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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 100

- 01/05/2023 Authored by Stephenson; Hanson, J.; Hortman; Long; Gomez and others
The bill was read for the first time and referred to the Committee on Commerce Finance and Policy
- 01/17/2023 Adoption of Report: Amended and re-referred to the Committee on Judiciary Finance and Civil Law
- 01/23/2023 Adoption of Report: Amended and re-referred to the Committee on Environment and Natural Resources Finance and Policy
- 01/25/2023 Adoption of Report: Re-referred to the Committee on Labor and Industry Finance and Policy
- 01/30/2023 Adoption of Report: Amended and re-referred to the Committee on State and Local Government Finance and Policy
- 02/01/2023 Adoption of Report: Re-referred to the Committee on Agriculture Finance and Policy
- 02/06/2023 Adoption of Report: Amended and re-referred to the Committee on Workforce Development Finance and Policy
- 02/09/2023 Adoption of Report: Amended and re-referred to the Committee on Human Services Policy
- 02/15/2023 Adoption of Report: Amended and re-referred to the Committee on Education Finance
- 02/20/2023 Adoption of Report: Re-referred to the Committee on Health Finance and Policy
- 02/27/2023 Adoption of Report: Re-referred to the Committee on Public Safety Finance and Policy
- 03/06/2023 Adoption of Report: Amended and re-referred to the Committee on Economic Development Finance and Policy
- 03/09/2023 Adoption of Report: Re-referred to the Committee on Transportation Finance and Policy
- 03/15/2023 Adoption of Report: Re-referred to the Committee on Commerce Finance and Policy
- 03/27/2023 Adoption of Report: Amended and re-referred to the Committee on Taxes
- 04/04/2023 Adoption of Report: Amended and re-referred to the Committee on Ways and Means
- 04/19/2023 Adoption of Report: Placed on the General Register as Amended and Read for the Second Time
- 04/24/2023 Calendar for the Day, Amended; Read Third Time as Amended; Bill was laid on the Table as Amended
- 04/25/2023 Bill was taken from the Table as Amended; Passed by the House and transmitted to the Senate to include Floor Amendments
- 05/01/2023 Returned to the House as Amended by the Senate, House refused to concur and a Conference Committee was appointed
- 05/18/2023 Conference Committee Report Adopted; Read Third Time as Amended by Conference and Repassed by the House; Repassed by the Senate (5/21/23); Presented to Governor, Governor Approval (5/30/23)

1.1 A bill for an act

1.2 relating to cannabis; establishing the Office of Cannabis Management; establishing

1.3 an advisory council; requiring reports relating to cannabis use and sales; legalizing

1.4 and limiting the possession and use of cannabis and certain hemp products by

1.5 adults; providing for the licensing, inspection, and regulation of cannabis businesses

1.6 and hemp businesses; establishing licensing fees; requiring testing of cannabis

1.7 flower, cannabis products, and certain hemp products; requiring labeling of cannabis

1.8 flower, cannabis products, and certain hemp products; limiting the advertisement

1.9 of cannabis flower, cannabis products, cannabis businesses, and hemp businesses;

1.10 providing for the cultivation of cannabis in private residences; transferring

1.11 regulatory authority for the medical cannabis program; providing for Tribal medical

1.12 programs; taxing the sale of cannabis flower, cannabis products, and certain hemp

1.13 products; establishing grant and loan programs; clarifying the prohibition on

1.14 operating a motor vehicle while under the influence of certain products and

1.15 chemicals; amending criminal penalties; establishing expungement procedures for

1.16 certain individuals; requiring reports on expungements; providing for expungement

1.17 of certain evictions; clarifying the rights of landlords and tenants regarding use of

1.18 certain forms of cannabis; establishing labor standards for the use of cannabis

1.19 flower, cannabis products, and certain hemp products by employees and testing

1.20 of employees; providing for the temporary regulation of certain edible cannabinoid

1.21 products; providing for professional licensing protections; providing for local

1.22 registration of certain cannabis businesses operating retail establishments; amending

1.23 the scheduling of marijuana and tetrahydrocannabinols; classifying data; making

1.24 miscellaneous cannabis-related and hemp-related changes and additions; making

1.25 clarifying and technical changes; requiring reports; transferring money;

1.26 appropriating money; amending Minnesota Statutes 2022, sections 13.411, by

1.27 adding a subdivision; 13.871, by adding a subdivision; 18K.02, subdivision 5;

1.28 34A.01, subdivision 4; 97B.065, subdivision 1; 144.99, subdivision 1; 144A.4791,

1.29 subdivision 14; 151.72; 152.01, subdivision 9, by adding subdivisions; 152.02,

1.30 subdivisions 2, 4; 152.021, subdivisions 1, 2; 152.022, subdivisions 1, 2; 152.023,

1.31 subdivisions 1, 2; 152.024, subdivision 1; 152.025, subdivisions 1, 2; 152.11,

1.32 subdivision 2; 152.22, by adding subdivisions; 152.29, subdivision 4, by adding

1.33 a subdivision; 152.30; 152.32; 152.33, subdivision 1; 152.35; 169A.03, by adding

1.34 subdivisions; 169A.20, subdivision 1; 169A.31, subdivision 1; 169A.51,

1.35 subdivisions 1, 4; 169A.72; 175.45, subdivision 1; 181.938, subdivision 2; 181.950,

1.36 subdivisions 2, 4, 5, 8, 13, by adding a subdivision; 181.951, subdivisions 4, 5, 6,

1.37 by adding subdivisions; 181.952, by adding a subdivision; 181.953; 181.954;

1.38 181.955; 181.957, subdivision 1; 192A.555; 244.05, subdivision 2; 245C.08,

2.1 subdivision 1; 256.01, subdivision 18c; 256B.0625, subdivision 13d; 256D.024,
 2.2 subdivisions 1, 3; 256J.26, subdivisions 1, 3; 270B.12, by adding a subdivision;
 2.3 270C.19, by adding a subdivision; 273.13, subdivision 24; 275.025, subdivision
 2.4 2; 290.0132, subdivision 29; 290.0134, subdivision 19; 297A.61, subdivision 3;
 2.5 297A.67, subdivisions 2, 7, by adding a subdivision; 297A.70, subdivisions 2, 4,
 2.6 18; 297A.85; 297D.01; 297D.04; 297D.06; 297D.07; 297D.08; 297D.085; 297D.09,
 2.7 subdivision 1a; 297D.10; 297D.11; 340A.402, subdivision 1; 340A.412, subdivision
 2.8 14; 360.0752, subdivision 2; 461.12, by adding a subdivision; 484.014, subdivision
 2.9 3; 504B.171, subdivision 1; 609.135, subdivision 1; 609.2111; 609.2112,
 2.10 subdivision 1; 609.2113, subdivisions 1, 2, 3; 609.2114, subdivisions 1, 2;
 2.11 609.5311, subdivision 1; 609.5314, subdivision 1; 609.5316, subdivision 2;
 2.12 609A.01; 609B.425, subdivision 2; 609B.435, subdivision 2; 624.712, by adding
 2.13 subdivisions; 624.713, subdivision 1; 624.714, subdivision 6; 624.7142, subdivision
 2.14 1; 624.7151; proposing coding for new law in Minnesota Statutes, chapters 3;
 2.15 116J; 116L; 120B; 144; 152; 169A; 270C; 289A; 295; 340A; 477A; 504B; 609A;
 2.16 624; proposing coding for new law as Minnesota Statutes, chapter 342; repealing
 2.17 Minnesota Statutes 2022, sections 151.72; 152.027, subdivisions 3, 4; 152.21;
 2.18 152.22, subdivisions 1, 2, 3, 4, 5, 5a, 5b, 6, 7, 8, 9, 10, 11, 12, 13, 14; 152.23;
 2.19 152.24; 152.25, subdivisions 1, 1a, 1b, 1c, 2, 3, 4; 152.26; 152.261; 152.27,
 2.20 subdivisions 1, 2, 3, 4, 5, 6, 7; 152.28, subdivisions 1, 2, 3; 152.29, subdivisions
 2.21 1, 2, 3, 3a, 4; 152.291; 152.30; 152.31; 152.32, subdivisions 1, 2, 3; 152.33,
 2.22 subdivisions 1, 1a, 2, 3, 4, 5, 6; 152.34; 152.35; 152.36, subdivisions 1, 1a, 2, 3,
 2.23 4, 5; 152.37.

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

2.25 ARTICLE 1

2.26 REGULATION OF ADULT-USE CANNABIS

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.

2.30 Subd. 2. Adult-use cannabis concentrate. "Adult-use cannabis concentrate" means
 2.31 cannabis concentrate that is approved for sale by the office or is substantially similar to a
 2.32 product approved by the office. Adult-use cannabis concentrate does not include any
 2.33 artificially derived cannabinoid.

2.34 Subd. 3. Adult-use cannabis flower. "Adult-use cannabis flower" means cannabis
 2.35 flower that is approved for sale by the office or is substantially similar to a product approved
 2.36 by the office. Adult-use cannabis flower does not include medical cannabis flower, hemp
 2.37 plant parts, or hemp-derived consumer products.

2.38 Subd. 4. Adult-use cannabis product. "Adult-use cannabis product" means a cannabis
 2.39 product that is approved for sale by the office or is substantially similar to a product approved
 2.40 by the office. Adult-use cannabis product includes edible cannabis products but does not
 2.41 include medical cannabinoid products or lower-potency hemp edibles.

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 342.64, subdivision 2,
3.8 paragraph (b).

3.9 Subd. 6. **Artificially derived cannabinoid.** "Artificially derived cannabinoid" means a
3.10 cannabinoid extracted from a cannabis plant, cannabis flower, hemp plant, or hemp plant
3.11 parts with a chemical makeup that is changed after extraction to create a different cannabinoid
3.12 or other chemical compound by applying a catalyst other than heat or light. Artificially
3.13 derived cannabinoid includes but is not limited to any tetrahydrocannabinol created from
3.14 cannabidiol but does not include cannabis concentrate, cannabis products, hemp concentrate,
3.15 lower-potency hemp edibles, or hemp-derived consumer products.

3.16 Subd. 7. **Batch.** "Batch" means:

3.17 (1) a specific quantity of cannabis plants that are cultivated from the same seed or plant
3.18 stock, are cultivated together, are intended to be harvested together, and receive an identical
3.19 propagation and cultivation treatment;

3.20 (2) a specific quantity of cannabis flower that is harvested together; is uniform and
3.21 intended to meet specifications for identity, strength, purity, and composition; and receives
3.22 identical sorting, drying, curing, and storage treatment; or

3.23 (3) a specific quantity of a specific cannabis product, lower-potency hemp edible,
3.24 artificially derived cannabinoid, hemp-derived consumer product, or hemp-derived topical
3.25 product that is manufactured at the same time and using the same methods, equipment, and
3.26 ingredients that is uniform and intended to meet specifications for identity, strength, purity,
3.27 and composition, and that is manufactured, packaged, and labeled according to a single
3.28 batch production record executed and documented.

3.29 Subd. 8. **Batch number.** "Batch number" means a unique numeric or alphanumeric
3.30 identifier assigned to a batch of cannabis plants, cannabis flower, cannabis products,
3.31 lower-potency hemp edibles, artificially derived cannabinoid, hemp-derived consumer
3.32 products, or hemp-derived topical products.

3.33 Subd. 9. **Bona fide labor organization.** "Bona fide labor organization" means a labor
3.34 union that represents or is actively seeking to represent cannabis workers.

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 heat, pressure,
4.7 water, lipids, gases, solvents, or other chemicals or chemical processes, but does not include
4.8 the process of extracting concentrate from hemp plants or hemp plant parts or the process
4.9 of creating any artificially derived cannabinoid.

4.10 Subd. 12. **Cannabinoid product.** "Cannabinoid product" means a cannabis product, a
4.11 hemp-derived consumer product, or a lower-potency hemp edible.

4.12 Subd. 13. **Cannabinoid profile.** "Cannabinoid profile" means the amounts of each
4.13 cannabinoid that the office requires to be identified in testing and labeling, including but
4.14 not limited to delta-9 tetrahydrocannabinol, tetrahydrocannabinolic acid, cannabidiol, and
4.15 cannabidiolic acid in cannabis flower, a cannabis product, a batch of artificially derived
4.16 cannabinoid, a lower-potency hemp edible, a hemp-derived consumer product, or a
4.17 hemp-derived topical product expressed as percentages measured by weight and, in the case
4.18 of cannabis products, lower-potency hemp edibles, and hemp-derived consumer products,
4.19 expressed as milligrams in each serving and package.

4.20 Subd. 14. **Cannabis business.** "Cannabis business" means any of the following licensed
4.21 under this chapter:

4.22 (1) cannabis microbusiness;

4.23 (2) cannabis mezzobusiness;

4.24 (3) cannabis cultivator;

4.25 (4) cannabis manufacturer;

4.26 (5) cannabis retailer;

4.27 (6) cannabis wholesaler;

4.28 (7) cannabis transporter;

4.29 (8) cannabis testing facility;

4.30 (9) cannabis event organizer;

4.31 (10) cannabis delivery service;

5.1 (11) medical cannabis cultivator;

5.2 (12) medical cannabis processor;

5.3 (13) medical cannabis retailer; and

5.4 (14) medical cannabis combination business.

5.5 Subd. 15. **Cannabis concentrate.** (a) "Cannabis concentrate" means:

5.6 (1) the extracts and resins of a cannabis plant or cannabis flower;

5.7 (2) the extracts or resins of a cannabis plant or cannabis flower that are refined to increase
5.8 the presence of targeted cannabinoids; or

5.9 (3) a product that is produced by refining extracts or resins of a cannabis plant or cannabis
5.10 flower and is intended to be consumed by combustion or vaporization of the product and
5.11 inhalation of smoke, aerosol, or vapor from the product.

5.12 (b) Cannabis concentrate does not include hemp concentrate, artificially derived
5.13 cannabinoid, or hemp-derived consumer products.

5.14 Subd. 16. **Cannabis flower.** "Cannabis flower" means the harvested flower, bud, leaves,
5.15 and stems of a cannabis plant. Cannabis flower includes adult-use cannabis flower and
5.16 medical cannabis flower. Cannabis flower does not include cannabis seed, hemp plant parts,
5.17 or hemp-derived consumer products.

5.18 Subd. 17. **Cannabis industry.** "Cannabis industry" means every item, product, person,
5.19 process, action, business, or other thing related to cannabis flower and cannabis products
5.20 and subject to regulation under this chapter.

5.21 Subd. 18. **Cannabis paraphernalia.** "Cannabis paraphernalia" means all equipment,
5.22 products, and materials of any kind that are knowingly or intentionally used primarily in:

5.23 (1) manufacturing cannabis products;

5.24 (2) ingesting, inhaling, or otherwise introducing cannabis flower or cannabis products
5.25 into the human body; and

5.26 (3) testing the strength, effectiveness, or purity of cannabis flower, cannabis products,
5.27 lower-potency hemp edibles, or hemp-derived consumer products.

5.28 Subd. 19. **Cannabis plant.** "Cannabis plant" means all parts of the plant of the genus
5.29 Cannabis that is growing or has not been harvested and has a delta-9 tetrahydrocannabinol
5.30 concentration of more than 0.3 percent on a dry weight basis.

5.31 Subd. 20. **Cannabis product.** (a) "Cannabis product" means any of the following:

6.1 (1) cannabis concentrate;

6.2 (2) a product infused with cannabinoids, including but not limited to tetrahydrocannabinol,
6.3 extracted or derived from cannabis plants or cannabis flower; or

6.4 (3) any other product that contains cannabis concentrate.

6.5 (b) Cannabis product includes adult-use cannabis products, including but not limited to
6.6 edible cannabis products and medical cannabinoid products. Cannabis product does not
6.7 include cannabis flower, artificially derived cannabinoid, lower-potency hemp edibles,
6.8 hemp-derived consumer products, or hemp-derived topical products.

6.9 Subd. 21. **Cannabis prohibition.** "Cannabis prohibition" means the system of state and
6.10 federal laws that prevented establishment of a legal market and instead established petty
6.11 offenses and criminal offenses punishable by fines, imprisonment, or both for the cultivation,
6.12 possession, and sale of all parts of the plant of any species of the genus Cannabis, including
6.13 all agronomical varieties, whether growing or not; the seeds thereof; the resin extracted
6.14 from any part of such plant; and every compound, manufacture, salt, derivative, mixture,
6.15 or preparation of such plant, its seeds, or resin.

6.16 Subd. 22. **Cannabis seed.** "Cannabis seed" means the viable seed of the plant of the
6.17 genus Cannabis that is reasonably expected to grow into a cannabis plant. Cannabis seed
6.18 does not include hemp seed.

6.19 Subd. 23. **Cannabis worker.** "Cannabis worker" means any individual employed by a
6.20 cannabis business and any individual who is a contractor of a cannabis business whose
6.21 scope of work involves the handling of cannabis plants, cannabis flower, or cannabis
6.22 products.

6.23 Subd. 24. **Child-resistant.** "Child-resistant" means packaging that meets the poison
6.24 prevention packaging standards in Code of Federal Regulations, title 16, section 1700.15.

6.25 Subd. 25. **Cooperative.** "Cooperative" means an association conducting business on a
6.26 cooperative plan that is organized or is subject to chapter 308A or 308B.

6.27 Subd. 26. **Council.** "Council" means the Cannabis Advisory Council.

6.28 Subd. 27. **Cultivation.** "Cultivation" means any activity involving the planting, growing,
6.29 harvesting, drying, curing, grading, or trimming of cannabis plants, cannabis flower, hemp
6.30 plants, or hemp plant parts.

7.1 Subd. 28. **Division of Medical Cannabis.** "Division of Medical Cannabis" means a
7.2 division housed in the Office of Cannabis Management that operates the medical cannabis
7.3 program.

7.4 Subd. 29. **Division of Social Equity** "Division of Social Equity" means a division housed
7.5 in the Office of Cannabis Management that promotes development, stability, and safety in
7.6 communities that have experienced a disproportionate, negative impact from cannabis
7.7 prohibition and usage.

7.8 Subd. 30. **Drug.** "Drug" has the meaning given in section 151.01, subdivision 5.

7.9 Subd. 31. **Edible cannabis product.** "Edible cannabis product" means any product that
7.10 is intended to be eaten or consumed as a beverage by humans; contains a cannabinoid other
7.11 than an artificially derived cannabinoid in combination with food ingredients; is not a drug;
7.12 and is a type of product approved for sale by the office, or is substantially similar to a product
7.13 approved by the office including but not limited to products that resemble nonalcoholic
7.14 beverages, candy, and baked goods. Edible cannabis product does not include lower-potency
7.15 hemp edibles.

7.16 Subd. 32. **Health care practitioner.** "Health care practitioner" means a
7.17 Minnesota-licensed doctor of medicine, a Minnesota-licensed physician assistant acting
7.18 within the scope of authorized practice, or a Minnesota-licensed advanced practice registered
7.19 nurse who has an active license in good standing and the primary responsibility for the care
7.20 and treatment of the qualifying medical condition of an individual diagnosed with a qualifying
7.21 medical condition.

7.22 Subd. 33. **Health record.** "Health record" has the meaning given in section 144.291,
7.23 subdivision 2.

7.24 Subd. 34. **Hemp business.** (a) "Hemp business" means either of the following licensed
7.25 under this chapter:

7.26 (1) lower-potency hemp edible manufacturer; or

7.27 (2) lower-potency hemp edible retailer.

7.28 (b) Hemp business does not include a person or entity licensed under chapter 18K to
7.29 grow industrial hemp for commercial or research purposes or to process industrial hemp
7.30 for commercial purposes.

7.31 Subd. 35. **Hemp concentrate.** (a) "Hemp concentrate" means:

7.32 (1) the extracts and resins of a hemp plant or hemp plant parts;

8.1 (2) the extracts or resins of a hemp plant or hemp plant parts that are refined to increase
8.2 the presence of targeted cannabinoids; or

8.3 (3) a product that is produced by refining extracts or resins of a hemp plant or hemp
8.4 plant parts and is intended to be consumed by combustion or vaporization of the product
8.5 and inhalation of smoke, aerosol, or vapor from the product.

8.6 (b) Hemp concentrate does not include artificially derived cannabinoids, lower-potency
8.7 hemp edibles, hemp-derived consumer products, or hemp-derived topical products.

8.8 Subd. 36. **Hemp consumer industry.** "Hemp consumer industry" means every item,
8.9 product, person, process, action, business, or other thing related to artificially derived
8.10 cannabinoids, lower-potency hemp edibles, and hemp-derived consumer products and
8.11 subject to regulation under this chapter.

8.12 Subd. 37. **Hemp-derived consumer product.** (a) "Hemp-derived consumer product"
8.13 means a product intended for human or animal consumption, does not contain cannabis
8.14 flower or cannabis concentrate, and:

8.15 (1) contains or consists of hemp plant parts; or

8.16 (2) contains hemp concentrate or artificially derived cannabinoids in combination with
8.17 other ingredients.

8.18 (b) Hemp-derived consumer product does not include artificially derived cannabinoids,
8.19 lower-potency hemp edibles, hemp-derived topical products, hemp fiber products, or hemp
8.20 grain.

8.21 Subd. 38. **Hemp-derived topical product.** "Hemp-derived topical product" means a
8.22 product intended for human or animal consumption that contains hemp concentrate, is
8.23 intended for application externally to a part of the body of a human or animal, and does not
8.24 contain cannabis flower or cannabis concentrate.

8.25 Subd. 39. **Hemp fiber product.** "Hemp fiber product" means an intermediate or finished
8.26 product made from the fiber of hemp plant parts that is not intended for human or animal
8.27 consumption. Hemp fiber product includes but is not limited to cordage, paper, fuel, textiles,
8.28 bedding, insulation, construction materials, compost materials, and industrial materials.

8.29 Subd. 40. **Hemp grain.** "Hemp grain" means the harvested seeds of the hemp plant
8.30 intended for consumption as a food or part of a food product. Hemp grain includes oils
8.31 pressed or extracted from harvested hemp seeds.

9.1 Subd. 41. **Hemp plant.** "Hemp plant" means all parts of the plant of the genus Cannabis
9.2 that is growing or has not been harvested and has a delta-9 tetrahydrocannabinol
9.3 concentration of no more than 0.3 percent on a dry weight basis.

9.4 Subd. 42. **Hemp plant parts.** "Hemp plant parts" means any part of the harvested hemp
9.5 plant, including the flower, bud, leaves, stems, and stalk, but does not include derivatives,
9.6 extracts, cannabinoids, isomers, acids, salts, and salts of isomers that are separated from
9.7 the plant. Hemp plant parts does not include hemp fiber products, hemp grain, or hemp
9.8 seed.

9.9 Subd. 43. **Hemp seed.** "Hemp seed" means the viable seed of the plant of the genus
9.10 Cannabis that is intended to be planted and is reasonably expected to grow into a hemp
9.11 plant. Hemp seed does not include cannabis seed or hemp grain.

9.12 Subd. 44. **Hemp worker.** "Hemp worker" means any individual employed by a hemp
9.13 business and any individual who is a contractor of a hemp business whose scope of work
9.14 involves the handling of artificially derived cannabinoids, hemp concentrate, lower-potency
9.15 hemp edibles, or hemp-derived consumer products.

9.16 Subd. 45. **Industrial hemp.** "Industrial hemp" has the meaning given in section 18K.02,
9.17 subdivision 3.

9.18 Subd. 46. **Intoxicating cannabinoid.** "Intoxicating cannabinoid" means a cannabinoid,
9.19 including an artificially derived cannabinoid, that when introduced into the human body
9.20 impairs the central nervous system or impairs the human audio, visual, or mental processes.
9.21 Intoxicating cannabinoid includes but is not limited to any tetrahydrocannabinol.

9.22 Subd. 47. **Labor peace agreement.** "Labor peace agreement" means an agreement
9.23 between a cannabis business and a bona fide labor organization that protects the state's
9.24 interests by, at minimum, prohibiting the labor organization from engaging in picketing,
9.25 work stoppages, or boycotts against the cannabis business.

9.26 Subd. 48. **License holder.** "License holder" means a person, cooperative, or business
9.27 that holds any of the following licenses:

9.28 (1) cannabis microbusiness;

9.29 (2) cannabis mezzobusiness;

9.30 (3) cannabis cultivator;

9.31 (4) cannabis manufacturer;

9.32 (5) cannabis retailer;

- 10.1 (6) cannabis wholesaler;
- 10.2 (7) cannabis transporter;
- 10.3 (8) cannabis testing facility;
- 10.4 (9) cannabis event organizer;
- 10.5 (10) cannabis delivery service;
- 10.6 (11) lower-potency hemp edible manufacturer;
- 10.7 (12) lower-potency hemp edible retailer;
- 10.8 (13) medical cannabis cultivator;
- 10.9 (14) medical cannabis processor;
- 10.10 (15) medical cannabis retailer; or
- 10.11 (16) medical cannabis combination business.
- 10.12 **Subd. 49. Local unit of government.** "Local unit of government" means a home rule
- 10.13 charter or statutory city, county, town, or other political subdivision.
- 10.14 **Subd. 50. Lower-potency hemp edible.** "Lower-potency hemp edible" means any
- 10.15 product that:
- 10.16 (1) is intended to be eaten or consumed as a beverage by humans;
- 10.17 (2) contains hemp concentrate or an artificially derived cannabinoid, in combination
- 10.18 with food ingredients;
- 10.19 (3) is not a drug;
- 10.20 (4) consists of servings that contain no more than five milligrams of delta-9
- 10.21 tetrahydrocannabinol, 25 milligrams of cannabidiol, 25 milligrams of cannabigerol, or any
- 10.22 combination of those cannabinoids that does not exceed the identified amounts;
- 10.23 (5) does not contain more than a combined total of 0.5 milligrams of all other
- 10.24 cannabinoids per serving;
- 10.25 (6) does not contain an artificially derived cannabinoid other than delta-9
- 10.26 tetrahydrocannabinol;
- 10.27 (7) does not contain a cannabinoid derived from cannabis plants or cannabis flower; and

11.1 (8) is a type of product approved for sale by the office or is substantially similar to a
11.2 product approved by the office, including but not limited to products that resemble
11.3 nonalcoholic beverages, candy, and baked goods.

11.4 Subd. 51. **Matrix barcode.** "Matrix barcode" means a code that stores data in a
11.5 two-dimensional array of geometrically shaped dark and light cells capable of being read
11.6 by the camera on a smartphone or other mobile device.

11.7 Subd. 52. **Medical cannabinoid product.** (a) "Medical cannabinoid product" means a
11.8 product that:

11.9 (1) consists of or contains cannabis concentrate or hemp concentrate or is infused with
11.10 cannabinoids, including but not limited to artificially derived cannabinoids; and

11.11 (2) is provided to a patient enrolled in the registry program; a registered designated
11.12 caregiver; or a parent, legal guardian, or spouse of an enrolled patient, by a cannabis retailer
11.13 or medical cannabis retailer to treat or alleviate the symptoms of a qualifying medical
11.14 condition.

11.15 (b) A medical cannabinoid product must be in the form of:

11.16 (1) liquid, including but not limited to oil;

11.17 (2) pill;

11.18 (3) liquid or oil for use with a vaporized delivery method;

11.19 (4) water-soluble cannabinoid multiparticulate, including granules, powder, and sprinkles;

11.20 (5) orally dissolvable product, including lozenges, gum, mints, buccal tablets, and
11.21 sublingual tablets;

11.22 (6) edible products in the form of gummies and chews;

11.23 (7) topical formulation; or

11.24 (8) any allowable form or delivery method approved by the office.

11.25 (c) Medical cannabinoid product does not include adult-use cannabis products or
11.26 hemp-derived consumer products.

11.27 Subd. 53. **Medical cannabis business.** "Medical cannabis business" means an entity
11.28 licensed under this chapter to engage in one or more of the following:

11.29 (1) the cultivation of cannabis plants for medical cannabis flower;

11.30 (2) the manufacture of medical cannabinoid products; and

12.1 (3) the retail sale of medical cannabis flower and medical cannabinoid products.

12.2 Subd. 54. **Medical cannabis flower.** "Medical cannabis flower" means cannabis flower
12.3 provided to a patient enrolled in the registry program; a registered designated caregiver; or
12.4 a parent, legal guardian, or spouse of an enrolled patient by a cannabis retailer or medical
12.5 cannabis business to treat or alleviate the symptoms of a qualifying medical condition.

12.6 Medical cannabis flower does not include adult-use cannabis flower.

12.7 Subd. 55. **Medical cannabis paraphernalia.** "Medical cannabis paraphernalia" means
12.8 a delivery device, related supply, or educational material used by a patient enrolled in the
12.9 registry program to administer medical cannabis and medical cannabinoid products.

12.10 Subd. 56. **Nonintoxicating cannabinoid.** "Nonintoxicating cannabinoid" means a
12.11 cannabinoid that when introduced into the human body does not impair the central nervous
12.12 system and does not impair the human audio, visual, or mental processes. Nonintoxicating
12.13 cannabinoid includes but is not limited to cannabidiol and cannabigerol but does not include
12.14 any artificially derived cannabinoid.

12.15 Subd. 57. **Office.** "Office" means the Office of Cannabis Management.

12.16 Subd. 58. **Outdoor advertisement.** "Outdoor advertisement" means an advertisement
12.17 that is located outdoors or can be seen or heard by an individual who is outdoors and includes
12.18 billboards; advertisements on benches; advertisements at transit stations or transit shelters;
12.19 advertisements on the exterior or interior of buses, taxis, light rail transit, or business vehicles;
12.20 and print signs that do not meet the requirements in section 342.64, subdivision 2, paragraph
12.21 (b), but that are placed or located on the exterior property of a cannabis business.

12.22 Subd. 59. **Patient.** "Patient" means a Minnesota resident who has been diagnosed with
12.23 a qualifying medical condition by a health care practitioner and who has met all other
12.24 requirements for patients under this chapter to participate in the registry program.

12.25 Subd. 60. **Patient registry number.** "Patient registry number" means a unique
12.26 identification number assigned by the Division of Medical Cannabis to a patient enrolled
12.27 in the registry program.

12.28 Subd. 61. **Plant canopy.** "Plant canopy" means the surface area within a cultivation
12.29 facility that is used at any time to cultivate mature, flowering cannabis plants. For multiple
12.30 tier cultivation, each tier of cultivation surface area contributes to the total plant canopy
12.31 calculation. Calculation of the area of the plant canopy does not include the surface area
12.32 within the cultivation facility that is used to cultivate immature cannabis plants and seedlings.

13.1 Subd. 62. **Propagule.** "Propagule" means seeds, clones, transplants, and any other
13.2 propagative industrial hemp material.

13.3 Subd. 63. **Qualifying medical condition.** "Qualifying medical condition" means a
13.4 diagnosis of any of the following conditions:

13.5 (1) Alzheimer's disease;

13.6 (2) autism spectrum disorder that meets the requirements of the fifth edition of the
13.7 Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric
13.8 Association;

13.9 (3) cancer, if the underlying condition or treatment produces one or more of the following:

13.10 (i) severe or chronic pain;

13.11 (ii) nausea or severe vomiting; or

13.12 (iii) cachexia or severe wasting;

13.13 (4) chronic motor or vocal tic disorder;

13.14 (5) chronic pain;

13.15 (6) glaucoma;

13.16 (7) human immunodeficiency virus or acquired immune deficiency syndrome;

13.17 (8) intractable pain as defined in section 152.125, subdivision 1, paragraph (c);

13.18 (9) obstructive sleep apnea;

13.19 (10) post-traumatic stress disorder;

13.20 (11) Tourette's syndrome;

13.21 (12) amyotrophic lateral sclerosis;

13.22 (13) seizures, including those characteristic of epilepsy;

13.23 (14) severe and persistent muscle spasms, including those characteristic of multiple
13.24 sclerosis;

13.25 (15) inflammatory bowel disease, including Crohn's disease;

13.26 (16) irritable bowel syndrome;

13.27 (17) obsessive-compulsive disorder;

13.28 (18) sickle cell disease;

14.1 (19) terminal illness, with a probable life expectancy of under one year, if the illness or
14.2 its treatment produces one or more of the following:

14.3 (i) severe or chronic pain;

14.4 (ii) nausea or severe vomiting; or

14.5 (iii) cachexia or severe wasting; or

14.6 (20) any other medical condition or its treatment approved by the office.

14.7 Subd. 64. **Registered designated caregiver.** "Registered designated caregiver" means
14.8 an individual who:

14.9 (1) is at least 18 years old;

14.10 (2) is not disqualified for a criminal offense according to rules adopted pursuant to
14.11 section 342.15, subdivision 2;

14.12 (3) has been approved by the Division of Medical Cannabis to assist a patient with
14.13 obtaining medical cannabis flower and medical cannabinoid products from a cannabis
14.14 retailer or medical cannabis retailer and with administering medical cannabis flower and
14.15 medical cannabinoid products; and

14.16 (4) is authorized by the Division of Medical Cannabis to assist a patient with the use of
14.17 medical cannabis flower and medical cannabinoid products.

14.18 Subd. 65. **Registry or registry program.** "Registry" or "registry program" means the
14.19 patient registry established under this chapter listing patients authorized to obtain medical
14.20 cannabis flower, medical cannabinoid products, and medical cannabis paraphernalia from
14.21 cannabis retailers and medical cannabis retailers and administer medical cannabis flower
14.22 and medical cannabinoid products.

14.23 Subd. 66. **Registry verification.** "Registry verification" means the verification provided
14.24 by the Division of Medical Cannabis that a patient is enrolled in the registry program and
14.25 that includes the patient's name, patient registry number, and, if applicable, the name of the
14.26 patient's registered designated caregiver or parent, legal guardian, or spouse.

14.27 Subd. 67. **Restricted area.** "Restricted area" means an area where cannabis flower or
14.28 cannabis products are cultivated, manufactured, or stored by a cannabis business.

14.29 Subd. 68. **Statewide monitoring system.** "Statewide monitoring system" means the
14.30 system for integrated cannabis tracking, inventory, and verification established or adopted
14.31 by the office.

15.1 Subd. 69. **Synthetic cannabinoid.** "Synthetic cannabinoid" means a substance with a
15.2 similar chemical structure and pharmacological activity to a cannabinoid but is not extracted
15.3 or derived from cannabis plants, cannabis flower, hemp plants, or hemp plant parts and is
15.4 instead created or produced by chemical or biochemical synthesis.

15.5 Subd. 70. **Veteran.** "Veteran" means an individual who satisfies the requirements in
15.6 section 197.447.

15.7 Subd. 71. **Visiting patient.** "Visiting patient" means an individual who is not a Minnesota
15.8 resident and who possesses a valid registration verification card or its equivalent that is
15.9 issued under the laws or regulations of another state, district, commonwealth, or territory
15.10 of the United States verifying that the individual is enrolled in or authorized to participate
15.11 in that jurisdiction's medical cannabis or medical marijuana program.

15.12 Subd. 72. **Volatile solvent.** "Volatile solvent" means any solvent that is or produces a
15.13 flammable gas or vapor that, when present in the air in sufficient quantities, will create
15.14 explosive or ignitable mixtures. Volatile solvent includes but is not limited to butane, hexane,
15.15 and propane.

15.16 Sec. 2. **[342.02] OFFICE OF CANNABIS MANAGEMENT.**

15.17 Subdivision 1. **Establishment.** The Office of Cannabis Management is created with the
15.18 powers and duties established by law. In making rules, establishing policy, and exercising
15.19 its regulatory authority over the cannabis industry and hemp consumer industry, the office
15.20 must:

15.21 (1) promote the public health and welfare;

15.22 (2) protect public safety;

15.23 (3) eliminate the illicit market for cannabis flower and cannabis products;

15.24 (4) meet the market demand for cannabis flower and cannabis products;

15.25 (5) promote a craft industry for cannabis flower and cannabis products; and

15.26 (6) prioritize growth and recovery in communities that have experienced a
15.27 disproportionate, negative impact from cannabis prohibition.

15.28 Subd. 2. **Powers and duties.** (a) The office has the following powers and duties:

15.29 (1) to develop, maintain, and enforce an organized system of regulation for the cannabis
15.30 industry and hemp consumer industry;

- 16.1 (2) to establish programming, services, and notification to protect, maintain, and improve
16.2 the health of citizens;
- 16.3 (3) to prevent unauthorized access to cannabis flower, cannabis products, lower-potency
16.4 hemp edibles, and hemp-derived consumer products by individuals under 21 years of age;
- 16.5 (4) to establish and regularly update standards for product manufacturing, testing,
16.6 packaging, and labeling, including requirements for an expiration, sell-by, or best-used-by
16.7 date;
- 16.8 (5) to promote economic growth with an emphasis on growth in areas that experienced
16.9 a disproportionate, negative impact from cannabis prohibition;
- 16.10 (6) to issue and renew licenses;
- 16.11 (7) to require fingerprints from individuals determined to be subject to fingerprinting,
16.12 including the submission of fingerprints to the Federal Bureau of Investigation where
16.13 required by law and to obtain criminal conviction data for individuals seeking a license
16.14 from the office on the individual's behalf or as a cooperative member or director, manager,
16.15 or general partner of a business entity;
- 16.16 (8) to receive reports required by this chapter and inspect the premises, records, books,
16.17 and other documents of license holders to ensure compliance with all applicable laws and
16.18 rules;
- 16.19 (9) to authorize the use of unmarked motor vehicles to conduct seizures or investigations
16.20 pursuant to the office's authority;
- 16.21 (10) to impose and collect civil and administrative penalties as provided in this chapter;
- 16.22 (11) to publish such information as may be deemed necessary for the welfare of cannabis
16.23 businesses, cannabis workers, hemp businesses, and hemp workers and the health and safety
16.24 of citizens;
- 16.25 (12) to make loans and grants in aid to the extent that appropriations are made available
16.26 for that purpose;
- 16.27 (13) to authorize research and studies on cannabis flower, cannabis products, artificially
16.28 derived cannabinoids, lower-potency hemp edibles, hemp-derived consumer products, the
16.29 cannabis industry, and the hemp consumer industry;
- 16.30 (14) to provide reports as required by law;
- 16.31 (15) to develop a warning label regarding the effects of the use of cannabis flower and
16.32 cannabis products by persons 25 years of age or younger;

17.1 (16) to determine, based on a review of medical and scientific literature, whether it is
17.2 appropriate to require additional health and safety warnings containing information that is
17.3 both supported by credible science and helpful to consumers in considering potential health
17.4 risks from the use of cannabis flower, cannabis products, lower-potency hemp edibles, and
17.5 hemp-derived consumer products, including but not limited to warnings regarding any risks
17.6 associated with use by pregnant or breastfeeding individuals, or by individuals planning to
17.7 become pregnant, and the effects that use has on brain development for individuals under
17.8 the age of 25;

17.9 (17) to establish limits on the potency of cannabis flower and cannabis products that can
17.10 be sold to customers by licensed cannabis retailers, licensed cannabis microbusinesses, and
17.11 licensed cannabis mezzobusinesses with an endorsement to sell cannabis flower and cannabis
17.12 products to customers;

17.13 (18) to establish rules authorizing an increase in plant canopy limits and outdoor
17.14 cultivation limits to meet market demand and limiting cannabis manufacturing consistent
17.15 with the goals identified in subdivision 1; and

17.16 (19) to exercise other powers and authority and perform other duties required by law.

17.17 (b) In addition to the powers and duties in paragraph (a), the office has the following
17.18 powers and duties until January 1, 2027:

17.19 (1) to establish limits on the potency of adult-use cannabis flower and adult-use cannabis
17.20 products that can be sold to customers by licensed cannabis retailers, licensed cannabis
17.21 microbusinesses, and licensed cannabis mezzobusinesses with an endorsement to sell
17.22 adult-use cannabis flower and adult-use cannabis products to customers; and

17.23 (2) to permit, upon application to the office in the form prescribed by the director of the
17.24 office, a licensee under this chapter to perform any activity if such permission is substantially
17.25 necessary for the licensee to perform any other activity permitted by the applicant's license
17.26 and is not otherwise prohibited by law.

17.27 Subd. 3. **Medical cannabis program.** (a) The powers and duties of the Department of
17.28 Health with respect to the medical cannabis program under Minnesota Statutes 2022, sections
17.29 152.22 to 152.37, are transferred to the Office of Cannabis Management under section
17.30 15.039.

17.31 (b) The following protections shall apply to employees who are transferred from the
17.32 Department of Health to the Office of Cannabis Management:

18.1 (1) the employment status and job classification of a transferred employee shall not be
18.2 altered as a result of the transfer;

18.3 (2) transferred employees who were represented by an exclusive representative prior to
18.4 the transfer shall continue to be represented by the same exclusive representative after the
18.5 transfer;

18.6 (3) the applicable collective bargaining agreements with exclusive representatives shall
18.7 continue in full force and effect for such transferred employees after the transfer;

18.8 (4) the state must meet and negotiate with the exclusive representatives of the transferred
18.9 employees about any proposed changes affecting or relating to the transferred employees'
18.10 terms and conditions of employment to the extent such changes are not addressed in the
18.11 applicable collective bargaining agreement; and

18.12 (5) for an employee in a temporary unclassified position transferred to the Office of
18.13 Cannabis Management, the total length of time that the employee has served in the
18.14 appointment shall include all time served in the appointment and the transferring agency
18.15 and the time served in the appointment at the Office of Cannabis Management. An employee
18.16 in a temporary unclassified position who was hired by a transferring agency through an
18.17 open competitive selection process in accordance with a policy enacted by Minnesota
18.18 Management and Budget shall be considered to have been hired through such process after
18.19 the transfer.

18.20 Subd. 4. **Interagency agreements.** (a) The office and the commissioner of agriculture
18.21 shall enter into interagency agreements to ensure that edible cannabis products and
18.22 lower-potency hemp edibles are handled, manufactured, and inspected in a manner that is
18.23 consistent with the relevant food safety requirements in chapters 28A, 31, and 34A and
18.24 associated rules.

18.25 (b) The office may cooperate and enter into other agreements with the commissioner of
18.26 agriculture and may cooperate and enter into agreements with the commissioners and
18.27 directors of other state agencies and departments to promote the beneficial interests of the
18.28 state.

18.29 Subd. 5. **Rulemaking.** The office may adopt rules to implement any provisions in this
18.30 chapter. Rules for which notice is published in the State Register before July 1, 2025, may
18.31 be adopted using the expedited rulemaking process in section 14.389.

19.1 Subd. 6. **Director.** (a) The governor shall appoint a director of the office with the advice
19.2 and consent of the senate. The director must be in the unclassified service and must serve
19.3 at the pleasure of the governor.

19.4 (b) The salary of the director must not exceed the salary limit established under section
19.5 15A.0815, subdivision 3.

19.6 Subd. 7. **Employees.** (a) The office may employ other personnel in the classified service
19.7 necessary to carry out the duties in this chapter.

19.8 (b) Upon request by the office, a prospective employee of the office must submit a
19.9 completed criminal history records check consent form, a full set of classifiable fingerprints,
19.10 and the required fees to the office. Upon receipt of this information, the office must submit
19.11 the completed criminal history records check consent form, full set of classifiable fingerprints,
19.12 and required fees to the Bureau of Criminal Apprehension. After receiving this information,
19.13 the bureau must conduct a Minnesota criminal history records check of the prospective
19.14 employee. The bureau may exchange a prospective employee's fingerprints with the Federal
19.15 Bureau of Investigation to obtain the prospective employee's national criminal history record
19.16 information. The bureau must return the results of the Minnesota and federal criminal history
19.17 records checks to the director to determine if the prospective employee is disqualified under
19.18 rules adopted pursuant to section 342.15.

19.19 Subd. 8. **Division of Social Equity.** The office must establish a Division of Social Equity.
19.20 At a minimum, the division must:

19.21 (1) engage with the community and administer grants to communities that experienced
19.22 a disproportionate, negative impact from cannabis prohibition and usage in order to promote
19.23 economic development, improve social determinants of health, provide services to prevent
19.24 violence, support early intervention programs for youth and families, and promote community
19.25 stability and safety;

19.26 (2) act as an ombudsperson for the office to provide information, investigate complaints
19.27 under this chapter, and provide or facilitate dispute resolutions; and

19.28 (3) report to the office on the status of complaints and social equity in the cannabis
19.29 industry.

19.30 **EFFECTIVE DATE.** This section is effective July 1, 2023, except for subdivision 3,
19.31 which is effective March 1, 2025.

20.1 Sec. 3. [342.03] CANNABIS ADVISORY COUNCIL.

20.2 Subdivision 1. Membership. The Cannabis Advisory Council is created consisting of
20.3 the following members:

20.4 (1) the director of the Office of Cannabis Management or a designee;

20.5 (2) the commissioner of employment and economic development or a designee;

20.6 (3) the commissioner of revenue or a designee;

20.7 (4) the commissioner of health or a designee;

20.8 (5) the commissioner of human services or a designee;

20.9 (6) the commissioner of public safety or a designee;

20.10 (7) the commissioner of human rights or a designee;

20.11 (8) the commissioner of labor or a designee;

20.12 (9) the commissioner of agriculture or a designee;

20.13 (10) the commissioner of the Pollution Control Agency or a designee;

20.14 (11) the superintendent of the Bureau of Criminal Apprehension or a designee;

20.15 (12) the colonel of the State Patrol or a designee;

20.16 (13) the director of the Office of Traffic Safety in the Department of Public Safety or a
20.17 designee;

20.18 (14) a representative from the League of Minnesota Cities appointed by the league;

20.19 (15) a representative from the Association of Minnesota Counties appointed by the
20.20 association;

20.21 (16) an expert in minority business development appointed by the governor;

20.22 (17) an expert in economic development strategies for under-resourced communities
20.23 appointed by the governor;

20.24 (18) an expert in farming or representing the interests of farmers appointed by the
20.25 governor;

20.26 (19) an expert representing the interests of cannabis workers appointed by the governor;

20.27 (20) an expert representing the interests of employers appointed by the governor;

20.28 (21) an expert in municipal law enforcement with advanced training in impairment
20.29 detection and evaluation appointed by the governor;

- 21.1 (22) an expert in social welfare or social justice appointed by the governor;
- 21.2 (23) an expert in criminal justice reform to mitigate the disproportionate impact of drug
21.3 prosecutions on communities of color appointed by the governor;
- 21.4 (24) an expert in prevention, treatment, and recovery related to substance use disorders
21.5 appointed by the governor;
- 21.6 (25) an expert in minority business ownership appointed by the governor;
- 21.7 (26) an expert in women-owned businesses appointed by the governor;
- 21.8 (27) an expert in cannabis retailing appointed by the governor;
- 21.9 (28) an expert in cannabis product manufacturing appointed by the governor;
- 21.10 (29) an expert in laboratory sciences and toxicology appointed by the governor;
- 21.11 (30) an expert in providing legal services to cannabis businesses appointed by the
21.12 governor;
- 21.13 (31) an expert in cannabis cultivation appointed by the governor;
- 21.14 (32) an expert in pediatric medicine appointed by the governor;
- 21.15 (33) an expert in adult medicine appointed by the governor;
- 21.16 (34) three patient advocates, one who is a patient enrolled in the medical cannabis
21.17 program; one who is a parent or caregiver of a patient in the medical cannabis program;
21.18 and one patient with experience in the mental health system or substance use disorder
21.19 treatment system appointed by the governor;
- 21.20 (35) two licensed mental health professionals appointed by the governor;
- 21.21 (36) a veteran appointed by the governor;
- 21.22 (37) one member of each of the following federally recognized Tribes, designated by
21.23 the elected Tribal president or chairperson of the governing bodies of:
- 21.24 (i) the Fond du Lac Band;
- 21.25 (ii) the Grand Portage Band;
- 21.26 (iii) the Mille Lacs Band;
- 21.27 (iv) the White Earth Band;
- 21.28 (v) the Bois Forte Band;
- 21.29 (vi) the Leech Lake Band;

- 22.1 (vii) the Red Lake Nation;
- 22.2 (viii) the Upper Sioux Community;
- 22.3 (ix) the Lower Sioux Indian Community;
- 22.4 (x) the Shakopee Mdewakanton Sioux Community; and
- 22.5 (xi) the Prairie Island Indian Community; and
- 22.6 (38) a representative from the Local Public Health Association of Minnesota appointed
- 22.7 by the association.

22.8 Subd. 2. **Terms; compensation; removal; vacancy; expiration.** The membership terms,

22.9 compensation, removal of members appointed by the governor, and filling of vacancies of

22.10 members are provided in section 15.059. Notwithstanding section 15.059, subdivision 6,

22.11 the advisory council shall not expire.

22.12 Subd. 3. **Officers; meetings.** (a) The director of the Office of Cannabis Management

22.13 or the director's designee must chair the Cannabis Advisory Council. The advisory council

22.14 must elect a vice-chair and may elect other officers as necessary.

22.15 (b) The advisory council shall meet quarterly or upon the call of the chair.

22.16 (c) Meetings of the advisory council are subject to chapter 13D.

22.17 Subd. 4. **Duties.** (a) The duties of the advisory council shall include:

22.18 (1) reviewing national cannabis policy;

22.19 (2) examining the effectiveness of state cannabis policy;

22.20 (3) reviewing developments in the cannabis industry and hemp consumer industry;

22.21 (4) reviewing developments in the study of cannabis flower, cannabis products, artificially

22.22 derived cannabinoids, lower-potency hemp edibles, and hemp-derived consumer products;

22.23 (5) taking public testimony; and

22.24 (6) making recommendations to the Office of Cannabis Management.

22.25 (b) At its discretion, the advisory council may examine other related issues consistent

22.26 with this section.

22.27 Sec. 4. **[342.04] STUDIES; REPORTS.**

22.28 (a) The office shall conduct a study to determine the expected size and growth of the

22.29 regulated cannabis industry and hemp consumer industry, including an estimate of the

23.1 demand for cannabis flower and cannabis products, the number and geographic distribution
23.2 of cannabis businesses needed to meet that demand, and the anticipated business from
23.3 residents of other states.

23.4 (b) The office shall conduct a study to determine the size of the illicit cannabis market,
23.5 the sources of illicit cannabis flower and illicit cannabis products in the state, the locations
23.6 of citations issued and arrests made for cannabis offenses, and the subareas, such as census
23.7 tracts or neighborhoods, that experience a disproportionately large amount of cannabis
23.8 enforcement.

23.9 (c) The office shall conduct a study on impaired driving to determine:

23.10 (1) the number of accidents involving one or more drivers who admitted to using cannabis
23.11 flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products,
23.12 or who tested positive for cannabis or tetrahydrocannabinol;

23.13 (2) the number of arrests of individuals for impaired driving in which the individual
23.14 tested positive for cannabis or tetrahydrocannabinol; and

23.15 (3) the number of convictions for driving under the influence of cannabis flower, cannabis
23.16 products, lower-potency hemp edibles, hemp-derived consumer products, or
23.17 tetrahydrocannabinol.

23.18 (d) The office shall provide preliminary reports on the studies conducted pursuant to
23.19 paragraphs (a) to (c) to the legislature by January 15, 2024, and shall provide final reports
23.20 to the legislature by January 15, 2025. The reports may be consolidated into a single report
23.21 by the office.

23.22 (e) The office shall collect existing data from the Department of Human Services,
23.23 Department of Health, Minnesota state courts, and hospitals licensed under chapter 144 on
23.24 the utilization of mental health and substance use disorder services, emergency room visits,
23.25 and commitments to identify any increase in the services provided or any increase in the
23.26 number of visits or commitments. The office shall also obtain summary data from existing
23.27 first episode psychosis programs on the number of persons served by the programs and
23.28 number of persons on the waiting list. All information collected by the office under this
23.29 paragraph shall be included in the report required under paragraph (f).

23.30 (f) The office shall conduct an annual market analysis on the status of the regulated
23.31 cannabis industry and submit a report of the findings. The office shall submit the report by
23.32 January 15, 2025, and each January 15 thereafter and the report may be combined with the
23.33 annual report submitted by the office. The process of completing the market analysis must

24.1 include holding public meetings to solicit the input of consumers, market stakeholders, and
24.2 potential new applicants and must include an assessment as to whether the office has issued
24.3 the necessary number of licenses in order to:

24.4 (1) ensure the sufficient supply of cannabis flower and cannabis products to meet demand;

24.5 (2) provide market stability;

24.6 (3) ensure a competitive market; and

24.7 (4) limit the sale of unregulated cannabis flower and cannabis products.

24.8 (g) The office shall submit an annual report to the legislature by January 15, 2024, and
24.9 each January 15 thereafter. The annual report shall include but not be limited to the following:

24.10 (1) the status of the regulated cannabis industry;

24.11 (2) the status of the illicit cannabis market and hemp consumer industry;

24.12 (3) the number of accidents, arrests, and convictions involving drivers who admitted to
24.13 using cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived
24.14 consumer products or who tested positive for cannabis or tetrahydrocannabinol;

24.15 (4) the change in potency, if any, of cannabis flower and cannabis products available
24.16 through the regulated market;

24.17 (5) progress on providing opportunities to individuals and communities that experienced
24.18 a disproportionate, negative impact from cannabis prohibition, including but not limited to
24.19 providing relief from criminal convictions and increasing economic opportunities;

24.20 (6) the status of racial and geographic diversity in the cannabis industry;

24.21 (7) proposed legislative changes, including but not limited to recommendations to
24.22 streamline licensing systems and related administrative processes;

24.23 (8) information on the adverse effects of second-hand smoke from any cannabis flower,
24.24 cannabis products, and hemp-derived consumer products that are consumed by the
24.25 combustion or vaporization of the product and the inhalation of smoke, aerosol, or vapor
24.26 from the product; and

24.27 (9) recommendations for the levels of funding for:

24.28 (i) a coordinated education program to address and raise public awareness about the top
24.29 three adverse health effects, as determined by the commissioner of health, associated with
24.30 the use of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived
24.31 consumer products by individuals under 21 years of age;

25.1 (ii) a coordinated education program to educate pregnant individuals, breastfeeding
25.2 individuals, and individuals who may become pregnant on the adverse health effects of
25.3 cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer
25.4 products;

25.5 (iii) training, technical assistance, and educational materials for home visiting programs,
25.6 Tribal home visiting programs, and child welfare workers regarding safe and unsafe use of
25.7 cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer
25.8 products in homes with infants and young children;

25.9 (iv) model programs to educate middle school and high school students on the health
25.10 effects on children and adolescents of the use of cannabis flower, cannabis products,
25.11 lower-potency hemp edibles, hemp-derived consumer products, and other intoxicating or
25.12 controlled substances;

25.13 (v) grants issued through the CanTrain, CanNavigate, CanStartup, and CanGrow
25.14 programs;

25.15 (vi) grants to organizations for community development in social equity communities
25.16 through the CanRenew program;

25.17 (vii) training of peace officers and law enforcement agencies on changes to laws involving
25.18 cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer
25.19 products and the law's impact on searches and seizures;

25.20 (viii) training of peace officers to increase the number of drug recognition experts;

25.21 (ix) training of peace officers on the cultural uses of sage and distinguishing use of sage
25.22 from the use of cannabis flower, including whether the Board of Peace Officer Standards
25.23 and Training should approve or develop training materials;

25.24 (x) the retirement and replacement of drug detection canines; and

25.25 (xi) the Department of Human Services and county social service agencies to address
25.26 any increase in demand for services.

25.27 (g) In developing the recommended funding levels under paragraph (f), clause (9), items
25.28 (vii) to (xi), the office shall consult with local law enforcement agencies, the Minnesota
25.29 Chiefs of Police Association, the Minnesota Sheriff's Association, the League of Minnesota
25.30 Cities, the Association of Minnesota Counties, and county social services agencies.

26.1 Sec. 5. **[342.05] STATEWIDE MONITORING SYSTEM.**

26.2 Subdivision 1. Statewide monitoring. The office must contract with an outside vendor
26.3 to establish a statewide monitoring system for integrated cannabis tracking, inventory, and
26.4 verification to track all cannabis plants, cannabis flower, and cannabis products from seed,
26.5 immature plant, or creation until disposal or sale to a patient or customer.

26.6 Subd. 2. Data submission requirements. The monitoring system must allow cannabis
26.7 businesses to submit monitoring data to the office through the use of monitoring system
26.8 software commonly used within the cannabis industry and may also permit cannabis
26.9 businesses to submit monitoring data through manual data entry with approval from the
26.10 office.

26.11 Sec. 6. **[342.06] APPROVAL OF CANNABIS FLOWER, PRODUCTS, AND**
26.12 **CANNABINOIDS.**

26.13 (a) For the purposes of this section, "product category" means a type of product that
26.14 may be sold in different sizes, distinct packaging, or at various prices but is still created
26.15 using the same manufacturing or agricultural processes. A new or additional stock keeping
26.16 unit (SKU) or Universal Product Code (UPC) shall not prevent a product from being
26.17 considered the same type as another unit. All other terms have the meanings provided in
26.18 section 342.01.

26.19 (b) The office shall approve product categories of cannabis flower, cannabis products,
26.20 lower-potency hemp edibles, and hemp-derived consumer products for retail sale.

26.21 (c) The office may establish limits on the total THC of cannabis flower, cannabis products,
26.22 and hemp-derived consumer products. As used in this paragraph, "total THC" means the
26.23 sum of the percentage by weight of tetrahydrocannabinolic acid multiplied by 0.877 plus
26.24 the percentage by weight of all tetrahydrocannabinols.

26.25 (d) The office shall not approve any cannabis product, lower-potency hemp edible, or
26.26 hemp-derived consumer product that:

26.27 (1) is or appears to be a lollipop or ice cream;

26.28 (2) bears the likeness or contains characteristics of a real or fictional person, animal, or
26.29 fruit;

26.30 (3) is modeled after a type or brand of products primarily consumed by or marketed to
26.31 children;

27.1 (4) is substantively similar to a meat food product; poultry food product as defined in
27.2 section 31A.02, subdivision 10; or a dairy product as defined in section 32D.01, subdivision
27.3 7;

27.4 (5) contains a synthetic cannabinoid;

27.5 (6) is made by applying a cannabinoid, including but not limited to an artificially derived
27.6 cannabinoid, to a finished food product that does not contain cannabinoids and is sold to
27.7 consumers, including but not limited to a candy or snack food; or

27.8 (7) if the product is an edible cannabis product or lower-potency hemp edible, contains
27.9 an ingredient, other than a cannabinoid, that is not approved by the United States Food and
27.10 Drug Administration for use in food.

27.11 **Sec. 7. [342.07] AGRICULTURAL AND FOOD SAFETY PRACTICES;**
27.12 **RULEMAKING.**

27.13 Subdivision 1. **Plant propagation standards.** In consultation with the commissioner
27.14 of agriculture, the office by rule must establish certification, testing, and labeling
27.15 requirements for the methods used to grow new cannabis plants or hemp plants, including
27.16 but not limited to growth from seed, clone, cutting, or tissue culture.

27.17 Subd. 2. **Agricultural best practices.** In consultation with the commissioner of
27.18 agriculture and representatives from the University of Minnesota Extension Service, the
27.19 office shall establish best practices for:

27.20 (1) the cultivation and preparation of cannabis plants; and

27.21 (2) the use of pesticides, fertilizers, soil amendments, and plant amendments in relation
27.22 to growing cannabis plants.

27.23 Subd. 3. **Edible cannabinoid product handler endorsement.** (a) Any person seeking
27.24 to manufacture, process, sell, handle, or store an edible cannabis product or lower-potency
27.25 hemp edible, other than an edible cannabis product or lower-potency hemp edible that has
27.26 been placed in its final packaging, must first obtain an edible cannabinoid product handler
27.27 endorsement.

27.28 (b) In consultation with the commissioner of agriculture, the office shall establish an
27.29 edible cannabinoid product handler endorsement.

27.30 (c) The office must regulate edible cannabinoid product handlers and assess penalties
27.31 in the same manner provided for food handlers under chapters 28A, 31, and 34A and
27.32 associated rules, with the following exceptions:

28.1 (1) the office must issue an edible cannabinoid product handler endorsement, rather than
28.2 a license;

28.3 (2) eligibility for an edible cannabinoid product handler endorsement is limited to persons
28.4 who possess a valid license issued by the office;

28.5 (3) the office may not charge a fee for issuing or renewing the endorsement;

28.6 (4) the office must align the term and renewal period for edible cannabinoid product
28.7 handler endorsements with the term and renewal period of the license issued by the office;
28.8 and

28.9 (5) an edible cannabis product or lower-potency hemp edible must not be considered
28.10 adulterated solely because the product or edible contains tetrahydrocannabinol, cannabis
28.11 concentrate, hemp concentrate, artificially derived cannabinoids, or any other material
28.12 extracted or derived from a cannabis plant, cannabis flower, hemp plant, or hemp plant
28.13 parts.

28.14 (d) The edible cannabinoid product handler endorsement must prohibit the manufacture
28.15 of edible cannabis products at the same premises where food is manufactured, except for
28.16 the limited production of edible products produced solely for product development, sampling,
28.17 or testing. This limitation does not apply to the manufacture of lower-potency hemp edibles.

28.18 **Sec. 8. [342.08] ESTABLISHMENT OF ENVIRONMENTAL STANDARDS.**

28.19 Subdivision 1. **Water standards.** In consultation with the commissioner of the Pollution
28.20 Control Agency, the office by rule must establish appropriate water standards for cannabis
28.21 businesses.

28.22 Subd. 2. **Energy use.** In consultation with the commissioner of commerce, the office
28.23 by rule must establish appropriate energy standards for cannabis businesses.

28.24 Subd. 3. **Solid waste.** In consultation with the commissioner of the Pollution Control
28.25 Agency, the office by rule must establish appropriate solid waste standards for the disposal
28.26 of:

28.27 (1) cannabis flower and cannabis products;

28.28 (2) packaging;

28.29 (3) recyclable materials, including minimum requirements for the use of recyclable
28.30 materials; and

28.31 (4) other solid waste.

29.1 Subd. 4. **Odor.** The office by rule must establish appropriate standards and requirements
29.2 to limit odors produced by cannabis businesses.

29.3 Subd. 5. **Applicability; federal, state, and local laws.** A cannabis business must comply
29.4 with all applicable federal, state, and local laws related to the subjects of subdivisions 1 to
29.5 4.

29.6 Subd. 6. **Rulemaking.** (a) The office may only adopt a rule under this section if the rule
29.7 is consistent with and at least as stringent as applicable state and federal laws related to the
29.8 subjects of subdivisions 1 to 4.

29.9 (b) The office must coordinate and consult with a department or agency of the state
29.10 regarding the development and implementation of a rule under this section if the department
29.11 or agency has expertise or a regulatory interest in the subject matter of the rule.

29.12 Sec. 9. **[342.09] PERSONAL ADULT USE OF CANNABIS.**

29.13 Subdivision 1. **Personal adult use, possession, and transportation of cannabis flower**
29.14 **and cannabinoid products.** (a) An individual 21 years of age or older may:

29.15 (1) use, possess, or transport cannabis paraphernalia;

29.16 (2) possess or transport two ounces or less of adult-use cannabis flower in a public place;

29.17 (3) possess two pounds or less of adult-use cannabis flower in the individual's private
29.18 residence;

29.19 (4) possess or transport eight grams or less of adult-use cannabis concentrate;

29.20 (5) possess or transport edible cannabis products or lower-potency hemp edibles infused
29.21 with a combined total of 800 milligrams or less of tetrahydrocannabinol;

29.22 (6) give for no remuneration to an individual who is at least 21 years of age:

29.23 (i) two ounces or less of adult-use cannabis flower;

29.24 (ii) eight grams or less of adult-use cannabis concentrate; or

29.25 (iii) an edible cannabis product or lower-potency hemp edible infused with 800 milligrams
29.26 or less of tetrahydrocannabinol; and

29.27 (7) use adult-use cannabis flower and adult-use cannabis products in the following
29.28 locations:

29.29 (i) a private residence, including the individual's curtilage or yard;

30.1 (ii) on private property, not generally accessible by the public, unless the individual is
30.2 explicitly prohibited from consuming cannabis flower, cannabis products, lower-potency
30.3 hemp edibles, or hemp-derived consumer products on the property by the owner of the
30.4 property; or

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

30.6 (b) Except as provided in paragraph (c), an individual may not:

30.7 (1) use, possess, or transport cannabis flower, cannabis products, lower-potency hemp
30.8 edibles, or hemp-derived consumer products if the individual is under 21 years of age;

30.9 (2) use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived
30.10 consumer products in a motor vehicle as defined in section 169A.03, subdivision 15;

30.11 (3) use cannabis flower, cannabis products, or hemp-derived consumer products in a
30.12 manner that involves the inhalation of smoke, aerosol, or vapor at any location where
30.13 smoking is prohibited under section 144.414;

30.14 (4) use or possess cannabis flower, cannabis products, lower-potency hemp edibles, or
30.15 hemp-derived consumer products in a public school, as defined in section 120A.05,
30.16 subdivisions 9, 11, and 13, or in a charter school governed by chapter 124E, including all
30.17 facilities, whether owned, rented, or leased, and all vehicles that a school district owns,
30.18 leases, rents, contracts for, or controls;

30.19 (5) use or possess cannabis flower, cannabis products, lower-potency hemp edibles, or
30.20 hemp-derived consumer products in a state correctional facility;

30.21 (6) operate a motor vehicle while under the influence of cannabis flower, cannabis
30.22 products, lower-potency hemp edibles, or hemp-derived consumer products;

30.23 (7) give for no remuneration cannabis flower, cannabis products, lower-potency hemp
30.24 edibles, or hemp-derived consumer products to an individual under 21 years of age;

30.25 (8) give for no remuneration cannabis flower or cannabis products as a sample or
30.26 promotional gift if the giver is in the business of selling goods or services; or

30.27 (9) vaporize or smoke cannabis flower, cannabis products, artificially derived
30.28 cannabinoids, or hemp-derived consumer products in any location where the smoke, aerosol,
30.29 or vapor would be inhaled by a minor.

30.30 (c) The prohibitions under paragraph (b), clauses (1) to (4), do not apply to use other
30.31 than by smoking or by a vaporized delivery method, possession, or transportation of medical

31.1 cannabis flower or medical cannabinoid products by a patient; a registered designated
31.2 caregiver; or a parent, legal guardian, or spouse of a patient.

31.3 (d) A proprietor of a family or group family day care program must disclose to parents
31.4 or guardians of children cared for on the premises of the family or group family day care
31.5 program, if the proprietor permits the smoking or use of cannabis flower, cannabis products,
31.6 lower-potency hemp edibles, or hemp-derived consumer products on the premises outside
31.7 of its hours of operation. Disclosure must include posting on the premises a conspicuous
31.8 written notice and orally informing parents or guardians. Cannabis flower or cannabis
31.9 products must be inaccessible to children and stored away from food products.

31.10 Subd. 2. **Home cultivation of cannabis for personal adult use.** Up to eight cannabis
31.11 plants, with no more than four being mature, flowering plants may be grown at a single
31.12 residence, including the curtilage or yard, without a license to cultivate cannabis issued
31.13 under this chapter provided that cultivation takes place at the primary residence of an
31.14 individual 21 years of age or older and in an enclosed, locked space that is not open to public
31.15 view.

31.16 Subd. 3. **Home extraction of cannabis concentrate by use of volatile solvent**
31.17 **prohibited.** No person may use a volatile solvent to separate or extract cannabis concentrate
31.18 or hemp concentrate without a cannabis microbusiness, cannabis mezzobusiness, cannabis
31.19 manufacturer, medical cannabis processor, or lower-potency hemp edible manufacturer
31.20 license issued under this chapter.

31.21 Subd. 4. **Sale of cannabis flower and products prohibited.** No person may sell cannabis
31.22 flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products
31.23 without a license issued under this chapter that authorizes the sale.

31.24 Subd. 5. **Importation of hemp-derived products.** No person may import lower-potency
31.25 hemp edibles or hemp-derived consumer products that are manufactured outside the
31.26 boundaries of the state of Minnesota with the intent to sell the edibles or products to
31.27 consumers within the state or to any other person or business that intends to sell the edibles
31.28 or products to consumers within the state without a license issued under this chapter that
31.29 authorizes the importation of such edibles or products. This subdivision does not apply to
31.30 edibles or products lawfully purchased for personal use.

31.31 Subd. 6. **Violations; penalties.** (a) In addition to penalties listed in this subdivision, a
31.32 person who violates the provisions of this chapter is subject to any applicable criminal
31.33 penalty.

32.1 (b) The office may assess the following civil penalties on a person who sells cannabis
32.2 flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products
32.3 without a license issued under this chapter that authorizes the sale:

32.4 (1) if the person sells up to two ounces of cannabis flower, up to \$3,000 or three times
32.5 the retail market value of the cannabis flower, whichever is greater;

32.6 (2) if the person sells more than two ounces but not more than eight ounces of cannabis
32.7 flower, up to \$10,000 or three times the retail market value of the cannabis flower, whichever
32.8 is greater;

32.9 (3) if the person sells more than eight ounces but not more than one pound of cannabis
32.10 flower, up to \$25,000 or three times the retail market value of the cannabis flower, whichever
32.11 is greater;

32.12 (4) if the person sells more than one pound but not more than five pounds of cannabis
32.13 flower, up to \$50,000 or three times the retail market value of the cannabis flower, whichever
32.14 is greater;

32.15 (5) if the person sells more than five pounds but not more than 25 pounds of cannabis
32.16 flower, up to \$100,000 or three times the retail market value of the cannabis flower,
32.17 whichever is greater;

32.18 (6) if the person sells more than 25 pounds but not more than 50 pounds of cannabis
32.19 flower, up to \$250,000 or three times the retail market value of the cannabis flower,
32.20 whichever is greater; and

32.21 (7) if the person sells more than 50 pounds of cannabis flower, up to \$1,000,000 or three
32.22 times the retail market value of the cannabis flower, whichever is greater.

32.23 (c) The office may assess the following civil penalties on a person who sells cannabis
32.24 concentrate without a license issued under this chapter that authorizes the sale:

32.25 (1) if the person sells up to eight grams of cannabis concentrate, up to \$3,000 or three
32.26 times the retail market value of the cannabis concentrate, whichever is greater;

32.27 (2) if the person sells more than eight grams but not more than 40 grams of cannabis
32.28 concentrate, up to \$10,000 or three times the retail market value of the cannabis concentrate,
32.29 whichever is greater;

32.30 (3) if the person sells more than 40 grams but not more than 80 grams of cannabis
32.31 concentrate, up to \$25,000 or three times the retail market value of the cannabis concentrate,
32.32 whichever is greater;

33.1 (4) if the person sells more than 80 grams but not more than 400 grams of cannabis
33.2 concentrate, up to \$50,000 or three times the retail market value of the cannabis concentrate,
33.3 whichever is greater;

33.4 (5) if the person sells more than 400 grams but not more than two kilograms of cannabis
33.5 concentrate, up to \$100,000 or three times the retail market value of the cannabis concentrate,
33.6 whichever is greater;

33.7 (6) if the person sells more than two kilograms but not more than four kilograms of
33.8 cannabis concentrate, up to \$250,000 or three times the retail market value of the cannabis
33.9 concentrate, whichever is greater; and

33.10 (7) if the person sells more than four kilograms of cannabis concentrate, up to \$1,000,000
33.11 or three times the retail market value of the cannabis concentrate, whichever is greater.

33.12 (d) The office may assess the following civil penalties on a person who imports or sells
33.13 products infused with tetrahydrocannabinol without a license issued under this chapter that
33.14 authorizes the importation or sale:

33.15 (1) if the person imports or sells products infused with up to 800 milligrams of
33.16 tetrahydrocannabinol, up to \$3,000 or three times the retail market value of the infused
33.17 product, whichever is greater;

33.18 (2) if the person imports or sells products infused with a total of more than 800 milligrams
33.19 but not more than four grams of tetrahydrocannabinol, up to \$10,000 or three times the
33.20 retail market value of the infused product, whichever is greater;

33.21 (3) if the person imports or sells products infused with a total of more than four grams
33.22 but not more than eight grams of tetrahydrocannabinol, up to \$25,000 or three times the
33.23 retail market value of the infused product, whichever is greater;

33.24 (4) if the person imports or sells products infused with a total of more than eight grams
33.25 but not more than 40 grams of tetrahydrocannabinol, up to \$50,000 or three times the retail
33.26 market value of the infused product, whichever is greater;

33.27 (5) if the person imports or sells products infused with a total of more than 40 grams
33.28 but not more than 200 grams of tetrahydrocannabinol, up to \$100,000 or three times the
33.29 retail market value of the infused product, whichever is greater;

33.30 (6) if the person imports or sells products infused with a total of more than 200 grams
33.31 but not more than 400 grams of tetrahydrocannabinol, up to \$250,000 or three times the
33.32 retail market value of the infused product, whichever is greater; and

34.1 (7) if the person imports or sells products infused with a total of more than 400 grams
34.2 of tetrahydrocannabinol, up to \$1,000,000 or three times the retail market value of the
34.3 infused product, whichever is greater.

34.4 (e) The office may assess a civil penalty of up to \$500 for each plant grown in excess
34.5 of the limit on a person who grows more than eight cannabis plants or more than four mature,
34.6 flowering plants, without a license to cultivate cannabis issued under this chapter.

34.7 **Sec. 10. [342.10] LICENSES; TYPES.**

34.8 The office shall issue the following types of license:

34.9 (1) cannabis microbusiness;

34.10 (2) cannabis mezzobusiness;

34.11 (3) cannabis cultivator;

34.12 (4) cannabis manufacturer;

34.13 (5) cannabis retailer;

34.14 (6) cannabis wholesaler;

34.15 (7) cannabis transporter;

34.16 (8) cannabis testing facility;

34.17 (9) cannabis event organizer;

34.18 (10) cannabis delivery service;

34.19 (11) lower-potency hemp edible manufacturer;

34.20 (12) lower-potency hemp edible retailer;

34.21 (13) medical cannabis cultivator;

34.22 (14) medical cannabis processor;

34.23 (15) medical cannabis retailer; or

34.24 (16) medical cannabis combination business.

34.25 **Sec. 11. [342.11] LICENSES; FEES.**

34.26 (a) The office shall require the payment of application fees, initial licensing fees, and
34.27 renewal licensing fees as provided in this section. The initial license fee shall include the
34.28 fee for initial issuance of the license and the first annual renewal. The renewal fee shall be

35.1 charged at the time of the second renewal and each subsequent annual renewal thereafter.
35.2 Nothing in this section prohibits a local unit of government from charging the retailer
35.3 registration fee established in section 342.22. Application fees, initial licensing fees, and
35.4 renewal licensing fees are nonrefundable.

35.5 (b) Application and licensing fees shall be as follows:

35.6 (1) for a cannabis microbusiness:

35.7 (i) an application fee of \$500;

35.8 (ii) an initial license fee of \$0; and

35.9 (iii) a renewal license fee of \$2,000;

35.10 (2) for a cannabis mezzobusiness:

35.11 (i) an application fee of \$5,000;

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

35.13 (iii) a renewal license fee of \$10,000;

35.14 (3) for a cannabis cultivator:

35.15 (i) an application fee of \$10,000;

35.16 (ii) an initial license fee of \$20,000; and

35.17 (iii) a renewal license fee of \$30,000;

35.18 (4) for a cannabis manufacturer:

35.19 (i) an application fee of \$10,000;

35.20 (ii) an initial license fee of \$10,000; and

35.21 (iii) a renewal license fee of \$20,000;

35.22 (5) for a cannabis retailer:

35.23 (i) an application fee of \$2,500;

35.24 (ii) an initial license fee of \$2,500; and

35.25 (iii) a renewal license fee of \$5,000;

35.26 (6) for a cannabis wholesaler:

35.27 (i) an application fee of \$5,000;

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

- 36.1 (iii) a renewal license fee of \$10,000;
- 36.2 (7) for a cannabis transporter:
- 36.3 (i) an application fee of \$250;
- 36.4 (ii) an initial license fee of \$500; and
- 36.5 (iii) a renewal license fee of \$1,000;
- 36.6 (8) for a cannabis testing facility:
- 36.7 (i) an application fee of \$5,000;
- 36.8 (ii) an initial license fee of \$5,000; and
- 36.9 (iii) a renewal license fee of \$10,000;
- 36.10 (9) for a cannabis delivery service:
- 36.11 (i) an application fee of \$250;
- 36.12 (ii) an initial license fee of \$500; and
- 36.13 (iii) a renewal license fee of \$1,000;
- 36.14 (10) for a cannabis event organizer:
- 36.15 (i) an application fee of \$750; and
- 36.16 (ii) an initial license fee of \$750;
- 36.17 (11) for a lower-potency hemp edible manufacturer:
- 36.18 (i) an application fee of \$250;
- 36.19 (ii) an initial license fee of \$1,000; and
- 36.20 (iii) a renewal license fee of \$1,000;
- 36.21 (12) for a lower-potency hemp edible retailer:
- 36.22 (i) an application fee of \$250 per retail location;
- 36.23 (ii) an initial license fee of \$250 per retail location; and
- 36.24 (iii) a renewal license fee of \$250 per retail location;
- 36.25 (13) for a medical cannabis cultivator:
- 36.26 (i) an application fee of \$250;
- 36.27 (ii) an initial license fee of \$0; and

37.1 (iii) a renewal license fee of \$0;

37.2 (14) for a medical cannabis processor:

37.3 (i) an application fee of \$250;

37.4 (ii) an initial license fee of \$0; and

37.5 (iii) a renewal license fee of \$0;

37.6 (15) for a medical cannabis retailer:

37.7 (i) an application fee of \$250;

37.8 (ii) an initial license fee of \$0; and

37.9 (iii) a renewal license fee of \$0; and

37.10 (16) for a medical cannabis combination business:

37.11 (i) an application fee of \$10,000;

37.12 (ii) an initial license fee of \$20,000; and

37.13 (iii) a renewal license fee of \$70,000.

37.14 Sec. 12. [342.12] LICENSES; TRANSFERS; ADJUSTMENTS.

37.15 (a) Licenses issued under this chapter may be freely transferred subject to the prior
37.16 written approval of the office, which approval may be given or withheld in the office's sole
37.17 discretion, provided that a social equity applicant may only transfer the applicant's license
37.18 to another social equity applicant. A new license must be obtained when:

37.19 (1) the form of the licensee's legal business structure converts or changes to a different
37.20 type of legal business structure; or

37.21 (2) the licensee dissolves; consolidates; reorganizes; undergoes bankruptcy, insolvency,
37.22 or receivership proceedings; merges with another legal organization; or assigns all or
37.23 substantially all of its assets for the benefit of creditors.

37.24 (b) Transfers between social equity applicants must be reviewed by the Division of
37.25 Social Equity.

37.26 (c) Licenses must be renewed annually.

37.27 (d) License holders may petition the office to adjust the tier of a license issued within a
37.28 license category provided that the license holder meets all applicable requirements.

38.1 (e) The office by rule may permit relocation of a licensed cannabis business, adopt
38.2 requirements for the submission of a license relocation application, establish standards for
38.3 the approval of a relocation application, and charge a fee not to exceed \$250 for reviewing
38.4 and processing applications. Relocation of a licensed premises pursuant to this paragraph
38.5 does not extend or otherwise modify the license term of the license subject to relocation.

38.6 Sec. 13. [342.13] LOCAL CONTROL.

38.7 (a) A local unit of government may not prohibit the possession, transportation, or use
38.8 of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived
38.9 consumer products authorized under this chapter.

38.10 (b) Except as provided in section 342.22, a local unit of government may not prohibit
38.11 the establishment or operation of a cannabis business licensed under this chapter.

38.12 (c) A local unit of government may adopt reasonable restrictions on the time, place, and
38.13 manner of the operation of a cannabis business provided that such restrictions do not prohibit
38.14 the establishment or operation of cannabis businesses. A local unit of government may
38.15 prohibit the operation of a cannabis business within 1,000 feet of a school, or 500 feet of a
38.16 day care, residential treatment facility, or an attraction within a public park that is regularly
38.17 used by minors, including a playground or athletic field.

38.18 (d) The office shall work with local units of government to:

38.19 (1) develop model ordinances for reasonable restrictions on the time, place, and manner
38.20 of the operation of a cannabis business;

38.21 (2) develop standardized forms and procedures for the issuance of a retail registration
38.22 pursuant to section 342.22; and

38.23 (3) develop model policies and procedures for the performance of compliance checks
38.24 required under section 342.22.

38.25 (e) If a local unit of government is conducting studies or has authorized a study to be
38.26 conducted or has held or has scheduled a hearing for the purpose of considering adoption
38.27 or amendment of reasonable restrictions on the time, place, and manner of the operation of
38.28 a cannabis business, the governing body of the local unit of government may adopt an
38.29 interim ordinance applicable to all or part of its jurisdiction for the purpose of protecting
38.30 the planning process and the health, safety, and welfare of its citizens. Before adopting the
38.31 interim ordinance, the governing body must hold a public hearing. The interim ordinance
38.32 may regulate, restrict, or prohibit the operation of a cannabis business within the jurisdiction
38.33 or a portion thereof until January 1, 2025.

39.1 (f) Within 30 days of receiving a copy of an application from the office, a local unit of
39.2 government shall certify on a form provided by the office whether a proposed cannabis
39.3 business complies with local zoning ordinances and, if applicable, whether the proposed
39.4 business complies with the state fire code and building code. The office may not issue a
39.5 license if a cannabis business does not meet local zoning and land use laws.

39.6 (g) Upon receipt of an application for a license issued under this chapter, the office shall
39.7 contact the local unit of government in which the business would be located and provide
39.8 the local unit of government with 30 days in which to provide input on the application. The
39.9 local unit of government may provide the office with any additional information it believes
39.10 is relevant to the office's decision on whether to issue a license, including but not limited
39.11 to identifying concerns about the proposed location of a cannabis business, or sharing public
39.12 information about an applicant.

39.13 (h) The office by rule shall establish an expedited complaint process to receive, review,
39.14 and respond to complaints made by a local unit of government about a cannabis business.
39.15 Complaints may include alleged violations of local ordinances or other alleged violations.
39.16 At a minimum, the expedited complaint process shall require the office to provide an initial
39.17 response to the complaint within seven days and perform any necessary inspections within
39.18 30 days. Nothing in this paragraph prohibits a local unit of government from enforcing a
39.19 local ordinance. If a local unit of government notifies the office that a cannabis business
39.20 other than a cannabis retailer, cannabis microbusiness with a retail operations endorsement,
39.21 cannabis mezzobusiness, lower-potency hemp edible retailer, medical cannabis retailer, or
39.22 medical cannabis combination business poses an immediate threat to the health or safety
39.23 of the public, the office must respond within one business day and may take any action
39.24 described in section 342.19 or 342.21.

39.25 (i) A local government unit that issues cannabis retailer registration under section 342.22
39.26 may, by ordinance, limit the number of licensed cannabis retailers, cannabis mezzobusinesses
39.27 with a retail operations endorsement, and cannabis microbusinesses with a retail operations
39.28 endorsement to no fewer than one registration for every 12,500 residents.

39.29 (j) If a county has one active registration for every 12,500 residents, a city or town within
39.30 the county is not obligated to register a cannabis business.

39.31 (k) Nothing in this section shall prohibit a local government unit from allowing licensed
39.32 cannabis retailers in excess of the minimums set in paragraph (i).

39.33 (l) Notwithstanding the foregoing provisions, the state shall not issue a license to any
39.34 cannabis business to operate in Indian country, as defined in United States Code, title 18,

40.1 section 1151, of a Minnesota Tribal government without the consent of the Tribal
40.2 government.

40.3 Sec. 14. **[342.14] CANNABIS LICENSE APPLICATION AND RENEWAL.**

40.4 Subdivision 1. **Application; contents.** (a) The office by rule shall establish forms and
40.5 procedures for the processing of cannabis licenses issued under this chapter. At a minimum,
40.6 any application to obtain or renew a cannabis license shall include the following information,
40.7 if applicable:

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

40.9 (2) the disclosure of ownership and control required under paragraph (b);

40.10 (3) the disclosure of whether the applicant or, if the applicant is a business, any officer,
40.11 director, manager, and general partner of the business has ever filed for bankruptcy;

40.12 (4) the address and legal property description of the business;

40.13 (5) a general description of the location or locations that the applicant plans to operate,
40.14 including the planned square feet of planned space for cultivation, wholesaling, and retailing,
40.15 as applicable;

40.16 (6) a copy of the security plan;

40.17 (7) proof of trade name registration;

40.18 (8) a copy of the applicant's business plan showing the expected size of the business;
40.19 anticipated growth; the methods of record keeping; the knowledge and experience of the
40.20 applicant and any officer, director, manager, and general partner of the business; the
40.21 environmental plan; and other relevant financial and operational components;

40.22 (9) an attestation signed by a bona fide labor organization stating that the applicant has
40.23 entered into a labor peace agreement;

40.24 (10) certification that the applicant will comply with the requirements of this chapter
40.25 relating to the ownership and operation of a cannabis business;

40.26 (11) identification of one or more controlling persons or managerial employees as agents
40.27 who shall be responsible for dealing with the office on all matters; and

40.28 (12) a statement that the applicant agrees to respond to the office's supplemental requests
40.29 for information.

41.1 (b) An applicant must file and update as necessary a disclosure of ownership and control.
41.2 The office by rule shall establish the contents and form of the disclosure. Except as provided
41.3 in paragraph (f), the disclosure shall, at a minimum, include the following:

41.4 (1) the management structure, ownership, and control of the applicant or license holder,
41.5 including the name of each cooperative member, officer, director, manager, general partner
41.6 or business entity; the office or position held by each person; each person's percentage
41.7 ownership interest, if any; and, if the business has a parent company, the name of each
41.8 owner, board member, and officer of the parent company and the owner's, board member's,
41.9 or officer's percentage ownership interest in the parent company and the cannabis business;

41.10 (2) a statement from the applicant and, if the applicant is a business, from every officer,
41.11 director, manager, and general partner of the business, indicating whether that person has
41.12 previously held, or currently holds, an ownership interest in a cannabis business in Minnesota,
41.13 any other state or territory of the United States, or any other country;

41.14 (3) if the applicant is a corporation, copies of the applicant's articles of incorporation
41.15 and bylaws and any amendments to the applicant's articles of incorporation or bylaws;

41.16 (4) copies of any partnership agreement, operating agreement, or shareholder agreement;

41.17 (5) copies of any promissory notes, security instruments, or other similar agreements;

41.18 (6) an explanation detailing the funding sources used to finance the business;

41.19 (7) a list of operating and investment accounts for the business, including any applicable
41.20 financial institution and account number; and

41.21 (8) a list of each outstanding loan and financial obligation obtained for use in the business,
41.22 including the loan amount, loan terms, and name and address of the creditor.

41.23 (c) An application may include:

41.24 (1) proof that the applicant is a social equity applicant;

41.25 (2) a description of the training and education that will be provided to any employee;

41.26 or

41.27 (3) a copy of business policies governing operations to ensure compliance with this
41.28 chapter.

41.29 (d) Commitments made by an applicant in its application, including but not limited to
41.30 the maintenance of a labor peace agreement, shall be an ongoing material condition of
41.31 maintaining and renewing the license.

42.1 (e) An application on behalf of a corporation or association shall be signed by at least
42.2 two officers or managing agents of that entity.

42.3 (f) The office may, by rule, establish exceptions to the disclosures required under
42.4 paragraph (b) for members of a cooperative who hold less than a five percent ownership
42.5 interest in the cooperative.

42.6 Subd. 2. **Application; process.** (a) An applicant must submit all required information
42.7 to the office on the forms and in the manner prescribed by the office.

42.8 (b) If the office receives an application that fails to provide the required information,
42.9 the office shall issue a deficiency notice to the applicant. The applicant shall have ten
42.10 business days from the date of the deficiency notice to submit the required information.

42.11 (c) Failure by an applicant to submit all required information will result in the application
42.12 being rejected.

42.13 (d) Upon receipt of a completed application and fee, the office shall forward a copy of
42.14 the application to the local unit of government in which the business operates or intends to
42.15 operate with a form for certification as to whether a proposed cannabis business complies
42.16 with local zoning ordinances and, if applicable, whether the proposed business complies
42.17 with the state fire code and building code.

42.18 (e) Within 90 days of receiving a completed application and the results of any required
42.19 criminal history check, the office shall issue the appropriate license or send the applicant a
42.20 notice of rejection setting forth specific reasons that the office did not approve the application.

42.21 Sec. 15. **[342.15] ADULT-USE CANNABIS BUSINESS; CRIMINAL HISTORY**
42.22 **CHECK AND DISQUALIFICATIONS.**

42.23 Subdivision 1. **Criminal history check.** (a) Upon request by the office, every license
42.24 applicant or, in the case of a business entity, every cooperative member or director, manager,
42.25 and general partner of the business entity, for a cannabis business license, or in the case of
42.26 a business entity, every cooperative member or director, manager, and general partner of
42.27 the business entity, and prospective cannabis worker must submit a completed criminal
42.28 history records check consent form, a full set of classifiable fingerprints, and the required
42.29 fees to the office. Upon receipt of this information, the office must submit the completed
42.30 criminal history records check consent form, full set of classifiable fingerprints, and required
42.31 fees to the Bureau of Criminal Apprehension. After receiving this information, the bureau
42.32 must conduct a Minnesota criminal history records check of the license applicant or
42.33 prospective cannabis worker. The bureau may exchange a license applicant's or prospective

43.1 cannabis worker's fingerprints with the Federal Bureau of Investigation to obtain the license
43.2 applicant's or prospective cannabis worker's national criminal history record information.
43.3 The bureau must return the results of the Minnesota and federal criminal history records
43.4 checks to the office to determine if the license applicant or prospective cannabis worker is
43.5 disqualified under rules adopted pursuant to this section.

43.6 (b) The office may, by rule, establish exceptions to the requirement under paragraph (a)
43.7 for members of a cooperative who hold less than a five percent ownership interest in the
43.8 cooperative.

43.9 Subd. 2. **Criminal offenses; disqualifications.** The office may by rule determine whether
43.10 any felony convictions shall disqualify a person from holding or receiving a cannabis
43.11 business license issued under this chapter or working for a cannabis business, and the length
43.12 of any such disqualification. In adopting rules pursuant to this subdivision, the office shall
43.13 not disqualify a person for a violation of section 152.025.

43.14 Subd. 3. **Risk of harm; set aside.** The office may set aside a disqualification under
43.15 subdivision 2 if the office finds that the person has submitted sufficient information to
43.16 demonstrate that the person does not pose a risk of harm to any person served by the
43.17 applicant, license holder, or other entities as provided in this chapter.

43.18 Subd. 4. **Exception.** The background check requirements and disqualifications under
43.19 this section do not apply to an applicant for a hemp business license or to hemp workers.

43.20 Sec. 16. **[342.16] CANNABIS BUSINESSES; GENERAL OWNERSHIP**
43.21 **DISQUALIFICATIONS AND REQUIREMENTS.**

43.22 (a) A license holder or applicant must meet each of the following requirements, if
43.23 applicable, to hold or receive a cannabis license issued under this chapter:

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

43.25 (2) have completed an application for licensure or application for renewal;

43.26 (3) have paid the applicable application fee and license fee;

43.27 (4) if the applicant or license holder is a business entity, be incorporated in the state or
43.28 otherwise formed or organized under the laws of the state;

43.29 (5) not be employed by the office or any state agency with regulatory authority under
43.30 this chapter or the rules adopted pursuant to this chapter;

43.31 (6) not be a licensed peace officer, as defined in section 626.84, subdivision 1, paragraph
43.32 (c);

- 44.1 (7) never have had a license previously issued under this chapter revoked;
- 44.2 (8) have filed any previously required tax returns for a cannabis business;
- 44.3 (9) have paid and remitted any business taxes, gross receipts taxes, interest, or penalties
- 44.4 due relating to the operation of a cannabis business;
- 44.5 (10) have fully and truthfully complied with all information requests of the office relating
- 44.6 to license application and renewal;
- 44.7 (11) not be disqualified under section 342.15;
- 44.8 (12) not employ an individual who is disqualified from working for a cannabis business
- 44.9 under this chapter; and
- 44.10 (13) meet the ownership and operational requirements for the type of license and, if
- 44.11 applicable, endorsement sought or held.
- 44.12 (b) A health care practitioner who certifies qualifying medical conditions for patients is
- 44.13 prohibited from:
- 44.14 (1) holding a direct or indirect economic interest in a cannabis business;
- 44.15 (2) serving as a cooperative member, director, manager, general partner, or employee
- 44.16 of a cannabis business; or
- 44.17 (3) advertising with a cannabis business in any way.
- 44.18 (c) If the license holder or applicant is a business entity, every officer, director, manager,
- 44.19 and general partner of the business entity must meet each of the requirements of this section.
- 44.20 (d) The ownership disqualifications and requirements under this section do not apply to
- 44.21 a hemp business license holder or applicant.

44.22 **Sec. 17. [342.17] SOCIAL EQUITY APPLICANTS.**

- 44.23 (a) An applicant qualifies as a social equity applicant if the applicant:
- 44.24 (1) was convicted of an offense involving the possession or sale of cannabis or marijuana
- 44.25 prior to May 1, 2023;
- 44.26 (2) had a parent, guardian, child, spouse, or dependent who was convicted of an offense
- 44.27 involving the possession or sale of cannabis or marijuana prior to May 1, 2023;
- 44.28 (3) was a dependent of an individual who was convicted of an offense involving the
- 44.29 possession or sale of cannabis or marijuana prior to May 1, 2023;

45.1 (4) is a service-disabled veteran, current or former member of the national guard, or any
45.2 military veteran or current or former member of the national guard who lost honorable status
45.3 due to an offense involving the possession or sale of marijuana;

45.4 (5) has been a resident for the last five years of one or more subareas, such as census
45.5 tracts or neighborhoods, that experienced a disproportionately large amount of cannabis
45.6 enforcement as determined by the study conducted by the office pursuant to section 342.04,
45.7 paragraph (b), and reported in the preliminary report, final report, or both;

45.8 (6) is an emerging farmer as defined in section 17.055, subdivision 1; or

45.9 (7) has been a resident for the last five years of one or more census tracts where, as
45.10 reported in the most recently completed decennial census published by the United States
45.11 Bureau of the Census, either:

45.12 (i) the poverty rate was 20 percent or more; or

45.13 (ii) the median family income did not exceed 80 percent of statewide median family
45.14 income or, if in a metropolitan area, did not exceed the greater of 80 percent of the statewide
45.15 median family income or 80 percent of the median family income for that metropolitan
45.16 area.

45.17 (b) The qualifications described in paragraph (a) apply to each individual applicant or,
45.18 in the case of a business entity, every cooperative member or director, manager, and general
45.19 partner of the business entity.

45.20 **Sec. 18. [342.18] LICENSE SELECTION CRITERIA.**

45.21 Subdivision 1. **Market stability.** The office shall issue the necessary number of licenses
45.22 in order to ensure the sufficient supply of cannabis flower and cannabis products to meet
45.23 demand, provide market stability, ensure a competitive market, and limit the sale of
45.24 unregulated cannabis flower and cannabis products.

45.25 Subd. 2. **Vertical integration prohibited; exceptions.** (a) Except as otherwise provided
45.26 in this subdivision, the office shall not issue licenses to a single applicant that would result
45.27 in the applicant being vertically integrated in violation of the provisions of this chapter.

45.28 (b) Nothing in this section prohibits or limits the issuance of microbusiness licenses or
45.29 mezzobusiness licenses, or the issuance of both lower-potency hemp edible manufacturer
45.30 and lower-potency hemp edible retailer licenses to the same person or entity.

45.31 Subd. 3. **Application score; license priority.** (a) The office shall award points to each
45.32 completed application for a license to operate a cannabis business in the following categories:

46.1 (1) status as a social equity applicant or as an applicant who is substantially similar to
46.2 a social equity applicant as described in paragraph (c);

46.3 (2) status as a veteran or retired national guard applicant who does not meet the definition
46.4 of social equity applicant;

46.5 (3) security and record keeping;

46.6 (4) employee training plan;

46.7 (5) business plan and financial situation;

46.8 (6) labor and employment practices;

46.9 (7) knowledge and experience; and

46.10 (8) environmental plan.

46.11 (b) The office may award additional points to an application if the license holder would
46.12 expand service to an underrepresented market, including but not limited to participation in
46.13 the medical cannabis program.

46.14 (c) The office shall establish application materials permitting individual applicants to
46.15 demonstrate the impact that cannabis prohibition has had on that applicant, including but
46.16 not limited to the arrest or imprisonment of the applicant or a member of the applicant's
46.17 immediate family, and the office may award points to such applicants in the same manner
46.18 as points are awarded to social equity applicants.

46.19 (d) The office shall establish policies and guidelines, which must be made available to
46.20 the public, regarding the number of points available in each category and the basis for
46.21 awarding those points. Status as a social equity applicant must account for at least 20 percent
46.22 of the total available points. In determining the number of points to award to a cooperative
46.23 or business applying as a social equity applicant, the office shall consider the number or
46.24 ownership percentage of cooperative members, officers, directors, managers, and general
46.25 partners who qualify as social equity applicants.

46.26 (e) Consistent with the goals identified in subdivision 1, the office shall issue licenses
46.27 in each license category, giving priority to applicants who receive the highest score under
46.28 paragraphs (a) and (b). If there are insufficient licenses available for entities that receive
46.29 identical scores, the office shall utilize a lottery to randomly select license recipients from
46.30 among those entities.

47.1 **Sec. 19. [342.19] INSPECTION; LICENSE VIOLATIONS; PENALTIES.**

47.2 **Subdivision 1. Authority to inspect.** (a) In order to carry out the purposes of this chapter,
47.3 the office, upon presenting appropriate credentials to the owner, operator, or agent in charge,
47.4 is authorized to:

47.5 (1) enter any cannabis business or hemp business without delay and at reasonable times;

47.6 (2) inspect and investigate during regular working hours and at other reasonable times,
47.7 within reasonable limits and in a reasonable manner, any cannabis business or hemp business
47.8 and all relevant conditions, equipment, records, and materials therein; and

47.9 (3) question privately any employer, owner, operator, agent, or employee of a cannabis
47.10 business or hemp business.

47.11 (b) An employer, owner, operator, agent, or employee must not refuse the office entry
47.12 or otherwise deter or prohibit the office from taking action under paragraph (a).

47.13 **Subd. 2. Powers of office.** (a) In making inspections and investigations under this chapter,
47.14 the office shall have the power to administer oaths, certify as to official acts, take and cause
47.15 to be taken depositions of witnesses, issue subpoenas, and compel the attendance of witnesses
47.16 and production of papers, books, documents, records, and testimony. In case of failure of
47.17 any person to comply with any subpoena lawfully issued, or on the refusal of any witness
47.18 to produce evidence or to testify to any matter regarding which the person may be lawfully
47.19 interrogated, the district court shall, upon application of the office, compel obedience
47.20 proceedings for contempt, as in the case of disobedience of the requirements of a subpoena
47.21 issued by the court or a refusal to testify therein.

47.22 (b) If the office finds probable cause to believe that any cannabis plant, cannabis flower,
47.23 cannabis product, artificially derived cannabinoid, lower-potency hemp edible, or
47.24 hemp-derived consumer product is being distributed in violation of this chapter or rules
47.25 adopted under this chapter, the office shall affix to the item a tag, withdrawal from
47.26 distribution order, or other appropriate marking providing notice that the cannabis plant,
47.27 cannabis flower, cannabis product, artificially derived cannabinoid, lower-potency hemp
47.28 edible, or hemp-derived consumer product is, or is suspected of being, distributed in violation
47.29 of this chapter, and has been detained or embargoed, and warning all persons not to remove
47.30 or dispose of the item by sale or otherwise until permission for removal or disposal is given
47.31 by the office or the court. It is unlawful for a person to remove or dispose of detained or
47.32 embargoed cannabis plant, cannabis flower, cannabis product, artificially derived
47.33 cannabinoid, lower-potency hemp edible, or hemp-derived consumer product by sale or

48.1 otherwise without the office's or a court's permission and each transaction is a separate
48.2 violation of this section.

48.3 (c) If any cannabis plant, cannabis flower, cannabis product, artificially derived
48.4 cannabinoid, lower-potency hemp edible, or hemp-derived consumer product has been
48.5 found by the office to be in violation of this chapter, the office shall petition the district
48.6 court in the county in which the item is detained or embargoed for an order and decree for
48.7 the condemnation of the item. The office shall release the cannabis plant, cannabis flower,
48.8 cannabis product, artificially derived cannabinoid, lower-potency hemp edible, or
48.9 hemp-derived consumer product when this chapter and rules adopted under this chapter
48.10 have been complied with or the item is found not to be in violation of this chapter or rules
48.11 adopted under this chapter.

48.12 (d) If the court finds that the detained or embargoed cannabis plant, cannabis flower,
48.13 cannabis product, artificially derived cannabinoid, lower-potency hemp edible, or
48.14 hemp-derived consumer product is in violation of this chapter or rules adopted under this
48.15 chapter, the following remedies are available:

48.16 (1) after entering a decree, the cannabis plant, cannabis flower, cannabis product,
48.17 artificially derived cannabinoid, lower-potency hemp edible, or hemp-derived consumer
48.18 product may be destroyed at the expense of the claimant under the supervision of the office,
48.19 and all court costs, fees, storage, and other proper expenses must be assessed against the
48.20 claimant of the cannabis plant, cannabis flower, cannabis product, artificially derived
48.21 cannabinoid, lower-potency hemp edible, or hemp-derived consumer product or the claimant's
48.22 agent; and

48.23 (2) if the violation can be corrected by proper labeling or processing of the cannabis
48.24 plant, cannabis flower, cannabis product, artificially derived cannabinoid, lower-potency
48.25 hemp edible, or hemp-derived consumer product, the court, after entry of the decree and
48.26 after costs, fees, and expenses have been paid, and a good and sufficient bond conditioned
48.27 that the cannabis plant, cannabis flower, cannabis product, artificially derived cannabinoid,
48.28 lower-potency hemp edible, or hemp-derived consumer product must be properly labeled
48.29 or processed has been executed, may by order direct that the cannabis plant, cannabis flower,
48.30 cannabis product, artificially derived cannabinoid, lower-potency hemp edible, or
48.31 hemp-derived consumer product be delivered to the claimant for proper labeling or processing
48.32 under the supervision of the office. The office's supervision expenses must be paid by the
48.33 claimant. The cannabis plant, cannabis flower, cannabis product, artificially derived
48.34 cannabinoid, lower-potency hemp edible, or hemp-derived consumer product must be
48.35 returned to the claimant and the bond must be discharged on representation to the court by

49.1 the office that the cannabis plant, cannabis flower, cannabis product, artificially derived
49.2 cannabinoid, lower-potency hemp edible, or hemp-derived consumer product is no longer
49.3 in violation and that the office's supervision expenses have been paid.

49.4 (e) If the office finds in any room, building, piece of equipment, vehicle of transportation,
49.5 or other structure any cannabis plant, cannabis flower, cannabis product, artificially derived
49.6 cannabinoid, lower-potency hemp edible, or hemp-derived consumer product that is unsound
49.7 or contains any filthy, decomposed, or putrid substance, or that may be poisonous or
49.8 deleterious to health or otherwise unsafe, the office shall condemn or destroy the item or
49.9 in any other manner render the item as unsalable, and no one has any cause of action against
49.10 the office on account of the office's action.

49.11 (f) The office may enter into an agreement with the commissioner of agriculture to
49.12 analyze and examine samples or other articles furnished by the office for the purpose of
49.13 determining whether the sample or article violates this chapter or rules adopted under this
49.14 chapter. A copy of the examination or analysis report for any such article, duly authenticated
49.15 under oath by the laboratory analyst making the determination or examination, shall be
49.16 prima facie evidence in all courts of the matters and facts contained in the report.

49.17 Subd. 3. **Aiding of inspection.** Subject to rules issued by the office, a representative of
49.18 a cannabis business or hemp business shall be given an opportunity to accompany the office
49.19 during the physical inspection of any cannabis business or hemp business for the purpose
49.20 of aiding such inspection.

49.21 Subd. 4. **Complaints and reports; priority of inspection.** (a) The office may conduct
49.22 inspections of any licensed cannabis business or hemp business at any time to ensure
49.23 compliance with the ownership and operation requirements of this chapter.

49.24 (b) Any person may report a suspected violation of a safety or health standard. If upon
49.25 receipt of such notification the office determines that there are reasonable grounds to believe
49.26 that such violation or danger exists, the office shall make a special inspection as soon as
49.27 practicable to determine if such danger or violation exists.

49.28 (c) The office shall prioritize inspections of cannabis businesses and hemp businesses
49.29 where there are reasonable grounds to believe that a violation poses imminent danger to the
49.30 public or customers. Inspections must take place within one business day of the receipt of
49.31 a credible report.

49.32 (d) The office shall promptly inspect cannabis businesses and hemp businesses that are
49.33 the subject of complaint by a local unit of government.

50.1 Subd. 5. **Violations; administrative orders and penalties.** (a) The office may issue an
50.2 administrative order to any licensed cannabis business or hemp business that the office
50.3 determines has committed a violation of this chapter or rules adopted pursuant to this chapter.
50.4 The administrative order may require the business to correct the violation or to cease and
50.5 desist from committing the violation. The order must state the deficiencies that constitute
50.6 the violation and the time by which the violation must be corrected. If the business believes
50.7 that the information in the administrative order is in error, the business may ask the office
50.8 to consider the parts of the order that are alleged to be in error. The request must be in
50.9 writing, delivered to the office by certified mail within seven days after receipt of the order,
50.10 and provide documentation to support the allegation of error. The office must respond to a
50.11 request for reconsideration within 15 days after receiving the request. A request for
50.12 reconsideration does not stay the correction order unless the office issues a supplemental
50.13 order granting additional time. The office's disposition of a request for reconsideration is
50.14 final.

50.15 (b) For each violation of this chapter or rules adopted pursuant to this chapter, the office
50.16 may issue to each cannabis business or hemp business a monetary penalty of up to \$10,000,
50.17 an amount that deprives the business of any economic advantage gained by the violation,
50.18 or both.

50.19 (c) An administrative penalty may be recovered in a civil action in the name of the state
50.20 brought in the district court of the county where the violation is alleged to have occurred
50.21 or the district court where the office is housed.

50.22 (d) In addition to penalties listed in this subdivision, a person or business who violates
50.23 the provisions of this chapter is subject to any applicable criminal penalty.

50.24 **Sec. 20. [342.20] DATA PRACTICES.**

50.25 Subdivision 1. **Not public data.** The following data collected, created, or maintained
50.26 by the office are classified as nonpublic data, as defined by section 13.02, subdivision 9, or
50.27 as private data on individuals, as defined by section 13.02, subdivision 12:

50.28 (1) application data submitted by an applicant for a cannabis business license or hemp
50.29 business license, other than the data listed in subdivision 2;

50.30 (2) the identity of a complainant who has made a report concerning a license holder or
50.31 an applicant that appears in inactive investigative data unless the complainant consents to
50.32 the disclosure;

51.1 (3) data identifying retail or wholesale customers of a cannabis business or hemp business;
51.2 and

51.3 (4) data identifying cannabis workers or hemp workers.

51.4 Subd. 2. **Public data on license applicants.** (a) The following application data submitted
51.5 by an applicant for a cannabis business license or hemp business license are public data:

51.6 (1) the applicant's name and designated address;

51.7 (2) data disclosing the ownership and control of the applicant;

51.8 (3) proof of trade name registration;

51.9 (4) data showing the legal possession of the premises where the business will operate;

51.10 (5) data describing whether volatile chemicals will be used in any methods of extraction
51.11 or concentration;

51.12 (6) environmental plans;

51.13 (7) the type and number of other cannabis business licenses or hemp business licenses
51.14 held by the applicant; and

51.15 (8) the name, address, location, dates, and hours of where any proposed cannabis event
51.16 will take place.

51.17 (b) Scoring and other data generated by the office in its review of an applicant for a
51.18 cannabis business license or hemp business license are public data.

51.19 Subd. 3. **Public application data on license holders.** Once an applicant for a cannabis
51.20 business license or hemp business license becomes a license holder, all of the application
51.21 data that the license holder had previously submitted to the office are public data except
51.22 that the following data remain classified as nonpublic data or private data on individuals:

51.23 (1) data identifying retail or wholesale customers of a cannabis business or hemp business;

51.24 (2) data identifying cannabis workers or hemp workers;

51.25 (3) tax returns, bank account statements, and other financial account information;

51.26 (4) business plans; and

51.27 (5) data classified as nonpublic data or private data on individuals by chapter 13 or other
51.28 applicable law.

51.29 Subd. 4. **Civil investigative data.** Data collected or maintained by the office as part of
51.30 an active investigation undertaken for the purpose of the commencement or defense of a

52.1 pending civil legal action, or that are retained in anticipation of a pending civil legal action,
52.2 must be subject to section 13.39.

52.3 Subd. 5. **Data practices administration.** (a) The office must establish written procedures
52.4 to ensure that only individuals authorized by law may enter, update, or access data maintained
52.5 by the office and classified as nonpublic or private data on individuals. An authorized
52.6 individual's ability to enter, update, or access not public data must correspond to the official
52.7 duties or training level of the individual and to the statutory authorization granting access
52.8 for that purpose. All queries and responses, and all actions in which not public data are
52.9 entered, updated, accessed, shared, or disseminated, must be recorded in a data audit trail.
52.10 Data contained in the audit trail have the same classification as the underlying data tracked
52.11 by the audit trail.

52.12 (b) The office must not share data classified as nonpublic or private data on individuals
52.13 under this section or other data identifying an individual applicant or license holder with
52.14 any federal agency, federal department, or federal entity unless specifically ordered to do
52.15 so by a state or federal court.

52.16 (c) The office must arrange for an independent audit to verify compliance with this
52.17 section. The audit must be completed annually for the first two years following establishment
52.18 of the office and biennially thereafter. The results of the audit are public. No later than 30
52.19 days following completion of the audit, the office must provide a report summarizing the
52.20 audit results to the chairs and ranking minority members of the committees and divisions
52.21 of the house of representatives and the senate with jurisdiction over commerce and data
52.22 practices, and the Legislative Commission on Data Practices and Personal Data Privacy.
52.23 The report must be submitted as required under section 3.195, except that printed copies
52.24 are not required.

52.25 Sec. 21. **[342.21] LICENSE SUSPENSION OR REVOCATION; HEARING.**

52.26 Subdivision 1. **License revocation and nonrenewal.** The office may revoke or not
52.27 renew a license when the office has cause to believe that a cannabis business or hemp
52.28 business has violated an ownership or operational requirement in this chapter or rules adopted
52.29 pursuant to this chapter. The office must notify the license holder in writing, specifying the
52.30 grounds for revocation or nonrenewal and fixing a time of at least 20 days thereafter for a
52.31 hearing on the matter.

52.32 Subd. 2. **Hearing; written findings.** (a) Before the office revokes or does not renew a
52.33 license, the office must provide the license holder with a statement of the complaints made
52.34 against the license holder, and the office must hold a hearing to determine whether the office

53.1 should revoke the license or deny renewal of the license. The license holder shall receive
53.2 notice at least 20 days before the date of the hearing and notice may be served either by
53.3 certified mail addressed to the address of the license holder as shown in the license
53.4 application or in the manner provided by law for the service of a summons. At the time and
53.5 place fixed for the hearing, the office, or any office employee or agent authorized by the
53.6 office to conduct the hearing, shall receive evidence, administer oaths, and examine witnesses.

53.7 (b) After the hearing held pursuant to paragraph (a), or upon the failure of the license
53.8 holder to appear at the hearing, the office must take action as is deemed advisable and issue
53.9 written findings that the office must mail to the license holder. An action of the office under
53.10 this paragraph is subject to judicial review pursuant to chapter 14.

53.11 Subd. 3. **Temporary suspension.** The office may temporarily, without hearing, suspend
53.12 the license and operating privilege of any business licensed under this chapter for up to 90
53.13 days if continuing the operation of the business would threaten the health or safety of any
53.14 person. The office may extend the period for an additional 90 days if the office notified the
53.15 business that the office intends to revoke or not renew a license and the hearing required
53.16 under subdivision 2 has not taken place.

53.17 Sec. 22. **[342.22] RETAILERS; LOCAL REGISTRATION AND ENFORCEMENT.**

53.18 Subdivision 1. **Registration required.** Before making retail sales to customers or patients,
53.19 a cannabis microbusiness with a retail operations endorsement, cannabis mezzobusiness
53.20 with a retail operations endorsement, cannabis retailer, medical cannabis retailer, medical
53.21 cannabis combination business, or lower-potency hemp edible retailer must register with
53.22 the city, town, or county in which the retail establishment is located. A county may issue a
53.23 registration in cases where a city or town has provided consent for the county to issue the
53.24 registration for the jurisdiction.

53.25 Subd. 2. **Registration fee.** (a) A local unit of government may impose an initial retail
53.26 registration fee of \$500 or up to half the amount of the applicable initial license fee under
53.27 section 342.11, whichever is less. The local unit of government may also impose a renewal
53.28 retail registration fee of \$1,000 or up to half the amount of the applicable renewal license
53.29 fee under section 342.11, whichever is less. The initial registration fee shall include the fee
53.30 for initial registration and the first annual renewal. Any renewal fee imposed by the local
53.31 unit of government shall be charged at the time of the second renewal and each subsequent
53.32 annual renewal thereafter.

53.33 (b) The local unit of government may not charge an application fee.

54.1 (c) A cannabis business with a cannabis retailer license and a medical cannabis retailer
54.2 license for the same location may only be charged a single registration fee.

54.3 (d) Registration fees are nonrefundable.

54.4 Subd. 3. **Issuance of registration.** (a) A local unit of government shall issue a retail
54.5 registration to a cannabis microbusiness with a retail operations endorsement, cannabis
54.6 mezzobusiness with a retail operations endorsement, cannabis retailer, medical cannabis
54.7 retailer, or lower-potency hemp edible retailer that:

54.8 (1) has a valid license issued by the office;

54.9 (2) has paid the registration fee or renewal fee pursuant to subdivision 2;

54.10 (3) is found to be in compliance with the requirements of this chapter at any preliminary
54.11 compliance check that the local unit of government performs; and

54.12 (4) if applicable, is current on all property taxes and assessments at the location where
54.13 the retail establishment is located.

54.14 (b) Before issuing a retail registration, the local unit of government may conduct a
54.15 preliminary compliance check to ensure that the cannabis business or hemp business is in
54.16 compliance with the applicable operation requirements and the limits on the types of cannabis
54.17 flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products
54.18 that may be sold.

54.19 (c) A local unit of government shall renew the retail registration of a cannabis business
54.20 or hemp business when the office renews the license of the cannabis business or hemp
54.21 business.

54.22 (d) A retail registration issued under this section may not be transferred.

54.23 Subd. 4. **Compliance checks.** (a) A local unit of government shall conduct compliance
54.24 checks of every cannabis business and hemp business with a retail registration issued by
54.25 the local unit of government. The checks shall assess compliance with age verification
54.26 requirements, the applicable operation requirements, and the applicable limits on the types
54.27 of cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived
54.28 consumer products being sold.

54.29 (b) The local unit of government must conduct unannounced age verification compliance
54.30 checks at least once each calendar year. Age verification compliance checks must involve
54.31 persons at least 17 years of age, but under the age of 21, who, with the prior written consent
54.32 of a parent or guardian if the person is under the age of 18, attempt to purchase adult-use

55.1 cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived
55.2 consumer products under the direct supervision of a law enforcement officer or an employee
55.3 of the local unit of government.

55.4 (c) Checks to ensure compliance with the applicable operation requirements and the
55.5 limits on the types of cannabis flower, cannabis products, lower-potency hemp edibles, and
55.6 hemp-derived consumer products that may be sold must be performed at least once each
55.7 calendar year and may be performed by a law enforcement officer or an employee of the
55.8 local unit of government.

55.9 Subd. 5. **Registration suspension and cancellation; notice to office; penalties.** (a) If
55.10 a local unit of government determines that a cannabis business or hemp business with a
55.11 retail registration issued by the local unit of government is not operating in compliance with
55.12 the requirements of this chapter or that the operation of the business poses an immediate
55.13 threat to the health or safety of the public, the local unit of government may suspend the
55.14 retail registration of the cannabis business or hemp business. The local unit of government
55.15 must immediately notify the office of the suspension and shall include a description of the
55.16 grounds for the suspension.

55.17 (b) The office shall review the retail registration suspension and may order reinstatement
55.18 of the retail registration or take any action described in section 342.19 or 342.21.

55.19 (c) The retail registration suspension must be for up to 30 days unless the office suspends
55.20 the license and operating privilege of the cannabis business or hemp business for a longer
55.21 period or revokes the license.

55.22 (d) The local unit of government may reinstate the retail registration if the local unit of
55.23 government determines that any violation has been cured. The local unit of government
55.24 must reinstate the retail registration if the office orders reinstatement.

55.25 (e) No cannabis microbusiness with a retail operations endorsement, cannabis
55.26 mezzobusiness with a retail operations endorsement, cannabis retailer, medical cannabis
55.27 retailer, medical cannabis combination business, or lower-potency hemp edible retailer may
55.28 make any sale to a customer or patient without a valid retail registration. A local unit of
55.29 government may impose a civil penalty of up to \$2,000 for each violation of this paragraph.

55.30 Sec. 23. **[342.23] CANNABIS BUSINESSES AND HEMP BUSINESSES; GENERAL**
55.31 **OPERATIONAL REQUIREMENTS.**

55.32 Subdivision 1. **Records.** (a) Cannabis businesses and hemp businesses must retain
55.33 financial records for the current and previous tax years at the primary business location and

56.1 must make those records available for inspection by the office at any time during regular
56.2 business hours.

56.3 (b) When applicable, a cannabis business or hemp business must maintain financial
56.4 records for the previous ten tax years and must make those records available for inspection
56.5 within one business day of receiving a request for inspection by the office.

56.6 (c) The office may require a cannabis business or hemp business to submit to an audit
56.7 of its business records. The office may select or approve the auditor and the cannabis business
56.8 or hemp business must provide the auditor with access to all business records. The cost of
56.9 the audit must be paid by the cannabis business or hemp business.

56.10 Subd. 2. **Diversity report.** Cannabis businesses and hemp businesses shall provide an
56.11 annual report on the status of diversity in the business ownership, management, and
56.12 employment and in services for which the business contracts.

56.13 Subd. 3. **Disposal; loss documentation.** (a) Cannabis businesses and hemp businesses
56.14 must dispose of cannabis plants, cannabis flower, cannabis products, artificially derived
56.15 cannabinoids, lower-potency hemp edibles, and hemp-derived consumer products that are
56.16 damaged, have a broken seal, have been contaminated, or have not been sold by the expiration
56.17 date on the label.

56.18 (b) Disposal must be conducted in a manner approved by the office.

56.19 (c) Disposal of any cannabis plants, cannabis flower, cannabis products, artificially
56.20 derived cannabinoids, and hemp-derived consumer products that are required to be entered
56.21 into the statewide monitoring system must be documented in the statewide monitoring
56.22 system.

56.23 (d) Loss or theft of any cannabis plants, cannabis flower, cannabis products, artificially
56.24 derived cannabinoids, or hemp-derived consumer products that are required to be entered
56.25 into the statewide monitoring system must be reported to local law enforcement and a
56.26 business must log any such loss or theft in the statewide monitoring system as soon as the
56.27 loss or theft is discovered.

56.28 Subd. 4. **Sale of approved products.** Cannabis businesses and hemp businesses may
56.29 only sell cannabis plants, cannabis flower, cannabis products, artificially derived
56.30 cannabinoids, lower-potency hemp edibles, and hemp-derived consumer products that are
56.31 a product category approved by the office and that comply with this chapter and rules
56.32 adopted pursuant to this chapter regarding the testing, packaging, and labeling of cannabis

57.1 plants, cannabis flower, cannabis products, artificially derived cannabinoids, lower-potency
57.2 hemp edibles, and hemp-derived consumer products.

57.3 Subd. 5. **Financial relationship.** (a) Except for the lawful sale of cannabis plants,
57.4 cannabis flower, cannabis products, artificially derived cannabinoids, lower-potency hemp
57.5 edibles, and hemp-derived consumer products in the ordinary course of business and as
57.6 otherwise provided in this subdivision, no cannabis business or hemp business may offer,
57.7 give, accept, receive, or borrow money or anything else of value or accept or receive credit
57.8 from any other cannabis business. This prohibition applies to offering or receiving a benefit
57.9 in exchange for preferential placement by a retailer, including preferential placement on
57.10 the retailer's shelves, display cases, or website. This prohibition applies to every cooperative
57.11 member or every director, manager, and general partner of a cannabis business or hemp
57.12 business.

57.13 (b) This prohibition does not apply to merchandising credit in the ordinary course of
57.14 business for a period not to exceed 30 days.

57.15 (c) This prohibition does not apply to free samples of usable cannabis flower, cannabis
57.16 products, lower-potency hemp edibles, or hemp-derived consumer products packaged in a
57.17 sample jar protected by a plastic or metal mesh screen to allow customers to smell the
57.18 cannabis flower, cannabis product, lower-potency hemp edible, or hemp-derived consumer
57.19 product before purchase. A sample jar may not contain more than eight grams of usable
57.20 cannabis flower, more than eight grams of a cannabis concentrate, an edible cannabis product
57.21 infused with more than 100 milligrams of tetrahydrocannabinol, a lower-potency hemp
57.22 edible infused with more than 50 milligrams of tetrahydrocannabinol, or a hemp-derived
57.23 consumer product with a total weight of more than eight grams.

57.24 (d) This prohibition does not apply to free samples of cannabis flower, cannabis products,
57.25 lower-potency hemp edibles, or hemp-derived consumer products provided to a retailer or
57.26 cannabis wholesaler for the purposes of quality control and to allow retailers to determine
57.27 whether to offer a product for sale. A sample provided for these purposes may not contain
57.28 more than eight grams of usable cannabis flower, more than eight grams of a cannabis
57.29 concentrate, an edible cannabis product infused with more than 100 milligrams of
57.30 tetrahydrocannabinol, a lower-potency hemp edible infused with more than 50 milligrams
57.31 of tetrahydrocannabinol, or a hemp-derived consumer product with a total weight of more
57.32 than eight grams.

57.33 (e) This prohibition does not apply to any fee charged by a licensed cannabis event
57.34 organizer to a cannabis business or hemp business for participation in a cannabis event.

58.1 Subd. 6. **Customer privacy.** Cannabis businesses and hemp businesses must not share
58.2 data on retail or wholesale customers with any federal agency, federal department, or federal
58.3 entity unless specifically ordered by a state or federal court.

58.4 Sec. 24. **[342.24] CANNABIS BUSINESSES; GENERAL OPERATIONAL**
58.5 **REQUIREMENTS AND PROHIBITIONS.**

58.6 Subdivision 1. **Individuals under 21 years of age.** (a) A cannabis business may not
58.7 employ an individual under 21 years of age and may not contract with an individual under
58.8 21 years of age if the individual's scope of work involves the handling of cannabis plants,
58.9 cannabis flower, artificially derived cannabinoids, or cannabinoid products.

58.10 (b) A cannabis business may not permit an individual under 21 years of age to enter the
58.11 business premises other than entry by a patient enrolled in the registry program.

58.12 (c) A cannabis business may not sell or give cannabis flower, cannabis products,
58.13 lower-potency hemp edibles, or hemp-derived consumer products to an individual under
58.14 21 years of age unless the individual is a patient; registered designated caregiver; or a parent,
58.15 legal guardian, or spouse of a patient who is authorized to use, possess, or transport medical
58.16 cannabis flower or medical cannabinoid products.

58.17 Subd. 2. **Use of cannabis flower and products within a licensed cannabis business.** (a)
58.18 A cannabis business may not permit an individual who is not an employee to consume
58.19 cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer
58.20 products within its licensed premises unless the business is licensed to permit on-site
58.21 consumption.

58.22 (b) Except as otherwise provided in this subdivision, a cannabis business may not permit
58.23 an employee to consume cannabis flower, cannabis products, lower-potency hemp edibles,
58.24 or hemp-derived consumer products within its licensed premises or while the employee is
58.25 otherwise engaged in activities within the course and scope of employment.

58.26 (c) A cannabis business may permit an employee to use medical cannabis flower and
58.27 medical cannabinoid products if that individual is a patient.

58.28 (d) For quality control, employees of a licensed cannabis business may sample cannabis
58.29 flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products.
58.30 Employees may not interact directly with customers for at least three hours after sampling
58.31 a product. Employees may not consume more than three samples in a single 24-hour period.
58.32 All samples must be recorded in the statewide monitoring system.

59.1 Subd. 3. **Restricted access.** (a) Except as otherwise provided in this subdivision, a
59.2 cannabis business may not permit any individual to enter a restricted area unless the cannabis
59.3 business records the individual's name, time of entry, time of exit, and authorization to enter
59.4 the restricted area through the use of an electronic or manual entry log and the individual:

59.5 (1) is a cannabis worker employed by or contracted with the cannabis business;

59.6 (2) is an employee of the office or another enforcement agency;

59.7 (3) is a contractor of the cannabis business, including but not limited to an electrician,
59.8 a plumber, an engineer, or an alarm technician, whose scope of work will not involve the
59.9 handling of cannabis flower, cannabis products, or hemp-derived consumer products and,
59.10 if the individual is working in an area with immediate access to cannabis flower, cannabis
59.11 products, or hemp-derived consumer products, the individual is supervised at all times by
59.12 a cannabis worker employed by or contracted with the cannabis business; or

59.13 (4) has explicit authorization from the office to enter a restricted area and, if the individual
59.14 is in an area with immediate access to cannabis flower, cannabis products, or hemp-derived
59.15 consumer products, the individual is supervised at all times by a cannabis worker employed
59.16 by or contracted with the cannabis business.

59.17 (b) A cannabis business shall ensure that all areas of entry to restricted areas within its
59.18 licensed premises are conspicuously marked and cannot be entered without recording the
59.19 individual's name, time of entry, time of exit, and authorization to enter the restricted area.

59.20 Subd. 4. **Ventilation and filtration.** A cannabis business must maintain a ventilation
59.21 and filtration system sufficient to meet the requirements for odor control established by the
59.22 office.

59.23 Subd. 5. **Use of statewide monitoring system.** (a) A cannabis business must use the
59.24 statewide monitoring system for integrated cannabis tracking, inventory, and verification
59.25 to track all cannabis plants, cannabis flower, cannabis products, and hemp-derived consumer
59.26 products the cannabis business has in its possession to the point of disposal, transfer, or
59.27 sale.

59.28 (b) For the purposes of this subdivision, a cannabis business possesses the cannabis
59.29 plants and cannabis flower that the business cultivates from seed or immature plant, if
59.30 applicable, or receives from another cannabis business, and possesses the cannabis products
59.31 and hemp-derived consumer products that the business manufactures or receives from
59.32 another cannabis business.

60.1 (c) Sale and transfer of cannabis plants, cannabis flower, cannabis products, and
60.2 hemp-derived consumer products must be recorded in the statewide monitoring system
60.3 within the time established by rule.

60.4 Subd. 6. **Security.** A cannabis business must maintain and follow a security plan to deter
60.5 and prevent the theft or diversion of cannabis plants, cannabis flower, cannabis products,
60.6 or hemp-derived consumer products; unauthorized entry into the cannabis business; and the
60.7 theft of currency.

60.8 Subd. 7. **Remuneration.** A cannabis business is prohibited from:

60.9 (1) accepting or soliciting any form of remuneration from a health care practitioner who
60.10 certifies qualifying medical conditions for patients; or

60.11 (2) offering any form of remuneration to a health care practitioner who certifies qualifying
60.12 medical conditions for patients.

60.13 Subd. 8. **Exclusions.** The requirements under this section do not apply to hemp
60.14 businesses.

60.15 Subd. 9. **Exclusive contracts.** A cannabis business may not directly or indirectly make
60.16 an agreement with a cannabis retailer that binds the cannabis retailer to purchase the products
60.17 of one cannabis cultivator or cannabis manufacturer to the exclusion of the products of other
60.18 cannabis cultivators or cannabis manufacturers. A cannabis retailer who is a party to a
60.19 violation of this section or who receives the benefits of a violation is equally guilty of a
60.20 violation.

60.21 Sec. 25. **[342.25] CULTIVATION OF CANNABIS; GENERAL REQUIREMENTS.**

60.22 Subdivision 1. **Applicability.** Every cannabis business with a license or endorsement
60.23 authorizing the cultivation of cannabis must comply with the requirements of this section.

60.24 Subd. 2. **Cultivation records.** A business licensed or authorized to cultivate cannabis
60.25 must prepare a cultivation record for each batch of cannabis plants and cannabis flower in
60.26 the form required by the office and must maintain each record for at least five years. The
60.27 cultivation record must include the quantity and timing, where applicable, of each pesticide,
60.28 fertilizer, soil amendment, or plant amendment used to cultivate the batch, as well as any
60.29 other information required by the office in rule. The cannabis business must present
60.30 cultivation records to the office, the commissioner of agriculture, or the commissioner of
60.31 health upon request.

61.1 Subd. 3. **Agricultural chemicals and other inputs.** A business licensed or authorized
61.2 to cultivate cannabis is subject to rules promulgated by the office in consultation with the
61.3 commissioner of agriculture, subject to subdivision 5, governing the use of pesticides,
61.4 fertilizers, soil amendments, plant amendments, and other inputs to cultivate cannabis.

61.5 Subd. 4. **Cultivation plan.** A business licensed or authorized to cultivate cannabis must
61.6 prepare, maintain, and execute an operating plan and a cultivation plan as directed by the
61.7 office in rule, which must include but is not limited to:

61.8 (1) water usage;

61.9 (2) recycling;

61.10 (3) solid waste disposal; and

61.11 (4) a pest management protocol that incorporates integrated pest management principles
61.12 to control or prevent the introduction of pests to the cultivation site.

61.13 Subd. 5. **Agricultural chemicals and other inputs; pollinator protection.** (a) A business
61.14 licensed or authorized to cultivate cannabis must comply with chapters 18B, 18C, 18D, and
61.15 any other pesticide, fertilizer, soil amendment, and plant amendment laws and rules enforced
61.16 by the commissioner of agriculture.

61.17 (b) A business licensed or authorized to cultivate cannabis must not apply pesticides
61.18 when pollinators are present or allow pesticides to drift to flowering plants that are attractive
61.19 to pollinators.

61.20 Subd. 6. **Adulteration prohibited.** A business licensed or authorized to cultivate cannabis
61.21 must not treat or otherwise adulterate cannabis plants or cannabis flower with any substance
61.22 or compound that has the effect or intent of altering the color, appearance, weight, potency,
61.23 or odor of the cannabis.

61.24 Subd. 7. **Indoor or outdoor cultivation authorized; security.** A business licensed or
61.25 authorized to cultivate cannabis may cultivate cannabis plants indoors or outdoors, subject
61.26 to the security, fencing, lighting, and any other requirements imposed by the office in rule.

61.27 Subd. 8. **Exception.** Nothing in this section applies to the cultivation of hemp plants.

61.28 Sec. 26. **[342.26] MANUFACTURE OF CANNABIS PRODUCTS; GENERAL**
61.29 **REQUIREMENTS.**

61.30 Subdivision 1. **Applicability.** Every cannabis business with a license or endorsement
61.31 authorizing the creation of cannabis concentrate and manufacture of cannabis products and

62.1 hemp-derived consumer products for public consumption must comply with the requirements
62.2 of this section.

62.3 Subd. 2. **All manufacturer operations.** (a) Cannabis manufacturing must take place in
62.4 an enclosed, locked facility that is used exclusively for the manufacture of cannabis products,
62.5 creation of hemp concentrate, creation of artificially derived cannabinoids, creation of
62.6 lower-potency hemp edibles, or creation of hemp-derived consumer products, except that
62.7 a business that also holds a cannabis cultivator license may operate in a facility that shares
62.8 general office space, bathrooms, entryways, and walkways.

62.9 (b) Cannabis manufacturing must take place on equipment that is used exclusively for
62.10 the manufacture of cannabis products, creation of hemp concentrate, creation of artificially
62.11 derived cannabinoids, creation of lower-potency hemp edibles, or creation of hemp-derived
62.12 consumer products.

62.13 (c) A business licensed or authorized to manufacture cannabis products must comply
62.14 with all applicable packaging, labeling, and health and safety requirements.

62.15 Subd. 3. **Extraction and concentration.** (a) A business licensed or authorized to
62.16 manufacture cannabis products that creates cannabis concentrate, hemp concentrate, or
62.17 artificially derived cannabinoids must obtain an endorsement from the office.

62.18 (b) A business licensed or authorized to manufacture cannabis products must inform the
62.19 office of all methods of extraction and concentration that the manufacturer intends to use
62.20 and identify the volatile chemicals, if any, that will be involved in the creation of cannabis
62.21 concentrate or hemp concentrate. A cannabis manufacturer may not use a method of
62.22 extraction and concentration or a volatile chemical without approval by the office.

62.23 (c) A business licensed or authorized to manufacture cannabis products must inform the
62.24 office of all methods of conversion that the manufacturer will use, including any specific
62.25 catalysts that the manufacturer will employ, to create artificially derived cannabinoids and
62.26 the molecular nomenclature of all cannabinoids or other chemical compounds that the
62.27 manufacturer will create. A business licensed or authorized to manufacture cannabis products
62.28 may not use a method of conversion or a catalyst without approval by the office.

62.29 (d) A business licensed or authorized to manufacture cannabis products must obtain a
62.30 certification from an independent third-party industrial hygienist or professional engineer
62.31 approving:

62.32 (1) all electrical, gas, fire suppression, and exhaust systems; and

63.1 (2) the plan for safe storage and disposal of hazardous substances, including but not
63.2 limited to any volatile chemicals.

63.3 (e) A business licensed or authorized to manufacture cannabis products that manufactures
63.4 cannabis concentrate from cannabis flower received from an unlicensed person who is at
63.5 least 21 years of age must comply with all health and safety requirements established by
63.6 the office. At a minimum, the office shall require the manufacturer to:

63.7 (1) store the cannabis flower in an area that is segregated from cannabis flower and hemp
63.8 plant parts received from a licensed cannabis business;

63.9 (2) perform the extraction and concentration on equipment that is used exclusively for
63.10 extraction or concentration of cannabis flower received from unlicensed individuals;

63.11 (3) store any cannabis concentrate in an area that is segregated from cannabis concentrate,
63.12 hemp concentrate, or artificially derived cannabinoids derived or manufactured from cannabis
63.13 flower or hemp plant parts received from a licensed cannabis business; and

63.14 (4) provide any cannabis concentrate only to the person who provided the cannabis
63.15 flower.

63.16 (f) Upon the sale of cannabis concentrate, hemp concentrate, or artificially derived
63.17 cannabinoids to any person, cooperative, or business, a business licensed or authorized to
63.18 manufacture cannabis products must provide a statement to the buyer that discloses the
63.19 method of extraction and concentration or conversion used and any solvents, gases, or
63.20 catalysts, including but not limited to any volatile chemicals, involved in that method.

63.21 **Subd. 4. Production of consumer products.** (a) A business licensed or authorized to
63.22 manufacture cannabis products that produces edible cannabis products or lower-potency
63.23 hemp edibles must obtain an edible cannabinoid product handler endorsement from the
63.24 office.

63.25 (b) A business licensed or authorized to manufacture cannabis products must obtain an
63.26 endorsement from the office to produce:

63.27 (1) cannabis products other than edible cannabis products; or

63.28 (2) hemp-derived consumer products other than lower-potency hemp edibles.

63.29 (c) All areas within the licensed premises of a business licensed or authorized to
63.30 manufacture cannabis products producing cannabis products, lower-potency hemp edibles,
63.31 or hemp-derived consumer products must meet the sanitary standards specified in rules
63.32 adopted by the office.

64.1 (d) A business licensed or authorized to manufacture cannabis products may only add
64.2 chemicals or compounds approved by the office to cannabis concentrate, hemp concentrate,
64.3 or artificially derived cannabinoids.

64.4 (e) Upon the sale of any cannabis product, lower-potency hemp edible, or hemp-derived
64.5 consumer product to a cannabis business or hemp business, a business licensed or authorized
64.6 to manufacture cannabis products must provide a statement to the buyer that discloses the
64.7 product's ingredients, including but not limited to any chemicals or compounds and any
64.8 major food allergens declared by name.

64.9 (f) A business licensed or authorized to manufacture cannabis products shall not add
64.10 any cannabis flower, cannabis concentrate, artificially derived cannabinoid, hemp plant
64.11 part, or hemp concentrate to a product where the manufacturer of the product holds a
64.12 trademark to the product's name, except that a business licensed or authorized to manufacture
64.13 cannabis products may use a trademarked food product if the manufacturer uses the product
64.14 as a component or as part of a recipe and where the business licensed or authorized to
64.15 manufacture cannabis products does not state or advertise to the customer that the final
64.16 retail cannabis product, lower-potency hemp edible, or hemp-derived consumer product
64.17 contains a trademarked food product.

64.18 Subd. 5. **Exception.** Nothing in this section applies to the operations of a lower-potency
64.19 hemp edible manufacturer.

64.20 Sec. 27. **[342.27] RETAIL SALE OF CANNABIS FLOWER AND PRODUCTS;**
64.21 **GENERAL REQUIREMENTS.**

64.22 Subdivision 1. **Applicability.** Every cannabis business with a license or endorsement
64.23 authorizing the retail sale of cannabis flower or cannabis products must comply with the
64.24 requirements of this section.

64.25 Subd. 2. **Sale of cannabis and cannabinoid products.** (a) A cannabis business with a
64.26 license or endorsement authorizing the retail sale of cannabis flower or cannabis products
64.27 may only sell immature cannabis plants and seedlings, adult-use cannabis flower, adult-use
64.28 cannabis products, lower-potency hemp edibles, and hemp-derived consumer products to
64.29 individuals who are at least 21 years of age.

64.30 (b) A cannabis business with a license or endorsement authorizing the retail sale of
64.31 adult-use cannabis flower or adult-use cannabis products may sell immature cannabis plants
64.32 and seedlings, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp
64.33 edibles, and hemp-derived consumer products that:

65.1 (1) are obtained from a business licensed under this chapter; and

65.2 (2) meet all applicable packaging and labeling requirements.

65.3 (c) A cannabis business with a license or endorsement authorizing the retail sale of
65.4 cannabis flower or cannabis products may sell up to two ounces of adult-use cannabis flower
65.5 or hemp-derived consumer products consisting primarily of hemp plant parts, up to eight
65.6 grams of adult-use cannabis concentrate or hemp-derived consumer products consisting
65.7 primarily of hemp concentrate or artificially derived cannabinoids, and edible cannabis
65.8 products and lower-potency hemp edibles infused with up to 800 milligrams of
65.9 tetrahydrocannabinol during a single transaction to a customer.

65.10 (d) Edible adult-use cannabis products and hemp-derived consumer products intended
65.11 to be eaten may not include more than ten milligrams of tetrahydrocannabinol per serving
65.12 and a single package may not include more than a total of 200 milligrams of
65.13 tetrahydrocannabinol. A package may contain multiple servings of ten milligrams of
65.14 tetrahydrocannabinol provided that each serving is indicated by scoring, wrapping, or other
65.15 indicators designating the individual serving size.

65.16 (e) Edible adult-use cannabis products and hemp-derived consumer products intended
65.17 to be consumed as beverages may not include more than ten milligrams of
65.18 tetrahydrocannabinol per serving. A single beverage container may not contain more than
65.19 two servings.

65.20 Subd. 3. **Sale of other products.** (a) A cannabis business with a license or endorsement
65.21 authorizing the retail sale of cannabis flower or cannabis products may sell cannabis
65.22 paraphernalia, including but not limited to childproof packaging containers and other devices
65.23 designed to ensure the safe storage and monitoring of cannabis flower, cannabis products,
65.24 lower-potency hemp edibles, and hemp-derived consumer products in the home to prevent
65.25 access by individuals under 21 years of age.

65.26 (b) A cannabis business with a license or endorsement authorizing the retail sale of
65.27 cannabis flower or cannabis products may sell hemp-derived topical products.

65.28 (c) A cannabis business with a license or endorsement authorizing the retail sale of
65.29 cannabis flower or cannabis products may sell the following products that do not contain
65.30 cannabis flower, cannabis concentrate, hemp concentrate, artificially derived cannabinoids,
65.31 or tetrahydrocannabinol:

65.32 (1) drinks that do not contain alcohol and are packaged in sealed containers labeled for
65.33 retail sale;

66.1 (2) books and videos on the cultivation and use of cannabis flower and products that
66.2 contain cannabinoids;

66.3 (3) magazines and other publications published primarily for information and education
66.4 on cannabis plants, cannabis flower, and products that contain cannabinoids;

66.5 (4) multiple-use bags designed to carry purchased items;

66.6 (5) clothing marked with the specific name, brand, or identifying logo of the retailer;

66.7 (6) hemp fiber products and products that contain hemp grain; and

66.8 (7) products that detect the presence of fentanyl or a fentanyl analog.

66.9 Subd. 4. **Age verification.** (a) Prior to initiating a sale, an employee of a cannabis
66.10 business with a license or endorsement authorizing the retail sale of cannabis flower or
66.11 cannabis products must verify that the customer is at least 21 years of age.

66.12 (b) Proof of age may be established only by one of the following:

66.13 (1) a valid driver's license or identification card issued by Minnesota, another state, or
66.14 a province of Canada, and including the photograph and date of birth of the licensed person;

66.15 (2) a valid Tribal identification card as defined in section 171.072, paragraph (b);

66.16 (3) a valid passport issued by the United States;

66.17 (4) a valid instructional permit issued under section 171.05 to a person of legal age to
66.18 purchase adult-use cannabis flower or adult-use cannabis products, which includes a
66.19 photograph and the date of birth of the person issued the permit; or

66.20 (5) in the case of a foreign national, by a valid passport.

66.21 (c) A retailer may seize a form of identification listed under paragraph (b) if the cannabis
66.22 retailer has reasonable grounds to believe that the form of identification has been altered or
66.23 falsified or is being used to violate any law. A retailer that seizes a form of identification
66.24 as authorized under this paragraph must deliver it to a law enforcement agency within 24
66.25 hours of seizing it.

66.26 Subd. 5. **Display of cannabis flower and products.** (a) A cannabis business with a
66.27 license or endorsement authorizing the retail sale of cannabis flower or cannabis products
66.28 must designate a retail area where customers are permitted. The retail area shall include the
66.29 portion of the premises where samples of cannabis flower and cannabis products available
66.30 for sale are displayed. All other cannabis flower and cannabis products must be stored in
66.31 the secure storage area.

67.1 (b) A cannabis business with a license or endorsement authorizing the retail sale of
67.2 cannabis flower or cannabis products may display one sample of each type of cannabis
67.3 flower or cannabis product available for sale. Samples of cannabis flower and cannabis
67.4 products must be stored in a sample jar or display case and be accompanied by a label or
67.5 notice containing the information required to be affixed to the packaging or container
67.6 containing cannabis flower and cannabis products sold to customers. A sample may not
67.7 contain more than eight grams of adult-use cannabis flower or adult-use cannabis concentrate
67.8 or an edible cannabis product infused with more than 100 milligrams of tetrahydrocannabinol.
67.9 A cannabis retailer may allow customers to smell the cannabis flower or cannabis product
67.10 before purchase.

67.11 (c) A cannabis business with a license or endorsement authorizing the retail sale of
67.12 cannabis flower or cannabis products may not sell cannabis flower or cannabis products
67.13 used as a sample for display. If the retailer uses display samples of lower-potency hemp
67.14 edibles or hemp-derived consumer products, the retailer may not sell the product used as a
67.15 sample for display.

67.16 Subd. 6. **Posting of notices.** A cannabis business with a license or endorsement
67.17 authorizing the retail sale of cannabis flower or cannabis products must post all notices as
67.18 required by the office, including but not limited to:

67.19 (1) information about any product recall;

67.20 (2) a statement that operating a motor vehicle under the influence of intoxicating
67.21 cannabinoids is illegal; and

67.22 (3) a statement that cannabis flower, cannabis products, lower-potency hemp edibles,
67.23 and hemp-derived consumer products are only intended for consumption by individuals
67.24 who are at least 21 years of age.

67.25 Subd. 7. **Hours of operation.** (a) Except as provided by paragraph (b), a cannabis
67.26 business with a license or endorsement authorizing the retail sale of cannabis flower or
67.27 cannabis products may not sell cannabis flower, cannabis products, lower-potency hemp
67.28 edibles, or hemp-derived consumer products between 2:00 a.m. and 8:00 a.m. on the days
67.29 of Monday through Saturday nor between 2:00 a.m. and 10:00 a.m. on Sunday.

67.30 (b) A city or county may adopt an ordinance to prohibit sales for any period between
67.31 9:00 p.m. and 2:00 a.m. the following day or between 8:00 a.m. and 10:00 a.m. on the days
67.32 of Monday through Saturday.

68.1 (c) A cannabis business with a license or endorsement authorizing the retail sale of
68.2 cannabis flower or cannabis products may not be open to the public or sell any other products
68.3 at times when the cannabis business is prohibited from selling cannabis flower, cannabis
68.4 products, lower-potency hemp edibles, and hemp-derived consumer products.

68.5 Subd. 8. **Building conditions.** (a) A cannabis business with a license or endorsement
68.6 authorizing the retail sale of cannabis flower or cannabis products shall maintain compliance
68.7 with state and local building, fire, and zoning requirements or regulations.

68.8 (b) A cannabis business with a license or endorsement authorizing the retail sale of
68.9 cannabis flower or cannabis products shall ensure that the licensed premises is maintained
68.10 in a clean and sanitary condition, free from infestation by insects, rodents, or other pests.

68.11 Subd. 9. **Security.** A cannabis business with a license or endorsement authorizing the
68.12 retail sale of cannabis flower or cannabis products shall maintain compliance with security
68.13 requirements established by the office, including but not limited to requirements for
68.14 maintaining video surveillance records, using specific locking mechanisms, establishing
68.15 secure entries, and the number of employees working at all times.

68.16 Subd. 10. **Lighting.** A cannabis business with a license or endorsement authorizing the
68.17 retail sale of cannabis flower or cannabis products must keep all lighting outside and inside
68.18 the dispensary in good working order and sufficient wattage for security cameras.

68.19 Subd. 11. **Deliveries.** A cannabis business with a license or endorsement authorizing
68.20 the retail sale of cannabis flower or cannabis products may only accept deliveries of cannabis
68.21 flower, cannabis products, and hemp-derived consumer products in a limited access area.
68.22 Deliveries may not be accepted through the public access areas unless otherwise approved
68.23 by the office.

68.24 Subd. 12. **Prohibitions.** A cannabis business with a license or endorsement authorizing
68.25 the retail sale of cannabis flower or cannabis products shall not:

68.26 (1) sell cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived
68.27 consumer products to a person who is visibly intoxicated;

68.28 (2) knowingly sell more cannabis flower, cannabis products, lower-potency hemp edibles,
68.29 or hemp-derived consumer products than a customer is legally permitted to possess;

68.30 (3) give away immature cannabis plants or seedlings, cannabis flower, cannabis products,
68.31 lower-potency hemp edibles, or hemp-derived consumer products;

68.32 (4) operate a drive-through window;

69.1 (5) allow for the dispensing of cannabis plants, cannabis flower, cannabis products,
69.2 lower-potency hemp edibles, or hemp-derived consumer products in vending machines; or

69.3 (6) sell cannabis plants, cannabis flower, or cannabis products if the cannabis retailer
69.4 knows that any required security or statewide monitoring systems are not operational.

69.5 Subd. 13. **Adult-use and medical cannabis; colocation.** (a) A cannabis business with
69.6 a license or endorsement authorizing the retail sale of adult-use cannabis flower or adult-use
69.7 cannabis products that is also a licensed medical cannabis retailer may sell medical cannabis
69.8 flower and medical cannabinoid products on a portion of the business's premises.

69.9 (b) The premises must provide an appropriate space for a pharmacist employee of the
69.10 medical cannabis retailer to consult with a patient to determine the proper type of medical
69.11 cannabis flower and medical cannabinoid products and proper dosage for the patient.

69.12 Subd. 14. **Exception.** Nothing in this section applies to the operations of a lower-potency
69.13 hemp edible retailer.

69.14 Sec. 28. **[342.28] CANNABIS MICROBUSINESS LICENSING AND OPERATIONS.**

69.15 Subdivision 1. **Authorized actions.** A cannabis microbusiness license, consistent with
69.16 the specific license endorsement or endorsements, entitles the license holder to perform any
69.17 or all of the following within the limits established by this section:

69.18 (1) grow cannabis plants from seed or immature plant to mature plant and harvest
69.19 cannabis flower from a mature plant;

69.20 (2) make cannabis concentrate;

69.21 (3) make hemp concentrate, including hemp concentrate with a delta-9
69.22 tetrahydrocannabinol concentration of more than 0.3 percent as measured by weight;

69.23 (4) manufacture artificially derived cannabinoids;

69.24 (5) manufacture adult-use cannabis products, lower-potency hemp edibles, and
69.25 hemp-derived consumer products for public consumption;

69.26 (6) purchase immature cannabis plants and seedlings and cannabis flower from another
69.27 cannabis microbusiness, a cannabis mezzobusiness, a cannabis manufacturer, or a cannabis
69.28 wholesaler;

69.29 (7) purchase hemp plant parts and propagules from an industrial hemp grower licensed
69.30 under chapter 18K;

70.1 (8) purchase hemp concentrate from an industrial hemp processor licensed under chapter
70.2 18K;

70.3 (9) purchase cannabis concentrate, hemp concentrate, and artificially derived cannabinoids
70.4 from another cannabis microbusiness, a cannabis mezzobusiness, a cannabis manufacturer,
70.5 or a cannabis wholesaler for use in manufacturing adult-use cannabis products, lower-potency
70.6 hemp edibles, or hemp-derived consumer products;

70.7 (10) package and label adult-use cannabis flower, adult-use cannabis products,
70.8 lower-potency hemp edibles, and hemp-derived consumer products for sale to customers;

70.9 (11) sell immature cannabis plants and seedlings, adult-use cannabis flower, adult-use
70.10 cannabis products, lower-potency hemp edibles, hemp-derived consumer products, and
70.11 other products authorized by law to other cannabis businesses and to customers;

70.12 (12) operate an establishment that permits on-site consumption of edible cannabis
70.13 products and lower-potency hemp edibles; and

70.14 (13) perform other actions approved by the office.

70.15 Subd. 2. **Size limitations.** (a) A cannabis microbusiness that cultivates cannabis at an
70.16 indoor facility may cultivate up to 5,000 square feet of plant canopy. The office may adjust
70.17 plant canopy limits upward to meet market demand consistent with the goals identified in
70.18 section 342.02, subdivision 1.

70.19 (b) A cannabis microbusiness that cultivates cannabis at an outdoor location may cultivate
70.20 up to one-half acre of mature, flowering plants unless the office increases that limit. The
70.21 office may increase the limit to no more than one acre if the office determines that expansion
70.22 is consistent with the goals identified in section 342.02, subdivision 1.

70.23 (c) The office shall establish a limit on the manufacturing of cannabis products,
70.24 lower-potency hemp edibles, or hemp-derived consumer products a cannabis microbusiness
70.25 that manufactures such products may perform. The limit must be equivalent to the amount
70.26 of cannabis flower that can be harvested from a facility with a plant canopy of 5,000 square
70.27 feet in a year, but may be increased if the office expands the allowable area of cultivation
70.28 under paragraph (a).

70.29 (d) A cannabis microbusiness with the appropriate endorsement may operate one retail
70.30 location.

70.31 Subd. 3. **Additional information required.** In addition to the information required to
70.32 be submitted under section 342.14, subdivision 1, and rules adopted pursuant to that section,

71.1 a person, cooperative, or business seeking a cannabis microbusiness license must submit
71.2 the following information in a form approved by the office:

71.3 (1) an operating plan demonstrating the proposed layout of the facility, including a
71.4 diagram of ventilation and filtration systems; plans for wastewater and waste disposal for
71.5 any cultivation or manufacturing activities; plans for providing electricity, water, and other
71.6 utilities necessary for the normal operation of any cultivation or manufacturing activities;
71.7 plans for compliance with applicable building codes and federal and state environmental
71.8 and workplace safety requirements and policies; and plans to avoid sales to unlicensed
71.9 cannabis businesses and individuals under 21 years of age;

71.10 (2) if the applicant is seeking an endorsement to cultivate cannabis plants and harvest
71.11 cannabis flower, a cultivation plan demonstrating the proposed size and layout of the
71.12 cultivation facility that will be used exclusively for cultivation, including the total amount
71.13 of plant canopy;

71.14 (3) if the applicant is seeking an endorsement to create cannabis concentrate, hemp
71.15 concentrate, or artificial cannabinoids, information identifying all methods of extraction,
71.16 concentration, or conversion that the applicant intends to use and the volatile chemicals and
71.17 catalysts, if any, that will be involved in extraction, concentration, or creation; and

71.18 (4) evidence that the applicant will comply with the applicable operation requirements
71.19 for the license being sought.

71.20 Subd. 4. **Exception.** The requirement of an attestation signed by a bona fide labor
71.21 organization stating that the applicant has entered into a labor peace agreement is not required
71.22 as part of an application for a cannabis microbusiness license.

71.23 Subd. 5. **Multiple licenses; limits.** (a) A person, cooperative, or business holding a
71.24 cannabis microbusiness license may also hold a cannabis event organizer license.

71.25 (b) Except as provided in paragraph (a), no person, cooperative, or business holding a
71.26 cannabis microbusiness license may own or operate any other cannabis business or hemp
71.27 business or hold more than one cannabis microbusiness license.

71.28 (c) For purposes of this subdivision, a restriction on the number or type of license that
71.29 a business may hold applies to every cooperative member or every director, manager, and
71.30 general partner of a cannabis business.

71.31 Subd. 6. **Cultivation endorsement.** A cannabis microbusiness that cultivates cannabis
71.32 plants and harvests cannabis flower must comply with the requirements in section 342.25.

72.1 Subd. 7. **Extraction and concentration endorsement.** A cannabis microbusiness that
72.2 creates cannabis concentrate must comply with the requirements in section 342.26,
72.3 subdivisions 2 and 3.

72.4 Subd. 8. **Production of customer products endorsement.** A cannabis microbusiness
72.5 that manufacturers edible cannabis products, lower-potency hemp products, or hemp-derived
72.6 consumer products must comply with the requirements in section 342.26, subdivisions 2
72.7 and 4.

72.8 Subd. 9. **Retail operations endorsement.** A cannabis microbusiness that operates a
72.9 retail location must comply with the requirements in section 342.27.

72.10 Subd. 10. **On-site consumption endorsement.** (a) A cannabis microbusiness may permit
72.11 on-site consumption of edible cannabis products and lower-potency hemp edibles on a
72.12 portion of its premises.

72.13 (b) The portion of the premises in which on-site consumption is permitted must be
72.14 definite and distinct from all other areas of the microbusiness and must be accessed through
72.15 a distinct entrance.

72.16 (c) Edible cannabis products and lower-potency hemp edibles sold for on-site
72.17 consumption must comply with this chapter and rules adopted pursuant to this chapter
72.18 regarding the testing, packaging, and labeling of cannabinoid products.

72.19 (d) Edible cannabinoid products and lower-potency hemp edibles sold for on-site
72.20 consumption must be served in the required packaging but may be removed from the
72.21 products' packaging by customers and consumed on site.

72.22 (e) Food and beverages not otherwise prohibited by this subdivision may be prepared
72.23 and sold on site provided that the cannabis microbusiness complies with all relevant state
72.24 and local laws, ordinances, licensing requirements, and zoning requirements.

72.25 (f) A cannabis microbusiness shall ensure that the display and consumption of any edible
72.26 cannabis product or lower-potency hemp edible is not visible from outside of the licensed
72.27 premises of the business.

72.28 (g) A cannabis microbusiness may offer recorded or live entertainment, provided that
72.29 the cannabis microbusiness complies with all relevant state and local laws, ordinances,
72.30 licensing requirements, and zoning requirements.

72.31 (h) A cannabis microbusiness may not:

- 73.1 (1) sell an edible cannabis product or a lower-potency hemp edible to an individual who
73.2 is under 21 years of age;
- 73.3 (2) permit an individual who is under 21 years of age to enter the premises;
- 73.4 (3) sell an edible cannabis product or a lower-potency hemp edible to a person who is
73.5 visibly intoxicated;
- 73.6 (4) sell or allow the sale or consumption of alcohol or tobacco on the premises;
- 73.7 (5) sell products that are intended to be eaten or consumed as a drink, other than packaged
73.8 and labeled edible cannabis products and lower-potency hemp edibles, that contain cannabis
73.9 flower or hemp plant parts or are infused with cannabis concentrate, hemp concentrate, or
73.10 artificially derived cannabinoids;
- 73.11 (6) permit edible cannabis products or lower-potency hemp edibles sold in the portion
73.12 of the area designated for on-site consumption to be removed from that area;
- 73.13 (7) permit adult-use cannabis flower, adult-use cannabis products, hemp-derived consumer
73.14 products, or tobacco to be consumed through smoking or a vaporized delivery method on
73.15 the premises; or
- 73.16 (8) distribute or allow free samples of cannabis flower, cannabis products, lower-potency
73.17 hemp edibles, or hemp-derived consumer products.

73.18 **Sec. 29. [342.29] CANNABIS MEZZOBUSINESS LICENSING AND OPERATIONS.**

73.19 Subdivision 1. **Authorized actions.** A cannabis mezzobusiness license, consistent with
73.20 the specific license endorsement or endorsements, entitles the license holder to perform any
73.21 or all of the following within the limits established by this section:

- 73.22 (1) grow cannabis plants from seed or immature plant to mature plant and harvest
73.23 cannabis flower from a mature plant for use as adult-use cannabis flower or for use in
73.24 adult-use cannabis products;
- 73.25 (2) grow cannabis plants from seed or immature plant to mature plant and harvest
73.26 cannabis flower from a mature plant for use as medical cannabis flower or for use in medical
73.27 cannabinoid products;
- 73.28 (3) make cannabis concentrate;
- 73.29 (4) make hemp concentrate, including hemp concentrate with a delta-9
73.30 tetrahydrocannabinol concentration of more than 0.3 percent as measured by weight;
- 73.31 (5) manufacture artificially derived cannabinoids;

- 74.1 (6) manufacture adult-use cannabis products, lower-potency hemp edibles, and
74.2 hemp-derived consumer products for public consumption;
- 74.3 (7) process medical cannabinoid products;
- 74.4 (8) purchase immature cannabis plants and seedlings and cannabis flower from a cannabis
74.5 microbusiness, another cannabis mezzobusiness, a cannabis manufacturer, or a cannabis
74.6 wholesaler;
- 74.7 (9) purchase cannabis concentrate, hemp concentrate, and synthetically derived
74.8 cannabinoids from a cannabis microbusiness, another cannabis mezzobusiness, a cannabis
74.9 manufacturer, or a cannabis wholesaler for use in manufacturing adult-use cannabis products,
74.10 lower-potency hemp edibles, or hemp-derived consumer products;
- 74.11 (10) purchase hemp plant parts and propagules from a licensed hemp grower licensed
74.12 under chapter 18K;
- 74.13 (11) purchase hemp concentrate from an industrial hemp processor licensed under chapter
74.14 18K;
- 74.15 (12) package and label adult-use cannabis flower, adult-use cannabis products,
74.16 lower-potency hemp edibles, and hemp-derived consumer products for sale to customers;
- 74.17 (13) sell immature cannabis plants and seedlings, adult-use cannabis flower, adult-use
74.18 cannabis products, lower-potency hemp edibles, hemp-derived consumer products, and
74.19 other products authorized by law to other cannabis businesses and to customers; and
- 74.20 (14) perform other actions approved by the office.
- 74.21 Subd. 2. **Size limitations.** (a) A cannabis mezzobusiness that cultivates cannabis at an
74.22 indoor facility may cultivate up to 15,000 square feet of plant canopy. The office may adjust
74.23 plant canopy limits upward to meet market demand consistent with the goals identified in
74.24 section 342.02, subdivision 1.
- 74.25 (b) A cannabis mezzobusiness that cultivates cannabis at an outdoor location may
74.26 cultivate up to one acre of mature, flowering plants unless the office increases that limit.
74.27 The office may increase the limit to no more than three acres if the office determines that
74.28 expansion is consistent with the goals identified in section 342.02, subdivision 1.
- 74.29 (c) The office shall establish a limit on the manufacturing of cannabis products,
74.30 lower-potency hemp edibles, or hemp-derived consumer products a cannabis mezzobusiness
74.31 that manufactures such products may perform. The limit must be equivalent to the amount
74.32 of cannabis flower that can be harvested from a facility with a plant canopy of 15,000 square

75.1 feet in a year but may be increased if the office expands the allowable area of cultivation
75.2 under paragraph (a).

75.3 (d) A cannabis mezzobusiness with the appropriate endorsement may operate up to three
75.4 retail locations.

75.5 Subd. 3. **Additional information required.** In addition to the information required to
75.6 be submitted under section 342.14, subdivision 1, and rules adopted pursuant to that section,
75.7 a person, cooperative, or business seeking a cannabis mezzobusiness license must submit
75.8 the following information in a form approved by the office:

75.9 (1) an operating plan demonstrating the proposed layout of the facility, including a
75.10 diagram of ventilation and filtration systems; plans for wastewater and waste disposal for
75.11 any cultivation or manufacturing activities; plans for providing electricity, water, and other
75.12 utilities necessary for the normal operation of any cultivation or manufacturing activities;
75.13 plans for compliance with applicable building code and federal and state environmental and
75.14 workplace safety requirements and policies; and plans to avoid sales to unlicensed cannabis
75.15 businesses and individuals under 21 years of age;

75.16 (2) if the applicant is seeking an endorsement to cultivate cannabis plants and harvest
75.17 cannabis flower, a cultivation plan demonstrating the proposed size and layout of the
75.18 cultivation facility that will be used exclusively for cultivation, including the total amount
75.19 of plant canopy;

75.20 (3) if the applicant is seeking an endorsement to create cannabis concentrate, hemp
75.21 concentrate, or artificial cannabinoids, information identifying all methods of extraction,
75.22 concentration, or conversion that the applicant intends to use and the volatile chemicals and
75.23 catalysts, if any, that will be involved in extraction, concentration, or creation; and

75.24 (4) evidence that the applicant will comply with the applicable operation requirements
75.25 for the license being sought.

75.26 Subd. 4. **Multiple licenses; limits.** (a) A person, cooperative, or business holding a
75.27 cannabis mezzobusiness license may also hold a cannabis event organizer license and a
75.28 medical cannabis retailer license.

75.29 (b) Except as provided in paragraph (a), no person, cooperative, or business holding a
75.30 cannabis mezzobusiness license may own or operate any other cannabis business or hemp
75.31 business or hold more than one cannabis mezzobusiness license.

76.1 (d) For purposes of this subdivision, a restriction on the number or type of license that
76.2 a business may hold applies to every cooperative member or every director, manager, and
76.3 general partner of a cannabis business.

76.4 Subd. 5. **Cultivation endorsement.** A cannabis mezzobusiness that cultivates cannabis
76.5 plants and harvests cannabis flower must comply with the requirements in section 342.25.

76.6 Subd. 6. **Extraction and concentration endorsement.** A cannabis mezzobusiness that
76.7 creates cannabis concentrate must comply with the requirements in section 342.26,
76.8 subdivisions 2 and 3.

76.9 Subd. 7. **Production of customer products endorsement.** A cannabis mezzobusiness
76.10 that manufacturers edible cannabis products, lower-potency hemp products, or hemp-derived
76.11 consumer products must comply with the requirements in section 342.26, subdivisions 2
76.12 and 4.

76.13 Subd. 8. **Retail operations endorsement.** A cannabis mezzobusiness that operates a
76.14 retail location must comply with the requirements in section 342.27.

76.15 Subd. 9. **Medical cannabis endorsement.** A cannabis mezzobusiness that cultivates
76.16 cannabis plants for use as medical cannabis flower or for use in medical cannabinoid
76.17 products, processes medical cannabinoid products, or both, must comply with sections
76.18 342.49, paragraph (d); 342.50, paragraph (c), and any additional requirements established
76.19 by the office.

76.20 Sec. 30. **[342.30] CANNABIS CULTIVATOR LICENSING AND OPERATIONS.**

76.21 Subdivision 1. **Authorized actions.** A cannabis cultivator license entitles the license
76.22 holder to grow cannabis plants within the approved amount of space from seed or immature
76.23 plant to mature plant, harvest cannabis flower from a mature plant, package and label
76.24 immature cannabis plants and seedlings and cannabis flower for sale to other cannabis
76.25 businesses, transport cannabis flower to a cannabis manufacturer located on the same
76.26 premises, and perform other actions approved by the office.

76.27 Subd. 2. **Size limitations.** (a) A cannabis cultivator that cultivates cannabis at an indoor
76.28 facility may cultivate up to 30,000 square feet of plant canopy. The office may adjust plant
76.29 canopy limits upward to meet market demand consistent with the goals identified in section
76.30 342.02, subdivision 1.

76.31 (b) A cannabis cultivator that cultivates cannabis at an outdoor location may cultivate
76.32 up to two acres of mature, flowering plants unless the office increases that limit. The office

77.1 may increase the limit to no more than four acres if the office determines that expansion is
77.2 consistent with the goals identified in section 342.02, subdivision 1.

77.3 Subd. 3. **Additional information required.** In addition to the information required to
77.4 be submitted under section 342.14, subdivision 1, and rules adopted pursuant to that section,
77.5 a person, cooperative, or business seeking a cannabis cultivator license must submit the
77.6 following information in a form approved by the office:

77.7 (1) an operating plan demonstrating the proposed size and layout of the cultivation
77.8 facility; plans for wastewater and waste disposal for the cultivation facility; plans for
77.9 providing electricity, water, and other utilities necessary for the normal operation of the
77.10 cultivation facility; and plans for compliance with the applicable building code and federal
77.11 and state environmental and workplace safety requirements;

77.12 (2) a cultivation plan demonstrating the proposed size and layout of the cultivation
77.13 facility that will be used exclusively for cultivation including the total amount of plant
77.14 canopy; and

77.15 (3) evidence that the business will comply with the applicable operation requirements
77.16 for the license being sought.

77.17 Subd. 4. **Multiple licenses; limits.** (a) A person, cooperative, or business holding a
77.18 cannabis cultivator license may also hold a cannabis manufacturing license, medical cannabis
77.19 cultivator license, medical cannabis producer license, license to grow industrial hemp, and
77.20 cannabis event organizer license.

77.21 (b) Except as provided in paragraph (a), no person, cooperative, or business holding a
77.22 cannabis cultivator license may own or operate any other cannabis business or hemp business.
77.23 This prohibition does not prevent the transportation of cannabis flower from a cannabis
77.24 cultivator to a cannabis manufacturer licensed to the same person, cooperative, or business
77.25 and located on the same premises.

77.26 (c) The office by rule may limit the number of cannabis cultivator licenses a person,
77.27 cooperative, or business may hold.

77.28 (d) For purposes of this subdivision, a restriction on the number or type of license a
77.29 business may hold applies to every cooperative member or every director, manager, and
77.30 general partner of a cannabis business.

77.31 Subd. 5. **Cultivation operations.** A cannabis cultivator must comply with the
77.32 requirements in section 342.25.

78.1 Sec. 31. [342.31] CANNABIS MANUFACTURER LICENSING AND OPERATIONS.

78.2 Subdivision 1. Authorized actions. A cannabis manufacturer license, consistent with
78.3 the specific license endorsement or endorsements, entitles the license holder to:

78.4 (1) purchase cannabis flower, cannabis products, hemp plant parts, hemp concentrate,
78.5 and artificially derived cannabinoids from a cannabis microbusiness, a cannabis
78.6 mezzobusiness, a cannabis cultivator, another cannabis manufacturer, or a cannabis
78.7 wholesaler;

78.8 (2) purchase hemp plant parts and propagules from an industrial hemp grower licensed
78.9 under chapter 18K;

78.10 (3) purchase hemp concentrate from an industrial hemp processor licensed under chapter
78.11 18K;

78.12 (4) accept cannabis flower from unlicensed persons who are at least 21 years of age
78.13 provided that the cannabis manufacturer does not accept more than two ounces from an
78.14 individual on a single occasion;

78.15 (5) make cannabis concentrate;

78.16 (6) make hemp concentrate, including hemp concentrate with a delta-9
78.17 tetrahydrocannabinol concentration of more than 0.3 percent as measured by weight;

78.18 (7) manufacture artificially derived cannabinoids;

78.19 (8) manufacture adult-use cannabis products, lower-potency hemp edibles, and
78.20 hemp-derived consumer products for public consumption;

78.21 (9) package and label adult-use cannabis products, lower-potency hemp edibles, and
78.22 hemp-derived consumer products for sale to customers;

78.23 (10) sell cannabis concentrate, hemp concentrate, artificially derived cannabinoids,
78.24 cannabis products, lower-potency hemp edibles, and hemp-derived consumer products to
78.25 other cannabis businesses; and

78.26 (11) perform other actions approved by the office.

78.27 Subd. 2. Size limitations. The office shall establish a limit on the manufacturing of
78.28 cannabis products, lower-potency hemp edibles, or hemp-derived consumer products a
78.29 cannabis manufacturer may perform.

78.30 Subd. 3. Additional information required. In addition to the information required to
78.31 be submitted under section 342.14, subdivision 1, and rules adopted pursuant to that section,

79.1 a person, cooperative, or business seeking a cannabis manufacturer license must submit the
79.2 following information in a form approved by the office:

79.3 (1) an operating plan demonstrating the proposed layout of the facility, including a
79.4 diagram of ventilation and filtration systems; plans for wastewater and waste disposal for
79.5 the manufacturing facility; plans for providing electricity, water, and other utilities necessary
79.6 for the normal operation of the manufacturing facility; and plans for compliance with
79.7 applicable building code and federal and state environmental and workplace safety
79.8 requirements; and

79.9 (2) evidence that the business will comply with the applicable operation requirements
79.10 for the endorsement being sought.

79.11 Subd. 4. **Multiple licenses; limits.** (a) A person, cooperative, or business holding a
79.12 cannabis manufacturer license may also hold a cannabis cultivator license, a medical cannabis
79.13 cultivator license, a medical cannabis processor license, and a cannabis event organizer
79.14 license.

79.15 (b) Except as provided in paragraph (a), no person, cooperative, or business holding a
79.16 cannabis manufacturer license may own or operate any other cannabis business or hemp
79.17 business. This prohibition does not prevent transportation of cannabis flower from a cannabis
79.18 cultivator to a cannabis manufacturer licensed to the same person, cooperative, or business
79.19 and located on the same premises.

79.20 (c) The office by rule may limit the number of cannabis manufacturer licenses that a
79.21 person or business may hold.

79.22 (d) For purposes of this subdivision, a restriction on the number or type of license that
79.23 a business may hold applies to every cooperative member or every director, manager, and
79.24 general partner of a cannabis business.

79.25 Subd. 5. **Manufacturing operations.** A cannabis manufacturer must comply with the
79.26 requirements in section 342.26.

79.27 Sec. 32. **[342.32] CANNABIS RETAILER LICENSING AND OPERATIONS.**

79.28 Subdivision 1. **Authorized actions.** A cannabis retailer license entitles the license holder
79.29 to:

79.30 (1) purchase immature cannabis plants and seedlings, cannabis flower, cannabis products,
79.31 lower-potency hemp edibles, and hemp-derived consumer products from cannabis

80.1 microbusinesses, cannabis mezzobusinesses, cannabis cultivators, cannabis manufacturers,
80.2 and cannabis wholesalers;

80.3 (2) purchase lower-potency hemp edibles from a licensed lower-potency hemp edible
80.4 manufacturer;

80.5 (3) sell immature cannabis plants and seedlings, adult-use cannabis flower, adult-use
80.6 cannabis products, lower-potency hemp edibles, hemp-derived consumer products, and
80.7 other products authorized by law to customers; and

80.8 (4) perform other actions approved by the office.

80.9 Subd. 2. **Size limitations.** A cannabis retailer may operate up to five retail locations.

80.10 Subd. 3. **Additional information required.** In addition to the information required to
80.11 be submitted under section 342.14, subdivision 1, and rules adopted pursuant to that section,
80.12 a person, cooperative, or business seeking a cannabis retail license must submit the following
80.13 information in a form approved by the office:

80.14 (1) a list of every retail license held by the applicant and, if the applicant is a business,
80.15 every retail license held, either as an individual or as part of another business, by each
80.16 officer, director, manager, and general partner of the cannabis business;

80.17 (2) an operating plan demonstrating the proposed layout of the facility, including a
80.18 diagram of ventilation and filtration systems; policies to avoid sales to individuals who are
80.19 under 21 years of age; identification of a restricted area for storage; and plans to prevent
80.20 the visibility of cannabis flower, cannabis products, lower-potency hemp edibles, and
80.21 hemp-derived consumer products to individuals outside the retail location; and

80.22 (3) evidence that the business will comply with the applicable operation requirements
80.23 for the license being sought.

80.24 Subd. 4. **Multiple licenses; limits.** (a) A person, cooperative, or business holding a
80.25 cannabis retailer license may also hold a cannabis delivery service license, a medical cannabis
80.26 retailer license, and a cannabis event organizer license.

80.27 (b) Except as provided in paragraph (a), no person, cooperative, or business holding a
80.28 cannabis retailer license may own or operate any other cannabis business or hemp business.

80.29 (c) No person, cooperative, or business may hold a license to own or operate more than
80.30 one cannabis retail business in one city and three retail businesses in one county.

80.31 (d) The office by rule may limit the number of cannabis retailer licenses a person,
80.32 cooperative, or business may hold.

81.1 (e) For purposes of this subdivision, a restriction on the number or type of license a
81.2 business may hold applies to every cooperative member or every director, manager, and
81.3 general partner of a cannabis business.

81.4 Subd. 5. **Municipal or county cannabis store.** A city or county may establish, own,
81.5 and operate a municipal cannabis store subject to the restrictions in this chapter.

81.6 Sec. 33. **[342.33] CANNABIS WHOLESALER LICENSING.**

81.7 Subdivision 1. **Authorized actions.** A cannabis wholesaler license entitles the license
81.8 holder to:

81.9 (1) purchase immature cannabis plants and seedlings, cannabis flower, cannabis products,
81.10 lower-potency hemp edibles, and hemp-derived consumer products from cannabis
81.11 microbusinesses, cannabis mezzobusinesses, cannabis cultivators, cannabis manufacturers,
81.12 and cannabis microbusinesses;

81.13 (2) purchase hemp plant parts and propagules from industrial hemp growers licensed
81.14 under chapter 18K;

81.15 (3) purchase hemp concentrate from an industrial hemp processor licensed under chapter
81.16 18K;

81.17 (4) sell immature cannabis plants and seedlings, cannabis flower, cannabis products,
81.18 lower-potency hemp edibles, and hemp-derived consumer products to cannabis
81.19 microbusinesses, cannabis mezzobusinesses, cannabis manufacturers, and cannabis retailers;

81.20 (5) sell lower-potency hemp edibles to lower-potency hemp edible retailers;

81.21 (6) import hemp-derived consumer products and lower-potency hemp edibles that contain
81.22 hemp concentrate or artificially derived cannabinoids that are derived from hemp plants or
81.23 hemp plant parts; and

81.24 (7) perform other actions approved by the office.

81.25 Subd. 2. **Additional information required.** In addition to the information required to
81.26 be submitted under section 342.14, subdivision 1, and rules adopted pursuant to that section,
81.27 a person, cooperative, or business seeking a cannabis wholesaler license must submit the
81.28 following information in a form approved by the office:

81.29 (1) an operating plan demonstrating the proposed layout of the facility including a
81.30 diagram of ventilation and filtration systems and policies to avoid sales to unlicensed
81.31 cannabis businesses; and

82.1 (2) evidence that the business will comply with the applicable operation requirements
82.2 for the license being sought.

82.3 Subd. 3. **Multiple licenses; limits.** (a) A person, cooperative, or business holding a
82.4 cannabis wholesaler license may also hold a cannabis transporter license, a cannabis delivery
82.5 service license, and a cannabis event organizer license.

82.6 (b) Except as provided in paragraph (a), no person, cooperative, or business holding a
82.7 cannabis wholesaler license may own or operate any other cannabis business or hemp
82.8 business.

82.9 (c) The office by rule may limit the number of cannabis wholesaler licenses a person or
82.10 business may hold.

82.11 (d) For purposes of this subdivision, a restriction on the number or type of license a
82.12 business may hold applies to every cooperative member or every director, manager, and
82.13 general partner of a cannabis business.

82.14 Sec. 34. **[342.34] CANNABIS WHOLESALER OPERATIONS.**

82.15 Subdivision 1. **Separation of products.** A cannabis wholesaler must ensure that cannabis
82.16 plants, cannabis flower, and cannabis products are physically separated from all other
82.17 products, including but not limited to lower-potency hemp edibles and hemp-derived
82.18 consumer products, in a manner that prevents any cross-contamination.

82.19 Subd. 2. **Records and labels.** A cannabis wholesaler must maintain accurate records
82.20 and ensure that appropriate labels remain affixed to cannabis plants, cannabis flower,
82.21 cannabis products, lower-potency hemp edibles, and hemp-derived consumer products.

82.22 Subd. 3. **Building conditions.** (a) A cannabis wholesaler shall maintain compliance
82.23 with state and local building, fire, and zoning requirements or regulations.

82.24 (b) A cannabis wholesaler shall ensure that the licensed premises is maintained in a
82.25 clean and sanitary condition, free from infestation by insects, rodents, or other pests.

82.26 Subd. 4. **Sale of other products.** A cannabis wholesaler may purchase and sell other
82.27 products or items for which the cannabis wholesaler has a license or authorization or that
82.28 do not require a license or authorization. Products for which no license or authorization is
82.29 required include but are not limited to industrial hemp products, products that contain hemp
82.30 grain, hemp-derived topical products, and cannabis paraphernalia, including but not limited
82.31 to childproof packaging containers and other devices designed to ensure the safe storage

83.1 and monitoring of cannabis flower and cannabis products in the home to prevent access by
83.2 individuals under 21 years of age.

83.3 Subd. 5. **Importation of hemp-derived products.** (a) A cannabis wholesaler that imports
83.4 lower-potency hemp edibles or hemp-derived consumer products, other than hemp-derived
83.5 topical products, that are manufactured outside the boundaries of the state of Minnesota
83.6 with the intent to sell the products to a cannabis microbusiness, cannabis mezzobusiness,
83.7 cannabis retailer, or lower-potency hemp edible retailer must obtain a hemp-derived product
83.8 importer endorsement from the office.

83.9 (b) A cannabis wholesaler with a hemp-derived product importer endorsement may sell
83.10 products manufactured outside the boundaries of the state of Minnesota if:

83.11 (1) the manufacturer is licensed in another jurisdiction and subject to regulations designed
83.12 to protect the health and safety of consumers that the office determines are substantially
83.13 similar to the regulations in this state; or

83.14 (2) the cannabis wholesaler establishes, to the satisfaction of the office, that the
83.15 manufacturer engages in practices that are substantially similar to the practices required for
83.16 licensure of manufacturers in this state.

83.17 (c) The cannabis wholesaler must enter all relevant information regarding an imported
83.18 hemp-derived consumer product into the statewide monitoring system before the product
83.19 may be distributed. Relevant information includes information regarding the cultivation,
83.20 processing, and testing of the industrial hemp used in the manufacture of the product and
83.21 information regarding the testing of the hemp-derived consumer product. If information
83.22 regarding the industrial hemp or hemp-derived consumer product was submitted to a
83.23 statewide monitoring system used in another state, the office may require submission of
83.24 any information provided to that statewide monitoring system and shall assist in the transfer
83.25 of data from another state as needed and in compliance with any data classification
83.26 established by either state.

83.27 (d) The office may suspend, revoke, or cancel the endorsement of a distributor who is
83.28 prohibited from distributing products containing cannabinoids in any other jurisdiction,
83.29 convicted of an offense involving the distribution of products containing cannabinoids in
83.30 any other jurisdiction, or found liable for distributing any product that injured customers in
83.31 any other jurisdiction. A cannabis wholesaler shall disclose all relevant information related
83.32 to actions in another jurisdiction. Failure to disclose relevant information may result in
83.33 disciplinary action by the office, including the suspension, revocation, or cancellation of
83.34 an endorsement or license.

84.1 (e) Notwithstanding any law to the contrary, it shall not be a defense in any civil or
84.2 criminal action that a licensed wholesaler relied on information on a product label or
84.3 otherwise provided by a manufacturer who is not licensed in this state.

84.4 Sec. 35. [342.35] CANNABIS TRANSPORTER LICENSING.

84.5 Subdivision 1. **Authorized actions.** A cannabis transporter license entitles the license
84.6 holder to transport immature cannabis plants and seedlings, cannabis flower, cannabis
84.7 products, artificially derived cannabinoids, hemp plant parts, hemp concentrate,
84.8 lower-potency hemp edibles, and hemp-derived consumer products from cannabis
84.9 microbusinesses, cannabis mezzobusinesses, cannabis cultivators, cannabis manufacturers,
84.10 cannabis wholesalers, lower-potency hemp edible manufacturers, medical cannabis retailers,
84.11 medical cannabis processors, and industrial hemp growers to cannabis microbusinesses,
84.12 cannabis mezzobusinesses, cannabis manufacturers, cannabis testing facilities, cannabis
84.13 wholesalers, cannabis retailers, lower-potency hemp edible retailers, medical cannabis
84.14 processors, medical cannabis retailers, and medical cannabis combination businesses and
84.15 perform other actions approved by the office.

84.16 Subd. 2. **Additional information required.** In addition to the information required to
84.17 be submitted under section 342.14, subdivision 1, and rules adopted pursuant to that section,
84.18 a person, cooperative, or business seeking a cannabis transporter license must submit the
84.19 following information in a form approved by the office:

84.20 (1) an appropriate surety bond, certificate of insurance, qualifications as a self-insurer,
84.21 or other securities or agreements, in the amount of not less than \$300,000, for loss of or
84.22 damage to cargo;

84.23 (2) an appropriate surety bond, certificate of insurance, qualifications as a self-insurer,
84.24 or other securities or agreements, in the amount of not less than \$1,000,000, for injury to
84.25 one or more persons in any one accident and, if an accident has resulted in injury to or
84.26 destruction of property, of not less than \$100,000 because of such injury to or destruction
84.27 of property of others in any one accident;

84.28 (3) the number and type of equipment the business will use to transport immature cannabis
84.29 plants and seedlings, cannabis flower, cannabis products, artificially derived cannabinoids,
84.30 hemp plant parts, hemp concentrate, lower-potency hemp edibles, and hemp-derived
84.31 consumer products;

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

85.1 (5) a description of the applicant's experience in the distribution or security business;
85.2 and

85.3 (6) evidence that the business will comply with the applicable operation requirements
85.4 for the license being sought.

85.5 Subd. 3. **Multiple licenses; limits.** (a) A person, cooperative, or business holding a
85.6 cannabis transporter license may also hold a cannabis wholesaler license, a cannabis delivery
85.7 service license, and a cannabis event organizer license.

85.8 (b) Except as provided in paragraph (a), no person, cooperative, or business holding a
85.9 cannabis transporter license may own or operate any other cannabis business.

85.10 (c) The office by rule may limit the number of cannabis transporter licenses a person or
85.11 business may hold.

85.12 (d) For purposes of this subdivision, restrictions on the number or type of license a
85.13 business may hold apply to every cooperative member or every director, manager, and
85.14 general partner of a cannabis business.

85.15 Sec. 36. **[342.36] CANNABIS TRANSPORTER OPERATIONS.**

85.16 Subdivision 1. **Manifest required.** Before transporting immature cannabis plants and
85.17 seedlings, cannabis flower, cannabis products, artificially derived cannabinoids, hemp plant
85.18 parts, hemp concentrate, lower-potency hemp edibles, or hemp-derived consumer products,
85.19 a cannabis transporter shall obtain a shipping manifest on a form established by the office.
85.20 The manifest must be kept with the products at all times and the cannabis transporter must
85.21 maintain a copy of the manifest in its records.

85.22 Subd. 2. **Records of transportation.** Records of transportation must be kept for a
85.23 minimum of three years at the cannabis transporter's place of business and are subject to
85.24 inspection upon request by the office or law enforcement agency. Records of transportation
85.25 include the following:

85.26 (1) copies of transportation manifests for all deliveries;

85.27 (2) a transportation log documenting the chain of custody for each delivery, including
85.28 every employee and vehicle used during transportation; and

85.29 (3) financial records showing payment for transportation services.

85.30 Subd. 3. **Storage compartment.** Immature cannabis plants and seedlings, cannabis
85.31 flower, cannabis products, artificially derived cannabinoids, hemp plant parts, hemp
85.32 concentrate, lower-potency hemp edibles, and hemp-derived consumer products must be

86.1 transported in a locked, safe, and secure storage compartment that is part of the motor vehicle
86.2 or in a locked storage container that has a separate key or combination pad. Items being
86.3 transported may not be visible from outside the motor vehicle.

86.4 Subd. 4. **Identifying logos or business names prohibited.** No vehicle or trailer may
86.5 contain an image depicting the types of items being transported, including but not limited
86.6 to an image depicting a cannabis or hemp leaf, or a name suggesting that the vehicle is used
86.7 in transporting immature cannabis plants and seedlings, cannabis flower, cannabis products,
86.8 artificially derived cannabinoids, hemp plant parts, hemp concentrate, lower-potency hemp
86.9 edibles, or hemp-derived consumer products.

86.10 Subd. 5. **Randomized deliveries.** A cannabis transporter shall ensure that all delivery
86.11 times and routes are randomized.

86.12 Subd. 6. **Multiple employees.** All cannabis transporter vehicles transporting immature
86.13 cannabis plants and seedlings, cannabis flower, cannabis products, artificially derived
86.14 cannabinoids, hemp plant parts, hemp concentrate, lower-potency hemp edibles, or
86.15 hemp-derived consumer products must be staffed with a minimum of two employees. At
86.16 least one delivery team member shall remain with the motor vehicle at all times that the
86.17 motor vehicle contains immature cannabis plants and seedlings, cannabis flower, cannabis
86.18 products, artificially derived cannabinoids, hemp plant parts, hemp concentrate,
86.19 lower-potency hemp edibles, or hemp-derived consumer products.

86.20 Subd. 7. **Nonemployee passengers prohibited.** Only a cannabis worker employed by
86.21 or contracted with the cannabis transporter and who is at least 21 years of age may transport
86.22 immature cannabis plants and seedlings, cannabis flower, cannabis products, artificially
86.23 derived cannabinoids, hemp plant parts, hemp concentrate, lower-potency hemp edibles, or
86.24 hemp-derived consumer products. All passengers in a vehicle must be cannabis workers
86.25 employed by or contracted with the cannabis transporter.

86.26 Subd. 8. **Drivers license required.** All drivers must carry a valid driver's license with
86.27 the proper endorsements when operating a vehicle transporting immature cannabis plants
86.28 and seedlings, cannabis flower, cannabis products, artificially derived cannabinoids, hemp
86.29 plant parts, hemp concentrate, lower-potency hemp edibles, or hemp-derived consumer
86.30 products.

86.31 Subd. 9. **Vehicles subject to inspection.** Any vehicle assigned for the purposes of
86.32 transporting immature cannabis plants and seedlings, cannabis flower, cannabis products,
86.33 artificially derived cannabinoids, hemp plant parts, hemp concentrate, lower-potency hemp

87.1 edibles, or hemp-derived consumer products is subject to inspection and may be stopped
87.2 or inspected at any licensed cannabis business or while en route during transportation.

87.3 **Sec. 37. [342.37] CANNABIS TESTING FACILITY LICENSING.**

87.4 Subdivision 1. **Authorized actions.** A cannabis testing facility license entitles the license
87.5 holder to obtain and test immature cannabis plants and seedlings, cannabis flower, cannabis
87.6 products, hemp plant parts, hemp concentrate, artificially derived cannabinoids,
87.7 lower-potency hemp edibles, and hemp-derived consumer products from cannabis
87.8 microbusinesses, cannabis mezzobusinesses, cannabis cultivators, cannabis manufacturers,
87.9 cannabis wholesalers, lower-potency hemp edible manufacturers, medical cannabis
87.10 cultivators, medical cannabis processors, medical cannabis combination businesses, and
87.11 industrial hemp growers.

87.12 Subd. 2. **Additional information required.** In addition to the information required to
87.13 be submitted under section 342.14, subdivision 1, and rules adopted pursuant to that section,
87.14 a person, cooperative, or business seeking a cannabis testing facility license must submit
87.15 the following information in a form approved by the office:

87.16 (1) an operating plan demonstrating the proposed layout of the facility, including a
87.17 diagram of ventilation and filtration systems and policies to avoid sales to unlicensed
87.18 businesses;

87.19 (2) proof of accreditation by a laboratory accrediting organization approved by the office
87.20 that, at a minimum, requires a laboratory to operate formal management systems under the
87.21 International Organization for Standardization; and

87.22 (3) evidence that the business will comply with the applicable operation requirements
87.23 for the license being sought.

87.24 Subd. 3. **Multiple licenses; limits.** (a) A person, cooperative, or business holding a
87.25 cannabis testing facility license may not own or operate, or be employed by, any other
87.26 cannabis business or hemp business.

87.27 (b) The office by rule may limit the number of cannabis testing facility licenses a person
87.28 or business may hold.

87.29 (c) For purposes of this subdivision, a restriction on the number of licenses a business
87.30 may hold applies to every cooperative member or every director, manager, and general
87.31 partner of a cannabis business.

88.1 Sec. 38. **[342.38] CANNABIS TESTING FACILITY OPERATIONS.**

88.2 **Subdivision 1. Testing services.** A cannabis testing facility shall provide some or all
88.3 testing services required under section 342.61 and rules adopted pursuant to that section.

88.4 **Subd. 2. Testing protocols.** A cannabis testing facility shall follow all testing protocols,
88.5 standards, and criteria adopted by rule by the office for the testing of different forms of
88.6 cannabis plants and seedlings, cannabis flower, cannabis products, lower-potency hemp
88.7 edibles, hemp-derived consumer products, hemp plant parts, hemp concentrate, and artificially
88.8 derived cannabinoids; determining batch size; sampling; testing validity; and approval and
88.9 disapproval of tested items.

88.10 **Subd. 3. Records.** Records of all business transactions and testing results; records
88.11 required to be maintained pursuant to any applicable standards for accreditation; and records
88.12 relevant to testing protocols, standards, and criteria adopted by the office must be kept for
88.13 a minimum of three years at the cannabis testing facility's place of business and are subject
88.14 to inspection upon request by the office or law enforcement agency.

88.15 **Subd. 4. Disposal of cannabis flower and products.** A testing facility shall dispose of
88.16 or destroy used, unused, and waste cannabis plants and seedlings, cannabis flower, cannabis
88.17 products, lower-potency hemp edibles, hemp-derived consumer products, hemp plant parts,
88.18 hemp concentrate, and artificially derived cannabinoids pursuant to rules adopted by the
88.19 office.

88.20 Sec. 39. **[342.39] CANNABIS EVENT ORGANIZER LICENSING.**

88.21 **Subdivision 1. Authorized actions.** A cannabis event organizer license entitles the
88.22 license holder to organize a temporary cannabis event lasting no more than four days.

88.23 **Subd. 2. Additional information required.** (a) In addition to the information required
88.24 to be submitted under section 342.14, subdivision 1, and rules adopted pursuant to that
88.25 section, a person, cooperative, or business seeking a cannabis event organizer license must
88.26 submit the following information in a form approved by the office:

88.27 (1) the type and number of any other cannabis business license held by the applicant;

88.28 (2) the address and location where the temporary cannabis event will take place;

88.29 (3) the name of the temporary cannabis event;

88.30 (4) a diagram of the physical layout of the temporary cannabis event showing where the
88.31 event will take place on the grounds, all entrances and exits that will be used by participants
88.32 during the event, all cannabis consumption areas, all cannabis retail areas where cannabis

89.1 flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products
89.2 will be sold, the location where cannabis waste will be stored, and any location where
89.3 cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer
89.4 products will be stored;

89.5 (5) a list of the name, number, and type of cannabis businesses and hemp businesses
89.6 that will sell cannabis plants, adult-use cannabis flower, adult-use cannabis products,
89.7 lower-potency hemp edibles, and hemp-derived consumer products at the event, which may
89.8 be supplemented or amended within 72 hours of the time at which the cannabis event begins;

89.9 (6) the dates and hours during which the cannabis event will take place;

89.10 (7) proof of local approval for the cannabis event; and

89.11 (8) evidence that the business will comply with the applicable operation requirements
89.12 for the license being sought.

89.13 (b) A person, cooperative, or business seeking a cannabis event organizer license may
89.14 also disclose whether the person or any officer, director, manager, and general partner of a
89.15 cannabis business is serving or has previously served in the military.

89.16 Subd. 3. **Multiple licenses; limits.** (a) A person, cooperative, or business holding a
89.17 cannabis event organizer license may not hold a cannabis testing facility license, a
89.18 lower-potency hemp edible manufacturer license, or a lower-potency hemp edible retailer
89.19 license.

89.20 (b) The office by rule may limit the number of cannabis event licenses that a person or
89.21 business may hold.

89.22 (c) For purposes of this subdivision, restrictions on the number or type of license that a
89.23 business may hold apply to every cooperative member or every director, manager, and
89.24 general partner of a cannabis business.

89.25 **Sec. 40. [342.40] CANNABIS EVENT ORGANIZER OPERATIONS.**

89.26 Subdivision 1. **Local approval.** A cannabis event organizer must receive local approval,
89.27 including obtaining any necessary permits or licenses issued by a local unit of government,
89.28 before holding a cannabis event.

89.29 Subd. 2. **Charging fees.** (a) A cannabis event organizer may charge an entrance fee to
89.30 a cannabis event.

89.31 (b) A cannabis event organizer may charge a fee to a cannabis business or hemp business
89.32 in exchange for space to display and sell cannabis plants, adult-use cannabis flower, adult-use

90.1 cannabis products, lower-potency hemp edibles, and hemp-derived consumer products. Any
90.2 fee paid for participation in a cannabis event shall not be based on or tied to the sale of
90.3 cannabis plants, adult-use cannabis flower, adult-use cannabis products, lower-potency
90.4 hemp edibles, or hemp-derived consumer products.

90.5 Subd. 3. **Security.** A cannabis event organizer must hire or contract for licensed security
90.6 personnel to provide security services at the cannabis event. All security personnel hired or
90.7 contracted for shall be at least 21 years of age and present on the licensed event premises
90.8 at all times that cannabis plants, adult-use cannabis flower, adult-use cannabis products,
90.9 lower-potency hemp edibles, or hemp-derived consumer products are available for sale or
90.10 consumption of adult-use cannabis flower, adult-use cannabis products, lower-potency hemp
90.11 edibles, or hemp-derived consumer products is allowed. The security personnel shall not
90.12 consume cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived
90.13 consumer products for at least 24 hours before the event or during the event.

90.14 Subd. 4. **Limited access to event.** A cannabis event organizer shall ensure that access
90.15 to an event is limited to individuals who are at least 21 years of age. At or near each public
90.16 entrance to any area where the sale or consumption of adult-use cannabis flower, adult-use
90.17 cannabis products, lower-potency hemp edibles, or hemp-derived consumer products is
90.18 allowed, a cannabis event organizer shall maintain a clearly visible and legible sign consisting
90.19 of the following statement: "No persons under 21 allowed." The lettering of the sign shall
90.20 be not less than one inch in height.

90.21 Subd. 5. **Cannabis waste.** A cannabis event organizer shall ensure that all used, unused,
90.22 and waste cannabis plants, adult-use cannabis flower, adult-use cannabis products,
90.23 lower-potency hemp edibles, and hemp-derived consumer products that are not removed
90.24 by a customer, cannabis business, or hemp business are disposed of in a manner approved
90.25 by the office.

90.26 Subd. 6. **Transportation of cannabis plants, flower, and products.** All transportation
90.27 of cannabis plants, adult-use cannabis flower, adult-use cannabis products, lower-potency
90.28 hemp edibles, and hemp-derived consumer products intended for display or sale and all
90.29 such items used for display or not sold during the cannabis event must be transported to
90.30 and from the cannabis event by a licensed cannabis transporter.

90.31 Subd. 7. **Cannabis event sales.** (a) Cannabis microbusinesses with a retail endorsement,
90.32 cannabis mezzobusinesses with a retail endorsement, cannabis retailers, and lower-potency
90.33 hemp edible retailers, including the cannabis event organizer, may be authorized to sell

91.1 cannabis plants, adult-use cannabis flower, adult-use cannabis products, lower-potency
91.2 hemp edibles, and hemp-derived consumer products to customers at a cannabis event.

91.3 (b) All sales of cannabis plants, adult-use cannabis flower, adult-use cannabis products,
91.4 lower-potency hemp edibles, and hemp-derived consumer products at a cannabis event must
91.5 take place in a retail area as designated in the premises diagram.

91.6 (c) Authorized retailers may only conduct sales within their specifically assigned area.

91.7 (d) Authorized retailers must verify the age of all customers pursuant to section 342.27,
91.8 subdivision 4, before completing a sale and may not sell cannabis plants, adult-use cannabis
91.9 flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer
91.10 products to an individual under 21 years of age.

91.11 (e) Authorized retailers may display one sample of each type of cannabis plant, adult-use
91.12 cannabis flower, adult-use cannabis product, lower-potency hemp edible, and hemp-derived
91.13 consumer product available for sale. Samples of adult-use cannabis and adult-use cannabis
91.14 products must be stored in a sample jar or display case and be accompanied by a label or
91.15 notice containing the information required to be affixed to the packaging or container
91.16 containing adult-use cannabis flower and adult-use cannabis products sold to customers. A
91.17 sample may not consist of more than eight grams of adult-use cannabis flower or adult-use
91.18 cannabis concentrate, or an edible cannabis product infused with more than 100 milligrams
91.19 of tetrahydrocannabinol. A cannabis retailer may allow customers to smell the adult-use
91.20 cannabis flower or adult-use cannabis product before purchase.

91.21 (f) The notice requirements under section 342.27, subdivision 6, apply to authorized
91.22 retailers offering cannabis plants, adult-use cannabis flower, adult-use cannabinoid products,
91.23 and hemp-derived consumer products for sale at a cannabis event.

91.24 (g) Authorized retailers may not:

91.25 (1) sell adult-use cannabis flower, adult-use cannabis products, lower-potency hemp
91.26 edibles, or hemp-derived consumer products to a person who is visibly intoxicated;

91.27 (2) knowingly sell more cannabis plants, adult-use cannabis flower, adult-use cannabis
91.28 products, lower-potency hemp edibles, or hemp-derived consumer products than a customer
91.29 is legally permitted to possess;

91.30 (3) sell medical cannabis flower or medical cannabinoid products;

91.31 (4) give away cannabis plants, cannabis flower, cannabis products, lower-potency hemp
91.32 edibles, or hemp-derived consumer products; or

92.1 (5) allow for the dispensing of cannabis plants, cannabis flower, cannabis products,
92.2 lower-potency hemp edibles, or hemp-derived consumer products in vending machines.

92.3 (h) Except for samples of a cannabis plant, adult-use cannabis flower, adult-use cannabis
92.4 product, lower-potency hemp edible, and hemp-derived consumer product, all cannabis
92.5 plants, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles,
92.6 and hemp-derived consumer products for sale at a cannabis event must be stored in a secure,
92.7 locked container that is not accessible to the public. Such items being stored at a cannabis
92.8 event shall not be left unattended.

92.9 (i) All cannabis plants, adult-use cannabis flower, adult-use cannabis products,
92.10 lower-potency hemp edibles, and hemp-derived consumer products for sale at a cannabis
92.11 event must comply with this chapter and rules adopted pursuant to this chapter regarding
92.12 the testing, packaging, and labeling of those items.

92.13 (j) All cannabis plants, adult-use cannabis flower, and adult-use cannabis products sold,
92.14 damaged, or destroyed at a cannabis event must be recorded in the statewide monitoring
92.15 system.

92.16 Subd. 8. Cannabis event on-site consumption. (a) If approved by the local unit of
92.17 government, a cannabis event may designate an area for consumption of adult-use cannabis
92.18 flower, adult-use cannabis products, lower-potency hemp edibles, hemp-derived consumer
92.19 products, or any combination of those items.

92.20 (b) Access to areas where consumption of adult-use cannabis flower, adult-use cannabis
92.21 products, lower-potency hemp edibles, or hemp-derived consumer products is allowed shall
92.22 be restricted to individuals who are at least 21 years of age.

92.23 (c) The cannabis event organizer shall ensure that consumption of adult-use cannabis
92.24 flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer
92.25 products within a designated consumption area is not visible from any public place.

92.26 (d) The cannabis event organizer shall not permit consumption of alcohol or tobacco.

92.27 (e) The cannabis event organizer shall not permit smoking, according to section 144.413,
92.28 of adult-use cannabis flower or cannabis products at any location where smoking is not
92.29 permitted under sections 144.413 to 144.417. Nothing in this section prohibits a statutory
92.30 or home rule charter city or county from enacting and enforcing more stringent measures
92.31 to protect individuals from secondhand smoke or involuntary exposure to aerosol or vapor
92.32 from electronic delivery devices.

93.1 Sec. 41. **[342.41] CANNABIS DELIVERY SERVICE LICENSING.**

93.2 **Subdivision 1. Authorized actions.** A cannabis delivery service license entitles the
93.3 license holder to purchase cannabis flower, cannabis products, lower-potency hemp edibles,
93.4 and hemp-derived consumer products from licensed cannabis microbusinesses with a retail
93.5 endorsement, cannabis mezzobusinesses with a retail endorsement, cannabis retailers,
93.6 medical cannabis retailers, and medical cannabis combination businesses; transport and
93.7 deliver cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived
93.8 consumable products to customers; and perform other actions approved by the office.

93.9 **Subd. 2. Additional information required.** In addition to the information required to
93.10 be submitted under section 342.14, subdivision 1, and rules adopted pursuant to that section,
93.11 a person, cooperative, or business seeking a cannabis delivery service license must submit
93.12 the following information in a form approved by the office:

93.13 (1) a list of all vehicles to be used in the delivery of cannabis flower, cannabis products,
93.14 lower-potency hemp edibles, and hemp-derived consumer products including:

93.15 (i) the vehicle make, model, and color;

93.16 (ii) the vehicle identification number; and

93.17 (iii) the license plate number;

93.18 (2) proof of insurance for each vehicle;

93.19 (3) a business plan demonstrating policies to avoid sales of cannabis flower, cannabis
93.20 products, lower-potency hemp edibles, and hemp-derived consumer products to individuals
93.21 who are under 21 years of age and plans to prevent the visibility of cannabis flower, cannabis
93.22 products, lower-potency hemp edibles, and hemp-derived consumer products to individuals
93.23 outside the delivery vehicle; and

93.24 (4) evidence that the business will comply with the applicable operation requirements
93.25 for the license being sought.

93.26 **Subd. 3. Multiple licenses; limits.** (a) A person, cooperative, or business holding a
93.27 cannabis delivery service license may also hold a cannabis retailer license, a cannabis
93.28 wholesaler license, a cannabis transporter license, a cannabis event organizer license, and
93.29 a medical cannabis retailer license subject to the ownership limitations that apply to those
93.30 licenses.

94.1 (b) Except as provided in paragraph (a), no person, cooperative, or business holding a
94.2 cannabis delivery service license may own or operate any other cannabis business or hemp
94.3 business.

94.4 (c) The office by rule may limit the number of cannabis delivery service licenses that a
94.5 person or business may hold.

94.6 (d) For purposes of this subdivision, a restriction on the number or type of license that
94.7 a business may hold applies to every cooperative member or every director, manager, and
94.8 general partner of a cannabis business.

94.9 **Sec. 42. [342.42] CANNABIS DELIVERY SERVICE OPERATIONS.**

94.10 Subdivision 1. **Age or registry verification.** Prior to completing a delivery, a cannabis
94.11 delivery service shall verify that the customer is at least 21 years of age or is enrolled in the
94.12 registry program. Section 342.27, subdivision 4, applies to the verification of a customer's
94.13 age. Registry verification issued by the Division of Medical Cannabis may be considered
94.14 evidence that the person is enrolled in the registry program.

94.15 Subd. 2. **Records.** The office by rule shall establish record-keeping requirements for a
94.16 cannabis delivery service, including but not limited to proof of delivery to individuals who
94.17 are at least 21 years of age or enrolled in the registry program.

94.18 Subd. 3. **Amount to be transported.** The office by rule shall establish limits on the
94.19 amount of cannabis flower, cannabis products, lower-potency hemp edibles, and
94.20 hemp-derived consumer products that a cannabis delivery service may transport.

94.21 Subd. 4. **Statewide monitoring system.** Receipt of cannabis flower and cannabis products
94.22 by the cannabis delivery service and a delivery to a customer must be recorded in the
94.23 statewide monitoring system within the time established by rule.

94.24 Subd. 5. **Storage compartment.** Cannabis flower, cannabis products, lower-potency
94.25 hemp edibles, and hemp-derived consumer products must be transported in a locked, safe,
94.26 and secure storage compartment that is part of the cannabis delivery service vehicle or in a
94.27 locked storage container that has a separate key or combination pad. Cannabis flower,
94.28 cannabis products, lower-potency hemp edibles, and hemp-derived consumer products may
94.29 not be visible from outside the cannabis delivery service vehicle.

94.30 Subd. 6. **Identifying logos or business names prohibited.** No cannabis delivery service
94.31 vehicle or trailer may contain an image depicting the types of items being transported,
94.32 including but not limited to an image depicting a cannabis or hemp leaf, or a name suggesting

95.1 that the cannabis delivery service vehicle is used for transporting cannabis flower, cannabis
95.2 products, lower-potency hemp edibles, and hemp-derived consumer products.

95.3 Subd. 7. **Nonemployee passengers prohibited.** Only a cannabis worker employed by
95.4 or contracted with the cannabis delivery service and who is at least 21 years of age may
95.5 transport cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived
95.6 consumer products. All passengers in a cannabis delivery service vehicle must be cannabis
95.7 workers employed by or contracted with the cannabis delivery service.

95.8 Subd. 8. **Vehicles subject to inspection.** Any cannabis delivery service vehicle is subject
95.9 to inspection at any time.

95.10 Sec. 43. **[342.43] HEMP BUSINESS LICENSE TYPES; MULTIPLE LICENSES.**

95.11 Subdivision 1. **License types.** The office shall issue the following types of hemp business
95.12 licenses:

95.13 (1) lower-potency hemp edible manufacturer; and

95.14 (2) lower-potency hemp edible retailer.

95.15 Subd. 2. **Multiple licenses; limits.** (a) A person, cooperative, or business may hold both
95.16 a lower-potency hemp edible manufacturer and lower-potency hemp edible retailer license.

95.17 (b) Nothing in this section prohibits a person, cooperative, or business from holding a
95.18 lower-potency hemp edible manufacturer license, a lower-potency hemp edible retailer
95.19 license, or both, and also holding a license to cultivate industrial hemp issued pursuant to
95.20 chapter 18K.

95.21 (c) Nothing in this section prohibits a person, cooperative, or business from holding a
95.22 lower-potency hemp edible manufacturer license, a lower-potency hemp edible retailer
95.23 license, or both, and also holding any other license, including but not limited to a license
95.24 to prepare or sell food; sell tobacco, tobacco-related devices, electronic delivery devices as
95.25 defined in section 609.685, subdivision 1, and nicotine and lobelia delivery products as
95.26 described in section 609.6855; or manufacture or sell alcoholic beverages as defined in
95.27 section 340A.101, subdivision 2.

95.28 (d) A person, cooperative, or business holding a lower-potency hemp edible manufacturer
95.29 license, a lower-potency hemp edible retailer license, or both, may not hold a cannabis
95.30 business license.

96.1 Sec. 44. **[342.44] HEMP BUSINESS LICENSES; APPLICATIONS AND ISSUANCE.**

96.2 **Subdivision 1. Application; contents.** (a) Except as otherwise provided in this
96.3 subdivision, the provisions of this chapter relating to license applications, license selection
96.4 criteria, general ownership disqualifications and requirements, and general operational
96.5 requirements do not apply to hemp businesses.

96.6 (b) The office, by rule, shall establish forms and procedures for the processing of hemp
96.7 licenses issued under this chapter. At a minimum, any application to obtain or renew a hemp
96.8 license shall include the following information, if applicable:

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

96.10 (2) the address and legal property description of the business;

96.11 (3) proof of trade name registration;

96.12 (4) certification that the applicant will comply with the requirements of this chapter
96.13 relating to the ownership and operation of a hemp business;

96.14 (5) identification of one or more controlling persons or managerial employees as agents
96.15 who shall be responsible for dealing with the office on all matters; and

96.16 (6) a statement that the applicant agrees to respond to the office's supplemental requests
96.17 for information.

96.18 (c) An applicant for a lower-potency hemp edible manufacturer license must submit an
96.19 attestation signed by a bona fide labor organization stating that the applicant has entered
96.20 into a labor peace agreement.

96.21 (d) An application on behalf of a corporation or association shall be signed by at least
96.22 two officers or managing agents of that entity.

96.23 **Subd. 2. Issuance; eligibility; prohibition on transfer.** (a) The office may issue a hemp
96.24 license to an applicant who:

96.25 (1) is at least 21 years of age;

96.26 (2) has completed an application for licensure or application for renewal and has fully
96.27 and truthfully complied with all information requests relating to license application and
96.28 renewal;

96.29 (3) has paid the applicable application and license fees pursuant to section 342.11;

96.30 (4) is not employed by the office or any state agency with regulatory authority over this
96.31 chapter; and

97.1 (5) does not hold any cannabis business license.

97.2 (b) Licenses must be renewed annually.

97.3 (c) Licenses may not be transferred.

97.4 **Sec. 45. [342.45] LOWER-POTENCY HEMP EDIBLE MANUFACTURER.**

97.5 Subdivision 1. **Authorized actions.** A lower-potency hemp edible manufacturer license
97.6 entitles the license holder to:

97.7 (1) purchase hemp plant parts, hemp concentrate, and artificially derived cannabinoids
97.8 from cannabis microbusinesses, cannabis mezzobusinesses, cannabis manufacturers, cannabis
97.9 wholesalers, and lower-potency hemp edible manufacturers;

97.10 (2) purchase hemp plant parts and propagules from industrial hemp growers licensed
97.11 under chapter 18K;

97.12 (3) purchase hemp concentrate from an industrial hemp processor licensed under chapter
97.13 18K;

97.14 (4) make hemp concentrate;

97.15 (5) manufacture artificially derived cannabinoids;

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

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

97.18 (8) sell hemp concentrate, artificially derived cannabinoids, and lower-potency hemp
97.19 edibles to other cannabis businesses and hemp businesses; and

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

97.21 Subd. 2. **All manufacturer operations.** (a) All hemp manufacturing must take place in
97.22 a facility and on equipment that meets the applicable health and safety requirements
97.23 established by the office, including requirements for cleaning and testing machinery between
97.24 production of different products.

97.25 (b) A lower-potency hemp edible manufacturer must comply with all applicable
97.26 packaging, labeling, and testing requirements.

97.27 Subd. 3. **Extraction and concentration.** (a) A lower-potency hemp edible manufacturer
97.28 that creates hemp concentrate or artificially derived cannabinoids must obtain an endorsement
97.29 from the office.

98.1 (b) A lower-potency hemp edible manufacturer seeking an endorsement to create hemp
98.2 concentrate must inform the office of all methods of extraction and concentration that the
98.3 manufacturer intends to use and identify the volatile chemicals, if any, that will be involved
98.4 in the creation of hemp concentrate. A lower-potency hemp edible manufacturer may not
98.5 use a method of extraction and concentration or a volatile chemical without approval by
98.6 the office.

98.7 (c) A lower-potency hemp edible manufacturer seeking an endorsement to create
98.8 artificially derived cannabinoids must inform the office of all methods of conversion that
98.9 the manufacturer will use, including any specific catalysts that the manufacturer will employ,
98.10 to create artificially derived cannabinoids and the molecular nomenclature of all cannabinoids
98.11 or other chemical compounds that the manufacturer will create. A business licensed or
98.12 authorized to manufacture lower-potency hemp edibles may not use a method of conversion
98.13 or a catalyst without approval by the office.

98.14 (d) A lower-potency hemp edible manufacturer must obtain a certification from an
98.15 independent third-party industrial hygienist or professional engineer approving:

98.16 (1) all electrical, gas, fire suppression, and exhaust systems; and

98.17 (2) the plan for safe storage and disposal of hazardous substances, including but not
98.18 limited to any volatile chemicals.

98.19 (e) Upon the sale of hemp concentrate or artificially derived cannabinoids to any person,
98.20 cooperative, or business, a lower-potency hemp edible manufacturer must provide a statement
98.21 to the buyer that discloses the method of extraction and concentration or conversion used
98.22 and any solvents, gases, or catalysts, including but not limited to any volatile chemicals
98.23 involved in that method.

98.24 **Subd. 4. Production of consumer products.** (a) A lower-potency hemp edible
98.25 manufacturer that produces lower-potency hemp edibles must obtain an edible cannabinoid
98.26 product handler endorsement from the office.

98.27 (b) All areas within the premises of a lower-potency hemp edible manufacturer used for
98.28 producing lower-potency hemp edibles must meet the sanitary standards specified in rules
98.29 adopted by the office.

98.30 (c) A lower-potency hemp edible manufacturer may only add chemicals or compounds
98.31 approved by the office to hemp concentrate or artificially derived cannabinoids.

98.32 (d) Upon the sale of any lower-potency hemp edible to a cannabis business or hemp
98.33 business, a lower-potency hemp edible manufacturer must provide a statement to the buyer

99.1 that discloses the product's ingredients, including but not limited to any chemicals or
99.2 compounds and any major food allergens declared by name.

99.3 (e) A lower-potency hemp edible manufacturer shall not add any artificially derived
99.4 cannabinoid, hemp plant part, or hemp concentrate to a product if the manufacturer of the
99.5 product holds a trademark to the product's name, except that a lower-potency hemp edible
99.6 manufacturer may use a trademarked food product if the manufacturer uses the product as
99.7 a component or as part of a recipe and if the lower-potency hemp edible manufacturer does
99.8 not state or advertise to the customer that the final retail lower-potency hemp edible contains
99.9 a trademarked food product.

99.10 (f) A lower-potency hemp edible manufacturer shall not add any cannabis flower,
99.11 cannabis concentrate, or cannabinoid derived from cannabis flower or cannabis concentrate
99.12 to a product.

99.13 Subd. 5. **Transportation of hemp concentrate, artificially derived cannabinoids,**
99.14 **and lower-potency hemp edibles.** (a) A lower-potency hemp edible manufacturer may
99.15 transport hemp concentrate, artificially derived cannabinoids, and lower-potency hemp
99.16 edibles on public roadways provided:

99.17 (1) the artificially derived cannabinoids, hemp concentrate, or lower-potency hemp
99.18 edibles are in a locked, safe, and secure storage compartment that is part of the motor vehicle
99.19 or in a locked storage container that has a separate key or combination pad;

99.20 (2) the artificially derived cannabinoids, hemp concentrate, or lower-potency hemp
99.21 edibles are packaged in tamper-evident containers that are not visible or recognizable from
99.22 outside the transporting vehicle;

99.23 (3) the lower-potency hemp edible manufacturer has a shipping manifest in the
99.24 lower-potency hemp edible manufacturer's possession that describes the contents of all
99.25 tamper-evident containers;

99.26 (4) all departures, arrivals, and stops are appropriately documented;

99.27 (5) no person other than a designated employee enters a vehicle at any time that the
99.28 vehicle is transporting artificially derived cannabinoids, hemp concentrate, or lower-potency
99.29 hemp edibles; and

99.30 (6) the lower-potency hemp edible manufacturer complies with any other rules adopted
99.31 by the office.

99.32 (b) Any vehicle assigned for the purposes of transporting artificially derived cannabinoids,
99.33 hemp concentrate, or lower-potency hemp edibles is subject to inspection at any time.

100.1 **Sec. 46. [342.46] LOWER-POTENCY HEMP EDIBLE RETAILER.**

100.2 **Subdivision 1. Sale of lower-potency hemp edibles.** (a) A lower-potency hemp edible
100.3 retailer may only sell lower-potency hemp edibles to individuals who are at least 21 years
100.4 of age.

100.5 (b) A lower-potency hemp edible retailer may sell lower-potency hemp edibles that:

100.6 (1) are obtained from a licensed Minnesota cannabis microbusiness, cannabis
100.7 mezzobusiness, cannabis manufacturer, cannabis wholesaler, or lower-potency hemp edible
100.8 manufacturer; and

100.9 (2) meet all applicable packaging and labeling requirements.

100.10 **Subd. 2. Sale of other products.** A lower-potency hemp edible retailer may sell other
100.11 products or items for which the lower-potency hemp edible retailer has a license or
100.12 authorization or that do not require a license or authorization.

100.13 **Subd. 3. Age verification.** Prior to initiating a sale, an employee of the lower-potency
100.14 hemp edible retailer must verify that the customer is at least 21 years of age. Section 342.27,
100.15 subdivision 4, applies to the verification of a customer's age.

100.16 **Subd. 4. Display and storage of lower-potency hemp edibles.** A lower-potency hemp
100.17 edible retailer shall ensure that all lower-potency hemp edibles, other than lower-potency
100.18 hemp edibles that are intended to be consumed as a beverage, are displayed behind a checkout
100.19 counter where the public is not permitted or in a locked case. All lower-potency hemp
100.20 edibles that are not displayed must be stored in a secure area.

100.21 **Subd. 5. Transportation of lower-potency hemp edibles.** (a) A lower-potency hemp
100.22 edible retailer may transport lower-potency hemp edibles on public roadways provided:

100.23 (1) the lower-potency hemp edibles are in final packaging;

100.24 (2) the lower-potency hemp edibles are packaged in tamper-evident containers that are
100.25 not visible or recognizable from outside the transporting vehicle;

100.26 (3) the lower-potency hemp edible retailer has a shipping manifest in the lower-potency
100.27 hemp edible retailer's possession that describes the contents of all tamper-evident containers;

100.28 (4) all departures, arrivals, and stops are appropriately documented;

100.29 (5) no person other than a designated employee enters a vehicle at any time that the
100.30 vehicle is transporting lower-potency hemp edibles; and

101.1 (6) the lower-potency hemp edible retailer complies with any other rules adopted by the
101.2 office.

101.3 (b) Any vehicle assigned for the purposes of transporting lower-potency hemp edibles
101.4 is subject to inspection at any time.

101.5 Subd. 6. **Compliant products.** (a) A lower-potency hemp edible retailer shall ensure
101.6 that all lower-potency hemp edibles offered for sale comply with the limits on the amount
101.7 and types of cannabinoids that a lower-potency hemp edible can contain, including but not
101.8 limited to the requirement that lower-potency hemp edibles:

101.9 (1) consist of servings that contain no more than five milligrams of delta-9
101.10 tetrahydrocannabinol, no more than 25 milligrams of cannabidiol, no more than 25 milligrams
101.11 of cannabigerol, or any combination of those cannabinoids that does not exceed the identified
101.12 amounts;

101.13 (2) do not contain more than a combined total of 0.5 milligrams of all other cannabinoids
101.14 per serving; and

101.15 (3) do not contain an artificially derived cannabinoid other than delta-9
101.16 tetrahydrocannabinol.

101.17 (b) If a lower-potency hemp edible is packaged in a manner that includes more than a
101.18 single serving, the lower-potency hemp edible must indicate each serving by scoring,
101.19 wrapping, or other indicators that appear on the lower-potency hemp edible designating the
101.20 individual serving size. If it is not possible to indicate a single serving by scoring or use of
101.21 another indicator that appears on the product, the lower-potency hemp edible may not be
101.22 packaged in a manner that includes more than a single serving in each container. If the
101.23 lower-potency hemp edible is meant to be consumed as a beverage, the beverage container
101.24 may not contain more than two servings per container.

101.25 (c) A single package containing multiple servings of a lower-potency hemp edible must
101.26 contain no more than 50 milligrams of delta-9 tetrahydrocannabinol, 250 milligrams of
101.27 cannabidiol, 250 milligrams of cannabigerol, or any combination of those cannabinoids that
101.28 does not exceed the identified amounts.

101.29 Subd. 7. **Prohibitions.** A lower-potency hemp edible retailer may not:

101.30 (1) sell lower-potency hemp edibles to an individual who is under 21 years of age;

101.31 (2) sell a lower-potency hemp edible to a person who is visibly intoxicated;

101.32 (3) sell cannabis flower, cannabis products, or hemp-derived consumer products;

102.1 (4) allow for the dispensing of lower-potency hemp edibles in vending machines; or

102.2 (5) distribute or allow free samples of lower-potency hemp edibles except when the
102.3 business is licensed to permit on-site consumption and samples are consumed within its
102.4 licensed premises.

102.5 Subd. 8. **On-site consumption.** (a) A lower-potency hemp edible retailer may permit
102.6 on-site consumption of lower-potency hemp edibles on a portion of its premises if it has an
102.7 on-site consumption endorsement.

102.8 (b) The office shall issue an on-site consumption endorsement to any lower-potency
102.9 hemp edible retailer that also holds an on-sale license issued under chapter 340A.

102.10 (c) A lower-potency hemp edible retailer must ensure that lower-potency hemp edibles
102.11 sold for on-site consumption comply with this chapter and rules adopted pursuant to this
102.12 chapter regarding testing.

102.13 (d) Lower-potency hemp edibles sold for on-site consumption, other than lower-potency
102.14 hemp edibles that are intended to be consumed as a beverage, must be served in the required
102.15 packaging, but may be removed from the products' packaging by customers and consumed
102.16 on site.

102.17 (e) Lower-potency hemp edibles that are intended to be consumed as a beverage may
102.18 be served outside of their packaging provided that the information that is required to be
102.19 contained on the label of a lower-potency hemp edible is posted or otherwise displayed by
102.20 the lower-potency hemp edible retailer. Hemp workers who serve beverages under this
102.21 paragraph are not required to obtain an edible cannabinoid product handler endorsement
102.22 under section 342.07, subdivision 3.

102.23 (f) Food and beverages not otherwise prohibited by this subdivision may be prepared
102.24 and sold on site provided that the lower-potency hemp edible retailer complies with all
102.25 relevant state and local laws, ordinances, licensing requirements, and zoning requirements.

102.26 (g) A lower-potency hemp edible retailer may offer recorded or live entertainment
102.27 provided that the lower-potency hemp edible retailer complies with all relevant state and
102.28 local laws, ordinances, licensing requirements, and zoning requirements.

102.29 (h) In addition to the prohibitions under subdivision 7, a lower-potency hemp edible
102.30 retailer with an on-site consumption endorsement may not:

102.31 (1) sell lower-potency hemp edibles to a customer who the lower-potency hemp edible
102.32 retailer knows or reasonably should know is intoxicated or has consumed alcohol within
102.33 the previous five hours;

103.1 (2) sell lower-potency hemp edibles that are designed or reasonably expected to be mixed
103.2 with an alcoholic beverage; or

103.3 (3) permit lower-potency hemp edibles that have been removed from the products'
103.4 packaging to be removed from the premises of the lower-potency hemp edible retailer.

103.5 Subd. 9. **Posting of notices.** A lower-potency hemp edible retailer must post all notices
103.6 as provided in section 342.27, subdivision 6.

103.7 Subd. 10. **Building conditions.** (a) A lower-potency hemp edible retailer shall maintain
103.8 compliance with state and local building, fire, and zoning codes, requirements, or regulations.

103.9 (b) A lower-potency hemp edible retailer shall ensure that the licensed premises is
103.10 maintained in a clean and sanitary condition, free from infestation by insects, rodents, or
103.11 other pests.

103.12 Subd. 11. **Enforcement.** The office shall inspect lower-potency hemp edible retailers
103.13 and take enforcement action as provided in sections 342.19 and 342.21.

103.14 Sec. 47. **[342.47] MEDICAL CANNABIS BUSINESS LICENSES.**

103.15 Subdivision 1. **License types.** (a) The office shall issue the following types of medical
103.16 cannabis business licenses:

103.17 (1) medical cannabis cultivator;

103.18 (2) medical cannabis processor;

103.19 (3) medical cannabis retailer; and

103.20 (4) medical cannabis combination business license.

103.21 (b) The Division of Medical Cannabis may oversee the licensing and regulation of
103.22 medical cannabis businesses.

103.23 Subd. 2. **Multiple licenses; limits.** (a) Except as provided in subdivision 3, a person,
103.24 cooperative, or business holding:

103.25 (1) a medical cannabis cultivator license may also hold a medical cannabis processor
103.26 license, a cannabis cultivator license, a cannabis manufacturer license, and a cannabis event
103.27 organizer license subject to the ownership limitations that apply to those licenses;

103.28 (2) a medical cannabis processor license may also hold a medical cannabis cultivator
103.29 license, a cannabis cultivator license, a cannabis manufacturer license, and a cannabis event
103.30 organizer license subject to the ownership limitations that apply to those licenses; or

104.1 (3) a medical cannabis retailer license may also hold a cannabis mezzobusiness license,
104.2 a cannabis retailer license, a cannabis delivery service license, and a cannabis event organizer
104.3 license subject to the ownership limitations that apply to those licenses.

104.4 (b) Except as provided in paragraph (a), no person, cooperative, or business holding a
104.5 medical cannabis license may own or operate any other cannabis business or hemp business.

104.6 (c) The office by rule may limit the number of medical cannabis business licenses that
104.7 a person or business may hold.

104.8 (d) For purposes of this subdivision, a restriction on the number of licenses or type of
104.9 license that a business may hold applies to every cooperative member or every director,
104.10 manager, and general partner of a medical cannabis business.

104.11 Subd. 3. **Medical cannabis combination business license.** (a) A person, cooperative,
104.12 or business holding a medical cannabis combination license is prohibited from owning or
104.13 operating any other cannabis business or hemp business.

104.14 (b) A person or business may only hold one medical cannabis combination license.

104.15 **EFFECTIVE DATE.** This section is effective March 1, 2025.

104.16 Sec. 48. **[342.48] MEDICAL CANNABIS BUSINESS APPLICATIONS.**

104.17 In addition to the information required to be submitted under section 342.14, subdivision
104.18 1, and rules adopted pursuant to that section, a person, cooperative, or business seeking a
104.19 medical cannabis business license must submit the following information in a form approved
104.20 by the office:

104.21 (1) for medical cannabis cultivator license applicants:

104.22 (i) an operating plan demonstrating the proposed size and layout of the cultivation facility;
104.23 plans for wastewater and waste disposal for the cultivation facility; plans for providing
104.24 electricity, water, and other utilities necessary for the normal operation of the cultivation
104.25 facility; and plans for compliance with applicable building code and federal and state
104.26 environmental and workplace safety requirements;

104.27 (ii) a cultivation plan demonstrating the proposed size and layout of the cultivation
104.28 facility that will be used exclusively for cultivation for medical cannabis, including the total
104.29 amount of plant canopy; and

104.30 (iii) evidence that the business will comply with the applicable operation requirements
104.31 for the license being sought;

105.1 (2) for medical cannabis processor license applicants:

105.2 (i) an operating plan demonstrating the proposed layout of the facility, including a
105.3 diagram of ventilation and filtration systems; plans for wastewater and waste disposal for
105.4 the manufacturing facility; plans for providing electricity, water, and other utilities necessary
105.5 for the normal operation of the manufacturing facility; and plans for compliance with
105.6 applicable building code and federal and state environmental and workplace safety
105.7 requirements;

105.8 (ii) all methods of extraction and concentration that the applicant intends to use and the
105.9 volatile chemicals, if any, that are involved in extraction or concentration;

105.10 (iii) if the applicant is seeking an endorsement to manufacture products infused with
105.11 cannabinoids for consumption by patients enrolled in the registry program, proof of an
105.12 edible cannabinoid product handler endorsement from the office; and

105.13 (iv) evidence that the applicant will comply with the applicable operation requirements
105.14 for the license being sought;

105.15 (3) for medical cannabis retailer license applicants:

105.16 (i) a list of every retail license held by the applicant and, if the applicant is a business,
105.17 every retail license held, either as an individual or as part of another business, by each
105.18 officer, director, manager, and general partner of the cannabis business;

105.19 (ii) an operating plan demonstrating the proposed layout of the facility, including a
105.20 diagram of ventilation and filtration systems, policies to avoid sales to individuals who are
105.21 not authorized to receive the distribution of medical cannabis flower or medical cannabinoid
105.22 products, identification of a restricted area for storage, and plans to prevent the visibility of
105.23 cannabis flower and cannabinoid products; and

105.24 (iii) evidence that the applicant will comply with the applicable operation requirements
105.25 for the license being sought; or

105.26 (4) for medical cannabis combination license applicants:

105.27 (i) the information required under clauses (1) to (3); and

105.28 (ii) any additional information required under sections 342.30, subdivision 3; 342.31,
105.29 subdivision 3; and 342.32, subdivision 3.

106.1 **Sec. 49. [342.49] MEDICAL CANNABIS CULTIVATORS.**

106.2 (a) A medical cannabis cultivator license entitles the license holder to grow cannabis
106.3 plants within the approved amount of space up to 60,000 square feet of plant canopy from
106.4 seed or immature plant to mature plant, harvest cannabis flower from a mature plant, package
106.5 and label cannabis flower as medical cannabis flower, sell medical cannabis flower to
106.6 medical cannabis processors and medical cannabis retailers, transport medical cannabis
106.7 flower to a medical cannabis processor located on the same premises, and perform other
106.8 actions approved by the office.

106.9 (b) A medical cannabis cultivator license holder must comply with all requirements of
106.10 section 342.25.

106.11 (c) A medical cannabis cultivator license holder must verify that every batch of medical
106.12 cannabis flower has passed safety, potency, and consistency testing at a cannabis testing
106.13 facility approved by the office for the testing of medical cannabis flower before the medical
106.14 cannabis cultivator may package, label, or sell the medical cannabis flower to any other
106.15 entity.

106.16 (d) A medical cannabis cultivator may exceed the limit of 60,000 square feet of plant
106.17 canopy if it was legally cultivating medical cannabis with a greater plant canopy as of April
106.18 1, 2023.

106.19 **EFFECTIVE DATE.** This section is effective March 1, 2025.

106.20 **Sec. 50. [342.50] MEDICAL CANNABIS PROCESSORS.**

106.21 (a) A medical cannabis processor license, consistent with the specific license endorsement
106.22 or endorsements, entitles the license holder to:

106.23 (1) purchase medical cannabis flower, medical cannabinoid products, hemp plant parts,
106.24 and hemp concentrate from medical cannabis cultivators and other medical cannabis
106.25 processors;

106.26 (2) purchase hemp plant parts from industrial hemp growers;

106.27 (3) make cannabis concentrate from medical cannabis flower;

106.28 (4) make hemp concentrate, including hemp concentrate with a delta-9
106.29 tetrahydrocannabinol concentration of more than 0.3 percent as measured by weight;

106.30 (5) manufacture medical cannabinoid products;

107.1 (6) package and label medical cannabinoid products for sale to other medical cannabis
107.2 processors and to medical cannabis retailers; and

107.3 (7) perform other actions approved by the office.

107.4 (b) A medical cannabis processor license holder must comply with all requirements of
107.5 section 342.26, including requirements to obtain specific license endorsements.

107.6 (c) A medical cannabis processor license holder must verify that every batch of medical
107.7 cannabinoid product has passed safety, potency, and consistency testing at a cannabis testing
107.8 facility approved by the office for the testing of medical cannabinoid products before the
107.9 medical cannabis processor may package, label, or sell the medical cannabinoid product to
107.10 any other entity.

107.11 **EFFECTIVE DATE.** This section is effective March 1, 2025.

107.12 Sec. 51. **[342.51] MEDICAL CANNABIS RETAILERS.**

107.13 Subdivision 1. **Authorized actions.** (a) A medical cannabis retailer license entitles the
107.14 license holder to purchase medical cannabis flower and medical cannabinoid products from
107.15 medical cannabis cultivators and medical cannabis processors and sell or distribute medical
107.16 cannabis flower and medical cannabinoid products to any person authorized to receive
107.17 medical cannabis flower or medical cannabinoid products.

107.18 (b) A medical cannabis retailer license holder must verify that all medical cannabis
107.19 flower and medical cannabinoid products have passed safety, potency, and consistency
107.20 testing at a cannabis testing facility approved by the office for the testing of medical cannabis
107.21 flower and medical cannabinoid products before the medical cannabis retailer may distribute
107.22 the medical cannabis flower or medical cannabinoid product to any person authorized to
107.23 receive medical cannabis flower or medical cannabinoid products.

107.24 Subd. 2. **Distribution requirements.** (a) Prior to distribution of medical cannabis flower
107.25 or medical cannabinoid products, a medical cannabis retailer licensee must:

107.26 (1) review and confirm the patient's registry verification;

107.27 (2) verify that the person requesting the distribution of medical cannabis flower or
107.28 medical cannabinoid products is the patient, the patient's registered designated caregiver,
107.29 or the patient's parent, legal guardian, or spouse using the procedures specified in section
107.30 152.11, subdivision 2d;

107.31 (3) ensure that a pharmacist employee of the medical cannabis retailer has consulted
107.32 with the patient if required according to subdivision 3; and

108.1 (4) apply a patient-specific label on the medical cannabis flower or medical cannabinoid
108.2 product that includes recommended dosage requirements and other information as required
108.3 by rules adopted by the office.

108.4 (b) A medical cannabis retailer may not deliver medical cannabis flower or medical
108.5 cannabinoid products unless the medical cannabis retailer also holds a cannabis delivery
108.6 service license. Delivery of medical cannabis flower and medical cannabinoid products are
108.7 subject to the provisions of section 342.42.

108.8 **Subd. 3. Final approval for distribution of medical cannabis flower and medical**
108.9 **cannabinoid products.** (a) A cannabis worker who is employed by a medical cannabis
108.10 retailer and who is licensed as a pharmacist pursuant to chapter 151 shall be the only person
108.11 who may give final approval for the distribution of medical cannabis flower and medical
108.12 cannabinoid products. Prior to the distribution of medical cannabis flower or medical
108.13 cannabinoid products, a pharmacist employed by the medical cannabis retailer must consult
108.14 with the patient to determine the proper type of medical cannabis flower, medical cannabinoid
108.15 product, or medical cannabis paraphernalia and proper dosage for the patient after reviewing
108.16 the range of chemical compositions of medical cannabis flower or medical cannabinoid
108.17 product. For purposes of this subdivision, a consultation may be conducted remotely by
108.18 secure videoconference, telephone, or other remote means, as long as:

108.19 (1) the pharmacist engaging in the consultation is able to confirm the identity of the
108.20 patient; and

108.21 (2) the consultation adheres to patient privacy requirements that apply to health care
108.22 services delivered through telemedicine.

108.23 (b) Notwithstanding paragraph (a), a pharmacist consultation is not required prior to the
108.24 distribution of medical cannabis flower or medical cannabinoid products when a medical
108.25 cannabis retailer is distributing medical cannabis flower or medical cannabinoid products
108.26 to a patient according to a patient-specific dosage plan established with that medical cannabis
108.27 retailer and is not modifying the dosage or product being distributed under that plan. Medical
108.28 cannabis flower or medical cannabinoid products distributed under this paragraph must be
108.29 distributed by a pharmacy technician employed by the medical cannabis retailer.

108.30 Subd. 4. **90-day supply.** A medical cannabis retailer shall not distribute more than a
108.31 90-day supply of medical cannabis flower or medical cannabinoid products to a patient,
108.32 registered designated caregiver, or parent, legal guardian, or spouse of a patient according
108.33 to the dosages established for the individual patient.

109.1 Subd. 5. **Distribution to recipient in a motor vehicle.** A medical cannabis retailer may
109.2 distribute medical cannabis flower and medical cannabinoid products to a patient, registered
109.3 designated caregiver, or parent, legal guardian, or spouse of a patient who is at a dispensary
109.4 location but remains in a motor vehicle, provided that:

109.5 (1) staff receive payment and distribute medical cannabis flower and medical cannabinoid
109.6 products in a designated zone that is as close as feasible to the front door of the facility;

109.7 (2) the medical cannabis retailer ensures that the receipt of payment and distribution of
109.8 medical cannabis flower and medical cannabinoid products are visually recorded by a
109.9 closed-circuit television surveillance camera and provides any other necessary security
109.10 safeguards;

109.11 (3) the medical cannabis retailer does not store medical cannabis flower or medical
109.12 cannabinoid products outside a restricted access area and staff transport medical cannabis
109.13 flower and medical cannabinoid products from a restricted access area to the designated
109.14 zone for distribution only after confirming that the patient, designated caregiver, or parent,
109.15 guardian, or spouse has arrived in the designated zone;

109.16 (4) the payment and distribution of medical cannabis flower and medical cannabinoid
109.17 products take place only after a pharmacist consultation takes place, if required under
109.18 subdivision 3;

109.19 (5) immediately following distribution of medical cannabis flower or medical cannabinoid
109.20 products, staff enter the transaction in the statewide monitoring system; and

109.21 (6) immediately following distribution of medical cannabis flower and medical
109.22 cannabinoid products, staff take the payment received into the facility.

109.23 **EFFECTIVE DATE.** This section is effective March 1, 2025.

109.24 Sec. 52. **[342.515] MEDICAL CANNABIS COMBINATION BUSINESSES.**

109.25 Subdivision 1. **Authorized actions.** A medical cannabis combination business license
109.26 entitles the license holder to perform any or all of the following within the limits established
109.27 by this section:

109.28 (1) grow cannabis plants from seed or immature plant to mature plant and harvest
109.29 adult-use cannabis flower and medical cannabis flower from a mature plant;

109.30 (2) make cannabis concentrate;

109.31 (3) make hemp concentrate, including hemp concentrate with a delta-9
109.32 tetrahydrocannabinol concentration of more than 0.3 percent as measured by weight;

- 110.1 (4) manufacture artificially derived cannabinoids;
- 110.2 (5) manufacture medical cannabinoid products;
- 110.3 (6) manufacture adult-use cannabis products, lower-potency hemp edibles, and
- 110.4 hemp-derived consumer products for public consumption;
- 110.5 (7) purchase immature cannabis plants and seedlings and cannabis flower from a cannabis
- 110.6 microbusiness, a cannabis mezzobusiness, a cannabis manufacturer, a cannabis wholesaler,
- 110.7 a medical cannabis cultivator, or another medical cannabis combination business;
- 110.8 (8) purchase hemp plant parts and propagules from an industrial hemp grower licensed
- 110.9 under chapter 18K;
- 110.10 (9) purchase cannabis concentrate, hemp concentrate, and artificially derived cannabinoids
- 110.11 from a cannabis microbusiness, a cannabis mezzobusiness, a cannabis manufacturer, a
- 110.12 cannabis wholesaler, a medical cannabis processor, or another medical cannabis combination
- 110.13 business;
- 110.14 (10) purchase hemp concentrate from an industrial hemp processor licensed under chapter
- 110.15 18K;
- 110.16 (11) package and label medical cannabis and medical cannabinoid products for sale to
- 110.17 medical cannabis processors, medical cannabis retailers, other medical cannabis combination
- 110.18 businesses, and patients enrolled in the registry program, registered designated caregivers,
- 110.19 and parents, legal guardians, and spouses of an enrolled patient;
- 110.20 (12) package and label adult-use cannabis flower, adult-use cannabis products,
- 110.21 lower-potency hemp edibles, and hemp-derived consumer products for sale to customers;
- 110.22 (13) sell medical cannabis flower and medical cannabinoid products to patients enrolled
- 110.23 in the registry program, registered designated caregivers, and parents, legal guardians, and
- 110.24 spouses of an enrolled patient;
- 110.25 (14) sell immature cannabis plants and seedlings, adult-use cannabis flower, adult-use
- 110.26 cannabis products, lower-potency hemp edibles, hemp-derived consumer products, and
- 110.27 other products authorized by law to other cannabis businesses and to customers; and
- 110.28 (15) perform other actions approved by the office.
- 110.29 Subd. 2. **Cultivation; size limitations.** (a) A medical cannabis combination business
- 110.30 may cultivate cannabis to be sold as medical cannabis flower or used in medical cannabinoid
- 110.31 products in an area of up to 60,000 square feet of plant canopy.

111.1 (b) A medical cannabis combination business may cultivate cannabis to be sold as
111.2 adult-use cannabis flower or used in adult-use cannabis products in an area authorized by
111.3 the office as described in paragraph (c).

111.4 (c) The office shall authorize a medical cannabis combination business to cultivate
111.5 cannabis for sale in the adult-use market in an area of plant canopy that is equal to one-half
111.6 of the area the business used to cultivate cannabis sold in the medical market in the preceding
111.7 year. The office shall establish an annual verification and authorization procedure. The
111.8 office may increase the area of plant canopy in which a medical cannabis combination
111.9 business is authorized to cultivate cannabis for sale in the adult-use market between
111.10 authorization periods if the business demonstrates a significant increase in the sale of medical
111.11 cannabis and medical cannabis products.

111.12 Subd. 3. **Manufacturing; size limitations.** The office may establish limits on cannabis
111.13 manufacturing that are consistent with the area of plant canopy a business is authorized to
111.14 cultivate.

111.15 Subd. 4. **Retail locations.** A medical cannabis combination business may operate up to
111.16 one retail location in each congressional district. A medical cannabis combination business
111.17 must offer medical cannabis flower, medical cannabinoid products, or both at every retail
111.18 location.

111.19 Subd. 5. **Failure to participate; suspension or revocation of license.** The office may
111.20 suspend or revoke a medical cannabis combination business license if the office determines
111.21 that the business is no longer actively participating in the medical cannabis market. The
111.22 office may, by rule, establish minimum requirements related to cannabis cultivation,
111.23 manufacturing of medical cannabinoid products, retail sales of medical cannabis flower and
111.24 medical cannabinoid products, and other relevant criteria to demonstrate active participation
111.25 in the medical cannabis market.

111.26 Subd. 6. **Operations.** A medical cannabis combination business must comply with the
111.27 relevant requirements of sections 342.25, 342.26, 342.27, and 342.51, subdivisions 2 to 5.

111.28 **EFFECTIVE DATE.** This section is effective March 1, 2025.

111.29 Sec. 53. **[342.52] PATIENT REGISTRY PROGRAM.**

111.30 Subdivision 1. **Administration.** The Division of Medical Cannabis must administer the
111.31 medical cannabis registry program.

111.32 Subd. 2. **Application procedure for patients.** (a) A patient seeking to enroll in the
111.33 registry program must submit to the Division of Medical Cannabis an application established

112.1 by the Division of Medical Cannabis and a copy of the certification specified in paragraph
112.2 (b) or, if the patient is a veteran who receives care from the United States Department of
112.3 Veterans Affairs, the information required pursuant to subdivision 3. The patient must
112.4 provide at least the following information in the application:

112.5 (1) the patient's name, mailing address, and date of birth;

112.6 (2) the name, mailing address, and telephone number of the patient's health care
112.7 practitioner;

112.8 (3) the name, mailing address, and date of birth of the patient's registered designated
112.9 caregiver, if any, or the patient's parent, legal guardian, or spouse if the parent, legal guardian,
112.10 or spouse will be acting as the patient's caregiver;

112.11 (4) a disclosure signed by the patient that includes:

112.12 (i) a statement that, notwithstanding any law to the contrary, the Office of Cannabis
112.13 Management, the Division of Medical Cannabis, or an employee of the Office of Cannabis
112.14 Management or Division of Medical Cannabis may not be held civilly or criminally liable
112.15 for any injury, loss of property, personal injury, or death caused by an act or omission while
112.16 acting within the employee's scope of office or employment under this section; and

112.17 (ii) the patient's acknowledgment that enrollment in the registry program is conditional
112.18 on the patient's agreement to meet all other requirements of this section; and

112.19 (5) all other information required by the Division of Medical Cannabis.

112.20 (b) As part of the application under this subdivision, a patient must submit a copy of a
112.21 certification from the patient's health care practitioner that is dated within 90 days prior to
112.22 the submission of the application and that certifies that the patient has been diagnosed with
112.23 a qualifying medical condition.

112.24 (c) A patient's health care practitioner may submit a statement to the Division of Medical
112.25 Cannabis declaring that the patient is no longer diagnosed with a qualifying medical
112.26 condition. Within 30 days after receipt of a statement from a patient's health care practitioner,
112.27 the Division of Medical Cannabis must provide written notice to a patient stating that the
112.28 patient's enrollment in the registry program will be revoked in 30 days unless the patient
112.29 submits a certification from a health care practitioner that the patient is currently diagnosed
112.30 with a qualifying medical condition or, if the patient is a veteran, the patient submits
112.31 confirmation that the patient is currently diagnosed with a qualifying medical condition in
112.32 a form and manner consistent with the information required for an application made pursuant
112.33 to subdivision 3. If the Division of Medical Cannabis revokes a patient's enrollment in the

113.1 registry program pursuant to this paragraph, the division must provide notice to the patient
113.2 and to the patient's health care practitioner.

113.3 Subd. 3. **Application procedure for veterans.** (a) The Division of Medical Cannabis
113.4 shall establish an alternative certification procedure for veterans who receive care from the
113.5 United States Department of Veterans Affairs to confirm that the veteran has been diagnosed
113.6 with a qualifying medical condition.

113.7 (b) A patient who is also a veteran and is seeking to enroll in the registry program must
113.8 submit to the Division of Medical Cannabis an application established by the Division of
113.9 Medical Cannabis that includes the information identified in subdivision 2, paragraph (a),
113.10 and the additional information required by the Division of Medical Cannabis to certify that
113.11 the patient has been diagnosed with a qualifying medical condition.

113.12 Subd. 4. **Enrollment; denial of enrollment; revocation.** (a) Within 30 days after the
113.13 receipt of an application and certification or other documentation of a diagnosis with a
113.14 qualifying medical condition, the Division of Medical Cannabis must approve or deny a
113.15 patient's enrollment in the registry program. If the Division of Medical Cannabis approves
113.16 a patient's enrollment in the registry program, the office must provide notice to the patient
113.17 and to the patient's health care practitioner.

113.18 (b) A patient's enrollment in the registry program must only be denied if the patient:

113.19 (1) does not submit a certification from a health care practitioner or, if the patient is a
113.20 veteran, the documentation required under subdivision 3 that the patient has been diagnosed
113.21 with a qualifying medical condition;

113.22 (2) has not signed the disclosure required in subdivision 2;

113.23 (3) does not provide the information required by the Division of Medical Cannabis;

113.24 (4) provided false information on the application; or

113.25 (5) at the time of application, is also enrolled in a federally approved clinical trial for
113.26 the treatment of a qualifying medical condition with medical cannabis.

113.27 (c) If the Division of Medical Cannabis denies a patient's enrollment in the registry
113.28 program, the Division of Medical Cannabis must provide written notice to a patient of all
113.29 reasons for denying enrollment. Denial of enrollment in the registry program is considered
113.30 a final decision of the office and is subject to judicial review under chapter 14.

113.31 (d) A patient's enrollment in the registry program may be revoked only:

113.32 (1) pursuant to subdivision 2, paragraph (c);

114.1 (2) upon the death of the patient;

114.2 (3) if the patient's certifying health care practitioner has filed a declaration under
114.3 subdivision 2, paragraph (c), that the patient's qualifying diagnosis no longer exists and the
114.4 patient does not submit another certification within 30 days;

114.5 (4) if the patient does not comply with subdivision 6; or

114.6 (5) if the patient intentionally sells or diverts medical cannabis flower or medical
114.7 cannabinoid products in violation of this chapter.

114.8 If a patient's enrollment in the registry program has been revoked due to a violation of
114.9 subdivision 6, the patient may apply for enrollment 12 months after the date on which the
114.10 patient's enrollment was revoked. The office must process such an application in accordance
114.11 with this subdivision.

114.12 Subd. 5. **Registry verification.** When a patient is enrolled in the registry program, the
114.13 Division of Medical Cannabis must assign the patient a patient registry number and must
114.14 issue the patient and the patient's registered designated caregiver, parent, legal guardian, or
114.15 spouse, if applicable, a registry verification. The Division of Medical Cannabis must also
114.16 make the registry verification available to medical cannabis retailers. The registry verification
114.17 must include:

114.18 (1) the patient's name and date of birth;

114.19 (2) the patient registry number assigned to the patient; and

114.20 (3) the name and date of birth of the patient's registered designated caregiver, if any, or
114.21 the name of the patient's parent, legal guardian, or spouse if the parent, legal guardian, or
114.22 spouse will act as a caregiver.

114.23 Subd. 6. **Conditions of continued enrollment.** As conditions of continued enrollment,
114.24 a patient must:

114.25 (1) continue to receive regularly scheduled treatment for the patient's qualifying medical
114.26 condition from the patient's health care practitioner; and

114.27 (2) report changes in the patient's qualifying medical condition to the patient's health
114.28 care practitioner.

114.29 Subd. 7. **Enrollment period.** Enrollment in the registry program is valid for three years.
114.30 To re-enroll, a patient must submit the information required in subdivision 2 and a patient
114.31 who is also a veteran must submit the information required in subdivision 3.

115.1 Subd. 8. **Allowable delivery methods.** A patient in the registry program may receive
115.2 medical cannabis flower and medical cannabinoid products. The office may approve
115.3 additional delivery methods to expand the types of products that qualify as medical
115.4 cannabinoid products.

115.5 Subd. 9. **Registered designated caregiver.** (a) The Division of Medical Cannabis must
115.6 register a designated caregiver for a patient if the patient requires assistance in administering
115.7 medical cannabis flower or medical cannabinoid products or in obtaining medical cannabis
115.8 flower, medical cannabinoid products, or medical cannabis paraphernalia from a medical
115.9 cannabis retailer.

115.10 (b) In order to serve as a designated caregiver, a person must:

115.11 (1) be at least 18 years of age;

115.12 (2) agree to only possess the patient's medical cannabis flower and medical cannabinoid
115.13 products for purposes of assisting the patient; and

115.14 (3) agree that if the application is approved, the person will not serve as a registered
115.15 designated caregiver for more than six registered patients at one time. Patients who reside
115.16 in the same residence count as one patient.

115.17 (c) The office shall conduct a criminal background check on the designated caregiver
115.18 prior to registration to ensure that the person does not have a conviction for a disqualifying
115.19 felony offense. Any cost of the background check shall be paid by the person seeking
115.20 registration as a designated caregiver. A designated caregiver must have the criminal
115.21 background check renewed every two years.

115.22 (d) Nothing in this section shall be construed to prevent a registered designated caregiver
115.23 from being enrolled in the registry program as a patient and possessing and administering
115.24 medical cannabis flower or medical cannabinoid products as a patient.

115.25 Subd. 10. **Parents, legal guardians, spouses.** A parent, legal guardian, or spouse of a
115.26 patient may act as the caregiver for a patient. The parent, legal guardian, or spouse who is
115.27 acting as a caregiver must follow all requirements for parents, legal guardians, and spouses
115.28 under this chapter. Nothing in this section limits any legal authority that a parent, legal
115.29 guardian, or spouse may have for the patient under any other law.

115.30 Subd. 11. **Notice of change of name or address.** Patients and registered designated
115.31 caregivers must notify the Division of Medical Cannabis of any address or name change
115.32 within 30 days of the change having occurred. A patient or registered designated caregiver
115.33 is subject to a \$100 fine for failure to notify the office of the change.

116.1 **EFFECTIVE DATE.** This section is effective March 1, 2025.

116.2 Sec. 54. **[342.53] DUTIES OF OFFICE OF CANNABIS MANAGEMENT;**
116.3 **REGISTRY PROGRAM.**

116.4 The office may add an allowable form of medical cannabinoid product, and may add or
116.5 modify a qualifying medical condition upon its own initiative, upon a petition from a member
116.6 of the public or from the Cannabis Advisory Council or as directed by law. The office must
116.7 evaluate all petitions and must make the addition or modification if the office determines
116.8 that the addition or modification is warranted by the best available evidence and research.
116.9 If the office wishes to add an allowable form or add or modify a qualifying medical condition,
116.10 the office must notify the chairs and ranking minority members of the legislative committees
116.11 and divisions with jurisdiction over health finance and policy by January 15 of the year in
116.12 which the change becomes effective. In this notification, the office must specify the proposed
116.13 addition or modification, the reasons for the addition or modification, any written comments
116.14 received by the office from the public about the addition or modification, and any guidance
116.15 received from the Cannabis Advisory Council. An addition or modification by the office
116.16 under this subdivision becomes effective on August 1 of that year unless the legislature by
116.17 law provides otherwise.

116.18 **EFFECTIVE DATE.** This section is effective March 1, 2025.

116.19 Sec. 55. **[342.54] DUTIES OF DIVISION OF MEDICAL CANNABIS; REGISTRY**
116.20 **PROGRAM.**

116.21 Subdivision 1. **Duties related to health care practitioners.** The Division of Medical
116.22 Cannabis must:

116.23 (1) provide notice of the registry program to health care practitioners in the state;

116.24 (2) allow health care practitioners to participate in the registry program if they request
116.25 to participate and meet the program's requirements;

116.26 (3) provide explanatory information and assistance to health care practitioners to
116.27 understand the nature of the therapeutic use of medical cannabis flower and medical
116.28 cannabinoid products within program requirements;

116.29 (4) make available to participating health care practitioners a certification form in which
116.30 a health care practitioner certifies that a patient has a qualifying medical condition; and

116.31 (5) supervise the participation of health care practitioners in the registry reporting system
116.32 in which health care practitioners report patient treatment and health records information

117.1 to the office in a manner that ensures stringent security and record keeping requirements
117.2 and that prevents the unauthorized release of private data on individuals as defined in section
117.3 13.02.

117.4 Subd. 2. **Duties related to the registry program.** The Division of Medical Cannabis
117.5 must:

117.6 (1) administer the registry program according to section 342.52;

117.7 (2) provide information to patients enrolled in the registry program on the existence of
117.8 federally approved clinical trials for the treatment of the patient's qualifying medical condition
117.9 with medical cannabis flower or medical cannabinoid products as an alternative to enrollment
117.10 in the registry program;

117.11 (3) maintain safety criteria with which patients must comply as a condition of participation
117.12 in the registry program to prevent patients from undertaking any task under the influence
117.13 of medical cannabis flower or medical cannabinoid products that would constitute negligence
117.14 or professional malpractice;

117.15 (4) review and publicly report on existing medical and scientific literature regarding the
117.16 range of recommended dosages for each qualifying medical condition, the range of chemical
117.17 compositions of medical cannabis flower and medical cannabinoid products that will likely
117.18 be medically beneficial for each qualifying medical condition, and any risks of noncannabis
117.19 drug interactions. This information must be updated by December 1 of each year. The office
117.20 may consult with an independent laboratory under contract with the office or other experts
117.21 in reporting and updating this information; and

117.22 (5) annually consult with cannabis businesses about medical cannabis that the businesses
117.23 cultivate, manufacture, and offer for sale and post on the Division of Medical Cannabis
117.24 website a list of the medical cannabis flower and medical cannabinoid products offered for
117.25 sale by each medical cannabis retailer.

117.26 Subd. 3. **Research.** (a) The Division of Medical Cannabis must conduct or contract with
117.27 a third party to conduct research and studies using data from health records submitted to
117.28 the registry program under section 342.55, subdivision 2, and data submitted to the registry
117.29 program under section 342.52, subdivisions 2 and 3. If the division contracts with a third
117.30 party for research and studies, the third party must provide the division with access to all
117.31 research and study results. The division must submit reports on intermediate or final research
117.32 results to the legislature and major scientific journals. All data used by the division or a
117.33 third party under this subdivision must be used or reported in an aggregated nonidentifiable

118.1 form as part of a scientific peer-reviewed publication of research or in the creation of
118.2 summary data, as defined in section 13.02, subdivision 19.

118.3 (b) The Division of Medical Cannabis may submit medical research based on the data
118.4 collected under sections 342.55, subdivision 2, and data collected through the statewide
118.5 monitoring system to any federal agency with regulatory or enforcement authority over
118.6 medical cannabis flower and medical cannabinoid products to demonstrate the effectiveness
118.7 of medical cannabis flower or medical cannabinoid products for treating or alleviating the
118.8 symptoms of a qualifying medical condition.

118.9 **EFFECTIVE DATE.** This section is effective March 1, 2025.

118.10 Sec. 56. **[342.55] DUTIES OF HEALTH CARE PRACTITIONERS; REGISTRY**
118.11 **PROGRAM.**

118.12 Subdivision 1. **Health care practitioner duties before patient enrollment.** Before a
118.13 patient's enrollment in the registry program, a health care practitioner must:

118.14 (1) determine, in the health care practitioner's medical judgment, whether a patient has
118.15 a qualifying medical condition and, if so determined, provide the patient with a certification
118.16 of that diagnosis;

118.17 (2) advise patients, registered designated caregivers, and parents, legal guardians, and
118.18 spouses acting as caregivers of any nonprofit patient support groups or organizations;

118.19 (3) provide to patients explanatory information from the Division of Medical Cannabis,
118.20 including information about the experimental nature of the therapeutic use of medical
118.21 cannabis flower and medical cannabinoid products; the possible risks, benefits, and side
118.22 effects of the proposed treatment; and the application and other materials from the office;

118.23 (4) provide to patients a Tennessean warning as required under section 13.04, subdivision
118.24 2; and

118.25 (5) agree to continue treatment of the patient's qualifying medical condition and to report
118.26 findings to the Division of Medical Cannabis.

118.27 Subd. 2. **Duties upon patient's enrollment in registry program.** Upon receiving
118.28 notification from the Division of Medical Cannabis of the patient's enrollment in the registry
118.29 program, a health care practitioner must:

118.30 (1) participate in the patient registry reporting system under the guidance and supervision
118.31 of the Division of Medical Cannabis;

119.1 (2) report to the Division of Medical Cannabis patient health records throughout the
119.2 patient's ongoing treatment in a manner determined by the office and in accordance with
119.3 subdivision 4;

119.4 (3) determine on a yearly basis if the patient continues to have a qualifying medical
119.5 condition and, if so, issue the patient a new certification of that diagnosis. The patient
119.6 assessment conducted under this clause may be conducted via telehealth, as defined in
119.7 section 62A.673, subdivision 2; and

119.8 (4) otherwise comply with requirements established by the Office of Cannabis
119.9 Management and the Division of Medical Cannabis.

119.10 Subd. 3. **Participation not required.** Nothing in this section requires a health care
119.11 practitioner to participate in the registry program.

119.12 Subd. 4. **Data.** Data on patients collected by a health care practitioner and reported to
119.13 the registry program, including data on patients who are veterans who receive care from
119.14 the United States Department of Veterans Affairs, are health records under section 144.291
119.15 and are private data on individuals under section 13.02 but may be used or reported in an
119.16 aggregated nonidentifiable form as part of a scientific peer-reviewed publication of research
119.17 conducted under section 342.54 or in the creation of summary data, as defined in section
119.18 13.02, subdivision 19.

119.19 Subd. 5. **Exception.** The requirements of this section do not apply to a patient who is a
119.20 veteran who receives care from the United States Department of Veterans Affairs or a health
119.21 care practitioner employed by the United States Department of Veterans Affairs. Such a
119.22 patient must meet the certification requirements developed pursuant to section 342.52,
119.23 subdivision 3, before the patient's enrollment in the registry program.

119.24 **EFFECTIVE DATE.** This section is effective March 1, 2025.

119.25 Sec. 57. **[342.56] LIMITATIONS.**

119.26 Subdivision 1. **Limitations on consumption; locations of consumption.** (a) Nothing
119.27 in sections 342.47 to 342.60 permits any person to engage in, and does not prevent the
119.28 imposition of any civil, criminal, or other penalties for:

119.29 (1) undertaking a task under the influence of medical cannabis flower or medical
119.30 cannabinoid products that would constitute negligence or professional malpractice;

119.31 (2) possessing or consuming medical cannabis flower or medical cannabinoid products:
119.32 (i) on a school bus or van;

- 120.1 (ii) in a correctional facility;
- 120.2 (iii) in a state-operated treatment program, including the Minnesota sex offender program;
- 120.3 or
- 120.4 (iv) on the grounds of a child care facility or family or group family day care program;
- 120.5 (3) vaporizing or smoking medical cannabis:
- 120.6 (i) on any form of public transportation;
- 120.7 (ii) where the vapor would be inhaled by a nonpatient minor or where the smoke would
- 120.8 be inhaled by a minor; or
- 120.9 (iii) in any public place, including any indoor or outdoor area used by or open to the
- 120.10 general public or a place of employment, as defined in section 144.413, subdivision 1b; and
- 120.11 (4) operating, navigating, or being in actual physical control of a motor vehicle, aircraft,
- 120.12 train, or motorboat or working on transportation property, equipment, or facilities while
- 120.13 under the influence of medical cannabis flower or a medical cannabinoid product.
- 120.14 (b) Except for the use of medical cannabis flower or medical cannabinoid products, the
- 120.15 vaporizing or smoking of cannabis flower, cannabis products, artificially derived
- 120.16 cannabinoids, or hemp-derived consumer products is prohibited in a multifamily housing
- 120.17 building, including balconies and patios appurtenant thereto. A violation of this paragraph
- 120.18 is punishable through a civil administrative fine in an amount of \$250.
- 120.19 Subd. 2. **Health care facilities.** (a) Health care facilities licensed under chapter 144A;
- 120.20 hospice providers licensed under chapter 144A; boarding care homes or supervised living
- 120.21 facilities licensed under section 144.50; assisted living facilities under chapter 144G; facilities
- 120.22 owned, controlled, managed, or under common control with hospitals licensed under chapter
- 120.23 144; and other health care facilities licensed by the commissioner of health or the
- 120.24 commissioner of human services may adopt reasonable restrictions on the use of medical
- 120.25 cannabis flower or medical cannabinoid products by a patient enrolled in the registry program
- 120.26 who resides at or is actively receiving treatment or care at the facility. The restrictions may
- 120.27 include a provision that the facility must not store or maintain a patient's supply of medical
- 120.28 cannabis flower or medical cannabinoid products on behalf of the patient; that a patient
- 120.29 store the patient's supply of medical cannabis flower or medicinal cannabinoid products in
- 120.30 a locked container accessible only to the patient, the patient's designated caregiver, or the
- 120.31 patient's parent, legal guardian, or spouse; that the facility is not responsible for providing
- 120.32 medical cannabis for patients; and that medical cannabis flower or medical cannabinoid
- 120.33 products are used only in a location specified by the facility or provider. Nothing in this

121.1 subdivision requires facilities and providers listed in this subdivision to adopt such
121.2 restrictions.

121.3 (b) No facility or provider listed in this subdivision may unreasonably limit a patient's
121.4 access to or use of medical cannabis flower or medical cannabinoid products to the extent
121.5 that such use is authorized under sections 342.47 to 342.59. No facility or provider listed
121.6 in this subdivision may prohibit a patient access to or use of medical cannabis flower or
121.7 medical cannabinoid products due solely to the fact that cannabis is a Schedule I drug
121.8 pursuant to the federal Uniform Controlled Substances Act. If a federal regulatory agency,
121.9 the United States Department of Justice, or the federal Centers for Medicare and Medicaid
121.10 Services takes one of the following actions, a facility or provider may suspend compliance
121.11 with this paragraph until the regulatory agency, the United States Department of Justice, or
121.12 the federal Centers for Medicare and Medicaid Services notifies the facility or provider that
121.13 it may resume permitting the use of medical cannabis flower or medical cannabinoid products
121.14 within the facility or in the provider's service setting:

121.15 (1) a federal regulatory agency or the United States Department of Justice initiates
121.16 enforcement action against a facility or provider related to the facility's compliance with
121.17 the medical cannabis program; or

121.18 (2) a federal regulatory agency, the United States Department of Justice, or the federal
121.19 Centers for Medicare and Medicaid Services issues a rule or otherwise provides notification
121.20 to the facility or provider that expressly prohibits the use of medical cannabis in health care
121.21 facilities or otherwise prohibits compliance with the medical cannabis program.

121.22 (c) An employee or agent of a facility or provider listed in this subdivision or a person
121.23 licensed under chapter 144E is not violating this chapter or chapter 152 for the possession
121.24 of medical cannabis flower or medical cannabinoid products while carrying out employment
121.25 duties, including providing or supervising care to a patient enrolled in the registry program,
121.26 or distribution of medical cannabis flower or medical cannabinoid products to a patient
121.27 enrolled in the registry program who resides at or is actively receiving treatment or care at
121.28 the facility or from the provider with which the employee or agent is affiliated.

121.29 Subd. 3. **Child care facilities.** A proprietor of a family or group family day care program
121.30 must disclose to parents or guardians of children cared for on the premises of the family or
121.31 group family day care program, if the proprietor permits the smoking or use of medical
121.32 cannabis on the premises, outside of its hours of operation. Disclosure must include posting
121.33 on the premises a conspicuous written notice and orally informing parents or guardians.

121.34 **EFFECTIVE DATE.** This section is effective March 1, 2025.

122.1 Sec. 58. **[342.57] PROTECTIONS FOR REGISTRY PROGRAM PARTICIPANTS.**

122.2 Subdivision 1. **Presumption.** There is a presumption that a patient enrolled in the registry
122.3 program is engaged in the authorized use of medical cannabis flower and medical cannabinoid
122.4 products. This presumption may be rebutted by evidence that the patient's use of medical
122.5 cannabis flower or medical cannabinoid products was not for the purpose of treating or
122.6 alleviating the patient's qualifying medical condition or symptoms associated with the
122.7 patient's qualifying medical condition.

122.8 Subd. 2. **Criminal and civil protections.** (a) Subject to section 342.56, the following
122.9 are not violations of this chapter or chapter 152:

122.10 (1) use or possession of medical cannabis flower, medical cannabinoid products, or
122.11 medical cannabis paraphernalia by a patient enrolled in the registry program or by a visiting
122.12 patient to whom medical cannabis flower or medical cannabinoid products are distributed
122.13 under section 342.51, subdivision 5;

122.14 (2) possession of medical cannabis flower, medical cannabinoid products, or medical
122.15 cannabis paraphernalia by a registered designated caregiver or a parent, legal guardian, or
122.16 spouse of a patient enrolled in the registry program; or

122.17 (3) possession of medical cannabis flower, medical cannabinoid products, or medical
122.18 cannabis paraphernalia by any person while carrying out duties required under sections
122.19 342.47 to 342.60.

122.20 (b) The Office of Cannabis Management, members of the Cannabis Advisory Council,
122.21 Office of Cannabis Management employees, agents or contractors of the Office of Cannabis
122.22 Management, and health care practitioners participating in the registry program are not
122.23 subject to any civil penalties or disciplinary action by the Board of Medical Practice, the
122.24 Board of Nursing, or any business, occupational, or professional licensing board or entity
122.25 solely for participating in the registry program either in a professional capacity or as a
122.26 patient. A pharmacist licensed under chapter 151 is not subject to any civil penalties or
122.27 disciplinary action by the Board of Pharmacy when acting in accordance with sections
122.28 342.47 to 342.60 either in a professional capacity or as a patient. Nothing in this section
122.29 prohibits a professional licensing board from taking action in response to a violation of law.

122.30 (c) Notwithstanding any law to the contrary, a Cannabis Advisory Council member, the
122.31 governor, or an employee of a state agency must not be held civilly or criminally liable for
122.32 any injury, loss of property, personal injury, or death caused by any act or omission while
122.33 acting within the scope of office or employment under sections 342.47 to 342.60.

123.1 (d) Federal, state, and local law enforcement authorities are prohibited from accessing
123.2 the registry except when acting pursuant to a valid search warrant. Notwithstanding section
123.3 13.09, a violation of this paragraph is a gross misdemeanor.

123.4 (e) Notwithstanding any law to the contrary, the office and employees of the office must
123.5 not release data or information about an individual contained in any report or document or
123.6 in the registry and must not release data or information obtained about a patient enrolled in
123.7 the registry program, except as provided in sections 342.47 to 342.60. Notwithstanding
123.8 section 13.09, a violation of this paragraph is a gross misdemeanor.

123.9 (f) No information contained in a report or document, contained in the registry, or
123.10 obtained from a patient under sections 342.47 to 342.60 may be admitted as evidence in a
123.11 criminal proceeding, unless:

123.12 (1) the information is independently obtained; or

123.13 (2) admission of the information is sought in a criminal proceeding involving a criminal
123.14 violation of sections 342.47 to 342.60.

123.15 (g) Possession of a registry verification or an application for enrollment in the registry
123.16 program:

123.17 (1) does not constitute probable cause or reasonable suspicion;

123.18 (2) must not be used to support a search of the person or property of the person with a
123.19 registry verification or application to enroll in the registry program; and

123.20 (3) must not subject the person or the property of the person to inspection by any
123.21 government agency.

123.22 Subd. 3. **School enrollment; rental property.** (a) No school may refuse to enroll a
123.23 patient as a pupil or otherwise penalize a patient solely because the patient is enrolled in
123.24 the registry program, unless failing to do so would violate federal law or regulations or
123.25 cause the school to lose a monetary or licensing-related benefit under federal law or
123.26 regulations.

123.27 (b) No landlord may refuse to lease to a patient or otherwise penalize a patient solely
123.28 because the patient is enrolled in the registry program, unless failing to do so would violate
123.29 federal law or regulations or cause the landlord to lose a monetary or licensing-related
123.30 benefit under federal law or regulations.

123.31 Subd. 4. **Medical care.** For purposes of medical care, including organ transplants, a
123.32 patient's use of medical cannabis flower or medical cannabinoid products according to

124.1 sections 342.47 to 342.60 is considered the equivalent of the authorized use of a medication
124.2 used at the discretion of a health care practitioner and does not disqualify a patient from
124.3 needed medical care.

124.4 Subd. 5. **Employment.** (a) Unless a failure to do so would violate federal or state law
124.5 or regulations or cause an employer to lose a monetary or licensing-related benefit under
124.6 federal law or regulations, an employer may not discriminate against a person in hiring,
124.7 termination, or any term or condition of employment, or otherwise penalize a person, if the
124.8 discrimination is based on:

124.9 (1) the person's status as a patient enrolled in the registry program; or

124.10 (2) a patient's positive drug test for cannabis components or metabolites, unless the
124.11 patient used, possessed, sold, transported, or was impaired by medical cannabis flower or
124.12 a medical cannabinoid product on work premises, during working hours, or while operating
124.13 an employer's machinery, vehicle, or equipment.

124.14 (b) An employee who is a patient and whose employer requires the employee to undergo
124.15 drug testing according to section 181.953 may present the employee's registry verification
124.16 as part of the employee's explanation under section 181.953, subdivision 6.

124.17 Subd. 6. **Custody; visitation; parenting time.** A person must not be denied custody of
124.18 a minor child or visitation rights or parenting time with a minor child based solely on the
124.19 person's status as a patient enrolled in the registry program. There must be no presumption
124.20 of neglect or child endangerment for conduct allowed under sections 342.47 to 342.60,
124.21 unless the person's behavior creates an unreasonable danger to the safety of the minor as
124.22 established by clear and convincing evidence.

124.23 Subd. 7. **Action for damages.** In addition to any other remedy provided by law, a patient
124.24 may bring an action for damages against any person who violates subdivision 3, 4, or 5. A
124.25 person who violates subdivision 3, 4, or 5 is liable to a patient injured by the violation for
124.26 the greater of the person's actual damages or a civil penalty of \$100 and reasonable attorney
124.27 fees.

124.28 Subd. 8. **Sanctions restricted for those on parole, supervised release, or conditional**
124.29 **release.** (a) This subdivision applies to an individual placed on parole, supervised release,
124.30 or conditional release.

124.31 (b) The commissioner of corrections may not:

124.32 (1) prohibit an individual from participating in the registry program as a condition of
124.33 release; or

125.1 (2) revoke an individual's parole, supervised release, or conditional release or otherwise
125.2 sanction an individual solely:

125.3 (i) for participating in the registry program; or

125.4 (ii) for a positive drug test for cannabis components or metabolites.

125.5 **EFFECTIVE DATE.** This section is effective March 1, 2025.

125.6 Sec. 59. **[342.58] VIOLATION BY HEALTH CARE PRACTITIONER; CRIMINAL**
125.7 **PENALTY.**

125.8 A health care practitioner who knowingly refers patients to a medical cannabis business
125.9 or to a designated caregiver, who advertises as a retailer or producer of medical cannabis
125.10 flower or medical cannabinoid products, or who issues certifications while holding a financial
125.11 interest in a cannabis retailer or medical cannabis business is guilty of a misdemeanor and
125.12 may be sentenced to imprisonment for not more than 90 days or to payment of not more
125.13 than \$1,000, or both.

125.14 **EFFECTIVE DATE.** This section is effective March 1, 2025.

125.15 Sec. 60. **[342.59] DATA PRACTICES.**

125.16 Subdivision 1. **Data classification.** Patient health records maintained by the Office of
125.17 Cannabis Management or the Division of Medical Cannabis and government data in patient
125.18 health records maintained by a health care practitioner are classified as private data on
125.19 individuals, as defined in section 13.02, subdivision 12, or nonpublic data, as defined in
125.20 section 13.02, subdivision 9.

125.21 Subd. 2. **Allowable use; prohibited use.** Data specified in subdivision 1 may be used
125.22 to comply with chapter 13, to comply with a request from the legislative auditor or the state
125.23 auditor in the performance of official duties, and for purposes specified in sections 342.47
125.24 to 342.60. Data specified in subdivision 1 and maintained by the Office of Cannabis
125.25 Management or Division of Medical Cannabis must not be used for any purpose not specified
125.26 in sections 342.47 to 342.60 and must not be combined or linked in any manner with any
125.27 other list, dataset, or database. Data specified in subdivision 1 must not be shared with any
125.28 federal agency, federal department, or federal entity unless specifically ordered to do so by
125.29 a state or federal court.

125.30 **EFFECTIVE DATE.** This section is effective March 1, 2025.

126.1 Sec. 61. **[342.60] APPLIED RESEARCH.**

126.2 The Division of Medical Cannabis may conduct, or award grants to health care providers
126.3 or research organizations to conduct, applied research on the safety and efficacy of using
126.4 medical cannabis flower or medical cannabinoid products to treat a specific health condition.
126.5 A health care provider or research organization receiving a grant under this section must
126.6 provide the office with access to all data collected in applied research funded under this
126.7 section. The office may use data from applied research conducted or funded under this
126.8 section as evidence to approve additional qualifying medical conditions or additional
126.9 allowable forms of medical cannabis.

126.10 **EFFECTIVE DATE.** This section is effective March 1, 2025.

126.11 Sec. 62. **[342.61] TESTING.**

126.12 Subdivision 1. **Testing required.** Cannabis businesses and hemp businesses shall not
126.13 sell or offer for sale cannabis flower, cannabis products, artificially derived cannabinoids,
126.14 lower-potency hemp edibles, or hemp-derived consumer products to another cannabis
126.15 business or hemp business, or to a customer or patient, or otherwise transfer cannabis flower,
126.16 cannabis products, artificially derived cannabinoids, lower-potency hemp edibles, or
126.17 hemp-derived consumer products to another cannabis business or hemp business, unless:

126.18 (1) a representative sample of the batch of cannabis flower, cannabis products, artificially
126.19 derived cannabinoids, lower-potency hemp edibles, or hemp-derived consumer products
126.20 has been tested according to this section and rules adopted under this chapter;

126.21 (2) the testing was completed by a cannabis testing facility licensed under this chapter;
126.22 and

126.23 (3) the tested sample of cannabis flower, cannabis products, artificially derived
126.24 cannabinoids, lower-potency hemp edibles, or hemp-derived consumer products was found
126.25 to meet testing standards established by the office.

126.26 Subd. 2. **Procedures and standards established by office.** (a) The office shall by rule
126.27 establish procedures governing the sampling, handling, testing, storage, and transportation
126.28 of cannabis flower, cannabis products, artificially derived cannabinoids, lower-potency
126.29 hemp edibles, or hemp-derived consumer products tested under this section; the contaminants
126.30 for which cannabis flower, cannabis products, artificially derived cannabinoids,
126.31 lower-potency hemp edibles, or hemp-derived consumer products must be tested; standards
126.32 for potency and homogeneity testing; and procedures applicable to cannabis businesses,
126.33 hemp businesses, and cannabis testing facilities regarding cannabis flower, cannabis products,

127.1 artificially derived cannabinoids, lower-potency hemp edibles, or hemp-derived consumer
127.2 products that fail to meet the standards for allowable levels of contaminants established by
127.3 the office, that fail to meet the potency limits in this chapter, or that do not conform with
127.4 the content of the cannabinoid profile listed on the label.

127.5 (b) All testing required under this section must be performed in a manner that is consistent
127.6 with general requirements for testing and calibration activities.

127.7 Subd. 3. **Standards established by Office of Cannabis Management.** The office shall
127.8 by rule establish standards for allowable levels of contaminants in cannabis flower, cannabis
127.9 products, artificially derived cannabinoids, lower-potency hemp edibles, or hemp-derived
127.10 consumer products, and growing media. Contaminants for which the office must establish
127.11 allowable levels must include but are not limited to residual solvents, foreign material,
127.12 microbiological contaminants, heavy metals, pesticide residue, and mycotoxins.

127.13 Subd. 4. **Testing of samples; disclosures.** (a) On a schedule determined by the office,
127.14 every cannabis microbusiness, cannabis mezzobusiness, cannabis cultivator, cannabis
127.15 manufacturer, cannabis wholesaler with an endorsement to import products, lower-potency
127.16 hemp edible manufacturer, medical cannabis cultivator, medical cannabis processor, or
127.17 medical cannabis combination business shall make each batch of cannabis flower, cannabis
127.18 products, artificially derived cannabinoids, lower-potency hemp edibles, or hemp-derived
127.19 consumer products grown, manufactured, or imported by the cannabis business or hemp
127.20 business available to a cannabis testing facility.

127.21 (b) A cannabis microbusiness, cannabis mezzobusiness, cannabis cultivator, cannabis
127.22 manufacturer, cannabis wholesaler with an endorsement to import products, lower-potency
127.23 hemp edible manufacturer, medical cannabis cultivator, medical cannabis processor, or
127.24 medical cannabis combination business must disclose all known information regarding
127.25 pesticides, fertilizers, solvents, or other foreign materials, including but not limited to
127.26 catalysts used in creating artificially derived cannabinoids, applied or added to the batch of
127.27 cannabis flower, cannabis products, artificially derived cannabinoids, lower-potency hemp
127.28 edibles, or hemp-derived consumer products subject to testing. Disclosure must be made
127.29 to the cannabis testing facility and must include information about all applications by any
127.30 person, whether intentional or accidental.

127.31 (c) The cannabis testing facility shall select one or more representative samples from
127.32 each batch, test the samples for the presence of contaminants, and test the samples for
127.33 potency and homogeneity and to allow the cannabis flower, cannabis product, artificially
127.34 derived cannabinoid, lower-potency hemp edible, or hemp-derived consumer product to be

128.1 accurately labeled with its cannabinoid profile. Testing for contaminants must include testing
128.2 for residual solvents, foreign material, microbiological contaminants, heavy metals, pesticide
128.3 residue, mycotoxins, and any items identified pursuant to paragraph (b), and may include
128.4 testing for other contaminants. A cannabis testing facility must destroy or return to the
128.5 cannabis business or hemp business any part of the sample that remains after testing.

128.6 Subd. 5. Test results. (a) If a sample meets the applicable testing standards, a cannabis
128.7 testing facility shall issue a certification to a cannabis microbusiness, cannabis
128.8 mezzobusiness, cannabis cultivator, cannabis manufacturer, cannabis wholesaler with an
128.9 endorsement to import products, lower-potency hemp edible manufacturer, medical cannabis
128.10 cultivator, medical cannabis processor, or medical cannabis combination business and the
128.11 cannabis business or hemp business may then sell or transfer the batch of cannabis flower,
128.12 cannabis products, artificially derived cannabinoids, lower-potency hemp edibles, or
128.13 hemp-derived consumer products from which the sample was taken to another cannabis
128.14 business or hemp business, or offer the cannabis flower, cannabis products, lower-potency
128.15 hemp edibles, or hemp-derived consumer products for sale to customers or patients. If a
128.16 sample does not meet the applicable testing standards or if the testing facility is unable to
128.17 test for a substance identified pursuant to subdivision 4, paragraph (b), the batch from which
128.18 the sample was taken shall be subject to procedures established by the office for such batches,
128.19 including destruction, remediation, or retesting.

128.20 (b) A cannabis microbusiness, cannabis mezzobusiness, cannabis cultivator, cannabis
128.21 manufacturer, cannabis wholesaler with an endorsement to import products, lower-potency
128.22 hemp edible manufacturer, medical cannabis cultivator, medical cannabis processor, or
128.23 medical cannabis combination business must maintain the test results for cannabis flower,
128.24 cannabis products, artificially derived cannabinoids, lower-potency hemp edibles, or
128.25 hemp-derived consumer products grown, manufactured, or imported by that cannabis
128.26 business or hemp business for at least five years after the date of testing.

128.27 (c) A cannabis microbusiness, cannabis mezzobusiness, cannabis cultivator, cannabis
128.28 manufacturer, cannabis wholesaler with an endorsement to import products, lower-potency
128.29 hemp edible manufacturer, medical cannabis cultivator, medical cannabis processor, or
128.30 medical cannabis combination business shall make test results maintained by that cannabis
128.31 business or hemp business available for review by any member of the public, upon request.
128.32 Test results made available to the public must be in plain language.

129.1 Sec. 63. [342.62] PACKAGING.

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

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

129.8 (1) prepackaged in packaging or a container that is child-resistant, tamper-evident, and
129.9 opaque; or

129.10 (2) placed in packaging or a container that is plain, child-resistant, tamper-evident, and
129.11 opaque at the final point of sale to a customer.

129.12 (b) The requirement that packaging be child-resistant does not apply to a lower-potency
129.13 hemp edible that is intended to be consumed as a beverage.

129.14 (c) If a cannabis product, lower-potency hemp edible, or a hemp-derived consumer
129.15 product is packaged in a manner that includes more than a single serving, each serving must
129.16 be indicated by scoring, wrapping, or other indicators designating the individual serving
129.17 size. If the item is a lower-potency hemp edible, serving indicators must meet the
129.18 requirements of section 342.46, subdivision 6, paragraph (b).

129.19 (d) Edible cannabis products and lower-potency hemp edibles containing more than a
129.20 single serving must be prepackaged or placed at the final point of sale in packaging or a
129.21 container that is resealable.

129.22 Subd. 3. Packaging prohibitions. (a) Cannabis flower, cannabis products, lower-potency
129.23 hemp edibles, or hemp-derived consumer products sold to customers or patients must not
129.24 be packaged in a manner that:

129.25 (1) bears a reasonable resemblance to any commercially available product that does not
129.26 contain cannabinoids, whether the manufacturer of the product holds a registered trademark
129.27 or has registered the trade dress; or

129.28 (2) is designed to appeal to persons under 21 years of age.

129.29 (b) Packaging for cannabis flower, cannabis products, lower-potency hemp edibles, and
129.30 hemp-derived consumer products must not contain or be coated with any perfluoroalkyl
129.31 substance.

130.1 (c) Edible cannabis products and lower-potency hemp edibles must not be packaged in
130.2 a material that is not approved by the United States Food and Drug Administration for use
130.3 in packaging food.

130.4 Sec. 64. [342.63] LABELING.

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

130.8 Subd. 2. Content of label; cannabis. All cannabis flower and hemp-derived consumer
130.9 products that consist of hemp plant parts sold to customers or patients must have affixed
130.10 on the packaging or container of the cannabis flower or hemp-derived consumer product a
130.11 label that contains at least the following information:

130.12 (1) the name and license number of the cannabis microbusiness, cannabis mezzobusiness,
130.13 cannabis cultivator, medical cannabis cultivator, or industrial hemp grower where the
130.14 cannabis flower or hemp plant part was cultivated;

130.15 (2) the net weight or volume of cannabis flower or hemp plant parts in the package or
130.16 container;

130.17 (3) the batch number;

130.18 (4) the cannabinoid profile;

130.19 (5) a universal symbol established by the office indicating that the package or container
130.20 contains cannabis flower, a cannabis product, a lower-potency hemp edible, or a
130.21 hemp-derived consumer product;

130.22 (6) verification that the cannabis flower or hemp plant part was tested according to
130.23 section 342.61 and that the cannabis flower or hemp plant part complies with the applicable
130.24 standards;

130.25 (7) the maximum dose, quantity, or consumption that may be considered medically safe
130.26 within a 24-hour period;

130.27 (8) the following statement: "Keep this product out of reach of children."; and

130.28 (9) any other statements or information required by the office.

130.29 Subd. 3. Content of label; cannabinoid products. (a) All cannabis products,
130.30 lower-potency hemp edibles, hemp-derived consumer products other than products subject
130.31 to the requirements under subdivision 2, medical cannabinoid products, and hemp-derived

131.1 topical products sold to customers or patients must have affixed to the packaging or container
131.2 of the cannabis product a label that contains at least the following information:

131.3 (1) the name and license number of the cannabis microbusiness, cannabis mezzobusiness,
131.4 cannabis cultivator, medical cannabis cultivator, or industrial hemp grower that cultivated
131.5 the cannabis flower or hemp plant parts used in the cannabis product, lower-potency hemp
131.6 edible, hemp-derived consumer product, or medical cannabinoid product;

131.7 (2) the name and license number of the cannabis microbusiness, cannabis mezzobusiness,
131.8 cannabis manufacturer, lower-potency hemp edible manufacturer, medical cannabis
131.9 processor, or industrial hemp grower that manufactured the cannabis concentrate, hemp
131.10 concentrate, or artificially derived cannabinoid and, if different, the name and license number
131.11 of the cannabis microbusiness, cannabis mezzobusiness, cannabis manufacturer,
131.12 lower-potency hemp edible manufacturer, or medical cannabis processor that manufactured
131.13 the product;

131.14 (3) the net weight or volume of the cannabis product, lower-potency hemp edible, or
131.15 hemp-derived consumer product in the package or container;

131.16 (4) the type of cannabis product, lower-potency hemp edible, or hemp-derived consumer
131.17 product;

131.18 (5) the batch number;

131.19 (6) the serving size;

131.20 (7) the cannabinoid profile per serving and in total;

131.21 (8) a list of ingredients;

131.22 (9) a universal symbol established by the office indicating that the package or container
131.23 contains cannabis flower, a cannabis product, a lower-potency hemp edible, or a
131.24 hemp-derived consumer product;

131.25 (10) a warning symbol developed by the office in consultation with the commissioner
131.26 of health and the Minnesota Poison Control System that:

131.27 (i) is at least three-quarters of an inch tall and six-tenths of an inch wide;

131.28 (ii) is in a highly visible color;

131.29 (iii) includes a visual element that is commonly understood to mean a person should
131.30 stop;

131.31 (iv) indicates that the product is not for children; and

- 132.1 (v) includes the phone number of the Minnesota Poison Control System;
- 132.2 (11) verification that the cannabis product, lower-potency hemp edible, hemp-derived
- 132.3 consumer product, or medical cannabinoid product was tested according to section 342.61
- 132.4 and that the cannabis product, lower-potency hemp edible, hemp-derived consumer product,
- 132.5 or medical cannabinoid product complies with the applicable standards;
- 132.6 (12) the maximum dose, quantity, or consumption that may be considered medically
- 132.7 safe within a 24-hour period;
- 132.8 (13) the following statement: "Keep this product out of reach of children."; and
- 132.9 (14) any other statements or information required by the office.
- 132.10 (b) The office may by rule establish alternative labeling requirements for lower-potency
- 132.11 hemp edibles that are imported into the state provided that those requirements provide
- 132.12 consumers with information that is substantially similar to the information described in
- 132.13 paragraph (a).
- 132.14 **Subd. 4. Additional content of label; medical cannabis flower and medical**
- 132.15 **cannabinoid products.** In addition to the applicable requirements for labeling under
- 132.16 subdivision 2 or 3, all medical cannabis flower and medical cannabinoid products must
- 132.17 include at least the following information on the label affixed to the packaging or container
- 132.18 of the medical cannabis flower or medical cannabinoid product:
- 132.19 (1) the patient's name and date of birth;
- 132.20 (2) the name and date of birth of the patient's registered designated caregiver or, if listed
- 132.21 on the registry verification, the name of the patient's parent, legal guardian, or spouse, if
- 132.22 applicable; and
- 132.23 (3) the patient's registry identification number.
- 132.24 **Subd. 5. Content of label; hemp-derived topical products.** (a) All hemp-derived topical
- 132.25 products sold to customers must have affixed to the packaging or container of the product
- 132.26 a label that contains at least the following information:
- 132.27 (1) the manufacturer name, location, phone number, and website;
- 132.28 (2) the name and address of the independent, accredited laboratory used by the
- 132.29 manufacturer to test the product;
- 132.30 (3) the net weight or volume of the product in the package or container;
- 132.31 (4) the type of topical product;

133.1 (5) the amount or percentage of cannabidiol, cannabigerol, or any other cannabinoid,
133.2 derivative, or extract of hemp, per serving and in total;

133.3 (6) a list of ingredients;

133.4 (7) a statement that the product does not claim to diagnose, treat, cure, or prevent any
133.5 disease and that the product has not been evaluated or approved by the United States Food
133.6 and Drug Administration, unless the product has been so approved; and

133.7 (8) any other statements or information required by the office.

133.8 (b) The information required in paragraph (a), clauses (1), (2), and (5), may be provided
133.9 through the use of a scannable barcode or matrix barcode that links to a page on a website
133.10 maintained by the manufacturer or distributor if that page contains all of the information
133.11 required by this subdivision.

133.12 Subd. 6. **Additional information.** (a) A cannabis microbusiness, cannabis mezzobusiness,
133.13 cannabis retailer, medical cannabis retailer, or medical cannabis combination business must
133.14 provide customers and patients with the following information:

133.15 (1) factual information about impairment effects and the expected timing of impairment
133.16 effects, side effects, adverse effects, and health risks of cannabis flower, cannabis products,
133.17 lower-potency hemp edibles, and hemp-derived consumer products;

133.18 (2) a statement that customers and patients must not operate a motor vehicle or heavy
133.19 machinery while under the influence of cannabis flower, cannabis products, lower-potency
133.20 hemp edibles, and hemp-derived consumer products;

133.21 (3) resources customers and patients may consult to answer questions about cannabis
133.22 flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer
133.23 products, and any side effects and adverse effects;

133.24 (4) contact information for the poison control center and a safety hotline or website for
133.25 customers to report and obtain advice about side effects and adverse effects of cannabis
133.26 flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer
133.27 products;

133.28 (5) substance use disorder treatment options; and

133.29 (6) any other information specified by the office.

133.30 (b) A cannabis microbusiness, cannabis mezzobusiness, cannabis retailer, or medical
133.31 cannabis retailer may include the information described in paragraph (a) on the label affixed

134.1 to the packaging or container of cannabis flower, cannabis products, lower-potency hemp
134.2 edibles, and hemp-derived consumer products by:

134.3 (1) posting the information in the premises of the cannabis microbusiness, cannabis
134.4 mezzobusiness, cannabis retailer, medical cannabis retailer, or medical cannabis combination
134.5 business; or

134.6 (2) providing the information on a separate document or pamphlet provided to customers
134.7 or patients when the customer purchases cannabis flower, a cannabis product, a lower-potency
134.8 hemp edible, or a hemp-derived consumer product.

134.9 Sec. 65. **[342.64] ADVERTISEMENT.**

134.10 Subdivision 1. **Limitations applicable to all advertisements.** Cannabis businesses,
134.11 hemp businesses, and other persons shall not publish or cause to be published an
134.12 advertisement for a cannabis business, a hemp business, cannabis flower, a cannabis product,
134.13 a lower-potency hemp edible, or a hemp-derived consumer product in a manner that:

134.14 (1) contains false or misleading statements;

134.15 (2) contains unverified claims about the health or therapeutic benefits or effects of
134.16 consuming cannabis flower, a cannabis product, a lower-potency hemp edible, or a
134.17 hemp-derived consumer product;

134.18 (3) promotes the overconsumption of cannabis flower, a cannabis product, a
134.19 lower-potency hemp edible, or a hemp-derived consumer product;

134.20 (4) depicts a person under 21 years of age consuming cannabis flower, a cannabis product,
134.21 a lower-potency hemp edible, or a hemp-derived consumer product; or

134.22 (5) includes an image designed or likely to appeal to individuals under 21 years of age,
134.23 including cartoons, toys, animals, or children, or any other likeness to images, characters,
134.24 or phrases that is designed to be appealing to individuals under 21 years of age or encourage
134.25 consumption by individuals under 21 years of age; and

134.26 (6) does not contain a warning as specified by the office regarding impairment and health
134.27 risks.

134.28 Subd. 2. **Outdoor advertisements; cannabis business signs.** (a) Except as provided in
134.29 paragraph (c), an outdoor advertisement of a cannabis business, a hemp business, cannabis
134.30 flower, a cannabis product, a lower-potency hemp edible, or a hemp-derived consumer
134.31 product is prohibited.

135.1 (b) Cannabis businesses and hemp businesses may erect up to two fixed outdoor signs
135.2 on the exterior of the building or property of the cannabis business or hemp business.

135.3 (c) The prohibition under paragraph (a) does not apply to an outdoor advertisement for
135.4 a hemp business, or the goods or services the business offers, that is not related to the
135.5 manufacture or sale of lower-potency hemp edibles and does not include an image,
135.6 description, or any reference to the manufacture or sale of lower-potency hemp edibles.

135.7 Subd. 3. Audience under 21 years of age. Except as provided in subdivision 2, a
135.8 cannabis business, hemp business, or other person shall not publish or cause to be published
135.9 an advertisement for a cannabis business, a hemp business, cannabis flower, a cannabis
135.10 product, a lower-potency hemp edible, or a hemp-derived consumer product in any print
135.11 publication or on radio, television, or any other medium if 30 percent or more of the audience
135.12 of that medium is reasonably expected to be individuals who are under 21 years of age, as
135.13 determined by reliable, current audience composition data.

135.14 Subd. 4. Certain unsolicited advertising. A cannabis business, hemp business, or
135.15 another person shall not utilize unsolicited pop-up advertisements on the internet to advertise
135.16 a cannabis business, a hemp business, cannabis flower, a cannabis product, a lower-potency
135.17 hemp edible, or a hemp-derived consumer product.

135.18 Subd. 5. Advertising using direct, individualized communication or dialogue. Before
135.19 a cannabis business, hemp business, or another person may advertise a cannabis business,
135.20 a hemp business, cannabis flower, a cannabis product, a lower-potency hemp edible, or a
135.21 hemp-derived consumer product through direct, individualized communication or dialogue
135.22 controlled by the cannabis business, hemp business, or other person, the cannabis business,
135.23 hemp business, or other person must use a method of age affirmation to verify that the
135.24 recipient of the direct, individualized communication or dialogue is 21 years of age or older.
135.25 For purposes of this subdivision, the method of age affirmation may include user
135.26 confirmation, birth date disclosure, or another similar registration method.

135.27 Subd. 6. Advertising using location-based devices. A cannabis business, hemp business,
135.28 or another person shall not advertise a cannabis business, a hemp business, cannabis flower,
135.29 a cannabis product, a lower-potency hemp edible, or a hemp-derived consumer product
135.30 with advertising directed toward location-based devices, including but not limited to cellular
135.31 telephones, unless the owner of the device is 21 years of age or older.

135.32 Subd. 7. Advertising restrictions for health care practitioners under the medical
135.33 cannabis program. (a) A health care practitioner shall not publish or cause to be published
135.34 an advertisement that:

- 136.1 (1) contains false or misleading statements about the registry program;
- 136.2 (2) uses colloquial terms to refer to medical cannabis flower or medical cannabinoid
- 136.3 products, such as pot, weed, or grass;
- 136.4 (3) states or implies that the health care practitioner is endorsed by the office, the Division
- 136.5 of Medical Cannabis, or the registry program;
- 136.6 (4) includes images of cannabis flower, hemp plant parts, or images of paraphernalia
- 136.7 commonly used to smoke cannabis flower;
- 136.8 (5) contains medical symbols that could reasonably be confused with symbols of
- 136.9 established medical associations or groups; or
- 136.10 (6) does not contain a warning as specified by the office regarding impairment and health
- 136.11 risks.
- 136.12 (b) A health care practitioner found by the office to have violated this subdivision is
- 136.13 prohibited from certifying that patients have a qualifying medical condition for purposes
- 136.14 of patient participation in the registry program. A decision by the office that a health care
- 136.15 practitioner has violated this subdivision is a final decision and is not subject to the contested
- 136.16 case procedures in chapter 14.

136.17 Sec. 66. **[342.65] INDUSTRIAL HEMP.**

136.18 Nothing in this chapter shall limit the ability of a person licensed under chapter 18K to

136.19 grow industrial hemp for commercial or research purposes, process industrial hemp for

136.20 commercial purposes, sell hemp fiber products and hemp grain, manufacture hemp-derived

136.21 topical products, or perform any other actions authorized by the commissioner of agriculture.

136.22 For purposes of this section, "processing" has the meaning given in section 18K.02,

136.23 subdivision 5, and does not include the process of creating artificially derived cannabinoids.

136.24 Sec. 67. **[342.66] HEMP-DERIVED TOPICAL PRODUCTS.**

136.25 Subdivision 1. **Scope.** This section applies to the manufacture, marketing, distribution,

136.26 and sale of hemp-derived topical products.

136.27 Subd. 2. **License; not required.** No license is required to manufacture, market, distribute,

136.28 or sell hemp-derived topical products.

136.29 Subd. 3. **Approved cannabinoids.** (a) Products manufactured, marketed, distributed,

136.30 and sold under this section may contain cannabidiol or cannabigerol. Except as provided

137.1 in paragraph (c), products may not contain any other cannabinoid unless approved by the
137.2 office.

137.3 (b) The office may approve any cannabinoid, other than any tetrahydrocannabinol, and
137.4 authorize its use in manufacturing, marketing, distribution, and sales under this section if
137.5 the office determines that the cannabinoid is a nonintoxicating cannabinoid.

137.6 (c) A product manufactured, marketed, distributed, and sold under this section may
137.7 contain cannabinoids other than cannabidiol, cannabigerol, or any other cannabinoid approved
137.8 by the office provided that the cannabinoids are naturally occurring in hemp plants or hemp
137.9 plant parts and the total of all other cannabinoids present in a product does not exceed one
137.10 milligram per package.

137.11 Subd. 4. **Approved products.** Products sold to consumers under this section may only
137.12 be manufactured, marketed, distributed, intended, or generally expected to be used by
137.13 applying the product externally to a part of the body of a human or animal.

137.14 Subd. 5. **Labeling.** Hemp-derived topical products must meet the labeling requirements
137.15 in section 342.63, subdivision 5.

137.16 Subd. 6. **Prohibitions.** (a) A product sold to consumers under this section must not be
137.17 manufactured, marketed, distributed, or intended:

137.18 (1) for external or internal use in the diagnosis, cure, mitigation, treatment, or prevention
137.19 of disease in humans or other animals;

137.20 (2) to affect the structure or any function of the bodies of humans or other animals;

137.21 (3) to be consumed by combustion or vaporization of the product and inhalation of
137.22 smoke, aerosol, or vapor from the product;

137.23 (4) to be consumed through chewing; or

137.24 (5) to be consumed through injection or application to a mucous membrane or nonintact
137.25 skin.

137.26 (b) A product manufactured, marketed, distributed, or sold to consumers under this
137.27 section must not:

137.28 (1) consist, in whole or in part, of any filthy, putrid, or decomposed substance;

137.29 (2) have been produced, prepared, packed, or held under unsanitary conditions where
137.30 the product may have been rendered injurious to health, or where the product may have
137.31 been contaminated with filth;

138.1 (3) be packaged in a container that is composed, in whole or in part, of any poisonous
138.2 or deleterious substance that may render the contents injurious to health;

138.3 (4) contain any additives or excipients that have been found by the United States Food
138.4 and Drug Administration to be unsafe for human or animal consumption;

138.5 (5) contain a cannabinoid or an amount or percentage of cannabinoids that is different
138.6 than the information stated on the label;

138.7 (6) contain a cannabinoid, other than cannabidiol, cannabigerol, or a cannabinoid
138.8 approved by the office, in an amount that exceeds the standard established in subdivision
138.9 2, paragraph (c); or

138.10 (7) contain any contaminants for which testing is required by the office in amounts that
138.11 exceed the acceptable minimum standards established by the office.

138.12 (c) No product containing any cannabinoid may be sold to any individual who is under
138.13 21 years of age.

138.14 Subd. 7. **Enforcement.** The office may enforce this section under the relevant provisions
138.15 of section 342.19, including but not limited to issuing administrative orders, embargoing
138.16 products, and imposing civil penalties.

138.17 Sec. 68. **[342.67] LEGAL ASSISTANCE TO CANNABIS BUSINESSES AND HEMP**
138.18 **BUSINESSES.**

138.19 An attorney must not be subject to disciplinary action by the Minnesota Supreme Court
138.20 or professional responsibility board for providing legal assistance to prospective or licensed
138.21 cannabis businesses or hemp businesses, or others for activities that do not violate this
138.22 chapter or chapter 152.

138.23 Sec. 69. **[342.70] CANNABIS INDUSTRY COMMUNITY RENEWAL GRANTS.**

138.24 Subdivision 1. **Establishment.** The Office of Cannabis Management shall establish
138.25 CanRenew, a program to award grants to eligible organizations for investments in
138.26 communities where long-term residents are eligible to be social equity applicants.

138.27 Subd. 2. **Definitions.** (a) For the purposes of this section, the following terms have the
138.28 meanings given.

138.29 (b) "Community investment" means a project or program designed to improve
138.30 community-wide outcomes or experiences and may include efforts targeting economic

139.1 development, improving social determinants of health, violence prevention, youth
139.2 development, or civil legal aid, among others.

139.3 (c) "Eligible community" means a community where long-term residents are eligible to
139.4 be social equity applicants.

139.5 (d) "Eligible organization" means any organization able to make an investment in a
139.6 community where long-term residents are eligible to be social equity applicants and may
139.7 include educational institutions, nonprofit organizations, private businesses, community
139.8 groups, units of local government, or partnerships between different types of organizations.

139.9 (e) "Program" means the CanRenew grant program.

139.10 (f) "Social equity applicant" means a person who meets the qualification requirements
139.11 in section 342.17.

139.12 Subd. 3. **Grants to organizations.** (a) The Division of Social Equity must award grants
139.13 to eligible organizations through a competitive grant process.

139.14 (b) To receive grant money, an eligible organization must submit a written application
139.15 to the office, using a form developed by the office, explaining the community investment
139.16 the organization wants to make in an eligible community.

139.17 (c) An eligible organization's grant application must also include:

139.18 (1) an analysis of the community's need for the proposed investment;

139.19 (2) a description of the positive impact that the proposed investment is expected to
139.20 generate for that community;

139.21 (3) any evidence of the organization's ability to successfully achieve that positive impact;

139.22 (4) any evidence of the organization's past success in making similar community
139.23 investments;

139.24 (5) an estimate of the cost of the proposed investment;

139.25 (6) the sources and amounts of any nonstate funds or in-kind contributions that will
139.26 supplement grant money; and

139.27 (7) any additional information requested by the office.

139.28 (d) In awarding grants under this subdivision, the office shall give weight to applications
139.29 from organizations that demonstrate a history of successful community investments,
139.30 particularly in geographic areas that are now eligible communities. The office shall also

140.1 give weight to applications where there is demonstrated community support for the proposed
140.2 investment. The office shall fund investments in eligible communities throughout the state.

140.3 Subd. 4. **Program outreach.** The office shall make extensive efforts to publicize these
140.4 grants, including through partnerships with community organizations, particularly those
140.5 located in eligible communities.

140.6 Subd. 5. **Reports to the legislature.** By January 15, 2024, and each January 15 thereafter,
140.7 the office must submit a report to the chairs and ranking minority members of the committees
140.8 of the house of representatives and the senate having jurisdiction over community
140.9 development that details awards given through the CanRenew program and the use of grant
140.10 money, including any measures of successful community impact from the grants.

140.11 Sec. 70. **[342.72] SUBSTANCE USE TREATMENT, RECOVERY, AND**
140.12 **PREVENTION GRANTS.**

140.13 Subdivision 1. **Account established; appropriation.** A substance use treatment, recovery,
140.14 and prevention grant account is created in the special revenue fund. Money in the account,
140.15 including interest earned, is appropriated to the office for the purposes specified in this
140.16 section. Of the amount transferred from the general fund to the account, the office may use
140.17 up to five percent for administrative expenses.

140.18 Subd. 2. **Acceptance of gifts and grants.** Notwithstanding sections 16A.013 to 16A.016,
140.19 the office may accept money contributed by individuals and may apply for grants from
140.20 charitable foundations to be used for the purposes identified in this section. The money
140.21 accepted under this section must be deposited in the substance use treatment, recovery, and
140.22 prevention grant account created under subdivision 1.

140.23 Subd. 3. **Disposition of money; grants.** (a) Money in the substance use treatment,
140.24 recovery, and prevention grant account must be distributed as follows:

140.25 (1) at least 75 percent of the money is for grants for substance use disorder and mental
140.26 health recovery and prevention programs. Funds must be used for recovery and prevention
140.27 activities and supplies that assist individuals and families to initiate, stabilize, and maintain
140.28 long-term recovery from substance use disorders and co-occurring mental health conditions.
140.29 Recovery and prevention activities may include prevention education, school-linked
140.30 behavioral health, school-based peer programs, peer supports, self-care and wellness,
140.31 culturally specific healing, community public awareness, mutual aid networks, telephone
140.32 recovery checkups, mental health warmlines, harm reduction, recovery community
140.33 organization development, first episode psychosis programs, and recovery housing; and

141.1 (2) up to 25 percent of the money is for substance use disorder treatment programs as
141.2 defined in chapter 245G and may be used to implement, strengthen, or expand supportive
141.3 services and activities that are not covered by medical assistance under chapter 256B,
141.4 MinnesotaCare under chapter 256L, or the behavioral health fund under chapter 254B.
141.5 Services and activities may include adoption or expansion of evidence-based practices;
141.6 competency-based training; continuing education; culturally specific and culturally responsive
141.7 services; sober recreational activities; developing referral relationships; family preservation
141.8 and healing; and start-up or capacity funding for programs that specialize in adolescent,
141.9 culturally specific, culturally responsive, disability-specific, co-occurring disorder, or family
141.10 treatment services.

141.11 (b) The office shall consult with the Governor's Advisory Council on Opioids, Substance
141.12 Use, and Addiction; the commissioner of human services; and the commissioner of health
141.13 to develop an appropriate application process, establish grant requirements, determine what
141.14 organizations are eligible to receive grants, and establish reporting requirements for grant
141.15 recipients.

141.16 Subd. 4. **Reports to the legislature.** By January 15, 2024, and each January 15 thereafter,
141.17 the office must submit a report to the chairs and ranking minority members of the committees
141.18 of the house of representatives and the senate having jurisdiction over health and human
141.19 services policy and finance that details grants awarded from the substance use treatment,
141.20 recovery, and prevention grant account, including the total amount awarded, total number
141.21 of recipients, and geographic distribution of those recipients.

141.22 Sec. 71. **[342.73] CANNABIS GROWER GRANTS.**

141.23 Subdivision 1. **Establishment.** The office, in consultation with the commissioner of
141.24 agriculture, shall establish CanGrow, a program to award grants to (1) eligible organizations
141.25 to help farmers navigate the regulatory structure of the legal cannabis industry, and (2)
141.26 nonprofit corporations to fund loans to farmers for expansion into the legal cannabis industry.

141.27 Subd. 2. **Definitions.** (a) For the purposes of this section, the following terms have the
141.28 meanings given.

141.29 (b) "Eligible organization" means any organization capable of helping farmers navigate
141.30 the regulatory structure of the legal cannabis industry, particularly individuals facing barriers
141.31 to education or employment, and may include educational institutions, nonprofit
141.32 organizations, private businesses, community groups, units of local government, or
141.33 partnerships between different types of organizations.

142.1 (c) "Industry" means the legal cannabis industry in the state of Minnesota.

142.2 (d) "Program" means the CanGrow grant program.

142.3 (e) "Social equity applicant" means a person who meets the qualification requirements
142.4 in section 342.17.

142.5 Subd. 3. **Technical assistance grants.** (a) Grant money awarded to eligible organizations
142.6 may be used for both developing technical assistance resources relevant to the regulatory
142.7 structure of the legal cannabis industry and for providing such technical assistance or
142.8 navigation services to farmers.

142.9 (b) The office must award grants to eligible organizations through a competitive grant
142.10 process.

142.11 (c) To receive grant money, an eligible organization must submit a written application
142.12 to the office, using a form developed by the office, explaining the organization's ability to
142.13 assist farmers in navigating the regulatory structure of the legal cannabis industry, particularly
142.14 farmers facing barriers to education or employment.

142.15 (d) An eligible organization's grant application must also include:

142.16 (1) a description of the proposed technical assistance or navigation services, including
142.17 the types of farmers targeted for assistance;

142.18 (2) any evidence of the organization's past success in providing technical assistance or
142.19 navigation services to farmers, particularly farmers who live in areas where long-term
142.20 residents are eligible to be social equity applicants;

142.21 (3) an estimate of the cost of providing the technical assistance;

142.22 (4) the sources and amounts of any nonstate funds or in-kind contributions that will
142.23 supplement grant money, including any amounts that farmers will be charged to receive
142.24 assistance; and

142.25 (5) any additional information requested by the office.

142.26 (e) In awarding grants under this subdivision, the office shall give weight to applications
142.27 from organizations that demonstrate a history of successful technical assistance or navigation
142.28 services, particularly for farmers facing barriers to education or employment. The office
142.29 shall also give weight to applications where the proposed technical assistance will serve
142.30 areas where long-term residents are eligible to be social equity applicants. The office shall
142.31 fund technical assistance to farmers throughout the state.

143.1 Subd. 4. **Loan financing grants.** (a) The CanGrow revolving loan account is established
143.2 in the special revenue fund. Money in the account, including interest, is appropriated to the
143.3 commissioner to make loan financing grants under the CanGrow program.

143.4 (b) The office must award grants to nonprofit corporations through a competitive grant
143.5 process.

143.6 (c) To receive grant money, a nonprofit corporation must submit a written application
143.7 to the office using a form developed by the office.

143.8 (d) In awarding grants under this subdivision, the office shall give weight to whether
143.9 the nonprofit corporation:

143.10 (1) has a board of directors that includes individuals experienced in agricultural business
143.11 development;

143.12 (2) has the technical skills to analyze projects;

143.13 (3) is familiar with other available public and private funding sources and economic
143.14 development programs;

143.15 (4) can initiate and implement economic development projects;

143.16 (5) can establish and administer a revolving loan account; and

143.17 (6) has established relationships with communities where long-term residents are eligible
143.18 to be social equity applicants.

143.19 The office shall make grants that will help farmers enter the legal cannabis industry
143.20 throughout the state.

143.21 (e) A nonprofit corporation that receives grants under the program must:

143.22 (1) establish an office-certified revolving loan account for the purpose of making eligible
143.23 loans; and

143.24 (2) enter into an agreement with the office that the office shall fund loans that the
143.25 nonprofit corporation makes to farmers entering the legal cannabis industry. The office shall
143.26 review existing agreements with nonprofit corporations every five years and may renew or
143.27 terminate an agreement based on that review. In making this review, the office shall consider,
143.28 among other criteria, the criteria in paragraph (d).

143.29 Subd. 5. **Loans to farmers.** (a) The criteria in this subdivision apply to loans made by
143.30 nonprofit corporations under the program.

144.1 (b) A loan must be used to support a farmer in entering the legal cannabis industry.
144.2 Priority must be given to loans to businesses owned by farmers who are eligible to be social
144.3 equity applicants and businesses located in communities where long-term residents are
144.4 eligible to be social equity applicants.

144.5 (c) Loans must be made to businesses that are not likely to undertake the project for
144.6 which loans are sought without assistance from the program.

144.7 (d) The minimum state contribution to a loan is \$2,500 and the maximum is either:

144.8 (1) \$50,000; or

144.9 (2) \$150,000, if state contributions are matched by an equal or greater amount of new
144.10 private investment.

144.11 (e) Loan applications given preliminary approval by the nonprofit corporation must be
144.12 forwarded to the office for approval. The office must give final approval for each loan made
144.13 by the nonprofit corporation under the program.

144.14 (f) If the borrower has met lender criteria, including being current with all payments for
144.15 a minimum of three years, the office may approve either full or partial forgiveness of interest
144.16 or principal amounts.

144.17 Subd. 6. **Revolving loan account administration.** (a) The office shall establish a
144.18 minimum interest rate for loans or guarantees to ensure that necessary loan administration
144.19 costs are covered. The interest rate charged by a nonprofit corporation for a loan under this
144.20 section must not exceed the Wall Street Journal prime rate. For a loan under this section,
144.21 the nonprofit corporation may charge a loan origination fee equal to or less than one percent
144.22 of the loan value. The nonprofit corporation may retain the amount of the origination fee.

144.23 (b) Loan repayment of principal must be paid to the office for deposit in the CanGrow
144.24 revolving loan account. Loan interest payments must be deposited in a revolving loan
144.25 account created by the nonprofit corporation originating the loan being repaid for further
144.26 distribution or use, consistent with the criteria of this section.

144.27 (c) Administrative expenses of the nonprofit corporations with whom the office enters
144.28 into agreements, including expenses incurred by a nonprofit corporation in providing
144.29 financial, technical, managerial, and marketing assistance to a business receiving a loan
144.30 under this section, are eligible program expenses that the office may agree to pay under the
144.31 grant agreement.

145.1 Subd. 7. Program outreach. The office shall make extensive efforts to publicize these
145.2 grants, including through partnerships with community organizations, particularly those
145.3 located in areas where long-term residents are eligible to be social equity applicants.

145.4 Subd. 8. Reporting requirements. (a) A nonprofit corporation that receives a grant
145.5 under subdivision 4 shall:

145.6 (1) submit an annual report to the office by January 15 of each year that the nonprofit
145.7 corporation participates in the program that includes a description of agricultural businesses
145.8 supported by the grant program, an account of loans made during the calendar year, the
145.9 program's impact on farmers' ability to expand into the legal cannabis industry, the source
145.10 and amount of money collected and distributed by the program, the program's assets and
145.11 liabilities, and an explanation of administrative expenses; and

145.12 (2) provide for an independent annual audit to be performed in accordance with generally
145.13 accepted accounting practices and auditing standards and submit a copy of each annual
145.14 audit report to the office.

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

145.23 **Sec. 72. [342.80] LAWFUL ACTIVITIES.**

145.24 (a) Notwithstanding any law to the contrary, the cultivation, manufacturing, possessing,
145.25 and selling of cannabis flower, cannabis products, artificially derived cannabinoids,
145.26 lower-potency hemp edibles, and hemp-derived consumer products by a licensed cannabis
145.27 business or hemp business in conformity with the rights granted by a cannabis business
145.28 license or hemp business license is lawful and may not be the grounds for the seizure or
145.29 forfeiture of property, arrest or prosecution, or search or inspections except as provided by
145.30 this chapter.

145.31 (b) A person acting as an agent of a cannabis microbusiness, cannabis mezzobusiness,
145.32 cannabis retailer, or lower-potency hemp edible retailer who sells or otherwise transfers
145.33 cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer

146.1 products to a person under 21 years of age is not subject to arrest, prosecution, or forfeiture
146.2 of property if the person complied with section 342.27, subdivision 4, and any rules
146.3 promulgated pursuant to this chapter.

146.4 Sec. 73. **[342.81] CIVIL ACTIONS.**

146.5 Subdivision 1. **Right of action.** A spouse, child, parent, guardian, employer, or other
146.6 person injured in person, property, or means of support or who incurs other pecuniary loss
146.7 by an intoxicated person or by the intoxication of another person, has a right of action in
146.8 the person's own name for all damages sustained against a person who caused the intoxication
146.9 of that person by illegally selling cannabis flower, cannabis products, lower-potency hemp
146.10 edibles, or hemp-derived consumer products, or selling edible cannabinoid products as
146.11 defined in section 151.72, subdivision 1, paragraph (f), for on-site consumption. All damages
146.12 recovered by a minor under this section must be paid either to the minor or to the minor's
146.13 parent, guardian, or next friend as the court directs.

146.14 Subd. 2. **Actions.** All suits for damages under this section must be by civil action in a
146.15 court of this state having jurisdiction.

146.16 Subd. 3. **Comparative negligence.** Actions under this section are governed by section
146.17 604.01.

146.18 Subd. 4. **Defense.** It is a defense for the defendant to prove by a preponderance of the
146.19 evidence that the defendant reasonably and in good faith relied upon representations of
146.20 proof of age in selling, bartering, furnishing, or giving the cannabis flower, cannabis products,
146.21 lower-potency hemp edibles, hemp-derived consumer products, or edible cannabinoid
146.22 products.

146.23 Subd. 5. **Common law claims.** Nothing in this chapter precludes common law tort claims
146.24 against any person 21 years old or older who knowingly provides or furnishes cannabis
146.25 flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products,
146.26 or edible cannabinoid products to a person under the age of 21 years.

146.27 Sec. 74. **[342.82] NUISANCE; ACTION.**

146.28 Subdivision 1. **Nuisance.** Any use of adult-use cannabis flower which is injurious to
146.29 health, indecent or offensive to the senses, or an obstruction to the free use of property so
146.30 as to interfere with the comfortable enjoyment of life or property is a nuisance.

146.31 Subd. 2. **Actions; landlord; association.** (a) A person who is injuriously affected or
146.32 whose personal enjoyment is lessened by a nuisance under subdivision 1 may bring an

147.1 action for injunctive relief and the greater of the person's actual damages or a civil penalty
147.2 of \$250.

147.3 (b) If a landlord, as defined in section 504B.001, subdivision 7, or an association, as
147.4 defined in section 515B.1-103, clause (4), fails to enforce the terms of a lease, governing
147.5 document, or policy related to the use of adult-use cannabis flower on the premises or
147.6 property, a person who is injuriously affected or whose personal enjoyment is lessened by
147.7 a nuisance under subdivision 1 as a result of the failure to enforce the terms may bring an
147.8 action against the landlord or association seeking injunctive relief and the greater of the
147.9 person's actual damages or a civil penalty of \$500.

147.10 **EFFECTIVE DATE.** This section is effective July 1, 2023, and applies to causes of
147.11 actions accruing on or after that date.

147.12 Sec. 75. **EFFECTIVE DATE.**

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

147.14 **ARTICLE 2**

147.15 **TAXES**

147.16 Section 1. Minnesota Statutes 2022, section 270B.12, is amended by adding a subdivision
147.17 to read:

147.18 Subd. 4a. **Office of Cannabis Management.** The commissioner may disclose return
147.19 information to the Office of Cannabis Management for the purpose of and to the extent
147.20 necessary to administer section 270C.726.

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

147.22 Sec. 2. Minnesota Statutes 2022, section 270C.19, is amended by adding a subdivision to
147.23 read:

147.24 Subd. 6. **Cannabis sales.** (a) The commissioner is authorized to enter into a tax agreement
147.25 with the governing body of any federally recognized Indian Tribe in Minnesota that provides
147.26 for the state and the Tribal government to share state and local sales tax and gross receipts
147.27 tax imposed on the sale of cannabis at retail by a Tribally owned business at a location off
147.28 the reservation.

147.29 (b) Any payment to the Tribe under this subdivision must be limited to an approximation
147.30 of the expenses borne by the Tribe in regulating the production and supplying of cannabis

148.1 products to the off-reservation retail business and to taxes paid by members of the Tribe at
148.2 that business location.

148.3 (c) Authority under this subdivision applies only to Tribal governments that have a
148.4 compact under section 3.9228.

148.5 (d) There is annually appropriated from the general fund to the commissioner the amount
148.6 necessary to make the payments provided in this subdivision.

148.7 **Sec. 3. [270C.726] POSTING OF TAX DELINQUENCY; SALE OF CANNABIS.**

148.8 Subdivision 1. **Posting; notice.** (a) Pursuant to the authority to disclose under section
148.9 270B.12, subdivision 4a, the commissioner shall, by the 15th of each month, submit to the
148.10 Office of Cannabis Management a list of all taxpayers subject to the tax imposed by section
148.11 295.81 that are required to pay, withhold, or collect the tax imposed by section 290.02,
148.12 290.0922, 290.92, 290.9727, 290.9728, 290.9729, 295.81, or 297A.62; or a local sales and
148.13 use tax payable to, or administered and collected by, the commissioner, and who are ten
148.14 days or more delinquent in either filing a tax return or paying the tax.

148.15 (b) The commissioner is under no obligation to list a taxpayer whose business is inactive.
148.16 At least ten days before notifying the Office of Cannabis Management, the commissioner
148.17 shall notify the taxpayer of the intended action.

148.18 (c) The Office of Cannabis Management shall post the list required by this section on
148.19 the Office of Cannabis Management website. The list must prominently show the date of
148.20 posting. If a previously listed taxpayer files all returns and pays all taxes specified in this
148.21 subdivision then due, the commissioner shall notify the Office of Cannabis Management
148.22 within two business days.

148.23 Subd. 2. **Sales prohibited.** Beginning the third business day after the list is posted, no
148.24 cannabis cultivator, cannabis manufacturer, cannabis microbusiness, cannabis mezzobusiness,
148.25 medical cannabis combination business, cannabis wholesaler, or industrial hemp grower as
148.26 defined in chapter 342 may sell or deliver any product to a taxpayer included on the posted
148.27 list.

148.28 Subd. 3. **Penalty.** A cannabis cultivator, cannabis manufacturer, cannabis microbusiness,
148.29 cannabis mezzobusiness, medical cannabis combination business, cannabis wholesaler, or
148.30 industrial hemp grower as defined in chapter 342 who violates subdivision 2 of this section
148.31 is subject to the penalties provided in sections 342.19 and 342.21.

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

149.1 Sec. 4. Minnesota Statutes 2022, section 273.13, subdivision 24, is amended to read:

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

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

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

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

149.27 (3) The entire market value of personal property that is: (i) tools, implements, and
149.28 machinery of an electric generation, transmission, or distribution system; (ii) tools,
149.29 implements, and machinery of a pipeline system transporting or distributing water, gas,
149.30 crude oil, or petroleum products; or (iii) the mains and pipes used in the distribution of
149.31 steam or hot or chilled water for heating or cooling buildings, has a classification rate as
149.32 provided under clause (1) for the remaining market value in excess of the first tier.

149.33 (4) Real property used for raising, cultivating, processing, or storing cannabis plants,
149.34 cannabis flower, or cannabis products for sale has a classification rate as provided under

150.1 clause (1) for the first tier of market value and the remaining market value. As used in this
150.2 paragraph, "cannabis plant" has the meaning given in section 342.01, subdivision 19,
150.3 "cannabis flower" has the meaning given in section 342.01, subdivision 16, and "cannabis
150.4 product" has the meaning given in section 342.01, subdivision 20.

150.5 **EFFECTIVE DATE.** This section is effective beginning with assessment year 2024
150.6 and thereafter.

150.7 Sec. 5. Minnesota Statutes 2022, section 275.025, subdivision 2, is amended to read:

150.8 Subd. 2. **Commercial-industrial tax capacity.** For the purposes of this section,
150.9 "commercial-industrial tax capacity" means the tax capacity of all taxable property classified
150.10 as class 3 or class 5(1) under section 273.13, excluding:

150.11 (1) the tax capacity attributable to the first \$150,000 of market value of each parcel of
150.12 commercial-industrial property as defined under section 273.13, subdivision 24, clauses (1)
150.13 ~~and~~, (2), and (4);

150.14 (2) electric generation attached machinery under class 3; and

150.15 (3) property described in section 473.625.

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

150.24 **EFFECTIVE DATE.** This section is effective beginning with assessment year 2024
150.25 and thereafter.

150.26 Sec. 6. **[289A.33] FILING REQUIREMENTS AND DUE DATES; SPECIAL RULES.**

150.27 (a) Upon the request of any cannabis business as defined by section 342.01, subdivision
150.28 14, required to collect and remit taxes imposed under section 295.81, chapter 290, or chapter
150.29 297A, the commissioner shall waive the requirement that payment of tax must be made
150.30 electronically if the failure to pay electronically is because the cannabis business is unable
150.31 to secure banking services and the inability to secure the services is due to its engagement
150.32 in cannabis-related business allowed under Minnesota law.

151.1 (b) If, in consultation with the commissioner of commerce, the commissioner determines
151.2 that the inability to find banking services is widespread and enforcement of the electronic
151.3 payment requirement will significantly impede the ability of cannabis businesses to timely
151.4 pay taxes imposed under section 295.81, chapter 290, or chapter 297A, the commissioner
151.5 may publish notice on the department website that waives the requirement to pay the tax
151.6 electronically. If such notice is published, a cannabis business must file returns and pay
151.7 taxes lawfully due in the form and manner prescribed by the commissioner.

151.8 (c) Nothing in this section relieves a cannabis business from timely filing and paying
151.9 taxes.

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

151.11 Sec. 7. Minnesota Statutes 2022, section 290.0132, subdivision 29, is amended to read:

151.12 Subd. 29. **Disallowed section 280E expenses; medical cannabis manufacturers**
151.13 **licensees.** The amount of expenses of a medical cannabis ~~manufacturer~~ business, as defined
151.14 under section ~~452.22, subdivision 7~~ 342.01, subdivision 53, related to the business of medical
151.15 cannabis under sections ~~452.21 to 452.37~~ 342.47 to 342.59, or a license holder under chapter
151.16 342, related to the business of nonmedical cannabis under that chapter, and not allowed for
151.17 federal income tax purposes under section 280E of the Internal Revenue Code is a subtraction.

151.18 **EFFECTIVE DATE.** This section is effective for taxable years beginning after December
151.19 31, 2022.

151.20 Sec. 8. Minnesota Statutes 2022, section 290.0134, subdivision 19, is amended to read:

151.21 Subd. 19. **Disallowed section 280E expenses; medical cannabis manufacturers**
151.22 **licensees.** The amount of expenses of a medical cannabis ~~manufacturer~~ business, as defined
151.23 under section ~~452.22, subdivision 7~~ 342.01, subdivision 53, related to the business of medical
151.24 cannabis under sections ~~452.21 to 452.37~~ 342.47 to 342.59, or a license holder under chapter
151.25 342, related to the business of nonmedical cannabis under that chapter, and not allowed for
151.26 federal income tax purposes under section 280E of the Internal Revenue Code is a subtraction.

151.27 **EFFECTIVE DATE.** This section is effective for taxable years beginning after December
151.28 31, 2022.

151.29 Sec. 9. **[295.81] CANNABIS GROSS RECEIPTS TAX.**

151.30 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
151.31 the meanings given.

152.1 (b) "Bundled transaction" means the retail sale of two or more products when the products
152.2 are otherwise distinct and identifiable and the products are sold for one nonitemized price.

152.3 (c) "Cannabis flower" has the meaning given in section 342.01, subdivision 16.

152.4 (d) "Cannabis product" has the meaning given in section 342.01, subdivision 20.

152.5 (e) "Cannabis solution product" means any cartridge, bottle, or other package that contains
152.6 a taxable cannabis product in a solution that is consumed or meant to be consumed through
152.7 the use of a heating element, power source, electronic circuit, or other electronic, chemical,
152.8 or mechanical means that produces vapor or aerosol. A cannabis solution product includes
152.9 any electronic delivery system, electronic vaping device, electronic vape pen, electronic
152.10 oral device, electronic delivery device, or similar product or device, and any batteries,
152.11 heating elements, or other components, parts, or accessories sold with and meant to be used
152.12 in the consumption of a solution containing a taxable cannabis product.

152.13 (f) "Cannabis mezzobusiness" means a cannabis business licensed under section 342.29.

152.14 (g) "Cannabis microbusiness" means a cannabis business licensed under section 342.28.

152.15 (h) "Cannabis retailer" means a cannabis business licensed under section 342.32.

152.16 (i) "Commissioner" means the commissioner of revenue.

152.17 (j) "Gross receipts" means the total amount received in money or by barter or exchange
152.18 for all taxable cannabis product sales at retail as measured by the sales price. Gross receipts
152.19 include but are not limited to delivery charges and packaging costs. Gross receipts do not
152.20 include:

152.21 (1) any taxes imposed directly on the customer that are separately stated on the invoice,
152.22 bill of sale, or similar document given to the purchaser; and

152.23 (2) discounts, including cash, terms, or coupons, that are not reimbursed by a third party
152.24 and that are allowed by the seller and taken by a purchaser on a sale.

152.25 (k) "Hemp-derived consumer product" has the meaning given in section 342.01,
152.26 subdivision 37.

152.27 (l) "Lower-potency hemp edible" has the meaning given in section 342.01, subdivision
152.28 50.

152.29 (m) "Lower-potency hemp edible retailer" means a cannabis business licensed under
152.30 section 342.43, subdivision 1, clause (2).

152.31 (n) "Medical cannabis flower" has the meaning given in section 342.01, subdivision 54.

153.1 (o) "Medical cannabinoid product" has the meaning given in section 342.01, subdivision
153.2 52.

153.3 (p) "Medical cannabis paraphernalia" has the meaning given in section 342.01,
153.4 subdivision 55.

153.5 (q) "Retail sale" has the meaning given in section 297A.61, subdivision 4.

153.6 (r) "Taxable cannabis product" means cannabis flower, cannabis product, cannabis
153.7 solution product, hemp-derived consumer product, lower-potency hemp edible, and any
153.8 substantially similar item.

153.9 (s) "Taxable cannabis product retailer" means a retailer that sells any taxable cannabis
153.10 product, and includes a cannabis retailer, cannabis microbusiness, cannabis mezzobusiness,
153.11 medical cannabis combination business, and lower-potency hemp edible retailer. Taxable
153.12 cannabis product retailer includes but is not limited to a:

153.13 (1) retailer maintaining a place of business in this state;

153.14 (2) marketplace provider maintaining a place of business in this state, as defined in
153.15 section 297A.66, subdivision 1, paragraph (a);

153.16 (3) retailer not maintaining a place of business in this state; and

153.17 (4) marketplace provider not maintaining a place of business in this state, as defined in
153.18 section 297A.66, subdivision 1, paragraph (b).

153.19 Subd. 2. **Gross receipts tax imposed.** (a) A tax equal to ten percent of gross receipts
153.20 from retail sales in Minnesota of taxable cannabis products is imposed on any taxable
153.21 cannabis product retailer that sells these products to customers. A taxable cannabis product
153.22 retailer may but is not required to collect the tax imposed by this section from the purchaser
153.23 as long as the tax is separately stated on the receipt, invoice, bill of sale, or similar document
153.24 given to the purchaser.

153.25 (b) If a product subject to the tax imposed under this section is included in a bundled
153.26 transaction, the entire sales price of the bundled transaction is subject to the tax imposed
153.27 under this section.

153.28 (c) The tax imposed under this section is in addition to any other tax imposed on the
153.29 sale or use of taxable cannabis products.

153.30 Subd. 3. **Use tax imposed; credit for taxes paid.** (a) A person that receives taxable
153.31 cannabis products for use or storage in Minnesota, other than from a taxable cannabis product
153.32 retailer that paid the tax under subdivision 2, is subject to tax at the rate imposed under

154.1 subdivision 2. Liability for the tax is incurred when the person has possession of the taxable
154.2 cannabis product in Minnesota. The tax must be remitted to the commissioner in the same
154.3 manner prescribed for taxes imposed under chapter 297A.

154.4 (b) A person that has paid taxes to another state or any subdivision thereof on the same
154.5 transaction and is subject to tax under this section is entitled to a credit for the tax legally
154.6 due and paid to another state or subdivision thereof to the extent of the lesser of (1) the tax
154.7 actually paid to the other state or subdivision thereof, or (2) the amount of tax imposed by
154.8 Minnesota on the transaction subject to tax in the other state or subdivision thereof.

154.9 Subd. 4. **Exemptions.** (a) The use tax imposed under subdivision 3, paragraph (a), does
154.10 not apply to the possession, use, or storage of taxable cannabis products if (1) the taxable
154.11 cannabis products have an aggregate cost in any calendar month to the customer of \$100
154.12 or less, and (2) the taxable cannabis products were carried into this state by the customer.

154.13 (b) The tax imposed under this section does not apply to sales of medical items purchased
154.14 by or for a patient enrolled in the registry program, including medical cannabis flower,
154.15 medical cannabinoid products, or medical cannabis paraphernalia.

154.16 (c) Unless otherwise specified in this section, the exemptions applicable to taxes imposed
154.17 under chapter 297A are not applicable to the taxes imposed under this section.

154.18 (d) The tax imposed under this section does not apply to:

154.19 (1) sales made in Indian country as defined in United States Code, title 18, section 1151,
154.20 by a cannabis business licensed by a Minnesota Tribal government, as defined in section
154.21 3.9228, subdivision 1, paragraph (f); or

154.22 (2) use tax owed on taxable cannabis products purchased on Tribally regulated land as
154.23 defined in section 3.9228, subdivision 1, from a cannabis business licensed by a Minnesota
154.24 Tribal government as defined in section 3.9228, subdivision 1, paragraph (f).

154.25 Subd. 5. **Tax collection required.** A taxable cannabis product retailer with nexus in
154.26 Minnesota that is not subject to tax under subdivision 2 is required to collect the tax imposed
154.27 under subdivision 4 from the purchaser of the taxable cannabis product and give the purchaser
154.28 a receipt for the tax paid. The tax collected must be remitted to the commissioner in the
154.29 same manner prescribed for the taxes imposed under chapter 297A.

154.30 Subd. 6. **Taxes paid to another state or any subdivision thereof; credit.** A taxable
154.31 cannabis product retailer that has paid taxes to another state or any subdivision thereof
154.32 measured by gross receipts and is subject to tax under this section on the same gross receipts
154.33 is entitled to a credit for the tax legally due and paid to another state or any subdivision

155.1 thereof to the extent of the lesser of (1) the tax actually paid to the other state or any
155.2 subdivision thereof, or (2) the amount of tax imposed by Minnesota on the gross receipts
155.3 subject to tax in the other taxing state or any subdivision thereof.

155.4 Subd. 7. **Sourcing of sales.** Section 297A.668 applies to the taxes imposed by this
155.5 section.

155.6 Subd. 8. **Administration.** Unless specifically provided otherwise, the audit, assessment,
155.7 refund, penalty, interest, enforcement, collection remedies, appeal, and administrative
155.8 provisions of chapters 270C and 289A that are applicable to taxes imposed under chapter
155.9 297A, except the requirement to file returns and remit taxes due electronically if authorized
155.10 under section 289A.33, apply to the tax imposed under this section.

155.11 Subd. 9. **Returns; payment of tax.** (a) A taxable cannabis product retailer must report
155.12 the tax on a return prescribed by the commissioner and must remit the tax in a form and
155.13 manner prescribed by the commissioner. The return and the tax must be filed and paid using
155.14 the filing cycle and due dates provided for taxes imposed under section 289A.20, subdivision
155.15 4, and chapter 297A.

155.16 (b) Interest must be paid on an overpayment refunded or credited to the taxpayer from
155.17 the date of payment of the tax until the date the refund is paid or credited. For purposes of
155.18 this subdivision, the date of payment is the due date of the return or the date of actual
155.19 payment of the tax, whichever is later.

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

155.23 (1) 80 percent to the general fund; and

155.24 (2) 20 percent to the local government cannabis aid account in the special revenue fund.

155.25 (b) The local government cannabis aid account is established in the special revenue fund.

155.26 Subd. 11. **Personal debt.** The tax imposed by this section, and interest and penalties
155.27 imposed with respect to it, are a personal debt of the person required to file a return from
155.28 the time that the liability for it arises, irrespective of when the time for payment of the
155.29 liability occurs. The debt must, in the case of the executor or administrator of the estate of
155.30 a decedent and in the case of a fiduciary, be that of the person in the person's official or
155.31 fiduciary capacity only, unless the person has voluntarily distributed the assets held in that
155.32 capacity without reserving sufficient assets to pay the tax, interest, and penalties, in which
155.33 event the person is personally liable for any deficiency.

156.1 **EFFECTIVE DATE.** This section is effective for gross receipts received after June 30,
156.2 2023.

156.3 Sec. 10. **[295.82] CANNABIS LOCAL TAX PROHIBITED.**

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

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

156.7 Sec. 11. Minnesota Statutes 2022, section 297A.61, subdivision 3, is amended to read:

156.8 Subd. 3. **Sale and purchase.** (a) "Sale" and "purchase" include, but are not limited to,
156.9 each of the transactions listed in this subdivision. In applying the provisions of this chapter,
156.10 the terms "tangible personal property" and "retail sale" include the taxable services listed
156.11 in paragraph (g), clause (6), items (i) to (vi) and (viii), and the provision of these taxable
156.12 services, unless specifically provided otherwise. Services performed by an employee for
156.13 an employer are not taxable. Services performed by a partnership or association for another
156.14 partnership or association are not taxable if one of the entities owns or controls more than
156.15 80 percent of the voting power of the equity interest in the other entity. Services performed
156.16 between members of an affiliated group of corporations are not taxable. For purposes of
156.17 the preceding sentence, "affiliated group of corporations" means those entities that would
156.18 be classified as members of an affiliated group as defined under United States Code, title
156.19 26, section 1504, disregarding the exclusions in section 1504(b).

156.20 (b) Sale and purchase include:

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

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

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

156.29 (d) Sale and purchase include the preparing for a consideration of food. Notwithstanding
156.30 section 297A.67, subdivision 2, taxable food includes, but is not limited to, the following:

156.31 (1) prepared food sold by the retailer;

157.1 (2) soft drinks;

157.2 (3) candy; and

157.3 (4) dietary supplements.

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

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

157.8 (g) A sale and a purchase includes the furnishing for a consideration of the following
157.9 services:

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

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

157.20 (3) nonresidential parking services, whether on a contractual, hourly, or other periodic
157.21 basis, except for parking at a meter;

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

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

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

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

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

158.5 (i) public roads;

158.6 (ii) cartways; and

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

158.9 (6) services as provided in this clause:

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

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

158.17 (iii) building and residential cleaning, maintenance, and disinfecting services and pest
158.18 control and exterminating services;

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

158.25 (v) pet grooming services;

158.26 (vi) lawn care, fertilizing, mowing, spraying and sprigging services; garden planting
158.27 and maintenance; tree, bush, and shrub pruning, bracing, spraying, and surgery; indoor plant
158.28 care; tree, bush, shrub, and stump removal, except when performed as part of a land clearing
158.29 contract as defined in section 297A.68, subdivision 40; and tree trimming for public utility
158.30 lines. Services performed under a construction contract for the installation of shrubbery,
158.31 plants, sod, trees, bushes, and similar items are not taxable;

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

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

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

159.9 (i) A sale and a purchase includes the furnishing for a consideration of
159.10 telecommunications services, ancillary services associated with telecommunication services,
159.11 and pay television services. Telecommunication services include, but are not limited to, the
159.12 following services, as defined in section 297A.669: air-to-ground radiotelephone service,
159.13 mobile telecommunication service, postpaid calling service, prepaid calling service, prepaid
159.14 wireless calling service, and private communication services. The services in this paragraph
159.15 are taxed to the extent allowed under federal law.

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

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

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

159.30 (m) The sale of the privilege of admission under section 297A.61, subdivision 3,
159.31 paragraph (g), clause (1), to a place of amusement, recreational area, or athletic event
159.32 includes all charges included in the privilege of admission's sales price, without deduction
159.33 for amenities that may be provided, unless the amenities are separately stated and the

160.1 purchaser of the privilege of admission is entitled to add or decline the amenities, and the
160.2 amenities are not otherwise taxable.

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

160.5 **EFFECTIVE DATE.** This section is effective for sales and purchases made after June
160.6 30, 2023.

160.7 Sec. 12. Minnesota Statutes 2022, section 297A.67, subdivision 2, is amended to read:

160.8 Subd. 2. **Food and food ingredients.** Except as otherwise provided in this subdivision,
160.9 food and food ingredients are exempt. For purposes of this subdivision, "food" and "food
160.10 ingredients" mean substances, whether in liquid, concentrated, solid, frozen, dried, or
160.11 dehydrated form, that are sold for ingestion or chewing by humans and are consumed for
160.12 their taste or nutritional value. Food and food ingredients exempt under this subdivision do
160.13 not include candy, soft drinks, dietary supplements, and prepared foods. Food and food
160.14 ingredients do not include alcoholic beverages ~~and~~ tobacco, taxable cannabis products,
160.15 medical cannabis flower, and medical cannabinoid products. For purposes of this subdivision,
160.16 "alcoholic beverages" means beverages that are suitable for human consumption and contain
160.17 one-half of one percent or more of alcohol by volume. For purposes of this subdivision,
160.18 "tobacco" means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains
160.19 tobacco. For purposes of this subdivision, "taxable cannabis product" has the meaning given
160.20 in section 295.81, subdivision 1, paragraph (r), "medical cannabis flower" has the meaning
160.21 given in section 342.01, subdivision 54, and "medical cannabinoid product" has the meaning
160.22 given in section 342.01, subdivision 52. For purposes of this subdivision, "dietary
160.23 supplements" means any product, other than tobacco, intended to supplement the diet that:

160.24 (1) contains one or more of the following dietary ingredients:

160.25 (i) a vitamin;

160.26 (ii) a mineral;

160.27 (iii) an herb or other botanical;

160.28 (iv) an amino acid;

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

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

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

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

161.7 **EFFECTIVE DATE.** This section is effective for sales and purchases made after June
161.8 30, 2023.

161.9 Sec. 13. Minnesota Statutes 2022, section 297A.67, subdivision 7, is amended to read:

161.10 Subd. 7. **Drugs; medical devices.** (a) Sales of the following drugs and medical devices
161.11 for human use are exempt:

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

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

161.15 (3) insulin and medical oxygen for human use, regardless of whether prescribed or sold
161.16 over the counter;

161.17 (4) prosthetic devices;

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

161.19 (6) mobility enhancing equipment;

161.20 (7) prescription corrective eyeglasses; and

161.21 (8) kidney dialysis equipment, including repair and replacement parts.

161.22 (b) Items purchased in transactions covered by:

161.23 (1) Medicare as defined under title XVIII of the Social Security Act, United States Code,
161.24 title 42, section 1395, et seq.; or

161.25 (2) Medicaid as defined under title XIX of the Social Security Act, United States Code,
161.26 title 42, section 1396, et seq.

161.27 (c) For purposes of this subdivision:

161.28 (1) "Drug" means a compound, substance, or preparation, and any component of a
161.29 compound, substance, or preparation, other than food and food ingredients, dietary

162.1 supplements, taxable cannabis products as defined under section 295.81, subdivision 1,
162.2 paragraph (r), or alcoholic beverages that is:

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

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

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

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

162.12 (i) can withstand repeated use;

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

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

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

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

162.19 (3) "Mobility enhancing equipment" means equipment, including repair and replacement
162.20 parts, but not including durable medical equipment, that:

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

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

162.24 (iii) does not include any motor vehicle or equipment on a motor vehicle normally
162.25 provided by a motor vehicle manufacturer.

162.26 (4) "Over-the-counter drug" means a drug that contains a label that identifies the product
162.27 as a drug as required by Code of Federal Regulations, title 21, section 201.66. The label
162.28 must include a "drug facts" panel or a statement of the active ingredients with a list of those
162.29 ingredients contained in the compound, substance, or preparation. Over-the-counter drugs
162.30 do not include grooming and hygiene products, regardless of whether they otherwise meet

163.1 the definition. "Grooming and hygiene products" are soaps, cleaning solutions, shampoo,
163.2 toothpaste, mouthwash, antiperspirants, and suntan lotions and sunscreens.

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

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

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

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

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

163.11 Prosthetic device does not include corrective eyeglasses.

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

163.13 (i) is used to remove waste products that build up in the blood when the kidneys are not
163.14 able to do so on their own; and

163.15 (ii) can withstand repeated use, including multiple use by a single patient, notwithstanding
163.16 the provisions of clause (2).

163.17 (8) A transaction is covered by Medicare or Medicaid if any portion of the cost of the
163.18 item purchased in the transaction is paid for or reimbursed by the federal government or
163.19 the state of Minnesota pursuant to the Medicare or Medicaid program, by a private insurance
163.20 company administering the Medicare or Medicaid program on behalf of the federal
163.21 government or the state of Minnesota, or by a managed care organization for the benefit of
163.22 a patient enrolled in a prepaid program that furnishes medical services in lieu of conventional
163.23 Medicare or Medicaid coverage pursuant to agreement with the federal government or the
163.24 state of Minnesota.

163.25 **EFFECTIVE DATE.** This section is effective for sales and purchases made after June
163.26 30, 2023.

163.27 Sec. 14. Minnesota Statutes 2022, section 297A.67, is amended by adding a subdivision
163.28 to read:

163.29 **Subd. 39. Reservation sales of taxable cannabis products.** The sale of a taxable
163.30 cannabis product, as defined in section 295.81, subdivision 1, paragraph (r), that is made
163.31 in Indian country, as defined in United States Code, title 18, section 1151, by a cannabis

164.1 business licensed by a Minnesota Tribal government, as defined in section 3.9228,
164.2 subdivision 1, paragraph (f), is exempt.

164.3 **EFFECTIVE DATE.** This section is effective for sales and purchases made after June
164.4 30, 2023.

164.5 Sec. 15. Minnesota Statutes 2022, section 297A.70, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

165.3 (4) lodging as defined under section 297A.61, subdivision 3, paragraph (g), clause (2),
165.4 ~~and~~ prepared food, candy, soft drinks, ~~and~~ alcoholic beverages as defined in section 297A.67,
165.5 subdivision 2, and taxable cannabis products as defined under section 295.81, subdivision
165.6 1, paragraph (r), except for lodging, prepared food, candy, soft drinks, ~~and~~ alcoholic
165.7 beverages, and taxable cannabis products purchased directly by the United States or its
165.8 agencies or instrumentalities; or

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

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

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

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

165.19 (2) beginning January 1, 2017, local governments means statutory or home rule charter
165.20 cities, counties, and townships; special districts as defined under section 6.465; any
165.21 instrumentality of a statutory or home rule charter city, county, or township as defined in
165.22 section 471.59; and any joint powers board or organization created under section 471.59.

165.23 **EFFECTIVE DATE.** This section is effective for sales and purchases made after June
165.24 30, 2023.

165.25 Sec. 16. Minnesota Statutes 2022, section 297A.70, subdivision 4, is amended to read:

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

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

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

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

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

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

166.7 (3) an organization that qualifies for an exemption for memberships under subdivision
166.8 12 if the item is purchased and used in the performance of the organization's mission.

166.9 For purposes of this subdivision, charitable purpose includes the maintenance of a cemetery
166.10 owned by a religious organization.

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

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

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

166.19 (3) lodging as defined under section 297A.61, subdivision 3, paragraph (g), clause (2),
166.20 ~~and~~ prepared food, candy, soft drinks, taxable cannabis products as defined under section
166.21 295.81, subdivision 1, paragraph (r), and alcoholic beverages as defined in section 297A.67,
166.22 subdivision 2, except wine purchased by an established religious organization for sacramental
166.23 purposes or as allowed under subdivision 9a; and

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

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

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

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

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

167.7 **EFFECTIVE DATE.** This section is effective for sales and purchases made after June
167.8 30, 2023.

167.9 Sec. 17. Minnesota Statutes 2022, section 297A.70, subdivision 18, is amended to read:

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

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

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

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

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

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

167.27 (3) lodging as defined under section 297A.61, subdivision 3, paragraph (g), clause (2),
167.28 ~~and~~ prepared food, candy, soft drinks, and alcoholic beverages as defined in section 297A.67,
167.29 subdivision 2, and taxable cannabis products as defined under section 295.81, subdivision
167.30 1, paragraph (r); and

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

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

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

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

168.8 **EFFECTIVE DATE.** This section is effective for sales and purchases made after June
168.9 30, 2023.

168.10 Sec. 18. Minnesota Statutes 2022, section 297A.85, is amended to read:

168.11 **297A.85 CANCELLATION OF PERMITS.**

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

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

168.14 (2) the permit holder has not reported any sales or use tax liability on the permit holder's
168.15 returns for at least two years;

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

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

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

168.20 (6) the permit holder is a taxable cannabis product retailer as defined in section 295.81,
168.21 subdivision 1, paragraph (s), other than a lower-potency hemp edible retailer as licensed
168.22 under section 342.43, subdivision 1, and its license to sell a taxable cannabis product as
168.23 defined in section 295.81, subdivision 1, paragraph (r), has been revoked by the Office of
168.24 Cannabis Management.

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

168.26 Sec. 19. Minnesota Statutes 2022, section 297D.01, is amended to read:

168.27 **297D.01 DEFINITIONS.**

168.28 Subdivision 1. ~~Marijuana~~ **Illegal cannabis.** ~~"Marijuana"~~ "Illegal cannabis" means any
168.29 ~~marijuana~~ taxable cannabis product as defined in section 295.81, subdivision 1, paragraph
168.30 (r), whether real or counterfeit, as defined in section 152.01, subdivision 9, that is held,

169.1 possessed, transported, transferred, sold, or offered to be sold in violation of chapter 342
169.2 or Minnesota criminal laws.

169.3 Subd. 2. **Controlled substance.** "Controlled substance" means any drug or substance,
169.4 whether real or counterfeit, as defined in section 152.01, subdivision 4, that is held, possessed,
169.5 transported, transferred, sold, or offered to be sold in violation of Minnesota laws. "Controlled
169.6 substance" does not include ~~marijuana~~ illegal cannabis.

169.7 Subd. 3. **Tax obligor or obligor.** "Tax obligor" or "obligor" means a person who in
169.8 violation of Minnesota law manufactures, produces, ships, transports, or imports into
169.9 Minnesota or in any manner acquires or possesses more than 42-1/2 grams of ~~marijuana~~
169.10 illegal cannabis, or seven or more grams of any controlled substance, or ten or more dosage
169.11 units of any controlled substance which is not sold by weight. A quantity of ~~marijuana~~ illegal
169.12 cannabis or other controlled substance is measured by the weight of the substance whether
169.13 pure or impure or dilute, or by dosage units when the substance is not sold by weight, in
169.14 the tax obligor's possession. A quantity of a controlled substance is dilute if it consists of a
169.15 detectable quantity of pure controlled substance and any excipients or fillers.

169.16 Subd. 4. **Commissioner.** "Commissioner" means the commissioner of revenue.

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

169.18 Sec. 20. Minnesota Statutes 2022, section 297D.04, is amended to read:

169.19 **297D.04 TAX PAYMENT REQUIRED FOR POSSESSION.**

169.20 No tax obligor may possess any ~~marijuana~~ illegal cannabis or controlled substance upon
169.21 which a tax is imposed by section 297D.08 unless the tax has been paid on the ~~marijuana~~
169.22 illegal cannabis or ~~other~~ a controlled substance as evidenced by a stamp or other official
169.23 indicia.

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

169.25 Sec. 21. Minnesota Statutes 2022, section 297D.06, is amended to read:

169.26 **297D.06 PHARMACEUTICALS.**

169.27 Nothing in this chapter requires persons registered under chapter 151 or otherwise
169.28 lawfully in possession of ~~marijuana~~ illegal cannabis or a controlled substance to pay the tax
169.29 required under this chapter.

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

170.1 Sec. 22. Minnesota Statutes 2022, section 297D.07, is amended to read:

170.2 **297D.07 MEASUREMENT.**

170.3 For the purpose of calculating the tax under section 297D.08, a quantity of ~~marijuana~~
170.4 illegal cannabis or ~~other~~ a controlled substance is measured by the weight of the substance
170.5 whether pure or impure or dilute, or by dosage units when the substance is not sold by
170.6 weight, in the tax obligor's possession. A quantity of a controlled substance is dilute if it
170.7 consists of a detectable quantity of pure controlled substance and any excipients or fillers.

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

170.9 Sec. 23. Minnesota Statutes 2022, section 297D.08, is amended to read:

170.10 **297D.08 TAX RATE.**

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

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

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

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

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

170.18 Sec. 24. Minnesota Statutes 2022, section 297D.085, is amended to read:

170.19 **297D.085 CREDIT FOR PREVIOUSLY PAID TAXES.**

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

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

171.1 Sec. 25. Minnesota Statutes 2022, section 297D.09, subdivision 1a, is amended to read:

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

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

171.8 Sec. 26. Minnesota Statutes 2022, section 297D.10, is amended to read:

171.9 **297D.10 STAMP PRICE.**

171.10 Official stamps, labels, or other indicia to be affixed to all ~~marijuana~~ illegal cannabis or
171.11 controlled substances shall be purchased from the commissioner. The purchaser shall pay
171.12 100 percent of face value for each stamp, label, or other indicia at the time of the purchase.

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

171.14 Sec. 27. Minnesota Statutes 2022, section 297D.11, is amended to read:

171.15 **297D.11 PAYMENT DUE.**

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

171.22 Subd. 2. **Payable on possession.** Taxes imposed upon ~~marijuana~~ illegal cannabis or
171.23 controlled substances by this chapter are due and payable immediately upon acquisition or
171.24 possession in this state by a tax obligor.

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

171.26 Sec. 28. **[477A.31] LOCAL GOVERNMENT CANNABIS AID.**

171.27 Subdivision 1. **Definitions.** For purposes of this section, the following terms have the
171.28 meanings given:

171.29 (1) "city" means a statutory or home rule charter city; and

172.1 (2) "director" means the director of the Office of Cannabis Management under section
172.2 342.02.

172.3 Subd. 2. **Certification to commissioner of revenue.** (a) By July 15, 2024, and annually
172.4 thereafter, the commissioner of management and budget must certify to the commissioner
172.5 of revenue the balance of the local government cannabis aid account in the special revenue
172.6 fund as of the immediately preceding June 30.

172.7 (b) By June 1, 2024, and annually thereafter, the director must certify to the commissioner
172.8 of revenue the number of cannabis businesses, as defined under section 342.01, subdivision
172.9 14, licensed under chapter 342 as of the previous January 1, disaggregated by county and
172.10 city.

172.11 Subd. 3. **Aid to counties.** (a) Beginning for aid payable in 2024, the amount available
172.12 for aid to counties under this subdivision equals 50 percent of the amount certified in that
172.13 year to the commissioner under subdivision 2, paragraph (a).

172.14 (b) Twenty percent of the amount under paragraph (a) must be distributed equally among
172.15 all counties.

172.16 (c) Eighty percent of the amount under paragraph (a) must be distributed proportionally
172.17 to each county according to the number of cannabis businesses located in the county as
172.18 compared to the number of cannabis businesses in all counties as of the most recent
172.19 certification under subdivision 2, paragraph (b).

172.20 Subd. 4. **Aid to cities.** (a) Beginning for aid payable in 2024, the amount available for
172.21 aid to cities under this subdivision equals 50 percent of the amount certified in that year to
172.22 the commissioner under subdivision 2, paragraph (a).

172.23 (b) The amount under paragraph (a) must be distributed proportionally to each city
172.24 according to the number of cannabis businesses located in the city as compared to the number
172.25 of cannabis businesses in all cities as of the most recent certification under subdivision 2,
172.26 paragraph (b).

172.27 Subd. 5. **Payment.** The commissioner of revenue must compute the amount of aid
172.28 payable to each county and city under this section. On or before September 1 of each year,
172.29 the commissioner must certify the amount to be paid to each county and city in that year.
172.30 The commissioner must pay the full amount of the aid on December 26 annually.

172.31 Subd. 6. **Appropriation.** Beginning in fiscal year 2025 and annually thereafter, the
172.32 amount in the local government cannabis aid account in the special revenue fund is annually

173.1 appropriated to the commissioner of revenue to make the aid payments required under this
173.2 section.

173.3 **EFFECTIVE DATE.** This section is effective July 1, 2023.

173.4 **ARTICLE 3**

173.5 **BUSINESS DEVELOPMENT**

173.6 Section 1. **[116J.659] CANNABIS INDUSTRY STARTUP FINANCING GRANTS.**

173.7 Subdivision 1. **Establishment.** The commissioner of employment and economic
173.8 development shall establish CanStartup, a program to award grants to nonprofit corporations
173.9 to fund loans to new cannabis microbusinesses and to support job creation in communities
173.10 where long-term residents are eligible to be social equity applicants.

173.11 Subd. 2. **Definitions.** (a) For the purposes of this section, the following terms have the
173.12 meanings given.

173.13 (b) "Cannabis microbusiness" means a cannabis business that meets the requirements
173.14 of section 342.28.

173.15 (c) "Commissioner" means the commissioner of employment and economic development.

173.16 (d) "Industry" means the legal cannabis industry in the state of Minnesota.

173.17 (e) "New business" means a legal cannabis business that has been in existence for three
173.18 years or less.

173.19 (f) "Program" means the CanStartup grant program.

173.20 (g) "Social equity applicant" means a person who meets the qualification requirements
173.21 in section 342.17.

173.22 Subd. 3. **Grants.** (a) The CanStartup revolving loan account is established in the special
173.23 revenue fund. Money in the account, including interest, is appropriated to the commissioner
173.24 to make grants under the CanStartup program.

173.25 (b) The commissioner must award grants to nonprofit corporations through a competitive
173.26 grant process.

173.27 (c) To receive grant money, a nonprofit corporation must submit a written application
173.28 to the commissioner using a form developed by the commissioner.

173.29 (d) In awarding grants under this subdivision, the commissioner shall give weight to
173.30 whether the nonprofit corporation:

174.1 (1) has a board of directors that includes citizens experienced in business and community
174.2 development, new business enterprises, and creating jobs for people facing barriers to
174.3 education or employment;

174.4 (2) has the technical skills to analyze projects;

174.5 (3) is familiar with other available public and private funding sources and economic
174.6 development programs;

174.7 (4) can initiate and implement economic development projects;

174.8 (5) can establish and administer a revolving loan account;

174.9 (6) can work with job referral networks that assist people facing barriers to education
174.10 or employment; and

174.11 (7) has established relationships with communities where long-term residents are eligible
174.12 to be social equity applicants.

174.13 The commissioner shall make grants that will assist new cannabis microbusinesses.

174.14 (e) A nonprofit corporation that receives a grant under the program must:

174.15 (1) establish a commissioner-certified revolving loan account for the purpose of making
174.16 eligible loans; and

174.17 (2) enter into an agreement with the commissioner that the commissioner shall fund
174.18 loans that the nonprofit corporation makes to new cannabis microbusinesses. The
174.19 commissioner shall review existing agreements with nonprofit corporations every five years
174.20 and may renew or terminate an agreement based on that review. In making this review, the
174.21 commissioner shall consider, among other criteria, the criteria in paragraph (d).

174.22 Subd. 4. **Loans to businesses.** (a) The criteria in this subdivision apply to loans made
174.23 by nonprofit corporations under the program.

174.24 (b) Loans must be used to support a new cannabis microbusiness in the legal cannabis
174.25 industry. Priority must be given to loans to businesses owned by individuals who are eligible
174.26 to be social equity applicants and businesses located in communities where long-term
174.27 residents are eligible to be social equity applicants.

174.28 (c) Loans must be made to cannabis microbusinesses that are not likely to undertake the
174.29 project for which loans are sought without assistance from the program.

174.30 (d) The minimum state contribution to a loan is \$2,500 and the maximum is either:

174.31 (1) \$50,000; or

175.1 (2) \$150,000, if state contributions are matched by an equal or greater amount of new
175.2 private investment.

175.3 (e) Loan applications given preliminary approval by the nonprofit corporation must be
175.4 forwarded to the commissioner for approval. The commissioner must give final approval
175.5 for each loan made by the nonprofit corporation under the program.

175.6 (f) A cannabis microbusiness that receives a loan may apply to renew the loan. Renewal
175.7 applications must be made on an annual basis and a cannabis microbusiness may receive
175.8 loans for up to six consecutive years. A nonprofit corporation may renew a loan to a cannabis
175.9 microbusiness that is no longer a new business provided the business would otherwise
175.10 qualify for an initial loan and is in good standing with the nonprofit corporation and the
175.11 commissioner. A nonprofit corporation may adjust the amount of a renewed loan, or not
175.12 renew a loan, if the nonprofit corporation determines that the cannabis microbusiness is
175.13 financially stable and is substantially likely to continue the project for which the loan renewal
175.14 is sought.

175.15 (g) If a borrower has met lender criteria, including being current with all payments for
175.16 a minimum of three years, the commissioner may approve either full or partial forgiveness
175.17 of interest or principal amounts.

175.18 Subd. 5. **Revolving loan account administration.** (a) The commissioner shall establish
175.19 a minimum interest rate for loans or guarantees to ensure that necessary loan administration
175.20 costs are covered. The interest rate charged by a nonprofit corporation for a loan under this
175.21 section must not exceed the Wall Street Journal prime rate. For a loan under this section,
175.22 the nonprofit corporation may charge a loan origination fee equal to or less than one percent
175.23 of the loan value. The nonprofit corporation may retain the amount of the origination fee.

175.24 (b) Loan repayment of principal must be paid to the commissioner for deposit in the
175.25 CanStartup revolving loan account. Loan interest payments must be deposited in a revolving
175.26 loan account created by the nonprofit corporation originating the loan being repaid for
175.27 further distribution or use, consistent with the criteria of this section.

175.28 (c) Administrative expenses of the nonprofit corporations with whom the commissioner
175.29 enters into agreements, including expenses incurred by a nonprofit corporation in providing
175.30 financial, technical, managerial, and marketing assistance to a business receiving a loan
175.31 under this section, are eligible program expenses the commissioner may agree to pay under
175.32 the grant agreement.

175.33 Subd. 6. **Program outreach.** The commissioner shall make extensive efforts to publicize
175.34 this program, including through partnerships with community organizations, particularly

176.1 those organizations located in areas where long-term residents are eligible to be social equity
176.2 applicants.

176.3 Subd. 7. **Reporting requirements.** (a) A nonprofit corporation that receives a grant
176.4 shall:

176.5 (1) submit an annual report to the commissioner by February 1 of each year that the
176.6 nonprofit corporation participates in the program that includes a description of businesses
176.7 supported by the grant program, an account of loans made during the calendar year, the
176.8 program's impact on business creation and job creation, particularly in communities where
176.9 long-term residents are eligible to be social equity applicants, the source and amount of
176.10 money collected and distributed by the program, the program's assets and liabilities, and an
176.11 explanation of administrative expenses; and

176.12 (2) provide for an independent annual audit to be performed in accordance with generally
176.13 accepted accounting practices and auditing standards and submit a copy of each annual
176.14 audit report to the commissioner.

176.15 (b) By March 1, 2024, and each March 1 thereafter, the commissioner must submit a
176.16 report to the chairs and ranking minority members of the committees of the house of
176.17 representatives and the senate having jurisdiction over economic development that details
176.18 awards given through the CanStartup program and the use of grant money, including any
176.19 measures of success toward financing new cannabis microbusinesses and creating jobs in
176.20 communities where long-term residents are eligible to be social equity applicants.

176.21 **Sec. 2. [116J.6595] CANNABIS INDUSTRY NAVIGATION GRANTS.**

176.22 Subdivision 1. **Establishment.** The commissioner of employment and economic
176.23 development shall establish CanNavigate, a program to award grants to eligible organizations
176.24 to help individuals navigate the regulatory structure of the legal cannabis industry.

176.25 Subd. 2. **Definitions.** (a) For the purposes of this section, the following terms have the
176.26 meanings given.

176.27 (b) "Commissioner" means the commissioner of employment and economic development.

176.28 (c) "Eligible organization" means any organization capable of helping individuals navigate
176.29 the regulatory structure of the legal cannabis industry, particularly individuals facing barriers
176.30 to education or employment, and may include educational institutions, nonprofit
176.31 organizations, private businesses, community groups, units of local government, or
176.32 partnerships between different types of organizations.

177.1 (d) "Industry" means the legal cannabis industry in the state of Minnesota.

177.2 (e) "Program" means the CanNavigate grant program.

177.3 (f) "Social equity applicant" means a person who meets the qualification requirements
177.4 in section 342.17.

177.5 Subd. 3. Grants to organizations. (a) Grant money awarded to eligible organizations
177.6 may be used for both developing technical assistance resources relevant to the regulatory
177.7 structure of the legal cannabis industry and for providing technical assistance or navigation
177.8 services to individuals.

177.9 (b) The commissioner must award grants to eligible organizations through a competitive
177.10 grant process.

177.11 (c) To receive grant money, an eligible organization must submit a written application
177.12 to the commissioner, using a form developed by the commissioner, explaining the
177.13 organization's ability to assist individuals in navigating the regulatory structure of the legal
177.14 cannabis industry, particularly individuals facing barriers to education or employment.

177.15 (d) An eligible organization's grant application must also include:

177.16 (1) a description of the proposed technical assistance or navigation services, including
177.17 the types of individuals targeted for assistance;

177.18 (2) any evidence of the organization's past success in providing technical assistance or
177.19 navigation services to individuals, particularly individuals who live in areas where long-term
177.20 residents are eligible to be social equity applicants;

177.21 (3) an estimate of the cost of providing the technical assistance;

177.22 (4) the sources and amounts of any nonstate money or in-kind contributions that will
177.23 supplement grant money, including any amounts that individuals will be charged to receive
177.24 assistance; and

177.25 (5) any additional information requested by the commissioner.

177.26 (e) In awarding grants under this subdivision, the commissioner shall give weight to
177.27 applications from organizations that demonstrate a history of successful technical assistance
177.28 or navigation services, particularly for individuals facing barriers to education or employment.
177.29 The commissioner shall also give weight to applications where the proposed technical
177.30 assistance will serve areas where long-term residents are eligible to be social equity
177.31 applicants. To the extent practicable, the commissioner shall fund technical assistance for

178.1 a variety of sectors in the legal cannabis industry, including both processing and retail
178.2 sectors.

178.3 Subd. 4. **Program outreach.** The commissioner shall make extensive efforts to publicize
178.4 these grants, including through partnerships with community organizations, particularly
178.5 those organizations located in areas where long-term residents are eligible to be social equity
178.6 applicants.

178.7 Subd. 5. **Reports to the legislature.** By January 15, 2024, and each January 15 thereafter,
178.8 the commissioner must submit a report to the chairs and ranking minority members of the
178.9 committees of the house of representatives and the senate having jurisdiction over economic
178.10 development that details awards given through the CanNavigate program and the use of
178.11 grant money, including any measures of success toward helping individuals navigate the
178.12 regulatory structure of the legal cannabis industry.

178.13 Sec. 3. **[116L.90] CANNABIS INDUSTRY TRAINING GRANTS.**

178.14 Subdivision 1. **Establishment.** The commissioner of employment and economic
178.15 development shall establish CanTrain, a program to award grants to (1) eligible organizations
178.16 to train people for work in the legal cannabis industry, and (2) eligible individuals to acquire
178.17 such training.

178.18 Subd. 2. **Definitions.** (a) For the purposes of this section, the following terms have the
178.19 meanings given.

178.20 (b) "Commissioner" means the commissioner of employment and economic development.

178.21 (c) "Eligible organization" means any organization capable of providing training relevant
178.22 to the legal cannabis industry, particularly for individuals facing barriers to education or
178.23 employment, and may include educational institutions, nonprofit organizations, private
178.24 businesses, community groups, units of local government, labor organizations that represent
178.25 cannabis workers in the state, or partnerships between different types of organizations.

178.26 (d) "Eligible individual" means a Minnesota resident who is 21 years old or older.

178.27 (e) "Industry" means the legal cannabis industry in Minnesota.

178.28 (f) "Program" means the CanTrain grant program.

178.29 (g) "Social equity applicant" means a person who meets the qualification requirements
178.30 in section 342.17.

179.1 Subd. 3. Grants to organizations. (a) Grant money awarded to eligible organizations
179.2 may be used for both developing a training program relevant to the legal cannabis industry
179.3 and for providing such training to individuals.

179.4 (b) The commissioner must award grants to eligible organizations through a competitive
179.5 grant process.

179.6 (c) To receive grant money, an eligible organization must submit a written application
179.7 to the commissioner, using a form developed by the commissioner, explaining the
179.8 organization's ability to train individuals for successful careers in the legal cannabis industry,
179.9 particularly individuals facing barriers to education or employment.

179.10 (d) An eligible organization's grant application must also include:

179.11 (1) a description of the proposed training;

179.12 (2) an analysis of the degree of demand in the legal cannabis industry for the skills gained
179.13 through the proposed training;

179.14 (3) any evidence of the organization's past success in training individuals for successful
179.15 careers, particularly in new or emerging industries;

179.16 (4) an estimate of the cost of providing the proposed training;

179.17 (5) the sources and amounts of any nonstate funds or in-kind contributions that will
179.18 supplement grant money, including any amounts that individuals will be charged to
179.19 participate in the training; and

179.20 (6) any additional information requested by the commissioner.

179.21 (e) In awarding grants under this subdivision, the commissioner shall give weight to
179.22 applications from organizations that demonstrate a history of successful career training,
179.23 particularly for individuals facing barriers to education or employment. The commissioner
179.24 shall also give weight to applications where the proposed training will:

179.25 (1) result in an industry-relevant credential; or

179.26 (2) include opportunities for hands-on or on-site experience in the industry.

179.27 The commissioner shall fund training for a broad range of careers in the legal cannabis
179.28 industry, including both potential business owners and employees and for work in the
179.29 growing, processing, and retail sectors of the legal cannabis industry.

180.1 Subd. 4. Grants to individuals. (a) The commissioner shall award grants of up to
180.2 \$20,000 to eligible individuals to pursue a training program relevant to a career in the legal
180.3 cannabis industry.

180.4 (b) To receive grant money, an eligible individual must submit a written application to
180.5 the commissioner, using a form developed by the commissioner, identifying a training
180.6 program relevant to the legal cannabis industry and the estimated cost of completing that
180.7 training. The application must also indicate whether:

180.8 (1) the applicant is eligible to be a social equity applicant;

180.9 (2) the proposed training program results in an industry-relevant credential; and

180.10 (3) the proposed training program includes opportunities for hands-on or on-site
180.11 experience in the industry.

180.12 The commissioner shall attempt to make the application process simple for individuals to
180.13 complete, such as by publishing lists of industry-relevant training programs along with the
180.14 training program's estimated cost of completing the training programs and whether the
180.15 training programs will result in an industry-relevant credential or include opportunities for
180.16 hands-on or on-site experience in the legal cannabis industry.

180.17 (c) The commissioner must award grants to eligible individuals through a lottery process.
180.18 Applicants who have filed complete applications by the deadline set by the commissioner
180.19 shall receive one entry in the lottery, plus one additional entry for each of the following:

180.20 (1) being eligible to be a social equity applicant;

180.21 (2) seeking to enroll in a training program that results in an industry-relevant credential;
180.22 and

180.23 (3) seeking to enroll in a training program that includes opportunities for hands-on or
180.24 on-site experience in the industry.

180.25 (d) Grant money awarded to eligible individuals shall be used to pay the costs of enrolling
180.26 in a training program relevant to the legal cannabis industry, including tuition, fees, and
180.27 materials costs. Grant money may also be used to remove external barriers to attending such
180.28 a training program, such as the cost of child care, transportation, or other expenses approved
180.29 by the commissioner.

180.30 Subd. 5. Program outreach. The commissioner shall make extensive efforts to publicize
180.31 these grants, including through partnerships with community organizations, particularly

181.1 those organizations located in areas where long-term residents are eligible to be social equity
181.2 applicants.

181.3 Subd. 6. **Reports to the legislature.** By January 15, 2024, and each January 15 thereafter,
181.4 the commissioner must submit a report to the chairs and ranking minority members of the
181.5 committees of the house of representatives and the senate having jurisdiction over workforce
181.6 development that describes awards given through the CanTrain program and the use of
181.7 grant money, including any measures of success toward training people for successful
181.8 careers in the legal cannabis industry.

181.9 **ARTICLE 4**

181.10 **CRIMINAL PENALTIES**

181.11 Section 1. Minnesota Statutes 2022, section 97B.065, subdivision 1, is amended to read:

181.12 Subdivision 1. **Acts prohibited.** (a) A person may not take wild animals with a firearm
181.13 or by archery:

181.14 (1) when the person is under the influence of alcohol;

181.15 (2) when the person is under the influence of a controlled substance, as defined in section
181.16 152.01, subdivision 4;

181.17 (3) when the person is under the influence of a combination of any two or more of the
181.18 elements in clauses (1) ~~and~~, (2), and (7);

181.19 (4) when the person's alcohol concentration is 0.08 or more;

181.20 (5) when the person's alcohol concentration as measured within two hours of the time
181.21 of taking is 0.08 or more; ~~or~~

181.22 (6) when the person is under the influence of an intoxicating substance as defined in
181.23 section 169A.03, subdivision 11a, and the person knows or has reason to know that the
181.24 substance has the capacity to cause impairment; or

181.25 (7) when the person is under the influence of cannabis flower, a cannabis product, a
181.26 lower-potency hemp edible, a hemp-derived consumer product, an artificially derived
181.27 cannabinoid, or tetrahydrocannabinols, as those terms are defined in section 342.01.

181.28 (b) An owner or other person having charge or control of a firearm or bow may not
181.29 authorize or permit an individual the person knows or has reason to believe is under the
181.30 influence of alcohol or a controlled substance, as provided under paragraph (a), to possess
181.31 the firearm or bow in this state or on a boundary water of this state.

182.1 (c) A person may not possess a loaded or uncased firearm or an uncased bow afield
182.2 under any of the conditions in paragraph (a).

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

182.5 Sec. 2. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to
182.6 read:

182.7 Subd. 25. **Artificially derived cannabinoid.** "Artificially derived cannabinoid" has the
182.8 meaning given in section 342.01, subdivision 6.

182.9 Sec. 3. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to
182.10 read:

182.11 Subd. 26. **Cannabis concentrate.** "Cannabis concentrate" has the meaning given in
182.12 section 342.01, subdivision 15.

182.13 Sec. 4. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to
182.14 read:

182.15 Subd. 27. **Cannabis flower.** "Cannabis flower" has the meaning given in section 342.01,
182.16 subdivision 16.

182.17 Sec. 5. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to
182.18 read:

182.19 Subd. 28. **Cannabis plant.** "Cannabis plant" has the meaning given in section 342.01,
182.20 subdivision 19.

182.21 Sec. 6. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to
182.22 read:

182.23 Subd. 29. **Cannabis product.** "Cannabis product" has the meaning given in section
182.24 342.01, subdivision 20.

182.25 Sec. 7. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to
182.26 read:

182.27 Subd. 30. **Edible cannabis product.** "Edible cannabis product" has the meaning given
182.28 in section 342.01, subdivision 31.

183.1 Sec. 8. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to
183.2 read:

183.3 Subd. 31. **Hemp-derived consumer product.** "Hemp-derived consumer product" has
183.4 the meaning given in section 342.01, subdivision 37.

183.5 Sec. 9. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to
183.6 read:

183.7 Subd. 32. **Lower-potency hemp edible.** "Lower-potency hemp edible" has the meaning
183.8 given in section 342.01, subdivision 50.

183.9 Sec. 10. Minnesota Statutes 2022, section 152.021, subdivision 1, is amended to read:

183.10 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in the first
183.11 degree if:

183.12 (1) on one or more occasions within a 90-day period the person unlawfully sells one or
183.13 more mixtures of a total weight of 17 grams or more containing cocaine or methamphetamine;

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

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

183.20 (ii) the offense involves two aggravating factors;

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

183.23 (4) on one or more occasions within a 90-day period the person unlawfully sells one or
183.24 more mixtures of a total weight of 50 grams or more containing a narcotic drug other than
183.25 cocaine, heroin, or methamphetamine; or

183.26 (5) on one or more occasions within a 90-day period the person unlawfully sells one or
183.27 more mixtures of a total weight of 50 grams or more containing amphetamine, phencyclidine,
183.28 or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 200 or
183.29 more dosage units; ~~or.~~

184.1 ~~(6) on one or more occasions within a 90-day period the person unlawfully sells one or~~
184.2 ~~more mixtures of a total weight of 25 kilograms or more containing marijuana or~~
184.3 ~~Tetrahydrocannabinols.~~

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

184.6 Sec. 11. Minnesota Statutes 2022, section 152.021, subdivision 2, is amended to read:

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

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

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

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

184.16 (ii) the offense involves two aggravating factors;

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

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

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

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

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

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

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

185.1 (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may
185.2 not be considered in measuring the weight of a mixture except in cases where the mixture
185.3 contains four or more fluid ounces of fluid.

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

185.6 Sec. 12. Minnesota Statutes 2022, section 152.022, subdivision 1, is amended to read:

185.7 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in the
185.8 second degree if:

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

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

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

185.18 (ii) the offense involves three aggravating factors;

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

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

185.25 ~~(5) on one or more occasions within a 90-day period the person unlawfully sells one or~~
185.26 ~~more mixtures of a total weight of ten kilograms or more containing marijuana or~~
185.27 ~~Tetrahydrocannabinols;~~

185.28 ~~(6)~~ (5) the person unlawfully sells any amount of a Schedule I or II narcotic drug to a
185.29 person under the age of 18, or conspires with or employs a person under the age of 18 to
185.30 unlawfully sell the substance; or

185.31 ~~(7)~~ (6) the person unlawfully sells any of the following in a school zone, a park zone, a
185.32 public housing zone, or a drug treatment facility:

186.1 (i) any amount of a Schedule I or II narcotic drug, lysergic acid diethylamide (LSD),
186.2 3,4-methylenedioxy amphetamine, or 3,4-methylenedioxymethamphetamine; or

186.3 (ii) one or more mixtures containing methamphetamine or amphetamine; or.

186.4 ~~(iii) one or more mixtures of a total weight of five kilograms or more containing marijuana~~
186.5 ~~or Tetrahydrocannabinols.~~

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

186.8 Sec. 13. Minnesota Statutes 2022, section 152.022, subdivision 2, is amended to read:

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

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

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

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

186.18 (ii) the offense involves three aggravating factors;

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

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

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

186.26 (6) the person unlawfully possesses ~~one or more mixtures of a total weight of 25~~
186.27 ~~kilograms or more containing marijuana or Tetrahydrocannabinols, or possesses 100 or~~
186.28 ~~more marijuana plants.;~~

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

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

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

187.4 (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may
187.5 not be considered in measuring the weight of a mixture except in cases where the mixture
187.6 contains four or more fluid ounces of fluid.

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

187.9 Sec. 14. Minnesota Statutes 2022, section 152.023, subdivision 1, is amended to read:

187.10 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in the third
187.11 degree if:

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

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

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

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

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

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

187.27 Sec. 15. Minnesota Statutes 2022, section 152.023, subdivision 2, is amended to read:

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

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

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

188.6 (3) on one or more occasions within a 90-day period the person unlawfully possesses
188.7 one or more mixtures containing a narcotic drug, it is packaged in dosage units, and equals
188.8 50 or more dosage units;

188.9 (4) on one or more occasions within a 90-day period the person unlawfully possesses
188.10 any amount of a schedule I or II narcotic drug or five or more dosage units of lysergic acid
188.11 diethylamide (LSD), 3,4-methylenedioxy amphetamine, or
188.12 3,4-methylenedioxymethamphetamine in a school zone, a park zone, a public housing zone,
188.13 or a drug treatment facility;

188.14 (5) on one or more occasions within a 90-day period the person unlawfully possesses
188.15 ~~one or more mixtures of a total weight of ten kilograms or more containing marijuana or~~
188.16 ~~Tetrahydrocannabinols;~~

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

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

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

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

188.25 (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may
188.26 not be considered in measuring the weight of a mixture except in cases where the mixture
188.27 contains four or more fluid ounces of fluid.

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

188.30 Sec. 16. Minnesota Statutes 2022, section 152.024, subdivision 1, is amended to read:

188.31 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in the fourth
188.32 degree if:

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

189.3 (2) the person unlawfully sells one or more mixtures containing a controlled substance
189.4 classified in Schedule IV or V to a person under the age of 18; or

189.5 (3) the person conspires with or employs a person under the age of 18 to unlawfully sell
189.6 a controlled substance classified in Schedule IV or V; ~~or.~~

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

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

189.12 Sec. 17. Minnesota Statutes 2022, section 152.025, subdivision 1, is amended to read:

189.13 Subdivision 1. **Sale crimes.** A person is guilty of a controlled substance crime in the
189.14 fifth degree and upon conviction may be sentenced as provided in subdivision 4 if:

189.15 ~~(1) the person unlawfully sells one or more mixtures containing marijuana or~~
189.16 ~~tetrahydrocannabinols, except a small amount of marijuana for no remuneration; or~~

189.17 ~~(2)~~ the person unlawfully sells one or more mixtures containing a controlled substance
189.18 classified in Schedule IV.

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

189.21 Sec. 18. Minnesota Statutes 2022, section 152.025, subdivision 2, is amended to read:

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

189.24 (1) the person unlawfully possesses one or more mixtures containing a controlled
189.25 substance classified in Schedule I, II, III, or IV, except a small amount of marijuana cannabis
189.26 flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products;
189.27 or

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

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

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

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

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

190.8 Sec. 19. **[152.0263] CANNABIS POSSESSION CRIMES.**

190.9 **Subdivision 1. Possession of cannabis in the first degree.** A person is guilty of cannabis
190.10 possession in the first degree and may be sentenced to imprisonment for not more than five
190.11 years or to payment of a fine of not more than \$10,000, or both, if the person unlawfully
190.12 possesses any of the following:

190.13 (1) more than two pounds but not more than ten kilograms of cannabis flower;

190.14 (2) more than 160 grams but not more than two kilograms of cannabis concentrate; or

190.15 (3) edible cannabis products, lower-potency hemp edibles, or hemp-derived consumer
190.16 products infused with more than 16 grams but not more than 200 grams of
190.17 tetrahydrocannabinol.

190.18 **Subd. 2. Possession of cannabis in the second degree.** A person is guilty of cannabis
190.19 possession in the second degree and may be sentenced to imprisonment for not more than
190.20 one year or to payment of a fine of not more than \$3,000, or both, if the person unlawfully
190.21 possesses any of the following:

190.22 (1) more than one pound but not more than two pounds of cannabis flower in any place
190.23 other than the person's residence;

190.24 (2) more than 80 grams but not more than 160 grams of cannabis concentrate; or

190.25 (3) edible cannabis products, lower-potency hemp edibles, or hemp-derived consumer
190.26 products infused with more than eight grams but not more than 16 grams of
190.27 tetrahydrocannabinol.

190.28 **Subd. 3. Possession of cannabis in the third degree.** A person is guilty of cannabis
190.29 possession in the third degree and may be sentenced to imprisonment for not more than 90
190.30 days or to payment of a fine of not more than \$1,000, or both, if the person unlawfully
190.31 possesses any of the following:

191.1 (1) more than four ounces but not more than one pound of cannabis flower in any place
191.2 other than the person's residence;

191.3 (2) more than 16 grams but not more than 80 grams of cannabis concentrate; or

191.4 (3) edible cannabis products, lower-potency hemp edibles, or hemp-derived consumer
191.5 products infused with more than 1,600 milligrams but not more than eight grams of
191.6 tetrahydrocannabinol.

191.7 Subd. 4. Possession of cannabis in the fourth degree. A person is guilty of a petty
191.8 misdemeanor if the person unlawfully possesses any of the following:

191.9 (1) more than two ounces but not more than four ounces of cannabis flower in any place
191.10 other than the person's residence;

191.11 (2) more than eight grams but not more than 16 grams of cannabis concentrate; or

191.12 (3) edible cannabis products, lower-potency hemp edibles, or hemp-derived consumer
191.13 products infused with more than 800 milligrams but not more than 1,600 milligrams of
191.14 tetrahydrocannabinol.

191.15 Subd. 5. Use of cannabis in public. A local unit of government may adopt an ordinance
191.16 establishing a petty misdemeanor offense for a person who unlawfully uses cannabis flower,
191.17 cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a
191.18 public place provided that the definition of public place does not include the following:

191.19 (1) a private residence, including the person's curtilage or yard;

191.20 (2) private property not generally accessible by the public, unless the person is explicitly
191.21 prohibited from consuming cannabis flower, cannabis products, lower-potency hemp edibles,
191.22 or hemp-derived consumer products on the property by the owner of the property; or

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

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

191.26 Sec. 20. [152.0264] CANNABIS SALE CRIMES.

191.27 Subdivision 1. Sale of cannabis in the first degree. An adult is guilty of the sale of
191.28 cannabis in the first degree and may be sentenced to imprisonment for not more than five
191.29 years or to payment of a fine of not more than \$10,000, or both, if the adult unlawfully sells
191.30 more than two ounces of cannabis flower; more than eight grams of cannabis concentrate;

192.1 or edible cannabis products, lower-potency hemp edibles, or hemp-derived consumer
192.2 products infused with more than 800 milligrams of tetrahydrocannabinol:

192.3 (1) to a minor and the defendant is more than 36 months older than the minor;

192.4 (2) within ten years of two or more convictions under subdivision 2 or 3; or

192.5 (3) within ten years of a conviction under this subdivision.

192.6 Subd. 2. Sale of cannabis in the second degree. An adult is guilty of sale of cannabis
192.7 in the second degree and may be sentenced to imprisonment for not more than one year or
192.8 to payment of a fine of not more than \$3,000, or both, if the adult:

192.9 (1) unlawfully sells more than two ounces of cannabis flower; more than eight grams
192.10 of cannabis concentrate; or edible cannabis products, lower-potency hemp edibles, or
192.11 hemp-derived consumer products infused with more than 800 milligrams of
192.12 tetrahydrocannabinol:

192.13 (i) in a school zone, a park zone, or a drug treatment facility; or

192.14 (ii) within ten years of a conviction under subdivision 1, 2, or 3; or

192.15 (2) unlawfully sells cannabis flower, cannabis concentrate, edible cannabis products,
192.16 lower-potency hemp edibles, or hemp-derived consumer products to a minor.

192.17 Subd. 3. Sale of cannabis in the third degree. An adult is guilty of sale of cannabis in
192.18 the third degree and may be sentenced to imprisonment for not more than 90 days or to
192.19 payment of a fine of not more than \$1,000, or both, if the adult unlawfully sells:

192.20 (1) more than two ounces of cannabis flower;

192.21 (2) more than eight grams of cannabis concentrate; or

192.22 (3) edible cannabis products, lower-potency hemp edibles, or hemp-derived consumer
192.23 products infused with more than 800 milligrams of tetrahydrocannabinol.

192.24 Subd. 4. Sale of cannabis in the fourth degree. (a) An adult is guilty of a petty
192.25 misdemeanor if the adult unlawfully sells:

192.26 (1) not more than two ounces of cannabis flower;

192.27 (2) not more than eight grams of cannabis concentrate; or

192.28 (3) edible cannabis products, lower-potency hemp edibles, or hemp-derived consumer
192.29 products infused with not more than 800 milligrams of tetrahydrocannabinol.

193.1 (b) A sale for no remuneration by an individual over the age of 21 to another individual
193.2 over the age of 21 is not an unlawful sale under this subdivision.

193.3 Subd. 5. **Sale of cannabis by a minor.** (a) A minor is guilty of a petty misdemeanor if
193.4 the minor unlawfully sells:

193.5 (1) not more than two ounces of cannabis flower;

193.6 (2) not more than eight grams of cannabis concentrate; or

193.7 (3) edible cannabis products, lower-potency hemp edibles, or hemp-derived consumer
193.8 products infused with not more than 800 milligrams of tetrahydrocannabinol.

193.9 (b) A minor is guilty of a misdemeanor if the minor unlawfully sells:

193.10 (1) more than two ounces of cannabis flower;

193.11 (2) more than eight grams of cannabis concentrate; or

193.12 (3) edible cannabis products, lower-potency hemp edibles, or hemp-derived consumer
193.13 products infused with more than 800 milligrams of tetrahydrocannabinol.

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

193.16 Sec. 21. **[152.0265] CANNABIS CULTIVATION CRIMES.**

193.17 Subdivision 1. **Cultivation of cannabis in the first degree.** A person is guilty of
193.18 cultivation of cannabis in the first degree and may be sentenced to imprisonment for not
193.19 more than five years or to payment of a fine of not more than \$10,000, or both, if the person
193.20 unlawfully cultivates more than 23 cannabis plants.

193.21 Subd. 2. **Cultivation of cannabis in the second degree.** A person is guilty of cultivation
193.22 of cannabis in the second degree and may be sentenced to imprisonment for not more than
193.23 one year or to payment of a fine of not more than \$3,000, or both, if the person unlawfully
193.24 cultivates more than 16 cannabis plants but not more than 23 cannabis plants.

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

193.27 Sec. 22. Minnesota Statutes 2022, section 152.11, subdivision 2, is amended to read:

193.28 Subd. 2. **Prescription requirements for Schedule III or IV controlled substances.** (a)
193.29 Except as provided in paragraph (b), no person may dispense a controlled substance included
193.30 in Schedule III or IV of section 152.02 without a prescription issued, as permitted under

194.1 subdivision 1, by a doctor of medicine, a doctor of osteopathic medicine licensed to practice
194.2 medicine, a doctor of dental surgery, a doctor of dental medicine, a doctor of podiatry, a
194.3 doctor of optometry limited to Schedule IV, or a doctor of veterinary medicine, lawfully
194.4 licensed to prescribe in this state or from a practitioner licensed to prescribe controlled
194.5 substances by the state in which the prescription is issued, and having a current federal drug
194.6 enforcement administration registration number. Such prescription may not be dispensed
194.7 or refilled except with the documented consent of the prescriber, and in no event more than
194.8 six months after the date on which such prescription was issued and no such prescription
194.9 may be refilled more than five times.

194.10 (b) This subdivision does not apply to cannabis plants, cannabis flower, cannabis products,
194.11 or hemp-derived consumer products sold or transferred in compliance with chapter 342.

194.12 Sec. 23. Minnesota Statutes 2022, section 169A.03, is amended by adding a subdivision
194.13 to read:

194.14 Subd. 3a. **Artificially derived cannabinoid.** "Artificially derived cannabinoid" has the
194.15 meaning given in section 342.01, subdivision 6.

194.16 Sec. 24. Minnesota Statutes 2022, section 169A.03, is amended by adding a subdivision
194.17 to read:

194.18 Subd. 3b. **Cannabis flower.** "Cannabis flower" has the meaning given in section 342.01,
194.19 subdivision 16.

194.20 Sec. 25. Minnesota Statutes 2022, section 169A.03, is amended by adding a subdivision
194.21 to read:

194.22 Subd. 3c. **Cannabis product.** "Cannabis product" has the meaning given in section
194.23 342.01, subdivision 20.

194.24 Sec. 26. Minnesota Statutes 2022, section 169A.03, is amended by adding a subdivision
194.25 to read:

194.26 Subd. 10a. **Hemp-derived consumer product.** "Hemp-derived consumer product" has
194.27 the meaning given in section 342.01, subdivision 37.

195.1 Sec. 27. Minnesota Statutes 2022, section 169A.03, is amended by adding a subdivision
195.2 to read:

195.3 Subd. 11b. **Lower-potency hemp edible.** "Lower-potency hemp edible" has the meaning
195.4 given in section 342.01, subdivision 50.

195.5 Sec. 28. Minnesota Statutes 2022, section 169A.20, subdivision 1, is amended to read:

195.6 Subdivision 1. **Driving while impaired crime; motor vehicle.** It is a crime for any
195.7 person to drive, operate, or be in physical control of any motor vehicle, as defined in section
195.8 169A.03, subdivision 15, within this state or on any boundary water of this state when:

195.9 (1) the person is under the influence of alcohol;

195.10 (2) the person is under the influence of a controlled substance;

195.11 (3) the person is under the influence of an intoxicating substance and the person knows
195.12 or has reason to know that the substance has the capacity to cause impairment;

195.13 (4) the person is under the influence of a combination of any two or more of the elements
195.14 named in clauses (1) to (3) or (8);

195.15 (5) the person's alcohol concentration at the time, or as measured within two hours of
195.16 the time, of driving, operating, or being in physical control of the motor vehicle is 0.08 or
195.17 more;

195.18 (6) the vehicle is a commercial motor vehicle and the person's alcohol concentration at
195.19 the time, or as measured within two hours of the time, of driving, operating, or being in
195.20 physical control of the commercial motor vehicle is 0.04 or more; ~~or~~

195.21 (7) the person's body contains any amount of a controlled substance listed in Schedule
195.22 I or II, or its metabolite, other than ~~marijuana~~ cannabis flower, a cannabis product, a
195.23 lower-potency hemp edible, a hemp-derived consumer product, an artificially derived
195.24 cannabinoid, or tetrahydrocannabinols; or

195.25 (8) the person is under the influence of cannabis flower, a cannabis product, a
195.26 lower-potency hemp edible, a hemp-derived consumer product, an artificially derived
195.27 cannabinoid, or tetrahydrocannabinols.

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

196.1 Sec. 29. Minnesota Statutes 2022, section 169A.31, subdivision 1, is amended to read:

196.2 Subdivision 1. **Crime described.** It is a crime for any person to drive, operate, or be in
196.3 physical control of any class of school bus or Head Start bus within this state when there is
196.4 physical evidence present in the person's body of the consumption of any alcohol, cannabis
196.5 flower, a cannabis product, an artificially derived cannabinoid, or tetrahydrocannabinols.

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

196.8 Sec. 30. **[169A.36] OPEN PACKAGE LAW.**

196.9 Subdivision 1. **Definitions.** As used in this section:

196.10 (1) "motor vehicle" does not include motorboats in operation or off-road recreational
196.11 vehicles except while operated on a roadway or shoulder of a roadway that is not part of a
196.12 grant-in-aid trail or trail designated for that vehicle by the commissioner of natural resources;
196.13 and

196.14 (2) "possession" means either that the person had actual possession of the package or
196.15 that the person consciously exercised dominion and control over the package.

196.16 Subd. 2. **Use; crime described.** It is a crime for a person to use cannabis flower, a
196.17 cannabis product, a lower-potency hemp edible, a hemp-derived consumer product, or any
196.18 other product containing an artificially derived cannabinoid in a motor vehicle when the
196.19 vehicle is on a street or highway.

196.20 Subd. 3. **Possession; crime described.** It is a crime for a person to have in possession,
196.21 while in a private motor vehicle on a street or highway, any cannabis flower, a cannabis
196.22 product, a lower-potency hemp edible, a hemp-derived consumer product, or any other
196.23 product containing an artificially derived cannabinoid that:

196.24 (1) is in packaging or another container that does not comply with the relevant packaging
196.25 requirements in chapter 152 or 342;

196.26 (2) has been removed from the packaging in which it was sold;

196.27 (3) is in packaging that has been opened or the seal has been broken; or

196.28 (4) is in packaging of which the contents have been partially removed.

196.29 Subd. 4. **Liability of nonpresent owner; crime described.** It is a crime for the owner
196.30 of any private motor vehicle or the driver, if the owner is not present in the motor vehicle,
196.31 to keep or allow to be kept in a motor vehicle when the vehicle is on a street or highway

197.1 any cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived
197.2 consumer product, or any other product containing an artificially derived cannabinoid that:

197.3 (1) is in packaging or another container that does not comply with the relevant packaging
197.4 requirements in chapter 152 or 342;

197.5 (2) has been removed from the packaging in which it was sold;

197.6 (3) is in packaging that has been opened or the seal has been broken; or

197.7 (4) is in packaging of which the contents have been partially removed.

197.8 Subd. 5. **Criminal penalty.** A person who violates subdivision 2, 3, or 4 is guilty of a
197.9 misdemeanor.

197.10 Subd. 6. **Exceptions.** (a) This section does not prohibit the possession or consumption
197.11 of cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived
197.12 consumer product, or any other product containing an artificially derived cannabinoid by
197.13 passengers in:

197.14 (1) a bus that is operated by a motor carrier of passengers as defined in section 221.012,
197.15 subdivision 26;

197.16 (2) a vehicle that is operated for commercial purposes in a manner similar to a bicycle
197.17 as defined in section 169.011, subdivision 4, with five or more passengers who provide
197.18 pedal power to the drive train of the vehicle; or

197.19 (3) a vehicle providing limousine service as defined in section 221.84, subdivision 1.

197.20 (b) Subdivisions 3 and 4 do not apply to: (1) a package that is in the trunk of the vehicle
197.21 if the vehicle is equipped with a trunk; or (2) a package that is in another area of the vehicle
197.22 not normally occupied by the driver and passengers if the vehicle is not equipped with a
197.23 trunk. A utility compartment or glove compartment is deemed to be within the area occupied
197.24 by the driver and passengers.

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

197.27 Sec. 31. Minnesota Statutes 2022, section 169A.51, subdivision 1, is amended to read:

197.28 Subdivision 1. **Implied consent; conditions; election of test.** (a) Any person who drives,
197.29 operates, or is in physical control of a motor vehicle within this state or on any boundary
197.30 water of this state consents, subject to the provisions of sections 169A.50 to 169A.53 (implied
197.31 consent law), and section 169A.20 (driving while impaired), to a chemical test of that

198.1 person's blood, breath, or urine for the purpose of determining the presence of alcohol; a
198.2 controlled substance or its metabolite; cannabis flower, a cannabis product, a lower-potency
198.3 hemp edible, a hemp-derived consumer product, artificially derived cannabinoids, or
198.4 tetrahydrocannabinols; or an intoxicating substance. The test must be administered at the
198.5 direction of a peace officer.

198.6 (b) The test may be required of a person when an officer has probable cause to believe
198.7 the person was driving, operating, or in physical control of a motor vehicle in violation of
198.8 section 169A.20 (driving while impaired), and one of the following conditions exist:

198.9 (1) the person has been lawfully placed under arrest for violation of section 169A.20 or
198.10 an ordinance in conformity with it;

198.11 (2) the person has been involved in a motor vehicle accident or collision resulting in
198.12 property damage, personal injury, or death;

198.13 (3) the person has refused to take the screening test provided for by section 169A.41
198.14 (preliminary screening test); or

198.15 (4) the screening test was administered and indicated an alcohol concentration of 0.08
198.16 or more.

198.17 (c) The test may also be required of a person when an officer has probable cause to
198.18 believe the person was driving, operating, or in physical control of a commercial motor
198.19 vehicle with the presence of any alcohol.

198.20 Sec. 32. Minnesota Statutes 2022, section 169A.51, subdivision 4, is amended to read:

198.21 Subd. 4. **Requirement of urine or blood test.** A blood or urine test may be required
198.22 pursuant to a search warrant under sections 626.04 to 626.18 even after a breath test has
198.23 been administered if there is probable cause to believe that:

198.24 (1) there is impairment by a controlled substance ~~or~~; an intoxicating substance; or
198.25 cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer
198.26 product, artificially derived cannabinoids, or tetrahydrocannabinols that is not subject to
198.27 testing by a breath test;

198.28 (2) a controlled substance listed in Schedule I or II or its metabolite, other than ~~marijuana~~
198.29 cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer
198.30 product, artificially derived cannabinoids, or tetrahydrocannabinols, is present in the person's
198.31 body; or

199.1 (3) the person is unconscious or incapacitated to the point that the peace officer providing
199.2 a breath test advisory, administering a breath test, or serving the search warrant has a
199.3 good-faith belief that the person is mentally or physically unable to comprehend the breath
199.4 test advisory or otherwise voluntarily submit to chemical tests.

199.5 Action may be taken against a person who refuses to take a blood test under this
199.6 subdivision only if a urine test was offered and action may be taken against a person who
199.7 refuses to take a urine test only if a blood test was offered. This limitation does not apply
199.8 to an unconscious person under the circumstances described in clause (3).

199.9 Sec. 33. Minnesota Statutes 2022, section 169A.72, is amended to read:

199.10 **169A.72 DRIVER EDUCATION PROGRAMS.**

199.11 Driver training courses offered through the public schools and driver training courses
199.12 offered by private or commercial schools or institutes shall include instruction which must
199.13 encompass at least:

199.14 (1) information on the effects of consumption of beverage alcohol products and the use
199.15 of illegal drugs, cannabis flower, cannabis products, lower-potency hemp edibles,
199.16 hemp-derived consumer products, artificially derived cannabinoids, tetrahydrocannabinol
199.17 derived from any source, prescription drugs, and nonprescription drugs on the ability of a
199.18 person to operate a motor vehicle;

199.19 (2) the hazards of driving while under the influence of alcohol, a controlled substance,
199.20 or ~~drugs~~ an intoxicating substance; and

199.21 (3) the legal penalties and financial consequences resulting from violations of laws
199.22 prohibiting the operation of a motor vehicle while under the influence of alcohol, a controlled
199.23 substance, or ~~drugs~~ an intoxicating substance.

199.24 Sec. 34. Minnesota Statutes 2022, section 244.05, subdivision 2, is amended to read:

199.25 Subd. 2. **Rules.** (a) The commissioner of corrections shall adopt by rule standards and
199.26 procedures for the establishment of conditions of release and the revocation of supervised
199.27 or conditional release, and shall specify the period of revocation for each violation of release.
199.28 Procedures for the revocation of release shall provide due process of law for the inmate.

199.29 (b) The commissioner may prohibit an inmate placed on parole, supervised release, or
199.30 conditional release from using adult-use cannabis flower as defined in section 342.01,
199.31 subdivision 3, or adult-use cannabis products as defined in section 342.01, subdivision 3,
199.32 hemp-derived consumer products as defined in section 342.01, subdivision 35, or

200.1 lower-potency hemp edibles as defined in section 342.01, subdivision 48, if the inmate
200.2 undergoes a chemical use assessment and abstinence is consistent with a recommended
200.3 level of care for the defendant in accordance with the criteria under section 254B.04,
200.4 subdivision 4.

200.5 (c) The commissioner of corrections shall not prohibit an inmate placed on parole,
200.6 supervised release, or conditional release from participating in the registry program as
200.7 defined in section 342.01, subdivision 61, as a condition of release or revoke a patient's
200.8 parole, supervised release, or conditional release or otherwise sanction a patient on parole,
200.9 supervised release, or conditional release solely for participating in the registry program or
200.10 for a positive drug test for cannabis components or metabolites.

200.11 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to supervised
200.12 release granted on or after that date.

200.13 Sec. 35. Minnesota Statutes 2022, section 192A.555, is amended to read:

200.14 **192A.555 DRIVING WHILE UNDER THE INFLUENCE OR RECKLESS**
200.15 **DRIVING.**

200.16 Any person subject to this code who drives, operates or is in physical control of any
200.17 motor vehicle or aircraft while under the influence of an alcoholic beverage ~~or~~ controlled
200.18 substance; cannabis flower, cannabis product, lower-potency hemp edible, hemp-derived
200.19 consumer product, artificially derived cannabinoid, or tetrahydrocannabinols, as those terms
200.20 are defined in section 342.01, or a combination thereof or whose blood contains 0.08 percent
200.21 or more by weight of alcohol or who operates said motor vehicle or aircraft in a reckless or
200.22 wanton manner, shall be punished as a court-martial may direct.

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

200.25 Sec. 36. Minnesota Statutes 2022, section 360.0752, subdivision 2, is amended to read:

200.26 Subd. 2. **Crime; acts prohibited.** (a) It is a crime for any person to operate or attempt
200.27 to operate an aircraft on or over land or water within this state or over any boundary water
200.28 of this state under any of the following conditions:

200.29 (1) when the person is under the influence of alcohol;

200.30 (2) when the person is under the influence of a controlled substance;

201.1 (3) when the person is under the influence of a combination of any two or more of the
201.2 elements named in clauses (1), (2), ~~and (6)~~, and (9);

201.3 (4) when the person's alcohol concentration is 0.04 or more;

201.4 (5) when the person's alcohol concentration as measured within two hours of the time
201.5 of operation or attempted operation is 0.04 or more;

201.6 (6) when the person is under the influence of an intoxicating substance and the person
201.7 knows or has reason to know that the substance has the capacity to cause impairment;

201.8 (7) when the person's body contains any amount of a controlled substance listed in
201.9 Schedule I or II, other than marijuana or tetrahydrocannabinols; ~~or~~

201.10 (8) within eight hours of having consumed any alcoholic beverage or used any controlled
201.11 substance; or

201.12 (9) when the person is under the influence of cannabis flower, a cannabis product, a
201.13 lower-potency hemp edible, a hemp-derived consumer product, an artificially derived
201.14 cannabinoid, or tetrahydrocannabinols, as those terms are defined in section 342.01.

201.15 (b) If proven by a preponderance of the evidence, it shall be an affirmative defense to a
201.16 violation of paragraph (a), clause (7), that the defendant used the controlled substance
201.17 according to the terms of a prescription issued for the defendant in accordance with sections
201.18 152.11 and 152.12.

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

201.21 Sec. 37. Minnesota Statutes 2022, section 609.135, subdivision 1, is amended to read:

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

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

201.26 (2) may place the defendant on probation with or without supervision and on the terms
201.27 the court prescribes, including intermediate sanctions when practicable. The court may order
201.28 the supervision to be under the probation officer of the court, or, if there is none and the
201.29 conviction is for a felony or gross misdemeanor, by the commissioner of corrections, or in
201.30 any case by some other suitable and consenting person. Unless the court directs otherwise,
201.31 state parole and probation agents and probation officers may impose community work

202.1 service or probation violation sanctions, consistent with section 243.05, subdivision 1;
202.2 sections 244.196 to 244.199; or 401.02, subdivision 5.

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

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

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

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

202.18 (e) The court may prohibit a defendant from using adult-use cannabis flower as defined
202.19 in section 342.01, subdivision 4, or adult-use cannabis products as defined in section 342.01,
202.20 subdivision 2, if the defendant undergoes a chemical use assessment and abstinence is
202.21 consistent with a recommended level of care for the defendant in accordance with the criteria
202.22 under section 254B.04, subdivision 4. The assessment must be conducted by an assessor
202.23 qualified under section 245G.11, subdivisions 1 and 5.

202.24 (f) A court shall not impose an intermediate sanction that has the effect of prohibiting
202.25 a person from participating in the registry program as defined in section 342.01, subdivision
202.26 63.

202.27 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to sentences
202.28 ordered on or after that date.

202.29 Sec. 38. Minnesota Statutes 2022, section 609.2111, is amended to read:

202.30 **609.2111 DEFINITIONS.**

202.31 (a) For purposes of sections 609.2111 to 609.2114, the terms defined in this subdivision
202.32 have the meanings given them.

203.1 (b) "Motor vehicle" has the meaning given in section 609.52, subdivision 1, and includes
203.2 attached trailers.

203.3 (c) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

203.4 (d) "Intoxicating substance" has the meaning given in section 169A.03, subdivision 11a.

203.5 (e) "Qualified prior driving offense" includes a prior conviction:

203.6 (1) for a violation of section 169A.20 under the circumstances described in section
203.7 169A.24 or 169A.25;

203.8 (2) under section 609.2112, subdivision 1, paragraph (a), clauses (2) to (6); 609.2113,
203.9 subdivision 1, clauses (2) to (6); 2, clauses (2) to (6); or 3, clauses (2) to (6); or 609.2114,
203.10 subdivision 1, paragraph (a), clauses (2) to (6); or 2, clauses (2) to (6);

203.11 (3) under Minnesota Statutes 2012, section 609.21, subdivision 1, clauses (2) to (6); or

203.12 (4) under Minnesota Statutes 2006, section 609.21, subdivision 1, clauses (2) to (6); 2,
203.13 clauses (2) to (6); 2a, clauses (2) to (6); 2b, clauses (2) to (6); 3, clauses (2) to (6); or 4,
203.14 clauses (2) to (6).

203.15 (f) "Artificially derived cannabinoid" has the meaning given in section 342.01, subdivision
203.16 6.

203.17 (g) "Cannabis flower" has the meaning given in section 342.01, subdivision 16.

203.18 (h) "Cannabis product" has the meaning given in section 342.01, subdivision 20.

203.19 (i) "Hemp-derived consumer product" has the meaning given in section 342.01,
203.20 subdivision 37.

203.21 (j) "Lower-potency hemp edible" has the meaning given in section 342.01, subdivision
203.22 50.

203.23 **EFFECTIVE DATE.** This section is effective August 1, 2023.

203.24 Sec. 39. Minnesota Statutes 2022, section 609.2112, subdivision 1, is amended to read:

203.25 Subdivision 1. **Criminal vehicular homicide.** (a) Except as provided in paragraph (b),
203.26 a person is guilty of criminal vehicular homicide and may be sentenced to imprisonment
203.27 for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the
203.28 person causes the death of a human being not constituting murder or manslaughter as a
203.29 result of operating a motor vehicle:

203.30 (1) in a grossly negligent manner;

- 204.1 (2) in a negligent manner while under the influence of:
- 204.2 (i) alcohol;
- 204.3 (ii) a controlled substance; ~~or~~
- 204.4 (iii) cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived
- 204.5 consumer product, artificially derived cannabinoids, or tetrahydrocannabinols; or
- 204.6 ~~(iii)~~ (iv) any combination of those elements;
- 204.7 (3) while having an alcohol concentration of 0.08 or more;
- 204.8 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
- 204.9 of the time of driving;
- 204.10 (5) in a negligent manner while under the influence of an intoxicating substance and the
- 204.11 person knows or has reason to know that the substance has the capacity to cause impairment;
- 204.12 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
- 204.13 I or II, or its metabolite, other than ~~marijuana~~ cannabis flower, a cannabis product, a
- 204.14 lower-potency hemp edible, a hemp-derived consumer product, artificially derived
- 204.15 cannabinoids, or tetrahydrocannabinols, is present in the person's body;
- 204.16 (7) where the driver who causes the collision leaves the scene of the collision in violation
- 204.17 of section 169.09, subdivision 1 or 6; or
- 204.18 (8) where the driver had actual knowledge that a peace officer had previously issued a
- 204.19 citation or warning that the motor vehicle was defectively maintained, the driver had actual
- 204.20 knowledge that remedial action was not taken, the driver had reason to know that the defect
- 204.21 created a present danger to others, and the death was caused by the defective maintenance.
- 204.22 (b) If a person is sentenced under paragraph (a) for a violation under paragraph (a),
- 204.23 clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory
- 204.24 maximum sentence of imprisonment is 15 years.

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

204.26 committed on or after that date.

204.27 Sec. 40. Minnesota Statutes 2022, section 609.2113, subdivision 1, is amended to read:

204.28 Subdivision 1. **Great bodily harm.** A person is guilty of criminal vehicular operation

204.29 resulting in great bodily harm and may be sentenced to imprisonment for not more than five

204.30 years or to payment of a fine of not more than \$10,000, or both, if the person causes great

205.1 bodily harm to another not constituting attempted murder or assault as a result of operating
205.2 a motor vehicle:

205.3 (1) in a grossly negligent manner;

205.4 (2) in a negligent manner while under the influence of:

205.5 (i) alcohol;

205.6 (ii) a controlled substance; ~~or~~

205.7 (iii) cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived
205.8 consumer product, artificially derived cannabinoids, or tetrahydrocannabinols; or

205.9 ~~(iii)~~ (iv) any combination of those elements;

205.10 (3) while having an alcohol concentration of 0.08 or more;

205.11 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
205.12 of the time of driving;

205.13 (5) in a negligent manner while under the influence of an intoxicating substance and the
205.14 person knows or has reason to know that the substance has the capacity to cause impairment;

205.15 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
205.16 I or II, or its metabolite, other than ~~marijuana~~ cannabis flower, a cannabis product, a
205.17 lower-potency hemp edible, a hemp-derived consumer product, artificially derived
205.18 cannabinoids, or tetrahydrocannabinols, is present in the person's body;

205.19 (7) where the driver who causes the accident leaves the scene of the accident in violation
205.20 of section 169.09, subdivision 1 or 6; or

205.21 (8) where the driver had actual knowledge that a peace officer had previously issued a
205.22 citation or warning that the motor vehicle was defectively maintained, the driver had actual
205.23 knowledge that remedial action was not taken, the driver had reason to know that the defect
205.24 created a present danger to others, and the injury was caused by the defective maintenance.

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

205.27 Sec. 41. Minnesota Statutes 2022, section 609.2113, subdivision 2, is amended to read:

205.28 Subd. 2. **Substantial bodily harm.** A person is guilty of criminal vehicular operation
205.29 resulting in substantial bodily harm and may be sentenced to imprisonment for not more
205.30 than three years or to payment of a fine of not more than \$10,000, or both, if the person
205.31 causes substantial bodily harm to another as a result of operating a motor vehicle:

- 206.1 (1) in a grossly negligent manner;
- 206.2 (2) in a negligent manner while under the influence of:
- 206.3 (i) alcohol;
- 206.4 (ii) a controlled substance; ~~or~~
- 206.5 (iii) cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived
- 206.6 consumer product, artificially derived cannabinoids, or tetrahydrocannabinols; or
- 206.7 ~~(iii)~~ (iv) any combination of those elements;
- 206.8 (3) while having an alcohol concentration of 0.08 or more;
- 206.9 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
- 206.10 of the time of driving;
- 206.11 (5) in a negligent manner while under the influence of an intoxicating substance and the
- 206.12 person knows or has reason to know that the substance has the capacity to cause impairment;
- 206.13 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
- 206.14 I or II, or its metabolite, other than ~~marijuana~~ cannabis flower, a cannabis product, a
- 206.15 lower-potency hemp edible, a hemp-derived consumer product, artificially derived
- 206.16 cannabinoids, or tetrahydrocannabinols, is present in the person's body;
- 206.17 (7) where the driver who causes the accident leaves the scene of the accident in violation
- 206.18 of section 169.09, subdivision 1 or 6; or
- 206.19 (8) where the driver had actual knowledge that a peace officer had previously issued a
- 206.20 citation or warning that the motor vehicle was defectively maintained, the driver had actual
- 206.21 knowledge that remedial action was not taken, the driver had reason to know that the defect
- 206.22 created a present danger to others, and the injury was caused by the defective maintenance.
- 206.23 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
- 206.24 committed on or after that date.
- 206.25 Sec. 42. Minnesota Statutes 2022, section 609.2113, subdivision 3, is amended to read:
- 206.26 Subd. 3. **Bodily harm.** A person is guilty of criminal vehicular operation resulting in
- 206.27 bodily harm and may be sentenced to imprisonment for not more than one year or to payment
- 206.28 of a fine of not more than \$3,000, or both, if the person causes bodily harm to another as a
- 206.29 result of operating a motor vehicle:
- 206.30 (1) in a grossly negligent manner;

- 207.1 (2) in a negligent manner while under the influence of:
- 207.2 (i) alcohol;
- 207.3 (ii) a controlled substance; ~~or~~
- 207.4 (iii) cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived
- 207.5 consumer product, artificially derived cannabinoids, or tetrahydrocannabinols; or
- 207.6 ~~(iii)~~ (iv) any combination of those elements;
- 207.7 (3) while having an alcohol concentration of 0.08 or more;
- 207.8 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
- 207.9 of the time of driving;
- 207.10 (5) in a negligent manner while under the influence of an intoxicating substance and the
- 207.11 person knows or has reason to know that the substance has the capacity to cause impairment;
- 207.12 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
- 207.13 I or II, or its metabolite, other than ~~marijuana~~ cannabis flower, a cannabis product, a
- 207.14 lower-potency hemp edible, a hemp-derived consumer product, artificially derived
- 207.15 cannabinoids, or tetrahydrocannabinols, is present in the person's body;
- 207.16 (7) where the driver who causes the accident leaves the scene of the accident in violation
- 207.17 of section 169.09, subdivision 1 or 6; or
- 207.18 (8) where the driver had actual knowledge that a peace officer had previously issued a
- 207.19 citation or warning that the motor vehicle was defectively maintained, the driver had actual
- 207.20 knowledge that remedial action was not taken, the driver had reason to know that the defect
- 207.21 created a present danger to others, and the injury was caused by the defective maintenance.

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

207.23 committed on or after that date.

207.24 Sec. 43. Minnesota Statutes 2022, section 609.2114, subdivision 1, is amended to read:

207.25 Subdivision 1. **Death to an unborn child.** (a) Except as provided in paragraph (b), a

207.26 person is guilty of criminal vehicular operation resulting in death to an unborn child and

207.27 may be sentenced to imprisonment for not more than ten years or to payment of a fine of

207.28 not more than \$20,000, or both, if the person causes the death of an unborn child as a result

207.29 of operating a motor vehicle:

207.30 (1) in a grossly negligent manner;

207.31 (2) in a negligent manner while under the influence of:

- 208.1 (i) alcohol;
- 208.2 (ii) a controlled substance; ~~or~~
- 208.3 (iii) cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived
- 208.4 consumer product, artificially derived cannabinoids, or tetrahydrocannabinols; or
- 208.5 ~~(iii)~~ (iv) any combination of those elements;
- 208.6 (3) while having an alcohol concentration of 0.08 or more;
- 208.7 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
- 208.8 of the time of driving;
- 208.9 (5) in a negligent manner while under the influence of an intoxicating substance and the
- 208.10 person knows or has reason to know that the substance has the capacity to cause impairment;
- 208.11 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
- 208.12 I or II, or its metabolite, other than ~~marijuana~~ cannabis flower, a cannabis product, a
- 208.13 lower-potency hemp edible, a hemp-derived consumer product, artificially derived
- 208.14 cannabinoids, or tetrahydrocannabinols, is present in the person's body;
- 208.15 (7) where the driver who causes the accident leaves the scene of the accident in violation
- 208.16 of section 169.09, subdivision 1 or 6; or
- 208.17 (8) where the driver had actual knowledge that a peace officer had previously issued a
- 208.18 citation or warning that the motor vehicle was defectively maintained, the driver had actual
- 208.19 knowledge that remedial action was not taken, the driver had reason to know that the defect
- 208.20 created a present danger to others, and the injury was caused by the defective maintenance.
- 208.21 (b) If a person is sentenced under paragraph (a) for a violation under paragraph (a),
- 208.22 clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory
- 208.23 maximum sentence of imprisonment is 15 years.

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

208.25 committed on or after that date.

208.26 Sec. 44. Minnesota Statutes 2022, section 609.2114, subdivision 2, is amended to read:

208.27 Subd. 2. **Injury to an unborn child.** A person is guilty of criminal vehicular operation

208.28 resulting in injury to an unborn child and may be sentenced to imprisonment for not more

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

208.30 causes the great bodily harm to an unborn child subsequently born alive as a result of

208.31 operating a motor vehicle:

- 209.1 (1) in a grossly negligent manner;
- 209.2 (2) in a negligent manner while under the influence of:
- 209.3 (i) alcohol;
- 209.4 (ii) a controlled substance; ~~or~~
- 209.5 (iii) cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived
- 209.6 consumer product, artificially derived cannabinoids, or tetrahydrocannabinols; or
- 209.7 ~~(iii)~~ (iv) any combination of those elements;
- 209.8 (3) while having an alcohol concentration of 0.08 or more;
- 209.9 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
- 209.10 of the time of driving;
- 209.11 (5) in a negligent manner while under the influence of an intoxicating substance and the
- 209.12 person knows or has reason to know that the substance has the capacity to cause impairment;
- 209.13 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
- 209.14 I or II, or its metabolite, other than ~~marijuana~~ cannabis flower, a cannabis product, a
- 209.15 lower-potency hemp edible, a hemp-derived consumer product, artificially derived
- 209.16 cannabinoids, or tetrahydrocannabinols, is present in the person's body;
- 209.17 (7) where the driver who causes the accident leaves the scene of the accident in violation
- 209.18 of section 169.09, subdivision 1 or 6; or
- 209.19 (8) where the driver had actual knowledge that a peace officer had previously issued a
- 209.20 citation or warning that the motor vehicle was defectively maintained, the driver had actual
- 209.21 knowledge that remedial action was not taken, the driver had reason to know that the defect
- 209.22 created a present danger to others, and the injury was caused by the defective maintenance.

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

209.24 committed on or after that date.

209.25 Sec. 45. Minnesota Statutes 2022, section 609.5311, subdivision 1, is amended to read:

209.26 Subdivision 1. **Controlled substances.** All controlled substances that were manufactured,

209.27 distributed, dispensed, or acquired in violation of chapter 152 or 342 are subject to forfeiture

209.28 under this section, except as provided in subdivision 3 and section 609.5316.

209.29 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to violations

209.30 committed on or after that date.

210.1 Sec. 46. Minnesota Statutes 2022, section 609.5314, subdivision 1, is amended to read:

210.2 Subdivision 1. **Property subject to administrative forfeiture.** (a) The following are
210.3 subject to administrative forfeiture under this section:

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

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

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

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

210.12 (i) in a conveyance device used or intended for use to commit or facilitate the commission
210.13 of a felony offense involving a controlled substance;

210.14 (ii) on or in proximity to a person from whom a felony amount of controlled substance
210.15 is seized; or

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

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

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

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

210.26 (2) the appropriate agency records the serial number or otherwise marks the money for
210.27 identification.

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

211.1 (e) As used in this section, "controlled substance" does not include cannabis flower as
211.2 defined in section 342.01, subdivision 15, cannabis products as defined in section 342.01,
211.3 subdivision 19, hemp-derived consumer products as defined in section 342.01, subdivision
211.4 35, or lower-potency hemp edibles as defined in section 342.01, subdivision 48.

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

211.7 Sec. 47. Minnesota Statutes 2022, section 609.5316, subdivision 2, is amended to read:

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

211.13 (b) Species of plants from which controlled substances in Schedules I and II may be
211.14 derived that have been planted or cultivated in violation of chapter 152 or of which the
211.15 owners or cultivators are unknown, or that are wild growths, may be seized and summarily
211.16 forfeited to the state. The appropriate agency or its authorized agent may seize the plants if
211.17 the person in occupancy or in control of land or premises where the plants are growing or
211.18 being stored fails to produce an appropriate registration or proof that the person is the holder
211.19 of appropriate registration.

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

211.22 Sec. 48. Minnesota Statutes 2022, section 624.7142, subdivision 1, is amended to read:

211.23 Subdivision 1. **Acts prohibited.** A person may not carry a pistol on or about the person's
211.24 clothes or person in a public place:

211.25 (1) when the person is under the influence of a controlled substance, as defined in section
211.26 152.01, subdivision 4;

211.27 (2) when the person is under the influence of a combination of any two or more of the
211.28 elements named in clauses (1) ~~and~~, (4), and (7);

211.29 (3) when the person is under the influence of an intoxicating substance as defined in
211.30 section 169A.03, subdivision 11a, and the person knows or has reason to know that the
211.31 substance has the capacity to cause impairment;

212.1 (4) when the person is under the influence of alcohol;

212.2 (5) when the person's alcohol concentration is 0.10 or more; ~~or~~

212.3 (6) when the person's alcohol concentration is less than 0.10, but more than 0.04; or

212.4 (7) when the person is under the influence of cannabis flower, a cannabis product, a

212.5 lower-potency hemp edible, a hemp-derived consumer product, an artificially derived

212.6 cannabinoid, or tetrahydrocannabinols, as those terms are defined in section 342.01.

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

212.8 committed on or after that date.

212.9 Sec. 49. **DWI CONTROLLED SUBSTANCE ROADSIDE TESTING INSTRUMENT**

212.10 **PILOT PROJECT; REPORT REQUIRED.**

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

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

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

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

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

212.16 or instruments to pursue in the future.

212.17 (b) The pilot project must begin on September 1, 2023, and continue until August 31,

212.18 2024.

212.19 (c) The commissioner must consult with law enforcement officials, prosecutors, criminal

212.20 defense attorneys, and other interested and knowledgeable parties when designing,

212.21 implementing, and evaluating the pilot project.

212.22 (d) All oral fluid samples obtained for the purpose of this pilot project must be obtained

212.23 by a certified drug recognition evaluator and may only be collected with the express voluntary

212.24 consent of the person stopped or arrested for suspicion of driving while impaired. Results

212.25 of tests conducted under the pilot project are to be used for the purpose of analyzing the

212.26 practicality, accuracy, and efficacy of the instrument. Results may not be used to decide

212.27 whether an arrest should be made and are not admissible in any legal proceeding.

212.28 (e) By February 1, 2025, the commissioner must report to the chairs and ranking minority

212.29 members of the legislative committees with jurisdiction over public safety on the results of

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

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

212.32 to have controlled substances or intoxicating substances in their systems, how often there

213.1 was commingling of controlled substances or intoxicating substances with alcohol, the types
213.2 of controlled substances or intoxicating substances found in participants' systems and which
213.3 types were most common, and the number of participants in the project. In addition, the
213.4 report must assess the practicality and reliability of using the instruments in the field and
213.5 make recommendations on continuing the project permanently.

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

213.7 **ARTICLE 5**
213.8 **EXPUNGEMENT**

213.9 Section 1. Minnesota Statutes 2022, section 609A.01, is amended to read:

213.10 **609A.01 EXPUNGEMENT OF CRIMINAL RECORDS.**

213.11 This chapter provides the grounds and procedures for expungement of criminal records
213.12 under section 13.82; 152.18, subdivision 1; 299C.11, where a petition is authorized under
213.13 section 609A.02, subdivision 3; expungement is automatic under section 609A.055;
213.14 expungement is considered by a panel under section 609A.06; or other applicable law. The
213.15 remedy available is limited to a court order sealing the records and prohibiting the disclosure
213.16 of their existence or their opening except under court order or statutory authority. Nothing
213.17 in this chapter authorizes the destruction of records or their return to the subject of the
213.18 records.

213.19 **EFFECTIVE DATE.** This section is effective August 1, 2023.

213.20 Sec. 2. **[609A.055] AUTOMATIC EXPUNGEMENT OF CERTAIN CANNABIS**
213.21 **OFFENSES.**

213.22 Subdivision 1. **Eligibility; dismissal, exoneration, or conviction of nonfelony cannabis**
213.23 **offenses.** (a) A person is eligible for expungement:

213.24 (1) upon the dismissal and discharge of proceedings against a person under section
213.25 152.18, subdivision 1, for violation of section 152.024, 152.025, or 152.027;

213.26 (2) if the person was convicted of or received a stayed sentence for a violation of section
213.27 152.027, subdivision 3 or 4;

213.28 (3) if the person was arrested and all charges were dismissed prior to a determination
213.29 of probable cause for charges under section 152.021, subdivision 2, paragraph (a), clause
213.30 (6); 152.022, subdivision 2, paragraph (a), clause (6); 152.023, subdivision 2, paragraph

214.1 (a), clause (5); 152.024, subdivision 2, clause (2); 152.025, subdivision 2, clause (1); or
214.2 152.027, subdivision 3 or 4; or

214.3 (4) if all pending actions or proceedings were resolved in favor of the person for charges
214.4 under section 152.021, subdivision 2, paragraph (a), clause (6); 152.022, subdivision 2,
214.5 paragraph (a), clause (6); 152.023, subdivision 2, paragraph (a), clause (5); 152.024,
214.6 subdivision 2, clause (2); 152.025, subdivision 2, clause (1); or 152.027, subdivision 3 or
214.7 4.

214.8 (b) For purposes of this section:

214.9 (1) a verdict of not guilty by reason of mental illness is not a resolution in favor of the
214.10 person; and

214.11 (2) an action or proceeding is resolved in favor of the person if the person received an
214.12 order under section 590.11 determining that the person is eligible for compensation based
214.13 on exoneration.

214.14 Subd. 2. **Bureau of Criminal Apprehension to identify eligible individuals.** (a) The
214.15 Bureau of Criminal Apprehension shall identify bureau records that qualify for expungement
214.16 pursuant to subdivision 1.

214.17 (b) The Bureau of Criminal Apprehension shall notify the judicial branch of:

214.18 (1) the name and date of birth of each person whose case is eligible for an order of
214.19 expungement; and

214.20 (2) the court file number of the eligible case.

214.21 Subd. 3. **Expungement relief; notification requirements.** (a) The Bureau of Criminal
214.22 Apprehension shall grant expungement relief to each qualifying person whose records the
214.23 bureau possesses and seal the bureau's records without requiring an application, petition,
214.24 or motion. The bureau shall seal records related to an expungement within 60 days after the
214.25 bureau sent notice of the expungement to the judicial branch pursuant to subdivision 2,
214.26 paragraph (b), unless an order of the judicial branch prohibits sealing the records or additional
214.27 information establishes that the records are not eligible for expungement.

214.28 (b) Nonpublic criminal records maintained by the bureau and subject to a grant of
214.29 expungement relief must display a notation stating "expungement relief granted pursuant
214.30 to section 609A.055."

214.31 (c) The bureau shall inform the judicial branch of all cases that are granted expungement
214.32 relief pursuant to this section. The bureau may notify the judicial branch using electronic

215.1 means and may notify the judicial branch immediately or in a monthly report. Upon receiving
215.2 notice of an expungement, the judicial branch shall seal all related records, including records
215.3 of the person's arrest, indictment, trial, verdict, and dismissal or discharge of the case. Upon
215.4 receiving notice of an expungement, the judicial branch shall issue any order necessary to
215.5 seal related records. The judicial branch shall not order the Department of Health or the
215.6 Department of Human Services to seal records under this section.

215.7 (d) The bureau shall inform each arresting or citing law enforcement agency or
215.8 prosecutorial office with records affected by the grant of expungement relief issued pursuant
215.9 to paragraph (a) that expungement has been granted. The bureau shall notify each agency
215.10 or office of an expungement within 60 days after the bureau sent notice of the expungement
215.11 to the judicial branch. The bureau may notify each agency or office using electronic means.
215.12 Upon receiving notification of an expungement, an agency or office shall seal all records
215.13 related to the expungement, including the records of the person's arrest, indictment, trial,
215.14 verdict, and dismissal or discharge of the case.

215.15 (e) The bureau shall provide information on its publicly facing website clearly stating
215.16 that persons who are noncitizens may need copies of records affected by a grant of
215.17 expungement relief for immigration purposes, explaining how they can obtain these copies
215.18 after expungement or other granted relief, and stating that a noncitizen should consult with
215.19 an immigration attorney.

215.20 (f) Data on a person whose offense has been expunged under this subdivision, including
215.21 any notice sent pursuant to paragraph (d), are private data on individuals as defined in section
215.22 13.02, subdivision 12.

215.23 (g) Section 609A.03, subdivision 6, applies to an order issued under this section sealing
215.24 the record of proceedings under section 152.18.

215.25 (h) The limitations under section 609A.03, subdivision 7a, paragraph (b), do not apply
215.26 to an order issued under this section.

215.27 (i) The subject whose record qualifies for expungement shall be given access to copies
215.28 of the records of arrest, conviction, or incarceration for any purposes, including immigration
215.29 purposes.

215.30 (j) Relief granted under this subdivision shall not impact the ability of a petitioner to
215.31 file for relief under section 590.01.

215.32 Subd. 4. **Immunity from civil liability.** The Department of Public Safety, commissioner
215.33 of public safety, Bureau of Criminal Apprehension, superintendent of the Bureau of Criminal

216.1 Apprehension, and all employees of the Bureau of Criminal Apprehension shall not be held
216.2 civilly liable when acting in good faith to exercise the powers granted by this section or for
216.3 acts or omissions occurring within the scope of the performance of their duties under this
216.4 section.

216.5 Subd. 5. **Report.** The Bureau of Criminal Apprehension shall issue a report to the
216.6 legislative committees and divisions with jurisdiction over public safety policy and finance
216.7 upon completion of the work required under subdivision 2. The report shall contain summary
216.8 data and must include the total number of expungements granted by the Bureau of Criminal
216.9 Apprehension.

216.10 **EFFECTIVE DATE.** This section is effective August 1, 2023.

216.11 Sec. 3. **[609A.06] EXPUNGEMENT AND RESENTENCING OF FELONY**
216.12 **CANNABIS OFFENSES.**

216.13 Subdivision 1. **Cannabis Expungement Board.** (a) The Cannabis Expungement Board
216.14 is created with the powers and duties established by law.

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

216.16 (1) the chief justice of the supreme court or a designee;

216.17 (2) the attorney general or a designee;

216.18 (3) one public defender, appointed by the governor upon recommendation of the state
216.19 public defender;

216.20 (4) the commissioner of corrections or a designee; and

216.21 (5) one public member with relevant experience, appointed by the governor.

216.22 (c) In appointing the public member described in paragraph (b), clause (5), the governor
216.23 shall prioritize appointment of an individual with experience as an advocate for victim's
216.24 rights.

216.25 (d) Subject to the notice requirements in section 15.0575, subdivision 4, a member may
216.26 be removed by the appointing authority at any time (1) for cause, after notice and hearing,
216.27 or (2) after missing three consecutive meetings. Vacancies shall be filled by the appointing
216.28 authority.

216.29 (e) Members are eligible for compensation pursuant to section 15.0575, subdivision 3.

216.30 (f) The Cannabis Expungement Board shall have the following powers and duties:

217.1 (1) to obtain and review the records, including but not limited to all matters, files,
217.2 documents, and papers incident to the arrest, indictment, information, trial, appeal, or
217.3 dismissal and discharge, which relate to a charge for sale or possession of a controlled
217.4 substance;

217.5 (2) to determine whether a person committed an act involving the sale or possession of
217.6 cannabis flower or cannabinoid products that would either be a lesser offense or no longer
217.7 be a crime after August 1, 2023;

217.8 (3) to determine whether a person's conviction should be vacated, charges should be
217.9 dismissed, and records should be expunged, or whether the person should be resentenced
217.10 to a lesser offense;

217.11 (4) to identify violations of section 152.027, subdivisions 3 and 4, that were not
217.12 automatically expunged pursuant to section 609A.055; and

217.13 (5) to notify the judicial branch of individuals eligible for an expungement or resentencing
217.14 to a lesser offense.

217.15 (g) The Cannabis Expungement Board shall determine when it has completed its work.

217.16 Subd. 2. **Executive director.** (a) The governor must appoint the initial executive director
217.17 of the Cannabis Expungement Board. The executive director must be knowledgeable about
217.18 expungement law and criminal justice. The executive director serves at the pleasure of the
217.19 board in the unclassified service as an executive branch employee. Any vacancy shall be
217.20 filled by the board.

217.21 (b) The executive director's salary is set in accordance with section 15A.0815, subdivision
217.22 3.

217.23 (c) The executive director may obtain office space and supplies and hire administrative
217.24 staff necessary to carry out the board's official functions, including providing administrative
217.25 support to the board and attending board meetings. Any additional staff serve in the classified
217.26 service.

217.27 (d) At the direction of the board, the executive director may enter into interagency
217.28 agreements with the Department of Corrections or any other agency to obtain material and
217.29 personnel support necessary to carry out the board's mandates, policies, activities, and
217.30 objectives.

217.31 Subd. 3. **Eligibility; cannabis offense.** (a) A person is eligible for an expungement or
217.32 resentencing to a lesser offense if:

218.1 (1) the person was convicted of, or adjudication was stayed for, a violation of any of the
218.2 following involving the sale or possession of marijuana or tetrahydrocannabinols:

218.3 (i) section 152.021, subdivision 1, clause (6);

218.4 (ii) section 152.021, subdivision 2, clause (6);

218.5 (iii) section 152.022, subdivision 1, clause (5), or clause (7), item (iii);

218.6 (iv) section 152.022, subdivision 2, clause (6);

218.7 (v) section 152.023, subdivision 1, clause (5);

218.8 (vi) section 152.023, subdivision 2, clause (5);

218.9 (vii) section 152.024, subdivision (4); or

218.10 (viii) section 152.025, subdivision 2, clause (1);

218.11 (2) the offense did not involve a dangerous weapon, the intentional infliction of bodily
218.12 harm on another, an attempt to inflict bodily harm on another, or an act committed with the
218.13 intent to cause fear in another of immediate bodily harm or death;

218.14 (3) the act on which the charge was based would either be a lesser offense or no longer
218.15 be a crime after August 1, 2023; and

218.16 (4) the person did not appeal the conviction, any appeal was denied, or the deadline to
218.17 file an appeal has expired.

218.18 (b) For purposes of this subdivision, a "lesser offense" means a nonfelony offense if the
218.19 person was charged with a felony.

218.20 **Subd. 4. Bureau of Criminal Apprehension to identify eligible records.** (a) The
218.21 Bureau of Criminal Apprehension shall identify convictions and sentences where adjudication
218.22 was stayed that qualify for review under subdivision 3, paragraph (a), clause (1).

218.23 (b) The Bureau of Criminal Apprehension shall notify the Cannabis Expungement Board
218.24 of:

218.25 (1) the name and date of birth of a person whose record is eligible for review; and

218.26 (2) the court file number of the eligible conviction or stay of adjudication.

218.27 (c) For the purposes of identifying background studies records that may be expunged
218.28 or resentenced, the Bureau of Criminal Apprehension shall share the information provided
218.29 to the Cannabis Expungement Board under paragraph (b) with the Department of Human

219.1 Services. The Bureau of Criminal Apprehension and the Department of Human Services
219.2 shall consult about the form and manner of information sharing.

219.3 Subd. 5. **Access to records.** Notwithstanding chapter 13 or any law to the contrary, the
219.4 Cannabis Expungement Board shall have free access to records, including but not limited
219.5 to all matters, files, documents, and papers incident to the arrest, indictment, information,
219.6 trial, appeal, or dismissal and discharge that relate to a charge and conviction or stay of
219.7 adjudication for sale or possession of a controlled substance held by law enforcement
219.8 agencies, prosecuting authorities, and court administrators. The Cannabis Expungement
219.9 Board may issue subpoenas for and compel the production of books, records, accounts,
219.10 documents, and papers. If any person fails or refuses to produce any books, records, accounts,
219.11 documents, or papers material in the matter under consideration after having been lawfully
219.12 required by order or subpoena, any judge of the district court in any county of the state
219.13 where the order or subpoena was made returnable, on application of the commissioner of
219.14 management and budget or commissioner of administration, as the case may be, shall compel
219.15 obedience or punish disobedience as for contempt, as in the case of disobedience of a similar
219.16 order or subpoena issued by such court.

219.17 Subd. 6. **Meetings; anonymous identifier.** (a) The Cannabis Expungement Board shall
219.18 hold meetings at least monthly and shall hold a meeting whenever the board takes formal
219.19 action on a review of a conviction or stay of adjudication for an offense involving the sale
219.20 or possession of marijuana or tetrahydrocannabinols. All board meetings shall be open to
219.21 the public and subject to chapter 13D.

219.22 (b) Any victim of a crime being reviewed and any law enforcement agency may submit
219.23 an oral or written statement at the meeting, giving a recommendation on whether a person's
219.24 record should be expunged or the person should be resentenced to a lesser offense. The
219.25 board must consider the victim's and the law enforcement agency's statement when making
219.26 the board's decision.

219.27 (c) Section 13D.05 governs the board's treatment of not public data, as defined by section
219.28 13.02, subdivision 8a, discussed at open meetings of the board. Notwithstanding section
219.29 13.03, subdivision 11, the board shall assign an anonymous, unique identifier to each victim
219.30 of a crime and person whose conviction or stay of adjudication the board reviews. The
219.31 identifier shall be used in any discussion in a meeting open to the public and on any records
219.32 available to the public to protect the identity of the person whose records are being
219.33 considered.

220.1 Subd. 7. Review and determination. (a) The Cannabis Expungement Board shall review
220.2 all available records to determine whether the conviction or stay of adjudication is eligible
220.3 for an expungement or resentencing to a lesser offense. An expungement under this section
220.4 is presumed to be in the public interest unless there is clear and convincing evidence that
220.5 an expungement or resentencing to a lesser offense would create a risk to public safety.

220.6 (b) If the Cannabis Expungement Board determines that an expungement is in the public
220.7 interest, the board shall determine whether a person's conviction should be vacated and
220.8 charges should be dismissed.

220.9 (c) If the Cannabis Expungement Board determines that an expungement is in the public
220.10 interest, the board shall determine whether the limitations under section 609A.03, subdivision
220.11 5a, apply.

220.12 (d) If the Cannabis Expungement Board determines that an expungement is in the public
220.13 interest, the board shall determine whether the limitations under section 609A.03, subdivision
220.14 7a, paragraph (b), clause (5), apply.

220.15 (e) If the Cannabis Expungement Board determines that an expungement is not in the
220.16 public interest, the board shall determine whether the person is eligible for resentencing to
220.17 a lesser offense.

220.18 (f) In making a determination under this subdivision, the Cannabis Expungement Board
220.19 shall consider:

220.20 (1) the nature and severity of the underlying crime, including but not limited to the total
220.21 amount of marijuana or tetrahydrocannabinols possessed by the person and whether the
220.22 offense involved a dangerous weapon, the intentional infliction of bodily harm on another,
220.23 an attempt to inflict bodily harm on another, or an act committed with the intent to cause
220.24 fear in another of immediate bodily harm or death;

220.25 (2) whether an expungement or resentencing the person a lesser offense would increase
220.26 the risk, if any, the person poses to other individuals or society;

220.27 (3) if the person is under sentence, whether an expungement or resentencing to a lesser
220.28 offense would result in the release of the person and whether release earlier than the date
220.29 that the person would be released under the sentence currently being served would present
220.30 a danger to the public or would be compatible with the welfare of society;

220.31 (4) aggravating or mitigating factors relating to the underlying crime, including the
220.32 person's level of participation and the context and circumstances of the underlying crime;

220.33 (5) statements from victims and law enforcement, if any;

221.1 (6) if an expungement or resentencing the person to a lesser offense is considered,
221.2 whether there is good cause to restore the person's right to possess firearms and ammunition;

221.3 (7) if an expungement is considered, whether an expunged record of a conviction or stay
221.4 of adjudication may be opened for purposes of a background check required under section
221.5 122A.18, subdivision 8; and

221.6 (8) other factors deemed relevant by the Cannabis Expungement Board.

221.7 (g) In making a determination under this subdivision, the Cannabis Expungement Board
221.8 shall not consider the impact the expungement would have on the offender based on any
221.9 records held by the Department of Health or Human Services.

221.10 (h) The affirmative vote of three members is required for action taken at any meeting.

221.11 **Subd. 8. Identification of eligible misdemeanor and petty misdemeanor records.** The
221.12 board shall identify violations of section 152.027, subdivisions 3 and 4, that were not
221.13 automatically expunged pursuant to section 609A.055. Pursuant to subdivision 10, the board
221.14 shall notify the judicial branch that any identified records are eligible for expungement.

221.15 **Subd. 9. Annual report.** Until the board completes its work, the board shall issue a
221.16 report by January 15 of each year to the legislative committees and divisions with jurisdiction
221.17 over public safety policy and finance on the board's work. The report shall contain summary
221.18 data and must include:

221.19 (1) the total number of cases reviewed in the previous year;

221.20 (2) the total number of cases in which the board determined that an expungement is in
221.21 the public interest;

221.22 (3) the total number of cases in which the board determined that resentencing to a lesser
221.23 offense is appropriate, the original sentence in those cases, and the lesser offense
221.24 recommended by the board;

221.25 (4) the total number of cases in which the board determined that no change to the original
221.26 sentence was appropriate; and

221.27 (5) the total number of cases remaining to be reviewed.

221.28 **Subd. 10. Notice to judicial branch and offenders.** (a) The Cannabis Expungement
221.29 Board shall identify any conviction or stay of adjudication that qualifies for an order of
221.30 expungement or resentencing to a lesser offense and notify the judicial branch of:

221.31 (1) the name and date of birth of a person whose conviction or stay of adjudication is
221.32 eligible for an order of expungement or resentencing to a lesser offense;

- 222.1 (2) the court file number of the eligible conviction or stay of adjudication;
- 222.2 (3) whether the person is eligible for an expungement;
- 222.3 (4) if the person is eligible for an expungement, whether the person's conviction should
222.4 be vacated and charges should be dismissed;
- 222.5 (5) if the person is eligible for an expungement, whether there is good cause to restore
222.6 the offender's right to possess firearms and ammunition;
- 222.7 (6) if the person is eligible for an expungement, whether the limitations under section
222.8 609A.03, subdivision 7a, paragraph (b), clause (5), apply; and
- 222.9 (7) if the person is eligible for resentencing to a lesser offense, the lesser sentence to be
222.10 imposed.
- 222.11 (b) The Cannabis Expungement Board shall make a reasonable and good faith effort to
222.12 notify any person whose conviction or stay of adjudication qualifies for an order of
222.13 expungement that the offense qualifies and notice is being sent to the judicial branch. Notice
222.14 sent pursuant to this paragraph shall inform the person that, following the order of
222.15 expungement, any records of an arrest, conviction, or incarceration should not appear on
222.16 any background check or study.
- 222.17 Subd. 11. **Data classification.** All data collected, created, received, maintained, or
222.18 disseminated by the Cannabis Expungement Board in which each victim of a crime and
222.19 person whose conviction or stay of adjudication that the Cannabis Expungement Board
222.20 reviews is or can be identified as the subject of the data is classified as private data on
222.21 individuals, as defined in section 13.02, subdivision 12.
- 222.22 Subd. 12. **Order of expungement.** (a) Upon receiving notice that an offense qualifies
222.23 for expungement, the court shall issue an order sealing all records relating to an arrest,
222.24 indictment or information, trial, verdict, or dismissal and discharge for an offense described
222.25 in subdivision 3. The courts shall not order the Department of Health or Human Services
222.26 to seal records under this section. If the Cannabis Expungement Board determined that the
222.27 person's conviction should be vacated and charges should be dismissed, the order shall
222.28 vacate and dismiss the charges.
- 222.29 (b) If the Cannabis Expungement Board determined that there is good cause to restore
222.30 the person's right to possess firearms and ammunition, the court shall issue an order pursuant
222.31 to section 609.165, subdivision 1d.
- 222.32 (c) If the Cannabis Expungement Board determined that an expunged record of a
222.33 conviction or stay of adjudication may not be opened for purposes of a background check

223.1 required under section 122A.18, subdivision 8, the court shall direct the order specifically
223.2 to the Professional Educator Licensing and Standards Board.

223.3 (d) The court administrator shall send a copy of an expungement order issued under this
223.4 section to each agency and jurisdiction whose records are affected by the terms of the order
223.5 and send a letter to the last known address of the person whose offense has been expunged
223.6 identifying each agency to which the order was sent.

223.7 (e) In consultation with the commissioner of human services, the court shall establish a
223.8 schedule on which it shall provide the commissioner of human services a list identifying
223.9 the name and court file number or, if no court file number is available, the citation number
223.10 of each record for a person who received an expungement under this section.

223.11 (f) Data on the person whose offense has been expunged in a letter sent under this
223.12 subdivision are private data on individuals as defined in section 13.02, subdivision 12.

223.13 Subd. 13. **Resentencing.** (a) If the Cannabis Expungement Board determined that a
223.14 person is eligible for resentencing to a lesser offense and the person is currently under
223.15 sentence, the court shall proceed as if the appellate court directed a reduction of the conviction
223.16 to an offense of lesser degree pursuant to rule 28.02, subdivision 12, of the Rules of Criminal
223.17 Procedure.

223.18 (b) If the Cannabis Expungement Board determined that a person is eligible for
223.19 resentencing to a lesser offense and the person completed or has been discharged from the
223.20 sentence, the court may issue an order amending the conviction to an offense of lesser degree
223.21 without holding a hearing.

223.22 (c) If the Cannabis Expungement Board determined that there is good cause to restore
223.23 the person's right to possess firearms and ammunition, the court shall, as necessary, issue
223.24 an order pursuant to section 609.165, subdivision 1d.

223.25 (d) In consultation with the commissioner of human services, the court shall establish
223.26 a schedule on which it shall provide the commissioner of human services a list identifying
223.27 the name and court file number or, if no court file number is available, the citation number
223.28 of each record for a person who was resentenced under this section.

223.29 **EFFECTIVE DATE.** This section is effective August 1, 2023.

223.30 Sec. 4. **PROCUREMENT.**

223.31 To the extent practicable, the commissioner of public safety must comply with the
223.32 requirements of Minnesota Statutes, chapter 16C. The commissioner of administration may

224.1 waive the application of any provision of Minnesota Statutes, chapter 16C, on a case by
224.2 case basis if the commissioner of public safety demonstrates that full compliance with that
224.3 chapter would be impractical given the effective date or other deadlines established by this
224.4 act related to the responsibilities established under Minnesota Statutes, section 609A.055.

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

224.6 **Sec. 5. TRANSITION PERIOD.**

224.7 Beginning August 1, 2023, through March 1, 2024, the Department of Corrections must
224.8 provide the Cannabis Expungement Board with administrative assistance, technical
224.9 assistance, office space, and other assistance necessary for the board to carry out its duties
224.10 under Minnesota Statutes, section 609A.06. The Cannabis Expungement Board shall
224.11 reimburse the Department of Corrections for the services and space provided.

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

224.13

ARTICLE 6

224.14

MISCELLANEOUS PROVISIONS

224.15 Section 1. **[3.9224] MEDICAL CANNABIS; COMPACTS TO BE NEGOTIATED.**

224.16 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
224.17 meanings given.

224.18 (b) "Medical cannabis law" or "medical cannabis program" means the regulatory
224.19 framework for cultivation, production, distribution, and sale of cannabis to qualifying
224.20 patients for therapeutic use in the treatment of a qualifying condition.

224.21 (c) "Medical cannabis flower" means cannabis flower approved for sale under the medical
224.22 cannabis law of a Minnesota Tribal government or under a compact entered into under this
224.23 section.

224.24 (d) "Medical cannabis product" means a cannabis product approved for sale under the
224.25 medical cannabis law of a Minnesota Tribal government or under a compact entered into
224.26 under this section.

224.27 (e) "Medical cannabis business" means a medical cannabis cultivator, processor, or
224.28 retailer.

224.29 (f) "Medical cannabis industry" means every item, product, person, process, action,
224.30 business, or other thing or activity related to medical cannabis flower or medical cannabis

225.1 products and subject to regulation under the law of a Minnesota Tribal government or under
225.2 a compact entered into under this section.

225.3 (g) "Cannabis product" means any of the following:

225.4 (1) cannabis concentrate;

225.5 (2) a product infused with cannabinoids (whether artificially derived, or extracted or
225.6 derived from cannabis plants or cannabis flower) including but not limited to
225.7 tetrahydrocannabinol; or

225.8 (3) any other product that contains cannabis concentrate.

225.9 (h) "Minnesota Tribal governments" means the following federally recognized Indian
225.10 Tribes located in Minnesota:

225.11 (1) Bois Forte Band;

225.12 (2) Fond Du Lac Band;

225.13 (3) Grand Portage Band;

225.14 (4) Leech Lake Band;

225.15 (5) Mille Lacs Band;

225.16 (6) White Earth Band;

225.17 (7) Red Lake Nation;

225.18 (8) Lower Sioux Indian Community;

225.19 (9) Prairie Island Indian Community;

225.20 (10) Shakopee Mdewakanton Sioux Community; and

225.21 (11) Upper Sioux Indian Community.

225.22 (i) "Tribal medical cannabis business" means a medical cannabis business licensed by
225.23 a Minnesota Tribal government, including the business categories identified in paragraph
225.24 (d), as well as any others that may be provided under the law of a Minnesota Tribal
225.25 government.

225.26 (j) "Tribally regulated land" means:

225.27 (1) all land held in trust by the United States for the benefit of a Minnesota Tribal
225.28 government ("trust land");

225.29 (2) all land held by a Minnesota Tribal government in restricted fee status; and

226.1 (3) all land within the exterior boundaries of the reservation of a Minnesota Tribal
226.2 government that is subject to the civil regulatory jurisdiction of the Tribal government. For
226.3 the purposes of this section, land that is subject to the civil regulatory jurisdiction of the
226.4 Tribal government includes:

226.5 (i) trust land, or fee land held (including leased land) by the Tribe, entities organized
226.6 under Tribal law, or individual Indians; and

226.7 (ii) land held (including leased land) by non-Indian entities or individuals who consent
226.8 to the civil regulation of the Tribal government or are otherwise subject to such regulation
226.9 under federal law.

226.10 Subd. 2. **Acknowledgment and purpose; negotiations authorized.** (a) The state of
226.11 Minnesota acknowledges the sovereign right of Minnesota Tribal governments to regulate
226.12 the medical cannabis industry and address other matters of cannabis regulation related to
226.13 the internal affairs of Minnesota Tribal governments or otherwise within their jurisdiction,
226.14 without regard to whether such Tribal government has entered a compact authorized by this
226.15 section. The purpose of this section is to provide for the negotiation of compacts to
226.16 proactively address jurisdictional issues related to the regulation of the medical cannabis
226.17 industry. The legislature finds that these agreements will facilitate and promote a cooperative
226.18 and mutually beneficial relationship between the state and the Tribes regarding the
226.19 legalization of cannabis. Such cooperative agreements will enhance public health and safety,
226.20 ensure a lawful and well-regulated medical cannabis market, encourage economic
226.21 development, and provide fiscal benefits to both Indian Tribes and the state.

226.22 (b) The governor or his designee shall negotiate in good faith, and has the authority to
226.23 execute and bind the state to, a compact with any Minnesota Tribal government wishing to
226.24 enter into such a compact regulating medical cannabis flower and medical cannabis products.

226.25 Subd. 3. **Terms of compact; rights of parties.** (a) A compact agreed to under this
226.26 section may address any issues related to the medical cannabis industry, including medical
226.27 cannabis flower, medical cannabis products, extracts, concentrates, and artificially derived
226.28 cannabinoids that affect the interest of both the state and Minnesota Tribal government or
226.29 otherwise have an impact on Tribal-state relations. Indian Tribes are not required to enter
226.30 into compacts pursuant to this section in order to: regulate the medical cannabis industry,
226.31 or engage in medical cannabis businesses or activities on Tribally regulated land or participate
226.32 as a licensee in the state's legal medical cannabis market.

226.33 (b) The state shall not, as a condition for entering into a compact under this section:

227.1 (1) require any Minnesota Tribal government to waive any right, privilege, or immunity
227.2 based on their status as independent sovereigns;

227.3 (2) require that any revenue generated by a medical cannabis business licensed by a
227.4 Minnesota Tribal government be subject to any state cannabis gross receipt taxes or state
227.5 and local sales or use taxes on sales of cannabis;

227.6 (3) require any taxes collected by Minnesota Tribal governments to be shared in any
227.7 manner with the state or any subdivisions thereof;

227.8 (4) require a Minnesota Tribal government to consent to state licensing of a medical
227.9 cannabis business on the Tribally regulated land of the Minnesota Tribal government;

227.10 (5) require any Minnesota Tribal government or any medical cannabis business licensed
227.11 by a Minnesota Tribal government pursuant to a compact agreed to under this section to
227.12 comply with specific state law or regulations on Tribally regulated land; or

227.13 (6) impose, or attempt to impose, and shall not require or attempt to require any Indian
227.14 Tribe to impose, any taxes, fees, assessments, and other charges related to the production,
227.15 processing, sale, purchase, distribution, or possession of medical cannabis flower and medical
227.16 cannabis products on Minnesota Tribal governments, or their members, on a reservation or
227.17 Tribally regulated land.

227.18 (d) Compacts agreed to under this section may allow an exemption from any otherwise
227.19 applicable tax for: (i) sales to a Minnesota Tribal government, a Tribal medical cannabis
227.20 business, or Tribal members, of medical cannabis flower and cannabis products grown,
227.21 produced, or processed as provided for in said compacts; or, (ii) for activities of Tribal
227.22 medical cannabis businesses.

227.23 Subd. 4. **Civil and criminal immunities.** (a) Without limiting any immunity or exemption
227.24 that may apply under federal law, the following acts, when performed by a Tribal medical
227.25 cannabis business or an employee in the course of their employment for a Tribal medical
227.26 cannabis business, pursuant to a compact entered into under this section, do not constitute
227.27 a criminal or civil offense under state law:

227.28 (1) the cultivation of medical cannabis flower, and the extraction, processing, or
227.29 manufacture of medical cannabis and artificially derived cannabinoid products, extracts, or
227.30 concentrates;

227.31 (2) the possession, purchase, and receipt of medical cannabis seed, flower, and medical
227.32 cannabis products that are properly packaged and labeled as authorized under a compact

228.1 entered into pursuant to this section, and the sale, delivery, transport, or distribution of such
228.2 products to a licensed cannabis business; and

228.3 (3) the delivery, distribution, and sale of medical cannabis seed, flower, and medical
228.4 cannabis products as authorized under a compact entered into pursuant to this section and
228.5 that takes place on or, originates from, the premises of a Tribal medical cannabis business
228.6 on Tribally regulated land, to any person eligible to participate in a medical cannabis program.

228.7 (b) The following acts, when performed by a patron of a Tribal medical cannabis business
228.8 do not constitute a criminal or civil offense under state law: the purchase, possession, or
228.9 receipt of medical cannabis seed, flower, and medical cannabis products as authorized under
228.10 a compact entered into pursuant to this section.

228.11 (c) Without limiting any immunity or exemption that may apply under federal law,
228.12 actions by a Tribal medical cannabis business, a Tribal member, employee, or agent of a
228.13 Minnesota Tribal government or Tribal medical cannabis business on Tribally regulated
228.14 land pursuant to Tribal laws governing cannabis, or a compact entered into under this section,
228.15 do not constitute a criminal or civil offense under state law.

228.16 (d) The following acts, when performed by a state-licensed medical cannabis business,
228.17 or an employee of such business, and which would be permitted under the terms of the
228.18 applicable medical cannabis business license if undertaken with another state-licensed
228.19 medical cannabis business, are permitted under the state license conditions when undertaken
228.20 with a Tribal medical cannabis business and do not constitute a criminal or civil offense
228.21 under state law: the possession, purchase, wholesale and retail sale, delivery, transport,
228.22 distribution, and receipt of medical cannabis, seed, flower, and medical cannabis products
228.23 that are properly packaged and labeled as authorized under a compact entered into pursuant
228.24 to this section.

228.25 (e) Without limiting any immunity or exemption that may apply under federal law, the
228.26 following acts, when performed by a Minnesota Tribal government, a Tribal medical cannabis
228.27 business licensed by such Tribal government, or an employee of such Tribal government
228.28 or Tribal medical cannabis business, regardless of whether the Minnesota Tribal government
228.29 issuing such license has compacted with the state under this section, do not constitute a
228.30 criminal or civil offense under state law: purchase, sale, receipt, or delivery (including
228.31 delivery that involves transit through the state, outside a reservation), of medical cannabis
228.32 flower, seed, and medical cannabis products from or to another Minnesota Tribal government
228.33 or cannabis business licensed by such government.

229.1 (f) Notwithstanding any other provision of law, a state-licensed cannabis testing facility
229.2 may provide cannabis testing services to a Tribal medical cannabis business, and the
229.3 possession or transport of cannabis flower or cannabis products for such purpose by a Tribal
229.4 cannabis business shall not constitute a criminal or civil offense under state law.

229.5 Subd. 5. **Publication.** The governor shall post any compact entered into under this section
229.6 on a publicly accessible website.

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

229.8 **Sec. 2. [3.9228] ADULT-USE CANNABIS; COMPACTS TO BE NEGOTIATED.**

229.9 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
229.10 meanings given.

229.11 (b) "Adult-use cannabis flower" means cannabis flower approved for sale to adults under
229.12 the law of a Minnesota Tribal government or under a compact entered under this section.

229.13 (c) "Adult-use cannabis product" means cannabis product approved for sale to adults
229.14 under the law of a Minnesota Tribal government or under a compact entered under this
229.15 section.

229.16 (d) "Cannabis business" means a cannabis cultivator, manufacturer, retailer, wholesaler,
229.17 transporter, testing facility, microbusiness, mezzobusiness, event organizer, delivery service,
229.18 or lower potency hemp edible manufacturer or retailer.

229.19 (e) "Cannabis industry" means every item, product, person, process, action, business,
229.20 or other thing or activity related to cannabis flower or cannabis products and subject to
229.21 regulation under the law of a Minnesota Tribal government or under a compact entered
229.22 under this section.

229.23 (f) "Cannabis product" means any of the following:

229.24 (1) cannabis concentrate;

229.25 (2) a product infused with cannabinoids (whether artificially derived, or extracted or
229.26 derived from cannabis plants or cannabis flower) including but not limited to
229.27 tetrahydrocannabinol; or

229.28 (3) any other product that contains cannabis concentrate.

229.29 (g) "Minnesota Tribal governments" means the following federally recognized Indian
229.30 Tribes located in Minnesota:

229.31 (1) Bois Forte Band;

- 230.1 (2) Fond Du Lac Band;
- 230.2 (3) Grand Portage Band;
- 230.3 (4) Leech Lake Band;
- 230.4 (5) Mille Lacs Band;
- 230.5 (6) White Earth Band;
- 230.6 (7) Red Lake Nation;
- 230.7 (8) Lower Sioux Indian Community;
- 230.8 (9) Prairie Island Indian Community;
- 230.9 (10) Shakopee Mdewakanton Sioux Community; and
- 230.10 (11) Upper Sioux Indian Community.
- 230.11 (h) "Tribal cannabis business" means a cannabis business licensed by a Minnesota Tribal
- 230.12 government, including the business categories identified in paragraph (d), as well as any
- 230.13 others that may be provided under the law of a Minnesota Tribal government.
- 230.14 (i) "Tribally regulated land" means:
- 230.15 (1) all land held in trust by the United States for the benefit of a Minnesota Tribal
- 230.16 government ("trust land");
- 230.17 (2) all land held by a Minnesota Tribal government in restricted fee status; and
- 230.18 (3) all land within the exterior boundaries of the reservation of a Minnesota Tribal
- 230.19 government that is subject to the civil regulatory jurisdiction of the Tribal government. For
- 230.20 the purposes of this section, land that is subject to the civil regulatory jurisdiction of the
- 230.21 Tribal government includes:
- 230.22 (i) trust land, or fee land held (including leased land) by the Tribe, entities organized
- 230.23 under Tribal law, or individual Indians; and
- 230.24 (ii) land held (including leased land) by non-Indian entities or individuals who consent
- 230.25 to the civil regulation of the Tribal government or are otherwise subject to such regulation
- 230.26 under federal law.
- 230.27 **Subd. 2. Acknowledgment and purpose; negotiations authorized.** (a) The state of
- 230.28 Minnesota acknowledges the sovereign right of Minnesota Tribal governments to regulate
- 230.29 the cannabis industry and address other matters of cannabis regulation related to the internal
- 230.30 affairs of Minnesota Tribal governments or otherwise within their jurisdiction, without

231.1 regard to whether such Tribal government has entered a compact authorized by this section.
231.2 The purpose of this section is to provide for the negotiation of compacts to proactively
231.3 address jurisdictional issues related to the regulation of the cannabis industry. The legislature
231.4 finds that these agreements will facilitate and promote a cooperative and mutually beneficial
231.5 relationship between the state and the Tribes regarding the legalization of cannabis. Such
231.6 cooperative agreements will enhance public health and safety, ensure a lawful and
231.7 well-regulated cannabis market, encourage economic development, and provide fiscal
231.8 benefits to both Indian Tribes and the state.

231.9 (b) The governor or his designee shall negotiate in good faith, and has the authority to
231.10 execute and bind the state to, a compact with any Minnesota Tribal government wishing to
231.11 enter into such compact regulating adult-use cannabis flower and adult-use cannabis products.

231.12 Subd. 3. **Terms of compact; rights of parties.** (a) A compact agreed to under this
231.13 section may address any issues related to the cannabis industry including adult-use cannabis
231.14 flower, adult-use cannabis products, extracts, concentrates, and artificially derived
231.15 cannabinoids that affect the interest of both the state and Minnesota Tribal government or
231.16 otherwise have an impact on Tribal-state relations. Indian Tribes are not required to enter
231.17 into compacts pursuant to this section in order to: regulate the cannabis industry, or engage
231.18 in cannabis businesses or activities on Tribally regulated lands; or participate as a licensee
231.19 in the state's legal cannabis market.

231.20 (b) The state shall not, as a condition for entering into a compact under this section:

231.21 (1) require any Minnesota Tribal government to waive any right, privilege, or immunity
231.22 based on their status as independent sovereigns;

231.23 (2) require that any revenue generated by cannabis businesses licensed by a Minnesota
231.24 Tribal government be subject to any state cannabis gross receipt taxes imposed under section
231.25 295.81 or state and local sales or use taxes on sales of cannabis;

231.26 (3) require any taxes collected by Minnesota Tribal governments to be shared in any
231.27 manner with the state or any subdivisions thereof;

231.28 (4) require a Minnesota Tribal government to consent to state licensing of cannabis
231.29 businesses on the Tribally regulated land of the Minnesota Tribal government;

231.30 (5) require any Minnesota Tribal government, or any cannabis business licensed by a
231.31 Minnesota Tribal government pursuant to a compact agreed to under this section, to comply
231.32 with specific state law or regulations on Tribally regulated land; or

232.1 (6) impose, or attempt to impose, and shall not require or attempt to require any Indian
232.2 Tribes to impose, any taxes, fees, assessments, and other charges related to the production,
232.3 processing, sale, purchase, distribution, or possession of adult-use cannabis flower and
232.4 adult-use cannabis products on Minnesota Tribal governments, or their members, on a
232.5 reservation or Tribally regulated land.

232.6 (d) Compacts agreed to under this section may allow an exemption from any otherwise
232.7 applicable tax for: (i) sales to a Minnesota Tribal government, a Tribal cannabis business,
232.8 or Tribal members, of cannabis flower and adult use cannabis products grown, produced,
232.9 or processed as provided for in said compacts; or, (ii) for activities of Tribal cannabis
232.10 businesses.

232.11 **Subd. 4. Civil and criminal immunities.** (a) Without limiting any immunity or exemption
232.12 that may apply under federal law, the following acts, when performed by a Tribal cannabis
232.13 business or an employee in the course of their employment for a Tribal cannabis business,
232.14 pursuant to a compact entered into under this section, do not constitute a criminal or civil
232.15 offense under state law:

232.16 (1) the cultivation of cannabis flower, and the extraction, processing, or manufacture of
232.17 adult-use cannabis and artificially derived cannabinoid products, extracts, or concentrates;

232.18 (2) the possession, purchase, and receipt of adult-use cannabis seed, flower, and adult-use
232.19 cannabis products that are properly packaged and labeled as authorized under a compact
232.20 entered into pursuant to this section, and the sale, delivery, transport, or distribution of such
232.21 products to a licensed cannabis business; and

232.22 (3) the delivery, distribution, and sale of adult-use cannabis seed, flower, and adult-use
232.23 cannabis products as authorized under a compact entered into pursuant to this section and
232.24 that takes place on, or originates from, the premises of a Tribal cannabis business on Tribally
232.25 regulated land, to any person 21 years of age or older.

232.26 (b) The following acts, when performed by a patron of a Tribal cannabis business do
232.27 not constitute a criminal or civil offense under state law: the purchase, possession, or receipt
232.28 of adult-use cannabis seed, flower, and adult-use cannabis products as authorized under a
232.29 compact entered into pursuant to this section.

232.30 (c) Without limiting any immunity or exemption that may apply under federal law,
232.31 actions by a Tribal cannabis business, a Tribal member, employee, or agent of a Minnesota
232.32 Tribal government or Tribal cannabis business on Tribally regulated land pursuant to Tribal
232.33 laws governing cannabis, or a compact entered into under this section, do not constitute a
232.34 criminal or civil offense under state law.

233.1 (d) The following acts, when performed by a state-licensed cannabis business, or an
233.2 employee of such business, and which would be permitted under the terms of the applicable
233.3 cannabis business license if undertaken with another state-licensed cannabis business, are
233.4 permitted under the state license conditions when undertaken with a Tribal cannabis business
233.5 and do not constitute a criminal or civil offense under state law: the possession, purchase,
233.6 wholesale and retail sale, delivery, transport, distribution, and receipt of adult-use cannabis,
233.7 seed, flower, and adult-use cannabis products that are properly packaged and labeled as
233.8 authorized under a compact entered into pursuant to this section.

233.9 (e) Without limiting any immunity or exemption that may apply under federal law, the
233.10 following acts, when performed by a Minnesota Tribal government, a Tribal cannabis
233.11 business licensed by such Tribal government, or an employee of such Tribal government
233.12 or Tribal cannabis business, regardless of whether the Minnesota Tribal government issuing
233.13 such license has compacted with the state under this section, do not constitute a criminal or
233.14 civil offense under state law: purchase, sale, receipt, or delivery (including delivery that
233.15 involves transit through the state, outside a reservation), of adult-use cannabis flower, seed,
233.16 or adult-use cannabis product from or to another Minnesota Tribal government or cannabis
233.17 business licensed by such government.

233.18 (f) Notwithstanding any other provision of law, a state-licensed cannabis testing facility
233.19 may provide cannabis testing services to a Tribal cannabis business, and the possession or
233.20 transport of cannabis flower or cannabis products for such purpose by a Tribal cannabis
233.21 business shall not constitute a criminal or civil offense under state law.

233.22 Subd. 5. **Publication.** The governor shall post any compact entered into under this section
233.23 on a publicly accessible website.

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

233.25 Sec. 3. Minnesota Statutes 2022, section 13.411, is amended by adding a subdivision to
233.26 read:

233.27 Subd. 12. **Cannabis businesses.** Data submitted to the Office of Cannabis Management
233.28 for a cannabis business license or a hemp business license and data relating to investigations
233.29 and disciplinary proceedings involving cannabis businesses and hemp businesses licensed
233.30 by the Office of Cannabis Management are classified under section 342.20.

234.1 Sec. 4. Minnesota Statutes 2022, section 13.871, is amended by adding a subdivision to
234.2 read:

234.3 Subd. 15. **Cannabis Expungement Board records.** Data collected, created, received,
234.4 maintained, or disseminated by the Cannabis Expungement Board are classified under
234.5 section 609A.06, subdivision 11.

234.6 Sec. 5. Minnesota Statutes 2022, section 18K.02, subdivision 5, is amended to read:

234.7 Subd. 5. **Processing.** "Processing" means rendering by refinement hemp plants or hemp
234.8 plant parts from their natural or original state after harvest. Processing includes but is not
234.9 limited to decortication, devitalization, chopping, crushing, extraction, and packaging.
234.10 Processing does not include typical farm operations such as sorting, grading, baling, and
234.11 harvesting. Processing does not include the production of artificially derived cannabinoids
234.12 as defined in section 342.01, subdivision 6.

234.13 **EFFECTIVE DATE.** This section is effective July 1, 2024.

234.14 Sec. 6. Minnesota Statutes 2022, section 34A.01, subdivision 4, is amended to read:

234.15 Subd. 4. **Food.** "Food" means every ingredient used for, entering into the consumption
234.16 of, or used or intended for use in the preparation of food, drink, confectionery, or condiment
234.17 for humans or other animals, whether simple, mixed, or compound; and articles used as
234.18 components of these ingredients, except that edible ~~cannabinoid~~ cannabis products, as
234.19 defined in section ~~151.72, subdivision 1, paragraph (e)~~ 342.01, subdivision 20, lower-potency
234.20 hemp edibles as defined in section 342.01, subdivision 50, and hemp-derived consumer
234.21 products, as defined in section 342.01, subdivision 37, that are intended to be eaten or
234.22 consumed as a beverage are not food.

234.23 **EFFECTIVE DATE.** This section is effective March 1, 2025.

234.24 Sec. 7. **[120B.215] EDUCATION ON CANNABIS USE AND SUBSTANCE USE.**

234.25 Subdivision 1. **Model program.** The commissioner of education, in consultation with
234.26 the commissioners of health and human services, local district and school health education
234.27 specialists, and other qualified experts, shall identify one or more model programs that may
234.28 be used to educate middle school and high school students on the health effects on children
234.29 and adolescents of cannabis use and substance use, including but not limited to the use of
234.30 fentanyl or mixtures containing fentanyl, consistent with local standards as required in
234.31 section 120B.021, subdivision 1, paragraph (a), clause (6), for elementary and secondary
234.32 school students. The commissioner must publish a list of model programs that include

235.1 written materials, resources, and training for instructors by June 1, 2025. A model program
235.2 identified by the commissioner must be medically accurate, age and developmentally
235.3 appropriate, culturally inclusive, and grounded in science, and must address:

235.4 (1) the physical and mental health effects of cannabis use and substance use by children,
235.5 adolescents, and persons under 25 years of age, including effects on the developing brains
235.6 of children, adolescents, and persons under 25 years of age;

235.7 (2) unsafe or unhealthy behaviors associated with cannabis use and substance use;

235.8 (3) signs of substance use disorders;

235.9 (4) treatment options; and

235.10 (5) healthy coping strategies for children and adolescents.

235.11 Subd. 2. **School programs.** (a) Starting in the 2026-2027 school year, a school district
235.12 or charter school must implement a comprehensive education program on cannabis use and
235.13 substance use, including but not limited to the use of fentanyl or mixtures containing fentanyl,
235.14 for students in middle school and high school. The program must include instruction on the
235.15 topics listed in subdivision 1 and must:

235.16 (1) respect community values and encourage students to communicate with parents,
235.17 guardians, and other trusted adults about cannabis use and substance use, including but not
235.18 limited to the use of fentanyl or mixtures containing fentanyl; and

235.19 (2) refer students to local resources where students may obtain medically accurate
235.20 information about cannabis use and substance use, including but not limited to the use of
235.21 fentanyl or mixtures containing fentanyl, and treatment for a substance use disorder.

235.22 (b) District efforts to develop, implement, or improve instruction or curriculum as a
235.23 result of the provisions of this section must be consistent with sections 120B.10 and 120B.11.

235.24 Subd. 3. **Parental review.** Notwithstanding any law to the contrary, each school district
235.25 shall have a procedure for a parent, a guardian, or an adult student 18 years of age or older
235.26 to review the content of the instructional materials to be provided to a minor child or to an
235.27 adult student pursuant to this section. The district or charter school must allow a parent or
235.28 adult student to opt out of instruction under this section with no academic or other penalty
235.29 for the student and must inform parents and adult students of this right to opt out.

235.30 Subd. 4. **Youth council.** A school district or charter school may establish one or more
235.31 youth councils in which student members of the council receive education and training on

236.1 cannabis use and substance use, including but not limited to the use of fentanyl or mixtures
236.2 containing fentanyl, and provide peer-to-peer education on these topics.

236.3 **Sec. 8. [144.196] CANNABIS DATA COLLECTION AND BIENNIAL REPORTS.**

236.4 Subdivision 1. **General.** The commissioner of health shall engage in research and data
236.5 collection activities to measure the prevalence of cannabis flower use and the use of cannabis
236.6 products, lower-potency hemp edibles, and hemp-derived consumer products in the state
236.7 by persons under 21 years of age and by persons 21 years of age or older, and the trends in
236.8 hospital-treated cannabis poisoning and adverse events. In order to collect data, the
236.9 commissioner may modify existing data collection tools used by the department or other
236.10 state agencies or may establish one or more new data collection tools.

236.11 Subd. 2. **Statewide assessment; baseline data; updates.** (a) The commissioner shall
236.12 conduct a statewide assessment to establish a baseline for the prevalence of cannabis flower
236.13 use and the use of cannabis products, lower-potency hemp edibles, and hemp-derived
236.14 consumer products in the state, and the trends in hospital-treated cannabis poisoning and
236.15 adverse events broken out by:

236.16 (1) the current age of the customer;

236.17 (2) the age at which the customer began consuming cannabis flower, cannabis products,
236.18 lower-potency hemp edibles, or hemp-derived consumer products;

236.19 (3) whether the customer consumes cannabis flower, cannabis products, lower-potency
236.20 hemp edibles, or hemp-derived consumer products, and by type of product that the customer
236.21 consumes, if applicable;

236.22 (4) the amount of cannabis flower, cannabis product, lower-potency hemp edible, or
236.23 hemp-derived consumer product typically consumed at one time;

236.24 (5) the typical frequency of consumption; and

236.25 (6) other criteria specified by the commissioner.

236.26 (b) The initial assessment must be completed by July 1, 2024. The commissioner shall
236.27 collect updated data under this subdivision at least every two years thereafter.

236.28 Subd. 3. **Reports.** Beginning January 1, 2025, and January 1 every two years thereafter,
236.29 the commissioner shall issue a public report on the prevalence of cannabis flower use and
236.30 the use of cannabis products, lower-potency hemp edibles, and hemp-derived consumer
236.31 products in the state by persons under age 21 and by persons age 21 or older. The report
236.32 may include recommendations from the commissioner for changes to this chapter that would

237.1 discourage or prevent personal use of cannabis flower, cannabis products, lower-potency
237.2 hemp edibles, or hemp-derived consumer products by persons under age 21, that would
237.3 discourage personal use of cannabis flower, cannabis products, lower-potency hemp edibles,
237.4 or hemp-derived consumer products by pregnant or breastfeeding individuals, that would
237.5 prevent access to cannabis flower, cannabis products, lower-potency hemp edibles, or
237.6 hemp-derived consumer products by young children, or that would otherwise promote public
237.7 health.

237.8 Sec. 9. **[144.197] CANNABIS EDUCATION PROGRAMS.**

237.9 Subdivision 1. **Youth education.** The commissioner of health, in consultation with the
237.10 commissioners of human services and education and in collaboration with local health
237.11 departments, shall conduct a long-term, coordinated education program to raise public
237.12 awareness about and address the top three adverse health effects, as determined by the
237.13 commissioner, associated with the use of cannabis flower, cannabis products, lower-potency
237.14 hemp edibles, or hemp-derived consumer products by persons under age 25. In conducting
237.15 this education program, the commissioner shall engage and consult with youth around the
237.16 state on program content and on methods to effectively disseminate program information
237.17 to youth around the state.

237.18 Subd. 2. **Education for pregnant and breastfeeding individuals; individuals who**
237.19 **may become pregnant.** The commissioner of health, in consultation with the commissioners
237.20 of human services and education, shall conduct a long-term, coordinated program to educate
237.21 pregnant individuals, breastfeeding individuals, and individuals who may become pregnant
237.22 on the adverse health effects of prenatal exposure to cannabis flower, cannabis products,
237.23 lower-potency hemp edibles, or hemp-derived consumer products and on the adverse health
237.24 effects experienced by infants and children who are exposed to cannabis flower, cannabis
237.25 products, lower-potency hemp edibles, or hemp-derived consumer products in breast milk,
237.26 from secondhand smoke, or by ingesting cannabinoid products. This education program
237.27 must also educate individuals on what constitutes a substance use disorder, signs of a
237.28 substance use disorder, and treatment options for persons with a substance use disorder.

237.29 Subd. 3. **Home visiting programs.** The commissioner of health shall provide training,
237.30 technical assistance, and education materials to local public health home visiting programs
237.31 and Tribal home visiting programs and child welfare workers regarding the safe and unsafe
237.32 use of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived
237.33 consumer products in homes with infants and young children. Training, technical assistance,
237.34 and education materials shall address substance use, the signs of a substance use disorder,

238.1 treatment options for persons with a substance use disorder, the dangers of driving under
238.2 the influence of cannabis flower, cannabis products, lower-potency hemp edibles, or
238.3 hemp-derived consumer products, how to safely consume cannabis flower, cannabis products,
238.4 lower-potency hemp edibles, or hemp-derived consumer products in homes with infants
238.5 and young children, and how to prevent infants and young children from being exposed to
238.6 cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer
238.7 products by ingesting cannabinoid products or through secondhand smoke.

238.8 Subd. 4. **Local and Tribal health departments.** The commissioner of health shall
238.9 distribute grants to local health departments and Tribal health departments for these
238.10 departments to create and disseminate educational materials on cannabis flower, cannabis
238.11 products, lower-potency hemp edibles, and hemp-derived consumer products and to provide
238.12 safe use and prevention training, education, technical assistance, and community engagement
238.13 regarding cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived
238.14 consumer products.

238.15 Sec. 10. Minnesota Statutes 2022, section 144.99, subdivision 1, is amended to read:

238.16 Subdivision 1. **Remedies available.** The provisions of chapters 103I and 157 and sections
238.17 115.71 to 115.77; 144.12, subdivision 1, paragraphs (1), (2), (5), (6), (10), (12), (13), (14),
238.18 and (15); 144.1201 to 144.1204; 144.121; 144.1215; 144.1222; 144.35; 144.381 to 144.385;
238.19 144.411 to 144.417; 144.495; 144.71 to 144.74; 144.9501 to 144.9512; 144.97 to 144.98;
238.20 144.992; ~~152.22 to 152.37~~; 326.70 to 326.785; 327.10 to 327.131; and 327.14 to 327.28
238.21 and all rules, orders, stipulation agreements, settlements, compliance agreements, licenses,
238.22 registrations, certificates, and permits adopted or issued by the department or under any
238.23 other law now in force or later enacted for the preservation of public health may, in addition
238.24 to provisions in other statutes, be enforced under this section.

238.25 **EFFECTIVE DATE.** This section is effective March 1, 2025.

238.26 Sec. 11. Minnesota Statutes 2022, section 144A.4791, subdivision 14, is amended to read:

238.27 Subd. 14. **Application of other law.** Home care providers may exercise the authority
238.28 and are subject to the protections in section ~~152.34~~ 342.57, subdivision 2.

238.29 **EFFECTIVE DATE.** This section is effective March 1, 2025.

238.30 Sec. 12. Minnesota Statutes 2022, section 152.01, subdivision 9, is amended to read:

238.31 Subd. 9. **Marijuana.** (a) "Marijuana" means all parts of the plant of any species of the
238.32 genus *Cannabis*, including all agronomical varieties, whether growing or not; the seeds

239.1 ~~thereof; the resin extracted from any part of such plant; and every compound, manufacture,~~
 239.2 ~~salt, derivative, mixture, or preparation of such plant, its seeds or resin, but shall:~~

239.3 (1) cannabis plants;

239.4 (2) cannabis flower;

239.5 (3) cannabis concentrate;

239.6 (4) cannabis products;

239.7 (5) cannabis seed; or

239.8 (6) a mixture containing any tetrahydrocannabinol or artificially derived cannabinoid
 239.9 in a concentration that exceeds 0.3 percent as measured by weight.

239.10 (b) Marijuana does not include:

239.11 (1) the mature stalks of such a cannabis plant;

239.12 (2) fiber from such stalks;

239.13 (3) any other compound, manufacture, salt, derivative, mixture, or preparation of such
 239.14 mature stalks, except the resin extracted therefrom, fiber, oil, or cake;

239.15 (4) oil or cake made from the seeds of such a cannabis plant, any other compound,
 239.16 manufacture, salt, derivative, mixture, or preparation of such mature stalks, except the resin
 239.17 extracted therefrom, fiber, oil, or cake, or;

239.18 (5) the sterilized seed of such a cannabis plant which is incapable of germination;
 239.19 Marijuana does not include; or

239.20 (6) industrial hemp as defined in section 152.22, subdivision 5a 18K.02, subdivision 3.

239.21 Sec. 13. Minnesota Statutes 2022, section 152.22, is amended by adding a subdivision to
 239.22 read:

239.23 Subd. 5d. **Indian lands.** "Indian lands" means all lands within the limits of any Indian
 239.24 reservation within the boundaries of Minnesota and any lands within the boundaries of
 239.25 Minnesota, title to which are either held in trust by the United States or over which an Indian
 239.26 Tribe exercises governmental power.

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

240.1 Sec. 14. Minnesota Statutes 2022, section 152.22, is amended by adding a subdivision to
240.2 read:

240.3 Subd. 15. Tribal medical cannabis board. "Tribal medical cannabis board" means an
240.4 agency established by each federally recognized Tribal government and duly authorized by
240.5 that Tribe's governing body to perform regulatory oversight and monitor compliance with
240.6 a Tribal medical cannabis program and applicable regulations.

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

240.8 Sec. 15. Minnesota Statutes 2022, section 152.22, is amended by adding a subdivision to
240.9 read:

240.10 Subd. 16. Tribal medical cannabis program. "Tribal medical cannabis program" means
240.11 a program established by a federally recognized Tribal government within the boundaries
240.12 of Minnesota regarding the commercial production, processing, sale or distribution, and
240.13 possession of medical cannabis and medical cannabis products.

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

240.15 Sec. 16. Minnesota Statutes 2022, section 152.22, is amended by adding a subdivision to
240.16 read:

240.17 Subd. 17. Tribal medical cannabis program manufacturer. "Tribal medical cannabis
240.18 program manufacturer" means an entity designated by a Tribal medical cannabis board
240.19 within the boundaries of Minnesota or a federally recognized Tribal government within the
240.20 boundaries of Minnesota to engage in production, processing, and sale or distribution of
240.21 medical cannabis and medical cannabis products under that Tribe's Tribal medical cannabis
240.22 program.

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

240.24 Sec. 17. Minnesota Statutes 2022, section 152.22, is amended by adding a subdivision to
240.25 read:

240.26 Subd. 18. Tribal medical cannabis program patient. "Tribal medical cannabis program
240.27 patient" means a person who possesses a valid registration verification card or equivalent
240.28 document that is issued under the laws or regulations of a Tribal Nation within the boundaries
240.29 of Minnesota and that verifies that the person is enrolled in or authorized to participate in
240.30 that Tribal Nation's Tribal medical cannabis program.

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

241.1 Sec. 18. Minnesota Statutes 2022, section 152.29, subdivision 4, is amended to read:

241.2 Subd. 4. **Report.** (a) Each manufacturer shall report to the commissioner on a monthly
241.3 basis the following information on each individual patient for the month prior to the report:

241.4 (1) the amount and dosages of medical cannabis distributed;

241.5 (2) the chemical composition of the medical cannabis; and

241.6 (3) the tracking number assigned to any medical cannabis distributed.

241.7 (b) For transactions involving Tribal medical cannabis program patients, each
241.8 manufacturer shall report to the commissioner on a weekly basis the following information
241.9 on each individual Tribal medical cannabis program patient for the week prior to the report:

241.10 (1) the name of the Tribal medical cannabis program in which the Tribal medical cannabis
241.11 program patient is enrolled;

241.12 (2) the amount and dosages of medical cannabis distributed;

241.13 (3) the chemical composition of the medical cannabis distributed; and

241.14 (4) the tracking number assigned to the medical cannabis distributed.

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

241.16 Sec. 19. Minnesota Statutes 2022, section 152.29, is amended by adding a subdivision to
241.17 read:

241.18 Subd. 5. **Distribution to Tribal medical cannabis program patient.** (a) A manufacturer
241.19 may distribute medical cannabis in accordance with subdivisions 1 to 4 to a Tribal medical
241.20 cannabis program patient.

241.21 (b) Prior to distribution, the Tribal medical cannabis program patient must provide to
241.22 the manufacturer:

241.23 (1) a valid medical cannabis registration verification card or equivalent document issued
241.24 by a Tribal medical cannabis program that indicates that the Tribal medical cannabis program
241.25 patient is authorized to use medical cannabis on Indian lands over which the Tribe has
241.26 jurisdiction; and

241.27 (2) a valid photographic identification card issued by the Tribal medical cannabis
241.28 program, a valid driver's license, or a valid state identification card.

241.29 (c) A manufacturer shall distribute medical cannabis to a Tribal medical cannabis program
241.30 patient only in a form allowed under section 152.22, subdivision 6.

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

242.2 Sec. 20. **[152.291] TRIBAL MEDICAL CANNABIS PROGRAM MANUFACTURER**
242.3 **TRANSPORTATION.**

242.4 (a) A Tribal medical cannabis program manufacturer may transport medical cannabis
242.5 to testing laboratories in the state and to other Indian lands.

242.6 (b) A Tribal medical cannabis program manufacturer must staff a motor vehicle used to
242.7 transport medical cannabis with at least two employees of the manufacturer. Each employee
242.8 in the transport vehicle must carry identification specifying that the employee is an employee
242.9 of the manufacturer, and one employee in the transport vehicle must carry a detailed
242.10 transportation manifest that includes the place and time of departure, the address of the
242.11 destination, and a description and count of the medical cannabis being transported.

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

242.13 Sec. 21. Minnesota Statutes 2022, section 152.30, is amended to read:

242.14 **152.30 PATIENT DUTIES.**

242.15 (a) A patient shall apply to the commissioner for enrollment in the registry program by
242.16 submitting an application as required in section 152.27 and an annual registration fee as
242.17 determined under section 152.35.

242.18 (b) As a condition of continued enrollment, patients shall agree to:

242.19 (1) continue to receive regularly scheduled treatment for their qualifying medical
242.20 condition from their health care practitioner; and

242.21 (2) report changes in their qualifying medical condition to their health care practitioner.

242.22 (c) A patient shall only receive medical cannabis from a registered manufacturer or
242.23 Tribal medical cannabis program but is not required to receive medical cannabis products
242.24 from only a registered manufacturer or Tribal medical cannabis program.

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

243.1 Sec. 22. Minnesota Statutes 2022, section 152.32, is amended to read:

243.2 **152.32 PROTECTIONS FOR REGISTRY PROGRAM OR TRIBAL MEDICAL**
243.3 **CANNABIS PROGRAM PARTICIPATION.**

243.4 Subdivision 1. **Presumption.** (a) There is a presumption that a patient enrolled in the
243.5 registry program under sections 152.22 to 152.37 or a Tribal medical cannabis program
243.6 patient is engaged in the authorized use of medical cannabis.

243.7 (b) The presumption may be rebutted by evidence that:

243.8 (1) a patient's conduct related to use of medical cannabis was not for the purpose of
243.9 treating or alleviating the patient's qualifying medical condition or symptoms associated
243.10 with the patient's qualifying medical condition; or

243.11 (2) a Tribal medical cannabis program patient's use of medical cannabis was not for a
243.12 purpose authorized by the Tribal medical cannabis program.

243.13 Subd. 2. **Criminal and civil protections.** (a) Subject to section 152.23, the following
243.14 are not violations under this chapter:

243.15 (1) use or possession of medical cannabis or medical cannabis products by a patient
243.16 enrolled in the registry program; ~~or;~~ possession by a registered designated caregiver or the
243.17 parent, legal guardian, or spouse of a patient if the parent, legal guardian, or spouse is listed
243.18 on the registry verification; or use or possession of medical cannabis or medical cannabis
243.19 products by a Tribal medical cannabis program patient;

243.20 (2) possession, dosage determination, or sale of medical cannabis or medical cannabis
243.21 products by a medical cannabis manufacturer, employees of a manufacturer, a Tribal medical
243.22 cannabis program manufacturer, employees of a Tribal medical cannabis program
243.23 manufacturer, a laboratory conducting testing on medical cannabis, or employees of the
243.24 laboratory; and

243.25 (3) possession of medical cannabis or medical cannabis products by any person while
243.26 carrying out the duties required under sections 152.22 to 152.37.

243.27 (b) Medical cannabis obtained and distributed pursuant to sections 152.22 to 152.37 and
243.28 associated property is not subject to forfeiture under sections 609.531 to 609.5316.

243.29 (c) The commissioner, members of a Tribal medical cannabis board, the commissioner's
243.30 or Tribal medical cannabis board's staff, the commissioner's or Tribal medical cannabis
243.31 board's agents or contractors, and any health care practitioner are not subject to any civil or
243.32 disciplinary penalties by the Board of Medical Practice, the Board of Nursing, or by any

244.1 business, occupational, or professional licensing board or entity, solely for ~~the~~ participation
244.2 in the registry program under sections 152.22 to 152.37 or in a Tribal medical cannabis
244.3 program. A pharmacist licensed under chapter 151 is not subject to any civil or disciplinary
244.4 penalties by the Board of Pharmacy when acting in accordance with the provisions of
244.5 sections 152.22 to 152.37. Nothing in this section affects a professional licensing board
244.6 from taking action in response to violations of any other section of law.

244.7 (d) Notwithstanding any law to the contrary, the commissioner, the governor of
244.8 Minnesota, or an employee of any state agency may not be held civilly or criminally liable
244.9 for any injury, loss of property, personal injury, or death caused by any act or omission
244.10 while acting within the scope of office or employment under sections 152.22 to 152.37.

244.11 (e) Federal, state, and local law enforcement authorities are prohibited from accessing
244.12 the patient registry under sections 152.22 to 152.37 except when acting pursuant to a valid
244.13 search warrant.

244.14 (f) Notwithstanding any law to the contrary, neither the commissioner nor a public
244.15 employee may release data or information about an individual contained in any report,
244.16 document, or registry created under sections 152.22 to 152.37 or any information obtained
244.17 about a patient participating in the program, except as provided in sections 152.22 to 152.37.

244.18 (g) No information contained in a report, document, or registry or obtained from a patient
244.19 under sections 152.22 to 152.37 or from a Tribal medical cannabis program patient may be
244.20 admitted as evidence in a criminal proceeding unless independently obtained or in connection
244.21 with a proceeding involving a violation of sections 152.22 to 152.37.

244.22 (h) Notwithstanding section 13.09, any person who violates paragraph (e) or (f) is guilty
244.23 of a gross misdemeanor.

244.24 (i) An attorney may not be subject to disciplinary action by the Minnesota Supreme
244.25 Court, a Tribal court, or the professional responsibility board for providing legal assistance
244.26 to prospective or registered manufacturers or others related to activity that is no longer
244.27 subject to criminal penalties under state law pursuant to sections 152.22 to 152.37, or for
244.28 providing legal assistance to a Tribal medical cannabis program or a Tribal medical cannabis
244.29 program manufacturer.

244.30 (j) ~~Possession of a registry verification or application for enrollment in the program by~~
244.31 ~~a person entitled to possess or apply for enrollment in the registry program does~~ The
244.32 following do not constitute probable cause or reasonable suspicion, nor and shall it not be
244.33 used to support a search of the person or property of the person possessing or applying for

245.1 the registry verification or equivalent, or otherwise subject the person or property of the
245.2 person to inspection by any governmental agency;

245.3 (1) possession of a registry verification or application for enrollment in the registry
245.4 program by a person entitled to possess a registry verification or apply for enrollment in
245.5 the registry program; or

245.6 (2) possession of a verification or equivalent issued by a Tribal medical cannabis program
245.7 or application for enrollment in a Tribal medical cannabis program by a person entitled to
245.8 possess such a verification or application.

245.9 Subd. 3. **Discrimination prohibited.** (a) No school or landlord may refuse to enroll or
245.10 lease to and may not otherwise penalize a person solely for the person's status as a patient
245.11 enrolled in the registry program under sections 152.22 to 152.37 or for the person's status
245.12 as a Tribal medical cannabis program patient, unless failing to do so would violate federal
245.13 law or regulations or cause the school or landlord to lose a monetary or licensing-related
245.14 benefit under federal law or regulations.

245.15 (b) For the purposes of medical care, including organ transplants, a registry program
245.16 enrollee's use of medical cannabis under sections 152.22 to 152.37, or a Tribal medical
245.17 cannabis program patient's use of medical cannabis as authorized by the Tribal medical
245.18 cannabis program, is considered the equivalent of the authorized use of any other medication
245.19 used at the discretion of a physician, advanced practice registered nurse, or physician assistant
245.20 and does not constitute the use of an illicit substance or otherwise disqualify a patient from
245.21 needed medical care.

245.22 (c) Unless a failure to do so would violate federal law or regulations or cause an employer
245.23 to lose a monetary or licensing-related benefit under federal law or regulations, an employer
245.24 may not discriminate against a person in hiring, termination, or any term or condition of
245.25 employment, or otherwise penalize a person, if the discrimination is based upon ~~either~~ any
245.26 of the following:

245.27 (1) the person's status as a patient enrolled in the registry program under sections 152.22
245.28 to 152.37; ~~or~~

245.29 (2) the person's status as a Tribal medical cannabis program patient; or

245.30 ~~(2)~~ (3) a patient's positive drug test for cannabis components or metabolites, unless the
245.31 patient used, possessed, or was impaired by medical cannabis on the premises of the place
245.32 of employment or during the hours of employment.

246.1 (d) An employee who is required to undergo employer drug testing pursuant to section
246.2 181.953 may present verification of enrollment in the patient registry or of enrollment in a
246.3 Tribal medical cannabis program as part of the employee's explanation under section 181.953,
246.4 subdivision 6.

246.5 (e) A person shall not be denied custody of a minor child or visitation rights or parenting
246.6 time with a minor child solely based on the person's status as a patient enrolled in the registry
246.7 program under sections 152.22 to 152.37, or on the person's status as a Tribal medical
246.8 cannabis program patient. There shall be no presumption of neglect or child endangerment
246.9 for conduct allowed under sections 152.22 to 152.37 or under a Tribal medical cannabis
246.10 program, unless the person's behavior is such that it creates an unreasonable danger to the
246.11 safety of the minor as established by clear and convincing evidence.

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

246.13 Sec. 23. Minnesota Statutes 2022, section 152.33, subdivision 1, is amended to read:

246.14 Subdivision 1. **Intentional diversion; criminal penalty.** In addition to any other
246.15 applicable penalty in law, a manufacturer or an agent of a manufacturer who intentionally
246.16 transfers medical cannabis to a person other than another registered manufacturer, a patient,
246.17 a Tribal medical cannabis program patient, a registered designated caregiver or, if listed on
246.18 the registry verification, a parent, legal guardian, or spouse of a patient is guilty of a felony
246.19 punishable by imprisonment for not more than two years or by payment of a fine of not
246.20 more than \$3,000, or both. A person convicted under this subdivision may not continue to
246.21 be affiliated with the manufacturer and is disqualified from further participation under
246.22 sections 152.22 to 152.37.

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

246.24 Sec. 24. Minnesota Statutes 2022, section 152.35, is amended to read:

246.25 **152.35 FEES; DEPOSIT OF REVENUE.**

246.26 ~~(a) The commissioner shall collect an enrollment fee of \$200 from patients enrolled~~
246.27 ~~under this section. If the patient provides evidence of receiving Social Security disability~~
246.28 ~~insurance (SSDI), Supplemental Security Income (SSI), veterans disability, or railroad~~
246.29 ~~disability payments, or being enrolled in medical assistance or MinnesotaCare, then the fee~~
246.30 ~~shall be \$50. For purposes of this section:~~

247.1 ~~(1) a patient is considered to receive SSDI if the patient was receiving SSDI at the time~~
247.2 ~~the patient was transitioned to retirement benefits by the United States Social Security~~
247.3 ~~Administration; and~~

247.4 ~~(2) veterans disability payments include VA dependency and indemnity compensation.~~
247.5 ~~Unless a patient provides evidence of receiving payments from or participating in one of~~
247.6 ~~the programs specifically listed in this paragraph, the commissioner of health must collect~~
247.7 ~~the \$200 enrollment fee from a patient to enroll the patient in the registry program. The fees~~
247.8 ~~shall be payable annually and are due on the anniversary date of the patient's enrollment.~~
247.9 ~~The fee amount shall be deposited in the state treasury and credited to the state government~~
247.10 ~~special revenue fund.~~

247.11 ~~(b)~~ (a) The commissioner shall collect an application fee of \$20,000 from each entity
247.12 submitting an application for registration as a medical cannabis manufacturer. Revenue
247.13 from the fee shall be deposited in the state treasury and credited to the state government
247.14 special revenue fund.

247.15 ~~(e)~~ (b) The commissioner shall establish and collect an annual fee from a medical cannabis
247.16 manufacturer equal to the cost of regulating and inspecting the manufacturer in that year.
247.17 Revenue from the fee amount shall be deposited in the state treasury and credited to the
247.18 state government special revenue fund.

247.19 ~~(d)~~ (c) A medical cannabis manufacturer may charge patients enrolled in the registry
247.20 program a reasonable fee for costs associated with the operations of the manufacturer. The
247.21 manufacturer may establish a sliding scale of patient fees based upon a patient's household
247.22 income and may accept private donations to reduce patient fees.

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

247.24 Sec. 25. Minnesota Statutes 2022, section 175.45, subdivision 1, is amended to read:

247.25 Subdivision 1. **Duties; goal.** The commissioner of labor and industry shall convene
247.26 industry representatives, identify occupational competency standards, and provide technical
247.27 assistance to develop dual-training programs. The competency standards shall be identified
247.28 for employment in occupations in advanced manufacturing, health care services, information
247.29 technology, ~~and~~ agriculture, and the legal cannabis industry. Competency standards are not
247.30 rules and are exempt from the rulemaking provisions of chapter 14, and the provisions in
247.31 section 14.386 concerning exempt rules do not apply.

248.1 Sec. 26. Minnesota Statutes 2022, section 181.938, subdivision 2, is amended to read:

248.2 Subd. 2. **Prohibited practice.** (a) An employer may not refuse to hire a job applicant
248.3 or discipline or discharge an employee because the applicant or employee engages in or has
248.4 engaged in the use or enjoyment of lawful consumable products, if the use or enjoyment
248.5 takes place off the premises of the employer during nonworking hours. For purposes of this
248.6 section, "lawful consumable products" means products whose use or enjoyment is lawful
248.7 and which are consumed during use or enjoyment, and includes food, alcoholic or
248.8 nonalcoholic beverages, ~~and~~ tobacco, cannabis flower, as defined in section 342.01,
248.9 subdivision 16, cannabis products, as defined in section 342.01, subdivision 20,
248.10 lower-potency hemp edibles as defined in section 342.01, subdivision 50, and hemp-derived
248.11 consumer products as defined in section 342.01, subdivision 37.

248.12 (b) Cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived
248.13 consumer products are lawful consumable products for the purpose of Minnesota law,
248.14 regardless of whether federal or other state law considers cannabis use, possession,
248.15 impairment, sale, or transfer to be unlawful. Nothing in this section shall be construed to
248.16 limit an employer's ability to discipline or discharge an employee for cannabis flower,
248.17 cannabis product, lower-potency hemp edible, or hemp-derived consumer product use,
248.18 possession, impairment, sale, or transfer during working hours, on work premises, or while
248.19 operating an employer's vehicle, machinery, or equipment, or if a failure to do so would
248.20 violate federal or state law or regulations or cause an employer to lose a monetary or
248.21 licensing-related benefit under federal law or regulations.

248.22 Sec. 27. Minnesota Statutes 2022, section 181.950, subdivision 2, is amended to read:

248.23 Subd. 2. **Confirmatory test; confirmatory retest.** "Confirmatory test" and "confirmatory
248.24 retest" mean a drug or alcohol test or cannabis test that uses a method of analysis allowed
248.25 under one of the programs listed in section 181.953, subdivision 1.

248.26 Sec. 28. Minnesota Statutes 2022, section 181.950, subdivision 4, is amended to read:

248.27 Subd. 4. **Drug.** "Drug" means a controlled substance as defined in section 152.01,
248.28 subdivision 4, but does not include marijuana, tetrahydrocannabinols, cannabis flower as
248.29 defined in section 342.01, subdivision 16, cannabis products as defined in section 342.01,
248.30 subdivision 20, lower-potency hemp edibles as defined in section 342.01, subdivision 50,
248.31 and hemp-derived consumer products as defined in section 342.01, subdivision 37.

249.1 Sec. 29. Minnesota Statutes 2022, section 181.950, subdivision 5, is amended to read:

249.2 Subd. 5. **Drug and alcohol testing.** "Drug and alcohol testing," "drug or alcohol testing,"
249.3 and "drug or alcohol test" mean analysis of a body component sample according to the
249.4 standards established under one of the programs listed in section 181.953, subdivision 1,
249.5 for the purpose of measuring the presence or absence of drugs, alcohol, or their metabolites
249.6 in the sample tested. "Drug and alcohol testing," "drug or alcohol testing," and "drug or
249.7 alcohol test" do not include cannabis or cannabis testing, unless stated otherwise.

249.8 Sec. 30. Minnesota Statutes 2022, section 181.950, is amended by adding a subdivision
249.9 to read:

249.10 Subd. 5a. **Cannabis testing.** "Cannabis testing" means the analysis of a body component
249.11 sample according to the standards established under one of the programs listed in section
249.12 181.953, subdivision 1, for the purpose of measuring the presence or absence of cannabis
249.13 flower, as defined in section 342.01, subdivision 16, cannabis products, as defined in section
249.14 342.01, subdivision 20, lower-potency hemp edibles as defined in section 342.01, subdivision
249.15 50, hemp-derived consumer products as defined in section 342.01, subdivision 37, or cannabis
249.16 metabolites in the sample tested. The definitions in this section apply to cannabis testing
249.17 unless stated otherwise.

249.18 Sec. 31. Minnesota Statutes 2022, section 181.950, subdivision 8, is amended to read:

249.19 Subd. 8. **Initial screening test.** "Initial screening test" means a drug or alcohol test or
249.20 cannabis test which uses a method of analysis under one of the programs listed in section
249.21 181.953, subdivision 1.

249.22 Sec. 32. Minnesota Statutes 2022, section 181.950, subdivision 13, is amended to read:

249.23 Subd. 13. **Safety-sensitive position.** "Safety-sensitive position" means a job, including
249.24 any supervisory or management position, in which an impairment caused by drug ~~or~~, alcohol,
249.25 or cannabis usage would threaten the health or safety of any person.

249.26 Sec. 33. Minnesota Statutes 2022, section 181.951, subdivision 4, is amended to read:

249.27 Subd. 4. **Random testing.** An employer may request or require employees to undergo
249.28 cannabis testing or drug and alcohol testing on a random selection basis only if (1) they are
249.29 employed in safety-sensitive positions, or (2) they are employed as professional athletes if
249.30 the professional athlete is subject to a collective bargaining agreement permitting random
249.31 testing but only to the extent consistent with the collective bargaining agreement.

250.1 Sec. 34. Minnesota Statutes 2022, section 181.951, subdivision 5, is amended to read:

250.2 Subd. 5. **Reasonable suspicion testing.** An employer may request or require an employee
250.3 to undergo cannabis testing and drug and alcohol testing if the employer has a reasonable
250.4 suspicion that the employee:

250.5 (1) is under the influence of drugs or alcohol;

250.6 (2) has violated the employer's written work rules prohibiting the use, possession, sale,
250.7 or transfer of drugs or alcohol, cannabis flower, cannabis products, lower-potency hemp
250.8 edibles, or hemp-derived consumer products while the employee is working or while the
250.9 employee is on the employer's premises or operating the employer's vehicle, machinery, or
250.10 equipment, provided the work rules are in writing and contained in the employer's written
250.11 cannabis testing or drug and alcohol testing policy;

250.12 (3) has sustained a personal injury, as that term is defined in section 176.011, subdivision
250.13 16, or has caused another employee to sustain a personal injury; or

250.14 (4) has caused a work-related accident or was operating or helping to operate machinery,
250.15 equipment, or vehicles involved in a work-related accident.

250.16 Sec. 35. Minnesota Statutes 2022, section 181.951, subdivision 6, is amended to read:

250.17 Subd. 6. **Treatment program testing.** An employer may request or require an employee
250.18 to undergo cannabis testing and drug and alcohol testing if the employee has been referred
250.19 by the employer for substance use disorder treatment or evaluation or is participating in a
250.20 substance use disorder treatment program under an employee benefit plan, in which case
250.21 the employee may be requested or required to undergo cannabis testing and drug or alcohol
250.22 testing without prior notice during the evaluation or treatment period and for a period of up
250.23 to two years following completion of any prescribed substance use disorder treatment
250.24 program.

250.25 Sec. 36. Minnesota Statutes 2022, section 181.951, is amended by adding a subdivision
250.26 to read:

250.27 Subd. 8. **Limitations on cannabis testing.** (a) An employer must not request or require
250.28 a job applicant to undergo cannabis testing solely for the purpose of determining the presence
250.29 or absence of cannabis as a condition of employment unless otherwise required by state or
250.30 federal law.

250.31 (b) Unless otherwise required by state or federal law, an employer must not refuse to
250.32 hire a job applicant solely because the job applicant submits to a cannabis test or a drug and

251.1 alcohol test authorized by this section and the results of the test indicate the presence of
251.2 cannabis.

251.3 (c) An employer must not request or require an employee or job applicant to undergo
251.4 cannabis testing on an arbitrary or capricious basis.

251.5 (d) Cannabis testing authorized under paragraph (d) must comply with the safeguards
251.6 for testing employees provided in sections 181.953 and 181.954.

251.7 Sec. 37. Minnesota Statutes 2022, section 181.951, is amended by adding a subdivision
251.8 to read:

251.9 Subd. 9. Cannabis testing exceptions. For the following positions, cannabis and its
251.10 metabolites are considered a drug and subject to the drug and alcohol testing provisions in
251.11 sections 181.950 to 181.957:

251.12 (1) a safety-sensitive position, as defined in section 181.950, subdivision 13;

251.13 (2) a peace officer position, as defined in section 626.84, subdivision 1;

251.14 (3) a firefighter position, as defined in section 299N.01, subdivision 3;

251.15 (4) a position requiring face-to-face care, training, education, supervision, counseling,
251.16 consultation, or medical assistance to:

251.17 (i) children;

251.18 (ii) vulnerable adults, as defined in section 626.5572, subdivision 21; or

251.19 (iii) patients who receive health care services from a provider for the treatment,
251.20 examination, or emergency care of a medical, psychiatric, or mental condition;

251.21 (5) a position requiring a commercial driver's license or requiring an employee to operate
251.22 a motor vehicle for which state or federal law requires drug or alcohol testing of a job
251.23 applicant or an employee;

251.24 (6) a position of employment funded by a federal grant; or

251.25 (7) any other position for which state or federal law requires testing of a job applicant
251.26 or an employee for cannabis.

251.27 Sec. 38. Minnesota Statutes 2022, section 181.952, is amended by adding a subdivision
251.28 to read:

251.29 Subd. 3. Cannabis policy. (a) Unless otherwise provided by state or federal law, an
251.30 employer is not required to permit or accommodate cannabis flower, cannabis product,

252.1 lower-potency hemp edible, or hemp-derived consumer product use, possession, impairment,
252.2 sale, or transfer while an employee is working or while an employee is on the employer's
252.3 premises or operating the employer's vehicle, machinery, or equipment.

252.4 (b) An employer may only enact and enforce written work rules prohibiting cannabis
252.5 flower, cannabis product, lower-potency hemp edible, and hemp-derived consumer product
252.6 use, possession, impairment, sale, or transfer while an employee, is working or while an
252.7 employee is on the employer's premises or operating the employer's vehicle, machinery, or
252.8 equipment in a written policy that contains the minimum information required by this section.

252.9 Sec. 39. Minnesota Statutes 2022, section 181.953, is amended to read:

252.10 **181.953 RELIABILITY AND FAIRNESS SAFEGUARDS.**

252.11 Subdivision 1. **Use of licensed, accredited, or certified laboratory required.** (a) An
252.12 employer who requests or requires an employee or job applicant to undergo drug or alcohol
252.13 testing or cannabis testing shall use the services of a testing laboratory that meets one of
252.14 the following criteria for drug testing:

252.15 (1) is certified by the National Institute on Drug Abuse as meeting the mandatory
252.16 guidelines published at 53 Federal Register 11970 to 11989, April 11, 1988;

252.17 (2) is accredited by the College of American Pathologists, 325 Waukegan Road,
252.18 Northfield, Illinois, 60093-2750, under the forensic urine drug testing laboratory program;
252.19 or

252.20 (3) is licensed to test for drugs by the state of New York, Department of Health, under
252.21 Public Health Law, article 5, title V, and rules adopted under that law.

252.22 (b) For alcohol testing, the laboratory must either be:

252.23 (1) licensed to test for drugs and alcohol by the state of New York, Department of Health,
252.24 under Public Health Law, article 5, title V, and the rules adopted under that law; or

252.25 (2) accredited by the College of American Pathologists, 325 Waukegan Road, Northfield,
252.26 Illinois, 60093-2750, in the laboratory accreditation program.

252.27 Subd. 3. **Laboratory testing, reporting, and sample retention requirements.** A testing
252.28 laboratory that is not certified by the National Institute on Drug Abuse according to
252.29 subdivision 1 shall follow the chain-of-custody procedures prescribed for employers in
252.30 subdivision 5. A testing laboratory shall conduct a confirmatory test on all samples that
252.31 produced a positive test result on an initial screening test. A laboratory shall disclose to the
252.32 employer a written test result report for each sample tested within three working days after

253.1 a negative test result on an initial screening test or, when the initial screening test produced
253.2 a positive test result, within three working days after a confirmatory test. A test report must
253.3 indicate the drugs, alcohol, ~~or~~ drug or alcohol metabolites, or cannabis or cannabis
253.4 metabolites tested for and whether the test produced negative or positive test results. A
253.5 laboratory shall retain and properly store for at least six months all samples that produced
253.6 a positive test result.

253.7 Subd. 4. **Prohibitions on employers.** An employer may not conduct drug or alcohol
253.8 testing or cannabis testing of its own employees and job applicants using a testing laboratory
253.9 owned and operated by the employer; except that, one agency of the state may test the
253.10 employees of another agency of the state. Except as provided in subdivision 9, an employer
253.11 may not request or require an employee or job applicant to contribute to, or pay the cost of,
253.12 drug or alcohol testing or cannabis testing under sections 181.950 to 181.954.

253.13 Subd. 5. **Employer chain-of-custody procedures.** An employer shall establish its own
253.14 reliable chain-of-custody procedures to ensure proper record keeping, handling, labeling,
253.15 and identification of the samples to be tested. The procedures must require the following:

253.16 (1) possession of a sample must be traceable to the employee from whom the sample is
253.17 collected, from the time the sample is collected through the time the sample is delivered to
253.18 the laboratory;

253.19 (2) the sample must always be in the possession of, must always be in view of, or must
253.20 be placed in a secured area by a person authorized to handle the sample;

253.21 (3) a sample must be accompanied by a written chain-of-custody record; and

253.22 (4) individuals relinquishing or accepting possession of the sample must record the time
253.23 the possession of the sample was transferred and must sign and date the chain-of-custody
253.24 record at the time of transfer.

253.25 Subd. 6. **Rights of employees and job applicants.** (a) Before requesting an employee
253.26 or job applicant to undergo drug or alcohol testing or requesting cannabis testing, an employer
253.27 shall provide the employee or job applicant with a form, developed by the employer, on
253.28 which to acknowledge that the employee or job applicant has seen the employer's drug and
253.29 alcohol testing or cannabis testing policy.

253.30 (b) If an employee or job applicant tests positive for drug use, the employee must be
253.31 given written notice of the right to explain the positive test and the employer may request
253.32 that the employee or job applicant indicate any over-the-counter or prescription medication

254.1 that the individual is currently taking or has recently taken and any other information relevant
254.2 to the reliability of, or explanation for, a positive test result.

254.3 (c) Within three working days after notice of a positive test result on a confirmatory test,
254.4 the employee or job applicant may submit information to the employer, in addition to any
254.5 information already submitted under paragraph (b), to explain that result, or may request a
254.6 confirmatory retest of the original sample at the employee's or job applicant's own expense
254.7 as provided under subdivision 9.

254.8 Subd. 7. **Notice of test results.** Within three working days after receipt of a test result
254.9 report from the testing laboratory, an employer shall inform in writing an employee or job
254.10 applicant who has undergone drug or alcohol testing or cannabis testing of (1) a negative
254.11 test result on an initial screening test or of a negative or positive test result on a confirmatory
254.12 test and (2) the right provided in subdivision 8. In the case of a positive test result on a
254.13 confirmatory test, the employer shall also, at the time of this notice, inform the employee
254.14 or job applicant in writing of the rights provided in subdivisions 6, paragraph (b), 9, and
254.15 either subdivision 10 or 11, whichever applies.

254.16 Subd. 8. **Right to test result report.** An employee or job applicant has the right to
254.17 request and receive from the employer a copy of the test result report on any drug or alcohol
254.18 test or cannabis test.

254.19 Subd. 9. **Confirmatory retests.** An employee or job applicant may request a confirmatory
254.20 retest of the original sample at the employee's or job applicant's own expense after notice
254.21 of a positive test result on a confirmatory test. Within five working days after notice of the
254.22 confirmatory test result, the employee or job applicant shall notify the employer in writing
254.23 of the employee's or job applicant's intention to obtain a confirmatory retest. Within three
254.24 working days after receipt of the notice, the employer shall notify the original testing
254.25 laboratory that the employee or job applicant has requested the laboratory to conduct the
254.26 confirmatory retest or transfer the sample to another laboratory licensed under subdivision
254.27 1 to conduct the confirmatory retest. The original testing laboratory shall ensure that the
254.28 chain-of-custody procedures in subdivision 3 are followed during transfer of the sample to
254.29 the other laboratory. The confirmatory retest must use the same drug ~~or~~, alcohol, or cannabis
254.30 threshold detection levels as used in the original confirmatory test. If the confirmatory retest
254.31 does not confirm the original positive test result, no adverse personnel action based on the
254.32 original confirmatory test may be taken against the employee or job applicant.

254.33 Subd. 10. **Limitations on employee discharge, discipline, or discrimination.** (a) An
254.34 employer may not discharge, discipline, discriminate against, or request or require

255.1 rehabilitation of an employee on the basis of a positive test result from an initial screening
255.2 test that has not been verified by a confirmatory test.

255.3 (b) In addition to the limitation under paragraph (a), an employer may not discharge an
255.4 employee for whom a positive test result on a confirmatory test was the first such result for
255.5 the employee on a drug or alcohol test or cannabis test requested by the employer unless
255.6 the following conditions have been met:

255.7 (1) the employer has first given the employee an opportunity to participate in, at the
255.8 employee's own expense or pursuant to coverage under an employee benefit plan, either a
255.9 drug ~~or~~, alcohol, or cannabis counseling or rehabilitation program, whichever is more
255.10 appropriate, as determined by the employer after consultation with a certified chemical use
255.11 counselor or a physician trained in the diagnosis and treatment of substance use disorder;
255.12 and

255.13 (2) the employee has either refused to participate in the counseling or rehabilitation
255.14 program or has failed to successfully complete the program, as evidenced by withdrawal
255.15 from the program before its completion or by a positive test result on a confirmatory test
255.16 after completion of the program.

255.17 (c) Notwithstanding paragraph (a), an employer may temporarily suspend the tested
255.18 employee or transfer that employee to another position at the same rate of pay pending the
255.19 outcome of the confirmatory test and, if requested, the confirmatory retest, provided the
255.20 employer believes that it is reasonably necessary to protect the health or safety of the
255.21 employee, coemployees, or the public. An employee who has been suspended without pay
255.22 must be reinstated with back pay if the outcome of the confirmatory test or requested
255.23 confirmatory retest is negative.

255.24 (d) An employer may not discharge, discipline, discriminate against, or request or require
255.25 rehabilitation of an employee on the basis of medical history information revealed to the
255.26 employer pursuant to subdivision 6 unless the employee was under an affirmative duty to
255.27 provide the information before, upon, or after hire.

255.28 (e) An employee must be given access to information in the employee's personnel file
255.29 relating to positive test result reports and other information acquired in the drug and alcohol
255.30 testing process or cannabis testing process and conclusions drawn from and actions taken
255.31 based on the reports or other acquired information.

255.32 Subd. 10a. Additional limitations for cannabis. An employer may discipline, discharge,
255.33 or take other adverse personnel action against an employee for cannabis flower, cannabis
255.34 product, lower-potency hemp edible, or hemp-derived consumer product use, possession,

256.1 impairment, sale, or transfer while an employee is working, on the employer's premises, or
256.2 operating the employer's vehicle, machinery, or equipment as follows:

256.3 (1) if, as the result of consuming cannabis flower, a cannabis product, a lower-potency
256.4 hemp edible, or a hemp-derived consumer product, the employee does not possess that
256.5 clearness of intellect and control of self that the employee otherwise would have;

256.6 (2) if cannabis testing verifies the presence of cannabis flower, a cannabis product, a
256.7 lower-potency hemp edible, or a hemp-derived consumer product following a confirmatory
256.8 test;

256.9 (3) as provided in the employer's written work rules for cannabis flower, cannabis
256.10 products, lower-potency hemp edibles, or hemp-derived consumer products and cannabis
256.11 testing, provided that the rules are in writing and in a written policy that contains the
256.12 minimum information required by section 181.952; or

256.13 (4) as otherwise authorized or required under state or federal law or regulations, or if a
256.14 failure to do so would cause an employer to lose a monetary or licensing-related benefit
256.15 under federal law or regulations.

256.16 Subd. 11. **Limitation on withdrawal of job offer.** If a job applicant has received a job
256.17 offer made contingent on the applicant passing drug and alcohol testing, the employer may
256.18 not withdraw the offer based on a positive test result from an initial screening test that has
256.19 not been verified by a confirmatory test.

256.20 Sec. 40. Minnesota Statutes 2022, section 181.954, is amended to read:

256.21 **181.954 PRIVACY, CONFIDENTIALITY, AND PRIVILEGE SAFEGUARDS.**

256.22 Subdivision 1. **Privacy limitations.** A laboratory may only disclose to the employer test
256.23 result data regarding the presence or absence of drugs, alcohol, or their metabolites in a
256.24 sample tested.

256.25 Subd. 2. **Confidentiality limitations.** Test result reports and other information acquired
256.26 in the drug or alcohol testing or cannabis testing process are, with respect to private sector
256.27 employees and job applicants, private and confidential information, and, with respect to
256.28 public sector employees and job applicants, private data on individuals as that phrase is
256.29 defined in chapter 13, and may not be disclosed by an employer or laboratory to another
256.30 employer or to a third-party individual, governmental agency, or private organization without
256.31 the written consent of the employee or job applicant tested.

257.1 Subd. 3. **Exceptions to privacy and confidentiality disclosure**

257.2 **limitations.** Notwithstanding subdivisions 1 and 2, evidence of a positive test result on a
257.3 confirmatory test may be: (1) used in an arbitration proceeding pursuant to a collective
257.4 bargaining agreement, an administrative hearing under chapter 43A or other applicable state
257.5 or local law, or a judicial proceeding, provided that information is relevant to the hearing
257.6 or proceeding; (2) disclosed to any federal agency or other unit of the United States
257.7 government as required under federal law, regulation, or order, or in accordance with
257.8 compliance requirements of a federal government contract; and (3) disclosed to a substance
257.9 abuse treatment facility for the purpose of evaluation or treatment of the employee.

257.10 Subd. 4. **Privilege.** Positive test results from an employer drug or alcohol testing or
257.11 cannabis testing program may not be used as evidence in a criminal action against the
257.12 employee or job applicant tested.

257.13 Sec. 41. Minnesota Statutes 2022, section 181.955, is amended to read:

257.14 **181.955 CONSTRUCTION.**

257.15 Subdivision 1. **Freedom to collectively bargain.** Sections 181.950 to 181.954 shall not
257.16 be construed to limit the parties to a collective bargaining agreement from bargaining and
257.17 agreeing with respect to a drug and alcohol testing or a cannabis testing policy that meets
257.18 or exceeds, and does not otherwise conflict with, the minimum standards and requirements
257.19 for employee protection provided in those sections.

257.20 Subd. 2. **Employee protections under existing collective bargaining**
257.21 **agreements.** Sections 181.950 to 181.954 shall not be construed to interfere with or diminish
257.22 any employee protections relating to drug and alcohol testing or cannabis testing already
257.23 provided under collective bargaining agreements in effect on the effective date of those
257.24 sections that exceed the minimum standards and requirements for employee protection
257.25 provided in those sections.

257.26 Subd. 3. **Professional athletes.** Sections 181.950 to 181.954 shall not be construed to
257.27 interfere with the operation of a drug and alcohol testing or cannabis testing program if:

257.28 (1) the drug and alcohol testing program is permitted under a contract between the
257.29 employer and employees; and

257.30 (2) the covered employees are employed as professional athletes.

257.31 Upon request of the commissioner of labor and industry, the exclusive representative
257.32 of the employees and the employer shall certify to the commissioner of labor and industry
257.33 that the drug and alcohol testing or cannabis testing program permitted under the contract

258.1 should operate without interference from the sections specified in this subdivision. This
258.2 subdivision must not be construed to create an exemption from controlled substance crimes
258.3 in chapter 152.

258.4 Sec. 42. Minnesota Statutes 2022, section 181.957, subdivision 1, is amended to read:

258.5 Subdivision 1. **Excluded employees and job applicants.** Except as provided under
258.6 subdivision 2, the employee and job applicant protections provided under sections 181.950
258.7 to 181.956 do not apply to employees and job applicants where the specific work performed
258.8 requires those employees and job applicants to be subject to drug and alcohol testing or
258.9 cannabis testing pursuant to:

258.10 (1) federal regulations that specifically preempt state regulation of drug and alcohol
258.11 testing or cannabis testing with respect to those employees and job applicants;

258.12 (2) federal regulations or requirements necessary to operate federally regulated facilities;

258.13 (3) federal contracts where the drug and alcohol testing or cannabis testing is conducted
258.14 for security, safety, or protection of sensitive or proprietary data; or

258.15 (4) state agency rules that adopt federal regulations applicable to the interstate component
258.16 of a federally regulated industry, and the adoption of those rules is for the purpose of
258.17 conforming the nonfederally regulated intrastate component of the industry to identical
258.18 regulation.

258.19 Sec. 43. Minnesota Statutes 2022, section 245C.08, subdivision 1, is amended to read:

258.20 Subdivision 1. **Background studies conducted by Department of Human Services.** (a)
258.21 For a background study conducted by the Department of Human Services, the commissioner
258.22 shall review:

258.23 (1) information related to names of substantiated perpetrators of maltreatment of
258.24 vulnerable adults that has been received by the commissioner as required under section
258.25 626.557, subdivision 9c, paragraph (j);

258.26 (2) the commissioner's records relating to the maltreatment of minors in licensed
258.27 programs, and from findings of maltreatment of minors as indicated through the social
258.28 service information system;

258.29 (3) information from juvenile courts as required in subdivision 4 for individuals listed
258.30 in section 245C.03, subdivision 1, paragraph (a), when there is reasonable cause;

259.1 (4) information from the Bureau of Criminal Apprehension, including information
259.2 regarding a background study subject's registration in Minnesota as a predatory offender
259.3 under section 243.166;

259.4 (5) except as provided in clause (6), information received as a result of submission of
259.5 fingerprints for a national criminal history record check, as defined in section 245C.02,
259.6 subdivision 13c, when the commissioner has reasonable cause for a national criminal history
259.7 record check as defined under section 245C.02, subdivision 15a, or as required under section
259.8 144.057, subdivision 1, clause (2);

259.9 (6) for a background study related to a child foster family setting application for licensure,
259.10 foster residence settings, children's residential facilities, a transfer of permanent legal and
259.11 physical custody of a child under sections 260C.503 to 260C.515, or adoptions, and for a
259.12 background study required for family child care, certified license-exempt child care, child
259.13 care centers, and legal nonlicensed child care authorized under chapter 119B, the
259.14 commissioner shall also review:

259.15 (i) information from the child abuse and neglect registry for any state in which the
259.16 background study subject has resided for the past five years;

259.17 (ii) when the background study subject is 18 years of age or older, or a minor under
259.18 section 245C.05, subdivision 5a, paragraph (c), information received following submission
259.19 of fingerprints for a national criminal history record check; and

259.20 (iii) when the background study subject is 18 years of age or older or a minor under
259.21 section 245C.05, subdivision 5a, paragraph (d), for licensed family child care, certified
259.22 license-exempt child care, licensed child care centers, and legal nonlicensed child care
259.23 authorized under chapter 119B, information obtained using non-fingerprint-based data
259.24 including information from the criminal and sex offender registries for any state in which
259.25 the background study subject resided for the past five years and information from the national
259.26 crime information database and the national sex offender registry; and

259.27 (7) for a background study required for family child care, certified license-exempt child
259.28 care centers, licensed child care centers, and legal nonlicensed child care authorized under
259.29 chapter 119B, the background study shall also include, to the extent practicable, a name
259.30 and date-of-birth search of the National Sex Offender Public website.

259.31 (b) Except as otherwise provided in this paragraph, notwithstanding expungement by a
259.32 court, the commissioner may consider information obtained under paragraph (a), clauses
259.33 (3) and (4), unless the commissioner received notice of the petition for expungement and
259.34 the court order for expungement is directed specifically to the commissioner. The

260.1 commissioner may not consider information obtained under paragraph (a), clauses (3) and
260.2 (4), or from any other source that identifies a violation of chapter 152 without determining
260.3 if the offense involved the possession of marijuana or tetrahydrocannabinol and, if so,
260.4 whether the person received a grant of expungement or order of expungement, or the person
260.5 was resentenced to a lesser offense. If the person received a grant of expungement or order
260.6 of expungement, the commissioner may not consider information related to that violation
260.7 but may consider any other relevant information arising out of the same incident.

260.8 (c) The commissioner shall also review criminal case information received according
260.9 to section 245C.04, subdivision 4a, from the Minnesota court information system that relates
260.10 to individuals who have already been studied under this chapter and who remain affiliated
260.11 with the agency that initiated the background study.

260.12 (d) When the commissioner has reasonable cause to believe that the identity of a
260.13 background study subject is uncertain, the commissioner may require the subject to provide
260.14 a set of classifiable fingerprints for purposes of completing a fingerprint-based record check
260.15 with the Bureau of Criminal Apprehension. Fingerprints collected under this paragraph
260.16 shall not be saved by the commissioner after they have been used to verify the identity of
260.17 the background study subject against the particular criminal record in question.

260.18 (e) The commissioner may inform the entity that initiated a background study under
260.19 NETStudy 2.0 of the status of processing of the subject's fingerprints.

260.20 Sec. 44. Minnesota Statutes 2022, section 256.01, subdivision 18c, is amended to read:

260.21 Subd. 18c. **Drug convictions.** (a) The state court administrator shall provide a report
260.22 every six months by electronic means to the commissioner of human services, including
260.23 the name, address, date of birth, and, if available, driver's license or state identification card
260.24 number, date of the sentence, effective date of the sentence, and county in which the
260.25 conviction occurred, of each person convicted of a felony under chapter 152, except for
260.26 convictions under section 152.0263 or 152.0264, during the previous six months.

260.27 (b) The commissioner shall determine whether the individuals who are the subject of
260.28 the data reported under paragraph (a) are receiving public assistance under chapter 256D
260.29 or 256J, and if ~~the~~ an individual is receiving assistance under chapter 256D or 256J, the
260.30 commissioner shall instruct the county to proceed under section 256D.024 or 256J.26,
260.31 whichever is applicable, for this individual.

261.1 (c) The commissioner shall not retain any data received under paragraph (a) ~~or (d)~~ that
261.2 does not relate to an individual receiving publicly funded assistance under chapter 256D or
261.3 256J.

261.4 ~~(d) In addition to the routine data transfer under paragraph (a), the state court~~
261.5 ~~administrator shall provide a onetime report of the data fields under paragraph (a) for~~
261.6 ~~individuals with a felony drug conviction under chapter 152 dated from July 1, 1997, until~~
261.7 ~~the date of the data transfer. The commissioner shall perform the tasks identified under~~
261.8 ~~paragraph (b) related to this data and shall retain the data according to paragraph (c).~~

261.9 Sec. 45. Minnesota Statutes 2022, section 256B.0625, subdivision 13d, is amended to
261.10 read:

261.11 Subd. 13d. **Drug formulary.** (a) The commissioner shall establish a drug formulary. Its
261.12 establishment and publication shall not be subject to the requirements of the Administrative
261.13 Procedure Act, but the Formulary Committee shall review and comment on the formulary
261.14 contents.

261.15 (b) The formulary shall not include:

261.16 (1) drugs, active pharmaceutical ingredients, or products for which there is no federal
261.17 funding;

261.18 (2) over-the-counter drugs, except as provided in subdivision 13;

261.19 (3) drugs or active pharmaceutical ingredients when used for the treatment of impotence
261.20 or erectile dysfunction;

261.21 (4) drugs or active pharmaceutical ingredients for which medical value has not been
261.22 established;

261.23 (5) drugs from manufacturers who have not signed a rebate agreement with the
261.24 Department of Health and Human Services pursuant to section 1927 of title XIX of the
261.25 Social Security Act; and

261.26 (6) medical cannabis flower as defined in section ~~152.22, subdivision 6~~ 342.01,
261.27 subdivision 54, or medical cannabinoid products as defined in section 342.01, subdivision
261.28 52.

261.29 (c) If a single-source drug used by at least two percent of the fee-for-service medical
261.30 assistance recipients is removed from the formulary due to the failure of the manufacturer
261.31 to sign a rebate agreement with the Department of Health and Human Services, the
261.32 commissioner shall notify prescribing practitioners within 30 days of receiving notification

262.1 from the Centers for Medicare and Medicaid Services (CMS) that a rebate agreement was
262.2 not signed.

262.3 Sec. 46. Minnesota Statutes 2022, section 256D.024, subdivision 1, is amended to read:

262.4 Subdivision 1. **Person convicted of drug offenses.** (a) If an applicant or recipient has
262.5 been convicted of a drug offense after July 1, 1997, the assistance unit is ineligible for
262.6 benefits under this chapter until five years after the applicant has completed terms of the
262.7 court-ordered sentence, unless the person is participating in a drug treatment program, has
262.8 successfully completed a drug treatment program, or has been assessed by the county and
262.9 determined not to be in need of a drug treatment program. Persons subject to the limitations
262.10 of this subdivision who become eligible for assistance under this chapter shall be subject
262.11 to random drug testing as a condition of continued eligibility and shall lose eligibility for
262.12 benefits for five years beginning the month following:

262.13 (1) any positive test result for an illegal controlled substance; or

262.14 (2) discharge of sentence after conviction for another drug felony.

262.15 (b) For the purposes of this subdivision, "drug offense" means a conviction that occurred
262.16 after July 1, 1997, of sections 152.021 to 152.025, 152.0261, 152.0262, or 152.096. Drug
262.17 offense also means a conviction in another jurisdiction of the possession, use, or distribution
262.18 of a controlled substance, or conspiracy to commit any of these offenses, if the offense
262.19 occurred after July 1, 1997, and the conviction is ~~a felony offense in that jurisdiction, or in~~
262.20 ~~the case of New Jersey, a high misdemeanor~~ for a crime that would be a felony if committed
262.21 in Minnesota.

262.22 (c) This subdivision does not apply for convictions or positive test results related to
262.23 cannabis, marijuana, or tetrahydrocannabinols.

262.24 Sec. 47. Minnesota Statutes 2022, section 256D.024, subdivision 3, is amended to read:

262.25 Subd. 3. **Fleeing felons.** An individual who is fleeing to avoid prosecution, or custody,
262.26 or confinement after conviction for a crime that ~~is a felony under the laws of the jurisdiction~~
262.27 ~~from which the individual flees, or in the case of New Jersey, is a high misdemeanor,~~ would
262.28 be a felony if committed in Minnesota, is ineligible to receive benefits under this chapter.

263.1 Sec. 48. Minnesota Statutes 2022, section 256J.26, subdivision 1, is amended to read:

263.2 Subdivision 1. **Person convicted of drug offenses.** (a) An individual who has been
263.3 convicted of a felony level drug offense committed during the previous ten years from the
263.4 date of application or recertification is subject to the following:

263.5 (1) Benefits for the entire assistance unit must be paid in vendor form for shelter and
263.6 utilities during any time the applicant is part of the assistance unit.

263.7 (2) The convicted applicant or participant shall be subject to random drug testing as a
263.8 condition of continued eligibility and following any positive test for an illegal controlled
263.9 substance is subject to the following sanctions:

263.10 (i) for failing a drug test the first time, the residual amount of the participant's grant after
263.11 making vendor payments for shelter and utility costs, if any, must be reduced by an amount
263.12 equal to 30 percent of the MFIP standard of need for an assistance unit of the same size.

263.13 When a sanction under this subdivision is in effect, the job counselor must attempt to meet
263.14 with the person face-to-face. During the face-to-face meeting, the job counselor must explain
263.15 the consequences of a subsequent drug test failure and inform the participant of the right to
263.16 appeal the sanction under section 256J.40. If a face-to-face meeting is not possible, the
263.17 county agency must send the participant a notice of adverse action as provided in section
263.18 256J.31, subdivisions 4 and 5, and must include the information required in the face-to-face
263.19 meeting; or

263.20 (ii) for failing a drug test two times, the participant is permanently disqualified from
263.21 receiving MFIP assistance, both the cash and food portions. The assistance unit's MFIP
263.22 grant must be reduced by the amount which would have otherwise been made available to
263.23 the disqualified participant. Disqualification under this item does not make a participant
263.24 ineligible for the Supplemental Nutrition Assistance Program (SNAP). Before a
263.25 disqualification under this provision is imposed, the job counselor must attempt to meet
263.26 with the participant face-to-face. During the face-to-face meeting, the job counselor must
263.27 identify other resources that may be available to the participant to meet the needs of the
263.28 family and inform the participant of the right to appeal the disqualification under section
263.29 256J.40. If a face-to-face meeting is not possible, the county agency must send the participant
263.30 a notice of adverse action as provided in section 256J.31, subdivisions 4 and 5, and must
263.31 include the information required in the face-to-face meeting.

263.32 (3) A participant who fails a drug test the first time and is under a sanction due to other
263.33 MFIP program requirements is considered to have more than one occurrence of

264.1 noncompliance and is subject to the applicable level of sanction as specified under section
264.2 256J.46, subdivision 1, paragraph (d).

264.3 (b) Applicants requesting only SNAP benefits or participants receiving only SNAP
264.4 benefits, who have been convicted of a drug offense that occurred after July 1, 1997, may,
264.5 if otherwise eligible, receive SNAP benefits if the convicted applicant or participant is
264.6 subject to random drug testing as a condition of continued eligibility. Following a positive
264.7 test for an illegal controlled substance, the applicant is subject to the following sanctions:

264.8 (1) for failing a drug test the first time, SNAP benefits shall be reduced by an amount
264.9 equal to 30 percent of the applicable SNAP benefit allotment. When a sanction under this
264.10 clause is in effect, a job counselor must attempt to meet with the person face-to-face. During
264.11 the face-to-face meeting, a job counselor must explain the consequences of a subsequent
264.12 drug test failure and inform the participant of the right to appeal the sanction under section
264.13 256J.40. If a face-to-face meeting is not possible, a county agency must send the participant
264.14 a notice of adverse action as provided in section 256J.31, subdivisions 4 and 5, and must
264.15 include the information required in the face-to-face meeting; and

264.16 (2) for failing a drug test two times, the participant is permanently disqualified from
264.17 receiving SNAP benefits. Before a disqualification under this provision is imposed, a job
264.18 counselor must attempt to meet with the participant face-to-face. During the face-to-face
264.19 meeting, the job counselor must identify other resources that may be available to the
264.20 participant to meet the needs of the family and inform the participant of the right to appeal
264.21 the disqualification under section 256J.40. If a face-to-face meeting is not possible, a county
264.22 agency must send the participant a notice of adverse action as provided in section 256J.31,
264.23 subdivisions 4 and 5, and must include the information required in the face-to-face meeting.

264.24 (c) For the purposes of this subdivision, "drug offense" means an offense that occurred
264.25 during the previous ten years from the date of application or recertification of sections
264.26 152.021 to 152.025, 152.0261, 152.0262, 152.096, or 152.137. Drug offense also means a
264.27 conviction in another jurisdiction of the possession, use, or distribution of a controlled
264.28 substance, or conspiracy to commit any of these offenses, if the offense occurred during
264.29 the previous ten years from the date of application or recertification and the conviction is
264.30 a felony offense in that jurisdiction, or in the case of New Jersey, a high misdemeanor for
264.31 a crime that would be a felony if committed in Minnesota.

264.32 (d) This subdivision does not apply for convictions or positive test results related to
264.33 cannabis, marijuana, or tetrahydrocannabinols.

265.1 Sec. 49. Minnesota Statutes 2022, section 256J.26, subdivision 3, is amended to read:

265.2 Subd. 3. **Fleeing felons.** An individual who is fleeing to avoid prosecution, or custody,
265.3 or confinement after conviction for a crime that is a felony under the laws of the jurisdiction
265.4 from which the individual flees, or in the case of New Jersey, is a high misdemeanor, would
265.5 be a felony if committed in Minnesota, is disqualified from receiving MFIP.

265.6 Sec. 50. Minnesota Statutes 2022, section 340A.402, subdivision 1, is amended to read:

265.7 Subdivision 1. **Disqualifiers.** No retail license may be issued to:

265.8 (1) a person under 21 years of age;

265.9 (2) a person who has had an intoxicating liquor or 3.2 percent malt liquor license revoked
265.10 within five years of the license application, or to any person who at the time of the violation
265.11 owns any interest, whether as a holder of more than five percent of the capital stock of a
265.12 corporation licensee, as a partner or otherwise, in the premises or in the business conducted
265.13 thereon, or to a corporation, partnership, association, enterprise, business, or firm in which
265.14 any such person is in any manner interested;

265.15 (3) a person not of good moral character and repute; or

265.16 (4) a person who:

265.17 (i) has had a license or registration issued pursuant to chapter 342 or section 151.72,
265.18 subdivision 5b, revoked;

265.19 (ii) has been convicted of an offense under section 151.72, subdivision 7; or

265.20 (iii) has been convicted under any other statute for the illegal sale of marijuana, cannabis
265.21 flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products,
265.22 or edible cannabinoid products and the sale took place on the premises of a business that
265.23 sells intoxicating liquor or 3.2 percent malt liquor to customers; or

265.24 ~~(4)~~ (5) a person who has a direct or indirect interest in a manufacturer, brewer, or
265.25 wholesaler.

265.26 In addition, no new retail license may be issued to, and the governing body of a
265.27 municipality may refuse to renew the license of, a person who, within five years of the
265.28 license application, has been convicted of a felony or a willful violation of a federal or state
265.29 law or local ordinance governing the manufacture, sale, distribution, or possession for sale
265.30 or distribution of an alcoholic beverage. The Alcohol and Gambling Enforcement Division
265.31 or licensing authority may require that fingerprints be taken and forwarded to the Federal
265.32 Bureau of Investigation for purposes of a criminal history check.

266.1 Sec. 51. [340A.4022] RETAIL LICENSE NOT PROHIBITED; LOWER-POTENCY
266.2 HEMP EDIBLES.

266.3 (a) Nothing in this chapter:

266.4 (1) prohibits the issuance of a retail license or permit to a person also holding a hemp
266.5 business license authorizing the manufacture or retail sale of lower-potency hemp edibles;

266.6 (2) allows any agreement between a licensing authority and retail license or permit holder
266.7 that prohibits the license or permit holder from also holding a lower-potency hemp edible
266.8 manufacturer or retailer license; or

266.9 (3) allows the revocation or suspension of a retail license or permit, or the imposition
266.10 of a penalty on a retail license or permit holder, due to the retail license or permit holder
266.11 also holding a lower-potency hemp edible manufacturer or retailer license.

266.12 (b) For purposes of this section, "hemp business license authorizing manufacture or
266.13 retail sale of lower-potency hemp edibles" means a license issued by the Office of Cannabis
266.14 Management pursuant to sections 342.43 to 342.46.

266.15 Sec. 52. Minnesota Statutes 2022, section 340A.412, subdivision 14, is amended to read:

266.16 Subd. 14. **Exclusive liquor stores.** (a) Except as otherwise provided in this subdivision,
266.17 an exclusive liquor store may sell only the following items:

266.18 (1) alcoholic beverages;

266.19 (2) tobacco products;

266.20 (3) ice;

266.21 (4) beverages, either liquid or powder, specifically designated for mixing with intoxicating
266.22 liquor;

266.23 (5) soft drinks;

266.24 (6) liqueur-filled candies;

266.25 (7) food products that contain more than one-half of one percent alcohol by volume;

266.26 (8) cork extraction devices;

266.27 (9) books and videos on the use of alcoholic beverages;

266.28 (10) magazines and other publications published primarily for information and education
266.29 on alcoholic beverages;

266.30 (11) multiple-use bags designed to carry purchased items;

267.1 (12) devices designed to ensure safe storage and monitoring of alcohol in the home, to
267.2 prevent access by underage drinkers;

267.3 (13) home brewing equipment;

267.4 (14) clothing marked with the specific name, brand, or identifying logo of the exclusive
267.5 liquor store, and bearing no other name, brand, or identifying logo;

267.6 (15) citrus fruit; ~~and~~

267.7 (16) glassware;

267.8 (17) lower-potency hemp edibles as defined in section 342.01, subdivision 50; and

267.9 (18) products that detect the presence of fentanyl or a fentanyl analog.

267.10 (b) An exclusive liquor store that has an on-sale, or combination on-sale and off-sale
267.11 license may sell food for on-premise consumption when authorized by the municipality
267.12 issuing the license.

267.13 (c) An exclusive liquor store may offer live or recorded entertainment.

267.14 **EFFECTIVE DATE.** This section is effective March 1, 2025.

267.15 Sec. 53. Minnesota Statutes 2022, section 461.12, is amended by adding a subdivision to
267.16 read:

267.17 **Subd. 2a. Penalties for sales of certain products; licensees.** (a) A licensee's authority
267.18 to sell tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia
267.19 delivery products at that location must be suspended for not less than seven days and may
267.20 be revoked if the licensee:

267.21 (1) holds a license or registration issued pursuant to chapter 342 or section 151.72,
267.22 subdivision 5b, and the license or registration is revoked;

267.23 (2) is convicted of an offense under section 151.72, subdivision 7; or

267.24 (3) has been convicted under any other statute for the illegal sale of marijuana, cannabis
267.25 flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products,
267.26 or edible cannabinoid products and the sale took place on the premises of a business that
267.27 sells tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia
267.28 delivery products.

267.29 (b) No suspension, revocation, or other penalty may take effect until the licensee has
267.30 received notice, served personally or by mail, of the alleged violation and an opportunity

268.1 for a hearing before a person authorized by the licensing authority to conduct the hearing.

268.2 A decision that a violation has occurred must be in writing.

268.3 Sec. 54. Minnesota Statutes 2022, section 484.014, subdivision 3, is amended to read:

268.4 Subd. 3. **Mandatory expungement.** (a) The court shall order expungement of an eviction
268.5 case commenced solely on the grounds provided in section 504B.285, subdivision 1, clause
268.6 (1), if the court finds that the defendant occupied real property that was subject to contract
268.7 for deed cancellation or mortgage foreclosure and:

268.8 (1) the time for contract cancellation or foreclosure redemption has expired and the
268.9 defendant vacated the property prior to commencement of the eviction action; or

268.10 (2) the defendant was a tenant during the contract cancellation or foreclosure redemption
268.11 period and did not receive a notice under section 504B.285, subdivision 1a, 1b, or 1c, to
268.12 vacate on a date prior to commencement of the eviction case.

268.13 (b) If a tenant brings a motion for the expungement of an eviction, the court shall order
268.14 the expungement of an eviction case that was commenced on the grounds of a violation of
268.15 section 504B.171 or any other claim of breach regardless of when the original eviction was
268.16 ordered, if the tenant could receive an automatic expungement under section 609A.055, or
268.17 if the breach was based solely on the possession of marijuana or tetrahydrocannabinols.

268.18 Sec. 55. Minnesota Statutes 2022, section 504B.171, subdivision 1, is amended to read:

268.19 Subdivision 1. **Terms of covenant.** (a) In every lease or license of residential premises,
268.20 whether in writing or parol, the landlord or licensor and the tenant or licensee covenant that:

268.21 (1) neither will:

268.22 (i) ~~unlawfully~~ allow controlled substances in those premises or in the common area and
268.23 curtilage of the premises in violation of any criminal provision of chapter 152;

268.24 (ii) allow prostitution or prostitution-related activity as defined in section 617.80,
268.25 subdivision 4, to occur on the premises or in the common area and curtilage of the premises;

268.26 (iii) allow the unlawful use or possession of a firearm in violation of section 609.66,
268.27 subdivision 1a, 609.67, or 624.713, on the premises or in the common area and curtilage of
268.28 the premises; or

268.29 (iv) allow stolen property or property obtained by robbery in those premises or in the
268.30 common area and curtilage of the premises; and

269.1 (2) the common area and curtilage of the premises will not be used by either the landlord
269.2 or licensor or the tenant or licensee or others acting under the control of either to manufacture,
269.3 sell, give away, barter, deliver, exchange, distribute, purchase, or possess a controlled
269.4 substance in violation of any criminal provision of chapter 152. The covenant is not violated
269.5 when a person other than the landlord or licensor or the tenant or licensee possesses or
269.6 allows controlled substances in the premises, common area, or curtilage, unless the landlord
269.7 or licensor or the tenant or licensee knew or had reason to know of that activity.

269.8 (b) In every lease or license of residential premises, whether in writing or parol, the
269.9 tenant or licensee covenant that the tenant or licensee will not commit an act enumerated
269.10 under section 504B.206, subdivision 1, paragraph (a), against a tenant or licensee or any
269.11 authorized occupant.

269.12 (c) A landlord cannot prohibit a tenant from legally possessing, and a tenant cannot
269.13 waive the right to legally possess, any cannabis products, lower-potency hemp edibles, or
269.14 hemp-derived consumer products, or using any cannabinoid product or hemp-derived
269.15 consumer product, other than consumption by combustion or vaporization of the product
269.16 and inhalation of smoke, aerosol, or vapor from the product.

269.17 Sec. 56. [504B.1715] COVENANTS; SOBER HOMES.

269.18 A sober housing program for people with substance use disorders may prohibit people
269.19 in the program from the possession and use of cannabis flower, cannabis products,
269.20 lower-potency hemp edibles, or hemp-derived consumer products.

269.21 Sec. 57. Minnesota Statutes 2022, section 609B.425, subdivision 2, is amended to read:

269.22 Subd. 2. **Benefit eligibility.** (a) A person convicted of a drug offense after July 1, 1997,
269.23 is ineligible for general assistance benefits and Supplemental Security Income under chapter
269.24 256D until:

269.25 (1) five years after completing the terms of a court-ordered sentence; or

269.26 (2) unless the person is participating in a drug treatment program, has successfully
269.27 completed a program, or has been determined not to be in need of a drug treatment program.

269.28 (b) A person who becomes eligible for assistance under chapter 256D is subject to
269.29 random drug testing and shall lose eligibility for benefits for five years beginning the month
269.30 following:

269.31 (1) any positive test for an illegal controlled substance; or

270.1 (2) discharge of sentence for conviction of another drug felony.

270.2 (c) Parole violators and fleeing felons are ineligible for benefits and persons fraudulently
270.3 misrepresenting eligibility are also ineligible to receive benefits for ten years.

270.4 (d) This subdivision does not apply for convictions or positive test results related to
270.5 cannabis, marijuana, or tetrahydrocannabinols.

270.6 Sec. 58. Minnesota Statutes 2022, section 609B.435, subdivision 2, is amended to read:

270.7 Subd. 2. **Drug offenders; random testing; sanctions.** A person who is an applicant for
270.8 benefits from the Minnesota family investment program or MFIP, the vehicle for temporary
270.9 assistance for needy families or TANF, and who has been convicted of a drug offense shall
270.10 be subject to certain conditions, including random drug testing, in order to receive MFIP
270.11 benefits. Following any positive test for a controlled substance, the convicted applicant or
270.12 participant is subject to the following sanctions:

270.13 (1) a first time drug test failure results in a reduction of benefits in an amount equal to
270.14 30 percent of the MFIP standard of need; and

270.15 (2) a second time drug test failure results in permanent disqualification from receiving
270.16 MFIP assistance.

270.17 A similar disqualification sequence occurs if the applicant is receiving Supplemental Nutrition
270.18 Assistance Program (SNAP) benefits.

270.19 This subdivision does not apply for convictions or positive test results related to cannabis,
270.20 marijuana, or tetrahydrocannabinols.

270.21 Sec. 59. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision
270.22 to read:

270.23 Subd. 13. **Adult-use cannabis flower.** "Adult-use cannabis flower" has the meaning
270.24 given in section 342.01, subdivision 3.

270.25 Sec. 60. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision
270.26 to read:

270.27 Subd. 14. **Adult-use cannabis product.** "Adult-use cannabis product" has the meaning
270.28 given in section 342.01, subdivision 4.

271.1 Sec. 61. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision
271.2 to read:

271.3 Subd. 15. **Medical cannabis flower.** "Medical cannabis flower" has the meaning given
271.4 in section 342.01, subdivision 54.

271.5 Sec. 62. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision
271.6 to read:

271.7 Subd. 16. **Medical cannabinoid product.** "Medical cannabinoid product" has the
271.8 meaning given in section 342.01, subdivision 52.

271.9 Sec. 63. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision
271.10 to read:

271.11 Subd. 17. **Patient.** "Patient" has the meaning given in section 342.01, subdivision 59.

271.12 Sec. 64. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision
271.13 to read:

271.14 Subd. 18. **Qualifying medical condition.** "Qualifying medical condition" has the meaning
271.15 given in section 342.01, subdivision 63.

271.16 Sec. 65. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision
271.17 to read:

271.18 Subd. 19. **Registry or registry program.** "Registry" or "registry program" has the
271.19 meaning given in section 342.01, subdivision 65.

271.20 Sec. 66. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision
271.21 to read:

271.22 Subd. 20. **Hemp-derived consumer product.** "Hemp-derived consumer product" has
271.23 the meaning given in section 342.01, subdivision 37.

271.24 Sec. 67. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision
271.25 to read:

271.26 Subd. 21. **Lower-potency hemp edible.** "Lower-potency hemp edible" has the meaning
271.27 given in section 342.01, subdivision 50.

272.1 Sec. 68. Minnesota Statutes 2022, section 624.713, subdivision 1, is amended to read:

272.2 Subdivision 1. **Ineligible persons.** The following persons shall not be entitled to possess
272.3 ammunition or a pistol or semiautomatic military-style assault weapon or, except for clause
272.4 (1), any other firearm:

272.5 (1) a person under the age of 18 years except that a person under 18 may possess
272.6 ammunition designed for use in a firearm that the person may lawfully possess and may
272.7 carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual
272.8 presence or under the direct supervision of the person's parent or guardian, (ii) for the
272.9 purpose of military drill under the auspices of a legally recognized military organization
272.10 and under competent supervision, (iii) for the purpose of instruction, competition, or target
272.11 practice on a firing range approved by the chief of police or county sheriff in whose
272.12 jurisdiction the range is located and under direct supervision; or (iv) if the person has
272.13 successfully completed a course designed to teach marksmanship and safety with a pistol
272.14 or semiautomatic military-style assault weapon and approved by the commissioner of natural
272.15 resources;

272.16 (2) except as otherwise provided in clause (9), a person who has been convicted of, or
272.17 adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in
272.18 this state or elsewhere, a crime of violence. For purposes of this section, crime of violence
272.19 includes crimes in other states or jurisdictions which would have been crimes of violence
272.20 as herein defined if they had been committed in this state;

272.21 (3) a person who is or has ever been committed in Minnesota or elsewhere by a judicial
272.22 determination that the person is mentally ill, developmentally disabled, or mentally ill and
272.23 dangerous to the public, as defined in section 253B.02, to a treatment facility, or who has
272.24 ever been found incompetent to stand trial or not guilty by reason of mental illness, unless
272.25 the person's ability to possess a firearm and ammunition has been restored under subdivision
272.26 4;

272.27 (4) a person who has been convicted in Minnesota or elsewhere of a misdemeanor or
272.28 gross misdemeanor violation of chapter 152, unless three years have elapsed since the date
272.29 of conviction and, during that time, the person has not been convicted of any other such
272.30 violation of chapter 152 or a similar law of another state; or a person who is or has ever
272.31 been committed by a judicial determination for treatment for the habitual use of a controlled
272.32 substance or marijuana, as defined in sections 152.01 and 152.02, unless the person's ability
272.33 to possess a firearm and ammunition has been restored under subdivision 4;

273.1 (5) a person who has been committed to a treatment facility in Minnesota or elsewhere
273.2 by a judicial determination that the person is chemically dependent as defined in section
273.3 253B.02, unless the person has completed treatment or the person's ability to possess a
273.4 firearm and ammunition has been restored under subdivision 4. Property rights may not be
273.5 abated but access may be restricted by the courts;

273.6 (6) a peace officer who is informally admitted to a treatment facility pursuant to section
273.7 253B.04 for chemical dependency, unless the officer possesses a certificate from the head
273.8 of the treatment facility discharging or provisionally discharging the officer from the
273.9 treatment facility. Property rights may not be abated but access may be restricted by the
273.10 courts;

273.11 (7) a person, including a person under the jurisdiction of the juvenile court, who has
273.12 been charged with committing a crime of violence and has been placed in a pretrial diversion
273.13 program by the court before disposition, until the person has completed the diversion program
273.14 and the charge of committing the crime of violence has been dismissed;

273.15 (8) except as otherwise provided in clause (9), a person who has been convicted in
273.16 another state of committing an offense similar to the offense described in section 609.224,
273.17 subdivision 3, against a family or household member or section 609.2242, subdivision 3,
273.18 unless three years have elapsed since the date of conviction and, during that time, the person
273.19 has not been convicted of any other violation of section 609.224, subdivision 3, or 609.2242,
273.20 subdivision 3, or a similar law of another state;

273.21 (9) a person who has been convicted in this state or elsewhere of assaulting a family or
273.22 household member and who was found by the court to have used a firearm in any way
273.23 during commission of the assault is prohibited from possessing any type of firearm or
273.24 ammunition for the period determined by the sentencing court;

273.25 (10) a person who:

273.26 (i) has been convicted in any court of a crime punishable by imprisonment for a term
273.27 exceeding one year;

273.28 (ii) is a fugitive from justice as a result of having fled from any state to avoid prosecution
273.29 for a crime or to avoid giving testimony in any criminal proceeding;

273.30 (iii) is an unlawful user of any controlled substance as defined in chapter 152. The use
273.31 of medical cannabis flower or medical cannabinoid products by a patient enrolled in the
273.32 registry program or the use of adult-use cannabis flower, adult-use cannabis products,

274.1 lower-potency hemp edibles, or hemp-derived consumer products by a person 21 years of
274.2 age or older does not constitute the unlawful use of a controlled substance under this item;

274.3 (iv) has been judicially committed to a treatment facility in Minnesota or elsewhere as
274.4 a person who is mentally ill, developmentally disabled, or mentally ill and dangerous to the
274.5 public, as defined in section 253B.02;

274.6 (v) is an alien who is illegally or unlawfully in the United States;

274.7 (vi) has been discharged from the armed forces of the United States under dishonorable
274.8 conditions;

274.9 (vii) has renounced the person's citizenship having been a citizen of the United States;

274.10 or

274.11 (viii) is disqualified from possessing a firearm under United States Code, title 18, section
274.12 922(g)(8) or (9), as amended through March 1, 2014;

274.13 (11) a person who has been convicted of the following offenses at the gross misdemeanor
274.14 level, unless three years have elapsed since the date of conviction and, during that time, the
274.15 person has not been convicted of any other violation of these sections: section 609.229
274.16 (crimes committed for the benefit of a gang); 609.2231, subdivision 4 (assaults motivated
274.17 by bias); 609.255 (false imprisonment); 609.378 (neglect or endangerment of a child);
274.18 609.582, subdivision 4 (burglary in the fourth degree); 609.665 (setting a spring gun); 609.71
274.19 (riot); or 609.749 (harassment or stalking). For purposes of this paragraph, the specified
274.20 gross misdemeanor convictions include crimes committed in other states or jurisdictions
274.21 which would have been gross misdemeanors if conviction occurred in this state;

274.22 (12) a person who has been convicted of a violation of section 609.224 if the court
274.23 determined that the assault was against a family or household member in accordance with
274.24 section 609.2242, subdivision 3 (domestic assault), unless three years have elapsed since
274.25 the date of conviction and, during that time, the person has not been convicted of another
274.26 violation of section 609.224 or a violation of a section listed in clause (11); or

274.27 (13) a person who is subject to an order for protection as described in section 260C.201,
274.28 subdivision 3, paragraph (d), or 518B.01, subdivision 6, paragraph (g).

274.29 A person who issues a certificate pursuant to this section in good faith is not liable for
274.30 damages resulting or arising from the actions or misconduct with a firearm or ammunition
274.31 committed by the individual who is the subject of the certificate.

274.32 The prohibition in this subdivision relating to the possession of firearms other than
274.33 pistols and semiautomatic military-style assault weapons does not apply retroactively to

275.1 persons who are prohibited from possessing a pistol or semiautomatic military-style assault
275.2 weapon under this subdivision before August 1, 1994.

275.3 The lifetime prohibition on possessing, receiving, shipping, or transporting firearms and
275.4 ammunition for persons convicted or adjudicated delinquent of a crime of violence in clause
275.5 (2), applies only to offenders who are discharged from sentence or court supervision for a
275.6 crime of violence on or after August 1, 1993.

275.7 Participation as a patient in the registry program or use of adult-use cannabis flower,
275.8 adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer
275.9 products by a person 21 years of age or older does not disqualify the person from possessing
275.10 firearms and ammunition under this section.

275.11 For purposes of this section, "judicial determination" means a court proceeding pursuant
275.12 to sections 253B.07 to 253B.09 or a comparable law from another state.

275.13 Sec. 69. Minnesota Statutes 2022, section 624.714, subdivision 6, is amended to read:

275.14 Subd. 6. **Granting and denial of permits.** (a) The sheriff must, within 30 days after the
275.15 date of receipt of the application packet described in subdivision 3:

275.16 (1) issue the permit to carry;

275.17 (2) deny the application for a permit to carry solely on the grounds that the applicant
275.18 failed to qualify under the criteria described in subdivision 2, paragraph (b); or

275.19 (3) deny the application on the grounds that there exists a substantial likelihood that the
275.20 applicant is a danger to self or the public if authorized to carry a pistol under a permit.

275.21 (b) Failure of the sheriff to notify the applicant of the denial of the application within
275.22 30 days after the date of receipt of the application packet constitutes issuance of the permit
275.23 to carry and the sheriff must promptly fulfill the requirements under paragraph (c). To deny
275.24 the application, the sheriff must provide the applicant with written notification and the
275.25 specific factual basis justifying the denial under paragraph (a), clause (2) or (3), including
275.26 the source of the factual basis. The sheriff must inform the applicant of the applicant's right
275.27 to submit, within 20 business days, any additional documentation relating to the propriety
275.28 of the denial. Upon receiving any additional documentation, the sheriff must reconsider the
275.29 denial and inform the applicant within 15 business days of the result of the reconsideration.
275.30 Any denial after reconsideration must be in the same form and substance as the original
275.31 denial and must specifically address any continued deficiencies in light of the additional
275.32 documentation submitted by the applicant. The applicant must be informed of the right to
275.33 seek de novo review of the denial as provided in subdivision 12.

276.1 (c) Upon issuing a permit to carry, the sheriff must provide a laminated permit card to
276.2 the applicant by first class mail unless personal delivery has been made. Within five business
276.3 days, the sheriff must submit the information specified in subdivision 7, paragraph (a), to
276.4 the commissioner for inclusion solely in the database required under subdivision 15,
276.5 paragraph (a). The sheriff must transmit the information in a manner and format prescribed
276.6 by the commissioner.

276.7 (d) Within five business days of learning that a permit to carry has been suspended or
276.8 revoked, the sheriff must submit information to the commissioner regarding the suspension
276.9 or revocation for inclusion solely in the databases required or permitted under subdivision
276.10 15.

276.11 (e) Notwithstanding paragraphs (a) and (b), the sheriff may suspend the application
276.12 process if a charge is pending against the applicant that, if resulting in conviction, will
276.13 prohibit the applicant from possessing a firearm.

276.14 (f) A sheriff shall not deny an application for a permit to carry solely because the applicant
276.15 is a patient enrolled in the registry program and uses medical cannabis flower or medical
276.16 cannabinoid products for a qualifying medical condition or because the person is 21 years
276.17 of age or older and uses adult-use cannabis flower, adult-use cannabis products,
276.18 lower-potency hemp edibles, or hemp-derived consumer products.

276.19 Sec. 70. Minnesota Statutes 2022, section 624.7151, is amended to read:

276.20 **624.7151 STANDARDIZED FORMS.**

276.21 By December 1, 1992, the commissioner shall adopt statewide standards governing the
276.22 form and contents, as required by sections 624.7131 to 624.714, of every application for a
276.23 pistol transferee permit, pistol transferee permit, report of transfer of a pistol, application
276.24 for a permit to carry a pistol, and permit to carry a pistol that is granted or renewed on or
276.25 after January 1, 1993.

276.26 Every application for a pistol transferee permit, pistol transferee permit, report of transfer
276.27 of a pistol, application for a permit to carry a pistol, and permit to carry a pistol that is
276.28 received, granted, or renewed by a police chief or county sheriff on or after January 1, 1993,
276.29 must meet the statewide standards adopted by the commissioner. Notwithstanding the
276.30 previous sentence, neither failure of the Department of Public Safety to adopt standards nor
276.31 failure of the police chief or county sheriff to meet them shall delay the timely processing
276.32 of applications nor invalidate permits issued on other forms meeting the requirements of
276.33 sections 624.7131 to 624.714.

277.1 Any form used for the purpose of approving or disapproving a person from purchasing,
277.2 owning, possessing, or carrying a firearm that inquires about the applicant's use of controlled
277.3 substances shall specifically authorize a patient in the registry program to refrain from
277.4 reporting the use of medical cannabis flower and medical cannabinoid products and shall
277.5 specifically authorize a person 21 years of age or older from refraining from reporting the
277.6 use of adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles,
277.7 or hemp-derived consumer products.

277.8 Sec. 71. **[624.7152] LAWFUL CANNABIS USERS.**

277.9 (a) A person may not be denied the right to purchase, own, possess, or carry a firearm
277.10 solely on the basis that the person is a patient in the registry program.

277.11 (b) A person may not be denied the right to purchase, own, possess, or carry a firearm
277.12 solely on the basis that the person is 21 years of age or older and uses adult-use cannabis
277.13 flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer
277.14 products.

277.15 (c) A state or local agency may not access a database containing the identities of patients
277.16 in the registry program to obtain information for the purpose of approving or disapproving
277.17 a person from purchasing, owning, possessing, or carrying a firearm.

277.18 (d) A state or local agency may not use information gathered from a database containing
277.19 the identities of patients in the registry program to obtain information for the purpose of
277.20 approving or disapproving a person from purchasing, owning, possessing, or carrying a
277.21 firearm.

277.22 (e) A state or local agency may not inquire about a person's status as a patient in the
277.23 registry program for the purpose of approving or disapproving the person from purchasing,
277.24 owning, possessing, or carrying a firearm.

277.25 (f) A state or local agency may not inquire about the use of adult-use cannabis flower,
277.26 adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer
277.27 products by a person 21 years of age or older for the purpose of approving or disapproving
277.28 the person from purchasing, owning, possessing, or carrying a firearm.

277.29 Sec. 72. **HIGH INTENSITY DRUG TRAFFICKING AREA REPORT.**

277.30 The commissioner of public safety shall contract with Hennepin County to produce a
277.31 statewide baseline high intensity drug trafficking area report on marijuana. The report must
277.32 include information on past and present marijuana use in Minnesota; potency of marijuana;

278.1 impacts of marijuana use on public health, emergency room admissions, traffic accidents,
278.2 impaired driving citations, workforce, and schools; marijuana crimes and the juvenile justice
278.3 system; marijuana's influence on the opioid epidemic; and the illicit market for marijuana.
278.4 The report must be submitted to the chairs and ranking minority members of the house of
278.5 representatives and senate committees with jurisdiction over public safety, health, education
278.6 policy, labor, and transportation by February 1, 2024.

278.7 Sec. 73. **REPEALER.**

278.8 (a) Minnesota Statutes 2022, sections 152.22, subdivisions 1, 2, 3, 4, 5, 5a, 5b, 6, 7, 8,
278.9 9, 10, 11, 12, 13, and 14; 152.23; 152.24; 152.25, subdivisions 1, 1a, 1b, 1c, 2, 3, and 4;
278.10 152.26; 152.261; 152.27, subdivisions 1, 2, 3, 4, 5, 6, and 7; 152.28, subdivisions 1, 2, and
278.11 3; 152.29, subdivisions 1, 2, 3, 3a, and 4; 152.291; 152.30; 152.31; 152.32, subdivisions 1,
278.12 2, and 3; 152.33, subdivisions 1, 1a, 2, 3, 4, 5, and 6; 152.34; 152.35; 152.36, subdivisions
278.13 1, 1a, 2, 3, 4, and 5; and 152.37, are repealed.

278.14 (b) Minnesota Statutes 2022, section 152.027, subdivisions 3 and 4, are repealed.

278.15 (c) Minnesota Statutes 2022, section 152.21, is repealed.

278.16 **EFFECTIVE DATE.** Paragraph (a) is effective March 1, 2025. Paragraph (b) is effective
278.17 August 1, 2023. Paragraph (c) is effective July 1, 2023.

278.18

ARTICLE 7

278.19

TEMPORARY REGULATION OF CERTAIN PRODUCTS

278.20 Section 1. Minnesota Statutes 2022, section 34A.01, subdivision 4, is amended to read:

278.21 Subd. 4. **Food.** "Food" means every ingredient used for, entering into the consumption
278.22 of, or used or intended for use in the preparation of food, drink, confectionery, or condiment
278.23 for humans or other animals, whether simple, mixed, or compound; and articles used as
278.24 components of these ingredients, except that edible cannabinoid products, as defined in
278.25 section 151.72, subdivision 1, paragraph ~~(e)~~ (f), are not food.

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

278.27 Sec. 2. Minnesota Statutes 2022, section 151.72, is amended to read:

278.28 **151.72 SALE OF CERTAIN CANNABINOID PRODUCTS.**

278.29 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have
278.30 the meanings given.

279.1 (a) "Artificially derived cannabinoid" means a cannabinoid extracted from a hemp plant
279.2 or hemp plant parts with a chemical makeup that is changed after extraction to create a
279.3 different cannabinoid or other chemical compound by applying a catalyst other than heat
279.4 or light. Artificially derived cannabinoid includes but is not limited to any
279.5 tetrahydrocannabinol created from cannabidiol.

279.6 (b) "Batch" means a specific quantity of a specific product containing cannabinoids
279.7 derived from hemp, including an edible cannabinoid product, that is manufactured at the
279.8 same time and using the same methods, equipment, and ingredients that is uniform and
279.9 intended to meet specifications for identity, strength, purity, and composition, and that is
279.10 manufactured, packaged, and labeled according to a single batch production record executed
279.11 and documented.

279.12 ~~(b)~~ (c) "Certified hemp" means hemp plants that have been tested and found to meet the
279.13 requirements of chapter 18K and the rules adopted thereunder.

279.14 (d) "Commissioner" means the commissioner of health.

279.15 (e) "Distributor" means a person who sells, arranges a sale, or delivers a product
279.16 containing cannabinoids derived from hemp, including an edible cannabinoid product, that
279.17 the person did not manufacture to a retail establishment for sale to consumers. Distributor
279.18 does not include a common carrier used only to complete delivery to a retailer.

279.19 ~~(e)~~ (f) "Edible cannabinoid product" means any product that is intended to be eaten or
279.20 consumed as a beverage by humans, contains a cannabinoid in combination with food
279.21 ingredients, and is not a drug.

279.22 ~~(d)~~ (g) "Hemp" has the meaning given to "industrial hemp" in section 18K.02, subdivision
279.23 3.

279.24 ~~(e)~~ (h) "Label" has the meaning given in section 151.01, subdivision 18.

279.25 ~~(f)~~ (i) "Labeling" means all labels and other written, printed, or graphic matter that are:

279.26 (1) affixed to the immediate container in which a product regulated under this section
279.27 is sold;

279.28 (2) provided, in any manner, with the immediate container, including but not limited to
279.29 outer containers, wrappers, package inserts, brochures, or pamphlets; or

279.30 (3) provided on that portion of a manufacturer's website that is linked by a scannable
279.31 barcode or matrix barcode.

280.1 ~~(g)~~ (j) "Matrix barcode" means a code that stores data in a two-dimensional array of
280.2 geometrically shaped dark and light cells capable of being read by the camera on a
280.3 smartphone or other mobile device.

280.4 ~~(h)~~ (k) "Nonintoxicating cannabinoid" means substances extracted from certified hemp
280.5 plants that do not produce intoxicating effects when consumed by any route of administration.

280.6 (l) "Synthetic cannabinoid" means a substance with a similar chemical structure and
280.7 pharmacological activity to a cannabinoid, but which is not extracted or derived from hemp
280.8 plants, or hemp plant parts and is instead created or produced by chemical or biochemical
280.9 synthesis.

280.10 Subd. 2. **Scope.** (a) This section applies to the sale of any product that contains
280.11 cannabinoids extracted from hemp and that is an edible cannabinoid product or is intended
280.12 for human or animal consumption by any route of administration.

280.13 (b) This section does not apply to any product dispensed by a registered medical cannabis
280.14 manufacturer pursuant to sections 152.22 to 152.37.

280.15 (c) The ~~board~~ commissioner must have no authority over food products, as defined in
280.16 section 34A.01, subdivision 4, that do not contain cannabinoids extracted or derived from
280.17 hemp.

280.18 Subd. 3. **Sale of cannabinoids derived from hemp.** (a) Notwithstanding any other
280.19 section of this chapter, a product containing nonintoxicating cannabinoids, including an
280.20 edible cannabinoid product, may be sold for human or animal consumption only if all of
280.21 the requirements of this section are met, provided that a product sold for human or animal
280.22 consumption does not contain more than 0.3 percent of any tetrahydrocannabinol and an
280.23 edible cannabinoid product does not contain an amount of any tetrahydrocannabinol that
280.24 exceeds the limits established in subdivision 5a, paragraph (f).

280.25 (b) A product containing nonintoxicating cannabinoids, other than an edible cannabinoid
280.26 product, may be sold for human or animal consumption only if it is intended for application
280.27 externally to a part of the body of a human or animal. Such a product must not be
280.28 manufactured, marketed, distributed, or intended to be consumed:

280.29 (1) by combustion or vaporization of the product and inhalation of smoke, aerosol, or
280.30 vapor from the product;

280.31 (2) through chewing, drinking, or swallowing; or

280.32 (3) through injection or application to a mucous membrane or nonintact skin.

281.1 ~~(b)~~ (c) No other substance extracted or otherwise derived from hemp may be sold for
281.2 human consumption if the substance is intended:

281.3 (1) for external or internal use in the diagnosis, cure, mitigation, treatment, or prevention
281.4 of disease in humans or other animals; or

281.5 (2) to affect the structure or any function of the bodies of humans or other animals.

281.6 ~~(e)~~ (d) No product containing any cannabinoid or tetrahydrocannabinol extracted or
281.7 otherwise derived from hemp may be sold to any individual who is under the age of 21.

281.8 ~~(d)~~ (e) Products that meet the requirements of this section are not controlled substances
281.9 under section 152.02.

281.10 (f) Products may be sold for on-site consumption provided that all of the following
281.11 conditions are met:

281.12 (1) the retailer must also hold an on-sale license issued under chapter 340A;

281.13 (2) products must be served in original packaging, but may be removed from the products'
281.14 packaging by customers and consumed on site;

281.15 (3) products must not be sold to a customer who the retailer knows or reasonably should
281.16 know is intoxicated;

281.17 (4) products must not be permitted to be mixed with an alcoholic beverage; and

281.18 (5) products that have been removed from packaging must not be removed from the
281.19 premises.

281.20 **Subd. 4. Testing requirements.** (a) A manufacturer of a product regulated under this
281.21 section must submit representative samples of each batch of the product to an independent,
281.22 accredited laboratory in order to certify that the product complies with the standards adopted
281.23 by the board on or before July 1, 2023, or the standards adopted by the commissioner.

281.24 Testing must be consistent with generally accepted industry standards for herbal and botanical
281.25 substances, and, at a minimum, the testing must confirm that the product:

281.26 (1) contains the amount or percentage of cannabinoids that is stated on the label of the
281.27 product;

281.28 (2) does not contain more than trace amounts of any mold, residual solvents or other
281.29 catalysts, pesticides, fertilizers, or heavy metals; and

281.30 (3) does not contain more than 0.3 percent of any tetrahydrocannabinol.

282.1 (b) A manufacturer of a product regulated under this section must disclose all known
282.2 information regarding pesticides, fertilizers, solvents, or other foreign materials applied to
282.3 industrial hemp or added to industrial hemp during any production or processing stages of
282.4 any batch from which a representative sample has been sent for testing, including any
282.5 catalysts used to create artificially derived cannabinoids. The disclosure must be made to
282.6 the laboratory performing testing or sampling and, upon request, to the commissioner. The
282.7 disclosure must include all information known to the licensee regardless of whether the
282.8 application or addition was made intentionally or accidentally, or by the manufacturer or
282.9 any other person.

282.10 ~~(b)~~ (c) Upon the request of the ~~board~~ commissioner, the manufacturer of the product
282.11 must provide the ~~board~~ commissioner with the results of the testing required in this section.

282.12 (d) The commissioner may determine that any testing laboratory that does not operate
282.13 formal management systems under the International Organization for Standardization is not
282.14 an accredited laboratory and require that a representative sample of a batch of the product
282.15 be retested by a testing laboratory that meets this requirement.

282.16 ~~(e)~~ (e) Testing of the hemp from which the nonintoxicating cannabinoid was derived,
282.17 or possession of a certificate of analysis for such hemp, does not meet the testing requirements
282.18 of this section.

282.19 **Subd. 5. Labeling requirements.** (a) A product regulated under this section must bear
282.20 a label that contains, at a minimum:

282.21 (1) the name, location, contact phone number, and website of the manufacturer of the
282.22 product;

282.23 (2) the name and address of the independent, accredited laboratory used by the
282.24 manufacturer to test the product; ~~and~~

282.25 (3) the batch number; and

282.26 ~~(3)~~ (4) an accurate statement of the amount or percentage of cannabinoids found in each
282.27 unit of the product meant to be consumed.

282.28 (b) The information in paragraph (a) may be provided on an outer package if the
282.29 immediate container that holds the product is too small to contain all of the information.

282.30 (c) The information required in paragraph (a) may be provided through the use of a
282.31 scannable barcode or matrix barcode that links to a page on the manufacturer's website if
282.32 that page contains all of the information required by this subdivision.

283.1 (d) The label must also include a statement stating that the product does not claim to
283.2 diagnose, treat, cure, or prevent any disease and has not been evaluated or approved by the
283.3 United States Food and Drug Administration (FDA) unless the product has been so approved.

283.4 (e) The information required by this subdivision must be prominently and conspicuously
283.5 placed on the label or displayed on the website in terms that can be easily read and understood
283.6 by the consumer.

283.7 (f) The labeling must not contain any claim that the product may be used or is effective
283.8 for the prevention, treatment, or cure of a disease or that it may be used to alter the structure
283.9 or function of human or animal bodies, unless the claim has been approved by the FDA.

283.10 Subd. 5a. **Additional requirements for edible cannabinoid products.** (a) In addition
283.11 to the testing and labeling requirements under subdivisions 4 and 5, an edible cannabinoid
283.12 must meet the requirements of this subdivision.

283.13 (b) An edible cannabinoid product must not:

283.14 (1) bear the likeness or contain cartoon-like characteristics of a real or fictional person,
283.15 animal, or fruit that appeals to children;

283.16 (2) be modeled after a brand of products primarily consumed by or marketed to children;

283.17 (3) be made by applying an extracted or concentrated hemp-derived cannabinoid to a
283.18 commercially available candy or snack food item;

283.19 (4) be substantively similar to a meat food product; poultry food product as defined in
283.20 section 31A.02, subdivision 10; or a dairy product as defined in section 32D.01, subdivision
283.21 7;

283.22 ~~(4)~~(5) contain an ingredient, other than a hemp-derived cannabinoid, that is not approved
283.23 by the United States Food and Drug Administration for use in food;

283.24 ~~(5)~~(6) be packaged in a way that resembles the trademarked, characteristic, or
283.25 product-specialized packaging of any commercially available food product; or

283.26 ~~(6)~~(7) be packaged in a container that includes a statement, artwork, or design that could
283.27 reasonably mislead any person to believe that the package contains anything other than an
283.28 edible cannabinoid product.

283.29 (c) An edible cannabinoid product must be prepackaged in packaging or a container that
283.30 is child-resistant, tamper-evident, and opaque or placed in packaging or a container that is
283.31 child-resistant, tamper-evident, and opaque at the final point of sale to a customer. The
283.32 requirement that packaging be child-resistant does not apply to an edible cannabinoid product

284.1 that is intended to be consumed as a beverage ~~and which contains no more than a trace~~
284.2 ~~amount of any tetrahydrocannabinol.~~

284.3 (d) If an edible cannabinoid product, other than a product that is intended to be consumed
284.4 as a beverage, is intended for more than a single use or contains multiple servings, each
284.5 serving must be indicated by scoring, wrapping, or other indicators designating the individual
284.6 serving size that appear on the edible cannabinoid product.

284.7 (e) A label containing at least the following information must be affixed to the packaging
284.8 or container of all edible cannabinoid products sold to consumers:

284.9 (1) the serving size;

284.10 (2) the cannabinoid profile per serving and in total;

284.11 (3) a list of ingredients, including identification of any major food allergens declared
284.12 by name; and

284.13 (4) the following statement: "Keep this product out of reach of children."

284.14 (f) An edible cannabinoid product must not contain more than five milligrams of any
284.15 tetrahydrocannabinol in a single serving, ~~or~~. An edible cannabinoid product, other than a
284.16 product that is intended to be consumed as a beverage, may not contain more than a total
284.17 of 50 milligrams of any tetrahydrocannabinol per package. An edible cannabinoid product
284.18 that is intended to be consumed as a beverage may not contain more than two servings per
284.19 container.

284.20 (g) An edible cannabinoid product may contain delta-8 tetrahydrocannabinol or delta-9
284.21 tetrahydrocannabinol that is extracted from hemp plants or hemp plant parts or is an
284.22 artificially derived cannabinoid. Edible cannabinoid products are prohibited from containing
284.23 any other artificially derived cannabinoid, including but not limited to THC-P, THC-O, and
284.24 HHC, unless the commissioner authorizes use of the artificially derived cannabinoid in
284.25 edible cannabinoid products. Edible cannabinoid products are prohibited from containing
284.26 synthetic cannabinoids.

284.27 (h) Every person selling edible cannabinoid products to consumers, other than products
284.28 that are intended to be consumed as a beverage, must ensure that all edible cannabinoid
284.29 products are displayed behind a checkout counter where the public is not permitted or in a
284.30 locked case.

284.31 Subd. 5b. Registration; prohibitions. (a) On or before October 1, 2023, every person
284.32 selling edible cannabinoid products to consumers must register with the commissioner in

285.1 a form and manner established by the commissioner. After October 1, 2023, the sale of
285.2 edible cannabinoid products by a person that is not registered is prohibited.

285.3 (b) The registration form must contain an attestation of compliance and each registrant
285.4 must affirm that it is operating and will continue to operate in compliance with the
285.5 requirements of this section and all other applicable state and local laws and ordinances.

285.6 (c) The commissioner shall not charge a fee for registration under this subdivision.

285.7 Subd. 5c. **Age verification.** (a) Prior to initiating a sale or otherwise providing an edible
285.8 cannabinoid product to an individual, an employee of a retailer must verify that the individual
285.9 is at least 21 years of age.

285.10 (b) Proof of age may be established only by one of the following:

285.11 (1) a valid driver's license or identification card issued by Minnesota, another state, or
285.12 a province of Canada and including the photograph and date of birth of the licensed person;

285.13 (2) a valid Tribal identification card as defined in section 171.072, paragraph (b);

285.14 (3) a valid passport issued by the United States;

285.15 (4) a valid instructional permit issued under section 171.05 to a person of legal age to
285.16 purchase edible cannabinoid products, which includes a photograph and the date of birth
285.17 of the person issued the permit; or

285.18 (5) in the case of a foreign national, by a valid passport.

285.19 (c) A registered retailer may seize a form of identification listed under paragraph (b) if
285.20 the registered retailer has reasonable grounds to believe that the form of identification has
285.21 been altered or falsified or is being used to violate any law. A registered retailer that seizes
285.22 a form of identification as authorized under this paragraph must deliver it to a law
285.23 enforcement agency within 24 hours of seizing it.

285.24 Subd. 6. **Noncompliant products; enforcement.** (a) A product regulated under this
285.25 section, including an edible cannabinoid product, shall be considered ~~an adulterated drug~~
285.26 a noncompliant product if the product is offered for sale in this state or if the product is
285.27 manufactured, imported, distributed, or stored with the intent to be offered for sale in this
285.28 state in violation of any provision of this section, including but not limited to if:

285.29 (1) it consists, in whole or in part, of any filthy, putrid, or decomposed substance;

285.30 (2) it has been produced, prepared, packed, or held under unsanitary conditions where
285.31 it may have been rendered injurious to health, or where it may have been contaminated with
285.32 filth;

286.1 (3) its container is composed, in whole or in part, of any poisonous or deleterious
286.2 substance that may render the contents injurious to health;

286.3 (4) it contains any food additives, color additives, or excipients that have been found by
286.4 the FDA to be unsafe for human or animal consumption;

286.5 (5) it contains an amount or percentage of nonintoxicating cannabinoids that is different
286.6 than the amount or percentage stated on the label;

286.7 (6) it contains more than 0.3 percent of any tetrahydrocannabinol or, if the product is
286.8 an edible cannabinoid product, an amount of tetrahydrocannabinol that exceeds the limits
286.9 established in subdivision 5a, paragraph (f); or

286.10 (7) it contains more than trace amounts of mold, residual solvents, pesticides, fertilizers,
286.11 or heavy metals.

286.12 (b) A product regulated under this section shall be considered a ~~misbranded drug~~
286.13 noncompliant product if the product's labeling is false or misleading in any manner or in
286.14 violation of the requirements of this section.

286.15 (c) ~~The board's authority to issue cease and desist orders under section 151.06; to embargo~~
286.16 ~~adulterated and misbranded drugs under section 151.38; and to seek injunctive relief under~~
286.17 ~~section 214.11, extends to any~~ commissioner may assume that any product regulated under
286.18 this section that is present in the state, other than a product lawfully possessed for personal
286.19 use, has been manufactured, imported, distributed, or stored with the intent to be offered
286.20 for sale in this state if a product of the same type and brand was sold in the state on or after
286.21 July 1, 2023, or if the product is in the possession of a person who has sold any product in
286.22 violation of this section.

286.23 (d) The commissioner may enforce this section, including enforcement against a
286.24 manufacturer or distributor of a product regulated under this section, under sections 144.989
286.25 to 144.993.

286.26 (e) The commissioner may enter into an interagency agreement with the Office of
286.27 Cannabis Management and the commissioner of agriculture to perform inspections and take
286.28 other enforcement actions on behalf of the commissioner.

286.29 **Subd. 7. Violations; criminal penalties.** (a) Notwithstanding section 144.99, subdivision
286.30 11, a person who does any of the following regarding a product regulated under this section
286.31 is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than
286.32 one year or to payment of a fine of not more than \$3,000, or both:

286.33 (1) knowingly alters or otherwise falsifies testing results;

287.1 (2) intentionally alters or falsifies any information required to be included on the label
287.2 of an edible cannabinoid product; or

287.3 (3) intentionally makes a false material statement to the commissioner.

287.4 (b) Notwithstanding section 144.99, subdivision 11, a person who does any of the
287.5 following on the premises of a registered retailer or another business that sells retail goods
287.6 to customers is guilty of a gross misdemeanor and may be sentenced to imprisonment for
287.7 not more than one year or to payment of a fine of not more than \$3,000, or both:

287.8 (1) sells an edible cannabinoid product knowing that the product does not comply with
287.9 the limits on the amount or types of cannabinoids that a product may contain;

287.10 (2) sells an edible cannabinoid product knowing that the product does not comply with
287.11 the applicable testing, packaging, or labeling requirements; or

287.12 (3) sells an edible cannabinoid product to a person under the age of 21, except that it is
287.13 an affirmative defense to a charge under this clause if the defendant proves by a
287.14 preponderance of the evidence that the defendant reasonably and in good faith relied on
287.15 proof of age as described in subdivision 5c.

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

287.17 Sec. 3. Minnesota Statutes 2022, section 340A.412, subdivision 14, is amended to read:

287.18 Subd. 14. **Exclusive liquor stores.** (a) Except as otherwise provided in this subdivision,
287.19 an exclusive liquor store may sell only the following items:

287.20 (1) alcoholic beverages;

287.21 (2) tobacco products;

287.22 (3) ice;

287.23 (4) beverages, either liquid or powder, specifically designated for mixing with intoxicating
287.24 liquor;

287.25 (5) soft drinks;

287.26 (6) liqueur-filled candies;

287.27 (7) food products that contain more than one-half of one percent alcohol by volume;

287.28 (8) cork extraction devices;

287.29 (9) books and videos on the use of alcoholic beverages;

288.1 (10) magazines and other publications published primarily for information and education
288.2 on alcoholic beverages;

288.3 (11) multiple-use bags designed to carry purchased items;

288.4 (12) devices designed to ensure safe storage and monitoring of alcohol in the home, to
288.5 prevent access by underage drinkers;

288.6 (13) home brewing equipment;

288.7 (14) clothing marked with the specific name, brand, or identifying logo of the exclusive
288.8 liquor store, and bearing no other name, brand, or identifying logo;

288.9 (15) citrus fruit; ~~and~~

288.10 (16) glassware;

288.11 (17) edible cannabinoid products as defined in section 151.72, subdivision 1, paragraph

288.12 (f); and

288.13 (18) products that detect the presence of fentanyl or a fentanyl analog.

288.14 (b) An exclusive liquor store that has an on-sale, or combination on-sale and off-sale
288.15 license may sell food for on-premise consumption when authorized by the municipality
288.16 issuing the license.

288.17 (c) An exclusive liquor store may offer live or recorded entertainment.

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

288.19 Sec. 4. **EDIBLE CANNABINOID PRODUCTS; ENFORCEMENT.**

288.20 (a) The Department of Health shall enforce the provisions of Minnesota Statutes, section
288.21 151.72, and all rules, orders, stipulation agreements, settlements, compliance agreements,
288.22 and registrations related to that section adopted or issued by the Office of Medical Cannabis
288.23 or the Department of Health pursuant to the Health Enforcement Consolidation Act of 1993
288.24 contained in Minnesota Statutes, sections 144.989 to 144.993, and the authority to embargo
288.25 products described in paragraph (b). The commissioner of health may assign enforcement
288.26 responsibilities to the Office of Medical Cannabis.

288.27 (b) Whenever a duly authorized agent of the Department of Health finds or has probable
288.28 cause to believe that any product is being sold in violation of the provisions of Minnesota
288.29 Statutes, section 151.72, the agent shall affix thereto an appropriate marking, giving notice
288.30 that the article is, or is suspected of being in violation of Minnesota Statutes, section 151.72,
288.31 has been embargoed, and warning that it is unlawful for any person to remove or dispose

289.1 of the embargoed article by sale or otherwise without permission from the agent or the court.
289.2 When an agent of the Department of Health has embargoed an article, the Department of
289.3 Health shall, within 30 days, petition the district court in whose jurisdiction the article is
289.4 embargoed for an order of condemnation. When an embargoed article is not so found by
289.5 the agent, the agent shall remove the marking. If the court finds that an embargoed article
289.6 is being sold in violation of the provisions of Minnesota Statutes, section 151.72, the article
289.7 shall be destroyed at the expense of the claimant thereof, who shall also pay all court costs
289.8 and fees, storage, and other proper expenses. If the violation can be corrected by proper
289.9 labeling or processing of the article, or by filing the proper documents with the court, the
289.10 court, after the costs, fees, and expenses have been paid and a sufficient bond has been
289.11 executed, may order that the article be delivered to the claimant for labeling, processing,
289.12 or filing under supervision of an agent of the board. The expense of the supervision shall
289.13 be paid by the claimant. The bond shall be returned to the claimant on the representation to
289.14 the court by the board that the article is no longer in violation of this chapter and that the
289.15 expenses of supervision have been paid.

289.16 (c) The enforcement authority under paragraphs (a) and (b) shall transfer to the Office
289.17 of Cannabis Management at any such time that the powers and duties of the Department of
289.18 Health with respect to the medical cannabis program under Minnesota Statutes, sections
289.19 152.22 to 152.37, are transferred to the Office of Cannabis Management. The director of
289.20 the Office of Cannabis Management may assign enforcement responsibilities to the Division
289.21 of Medical Cannabis.

289.22 (d) This section shall expire on March 1, 2025.

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

289.24 **Sec. 5. TRANSFER OF ACTIVE AND INACTIVE COMPLAINTS.**

289.25 (a) The Board of Pharmacy shall transfer all data, including not public data as defined
289.26 in Minnesota Statutes, section 13.02, subdivision 8a, on active complaints and inactive
289.27 complaints involving alleged violations of Minnesota Statutes, section 151.72, to the
289.28 Department of Health. The Board of Pharmacy and Department of Health shall ensure that
289.29 the transfer takes place in a manner and on a schedule that prioritizes public health.

289.30 (b) The Department of Health shall transfer all complaint data described in paragraph
289.31 (a) to the Office of Cannabis Management at any such time that the powers and duties of
289.32 the Department of Health with respect to the medical cannabis program under Minnesota
289.33 Statutes, sections 152.22 to 152.37, are transferred to the Office of Cannabis Management.

290.1 The director of the Office of Cannabis Management may assign enforcement responsibilities
290.2 to the Division of Medical Cannabis.

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

290.4 Sec. 6. **REPEALER.**

290.5 Minnesota Statutes 2022, section 151.72, is repealed.

290.6 **EFFECTIVE DATE.** This section is effective March 1, 2025.

290.7 **ARTICLE 8**

290.8 **SCHEDULING OF MARIJUANA**

290.9 Section 1. Minnesota Statutes 2022, section 152.02, subdivision 2, is amended to read:

290.10 Subd. 2. **Schedule I.** (a) Schedule I consists of the substances listed in this subdivision.

290.11 (b) Opiates. Unless specifically excepted or unless listed in another schedule, any of the
290.12 following substances, including their analogs, isomers, esters, ethers, salts, and salts of
290.13 isomers, esters, and ethers, whenever the existence of the analogs, isomers, esters, ethers,
290.14 and salts is possible:

290.15 (1) acetylmethadol;

290.16 (2) allylprodine;

290.17 (3) alphacetylmethadol (except levo-alphacetylmethadol, also known as levomethadyl
290.18 acetate);

290.19 (4) alphameprodine;

290.20 (5) alphamethadol;

290.21 (6) alpha-methylfentanyl benzethidine;

290.22 (7) betacetylmethadol;

290.23 (8) betameprodine;

290.24 (9) betamethadol;

290.25 (10) betaprodine;

290.26 (11) clonitazene;

290.27 (12) dextromoramide;

290.28 (13) diampromide;

- 291.1 (14) diethylambutene;
- 291.2 (15) difenoxin;
- 291.3 (16) dimenoxadol;
- 291.4 (17) dimepheptanol;
- 291.5 (18) dimethylambutene;
- 291.6 (19) dioxaphetyl butyrate;
- 291.7 (20) dipipanone;
- 291.8 (21) ethylmethylthiambutene;
- 291.9 (22) etonitazene;
- 291.10 (23) etoxeridine;
- 291.11 (24) furethidine;
- 291.12 (25) hydroxypethidine;
- 291.13 (26) ketobemidone;
- 291.14 (27) levomoramide;
- 291.15 (28) levophenacylmorphane;
- 291.16 (29) 3-methylfentanyl;
- 291.17 (30) acetyl-alpha-methylfentanyl;
- 291.18 (31) alpha-methylthiofentanyl;
- 291.19 (32) benzylfentanyl beta-hydroxyfentanyl;
- 291.20 (33) beta-hydroxy-3-methylfentanyl;
- 291.21 (34) 3-methylthiofentanyl;
- 291.22 (35) thenylfentanyl;
- 291.23 (36) thiofentanyl;
- 291.24 (37) para-fluorofentanyl;
- 291.25 (38) morpheridine;
- 291.26 (39) 1-methyl-4-phenyl-4-propionoxypiperidine;
- 291.27 (40) noracymethadol;

- 292.1 (41) norlevorphanol;
- 292.2 (42) normethadone;
- 292.3 (43) norpipanone;
- 292.4 (44) 1-(2-phenylethyl)-4-phenyl-4-acetoxypiperidine (PEPAP);
- 292.5 (45) phenadoxone;
- 292.6 (46) phenampromide;
- 292.7 (47) phenomorphan;
- 292.8 (48) phenoperidine;
- 292.9 (49) piritramide;
- 292.10 (50) proheptazine;
- 292.11 (51) properidine;
- 292.12 (52) propiram;
- 292.13 (53) racemoramide;
- 292.14 (54) tilidine;
- 292.15 (55) trimeperidine;
- 292.16 (56) N-(1-Phenethylpiperidin-4-yl)-N-phenylacetamide (acetyl fentanyl);
- 292.17 (57) 3,4-dichloro-N-[(1R,2R)-2-(dimethylamino)cyclohexyl]-N-
- 292.18 methylbenzamide(U47700);
- 292.19 (58) N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]furan-2-carboxamide(furanylfentanyl);
- 292.20 (59) 4-(4-bromophenyl)-4-dimethylamino-1-phenethylcyclohexanol (bromadol);
- 292.21 (60) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (Cyclopropyl
- 292.22 fentanyl);
- 292.23 (61) N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide) (butyryl fentanyl);
- 292.24 (62) 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine) (MT-45);
- 292.25 (63) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide (cyclopentyl
- 292.26 fentanyl);
- 292.27 (64) N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide (isobutyryl fentanyl);
- 292.28 (65) N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide (valeryl fentanyl);

- 293.1 (66) N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide
293.2 (para-chloroisobutyryl fentanyl);
- 293.3 (67) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide (para-fluorobutyryl
293.4 fentanyl);
- 293.5 (68) N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide
293.6 (para-methoxybutyryl fentanyl);
- 293.7 (69) N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide (ocfentanil);
- 293.8 (70) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide (4-fluoroisobutyryl
293.9 fentanyl or para-fluoroisobutyryl fentanyl);
- 293.10 (71) N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide (acryl fentanyl or
293.11 acryloylfentanyl);
- 293.12 (72) 2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (methoxyacetyl
293.13 fentanyl);
- 293.14 (73) N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide (ortho-fluorofentanyl
293.15 or 2-fluorofentanyl);
- 293.16 (74) N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide
293.17 (tetrahydrofuranyl fentanyl); and
- 293.18 (75) Fentanyl-related substances, their isomers, esters, ethers, salts and salts of isomers,
293.19 esters and ethers, meaning any substance not otherwise listed under another federal
293.20 Administration Controlled Substance Code Number or not otherwise listed in this section,
293.21 and for which no exemption or approval is in effect under section 505 of the Federal Food,
293.22 Drug, and Cosmetic Act, United States Code , title 21, section 355, that is structurally related
293.23 to fentanyl by one or more of the following modifications:
- 293.24 (i) replacement of the phenyl portion of the phenethyl group by any monocycle, whether
293.25 or not further substituted in or on the monocycle;
- 293.26 (ii) substitution in or on the phenethyl group with alkyl, alkenyl, alkoxy, hydroxyl, halo,
293.27 haloalkyl, amino, or nitro groups;
- 293.28 (iii) substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester, ether,
293.29 hydroxyl, halo, haloalkyl, amino, or nitro groups;
- 293.30 (iv) replacement of the aniline ring with any aromatic monocycle whether or not further
293.31 substituted in or on the aromatic monocycle; or

- 294.1 (v) replacement of the N-propionyl group by another acyl group.
- 294.2 (c) Opium derivatives. Any of the following substances, their analogs, salts, isomers,
294.3 and salts of isomers, unless specifically excepted or unless listed in another schedule,
294.4 whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:
- 294.5 (1) acetorphine;
- 294.6 (2) acetyldihydrocodeine;
- 294.7 (3) benzylmorphine;
- 294.8 (4) codeine methylbromide;
- 294.9 (5) codeine-n-oxide;
- 294.10 (6) cyprenorphine;
- 294.11 (7) desomorphine;
- 294.12 (8) dihydromorphine;
- 294.13 (9) drotebanol;
- 294.14 (10) etorphine;
- 294.15 (11) heroin;
- 294.16 (12) hydromorphanol;
- 294.17 (13) methyldesorphine;
- 294.18 (14) methyldihydromorphine;
- 294.19 (15) morphine methylbromide;
- 294.20 (16) morphine methylsulfonate;
- 294.21 (17) morphine-n-oxide;
- 294.22 (18) myrophine;
- 294.23 (19) nicocodeine;
- 294.24 (20) nicomorphine;
- 294.25 (21) normorphine;
- 294.26 (22) pholcodine; and
- 294.27 (23) thebacon.

295.1 (d) Hallucinogens. Any material, compound, mixture or preparation which contains any
295.2 quantity of the following substances, their analogs, salts, isomers (whether optical, positional,
295.3 or geometric), and salts of isomers, unless specifically excepted or unless listed in another
295.4 schedule, whenever the existence of the analogs, salts, isomers, and salts of isomers is
295.5 possible:

- 295.6 (1) methylenedioxy amphetamine;
- 295.7 (2) methylenedioxymethamphetamine;
- 295.8 (3) methylenedioxy-N-ethylamphetamine (MDEA);
- 295.9 (4) n-hydroxy-methylenedioxyamphetamine;
- 295.10 (5) 4-bromo-2,5-dimethoxyamphetamine (DOB);
- 295.11 (6) 2,5-dimethoxyamphetamine (2,5-DMA);
- 295.12 (7) 4-methoxyamphetamine;
- 295.13 (8) 5-methoxy-3, 4-methylenedioxyamphetamine;
- 295.14 (9) alpha-ethyltryptamine;
- 295.15 (10) bufotenine;
- 295.16 (11) diethyltryptamine;
- 295.17 (12) dimethyltryptamine;
- 295.18 (13) 3,4,5-trimethoxyamphetamine;
- 295.19 (14) 4-methyl-2, 5-dimethoxyamphetamine (DOM);
- 295.20 (15) ibogaine;
- 295.21 (16) lysergic acid diethylamide (LSD);
- 295.22 (17) mescaline;
- 295.23 (18) parahexyl;
- 295.24 (19) N-ethyl-3-piperidyl benzilate;
- 295.25 (20) N-methyl-3-piperidyl benzilate;
- 295.26 (21) psilocybin;
- 295.27 (22) psilocyn;
- 295.28 (23) tenocyclidine (TPCP or TCP);

- 296.1 (24) N-ethyl-1-phenyl-cyclohexylamine (PCE);
- 296.2 (25) 1-(1-phenylcyclohexyl) pyrrolidine (PCPy);
- 296.3 (26) 1-[1-(2-thienyl)cyclohexyl]-pyrrolidine (TCPy);
- 296.4 (27) 4-chloro-2,5-dimethoxyamphetamine (DOC);
- 296.5 (28) 4-ethyl-2,5-dimethoxyamphetamine (DOET);
- 296.6 (29) 4-iodo-2,5-dimethoxyamphetamine (DOI);
- 296.7 (30) 4-bromo-2,5-dimethoxyphenethylamine (2C-B);
- 296.8 (31) 4-chloro-2,5-dimethoxyphenethylamine (2C-C);
- 296.9 (32) 4-methyl-2,5-dimethoxyphenethylamine (2C-D);
- 296.10 (33) 4-ethyl-2,5-dimethoxyphenethylamine (2C-E);
- 296.11 (34) 4-iodo-2,5-dimethoxyphenethylamine (2C-I);
- 296.12 (35) 4-propyl-2,5-dimethoxyphenethylamine (2C-P);
- 296.13 (36) 4-isopropylthio-2,5-dimethoxyphenethylamine (2C-T-4);
- 296.14 (37) 4-propylthio-2,5-dimethoxyphenethylamine (2C-T-7);
- 296.15 (38) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-yl)ethanamine
- 296.16 (2-CB-FLY);
- 296.17 (39) bromo-benzodifuranyl-isopropylamine (Bromo-DragonFLY);
- 296.18 (40) alpha-methyltryptamine (AMT);
- 296.19 (41) N,N-diisopropyltryptamine (DiPT);
- 296.20 (42) 4-acetoxy-N,N-dimethyltryptamine (4-AcO-DMT);
- 296.21 (43) 4-acetoxy-N,N-diethyltryptamine (4-AcO-DET);
- 296.22 (44) 4-hydroxy-N-methyl-N-propyltryptamine (4-HO-MPT);
- 296.23 (45) 4-hydroxy-N,N-dipropyltryptamine (4-HO-DPT);
- 296.24 (46) 4-hydroxy-N,N-diallyltryptamine (4-HO-DALT);
- 296.25 (47) 4-hydroxy-N,N-diisopropyltryptamine (4-HO-DiPT);
- 296.26 (48) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DiPT);
- 296.27 (49) 5-methoxy- α -methyltryptamine (5-MeO-AMT);

- 297.1 (50) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
- 297.2 (51) 5-methylthio-N,N-dimethyltryptamine (5-MeS-DMT);
- 297.3 (52) 5-methoxy-N-methyl-N-isopropyltryptamine (5-MeO-MiPT);
- 297.4 (53) 5-methoxy- α -ethyltryptamine (5-MeO-AET);
- 297.5 (54) 5-methoxy-N,N-dipropyltryptamine (5-MeO-DPT);
- 297.6 (55) 5-methoxy-N,N-diethyltryptamine (5-MeO-DET);
- 297.7 (56) 5-methoxy-N,N-diallyltryptamine (5-MeO-DALT);
- 297.8 (57) methoxetamine (MXE);
- 297.9 (58) 5-iodo-2-aminoindane (5-IAI);
- 297.10 (59) 5,6-methylenedioxy-2-aminoindane (MDAI);
- 297.11 (60) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe);
- 297.12 (61) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe);
- 297.13 (62) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25I-NBOMe);
- 297.14 (63) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);
- 297.15 (64) 2-(4-Ethylthio-2,5-dimethoxyphenyl)ethanamine (2C-T-2);
- 297.16 (65) N,N-Dipropyltryptamine (DPT);
- 297.17 (66) 3-[1-(Piperidin-1-yl)cyclohexyl]phenol (3-HO-PCP);
- 297.18 (67) N-ethyl-1-(3-methoxyphenyl)cyclohexanamine (3-MeO-PCE);
- 297.19 (68) 4-[1-(3-methoxyphenyl)cyclohexyl]morpholine (3-MeO-PCMo);
- 297.20 (69) 1-[1-(4-methoxyphenyl)cyclohexyl]-piperidine (methoxydine, 4-MeO-PCP);
- 297.21 (70) 2-(2-Chlorophenyl)-2-(ethylamino)cyclohexan-1-one (N-Ethylorketamine,
- 297.22 ethketamine, NENK);
- 297.23 (71) methylenedioxy-N,N-dimethylamphetamine (MDDMA);
- 297.24 (72) 3-(2-Ethyl(methyl)aminoethyl)-1H-indol-4-yl (4-AcO-MET); and
- 297.25 (73) 2-Phenyl-2-(methylamino)cyclohexanone (deschloroketamine).
- 297.26 (e) Peyote. All parts of the plant presently classified botanically as *Lophophora williamsii*
- 297.27 Lemaire, whether growing or not, the seeds thereof, any extract from any part of the plant,
- 297.28 and every compound, manufacture, salts, derivative, mixture, or preparation of the plant,

298.1 its seeds or extracts. The listing of peyote as a controlled substance in Schedule I does not
298.2 apply to the nondrug use of peyote in bona fide religious ceremonies of the American Indian
298.3 Church, and members of the American Indian Church are exempt from registration. Any
298.4 person who manufactures peyote for or distributes peyote to the American Indian Church,
298.5 however, is required to obtain federal registration annually and to comply with all other
298.6 requirements of law.

298.7 (f) Central nervous system depressants. Unless specifically excepted or unless listed in
298.8 another schedule, any material compound, mixture, or preparation which contains any
298.9 quantity of the following substances, their analogs, salts, isomers, and salts of isomers
298.10 whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:

298.11 (1) mecloqualone;

298.12 (2) methaqualone;

298.13 (3) gamma-hydroxybutyric acid (GHB), including its esters and ethers;

298.14 (4) flunitrazepam;

298.15 (5) 2-(2-Methoxyphenyl)-2-(methylamino)cyclohexanone (2-MeO-2-deschloroketamine,
298.16 methoxyketamine);

298.17 (6) tianeptine;

298.18 (7) clonazepam;

298.19 (8) etizolam;

298.20 (9) flubromazolam; and

298.21 (10) flubromazepam.

298.22 (g) Stimulants. Unless specifically excepted or unless listed in another schedule, any
298.23 material compound, mixture, or preparation which contains any quantity of the following
298.24 substances, their analogs, salts, isomers, and salts of isomers whenever the existence of the
298.25 analogs, salts, isomers, and salts of isomers is possible:

298.26 (1) aminorex;

298.27 (2) cathinone;

298.28 (3) fenethylamine;

298.29 (4) methcathinone;

298.30 (5) methylaminorex;

- 299.1 (6) N,N-dimethylamphetamine;
- 299.2 (7) N-benzylpiperazine (BZP);
- 299.3 (8) methylmethcathinone (mephedrone);
- 299.4 (9) 3,4-methylenedioxy-N-methylcathinone (methydone);
- 299.5 (10) methoxymethcathinone (methedrone);
- 299.6 (11) methylenedioxypropylone (MDPV);
- 299.7 (12) 3-fluoro-N-methylcathinone (3-FMC);
- 299.8 (13) methylethcathinone (MEC);
- 299.9 (14) 1-benzofuran-6-ylpropan-2-amine (6-APB);
- 299.10 (15) dimethylmethcathinone (DMMC);
- 299.11 (16) fluoroamphetamine;
- 299.12 (17) fluoromethamphetamine;
- 299.13 (18) α -methylaminobutyrophenone (MABP or buphedrone);
- 299.14 (19) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one (butylone);
- 299.15 (20) 2-(methylamino)-1-(4-methylphenyl)butan-1-one (4-MEMABP or BZ-6378);
- 299.16 (21) 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl) pentan-1-one (naphthylpyrovalerone or
299.17 naphyrone);
- 299.18 (22) (alpha-pyrrolidinopentiophenone (alpha-PVP);
- 299.19 (23) (RS)-1-(4-methylphenyl)-2-(1-pyrrolidinyl)-1-hexanone (4-Me-PHP or MPHP);
- 299.20 (24) 2-(1-pyrrolidinyl)-hexanophenone (Alpha-PHP);
- 299.21 (25) 4-methyl-N-ethylcathinone (4-MEC);
- 299.22 (26) 4-methyl-alpha-pyrrolidinopropiophenone (4-MePPP);
- 299.23 (27) 2-(methylamino)-1-phenylpentan-1-one (pentedrone);
- 299.24 (28) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentydone);
- 299.25 (29) 4-fluoro-N-methylcathinone (4-FMC);
- 299.26 (30) 3,4-methylenedioxy-N-ethylcathinone (ethylone);
- 299.27 (31) alpha-pyrrolidinobutiophenone (α -PBP);

- 300.1 (32) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran (5-APDB);
- 300.2 (33) 1-phenyl-2-(1-pyrrolidiny)-1-heptanone (PV8);
- 300.3 (34) 6-(2-Aminopropyl)-2,3-dihydrobenzofuran (6-APDB);
- 300.4 (35) 4-methyl-alpha-ethylaminopentiophenone (4-MEAPP);
- 300.5 (36) 4'-chloro-alpha-pyrrolidinopropiophenone (4'-chloro-PPP);
- 300.6 (37) 1-(1,3-Benzodioxol-5-yl)-2-(dimethylamino)butan-1-one (dibutylone, bk-DMBDB);
- 300.7 (38) 1-(3-chlorophenyl) piperazine (meta-chlorophenylpiperazine or mCPP);
- 300.8 (39) 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one (N-ethylpentylone, ephylone);
- 300.9 and
- 300.10 (40) any other substance, except bupropion or compounds listed under a different
- 300.11 schedule, that is structurally derived from 2-aminopropan-1-one by substitution at the
- 300.12 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the
- 300.13 compound is further modified in any of the following ways:
- 300.14 (i) by substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy,
- 300.15 haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring
- 300.16 system by one or more other univalent substituents;
- 300.17 (ii) by substitution at the 3-position with an acyclic alkyl substituent;
- 300.18 (iii) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or
- 300.19 methoxybenzyl groups; or
- 300.20 (iv) by inclusion of the 2-amino nitrogen atom in a cyclic structure.
- 300.21 ~~(h) Marijuana, tetrahydrocannabinols, and synthetic cannabinoids. Unless specifically~~
- 300.22 ~~excepted or unless listed in another schedule, any natural or synthetic material, compound,~~
- 300.23 ~~mixture, or preparation that contains any quantity of the following substances, their analogs,~~
- 300.24 ~~isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence~~
- 300.25 ~~of the isomers, esters, ethers, or salts is possible:~~
- 300.26 ~~(1) marijuana;~~
- 300.27 ~~(2) tetrahydrocannabinols naturally contained in a plant of the genus Cannabis, except~~
- 300.28 ~~that tetrahydrocannabinols do not include any material, compound, mixture, or preparation~~
- 300.29 ~~that qualifies as industrial hemp as defined in section 18K.02, subdivision 3; synthetic~~
- 300.30 ~~equivalents of the substances contained in the cannabis plant or in the resinous extractives~~
- 300.31 ~~of the plant; or synthetic substances with similar chemical structure and pharmacological~~

301.1 activity to those substances contained in the plant or resinous extract, including, but not
301.2 limited to, 1-cis or trans tetrahydrocannabinol, 6-cis or trans tetrahydrocannabinol, and 3,4
301.3 cis or trans tetrahydrocannabinol;

301.4 ~~(3)~~ (h) Synthetic cannabinoids, including the following substances:

301.5 ~~(i)~~ (1) Naphthoylindoles, which are any compounds containing a 3-(1-naphthoyl)indole
301.6 structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,
301.7 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
301.8 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any
301.9 extent and whether or not substituted in the naphthyl ring to any extent. Examples of
301.10 naphthoylindoles include, but are not limited to:

301.11 ~~(A)~~ (i) 1-Pentyl-3-(1-naphthoyl)indole (JWH-018 and AM-678);

301.12 ~~(B)~~ (ii) 1-Butyl-3-(1-naphthoyl)indole (JWH-073);

301.13 ~~(C)~~ (iii) 1-Pentyl-3-(4-methoxy-1-naphthoyl)indole (JWH-081);

301.14 ~~(D)~~ (iv) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);

301.15 ~~(E)~~ (v) 1-Propyl-2-methyl-3-(1-naphthoyl)indole (JWH-015);

301.16 ~~(F)~~ (vi) 1-Hexyl-3-(1-naphthoyl)indole (JWH-019);

301.17 ~~(G)~~ (vii) 1-Pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);

301.18 ~~(H)~~ (viii) 1-Pentyl-3-(4-ethyl-1-naphthoyl)indole (JWH-210);

301.19 ~~(I)~~ (ix) 1-Pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398);

301.20 ~~(J)~~ (x) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM-2201).

301.21 ~~(ii)~~ (2) Naphthylmethylindoles, which are any compounds containing a
301.22 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the
301.23 indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
301.24 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further
301.25 substituted in the indole ring to any extent and whether or not substituted in the naphthyl
301.26 ring to any extent. Examples of naphthylmethylindoles include, but are not limited to:

301.27 ~~(A)~~ (i) 1-Pentyl-1H-indol-3-yl-(1-naphthyl)methane (JWH-175);

301.28 ~~(B)~~ (ii) 1-Pentyl-1H-indol-3-yl-(4-methyl-1-naphthyl)methane (JWH-184).

301.29 ~~(iii)~~ (3) Naphthoylpyrroles, which are any compounds containing a 3-(1-naphthoyl)pyrrole
301.30 structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl,
301.31 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or

302.1 2-(4-morpholinyl)ethyl group whether or not further substituted in the pyrrole ring to any
302.2 extent, whether or not substituted in the naphthyl ring to any extent. Examples of
302.3 naphthoylpyrroles include, but are not limited to,
302.4 (5-(2-fluorophenyl)-1-pentylpyrrol-3-yl)-naphthalen-1-ylmethanone (JWH-307).

302.5 ~~(iv)~~ (4) Naphthylmethylindenes, which are any compounds containing a
302.6 naphthylideneindene structure with substitution at the 3-position of the indene ring by an
302.7 alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
302.8 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further
302.9 substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring
302.10 to any extent. Examples of naphthylmethylindenes include, but are not limited to,
302.11 E-1-[1-(1-naphthalenylmethylene)-1H-inden-3-yl]pentane (JWH-176).

302.12 ~~(v)~~ (5) Phenylacetylindoles, which are any compounds containing a 3-phenylacetylindole
302.13 structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,
302.14 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
302.15 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any
302.16 extent, whether or not substituted in the phenyl ring to any extent. Examples of
302.17 phenylacetylindoles include, but are not limited to:

302.18 ~~(A)~~ (i) 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (RCS-8);

302.19 ~~(B)~~ (ii) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);

302.20 ~~(C)~~ (iii) 1-pentyl-3-(2-methylphenylacetyl)indole (JWH-251);

302.21 ~~(D)~~ (iv) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203).

302.22 ~~(vi)~~ (6) Cyclohexylphenols, which are compounds containing a
302.23 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic
302.24 ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
302.25 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not substituted
302.26 in the cyclohexyl ring to any extent. Examples of cyclohexylphenols include, but are not
302.27 limited to:

302.28 ~~(A)~~ (i) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP 47,497);

302.29 ~~(B)~~ (ii) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol

302.30 (Cannabicyclohexanol or CP 47,497 C8 homologue);

302.31 ~~(C)~~ (iii) 5-(1,1-dimethylheptyl)-2-[(1R,2R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]
302.32 -phenol (CP 55,940).

303.1 ~~(vii)~~ (7) Benzoylindoles, which are any compounds containing a 3-(benzoyl)indole
303.2 structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,
303.3 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
303.4 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any
303.5 extent and whether or not substituted in the phenyl ring to any extent. Examples of
303.6 benzoylindoles include, but are not limited to:

303.7 ~~(A)~~ (i) 1-Pentyl-3-(4-methoxybenzoyl)indole (RCS-4);

303.8 ~~(B)~~ (ii) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM-694);

303.9 ~~(C)~~ (iii) (4-methoxyphenyl-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone
303.10 (WIN 48,098 or Pravadoline).

303.11 ~~(viii)~~ (8) Others specifically named:

303.12 ~~(A)~~ (i) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)
303.13 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (HU-210);

303.14 ~~(B)~~ (ii) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)
303.15 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (Dexanabinol or HU-211);

303.16 ~~(C)~~ (iii) 2,3-dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]
303.17 -1,4-benzoxazin-6-yl-1-naphthalenylmethanone (WIN 55,212-2);

303.18 ~~(D)~~ (iv) (1-pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (UR-144);

303.19 ~~(E)~~ (v) (1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone
303.20 (XLR-11);

303.21 ~~(F)~~ (vi) 1-pentyl-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-indazole-3-carboxamide
303.22 (AKB-48(APINACA));

303.23 ~~(G)~~ (vii) N-((3s,5s,7s)-adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide
303.24 (5-Fluoro-AKB-48);

303.25 ~~(H)~~ (viii) 1-pentyl-8-quinolinyl ester-1H-indole-3-carboxylic acid (PB-22);

303.26 ~~(I)~~ (ix) 8-quinolinyl ester-1-(5-fluoropentyl)-1H-indole-3-carboxylic acid (5-Fluoro
303.27 PB-22);

303.28 ~~(J)~~ (x) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-pentyl-1H-indazole-3-carboxamide
303.29 (AB-PINACA);

303.30 ~~(K)~~ (xi) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-[(4-fluorophenyl)methyl]-
303.31 1H-indazole-3-carboxamide (AB-FUBINACA);

- 304.1 ~~(L)~~ (xii) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-(cyclohexylmethyl)-1H-
304.2 indazole-3-carboxamide(AB-CHMINACA);
- 304.3 ~~(M)~~ (xiii) (S)-methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-
304.4 methylbutanoate (5-fluoro-AMB);
- 304.5 ~~(N)~~ (xiv) [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl) methanone (THJ-2201);
- 304.6 ~~(O)~~ (xv) (1-(5-fluoropentyl)-1H-benzo[d]imidazol-2-yl)(naphthalen-1-yl)methanone
304.7 (FUBIMINA);
- 304.8 ~~(P)~~ (xvi) (7-methoxy-1-(2-morpholinoethyl)-N-((1S,2S,4R)-1,3,3-trimethylbicyclo
304.9 [2.2.1]heptan-2-yl)-1H-indole-3-carboxamide (MN-25 or UR-12);
- 304.10 ~~(Q)~~ (xvii) (S)-N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)
304.11 -1H-indole-3-carboxamide (5-fluoro-ABICA);
- 304.12 ~~(R)~~ (xviii) N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl)
304.13 -1H-indole-3-carboxamide;
- 304.14 ~~(S)~~ (xix) N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl)
304.15 -1H-indazole-3-carboxamide;
- 304.16 ~~(T)~~ (xx) methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)
304.17 -3,3-dimethylbutanoate;
- 304.18 ~~(U)~~ (xxi) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1(cyclohexylmethyl)-1
304.19 H-indazole-3-carboxamide (MAB-CHMINACA);
- 304.20 ~~(V)~~ (xxii)
304.21 N-(1-Amino-3,3-dimethyl-1-oxo-2-butanyl)-1-pentyl-1H-indazole-3-carboxamide
304.22 (ADB-PINACA);
- 304.23 ~~(W)~~ (xxiii) methyl (1-(4-fluorobenzyl)-1H-indazole-3-carbonyl)-L-valinate (FUB-AMB);
- 304.24 ~~(X)~~ (xxiv)
304.25 N-[(1S)-2-amino-2-oxo-1-(phenylmethyl)ethyl]-1-(cyclohexylmethyl)-1H-Indazole-
304.26 3-carboxamide. (APP-CHMINACA);
- 304.27 ~~(Y)~~ (xxv) quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate (FUB-PB-22); and
- 304.28 ~~(Z)~~ (xxvi) methyl N-[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]valinate
304.29 (MMB-CHMICA).
- 304.30 ~~(ix)~~ (9) Additional substances specifically named:

- 305.1 ~~(A)~~ (i) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1
305.2 H-pyrrolo[2,3-B]pyridine-3-carboxamide (5F-CUMYL-P7AICA);
- 305.3 ~~(B)~~ (ii) 1-(4-cyanobutyl)-N-(2- phenylpropan-2-yl)-1 H-indazole-3-carboxamide
305.4 (4-CN-Cumyl-Butinaca);
- 305.5 ~~(C)~~ (iii) naphthalen-1-yl-1-(5-fluoropentyl)-1-H-indole-3-carboxylate (NM2201;
305.6 CBL2201);
- 305.7 ~~(D)~~ (iv) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1
305.8 H-indazole-3-carboxamide (5F-ABPINACA);
- 305.9 ~~(E)~~ (v) methyl-2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate
305.10 (MDMB CHMICA);
- 305.11 ~~(F)~~ (vi) methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate
305.12 (5F-ADB; 5F-MDMB-PINACA); and
- 305.13 ~~(G)~~ (vii) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)
305.14 1H-indazole-3-carboxamide (ADB-FUBINACA).

- 305.15 (i) A controlled substance analog, to the extent that it is implicitly or explicitly intended
305.16 for human consumption.

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

305.18 Sec. 2. Minnesota Statutes 2022, section 152.02, subdivision 4, is amended to read:

305.19 Subd. 4. **Schedule III.** (a) Schedule III consists of the substances listed in this subdivision.

305.20 (b) Stimulants. Unless specifically excepted or unless listed in another schedule, any
305.21 material, compound, mixture, or preparation which contains any quantity of the following
305.22 substances having a potential for abuse associated with a stimulant effect on the central
305.23 nervous system, including its salts, isomers, and salts of such isomers whenever the existence
305.24 of such salts, isomers, and salts of isomers is possible within the specific chemical
305.25 designation:

305.26 (1) benzphetamine;

305.27 (2) chlorphentermine;

305.28 (3) clortermine;

305.29 (4) phendimetrazine.

306.1 (c) Depressants. Unless specifically excepted or unless listed in another schedule, any
306.2 material, compound, mixture, or preparation which contains any quantity of the following
306.3 substances having a potential for abuse associated with a depressant effect on the central
306.4 nervous system:

306.5 (1) any compound, mixture, or preparation containing amobarbital, secobarbital,
306.6 pentobarbital or any salt thereof and one or more other active medicinal ingredients which
306.7 are not listed in any schedule;

306.8 (2) any suppository dosage form containing amobarbital, secobarbital, pentobarbital, or
306.9 any salt of any of these drugs and approved by the food and drug administration for marketing
306.10 only as a suppository;

306.11 (3) any substance which contains any quantity of a derivative of barbituric acid, or any
306.12 salt of a derivative of barbituric acid, except those substances which are specifically listed
306.13 in other schedules;

306.14 (4) any drug product containing gamma hydroxybutyric acid, including its salts, isomers,
306.15 and salts of isomers, for which an application is approved under section 505 of the federal
306.16 Food, Drug, and Cosmetic Act;

306.17 (5) any of the following substances:

306.18 (i) chlorhexadol;

306.19 (ii) ketamine, its salts, isomers and salts of isomers;

306.20 (iii) lysergic acid;

306.21 (iv) lysergic acid amide;

306.22 (v) methyprylon;

306.23 (vi) sulfondiethylmethane;

306.24 (vii) sulfonethylmethane;

306.25 (viii) sulfonmethane;

306.26 (ix) tiletamine and zolazepam and any salt thereof;

306.27 (x) embutramide;

306.28 (xi) Perampanel [2-(2-oxo-1-phenyl-5-pyridin-2-yl-1,2-Dihydropyridin-3-yl)
306.29 benzonitrile].

306.30 (d) Nalorphine.

307.1 (e) Narcotic drugs. Unless specifically excepted or unless listed in another schedule,
307.2 any material, compound, mixture, or preparation containing any of the following narcotic
307.3 drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities
307.4 as follows:

307.5 (1) not more than 1.80 grams of codeine per 100 milliliters or not more than 90 milligrams
307.6 per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

307.7 (2) not more than 1.80 grams of codeine per 100 milliliters or not more than 90 milligrams
307.8 per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic
307.9 amounts;

307.10 (3) not more than 1.80 grams of dihydrocodeine per 100 milliliters or not more than 90
307.11 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized
307.12 therapeutic amounts;

307.13 (4) not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than
307.14 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized
307.15 therapeutic amounts;

307.16 (5) not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not
307.17 more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients
307.18 in recognized therapeutic amounts;

307.19 (6) not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with
307.20 one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

307.21 (f) Anabolic steroids, human growth hormone, and chorionic gonadotropin.

307.22 (1) Anabolic steroids, for purposes of this subdivision, means any drug or hormonal
307.23 substance, chemically and pharmacologically related to testosterone, other than estrogens,
307.24 progestins, corticosteroids, and dehydroepiandrosterone, and includes:

307.25 (i) 3[beta],17[beta]-dihydroxy-5[alpha]-androstane;

307.26 (ii) 3[alpha],17[beta]-dihydroxy-5[alpha]-androstane;

307.27 (iii) androstanedione (5[alpha]-androstan-3,17-dione);

307.28 (iv) 1-androstenediol (3[beta],17[beta]-dihydroxy-5[alpha]-androst-1-ene);

307.29 (v) 3[alpha],17[beta]-dihydroxy-5[alpha]-androst-1-ene);

307.30 (vi) 4-androstenediol (3[beta],17[beta]-dihydroxy-androst-4-ene);

307.31 (vii) 5-androstenediol (3[beta],17[beta]-dihydroxy-androst-5-ene);

- 308.1 (viii) 1-androstenedione (5[alpha]-androst-1-en-3,17-dione);
- 308.2 (ix) 4-androstenedione (androst-4-en-3,17-dione);
- 308.3 (x) 5-androstenedione (androst-5-en-3,17-dione);
- 308.4 (xi) bolasterone (7[alpha],17[alpha]-dimethyl-17[beta]-hydroxyandrost-4-en-3-one);
- 308.5 (xii) boldenone (17[beta]-hydroxyandrost-1,4-diene-3-one);
- 308.6 (xiii) boldione (androsta-1,4-diene-3,17-dione);
- 308.7 (xiv) calusterone (7[beta],17[alpha]-dimethyl-17[beta]-hydroxyandrost-4-en-3-one);
- 308.8 (xv) clostebol (4-chloro-17[beta]-hydroxyandrost-4-en-3-one);
- 308.9 (xvi) dehydrochloromethyltestosterone
- 308.10 (4-chloro-17[beta]-hydroxy-17[alpha]-methylandrost-1,4-dien-3-one);
- 308.11 (xvii) desoxymethyltestosterone (17[alpha]-methyl-5[alpha]-androst-2-en-17[beta]-ol);
- 308.12 (xviii) [delta]1-dihydrotestosterone- (17[beta]-hydroxy-5[alpha]-androst-1-en-3-one);
- 308.13 (xix) 4-dihydrotestosterone (17[beta]-hydroxy-androstan-3-one);
- 308.14 (xx) drostanolone (17[beta]hydroxy-2[alpha]-methyl-5[alpha]-androstan-3-one);
- 308.15 (xxi) ethylestrenol (17[alpha]-ethyl-17[beta]-hydroxyestr-4-ene);
- 308.16 (xxii) fluoxymesterone
- 308.17 (9-fluoro-17[alpha]-methyl-11[beta],17[beta]-dihydroxyandrost-4-en-3-one);
- 308.18 (xxiii) formebolone
- 308.19 (2-formyl-17[alpha]-methyl-11[alpha],17[beta]-dihydroxyandrost-1,4-dien-3-one);
- 308.20 (xxiv) furazabol
- 308.21 (17[alpha]-methyl-17[beta]-hydroxyandrostano[2,3-c]-furazan)13[beta]-ethyl-17[beta]
- 308.22 -hydroxygon-4-en-3-one;
- 308.23 (xxv) 4-hydroxytestosterone (4,17[beta]-dihydroxyandrost-4-en-3-one);
- 308.24 (xxvi) 4-hydroxy-19-nortestosterone (4,17[beta]-dihydroxyestr-4-en-3-one);
- 308.25 (xxvii) mestanolone (17[alpha]-methyl-17[beta]-hydroxy-5[alpha]-androstan-3-one);
- 308.26 (xxviii) mesterolone (1[alpha]-methyl-17[beta]-hydroxy-5[alpha]-androstan-3-one);
- 308.27 (xxix) methandienone (17[alpha]-methyl-17[beta]-hydroxyandrost-1,4-dien-3-one);
- 308.28 (xxx) methandriol (17[alpha]-methyl-3[beta],17[beta]-dihydroxyandrost-5-ene);

- 309.1 (xxxix) methasterone (2 alpha-17 alpha-dimethyl-5 alpha-androstan-17beta-ol-3-one);
- 309.2 (xxxix) methenolone (1-methyl-17[beta]-hydroxy-5[alpha]-androst-1-en-3-one);
- 309.3 (xxxix) 17[alpha]-methyl-3[beta],17[beta]-dihydroxy-5[alpha]-androstane;
- 309.4 (xxxix) 17[alpha]-methyl-3[alpha],17[beta]-dihydroxy-5[alpha]-androstane;
- 309.5 (xxxix) 17[alpha]-methyl-3[beta],17[beta]-dihydroxyandrost-4-ene;
- 309.6 (xxxix) 17[alpha]-methyl-4-hydroxynandrolone
- 309.7 (17[alpha]-methyl-4-hydroxy-17[beta]-hydroxyestr-4-en-3-one);
- 309.8 (xxxix) methyldienolone (17[alpha]-methyl-17[beta]-hydroxyestra-4,9(10)-dien-3-one);
- 309.9 (xxxix) methyltrienolone (17[alpha]-methyl-17[beta]-hydroxyestra-4,9-11-trien-3-one);
- 309.10 (xxxix) methyltestosterone (17[alpha]-methyl-17[beta]-hydroxyandrost-4-en-3-one);
- 309.11 (xl) mibolerone (7[alpha],17[alpha]-dimethyl-17[beta]-hydroxyestr-4-en-3-one);
- 309.12 (xli) 17[alpha]-methyl-[delta]1-dihydrotestosterone
- 309.13 (17[beta]-hydroxy-17[alpha]-methyl-5[alpha]-androst-1-en-3-one);
- 309.14 (xlii) nandrolone (17[beta]-hydroxyestr-4-en-3-one);
- 309.15 (xliii) 19-nor-4-androstenediol (3[beta],17[beta]-dihydroxyestr-4-ene;
- 309.16 (xliv) 3[alpha],17[beta]-dihydroxyestr-4-ene); 19-nor-5-androstenediol
- 309.17 (3[beta],17[beta]-dihydroxyestr-5-ene;
- 309.18 (xlv) 3[alpha],17[beta]-dihydroxyestr-5-ene);
- 309.19 (xlvi) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione);
- 309.20 (xlvii) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
- 309.21 (xlviii) norbolethone (13[beta],17[alpha]-diethyl-17[beta]-hydroxygon-4-en-3-one);
- 309.22 (xlix) norclostebol (4-chloro-17[beta]-hydroxyestr-4-en-3-one);
- 309.23 (l) norethandrolone (17[alpha]-ethyl-17[beta]-hydroxyestr-4-en-3-one);
- 309.24 (li) normethandrolone (17[alpha]-methyl-17[beta]-hydroxyestr-4-en-3-one);
- 309.25 (lii) oxandrolone (17[alpha]-methyl-17[beta]-hydroxy-2-oxa-5[alpha]-androstan-3-one);
- 309.26 (liii) oxymesterone (17[alpha]-methyl-4,17[beta]-dihydroxyandrost-4-en-3-one);
- 309.27 (liv) oxymetholone
- 309.28 (17[alpha]-methyl-2-hydroxymethylene-17[beta]-hydroxy-5[alpha]-androstan-3-one);

- 310.1 (lv) prostanazol (17 beta-hydroxy-5 alpha-androstano[3,2-C]pyrazole);
- 310.2 (lvi) stanozolol
- 310.3 (17[alpha]-methyl-17[beta]-hydroxy-5[alpha]-androst-2-eno[3,2-c]-pyrazole);
- 310.4 (lvii) stenbolone (17[beta]-hydroxy-2-methyl-5[alpha]-androst-1-en-3-one);
- 310.5 (lviii) testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);
- 310.6 (lix) testosterone (17[beta]-hydroxyandrost-4-en-3-one);
- 310.7 (lx) tetrahydrogestrinone
- 310.8 (13[beta],17[alpha]-diethyl-17[beta]-hydroxygon-4,9,11-trien-3-one);
- 310.9 (lxi) trenbolone (17[beta]-hydroxyestr-4,9,11-trien-3-one);
- 310.10 (lxii) any salt, ester, or ether of a drug or substance described in this paragraph.
- 310.11 Anabolic steroids are not included if they are: (A) expressly intended for administration
- 310.12 through implants to cattle or other nonhuman species; and (B) approved by the United States
- 310.13 Food and Drug Administration for that use;
- 310.14 (2) Human growth hormones.
- 310.15 (3) Chorionic gonadotropin, except that a product containing chorionic gonadotropin is
- 310.16 not included if it is:
- 310.17 (i) expressly intended for administration to cattle or other nonhuman species; and
- 310.18 (ii) approved by the United States Food and Drug Administration for that use.
- 310.19 (g) Hallucinogenic substances. Dronabinol (synthetic) in sesame oil and encapsulated
- 310.20 in a soft gelatin capsule in a United States Food and Drug Administration approved product.
- 310.21 (h) Any material, compound, mixture, or preparation containing the following narcotic
- 310.22 drug or its salt: buprenorphine.
- 310.23 (i) Marijuana, tetrahydrocannabinols, and synthetic cannabinoids. Unless specifically
- 310.24 excepted or unless listed in another schedule, any natural or synthetic material, compound,
- 310.25 mixture, or preparation that contains any quantity of the following substances, their analogs,
- 310.26 isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence
- 310.27 of the isomers, esters, ethers, or salts is possible:
- 310.28 (1) marijuana;
- 310.29 (2) tetrahydrocannabinols naturally contained in a plant of the genus Cannabis, except
- 310.30 that tetrahydrocannabinols do not include any material, compound, mixture, or preparation

311.1 that qualifies as industrial hemp as defined in section 18K.02, subdivision 3; synthetic
 311.2 equivalents of the substances contained in the cannabis plant or in the resinous extractives
 311.3 of the plant; or synthetic substances with similar chemical structure and pharmacological
 311.4 activity to those substances contained in the plant or resinous extract, including but not
 311.5 limited to 1 cis or trans tetrahydrocannabinol, 6 cis or trans tetrahydrocannabinol, and 3,4
 311.6 cis or trans tetrahydrocannabinol.

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

311.8 **ARTICLE 9**

311.9 **APPROPRIATIONS**

311.10 Section 1. **APPROPRIATIONS.**

311.11 The sums shown in the columns marked "Appropriations" are appropriated to the agencies
 311.12 and for the purposes of this act. The appropriations are from the general fund, or another
 311.13 named fund, and are available for the fiscal years indicated for each purpose. The figures
 311.14 "2024" and "2025" used in this article mean that the appropriations listed under them are
 311.15 available for the fiscal year ending June 30, 2024, or June 30, 2025, respectively. "The first
 311.16 year" is fiscal year 2024. "The second year" is fiscal year 2025. "The biennium" is fiscal
 311.17 years 2024 and 2025.

311.18 **APPROPRIATIONS**

311.19 **Available for the Year**

311.20 **Ending June 30**

311.21 **2024**

2025

311.22 Sec. 2. **AGRICULTURE** **\$ 411,000 \$ 411,000**

311.23 The base for this appropriation is \$338,000 in
 311.24 fiscal year 2026 and each fiscal year thereafter.

311.25 Sec. 3. **ATTORNEY GENERAL** **\$ 358,000 \$ 358,000**

311.26 The base for this appropriation is \$358,000 in
 311.27 fiscal years 2026, 2027, and 2028. The base
 311.28 for this appropriation is \$0 in fiscal year 2029.

311.29 Sec. 4. **CANNABIS EXPUNGEMENT BOARD** **\$ 5,871,000 \$ 5,356,000**

311.30 Sec. 5. **OFFICE OF CANNABIS**
 311.31 **MANAGEMENT** **\$ 21,614,000 \$ 17,953,000**

312.1 The base for this appropriation is \$35,587,000
 312.2 in fiscal year 2026 and \$38,144,000 in fiscal
 312.3 year 2027.

312.4 \$1,000,000 the second year is for cannabis
 312.5 industry community renewal grants under
 312.6 Minnesota Statutes, section 342.70. Of these
 312.7 amounts, up to three percent may be used for
 312.8 administrative expenses. The base for this
 312.9 appropriation is \$15,000,000 in fiscal year
 312.10 2026 and each fiscal year thereafter.

312.11 \$1,000,000 each year is for transfer to the
 312.12 CanGrow revolving loan account established
 312.13 under Minnesota Statutes, section 342.73,
 312.14 subdivision 4. Of these amounts, up to three
 312.15 percent may be used for administrative
 312.16 expenses.

312.17 **Sec. 6. COMMERCE** **\$ 527,000 \$ 1,093,000**

312.18 The base for this appropriation is \$1,341,000
 312.19 in fiscal year 2026 and \$1,520,000 in fiscal
 312.20 year 2027.

312.21 \$82,000 each year is to establish appropriate
 312.22 energy standards.

312.23 \$445,000 the first year and \$1,011,000 the
 312.24 second year are for scale and packaging
 312.25 inspections. The base for this appropriation is
 312.26 \$1,259,000 in fiscal year 2026 and \$1,438,000
 312.27 in fiscal year 2027.

312.28 **Sec. 7. DISTRICT COURT** **\$ 1,500,000 \$ 1,500,000**

312.29 This appropriation is to support treatment
 312.30 courts. The base for this appropriation is
 312.31 \$2,500,000 in fiscal year 2026 and each fiscal
 312.32 year thereafter.

312.33 **Sec. 8. EDUCATION** **\$ 180,000 \$ 120,000**

313.1	<u>Sec. 9. EMPLOYMENT AND ECONOMIC</u>			
313.2	<u>DEVELOPMENT</u>	<u>\$</u>	<u>6,000,000</u>	<u>\$</u>
313.3	<u>(a) For the CanStartup, CanNavigate, and</u>			
313.4	<u>CanTrain programs. Any unencumbered</u>			
313.5	<u>balances remaining in the first year do not</u>			
313.6	<u>cancel but are available for the second year.</u>			
313.7	<u>(b) \$3,000,000 each year is for transfer to the</u>			
313.8	<u>CanStartup revolving loan account established</u>			
313.9	<u>under Minnesota Statutes, section 116J.659,</u>			
313.10	<u>subdivision 3.</u>			
313.11	<u>(c) \$1,000,000 each year is for the</u>			
313.12	<u>CanNavigate program established under</u>			
313.13	<u>Minnesota Statutes, section 116J.6595.</u>			
313.14	<u>(d) \$2,000,000 each year is for the CanTrain</u>			
313.15	<u>program established under Minnesota Statutes,</u>			
313.16	<u>section 116L.90.</u>			
313.17	<u>(e) Of these amounts, up to four percent may</u>			
313.18	<u>be used for administrative expenses.</u>			
313.19	<u>Sec. 10. HEALTH</u>			
313.20	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>3,300,000</u>	<u>\$</u>
313.21	<u>The base for this appropriation is \$19,064,000</u>			
313.22	<u>in fiscal year 2026 and each fiscal year</u>			
313.23	<u>thereafter.</u>			
313.24	<u>The amounts that may be spent for each</u>			
313.25	<u>purpose are specified in the following</u>			
313.26	<u>subdivisions.</u>			
313.27	<u>Subd. 2. Youth Education</u>		<u>-0-</u>	<u>5,000,000</u>
313.28	<u>For grants under Minnesota Statutes, section</u>			
313.29	<u>144.197, subdivision 1.</u>			
313.30	<u>Subd. 3. Education Grants for Pregnant or</u>			
313.31	<u>Breastfeeding Individuals</u>		<u>-0-</u>	<u>2,000,000</u>
313.32	<u>For grants under Minnesota Statutes, section</u>			
313.33	<u>144.197, subdivision 2.</u>			

314.1	<u>Subd. 4. Local and Tribal Health Departments</u>	<u>-0-</u>	<u>10,000,000</u>
314.2	<u>For grants under Minnesota Statutes, section</u>		
314.3	<u>144.197, subdivision 4.</u>		
314.4	<u>Subd. 5. Cannabis Data Collection and Biennial</u>		
314.5	<u>Reports</u>	<u>493,000</u>	<u>493,000</u>
314.6	<u>For reports under Minnesota Statutes, section</u>		
314.7	<u>144.196.</u>		
314.8	<u>Subd. 6. Administration for Expungement</u>		
314.9	<u>Orders</u>	<u>71,000</u>	<u>71,000</u>
314.10	<u>For administration related to orders issued by</u>		
314.11	<u>the Cannabis Expungement Board. The base</u>		
314.12	<u>for this appropriation is \$71,000 in fiscal year</u>		
314.13	<u>2026, \$71,000 in fiscal year 2027, \$71,000 in</u>		
314.14	<u>fiscal year 2028, \$71,000 in fiscal year 2029,</u>		
314.15	<u>and \$0 in fiscal year 2030.</u>		
314.16	<u>Subd. 7. Grants to the Minnesota Poison Control</u>		
314.17	<u>System</u>	<u>910,000</u>	<u>810,000</u>
314.18	<u>For grants under Minnesota Statutes, section</u>		
314.19	<u>145.93.</u>		
314.20	<u>Subd. 8. Temporary Regulation of Edible</u>		
314.21	<u>Products Extracted from Hemp</u>	<u>1,107,000</u>	<u>1,107,000</u>
314.22	<u>For temporary regulation under the health</u>		
314.23	<u>enforcement consolidation act of edible</u>		
314.24	<u>products extracted from hemp. This is a</u>		
314.25	<u>onetime appropriation.</u>		
314.26	<u>Subd. 9. Testing.</u>	<u>719,000</u>	<u>771,000</u>
314.27	<u>For testing of edible cannabinoid products.</u>		
314.28	<u>The base for this appropriation is \$690,000 in</u>		
314.29	<u>fiscal year 2026 and each fiscal year thereafter.</u>		
314.30	<u>Sec. 11. HUMAN SERVICES</u>	<u>\$ 1,506,000</u>	<u>\$ 1,360,000</u>
314.31	<u>Central Office Administration</u>		
314.32	<u>For the Office of Inspector General to process</u>		
314.33	<u>additional background studies and for the</u>		

315.1 behavioral health, deaf and hard-of-hearing,
 315.2 and housing division to provide data required
 315.3 under Minnesota Statutes, section 342.04, and
 315.4 the consultation requirements under Minnesota
 315.5 Statutes, section 342.72.

315.6	Sec. 12. <u>LABOR AND INDUSTRY</u>	\$	<u>116,000</u>	\$	<u>123,000</u>
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315.7	Sec. 13. <u>NATURAL RESOURCES</u>	\$	<u>338,000</u>	\$	<u>-0-</u>
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315.8	Sec. 14. <u>POLLUTION CONTROL AGENCY</u>	\$	<u>140,000</u>	\$	<u>70,000</u>
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315.9 Sec. 15. **PUBLIC SAFETY**

315.10	Subdivision 1. <u>Total Appropriation</u>	\$	<u>18,422,000</u>	\$	<u>11,964,000</u>
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315.11 The base for this appropriation is \$10,847,000
 315.12 in fiscal year 2026 and each fiscal year
 315.13 thereafter. The amounts that may be spent for
 315.14 each purpose are specified in the following
 315.15 subdivisions.

315.16	Subd. 2. <u>Administration</u>		<u>760,000</u>		<u>-0-</u>
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315.17 \$760,000 the first year is for a public
 315.18 information campaign relating to automatic
 315.19 expungement of cannabis-related crimes. This
 315.20 appropriation is available until June 30, 2025.

315.21	Subd. 3. <u>Bureau of Criminal Apprehension</u>		<u>-0-</u>		<u>3,629,000</u>
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315.22	Subd. 4. <u>Office of Traffic and Safety</u>		<u>11,485,000</u>		<u>6,117,000</u>
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315.23 (a) The base for this appropriation is
 315.24 \$5,000,000 in fiscal year 2026 and each fiscal
 315.25 year thereafter.

315.26 (b) \$10,000,000 the first year and \$5,000,000
 315.27 the second year are for the drug evaluation
 315.28 and classification program for drug recognition
 315.29 evaluator training; additional phlebotomists;
 315.30 drug recognition training for peace officers,
 315.31 as defined in Minnesota Statutes, section
 315.32 626.84, subdivision 1, paragraph (c); and

316.1 required continuing education training for drug
 316.2 recognition experts. The commissioner must
 316.3 make reasonable efforts to reflect the
 316.4 geographic diversity of the state in making
 316.5 expenditures under this appropriation.

316.6 (c) \$1,485,000 the first year and \$1,117,000
 316.7 the second year are for a roadside testing pilot
 316.8 project. These are onetime appropriations.

316.9 **Subd. 5. Office of Justice Programs** 20,000 -0-

316.10 For a grant to Hennepin County to produce
 316.11 the High Intensity Drug Trafficking Area
 316.12 report in article 6, section 72.

316.13 **Subd. 6. State Patrol** 6,157,000 2,218,000

316.14 This appropriation is from the trunk highway
 316.15 fund.

316.16 **Sec. 16. REVENUE** \$ 4,559,000 \$ 3,931,000

316.17 The base for this appropriation is \$3,896,000
 316.18 in fiscal year 2026 and \$3,897,000 in fiscal
 316.19 year 2027.

316.20 **Sec. 17. SUPREME COURT** \$ 545,000 \$ 545,000

316.21 These are onetime appropriations.

316.22 **Sec. 18. UNIVERSITY OF MINNESOTA** \$ 2,600,000 \$ 2,600,000

316.23 (a) The base for this appropriation is
 316.24 \$3,250,000 in fiscal year 2026 and each fiscal
 316.25 year thereafter.

316.26 (b) \$2,500,000 each year is to establish a
 316.27 Center for Cannabis Research within the
 316.28 School of Public Health. The center must
 316.29 investigate the effects of cannabis use on
 316.30 health and research other topics related to
 316.31 cannabis, including but not limited to
 316.32 prevention and treatment of substance use

317.1 disorders, equity issues, education, and
317.2 decriminalization.

317.3 (c) \$100,000 each year is for grants for
317.4 cannabis genetics and agronomy research and
317.5 for the creation and maintenance of a
317.6 University of Minnesota Extension position
317.7 and a postdoctoral position. The base for this
317.8 appropriation is \$750,000 in fiscal year 2026
317.9 and each fiscal year thereafter. In awarding
317.10 grants under this paragraph, the University of
317.11 Minnesota must give priority to applications
317.12 by researchers who are eligible to be social
317.13 equity applicants as defined in Minnesota
317.14 Statutes, section 342.17.

317.15 Sec. 19. **APPROPRIATION AND BASE REDUCTIONS.**

317.16 (a) The commissioner of management and budget must reduce general fund appropriations
317.17 to the commissioner of corrections by \$165,000 in fiscal year 2024 and \$368,000 in fiscal
317.18 year 2025. The commissioner must reduce the base for general fund appropriations to the
317.19 commissioner of corrections by \$460,000 in fiscal year 2026 and \$503,000 in fiscal year
317.20 2027.

317.21 (b) The commissioner of management and budget must reduce general fund appropriations
317.22 to the commissioner of health by \$260,000 in fiscal year 2025 for the administration of the
317.23 medical cannabis program. The commissioner must reduce the base for general fund
317.24 appropriations to the commissioner of health by \$781,000 in fiscal year 2026 and each fiscal
317.25 year thereafter.

317.26 (c) The commissioner of management and budget must reduce state government special
317.27 revenue fund appropriations to the commissioner of health by \$1,141,000 in fiscal year
317.28 2025 for the administration of the medical cannabis program. The commissioner must reduce
317.29 the base for state government special revenue fund appropriations to the commissioner of
317.30 health by \$3,424,000 in fiscal year 2026 and each fiscal year thereafter.

317.31 Sec. 20. **TRANSFERS.**

317.32 (a) \$1,000,000 in fiscal year 2024 and \$1,000,000 in fiscal year 2025 are transferred
317.33 from the general fund to the dual training account in the special revenue fund under

318.1 Minnesota Statutes, section 136A.246, subdivision 10, for grants to employers in the legal
318.2 cannabis industry. The base for this transfer is \$1,000,000 in fiscal year 2026 and each fiscal
318.3 year thereafter. The commissioner may use up to six percent of the amount transferred for
318.4 administrative costs. The commissioner shall give priority to applications from employers
318.5 who are, or who are training employees who are, eligible to be social equity applicants
318.6 under Minnesota Statutes, section 342.17. After June 30, 2025, any unencumbered balance
318.7 from this transfer may be used for grants to any eligible employer under Minnesota Statutes,
318.8 section 136A.246.

318.9 (b) \$5,500,000 in fiscal year 2024 and \$5,500,000 in fiscal year 2025 are transferred
318.10 from the general fund to the substance use treatment, recovery, and prevention grant account
318.11 established under Minnesota Statutes, section 342.72. The base for this transfer is \$5,500,000
318.12 in fiscal year 2026 and each fiscal year thereafter.

318.13 **Sec. 21. OFFICE OF CANNABIS MANAGEMENT; IMPLEMENTATION.**

318.14 (a) \$3,000,000 in fiscal year 2023 is appropriated from the general fund to the
318.15 commissioner of agriculture for the planning, research, analysis, and other efforts needed
318.16 to establish the Office of Cannabis Management and transition programs, authorities, and
318.17 responsibilities contained in Minnesota Statutes, chapter 342, to that office. This is a onetime
318.18 appropriation and is available until June 30, 2025.

318.19 (b) Upon the effective date of this act, the commissioner of agriculture may exercise all
318.20 authorities and responsibilities granted to the Office of Cannabis Management under
318.21 Minnesota Statutes, chapter 342, that are necessary to establish the Office of Cannabis
318.22 Management and transition programs, authorities, and responsibilities to that office.

318.23 (c) On or after January 1, 2024, and at such time that the Office of Cannabis Management
318.24 is able to fulfill the powers and duties enumerated in Minnesota Statutes, section 342.02,
318.25 subdivision 2, the commissioner of agriculture may transfer all or some Minnesota Statutes,
318.26 chapter 342, programs, authorities, and responsibilities to the Office of Cannabis
318.27 Management. Upon such transfer, existing contracts, obligations, and funds managed by
318.28 the commissioner of agriculture that are necessary to administer the transferred programs,
318.29 authorities, or responsibilities shall be transferred to the Office of Cannabis Management.

318.30 (d) To the extent practicable, the commissioner of agriculture and the Office of Cannabis
318.31 Management must comply with Minnesota Statutes, chapter 16C. The commissioner of
318.32 administration may waive the application of any provision of Minnesota Statutes, chapter
318.33 16C, on a case-by-case basis, if the commissioner of agriculture or the Office of Cannabis
318.34 Management demonstrates that full compliance with Minnesota Statutes, chapter 16C, would

319.1 be impractical given the effective date or other deadlines established by this act. This
319.2 exemption expires July 1, 2025.

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

319.4 Sec. 22. **APPROPRIATION; DEPARTMENT OF PUBLIC SAFETY; BUREAU OF**
319.5 **CRIMINAL APPREHENSION.**

319.6 \$6,656,000 in fiscal year 2023 is appropriated from the general fund to the commissioner
319.7 of public safety for the Bureau of Criminal Apprehension to identify and provide records
319.8 of convictions for certain offenses involving the possession of cannabis that may be eligible
319.9 for expungement and resentencing; for forensic science services including additional staff,
319.10 equipment, and supplies; and for the investigation of diversion crimes. This is a onetime
319.11 appropriation and is available until June 30, 2025.

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

151.72 SALE OF CERTAIN CANNABINOID PRODUCTS.

Subdivision 1. **Definitions.** For the purposes of this section, the following terms have the meanings given.

(a) "Artificially derived cannabinoid" means a cannabinoid extracted from a hemp plant or hemp plant parts with a chemical makeup that is changed after extraction to create a different cannabinoid or other chemical compound by applying a catalyst other than heat or light. Artificially derived cannabinoid includes but is not limited to any tetrahydrocannabinol created from cannabidiol.

(b) "Batch" means a specific quantity of a specific product containing cannabinoids derived from hemp, including an edible cannabinoid product, that is manufactured at the same time and using the same methods, equipment, and ingredients that is uniform and intended to meet specifications for identity, strength, purity, and composition, and that is manufactured, packaged, and labeled according to a single batch production record executed and documented.

(c) "Certified hemp" means hemp plants that have been tested and found to meet the requirements of chapter 18K and the rules adopted thereunder.

(d) "Commissioner" means the commissioner of health.

(e) "Distributor" means a person who sells, arranges a sale, or delivers a product containing cannabinoids derived from hemp, including an edible cannabinoid product, that the person did not manufacture to a retail establishment for sale to consumers. Distributor does not include a common carrier used only to complete delivery to a retailer.

(f) "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.

(g) "Hemp" has the meaning given to "industrial hemp" in section 18K.02, subdivision 3.

(h) "Label" has the meaning given in section 151.01, subdivision 18.

(i) "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.

(j) "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.

(k) "Nonintoxicating cannabinoid" means substances extracted from certified hemp plants that do not produce intoxicating effects when consumed by any route of administration.

(l) "Synthetic cannabinoid" means a substance with a similar chemical structure and pharmacological activity to a cannabinoid, but which is not extracted or derived from hemp plants, or hemp plant parts and is instead created or produced by chemical or biochemical synthesis.

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 commissioner 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

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amount of any tetrahydrocannabinol that exceeds the limits established in subdivision 5a, paragraph (f).

(b) A product containing nonintoxicating cannabinoids, other than an edible cannabinoid product, may be sold for human or animal consumption only if it is intended for application externally to a part of the body of a human or animal. Such a product must not be manufactured, marketed, distributed, or intended to be consumed:

(1) by combustion or vaporization of the product and inhalation of smoke, aerosol, or vapor from the product;

(2) through chewing, drinking, or swallowing; or

(3) through injection or application to a mucous membrane or nonintact skin.

(c) 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.

(d) 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.

(e) Products that meet the requirements of this section are not controlled substances under section 152.02.

(f) Products may be sold for on-site consumption provided that all of the following conditions are met:

(1) the retailer must also hold an on-sale license issued under chapter 340A;

(2) products must be served in original packaging, but may be removed from the products' packaging by customers and consumed on site;

(3) products must not be sold to a customer who the retailer knows or reasonably should know is intoxicated;

(4) products must not be permitted to be mixed with an alcoholic beverage; and

(5) products that have been removed from packaging must not be removed from the premises.

Subd. 4. Testing requirements. (a) A manufacturer of a product regulated under this section must submit representative samples of each batch of the product to an independent, accredited laboratory in order to certify that the product complies with the standards adopted by the board on or before July 1, 2023, or the standards adopted by the commissioner. 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 or other catalysts, pesticides, fertilizers, or heavy metals; and

(3) does not contain more than 0.3 percent of any tetrahydrocannabinol.

(b) A manufacturer of a product regulated under this section must disclose all known information regarding pesticides, fertilizers, solvents, or other foreign materials applied to industrial hemp or added to industrial hemp during any production or processing stages of any batch from which a representative sample has been sent for testing, including any catalysts used to create artificially derived cannabinoids. The disclosure must be made to the laboratory performing testing or sampling and, upon request, to the commissioner. The disclosure must include all information known to the licensee regardless of whether the application or addition was made intentionally or accidentally, or by the manufacturer or any other person.

(c) Upon the request of the commissioner, the manufacturer of the product must provide the commissioner with the results of the testing required in this section.

(d) The commissioner may determine that any testing laboratory that does not operate formal management systems under the International Organization for Standardization is not an accredited

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laboratory and require that a representative sample of a batch of the product be retested by a testing laboratory that meets this requirement.

(e) 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;
- (3) the batch number; and
- (4) 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) 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 7;
- (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;
- (6) be packaged in a way that resembles the trademarked, characteristic, or product-specialized packaging of any commercially available food product; or
- (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 that is intended to be consumed as a beverage.

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(d) If an edible cannabinoid product, other than a product that is intended to be consumed as a beverage, 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 that appear on the edible cannabinoid product.

(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. An edible cannabinoid product, other than a product that is intended to be consumed as a beverage, may not contain more than a total of 50 milligrams of any tetrahydrocannabinol per package. An edible cannabinoid product that is intended to be consumed as a beverage may not contain more than two servings per container.

(g) An edible cannabinoid product may contain delta-8 tetrahydrocannabinol or delta-9 tetrahydrocannabinol that is extracted from hemp plants or hemp plant parts or is an artificially derived cannabinoid. Edible cannabinoid products are prohibited from containing any other artificially derived cannabinoid, including but not limited to THC-P, THC-O, and HHC, unless the commissioner authorizes use of the artificially derived cannabinoid in edible cannabinoid products. Edible cannabinoid products are prohibited from containing synthetic cannabinoids.

(h) Every person selling edible cannabinoid products to consumers, other than products that are intended to be consumed as a beverage, must ensure that all edible cannabinoid products are displayed behind a checkout counter where the public is not permitted or in a locked case.

Subd. 5b. Registration; prohibitions. (a) On or before October 1, 2023, every person selling edible cannabinoid products to consumers must register with the commissioner in a form and manner established by the commissioner. After October 1, 2023, the sale of edible cannabinoid products by a person that is not registered is prohibited.

(b) The registration form must contain an attestation of compliance and each registrant must affirm that it is operating and will continue to operate in compliance with the requirements of this section and all other applicable state and local laws and ordinances.

(c) The commissioner shall not charge a fee for registration under this subdivision.

Subd. 5c. Age verification. (a) Prior to initiating a sale or otherwise providing an edible cannabinoid product to an individual, an employee of a retailer must verify that the individual is at least 21 years of age.

(b) Proof of age may be established only by one of the following:

(1) a valid driver's license or identification card issued by Minnesota, another state, or a province of Canada and including the photograph and date of birth of the licensed person;

(2) a valid Tribal identification card as defined in section 171.072, paragraph (b);

(3) a valid passport issued by the United States;

(4) a valid instructional permit issued under section 171.05 to a person of legal age to purchase edible cannabinoid products, which includes a photograph and the date of birth of the person issued the permit; or

(5) in the case of a foreign national, by a valid passport.

(c) A registered retailer may seize a form of identification listed under paragraph (b) if the registered retailer has reasonable grounds to believe that the form of identification has been altered or falsified or is being used to violate any law. A registered retailer that seizes a form of identification as authorized under this paragraph must deliver it to a law enforcement agency within 24 hours of seizing it.

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Subd. 6. **Noncompliant products; enforcement.** (a) A product regulated under this section, including an edible cannabinoid product, shall be considered a noncompliant product if the product is offered for sale in this state or if the product is manufactured, imported, distributed, or stored with the intent to be offered for sale in this state in violation of any provision of this section, including but not limited to 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 noncompliant product if the product's labeling is false or misleading in any manner or in violation of the requirements of this section.

(c) The commissioner may assume that any product regulated under this section that is present in the state, other than a product lawfully possessed for personal use, has been manufactured, imported, distributed, or stored with the intent to be offered for sale in this state if a product of the same type and brand was sold in the state on or after July 1, 2023, or if the product is in the possession of a person who has sold any product in violation of this section.

(d) The commissioner may enforce this section, including enforcement against a manufacturer or distributor of a product regulated under this section, under sections 144.989 to 144.993.

(e) The commissioner may enter into an interagency agreement with the Office of Cannabis Management and the commissioner of agriculture to perform inspections and take other enforcement actions on behalf of the commissioner.

Subd. 7. **Violations; criminal penalties.** (a) Notwithstanding section 144.99, subdivision 11, a person who does any of the following regarding a product regulated under this section is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than 364 days or to payment of a fine of not more than \$3,000, or both:

- (1) knowingly alters or otherwise falsifies testing results;
- (2) intentionally alters or falsifies any information required to be included on the label of an edible cannabinoid product; or
- (3) intentionally makes a false material statement to the commissioner.

(b) Notwithstanding section 144.99, subdivision 11, a person who does any of the following on the premises of a registered retailer or another business that sells retail goods to customers is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than 364 days or to payment of a fine of not more than \$3,000, or both:

- (1) sells an edible cannabinoid product knowing that the product does not comply with the limits on the amount or types of cannabinoids that a product may contain;
- (2) sells an edible cannabinoid product knowing that the product does not comply with the applicable testing, packaging, or labeling requirements; or
- (3) sells an edible cannabinoid product to a person under the age of 21, except that it is an affirmative defense to a charge under this clause if the defendant proves by a preponderance of the evidence that the defendant reasonably and in good faith relied on proof of age as described in subdivision 5c.

152.027 OTHER CONTROLLED SUBSTANCE OFFENSES.

No active language found for: 152.027.3

No active language found for: 152.027.4

No active language found for: 152.21

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.

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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;

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(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.

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(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 commissioner 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 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

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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.

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(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:

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(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 Tennessee 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 utilize telehealth, as defined in section 62A.673, subdivision 2, for certifications and recertifications.

(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

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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.

(l) A manufacturer shall comply with reasonable restrictions set by the commissioner relating to signage, marketing, display, and advertising of medical cannabis.

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(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;

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- (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; transport 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.

(c) A medical cannabis manufacturer may contract with a third party for armored car services for deliveries of medical cannabis from its production facility to distribution facilities. A medical cannabis manufacturer that contracts for armored car services remains responsible for the transportation manifest and inventory tracking requirements in rules adopted by the commissioner.

(d) Department of Health staff may transport medical cannabis for the purposes of delivering medical cannabis and other samples to a laboratory for testing under rules adopted by the commissioner and in cases of special investigations when the commissioner has determined there is a potential threat to public health. The transport motor vehicle must be staffed with a minimum of two Department of Health employees. The employees must carry with them their Department of Health identification card and a transport manifest.

Subd. 4. Report. (a) 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.

(b) For transactions involving Tribal medical cannabis program patients, each manufacturer shall report to the commissioner on a weekly basis the following information on each individual Tribal medical cannabis program patient for the week prior to the report:

- (1) the name of the Tribal medical cannabis program in which the Tribal medical cannabis program patient is enrolled;
- (2) the amount and dosages of medical cannabis distributed;
- (3) the chemical composition of the medical cannabis distributed; and
- (4) the tracking number assigned to the medical cannabis distributed.

152.291 TRIBAL MEDICAL CANNABIS PROGRAM MANUFACTURER TRANSPORTATION.

(a) A Tribal medical cannabis program manufacturer may transport medical cannabis to testing laboratories in the state and to other Indian lands.

(b) A Tribal medical cannabis program manufacturer must staff a motor vehicle used to transport medical cannabis with at least two employees of the manufacturer. Each employee in the transport vehicle must carry identification specifying that the employee is an employee of the manufacturer, and one employee in the transport vehicle must carry a detailed transportation manifest that includes

the place and time of departure, the address of the destination, and a description and count of the medical cannabis being transported.

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 or Tribal medical cannabis program but is not required to receive medical cannabis products from only a registered manufacturer or Tribal medical cannabis program.

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 OR TRIBAL MEDICAL 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 or a Tribal medical cannabis program patient is engaged in the authorized use of medical cannabis.

(b) The presumption may be rebutted by evidence that:

(1) a patient's 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; or

(2) a Tribal medical cannabis program patient's use of medical cannabis was not for a purpose authorized by the Tribal medical cannabis program.

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; 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;

(2) possession, dosage determination, or sale of medical cannabis or medical cannabis products by a medical cannabis manufacturer, employees of a manufacturer, a Tribal medical cannabis program manufacturer, employees of a Tribal medical cannabis program 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.

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(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, members of a Tribal medical cannabis board, the commissioner's or Tribal medical cannabis board's staff, the commissioner's or Tribal medical cannabis board'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 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 guilty of 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) The following do not constitute probable cause or reasonable suspicion, and shall 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:

(1) possession of a registry verification or application for enrollment in the registry program by a person entitled to possess a registry verification or apply for enrollment in the registry program; or

(2) possession of a verification or equivalent issued by a Tribal medical cannabis program or application for enrollment in a Tribal medical cannabis program by a person entitled to 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 cannabis program patient's use of medical cannabis as authorized by the Tribal medical cannabis program, 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

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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 any of the following:

(1) the person's status as a patient enrolled in the registry program under sections 152.22 to 152.37;

(2) the person's status as a Tribal medical cannabis program patient; or

(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.

(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 Tribal medical cannabis program 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, 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.

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 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 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.

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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 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.

(b) 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.

(c) 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;

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(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 cochair 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.

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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. 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.