

1.1 A bill for an act

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

1.3 the Cannabis Advisory Council; requiring reports relating to cannabis use and

1.4 sales; legalizing and limiting the possession and use of cannabis by adults; providing

1.5 for the licensing, inspection, and regulation of cannabis businesses and hemp

1.6 businesses; requiring testing of cannabis flower, cannabis products, and hemp

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

1.8 products; limiting the advertisement of cannabis flower, cannabis products, hemp

1.9 products, hemp businesses products, and cannabis businesses; providing for the

1.10 cultivation of cannabis in private residences; transferring regulatory authority for

1.11 the medical cannabis program; allowing Tribal medical cannabis program

1.12 manufacturers to distribute medical cannabis to Tribal medical cannabis program

1.13 patients; providing for transportation of medical cannabis by Tribal medical

1.14 cannabis manufacturers; taxing the sale of adult-use cannabis; establishing grant

1.15 and loan programs; amending criminal penalties; prohibiting the use or possession

1.16 of cannabis flower and cannabis products on a street or highway; establishing

1.17 expungement procedures for certain individuals; establishing labor standards for

1.18 the use of cannabis and hemp products by employees and testing of employees;

1.19 providing for the temporary regulation of certain edible cannabinoid products;

1.20 providing for professional licensing protections; amending the scheduling of

1.21 marijuana and tetrahydrocannabinols; classifying data; making miscellaneous

1.22 cannabis-related and hemp-related changes and additions; making clarifying and

1.23 technical changes; appropriating money; amending Minnesota Statutes 2022,

1.24 sections 13.411, by adding a subdivision; 13.871, by adding a subdivision;

1.25 16B.2975, subdivision 8; 18K.02, subdivisions 3, 5; 18K.03, subdivision 2; 34A.01,

1.26 subdivision 4, by adding a subdivision; 97B.065, subdivision 1; 97B.066, by adding

1.27 a subdivision; 151.72; 152.01, subdivision 9, by adding subdivisions; 152.02,

1.28 subdivisions 2, 4; 152.021, subdivision 2; 152.022, subdivisions 1, 2; 152.023,

1.29 subdivisions 1, 2; 152.024, subdivision 1; 152.025, subdivisions 1, 2; 152.18,

1.30 subdivision 1; 152.22, by adding subdivisions; 152.29, subdivision 4, by adding

1.31 a subdivision; 152.30; 152.32; 152.33, subdivision 1; 169A.03, subdivision 6;

1.32 175.45, subdivision 1; 181.938, subdivision 2; 181.950, subdivisions 2, 4, 5, 8,

1.33 13, by adding a subdivision; 181.951, subdivision 4, by adding subdivisions;

1.34 181.952, by adding a subdivision; 181.953; 181.954; 181.955; 181.957, subdivision

1.35 1; 192A.555; 245C.08, subdivision 1; 256.01, subdivision 18c; 256B.0625,

1.36 subdivision 13d; 256D.024, subdivisions 1, 3; 256J.26, subdivisions 1, 3; 270B.12,

1.37 by adding a subdivision; 273.13, subdivision 24; 275.025, subdivision 2; 290.0132,

1.38 subdivision 29; 290.0134, subdivision 19; 297A.61, subdivision 3; 297A.67,

2.1 subdivisions 2, 7; 297A.70, subdivisions 2, 4, 18; 297A.85; 297D.01; 297D.04;  
2.2 297D.06; 297D.07; 297D.08; 297D.085; 297D.09, subdivision 1a; 297D.10;  
2.3 297D.11; 340A.402, subdivision 1; 340A.412, subdivision 14; 461.12, by adding  
2.4 a subdivision; 609.135, subdivision 1; 609.2111; 609.5311, subdivision 1; 609.5314,  
2.5 subdivision 1; 609.5316, subdivision 2; 609A.01; 609A.03, subdivisions 5, 9;  
2.6 609B.425, subdivision 2; 609B.435, subdivision 2; 624.712, by adding subdivisions;  
2.7 624.713, subdivision 1; 624.714, subdivision 6; 624.7142, subdivision 1; 624.7143,  
2.8 by adding a subdivision; 624.7151; proposing coding for new law in Minnesota  
2.9 Statutes, chapters 3; 116J; 116L; 120B; 144; 152; 169A; 270C; 289A; 295; 340A;  
2.10 477A; 609A; 624; proposing coding for new law as Minnesota Statutes, chapter  
2.11 342; repealing Minnesota Statutes 2022, sections 18K.08; 34A.01, subdivision 4;  
2.12 151.72; 152.027, subdivisions 3, 4; 152.21; 152.22, subdivisions 1, 2, 3, 4, 5, 5a,  
2.13 5b, 6, 7, 8, 9, 10, 11, 12, 13, 14; 152.23; 152.24; 152.25, subdivisions 1, 1a, 1b,  
2.14 1c, 2, 3, 4; 152.26; 152.261; 152.27, subdivisions 1, 2, 3, 4, 5, 6, 7; 152.28,  
2.15 subdivisions 1, 2, 3; 152.29, subdivisions 1, 2, 3, 3a, 4; 152.30; 152.31; 152.32,  
2.16 subdivisions 1, 2, 3; 152.33, subdivisions 1, 1a, 2, 3, 4, 5, 6; 152.34; 152.35; 152.36,  
2.17 subdivisions 1, 1a, 2, 3, 4, 5; 152.37; Minnesota Rules, parts 4770.0100; 4770.0200;  
2.18 4770.0300; 4770.0400; 4770.0500; 4770.0600; 4770.0800; 4770.0900; 4770.1000;  
2.19 4770.1100; 4770.1200; 4770.1300; 4770.1400; 4770.1460; 4770.1500; 4770.1600;  
2.20 4770.1700; 4770.1800; 4770.1900; 4770.2000; 4770.2100; 4770.2200; 4770.2300;  
2.21 4770.2400; 4770.2700; 4770.2800; 4770.4000; 4770.4002; 4770.4003; 4770.4004;  
2.22 4770.4005; 4770.4007; 4770.4008; 4770.4009; 4770.4010; 4770.4012; 4770.4013;  
2.23 4770.4014; 4770.4015; 4770.4016; 4770.4017; 4770.4018; 4770.4030.

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

2.25 **ARTICLE 1**

2.26 **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 synthetically  
2.33 derived cannabinoids.

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 cannabinoid  
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 342.63, subdivision 2,  
3.8 paragraph (b).

3.9 Subd. 6. **Artificial cannabinoid.** "Artificial cannabinoid" means a substance with a  
3.10 similar chemical structure and pharmacological activity to a cannabinoid but that is not  
3.11 extracted or derived from cannabis plants, cannabis flower, hemp plants, or hemp plant  
3.12 parts and is instead created or produced by chemical or biochemical synthesis.

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

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

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

3.20 (3) a specific quantity of a specific cannabis product, lower-potency hemp edible,  
3.21 synthetically derived cannabinoid, hemp-derived consumer product, or hemp-derived topical  
3.22 product that is manufactured at the same time and using the same methods, equipment, and  
3.23 ingredients that are uniform and intended to meet specifications for identity, strength, purity,  
3.24 and composition and that is manufactured, packaged, and labeled according to a single batch  
3.25 production record executed and documented during the same cycle of manufacture and  
3.26 produced by a continuous process.

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

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

4.1 Subd. 10. **Cannabinoid.** "Cannabinoid" means any of the chemical constituents of hemp  
4.2 plants or cannabis plants that are naturally occurring, biologically active, and act on the  
4.3 cannabinoid receptors of the brain. Cannabinoid includes but is not limited to  
4.4 tetrahydrocannabinol and cannabidiol.

4.5 Subd. 11. **Cannabinoid extraction.** "Cannabinoid extraction" means the process of  
4.6 extracting cannabis concentrate from cannabis plants or cannabis flower using water, lipids,  
4.7 gases, solvents, or other chemicals or chemical processes, but does not include the process  
4.8 of extracting concentrate from hemp plants or hemp plant parts or the process of creating  
4.9 synthetically derived cannabinoids.

4.10 Subd. 12. **Cannabinoid profile.** "Cannabinoid profile" means the amounts of each  
4.11 cannabinoid that the office requires to be identified in testing and labeling, including but  
4.12 not limited to delta-9 tetrahydrocannabinol, tetrahydrocannabinolic acid, cannabidiol,  
4.13 cannabidiolic acid in cannabis flower, a cannabinoid product, a batch of synthetically derived  
4.14 cannabinoid, or a hemp-derived consumer product, expressed as percentages measured by  
4.15 weight and, in the case of cannabinoid products and hemp-derived consumer products,  
4.16 expressed as milligrams in each serving and package.

4.17 Subd. 13. **Cannabis business.** "Cannabis business" means any of the following licensed  
4.18 under this chapter:

- 4.19 (1) cannabis microbusiness;
- 4.20 (2) cannabis mezzobusiness;
- 4.21 (3) cannabis cultivator;
- 4.22 (4) cannabis manufacturer;
- 4.23 (5) cannabis retailer;
- 4.24 (6) cannabis wholesaler;
- 4.25 (7) cannabis transporter;
- 4.26 (8) cannabis testing facility;
- 4.27 (9) cannabis event organizer;
- 4.28 (10) cannabis delivery service;
- 4.29 (11) medical cannabis cultivator;
- 4.30 (12) medical cannabis processor; and
- 4.31 (13) medical cannabis retailer.

5.1 Subd. 14. **Cannabis concentrate.** (a) "Cannabis concentrate" means:

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

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

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

5.8 (b) Cannabis concentrate does not include industrial hemp, synthetically derived  
5.9 cannabinoids, or hemp-derived consumer products.

5.10 Subd. 15. **Cannabis flower.** "Cannabis flower" means the harvested flower, bud, leaves,  
5.11 and stems of a cannabis plant. Cannabis flower includes adult-use cannabis flower and  
5.12 medical cannabis flower. Cannabis flower does not include cannabis seed, hemp plant parts,  
5.13 or hemp-derived consumer products.

5.14 Subd. 16. **Cannabis industry.** "Cannabis industry" means every item, product, person,  
5.15 process, action, business, or other thing related to cannabis flower and cannabis products  
5.16 and subject to regulation under this chapter.

5.17 Subd. 17. **Cannabis paraphernalia.** "Cannabis paraphernalia" means all equipment,  
5.18 products, and materials of any kind that are knowingly or intentionally used primarily in:

5.19 (1) manufacturing cannabinoid products;

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

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

5.24 Subd. 18. **Cannabis plant.** "Cannabis plant" means all parts of the plant of the genus  
5.25 Cannabis that is growing or has not been harvested and has a delta-9 tetrahydrocannabinol  
5.26 concentration of more than 0.3 percent on a dry weight basis.

5.27 Subd. 19. **Cannabis product.** (a) "Cannabis product" means any of the following:

5.28 (1) cannabis concentrate;

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

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

6.1 (b) Cannabis product includes adult-use cannabis products and medical cannabinoid  
6.2 products. Cannabis product does not include cannabis flower, synthetically derived  
6.3 cannabinoids, lower-potency hemp edibles, hemp-derived consumer products, or  
6.4 hemp-derived topical products.

6.5 Subd. 20. **Cannabis prohibition.** "Cannabis prohibition" means the system of state and  
6.6 federal laws that prevented establishment of a legal market and instead established petty  
6.7 offenses and criminal offenses punishable by fines, imprisonment, or both for the cultivation,  
6.8 possession, and sale of all parts of the plant of any species of the genus Cannabis, including  
6.9 all agronomical varieties, whether growing or not; the seeds thereof; the resin extracted  
6.10 from any part of such plant; and every compound, manufacture, salt, derivative, mixture,  
6.11 or preparation of such plant, its seeds, or resin.

6.12 Subd. 21. **Cannabis seed.** "Cannabis seed" means the viable seed of the plant of the  
6.13 genus Cannabis that is reasonably expected to grow into a cannabis plant. Cannabis seed  
6.14 does not include hemp seed.

6.15 Subd. 22. **Cannabis worker.** "Cannabis worker" means any individual employed by a  
6.16 cannabis business and any individual who is a contractor of a cannabis business whose  
6.17 scope of work involves the handling of cannabis plants, cannabis flower, synthetically  
6.18 derived cannabinoids, or cannabis products.

6.19 Subd. 23. **Child-resistant.** "Child-resistant" means packaging that meets the poison  
6.20 prevention packaging standards in Code of Federal Regulations, title 16, section 1700.15.

6.21 Subd. 24. **Cooperative.** "Cooperative" means an association conducting business on a  
6.22 cooperative plan that is organized or is subject to chapter 308A or 308B.

6.23 Subd. 25. **Council.** "Council" means the Cannabis Advisory Council.

6.24 Subd. 26. **Cultivation.** "Cultivation" means any activity involving the planting, growing,  
6.25 harvesting, drying, curing, grading, or trimming of cannabis plants, cannabis flower, hemp  
6.26 plants, or hemp plant parts.

6.27 Subd. 27. **Division of Medical Cannabis.** "Division of Medical Cannabis" means a  
6.28 division housed in the Office of Cannabis Management that operates the medical cannabis  
6.29 program.

6.30 Subd. 28. **Division of Social Equity** "Division of Social Equity" means a division housed  
6.31 in the Office of Cannabis Management that promotes development, stability, and safety in  
6.32 communities that have experienced a disproportionate, negative impact from cannabis  
6.33 prohibition and usage.

7.1 Subd. 29. **Edible cannabis product.** "Edible cannabis product" means any product that  
7.2 is intended to be eaten or consumed as a beverage by humans; contains a cannabinoid,  
7.3 including a synthetically derived cannabinoid, in combination with food ingredients; is not  
7.4 a drug; and is a type of product approved for sale by the office, or is substantially similar  
7.5 to a product approved by the office including but not limited to products that resemble  
7.6 nonalcoholic beverages, candy, and baked goods. Edible cannabis product does not include  
7.7 lower-potency hemp edibles.

7.8 Subd. 30. **Health care practitioner.** "Health care practitioner" means a  
7.9 Minnesota-licensed doctor of medicine, a Minnesota-licensed physician assistant acting  
7.10 within the scope of authorized practice, or a Minnesota-licensed advanced practice registered  
7.11 nurse who has the primary responsibility for the care and treatment of the qualifying medical  
7.12 condition of an individual diagnosed with a qualifying medical condition.

7.13 Subd. 31. **Health record.** "Health record" has the meaning given in section 144.291,  
7.14 subdivision 2.

7.15 Subd. 32. **Hemp business.** (a) "Hemp business" means either of the following licensed  
7.16 under this chapter:

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

7.18 (2) lower-potency hemp edible retailer.

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

7.22 Subd. 33. **Hemp concentrate.** (a) "Hemp concentrate" means:

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

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

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

7.29 (b) Hemp concentrate does not include synthetically derived cannabinoids, lower-potency  
7.30 hemp edibles, hemp-derived consumer products, or hemp-derived topical products.

7.31 Subd. 34. **Hemp consumer industry.** "Hemp consumer industry" means every item,  
7.32 product, person, process, action, business, or other thing related to synthetically derived

8.1 cannabinoids, lower-potency hemp edibles, and hemp-derived consumer products subject  
8.2 to regulation under this chapter.

8.3 Subd. 35. **Hemp-derived consumer product.** (a) "Hemp-derived consumer product"  
8.4 means a product intended for human or animal consumption that does not contain cannabis  
8.5 flower or cannabis concentrate, and:

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

8.7 (2) contains hemp concentrate or synthetically derived cannabinoids in combination  
8.8 with other ingredients.

8.9 (b) Hemp-derived consumer product does not include synthetically derived cannabinoids,  
8.10 lower-potency hemp edibles, hemp-derived topical products, hemp fiber products, or hemp  
8.11 grain.

8.12 Subd. 36. **Hemp-derived topical product.** "Hemp-derived topical product" means a  
8.13 product intended for human or animal consumption that contains hemp concentrate, is  
8.14 intended for application externally to a part of the body of a human or animal, and does not  
8.15 contain cannabis flower or cannabis concentrate.

8.16 Subd. 37. **Hemp fiber product.** "Hemp fiber product" means an intermediate or finished  
8.17 product made from the fiber of hemp plant parts that is not intended for human or animal  
8.18 consumption. Hemp fiber product includes but is not limited to cordage, paper, fuel, textiles,  
8.19 bedding, insulation, construction materials, compost materials, and industrial materials.

8.20 Subd. 38. **Hemp grain.** "Hemp grain" means the harvested seeds of the hemp plant  
8.21 intended for consumption as a food or part of a food product. Hemp grain includes oils  
8.22 pressed or extracted from harvested hemp seeds.

8.23 Subd. 39. **Hemp plant.** "Hemp plant" means all parts of the plant of the genus Cannabis  
8.24 that is growing or has not been harvested and has a delta-9 tetrahydrocannabinol  
8.25 concentration of no more than 0.3 percent on a dry weight basis.

8.26 Subd. 40. **Hemp plant parts.** "Hemp plant parts" means any part of the harvested hemp  
8.27 plant, including the flower, bud, leaves, stems, and stalk, but does not include derivatives,  
8.28 extracts, cannabinoids, isomers, acids, salts, and salts of isomers that are separated from  
8.29 the plant. Hemp plant parts does not include hemp fiber products, hemp grain, or hemp  
8.30 seed.

8.31 Subd. 41. **Hemp seed.** "Hemp seed" means the viable seed of the plant of the genus  
8.32 Cannabis that is intended to be planted and is reasonably expected to grow into a hemp  
8.33 plant. Hemp seed does not include cannabis seed or hemp grain.

9.1 Subd. 42. **Hemp worker.** "Hemp worker" means any individual employed by a hemp  
9.2 business and any individual who is a contractor of a hemp business whose scope of work  
9.3 involves the handling of synthetically derived cannabinoids, hemp concentrate, lower-potency  
9.4 hemp edibles, or hemp-derived consumer products.

9.5 Subd. 43. **Indian lands.** "Indian lands" means all lands within the limits of any Indian  
9.6 reservation within the boundaries of Minnesota and any lands within the boundaries of  
9.7 Minnesota title to which are either held in trust by the United States or over which an Indian  
9.8 Tribe exercises governmental power.

9.9 Subd. 44. **Industrial hemp.** "Industrial hemp" has the meaning given in section 18K.02,  
9.10 subdivision 3.

9.11 Subd. 45. **Intoxicating cannabinoid.** "Intoxicating cannabinoid" means a cannabinoid,  
9.12 including a synthetically derived cannabinoid, that when introduced into the human body  
9.13 impairs the central nervous system or impairs the human audio, visual, or mental processes.  
9.14 Intoxicating cannabinoid includes but is not limited to any tetrahydrocannabinol.

9.15 Subd. 46. **Labor peace agreement.** "Labor peace agreement" means an agreement  
9.16 between a cannabis business and a bona fide labor organization that protects the state's  
9.17 interests by, at minimum, prohibiting the labor organization from engaging in picketing,  
9.18 work stoppages, or boycotts against the cannabis business. This type of agreement shall not  
9.19 mandate a particular method of election or certification of the bona fide labor organization.

9.20 Subd. 47. **License holder.** "License holder" means a person, cooperative, or business  
9.21 that holds any of the following licenses:

9.22 (1) cannabis microbusiness;

9.23 (2) cannabis mezzobusiness;

9.24 (3) cannabis cultivator;

9.25 (4) cannabis manufacturer;

9.26 (5) cannabis retailer;

9.27 (6) cannabis wholesaler;

9.28 (7) cannabis transporter;

9.29 (8) cannabis testing facility;

9.30 (9) cannabis event organizer;

9.31 (10) cannabis delivery service;

10.1 (11) lower-potency hemp edible manufacturer;

10.2 (12) lower-potency hemp edible retailer;

10.3 (13) medical cannabis cultivator;

10.4 (14) medical cannabis processor; or

10.5 (15) medical cannabis retailer.

10.6 Subd. 48. **Local unit of government.** "Local unit of government" means a home rule  
10.7 charter or statutory city, county, town, or other political subdivision.

10.8 Subd. 49. **Lower-potency hemp edible.** "Lower-potency hemp edible" means any  
10.9 product that:

10.10 (1) is intended to be eaten or consumed as a beverage by humans;

10.11 (2) contains hemp concentrate or a synthetically derived cannabinoid, in combination  
10.12 with food ingredients;

10.13 (3) is not a drug;

10.14 (4) consists of servings that contain no more than five milligrams of delta-9  
10.15 tetrahydrocannabinol, 25 milligrams of cannabidiol, 25 milligrams of cannabigerol, or any  
10.16 combination of those cannabinoids that does not exceed the identified amounts;

10.17 (5) does not contain more than a combined total of 0.5 milligrams of all other  
10.18 cannabinoids per serving;

10.19 (6) does not contain a cannabinoid derived from cannabis plants or cannabis flower; and

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

10.23 Subd. 50. **Matrix barcode.** "Matrix barcode" means a code that stores data in a  
10.24 two-dimensional array of geometrically shaped dark and light cells capable of being read  
10.25 by the camera on a smartphone or other mobile device.

10.26 Subd. 51. **Medical cannabinoid product.** (a) "Medical cannabinoid product" means a  
10.27 product that:

10.28 (1) consists of or contains cannabis concentrate or hemp concentrate or is infused with  
10.29 cannabinoids, including but not limited to synthetically derived cannabinoids; and

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

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

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

11.7 (2) pill;

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

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

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

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

11.13 (7) topical formulation; or

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

11.15 (c) Medical cannabinoid product does not include adult-use cannabis products.

11.16 Subd. 52. **Medical cannabis business.** "Medical cannabis business" means an entity  
11.17 licensed under this chapter to engage in one or more of the following:

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

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

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

11.21 Subd. 53. **Medical cannabis flower.** "Medical cannabis flower" means cannabis flower  
11.22 provided to a patient enrolled in the registry program; a registered designated caregiver; or  
11.23 a parent, legal guardian, or spouse of an enrolled patient by a cannabis retailer or medical  
11.24 cannabis business to treat or alleviate the symptoms of a qualifying medical condition.

11.25 Medical cannabis flower does not include adult-use cannabis flower or hemp-derived  
11.26 consumer products.

11.27 Subd. 54. **Medical cannabis paraphernalia.** "Medical cannabis paraphernalia" means  
11.28 a delivery device, related supply, or educational material used by a patient enrolled in the  
11.29 registry program to administer medical cannabis and medical cannabinoid products.

12.1 Subd. 55. **Nonintoxicating cannabinoid.** "Nonintoxicating cannabinoid" means a  
12.2 cannabinoid that when introduced into the human body does not impair the central nervous  
12.3 system and does not impair the human audio, visual, or mental processes. Nonintoxicating  
12.4 cannabinoid includes but is not limited to cannabidiol and cannabigerol but does not include  
12.5 any synthetically derived cannabinoid.

12.6 Subd. 56. **Office.** "Office" means the Office of Cannabis Management.

12.7 Subd. 57. **Outdoor advertisement.** "Outdoor advertisement" means an advertisement  
12.8 that is located outdoors or can be seen or heard by an individual who is outdoors and includes  
12.9 billboards; advertisements on benches; advertisements at transit stations or transit shelters;  
12.10 advertisements on the exterior or interior of buses, taxis, light rail transit, or business vehicles;  
12.11 and print signs that do not meet the requirements in section 342.63, subdivision 2, paragraph  
12.12 (b), but that are placed or located on the exterior property of a cannabis business or hemp  
12.13 business.

12.14 Subd. 58. **Patient.** "Patient" means a Minnesota resident who has been diagnosed with  
12.15 a qualifying medical condition by a health care practitioner and who has met all other  
12.16 requirements for patients under this chapter to participate in the registry program.

12.17 Subd. 59. **Patient registry number.** "Patient registry number" means a unique  
12.18 identification number assigned by the Division of Medical Cannabis to a patient enrolled  
12.19 in the registry program.

12.20 Subd. 60. **Plant canopy.** "Plant canopy" means the total surface area within a licensed  
12.21 cultivation facility that is used at any time to cultivate mature, flowering cannabis plants.  
12.22 Calculation of the area of the plant canopy does not include the surface area within the  
12.23 licensed cultivation facility that is used to cultivate immature cannabis plants and seedlings.

12.24 Subd. 60a. **Propagule.** "Propagule" means seeds, clones, transplants, and any other  
12.25 propagative industrial hemp material.

12.26 Subd. 61. **Qualifying medical condition.** "Qualifying medical condition" means a  
12.27 diagnosis of any of the following conditions:

12.28 (1) Alzheimer's disease;

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

12.32 (3) cancer;

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

14.1 Subd. 63. **Registry or registry program.** "Registry" or "registry program" means the  
14.2 patient registry established under this chapter listing patients authorized to obtain medical  
14.3 cannabis flower, medical cannabinoid products, and medical cannabis paraphernalia from  
14.4 cannabis retailers and medical cannabis retailers and administer medical cannabis flower  
14.5 and medical cannabinoid products.

14.6 Subd. 64. **Registry verification.** "Registry verification" means the verification provided  
14.7 by the Division of Medical Cannabis that a patient is enrolled in the registry program and  
14.8 that includes the patient's name, patient registry number, and, if applicable, the name of the  
14.9 patient's registered designated caregiver or parent, legal guardian, or spouse.

14.10 Subd. 65. **Restricted area.** "Restricted area" means an area where cannabis flower or  
14.11 cannabis products are cultivated, manufactured, or stored by a cannabis business.

14.12 Subd. 66. **Statewide monitoring system.** "Statewide monitoring system" means the  
14.13 system for integrated cannabis tracking, inventory, and verification established or adopted  
14.14 by the office.

14.15 Subd. 67. **Synthetically derived cannabinoid.** "Synthetically derived cannabinoid"  
14.16 means a cannabinoid extracted from a cannabis plant, cannabis flower, hemp plant, or hemp  
14.17 plant parts with a chemical makeup that is changed after extraction to create a different  
14.18 cannabinoid or other chemical compound by applying a catalyst other than heat or light.  
14.19 Synthetically derived cannabinoid includes but is not limited to any tetrahydrocannabinol  
14.20 created from cannabidiol but does not include cannabis concentrate, cannabinoid products,  
14.21 or hemp-derived consumer products.

14.22 Subd. 68. **Tribal medical cannabis board.** "Tribal medical cannabis board" means an  
14.23 agency established by each federally recognized Tribal government and duly authorized by  
14.24 that Tribe's governing body to perform regulatory oversight and monitor compliance with  
14.25 a Tribal medical cannabis program and applicable regulations.

14.26 Subd. 69. **Tribal medical cannabis program.** "Tribal medical cannabis program" means  
14.27 a program established by a federally recognized Tribal government within the boundaries  
14.28 of Minnesota regarding the commercial production, processing, sale or distribution, and  
14.29 possession of medical cannabis and medical cannabis products.

14.30 Subd. 70. **Tribal medical cannabis program manufacturer.** "Tribal medical cannabis  
14.31 program manufacturer" means an entity designated by a Tribal medical cannabis board  
14.32 within the boundaries of Minnesota or a federally recognized Tribal government within the  
14.33 boundaries of Minnesota to engage in production, processing, and sale or distribution of

15.1 medical cannabis and medical cannabis products under that Tribe's Tribal medical cannabis  
15.2 program.

15.3 Subd. 71. **Tribal medical cannabis program patient.** "Tribal medical cannabis program  
15.4 patient" means a person who possesses a valid registration verification card or equivalent  
15.5 document that is issued under the laws or regulations of a Tribal nation within the boundaries  
15.6 of Minnesota and that verifies that the person is enrolled in or authorized to participate in  
15.7 that Tribal nation's Tribal medical cannabis program.

15.8 Subd. 72. **Veteran.** "Veteran" means an individual who satisfies the requirements in  
15.9 section 197.447.

15.10 Subd. 73. **Visiting designated caregiver.** "Visiting designated caregiver" means an  
15.11 individual who is authorized under a visiting patient's jurisdiction of residence to assist the  
15.12 visiting patient with the use of medical cannabis flower and medical cannabinoid products.  
15.13 To be considered a visiting designated caregiver, the individual must possess a valid  
15.14 verification card or its equivalent that is issued by the visiting patient's jurisdiction of  
15.15 residence and that verifies that the individual is authorized to assist the visiting patient with  
15.16 the administration of medical cannabis flower and medical cannabinoid products under the  
15.17 laws or regulations of the visiting patient's jurisdiction of residence.

15.18 Subd. 74. **Visiting patient.** "Visiting patient" means an individual who is not a Minnesota  
15.19 resident and who possesses a valid registration verification card or its equivalent that is  
15.20 issued under the laws or regulations of another state, district, commonwealth, or territory  
15.21 of the United States verifying that the individual is enrolled in or authorized to participate  
15.22 in that jurisdiction's medical cannabis or medical marijuana program.

15.23 Subd. 75. **Volatile solvent.** "Volatile solvent" means any solvent that is or produces a  
15.24 flammable gas or vapor that, when present in the air in sufficient quantities, will create  
15.25 explosive or ignitable mixtures. Volatile solvent includes but is not limited to butane, hexane,  
15.26 and propane.

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

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

15.32 (1) promote the public health and welfare;

15.33 (2) protect public safety;

- 16.1 (3) eliminate the illicit market for cannabis flower and cannabis products;
- 16.2 (4) meet the market demand for cannabis flower and cannabis products;
- 16.3 (5) promote a craft industry for cannabis flower and cannabis products; and
- 16.4 (6) prioritize growth and recovery in communities that have experienced a  
16.5 disproportionate, negative impact from cannabis prohibition.
- 16.6 Subd. 2. Powers and duties. The office has the following powers and duties:
- 16.7 (1) to develop, maintain, and enforce an organized system of regulation for the cannabis  
16.8 industry and hemp consumer industry;
- 16.9 (2) to establish programming, services, and notification to protect, maintain, and improve  
16.10 the health of citizens;
- 16.11 (3) to prevent unauthorized access to adult-use cannabis flower, adult-use cannabis  
16.12 products, lower-potency hemp edibles, and hemp-derived consumer products by individuals  
16.13 under 21 years of age;
- 16.14 (4) to establish and regularly update standards for product testing, packaging, and labeling,  
16.15 including requirements for an expiration, sell-by, or best-used-by date;
- 16.16 (5) to promote economic growth with an emphasis on growth in areas that experienced  
16.17 a disproportionate, negative impact from cannabis prohibition;
- 16.18 (6) to issue and renew licenses;
- 16.19 (7) to require fingerprints from individuals determined to be subject to fingerprinting,  
16.20 including the submission of fingerprints to the Federal Bureau of Investigation where  
16.21 required by law and to obtain criminal conviction data for individuals seeking a license  
16.22 from the office on the individual's behalf or as a cooperative member or director, manager,  
16.23 or general partner of a business entity;
- 16.24 (8) to receive reports required by this chapter and inspect the premises, records, books,  
16.25 and other documents of license holders to ensure compliance with all applicable laws and  
16.26 rules;
- 16.27 (9) to authorize the use of unmarked motor vehicles to conduct seizures or investigations  
16.28 pursuant to the office's authority;
- 16.29 (10) to impose and collect civil and administrative penalties as provided in this chapter;

17.1 (11) to publish such information as may be deemed necessary for the welfare of cannabis  
17.2 businesses, cannabis workers, hemp businesses, and hemp workers and the health and safety  
17.3 of citizens;

17.4 (12) to make loans and grants in aid to the extent that appropriations are made available  
17.5 for that purpose;

17.6 (13) to authorize research and studies on cannabis flower, cannabis products, synthetically  
17.7 derived cannabinoids, lower-potency hemp edibles, hemp-derived consumer products, the  
17.8 cannabis industry, and the hemp consumer industry;

17.9 (14) to provide reports as required by law;

17.10 (15) to develop a warning label regarding the effects of the use of cannabis flower and  
17.11 cannabis products by persons 25 years of age or younger;

17.12 (16) to establish limits on the potency of adult-use cannabis flower and adult-use cannabis  
17.13 products that can be sold to customers by licensed cannabis retailers, licensed cannabis  
17.14 microbusinesses, and licensed cannabis mezzobusinesses with an endorsement to sell  
17.15 adult-use cannabis flower and adult-use cannabis products to customers;

17.16 (17) to permit, upon application to the office in the form prescribed by the director of  
17.17 the office, a licensee under this chapter to perform any activity if such permission is  
17.18 substantially necessary for the licensee to perform any other activity permitted by the  
17.19 applicant's license and is not otherwise prohibited by law;

17.20 (18) to remove, upon application to the office in the form prescribed by the director of  
17.21 the office, any obligation of a licensee under this chapter if such removal is substantially  
17.22 necessary for the licensee to perform any activity permitted by the applicant's license and  
17.23 is not otherwise prohibited by law; and

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

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

17.29 (b) State employees shall not be displaced by the transfer of duties from the Department  
17.30 of Health medical cannabis program to the Office of Cannabis Management under this  
17.31 subdivision. Any employees transferred under this section to the Office of Cannabis  
17.32 Management shall retain their current seniority and benefit accrual rates.

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

18.6 (b) The office may cooperate and enter into other agreements with the commissioner of  
18.7 agriculture and may cooperate and enter into agreements with the commissioners and  
18.8 directors of other state agencies and departments to promote the beneficial interests of the  
18.9 state.

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

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

18.16 (b) The salary of the director must not exceed the salary limit established under section  
18.17 15A.0815, subdivision 3.

18.18 (c) While serving as the director and within two years after terminating service, the  
18.19 director is prohibited from having a direct or an indirect financial interest in a cannabis  
18.20 business or hemp business licensed under this chapter.

18.21 (d) A person who has served in the legislature or in statewide office is not eligible to be  
18.22 appointed to the position of director until five years after the end of the person's term in the  
18.23 legislature or statewide office.

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

18.26 (b) A prospective employee of the office must submit a completed criminal history  
18.27 records check consent form, a full set of classifiable fingerprints, and the required fees to  
18.28 the office. Upon receipt of this information, the office must submit the completed criminal  
18.29 history records check consent form, full set of classifiable fingerprints, and required fees  
18.30 to the Bureau of Criminal Apprehension. After receiving this information, the bureau must  
18.31 conduct a Minnesota criminal history records check of the prospective employee. The bureau  
18.32 may exchange a prospective employee's fingerprints with the Federal Bureau of Investigation  
18.33 to obtain the prospective employee's national criminal history record information. The

19.1 bureau must return the results of the Minnesota and federal criminal history records checks  
19.2 to the director to determine if the prospective employee is disqualified under section 342.19.

19.3 (c) While employed by the office and within two years after terminating employment,  
19.4 an employee may not have a direct or an indirect financial interest in a cannabis business  
19.5 licensed under this chapter or a recipient of a grant under this chapter.

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

19.8 (1) administer grants to communities that experienced a disproportionate, negative impact  
19.9 from cannabis prohibition and usage in order to promote economic development, provide  
19.10 services to prevent violence, support early intervention programs for youth and families,  
19.11 and promote community stability and safety;

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

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

19.16 Subd. 9. **Compliance with federal law.** Nothing in this chapter shall be construed to  
19.17 allow cannabis to be transported outside of the state unless explicitly authorized by federal  
19.18 law.

19.19 **EFFECTIVE DATE.** This section is effective July 1, 2023, except for subdivision 3,  
19.20 which is effective January 1, 2024.

19.21 Sec. 3. **[342.03] CANNABIS ADVISORY COUNCIL.**

19.22 Subdivision 1. **Membership.** (a) The Cannabis Advisory Council is created consisting  
19.23 of the following members:

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

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

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

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

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

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

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

- 20.1 (8) the commissioner of labor or a designee;
- 20.2 (9) the commissioner of agriculture or a designee;
- 20.3 (10) the commissioner of the Pollution Control Agency or a designee;
- 20.4 (11) the superintendent of the Bureau of Criminal Apprehension or a designee;
- 20.5 (12) the colonel of the State Patrol or a designee;
- 20.6 (13) the director of the Office of Traffic Safety in the Department of Public Safety or a  
20.7 designee;
- 20.8 (14) a representative from the League of Minnesota Cities appointed by the league;
- 20.9 (15) a representative from the Association of Minnesota Counties appointed by the  
20.10 association;
- 20.11 (16) an expert in minority business development appointed by the governor;
- 20.12 (17) an expert in economic development strategies for under-resourced communities  
20.13 appointed by the governor;
- 20.14 (18) an expert in farming or representing the interests of farmers appointed by the  
20.15 governor;
- 20.16 (19) an expert representing the interests of cannabis workers appointed by the governor;
- 20.17 (20) an expert representing the interests of employers appointed by the governor;
- 20.18 (21) an expert in municipal law enforcement with advanced training in impairment  
20.19 detection and evaluation appointed by the governor;
- 20.20 (22) an expert in social welfare or social justice appointed by the governor;
- 20.21 (23) an expert in criminal justice reform to mitigate the disproportionate impact of drug  
20.22 prosecutions on communities of color appointed by the governor;
- 20.23 (24) an expert in prevention, treatment, and recovery related to substance use disorders  
20.24 appointed by the governor;
- 20.25 (25) an expert in minority business ownership appointed by the governor;
- 20.26 (26) an expert in women-owned businesses appointed by the governor;
- 20.27 (27) an expert in cannabis retailing appointed by the governor;
- 20.28 (28) an expert in cannabis product manufacturing appointed by the governor;
- 20.29 (29) an expert in laboratory sciences and toxicology appointed by the governor;

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

22.1 Subd. 2. **Terms; compensation; removal; vacancy; expiration.** The membership terms,  
22.2 compensation, removal of members appointed by the governor, and filling of vacancies of  
22.3 members are provided in section 15.059.

22.4 Subd. 3. **Officers; meetings.** (a) The director of the Office of Cannabis Management  
22.5 or the director's designee must chair the Cannabis Advisory Council. The advisory council  
22.6 must elect a vice-chair and may elect other officers as necessary.

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

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

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

22.10 (1) reviewing national cannabis policy;

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

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

22.13 (4) reviewing developments in the study of cannabis flower, cannabis products,  
22.14 synthetically derived cannabinoids, lower-potency hemp edibles, and hemp-derived consumer  
22.15 products;

22.16 (5) taking public testimony; and

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

22.18 (b) At its discretion, the advisory council may examine other related issues consistent  
22.19 with this section.

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

22.21 (a) The office shall conduct a study to determine the expected size and growth of the  
22.22 regulated cannabis industry and hemp consumer industry, including an estimate of the  
22.23 demand for cannabis flower and cannabis products, the number and geographic distribution  
22.24 of cannabis businesses needed to meet that demand, and the anticipated business from  
22.25 residents of other states.

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

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

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

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

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

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

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

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

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

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

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

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

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

- 24.1 (6) the status of racial and geographic diversity in the cannabis industry;
- 24.2 (7) proposed legislative changes, including but not limited to recommendations to  
24.3 streamline licensing systems and related administrative processes;
- 24.4 (8) information on the adverse effects of second-hand smoke from any cannabis flower,  
24.5 cannabis products, and hemp-derived consumer products that are consumed by combustion  
24.6 or vaporization of the product and inhalation of smoke, aerosol, or vapor from the product;  
24.7 and
- 24.8 (9) recommendations for levels of funding for:
- 24.9 (i) a coordinated education program to address and raise public awareness about the top  
24.10 three adverse health effects, as determined by the commissioner of health, associated with  
24.11 the use of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived  
24.12 consumer products by individuals under 21 years of age;
- 24.13 (ii) a coordinated education program to educate pregnant individuals, breastfeeding  
24.14 individuals, and individuals who may become pregnant on the adverse health effects of  
24.15 cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer  
24.16 products;
- 24.17 (iii) training, technical assistance, and educational materials for home visiting programs,  
24.18 Tribal home visiting programs, and child welfare workers regarding safe and unsafe use of  
24.19 cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer  
24.20 products in homes with infants and young children;
- 24.21 (iv) model programs to educate middle school and high school students on the health  
24.22 effects on children and adolescents of the use of cannabis flower, cannabis products,  
24.23 lower-potency hemp edibles and hemp-derived consumer products and other intoxicating  
24.24 or controlled substances;
- 24.25 (v) grants issued through the CanTrain, CanNavigate, CanStartup, and CanGrow  
24.26 programs;
- 24.27 (vi) grants to organizations for community development in social equity communities  
24.28 through the CanRenew program;
- 24.29 (vii) training of peace officers and law enforcement agencies on changes to laws involving  
24.30 cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer  
24.31 products and the law's impact on searches and seizures;
- 24.32 (viii) training of peace officers to increase the number of drug recognition experts;

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

25.4 (x) the retirement and replacement of drug detection dogs; and

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

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

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

25.12 Subdivision 1. **Statewide monitoring.** The office must contract with an outside vendor  
25.13 to establish a statewide monitoring system for integrated cannabis tracking, inventory, and  
25.14 verification to track all cannabis plants, cannabis flower, cannabis products, and synthetically  
25.15 derived cannabinoids from seed, immature plant, or creation until disposal or sale to a patient  
25.16 or customer.

25.17 Subd. 2. **Data submission requirements.** The monitoring system must allow cannabis  
25.18 businesses and Tribal medical cannabis program manufacturers to submit monitoring data  
25.19 to the office through the use of monitoring system software commonly used within the  
25.20 cannabis industry and may also permit cannabis businesses and Tribal medical cannabis  
25.21 program manufacturers to submit monitoring data through manual data entry with approval  
25.22 from the office.

25.23 **Sec. 6. [342.06] APPROVAL OF ADULT-USE CANNABIS FLOWER AND**  
25.24 **ADULT-USE CANNABIS PRODUCTS.**

25.25 Subdivision 1. **Definitions.** For the purposes of this section, "type" means an individual  
25.26 product in a product line that may be sold in different sizes, distinct packaging, or at various  
25.27 prices but is still created using the same manufacturing or agricultural processes. A new or  
25.28 additional stock keeping unit (SKU) or Universal Product Code (UPC) shall not prevent a  
25.29 product from being considered the same type as another unit. All other terms have the  
25.30 meanings provided in section 342.01.

25.31 Subd. 2. **Approval of products.** (a) The office shall approve types of adult-use cannabis  
25.32 flower, adult-use cannabis products, lower-potency hemp edibles, and hemp-derived

26.1 consumer products other than hemp-derived topical products for retail sale. The office shall  
26.2 not require reapproval of a product type if the manufacturing or agricultural processes and  
26.3 final product unit remain substantially similar to a previously approved type of adult-use  
26.4 cannabis flower, adult-use cannabis product, lower-potency hemp edible, or hemp-derived  
26.5 consumer product.

26.6 (b) The office shall not approve any adult-use cannabis product, lower-potency hemp  
26.7 edible, or hemp-derived consumer product that:

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

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

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

26.13 (4) is substantively similar to a meat food product; poultry food product as defined in  
26.14 section 31A.02, subdivision 10; or a dairy product as defined in section 32D.01, subdivision  
26.15 7;

26.16 (5) contains an artificial cannabinoid;

26.17 (6) is made by applying a cannabinoid, including but not limited to a synthetically derived  
26.18 cannabinoid, to a finished food product that does not contain cannabinoids and is sold to  
26.19 consumers, including but not limited to a candy or snack food; or

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

26.23 (c) The office must not approve any adult-use cannabis flower, adult-use cannabis  
26.24 product, or hemp-derived consumer product that:

26.25 (1) is intended to be consumed by combustion or vaporization of the product and  
26.26 inhalation of smoke, aerosol, or vapor from the product; and

26.27 (2) imparts a taste or odor, other than the taste or odor of cannabis flower, that is  
26.28 distinguishable by an ordinary person before or during consumption of the product.

26.29 (d) The office may adopt rules to limit or prohibit ingredients in or additives to adult-use  
26.30 cannabis flower, adult-use cannabis products, or hemp-derived consumer products to ensure  
26.31 compliance with the limitations in paragraph (c).

27.1 Sec. 7. **[342.07] AGRICULTURAL AND FOOD SAFETY PRACTICES;**  
27.2 **RULEMAKING.**

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

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

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

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

27.13 Subd. 3. **Edible cannabis product handler endorsement.** (a) Any person seeking to  
27.14 manufacture, process, sell, handle, or store an edible cannabis product or lower-potency  
27.15 hemp edible, other than an edible cannabis product or lower-potency hemp edible that has  
27.16 been placed in its final packaging, must first obtain an edible cannabis product handler  
27.17 endorsement.

27.18 (b) In consultation with the commissioner of agriculture, the office shall establish an  
27.19 edible cannabis product handler endorsement.

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

27.23 (1) the office must issue an edible cannabis product handler endorsement, rather than a  
27.24 license;

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

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

27.28 (4) the office must align the term and renewal period for edible cannabis product handler  
27.29 endorsements with the term and renewal period of the license issued by the office; and

27.30 (5) an edible cannabis product or lower-potency hemp edible must not be considered  
27.31 adulterated solely because the product contains tetrahydrocannabinol, cannabis concentrate,

28.1 hemp concentrate, synthetically derived cannabinoids, or any other material extracted or  
28.2 derived from a cannabis plant, cannabis flower, hemp plant, or hemp plant parts.

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

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

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

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

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

28.16 (1) cannabis flower and cannabis products;

28.17 (2) packaging;

28.18 (3) recyclable materials, including minimum requirements for the use of recyclable  
28.19 materials; and

28.20 (4) other solid waste.

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

28.23 Subd. 5. **Applicability; federal, state, and local laws.** A cannabis business must comply  
28.24 with all applicable federal, state, and local laws related to the subjects of subdivisions 1 to  
28.25 4.

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

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

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

29.2 **Subdivision 1. Personal adult use, possession, and transportation of adult-use**  
29.3 **cannabis flower and adult-use cannabis products.** (a) An individual 21 years of age or  
29.4 **older may:**

29.5 **(1) use, possess, or transport cannabis paraphernalia;**

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

29.7 **(3) possess two pounds or less of adult-use cannabis flower derived from sources other**  
29.8 **than the home cultivation of cannabis plants authorized in subdivision 2 in the individual's**  
29.9 **private residence;**

29.10 **(4) possess five pounds or less of adult-use cannabis flower derived from the home**  
29.11 **cultivation of cannabis plants authorized in subdivision 2 in the individual's private residence;**

29.12 **(5) possess or transport eight grams or less of adult-use cannabis concentrate;**

29.13 **(6) possess or transport edible cannabis products or lower-potency hemp edibles infused**  
29.14 **with a combined total of 800 milligrams or less of tetrahydrocannabinol;**

29.15 **(7) give for no remuneration to an individual who is at least 21 years of age:**

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

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

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

29.20 **(8) use adult-use cannabis flower and adult-use cannabis products in the following**  
29.21 **locations:**

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

29.23 **(ii) on private property, not generally accessible by the public, unless the individual is**  
29.24 **explicitly prohibited from consuming adult-use cannabis flower, adult-use cannabis products,**  
29.25 **lower-potency hemp edibles, or hemp-derived consumer products on the property by the**  
29.26 **owner of the property; or**

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

29.28 **Notwithstanding clauses (3) and (4), no individual may possess a total of more than five**  
29.29 **pounds of adult-use cannabis flower in the individual's private residence regardless of the**  
29.30 **cannabis's source.**

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

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

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

30.6 (3) use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived  
30.7 consumer products at any location where smoking is prohibited under section 144.414;

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

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

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

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

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

30.21 (9) vaporize or smoke cannabis flower, cannabis products, synthetically derived  
30.22 cannabinoids, or hemp-derived consumer products in any location where the smoke, aerosol,  
30.23 or vapor would be inhaled by a minor.

30.24 (c) The prohibitions under paragraph (b), clauses (1) to (4), do not apply to use other  
30.25 than by smoking or by a vaporized delivery method, possession, or transportation of medical  
30.26 cannabis flower or medical cannabinoid products by a patient; a registered designated  
30.27 caregiver; or a parent, legal guardian, or spouse of a patient.

30.28 (d) A proprietor of a family or group family day care program must disclose to parents  
30.29 or guardians of children cared for on the premises of the family or group family day care  
30.30 program, if the proprietor permits the smoking or use of cannabis flower or cannabis products  
30.31 on the premises outside of its hours of operation. Disclosure must include posting on the  
30.32 premises a conspicuous written notice and orally informing parents or guardians. Cannabis

31.1 flower or cannabis products must be inaccessible to children and stored away from food  
31.2 products.

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

31.9 Subd. 3. **Home extraction of cannabis concentrate by use of volatile solvent**  
31.10 **prohibited.** No person may use a volatile solvent to separate or extract cannabis concentrate  
31.11 or hemp concentrate without a cannabis microbusiness, cannabis mezzobusiness, cannabis  
31.12 manufacturer, medical cannabis processor, or lower-potency hemp edible manufacturer  
31.13 license issued under this chapter.

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

31.17 Subd. 5. **Importation of hemp-derived products.** No person may import lower-potency  
31.18 hemp edibles or hemp-derived consumer products, other than hemp-derived topical products,  
31.19 that are manufactured outside the boundaries of the state of Minnesota with the intent to  
31.20 sell the products to consumers within the state or to any other person or business that intends  
31.21 to sell the products to consumers within the state without a license issued under this chapter  
31.22 that authorizes the importation of such products. This subdivision does not apply to products  
31.23 lawfully purchased for personal use.

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

31.27 (b) The office may assess the following civil penalties on a person who sells cannabis  
31.28 flower without a license issued under this chapter that authorizes the sale:

31.29 (1) if the person sells more than two ounces but not more than eight ounces of cannabis  
31.30 flower, up to \$1,000;

31.31 (2) if the person sells more than eight ounces but not more than one pound of cannabis  
31.32 flower, up to \$5,000;

32.1 (3) if the person sells more than one pound but not more than five pounds of cannabis  
32.2 flower, up to \$25,000;

32.3 (4) if the person sells more than five pounds but not more than 25 pounds of cannabis  
32.4 flower, up to \$100,000;

32.5 (5) if the person sells more than 25 pounds but not more than 50 pounds of cannabis  
32.6 flower, up to \$250,000; and

32.7 (6) if the person sells more than 50 pounds of cannabis flower, up to \$1,000,000.

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

32.10 (1) if the person sells more than eight grams but not more than 40 grams of cannabis  
32.11 concentrate, up to \$1,000;

32.12 (2) if the person sells more than 40 grams but not more than 80 grams of cannabis  
32.13 concentrate, up to \$5,000;

32.14 (3) if the person sells more than 80 grams but not more than 400 grams of cannabis  
32.15 concentrate, up to \$25,000;

32.16 (4) if the person sells more than 400 grams but not more than two kilograms of cannabis  
32.17 concentrate, up to \$100,000;

32.18 (5) if the person sells more than two kilograms but not more than four kilograms of  
32.19 cannabis concentrate, up to \$250,000; and

32.20 (6) if the person sells more than four kilograms of cannabis concentrate, up to \$1,000,000.

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

32.24 (1) if the person imports or sells products infused with a total of more than 800 milligrams  
32.25 but not more than four grams of tetrahydrocannabinol, up to \$1,000;

32.26 (2) if the person imports or sells products infused with a total of more than four grams  
32.27 but not more than eight grams of tetrahydrocannabinol, up to \$5,000;

32.28 (3) if the person imports or sells products infused with a total of more than eight grams  
32.29 but not more than 40 grams of tetrahydrocannabinol, up to \$25,000;

32.30 (4) if the person imports or sells products infused with a total of more than 40 grams  
32.31 but not more than 200 grams of tetrahydrocannabinol, up to \$100,000;

33.1 (5) if the person imports or sells products infused with a total of more than 200 grams  
33.2 but not more than 400 grams of tetrahydrocannabinol, up to \$250,000; and

33.3 (6) if the person imports or sells products infused with a total of more than 400 grams  
33.4 of tetrahydrocannabinol, up to \$1,000,000.

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

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

33.9 The office shall issue the following types of license:

33.10 (1) cannabis microbusiness;

33.11 (2) cannabis mezzobusiness;

33.12 (3) cannabis cultivator;

33.13 (4) cannabis manufacturer;

33.14 (5) cannabis retailer;

33.15 (6) cannabis wholesaler;

33.16 (7) cannabis transporter;

33.17 (8) cannabis testing facility;

33.18 (9) cannabis event organizer;

33.19 (10) cannabis delivery service;

33.20 (11) lower-potency hemp edible manufacturer;

33.21 (12) lower-potency hemp edible retailer;

33.22 (13) medical cannabis cultivator;

33.23 (14) medical cannabis processor; or

33.24 (15) medical cannabis retailer.

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

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

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

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

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

36.2 (14) for a medical cannabis processor:

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

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

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

36.6 (15) for a medical cannabis retailer:

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

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

36.9 (iii) a renewal license fee of \$0.

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

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

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

36.17 (2) the licensee dissolves; reorganizes; undergoes bankruptcy, insolvency, or receivership  
36.18 proceedings; or assigns all or substantially all of its assets for the benefit of creditors.

36.19 (b) Licenses must be renewed annually.

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

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

37.1 Sec. 13. [342.13] LOCAL CONTROL.

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

37.5 (b) A local unit of government may not prohibit the establishment or operation of a  
37.6 cannabis business licensed under this chapter.

37.7 (c) A local unit of government may utilize any granted regulatory authority to adopt  
37.8 reasonable restrictions on the time, place, and manner of the operation of a cannabis business  
37.9 provided that such restrictions do not prohibit the establishment or operation of cannabis  
37.10 businesses. Reasonable restrictions include but are not limited to standards regarding noise,  
37.11 odor, hours of operations, and location.

37.12 (d) The office shall work with local units of government to develop model ordinances  
37.13 for reasonable restrictions on the time, place, and manner of the operation of a cannabis  
37.14 business.

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

37.24 (f) Within 30 days of receiving a copy of an application for a cannabis business license  
37.25 from the office, a local unit of government shall certify on a form provided by the office  
37.26 whether a proposed cannabis business complies with local zoning ordinances and, if  
37.27 applicable, whether the proposed business complies with the state fire code and building  
37.28 code.

37.29 (g) Upon receipt of an application for a license issued under this chapter, the office shall  
37.30 contact the local unit of government in which the business would be located and provide  
37.31 the local unit of government with 30 days in which to provide input on the application. The  
37.32 local unit of government may provide the office with any additional information it believes  
37.33 is relevant to the office's decision on whether to issue a license, including but not limited

38.1 to identifying concerns about the proposed location of a cannabis business or sharing public  
38.2 information about an applicant.

38.3 (h) The office by rule shall establish an expedited complaint process to receive, review,  
38.4 and respond to complaints made by a local unit of government about a cannabis business.  
38.5 Complaints may include alleged violations of local ordinances or other alleged violations.  
38.6 At a minimum, the expedited complaint process shall require the office to provide an initial  
38.7 response to the complaint within seven days and perform any necessary inspections within  
38.8 30 days. Nothing in this paragraph prohibits a local unit of government from enforcing a  
38.9 local ordinance.

38.10 **Sec. 14. [342.135] LOCAL RESTRICTION ON NUMBER OF CANNABIS**  
38.11 **RETAILERS.**

38.12 (a) A local government unit that issues cannabis retailer registration under section 342.22  
38.13 may, by ordinance, limit the number of licensed cannabis retailers, cannabis mezzobusinesses  
38.14 with a retail operations endorsement, and cannabis microbusinesses with a retail operations  
38.15 endorsement consistent with the following limits:

38.16 (1) in cities of the first class, one license for every 20,000 population;

38.17 (2) in cities of the second class, at least two licenses plus one for every 10,000 over  
38.18 45,000 population;

38.19 (3) in cities of the third and fourth classes, at least one license; and

38.20 (4) in counties, one license for every 10,000 population.

38.21 (b) If a county reaches one license for every 10,000 population, cities within the county  
38.22 may opt-out from accepting any additional licenses.

38.23 (c) Nothing in this subdivision shall prohibit a local government from allowing licensed  
38.24 cannabis retailers in excess of the minimums set in paragraph (a).

38.25 **Sec. 15. [342.14] LICENSE APPLICATION AND RENEWAL; FEES.**

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

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

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

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

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

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

39.7 (6) a diversity plan that establishes a goal of diversity in ownership, management,  
39.8 employment, and contracting;

39.9 (7) a copy of the security plan;

39.10 (8) proof of trade name registration;

39.11 (9) a copy of the applicant's business plan showing the expected size of the business;  
39.12 anticipated growth; the methods of record keeping; the knowledge and experience of the  
39.13 applicant and any officer, director, manager, and general partner of the business; the  
39.14 environmental plan; and other relevant financial and operational components;

39.15 (10) an attestation signed by a bona fide labor organization stating that the applicant has  
39.16 entered into a labor peace agreement;

39.17 (11) certification that the applicant will comply with the requirements of this chapter  
39.18 relating to the ownership and operation of a cannabis business;

39.19 (12) a land use compatibility statement from the local unit of government;

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

39.22 (14) a statement that the applicant agrees to respond to the office's supplemental requests  
39.23 for information.

39.24 (b) An applicant must file and update as necessary a disclosure of ownership and control.  
39.25 The office by rule shall establish the contents and form of the disclosure. At a minimum,  
39.26 the disclosure shall include the following:

39.27 (1) the management structure, ownership, and control of the applicant or license holder,  
39.28 including the name of each cooperative member, officer, director, manager, general partner  
39.29 or business entity; the office or position held by each person; each person's percentage  
39.30 ownership interest, if any; and, if the business has a parent company, the name of each  
39.31 owner, board member, and officer of the parent company and the owner's, board member's,  
39.32 or officer's percentage ownership interest in the parent company and the cannabis business;

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

40.5 (3) if the applicant is a corporation, copies of its articles of incorporation and bylaws  
40.6 and any amendments to its articles of incorporation or bylaws;

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

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

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

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

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

40.14 (c) An application may include:

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

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

40.17 or

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

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

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

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

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

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

41.1 (d) Upon receipt of a completed application and fee, or a site permit application, the  
41.2 office shall forward a copy of the application to the local unit of government in which the  
41.3 business operates or intends to operate with a form for certification as to whether a proposed  
41.4 cannabis business complies with local zoning ordinances and, if applicable, whether the  
41.5 proposed business complies with the state fire code and building code.

41.6 (e) Within 90 days of receiving a completed application, the office shall issue the  
41.7 appropriate license or send the applicant a notice of rejection setting forth specific reasons  
41.8 that the office did not approve the application.

41.9 Subd. 3. **Criminal history check.** A license applicant or, in the case of a business entity,  
41.10 every cooperative member or director, manager, and general partner of the business entity,  
41.11 must submit a completed criminal history records check consent form, a full set of classifiable  
41.12 fingerprints, and the required fees to the office. Upon receipt of this information, the office  
41.13 must submit the completed criminal history records check consent form, full set of classifiable  
41.14 fingerprints, and required fees to the Bureau of Criminal Apprehension. After receiving this  
41.15 information, the bureau must conduct a Minnesota criminal history records check of the  
41.16 person. The bureau may exchange the person's fingerprints with the Federal Bureau of  
41.17 Investigation to obtain the person's national criminal history record information. The bureau  
41.18 must return the results of the Minnesota and federal criminal history records checks to the  
41.19 director to determine if the person is disqualified under section 342.19.

41.20 Sec. 16. **[342.15] SOCIAL EQUITY APPLICANTS.**

41.21 An individual qualifies as a social equity applicant if the individual is:

41.22 (1) a military veteran who lost honorable status due to a cannabis-related offense;

41.23 (2) a resident for the last five years of one or more subareas, such as census tracts or  
41.24 neighborhoods, that experienced a disproportionately large amount of cannabis enforcement  
41.25 as determined by the study conducted by the office pursuant to section 342.04, paragraph  
41.26 (b), and reported in the preliminary report, final report, or both; or

41.27 (3) a resident for the last five years of one or more census tracts where, as reported in  
41.28 the most recently completed decennial census published by the United States Bureau of the  
41.29 Census, either:

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

41.31 (ii) the median family income did not exceed 80 percent of statewide median family  
41.32 income or, if in a metropolitan area, did not exceed the greater of 80 percent of the statewide

42.1 median family income or 80 percent of the median family income for that metropolitan  
42.2 area.

42.3 **Sec. 17. [342.16] LICENSE SELECTION CRITERIA.**

42.4 Subdivision 1. **Market stability.** The office shall issue the necessary number of licenses  
42.5 in order to ensure the sufficient supply of cannabis flower and cannabis products to meet  
42.6 demand, provide market stability, ensure a competitive market, and limit the sale of  
42.7 unregulated cannabis flower and cannabis products. The office shall annually complete a  
42.8 market analysis to determine whether it is fulfilling the four requirements listed in this  
42.9 subdivision. The office shall hold public hearings as part of the market analysis to hear from  
42.10 consumers, market stakeholders, and potential new applicants.

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

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

42.17 (c) Nothing in this section prohibits or limits the two medical cannabis licensees licensed  
42.18 as of January 1, 2023, from being vertically integrated through its existing cultivation,  
42.19 processing, and dispensaries.

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

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

42.24 (2) status as a veteran applicant;

42.25 (3) security and record keeping;

42.26 (4) employee training plan;

42.27 (5) business plan and financial situation;

42.28 (6) diversity plan;

42.29 (7) labor and employment practices;

42.30 (8) knowledge and experience; and

42.31 (9) environmental plan.

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

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

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

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

43.21 Subd. 4. **Local land use compatibility statement.** (a) Prior to the issuance of a license,  
43.22 the office shall request a land use compatibility statement from the city, town, or county  
43.23 that authorizes the land use. The land use compatibility statement must demonstrate that  
43.24 the requested license is for a land use that is allowable within the given zoning designation  
43.25 where the land is located. The office may not issue a license if the land use compatibility  
43.26 statement shows that the proposed land use is prohibited in the applicable zone or if the  
43.27 applicant has failed to meet the land use requirements of the jurisdiction.

43.28 (b) A city, town, or county that receives a request from the office for a land use  
43.29 compatibility statement under this section must act on that request within 21 days of receipt  
43.30 of the request if the land use is allowable and the applicant has applied for and received all  
43.31 necessary land use approvals.

43.32 (c) The office shall not issue a license to an applicant who has failed to receive a local  
43.33 land use compatibility statement approval from a local unit of government or to an applicant  
43.34 whose local approvals have been suspended or revoked.

44.1 **Sec. 18. [342.17] INSPECTION; LICENSE VIOLATIONS; PENALTIES.**

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

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

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

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

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

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

44.22 (b) If the office finds probable cause to believe that any cannabis plant, cannabis flower,  
44.23 cannabis product, synthetically derived cannabinoid, lower-potency hemp edible, or  
44.24 hemp-derived consumer product is being distributed in violation of this chapter or rules  
44.25 adopted under this chapter, the office shall affix to the item a tag, withdrawal from  
44.26 distribution order, or other appropriate marking providing notice that the cannabis plant,  
44.27 cannabis flower, cannabis product, synthetically derived cannabinoid, lower-potency hemp  
44.28 edible, or hemp-derived consumer product is, or is suspected of being, distributed in violation  
44.29 of this chapter and has been detained or embargoed, and warning all persons not to remove  
44.30 or dispose of the item by sale or otherwise until permission for removal or disposal is given  
44.31 by the office or the court. It is unlawful for a person to remove or dispose of detained or  
44.32 embargoed cannabis plant, cannabis flower, cannabis product, synthetically derived  
44.33 cannabinoid, lower-potency hemp edible, or hemp-derived consumer product by sale or

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

45.3 (c) Notwithstanding subdivision 5, if any cannabis plant, cannabis flower, cannabis  
45.4 product, synthetically derived cannabinoid, lower-potency hemp edible, or hemp-derived  
45.5 consumer product has been found by the office to be in violation of this chapter, the office  
45.6 shall petition the district court in the county in which the item is detained or embargoed for  
45.7 an order and decree for the condemnation of the item. The office shall release the cannabis  
45.8 plant, cannabis flower, cannabis product, synthetically derived cannabinoid, lower-potency  
45.9 hemp edible, or hemp-derived consumer product when this chapter and rules adopted under  
45.10 this chapter have been complied with or the item is found not to be in violation of this  
45.11 chapter or rules adopted under this chapter.

45.12 (d) If the court finds that detained or embargoed cannabis plant, cannabis flower,  
45.13 synthetically derived cannabinoid, cannabis product, lower-potency hemp edible, or  
45.14 hemp-derived consumer product is in violation of this chapter or rules adopted under this  
45.15 chapter, the following remedies are available:

45.16 (1) after entering a decree, the cannabis plant, cannabis flower, cannabis product,  
45.17 synthetically derived cannabinoid, lower-potency hemp edible, or hemp-derived consumer  
45.18 product may be destroyed at the expense of the claimant under the supervision of the office,  
45.19 and all court costs, fees, storage, and other proper expenses must be assessed against the  
45.20 claimant of the cannabis plant, cannabis flower, cannabis product, synthetically derived  
45.21 cannabinoid, lower-potency hemp edible, or hemp-derived consumer product or the claimant's  
45.22 agent; and

45.23 (2) if the violation can be corrected by proper labeling or processing of the cannabis  
45.24 plant, cannabis flower, cannabis product, synthetically derived cannabinoid, lower-potency  
45.25 hemp edible, or hemp-derived consumer product, the court, after entry of the decree and  
45.26 after costs, fees, and expenses have been paid, and a good and sufficient bond conditioned  
45.27 that the cannabis plant, cannabis flower, synthetically derived cannabinoid, lower-potency  
45.28 hemp edible, or hemp-derived consumer product must be properly labeled or processed has  
45.29 been executed, may by order direct that the cannabis plant, cannabis flower, cannabis product,  
45.30 synthetically derived cannabinoid, lower-potency hemp edible, or hemp-derived consumer  
45.31 product be delivered to the claimant for proper labeling or processing under the supervision  
45.32 of the office. The office's supervision expenses must be paid by the claimant. The cannabis  
45.33 plant, cannabis flower, cannabis product, synthetically derived cannabinoid, lower-potency  
45.34 hemp edible, or hemp-derived consumer product must be returned to the claimant and the  
45.35 bond must be discharged on representation to the court by the office that the cannabis plant,

46.1 cannabis flower, cannabis product, synthetically derived cannabinoid, lower-potency hemp  
46.2 edible, or hemp-derived consumer product is no longer in violation and that the office's  
46.3 supervision expenses have been paid.

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

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

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

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

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

46.28 (c) The office shall prioritize inspections of cannabis businesses or hemp businesses  
46.29 where there are reasonable grounds to believe that a violation poses imminent danger to the  
46.30 public or customers.

46.31 (d) The office shall promptly inspect cannabis businesses or hemp businesses that are  
46.32 the subject of complaint by a local unit of government.

47.1 Subd. 5. **Violations; administrative orders and penalties.** (a) The office may issue an  
47.2 administrative order to any licensed cannabis business or hemp business that the office  
47.3 determines has committed a violation of this chapter or rules adopted pursuant to this chapter.  
47.4 The administrative order may require the business to correct the violation or to cease and  
47.5 desist from committing the violation. The order must state the deficiencies that constitute  
47.6 the violation and the time by which the violation must be corrected. If the business believes  
47.7 that the information in the administrative order is in error, the business may ask the office  
47.8 to consider the parts of the order that are alleged to be in error. The request must be in  
47.9 writing, delivered to the office by certified mail within seven days after receipt of the order,  
47.10 and provide documentation to support the allegation of error. The office must respond to a  
47.11 request for reconsideration within 15 days after receiving the request. A request for  
47.12 reconsideration does not stay the correction order unless the office issues a supplemental  
47.13 order granting additional time. The office's disposition of a request for reconsideration is  
47.14 final.

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

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

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

47.23 **Sec. 19. [342.18] LICENSE SUSPENSION OR REVOCATION; HEARING.**

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

47.30 Subd. 2. **Hearing; written findings.** (a) Before the office revokes or does not renew a  
47.31 license, the office must provide the license holder with a statement of the complaints made  
47.32 against the license holder, and the office must hold a hearing to determine whether the office  
47.33 should revoke the license or deny renewal of the license. The license holder shall receive  
47.34 notice at least 20 days before the date of the hearing and notice may be served either by

48.1 certified mail addressed to the address of the license holder as shown in the license  
48.2 application or in the manner provided by law for the service of a summons. At the time and  
48.3 place fixed for the hearing, the office, or any office employee or agent authorized by the  
48.4 office to conduct the hearing, shall receive evidence, administer oaths, and examine witnesses.

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

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

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

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

48.19 (1) application data submitted by an applicant for a cannabis business license, other than  
48.20 the data listed in subdivision 2;

48.21 (2) the identity of a complainant who has made a report concerning a license holder or  
48.22 applicant that appears in inactive complaint data unless the complainant consents to the  
48.23 disclosure;

48.24 (3) the nature or content of unsubstantiated complaints when the information is not  
48.25 maintained in anticipation of legal action;

48.26 (4) the record of any disciplinary proceeding except as limited by subdivision 4;

48.27 (5) data identifying retail or wholesale customers of a cannabis business; and

48.28 (6) data identifying cannabis workers.

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

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

- 49.1 (2) data disclosing the ownership and control of the applicant;
- 49.2 (3) proof of trade name registration;
- 49.3 (4) data showing the legal possession of the premises where the business will operate;
- 49.4 (5) data describing whether volatile chemicals will be used in any methods of extraction
- 49.5 or concentration;
- 49.6 (6) environmental plans;
- 49.7 (7) the type and number of other cannabis business licenses held by the applicant; and
- 49.8 (8) the name, address, location, dates, and hours of where any proposed cannabis event
- 49.9 will take place.

49.10 (b) Scoring and other data generated by the office in its review of an applicant for a

49.11 cannabis business license are public data.

49.12 Subd. 3. **Public application data on license holders.** Once an applicant for a cannabis

49.13 business license becomes a license holder, all of the application data that the license holder

49.14 had previously submitted to the office are public data except that the following data remain

49.15 classified as nonpublic data or private data on individuals:

- 49.16 (1) data identifying retail or wholesale customers of a cannabis business;
- 49.17 (2) data identifying cannabis workers;
- 49.18 (3) tax returns, bank account statements, and other financial account information;
- 49.19 (4) business plans; and
- 49.20 (5) security information and trade secret information, as defined by section 13.37.

49.21 Subd. 4. **Public disciplinary data.** Minutes, orders for hearings, findings of fact,

49.22 conclusions of law, and specification of the final disciplinary action contained in the record

49.23 of the disciplinary action are classified as public data. If there is a public hearing concerning

49.24 the disciplinary action, the entire record concerning the disciplinary action is public data.

49.25 If the license holder and the office agree to resolve a complaint without a hearing, the

49.26 agreement and the specific reasons for the agreement are public data.

49.27 Subd. 5. **Data practices administration.** (a) The office must establish written procedures

49.28 to ensure that only individuals authorized by law may enter, update, or access data maintained

49.29 by the office and classified as nonpublic or private data on individuals. An authorized

49.30 individual's ability to enter, update, or access not public data must correspond to the official

49.31 duties or training level of the individual and to the statutory authorization granting access

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

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

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

50.17 **Sec. 21. [342.19] CANNABIS BUSINESS; GENERAL OWNERSHIP**  
50.18 **DISQUALIFICATIONS AND REQUIREMENTS.**

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

50.29 Subd. 2. **Criminal offenses; disqualifications.** (a) No person may hold or receive a  
50.30 license issued under this chapter or work for a cannabis business if the person has been  
50.31 convicted of, or received a stay of adjudication for, a violation of a state or federal controlled  
50.32 substance law that is a felony under Minnesota law or would be a felony if committed in  
50.33 Minnesota, regardless of the sentence imposed, unless the office determines that the person's  
50.34 conviction was for the possession or sale of cannabis.

51.1 (b) A person who has been convicted of, or received a stay of adjudication for, a violation  
51.2 of Minnesota Statutes 2022, section 152.023, subdivision 1, clause (3), or a state or federal  
51.3 law in conformity with that provision, for the sale of cannabis to a person under the age of  
51.4 18 may hold or receive a license issued under this chapter, or work for a cannabis business,  
51.5 if 20 years have passed since the date the person was convicted or adjudication was stayed.

51.6 (c) Except as provided in paragraph (a), (b), or (d), a person who has been convicted of,  
51.7 or received a stay of adjudication for, a violation of a state or federal law that is a felony  
51.8 under Minnesota law or would be a felony if committed in Minnesota, regardless of the  
51.9 sentence imposed, may hold or receive a license issued under this chapter, or work for a  
51.10 cannabis business, if five years have passed since the discharge of the sentence.

51.11 (d) No license holder or applicant may hold or receive a license issued under this chapter,  
51.12 or work for a cannabis business, if the person has been convicted of a sale of cannabis in  
51.13 the first degree under section 152.0264, subdivision 1.

51.14 (e) A person who has been convicted of sale of cannabis in the second degree under  
51.15 section 152.0264, subdivision 2, may hold or receive a license issued under this chapter or  
51.16 work for a cannabis business if ten years have passed since the discharge of the sentence.

51.17 (f) A person who has been convicted of sale of cannabis in the third degree under section  
51.18 152.0264, subdivision 3, may hold or receive a license issued under this chapter or work  
51.19 for a cannabis business if five years have passed since the discharge of the sentence.

51.20 (g) A person who has been convicted of sale of cannabis in the fourth degree under  
51.21 section 152.0264, subdivision 4, may hold or receive a license issued under this chapter or  
51.22 work for a cannabis business if one year has passed since the discharge of the sentence.

51.23 (h) If the license holder or applicant is a business entity, the disqualifications under this  
51.24 subdivision apply to every cooperative member or every director, manager, and general  
51.25 partner of the business entity.

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

51.30 Subd. 4. **General requirements.** (a) A license holder or applicant must meet each of  
51.31 the following requirements, if applicable, to hold or receive a license issued under this  
51.32 chapter:

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

- 52.1 (2) have completed an application for licensure or application for renewal;
- 52.2 (3) have paid the applicable application fee;
- 52.3 (4) if the applicant or license holder is a business entity, be incorporated in the state or  
52.4 otherwise formed or organized under the laws of the state;
- 52.5 (5) not be employed by the office or any state agency with regulatory authority under  
52.6 this chapter or the rules adopted pursuant to this chapter;
- 52.7 (6) not be a licensed peace officer, as defined in section 626.84, subdivision 1, paragraph  
52.8 (c);
- 52.9 (7) never have had a license previously issued under this chapter revoked;
- 52.10 (8) have filed any previously required tax returns for a cannabis business;
- 52.11 (9) have paid and remitted any business taxes, gross receipts taxes, interest, or penalties  
52.12 due relating to the operation of a cannabis business;
- 52.13 (10) have fully and truthfully complied with all information requests of the office relating  
52.14 to license application and renewal;
- 52.15 (11) not be disqualified under subdivision 2;
- 52.16 (12) not employ an individual who is disqualified from working for a cannabis business  
52.17 under this chapter; and
- 52.18 (13) meet the ownership and operational requirements for the type of license and, if  
52.19 applicable, endorsement sought or held.
- 52.20 (b) If the license holder or applicant is a business entity, every officer, director, manager,  
52.21 and general partner of the business entity must meet each of the requirements of this section.

52.22 **Sec. 22. [342.20] CANNABIS BUSINESSES; GENERAL OPERATIONAL**  
52.23 **REQUIREMENTS AND PROHIBITIONS.**

- 52.24 Subdivision 1. **Individuals under 21 years of age.** (a) A cannabis business may not  
52.25 employ an individual under 21 years of age and may not contract with an individual under  
52.26 21 years of age if the individual's scope of work involves the handling of cannabis plants,  
52.27 cannabis flower, synthetically derived cannabinoids, or cannabis products.
- 52.28 (b) A cannabis business may not permit an individual under 21 years of age to enter the  
52.29 business premises other than entry by a patient enrolled in the registry program.

53.1 (c) A cannabis business may not sell or give cannabis flower, cannabis products,  
53.2 lower-potency hemp edibles, or hemp-derived consumer products to an individual under  
53.3 21 years of age unless the individual is a patient; registered designated caregiver; or parent,  
53.4 legal guardian, or spouse of a patient who is authorized to use, possess, or transport medical  
53.5 cannabis flower or medical cannabinoid products.

53.6 Subd. 2. **Use of cannabis flower and cannabis products within a licensed cannabis**  
53.7 **business.** (a) A cannabis business may not permit an individual who is not an employee to  
53.8 consume cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived  
53.9 consumer products within its licensed premises unless the business is licensed to permit  
53.10 on-site consumption or the business has an on-site endorsement to a license authorizing the  
53.11 sale of lower-potency hemp edibles.

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

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

53.18 (d) For quality control, employees of a licensed cannabis business may sample cannabis  
53.19 flower or cannabis products. Employees may not interact directly with customers for at least  
53.20 three hours after sampling a product. Employees may not consume more than three samples  
53.21 in a single 24-hour period. All samples must be recorded in the statewide monitoring system.

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

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

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

53.28 (3) is a contractor of the cannabis business, including but not limited to an electrician,  
53.29 a plumber, an engineer, or an alarm technician, whose scope of work will not involve the  
53.30 handling of cannabis flower, cannabis products, lower-potency hemp edibles, or  
53.31 hemp-derived consumer products and, if the individual is working in an area with immediate  
53.32 access to cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived

54.1 consumer products, the individual is supervised at all times by a cannabis worker employed  
54.2 by or contracted with the cannabis business; or

54.3 (4) has explicit authorization from the office to enter a restricted area and, if the individual  
54.4 is in an area with immediate access to cannabis flower or cannabis products, the individual  
54.5 is supervised at all times by a cannabis worker employed by or contracted with the cannabis  
54.6 business.

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

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

54.13 Subd. 5. **Records.** (a) A cannabis business must retain financial records for the current  
54.14 and previous tax year at the primary business location and must make those records available  
54.15 for inspection by the office at any time during regular business hours.

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

54.19 (c) The office may require a cannabis business to submit to an audit of its business  
54.20 records. The office may select or approve the auditor and the cannabis business must provide  
54.21 the auditor with access to all business records. The cost of the audit must be paid by the  
54.22 cannabis business.

54.23 Subd. 6. **Diversity report.** A cannabis business shall provide an annual report on the  
54.24 status of diversity in the business ownership, management, and employment and in services  
54.25 for which the business contracts.

54.26 Subd. 7. **Use of statewide monitoring system.** (a) A cannabis business must use the  
54.27 statewide monitoring system for integrated cannabis tracking, inventory, and verification  
54.28 to track all cannabis plants, cannabis flower, cannabis products, lower-potency hemp edibles,  
54.29 and hemp-derived consumer products the cannabis business has in its possession to the  
54.30 point of disposal, transfer, or sale.

54.31 (b) For the purposes of this subdivision, a cannabis business possesses the cannabis  
54.32 plants and cannabis flower that the business cultivates from seed or immature plant, if  
54.33 applicable, or receives from another cannabis business, and possesses the cannabis products,

55.1 lower-potency hemp edibles, and hemp-derived consumer products that the business  
55.2 manufactures or receives from another cannabis business.

55.3 (c) Sale and transfer of cannabis plants, cannabis flower, cannabis products,  
55.4 lower-potency hemp edibles, and hemp-derived consumer products must be recorded in the  
55.5 statewide monitoring system within the time established by rule.

55.6 Subd. 8. **Disposal; loss documentation.** (a) A cannabis business must dispose of cannabis  
55.7 plants, cannabis flower, cannabis products, lower-potency hemp edibles, hemp-derived  
55.8 consumer products, and synthetically derived cannabinoids that are damaged, have a broken  
55.9 seal, have been contaminated, or have not been sold by the expiration date on the label.

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

55.11 (c) Disposed products must be documented in the statewide monitoring system.

55.12 (d) Any lost or stolen products must be reported to local law enforcement and a cannabis  
55.13 business must log any lost or stolen products in the statewide monitoring system as soon  
55.14 as the loss is discovered.

55.15 Subd. 9. **Sale of approved products.** A cannabis business may only sell cannabis plants,  
55.16 cannabis flower, cannabis products, and synthetically derived cannabinoids that are approved  
55.17 by the office and that comply with this chapter and rules adopted pursuant to this chapter  
55.18 regarding the testing, packaging, and labeling of cannabis plants, cannabis flower, cannabis  
55.19 products, and synthetically derived cannabinoids.

55.20 Subd. 10. **Security.** A cannabis business must maintain and follow a security plan to  
55.21 deter and prevent the theft or diversion of cannabis plants, cannabis flower, cannabis products,  
55.22 or hemp-derived consumer products; unauthorized entry into the cannabis business; and the  
55.23 theft of currency.

55.24 Subd. 11. **Financial relationship.** (a) Except for the lawful sale of cannabis plants,  
55.25 cannabis flower, cannabis products, and synthetically derived cannabinoids in the ordinary  
55.26 course of business and as otherwise provided in this subdivision, no cannabis business may  
55.27 offer, give, accept, receive, or borrow money or anything else of value or accept or receive  
55.28 credit from any other cannabis business. This prohibition applies to offering or receiving a  
55.29 benefit in exchange for preferential placement by a cannabis retailer, including preferential  
55.30 placement on the cannabis retailer's shelves, display cases, or website. This prohibition  
55.31 applies to every cooperative member or every director, manager, and general partner of a  
55.32 cannabis business.

56.1 (b) This prohibition does not apply to merchandising credit in the ordinary course of  
56.2 business for a period not to exceed 30 days or for marketing or consumer education materials  
56.3 made available in a retail location.

56.4 (c) This prohibition does not apply to free samples of useable cannabis flower or cannabis  
56.5 products packaged in a sample jar protected by a plastic or metal mesh screen to allow  
56.6 customers to smell the cannabis flower or cannabis product before purchase. A sample jar  
56.7 may not contain more than eight grams of useable cannabis flower, more than eight grams  
56.8 of a cannabis concentrate, or an edible cannabis product infused with more than 100  
56.9 milligrams of tetrahydrocannabinol.

56.10 (d) This prohibition does not apply to free samples of cannabis flower or cannabis  
56.11 products provided to a cannabis retailer or cannabis wholesaler for the purposes of quality  
56.12 control and to allow cannabis retailers to determine whether to offer a product for sale. A  
56.13 sample provided for these purposes may not contain more than eight grams of useable  
56.14 cannabis flower, eight grams of a cannabis concentrate, or an edible cannabis product infused  
56.15 with 100 milligrams of tetrahydrocannabinol.

56.16 (e) This prohibition does not apply to any fee charged by a licensed cannabis event  
56.17 organizer to a cannabis business for participation in a cannabis event.

56.18 Subd. 12. **Exclusive contracts.** A cannabis business may not directly or indirectly make  
56.19 an agreement with a cannabis retailer that binds the cannabis retailer to purchase the products  
56.20 of one cannabis cultivator or cannabis manufacturer to the exclusion of the products of other  
56.21 cannabis cultivators or cannabis manufacturers. A cannabis retailer who is a party to a  
56.22 violation of this section or who receives the benefits of a violation is equally guilty of a  
56.23 violation.

56.24 Subd. 13. **Customer privacy.** A cannabis business must not share data on retail or  
56.25 wholesale customers with any federal agency, federal department, or federal entity unless  
56.26 specifically ordered by a state or federal court.

56.27 **Sec. 23. [342.21] CANNABIS CULTIVATOR LICENSING AND OPERATIONS.**

56.28 Subdivision 1. **Authorized actions.** A cannabis cultivator license entitles the license  
56.29 holder to grow cannabis plants within the approved amount of space from seed or immature  
56.30 plant to mature plant, harvest cannabis flower from a mature plant, package and label  
56.31 cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis  
56.32 manufacturer located on the same premises, and perform other actions approved by the  
56.33 office.

57.1 Subd. 2. **Size limitations.** A cannabis cultivator may cultivate up to 15,000 square feet  
57.2 of plant canopy unless the office, by rule, increases that limit. The office may, by rule,  
57.3 increase the limit on plant canopy to no more than 30,000 cubic feet if the office determines  
57.4 that expansion is consistent with the goals identified in section 342.02, subdivision 1. A  
57.5 cannabis cultivator may not operate multiple tiers of cultivation unless authorized by the  
57.6 office.

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

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

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

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

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

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

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

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

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

58.6 Subd. 6. **Limitations on health care practitioners.** A health care practitioner who  
58.7 certifies qualifying medical conditions for patients is prohibited from:

58.8 (1) holding a direct or indirect economic interest in a cannabis cultivator;

58.9 (2) serving as a cooperative member, director, manager, general partner, or employee  
58.10 of a cannabis cultivator; or

58.11 (3) advertising with a cannabis cultivator in any way.

58.12 Subd. 7. **Remuneration.** A cannabis cultivator is prohibited from:

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

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

58.17 Sec. 24. **[342.22] RETAILERS; LOCAL REGISTRATION AND ENFORCEMENT.**

58.18 Subdivision 1. **Registration required.** Before making retail sales to customers or patients,  
58.19 a cannabis microbusiness with a retail operations endorsement, cannabis mezzobusiness  
58.20 with a retail operations endorsement, cannabis retailer, medical cannabis retailer, or  
58.21 lower-potency hemp edible retailer must register with the city, town, or county in which  
58.22 the retail establishment is located. A county may issue a registration in cases where a city  
58.23 or town has provided consent for the county to issue the registration for the jurisdiction.

58.24 Subd. 2. **Registration fee.** (a) A local unit of government may impose an initial retail  
58.25 registration fee of up to half the amount of the applicable initial license fee under section  
58.26 342.11. The local unit of government may also impose a renewal retail registration fee of  
58.27 up to half the amount of the applicable renewal license fee under section 342.11. The initial  
58.28 license fee shall include the fee for initial registration and the first annual renewal. Any  
58.29 renewal fee imposed by the local unit of government shall be charged at the time of the  
58.30 second renewal and each subsequent annual renewal thereafter.

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

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

59.3 (d) Registration fees are nonrefundable.

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

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

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

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

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

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

59.19 (c) A local unit of government shall renew the retail registration of a cannabis business  
59.20 or hemp business when the office renews the license of the cannabis business or hemp  
59.21 business.

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

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

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

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

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

60.9 **Subd. 5. Registration suspension and cancellation; notice to office; penalties.** (a) If  
60.10 a local unit of government determines that a cannabis business or hemp business with a  
60.11 retail registration issued by the local unit of government is not operating in compliance with  
60.12 the requirements of this chapter or that the operation of the business poses an immediate  
60.13 threat to the health or safety of the public, the local unit of government may suspend the  
60.14 retail registration of the cannabis business or hemp business. The local unit of government  
60.15 must immediately notify the office of the suspension and shall include a description of the  
60.16 grounds for the suspension.

60.17 (b) The office shall review the retail registration suspension and may order reinstatement  
60.18 of the retail registration or take any action described in section 342.17 or 342.18.

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

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

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

60.30 **Sec. 25. [342.23] CANNABIS BUSINESSES AND HEMP BUSINESSES; GENERAL**  
60.31 **OPERATIONAL REQUIREMENTS.**

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

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

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

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

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

61.13 Subd. 3. **Disposal; loss documentation.** (a) Cannabis businesses and hemp businesses  
61.14 must dispose of cannabis plants, cannabis flower, cannabis products, synthetically derived  
61.15 cannabinoids, lower-potency hemp edibles, and hemp-derived consumer products that are  
61.16 damaged, have a broken seal, have been contaminated, or have not been sold by the expiration  
61.17 date on the label.

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

61.19 (c) Disposal of any cannabis plants, cannabis flower, cannabis products, synthetically  
61.20 derived cannabinoids, and hemp-derived consumer products that are required to be entered  
61.21 into the statewide monitoring system must be documented in the statewide monitoring  
61.22 system.

61.23 (d) Loss or theft of any cannabis plants, cannabis flower, cannabis products, synthetically  
61.24 derived cannabinoids, lower-potency hemp edibles, or hemp-derived consumer products  
61.25 that are required to be entered into the statewide monitoring system must be reported to  
61.26 local law enforcement and a business must log any such loss or theft in the statewide  
61.27 monitoring system as soon as the loss or theft is discovered.

61.28 Subd. 4. **Sale of approved products.** Cannabis businesses and hemp businesses may  
61.29 only sell cannabis plants, cannabis flower, cannabis products, synthetically derived  
61.30 cannabinoids, lower-potency hemp edibles, and hemp-derived consumer products that are  
61.31 a type approved by the office and that comply with this chapter and rules adopted pursuant  
61.32 to this chapter regarding the testing, packaging, and labeling of cannabis plants, cannabis

62.1 flower, cannabis products, synthetically derived cannabinoids, lower-potency hemp edibles,  
62.2 and hemp-derived consumer products.

62.3 Subd. 5. **Financial relationship.** (a) Except for the lawful sale of cannabis plants,  
62.4 cannabis flower, cannabis products, synthetically derived cannabinoids, lower-potency  
62.5 hemp edibles, and hemp-derived consumer products in the ordinary course of business and  
62.6 as otherwise provided in this subdivision, no cannabis business or hemp business may offer,  
62.7 give, accept, receive, or borrow money or anything else of value or accept or receive credit  
62.8 from any other cannabis business. This prohibition applies to offering or receiving a benefit  
62.9 in exchange for preferential placement by a retailer, including preferential placement on  
62.10 the retailer's shelves, display cases, or website. This prohibition applies to every cooperative  
62.11 member or every director, manager, and general partner of a cannabis business or hemp  
62.12 business.

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

62.15 (c) This prohibition does not apply to free samples of useable cannabis flower, cannabis  
62.16 products, lower-potency hemp edibles, or hemp-derived consumer products packaged in a  
62.17 sample jar protected by a plastic or metal mesh screen to allow customers to smell the  
62.18 cannabis flower, cannabis product, lower-potency hemp edible, or hemp-derived consumer  
62.19 product before purchase. A sample jar may not contain more than eight grams of useable  
62.20 cannabis flower, eight grams of a cannabis concentrate, an edible cannabis product infused  
62.21 with 100 milligrams of tetrahydrocannabinol, a lower-potency hemp edible infused with  
62.22 50 milligrams of tetrahydrocannabinol, or a hemp-derived consumer product with a total  
62.23 weight of more than eight grams.

62.24 (d) This prohibition does not apply to free samples of cannabis flower, cannabis products,  
62.25 lower-potency hemp edibles, or hemp-derived consumer products provided to a retailer or  
62.26 cannabis wholesaler for the purposes of quality control and to allow retailers to determine  
62.27 whether to offer a product for sale. A sample provided for these purposes may not contain  
62.28 more than eight grams of useable cannabis flower, eight grams of a cannabis concentrate,  
62.29 an edible cannabis product infused with 100 milligrams of tetrahydrocannabinol, a  
62.30 lower-potency hemp edible infused with 50 milligrams of tetrahydrocannabinol, or a  
62.31 hemp-derived consumer product with a total weight of more than eight grams.

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

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

63.4 Sec. 26. [342.24] CANNABIS MANUFACTURER LICENSING AND OPERATIONS.

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

63.7 (1) purchase cannabis flower, cannabis products, hemp plant parts, hemp concentrate,  
63.8 and synthetically derived cannabinoids from a cannabis microbusiness, a cannabis  
63.9 mezzobusiness, a cannabis cultivator, another cannabis manufacturer, or a cannabis  
63.10 wholesaler;

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

63.13 (3) purchase hemp concentrate from an industrial hemp processor licensed under chapter  
63.14 18K;

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

63.18 (5) make cannabis concentrate;

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

63.21 (7) manufacture synthetically derived cannabinoids;

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

63.24 (9) package and label adult-use cannabis products, lower-potency hemp edibles, and  
63.25 hemp-derived consumer products for customers;

63.26 (10) sell cannabis concentrate, hemp concentrate, synthetically derived cannabinoids,  
63.27 adult-use cannabis products, lower-potency hemp edibles, and hemp-derived consumer  
63.28 products to other cannabis businesses; and

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

63.30 Subd. 2. **Size limitations.** The office shall, by rule, establish a limit on the manufacturing  
63.31 of adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer

64.1 products a cannabis manufacturer may perform. The limit must be equivalent to the amount  
64.2 of cannabis flower that can be harvested from a facility with a plant canopy of 15,000 square  
64.3 feet in a year, but may be increased to the amount that can be harvested from a facility with  
64.4 up to 30,000 cubic feet of plant canopy if the office expands the allowable area of cultivation  
64.5 under section 342.21, subdivision 2.

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

64.10 (1) an operating plan demonstrating the proposed layout of the facility, including a  
64.11 diagram of ventilation and filtration systems; plans for wastewater and waste disposal for  
64.12 the manufacturing facility; plans for providing electricity, water, and other utilities necessary  
64.13 for the normal operation of the manufacturing facility; and plans for compliance with  
64.14 applicable building code and federal and state environmental and workplace safety  
64.15 requirements; and

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

64.18 Subd. 4. **Multiple licenses; limits.** (a) A person, cooperative, or business holding a  
64.19 cannabis manufacturer license may also hold a cannabis cultivator license, a medical cannabis  
64.20 cultivator license, a medical cannabis processor license, and a cannabis event organizer  
64.21 license.

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

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

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

64.32 Subd. 5. **Limitations on health care practitioners.** A health care practitioner who  
64.33 certifies qualifying medical conditions for patients is prohibited from:

65.1 (1) holding a direct or indirect economic interest in a cannabis manufacturer;

65.2 (2) serving as a cooperative member, director, manager, general partner, or employee  
65.3 of a cannabis manufacturer; or

65.4 (3) advertising with a cannabis manufacturer in any way.

65.5 Subd. 6. **Remuneration.** A cannabis manufacturer is prohibited from:

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

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

65.10 Subd. 7. **Cultivation operations.** A cannabis manufacturer must comply with the  
65.11 requirements in section 342.25.

65.12 Sec. 27. **[342.25] CULTIVATION OF CANNABIS; GENERAL REQUIREMENTS.**

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

65.15 Subd. 2. **Cultivation records.** A business licensed or authorized to cultivate cannabis  
65.16 must prepare a cultivation record for each batch of cannabis plants and cannabis flower in  
65.17 the form required by the office and must maintain each record for at least five years. The  
65.18 cultivation record must include the quantity and timing, where applicable, of each pesticide,  
65.19 fertilizer, soil amendment, or plant amendment used to cultivate the batch, as well as any  
65.20 other information required by the office in rule. The cannabis business must present  
65.21 cultivation records to the office, the commissioner of agriculture, or the commissioner of  
65.22 health upon request.

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

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

65.30 (1) water usage;

65.31 (2) recycling;

66.1 (3) solid waste disposal; and

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

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

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

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

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

66.18 Subd. 8. **Genetically engineered organism release permit.** The commissioner of  
66.19 agriculture may issue a genetically engineered agriculturally related organism permit under  
66.20 chapter 18F for cannabis seed or cannabis plants.

66.21 Subd. 9. **Exception.** Nothing in this section applies to the cultivation of hemp plants.

66.22 Sec. 28. **[342.26] MANUFACTURE OF CANNABIS PRODUCTS; GENERAL**  
66.23 **REQUIREMENTS.**

66.24 Subdivision 1. **Applicability.** Every cannabis business with a license or endorsement  
66.25 authorizing the creation of cannabis concentrate and manufacture of cannabis products and  
66.26 hemp-derived consumer products for public consumption must comply with the requirements  
66.27 of this section.

66.28 Subd. 2. **All manufacturer operations.** (a) Cannabis manufacturing must take place in  
66.29 an enclosed, locked facility that is used exclusively for the manufacture of cannabis products,  
66.30 creation of hemp concentrate, creation of synthetically derived cannabinoids, creation of  
66.31 lower-potency hemp edibles, or creation of hemp-derived consumer products except that a

67.1 business that also holds a cannabis cultivator license may operate in a facility that shares  
67.2 general office space, bathrooms, entryways, and walkways.

67.3 (b) Cannabis manufacturing must take place on equipment that is used exclusively for  
67.4 the manufacture of cannabis products, creation of hemp concentrate, creation of synthetically  
67.5 derived cannabinoids, creation of lower-potency hemp edibles, or creation of hemp-derived  
67.6 consumer products.

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

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

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

67.17 (c) A business licensed or authorized to manufacture cannabis products must inform the  
67.18 office of all methods of conversion that the manufacturer will use, including any specific  
67.19 catalysts that the manufacturer will employ, to create synthetically derived cannabinoids  
67.20 and the molecular nomenclature of all cannabinoids or other chemical compounds that the  
67.21 manufacturer will create. A business licensed or authorized to manufacture cannabis products  
67.22 may not use a method of conversion or a catalyst without approval by the office.

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

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

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

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

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

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

68.5 (3) store any cannabis concentrate in an area that is segregated from cannabis concentrate,  
68.6 hemp concentrate, or synthetically derived cannabinoids derived or manufactured from  
68.7 cannabis flower or hemp plant parts received from a licensed cannabis business; and

68.8 (4) provide any cannabis concentrate only to the person who provided the cannabis  
68.9 flower.

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

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

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

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

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

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

68.27 (d) A business licensed or authorized to manufacture cannabis products may only add  
68.28 chemicals or compounds approved by the office to cannabis concentrate, hemp concentrate,  
68.29 or synthetically derived cannabinoids.

68.30 (e) Upon the sale of any cannabis product, lower-potency hemp edible, or hemp-derived  
68.31 consumer product to a cannabis business or hemp business, a business licensed or authorized  
68.32 to manufacture cannabis products must provide a statement to the buyer that discloses the

69.1 product's ingredients, including but not limited to any chemicals or compounds and any  
69.2 major food allergens declared by name.

69.3 (f) A business licensed or authorized to manufacture cannabis products shall not add  
69.4 any cannabis flower, cannabis concentrate, synthetically derived cannabinoid, hemp plant  
69.5 part, or hemp concentrate to a product where the manufacturer of the product holds a  
69.6 trademark to the product's name, except that a business licensed or authorized to manufacture  
69.7 cannabis products may use a trademarked food product if the manufacturer uses the product  
69.8 as a component or as part of a recipe and where the business licensed or authorized to  
69.9 manufacture cannabis products does not state or advertise to the customer that the final  
69.10 retail cannabis product, lower-potency hemp edible, or hemp-derived consumer product  
69.11 contains a trademarked food product.

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

69.14 Sec. 29. **[342.27] ADULT-USE CANNABIS RETAILER LICENSING AND**  
69.15 **OPERATIONS.**

69.16 Subdivision 1. **Authorized actions.** An adult-use cannabis retailer license entitles the  
69.17 license holder to:

69.18 (1) purchase immature cannabis plants and seedlings, adult-use cannabis flower, adult-use  
69.19 cannabis products, lower-potency hemp edibles, and hemp-derived consumer products from  
69.20 cannabis microbusinesses, cannabis mezzobusinesses, cannabis cultivators, cannabis  
69.21 manufacturers, and cannabis wholesalers;

69.22 (2) purchase lower-potency hemp edibles from a licensed lower-potency hemp edible  
69.23 manufacturer;

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

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

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

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

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

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

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

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

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

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

70.18 (d) The office by rule may limit the number of cannabis retailer licenses a person,  
70.19 cooperative, or business may hold.

70.20 (e) For purposes of this subdivision, a restriction on the number or type of license a  
70.21 business may hold applies to every cooperative member or every director, manager, and  
70.22 general partner of a cannabis business.

70.23 Subd. 5. **Municipal or county cannabis store.** A city or county may establish, own,  
70.24 and operate a municipal cannabis store subject to the restrictions in this chapter.

70.25 Subd. 6. **Limitations on health care practitioners.** A health care practitioner who  
70.26 certifies qualifying medical conditions for patients is prohibited from:

70.27 (1) holding a direct or indirect economic interest in a cannabis retailer;

70.28 (2) serving as a cooperative member, director, manager, general partner, or employee  
70.29 of a cannabis retailer; or

70.30 (3) advertising with a cannabis retailer in any way.

70.31 Subd. 7. **Remuneration.** A cannabis retailer is prohibited from:

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

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

71.5 **Sec. 30. [342.28] RETAIL SALE OF CANNABIS FLOWER AND PRODUCTS;**  
71.6 **GENERAL REQUIREMENTS.**

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

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

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

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

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

71.21 (c) A cannabis business with a license or endorsement authorizing the retail sale of  
71.22 cannabis flower or cannabis products may sell up to two ounces of adult-use cannabis flower  
71.23 or hemp-derived consumer products consisting primarily of hemp plant parts, up to eight  
71.24 grams of adult-use cannabis concentrate or hemp-derived consumer products consisting  
71.25 primarily of hemp concentrate or synthetically derived cannabinoids, and edible cannabis  
71.26 products and lower-potency hemp edibles infused with up to 800 milligrams of  
71.27 tetrahydrocannabinol during a single transaction to a customer.

71.28 (d) Edible cannabis products and hemp-derived consumer products intended to be eaten  
71.29 may not include more than 20 milligrams of tetrahydrocannabinol per serving and a single  
71.30 package may not include more than a total of 200 milligrams of tetrahydrocannabinol. A  
71.31 package may contain multiple servings of 20 milligrams of tetrahydrocannabinol provided  
71.32 that each serving is indicated by scoring, wrapping, or other indicators designating the  
71.33 individual serving size.

72.1 (e) Edible cannabis products and hemp-derived consumer products intended to be  
72.2 consumed as beverages may not include more than 20 milligrams of tetrahydrocannabinol  
72.3 per serving. A single beverage container may not contain more than two servings.

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

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

72.12 (c) A cannabis business with a license or endorsement authorizing the retail sale of  
72.13 cannabis flower or cannabis products may sell the following products that do not contain  
72.14 cannabis flower, cannabis concentrate, hemp concentrate, synthetically derived cannabinoids,  
72.15 or tetrahydrocannabinol:

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

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

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

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

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

72.25 (6) hemp fiber products and products that contain hemp grain.

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

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

72.30 (1) a valid driver's license or identification card issued by Minnesota, another state, a  
72.31 United States territory, or a province of Canada and including the photograph and date of  
72.32 birth of the licensed person;

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

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

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

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

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

73.12 **Subd. 5. Display of cannabis flower and products.** (a) A cannabis business with a  
73.13 license or endorsement authorizing the retail sale of cannabis flower or cannabis products  
73.14 must designate a retail area where customers are permitted. The retail area shall include the  
73.15 portion of the premises where samples of cannabis flower and cannabis products available  
73.16 for sale are displayed. All other cannabis flower and cannabis products must be stored in  
73.17 the secure storage area.

73.18 (b) A cannabis business with a license or endorsement authorizing the retail sale of  
73.19 cannabis flower or cannabis products may display one sample of each type of cannabis  
73.20 flower or cannabis product available for sale. Samples of cannabis flower and cannabis  
73.21 products must be stored in a sample jar or display case and be accompanied by a label or  
73.22 notice containing the information required to be affixed to the packaging or container  
73.23 containing cannabis flower and cannabis products sold to customers. A sample may not  
73.24 consist of more than eight grams of adult-use cannabis flower or adult-use cannabis  
73.25 concentrate or an edible cannabis product infused with more than 100 milligrams of  
73.26 tetrahydrocannabinol. A cannabis retailer may allow customers to smell the cannabis flower  
73.27 or cannabis product before purchase.

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

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

74.4 (1) information about any product recall;

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

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

74.10 Subd. 7. **Hours of operation.** (a) Except as provided by paragraph (b), a cannabis retailer  
74.11 may not sell cannabis flower, cannabis products, lower-potency hemp edibles, or  
74.12 hemp-derived consumer products:

74.13 (1) on Sundays, except between the hours of 11:00 a.m. and 6:00 p.m.;

74.14 (2) before 8:00 a.m. or after 10:00 p.m. on Monday through Saturday;

74.15 (3) on Thanksgiving Day;

74.16 (4) on Christmas Day, December 25; or

74.17 (5) after 8:00 p.m. on Christmas Eve, December 24.

74.18 (b) A local unit of government may, by ordinance, place further reasonable restrictions  
74.19 related to the hours of sale.

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

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

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

74.30 Subd. 9. **Security.** A cannabis business with a license or endorsement authorizing the  
74.31 retail sale of cannabis flower or cannabis products shall maintain compliance with security

75.1 requirements established by the office, including but not limited to requirements for  
75.2 maintaining video surveillance records, use of specific locking mechanisms, establishment  
75.3 of secure entries, and the number of employees working at all times.

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

75.7 Subd. 11. **Deliveries.** A cannabis business with a license or endorsement authorizing  
75.8 the retail sale of cannabis flower or cannabis products may only accept deliveries of cannabis  
75.9 flower, cannabis products, and hemp-derived consumer products into a limited access area.  
75.10 Deliveries may not be accepted through the public access areas unless otherwise approved  
75.11 by the office.

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

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

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

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

75.20 (4) operate a drive-through window;

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

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

75.25 Subd. 13. **Adult-use and medical cannabis; co-location.** (a) A cannabis business with  
75.26 a license or endorsement authorizing the retail sale of adult-use cannabis flower or adult-use  
75.27 cannabis products that is also a licensed medical cannabis retailer may sell medical cannabis  
75.28 flower and medical cannabinoid products on a portion of its premises.

75.29 (b) The portion of the premises in which medical cannabis flower and medical  
75.30 cannabinoid products are sold must be definite and distinct from all other areas of the  
75.31 cannabis retailer and must provide an appropriate space for a pharmacist employee of the

76.1 medical cannabis retailer to consult with a patient to determine the proper type of medical  
76.2 cannabis flower and medical cannabinoid products and proper dosage for the patient.

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

76.5 Sec. 31. **[342.29] CANNABIS MICROBUSINESS LICENSING AND OPERATIONS.**

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

76.9 (1) grow cannabis plants from seed or immature plant to mature plant and harvest  
76.10 cannabis flower from mature plants;

76.11 (2) make cannabis concentrate;

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

76.14 (4) manufacture synthetically derived cannabinoids;

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

76.17 (6) purchase immature cannabis plants and seedlings and cannabis flower from another  
76.18 cannabis microbusiness, a cannabis mezzobusiness, a cannabis manufacturer, or a cannabis  
76.19 wholesaler;

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

76.22 (8) purchase hemp concentrate from an industrial hemp processor licensed under chapter  
76.23 18K;

76.24 (9) purchase cannabis concentrate, hemp concentrate, and synthetically derived  
76.25 cannabinoids from another cannabis microbusiness, a cannabis mezzobusiness, a cannabis  
76.26 manufacturer, or a cannabis wholesaler for use in manufacturing adult-use cannabis products,  
76.27 lower-potency hemp edibles, or hemp-derived consumer products;

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

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

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

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

77.7 Subd. 2. **Size limitations.** (a) A cannabis microbusiness that cultivates cannabis may  
77.8 cultivate up to 2,000 square feet of plant canopy unless the office, by rule, increases that  
77.9 limit. The office may, by rule, increase the limit on plant canopy to no more than 5,000  
77.10 square feet if the office determines that expansion is consistent with the goals identified in  
77.11 section 342.02, subdivision 1. A cannabis microbusiness may not operate multiple tiers of  
77.12 cultivation.

77.13 (b) The office shall, by rule, establish a limit on the manufacturing of cannabis products,  
77.14 lower-potency hemp edibles, or hemp-derived consumer products that a cannabis  
77.15 microbusiness manufacturing such products may perform. The limit must be equivalent to  
77.16 the amount of cannabis flower that can be harvested from a facility with a plant canopy of  
77.17 2,000 square feet in a year, but may be increased to the amount that can be harvested from  
77.18 a facility with up to 5,000 square feet of plant canopy if the office expands the allowable  
77.19 area of cultivation under paragraph (a).

77.20 (c) A cannabis microbusiness with the appropriate endorsement may operate one retail  
77.21 location.

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

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

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

78.5 (3) if the applicant is seeking an endorsement to create cannabis concentrate, hemp  
78.6 concentrate, or synthetically derived cannabinoids, information identifying all methods of  
78.7 extraction, concentration, or conversion that the applicant intends to use and the volatile  
78.8 chemicals and catalysts, if any, that will be involved in extraction, concentration, or creation;  
78.9 and

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

78.12 Subd. 4. **Multiple licenses; limits.** (a) A person, cooperative, or business holding a  
78.13 cannabis microbusiness license may also hold a cannabis event organizer license.

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

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

78.20 Subd. 5. **Cultivation endorsement.** A cannabis microbusiness that cultivates cannabis  
78.21 plants and harvests cannabis flower must comply with the requirements in section 342.25.

78.22 Subd. 6. **Extraction and concentration endorsement.** A cannabis microbusiness that  
78.23 creates cannabis concentrate must comply with the requirements in section 342.26,  
78.24 subdivisions 2 and 3.

78.25 Subd. 7. **Production of customer products endorsement.** A cannabis microbusiness  
78.26 that manufactures edible cannabis products, lower-potency hemp products, or hemp-derived  
78.27 consumer products must comply with the requirements in section 342.26, subdivisions 2  
78.28 and 4.

78.29 Subd. 8. **Retail operations endorsement.** A cannabis microbusiness that operates a  
78.30 retail location must comply with the requirements in section 342.27.

78.31 Subd. 9. **On-site consumption endorsement.** (a) A cannabis microbusiness may permit  
78.32 on-site consumption of edible cannabis products and lower-potency hemp edibles on a  
78.33 portion of its premises.

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

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

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

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

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

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

79.19 (h) A cannabis microbusiness may not:

79.20 (1) sell an edible cannabis product or a lower-potency hemp edible to an individual who  
79.21 is under 21 years of age;

79.22 (2) permit an individual who is under 21 years of age to enter the premises;

79.23 (3) sell more than one single serving of an edible cannabis product or a lower-potency  
79.24 hemp edible to a customer;

79.25 (4) sell an edible cannabis product or a lower-potency hemp edible to a person who is  
79.26 visibly intoxicated;

79.27 (5) sell or allow the sale or consumption of alcohol or tobacco on the premises;

79.28 (6) sell products that are intended to be eaten or consumed as a drink, other than packaged  
79.29 and labeled edible cannabis products and lower-potency hemp edibles, and that contain  
79.30 cannabis flower or hemp plant parts or are infused with cannabis concentrate, hemp  
79.31 concentrate, or synthetically derived cannabinoids;

80.1 (7) permit edible cannabis products or lower-potency hemp edibles sold in the portion  
80.2 of the area designated for on-site consumption to be removed from that area;

80.3 (8) permit adult-use cannabis flower, adult-use cannabis products, hemp-derived consumer  
80.4 products, or tobacco to be consumed through smoking or a vaporized delivery method on  
80.5 the premises; or

80.6 (9) distribute or allow free samples of cannabis flower, cannabis products, lower-potency  
80.7 hemp edibles, or hemp-derived consumer products.

80.8 **Sec. 32. [342.30] CANNABIS WHOLESALER LICENSING.**

80.9 Subdivision 1. **Authorized actions.** A cannabis wholesaler license entitles the license  
80.10 holder to:

80.11 (1) purchase immature cannabis plants and seedlings, cannabis flower, cannabis products,  
80.12 lower-potency hemp edibles, and hemp-derived consumer products from cannabis  
80.13 microbusinesses, cannabis mezzobusinesses, cannabis cultivators, cannabis manufacturers,  
80.14 and cannabis microbusinesses;

80.15 (2) purchase hemp plant parts and propagules from industrial hemp growers licensed  
80.16 under chapter 18K;

80.17 (3) purchase hemp concentrate from an industrial hemp processor licensed under chapter  
80.18 18K;

80.19 (4) sell immature cannabis plants and seedlings, cannabis flower, cannabis products,  
80.20 lower-potency hemp edibles, and hemp-derived consumer products to cannabis  
80.21 microbusinesses, cannabis mezzobusinesses, cannabis manufacturers, and cannabis retailers;

80.22 (5) sell lower-potency hemp edibles to lower-potency hemp edible retailers;

80.23 (6) import hemp-derived consumer products and lower-potency hemp edibles that contain  
80.24 hemp concentrate or synthetically derived cannabinoids that are derived from hemp plants  
80.25 or hemp plant parts; and

80.26 (7) perform other actions approved by the office.

80.27 Subd. 2. **Additional information required.** In addition to the information required to  
80.28 be submitted under section 342.14, subdivision 1, and rules adopted pursuant to that section,  
80.29 a person, cooperative, or business seeking a cannabis wholesaler license must submit the  
80.30 following information in a form approved by the office:

81.1 (1) an operating plan demonstrating the proposed layout of the facility including a  
81.2 diagram of ventilation and filtration systems and policies to avoid sales to unlicensed  
81.3 cannabis businesses; and

81.4 (2) evidence that the business will comply with the applicable operation requirements  
81.5 for the license being sought.

81.6 Subd. 3. **Multiple licenses; limits.** (a) A person, cooperative, or business holding a  
81.7 cannabis wholesaler license may also hold a cannabis transporter license, a cannabis delivery  
81.8 service license, and a cannabis event organizer license.

81.9 (b) Except as provided in paragraph (a), no person, cooperative, or business holding a  
81.10 cannabis wholesaler license may own or operate any other cannabis business or hemp  
81.11 business.

81.12 (c) The office by rule may limit the number of cannabis wholesaler licenses a person or  
81.13 business may hold.

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

81.17 **Sec. 33. [342.31] CANNABIS MEZZOBUSINESS LICENSING AND OPERATIONS.**

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

81.21 (1) grow cannabis plants from seed or immature plant to mature plant and harvest  
81.22 cannabis flower from mature plants;

81.23 (2) make cannabis concentrate;

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

81.26 (4) manufacture synthetically derived cannabinoids;

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

81.29 (6) purchase immature cannabis plants and seedlings and cannabis flower from a cannabis  
81.30 microbusiness, another cannabis mezzobusiness, a cannabis manufacturer, or a cannabis  
81.31 wholesaler;

82.1 (7) purchase cannabis concentrate, hemp concentrate, and synthetically derived  
82.2 cannabinoids from a cannabis microbusiness, another cannabis mezzobusiness, a cannabis  
82.3 manufacturer, or a cannabis wholesaler for use in manufacturing adult-use cannabis products,  
82.4 lower-potency hemp edibles, or hemp-derived consumer products;

82.5 (8) purchase hemp plant parts and propagules from a licensed hemp grower licensed  
82.6 under chapter 18K;

82.7 (9) purchase hemp concentrate from an industrial hemp processor licensed under chapter  
82.8 18K;

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

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

82.14 (12) perform other actions approved by the office.

82.15 Subd. 2. **Size limitations.** (a) A cannabis mezzobusiness that cultivates cannabis may  
82.16 cultivate up to 5,000 square feet of plant canopy unless the office, by rule, increases that  
82.17 limit. The office may, by rule, increase the limit on plant canopy to no more than 15,000  
82.18 cubic feet if the office determines that expansion is consistent with the goals identified in  
82.19 section 342.02, subdivision 1. A cannabis mezzobusiness may not operate multiple tiers of  
82.20 cultivation unless authorized by the office.

82.21 (b) The office shall, by rule, establish a limit on the manufacturing of cannabis products,  
82.22 lower-potency hemp edibles, or hemp-derived consumer products a cannabis mezzobusiness  
82.23 that manufactures such products may perform. The limit must be equivalent to the amount  
82.24 of cannabis flower that can be harvested from a facility with a plant canopy of 5,000 square  
82.25 feet in a year, but may be increased to the amount that can be harvested from a facility with  
82.26 up to 15,000 cubic feet of plant canopy if the office expands the allowable area of cultivation  
82.27 under paragraph (a).

82.28 (c) A cannabis mezzobusiness with the appropriate endorsement may operate up to three  
82.29 retail locations.

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

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

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

83.12 (3) if the applicant is seeking an endorsement to create cannabis concentrate, hemp  
83.13 concentrate, or synthetically derived cannabinoids, information identifying all methods of  
83.14 extraction, concentration, or conversion that the applicant intends to use and the volatile  
83.15 chemicals and catalysts, if any, that will be involved in extraction, concentration, or creation;  
83.16 and

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

83.19 Subd. 4. **Multiple licenses; limits.** (a) A person, cooperative, or business holding a  
83.20 cannabis mezzobusiness license may also hold a cannabis event organizer license.

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

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

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

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

83.32 Subd. 7. **Production of customer products endorsement.** A cannabis mezzobusiness  
83.33 that manufactures edible cannabis products, lower-potency hemp products, or hemp-derived

84.1 consumer products must comply with the requirements in section 342.26, subdivisions 2  
84.2 and 4.

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

84.5 Subd. 9. **Co-location.** (a) A cannabis mezzobusiness that is also a licensed medical  
84.6 cannabis retailer may sell medical cannabis flower and medical cannabinoid products on a  
84.7 portion of its premises.

84.8 (b) The portion of the premises in which medical cannabis flower and medical  
84.9 cannabinoid products are sold must be definite and distinct from all other areas of the  
84.10 cannabis mezzobusiness and must provide an appropriate space for a pharmacist employee  
84.11 of a medical cannabis retailer to consult with the patient to determine the proper type of  
84.12 medical cannabis flower and medical cannabinoid products and proper dosage for the patient.

84.13 Sec. 34. **[342.32] CANNABIS WHOLESALER OPERATIONS.**

84.14 Subdivision 1. **Separation of products.** A cannabis wholesaler must ensure that cannabis  
84.15 plants, cannabis flower, and cannabis products are physically separated from all other  
84.16 products, including but not limited to lower-potency hemp edibles and hemp-derived  
84.17 consumer products, in a manner that prevents any cross-contamination.

84.18 Subd. 2. **Records and labels.** A cannabis wholesaler must maintain accurate records  
84.19 and ensure that appropriate labels remain affixed to cannabis plants, cannabis flower,  
84.20 cannabis products, lower-potency hemp edibles, and hemp-derived consumer products.

84.21 Subd. 3. **Building conditions.** (a) A cannabis wholesaler shall maintain compliance  
84.22 with state and local building, fire, and zoning requirements or regulations.

84.23 (b) A cannabis wholesaler shall ensure that the licensed premises is maintained in a  
84.24 clean and sanitary condition, free from infestation by insects, rodents, or other pests.

84.25 Subd. 4. **Sale of other products.** A cannabis wholesaler may purchase and sell other  
84.26 products or items for which the cannabis wholesaler has a license or authorization or that  
84.27 do not require a license or authorization. Products for which no license or authorization is  
84.28 required include but are not limited to industrial hemp products, products that contain hemp  
84.29 grain, hemp-derived topical products, and cannabis paraphernalia, including but not limited  
84.30 to childproof packaging containers and other devices designed to ensure the safe storage  
84.31 and monitoring of cannabis flower and cannabis products in the home to prevent access by  
84.32 individuals under 21 years of age.

85.1 Subd. 5. Importation of hemp-derived products. (a) A cannabis wholesaler that imports  
85.2 lower-potency hemp edibles or hemp-derived consumer products, other than hemp-derived  
85.3 topical products, that are manufactured outside the boundaries of the state of Minnesota  
85.4 with the intent to sell the products to a cannabis microbusiness, cannabis mezzobusiness,  
85.5 cannabis retailer, or lower-potency hemp edible retailer must obtain a hemp-derived product  
85.6 importer endorsement from the office.

85.7 (b) A cannabis wholesaler with a hemp-derived product importer endorsement may sell  
85.8 products manufactured outside the boundaries of the state of Minnesota if:

85.9 (1) the manufacturer is licensed in another jurisdiction and subject to regulations designed  
85.10 to protect the health and safety of consumers that the office determines are substantially  
85.11 similar to the regulations in this state; or

85.12 (2) the cannabis wholesaler establishes, to the satisfaction of the office, that the  
85.13 manufacturer engages in practices that are substantially similar to the practices required for  
85.14 licensure of manufacturers in this state.

85.15 (c) The cannabis wholesaler must enter all relevant information regarding an imported  
85.16 hemp-derived consumer product into the statewide monitoring system before the product  
85.17 may be distributed. Relevant information includes information regarding the cultivation,  
85.18 processing, and testing of the industrial hemp used in the manufacture of the product and  
85.19 information regarding the testing of the hemp-derived consumer product. If information  
85.20 regarding the industrial hemp or hemp-derived consumer product was submitted to a  
85.21 statewide monitoring system used in another state, the office may require submission of  
85.22 any information provided to that statewide monitoring system and shall assist in the transfer  
85.23 of data from another state as needed and in compliance with any data classification  
85.24 established by either state.

85.25 (d) The office may suspend, revoke, or cancel the endorsement of a distributor who is  
85.26 prohibited from distributing products containing cannabinoids in any other jurisdiction,  
85.27 convicted of an offense involving the distribution of products containing cannabinoids in  
85.28 any other jurisdiction, or found liable for distributing any product that injured customers in  
85.29 any other jurisdiction. A cannabis wholesaler shall disclose all relevant information related  
85.30 to actions in another jurisdiction. Failure to disclose relevant information may result in  
85.31 disciplinary action by the office, including the suspension, revocation, or cancellation of  
85.32 an endorsement or license.

86.1 (e) Notwithstanding any law to the contrary, it shall not be a defense in any civil or  
86.2 criminal action that a licensed wholesaler relied on information on a product label or  
86.3 otherwise provided by a manufacturer who is not licensed in this state.

86.4 Sec. 35. [342.33] CANNABIS TRANSPORTER LICENSING.

86.5 Subdivision 1. **Authorized actions.** A cannabis transporter license entitles the license  
86.6 holder to transport immature cannabis plants and seedlings, cannabis flower, cannabis  
86.7 products, synthetically derived cannabinoids, hemp plant parts, hemp concentrate,  
86.8 lower-potency hemp edibles, and hemp-derived consumer products from cannabis  
86.9 microbusinesses, cannabis mezzobusinesses, cannabis cultivators, cannabis manufacturers,  
86.10 cannabis wholesalers, lower-potency hemp edible manufacturers, medical cannabis retailers,  
86.11 medical cannabis processors, and industrial hemp growers to cannabis microbusinesses,  
86.12 cannabis mezzobusinesses, cannabis manufacturers, cannabis testing facilities, cannabis  
86.13 wholesalers, cannabis retailers, lower-potency hemp edible product retailers, medical  
86.14 cannabis processors, and medical cannabis retailers and perform other actions approved by  
86.15 the office.

86.16 Subd. 2. **Additional information required.** In addition to the information required to  
86.17 be submitted under section 342.14, subdivision 1, and rules adopted pursuant to that section,  
86.18 a person, cooperative, or business seeking a cannabis transporter license must submit the  
86.19 following information in a form approved by the office:

86.20 (1) an appropriate surety bond, certificate of insurance, qualifications as a self-insurer,  
86.21 or other securities or agreements, in the amount of not less than \$300,000, for loss of or  
86.22 damage to cargo;

86.23 (2) an appropriate surety bond, certificate of insurance, qualifications as a self-insurer,  
86.24 or other securities or agreements, in the amount of not less than \$1,000,000, for injury to  
86.25 one or more persons in any one accident and, if an accident has resulted in injury to or  
86.26 destruction of property, of not less than \$100,000 because of such injury to or destruction  
86.27 of property of others in any one accident;

86.28 (3) the number and type of equipment the business will use to transport immature cannabis  
86.29 plants and seedlings, cannabis flower, cannabis products, synthetically derived cannabinoids,  
86.30 hemp plant parts, hemp concentrate, lower-potency hemp edibles, and hemp-derived  
86.31 consumer products;

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

87.1 (5) a description of the applicant's experience in the distribution or security business;  
87.2 and

87.3 (6) evidence that the business will comply with the applicable operation requirements  
87.4 for the license being sought.

87.5 Subd. 3. **Multiple licenses; limits.** (a) A person, cooperative, or business holding a  
87.6 cannabis transporter license may also hold a cannabis wholesaler license, a cannabis delivery  
87.7 service license, and a cannabis event organizer license.

87.8 (b) Except as provided in paragraph (a), no person, cooperative, or business holding a  
87.9 cannabis transporter license may own or operate any other cannabis business.

87.10 (c) The office by rule may limit the number of cannabis transporter licenses a person or  
87.11 business may hold.

87.12 (d) For purposes of this subdivision, restrictions on the number or type of license a  
87.13 business may hold apply to every cooperative member or every director, manager, and  
87.14 general partner of a cannabis business.

87.15 Sec. 36. **[342.34] CANNABIS TRANSPORTER OPERATIONS.**

87.16 Subdivision 1. **Manifest required.** Before transporting immature cannabis plants and  
87.17 seedlings, cannabis flower, cannabis products, synthetically derived cannabinoids, hemp  
87.18 plant parts, hemp concentrate, lower-potency hemp edibles, or hemp-derived consumer  
87.19 products, a cannabis transporter shall obtain a shipping manifest on a form established by  
87.20 the office. The manifest must be kept with the products at all times and the cannabis  
87.21 transporter must maintain a copy of the manifest in its records.

87.22 Subd. 2. **Records of transportation.** Records of transportation must be kept for a  
87.23 minimum of three years at the cannabis transporter's place of business and are subject to  
87.24 inspection upon request by the office or law enforcement agency. Records of transportation  
87.25 include the following:

87.26 (1) copies of transportation manifests for all deliveries;

87.27 (2) a transportation log documenting the chain of custody for each delivery, including  
87.28 every employee and vehicle used during transportation; and

87.29 (3) financial records showing payment for transportation services.

87.30 Subd. 3. **Storage compartment.** Immature cannabis plants and seedlings, cannabis  
87.31 flower, cannabis products, synthetically derived cannabinoids, hemp plant parts, hemp  
87.32 concentrate, lower-potency hemp edibles, and hemp-derived consumer products must be

88.1 transported in a locked, safe, and secure storage compartment that is part of the motor vehicle  
88.2 or in a locked storage container that has a separate key or combination pad. Items being  
88.3 transported may not be visible from outside the motor vehicle.

88.4 Subd. 4. **Identifying logos or business names prohibited.** No vehicle or trailer may  
88.5 contain an image depicting the types of items being transported, including but not limited  
88.6 to an image depicting a cannabis or hemp leaf, or a name suggesting that the vehicle is used  
88.7 in transporting immature cannabis plants and seedlings, cannabis flower, cannabis products,  
88.8 synthetically derived cannabinoids, hemp plant parts, hemp concentrate, lower-potency  
88.9 hemp edibles, or hemp-derived consumer products.

88.10 Subd. 5. **Randomized deliveries.** A cannabis transporter shall ensure that all delivery  
88.11 times and routes are randomized.

88.12 Subd. 6. **Multiple employees.** All cannabis transporter vehicles transporting immature  
88.13 cannabis plants and seedlings, cannabis flower, cannabis products, synthetically derived  
88.14 cannabinoids, hemp plant parts, hemp concentrate, lower-potency hemp edibles, or  
88.15 hemp-derived consumer products must be staffed with a minimum of two employees. At  
88.16 least one delivery team member shall remain with the motor vehicle at all times that the  
88.17 motor vehicle contains cannabis plants and seedlings, cannabis flower, cannabis products,  
88.18 synthetically derived cannabinoids, hemp plant parts, hemp concentrate, lower-potency  
88.19 hemp edibles, or hemp-derived consumer products.

88.20 Subd. 7. **Nonemployee passengers prohibited.** Only a cannabis worker employed by  
88.21 or contracted with the cannabis transporter and who is at least 21 years of age may transport  
88.22 immature cannabis plants and seedlings, cannabis flower, cannabis products, synthetically  
88.23 derived cannabinoids, hemp plant parts, hemp concentrate, lower-potency hemp edibles, or  
88.24 hemp-derived consumer products. All passengers in a vehicle must be cannabis workers  
88.25 employed by or contracted with the cannabis transporter.

88.26 Subd. 8. **Drivers license required.** All drivers must carry a valid driver's license with  
88.27 the proper endorsements when operating a vehicle transporting immature cannabis plants  
88.28 and seedlings, cannabis flower, cannabis products, synthetically derived cannabinoids, hemp  
88.29 plant parts, hemp concentrate, lower-potency hemp edibles, or hemp-derived consumer  
88.30 products.

88.31 Subd. 9. **Vehicles subject to inspection.** Any vehicle assigned for the purposes of  
88.32 transporting immature cannabis plants and seedlings, cannabis flower, cannabis products,  
88.33 synthetically derived cannabinoids, hemp plant parts, hemp concentrate, lower-potency

89.1 hemp edibles, or hemp-derived consumer products is subject to inspection and may be  
89.2 stopped or inspected at any licensed cannabis business or while en route during transportation.

89.3 **Sec. 37. [342.35] CANNABIS TESTING FACILITY LICENSING.**

89.4 Subdivision 1. **Authorized actions.** A cannabis testing facility license entitles the license  
89.5 holder to obtain and test immature cannabis plants and seedlings, cannabis flower, cannabis  
89.6 products, hemp plant parts, hemp concentrate, synthetically derived cannabinoids,  
89.7 lower-potency hemp edibles, and hemp-derived consumer products from cannabis  
89.8 microbusinesses, cannabis mezzobusinesses, cannabis cultivators, cannabis manufacturers,  
89.9 cannabis wholesalers, lower-potency hemp edible manufacturers, medical cannabis  
89.10 cultivators, medical cannabis processors, and industrial hemp growers.

89.11 Subd. 2. **Additional information required.** In addition to the information required to  
89.12 be submitted under section 342.14, subdivision 1, and rules adopted pursuant to that section,  
89.13 a person, cooperative, or business seeking a cannabis testing facility license must submit  
89.14 the following information in a form approved by the office:

89.15 (1) an operating plan demonstrating the proposed layout of the facility, including a  
89.16 diagram of ventilation and filtration systems and policies to avoid sales to unlicensed  
89.17 businesses;

89.18 (2) proof of accreditation by a laboratory accrediting organization approved by the office  
89.19 that, at a minimum, requires a laboratory to operate formal management systems under the  
89.20 International Organization for Standardization; and

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

89.23 Subd. 3. **Multiple licenses; limits.** (a) A person, cooperative, or business holding a  
89.24 cannabis testing facility license may not own or operate, or be employed by, any other  
89.25 cannabis business or hemp business.

89.26 (b) The office by rule may limit the number of cannabis testing facility licenses a person  
89.27 or business may hold.

89.28 (c) For purposes of this subdivision, a restriction on the number of licenses a business  
89.29 may hold applies to every cooperative member or every director, manager, and general  
89.30 partner of a cannabis business.

90.1 Sec. 38. **[342.36] CANNABIS TESTING FACILITY OPERATIONS.**

90.2 **Subdivision 1. Testing services.** A cannabis testing facility shall provide some or all  
90.3 testing services required under section 342.60 and rules adopted pursuant to that section.

90.4 **Subd. 2. Testing protocols.** A cannabis testing facility shall follow all testing protocols,  
90.5 standards, and criteria adopted by rule by the office for the testing of different forms of  
90.6 cannabis plants and seedlings, cannabis flower, cannabis products, lower-potency hemp  
90.7 edibles, hemp-derived consumer products, hemp plant parts, hemp concentrate, and  
90.8 synthetically derived cannabinoids; determining batch size; sampling; testing validity; and  
90.9 the approval and disapproval of tested items.

90.10 **Subd. 3. Records.** Records of all business transactions and testing results; records  
90.11 required to be maintained pursuant to any applicable standards for accreditation; and records  
90.12 relevant to testing protocols, standards, and criteria adopted by the office must be kept for  
90.13 a minimum of three years at the cannabis testing facility's place of business and are subject  
90.14 to inspection upon request by the office or law enforcement agency.

90.15 **Subd. 4. Disposal of cannabis flower and cannabinoid products.** A testing facility  
90.16 shall dispose of or destroy used, unused, and waste cannabis plants and seedlings, cannabis  
90.17 flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products,  
90.18 hemp plant parts, hemp concentrate, and synthetically derived cannabinoids, pursuant to  
90.19 rules adopted by the office.

90.20 Sec. 39. **[342.37] CANNABIS EVENT ORGANIZER LICENSING.**

90.21 **Subdivision 1. Authorized actions.** A cannabis event organizer license entitles the  
90.22 license holder to organize a temporary cannabis event lasting no more than four days.

90.23 **Subd. 2. Additional information required.** (a) In addition to the information required  
90.24 to be submitted under section 342.14, subdivision 1, and rules adopted pursuant to that  
90.25 section, a person, cooperative, or business seeking a cannabis event organizer license must  
90.26 submit the following information in a form approved by the office:

90.27 (1) the type and number of any other cannabis business license held by the applicant;

90.28 (2) the address and location where the temporary cannabis event will take place;

90.29 (3) the name of the temporary cannabis event;

90.30 (4) a diagram of the physical layout of the temporary cannabis event showing where the  
90.31 event will take place on the grounds; all entrances and exits that will be used by participants  
90.32 during the event; all cannabis consumption areas; all cannabis retail areas where cannabis

91.1 flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products  
91.2 will be sold; the location where cannabis waste will be stored; and any location where  
91.3 cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer  
91.4 products will be stored;

91.5 (5) a list of the name, number, and type of cannabis businesses and hemp businesses  
91.6 that will sell cannabis plants, adult-use cannabis flower, adult-use cannabis products, and  
91.7 hemp-derived consumer products at the event, which may be supplemented or amended  
91.8 within 72 hours of the time at which the cannabis event begins;

91.9 (6) the dates and hours during which the cannabis event will take place;

91.10 (7) proof of local approval for the cannabis event; and

91.11 (8) evidence that the business will comply with the applicable operation requirements  
91.12 for the license being sought.

91.13 (b) A person, cooperative, or business seeking a cannabis event organizer license may  
91.14 also disclose whether the person or any officer, director, manager, and general partner of a  
91.15 cannabis business is serving or has previously served in the military.

91.16 Subd. 3. **Multiple licenses; limits.** (a) A person, cooperative, or business holding a  
91.17 cannabis event organizer license may not hold a cannabis testing facility license, a  
91.18 lower-potency hemp edible manufacturer license, or a lower-potency hemp edible retailer  
91.19 license.

91.20 (b) The office by rule may limit the number of cannabis event licenses that a person or  
91.21 business may hold.

91.22 (c) For purposes of this subdivision, restrictions on the number or type of license that a  
91.23 business may hold apply to every cooperative member or every director, manager, and  
91.24 general partner of a cannabis business.

91.25 **Sec. 40. [342.38] CANNABIS EVENT ORGANIZER OPERATIONS.**

91.26 Subdivision 1. **Local approval.** A cannabis event organizer must receive local approval,  
91.27 including obtaining any necessary permits or licenses issued by a local unit of government,  
91.28 before holding a cannabis event.

91.29 Subd. 2. **Charging fees.** (a) A cannabis event organizer may charge an entrance fee to  
91.30 a cannabis event.

91.31 (b) A cannabis event organizer may charge a fee to a cannabis business or hemp business  
91.32 in exchange for space to display and sell cannabis plants, adult-use cannabis flower, adult-use

92.1 cannabis products, lower-potency hemp edibles, and hemp-derived consumer products. Any  
92.2 fee paid for participation in a cannabis event shall not be based on or tied to the sale of  
92.3 cannabis plants, adult-use cannabis flower, adult-use cannabis products, lower-potency  
92.4 hemp edibles, or hemp-derived consumer products.

92.5 Subd. 3. **Security.** A cannabis event organizer must hire or contract for licensed security  
92.6 personnel to provide security services at the cannabis event. All security personnel hired or  
92.7 contracted for shall be at least 21 years of age and present on the licensed event premises  
92.8 at all times that cannabis plants, adult-use cannabis flower, adult-use cannabis products,  
92.9 lower-potency hemp edibles, or hemp-derived consumer products are available for sale or  
92.10 consumption of adult-use cannabis flower, adult-use cannabis products, lower-potency hemp  
92.11 edibles, or hemp-derived consumer products is allowed. The security personnel shall not  
92.12 consume cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived  
92.13 consumer products for at least 24 hours before the event or during the event.

92.14 Subd. 4. **Limited access to event.** A cannabis event organizer shall ensure that access  
92.15 to an event is limited to individuals who are at least 21 years of age. At or near each public  
92.16 entrance to any area where the sale or consumption of adult-use cannabis flower, adult-use  
92.17 cannabis products, lower-potency hemp edibles, or hemp-derived consumer products is  
92.18 allowed, a cannabis event organizer shall maintain a clearly visible and legible sign consisting  
92.19 of the following statement: "No persons under 21 allowed." The lettering of the sign shall  
92.20 be not less than one inch in height.

92.21 Subd. 5. **Cannabis waste.** A cannabis event organizer shall ensure that all used, unused,  
92.22 and waste cannabis plants, adult-use cannabis flower, adult-use cannabis products,  
92.23 lower-potency hemp edibles, and hemp-derived consumer products that are not removed  
92.24 by a customer, cannabis business, or hemp business are disposed of in a manner approved  
92.25 by the office.

92.26 Subd. 6. **Transportation of cannabis plants, flower, and products.** All transportation  
92.27 of cannabis plants, adult-use cannabis flower, adult-use cannabis products, lower-potency  
92.28 hemp edibles, and hemp-derived consumer products intended for display or sale and all  
92.29 such items used for display or not sold during the cannabis event must be transported to  
92.30 and from the cannabis event by a licensed cannabis transporter.

92.31 Subd. 7. **Cannabis event sales.** (a) Cannabis microbusinesses with a retail endorsement,  
92.32 cannabis mezzobusinesses with a retail endorsement, cannabis retailers, and lower-potency  
92.33 hemp edible retailers, including the cannabis event organizer, may be authorized to sell

93.1 cannabis plants, adult-use cannabis flower, adult-use cannabis products, lower-potency  
93.2 hemp edibles, and hemp-derived consumer products to customers at a cannabis event.

93.3 (b) All sales of cannabis plants, adult-use cannabis flower, adult-use cannabis products,  
93.4 lower-potency hemp edibles, and hemp-derived consumer products at a cannabis event must  
93.5 take place in a retail area as designated in the premises diagram.

93.6 (c) Authorized retailers may only conduct sales within their specifically assigned area.

93.7 (d) Authorized retailers must verify the age of all customers pursuant to section 342.28,  
93.8 subdivision 4, before completing a sale and may not sell cannabis plants, adult-use cannabis  
93.9 flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer  
93.10 products to an individual under 21 years of age.

93.11 (e) Authorized retailers may display one sample of each type of cannabis plant, adult-use  
93.12 cannabis flower, adult-use cannabis product, lower-potency hemp edible, and hemp-derived  
93.13 consumer product available for sale. Samples of adult-use cannabis flower and adult-use  
93.14 cannabis products must be stored in a sample jar or display case and be accompanied by a  
93.15 label or notice containing the information required to be affixed to the packaging or container  
93.16 containing adult-use cannabis flower and adult-use cannabis products sold to customers. A  
93.17 sample may not consist of more than eight grams of adult-use cannabis flower or adult-use  
93.18 cannabis concentrate, or an edible cannabis product infused with more than 100 milligrams  
93.19 of tetrahydrocannabinol. A cannabis retailer may allow customers to smell the adult-use  
93.20 cannabis flower or adult-use cannabis product before purchase.

93.21 (f) The notice requirements under section 342.28, subdivision 6, apply to authorized  
93.22 cannabis retailers and licensed cannabis microbusinesses offering cannabis plants, adult-use  
93.23 cannabis flower, adult-use cannabinoid products, and hemp-derived consumer products for  
93.24 sale at a cannabis event.

93.25 (g) Authorized retailers may not:

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

93.28 (2) knowingly sell more cannabis plants, adult-use cannabis flower, adult-use cannabis  
93.29 products, lower-potency hemp edibles, or hemp-derived consumer products than a customer  
93.30 is legally permitted to possess;

93.31 (3) sell medical cannabis flower or medical cannabinoid products;

93.32 (4) give away cannabis plants, cannabis flower, cannabis products, lower-potency hemp  
93.33 edibles, or hemp-derived consumer products; or

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

94.3 (h) Except for samples of a cannabis plant, adult-use cannabis flower, adult-use cannabis  
94.4 product, lower-potency hemp edible, and hemp-derived consumer product, all cannabis  
94.5 plants, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles,  
94.6 and hemp-derived consumer products for sale at a cannabis event must be stored in a secure,  
94.7 locked container that is not accessible to the public. Such items being stored at a cannabis  
94.8 event shall not be left unattended.

94.9 (i) All cannabis plants, adult-use cannabis flower, adult-use cannabis products,  
94.10 lower-potency hemp edibles, or hemp-derived consumer products for sale at a cannabis  
94.11 event must comply with this chapter and rules adopted pursuant to this chapter regarding  
94.12 the testing, packaging, and labeling of those items.

94.13 (j) All cannabis plants, adult-use cannabis flower, and adult-use cannabis products sold,  
94.14 damaged, or destroyed at a cannabis event must be recorded in the statewide monitoring  
94.15 system.

94.16 Subd. 8. Cannabis event on-site consumption. (a) If approved by the local unit of  
94.17 government, a cannabis event may designate an area for consumption of adult-use cannabis  
94.18 flower, adult-use cannabis products, lower-potency hemp edibles, hemp-derived consumer  
94.19 products, or any combination of those items.

94.20 (b) Access to areas where consumption of adult-use cannabis flower, adult-use cannabis  
94.21 products, lower-potency hemp edibles, or hemp-derived consumer products is allowed shall  
94.22 be restricted to individuals who are at least 21 years of age.

94.23 (c) The cannabis event organizer shall ensure that consumption of adult-use cannabis  
94.24 flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer  
94.25 products within a designated consumption area is not visible from any public place.

94.26 (d) The cannabis event organizer shall not permit consumption of alcohol or tobacco.

94.27 (e) The cannabis event organizer shall not permit smoking, according to section 144.413,  
94.28 of adult-use cannabis flower or cannabis products at any location where smoking is not  
94.29 permitted under sections 144.413 to 144.417. Nothing in this section prohibits a statutory  
94.30 or home rule charter city or county from enacting and enforcing more stringent measures  
94.31 to protect individuals from secondhand smoke or involuntary exposure to aerosol or vapor  
94.32 from electronic delivery devices.

95.1 Sec. 41. **[342.39] CANNABIS DELIVERY SERVICE LICENSING.**

95.2 **Subdivision 1. Authorized actions.** A cannabis delivery service license entitles the  
95.3 license holder to purchase cannabis flower, cannabis products, lower-potency hemp edibles,  
95.4 and hemp-derived consumer products from licensed cannabis retailers, licensed cannabis  
95.5 microbusinesses with a retail endorsement, cannabis mezzobusinesses with a retail  
95.6 endorsement, cannabis retailers, and medical cannabis retailers; transport and deliver cannabis  
95.7 flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumable  
95.8 products to customers; and perform other actions approved by the office.

95.9 **Subd. 2. Additional information required.** In addition to the information required to  
95.10 be submitted under section 342.14, subdivision 1, and rules adopted pursuant to that section,  
95.11 a person, cooperative, or business seeking a cannabis delivery service license must submit  
95.12 the following information in a form approved by the office:

95.13 (1) a list of all vehicles to be used in the delivery of cannabis flower, cannabis products,  
95.14 lower-potency hemp edibles, and hemp-derived consumer products including:

95.15 (i) the vehicle make, model, and color;

95.16 (ii) the vehicle identification number; and

95.17 (iii) the license plate number;

95.18 (2) proof of insurance for each vehicle;

95.19 (3) a business plan demonstrating policies to avoid sales of cannabis flower, cannabis  
95.20 products, lower-potency hemp edibles, and hemp-derived consumer products to individuals  
95.21 who are under 21 years of age and plans to prevent the visibility of cannabis flower, cannabis  
95.22 products, lower-potency hemp edibles, and hemp-derived consumer products to individuals  
95.23 outside the delivery vehicle; and

95.24 (4) evidence that the business will comply with the applicable operation requirements  
95.25 for the license being sought.

95.26 **Subd. 3. Multiple licenses; limits.** (a) A person, cooperative, or business holding a  
95.27 cannabis delivery service license may also hold a cannabis retailer license, a cannabis  
95.28 wholesaler license, a cannabis transporter license, a cannabis event organizer license, and  
95.29 a medical cannabis retailer license subject to the ownership limitations that apply to those  
95.30 licenses.

96.1 (b) Except as provided in paragraph (a), no person, cooperative, or business holding a  
96.2 cannabis delivery service license may own or operate any other cannabis business or hemp  
96.3 business.

96.4 (c) The office by rule may limit the number of cannabis delivery service licenses that a  
96.5 person or business may hold.

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

96.9 **Sec. 42. [342.40] CANNABIS DELIVERY SERVICE OPERATIONS.**

96.10 Subdivision 1. **Age or registry verification.** Prior to completing a delivery, a cannabis  
96.11 delivery service shall verify that the customer is at least 21 years of age or is enrolled in the  
96.12 registry program. Section 342.28, subdivision 4, applies to the verification of a customer's  
96.13 age. Registry verification issued by the Division of Medical Cannabis may be considered  
96.14 evidence that the person is enrolled in the registry program.

96.15 Subd. 2. **Records.** The office by rule shall establish record-keeping requirements for a  
96.16 cannabis delivery service, including but not limited to proof of delivery to individuals who  
96.17 are at least 21 years of age or enrolled in the registry program.

96.18 Subd. 3. **Amount to be transported.** The office by rule shall establish limits on the  
96.19 amount of cannabis flower, cannabis products, lower-potency hemp edibles, and  
96.20 hemp-derived consumer products that a cannabis delivery service may transport.

96.21 Subd. 4. **Statewide monitoring system.** Receipt of cannabis flower and cannabis products  
96.22 by the cannabis delivery service and a delivery to a customer must be recorded in the  
96.23 statewide monitoring system within the time established by rule.

96.24 Subd. 5. **Storage compartment.** Cannabis flower, cannabis products, lower-potency  
96.25 hemp edibles, and hemp-derived consumer products must be transported in a locked, safe,  
96.26 and secure storage compartment that is part of the cannabis delivery service vehicle or in a  
96.27 locked storage container that has a separate key or combination pad. Cannabis flower,  
96.28 cannabis products, lower-potency hemp edibles, and hemp-derived consumer products may  
96.29 not be visible from outside the cannabis delivery service vehicle.

96.30 Subd. 6. **Identifying logos or business names prohibited.** No cannabis delivery service  
96.31 vehicle or trailer may contain an image depicting the types of items being transported,  
96.32 including but not limited to an image depicting a cannabis or hemp leaf, or a name suggesting

97.1 that the cannabis delivery service vehicle is used for transporting cannabis flower, cannabis  
97.2 products, lower-potency hemp edibles, or hemp-derived consumer products.

97.3 Subd. 7. **Nonemployee passengers prohibited.** Only a cannabis worker employed by  
97.4 or contracted with the cannabis delivery service and who is at least 21 years of age may  
97.5 transport cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived  
97.6 consumer products. All passengers in a cannabis delivery service vehicle must be cannabis  
97.7 workers employed by or contracted with the cannabis delivery service.

97.8 Subd. 8. **Vehicles subject to inspection.** Any cannabis delivery service vehicle is subject  
97.9 to inspection and may be stopped or inspected at any licensed cannabis business or while  
97.10 en route during transportation.

97.11 Sec. 43. **[342.41] LOWER-POTENCY HEMP EDIBLE RETAILER.**

97.12 Subdivision 1. **Sale of lower-potency hemp edibles.** (a) A lower-potency hemp edible  
97.13 retailer may only sell lower-potency hemp edibles to individuals who are at least 21 years  
97.14 of age.

97.15 (b) A lower-potency hemp edible retailer may sell lower-potency hemp edibles that:

97.16 (1) are obtained from a licensed Minnesota cannabis microbusiness, cannabis  
97.17 mezzobusiness, cannabis manufacturer, cannabis wholesaler, or lower-potency hemp edible  
97.18 manufacturer; and

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

97.20 Subd. 2. **Sale of other products.** A lower-potency hemp edible retailer may sell other  
97.21 products or items for which the lower-potency hemp edible retailer has a license or  
97.22 authorization or that do not require a license or authorization.

97.23 Subd. 3. **Age verification.** Prior to initiating a sale, an employee of the lower-potency  
97.24 hemp edible retailer must verify that the customer is at least 21 years of age. Section 342.28,  
97.25 subdivision 4, applies to the verification of a customer's age.

97.26 Subd. 4. **Compliant products.** (a) A lower-potency hemp edible retailer shall ensure  
97.27 that all lower-potency hemp edibles offered for sale comply with the limits on the amounts  
97.28 and types of cannabinoids that a lower-potency hemp edible can contain, including but not  
97.29 limited to the requirement that lower-potency hemp edibles:

97.30 (1) consist of servings that contain no more than five milligrams of delta-9  
97.31 tetrahydrocannabinol, 25 milligrams of cannabidiol, 25 milligrams of cannabigerol per

98.1 serving, or any combination of those cannabinoids that does not exceed the identified  
98.2 amounts;

98.3 (2) do not contain more than a combined total of 0.5 milligrams of all other cannabinoids;  
98.4 and

98.5 (3) do not contain a synthetically derived cannabinoid other than delta-9  
98.6 tetrahydrocannabinol.

98.7 (b) If a lower-potency hemp edible is packaged in a manner that includes more than a  
98.8 single serving, the lower-potency hemp edible must indicate each serving by scoring,  
98.9 wrapping, or other indicators that appear on the lower-potency hemp edible designating the  
98.10 individual serving size. If it is not possible to indicate a single serving by scoring or use of  
98.11 another indicator that appears on the product, the lower-potency hemp edible may not be  
98.12 packaged in a manner that includes more than a single serving in each container. If the  
98.13 lower-potency hemp edible is meant to be consumed as a beverage, the beverage container  
98.14 may not contain more than two servings per container.

98.15 (c) A single package containing multiple servings of a lower-potency hemp edible must  
98.16 contain no more than 50 milligrams of delta-9 tetrahydrocannabinol, 250 milligrams of  
98.17 cannabidiol, 250 milligrams of cannabigerol, or any combination of those cannabinoids that  
98.18 does not exceed the identified amounts.

98.19 Subd. 5. **Prohibitions.** A lower-potency hemp edible retailer may not:

98.20 (1) sell lower-potency hemp edibles to an individual who is under 21 years of age;

98.21 (2) sell a lower-potency hemp edible to a person who is visibly intoxicated;

98.22 (3) sell cannabis flower, cannabis products, or hemp-derived consumer products;

98.23 (4) allow for the dispensing of lower-potency hemp edibles in vending machines; or

98.24 (5) distribute or allow free samples of lower-potency hemp edibles except when the  
98.25 business is licensed to permit on-site consumption and samples are consumed within its  
98.26 licensed premises.

98.27 Subd. 6. **On-site consumption.** (a) A lower-potency hemp edible retailer may permit  
98.28 on-site consumption of lower-potency hemp edibles on a portion of its premises if it has an  
98.29 on-site consumption endorsement.

98.30 (b) The office shall issue an on-site consumption endorsement to any lower-potency  
98.31 hemp edible retailer that also holds an on-sale license issued under chapter 340A.

99.1 (c) Lower-potency hemp edibles sold for on-site consumption must comply with this  
99.2 chapter and rules adopted pursuant to this chapter regarding testing.

99.3 (d) Lower-potency hemp edibles sold for on-site consumption, other than lower-potency  
99.4 hemp edibles that are intended to be consumed as a beverage, must be served in the required  
99.5 packaging, but may be removed from the product's packaging by customers and consumed  
99.6 on site.

99.7 (e) Lower-potency hemp edibles that are intended to be consumed as a beverage may  
99.8 be served outside of their packaging provided the information that is required to be contained  
99.9 on the label of a lower-potency hemp edible is posted or otherwise displayed by the  
99.10 lower-potency hemp edible retailer. Hemp workers who serve beverages under this paragraph  
99.11 are not required to obtain an edible cannabis product handler endorsement under section  
99.12 342.07, subdivision 3.

99.13 (f) Food and beverages not otherwise prohibited by this subdivision may be prepared  
99.14 and sold on site provided that the lower-potency hemp edible retailer complies with all  
99.15 relevant state and local laws, ordinances, licensing requirements, and zoning requirements.

99.16 (g) A lower-potency hemp edible retailer may offer recorded or live entertainment  
99.17 provided that the lower-potency hemp edible retailer complies with all relevant state and  
99.18 local laws, ordinances, licensing requirements, and zoning requirements.

99.19 (h) In addition to the prohibitions under this section, a lower-potency hemp edible retailer  
99.20 with an on-site consumption endorsement may not:

99.21 (1) sell lower-potency hemp edibles to a customer who the lower-potency hemp edible  
99.22 retailer knows or reasonably should know is intoxicated;

99.23 (2) sell lower-potency hemp edibles that are designed or reasonably expected to be mixed  
99.24 with an alcoholic beverage; or

99.25 (3) permit lower-potency hemp edibles that have been removed from the product's  
99.26 packaging to be removed from the premises of the lower-potency hemp edible retailer.

99.27 Subd. 7. **Importation of lower-potency hemp edibles.** (a) A lower-potency hemp edible  
99.28 retailer may import lower-potency hemp edibles that are manufactured outside the boundaries  
99.29 of the state of Minnesota if the retailer has a lower-potency hemp edible importer  
99.30 endorsement from the office.

99.31 (b) A lower-potency hemp edible retailer may sell products manufactured outside the  
99.32 boundaries of the state of Minnesota if:

100.1 (1) the manufacturer is licensed in another jurisdiction and subject to regulations designed  
100.2 to protect the health and safety of consumers that the office determines are substantially  
100.3 similar to the regulations in this state; or

100.4 (2) the lower-potency hemp retailer establishes, to the satisfaction of the office, that the  
100.5 manufacturer engages in practices that are substantially similar to the practices required for  
100.6 licensure of manufacturers in this state.

100.7 (c) A lower-potency hemp retailer must enter all relevant information regarding an  
100.8 imported lower-potency hemp edible into the statewide monitoring system before the product  
100.9 may be distributed. Relevant information includes information regarding the cultivation,  
100.10 processing, and testing of the industrial hemp used in the manufacture of the lower-potency  
100.11 hemp edible. If information regarding the industrial hemp or lower-potency hemp edible  
100.12 was submitted to a statewide monitoring system used in another state, the office may require  
100.13 submission of any information provided to that statewide monitoring system and shall assist  
100.14 in the transfer of data from another state as needed and in compliance with any data  
100.15 classification established by either state.

100.16 (d) The office may suspend, revoke, or cancel the endorsement of a distributor that is  
100.17 prohibited from distributing products containing cannabinoids in any other jurisdiction,  
100.18 convicted of an offense involving the distribution of products containing cannabinoids in  
100.19 any other jurisdiction, or found liable for distributing any product that injured customers in  
100.20 any other jurisdiction. A lower-potency hemp edible retailer shall disclose all relevant  
100.21 information related to the retailer's actions in another jurisdiction. Failure to disclose relevant  
100.22 information may result in disciplinary action by the office, including the suspension,  
100.23 revocation, or cancellation of an endorsement or license.

100.24 (e) Notwithstanding any law to the contrary, it shall not be a defense in any civil or  
100.25 criminal action that a licensed lower-potency hemp edible retailer relied on information on  
100.26 a product label or otherwise provided by a manufacturer who is not licensed in this state.

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

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

100.31 (b) A lower-potency hemp edible retailer shall ensure that the licensed premises is  
100.32 maintained in a clean and sanitary condition, free from infestation by insects, rodents, or  
100.33 other pests.

101.1 Subd. 10. **Enforcement.** The office shall inspect lower-potency hemp edible retailers  
101.2 and take enforcement action as provided in sections 342.17 and 342.18.

101.3 Sec. 44. **[342.42] MEDICAL CANNABIS BUSINESS LICENSES.**

101.4 Subdivision 1. **License types.** (a) The office shall issue the following types of medical  
101.5 cannabis business licenses:

101.6 (1) medical cannabis cultivator;

101.7 (2) medical cannabis processor; and

101.8 (3) medical cannabis retailer.

101.9 (b) The Division of Medical Cannabis may oversee the licensing and regulation of  
101.10 medical cannabis businesses.

101.11 Subd. 2. **Multiple licenses; limits.** (a) A person, cooperative, or business holding:

101.12 (1) a medical cannabis cultivator license may also hold a medical cannabis processor  
101.13 license, a cannabis cultivator license, a cannabis manufacturer license, and a cannabis event  
101.14 organizer license subject to the ownership limitations that apply to those licenses;

101.15 (2) a medical cannabis processor license may also hold a medical cannabis cultivator  
101.16 license, a cannabis cultivator license, a cannabis manufacturer license, and a cannabis event  
101.17 organizer license subject to the ownership limitations that apply to those licenses; or

101.18 (3) a medical cannabis retailer license may also hold a cannabis retailer license, a cannabis  
101.19 delivery service license, and a cannabis event organizer license subject to the ownership  
101.20 limitations that apply to those licenses.

101.21 (b) Except as provided in paragraph (a), no person, cooperative, or business holding a  
101.22 medical cannabis license may own or operate any other cannabis business.

101.23 (c) The office by rule may limit the number of medical cannabis business licenses that  
101.24 a person or business may hold.

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

101.28 Subd. 3. **Limitations on health care practitioners.** A health care practitioner who  
101.29 certifies qualifying medical conditions for patients is prohibited from:

101.30 (1) holding a direct or indirect economic interest in a medical cannabis business;

102.1 (2) serving on a board of directors or as an employee of a medical cannabis business;

102.2 or

102.3 (3) advertising with a medical cannabis business in any way.

102.4 Subd. 4. **Remuneration.** A medical cannabis business is prohibited from:

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

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

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

102.10 Sec. 45. **[342.43] HEMP BUSINESS LICENSE TYPES; MULTIPLE LICENSES.**

102.11 Subdivision 1. **License types.** The office shall issue the following types of hemp business  
102.12 licenses:

102.13 (1) lower-potency hemp edible manufacturer; and

102.14 (2) lower-potency hemp edible retailer.

102.15 Subd. 2. **Multiple licenses; limits.** (a) A person, cooperative, or business may hold both  
102.16 a lower-potency hemp edible manufacturer and lower-potency hemp edible retailer license.

102.17 (b) Nothing in this section prohibits a person, cooperative, or business from holding a  
102.18 lower-potency hemp edible manufacturer license or a lower-potency hemp edible retailer  
102.19 license, or both, and also holding a license to cultivate industrial hemp issued pursuant to  
102.20 chapter 18K.

102.21 (c) Nothing in this section prohibits a person, cooperative, or business from holding a  
102.22 lower-potency hemp edible manufacturer license or a lower-potency hemp edible retailer  
102.23 license, or both, and also holding any other license, including but not limited to a license  
102.24 to prepare or sell food; sell tobacco, tobacco-related devices, and electronic delivery devices  
102.25 as defined in section 609.685, subdivision 1; nicotine and lobelia delivery products as  
102.26 described in section 609.6855; or manufacture or sell alcoholic beverages as defined in  
102.27 section 340A.101, subdivision 2.

102.28 (d) A person, cooperative, or business holding a lower-potency hemp edible manufacturer  
102.29 license or a lower-potency hemp edible retailer license, or both, may not hold a cannabis  
102.30 business license.

103.1 Sec. 46. **[342.44] MEDICAL CANNABIS BUSINESS APPLICATIONS.**

103.2 Subdivision 1. **Information required.** In addition to information required to be submitted  
103.3 under section 342.14, subdivision 1, and rules adopted pursuant to that section, a person,  
103.4 cooperative, or business seeking a medical cannabis business license must submit the  
103.5 following information in a form approved by the office:

103.6 (1) for medical cannabis cultivator license applicants:

103.7 (i) an operating plan demonstrating the proposed size and layout of the cultivation facility;  
103.8 plans for wastewater and waste disposal for the cultivation facility; plans for providing  
103.9 electricity, water, and other utilities necessary for the normal operation of the cultivation  
103.10 facility; and plans for compliance with applicable building code and federal and state  
103.11 environmental and workplace safety requirements;

103.12 (ii) a cultivation plan demonstrating the proposed size and layout of the cultivation  
103.13 facility that will be used exclusively for cultivation for medical cannabis, including the total  
103.14 amount of plant canopy; and

103.15 (iii) evidence that the business will comply with the applicable operation requirements  
103.16 for the license being sought;

103.17 (2) for medical cannabis processor license applicants:

103.18 (i) an operating plan demonstrating the proposed layout of the facility, including a  
103.19 diagram of ventilation and filtration systems; plans for wastewater and waste disposal for  
103.20 the manufacturing facility; plans for providing electricity, water, and other utilities necessary  
103.21 for the normal operation of the manufacturing facility; and plans for compliance with  
103.22 applicable building code and federal and state environmental and workplace safety  
103.23 requirements;

103.24 (ii) all methods of extraction and concentration that the applicant intends to use and the  
103.25 volatile chemicals, if any, that are involved in extraction or concentration;

103.26 (iii) if the applicant is seeking an endorsement to manufacture products infused with  
103.27 cannabinoids for consumption by patients enrolled in the registry program, proof of an  
103.28 edible cannabis product handler endorsement from the office; and

103.29 (iv) evidence that the applicant will comply with the applicable operation requirements  
103.30 for the license being sought; or

103.31 (3) for medical cannabis retailer license applicants:

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

104.4 (ii) an operating plan demonstrating the proposed layout of the facility including a  
104.5 diagram of ventilation and filtration systems, policies to avoid sales to individuals who are  
104.6 not authorized to receive the distribution of medical cannabis flower or medical cannabinoid  
104.7 products, identification of a restricted area for storage, and plans to prevent the visibility of  
104.8 cannabis flower and cannabis products;

104.9 (iii) if the applicant holds or is applying for a cannabis retailer license, a diagram showing  
104.10 the portion of the premises in which medical cannabis flower and medical cannabinoid  
104.11 products will be sold and distributed and identifying an area that is definite and distinct  
104.12 from all other areas of the cannabis retailer, accessed through a distinct entrance, and contains  
104.13 an appropriate space for a pharmacist employee of the medical cannabis retailer to consult  
104.14 with the patient to determine the proper type of medical cannabis flower and medical  
104.15 cannabinoid products and proper dosage for the patient; and

104.16 (iv) evidence that the applicant will comply with the applicable operation requirements  
104.17 for the license being sought.

104.18 Subd. 2. **Segregation of medical cannabis.** A person, cooperative, or business seeking  
104.19 a medical cannabis cultivator license or a medical cannabis processor license and any other  
104.20 type of cannabis business license, other than a cannabis event organizer license, must identify  
104.21 the methods that will be used to segregate medical cannabis flower and medical cannabinoid  
104.22 products from other cannabis flower and cannabis products to avoid cross-contamination.

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

104.24 Sec. 47. **[342.45] HEMP BUSINESS LICENSES; APPLICATIONS AND ISSUANCE.**

104.25 Subdivision 1. **Application; contents.** (a) Except as otherwise provided in this  
104.26 subdivision, the provisions of this chapter relating to license applications, license selection  
104.27 criteria, general ownership disqualifications and requirements, and general operational  
104.28 requirements do not apply to hemp businesses.

104.29 (b) The office by rule shall establish forms and procedures for the processing of hemp  
104.30 licenses issued under this chapter. At a minimum, any application to obtain or renew a hemp  
104.31 license shall include the following information, if applicable:

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

- 105.1 (2) the address and legal property description of the business;  
105.2 (3) proof of trade name registration;  
105.3 (4) certification that the applicant will comply with the requirements of this chapter  
105.4 relating to the ownership and operation of a hemp business;  
105.5 (5) identification of one or more controlling persons or managerial employees as agents  
105.6 who shall be responsible for dealing with the office on all matters; and  
105.7 (6) a statement that the applicant agrees to respond to the office's supplemental requests  
105.8 for information.

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

105.11 Subd. 2. **Issuance; eligibility; prohibition on transfer.** (a) The office may issue a hemp  
105.12 license to an applicant who:

- 105.13 (1) is at least 21 years of age;  
105.14 (2) has completed an application for licensure or application for renewal and has fully  
105.15 and truthfully complied with all information requests relating to license application and  
105.16 renewal;  
105.17 (3) has paid the applicable application and license fees pursuant to section 342.11;  
105.18 (4) is not employed by the office or any state agency with regulatory authority over this  
105.19 chapter; and  
105.20 (5) does not hold any cannabis business license.

105.21 (b) Licenses must be renewed annually.

105.22 (c) Licenses may not be transferred.

105.23 Sec. 48. **[342.46] LOWER-POTENCY HEMP EDIBLE MANUFACTURER.**

105.24 Subdivision 1. **Authorized actions.** A lower-potency hemp edible manufacturer license  
105.25 entitles the license holder to:

- 105.26 (1) purchase hemp plant parts, hemp concentrate, and synthetically derived cannabinoids  
105.27 from cannabis microbusinesses, cannabis mezzobusinesses, cannabis manufacturers, cannabis  
105.28 wholesalers, and lower-potency hemp edible manufacturers;  
105.29 (2) purchase hemp plant parts and propagules from industrial hemp growers licensed  
105.30 under chapter 18K;

106.1 (3) purchase hemp concentrate from an industrial hemp processor licensed under chapter  
106.2 18K;

106.3 (4) make hemp concentrate;

106.4 (5) manufacture synthetically derived cannabinoids;

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

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

106.7 (8) sell hemp concentrate, synthetically derived cannabinoids, and lower-potency hemp  
106.8 edibles to other cannabis businesses and hemp businesses; and

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

106.10 Subd. 2. All manufacturer operations. (a) All hemp manufacturing must take place in  
106.11 a facility and on equipment that meets the applicable health and safety requirements  
106.12 established by the office, including requirements for cleaning and testing machinery between  
106.13 production of different products.

106.14 (b) A lower-potency hemp edible manufacturer must comply with all applicable  
106.15 packaging, labeling, and testing requirements.

106.16 Subd. 3. Extraction and concentration. (a) A lower-potency hemp edible manufacturer  
106.17 that creates hemp concentrate or synthetically derived cannabinoids must obtain an  
106.18 endorsement from the office.

106.19 (b) A lower-potency hemp edible manufacturer seeking an endorsement to create hemp  
106.20 concentrate must inform the office of all methods of extraction and concentration that the  
106.21 manufacturer intends to use and identify the volatile chemicals, if any, that will be involved  
106.22 in the creation of hemp concentrate. A lower-potency hemp edible manufacturer may not  
106.23 use a method of extraction and concentration of a volatile chemical without approval by  
106.24 the office.

106.25 (c) A lower-potency hemp edible manufacturer seeking an endorsement to create  
106.26 synthetically derived cannabinoids must inform the office of all methods of conversion that  
106.27 the manufacturer will use, including any specific catalysts that the manufacturer will employ,  
106.28 to create synthetically derived cannabinoids and the molecular nomenclature of all  
106.29 cannabinoids or other chemical compound that the manufacturer will create. A business  
106.30 licensed or authorized to manufacture lower-potency hemp edibles may not use a method  
106.31 of conversion or a catalyst without approval by the office.

107.1 (d) A lower-potency hemp edible manufacturer must obtain a certification from an  
107.2 independent third-party industrial hygienist or professional engineer approving:

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

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

107.6 (e) Upon the sale of hemp concentrate or synthetically derived cannabinoids to any  
107.7 person, cooperative, or business, a lower-potency hemp edible manufacturer must provide  
107.8 a statement to the buyer that discloses the method of extraction and concentration or  
107.9 conversion used and any solvents, gases, or catalysts, including but not limited to any volatile  
107.10 chemicals, involved in that method.

107.11 Subd. 4. **Production of consumer products.** (a) A lower-potency hemp edible  
107.12 manufacturer that produces lower-potency hemp edibles must obtain an edible cannabis  
107.13 product handler endorsement from the office.

107.14 (b) All areas within the premises of a lower-potency hemp edible manufacturer used for  
107.15 producing lower-potency hemp edibles must meet the sanitary standards specified in rules  
107.16 adopted by the office.

107.17 (c) A lower-potency hemp edible manufacturer may only add chemicals or compounds  
107.18 approved by the office to hemp concentrate or synthetically derived cannabinoids.

107.19 (d) Upon the sale of any lower-potency hemp edible to a cannabis business or hemp  
107.20 business, a lower-potency hemp edible manufacturer must provide a statement to the buyer  
107.21 that discloses the product's ingredients, including but not limited to any chemicals or  
107.22 compounds and any major food allergens declared by name.

107.23 (e) A lower-potency hemp edible manufacturer shall not add any synthetically derived  
107.24 cannabinoid, hemp plant part, or hemp concentrate to a product where the manufacturer of  
107.25 the product holds a trademark to the product's name, except that a lower-potency hemp  
107.26 edible manufacturer may use a trademarked food product if the manufacturer uses the  
107.27 product as a component or as part of a recipe and where the lower-potency hemp edible  
107.28 manufacturer does not state or advertise to the customer that the final retail lower-potency  
107.29 hemp edible contains a trademarked food product.

107.30 (f) A lower-potency hemp edible manufacturer shall not add any cannabis flower,  
107.31 cannabis concentrate, or any cannabinoid derived from cannabis flower or cannabis  
107.32 concentrate to a product.

108.1 **Sec. 49. [342.47] MEDICAL CANNABIS CULTIVATORS.**

108.2 (a) A medical cannabis cultivator license entitles the license holder to grow cannabis  
108.3 plants within the approved amount of space up to 60,000 square feet of plant canopy from  
108.4 seed or immature plant to mature plant, harvest cannabis flower from a mature plant, package  
108.5 and label cannabis flower as medical cannabis flower, sell medical cannabis flower to  
108.6 medical cannabis processors and medical cannabis retailers, transport medical cannabis  
108.7 flower to a medical cannabis processor located on the same premises, and perform other  
108.8 actions approved by the office.

108.9 (b) A medical cannabis cultivator license holder must comply with all requirements of  
108.10 section 342.25.

108.11 (c) A medical cannabis cultivator license holder must verify that every batch of medical  
108.12 cannabis flower has passed safety, potency, and consistency testing at a cannabis testing  
108.13 facility approved by the office for the testing of medical cannabis flower before the medical  
108.14 cannabis cultivator may package, label, or sell the medical cannabis flower to any other  
108.15 entity.

108.16 (d) A medical cannabis cultivator may exceed the limit of 60,000 square feet of plant  
108.17 canopy if it was legally cultivating medical cannabis with a greater plant canopy as of April  
108.18 1, 2023.

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

108.20 **Sec. 50. [342.48] MEDICAL CANNABIS PROCESSORS.**

108.21 (a) A medical cannabis processor license, consistent with the specific license endorsement  
108.22 or endorsements, entitles the license holder to:

108.23 (1) purchase medical cannabis flower, medical cannabinoid products, hemp plant parts,  
108.24 and hemp concentrate from medical cannabis cultivators and other medical cannabis  
108.25 processors;

108.26 (2) purchase hemp plant parts from industrial hemp growers;

108.27 (3) make cannabis concentrate from medical cannabis flower;

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

108.30 (5) manufacture medical cannabinoid products;

109.1 (6) package and label medical cannabinoid products for sale to other medical cannabis  
109.2 processors and to medical cannabis retailers; and

109.3 (7) perform other actions approved by the office.

109.4 (b) A medical cannabis processor license holder must comply with all requirements of  
109.5 section 342.26, including requirements to obtain specific license endorsements.

109.6 (c) A medical cannabis processor license holder must verify that every batch of medical  
109.7 cannabinoid product has passed safety, potency, and consistency testing at a cannabis testing  
109.8 facility approved by the office for the testing of medical cannabinoid products before the  
109.9 medical cannabis processor may package, label, or sell the medical cannabinoid product to  
109.10 any other entity.

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

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

109.13 Subdivision 1. **Authorized actions.** (a) A medical cannabis retailer license entitles the  
109.14 license holder to purchase medical cannabis flower and medical cannabinoid products from  
109.15 medical cannabis cultivators and medical cannabis processors and sell or distribute medical  
109.16 cannabis flower and medical cannabinoid products to any person authorized to receive  
109.17 medical cannabis flower or medical cannabinoid products.

109.18 (b) A medical cannabis retailer license holder must verify that all medical cannabis  
109.19 flower and medical cannabinoid products have passed safety, potency, and consistency  
109.20 testing at a cannabis testing facility approved by the office for the testing of medical cannabis  
109.21 flower and medical cannabinoid products before the medical cannabis retailer may distribute  
109.22 the medical cannabis flower or medical cannabinoid product to any person authorized to  
109.23 receive medical cannabis flower or medical cannabinoid products.

109.24 Subd. 2. **Distribution requirements.** (a) Prior to distribution of medical cannabis flower  
109.25 or medical cannabinoid products, a medical cannabis retailer licensee must:

109.26 (1) review and confirm the patient's registry verification;

109.27 (2) verify that the person requesting the distribution of medical cannabis flower or  
109.28 medical cannabinoid products is the patient, the patient's registered designated caregiver,  
109.29 or the patient's parent, legal guardian, or spouse using the procedures specified in section  
109.30 152.11, subdivision 2d;

109.31 (3) ensure that a pharmacist employee of the medical cannabis retailer has consulted  
109.32 with the patient if required according to subdivision 3; and

110.1 (4) apply a patient-specific label on the medical cannabis flower or medical cannabinoid  
110.2 product that includes recommended dosage requirements and other information as required  
110.3 by rules adopted by the office.

110.4 (b) A medical cannabis retailer may not deliver medical cannabis flower or medical  
110.5 cannabinoid products unless the medical cannabis retailer also holds a cannabis delivery  
110.6 service license. Delivery of medical cannabis flower and medical cannabinoid products are  
110.7 subject to the provisions of section 342.40.

110.8 **Subd. 3. Final approval for distribution of medical cannabis flower and medical**  
110.9 **cannabinoid products.** (a) A cannabis worker who is employed by a medical cannabis  
110.10 retailer and who is licensed as a pharmacist pursuant to chapter 151 shall be the only person  
110.11 who may give final approval for the distribution of medical cannabis flower and medical  
110.12 cannabinoid products. Prior to the distribution of medical cannabis flower or medical  
110.13 cannabinoid products, a pharmacist employed by the medical cannabis retailer must consult  
110.14 with the patient to determine the proper type of medical cannabis flower, medical cannabinoid  
110.15 product, or medical cannabis paraphernalia and proper dosage for the patient after reviewing  
110.16 the range of chemical compositions of medical cannabis flower or medical cannabinoid  
110.17 product. For purposes of this subdivision, a consultation may be conducted remotely by  
110.18 secure videoconference, telephone, or other remote means, as long as:

110.19 (1) the pharmacist engaging in the consultation is able to confirm the identity of the  
110.20 patient; and

110.21 (2) the consultation adheres to patient privacy requirements that apply to health care  
110.22 services delivered through telemedicine.

110.23 (b) Notwithstanding paragraph (a), a pharmacist consultation is not required prior to the  
110.24 distribution of medical cannabis flower or medical cannabinoid products when a medical  
110.25 cannabis retailer is distributing medical cannabis flower or medical cannabinoid products  
110.26 to a patient according to a patient-specific dosage plan established with that medical cannabis  
110.27 retailer and is not modifying the dosage or product being distributed under that plan. Medical  
110.28 cannabis flower or medical cannabinoid products distributed under this paragraph must be  
110.29 distributed by a pharmacy technician employed by the medical cannabis retailer.

110.30 Subd. 4. **90-day supply.** A medical cannabis retailer shall not distribute more than a  
110.31 90-day supply of medical cannabis flower or medical cannabinoid products to a patient,  
110.32 registered designated caregiver, or parent, legal guardian, or spouse of a patient according  
110.33 to the dosages established for the individual patient.

111.1 Subd. 5. **Distribution to recipient in a motor vehicle.** A medical cannabis retailer may  
111.2 distribute medical cannabis flower and medical cannabinoid products to a patient, registered  
111.3 designated caregiver, or parent, legal guardian, or spouse of a patient who is at a dispensary  
111.4 location but remains in a motor vehicle, provided that:

111.5 (1) staff receive payment and distribute medical cannabis flower and medical cannabinoid  
111.6 products in a designated zone that is as close as feasible to the front door of the facility;

111.7 (2) the medical cannabis retailer ensures that the receipt of payment and distribution of  
111.8 medical cannabis flower and medical cannabinoid products are visually recorded by a  
111.9 closed-circuit television surveillance camera and provides any other necessary security  
111.10 safeguards;

111.11 (3) the medical cannabis retailer does not store medical cannabis flower or medical  
111.12 cannabinoid products outside a restricted access area and staff transport medical cannabis  
111.13 flower and medical cannabinoid products from a restricted access area to the designated  
111.14 zone for distribution only after confirming that the patient, designated caregiver, or parent,  
111.15 guardian, or spouse has arrived in the designated zone;

111.16 (4) the payment and distribution of medical cannabis flower and medical cannabinoid  
111.17 products take place only after a pharmacist consultation takes place, if required under  
111.18 subdivision 3;

111.19 (5) immediately following distribution of medical cannabis flower or medical cannabinoid  
111.20 products, staff enter the transaction in the statewide monitoring system; and

111.21 (6) immediately following distribution of medical cannabis flower and medical  
111.22 cannabinoid products, staff take the payment received into the facility.

111.23 Subd. 6. **Physical separation required.** A medical cannabis retailer that is also a cannabis  
111.24 retailer must distribute medical cannabis flower and medical cannabinoid products provided  
111.25 that the portion of the premises in which medical cannabis flower and medical cannabinoid  
111.26 products are sold is definite and distinct from all other areas of the cannabis retailer, is  
111.27 accessed through a distinct entrance, and provides an appropriate space for a pharmacist  
111.28 employee of the medical cannabis retailer to consult with the patient to determine the proper  
111.29 type of medical cannabis flower and medical cannabinoid products and proper dosage for  
111.30 the patient.

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

112.1 **Sec. 52. [342.50] TRIBAL MEDICAL CANNABIS PROGRAM.**

112.2 **Subdivision 1. Tribal medical cannabis program manufacturer transportation. (a)**

112.3 A Tribal medical cannabis program manufacturer may transport medical cannabis to testing  
112.4 laboratories in the state and to other Indian lands.

112.5 (b) A Tribal medical cannabis program manufacturer must staff a motor vehicle used to  
112.6 transport medical cannabis with at least two employees of the manufacturer. Each employee  
112.7 in the transport vehicle must carry identification specifying that the employee is an employee  
112.8 of the manufacturer, and one employee in the transport vehicle must carry a detailed  
112.9 transportation manifest that includes the place and time of departure, the address of the  
112.10 destination, and a description and count of the medical cannabis being transported.

112.11 **Subd. 2. Distribution to Tribal medical cannabis program patient. (a) A Tribal**  
112.12 medical cannabis manufacturer may distribute medical cannabis in accordance with section  
112.13 342.49 to a Tribal medical cannabis program patient.

112.14 (b) Prior to distribution, the Tribal medical cannabis program patient must provide to  
112.15 the Tribal medical cannabis manufacturer:

112.16 (1) a valid medical cannabis registration verification card or equivalent document issued  
112.17 by a Tribal medical cannabis program that indicates that the Tribal medical cannabis program  
112.18 patient is authorized to use medical cannabis on Indian lands over which the Tribe has  
112.19 jurisdiction; and

112.20 (2) a valid photographic identification card issued by the Tribal medical cannabis  
112.21 program, a valid driver's license, or a valid state identification card.

112.22 (c) A manufacturer shall distribute medical cannabis to a Tribal medical cannabis program  
112.23 patient only in a form allowed under section 342.51, subdivision 8.

112.24 **Subd. 3. Use of statewide monitoring system.** A Tribal medical cannabis manufacturer  
112.25 must use the statewide monitoring system for the tracking of the sale or distribution of  
112.26 medical cannabis to Tribal medical cannabis program patients. Sale or distribution of medical  
112.27 cannabis by a Tribal medical cannabis manufacturer must be recorded in the statewide  
112.28 monitoring system within the time established by rule.

112.29 **Subd. 4. Limitations.** All the limitations under section 342.55 apply to Tribal medical  
112.30 cannabis program patients.

112.31 **Subd. 5. Protections for Tribal medical cannabis program participants.** All the  
112.32 protections under section 342.56 apply to Tribal medical cannabis program patients.

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

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

113.3 Subdivision 1. **Administration.** The Division of Medical Cannabis must administer the  
113.4 medical cannabis registry program.

113.5 Subd. 2. **Application procedure for patients.** (a) A patient seeking to enroll in the  
113.6 registry program must submit to the Division of Medical Cannabis an application established  
113.7 by the Division of Medical Cannabis and a copy of the certification specified in paragraph  
113.8 (b) or, if the patient is a veteran who receives care from the United States Department of  
113.9 Veterans Affairs, the information required pursuant to subdivision 3. The patient must  
113.10 provide at least the following information in the application:

113.11 (1) the patient's name, mailing address, and date of birth;

113.12 (2) the name, mailing address, and telephone number of the patient's health care  
113.13 practitioner;

113.14 (3) the name, mailing address, and date of birth of the patient's registered designated  
113.15 caregiver, if any, or the patient's parent, legal guardian, or spouse if the parent, legal guardian,  
113.16 or spouse will be acting as the patient's caregiver;

113.17 (4) a disclosure signed by the patient that includes:

113.18 (i) a statement that, notwithstanding any law to the contrary, the Office of Cannabis  
113.19 Management, the Division of Medical Cannabis, or an employee of the Office of Cannabis  
113.20 Management or Division of Medical Cannabis may not be held civilly or criminally liable  
113.21 for any injury, loss of property, personal injury, or death caused by an act or omission while  
113.22 acting within the employee's scope of office or employment under this section; and

113.23 (ii) the patient's acknowledgment that enrollment in the registry program is conditional  
113.24 on the patient's agreement to meet all other requirements of this section; and

113.25 (5) all other information required by the Division of Medical Cannabis.

113.26 (b) As part of the application under this subdivision, a patient must submit a copy of a  
113.27 certification from the patient's health care practitioner that is dated within 90 days prior to  
113.28 the submission of the application and that certifies that the patient has been diagnosed with  
113.29 a qualifying medical condition.

113.30 (c) A patient's health care practitioner may submit a statement to the Division of Medical  
113.31 Cannabis declaring that the patient is no longer diagnosed with a qualifying medical  
113.32 condition. Within 30 days after receipt of a statement from a patient's health care practitioner,

114.1 the Division of Medical Cannabis must provide written notice to a patient stating that the  
114.2 patient's enrollment in the registry program will be revoked in 30 days unless the patient  
114.3 submits a certification from a health care practitioner that the patient is currently diagnosed  
114.4 with a qualifying medical condition or, if the patient is a veteran, the patient submits  
114.5 confirmation that the patient is currently diagnosed with a qualifying medical condition in  
114.6 a form and manner consistent with the information required for an application made pursuant  
114.7 to subdivision 3. If the Division of Medical Cannabis revokes a patient's enrollment in the  
114.8 registry program pursuant to this paragraph, the division must provide notice to the patient  
114.9 and to the patient's health care practitioner.

114.10 Subd. 3. **Application procedure for veterans.** (a) The Division of Medical Cannabis  
114.11 shall establish an alternative certification procedure for veterans who receive care from the  
114.12 United States Department of Veterans Affairs to confirm that the veteran has been diagnosed  
114.13 with a qualifying medical condition.

114.14 (b) A patient who is also a veteran and is seeking to enroll in the registry program must  
114.15 submit to the Division of Medical Cannabis an application established by the Division of  
114.16 Medical Cannabis that includes the information identified in subdivision 2, paragraph (a),  
114.17 and the additional information required by the Division of Medical Cannabis to certify that  
114.18 the patient has been diagnosed with a qualifying medical condition.

114.19 Subd. 4. **Enrollment; denial of enrollment; revocation.** (a) Within 30 days after the  
114.20 receipt of an application and certification or other documentation of a diagnosis with a  
114.21 qualifying medical condition, the Division of Medical Cannabis must approve or deny a  
114.22 patient's enrollment in the registry program. If the Division of Medical Cannabis approves  
114.23 a patient's enrollment in the registry program, the office must provide notice to the patient  
114.24 and to the patient's health care practitioner.

114.25 (b) A patient's enrollment in the registry program must only be denied if the patient:

114.26 (1) does not submit a certification from a health care practitioner or, if the patient is a  
114.27 veteran, the documentation required under subdivision 3 that the patient has been diagnosed  
114.28 with a qualifying medical condition;

114.29 (2) has not signed the disclosure required in subdivision 2;

114.30 (3) does not provide the information required by the Division of Medical Cannabis;

114.31 (4) provided false information on the application; or

114.32 (5) at the time of application, is also enrolled in a federally approved clinical trial for  
114.33 the treatment of a qualifying medical condition with medical cannabis.

115.1 (c) If the Division of Medical Cannabis denies a patient's enrollment in the registry  
115.2 program, the Division of Medical Cannabis must provide written notice to a patient of all  
115.3 reasons for denying enrollment. Denial of enrollment in the registry program is considered  
115.4 a final decision of the office and is subject to judicial review under chapter 14.

115.5 (d) A patient's enrollment in the registry program may be revoked only:

115.6 (1) pursuant to subdivision 2, paragraph (c);

115.7 (2) upon the death of the patient;

115.8 (3) if the patient's certifying health care practitioner has filed a declaration under  
115.9 subdivision 2, paragraph (c), that the patient's qualifying diagnosis no longer exists and the  
115.10 patient does not submit another certification within 30 days;

115.11 (4) if the patient does not comply with subdivision 6; or

115.12 (5) if the patient intentionally sells or diverts medical cannabis flower or medical  
115.13 cannabinoid products in violation of this chapter.

115.14 If a patient's enrollment in the registry program has been revoked due to a violation of  
115.15 subdivision 6, the patient may apply for enrollment 12 months after the date on which the  
115.16 patient's enrollment was revoked. The office must process such an application in accordance  
115.17 with this subdivision.

115.18 Subd. 5. **Registry verification.** When a patient is enrolled in the registry program, the  
115.19 Division of Medical Cannabis must assign the patient a patient registry number and must  
115.20 issue the patient and the patient's registered designated caregiver, parent, legal guardian, or  
115.21 spouse, if applicable, a registry verification. The Division of Medical Cannabis must also  
115.22 make the registry verification available to medical cannabis retailers. The registry verification  
115.23 must include:

115.24 (1) the patient's name and date of birth;

115.25 (2) the patient registry number assigned to the patient; and

115.26 (3) the name and date of birth of the patient's registered designated caregiver, if any, or  
115.27 the name of the patient's parent, legal guardian, or spouse if the parent, legal guardian, or  
115.28 spouse will act as a caregiver.

115.29 Subd. 6. **Conditions of continued enrollment.** As conditions of continued enrollment,  
115.30 a patient must:

115.31 (1) continue to receive regularly scheduled treatment for the patient's qualifying medical  
115.32 condition from the patient's health care practitioner; and

116.1 (2) report changes in the patient's qualifying medical condition to the patient's health  
116.2 care practitioner.

116.3 Subd. 7. **Enrollment period.** Enrollment in the registry program is permanent.

116.4 Subd. 8. **Medical cannabis flower and medical cannabinoid products; allowable**  
116.5 **delivery methods.** Medical cannabis flower and medical cannabinoid products may be  
116.6 delivered in the form of:

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

116.8 (2) a pill;

116.9 (3) a vaporized delivery method with the use of liquid or oil;

116.10 (4) a water-soluble cannabinoid multiparticulate, including granules, powder, and  
116.11 sprinkles;

116.12 (5) an orally dissolvable product, including lozenges, gum, mints, buccal tablets, and  
116.13 sublingual tablets;

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

116.15 (7) a topical formulation;

116.16 (8) combustion with the use of dried raw cannabis; or

116.17 (9) any other method approved by the office.

116.18 Subd. 9. **Registered designated caregiver.** (a) The Division of Medical Cannabis must  
116.19 register a designated caregiver for a patient if the patient requires assistance in administering  
116.20 medical cannabis flower or medical cannabinoid products or in obtaining medical cannabis  
116.21 flower, medical cannabinoid products, or medical cannabis paraphernalia from a medical  
116.22 cannabis retailer.

116.23 (b) In order to serve as a designated caregiver, a person must:

116.24 (1) be at least 18 years of age;

116.25 (2) agree to only possess the patient's medical cannabis flower and medical cannabinoid  
116.26 products for purposes of assisting the patient; and

116.27 (3) agree that if the application is approved, the person will not serve as a registered  
116.28 designated caregiver for more than six registered patients at one time. Patients who reside  
116.29 in the same residence count as one patient.

117.1 (c) The office shall conduct a criminal background check on the designated caregiver  
117.2 prior to registration to ensure that the person does not have a conviction for a disqualifying  
117.3 felony offense. Any cost of the background check shall be paid by the person seeking  
117.4 registration as a designated caregiver. A designated caregiver must have the criminal  
117.5 background check renewed every two years.

117.6 (d) Nothing in this section shall be construed to prevent a registered designated caregiver  
117.7 from being enrolled in the registry program as a patient and possessing and administering  
117.8 medical cannabis as a patient.

117.9 Subd. 10. **Parents, legal guardians, spouses.** A parent, legal guardian, or spouse of a  
117.10 patient may act as the caregiver for a patient. The parent, legal guardian, or spouse who is  
117.11 acting as a caregiver must follow all requirements for parents, legal guardians, and spouses  
117.12 under this chapter. Nothing in this section limits any legal authority that a parent, legal  
117.13 guardian, or spouse may have for the patient under any other law.

117.14 Subd. 11. **Enrollment fee.** (a) The Division of Cannabis Management must collect an  
117.15 enrollment fee of \$40 from a patient enrolled under this section.

117.16 (b) Revenue collected under this subdivision shall deposit to a dedicated account in the  
117.17 special revenue fund. The balance of the account shall be appropriated annually to the  
117.18 administrator of the office for program operations.

117.19 Subd. 12. **Notice of change of name or address.** Patients and registered designated  
117.20 caregivers must notify the Division of Medical Cannabis of any address or name change  
117.21 within 30 days of the change having occurred. A patient or registered designated caregiver  
117.22 is subject to a \$100 fine for failure to notify the office of the change.

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

117.24 Sec. 54. **[342.52] DUTIES OF OFFICE OF CANNABIS MANAGEMENT;**  
117.25 **REGISTRY PROGRAM.**

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

118.1 which the change becomes effective. In this notification, the office must specify the proposed  
118.2 addition or modification, the reasons for the addition or modification, any written comments  
118.3 received by the office from the public about the addition or modification, and any guidance  
118.4 received from the Cannabis Advisory Council. An addition or modification by the office  
118.5 under this subdivision becomes effective on August 1 of that year unless the legislature by  
118.6 law provides otherwise.

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

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

118.10 Subdivision 1. **Duties related to health care practitioners.** The Division of Medical  
118.11 Cannabis must:

118.12 (1) provide notice of the registry program to health care practitioners in the state;

118.13 (2) allow health care practitioners to participate in the registry program if they request  
118.14 to participate and meet the program's requirements;

118.15 (3) provide explanatory information and assistance to health care practitioners to  
118.16 understand the nature of the therapeutic use of medical cannabis within program  
118.17 requirements;

118.18 (4) make available to participating health care practitioners a certification form in which  
118.19 a health care practitioner certifies that a patient has a qualifying medical condition; and

118.20 (5) supervise the participation of health care practitioners in the registry reporting system  
118.21 in which health care practitioners report patient treatment and health records information  
118.22 to the office in a manner that ensures stringent security and record keeping requirements  
118.23 and that prevents the unauthorized release of private data on individuals as defined in section  
118.24 13.02.

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

118.27 (1) administer the registry program according to section 342.51;

118.28 (2) provide information to patients enrolled in the registry program on the existence of  
118.29 federally approved clinical trials for the treatment of the patient's qualifying medical condition  
118.30 with medical cannabis flower or medical cannabinoid products as an alternative to enrollment  
118.31 in the registry program;

119.1 (3) maintain safety criteria with which patients must comply as a condition of participation  
119.2 in the registry program to prevent patients from undertaking any task under the influence  
119.3 of medical cannabis flower or medical cannabinoid products that would constitute negligence  
119.4 or professional malpractice;

119.5 (4) review and publicly report on existing medical and scientific literature regarding the  
119.6 range of recommended dosages for each qualifying medical condition, the range of chemical  
119.7 compositions of medical cannabis flower and medical cannabinoid products that will likely  
119.8 be medically beneficial for each qualifying medical condition, and any risks of noncannabis  
119.9 drug interactions. This information must be updated by December 1 of each year. The office  
119.10 may consult with an independent laboratory under contract with the office or other experts  
119.11 in reporting and updating this information; and

119.12 (5) annually consult with cannabis businesses about medical cannabis that the businesses  
119.13 cultivate, manufacture, and offer for sale and post on the Division of Medical Cannabis  
119.14 website a list of the medical cannabis flower and medical cannabinoid products offered for  
119.15 sale by each medical cannabis retailer.

119.16 Subd. 3. **Research.** (a) The Division of Medical Cannabis must conduct or contract with  
119.17 a third party to conduct research and studies using data from health records submitted to  
119.18 the registry program under section 342.54, subdivision 2, and data submitted to the registry  
119.19 program under section 342.51, subdivisions 2 and 3. If the division contracts with a third  
119.20 party for research and studies, the third party must provide the division with access to all  
119.21 research and study results. The division must submit reports on intermediate or final research  
119.22 results to the legislature and major scientific journals. All data used by the division or a  
119.23 third party under this subdivision must be used or reported in an aggregated nonidentifiable  
119.24 form as part of a scientific peer-reviewed publication of research or in the creation of  
119.25 summary data, as defined in section 13.02, subdivision 19.

119.26 (b) The Division of Medical Cannabis may submit medical research based on the data  
119.27 collected under sections 342.54, subdivision 2, and data collected through the statewide  
119.28 monitoring system to any federal agency with regulatory or enforcement authority over  
119.29 medical cannabis to demonstrate the effectiveness of medical cannabis flower or medical  
119.30 cannabinoid products for treating or alleviating the symptoms of a qualifying medical  
119.31 condition.

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

120.1 Sec. 56. [342.54] DUTIES OF HEALTH CARE PRACTITIONERS; REGISTRY  
120.2 PROGRAM.

120.3 Subdivision 1. Health care practitioner duties before patient enrollment. Before a  
120.4 patient's enrollment in the registry program, a health care practitioner must:

120.5 (1) determine, in the health care practitioner's medical judgment, whether a patient has  
120.6 a qualifying medical condition and, if so determined, provide the patient with a certification  
120.7 of that diagnosis;

120.8 (2) advise patients, registered designated caregivers, and parents, legal guardians, and  
120.9 spouses acting as caregivers of any nonprofit patient support groups or organizations;

120.10 (3) provide to patients explanatory information from the Division of Medical Cannabis,  
120.11 including information about the experimental nature of the therapeutic use of medical  
120.12 cannabis flower and medical cannabinoid products; the possible risks, benefits, and side  
120.13 effects of the proposed treatment; and the application and other materials from the office;

120.14 (4) provide to patients a Tennessee warning as required under section 13.04, subdivision  
120.15 2; and

120.16 (5) agree to continue treatment of the patient's qualifying medical condition and to report  
120.17 findings to the Division of Medical Cannabis.

120.18 Subd. 2. Duties upon patient's enrollment in registry program. Upon receiving  
120.19 notification from the Division of Medical Cannabis of the patient's enrollment in the registry  
120.20 program, a health care practitioner must:

120.21 (1) participate in the patient registry reporting system under the guidance and supervision  
120.22 of the Division of Medical Cannabis;

120.23 (2) report to the Division of Medical Cannabis patient health records throughout the  
120.24 patient's ongoing treatment in a manner determined by the office and in accordance with  
120.25 subdivision 4;

120.26 (3) determine on a yearly basis if the patient continues to have a qualifying medical  
120.27 condition and, if so, issue the patient a new certification of that diagnosis. The patient  
120.28 assessment conducted under this clause may be conducted via telehealth, as defined in  
120.29 section 62A.673, subdivision 2; and

120.30 (4) otherwise comply with requirements established by the Office of Cannabis  
120.31 Management and the Division of Medical Cannabis.

121.1 Subd. 3. **Participation not required.** Nothing in this section requires a health care  
121.2 practitioner to participate in the registry program.

121.3 Subd. 4. **Data.** Data on patients collected by a health care practitioner and reported to  
121.4 the registry program, including data on patients who are veterans who receive care from  
121.5 the United States Department of Veterans Affairs, are health records under section 144.291  
121.6 and are private data on individuals under section 13.02 but may be used or reported in an  
121.7 aggregated nonidentifiable form as part of a scientific peer-reviewed publication of research  
121.8 conducted under section 342.53 or in the creation of summary data, as defined in section  
121.9 13.02, subdivision 19.

121.10 Subd. 5. **Exception.** The requirements of this section do not apply to a patient who is a  
121.11 veteran who receives care from the United States Department of Veterans Affairs or a health  
121.12 care practitioner employed by the United States Department of Veterans Affairs. Such a  
121.13 patient must meet the certification requirements developed pursuant to section 342.51,  
121.14 subdivision 3, before the patient's enrollment in the registry program. The Division of  
121.15 Medical Cannabis may establish policies and procedures to obtain medical records and other  
121.16 relevant data from a health care practitioner employed by the United States Department of  
121.17 Veterans Affairs, provided that those policies and procedures are consistent with this section.

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

121.19 Sec. 57. **[342.55] LIMITATIONS.**

121.20 Subdivision 1. **Limitations on consumption; locations of consumption.** Nothing in  
121.21 sections 342.47 to 342.59 permits any person to engage in, and does not prevent the  
121.22 imposition of any civil, criminal, or other penalties for:

121.23 (1) undertaking a task under the influence of medical cannabis that would constitute  
121.24 negligence or professional malpractice;

121.25 (2) possessing or consuming medical cannabis:

121.26 (i) on a school bus or van; or

121.27 (ii) in a correctional facility;

121.28 (3) vaporizing or smoking medical cannabis:

121.29 (i) on any form of public transportation;

121.30 (ii) where the vapor would be inhaled by a nonpatient minor or where the smoke would  
121.31 be inhaled by a minor; or

122.1 (iii) in any public place, including any indoor or outdoor area used by or open to the  
122.2 general public or a place of employment, as defined in section 144.413, subdivision 1b; and

122.3 (4) operating, navigating, or being in actual physical control of a motor vehicle, aircraft,  
122.4 train, or motorboat or working on transportation property, equipment, or facilities while  
122.5 under the influence of medical cannabis or a medical cannabis product.

122.6 Subd. 2. **Health care facilities.** (a) Health care facilities licensed under chapter 144A;  
122.7 hospice providers licensed under chapter 144A; boarding care homes or supervised living  
122.8 facilities licensed under section 144.50; assisted living facilities under chapter 144G; facilities  
122.9 owned, controlled, managed, or under common control with hospitals licensed under chapter  
122.10 144; and other health care facilities licensed by the commissioner of health or the  
122.11 commissioner of human services may adopt reasonable restrictions on the use of medical  
122.12 cannabis flower or medical cannabinoid products by a patient enrolled in the registry program  
122.13 who resides at or is actively receiving treatment or care at the facility. The restrictions may  
122.14 include a provision that the facility must not store or maintain a patient's supply of medical  
122.15 cannabis flower or medical cannabinoid products on behalf of the patient; that a patient  
122.16 store the patient's supply of medical cannabis flower or medicinal cannabinoid products in  
122.17 a locked container accessible only to the patient, the patient's designated caregiver, or the  
122.18 patient's parent, legal guardian, or spouse; that the facility is not responsible for providing  
122.19 medical cannabis for patients; and that medical cannabis flower or medical cannabinoid  
122.20 products are used only in a location specified by the facility or provider. Nothing in this  
122.21 subdivision requires facilities and providers listed in this subdivision to adopt such  
122.22 restrictions.

122.23 (b) No facility or provider listed in this subdivision may unreasonably limit a patient's  
122.24 access to or use of medical cannabis flower or medical cannabinoid products to the extent  
122.25 that such use is authorized under sections 342.47 to 342.59. No facility or provider listed  
122.26 in this subdivision may prohibit a patient access to or use of medical cannabis flower or  
122.27 medical cannabinoid products due solely to the fact that cannabis is a Schedule I drug  
122.28 pursuant to the federal Uniform Controlled Substances Act. If a federal regulatory agency,  
122.29 the United States Department of Justice, or the federal Centers for Medicare and Medicaid  
122.30 Services takes one of the following actions, a facility or provider may suspend compliance  
122.31 with this paragraph until the regulatory agency, the United States Department of Justice, or  
122.32 the federal Centers for Medicare and Medicaid Services notifies the facility or provider that  
122.33 it may resume permitting the use of medical cannabis flower or medical cannabinoid products  
122.34 within the facility or in the provider's service setting:

123.1 (1) a federal regulatory agency or the United States Department of Justice initiates  
123.2 enforcement action against a facility or provider related to the facility's compliance with  
123.3 the medical cannabis program; or

123.4 (2) a federal regulatory agency, the United States Department of Justice, or the federal  
123.5 Centers for Medicare and Medicaid Services issues a rule or otherwise provides notification  
123.6 to the facility or provider that expressly prohibits the use of medical cannabis in health care  
123.7 facilities or otherwise prohibits compliance with the medical cannabis program.

123.8 (c) An employee or agent of a facility or provider listed in this subdivision or a person  
123.9 licensed under chapter 144E is not violating this chapter or chapter 152 for the possession  
123.10 of medical cannabis flower or medical cannabinoid products while carrying out employment  
123.11 duties, including providing or supervising care to a patient enrolled in the registry program,  
123.12 or distribution of medical cannabis flower or medical cannabinoid products to a patient  
123.13 enrolled in the registry program who resides at or is actively receiving treatment or care at  
123.14 the facility or from the provider with which the employee or agent is affiliated.

123.15 Subd. 3. **Child care facilities.** A proprietor of a family or group family day care program  
123.16 must disclose to parents or guardians of children cared for on the premises of the family or  
123.17 group family day care program, if the proprietor permits the smoking or use of medical  
123.18 cannabis on the premises, outside of its hours of operation. Disclosure must include posting  
123.19 on the premises a conspicuous written notice and orally informing parents or guardians.

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

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

123.22 Subdivision 1. **Presumption.** There is a presumption that a patient enrolled in the registry  
123.23 program is engaged in the authorized use of medical cannabis flower and medical cannabinoid  
123.24 products. This presumption may be rebutted by evidence that the patient's use of medical  
123.25 cannabis flower or medical cannabinoid products was not for the purpose of treating or  
123.26 alleviating the patient's qualifying medical condition or symptoms associated with the  
123.27 patient's qualifying medical condition.

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

123.30 (1) use or possession of medical cannabis flower, medical cannabinoid products, or  
123.31 medical cannabis paraphernalia by a patient enrolled in the registry program or by a visiting  
123.32 patient to whom medical cannabis is distributed under section 342.49, subdivision 5;

124.1 (2) possession of medical cannabis flower, medical cannabinoid products, or medical  
124.2 cannabis paraphernalia by a registered designated caregiver or a parent, legal guardian, or  
124.3 spouse of a patient enrolled in the registry program; or

124.4 (3) possession of medical cannabis flower, medical cannabinoid products, or medical  
124.5 cannabis paraphernalia by any person while carrying out duties required under sections  
124.6 342.47 to 342.59.

124.7 (b) The Office of Cannabis Management, members of the Cannabis Advisory Council,  
124.8 Office of Cannabis Management employees, agents or contractors of the Office of Cannabis  
124.9 Management, and health care practitioners participating in the registry program are not  
124.10 subject to any civil penalties or disciplinary action by the Board of Medical Practice, the  
124.11 Board of Nursing, or any business, occupational, or professional licensing board or entity  
124.12 solely for participating in the registry program either in a professional capacity or as a  
124.13 patient. A pharmacist licensed under chapter 151 is not subject to any civil penalties or  
124.14 disciplinary action by the Board of Pharmacy when acting in accordance with sections  
124.15 342.47 to 342.59 either in a professional capacity or as a patient. Nothing in this section  
124.16 prohibits a professional licensing board from taking action in response to a violation of law.

124.17 (c) Notwithstanding any law to the contrary, a Cannabis Advisory Council member, the  
124.18 governor, or an employee of a state agency must not be held civilly or criminally liable for  
124.19 any injury, loss of property, personal injury, or death caused by any act or omission while  
124.20 acting within the scope of office or employment under sections 342.47 to 342.59.

124.21 (d) Federal, state, and local law enforcement authorities are prohibited from accessing  
124.22 the registry except when acting pursuant to a valid search warrant. Notwithstanding section  
124.23 13.09, a violation of this paragraph is a gross misdemeanor.

124.24 (e) Notwithstanding any law to the contrary, the office and employees of the office must  
124.25 not release data or information about an individual contained in any report or document or  
124.26 in the registry and must not release data or information obtained about a patient enrolled in  
124.27 the registry program, except as provided in sections 342.47 to 342.59. Notwithstanding  
124.28 section 13.09, a violation of this paragraph is a gross misdemeanor.

124.29 (f) No information contained in a report or document, contained in the registry, or  
124.30 obtained from a patient under sections 342.47 to 342.59 may be admitted as evidence in a  
124.31 criminal proceeding, unless:

124.32 (1) the information is independently obtained; or

125.1 (2) admission of the information is sought in a criminal proceeding involving a criminal  
125.2 violation of sections 342.47 to 342.59.

125.3 (g) Possession of a registry verification or an application for enrollment in the registry  
125.4 program:

125.5 (1) does not constitute probable cause or reasonable suspicion;

125.6 (2) must not be used to support a search of the person or property of the person with a  
125.7 registry verification or application to enroll in the registry program; and

125.8 (3) must not subject the person or the property of the person to inspection by any  
125.9 government agency.

125.10 Subd. 3. **School enrollment; rental property.** (a) No school may refuse to enroll a  
125.11 patient as a pupil or otherwise penalize a patient solely because the patient is enrolled in  
125.12 the registry program, unless failing to do so would violate federal law or regulations or  
125.13 cause the school to lose a monetary or licensing-related benefit under federal law or  
125.14 regulations.

125.15 (b) No landlord may refuse to lease to a patient or otherwise penalize a patient solely  
125.16 because the patient is enrolled in the registry program, unless failing to do so would violate  
125.17 federal law or regulations or cause the landlord to lose a monetary or licensing-related  
125.18 benefit under federal law or regulations.

125.19 Subd. 4. **Medical care.** For purposes of medical care, including organ transplants, a  
125.20 patient's use of medical cannabis according to sections 342.47 to 342.59 is considered the  
125.21 equivalent of the authorized use of a medication used at the discretion of a health care  
125.22 practitioner and does not disqualify a patient from needed medical care.

125.23 Subd. 5. **Employment.** (a) Unless a failure to do so would violate federal or state law  
125.24 or regulations or cause an employer to lose a monetary or licensing-related benefit under  
125.25 federal law or regulations, an employer may not discriminate against a person in hiring,  
125.26 termination, or any term or condition of employment, or otherwise penalize a person, if the  
125.27 discrimination is based on:

125.28 (1) the person's status as a patient enrolled in the registry program; or

125.29 (2) a patient's positive drug test for cannabis components or metabolites, unless the  
125.30 patient used, possessed, sold, transported, or was impaired by medical cannabis flower or  
125.31 a medical cannabinoid product on work premises, during working hours, or while operating  
125.32 an employer's machinery, vehicle, or equipment.

126.1 (b) An employee who is a patient and whose employer requires the employee to undergo  
126.2 drug testing according to section 181.953 may present the employee's registry verification  
126.3 as part of the employee's explanation under section 181.953, subdivision 6.

126.4 Subd. 6. **Custody; visitation; parenting time.** A person must not be denied custody of  
126.5 a minor child or visitation rights or parenting time with a minor child based solely on the  
126.6 person's status as a patient enrolled in the registry program. There must be no presumption  
126.7 of neglect or child endangerment for conduct allowed under sections 342.47 to 342.59,  
126.8 unless the person's behavior creates an unreasonable danger to the safety of the minor as  
126.9 established by clear and convincing evidence.

126.10 Subd. 7. **Action for damages.** In addition to any other remedy provided by law, a patient  
126.11 may bring an action for damages against any person who violates subdivision 3, 4, or 5. A  
126.12 person who violates subdivision 3, 4, or 5 is liable to a patient injured by the violation for  
126.13 the greater of the person's actual damages or a civil penalty of \$100 and reasonable attorney  
126.14 fees.

126.15 Subd. 8. **Sanctions restricted for those on parole, supervised release, or conditional**  
126.16 **release.** (a) This subdivision applies to an individual placed on parole, supervised release,  
126.17 or conditional release.

126.18 (b) The commissioner of corrections may not:

126.19 (1) prohibit an individual from participating in the registry program as a condition of  
126.20 release; or

126.21 (2) revoke an individual's parole, supervised release, or conditional release or otherwise  
126.22 sanction an individual solely:

126.23 (i) for participating in the registry program; or

126.24 (ii) for a positive drug test for cannabis components or metabolites.

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

126.26 Sec. 59. **[342.57] VIOLATION BY HEALTH CARE PRACTITIONER; CRIMINAL**  
126.27 **PENALTY.**

126.28 A health care practitioner who knowingly refers patients to a medical cannabis business  
126.29 or to a designated caregiver, who advertises as a retailer or producer of medical cannabis  
126.30 flower or medical cannabinoid products, or who issues certifications while holding a financial  
126.31 interest in a cannabis retailer or medical cannabis business is guilty of a misdemeanor and

127.1 may be sentenced to imprisonment for not more than 90 days or to payment of not more  
127.2 than \$1,000, or both.

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

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

127.5 Subdivision 1. **Data classification.** Patient health records maintained by the Office of  
127.6 Cannabis Management or the Division of Medical Cannabis and government data in patient  
127.7 health records maintained by a health care practitioner are classified as private data on  
127.8 individuals, as defined in section 13.02, subdivision 12, or nonpublic data, as defined in  
127.9 section 13.02, subdivision 9.

127.10 Subd. 2. **Allowable use; prohibited use.** Data specified in subdivision 1 may be used  
127.11 to comply with chapter 13, to comply with a request from the legislative auditor or the state  
127.12 auditor in the performance of official duties, and for purposes specified in sections 342.47  
127.13 to 342.59. Data specified in subdivision 1 and maintained by the Office of Cannabis  
127.14 Management or Division of Medical Cannabis must not be used for any purpose not specified  
127.15 in sections 342.47 to 342.59 and must not be combined or linked in any manner with any  
127.16 other list, dataset, or database. Data specified in subdivision 1 must not be shared with any  
127.17 federal agency, federal department, or federal entity unless specifically ordered to do so by  
127.18 a state or federal court.

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

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

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

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

128.1 Sec. 62. **[342.60] TESTING.**

128.2 Subdivision 1. **Testing required.** Cannabis businesses and hemp businesses shall not  
128.3 sell or offer for sale cannabis flower, cannabis products, synthetically derived cannabinoids,  
128.4 lower-potency hemp edibles, or hemp-derived consumer products to another cannabis  
128.5 business, hemp business, or to a customer or patient or otherwise transfer cannabis flower,  
128.6 cannabis products, synthetically derived cannabinoids, lower-potency hemp edibles, or  
128.7 hemp-derived consumer products to another cannabis business, unless:

128.8 (1) a representative sample of the batch of cannabis flower, cannabis product, synthetically  
128.9 derived cannabinoid, lower-potency hemp edible, or hemp-derived consumer product has  
128.10 been tested according to this section and rules adopted under this chapter;

128.11 (2) the testing was completed by a cannabis testing facility licensed under this chapter;  
128.12 and

128.13 (3) the tested sample of cannabis flower, cannabis product, synthetically derived  
128.14 cannabinoid, lower-potency hemp edible, or hemp-derived consumer product was found to  
128.15 meet testing standards established by the office.

128.16 Subd. 2. **Procedures and standards established by office.** (a) The office shall by rule  
128.17 establish procedures governing:

128.18 (1) the sampling, handling, testing, storage, and transportation of cannabis flower,  
128.19 cannabis products, synthetically derived cannabinoids, lower-potency hemp edibles, and  
128.20 hemp-derived consumer products tested under this section;

128.21 (2) the contaminants for which cannabis flower, cannabis products, synthetically derived  
128.22 cannabinoids, lower-potency hemp edibles, and hemp-derived consumer products must be  
128.23 tested;

128.24 (3) standards for potency and homogeneity testing; and

128.25 (4) procedures applicable to cannabis businesses, hemp businesses, and cannabis testing  
128.26 facilities regarding cannabis flower, cannabis products, synthetically derived cannabinoids,  
128.27 lower-potency hemp edibles, and hemp-derived consumer products that fail to meet the  
128.28 standards for allowable levels of contaminants established by the office, that fail to meet  
128.29 the potency limits in this chapter or that do not conform with the content of the cannabinoid  
128.30 profile listed on the label.

128.31 (b) All testing required under this section must be performed in a manner that is consistent  
128.32 with general requirements for testing and calibration activities.

129.1 Subd. 3. Standards established by Office of Cannabis Management. The office shall  
129.2 by rule establish standards for allowable levels of contaminants in cannabis flower, cannabis  
129.3 products, synthetically derived cannabinoids, lower-potency hemp edibles, hemp-derived  
129.4 consumer products, and growing media. Contaminants for which the office must establish  
129.5 allowable levels must include but are not limited to residual solvents, foreign material,  
129.6 microbiological contaminants, heavy metals, pesticide residue, and mycotoxins.

129.7 Subd. 4. Testing of samples; disclosures. (a) On a schedule determined by the office,  
129.8 every cannabis microbusiness, cannabis mezzobusiness, cannabis cultivator, cannabis  
129.9 manufacturer, cannabis wholesaler with an endorsement to import products, lower-potency  
129.10 hemp edible manufacturer, medical cannabis cultivator, or medical cannabis processor shall  
129.11 make each batch of cannabis flower, cannabis products, synthetically derived cannabinoids,  
129.12 lower-potency hemp edibles, or hemp-derived consumer products grown, manufactured, or  
129.13 imported by the cannabis business or hemp business available to a cannabis testing facility.

129.14 (b) A cannabis microbusiness, cannabis mezzobusiness, cannabis cultivator, cannabis  
129.15 manufacturer, cannabis wholesaler with an endorsement to import products, lower-potency  
129.16 hemp edible manufacturer, medical cannabis cultivator, or medical cannabis processor must  
129.17 disclose all known information regarding pesticides, fertilizers, solvents, or other foreign  
129.18 materials, including but not limited to catalysts used in creating synthetically derived  
129.19 cannabinoids, applied or added to the batch of cannabis flower, cannabis products,  
129.20 synthetically derived cannabinoids, lower-potency hemp edible, or hemp-derived consumer  
129.21 products subject to testing. Disclosure must be made to the cannabis testing facility and  
129.22 must include information about all applications by any person, whether intentional or  
129.23 accidental.

129.24 (c) The cannabis testing facility shall select one or more representative samples from  
129.25 each batch, test the samples for the presence of contaminants, and test the samples for  
129.26 potency and homogeneity and to allow the cannabis flower, cannabis product, synthetically  
129.27 derived cannabinoid, lower-potency hemp edible, or hemp-derived consumer product to be  
129.28 accurately labeled with its cannabinoid profile. Testing for contaminants must include testing  
129.29 for residual solvents, foreign material, microbiological contaminants, heavy metals, pesticide  
129.30 residue, mycotoxins, and any items identified pursuant to paragraph (b), and may include  
129.31 testing for other contaminants. A cannabis testing facility must destroy or return to the  
129.32 cannabis business or hemp business any part of the sample that remains after testing.

129.33 Subd. 5. Test results. (a) If a sample meets the applicable testing standards, a cannabis  
129.34 testing facility shall issue a certification to a cannabis microbusiness, cannabis  
129.35 mezzobusiness, cannabis cultivator, cannabis manufacturer, cannabis wholesaler with an

130.1 endorsement to import products, lower-potency hemp edible manufacturer, medical cannabis  
130.2 cultivator, or medical cannabis processor, and the cannabis business or hemp business may  
130.3 then sell or transfer the batch of cannabis flower, cannabis products, synthetically derived  
130.4 cannabinoids, lower-potency hemp edibles, or hemp-derived consumer products from which  
130.5 the sample was taken to another cannabis business or hemp business, or offer the cannabis  
130.6 flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products  
130.7 for sale to customers or patients. If a sample does not meet the applicable testing standards  
130.8 or if the testing facility is unable to test for a substance identified pursuant to subdivision  
130.9 4, paragraph (b), the batch from which the sample was taken shall be subject to procedures  
130.10 established by the office for such batches, including destruction, remediation, or retesting.

130.11 (b) A cannabis microbusiness, cannabis mezzobusiness, cannabis cultivator, cannabis  
130.12 manufacturer, cannabis wholesaler with an endorsement to import products, lower-potency  
130.13 hemp edible manufacturer, medical cannabis cultivator, or medical cannabis processor must  
130.14 maintain the test results for cannabis flower, cannabis products, synthetically derived  
130.15 cannabinoids, lower-potency hemp edibles, or hemp-derived consumer products grown,  
130.16 manufactured, or imported by that cannabis business or hemp business for at least five years  
130.17 after the date of testing.

130.18 (c) A cannabis microbusiness, cannabis mezzobusiness, cannabis cultivator, cannabis  
130.19 manufacturer, cannabis wholesaler with an endorsement to import products, lower-potency  
130.20 hemp edible manufacturer, medical cannabis cultivator, or medical cannabis processor shall  
130.21 make test results maintained by that cannabis business or hemp business available for review  
130.22 by any member of the public upon request. Test results made available to the public must  
130.23 be in plain language.

130.24 **Sec. 63. [342.61] PACKAGING.**

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

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

130.31 (1) prepackaged in packaging or a container that is child-resistant, tamper-evident, and  
130.32 opaque; or

131.1 (2) placed in packaging or a container that is plain, child-resistant, tamper-evident, and  
131.2 opaque at the final point of sale to a customer.

131.3 (b) The requirement that packaging be child-resistant does not apply to:

131.4 (1) a hemp-derived topical product; or

131.5 (2) a lower-potency hemp edible that:

131.6 (i) contains nonintoxicating cannabinoids;

131.7 (ii) does not contain more than a combined total of 0.25 milligrams of intoxicating  
131.8 cannabinoids; and

131.9 (iii) does not contain a synthetically derived cannabinoid.

131.10 (c) If a cannabis product, lower-potency hemp edible, or a hemp-derived consumer  
131.11 product is packaged in a manner that includes more than a single serving, each serving must  
131.12 be indicated by scoring, wrapping, or other indicators designating the individual serving  
131.13 size. If the item is a lower-potency hemp edible, any indicator other than individual wrapping  
131.14 that designates the individual serving size must appear on the lower-potency hemp edible.

131.15 (d) An edible cannabis product or lower-potency hemp edible containing more than a  
131.16 single serving must be prepackaged or placed at the final point of sale in packaging or a  
131.17 container that is resealable.

131.18 **Subd. 3. Packaging prohibitions.** (a) Cannabis flower, cannabis products, lower-potency  
131.19 hemp edibles, or hemp-derived consumer products sold to customers or patients must not  
131.20 be packaged in a manner that:

131.21 (1) bears a reasonable resemblance to any commercially available product that does not  
131.22 contain cannabinoids, whether the manufacturer of the product holds a registered trademark  
131.23 or has registered the trade dress; or

131.24 (2) is designed to appeal to persons under 21 years of age.

131.25 (b) Packaging for cannabis flower, cannabis products, lower-potency hemp edibles, and  
131.26 hemp-derived consumer products must not contain or be coated with any perfluoroalkyl  
131.27 substance.

131.28 (c) Edible cannabis products and lower-potency hemp edibles must not be packaged in  
131.29 a material that is not approved by the United States Food and Drug Administration for use  
131.30 in packaging food.

132.1 Sec. 64. [342.62] LABELING.

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

132.5 Subd. 2. Content of label; cannabis. All cannabis flower and hemp-derived consumer  
132.6 products that consist of hemp plant parts sold to customers or patients must have affixed  
132.7 on the packaging or container of the cannabis flower or hemp-derived consumer product a  
132.8 label that contains at least the following information:

132.9 (1) the name and license number of the cannabis microbusiness, cannabis mezzobusiness,  
132.10 cannabis cultivator, medical cannabis cultivator, or industrial hemp grower where the  
132.11 cannabis flower or hemp plant part was cultivated;

132.12 (2) the net weight or volume of cannabis flower or hemp plant parts in the package or  
132.13 container;

132.14 (3) the batch number;

132.15 (4) the cannabinoid profile;

132.16 (5) a universal symbol established by the office indicating that the package or container  
132.17 contains cannabis flower, a cannabis product, a lower-potency hemp edible, or a  
132.18 hemp-derived consumer product;

132.19 (6) verification that the cannabis flower or hemp plant part was tested according to  
132.20 section 342.60 and that the cannabis flower or hemp plant part complies with the applicable  
132.21 standards;

132.22 (7) the maximum dose, quantity, or consumption that may be considered medically safe  
132.23 within a 24-hour period;

132.24 (8) the following statement: "Keep this product out of reach of children."; and

132.25 (9) any other statements or information required by the office.

132.26 Subd. 3. Content of label; cannabis products. (a) All cannabis products, lower-potency  
132.27 hemp edibles, hemp-derived consumer products other than products subject to the  
132.28 requirements under subdivision 2, medical cannabinoid products, and hemp-derived topical  
132.29 products sold to customers or patients must have affixed to the packaging or container of  
132.30 the cannabis product a label that contains at least the following information:

132.31 (1) the name and license number of the cannabis microbusiness, cannabis mezzobusiness,  
132.32 cannabis cultivator, medical cannabis cultivator, or industrial hemp grower that cultivated

133.1 the cannabis flower or hemp plant parts used in the cannabis product, lower-potency hemp  
133.2 edible, hemp-derived consumer product, or medical cannabinoid product;

133.3 (2) the name and license number of the cannabis microbusiness, cannabis mezzobusiness,  
133.4 cannabis manufacturer, lower-potency hemp edible manufacturer, medical cannabis  
133.5 processor, or industrial hemp grower that manufactured the cannabis concentrate or  
133.6 synthetically derived cannabinoid and if different, the name and license number of the  
133.7 cannabis microbusiness, cannabis mezzobusiness, cannabis manufacturer, lower-potency  
133.8 hemp edible manufacturer, or medical cannabis processor that manufactured the cannabinoid  
133.9 product;

133.10 (3) the net weight or volume of the cannabis product, lower-potency hemp edible, or  
133.11 hemp-derived consumer product in the package or container;

133.12 (4) the type of cannabis product, lower-potency hemp edible, or hemp-derived consumer  
133.13 product;

133.14 (5) the batch number;

133.15 (6) the serving size;

133.16 (7) the cannabinoid profile per serving and in total;

133.17 (8) a list of ingredients;

133.18 (9) a universal symbol established by the office indicating that the package or container  
133.19 contains cannabis flower, a cannabis product, a lower-potency hemp edible, or a  
133.20 hemp-derived consumer product;

133.21 (10) a warning symbol developed by the office in consultation with the commissioner  
133.22 of health and the Minnesota Poison Control System that:

133.23 (i) is at least three-quarters of an inch tall and six-tenths of an inch wide;

133.24 (ii) is in a highly visible color;

133.25 (iii) includes a visual element that is commonly understood to mean a person should  
133.26 stop;

133.27 (iv) indicates that the product is not for children; and

133.28 (v) includes the phone number of the Minnesota Poison Control System;

133.29 (11) verification that the cannabis product, lower-potency hemp edible, hemp-derived  
133.30 consumer product, or medical cannabinoid product was tested according to section 342.60

134.1 and that the cannabis product, lower-potency hemp edible, hemp-derived consumer product,  
134.2 or medical cannabinoid product complies with the applicable standards;

134.3 (12) the maximum dose, quantity, or consumption that may be considered medically  
134.4 safe within a 24-hour period;

134.5 (13) the following statement: "Keep this product out of reach of children."; and

134.6 (14) any other statements or information required by the office.

134.7 (b) The office may by rule establish alternative labeling requirements for lower-potency  
134.8 hemp edibles that are imported into the state provided that those requirements provide  
134.9 consumers with information that is substantially similar to the information described in  
134.10 paragraph (a).

134.11 **Subd. 4. Additional content of label; medical cannabis flower and medical**  
134.12 **cannabinoid products.** In addition to the applicable requirements for labeling under  
134.13 subdivision 2 or 3, all medical cannabis flower and medical cannabinoid products must  
134.14 include at least the following information on the label affixed to the packaging or container  
134.15 of the medical cannabis flower or medical cannabinoid product:

134.16 (1) the patient's name and date of birth;

134.17 (2) the name and date of birth of the patient's registered designated caregiver or, if listed  
134.18 on the registry verification, the name of the patient's parent, legal guardian, or spouse, if  
134.19 applicable; and

134.20 (3) the patient's registry identification number.

134.21 **Subd. 5. Content of label; hemp-derived topical products.** (a) All hemp-derived topical  
134.22 products sold to customers must have affixed to the packaging or container of the product  
134.23 a label that contains at least the following information:

134.24 (1) the manufacturer name, location, phone number, and website;

134.25 (2) the name and address of the independent, accredited laboratory used by the  
134.26 manufacturer to test the product;

134.27 (3) the net weight or volume of the product in the package or container;

134.28 (4) the type of topical product;

134.29 (5) the amount or percentage of cannabidiol, cannabigerol, or any other cannabinoid,  
134.30 derivative, or extract of hemp, per serving and in total;

134.31 (6) a list of ingredients;

135.1 (7) a statement that the product does not claim to diagnose, treat, cure, or prevent any  
135.2 disease and that the product has not been evaluated or approved by the United States Food  
135.3 and Drug Administration, unless the product has been so approved; and

135.4 (8) any other statements or information required by the office.

135.5 (b) The information required in paragraph (a), clauses (1), (2), and (5), may be provided  
135.6 through the use of a scannable barcode or matrix barcode that links to a page on a website  
135.7 maintained by the manufacturer or distributor if that page contains all of the information  
135.8 required by this subdivision.

135.9 Subd. 6. **Additional information.** A cannabis microbusiness, cannabis mezzobusiness,  
135.10 cannabis retailer, or medical cannabis retailer must provide customers and patients with the  
135.11 following information by including the information on the label affixed to the packaging  
135.12 or container of cannabis flower, a cannabis product, or a hemp-derived consumer product;  
135.13 by posting the information in the premises of the cannabis microbusiness, cannabis  
135.14 mezzobusiness, cannabis retailer, or medical cannabis retailer; by providing the information  
135.15 on a separate document or pamphlet provided to customers or patients when the customer  
135.16 purchases cannabis flower, a cannabis product, a lower-potency hemp edible, or a  
135.17 hemp-derived consumer product:

135.18 (1) factual information about impairment effects and the expected timing of impairment  
135.19 effects, side effects, adverse effects, and health risks of cannabis flower, cannabis products,  
135.20 lower-potency hemp edibles, and hemp-derived consumer products;

135.21 (2) a statement that customers and patients must not operate a motor vehicle or heavy  
135.22 machinery while under the influence of cannabis flower, cannabis products, lower-potency  
135.23 hemp edibles, or hemp-derived consumer products;

135.24 (3) resources customers and patients may consult to answer questions about cannabis  
135.25 flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer  
135.26 products, and any side effects and adverse effects;

135.27 (4) contact information for the poison control center and a safety hotline or website for  
135.28 customers to report and obtain advice about side effects and adverse effects of cannabis  
135.29 flower and cannabis products;

135.30 (5) substance abuse disorder treatment options; and

135.31 (6) any other information specified by the office.

135.32 All labels affixed to the packaging of cannabis flower, cannabis products, lower-potency  
135.33 hemp edibles, and hemp-derived consumer products sold to customers or patients must

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

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

136.4 **Subdivision 1. Limitations applicable to all advertisements.** No cannabis business,  
136.5 hemp business, or other person shall publish or cause to be published an advertisement for  
136.6 cannabis flower, a cannabis business, a hemp business, a cannabis product, a lower-potency  
136.7 hemp edible, or a hemp-derived consumer product in a manner that:

136.8 (1) contains false or misleading statements;

136.9 (2) contains unverified claims about the health or therapeutic benefits or effects of  
136.10 consuming cannabis or a cannabis product;

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

136.13 (4) depicts a person under 21 years of age consuming cannabis flower, a cannabis product,  
136.14 a lower-potency hemp edible, or a hemp-derived consumer product;

136.15 (5) includes an image designed or likely to appeal to individuals under 21 years of age,  
136.16 including cartoons, toys, animals, or children, or any other likeness to images, characters,  
136.17 or phrases that is designed to be appealing to individuals under 21 years of age or encourage  
136.18 consumption by individuals under 21 years of age; or

136.19 (6) does not contain a warning as specified by the office regarding impairment and health  
136.20 risks, including driving while impaired, side effects, adverse reactions, and pregnancy  
136.21 complications.

136.22 **Subd. 2. Outdoor advertisements; cannabis business signs.** (a) A cannabis business  
136.23 or hemp business may erect or utilize an outdoor advertisement of a cannabis business, a  
136.24 hemp business, cannabis flower, a cannabis product, a lower-potency hemp edible, or a  
136.25 hemp-derived consumer product.

136.26 (b) A cannabis business may erect up to two fixed outdoor signs on the exterior of the  
136.27 building or property of the cannabis business or hemp business. A fixed outdoor sign:

136.28 (1) may contain the name of the cannabis business or hemp business and the address  
136.29 and nature of the cannabis business or hemp business; and

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

137.1 (c) All outdoor advertisements on land adjacent to an interstate or trunk highway must  
137.2 comply with the requirements of chapter 173.

137.3 Subd. 3. **Audience under 21 years of age.** Except as provided in subdivision 2, a  
137.4 cannabis business, hemp business, or other person shall not publish or cause to be published  
137.5 an advertisement for a cannabis business, a hemp business, cannabis flower, a cannabis  
137.6 product, a lower-potency hemp edible, or a hemp-derived consumer product in any print  
137.7 publication or on radio, television, or any other medium if 30 percent or more of the audience  
137.8 of that medium is reasonably expected to be individuals who are under 21 years of age, as  
137.9 determined by reliable, current audience composition data.

137.10 Subd. 4. **Certain unsolicited advertising.** A cannabis business, hemp business, or  
137.11 another person shall not utilize unsolicited pop-up advertisements on the internet to advertise  
137.12 a cannabis business, a hemp business, cannabis flower, a cannabis product, a lower-potency  
137.13 hemp edible, or a hemp-derived consumer product.

137.14 Subd. 5. **Advertising using direct, individualized communication or dialogue.** Before  
137.15 a cannabis business, hemp business, or another person may advertise a cannabis business,  
137.16 a hemp business, cannabis flower, a cannabis product, a lower-potency hemp edible, or a  
137.17 hemp-derived consumer product through direct, individualized communication or dialogue  
137.18 controlled by the cannabis business, hemp business, or other person, the cannabis business,  
137.19 hemp business, or other person must use a method of age affirmation to verify that the  
137.20 recipient of the direct, individualized communication or dialogue is 21 years of age or older.  
137.21 For purposes of this subdivision, the method of age affirmation may include user  
137.22 confirmation, birth date disclosure, or another similar registration method.

137.23 Subd. 6. **Advertising using location-based devices.** A cannabis business, hemp business,  
137.24 or another person shall not advertise a cannabis business, a hemp business, cannabis flower,  
137.25 a cannabis product, a lower-potency hemp edible, or a hemp-derived consumer product  
137.26 with advertising directed toward location-based devices, including but not limited to cellular  
137.27 telephones, unless the owner of the device is 21 years of age or older.

137.28 Subd. 7. **Advertising restrictions for health care practitioners under the medical**  
137.29 **cannabis program.** (a) A health care practitioner shall not publish or cause to be published  
137.30 an advertisement that:

137.31 (1) contains false or misleading statements about the registry program;

137.32 (2) uses colloquial terms to refer to medical cannabis flower or medical cannabinoid  
137.33 products, such as pot, weed, or grass;

138.1 (3) states or implies that the health care practitioner is endorsed by the office, the Division  
138.2 of Medical Cannabis, or the registry program;

138.3 (4) includes images of cannabis flower, hemp plant parts, or images of paraphernalia  
138.4 commonly used to smoke cannabis flower;

138.5 (5) contains medical symbols that could reasonably be confused with symbols of  
138.6 established medical associations or groups; or

138.7 (6) does not contain a warning as specified by the office regarding impairment and health  
138.8 risks, including driving while impaired, side effects, adverse reactions, and pregnancy  
138.9 complications.

138.10 (b) A health care practitioner found by the office to have violated this subdivision is  
138.11 prohibited from certifying that patients have a qualifying medical condition for purposes  
138.12 of patient participation in the registry program. A decision by the office that a health care  
138.13 practitioner has violated this subdivision is a final decision and is not subject to the contested  
138.14 case procedures in chapter 14.

138.15 **Sec. 66. [342.64] INDUSTRIAL HEMP.**

138.16 Nothing in this chapter shall limit the ability of a person licensed under chapter 18K to  
138.17 grow industrial hemp for commercial or research purposes, process industrial hemp for  
138.18 commercial purposes, sell hemp fiber products and hemp grain, manufacture hemp-derived  
138.19 topical products, or perform any other actions authorized by the commissioner of agriculture.  
138.20 For purposes of this section, "processing" has the meaning given in section 18K.02,  
138.21 subdivision 5, and does not include the process of creating synthetically derived cannabinoids.

138.22 **Sec. 67. [342.65] LEGAL ASSISTANCE TO CANNABIS BUSINESSES.**

138.23 An attorney must not be subject to disciplinary action by the Minnesota Supreme Court  
138.24 or professional responsibility board for providing legal assistance to prospective or licensed  
138.25 cannabis businesses, hemp businesses, or others for activities that do not violate this chapter  
138.26 or chapter 152.

138.27 **Sec. 68. [342.66] HEMP-DERIVED TOPICAL PRODUCTS.**

138.28 Subdivision 1. **Scope.** This section applies to the manufacture, marketing, distribution,  
138.29 and sale of hemp-derived topical products.

138.30 Subd. 2. **Approved cannabinoids.** (a) Products manufactured, marketed, distributed,  
138.31 and sold under this section may contain cannabidiol or cannabigerol. Except as provided

139.1 in paragraph (c), products may not contain any other cannabinoid unless approved by the  
139.2 office.

139.3 (b) The office may approve any cannabinoid, other than any tetrahydrocannabinol, and  
139.4 authorize its use in manufacturing, marketing, distribution, and sales under this section if  
139.5 the office determines that the cannabinoid is a nonintoxicating cannabinoid.

139.6 (c) A product manufactured, marketed, distributed, and sold under this section may  
139.7 contain cannabinoids other than cannabidiol, cannabigerol, or any other cannabinoid approved  
139.8 by the office provided that the cannabinoids are naturally occurring in hemp plants or hemp  
139.9 plant parts and the total of all other cannabinoids present in a product does not exceed one  
139.10 milligram per package.

139.11 Subd. 3. **Approved products.** Products sold to consumers under this section may only  
139.12 be manufactured, marketed, distributed, intended, or generally expected to be used by  
139.13 applying the product externally to a part of the body of a human or animal.

139.14 Subd. 4. **Labeling.** Hemp-derived topical products must meet the labeling requirements  
139.15 in section 342.62, subdivision 5.

139.16 Subd. 5. **Prohibitions.** (a) A product sold to consumers under this section must not be  
139.17 manufactured, marketed, distributed, or intended:

139.18 (1) for external or internal use in the diagnosis, cure, mitigation, treatment, or prevention  
139.19 of disease in humans or other animals;

139.20 (2) to affect the structure or any function of the bodies of humans or other animals;

139.21 (3) to be consumed by combustion or vaporization of the product and inhalation of  
139.22 smoke, aerosol, or vapor from the product;

139.23 (4) to be consumed through chewing; or

139.24 (5) to be consumed through injection or application to a mucous membrane or nonintact  
139.25 skin.

139.26 (b) A product manufactured, marketed, distributed, or sold to consumers under this  
139.27 section must not:

139.28 (1) consist, in whole or in part, of any filthy, putrid, or decomposed substance;

139.29 (2) have been produced, prepared, packed, or held under unsanitary conditions where  
139.30 the product may have been rendered injurious to health, or where the product may have  
139.31 been contaminated with filth;

140.1 (3) be packaged in a container that is composed, in whole or in part, of any poisonous  
140.2 or deleterious substance that may render the contents injurious to health;

140.3 (4) contain any additives or excipients that have been found by the United States Food  
140.4 and Drug Administration to be unsafe for human or animal consumption;

140.5 (5) contain a cannabinoid or an amount or percentage of cannabinoids that is different  
140.6 than the information stated on the label;

140.7 (6) contain a cannabinoid, other than cannabidiol, cannabigerol, or a cannabinoid  
140.8 approved by the office, in an amount that exceeds the standard established in subdivision  
140.9 2, paragraph (c); or

140.10 (7) contain any contaminants for which testing is required by the office in amounts that  
140.11 exceed the acceptable minimum standards established by the office.

140.12 (c) No product containing any cannabinoid may be sold to any individual who is under  
140.13 21 years of age.

140.14 Subd. 6. **Enforcement.** The office may enforce this section under the relevant provisions  
140.15 of section 342.17.

140.16 Sec. 69. **[342.67] CANNABIS INDUSTRY COMMUNITY RENEWAL GRANTS.**

140.17 Subdivision 1. **Establishment.** The Office of Cannabis Management shall establish  
140.18 CanRenew, a program to award grants to eligible organizations for investments in  
140.19 communities where long-term residents are eligible to be social equity applicants.

140.20 Subd. 2. **Definitions.** (a) For the purposes of this section, the following terms have the  
140.21 meanings given.

140.22 (b) "Community investment" means a project or program designed to improve  
140.23 community-wide outcomes or experiences and may include efforts targeting economic  
140.24 development, violence prevention, youth development, or civil legal aid, among others.

140.25 (c) "Eligible community" means a community where long-term residents are eligible to  
140.26 be social equity applicants.

140.27 (d) "Eligible organization" means any organization able to make an investment in a  
140.28 community where long-term residents are eligible to be social equity applicants and may  
140.29 include educational institutions, nonprofit organizations, private businesses, community  
140.30 groups, units of local government, or partnerships between different types of organizations.

140.31 (e) "Program" means the CanRenew grant program.

141.1 (f) "Social equity applicant" means a person who meets the qualification requirements  
141.2 in section 342.15.

141.3 Subd. 3. **Grants to organizations.** (a) The office must award grants to eligible  
141.4 organizations through a competitive grant process.

141.5 (b) To receive grant money, an eligible organization must submit a written application  
141.6 to the office, using a form developed by the office, explaining the community investment  
141.7 the organization wants to make in an eligible community.

141.8 (c) An eligible organization's grant application must also include:

141.9 (1) an analysis of the community's need for the proposed investment;

141.10 (2) a description of the positive impact that the proposed investment is expected to  
141.11 generate for that community;

141.12 (3) any evidence of the organization's ability to successfully achieve that positive impact;

141.13 (4) any evidence of the organization's past success in making similar community  
141.14 investments;

141.15 (5) an estimate of the cost of the proposed investment;

141.16 (6) the sources and amounts of any nonstate funds or in-kind contributions that will  
141.17 supplement grant money; and

141.18 (7) any additional information requested by the office.

141.19 (d) In awarding grants under this subdivision, the office shall give weight to applications  
141.20 from organizations that demonstrate a history of successful community investments,  
141.21 particularly in geographic areas that are now eligible communities. The office shall also  
141.22 give weight to applications where there is demonstrated community support for the proposed  
141.23 investment. The office shall fund investments in eligible communities throughout the state.

141.24 Subd. 4. **Program outreach.** The office shall make extensive efforts to publicize these  
141.25 grants, including through partnerships with community organizations, particularly those  
141.26 located in eligible communities.

141.27 Subd. 5. **Reports to the legislature.** By January 15, 2024, and each January 15 thereafter,  
141.28 the office must submit a report to the chairs and ranking minority members of the committees  
141.29 of the house of representatives and the senate having jurisdiction over community  
141.30 development that details awards given through the CanRenew program and the use of grant  
141.31 money, including any measures of successful community impact from the grants.

142.1 Sec. 70. [342.68] SUBSTANCE USE TREATMENT, RECOVERY, AND  
142.2 PREVENTION GRANTS.

142.3 Subdivision 1. **Account established; appropriation.** A substance use treatment, recovery,  
142.4 and prevention grant account is created in the special revenue fund. Money in the account,  
142.5 including interest earned, is appropriated to the office for the purposes specified in this  
142.6 section.

142.7 Subd. 2. **Acceptance of gifts and grants.** Notwithstanding sections 16A.013 to 16A.016,  
142.8 the office may accept money contributed by individuals and may apply for grants from  
142.9 charitable foundations to be used for the purposes identified in this section. The money  
142.10 accepted under this section must be deposited in the substance use treatment, recovery, and  
142.11 prevention grant account created under subdivision 1.

142.12 Subd. 3. **Disposition of money; grants.** (a) Money in the substance use treatment,  
142.13 recovery, and prevention grant account must be distributed as follows:

142.14 (1) at least 75 percent of the money is for grants for substance use disorder and mental  
142.15 health recovery and prevention programs. Funds must be used for recovery and prevention  
142.16 activities and supplies that assist individuals and families to initiate, stabilize, and maintain  
142.17 long-term recovery from substance use disorders and co-occurring mental health conditions.  
142.18 Recovery and prevention activities may include prevention education, school-linked  
142.19 behavioral health, school-based peer programs, peer supports, self-care and wellness,  
142.20 culturally specific healing, community public awareness, mutual aid networks, telephone  
142.21 recovery checkups, mental health warmlines, harm reduction, recovery community  
142.22 organization development, first episode psychosis programs, and recovery housing; and

142.23 (2) up to 25 percent of the money is for substance use disorder treatment programs as  
142.24 defined in chapter 245G and may be used to implement, strengthen, or expand supportive  
142.25 services and activities that are not covered by medical assistance under chapter 256B,  
142.26 MinnesotaCare under chapter 256L, or the behavioral health fund under chapter 254B.  
142.27 Services and activities may include adoption or expansion of evidence-based practices;  
142.28 competency-based training; continuing education; culturally specific and culturally responsive  
142.29 services; sober recreational activities; developing referral relationships; family preservation  
142.30 and healing; and start-up or capacity funding for programs that specialize in adolescent,  
142.31 culturally specific, culturally responsive, disability-specific, co-occurring disorder, or family  
142.32 treatment services.

142.33 (b) The office shall consult with the Governor's Advisory Council on Opioids, Substance  
142.34 Use, and Addiction; the commissioner of human services; and the commissioner of health

143.1 to develop an appropriate application process, establish grant requirements, determine what  
143.2 organizations are eligible to receive grants, and establish reporting requirements for grant  
143.3 recipients.

143.4 Subd. 4. **Reports to the legislature.** By January 15, 2024, and each January 15 thereafter,  
143.5 the office must submit a report to the chairs and ranking minority members of the committees  
143.6 of the house of representatives and the senate having jurisdiction over health and human  
143.7 services policy and finance that details grants awarded from the substance use treatment,  
143.8 recovery, and prevention grant account, including the total amount awarded, total number  
143.9 of recipients, and geographic distribution of those recipients.

143.10 Sec. 71. **[342.69] CANNABIS GROWER GRANTS.**

143.11 Subdivision 1. **Establishment.** The office, in consultation with the commissioner of  
143.12 agriculture, shall establish CanGrow, a program to award grants to (1) eligible organizations  
143.13 to help farmers navigate the regulatory structure of the legal cannabis industry, and (2)  
143.14 nonprofit corporations to fund loans to farmers for expansion into the legal cannabis industry.

143.15 Subd. 2. **Definitions.** (a) For the purposes of this section, the following terms have the  
143.16 meanings given.

143.17 (b) "Eligible organization" means any organization capable of helping farmers navigate  
143.18 the regulatory structure of the legal cannabis industry, particularly individuals facing barriers  
143.19 to education or employment, and may include educational institutions, nonprofit  
143.20 organizations, private businesses, community groups, units of local government, or  
143.21 partnerships between different types of organizations.

143.22 (c) "Industry" means the legal cannabis industry in the state of Minnesota.

143.23 (d) "Program" means the CanGrow grant program.

143.24 (e) "Social equity applicant" means a person who meets the qualification requirements  
143.25 in section 342.15.

143.26 Subd. 3. **Technical assistance grants.** (a) Grant money awarded to eligible organizations  
143.27 may be used for both developing technical assistance resources relevant to the regulatory  
143.28 structure of the legal cannabis industry and for providing such technical assistance or  
143.29 navigation services to farmers.

143.30 (b) The office must award grants to eligible organizations through a competitive grant  
143.31 process.

144.1 (c) To receive grant money, an eligible organization must submit a written application  
144.2 to the office, using a form developed by the office, explaining the organization's ability to  
144.3 assist farmers in navigating the regulatory structure of the legal cannabis industry, particularly  
144.4 farmers facing barriers to education or employment.

144.5 (d) An eligible organization's grant application must also include:

144.6 (1) a description of the proposed technical assistance or navigation services, including  
144.7 the types of farmers targeted for assistance;

144.8 (2) any evidence of the organization's past success in providing technical assistance or  
144.9 navigation services to farmers, particularly farmers who live in areas where long-term  
144.10 residents are eligible to be social equity applicants;

144.11 (3) an estimate of the cost of providing the technical assistance;

144.12 (4) the sources and amounts of any nonstate funds or in-kind contributions that will  
144.13 supplement grant money, including any amounts that farmers will be charged to receive  
144.14 assistance; and

144.15 (5) any additional information requested by the office.

144.16 (e) In awarding grants under this subdivision, the office shall give weight to applications  
144.17 from organizations that demonstrate a history of successful technical assistance or navigation  
144.18 services, particularly for farmers facing barriers to education or employment. The office  
144.19 shall also give weight to applications where the proposed technical assistance will serve  
144.20 areas where long-term residents are eligible to be social equity applicants. The office shall  
144.21 fund technical assistance to farmers throughout the state.

144.22 **Subd. 4. Loan financing grants.** (a) The CanGrow revolving loan account is established  
144.23 in the special revenue fund. Money in the account, including interest, is appropriated to the  
144.24 commissioner to make loan financing grants under the CanGrow program.

144.25 (b) The office must award grants to nonprofit corporations through a competitive grant  
144.26 process.

144.27 (c) To receive grant money, a nonprofit corporation must submit a written application  
144.28 to the office using a form developed by the office.

144.29 (d) In awarding grants under this subdivision, the office shall give weight to whether  
144.30 the nonprofit corporation:

144.31 (1) has a board of directors that includes individuals experienced in agricultural business  
144.32 development;

- 145.1 (2) has the technical skills to analyze projects;
- 145.2 (3) is familiar with other available public and private funding sources and economic  
145.3 development programs;
- 145.4 (4) can initiate and implement economic development projects;
- 145.5 (5) can establish and administer a revolving loan account; and
- 145.6 (6) has established relationships with communities where long-term residents are eligible  
145.7 to be social equity applicants.
- 145.8 The office shall make grants that will help farmers enter the legal cannabis industry  
145.9 throughout the state.
- 145.10 (e) A nonprofit corporation that receives grants under the program must:
- 145.11 (1) establish an office-certified revolving loan account for the purpose of making eligible  
145.12 loans; and
- 145.13 (2) enter into an agreement with the office that the office shall fund loans that the  
145.14 nonprofit corporation makes to farmers entering the legal cannabis industry. The office shall  
145.15 review existing agreements with nonprofit corporations every five years and may renew or  
145.16 terminate an agreement based on that review. In making this review, the office shall consider,  
145.17 among other criteria, the criteria in paragraph (d).
- 145.18 Subd. 5. **Loans to farmers.** (a) The criteria in this subdivision apply to loans made by  
145.19 nonprofit corporations under the program.
- 145.20 (b) A loan must be used to support a farmer in entering the legal cannabis industry.  
145.21 Priority must be given to loans to businesses owned by farmers who are eligible to be social  
145.22 equity applicants and businesses located in communities where long-term residents are  
145.23 eligible to be social equity applicants.
- 145.24 (c) Loans must be made to businesses that are not likely to undertake the project for  
145.25 which loans are sought without assistance from the program.
- 145.26 (d) The minimum state contribution to a loan is \$2,500 and the maximum is either:
- 145.27 (1) \$50,000; or
- 145.28 (2) \$150,000, if state contributions are matched by an equal or greater amount of new  
145.29 private investment.

146.1 (e) Loan applications given preliminary approval by the nonprofit corporation must be  
146.2 forwarded to the office for approval. The office must give final approval for each loan made  
146.3 by the nonprofit corporation under the program.

146.4 (f) If the borrower has met lender criteria, including being current with all payments for  
146.5 a minimum of three years, the office may approve either full or partial forgiveness of interest  
146.6 or principal amounts.

146.7 Subd. 6. **Revolving loan account administration.** (a) The office shall establish a  
146.8 minimum interest rate for loans or guarantees to ensure that necessary loan administration  
146.9 costs are covered. The interest rate charged by a nonprofit corporation for a loan under this  
146.10 section must not exceed the Wall Street Journal prime rate. For a loan under this section,  
146.11 the nonprofit corporation may charge a loan origination fee equal to or less than one percent  
146.12 of the loan value. The nonprofit corporation may retain the amount of the origination fee.

146.13 (b) Loan repayment of principal must be paid to the office for deposit in the CanGrow  
146.14 revolving loan account. Loan interest payments must be deposited in a revolving loan  
146.15 account created by the nonprofit corporation originating the loan being repaid for further  
146.16 distribution or use, consistent with the criteria of this section.

146.17 (c) Administrative expenses of the nonprofit corporations with whom the office enters  
146.18 into agreements, including expenses incurred by a nonprofit corporation in providing  
146.19 financial, technical, managerial, and marketing assistance to a business receiving a loan  
146.20 under this section, are eligible program expenses that the office may agree to pay under the  
146.21 grant agreement.

146.22 Subd. 7. **Program outreach.** The office shall make extensive efforts to publicize these  
146.23 grants, including through partnerships with community organizations, particularly those  
146.24 located in areas where long-term residents are eligible to be social equity applicants.

146.25 Subd. 8. **Reporting requirements.** (a) A nonprofit corporation that receives a grant  
146.26 under subdivision 4 shall:

146.27 (1) submit an annual report to the office by January 15 of each year that the nonprofit  
146.28 corporation participates in the program that includes a description of agricultural businesses  
146.29 supported by the grant program, an account of loans made during the calendar year, the  
146.30 program's impact on farmers' ability to expand into the legal cannabis industry, the source  
146.31 and amount of money collected and distributed by the program, the program's assets and  
146.32 liabilities, and an explanation of administrative expenses; and

147.1 (2) provide for an independent annual audit to be performed in accordance with generally  
147.2 accepted accounting practices and auditing standards and submit a copy of each annual  
147.3 audit report to the office.

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

147.12 **Sec. 72. [342.70] LAWFUL ACTIVITIES.**

147.13 (a) Notwithstanding any law to the contrary, the cultivation, manufacturing, possessing,  
147.14 and selling of cannabis flower, cannabis products, synthetically derived cannabinoids,  
147.15 lower-potency hemp edibles, and hemp-derived consumer products by a licensed cannabis  
147.16 business in conformity with the rights granted by a cannabis business license is lawful and  
147.17 may not be the grounds for the seizure or forfeiture of property, arrest or prosecution, or  
147.18 search or inspections except as provided by this chapter.

147.19 (b) A person acting as an agent of a licensed cannabis retailer, licensed cannabis  
147.20 microbusiness, licensed cannabis mezzobusiness, or licensed lower-potency hemp edible  
147.21 retailer who sells or otherwise transfers cannabis flower, cannabis products, lower-potency  
147.22 hemp edibles, or hemp-derived consumer products to a person under 21 years of age is not  
147.23 subject to arrest, prosecution, or forfeiture of property if the person complied with section  
147.24 342.28, subdivision 4, and any rules promulgated pursuant to this chapter.

147.25 **Sec. 73. [342.71] CIVIL ACTIONS.**

147.26 Subdivision 1. **Right of action.** A spouse, child, parent, guardian, employer, or other  
147.27 person injured in person, property, or means of support or who incurs other pecuniary loss  
147.28 by an intoxicated person or by the intoxication of another person, has a right of action in  
147.29 the person's own name for all damages sustained against a person who caused the intoxication  
147.30 of that person by illegally selling cannabis flower, cannabis products, synthetically derived  
147.31 cannabinoids, lower-potency hemp edibles, and hemp-derived consumer products. All  
147.32 damages recovered by a minor under this section must be paid either to the minor or to the  
147.33 minor's parent, guardian, or next friend as the court directs.

148.1 Subd. 2. **Actions.** All suits for damages under this section must be by civil action in a  
148.2 court of this state having jurisdiction.

148.3 Subd. 3. **Comparative negligence.** Actions under this section are governed by section  
148.4 604.01.

148.5 Subd. 4. **Defense.** It is a defense for the defendant to prove by a preponderance of the  
148.6 evidence that the defendant reasonably and in good faith relied upon representations of  
148.7 proof of age in selling, bartering, furnishing, or giving the cannabis, cannabis product,  
148.8 synthetically derived cannabinoids, lower-potency hemp edibles, and hemp-derived consumer  
148.9 products.

148.10 Subd. 5. **Common law claims.** Nothing in this chapter precludes common law tort claims  
148.11 against any person 21 years old or older who knowingly provides or furnishes cannabis  
148.12 flower, cannabis products, synthetically derived cannabinoids, lower-potency hemp edibles,  
148.13 and hemp-derived consumer products to a person under the age of 21 years.

148.14 **EFFECTIVE DATE.** This section is effective March 1, 2025.

148.15 Sec. 74. **[342.73] NUISANCE; ACTION.**

148.16 Subdivision 1. **Nuisance.** Any use of adult-use cannabis flower which is injurious to  
148.17 health, indecent or offensive to the senses, or an obstruction to the free use of property so  
148.18 as to interfere with the comfortable enjoyment of life or property is a nuisance.

148.19 Subd. 2. **Actions; landlord; association.** (a) A person who is injuriously affected or  
148.20 whose personal enjoyment is lessened by a nuisance under subdivision 1 may bring an  
148.21 action for injunctive relief and the greater of the person's actual damages or a civil penalty  
148.22 of \$250.

148.23 (b) If a landlord, as defined in section 504B.001, subdivision 7, or an association, as  
148.24 defined in section 515B.1-103, clause (4), fails to enforce the terms of a lease, governing  
148.25 document, or policy related to the use of adult-use cannabis flower on the premises or  
148.26 property, a person who is injuriously affected or whose personal enjoyment is lessened by  
148.27 a nuisance under subdivision 1 as a result of the failure to enforce the terms may bring an  
148.28 action against the landlord or association seeking injunctive relief and the greater of the  
148.29 person's actual damages or a civil penalty of \$500.

148.30 **EFFECTIVE DATE.** This section is effective July 1, 2023, and applies to causes of  
148.31 actions accruing on or after that date.

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

149.2 By January 31, 2024, the Office of Cannabis Management must submit a report to the  
149.3 chairs and ranking minority members of the legislative committees with jurisdiction over  
149.4 transportation policy and finance. At a minimum, the report must include:

149.5 (1) a description of all rules adopted that relate to traffic and transportation laws and  
149.6 cannabis transporter licensing and operations;

149.7 (2) recommendations on changes to statutes that would codify the rules; and

149.8 (3) recommendations on how to improve any aspects of this act. The recommendations  
149.9 must be developed in consultation with the commissioner of transportation, the commissioner  
149.10 of public safety, the colonel of the State Patrol, and the director of the Office of Traffic  
149.11 Safety in the Department of Public Safety.

149.12 **Sec. 76. TRANSPORTER LICENSE ESTABLISHMENT.**

149.13 When establishing the process for issuing transporter licenses and the requirements for  
149.14 obtaining a transporter license, the Office of Cannabis Management must consult with the  
149.15 Commissioner of Transportation about best practices for issuing licenses.

149.16 **Sec. 77. INITIAL APPOINTMENTS; FIRST TERMS; FIRST MEETING FOR THE**  
149.17 **CANNABIS ADVISORY COUNCIL.**

149.18 Subdivision 1. **Appointments; first terms.** Appointing authorities must make the first  
149.19 appointments to the Cannabis Advisory Council under Minnesota Statutes, section 342.03,  
149.20 by August 1, 2023. The members appointed under Minnesota Statutes, section 342.03,  
149.21 subdivision 1, paragraph (a), clauses (14) to (26) and (38), items (i) to (vi), shall serve terms  
149.22 coterminous with the governor. The members appointed under Minnesota Statutes, section  
149.23 342.03, subdivision 1, paragraph (a), clauses (27) to (37) and (38), items (vii) to (xi), shall  
149.24 serve terms that conclude the year after the end of a governor's term.

149.25 Subd. 2. **First meeting.** The director of the Office of Cannabis Management shall convene  
149.26 the first meeting of the Cannabis Advisory Council by September 15, 2023.

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

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

150.1

**ARTICLE 2**

150.2

**TAXES**

150.3 Section 1. Minnesota Statutes 2022, section 270B.12, is amended by adding a subdivision  
150.4 to read:

150.5 Subd. 4a. **Office of Cannabis Management.** The commissioner may disclose return  
150.6 information to the Office of Cannabis Management for the purpose of and to the extent  
150.7 necessary to administer section 270C.726.

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

150.9 Sec. 2. **[270C.726] POSTING OF TAX DELINQUENCY; SALE OF CANNABIS.**

150.10 Subdivision 1. **Posting; notice.** (a) Pursuant to the authority to disclose under section  
150.11 270B.12, subdivision 4a, the commissioner shall, by the 15th of each month, submit to the  
150.12 Office of Cannabis Management a list of all taxpayers subject to the tax imposed by section  
150.13 295.81 that are required to pay, withhold, or collect the tax imposed by sections 290.02,  
150.14 290.0922, 290.92, 290.9727, 290.9728, 290.9729, 295.81, or 297A.62 or local sales and  
150.15 use tax payable to the commissioner, or a local option sales and use tax administered and  
150.16 collected by the commissioner, and who are ten days or more delinquent in either filing a  
150.17 tax return or paying the tax.

150.18 (b) The commissioner is under no obligation to list a taxpayer whose business is inactive.  
150.19 At least ten days before notifying the Office of Cannabis Management, the commissioner  
150.20 shall notify the taxpayer of the intended action.

150.21 (c) The Office of Cannabis Management shall post the list required by this section on  
150.22 the Office of Cannabis Management website. The list must prominently show the date of  
150.23 posting. If a taxpayer previously listed files all returns and pays all taxes specified in this  
150.24 subdivision then due, the commissioner shall notify the Office of Cannabis Management  
150.25 within two business days.

150.26 Subd. 2. **Sales prohibited.** Beginning the third business day after the list is posted, no  
150.27 cannabis cultivator, cannabis manufacturer, cannabis microbusiness, cannabis mezzobusiness,  
150.28 cannabis wholesaler, or industrial hemp grower as defined in chapter 342 may sell or deliver  
150.29 any product to a taxpayer included on the posted list.

150.30 Subd. 3. **Penalty.** A cannabis cultivator, cannabis manufacturer, cannabis microbusiness,  
150.31 cannabis mezzobusiness, cannabis wholesaler, or industrial hemp grower as defined in

151.1 chapter 342 who violates subdivision 2 is subject to the penalties provided in sections 342.19  
151.2 and 342.21.

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

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

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

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

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

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

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

152.1 steam or hot or chilled water for heating or cooling buildings, has a classification rate as  
152.2 provided under clause (1) for the remaining market value in excess of the first tier.

152.3 (4) Real property used for raising, cultivating, processing, or storing cannabis plants,  
152.4 cannabis flower, or cannabis products for sale has a classification rate as provided under  
152.5 clause (1) for the first tier of market value and the remaining market value. As used in this  
152.6 paragraph, "cannabis plant" has the meaning given in section 342.01, subdivision 18,  
152.7 "cannabis flower" has the meaning given in section 342.01, subdivision 15, and "cannabis  
152.8 product" has the meaning given in section 342.01, subdivision 19.

152.9 **EFFECTIVE DATE.** This section is effective beginning with assessment year 2024  
152.10 and thereafter.

152.11 Sec. 4. Minnesota Statutes 2022, section 275.025, subdivision 2, is amended to read:

152.12 Subd. 2. **Commercial-industrial tax capacity.** For the purposes of this section,  
152.13 "commercial-industrial tax capacity" means the tax capacity of all taxable property classified  
152.14 as class 3 or class 5(1) under section 273.13, excluding:

152.15 (1) the tax capacity attributable to the first \$150,000 of market value of each parcel of  
152.16 commercial-industrial property as defined under section 273.13, subdivision 24, clauses (1)  
152.17 ~~and~~, (2), and (4);

152.18 (2) electric generation attached machinery under class 3; and

152.19 (3) property described in section 473.625.

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

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

153.1 Sec. 5. **[289A.33] FILING REQUIREMENTS AND DUE DATES; SPECIAL RULES.**

153.2 (a) Upon the request of any cannabis business as defined by section 342.01, subdivision  
153.3 13, required to collect and remit taxes imposed under section 295.81, chapter 290, or chapter  
153.4 297A, the commissioner shall waive the requirement that payment of tax must be made  
153.5 electronically if the failure to pay electronically is because the cannabis business is unable  
153.6 to secure banking services and the inability to secure the services is due to its engagement  
153.7 in cannabis-related business allowed under Minnesota law.

153.8 (b) If, in consultation with the commissioner of commerce, the commissioner determines  
153.9 that the inability to find banking services is widespread and enforcement of the electronic  
153.10 payment requirement will significantly impede the ability of cannabis businesses to timely  
153.11 pay taxes imposed under section 295.81, chapter 290, or chapter 297A, the commissioner  
153.12 may publish notice on the department website that waives the requirement to pay the tax  
153.13 electronically. If such notice is published, a cannabis business must file returns and pay  
153.14 taxes lawfully due in the form and manner prescribed by the commissioner.

153.15 (c) Nothing in this section relieves a cannabis business from timely filing and paying  
153.16 taxes.

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

153.18 Sec. 6. Minnesota Statutes 2022, section 290.0132, subdivision 29, is amended to read:

153.19 Subd. 29. **Disallowed section 280E expenses; ~~medical cannabis manufacturers~~**  
153.20 **licensees.** The amount of expenses of a medical cannabis ~~manufacturer~~ business, as defined  
153.21 under section ~~152.22, subdivision 7~~ 342.01, subdivision 52, related to the business of medical  
153.22 cannabis under sections ~~152.21 to 152.37~~ 342.47 to 342.59, or a license holder under chapter  
153.23 342, related to the business of nonmedical cannabis under that chapter, and not allowed for  
153.24 federal income tax purposes under section 280E of the Internal Revenue Code is a subtraction.

153.25 **EFFECTIVE DATE.** This section is effective for taxable years beginning after December  
153.26 31, 2022.

153.27 Sec. 7. Minnesota Statutes 2022, section 290.0134, subdivision 19, is amended to read:

153.28 Subd. 19. **Disallowed section 280E expenses; ~~medical cannabis manufacturers~~**  
153.29 **licensees.** The amount of expenses of a medical cannabis ~~manufacturer~~ business, as defined  
153.30 under section ~~152.22, subdivision 7~~ 342.01, subdivision 52, related to the business of medical  
153.31 cannabis under sections ~~152.21 to 152.37~~ 342.47 to 342.59, or a license holder under chapter

154.1 342, related to the business of nonmedical cannabis under that chapter, and not allowed for  
154.2 federal income tax purposes under section 280E of the Internal Revenue Code is a subtraction.

154.3 **EFFECTIVE DATE.** This section is effective for taxable years beginning after December  
154.4 31, 2022.

154.5 Sec. 8. **[295.81] CANNABIS GROSS RECEIPTS TAX.**

154.6 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have  
154.7 the meanings given.

154.8 (b) "Bundled transaction" means the retail sale of two or more products when the products  
154.9 are otherwise distinct and identifiable, and the products are sold for one nonitemized price.

154.10 (c) "Cannabis flower" has the meaning given in section 342.01, subdivision 15.

154.11 (d) "Cannabis product" has the meaning given in section 342.01, subdivision 19.

154.12 (e) "Cannabis solution product" means any cartridge, bottle, or other package that contains  
154.13 a taxable cannabis product in a solution that is consumed or meant to be consumed through  
154.14 the use of a heating element, power source, electronic circuit, or other electronic, chemical,  
154.15 or mechanical means that produces vapor or aerosol. A cannabis solution product includes  
154.16 any electronic delivery system, electronic vaping device, electronic vape pen, electronic  
154.17 oral device, electronic delivery device, or similar product or device, and any batteries,  
154.18 heating elements, or other components, parts, or accessories sold with and meant to be used  
154.19 in the consumption of a solution containing a taxable cannabis product.

154.20 (f) "Cannabis mezzobusiness" means a cannabis business licensed under section 342.31.

154.21 (g) "Cannabis microbusiness" means a cannabis business licensed under section 342.29.

154.22 (h) "Cannabis retailer" means a cannabis business licensed under section 342.27.

154.23 (i) "Commissioner" means the commissioner of revenue.

154.24 (j) "Gross receipts" means the total amount received, in money or by barter or exchange,  
154.25 for all taxable cannabis product sales at retail as measured by the sales price. Gross receipts  
154.26 include but are not limited to delivery charges and packaging costs. Gross receipts do not  
154.27 include:

154.28 (1) any taxes imposed directly on the customer that are separately stated on the invoice,  
154.29 bill of sale, or similar document given to the purchaser; and

154.30 (2) discounts, including cash, terms, or coupons, that are not reimbursed by a third party  
154.31 and that are allowed by the seller and taken by a purchaser on a sale.

155.1 (k) "Hemp-derived consumer product" has the meaning given in section 342.01,  
155.2 subdivision 35.

155.3 (l) "Lower-potency hemp edible" has the meaning given in section 342.01, subdivision  
155.4 49.

155.5 (m) "Lower-potency hemp edible retailer" means a cannabis business licensed under  
155.6 section 342.41, subdivision 1, paragraph (b), clause (1).

155.7 (n) "Medical cannabis flower" has the meaning given in section 342.01, subdivision 53.

155.8 (o) "Medical cannabinoid product" has the meaning given in section 342.01, subdivision  
155.9 51.

155.10 (p) "Medical cannabis paraphernalia" has the meaning given in section 342.01,  
155.11 subdivision 54.

155.12 (q) "Retail sale" has the meaning given in section 297A.61, subdivision 4.

155.13 (r) "Taxable cannabis product" means cannabis flower, cannabis product, cannabis  
155.14 solution product, hemp-derived consumer product, lower-potency hemp edible, and any  
155.15 substantially similar product.

155.16 (s) "Taxable cannabis product retailer" means a retailer that sells any taxable cannabis  
155.17 product and includes a cannabis retailer, cannabis microbusiness, cannabis mezzobusiness,  
155.18 and lower-potency hemp edible retailer. Taxable cannabis product retailer includes but is  
155.19 not limited to a:

155.20 (1) retailer maintaining a place of business in this state;

155.21 (2) marketplace provider maintaining a place of business in this state, as defined in  
155.22 section 297A.66, subdivision 1, paragraph (a);

155.23 (3) retailer not maintaining a place of business in this state; and

155.24 (4) marketplace provider not maintaining a place of business in this state, as defined in  
155.25 section 297A.66, subdivision 1, paragraph (b).

155.26 Subd. 2. **Gross receipts tax imposed.** (a) A tax equal to ten percent of gross receipts  
155.27 from retail sales in Minnesota of taxable cannabis products is imposed on any taxable  
155.28 cannabis product retailer that sells these products to customers. A taxable cannabis product  
155.29 retailer may but is not required to collect the tax imposed by this section from the purchaser  
155.30 as long as the tax is separately stated on the receipt, invoice, bill of sale, or similar document  
155.31 given to the purchaser.

156.1 (b) If a product subject to the tax imposed by this section is included in a bundled  
 156.2 transaction, the entire sales price of the bundled transaction is subject to the tax imposed  
 156.3 by this section.

156.4 (c) The tax imposed under this section is in addition to any other tax imposed on the  
 156.5 sale or use of taxable cannabis products.

156.6 Subd. 3. **Use tax imposed; credit for taxes paid.** (a) A person that receives taxable  
 156.7 cannabis products for use or storage in Minnesota, other than from a taxable cannabis product  
 156.8 retailer that paid the tax under subdivision 2, is subject to tax at the rate imposed under  
 156.9 subdivision 2. Liability for the tax is incurred when the person has possession of the taxable  
 156.10 cannabis product in Minnesota. The tax must be remitted to the commissioner in the same  
 156.11 manner prescribed for taxes imposed under chapter 297A.

156.12 (b) A person that has paid taxes to another state or any subdivision thereof on the same  
 156.13 transaction and is subject to tax under this section is entitled to a credit for the tax legally  
 156.14 due and paid to another state or subdivision thereof to the extent of the lesser of (1) the tax  
 156.15 actually paid to the other state or subdivision thereof, or (2) the amount of tax imposed by  
 156.16 Minnesota on the transaction subject to tax in the other state or subdivision thereof.

156.17 Subd. 4. **Exemptions.** (a) The use tax imposed under subdivision 3, paragraph (a), does  
 156.18 not apply to the possession, use, or storage of taxable cannabis products if (1) the taxable  
 156.19 cannabis products have an aggregate cost in any calendar month to the customer of \$100  
 156.20 or less and (2) the taxable cannabis products were carried into this state by the customer.

156.21 (b) The tax imposed under this section does not apply to sales of medical items purchased  
 156.22 by or for the patients enrolled in the registry program, including medical cannabis flower,  
 156.23 medical cannabinoid products, and medical cannabis paraphernalia.

156.24 (c) Unless otherwise specified in this section, the exemptions applicable to taxes imposed  
 156.25 under chapter 297A are not applicable to the taxes imposed under this section.

156.26 Subd. 5. **Tax collection required.** A taxable cannabis product retailer with nexus in  
 156.27 Minnesota, who is not subject to tax under subdivision 2, is required to collect the tax  
 156.28 imposed under subdivision 3 from the purchaser of the taxable cannabis product and give  
 156.29 the purchaser a receipt for the tax paid. The tax collected must be remitted to the  
 156.30 commissioner in the same manner prescribed for the taxes imposed under chapter 297A.

156.31 Subd. 6. **Taxes paid to another state or any subdivision thereof; credit.** A taxable  
 156.32 cannabis product retailer that has paid taxes to another state or any subdivision thereof  
 156.33 measured by gross receipts and is subject to tax under this section on the same gross receipts

157.1 is entitled to a credit for the tax legally due and paid to another state or any subdivision  
157.2 thereof to the extent of the lesser of (1) the tax actually paid to the other state or any  
157.3 subdivision thereof, or (2) the amount of tax imposed by Minnesota on the gross receipts  
157.4 subject to tax in the other taxing state or any subdivision thereof.

157.5 Subd. 7. **Sourcing of sales.** Section 297A.668 applies to the taxes imposed by this  
157.6 section.

157.7 Subd. 8. **Administration.** Unless specifically provided otherwise, the audit, assessment,  
157.8 refund, penalty, interest, enforcement, collection remedies, appeal, and administrative  
157.9 provisions of chapters 270C and 289A that are applicable to taxes imposed under chapter  
157.10 297A, except the requirement to file returns and remit taxes due electronically if the  
157.11 commissioner waives the requirement pursuant to section 289A.33, apply to the tax imposed  
157.12 under this section.

157.13 Subd. 9. **Returns; payment of tax.** (a) A taxable cannabis product retailer must report  
157.14 the tax on a return prescribed by the commissioner and must remit the tax in a form and  
157.15 manner prescribed by the commissioner. The return and the tax must be filed and paid using  
157.16 the filing cycle and due dates provided for taxes imposed under section 289A.20, subdivision  
157.17 4, and chapter 297A.

157.18 (b) Interest must be paid on an overpayment refunded or credited to the taxpayer from  
157.19 the date of payment of the tax until the date the refund is paid or credited. For purposes of  
157.20 this subdivision, the date of payment is the due date of the return or the date of actual  
157.21 payment of the tax, whichever is later.

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

157.25 (1) 75 percent to the general fund; and

157.26 (2) 25 percent to the local government cannabis aid account in the special revenue fund.

157.27 (b) The local government cannabis aid account is established in the special revenue fund.

157.28 Subd. 11. **Personal debt.** The tax imposed by this section, and interest and penalties  
157.29 imposed with respect to it, are a personal debt of the person required to file a return from  
157.30 the time that the liability for it arises, irrespective of when the time for payment of the  
157.31 liability occurs. The debt must, in the case of the executor or administrator of the estate of  
157.32 a decedent and in the case of a fiduciary, be that of the person in the person's official or  
157.33 fiduciary capacity only, unless the person has voluntarily distributed the assets held in that

158.1 capacity without reserving sufficient assets to pay the tax, interest, and penalties, in which  
158.2 event the person is personally liable for any deficiency.

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

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

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

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

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

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

158.23 (b) Sale and purchase include:

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

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

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

159.1 (d) Sale and purchase include the preparing for a consideration of food. Notwithstanding  
159.2 section 297A.67, subdivision 2, taxable food includes, but is not limited to, the following:

159.3 (1) prepared food sold by the retailer;

159.4 (2) soft drinks;

159.5 (3) candy; and

159.6 (4) dietary supplements.

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

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

159.11 (g) A sale and a purchase includes the furnishing for a consideration of the following  
159.12 services:

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

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

159.23 (3) nonresidential parking services, whether on a contractual, hourly, or other periodic  
159.24 basis, except for parking at a meter;

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

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

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

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

160.5 (5) delivery of aggregate materials by a third party, excluding delivery of aggregate  
160.6 material used in road construction; and delivery of concrete block by a third party if the  
160.7 delivery would be subject to the sales tax if provided by the seller of the concrete block.

160.8 For purposes of this clause, "road construction" means construction of:

160.9 (i) public roads;

160.10 (ii) cartways; and

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

160.13 (6) services as provided in this clause:

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

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

160.21 (iii) building and residential cleaning, maintenance, and disinfecting services and pest  
160.22 control and exterminating services;

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

160.29 (v) pet grooming services;

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

161.1 contract as defined in section 297A.68, subdivision 40; and tree trimming for public utility  
161.2 lines. Services performed under a construction contract for the installation of shrubbery,  
161.3 plants, sod, trees, bushes, and similar items are not taxable;

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

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

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

161.12 (i) A sale and a purchase includes the furnishing for a consideration of  
161.13 telecommunications services, ancillary services associated with telecommunication services,  
161.14 and pay television services. Telecommunication services include, but are not limited to, the  
161.15 following services, as defined in section 297A.669: air-to-ground radiotelephone service,  
161.16 mobile telecommunication service, postpaid calling service, prepaid calling service, prepaid  
161.17 wireless calling service, and private communication services. The services in this paragraph  
161.18 are taxed to the extent allowed under federal law.

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

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

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

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

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

162.9 **EFFECTIVE DATE.** This section is effective for sales and purchases made after June  
162.10 30, 2023.

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

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

162.28 (1) contains one or more of the following dietary ingredients:

162.29 (i) a vitamin;

162.30 (ii) a mineral;

162.31 (iii) an herb or other botanical;

162.32 (iv) an amino acid;

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

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

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

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

163.11 **EFFECTIVE DATE.** This section is effective for sales and purchases made after June  
163.12 30, 2023.

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

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

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

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

163.19 (3) insulin and medical oxygen for human use, regardless of whether prescribed or sold  
163.20 over the counter;

163.21 (4) prosthetic devices;

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

163.23 (6) mobility enhancing equipment;

163.24 (7) prescription corrective eyeglasses; and

163.25 (8) kidney dialysis equipment, including repair and replacement parts.

163.26 (b) Items purchased in transactions covered by:

163.27 (1) Medicare as defined under title XVIII of the Social Security Act, United States Code,  
163.28 title 42, section 1395, et seq.; or

163.29 (2) Medicaid as defined under title XIX of the Social Security Act, United States Code,  
163.30 title 42, section 1396, et seq.

164.1 (c) For purposes of this subdivision:

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

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

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

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

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

164.15 (i) can withstand repeated use;

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

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

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

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

164.22 (3) "Mobility enhancing equipment" means equipment, including repair and replacement  
164.23 parts, but not including durable medical equipment, that:

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

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

164.27 (iii) does not include any motor vehicle or equipment on a motor vehicle normally  
164.28 provided by a motor vehicle manufacturer.

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

165.1 ingredients contained in the compound, substance, or preparation. Over-the-counter drugs  
165.2 do not include grooming and hygiene products, regardless of whether they otherwise meet  
165.3 the definition. "Grooming and hygiene products" are soaps, cleaning solutions, shampoo,  
165.4 toothpaste, mouthwash, antiperspirants, and suntan lotions and sunscreens.

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

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

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

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

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

165.13 Prosthetic device does not include corrective eyeglasses.

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

165.15 (i) is used to remove waste products that build up in the blood when the kidneys are not  
165.16 able to do so on their own; and

165.17 (ii) can withstand repeated use, including multiple use by a single patient, notwithstanding  
165.18 the provisions of clause (2).

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

165.27 **EFFECTIVE DATE.** This section is effective for sales and purchases made after June  
165.28 30, 2023.

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

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

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

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

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

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

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

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

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

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

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

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

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

167.1 subdivision 2, and taxable cannabis products as defined under section 295.81, subdivision  
167.2 1, paragraph (q), except for lodging, prepared food, candy, soft drinks, ~~and~~ alcoholic  
167.3 beverages, and taxable cannabis products purchased directly by the United States or its  
167.4 agencies or instrumentalities; or

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

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

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

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

167.15 (2) beginning January 1, 2017, local governments means statutory or home rule charter  
167.16 cities, counties, and townships; special districts as defined under section 6.465; any  
167.17 instrumentality of a statutory or home rule charter city, county, or township as defined in  
167.18 section 471.59; and any joint powers board or organization created under section 471.59.

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

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

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

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

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

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

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

- 168.1 (iii) is an exempt organization under section 501(c) of the Internal Revenue Code; and
- 168.2 (3) an organization that qualifies for an exemption for memberships under subdivision
- 168.3 12 if the item is purchased and used in the performance of the organization's mission.
- 168.4 For purposes of this subdivision, charitable purpose includes the maintenance of a cemetery
- 168.5 owned by a religious organization.
- 168.6 (b) This exemption does not apply to the following sales:
- 168.7 (1) building, construction, or reconstruction materials purchased by a contractor or a
- 168.8 subcontractor as a part of a lump-sum contract or similar type of contract with a guaranteed
- 168.9 maximum price covering both labor and materials for use in the construction, alteration, or
- 168.10 repair of a building or facility;
- 168.11 (2) construction materials purchased by tax-exempt entities or their contractors to be
- 168.12 used in constructing buildings or facilities that will not be used principally by the tax-exempt
- 168.13 entities;
- 168.14 (3) lodging as defined under section 297A.61, subdivision 3, paragraph (g), clause (2),
- 168.15 ~~and~~ prepared food, candy, soft drinks, taxable cannabis product as defined under section
- 168.16 295.81, subdivision 1, paragraph (q), and alcoholic beverages as defined in section 297A.67,
- 168.17 subdivision 2, except wine purchased by an established religious organization for sacramental
- 168.18 purposes or as allowed under subdivision 9a; and
- 168.19 (4) leasing of a motor vehicle as defined in section 297B.01, subdivision 11, except as
- 168.20 provided in paragraph (c).
- 168.21 (c) This exemption applies to the leasing of a motor vehicle as defined in section 297B.01,
- 168.22 subdivision 11, only if the vehicle is:
- 168.23 (1) a truck, as defined in section 168.002, a bus, as defined in section 168.002, or a
- 168.24 passenger automobile, as defined in section 168.002, if the automobile is designed and used
- 168.25 for carrying more than nine persons including the driver; and
- 168.26 (2) intended to be used primarily to transport tangible personal property or individuals,
- 168.27 other than employees, to whom the organization provides service in performing its charitable,
- 168.28 religious, or educational purpose.
- 168.29 (d) A limited liability company also qualifies for exemption under this subdivision if
- 168.30 (1) it consists of a sole member that would qualify for the exemption, and (2) the items
- 168.31 purchased qualify for the exemption.

169.1 **EFFECTIVE DATE.** This section is effective for sales and purchases made after June  
169.2 30, 2023.

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

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

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

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

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

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

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

169.21 (3) lodging as defined under section 297A.61, subdivision 3, paragraph (g), clause (2),  
169.22 ~~and~~ prepared food, candy, soft drinks, and alcoholic beverages as defined in section 297A.67,  
169.23 subdivision 2, and taxable cannabis products as defined under section 295.81, subdivision  
169.24 1, paragraph (q); and

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

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

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

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

170.3 **EFFECTIVE DATE.** This section is effective for sales and purchases made after June  
170.4 30, 2023.

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

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

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

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

170.9 (2) the permit holder has not reported any sales or use tax liability on the permit holder's  
170.10 returns for at least two years;

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

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

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

170.15 (6) the permit holder is a taxable cannabis product retailer as defined in section 295.81,  
170.16 subdivision 1, paragraph (r), other than a lower-potency hemp edible retailer as licensed  
170.17 under section 342.43, subdivision 1, and its license to sell a taxable cannabis product as  
170.18 defined in section 295.81, subdivision 1, paragraph (q), has been revoked by the Office of  
170.19 Cannabis Management.

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

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

170.22 **297D.01 DEFINITIONS.**

170.23 Subdivision 1. ~~Marijuana~~ **Illegal cannabis.** ~~"Marijuana"~~ "Illegal cannabis" means any  
170.24 ~~marijuana~~ taxable cannabis product as defined in section 295.81, subdivision 1, paragraph  
170.25 (q), whether real or counterfeit, as defined in section 152.01, subdivision 9, that is held,  
170.26 possessed, transported, transferred, sold, or offered to be sold in violation of chapter 342  
170.27 or Minnesota criminal laws.

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

171.1 transported, transferred, sold, or offered to be sold in violation of Minnesota laws. "Controlled  
171.2 substance" does not include ~~marijuana~~ illegal cannabis.

171.3 Subd. 3. **Tax obligor or obligor.** "Tax obligor" or "obligor" means a person who in  
171.4 violation of Minnesota law manufactures, produces, ships, transports, or imports into  
171.5 Minnesota or in any manner acquires or possesses more than 42-1/2 grams of ~~marijuana~~  
171.6 illegal cannabis, or seven or more grams of any controlled substance, or ten or more dosage  
171.7 units of any controlled substance which is not sold by weight. A quantity of ~~marijuana~~ illegal  
171.8 cannabis or other controlled substance is measured by the weight of the substance whether  
171.9 pure or impure or dilute, or by dosage units when the substance is not sold by weight, in  
171.10 the tax obligor's possession. A quantity of a controlled substance is dilute if it consists of a  
171.11 detectable quantity of pure controlled substance and any excipients or fillers.

171.12 Subd. 4. **Commissioner.** "Commissioner" means the commissioner of revenue.

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

171.14 Sec. 18. Minnesota Statutes 2022, section 297D.04, is amended to read:

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

171.16 No tax obligor may possess any ~~marijuana~~ illegal cannabis or controlled substance upon  
171.17 which a tax is imposed by section 297D.08 unless the tax has been paid on the ~~marijuana~~  
171.18 illegal cannabis or ~~other~~ a controlled substance as evidenced by a stamp or other official  
171.19 indicia.

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

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

171.22 **297D.06 PHARMACEUTICALS.**

171.23 Nothing in this chapter requires persons registered under chapter 151 or otherwise  
171.24 lawfully in possession of ~~marijuana~~ illegal cannabis or a controlled substance to pay the tax  
171.25 required under this chapter.

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

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

171.28 **297D.07 MEASUREMENT.**

171.29 For the purpose of calculating the tax under section 297D.08, a quantity of ~~marijuana~~  
171.30 illegal cannabis or ~~other~~ a controlled substance is measured by the weight of the substance

172.1 whether pure or impure or dilute, or by dosage units when the substance is not sold by  
172.2 weight, in the tax obligor's possession. A quantity of a controlled substance is dilute if it  
172.3 consists of a detectable quantity of pure controlled substance and any excipients or fillers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

173.3 Official stamps, labels, or other indicia to be affixed to all ~~marijuana~~ illegal cannabis or  
173.4 controlled substances shall be purchased from the commissioner. The purchaser shall pay  
173.5 100 percent of face value for each stamp, label, or other indicia at the time of the purchase.

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

173.7 Sec. 25. Minnesota Statutes 2022, section 297D.11, is amended to read:

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

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

173.15 Subd. 2. **Payable on possession.** Taxes imposed upon ~~marijuana~~ illegal cannabis or  
173.16 controlled substances by this chapter are due and payable immediately upon acquisition or  
173.17 possession in this state by a tax obligor.

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

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

173.20 Subdivision 1. **Certification to commissioner of revenue.** (a) By July 15, 2024, and  
173.21 annually thereafter, the commissioner of management and budget must certify to the  
173.22 commissioner of revenue the balance of the local government cannabis aid account in the  
173.23 special revenue fund at the close of the previous fiscal year.

173.24 (b) By June 1, 2024, and annually thereafter, the director of the office of cannabis  
173.25 management under section 342.02 must certify to the commissioner of revenue the number  
173.26 of cannabis businesses, as defined under section 342.01, subdivision 13, licensed under  
173.27 chapter 342 as of the previous January 1, disaggregated by county and city.

173.28 Subd. 2. **Aid to counties.** (a) Beginning for aid payable in 2024, the amount available  
173.29 for aid to counties under this subdivision equals 50 percent of the amount certified in that  
173.30 year to the commissioner under subdivision 1, paragraph (a).

174.1 (b) Twenty percent of the amount under paragraph (a) must be distributed equally among  
174.2 all counties.

174.3 (c) Eighty percent of the amount under paragraph (a) must be distributed proportionally  
174.4 to each county according to the number of cannabis businesses located in the county as  
174.5 compared to the number of cannabis businesses in all counties as of the most recent  
174.6 certification under subdivision 1, paragraph (b).

174.7 Subd. 3. **Aid to cities.** (a) Beginning for aid payable in 2024, the amount available for  
174.8 aid to cities under this subdivision equals 50 percent of the amount certified in that year to  
174.9 the commissioner under subdivision 1, paragraph (a).

174.10 (b) The amount under paragraph (a) must be distributed proportionally to each city  
174.11 according to the number of cannabis businesses located in the city as compared to the number  
174.12 of cannabis businesses in all cities as of the most recent certification under subdivision 1,  
174.13 paragraph (b).

174.14 Subd. 4. **Payment.** The commissioner of revenue must compute the amount of aid  
174.15 payable to each county and city under this section. On or before August 1 of each year, the  
174.16 commissioner must certify the amount to be paid to each county and city in that year. The  
174.17 commissioner must pay the full amount of the aid on December 26 annually.

174.18 Subd. 5. **Appropriation.** Beginning in fiscal year 2025 and annually thereafter, the  
174.19 amount in the local government cannabis aid account in the special revenue fund is annually  
174.20 appropriated to the commissioner of revenue to make the aid payments required under this  
174.21 section.

174.22 **EFFECTIVE DATE.** This section is effective July 1, 2023.

174.23 **ARTICLE 3**

174.24 **BUSINESS DEVELOPMENT**

174.25 Section 1. **[116J.659] CANNABIS INDUSTRY STARTUP FINANCING GRANTS.**

174.26 Subdivision 1. **Establishment.** The commissioner of employment and economic  
174.27 development shall establish CanStartup, a program to award grants to nonprofit corporations  
174.28 to fund loans to new businesses in the legal cannabis industry and to support job creation  
174.29 in communities where long-term residents are eligible to be social equity applicants.

174.30 Subd. 2. **Definitions.** (a) For the purposes of this section, the following terms have the  
174.31 meanings given.

174.32 (b) "Commissioner" means the commissioner of employment and economic development.

- 175.1 (c) "Industry" means the legal cannabis industry in the state of Minnesota.
- 175.2 (d) "New business" means a legal cannabis business that has been in existence for three  
175.3 years or less.
- 175.4 (e) "Program" means the CanStartup grant program.
- 175.5 (f) "Social equity applicant" means a person who meets the qualification requirements  
175.6 in section 342.15.
- 175.7 Subd. 3. Grants. (a) The CanStartup revolving loan account is established in the special  
175.8 revenue fund. Money in the account, including interest, is appropriated to the commissioner  
175.9 to make grants under the CanStartup program.
- 175.10 (b) The commissioner must award grants to nonprofit corporations through a competitive  
175.11 grant process.
- 175.12 (c) To receive grant money, a nonprofit corporation must submit a written application  
175.13 to the commissioner using a form developed by the commissioner.
- 175.14 (d) In awarding grants under this subdivision, the commissioner shall give weight to  
175.15 whether the nonprofit corporation:
- 175.16 (1) has a board of directors that includes citizens experienced in business and community  
175.17 development, new business enterprises, and creating jobs for people facing barriers to  
175.18 education or employment;
- 175.19 (2) has the technical skills to analyze projects;
- 175.20 (3) is familiar with other available public and private funding sources and economic  
175.21 development programs;
- 175.22 (4) can initiate and implement economic development projects;
- 175.23 (5) can establish and administer a revolving loan account;
- 175.24 (6) can work with job referral networks that assist people facing barriers to education  
175.25 or employment; and
- 175.26 (7) has established relationships with communities where long-term residents are eligible  
175.27 to be social equity applicants.
- 175.28 The commissioner shall make grants that will assist a broad range of businesses in the legal  
175.29 cannabis industry, including the processing and retail sectors.
- 175.30 (e) A nonprofit corporation that receives a grant under the program must:

176.1 (1) establish a commissioner-certified revolving loan account for the purpose of making  
176.2 eligible loans; and

176.3 (2) enter into an agreement with the commissioner that the commissioner shall fund  
176.4 loans that the nonprofit corporation makes to new businesses in the legal cannabis industry.  
176.5 The commissioner shall review existing agreements with nonprofit corporations every five  
176.6 years and may renew or terminate an agreement based on that review. In making this review,  
176.7 the commissioner shall consider, among other criteria, the criteria in paragraph (d).

176.8 Subd. 4. **Loans to businesses.** (a) The criteria in this subdivision apply to loans made  
176.9 by nonprofit corporations under the program.

176.10 (b) Loans must be used to support a new business in the legal cannabis industry. Priority  
176.11 must be given to loans to businesses owned by individuals who are eligible to be social  
176.12 equity applicants and businesses located in communities where long-term residents are  
176.13 eligible to be social equity applicants.

176.14 (c) Loans must be made to businesses that are not likely to undertake the project for  
176.15 which loans are sought without assistance from the program.

176.16 (d) The minimum state contribution to a loan is \$2,500 and the maximum is either:

176.17 (1) \$50,000; or

176.18 (2) \$150,000, if state contributions are matched by an equal or greater amount of new  
176.19 private investment.

176.20 (e) Loan applications given preliminary approval by the nonprofit corporation must be  
176.21 forwarded to the commissioner for approval. The commissioner must give final approval  
176.22 for each loan made by the nonprofit corporation under the program.

176.23 (f) A business that receives a loan may apply to renew the loan. Renewal applications  
176.24 must be made on an annual basis and a business may receive loans for up to six consecutive  
176.25 years. A nonprofit corporation may renew a loan to a business that is no longer a new  
176.26 business provided the business would otherwise qualify for an initial loan and is in good  
176.27 standing with the nonprofit corporation and the commissioner. A nonprofit corporation may  
176.28 adjust the amount of a renewed loan, or not renew a loan, if the nonprofit corporation  
176.29 determines that the business is financially stable and is substantially likely to continue the  
176.30 project for which the loan renewal is sought.

176.31 (g) If a borrower has met lender criteria, including being current with all payments for  
176.32 a minimum of three years, the commissioner may approve either full or partial forgiveness  
176.33 of interest or principal amounts.

177.1 Subd. 5. **Revolving loan account administration.** (a) The commissioner shall establish  
177.2 a minimum interest rate for loans or guarantees to ensure that necessary loan administration  
177.3 costs are covered. The interest rate charged by a nonprofit corporation for a loan under this  
177.4 section must not exceed the Wall Street Journal prime rate. For a loan under this section,  
177.5 the nonprofit corporation may charge a loan origination fee equal to or less than one percent  
177.6 of the loan value. The nonprofit corporation may retain the amount of the origination fee.

177.7 (b) Loan repayment of principal must be paid to the commissioner for deposit in the  
177.8 CanStartup revolving loan account. Loan interest payments must be deposited in a revolving  
177.9 loan account created by the nonprofit corporation originating the loan being repaid for  
177.10 further distribution or use, consistent with the criteria of this section.

177.11 (c) Administrative expenses of the nonprofit corporations with whom the commissioner  
177.12 enters into agreements, including expenses incurred by a nonprofit corporation in providing  
177.13 financial, technical, managerial, and marketing assistance to a business receiving a loan  
177.14 under this section, are eligible program expenses the commissioner may agree to pay under  
177.15 the grant agreement.

177.16 Subd. 6. **Program outreach.** The commissioner shall make extensive efforts to publicize  
177.17 this program, including through partnerships with community organizations, particularly  
177.18 those organizations located in areas where long-term residents are eligible to be social equity  
177.19 applicants.

177.20 Subd. 7. **Reporting requirements.** (a) A nonprofit corporation that receives a grant  
177.21 shall:

177.22 (1) submit an annual report to the commissioner by February 1 of each year that the  
177.23 nonprofit corporation participates in the program that includes a description of businesses  
177.24 supported by the grant program, an account of loans made during the calendar year, the  
177.25 program's impact on business creation and job creation, particularly in communities where  
177.26 long-term residents are eligible to be social equity applicants, the source and amount of  
177.27 money collected and distributed by the program, the program's assets and liabilities, and an  
177.28 explanation of administrative expenses; and

177.29 (2) provide for an independent annual audit to be performed in accordance with generally  
177.30 accepted accounting practices and auditing standards and submit a copy of each annual  
177.31 audit report to the commissioner.

177.32 (b) By March 1, 2024, and each March 1 thereafter, the commissioner must submit a  
177.33 report to the chairs and ranking minority members of the committees of the house of  
177.34 representatives and the senate having jurisdiction over economic development that details

178.1 awards given through the CanStartup program and the use of grant money, including any  
178.2 measures of success toward financing new businesses in the legal cannabis industry and  
178.3 creating jobs in communities where long-term residents are eligible to be social equity  
178.4 applicants.

178.5 **Sec. 2. [116J.6595] CANNABIS INDUSTRY NAVIGATION GRANTS.**

178.6 **Subdivision 1. Establishment.** The commissioner of employment and economic  
178.7 development shall establish CanNavigate, a program to award grants to eligible organizations  
178.8 to help individuals navigate the regulatory structure of the legal cannabis industry.

178.9 **Subd. 2. Definitions.** (a) For the purposes of this section, the following terms have the  
178.10 meanings given.

178.11 (b) "Commissioner" means the commissioner of employment and economic development.

178.12 (c) "Eligible organization" means any organization capable of helping individuals navigate  
178.13 the regulatory structure of the legal cannabis industry, particularly individuals facing barriers  
178.14 to education or employment, and may include educational institutions, nonprofit  
178.15 organizations, private businesses, community groups, units of local government, or  
178.16 partnerships between different types of organizations.

178.17 (d) "Industry" means the legal cannabis industry in the state of Minnesota.

178.18 (e) "Program" means the CanNavigate grant program.

178.19 (f) "Social equity applicant" means a person who meets the qualification requirements  
178.20 in section 342.15.

178.21 **Subd. 3. Grants to organizations.** (a) Grant money awarded to eligible organizations  
178.22 may be used for both developing technical assistance resources relevant to the regulatory  
178.23 structure of the legal cannabis industry and for providing technical assistance or navigation  
178.24 services to individuals.

178.25 (b) The commissioner must award grants to eligible organizations through a competitive  
178.26 grant process.

178.27 (c) To receive grant money, an eligible organization must submit a written application  
178.28 to the commissioner, using a form developed by the commissioner, explaining the  
178.29 organization's ability to assist individuals in navigating the regulatory structure of the legal  
178.30 cannabis industry, particularly individuals facing barriers to education or employment.

178.31 (d) An eligible organization's grant application must also include:

179.1 (1) a description of the proposed technical assistance or navigation services, including  
179.2 the types of individuals targeted for assistance;

179.3 (2) any evidence of the organization's past success in providing technical assistance or  
179.4 navigation services to individuals, particularly individuals who live in areas where long-term  
179.5 residents are eligible to be social equity applicants;

179.6 (3) an estimate of the cost of providing the technical assistance;

179.7 (4) the sources and amounts of any nonstate money or in-kind contributions that will  
179.8 supplement grant money, including any amounts that individuals will be charged to receive  
179.9 assistance; and

179.10 (5) any additional information requested by the commissioner.

179.11 (e) In awarding grants under this subdivision, the commissioner shall give weight to  
179.12 applications from organizations that demonstrate a history of successful technical assistance  
179.13 or navigation services, particularly for individuals facing barriers to education or employment.

179.14 The commissioner shall also give weight to applications where the proposed technical  
179.15 assistance will serve areas where long-term residents are eligible to be social equity  
179.16 applicants. To the extent practicable, the commissioner shall fund technical assistance for  
179.17 a variety of sectors in the legal cannabis industry, including both processing and retail  
179.18 sectors.

179.19 Subd. 4. **Program outreach.** The commissioner shall make extensive efforts to publicize  
179.20 these grants, including through partnerships with community organizations, particularly  
179.21 those organizations located in areas where long-term residents are eligible to be social equity  
179.22 applicants.

179.23 Subd. 5. **Reports to the legislature.** By January 15, 2024, and each January 15 thereafter,  
179.24 the commissioner must submit a report to the chairs and ranking minority members of the  
179.25 committees of the house of representatives and the senate having jurisdiction over economic  
179.26 development that details awards given through the CanNavigate program and the use of  
179.27 grant money, including any measures of success toward helping individuals navigate the  
179.28 regulatory structure of the legal cannabis industry.

179.29 Sec. 3. **[116L.90] CANNABIS INDUSTRY TRAINING GRANTS.**

179.30 Subdivision 1. **Establishment.** The commissioner of employment and economic  
179.31 development shall establish CanTrain, a program to award grants to (1) eligible organizations  
179.32 to train people for work in the legal cannabis industry, and (2) eligible individuals to acquire  
179.33 such training.

180.1 Subd. 2. Definitions. (a) For the purposes of this section, the following terms have the  
180.2 meanings given.

180.3 (b) "Commissioner" means the commissioner of employment and economic development.

180.4 (c) "Eligible organization" means any organization capable of providing training relevant  
180.5 to the legal cannabis industry, particularly for individuals facing barriers to education or  
180.6 employment, and may include educational institutions, nonprofit organizations, private  
180.7 businesses, community groups, units of local government, or partnerships between different  
180.8 types of organizations.

180.9 (d) "Eligible individual" means a Minnesota resident who is 21 years old or older.

180.10 (e) "Industry" means the legal cannabis industry in Minnesota.

180.11 (f) "Program" means the CanTrain grant program.

180.12 (g) "Social equity applicant" means a person who meets the qualification requirements  
180.13 in section 342.15.

180.14 Subd. 3. Grants to organizations. (a) Grant money awarded to eligible organizations  
180.15 may be used for both developing a training program relevant to the legal cannabis industry  
180.16 and for providing such training to individuals.

180.17 (b) The commissioner must award grants to eligible organizations through a competitive  
180.18 grant process.

180.19 (c) To receive grant money, an eligible organization must submit a written application  
180.20 to the commissioner, using a form developed by the commissioner, explaining the  
180.21 organization's ability to train individuals for successful careers in the legal cannabis industry,  
180.22 particularly individuals facing barriers to education or employment.

180.23 (d) An eligible organization's grant application must also include:

180.24 (1) a description of the proposed training;

180.25 (2) an analysis of the degree of demand in the legal cannabis industry for the skills gained  
180.26 through the proposed training;

180.27 (3) any evidence of the organization's past success in training individuals for successful  
180.28 careers, particularly in new or emerging industries;

180.29 (4) an estimate of the cost of providing the proposed training;

181.1 (5) the sources and amounts of any nonstate funds or in-kind contributions that will  
181.2 supplement grant money, including any amounts that individuals will be charged to  
181.3 participate in the training; and

181.4 (6) any additional information requested by the commissioner.

181.5 (e) In awarding grants under this subdivision, the commissioner shall give weight to  
181.6 applications from organizations that demonstrate a history of successful career training,  
181.7 particularly for individuals facing barriers to education or employment. The commissioner  
181.8 shall also give weight to applications where the proposed training will:

181.9 (1) result in an industry-relevant credential; or

181.10 (2) include opportunities for hands-on or on-site experience in the industry.

181.11 The commissioner shall fund training for a broad range of careers in the legal cannabis  
181.12 industry, including both potential business owners and employees and for work in the  
181.13 growing, processing, and retail sectors of the legal cannabis industry.

181.14 Subd. 4. Grants to individuals. (a) The commissioner shall award grants of up to  
181.15 \$20,000 to eligible individuals to pursue a training program relevant to a career in the legal  
181.16 cannabis industry.

181.17 (b) To receive grant money, an eligible individual must submit a written application to  
181.18 the commissioner, using a form developed by the commissioner, identifying a training  
181.19 program relevant to the legal cannabis industry and the estimated cost of completing that  
181.20 training. The application must also indicate whether:

181.21 (1) the applicant is eligible to be a social equity applicant;

181.22 (2) the proposed training program results in an industry-relevant credential; and

181.23 (3) the proposed training program includes opportunities for hands-on or on-site  
181.24 experience in the industry.

181.25 The commissioner shall attempt to make the application process simple for individuals to  
181.26 complete, such as by publishing lists of industry-relevant training programs along with the  
181.27 training program's estimated cost of completing the training programs and whether the  
181.28 training programs will result in an industry-relevant credential or include opportunities for  
181.29 hands-on or on-site experience in the legal cannabis industry.

181.30 (c) The commissioner must award grants to eligible individuals through a lottery process.  
181.31 Applicants who have filed complete applications by the deadline set by the commissioner  
181.32 shall receive one entry in the lottery, plus one additional entry for each of the following:

182.1 (1) being eligible to be a social equity applicant;

182.2 (2) seeking to enroll in a training program that results in an industry-relevant credential;

182.3 and

182.4 (3) seeking to enroll in a training program that includes opportunities for hands-on or

182.5 on-site experience in the industry.

182.6 (d) Grant money awarded to eligible individuals shall be used to pay the costs of enrolling

182.7 in a training program relevant to the legal cannabis industry, including tuition, fees, and

182.8 materials costs. Grant money may also be used to remove external barriers to attending such

182.9 a training program, such as the cost of child care, transportation, or other expenses approved

182.10 by the commissioner.

182.11 Subd. 5. **Program outreach.** The commissioner shall make extensive efforts to publicize

182.12 these grants, including through partnerships with community organizations, particularly

182.13 those organizations located in areas where long-term residents are eligible to be social equity

182.14 applicants.

182.15 Subd. 6. **Reports to the legislature.** By January 15, 2024, and each January 15 thereafter,

182.16 the commissioner must submit a report to the chairs and ranking minority members of the

182.17 committees of the house of representatives and the senate having jurisdiction over workforce

182.18 development that describes awards given through the CanTrain program and the use of

182.19 grant money, including any measures of success toward training people for successful

182.20 careers in the legal cannabis industry.

182.21

## ARTICLE 4

182.22

### CRIMINAL PENALTIES

182.23 Section 1. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision

182.24 to read:

182.25 Subd. 25. **Cannabis product.** "Cannabis product" has the meaning given in section

182.26 342.01, subdivision 19.

182.27 Sec. 2. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to

182.28 read:

182.29 Subd. 26. **Cannabis concentrate.** "Cannabis concentrate" has the meaning given in

182.30 section 342.01, subdivision 14.

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

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

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

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

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

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

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

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

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

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

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

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

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

183.27 (ii) the offense involves two aggravating factors;

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

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

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

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

184.9 (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may  
184.10 not be considered in measuring the weight of a mixture except in cases where the mixture  
184.11 contains four or more fluid ounces of fluid.

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

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

184.15 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in the  
184.16 second degree if:

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

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

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

184.26 (ii) the offense involves three aggravating factors;

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

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

185.1 ~~(5) on one or more occasions within a 90-day period the person unlawfully sells one or~~  
185.2 ~~more mixtures of a total weight of ten kilograms or more containing marijuana or~~  
185.3 ~~Tetrahydrocannabinols;~~

185.4 ~~(6)~~ (5) the person unlawfully sells any amount of a Schedule I or II narcotic drug to a  
185.5 person under the age of 18, or conspires with or employs a person under the age of 18 to  
185.6 unlawfully sell the substance; or

185.7 ~~(7)~~ (6) the person unlawfully sells any of the following in a school zone, a park zone, a  
185.8 public housing zone, or a drug treatment facility:

185.9 (i) any amount of a Schedule I or II narcotic drug, lysergic acid diethylamide (LSD),  
185.10 3,4-methylenedioxy amphetamine, or 3,4-methylenedioxymethamphetamine; or

185.11 (ii) one or more mixtures containing methamphetamine or amphetamine; or

185.12 ~~(iii) one or more mixtures of a total weight of five kilograms or more containing marijuana~~  
185.13 ~~or Tetrahydrocannabinols.~~

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

185.16 Sec. 9. Minnesota Statutes 2022, section 152.022, subdivision 2, is amended to read:

185.17 Subd. 2. **Possession crimes.** (a) A person is guilty of controlled substance crime in the  
185.18 second degree if:

185.19 (1) the person unlawfully possesses one or more mixtures of a total weight of 25 grams  
185.20 or more containing cocaine or methamphetamine;

185.21 (2) the person unlawfully possesses one or more mixtures of a total weight of ten grams  
185.22 or more containing cocaine or methamphetamine and:

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

185.26 (ii) the offense involves three aggravating factors;

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

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

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

186.4 (6) the person unlawfully possesses one or more mixtures of a total weight of 25  
186.5 kilograms or more containing marijuana or Tetrahydrocannabinols, ~~or possesses 100 or~~  
186.6 ~~more marijuana plants.~~

186.7 (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may  
186.8 not be considered in measuring the weight of a mixture except in cases where the mixture  
186.9 contains four or more fluid ounces of fluid.

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

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

186.13 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in the third  
186.14 degree if:

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

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

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

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

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

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

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

187.2 Subd. 2. **Possession crimes.** (a) A person is guilty of controlled substance crime in the  
187.3 third degree if:

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

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

187.9 (3) on one or more occasions within a 90-day period the person unlawfully possesses  
187.10 one or more mixtures containing a narcotic drug, it is packaged in dosage units, and equals  
187.11 50 or more dosage units;

187.12 (4) on one or more occasions within a 90-day period the person unlawfully possesses  
187.13 any amount of a schedule I or II narcotic drug or five or more dosage units of lysergic acid  
187.14 diethylamide (LSD), 3,4-methylenedioxy amphetamine, or  
187.15 3,4-methylenedioxymethamphetamine in a school zone, a park zone, a public housing zone,  
187.16 or a drug treatment facility;

187.17 (5) on one or more occasions within a 90-day period the person unlawfully possesses  
187.18 ~~one or more mixtures of a total weight of ten kilograms or more containing marijuana or~~  
187.19 ~~Tetrahydrocannabinols;~~

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

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

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

187.23 or

187.24 (6) the person unlawfully possesses one or more mixtures containing methamphetamine  
187.25 or amphetamine in a school zone, a park zone, a public housing zone, or a drug treatment  
187.26 facility.

187.27 (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may  
187.28 not be considered in measuring the weight of a mixture except in cases where the mixture  
187.29 contains four or more fluid ounces of fluid.

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

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

188.2 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in the fourth  
188.3 degree if:

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

188.6 (2) the person unlawfully sells one or more mixtures containing a controlled substance  
188.7 classified in Schedule IV or V to a person under the age of 18; or

188.8 (3) the person conspires with or employs a person under the age of 18 to unlawfully sell  
188.9 a controlled substance classified in Schedule IV or V; ~~or.~~

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

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

188.15 Sec. 13. Minnesota Statutes 2022, section 152.025, subdivision 1, is amended to read:

188.16 Subdivision 1. **Sale crimes.** A person is guilty of a controlled substance crime in the  
188.17 fifth degree and upon conviction may be sentenced as provided in subdivision 4 if:

188.18 ~~(1) the person unlawfully sells one or more mixtures containing marijuana or~~  
188.19 ~~tetrahydrocannabinols, except a small amount of marijuana for no remuneration; or~~

188.20 ~~(2) the person unlawfully sells one or more mixtures containing a controlled substance~~  
188.21 ~~classified in Schedule IV.~~

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

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

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

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

189.1 (2) the person procures, attempts to procure, possesses, or has control over a controlled  
189.2 substance by any of the following means:

189.3 (i) fraud, deceit, misrepresentation, or subterfuge;

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

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

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

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

189.12 Subdivision 1. **Possession of cannabis in the first degree.** A person is guilty of cannabis  
189.13 possession in the first degree and may be sentenced to imprisonment of not more than five  
189.14 years or to payment of a fine of not more than \$10,000, or both, if the person unlawfully  
189.15 possesses any of the following:

189.16 (1) more than two pounds but not more than ten kilograms of cannabis flower in any  
189.17 place other than the person's residence;

189.18 (2) more than two pounds but not more than ten kilograms of cannabis flower derived  
189.19 from sources other than the home cultivation of cannabis plants authorized in section 342.09,  
189.20 subdivision 2, in the person's residence;

189.21 (3) more than five pounds but not more than ten kilograms of cannabis flower, regardless  
189.22 of the cannabis' source, in the person's residence;

189.23 (4) more than 160 grams but not more than two kilograms of cannabis concentrate; or

189.24 (5) edible cannabis products infused with more than 16 grams but not more than 200  
189.25 grams of tetrahydrocannabinol.

189.26 Subd. 2. **Possession of cannabis in the second degree.** A person is guilty of cannabis  
189.27 possession in the second degree and may be sentenced to imprisonment of not more than  
189.28 one year or to payment of a fine of not more than \$3,000, or both, if the person unlawfully  
189.29 possesses any of the following:

189.30 (1) more than one pound but not more than two pounds of cannabis flower in any place  
189.31 other than the person's residence;

190.1 (2) more than 80 grams but not more than 160 grams of cannabis concentrate; or

190.2 (3) edible cannabis products infused with more than eight grams but not more than 16  
190.3 grams of tetrahydrocannabinol.

190.4 Subd. 3. Possession of cannabis in the third degree. A person is guilty of cannabis  
190.5 possession in the third degree and may be sentenced to imprisonment of not more than 90  
190.6 days or to payment of a fine of not more than \$1,000, or both, if the person unlawfully  
190.7 possesses any of the following:

190.8 (1) more than four ounces but not more than one pound of cannabis flower in any place  
190.9 other than the person's residence;

190.10 (2) more than 16 grams but not more than 80 grams of cannabis concentrate; or

190.11 (3) edible cannabis products infused with more than 1,600 milligrams but not more than  
190.12 eight grams of tetrahydrocannabinol.

190.13 Subd. 4. Possession of cannabis in the fourth degree. A person is guilty of a petty  
190.14 misdemeanor if the person unlawfully possesses any of the following:

190.15 (1) more than two ounces but not more than four ounces of cannabis flower in any place  
190.16 other than the person's residence;

190.17 (2) more than eight grams but not more than 16 grams of cannabis concentrate; or

190.18 (3) edible cannabis products infused with more than 800 milligrams but not more than  
190.19 1,600 milligrams of tetrahydrocannabinol.

190.20 Subd. 5. Use of cannabis in a motor vehicle. (a) A person is guilty of a crime and may  
190.21 be sentenced to imprisonment of not more than 90 days or to payment of a fine of not more  
190.22 than \$1,000, or both, if the person unlawfully uses cannabis flower or cannabis products  
190.23 while driving, operating, or being in physical control of any motor vehicle, as defined in  
190.24 section 169A.03, subdivision 15.

190.25 (b) The State Patrol must increase enforcement of this subdivision annually on April  
190.26 20. Other law enforcement agencies are encouraged to increase enforcement of this  
190.27 subdivision annually on April 20.

190.28 Subd. 6. Use of cannabis in public. A local unit of government may adopt an ordinance  
190.29 establishing a petty misdemeanor offense for a person who unlawfully uses cannabis flower  
190.30 or cannabis products in a public place provided that the definition of public place does not  
190.31 include the following:

190.32 (1) a private residence, including the person's curtilage or yard;

191.1 (2) private property not generally accessible by the public, unless the person is explicitly  
191.2 prohibited from consuming cannabis flower or cannabis products on the property by the  
191.3 owner of the property; or

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

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

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

191.8 Subdivision 1. **Sale of cannabis in the first degree.** A person is guilty of the sale of  
191.9 cannabis in the first degree and may be sentenced to imprisonment of not more than five  
191.10 years or to payment of a fine of not more than \$10,000, or both, if the person unlawfully  
191.11 sells more than two ounces of cannabis flower, more than eight grams of cannabis  
191.12 concentrate, or edible cannabis products infused with more than 800 milligrams of  
191.13 tetrahydrocannabinol:

191.14 (1) to a minor and the defendant is an adult who is more than 36 months older than the  
191.15 minor;

191.16 (2) within ten years of two or more convictions for the unlawful sale of more than two  
191.17 ounces of cannabis flower, more than eight grams of cannabis concentrate, or edible cannabis  
191.18 products infused with more than 800 milligrams of tetrahydrocannabinol; or

191.19 (3) within ten years of a conviction under this subdivision.

191.20 Subd. 2. **Sale of cannabis in the second degree.** A person is guilty of sale of cannabis  
191.21 in the second degree and may be sentenced to imprisonment of not more than one year or  
191.22 to payment of a fine of not more than \$3,000, or both, if the person unlawfully sells more  
191.23 than two ounces of cannabis flower, more than eight grams of cannabis concentrate, or  
191.24 edible cannabis products infused with more than 800 milligrams of tetrahydrocannabinol:

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

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

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

192.1 Subd. 3. Sale of cannabis in the third degree. A person is guilty of sale of cannabis in  
192.2 the third degree and may be sentenced to imprisonment of not more than 90 days or to  
192.3 payment of a fine of not more than \$1,000, or both, if the person unlawfully sells:

192.4 (1) more than two ounces of cannabis flower;

192.5 (2) more than eight grams of cannabis concentrate; or

192.6 (3) edible cannabis products infused with more than 800 milligrams of  
192.7 tetrahydrocannabinol.

192.8 Subd. 4. Sale of cannabis in the fourth degree. (a) A person is guilty of a petty  
192.9 misdemeanor if the person unlawfully sells:

192.10 (1) not more than two ounces of cannabis flower;

192.11 (2) not more than eight grams of cannabis concentrate; or

192.12 (3) edible cannabis products infused with not more than 800 milligrams of  
192.13 tetrahydrocannabinol.

192.14 (b) A sale for no remuneration by an individual over the age of 21 to another individual  
192.15 over the age of 21 is not an unlawful sale under this subdivision.

192.16 Subd. 5. Sale of cannabis by a minor. (a) A minor is guilty of a petty misdemeanor if:

192.17 (1) the minor unlawfully sells cannabis flower, cannabis concentrate, or cannabis  
192.18 products; and

192.19 (2) the minor has not previously received a petty misdemeanor disposition or been  
192.20 adjudicated delinquent for committing an act in violation of this section.

192.21 (b) A minor sentenced under this subdivision is required to participate in a drug education  
192.22 program unless the court enters a written finding that a drug education program is  
192.23 inappropriate. The program must be approved by an area mental health board with a  
192.24 curriculum approved by the state alcohol and drug abuse authority.

192.25 (c) A minor who receives a disposition pursuant to this subdivision is required to perform  
192.26 community service.

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

193.1 Sec. 17. [152.0265] CANNABIS CULTIVATION CRIMES.

193.2 Subdivision 1. Cultivation of cannabis in the first degree. A person is guilty of  
193.3 cultivation of cannabis in the first degree and may be sentenced to imprisonment of not  
193.4 more than five years or to payment of a fine of not more than \$10,000, or both, if the person  
193.5 unlawfully cultivates more than 23 cannabis plants.

193.6 Subd. 2. Cultivation of cannabis in the second degree. A person is guilty of cultivation  
193.7 of cannabis in the second degree and may be sentenced to imprisonment of not more than  
193.8 one year or to payment of a fine of not more than \$3,000, or both, if the person unlawfully  
193.9 cultivates more than 16 cannabis plants but not more than 23 cannabis plants.

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

193.12 Sec. 18. [169A.36] OPEN PACKAGE LAW.

193.13 Subdivision 1. Definitions. As used in this section:

193.14 (1) "synthetically derived cannabinoid" has the meaning given in section 342.01,  
193.15 subdivision 67;

193.16 (2) "cannabis product" has the meaning given in section 342.01, subdivision 2;

193.17 (3) "cannabis flower" has the meaning given in section 342.01, subdivision 16;

193.18 (4) "motor vehicle" does not include motorboats in operation or off-road recreational  
193.19 vehicles except while operated on a roadway or shoulder of a roadway that is not part of a  
193.20 grant-in-aid trail or trail designated for that vehicle by the commissioner of natural resources;  
193.21 and

193.22 (5) "possession" means either that the person had actual possession of the package or  
193.23 that the person consciously exercised dominion and control over the package.

193.24 Subd. 2. Use; crime described. It is a crime for a person to use cannabis flower, a  
193.25 cannabis product, or any product containing a synthetically derived cannabinoid in a motor  
193.26 vehicle when the vehicle is on a street or highway.

193.27 Subd. 3. Possession; crime described. It is a crime for a person to have in possession,  
193.28 while in a private motor vehicle on a street or highway, any cannabis flower, a cannabis  
193.29 product, or any product containing a synthetically derived cannabinoid that:

193.30 (1) is in packaging or another container that does not comply with the relevant packaging  
193.31 requirements in chapter 152 or 342;

194.1 (2) has been removed from the packaging in which it was sold;

194.2 (3) is in packaging that has been opened or the seal has been broken; or

194.3 (4) is in packaging of which the contents have been partially removed.

194.4 Subd. 4. **Liability of nonpresent owner; crime described.** It is a crime for the owner  
194.5 of any private motor vehicle or the driver, if the owner is not present in the motor vehicle,  
194.6 to keep or allow to be kept in a motor vehicle when the vehicle is on a street or highway  
194.7 cannabis flower, a cannabis product, or any product containing a synthetically derived  
194.8 cannabinoid that:

194.9 (1) is in packaging or another container that does not comply with the relevant packaging  
194.10 requirements in chapter 152 or 342;

194.11 (2) has been removed from the packaging in which it was sold;

194.12 (3) is in packaging that has been opened or the seal has been broken; or

194.13 (4) is in packaging of which the contents have been partially removed.

194.14 Subd. 5. **Criminal penalty.** A person who violates subdivision 2, 3, or 4 is guilty of a  
194.15 misdemeanor.

194.16 Subd. 6. **Exceptions.** (a) This section does not prohibit the possession or consumption  
194.17 of cannabis flower, a cannabis product, or any other product containing a synthetically  
194.18 derived cannabinoid by passengers in:

194.19 (1) a bus that is operated by a motor carrier of passengers as defined in section 221.012,  
194.20 subdivision 26;

194.21 (2) a vehicle that is operated for commercial purposes in a manner similar to a bicycle  
194.22 as defined in section 169.011, subdivision 4, with five or more passengers who provide  
194.23 pedal power to the drive train of the vehicle; or

194.24 (3) a vehicle providing limousine service as defined in section 221.84, subdivision 1.

194.25 (b) Subdivisions 3 and 4 do not apply to: (1) a package that is in the trunk of the vehicle  
194.26 if the vehicle is equipped with a trunk; or (2) a package that is in another area of the vehicle  
194.27 not normally occupied by the driver and passengers if the vehicle is not equipped with a  
194.28 trunk. A utility compartment or glove compartment is deemed to be within the area occupied  
194.29 by the driver and passengers.

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

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

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

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

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

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

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

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

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

195.29 (e) The court may prohibit a defendant from using adult-use cannabis flower as defined  
195.30 in section 342.01, subdivision 4, or adult-use cannabis products as defined in section 342.01,  
195.31 subdivision 2, if the defendant undergoes a chemical use assessment and abstinence is  
195.32 consistent with a recommended level of care for the defendant in accordance with the criteria  
195.33 in rules adopted by the commissioner of human services under section 254A.03, subdivision

196.1 3. The assessment must be conducted by an assessor qualified under rules adopted by the  
196.2 commissioner of human services under section 254A.03, subdivision 3. An assessor providing  
196.3 a chemical use assessment may not have any direct or shared financial interest or referral  
196.4 relationship resulting in shared financial gain with a treatment provider, except as authorized  
196.5 under section 254A.19, subdivision 3. If an independent assessor is not available, the  
196.6 probation officer may use the services of an assessor authorized to perform assessments for  
196.7 the county social services agency under a variance granted under rules adopted by the  
196.8 commissioner of human services under section 254A.03, subdivision 3.

196.9 (f) A court shall not impose an intermediate sanction that has the effect of prohibiting  
196.10 a person from participating in the registry program as defined in section 342.01, subdivision  
196.11 63.

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

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

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

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

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

196.21 Subdivision 1. **Property subject to administrative forfeiture.** (a) The following are  
196.22 subject to administrative forfeiture under this section:

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

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

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

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

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

197.3 (ii) on or in proximity to a person from whom a felony amount of controlled substance  
197.4 is seized; or

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

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

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

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

197.15 (2) the appropriate agency records the serial number or otherwise marks the money for  
197.16 identification.

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

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

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

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

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

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

198.1 owners or cultivators are unknown, or that are wild growths, may be seized and summarily  
198.2 forfeited to the state. The appropriate agency or its authorized agent may seize the plants if  
198.3 the person in occupancy or in control of land or premises where the plants are growing or  
198.4 being stored fails to produce an appropriate registration or proof that the person is the holder  
198.5 of appropriate registration.

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

198.8 Sec. 23. DWI CONTROLLED SUBSTANCE ROADSIDE TESTING INSTRUMENT  
198.9 PILOT PROJECT; REPORT REQUIRED.

198.10 (a) The commissioner of public safety must design, plan, and implement a pilot project  
198.11 to study oral fluid roadside testing instruments to determine the presence of a controlled  
198.12 substance or intoxicating substance in individuals stopped or arrested for driving while  
198.13 impaired offenses. The pilot project must determine the practicality, accuracy, and efficacy  
198.14 of these testing instruments and determine and make recommendations on the best instrument  
198.15 or instruments to pursue in the future.

198.16 (b) The pilot project must begin on September 1, 2023, and continue until August 31,  
198.17 2024.

198.18 (c) The commissioner must consult with law enforcement officials, prosecutors, criminal  
198.19 defense attorneys, and other interested and knowledgeable parties when designing,  
198.20 implementing, and evaluating the pilot project.

198.21 (d) All oral fluid samples obtained for the purpose of this pilot project must be obtained  
198.22 by a certified drug recognition evaluator and may only be collected with the express voluntary  
198.23 consent of the person stopped or arrested for suspicion of driving while impaired. Results  
198.24 of tests conducted under the pilot project are to be used for the purpose of analyzing the  
198.25 practicality, accuracy, and efficacy of the instrument. Results may not be used to decide  
198.26 whether an arrest should be made and are not admissible in any legal proceeding.

198.27 (e) By February 1, 2025, the commissioner must report to the chairs and ranking minority  
198.28 members of the legislative committees with jurisdiction over public safety on the results of  
198.29 the pilot project. At a minimum, the report must include information on how accurate the  
198.30 instruments were when tested against laboratory results, how often participants were found  
198.31 to have controlled substances or intoxicating substances in their systems, how often there  
198.32 was commingling of controlled substances or intoxicating substances with alcohol, the types  
198.33 of controlled substances or intoxicating substances found in participants' systems and which

199.1 types were most common, and the number of participants in the project. In addition, the  
199.2 report must assess the practicality and reliability of using the instruments in the field and  
199.3 make recommendations on continuing the project permanently.

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

199.5 **ARTICLE 5**  
199.6 **EXPUNGEMENT**

199.7 Section 1. Minnesota Statutes 2022, section 152.18, subdivision 1, is amended to read:

199.8 Subdivision 1. **Deferring prosecution for certain first time drug offenders.** (a) A  
199.9 court may defer prosecution as provided in paragraph (c) for any person found guilty, after  
199.10 trial or upon a plea of guilty, of a violation of section 152.023, subdivision 2, 152.024,  
199.11 subdivision 2, 152.025, subdivision 2, or 152.027, subdivision 2, 3, 4, or 6, paragraph (d),  
199.12 for possession of a controlled substance, who:

199.13 (1) has not previously participated in or completed a diversion program authorized under  
199.14 section 401.065;

199.15 (2) has not previously been placed on probation without a judgment of guilty and  
199.16 thereafter been discharged from probation under this section; and

199.17 (3) has not been convicted of a felony violation of this chapter, including a felony-level  
199.18 attempt or conspiracy, or been convicted by the United States or another state of a similar  
199.19 offense that would have been a felony under this chapter if committed in Minnesota, unless  
199.20 ten years have elapsed since discharge from sentence.

199.21 (b) The court must defer prosecution as provided in paragraph (c) for any person found  
199.22 guilty of a violation of section 152.025, subdivision 2, who:

199.23 (1) meets the criteria listed in paragraph (a), clauses (1) to (3); and

199.24 (2) has not previously been convicted of a felony offense under any state or federal law  
199.25 or of a gross misdemeanor under section 152.025.

199.26 (c) In granting relief under this section, the court shall, without entering a judgment of  
199.27 guilty and with the consent of the person, defer further proceedings and place the person  
199.28 on probation upon such reasonable conditions as it may require and for a period, not to  
199.29 exceed the maximum sentence provided for the violation. The court may give the person  
199.30 the opportunity to attend and participate in an appropriate program of education regarding  
199.31 the nature and effects of alcohol and drug abuse as a stipulation of probation. Upon violation  
199.32 of a condition of the probation, the court may enter an adjudication of guilt and proceed as

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

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

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

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

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

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

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

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

201.6 (1) sealing the record; and

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

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

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

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

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

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

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

201.20 (5) aggravating or mitigating factors relating to the underlying crime, including the  
201.21 petitioner's level of participation and context and circumstances of the underlying crime;

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

201.24 (7) the petitioner's criminal record;

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

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

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

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

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

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

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

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

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

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

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

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

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

202.28 (1) upon the dismissal and discharge of proceedings against a person under section  
202.29 152.18, subdivision 1, for violation of section 152.024, 152.025, or 152.027 for possession  
202.30 of marijuana or tetrahydrocannabinols;

203.1 (2) if the person was convicted of or received a stayed sentence for a violation of section  
203.2 152.027, subdivision 3 or 4;

203.3 (3) if the person was arrested for possession of marijuana or tetrahydrocannabinols and  
203.4 all charges were dismissed after a case was filed, unless the dismissal was based on a finding  
203.5 that the defendant was incompetent to proceed; or

203.6 (4) if all pending actions or proceedings involving the possession of marijuana or  
203.7 tetrahydrocannabinols were resolved in favor of the person.

203.8 (b) For purposes of this section:

203.9 (1) a verdict of not guilty by reason of mental illness is not a resolution in favor of the  
203.10 person; and

203.11 (2) an action or proceeding is resolved in favor of the person if the person received an  
203.12 order under section 590.11 determining that the person is eligible for compensation based  
203.13 on exoneration.

203.14 Subd. 2. **Bureau of Criminal Apprehension to identify eligible individuals.** (a) The  
203.15 Bureau of Criminal Apprehension shall identify bureau records that qualify for expungement  
203.16 pursuant to subdivision 1.

203.17 (b) The Bureau of Criminal Apprehension shall notify the judicial branch of:

203.18 (1) the name and date of birth of each person whose case is eligible for an order of  
203.19 expungement; and

203.20 (2) the court file number of the eligible case.

203.21 Subd. 3. **Expungement relief; notification requirements.** (a) The Bureau of Criminal  
203.22 Apprehension shall grant expungement relief to each qualifying person and seal the bureau's  
203.23 records without requiring an application, petition, or motion. The bureau shall seal records  
203.24 related to an expungement within 60 days after the bureau sent notice of the expungement  
203.25 to the judicial branch pursuant to subdivision 2, paragraph (b), unless an order of the judicial  
203.26 branch prohibits sealing the records or additional information establishes that the records  
203.27 are not eligible for expungement.

203.28 (b) Nonpublic criminal records maintained by the bureau and subject to a grant of  
203.29 expungement relief must display a notation stating "expungement relief granted pursuant  
203.30 to section 609A.05."

203.31 (c) The bureau shall inform the judicial branch of all cases that are granted expungement  
203.32 relief pursuant to this section. The bureau may notify the judicial branch using electronic

204.1 means and may notify the judicial branch immediately or in a monthly report. Upon receiving  
204.2 notice of an expungement, the judicial branch shall seal all related records, including records  
204.3 of the person's arrest, indictment, trial, verdict, and dismissal or discharge of the case. Upon  
204.4 receiving notice of an expungement, the judicial branch shall issue any order necessary to  
204.5 seal related records.

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

204.17 (e) Data on a person whose offense has been expunged under this subdivision, including  
204.18 any notice sent pursuant to paragraph (d), are private data on individuals as defined in section  
204.19 13.02, subdivision 12.

204.20 (f) In any subsequent prosecution of a person with a prior expunged criminal record, a  
204.21 prosecutor may include the person's expunged criminal record in a complaint or other  
204.22 charging document if permitted by applicable law and the rules of criminal procedure.

204.23 (g) The subject whose record qualifies for expungement shall be given access to copies  
204.24 of the records of arrest, conviction, or incarceration for any purposes, including immigration  
204.25 purposes.

204.26 (h) Relief granted under this subdivision shall not impact the ability of a petitioner to  
204.27 file for relief under section 590.01.

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

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

204.31 **Subdivision 1. Cannabis Expungement Board.** (a) The Cannabis Expungement Board  
204.32 is created with the powers and duties established by law.

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

- 205.1 (1) the chief justice of the supreme court or a designee;
- 205.2 (2) the attorney general or a designee;
- 205.3 (3) one public defender, appointed by the governor upon recommendation of the state
- 205.4 public defender;
- 205.5 (4) the commissioner of one department of the state government as defined in section
- 205.6 15.01, appointed by the governor; and
- 205.7 (5) one public member with experience as an advocate for victim's rights, appointed by
- 205.8 the governor.
- 205.9 (c) The Cannabis Expungement Board shall have the following powers and duties:
- 205.10 (1) to obtain and review the records, including but not limited to all matters, files,
- 205.11 documents, and papers incident to the arrest, indictment, information, trial, appeal, or
- 205.12 dismissal and discharge, which relate to a charge for possession of a controlled substance;
- 205.13 (2) to determine whether a person committed an act involving the possession of cannabis
- 205.14 flower or cannabis products that would either be a lesser offense or no longer be a crime
- 205.15 after August 1, 2023;
- 205.16 (3) to determine whether a person's conviction should be vacated, charges should be
- 205.17 dismissed, and records should be expunged, or whether the person should be resentenced
- 205.18 to a lesser offense; and
- 205.19 (4) to notify the judicial branch of individuals eligible for an expungement or resentencing
- 205.20 to a lesser offense.
- 205.21 (d) The Cannabis Expungement Board shall complete the board's work by June 30, 2028.
- 205.22 Subd. 2. **Eligibility; possession of cannabis.** (a) A person is eligible for an expungement
- 205.23 or resentencing to a lesser offense if:
- 205.24 (1) the person was convicted of, or adjudication was stayed for, a violation of any of the
- 205.25 following involving the possession of marijuana or tetrahydrocannabinols:
- 205.26 (i) section 152.021, subdivision 2, clause (6);
- 205.27 (ii) section 152.022, subdivision 2, clause (6);
- 205.28 (iii) section 152.023, subdivision 2, clause (5); or
- 205.29 (iv) section 152.025, subdivision 2, clause (1).

206.1 (2) the offense did not involve a dangerous weapon, the intentional infliction of bodily  
206.2 harm on another, an attempt to inflict bodily harm on another, or an act committed with the  
206.3 intent to cause fear in another of immediate bodily harm or death;

206.4 (3) the act on which the charge was based would either be a lesser offense or no longer  
206.5 be a crime after August 1, 2023; and

206.6 (4) the person did not appeal the sentence, any appeal was denied, or the deadline to file  
206.7 an appeal has expired.

206.8 (b) For purposes of this subdivision, a "lesser offense" means a nonfelony offense if the  
206.9 person was charged with a felony.

206.10 Subd. 3. **Bureau of Criminal Apprehension to identify eligible records.** (a) The  
206.11 Bureau of Criminal Apprehension shall identify convictions and sentences where adjudication  
206.12 was stayed that qualify for review under subdivision 2, paragraph (a), clause (1).

206.13 (b) The Bureau of Criminal Apprehension shall notify the Cannabis Expungement Board  
206.14 of:

206.15 (1) the name and date of birth of a person whose record is eligible for review; and

206.16 (2) the court file number of the eligible conviction or stay of adjudication.

206.17 Subd. 4. **Access to records.** The Cannabis Expungement Board shall have free access  
206.18 to records, including but not limited to all matters, files, documents, and papers incident to  
206.19 the arrest, indictment, information, trial, appeal, or dismissal and discharge that relate to a  
206.20 charge and conviction or stay of adjudication for possession of a controlled substance held  
206.21 by law enforcement agencies, prosecuting authorities, and court administrators. The Cannabis  
206.22 Expungement Board may issue subpoenas for and compel the production of books, records,  
206.23 accounts, documents, and papers. If any person fails or refuses to produce any books, records,  
206.24 accounts, documents, or papers material in the matter under consideration after having been  
206.25 lawfully required by order or subpoena, any judge of the district court in any county of the  
206.26 state where the order or subpoena was made returnable, on application of the commissioner  
206.27 of management and budget or commissioner of administration, as the case may be, shall  
206.28 compel obedience or punish disobedience as for contempt, as in the case of disobedience  
206.29 of a similar order or subpoena issued by such court.

206.30 Subd. 5. **Meetings; anonymous identifier.** (a) The Cannabis Expungement Board shall  
206.31 hold meetings at least monthly and shall hold a meeting whenever the board takes formal  
206.32 action on a review of a conviction or stay of adjudication for an offense involving the

207.1 possession of marijuana or tetrahydrocannabinols. All board meetings shall be open to the  
207.2 public and subject to chapter 13D.

207.3 (b) Any victim of a crime being reviewed and any law enforcement agency may submit  
207.4 an oral or written statement at the meeting, giving a recommendation on whether a person's  
207.5 record should be expunged or the person should be resentenced to a lesser offense. The  
207.6 board must consider the victim's and the law enforcement agency's statement when making  
207.7 the board's decision.

207.8 (c) Section 13D.05 governs the board's treatment of not public data, as defined by section  
207.9 13.02, subdivision 8a, discussed at open meetings of the board. Notwithstanding section  
207.10 13.03, subdivision 11, the board shall assign an anonymous, unique identifier to each victim  
207.11 of a crime and person whose conviction or stay of adjudication the board reviews. The  
207.12 identifier shall be used in any discussion in a meeting open to the public and on any records  
207.13 available to the public to protect the identity of the person whose records are being  
207.14 considered.

207.15 Subd. 6. **Review and determination.** (a) The Cannabis Expungement Board shall review  
207.16 all available records to determine whether the conviction or stay of adjudication is eligible  
207.17 for an expungement or resentencing to a lesser offense. An expungement under this section  
207.18 is presumed to be in the public interest unless there is clear and convincing evidence that  
207.19 an expungement or resentencing to a lesser offense would create a risk to public safety.

207.20 (b) If the Cannabis Expungement Board determines that an expungement is in the public  
207.21 interest, the board shall determine whether a person's conviction should be vacated and  
207.22 charges should be dismissed.

207.23 (c) If the Cannabis Expungement Board determines that an expungement is in the public  
207.24 interest, the board shall determine whether the limitations under section 609A.03, subdivision  
207.25 5a, apply.

207.26 (d) If the Cannabis Expungement Board determines that an expungement is in the public  
207.27 interest, the board shall determine whether the limitations under section 609A.03, subdivision  
207.28 7a, paragraph (b), clause (4) or (5), apply.

207.29 (e) If the Cannabis Expungement Board determines that an expungement is not in the  
207.30 public interest, the board shall determine whether the person is eligible for resentencing to  
207.31 a lesser offense.

207.32 (f) In making a determination under this subdivision, the Cannabis Expungement Board  
207.33 shall consider:

208.1 (1) the nature and severity of the underlying crime, including but not limited to the total  
208.2 amount of marijuana or tetrahydrocannabinols possessed by the person and whether the  
208.3 offense involved a dangerous weapon, the intentional infliction of bodily harm on another,  
208.4 an attempt to inflict bodily harm on another, or an act committed with the intent to cause  
208.5 fear in another of immediate bodily harm or death;

208.6 (2) whether an expungement or resentencing the person a lesser offense would increase  
208.7 the risk, if any, the person poses to other individuals or society;

208.8 (3) if the person is under sentence, whether an expungement or resentencing to a lesser  
208.9 offense would result in the release of the person and whether release earlier than the date  
208.10 that the person would be released under the sentence currently being served would present  
208.11 a danger to the public or would be compatible with the welfare of society;

208.12 (4) aggravating or mitigating factors relating to the underlying crime, including the  
208.13 person's level of participation and the context and circumstances of the underlying crime;

208.14 (5) statements from victims and law enforcement, if any;

208.15 (6) if an expungement or resentencing the person to a lesser offense is considered,  
208.16 whether there is good cause to restore the person's right to possess firearms and ammunition;

208.17 (7) if an expungement is considered, whether an expunged record of a conviction or stay  
208.18 of adjudication may be opened for purposes of a background study under section 245C.08;

208.19 (8) if an expungement is considered, whether an expunged record of a conviction or stay  
208.20 of adjudication may be opened for purposes of a background check required under section  
208.21 122A.18, subdivision 8; and

208.22 (9) other factors deemed relevant by the Cannabis Expungement Board.

208.23 (g) The affirmative vote of three members is required for action taken at any meeting.

208.24 Subd. 7. **Notice to judicial branch and offenders.** (a) The Cannabis Expungement  
208.25 Board shall identify any conviction or stay of adjudication that qualifies for an order of  
208.26 expungement or resentencing to a lesser offense and notify the judicial branch of:

208.27 (1) the name and date of birth of a person whose conviction or stay of adjudication is  
208.28 eligible for an order of expungement or resentencing to a lesser offense;

208.29 (2) the case number of the eligible conviction or stay of adjudication;

208.30 (3) whether the person is eligible for an expungement;

209.1 (4) if the person is eligible for an expungement, whether the person's conviction should  
209.2 be vacated and charges should be dismissed;

209.3 (5) if the person is eligible for an expungement, whether the limitations under section  
209.4 609A.03, subdivision 7a, clause (4) or (5), apply; and

209.5 (6) if the person is eligible for resentencing to a lesser offense, the lesser sentence to be  
209.6 imposed.

209.7 (b) The Cannabis Expungement Board shall make a reasonable and good faith effort to  
209.8 notify any person whose conviction or stay of adjudication qualifies for an order of  
209.9 expungement that the offense qualifies and notice is being sent to the judicial branch. Notice  
209.10 sent pursuant to this paragraph shall inform the person that, following the order of  
209.11 expungement, any records of an arrest, conviction, or incarceration should not appear on  
209.12 any background check or study.

209.13 Subd. 8. **Data classification.** All data collected, created, received, maintained, or  
209.14 disseminated by the Cannabis Expungement Board in which each victim of a crime and  
209.15 person whose conviction or stay of adjudication that the Cannabis Expungement Board  
209.16 reviews is or can be identified as the subject of the data is classified as private data on  
209.17 individuals, as defined by section 13.02, subdivision 12.

209.18 Subd. 9. **Order of expungement.** (a) Upon receiving notice that an offense qualifies  
209.19 for expungement, the court shall issue an order sealing all records relating to an arrest,  
209.20 indictment or information, trial, verdict, or dismissal and discharge for an offense described  
209.21 in subdivision 1. If the Cannabis Expungement Board determined that the person's conviction  
209.22 should be vacated and charges should be dismissed, the order shall vacate and dismiss the  
209.23 charges.

209.24 (b) If the Cannabis Expungement Board determined that there is good cause to restore  
209.25 the person's right to possess firearms and ammunition, the court shall issue an order pursuant  
209.26 to section 609.165, subdivision 1d.

209.27 (c) If the Cannabis Expungement Board determined that an expunged record of a  
209.28 conviction or stay of adjudication may not be opened for purposes of a background study  
209.29 under section 245C.08, the court shall direct the order specifically to the commissioner of  
209.30 human services.

209.31 (d) If the Cannabis Expungement Board determined that an expunged record of a  
209.32 conviction or stay of adjudication may not be opened for purposes of a background check

210.1 required under section 122A.18, subdivision 8, the court shall direct the order specifically  
210.2 to the Professional Educator Licensing and Standards Board.

210.3 (e) The court administrator shall send a copy of an expungement order issued under this  
210.4 section to each agency and jurisdiction whose records are affected by the terms of the order  
210.5 and send a letter to the last known address of the person whose offense has been expunged  
210.6 identifying each agency to which the order was sent.

210.7 (f) Data on the person whose offense has been expunged in a letter sent under this  
210.8 subdivision are private data on individuals as defined in section 13.02.

210.9 Subd. 10. Resentencing. (a) If the Cannabis Expungement Board determined that a  
210.10 person is eligible for resentencing to a lesser offense and the person is currently under  
210.11 sentence, the court shall proceed as if the appellate court directed a reduction of the conviction  
210.12 to an offense of lesser degree pursuant to rule 28.02, subdivision 12 of the Rules of Criminal  
210.13 Procedure.

210.14 (b) If the Cannabis Expungement Board determined that a person is eligible for  
210.15 resentencing to a lesser offense and the person completed or has been discharged from the  
210.16 sentence, the court may issue an order amending the conviction to an offense of lesser degree  
210.17 without holding a hearing.

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

210.19 Sec. 7. **[609A.07] RESTORATION OF FIREARMS RIGHTS.**

210.20 Any person who is prohibited from possessing a firearm or ammunition based on a prior  
210.21 adjudication or conviction for a cannabis-related offense who receives an expungement or  
210.22 other relief under section 609A.05 or 609A.06 shall have their right to possess firearms and  
210.23 ammunition restored if the person is otherwise eligible to possess the item.

## ARTICLE 6

### MISCELLANEOUS PROVISIONS

210.26 Section 1. **[3.9224] MEDICAL CANNABIS; COMPACTS TO BE NEGOTIATED.**

210.27 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the  
210.28 meanings given.

210.29 (b) "Indian Tribe" means a Tribe, band, nation, or other federally recognized group or  
210.30 community of Indians located within the geographical boundaries of the state of Minnesota.

211.1 (c) "Medical cannabinoid product" has the meaning given in section 342.01, subdivision  
211.2 51.

211.3 (d) "Medical cannabis flower" has the meaning given in section 342.01, subdivision 53.

211.4 Subd. 2. **Negotiations authorized.** Following a public hearing, the governor or the  
211.5 governor's designated representatives are authorized to negotiate in good faith a compact  
211.6 with an Indian Tribe regulating medical cannabis flower and medical cannabinoid products.  
211.7 The attorney general is the legal counsel for the governor or the governor's representatives  
211.8 in regard to negotiating a compact under this section. If the governor appoints designees to  
211.9 negotiate under this subdivision, the designees must include at least two members of the  
211.10 senate and two members of the house of representatives, two of whom must be the chairs  
211.11 of the senate and house of representatives standing committees with jurisdiction over health  
211.12 policy.

211.13 Subd. 3. **Terms of compact; rights of parties.** (a) A compact agreed to under this  
211.14 section may address any issues related to medical cannabis flower and medical cannabinoid  
211.15 products that affect the interests of both the state and Indian Tribe or otherwise have an  
211.16 impact on Tribal-state relations. At a minimum, a compact agreed to on behalf of the state  
211.17 under this section must address:

211.18 (1) the enforcement of criminal and civil laws;

211.19 (2) the regulation of the commercial production, processing, sale or distribution, and  
211.20 possession of medical cannabis flower and medical cannabinoid products;

211.21 (3) medical and pharmaceutical research involving medical cannabis flower and medical  
211.22 cannabinoid products;

211.23 (4) the taxation of medical cannabis flower and medical cannabinoid products, including  
211.24 establishing an appropriate amount and method of revenue sharing;

211.25 (5) the immunities of an Indian Tribe or preemption of state law regarding the production,  
211.26 processing, or sale or distribution of medical cannabis flower and medical cannabinoid  
211.27 products; and

211.28 (6) the method of resolution for disputes involving the compact, including the use of  
211.29 mediation or other alternative dispute resolution processes and procedures.

211.30 (b) In addressing the issues identified under paragraph (a), the governor or the governor's  
211.31 designated representatives shall only enter into agreements that:

211.32 (1) provide for the preservation of public health and safety;

212.1 (2) ensure the security of production, processing, retail, and research facilities on Tribal  
212.2 land; and

212.3 (3) establish provisions regulating business involving medical cannabis flower and  
212.4 medical cannabinoid products that pass between Tribal land and non-Tribal land in the state.

212.5 Subd. 4. **Assessments and charges.** Notwithstanding any law to the contrary, any  
212.6 compact agreed to under this section shall establish all taxes, fees, assessments, and other  
212.7 charges related to the production, processing, sale or distribution, and possession of medical  
212.8 cannabis flower and medical cannabinoid products.

212.9 Subd. 5. **Civil and criminal immunities.** The following acts, when performed by a  
212.10 validly licensed medical cannabis retailer or an employee of a medical cannabis retailer  
212.11 operated by an Indian Tribe pursuant to a compact entered into under this section, do not  
212.12 constitute a criminal or civil offense under state law:

212.13 (1) the cultivation of cannabis flower, as defined in section 342.01, subdivision 15;

212.14 (2) the possession, purchase, and receipt of medical cannabis flower and medical  
212.15 cannabinoid products that are properly packaged and labeled as authorized under a compact  
212.16 entered into pursuant to this section; and

212.17 (3) the delivery, distribution, and sale of medical cannabis flower and medical cannabinoid  
212.18 products as authorized under a compact entered into pursuant to this section and that takes  
212.19 place on the premises of a medical cannabis retailer on Tribal land to any person 21 years  
212.20 of age or older.

212.21 Subd. 6. **Publication; report.** (a) The governor shall post any compact entered into  
212.22 under this section on a publicly accessible website.

212.23 (b) The governor, the attorney general, and the governor's designated representatives  
212.24 shall report to the legislative committees having jurisdiction over health, taxation, and  
212.25 commerce annually. This report shall contain information on compacts negotiated and an  
212.26 outline of prospective negotiations.

212.27 Sec. 2. **[3.9228] ADULT-USE CANNABIS; COMPACTS TO BE NEGOTIATED.**

212.28 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the  
212.29 meanings given.

212.30 (b) "Indian Tribe" means a Tribe, band, nation, or other federally recognized group or  
212.31 community of Indians located within the geographical boundaries of the state of Minnesota.

213.1 (c) "Adult-use cannabis product" has the meaning given in section 342.01, subdivision  
213.2 4.

213.3 (d) "Adult-use cannabis flower" has the meaning given in section 342.01, subdivision  
213.4 3.

213.5 Subd. 2. **Negotiations authorized.** Following a public hearing, the governor or the  
213.6 governor's designated representatives are authorized to negotiate in good faith a compact  
213.7 with an Indian Tribe regulating adult-use cannabis flower and adult-use cannabis products.  
213.8 The attorney general is the legal counsel for the governor or the governor's representatives  
213.9 in regard to negotiating a compact under this section. If the governor appoints designees to  
213.10 negotiate under this subdivision, the designees must include at least two members of the  
213.11 senate and two members of the house of representatives, two of whom must be the chairs  
213.12 of the senate and house of representatives standing committees with jurisdiction over health  
213.13 policy.

213.14 Subd. 3. **Terms of compact; rights of parties.** (a) A compact agreed to under this  
213.15 section may address any issues related to adult-use cannabis flower and adult-use cannabis  
213.16 products that affect the interests of both the state and Indian Tribe or otherwise have an  
213.17 impact on Tribal-state relations. At a minimum, a compact agreed to on behalf of the state  
213.18 under this section must address:

213.19 (1) the enforcement of criminal and civil laws;

213.20 (2) the regulation of the commercial production, processing, sale or distribution, and  
213.21 possession of adult-use cannabis flower and adult-use cannabis products;

213.22 (3) medical and pharmaceutical research involving adult-use cannabis flower and  
213.23 adult-use cannabis products;

213.24 (4) the taxation of adult-use cannabis flower and adult-use cannabis products, including  
213.25 establishing an appropriate amount and method of revenue sharing;

213.26 (5) the immunities of an Indian Tribe or preemption of state law regarding the production,  
213.27 processing, or sale or distribution of adult-use cannabis flower and adult-use cannabis  
213.28 products; and

213.29 (6) the method of resolution for disputes involving the compact, including the use of  
213.30 mediation or other alternative dispute resolution processes and procedures.

213.31 (b) In addressing the issues identified under paragraph (a), the governor or the governor's  
213.32 designee shall only enter into agreements that:

214.1 (1) provide for the preservation of public health and safety;

214.2 (2) ensure the security of production, processing, retail, and research facilities on Tribal  
214.3 land; and

214.4 (3) establish provisions regulating business involving adult-use cannabis flower and  
214.5 adult-use cannabis products that pass between Tribal land and non-Tribal land in the state.

214.6 Subd. 4. **Assessments and charges.** Notwithstanding any law to the contrary, any  
214.7 compact agreed to under this section shall establish all taxes, fees, assessments, and other  
214.8 charges related to the production, processing, sale or distribution, and possession of adult-use  
214.9 cannabis flower and adult-use cannabis products.

214.10 Subd. 5. **Civil and criminal immunities.** The following acts, when performed by a  
214.11 validly licensed cannabis retailer or an employee of a cannabis retailer operated by an Indian  
214.12 Tribe pursuant to a compact entered into under this section, do not constitute a criminal or  
214.13 civil offense under state law:

214.14 (1) the cultivation of cannabis flower, as defined in section 342.01, subdivision 15;

214.15 (2) the possession, purchase, and receipt of adult-use cannabis flower and adult-use  
214.16 cannabis products that are properly packaged and labeled as authorized under a compact  
214.17 entered into pursuant to this section; and

214.18 (3) the delivery, distribution, and sale of adult-use cannabis flower and adult-use cannabis  
214.19 products as authorized under a compact entered into pursuant to this section and that takes  
214.20 place on the premises of a medical cannabis retailer on Tribal land to any person 21 years  
214.21 of age or older.

214.22 Subd. 6. **Publication; report.** (a) The governor shall post any compact entered into  
214.23 under this section on a publicly accessible website.

214.24 (b) The governor, the attorney general, and the governor's designee shall report to the  
214.25 legislative committees having jurisdiction over health, taxation, and commerce annually.  
214.26 This report shall contain information on compacts negotiated and an outline of prospective  
214.27 negotiations.

214.28 Sec. 3. Minnesota Statutes 2022, section 13.411, is amended by adding a subdivision to  
214.29 read:

214.30 Subd. 12. **Cannabis businesses.** Data submitted to the Office of Cannabis Management  
214.31 for a cannabis business license and data relating to investigations and disciplinary proceedings

215.1 involving cannabis businesses licensed by the Office of Cannabis Management are classified  
215.2 under section 342.17, subdivision 6.

215.3 Sec. 4. Minnesota Statutes 2022, section 13.871, is amended by adding a subdivision to  
215.4 read:

215.5 Subd. 15. **Cannabis Expungement Board records.** Data collected, created, received,  
215.6 maintained, or disseminated by the Cannabis Expungement Board are classified under  
215.7 section 609A.06, subdivision 8.

215.8 Sec. 5. Minnesota Statutes 2022, section 16B.2975, subdivision 8, is amended to read:

215.9 Subd. 8. **Canine management.** (a) The commissioner may give and convey to a canine's  
215.10 handler the state's entirety of the right, title, interest, and estate in and to a canine who is  
215.11 retired from service, with whom the handler trained and worked while the canine was in  
215.12 service to the state. The handler is solely responsible for all future expenses related to the  
215.13 retired canine. The commissioner must allow the handler an opportunity to accept the canine  
215.14 before any other placement options are considered.

215.15 (b) If the canine's handler does not accept the canine, the agency with ownership of the  
215.16 canine must determine a home where the canine will be safe and well cared for and inform  
215.17 the commissioner. The commissioner may give and convey the state's entirety of the right,  
215.18 title, interest, and estate in and to a canine who is retired from service to the new owner.  
215.19 The new owner is solely responsible for all future expenses related to the retired canine.

215.20 Sec. 6. Minnesota Statutes 2022, section 18K.02, subdivision 3, is amended to read:

215.21 Subd. 3. **Industrial hemp.** "Industrial hemp" means the plant *Cannabis sativa* L. and  
215.22 any part of the plant, whether growing or not, including the plant's seeds, and all the plant's  
215.23 derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether  
215.24 growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3  
215.25 percent on a dry weight basis. Industrial hemp is not a cannabis plant as defined in section  
215.26 342.01, subdivision 18, or marijuana as defined in section 152.01, subdivision 9.

215.27 **EFFECTIVE DATE.** This section is effective July 1, 2024.

215.28 Sec. 7. Minnesota Statutes 2022, section 18K.02, subdivision 5, is amended to read:

215.29 Subd. 5. **Processing.** "Processing" means rendering by refinement hemp plants or hemp  
215.30 plant parts from their natural or original state after harvest. Processing includes but is not  
215.31 limited to decortication, devitalization, chopping, crushing, extraction, and packaging.

216.1 Processing does not include typical farm operations such as sorting, grading, baling, and  
216.2 harvesting. Processing does not include the production of synthetically derived cannabinoids  
216.3 as defined in section 342.01, subdivision 67.

216.4 **EFFECTIVE DATE.** This section is effective July 1, 2024.

216.5 Sec. 8. Minnesota Statutes 2022, section 18K.03, subdivision 2, is amended to read:

216.6 Subd. 2. **Sale to ~~medical cannabis manufacturers~~ businesses and hemp businesses.** A  
216.7 licensee under this chapter may sell hemp products derived from industrial hemp grown in  
216.8 this state to ~~medical cannabis manufacturers as authorized under sections 152.22 to 152.37~~  
216.9 a cannabis business or hemp business licensed under chapter 342.

216.10 **EFFECTIVE DATE.** This section is effective July 1, 2024.

216.11 Sec. 9. Minnesota Statutes 2022, section 34A.01, is amended by adding a subdivision to  
216.12 read:

216.13 Subd. 4a. **Food.** "Food" means every ingredient used for, entering into the consumption  
216.14 of, or used or intended for use in the preparation of food, drink, confectionery, or condiment  
216.15 for humans or other animals, whether simple, mixed, or compound; and articles used as  
216.16 components of these ingredients, except that edible cannabis products, as defined in section  
216.17 342.01, subdivision 29, and lower-potency hemp edibles, as defined in section 342.01,  
216.18 subdivision 49, are not food.

216.19 **EFFECTIVE DATE.** This section is effective July 1, 2024.

216.20 Sec. 10. Minnesota Statutes 2022, section 97B.065, subdivision 1, is amended to read:

216.21 Subdivision 1. **Acts prohibited.** (a) A person may not take wild animals with a firearm  
216.22 or by archery:

216.23 (1) when the person is under the influence of alcohol;

216.24 (2) when the person is under the influence of a controlled substance, as defined in section  
216.25 ~~152.01~~ 169A.03, subdivision 4 6;

216.26 (3) when the person is under the influence of a combination of any two or more of the  
216.27 elements in clauses (1) and (2);

216.28 (4) when the person's alcohol concentration is 0.08 or more;

216.29 (5) when the person's alcohol concentration as measured within two hours of the time  
216.30 of taking is 0.08 or more; or

217.1 (6) when the person is under the influence of an intoxicating substance as defined in  
217.2 section 169A.03, subdivision 11a, and the person knows or has reason to know that the  
217.3 substance has the capacity to cause impairment.

217.4 (b) An owner or other person having charge or control of a firearm or bow may not  
217.5 authorize or permit an individual the person knows or has reason to believe is under the  
217.6 influence of alcohol or a controlled substance, as provided under paragraph (a), to possess  
217.7 the firearm or bow in this state or on a boundary water of this state.

217.8 (c) A person may not possess a loaded or uncased firearm or an uncased bow afield  
217.9 under any of the conditions in paragraph (a).

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

217.12 Sec. 11. Minnesota Statutes 2022, section 97B.066, is amended by adding a subdivision  
217.13 to read:

217.14 Subd. 12. **Definition.** As used in this section, "controlled substance" has the meaning  
217.15 given in section 169A.03, subdivision 6.

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

217.18 Sec. 12. **[120B.215] EDUCATION ON CANNABIS USE AND SUBSTANCE USE.**

217.19 Subdivision 1. **Model program.** The commissioner of education, in consultation with  
217.20 the commissioners of health and human services, local district and school health education  
217.21 specialists, and other qualified experts, shall identify one or more model programs that may  
217.22 be used to educate middle school and high school students on the health effects on children  
217.23 and adolescents of cannabis use and substance use consistent with local standards as required  
217.24 in section 120B.021, subdivision 1, paragraph (a), clause (6), for elementary and secondary  
217.25 school students. The commissioner must publish a list of model programs that include  
217.26 written materials, curriculum resources, and training for instructors by June 1, 2025. A  
217.27 model program identified by the commissioner must be medically accurate, age and  
217.28 developmentally appropriate, culturally inclusive, and grounded in science, and must address:

217.29 (1) the physical and mental health effects of cannabis use and substance use by children,  
217.30 adolescents, and persons under 25 years of age, including effects on the developing brains  
217.31 of children, adolescents, and persons under 25 years of age;

217.32 (2) unsafe or unhealthy behaviors associated with cannabis use and substance use;

218.1 (3) signs of substance use disorders;

218.2 (4) treatment options; and

218.3 (5) healthy coping strategies for children and adolescents.

218.4 Subd. 2. **School programs.** (a) Starting in the 2026-2027 school year, a school district  
218.5 or charter school must implement a comprehensive education program on cannabis use and  
218.6 substance use for students in middle school and high school. The program must include  
218.7 instruction on the topics listed in subdivision 1 and must:

218.8 (1) respect community values and encourage students to communicate with parents,  
218.9 guardians, and other trusted adults about cannabis use and substance use; and

218.10 (2) refer students to local resources where students may obtain medically accurate  
218.11 information about cannabis use and substance use, and treatment for a substance use disorder.

218.12 (b) District efforts to develop, implement, or improve instruction or curriculum as a  
218.13 result of the provisions of this section must be consistent with sections 120B.10 and 120B.11.

218.14 Subd. 3. **Parental review.** Notwithstanding any law to the contrary, each school district  
218.15 shall have a procedure for a parent, a guardian, or an adult student 18 years of age or older  
218.16 to review the content of the instructional materials to be provided to a minor child or to an  
218.17 adult student pursuant to this section. The district or charter school must allow a parent or  
218.18 adult student to opt out of instruction under this section with no academic or other penalty  
218.19 for the student and must inform parents and adult students of this right to opt out.

218.20 Subd. 4. **Youth council.** A school district or charter school may establish one or more  
218.21 youth councils in which student members of the council receive education and training on  
218.22 cannabis use and substance use and provide peer-to-peer education on these topics.

218.23 **Sec. 13. [144.196] CANNABIS DATA COLLECTION AND BIENNIAL REPORTS.**

218.24 Subdivision 1. **General.** The commissioner of health shall engage in research and data  
218.25 collection activities to measure the prevalence of cannabis flower and cannabis product use  
218.26 in the state by persons under 21 years of age and by persons 21 years of age or older, and  
218.27 the trends in hospital-treated cannabis poisoning and adverse events. In order to collect data,  
218.28 the commissioner may modify existing data collection tools used by the department or other  
218.29 state agencies or may establish one or more new data collection tools.

218.30 Subd. 2. **Statewide assessment; baseline data; updates.** (a) The commissioner shall  
218.31 conduct a statewide assessment to establish a baseline for the prevalence of cannabis flower

219.1 and cannabis product use in the state, and the trends in hospital-treated cannabis poisoning

219.2 and adverse events broken out by:

219.3 (1) the current age of the customer;

219.4 (2) the age at which the customer began consuming cannabis flower or cannabis products;

219.5 (3) whether the customer consumes cannabis flower or cannabis products, and by type

219.6 of cannabis product that the customer consumes, if applicable;

219.7 (4) the amount of cannabis flower or cannabis product typically consumed at one time;

219.8 (5) the typical frequency of consumption; and

219.9 (6) other criteria specified by the commissioner.

219.10 (b) The initial assessment must be completed by July 1, 2024. The commissioner shall

219.11 collect updated data under this subdivision at least every two years thereafter.

219.12 Subd. 3. **Reports.** Beginning January 1, 2025, and every two years thereafter, the

219.13 commissioner shall issue a public report on the prevalence of cannabis flower use and the

219.14 use of cannabis products in the state by persons under age 21 and by persons age 21 or

219.15 older, and the trends in hospital-treated cannabis poisoning and adverse events. The report

219.16 may include recommendations from the commissioner for changes to this chapter that would

219.17 discourage or prevent personal use of cannabis flower or cannabis products by persons

219.18 under age 21, that would discourage personal use of cannabis flower or cannabis products

219.19 by pregnant or breastfeeding individuals, that would prevent access to cannabis flower or

219.20 cannabis products by young children, or that would otherwise promote public health.

219.21 Sec. 14. **[144.197] CANNABIS EDUCATION PROGRAMS.**

219.22 Subdivision 1. **Youth education.** The commissioner of health, in collaboration with

219.23 local health departments, shall conduct a long-term, coordinated education program to raise

219.24 public awareness about and address the top three adverse health effects, as determined by

219.25 the commissioner, associated with the use of cannabis flower or cannabis products by persons

219.26 under age 25. In conducting this education program, the commissioner shall engage and

219.27 consult with youth around the state on program content and on methods to effectively

219.28 disseminate program information to youth around the state.

219.29 Subd. 2. **Education for pregnant and breastfeeding individuals; individuals who**

219.30 **may become pregnant.** The commissioner of health, in consultation with the commissioners

219.31 of human services and education, shall conduct a long-term, coordinated program to educate

219.32 pregnant individuals, breastfeeding individuals, and individuals who may become pregnant

220.1 on the adverse health effects of prenatal exposure to cannabis flower or cannabis products  
220.2 and on the adverse health effects experienced by infants and children who are exposed to  
220.3 cannabis flower or cannabis products in breast milk, from secondhand smoke, or by ingesting  
220.4 cannabis products. This education program must also educate individuals on what constitutes  
220.5 a substance use disorder, signs of a substance use disorder, and treatment options for persons  
220.6 with a substance use disorder.

220.7 Subd. 3. **Home visiting programs.** The commissioner of health shall provide training,  
220.8 technical assistance, and education materials to local public health home visiting programs,  
220.9 Tribal home visiting programs, and child welfare workers regarding the safe and unsafe use  
220.10 of cannabis flower or cannabis products in homes with infants and young children. Training,  
220.11 technical assistance, and education materials shall address substance use, the signs of a  
220.12 substance use disorder, treatment options for persons with a substance use disorder, the  
220.13 dangers of driving under the influence of cannabis flower or cannabis products, how to  
220.14 safely consume cannabis flower or cannabis products in homes with infants and young  
220.15 children, and how to prevent infants and young children from being exposed to cannabis  
220.16 flower or cannabis products by ingesting cannabis products or through secondhand smoke.

220.17 Subd. 4. **Local and Tribal health departments.** The commissioner of health shall  
220.18 distribute grants to local health departments and Tribal health departments for these  
220.19 departments to create and disseminate educational materials on cannabis flower and cannabis  
220.20 products and to provide safe use and prevention training, education, technical assistance,  
220.21 and community engagement regarding cannabis flower and cannabis products.

220.22 Sec. 15. Minnesota Statutes 2022, section 152.01, subdivision 9, is amended to read:

220.23 Subd. 9. **Marijuana.** "Marijuana" means all parts of the plant of any species of the genus  
220.24 Cannabis, including all agronomical varieties, whether growing or not; the seeds thereof;  
220.25 the resin extracted from any part of such plant; and every compound, manufacture, salt,  
220.26 derivative, mixture, or preparation of such plant, its seeds or resin, but shall not include the  
220.27 mature stalks of such plant, fiber from such stalks, oil or cake made from the seeds of such  
220.28 plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such  
220.29 mature stalks, except the resin extracted therefrom, fiber, oil, or cake, or the sterilized seed  
220.30 of such plant which is incapable of germination. Marijuana does not include hemp as defined  
220.31 in section ~~152.22, subdivision 5a~~ 18K.02, subdivision 3.

221.1 Sec. 16. Minnesota Statutes 2022, section 169A.03, subdivision 6, is amended to read:

221.2 Subd. 6. **Controlled substance.** "Controlled substance" has the meaning given in section  
221.3 152.01, subdivision 4. The term also includes hemp as defined in section 152.22, subdivision  
221.4 5a.

221.5 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes  
221.6 committed on or after that date. This section expires January 1, 2024.

221.7 Sec. 17. Minnesota Statutes 2022, section 175.45, subdivision 1, is amended to read:

221.8 Subdivision 1. **Duties; goal.** The commissioner of labor and industry shall convene  
221.9 industry representatives, identify occupational competency standards, and provide technical  
221.10 assistance to develop dual-training programs. The competency standards shall be identified  
221.11 for employment in occupations in advanced manufacturing, health care services, information  
221.12 technology, ~~and~~ agriculture, and the legal cannabis industry. Competency standards are not  
221.13 rules and are exempt from the rulemaking provisions of chapter 14, and the provisions in  
221.14 section 14.386 concerning exempt rules do not apply.

221.15 Sec. 18. Minnesota Statutes 2022, section 181.938, subdivision 2, is amended to read:

221.16 Subd. 2. **Prohibited practice.** (a) An employer may not refuse to hire a job applicant  
221.17 or discipline or discharge an employee because the applicant or employee engages in or has  
221.18 engaged in the use or enjoyment of lawful consumable products, if the use or enjoyment  
221.19 takes place off the premises of the employer during nonworking hours. For purposes of this  
221.20 section, "lawful consumable products" means products whose use or enjoyment is lawful  
221.21 and which are consumed during use or enjoyment, and includes food, alcoholic or  
221.22 nonalcoholic beverages, ~~and~~ tobacco, cannabis flower, as defined in section 342.01,  
221.23 subdivision 15, and cannabis products, as defined in section 342.01, subdivision 19.

221.24 (b) Cannabis flower and cannabis products are lawful consumable products for the  
221.25 purpose of Minnesota law, regardless of whether federal or other state law considers cannabis  
221.26 use, possession, impairment, sale, or transfer to be unlawful. Nothing in this section shall  
221.27 be construed to limit an employer's ability to discipline or discharge an employee for cannabis  
221.28 flower or cannabis product use, possession, impairment, sale, or transfer during working  
221.29 hours, on work premises, or while operating an employer's vehicle, machinery, or equipment,  
221.30 or if a failure to do so would violate federal or state law or regulations or cause an employer  
221.31 to lose a monetary or licensing-related benefit under federal law or regulations.

222.1 Sec. 19. Minnesota Statutes 2022, section 181.950, subdivision 2, is amended to read:

222.2 Subd. 2. **Confirmatory test; confirmatory retest.** "Confirmatory test" and "confirmatory  
222.3 retest" mean a drug or alcohol test or cannabis test that uses a method of analysis allowed  
222.4 under one of the programs listed in section 181.953, subdivision 1.

222.5 Sec. 20. Minnesota Statutes 2022, section 181.950, subdivision 4, is amended to read:

222.6 Subd. 4. **Drug.** "Drug" means a controlled substance as defined in section 152.01,  
222.7 subdivision 4, but does not include marijuana, tetrahydrocannabinols, cannabis flower as  
222.8 defined in section 342.01, subdivision 15, or cannabis products as defined in section 342.01,  
222.9 subdivision 19.

222.10 Sec. 21. Minnesota Statutes 2022, section 181.950, subdivision 5, is amended to read:

222.11 Subd. 5. **Drug and alcohol testing.** "Drug and alcohol testing," "drug or alcohol testing,"  
222.12 and "drug or alcohol test" mean analysis of a body component sample according to the  
222.13 standards established under one of the programs listed in section 181.953, subdivision 1,  
222.14 for the purpose of measuring the presence or absence of drugs, alcohol, or their metabolites  
222.15 in the sample tested. "Drug and alcohol testing," "drug or alcohol testing," and "drug or  
222.16 alcohol test" do not include cannabis or cannabis testing, unless stated otherwise.

222.17 Sec. 22. Minnesota Statutes 2022, section 181.950, is amended by adding a subdivision  
222.18 to read:

222.19 Subd. 5a. **Cannabis testing.** "Cannabis testing" means the analysis of a body component  
222.20 sample according to the standards established under one of the programs listed in section  
222.21 181.953, subdivision 1, for the purpose of measuring the presence or absence of cannabis  
222.22 flower, as defined in section 342.01, subdivision 15, cannabis products, as defined in section  
222.23 342.01, subdivision 19, or cannabis metabolites in the sample tested. The definitions in this  
222.24 section apply to cannabis testing unless stated otherwise.

222.25 Sec. 23. Minnesota Statutes 2022, section 181.950, subdivision 8, is amended to read:

222.26 Subd. 8. **Initial screening test.** "Initial screening test" means a drug or alcohol test or  
222.27 cannabis test which uses a method of analysis under one of the programs listed in section  
222.28 181.953, subdivision 1.

223.1 Sec. 24. Minnesota Statutes 2022, section 181.950, subdivision 13, is amended to read:

223.2 Subd. 13. **Safety-sensitive position.** "Safety-sensitive position" means a job, including  
223.3 any supervisory or management position, in which an impairment caused by drug ~~or~~, alcohol,  
223.4 or cannabis usage would threaten the health or safety of any person.

223.5 Sec. 25. Minnesota Statutes 2022, section 181.951, subdivision 4, is amended to read:

223.6 Subd. 4. **Random testing.** An employer may request or require employees to undergo  
223.7 cannabis testing or drug and alcohol testing on a random selection basis only if (1) they are  
223.8 employed in safety-sensitive positions, or (2) they are employed as professional athletes if  
223.9 the professional athlete is subject to a collective bargaining agreement permitting random  
223.10 testing but only to the extent consistent with the collective bargaining agreement.

223.11 Sec. 26. Minnesota Statutes 2022, section 181.951, is amended by adding a subdivision  
223.12 to read:

223.13 Subd. 8. **Limitations on cannabis testing.** (a) An employer must not request or require  
223.14 a job applicant to undergo cannabis testing solely for the purpose of determining the presence  
223.15 or absence of cannabis as a condition of employment unless otherwise required by state or  
223.16 federal law.

223.17 (b) Unless otherwise required by state or federal law, an employer must not refuse to  
223.18 hire a job applicant solely because the job applicant submits to a cannabis test authorized  
223.19 by this section and the results of the test indicate the presence of cannabis.

223.20 (c) An employer must not request or require an employee or job applicant to undergo  
223.21 cannabis testing on an arbitrary or capricious basis.

223.22 (d) An employer may request or require an employee to undergo cannabis testing  
223.23 conducted by a testing laboratory that participates in one of the programs listed in section  
223.24 181.953, subdivision 1, if the employer has a reasonable suspicion that while the employee  
223.25 is working or while the employee is on the employer's premises or operating the employer's  
223.26 vehicle, machinery, or equipment, the employee:

223.27 (1) as the result of consuming cannabis flower or a cannabis product, does not possess  
223.28 that clearness of intellect and control of self that the employee otherwise would have;

223.29 (2) has violated the employer's written work rules prohibiting cannabis use, possession,  
223.30 impairment, sale, or transfer, provided that the work rules for cannabis and cannabis testing  
223.31 are in writing and in a written policy that contains the minimum information required in  
223.32 section 181.952; or

224.1 (3) has sustained a personal injury or has a caused a work-related accident as provided  
224.2 in subdivision 5, clauses (3) and (4).

224.3 (e) Cannabis testing authorized under paragraph (d) must comply with the safeguards  
224.4 for testing employees provided in sections 181.953 and 181.954.

224.5 Sec. 27. Minnesota Statutes 2022, section 181.951, is amended by adding a subdivision  
224.6 to read:

224.7 Subd. 9. Cannabis testing exceptions. For the following positions, cannabis and its  
224.8 metabolites are considered a drug and subject to the drug and alcohol testing provisions in  
224.9 sections 181.950 to 181.957:

224.10 (1) a safety-sensitive position, as defined in section 181.950, subdivision 13;

224.11 (2) a peace officer position, as defined in section 626.84, subdivision 1;

224.12 (3) a firefighter position, as defined in section 299N.01, subdivision 3;

224.13 (4) a position requiring face-to-face care, training, education, supervision, counseling,  
224.14 consultation, or medical assistance to:

224.15 (i) children;

224.16 (ii) vulnerable adults, as defined in section 626.5572, subdivision 21; or

224.17 (iii) patients who receive health care services from a provider for the treatment,  
224.18 examination, or emergency care of a medical, psychiatric, or mental condition;

224.19 (5) a position requiring a commercial driver's license or requiring an employee to operate  
224.20 a motor vehicle for which state or federal law requires drug or alcohol testing of a job  
224.21 applicant or an employee;

224.22 (6) a position of employment funded by a federal grant; or

224.23 (7) any other position for which state or federal law requires testing of a job applicant  
224.24 or an employee for cannabis.

224.25 Sec. 28. Minnesota Statutes 2022, section 181.952, is amended by adding a subdivision  
224.26 to read:

224.27 Subd. 3. Cannabis policy. (a) Unless otherwise provided by state or federal law, an  
224.28 employer is not required to permit or accommodate cannabis flower or cannabis product  
224.29 use, possession, impairment, sale, or transfer while an employee is working or while an

225.1 employee is on the employer's premises or operating the employer's vehicle, machinery, or  
225.2 equipment.

225.3 (b) An employer may only enact and enforce written work rules prohibiting cannabis  
225.4 flower and cannabis product use, possession, impairment, sale, or transfer while an employee  
225.5 is working or while an employee is on the employer's premises or operating the employer's  
225.6 vehicle, machinery, or equipment in a written policy that contains the minimum information  
225.7 required by this section.

225.8 Sec. 29. Minnesota Statutes 2022, section 181.953, is amended to read:

225.9 **181.953 RELIABILITY AND FAIRNESS SAFEGUARDS.**

225.10 Subdivision 1. **Use of licensed, accredited, or certified laboratory required.** (a) An  
225.11 employer who requests or requires an employee or job applicant to undergo drug or alcohol  
225.12 testing or cannabis testing shall use the services of a testing laboratory that meets one of  
225.13 the following criteria for drug testing:

225.14 (1) is certified by the National Institute on Drug Abuse as meeting the mandatory  
225.15 guidelines published at 53 Federal Register 11970 to 11989, April 11, 1988;

225.16 (2) is accredited by the College of American Pathologists, 325 Waukegan Road,  
225.17 Northfield, Illinois, 60093-2750, under the forensic urine drug testing laboratory program;  
225.18 or

225.19 (3) is licensed to test for drugs by the state of New York, Department of Health, under  
225.20 Public Health Law, article 5, title V, and rules adopted under that law.

225.21 (b) For alcohol testing, the laboratory must either be:

225.22 (1) licensed to test for drugs and alcohol by the state of New York, Department of Health,  
225.23 under Public Health Law, article 5, title V, and the rules adopted under that law; or

225.24 (2) accredited by the College of American Pathologists, 325 Waukegan Road, Northfield,  
225.25 Illinois, 60093-2750, in the laboratory accreditation program.

225.26 Subd. 3. **Laboratory testing, reporting, and sample retention requirements.** A testing  
225.27 laboratory that is not certified by the National Institute on Drug Abuse according to  
225.28 subdivision 1 shall follow the chain-of-custody procedures prescribed for employers in  
225.29 subdivision 5. A testing laboratory shall conduct a confirmatory test on all samples that  
225.30 produced a positive test result on an initial screening test. A laboratory shall disclose to the  
225.31 employer a written test result report for each sample tested within three working days after  
225.32 a negative test result on an initial screening test or, when the initial screening test produced

226.1 a positive test result, within three working days after a confirmatory test. A test report must  
226.2 indicate the drugs, alcohol, ~~or~~ drug or alcohol metabolites, or cannabis or cannabis  
226.3 metabolites tested for and whether the test produced negative or positive test results. A  
226.4 laboratory shall retain and properly store for at least six months all samples that produced  
226.5 a positive test result.

226.6 Subd. 4. **Prohibitions on employers.** An employer may not conduct drug or alcohol  
226.7 testing or cannabis testing of its own employees and job applicants using a testing laboratory  
226.8 owned and operated by the employer; except that, one agency of the state may test the  
226.9 employees of another agency of the state. Except as provided in subdivision 9, an employer  
226.10 may not request or require an employee or job applicant to contribute to, or pay the cost of,  
226.11 drug or alcohol testing or cannabis testing under sections 181.950 to 181.954.

226.12 Subd. 5. **Employer chain-of-custody procedures.** An employer shall establish its own  
226.13 reliable chain-of-custody procedures to ensure proper record keeping, handling, labeling,  
226.14 and identification of the samples to be tested. The procedures must require the following:

226.15 (1) possession of a sample must be traceable to the employee from whom the sample is  
226.16 collected, from the time the sample is collected through the time the sample is delivered to  
226.17 the laboratory;

226.18 (2) the sample must always be in the possession of, must always be in view of, or must  
226.19 be placed in a secured area by a person authorized to handle the sample;

226.20 (3) a sample must be accompanied by a written chain-of-custody record; and

226.21 (4) individuals relinquishing or accepting possession of the sample must record the time  
226.22 the possession of the sample was transferred and must sign and date the chain-of-custody  
226.23 record at the time of transfer.

226.24 Subd. 6. **Rights of employees and job applicants.** (a) Before requesting an employee  
226.25 or job applicant to undergo drug or alcohol testing or requesting cannabis testing, an employer  
226.26 shall provide the employee or job applicant with a form, developed by the employer, on  
226.27 which to acknowledge that the employee or job applicant has seen the employer's drug and  
226.28 alcohol testing or cannabis testing policy.

226.29 (b) If an employee or job applicant tests positive for drug use, the employee must be  
226.30 given written notice of the right to explain the positive test and the employer may request  
226.31 that the employee or job applicant indicate any over-the-counter or prescription medication  
226.32 that the individual is currently taking or has recently taken and any other information relevant  
226.33 to the reliability of, or explanation for, a positive test result.

227.1 (c) Within three working days after notice of a positive test result on a confirmatory test,  
227.2 the employee or job applicant may submit information to the employer, in addition to any  
227.3 information already submitted under paragraph (b), to explain that result, or may request a  
227.4 confirmatory retest of the original sample at the employee's or job applicant's own expense  
227.5 as provided under subdivision 9.

227.6 Subd. 7. **Notice of test results.** Within three working days after receipt of a test result  
227.7 report from the testing laboratory, an employer shall inform in writing an employee or job  
227.8 applicant who has undergone drug or alcohol testing or cannabis testing of (1) a negative  
227.9 test result on an initial screening test or of a negative or positive test result on a confirmatory  
227.10 test and (2) the right provided in subdivision 8. In the case of a positive test result on a  
227.11 confirmatory test, the employer shall also, at the time of this notice, inform the employee  
227.12 or job applicant in writing of the rights provided in subdivisions 6, paragraph (b), 9, and  
227.13 either subdivision 10 or 11, whichever applies.

227.14 Subd. 8. **Right to test result report.** An employee or job applicant has the right to  
227.15 request and receive from the employer a copy of the test result report on any drug or alcohol  
227.16 test or cannabis test.

227.17 Subd. 9. **Confirmatory retests.** An employee or job applicant may request a confirmatory  
227.18 retest of the original sample at the employee's or job applicant's own expense after notice  
227.19 of a positive test result on a confirmatory test. Within five working days after notice of the  
227.20 confirmatory test result, the employee or job applicant shall notify the employer in writing  
227.21 of the employee's or job applicant's intention to obtain a confirmatory retest. Within three  
227.22 working days after receipt of the notice, the employer shall notify the original testing  
227.23 laboratory that the employee or job applicant has requested the laboratory to conduct the  
227.24 confirmatory retest or transfer the sample to another laboratory licensed under subdivision  
227.25 1 to conduct the confirmatory retest. The original testing laboratory shall ensure that the  
227.26 chain-of-custody procedures in subdivision 3 are followed during transfer of the sample to  
227.27 the other laboratory. The confirmatory retest must use the same drug or alcohol, or cannabis  
227.28 threshold detection levels as used in the original confirmatory test. If the confirmatory retest  
227.29 does not confirm the original positive test result, no adverse personnel action based on the  
227.30 original confirmatory test may be taken against the employee or job applicant.

227.31 Subd. 10. **Limitations on employee discharge, discipline, or discrimination.** (a) An  
227.32 employer may not discharge, discipline, discriminate against, or request or require  
227.33 rehabilitation of an employee on the basis of a positive test result from an initial screening  
227.34 test that has not been verified by a confirmatory test.

228.1 (b) In addition to the limitation under paragraph (a), an employer may not discharge an  
228.2 employee for whom a positive test result on a confirmatory test was the first such result for  
228.3 the employee on a drug or alcohol test or cannabis test requested by the employer unless  
228.4 the following conditions have been met:

228.5 (1) the employer has first given the employee an opportunity to participate in, at the  
228.6 employee's own expense or pursuant to coverage under an employee benefit plan, either a  
228.7 drug ~~or~~, alcohol, or cannabis counseling or rehabilitation program, whichever is more  
228.8 appropriate, as determined by the employer after consultation with a certified chemical use  
228.9 counselor or a physician trained in the diagnosis and treatment of substance use disorder;  
228.10 and

228.11 (2) the employee has either refused to participate in the counseling or rehabilitation  
228.12 program or has failed to successfully complete the program, as evidenced by withdrawal  
228.13 from the program before its completion or by a positive test result on a confirmatory test  
228.14 after completion of the program.

228.15 (c) Notwithstanding paragraph (a), an employer may temporarily suspend the tested  
228.16 employee or transfer that employee to another position at the same rate of pay pending the  
228.17 outcome of the confirmatory test and, if requested, the confirmatory retest, provided the  
228.18 employer believes that it is reasonably necessary to protect the health or safety of the  
228.19 employee, coemployees, or the public. An employee who has been suspended without pay  
228.20 must be reinstated with back pay if the outcome of the confirmatory test or requested  
228.21 confirmatory retest is negative.

228.22 (d) An employer may not discharge, discipline, discriminate against, or request or require  
228.23 rehabilitation of an employee on the basis of medical history information revealed to the  
228.24 employer pursuant to subdivision 6 unless the employee was under an affirmative duty to  
228.25 provide the information before, upon, or after hire.

228.26 (e) An employee must be given access to information in the employee's personnel file  
228.27 relating to positive test result reports and other information acquired in the drug and alcohol  
228.28 testing process or cannabis testing process and conclusions drawn from and actions taken  
228.29 based on the reports or other acquired information.

228.30 Subd. 10a. **Additional limitations for cannabis.** An employer may discipline, discharge,  
228.31 or take other adverse personnel action against an employee for cannabis flower or cannabis  
228.32 product use, possession, impairment, sale, or transfer while an employee is working, on the  
228.33 employer's premises, or operating the employer's vehicle, machinery, or equipment as  
228.34 follows:

229.1 (1) if, as the result of consuming cannabis flower or a cannabis product, the employee  
 229.2 does not possess that clearness of intellect and control of self that the employee otherwise  
 229.3 would have;

229.4 (2) if cannabis testing that the employer requested or required pursuant to section 181.951,  
 229.5 subdivision 8, paragraphs (d) and (e), verifies the presence of cannabis following a  
 229.6 confirmatory test;

229.7 (3) as provided in the employer's written work rules for cannabis and cannabis testing,  
 229.8 provided that the rules are in writing and in a written policy that contains the minimum  
 229.9 information required by section 181.952; or

229.10 (4) as otherwise authorized under state or federal law.

229.11 Subd. 11. **Limitation on withdrawal of job offer.** If a job applicant has received a job  
 229.12 offer made contingent on the applicant passing drug and alcohol testing, the employer may  
 229.13 not withdraw the offer based on a positive test result from an initial screening test that has  
 229.14 not been verified by a confirmatory test.

229.15 Sec. 30. Minnesota Statutes 2022, section 181.954, is amended to read:

229.16 **181.954 PRIVACY, CONFIDENTIALITY, AND PRIVILEGE SAFEGUARDS.**

229.17 Subdivision 1. **Privacy limitations.** A laboratory may only disclose to the employer test  
 229.18 result data regarding the presence or absence of drugs, alcohol, or their metabolites in a  
 229.19 sample tested.

229.20 Subd. 2. **Confidentiality limitations.** Test result reports and other information acquired  
 229.21 in the drug or alcohol testing or cannabis testing process are, with respect to private sector  
 229.22 employees and job applicants, private and confidential information, and, with respect to  
 229.23 public sector employees and job applicants, private data on individuals as that phrase is  
 229.24 defined in chapter 13, and may not be disclosed by an employer or laboratory to another  
 229.25 employer or to a third-party individual, governmental agency, or private organization without  
 229.26 the written consent of the employee or job applicant tested.

229.27 Subd. 3. **Exceptions to privacy and confidentiality disclosure**  
 229.28 **limitations.** Notwithstanding subdivisions 1 and 2, evidence of a positive test result on a  
 229.29 confirmatory test may be: (1) used in an arbitration proceeding pursuant to a collective  
 229.30 bargaining agreement, an administrative hearing under chapter 43A or other applicable state  
 229.31 or local law, or a judicial proceeding, provided that information is relevant to the hearing  
 229.32 or proceeding; (2) disclosed to any federal agency or other unit of the United States  
 229.33 government as required under federal law, regulation, or order, or in accordance with

230.1 compliance requirements of a federal government contract; and (3) disclosed to a substance  
230.2 abuse treatment facility for the purpose of evaluation or treatment of the employee.

230.3 Subd. 4. **Privilege.** Positive test results from an employer drug or alcohol testing or  
230.4 cannabis testing program may not be used as evidence in a criminal action against the  
230.5 employee or job applicant tested.

230.6 Sec. 31. Minnesota Statutes 2022, section 181.955, is amended to read:

230.7 **181.955 CONSTRUCTION.**

230.8 Subdivision 1. **Freedom to collectively bargain.** Sections 181.950 to 181.954 shall not  
230.9 be construed to limit the parties to a collective bargaining agreement from bargaining and  
230.10 agreeing with respect to a drug and alcohol testing or a cannabis testing policy that meets  
230.11 or exceeds, and does not otherwise conflict with, the minimum standards and requirements  
230.12 for employee protection provided in those sections.

230.13 Subd. 2. **Employee protections under existing collective bargaining**  
230.14 **agreements.** Sections 181.950 to 181.954 shall not be construed to interfere with or diminish  
230.15 any employee protections relating to drug and alcohol testing or cannabis testing already  
230.16 provided under collective bargaining agreements in effect on the effective date of those  
230.17 sections that exceed the minimum standards and requirements for employee protection  
230.18 provided in those sections.

230.19 Subd. 3. **Professional athletes.** Sections 181.950 to 181.954 shall not be construed to  
230.20 interfere with the operation of a drug and alcohol testing or cannabis testing program if:

230.21 (1) the drug and alcohol testing program is permitted under a contract between the  
230.22 employer and employees; and

230.23 (2) the covered employees are employed as professional athletes.

230.24 Upon request of the commissioner of labor and industry, the exclusive representative  
230.25 of the employees and the employer shall certify to the commissioner of labor and industry  
230.26 that the drug and alcohol testing or cannabis testing program permitted under the contract  
230.27 should operate without interference from the sections specified in this subdivision. This  
230.28 subdivision must not be construed to create an exemption from controlled substance crimes  
230.29 in chapter 152.

231.1 Sec. 32. Minnesota Statutes 2022, section 181.957, subdivision 1, is amended to read:

231.2 Subdivision 1. **Excluded employees and job applicants.** Except as provided under  
231.3 subdivision 2, the employee and job applicant protections provided under sections 181.950  
231.4 to 181.956 do not apply to employees and job applicants where the specific work performed  
231.5 requires those employees and job applicants to be subject to drug and alcohol testing or  
231.6 cannabis testing pursuant to:

231.7 (1) federal regulations that specifically preempt state regulation of drug and alcohol  
231.8 testing or cannabis testing with respect to those employees and job applicants;

231.9 (2) federal regulations or requirements necessary to operate federally regulated facilities;

231.10 (3) federal contracts where the drug and alcohol testing or cannabis testing is conducted  
231.11 for security, safety, or protection of sensitive or proprietary data; or

231.12 (4) state agency rules that adopt federal regulations applicable to the interstate component  
231.13 of a federally regulated industry, and the adoption of those rules is for the purpose of  
231.14 conforming the nonfederally regulated intrastate component of the industry to identical  
231.15 regulation.

231.16 Sec. 33. Minnesota Statutes 2022, section 192A.555, is amended to read:

231.17 **192A.555 DRIVING WHILE UNDER THE INFLUENCE OR RECKLESS**  
231.18 **DRIVING.**

231.19 Any person subject to this code who drives, operates or is in physical control of any  
231.20 motor vehicle or aircraft while under the influence of an alcoholic beverage or controlled  
231.21 substance as defined in section 169A.03, subdivision 6, or a combination thereof or whose  
231.22 blood contains 0.08 percent or more by weight of alcohol or who operates said motor vehicle  
231.23 or aircraft in a reckless or wanton manner, shall be punished as a court-martial may direct.

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

231.26 Sec. 34. Minnesota Statutes 2022, section 245C.08, subdivision 1, is amended to read:

231.27 Subdivision 1. **Background studies conducted by Department of Human Services.** (a)  
231.28 For a background study conducted by the Department of Human Services, the commissioner  
231.29 shall review:

232.1 (1) information related to names of substantiated perpetrators of maltreatment of  
232.2 vulnerable adults that has been received by the commissioner as required under section  
232.3 626.557, subdivision 9c, paragraph (j);

232.4 (2) the commissioner's records relating to the maltreatment of minors in licensed  
232.5 programs, and from findings of maltreatment of minors as indicated through the social  
232.6 service information system;

232.7 (3) information from juvenile courts as required in subdivision 4 for individuals listed  
232.8 in section 245C.03, subdivision 1, paragraph (a), when there is reasonable cause;

232.9 (4) information from the Bureau of Criminal Apprehension, including information  
232.10 regarding a background study subject's registration in Minnesota as a predatory offender  
232.11 under section 243.166;

232.12 (5) except as provided in clause (6), information received as a result of submission of  
232.13 fingerprints for a national criminal history record check, as defined in section 245C.02,  
232.14 subdivision 13c, when the commissioner has reasonable cause for a national criminal history  
232.15 record check as defined under section 245C.02, subdivision 15a, or as required under section  
232.16 144.057, subdivision 1, clause (2);

232.17 (6) for a background study related to a child foster family setting application for licensure,  
232.18 foster residence settings, children's residential facilities, a transfer of permanent legal and  
232.19 physical custody of a child under sections 260C.503 to 260C.515, or adoptions, and for a  
232.20 background study required for family child care, certified license-exempt child care, child  
232.21 care centers, and legal nonlicensed child care authorized under chapter 119B, the  
232.22 commissioner shall also review:

232.23 (i) information from the child abuse and neglect registry for any state in which the  
232.24 background study subject has resided for the past five years;

232.25 (ii) when the background study subject is 18 years of age or older, or a minor under  
232.26 section 245C.05, subdivision 5a, paragraph (c), information received following submission  
232.27 of fingerprints for a national criminal history record check; and

232.28 (iii) when the background study subject is 18 years of age or older or a minor under  
232.29 section 245C.05, subdivision 5a, paragraph (d), for licensed family child care, certified  
232.30 license-exempt child care, licensed child care centers, and legal nonlicensed child care  
232.31 authorized under chapter 119B, information obtained using non-fingerprint-based data  
232.32 including information from the criminal and sex offender registries for any state in which

233.1 the background study subject resided for the past five years and information from the national  
233.2 crime information database and the national sex offender registry; and

233.3 (7) for a background study required for family child care, certified license-exempt child  
233.4 care centers, licensed child care centers, and legal nonlicensed child care authorized under  
233.5 chapter 119B, the background study shall also include, to the extent practicable, a name  
233.6 and date-of-birth search of the National Sex Offender Public website.

233.7 (b) Except as otherwise provided in this paragraph, notwithstanding expungement by a  
233.8 court, the commissioner may consider information obtained under paragraph (a), clauses  
233.9 (3) and (4), unless the commissioner received notice of the petition for expungement and  
233.10 the court order for expungement is directed specifically to the commissioner. The  
233.11 commissioner may not consider information obtained under paragraph (a), clauses (3) and  
233.12 (4), or from any other source that identifies a violation of chapter 152 without determining  
233.13 if the offense involved the possession of marijuana or tetrahydrocannabinol and, if so,  
233.14 whether the person received a grant of expungement or order of expungement, or the person  
233.15 was resentenced to a lesser offense. If the person received a grant of expungement or order  
233.16 of expungement, the commissioner may not consider information related to that violation  
233.17 but may consider any other relevant information arising out of the same incident.

233.18 (c) The commissioner shall also review criminal case information received according  
233.19 to section 245C.04, subdivision 4a, from the Minnesota court information system that relates  
233.20 to individuals who have already been studied under this chapter and who remain affiliated  
233.21 with the agency that initiated the background study.

233.22 (d) When the commissioner has reasonable cause to believe that the identity of a  
233.23 background study subject is uncertain, the commissioner may require the subject to provide  
233.24 a set of classifiable fingerprints for purposes of completing a fingerprint-based record check  
233.25 with the Bureau of Criminal Apprehension. Fingerprints collected under this paragraph  
233.26 shall not be saved by the commissioner after they have been used to verify the identity of  
233.27 the background study subject against the particular criminal record in question.

233.28 (e) The commissioner may inform the entity that initiated a background study under  
233.29 NETStudy 2.0 of the status of processing of the subject's fingerprints.

233.30 Sec. 35. Minnesota Statutes 2022, section 256.01, subdivision 18c, is amended to read:

233.31 Subd. 18c. **Drug convictions.** (a) The state court administrator shall provide a report  
233.32 every six months by electronic means to the commissioner of human services, including  
233.33 the name, address, date of birth, and, if available, driver's license or state identification card

234.1 number, date of the sentence, effective date of the sentence, and county in which the  
234.2 conviction occurred, of each person convicted of a felony under chapter 152, except for  
234.3 convictions under section 152.0263 or 152.0264, during the previous six months.

234.4 (b) The commissioner shall determine whether the individuals who are the subject of  
234.5 the data reported under paragraph (a) are receiving public assistance under chapter 256D  
234.6 or 256J, and if ~~the~~ an individual is receiving assistance under chapter 256D or 256J, the  
234.7 commissioner shall instruct the county to proceed under section 256D.024 or 256J.26,  
234.8 whichever is applicable, for this individual.

234.9 (c) The commissioner shall not retain any data received under paragraph (a) ~~or (d)~~ that  
234.10 does not relate to an individual receiving publicly funded assistance under chapter 256D or  
234.11 256J.

234.12 ~~(d) In addition to the routine data transfer under paragraph (a), the state court~~  
234.13 ~~administrator shall provide a onetime report of the data fields under paragraph (a) for~~  
234.14 ~~individuals with a felony drug conviction under chapter 152 dated from July 1, 1997, until~~  
234.15 ~~the date of the data transfer. The commissioner shall perform the tasks identified under~~  
234.16 ~~paragraph (b) related to this data and shall retain the data according to paragraph (c).~~

234.17 Sec. 36. Minnesota Statutes 2022, section 256B.0625, subdivision 13d, is amended to  
234.18 read:

234.19 Subd. 13d. **Drug formulary.** (a) The commissioner shall establish a drug formulary. Its  
234.20 establishment and publication shall not be subject to the requirements of the Administrative  
234.21 Procedure Act, but the Formulary Committee shall review and comment on the formulary  
234.22 contents.

234.23 (b) The formulary shall not include:

234.24 (1) drugs, active pharmaceutical ingredients, or products for which there is no federal  
234.25 funding;

234.26 (2) over-the-counter drugs, except as provided in subdivision 13;

234.27 (3) drugs or active pharmaceutical ingredients when used for the treatment of impotence  
234.28 or erectile dysfunction;

234.29 (4) drugs or active pharmaceutical ingredients for which medical value has not been  
234.30 established;

235.1 (5) drugs from manufacturers who have not signed a rebate agreement with the  
235.2 Department of Health and Human Services pursuant to section 1927 of title XIX of the  
235.3 Social Security Act; and

235.4 (6) medical cannabis flower as defined in section ~~152.22, subdivision 6~~ 342.01,  
235.5 subdivision 53, or medical cannabinoid products as defined in section 342.01, subdivision  
235.6 51.

235.7 (c) If a single-source drug used by at least two percent of the fee-for-service medical  
235.8 assistance recipients is removed from the formulary due to the failure of the manufacturer  
235.9 to sign a rebate agreement with the Department of Health and Human Services, the  
235.10 commissioner shall notify prescribing practitioners within 30 days of receiving notification  
235.11 from the Centers for Medicare and Medicaid Services (CMS) that a rebate agreement was  
235.12 not signed.

235.13 Sec. 37. Minnesota Statutes 2022, section 256D.024, subdivision 1, is amended to read:

235.14 Subdivision 1. **Person convicted of drug offenses.** (a) If an applicant or recipient has  
235.15 been convicted of a drug offense after July 1, 1997, except for convictions related to cannabis,  
235.16 marijuana, or tetrahydrocannabinols, the assistance unit is ineligible for benefits under this  
235.17 chapter until five years after the applicant has completed terms of the court-ordered sentence,  
235.18 unless the person is participating in a drug treatment program, has successfully completed  
235.19 a drug treatment program, or has been assessed by the county and determined not to be in  
235.20 need of a drug treatment program. Persons subject to the limitations of this subdivision who  
235.21 become eligible for assistance under this chapter shall be subject to random drug testing as  
235.22 a condition of continued eligibility and shall lose eligibility for benefits for five years  
235.23 beginning the month following:

235.24 (1) any positive test result for an illegal controlled substance under chapter 152; or

235.25 (2) discharge of sentence after conviction for another drug felony.

235.26 (b) For the purposes of this subdivision, "drug offense" means a conviction that occurred  
235.27 after July 1, 1997, of sections 152.021 to 152.025, 152.0261, 152.0262, or 152.096. Drug  
235.28 offense also means a conviction in another jurisdiction of the possession, use, or distribution  
235.29 of a controlled substance, or conspiracy to commit any of these offenses, if the offense  
235.30 occurred after July 1, 1997, and the conviction is ~~a felony offense in that jurisdiction, or in~~  
235.31 ~~the case of New Jersey, a high misdemeanor~~ for a crime that would be a felony if committed  
235.32 in Minnesota.

236.1 Sec. 38. Minnesota Statutes 2022, section 256D.024, subdivision 3, is amended to read:

236.2 Subd. 3. **Fleeing felons.** An individual who is fleeing to avoid prosecution, or custody,  
236.3 or confinement after conviction for a crime that is a felony under the laws of the jurisdiction  
236.4 ~~from which the individual flees, or in the case of New Jersey, is a high misdemeanor,~~ would  
236.5 be a felony if committed in Minnesota, is ineligible to receive benefits under this chapter.

236.6 Sec. 39. Minnesota Statutes 2022, section 256J.26, subdivision 1, is amended to read:

236.7 Subdivision 1. **Person convicted of drug offenses.** (a) An individual who has been  
236.8 convicted of a felony level drug offense committed during the previous ten years from the  
236.9 date of application or recertification, except for convictions related to cannabis, marijuana,  
236.10 or tetrahydrocannabinols, is subject to the following:

236.11 (1) Benefits for the entire assistance unit must be paid in vendor form for shelter and  
236.12 utilities during any time the applicant is part of the assistance unit.

236.13 (2) The convicted applicant or participant shall be subject to random drug testing as a  
236.14 condition of continued eligibility and following any positive test for an illegal controlled  
236.15 substance under chapter 152 is subject to the following sanctions:

236.16 (i) for failing a drug test the first time, the residual amount of the participant's grant after  
236.17 making vendor payments for shelter and utility costs, if any, must be reduced by an amount  
236.18 equal to 30 percent of the MFIP standard of need for an assistance unit of the same size.  
236.19 When a sanction under this subdivision is in effect, the job counselor must attempt to meet  
236.20 with the person face-to-face. During the face-to-face meeting, the job counselor must explain  
236.21 the consequences of a subsequent drug test failure and inform the participant of the right to  
236.22 appeal the sanction under section 256J.40. If a face-to-face meeting is not possible, the  
236.23 county agency must send the participant a notice of adverse action as provided in section  
236.24 256J.31, subdivisions 4 and 5, and must include the information required in the face-to-face  
236.25 meeting; or

236.26 (ii) for failing a drug test two times, the participant is permanently disqualified from  
236.27 receiving MFIP assistance, both the cash and food portions. The assistance unit's MFIP  
236.28 grant must be reduced by the amount which would have otherwise been made available to  
236.29 the disqualified participant. Disqualification under this item does not make a participant  
236.30 ineligible for the Supplemental Nutrition Assistance Program (SNAP). Before a  
236.31 disqualification under this provision is imposed, the job counselor must attempt to meet  
236.32 with the participant face-to-face. During the face-to-face meeting, the job counselor must  
236.33 identify other resources that may be available to the participant to meet the needs of the

237.1 family and inform the participant of the right to appeal the disqualification under section  
237.2 256J.40. If a face-to-face meeting is not possible, the county agency must send the participant  
237.3 a notice of adverse action as provided in section 256J.31, subdivisions 4 and 5, and must  
237.4 include the information required in the face-to-face meeting.

237.5 (3) A participant who fails a drug test the first time and is under a sanction due to other  
237.6 MFIP program requirements is considered to have more than one occurrence of  
237.7 noncompliance and is subject to the applicable level of sanction as specified under section  
237.8 256J.46, subdivision 1, paragraph (d).

237.9 (b) Applicants requesting only SNAP benefits or participants receiving only SNAP  
237.10 benefits, who have been convicted of a drug offense that occurred after July 1, 1997, except  
237.11 for convictions related to cannabis, marijuana, or tetrahydrocannabinols, may, if otherwise  
237.12 eligible, receive SNAP benefits if the convicted applicant or participant is subject to random  
237.13 drug testing as a condition of continued eligibility. Following a positive test for an illegal  
237.14 controlled substance under chapter 152, the applicant is subject to the following sanctions:

237.15 (1) for failing a drug test the first time, SNAP benefits shall be reduced by an amount  
237.16 equal to 30 percent of the applicable SNAP benefit allotment. When a sanction under this  
237.17 clause is in effect, a job counselor must attempt to meet with the person face-to-face. During  
237.18 the face-to-face meeting, a job counselor must explain the consequences of a subsequent  
237.19 drug test failure and inform the participant of the right to appeal the sanction under section  
237.20 256J.40. If a face-to-face meeting is not possible, a county agency must send the participant  
237.21 a notice of adverse action as provided in section 256J.31, subdivisions 4 and 5, and must  
237.22 include the information required in the face-to-face meeting; and

237.23 (2) for failing a drug test two times, the participant is permanently disqualified from  
237.24 receiving SNAP benefits. Before a disqualification under this provision is imposed, a job  
237.25 counselor must attempt to meet with the participant face-to-face. During the face-to-face  
237.26 meeting, the job counselor must identify other resources that may be available to the  
237.27 participant to meet the needs of the family and inform the participant of the right to appeal  
237.28 the disqualification under section 256J.40. If a face-to-face meeting is not possible, a county  
237.29 agency must send the participant a notice of adverse action as provided in section 256J.31,  
237.30 subdivisions 4 and 5, and must include the information required in the face-to-face meeting.

237.31 (c) For the purposes of this subdivision, "drug offense" means an offense that occurred  
237.32 during the previous ten years from the date of application or recertification of sections  
237.33 152.021 to 152.025, 152.0261, 152.0262, 152.096, or 152.137. Drug offense also means a  
237.34 conviction in another jurisdiction of the possession, use, or distribution of a controlled

238.1 substance, or conspiracy to commit any of these offenses, if the offense occurred during  
238.2 the previous ten years from the date of application or recertification and the conviction is  
238.3 ~~a felony offense in that jurisdiction, or in the case of New Jersey, a high misdemeanor~~ for  
238.4 a crime that would be a felony if committed in Minnesota.

238.5 Sec. 40. Minnesota Statutes 2022, section 256J.26, subdivision 3, is amended to read:

238.6 Subd. 3. **Fleeing felons.** An individual who is fleeing to avoid prosecution, or custody,  
238.7 or confinement after conviction for a crime that is ~~a felony under the laws of the jurisdiction~~  
238.8 ~~from which the individual flees, or in the case of New Jersey, is a high misdemeanor,~~ would  
238.9 be a felony if committed in Minnesota, is disqualified from receiving MFIP.

238.10 Sec. 41. Minnesota Statutes 2022, section 340A.402, subdivision 1, is amended to read:

238.11 Subdivision 1. **Disqualifiers.** No retail license may be issued to:

238.12 (1) a person under 21 years of age;

238.13 (2) a person who has had an intoxicating liquor or 3.2 percent malt liquor license revoked  
238.14 within five years of the license application, or to any person who at the time of the violation  
238.15 owns any interest, whether as a holder of more than five percent of the capital stock of a  
238.16 corporation licensee, as a partner or otherwise, in the premises or in the business conducted  
238.17 thereon, or to a corporation, partnership, association, enterprise, business, or firm in which  
238.18 any such person is in any manner interested;

238.19 (3) a person not of good moral character and repute; ~~or~~

238.20 (4) a person who:

238.21 (i) has had a license or registration issued pursuant to chapter 342 or section 151.72,  
238.22 subdivision 5b, revoked;

238.23 (ii) has been convicted of an offense under section 151.72, subdivision 7; or

238.24 (iii) has been convicted under any other statute for the illegal sale of marijuana, cannabis  
238.25 flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products,  
238.26 or edible cannabinoid products and the sale took place on the premises of a business that  
238.27 sells intoxicating liquor or 3.2 percent malt liquor to customers; or

238.28 ~~(4)~~ (5) a person who has a direct or indirect interest in a manufacturer, brewer, or  
238.29 wholesaler.

238.30 In addition, no new retail license may be issued to, and the governing body of a  
238.31 municipality may refuse to renew the license of, a person who, within five years of the

239.1 license application, has been convicted of a felony or a willful violation of a federal or state  
239.2 law or local ordinance governing the manufacture, sale, distribution, or possession for sale  
239.3 or distribution of an alcoholic beverage. The Alcohol and Gambling Enforcement Division  
239.4 or licensing authority may require that fingerprints be taken and forwarded to the Federal  
239.5 Bureau of Investigation for purposes of a criminal history check.

239.6 Sec. 42. **[340A.4022] RETAIL LICENSE NOT PROHIBITED; LOWER-POTENCY**  
239.7 **HEMP EDIBLE RETAILER.**

239.8 (a) Nothing in this chapter:

239.9 (1) prohibits the issuance of a retail license or permit to a person also holding a  
239.10 lower-potency hemp edible retailer license;

239.11 (2) allows any agreement between a licensing authority and retail license or permit holder  
239.12 that prohibits the license or permit holder from also holding a lower-potency hemp edible  
239.13 retailer license; or

239.14 (3) allows the revocation or suspension of a retail license or permit, or the imposition  
239.15 of a penalty on a retail license or permit holder, due to the retail license or permit holder  
239.16 also holding a lower-potency hemp edible retailer license.

239.17 (b) For purposes of this section, "lower-potency hemp edible retailer license" means a  
239.18 license issued by the Office of Cannabis Management under section 342.41.

239.19 Sec. 43. Minnesota Statutes 2022, section 340A.412, subdivision 14, is amended to read:

239.20 Subd. 14. **Exclusive liquor stores.** (a) Except as otherwise provided in this subdivision,  
239.21 an exclusive liquor store may sell only the following items:

239.22 (1) alcoholic beverages;

239.23 (2) tobacco products;

239.24 (3) ice;

239.25 (4) beverages, either liquid or powder, specifically designated for mixing with intoxicating  
239.26 liquor;

239.27 (5) soft drinks;

239.28 (6) liqueur-filled candies;

239.29 (7) food products that contain more than one-half of one percent alcohol by volume;

239.30 (8) cork extraction devices;

- 240.1 (9) books and videos on the use of alcoholic beverages;
- 240.2 (10) magazines and other publications published primarily for information and education  
240.3 on alcoholic beverages;
- 240.4 (11) multiple-use bags designed to carry purchased items;
- 240.5 (12) devices designed to ensure safe storage and monitoring of alcohol in the home, to  
240.6 prevent access by underage drinkers;
- 240.7 (13) home brewing equipment;
- 240.8 (14) clothing marked with the specific name, brand, or identifying logo of the exclusive  
240.9 liquor store, and bearing no other name, brand, or identifying logo;
- 240.10 (15) citrus fruit; ~~and~~
- 240.11 (16) glassware; and
- 240.12 (17) lower-potency hemp edibles as defined in section 342.01, subdivision 49.

240.13 (b) An exclusive liquor store that has an on-sale, or combination on-sale and off-sale  
240.14 license may sell food for on-premise consumption when authorized by the municipality  
240.15 issuing the license.

240.16 (c) An exclusive liquor store may offer live or recorded entertainment.

240.17 **EFFECTIVE DATE.** This section is effective July 1, 2024.

240.18 Sec. 44. Minnesota Statutes 2022, section 461.12, is amended by adding a subdivision to  
240.19 read:

240.20 **Subd. 2a. Penalties for sales of certain products; licensees.** (a) A licensee's authority  
240.21 to sell tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia  
240.22 delivery products at that location must be suspended for not less than seven days and may  
240.23 be revoked if the licensee:

240.24 (1) holds a license or registration issued pursuant to chapter 342 or section 151.72,  
240.25 subdivision 5b, and the license or registration is revoked;

240.26 (2) is convicted of an offense under section 151.72, subdivision 7; or

240.27 (3) has been convicted under any other statute for the illegal sale of marijuana, cannabis  
240.28 flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products,  
240.29 or edible cannabinoid products and the sale took place on the premises of a business that

241.1 sells tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia  
241.2 delivery products.

241.3 (b) No suspension, revocation, or other penalty may take effect until the licensee has  
241.4 received notice, served personally or by mail, of the alleged violation and an opportunity  
241.5 for a hearing before a person authorized by the licensing authority to conduct the hearing.  
241.6 A decision that a violation has occurred must be in writing.

241.7 Sec. 45. Minnesota Statutes 2022, section 609.2111, is amended to read:

241.8 **609.2111 DEFINITIONS.**

241.9 (a) For purposes of sections 609.2111 to 609.2114, the terms defined in this subdivision  
241.10 have the meanings given them.

241.11 (b) "Motor vehicle" has the meaning given in section 609.52, subdivision 1, and includes  
241.12 attached trailers.

241.13 (c) "Controlled substance" has the meaning given in section ~~152.01~~ 169A.03, subdivision  
241.14 4 6.

241.15 (d) "Intoxicating substance" has the meaning given in section 169A.03, subdivision 11a.

241.16 (e) "Qualified prior driving offense" includes a prior conviction:

241.17 (1) for a violation of section 169A.20 under the circumstances described in section  
241.18 169A.24 or 169A.25;

241.19 (2) under section 609.2112, subdivision 1, paragraph (a), clauses (2) to (6); 609.2113,  
241.20 subdivision 1, clauses (2) to (6); 2, clauses (2) to (6); or 3, clauses (2) to (6); or 609.2114,  
241.21 subdivision 1, paragraph (a), clauses (2) to (6); or 2, clauses (2) to (6);

241.22 (3) under Minnesota Statutes 2012, section 609.21, subdivision 1, clauses (2) to (6); or

241.23 (4) under Minnesota Statutes 2006, section 609.21, subdivision 1, clauses (2) to (6); 2,  
241.24 clauses (2) to (6); 2a, clauses (2) to (6); 2b, clauses (2) to (6); 3, clauses (2) to (6); or 4,  
241.25 clauses (2) to (6).

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

242.1 Sec. 46. Minnesota Statutes 2022, section 609B.425, subdivision 2, is amended to read:

242.2 Subd. 2. **Benefit eligibility.** (a) A person convicted of a drug offense after July 1, 1997,  
242.3 except for convictions related to cannabis, marijuana, or tetrahydrocannabinols, is ineligible  
242.4 for general assistance benefits and Supplemental Security Income under chapter 256D until:

242.5 (1) five years after completing the terms of a court-ordered sentence; or

242.6 (2) unless the person is participating in a drug treatment program, has successfully  
242.7 completed a program, or has been determined not to be in need of a drug treatment program.

242.8 (b) A person who becomes eligible for assistance under chapter 256D is subject to  
242.9 random drug testing and shall lose eligibility for benefits for five years beginning the month  
242.10 following:

242.11 (1) any positive test for an illegal controlled substance under chapter 152; or

242.12 (2) discharge of sentence for conviction of another drug felony.

242.13 (c) Parole violators and fleeing felons are ineligible for benefits and persons fraudulently  
242.14 misrepresenting eligibility are also ineligible to receive benefits for ten years.

242.15 Sec. 47. Minnesota Statutes 2022, section 609B.435, subdivision 2, is amended to read:

242.16 Subd. 2. **Drug offenders; random testing; sanctions.** A person who is an applicant for  
242.17 benefits from the Minnesota family investment program or MFIP, the vehicle for temporary  
242.18 assistance for needy families or TANF, and who has been convicted of a drug offense,  
242.19 except for convictions related to cannabis, marijuana, or tetrahydrocannabinols, shall be  
242.20 subject to certain conditions, including random drug testing, in order to receive MFIP  
242.21 benefits. Following any positive test for a controlled substance under chapter 152, the  
242.22 convicted applicant or participant is subject to the following sanctions:

242.23 (1) a first time drug test failure results in a reduction of benefits in an amount equal to  
242.24 30 percent of the MFIP standard of need; and

242.25 (2) a second time drug test failure results in permanent disqualification from receiving  
242.26 MFIP assistance.

242.27 A similar disqualification sequence occurs if the applicant is receiving Supplemental Nutrition  
242.28 Assistance Program (SNAP) benefits.

243.1 Sec. 48. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision  
243.2 to read:

243.3 Subd. 13. **Adult-use cannabis flower.** "Adult-use cannabis flower" has the meaning  
243.4 given in section 342.01, subdivision 4.

243.5 Sec. 49. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision  
243.6 to read:

243.7 Subd. 14. **Adult-use cannabis product.** "Adult-use cannabis product" has the meaning  
243.8 given in section 342.01, subdivision 2.

243.9 Sec. 50. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision  
243.10 to read:

243.11 Subd. 15. **Medical cannabis flower.** "Medical cannabis flower" has the meaning given  
243.12 in section 342.01, subdivision 53.

243.13 Sec. 51. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision  
243.14 to read:

243.15 Subd. 16. **Medical cannabinoid product.** "Medical cannabinoid product" has the  
243.16 meaning given in section 342.01, subdivision 51.

243.17 Sec. 52. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision  
243.18 to read:

243.19 Subd. 17. **Patient.** "Patient" has the meaning given in section 342.01, subdivision 58.

243.20 Sec. 53. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision  
243.21 to read:

243.22 Subd. 18. **Qualifying medical condition.** "Qualifying medical condition" has the meaning  
243.23 given in section 342.01, subdivision 61.

243.24 Sec. 54. Minnesota Statutes 2022, section 624.712, is amended by adding a subdivision  
243.25 to read:

243.26 Subd. 19. **Registry or registry program.** "Registry" or "registry program" has the  
243.27 meaning given in section 342.01, subdivision 63.

244.1 Sec. 55. Minnesota Statutes 2022, section 624.713, subdivision 1, is amended to read:

244.2 Subdivision 1. **Ineligible persons.** The following persons shall not be entitled to possess  
244.3 ammunition or a pistol or semiautomatic military-style assault weapon or, except for clause  
244.4 (1), any other firearm:

244.5 (1) a person under the age of 18 years except that a person under 18 may possess  
244.6 ammunition designed for use in a firearm that the person may lawfully possess and may  
244.7 carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual  
244.8 presence or under the direct supervision of the person's parent or guardian, (ii) for the  
244.9 purpose of military drill under the auspices of a legally recognized military organization  
244.10 and under competent supervision, (iii) for the purpose of instruction, competition, or target  
244.11 practice on a firing range approved by the chief of police or county sheriff in whose  
244.12 jurisdiction the range is located and under direct supervision; or (iv) if the person has  
244.13 successfully completed a course designed to teach marksmanship and safety with a pistol  
244.14 or semiautomatic military-style assault weapon and approved by the commissioner of natural  
244.15 resources;

244.16 (2) except as otherwise provided in clause (9), a person who has been convicted of, or  
244.17 adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in  
244.18 this state or elsewhere, a crime of violence. For purposes of this section, crime of violence  
244.19 includes crimes in other states or jurisdictions which would have been crimes of violence  
244.20 as herein defined if they had been committed in this state;

244.21 (3) a person who is or has ever been committed in Minnesota or elsewhere by a judicial  
244.22 determination that the person is mentally ill, developmentally disabled, or mentally ill and  
244.23 dangerous to the public, as defined in section 253B.02, to a treatment facility, or who has  
244.24 ever been found incompetent to stand trial or not guilty by reason of mental illness, unless  
244.25 the person's ability to possess a firearm and ammunition has been restored under subdivision  
244.26 4;

244.27 (4) a person who has been convicted in Minnesota or elsewhere of a misdemeanor or  
244.28 gross misdemeanor violation of chapter 152, unless three years have elapsed since the date  
244.29 of conviction and, during that time, the person has not been convicted of any other such  
244.30 violation of chapter 152 or a similar law of another state; or a person who is or has ever  
244.31 been committed by a judicial determination for treatment for the habitual use of a controlled  
244.32 substance or marijuana, as defined in sections 152.01 and 152.02, unless the person's ability  
244.33 to possess a firearm and ammunition has been restored under subdivision 4;

245.1 (5) a person who has been committed to a treatment facility in Minnesota or elsewhere  
245.2 by a judicial determination that the person is chemically dependent as defined in section  
245.3 253B.02, unless the person has completed treatment or the person's ability to possess a  
245.4 firearm and ammunition has been restored under subdivision 4. Property rights may not be  
245.5 abated but access may be restricted by the courts;

245.6 (6) a peace officer who is informally admitted to a treatment facility pursuant to section  
245.7 253B.04 for chemical dependency, unless the officer possesses a certificate from the head  
245.8 of the treatment facility discharging or provisionally discharging the officer from the  
245.9 treatment facility. Property rights may not be abated but access may be restricted by the  
245.10 courts;

245.11 (7) a person, including a person under the jurisdiction of the juvenile court, who has  
245.12 been charged with committing a crime of violence and has been placed in a pretrial diversion  
245.13 program by the court before disposition, until the person has completed the diversion program  
245.14 and the charge of committing the crime of violence has been dismissed;

245.15 (8) except as otherwise provided in clause (9), a person who has been convicted in  
245.16 another state of committing an offense similar to the offense described in section 609.224,  
245.17 subdivision 3, against a family or household member or section 609.2242, subdivision 3,  
245.18 unless three years have elapsed since the date of conviction and, during that time, the person  
245.19 has not been convicted of any other violation of section 609.224, subdivision 3, or 609.2242,  
245.20 subdivision 3, or a similar law of another state;

245.21 (9) a person who has been convicted in this state or elsewhere of assaulting a family or  
245.22 household member and who was found by the court to have used a firearm in any way  
245.23 during commission of the assault is prohibited from possessing any type of firearm or  
245.24 ammunition for the period determined by the sentencing court;

245.25 (10) a person who:

245.26 (i) has been convicted in any court of a crime punishable by imprisonment for a term  
245.27 exceeding one year;

245.28 (ii) is a fugitive from justice as a result of having fled from any state to avoid prosecution  
245.29 for a crime or to avoid giving testimony in any criminal proceeding;

245.30 (iii) is an unlawful user of any controlled substance as defined in chapter 152. The use  
245.31 of medical cannabis flower or medical cannabinoid products by a patient enrolled in the  
245.32 registry program or the use of adult-use cannabis flower or adult-use cannabis products by

246.1 a person 21 years of age or older does not constitute the unlawful use of a controlled  
246.2 substance under this item;

246.3 (iv) has been judicially committed to a treatment facility in Minnesota or elsewhere as  
246.4 a person who is mentally ill, developmentally disabled, or mentally ill and dangerous to the  
246.5 public, as defined in section 253B.02;

246.6 (v) is an alien who is illegally or unlawfully in the United States;

246.7 (vi) has been discharged from the armed forces of the United States under dishonorable  
246.8 conditions;

246.9 (vii) has renounced the person's citizenship having been a citizen of the United States;

246.10 or

246.11 (viii) is disqualified from possessing a firearm under United States Code, title 18, section  
246.12 922(g)(8) or (9), as amended through March 1, 2014;

246.13 (11) a person who has been convicted of the following offenses at the gross misdemeanor  
246.14 level, unless three years have elapsed since the date of conviction and, during that time, the  
246.15 person has not been convicted of any other violation of these sections: section 609.229  
246.16 (crimes committed for the benefit of a gang); 609.2231, subdivision 4 (assaults motivated  
246.17 by bias); 609.255 (false imprisonment); 609.378 (neglect or endangerment of a child);  
246.18 609.582, subdivision 4 (burglary in the fourth degree); 609.665 (setting a spring gun); 609.71  
246.19 (riot); or 609.749 (harassment or stalking). For purposes of this paragraph, the specified  
246.20 gross misdemeanor convictions include crimes committed in other states or jurisdictions  
246.21 which would have been gross misdemeanors if conviction occurred in this state;

246.22 (12) a person who has been convicted of a violation of section 609.224 if the court  
246.23 determined that the assault was against a family or household member in accordance with  
246.24 section 609.2242, subdivision 3 (domestic assault), unless three years have elapsed since  
246.25 the date of conviction and, during that time, the person has not been convicted of another  
246.26 violation of section 609.224 or a violation of a section listed in clause (11); or

246.27 (13) a person who is subject to an order for protection as described in section 260C.201,  
246.28 subdivision 3, paragraph (d), or 518B.01, subdivision 6, paragraph (g).

246.29 A person who issues a certificate pursuant to this section in good faith is not liable for  
246.30 damages resulting or arising from the actions or misconduct with a firearm or ammunition  
246.31 committed by the individual who is the subject of the certificate.

246.32 The prohibition in this subdivision relating to the possession of firearms other than  
246.33 pistols and semiautomatic military-style assault weapons does not apply retroactively to

247.1 persons who are prohibited from possessing a pistol or semiautomatic military-style assault  
247.2 weapon under this subdivision before August 1, 1994.

247.3 The lifetime prohibition on possessing, receiving, shipping, or transporting firearms and  
247.4 ammunition for persons convicted or adjudicated delinquent of a crime of violence in clause  
247.5 (2), applies only to offenders who are discharged from sentence or court supervision for a  
247.6 crime of violence on or after August 1, 1993.

247.7 Participation as a patient in the registry program or use of adult-use cannabis flower or  
247.8 adult-use cannabinoid products by a person 21 years of age or older does not disqualify the  
247.9 person from possessing firearms and ammunition under this section.

247.10 For purposes of this section, "judicial determination" means a court proceeding pursuant  
247.11 to sections 253B.07 to 253B.09 or a comparable law from another state.

247.12 Sec. 56. Minnesota Statutes 2022, section 624.714, subdivision 6, is amended to read:

247.13 Subd. 6. **Granting and denial of permits.** (a) The sheriff must, within 30 days after the  
247.14 date of receipt of the application packet described in subdivision 3:

247.15 (1) issue the permit to carry;

247.16 (2) deny the application for a permit to carry solely on the grounds that the applicant  
247.17 failed to qualify under the criteria described in subdivision 2, paragraph (b); or

247.18 (3) deny the application on the grounds that there exists a substantial likelihood that the  
247.19 applicant is a danger to self or the public if authorized to carry a pistol under a permit.

247.20 (b) Failure of the sheriff to notify the applicant of the denial of the application within  
247.21 30 days after the date of receipt of the application packet constitutes issuance of the permit  
247.22 to carry and the sheriff must promptly fulfill the requirements under paragraph (c). To deny  
247.23 the application, the sheriff must provide the applicant with written notification and the  
247.24 specific factual basis justifying the denial under paragraph (a), clause (2) or (3), including  
247.25 the source of the factual basis. The sheriff must inform the applicant of the applicant's right  
247.26 to submit, within 20 business days, any additional documentation relating to the propriety  
247.27 of the denial. Upon receiving any additional documentation, the sheriff must reconsider the  
247.28 denial and inform the applicant within 15 business days of the result of the reconsideration.  
247.29 Any denial after reconsideration must be in the same form and substance as the original  
247.30 denial and must specifically address any continued deficiencies in light of the additional  
247.31 documentation submitted by the applicant. The applicant must be informed of the right to  
247.32 seek de novo review of the denial as provided in subdivision 12.

248.1 (c) Upon issuing a permit to carry, the sheriff must provide a laminated permit card to  
248.2 the applicant by first class mail unless personal delivery has been made. Within five business  
248.3 days, the sheriff must submit the information specified in subdivision 7, paragraph (a), to  
248.4 the commissioner for inclusion solely in the database required under subdivision 15,  
248.5 paragraph (a). The sheriff must transmit the information in a manner and format prescribed  
248.6 by the commissioner.

248.7 (d) Within five business days of learning that a permit to carry has been suspended or  
248.8 revoked, the sheriff must submit information to the commissioner regarding the suspension  
248.9 or revocation for inclusion solely in the databases required or permitted under subdivision  
248.10 15.

248.11 (e) Notwithstanding paragraphs (a) and (b), the sheriff may suspend the application  
248.12 process if a charge is pending against the applicant that, if resulting in conviction, will  
248.13 prohibit the applicant from possessing a firearm.

248.14 (f) A sheriff shall not deny an application for a permit to carry solely because the applicant  
248.15 is a patient enrolled in the registry program and uses medical cannabis flower or medical  
248.16 cannabinoid products for a qualifying medical condition or because the person is 21 years  
248.17 of age or older and uses adult-use cannabis flower or adult-use cannabis products.

248.18 Sec. 57. Minnesota Statutes 2022, section 624.7142, subdivision 1, is amended to read:

248.19 Subdivision 1. **Acts prohibited.** A person may not carry a pistol on or about the person's  
248.20 clothes or person in a public place:

248.21 (1) when the person is under the influence of a controlled substance, as defined in section  
248.22 ~~152.01~~ 169A.03, subdivision ~~4~~ 6;

248.23 (2) when the person is under the influence of a combination of any two or more of the  
248.24 elements named in clauses (1) and (4);

248.25 (3) when the person is under the influence of an intoxicating substance as defined in  
248.26 section 169A.03, subdivision 11a, and the person knows or has reason to know that the  
248.27 substance has the capacity to cause impairment;

248.28 (4) when the person is under the influence of alcohol;

248.29 (5) when the person's alcohol concentration is 0.10 or more; ~~or~~

248.30 (6) when the person's alcohol concentration is less than 0.10, but more than 0.04; ~~or~~

248.31 (7) when the person is enrolled as a patient in the registry program, uses medical cannabis  
248.32 flower or medical cannabinoid products, and knows or has reason to know that the medical

249.1 cannabis flower or medical cannabinoid products used by the person has the capacity to  
249.2 cause impairment.

249.3 Sec. 58. Minnesota Statutes 2022, section 624.7143, is amended by adding a subdivision  
249.4 to read:

249.5 Subd. 6. **Definition.** As used in this section, "controlled substance" has the meaning  
249.6 given in section 169A.03, subdivision 6.

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

249.9 Sec. 59. Minnesota Statutes 2022, section 624.7151, is amended to read:

249.10 **624.7151 STANDARDIZED FORMS.**

249.11 By December 1, 1992, the commissioner shall adopt statewide standards governing the  
249.12 form and contents, as required by sections 624.7131 to 624.714, of every application for a  
249.13 pistol transferee permit, pistol transferee permit, report of transfer of a pistol, application  
249.14 for a permit to carry a pistol, and permit to carry a pistol that is granted or renewed on or  
249.15 after January 1, 1993.

249.16 Every application for a pistol transferee permit, pistol transferee permit, report of transfer  
249.17 of a pistol, application for a permit to carry a pistol, and permit to carry a pistol that is  
249.18 received, granted, or renewed by a police chief or county sheriff on or after January 1, 1993,  
249.19 must meet the statewide standards adopted by the commissioner. Notwithstanding the  
249.20 previous sentence, neither failure of the Department of Public Safety to adopt standards nor  
249.21 failure of the police chief or county sheriff to meet them shall delay the timely processing  
249.22 of applications nor invalidate permits issued on other forms meeting the requirements of  
249.23 sections 624.7131 to 624.714.

249.24 Any form used for the purpose of approving or disapproving a person from purchasing,  
249.25 owning, possessing, or carrying a firearm that inquires about the applicant's use of controlled  
249.26 substances shall specifically authorize a patient in the registry program to refrain from  
249.27 reporting the use of medical cannabis flower and medical cannabinoid products and shall  
249.28 specifically authorize a person 21 years of age or older from refraining from reporting the  
249.29 use of adult-use cannabis flower or adult-use cannabis products.

250.1 **Sec. 60. [624.7152] LAWFUL CANNABIS USERS.**

250.2 (a) A person may not be denied the right to purchase, own, possess, or carry a firearm  
250.3 solely on the basis that the person is a patient in the registry program.

250.4 (b) A person may not be denied the right to purchase, own, possess, or carry a firearm  
250.5 solely on the basis that the person is 21 years of age or older and uses adult-use cannabis  
250.6 flower or adult-use cannabis products.

250.7 (c) A state or local agency may not access a database containing the identities of patients  
250.8 in the registry program to obtain information for the purpose of approving or disapproving  
250.9 a person from purchasing, owning, possessing, or carrying a firearm.

250.10 (d) A state or local agency may not use information gathered from a database containing  
250.11 the identities of patients in the registry program to obtain information for the purpose of  
250.12 approving or disapproving a person from purchasing, owning, possessing, or carrying a  
250.13 firearm.

250.14 (e) A state or local agency may not inquire about a person's status as a patient in the  
250.15 registry program for the purpose of approving or disapproving the person from purchasing,  
250.16 owning, possessing, or carrying a firearm.

250.17 (f) A state or local agency may not inquire about the use of adult-use cannabis flower  
250.18 or adult-use cannabis products by a person 21 years of age or older for the purpose of  
250.19 approving or disapproving the person from purchasing, owning, possessing, or carrying a  
250.20 firearm.

250.21 **Sec. 61. HIGH INTENSITY DRUG TRAFFICKING AREA REPORT.**

250.22 The commissioner of public safety, working in conjunction with Hennepin County, must  
250.23 produce a statewide baseline high intensity drug trafficking area report on marijuana. The  
250.24 report must include information on past and present marijuana use in Minnesota; potency  
250.25 of marijuana; impacts of marijuana use on public health, emergency room admissions, traffic  
250.26 accidents, impaired driving citations, workforce, and schools; marijuana crimes and the  
250.27 juvenile justice system; marijuana's influence on the opioid epidemic; and the illicit market  
250.28 for marijuana. The report must be submitted to the chairs and ranking minority members  
250.29 of the house of representatives and senate committees with jurisdiction over public safety,  
250.30 health, education policy, labor, and transportation by February 1, 2024.

251.1 **Sec. 62. REPEALER.**

251.2 (a) Minnesota Rules, parts 4770.0100; 4770.0200; 4770.0300; 4770.0400; 4770.0500;  
251.3 4770.0600; 4770.0800; 4770.0900; 4770.1000; 4770.1100; 4770.1200; 4770.1300;  
251.4 4770.1400; 4770.1460; 4770.1500; 4770.1600; 4770.1700; 4770.1800; 4770.1900;  
251.5 4770.2000; 4770.2100; 4770.2200; 4770.2300; 4770.2400; 4770.2700; 4770.2800;  
251.6 4770.4000; 4770.4002; 4770.4003; 4770.4004; 4770.4005; 4770.4007; 4770.4008;  
251.7 4770.4009; 4770.4010; 4770.4012; 4770.4013; 4770.4014; 4770.4015; 4770.4016;  
251.8 4770.4017; 4770.4018; and 4770.4030, are repealed.

251.9 (b) Minnesota Statutes 2022, sections 152.22, subdivisions 1, 2, 3, 4, 5, 5a, 5b, 6, 7, 8,  
251.10 9, 10, 11, 12, 13, and 14; 152.23; 152.24; 152.25, subdivisions 1, 1a, 1b, 1c, 2, 3, and 4;  
251.11 152.26; 152.261; 152.27, subdivisions 1, 2, 3, 4, 5, 6, and 7; 152.28, subdivisions 1, 2, and  
251.12 3; 152.29, subdivisions 1, 2, 3, 3a, and 4; 152.30; 152.31; 152.32, subdivisions 1, 2, and 3;  
251.13 152.33, subdivisions 1, 1a, 2, 3, 4, 5, and 6; 152.34; 152.35; 152.36, subdivisions 1, 1a, 2,  
251.14 3, 4, and 5; and 152.37, are repealed.

251.15 (c) Minnesota Statutes 2022, section 152.027, subdivisions 3 and 4, are repealed.

251.16 (d) Minnesota Statutes 2022, section 152.21, is repealed.

251.17 (e) Minnesota Statutes 2022, sections 18K.08; 34A.01, subdivision 4; and 151.72, are  
251.18 repealed.

251.19 **EFFECTIVE DATE.** Paragraphs (a) and (b) are effective January 1, 2024. Paragraph  
251.20 (c) is effective August 1, 2023. Paragraph (d) is effective July 1, 2023. Paragraph (e) is  
251.21 effective March 1, 2025.

251.22 **ARTICLE 7**

251.23 **TEMPORARY REGULATION OF CERTAIN PRODUCTS**

251.24 Section 1. Minnesota Statutes 2022, section 34A.01, subdivision 4, is amended to read:

251.25 Subd. 4. **Food.** "Food" means every ingredient used for, entering into the consumption  
251.26 of, or used or intended for use in the preparation of food, drink, confectionery, or condiment  
251.27 for humans or other animals, whether simple, mixed, or compound; and articles used as  
251.28 components of these ingredients, except that edible cannabinoid products, as defined in  
251.29 section 151.72, subdivision 1, paragraph ~~(e)~~ (f), are not food.

252.1 Sec. 2. Minnesota Statutes 2022, section 151.72, is amended to read:

252.2 **151.72 SALE OF CERTAIN CANNABINOID PRODUCTS.**

252.3 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have  
252.4 the meanings given.

252.5 (a) "Synthetically derived cannabinoid" means a cannabinoid extracted from a hemp  
252.6 plant or hemp plant parts whose chemical makeup is changed after extraction to create a  
252.7 different cannabinoid or other chemical compound by applying a catalyst other than heat  
252.8 or light. Synthetically derived cannabinoid includes but is not limited to any  
252.9 tetrahydrocannabinol created from cannabidiol.

252.10 (b) "Batch" means a specific quantity of a specific product containing cannabinoids  
252.11 derived from hemp, including an edible cannabinoid product, that is manufactured at the  
252.12 same time and using the same methods, equipment, and ingredients that is uniform and  
252.13 intended to meet specifications for identity, strength, purity, and composition, and that is  
252.14 manufactured, packaged, and labeled according to a single batch production record executed  
252.15 and documented during the same cycle of manufacture and produced by a continuous  
252.16 process.

252.17 ~~(b)~~ (c) "Certified hemp" means hemp plants that have been tested and found to meet the  
252.18 requirements of chapter 18K and the rules adopted thereunder.

252.19 (d) "Commissioner" means the commissioner of health.

252.20 (e) "Distributor" means a person who sells, arranges a sale, or delivers a product  
252.21 containing cannabinoids derived from hemp, including an edible cannabinoid product, that  
252.22 the person did not manufacture to a retail establishment for sale to consumers. Distributor  
252.23 does not include a common carrier used only to complete delivery to a retailer.

252.24 ~~(e)~~ (f) "Edible cannabinoid product" means any product that is intended to be eaten or  
252.25 consumed as a beverage by humans, contains a cannabinoid in combination with food  
252.26 ingredients, and is not a drug.

252.27 ~~(d)~~ (g) "Hemp" has the meaning given to "industrial hemp" in section 18K.02, subdivision  
252.28 3.

252.29 ~~(e)~~ (h) "Label" has the meaning given in section 151.01, subdivision 18.

252.30 ~~(f)~~ (i) "Labeling" means all labels and other written, printed, or graphic matter that are:  
252.31 (1) affixed to the immediate container in which a product regulated under this section  
252.32 is sold;

253.1 (2) provided, in any manner, with the immediate container, including but not limited to  
253.2 outer containers, wrappers, package inserts, brochures, or pamphlets; or

253.3 (3) provided on that portion of a manufacturer's website that is linked by a scannable  
253.4 barcode or matrix barcode.

253.5 ~~(g)~~ (j) "Matrix barcode" means a code that stores data in a two-dimensional array of  
253.6 geometrically shaped dark and light cells capable of being read by the camera on a  
253.7 smartphone or other mobile device.

253.8 ~~(h)~~ (k) "Nonintoxicating cannabinoid" means substances extracted from certified hemp  
253.9 plants that do not produce intoxicating effects when consumed by any route of administration.

253.10 (l) "Artificial cannabinoid" means a substance with a similar chemical structure and  
253.11 pharmacological activity to a cannabinoid, but which is not extracted or derived from hemp  
253.12 plants, or hemp plant parts and is instead created or produced by chemical or biochemical  
253.13 synthesis.

253.14 Subd. 2. **Scope.** (a) This section applies to the sale of any product that contains  
253.15 cannabinoids extracted from hemp and that is an edible cannabinoid product or is intended  
253.16 for human or animal consumption by any route of administration.

253.17 (b) This section does not apply to any product dispensed by a registered medical cannabis  
253.18 manufacturer pursuant to sections 152.22 to 152.37.

253.19 (c) The ~~board~~ commissioner must have no authority over food products, as defined in  
253.20 section 34A.01, subdivision 4, that do not contain cannabinoids extracted or derived from  
253.21 hemp.

253.22 Subd. 3. **Sale of cannabinoids derived from hemp.** (a) Notwithstanding any other  
253.23 section of this chapter, a product containing nonintoxicating cannabinoids, including an  
253.24 edible cannabinoid product, may be sold for human or animal consumption only if all of  
253.25 the requirements of this section are met, provided that a product sold for human or animal  
253.26 consumption does not contain more than 0.3 percent of any tetrahydrocannabinol and an  
253.27 edible cannabinoid product does not contain an amount of any tetrahydrocannabinol that  
253.28 exceeds the limits established in subdivision 5a, paragraph (f).

253.29 (b) No other substance extracted or otherwise derived from hemp may be sold for human  
253.30 consumption if the substance is intended:

253.31 (1) for external or internal use in the diagnosis, cure, mitigation, treatment, or prevention  
253.32 of disease in humans or other animals; ~~or~~

- 254.1 (2) to affect the structure or any function of the bodies of humans or other animals;
- 254.2 (3) to be consumed by combustion or vaporization of the product and inhalation of
- 254.3 smoke, aerosol, or vapor from the product; or
- 254.4 (4) to be consumed through injection or application to a mucous membrane or nonintact
- 254.5 skin.
- 254.6 (c) No product containing any cannabinoid or tetrahydrocannabinol extracted or otherwise
- 254.7 derived from hemp may be sold to any individual who is under the age of 21.
- 254.8 (d) Products that meet the requirements of this section are not controlled substances
- 254.9 under section 152.02.
- 254.10 (e) Products may be sold for on-site consumption provided that all of the following
- 254.11 conditions are met:
- 254.12 (1) the retailer must also hold an on-sale license issued under chapter 340A;
- 254.13 (2) products must be served in original packaging, but may be removed from the products'
- 254.14 packaging by customers and consumed on site;
- 254.15 (3) products must not be sold to a customer who the retailer knows or reasonably should
- 254.16 know is intoxicated;
- 254.17 (4) products must not be permitted to be mixed with an alcoholic beverage; and
- 254.18 (5) products that have been removed from packaging must not be removed from the
- 254.19 premises.
- 254.20 Subd. 4. **Testing requirements.** (a) A manufacturer of a product regulated under this
- 254.21 section must submit representative samples of each batch of the product to an independent,
- 254.22 accredited laboratory in order to certify that the product complies with the standards adopted
- 254.23 by the board on or before July 1, 2023, or the standards adopted by the commissioner.
- 254.24 Testing must be consistent with generally accepted industry standards for herbal and botanical
- 254.25 substances, and, at a minimum, the testing must confirm that the product:
- 254.26 (1) contains the amount or percentage of cannabinoids that is stated on the label of the
- 254.27 product;
- 254.28 (2) does not contain more than trace amounts of any mold, residual solvents or other
- 254.29 catalysts, pesticides, fertilizers, or heavy metals; and
- 254.30 (3) does not contain more than 0.3 percent of any tetrahydrocannabinol.

255.1 (b) A manufacturer of a product regulated under this section must disclose all known  
255.2 information regarding pesticides, fertilizers, solvents, or other foreign materials applied to  
255.3 industrial hemp or added to industrial hemp during any production or processing stages of  
255.4 any batch from which a representative sample has been sent for testing, including any  
255.5 catalysts used to create synthetically derived cannabinoids. Disclosure must be made to the  
255.6 laboratory performing testing or sampling and, upon request, to the commissioner. Disclosure  
255.7 must include all information known to the licensee regardless of whether the application or  
255.8 addition was made intentionally or accidentally, or by the manufacturer or any other person.

255.9 ~~(b)~~ (c) Upon the request of the ~~board~~ commissioner, the manufacturer of the product  
255.10 must provide the ~~board~~ commissioner with the results of the testing required in this section.

255.11 (d) The commissioner may determine that any testing laboratory that does not operate  
255.12 formal management systems under the International Organization for Standardization is not  
255.13 an accredited laboratory and require that a representative sample of a batch of the product  
255.14 be retested by a testing laboratory that meets this requirement.

255.15 ~~(e)~~ (e) Testing of the hemp from which the nonintoxicating cannabinoid was derived,  
255.16 or possession of a certificate of analysis for such hemp, does not meet the testing requirements  
255.17 of this section.

255.18 Subd. 5. **Labeling requirements.** (a) A product regulated under this section must bear  
255.19 a label that contains, at a minimum:

255.20 (1) the name, location, contact phone number, and website of the manufacturer of the  
255.21 product;

255.22 (2) the name and address of the independent, accredited laboratory used by the  
255.23 manufacturer to test the product; ~~and~~

255.24 (3) the batch number; and

255.25 ~~(3)~~ (4) an accurate statement of the amount or percentage of cannabinoids found in each  
255.26 unit of the product meant to be consumed.

255.27 (b) The information in paragraph (a) may be provided on an outer package if the  
255.28 immediate container that holds the product is too small to contain all of the information.

255.29 (c) The information required in paragraph (a) may be provided through the use of a  
255.30 scannable barcode or matrix barcode that links to a page on the manufacturer's website if  
255.31 that page contains all of the information required by this subdivision.

256.1 (d) The label must also include a statement stating that the product does not claim to  
256.2 diagnose, treat, cure, or prevent any disease and has not been evaluated or approved by the  
256.3 United States Food and Drug Administration (FDA) unless the product has been so approved.

256.4 (e) The information required by this subdivision must be prominently and conspicuously  
256.5 placed on the label or displayed on the website in terms that can be easily read and understood  
256.6 by the consumer.

256.7 (f) The labeling must not contain any claim that the product may be used or is effective  
256.8 for the prevention, treatment, or cure of a disease or that it may be used to alter the structure  
256.9 or function of human or animal bodies, unless the claim has been approved by the FDA.

256.10 Subd. 5a. **Additional requirements for edible cannabinoid products.** (a) In addition  
256.11 to the testing and labeling requirements under subdivisions 4 and 5, an edible cannabinoid  
256.12 must meet the requirements of this subdivision.

256.13 (b) An edible cannabinoid product must not:

256.14 (1) bear the likeness or contain cartoon-like characteristics of a real or fictional person,  
256.15 animal, or fruit that appeals to children;

256.16 (2) be modeled after a brand of products primarily consumed by or marketed to children;

256.17 (3) be made by applying an extracted or concentrated hemp-derived cannabinoid to a  
256.18 commercially available candy or snack food item;

256.19 (4) be substantively similar to a meat food product; poultry food product as defined in  
256.20 section 31A.02, subdivision 10; or a dairy product as defined in section 32D.01, subdivision  
256.21 7;

256.22 ~~(4)~~(5) contain an ingredient, other than a hemp-derived cannabinoid, that is not approved  
256.23 by the United States Food and Drug Administration for use in food;

256.24 ~~(5)~~(6) be packaged in a way that resembles the trademarked, characteristic, or  
256.25 product-specialized packaging of any commercially available food product; or

256.26 ~~(6)~~(7) be packaged in a container that includes a statement, artwork, or design that could  
256.27 reasonably mislead any person to believe that the package contains anything other than an  
256.28 edible cannabinoid product.

256.29 (c) An edible cannabinoid product must be prepackaged in packaging or a container that  
256.30 is child-resistant, tamper-evident, and opaque or placed in packaging or a container that is  
256.31 child-resistant, tamper-evident, and opaque at the final point of sale to a customer. The  
256.32 requirement that packaging be child-resistant does not apply to an edible cannabinoid product

257.1 that is intended to be consumed as a beverage and which contains no more than a ~~trace~~  
257.2 ~~amount of any tetrahydrocannabinol~~ total of 0.25 milligrams of all tetrahydrocannabinols.

257.3 (d) If an edible cannabinoid product is intended for more than a single use or contains  
257.4 multiple servings, each serving must be indicated by scoring, wrapping, or other indicators  
257.5 designating the individual serving size that appear on the edible cannabinoid product. If the  
257.6 edible cannabinoid product is meant to be consumed as a beverage, the beverage container  
257.7 may not contain more than two servings per container.

257.8 (e) A label containing at least the following information must be affixed to the packaging  
257.9 or container of all edible cannabinoid products sold to consumers:

257.10 (1) the serving size;

257.11 (2) the cannabinoid profile per serving and in total;

257.12 (3) a list of ingredients, including identification of any major food allergens declared  
257.13 by name; and

257.14 (4) the following statement: "Keep this product out of reach of children."

257.15 (f) An edible cannabinoid product must not contain more than five milligrams of any  
257.16 tetrahydrocannabinol in a single serving, or more than a total of 50 milligrams of any  
257.17 tetrahydrocannabinol per package.

257.18 (g) An edible cannabinoid product may contain delta-8 tetrahydrocannabinol or delta-9  
257.19 tetrahydrocannabinol that is extracted from hemp plants or hemp plant parts or is a  
257.20 synthetically derived cannabinoid. Edible cannabinoid products are prohibited from  
257.21 containing any other synthetically derived cannabinoid, including but not limited to THC-P,  
257.22 THC-O, and HHC, unless the commissioner authorizes use of the synthetically derived  
257.23 cannabinoid in edible cannabinoid products. Edible cannabinoid products are prohibited  
257.24 from containing artificial cannabinoids.

257.25 **Subd. 5b. Registration; prohibitions.** (a) On or before October 1, 2023, every person  
257.26 selling edible cannabinoid products to consumers must register with the commissioner in  
257.27 a form and manner established by the commissioner. After October 1, 2023, the sale of  
257.28 edible cannabinoid products by a person that is not registered is prohibited.

257.29 (b) The registration form must include an attestation of compliance attesting to the  
257.30 registrant's compliance with all applicable state and local requirements.

257.31 (c) The commissioner shall not charge a fee for registration under this subdivision.

258.1 Subd. 5c. **Age verification.** (a) Prior to initiating a sale or providing a free sample of  
258.2 an edible cannabinoid product, an employee of a retailer must verify that the customer is at  
258.3 least 21 years of age.

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

258.5 (1) a valid driver's license or identification card issued by Minnesota, another state, a  
258.6 United States territory, or a province of Canada and including the photograph and date of  
258.7 birth of the licensed person;

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

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

258.10 (4) a valid instructional permit issued under section 171.05 to a person of legal age to  
258.11 purchase edible cannabinoid products, which includes a photograph and the date of birth  
258.12 of the person issued the permit; or

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

258.14 (c) A registered retailer may seize a form of identification listed under paragraph (b) if  
258.15 the registered retailer has reasonable grounds to believe that the form of identification has  
258.16 been altered or falsified or is being used to violate any law. A registered retailer that seizes  
258.17 a form of identification as authorized under this paragraph must deliver it to a law  
258.18 enforcement agency within 24 hours of seizing it.

258.19 Subd. 6. **Noncompliant products; enforcement.** (a) A product regulated under this  
258.20 section, including an edible cannabinoid product, shall be considered ~~an adulterated drug~~  
258.21 a noncompliant product if the product is offered for sale in this state or if the product is  
258.22 manufactured, imported, distributed, or stored with the intent to be offered for sale in this  
258.23 state in violation of any provision of this section, including but not limited to if:

258.24 (1) it consists, in whole or in part, of any filthy, putrid, or decomposed substance;

258.25 (2) it has been produced, prepared, packed, or held under unsanitary conditions where  
258.26 it may have been rendered injurious to health, or where it may have been contaminated with  
258.27 filth;

258.28 (3) its container is composed, in whole or in part, of any poisonous or deleterious  
258.29 substance that may render the contents injurious to health;

258.30 (4) it contains any food additives, color additives, or excipients that have been found by  
258.31 the FDA to be unsafe for human or animal consumption;

259.1 (5) it contains an amount or percentage of nonintoxicating cannabinoids that is different  
259.2 than the amount or percentage stated on the label;

259.3 (6) it contains more than 0.3 percent of any tetrahydrocannabinol or, if the product is  
259.4 an edible cannabinoid product, an amount of tetrahydrocannabinol that exceeds the limits  
259.5 established in subdivision 5a, paragraph (f); or

259.6 (7) it contains more than trace amounts of mold, residual solvents, pesticides, fertilizers,  
259.7 or heavy metals.

259.8 (b) A product regulated under this section shall be considered a ~~misbranded drug~~  
259.9 noncompliant product if the product's labeling is false or misleading in any manner or in  
259.10 violation of the requirements of this section.

259.11 (c) ~~The board's authority to issue cease and desist orders under section 151.06; to embargo~~  
259.12 ~~adulterated and misbranded drugs under section 151.38; and to seek injunctive relief under~~  
259.13 ~~section 214.11, extends to any~~ commissioner may assume that any product regulated under  
259.14 this section that is present in the state, other than a product lawfully possessed for personal  
259.15 use, has been manufactured, imported, distributed, or stored with the intent to be offered  
259.16 for sale in this state if a product of the same type and brand was sold in the state on or after  
259.17 July 1, 2023, or if the product is in the possession of a person who has sold any product in  
259.18 violation of this section.

259.19 (d) The commissioner may enforce this section, including enforcement against a  
259.20 manufacturer or distributor of a product regulated under this section, under sections 144.989  
259.21 to 144.993.

259.22 (e) The commissioner may enter into an interagency agreement with the Department of  
259.23 Agriculture and the Office of Cannabis Management to perform inspections and take other  
259.24 enforcement actions on behalf of the commissioner.

259.25 **Subd. 7. Violations; criminal penalties.** (a) Notwithstanding section 144.99, subdivision  
259.26 11, a person who does any of the following regarding a product regulated under this section  
259.27 is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than  
259.28 one year or to payment of a fine of not more than \$3,000, or both:

259.29 (1) knowingly alters or otherwise falsifies testing results;

259.30 (2) intentionally alters or falsifies any information required to be included on the label  
259.31 of an edible cannabinoid product; or

259.32 (3) intentionally makes a false material statement to the commissioner.

260.1 (b) Notwithstanding section 144.99, subdivision 11, a person who does any of the  
260.2 following on the premises of a registered retailer or another business that sells retail goods  
260.3 to customers is guilty of a gross misdemeanor and may be sentenced to imprisonment for  
260.4 not more than one year or to payment of a fine of not more than \$3,000, or both:

260.5 (1) sells an edible cannabinoid product knowing that the product does not comply with  
260.6 the limits on the amount or types of cannabinoids that a product may contain;

260.7 (2) sells an edible cannabinoid product knowing that the product does not comply with  
260.8 the applicable testing, packaging, or labeling requirements; or

260.9 (3) sells an edible cannabinoid product to a person under the age of 21, except that it is  
260.10 an affirmative defense to a charge under this clause if the defendant proves by a  
260.11 preponderance of the evidence that the defendant reasonably and in good faith relied on  
260.12 proof of age as described in subdivision 5c.

260.13 Subd. 8. **Civil actions.** (a) A spouse, child, parent, guardian, employer, or other person  
260.14 injured in person, property, or means of support or who incurs other pecuniary loss by an  
260.15 intoxicated person or by the intoxication of another person has a right of action in the person's  
260.16 own name for all damages sustained against a person who caused the intoxication of that  
260.17 person by illegally selling any product governed by section 151.72. All damages recovered  
260.18 by a minor under this section must be paid either to the minor or to the minor's parent,  
260.19 guardian, or next friend as the court directs.

260.20 (b) All suits for damages under this section must be by a civil action in a court of this  
260.21 state having jurisdiction.

260.22 (c) Actions under this subdivision are governed by section 604.01.

260.23 (d) It is a defense for the defendant to prove by a preponderance of the evidence that the  
260.24 defendant reasonably and in good faith relied upon representations of proof of age in selling,  
260.25 bartering, furnishing, or giving the product governed by section 151.72.

260.26 (e) Nothing in this section precludes common law tort claims against any person 21  
260.27 years of age or older who knowingly provides or furnishes any product governed by section  
260.28 151.72 to a person under the age of 21 years.

260.29 Sec. 3. Minnesota Statutes 2022, section 152.22, is amended by adding a subdivision to  
260.30 read:

260.31 Subd. 5d. **Indian lands.** (a) "Indian lands" means all lands within the limits of any Indian  
260.32 reservation within the boundaries of Minnesota and any lands within the boundaries of

261.1 Minnesota, title to which are either held in trust by the United States or over which an Indian  
261.2 Tribe exercises governmental power.

261.3 (b) This subdivision expires January 1, 2024.

261.4 Sec. 4. Minnesota Statutes 2022, section 152.22, is amended by adding a subdivision to  
261.5 read:

261.6 Subd. 15. **Tribal medical cannabis board.** (a) "Tribal medical cannabis board" means  
261.7 an agency established by each federally recognized Tribal government and duly authorized  
261.8 by that Tribe's governing body to perform regulatory oversight and monitor compliance  
261.9 with a Tribal medical cannabis program and applicable regulations.

261.10 (b) This subdivision expires January 1, 2024.

261.11 Sec. 5. Minnesota Statutes 2022, section 152.22, is amended by adding a subdivision to  
261.12 read:

261.13 Subd. 16. **Tribal medical cannabis program.** (a) "Tribal medical cannabis program"  
261.14 means a program established by a federally recognized Tribal government within the  
261.15 boundaries of Minnesota regarding the commercial production, processing, sale or  
261.16 distribution, and possession of medical cannabis and medical cannabis products.

261.17 (b) This subdivision expires January 1, 2024.

261.18 Sec. 6. Minnesota Statutes 2022, section 152.22, is amended by adding a subdivision to  
261.19 read:

261.20 Subd. 17. **Tribal medical cannabis program manufacturer.** (a) "Tribal medical  
261.21 cannabis program manufacturer" means an entity designated by a Tribal medical cannabis  
261.22 board within the boundaries of Minnesota or a federally recognized Tribal government  
261.23 within the boundaries of Minnesota to engage in production, processing, and sale or  
261.24 distribution of medical cannabis and medical cannabis products under that Tribe's Tribal  
261.25 medical cannabis program.

261.26 (b) This subdivision expires January 1, 2024.

261.27 Sec. 7. Minnesota Statutes 2022, section 152.22, is amended by adding a subdivision to  
261.28 read:

261.29 Subd. 18. **Tribal medical cannabis program patient.** (a) "Tribal medical cannabis  
261.30 program patient" means a person who possesses a valid registration verification card or

262.1 equivalent document that is issued under the laws or regulations of a Tribal nation within  
262.2 the boundaries of Minnesota and that verifies that the person is enrolled in or authorized to  
262.3 participate in that Tribal nation's Tribal medical cannabis program.

262.4 (b) This subdivision expires January 1, 2024.

262.5 Sec. 8. Minnesota Statutes 2022, section 152.29, subdivision 4, is amended to read:

262.6 Subd. 4. **Report.** (a) Each manufacturer shall report to the commissioner on a monthly  
262.7 basis the following information on each individual patient for the month prior to the report:

262.8 (1) the amount and dosages of medical cannabis distributed;

262.9 (2) the chemical composition of the medical cannabis; and

262.10 (3) the tracking number assigned to any medical cannabis distributed.

262.11 (b) For transactions involving Tribal medical cannabis program patients, each  
262.12 manufacturer shall report to the commissioner on a weekly basis the following information  
262.13 on each individual Tribal medical cannabis program patient for the week prior to the report:

262.14 (1) the name of the Tribal medical cannabis program in which the Tribal medical cannabis  
262.15 program patient is enrolled;

262.16 (2) the amount and dosages of medical cannabis distributed;

262.17 (3) the chemical composition of the medical cannabis distributed; and

262.18 (4) the tracking number assigned to the medical cannabis distributed.

262.19 Sec. 9. Minnesota Statutes 2022, section 152.29, is amended by adding a subdivision to  
262.20 read:

262.21 Subd. 5. **Distribution to Tribal medical cannabis program patient.** (a) A manufacturer  
262.22 may distribute medical cannabis in accordance with subdivisions 1 to 4 to a Tribal medical  
262.23 cannabis program patient.

262.24 (b) Prior to distribution, the Tribal medical cannabis program patient must provide to  
262.25 the manufacturer:

262.26 (1) a valid medical cannabis registration verification card or equivalent document issued  
262.27 by a Tribal medical cannabis program that indicates that the Tribal medical cannabis program  
262.28 patient is authorized to use medical cannabis on Indian lands over which the Tribe has  
262.29 jurisdiction; and

263.1 (2) a valid photographic identification card issued by the Tribal medical cannabis  
263.2 program, a valid driver's license, or a valid state identification card.

263.3 (c) A manufacturer shall distribute medical cannabis to a Tribal medical cannabis program  
263.4 patient only in a form allowed under section 152.22, subdivision 6.

263.5 (d) This subdivision expires January 1, 2024.

263.6 Sec. 10. **[152.291] TRIBAL MEDICAL CANNABIS PROGRAM MANUFACTURER**  
263.7 **TRANSPORTATION.**

263.8 (a) A Tribal medical cannabis program manufacturer may transport medical cannabis  
263.9 to testing laboratories in the state and to other Indian lands.

263.10 (b) A Tribal medical cannabis program manufacturer must staff a motor vehicle used to  
263.11 transport medical cannabis with at least two employees of the manufacturer. Each employee  
263.12 in the transport vehicle must carry identification specifying that the employee is an employee  
263.13 of the manufacturer, and one employee in the transport vehicle must carry a detailed  
263.14 transportation manifest that includes the place and time of departure, the address of the  
263.15 destination, and a description and count of the medical cannabis being transported.

263.16 (c) This section expires January 1, 2024.

263.17 Sec. 11. Minnesota Statutes 2022, section 152.30, is amended to read:

263.18 **152.30 PATIENT DUTIES.**

263.19 (a) A patient shall apply to the commissioner for enrollment in the registry program by  
263.20 submitting an application as required in section 152.27 and an annual registration fee as  
263.21 determined under section 152.35.

263.22 (b) As a condition of continued enrollment, patients shall agree to:

263.23 (1) continue to receive regularly scheduled treatment for their qualifying medical  
263.24 condition from their health care practitioner; and

263.25 (2) report changes in their qualifying medical condition to their health care practitioner.

263.26 (c) A patient shall only receive medical cannabis from a registered manufacturer or  
263.27 Tribal medical cannabis program but is not required to receive medical cannabis products  
263.28 from only a registered manufacturer or Tribal medical cannabis program.

264.1 Sec. 12. Minnesota Statutes 2022, section 152.32, is amended to read:

264.2 **152.32 PROTECTIONS FOR REGISTRY PROGRAM OR TRIBAL MEDICAL**  
264.3 **CANNABIS PROGRAM PARTICIPATION.**

264.4 Subdivision 1. **Presumption.** (a) There is a presumption that a patient enrolled in the  
264.5 registry program under sections 152.22 to 152.37 or a Tribal medical cannabis program  
264.6 patient is engaged in the authorized use of medical cannabis.

264.7 (b) The presumption may be rebutted by evidence that:

264.8 (1) a patient's conduct related to use of medical cannabis was not for the purpose of  
264.9 treating or alleviating the patient's qualifying medical condition or symptoms associated  
264.10 with the patient's qualifying medical condition; or

264.11 (2) a Tribal medical cannabis program patient's use of medical cannabis was not for a  
264.12 purpose authorized by the Tribal medical cannabis program.

264.13 Subd. 2. **Criminal and civil protections.** (a) Subject to section 152.23, the following  
264.14 are not violations under this chapter:

264.15 (1) use or possession of medical cannabis or medical cannabis products by a patient  
264.16 enrolled in the registry program; ~~or~~; possession by a registered designated caregiver or the  
264.17 parent, legal guardian, or spouse of a patient if the parent, legal guardian, or spouse is listed  
264.18 on the registry verification; or use or possession of medical cannabis or medical cannabis  
264.19 products by a Tribal medical cannabis program patient;

264.20 (2) possession, dosage determination, or sale of medical cannabis or medical cannabis  
264.21 products by a medical cannabis manufacturer, employees of a manufacturer, a Tribal medical  
264.22 cannabis program manufacturer, employees of a Tribal medical cannabis program  
264.23 manufacturer, a laboratory conducting testing on medical cannabis, or employees of the  
264.24 laboratory; and

264.25 (3) possession of medical cannabis or medical cannabis products by any person while  
264.26 carrying out the duties required under sections 152.22 to 152.37.

264.27 (b) Medical cannabis obtained and distributed pursuant to sections 152.22 to 152.37 and  
264.28 associated property is not subject to forfeiture under sections 609.531 to 609.5316.

264.29 (c) The commissioner, members of a Tribal medical cannabis board, the commissioner's  
264.30 or Tribal medical cannabis board's staff, the commissioner's or Tribal medical cannabis  
264.31 board's agents or contractors, and any health care practitioner are not subject to any civil or  
264.32 disciplinary penalties by the Board of Medical Practice, the Board of Nursing, or by any

265.1 business, occupational, or professional licensing board or entity, solely for ~~the~~ participation  
 265.2 in the registry program under sections 152.22 to 152.37 or in a Tribal medical cannabis  
 265.3 program. A pharmacist licensed under chapter 151 is not subject to any civil or disciplinary  
 265.4 penalties by the Board of Pharmacy when acting in accordance with the provisions of  
 265.5 sections 152.22 to 152.37. Nothing in this section affects a professional licensing board  
 265.6 from taking action in response to violations of any other section of law.

265.7 (d) Notwithstanding any law to the contrary, the commissioner, the governor of  
 265.8 Minnesota, or an employee of any state agency may not be held civilly or criminally liable  
 265.9 for any injury, loss of property, personal injury, or death caused by any act or omission  
 265.10 while acting within the scope of office or employment under sections 152.22 to 152.37.

265.11 (e) Federal, state, and local law enforcement authorities are prohibited from accessing  
 265.12 the patient registry under sections 152.22 to 152.37 except when acting pursuant to a valid  
 265.13 search warrant.

265.14 (f) Notwithstanding any law to the contrary, neither the commissioner nor a public  
 265.15 employee may release data or information about an individual contained in any report,  
 265.16 document, or registry created under sections 152.22 to 152.37 or any information obtained  
 265.17 about a patient participating in the program, except as provided in sections 152.22 to 152.37.

265.18 (g) No information contained in a report, document, or registry or obtained from a patient  
 265.19 under sections 152.22 to 152.37 or from a Tribal medical cannabis program patient may be  
 265.20 admitted as evidence in a criminal proceeding unless independently obtained or in connection  
 265.21 with a proceeding involving a violation of sections 152.22 to 152.37.

265.22 (h) Notwithstanding section 13.09, any person who violates paragraph (e) or (f) is guilty  
 265.23 of a gross misdemeanor.

265.24 (i) An attorney may not be subject to disciplinary action by the Minnesota Supreme  
 265.25 Court, a Tribal court, or the professional responsibility board for providing legal assistance  
 265.26 to prospective or registered manufacturers or others related to activity that is no longer  
 265.27 subject to criminal penalties under state law pursuant to sections 152.22 to 152.37, or for  
 265.28 providing legal assistance to a Tribal medical cannabis program or a Tribal medical cannabis  
 265.29 program manufacturer.

265.30 (j) ~~Possession of a registry verification or application for enrollment in the program by~~  
 265.31 ~~a person entitled to possess or apply for enrollment in the registry program does~~ The  
 265.32 following do not constitute probable cause or reasonable suspicion, nor and shall it not be  
 265.33 used to support a search of the person or property of the person possessing or applying for

266.1 the registry verification or equivalent, or otherwise subject the person or property of the  
266.2 person to inspection by any governmental agency;

266.3 (1) possession of a registry verification or application for enrollment in the registry  
266.4 program by a person entitled to possess a registry verification or apply for enrollment in  
266.5 the registry program; or

266.6 (2) possession of a verification or equivalent issued by a Tribal medical cannabis program  
266.7 or application for enrollment in a Tribal medical cannabis program by a person entitled to  
266.8 possess such a verification or application.

266.9 Subd. 3. **Discrimination prohibited.** (a) No school or landlord may refuse to enroll or  
266.10 lease to and may not otherwise penalize a person solely for the person's status as a patient  
266.11 enrolled in the registry program under sections 152.22 to 152.37 or for the person's status  
266.12 as a Tribal medical cannabis program patient, unless failing to do so would violate federal  
266.13 law or regulations or cause the school or landlord to lose a monetary or licensing-related  
266.14 benefit under federal law or regulations.

266.15 (b) For the purposes of medical care, including organ transplants, a registry program  
266.16 enrollee's use of medical cannabis under sections 152.22 to 152.37, or a Tribal medical  
266.17 cannabis program patient's use of medical cannabis as authorized by the Tribal medical  
266.18 cannabis program, is considered the equivalent of the authorized use of any other medication  
266.19 used at the discretion of a physician, advanced practice registered nurse, or physician assistant  
266.20 and does not constitute the use of an illicit substance or otherwise disqualify a patient from  
266.21 needed medical care.

266.22 (c) Unless a failure to do so would violate federal law or regulations or cause an employer  
266.23 to lose a monetary or licensing-related benefit under federal law or regulations, an employer  
266.24 may not discriminate against a person in hiring, termination, or any term or condition of  
266.25 employment, or otherwise penalize a person, if the discrimination is based upon ~~either~~ any  
266.26 of the following:

266.27 (1) the person's status as a patient enrolled in the registry program under sections 152.22  
266.28 to 152.37; ~~or~~

266.29 (2) the person's status as a Tribal medical cannabis program patient; or

266.30 ~~(2)~~ (3) a patient's positive drug test for cannabis components or metabolites, unless the  
266.31 patient used, possessed, or was impaired by medical cannabis on the premises of the place  
266.32 of employment or during the hours of employment.

267.1 (d) An employee who is required to undergo employer drug testing pursuant to section  
267.2 181.953 may present verification of enrollment in the patient registry or of enrollment in a  
267.3 Tribal medical cannabis program as part of the employee's explanation under section 181.953,  
267.4 subdivision 6.

267.5 (e) A person shall not be denied custody of a minor child or visitation rights or parenting  
267.6 time with a minor child solely based on the person's status as a patient enrolled in the registry  
267.7 program under sections 152.22 to 152.37, or on the person's status as a Tribal medical  
267.8 cannabis program patient. There shall be no presumption of neglect or child endangerment  
267.9 for conduct allowed under sections 152.22 to 152.37 or under a Tribal medical cannabis  
267.10 program, unless the person's behavior is such that it creates an unreasonable danger to the  
267.11 safety of the minor as established by clear and convincing evidence.

267.12 Sec. 13. Minnesota Statutes 2022, section 152.33, subdivision 1, is amended to read:

267.13 Subdivision 1. **Intentional diversion; criminal penalty.** In addition to any other  
267.14 applicable penalty in law, a manufacturer or an agent of a manufacturer who intentionally  
267.15 transfers medical cannabis to a person other than another registered manufacturer, a patient,  
267.16 a Tribal medical cannabis program patient, a registered designated caregiver or, if listed on  
267.17 the registry verification, a parent, legal guardian, or spouse of a patient is guilty of a felony  
267.18 punishable by imprisonment for not more than two years or by payment of a fine of not  
267.19 more than \$3,000, or both. A person convicted under this subdivision may not continue to  
267.20 be affiliated with the manufacturer and is disqualified from further participation under  
267.21 sections 152.22 to 152.37.

267.22 Sec. 14. Minnesota Statutes 2022, section 340A.412, subdivision 14, is amended to read:

267.23 Subd. 14. **Exclusive liquor stores.** (a) Except as otherwise provided in this subdivision,  
267.24 an exclusive liquor store may sell only the following items:

267.25 (1) alcoholic beverages;

267.26 (2) tobacco products;

267.27 (3) ice;

267.28 (4) beverages, either liquid or powder, specifically designated for mixing with intoxicating  
267.29 liquor;

267.30 (5) soft drinks;

267.31 (6) liqueur-filled candies;

268.1 (7) food products that contain more than one-half of one percent alcohol by volume;

268.2 (8) cork extraction devices;

268.3 (9) books and videos on the use of alcoholic beverages;

268.4 (10) magazines and other publications published primarily for information and education  
268.5 on alcoholic beverages;

268.6 (11) multiple-use bags designed to carry purchased items;

268.7 (12) devices designed to ensure safe storage and monitoring of alcohol in the home, to  
268.8 prevent access by underage drinkers;

268.9 (13) home brewing equipment;

268.10 (14) clothing marked with the specific name, brand, or identifying logo of the exclusive  
268.11 liquor store, and bearing no other name, brand, or identifying logo;

268.12 (15) citrus fruit; ~~and~~

268.13 (16) glassware; and

268.14 (17) edible cannabinoid products as defined in section 151.72, subdivision 1, paragraph

268.15 (f). This clause expires July 1, 2024.

268.16 (b) An exclusive liquor store that has an on-sale, or combination on-sale and off-sale  
268.17 license may sell food for on-premise consumption when authorized by the municipality  
268.18 issuing the license.

268.19 (c) An exclusive liquor store may offer live or recorded entertainment.

268.20 Sec. 15. **EDIBLE CANNABINOID PRODUCTS; ENFORCEMENT.**

268.21 (a) The Department of Health shall enforce the provisions of Minnesota Statutes, section  
268.22 151.72, and all rules, orders, stipulation agreements, settlements, compliance agreements,  
268.23 and registrations related to that section adopted or issued by the Office of Medical Cannabis  
268.24 or the Department of Health pursuant to the Health Enforcement Consolidation Act of 1993  
268.25 contained in Minnesota Statutes, sections 144.989 to 144.993. The commissioner of health  
268.26 may assign enforcement responsibilities to the Office of Medical Cannabis.

268.27 (b) The enforcement authority under paragraph (a) shall transfer to the Office of Cannabis  
268.28 Management at any such time that the powers and duties of the Department of Health, with  
268.29 respect to the medical cannabis program under Minnesota Statutes 2022, sections 152.22  
268.30 to 152.37, are transferred to the Office of Cannabis Management. The director of the Office

269.1 of Cannabis Management may assign enforcement responsibilities to the Division of Medical  
269.2 Cannabis.

269.3 (c) This section shall expire on July 1, 2024.

269.4 **Sec. 16. OFFICE OF CANNABIS MANAGEMENT IMPLEMENTATION.**

269.5 (a) The commissioner of agriculture may exercise all authorities and responsibilities  
269.6 granted to the Office of Cannabis Management under Minnesota Statutes, chapter 342, that  
269.7 are necessary to establish the Office of Cannabis Management and transition programs,  
269.8 authorities, and responsibilities to it.

269.9 (b) On or after January 1, 2024, and at such time that the office is able to fulfill the  
269.10 powers and duties enumerated in Minnesota Statutes, section 342.02, subdivision 2, the  
269.11 commissioner of agriculture may transfer all or some chapter 342 programs, authorities,  
269.12 and responsibilities to the Office of Cannabis Management. Upon such transfer, existing  
269.13 contracts, obligations, and funds managed by the commissioner of agriculture that are  
269.14 necessary to administer the transferred programs, authorities, or responsibilities shall be  
269.15 transferred to the Office of Cannabis Management.

269.16 (c) To the extent necessary to establish the Office of Cannabis Management and fulfill  
269.17 the powers and duties enumerated in Minnesota Statutes, section 342.02, the commissioner  
269.18 of agriculture and the Office of Cannabis Management are exempt from the requirements  
269.19 of Minnesota Statutes, section 16A.15, subdivision 3, until July 1, 2025.

269.20 **Sec. 17. EFFECTIVE DATE.**

269.21 This article is effective the day following final enactment.

269.22 **ARTICLE 8**  
269.23 **SCHEDULING OF MARIJUANA**

269.24 Section 1. Minnesota Statutes 2022, section 152.02, subdivision 2, is amended to read:

269.25 Subd. 2. **Schedule I.** (a) Schedule I consists of the substances listed in this subdivision.

269.26 (b) Opiates. Unless specifically excepted or unless listed in another schedule, any of the  
269.27 following substances, including their analogs, isomers, esters, ethers, salts, and salts of  
269.28 isomers, esters, and ethers, whenever the existence of the analogs, isomers, esters, ethers,  
269.29 and salts is possible:

269.30 (1) acetylmethadol;

- 270.1 (2) allylprodine;
- 270.2 (3) alphacetylmethadol (except levo-alphacetylmethadol, also known as levomethadyl
- 270.3 acetate);
- 270.4 (4) alphameprodine;
- 270.5 (5) alphamethadol;
- 270.6 (6) alpha-methylfentanyl benzethidine;
- 270.7 (7) betacetylmethadol;
- 270.8 (8) betameprodine;
- 270.9 (9) betamethadol;
- 270.10 (10) betaprodine;
- 270.11 (11) clonitazene;
- 270.12 (12) dextromoramide;
- 270.13 (13) diampromide;
- 270.14 (14) diethylambutene;
- 270.15 (15) difenoxin;
- 270.16 (16) dimenoxadol;
- 270.17 (17) dimepheptanol;
- 270.18 (18) dimethylambutene;
- 270.19 (19) dioxaphetyl butyrate;
- 270.20 (20) dipipanone;
- 270.21 (21) ethylmethylthiambutene;
- 270.22 (22) etonitazene;
- 270.23 (23) etoxeridine;
- 270.24 (24) furethidine;
- 270.25 (25) hydroxypethidine;
- 270.26 (26) ketobemidone;
- 270.27 (27) levomoramide;

- 271.1 (28) levophenacymorphan;
- 271.2 (29) 3-methylfentanyl;
- 271.3 (30) acetyl-alpha-methylfentanyl;
- 271.4 (31) alpha-methylthiofentanyl;
- 271.5 (32) benzylfentanyl beta-hydroxyfentanyl;
- 271.6 (33) beta-hydroxy-3-methylfentanyl;
- 271.7 (34) 3-methylthiofentanyl;
- 271.8 (35) thenylfentanyl;
- 271.9 (36) thiofentanyl;
- 271.10 (37) para-fluorofentanyl;
- 271.11 (38) morpheridine;
- 271.12 (39) 1-methyl-4-phenyl-4-propionoxypiperidine;
- 271.13 (40) noracymethadol;
- 271.14 (41) norlevorphanol;
- 271.15 (42) normethadone;
- 271.16 (43) norpipanone;
- 271.17 (44) 1-(2-phenylethyl)-4-phenyl-4-acetoxypiperidine (PEPAP);
- 271.18 (45) phenadoxone;
- 271.19 (46) phenampromide;
- 271.20 (47) phenomorphan;
- 271.21 (48) phenoperidine;
- 271.22 (49) piritramide;
- 271.23 (50) proheptazine;
- 271.24 (51) properidine;
- 271.25 (52) propiram;
- 271.26 (53) racemoramide;
- 271.27 (54) tilidine;

- 272.1 (55) trimeperidine;
- 272.2 (56) N-(1-Phenethylpiperidin-4-yl)-N-phenylacetamide (acetyl fentanyl);
- 272.3 (57) 3,4-dichloro-N-[(1R,2R)-2-(dimethylamino)cyclohexyl]-N-
- 272.4 methylbenzamide(U47700);
- 272.5 (58) N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]furan-2-carboxamide(furanylfentanyl);
- 272.6 (59) 4-(4-bromophenyl)-4-dimethylamino-1-phenethylcyclohexanol (bromadol);
- 272.7 (60) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (Cyclopropyl
- 272.8 fentanyl);
- 272.9 (61) N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide) (butyryl fentanyl);
- 272.10 (62) 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine) (MT-45);
- 272.11 (63) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide (cyclopentyl
- 272.12 fentanyl);
- 272.13 (64) N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide (isobutyryl fentanyl);
- 272.14 (65) N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide (valeryl fentanyl);
- 272.15 (66) N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide
- 272.16 (para-chloroisobutyryl fentanyl);
- 272.17 (67) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide (para-fluorobutyryl
- 272.18 fentanyl);
- 272.19 (68) N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide
- 272.20 (para-methoxybutyryl fentanyl);
- 272.21 (69) N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide (ocfentanil);
- 272.22 (70) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide (4-fluoroisobutyryl
- 272.23 fentanyl or para-fluoroisobutyryl fentanyl);
- 272.24 (71) N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide (acryl fentanyl or
- 272.25 acryloylfentanyl);
- 272.26 (72) 2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (methoxyacetyl
- 272.27 fentanyl);
- 272.28 (73) N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide (ortho-fluorofentanyl
- 272.29 or 2-fluorofentanyl);

273.1 (74) N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide  
273.2 (tetrahydrofuranyl fentanyl); and

273.3 (75) Fentanyl-related substances, their isomers, esters, ethers, salts and salts of isomers,  
273.4 esters and ethers, meaning any substance not otherwise listed under another federal  
273.5 Administration Controlled Substance Code Number or not otherwise listed in this section,  
273.6 and for which no exemption or approval is in effect under section 505 of the Federal Food,  
273.7 Drug, and Cosmetic Act, United States Code , title 21, section 355, that is structurally related  
273.8 to fentanyl by one or more of the following modifications:

273.9 (i) replacement of the phenyl portion of the phenethyl group by any monocycle, whether  
273.10 or not further substituted in or on the monocycle;

273.11 (ii) substitution in or on the phenethyl group with alkyl, alkenyl, alkoxy, hydroxyl, halo,  
273.12 haloalkyl, amino, or nitro groups;

273.13 (iii) substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester, ether,  
273.14 hydroxyl, halo, haloalkyl, amino, or nitro groups;

273.15 (iv) replacement of the aniline ring with any aromatic monocycle whether or not further  
273.16 substituted in or on the aromatic monocycle; or

273.17 (v) replacement of the N-propionyl group by another acyl group.

273.18 (c) Opium derivatives. Any of the following substances, their analogs, salts, isomers,  
273.19 and salts of isomers, unless specifically excepted or unless listed in another schedule,  
273.20 whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:

273.21 (1) acetorphine;

273.22 (2) acetyldihydrocodeine;

273.23 (3) benzylmorphine;

273.24 (4) codeine methylbromide;

273.25 (5) codeine-n-oxide;

273.26 (6) cyprenorphine;

273.27 (7) desomorphine;

273.28 (8) dihydromorphine;

273.29 (9) drotebanol;

273.30 (10) etorphine;

- 274.1 (11) heroin;
- 274.2 (12) hydromorphenol;
- 274.3 (13) methylodesorphine;
- 274.4 (14) methyldihydromorphine;
- 274.5 (15) morphine methylbromide;
- 274.6 (16) morphine methylsulfonate;
- 274.7 (17) morphine-n-oxide;
- 274.8 (18) myrophine;
- 274.9 (19) nicocodeine;
- 274.10 (20) nicomorphine;
- 274.11 (21) normorphine;
- 274.12 (22) pholcodine; and
- 274.13 (23) thebacon.
  
- 274.14 (d) Hallucinogens. Any material, compound, mixture or preparation which contains any  
274.15 quantity of the following substances, their analogs, salts, isomers (whether optical, positional,  
274.16 or geometric), and salts of isomers, unless specifically excepted or unless listed in another  
274.17 schedule, whenever the existence of the analogs, salts, isomers, and salts of isomers is  
274.18 possible:
  - 274.19 (1) methylenedioxy amphetamine;
  - 274.20 (2) methylenedioxymethamphetamine;
  - 274.21 (3) methylenedioxy-N-ethylamphetamine (MDEA);
  - 274.22 (4) n-hydroxy-methylenedioxyamphetamine;
  - 274.23 (5) 4-bromo-2,5-dimethoxyamphetamine (DOB);
  - 274.24 (6) 2,5-dimethoxyamphetamine (2,5-DMA);
  - 274.25 (7) 4-methoxyamphetamine;
  - 274.26 (8) 5-methoxy-3, 4-methylenedioxyamphetamine;
  - 274.27 (9) alpha-ethyltryptamine;
  - 274.28 (10) bufotenine;

- 275.1 (11) diethyltryptamine;
- 275.2 (12) dimethyltryptamine;
- 275.3 (13) 3,4,5-trimethoxyamphetamine;
- 275.4 (14) 4-methyl-2, 5-dimethoxyamphetamine (DOM);
- 275.5 (15) ibogaine;
- 275.6 (16) lysergic acid diethylamide (LSD);
- 275.7 (17) mescaline;
- 275.8 (18) parahexyl;
- 275.9 (19) N-ethyl-3-piperidyl benzilate;
- 275.10 (20) N-methyl-3-piperidyl benzilate;
- 275.11 (21) psilocybin;
- 275.12 (22) psilocyn;
- 275.13 (23) tenocyclidine (TCP or TCP);
- 275.14 (24) N-ethyl-1-phenyl-cyclohexylamine (PCE);
- 275.15 (25) 1-(1-phenylcyclohexyl) pyrrolidine (PCPy);
- 275.16 (26) 1-[1-(2-thienyl)cyclohexyl]-pyrrolidine (TCPy);
- 275.17 (27) 4-chloro-2,5-dimethoxyamphetamine (DOC);
- 275.18 (28) 4-ethyl-2,5-dimethoxyamphetamine (DOET);
- 275.19 (29) 4-iodo-2,5-dimethoxyamphetamine (DOI);
- 275.20 (30) 4-bromo-2,5-dimethoxyphenethylamine (2C-B);
- 275.21 (31) 4-chloro-2,5-dimethoxyphenethylamine (2C-C);
- 275.22 (32) 4-methyl-2,5-dimethoxyphenethylamine (2C-D);
- 275.23 (33) 4-ethyl-2,5-dimethoxyphenethylamine (2C-E);
- 275.24 (34) 4-iodo-2,5-dimethoxyphenethylamine (2C-I);
- 275.25 (35) 4-propyl-2,5-dimethoxyphenethylamine (2C-P);
- 275.26 (36) 4-isopropylthio-2,5-dimethoxyphenethylamine (2C-T-4);
- 275.27 (37) 4-propylthio-2,5-dimethoxyphenethylamine (2C-T-7);

- 276.1 (38) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-yl)ethanamine  
276.2 (2-CB-FLY);
- 276.3 (39) bromo-benzodifuranyl-isopropylamine (Bromo-DragonFLY);
- 276.4 (40) alpha-methyltryptamine (AMT);
- 276.5 (41) N,N-diisopropyltryptamine (DiPT);
- 276.6 (42) 4-acetoxy-N,N-dimethyltryptamine (4-AcO-DMT);
- 276.7 (43) 4-acetoxy-N,N-diethyltryptamine (4-AcO-DET);
- 276.8 (44) 4-hydroxy-N-methyl-N-propyltryptamine (4-HO-MPT);
- 276.9 (45) 4-hydroxy-N,N-dipropyltryptamine (4-HO-DPT);
- 276.10 (46) 4-hydroxy-N,N-diallyltryptamine (4-HO-DALT);
- 276.11 (47) 4-hydroxy-N,N-diisopropyltryptamine (4-HO-DiPT);
- 276.12 (48) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DiPT);
- 276.13 (49) 5-methoxy- $\alpha$ -methyltryptamine (5-MeO-AMT);
- 276.14 (50) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
- 276.15 (51) 5-methylthio-N,N-dimethyltryptamine (5-MeS-DMT);
- 276.16 (52) 5-methoxy-N-methyl-N-isopropyltryptamine (5-MeO-MiPT);
- 276.17 (53) 5-methoxy- $\alpha$ -ethyltryptamine (5-MeO-AET);
- 276.18 (54) 5-methoxy-N,N-dipropyltryptamine (5-MeO-DPT);
- 276.19 (55) 5-methoxy-N,N-diethyltryptamine (5-MeO-DET);
- 276.20 (56) 5-methoxy-N,N-diallyltryptamine (5-MeO-DALT);
- 276.21 (57) methoxetamine (MXE);
- 276.22 (58) 5-iodo-2-aminoindane (5-IAI);
- 276.23 (59) 5,6-methylenedioxy-2-aminoindane (MDAI);
- 276.24 (60) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe);
- 276.25 (61) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe);
- 276.26 (62) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25I-NBOMe);
- 276.27 (63) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);

- 277.1 (64) 2-(4-Ethylthio-2,5-dimethoxyphenyl)ethanamine (2C-T-2);
- 277.2 (65) N,N-Dipropyltryptamine (DPT);
- 277.3 (66) 3-[1-(Piperidin-1-yl)cyclohexyl]phenol (3-HO-PCP);
- 277.4 (67) N-ethyl-1-(3-methoxyphenyl)cyclohexanamine (3-MeO-PCE);
- 277.5 (68) 4-[1-(3-methoxyphenyl)cyclohexyl]morpholine (3-MeO-PCMo);
- 277.6 (69) 1-[1-(4-methoxyphenyl)cyclohexyl]-piperidine (methoxydine, 4-MeO-PCP);
- 277.7 (70) 2-(2-Chlorophenyl)-2-(ethylamino)cyclohexan-1-one (N-Ethylorketamine,  
277.8 ethketamine, NENK);
- 277.9 (71) methylenedioxy-N,N-dimethylamphetamine (MDDMA);
- 277.10 (72) 3-(2-Ethyl(methyl)aminoethyl)-1H-indol-4-yl (4-AcO-MET); and
- 277.11 (73) 2-Phenyl-2-(methylamino)cyclohexanone (deschloroketamine).
- 277.12 (e) Peyote. All parts of the plant presently classified botanically as *Lophophora williamsii*  
277.13 Lemaire, whether growing or not, the seeds thereof, any extract from any part of the plant,  
277.14 and every compound, manufacture, salts, derivative, mixture, or preparation of the plant,  
277.15 its seeds or extracts. The listing of peyote as a controlled substance in Schedule I does not  
277.16 apply to the nondrug use of peyote in bona fide religious ceremonies of the American Indian  
277.17 Church, and members of the American Indian Church are exempt from registration. Any  
277.18 person who manufactures peyote for or distributes peyote to the American Indian Church,  
277.19 however, is required to obtain federal registration annually and to comply with all other  
277.20 requirements of law.
- 277.21 (f) Central nervous system depressants. Unless specifically excepted or unless listed in  
277.22 another schedule, any material compound, mixture, or preparation which contains any  
277.23 quantity of the following substances, their analogs, salts, isomers, and salts of isomers  
277.24 whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:
- 277.25 (1) mecloqualone;
- 277.26 (2) methaqualone;
- 277.27 (3) gamma-hydroxybutyric acid (GHB), including its esters and ethers;
- 277.28 (4) flunitrazepam;
- 277.29 (5) 2-(2-Methoxyphenyl)-2-(methylamino)cyclohexanone (2-MeO-2-deschloroketamine,  
277.30 methoxyketamine);

- 278.1 (6) tianeptine;
- 278.2 (7) clonazolam;
- 278.3 (8) etizolam;
- 278.4 (9) flubromazolam; and
- 278.5 (10) flubromazepam.
- 278.6 (g) Stimulants. Unless specifically excepted or unless listed in another schedule, any
- 278.7 material compound, mixture, or preparation which contains any quantity of the following
- 278.8 substances, their analogs, salts, isomers, and salts of isomers whenever the existence of the
- 278.9 analogs, salts, isomers, and salts of isomers is possible:
- 278.10 (1) aminorex;
- 278.11 (2) cathinone;
- 278.12 (3) fenethylamine;
- 278.13 (4) methcathinone;
- 278.14 (5) methylaminorex;
- 278.15 (6) N,N-dimethylamphetamine;
- 278.16 (7) N-benzylpiperazine (BZP);
- 278.17 (8) methylmethcathinone (mephedrone);
- 278.18 (9) 3,4-methylenedioxy-N-methylcathinone (methydone);
- 278.19 (10) methoxymethcathinone (methedrone);
- 278.20 (11) methylenedioxypropylamphetamine (MDPV);
- 278.21 (12) 3-fluoro-N-methylcathinone (3-FMC);
- 278.22 (13) methylethcathinone (MEC);
- 278.23 (14) 1-benzofuran-6-ylpropan-2-amine (6-APB);
- 278.24 (15) dimethylmethcathinone (DMMC);
- 278.25 (16) fluoroamphetamine;
- 278.26 (17) fluoromethamphetamine;
- 278.27 (18)  $\alpha$ -methylaminobutyrophenone (MABP or buphedrone);
- 278.28 (19) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one (butylone);

- 279.1 (20) 2-(methylamino)-1-(4-methylphenyl)butan-1-one (4-MEMABP or BZ-6378);
- 279.2 (21) 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl) pentan-1-one (naphthylpyrovalerone or  
279.3 naphyrone);
- 279.4 (22) (alpha-pyrrolidinopentiophenone (alpha-PVP);
- 279.5 (23) (RS)-1-(4-methylphenyl)-2-(1-pyrrolidinyl)-1-hexanone (4-Me-PHP or MPHP);
- 279.6 (24) 2-(1-pyrrolidinyl)-hexanophenone (Alpha-PHP);
- 279.7 (25) 4-methyl-N-ethylcathinone (4-MEC);
- 279.8 (26) 4-methyl-alpha-pyrrolidinopropiophenone (4-MePPP);
- 279.9 (27) 2-(methylamino)-1-phenylpentan-1-one (pentedrone);
- 279.10 (28) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentylone);
- 279.11 (29) 4-fluoro-N-methylcathinone (4-FMC);
- 279.12 (30) 3,4-methylenedioxy-N-ethylcathinone (ethylone);
- 279.13 (31) alpha-pyrrolidinobutiophenone ( $\alpha$ -PBP);
- 279.14 (32) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran (5-APDB);
- 279.15 (33) 1-phenyl-2-(1-pyrrolidinyl)-1-heptanone (PV8);
- 279.16 (34) 6-(2-Aminopropyl)-2,3-dihydrobenzofuran (6-APDB);
- 279.17 (35) 4-methyl-alpha-ethylaminopentiophenone (4-MEAPP);
- 279.18 (36) 4'-chloro-alpha-pyrrolidinopropiophenone (4'-chloro-PPP);
- 279.19 (37) 1-(1,3-Benzodioxol-5-yl)-2-(dimethylamino)butan-1-one (dibutylone, bk-DMBDB);
- 279.20 (38) 1-(3-chlorophenyl) piperazine (meta-chlorophenylpiperazine or mCPP);
- 279.21 (39) 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one (N-ethylpentylone, ephylone);
- 279.22 and
- 279.23 (40) any other substance, except bupropion or compounds listed under a different  
279.24 schedule, that is structurally derived from 2-aminopropan-1-one by substitution at the  
279.25 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the  
279.26 compound is further modified in any of the following ways:
- 279.27 (i) by substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy,  
279.28 haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring  
279.29 system by one or more other univalent substituents;

280.1 (ii) by substitution at the 3-position with an acyclic alkyl substituent;

280.2 (iii) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or  
280.3 methoxybenzyl groups; or

280.4 (iv) by inclusion of the 2-amino nitrogen atom in a cyclic structure.

280.5 ~~(h) Marijuana, tetrahydrocannabinols, and synthetic cannabinoids. Unless specifically~~  
280.6 ~~excepted or unless listed in another schedule, any natural or synthetic material, compound,~~  
280.7 ~~mixture, or preparation that contains any quantity of the following substances, their analogs,~~  
280.8 ~~isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence~~  
280.9 ~~of the isomers, esters, ethers, or salts is possible:~~

280.10 ~~(1) marijuana;~~

280.11 ~~(2) tetrahydrocannabinols naturally contained in a plant of the genus Cannabis, except~~  
280.12 ~~that tetrahydrocannabinols do not include any material, compound, mixture, or preparation~~  
280.13 ~~that qualifies as industrial hemp as defined in section 18K.02, subdivision 3; synthetic~~  
280.14 ~~equivalents of the substances contained in the cannabis plant or in the resinous extractives~~  
280.15 ~~of the plant; or synthetic substances with similar chemical structure and pharmacological~~  
280.16 ~~activity to those substances contained in the plant or resinous extract, including, but not~~  
280.17 ~~limited to, 1-cis or trans tetrahydrocannabinol, 6-cis or trans tetrahydrocannabinol, and 3,4~~  
280.18 ~~cis or trans tetrahydrocannabinol;~~

280.19 ~~(3) (h) Synthetic Artificial cannabinoids, including the following substances:~~

280.20 ~~(i) (1) Naphthoylindoles, which are any compounds containing a 3-(1-naphthoyl)indole~~  
280.21 ~~structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,~~  
280.22 ~~alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or~~  
280.23 ~~2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any~~  
280.24 ~~extent and whether or not substituted in the naphthyl ring to any extent. Examples of~~  
280.25 ~~naphthoylindoles include, but are not limited to:~~

280.26 ~~(A) (i) 1-Pentyl-3-(1-naphthoyl)indole (JWH-018 and AM-678);~~

280.27 ~~(B) (ii) 1-Butyl-3-(1-naphthoyl)indole (JWH-073);~~

280.28 ~~(C) (iii) 1-Pentyl-3-(4-methoxy-1-naphthoyl)indole (JWH-081);~~

280.29 ~~(D) (iv) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);~~

280.30 ~~(E) (v) 1-Propyl-2-methyl-3-(1-naphthoyl)indole (JWH-015);~~

280.31 ~~(F) (vi) 1-Hexyl-3-(1-naphthoyl)indole (JWH-019);~~

- 281.1 ~~(G)~~ (vii) 1-Pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);
- 281.2 ~~(H)~~ (viii) 1-Pentyl-3-(4-ethyl-1-naphthoyl)indole (JWH-210);
- 281.3 ~~(I)~~ (ix) 1-Pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398);
- 281.4 ~~(J)~~ (x) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM-2201).
- 281.5 ~~(ii)~~ (2) Naphthylmethylindoles, which are any compounds containing a
- 281.6 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the
- 281.7 indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
- 281.8 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further
- 281.9 substituted in the indole ring to any extent and whether or not substituted in the naphthyl
- 281.10 ring to any extent. Examples of naphthylmethylindoles include, but are not limited to:
- 281.11 ~~(A)~~ (i) 1-Pentyl-1H-indol-3-yl-(1-naphthyl)methane (JWH-175);
- 281.12 ~~(B)~~ (ii) 1-Pentyl-1H-indol-3-yl-(4-methyl-1-naphthyl)methane (JWH-184).
- 281.13 ~~(iii)~~ (3) Naphthoylpyrroles, which are any compounds containing a 3-(1-naphthoyl)pyrrole
- 281.14 structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl,
- 281.15 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
- 281.16 2-(4-morpholinyl)ethyl group whether or not further substituted in the pyrrole ring to any
- 281.17 extent, whether or not substituted in the naphthyl ring to any extent. Examples of
- 281.18 naphthoylpyrroles include, but are not limited to,
- 281.19 (5-(2-fluorophenyl)-1-pentylpyrrol-3-yl)-naphthalen-1-ylmethanone (JWH-307).
- 281.20 ~~(iv)~~ (4) Naphthylmethylindenenes, which are any compounds containing a
- 281.21 naphthylideneindene structure with substitution at the 3-position of the indene ring by an
- 281.22 alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
- 281.23 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further
- 281.24 substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring
- 281.25 to any extent. Examples of naphthylmethylindenenes include, but are not limited to,
- 281.26 E-1-[1-(1-naphthalenylmethylene)-1H-inden-3-yl]pentane (JWH-176).
- 281.27 ~~(v)~~ (5) Phenylacetylindoles, which are any compounds containing a 3-phenylacetylindole
- 281.28 structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,
- 281.29 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
- 281.30 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any
- 281.31 extent, whether or not substituted in the phenyl ring to any extent. Examples of
- 281.32 phenylacetylindoles include, but are not limited to:
- 281.33 ~~(A)~~ (i) 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (RCS-8);

- 282.1 ~~(B)~~ (ii) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);
- 282.2 ~~(C)~~ (iii) 1-pentyl-3-(2-methylphenylacetyl)indole (JWH-251);
- 282.3 ~~(D)~~ (iv) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203).
- 282.4 ~~(vi)~~ (6) Cyclohexylphenols, which are compounds containing a
- 282.5 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic
- 282.6 ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
- 282.7 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not substituted
- 282.8 in the cyclohexyl ring to any extent. Examples of cyclohexylphenols include, but are not
- 282.9 limited to:
- 282.10 ~~(A)~~ (i) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP 47,497);
- 282.11 ~~(B)~~ (ii) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol
- 282.12 (Cannabicyclohexanol or CP 47,497 C8 homologue);
- 282.13 ~~(C)~~ (iii) 5-(1,1-dimethylheptyl)-2-[(1R,2R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]
- 282.14 -phenol (CP 55,940).
- 282.15 ~~(vii)~~ (7) Benzoylindoles, which are any compounds containing a 3-(benzoyl)indole
- 282.16 structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,
- 282.17 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
- 282.18 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any
- 282.19 extent and whether or not substituted in the phenyl ring to any extent. Examples of
- 282.20 benzoylindoles include, but are not limited to:
- 282.21 ~~(A)~~ (i) 1-Pentyl-3-(4-methoxybenzoyl)indole (RCS-4);
- 282.22 ~~(B)~~ (ii) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM-694);
- 282.23 ~~(C)~~ (iii) (4-methoxyphenyl-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone
- 282.24 (WIN 48,098 or Pravadoline).
- 282.25 ~~(viii)~~ (8) Others specifically named:
- 282.26 ~~(A)~~ (i) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)
- 282.27 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (HU-210);
- 282.28 ~~(B)~~ (ii) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)
- 282.29 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (Dexanabinol or HU-211);
- 282.30 ~~(C)~~ (iii) 2,3-dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]
- 282.31 -1,4-benzoxazin-6-yl-1-naphthalenylmethanone (WIN 55,212-2);

- 283.1 ~~(D)~~ (iv) (1-pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (UR-144);
- 283.2 ~~(E)~~ (v) (1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone  
283.3 (XLR-11);
- 283.4 ~~(F)~~ (vi) 1-pentyl-N-tricyclo[3.3.1.1<sup>3,7</sup>]dec-1-yl-1H-indazole-3-carboxamide  
283.5 (AKB-48(APINACA));
- 283.6 ~~(G)~~ (vii) N-((3s,5s,7s)-adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide  
283.7 (5-Fluoro-AKB-48);
- 283.8 ~~(H)~~ (viii) 1-pentyl-8-quinolinyl ester-1H-indole-3-carboxylic acid (PB-22);
- 283.9 ~~(I)~~ (ix) 8-quinolinyl ester-1-(5-fluoropentyl)-1H-indole-3-carboxylic acid (5-Fluoro  
283.10 PB-22);
- 283.11 ~~(J)~~ (x) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-pentyl-1H-indazole-3-carboxamide  
283.12 (AB-PINACA);
- 283.13 ~~(K)~~ (xi) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-[(4-fluorophenyl)methyl]-  
283.14 1H-indazole-3-carboxamide (AB-FUBINACA);
- 283.15 ~~(L)~~ (xii) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-(cyclohexylmethyl)-1H-  
283.16 indazole-3-carboxamide(AB-CHMINACA);
- 283.17 ~~(M)~~ (xiii) (S)-methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-  
283.18 methylbutanoate (5-fluoro-AMB);
- 283.19 ~~(N)~~ (xiv) [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl) methanone (THJ-2201);
- 283.20 ~~(O)~~ (xv) (1-(5-fluoropentyl)-1H-benzo[d]imidazol-2-yl)(naphthalen-1-yl)methanone  
283.21 (FUBIMINA);
- 283.22 ~~(P)~~ (xvi) (7-methoxy-1-(2-morpholinoethyl)-N-((1S,2S,4R)-1,3,3-trimethylbicyclo  
283.23 [2.2.1]heptan-2-yl)-1H-indole-3-carboxamide (MN-25 or UR-12);
- 283.24 ~~(Q)~~ (xvii) (S)-N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)  
283.25 -1H-indole-3-carboxamide (5-fluoro-ABICA);
- 283.26 ~~(R)~~ (xviii) N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl)  
283.27 -1H-indole-3-carboxamide;
- 283.28 ~~(S)~~ (xix) N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl)  
283.29 -1H-indazole-3-carboxamide;
- 283.30 ~~(T)~~ (xx) methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)  
283.31 -3,3-dimethylbutanoate;

- 284.1 ~~(U)~~ (xxi) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1  
284.2 H-indazole-3-carboxamide (MAB-CHMINACA);
- 284.3 ~~(V)~~ (xxii)  
284.4 N-(1-Amino-3,3-dimethyl-1-oxo-2-butanyl)-1-pentyl-1H-indazole-3-carboxamide  
284.5 (ADB-PINACA);
- 284.6 ~~(W)~~ (xxiii) methyl (1-(4-fluorobenzyl)-1H-indazole-3-carbonyl)-L-valinate (FUB-AMB);
- 284.7 ~~(X)~~ (xxiv)  
284.8 N-[(1S)-2-amino-2-oxo-1-(phenylmethyl)ethyl]-1-(cyclohexylmethyl)-1H-Indazole-  
284.9 3-carboxamide. (APP-CHMINACA);
- 284.10 ~~(Y)~~ (xxv) quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate (FUB-PB-22); and
- 284.11 ~~(Z)~~ (xxvi) methyl N-[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]valinate  
284.12 (MMB-CHMICA).
- 284.13 ~~(ix)~~ (9) Additional substances specifically named:
- 284.14 ~~(A)~~ (i) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1  
284.15 H-pyrrolo[2,3-B]pyridine-3-carboxamide (5F-CUMYL-P7AICA);
- 284.16 ~~(B)~~ (ii) 1-(4-cyanobutyl)-N-(2- phenylpropan-2-yl)-1 H-indazole-3-carboxamide  
284.17 (4-CN-Cumyl-Butinaca);
- 284.18 ~~(C)~~ (iii) naphthalen-1-yl-1-(5-fluoropentyl)-1-H-indole-3-carboxylate (NM2201;  
284.19 CBL2201);
- 284.20 ~~(D)~~ (iv) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1  
284.21 H-indazole-3-carboxamide (5F-ABPINACA);
- 284.22 ~~(E)~~ (v) methyl-2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate  
284.23 (MDMB CHMICA);
- 284.24 ~~(F)~~ (vi) methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate  
284.25 (5F-ADB; 5F-MDMB-PINACA); and
- 284.26 ~~(G)~~ (vii) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)  
284.27 1H-indazole-3-carboxamide (ADB-FUBINACA).
- 284.28 (i) A controlled substance analog, to the extent that it is implicitly or explicitly intended  
284.29 for human consumption.
- 284.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.

285.1 Sec. 2. Minnesota Statutes 2022, section 152.02, subdivision 4, is amended to read:

285.2 Subd. 4. **Schedule III.** (a) Schedule III consists of the substances listed in this subdivision.

285.3 (b) Stimulants. Unless specifically excepted or unless listed in another schedule, any  
285.4 material, compound, mixture, or preparation which contains any quantity of the following  
285.5 substances having a potential for abuse associated with a stimulant effect on the central  
285.6 nervous system, including its salts, isomers, and salts of such isomers whenever the existence  
285.7 of such salts, isomers, and salts of isomers is possible within the specific chemical  
285.8 designation:

285.9 (1) benzphetamine;

285.10 (2) chlorphentermine;

285.11 (3) clortermine;

285.12 (4) phendimetrazine.

285.13 (c) Depressants. Unless specifically excepted or unless listed in another schedule, any  
285.14 material, compound, mixture, or preparation which contains any quantity of the following  
285.15 substances having a potential for abuse associated with a depressant effect on the central  
285.16 nervous system:

285.17 (1) any compound, mixture, or preparation containing amobarbital, secobarbital,  
285.18 pentobarbital or any salt thereof and one or more other active medicinal ingredients which  
285.19 are not listed in any schedule;

285.20 (2) any suppository dosage form containing amobarbital, secobarbital, pentobarbital, or  
285.21 any salt of any of these drugs and approved by the food and drug administration for marketing  
285.22 only as a suppository;

285.23 (3) any substance which contains any quantity of a derivative of barbituric acid, or any  
285.24 salt of a derivative of barbituric acid, except those substances which are specifically listed  
285.25 in other schedules;

285.26 (4) any drug product containing gamma hydroxybutyric acid, including its salts, isomers,  
285.27 and salts of isomers, for which an application is approved under section 505 of the federal  
285.28 Food, Drug, and Cosmetic Act;

285.29 (5) any of the following substances:

285.30 (i) chlorhexadol;

285.31 (ii) ketamine, its salts, isomers and salts of isomers;

- 286.1 (iii) lysergic acid;
- 286.2 (iv) lysergic acid amide;
- 286.3 (v) methyprylon;
- 286.4 (vi) sulfondiethylmethane;
- 286.5 (vii) sulfonethylmethane;
- 286.6 (viii) sulfonmethane;
- 286.7 (ix) tiletamine and zolazepam and any salt thereof;
- 286.8 (x) embutramide;
- 286.9 (xi) Perampanel [2-(2-oxo-1-phenyl-5-pyridin-2-yl-1,2-Dihydropyridin-3-yl)
- 286.10 benzonitrile].
- 286.11 (d) Nalorphine.
- 286.12 (e) Narcotic drugs. Unless specifically excepted or unless listed in another schedule,
- 286.13 any material, compound, mixture, or preparation containing any of the following narcotic
- 286.14 drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities
- 286.15 as follows:
- 286.16 (1) not more than 1.80 grams of codeine per 100 milliliters or not more than 90 milligrams
- 286.17 per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;
- 286.18 (2) not more than 1.80 grams of codeine per 100 milliliters or not more than 90 milligrams
- 286.19 per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic
- 286.20 amounts;
- 286.21 (3) not more than 1.80 grams of dihydrocodeine per 100 milliliters or not more than 90
- 286.22 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized
- 286.23 therapeutic amounts;
- 286.24 (4) not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than
- 286.25 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized
- 286.26 therapeutic amounts;
- 286.27 (5) not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not
- 286.28 more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients
- 286.29 in recognized therapeutic amounts;
- 286.30 (6) not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with
- 286.31 one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

- 287.1 (f) Anabolic steroids, human growth hormone, and chorionic gonadotropin.
- 287.2 (1) Anabolic steroids, for purposes of this subdivision, means any drug or hormonal  
287.3 substance, chemically and pharmacologically related to testosterone, other than estrogens,  
287.4 progestins, corticosteroids, and dehydroepiandrosterone, and includes:
- 287.5 (i) 3[beta],17[beta]-dihydroxy-5[alpha]-androstane;
- 287.6 (ii) 3[alpha],17[beta]-dihydroxy-5[alpha]-androstane;
- 287.7 (iii) androstenedione (5[alpha]-androstan-3,17-dione);
- 287.8 (iv) 1-androstenediol (3[beta],17[beta]-dihydroxy-5[alpha]-androst-1-ene);
- 287.9 (v) 3[alpha],17[beta]-dihydroxy-5[alpha]-androst-1-ene);
- 287.10 (vi) 4-androstenediol (3[beta],17[beta]-dihydroxy-androst-4-ene);
- 287.11 (vii) 5-androstenediol (3[beta],17[beta]-dihydroxy-androst-5-ene);
- 287.12 (viii) 1-androstenedione (5[alpha]-androst-1-en-3,17-dione);
- 287.13 (ix) 4-androstenedione (androst-4-en-3,17-dione);
- 287.14 (x) 5-androstenedione (androst-5-en-3,17-dione);
- 287.15 (xi) bolasterone (7[alpha],17[alpha]-dimethyl-17[beta]-hydroxyandrost-4-en-3-one);
- 287.16 (xii) boldenone (17[beta]-hydroxyandrost-1,4-diene-3-one);
- 287.17 (xiii) boldione (androsta-1,4-diene-3,17-dione);
- 287.18 (xiv) calusterone (7[beta],17[alpha]-dimethyl-17[beta]-hydroxyandrost-4-en-3-one);
- 287.19 (xv) clostebol (4-chloro-17[beta]-hydroxyandrost-4-en-3-one);
- 287.20 (xvi) dehydrochloromethyltestosterone  
287.21 (4-chloro-17[beta]-hydroxy-17[alpha]-methylandrost-1,4-dien-3-one);
- 287.22 (xvii) desoxymethyltestosterone (17[alpha]-methyl-5[alpha]-androst-2-en-17[beta]-ol);
- 287.23 (xviii) [delta]1-dihydrotestosterone- (17[beta]-hydroxy-5[alpha]-androst-1-en-3-one);
- 287.24 (xix) 4-dihydrotestosterone (17[beta]-hydroxy-androstan-3-one);
- 287.25 (xx) drostanolone (17[beta]hydroxy-2[alpha]-methyl-5[alpha]-androstan-3-one);
- 287.26 (xxi) ethylestrenol (17[alpha]-ethyl-17[beta]-hydroxyestr-4-ene);
- 287.27 (xxii) fluoxymesterone  
287.28 (9-fluoro-17[alpha]-methyl-11[beta],17[beta]-dihydroxyandrost-4-en-3-one);

- 288.1 (xxiii) formebolone
- 288.2 (2-formyl-17[alpha]-methyl-11[alpha],17[beta]-dihydroxyandrost-1,4-dien-3-one);
- 288.3 (xxiv) furazabol
- 288.4 (17[alpha]-methyl-17[beta]-hydroxyandrostano[2,3-c]-furazan)13[beta]-ethyl-17[beta]
- 288.5 -hydroxygon-4-en-3-one;
- 288.6 (xxv) 4-hydroxytestosterone (4,17[beta]-dihydroxyandrost-4-en-3-one);
- 288.7 (xxvi) 4-hydroxy-19-nortestosterone (4,17[beta]-dihydroxyestr-4-en-3-one);
- 288.8 (xxvii) mestanolone (17[alpha]-methyl-17[beta]-hydroxy-5[alpha]-androst-3-one);
- 288.9 (xxviii) mesterolone (1[alpha]-methyl-17[beta]-hydroxy-5[alpha]-androst-3-one);
- 288.10 (xxix) methandienone (17[alpha]-methyl-17[beta]-hydroxyandrost-1,4-dien-3-one);
- 288.11 (xxx) methandriol (17[alpha]-methyl-3[beta],17[beta]-dihydroxyandrost-5-ene);
- 288.12 (xxxi) methasterone (2 alpha-17 alpha-dimethyl-5 alpha-androst-17beta-ol-3-one);
- 288.13 (xxxii) methenolone (1-methyl-17[beta]-hydroxy-5[alpha]-androst-1-en-3-one);
- 288.14 (xxxiii) 17[alpha]-methyl-3[beta],17[beta]-dihydroxy-5[alpha]-androstane;
- 288.15 (xxxiv) 17[alpha]-methyl-3[alpha],17[beta]-dihydroxy-5[alpha]-androstane;
- 288.16 (xxxv) 17[alpha]-methyl-3[beta],17[beta]-dihydroxyandrost-4-ene;
- 288.17 (xxxvi) 17[alpha]-methyl-4-hydroxynandrolone
- 288.18 (17[alpha]-methyl-4-hydroxy-17[beta]-hydroxyestr-4-en-3-one);
- 288.19 (xxxvii) methyldienolone (17[alpha]-methyl-17[beta]-hydroxyestra-4,9(10)-dien-3-one);
- 288.20 (xxxviii) methyltrienolone (17[alpha]-methyl-17[beta]-hydroxyestra-4,9-11-trien-3-one);
- 288.21 (xxxix) methyltestosterone (17[alpha]-methyl-17[beta]-hydroxyandrost-4-en-3-one);
- 288.22 (xl) mibolerone (7[alpha],17[alpha]-dimethyl-17[beta]-hydroxyestr-4-en-3-one);
- 288.23 (xli) 17[alpha]-methyl-[delta]1-dihydrotestosterone
- 288.24 (17[beta]-hydroxy-17[alpha]-methyl-5[alpha]-androst-1-en-3-one);
- 288.25 (xlii) nandrolone (17[beta]-hydroxyestr-4-en-3-one);
- 288.26 (xliii) 19-nor-4-androstenediol (3[beta],17[beta]-dihydroxyestr-4-ene);
- 288.27 (xliv) 3[alpha],17[beta]-dihydroxyestr-4-ene); 19-nor-5-androstenediol
- 288.28 (3[beta],17[beta]-dihydroxyestr-5-ene);
- 288.29 (xlv) 3[alpha],17[beta]-dihydroxyestr-5-ene);

- 289.1 (xlvi) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione);
- 289.2 (xlvii) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
- 289.3 (xlviii) norbolethone (13[beta],17[alpha]-diethyl-17[beta]-hydroxygon-4-en-3-one);
- 289.4 (xlix) norclostebol (4-chloro-17[beta]-hydroxyestr-4-en-3-one);
- 289.5 (l) norethandrolone (17[alpha]-ethyl-17[beta]-hydroxyestr-4-en-3-one);
- 289.6 (li) normethandrolone (17[alpha]-methyl-17[beta]-hydroxyestr-4-en-3-one);
- 289.7 (lii) oxandrolone (17[alpha]-methyl-17[beta]-hydroxy-2-oxa-5[alpha]-androstan-3-one);
- 289.8 (liii) oxymesterone (17[alpha]-methyl-4,17[beta]-dihydroxyandrost-4-en-3-one);
- 289.9 (liv) oxymetholone  
(17[alpha]-methyl-2-hydroxymethylene-17[beta]-hydroxy-5[alpha]-androstan-3-one);
- 289.10 (lv) prostanazol (17 beta-hydroxy-5 alpha-androstano[3,2-C]pyrazole);
- 289.11 (lvi) stanozolol  
(17[alpha]-methyl-17[beta]-hydroxy-5[alpha]-androst-2-eno[3,2-c]-pyrazole);
- 289.12 (lvii) stenbolone (17[beta]-hydroxy-2-methyl-5[alpha]-androst-1-en-3-one);
- 289.13 (lviii) testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);
- 289.14 (lix) testosterone (17[beta]-hydroxyandrost-4-en-3-one);
- 289.15 (lx) tetrahydrogestrinone
- 289.16 (13[beta],17[alpha]-diethyl-17[beta]-hydroxygon-4,9,11-trien-3-one);
- 289.17 (lxi) trenbolone (17[beta]-hydroxyestr-4,9,11-trien-3-one);
- 289.18 (lxii) any salt, ester, or ether of a drug or substance described in this paragraph.
- 289.19 Anabolic steroids are not included if they are: (A) expressly intended for administration
- 289.20 through implants to cattle or other nonhuman species; and (B) approved by the United States
- 289.21 Food and Drug Administration for that use;
- 289.22 (2) Human growth hormones.
- 289.23 (3) Chorionic gonadotropin, except that a product containing chorionic gonadotropin is
- 289.24 not included if it is:
- 289.25 (i) expressly intended for administration to cattle or other nonhuman species; and
- 289.26 (ii) approved by the United States Food and Drug Administration for that use.

290.1 (g) Hallucinogenic substances. Dronabinol (~~synthetic~~ artificial) in sesame oil and  
290.2 encapsulated in a soft gelatin capsule in a United States Food and Drug Administration  
290.3 approved product.

290.4 (h) Any material, compound, mixture, or preparation containing the following narcotic  
290.5 drug or its salt: buprenorphine.

290.6 (i) Marijuana, tetrahydrocannabinols, and artificial cannabinoids. Unless specifically  
290.7 excepted or unless listed in another schedule, any natural or artificial material, compound,  
290.8 mixture, or preparation that contains any quantity of the following substances, their analogs,  
290.9 isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence  
290.10 of the isomers, esters, ethers, or salts is possible:

290.11 (1) marijuana;

290.12 (2) tetrahydrocannabinols naturally contained in a plant of the genus Cannabis, except  
290.13 that tetrahydrocannabinols do not include any material, compound, mixture, or preparation  
290.14 that qualifies as industrial hemp as defined in section 18K.02, subdivision 3; artificial  
290.15 equivalents of the substances contained in the cannabis plant or in the resinous extractives  
290.16 of the plant; or artificial substances with similar chemical structure and pharmacological  
290.17 activity to those substances contained in the plant or resinous extract, including but not  
290.18 limited to 1 cis or trans tetrahydrocannabinol, 6 cis or trans tetrahydrocannabinol, and 3,4  
290.19 cis or trans tetrahydrocannabinol.

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

## 290.21 **ARTICLE 9**

### 290.22 **APPROPRIATIONS**

290.23 Section 1. **APPROPRIATIONS.**

290.24 The sums shown in the columns marked "Appropriations" are appropriated to the agencies  
290.25 and for the purposes of this act. The appropriations are from the general fund, or another  
290.26 named fund, and are available for the fiscal years indicated for each purpose. The figures  
290.27 "2024" and "2025" used in this article mean that the appropriations listed under them are  
290.28 available for the fiscal year ending June 30, 2024, or June 30, 2025, respectively. "The first  
290.29 year" is fiscal year 2024. "The second year" is fiscal year 2025. "The biennium" is fiscal  
290.30 years 2024 and 2025.

290.31

**APPROPRIATIONS**

290.32

**Available for the Year**

		<u>Ending June 30</u>	
		<u>2024</u>	<u>2025</u>
291.1			
291.2			
291.3	Sec. 2. <u>AGRICULTURE</u>	<u>\$ 411,000</u>	<u>\$ 411,000</u>
291.4	<u>The base for this appropriation is \$338,000 in</u>		
291.5	<u>fiscal year 2026 and each fiscal year thereafter.</u>		
291.6	Sec. 3. <u>ATTORNEY GENERAL</u>	<u>\$ -0-</u>	<u>\$ 358,000</u>
291.7	<u>The base for this appropriation is \$0 in fiscal</u>		
291.8	<u>year 2029.</u>		
291.9	Sec. 4. <u>CANNABIS EXPUNGEMENT BOARD</u>	<u>\$ -0-</u>	<u>\$ 3,508,000</u>
291.10	<u>The base for this appropriation is \$6,206,000</u>		
291.11	<u>in fiscal year 2026, \$6,195,000 in fiscal years</u>		
291.12	<u>2027 and 2028, and \$0 in fiscal year 2029 and</u>		
291.13	<u>each fiscal year thereafter.</u>		
291.14	Sec. 5. <u>OFFICE OF CANNABIS</u>		
291.15	<u>MANAGEMENT</u>	<u>\$ 19,814,000</u>	<u>\$ 19,160,000</u>
291.16	<u>The base for this appropriation is \$22,587,000</u>		
291.17	<u>in fiscal year 2026 and \$25,144,000 in fiscal</u>		
291.18	<u>year 2027.</u>		
291.19	<u>\$1,000,000 each year is for cannabis industry</u>		
291.20	<u>community renewal grants under Minnesota</u>		
291.21	<u>Statutes, section 342.67. Of these amounts, up</u>		
291.22	<u>to three percent may be used for administrative</u>		
291.23	<u>expenses. The base for these appropriations</u>		
291.24	<u>is \$2,000,000 in fiscal year 2026 and each</u>		
291.25	<u>fiscal year thereafter.</u>		
291.26	<u>\$1,000,000 each year is for deposit in the</u>		
291.27	<u>CanGrow revolving loan account established</u>		
291.28	<u>under Minnesota Statutes, section 342.69,</u>		
291.29	<u>subdivision 4. Up to three percent of this</u>		
291.30	<u>appropriation may be used for administrative</u>		
291.31	<u>expenses.</u>		
291.32	Sec. 6. <u>COMMERCE</u>	<u>\$ 527,000</u>	<u>\$ 1,093,000</u>





294.1	<b>Subd. 8. <u>Temporary Regulation of Edible</u></b>			
294.2	<b><u>Products Extracted from Hemp</u></b>		<u>1,107,000</u>	<u>-0-</u>
294.3	<u>For temporary regulation under the health</u>			
294.4	<u>enforcement consolidation act of edible</u>			
294.5	<u>products extracted from hemp. This is a</u>			
294.6	<u>onetime appropriation.</u>			
294.7	<b>Sec. 11. <u>OFFICE OF HIGHER EDUCATION</u></b>	<b>\$</b>	<b><u>104,000</u></b>	<b><u>9,000</u></b>
294.8	<u>The base for this appropriation is \$59,000 in</u>			
294.9	<u>fiscal years 2026 and 2027 and \$0 in fiscal</u>			
294.10	<u>year 2028 and each fiscal year thereafter.</u>			
294.11	<b>Sec. 12. <u>HUMAN SERVICES</u></b>	<b>\$</b>	<b><u>5,326,000</u></b>	<b><u>5,936,000</u></b>
294.12	<b><u>Central Office Administration</u></b>			
294.13	<u>For the Office of Inspector General to process</u>			
294.14	<u>additional background studies and for the</u>			
294.15	<u>behavioral health, deaf and hard-of-hearing,</u>			
294.16	<u>and housing division to provide data required</u>			
294.17	<u>under Minnesota Statutes, section 342.04, and</u>			
294.18	<u>the consultation requirements under Minnesota</u>			
294.19	<u>Statutes, section 342.68. The base for this</u>			
294.20	<u>appropriation is \$5,936,000 in fiscal year</u>			
294.21	<u>2026, \$5,936,000 in fiscal year 2027,</u>			
294.22	<u>\$5,936,000 in fiscal year 2028, and \$1,838,000</u>			
294.23	<u>in fiscal year 2029 and thereafter.</u>			
294.24	<b>Sec. 13. <u>LABOR AND INDUSTRY</u></b>	<b>\$</b>	<b><u>116,000</u></b>	<b><u>123,000</u></b>
294.25	<b>Sec. 14. <u>NATURAL RESOURCES</u></b>	<b>\$</b>	<b><u>338,000</u></b>	<b><u>-0-</u></b>
294.26	<b>Sec. 15. <u>POLLUTION CONTROL AGENCY</u></b>	<b>\$</b>	<b><u>140,000</u></b>	<b><u>70,000</u></b>
294.27	<b>Sec. 16. <u>PUBLIC SAFETY</u></b>			
294.28	<b><u>Subdivision 1. Total Appropriation</u></b>	<b>\$</b>	<b><u>23,987,000</u></b>	<b><u>10,654,000</u></b>
294.29	<u>The amounts that may be spent for each</u>			
294.30	<u>purpose are specified in the following</u>			
294.31	<u>subdivisions.</u>			

295.1	<u>Subd. 2. Bureau of Criminal Apprehension</u>		<u>6,325,000</u>		<u>3,426,000</u>
295.2	<u>Subd. 3. Office of Traffic Safety</u>		<u>1,485,000</u>		<u>10,000</u>
295.3	<u>These are onetime appropriations.</u>				
295.4	<u>Subd. 4. Office of Justice Programs</u>		<u>20,000</u>		<u>-0-</u>
295.5	<u>For a grant to Hennepin County to produce</u>				
295.6	<u>the High Intensity Drug Trafficking Area</u>				
295.7	<u>report in article 6, section 61.</u>				
295.8	<u>Subd. 5. State Patrol</u>		<u>16,157,000</u>		<u>7,718,000</u>
295.9	<u>\$10,000,000 the first year and \$5,000,000 the</u>				
295.10	<u>second year are from the general fund for the</u>				
295.11	<u>drug evaluation and classification program for</u>				
295.12	<u>drug recognition evaluator training; additional</u>				
295.13	<u>phlebotomists; drug recognition training for</u>				
295.14	<u>peace officers, as defined in Minnesota</u>				
295.15	<u>Statutes section 626.84, subdivision 1,</u>				
295.16	<u>paragraph (c); and required continuing</u>				
295.17	<u>education training for drug recognition</u>				
295.18	<u>experts.</u>				
295.19	<u>\$6,157,000 the first year and \$2,218,000 the</u>				
295.20	<u>second year are from the trunk highway fund.</u>				
295.21	<u>Sec. 17. REVENUE</u>	<u>\$</u>	<u>3,825,000</u>	<u>\$</u>	<u>3,237,000</u>
295.22	<u>The base for this appropriation is \$3,204,000</u>				
295.23	<u>in fiscal year 2026 and \$3,203,000 in fiscal</u>				
295.24	<u>year 2027.</u>				
295.25	<u>Sec. 18. SUPREME COURT</u>	<u>\$</u>	<u>545,000</u>	<u>\$</u>	<u>545,000</u>
295.26	<u>These are onetime appropriations.</u>				
295.27	<u>Sec. 19. UNIVERSITY OF MINNESOTA</u>	<u>\$</u>	<u>2,500,000</u>	<u>\$</u>	<u>2,500,000</u>
295.28	<u>To establish a Center for Cannabis Research</u>				
295.29	<u>within the School of Public Health. The center</u>				
295.30	<u>must investigate the effects of cannabis use</u>				
295.31	<u>on health and research other topics related to</u>				
295.32	<u>cannabis, including but not limited to</u>				

296.1 prevention and treatment of substance use  
296.2 disorders, equity issues, education, and  
296.3 decriminalization.

296.4 Sec. 20. **APPROPRIATION AND BASE REDUCTIONS.**

296.5 (a) The commissioner of management and budget must reduce general fund appropriations  
296.6 to the commissioner of corrections by \$165,000 in fiscal year 2024 and \$368,000 in fiscal  
296.7 year 2025. The commissioner must reduce the base for general fund appropriations to the  
296.8 commissioner of corrections by \$460,000 in fiscal year 2026 and \$503,000 in fiscal year  
296.9 2027.

296.10 (b) The commissioner of management and budget must reduce general fund appropriations  
296.11 to the commissioner of health by \$394,000 in fiscal year 2024 and \$781,000 in fiscal year  
296.12 2025 for the administration of the medical cannabis program.

296.13 (c) The commissioner of management and budget must reduce state government special  
296.14 revenue fund appropriations to the commissioner of health by \$1,712,000 in fiscal year  
296.15 2024 and \$3,424,000 in fiscal year 2025 for administration of the medical cannabis program.

296.16 Sec. 21. **TRANSFERS.**

296.17 (a) \$1,000,000 in fiscal year 2024 and \$1,000,000 in fiscal year 2025 are transferred  
296.18 from the general fund to the dual training account in the special revenue fund under  
296.19 Minnesota Statutes, section 136A.246, subdivision 10, for grants to employers in the legal  
296.20 cannabis industry. These are onetime transfers. The commissioner shall give priority to  
296.21 applications from employers who are, or who are training employees who are, eligible to  
296.22 be social equity applicants under Minnesota Statutes, section 342.16. After June 30, 2025,  
296.23 any unencumbered balance from this transfer may be used for grants to any eligible employer  
296.24 under Minnesota Statutes, section 136A.246.

296.25 (b) \$5,500,000 in fiscal year 2024 and \$5,500,000 in fiscal year 2025 are transferred  
296.26 from the general fund to the substance use treatment, recovery, and prevention grant account  
296.27 established under Minnesota Statutes, section 342.68.

296.28 Sec. 22. **APPROPRIATION; DEPARTMENT OF AGRICULTURE.**

296.29 \$3,000,000 in fiscal year 2023 is appropriated from the general fund to the commissioner  
296.30 of agriculture for the planning, research, analysis, and other efforts needed to establish the  
296.31 Office of Cannabis Management and transition programs, authorities, and responsibilities  
296.32 contained in Minnesota Statutes, chapter 342, and implementation activities authorized

297.1 under article 7, section 16. This is a onetime appropriation and is available until June 30,  
297.2 2025.

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

297.4

## ARTICLE 10

297.5

### GRANTS MANAGEMENT

297.6 Section 1. **FINANCIAL REVIEW OF GRANT AND BUSINESS SUBSIDY**

297.7 **RECIPIENTS.**

297.8 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the  
297.9 meanings given.

297.10 (b) "Grant" means a grant or business subsidy funded by an appropriation in this act.

297.11 (c) "Grantee" means a business entity as defined in Minnesota Statutes, section 5.001.

297.12 Subd. 2. **Financial information required; determination of ability to perform.** Before

297.13 an agency awards a competitive, legislatively named, single-source, or sole-source grant,

297.14 the agency must assess the risk that a grantee cannot or would not perform the required

297.15 duties. In making this assessment, the agency must review the following information:

297.16 (1) the grantee's history of performing duties similar to those required by the grant,

297.17 whether the size of the grant requires the grantee to perform services at a significantly

297.18 increased scale, and whether the size of the grant will require significant changes to the

297.19 operation of the grantee's organization;

297.20 (2) for a grantee that is a nonprofit organization, the grantee's Form 990 or Form 990-EZ

297.21 filed with the Internal Revenue Service in each of the prior three years. If the grantee has

297.22 not been in existence long enough or is not required to file Form 990 or Form 990-EZ, the

297.23 grantee must demonstrate to the grantor's satisfaction that the grantee is exempt and must

297.24 instead submit the grantee's most recent board-reviewed financial statements and

297.25 documentation of internal controls;

297.26 (3) for a for-profit business, three years of federal and state tax returns, current financial

297.27 statements, certification that the business is not under bankruptcy proceedings, and disclosure

297.28 of any liens on its assets. If a business has not been in existence long enough to have three

297.29 years of tax returns, the grantee must demonstrate to the grantor's satisfaction that the grantee

297.30 has appropriate internal financial controls;

297.31 (4) evidence of registration and good standing with the secretary of state under Minnesota

297.32 Statutes, chapter 317A, or other applicable law;

298.1 (5) if the grantee's total annual revenue exceeds \$750,000, the grantee's most recent  
 298.2 financial audit performed by an independent third party in accordance with generally accepted  
 298.3 accounting principles; and

298.4 (6) certification, provided by the grantee, that none of its principals have been convicted  
 298.5 of a financial crime.

298.6 Subd. 3. **Additional measures for some grantees.** The agency may require additional  
 298.7 information and must provide enhanced oversight for grantees that have not previously  
 298.8 received state or federal grants for similar amounts or similar duties and so have not yet  
 298.9 demonstrated the ability to perform the duties required under the grant on the scale required.

298.10 Subd. 4. **Assistance from administration.** An agency without adequate resources or  
 298.11 experience to perform obligations under this section may contract with the commissioner  
 298.12 of administration to perform the agency's duties under this section.

298.13 Subd. 5. **Agency authority to not award grant.** If an agency determines that there is  
 298.14 an appreciable risk that a grantee receiving a competitive, single-source, or sole-source  
 298.15 grant cannot or would not perform the required duties under the grant agreement, the agency  
 298.16 must notify the grantee and the commissioner of administration and give the grantee an  
 298.17 opportunity to respond to the agency's concerns. If the grantee does not satisfy the agency's  
 298.18 concerns within 45 days, the agency must not award the grant.

298.19 Subd. 6. **Legislatively named grantees.** If an agency determines that there is an  
 298.20 appreciable risk that a grantee receiving a legislatively named grant cannot or would not  
 298.21 perform the required duties under the grant agreement, the agency must notify the grantee,  
 298.22 the commissioner of administration, and the chairs and ranking minority members of the  
 298.23 Ways and Means Committee in the house of representatives, the chairs and ranking minority  
 298.24 members of the Finance Committee in the senate, and the chairs and ranking minority  
 298.25 members of the committees in the house of representatives and the senate with primary  
 298.26 jurisdiction over the bill in which the money for the grant was appropriated. The agency  
 298.27 must give the grantee an opportunity to respond to the agency's concerns. If the grantee  
 298.28 does not satisfy the agency's concerns within 45 days, the agency must delay award of the  
 298.29 grant until adjournment of the next regular or special legislative session.

298.30 Subd. 7. **Subgrants.** If a grantee will disburse the money received from the grant to  
 298.31 other organizations to perform duties required under the grant agreement, the agency must  
 298.32 be a party to agreements between the grantee and a subgrantee. Before entering agreements  
 298.33 for subgrants, the agency must perform the financial review required under this section with  
 298.34 respect to the subgrantees.

- 299.1        Subd. 8. **Effect.** The requirements of this section are in addition to other requirements  
299.2 imposed by law, the commissioner of administration under Minnesota Statutes, sections  
299.3 16B.97 to 16B.98, or agency grant policy.

**18K.08 DEFENSE FOR POSSESSION OF MARIJUANA.**

It is an affirmative defense to a prosecution for the possession of marijuana under chapter 152 if:

- (1) the defendant possesses industrial hemp grown pursuant to this chapter; or
- (2) the defendant has a valid controlled substance registration from the United States Department of Justice, Drug Enforcement Administration, if required under federal law.

**34A.01 DEFINITIONS.**

Subd. 4. **Food.** "Food" means every ingredient used for, entering into the consumption of, or used or intended for use in the preparation of food, drink, confectionery, or condiment for humans or other animals, whether simple, mixed, or compound; and articles used as components of these ingredients, except that edible cannabinoid products, as defined in section 151.72, subdivision 1, paragraph (c), are not food.

**151.72 SALE OF CERTAIN CANNABINOID PRODUCTS.**

Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have the meanings given.

(b) "Certified hemp" means hemp plants that have been tested and found to meet the requirements of chapter 18K and the rules adopted thereunder.

(c) "Edible cannabinoid product" means any product that is intended to be eaten or consumed as a beverage by humans, contains a cannabinoid in combination with food ingredients, and is not a drug.

(d) "Hemp" has the meaning given to "industrial hemp" in section 18K.02, subdivision 3.

(e) "Label" has the meaning given in section 151.01, subdivision 18.

(f) "Labeling" means all labels and other written, printed, or graphic matter that are:

- (1) affixed to the immediate container in which a product regulated under this section is sold;
- (2) provided, in any manner, with the immediate container, including but not limited to outer containers, wrappers, package inserts, brochures, or pamphlets; or

(3) provided on that portion of a manufacturer's website that is linked by a scannable barcode or matrix barcode.

(g) "Matrix barcode" means a code that stores data in a two-dimensional array of geometrically shaped dark and light cells capable of being read by the camera on a smartphone or other mobile device.

(h) "Nonintoxicating cannabinoid" means substances extracted from certified hemp plants that do not produce intoxicating effects when consumed by any route of administration.

Subd. 2. **Scope.** (a) This section applies to the sale of any product that contains cannabinoids extracted from hemp and that is an edible cannabinoid product or is intended for human or animal consumption by any route of administration.

(b) This section does not apply to any product dispensed by a registered medical cannabis manufacturer pursuant to sections 152.22 to 152.37.

(c) The board must have no authority over food products, as defined in section 34A.01, subdivision 4, that do not contain cannabinoids extracted or derived from hemp.

Subd. 3. **Sale of cannabinoids derived from hemp.** (a) Notwithstanding any other section of this chapter, a product containing nonintoxicating cannabinoids, including an edible cannabinoid product, may be sold for human or animal consumption only if all of the requirements of this section are met, provided that a product sold for human or animal consumption does not contain more than 0.3 percent of any tetrahydrocannabinol and an edible cannabinoid product does not contain an amount of any tetrahydrocannabinol that exceeds the limits established in subdivision 5a, paragraph (f).

(b) No other substance extracted or otherwise derived from hemp may be sold for human consumption if the substance is intended:

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(1) for external or internal use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals; or

(2) to affect the structure or any function of the bodies of humans or other animals.

(c) No product containing any cannabinoid or tetrahydrocannabinol extracted or otherwise derived from hemp may be sold to any individual who is under the age of 21.

(d) Products that meet the requirements of this section are not controlled substances under section 152.02.

**Subd. 4. Testing requirements.** (a) A manufacturer of a product regulated under this section must submit representative samples of the product to an independent, accredited laboratory in order to certify that the product complies with the standards adopted by the board. Testing must be consistent with generally accepted industry standards for herbal and botanical substances, and, at a minimum, the testing must confirm that the product:

(1) contains the amount or percentage of cannabinoids that is stated on the label of the product;

(2) does not contain more than trace amounts of any mold, residual solvents, pesticides, fertilizers, or heavy metals; and

(3) does not contain more than 0.3 percent of any tetrahydrocannabinol.

(b) Upon the request of the board, the manufacturer of the product must provide the board with the results of the testing required in this section.

(c) Testing of the hemp from which the nonintoxicating cannabinoid was derived, or possession of a certificate of analysis for such hemp, does not meet the testing requirements of this section.

**Subd. 5. Labeling requirements.** (a) A product regulated under this section must bear a label that contains, at a minimum:

(1) the name, location, contact phone number, and website of the manufacturer of the product;

(2) the name and address of the independent, accredited laboratory used by the manufacturer to test the product; and

(3) an accurate statement of the amount or percentage of cannabinoids found in each unit of the product meant to be consumed.

(b) The information in paragraph (a) may be provided on an outer package if the immediate container that holds the product is too small to contain all of the information.

(c) The information required in paragraph (a) may be provided through the use of a scannable barcode or matrix barcode that links to a page on the manufacturer's website if that page contains all of the information required by this subdivision.

(d) The label must also include a statement stating that the product does not claim to diagnose, treat, cure, or prevent any disease and has not been evaluated or approved by the United States Food and Drug Administration (FDA) unless the product has been so approved.

(e) The information required by this subdivision must be prominently and conspicuously placed on the label or displayed on the website in terms that can be easily read and understood by the consumer.

(f) The labeling must not contain any claim that the product may be used or is effective for the prevention, treatment, or cure of a disease or that it may be used to alter the structure or function of human or animal bodies, unless the claim has been approved by the FDA.

**Subd. 5a. Additional requirements for edible cannabinoid products.** (a) In addition to the testing and labeling requirements under subdivisions 4 and 5, an edible cannabinoid must meet the requirements of this subdivision.

(b) An edible cannabinoid product must not:

(1) bear the likeness or contain cartoon-like characteristics of a real or fictional person, animal, or fruit that appeals to children;

(2) be modeled after a brand of products primarily consumed by or marketed to children;

(3) be made by applying an extracted or concentrated hemp-derived cannabinoid to a commercially available candy or snack food item;

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(4) contain an ingredient, other than a hemp-derived cannabinoid, that is not approved by the United States Food and Drug Administration for use in food;

(5) be packaged in a way that resembles the trademarked, characteristic, or product-specialized packaging of any commercially available food product; or

(6) be packaged in a container that includes a statement, artwork, or design that could reasonably mislead any person to believe that the package contains anything other than an edible cannabinoid product.

(c) An edible cannabinoid product must be prepackaged in packaging or a container that is child-resistant, tamper-evident, and opaque or placed in packaging or a container that is child-resistant, tamper-evident, and opaque at the final point of sale to a customer. The requirement that packaging be child-resistant does not apply to an edible cannabinoid product that is intended to be consumed as a beverage and which contains no more than a trace amount of any tetrahydrocannabinol.

(d) If an edible cannabinoid product is intended for more than a single use or contains multiple servings, each serving must be indicated by scoring, wrapping, or other indicators designating the individual serving size.

(e) A label containing at least the following information must be affixed to the packaging or container of all edible cannabinoid products sold to consumers:

(1) the serving size;

(2) the cannabinoid profile per serving and in total;

(3) a list of ingredients, including identification of any major food allergens declared by name; and

(4) the following statement: "Keep this product out of reach of children."

(f) An edible cannabinoid product must not contain more than five milligrams of any tetrahydrocannabinol in a single serving, or more than a total of 50 milligrams of any tetrahydrocannabinol per package.

**Subd. 6. Enforcement.** (a) A product regulated under this section, including an edible cannabinoid product, shall be considered an adulterated drug if:

(1) it consists, in whole or in part, of any filthy, putrid, or decomposed substance;

(2) it has been produced, prepared, packed, or held under unsanitary conditions where it may have been rendered injurious to health, or where it may have been contaminated with filth;

(3) its container is composed, in whole or in part, of any poisonous or deleterious substance that may render the contents injurious to health;

(4) it contains any food additives, color additives, or excipients that have been found by the FDA to be unsafe for human or animal consumption;

(5) it contains an amount or percentage of nonintoxicating cannabinoids that is different than the amount or percentage stated on the label;

(6) it contains more than 0.3 percent of any tetrahydrocannabinol or, if the product is an edible cannabinoid product, an amount of tetrahydrocannabinol that exceeds the limits established in subdivision 5a, paragraph (f); or

(7) it contains more than trace amounts of mold, residual solvents, pesticides, fertilizers, or heavy metals.

(b) A product regulated under this section shall be considered a misbranded drug if the product's labeling is false or misleading in any manner or in violation of the requirements of this section.

(c) The board's authority to issue cease and desist orders under section 151.06; to embargo adulterated and misbranded drugs under section 151.38; and to seek injunctive relief under section 214.11, extends to any violation of this section.

**152.027 OTHER CONTROLLED SUBSTANCE OFFENSES.**

**Subd. 3. Possession of marijuana in a motor vehicle.** A person is guilty of a misdemeanor if the person is the owner of a private motor vehicle, or is the driver of the motor vehicle if the owner

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is not present, and possesses on the person, or knowingly keeps or allows to be kept within the area of the vehicle normally occupied by the driver or passengers, more than 1.4 grams of marijuana. This area of the vehicle does not include the trunk of the motor vehicle if the vehicle is equipped with a trunk, or another area of the vehicle not normally occupied by the driver or passengers if the vehicle is not equipped with a trunk. A utility or glove compartment is deemed to be within the area occupied by the driver and passengers.

Subd. 4. **Possession or sale of small amounts of marijuana.** (a) A person who unlawfully sells a small amount of marijuana for no remuneration, or who unlawfully possesses a small amount of marijuana is guilty of a petty misdemeanor and shall be required to participate in a drug education program unless the court enters a written finding that a drug education program is inappropriate. The program must be approved by an area mental health board with a curriculum approved by the state alcohol and drug abuse authority.

(b) A person convicted of an unlawful sale under paragraph (a) who is subsequently convicted of an unlawful sale under paragraph (a) within two years is guilty of a misdemeanor and shall be required to participate in a chemical dependency evaluation and treatment if so indicated by the evaluation.

(c) A person who is convicted of a petty misdemeanor under paragraph (a) who willfully and intentionally fails to comply with the sentence imposed, is guilty of a misdemeanor. Compliance with the terms of the sentence imposed before conviction under this paragraph is an absolute defense.

**152.21 THC THERAPEUTIC RESEARCH ACT.**

Subdivision 1. **Findings and purpose.** The legislature finds that scientific literature indicates promise for delta-9-tetrahydro-cannabinol (THC), the active component of marijuana, in alleviating certain side effects of cancer chemotherapy under strictly controlled medical circumstances.

The legislature also finds that further research and strictly controlled experimentation regarding the therapeutic use of THC is necessary and desirable. The intent of this section is to establish an extensive research program to investigate and report on the therapeutic effects of THC under strictly controlled circumstances in compliance with all federal laws and regulations promulgated by the federal Food and Drug Administration, the National Institute on Drug Abuse and the Drug Enforcement Administration. The intent of the legislature is to allow this research program the greatest possible access to qualified cancer patients residing in Minnesota who meet protocol requirements. The establishment of this research program is not intended in any manner whatsoever to condone or promote the illicit recreational use of marijuana.

Subd. 2. **Definitions.** For purposes of this section, the following terms shall have the meanings given.

(a) "Commissioner" means the commissioner of health.

(b) "Marijuana" means marijuana as defined in section 152.01, subdivision 9, and delta-9-tetrahydro-cannabinol (THC), tetrahydrocannabinols or a chemical derivative of tetrahydrocannabinols, and all species of the genus Cannabis.

(c) "Principal investigator" means the individual responsible for the medical and scientific aspects of the research, development of protocol, and contacting and qualifying the clinical investigators in the state.

(d) "Clinical investigators" means those individuals who conduct the clinical trials.

(e) "Sponsor" means that individual or organization who, acting on behalf of the state, has the total responsibility for the state program.

Subd. 3. **Research grant.** The commissioner of health shall grant funds to the principal investigator selected by the commissioner pursuant to subdivision 4 for the purpose of conducting a research program under a protocol approved by the FDA regarding the therapeutic use of oral THC and other dosage forms, if available, according to the guidelines and requirements of the federal Food and Drug Administration, the Drug Enforcement Administration and the National Institute on Drug Abuse. The commissioner shall ensure that the research principal investigator complies with the requirements of subdivision 5. The commissioner may designate the principal investigator as the sponsor.

Subd. 4. **Principal investigator.** Within three months of April 25, 1980, the commissioner shall, in consultation with a representative chosen by the state Board of Pharmacy and a representative

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chosen by the state Board of Medical Examiners, select a person or research organization to be the principal investigator of the research program.

Subd. 5. **Duties.** The principal investigator shall:

(1) apply to the Food and Drug Administration for a notice of "Claimed Investigational Exemption for a New Drug (IND)" pursuant to the Federal Food, Drug and Cosmetic Act, United States Code, title 21, section 301, et seq., and shall comply with all applicable laws and regulations of the federal Food and Drug Administration, the Drug Enforcement Administration, and the National Institute on Drug Abuse in establishing the program;

(2) notify every oncologist in the state of the program, explain the purposes and requirements of the program to them, provide on request each of them with a copy of the approved protocol which shall include summaries of current papers in medical journals reporting on research concerning the safety, efficacy and appropriate use of THC in alleviating the nausea and emetic effects of cancer chemotherapy, and provide on request each of them with a bibliography of other articles published in medical journals;

(3) allow each oncologist (clinical investigator) in the state who meets or agrees to meet all applicable federal requirements for investigational new drug research and who so requests to be included in the research program as a clinical investigator to conduct the clinical trials;

(4) provide explanatory information and assistance to each clinical investigator in understanding the nature of therapeutic use of THC within program requirements, including the informed consent document contained in the protocol, informing and counseling patients involved in the program regarding the appropriate use and the effects of therapeutic use of THC;

(5) apply to contract with the National Institute on Drug Abuse for receipt of dosage forms of THC, fully characterized as to contents and delivery to the human system, pursuant to regulations promulgated by the National Institute on Drug Abuse, and the federal Food and Drug Administration. The principal investigator shall ensure delivery of the THC dosages to clinical investigators as needed for participation in the program;

(6) conduct the research program in compliance with federal laws and regulations promulgated by the federal Food and Drug Administration, the Drug Enforcement Administration, the National Institute on Drug Abuse, and the purposes and provisions of this section;

(7) submit periodic reports as determined by the commissioner on the numbers of oncologists and patients involved in the program and the results of the program;

(8) submit reports on intermediate or final research results, as appropriate, to the major scientific journals in the United States; and

(9) otherwise comply with the provisions of this section.

Subd. 6. **Exemption from criminal sanctions.** For the purposes of this section, the following are not violations under this chapter:

(1) use or possession of THC, or both, by a patient in the research program;

(2) possession, prescribing use of, administering, or dispensing THC, or any combination of these actions, by the principal investigator or by any clinical investigator; and

(3) possession or distribution of THC, or both, by a pharmacy registered to handle Schedule I substances which stores THC on behalf of the principal investigator or a clinical investigator.

THC obtained and distributed pursuant to this section is not subject to forfeiture under sections 609.531 to 609.5316.

For the purposes of this section, THC is removed from Schedule I contained in section 152.02, subdivision 2, and inserted in Schedule II contained in section 152.02, subdivision 3.

Subd. 7. **Citation.** This section may be cited as the "THC Therapeutic Research Act."

**152.22 DEFINITIONS.**

Subdivision 1. **Applicability.** For purposes of sections 152.22 to 152.37, the terms defined in this section have the meanings given them.

Subd. 2. **Commissioner.** "Commissioner" means the commissioner of health.

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Subd. 3. **Disqualifying felony offense.** "Disqualifying felony offense" means a violation of a state or federal controlled substance law that is a felony under Minnesota law, or would be a felony if committed in Minnesota, regardless of the sentence imposed, unless the commissioner determines that the person's conviction was for the medical use of cannabis or assisting with the medical use of cannabis.

Subd. 4. **Health care practitioner.** "Health care practitioner" means a Minnesota licensed doctor of medicine, a Minnesota licensed physician assistant, or a Minnesota licensed advanced practice registered nurse who has the primary responsibility for the care and treatment of the qualifying medical condition of a person diagnosed with a qualifying medical condition.

Subd. 5. **Health records.** "Health records" means health records as defined in section 144.291, subdivision 2, paragraph (c).

Subd. 5a. **Hemp.** "Hemp" has the meaning given to industrial hemp in section 18K.02, subdivision 3.

Subd. 5b. **Hemp grower.** "Hemp grower" means a person licensed by the commissioner of agriculture under chapter 18K to grow hemp for commercial purposes.

Subd. 6. **Medical cannabis.** (a) "Medical cannabis" means any species of the genus cannabis plant, or any mixture or preparation of them, including whole plant extracts and resins, and is delivered in the form of:

- (1) liquid, including, but not limited to, oil;
- (2) pill;
- (3) vaporized delivery method with use of liquid or oil;
- (4) combustion with use of dried raw cannabis; or
- (5) any other method approved by the commissioner.

(b) This definition includes any part of the genus cannabis plant prior to being processed into a form allowed under paragraph (a), that is possessed by a person while that person is engaged in employment duties necessary to carry out a requirement under sections 152.22 to 152.37 for a registered manufacturer or a laboratory under contract with a registered manufacturer. This definition also includes any hemp acquired by a manufacturer by a hemp grower as permitted under section 152.29, subdivision 1, paragraph (b).

Subd. 7. **Medical cannabis manufacturer.** "Medical cannabis manufacturer" or "manufacturer" means an entity registered by the commissioner to cultivate, acquire, manufacture, possess, prepare, transfer, transport, supply, or dispense medical cannabis, delivery devices, or related supplies and educational materials.

Subd. 8. **Medical cannabis product.** "Medical cannabis product" means any delivery device or related supplies and educational materials used in the administration of medical cannabis for a patient with a qualifying medical condition enrolled in the registry program.

Subd. 9. **Patient.** "Patient" means a Minnesota resident who has been diagnosed with a qualifying medical condition by a health care practitioner and who has otherwise met any other requirements for patients under sections 152.22 to 152.37 to participate in the registry program under sections 152.22 to 152.37.

Subd. 10. **Patient registry number.** "Patient registry number" means a unique identification number assigned by the commissioner to a patient enrolled in the registry program.

Subd. 11. **Registered designated caregiver.** "Registered designated caregiver" means a person who:

- (1) is at least 18 years old;
- (2) does not have a conviction for a disqualifying felony offense;
- (3) has been approved by the commissioner to assist a patient who requires assistance in administering medical cannabis or obtaining medical cannabis from a distribution facility; and
- (4) is authorized by the commissioner to assist the patient with the use of medical cannabis.

Subd. 12. **Registry program.** "Registry program" means the patient registry established in sections 152.22 to 152.37.

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Subd. 13. **Registry verification.** "Registry verification" means the verification provided by the commissioner that a patient is enrolled in the registry program and that includes the patient's name, registry number, and, if applicable, the name of the patient's registered designated caregiver or parent, legal guardian, or spouse.

Subd. 14. **Qualifying medical condition.** "Qualifying medical condition" means a diagnosis of any of the following conditions:

- (1) cancer, if the underlying condition or treatment produces one or more of the following:
  - (i) severe or chronic pain;
  - (ii) nausea or severe vomiting; or
  - (iii) cachexia or severe wasting;
- (2) glaucoma;
- (3) human immunodeficiency virus or acquired immune deficiency syndrome;
- (4) Tourette's syndrome;
- (5) amyotrophic lateral sclerosis;
- (6) seizures, including those characteristic of epilepsy;
- (7) severe and persistent muscle spasms, including those characteristic of multiple sclerosis;
- (8) inflammatory bowel disease, including Crohn's disease;
- (9) terminal illness, with a probable life expectancy of under one year, if the illness or its treatment produces one or more of the following:
  - (i) severe or chronic pain;
  - (ii) nausea or severe vomiting; or
  - (iii) cachexia or severe wasting; or
- (10) any other medical condition or its treatment approved by the commissioner.

**152.23 LIMITATIONS.**

(a) Nothing in sections 152.22 to 152.37 permits any person to engage in and does not prevent the imposition of any civil, criminal, or other penalties for:

- (1) undertaking any task under the influence of medical cannabis that would constitute negligence or professional malpractice;
- (2) possessing or engaging in the use of medical cannabis:
  - (i) on a school bus or van;
  - (ii) on the grounds of any preschool or primary or secondary school;
  - (iii) in any correctional facility; or
  - (iv) on the grounds of any child care facility or home day care;
- (3) vaporizing or combusting medical cannabis pursuant to section 152.22, subdivision 6:
  - (i) on any form of public transportation;
  - (ii) where the vapor would be inhaled by a nonpatient minor child or where the smoke would be inhaled by a minor child; or
  - (iii) in any public place, including any indoor or outdoor area used by or open to the general public or a place of employment as defined under section 144.413, subdivision 1b; and
- (4) operating, navigating, or being in actual physical control of any motor vehicle, aircraft, train, or motorboat, or working on transportation property, equipment, or facilities while under the influence of medical cannabis.

(b) Nothing in sections 152.22 to 152.37 require the medical assistance and MinnesotaCare programs to reimburse an enrollee or a provider for costs associated with the medical use of cannabis. Medical assistance and MinnesotaCare shall continue to provide coverage for all services related

to treatment of an enrollee's qualifying medical condition if the service is covered under chapter 256B or 256L.

**152.24 FEDERALLY APPROVED CLINICAL TRIALS.**

The commissioner may prohibit enrollment of a patient in the registry program if the patient is simultaneously enrolled in a federally approved clinical trial for the treatment of a qualifying medical condition with medical cannabis. The commissioner shall provide information to all patients enrolled in the registry program on the existence of federally approved clinical trials for the treatment of the patient's qualifying medical condition with medical cannabis as an alternative to enrollment in the patient registry program.

**152.25 COMMISSIONER DUTIES.**

Subdivision 1. **Medical cannabis manufacturer registration.** (a) The commissioner shall register two in-state manufacturers for the production of all medical cannabis within the state. A registration agreement between the commissioner and a manufacturer is nontransferable. The commissioner shall register new manufacturers or reregister the existing manufacturers by December 1 every two years, using the factors described in this subdivision. The commissioner shall accept applications after December 1, 2014, if one of the manufacturers registered before December 1, 2014, ceases to be registered as a manufacturer. The commissioner's determination that no manufacturer exists to fulfill the duties under sections 152.22 to 152.37 is subject to judicial review in Ramsey County District Court. Data submitted during the application process are private data on individuals or nonpublic data as defined in section 13.02 until the manufacturer is registered under this section. Data on a manufacturer that is registered are public data, unless the data are trade secret or security information under section 13.37.

(b) As a condition for registration, a manufacturer must agree to:

- (1) begin supplying medical cannabis to patients by July 1, 2015; and
- (2) comply with all requirements under sections 152.22 to 152.37.

(c) The commissioner shall consider the following factors when determining which manufacturer to register:

- (1) the technical expertise of the manufacturer in cultivating medical cannabis and converting the medical cannabis into an acceptable delivery method under section 152.22, subdivision 6;
- (2) the qualifications of the manufacturer's employees;
- (3) the long-term financial stability of the manufacturer;
- (4) the ability to provide appropriate security measures on the premises of the manufacturer;
- (5) whether the manufacturer has demonstrated an ability to meet the medical cannabis production needs required by sections 152.22 to 152.37; and
- (6) the manufacturer's projection and ongoing assessment of fees on patients with a qualifying medical condition.

(d) If an officer, director, or controlling person of the manufacturer pleads or is found guilty of intentionally diverting medical cannabis to a person other than allowed by law under section 152.33, subdivision 1, the commissioner may decide not to renew the registration of the manufacturer, provided the violation occurred while the person was an officer, director, or controlling person of the manufacturer.

(e) The commissioner shall require each medical cannabis manufacturer to contract with an independent laboratory to test medical cannabis produced by the manufacturer. The commissioner shall approve the laboratory chosen by each manufacturer and require that the laboratory report testing results to the manufacturer in a manner determined by the commissioner.

Subd. 1a. **Revocation or nonrenewal of a medical cannabis manufacturer registration.** If the commissioner intends to revoke or not renew a registration issued under this section, the commissioner must first notify in writing the manufacturer against whom the action is to be taken and provide the manufacturer with an opportunity to request a hearing under the contested case provisions of chapter 14. If the manufacturer does not request a hearing by notifying the commissioner in writing within 20 days after receipt of the notice of proposed action, the commissioner may proceed with the action without a hearing. For revocations, the registration of

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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 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

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under section 152.22, subdivision 14, the commissioner must notify the chairs and ranking minority members of the legislative policy committees having jurisdiction over health and public safety of the addition or removal and the reasons for its addition or removal, including any written comments received by the commissioner from the public and any guidance received from the task force on medical cannabis research, by January 15 of the year in which the commissioner wishes to make the change. The change shall be effective on August 1 of that year, unless the legislature by law provides otherwise.

**Subd. 3. Patient application.** (a) The commissioner shall develop a patient application for enrollment into the registry program. The application shall be available to the patient and given to health care practitioners in the state who are eligible to serve as health care practitioners. The application must include:

- (1) the name, mailing address, and date of birth of the patient;
- (2) the name, mailing address, and telephone number of the patient's health care practitioner;
- (3) the name, mailing address, and date of birth of the patient's designated caregiver, if any, or the patient's parent, legal guardian, or spouse if the parent, legal guardian, or spouse will be acting as a caregiver;
- (4) a copy of the certification from the patient's health care practitioner that is dated within 90 days prior to submitting the application that certifies that the patient has been diagnosed with a qualifying medical condition; and
- (5) all other signed affidavits and enrollment forms required by the commissioner under sections 152.22 to 152.37, including, but not limited to, the disclosure form required under paragraph (c).

(b) The commissioner shall require a patient to resubmit a copy of the certification from the patient's health care practitioner on a yearly basis and shall require that the recertification be dated within 90 days of submission.

(c) The commissioner shall develop a disclosure form and require, as a condition of enrollment, all patients to sign a copy of the disclosure. The disclosure must include:

- (1) a statement that, notwithstanding any law to the contrary, the commissioner, or an employee of any state agency, may not be held civilly or criminally liable for any injury, loss of property, personal injury, or death caused by any act or omission while acting within the scope of office or employment under sections 152.22 to 152.37; and
- (2) the patient's acknowledgment that enrollment in the patient registry program is conditional on the patient's agreement to meet all of the requirements of sections 152.22 to 152.37.

**Subd. 4. Registered designated caregiver.** (a) The commissioner shall register a designated caregiver for a patient if the patient requires assistance in administering medical cannabis or obtaining medical cannabis from a distribution facility and the caregiver has agreed, in writing, to be the patient's designated caregiver. As a condition of registration as a designated caregiver, the commissioner shall require the person to:

- (1) be at least 18 years of age;
- (2) agree to only possess the patient's medical cannabis for purposes of assisting the patient; and
- (3) agree that if the application is approved, the person will not be a registered designated caregiver for more than six registered patients at one time. Patients who reside in the same residence shall count as one patient.

(b) The commissioner shall conduct a criminal background check on the designated caregiver prior to registration to ensure that the person does not have a conviction for a disqualifying felony offense. Any cost of the background check shall be paid by the person seeking registration as a designated caregiver. A designated caregiver must have the criminal background check renewed every two years.

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

**Subd. 5. Parents, legal guardians, and spouses.** A parent, legal guardian, or spouse of a patient may act as the caregiver to the patient without having to register as a designated caregiver. The

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parent, legal guardian, or spouse shall follow all of the requirements of parents, legal guardians, and spouses listed in sections 152.22 to 152.37. Nothing in sections 152.22 to 152.37 limits any legal authority a parent, legal guardian, or spouse may have for the patient under any other law.

**Subd. 6. Patient enrollment.** (a) After receipt of a patient's application, application fees, and signed disclosure, the commissioner shall enroll the patient in the registry program and issue the patient and patient's registered designated caregiver or parent, legal guardian, or spouse, if applicable, a registry verification. The commissioner shall approve or deny a patient's application for participation in the registry program within 30 days after the commissioner receives the patient's application and application fee. The commissioner may approve applications up to 60 days after the receipt of a patient's application and application fees until January 1, 2016. A patient's enrollment in the registry program shall only be denied if the patient:

(1) does not have certification from a health care practitioner that the patient has been diagnosed with a qualifying medical condition;

(2) has not signed and returned the disclosure form required under subdivision 3, paragraph (c), to the commissioner;

(3) does not provide the information required;

(4) has previously been removed from the registry program for violations of section 152.30 or 152.33; or

(5) provides false information.

(b) The commissioner shall give written notice to a patient of the reason for denying enrollment in the registry program.

(c) Denial of enrollment into the registry program is considered a final decision of the commissioner and is subject to judicial review under the Administrative Procedure Act pursuant to chapter 14.

(d) A patient's enrollment in the registry program may only be revoked upon the death of the patient or if a patient violates a requirement under section 152.30 or 152.33.

(e) The commissioner shall develop a registry verification to provide to the patient, the health care practitioner identified in the patient's application, and to the manufacturer. The registry verification shall include:

(1) the patient's name and date of birth;

(2) the patient registry number assigned to the patient; and

(3) the name and date of birth of the patient's registered designated caregiver, if any, or the name of the patient's parent, legal guardian, or spouse if the parent, legal guardian, or spouse will be acting as a caregiver.

**Subd. 7. Notice requirements.** Patients and registered designated caregivers shall notify the commissioner of any address or name change within 30 days of the change having occurred. A patient or registered designated caregiver is subject to a \$100 fine for failure to notify the commissioner of the change.

### **152.28 HEALTH CARE PRACTITIONER DUTIES.**

**Subdivision 1. Health care practitioner duties.** (a) Prior to a patient's enrollment in the registry program, a health care practitioner shall:

(1) determine, in the health care practitioner's medical judgment, whether a patient suffers from a qualifying medical condition, and, if so determined, provide the patient with a certification of that diagnosis;

(2) advise patients, registered designated caregivers, and parents, legal guardians, or spouses who are acting as caregivers of the existence of any nonprofit patient support groups or organizations;

(3) provide explanatory information from the commissioner to patients with qualifying medical conditions, including disclosure to all patients about the experimental nature of therapeutic use of medical cannabis; the possible risks, benefits, and side effects of the proposed treatment; the application and other materials from the commissioner; and provide patients with the Tennessee warning as required by section 13.04, subdivision 2; and

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(4) agree to continue treatment of the patient's qualifying medical condition and report medical findings to the commissioner.

(b) Upon notification from the commissioner of the patient's enrollment in the registry program, the health care practitioner shall:

(1) participate in the patient registry reporting system under the guidance and supervision of the commissioner;

(2) report health records of the patient throughout the ongoing treatment of the patient to the commissioner in a manner determined by the commissioner and in accordance with subdivision 2;

(3) determine, on a yearly basis, if the patient continues to suffer from a qualifying medical condition and, if so, issue the patient a new certification of that diagnosis; and

(4) otherwise comply with all requirements developed by the commissioner.

(c) A health care practitioner may conduct a patient assessment to issue a recertification as required under paragraph (b), clause (3), via telehealth, as defined in section 62A.673, subdivision 2.

(d) Nothing in this section requires a health care practitioner to participate in the registry program.

Subd. 2. **Data.** Data collected on patients by a health care practitioner and reported to the patient registry are health records under section 144.291, and are private data on individuals under section 13.02, but may be used or reported in an aggregated, nonidentifiable form as part of a scientific, peer-reviewed publication of research conducted under section 152.25 or in the creation of summary data, as defined in section 13.02, subdivision 19.

Subd. 3. **Advertising restrictions.** (a) A health care practitioner shall not publish or cause to be published any advertisement that:

(1) contains false or misleading statements about medical cannabis or about the medical cannabis registry program;

(2) uses colloquial terms to refer to medical cannabis, such as pot, weed, or grass;

(3) states or implies the health care practitioner is endorsed by the Department of Health or by the medical cannabis registry program;

(4) includes images of cannabis in its plant or leaf form or of cannabis-smoking paraphernalia; or

(5) contains medical symbols that could reasonably be confused with symbols of established medical associations or groups.

(b) A health care practitioner found by the commissioner to have violated this subdivision is prohibited from certifying that patients have a qualifying medical condition for purposes of patient participation in the registry program. The commissioner's decision that a health care practitioner has violated this subdivision is a final decision of the commissioner and is not subject to the contested case procedures in chapter 14.

**152.29 MANUFACTURER OF MEDICAL CANNABIS DUTIES.**

Subdivision 1. **Manufacturer; requirements.** (a) A manufacturer may operate eight distribution facilities, which may include the manufacturer's single location for cultivation, harvesting, manufacturing, packaging, and processing but is not required to include that location. The commissioner shall designate the geographical service areas to be served by each manufacturer based on geographical need throughout the state to improve patient access. A manufacturer shall not have more than two distribution facilities in each geographical service area assigned to the manufacturer by the commissioner. A manufacturer shall operate only one location where all cultivation, harvesting, manufacturing, packaging, and processing of medical cannabis shall be conducted. This location may be one of the manufacturer's distribution facility sites. The additional distribution facilities may dispense medical cannabis and medical cannabis products but may not contain any medical cannabis in a form other than those forms allowed under section 152.22, subdivision 6, and the manufacturer shall not conduct any cultivation, harvesting, manufacturing, packaging, or processing at the other distribution facility sites. Any distribution facility operated by the manufacturer is subject to all of the requirements applying to the manufacturer under sections 152.22 to 152.37, including, but not limited to, security and distribution requirements.

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(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.

(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;

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- (3) financial information and inventory documentation, including laboratory testing results; and
- (4) physical and electronic security alarm systems.

**Subd. 2. Manufacturer; production.** (a) A manufacturer of medical cannabis shall provide a reliable and ongoing supply of all medical cannabis needed for the registry program through cultivation by the manufacturer and through the purchase of hemp from hemp growers.

(b) All cultivation, harvesting, manufacturing, packaging, and processing of medical cannabis must take place in an enclosed, locked facility at a physical address provided to the commissioner during the registration process.

(c) A manufacturer must process and prepare any medical cannabis plant material or hemp plant material into a form allowable under section 152.22, subdivision 6, prior to distribution of any medical cannabis.

**Subd. 3. Manufacturer; distribution.** (a) A manufacturer shall require that employees licensed as pharmacists pursuant to chapter 151 be the only employees to give final approval for the distribution of medical cannabis to a patient. A manufacturer may transport medical cannabis or medical cannabis products that have been cultivated, harvested, manufactured, packaged, and processed by that manufacturer to another registered manufacturer for the other manufacturer to distribute.

(b) A manufacturer may distribute medical cannabis products, whether or not the products have been manufactured by that manufacturer.

(c) Prior to distribution of any medical cannabis, the manufacturer shall:

(1) verify that the manufacturer has received the registry verification from the commissioner for that individual patient;

(2) verify that the person requesting the distribution of medical cannabis is the patient, the patient's registered designated caregiver, or the patient's parent, legal guardian, or spouse listed in the registry verification using the procedures described in section 152.11, subdivision 2d;

(3) assign a tracking number to any medical cannabis distributed from the manufacturer;

(4) ensure that any employee of the manufacturer licensed as a pharmacist pursuant to chapter 151 has consulted with the patient to determine the proper dosage for the individual patient after reviewing the ranges of chemical compositions of the medical cannabis and the ranges of proper dosages reported by the commissioner. For purposes of this clause, a consultation may be conducted remotely by secure videoconference, telephone, or other remote means, so long as the employee providing the consultation is able to confirm the identity of the patient and the consultation adheres to patient privacy requirements that apply to health care services delivered through telehealth. A pharmacist consultation under this clause is not required when a manufacturer is distributing medical cannabis to a patient according to a patient-specific dosage plan established with that manufacturer and is not modifying the dosage or product being distributed under that plan and the medical cannabis is distributed by a pharmacy technician;

(5) properly package medical cannabis in compliance with the United States Poison Prevention Packing Act regarding child-resistant packaging and exemptions for packaging for elderly patients, and label distributed medical cannabis with a list of all active ingredients and individually identifying information, including:

(i) the patient's name and date of birth;

(ii) the name and date of birth of the patient's registered designated caregiver or, if listed on the registry verification, the name of the patient's parent or legal guardian, if applicable;

(iii) the patient's registry identification number;

(iv) the chemical composition of the medical cannabis; and

(v) the dosage; and

(6) ensure that the medical cannabis distributed contains a maximum of a 90-day supply of the dosage determined for that patient.

(d) A manufacturer shall require any employee of the manufacturer who is transporting medical cannabis or medical cannabis products to a distribution facility or to another registered manufacturer to carry identification showing that the person is an employee of the manufacturer.

(e) A manufacturer shall distribute medical cannabis in dried raw cannabis form only to a patient age 21 or older, or to the registered designated caregiver, parent, legal guardian, or spouse of a patient age 21 or older.

Subd. 3a. **Transportation of medical cannabis; staffing.** (a) A medical cannabis manufacturer may staff a transport motor vehicle with only one employee if the medical cannabis manufacturer is transporting medical cannabis to either a certified laboratory for the purpose of testing or a facility for the purpose of disposal. If the medical cannabis manufacturer is transporting medical cannabis for any other purpose or destination, the transport motor vehicle must be staffed with a minimum of two employees as required by rules adopted by the commissioner.

(b) Notwithstanding paragraph (a), a medical cannabis manufacturer that is only transporting hemp for any purpose may staff the transport motor vehicle with only one employee.

Subd. 4. **Report.** Each manufacturer shall report to the commissioner on a monthly basis the following information on each individual patient for the month prior to the report:

- (1) the amount and dosages of medical cannabis distributed;
- (2) the chemical composition of the medical cannabis; and
- (3) the tracking number assigned to any medical cannabis distributed.

#### **152.30 PATIENT DUTIES.**

(a) A patient shall apply to the commissioner for enrollment in the registry program by submitting an application as required in section 152.27 and an annual registration fee as determined under section 152.35.

(b) As a condition of continued enrollment, patients shall agree to:

- (1) continue to receive regularly scheduled treatment for their qualifying medical condition from their health care practitioner; and
- (2) report changes in their qualifying medical condition to their health care practitioner.

(c) A patient shall only receive medical cannabis from a registered manufacturer but is not required to receive medical cannabis products from only a registered manufacturer.

#### **152.31 DATA PRACTICES.**

(a) Government data in patient files maintained by the commissioner and the health care practitioner, and data submitted to or by a medical cannabis manufacturer, are private data on individuals, as defined in section 13.02, subdivision 12, or nonpublic data, as defined in section 13.02, subdivision 9, but may be used for purposes of complying with chapter 13 and complying with a request from the legislative auditor or the state auditor in the performance of official duties. The provisions of section 13.05, subdivision 11, apply to a registration agreement entered between the commissioner and a medical cannabis manufacturer under section 152.25.

(b) Not public data maintained by the commissioner may not be used for any purpose not provided for in sections 152.22 to 152.37, and may not be combined or linked in any manner with any other list, dataset, or database.

(c) The commissioner may execute data sharing arrangements with the commissioner of agriculture to verify licensing, inspection, and compliance information related to hemp growers and hemp processors under chapter 18K.

#### **152.32 PROTECTIONS FOR REGISTRY PROGRAM PARTICIPATION.**

Subdivision 1. **Presumption.** (a) There is a presumption that a patient enrolled in the registry program under sections 152.22 to 152.37 is engaged in the authorized use of medical cannabis.

(b) The presumption may be rebutted by evidence that conduct related to use of medical cannabis was not for the purpose of treating or alleviating the patient's qualifying medical condition or symptoms associated with the patient's qualifying medical condition.

Subd. 2. **Criminal and civil protections.** (a) Subject to section 152.23, the following are not violations under this chapter:

- (1) use or possession of medical cannabis or medical cannabis products by a patient enrolled in the registry program, or possession by a registered designated caregiver or the parent, legal

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guardian, or spouse of a patient if the parent, legal guardian, or spouse is listed on the registry verification;

(2) possession, dosage determination, or sale of medical cannabis or medical cannabis products by a medical cannabis manufacturer, employees of a manufacturer, a laboratory conducting testing on medical cannabis, or employees of the laboratory; and

(3) possession of medical cannabis or medical cannabis products by any person while carrying out the duties required under sections 152.22 to 152.37.

(b) Medical cannabis obtained and distributed pursuant to sections 152.22 to 152.37 and associated property is not subject to forfeiture under sections 609.531 to 609.5316.

(c) The commissioner, the commissioner's staff, the commissioner's agents or contractors, and any health care practitioner are not subject to any civil or disciplinary penalties by the Board of Medical Practice, the Board of Nursing, or by any business, occupational, or professional licensing board or entity, solely for the participation in the registry program under sections 152.22 to 152.37. A pharmacist licensed under chapter 151 is not subject to any civil or disciplinary penalties by the Board of Pharmacy when acting in accordance with the provisions of sections 152.22 to 152.37. Nothing in this section affects a professional licensing board from taking action in response to violations of any other section of law.

(d) Notwithstanding any law to the contrary, the commissioner, the governor of Minnesota, or an employee of any state agency may not be held civilly or criminally liable for any injury, loss of property, personal injury, or death caused by any act or omission while acting within the scope of office or employment under sections 152.22 to 152.37.

(e) Federal, state, and local law enforcement authorities are prohibited from accessing the patient registry under sections 152.22 to 152.37 except when acting pursuant to a valid search warrant.

(f) Notwithstanding any law to the contrary, neither the commissioner nor a public employee may release data or information about an individual contained in any report, document, or registry created under sections 152.22 to 152.37 or any information obtained about a patient participating in the program, except as provided in sections 152.22 to 152.37.

(g) No information contained in a report, document, or registry or obtained from a patient under sections 152.22 to 152.37 may be admitted as evidence in a criminal proceeding unless independently obtained or in connection with a proceeding involving a violation of sections 152.22 to 152.37.

(h) Notwithstanding section 13.09, any person who violates paragraph (e) or (f) is guilty of a gross misdemeanor.

(i) An attorney may not be subject to disciplinary action by the Minnesota Supreme Court or professional responsibility board for providing legal assistance to prospective or registered manufacturers or others related to activity that is no longer subject to criminal penalties under state law pursuant to sections 152.22 to 152.37.

(j) Possession of a registry verification or application for enrollment in the program by a person entitled to possess or apply for enrollment in the registry program does not constitute probable cause or reasonable suspicion, nor shall it be used to support a search of the person or property of the person possessing or applying for the registry verification, or otherwise subject the person or property of the person to inspection by any governmental agency.

**Subd. 3. Discrimination prohibited.** (a) No school or landlord may refuse to enroll or lease to and may not otherwise penalize a person solely for the person's status as a patient enrolled in the registry program under sections 152.22 to 152.37, unless failing to do so would violate federal law or regulations or cause the school or landlord to lose a monetary or licensing-related benefit under federal law or regulations.

(b) For the purposes of medical care, including organ transplants, a registry program enrollee's use of medical cannabis under sections 152.22 to 152.37 is considered the equivalent of the authorized use of any other medication used at the discretion of a physician, advanced practice registered nurse, or physician assistant and does not constitute the use of an illicit substance or otherwise disqualify a patient from needed medical care.

(c) Unless a failure to do so would violate federal law or regulations or cause an employer to lose a monetary or licensing-related benefit under federal law or regulations, an employer may not discriminate against a person in hiring, termination, or any term or condition of employment, or otherwise penalize a person, if the discrimination is based upon either of the following:

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(1) the person's status as a patient enrolled in the registry program under sections 152.22 to 152.37; or

(2) a patient's positive drug test for cannabis components or metabolites, unless the patient used, possessed, or was impaired by medical cannabis on the premises of the place of employment or during the hours of employment.

(d) An employee who is required to undergo employer drug testing pursuant to section 181.953 may present verification of enrollment in the patient registry as part of the employee's explanation under section 181.953, subdivision 6.

(e) A person shall not be denied custody of a minor child or visitation rights or parenting time with a minor child solely based on the person's status as a patient enrolled in the registry program under sections 152.22 to 152.37. There shall be no presumption of neglect or child endangerment for conduct allowed under sections 152.22 to 152.37, unless the person's behavior is such that it creates an unreasonable danger to the safety of the minor as established by clear and convincing evidence.

**152.33 VIOLATIONS.**

Subdivision 1. **Intentional diversion; criminal penalty.** In addition to any other applicable penalty in law, a manufacturer or an agent of a manufacturer who intentionally transfers medical cannabis to a person other than another registered manufacturer, a patient, a registered designated caregiver or, if listed on the registry verification, a parent, legal guardian, or spouse of a patient is guilty of a felony punishable by imprisonment for not more than two years or by payment of a fine of not more than \$3,000, or both. A person convicted under this subdivision may not continue to be affiliated with the manufacturer and is disqualified from further participation under sections 152.22 to 152.37.

Subd. 1a. **Intentional diversion outside the state; penalties.** (a) In addition to any other applicable penalty in law, the commissioner may levy a fine of \$250,000 against a manufacturer and may immediately initiate proceedings to revoke the manufacturer's registration, using the procedure in section 152.25, if:

(1) an officer, director, or controlling person of the manufacturer pleads or is found guilty under subdivision 1 of intentionally transferring medical cannabis, while the person was an officer, director, or controlling person of the manufacturer, to a person other than allowed by law; and

(2) in intentionally transferring medical cannabis to a person other than allowed by law, the officer, director, or controlling person transported or directed the transport of medical cannabis outside of Minnesota.

(b) All fines collected under this subdivision shall be deposited in the state government special revenue fund.

Subd. 2. **Diversion by patient, registered designated caregiver, parent, legal guardian, or patient's spouse; criminal penalty.** In addition to any other applicable penalty in law, a patient, registered designated caregiver or, if listed on the registry verification, a parent, legal guardian, or spouse of a patient who intentionally sells or otherwise transfers medical cannabis to a person other than a patient, designated registered caregiver or, if listed on the registry verification, a parent, legal guardian, or spouse of a patient is guilty of a felony punishable by imprisonment for not more than two years or by payment of a fine of not more than \$3,000, or both.

Subd. 3. **False statement; criminal penalty.** A person who intentionally makes a false statement to a law enforcement official about any fact or circumstance relating to the medical use of cannabis to avoid arrest or prosecution is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or by payment of a fine of not more than \$1,000, or both. The penalty is in addition to any other penalties that may apply for making a false statement or for the possession, cultivation, or sale of cannabis not protected by sections 152.22 to 152.37. If a person convicted of violating this subdivision is a patient or a registered designated caregiver, the person is disqualified from further participation under sections 152.22 to 152.37.

Subd. 4. **Submission of false records; criminal penalty.** A person who knowingly submits false records or documentation required by the commissioner to register as a manufacturer of medical cannabis under sections 152.22 to 152.37 is guilty of a felony and may be sentenced to imprisonment for not more than two years or by payment of a fine of not more than \$3,000, or both.

Subd. 5. **Violation by health care practitioner; criminal penalty.** A health care practitioner who knowingly refers patients to a manufacturer or to a designated caregiver, who advertises as a

manufacturer, or who issues certifications while holding a financial interest in a manufacturer is guilty of a misdemeanor and may be sentenced to imprisonment for not more than 90 days or by payment of a fine of not more than \$1,000, or both.

Subd. 6. **Other violations; civil penalty.** A manufacturer shall be fined up to \$1,000 for any violation of sections 152.22 to 152.37, or the regulations issued pursuant to them, where no penalty has been specified. This penalty is in addition to any other applicable penalties in law.

#### **152.34 HEALTH CARE FACILITIES.**

(a) Health care facilities licensed under chapter 144A, hospice providers licensed under chapter 144A, boarding care homes or supervised living facilities licensed under section 144.50, assisted living facilities, facilities owned, controlled, managed, or under common control with hospitals licensed under chapter 144, and other health facilities licensed by the commissioner of health, may adopt reasonable restrictions on the use of medical cannabis by a patient enrolled in the registry program who resides at or is actively receiving treatment or care at the facility. The restrictions may include a provision that the facility will not store or maintain the patient's supply of medical cannabis, that the facility is not responsible for providing the medical cannabis for patients, and that medical cannabis be used only in a place specified by the facility.

(b) Any employee or agent of a facility listed in this section or a person licensed under chapter 144E is not subject to violations under this chapter for possession of medical cannabis while carrying out employment duties, including providing or supervising care to a registered patient, or distribution of medical cannabis to a registered patient who resides at or is actively receiving treatment or care at the facility with which the employee or agent is affiliated. Nothing in this section shall require the facilities to adopt such restrictions and no facility shall unreasonably limit a patient's access to or use of medical cannabis to the extent that use is authorized by the patient under sections 152.22 to 152.37.

#### **152.35 FEES; DEPOSIT OF REVENUE.**

(a) The commissioner shall collect an enrollment fee of \$200 from patients enrolled under this section. If the patient provides evidence of receiving Social Security disability insurance (SSDI), Supplemental Security Income (SSI), veterans disability, or railroad disability payments, or being enrolled in medical assistance or MinnesotaCare, then the fee shall be \$50. For purposes of this section:

(1) a patient is considered to receive SSDI if the patient was receiving SSDI at the time the patient was transitioned to retirement benefits by the United States Social Security Administration; and

(2) veterans disability payments include VA dependency and indemnity compensation.

Unless a patient provides evidence of receiving payments from or participating in one of the programs specifically listed in this paragraph, the commissioner of health must collect the \$200 enrollment fee from a patient to enroll the patient in the registry program. The fees shall be payable annually and are due on the anniversary date of the patient's enrollment. The fee amount shall be deposited in the state treasury and credited to the state government special revenue fund.

(b) The commissioner shall collect an application fee of \$20,000 from each entity submitting an application for registration as a medical cannabis manufacturer. Revenue from the fee shall be deposited in the state treasury and credited to the state government special revenue fund.

(c) The commissioner shall establish and collect an annual fee from a medical cannabis manufacturer equal to the cost of regulating and inspecting the manufacturer in that year. Revenue from the fee amount shall be deposited in the state treasury and credited to the state government special revenue fund.

(d) A medical cannabis manufacturer may charge patients enrolled in the registry program a reasonable fee for costs associated with the operations of the manufacturer. The manufacturer may establish a sliding scale of patient fees based upon a patient's household income and may accept private donations to reduce patient fees.

#### **152.36 IMPACT ASSESSMENT OF MEDICAL CANNABIS THERAPEUTIC RESEARCH.**

Subdivision 1. **Task force on medical cannabis therapeutic research.** (a) A 23-member task force on medical cannabis therapeutic research is created to conduct an impact assessment of medical cannabis therapeutic research. The task force shall consist of the following members:

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(1) two members of the house of representatives, one selected by the speaker of the house, the other selected by the minority leader;

(2) two members of the senate, one selected by the majority leader, the other selected by the minority leader;

(3) four members representing consumers or patients enrolled in the registry program, including at least two parents of patients under age 18;

(4) four members representing health care providers, including one licensed pharmacist;

(5) four members representing law enforcement, one from the Minnesota Chiefs of Police Association, one from the Minnesota Sheriff's Association, one from the Minnesota Police and Peace Officers Association, and one from the Minnesota County Attorneys Association;

(6) four members representing substance use disorder treatment providers; and

(7) the commissioners of health, human services, and public safety.

(b) Task force members listed under paragraph (a), clauses (3), (4), (5), and (6), shall be appointed by the governor under the appointment process in section 15.0597. Members shall serve on the task force at the pleasure of the appointing authority. All members must be appointed by July 15, 2014, and the commissioner of health shall convene the first meeting of the task force by August 1, 2014.

(c) There shall be two 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 cochair 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 cochair of the task force shall submit the following reports to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over health and human services, public safety, judiciary, and civil law:

(1) by February 1, 2015, a report on the design and implementation of the registry program; and every two years thereafter, a complete impact assessment report; and

(2) upon receipt of a cost assessment from a commissioner of a state agency, the completed cost assessment.

(b) The task force may make recommendations to the legislature on whether to add or remove conditions from the list of qualifying medical conditions.

Subd. 5. **No expiration.** The task force on medical cannabis therapeutic research does not expire.

**152.37 FINANCIAL EXAMINATIONS; PRICING REVIEWS.**

Subdivision 1. **Financial records.** A medical cannabis manufacturer shall maintain detailed financial records in a manner and format approved by the commissioner, and shall keep all records updated and accessible to the commissioner when requested.

Subd. 2. **Certified annual audit.** A medical cannabis manufacturer shall submit the results of an annual certified financial audit to the commissioner no later than May 1 of each year for the calendar year beginning January 2015. The annual audit shall be conducted by an independent certified public accountant and the costs of the audit are the responsibility of the medical cannabis manufacturer. Results of the audit shall be provided to the medical cannabis manufacturer and the commissioner. The commissioner may also require another audit of the medical cannabis manufacturer by a certified public accountant chosen by the commissioner with the costs of the audit paid by the medical cannabis manufacturer.

Subd. 3. **Power to examine.** (a) The commissioner or designee may examine the business affairs and conditions of any medical cannabis manufacturer, including but not limited to a review of the financing, budgets, revenues, sales, and pricing.

(b) An examination may cover the medical cannabis manufacturer's business affairs, practices, and conditions including but not limited to a review of the financing, budgets, revenues, sales, and pricing. The commissioner shall determine the nature and scope of each examination and in doing so shall take into account all available relevant factors concerning the financial and business affairs, practices, and conditions of the examinee. The costs incurred by the department in conducting an examination shall be paid for by the medical cannabis manufacturer.

(c) When making an examination under this section, the commissioner may retain attorneys, appraisers, independent economists, independent certified public accountants, or other professionals and specialists as designees. A certified public accountant retained by the commissioner may not be the same certified public accountant providing the certified annual audit in subdivision 2.

(d) The commissioner shall make a report of an examination conducted under this section and provide a copy to the medical cannabis manufacturer. The commissioner shall then post a copy of the report on the department's website. All working papers, recorded information, documents, and copies produced by, obtained by, or disclosed to the commissioner or any other person in the course of an examination, other than the information contained in any commissioner official report, made under this section are private data on individuals or nonpublic data, as defined in section 13.02.

**4770.0100 APPLICABILITY AND PURPOSE.**

Parts 4770.0200 to 4770.2700 establish the criteria and procedures to be used by the commissioner for the registration and oversight of a medical cannabis manufacturer.

**4770.0200 DEFINITIONS.**

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Acceptable performance or acceptable results.** "Acceptable performance" or "acceptable results" means analytical test results generated by a laboratory using methods as specified in part 4770.2000 that are acceptable and allowed by the approved provider.

Subp. 3. **Approval.** "Approval" means acknowledgment by the commissioner that a laboratory has the policies, personnel, validation procedures, and practices to produce reliable data in the analysis of analytes and contaminants described in part 4770.1900.

Subp. 4. **Approved provider.** "Approved provider" means a provider of performance testing samples that the commissioner has determined:

- A. provides an adequate volume of samples to perform statistically valid analyses;
- B. calculates the number of standard deviations of the mean allowed using the results of all laboratories submitting test results after the exclusion of outlying values; and
- C. allows a range of standard deviations of the mean no less stringent than the range allowed by the general requirements for the competency of reference material producers in ISO Guide 34.

Subp. 5. **Audit.** "Audit" means a financial review by an independent certified public accountant that includes select scope engagement or other methods of review that analyze operational or compliance issues.

Subp. 5a. **Audit sample.** "Audit sample" means a representative sample necessary to complete audit testing of plant material, a dried raw cannabis batch, or a dried raw cannabis finished good collected for audit testing under part 4770.3035.

Subp. 6. **Batch.**

A. "Batch" means a specific quantity of medical cannabis, including a set of plants of the same variety of medical cannabis that have been grown, harvested, and processed together and exposed to substantially similar conditions throughout cultivation and processing, that:

- (1) is uniform and intended to meet specifications for identity, strength, purity, and composition; and
- (2) is produced according to a single batch production record executed and documented during the same cycle of manufacture.

B. A batch of dried raw cannabis may not exceed 80 pounds.

Subp. 7. **Batch number.** "Batch number" means a unique numeric or alphanumeric identifier assigned to a batch by a manufacturing facility when the batch is first planted. The batch number must contain the manufacturing facility number and a sequence to allow for inventory and traceability.

Subp. 7a. **Batch sample.** "Batch sample" means a representative sample taken from a batch of dried raw cannabis prior to laboratory testing.

Subp. 8. **Biosecurity.** "Biosecurity" means a set of preventative measures designed to reduce the risk of transmission of:

- A. infectious diseases in crops;

- B. quarantined pests;
- C. invasive alien species; and
- D. living modified organisms.

Subp. 8a. **CBD.** "CBD" means the compound cannabidiol, CAS number 13956-29-1.

Subp. 8b. **CBDA.** "CBDA" means cannabidiolic acid, CAS number 1244-58-2.

Subp. 9. **Certified financial audit.** "Certified financial audit" means the annual financial audit required under Minnesota Statutes, section 152.37, subdivision 2.

Subp. 9a. **Chemical composition.** "Chemical composition" means the distribution of individual components within a final formulation or finished good. This includes active ingredients, inactive ingredients, and other ingredients. Active ingredients include cannabinoids used to define a finished good in the registered products list. The concentration of each active ingredient may be given either in terms of milligram per milliliter (mg/mL) for liquids and milligram per gram (mg/g) for solids or in terms of mass fraction (weight percentage).

Subp. 10. **Commissioner.** "Commissioner" means the commissioner of the Department of Health or the commissioner's designee.

Subp. 10a. **Crop input.** "Crop input" means a substance other than water that is applied to or used in the cultivation of a cannabis plant for pest control, plant health, or growth management. Crop input includes pesticides, fungicides, plant regulators, fertilizers, and other agricultural chemicals regulated by the Minnesota Department of Agriculture.

Subp. 11. **Disqualifying felony offense.** "Disqualifying felony offense" has the meaning given in Minnesota Statutes, section 152.22, subdivision 3.

Subp. 12. **Distribute or distribution.** "Distribute" or "distribution" means the delivery of medical cannabis to a patient, the patient's parent or legal guardian, or the patient's registered caregiver that is packaged in a suitable container appropriately labeled for subsequent administration to or use by a patient who is participating in the registry program and who is authorized to receive medical cannabis.

Subp. 13. **Distribution facility.** "Distribution facility" means any building or grounds of a medical cannabis manufacturer where the sale and distribution of medical cannabis and medical cannabis products are authorized.

Subp. 14. **Diversion.** "Diversion" means the intentional transfer of medical cannabis to a person other than a patient, the patient's designated registered caregiver, or the patient's parent or legal guardian if the parent or legal guardian is listed on the registry verification.

Subp. 14a. **Dried raw cannabis.** "Dried raw cannabis" means the dried leaves and flowers of the mature cannabis plant. Dried raw cannabis includes pre-rolled cannabis as long as the pre-roll consists of only dried cannabis leaves and flowers, an unflavored rolling paper, and a filter or tip. Dried raw cannabis does not include the cannabis seeds, seedlings, stems, stalks, roots, or any part of the immature cannabis plant.

Subp. 15. **Field of testing.** "Field of testing" means the combination of product type and analyte for which a laboratory has applied or received approval by the commissioner.

Subp. 16. **Financial interest.** "Financial interest" means any actual or future right to ownership, investment, or compensation arrangement in a medical cannabis manufacturer with another person, either directly or indirectly, through business, investment, or spouse, parent, or child relationship. Financial interest does not include ownership of investment securities in a publicly held corporation that is traded on a national exchange or over-the-counter market, provided the investment securities held by the person or the person's spouse, parent, or child, in the aggregate, do not exceed one percent ownership in the medical cannabis manufacturer.

Subp. 16a. **Finished good.** "Finished good" means either an extract formulation that has been packaged and labeled for delivery to a medical cannabis distribution facility for distribution to patients or dried raw cannabis that has been packaged and labeled for delivery to a medical cannabis distribution facility.

Subp. 16b. **Flower.** "Flower" means the flower of the cannabis plant.

Subp. 17. **Health care practitioner.** "Health care practitioner" has the meaning given in Minnesota Statutes, section 152.22, subdivision 4.

Subp. 17a. **Immature plant.** "Immature plant" means a nonflowering cannabis plant that is no taller than eight inches and no wider than eight inches produced from a cutting, clipping, or seedling and is in a cultivation container.

Subp. 18. **Inspection.** "Inspection" means an on-site evaluation of laboratory facilities, records, personnel, equipment, methodology, and quality assurance practices by the commissioner for compliance with this chapter.

Subp. 19. **International Standards Organization or ISO.** The "International Standards Organization" or "ISO" means an independent, nongovernmental membership organization and the largest developer of voluntary international standards.

Subp. 19a. **Labeling.** "Labeling" means all labels and other written, printed, or graphic matter on a packaged finished good or any container or wrapper accompanying the packaged finished good.

Subp. 20. **Laboratory managing agent.** "Laboratory managing agent" means a person, as defined in Minnesota Statutes, section 326.71, subdivision 8, who is legally authorized to direct the activities of the laboratory and commit sufficient resources to comply with parts 4770.1900 to 4770.2400.

Subp. 21. **Laboratory.** "Laboratory" means a fixed-based or mobile structure, a person, corporation, or other entity, including a government or tribal entity, that examines, analyzes, or tests samples.

Subp. 22. **Laboratory owner.** "Laboratory owner" means a person who:

- A. is a sole proprietor of a laboratory;
- B. holds a partnership interest in a laboratory; or
- C. owns five percent or more of the shares in a corporation that owns a laboratory.

Subp. 23. **Laboratory technical manager.** "Laboratory technical manager" means a person who is scientifically responsible to ensure the achievement and maintenance of quality and analytical standards or practice and who is in a supervisory, lead worker, or similarly named position within an organization.

Subp. 24. **Manufacturing or manufacture.** "Manufacturing" or "manufacture" means the planting, cultivation, growing, and harvesting of cannabis and the process of converting harvested cannabis plant material into medical cannabis.

Subp. 25. **Manufacturing facility.** "Manufacturing facility" means any secured building, space, grounds, and physical structure of a medical cannabis manufacturer for the cultivation, harvesting, packaging, and processing of medical cannabis and where access is restricted to designated employees of a medical cannabis manufacturer and escorted visitors.

Subp. 26. **Medical cannabis.** "Medical cannabis" has the meaning given in Minnesota Statutes, section 152.22, subdivision 6.

Subp. 26a. **Medical cannabis brand name.** "Medical cannabis brand name" means the name under which a medical cannabis concentrate, a medical cannabis concentrate formulation, or a dried raw cannabis product is marketed and distributed.

Subp. 26b. **Medical cannabis concentrate.** "Medical cannabis concentrate" means a specific subset of medical cannabis that is produced by extracting cannabinoids from plant material. Categories of medical cannabis concentrate include products created using water-based, solvent-based, heat-based, or pressure-based extraction methods. Medical cannabis concentrate includes medical cannabis concentrate intended for use with a vaporizer delivery device or pressurized dose inhaler.

Subp. 26c. **Medical cannabis concentrate formulation.** "Medical cannabis concentrate formulation" means a liquid, including oil, a pill, or any other formulation type approved by the commissioner under Minnesota Statutes, sections 152.22, subdivision 6, paragraph (a), and 152.27, subdivision 2, paragraph (b), infused with medical cannabis and other ingredients that will be packaged into a finished good without further change and is intended for use or consumption other than by smoking. Medical cannabis concentrate formulation includes oral suspensions, tinctures, lotions, ointments, and any other medical cannabis delivery method approved by the commissioner.

Subp. 27. **Medical cannabis manufacturer or manufacturer.** "Medical cannabis manufacturer" or "manufacturer" has the meaning given in Minnesota Statutes, section 152.22, subdivision 7.

Subp. 28. **Medical cannabis product.** "Medical cannabis product" has the meaning given in Minnesota Statutes, section 152.22, subdivision 8.

Subp. 29. **Medical cannabis waste.** "Medical cannabis waste" means medical cannabis that is returned, damaged, defective, expired, or contaminated.

Subp. 30. **Parent or legal guardian.** "Parent or legal guardian" has the meaning given in Minnesota Statutes, section 152.27, subdivision 5.

Subp. 31. **Patient.** "Patient" has the meaning given in Minnesota Statutes, section 152.22, subdivision 9.

Subp. 32. **Plant material.** "Plant material" means any cannabis plant, cutting, trimming, or clone that has roots or that is cultivated with the intention of growing roots.

Subp. 33. **Plant material waste.** "Plant material waste" means plant material that is not used in the production of medical cannabis in a form allowable under Minnesota Statutes, section 152.22, subdivision 6.

Subp. 33a. **Plant regulator.** "Plant regulator" has the meaning given in Minnesota Statutes, section 18B.01, subdivision 20.

Subp. 33b. **Pre-roll.** "Pre-roll" means any combination of flower, shake, or leaf rolled in unflavored paper and intended to be smoked.

Subp. 34. **Production or produce.** "Production" or "produce" means:

- A. cultivating or harvesting plant material;
- B. processing or manufacturing; or
- C. packaging of medical cannabis.

Subp. 35. **Proficiency testing sample or PT sample.** "Proficiency testing sample" or "PT sample" means a sample obtained from an approved provider to evaluate the ability of a laboratory to produce an analytical test result meeting the definition of acceptable performance. The concentration of the analyte in the sample is unknown to the laboratory at the time of analysis.

Subp. 36. **Registered designated caregiver.** "Registered designated caregiver" has the meaning given in Minnesota Statutes, section 152.22, subdivision 11.

Subp. 36a. **Registered finished goods list.** "Registered finished goods list" means the official list maintained by the commissioner of finished goods permitted to be dispensed within the registry. The manufacturer must provide the commissioner the finished good's

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chemical composition, the total volume or weight of each active ingredient, storage instructions, and estimated expiration date. If a finished good will be dispensed in an amount larger than one unit or dose, the manufacturer must specify the volume or weight and chemical composition that constitutes a single dose.

Subp. 37. **Registry program.** "Registry program" has the meaning given in Minnesota Statutes, section 152.22, subdivision 12.

Subp. 38. **Registry verification.** "Registry verification" has the meaning given in Minnesota Statutes, section 152.22, subdivision 13.

Subp. 38a. **Remediation.** "Remediation" means any process that removes or reduces the level of contaminants in a batch of dried raw cannabis flower and trim, either through extraction of oils or other means.

Subp. 39. **Restricted access area.** "Restricted access area" means a building, room, or other contiguous area on the premises where plant material is grown, cultivated, harvested, stored, packaged, or processed for sale under control of the medical cannabis manufacturer, and where no person under the age of 21 is permitted.

Subp. 39a. **Rinsate.** "Rinsate" means a dilute mixture of a crop input or crop inputs with water, solvents, oils, commercial rinsing agents, or other substances that is produced by or results from the cleaning of crop input application equipment or containers.

Subp. 39b. **Shake.** "Shake" means pieces of a cannabis flower that were once part of larger buds.

Subp. 40. **Sufficient cause to believe.** "Sufficient cause to believe" means grounds asserted in good faith that are not arbitrary, irrational, unreasonable, or irrelevant and that make the proposition asserted more likely than not, provided the grounds are based on at least one of the following sources:

A. facts or statements supplied by a patient, the patient's parent or legal guardian, the patient's designated registered caregiver, or an employee or agent of a medical cannabis manufacturer;

B. reports from an approved laboratory that indicate concerns with the chemical or bacterial composition of the medical cannabis;

C. financial records of a medical cannabis manufacturer;

D. police records;

E. court documents; or

F. facts of which the commissioner or the commissioner's employees have personal knowledge.

Subp. 41. **THC.** "THC" means tetrahydrocannabinol, CAS number 1972-08-3.

Subp. 42. **THCA.** "THCA" means tetrahydrocannabinolic acid, CAS number 23978-85-0.

Subp. 43. **Total cannabinoid content.** "Total cannabinoid content" means the combined target values by weight of all cannabinoids defining a finished good in the registered finished goods list, not including cannabinoids present only in trace amounts.

Subp. 44. **Total CBD content.** "Total CBD content" means the sum of the amount of CBD and 87.7 percent of the detectable amount of CBDA present in the product or plant material.

Subp. 45. **Total THC content.** "Total THC content" means the sum of the amount of THC and 87.7 percent of the detectable amount of THCA present in the product or plant material.

Subp. 46. **Water activity.** "Water activity" or " $a_w$ " means a measure of the free moisture in usable cannabis and is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature.

#### **4770.0300 DUTIES OF COMMISSIONER.**

Subpart 1. **Interagency agreements.** The commissioner may enter into any interagency agreements with other state agencies for technical services or other assistance related to the regulatory or inspection duties of a medical cannabis manufacturer and the registry program.

Subp. 2. **Notice to law enforcement.** If the commissioner has sufficient cause to believe that there is a threat to public safety, then the commissioner must notify local law enforcement agencies of any conditions that pose a threat to public safety, including:

- A. loss or theft of medical cannabis or plant material;
- B. diversion or potential diversion of medical cannabis or plant material; or
- C. unauthorized access to the patient registry.

Subp. 3. **Inspection of medical cannabis manufacturer.** A medical cannabis manufacturer is subject to reasonable inspection by the commissioner under Minnesota Statutes, section 152.29, subdivision 1. For purposes of this part, "reasonable inspection" means unannounced inspections by the commissioner of all:

- A. aspects of the business operations;
- B. physical locations of the medical cannabis manufacturer, its manufacturing facility, and distribution facilities;
- C. financial information and inventory documentation; and
- D. physical and electronic security alarm systems.

Subp. 4. **Fees.** Any fees collected by the commissioner under Minnesota Statutes, section 152.35, are not refundable.

#### **Subp. 5. Patient costs; pricing.**

A. A medical cannabis manufacturer must follow the requirements under Minnesota Statutes, section 152.35, paragraph (d), in establishing a reasonable fee.

B. The commissioner may annually review price costing by a medical cannabis manufacturer.

#### **4770.0400 MEDICAL CANNABIS MANUFACTURER; OPERATIONS.**

Subpart 1. **Operating documents.** Under Minnesota Statutes, section 152.29, subdivision 1, the operating documents of a medical cannabis manufacturer must describe operational and management practices, including:

- A. record keeping;
- B. security measures to deter and prevent theft of medical cannabis;
- C. unauthorized entrance into areas containing medical cannabis;
- D. types and quantities of medical cannabis products that are produced at the manufacturing facility;
- E. methods of planting, harvesting, drying, and storage of medical cannabis;
- F. estimated quantity of all crop inputs used in production;
- G. estimated quantity of waste material to be generated;
- H. disposal methods for all waste materials;

- I. employee training methods for the specific phases of production;
- J. biosecurity measures used in production and in manufacturing;
- K. strategies for reconciling discrepancies in plant material or medical cannabis;
- L. sampling strategy and quality testing for labeling purposes;
- M. medical cannabis packaging and labeling procedures;
- N. procedures for the mandatory and voluntary recall of medical cannabis;
- O. plans for responding to a security breach at a manufacturing or distribution facility, or while medical cannabis is in transit to a manufacturing or distribution facility;
- P. business continuity plan;
- Q. records relating to all transport activities; and
- R. other information requested by the commissioner.

**Subp. 2. Prohibited activities.**

A. A person may not own and operate a manufacturing facility unless the person is registered as a medical cannabis manufacturer by the commissioner under Minnesota Statutes, section 152.25.

B. A medical cannabis manufacturer and its employees, agents, or owners may not:

- (1) cultivate, produce, or manufacture medical cannabis in any location except in those areas designated for those activities in the registration agreement;
- (2) sell or distribute medical cannabis or medical cannabis products from any location except its distribution facilities;
- (3) produce or manufacture medical cannabis for use outside of Minnesota;
- (4) sell or distribute medical cannabis to any person other than a registered:
  - (a) patient;
  - (b) parent or legal guardian; or
  - (c) designated registered caregiver;
- (5) deliver or transport medical cannabis to any location except the manufacturer's production facility or distribution facilities, a waste-to-energy facility, another manufacturer's distribution facilities, a testing laboratory approved by the commissioner, and a laboratory selected by the commissioner to conduct audit testing under part 4770.3035;
- (6) sell medical cannabis that is not packaged and labeled in accordance with part 4770.0850; or
- (7) permit the consumption of medical cannabis at a distribution facility.

**Subp. 3. Criminal background checks.** A medical cannabis manufacturer is prohibited from employing any person who has a disqualifying felony offense as shown by a Minnesota criminal history background check or a federal criminal history background check performed by the Bureau of Criminal Apprehension under Minnesota Statutes, section 152.29, subdivision 1.

**Subp. 4. Conflict of interest; health care practitioner activity restrictions.** A medical cannabis manufacturer may not:

- A. permit a health care practitioner who certifies qualifying conditions for patients to:

- (1) hold a direct or indirect economic interest in the medical cannabis manufacturer;
  - (2) serve on the board of directors or as an employee of the medical cannabis manufacturer; or
  - (3) advertise with the medical cannabis manufacturer in any capacity;
- B. accept or solicit any form of remuneration from a health care practitioner who certifies qualifying conditions for patients; or
- C. offer any form of remuneration from a health care practitioner who certifies qualifying conditions for patients.

**4770.0500 MEDICAL CANNABIS MANUFACTURER; QUALITY CONTROL; ASSURANCE PROGRAM.**

Subpart 1. **Quality control program.** A medical cannabis manufacturer must develop and implement a written quality assurance program that assesses the chemical and microbiological composition of medical cannabis. Assessment includes a profile of the active ingredients, including shelf life, and the presence of inactive ingredients and contaminants. A medical cannabis manufacturer must use these testing results to determine appropriate storage conditions and expiration dates.

Subp. 2. **Sampling protocols.** A medical cannabis manufacturer must develop and follow written procedures for sampling medical cannabis that require the manufacturer to:

- A. conduct sample collection in a manner that provides analytically sound and representative samples;
- B. document every sampling event and provide this documentation to the commissioner upon request;
- C. describe all sampling and testing plans in written procedures that include the sampling method and the number of units per batch to be tested;
- D. ensure that random samples from each batch are:
  - (1) taken in an amount necessary to conduct the applicable test;
  - (2) labeled with the batch unique identifier; and
  - (3) submitted for testing; and
- E. retain the results from the random samples for at least five years.

Subp. 3. **Sampling; testing levels.** A medical cannabis manufacturer must:

- A. develop acceptance criteria for all potential contaminants based on the levels of metals, microbes, or other contaminants that the manufacturer uses in cultivating and producing medical cannabis. The testing levels are subject to approval by the commissioner;
- B. conduct sampling and testing using acceptance criteria that are protective of patient health. The sampling and testing results must ensure that batches of medical cannabis meet allowable health risk limits for contaminants;
- C. reject a medical cannabis batch that fails to meet established standards, specifications, and any other relevant quality-control criteria;
- D. develop and follow a written procedure for responding to results indicating contamination. The procedure must include destroying contaminated medical cannabis and determining the source of contamination; and
- E. retain documentation of test results, assessment, and destruction of medical cannabis for at least five years.

**Subp. 4. Quality assurance program; stability testing.**

A. The quality assurance program must include procedures for performing stability testing of each product type produced to determine product shelf life that addresses:

- (1) sample size and test intervals based on statistical criteria for each attribute examined to ensure valid stability estimates;
- (2) storage conditions for samples retained for testing; and
- (3) reliable and specific test methods.

B. Stability studies must include:

- (1) medical cannabis testing at appropriate intervals;
- (2) medical cannabis testing in the same container-closure system in which the drug product is marketed; and
- (3) testing medical cannabis for reconstitution at the time of dispensing, as directed in the labeling, and after the samples are reconstituted.

C. If shelf-life studies have not been completed before July 1, 2015, a medical cannabis manufacturer may assign a tentative expiration date, based on any available stability information. The manufacturer must concurrently conduct stability studies to determine the actual product expiration date.

D. After the manufacturer verifies the tentative expiration date, or determines the appropriate expiration date, the medical cannabis manufacturer must include that expiration date on each batch of medical cannabis.

E. Stability testing must be repeated if the manufacturing process or the product's chemical composition is changed.

**Subp. 5. Reserve samples.**

A. A medical cannabis manufacturer must retain a uniquely labeled reserve sample that represents each batch of medical cannabis and store it under conditions consistent with product labeling. The reserve sample must be stored in the same immediate container-closure system in which the medical cannabis is marketed, or in one that has similar characteristics. The reserve sample must consist of at least twice the quantity necessary to perform all the required tests.

B. A medical cannabis manufacturer must retain the reserve for at least one year following the batch's expiration date.

**Subp. 6. Retesting.** If the commissioner deems that public health may be at risk, the commissioner may require the manufacturer to retest any sample of plant material or medical cannabis.

**4770.0600 LOCATION; DISTANCE FROM SCHOOL.**

Under Minnesota Statutes, section 152.29, paragraph (j), a medical cannabis manufacturer may not operate within 1,000 feet of an existing public or private school. The medical cannabis manufacturer must measure the distance between the closest point of the manufacturing or distribution facility property lines to the closest point of the school's property lines.

For purposes of this part, "public or private school" means any property operated by a school district, charter school, or accredited nonpublic school for elementary, middle, or secondary school, or secondary vocation center purposes.

"Accredited nonpublic school" means any nonpublic school accredited by an accrediting agency recognized by the Minnesota nonpublic education council under Minnesota Statutes, section 123B.445, excluding home schools.

**4770.0800 ADVERTISING AND MARKETING.**

Subpart 1. **Permitted marketing and advertising activities.** A medical cannabis manufacturer may:

A. display the manufacturer's business name and logo on medical cannabis labels, signs, website, and informational material provided to patients. The name or logo must not include:

(1) images of cannabis or cannabis-smoking paraphernalia;

(2) colloquial references to cannabis;

(3) names of cannabis plant strains; or

(4) medical symbols that bear a reasonable resemblance to established medical associations. Examples of established medical organizations include the American Medical Association or American Academy of Pediatrics. The use of medical symbols is subject to approval by the commissioner;

B. display signs on the manufacturing facility and distribution facility; and

C. maintain a business website that contains the following information:

(1) the medical cannabis manufacturer name;

(2) the distribution facility location;

(3) the contact information;

(4) the distribution facility's hours of operation;

(5) the medical cannabis products provided;

(6) product pricing; and

(7) other information as approved by the commissioner.

Subp. 2. **Marketing and advertising activities; commissioner approval required.**

A. A medical cannabis manufacturer must request and receive the commissioner's written approval before beginning marketing or advertising activities that are not specified in subpart 1.

B. The commissioner has 30 calendar days to approve marketing and advertising activities submitted under this subpart.

Subp. 3. **Inconspicuous display.** A medical cannabis manufacturer must arrange displays of merchandise, interior signs, and other exhibits to prevent public viewing from outside the manufacturing facility and distribution facility.

**4770.0900 MONITORING AND SURVEILLANCE REQUIREMENTS.**

Subpart 1. **24-hour closed-circuit television.** A medical cannabis manufacturer must operate and maintain in good working order a closed-circuit television (CCTV) surveillance system on all of its premises, which must operate 24 hours per day, seven days per week, and visually record:

A. all phases of production;

B. all areas that might contain plant material and medical cannabis, including all safes and vaults;

C. all points of entry and exit, including sales areas;

D. the entrance to the video surveillance room; and

E. any parking lot, which must have appropriate lighting for the normal conditions of the area under surveillance.

Subp. 2. **Camera specifications.** Cameras must:

- A. capture clear and certain identification of any person entering or exiting a manufacturing facility or distribution facility;
- B. have the ability to produce a clear, color, still photo either live or from a recording;
- C. have an embedded date-and-time stamp on all recordings that must be synchronized and not obscure the picture; and
- D. continue to operate during a power outage.

Subp. 3. **Video recording specifications.**

- A. A video recording must export still images in an industry standard image format, including .jpg, .bmp, and .gif.
- B. Exported video must be archived in a proprietary format that ensures authentication and guarantees that the recorded image has not been altered.
- C. Exported video must also be saved in an industry standard file format that can be played on a standard computer operating system.
- D. All recordings must be erased or destroyed before disposal.

Subp. 4. **Additional requirements.** The manufacturer must maintain all security system equipment and recordings in a secure location to prevent theft, loss, destruction, corruption, and alterations.

Subp. 5. **Retention.** The manufacturer must ensure that 24-hour recordings from all video cameras are:

- A. available for viewing by the commissioner upon request;
- B. retained for at least 90 calendar days;
- C. maintained free of alteration or corruption; and
- D. retained longer, as needed, if the manufacturer is given actual notice of a pending criminal, civil, or administrative investigation, or other legal proceeding for which the recording may contain relevant information.

**4770.1000 ALARM SYSTEM REQUIREMENTS.**

A. A medical cannabis manufacturer must install and maintain a professionally monitored security alarm system that provides intrusion and fire detection of all:

- (1) facility entrances and exits;
- (2) rooms with exterior windows;
- (3) rooms with exterior walls;
- (4) roof hatches;
- (5) skylights; and
- (6) storage rooms.

B. For purposes of this part, a security alarm system means a device or series of devices that summons law enforcement personnel during, or as a result of, an alarm condition. Devices may include:

- (1) hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals that emit or transmit a remote or local audio, visual, or electronic signal;
- (2) motion detectors;

- (3) pressure switches;
- (4) a duress alarm;
- (5) a panic alarm;
- (6) a holdup alarm;
- (7) an automatic voice dialer; and
- (8) a failure notification system that provides an audio, text, or visual notification of any failure in the surveillance system.

C. A manufacturer's security alarm system and all devices must continue to operate during a power outage.

D. The commissioner must have the ability to access a medical cannabis manufacturer's security alarm system.

E. The manufacturer's security alarm system must be inspected and all devices tested annually by a qualified alarm vendor.

#### **4770.1100 TRANSPORTATION OF MEDICAL CANNABIS.**

##### **Subpart 1. Transportation of medical cannabis and plant material; when authorized.**

- A. A medical cannabis manufacturer is authorized to transport medical cannabis:
- (1) from its manufacturing facility to its distribution facilities;
  - (2) between its distribution facilities;
  - (3) from its manufacturing facility to a distribution facility operated by another manufacturer;
  - (4) from its manufacturing facility to a testing laboratory for testing;
  - (5) from a testing laboratory to its manufacturing facility or to a waste-to-energy facility;
  - (6) from its manufacturing facility or distribution facility to a laboratory selected by the commissioner to conduct audit testing under part 4770.3035; and
  - (7) from its manufacturing facility or distribution facility to a waste-to-energy facility.

B. A medical cannabis manufacturer is authorized to transport plant material waste:

- (1) from its manufacturing facility to a waste disposal site; and
- (2) when a specific nonroutine transport request from the manufacturer is approved by the commissioner.

##### **Subp. 2. Transporting medical cannabis.**

A. A medical cannabis manufacturer must use a manifest system, approved by the commissioner, to track shipping of medical cannabis. The manifest system must include a chain of custody that records:

- (1) the name and address of the destination;
- (2) the weight, measure, or numerical count and description of each individual package that is part of the shipment, and the total number of individual packages;
- (3) the date and time the medical cannabis shipment is placed into the transport vehicle;

- (4) the date and time the shipment is accepted at the delivery destination;
- (5) the person's identity, and the circumstances, duration, and disposition of any other person who had custody or control of the shipment; and
- (6) any handling or storage instructions.

B. Before transporting medical cannabis, a medical cannabis manufacturer must:

- (1) complete a manifest on a form approved by the commissioner; and
- (2) transmit a copy of the manifest to the manufacturer's distribution facility, a laboratory, or a waste-to-energy facility, as applicable.

C. The manifest must be signed by:

- (1) an authorized manufacturer employee when departing the manufacturing facility; and
- (2) an authorized employee of the receiving distribution facility, laboratory, or waste-to-energy facility.

D. An authorized employee at the facility receiving medical cannabis must:

- (1) verify and document the type and quantity of the transported medical cannabis against the manifest;
- (2) return a copy of the signed manifest to the manufacturing facility; and
- (3) record the medical cannabis that is received as inventory according to part 4770.1800.

E. A manufacturer must maintain all manifests for at least five years and make them available upon request of the commissioner.

**Subp. 3. Transportation of medical cannabis; vehicle requirements.**

A. A manufacturer must ensure that:

- (1) all medical cannabis transported on public roadways is:
  - (a) packaged in tamper-evident, bulk containers;
  - (b) transported so it is not visible or recognizable from outside the vehicle;
  - (c) transported in a vehicle that does not bear any markings to indicate that the vehicle contains cannabis or bears the name or logo of the manufacturer; and
  - (d) kept in a compartment of a transporting vehicle that maintains appropriate temperatures and conditions that will protect plant material and medical cannabis against physical, chemical, and microbial contamination or deterioration.

B. Manufacturer employees who are transporting medical cannabis, plant waste, or medical cannabis waste on public roadways must:

- (1) travel directly to the destination listed on the transportation manifest;
- (2) document refueling and all other stops in transit, including:
  - (a) the reason for the stop;
  - (b) the duration of the stop;
  - (c) the location of the stop; and
  - (d) all activities of employees exiting the vehicle; and
- (3) not wear manufacturer-branded clothing or clothing that identifies the employee as an employee of the manufacturer.

C. If an emergency requires stopping the vehicle, the employee must notify 911 and complete an incident report form provided by the commissioner.

D. Under no circumstance may any person other than a designated manufacturer employee have actual physical control of the motor vehicle that is transporting the medical cannabis.

E. A medical cannabis manufacturer must staff all motor vehicles with a minimum of two employees when transporting medical cannabis between a manufacturing facility and a distribution facility. At least one employee must remain with the motor vehicle at all times that the motor vehicle contains medical cannabis. A single employee may transport medical cannabis to an approved laboratory.

F. Each employee in a transport motor vehicle must have communication access with the medical cannabis manufacturer's personnel, and have the ability to contact law enforcement through the 911 emergency system at all times that the motor vehicle contains medical cannabis.

G. An employee must carry the employee's identification card at all times when transporting or delivering cannabis and, upon request, produce the identification card to the commissioner or to a law enforcement officer acting in the course of official duties.

H. A medical cannabis manufacturer must not leave a vehicle that is transporting medical cannabis unattended overnight.

#### **4770.1200 DISPOSAL OF MEDICAL CANNABIS AND PLANT MATERIAL.**

Subpart 1. **Medical cannabis take-back.** A medical cannabis manufacturer must accept at no charge unused, excess, or contaminated medical cannabis. A manufacturer must:

- A. dispose of the returned medical cannabis as provided in subpart 2; and
- B. maintain a written record of disposal that includes:
  - (1) the name of the patient;
  - (2) the date the medical cannabis was returned;
  - (3) the quantity of medical cannabis returned; and
  - (4) the type and batch number of medical cannabis returned.

Subp. 2. **Medical cannabis and plant material waste.** A medical cannabis manufacturer must store, secure, and manage medical cannabis waste and plant material waste in accordance with all applicable federal, state, and local regulations.

A. The manufacturer must dispose of medical cannabis waste by incineration at a waste-to-energy facility according to federal and state law.

- B. The manufacturer must dispose of plant material by composting as follows:
  - (1) at the manufacturing facility, according to federal and state law; or
  - (2) at an approved composting facility, according to federal and state law.

C. Before transport, the manufacturer must render plant material waste unusable and unrecognizable by grinding and incorporating the waste with a greater quantity of nonconsumable, solid wastes including:

- (1) paper waste;
- (2) cardboard waste;
- (3) food waste;
- (4) yard waste;

(5) vegetative wastes generated from industrial or manufacturing processes that prepare food for human consumption;

(6) soil; or

(7) other waste approved by the commissioner.

Subp. 3. **Liquid and chemical waste disposal.** The medical cannabis manufacturer must dispose of all liquid and chemical product waste generated in the process of cultivating, manufacturing, and distributing medical cannabis in accordance with all applicable federal, state, and local regulations.

Subp. 4. **Waste-tracking requirements.** The medical cannabis manufacturer must use forms provided by the commissioner to maintain accurate and comprehensive records regarding waste material that accounts for, reconciles, and evidences all waste activity related to the disposal of medical cannabis waste and plant material waste.

#### **4770.1300 MANDATORY SIGNAGE.**

A. A medical cannabis manufacturer must post a sign in a conspicuous location at each entrance of the manufacturing facility that reads "PERSONS UNDER TWENTY-ONE YEARS OF AGE NOT PERMITTED IN RESTRICTED ACCESS AREAS."

B. A manufacturer must post a sign in a conspicuous location at every entrance to the manufacturing facility and each distribution facility that reads "THESE PREMISES ARE UNDER CONSTANT VIDEO SURVEILLANCE."

#### **4770.1400 PERSONNEL IDENTIFICATION SYSTEM.**

Subpart 1. **Identification system.** A medical cannabis manufacturer must use a personnel identification system that controls and monitors individual employee access to restricted access areas within the manufacturing facility and distribution facility and that meets the requirements of this part and part 4770.0700.

Subp. 2. **Employee identification card requirement.** An employee identification card must contain:

A. the name of the cardholder;

B. the date of issuance and expiration;

C. an alphanumeric identification number that is unique to the cardholder; and

D. a photographic image of the cardholder.

Subp. 3. **Visitor pass required.** A visitor must wear a visitor pass issued by the medical cannabis manufacturer that is visible at all times.

Subp. 4. **Employee identification card on person and visible at all times.** A manufacturer's employee must keep the employee's identification card visible at all times when in a manufacturing facility, distribution facility, or vehicle transporting medical cannabis.

Subp. 5. **Termination of employment.** Upon termination of an employee, a medical cannabis manufacturer must obtain and destroy the terminated employee's identification card.

#### **4770.1460 RENEWAL OF REGISTRATION.**

Subpart 1. **Application.** A registered manufacturer must submit an application to renew its registration with the commissioner at least six months before its registration term expires. The application must include:

A. any material change in its previous application materials;

B. information about each alleged incident involving theft, loss, or possible diversion of medical cannabis by an employee, agent, or contractor of the manufacturer;

C. the manufacturer's compliance with all relevant state and local laws;

D. information about the manufacturer's ability to continue manufacturing and distributing medical cannabis, including financial viability and ability to ensure adequate supply of medical cannabis; and

E. any other information requested by the commissioner.

Subp. 2. **Criteria.** The commissioner must use criteria listed in Minnesota Statutes, section 152.25, subdivision 1, paragraph (c), when considering a manufacturer's application to renew its registration.

Subp. 3. **Notification.** The commissioner must notify the manufacturer of the commissioner's decision to approve or deny the manufacturer's registration application at least 120 days before the expiration of the registration agreement.

#### **4770.1500 CLOSURE OF OPERATIONS; DEREGISTRATION.**

Subpart 1. **Notice.** A medical cannabis manufacturer shall notify the commissioner at least six months before the closure of the manufacturing facility and its distribution facilities.

Subp. 2. **Procedures.** If a medical cannabis manufacturer ceases operation, the commissioner must verify the remaining inventory of the manufacturer and seize all plant material, plant material waste, and medical cannabis. The commissioner must ensure that any plant material, plant material waste, and medical cannabis is destroyed by incineration at a waste-to-energy facility.

#### **4770.1600 RECORD KEEPING; REQUIREMENTS.**

A. A medical cannabis manufacturer must maintain for at least five years complete, legible, and current records, including:

(1) the date of each sale or distribution;

(2) the registration number of all patients;

(3) the item number, product name and description, and quantity of medical cannabis sold or otherwise distributed;

(4) records of sale prices of medical cannabis to patients;

(5) the quantity and form of medical cannabis maintained by the manufacturer at the manufacturing facility on a daily basis; and

(6) the amount of plants being grown at the manufacturing facility on a daily basis.

B. A medical cannabis manufacturer must maintain records that reflect all financial transactions and the financial condition of the business. The following records must be maintained for at least five years and made available for review, upon request of the commissioner:

(1) purchase invoices, bills of lading, transport manifests, sales records, copies of bills of sale, and any supporting documents, to include the items or services purchased, from whom the items were purchased, and the date of purchase;

(2) bank statements and canceled checks for all business accounts;

(3) accounting and tax records;

(4) records of all financial transactions, including contracts and agreements for services performed or services received;

- (5) all personnel records;
- (6) crop inputs applied to the growing medium, plants, or plant material used in production;
- (7) production records;
- (8) transportation records;
- (9) inventory records;
- (10) records of all samples sent to a testing laboratory and the quality assurance test results; and
- (11) records of any theft, loss, or other unaccountability of any medical cannabis or plant material.

**4770.1700 MEDICAL CANNABIS MANUFACTURER; PRODUCTION REQUIREMENTS.**

**Subpart 1. Cultivation and processing; generally.**

A. Only a registered medical cannabis manufacturer is authorized to produce and manufacture medical cannabis.

B. All phases of production must take place in designated, restricted access areas that are monitored by a surveillance camera system in accordance with part 4770.0900.

C. All areas must be compartmentalized based on function, and employee access must be restricted between compartments.

D. The production process must be designed to limit contamination. Examples of contamination include mold, fungus, bacterial diseases, rot, pests, nonorganic pesticides, and mildew.

E. Each production area must have an open aisle for unobstructed access, observation, and inventory of each plant group.

F. Biosecurity measures must be in effect and documented according to part 4770.0400, subpart 1.

G. The manufacturer must maintain a record at the facility of all crop inputs for at least five years. The record must include the following:

- (1) the date of application;
- (2) the name of the employee applying the crop input;
- (3) the name and description of the crop input that was applied, including the chemical name, product name, and manufacturer, where applicable;
- (4) the section, including the square footage, that received the application by batch number;
- (5) either the amount or concentration of crop input, or both, that was applied;
- (6) a copy of the label of the crop input applied; and
- (7) the vendor or other origin of the crop input.

H. At the time of planting, all plants must be tracked in a batch process with a unique batch number that must remain with the batch through final packaging.

I. A manufacturer must record any removal of plants from the batch on a record maintained at the manufacturing facility for at least five years.

J. The batch number must be displayed on the label of the medical cannabis.

**Subp. 1a. Crop inputs used in cultivation of dried raw cannabis.**

A. A manufacturer cultivating plants intended to become dried raw cannabis must follow practices and procedures that minimize the risk of chemical contamination or adulteration of the medical cannabis.

B. A manufacturer may only apply a pesticide in the cultivation of medical cannabis if the pesticide has been:

(1) deemed to be minimum risk by the United States Environmental Protection Agency in accordance with Code of Federal Regulations, title 40, section 152.25 (f), and exempted from United States Code, title 7, section 136 et seq., the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and the pesticide's label does not exclude its use on a genus cannabis plant;

(2) registered with the United States Environmental Protection Agency under section 3 of FIFRA, United States Code, title 7, section 136 et seq., and is labeled for use on medical cannabis or cannabis used for human consumption; or

(3) registered with the United States Environmental Protection Agency under section 3 of FIFRA, United States Code, title 7, section 136 et seq., and:

(a) the active ingredient found in the pesticide is either exempt from the tolerance requirements in Code of Federal Regulations, title 40, part 180, subpart D, or does not require an exemption from the tolerance requirement in Code of Federal Regulations, title 40, part 180, subpart E;

(b) the pesticide product label does not prohibit use within an enclosed structure for the site of application;

(c) the pesticide product label expressly has directions for use on unspecified crops or plants intended for human consumption; and

(d) the pesticide product is used in accordance with all applicable instructions, restrictions, and requirements on the product label.

C. A manufacturer may use rooting hormones or cloning gels only during the propagation phase of the plant life cycle.

D. A manufacturer must store all crop input stocks in their original containers with their original labels intact. The manufacturer must ensure that packaged fertilizers and containers of diluted or prepared fertilizer remain labeled with information as required in Minnesota Statutes, section 18C.215, at all times.

E. The manufacturer must apply, store, and dispose of crop inputs, rinsate, and containers according to label instructions and all other applicable laws and regulations.

F. If an audit sample tested under part 4770.3035 shows the presence of a crop input not permitted under this subpart, the batch and any finished good produced from the batch are adulterated and must be disposed of as medical cannabis waste under part 4770.1200, subpart 2. The use of pesticides not permitted under this part is presumptively classified as a serious violation under Minnesota Statutes, sections 144.989 to 144.993.

**Subp. 2. Production of medical cannabis.**

A. The commissioner must approve the manufacturer's use of any hydrocarbon-based extraction process. Examples of a hydrocarbon-based extraction process include the use of butane, ethanol, hexane, and isopropyl alcohol.

B. Medical cannabis must be prepared, handled, and stored in compliance with the sanitation requirements in this part.

C. A manufacturer must maintain appropriate temperatures and conditions that will protect plant material and medical cannabis against physical, chemical, and microbial contamination or deterioration of the product or its container.

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D. A manufacturer must ensure that the cannabinoid content of the medical cannabis it produces is homogenous.

E. Prior to distributing new finished goods to customers, a manufacturer must obtain the commissioner's approval. The commissioner shall:

(1) for each manufacturer, maintain a registered finished goods list containing packaged product information; and

(2) update the list as needed.

F. The manufacturer must submit a definition of each finished good to the commissioner to include in the registered finished goods list before a batch sample may be tested.

G. Pre-rolls must not contain more than one gram of dried raw cannabis each.

Subp. 3. **General sanitation requirements.** A manufacturer must take all reasonable measures and precautions to ensure that:

A. any employee who has a communicable disease does not perform any tasks that might contaminate plant material or medical cannabis;

B. hand-washing facilities are:

(1) convenient and furnished with running water at a suitable temperature;

(2) located in all production areas; and

(3) equipped with effective hand-cleaning and sanitizing preparations and sanitary towel service or electronic drying devices;

C. all employees working in direct contact with plant material and medical cannabis must use hygienic practices while on duty, including:

(1) maintaining personal cleanliness; and

(2) washing hands thoroughly in a hand-washing area before starting work and at any other time when the hands may have become soiled or contaminated;

D. litter and waste are routinely removed and the operating systems for waste disposal are routinely inspected;

E. floors, walls, and ceilings are constructed with a surface that can be easily cleaned and maintained in good repair to inhibit microbial growth;

F. lighting is adequate in all areas where plant material and medical cannabis are processed, stored, or sold;

G. screening or other protection against the entry of pests is provided, including that rubbish is disposed of to minimize the development of odor and the potential for the waste becoming an attractant, harborage, or breeding place for pests;

H. any buildings, fixtures, and other facilities are maintained in a sanitary condition;

I. toxic cleaning compounds, sanitizing agents, and other potentially harmful chemicals are identified and stored in a separate location away from plant material and medical cannabis and in accordance with applicable local, state, or federal law;

J. all contact surfaces, utensils, and equipment used in the production of plant material and medical cannabis are maintained in a clean and sanitary condition;

K. the manufacturing facility water supply is sufficient for necessary operations;

L. plumbing size and design meets operational needs and all applicable state and local laws;

M. employees have accessible toilet facilities that are sanitary and in good repair;  
and

N. plant material and medical cannabis that could support the rapid growth of undesirable microorganisms are isolated to prevent the growth of those microorganisms.

**Subp. 4. Storage.**

A. A manufacturer must store plant material and medical cannabis during production, transport, and testing to prevent diversion, theft, or loss, including ensuring:

(1) plant material and medical cannabis are returned to a secure location immediately after completion of the process or at the end of the scheduled business day;  
and

(2) the tanks, vessels, bins, or bulk containers containing plant material or medical cannabis are locked inside a secure area if a process is not completed at the end of a business day.

B. A manufacturer must store all plant material and medical cannabis during production, transport, and testing, and all saleable medical cannabis:

(1) in areas that are maintained in a clean, orderly, and well-ventilated condition; and

(2) in storage areas that are free from infestation by insects, rodents, birds, and other pests of any kind.

C. To prevent degradation, a manufacturer must store all plant material and medical cannabis in production, transport, and testing, and all saleable medical cannabis under conditions that will protect it against physical, chemical, and microbial contamination and deterioration of the product and its container.

D. A manufacturer must maintain a separate secure storage area for medical cannabis that is returned, including medical cannabis that is outdated, damaged, deteriorated, mislabeled, or contaminated, or whose containers or packaging have been opened or breached, until the returned medical cannabis is destroyed. For purposes of this part, a separate, secure storage area includes a container, closet, or room that can be locked or secured.

**4770.1800 INVENTORY.**

**Subpart 1. Controls and procedures.** A medical cannabis manufacturer must establish inventory controls and procedures for conducting inventory reviews and comprehensive inventories of plant material and medical cannabis to prevent and detect any diversion, theft, or loss in a timely manner.

**Subp. 2. Reliable and ongoing supply.** A medical cannabis manufacturer must provide a reliable and ongoing supply of medical cannabis as required by Minnesota Statutes, section 152.29, subdivision 2.

**Subp. 3. Real-time inventory.** A medical cannabis manufacturer must maintain a real-time record of its inventory of plant material and medical cannabis to include:

A. the date and time of the inventory;

B. a summary of inventory findings, including:

(1) the weight of cannabis seeds by type, strain, and cultivar;

(2) the total count of plants, whether in the flowering, vegetative, or clone phase of growth and organized by room in which the plants are grown;

(3) the batch number, weight or unit count, and strain name associated with each batch at the production facility that has been prepared for testing or is ready for transport to a distribution facility;

(4) the total number of plants that have been harvested but are not yet associated with a batch and every unique plant identifier;

(5) the amount of acquired industrial hemp; and

(6) the amount of medical cannabis, either by weight or units, sold since previous inventory and listed by product name and registry identifier;

C. the names of the employees or employee conducting the inventory; and

D. other information deemed necessary and requested by the commissioner.

Subp. 4. **Waste inventory.** The medical cannabis manufacturer must maintain a real-time record of its inventory of all medical cannabis waste, including damaged, defective, expired, contaminated, recalled, or returned medical cannabis for disposal, and plant material waste for disposal.

Subp. 5. **Reconciliation.** At the close of business each day, a medical cannabis manufacturer must reconcile by conducting a physical inventory of all:

A. plant material at the manufacturing facility and in transit; and

B. medical cannabis at the manufacturing facility, each distribution facility, and in transit.

Subp. 6. **Scales.** All scales used to weigh usable plant material for purposes of this chapter must be certified in accordance with the International Organization for Standardization (ISO), ISO/IEC Standard 17025, which is incorporated by reference.

Subp. 7. **Discrepancies.** If discrepancies are discovered outside of loss standard to the industry due to moisture loss and handling, the manufacturer must investigate the discrepancy and must submit a report of its investigation to the commissioner within seven days. If a discrepancy is due to suspected criminal activity, the manufacturer must notify the commissioner and appropriate law enforcement agencies in writing within 24 hours.

#### **4770.1900 MEDICAL CANNABIS LABORATORY APPROVAL.**

Subpart 1. **Commissioner's authority.** The commissioner must approve any medical cannabis laboratory that tests medical cannabis for a registered medical cannabis manufacturer under Minnesota Statutes, section 152.25, subdivision 1, paragraph (d). A medical cannabis laboratory may seek approval to use specific procedures to test the allowable product types and analytes according to parts 4770.1900 to 4770.2400, which specify the commissioner's requirements authorized by Minnesota Statutes, section 152.29, subdivision 1, paragraph (b).

Subp. 2. **Eligibility.** The commissioner may only approve a medical cannabis laboratory that tests under a contract with a medical cannabis manufacturer that can demonstrate its eligibility under this subpart. The laboratory must:

A. operate using proper laboratory equipment under a quality assurance system and test product types for analytes listed in the commissioner's list in subpart 3;

B. test medical cannabis delivered in the product types specified in subpart 4;

C. test accurately for the following elements:

(1) content, by testing for analytes for a cannabinoid profile;

(2) contamination, by testing for analytes for:

(a) metals;

(b) pesticide residues and plant growth regulators;

(c) microbiological contaminants and mycotoxins; and

(d) residual solvents; and

(3) consistency of medical cannabis by testing for stability.

**Subp. 3. Commissioner list of approved cannabis labs.**

A. The commissioner must publish a list of approved cannabis laboratories in the State Register and on the department's medical cannabis program website at least annually.

B. The commissioner must provide the following information for each approved laboratory:

(1) its scope of approval;

(2) name, telephone number, and e-mail address of primary laboratory contact;

and

(3) physical and mailing address of laboratory.

**Subp. 4. Commissioner's approved medical cannabis product types.** The commissioner's approved product types include:

A. liquid, including in oil form;

B. pill;

C. vaporized delivery method using liquid or oil;

D. dried raw cannabis intended to be used or consumed by combustion; and

E. any other method approved by the commissioner under Minnesota Statutes, section 152.27, subdivision 2, paragraph (b).

**Subp. 5. Commissioner's analyte list.**

A. The commissioner must maintain a list of analytes that laboratories must be able to test for. The analyte categories include:

(1) cannabinoid profile;

(2) metals;

(3) pesticide residues and plant growth regulators;

(4) microbiological contaminants and mycotoxins; and

(5) residual solvents.

B. The commissioner must publish the analyte list in the State Register and on the department's medical cannabis program website.

C. The commissioner must review the analyte list and publish a notice of any analyte updates in the State Register and on the department's medical cannabis program website at least every six months.

**4770.2000 MEDICAL CANNABIS LABORATORY APPROVAL; APPLICATION AND APPROVAL.**

**Subpart 1. Application requirements.**

A. A laboratory must apply for the commissioner's approval on a form provided by the commissioner.

B. A laboratory must also submit the following items:

(1) a signed and notarized attestation:

(a) declaring any conflict of interest, actual or perceived, relating to its direct or indirect financial interests in any medical cannabis manufacturer form; and

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(b) stating that the laboratory is independent from the medical cannabis manufacturers;

(2) the fields of testing it is applying for approval to test;

(3) its quality assurance manual;

(4) its standard operating procedures;

(5) sample handling, receipt, and acceptance procedures and policies;

(6) demonstration of laboratory capability and acceptable performance through a combination of:

(a) existing certificates and approvals;

(b) documented demonstrations of analytical capabilities; and

(c) documented and acceptable proficiency testing samples from an approved provider, where available;

(7) method validation procedures for testing methods; and

(8) the name and educational qualifications of at least one technical manager responsible for the laboratory achieving and maintaining the quality and analytical standards of practice.

C. A mobile laboratory is considered a separate laboratory and is subject to all requirements of parts 4770.1900 to 4770.2300. In addition to the requirements of subpart 1, a mobile laboratory must:

(1) submit a vehicle identification number, license plate number, or other uniquely identifying information to the commissioner when applying for approval; and

(2) designate which fields of testing, equipment, and personnel are associated with the mobile laboratory.

D. The following items are required and must be submitted to the commissioner before December 31, 2022:

(1) a copy of the lab's ISO/IEC 17025:2017 Certificate and Scope of Accreditation; and

(2) a copy of the lab's most recent assessment report, including the scope of the assessment to ensure the evaluation of the medical cannabis fields of testing.

**Subp. 2. Application requirements; commissioner's evaluation.**

A. The commissioner must evaluate completed applications using the following criteria.

(1) A laboratory must operate formal management systems under the International Organization for Standardization (ISO). The ISO/IEC 17025, *General Requirements for the Competency of Testing and Calibration Laboratories*, includes technical and management system requirements which are incorporated by reference in part 4770.2800.

(2) A laboratory seeking initial or renewal medical cannabis laboratory approval after December 31, 2016, must be accredited to Standard ISO/IEC 17025:2005, which is incorporated by reference.

(3) A laboratory must specify one or more fields of testing for which it seeks approval. A laboratory must be approved for at least one field of testing to test medical cannabis for a medical cannabis manufacturer.

B. The commissioner must approve or deny the application within 60 days of receiving the completed application and any applicable information required under part 4770.2000, subpart 1, and subpart 2.

C. No board member, officer, employee, or other person with a financial interest in a medical cannabis manufacturer may have an interest or voting rights in the laboratory.

D. The commissioner's decision on a laboratory's application is a final agency decision.

**Subp. 3. Approval.**

A. When granting approval, the commissioner must notify the laboratory and include the following documentation:

- (1) a letter acknowledging compliance with approval requirements by the laboratory;
- (2) the scope of approval for the laboratory;
- (3) the logo of the Minnesota Department of Health;
- (4) the name of the laboratory;
- (5) the address of the laboratory; and
- (6) the expiration date of the approval.

B. If a laboratory's scope of approval changes, the commissioner must issue a new document that specifies the revised scope of approval.

C. A laboratory's approval is valid for one year from the date of the commissioner's awarding approval or renewal of approval, unless the commissioner rescinds approval under part 4770.2100.

**4770.2100 MEDICAL CANNABIS LABORATORY APPROVAL; INSPECTION AND COMPLIANCE.**

**Subpart 1. Laboratory inspection and reports.**

A. The commissioner may inspect a lab without prior notice at any time during normal business hours to verify compliance with parts 4770.1900 to 4770.2200. The commissioner may inspect:

- (1) approved laboratories; and
- (2) laboratories requesting approval.

B. If the commissioner has sufficient cause to believe that a laboratory's proficiency, execution, or validation of analytical methodologies are deficient, the commissioner may require and a laboratory must obtain third-party validation and ongoing monitoring of the laboratory. The laboratory must pay for all costs associated with the commissioner-ordered third-party validation.

C. An approved laboratory must provide reports to the commissioner regarding chemical compositions, microbial compositions, dosages, and noncannabis drug interactions under Minnesota Statutes, section 152.25, as requested by the commissioner.

D. An approved laboratory must provide reports to the medical cannabis manufacturer on forms provided by the commissioner.

**Subp. 2. Laboratory approval requirements.**

A. An approved laboratory may not misrepresent its approval on any document or marketing material.

B. A laboratory must make its current approval documentation and corresponding scope of approval available upon the request of:

- (1) a client;
- (2) the commissioner; or

(3) a regulatory agency.

**Subp. 3. Rescinding approval.**

A. The commissioner may rescind an approved cannabis laboratory's approval if the commissioner determines the laboratory has failed to:

- (1) submit accurate application materials to the commissioner under part 4770.2000;
- (2) comply with application requirements under part 4770.2000;
- (3) comply with all applicable laws, rules, standards, policies, and procedures;
- (4) allow the commissioner or designee to perform physical inspection of facilities;
- (5) submit copies of inspection and corrective reports issued by the approved ISO/IEC 17025 accreditation body, as requested by the commissioner;
- (6) provide the medical cannabis manufacturer with timely reports; or
- (7) provide the medical cannabis manufacturer with reports compliant with the commissioner's designated test report format.

B. A laboratory must return its approval letter to the commissioner immediately if the commissioner rescinds the laboratory's approval.

C. The commissioner's decision to rescind approval of an approved medical cannabis laboratory is a final agency decision.

**4770.2200 MEDICAL CANNABIS LABORATORY APPROVAL; DUTY TO NOTIFY.**

**Subpart 1. Operational changes.**

A. A laboratory must notify the commissioner in writing within 30 days of a change in:

- (1) name of the laboratory;
- (2) physical location, postal mailing address, or e-mail address of the laboratory;
- (3) owner of the laboratory;
- (4) name, telephone numbers, or e-mail address of the designated contact person;
- (5) name of a technical manager;
- (6) major analytical equipment; or
- (7) test methods.

B. A laboratory that notifies the commissioner of an operational change under item A must include in the notice written results of proficiency testing samples or demonstrations of capability analyzed after the reported change.

**Subp. 2. Voluntary withdrawal.**

A. If a laboratory chooses to withdraw its application for approval or its current approval in total or in part, the laboratory must:

- (1) notify the commissioner in writing; and
- (2) specify the effective date of withdrawal.

B. By the effective date of the withdrawal of approval, in total or in part, the laboratory must:

- (1) notify current client manufacturers in writing of its intent to withdraw its approval;
- (2) indicate the effective date of the withdrawal; and
- (3) submit a copy of each notification to the commissioner.

**4770.2300 MEDICAL CANNABIS LABORATORY APPROVAL; APPEAL OF ADMINISTRATIVE DECISION.**

A. The commissioner must notify a laboratory in writing the reason for the decision to deny or rescind laboratory approval under part 4770.2100.

B. A laboratory has 30 days from the commissioner's notice of denial or notice of rescinded approval to appeal the decision. A request to appeal must:

- (1) be in writing;
- (2) indicate the facts the laboratory disputes;
- (3) be signed by the laboratory managing agent; and
- (4) be sent to the commissioner.

C. The commissioner must notify a laboratory of the commissioner's acceptance or denial of an appeal request, in writing, within 60 days of receiving the request. The commissioner's decision is a final agency decision.

**4770.2400 MEDICAL CANNABIS LABORATORY APPROVAL; VARIANCES.**

The commissioner may grant a variance from parts 4770.1900 to 4770.2200. To request a variance, a laboratory must indicate in writing:

- A. the rule part and language for which the variance is sought;
- B. reasons for the request;
- C. alternate measures that the laboratory will take if the commissioner grants its request for variance;
- D. the proposed length of time of the variance; and
- E. data that the laboratory will provide to ensure analytical results of equal or better reliability, if applicable.

**4770.2700 MEDICAL CANNABIS MANUFACTURER; FINANCIAL EXAMINATIONS; PRICING REVIEWS.**

A. A medical cannabis manufacturer must maintain financial records in accordance with generally accepted accounting principles and, upon request, must provide any financial records to the commissioner.

B. The commissioner shall request an additional audit of the medical cannabis manufacturer, of the same time period, if the commissioner finds one or more of the following:

- (1) credible evidence or allegations of financial reporting irregularities not revealed in the annual certified financial audit; or
- (2) reasonable cause to believe there are operational or compliance concerns involving financing, budgeting, revenues, sales, or pricing.

**4770.2800 INCORPORATION BY REFERENCE.**

The International Organization for Standardization (ISO), ISO/IEC Standard 17025, is incorporated by reference, is not subject to frequent change, and is made a part of this rule where indicated. ISO/IEC Standard 17025 is published by the International Organization for Standardization, located at 1, ch. de la Voie-Creuse, CP 56, CH-1211 Geneva 20, Switzerland. ISO/IEC Standard 17025 is available in the office of the commissioner of health and can be found online at [www.isoiec17025.com](http://www.isoiec17025.com) or [www.iso.org](http://www.iso.org).

**4770.4000 APPLICABILITY AND PURPOSE.**

Parts 4770.4000 to 4770.4018 establish the criteria and procedures to be used by the commissioner for establishing and overseeing the medical cannabis registry for enrolled patients and their designated caregivers.

**4770.4002 DEFINITIONS.**

Subpart 1. **Applicability.** The terms used in this chapter have the meanings given them in this part and in Minnesota Statutes, sections 152.22 to 152.37.

Subp. 1a. **Adverse incident.** "Adverse incident" means any negative medical occurrence in a person after using medical cannabis, either physical or psychological, including any harmful reaction, symptom, or disease.

Subp. 2. **DEA Registration Certificate.** "DEA Registration Certificate" means a certificate to prescribe controlled substances issued by the United States Department of Justice's Drug Enforcement Administration.

Subp. 3. **Disqualifying felony offense.** "Disqualifying felony offense" has the meaning given in Minnesota Statutes, section 152.22, subdivision 3.

Subp. 4. **Diversion or diverting.** "Diversion" or "diverting" means the intentional transferring of medical cannabis to a person other than a patient, designated registered caregiver, or a parent or legal guardian of a patient if the parent or legal guardian of a patient is listed on the registry verification.

Subp. 4a. **Diversion involving adverse incidents.** "Diversion involving adverse incidents" means any suspected incident of diversion that results in an adverse incident.

Subp. 5. **Evidence-based medicine.** "Evidence-based medicine" means documentation of published, peer-reviewed best evidence on research related to the use of medical cannabis, which includes up-to-date information from relevant, valid research about the effects of medical cannabis on different forms of diseases and conditions, its use in health care, the potential for harm from exposure, a clinical assessment of the effectiveness of medical cannabis in an ongoing treatment paradigm, and any other relevant medical information.

Subp. 6. **Financial interest.** "Financial interest" means any actual or future right to ownership, investment, or compensation arrangement with another person, either directly or indirectly, through business, investment, spouse, parent, or child in a medical cannabis manufacturer. Financial interest does not include ownership of investment securities in a publicly held corporation that is traded on a national exchange or over-the-counter market, provided the investment securities held by the person, the person's spouse, parent, or child, in the aggregate, do not exceed one percent ownership in the medical cannabis manufacturer.

Subp. 7. **Good standing.** "Good standing" means a person has a license or registration with a licensing board and is not subject to any restriction or oversight by the licensing board beyond others in the same class.

Subp. 8. **Health care practitioner.** "Health care practitioner" has the meaning given in Minnesota Statutes, section 152.22, subdivision 4.

Subp. 9. **Health record.** "Health record" has the meaning given in Minnesota Statutes, section 144.291, subdivision 2, paragraph (c).

Subp. 10. **Medical cannabis.** "Medical cannabis" has the meaning given in Minnesota Statutes, section 152.22, subdivision 6.

Subp. 11. **Medical cannabis manufacturer or manufacturer.** "Medical cannabis manufacturer" or "manufacturer" has the meaning given in Minnesota Statutes, section 152.22, subdivision 7.

Subp. 12. **Medical relationship.** "Medical relationship" means a treatment or counseling relationship, in the course of which the health care practitioner has completed a full assessment of the patient's medical history and current medical condition.

Subp. 13. **Minor.** "Minor" means an applicant who is under 18 years of age.

Subp. 14. **Parent or legal guardian.** "Parent or legal guardian" has the meaning given in Minnesota Statutes, section 152.27, subdivision 5.

Subp. 15. **Patient.** "Patient" has the meaning given in Minnesota Statutes, section 152.22, subdivision 9.

Subp. 15a. **Patient advocate.** "Patient advocate" means an individual with a knowledge of medical cannabis who promotes patient interests in safety, privacy, access, and affordability.

Subp. 15b. **Peace officer.** "Peace officer" has the meaning given in Minnesota Statutes, section 626.84, subdivision 1, paragraph (c).

Subp. 16. **Person.** "Person" means an individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, state or political subdivision of a state, or a legal successor, representative, agent, or agency of the person. Person does not include federal government agencies.

Subp. 17. **Qualifying medical condition.** "Qualifying medical condition" has the meaning given in Minnesota Statutes, section 152.22, subdivision 14.

Subp. 18. **Qualifying patient.** "Qualifying patient" means a resident of Minnesota who has been diagnosed by a health care practitioner as having a qualifying medical condition.

Subp. 19. **Registered.** "Registered" means licensed, permitted, or otherwise certified by the commissioner.

Subp. 20. **Registered designated caregiver.** "Registered designated caregiver" has the meaning given in Minnesota Statutes, section 152.22, subdivision 11.

Subp. 21. **Registry program.** "Registry program" has the meaning given in Minnesota Statutes, section 152.22, subdivision 12.

Subp. 22. **Registry verification.** "Registry verification" has the meaning given in Minnesota Statutes, section 152.22, subdivision 13.

Subp. 22a. **Serious adverse incident.** "Serious adverse incident" means any adverse incident that results in or would lead to one of these outcomes without medical intervention:

- A. in-patient hospitalization or additional hospital time for a patient who is already hospitalized;
- B. persistent or significant disability or incapacity;
- C. a life-threatening situation; or
- D. death.

Subp. 23. **Telehealth.** "Telehealth" means the practice of medicine as defined in Minnesota Statutes, section 147.081, subdivision 3, when the health care practitioner is not in the physical presence of the patient.

Subp. 24. **Therapeutic use.** "Therapeutic use" means the acquisition, possession, preparation, use, delivery, transfer, or transportation of medical cannabis or paraphernalia relating to the administration of medical cannabis to treat or alleviate a qualifying patient's qualifying medical condition or symptoms or results of treatment associated with the qualifying patient's qualifying medical condition.

Subp. 25. **Transport.** "Transport" means the movement of medical cannabis products from a manufacturer's distribution site to the residence of a registered qualified patient, or as otherwise provided by law.

Subp. 26. **Written certification.** "Written certification" means a document signed by a health care practitioner, with whom the patient has established a patient-provider relationship, which states that the patient has a qualifying medical condition and identifies that condition and any other relevant information required by Minnesota Statutes, section 152.28, subdivision 1.

#### **4770.4003 PROCESS FOR ADDING A QUALIFYING MEDICAL CONDITION OR DELIVERY METHOD.**

Subpart 1. **Condition added by commissioner.** The commissioner may periodically revise the list of qualified medical conditions eligible for treatment with medical cannabis.

A. Revisions to the list must reflect:

- (1) advances in medical science;
- (2) evidence-based medicine and other peer-reviewed research demonstrating treatment efficacy; or
- (3) other therapeutic factors that will improve patient care.

B. In determining whether a condition qualifies, the commissioner must consider the adequacy of available evidence that medical cannabis will provide relief and the report of the Medical Cannabis Review Panel established in subpart 3.

Subp. 2. **Requests for adding a condition.** Any person may request the commissioner to add a qualifying medical condition not listed in Minnesota Statutes, section 152.22, subdivision 14, to the list by applying on a form provided by the commissioner. Requests under this subpart will be accepted beginning June 1, 2016.

A. The commissioner shall only accept requests during June and July of each year and will dismiss requests received outside of this period.

B. The commissioner must post notice on the department's medical cannabis website by May 1 each year, announcing the open period for accepting requests and describing the procedure for submitting requests.

C. Each request must be limited to one proposed qualifying medical condition. The commissioner must dismiss a request if it contains multiple proposals.

D. The commissioner must dismiss a request to add a medical condition that has been previously considered and rejected by the commissioner, unless the request contains new scientific evidence or research or describes substantially different symptoms.

E. If the commissioner dismisses a timely request, the commissioner must notify the person making the request of the reason that the request was dismissed.

F. The commissioner must forward the request to the review panel for review unless the request is dismissed.

G. The commissioner must provide the review panel with a review of evidence-based medicine and other peer-reviewed research demonstrating treatment efficacy for the requested condition.

**Subp. 3. The Medical Cannabis Review Panel.**

A. The commissioner must appoint a Medical Cannabis Review Panel composed of seven members, including at least one medical cannabis patient advocate and two health care practitioners, one with expertise in pediatric medicine.

B. The Medical Cannabis Review Panel must review requests submitted under subpart 2 and report to the commissioner on the public health impacts, including therapeutic factors and known potential risks, of the proposed additional medical conditions.

C. Members serve a three-year term or until a successor is appointed and qualified. If a vacancy occurs, the commissioner must appoint a replacement to complete the original term created by the vacancy.

D. Members may serve multiple terms.

E. Members must not hold a direct or indirect economic interest in a registered medical cannabis manufacturer or serve on the board of directors or as an employee of a registered medical cannabis manufacturer.

F. Members must disclose all potential conflicts of interest having a direct bearing on any subject before the review panel.

**Subp. 4. Review panel meetings.**

A. The Medical Cannabis Review Panel must meet at least one time per year to:

(1) review requests that the commissioner has received for the approval of proposed qualifying medical conditions;

(2) review the status of those medical conditions for which the commissioner has deferred approval or rejection; and

(3) review new medical and scientific evidence about current qualifying medical conditions.

B. The commissioner must post a notice on the department's medical cannabis website at least 30 calendar days before a review panel meeting. Notice must include the date, time, and location of the meeting, a brief description of the requests received, and information on how public comment will be received, including a deadline, if any.

C. The Medical Cannabis Review Panel must submit a written report to the commissioner by November 1 after conducting the public meeting. The written report must include potential public health benefits and risks of adding or rejecting the proposed qualifying medical condition.

**Subp. 5. Commissioner review.**

A. Upon receiving the Medical Cannabis Review Panel's report, the commissioner must render a decision by December 1 and must:

(1) approve the request and forward the medical condition as required by item C; or

(2) reject the medical condition.

B. The commissioner must communicate the commissioner's decision to the requesting party along with the reasons for the decision and publish the decision on the department's medical cannabis website by December 1.

C. The commissioner must forward a newly approved qualifying medical condition to the chairs and ranking minority members of the legislative policy committees having jurisdiction over health and public safety by January 15 as required by Minnesota Statutes, section 152.27, subdivision 2. If the legislature does not provide otherwise by law, the commissioner must publish the newly approved qualifying medical condition in the State

Register and on the department's medical cannabis website before its August 1 effective date.

Subp. 6. **Requests for adding a delivery method.** Any person may request that the commissioner add a delivery method not listed in Minnesota Statutes, section 152.22, subdivision 6, to the list by applying on a form provided by the commissioner. Requests under this subpart will be accepted beginning June 1, 2016.

A. The commissioner shall only accept requests during June and July of each year and will dismiss requests received outside of this period.

B. The commissioner must post notice on the department's medical cannabis website by May 1 each year, announcing the open period for accepting requests and describing the procedure for submitting requests.

C. The commissioner must post the request to add a delivery method, along with information about how to submit public comment on the department's medical cannabis website. The commissioner must allow at least 30 days for public comment.

D. Each request must be limited to one proposed delivery method. The commissioner must dismiss a request if it contains multiple proposals.

E. The commissioner must dismiss a request to add a delivery method that has been previously considered and rejected by the commissioner, unless the request contains new scientific evidence or research or describes substantially different therapeutic benefits.

F. If the commissioner dismisses a timely request, the commissioner must notify the person making the request of the reason that the request was dismissed.

G. The commissioner must consider the request and any written comments from the public. The commissioner must render a decision by December 1, and must:

(1) approve the request and forward the delivery method to be added as required by item I; or

(2) reject the delivery method.

H. The commissioner must communicate the commissioner's decision to the requesting party along with the reasons for the decision.

I. The commissioner must forward an approved delivery method to be added to the chairs and ranking minority members of the legislative policy committees having jurisdiction over health and public safety by January 15 as required by Minnesota Statutes, section 152.27, subdivision 2, and if the legislature does not provide otherwise by law, publish the addition in the State Register and on the department's medical cannabis website.

#### **4770.4004 SERIOUS ADVERSE INCIDENT REPORTING.**

##### **Subpart 1. Reporting requirements.**

A. Persons who must report any serious adverse incident are:

(1) a registered patient;

(2) a registered patient's certifying health care practitioner;

(3) a patient's registered designated caregiver; or

(4) a patient's parent or legal guardian, if the parent or legal guardian is acting as caregiver.

B. Reporters named in item A must report to the manufacturer where the patient's medical cannabis was dispensed within five business days of the reporter's learning of the incident.

C. A peace officer must report any serious adverse incident relating to overdose and any case of diversion involving an adverse incident within five business days of the incident by calling the general telephone number of the Office of Medical Cannabis. If part of an ongoing investigation, the report must be made within 72 hours of the conclusion of the investigation.

Subp. 2. **Manufacturer requirements.**

A. Each manufacturer must:

(1) maintain a toll-free telephone line, which must be available 24 hours a day, seven days a week, that is staffed by professionals who are health care practitioners or state-licensed pharmacists trained in detecting, assessing, understanding, and preventing adverse effects or any other drug-related problem;

(2) provide a method, approved by the commissioner, for reporting serious adverse incidents online;

(3) monitor manufacturer-sponsored social media pages and websites routinely;

(4) post instructions for reporting suspected adverse incidents and unauthorized possession on its website; and

(5) make printed instructions for reporting suspected adverse incidents available at all its distribution sites.

B. Each manufacturer must follow up serious adverse incident reports and document all follow-up activities. The manufacturer must continue to follow up reports until the outcome has been established or the subject's condition is stabilized.

C. For adverse incident information collected, the manufacturer must:

(1) document it on a form provided by the commissioner;

(2) classify it using Medical Dictionary for Regulatory Activities (MedDRA) coding; and

(3) store it in a database that complies with general validation principles in the United States Food and Drug Administration's Electronic Records; Electronic Signatures, Code of Federal Regulations, title 21, part 11.

Subp. 3. **Manufacturer reports.**

A. By the fifth day of every month, a medical cannabis manufacturer must compile and submit to the commissioner all adverse incident reports received in the prior calendar month.

B. Within ten business days of learning of an adverse incident, the manufacturer must report to the commissioner:

(1) any adverse incident that, based on reasonable medical judgment, might have resulted in a serious adverse incident without intervention or medical treatment; or

(2) a case of diversion resulting in an adverse incident.

C. On August 1 of every year beginning in 2016, each manufacturer must submit to the commissioner a report that contains a summary and a critical analysis of all reported adverse incidents reported to the manufacturer over the past July 1 to June 30.

**4770.4005 REGISTRY ENROLLMENT APPLICATION FOR QUALIFYING PATIENTS.**

**Subpart 1. Patient application.**

A. A patient or the patient's parent or legal guardian must apply for the registry and sign a disclosure on forms provided by the commissioner that meet the requirements of Minnesota Statutes, section 152.27, subdivision 3.

B. A patient must provide proof of the patient's Minnesota residency. If the patient is a minor, the patient's parent or legal guardian must provide proof of the parent or legal guardian's Minnesota residency. Proof of Minnesota residency can be established with:

(1) a copy of a Minnesota driver's license, learner's permit, or identification card; or

(2) a copy of a state, federal, or tribal government-issued photo identification card and at least one form of other documentation that contains the name and current address of the patient, or the patient's parent or legal guardian and indicates Minnesota residency, such as:

(a) a current residential mortgage, lease, or rental agreement;

(b) state tax documents from the previous calendar year;

(c) a utility bill issued within the previous 90 days of the date of the application;

(d) a rent or mortgage payment receipt dated less than 90 days before application;

(e) a Social Security disability insurance statement, Supplemental Security Income benefits statement, or a medical claim or statement of benefits from a private insurance company or governmental agency that is issued less than 90 days before application; or

(f) an affidavit from a person who will act as a designated caregiver for the patient, or a person who is engaged in health services or social services, which states the affiant knows the patient and believes the patient resides in Minnesota.

C. A patient or the patient's parent or legal guardian must submit the nonrefundable annual enrollment fee specified in Minnesota Statutes, section 152.35.

**Subp. 2. Application approval.**

A. The commissioner must approve an applicant and enroll the patient in the medical cannabis registry if the commissioner determines that the application is complete and no basis for denial exists under Minnesota Statutes, section 152.27, subdivision 6.

B. When a qualifying patient is enrolled in the registry program, the commissioner must:

(1) issue a unique patient registry number; and

(2) notify:

(a) the qualifying patient, designated caregiver, or parent or legal guardian if applicable;

(b) the health care practitioner who completed the patient's written certification of a qualifying condition; and

(c) the registered manufacturers.

**4770.4007 DESIGNATED CAREGIVER APPLICATION.**

Subpart 1. **Application.** The designated caregiver must apply for registration on the form provided by the commissioner and submit to a background check, as required by Minnesota Statutes, section 152.27, subdivision 4, paragraph (b).

Subp. 2. **Application approval.** The commissioner must approve an applicant and register the designated caregiver if the commissioner determines that the application is complete and no basis for denial exists under Minnesota Statutes, section 152.27, subdivision 4.

**4770.4008 RESPONSIBILITIES OF DESIGNATED CAREGIVERS.**

A. A designated caregiver, or the patient's parent or legal guardian if the parent or legal guardian will be acting as a caregiver, must:

(1) notify the commissioner within 30 business days after any change to the information that the registered qualifying patient was previously required to submit to the commissioner, including if the patient becomes an inmate confined in a correctional institution or facility under the supervision of the Department of Corrections;

(2) notify the commissioner promptly by telephone and in writing within ten calendar days following the death of the designated caregiver's registered qualifying patient; and

(3) dispose of all unused medical cannabis using the methods described in part 4770.4012, within ten days of the patient's ceasing to be enrolled in the program for any reason, including death of the patient or product recall.

B. A designated caregiver, or the patient's parent or legal guardian if the parent or legal guardian will be acting as a caregiver, may:

(1) transport a registered qualifying patient to and from a licensed medical cannabis distribution facility;

(2) obtain and transport an adequate supply of medical cannabis from a licensed medical cannabis distribution site on behalf of the registered qualifying patient;

(3) prepare medical cannabis for self-administration by the registered qualifying patient; and

(4) administer medical cannabis to the registered qualifying patient.

C. A designated caregiver, or the patient's parent or legal guardian if the parent or legal guardian will be acting as a caregiver, may not:

(1) consume, by any means, medical cannabis that has been dispensed on behalf of a registered qualifying patient; or

(2) sell, provide, or otherwise divert medical cannabis that has been dispensed for a registered qualifying patient.

**4770.4009 REVOCATION OR SUSPENSION OF A QUALIFYING PATIENT OR DESIGNATED CAREGIVER REGISTRATION.**

Subpart 1. **Revocation of qualifying patient enrollment.** The commissioner may revoke the registration certificate of a qualifying patient under the provisions of Minnesota Statutes, section 152.27, subdivision 6, paragraph (d).

Subp. 2. **Suspension of qualifying patient enrollment.** The commissioner must suspend the registration of a qualifying patient under the following circumstances.

A. If the qualifying patient is incarcerated in a correctional institution or facility under the supervision of the Department of Corrections, the registration must be suspended for the term of incarceration.

B. If the qualifying patient provided false, misleading, or incorrect information to the commissioner, the patient's registration must be suspended until the information is corrected and the commissioner makes an eligibility determination.

C. If the qualifying patient, together with the qualifying patient's designated caregiver where applicable, obtains more than a 30-day supply of medical cannabis within a 23-day period and the commissioner has reason to believe the patient is abusing or diverting medical cannabis, the patient's registration must be suspended until the commissioner makes an eligibility determination.

Subp. 3. **Designated caregivers.** The commissioner must revoke the registration of a designated caregiver under the following circumstances:

A. the designated caregiver has a disqualifying felony offense conviction as defined in Minnesota Statutes, section 152.22, subdivision 3; or

B. the designated caregiver, together with the designated caregiver's patient, where applicable, obtains more than a 30-day supply of medical cannabis within a 23-day period and the commissioner has reason to believe the designated caregiver is abusing or diverting medical cannabis.

#### **4770.4010 UNAUTHORIZED POSSESSION OF MEDICAL CANNABIS REPORTING.**

A. A licensed peace officer must report to the commissioner any reasonable suspicion of an individual possessing medical cannabis who is not authorized to possess medical cannabis under Minnesota Statutes, sections 152.22 to 152.37. The officer must report the reasonable suspicion within 72 hours by completing a form on the department's medical cannabis website. If part of an ongoing investigation, the report must be made within 72 hours of the investigation's conclusion.

B. A licensed peace officer who reasonably suspects a person who is otherwise authorized to possess medical cannabis has violated a provision of Minnesota Statutes, section 152.23, must report the suspicion by completing a form on the department's medical cannabis website within 15 days of discovery of the occurrence.

#### **4770.4012 DISPOSAL OF MEDICAL CANNABIS BY QUALIFYING PATIENTS AND DESIGNATED CAREGIVERS.**

A. A qualifying patient or designated caregiver who is no longer registered with the medical cannabis patient registry must, within ten calendar days after the patient or caregiver ceases to be registered or eligible, dispose of any unused medical cannabis in their possession by one of the following methods by:

(1) depositing it with a medical cannabis distribution site located in Minnesota;  
(2) depositing it with a law enforcement agency having local jurisdiction for destruction;

(3) disposing of the medical cannabis at a government recognized drug take-back program located in Minnesota; or

(4) rendering it nonrecoverable consistent with the commissioner's proper disposal instructions, which are available at the department's medical cannabis program website.

B. A qualifying patient or designated caregiver who is no longer registered with the medical cannabis patient registry must not transfer, share, give, sell, or deliver any unused medical cannabis in their possession to any other person, regardless of whether the person is participating in the medical cannabis patient registry program.

**4770.4013 ANNUAL FEES.**

Each patient application or renewal must be accompanied by the payment of an annual fee. Payment must be made by credit card, bank debit card, cashier's check, or personal check. Annual qualifying patient application fee and reduced fee for patients enrolled in the federal Social Security Disability Income (SSDI), the Supplemental Security Income (SSI) disability, or the medical assistance or MinnesotaCare programs are established in Minnesota Statutes, section 152.35. All fees are nonrefundable.

**4770.4014 HEALTH CARE PRACTITIONER REQUIREMENTS.**

Subpart 1. **Qualifications.** The commissioner must accept written certifications for the therapeutic use of medical cannabis only from health care practitioners who hold:

A. an active license, in good standing, under Minnesota Statutes, chapter 147, for physicians, under Minnesota Statutes, chapter 147A, for physician assistants, or Minnesota Statutes, sections 148.171 to 148.285, the Minnesota Nurse Practice Act, for advanced practice registered nurses; and

B. a DEA registration certificate.

Subp. 2. **Requirements.** Before issuing a written certification of qualifying condition, a health care practitioner must:

A. have a medical relationship between the health care practitioner and patient with a qualifying condition;

B. assess the patient's medical history and current medical condition, which includes:

(1) an in-person physical examination of the patient appropriate to confirm the diagnosis of a qualifying medical condition. This examination must not be performed by remote means, including telehealth or via the Internet; and

(2) developing a treatment plan for the patient;

C. communicate, as appropriate, with subspecialists also treating the registered patient; and

D. certify that the patient has been diagnosed as having a qualifying medical condition, as defined in Minnesota Statutes, section 152.22, subdivision 14.

Subp. 3. **Duties.** When the certifying health care practitioner receives notice from the commissioner that a qualifying patient has been enrolled in the registry program, the certifying health care practitioner must:

A. participate in the patient registry reporting system as established by the commissioner for each patient for whom the practitioner has written a certification of qualifying condition. A health care practitioner must transmit patient data as required by Minnesota Statutes, section 152.28, subdivision 1, paragraph (b);

B. be available to provide continuing treatment of the patient's qualifying medical condition;

C. maintain health records under part 4770.4017 for all patients for whom the practitioner has issued a written certification that supports the certification of a qualifying medical condition;

D. report health record data as requested by the commissioner under Minnesota Statutes, section 152.28, subdivision 1, paragraph (b);

E. make a copy of the records that support the certification of a qualifying medical condition available to the commissioner, and otherwise provide information to the commissioner upon request about the patient's qualifying medical condition, course of treatment, and pathological outcomes to ensure compliance with the act;

F. annually assess whether the registered qualifying patient continues to suffer from a qualifying medical condition and, if so, issue the patient a new certificate of that diagnosis; and

G. notify the commissioner, in a manner prescribed by the commissioner, in writing within 14 calendar days of learning of the death of a registered patient whose medical condition was certified by the health care practitioner.

**4770.4015 WRITTEN CERTIFICATION OF QUALIFYING CONDITION.**

A certifying health care practitioner must complete a written certification of a patient's qualifying medical condition on a form provided by the commissioner. The written certification must:

A. acknowledge that the qualifying patient is under the health care practitioner's care, either for the patient's primary care or for the qualifying medical condition;

B. confirm the patient's diagnosis of a qualifying medical condition, as defined in Minnesota Statutes, section 152.22, subdivision 14;

C. state whether a patient is developmentally or physically disabled and, as a result of the disability, is unable to self-administer medication or acquire medical cannabis from a distribution facility and requires a designated caregiver;

D. include any additional information the commissioner requests to assess the effectiveness of medical cannabis in treating the medical condition or symptoms;

E. contain an affirmation that the health care practitioner has:

(1) established a patient-provider relationship;

(2) conducted an in-person physical examination appropriate to confirm the diagnosis; and

(3) reviewed the patient's medical history to confirm the diagnosis within the health care practitioner's professional standards of practice; and

F. include the date the certification of a qualifying medical condition was made.

**4770.4016 HEALTH CARE PRACTITIONER PROHIBITIONS.**

A health care practitioner who has issued or intends to issue a written certification must not:

A. examine a qualifying patient to issue a written certification at a location where medical cannabis is manufactured, sold, or dispensed;

B. refer a patient to a manufacturer or distributor of medical cannabis;

C. refer a patient to a designated caregiver;

D. issue a written certification for the health care practitioner;

E. hold a financial interest in an enterprise that provides or distributes medical cannabis;

F. directly or indirectly accept, solicit, or receive anything of value from a manufacturer, employee of a manufacturer, or any other person associated with a manufacturing facility;

G. offer a discount or any other thing of value to a qualifying patient who uses or agrees to use a particular designated caregiver, distribution facility, or medical cannabis product; or

H. directly or indirectly benefit from a patient obtaining a written certification. Such prohibition does not prohibit a health care practitioner from charging an appropriate fee for the patient visit.

**4770.4017 RECORDS MAINTAINED BY THE CERTIFYING HEALTH CARE PRACTITIONER.**

Subpart 1. **Health records maintained.** The health care practitioner must maintain a health record for each patient for whom the health care practitioner has certified a qualifying medical condition. These records need not be maintained separately from the health care practitioner's established records for the ongoing medical relationship with the patient.

Subp. 2. **Contents.** The records must be legible, accurately reflect the patient's evaluation and treatment, and must include the following:

- A. the patient's name and dates of visits and treatments;
- B. the patient's case history as it relates to the qualifying condition;
- C. the patient's health condition as determined by the health care practitioner's examination and assessment;
- D. the results of all diagnostic tests and examinations as they relate to the qualifying condition; and any diagnosis resulting from the examination;
- E. the patient's plan of care, which must state with specificity the patient's condition, functional level, treatment objectives, medical orders, plans for continuing care, and modifications to that plan; and
- F. a list of drugs prescribed, administered and dispensed, and the quantity of the drugs.

Subp. 3. **Retention.** The health care practitioner must keep records for each qualifying patient for at least three years after the last patient visit, or seven years, whichever is greater.

**4770.4018 REPORTS.**

A participating health care practitioner must report health record data as requested by the commissioner under Minnesota Statutes, 152.28, subdivision 1, paragraph (b).

**4770.4030 HEALTH CARE FACILITIES; STORAGE.**

Subpart 1. **Storage policy.** A health care facility, as defined in Minnesota Statutes, section 152.34, may adopt policies relating to the secure storage of a registered patient's medical cannabis. Policies may include:

- A. secure storage with access limited to authorized personnel; or
- B. allowing patients, patients' registered designated caregivers, or patients' parents or legal guardians if listed on the registry verification, to maintain direct possession of the medical cannabis.

Subp. 2. **Return of items.** Upon discharge, transfer, or death of a patient registered to use medical cannabis, the health care facility must return all medical cannabis to the patient or another person authorized to possess it. If the health care facility is unable to return any remaining medical cannabis to the patient or other authorized person, it must destroy the medical cannabis in a manner consistent with instructions posted on the department's medical cannabis website. The transfer or destruction must be recorded in the patient's health record.