliance with federal laws and regulations promulgated by the federal Food and Drug Administration, the Drug Enforcement Administration, the National Institute on Drug Abuse, and the purposes and provisions of this section;

(7) submit periodic reports as determined by the commissioner on the numbers of oncologists and patients involved in the program and the results of the program;

(8) submit reports on intermediate or final research results, as appropriate, to the major scientific journals in the United States; and

(9) otherwise comply with the provisions of this section.

Subd. 6. **Exemption from criminal sanctions.** For the purposes of this section, the following are not violations under this chapter:

(1) use or possession of THC, or both, by a patient in the research program;

(2) possession, prescribing use of, administering, or dispensing THC, or any combination of these actions, by the principal investigator or by any clinical investigator; and

(3) possession or distribution of THC, or both, by a pharmacy registered to handle Schedule I substances which stores THC on behalf of the principal investigator or a clinical investigator.

THC obtained and distributed pursuant to this section is not subject to forfeiture under sections 609.531 to 609.5316.

For the purposes of this section, THC is removed from Schedule I contained in section 152.02, subdivision 2, and inserted in Schedule II contained in section 152.02, subdivision 3.

Subd. 7. Citation. This section may be cited as the "THC Therapeutic Research Act."

# **152.22 DEFINITIONS.**

Subdivision 1. **Applicability.** For purposes of sections 152.22 to 152.37, the terms defined in this section have the meanings given them.

Subd. 2. Commissioner. "Commissioner" means the commissioner of health.

Subd. 3. **Disqualifying felony offense.** "Disqualifying felony offense" means a violation of a state or federal controlled substance law that is a felony under Minnesota law, or would be a felony if committed in Minnesota, regardless of the sentence imposed, unless the commissioner determines that the person's conviction was for the medical use of cannabis or assisting with the medical use of cannabis.

Subd. 4. **Health care practitioner.** "Health care practitioner" means a Minnesota licensed doctor of medicine, a Minnesota licensed physician assistant, or a Minnesota licensed advanced practice registered nurse who has the primary responsibility for the care and treatment of the qualifying medical condition of a person diagnosed with a qualifying medical condition.

Subd. 5. **Health records.** "Health records" means health records as defined in section 144.291, subdivision 2, paragraph (c).

Subd. 5a. **Hemp.** "Hemp" has the meaning given to industrial hemp in section 18K.02, subdivision 3.

Subd. 5b. **Hemp grower.** "Hemp grower" means a person licensed by the commissioner of agriculture under chapter 18K to grow hemp for commercial purposes.

Subd. 6. **Medical cannabis.** (a) "Medical cannabis" means any species of the genus cannabis plant, or any mixture or preparation of them, including whole plant extracts and resins, and is delivered in the form of:

(1) liquid, including, but not limited to, oil;

(2) pill;

(3) vaporized delivery method with use of liquid or oil;

(4) combustion with use of dried raw cannabis; or

(5) any other method approved by the commissioner.

(b) This definition includes any part of the genus cannabis plant prior to being processed into a form allowed under paragraph (a), that is possessed by a person while that person is engaged in employment duties necessary to carry out a requirement under sections 152.22 to 152.37 for a registered manufacturer or a laboratory under contract with a registered manufacturer. This definition also includes any hemp acquired by a manufacturer by a hemp grower as permitted under section 152.29, subdivision 1, paragraph (b).

Subd. 7. **Medical cannabis manufacturer.** "Medical cannabis manufacturer" or "manufacturer" means an entity registered by the commissioner to cultivate, acquire, manufacture, possess, prepare, transfer, transport, supply, or dispense medical cannabis, delivery devices, or related supplies and educational materials.

Subd. 8. **Medical cannabis product.** "Medical cannabis product" means any delivery device or related supplies and educational materials used in the administration of medical cannabis for a patient with a qualifying medical condition enrolled in the registry program.

Subd. 9. **Patient.** "Patient" means a Minnesota resident who has been diagnosed with a qualifying medical condition by a health care practitioner and who has otherwise met any other requirements for patients under sections 152.22 to 152.37 to participate in the registry program under sections 152.22 to 152.37.

Subd. 10. **Patient registry number.** "Patient registry number" means a unique identification number assigned by the commissioner to a patient enrolled in the registry program.

Subd. 11. **Registered designated caregiver.** "Registered designated caregiver" means a person who:

(1) is at least 18 years old;

(2) does not have a conviction for a disqualifying felony offense;

(3) has been approved by the commissioner to assist a patient who requires assistance in administering medical cannabis or obtaining medical cannabis from a distribution facility; and

(4) is authorized by the commissioner to assist the patient with the use of medical cannabis.

Subd. 12. **Registry program.** "Registry program" means the patient registry established in sections 152.22 to 152.37.

Subd. 13. **Registry verification.** "Registry verification" means the verification provided by the commissioner that a patient is enrolled in the registry program and that includes the patient's name, registry number, and, if applicable, the name of the patient's registered designated caregiver or parent, legal guardian, or spouse.

Subd. 14. **Qualifying medical condition.** "Qualifying medical condition" means a diagnosis of any of the following conditions:

(1) cancer, if the underlying condition or treatment produces one or more of the following:

- (i) severe or chronic pain;
- (ii) nausea or severe vomiting; or
- (iii) cachexia or severe wasting;
- (2) glaucoma;
- (3) human immunodeficiency virus or acquired immune deficiency syndrome;
- (4) Tourette's syndrome;
- (5) amyotrophic lateral sclerosis;
- (6) seizures, including those characteristic of epilepsy;
- (7) severe and persistent muscle spasms, including those characteristic of multiple sclerosis;
- (8) inflammatory bowel disease, including Crohn's disease;

(9) terminal illness, with a probable life expectancy of under one year, if the illness or its treatment produces one or more of the following:

(i) severe or chronic pain;

- (ii) nausea or severe vomiting; or
- (iii) cachexia or severe wasting; or

(10) any other medical condition or its treatment approved by the commissioner.

## **152.23 LIMITATIONS.**

(a) Nothing in sections 152.22 to 152.37 permits any person to engage in and does not prevent the imposition of any civil, criminal, or other penalties for:

(1) undertaking any task under the influence of medical cannabis that would constitute negligence or professional malpractice;

(2) possessing or engaging in the use of medical cannabis:

(i) on a school bus or van;

- (ii) on the grounds of any preschool or primary or secondary school;
- (iii) in any correctional facility; or
- (iv) on the grounds of any child care facility or home day care;
- (3) vaporizing or combusting medical cannabis pursuant to section 152.22, subdivision 6:

(i) on any form of public transportation;

(ii) where the vapor would be inhaled by a nonpatient minor child or where the smoke would be inhaled by a minor child; or

(iii) in any public place, including any indoor or outdoor area used by or open to the general public or a place of employment as defined under section 144.413, subdivision 1b; and

(4) operating, navigating, or being in actual physical control of any motor vehicle, aircraft, train, or motorboat, or working on transportation property, equipment, or facilities while under the influence of medical cannabis.

(b) Nothing in sections 152.22 to 152.37 require the medical assistance and MinnesotaCare programs to reimburse an enrollee or a provider for costs associated with the medical use of cannabis. Medical assistance and MinnesotaCare shall continue to provide coverage for all services related

to treatment of an enrollee's qualifying medical condition if the service is covered under chapter 256B or 256L.

# **152.24 FEDERALLY APPROVED CLINICAL TRIALS.**

The commissioner may prohibit enrollment of a patient in the registry program if the patient is simultaneously enrolled in a federally approved clinical trial for the treatment of a qualifying medical condition with medical cannabis. The commissioner shall provide information to all patients enrolled in the registry program on the existence of federally approved clinical trials for the treatment of the patient's qualifying medical condition with medical cannabis as an alternative to enrollment in the patient registry program.

# **152.25 COMMISSIONER DUTIES.**

Subdivision 1. **Medical cannabis manufacturer registration.** (a) The commissioner shall register two in-state manufacturers for the production of all medical cannabis within the state. A registration agreement between the commissioner and a manufacturer is nontransferable. The commissioner shall register new manufacturers or reregister the existing manufacturers by December 1 every two years, using the factors described in this subdivision. The commissioner shall accept applications after December 1, 2014, if one of the manufacturers registered before December 1, 2014, ceases to be registered as a manufacturer. The commissioner's determination that no manufacturer exists to fulfill the duties under sections 152.22 to 152.37 is subject to judicial review in Ramsey County District Court. Data submitted during the application process are private data on individuals or nonpublic data as defined in section 13.02 until the manufacturer is registered under this section. Data on a manufacturer that is registered are public data, unless the data are trade secret or security information under section 13.37.

(b) As a condition for registration, a manufacturer must agree to:

(1) begin supplying medical cannabis to patients by July 1, 2015; and

(2) comply with all requirements under sections 152.22 to 152.37.

(c) The commissioner shall consider the following factors when determining which manufacturer to register:

(1) the technical expertise of the manufacturer in cultivating medical cannabis and converting the medical cannabis into an acceptable delivery method under section 152.22, subdivision 6;

(2) the qualifications of the manufacturer's employees;

(3) the long-term financial stability of the manufacturer;

(4) the ability to provide appropriate security measures on the premises of the manufacturer;

(5) whether the manufacturer has demonstrated an ability to meet the medical cannabis production needs required by sections 152.22 to 152.37; and

(6) the manufacturer's projection and ongoing assessment of fees on patients with a qualifying medical condition.

(d) If an officer, director, or controlling person of the manufacturer pleads or is found guilty of intentionally diverting medical cannabis to a person other than allowed by law under section 152.33, subdivision 1, the commissioner may decide not to renew the registration of the manufacturer, provided the violation occurred while the person was an officer, director, or controlling person of the manufacturer.

(e) The commissioner shall require each medical cannabis manufacturer to contract with an independent laboratory to test medical cannabis produced by the manufacturer. The commissioner shall approve the laboratory chosen by each manufacturer and require that the laboratory report testing results to the manufacturer in a manner determined by the commissioner.

Subd. 1a. **Revocation or nonrenewal of a medical cannabis manufacturer registration.** If the commissioner intends to revoke or not renew a registration issued under this section, the commissioner must first notify in writing the manufacturer against whom the action is to be taken and provide the manufacturer with an opportunity to request a hearing under the contested case provisions of chapter 14. If the manufacturer does not request a hearing by notifying the commissioner in writing within 20 days after receipt of the notice of proposed action, the registration of manufacturer may proceed with the action without a hearing. For revocations, the registration of

a manufacturer is considered revoked on the date specified in the commissioner's written notice of revocation.

Subd. 1b. **Temporary suspension proceedings.** The commissioner may institute proceedings to temporarily suspend the registration of a medical cannabis manufacturer for a period of up to 90 days by notifying the manufacturer in writing if any action by an employee, agent, officer, director, or controlling person of the manufacturer:

(1) violates any of the requirements of sections 152.21 to 152.37 or the rules adopted thereunder;

(2) permits, aids, or abets the commission of any violation of state law at the manufacturer's location for cultivation, harvesting, manufacturing, packaging, and processing or at any site for distribution of medical cannabis;

(3) performs any act contrary to the welfare of a registered patient or registered designated caregiver; or

(4) obtains, or attempts to obtain, a registration by fraudulent means or misrepresentation.

Subd. 1c. **Notice to patients.** Upon the revocation or nonrenewal of a manufacturer's registration under subdivision 1a or implementation of an enforcement action under subdivision 1b that may affect the ability of a registered patient, registered designated caregiver, or a registered patient's parent, legal guardian, or spouse to obtain medical cannabis from the manufacturer subject to the enforcement action, the commissioner shall notify in writing each registered patient and the patient's registered designated caregiver or registered patient's parent, legal guardian, or spouse about the outcome of the proceeding and information regarding alternative registered manufacturers. This notice must be provided two or more business days prior to the effective date of the revocation, nonrenewal, or other enforcement action.

Subd. 2. **Range of compounds and dosages; report.** The commissioner shall review and publicly report the existing medical and scientific literature regarding the range of recommended dosages for each qualifying condition and the range of chemical compositions of any plant of the genus cannabis that will likely be medically beneficial for each of the qualifying medical conditions. The commissioner shall make this information available to patients with qualifying medical conditions conditions beginning December 1, 2014, and update the information annually. The commissioner may consult with the independent laboratory under contract with the manufacturer or other experts in reporting the range of recommended dosages for each qualifying medical condition, the range of chemical compositions that will likely be medically beneficial, and any risks of noncannabis drug interactions. The commissioner shall consult with each manufacturer on an annual basis on medical cannabis offered by the manufacturer. The list of medical cannabis offered by a manufacturer shall be published on the Department of Health website.

Subd. 3. **Deadlines.** The commissioner shall adopt rules necessary for the manufacturer to begin distribution of medical cannabis to patients under the registry program by July 1, 2015, and have notice of proposed rules published in the State Register prior to January 1, 2015.

Subd. 4. **Reports.** (a) The commissioner shall provide regular updates to the task force on medical cannabis therapeutic research and to the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services, public safety, judiciary, and civil law regarding: (1) any changes in federal law or regulatory restrictions regarding the use of medical cannabis or hemp; and (2) the market demand and supply in this state for products made from hemp that can be used for medicinal purposes.

(b) The commissioner may submit medical research based on the data collected under sections 152.22 to 152.37 to any federal agency with regulatory or enforcement authority over medical cannabis to demonstrate the effectiveness of medical cannabis for treating a qualifying medical condition.

# 152.26 RULEMAKING.

(a) The commissioner may adopt rules to implement sections 152.22 to 152.37. Rules for which notice is published in the State Register before January 1, 2015, may be adopted using the process in section 14.389.

(b) The commissioner may adopt or amend rules, using the procedure in section 14.386, paragraph (a), to implement the addition of dried raw cannabis as an allowable form of medical cannabis under section 152.22, subdivision 6, paragraph (a), clause (4). Section 14.386, paragraph (b), does not apply to these rules.

#### 152.261 RULES; ADVERSE INCIDENTS.

(a) The commissioner of health shall adopt rules to establish requirements for reporting incidents when individuals who are not authorized to possess medical cannabis under sections 152.22 to 152.37 are found in possession of medical cannabis. The rules must identify professionals required to report, the information they are required to report, and actions the reporter must take to secure the medical cannabis.

(b) The commissioner of health shall adopt rules to establish requirements for law enforcement officials and health care professionals to report incidents involving an overdose of medical cannabis to the commissioner of health.

(c) Rules must include the method by which the commissioner will collect and tabulate reports of unauthorized possession and overdose.

# 152.27 PATIENT REGISTRY PROGRAM ESTABLISHED.

Subdivision 1. **Patient registry program; establishment.** (a) The commissioner shall establish a patient registry program to evaluate data on patient demographics, effective treatment options, clinical outcomes, and quality-of-life outcomes for the purpose of reporting on the benefits, risks, and outcomes regarding patients with a qualifying medical condition engaged in the therapeutic use of medical cannabis.

(b) The establishment of the registry program shall not be construed or interpreted to condone or promote the illicit recreational use of marijuana.

#### Subd. 2. Commissioner duties. (a) The commissioner shall:

(1) give notice of the program to health care practitioners in the state who are eligible to serve as health care practitioners and explain the purposes and requirements of the program;

(2) allow each health care practitioner who meets or agrees to meet the program's requirements and who requests to participate, to be included in the registry program to collect data for the patient registry;

(3) provide explanatory information and assistance to each health care practitioner in understanding the nature of therapeutic use of medical cannabis within program requirements;

(4) create and provide a certification to be used by a health care practitioner for the practitioner to certify whether a patient has been diagnosed with a qualifying medical condition and include in the certification an option for the practitioner to certify whether the patient, in the health care practitioner's medical opinion, is developmentally or physically disabled and, as a result of that disability, the patient requires assistance in administering medical cannabis or obtaining medical cannabis from a distribution facility;

(5) supervise the participation of the health care practitioner in conducting patient treatment and health records reporting in a manner that ensures stringent security and record-keeping requirements and that prevents the unauthorized release of private data on individuals as defined by section 13.02;

(6) develop safety criteria for patients with a qualifying medical condition as a requirement of the patient's participation in the program, to prevent the patient from undertaking any task under the influence of medical cannabis that would constitute negligence or professional malpractice on the part of the patient; and

(7) conduct research and studies based on data from health records submitted to the registry program and submit reports on intermediate or final research results to the legislature and major scientific journals. The commissioner may contract with a third party to complete the requirements of this clause. Any reports submitted must comply with section 152.28, subdivision 2.

(b) The commissioner may add a delivery method under section 152.22, subdivision 6, or add, remove, or modify a qualifying medical condition under section 152.22, subdivision 14, upon a petition from a member of the public or the task force on medical cannabis therapeutic research or as directed by law. The commissioner shall evaluate all petitions to add a qualifying medical condition or to remove or modify an existing qualifying medical condition submitted by the task force on medical cannabis therapeutic research or as directed by law and may make the addition, removal, or modification if the commissioner determines the addition, removal, or modification is warranted based on the best available evidence and research. If the commissioner wishes to add a delivery method under section 152.22, subdivision 6, or add or remove a qualifying medical condition

under section 152.22, subdivision 14, the commissioner must notify the chairs and ranking minority members of the legislative policy committees having jurisdiction over health and public safety of the addition or removal and the reasons for its addition or removal, including any written comments received by the commissioner from the public and any guidance received from the task force on medical cannabis research, by January 15 of the year in which the commissioner wishes to make the change. The change shall be effective on August 1 of that year, unless the legislature by law provides otherwise.

Subd. 3. **Patient application.** (a) The commissioner shall develop a patient application for enrollment into the registry program. The application shall be available to the patient and given to health care practitioners in the state who are eligible to serve as health care practitioners. The application must include:

(1) the name, mailing address, and date of birth of the patient;

(2) the name, mailing address, and telephone number of the patient's health care practitioner;

(3) the name, mailing address, and date of birth of the patient's designated caregiver, if any, or the patient's parent, legal guardian, or spouse if the parent, legal guardian, or spouse will be acting as a caregiver;

(4) a copy of the certification from the patient's health care practitioner that is dated within 90 days prior to submitting the application that certifies that the patient has been diagnosed with a qualifying medical condition; and

(5) all other signed affidavits and enrollment forms required by the commissioner under sections 152.22 to 152.37, including, but not limited to, the disclosure form required under paragraph (c).

(b) The commissioner shall require a patient to resubmit a copy of the certification from the patient's health care practitioner on a yearly basis and shall require that the recertification be dated within 90 days of submission.

(c) The commissioner shall develop a disclosure form and require, as a condition of enrollment, all patients to sign a copy of the disclosure. The disclosure must include:

(1) a statement that, notwithstanding any law to the contrary, the commissioner, or an employee of any state agency, may not be held civilly or criminally liable for any injury, loss of property, personal injury, or death caused by any act or omission while acting within the scope of office or employment under sections 152.22 to 152.37; and

(2) the patient's acknowledgment that enrollment in the patient registry program is conditional on the patient's agreement to meet all of the requirements of sections 152.22 to 152.37.

Subd. 4. **Registered designated caregiver.** (a) The commissioner shall register a designated caregiver for a patient if the patient requires assistance in administering medical cannabis or obtaining medical cannabis from a distribution facility and the caregiver has agreed, in writing, to be the patient's designated caregiver. As a condition of registration as a designated caregiver, the commissioner shall require the person to:

(1) be at least 18 years of age;

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

(3) agree that if the application is approved, the person will not be a registered designated caregiver for more than six registered patients at one time. Patients who reside in the same residence shall count as one patient.

(b) The commissioner shall conduct a criminal background check on the designated caregiver prior to registration to ensure that the person does not have a conviction for a disqualifying felony offense. Any cost of the background check shall be paid by the person seeking registration as a designated caregiver. A designated caregiver must have the criminal background check renewed every two years.

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

Subd. 5. **Parents, legal guardians, and spouses.** A parent, legal guardian, or spouse of a patient may act as the caregiver to the patient without having to register as a designated caregiver. The

parent, legal guardian, or spouse shall follow all of the requirements of parents, legal guardians, and spouses listed in sections 152.22 to 152.37. Nothing in sections 152.22 to 152.37 limits any legal authority a parent, legal guardian, or spouse may have for the patient under any other law.

Subd. 6. **Patient enrollment.** (a) After receipt of a patient's application, application fees, and signed disclosure, the commissioner shall enroll the patient in the registry program and issue the patient and patient's registered designated caregiver or parent, legal guardian, or spouse, if applicable, a registry verification. The commissioner shall approve or deny a patient's application for participation in the registry program within 30 days after the commissioner receives the patient's application and application fee. The commissioner may approve applications up to 60 days after the receipt of a patient's application and application fees until January 1, 2016. A patient's enrollment in the registry program shall only be denied if the patient:

(1) does not have certification from a health care practitioner that the patient has been diagnosed with a qualifying medical condition;

(2) has not signed and returned the disclosure form required under subdivision 3, paragraph (c), to the commissioner;

(3) does not provide the information required;

(4) has previously been removed from the registry program for violations of section 152.30 or 152.33; or

(5) provides false information.

(b) The commissioner shall give written notice to a patient of the reason for denying enrollment in the registry program.

(c) Denial of enrollment into the registry program is considered a final decision of the commissioner and is subject to judicial review under the Administrative Procedure Act pursuant to chapter 14.

(d) A patient's enrollment in the registry program may only be revoked upon the death of the patient or if a patient violates a requirement under section 152.30 or 152.33.

(e) The commissioner shall develop a registry verification to provide to the patient, the health care practitioner identified in the patient's application, and to the manufacturer. The registry verification shall include:

(1) the patient's name and date of birth;

(2) the patient registry number assigned to the patient; and

(3) the name and date of birth of the patient's registered designated caregiver, if any, or the name of the patient's parent, legal guardian, or spouse if the parent, legal guardian, or spouse will be acting as a caregiver.

Subd. 7. Notice requirements. Patients and registered designated caregivers shall notify the commissioner of any address or name change within 30 days of the change having occurred. A patient or registered designated caregiver is subject to a \$100 fine for failure to notify the commissioner of the change.

# **152.28 HEALTH CARE PRACTITIONER DUTIES.**

Subdivision 1. **Health care practitioner duties.** (a) Prior to a patient's enrollment in the registry program, a health care practitioner shall:

(1) determine, in the health care practitioner's medical judgment, whether a patient suffers from a qualifying medical condition, and, if so determined, provide the patient with a certification of that diagnosis;

(2) advise patients, registered designated caregivers, and parents, legal guardians, or spouses who are acting as caregivers of the existence of any nonprofit patient support groups or organizations;

(3) provide explanatory information from the commissioner to patients with qualifying medical conditions, including disclosure to all patients about the experimental nature of therapeutic use of medical cannabis; the possible risks, benefits, and side effects of the proposed treatment; the application and other materials from the commissioner; and provide patients with the Tennessen warning as required by section 13.04, subdivision 2; and

(4) agree to continue treatment of the patient's qualifying medical condition and report medical findings to the commissioner.

(b) Upon notification from the commissioner of the patient's enrollment in the registry program, the health care practitioner shall:

(1) participate in the patient registry reporting system under the guidance and supervision of the commissioner;

(2) report health records of the patient throughout the ongoing treatment of the patient to the commissioner in a manner determined by the commissioner and in accordance with subdivision 2;

(3) determine, on a yearly basis, if the patient continues to suffer from a qualifying medical condition and, if so, issue the patient a new certification of that diagnosis; and

(4) otherwise comply with all requirements developed by the commissioner.

(c) A health care practitioner may conduct a patient assessment to issue a recertification as required under paragraph (b), clause (3), via telehealth, as defined in section 62A.673, subdivision 2.

(d) Nothing in this section requires a health care practitioner to participate in the registry program.

Subd. 2. **Data.** Data collected on patients by a health care practitioner and reported to the patient registry are health records under section 144.291, and are private data on individuals under section 13.02, but may be used or reported in an aggregated, nonidentifiable form as part of a scientific, peer-reviewed publication of research conducted under section 152.25 or in the creation of summary data, as defined in section 13.02, subdivision 19.

Subd. 3. Advertising restrictions. (a) A health care practitioner shall not publish or cause to be published any advertisement that:

(1) contains false or misleading statements about medical cannabis or about the medical cannabis registry program;

(2) uses colloquial terms to refer to medical cannabis, such as pot, weed, or grass;

(3) states or implies the health care practitioner is endorsed by the Department of Health or by the medical cannabis registry program;

(4) includes images of cannabis in its plant or leaf form or of cannabis-smoking paraphernalia; or

(5) contains medical symbols that could reasonably be confused with symbols of established medical associations or groups.

(b) A health care practitioner found by the commissioner to have violated this subdivision is prohibited from certifying that patients have a qualifying medical condition for purposes of patient participation in the registry program. The commissioner's decision that a health care practitioner has violated this subdivision is a final decision of the commissioner and is not subject to the contested case procedures in chapter 14.

# **152.29 MANUFACTURER OF MEDICAL CANNABIS DUTIES.**

Subdivision 1. **Manufacturer; requirements.** (a) A manufacturer may operate eight distribution facilities, which may include the manufacturer's single location for cultivation, harvesting, manufacturing, packaging, and processing but is not required to include that location. The commissioner shall designate the geographical service areas to be served by each manufacturer based on geographical need throughout the state to improve patient access. A manufacturer shall not have more than two distribution facilities in each geographical service area assigned to the manufacturer by the commissioner. A manufacturer shall operate only one location where all cultivation, harvesting, manufacturing, packaging, and processing of medical cannabis shall be conducted. This location may be one of the manufacturer's distribution facility sites. The additional distribution facilities may dispense medical cannabis and medical cannabis products but may not contain any medical cannabis in a form other than those forms allowed under section 152.22, subdivision 6, and the manufacturer shall not conduct any cultivation, harvesting, manufacturing, packaging, or processing at the other distribution facility sites. Any distribution facility operated by the manufacturer is subject to all of the requirements applying to the manufacturer under sections 152.22 to 152.37, including, but not limited to, security and distribution requirements.

(b) A manufacturer may acquire hemp grown in this state from a hemp grower, and may acquire hemp products produced by a hemp processor. A manufacturer may manufacture or process hemp and hemp products into an allowable form of medical cannabis under section 152.22, subdivision 6. Hemp and hemp products acquired by a manufacturer under this paragraph are subject to the same quality control program, security and testing requirements, and other requirements that apply to medical cannabis under sections 152.22 to 152.37 and Minnesota Rules, chapter 4770.

(c) A medical cannabis manufacturer shall contract with a laboratory approved by the commissioner, subject to any additional requirements set by the commissioner, for purposes of testing medical cannabis manufactured or hemp or hemp products acquired by the medical cannabis manufacturer as to content, contamination, and consistency to verify the medical cannabis meets the requirements of section 152.22, subdivision 6. The cost of laboratory testing shall be paid by the manufacturer.

(d) The operating documents of a manufacturer must include:

(1) procedures for the oversight of the manufacturer and procedures to ensure accurate record keeping;

(2) procedures for the implementation of appropriate security measures to deter and prevent the theft of medical cannabis and unauthorized entrance into areas containing medical cannabis; and

(3) procedures for the delivery and transportation of hemp between hemp growers and manufacturers and for the delivery and transportation of hemp products between hemp processors and manufacturers.

(e) A manufacturer shall implement security requirements, including requirements for the delivery and transportation of hemp and hemp products, protection of each location by a fully operational security alarm system, facility access controls, perimeter intrusion detection systems, and a personnel identification system.

(f) A manufacturer shall not share office space with, refer patients to a health care practitioner, or have any financial relationship with a health care practitioner.

(g) A manufacturer shall not permit any person to consume medical cannabis on the property of the manufacturer.

(h) A manufacturer is subject to reasonable inspection by the commissioner.

(i) For purposes of sections 152.22 to 152.37, a medical cannabis manufacturer is not subject to the Board of Pharmacy licensure or regulatory requirements under chapter 151.

(j) A medical cannabis manufacturer may not employ any person who is under 21 years of age or who has been convicted of a disqualifying felony offense. An employee of a medical cannabis manufacturer must submit a completed criminal history records check consent form, a full set of classifiable fingerprints, and the required fees for submission to the Bureau of Criminal Apprehension before an employee may begin working with the manufacturer. The bureau must conduct a Minnesota criminal history records check and the superintendent is authorized to exchange the fingerprints with the Federal Bureau of Investigation to obtain the applicant's national criminal history record information. The bureau shall return the results of the Minnesota and federal criminal history records checks to the commissioner.

(k) A manufacturer may not operate in any location, whether for distribution or cultivation, harvesting, manufacturing, packaging, or processing, within 1,000 feet of a public or private school existing before the date of the manufacturer's registration with the commissioner.

(1) A manufacturer shall comply with reasonable restrictions set by the commissioner relating to signage, marketing, display, and advertising of medical cannabis.

(m) Before a manufacturer acquires hemp from a hemp grower or hemp products from a hemp processor, the manufacturer must verify that the hemp grower or hemp processor has a valid license issued by the commissioner of agriculture under chapter 18K.

(n) Until a state-centralized, seed-to-sale system is implemented that can track a specific medical cannabis plant from cultivation through testing and point of sale, the commissioner shall conduct at least one unannounced inspection per year of each manufacturer that includes inspection of:

(1) business operations;

(2) physical locations of the manufacturer's manufacturing facility and distribution facilities;

(3) financial information and inventory documentation, including laboratory testing results; and

(4) physical and electronic security alarm systems.

Subd. 2. **Manufacturer; production.** (a) A manufacturer of medical cannabis shall provide a reliable and ongoing supply of all medical cannabis needed for the registry program through cultivation by the manufacturer and through the purchase of hemp from hemp growers.

(b) All cultivation, harvesting, manufacturing, packaging, and processing of medical cannabis must take place in an enclosed, locked facility at a physical address provided to the commissioner during the registration process.

(c) A manufacturer must process and prepare any medical cannabis plant material or hemp plant material into a form allowable under section 152.22, subdivision 6, prior to distribution of any medical cannabis.

Subd. 3. **Manufacturer; distribution.** (a) A manufacturer shall require that employees licensed as pharmacists pursuant to chapter 151 be the only employees to give final approval for the distribution of medical cannabis to a patient. A manufacturer may transport medical cannabis or medical cannabis products that have been cultivated, harvested, manufactured, packaged, and processed by that manufacturer to another registered manufacturer for the other manufacturer to distribute.

(b) A manufacturer may distribute medical cannabis products, whether or not the products have been manufactured by that manufacturer.

(c) Prior to distribution of any medical cannabis, the manufacturer shall:

(1) verify that the manufacturer has received the registry verification from the commissioner for that individual patient;

(2) verify that the person requesting the distribution of medical cannabis is the patient, the patient's registered designated caregiver, or the patient's parent, legal guardian, or spouse listed in the registry verification using the procedures described in section 152.11, subdivision 2d;

(3) assign a tracking number to any medical cannabis distributed from the manufacturer;

(4) ensure that any employee of the manufacturer licensed as a pharmacist pursuant to chapter 151 has consulted with the patient to determine the proper dosage for the individual patient after reviewing the ranges of chemical compositions of the medical cannabis and the ranges of proper dosages reported by the commissioner. For purposes of this clause, a consultation may be conducted remotely by secure videoconference, telephone, or other remote means, so long as the employee providing the consultation is able to confirm the identity of the patient and the consultation adheres to patient privacy requirements that apply to health care services delivered through telehealth. A pharmacist consultation under this clause is not required when a manufacturer is distributing medical cannabis to a patient according to a patient-specific dosage plan established with that manufacturer and is not modifying the dosage or product being distributed under that plan and the medical cannabis is distributed by a pharmacy technician;

(5) properly package medical cannabis in compliance with the United States Poison Prevention Packing Act regarding child-resistant packaging and exemptions for packaging for elderly patients, and label distributed medical cannabis with a list of all active ingredients and individually identifying information, including:

(i) the patient's name and date of birth;

(ii) the name and date of birth of the patient's registered designated caregiver or, if listed on the registry verification, the name of the patient's parent or legal guardian, if applicable;

(iii) the patient's registry identification number;

- (iv) the chemical composition of the medical cannabis; and
- (v) the dosage; and

(6) ensure that the medical cannabis distributed contains a maximum of a 90-day supply of the dosage determined for that patient.

(d) A manufacturer shall require any employee of the manufacturer who is transporting medical cannabis or medical cannabis products to a distribution facility or to another registered manufacturer to carry identification showing that the person is an employee of the manufacturer.

(e) A manufacturer shall distribute medical cannabis in dried raw cannabis form only to a patient age 21 or older, or to the registered designated caregiver, parent, legal guardian, or spouse of a patient age 21 or older.

Subd. 3a. **Transportation of medical cannabis; staffing.** (a) A medical cannabis manufacturer may staff a transport motor vehicle with only one employee if the medical cannabis manufacturer is transporting medical cannabis to either a certified laboratory for the purpose of testing or a facility for the purpose of disposal. If the medical cannabis manufacturer is transporting medical cannabis for any other purpose or destination, the transport motor vehicle must be staffed with a minimum of two employees as required by rules adopted by the commissioner.

(b) Notwithstanding paragraph (a), a medical cannabis manufacturer that is only transporting hemp for any purpose may staff the transport motor vehicle with only one employee.

Subd. 4. **Report.** Each manufacturer shall report to the commissioner on a monthly basis the following information on each individual patient for the month prior to the report:

(1) the amount and dosages of medical cannabis distributed;

(2) the chemical composition of the medical cannabis; and

(3) the tracking number assigned to any medical cannabis distributed.

#### **152.30 PATIENT DUTIES.**

(a) A patient shall apply to the commissioner for enrollment in the registry program by submitting an application as required in section 152.27 and an annual registration fee as determined under section 152.35.

(b) As a condition of continued enrollment, patients shall agree to:

(1) continue to receive regularly scheduled treatment for their qualifying medical condition from their health care practitioner; and

(2) report changes in their qualifying medical condition to their health care practitioner.

(c) A patient shall only receive medical cannabis from a registered manufacturer but is not required to receive medical cannabis products from only a registered manufacturer.

## **152.31 DATA PRACTICES.**

(a) Government data in patient files maintained by the commissioner and the health care practitioner, and data submitted to or by a medical cannabis manufacturer, are private data on individuals, as defined in section 13.02, subdivision 12, or nonpublic data, as defined in section 13.02, subdivision 9, but may be used for purposes of complying with chapter 13 and complying with a request from the legislative auditor or the state auditor in the performance of official duties. The provisions of section 13.05, subdivision 11, apply to a registration agreement entered between the commissioner and a medical cannabis manufacturer under section 152.25.

(b) Not public data maintained by the commissioner may not be used for any purpose not provided for in sections 152.22 to 152.37, and may not be combined or linked in any manner with any other list, dataset, or database.

(c) The commissioner may execute data sharing arrangements with the commissioner of agriculture to verify licensing, inspection, and compliance information related to hemp growers and hemp processors under chapter 18K.

#### **152.32 PROTECTIONS FOR REGISTRY PROGRAM PARTICIPATION.**

Subdivision 1. **Presumption.** (a) There is a presumption that a patient enrolled in the registry program under sections 152.22 to 152.37 is engaged in the authorized use of medical cannabis.

(b) The presumption may be rebutted by evidence that conduct related to use of medical cannabis was not for the purpose of treating or alleviating the patient's qualifying medical condition or symptoms associated with the patient's qualifying medical condition.

Subd. 2. Criminal and civil protections. (a) Subject to section 152.23, the following are not violations under this chapter:

(1) use or possession of medical cannabis or medical cannabis products by a patient enrolled in the registry program, or possession by a registered designated caregiver or the parent, legal

guardian, or spouse of a patient if the parent, legal guardian, or spouse is listed on the registry verification;

(2) possession, dosage determination, or sale of medical cannabis or medical cannabis products by a medical cannabis manufacturer, employees of a manufacturer, a laboratory conducting testing on medical cannabis, or employees of the laboratory; and

(3) possession of medical cannabis or medical cannabis products by any person while carrying out the duties required under sections 152.22 to 152.37.

(b) Medical cannabis obtained and distributed pursuant to sections 152.22 to 152.37 and associated property is not subject to forfeiture under sections 609.531 to 609.5316.

(c) The commissioner, the commissioner's staff, the commissioner's agents or contractors, and any health care practitioner are not subject to any civil or disciplinary penalties by the Board of Medical Practice, the Board of Nursing, or by any business, occupational, or professional licensing board or entity, solely for the participation in the registry program under sections 152.22 to 152.37. A pharmacist licensed under chapter 151 is not subject to any civil or disciplinary penalties by the Board of Pharmacy when acting in accordance with the provisions of sections 152.22 to 152.37. Nothing in this section affects a professional licensing board from taking action in response to violations of any other section of law.

(d) Notwithstanding any law to the contrary, the commissioner, the governor of Minnesota, or an employee of any state agency may not be held civilly or criminally liable for any injury, loss of property, personal injury, or death caused by any act or omission while acting within the scope of office or employment under sections 152.22 to 152.37.

(e) Federal, state, and local law enforcement authorities are prohibited from accessing the patient registry under sections 152.22 to 152.37 except when acting pursuant to a valid search warrant.

(f) Notwithstanding any law to the contrary, neither the commissioner nor a public employee may release data or information about an individual contained in any report, document, or registry created under sections 152.22 to 152.37 or any information obtained about a patient participating in the program, except as provided in sections 152.22 to 152.37.

(g) No information contained in a report, document, or registry or obtained from a patient under sections 152.22 to 152.37 may be admitted as evidence in a criminal proceeding unless independently obtained or in connection with a proceeding involving a violation of sections 152.22 to 152.37.

(h) Notwithstanding section 13.09, any person who violates paragraph (e) or (f) is guilty of a gross misdemeanor.

(i) An attorney may not be subject to disciplinary action by the Minnesota Supreme Court or professional responsibility board for providing legal assistance to prospective or registered manufacturers or others related to activity that is no longer subject to criminal penalties under state law pursuant to sections 152.22 to 152.37.

(j) Possession of a registry verification or application for enrollment in the program by a person entitled to possess or apply for enrollment in the registry program does not constitute probable cause or reasonable suspicion, nor shall it be used to support a search of the person or property of the person possessing or applying for the registry verification, or otherwise subject the person or property of the person to inspection by any governmental agency.

Subd. 3. **Discrimination prohibited.** (a) No school or landlord may refuse to enroll or lease to and may not otherwise penalize a person solely for the person's status as a patient enrolled in the registry program under sections 152.22 to 152.37, unless failing to do so would violate federal law or regulations or cause the school or landlord to lose a monetary or licensing-related benefit under federal law or regulations.

(b) For the purposes of medical care, including organ transplants, a registry program enrollee's use of medical cannabis under sections 152.22 to 152.37 is considered the equivalent of the authorized use of any other medication used at the discretion of a physician, advanced practice registered nurse, or physician assistant and does not constitute the use of an illicit substance or otherwise disqualify a patient from needed medical care.

(c) Unless a failure to do so would violate federal law or regulations or cause an employer to lose a monetary or licensing-related benefit under federal law or regulations, an employer may not discriminate against a person in hiring, termination, or any term or condition of employment, or otherwise penalize a person, if the discrimination is based upon either of the following:

(1) the person's status as a patient enrolled in the registry program under sections 152.22 to 152.37; or

(2) a patient's positive drug test for cannabis components or metabolites, unless the patient used, possessed, or was impaired by medical cannabis on the premises of the place of employment or during the hours of employment.

(d) An employee who is required to undergo employer drug testing pursuant to section 181.953 may present verification of enrollment in the patient registry as part of the employee's explanation under section 181.953, subdivision 6.

(e) A person shall not be denied custody of a minor child or visitation rights or parenting time with a minor child solely based on the person's status as a patient enrolled in the registry program under sections 152.22 to 152.37. There shall be no presumption of neglect or child endangerment for conduct allowed under sections 152.22 to 152.37, unless the person's behavior is such that it creates an unreasonable danger to the safety of the minor as established by clear and convincing evidence.

#### 152.33 VIOLATIONS.

Subdivision 1. **Intentional diversion; criminal penalty.** In addition to any other applicable penalty in law, a manufacturer or an agent of a manufacturer who intentionally transfers medical cannabis to a person other than another registered manufacturer, a patient, a registered designated caregiver or, if listed on the registry verification, a parent, legal guardian, or spouse of a patient is guilty of a felony punishable by imprisonment for not more than two years or by payment of a fine of not more than \$3,000, or both. A person convicted under this subdivision may not continue to be affiliated with the manufacturer and is disqualified from further participation under sections 152.22 to 152.37.

Subd. 1a. **Intentional diversion outside the state; penalties.** (a) In addition to any other applicable penalty in law, the commissioner may levy a fine of \$250,000 against a manufacturer and may immediately initiate proceedings to revoke the manufacturer's registration, using the procedure in section 152.25, if:

(1) an officer, director, or controlling person of the manufacturer pleads or is found guilty under subdivision 1 of intentionally transferring medical cannabis, while the person was an officer, director, or controlling person of the manufacturer, to a person other than allowed by law; and

(2) in intentionally transferring medical cannabis to a person other than allowed by law, the officer, director, or controlling person transported or directed the transport of medical cannabis outside of Minnesota.

(b) All fines collected under this subdivision shall be deposited in the state government special revenue fund.

Subd. 2. Diversion by patient, registered designated caregiver, parent, legal guardian, or patient's spouse; criminal penalty. In addition to any other applicable penalty in law, a patient, registered designated caregiver or, if listed on the registry verification, a parent, legal guardian, or spouse of a patient who intentionally sells or otherwise transfers medical cannabis to a person other than a patient, designated registered caregiver or, if listed on the registry verification, a parent, legal guardian, or spouse of a patient is guilty of a felony punishable by imprisonment for not more than two years or by payment of a fine of not more than \$3,000, or both.

Subd. 3. **False statement; criminal penalty.** A person who intentionally makes a false statement to a law enforcement official about any fact or circumstance relating to the medical use of cannabis to avoid arrest or prosecution is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or by payment of a fine of not more than \$1,000, or both. The penalty is in addition to any other penalties that may apply for making a false statement or for the possession, cultivation, or sale of cannabis not protected by sections 152.22 to 152.37. If a person convicted of violating this subdivision is a patient or a registered designated caregiver, the person is disqualified from further participation under sections 152.22 to 152.37.

Subd. 4. **Submission of false records; criminal penalty.** A person who knowingly submits false records or documentation required by the commissioner to register as a manufacturer of medical cannabis under sections 152.22 to 152.37 is guilty of a felony and may be sentenced to imprisonment for not more than two years or by payment of a fine of not more than \$3,000, or both.

Subd. 5. Violation by health care practitioner; criminal penalty. A health care practitioner who knowingly refers patients to a manufacturer or to a designated caregiver, who advertises as a

manufacturer, or who issues certifications while holding a financial interest in a manufacturer is guilty of a misdemeanor and may be sentenced to imprisonment for not more than 90 days or by payment of a fine of not more than \$1,000, or both.

Subd. 6. Other violations; civil penalty. A manufacturer shall be fined up to \$1,000 for any violation of sections 152.22 to 152.37, or the regulations issued pursuant to them, where no penalty has been specified. This penalty is in addition to any other applicable penalties in law.

# **152.34 HEALTH CARE FACILITIES.**

(a) Health care facilities licensed under chapter 144A, hospice providers licensed under chapter 144A, boarding care homes or supervised living facilities licensed under section 144.50, assisted living facilities, facilities owned, controlled, managed, or under common control with hospitals licensed under chapter 144, and other health facilities licensed by the commissioner of health, may adopt reasonable restrictions on the use of medical cannabis by a patient enrolled in the registry program who resides at or is actively receiving treatment or care at the facility. The restrictions may include a provision that the facility will not store or maintain the patient's supply of medical cannabis, that the facility is not responsible for providing the medical cannabis for patients, and that medical cannabis be used only in a place specified by the facility.

(b) Any employee or agent of a facility listed in this section or a person licensed under chapter 144E is not subject to violations under this chapter for possession of medical cannabis while carrying out employment duties, including providing or supervising care to a registered patient, or distribution of medical cannabis to a registered patient who resides at or is actively receiving treatment or care at the facility with which the employee or agent is affiliated. Nothing in this section shall require the facilities to adopt such restrictions and no facility shall unreasonably limit a patient's access to or use of medical cannabis to the extent that use is authorized by the patient under sections 152.22 to 152.37.

# **152.35 FEES; DEPOSIT OF REVENUE.**

(a) The commissioner shall collect an enrollment fee of \$200 from patients enrolled under this section. If the patient provides evidence of receiving Social Security disability insurance (SSDI), Supplemental Security Income (SSI), veterans disability, or railroad disability payments, or being enrolled in medical assistance or MinnesotaCare, then the fee shall be \$50. For purposes of this section:

(1) a patient is considered to receive SSDI if the patient was receiving SSDI at the time the patient was transitioned to retirement benefits by the United States Social Security Administration; and

(2) veterans disability payments include VA dependency and indemnity compensation.

Unless a patient provides evidence of receiving payments from or participating in one of the programs specifically listed in this paragraph, the commissioner of health must collect the \$200 enrollment fee from a patient to enroll the patient in the registry program. The fees shall be payable annually and are due on the anniversary date of the patient's enrollment. The fee amount shall be deposited in the state treasury and credited to the state government special revenue fund.

(b) The commissioner shall collect an application fee of \$20,000 from each entity submitting an application for registration as a medical cannabis manufacturer. Revenue from the fee shall be deposited in the state treasury and credited to the state government special revenue fund.

(c) The commissioner shall establish and collect an annual fee from a medical cannabis manufacturer equal to the cost of regulating and inspecting the manufacturer in that year. Revenue from the fee amount shall be deposited in the state treasury and credited to the state government special revenue fund.

(d) A medical cannabis manufacturer may charge patients enrolled in the registry program a reasonable fee for costs associated with the operations of the manufacturer. The manufacturer may establish a sliding scale of patient fees based upon a patient's household income and may accept private donations to reduce patient fees.

# 152.36 IMPACT ASSESSMENT OF MEDICAL CANNABIS THERAPEUTIC RESEARCH.

Subdivision 1. Task force on medical cannabis therapeutic research. (a) A 23-member task force on medical cannabis therapeutic research is created to conduct an impact assessment of medical cannabis therapeutic research. The task force shall consist of the following members:

(1) two members of the house of representatives, one selected by the speaker of the house, the other selected by the minority leader;

(2) two members of the senate, one selected by the majority leader, the other selected by the minority leader;

(3) four members representing consumers or patients enrolled in the registry program, including at least two parents of patients under age 18;

(4) four members representing health care providers, including one licensed pharmacist;

(5) four members representing law enforcement, one from the Minnesota Chiefs of Police Association, one from the Minnesota Sheriff's Association, one from the Minnesota Police and Peace Officers Association, and one from the Minnesota County Attorneys Association;

(6) four members representing substance use disorder treatment providers; and

(7) the commissioners of health, human services, and public safety.

(b) Task force members listed under paragraph (a), clauses (3), (4), (5), and (6), shall be appointed by the governor under the appointment process in section 15.0597. Members shall serve on the task force at the pleasure of the appointing authority. All members must be appointed by July 15, 2014, and the commissioner of health shall convene the first meeting of the task force by August 1, 2014.

(c) There shall be two cochairs of the task force chosen from the members listed under paragraph (a). One cochair shall be selected by the speaker of the house and the other cochair shall be selected by the majority leader of the senate. The authority to convene meetings shall alternate between the cochairs.

(d) Members of the task force other than those in paragraph (a), clauses (1), (2), and (7), shall receive expenses as provided in section 15.059, subdivision 6.

Subd. 1a. Administration. The commissioner of health shall provide administrative and technical support to the task force.

Subd. 2. **Impact assessment.** The task force shall hold hearings to evaluate the impact of the use of medical cannabis and hemp and Minnesota's activities involving medical cannabis and hemp, including, but not limited to:

(1) program design and implementation;

- (2) the impact on the health care provider community;
- (3) patient experiences;
- (4) the impact on the incidence of substance abuse;
- (5) access to and quality of medical cannabis, hemp, and medical cannabis products;
- (6) the impact on law enforcement and prosecutions;
- (7) public awareness and perception; and
- (8) any unintended consequences.

Subd. 3. **Cost assessment.** By January 15 of each year, beginning January 15, 2015, and ending January 15, 2019, the commissioners of state departments impacted by the medical cannabis therapeutic research study shall report to the cochairs of the task force on the costs incurred by each department on implementing sections 152.22 to 152.37. The reports must compare actual costs to the estimated costs of implementing these sections and must be submitted to the task force on medical cannabis therapeutic research.

Subd. 4. **Reports to the legislature.** (a) The cochairs of the task force shall submit the following reports to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over health and human services, public safety, judiciary, and civil law:

(1) by February 1, 2015, a report on the design and implementation of the registry program; and every two years thereafter, a complete impact assessment report; and

(2) upon receipt of a cost assessment from a commissioner of a state agency, the completed cost assessment.

(b) The task force may make recommendations to the legislature on whether to add or remove conditions from the list of qualifying medical conditions.

Subd. 5. No expiration. The task force on medical cannabis therapeutic research does not expire.

# **152.37 FINANCIAL EXAMINATIONS; PRICING REVIEWS.**

Subdivision 1. **Financial records.** A medical cannabis manufacturer shall maintain detailed financial records in a manner and format approved by the commissioner, and shall keep all records updated and accessible to the commissioner when requested.

Subd. 2. **Certified annual audit.** A medical cannabis manufacturer shall submit the results of an annual certified financial audit to the commissioner no later than May 1 of each year for the calendar year beginning January 2015. The annual audit shall be conducted by an independent certified public accountant and the costs of the audit are the responsibility of the medical cannabis manufacturer. Results of the audit shall be provided to the medical cannabis manufacturer and the commissioner may also require another audit of the medical cannabis manufacturer by a certified public accountant chosen by the commissioner with the costs of the audit paid by the medical cannabis manufacturer.

Subd. 3. **Power to examine.** (a) The commissioner or designee may examine the business affairs and conditions of any medical cannabis manufacturer, including but not limited to a review of the financing, budgets, revenues, sales, and pricing.

(b) An examination may cover the medical cannabis manufacturer's business affairs, practices, and conditions including but not limited to a review of the financing, budgets, revenues, sales, and pricing. The commissioner shall determine the nature and scope of each examination and in doing so shall take into account all available relevant factors concerning the financial and business affairs, practices, and conditions of the examinee. The costs incurred by the department in conducting an examination shall be paid for by the medical cannabis manufacturer.

(c) When making an examination under this section, the commissioner may retain attorneys, appraisers, independent economists, independent certified public accountants, or other professionals and specialists as designees. A certified public accountant retained by the commissioner may not be the same certified public accountant providing the certified annual audit in subdivision 2.

(d) The commissioner shall make a report of an examination conducted under this section and provide a copy to the medical cannabis manufacturer. The commissioner shall then post a copy of the report on the department's website. All working papers, recorded information, documents, and copies produced by, obtained by, or disclosed to the commissioner or any other person in the course of an examination, other than the information contained in any commissioner official report, made under this section are private data on individuals or nonpublic data, as defined in section 13.02.

# 4770.0100 APPLICABILITY AND PURPOSE.

Parts 4770.0200 to 4770.2700 establish the criteria and procedures to be used by the commissioner for the registration and oversight of a medical cannabis manufacturer.

# 4770.0200 **DEFINITIONS.**

Subpart 1. Scope. The terms used in this chapter have the meanings given them in this part.

Subp. 2. Acceptable performance or acceptable results. "Acceptable performance" or "acceptable results" means analytical test results generated by a laboratory using methods as specified in part 4770.2000 that are acceptable and allowed by the approved provider.

Subp. 3. **Approval.** "Approval" means acknowledgment by the commissioner that a laboratory has the policies, personnel, validation procedures, and practices to produce reliable data in the analysis of analytes and contaminants described in part 4770.1900.

Subp. 4. **Approved provider.** "Approved provider" means a provider of performance testing samples that the commissioner has determined:

A. provides an adequate volume of samples to perform statistically valid analyses;

B. calculates the number of standard deviations of the mean allowed using the results of all laboratories submitting test results after the exclusion of outlying values; and

C. allows a range of standard deviations of the mean no less stringent than the range allowed by the general requirements for the competency of reference material producers in ISO Guide 34.

Subp. 5. Audit. "Audit" means a financial review by an independent certified public accountant that includes select scope engagement or other methods of review that analyze operational or compliance issues.

Subp. 5a. Audit sample. "Audit sample" means a representative sample necessary to complete audit testing of plant material, a dried raw cannabis batch, or a dried raw cannabis finished good collected for audit testing under part 4770.3035.

Subp. 6. Batch.

A. "Batch" means a specific quantity of medical cannabis, including a set of plants of the same variety of medical cannabis that have been grown, harvested, and processed together and exposed to substantially similar conditions throughout cultivation and processing, that:

(1) is uniform and intended to meet specifications for identity, strength, purity, and composition; and

(2) is produced according to a single batch production record executed and documented during the same cycle of manufacture.

B. A batch of dried raw cannabis may not exceed 80 pounds.

Subp. 7. **Batch number.** "Batch number" means a unique numeric or alphanumeric identifier assigned to a batch by a manufacturing facility when the batch is first planted. The batch number must contain the manufacturing facility number and a sequence to allow for inventory and traceability.

Subp. 7a. **Batch sample.** "Batch sample" means a representative sample taken from a batch of dried raw cannabis prior to laboratory testing.

Subp. 8. **Biosecurity.** "Biosecurity" means a set of preventative measures designed to reduce the risk of transmission of:

A. infectious diseases in crops;

- B. quarantined pests;
- C. invasive alien species; and
- D. living modified organisms.

Subp. 8a. CBD. "CBD" means the compound cannabidiol, CAS number 13956-29-1.

Subp. 8b. CBDA. "CBDA" means cannabidiolic acid, CAS number 1244-58-2.

Subp. 9. Certified financial audit. "Certified financial audit" means the annual financial audit required under Minnesota Statutes, section 152.37, subdivision 2.

Subp. 9a. Chemical composition. "Chemical composition" means the distribution of individual components within a final formulation or finished good. This includes active ingredients, inactive ingredients, and other ingredients. Active ingredients include cannabinoids used to define a finished good in the registered products list. The concentration of each active ingredient may be given either in terms of milligram per milliliter (mg/mL) for liquids and milligram per gram (mg/g) for solids or in terms of mass fraction (weight percentage).

Subp. 10. **Commissioner.** "Commissioner" means the commissioner of the Department of Health or the commissioner's designee.

Subp. 10a. **Crop input.** "Crop input" means a substance other than water that is applied to or used in the cultivation of a cannabis plant for pest control, plant health, or growth management. Crop input includes pesticides, fungicides, plant regulators, fertilizers, and other agricultural chemicals regulated by the Minnesota Department of Agriculture.

Subp. 11. **Disqualifying felony offense.** "Disqualifying felony offense" has the meaning given in Minnesota Statutes, section 152.22, subdivision 3.

Subp. 12. **Distribute or distribution.** "Distribute" or "distribution" means the delivery of medical cannabis to a patient, the patient's parent or legal guardian, or the patient's registered caregiver that is packaged in a suitable container appropriately labeled for subsequent administration to or use by a patient who is participating in the registry program and who is authorized to receive medical cannabis.

Subp. 13. **Distribution facility.** "Distribution facility" means any building or grounds of a medical cannabis manufacturer where the sale and distribution of medical cannabis and medical cannabis products are authorized.

Subp. 14. **Diversion.** "Diversion" means the intentional transfer of medical cannabis to a person other than a patient, the patient's designated registered caregiver, or the patient's parent or legal guardian if the parent or legal guardian is listed on the registry verification.

Subp. 14a. **Dried raw cannabis.** "Dried raw cannabis" means the dried leaves and flowers of the mature cannabis plant. Dried raw cannabis includes pre-rolled cannabis as long as the pre-roll consists of only dried cannabis leaves and flowers, an unflavored rolling paper, and a filter or tip. Dried raw cannabis does not include the cannabis seeds, seedlings, stems, stalks, roots, or any part of the immature cannabis plant.

Subp. 15. Field of testing. "Field of testing" means the combination of product type and analyte for which a laboratory has applied or received approval by the commissioner.

Subp. 16. **Financial interest.** "Financial interest" means any actual or future right to ownership, investment, or compensation arrangement in a medical cannabis manufacturer with another person, either directly or indirectly, through business, investment, or spouse, parent, or child relationship. Financial interest does not include ownership of investment securities in a publicly held corporation that is traded on a national exchange or over-the-counter market, provided the investment securities held by the person or the person's spouse, parent, or child, in the aggregate, do not exceed one percent ownership in the medical cannabis manufacturer.

Subp. 16a. **Finished good.** "Finished good" means either an extract formulation that has been packaged and labeled for delivery to a medical cannabis distribution facility for distribution to patients or dried raw cannabis that has been packaged and labeled for delivery to a medical cannabis distribution facility.

Subp. 16b. Flower. "Flower" means the flower of the cannabis plant.

Subp. 17. **Health care practitioner.** "Health care practitioner" has the meaning given in Minnesota Statutes, section 152.22, subdivision 4.

Subp. 17a. **Immature plant.** "Immature plant" means a nonflowering cannabis plant that is no taller than eight inches and no wider than eight inches produced from a cutting, clipping, or seedling and is in a cultivation container.

Subp. 18. **Inspection.** "Inspection" means an on-site evaluation of laboratory facilities, records, personnel, equipment, methodology, and quality assurance practices by the commissioner for compliance with this chapter.

Subp. 19. International Standards Organization or ISO. The "International Standards Organization" or "ISO" means an independent, nongovernmental membership organization and the largest developer of voluntary international standards.

Subp. 19a. Labeling. "Labeling" means all labels and other written, printed, or graphic matter on a packaged finished good or any container or wrapper accompanying the packaged finished good.

Subp. 20. Laboratory managing agent. "Laboratory managing agent" means a person, as defined in Minnesota Statutes, section 326.71, subdivision 8, who is legally authorized to direct the activities of the laboratory and commit sufficient resources to comply with parts 4770.1900 to 4770.2400.

Subp. 21. **Laboratory.** "Laboratory" means a fixed-based or mobile structure, a person, corporation, or other entity, including a government or tribal entity, that examines, analyzes, or tests samples.

Subp. 22. Laboratory owner. "Laboratory owner" means a person who:

A. is a sole proprietor of a laboratory;

B. holds a partnership interest in a laboratory; or

C. owns five percent or more of the shares in a corporation that owns a laboratory.

Subp. 23. Laboratory technical manager. "Laboratory technical manager" means a person who is scientifically responsible to ensure the achievement and maintenance of quality and analytical standards or practice and who is in a supervisory, lead worker, or similarly named position within an organization.

Subp. 24. **Manufacturing or manufacture.** "Manufacturing" or "manufacture" means the planting, cultivation, growing, and harvesting of cannabis and the process of converting harvested cannabis plant material into medical cannabis.

Subp. 25. **Manufacturing facility.** "Manufacturing facility" means any secured building, space, grounds, and physical structure of a medical cannabis manufacturer for the cultivation, harvesting, packaging, and processing of medical cannabis and where access is restricted to designated employees of a medical cannabis manufacturer and escorted visitors.

Subp. 26. **Medical cannabis.** "Medical cannabis" has the meaning given in Minnesota Statutes, section 152.22, subdivision 6.

Subp. 26a. **Medical cannabis brand name.** "Medical cannabis brand name" means the name under which a medical cannabis concentrate, a medical cannabis concentrate formulation, or a dried raw cannabis product is marketed and distributed.

Subp. 26b. **Medical cannabis concentrate.** "Medical cannabis concentrate" means a specific subset of medical cannabis that is produced by extracting cannabinoids from plant material. Categories of medical cannabis concentrate include products created using water-based, solvent-based, heat-based, or pressure-based extraction methods. Medical cannabis concentrate includes medical cannabis concentrate intended for use with a vaporizer delivery device or pressurized dose inhaler.

Subp. 26c. **Medical cannabis concentrate formulation.** "Medical cannabis concentrate formulation" means a liquid, including oil, a pill, or any other formulation type approved by the commissioner under Minnesota Statutes, sections 152.22, subdivision 6, paragraph (a), and 152.27, subdivision 2, paragraph (b), infused with medical cannabis and other ingredients that will be packaged into a finished good without further change and is intended for use or consumption other than by smoking. Medical cannabis concentrate formulation includes oral suspensions, tinctures, lotions, ointments, and any other medical cannabis delivery method approved by the commissioner.

Subp. 27. **Medical cannabis manufacturer or manufacturer.** "Medical cannabis manufacturer" or "manufacturer" has the meaning given in Minnesota Statutes, section 152.22, subdivision 7.

Subp. 28. **Medical cannabis product.** "Medical cannabis product" has the meaning given in Minnesota Statutes, section 152.22, subdivision 8.

Subp. 29. Medical cannabis waste. "Medical cannabis waste" means medical cannabis that is returned, damaged, defective, expired, or contaminated.

Subp. 30. **Parent or legal guardian.** "Parent or legal guardian" has the meaning given in Minnesota Statutes, section 152.27, subdivision 5.

Subp. 31. **Patient.** "Patient" has the meaning given in Minnesota Statutes, section 152.22, subdivision 9.

Subp. 32. **Plant material.** "Plant material" means any cannabis plant, cutting, trimming, or clone that has roots or that is cultivated with the intention of growing roots.

Subp. 33. **Plant material waste.** "Plant material waste" means plant material that is not used in the production of medical cannabis in a form allowable under Minnesota Statutes, section 152.22, subdivision 6.

Subp. 33a. **Plant regulator.** "Plant regulator" has the meaning given in Minnesota Statutes, section 18B.01, subdivision 20.

Subp. 33b. **Pre-roll.** "Pre-roll" means any combination of flower, shake, or leaf rolled in unflavored paper and intended to be smoked.

Subp. 34. Production or produce. "Production" or "produce" means:

A. cultivating or harvesting plant material;

- B. processing or manufacturing; or
- C. packaging of medical cannabis.

Subp. 35. **Proficiency testing sample or PT sample.** "Proficiency testing sample" or "PT sample" means a sample obtained from an approved provider to evaluate the ability of a laboratory to produce an analytical test result meeting the definition of acceptable performance. The concentration of the analyte in the sample is unknown to the laboratory at the time of analysis.

Subp. 36. **Registered designated caregiver.** "Registered designated caregiver" has the meaning given in Minnesota Statutes, section 152.22, subdivision 11.

Subp. 36a. **Registered finished goods list.** "Registered finished goods list" means the official list maintained by the commissioner of finished goods permitted to be dispensed within the registry. The manufacturer must provide the commissioner the finished good's

chemical composition, the total volume or weight of each active ingredient, storage instructions, and estimated expiration date. If a finished good will be dispensed in an amount larger than one unit or dose, the manufacturer must specify the volume or weight and chemical composition that constitutes a single dose.

Subp. 37. **Registry program.** "Registry program" has the meaning given in Minnesota Statutes, section 152.22, subdivision 12.

Subp. 38. **Registry verification.** "Registry verification" has the meaning given in Minnesota Statutes, section 152.22, subdivision 13.

Subp. 38a. **Remediation.** "Remediation" means any process that removes or reduces the level of contaminants in a batch of dried raw cannabis flower and trim, either through extraction of oils or other means.

Subp. 39. **Restricted access area.** "Restricted access area" means a building, room, or other contiguous area on the premises where plant material is grown, cultivated, harvested, stored, packaged, or processed for sale under control of the medical cannabis manufacturer, and where no person under the age of 21 is permitted.

Subp. 39a. **Rinsate.** "Rinsate" means a dilute mixture of a crop input or crop inputs with water, solvents, oils, commercial rinsing agents, or other substances that is produced by or results from the cleaning of crop input application equipment or containers.

Subp. 39b. **Shake.** "Shake" means pieces of a cannabis flower that were once part of larger buds.

Subp. 40. **Sufficient cause to believe.** "Sufficient cause to believe" means grounds asserted in good faith that are not arbitrary, irrational, unreasonable, or irrelevant and that make the proposition asserted more likely than not, provided the grounds are based on at least one of the following sources:

A. facts or statements supplied by a patient, the patient's parent or legal guardian, the patient's designated registered caregiver, or an employee or agent of a medical cannabis manufacturer;

B. reports from an approved laboratory that indicate concerns with the chemical or bacterial composition of the medical cannabis;

C. financial records of a medical cannabis manufacturer;

- D. police records;
- E. court documents; or

F. facts of which the commissioner or the commissioner's employees have personal knowledge.

Subp. 41. THC. "THC" means tetrahydrocannabinol, CAS number 1972-08-3.

Subp. 42. THCA. "THCA" means tetrahydrocannabinolic acid, CAS number 23978-85-0.

Subp. 43. **Total cannabinoid content.** "Total cannabinoid content" means the combined target values by weight of all cannabinoids defining a finished good in the registered finished goods list, not including cannabinoids present only in trace amounts.

Subp. 44. **Total CBD content.** "Total CBD content" means the sum of the amount of CBD and 87.7 percent of the detectable amount of CBDA present in the product or plant material.

Subp. 45. **Total THC content.** "Total THC content" means the sum of the amount of THC and 87.7 percent of the detectable amount of THCA present in the product or plant material.

Subp. 46. Water activity. "Water activity" or " $a_w$ " means a measure of the free moisture in usable cannabis and is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature.

## 4770.0300 DUTIES OF COMMISSIONER.

Subpart 1. **Interagency agreements.** The commissioner may enter into any interagency agreements with other state agencies for technical services or other assistance related to the regulatory or inspection duties of a medical cannabis manufacturer and the registry program.

Subp. 2. Notice to law enforcement. If the commissioner has sufficient cause to believe that there is a threat to public safety, then the commissioner must notify local law enforcement agencies of any conditions that pose a threat to public safety, including:

A. loss or theft of medical cannabis or plant material;

B. diversion or potential diversion of medical cannabis or plant material; or

C. unauthorized access to the patient registry.

Subp. 3. **Inspection of medical cannabis manufacturer.** A medical cannabis manufacturer is subject to reasonable inspection by the commissioner under Minnesota Statutes, section 152.29, subdivision 1. For purposes of this part, "reasonable inspection" means unannounced inspections by the commissioner of all:

A. aspects of the business operations;

B. physical locations of the medical cannabis manufacturer, its manufacturing facility, and distribution facilities;

C. financial information and inventory documentation; and

D. physical and electronic security alarm systems.

Subp. 4. **Fees.** Any fees collected by the commissioner under Minnesota Statutes, section 152.35, are not refundable.

### Subp. 5. Patient costs; pricing.

A. A medical cannabis manufacturer must follow the requirements under Minnesota Statutes, section 152.35, paragraph (d), in establishing a reasonable fee.

B. The commissioner may annually review price costing by a medical cannabis manufacturer.

## 4770.0400 MEDICAL CANNABIS MANUFACTURER; OPERATIONS.

Subpart 1. **Operating documents.** Under Minnesota Statutes, section 152.29, subdivision 1, the operating documents of a medical cannabis manufacturer must describe operational and management practices, including:

A. record keeping;

B. security measures to deter and prevent theft of medical cannabis;

C. unauthorized entrance into areas containing medical cannabis;

D. types and quantities of medical cannabis products that are produced at the manufacturing facility;

E. methods of planting, harvesting, drying, and storage of medical cannabis;

F. estimated quantity of all crop inputs used in production;

G. estimated quantity of waste material to be generated;

H. disposal methods for all waste materials;

I. employee training methods for the specific phases of production;

J. biosecurity measures used in production and in manufacturing;

K. strategies for reconciling discrepancies in plant material or medical cannabis;

L. sampling strategy and quality testing for labeling purposes;

M. medical cannabis packaging and labeling procedures;

N. procedures for the mandatory and voluntary recall of medical cannabis;

O. plans for responding to a security breach at a manufacturing or distribution facility, or while medical cannabis is in transit to a manufacturing or distribution facility;

P. business continuity plan;

Q. records relating to all transport activities; and

R. other information requested by the commissioner.

## Subp. 2. Prohibited activities.

A. A person may not own and operate a manufacturing facility unless the person is registered as a medical cannabis manufacturer by the commissioner under Minnesota Statutes, section 152.25.

B. A medical cannabis manufacturer and its employees, agents, or owners may not:

(1) cultivate, produce, or manufacture medical cannabis in any location except in those areas designated for those activities in the registration agreement;

(2) sell or distribute medical cannabis or medical cannabis products from any location except its distribution facilities;

(3) produce or manufacture medical cannabis for use outside of Minnesota;

- (4) sell or distribute medical cannabis to any person other than a registered:
  - (a) patient;
  - (b) parent or legal guardian; or
  - (c) designated registered caregiver;

(5) deliver or transport medical cannabis to any location except the manufacturer's production facility or distribution facilities, a waste-to-energy facility, another manufacturer's distribution facilities, a testing laboratory approved by the commissioner, and a laboratory selected by the commissioner to conduct audit testing under part 4770.3035;

(6) sell medical cannabis that is not packaged and labeled in accordance with part 4770.0850; or

(7) permit the consumption of medical cannabis at a distribution facility.

Subp. 3. **Criminal background checks.** A medical cannabis manufacturer is prohibited from employing any person who has a disqualifying felony offense as shown by a Minnesota criminal history background check or a federal criminal history background check performed by the Bureau of Criminal Apprehension under Minnesota Statutes, section 152.29, subdivision 1.

Subp. 4. Conflict of interest; health care practitioner activity restrictions. A medical cannabis manufacturer may not:

A. permit a health care practitioner who certifies qualifying conditions for patients to:

(1) hold a direct or indirect economic interest in the medical cannabis manufacturer;

(2) serve on the board of directors or as an employee of the medical cannabis manufacturer; or

(3) advertise with the medical cannabis manufacturer in any capacity;

B. accept or solicit any form of remuneration from a health care practitioner who certifies qualifying conditions for patients; or

C. offer any form of remuneration from a health care practitioner who certifies qualifying conditions for patients.

## 4770.0500 MEDICAL CANNABIS MANUFACTURER; QUALITY CONTROL; ASSURANCE PROGRAM.

Subpart 1. **Quality control program.** A medical cannabis manufacturer must develop and implement a written quality assurance program that assesses the chemical and microbiological composition of medical cannabis. Assessment includes a profile of the active ingredients, including shelf life, and the presence of inactive ingredients and contaminants. A medical cannabis manufacturer must use these testing results to determine appropriate storage conditions and expiration dates.

Subp. 2. **Sampling protocols.** A medical cannabis manufacturer must develop and follow written procedures for sampling medical cannabis that require the manufacturer to:

A. conduct sample collection in a manner that provides analytically sound and representative samples;

B. document every sampling event and provide this documentation to the commissioner upon request;

C. describe all sampling and testing plans in written procedures that include the sampling method and the number of units per batch to be tested;

D. ensure that random samples from each batch are:

(1) taken in an amount necessary to conduct the applicable test;

- (2) labeled with the batch unique identifier; and
- (3) submitted for testing; and

E. retain the results from the random samples for at least five years.

Subp. 3. Sampling; testing levels. A medical cannabis manufacturer must:

A. develop acceptance criteria for all potential contaminants based on the levels of metals, microbes, or other contaminants that the manufacturer uses in cultivating and producing medical cannabis. The testing levels are subject to approval by the commissioner;

B. conduct sampling and testing using acceptance criteria that are protective of patient health. The sampling and testing results must ensure that batches of medical cannabis meet allowable health risk limits for contaminants;

C. reject a medical cannabis batch that fails to meet established standards, specifications, and any other relevant quality-control criteria;

D. develop and follow a written procedure for responding to results indicating contamination. The procedure must include destroying contaminated medical cannabis and determining the source of contamination; and

E. retain documentation of test results, assessment, and destruction of medical cannabis for at least five years.

## Subp. 4. Quality assurance program; stability testing.

A. The quality assurance program must include procedures for performing stability testing of each product type produced to determine product shelf life that addresses:

(1) sample size and test intervals based on statistical criteria for each attribute examined to ensure valid stability estimates;

(2) storage conditions for samples retained for testing; and

(3) reliable and specific test methods.

## B. Stability studies must include:

(1) medical cannabis testing at appropriate intervals;

(2) medical cannabis testing in the same container-closure system in which the drug product is marketed; and

(3) testing medical cannabis for reconstitution at the time of dispensing, as directed in the labeling, and after the samples are reconstituted.

C. If shelf-life studies have not been completed before July 1, 2015, a medical cannabis manufacturer may assign a tentative expiration date, based on any available stability information. The manufacturer must concurrently conduct stability studies to determine the actual product expiration date.

D. After the manufacturer verifies the tentative expiration date, or determines the appropriate expiration date, the medical cannabis manufacturer must include that expiration date on each batch of medical cannabis.

E. Stability testing must be repeated if the manufacturing process or the product's chemical composition is changed.

## Subp. 5. Reserve samples.

A. A medical cannabis manufacturer must retain a uniquely labeled reserve sample that represents each batch of medical cannabis and store it under conditions consistent with product labeling. The reserve sample must be stored in the same immediate container-closure system in which the medical cannabis is marketed, or in one that has similar characteristics. The reserve sample must consist of at least twice the quantity necessary to perform all the required tests.

B. A medical cannabis manufacturer must retain the reserve for at least one year following the batch's expiration date.

Subp. 6. **Retesting.** If the commissioner deems that public health may be at risk, the commissioner may require the manufacturer to retest any sample of plant material or medical cannabis.

# 4770.0600 LOCATION; DISTANCE FROM SCHOOL.

Under Minnesota Statutes, section 152.29, paragraph (j), a medical cannabis manufacturer may not operate within 1,000 feet of an existing public or private school. The medical cannabis manufacturer must measure the distance between the closest point of the manufacturing or distribution facility property lines to the closest point of the school's property lines.

For purposes of this part, "public or private school" means any property operated by a school district, charter school, or accredited nonpublic school for elementary, middle, or secondary school, or secondary vocation center purposes.

"Accredited nonpublic school" means any nonpublic school accredited by an accrediting agency recognized by the Minnesota nonpublic education council under Minnesota Statutes, section 123B.445, excluding home schools.

## 4770.0800 ADVERTISING AND MARKETING.

Subpart 1. **Permitted marketing and advertising activities.** A medical cannabis manufacturer may:

A. display the manufacturer's business name and logo on medical cannabis labels, signs, website, and informational material provided to patients. The name or logo must not include:

- (1) images of cannabis or cannabis-smoking paraphernalia;
- (2) colloquial references to cannabis;
- (3) names of cannabis plant strains; or

(4) medical symbols that bear a reasonable resemblance to established medical associations. Examples of established medical organizations include the American Medical Association or American Academy of Pediatrics. The use of medical symbols is subject to approval by the commissioner;

- B. display signs on the manufacturing facility and distribution facility; and
- C. maintain a business website that contains the following information:
  - (1) the medical cannabis manufacturer name;
  - (2) the distribution facility location;
  - (3) the contact information;
  - (4) the distribution facility's hours of operation;
  - (5) the medical cannabis products provided;
  - (6) product pricing; and
  - (7) other information as approved by the commissioner.

## Subp. 2. Marketing and advertising activities; commissioner approval required.

A. A medical cannabis manufacturer must request and receive the commissioner's written approval before beginning marketing or advertising activities that are not specified in subpart 1.

B. The commissioner has 30 calendar days to approve marketing and advertising activities submitted under this subpart.

Subp. 3. **Inconspicuous display.** A medical cannabis manufacturer must arrange displays of merchandise, interior signs, and other exhibits to prevent public viewing from outside the manufacturing facility and distribution facility.

## 4770.0900 MONITORING AND SURVEILLANCE REQUIREMENTS.

Subpart 1. **24-hour closed-circuit television.** A medical cannabis manufacturer must operate and maintain in good working order a closed-circuit television (CCTV) surveillance system on all of its premises, which must operate 24 hours per day, seven days per week, and visually record:

A. all phases of production;

B. all areas that might contain plant material and medical cannabis, including all safes and vaults;

- C. all points of entry and exit, including sales areas;
- D. the entrance to the video surveillance room; and

E. any parking lot, which must have appropriate lighting for the normal conditions of the area under surveillance.

# Subp. 2. Camera specifications. Cameras must:

A. capture clear and certain identification of any person entering or exiting a manufacturing facility or distribution facility;

B. have the ability to produce a clear, color, still photo either live or from a recording;

C. have an embedded date-and-time stamp on all recordings that must be synchronized and not obscure the picture; and

D. continue to operate during a power outage.

# Subp. 3. Video recording specifications.

A. A video recording must export still images in an industry standard image format, including .jpg, .bmp, and .gif.

B. Exported video must be archived in a proprietary format that ensures authentication and guarantees that the recorded image has not been altered.

C. Exported video must also be saved in an industry standard file format that can be played on a standard computer operating system.

D. All recordings must be erased or destroyed before disposal.

Subp. 4. Additional requirements. The manufacturer must maintain all security system equipment and recordings in a secure location to prevent theft, loss, destruction, corruption, and alterations.

Subp. 5. **Retention.** The manufacturer must ensure that 24-hour recordings from all video cameras are:

A. available for viewing by the commissioner upon request;

B. retained for at least 90 calendar days;

C. maintained free of alteration or corruption; and

D. retained longer, as needed, if the manufacturer is given actual notice of a pending criminal, civil, or administrative investigation, or other legal proceeding for which the recording may contain relevant information.

# 4770.1000 ALARM SYSTEM REQUIREMENTS.

A. A medical cannabis manufacturer must install and maintain a professionally monitored security alarm system that provides intrusion and fire detection of all:

(1) facility entrances and exits;

(2) rooms with exterior windows;

(3) rooms with exterior walls;

(4) roof hatches;

(5) skylights; and

(6) storage rooms.

B. For purposes of this part, a security alarm system means a device or series of devices that summons law enforcement personnel during, or as a result of, an alarm condition. Devices may include:

(1) hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals that emit or transmit a remote or local audio, visual, or electronic signal;

(2) motion detectors;

- (3) pressure switches;
- (4) a duress alarm;
- (5) a panic alarm;
- (6) a holdup alarm;
- (7) an automatic voice dialer; and

(8) a failure notification system that provides an audio, text, or visual notification of any failure in the surveillance system.

C. A manufacturer's security alarm system and all devices must continue to operate during a power outage.

D. The commissioner must have the ability to access a medical cannabis manufacturer's security alarm system.

E. The manufacturer's security alarm system must be inspected and all devices tested annually by a qualified alarm vendor.

# 4770.1100 TRANSPORTATION OF MEDICAL CANNABIS.

# Subpart 1. Transportation of medical cannabis and plant material; when authorized.

A. A medical cannabis manufacturer is authorized to transport medical cannabis:

- (1) from its manufacturing facility to its distribution facilities;
- (2) between its distribution facilities;

(3) from its manufacturing facility to a distribution facility operated by another manufacturer;

(4) from its manufacturing facility to a testing laboratory for testing;

(5) from a testing laboratory to its manufacturing facility or to a waste-to-energy facility;

(6) from its manufacturing facility or distribution facility to a laboratory selected by the commissioner to conduct audit testing under part 4770.3035; and

(7) from its manufacturing facility or distribution facility to a waste-to-energy facility.

B. A medical cannabis manufacturer is authorized to transport plant material waste:

(1) from its manufacturing facility to a waste disposal site; and

(2) when a specific nonroutine transport request from the manufacturer is approved by the commissioner.

## Subp. 2. Transporting medical cannabis.

A. A medical cannabis manufacturer must use a manifest system, approved by the commissioner, to track shipping of medical cannabis. The manifest system must include a chain of custody that records:

(1) the name and address of the destination;

(2) the weight, measure, or numerical count and description of each individual package that is part of the shipment, and the total number of individual packages;

(3) the date and time the medical cannabis shipment is placed into the transport vehicle;

(4) the date and time the shipment is accepted at the delivery destination;

(5) the person's identity, and the circumstances, duration, and disposition of any other person who had custody or control of the shipment; and

(6) any handling or storage instructions.

B. Before transporting medical cannabis, a medical cannabis manufacturer must:

(1) complete a manifest on a form approved by the commissioner; and

(2) transmit a copy of the manifest to the manufacturer's distribution facility, a laboratory, or a waste-to-energy facility, as applicable.

C. The manifest must be signed by:

(1) an authorized manufacturer employee when departing the manufacturing facility; and

(2) an authorized employee of the receiving distribution facility, laboratory, or waste-to-energy facility.

D. An authorized employee at the facility receiving medical cannabis must:

(1) verify and document the type and quantity of the transported medical cannabis against the manifest;

(2) return a copy of the signed manifest to the manufacturing facility; and

(3) record the medical cannabis that is received as inventory according to part 4770.1800.

E. A manufacturer must maintain all manifests for at least five years and make them available upon request of the commissioner.

## Subp. 3. Transportation of medical cannabis; vehicle requirements.

A. A manufacturer must ensure that:

- (1) all medical cannabis transported on public roadways is:
  - (a) packaged in tamper-evident, bulk containers;
  - (b) transported so it is not visible or recognizable from outside the

vehicle;

(c) transported in a vehicle that does not bear any markings to indicate that the vehicle contains cannabis or bears the name or logo of the manufacturer; and

(d) kept in a compartment of a transporting vehicle that maintains appropriate temperatures and conditions that will protect plant material and medical cannabis against physical, chemical, and microbial contamination or deterioration.

B. Manufacturer employees who are transporting medical cannabis, plant waste, or medical cannabis waste on public roadways must:

(1) travel directly to the destination listed on the transportation manifest;

- (2) document refueling and all other stops in transit, including:
  - (a) the reason for the stop;
  - (b) the duration of the stop;
  - (c) the location of the stop; and
  - (d) all activities of employees exiting the vehicle; and

(3) not wear manufacturer-branded clothing or clothing that identifies the employee as an employee of the manufacturer.

C. If an emergency requires stopping the vehicle, the employee must notify 911 and complete an incident report form provided by the commissioner.

D. Under no circumstance may any person other than a designated manufacturer employee have actual physical control of the motor vehicle that is transporting the medical cannabis.

E. A medical cannabis manufacturer must staff all motor vehicles with a minimum of two employees when transporting medical cannabis between a manufacturing facility and a distribution facility. At least one employee must remain with the motor vehicle at all times that the motor vehicle contains medical cannabis. A single employee may transport medical cannabis to an approved laboratory.

F. Each employee in a transport motor vehicle must have communication access with the medical cannabis manufacturer's personnel, and have the ability to contact law enforcement through the 911 emergency system at all times that the motor vehicle contains medical cannabis.

G. An employee must carry the employee's identification card at all times when transporting or delivering cannabis and, upon request, produce the identification card to the commissioner or to a law enforcement officer acting in the course of official duties.

H. A medical cannabis manufacturer must not leave a vehicle that is transporting medical cannabis unattended overnight.

## 4770.1200 DISPOSAL OF MEDICAL CANNABIS AND PLANT MATERIAL.

Subpart 1. Medical cannabis take-back. A medical cannabis manufacturer must accept at no charge unused, excess, or contaminated medical cannabis. A manufacturer must:

A. dispose of the returned medical cannabis as provided in subpart 2; and

- B. maintain a written record of disposal that includes:
  - (1) the name of the patient;
  - (2) the date the medical cannabis was returned;
  - (3) the quantity of medical cannabis returned; and
  - (4) the type and batch number of medical cannabis returned.

Subp. 2. Medical cannabis and plant material waste. A medical cannabis manufacturer must store, secure, and manage medical cannabis waste and plant material waste in accordance with all applicable federal, state, and local regulations.

A. The manufacturer must dispose of medical cannabis waste by incineration at a waste-to-energy facility according to federal and state law.

B. The manufacturer must dispose of plant material by composting as follows:

- (1) at the manufacturing facility, according to federal and state law; or
- (2) at an approved composting facility, according to federal and state law.

C. Before transport, the manufacturer must render plant material waste unusable and unrecognizable by grinding and incorporating the waste with a greater quantity of nonconsumable, solid wastes including:

- (1) paper waste;
- (2) cardboard waste;
- (3) food waste;
- (4) yard waste;

(5) vegetative wastes generated from industrial or manufacturing processes that prepare food for human consumption;

(6) soil; or

(7) other waste approved by the commissioner.

Subp. 3. Liquid and chemical waste disposal. The medical cannabis manufacturer must dispose of all liquid and chemical product waste generated in the process of cultivating, manufacturing, and distributing medical cannabis in accordance with all applicable federal, state, and local regulations.

Subp. 4. **Waste-tracking requirements.** The medical cannabis manufacturer must use forms provided by the commissioner to maintain accurate and comprehensive records regarding waste material that accounts for, reconciles, and evidences all waste activity related to the disposal of medical cannabis waste and plant material waste.

### 4770.1300 MANDATORY SIGNAGE.

A. A medical cannabis manufacturer must post a sign in a conspicuous location at each entrance of the manufacturing facility that reads "PERSONS UNDER TWENTY-ONE YEARS OF AGE NOT PERMITTED IN RESTRICTED ACCESS AREAS."

B. A manufacturer must post a sign in a conspicuous location at every entrance to the manufacturing facility and each distribution facility that reads "THESE PREMISES ARE UNDER CONSTANT VIDEO SURVEILLANCE."

## 4770.1400 PERSONNEL IDENTIFICATION SYSTEM.

Subpart 1. **Identification system.** A medical cannabis manufacturer must use a personnel identification system that controls and monitors individual employee access to restricted access areas within the manufacturing facility and distribution facility and that meets the requirements of this part and part 4770.0700.

Subp. 2. Employee identification card requirement. An employee identification card must contain:

- A. the name of the cardholder;
- B. the date of issuance and expiration;
- C. an alphanumeric identification number that is unique to the cardholder; and
- D. a photographic image of the cardholder.

Subp. 3. Visitor pass required. A visitor must wear a visitor pass issued by the medical cannabis manufacturer that is visible at all times.

Subp. 4. **Employee identification card on person and visible at all times.** A manufacturer's employee must keep the employee's identification card visible at all times when in a manufacturing facility, distribution facility, or vehicle transporting medical cannabis.

Subp. 5. Termination of employment. Upon termination of an employee, a medical cannabis manufacturer must obtain and destroy the terminated employee's identification card.

# 4770.1460 RENEWAL OF REGISTRATION.

Subpart 1. **Application.** A registered manufacturer must submit an application to renew its registration with the commissioner at least six months before its registration term expires. The application must include:

A. any material change in its previous application materials;

B. information about each alleged incident involving theft, loss, or possible diversion of medical cannabis by an employee, agent, or contractor of the manufacturer;

C. the manufacturer's compliance with all relevant state and local laws;

D. information about the manufacturer's ability to continue manufacturing and distributing medical cannabis, including financial viability and ability to ensure adequate supply of medical cannabis; and

E. any other information requested by the commissioner.

Subp. 2. Criteria. The commissioner must use criteria listed in Minnesota Statutes, section 152.25, subdivision 1, paragraph (c), when considering a manufacturer's application to renew its registration.

Subp. 3. **Notification.** The commissioner must notify the manufacturer of the commissioner's decision to approve or deny the manufacturer's registration application at least 120 days before the expiration of the registration agreement.

## 4770.1500 CLOSURE OF OPERATIONS; DEREGISTRATION.

Subpart 1. Notice. A medical cannabis manufacturer shall notify the commissioner at least six months before the closure of the manufacturing facility and its distribution facilities.

Subp. 2. **Procedures.** If a medical cannabis manufacturer ceases operation, the commissioner must verify the remaining inventory of the manufacturer and seize all plant material, plant material waste, and medical cannabis. The commissioner must ensure that any plant material, plant material waste, and medical cannabis is destroyed by incineration at a waste-to-energy facility.

#### 4770.1600 RECORD KEEPING; REQUIREMENTS.

A. A medical cannabis manufacturer must maintain for at least five years complete, legible, and current records, including:

(1) the date of each sale or distribution;

(2) the registration number of all patients;

(3) the item number, product name and description, and quantity of medical cannabis sold or otherwise distributed;

(4) records of sale prices of medical cannabis to patients;

(5) the quantity and form of medical cannabis maintained by the manufacturer at the manufacturing facility on a daily basis; and

(6) the amount of plants being grown at the manufacturing facility on a daily

basis.

B. A medical cannabis manufacturer must maintain records that reflect all financial transactions and the financial condition of the business. The following records must be maintained for at least five years and made available for review, upon request of the commissioner:

(1) purchase invoices, bills of lading, transport manifests, sales records, copies of bills of sale, and any supporting documents, to include the items or services purchased, from whom the items were purchased, and the date of purchase;

(2) bank statements and canceled checks for all business accounts;

(3) accounting and tax records;

(4) records of all financial transactions, including contracts and agreements for services performed or services received;

(5) all personnel records;

(6) crop inputs applied to the growing medium, plants, or plant material used in production;

(7) production records;

(8) transportation records;

(9) inventory records;

(10) records of all samples sent to a testing laboratory and the quality assurance test results; and

(11) records of any theft, loss, or other unaccountability of any medical cannabis or plant material.

# 4770.1700 MEDICAL CANNABIS MANUFACTURER; PRODUCTION REQUIREMENTS.

## Subpart 1. Cultivation and processing; generally.

A. Only a registered medical cannabis manufacturer is authorized to produce and manufacture medical cannabis.

B. All phases of production must take place in designated, restricted access areas that are monitored by a surveillance camera system in accordance with part 4770.0900.

C. All areas must be compartmentalized based on function, and employee access must be restricted between compartments.

D. The production process must be designed to limit contamination. Examples of contamination include mold, fungus, bacterial diseases, rot, pests, nonorganic pesticides, and mildew.

E. Each production area must have an open aisle for unobstructed access, observation, and inventory of each plant group.

F. Biosecurity measures must be in effect and documented according to part 4770.0400, subpart 1.

G. The manufacturer must maintain a record at the facility of all crop inputs for at least five years. The record must include the following:

(1) the date of application;

(2) the name of the employee applying the crop input;

(3) the name and description of the crop input that was applied, including the chemical name, product name, and manufacturer, where applicable;

(4) the section, including the square footage, that received the application by batch number;

(5) either the amount or concentration of crop input, or both, that was applied;

- (6) a copy of the label of the crop input applied; and
- (7) the vendor or other origin of the crop input.

H. At the time of planting, all plants must be tracked in a batch process with a unique batch number that must remain with the batch through final packaging.

I. A manufacturer must record any removal of plants from the batch on a record maintained at the manufacturing facility for at least five years.

J. The batch number must be displayed on the label of the medical cannabis.

## Subp. 1a. Crop inputs used in cultivation of dried raw cannabis.

A. A manufacturer cultivating plants intended to become dried raw cannabis must follow practices and procedures that minimize the risk of chemical contamination or adulteration of the medical cannabis.

B. A manufacturer may only apply a pesticide in the cultivation of medical cannabis if the pesticide has been:

(1) deemed to be minimum risk by the United States Environmental Protection Agency in accordance with Code of Federal Regulations, title 40, section 152.25 (f), and exempted from United States Code, title 7, section 136 et seq., the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and the pesticide's label does not exclude its use on a genus cannabis plant;

(2) registered with the United States Environmental Protection Agency under section 3 of FIFRA, United States Code, title 7, section 136 et seq., and is labeled for use on medical cannabis or cannabis used for human consumption; or

(3) registered with the United States Environmental Protection Agency under section 3 of FIFRA, United States Code, title 7, section 136 et seq., and:

(a) the active ingredient found in the pesticide is either exempt from the tolerance requirements in Code of Federal Regulations, title 40, part 180, subpart D, or does not require an exemption from the tolerance requirement in Code of Federal Regulations, title 40, part 180, subpart E;

(b) the pesticide product label does not prohibit use within an enclosed structure for the site of application;

(c) the pesticide product label expressly has directions for use on unspecified crops or plants intended for human consumption; and

(d) the pesticide product is used in accordance with all applicable instructions, restrictions, and requirements on the product label.

C. A manufacturer may use rooting hormones or cloning gels only during the propagation phase of the plant life cycle.

D. A manufacturer must store all crop input stocks in their original containers with their original labels intact. The manufacturer must ensure that packaged fertilizers and containers of diluted or prepared fertilizer remain labeled with information as required in Minnesota Statutes, section 18C.215, at all times.

E. The manufacturer must apply, store, and dispose of crop inputs, rinsate, and containers according to label instructions and all other applicable laws and regulations.

F. If an audit sample tested under part 4770.3035 shows the presence of a crop input not permitted under this subpart, the batch and any finished good produced from the batch are adulterated and must be disposed of as medical cannabis waste under part 4770.1200, subpart 2. The use of pesticides not permitted under this part is presumptively classified as a serious violation under Minnesota Statutes, sections 144.989 to 144.993.

## Subp. 2. Production of medical cannabis.

A. The commissioner must approve the manufacturer's use of any hydrocarbon-based extraction process. Examples of a hydrocarbon-based extraction process include the use of butane, ethanol, hexane, and isopropyl alcohol.

B. Medical cannabis must be prepared, handled, and stored in compliance with the sanitation requirements in this part.

C. A manufacturer must maintain appropriate temperatures and conditions that will protect plant material and medical cannabis against physical, chemical, and microbial contamination or deterioration of the product or its container.

D. A manufacturer must ensure that the cannabinoid content of the medical cannabis it produces is homogenous.

E. Prior to distributing new finished goods to customers, a manufacturer must obtain the commissioner's approval. The commissioner shall:

(1) for each manufacturer, maintain a registered finished goods list containing packaged product information; and

(2) update the list as needed.

F. The manufacturer must submit a definition of each finished good to the commissioner to include in the registered finished goods list before a batch sample may be tested.

G. Pre-rolls must not contain more than one gram of dried raw cannabis each.

Subp. 3. General sanitation requirements. A manufacturer must take all reasonable measures and precautions to ensure that:

A. any employee who has a communicable disease does not perform any tasks that might contaminate plant material or medical cannabis;

B. hand-washing facilities are:

(1) convenient and furnished with running water at a suitable temperature;

(2) located in all production areas; and

(3) equipped with effective hand-cleaning and sanitizing preparations and sanitary towel service or electronic drying devices;

C. all employees working in direct contact with plant material and medical cannabis must use hygienic practices while on duty, including:

(1) maintaining personal cleanliness; and

(2) washing hands thoroughly in a hand-washing area before starting work and at any other time when the hands may have become soiled or contaminated;

D. litter and waste are routinely removed and the operating systems for waste disposal are routinely inspected;

E. floors, walls, and ceilings are constructed with a surface that can be easily cleaned and maintained in good repair to inhibit microbial growth;

F. lighting is adequate in all areas where plant material and medical cannabis are processed, stored, or sold;

G. screening or other protection against the entry of pests is provided, including that rubbish is disposed of to minimize the development of odor and the potential for the waste becoming an attractant, harborage, or breeding place for pests;

H. any buildings, fixtures, and other facilities are maintained in a sanitary condition;

I. toxic cleaning compounds, sanitizing agents, and other potentially harmful chemicals are identified and stored in a separate location away from plant material and medical cannabis and in accordance with applicable local, state, or federal law;

J. all contact surfaces, utensils, and equipment used in the production of plant material and medical cannabis are maintained in a clean and sanitary condition;

K. the manufacturing facility water supply is sufficient for necessary operations;

L. plumbing size and design meets operational needs and all applicable state and local laws;

M. employees have accessible toilet facilities that are sanitary and in good repair; and

N. plant material and medical cannabis that could support the rapid growth of undesirable microorganisms are isolated to prevent the growth of those microorganisms.

## Subp. 4. Storage.

A. A manufacturer must store plant material and medical cannabis during production, transport, and testing to prevent diversion, theft, or loss, including ensuring:

(1) plant material and medical cannabis are returned to a secure location immediately after completion of the process or at the end of the scheduled business day; and

(2) the tanks, vessels, bins, or bulk containers containing plant material or medical cannabis are locked inside a secure area if a process is not completed at the end of a business day.

B. A manufacturer must store all plant material and medical cannabis during production, transport, and testing, and all saleable medical cannabis:

(1) in areas that are maintained in a clean, orderly, and well-ventilated condition; and

(2) in storage areas that are free from infestation by insects, rodents, birds, and other pests of any kind.

C. To prevent degradation, a manufacturer must store all plant material and medical cannabis in production, transport, and testing, and all saleable medical cannabis under conditions that will protect it against physical, chemical, and microbial contamination and deterioration of the product and its container.

D. A manufacturer must maintain a separate secure storage area for medical cannabis that is returned, including medical cannabis that is outdated, damaged, deteriorated, mislabeled, or contaminated, or whose containers or packaging have been opened or breached, until the returned medical cannabis is destroyed. For purposes of this part, a separate, secure storage area includes a container, closet, or room that can be locked or secured.

## 4770.1800 INVENTORY.

Subpart 1. **Controls and procedures.** A medical cannabis manufacturer must establish inventory controls and procedures for conducting inventory reviews and comprehensive inventories of plant material and medical cannabis to prevent and detect any diversion, theft, or loss in a timely manner.

Subp. 2. **Reliable and ongoing supply.** A medical cannabis manufacturer must provide a reliable and ongoing supply of medical cannabis as required by Minnesota Statutes, section 152.29, subdivision 2.

Subp. 3. **Real-time inventory.** A medical cannabis manufacturer must maintain a real-time record of its inventory of plant material and medical cannabis to include:

A. the date and time of the inventory;

B. a summary of inventory findings, including:

(1) the weight of cannabis seeds by type, strain, and cultivar;

(2) the total count of plants, whether in the flowering, vegetative, or clone phase of growth and organized by room in which the plants are grown;

(3) the batch number, weight or unit count, and strain name associated with each batch at the production facility that has been prepared for testing or is ready for transport to a distribution facility;

(4) the total number of plants that have been harvested but are not yet associated with a batch and every unique plant identifier;

(5) the amount of acquired industrial hemp; and

(6) the amount of medical cannabis, either by weight or units, sold since previous inventory and listed by product name and registry identifier;

C. the names of the employees or employee conducting the inventory; and

D. other information deemed necessary and requested by the commissioner.

Subp. 4. **Waste inventory.** The medical cannabis manufacturer must maintain a real-time record of its inventory of all medical cannabis waste, including damaged, defective, expired, contaminated, recalled, or returned medical cannabis for disposal, and plant material waste for disposal.

Subp. 5. **Reconciliation.** At the close of business each day, a medical cannabis manufacturer must reconcile by conducting a physical inventory of all:

A. plant material at the manufacturing facility and in transit; and

B. medical cannabis at the manufacturing facility, each distribution facility, and in transit.

Subp. 6. **Scales.** All scales used to weigh usable plant material for purposes of this chapter must be certified in accordance with the International Organization for Standardization (ISO), ISO/IEC Standard 17025, which is incorporated by reference.

Subp. 7. **Discrepancies.** If discrepancies are discovered outside of loss standard to the industry due to moisture loss and handling, the manufacturer must investigate the discrepancy and must submit a report of its investigation to the commissioner within seven days. If a discrepancy is due to suspected criminal activity, the manufacturer must notify the commissioner and appropriate law enforcement agencies in writing within 24 hours.

# 4770.1900 MEDICAL CANNABIS LABORATORY APPROVAL.

Subpart 1. **Commissioner's authority.** The commissioner must approve any medical cannabis laboratory that tests medical cannabis for a registered medical cannabis manufacturer under Minnesota Statutes, section 152.25, subdivision 1, paragraph (d). A medical cannabis laboratory may seek approval to use specific procedures to test the allowable product types and analytes according to parts 4770.1900 to 4770.2400, which specify the commissioner's requirements authorized by Minnesota Statutes, section 152.29, subdivision 1, paragraph (b).

Subp. 2. **Eligibility.** The commissioner may only approve a medical cannabis laboratory that tests under a contract with a medical cannabis manufacturer that can demonstrate its eligibility under this subpart. The laboratory must:

A. operate using proper laboratory equipment under a quality assurance system and test product types for analytes listed in the commissioner's list in subpart 3;

B. test medical cannabis delivered in the product types specified in subpart 4;

C. test accurately for the following elements:

- (1) content, by testing for analytes for a cannabinoid profile;
- (2) contamination, by testing for analytes for:
  - (a) metals;
  - (b) pesticide residues and plant growth regulators;
  - (c) microbiological contaminants and mycotoxins; and
  - (d) residual solvents; and

(3) consistency of medical cannabis by testing for stability.

## Subp. 3. Commissioner list of approved cannabis labs.

A. The commissioner must publish a list of approved cannabis laboratories in the State Register and on the department's medical cannabis program website at least annually.

B. The commissioner must provide the following information for each approved laboratory:

- (1) its scope of approval;
- (2) name, telephone number, and e-mail address of primary laboratory contact;

and

(3) physical and mailing address of laboratory.

# Subp. 4. Commissioner's approved medical cannabis product types. The commissioner's approved product types include:

- A. liquid, including in oil form;
- B. pill;
- C. vaporized delivery method using liquid or oil;
- D. dried raw cannabis intended to be used or consumed by combustion; and

E. any other method approved by the commissioner under Minnesota Statutes, section 152.27, subdivision 2, paragraph (b).

## Subp. 5. Commissioner's analyte list.

A. The commissioner must maintain a list of analytes that laboratories must be able to test for. The analyte categories include:

- (1) cannabinoid profile;
- (2) metals;
- (3) pesticide residues and plant growth regulators;
- (4) microbiological contaminants and mycotoxins; and
- (5) residual solvents.

B. The commissioner must publish the analyte list in the State Register and on the department's medical cannabis program website.

C. The commissioner must review the analyte list and publish a notice of any analyte updates in the State Register and on the department's medical cannabis program website at least every six months.

# 4770.2000 MEDICAL CANNABIS LABORATORY APPROVAL; APPLICATION AND APPROVAL.

## Subpart 1. Application requirements.

A. A laboratory must apply for the commissioner's approval on a form provided by the commissioner.

B. A laboratory must also submit the following items:

(1) a signed and notarized attestation:

(a) declaring any conflict of interest, actual or perceived, relating to its direct or indirect financial interests in any medical cannabis manufacturer form; and

(b) stating that the laboratory is independent from the medical cannabis manufacturers;

(2) the fields of testing it is applying for approval to test;

(3) its quality assurance manual;

(4) its standard operating procedures;

(5) sample handling, receipt, and acceptance procedures and policies;

(6) demonstration of laboratory capability and acceptable performance through a combination of:

(a) existing certificates and approvals;

(b) documented demonstrations of analytical capabilities; and

(c) documented and acceptable proficiency testing samples from an approved provider, where available;

(7) method validation procedures for testing methods; and

(8) the name and educational qualifications of at least one technical manager responsible for the laboratory achieving and maintaining the quality and analytical standards of practice.

C. A mobile laboratory is considered a separate laboratory and is subject to all requirements of parts 4770.1900 to 4770.2300. In addition to the requirements of subpart 1, a mobile laboratory must:

(1) submit a vehicle identification number, license plate number, or other uniquely identifying information to the commissioner when applying for approval; and

(2) designate which fields of testing, equipment, and personnel are associated with the mobile laboratory.

D. The following items are required and must be submitted to the commissioner before December 31, 2022:

(1) a copy of the lab's ISO/IEC 17025:2017 Certificate and Scope of Accreditation; and

(2) a copy of the lab's most recent assessment report, including the scope of the assessment to ensure the evaluation of the medical cannabis fields of testing.

## Subp. 2. Application requirements; commissioner's evaluation.

A. The commissioner must evaluate completed applications using the following criteria.

(1) A laboratory must operate formal management systems under the International Organization for Standardization (ISO). The ISO/IEC 17025, *General Requirements for the Competency of Testing and Calibration Laboratories*, includes technical and management system requirements which are incorporated by reference in part 4770.2800.

(2) A laboratory seeking initial or renewal medical cannabis laboratory approval after December 31, 2016, must be accredited to Standard ISO/IEC 17025:2005, which is incorporated by reference.

(3) A laboratory must specify one or more fields of testing for which it seeks approval. A laboratory must be approved for at least one field of testing to test medical cannabis for a medical cannabis manufacturer.

B. The commissioner must approve or deny the application within 60 days of receiving the completed application and any applicable information required under part 4770.2000, subpart 1, and subpart 2.

C. No board member, officer, employee, or other person with a financial interest in a medical cannabis manufacturer may have an interest or voting rights in the laboratory.

D. The commissioner's decision on a laboratory's application is a final agency decision.

## Subp. 3. Approval.

A. When granting approval, the commissioner must notify the laboratory and include the following documentation:

(1) a letter acknowledging compliance with approval requirements by the laboratory;

- (2) the scope of approval for the laboratory;
- (3) the logo of the Minnesota Department of Health;
- (4) the name of the laboratory;
- (5) the address of the laboratory; and
- (6) the expiration date of the approval.

B. If a laboratory's scope of approval changes, the commissioner must issue a new document that specifies the revised scope of approval.

C. A laboratory's approval is valid for one year from the date of the commissioner's awarding approval or renewal of approval, unless the commissioner rescinds approval under part 4770.2100.

# 4770.2100 MEDICAL CANNABIS LABORATORY APPROVAL; INSPECTION AND COMPLIANCE.

## Subpart 1. Laboratory inspection and reports.

A. The commissioner may inspect a lab without prior notice at any time during normal business hours to verify compliance with parts 4770.1900 to 4770.2200. The commissioner may inspect:

- (1) approved laboratories; and
- (2) laboratories requesting approval.

B. If the commissioner has sufficient cause to believe that a laboratory's proficiency, execution, or validation of analytical methodologies are deficient, the commissioner may require and a laboratory must obtain third-party validation and ongoing monitoring of the laboratory. The laboratory must pay for all costs associated with the commissioner-ordered third-party validation.

C. An approved laboratory must provide reports to the commissioner regarding chemical compositions, microbial compositions, dosages, and noncannabis drug interactions under Minnesota Statutes, section 152.25, as requested by the commissioner.

D. An approved laboratory must provide reports to the medical cannabis manufacturer on forms provided by the commissioner.

# Subp. 2. Laboratory approval requirements.

A. An approved laboratory may not misrepresent its approval on any document or marketing material.

B. A laboratory must make its current approval documentation and corresponding scope of approval available upon the request of:

(1) a client;

(2) the commissioner; or

(3) a regulatory agency.

## Subp. 3. Rescinding approval.

A. The commissioner may rescind an approved cannabis laboratory's approval if the commissioner determines the laboratory has failed to:

(1) submit accurate application materials to the commissioner under part 100.

4770.2000;

(2) comply with application requirements under part 4770.2000;

(3) comply with all applicable laws, rules, standards, policies, and procedures;

(4) allow the commissioner or designee to perform physical inspection of

facilities;

(5) submit copies of inspection and corrective reports issued by the approved ISO/IEC 17025 accreditation body, as requested by the commissioner;

(6) provide the medical cannabis manufacturer with timely reports; or

(7) provide the medical cannabis manufacturer with reports compliant with the commissioner's designated test report format.

B. A laboratory must return its approval letter to the commissioner immediately if the commissioner rescinds the laboratory's approval.

C. The commissioner's decision to rescind approval of an approved medical cannabis laboratory is a final agency decision.

# 4770.2200 MEDICAL CANNABIS LABORATORY APPROVAL; DUTY TO NOTIFY.

# Subpart 1. Operational changes.

A. A laboratory must notify the commissioner in writing within 30 days of a change in:

(1) name of the laboratory;

(2) physical location, postal mailing address, or e-mail address of the

laboratory;

- (3) owner of the laboratory;
- (4) name, telephone numbers, or e-mail address of the designated contact

person;

- (5) name of a technical manager;
- (6) major analytical equipment; or
- (7) test methods.

B. A laboratory that notifies the commissioner of an operational change under item A must include in the notice written results of proficiency testing samples or demonstrations of capability analyzed after the reported change.

## Subp. 2. Voluntary withdrawal.

A. If a laboratory chooses to withdraw its application for approval or its current approval in total or in part, the laboratory must:

- (1) notify the commissioner in writing; and
- (2) specify the effective date of withdrawal.

B. By the effective date of the withdrawal of approval, in total or in part, the laboratory must:

(1) notify current client manufacturers in writing of its intent to withdraw its approval;

(2) indicate the effective date of the withdrawal; and

(3) submit a copy of each notification to the commissioner.

# 4770.2300 MEDICAL CANNABIS LABORATORY APPROVAL; APPEAL OF ADMINISTRATIVE DECISION.

A. The commissioner must notify a laboratory in writing the reason for the decision to deny or rescind laboratory approval under part 4770.2100.

B. A laboratory has 30 days from the commissioner's notice of denial or notice of rescinded approval to appeal the decision. A request to appeal must:

(1) be in writing;

(2) indicate the facts the laboratory disputes;

- (3) be signed by the laboratory managing agent; and
- (4) be sent to the commissioner.

C. The commissioner must notify a laboratory of the commissioner's acceptance or denial of an appeal request, in writing, within 60 days of receiving the request. The commissioner's decision is a final agency decision.

## 4770.2400 MEDICAL CANNABIS LABORATORY APPROVAL; VARIANCES.

The commissioner may grant a variance from parts 4770.1900 to 4770.2200. To request a variance, a laboratory must indicate in writing:

A. the rule part and language for which the variance is sought;

B. reasons for the request;

C. alternate measures that the laboratory will take if the commissioner grants its request for variance;

D. the proposed length of time of the variance; and

E. data that the laboratory will provide to ensure analytical results of equal or better reliability, if applicable.

# 4770.2700 MEDICAL CANNABIS MANUFACTURER; FINANCIAL EXAMINATIONS; PRICING REVIEWS.

A. A medical cannabis manufacturer must maintain financial records in accordance with generally accepted accounting principles and, upon request, must provide any financial records to the commissioner.

B. The commissioner shall request an additional audit of the medical cannabis manufacturer, of the same time period, if the commissioner finds one or more of the following:

(1) credible evidence or allegations of financial reporting irregularities not revealed in the annual certified financial audit; or

(2) reasonable cause to believe there are operational or compliance concerns involving financing, budgeting, revenues, sales, or pricing.

#### 4770.2800 INCORPORATION BY REFERENCE.

The International Organization for Standardization (ISO), ISO/IEC Standard 17025, is incorporated by reference, is not subject to frequent change, and is made a part of this rule where indicated. ISO/IEC Standard 17025 is published by the International Organization for Standardization, located at 1, ch. de la Voie-Creuse, CP 56, CH-1211 Geneva 20, Switzerland. ISO/IEC Standard 17025 is available in the office of the commissioner of health and can be found online at www.isoiec17025.com or www.iso.org.

## 4770.4000 APPLICABILITY AND PURPOSE.

Parts 4770.4000 to 4770.4018 establish the criteria and procedures to be used by the commissioner for establishing and overseeing the medical cannabis registry for enrolled patients and their designated caregivers.

#### 4770.4002 **DEFINITIONS.**

Subpart 1. **Applicability.** The terms used in this chapter have the meanings given them in this part and in Minnesota Statutes, sections 152.22 to 152.37.

Subp. 1a. Adverse incident. "Adverse incident" means any negative medical occurrence in a person after using medical cannabis, either physical or psychological, including any harmful reaction, symptom, or disease.

Subp. 2. **DEA Registration Certificate.** "DEA Registration Certificate" means a certificate to prescribe controlled substances issued by the United States Department of Justice's Drug Enforcement Administration.

Subp. 3. **Disqualifying felony offense.** "Disqualifying felony offense" has the meaning given in Minnesota Statutes, section 152.22, subdivision 3.

Subp. 4. **Diversion or diverting.** "Diversion" or "diverting" means the intentional transferring of medical cannabis to a person other than a patient, designated registered caregiver, or a parent or legal guardian of a patient if the parent or legal guardian of a patient is listed on the registry verification.

Subp. 4a. **Diversion involving adverse incidents.** "Diversion involving adverse incidents" means any suspected incident of diversion that results in an adverse incident.

Subp. 5. Evidence-based medicine. "Evidence-based medicine" means documentation of published, peer-reviewed best evidence on research related to the use of medical cannabis, which includes up-to-date information from relevant, valid research about the effects of medical cannabis on different forms of diseases and conditions, its use in health care, the potential for harm from exposure, a clinical assessment of the effectiveness of medical cannabis in an ongoing treatment paradigm, and any other relevant medical information.

Subp. 6. **Financial interest.** "Financial interest" means any actual or future right to ownership, investment, or compensation arrangement with another person, either directly or indirectly, through business, investment, spouse, parent, or child in a medical cannabis manufacturer. Financial interest does not include ownership of investment securities in a publicly held corporation that is traded on a national exchange or over-the-counter market, provided the investment securities held by the person, the person's spouse, parent, or child, in the aggregate, do not exceed one percent ownership in the medical cannabis manufacturer.

Subp. 7. **Good standing.** "Good standing" means a person has a license or registration with a licensing board and is not subject to any restriction or oversight by the licensing board beyond others in the same class.

Subp. 8. **Health care practitioner.** "Health care practitioner" has the meaning given in Minnesota Statutes, section 152.22, subdivision 4.

Subp. 9. **Health record.** "Health record" has the meaning given in Minnesota Statutes, section 144.291, subdivision 2, paragraph (c).

Subp. 10. **Medical cannabis.** "Medical cannabis" has the meaning given in Minnesota Statutes, section 152.22, subdivision 6.

Subp. 11. **Medical cannabis manufacturer or manufacturer.** "Medical cannabis manufacturer" or "manufacturer" has the meaning given in Minnesota Statutes, section 152.22, subdivision 7.

Subp. 12. **Medical relationship.** "Medical relationship" means a treatment or counseling relationship, in the course of which the health care practitioner has completed a full assessment of the patient's medical history and current medical condition.

Subp. 13. Minor. "Minor" means an applicant who is under 18 years of age.

Subp. 14. **Parent or legal guardian.** "Parent or legal guardian" has the meaning given in Minnesota Statutes, section 152.27, subdivision 5.

Subp. 15. **Patient.** "Patient" has the meaning given in Minnesota Statutes, section 152.22, subdivision 9.

Subp. 15a. **Patient advocate.** "Patient advocate" means an individual with a knowledge of medical cannabis who promotes patient interests in safety, privacy, access, and affordability.

Subp. 15b. **Peace officer.** "Peace officer" has the meaning given in Minnesota Statutes, section 626.84, subdivision 1, paragraph (c).

Subp. 16. **Person.** "Person" means an individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, state or political subdivision of a state, or a legal successor, representative, agent, or agency of the person. Person does not include federal government agencies.

Subp. 17. **Qualifying medical condition.** "Qualifying medical condition" has the meaning given in Minnesota Statutes, section 152.22, subdivision 14.

Subp. 18. **Qualifying patent.** "Qualifying patient" means a resident of Minnesota who has been diagnosed by a health care practitioner as having a qualifying medical condition.

Subp. 19. **Registered.** "Registered" means licensed, permitted, or otherwise certified by the commissioner.

Subp. 20. **Registered designated caregiver.** "Registered designated caregiver" has the meaning given in Minnesota Statutes, section 152.22, subdivision 11.

Subp. 21. **Registry program.** "Registry program" has the meaning given in Minnesota Statutes, section 152.22, subdivision 12.

Subp. 22. **Registry verification.** "Registry verification" has the meaning given in Minnesota Statutes, section 152.22, subdivision 13.

Subp. 22a. **Serious adverse incident.** "Serious adverse incident" means any adverse incident that results in or would lead to one of these outcomes without medical intervention:

A. in-patient hospitalization or additional hospital time for a patient who is already hospitalized;

- B. persistent or significant disability or incapacity;
- C. a life-threatening situation; or
- D. death.

Subp. 23. **Telehealth.** "Telehealth" means the practice of medicine as defined in Minnesota Statutes, section 147.081, subdivision 3, when the health care practitioner is not in the physical presence of the patient.

Subp. 24. **Therapeutic use.** "Therapeutic use" means the acquisition, possession, preparation, use, delivery, transfer, or transportation of medical cannabis or paraphernalia relating to the administration of medical cannabis to treat or alleviate a qualifying patient's qualifying medical condition or symptoms or results of treatment associated with the qualifying patient's qualifying medical condition.

Subp. 25. **Transport.** "Transport" means the movement of medical cannabis products from a manufacturer's distribution site to the residence of a registered qualified patient, or as otherwise provided by law.

Subp. 26. Written certification. "Written certification" means a document signed by a health care practitioner, with whom the patient has established a patient-provider relationship, which states that the patient has a qualifying medical condition and identifies that condition and any other relevant information required by Minnesota Statutes, section 152.28, subdivision 1.

# 4770.4003 PROCESS FOR ADDING A QUALIFYING MEDICAL CONDITION OR DELIVERY METHOD.

Subpart 1. Condition added by commissioner. The commissioner may periodically revise the list of qualified medical conditions eligible for treatment with medical cannabis.

A. Revisions to the list must reflect:

(1) advances in medical science;

(2) evidence-based medicine and other peer-reviewed research demonstrating treatment efficacy; or

(3) other therapeutic factors that will improve patient care.

B. In determining whether a condition qualifies, the commissioner must consider the adequacy of available evidence that medical cannabis will provide relief and the report of the Medical Cannabis Review Panel established in subpart 3.

Subp. 2. **Requests for adding a condition.** Any person may request the commissioner to add a qualifying medical condition not listed in Minnesota Statutes, section 152.22, subdivision 14, to the list by applying on a form provided by the commissioner. Requests under this subpart will be accepted beginning June 1, 2016.

A. The commissioner shall only accept requests during June and July of each year and will dismiss requests received outside of this period.

B. The commissioner must post notice on the department's medical cannabis website by May 1 each year, announcing the open period for accepting requests and describing the procedure for submitting requests.

C. Each request must be limited to one proposed qualifying medical condition. The commissioner must dismiss a request if it contains multiple proposals.

D. The commissioner must dismiss a request to add a medical condition that has been previously considered and rejected by the commissioner, unless the request contains new scientific evidence or research or describes substantially different symptoms.

E. If the commissioner dismisses a timely request, the commissioner must notify the person making the request of the reason that the request was dismissed.

F. The commissioner must forward the request to the review panel for review unless the request is dismissed.

G. The commissioner must provide the review panel with a review of evidence-based medicine and other peer-reviewed research demonstrating treatment efficacy for the requested condition.

## Subp. 3. The Medical Cannabis Review Panel.

A. The commissioner must appoint a Medical Cannabis Review Panel composed of seven members, including at least one medical cannabis patient advocate and two health care practitioners, one with expertise in pediatric medicine.

B. The Medical Cannabis Review Panel must review requests submitted under subpart 2 and report to the commissioner on the public health impacts, including therapeutic factors and known potential risks, of the proposed additional medical conditions.

C. Members serve a three-year term or until a successor is appointed and qualified. If a vacancy occurs, the commissioner must appoint a replacement to complete the original term created by the vacancy.

D. Members may serve multiple terms.

E. Members must not hold a direct or indirect economic interest in a registered medical cannabis manufacturer or serve on the board of directors or as an employee of a registered medical cannabis manufacturer.

F. Members must disclose all potential conflicts of interest having a direct bearing on any subject before the review panel.

## Subp. 4. Review panel meetings.

A. The Medical Cannabis Review Panel must meet at least one time per year to:

(1) review requests that the commissioner has received for the approval of proposed qualifying medical conditions;

(2) review the status of those medical conditions for which the commissioner has deferred approval or rejection; and

(3) review new medical and scientific evidence about current qualifying medical conditions.

B. The commissioner must post a notice on the department's medical cannabis website at least 30 calendar days before a review panel meeting. Notice must include the date, time, and location of the meeting, a brief description of the requests received, and information on how public comment will be received, including a deadline, if any.

C. The Medical Cannabis Review Panel must submit a written report to the commissioner by November 1 after conducting the public meeting. The written report must include potential public health benefits and risks of adding or rejecting the proposed qualifying medical condition.

Subp. 5. Commissioner review.

A. Upon receiving the Medical Cannabis Review Panel's report, the commissioner must render a decision by December 1 and must:

(1) approve the request and forward the medical condition as required by item C; or

(2) reject the medical condition.

B. The commissioner must communicate the commissioner's decision to the requesting party along with the reasons for the decision and publish the decision on the department's medical cannabis website by December 1.

C. The commissioner must forward a newly approved qualifying medical condition to the chairs and ranking minority members of the legislative policy committees having jurisdiction over health and public safety by January 15 as required by Minnesota Statutes, section 152.27, subdivision 2. If the legislature does not provide otherwise by law, the commissioner must publish the newly approved qualifying medical condition in the State

Register and on the department's medical cannabis website before its August 1 effective date.

Subp. 6. **Requests for adding a delivery method.** Any person may request that the commissioner add a delivery method not listed in Minnesota Statutes, section 152.22, subdivision 6, to the list by applying on a form provided by the commissioner. Requests under this subpart will be accepted beginning June 1, 2016.

A. The commissioner shall only accept requests during June and July of each year and will dismiss requests received outside of this period.

B. The commissioner must post notice on the department's medical cannabis website by May 1 each year, announcing the open period for accepting requests and describing the procedure for submitting requests.

C. The commissioner must post the request to add a delivery method, along with information about how to submit public comment on the department's medical cannabis website. The commissioner must allow at least 30 days for public comment.

D. Each request must be limited to one proposed delivery method. The commissioner must dismiss a request if it contains multiple proposals.

E. The commissioner must dismiss a request to add a delivery method that has been previously considered and rejected by the commissioner, unless the request contains new scientific evidence or research or describes substantially different therapeutic benefits.

F. If the commissioner dismisses a timely request, the commissioner must notify the person making the request of the reason that the request was dismissed.

G. The commissioner must consider the request and any written comments from the public. The commissioner must render a decision by December 1, and must:

(1) approve the request and forward the delivery method to be added as required by item I; or

(2) reject the delivery method.

H. The commissioner must communicate the commissioner's decision to the requesting party along with the reasons for the decision.

I. The commissioner must forward an approved delivery method to be added to the chairs and ranking minority members of the legislative policy committees having jurisdiction over health and public safety by January 15 as required by Minnesota Statutes, section 152.27, subdivision 2, and if the legislature does not provide otherwise by law, publish the addition in the State Register and on the department's medical cannabis website.

# 4770.4004 SERIOUS ADVERSE INCIDENT REPORTING.

# Subpart 1. Reporting requirements.

A. Persons who must report any serious adverse incident are:

- (1) a registered patient;
- (2) a registered patient's certifying health care practitioner;
- (3) a patient's registered designated caregiver; or

(4) a patient's parent or legal guardian, if the parent or legal guardian is acting as caregiver.

B. Reporters named in item A must report to the manufacturer where the patient's medical cannabis was dispensed within five business days of the reporter's learning of the incident.

C. A peace officer must report any serious adverse incident relating to overdose and any case of diversion involving an adverse incident within five business days of the incident by calling the general telephone number of the Office of Medical Cannabis. If part of an ongoing investigation, the report must be made within 72 hours of the conclusion of the investigation.

## Subp. 2. Manufacturer requirements.

A. Each manufacturer must:

(1) maintain a toll-free telephone line, which must be available 24 hours a day, seven days a week, that is staffed by professionals who are health care practitioners or state-licensed pharmacists trained in detecting, assessing, understanding, and preventing adverse effects or any other drug-related problem;

(2) provide a method, approved by the commissioner, for reporting serious adverse incidents online;

(3) monitor manufacturer-sponsored social media pages and websites

routinely;

(4) post instructions for reporting suspected adverse incidents and unauthorized possession on its website; and

(5) make printed instructions for reporting suspected adverse incidents available at all its distribution sites.

B. Each manufacturer must follow up serious adverse incident reports and document all follow-up activities. The manufacturer must continue to follow up reports until the outcome has been established or the subject's condition is stabilized.

C. For adverse incident information collected, the manufacturer must:

(1) document it on a form provided by the commissioner;

(2) classify it using Medical Dictionary for Regulatory Activities (MedDRA) coding; and

(3) store it in a database that complies with general validation principles in the United States Food and Drug Administration's Electronic Records; Electronic Signatures, Code of Federal Regulations, title 21, part 11.

# Subp. 3. Manufacturer reports.

A. By the fifth day of every month, a medical cannabis manufacturer must compile and submit to the commissioner all adverse incident reports received in the prior calendar month.

B. Within ten business days of learning of an adverse incident, the manufacturer must report to the commissioner:

(1) any adverse incident that, based on reasonable medical judgment, might have resulted in a serious adverse incident without intervention or medical treatment; or

(2) a case of diversion resulting in an adverse incident.

C. On August 1 of every year beginning in 2016, each manufacturer must submit to the commissioner a report that contains a summary and a critical analysis of all reported adverse incidents reported to the manufacturer over the past July 1 to June 30.

# 4770.4005 REGISTRY ENROLLMENT APPLICATION FOR QUALIFYING PATIENTS.

## Subpart 1. Patient application.

A. A patient or the patient's parent or legal guardian must apply for the registry and sign a disclosure on forms provided by the commissioner that meet the requirements of Minnesota Statutes, section 152.27, subdivision 3.

B. A patient must provide proof of the patient's Minnesota residency. If the patient is a minor, the patient's parent or legal guardian must provide proof of the parent or legal guardian's Minnesota residency. Proof of Minnesota residency can be established with:

(1) a copy of a Minnesota driver's license, learner's permit, or identification card; or

(2) a copy of a state, federal, or tribal government-issued photo identification card and at least one form of other documentation that contains the name and current address of the patient, or the patient's parent or legal guardian and indicates Minnesota residency, such as:

(a) a current residential mortgage, lease, or rental agreement;

(b) state tax documents from the previous calendar year;

(c) a utility bill issued within the previous 90 days of the date of the

application;

(d) a rent or mortgage payment receipt dated less than 90 days before

application;

(e) a Social Security disability insurance statement, Supplemental Security Income benefits statement, or a medical claim or statement of benefits from a private insurance company or governmental agency that is issued less than 90 days before application; or

(f) an affidavit from a person who will act as a designated caregiver for the patient, or a person who is engaged in health services or social services, which states the affiant knows the patient and believes the patient resides in Minnesota.

C. A patient or the patient's parent or legal guardian must submit the nonrefundable annual enrollment fee specified in Minnesota Statutes, section 152.35.

# Subp. 2. Application approval.

A. The commissioner must approve an applicant and enroll the patient in the medical cannabis registry if the commissioner determines that the application is complete and no basis for denial exists under Minnesota Statutes, section 152.27, subdivision 6.

B. When a qualifying patient is enrolled in the registry program, the commissioner must:

(1) issue a unique patient registry number; and

(2) notify:

(a) the qualifying patient, designated caregiver, or parent or legal guardian if applicable;

(b) the health care practitioner who completed the patient's written certification of a qualifying condition; and

(c) the registered manufacturers.

## 4770.4007 DESIGNATED CAREGIVER APPLICATION.

Subpart 1. **Application.** The designated caregiver must apply for registration on the form provided by the commissioner and submit to a background check, as required by Minnesota Statutes, section 152.27, subdivision 4, paragraph (b).

Subp. 2. Application approval. The commissioner must approve an applicant and register the designated caregiver if the commissioner determines that the application is complete and no basis for denial exists under Minnesota Statutes, section 152.27, subdivision 4.

## 4770.4008 RESPONSIBILITIES OF DESIGNATED CAREGIVERS.

A. A designated caregiver, or the patient's parent or legal guardian if the parent or legal guardian will be acting as a caregiver, must:

(1) notify the commissioner within 30 business days after any change to the information that the registered qualifying patient was previously required to submit to the commissioner, including if the patient becomes an inmate confined in a correctional institution or facility under the supervision of the Department of Corrections;

(2) notify the commissioner promptly by telephone and in writing within ten calendar days following the death of the designated caregiver's registered qualifying patient; and

(3) dispose of all unused medical cannabis using the methods described in part 4770.4012, within ten days of the patient's ceasing to be enrolled in the program for any reason, including death of the patient or product recall.

B. A designated caregiver, or the patient's parent or legal guardian if the parent or legal guardian will be acting as a caregiver, may:

(1) transport a registered qualifying patient to and from a licensed medical cannabis distribution facility;

(2) obtain and transport an adequate supply of medical cannabis from a licensed medical cannabis distribution site on behalf of the registered qualifying patient;

(3) prepare medical cannabis for self-administration by the registered qualifying patient; and

(4) administer medical cannabis to the registered qualifying patient.

C. A designated caregiver, or the patient's parent or legal guardian if the parent or legal guardian will be acting as a caregiver, may not:

(1) consume, by any means, medical cannabis that has been dispensed on behalf of a registered qualifying patient; or

(2) sell, provide, or otherwise divert medical cannabis that has been dispensed for a registered qualifying patient.

# 4770.4009 REVOCATION OR SUSPENSION OF A QUALIFYING PATIENT OR DESIGNATED CAREGIVER REGISTRATION.

Subpart 1. **Revocation of qualifying patient enrollment.** The commissioner may revoke the registration certificate of a qualifying patient under the provisions of Minnesota Statutes, section 152.27, subdivision 6, paragraph (d).

Subp. 2. Suspension of qualifying patient enrollment. The commissioner must suspend the registration of a qualifying patient under the following circumstances.

A. If the qualifying patient is incarcerated in a correctional institution or facility under the supervision of the Department of Corrections, the registration must be suspended for the term of incarceration.

B. If the qualifying patient provided false, misleading, or incorrect information to the commissioner, the patient's registration must be suspended until the information is corrected and the commissioner makes an eligibility determination.

C. If the qualifying patient, together with the qualifying patient's designated caregiver where applicable, obtains more than a 30-day supply of medical cannabis within a 23-day period and the commissioner has reason to believe the patient is abusing or diverting medical cannabis, the patient's registration must be suspended until the commissioner makes an eligibility determination.

Subp. 3. **Designated caregivers.** The commissioner must revoke the registration of a designated caregiver under the following circumstances:

A. the designated caregiver has a disqualifying felony offense conviction as defined in Minnesota Statutes, section 152.22, subdivision 3; or

B. the designated caregiver, together with the designated caregiver's patient, where applicable, obtains more than a 30-day supply of medical cannabis within a 23-day period and the commissioner has reason to believe the designated caregiver is abusing or diverting medical cannabis.

# 4770.4010 UNAUTHORIZED POSSESSION OF MEDICAL CANNABIS REPORTING.

A. A licensed peace officer must report to the commissioner any reasonable suspicion of an individual possessing medical cannabis who is not authorized to possess medical cannabis under Minnesota Statutes, sections 152.22 to 152.37. The officer must report the reasonable suspicion within 72 hours by completing a form on the department's medical cannabis website. If part of an ongoing investigation, the report must be made within 72 hours of the investigation's conclusion.

B. A licensed peace officer who reasonably suspects a person who is otherwise authorized to possess medical cannabis has violated a provision of Minnesota Statutes, section 152.23, must report the suspicion by completing a form on the department's medical cannabis website within 15 days of discovery of the occurrence.

# 4770.4012 DISPOSAL OF MEDICAL CANNABIS BY QUALIFYING PATIENTS AND DESIGNATED CAREGIVERS.

A. A qualifying patient or designated caregiver who is no longer registered with the medical cannabis patient registry must, within ten calendar days after the patient or caregiver ceases to be registered or eligible, dispose of any unused medical cannabis in their possession by one of the following methods by:

(1) depositing it with a medical cannabis distribution site located in Minnesota;

(2) depositing it with a law enforcement agency having local jurisdiction for destruction;

(3) disposing of the medical cannabis at a government recognized drug take-back program located in Minnesota; or

(4) rendering it nonrecoverable consistent with the commissioner's proper disposal instructions, which are available at the department's medical cannabis program website.

B. A qualifying patient or designated caregiver who is no longer registered with the medical cannabis patient registry must not transfer, share, give, sell, or deliver any unused medical cannabis in their possession to any other person, regardless of whether the person is participating in the medical cannabis patient registry program.

### 4770.4013 ANNUAL FEES.

Each patient application or renewal must be accompanied by the payment of an annual fee. Payment must be made by credit card, bank debit card, cashier's check, or personal check. Annual qualifying patient application fee and reduced fee for patients enrolled in the federal Social Security Disability Income (SSDI), the Supplemental Security Income (SSI) disability, or the medical assistance or MinnesotaCare programs are established in Minnesota Statutes, section 152.35. All fees are nonrefundable.

### 4770.4014 HEALTH CARE PRACTITIONER REQUIREMENTS.

Subpart 1. **Qualifications.** The commissioner must accept written certifications for the therapeutic use of medical cannabis only from health care practitioners who hold:

A. an active license, in good standing, under Minnesota Statutes, chapter 147, for physicians, under Minnesota Statutes, chapter 147A, for physician assistants, or Minnesota Statutes, sections 148.171 to 148.285, the Minnesota Nurse Practice Act, for advanced practice registered nurses; and

B. a DEA registration certificate.

Subp. 2. **Requirements.** Before issuing a written certification of qualifying condition, a health care practitioner must:

A. have a medical relationship between the health care practitioner and patient with a qualifying condition;

B. assess the patient's medical history and current medical condition, which includes:

(1) an in-person physical examination of the patient appropriate to confirm the diagnosis of a qualifying medical condition. This examination must not be performed by remote means, including telehealth or via the Internet; and

(2) developing a treatment plan for the patient;

C. communicate, as appropriate, with subspecialists also treating the registered patient; and

D. certify that the patient has been diagnosed as having a qualifying medical condition, as defined in Minnesota Statutes, section 152.22, subdivision 14.

Subp. 3. **Duties.** When the certifying health care practitioner receives notice from the commissioner that a qualifying patient has been enrolled in the registry program, the certifying health care practitioner must:

A. participate in the patient registry reporting system as established by the commissioner for each patient for whom the practitioner has written a certification of qualifying condition. A health care practitioner must transmit patient data as required by Minnesota Statutes, section 152.28, subdivision 1, paragraph (b);

B. be available to provide continuing treatment of the patient's qualifying medical condition;

C. maintain health records under part 4770.4017 for all patients for whom the practitioner has issued a written certification that supports the certification of a qualifying medical condition;

D. report health record data as requested by the commissioner under Minnesota Statutes, section 152.28, subdivision 1, paragraph (b);

E. make a copy of the records that support the certification of a qualifying medical condition available to the commissioner, and otherwise provide information to the commissioner upon request about the patient's qualifying medical condition, course of treatment, and pathological outcomes to ensure compliance with the act;

F. annually assess whether the registered qualifying patient continues to suffer from a qualifying medical condition and, if so, issue the patient a new certificate of that diagnosis; and

G. notify the commissioner, in a manner prescribed by the commissioner, in writing within 14 calendar days of learning of the death of a registered patient whose medical condition was certified by the health care practitioner.

# 4770.4015 WRITTEN CERTIFICATION OF QUALIFYING CONDITION.

A certifying health care practitioner must complete a written certification of a patient's qualifying medical condition on a form provided by the commissioner. The written certification must:

A. acknowledge that the qualifying patient is under the health care practitioner's care, either for the patient's primary care or for the qualifying medical condition;

B. confirm the patient's diagnosis of a qualifying medical condition, as defined in Minnesota Statutes, section 152.22, subdivision 14;

C. state whether a patient is developmentally or physically disabled and, as a result of the disability, is unable to self-administer medication or acquire medical cannabis from a distribution facility and requires a designated caregiver;

D. include any additional information the commissioner requests to assess the effectiveness of medical cannabis in treating the medical condition or symptoms;

E. contain an affirmation that the health care practitioner has:

(1) established a patient-provider relationship;

(2) conducted an in-person physical examination appropriate to confirm the diagnosis; and

(3) reviewed the patient's medical history to confirm the diagnosis within the health care practitioner's professional standards of practice; and

F. include the date the certification of a qualifying medical condition was made.

# 4770.4016 HEALTH CARE PRACTITIONER PROHIBITIONS.

A health care practitioner who has issued or intends to issue a written certification must not:

A. examine a qualifying patient to issue a written certification at a location where medical cannabis is manufactured, sold, or dispensed;

B. refer a patient to a manufacturer or distributor of medical cannabis;

C. refer a patient to a designated caregiver;

D. issue a written certification for the health care practitioner;

E. hold a financial interest in an enterprise that provides or distributes medical cannabis;

F. directly or indirectly accept, solicit, or receive anything of value from a manufacturer, employee of a manufacturer, or any other person associated with a manufacturing facility;

G. offer a discount or any other thing of value to a qualifying patient who uses or agrees to use a particular designated caregiver, distribution facility, or medical cannabis product; or

H. directly or indirectly benefit from a patient obtaining a written certification. Such prohibition does not prohibit a health care practitioner from charging an appropriate fee for the patient visit.

# 4770.4017 RECORDS MAINTAINED BY THE CERTIFYING HEALTH CARE PRACTITIONER.

Subpart 1. **Health records maintained.** The health care practitioner must maintain a health record for each patient for whom the health care practitioner has certified a qualifying medical condition. These records need not be maintained separately from the health care practitioner's established records for the ongoing medical relationship with the patient.

Subp. 2. **Contents.** The records must be legible, accurately reflect the patient's evaluation and treatment, and must include the following:

A. the patient's name and dates of visits and treatments;

B. the patient's case history as it relates to the qualifying condition;

C. the patient's health condition as determined by the health care practitioner's examination and assessment;

D. the results of all diagnostic tests and examinations as they relate to the qualifying condition; and any diagnosis resulting from the examination;

E. the patient's plan of care, which must state with specificity the patient's condition, functional level, treatment objectives, medical orders, plans for continuing care, and modifications to that plan; and

F. a list of drugs prescribed, administered and dispensed, and the quantity of the drugs.

Subp. 3. **Retention.** The health care practitioner must keep records for each qualifying patient for at least three years after the last patient visit, or seven years, whichever is greater.

## 4770.4018 REPORTS.

A participating health care practitioner must report health record data as requested by the commissioner under Minnesota Statutes, 152.28, subdivision 1, paragraph (b).

## 4770.4030 HEALTH CARE FACILITIES; STORAGE.

Subpart 1. **Storage policy.** A health care facility, as defined in Minnesota Statutes, section 152.34, may adopt policies relating to the secure storage of a registered patient's medical cannabis. Policies may include:

A. secure storage with access limited to authorized personnel; or

B. allowing patients, patients' registered designated caregivers, or patients' parents or legal guardians if listed on the registry verification, to maintain direct possession of the medical cannabis.

Subp. 2. **Return of items.** Upon discharge, transfer, or death of a patient registered to use medical cannabis, the health care facility must return all medical cannabis to the patient or another person authorized to possess it. If the health care facility is unable to return any remaining medical cannabis to the patient or other authorized person, it must destroy the medical cannabis in a manner consistent with instructions posted on the department's medical cannabis website. The transfer or destruction must be recorded in the patient's health record.